

Military Police

**Absentee  
Deserter  
Apprehension  
Program and  
Surrender of  
Military  
Personnel to  
Civilian Law  
Enforcement  
Agencies**

Headquarters  
Department of the Army  
Washington, DC  
18 January 2007

**UNCLASSIFIED**

# ***SUMMARY of CHANGE***

AR 190-9

Absentee Deserter Apprehension Program and Surrender of Military Personnel to Civilian Law Enforcement Agencies

This rapid action revision dated 18 January 2007--

- o Adds a requirement that all law enforcement officers who conduct prisoner escorts be issued a Department of the Army Escort Credential (para 4-2d).
- o Makes administrative changes (throughout).

This major revision dated, 9 November 2004--

- o Adds the requirement for Special Court-Martial convening authority to appoint a Deserter Control Officer (para 1-4g).
- o Clarifies procedures on Military Police Reporting for deserters who surrender at an installation other than their parent installation (para 4-5).
- o Changes proponentcy from the DCS, G-3 to the Office of the Provost Marshal General throughout the regulation.

Military Police

**Absentee Deserter Apprehension Program and Surrender of Military Personnel to Civilian Law Enforcement Agencies**

By Order of the Secretary of the Army:

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General, United States Army  
Chief of Staff

Official:

  
JOYCE E. MORROW  
Administrative Assistant to the  
Secretary of the Army

**History.** This publication is a rapid action revision.

**Summary.** This publication covers provost marshal procedures and responsibilities for military personnel who are in an absentee or deserter status and procedures and responsibilities for surrender of military personnel to civilian law enforcement authorities. This regulation supports the approved parts of the Joint Service Plan for Deserter Apprehension Program, dated July 1978, and DODD 1325.2.

**Applicability.** This regulation applies to the Active Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve unless otherwise stated. This regulation is not applicable to Soldiers of the Army National Guard serving on annual training or full-time training duty status under the provisions of Title 32, United States Code. Commanders in overseas areas may

deviate from the Federal Bureau of Investigation National Crime Information Center requirements when prohibited by local conditions and international law, including applicable treaties or agreements with foreign governments or armed forces. The provisions of chapter 7 of this regulation apply only to Soldiers in the Active Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve who are sought by Federal, State, or local law enforcement officials. The authority of U.S. military officials to apprehend, detain, and deliver U.S. personnel to the authorities of a host nation or other foreign country are governed by the provisions of applicable international agreements, United States and host nation law, AR 27–50, and the directives of the overseas command.

**Proponent and exception authority.** The proponent of this regulation is The Provost Marshal General. The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The proponent may delegate this approval authority, in writing, to a division chief within the proponent agency or its direct reporting unit or field operating agency, in the grade of colonel or the civilian equivalent. Activities may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include 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 (see appendix B).

**Supplementation.** Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from The Provost Marshal General (DAPM–MPD–LE), Washington, DC 20310–2800.

**Suggested improvements.** Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publication and Blank Forms) directly to HQDA, Office of the Provost Marshal General (DAPM–MPD–LE), 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/Army National Guard of the United States, and the U.S. Army Reserve.

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## Chapter 1 Introduction

### 1-1. Purpose

This regulation provides policies and procedures for—

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

### 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 (PMG) is responsible for establishing law enforcement policy and procedures for the military absentee and deserter apprehension program. The PMG will—

- (1) Exercise staff supervision over Army law enforcement activities.
- (2) Integrate the apprehension program with the National Crime Information Center (NCIC).
- (3) Provide operational control of the NCIC elements at the U.S. Army Deserter Information Point (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.
- (5) Exercise staff supervision over the law enforcement function of USADIP.
- (6) Coordinate with the Deputy Chief of Staff, G-2 (DCS, G-2) when a special category absentee is reported, and when special category absentees or defectors are returned to military control.

b. The Deputy Chief of Staff, G-1 (DCS, G-1) is responsible for establishing personnel policy on absentees and deserters and will—

- (1) Exercise staff supervision over the administrative function of USADIP.
- (2) Develop programs to assist commanders in deterring absenteeism.
- (3) Evaluate statistical profile data furnished by the Commanding General (CG), Human Resources Command (HRC).

c. The Deputy Chief of Staff, G-2 (DCS, G-2) will—

(1) Upon notification of a special category absentee or defector, ensure appropriate counterintelligence elements are notified to assist the provost marshal and to debrief the individual upon return to military control for counterintelligence purposes.

(2) Check with the Office of Deputy Chief of Staff, G-2 (ODCS, G-2) records for known defectors and advise the PMG when an individual surrenders and claims to be a defector.

d. Commanders of Army Commands (ACOMs), Army Service Component Commands (ASCCs), and Direct Reporting Units (DRUs) will—

(1) Supervise the reporting and coordination of 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 per this regulation and Army Regulation (AR) 630-10 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.

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

(1) Entering and clearing subjects of USACIDC investigations in the NCIC wanted persons file.

(2) Coordinating retrieval of records through the Director, U.S. Army Crime Records Center (USACRC) from other Federal agencies for special category absentees.

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 database.

(3) Provide data to PMG; DCS, G-1; and CG, Human Resource Command (HRC), as required.

