

INFORMATION PAPER

IMND-MEA-LAM

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SUBJECT: Commander's Responsibility to Report Criminal Incidents

1. **Purpose:** To ensure commanders and staff are aware of their responsibility to report criminal incidents or allegations to the appropriate installation law enforcement activity.

2. **Reference:**

AR 195-2, Criminal Investigation Activities (15 May 2009)

3. **Discussion:** Commanders will ensure criminal incidents or allegations involving persons subject to the UCMJ, civilian employees, or DOD contractors, if related to their assigned duties or position, are reported to installation law enforcement activity. The installation law enforcement activity should promptly refer all crimes and incidents falling within United States Army Criminal Investigation Command (USACIDC) investigative responsibility to the appropriate USACIDC element for investigation. *AR 195-2, paragraph 1-7(b).*

a. Serious crimes and incidents are handled by USACIDC. Generally, serious crimes and incidents are defined as felonies, or those offenses punishable by death or confinement for more than one year. *AR 195-2, paragraph 3-3(a).* Once USACIDC receives a report, they will determine the appropriate investigative action. *AR 195-2, paragraph 1-7(e).*

b. USACIDC has overall responsibility for offenses involving controlled substances. However, the installation law enforcement activity (military police investigators) will investigate use, possession, and the positive urinalysis of non-narcotic controlled substances, such as marijuana, in amounts indicative of personal use. If the drug offense involves one of the controlled substances described in Schedule I, II, or III of the Controlled Substances Act (such as cocaine), USACIDC will investigate the use, possession, manufacture, or distribution of those substances. *AR 195-2, paragraph 3-3(a)(2).*

c. Commanders retain investigative responsibility for certain military offenses, such as disrespect or fraternization, unless the significance of the incident or the complexity of the facts dictate otherwise. *AR 195-2, paragraph 3-3(a)(5).* Commanders may also investigate larcenies involving \$1500 or less in the unit area, and simple assault not

resulting in hospitalization as long as it occurred in the unit area. *AR 195-2, Appendix B.*

d. All criminal incidents or allegations involving sexual assault (e.g. Article 120 offenses and forcible sodomy under Article 125, UCMJ) will be promptly reported to USACIDC by commanders. The only Article 120 offense that does not require USACIDC investigative involvement is indecent acts, when consensual and among adults. *AR 195-2, Appendix B.*

3. **Conclusion:** When in doubt, commanders should contact their legal representative for advice concerning investigative responsibility.