

Army Regulation 190–30

Military Police

Military Police Investigations

**Headquarters
Department of the Army
Washington, DC
1 November 2005**

UNCLASSIFIED

SUMMARY of CHANGE

AR 190-30

Military Police Investigations

This major revision dated 1 November 2005--

- o Establishes the Provost Marshal General as proponent for regulation (para 1-4a).
- o Requires all military police investigators and Department of the Army civilian detectives and investigators be school trained prior to performing investigative duties (paras 1-4j(3), 1-4j(7), and 2-2).
- o Establishes criteria for selection of civilian detectives and investigators (para 2-1c).
- o Establishes procedures to request polygraph examination (para 4-19).
- o Revises procedure for collection of police intelligence (para 4-21).
- o Establishes procedures for investigator reports and investigation case files (chap 5).

Military Police

Military Police Investigations

By Order of the Secretary of the Army:

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*General, United States Army
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Official:



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History. This publication is a major revision.

Summary. This regulation establishes policies and procedures for selection of military police investigators and Department of the Army civilian detectives and investigators, issuance and control of military police investigators' credentials, operational procedures, types and categories of offenses investigated by military police investigators, investigator reports and case folders, and the uniform for military police investigators.

Applicability. This regulation applies to the Active Army and U.S. Army Reserve,

Department of the Army civilian police and security guard activities, and contracted or contractor security force operations and activities. It also applies to the Army National Guard of the United States when federalized under title 10, United States Code. This regulation is required during mobilization.

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 a direct reporting unit or field operating agency of the proponent 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 formal review by the activity's senior legal officer. All waiver requests will be endorsed by the commander or senior leader of the requesting activity and forwarded through their higher headquarters to the policy proponent. Refer to AR 25–30 for specific guidance.

Army management control process.

This regulation contains management control provisions and identifies key management controls that must be evaluated.

Supplementation. Supplementation of this regulation and establishment of command or local forms is prohibited without prior approval of HQDA, OPMG (DAPM–MPD–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 HQDA, OPMG (DAPM–MPD–LE), 2800 Army Pentagon, Washington DC 20310–2800.

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 Guard, and the U.S. Army Reserve.

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Glossary

Chapter 1 Introduction

1-1. Purpose

This regulation prescribes Department of the Army (DA) policy for the conduct of military police investigations, establishes policies and procedures for selection, training, and employment of military police investigators (MPI) and Department of the Army civilian (DAC) detectives/investigators, and identifies responsibilities for the conduct of the MPI program.

1-2. References

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

1-3. Explanation of abbreviations and terms

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

1-4. Responsibilities

- a. The Provost Marshal General (OPMG) will—
 - (1) Develop policies and procedures for the selection, training, and employment of MPI and DAC detectives/investigators.
 - (2) Provide investigative authority and responsibility for provost marshal offices and DA police activities.
- b. The Commanding General, U.S. Army Training and Doctrine Command (TRADOC) will develop doctrinal and applicator literature for identification of spaces for MPI in an appropriate table of organization and equipment (TOE) and table of distribution and allowances (TDA) for formal MPI training.
- c. The Director, Installation Management Agency (IMA) will—
 - (1) Monitor the nomination of candidates for the MPI Program for their subordinate installations.
 - (2) Request MPI and DAC detective/investigator credentials from Commander, Human Resources Command (HRC).
 - (3) Issue and control MPI and DAC detective/investigator credentials.
 - (4) Issue MPI credentials in block to Forces Command (FORSCOM) to be issued to the Army National Guard (ARNG) and the U.S. Army Reserve (USAR) for soldiers who are mobilized and have been identified to serve as military police investigators.
- d. The Commanding General, Forces Command will issue and control MPI credentials for ARNG and USAR units that are mobilized.
- e. Commander, Army Materiel Command (AMC) will—
 - (1) Monitor the nomination of candidates for the MPI Program for their subordinate installations.
 - (2) Request MPI credentials from Commander, Human Resources Command (HRC).
 - (3) Issue and control MPI and DAC detective/investigator credentials.
- f. Commander, Medical Command (MEDCOM) will—
 - (1) Monitor the nomination of candidates for the MPI Program for their subordinate installations.
 - (2) Request MPI credentials from Commander, Human Resources Command (HRC).
 - (3) Issue and control MPI and DAC detective/investigator credentials.
- g. The Commanding General, U.S. Army Human Resources Command (AHRC-EPL-M) will—
 - (1) Be responsible for the administration and supervision of the military personnel management aspects of the MPI Program.
 - (2) Evaluate MPI candidates whose files indicate they may be unsuitable for the MPI Program.
 - (3) Verify MPI civilian clothing allowance requests prior to final approval by The Adjutant General.
 - (4) Be responsible for the bulk issue of Military Police Investigator (DA Form 3837 (Military Police Investigator (Front Page)) and DA Form 3837-1 (Military Police Investigator (Back Page))).
 - (5) Be responsible for the bulk issue of DAC Detective (DA Form 3837-2 (DAC Detective (Front Page)) and DA Form 3837-3 (DAC Detective (Back Page))).
 - (6) Provide HQDA, OPMG (DAPM-MPD-LE), statistical data as required for the development of MPI policy and programs.
- h. Heads of the appropriate civilian personnel operations center (CPOC) will evaluate DAC detective/investigator candidates whose files indicate they may be unsuitable for the MPI Program.
- i. The Director, U.S. Army Crime Records Center (USACRC) will be responsible for screening of criminal records, and the referral of adverse information on MPI and DAC detective/investigator candidates to Commander, HRC and the appropriate CPOC for evaluation.
- j. Installation provost marshals employing MPI and DAC detectives/investigators in active law enforcement operations will—
 - (1) Nominate personnel for training and certification as MPI and DAC detectives/investigators.

- (2) Request name checks on all MPI and DAC detective/investigator candidates from USACRC.
- (3) Ensure that military and civilian candidates have completed the Military Police Investigator's Course at USAMPS prior to performing investigative duties.
- (4) Supervise the conduct of MPI operations.
- (5) Request MPI and DAC credentials from IMA headquarters.
- (6) Issue and control MPI and DAC credentials.
- (7) Issue MPI and DAC credentials only after completion of MPI School.
- k. Chief, Army National Guard (ARNG) and Chief, Army Reserve (USAR) will—
 - (1) Be prepared to implement the MPI portion of the operational law enforcement function upon mobilization or call to active Federal service.
 - (2) Ensure that selection criteria for ARNG and USAR personnel are consistent with those of the active component.
 - (3) Request MPI credentials from Commander, FORSCOM.
 - (4) Establish credential control procedures and issue credentials to ARNG and USAR personnel only upon mobilization or call to active Federal service.
 - (5) Ensure that ARNG and USAR personnel have attended the MPI course at USAMPS prior to performing investigative duties.
 - (6) Ensure that ARNG and USAR personnel who have successfully completed a comparable civilian investigator's course at a police academy (city, county, or state) and have been assigned as an investigator prior to being mobilized do not attend the MPI course. The candidate will be required to provide documentation to the IMA region, MACOM, and installation headquarters of their attendance and completion of a civilian investigator's course and a memorandum from their current civilian supervisor addressed to the IMA region, MACOM, and installation headquarters, stating that they are presently employed as an investigator.
 - (7) Conduct annual training (AT) and inactive duty training (IDT) for ARNG and USAR MPI personnel to promote technical proficiency and enhance the development of investigative skills.
 - (8) Use skills acquired in civilian law enforcement to maximize the development of fully qualified MPI personnel.

Chapter 2 Investigators/Detectives

2-1. Selection, certification, and removal

- a. Provost marshals and authorized commanders responsible for active law enforcement operations will nominate personnel for selection, training, and certification in the investigative program. Training and assignment as a MPI is not a reenlistment option.
 - b. All military personnel nominated will meet the following prerequisites:
 - (1) Have primary military occupational specialty (PMOS) of 31B (except for the U.S. Disciplinary Barracks and Regional Confinement Facility, where a PMOS of 31E is authorized).
 - (2) Be a U.S. citizen (native born or naturalized).
 - (3) Have the rank of corporal/specialist through sergeant first class.
 - (4) Have a general technical (GT) or skill technical (ST) score of 100 or higher.
 - (5) Have at least 1 year of military service remaining as indicated by their expiration of term of service (ETS). This may be waived with an oath of extension or statement of intent to reenlist. Exceptions to this policy will be reviewed by HQDA, OPMG (DAPM-MPD-LE) when an installation provost marshal and the IMA region present a request with a compelling operational need. An example would be deployment or a total absence of a needed investigator.
 - (6) Have a final SECRET clearance. An INTERIM SECRET security clearance is acceptable provided the requisite personnel security investigation (PSI) has been submitted.
 - (7) Have at least 1 year of military police experience.
 - (8) Be a high school graduate or have received the General Educational Development (GED) equivalent.
 - (9) Have not been previously dismissed, reassigned from, or relieved for cause from the MPI Program for misconduct or inefficiency.
 - (10) Be free of any record reflecting—
 - (a) Civilian or military convictions other than minor violations.
 - (b) Multiple or repeated arrests or apprehensions.
 - (c) Substantial record of juvenile misconduct, financial irresponsibility, or other conduct or behavior not in the best interest of Army law enforcement.
 - c. Civilian personnel must—
 - (1) Be a U.S. citizen (native born or naturalized).