(4) Complete crosschecks 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 a DD Form 553 (Deserter/Absentee wanted by the Armed Forces) and a 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, returned to military control, or are discharged in absentia.

(8) Enter and cancel wanted information on deserters into the NCIC.

*g.* Commanders of installations and United States Army Reserve (USAR) regional support commands (and the 65th Regional Readiness Command), and U.S. property, and fiscal officers of the National Guard. All commanders of Army installations, Active and Reserve Army have responsibilities for reporting and returning deserters to military control. Commanders will return deserters to military control within their designated area of responsibility. Commanders having correctional facilities on their installation are responsible for entering and canceling wanted information in NCIC on parole violators and individuals on Mandatory Supervised Released when their release is revoked.

*h.* The special court-martial convening authority will appoint a Deserter Control Officer within personnel services to—

(1) Verify the accuracy and complete preparation of all documents reporting a Soldier as dropped from the rolls (DFR) for dispatch to the USADIP within 30 days after the Soldier is DFR.

(2) Ensure coordination between law enforcement officials and personnel administrators at all command levels when a Soldier is reported as an absentee or returns to military control. Chapters 3 and 4 of this regulation and AR 190–45, chapter 4, provide information on provost marshal procedures for reporting deserters and those that RMC.

(3) Ensure accounting and verification of status in all automated personnel, medical, and pay systems when the Soldier is DFR and returns to military control.

(4) Monitor the Soldier's status to return him or her to military control.

(5) Keep the parent unit commander informed of the Soldier's status.

(6) Coordinate return of DFR Soldiers with the parent Deserter Control Officer and civilian or military law enforcement agency who may be detaining the Soldier. The parent unit that initially reported the Soldier's absence will provide escort, if deemed necessary, using the fund cite authorized by Chief, USADIP.

(7) Ensure a military detainer is filed for Soldiers being held in civilian confinement facilities.

(8) Coordinate processing of deserters with the USADIP to assist in their timely reporting and return to military control.

*i.* Installation provost marshals will endeavor to resolve procedural arrangements at the lowest command level.

## **Chapter 2 Absent Without Leave**

### **2–1. Notification**

*a.* The unit commander notifies the local provost marshal within 48 hours after a Soldier has been reported absent without leave (AWOL). Special category absentees are reported as deserters per paragraph 3–3 of this regulation.

*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).

### **2–2. 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.

*c.* The provost marshal forwards DA Forms 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.

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

### **2–3. Surrender or apprehension at other installations**

*a.* If an AWOL Soldier surrenders to or is apprehended by a provost marshal other than at the parent installation, the apprehending provost marshal—

(1) Issues a DD Form 460 (Provisional Pass) per AR 190–45, and verbally orders the Soldier to return to his/her proper station. The DD Form 460 and transportation request 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. A DD Form 460 will not be required if the provost marshal elects to return the Soldier through different means.

(2) Prepares and forwards an information only 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 Forms 3975 and 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 copies of DA Forms 3975 and 4833 pertaining to the case.

## **Chapter 3**

### **Desertion**

#### **3-1. 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, indicate that the Soldier may have committed the offense of desertion, as defined in Article 85, Uniform Code of Military Justice (UCMJ, Art. 85) and paragraphs 4, 6, and 9, and part IV, of the Manual for Courts-Martial (MCM).

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

(3) The Soldier, without authority, has gone to or remains in a foreign country and, while in the foreign country has requested, applied for, or accepted, any type of asylum, or resident permit from the country, or any governmental agency.

(4) The Soldier escapes from confinement.

(5) The Soldier is a special category absentee.

(6) The Deputy Assistant Secretary of the Army (Manpower and Reserve Affairs) and Director, Army Review Boards Agency has revoked the parole status of an individual.

*b.* The unit commander promptly reports deserters to the provost marshal via DD Form 553 per AR 630-10, chapter 3.

#### **3-2. Processing deserter reports**

*a.* On receipt of reports of desertion or defectors, the provost marshal completes a blotter entry per AR 190-45, paragraph 4-11. This is an initial blotter entry if a previous absentee entry had not been made.

*b.* The provost marshal then—

(1) Ensures that the unit commander has accurately completed a DD Form 553.

(2) Screens installation and state vehicle registration and completes identification portions of the DD Form 553.

(3) In the remarks section of a DD Form 553 adds other known information about the Soldier such as—

*(a)* Confirmed or suspected drug abuse.

*(b)* History of violence.

*(c)* History of escapes or attempted escapes from custody.

*(d)* Suicidal tendencies.

*(e)* Suspicion of involvement in violent crimes for which there is a record of an active military police investigation being prepared and forwarded.

*(f)* History of other unauthorized absence.

*(g)* Any other information in the apprehension process or to protect the deserter or apprehending authorities.

(4) Initiates a DA Form 3975 (if not previously completed as an AWOL report) and assigns a USACRC crime control number to the case.

(5) Returns the completed DD Form 553 to the unit commander within 24 hours. The provost marshal retains a copy of the DD Form 553.

(6) Follows the procedures in paragraph 3-3 for special category absentees.

*c.* Within 48 hours of the Soldier being DFR of the unit the unit commander forwards the DD Form 553, with associated documents, through the personnel service center to Chief, U.S. Army Deserter Information Point, ATTN: ATZK-PMF-D, Bldg 1481 Old Ironsides Avenue, Fort Knox, KY 40121-5238.

### **3-3. Special category absentees**

Commanders of absent Soldiers assigned to special mission units and Soldiers who have had access to Top Secret, Sensitive Compartmented Information, or Special Access Program information during the 12 months preceding the absence immediately report the Soldier as a deserter regardless of the length of absence. On receipt of a special category absentee the provost marshal—

- a.* Completes the procedures in paragraph 3-2 immediately.
- b.* Queries the NCIC missing person, interstate identification, and unidentified person files for a possible match using the absentee's identifying information (social security number, date and place of birth, and physical description) to determine if he or she has been previously entered into the NCIC.
- c.* Enters the Soldier into the NCIC wanted file after determining the Soldier has not been entered previously. Outside continental United States (OCONUS) provost marshal NCIC entries are completed by sending a copy of the DD Form 553 to the USACRC facsimile machine defense system network (DSN) telephone number 656-0395 or commercial (703) 806-0395. OCONUS provost marshals who do not have facsimile equipment express mail the DD Form 553 to Director, USACRC, ATTN: CICR-ZA, 6010 6th Street, Fort Belvoir, VA 22060.
- d.* Requests the assistance of the Director, USACRC, in obtaining pertinent information from security records maintained by other Federal agencies.
- e.* Requests assistance of the U.S. State Department, in identifying and suspending existing passports and pending applications pertaining to the deserter. This includes transmitting a copy of the DD Form 553 by facsimile or express mail to the U.S. State Department, ATTN: PPT/PAS/LA, 2201 C Street NW, Washington, DC 20520. A point of contact in the provost marshal office must be provided for the U.S. State Department. The facsimile commercial telephone number is (202) 663-2654.
- f.* Notifies USACIDC, supporting counterintelligence office, local FBI office, and local and State law enforcement agencies of the Soldier's absence to establish an investigative task force. The task force acts as the focal point in collecting and disseminating information obtained through investigative activity.
- g.* Requests assistance from the nearest Air Force Office of Special Investigation (OSI) to determine if the absentee has been granted passage on a U.S. Air Force Air Mobility Command flight. Notification is also made to Headquarters, U.S. Air Force to deny passage on an Air Mobility Command flight by calling the Office of Special Investigations, Scott Air Force Base, IL, DSN 576-5413 or commercial 618-256-5413.
- h.* Transmits an electronic alert through the National Law Enforcement Telecommunications Systems (NLETS) to broadcast within the State, a specific State, and/or regional broadcast (contiguous five States). NLETS messages must include the deserter's complete name, social security number, date and place of birth, physical description, and a statement that an entry has been made into the NCIC.
- i.* Coordinates with the Office of the Staff Judge Advocate to obtain search warrants, court orders, or subpoenas for searches of the deserter's residence, financial, credit card, postal, telephone, insurance, housing utilities, civilian medical records, and access to commercial land, air, and sea transportation records.
- j.* Cancels the NCIC entry when notified by Chief, USADIP, that the deserter packet has been received and the Chief, USADIP, is prepared to assume responsibility as the point of contact for verification of deserters.

### **3-4. Escaped prisoner**

*a.* An escaped prisoner whose discharge has not been executed is administratively classified as a deserter. The installation provost marshal—

- (1) Requests assistance from civilian law enforcement agencies including the FBI.
  - (2) Forwards copies of DD Form 553 to Chief, USADIP, showing distribution with Item 10 marked 'N/A.'
  - (3) Enters a temporary warrant into the NCIC.
- b.* An escaped military prisoner whose discharge has been executed and who is not under the custody of the U.S. Attorney General is reported as an escaped military prisoner, not a deserter. The custodian of an escaped military prisoner's personnel records prepares DD Form 553 clearly stating in items 12 and 19 that the individual is an escaped military prisoner. The DD Form 553 is sent to the installation provost marshal. A temporary warrant is entered into the NCIC by the installation provost marshal.

### **3-5. U.S. Army Deserter Information Point procedures**

- a.* The Chief, USADIP—
- (1) Verifies information on the DD Form 553 with permanent personnel records at the Human Resources Command.
  - (2) Enters the Soldier's name into the NCIC.
  - (3) Forwards a copy of the DD Form 553 to all Federal, State, and local law enforcement agencies that may be involved in the apprehension process.
  - (4) Forwards a copy of the DD Form 553 to the provost marshal nearest the deserter's home of record.
  - (5) Forwards a copy of the DD Form 553 to the USACRC, ensuring the USACRC control number is legible.

b. The Army entry into the NCIC wanted person file normally is sufficient to support civilian police apprehension assistance.

## **Chapter 4**

### **Return to Military Control**

#### **4-1. Absent without leave/deserter apprehension efforts**

The return of absentees to military control is a command responsibility. Military police will generally not be committed to proactive efforts to apprehend AWOL Soldiers or deserters except when the provost marshal determines that such efforts are warranted by specific circumstances. Examples of 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 paragraph 3-3 of this regulation.

