

Department of the Army, DoD

§ 630.32

(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.

§ 630.29 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 (a), (b), or (c) of this section.

(4) Statement signed by military representative documenting either of the following:

(i) Delivery to a military installation with facilities to receive and process absentees and deserters.

(ii) 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 37-104-3, paragraphs 80310, 80311, and 80313.

Subpart G—Surrender of Military Members to Civilian Law Enforcement Officials

§ 630.30 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.

§ 630.31 CONUS.

(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 figure 630.1 of this part).

(b) There is no statutory authority for a commander to deliver a soldier to a bail bondsman or 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.

§ 630.32 Responsibilities.

(a) In foreign countries, the authority of U.S. military personnel to apprehend, detain and deliver U.S. personal 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 MACOM Commander.

(b) Chief, DAMO-ODL—(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) MACOM Provost Marshal—(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, DAMO-ODL, of the departure date, time, flight number, and the name of the individual(s) who will escort the soldier, if applicable.

(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.

FIGURE 630.1 TO PART 630—SAMPLE MILITARY DETAINER

I, (name of civilian representative) an official agent representing (name and address of civilian jurisdiction), accept custody and control of (grade, name, social security number), a U.S. Soldier, for trial on a charge (state offense(s)), I agree, on behalf of the jurisdiction named above, to inform the Commander, (installation address), of results of the judicial process and to return the soldier at no expense to the Army or the soldier to said Army installation unless a place nearer the civilian jurisdiction is designed by Department of the Army. The soldier will be returned immediately on dismissal or other disposition of charges facilitating return of the soldier. When disposition precludes immediate return of the soldier following litigation, I will furnish results of the judicial process and information concerning the earliest possible date the soldier might be returned to Army control. I will also advise the designated commander whenever the location of incarceration of the soldier changes or whether soldier is released on bail or bond. I understand the above commander will advise the civilian jurisdiction which I represent if the soldier's return to military custody is no longer desired. I was furnished a copy of this agreement on (date).

(signature)

(position)

(name of jurisdiction)

(Address of jurisdiction)

APPENDIX A TO PART 630—REFERENCES

Publications and forms referenced in this part may be viewed at the Office of Provost Marshal at any Army installation. Depart-

ment of Defense publications are also available from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 21161; telephone (703) 487-4684.

Required Publications

- AR 5-9—Intraservice Support Installation Area Support Coordination (cited in §630.4)
- AR 27-50—Status of Forces Policies Procedures and Information (Cited in §630.19 and §630.30)
- AR 190-45—Military Police Law Enforcement Reporting (Cited in §630.7 and §630.9)
- AR 190-47—The United States Army Correctional System (Cited in §630.22 and §630.25)
- AR 630-10—Absence Without Leave, Desertion, and Administration of Personnel involved in Civilian Court Proceedings (Cited in §630.8 and §630.30)
- Manual for Court-martial, United States (Cited in §630.8)

Related Publications

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

- AR 37-104-3—Military Pay and Allowance Procedures: Joint Uniform Military Pay System Army (JUMPS-A1RR)
- AR 55-355—Defense Traffic Management Regulation

Prescribed Forms

- DD Form 616—Report of Return of Absentee (Prescribed in §630.4, §630.14, §630.15, §630.16, §630.20, §630.24 and §630.29)

Referenced Forms

- DA Form 2804—Crime Records Data Reference
- DA Form 3975—Military Police Report
- DA Form 3997—Military Police Desk Reference
- DA Form 4833—Commander's Report of Disciplinary or Administrative Action
- DA Form 369—Police Record Check
- DA 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 TO PART 630—GLOSSARY

Abbreviations

- AAPS—Army Procurement Procedure Supplement
- ARNG—Army National Guard
- AWOL—absent without leave
- BAS—basic allowance for subsistence
- CG—commanding general

Department of the Army, DoD

Pt. 630, App. B

CONUS—Continental United States
DCSPER—Deputy Chief of Staff for Personnel
DCSOPS—Deputy Chief of Staff for Operations and Plans
DFR—dropped from the rolls
DIS—Defense Investigative Service
DSN—Defense Systems Network
EMF—enlisted master file
FAR—Federal Acquisition Regulation
FAS—Federal Acquisition Supplement
FBI—Federal Bureau of Investigation
MAC—Military Airlift Command
MACOM—major Army command
NCIC—National Crime Information Center
NLETS—National Law Enforcement Telecommunication System
OCONUS—outside Continental United States
PCF—Personnel Control Facility
PERSCOM—U.S. Army Total Personnel Command
PERSINSCOM—U.S. Army Personnel Information Systems Command
RMC—return to military control
ROTC—Reserve Officer Training Course
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

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) Not used.