- (2) Have a final SECRET clearance. An INTERIM SECRET security clearance is acceptable provided the requisite personnel security investigation (PSI) has been submitted.
- (3) Have at least 1 year of military police or civilian police experience.
- (4) Be a high school graduate or have received the GED equivalent.
- (5) Have not been previously dismissed or reassigned from or relieved for cause by a military or civilian investigative or police agency for misconduct or inefficiency.
- (6) Be free of any record reflecting—
 - (a) Civilian or military offenses other than minor violations.
 - (b) Multiple or repeated arrests or apprehensions.
 - (c) Substantial record of juvenile misconduct, financial irresponsibility, or other conduct or behavior not in the best interest of Army law enforcement.
- d. Provost marshals nominating an individual for MPI or detective duties will dispatch an electronic message to Director USACRC, USACIDC, ATTN: CICR–CR, Fort Belvoir, VA, requesting a name check; electronic mail may also be utilized to request name checks (mailcicr@belvoir.army.mil). This message must include the candidate’s—
 - (1) Full name.
 - (2) Social security number (SSN), date of birth, and place of birth.
 - (3) Primary military occupational specialty/civilian job series.
 - (4) Citizenship.
 - (5) Pay grade, GT, and/or ST score (for military personnel).
 - (6) ETS (for military personnel).
 - (7) Security clearance.
 - (8) Years of police experience.
 - (9) Civilian education level.
- e. Nominations of military candidates with less than 1 year to ETS must include a statement concerning the candidate’s intent to reenlist. Each request will include the IMA regional office, MACOM, ATTN: Provost Marshal and CG, HRC (AHRC–EPL–M) as information addressees.
- f. Former MPI personnel must be renominated and a favorable response received prior to being reissued credentials and assignment as an investigator. The exceptions to this requirement are for former MPI personnel whose credentials are temporarily withdrawn. MPI name checks not conforming to the criteria above will not be processed.
- g. MPI and DAC detective/investigator candidates will not be issued credentials, programmed to attend a MPI training program, or awarded the additional skill identifier V5 (for military personnel) prior to receipt of a favorable response from the USACRC.
- h. Establishment and utilization of civilian positions classified as DAC investigators (generally, the 1811 series) and DAC detectives (generally, the 083 series) are authorized. Civilian personnel must successfully complete the Military Police Investigators Course and be issued detective credentials.
- i. Results of name checks for MPI and DAC detectives/investigators by the USACRC will be provided by electronic message directly to the requesting provost marshal with an information copy to the IMA regional office and the MACOM provost marshal. Replies on candidates, which indicate only the date the SECRET security clearance was granted, may be acted upon immediately and the individual may be certified without further verification. Personnel who receive a favorable name check, or who are later evaluated as being suitable must be certified within 120 days of the date of the notification, or the MPI name check, or HRC evaluation will be considered invalid and the candidate must then be renominated in order to be certified.
- j. Replies indicating “no record” reflect that the candidate has no criminal record at USACRC. Certification of these personnel is authorized, provided all other prerequisite requirements are met and maintained. This paragraph may be cited as the authority for requesting a new NAC, when required. Credentials issued under this provision to a person who later receives an unfavorable NAC will be withdrawn for cause immediately.
- k. Replies indicating that the candidate does not meet the basic prerequisites, that the nomination does not provide all the required information, or that the nomination was otherwise submitted incorrectly, reflect that the nomination was not processed and corrective action is required.
- l. Replies indicating that the candidate does not meet the eligibility criteria, the candidate’s suitability for the program must be evaluated, or that the candidate cannot be certified will be reviewed by CG, HRC, for military personnel, and by the installation provost marshal for civilian personnel. Correspondence indicating an unsuitability determination may be shown to or a copy provided to the candidate concerned. Enclosures to the correspondence will not be shown to or provided to the candidate. Requests for such documents must be submitted by the candidate to the originator of the enclosure under the Freedom of Information Act (Section 552, Title 5, United States Code (5 USC 552)) and the Privacy Act (Section 552a, Title 5, United States Code (5 USC 552a)). Telephonic inquiries to HRC concerning the status of a MPI evaluation or the reasons for an unsuitability determination will be accepted only from the IMA regional office. Installations or activities not receiving a determination of suitability within 30 days of the date of the message indicating an evaluation is being made should initiate an inquiry to the IMA region concerned.

m. The Commanding General, HRC, AHRC-EPL-M, is designated as a criminal justice records user for the purposes of determining eligibility, suitability, and qualifications of military personnel for MPI certification. The MPI records and files maintained by that office are designated as law enforcement records within the context of the Freedom of Information Act and the Privacy Act as implemented by AR 25-55 and AR 340-21, respectively, and, as such, are entitled to certain exemptions authorized by law.

(1) MPI files may not be incorporated into the official personnel files of the individuals concerned.

(2) Defense Security Service files, reports of investigation, and other records; Army intelligence files; military police reports; reports of other police and intelligence agencies; and/or copies, extracts, or summaries made therefrom are the property of the agency that prepared them and may not be released by HRC, the IMA region, or the installation provost marshal.

(3) These documents may be retained temporarily in the MPI certification files by HRC and the installation provost marshal only for the purpose of determining the eligibility and suitability of personnel nominated for selection and certification as MPI.

(4) Should a request for such documents be received, it will be promptly referred to the agency that originated the document or the information, in accordance with AR 25-55, AR 340-21, and other applicable HQDA directives.

(5) Written requests from individuals, provost marshals, or their commanders that only request the rationale for a candidate's non-selection will be treated as a request for documents and will be processed in accordance with this paragraph.

n. Non-selection for the investigative program does not deny employment, promotion, or any right or privilege. This is an administrative determination based only upon DA policy that personnel selected for the program must be of such character, integrity, good judgment and self-discipline that they can withstand rigorous scrutiny, even under challenge, and can at all times retain the confidence of the military community. With only a small percentage of the U.S. Army's military and civilian policemen and women being selected for the MPI and DAC Detective/Investigator Program, the standards are very high. Requests for reconsideration of unsuitability or ineligibility determinations must be based upon substantial probative information. In order for the request to be considered, it must be favorably endorsed by the IMA region concerned prior to being forwarded to CG, HRC (AHRC-EPL-M). For civilian personnel, the IMA region will be the approving authority.

2-2. Training

Only those personnel who meet the prerequisites and who have been nominated, screened, and accepted for investigative duties may be programmed for a MPI course. Candidates (military and civilian) will be issued credentials only after completing the Military Police Investigator's Course at USAMPS. Military personnel completing Military Police Advanced Individual Training (AIT) will not be programmed to attend the MPI course immediately upon completion of AIT, regardless of their pending assignments. All investigators should be encouraged to participate in related investigative functional training and to enroll in appropriate correspondence courses. It is essential that investigative personnel remain qualified at all times.

2-3. Additional skill identifier

a. An additional skill identifier (ASI) V5 may be awarded to designate military personnel trained and certified as MPI in accordance with applicable provisions of AR 611-1, AR 600-8, and this regulation. Award of the ASI V5 will be promulgated in appropriate orders. Notification of military personnel will be made to CG, HRC within 30 days of a Soldier's graduation from the MPI course.

b. MPI personnel who, although not subject to disqualification from the program, are not fully productive as MPI at their present duty stations, may be reassigned to other military police duties without loss of the ASI V5 or other penalty, provided they continue to remain qualified as an investigator and possess the potential to successfully perform MPI duties at a later time or location. Upon the determination that an individual is no longer qualified to perform duties as an investigator, the provost marshal will withdraw the MPI credentials for cause and recommend to the appropriate commander that the ASI V5 be withdrawn and that the individual be removed from the program. Field and record enlisted and personnel management files will reflect withdrawal of the ASI V5.

