

ALARACT 366/2011

DTG: R 261926Z SEP 11

THIS MESSAGE HAS BEEN SENT BY THE PENTAGON TELECOMMUNICATIONS CENTER ON BEHALF OF DA WASHINGTON DC//DAPM//

SUBJECT: GUIDANCE FOR COMMANDERS REQUEST TO ENTER DESERTER WARRANTS INTO THE NATIONAL CRIME INFORMATION CENTER DATABASE

REFERENCES:

- A. DEPARTMENT OF DEFENSE DIRECTIVE 1325.2, DESERTION AND UNAUTHORIZED ABSENCE, 2 AUGUST 2004.
- B. ARMY REGULATION 630-10, PERSONNEL ABSENCES, ABSENCE WITHOUT LEAVE, DESERTION, AND ADMINISTRATION OF PERSONNEL INVOLVED IN CIVILIAN COURT PROCEEDINGS, 13 JANUARY 2006.
- C. ARMY REGULATION 190-9, MILITARY POLICE, PERSONNEL ABSENCES, ABSENTEE, DESERTER APPREHENSION PROGRAM AND SURRENDER OF MILITARY PERSONNEL TO CIVILIAN LAW ENFORCEMENT AGENCIES, 18 JANUARY 2007.

1. THIS MESSAGE CLARIFIES GUIDANCE FROM DEPARTMENT OF DEFENSE DIRECTIVE 1325.2, ON THE AUTHORITY OF PROVOST MARSHALS (PM)/DIRECTORS OF EMERGENCY SERVICES (DES) TO IMMEDIATELY ENTER WARRANTS INTO THE FBI'S NATIONAL CRIME INFORMATION CENTER (NCIC) DATABASE FOR VIOLATIONS OF ARTICLE 85 UCMJ, DESERTION, WHEN COMMANDERS DETERMINE THAT ABSENTEE SOLDIERS HAVE DEPARTED WITHOUT THE INTENT TO RETURN AND ARE CONSIDERED HIGH RISK. CLASSIFICATION OF A SOLDIER AS A DESERTER IS BASED ON INTENT AND NOT THE TIME THE SOLDIER HAS BEEN ABSENT FROM HIS UNIT. COMMANDERS WILL CONSIDER THE CIRCUMSTANCES SURROUNDING UNAUTHORIZED ABSENCES AND REQUEST WARRANTS FOR HIGH RISK SOLDIERS WHO DEPART TO AVOID PROSECUTION, OR WHEN THE COMMANDER BELIEVES THERE IS A RISK THAT THE SOLDIER MAY COMMIT VIOLENT ACTS, OR HARM THEMSELVES OR OTHERS.

2. THE INTENT OF THIS ACTION IS TO PROVIDE A MECHANISM FOR CIVILIAN LAW ENFORCEMENT AUTHORITIES TO ARREST HIGH-RISK DESERTERS AND QUICKLY RETURN THEM TO MILITARY CONTROL.

3. THIS ACTION IS FOR USE BY EXCEPTION AS A MEANS FOR COMMANDERS OF HIGH-RISK SOLDIERS WHO HAVE VIOLATED ARTICLE 85, UCMJ, FOR DESERTION. COMMANDERS WILL COMPLETE AND SUBMIT A DD FORM 553, DESERTER/ABSENTEE WANTED BY THE ARMED FORCES REQUEST, TO THEIR ASSIGNED PM/DES WHEN THE DESERTER DEPARTS TO AVOID PROSECUTION OR PRESENTS A RISK OF COMMITTING VIOLENT ACTS, OR HARMING THEMSELVES OR OTHERS. UPON RECEIPT, PM/DES WILL ENTER WARRANT INTO NCIC.

4. PM/DES WILL ENSURE ENTRY OF THE DESERTER INTO THE NCIC USING THE OFFENSE CODE 0299. IT IS CRITICAL THAT PM/DES USE ONLY THE TERM "DESERTER" WITH CODE 0299. THIS CODE IDENTIFIES THE OFFENSE AS "MILITARY". PM/DES WILL PROVIDE DETAILS OF THE DESERTER OFFENSE IN THE "MISCELLANEOUS FIELD". PM/DES WILL ALSO NOTIFY THE UNITED STATES ARMY DESERTER INFORMATION POINT (USADIP) VIA NCIC NATIONAL LAW ENFORCEMENT SYSTEM (NLETS) TO ORIGINATING AGENCY (ORI) KYUSA0800, AND PROVIDE AN ADMINISTRATIVE MESSAGE TO INCLUDE THE FOLLOWING: 24/7 NCIC OPERATOR POC, SUBJECTS NAME, SSN, DOB, PARENT UNIT, DATE REPORTED DESERTER AND NCIC/NIC NUMBER.

4.A. USADIP PERSONNEL WILL CHECK NCIC FOR A DESERTER ENTRY FOR THE SOLDIER PRIOR TO ENTERING THE DESERTER WARRANT. IF A DESERTER ENTRY IS FOUND FOR A DESERTER, USADIP WILL CONTACT THE REPORTING PM/DES TO VERIFY THAT THE DESERTER HAS NOT RETURNED TO MILITARY CONTROL.

4.B. IF A DESERTER IS RETURNED TO MILITARY CONTROL, THE REPORTING PM/DES WILL ENSURE THAT THE DESERTER WARRANT IS EITHER CLEARED OR CANCELED.

4.B.1. CLEARING A RECORD IMPLIES THAT THE WARRANT HAS BEEN SERVED OR RESOLVED AND THAT THE SUBJECT IS NO LONGER WANTED BY THE U.S. ARMY. A CLEARED WARRANT LEAVES A TRAIL AND WILL APPEAR ON A CRIMINAL HISTORY INQUIRY IN NCIC.

4.B.2. CANCELING A WARRANT PURGES THAT FILE FROM THE SYSTEM COMPLETELY AND SHOULD ONLY BE INITIATED IF IT WAS ERRONEOUSLY ENTERED INTO THE SYSTEM. THE REPORTING PM/DES MUST INITIATE THE WARRANT REMOVAL PROCESS IAW AR 190-9, PARA 3-3J. THIS ACTION IS REQUIRED TO PREVENT THE ENTRY OF DOUBLE WARRANTS INTO NCIC FOR DESERTERS.

5. PROCEDURES FOR ENTERING A DESERTER WARRANT ARE LOCATED IN THE NCIC 2000 CODE MANUAL, SECTION 2.1-2.9 NCIC WANTED PERSON ENTRY. FOR ADDITIONAL ASSISTANCE, CONTACT USADIP, 502-626-3711 OR EMAIL KNOX.USADIP.NCIC@CONUS.ARMY.MIL.

6. THE PM/DES IS STILL RESPONSIBLE TO COMPLETE THE PROCEDURES IAW AR 190-9 AND AR 630-10 FOR DESERTERS.

7. EXPIRATION: MESSAGE WILL EXPIRE UPON THE NEXT PUBLICATION OF AR 190-9.

8. THE POINT OF CONTACT IS THE OFFICE OF THE PROVOST MARSHAL GENERAL (MILITARY POLICE OPERATIONS DIVISION, LAW ENFORCEMENT BRANCH), AT

PHONE COM: 703-614-3309, DSN: 224-3309 OR EMAIL:
OPMG.LAW.ENFORCEMENT@CONUS.ARMY.MIL

9. EXPIRATION DATE CANNOT BE DETERMINED.