#### **4-2. 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 a reasonable expectation that the absentee will not comply.
- (2) The absentee is a special category absentee per paragraph 3-3 of this regulation.
- (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 resources. If law enforcement personnel are used as escorts, they will contact the Federal Security Director, Transportation Security Administration, at the airport of departure, not later than 24 hours prior to departure.

d. All law enforcement officers who conduct escorts will be issued a DA Form 7630 (Department of the Army Law Enforcement Escort Credential) prior to conducting the escort. The Installation Provost Marshal/Director, Directorate of Emergency Services (DES) will authorize the issue of the DA Form 7630. The form will be issued by either the PM and/or DES operations officer/sergeant (this task cannot be delegated). The DA Form 7630 can be downloaded from the Centralized Operations Police Suite (COPS). The form will be issued for no more than a 7 day period. The DA Form 7630 will be recovered by the provost marshal and/or DES operations officer/sergeant upon completion of the escort and destroyed. The provost marshal and/or DES operations officer/sergeant will maintain a log that reflects the name and grade of the law enforcement officer who is conducting the escort; the date of issue; the expiration date; the date of destruction; and the name and signature of the issuing official. Law enforcement escorts flying on commercial airlines must comply with 49 CFR 1544.219. Specifically, escorts must complete all necessary training and notification with the Transportation Security Administration before conducting armed escort operations on commercial aircraft. The DA Form 7630 will not be issued until such necessary training and notification is completed.

#### **4-3. 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 rights per UCMJ, Art. 31, 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 a DD Form 369 (Police Record Check) with a complete set of fingerprints to the Chief, U.S. Army Deserter Information Point, ATTN: ATZK-PMF-D, Bldg 1481, Old Ironsides Avenue, Fort Knox, KY 40121-5238. The fingerprints must also be accompanied by a 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 20537-9700, for fingerprint comparison and identification.

*d.* In the event the status of the individual cannot be immediately determined, the individual will not be detained. The provost marshal will obtain 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.

*e.* Coordination will also be made with the Installation Deserter Control Officer.

#### **4-4. Surrender or apprehension on parent installation**

*a.* The parent installation provost marshal—

(1) Verifies the deserter's military status per paragraph 4-3.

(2) Coordinates 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 returned to military control. Ensures that a NCIC check is completed on each absentee. Coordinates with the local installation CID office to ensure that there is no Criminal Investigation Division (CID) interest in the absentee.

(4) Prepares and submits a 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) Prepare DA Forms 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 date, and one copy of DA Form 3975 to the Personnel Control Facility (PCF) commander or installation commander processing the deserter.

(8) Receives the completed DA Form 4833 and 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*, above.

*c.* Coordination will also be made with the Installation Deserter Control Officer.

#### **4-5. Surrender or apprehension at another installation**

*a.* The provost marshal follows the procedures in paragraph 4-4 and obtains the USACRC control number from Chief, USADIP for use in completing the DD Form 616 and DA Forms 2804, 3975, and 4833. The provost marshal will complete an information military policy report (MPR) only, utilizing the CRC number from the original MPR generated by the parent installation of the absentee. The provost marshal at the parent installation will update the original MPR with the new information, or complete a supplemental report if the original MPR had been closed. Ensures that a National Crime Information Center (NCIC) check is completed on each absentee. Coordinates with the local installation CID office to ensure that there is no CID interest in the absentee.

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

*c.* Coordination will also be made with the Installation Deserter Control Officer.

#### **4-6. Surrender or apprehension off an Army installation**

Commanders located off of an Army installation—

*a.* Notify the ACOM, ASCC, DRU, or the provost marshal at the nearest Army installation, within whose area of responsibility the activity is located.

*b.* Furnish the provost marshal at the nearest Army installation 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 Chief, U.S. Army Deserter Information Point, ATTN: ATZK-PMF-D, Bldg 1481 Old Ironsides Avenue, Fort Knox, KY 40121-5238.

*e.* Check to ensure that all absentees and deserters are returned to military control.

*f.* Coordination will also be made with the Installation Deserter Control Officer.

#### **4-7. 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 stationing 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. The Army area provost marshal ensures that a NCIC check is completed on each absentee, and coordinates with the local installation CID office to ensure that there is no CID interest in the absentee.

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 attache notifies the 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—

- (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.

#### **4-8. Escaped military prisoner**

a. When an escaped military prisoner is returned to military control, the provost marshal—

- (1) Notifies the commander of the confinement or correctional facility from which the prisoner escaped.
- (2) Completes and forwards DD Form 616 to Chief, USADIP.

b. Unless otherwise directed by Headquarters (HQDA), Office of the Provost Marshal General (DAPM-MPD-CI), the commander of the installation to which the prisoner is returned provides guards and transportation to the nearest supporting confinement facility.

c. Escapees from other U.S. Army correctional activities are returned to the confinement or correctional facility from which the prisoner escaped unless otherwise directed by HQDA, Office of the Provost Marshal General (DAPM-MPD-CI).

d. The Chief, USADIP forwards a DD Form 616 to the recipients of DD Form 553.

