

§ 630.14

instances when such effort is warranted include when the AWOL soldier or deserter is wanted as the subject of additional more serious charges or is a special category absentee as defined in § 630.8 of this part.

§ 630.14 Use of escorts.

(a) Commanders and provost marshals must ensure that the most economical and efficient means are used to return surrendered or captured absentees to their parent unit or personnel control facility as appropriate. For example, alternatives such as express mailing of DD Form 460 and a transportation request may be used instead of an escort if there is a reasonable expectation that the absentee will comply.

(b) The use of escorts should be considered if—

(1) There is not a reasonable expectation that the absentee will not comply.

(2) The absentee is a special category absentee IAW § 630.8 of this part.

(3) The absentee is pending serious criminal charges.

(4) The absentee is in the custody of a civilian law enforcement agency that is not willing to assist in processing the absentee by mail or similar means.

(c) When escorts are deemed necessary, consideration should be given to using noncommissioned officers from the parent unit before committing military police manpower.

§ 630.15 Verification of deserter status.

(a) When a person claims to be a deserter from the U.S. Army, the first receiving military authority must advise the person of his or her right per article 31 UCMJ and provide as much of the following data as possible to the provost marshal:

(1) Name.

(2) Social security number.

(3) Date and place of birth.

(4) Home of record.

(5) Date and place of enlistment, date of alleged absence, and unit of assignment.

(b) The provost marshal immediately completes a check of the NCIC and USADIP to confirm the deserter status. Deserter felon checks require:

(1) The full name of the person.

(2) Social security number.

(3) Date of birth.

(4) Place of birth.

(5) Military service number if different from the social security number.

(c) When necessary to establish identity at the request of the Chief, USADIP, the installation provost marshal forwards DD Form 369 (Police Record Check) with a complete set of fingerprints to the Commander, U.S. Army Enlisted Records Center, ATTN: PCRE-RD, Indianapolis, IN 46249-5301. The fingerprints must also be accompanied by DD Form 616 in quadruplicate. In Item 9 of the DD Form 616 note: "For Information Only—Fingerprints attached." The Chief, USADIP forwards the fingerprint record to the FBI Identification Division, Washington, DC 20537-8700 for fingerprint comparison and identification.

(d) In the event the status of the individual can not be immediately determined, the individual will not be detained. The Provost Marshal obtains information on how to contact the person once their status has been determined. On verification of status as absent or desertion, Chief, USADIP, provides instructions to the provost marshal returning the individual to military control.

§ 630.16 Surrender or apprehension on parent installation.

(a) The parent installation provost marshal—

(1) Verifies the deserter's military status IAW § 630.13 of this part.

(2) Coordinate between appropriate levels of command on RMC (time, date, and location).

(3) Initiates a reference blotter entry changing the absentee's status from deserter to return to military control.

(4) Prepares and submits DD Form 616 to Chief, USADIP. The USACRC control number assigned to the DD Form 553 is included in the remarks section of DD Form 616.

(5) Prepares DA Form 3975, 2804 (Crime Records Data Reference) and 4833. The USACRC control number assigned to the DD Form 553 is also used on these forms.

(6) Forwards the original DA Form 3975 and 2804 to the Director, USACRC.

(7) Forwards three copies of DA Form 4833, with an appropriate suspense

Department of the Army, DoD

§ 630.19

date, and one copy of DA Form 3975 to the PCF commander or installation commander processing the deserter.

(8) On receipt of the completed DA Form 4833 forwards the original to Director, USACRC.

(b) Should the deserter surrender to the original unit of assignment, the unit commander immediately notifies the provost marshal of the deserter's return. The provost marshal completes the processing in paragraph (a) of this section.

§ 630.17 Surrender or apprehension at another installation.

(a) The provost marshal follows the procedures in § 630.17 and obtains the USACRC control number from Chief, USADIP for use in completing the DD Form 616 and DA Form 2804, 3975, and 4833.

(b) The unit commander requesting return of the absentee completes arrangements for escorting the absentee, if required. Other absentees are sent to a PCF.

§ 630.18 Surrender or apprehension off an Army installation.

Commanders located off an Army installation—

(a) Notify the major Army command or coordinating installation provost marshal, within whose area of responsibility the activity is located.

(b) Furnish the coordinating installation provost marshal all available information on the absentee or deserter.

(c) Issue a DD Form 460 and direct the person to proceed to the nearest Army installation with facilities for processing deserters. If appropriate, express mailing of DD Form 460 and a transportation request may be used.

(d) Forward a copy of the DD Form 460 to Commander, U.S. Army Enlisted Records and Evaluation Center, ATTN: PCRE-RD, 8899 East 56th Street, Indianapolis, IN 46249.

(e) Follow up to ensure that all absentees and deserters are returned to military control.

§ 630.19 Deserters and defectors in foreign countries.

(a) Army deserters and defectors in foreign countries are apprehended only in accordance with applicable Status of

Forces or other station agreements, AR 27-50, U.S. and host country law, and the directives of the overseas command.

(b) Direct coordination between all major overseas commanders, U.S. Air Force, U.S. Navy, U.S. Marine Corps and CONUS installations is conducted to coordinate information for return of deserters or defectors to military control. Defectors and special category absentees must be escorted from the time of their return to military control to the installation or PCF with area of responsibility for processing deserters. Deserters returned to military control are processed under procedures set by the major overseas commander.

(c) When a deserter or defector is reported to have been returned to military control at another service installation, the Army area provost marshal arranges for return of the deserter to U.S. Army custody. Maximum use of the DD Form 460 should be made.

(d) When absentees and deserters in foreign countries are scheduled to depart or are to be deported from foreign countries, the Military Assistance Advisory Group (MAAG) mission or attaché notifies Chief, USADIP, and if known the appropriate major commander, ATTN: Provost Marshal. Notification should be completed in advance for coordination of operational military police actions. The notice includes the—

(1) Name, grade, and social security number of the absentee.

(2) Date, time (local), and place of departure from the foreign country.

(3) Mode of transportation and designation of the carrier.

(4) Date, time and place of arrival in CONUS or where U.S. Authorities have jurisdiction to apprehend the absentee or deserter.

(5) Unit in which the individual is or was last assigned.

(6) Length of time in foreign country.

(7) Physical and mental condition and attitude of the absentee or deserter.

(8) Charges by military or civil authorities.

(9) Intelligence interest.