2-4. Stabilization

Military personnel certified as MPI are expected to complete their tour of duty as an MPI unless removed from MPI duties, and they will not be rotated through MPI assignments and training programs for the purpose of career enhancement or to obtain the ASI V5. Requests for stabilization of MPI at their present duty stations may be addressed to CG, HRC (AHRC-EPL-M).

2-5. Authorizations and grade structure

a. Provost marshals will ensure that—

(1) Installation, unit, and activity requirements for MPI are reported in accordance with current personnel requisitioning procedures.

(2) Appropriate grade structure among MPI elements is maintained. Particular attention will be given to preventing any tendency toward over-concentration of noncommissioned officers in MPI spaces.

b. Unique circumstances may produce some variances, and such situations must be documented and approved by competent authority.

c. Supervisory personnel above the rank of SFC will not be issued credentials.

Chapter 3

MPI/Detective Credentials

3-1. Authorized MPI credentials

a. The only authorized credentials for MPI are DA Form 3837 and DA Form 3837-1.

b. The only authorized credentials for DAC detectives are DA Form 3837-2 (Department of the Army Civilian Detective (Front Page)) and DA Form 3837-3 (Department of the Army Civilian Detective (Back Page)).

c. Reproduction of MPI or DAC credentials or use of locally produced MPI or DAC identification documents is prohibited.

d. Credentials are numbered serially with a letter and a 4-digit number and contain the name, physical description, date of birth, color photograph in civilian clothing, and signature of the individual to whom issued. The issuing provost marshal will validate the credentials and the expiration date shown. MPI credentials will be laminated.

e. Credentials will not be altered in any way. Altered, marred, or defaced credentials will be recovered, and an appropriate inquiry conducted to determine the reasons for the damaged or altered credentials. All damaged, mutilated, altered, or permanently withdrawn credentials will be destroyed, and the reason recorded in the appropriate section of the MPI credentials log. Destruction of credentials will be witnessed by a disinterested commissioned officer whose name, SSN, and unit will be entered in the MPI credentials log.

3-2. Issuance of credentials

a. MPI credentials will be issued in bulk, in serial-numbered lots, by the CG, HRC (AHRC-EPL-M) to the IMA regions for MPI and DAC detectives/investigators.

b. IMA and intermediate headquarters, above the using installation, will develop procedures for the issuance of credentials in accordance with provisions of this regulation and needs of their subordinate elements.

c. The provost marshal, a designated military police unit commander, or a civilian serving as the installation provost marshal will issue credentials.

d. Only authorized credentials will be carried in the credentials carrier. Credential carriers will be procured by local purchase.

3-3. Control over credentials

a. Control over credentials, above the using installation, normally will be limited to accountability by blocks of serial numbers and provision of adequate security over unused documents.

b. Provost marshals will impose positive controls over the issuance and accountability of individual credentials that will include—

(1) Appointment of commissioned officers to serve as the credentials control officer and the alternate credentials control officer. Civilian security officers (GS-10 or above) may serve as credentials control officers when no commissioned officers are available.

(2) Establishment of an accountability log for issuance, custody, withdrawal, and disposition of credentials. As a minimum, the log will contain—

(a) Date and serial numbers of credentials received from higher headquarters.

(b) Name in which the credentials are issued.

(c) Date of issue.

(d) Name of issuer.

(e) Date of withdrawal.

(f) Reason for withdrawal.

(g) Disposition: expiration, destruction, loss, return to higher headquarters.

(h) Date of disposition.

(i) Name of disposer.

(j) Name, SSN, and unit of disinterested commissioned officer witnessing destruction of credentials.

(3) Establishment of control over unissued credentials. As a minimum, unissued credentials will be afforded the same degree of security provided other DA-controlled forms.

(4) Establishment of adequate inspection and control procedures, to include a monthly physical inventory of credentials in the possession of personnel. This inventory will be recorded in the credentials log.

(5) Establishment of procedures for permanent and temporary withdrawal of credentials.

(a) Withdrawal of credentials for cause is permanent, and the credentials will be destroyed.

(b) Withdrawal based on permanent change of station orders, termination of civilian employment, or assignment to other duties is also permanent, and the credentials will be destroyed.

(c) Withdrawal during the conduct of an investigation involving allegations against an investigator, which could result in withdrawal for cause; during authorized absences (for example, leave, hospitalization, or TDY not associated with a particular investigation); or under other conditions and circumstances which a provost marshal specifies, is considered temporary.

(d) Provost marshals responsible for issuance of MPI credentials will report the full name, SSN, date of birth, and credentials number of personnel to whom credentials are issued or from whom they are permanently withdrawn by electronic message to The Director, USACRC; Commander, HRC (AHRC-EPL-M); and the IMA region, within 5 days of the issuance or withdrawal. Electronic mail may also be utilized (mailcicr@belvoir.army.mil). Reasons for withdrawal must be stated. Withdrawals for cause must include the grounds therefore and the details; if this information is already available in a MP or investigative report, only the military police report or report of investigation (ROI) number needs to be provided.

3-4. Transfer of credentials

a. DA Form 410 (Receipt for Accountable Form) will be used to issue or transfer credentials, whether individually or in bulk.

b. When MPI or DAC detective/investigator credentials are sent through U.S. postal channels, certified mail, return receipt requested, will be used.

3-5. Loss of credentials

MPI are responsible for safeguarding their credentials and will report loss immediately to their commanding officer or supervisor. In addition, responsible commanders will ensure that—

a. An investigation is conducted into the circumstances of the loss.

b. An appropriate entry is made in the credentials log.

c. Local law enforcement agencies are notified.

d. A report through the IMA region to CG, HRC (AHRC-EPL-M) and the MACOM provost marshal is submitted within 10 days. The report will be brief and contain only data necessary to report that the loss occurred, whether theft is suspected, and whether the individual concerned was removed from the MPI Program.

3-6. Expiration of credentials

Credentials will be issued for a period not to exceed 48 calendar months from the date of issue. Subordinate commanders may specify periods of lesser duration if appropriate to the needs of their commands.

3-7. Withdrawal of credentials for cause

a. Withdrawal for cause constitutes disqualification for assignment as a MPI or DAC detective/investigator.

b. Any of the following are cause for withdrawal of credentials and revocation of the ASI V5:

(1) Inefficiency, to include failure to qualify with the assigned weapon or failure to maintain an appropriate level of physical fitness and appearance.

(2) Indiscretion, disaffection, breach of discipline, abuse of privilege, or the unauthorized release of criminal information.

(3) Financial irresponsibility.

(4) Demonstrated lack of character or moral integrity necessary for proper performance of investigative duties.

(5) Failure to secure or account for evidence.

(6) Mental disorder verified by competent authority.

(7) Failure to successfully complete the MPI course of instruction.

(8) Loss of credentials through neglect.

(9) Revocation or denial of a security clearance or receipt of unfavorable determination on a national agency check (NAC).

(10) Any other conduct that would preclude the individual's continued performance of investigative duties.

(11) Voluntary request for removal from the MPI program or from assignment to MPI or DAC detective/investigator duties.

Chapter 4 Investigations

4-1. General

a. MPI and DAC detectives/investigators fulfill a special need for an investigative element within the military police to investigate many incidents, complaints, and matters not within USACIDC jurisdiction, but which cannot be resolved immediately through routine military police operations. Investigative personnel are assets of the installation or activity commander, under the supervision of the local provost marshal. USACIDC elements will provide investigative assistance in the form of professional expertise, laboratory examinations, polygraph examinations, or any other assistance requested that does not distract from the USACIDC mission of investigating serious crimes. A spirit of cooperation and close working relationship is essential between USACIDC and the provost marshal office in order to accomplish the mission and project a professional police image. (See table 4-1, Crimes investigated by military police.)

Table 4-1
Crimes investigated by military police

Article	Description of Offense
77	Principal of an offense listed in this table.
78	Accessories after the fact to an offense listed in this table.
79	Lesser included offenses of an offense listed in this table.
80	Attempts to commit an offense listed in this table.
81	Conspiracies to commit an offense listed in this table.
85	Desertion.
86	Absent without leave for more than 24 hours
87	Missing movement of ship, aircraft, or unit.
92	Knowingly failing to obey any lawful order (not a general order or regulation).
95	Resisting apprehension. Breaking arrest. Escape from custody or confinement.
96	Suffering a prisoner duly committed to his charge to escape. Through neglect.
103	Failure to secure, give notice and turn over, selling, or otherwise wrongfully dealing in or disposing of captured or abandoned property of a value less than \$250.
107	Signing any false record, return, regulation, order, or other official document statement.
108	Selling or otherwise disposing of military property of the United States of a value of less than \$250. Through neglect, damaging, destroying or losing of through neglect, suffering to be damaged, destroyed or lost, sold or wrongfully disposed of, any item of military property of the United States of a value of less than \$250. Willfully damaging, destroying or losing, or willfully suffering to be lost, damaged, destroyed, sold or wrongfully disposed of, any item of military property of the United States of a value of the damage of less than \$250.
109	Wasting, spoiling, destroying or damaging any property other than military property of the United States of a value of the damage of less than \$250.
111	Operating any vehicle while drunk, or in a reckless or wanton manner.
114	Dueling.
115	Feigning illness, physical disablement, mental lapse, or derangement.