#### **4-9. Other armed services deserters**

a. Requests for status of alleged deserters from other Armed Services may be made through an inquiry in the NCIC. When the response from the NCIC is negative, the following appropriate Service may be contacted—

- (1) *U.S. Air Force.* Commander, U.S. Air Force Military Personnel Center, Randolph Air Force Base, TX 78150-6001, DSN 487-5118.
- (2) *U.S. Navy.* Commander, Naval Military Personnel Command, Code NMPC-843, Washington, D.C. 20370-5643, DSN 224-2551 or commercial, toll free 1-800-336-4974.
- (3) *U.S. Marine Corps.* Commandant of the Marine Corps, Corrections Branch (MHC), Headquarters, U.S. Marine Corps, Building 2008, MCCDC, Quantico, VA 22130-5000, DSN 278-3976.

b. When Army absentees or deserters are received from civil authorities in CONUS, all military absentees and deserters, regardless of the military Service to which they belong, are transported at the same time.

c. Unless there are specific arrangements among the military Services, the following applies when Army personnel take custody of absentees or deserters from civil authorities in CONUS—

- (1) Notify the other military authorities in advance that the individual will be taken into custody and delivered to the nearest military installation having facilities to process absentees or deserters.
- (2) When custody cannot be effected, notify the nearest installation of the service concerned that the person will remain in civilian custody.

d. Absentees and deserters from the other Services and the Coast Guard may be received at any U.S. Army installation that has facilities for reception and custody. They are transferred immediately to the nearest appropriate installation of their Service.

#### **4-10. Transportation**

a. If commercial transportation is necessary—

- (1) The responsible transportation office arranges for movement.

- (2) Cost and speed of transportation are considered.
- (3) International and CONUS travel is arranged only on U.S. commercial air carriers flying regularly scheduled routes, certified route carriers, supplemental air carriers, or charter air taxi operations.
- (4) Military personnel escorting absentees or deserters must comply with commercial air carrier rules and with AR 190–47. If law enforcement personnel are used as escorts, they will contact the Federal Security Director, Transportation Security Administration, at the airport of departure, not later than 24 hours prior to departure.
- (5) Expenses (transportation, reward payment, reimbursement to civilian law enforcement authorities) associated with the return of absentees or deserters to their proper station are chargeable to the Military Personnel, Army Appropriation Account. Commanders are authorized to make charges against these accounts for the transportation of escorts, and the deserter, and for payment of reward, or reimbursement when the returnee is delivered to an installation or detained for military authorities.
- (6) The approving authority reviews paid travel and per diem vouchers for efficiency, economy, and accuracy in statements of travel performed. When feasible, one-day return travel should be used to reduce costs.
  - b. Transportation expenses for use of guards to return absentees or deserters to their proper station or to military authorities are charged to the budget activity account 'Other Military Personnel Costs.'

## **Chapter 5**

### **Civilian Correctional or Medical Facilities**

#### **5–1. Military detainer**

a. A military detainer must be placed when civilian authorities are holding a Soldier and release of the Soldier is not imminent. The installation commander or provost marshal may initiate a detainer. The purposes for filing a detainer are to—

- (1) Officially inform civilian authorities that an Army Soldier is in their custody and military authorities want to assume custody at release.
  - (2) Request military authorities are kept advised on the status of actions taken by civilian authorities.
  - (3) Permit military authorities to monitor the person's military status while in civilian custody.
- b. A detainer is cancelled when the person is released to military custody.
- c. If an AWOL or DFR individual is being detained by civilian authorities the military police—
- (1) Notify the proper installation commander or coordination authority at once that the individual—
    - (a) Is being detained by civilian authorities on civil or criminal charges.
    - (b) Is committed to a civilian medical facility.
  - (2) Place a military detainer with the civilian law enforcement agency and inform the installation commander or coordinating authority of—
    - (a) Changes or medical problems concerning the absentee.
    - (b) Probable length of detention by civilian authorities.

#### **5–2. Action on return to military control**

a. The military authority first receiving or apprehending the absentee or deserter, or receiving word of their detention by civilian authorities immediately contacts the installation or area provost marshal and provides the following data:

- (1) Name, grade, and social security number of the absentee.
  - (2) Date absence began and unit from which absent.
  - (3) Absentee, deserter, or escaped prisoner status.
  - (4) Date, place, and military unit, or civilian agency where the person was apprehended, surrendered, or detained.
  - (5) Unit to which the absentee or deserter will be assigned or attached on return.
- b. When military law enforcement personnel are the first military authority receiving a report of an AWOL or DFR person's apprehension or surrender the following actions are also taken:
- (1) Initiate an inquiry with the NCIC. When the NCIC inquiry shows the individual is wanted by civilian law authorities for a criminal offense, immediately contact the civilian agency. Advise the civilian agency of the individual's location and where the return to military control will be made. Place the results in item 9 of a DD Form 616 and send it to the commander receiving the returnee. All Army returnees wanted for a criminal offense other than AWOL, or desertion are reported to Commander, USACIDC, ATTN: CTCR–ZA, 6010 6th Street, Fort Belvoir, VA 22060 to ensure that military law enforcement investigations or criminal charges are not pending.
  - (2) When the individual is not wanted for a criminal offense, coordinate RMC with the appropriate military personnel office and take action in paragraph c, below.
- c. Absentees and deserters being held temporarily by civilian authorities are returned to military control as soon as

possible. Military authorities should strive to return absentees or deserters to military control within 48 hours after being notified of their whereabouts and impending release.

