

SUBCHAPTER I—LAW ENFORCEMENT AND CRIMINAL INVESTIGATIONS

PART 630—ABSENTEE DESERTER APPREHENSION PROGRAM AND SURRENDER OF MILITARY PERSONNEL TO CIVILIAN LAW ENFORCEMENT AGENCIES

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FIGURE 630.1 OF PART 630—SAMPLE MILITARY DETAINEE

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AUTHORITY: 10 U.S.C. 801 through 940; Manual for courts-martial, U.S. 1995 revised addition as amended; sec 709, Pub L. 96-154, Defense Appropriation Act. 93 Stat. 1153.

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Subpart A—Purpose

§ 630.1 Purpose.

This part provides policies and procedures for—

- (a) Reporting absentees and deserters.
- (b) Reporting special category absentees.
- (c) Reporting political defectors.
- (d) Use of automated law enforcement telecommunications.
- (e) Apprehension and processing of absentees and deserters.
- (f) Surrender of military personnel to civilian law enforcement authorities.

§ 630.2 References.

Required and related publications and referenced forms are listed in appendix A to this part.

§ 630.3 Explanation of abbreviations and terms.

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

§ 630.4 Responsibilities.

(a) The Deputy Chief of Staff for Operations and Plans (DCSOPS) is responsible for establishing law enforcement policy and procedures for the military absentee and deserter apprehension programs. The DCSOPS will—

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(1) Exercise staff supervision over Army law enforcement activities.

(2) Integrate operational control of the National Crime Information Center (NCIC) elements at the U.S. Army Deserter Information Point (USADIP).

(3) Provide operational control of the NCIC elements at the USADIP.

(4) Be the Department of the Army point of contact for the Federal Bureau of Investigation (FBI) on absentee and deserter apprehension policy matters.

(b) The Deputy Chief of Staff for Personnel (DCSPER) is responsible for establishing personnel policy on absentees and deserters and will—

(1) Exercise staff supervision over the USADIP.

(2) Develop programs to assist commanders in deterring absenteeism.

(3) Evaluate statistical profile data furnished by the Commanding General (CG), U.S. Total Army Personnel Command (PERSCOM) and CG, U.S. Army Personnel Information Systems Command (PERSINSCOM).

(c) Commanders of major Army commands (MACOMs) will—

(1) Supervise reporting and coordinate Army programs for the return to military control (RMC) of absentees, deserters, defectors, and special category absentees.

(2) Ensure deserters returned to military control are reported IAW this part to end apprehension actions.

(3) Provide military police support for the return of special category absentees and deserters from foreign countries to the Continental United States (CONUS) when required.

(4) Assist in the return of soldiers to overseas commands under status of forces agreement.

(5) Assure that recommended changes to Army Regulation 5-9 are proposed and coordinated with other MACOMs.

(d) Commanding General, U.S. Army Criminal Investigation Command (USACIDC) is responsible for—

(1) Entering and clearing subjects of USACIDC investigations and special category absentees reported by overseas commanders in the NCIC wanted person file.

(2) Coordinating retrieval of records through the Director, U.S. Army Crime Records Center (USACRC) from the De-

fense Investigative Service (DIS) for special category absentees.

(e) Commander, U.S. Army Enlisted Records and Evaluation Center (USAEREC) will—

(1) Receive documentation and provide verification of reports of desertion and return to military control.

(2) Maintain a centralized deserter data base for deserter statistical reporting requirements from the Automated Personnel Accounting System.

(3) Maintain management data received on DD Form 616 (Report of Return of Absentee) to identify—

(i) The number of deserters returned to military control monthly.

(ii) The mode of return (surrender to or apprehended by military authorities, Department of Defense civilian police, civilian authorities, or FBI).

(iii) Cases administratively closed (death, discharge, erroneous entry, and so forth). Date should be recorded in the processing month to hasten report compilation.

(f) Chief, U.S. Army Deserter Information Point will—

(1) Verify and document reports of desertion and return to military control.

