

Department of the Army, DoD

§ 630.8

(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.

§ 630.9

(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 has returned to military control and departs absent prior to completion of any administrative or judicial action for a previous absence.

(5) The soldier escapes from confinement.

(6) The soldier is a special category absentee.

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

§ 630.9 Processing deserter reports.

(a) On receipt of reports of desertion or defectors, the Provost Marshal completes a blotter entry per AR 190-45, paragraph 4-6b. 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 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 DD Form 553 adds other known information about the soldier such as:

(i) Confirmed or suspected drug abuse.

(ii) History of violence.

(iii) History of escapes or attempted escapes from custody.

(iv) Suicidal tendencies.

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

(vi) History of other unauthorized absence.

(vii) 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.

32 CFR Ch. V (7-1-02 Edition)

(6) Follows the procedures in section 630.8 of this part for special category absentees.

(c) Within 48 hours of the soldier being dropped from the rolls (DFR) of the unit, the unit commander forwards the DD Form 553, with associated documents, through the Personnel Service Battalion to Commander, U.S. Army Enlisted Records Center, ATTN: PCRE-RD, Indianapolis, Indiana 46249-5300.

§ 630.10 Special category absentees.

Commanders of absent soldiers assigned to special mission units and soldiers who have had access to top secret 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) Immediately completes the procedures in § 630.6 of this part.

(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) 656-0395 or commercial (301) 806-0395. OCONUS Provost Marshals who do not have facsimile equipment express mail the DD Form 553 to Director, USCRC, ATTN: CICR-ZA, 6010 6th Street, Fort Belvoir, VA 22060-5585.

(d) Requests the assistance of the Director, USACRC, in obtaining pertinent information from security records maintained by the DIS.

(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, Deputy Assistant Secretary for Passport Services, ATTN: CA-PPT-