### **5-3. Civilian detention facilities**

*a.* When necessary, civilian detention facilities may be used to temporarily detain absentees, deserters, or escaped military prisoners. Contracts providing for payment of actual costs for detention may be made with state or county jails that have been approved by the Bureau of Prisons, U.S. Department of Justice information about approved facilities is available from the nearest U.S. Marshal's office.

*b.* Contracts must contain standards of treatment of military prisoners per AR 190-47. The Federal Acquisition Regulation, The Federal Acquisition Supplement, and the Army Procurement Procedure Supplement govern these contracts.

### **5-4. Costs of civilian detention facilities**

*a.* Civilian authorities may be reimbursed according to contracts for temporary detention after military authorities have assumed custody. DODD 1325.2, chapter 4, authorizes payment from the date further detention was requested. This does not authorize payment for subsistence and detention for the same period for which a reward was authorized. This does not preclude payment of reward or reimbursement for reasonable expenses for periods before delivery to military custody. Detained officers receiving basic allowance for subsistence (BAS) are charged the cost of subsistence.

*b.* Costs incurred by the Army for detention under an Army contract are paid to the civilian facility. Any payment to the Army by another Armed Service must be by prior agreement between the commanders concerned.

## **Chapter 6 Payment of Rewards and Reimbursements**

### **6-1. Rewards**

*a.* Receipt of an authorized communication, oral, or written (for example DD Form 553 and entry into the NCIC) from a military or Federal law enforcement official or agency, requesting cooperation in the apprehension, or delivery to military control of an absentee, or deserter wanted by the Armed forces constitutes the basis for a reward.

*b.* A reward can be paid to an eligible person or agency who apprehends and detains an absentee or deserter until military authorities assume control. The finance and accounting officer designated by the ACOM, ASCC, or DRU commander pays the claimant. If two or more eligible persons or agencies are entitled to a reward, the payee may divide the payment among the participants. Payment for an apprehension effected jointly by an eligible and ineligible person, or agency may be claimed by the eligible person, or agency. Ineligible persons may not share in payments.

*c.* Payment of a reward to persons or agencies is authorized as indicated below—

(1) A reward for apprehension and detention of an absentee or deserter until military authorities assume custody.

(2) A reward for apprehension of an absentee or deserter and subsequent delivery to a military installation with facilities to receive and process absentees and deserters.

*d.* The reward may not exceed the amount specified in the current defense appropriation act for—

(1) The apprehension and detention of absentees or deserters until military authorities take custody.

(2) The apprehension and delivery to military authorities of absentees or deserters.

*e.* A reward or reimbursement for expenses is not authorized for an Armed service member, Federal government employees, a lawyer on whose advice an absentee or deserter surrenders, or when payment would violate public policy.

### **6-2. Reimbursement payments**

*a.* Reimbursement payments to official agencies is authorized when—

(1) A reward has been offered.

(2) Reimbursement is requested in place of a reward.

*b.* Reimbursement for reasonable and actual expenses may be made to more than one eligible person or agency. However, total reimbursement for the return of an absentee or deserter may not exceed the amount authorized for reward.

*c.* Dual payment (reward and reimbursement) relating to one absentee or deserter is prohibited.

*d.* Official transportation and personal services payment are not made for—

(1) Transportation by official vehicle.

(2) Personal services of the claimant.

(3) Apprehension and detention not followed by return to military custody.

### **6-3. Documentation**

*a.* Payment of reward or reimbursement for expenses is documented by processing Standard Form 1034 (Public

Voucher for Purchase and Services Other Than Personal). The following information must be provided on SF 1034 or supporting documents:

- (1) Name, social security number, and last duty station (DD Form 553 or DD Form 616) of the absentee.
  - (2) Date, place of arrest, and place of return to military custody (DD Form 616).
  - (3) Signed statement by claimant that the agency qualifies for a reward under paragraph 6-1a, b, or c.
  - (4) Statement signed by military representative documenting either of the following—
    - (a) Delivery to a military installation with facilities to receive and process absentees and deserters.
    - (b) Military custody assumed at a site other than a military installation or facility.
  - (5) Army forms provided to claimants to support payment request.
- b. When required, military pay vouchers are prepared for absentees and deserters per AR 37-104-4, chapter 4.

## **Chapter 7**

### **Surrender of Military Members to Civilian Law Enforcement Officials**

#### **7-1. Overview**

a. This chapter establishes provost marshal procedures and responsibilities for the surrender of Soldiers to civilian law enforcement authorities. It is the policy of the Department of the Army to cooperate with civilian authorities unless the best interest of the Army will be prejudiced.

b. Provost marshals assist in the delivery of a Soldier to civilian authorities per this regulation and applicable personnel management regulations. AR 630-10, chapter 7, provides personnel management policies and procedures on the surrender of Soldiers to civilian authorities.

#### **7-2. Continental United States**

a. Generally, provost marshal activity is limited to ensuring that a military detainer is prepared and signed when surrendering a Soldier to civilian law enforcement officials (see para 7-1).

b. There is no statutory authority for a commander to deliver a Soldier to a bail bondsman or other surety. The surety must coordinate with the installation Staff Judge Advocate and the commander of the Soldier prior to attempting to apprehend the Soldier. To preserve peace and order on the installation, military police will accompany the surety to observe the surety taking custody of the Soldier.

#### **7-3. Outside continental United States**

a. In foreign countries, the authority of U.S. military personnel to apprehend, detain, and deliver U. S. personnel to civil authorities of foreign countries is governed by the provisions of international agreements, AR 27-50, and the laws of the host nation. The extent of the authority in a particular country is determined from directives published by the OCONUS ASCC or DRU commander.

b. Chief, Operations Division, Office of the Provost Marshall General (OPMG)—

(1) Coordinates approved requests for surrender of the Soldier with the civilian law enforcement agency or prosecuting attorney's office requesting surrender of the Soldier. Transportation costs of the Soldier from the point of debarkation are the responsibility of the requesting agency.

(2) Coordinates surrender of the Soldier with the felony warrant or extradition division of the civilian law enforcement agency or Federal law enforcement agency at the point of debarkation.

(3) Contacts the CONUS installation provost marshal with area of responsibility for assistance in the surrender of the Soldier.

c. ASCC provost marshal with area responsibility—

(1) If requested by the General Court-Martial convening authority or designee, arranges escort of the Soldier to the point of embarkation or debarkation in CONUS.

(2) Notifies Chief, Operations Division, OPMG, of the departure date, time, flight number, and the name of the individuals who will escort the Soldier, if applicable.

(3) If law enforcement personnel are used as escort, they will contact the Federal Security Director, Transportation Security Administration, at the point of embarkation or debarkation in CONUS, not later than 24 hours prior to departure.

d. CONUS provost marshal with area of responsibility—

(1) Prepares a military detainer for the Soldier to be surrendered.

(2) Meets the aircraft, assists in the surrender of the Soldier, and presents the military detainer.

(3) Provides a copy of the detainer and attachment order to the commander of the PCF or the unit to which the Soldier will be attached.

## **Appendix A References**

### **Section I Required Publications**

#### **AR 27-50**

Status of Forces Policies, Procedures, and Information. (Cited in paras 4-7a, 4-10, and 7-3a.)

#### **AR 190-45**

Law Enforcement Reporting. (Cited in paras 2-3a(1) and 3-2a.)

#### **AR 190-47**

The Army Corrections System. (Cited in paras 4-10a(4) and 5-3b.)

#### **AR 630-10**

Absence Without Leave, Desertion, and Administration of Personnel involved in Civilian Court Proceedings. (Cited in paras 3-1b and 7-1b.)

#### **49 CFR 1544.219**

Carriage of accessible weapons. (Cited in para 4-2d.) (Available at <http://www.gpoaccess.gov/cfr/index.html>.)

#### **MCM**

Manual for Courts-Martial United States (2006 Edition). (Cited in para 3-1a(1).) (Available at <http://www.jag.navy.mil>.)

### **Section II Related Publications**

A related publication is a source of additional information. The user does not have to read a related reference to understand this publication.

#### **AR 37-104-4**

Military Pay And Allowances Policy

#### **DODD 1325.2**

Desertion and Unauthorized Absence (Available at <http://www.dtic.mil/whs/directives>.)

#### **UCMJ, Art. 31**

Compulsory Self-Incrimination Prohibited (Available at <http://www.army.mil/references/UCMJ/>.)

#### **UCMJ, Art. 85**

Desertion (Available at <http://www.army.mil/references/UCMJ/>.)

### **Section III Prescribed Forms**

Except where otherwise indicated below, the following forms are available as follows: DA Forms are available on the Army Electronic Library (AEL) CD-ROM (EM 0001) and the APD Web site (<http://www.apd.army.mil>); DD Forms are available from the OSD Web site (<http://www.dior.whs.mil/icdhome/forms/htm>); Standard Forms (SF) are available from the GSA Web site (<http://www.gsa.gov>).

#### **DA Form 7630**

Department of the Army Law Enforcement Escort Credential (Prescribed in para 4-2d.)

#### **DD Form 616**

Report of Return of Absentee (Prescribed in paras 1-4, 4-2, 4-3, 4-4, 4-8, 5-2, and 6-3.)

### **Section IV Referenced Forms**

**DA Form 2804**  
Crime Records Data Reference

**DA Form 3975**  
Military Police Report

**DA Form 3997**  
Military Police Desk Blotter

**DA Form 4833**  
Commander's Report of Disciplinary or Administrative Action

**DD Form 369**  
Police Record Check

**DD Form 460**  
Provisional Pass

**DD Form 553**  
Deserter/Absentee Wanted by the Armed Forces

**SF 1034**  
Public Voucher for Purchases and Services Other than Personal

## **Appendix B**

### **Management Control Checklist**

#### **B-1. Function**

The function covered by this checklist is the administration of AWOL and deserters.

#### **B-2. 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**

Answers must be based on the actual testing of key management controls (for example, document analysis, direct observation, sampling, simulation, other). Answers that indicate deficiencies must be explained and corrective action indicated in supporting documentation. These key management controls must be formally evaluated at least once every five years.

#### **B-4. Test Questions**

- a.* Are procedures in place to ensure that all AWOL Soldiers are reported to the PMO?
- b.* Are procedures in place to ensure that all deserters are reported to the PMO, as well as the installation deserter control officer, and the military pay office?
- c.* When a deserter returns to military control at an installation other than the parent installation, are procedures in place to ensure that the parent installation is notified?
- d.* Are all requests for surrender to civil authorities coordinated through the Office of the Provost Marshal General (DAPM-MPD-LE)?

#### **B-5. Suppression**

No previous management control evaluation checklist exists for this program.

#### **B-6. 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**

#### **ACOM**

Army Commands

#### **ARNG**

Army National Guard

#### **AWOL**

absent without leave

#### **ASCC**

Army Service Component Commands

#### **BAS**

basic allowance for subsistence

#### **CG**

Commanding General

#### **CID**

Criminal Investigation Division

#### **CONUS**

continental United States

#### **COPS**

Centralized Operations Police Suite

#### **CRC**

Crime Records Center

#### **DCS, G-1**

Deputy Chief of Staff, G-1

#### **DCS, G-2**

Deputy Chief of Staff, G-2

#### **DCS, G-3**

Deputy Chief of Staff, G-3

#### **DES**

Directorate of Emergency Services

#### **DFR**

dropped from the rolls

#### **DIS**

Defense Investigative Service

#### **DRU**

Direct Reporting Units

#### **DSN**

defense systems network

#### **EMF**

enlisted master file

**FBI**

Federal Bureau of Investigation

**HRC**

Human Resources Command

**HQDA, US Army**

Headquarters, Department of the Army

**MPR**

military police report

**NCIC**

National Crime Information Center

**NLETS**

National Law Enforcement Telecommunication System

**OCONUS**

outside continental United States

**PCF**

Personnel Control Facility

**PM**

provost marshal

**RMC**

return to military control

**ROTC**

Reserve Officer Training Corps

**TR**

transportation request

**UCMJ**

Uniform Code of Military Justice

**USACIDC**

U.S. Army Criminal Investigation Command

**USACRC**

U.S. Army Crime Records Center

**USADIP**

U.S. Army Deserter Information Point

**USAEREC**

U.S. Army Enlisted Records and Evaluation Center

**USAR**

U.S. Army Reserve

**Section II****Terms****Coordinating agent**

A person within a staff agency of CONUS command or CONUS installation who is responsible for coordinating and monitoring the absentee and deserter program.

**Desertion**

A violation of Article 85, UCMJ. It applies to any member of the Armed Forces who commits any of the following—

*a.* Deserter.

(1) Without authority goes or remains absent from his or her unit, organization, or place of duty with intent to remain away therefrom permanently.

(2) Quits his or her unit, organization, or place of duty with intent to avoid hazardous duty or to shirk important service.

(3) Without being regularly separated from one of the Armed Forces enlists or accepts an appointment in the same or another one of the Armed Forces without fully disclosing the fact that he or she has not been regularly separated, or enters any foreign Armed Service except when authorized by the United States. (This provision has been held not to state a separate offense by the United State Court of Military Appeals in *United States v Huff*, 7 U.S.C.M.A 247, 22 C. M.R. 37 (1956).)

(4) Any commissioned officer of the Armed Forces who, after tender of his or resignation and before notice of its acceptance, quits his or her post or proper duties without leave and with intent to remain away therefrom permanently is guilty of desertion.

*b.* Deserters are classified as defectors when they commit any of the following—

(1) Have escaped to another country and are outside the jurisdiction and control of the United States.

(2) Are unwilling to return to the United States.

(3) Are of special value to another country.

(4) Have repudiated the United States when beyond its jurisdiction or control.

**Deserter control officer**

A commissioned officer (normally a battalion or unit adjutant) appointed in desertion cases to ensure that documentation on deserters dropped from the rolls is provided in a timely manner.

**Detainer**

A written notice to civil authorities that a person in their custody is an absentee of the Army or serving on active duty with the Army and that military authorities desire to take custody on release.

**Dropped from the rolls of a unit**

An administrative action that drops an absentee from the strength accountability of a unit.

**Dropped from strength**

A strength accounting procedure used to exclude personnel from the operating strength of the Army.

**National Crime Information Center**

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

**Personnel Assistance Point**

Agencies of the U.S. Army Human Resources Command located at aerial ports of embarkation or debarkation to assist Army transient personnel enroute to or returning from overseas.

**Personnel Control Facility**

An organization that processes absentees' returned to military control from an unauthorized absence. These facilities ensure proper disposition of returnees.

**Special category absentee**

A Soldier reported AWOL who had access to Top Secret, Sensitive Compartmented Information, or Special Access Program information during the last 12 months or is currently assigned to a special mission unit.

**Special mission unit**

A unit assigned a mission of such extraordinary sensitivity as to require specific management, oversight, and employment consideration.

**Unavoidable absence**

An unauthorized absence that happened through no fault of the absentee and no fault of the Government.

**Unit**

An organization, agency, or activity.

**Unit commander**

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

**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.

**Section III****Special Abbreviations and Terms**

This section contains no entries.

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