(2) Maintain a central deserter data base.

(3) Provide data to DCSOPS, DCSPER, CG, PERSCOM and CG, PERSINSCOM, as required.

(4) Complete cross checks against the Army Enlisted Master File (EMF), Joint Service Software, and other data systems to prevent false apprehension.

(5) Query other Army automated personnel files to prevent mistaken reports of desertion.

(6) Provide DD Form 553 (Deserter/Absentee Wanted by the Armed Forces) and DD Form 616 (Report of Return of Absentee) to military and civilian law enforcement authorities, to include the FBI when appropriate.

(7) Advise U.S. Department of State, Deputy Assistant Secretary for Passport Services, of U.S. Army alien deserters who are known or suspected to have entered a foreign country, return to military control, or are discharged in absentia.

(8) Enter wanted information into the NCIC.

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(g) All Army installation commanders with active Army manpower assets have responsibilities for reporting and returning deserters to military control.

(1) Coordinating installation commanders return of deserters to military control within their designated areas of responsibility.

(2) Supporting installation commanders have responsibility for all locations within 50 miles of their respective installations. When efficiency and economy demand, these distances can be increased or diminished as determined between the coordinating installation and the supporting installation.

(h) Installation provost marshals will endeavor or resolve procedural arrangements at the lowest command level IAW AR 5-9.

Subpart B—Absent Without Leave

§ 630.5 Notification.

(a) The unit commander notifies the local provost marshal within 24 hours after a soldier has been reported absent without leave (AWOL). Special category absentees are reported as deserters IAW § 630.10 of this part.

(b) On receipt of an AWOL report, the provost marshal initiates a DA Form 3975 (Military Police Report) and a corresponding blotter entry on DA Form 3997 (Military Police Desk Blotter).

§ 630.6 Surrender to unit commander.

If an AWOL soldier surrenders to the parent unit the following procedures apply:

(a) The unit commander immediately notifies the Provost Marshal that the soldier has returned.

(b) The provost marshal finalizes the DA Form 3975 and makes a reference blotter entry. The provost marshal forwards DA Form 3975 and 4833 (Commander's Report of Disciplinary or Administration Action) with an appropriate suspense date through the appropriate field grade commander to the unit commander for action.

(c) The unit commander reports action taken to the provost marshal on DA Form 4833 not later than the assigned suspense date.

§ 630.7 Surrender or apprehension at other installations.

(a) If an AWOL soldier surrenders to or is apprehended by a provost marshal other than the parent installation, the apprehending provost marshal

(1) Issues DD Form 460 (Provisional Pass) IAW AR 190-45, paragraph 5-2, and verbal orders to the soldier to return to their proper station. The DD Form 460 and transportation requests are used instead of an escort if there is a reasonable expectation that the soldier will comply. Express mail may be used to forward the DD Form 460 to the absentee. DD Form 460 will not be required if the provost marshal elects to return the soldier through different means.

(2) Prepares and forwards DA Forms 3975 and 4833, along with a copy of DD Form 460 to the parent installation provost marshal.

(b) The parent installation provost marshal—

(1) Completes a reference blotter entry reflecting the AWOL soldier's RMC.

(2) Forwards DA Form 3975 and DA Form 4833, with an appropriate suspense, through the field grade commander to the unit commander.

(3) On return of the completed DA Form 4833 from the unit commander, forwards the original and one copy of the form to the apprehending provost marshal. The parent installation Provost Marshal may retain a copy of DA Form 3975 and DA Form 4833 pertaining to the case.

Subpart C—Desertion

§ 630.8 Administrative report.

(a) The unit commander administratively classifies an absentee as a deserter and completes DD Form 553 when one or more of the following applies:

(1) The facts and circumstances of the absence, without regard to the length of absence, indicates that the soldier may have committed the offense of desertion, as defined in articles 85 and 86 of the Uniform Code of Military Justice (UCMJ).

(2) The soldier has been AWOL for 30 consecutive days.