

Criminal Investigation

Criminal Investigation Activities

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By Order of the Secretary of the Army:

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Chief of Staff

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The Adjutant General

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

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

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

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

Proponent and exception authority. Not applicable

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

Army management control process.

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

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 Users will destroy interim changes on their expiration date unless sooner superseded or rescinded.

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

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

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Glossary

Chapter 1 General

1-1. Purpose

This regulation—

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

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

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

1-2. References

Required and related publications are listed in appendix A.

1-3. Explanation of abbreviations and terms

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

1-4. Responsibilities

a. The Commanding General, USACIDC, will—

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

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

(3) Maintain overall responsibility for Army investigations of offenses involving “controlled substances” as defined in 21 U.S.C. 812.

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

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

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

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

e. CID elements at all levels will provide statistical data to supported commands relative to the number and types of serious crimes and incidents investigated, subjects identified, value of property stolen or recovered, and other information reflecting the status of discipline, law, and order necessary for the completion of reports required by HQDA (e.g., DA Form 2819, Law Enforcement and Discipline Report). Statistical data necessary to support locally established reports may be provided within the administrative and record keeping capabilities of the supporting CID element.

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

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

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

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

(b) Notify all persons listed in the title block, who have no action taken against them, that their name will remain in the title block of the report and that the report will be indexed, and, therefore, retrievable by their name. Individuals will also be informed of the purposes for which the reports are used (e.g., other criminal investigations, security clearances, other purposes as authorized by the Privacy Act and AR 340-21) and the fact that such use may have an impact upon their military or civilian careers. Individuals will be informed also that the removal of their name from the title block or other amendment of the report may be accomplished only by submitting a written request to the Director, U.S. Army Crime Records Center, 2301 Chesapeake Ave, Baltimore, MD 21222-4099. Requests for amendment will be considered only as set forth in paragraph 4-4.

(2) Commanders or supervisors of activities, facilities, units, or installations who have received a crime prevention survey by the USACIDC will furnish a report of corrective action taken or a statement that no corrective action was taken as a result of the survey. This report of corrective action must be forwarded by the commanders or supervisors through local command channels to the commander two levels above the activity, unit, facility, or installation surveyed within 90 days of the date of the survey, but in no case will reports be forwarded above MACOM level. An information copy of the corrective actions will be provided the appropriate USACIDC field element within 90 days of the date of the survey. A report of corrective action is not required for crime prevention survey when—

(a) Requested by the commanders or supervisors of activities, facilities, units, or installations.

(b) Conducted in support of a crime prevention program.

(c) Crime conducive conditions are not identified.

1-5. Investigative policies

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

b. Offenses will be reported as follows:

(1) Commanders will ensure that criminal incidents or allegations in the Army affecting or involving persons subject to the Uniform Code of Military Justice, civilian employees of the Department of Defense if related to their assigned duties or position, government property under Army jurisdiction, or those incidents occurring in areas under Army control are reported to military police or security police in accordance with AR 210-10, paragraph 2-19. Information indicating a violation of AR 600-50 or the Federal Acquisition Regulation (FAR) that develops into possible criminal activity will also be reported to the military police or security police.

(2) Barracks larcenies of property of a value of less than \$1,000 and simple assaults occurring in unit areas and not resulting in hospitalization will be reported to law enforcement activities for statistical and crime reporting purposes, but a law enforcement investigation is not required. Unit commanders will take appropriate action on these incidents. A law enforcement investigation will normally be conducted only when it is considered necessary by the provost marshal or security officer; commander, CID element; or when requested by a field grade commander in the chain of command of the unit concerned. Nothing in this regulation will be