Table 4-1
Crimes investigated by military police—Continued

116	Breach of the peace.
117	Provoking or reproachful words or gestures.
121	Larceny of property of a value of less than \$250. Wrongful appropriation of property of a value of less than \$250.
123A	Check, worthless, making, drawing, uttering, delivering, with intent to defraud or deceive when the amount involved is less than \$250.
126	Arson (simple) where the property is of a value under \$250.
128	Assault (simple). Assault (consummated by a battery) (except on a child under the age of 16 years).
132	Frauds against the United States when the amount involved is less than \$250.
134	Check, worthless, making and uttering, by dishonorably failing to maintain sufficient funds. Escape from correctional custody. Breach of restraint during correctional custody. Debts, dishonorably failing to pay. Disorderly conduct. Drinking liquor with a prisoner. Drugs, habit-forming, wrongful possession or use in accordance with paragraph 4-7, this regulation. Drugs, marijuana, wrongful possession or use in accordance with paragraph 4-7, this regulation. Drunk. Drunk and disorderly. False or unauthorized military pass, permit, discharge certificate or identification card except making, altering, selling, or processing/using with intent to defraud). False pretenses, obtaining services, under, of a value of less than \$250. Firearm, discharging. Fleeing from the scene of an accident. Impersonating an officer, warrant officer, noncommissioned officer, petty officer or agent or superior authority (except with intent to defraud). Indecent exposure or person. Indecent, insulting or obscene language (except when communicated to a child under the age of 16 years). Nuisance, committing. Parole, violation of. Restriction, administrative or punitive, breaking. Sentinel or lookout, misbehavior toward or by. Soliciting another to commit an offense listed in this table.

Table 4-1
Crimes investigated by military police—Continued

	<p>Stolen property knowingly receiving, buying or concealing, of a value of less than \$250.</p> <p>Straggling.</p> <p>Unlawful entry.</p> <p>Weapon, concealed, carrying.</p> <p>Wrongful cohabitation.</p>
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b. Creation of a formalized investigation program does not constitute the establishment of a dual “detective” force. The separation of investigative responsibilities is very distinct. The MPI Program is neither a career program nor a separate MOS. Individuals in the MPI Program are specially selected, trained, and experienced military or civilian men and women performing traditional military police functions. Military personnel are identified by their additional skill identifiers (ASI V5) and may be employed in any assignment appropriate to their grade and MOS.

c. The provost marshal may authorize wearing of civilian clothing for the MPI investigative mission.

d. MPI and DAC detective/investigator personnel must be familiar with and meet the requirements of AR 190-14, Carrying of Firearms and Use of Force for Law Enforcement and Security Duties.

4-2. Use of MPI and DAC detectives/investigators

Only those matters requiring investigative development will be referred to the MPI for investigation. Provost marshals will develop procedures to determine which incidents will be referred to the MPI for completion and which will be retained and completed by uniformed law enforcement personnel. Except as otherwise provided, MPI and DAC detectives/investigators will normally be employed in the following investigations:

a. Offenses for which the maximum punishment listed in the Table of Maximum Punishment, appendix 12, Manual for Courts-Martial (MCM) is confinement for 1 year or less. Provisions of the Federal Assimilative Crimes Act (18 USC 13) will also be considered when assigning cases to MPI. The same punishment criteria apply.

b. Property-related offenses, when the value is less than \$1,000, provided the property is not of a sensitive nature, such as government firearms, ammunition, night vision devices, or controlled substances.

c. Offenses involving use and/or possession of non-narcotic controlled substances when the amounts are indicative of personal use only. Military law enforcement personnel will coordinate with the local USACIDC element in making determinations of “personal use”. MPI and DAC detectives/investigators may be employed in joint MPI/USACIDC drug suppression teams; however, the conduct of such operations and activities remain the responsibility of USACIDC. When employed under USACIDC supervision, MPI and DAC detectives/investigators may also be utilized to make controlled buys of suspected controlled substances.

d. Activities required for the security and protection of persons and property under Army control, to include support of Armed Forces Disciplinary Control Boards as prescribed in AR 190-24. If MPI detect a crime-conducive condition during the course of an investigation, the appropriate physical security activity will be promptly notified. Crime-conducive conditions will also be identified in military police reports.

e. Allegations against law enforcement personnel, when not within the investigative responsibilities of USACIDC.

f. Offenses committed by juveniles, when not within the investigative responsibilities of USACIDC.

g. Gang- or hate crime-related activity, when not within the investigative responsibilities of USACIDC.

4-3. Installation commander

The installation commander, whose responsibilities include ensuring good order and discipline on his installation, has authority to order the initiation of a criminal investigation upon receipt of information of activity of a criminal nature occurring on the installation.

4-4. Military police and the USACIDC

a. The military police or the USACIDC are authorized to investigate allegations of criminal activity occurring on the installation. Nothing in this paragraph is intended to conflict with or otherwise undermine the delineation of investigative responsibilities between the military police and the USACIDC as set forth in AR 195-2.

b. When investigative responsibility is not clearly defined, and the matter cannot be resolved between military police investigations supervisors and USACIDC duty personnel, or between military police investigations supervisors and unit commanders, the provost marshal will be informed and will resolve the matter with the appropriate USACIDC activity commander/special agent in charge (SAC) or unit commander.

c. The control and processing of a crime scene and the collection and preservation of the evidence are the exclusive

responsibilities of the investigator or supervisor in charge of the crime scene when the military police have investigative responsibility. To prevent the possible loss or destruction of evidence, the investigator or supervisor in charge of the crime scene is authorized to exclude all personnel from the scene. The exercise of this authority in a particular case may be subject to the requirement to preserve human life and the requirement for continuing necessary operations and security. These should be determined in conjunction with the appropriate commander and, where applicable, local host country law enforcement authorities.

d. Unit commanders should consult with the installation provost marshal concerning all serious incidents. Examples of incidents appropriate for investigation at the unit level include simple assaults not requiring hospitalization and not involving a firearm, or wrongful damage to property of a value under \$1,000. Other incidents should be immediately referred to the installation provost marshal.

e. The military police desk is the official point of contact for initial complaints and reports of offenses. The provisions of AR 190–45 are to be followed for all military police records, reports, and reporting.

(1) When incidents are reported directly to a USACIDC field element, USACIDC may either direct the reporting person to the MP desk or report the incident to the MP desk themselves.

(2) Upon receipt of the complaint or report of offense, the MP desk will dispatch an available patrol to the scene of the incident. The patrol will take appropriate measures to include locating the complainant, witnesses, suspects, and victims, apprehending offenders, securing the crime scene, rendering emergency assistance, determining and reporting to the MP desk, by the most expeditious means possible, the appropriate activity having investigative responsibility.

f. In those cases in which the USACIDC has an ongoing investigation (typically fraud and narcotics matters), they may delay notification to the military police to avoid compromising their investigation.

g. Procedures will be developed to ensure mutual cooperation and support between MPI, DAC detectives/investigators, and USACIDC elements at each investigative level; however, MPI, DAC detectives/investigators and USACIDC personnel will remain under command and control of their respective commanders at all times.

(1) With the concurrence of the commander concerned, MPI and DAC detectives/investigators may provide assistance to USACIDC whenever elements assume responsibility for an investigation from MPI.

(2) When requested by a USACIDC region, district, or the special agent-in-charge of a resident agency, the provost marshal may provide MPI or DAC detective/investigator assistance to USACIDC on a case-by-case basis or for a specified time period.

(3) With the concurrence of the appropriate USACIDC commander, CID personnel may be designated to assist MPI or DAC detectives/investigators on a case-by-case basis without assuming control of the investigation.

(4) Modification of investigative responsibilities is authorized on a local basis if the resources of either USACIDC or the military police cannot fully support their investigative workload and suitable alternatives are not available. Such modifications will be by written agreement signed by the provost marshal and the supporting USACIDC commander. Agreements will be in effect for no more than 2 years unless sooner superseded by mutual agreement.

4–5. Off-post investigations

a. In CONUS, civilian law enforcement agencies, including state, county, or municipal authorities, or a Federal investigative agency normally investigate incidents occurring off-post. When an incident of substantial interest to the U.S. Army occurs off-post, involving U.S. Army property or personnel, the military police exercising area responsibility will request copies of the civilian law enforcement report.

b. In overseas areas, off-post incidents will be investigated in accordance with Status of Forces Agreements and other appropriate U.S. host nation agreements.

4–6. Customs investigations

a. Customs violations will be investigated as prescribed in AR 190–41. When customs authorities find unauthorized material such as contraband, explosives, ammunition, unauthorized or illegal weapons or property, which may be property of the U.S. Government, notification must be made via electronic message or facsimile to HQDA, OPMG (DAPM–MPD–LE). All such notifications will be made to the military police and investigated by CID or the military police, as appropriate.

b. Military police will receipt for all seized or confiscated U.S. Government property and contraband shipped by U.S. Army personnel. Property receipted for by military police will be accounted for, and disposed of, in accordance with evidence procedures outlined in AR 195–5.

c. When it has been determined that the subject of an MP customs investigation is no longer a member of the U.S. Army, the investigation will be terminated, a final report submitted indicating the subject was released from the U.S. Army, and an information copy of the report furnished to the appropriate civil investigative agency.

d. Recovery of weapons and significant amounts of ammunition will be reported by the U.S. Army element receipting for them from the U.S. Customs Service in accordance with AR 190–11 and AR 190–45.

4–7. Drug enforcement activities

Provost marshals and U.S. Army law enforcement supervisors at all levels will ensure that active drug enforcement

programs are developed and maintained, and that priorities for resources reflect the critical and important nature of the drug enforcement effort.

a. MPI and DAC detectives/investigators will conduct investigations of offenses involving use and possession of non-narcotic controlled substances. A copy of all initial, interim, and final military police reports concerning drug investigations will be provided to the USACIDC at the local level. Enforcement activities will be coordinated with the USACIDC at the local level.

b. Any investigation of offenses involving possession/use of non-narcotic controlled substances generated as a result of another USACIDC investigation may be transferred to MPI with the concurrence of both the supporting USACIDC commander and provost marshal.

c. Elements of USACIDC will be provided the opportunity to interview subjects, suspects or witnesses in MPI or DAC detective investigations involving controlled substances without assuming responsibility for the investigation. MPI and DAC detectives/investigators may also interview subjects, suspects or witnesses of USACIDC investigations.

4-8. DA drug exemption policy

a. The U.S. Army Substance Abuse Program (ASAP), as set forth in AR 600-85, limits the use by the Government of protected evidence against a soldier in actions under the Uniform Code of Military Justice (UCMJ) or on the issue of characterization of service in administrative proceedings. Evidence protected under the "limited use" policy is governed by AR 600-85, Section II.

b. The "limited use" policy does not preclude investigation of continued drug use after a Soldier's initial entry into ASAP, or use of evidence of drug use obtained prior to the Soldier's self-referral; however, a Soldier may not be investigated for evidence derived from his self-referral to ASAP. This includes admissions that the Soldier provides as part of his initial entry into ASAP concerning the Soldier's own drug abuse or his possession of drugs incidental to his/her personal use occurring prior to the date of initial referral to ASAP. This also includes an enrolled Soldier's admissions to a physician or ASAP counselor concerning drug use or possession incident to personal use occurring prior to the initial date of entry into ASAP.

c. Protected evidence may not be used as a basis for investigation of the Soldier from whom the protected evidence was obtained, nor may it be used in support of UCMJ charges investigated or preferred prior to the date of self-referral. However, a Soldier's self-referral to ASAP does not insulate him/her from investigation or prosecution for offenses based on evidence obtained prior to or independent of his/her self-referral.

d. It is Army policy to encourage voluntary entry into treatment and rehabilitation programs. ASAP participants will not be approached for the purpose of soliciting information; however, ASAP participants may, on their own initiative, volunteer to provide information and assistance.

4-9. Identification of MPI

a. During the conduct of investigations, MPI will identify themselves by presenting their credentials and referring to themselves as "INVESTIGATOR." When signing military police records the title "Military Police Investigator" may be used in lieu of military titles. Civilian personnel will refer to themselves as "INVESTIGATOR" if they are classified in the 1811 series, and as "DETECTIVE" if they are in the 083 series. Civilian personnel will use the title "DAC Investigator" or "DAC Detective, corresponding to their classification series.

b. The use of titles such as "Mr.," "Mrs.," "Miss" or "Ms." in connection with an individual's identification as an MPI is prohibited, except when the individual is employed in a covert investigative role. When MPI or DAC detectives/investigators are employed in covert roles, supervisors will ensure that coordination with USACIDC or civilian law enforcement agencies is accomplished as appropriate.

4-10. Access to U.S. Army facilities and records

a. MPI and DAC detectives/investigators will be granted access to all U.S. Army facilities, records, or information when necessary for an ongoing investigation, consistent with the investigator's clearance for access to classified national defense information, the requirements of medical confidentiality, and the provisions of applicable regulations.

b. Upon presentation of proper identification when conducting an official investigation, MPI and DAC detectives/investigators will be authorized access to information contained in medical records and may request extracts or transcripts. Medical records will remain under the control of the records custodian, who will make them available for courts-martial or other legal proceedings. Procedures for obtaining information from medical records are contained in AR 40-66.

4-11. Authority to apprehend or detain

MPI and DAC detectives/investigators have authority to make apprehensions in accordance with Article 7, UCMJ; Rule for Courts-Martial 302 (b)(1), Manual for Courts-Martial, United States 2002 (Revised Edition). They may detain personnel for identification and remand custody of persons to appropriate civil or military authority as necessary. Civilians committing offenses on U.S. Army installations may be detained until they can be released to the appropriate Federal, state, or local law enforcement agency.

4-12. Authority to administer oaths

MPI and DAC detectives/investigators have authority pursuant to Article 136(b)(4), UCMJ to administer oaths to military personnel who are subject to the UCMJ. The authority to administer oaths to civilians who are not subject to the UCMJ is Section 303b, Title 5, United States Code (5 USC 303(b)).

4-13. Legal considerations

a. Coordination between installation judge advocates and investigators must occur during the conduct of investigations.

b. The use of the DA Form 3881 (Rights Warning Procedure/Waiver Certificate) to warn accused or suspected persons of their rights is encouraged.

c. When necessary, investigators will coordinate with a judge advocate or civilian attorney employed in the Office of the Staff Judge Advocate for the purpose of establishing a legal opinion as to whether sufficient credible evidence has been established to title an individual in a report. Investigators should also coordinate with the Office of the Staff Judge Advocate in drafting search warrants and in determining whether probable cause exists to conduct a search.

4-14. Retention of property

Reports of investigation, photographs, exhibits, handwritten notes, sketches, and other materials pertinent to an investigation, including copies, negatives, or reproductions, are the property of the U.S. Government, either as owner or custodian.

4-15. Requests for assistance

Requests for assistance on investigative leads pertaining to persons or events outside the area of the investigation will be made directly to another appropriate installation, which will respond, in the shortest practical time (preferably within 30 days). Such requests may be made telephonically, by letter, by e-mail, or by electronic message, as appropriate.

4-16. Crime records support

a. U.S. Army law enforcement personnel are authorized to request name checks at USACRC and to obtain copies of identified USACIDC or MP reports for official use during investigative activity for a law enforcement purpose. Such activities will be administered in accordance with chapter 5, AR 195-2. MPI and DAC detectives/investigators may make record checks and request records only if their certification has been confirmed. Record checks made in accordance with this paragraph are for operational law enforcement purposes and such name checks will not be used to screen MPI candidates

b. Provost marshals and MPI and DAC detectives/investigators requesting routine name checks will submit requests by letter or electronic message to the Director, USACRC, USACIDC, ATTN: CICR-CR, 6010 6th Street, Building #1645, Fort Belvoir, VA 22060-5506; electronic mail may also be used (mailcicr@belvoir.army.mil).

c. Expeditious checks to determine whether an individual has any previous military criminal record will be made in accordance with AR 195-2. Messages must be addressed to Director, USACRC, USACIDC, ATTN: CICR-CR, 6010 6th Street, Building #1645, Fort Belvoir, VA 22060-5506. Telephonic name checks will be made as prescribed in Appendix F, AR 195-2.

d. The USACRC reply will indicate that no records are on file or will cite the specific files available. In the event that a CID Criminal Information Report is indicated, the requestor must contact the local supporting CID office and request that the report be made available. Requests for all other USACIDC and MP reports will be directed to the USACRC as prescribed in chapter 5, AR 195-2.

4-17. Crime laboratory support

a. Requests for criminal investigation laboratory support will be submitted in accordance with AR 195-2 and AR 195-5.

b. Packaging procedures for shipping evidence are contained in FM 3-19.13, Law Enforcement Investigations, and AR 195-5.

c. Only USACIDC personnel are authorized to import suspected controlled substances into the United States for analysis or evidentiary purposes. Should the military police in overseas areas have need to ship controlled substances into the United States for any purpose, the appropriate USACIDC evidence custodian will be requested to process, package, and mail the evidence. In such cases, the military police will provide assistance to the USACIDC evidence custodian in the packaging, processing, and preparation of forms.

4-18. Use of National Crime Information Center (NCIC)

Provost marshals will make maximum use of NCIC terminals available to them and will establish liaison with the U.S. Army Deserter Information Point (USADIP) as necessary to ensure timely exchange of information on matters concerning deserters. The USADIP will ensure replies to inquiries from provost marshals on subjects of MP investigations are transmitted by the most expeditious means. Use of NCIC will be in accordance with AR 190-27.

4-19. Polygraph activities

MPI and DAC detectives/investigators will utilize the polygraph to the full extent authorized. Requests for polygraph examination assistance will be forwarded to the supporting USACIDC element in accordance with provisions of AR 195-6. The investigative or intelligence element requesting approval to conduct a polygraph examination will submit a completed DA Form 2805 (Polygraph Examination Authorization) to the authorizing official. A request may also be sent via an electronic message or electronic mail or media provided all elements of the DA Form 2805 are included in the request. Approvals will be obtained prior to the conduct of an examination. Telephonic requests, followed with written requests, may be used in emergencies. The requesting official will include the following data on every polygraph examination request for criminal investigations:

- a. The offense, which formed the basis of the investigation, is punishable under Federal law or the UCMJ by death or confinement for a term of 1 year or more. Even though such an offense may be disposed of with a lesser penalty, the person may be given a polygraph examination to eliminate suspicion.
- b. The person to be examined has been interviewed and there is reasonable cause to believe that the person has knowledge of, or was involved in, the matter under investigation.
- c. Consistent with the circumstances, data to be obtained by polygraph examination are needed for further conduct of the investigation.
- d. Investigation by other means has been as thorough as circumstances permit.
- e. Examinee has been interviewed on all relevant subjects requested for testing and the polygraph examination is essential and timely.

4-20. Evidence

Military police are authorized to receive, process, safeguard, and dispose of evidence, to include non-narcotic controlled substances, in accordance with AR 195-5. If no suitable facility is available for the establishment of a military police evidence depository or other operational circumstances so dictate, the evidence custodian of the appropriate USACIDC element may be requested to receipt for and assume responsibility for military police evidence. Personnel selected as military police evidence custodians need not be trained as MPI and should not be issued MPI credentials, unless they are also employed as operational MPI. Further information concerning evidence collection and examination procedures can be found in FM 3-19.13.

4-21. Police intelligence

a. The purpose of gathering police intelligence is to identify individuals or groups of individuals in an effort to anticipate, prevent, or monitor possible criminal activity. If police intelligence is developed to the point where it factually establishes a criminal offense, an investigation by the military police, U.S. Army Criminal Investigation Command (USACIDC), or other investigative agency will be initiated.

b. Police intelligence will be actively exchanged between DOD law enforcement agencies, military police, USACIDC, local, state, Federal, and international law enforcement agencies. One tool under development by DOD for sharing police intelligence is the Joint Protection Enterprise Network (JPEN). JPEN provides users with the ability to post, retrieve, filter, and analyze real-world events. There are seven reporting criteria for JPEN:

- (1) Non-specific threats.
- (2) Surveillance.
- (3) Elicitation.
- (4) Tests of security.
- (5) Repetitive activities.
- (6) Bomb threats/incidents.
- (7) Suspicious activities/incidents.

c. 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 PRO-VOST MARSHAL."

d. Local police intelligence files may be exempt from certain disclosure requirements by AR 25-55 and the Freedom of Information Act (FOIA).

4-22. Investigative funds

In accordance with AR 195-4, contingency limitation .0015 funds are under the control of USACIDC but are available to MPI for certain extraordinary expenses. All MPI and DAC detectives/investigators must be familiar with AR 195-4 and clearly understand how the funds are administered and what expenditures are authorized. Assistance may be obtained from the fund custodian of the supporting CID field element. When MPI and DAC detectives/investigators

use contingency limitation .0015 funds, the funds will be administered in strict compliance with AR 195–4. Certifying and approving officers for MPI expenditures will be limited to those appointed in AR 195–4.

4–23. Special investigative equipment

a. The technical nature of the MPI function necessitates the use of special investigative equipment and materials. If such equipment and materials are not provided by table of distribution and allowances/table of organization and equipment (TDA/TOE) authorization, or through routine supply channels, or are not available when needed, commanders should consider local purchase or procurement. The extraordinary nature of the MPI mission often dictates the need for a priority for resources.

b. The unique nature of the MPI function often necessitates the use of certain surveillance techniques requiring special communications equipment. MPI should be provided a separate radio frequency for this function when feasible.

c. MPI are authorized to utilize unmarked vehicles of commercial design and colors in the performance of their official duties. TDA authorizations should provide one vehicle for each two MPI authorized.

4–24. Electronic equipment procedures

a. DOD Directive 5505.9 and AR 190–53 provide policy for the wiretap, investigative monitoring and eavesdrop activities by DA personnel. The recording of telephone communications at MP operations desks is considered to be a form of command center communications monitoring that may be conducted to provide an uncontroversial record of emergency communications. This includes reports of emergencies, analysis of reported information, records of instructions, such as commands issued, warnings received, requests for assistance, and instructions as to the location of serious incidents.

b. The following procedures are applicable to the recording of emergency telephone and/or radio communications at MP operations desks within the 50 states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Panama, and Guam.

(1) All telephones connected to recording equipment will be conspicuously marked “FOR OFFICIAL USE ONLY—connected to recording device” and access to use will be restricted to MP operations desk personnel.

(2) The connection of voice-recording equipment or private-line service with the telecommunications network will be in accordance with applicable telephone company tariffs that permit direct electrical connection through telephone company recorder-connector equipment. An automatic audible-tone device is not required.

(3) Official emergency telephone numbers for MP desks will be listed in appropriate command, activity, or installation telephone directories with a statement that emergency conversations will be recorded for accuracy of record purposes. Other forms of pre-warning are not required.

(4) Recordings, which contain conversations described in this section, will be retained for a period of 60 days. Transcripts may be made for permanent files, as appropriate.

(5) The recording of telephone communications or radio transmissions by MP personnel for other than emergency purposes is prohibited. If an investigator requires the use of electronic surveillance equipment, assistance must be requested from the USACIDC. This policy is established pursuant to Department of Defense directives that limit such activity to the criminal investigative organizations of the Services and DOD.

(6) Commanders having general courts-martial convening authority will issue written authorizations for the recording of emergency telephone communications at MP operations desks. The letter of authorization will contain specific authority for the type of equipment to be used, the phone numbers identified as emergency lines, and instructions limiting recordings to calls received on the phones so designated. One copy of the authorization will be forwarded to the IMA regional office concerned.

4–25. Overseas MP desks

The recording of telephone communications at MP operations desks outside the United States will be conducted within restrictions contained in international agreements between the United States and host nations.

4–26. Security surveillance systems

Closed circuit video recording systems, to include those with an audio capability, may be employed for security purposes in public places so long as notices are conspicuously displayed at all entrances, providing persons who enter with a clear warning that this type of monitoring is being conducted.

4–27. Recording interviews and interrogations

The recording of interviews and interrogations by law enforcement personnel is authorized, provided the interviewee is on notice that the testimony or statement is being recorded. This procedure is a long-accepted law enforcement procedure, not precluded by DA policies pertaining to wiretap, investigative monitoring, and eavesdrop activities.

Chapter 5

Investigator Reports/Investigation Case Folders

5-1. General

Investigations, founded and unfounded, will be prepared and maintained in the investigation section of the provost marshal office in accordance with the provisions of AR 190-45.

5-2. Case folder index

a. Case folders will be maintained in two parts.

b. Part I will be on the left side of the case folder and consists of the following documents:

(1) DA Form 7569 (Investigator Activity Summary), which will include a well-written chronology of investigative activity that has been completed.

(2) Draft report to include the DA Form 3975.

(3) DA Form 3881 (Rights Warning Procedure/Waiver Certificate).

(4) DA Form 2823 (Sworn Statement).

(5) Civilian police/autopsy reports.

(6) Photographs.

(7) Evidence vouchers.

(8) Interview work sheets.

(9) Other documents.

(10) Case notes completed by the investigator.

c. Part II of the case folder will be on the right side of the folder and consists of the following documents:

(1) DA Form 7570 (Investigator Data Form).

(2) Final DA Form 3975 (Military Police Report), with enclosures.

(3) DA Form 4833 (Commanders Report of Disciplinary Action Taken).

(4) Supplemental DA Form 3975.

(5) Requests for assistance and responses received in support of such requests.

(6) Authorization documents (Privacy Act release statements).

(7) External correspondence.

5-3. Review of case folders

a. Installation provost marshals are responsible for establishing procedures to have quality review of all case folders completed every 2 weeks.

b. Supervisory personnel will use DA Form 7569 to recommend additional investigative activity that should be completed.

c. Monthly review of the case folder is required to ensure that investigations are completed in a timely manner and are thorough.

Appendix A References

Section I Required Publications

DOD Directives are available on the Web at <http://www.dtic.mil/whs/directives/>.

AR 190–11

Physical Security of Arms, Ammunition, and Explosives (Cited in para 4–6.)

AR 190–14

Carrying of Firearms and Use of Force for Law Enforcement and Security Duties (Cited in para 4–1.)

AR 190–24/OPNAVINST 1620.2A/AFI 31–213/MCO 1620.2C/CONDTINST 1620.1D

Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations (Cited in para 4–2.)

AR 190–41

Customs Law Enforcement (Cited in para 4–6.)

AR 190–45

Law Enforcement Reporting (Cited in paras 4–4, 4–6 and 5–1.)

AR 190–53

Interception of Wire and Oral Communications for Law Enforcement Purposes (Cited in para 4–24.)

AR 195–2

Criminal Investigation Activities (Cited in paras 4–4, 4–16, and 4–17.)

AR 195–4

Use of Contingency Limitation .0015 Funds for Criminal Investigative Activities (Cited in para 4–22.)

AR 195–5

Evidence Procedures (Cited in paras 4–6, 4–17, 4–20, and app B.)

AR 195–6

Department of the Army Polygraph Activities (Cited in para 4–19.)

FM 3–19.13

Law Enforcement Investigations (Cited in paras 4–17 and 4–20.) (Available at http://atiam.train.army.mil/soldierPortal/appmanager/soldier/start?_nfpb=true&_pageLabel=rdlservicespage.)

MCM

Manual for Courts-Martial, United States 2002 (Revised Edition) (Cited in paras 4–2 and 4–11.) (Available at <http://www.dsca.mil/DIILS/library/US%20Manual%20for%20Courts-Martial%202002.pdf>.)

Section II Related Publications

A related publication is a source of additional information. The user does not have to read it to understand this publication. DOD Directives are available on the Web at <http://www.dtic.mil/whs/directives/>; the Uniform Code of Military Justice is available at <http://www.au.af.mil/au/awc/awcgate/ucmj.htm>; and the U.S. Code is available at <http://www.gpoaccess.gov/uscode/>.

AR 25–1

Army Knowledge Management and Information Technology

AR 25–55

The Department of the Army Freedom of Information Act Program

AR 25–400–2

The Army Records Information Management System (ARIMS)

AR 40-66

Medical Record Administration and Health Care Documentation

AR 190-56

The Army Civilian Police and Security Guard Program

AR 340-21

The Army Privacy Program

AR 600-8

Military Personnel Management

AR 600-85

Army Substance Abuse Program (ASAP)

AR 611-1

Military Occupational Classification Structure Development and Implementation

DOD Directive 5030.49

DOD Customs and Border Clearance Program

DOD Directive 5200.27

Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense

DOD Directive 5210.56

Use of Deadly Force and the Carrying of Firearms by DOD Personnel Engaged in Law Enforcement and Security Duties

DOD Directive 5400.12

Obtaining Information from Financial Institutions

DOD Directive 5505.9

Interception of Wire, Electronic, and Oral Communications for Law Enforcement

National Crime Information Center Operating Manual

(This manual may be obtained from the FBI, Washington, D.C. 20535.)

Manual for Courts-Martial (MCM)

Table of Maximum Punishment, appendix 12 (Available at <http://www.au.af.mil/au/awc/awcgate/law/mcm.pdf>.)

R.C.M. 302(b)(1)

Apprehension; Military Officials (Available at <http://www.dsca.mil/DIILS/library>.)

Uniform Code of Military Justice, Article 6

Trial Procedure

Uniform Code of Military Justice, Article 7

Apprehensions

Uniform Code of Military Justice, Article 136

Authority to Administer Oaths and Act as Notary

5 USC 303b

Oaths to witnesses

5 USC 552

Public information; agency rules, opinions, orders, records, and proceedings

5 USC 552a

Records maintained on individuals

18 USC 13

Laws of States adopted for areas within Federal jurisdiction

Section III

Prescribed Forms

Except where otherwise indicated below, the following forms are available on the APD Web site (www.apd.army.mil).

DA Form 410

Receipt for Accountable Form (Prescribed in para 3-4.)

DA Form 3837

Military Police Investigator (Front Page) (Prescribed in para 3-1.)

DA Form 3837-1

Military Police Investigator (Back Page) (Prescribed in para 3-1.)

DA Form 3837-2

Department of the Army Civilian Detective (Front Page) (Prescribed in para 3-1.)

DA Form 3837-3

Department of the Army Civilian Detective (Back Page) (Prescribed in para 3-1.)

DA Form 3881

Rights Warning Procedure/Waiver Certification (Prescribed in para 4-13.)

DA Form 7569

Investigator Activity Summary (Prescribed in paras 5-2 and 5-3.)

DA Form 7570

Investigator Data Form (Prescribed in para 5-2.)

Section IV

Referenced Forms

Except where otherwise indicated below, the following forms are available on the APD Web site (www.apd.army.mil).

DA Form 11-2-R

Management Control Evaluation Certification Statement

DA Form 2805

Polygraph Examination Authorization

DA Form 2823

Sworn Statement

DA Form 3975

Military Police Report

DA Form 4833

Commander's Report of Disciplinary or Administrative Action

Appendix B

Management Control Checklist

B-1. Function

Function. The function covered by this checklist is military police investigations.

B-2. Purpose

Purpose. The purpose of this checklist is to assist assessable unit managers and management control administrators (MCAs) in evaluating the key management controls outlined below. It is not intended to cover all controls.

B-3. Instructions

Instructions. Answers must be based on the actual testing of key management controls (for example, document analysis, direct observation, sampling, simulation, and 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. Certification that this evaluation has been conducted must be accomplished on DA Form 11-2-R (Management Control Evaluation Certification Statement).

B-4. Test Questions

Test questions.

- a.* Are nominees being screened to ensure that they possess a SECRET security clearance?
- b.* Have provost marshals appointed commissioned officers to serve as the credential control officer and alternate credential control officer?
- c.* Are crime records checks being completed on all MPI candidates?
- d.* Is evidence being gathered, processed, safeguarded and disposed of in accordance with AR 195-5?
- e.* Are investigations being conducted into the circumstances surrounding the loss of credentials?
- f.* Are investigators and detectives completing the investigator activity summary and submitting data into the Centralized Office Police Suite?
- g.* Are installation provost marshals establishing procedures to have a quality review of all case folders completed at least once a month?

B-5. Suppression

Suppression. There is not a previous edition of this checklist.

B-6. Comments

Comments. Help to make this a better tool for evaluating management controls. Submit comments to: HQDA, Office of the Provost Marshal General (DAPM-MPD-LE), 2800 Army Pentagon, Washington, DC 20310-2800.

Glossary

Section I Abbreviations

AA&E

arms, ammunition, and explosives

AIT

advanced individual training

AMC

Army Materiel Command

AR

Army Regulation

ARNG

Army National Guard

ASAP

Army Substance Abuse Program (ASAP)

ASI

additional skill identifier

AT

annual training

ATEC

Army Test and Evaluation Command

ATF

Bureau of Alcohol, Tobacco and Firearms

BI

background investigation

CG

commanding general

CJIS

Criminal Justice Information Systems

CONUS

continental United States

CPOC

civilian personnel operations center

CRC

crime records center

DA

Department of the Army

DAC

DA civilian

DACD

DA civilian detective

DCII

Defense Clearance Investigation Index

DEROS

date eligible to return from overseas

DIA

Defense Intelligence Agency

DIBRS

Defense Incident-Based Reporting System

DOB

date of birth

DOD

Department of Defense

DOJ

Department of Justice

DSN

defense switched network

ENTNAC

entrance national agency check

ETS

expiration of term of service

FBI

Federal Bureau of Investigation

FOIA

Freedom of Information Act

FOUO

for official use only

GT

general technical

HRC

Human Resources Command

HQDA

Headquarters, Department of the Army

IADT

Inactive duty for training

IDA

initial denial authority

IMA

Installation Management Agency

JPEN

Joint Protection Enterprise Network

MACOM

major Army command

MCA

management control administrators

MCM

Manual for Court Martial

MOS

military occupational specialty

MP

military police

MPI

military police investigator

MPR

military police report

MTOE

modification table of organization and equipment

NAC

national agency check

NCIC

National Crime Information Center

NIBRS

National Incident-Based Reporting System

NLETS

National Law Enforcement Telecommunications System

OCONUS

outside the continental United States

OPMG

Office of the Provost Marshal General

PCS

permanent change of station

PMG

Provost Marshal General

PMO

provost marshal office

PMOS

primary military occupational specialty

POB

place of birth

ROI

report of investigation

SAC
special agent in charge

SJA
staff judge advocate

SSN
Social Security number

SSBI
single scope background investigation

ST
skill technical

TDA
table of distribution and allowances

TRADOC
U.S. Army Training and Doctrine Command

TOE
table of organization and equipment

UCMJ
Uniform Code of Military Justice

USC
United States Code

USACIDC
U.S. Army Criminal Investigation Command

USACRC
U.S. Army Crime Records Center

USADIP
U.S. Army Deserter Information Point

USAMPS
U.S. Army Military Police School

USAR
U.S. Army Reserve

Section II

Terms

Armed
Equipped with a loaded firearm.

Army law enforcement office
Any Army element, agency, or unit authorized to conduct investigations under the Uniform Code of Military Justice or Army regulations. This broad definition includes military police, DAC police, criminal investigation, inspector general, and military intelligence activities conducting investigations of violations of law or regulation.

Authorization to search
An express permission, written or oral, issued by competent military authority, to search a person or an area for specified property or evidence or to search for a specific person and to seize such property, evidence, or person.

Commander

A commissioned or warrant officer who, by virtue of his or her rank and assignment, exercises primary command authority over a military organization or prescribed territorial area. One who has control over the place where the property or person to be searched is located, or, if that place is not under military control, has control over the person subject to military law or the law of war.

Contraband property

Material declared to be unlawful by appropriate statute, regulation, or order. It is subject to seizure when in one's possession, except when possessed pursuant to official business.

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 substance

A substance placed by the Attorney General on one of the five schedules established by the comprehensive Drug Abuse Prevention and Control Act of 1970. This act is commonly referred to as the Controlled Substances Act of 1970.

Criminal intelligence

Information concerning criminal activity that may lead to other information concerning such activity.

DACD credentials

Standard identification documents (DA Form 3837-2 and DA Form 3837-3) used to identify DACD.

Deadly force

Force that a person uses causing, or that a person knows, or should know, will create a substantial risk of causing death or serious bodily harm.

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 subjects designated agent, or the legal guardian.

Federal service coordinator

HQDA representative to Criminal Justice Information Systems at the Federal and state level, responsible for monitoring the system.

Financial institution

Any office in any state or territory of the United States, or in the District of Columbia, Puerto Rico, Guam, American Samoa, or the Virgin Islands of a bank, savings bank, industrial loan company, trust company, savings and loan association, building and loan association (including cooperative banks), credit union, consumer finance institution, or credit card issuer. The term also includes any military banking contractors located outside the states or territories or the United States or the District of Columbia, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

Financial record

An original record, its copy, or information known to have been derived from the original record held by a financial institution, pertaining to a customer's relationship with the financial institution.

Law enforcement inquiry

A lawful investigation or official proceeding that inquires into a violation of, or failure to comply with, a criminal or civil statute or any enabling regulation, rule, or order issued pursuant thereto.

Lawful search

An examination, authorized by law, of a specific person, property, or area for specified property evidence, or a specific person, for the purpose of seizing such property, evidence or person.

Military judge

A commissioned officer on active duty in the Armed Forces, who is a member of the bar of the highest court of a state and who is certified to be qualified for duty as a military judge.

Military magistrate

A person authorized to issue a search authorization upon probable cause, in accordance with the Military Rules of Evidence and AR 27–10.

Military police

Any type of DOD (to include other services), U.S. Army police or security forces responsible for performing law enforcement or security on Army installations.

Military police investigation

An investigation conducted by the military police, usually MPI.

Military police investigator or DAC detective/investigator

Enlisted military police personnel (PMOS 31B ASI V5) in rank of CPL/SPC through SFC or DA civilian police office (083 or 1811 series) who have been selected, trained, assigned, and certified to conduct investigations of criminal offenses and incidents under the direction of the installation or activity provost marshal/security officer in accordance with this regulation.

Military Police Investigator Program

A DA program established to assure uniformity and continuity of policy, procedures, and resources utilization in the conduct of military police investigations.

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 U.S. military reservations.

MPI credentials

A standard identification document (DA Form 3837 and DA Form 3837–1) used to identify MPI.

Narcotic drug

Opium, opiates, and leaves of the coca plant and their compounds, manufacture, salts, derivatives, or preparations. Also substances that chemically produce the same results as the previously mentioned substances.

National Crime Information Center

A computerized police information system established by the Federal Bureau of Investigation to serve participating law enforcement agencies.

Originating agency identifier

An identifier assigned by the FBI or National Law Enforcement Telecommunications System (NLETS) to an agency meeting the criteria for participation in the NCIC and NLETS.

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.

Personnel security investigation

An investigation required to determine a person's eligibility for access to classified information, assignment or retention in sensitive duties, or other designated duties requiring such investigation. Personnel security investigation includes investigations of subversive affiliations, suitability information, or hostage situations conducted to make personnel security determinations, investigations that arise after adjudicative action, and investigations that require resolution to determine a person's current eligibility for access to classified information or assignment or retention in a sensitive position.

Person

As used here, a person is an individual or partnership of five or fewer individuals.

Persons and property within military control

Persons or property located on or in a military installation, encampment, vessel, aircraft, vehicle, or other location under military control, wherever located.

Petty offense

Minor misdemeanors that are not punishable by imprisonment for more than 6 months or a fine of more than \$5,000.

Private property

Property that belongs to a person and over which he or she has a right of disposition.

Probable cause

When reasonable grounds exist to believe that an offense has been or is being committed and the person to be apprehended committed or is committing it.

Prohibited property

Property, other than contraband, the possession of which, by persons subject to military law is forbidden by law or regulation.

Provost marshal

The senior officer, military or civilian, contracted or contractor, directly responsible for law enforcement and security, regardless of the individual's position or title (for example, security officer, security director, and security manager.)

Reasonable suspicion

A belief based on facts that would lead a reasonable person to conclude in light of his or her experience, that criminal activity may be afoot.

Search warrant

An express authorization to search and seize issued by competent civilian or military authority.

Seizure

The taking or dispossession of property from the possessor by an authorized person or the restriction of the freedom of movement of an individual against his or her will by an agent of the Government.

Stop

A limited detention of a person for the purpose of making an inquiry into activities that leads the detaining official reasonably to conclude, in light of his or her experience, that criminal activity may be afoot. The purpose of the stop must be investigatory in nature.

Subject

A person, corporation, other legal entity, or organization about which credible information exists that would cause a reasonable person to suspect the person, corporation, other legal entity, or organization may have committed a criminal offense, or otherwise make a person, corporation, legal entity, or organization the object of a criminal investigation.

Titling

Placing the name(s) of a person, corporation(s), or other legal entity, organization(s), or other occurrence(s) in the subject block for a criminal investigation.

Unit

An organization, agency, or activity.

Unit commander

The commander of an absentee's or deserter's unit of assignment or attachment.

U.S. magistrate

Federal judicial officer having jurisdiction and authority to hear and determine certain matters involving violations of Federal law.

U.S. Army Deserter Information Point

The focal point within the Army for controlling, verifying accounting, and disseminating data on individuals administratively classified as deserters.

User agreement

A document describing operating policies, responsibilities and procedures between an installation provost marshal and a state control terminal agency or headquarters.

Section III**Special Abbreviations and Terms**

This section contains no entries

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