(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 remain away therefrom permanently.

(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 States 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 her 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.

Personal Assistance Point—Agencies of the U.S. Army Total Personnel 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 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 with the Army for controlling, verifying, accounting, and disseminating data on individuals administratively classified as deserters.

PART 631—ARMED FORCES DISCIPLINARY CONTROL BOARDS AND OFF-INSTALLATION MILITARY ENFORCEMENT SERVICES

Subpart A—General

Sec.

- 631.1 Purpose.
- 631.2 Applicability.
- 631.3 Supervision.
- 631.4 Exceptions.

Subpart B—Armed Forces Disciplinary Control Boards

- 631.5 General.
- 631.6 Responsibilities.
- 631.7 Composition of boards.
- 631.8 Civil agencies.
- 631.9 Duties and functions of boards.
- 631.10 Administration.
- 631.11 Off-limits establishments and areas.

Subpart C—Off-Installation Military Enforcement Services

- 631.12 Objectives.
- 631.13 Applicability.
- 631.14 Responsibilities.
- 631.15 Policy (for Army only).
- 631.16 Policy (for Navy only).
- 631.17 Policy (for Marine Corps only).
- 631.18 Policy (for Air Force only).
- 631.19 Operations.

Subpart D—Joint Service Law Enforcement Operations (Not Applicable to U.S. Navy)

- 631.20 Organization.
- 631.21 Joint law enforcement operations.

APPENDIX A TO PART 631—CIVIL AGENCIES
APPENDIX B TO PART 631—ARMED FORCES DISCIPLINARY CONTROL BOARD PROCEDURES GUIDE

AUTHORITY: 10 U.S.C. 3012(b)(1)(g).

SOURCE: 47 FR 8350, Feb. 26, 1982, unless otherwise noted.

Subpart A—General

§ 631.1 Purpose.

This regulation prescribes uniform policies and procedures for the establishment, operation, and coordination of the following:

- (a) Armed Forces Disciplinary Control Boards (AFDCB).
- (b) Off-installation military enforcement activities.
- (c) Joint law enforcement operations.

§ 631.2 Applicability.

This regulation applies to the following:

- (a) Active US Armed Forces personnel wherever they are stationed. Commanders in oversea areas are authorized to deviate from the policy in this regulation if required by local conditions, treaties, agreements, and other arrangements with foreign governments and allied forces. Subparts C and D are not applicable to the US Navy.
- (b) Reserve personnel only when they are performing Federal duties or engaging in any activity directly related to the performance of a Federal duty or function.
- (c) National Guard personnel only when called or ordered to active duty in Federal status.

§ 631.3 Supervision.

(a) The following will jointly develop and have staff supervision over AFDCB policies and the conduct of off-installation military enforcement activities:

- (1) The Deputy Chief of Staff for Personnel, Headquarters, Department of the Army.
- (2) Chief of Naval Personnel (PERS-84).
- (3) Commandant of the Marine Corps.
- (4) Chief of Security Police, Air Force Office of Security Police, Department of the Air Force.
- (5) Commandant of the Coast Guard.

(b) The above will also be responsible to standardize AFDCB policies and procedures as well as to coordinate and maintain liaison with interested staff agencies and other military and civil agencies.

§ 631.4 Exceptions.

Requests for exceptions to policies contained in this regulation will be forwarded to HQDA(DAPE-HRE-PO), WASH, DC 20310.

Subpart B—Armed Forces Disciplinary Control Boards

§ 631.5 General.

(a) Armed Forces Disciplinary Control Boards (AFDCBs) may be established by installation, base, or station commanders. The mission of AFDCBs is as follows: