



FY2018 Army Crime Report

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I – Introduction



“Crime within our ranks directly impacts the readiness of the Force. Therefore, we must continue to focus our efforts on crime prevention. Commanders/Leaders, this report provides you with recommendations, best practices and learning points for use in your crime prevention efforts which will in turn assist you in preserving readiness within your formations. Appendix C provides a summary of the report recommendations. Although we have seen a reduction in many crime categories over the last several years, our analysis clearly shows there is still work to be done. Hopefully, you will find the information and recommendations contained within this report helpful as we all continue in our efforts to maintain a well-disciplined force ready to fight and win.”

– MG Kevin Vereen
Provost Marshal General

Readiness remains the Army’s top priority. The Army is working toward rebuilding its current forces and modernizing to meet future threats. Criminals within our Army, however, negatively impact readiness and decrease our ability to sustain a highly trained and ready Force. From violent crimes (such as sexual and aggravated assault) to non-violent crimes (such as drug use and theft), the entire crime spectrum erodes the readiness we are trying to achieve. It places our Soldiers at risk and undermines our credibility as Army professionals. It takes engaged law enforcement, Commanders, leaders, and program managers to combat crime within the ranks and on our installations.

FY2018 Army Crime Clock

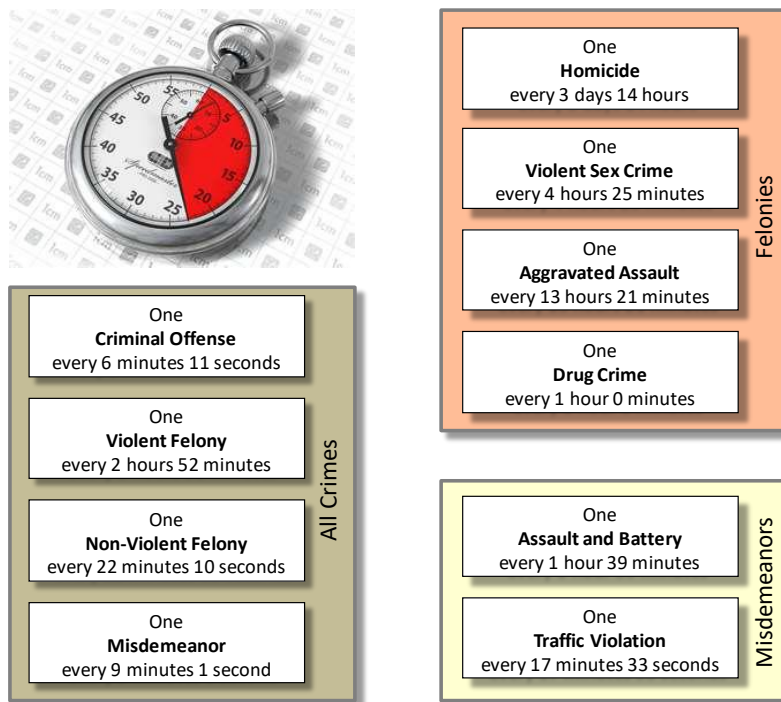


Figure I-1: Fiscal Year (FY) 2018 Army Crime Clock

The Army Crime Clock provides a snapshot of “a typical day” of crime across the Army. This provides perspective on the regularity of specific crimes to raise awareness of their frequency within the Army population.

The Army Crime Report is an internal use document and a crime reduction tool. It provides Commanders, leaders, and program managers – our target audience – with critical insight into disciplinary issues impacting Army readiness. Additionally, the report facilitates a culture of learning to reduce the threat of crime within our ranks. This is accomplished by providing the targeted audience with actionable recommendations to enhance good order and discipline through learning points, real-life vignettes, standardized crime statistics for FY2018 (i.e., 1 October 2017 to 30 September 2018), and trend analyses from FY2011-18.¹

The data in this report complements other previous and current Army reports related to discipline issues impacting the readiness of the Force.² By employing the same data methodology and data sources as previous Army Crime Reports, this report builds upon historical findings to provide a consistent, updated look at crime and high-risk behavior across the Force.³

Crime statistics in this report are limited to titled subjects with founded offenses and offenses under investigation as of October 2018.⁴ Titling occurs when a law enforcement officer places the name of a person, corporation, or other entity in the title block of a criminal investigative report or in the subject block of a Military Police Report (MPR). Titling occurs when there is credible information (some evidence to believe) that the subject committed a criminal offense and does not imply guilt or innocence. Titling does not require a legal opine.

A finding of “probable cause” will result in a “founded” investigation and finding of “no probable cause” will result in an unfounded investigation. Probable cause exists when there are reasonable grounds to believe that an offense has been committed and that the person to be identified as the offender committed it. Misperception exists that if a person is titled as a subject of an investigation, this information is released to promotion boards. This is not the case; only information pertaining to titled subjects of founded (probable cause) case reports is released to promotion review boards, security clearance background investigators, screening panels for sexual assault response and prevention representatives, recruiters, drill sergeants, and appointments to positions having interactions with children/juveniles.

The crime data in this report is based on law enforcement (LE) reporting recorded in authoritative Army law enforcement databases. Because of this law enforcement nexus, statistics within this report will differ from those reported by the Sexual Harassment/Assault Response and Prevention (SHARP) Program, Family Advocacy Program (FAP), Army Substance Abuse Program (ASAP), and other Army programs.

This report focuses on key elements of discipline, including crime and administrative accountability. It is presented in seven chapters:

- Chapter I provides an executive summary of findings.
- Chapter II presents descriptive crime information regarding FY2018 crime.

¹ In accordance with (IAW) Headquarters, Department of the Army (HQDA) Executive Order (EXORD) 037-13 (*Ready and Resilient Quick Wins*), 29 November 2012, the Office of the Provost Marshal General (OPMG) is charged with publishing an annual crime / high-risk behavior report to provide Commanders, leaders, and program managers with critical insight into disciplinary issues impacting the Force.

² See Appendix D for list of OPMG crime publications.

³ See Appendix B for data methodology.

⁴ Offenses under investigation are subject to change as open investigations are completed. The data in this report contains 8.0% offenses under investigation for FY2018; 2.3% for FY2017; 3.3% for FY2016; 4.2% for FY2015; and <1.0% for FY2011-14.

- Chapter III discusses FY2011-18 crime trends by crime type and by crime category for Drug and Alcohol, Sex Crimes, Domestic Violence, and Absent Without Leave (AWOL)/Desertion.
- Chapter IV provides a detailed analysis of Soldiers titled in multiple felony cases.
- Chapter V details the Army's administrative accountability with regards to Department of the Army Form (DA Form) 4833, *Commander's Report of Disciplinary or Administrative Action*; accession waivers; reenlistments; and separations.
- Chapter VI describes tools in a Commander's kitbag for maintaining good order and discipline.
- Chapter VII highlights important changes to the Uniform Code of Military Justice (UCMJ).
- Chapter VIII discusses Army initiatives to improve Soldier discipline and readiness.

***** New for the FY2018 Army Crime Report *****

- *All Crime.* An expanded focus on all subjects titled by Army Law Enforcement, to include military family members, non-Department of Defense (DoD) affiliated civilians, and other offenders in addition to the historical focus on Active Duty Soldier subjects.
- *Improved Figures with Trendlines.* A visual trendline, also known as a "line of best fit" or "regression trendline," whose slope indicates whether crime is increasing, decreasing, or remaining flat over an eight year period.
- *Domestic Violence.* Domestic Violence, a new punitive article in the UCMJ, replaces Family Abuse.
- *Commander's Kitbag.* A new chapter that catalogues programs, initiatives, and other tools at a Commander's disposal for maintaining good order and discipline.

Two key crime metrics used throughout this report are the counts (i.e., actual numbers) and rates of (1) offenders and (2) offenses. Offenders are categorized as active duty (AD) Soldiers (includes Army National Guard (ARNG) and US Army Reserve (USAR) Soldiers on active duty); Other Offenders (i.e., offenders other than active duty Soldiers, such as military family members and non-DoD affiliated civilians); and Unknown / Unidentified individuals. Based on the defined reporting period and crime category/subcategory, individual subjects are counted only once (or uniquely). This report does not reflect how Commanders or civilian courts adjudicated founded offenses for disciplinary action. Rates for offenders and offenses are expressed as a per capita ratio of offenses or offenders per 100,000. Rates account for the changing Army populations over time. Accounting in this manner provides normalized data for trend analysis.

Offender and offense rates are calculated using crime data from the Army's authoritative LE databases: the Automated Criminal Investigative and Intelligence (ACI2) case management system; the Military Police Reporting System (MPRS) module in Centralized Operations Police Suite (COPS); and the Army Law Enforcement Reporting and Tracking System (ALERTS). The ALERTS system became operational in April 2015, consolidating ACI2 and COPS MPRS into a single case management system for both US Army Criminal Investigation Command (CID) and Provost Marshal Office (PMO) use. The Defense Manpower Data Center (DMDC) provided monthly active duty Soldier population numbers to derive average fiscal year populations.⁵

⁵ DMDC updated their calculations of active duty Soldiers to include ARNG and USAR Soldiers on Active Duty for Operational Support (ADOS) orders and other active service reporting codes (active duty training, other training duty, active duty other than for training, and other full-time ARNG duty). These updates were applied to all FY2011-18 population numbers used to derive offender and offense rates; thus, historical rates within this report will differ from previously published Army Crime Reports. The active duty end strength used throughout this report excludes United States Military Academy (USMA) cadets, Reserve

1. Executive Summary

FY2018 Army Crime Report findings:

- **Offender Composition:** 45% were active duty Soldiers; 34% were civilians, military family members, and other known / identified offenders; and 21% were unknown / unidentified individuals. (p.6)
- **Offense Composition:** 4% were violent felony offenses, 28% non-violent felony offenses, and 68% misdemeanor offenses. Composition closely mirrored that of the FY2011-17 average. (p.8)
- **Soldier Crime Demographics:** E1-E4 Soldiers represent 41% of the Army but composed 68% of Soldier offenders. 89% of Soldier offenders were Soldiers at the squad level (E1-E6). 26% of Soldier offenders were non-commissioned officers (NCOs). 6% were warrant officers and officers. (p.13)
- **Soldier Crime Trends (as measured by crime rates from FY2011-18):**
 - **Overall Crime:** Downward trend. (p.18)
 - **Violent Felony Crime:** Downward trend. (p.19)
 - **Non-Violent Felony Crime:** Downward trend. (p.20)
 - **Misdemeanor Crime:** Downward trend. (p.23)
 - **Drug Crime:** Downward trend. (p.26)
 - **Alcohol-Related Crime:** Downward trend. (p.33)
 - **Violent Sex Crimes (due to significance of delayed reporting, trends by reporting date vs. incident date provide different perspectives):**
 - By Reporting Date: Flat. (p.38)
 - By Incident Date: Downward trend. (p.38)
 - **Other Sex Crimes:**
 - By Reporting Date: Upward trend. (p.39)
 - By Incident Date: Flat. (p.39)
 - **Soldier-on-Soldier Violent Sex Crimes:**
 - By Reporting Date: Downward trend. (p.43)
 - By Incident Date: Downward trend. (p.43)
 - **Soldier-on-Soldier Other Sex Crimes:**
 - By Reporting Date: Upward trend. (p.44)
 - By Incident Date: Upward trend. (p.44)
 - **Domestic Violence:** Upward trend. (p.53)
 - **AWOL:** Downward trend. (p.56)
 - **Desertion:** Downward trend. (p.57)
- **Crime Categories:**
 - **Drug Crime:** Positive tetrahydrocannabinol (THC) drug rate on nine Army installations located in or near states where recreational marijuana has been legalized increased approximately 18% from FY2017 to FY2018 (vs. 5% Army-wide). 74% of Soldier Drug Crime cases in FY2018 were directly initiated due to positive urinalysis (UA). THC (marijuana) and Stimulants (cocaine) composed the majority of positive UA tests. 5% of the AC did not undergo UA testing in FY2018, an increase of 3 percentage points from FY2017. The use of heroin/fentanyl and vaping products marketed as cannabidiol oil (but containing dangerous synthetic cannabinoids) are emerging threats. (pp.25-32)
 - **Sex Crime:** Restricted reports are not included.
 - **Army-Wide Crime:** Total number of Violent Sex Crime offenders has remained range bound between 1,109 to 1,239 offenders from FY2011-17. (p.37)

Component (RC) Soldiers in medical retention processing, RC Soldiers in UCMJ status, Soldiers conducting Civil Works, and Soldiers that are retiree recalls that are not counted in the Active Component (AC) strength.

- **Soldier-on-Soldier Violent Sex Crime:** *Represented 44% of all Violent Sex Crimes committed by Soldiers in FY2018. 93% of the victims were female, 87% of whom were among E1-E4 pay grades. 44% of crimes were committed in the barracks and 75% involved alcohol use by the subject, victim, or both. Timeliness of reporting to CID has improved since FY2015. (p.42-45)*
- **Army Crime Report vs. SHARP Annual Report:** *Due to specific reporting requirements, the Army Crime Report accounts for 66% of sex offenses under the Army umbrella and the SHARP Annual Report accounts for 62%. Approximately one-half of the offenses in each of these reports is common to one another. (pp.48-50)*
- **Domestic Violence:** *A new article, effective 1 January 2019, enumerates domestic violence as a crime under the UCMJ. The new definition for domestic violence now includes child victims and certain non-violent crimes such as violation of protective orders. (pp.51-54)*
- **Soldiers Titled in Multiple Felony Cases:** *The number of these Soldiers still serving in units (approximately 2,400) continued to decrease, both in counts and as a percentage of the Force. (p.60)*
- **Administrative Accountability:**
 - **DA Form 4833 (Commander's Report of Disciplinary or Administrative Action):** *Completion rates, a closely tracked HQDA metric, exceed 90% from FY2014-17. FY2018 completion rates (68% for CID-referred and 72% for PMO-referred as of October 2018) will improve as pending and overdue 4833s are completed and returned. Opportunities exist to improve PMO referral rates. (pp.65-68)*
 - **Accession Waivers:** *Conduct and drug/alcohol waivers have steadily increased since FY2015 but remains at historic post-surge lows; 4% of FY2018 recruits received a criminal misconduct waiver or drug/alcohol waiver. (p.69)*
 - **Reenlistments:** *Percent of reenlisted Active Component Soldiers with prior criminal histories trended downward from FY2011-18 and is relatively unchanged since FY2016 (11% of all reenlistments). (pp.70-72)*
- **Suicide:** *167 active duty Soldiers (139 Active Army Soldiers, 23 Army National Guardsmen on active duty, and 5 Army Reservists on active duty) died of suicide in Calendar Year (CY) 2018. All 167 are confirmed as suicides by the Armed Forces Medical Examiner System (AFMES) (vs. 140 confirmed suicides in CY2017). The use of a firearm was the most prevalent method, totaling 62% (104 of 167). (p.13-14)*

This report not only discusses crime trends impacting the readiness of the Force, but also provides leaders with actionable recommendations to enhance good order and discipline. Vignettes, selected to highlight contemporary threats or other important topics, depict real-life incidents used to reinforce learning points.

II – Crime in FY2018

As of October 2018, Army law enforcement titled 57,256 individuals and organizations with 85,097 founded offenses or offenses under investigation in FY2018. Approximately three-quarters (78%, or 66,564 offenses) occurred on-post. Figure II-1 illustrates the offender and offense composition by Active Duty Soldiers, Other Offenders (i.e., offenders other than AD Soldiers), and Unknown / Unidentified individuals. Of note, AD Soldiers composed 45% of offenders and were titled with 53% of the offenses.

More than half of the known offenders are active duty Soldiers, including Army National Guardsmen and Army Reservists on active duty. Active duty Soldiers are the population that Commanders can hold most accountable; that can be governed through policy and Army initiatives; and whose indiscipline is the primary concern to Army leadership. Thus, this population is emphasized throughout this report.

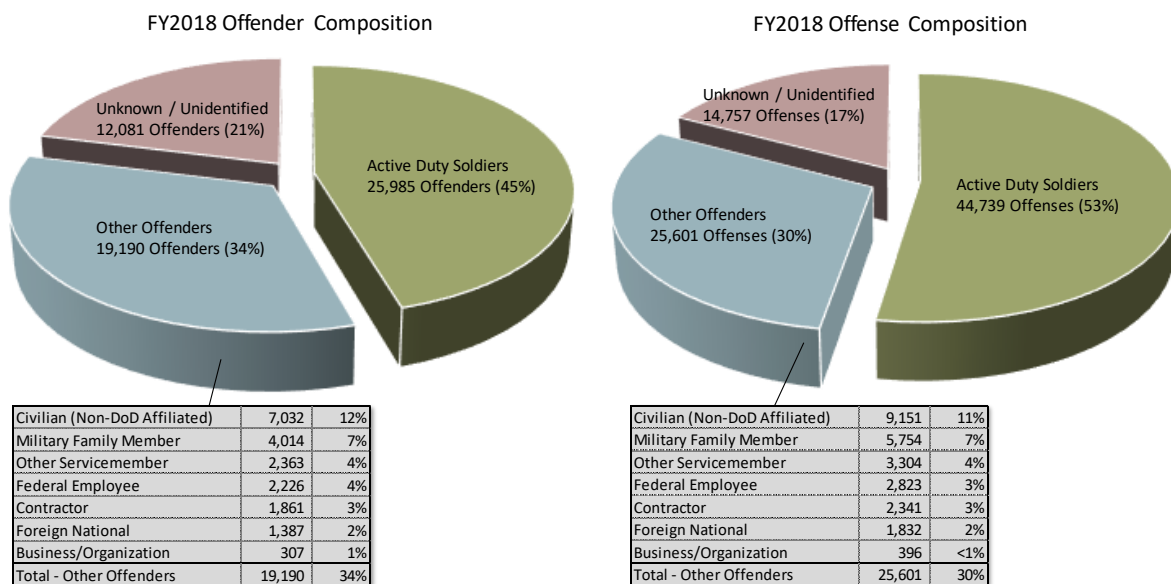
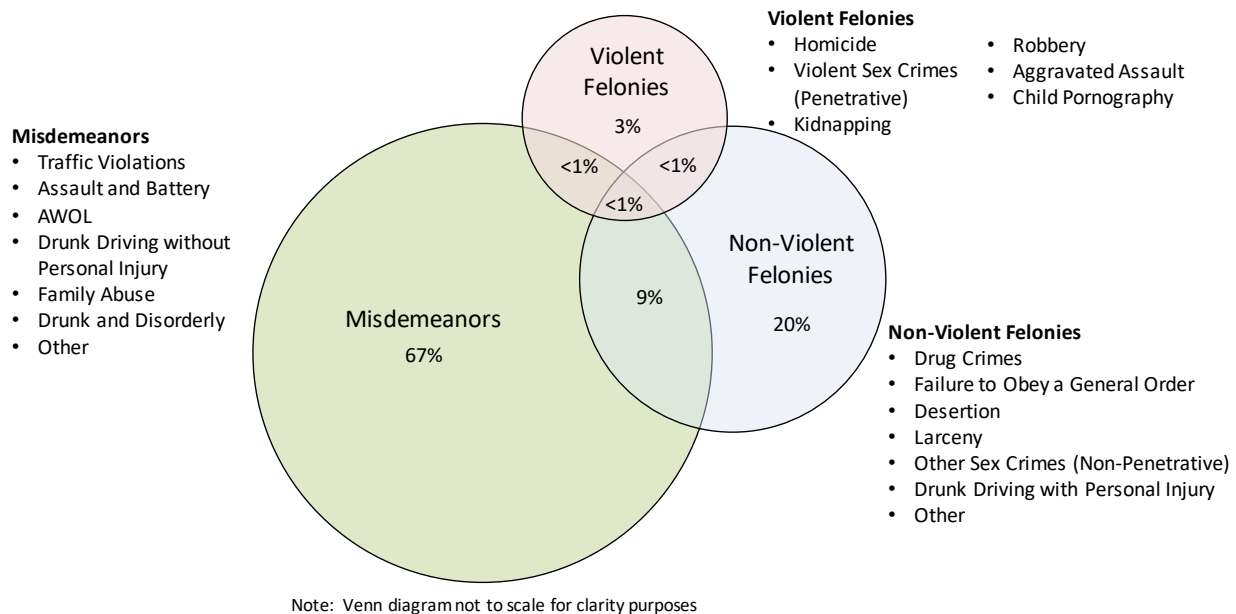


Figure II-1: All Crime in FY2018

Active duty Soldiers (green wedge) composed 45% of all offenders and committed 53% of the crime titled by Army law enforcement. Other Offenders (blue wedge) composed 34% of all offenders and committed 30% of the crime. Unknown/unidentified individuals (red wedge) composed the balance of offenders and offenses.

1. Offender and Offense Composition

Our crime taxonomy begins with crime type (violent felonies, non-violent felonies, or misdemeanors), followed by crime category/subcategory (e.g., aggravated assault). Violent and non-violent felonies are crimes punishable by death or confinement for more than one year, and misdemeanors are crimes with a maximum punishment of one year.⁶ The crime categories/subcategories follow the offense codes from Army Regulation (AR) 190-45 (*Law Enforcement Reporting*).



Offender Composition	Soldiers		Other Offenders		Unknown		All Offenders	
Violent Felonies Only	635	2%	309	2%	547	5%	1,491	3%
Violent Felonies + Non-Violent Felonies	269	1%	47	<1%	24	<1%	340	<1%
Violent Felonies + Misdemeanors	272	1%	67	<1%	16	<1%	355	<1%
Violent Felonies + Non-Violent Felonies + Misdemeanors	202	<1%	33	<1%	5	<1%	240	<1%
Non-Violent Felonies Only	6,070	23%	2,432	13%	2,889	24%	11,391	20%
Non-Violent Felonies + Misdemeanors	2,800	11%	764	4%	1,424	12%	4,988	9%
Misdemeanors Only	15,737	61%	15,538	81%	7,176	59%	38,451	67%
Total	25,985	100%	19,190	100%	12,081	100%	57,256	100%

Figure II-2: FY2018 Offender Composition

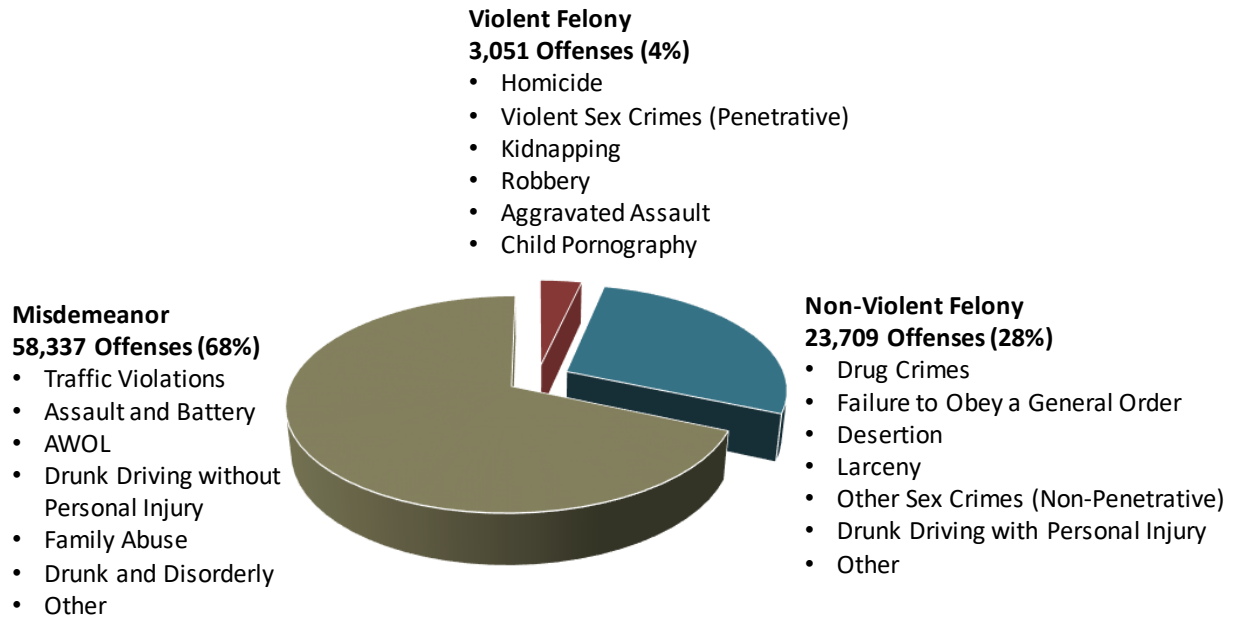
Of the 57,256 offenders identified in FY2018, 33% (18,805) were felony offenders (titled with at least one felony offense) and 67% (38,451) were misdemeanor offenders. Overlapping areas in the Venn diagram depict offenders titled with more than one crime type in FY2018.

Figure II-2 provides a snapshot of the offender composition in FY2018. This Venn diagram shows that of the 57,256 offenders in FY2018, 33% (18,805 subjects) were felony offenders titled with at least one felony crime. The other 67% (38,451 subjects) were titled with only misdemeanors.

⁶ This report defines felony and misdemeanor level offenses based upon the maximum punishments set forth under the UCMJ. State and federal laws separately define which criminal offenses are felonies and misdemeanors. As such, there may be differences in what constitutes a felony offense in the military versus civilian jurisdictions.

Figure II-3 provides a complementary perspective of offenses committed by the offenders. The majority of crime committed in FY2018 consisted of non-violent felonies (28%) and misdemeanors (68%). Violent felonies composed only 4% of all offenses committed. The crime composition in FY2018 closely mirrored the FY2011-17 average:

- Violent Felonies: *1 percentage point difference* -- 4% vs. 3% (FY2018 vs. FY2011-17)
- Non-Violent Felonies: *4 percentage point difference* -- 28% vs. 32%
- Misdemeanors: *3 percentage point difference* -- 68% vs. 65%



Offense Composition	Soldiers		Other Offenders		Unknown		All Offenders	
Violent Felony	1,817	4%	567	2%	667	5%	3,051	4%
Non-Violent Felony	14,791	33%	4,320	17%	4,598	31%	23,709	28%
Misdemeanor	28,131	63%	20,714	81%	9,492	64%	58,337	68%
Total	44,739	100%	25,601	100%	14,757	100%	85,097	100%

Figure II-3: FY2018 Offense Composition

FY2018 crime was comprised of 4% violent felony offenses, 28% non-violent felony offenses, and 68% misdemeanor offenses.

The composition of crimes within each of these three crime types is described in the following sections.

2. Violent Felony

The following violent felony crime categories, defined as egregious crimes against other persons, include:

- *Homicide*. Subcategories include murder, voluntary manslaughter, involuntary manslaughter, negligent homicide, and attempted murder.
- *Violent Sex Crimes*. Subcategories include the penetrative sex crimes of rape, sexual assault, forcible sodomy, and associated attempts.
- *Kidnapping*
- *Robbery*
- *Aggravated Assault*
- *Child Pornography*. The act of child exploitation is violent; therefore, Child Pornography is categorized as a violent felony.

Unique Offenders by Crime Category	Soldiers		Other Offenders		Unknown		All Offenders	
Homicide	58	4%	18	4%	13	2%	89	4%
<i>Murder</i>	17	1%	13	3%	11	2%	41	2%
<i>Voluntary Manslaughter</i>	3	<1%	1	<1%			4	<1%
<i>Involuntary Manslaughter</i>	7	1%	2	<1%			9	<1%
<i>Negligent Homicide</i>	9	1%	1	<1%			10	<1%
<i>Attempted Murder</i>	25	2%	2	<1%	2	<1%	29	1%
Violent Sex Crimes	907	66%	291	64%	499	84%	1,697	70%
<i>Rape and Attempts</i>	246	18%	137	30%	208	35%	591	24%
<i>Sexual Assault and Attempts</i>	689	50%	151	33%	274	46%	1,114	46%
<i>Forcible Sodomy</i>	20	1%	13	3%	22	4%	55	2%
Kidnapping	25	2%	5	1%	27	5%	57	2%
Robbery	12	1%	6	1%	7	1%	25	1%
Aggravated Assault	390	28%	128	28%	45	8%	563	23%
Child Pornography	83	6%	25	5%	39	7%	147	6%
Total - Violent Felony	1,378	100%	456	100%	592	100%	2,426	100%

Figure II-4: FY2018 Violent Felony Crime

70% of all violent felony offenders (1,697 of 2,426 individuals) were titled for Violent Sex Crimes. The 1,697 Violent Sex Crime offenders were comprised of 907 Soldiers, 291 offenders other than Soldiers, and 499 unknown individuals.

This figure provides both counts and percent distributions for each of the six violent felony categories by unique offenders (number of different Soldiers/Other Offenders/Unknown individuals committing these offenses). Major offense categories (not indented) show the total number and percent distribution for that specific offense category with offense subcategories providing individual counts and percentages for each offense.

Please note that the sum of the offender percentages by major category do not total 100%. To avoid double counting, we count offenders only once within each subcategory/major category/total regardless of the frequency and types of crimes committed within the fiscal year. This also applies to the offender columns in Figure II-5 (FY2018 Non-Violent Felony Crime) and Figure II-6 (FY2018 Misdemeanor Crime).

3. Non-Violent Felony

The following crime categories compose non-violent felonies:

- *Drug Crimes.* These include use, possession, distribution, introduction (e.g., transporting illegal drugs onto an installation), growing/manufacturing, and smuggling of drugs.
- *Failure to Obey a General Order.* General Order violations include Synthetic Drugs, Paraphernalia, Weapons, Standards of Conduct, Fraternalization, and Wrongful Use of Inhalants.
- *Desertion*
- *Larceny.* Subcategories include Larceny of Government Property/Funds and Larceny of Private Property/Funds.
- *Other Sex Crimes.* These include Article 120 non-penetrative sex crime offenses, such as Abusive Sexual Contact and Indecent Exposure.
- *Drunk Driving with Personal Injury.* Drunk driving involving personal injury to others is considered a felony; otherwise, the crime is a misdemeanor.
- *Other Non-Violent Felonies.* Examples include False Statements, Damaging Property (More than \$100), Fleeing the Scene of an Accident, Burglary, Housebreaking, and Pay Fraud.

Unique Offenders by Crime Category	Soldiers		Other Offenders		Unknown		All Offenders	
Drug Crimes	4,383	47%	1,027	31%	52	1%	5,462	32%
Failure to Obey General Order	2,500	27%	597	18%	194	4%	3,291	19%
Desertion	502	5%	6	<1%			508	3%
Larceny	505	5%	454	14%	2,045	47%	3,004	18%
<i>Government Property/Funds</i>	348	4%	355	11%	1,664	38%	2,367	14%
<i>Private Property/Funds</i>	158	2%	101	3%	413	10%	672	4%
Other Sex Crimes	928	10%	298	9%	230	5%	1,456	9%
Drunk Driving with Personal Injury	208	2%	114	3%			322	2%
Other Non-Violent Felonies	1,728	18%	1,016	31%	1,920	44%	4,664	28%
Total - Non-Violent Felony	9,341	100%	3,276	100%	4,342	100%	16,959	100%

Figure II-5: FY2018 Non-Violent Felony Crime

Non-violent felonies are the second most prevalent crime type committed in FY2018 and represented 28% of all Army crime. The largest non-violent felony crime category for Soldiers and Other Offenders was Drug Crimes, whereas Larceny crime was the largest crime category for Unknown individuals.

PROTECTING CRITICAL TECHNOLOGIES AND UNIT READINESS

CID became aware of a Soldier selling a Forward-Looking Infrared (FLIR) Thermal Monocular System on eBay. Military-grade FLIR devices are not available to the public and the sale of night vision equipment and optical sighting equipment is heavily restricted and subject to International Trafficking in Arms Regulations (ITAR). CID Special Agents conducted an undercover operation and purchased the restricted device. Investigation revealed the seller to be a SSG and further investigation determined the FLIR device was stolen government property. Pursuant to a warrant, agents searched the SSG's home. Additional stolen property and several flash bang grenades were seized. In interviews, the SSG stated the FLIR device was given to him by a SFC in the same unit and alleged the SFC traded stolen military equipment for drugs.

Theft of government property and receiving stolen property are all violations of the UCMJ and United States Code and indirectly degrade mission readiness. However, when the theft and transfer involves critical systems (such as FLIR devices), there is a direct and potentially deadly degradation of mission readiness. Commanders should remind Soldiers, civilians, and contractors, at all levels in the organization, that they must be accountable and hold others accountable for mission readiness.

SAFEGUARDING ARMS, AMMUNITION, AND EXPLOSIVES

The security and safeguarding of Arms, Ammunition, and Explosives (AA&E) is of the highest importance to the Army. Commanders at all levels must continuously reinforce the importance of safeguarding sensitive AA&E to ensure Army readiness. If AA&E are compromised, sabotaged, stolen, misused, or vulnerable to terrorist acts, subversives, criminal elements, malicious mischief, or other acts of willful interference, there exists a potential to jeopardize the Army mission worldwide. Loss or theft of certain AA&E, such as Enhanced Performance Rounds (EPRs), can lead to more casualties as they can easily penetrate standard body armor worn by US law enforcement. Though EPRs are prohibited for sale commercially by the manufacturer, they are commonly seen for sale on various websites or at gun shows.

- In 2015, it was discovered that a Servicemember was negligent in the accountability of a Glock 19 before it was discovered missing and properly accounted for on the unit's property books. Loss to the U.S. government was \$550. AA&E must be protected and accounted for at all stages of production, transit, storage, and use. Confirmed weapons losses/recoveries should be reported to the National Criminal Information Center (NCIC) and the DoD Central Registry.
- In 2015, it was reported that a Servicemember admitted to stealing a M107 155mm artillery round and an AN/PEM 1 Laser Bore Light System during a unit training exercise in 2009. AA&E is most vulnerable to theft, diversion, and loss when out of secure storage. Personnel who are responsible for the inventory and accountability of AA&E should be made aware of the importance of accurate receipt, dispatch, and inventory records.
- In 2018, it was reported that 1,040 rounds (955 rounds of 9mm and 85 rounds of 5.56mm) of U.S. government ammunition was found in a Servicemember's residence during an unrelated call to Military Police (MP). Commanders at all levels must continuously reinforce the importance of safeguarding sensitive AA&E to ensure Army readiness as well as review their security plans and procedures to ensure measures are in place to mitigate potential or actual losses that could occur. Commands are responsible for establishing written plans that address actions to counter theft, pilferage, or damage of AA&E.
- In 2018, it was found that a DoD contractor improperly stored 15 million pounds of explosive material and submitted fraudulent documents to the government. Department of Justice (DOJ) attorneys opined that probable cause existed to believe nine individuals, both civilians and DoD contractors, committed the offenses of conspiracy, false statements, careless use of explosives, wire fraud, forgery, and violating the Resource Conservation and Recovery Act. The company and its owners were debarred from government contracting. There was a total of \$4K imposed in criminal fines, and the court ordered \$35 million to be paid in restitution to the Government. Cumulatively, the parties were sentenced to 234 months of imprisonment with sentences ranging from 3 to 60 months.

AA&E must be protected and accounted for at all stages of production, transit, storage, and use. AA&E is most vulnerable to theft, diversion, and loss when out of secure storage. Commands should pay particular attention to AA&E accountability during transfer of custody, use, expenditure / consumption, and destruction (demilitarization).

4. Misdemeanor

The following crime categories compose misdemeanors:

- *Traffic Violations*. Examples include reckless driving, traffic accidents, and speeding. Only traffic violations resulting in a Law Enforcement Report (LER) are included; traffic violations involving the issuance of Department of Defense Form (DD Form) 1408 (*Armed Forces Traffic Ticket*) are not included in the statistics.
- *Assault and Battery*
- *AWOL*
- *Drunk Driving without Personal Injury*
- *Family Abuse*. This category represents the secondary titling by law enforcement officers per AR 190-45 (*Law Enforcement Reporting*) for child neglect/maltreatment/mistreatment, child abuse, spouse abuse, and other family member abuse.
- *Drunk and Disorderly*
- *Other Misdemeanors*. These include crimes such as Conduct Unbecoming, Resisting Apprehension or Arrest, and Larceny (\$100 or Less).

Unique Offenders by Crime Category	Soldiers		Other Offenders		Unknown		All Offenders	
Traffic Violations	10,966	58%	10,858	66%	2,468	29%	24,292	55%
Assault and Battery	3,109	16%	1,506	9%	305	4%	4,920	11%
AWOL	1,140	6%	14	<1%			1,154	3%
Drunk Driving without Personal Injury	1,880	10%	577	4%			2,457	6%
Family Abuse	1,291	7%	670	4%	21	<1%	1,982	5%
Drunk and Disorderly	1,152	6%	331	2%	30	<1%	1,513	3%
Other Misdemeanors	3,717	20%	4,079	25%	5,852	68%	13,648	31%
Total - Misdemeanor	19,011	100%	16,402	100%	8,621	100%	44,034	100%

Figure II-6: FY2018 Misdemeanor Crime

Misdemeanors remain the largest crime type committed in the Army, representing 68% of all crimes. More than half of the misdemeanor offenders were titled for Traffic Violations.

5. Crime Demographics in FY2018

Figure II-7 identifies the pay grade composition of Soldier offenders. In FY2018, there were 25,985 unique Soldier offenders, representing 5% of the 572,909 Soldiers on active duty. The E1-E4 cohort, relative to its representation of the total AD population, committed significantly more crime. E1-E4 Soldiers constituted 66% of all violent felony offenders; 78% of all non-violent felony offenders; 65% of all misdemeanor offenders; and 68% of offenders across all crime categories, yet composed only 41% of the Army. 89% of all offenders were Soldiers at the squad level (E1-E6).

Pay Grade	Violent Felony		Non-Violent Felony		Misdemeanor		Total Offenders		FY2018 AD Population	
	Number	%	Number	%	Number	%	Number	%	Number	%
E1-E6	1,245	91%	8,717	94%	16,633	88%	23,142	89%	387,231	68%
E1-E4	898	66%	7,235	78%	12,414	65%	17,731	68%	237,372	41%
E5-E6	347	25%	1,482	16%	4,219	22%	5,411	21%	149,859	26%
E7-E9	67	5%	317	3%	1,020	5%	1,236	5%	71,429	12%
W01-CW5	13	1%	64	1%	185	1%	234	1%	18,761	3%
O1-O3	29	2%	170	2%	855	5%	985	4%	57,392	10%
O4-O6	13	1%	51	1%	291	2%	332	1%	37,674	7%
Unknown/Other*	11		22		27		56		422	
Total	1,378	~100%	9,341	~100%	19,011	~100%	25,985	~100%	572,909	~100%

*Omitted for comparison purposes to the AD population

Figure II-7: FY2018 Offender Composition by Pay Grade and Crime Type

Army crime demographics reveal that junior Soldiers (E1-E4) were titled with a disproportionate amount of crime relative to their AD population percentage. Although they composed 41% of the Army in FY2018, junior Soldiers were 68% of the offenders.

6. Suicide

A study of crime and high-risk behavior in the Army is incomplete without examining the linkage to Soldier suicides.⁷ It is well documented that legal problems, misconduct, drug abuse, relationship issues, potential behavioral health conditions, and other risky behaviors can directly or indirectly increase the risk of a Soldier dying by suicide.⁸ 167 Soldiers on active duty (139 Active Army, 23 Army National Guard, 5 US Army Reserve) died by suicide in CY2018.⁹ All 167 are confirmed by the Armed Forces Medical Examiner System (AFMES) (vs. 140 confirmed suicides in CY2017). Soldier health and discipline are often inextricably linked and require a multi-disciplinary approach to reduce a Soldier's risk for a potentially deadly outcome. Simply stated, Commanders must first ensure the chain of command responds to the health and welfare of the Soldier and Family, then conduct due process to assess and ensure accountability.

⁷ According to the Uniform Code of Military Justice, suicide is not considered a crime. However, CID investigates all unattended deaths regardless of the circumstances.

⁸ Army Red Book, p.21.

⁹ As of 12 April 2019, there were 118 ARNG Soldiers (30 pending) and 47 USAR Soldiers (0 pending) on both active and reserve status who died of suicide or suspected suicide in CY2018.

MULTIPLE STRESSORS CULMINATING IN SUICIDE

In 2018, CID was notified of the on-post death of a male SPC. Preliminary investigation revealed a Soldier on Charge of Quarters (CQ) duties in the barracks heard a single gunshot and ran from the first floor to the second floor common area to discover the SPC slumped over in a chair with an apparent gunshot wound to the head. The SPC was holding a family picture in one hand and a Glock pistol in the other. The SPC was living in the barracks because he was the subject of a founded CID investigation for Aggravated Assault and Illegal Broadcasting from when he had victimized his wife. His case was pending judicial action. As part of the CID investigation, the chain of command was alerted that suspects in criminal investigations are subject to the increased risk of self-harm. The SPC had made a previous attempt at suicide 90 days previously and was treated in an inpatient psychiatric ward. The SPC was the subject of three previous MP reports for domestic violence beginning in FY2015. He was recently notified that he had lost custody of his children. Additionally, he was titled in separate investigations for being Absent Without Leave and Insubordination.

Multiple stressors (e.g., legal, financial, relationship, medical, and criminal) indicate an increased risk for negative behaviors, suicide or accidental death. Leaders must remain aware of events in their Soldiers' lives in order to identify potentially high-risk Soldiers and facilitate appropriate care. Patterns of high-risk behavior may be masked from the chain of command by a permanent change of station (PCS) transition. Commanders should request and review criminal history reports for transitioning Soldiers and review the criminal histories contained in MP Blotter reports, both are available through the servicing Provosts Marshals Office. Full implementation of the Commander's Risk Reduction Dashboard (CRRD) will increase senior leader situational awareness.

Active duty Soldiers used a firearm in 62% (104/167) of CY2018 suicide cases. From past Army Regulation 15-6 investigation data, the majority of firearms were privately owned weapons (POWs). AR 190-11 (*Physical Security of Arms, Ammunition, and Explosives*) provides clear authority and responsibility to Senior Commanders to regulate POWs on Army installations. IAW Department of Defense Instruction (DoDI) 6490.16, *Defense Suicide Prevention Program*, Commanders or healthcare professionals may inquire whether a Soldier owns or plans to acquire a POW provided they have reasonable grounds to believe the Soldier is at risk for suicide or causing harm to others. Commanders face some limitations in regulating the POWs of Soldiers who reside off-post, but they can be mitigated. Commanders may request that off-post Soldiers store POWs in the unit arms room; however, Soldiers cannot be ordered to comply with this request. In the event a Soldier residing off-post is unwilling to turn in their POW, Commanders can order the Soldier to temporarily reside on the installation and revoke their pass privileges. Since relationship issues are one of the leading correlating factors involved in suicides, Commanders should take all factors into consideration before ordering Soldiers to temporarily move into the barracks and potentially separating them from their support network.

COMMANDERS' ROLE IN ASSESSING RISK OF SELF-HARM

A male SSG was found dead in his barracks room from a self-inflicted gunshot wound. The victim left a suicide note where he requested that his spouse not know about the specifics of his death. The victim's roommates reported that the victim would often argue with his spouse on the phone. Some of his peers knew that the spouse had announced her intent to dissolve the marriage. Many personnel in the platoon were aware that the SSG was undergoing an inquiry for his alleged unsafe handling of a weapon during a training session. He was scheduled to submit a sworn statement describing his actions during the training event to the platoon leader later that day.

At the conclusion of interviews, CID agents issue a command monitoring letter notifying the chain of command of Soldiers who could be at risk to themselves or others. If practical, the memorandum is provided directly to the commander prior to release from CID custody. All subject/suspects are then released to unit leaders/escort or Military Police to prevent self-harm or harm to others. CID implemented these procedures to protect Soldiers and advise leaders due to the high correlation between the stresses imposed by law enforcement investigations and related negative impacts on personal relationships to suicides. Investigations or inquiries conducted in the unit by AR 15-6 officers, Military Police investigations or civilian detectives in off-post locations can generate the same effects on the individual Soldier as CID's felony-level investigations.

The Department of Defense Suicide Event Report (DoDSER) states that 65% of Army suicide cases involved psychological stressors. The most common individual stressors recorded were relationship issues, administrative/legal problems, and workplace difficulties. Leaders should be aware that subjects of child pornography and sexual abuse of a child investigations are likely to feel isolated from family, unit and friends, and are extremely high-potential candidates for suicidal acts. The CID memorandum to Commanders highlights the heightened risk of suicide for these Soldiers.

LEARNING POINTS

- ★ When Soldier health and discipline issues are linked, respond first to the health and welfare of the Soldier and then conduct due process to assess and ensure accountability.
- ★ Commanders should be aware of events in their Soldiers' lives to identify potentially higher-risk Soldiers and facilitate appropriate care as necessary. Multiple stressors (e.g., legal, financial, relationship, medical, and criminal incidents) indicate an increased risk for suicide. Though stressors have been identified, there is no research-based method of predicting who may commit suicide.
- ★ Initiate appropriate measures to assess and monitor Soldiers under investigation to reduce the potential of self-harm or harm to others. Department of Defense policy requires Commander notification by law enforcement of all serious investigations at the earliest opportunity without jeopardizing the integrity or successful resolution of the investigation.
- ★ Reduce the risk of suicide and other high-risk behavior by separating at-risk Soldiers from their privately owned weapons.
- ★ Ensure Soldiers residing on-post register their weapons with the PMO. Soldiers residing off-post are encouraged, but not required, to register their weapons with the PMO.
- ★ Employ Health and Welfare inspections to control the unauthorized storage of POWs in the barracks. Consider use of explosive detector military working dogs (MWDs) in the barracks as part of Health and Welfare inspections to assist in finding weapons and ammunition. Also consider using drug detection MWDs and members of installation Drug Suppression Teams (DSTs) to identify illegal and illicit drugs and paraphernalia.

- ★ In accordance with AR 190-11 (ref (a)), Commanders and custodians of AA&E should report all losses (actual or suspected) or recoveries within two hours of initial discovery to supporting Army law enforcement to assist with further reporting, investigation, or recovery actions.
- ★ In accordance with AR 190-45 (ref (c)), Commanders should make Serious Incident Report (SIR) notifications through command channels to the Army Watch within 24 hours when prescribed thresholds of AA&E is stolen, lost, unaccounted for, or recovered.
- ★ IAW AR 190-11, para 8-3 and AR 190-45, para 13-3, lost, stolen, or recovered weapons should be entered in the National Criminal Information Center and the DoD Central Registry. Commanders should coordinate with their installation PM/DES to ensure lost, stolen, or recovered weapons are promptly recorded.
- ★ Commands should pay particular attention to AA&E accountability during transfer of custody, use, expenditure/consumption, and destruction. Personnel who are responsible for the inventory and accountability of AA&E should be made aware of the importance of accurate receipt, dispatch, and inventory records.
- ★ In accordance with AR 190-11, commands are responsible for establishing written plans that address actions to counter theft, pilferage, or damage of AA&E.

III – Crime Trends, FY2011-18



“The seven-year downward trend in overall Soldier offenders and offenses from 2011 to 2018 reflects the positive impacts of increased leader involvement and leadership outreach educating Soldiers as to what is and is not acceptable behavior in our Army. Soldiers now better understand the personal consequences of their actions. To maintain this positive trend, leaders at all levels must continue to be engaged, enforce standards, and promote our Army values. Readiness is our Army’s number one priority and it is directly impacted by crime and indiscipline. Readiness is vital to our ability to answer our Nation’s call at any time in support of Defense Support to Civil Authorities, regional deterrence and engagement with Allies and partners, and Large Scale Ground Combat operations. Anything impacting readiness is a detriment to the Force.”

– GEN Michael Garrett
Commanding General, US Army Forces Command

1. Overall, Violent Felony, Non-Violent Felony, and Misdemeanor

This section provides an overview of crime trends by crime type (violent felony, non-violent felony, and misdemeanor) and overall crime from FY2011-18. For each of these figures, crime is depicted by the number of unique offenders (upper chart) and the number of offenses (lower chart). The stacked columns correspond to the primary vertical axis and represent the number of offenders or offenses (Soldier - green; Other Offender – blue; Unknown – red). The lines correspond to the secondary vertical axis and represent Soldier offender / offense rates per 100,000 (green line) and its trendline over the eight year period (blue line).

Please note that only Soldier offender / offense rates are provided. In order to determine the offender or offense rate, the population must be known. The active duty Soldier population is known and reliably sourced from DMDC. The population of other individuals on installations across the Army (consisting of military family members, non-DoD affiliated civilians, federal employees, other Servicemembers, contractors, foreign nationals, students, businesses, and visitors) is not known and/or easily retrieved from Army or DoD systems. While offender/offense counts are available for these individuals, no rates are provided throughout this report.

The blue trendline is a “line of best fit” or “regression trendline.”¹⁰ It is a straight line that best represents the offender / offense rates. The slope of the line visually shows whether crime is increasing, decreasing, or remaining flat over the eight year period.

¹⁰ Regression based on the least squares method.

a. Overall Crime

Soldier crime is trending downward. The offender rate decreased by 24% (5,949 to 4,536 offenders per 100,000) from FY2011-18. Similarly, the offense rate decreased by 29% (10,998 to 7,809 offenses per 100,000).

The offense chart is an informative example of how counts vs. rates can yield different conclusions. For example, the number of Soldier offenses in FY2012 is 1% lower than FY2011 (77,610 vs. 78,206 offenses); however, its offense rate is 2% higher (11,218 vs. 10,998 offenses/100,000). This outcome results from the different AD population (691,844 Soldiers in FY2012 vs. 711,124 Soldiers in FY2011).

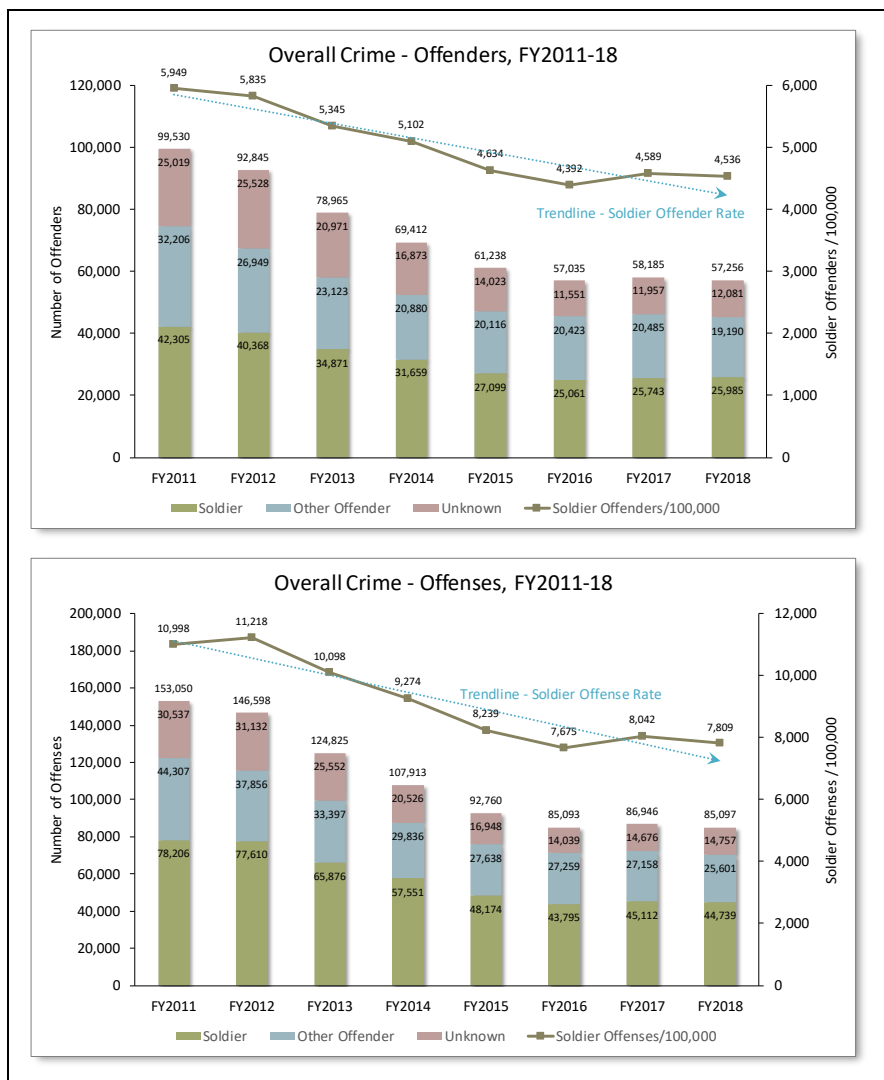


Figure III-1: Overall Crime Trends, FY2011-18

Soldier crime is trending downward as evident by offender rates (top chart) and offense rates (lower chart).

b. Violent Felony

Soldier violent felony crime is trending downward despite recent increases in the number of offenders (1,378 in FY2018 vs. 1,189 in FY2017) and offenses (1,817 in FY2018 vs 1,625 in FY2017).

Of note, 49% (888 of 1,817) of Soldier violent felony crimes in FY2018 remained under investigation as of October 2018. FY2018 counts and rates will decrease as, historically, a portion of these investigations are determined to be unfounded.

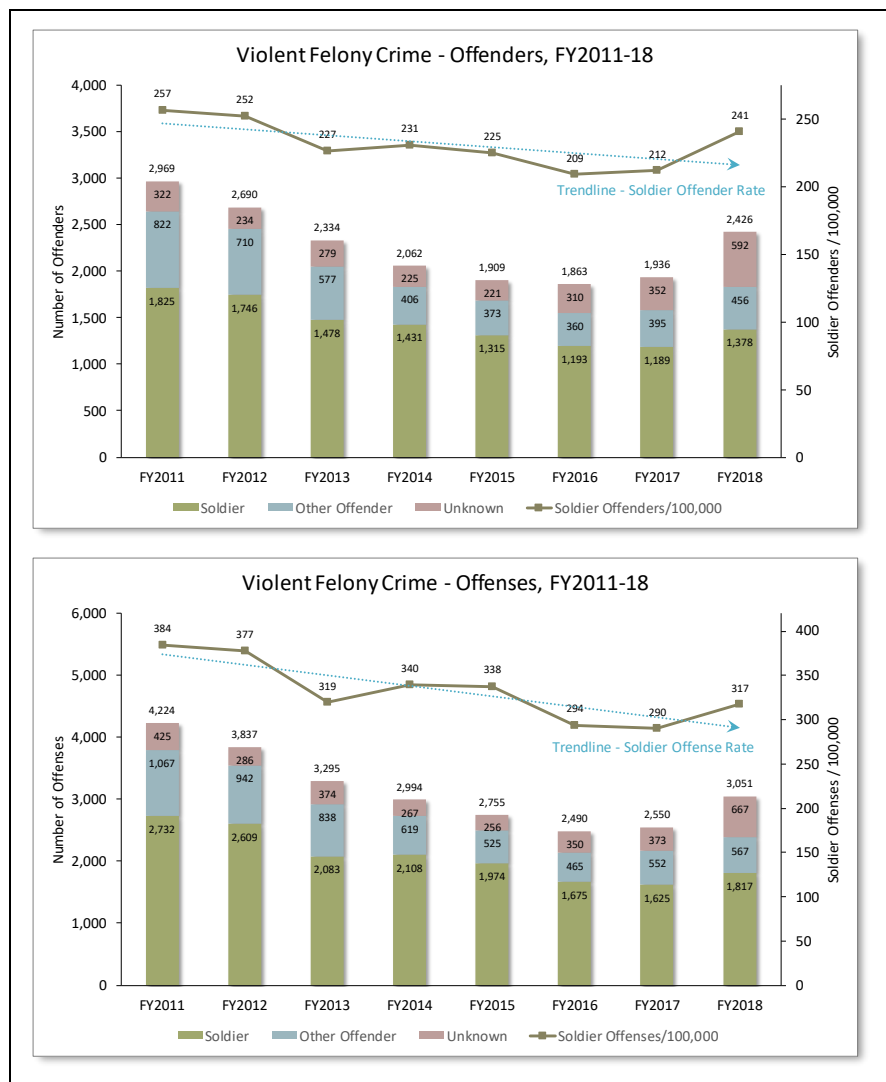


Figure III-2: Violent Felony Crime Trends, FY2011-18

Soldier violent felony crime is trending downward as measured by offender rates (top chart) and offense rates (lower chart).

LEARNING POINTS

- Violent felonies negatively impact readiness on many levels, warranting a deliberate and coordinated plan of surveillance, detection, and response by leaders. Although violent felonies are only a small portion of overall crime, they cause grave and often irreparable damage to communities, units, Soldiers, and Families.

c. Non-Violent Felony

Soldier non-violent felony crime is trending downward. From FY2011-18, the offender rate decreased by 21% (2,068 to 1,630 offenders per 100,000) and the offense rate decreased by 31% (3,751 to 2,582 offenses per 100,000). Furthermore, Soldier non-violent felony crime decreased in FY2018 as compared to FY2017, with offender and offense rates decreasing by 3% and 6%, respectively.

Drug Crimes compose approximately one-third of non-violent felonies across the Army. Fraud and cyber crimes are other non-violent felony crimes fewer in quantity but with strategic impact. CID's Major Procurement Fraud Unit (MPFU) and the Computer Crime Investigative Unit (CCIU) are the Army's two dedicated investigative units with the mission to investigate these types of crimes. The MPFU directs and conducts all major procurement fraud and contingency contracting investigations for the Army. The CCIU conducts criminal investigations of intrusions and related malicious activities involving US Army networks, personnel and data. Due to their extensive technical skillset, the CCIU also investigates other cyber domain-related crimes.

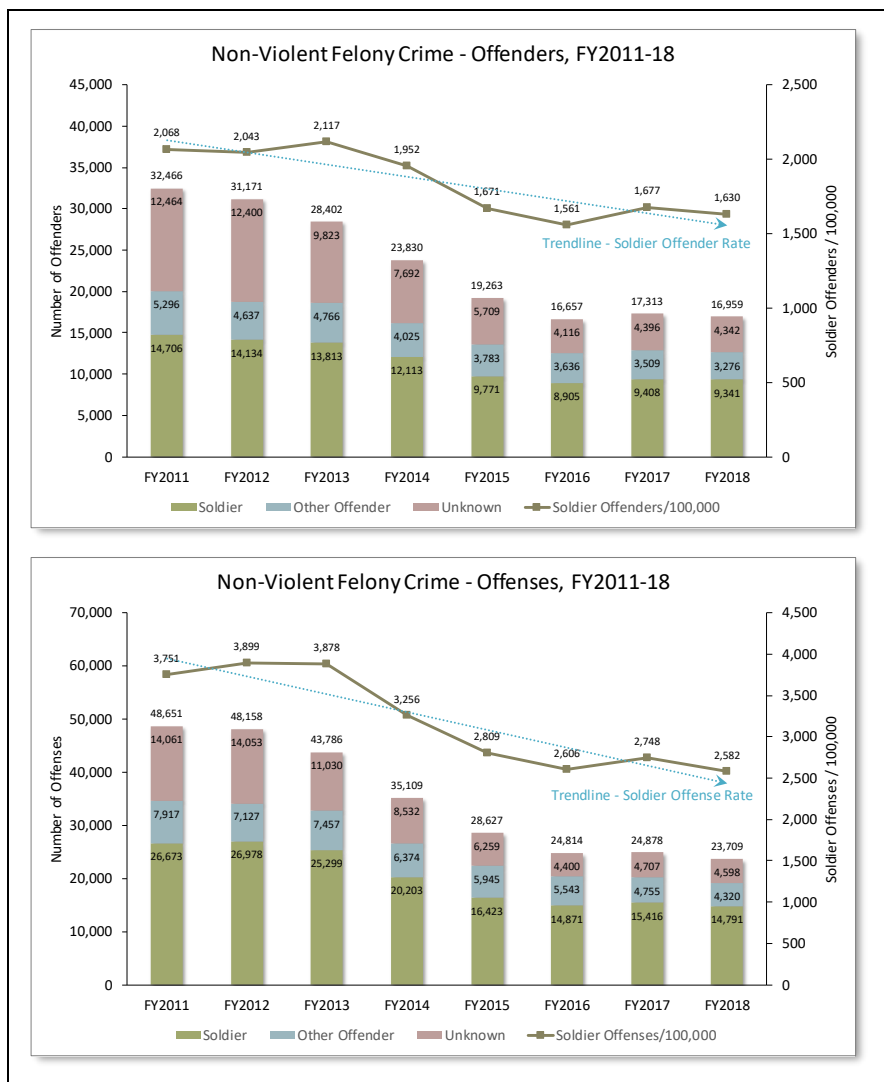


Figure III-3: Non-Violent Felony Crime Trends, FY2011-18

Soldier non-violent felony crime is trending downward.

PREVENTING FRAUD AND ENSURING CONTRACTOR PERFORMANCE

Whether reviewing the Unit Commander's Finance Report (UCFR) for Basic Allowance for Housing (BAH) irregularities or selecting appropriate Contracting Officer Representatives (CORs), unit commanders are a critical component of theft prevention, fraud detection, and contractor performance.

In FY2018, CID's Major Procurement Fraud Unit investigated a subject who failed to report her 2013 divorce to the Defense Finance Accounting Service (DFAS), which resulted in a \$98,000 loss to the Government by payment of BAH at the dependent rate she was not entitled. Had there been more rigorous command oversight of the subject's BAH entitlement, these losses could have been prevented. MPFU investigations deter and mitigate the potential for crime in order to preserve Soldier safety and Army readiness. Additionally, these investigations help recover Army funding lost through fraudulent schemes.

Also in FY2018, MPFU investigated a Department of Defense contractor who instructed employees to conceal material defects in the production of Joint Protective Aircrew Ensemble coveralls that provide chemical and biological protection and flame resistance for Soldiers. The contractor directed the employees to conceal material defects through the use of water soluble glues, various paints and markers, and false stitching that could only be detected via a detailed inspection. Stricter COR oversight may have prevented potential monetary losses under the contract valued in excess of \$74 million.

Unit commanders must ensure CORs are carefully selected, properly trained, and have the appropriate time to perform COR functions. CORs play a key role in representing the requiring activity and the contracting officer, providing contract oversight, and influencing the contractor to meet the terms and conditions of the contract. As a representative for both the operational commander and the contracting officer, a COR acts as the eyes and ears to ensure contractors perform within established standards of the contract and that U.S. tax dollars are well spent.

LEARNING POINTS

- ✪ Engaged leaders with the appropriate controls and oversight ensure the preservation of limited resources. Absent this oversight, critical resources can easily be funneled into criminal or enemy channels.
- ✪ Company command teams facilitate the identification of potential BAH / fraudulent marriage-related crimes by involving their subordinate leaders (i.e., platoon sergeants and squad leaders) in rigorous reviews of the monthly UCFR.
- ✪ Hundreds of millions of dollars are lost each year through Army-related fraud activity. Commanders prevent these losses caused by fraud by increasing their situational awareness and ensuring designated personnel (e.g., CORs, Property Book Officers (PBO), personnel serving as Field Ordering Officers (FOO), and Commander's Emergency Response Program (CERP) dispensing officers) are properly trained.
- ✪ The MPFU provides fraud awareness briefings instructing unit leadership on proper fraud detection techniques for deploying units and installation and contracting command organizations.

PREVENTING CYBER SEXUAL EXTORTION ("SEXTORTION")

Sextortion is a type of blackmail in which a perpetrator extorts, or attempts to extort, typically money from a victim in exchange for not sharing sexually explicit images or video of the victim with family, friends, employers, or posting on the social media platforms. Like other forms of sexual abuse, sextortion can leave emotional scars and be both detrimental and embarrassing to the victim.

A typical sextortion scam is initiated when a victim receives a social networking communication, often from an attractive female subject. After subsequent flirtatious communications and an exchange of telephone numbers, the attractive female suggests a video communication session during which the female appears naked and encourages the victim to perform sexual acts. Unbeknownst to the victim, the subject records the acts.

Shortly after the video session, the female subject informs the victim the act was recorded and threatens to share the video or post the video online unless a payment is provided. In other instances, the female subject informs the victim she is a minor and unless a payment is received, law enforcement authorities will be notified. Because the victims provided their telephone numbers, it is common for victims to start receiving calls and text messages from the female subject's purported family members and fraudulent law enforcement authorities until the victim changes their telephone number or makes a payment. Often when a single payment is made, the perpetrators will continue to harass the victim for subsequent payments.

U.S. Army Soldiers are not immune to sextortion and are often targeted by both domestic and international sextortion syndicates. Sextortion incidents are embarrassing to Soldiers and the perpetrators know they can prey on a Soldier's fear of public and professional exposure, setting the conditions for potential espionage.

U.S. Army CID's Computer Crime Investigative Unit (CCIU), proactively seeking Soldier victims of sextortion, initiated 126 sextortion investigations during FY2018. CCIU Special Agents and analysts work with the other Military Criminal Investigation Organizations and international, federal, state, and local law enforcement authorities to combat sextortion.

Sextortion has the potential to distract a Soldier from their mission. Leaders should mentor their Soldiers about risks associated with online conduct. Soldiers must be cautious if they receive a friend request or other unsolicited communications from unknown individuals. Soldiers must realize that anything said, done, or sent via the internet can be archived and made public, indefinitely. Leaders should mentor Soldiers about these online risks. While first-line supervisors may be hesitant to monitor Soldiers' online conduct, it is imperative that Leaders counsel their Soldiers on expected appropriate online conduct and the reality that they are accountable for their online actions.

d. Misdemeanor

Soldier misdemeanor crime is trending downward. From FY2011-18, the offender rate decreased by 27% (4,537 to 3,318 offenders per 100,000) and the offense rate decreased by 28% (6,863 to 4,910 offenses per 100,000). Soldier misdemeanor offender and offense rates both decreased by 2% in FY2018.

Traffic Violations¹¹, ranging from reckless driving to less egregious moving violations (e.g., speeding), composed 51% of misdemeanor crime and 35% of all crime.

Commanders are reminded to remain watchful of hazing and bullying tactics committed by Soldiers and leaders within their formations IAW AR 600-20, *Army Command Policy*, para 4-19. Many hazing incidents can involve crimes such as simple assaults and are counterproductive to good order and discipline.

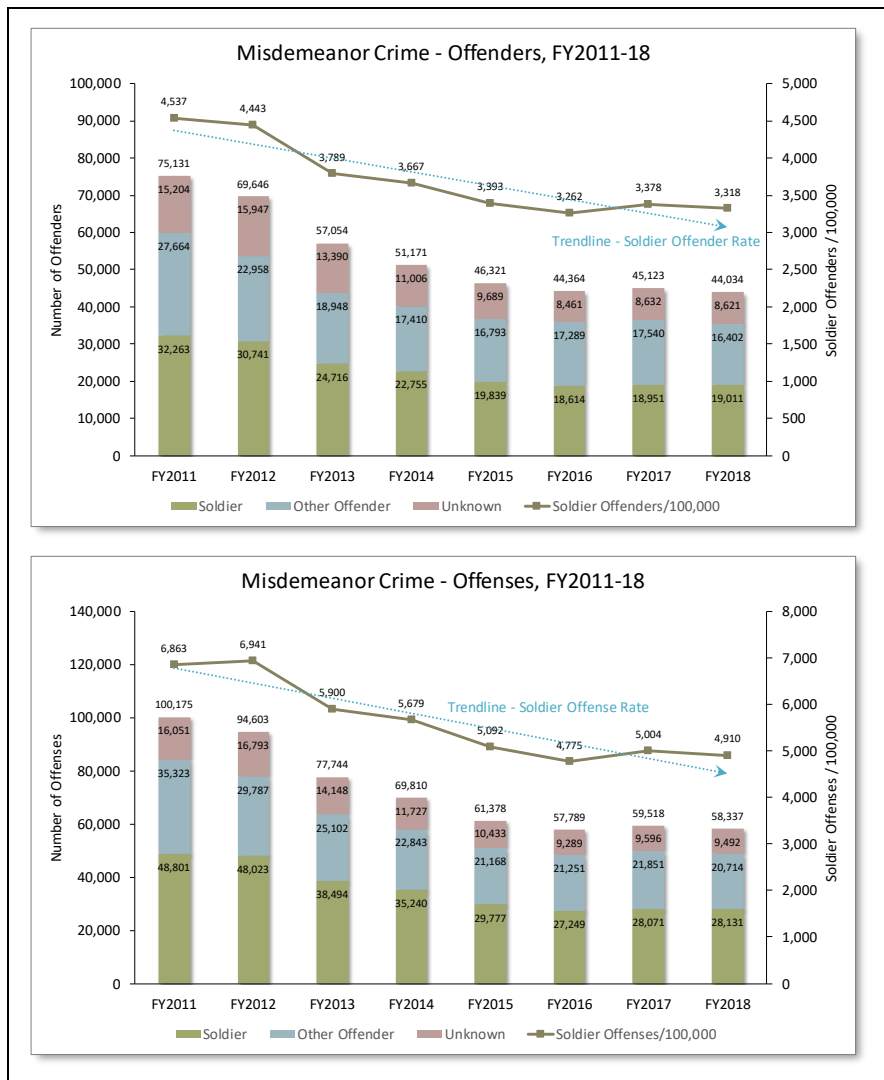


Figure III-4: Misdemeanor Crime Trends, FY2011-18
Soldier misdemeanor crime is trending downward.

LEARNING POINTS

- Multiple lower-level misdemeanors and traffic violations are indicative of a Soldier's high-risk behavior and require enhanced leader surveillance, detection and response.

¹¹ Excludes traffic violations involving the issuance of DD Form 1408, *Armed Forces Traffic Ticket*, normally issued for more innocuous offenses such as not obeying a traffic signal or a seat belt violation.

HAZING AND BULLYING ARE CRIMINAL ACTS

A male PV2 reported a male PFC sexually assaulted him on multiple occasions, despite being told to stop, when the PFC touched his buttocks and groin with a cane. Multiple witnesses confirmed the sexual assaults and, when interviewed, the PFC admitted to the offenses and that he committed the acts to "agitate" the victim. The PFC plead guilty to Abusive Sexual Contact and received punishment under Article 15 of the UCMJ to include an oral reprimand, forfeiture of two months' pay, 45 days extra duty, 45 days restriction, and reduction in grade to E-2.

The Army is a values-based organization where everyone is expected to do what is right by treating all persons as they should be treated – with dignity and respect (AR 600-20). Hazing, bullying, and other behaviors that undermine dignity and respect are fundamentally in opposition to our values and are prohibited. Hazing and bullying are not limited to superior-subordinate relationships. Hazing may occur during graduation or promotion ceremonies or similar military "rites of passage." However, it may also happen in military settings, such as in small units, to initiate or "welcome" a new member to the unit.

Leaders should continue to emphasize to their Soldiers that the transition to the Army from high school or college brings a significantly heightened level of personal responsibility and accountability. Failure to live by the Army values can result in serious consequences such as criminal charges and punishment under the UCMJ. Leaders should encourage ownership of units by Soldiers; ownership builds positive attitudes, resulting in a cohesive and disciplined team.

2. Drug and Alcohol Trends



“The Army has seen a dramatic increase in drug and alcohol use disorders over the past 17 years. This increase reflects the rise in similar problems in the American population from which we recruit and access. Currently, 30 percent of Soldiers with a behavioral health (BH) condition screen positive for problematic substance use and 50 percent of Soldiers with suicidal ideation screen positive for excessive alcohol use.”

“Army Medicine transformed substance use disorder treatment to better target threats to readiness. BH providers with expertise in managing alcohol and drug related disorders are now assigned in the unit footprint with Embedded Behavioral Health teams, supporting both Soldiers and Command teams. Additionally, Army Medicine successfully refined pain management strategies to combat opioid overuse, misuse, and diversion; one of the major root causes of the national opioid epidemic.”

“Of overriding importance to Army Medicine’s approach to mitigating the threat posed by drug and alcohol use disorders is assurance of effective partnership with unit leaders. Informed and engaged leaders are fundamental to the Army’s efforts to mitigate this threat. I encourage all leaders to recognize the Soldier signs of drug and alcohol problems, refer early, model responsible alcohol use, and create a command climate that allows early identification and intervention. This combination of leader engagement and Army Medicine support will best support our Soldiers and maximize the strength and lethality of our Force.”

– LTG Nadja West
The Surgeon General

Drug and alcohol abuse remains a significant concern to leaders at all levels. Illegal drugs are readily available and prices are relatively low in most jurisdictions across the U.S. Opioid overdose deaths continue to be recorded at epidemic levels by the Centers for Disease Control and Prevention (CDC). In contrast, the Soldier offender rate for drug crimes is trending slightly downward from FY2011-18 and remained relatively unchanged from FY2017-18. Recent Army Substance Abuse Program (ASAP) data indicate that Soldier offenders continue to use traditional street drugs, such as marijuana, cocaine and ecstasy, in addition to, albeit to a lesser degree, heroin and prescription drugs. UA testing revealed marijuana and cocaine use increased in FY2018. Soldier illicit use of prescription opioids continued to decrease in FY2018; however, opioids continue to threaten the readiness of the Force. 50% of Soldier drug overdose deaths in FY2018 were linked to opioids. The majority of these drug overdose deaths were not linked to a medication prescribed to the Soldier.

Over the past several years the Army has attempted to correlate the effects of legalization by attempting to compare urinalysis rates on individual installations in the states where use was recently legalized. Washington and Colorado were the first states to legalize marijuana for recreational use in 2012. As of March 2019, 10 states and the District of Columbia legalized marijuana for recreational use for adults over the age of 21. Medical marijuana is legal in 33 states and the District of Columbia. Current data suggests that decriminalization and legalization of marijuana may be beginning to show signs of impacting Army readiness, but the effects are not localized to the states where legalization has occurred. On nine Army installations located in or near states where recreational marijuana has been

legalized (Alaska, California, Colorado, Maine, Massachusetts, Michigan, Nevada, Oregon, Vermont, Washington, and the District of Columbia), the positive illicit drug rate for non-synthetic tetrahydrocannabinol (THC) increased approximately 18% from FY2017 to FY2018. For comparison, ASAP data illustrate the positive illicit drug rate for non-synthetic THC increased 5% (from 0.668% in FY2017 to 0.700% in FY2018), Army-wide. The data indicate the effects of legalization and decriminalization of marijuana on the Army may be more related to the widespread general public acceptance of marijuana use, but we are beginning to see a direct correlation with legalization within the individual states and increased Soldier use on the installations in that state. The greater rate of increase on the nine installations located in or near states where legalization has occurred indicates ready access, social acceptance, and removal of the barrier of locating and working with a “drug dealer” is having an impact on Army law enforcement. Additionally, civilians entering these installations are more likely to be found in possession of marijuana and/or paraphernalia during gate checks, which is in violation of federal law.

a. Drug Crime Trends

Figure III-5 depicts Soldier drug crime, as measured by offender rate, is trending downward. From FY2011-18, the offender rate decreased by 4% (801 to 765 offenders per 100,000). The offense rate is also trending downward and decreased by 19% (1,572 to 1,277 offenses per 100,000).

Despite the overall declining trend, Soldier use of marijuana and cocaine increased in FY2018 as evidenced by UA testing and Army crime records. Notable to leaders is that both of these drugs (marijuana and cocaine) are commonly consumed in social or group settings. Consequently, increases in UA positive rates within a given unit, while not assessed to have the same danger associated with other drug types, may signal the potential for the spread to additional unit personnel through the social aspects

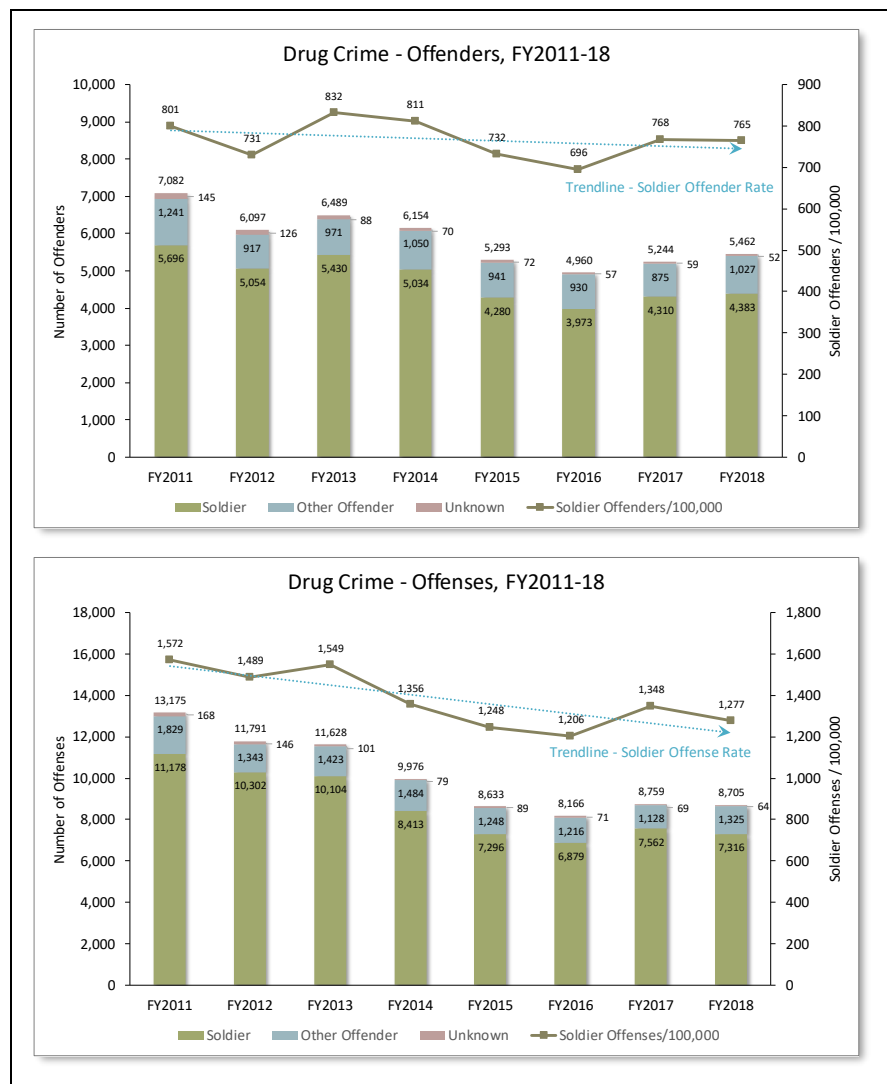


Figure III-5: Drug Crime
Soldier drug crime is trending downward.

of the drugs' use (sharing in a social setting). Additionally, cocaine supplied in the U.S. is increasingly found to be adulterated with other dangerous drugs. The Drug Enforcement Agency (DEA) 2018 National Drug Threat Assessment states the mixture of cocaine with fentanyl and other synthetic opioids remains a dangerous trend in an expanding number of markets; cocaine is the second most common drug mixed with fentanyl after heroin.

The Army must apply the same effective policies against synthetic cannabinoids (SYCANs) to other drug threats. SYCANs composed 31% of all drug-related crime in FY2012. In April 2013, the Secretary of the Army approved Army Directive 2013-10 authorizing probable cause and command directed testing for synthetic cannabinoids.¹² In FY2018, almost no Soldiers tested positive for SYCANs. While Army policies have mitigated SYCAN usage, cannabidiol oil (CBD oil) is an emerging threat and a new avenue for SYCAN use by Soldiers.

CBD oil is the second most abundant cannabinoid in marijuana after THC. CBD oil products are available on-line and in many retail stores, including vape shops and health stores. Although many CBD oils are controlled substances under Schedule I of the Controlled Substances Act, these products, and all vape oils, are currently unregulated by U.S. federal regulatory agencies. Consequently, vape products marketed as "THC Free" may include THC, other cannabis extract, or a more dangerous SYCAN. For example, 5F-ADB is a SYCAN compound that is found in commercial vaping products sold as "THC Free" and/or "CBD Oil." Use of the 5F-ADB SYCAN has resulted in the hospitalization of multiple Soldiers in recent months. Both CID and the US Army Medical Command (MEDCOM) have produced alert notices for leaders referencing this vaping threat.

In DEC 18, the President signed the Agriculture Improvement Act of 2018, which removed industrial hemp from the Controlled Substances Act and excluded from the definition of marijuana those hemp products (including CBD) containing up to 0.3 percent THC on a dry weight basis. This change in the law does not affect the Army's prohibition in AR 600-85, para 4-2(p) against the use of hemp products. Army policy prohibits the use of products made or derived from hemp, including CBD, regardless of the product's THC concentration and regardless of whether the product may lawfully be bought, sold or used under federal or state law. The only exception is for a valid prescription for dronabinol and cannabidiol. Soldiers using CBD can be held accountable under the UCMJ and Commanders should consult with their servicing Judge Advocate to determine further testing of products or urine specimens.

LEARNING POINTS

- ★ ASAP and Commanders must refer all drug crimes to CID. Although possession of some synthetic drugs and drug paraphernalia (e.g., suspected smoking devices) may be a Failure to Obey a General Order violation, investigative purview remains with law enforcement.
- ★ A positive UA for illegal or illicit drug use reported to law enforcement will result in the Soldier automatically being submitted into the National Instant Criminal Background Check System (NICS) database and prohibited from purchasing, possessing, or transferring a privately owned firearm or ammunition for one year based solely on the positive test (Title 18 U.S.C. 922(g)).
- ★ Enhance drug surveillance and detection with recurring Health and Welfare inspections; incorporate drug-detecting military working dogs as well.
- ★ Increase Soldier awareness of synthetic drugs by leveraging law enforcement and ASAP expertise during unit and installation drug awareness briefings.

¹² Army Directive 2013-10, *Synthetic Cannabinoids ("Spice") and "Bath Salts" Probable Cause and Competence for Duty Testing*, 11 April 2013.

b. Prescription Drugs

The impact of illicit prescription drug abuse continues to threaten the readiness of the Force. Of the 444,841 active duty Soldiers tested in FY2018, 1.01% (4,516 Soldiers) tested positive for some form of illegal or illicit drug use.

From among the 4,516 who tested positive, 22% (975 Soldiers) tested positive for at least one possible prescription drug. The proportion of illicit prescription drug use has steadily decreased over the last three years (35% in FY2016; 27% in FY2017; 22% in FY2018). Therefore, there was a decrease of 37% from FY2016 to FY2018 in Soldiers who tested positive for prescription drugs. 0.286%, 0.252%, and 0.219% of all Soldiers who tested in FY2016, FY2017, and FY2018, respectively, tested positive for a prescription drug.

In 2018, the National Institute on Drug Abuse (NIDA) reported more than 70,200 Americans died from drug overdoses in 2017, including illicit drugs and prescription opioids (including methadone) – a two-fold increase in a decade. The sharpest increase in 2017 occurred among deaths related to fentanyl and fentanyl analogues (other synthetic narcotics) with more than 28,400 overdose deaths. NIDA reported drug overdose deaths involving prescription opioids rose from 3,442 in 1999 to 17,029 in 2017. The Centers for Disease Control and Prevention (CDC) estimates prescription opioids were involved in more than 35% of all opioid overdose deaths in 2017. The number of deaths involving prescription opioids in combination with synthetic narcotics has been increasing steadily since 2014 and shows that the increase in deaths involving prescription opioids is driven by the use of fentanyl. NIDA reported the 2017 drug overdose drug type numbers as reported by the CDC:

- Synthetic Opioids (other than methadone): 28,466
- Prescription Opioids: 17,029
- Heroin: 15,482
- Cocaine: 13,942
- Benzodiazepines: 11,537
- Psychostimulants (Including methamphetamine): 10,333
- Antidepressants: 5,269
- Methadone: 3,314

Drug Type	FY2016	FY2017	FY2018
THC and Synthetic THC			
THC	0.552%	0.668%	0.700%
Synthetic THC	0.002%	0.000%	0.000%
Stimulants			
Cocaine	0.155%	0.202%	0.230%
Amphetamines*	0.070%	0.075%	0.068%
Methamphetamines*	0.038%	0.049%	0.042%
Narcotics			
Oxymorphone*	0.042%	0.027%	0.026%
Oxycodone*	0.023%	0.013%	0.013%
Hydromorphone*	0.015%	0.010%	0.008%
Hydrocodone*	0.014%	0.009%	0.007%
Morphine*	0.009%	0.012%	0.008%
Codeine*	0.011%	0.007%	0.007%
Heroin	0.006%	0.008%	0.005%
Depressants			
Oxazepam*	0.020%	0.011%	0.010%
Temazepam*	0.013%	0.008%	0.007%
Alpha-hydroxylprazolam*	0.016%	0.017%	0.014%
Nordiazepam*	0.004%	0.003%	0.002%
Lorazepam*	0.003%	0.004%	0.002%
Hallucinogens			
MDA	0.023%	0.024%	0.019%
MDMA	0.025%	0.031%	0.026%
Anabolic Steroids			
Anabolic Steroids*	0.007%	0.006%	0.004%
Summary			
Unique Soldiers with Positives	3,910	4,254	4,516
with Prescription Positives	1,362	1,140	975
Prescription Ratio	35%	27%	22%
Unique Soldiers Tested	476,597	452,005	444,841
Total Positive Percentage	0.820%	0.941%	1.015%

Figure III-6: Positive Illegal/Illicit Drug Rates for FY2016-18

Illegal / illicit drug use detected by urinalysis increased from 941 Soldiers / 100,000 in FY2017 to 1,015 in FY2018. Potential pharmaceuticals are marked with an asterisk.

DANGER OF ILLICIT PRESCRIPTION DRUG USE

Early in FY2018, a male SPC was found deceased in his barracks room after his father requested a welfare check on the Soldier due to not having heard from him in four days. The Soldier had been investigated earlier that same year for Wrongful Use of Heroin and had admitted to using both heroin and oxycodone. Although only fentanyl toxicity was attributed to the Soldier's death, norfentanyl, which is a metabolite of fentanyl, oxycodone, and metabolites of heroin were detected in the toxicology report, indicating that the Soldier had recently used fentanyl, oxycodone and heroin in the past few days.

A driving factor in the increased use of fentanyl and fentanyl-laced heroin in the United States is prescription opioid abuse and the demand it created for cheaper and more available drugs. Local drug traffickers, like their national counterparts, are catering to a growing population of opioid addicts. The national epidemic of prescription opioid abuse has directly contributed to a parallel heroin epidemic, providing street level drug dealers with an already addicted pool of potential customers.

Historically, fentanyl was an abused prescription drug. More recently, fentanyl is being found produced in clandestine labs and smuggled in from China and Mexico. Fentanyl is an extremely potent drug, 50-100 times more powerful than morphine and 25-50 times stronger than heroin. Fentanyl is often found as a white powder, which is easily soluble through skin and mucus membranes. A dose equivalent to 2 grains of salt could be fatal to an adult. It is commonly disguised as liquid/sprays, and counterfeit prescription pills (hydrocodone, oxycodone, and Xanax).

The abuse and distribution of prescription drugs are serious offenses under the UCMJ. Leaders should be aware that the legal use of prescription drugs (opiates in particular) can potentially lead to prescription drug abuse, further serving as a gateway to the abuse of more dangerous street drugs.

Continuing efforts include implementing and maintaining fully-staffed CID Drug Suppression Teams (DSTs), implementing Military Health System opioid prescription guidelines, and leveraging enterprise tools for monitoring prescription variances. Current guidelines limit opioid prescriptions for acute conditions and require clinical re-evaluation prior to short-term renewal. Additionally, installations' participation in the DEA's semi-annual National Prescription Drug Take-Back Day reduced the amount of prescription drugs available for abuse. The sixteenth Take-Back Day, held in October 2018, collected and destroyed more than 457 tons of potentially dangerous, expired, unused, and unwanted prescription drugs at more than 6,000 sites across the country.¹³ In order to execute this function 365 days a year, MEDCOM fielded prescription drug take-back containers at all Military Treatment Facilities (MTFs) in November 2015.

¹³ <https://www.dea.gov/press-releases/2018/11/02/dea-achieves-significant-milestone-during-16th-national-prescription-6>

LEARNING POINTS

- ★ If abused, legally prescribed drugs can be just as dangerous and addictive as illegal drugs.
- ★ Heroin abuse is increasing across the Nation. It is reasonable to assume some Soldiers will transition to heroin use with prescription drugs becoming increasingly harder and costlier to obtain.
- ★ Illegal drug distributors (“dealers”) are adding fentanyl to heroin sold in the U.S. to increase potency. Fentanyl-laced heroin is a significant contributor to the growing drug overdose epidemic in many communities. Consequently, although UA testing data does not indicate growth in Soldier use of heroin, overdose deaths are increasing.
- ★ Educate Soldiers and their families on the benefits of safely disposing of unwanted or unneeded pharmaceuticals in MEDCOM’s permanent drug take-back containers located in or near MTF pharmacies.
- ★ While policy changes have made it more difficult to abuse prescription drugs, peers and first-line supervisors remain critical in detecting abusers.

c. The Heroin/Fentanyl Threat

In FY2018, CID investigated 11 Soldier deaths by heroin and/or fentanyl overdose. Heroin use is on the rise across the Nation as some of the more popularly abused prescription opioid painkillers, such as oxycodone, oxycodone, and hydrocodone, become increasingly more difficult and costly (\$30 for a 30mg tablet) to obtain. Many people begin by abusing these expensive prescription drugs and eventually transition to heroin, which is cheaper (\$10 for a comparable amount) and often easier to buy.

The DEA warns that the heroin threat in the U.S. continues to increase due to the low cost and high availability associated with production in Mexico. Additionally, risks to users are multiplied due to the practice of suppliers adding fentanyl to heroin to increase the effects. Fentanyl, a synthetic opioid also used as a prescription pain-killer, is 25-50 times more potent than heroin. The DoD Office of Drug Demand Reduction has conducted fentanyl prevalence studies and expects to add fentanyl to the panel of controlled substances tested at the Forensic Toxicology Drug Testing Laboratories in 2019.

The DEA’s 2018 National Drug Threat Assessment states that “drug poisoning deaths are the leading cause of injury death in the United States; they are currently at their highest ever recorded level and, every year since 2011, have outnumbered deaths by firearms, motor vehicle crashes, suicide, and homicide. In 2016, approximately 174 people died every day from drug poisoning.” The combined opioid threat (controlled prescription drugs, fentanyl, and heroin) is described as an epidemic and currently shows no signs of abating.

A positive urinalysis test for heroin (on average, detectable for four days or less) is an indicator of frequent or recent use, in comparison to an occasional user who might test positive for marijuana (on average, detectable for 30 days), because of the limited time the drug is detectable in urine. Leaders should note that the 11 Soldier deaths suffered through heroin and/or fentanyl overdose was not signaled by an accompanying increase in positive UA testing rates in FY2018 (Figure III-6). The data does not indicate a significant rise in heroin use by Soldiers; rather, it clearly indicates the incredible potency of heroin and fentanyl-laced heroin supplies entering the U.S. Today, the use of heroin is analogous to playing “Russian Roulette” with a loaded weapon.

Over the past seven years the Army has responded effectively to drug threats related to synthetic cannabinoids (“Spice”) and prescription opioids. The effective responses included adjustments to drug testing panels, changes to Army Regulation 600-85 (The Army Substance Abuse Program), the conduct of health and welfare inspections enabled by military working dog teams, and the employment of active drug suppression teams to identify distributors. The most important element in Army drug threat reduction is informed, engaged leaders employing the risk reduction tools to achieve the desired effects.

d. Unit Drug Testing

The majority of the Active Component underwent urinalysis testing in FY2018. Specimens from 444,841 unique Soldiers were collected from an average AC population of 467,569 Soldiers. This represents a gap of 22,728 Soldiers, or approximately 5% of the AC population. The testing gap has expanded from the 2% identified in FY2017 and 1% in FY2016. Additionally, the number of specimens collected and tested is declining, from 1,128,531 in FY2016 to 939,640 specimens in FY2018. Given the current opioid overdose threat and the short time (3-4 days) these drugs are detectable in urine, more frequent testing is indicated as an appropriate deterrent response. For comparison, the Air Force tests more frequently than all Services and enjoys the lowest positive rates.

SMART Drug Testing Techniques

- Back-to-Back testing (test Friday and Monday); apply to long weekends as well
- Test newly assigned Soldiers within 30 days
- Test unavailable Soldiers upon return from leave or temporary duty (TDY)
- Test AWOL Soldiers immediately upon return to unit
- Test during field training exercise (FTX)
- Conduct alcohol testing in conjunction with urinalyses

Army Directive 2016-15, *Change in the Army’s Random Deterrence Drug Testing Program*, dated 22 April 2016, should close these gaps. Units must conduct random UA tests of 10 percent of assigned end strength each

month of the fiscal year. During the fourth quarter of the fiscal year the Commander will test all Soldiers who have not been tested during the FY in addition to the regular 10% monthly random testing. This ensures that every Soldier is tested at least once each fiscal year; and Soldiers still have a chance to be tested randomly each month

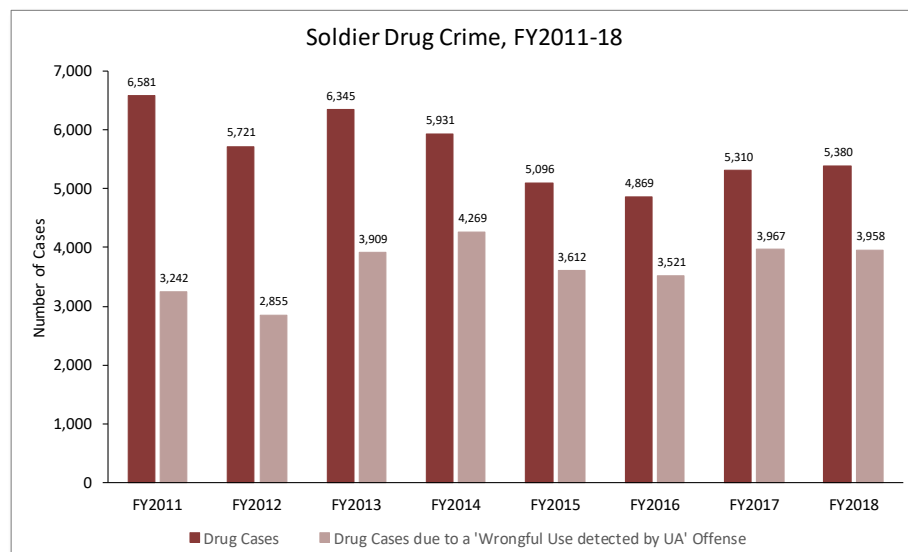


Figure III-7: Soldier Drug Crime and Effectiveness of UA Testing

74% (3,958 of 5,380) of Soldier Drug Crime cases in FY2018 were directly initiated due to positive urinalysis. Urinalysis is very effective in identifying the majority of drug offenders.

(deterrence). If Soldiers are on leave or TDY during a urinalysis test and were selected for the test, then the Unit Prevention Leader (UPL) will include those Soldiers in the next 10% monthly testing occurring after the Soldier's return.

Commanders are responsible for conducting their drug testing program in an efficient and comprehensive manner. The Tactics, Techniques and Procedures (TTPs) provided in the Unit Prevention Leader Handbook¹⁴ assist Commanders to ensure 100% unit testing of their population as well as random testing IAW AR 600-85.

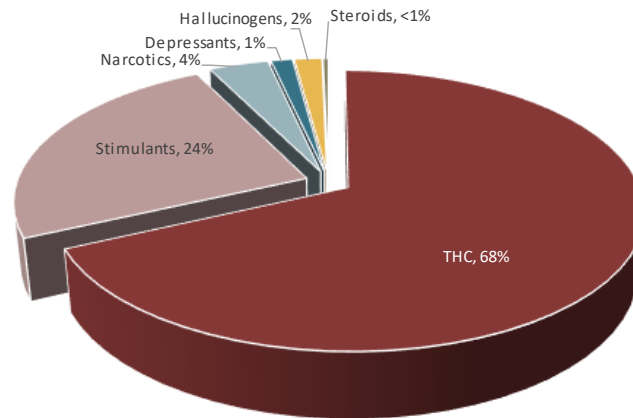


Figure III-8: Positive Illegal/Illicit Drug Composition for FY2018
THC (68%) and Stimulants (24%) composed the majority of positive UAs.

MISSED OPPORTUNITY TO HELP A SOLDIER

In FY2018, CID investigated the death of a PV2. Unit NCOs and Military Police found the PV2 unresponsive in his on-post quarters during a welfare check after he failed to report for morning accountability. A rolled piece of paper, a credit card and a white powdery substance were found on the table adjacent to the deceased Soldier. Autopsy confirmed the manner and cause of death was accidental drug intoxication. The drugs fentanyl (opioid), mitragynine (Kratom), alprazolam (Xanax) and ethanol (alcohol) were detected in the toxicology.

The PV2 was pending court martial for distributing Tramadol and Xanax pills to fellow Soldiers the previous year. Additionally, the Soldier had tested positive for the illicit use of Xanax. Unit members and on-post neighbors were aware that the PV2 and his spouse fought frequently and the spouse was pursuing a divorce. Both the Soldier and his spouse were known in the neighborhood for excessive drinking and their frequent use of pills. The investigation identified at least four Soldiers in the unit that the PV2 had requested to provide "clean" urine so that he could pass urinalysis tests. At least two Soldiers had observed the PV2 consume multiple Xanax pills and opioids in one sitting. None of the Soldiers that were aware of the drug use reported the incidents to the chain of command.

Opioids, to include pharmaceuticals (for example, oxymorphone and tramadol) and illegal street drugs (for example, heroin and fentanyl), are exceptionally dangerous and accounted for 15 of the 30 Soldier overdose deaths suffered in FY2018. Additionally, opioids are more difficult to test for in comparison to marijuana, due to the limited time the drug is detectable in urine. Relative to the short period available for detection, a positive result for opioids during urinalysis is an indicator of frequent use. Commanders are required by federal law (32 CFR § 634.13) to refer all Soldiers to behavioral health for a substance use disorder evaluation for a positive test for opioids or any indications or allegations of abuse.

¹⁴ Accessible at <http://acsap.army.mil/prevention/UPLHandbook.pdf>

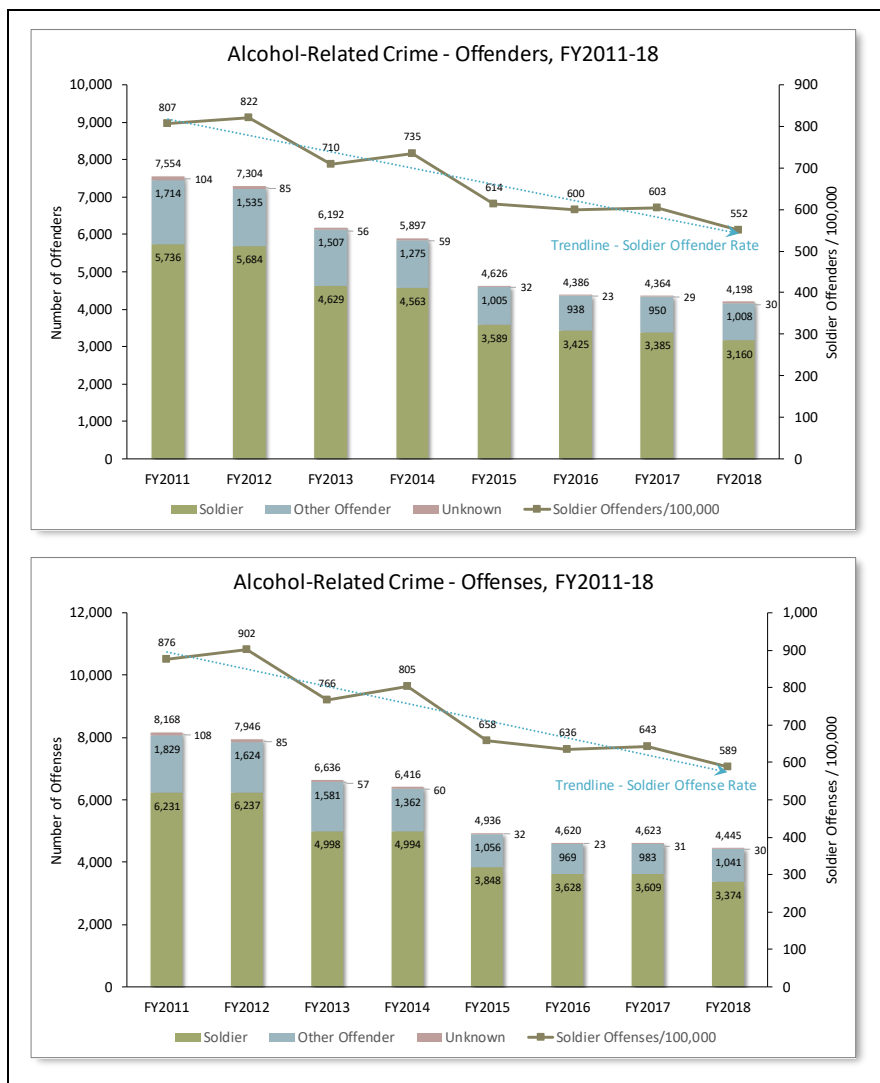
LEARNING POINTS

- Commanders must conduct random UA tests of 10 percent of assigned end strength each month of the fiscal year, and test all remaining untested Soldiers in the fourth quarter of the fiscal year in addition to the regular 10% monthly random testing. This supplements the units' annual 100% urinalysis test.

e. Alcohol-Related Crime

Soldier Alcohol-Related Crime is trending downward. Alcohol-Related Crime includes Drunk Driving with Personal Injury (felony), Drunk Driving without Personal Injury (misdemeanor), and Drunk and Disorderly (such as drunk in public, drunk on duty, and disorderly conduct). From FY2011-18, the Soldier offender and offense rates decreased by 32% and 33%, respectively.

Alcohol involvement in all other crimes averaged 9% (7,533 of 80,652 offenses) in FY2018. However, alcohol involvement in Violent Sex Crimes (34% of FY2018 offenses), Aggravated Assault (24%), Assault and Battery (23%), and Other Sex Crimes (22%) exceeded this 9% average.

**Figure III-9: Alcohol-Related Crime**

Soldier alcohol-related crime is trending downward.

f. Accidental and Undetermined Deaths

Active Duty Soldier Deaths

CID investigated a total of 94 accidental and undetermined active duty Soldier deaths in FY2018 (compared to 86 in FY2017). Causes of death include the following: 32 died from drug overdoses; 12 died in automobile collisions; 8 died in motorcycle or ATV collisions; 6 died from gunshots; 5 died by drowning; 4 died in helicopter crashes; 3 died from asphyxiation; 3 died from being struck by vehicles as a pedestrians; 3 died of alcohol poisoning; 2 fell down stairs; 2 died from hypothermia; and 2 were struck by a train. In addition, there was one death apiece by the following: airplane crash; carbon monoxide poisoning; falling from a height; heat injury; parachute malfunction; and snowboarding. 6 deaths were still undetermined as of December 2018. It should be noted that 13 of the 94 victims had a criminal history reported by Army law enforcement; 12 of these 13 victims died by accidental drug overdose.

There were 20 distinct substances identified in the 32 accidental drug overdose deaths. Collectively, opioids of all types (both natural and synthetic; licit and illicit) were used in 19 (59%) of the 32 accidental drug overdose deaths, representing the largest substance threat in accidental overdoses. Fentanyl accounted for 8 (25%) overdose deaths and heroin accounted for 3 (9%) overdose deaths. Accidental deaths where both heroin and fentanyl were used were the cause of 2 (6%) overdose deaths. Other non-heroin or fentanyl opioids were used in 8 (25%) of the overdose deaths.

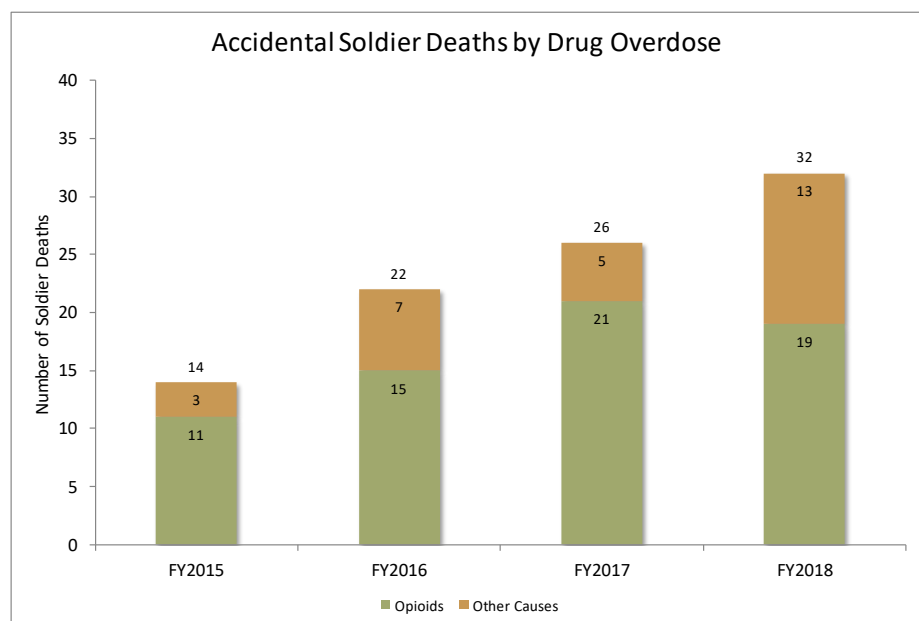


Figure III-10: Accidental Soldier Deaths by Drug Overdose

Opioids were used in 19 of the 32 accidental drug overdose deaths in FY2018 and represents the largest substance threat in accidental overdoses.

Amphetamines (e.g., Adderall) and methamphetamines were used in 5 (16%) of the 32 overdose deaths. Cocaine toxicity was found as a contributing factor in 5 (16%) of the overdose deaths and alcohol in one (3%) of the overdose deaths. Benzodiazepines were also found as a contributing factor in 4 (13%) of the overdose deaths, and anabolic steroids, synthetic cannabinoids, and THC were also found as contributing factors in 1 (3%) death apiece.

The purposeful inhalation of substances, known as “huffing,” were responsible for 3 (9%) overdose deaths. All of the huffing deaths resulted from the inhalation of difluoroethane, a gas used as a refrigerant in dust cleaner products, such as “Dust-Off.”

The abuse of prescription medication remains a genuine concern. 7 (22%) of the 32 accidental drug overdose deaths involved prescription drugs, although only 1 (3%) of the deceased Soldiers was prescribed the medication responsible for their drug overdose. Fentanyl was not considered a prescription drug, as fentanyl is most often abused illicitly. The most common types of medications found in the victims' systems were pharmaceutical opioids, such as oxycodone (5), oxymorphone (3), hydromorphone (1), and methadone (1).

PATTERN OF HIGH RISK BEHAVIOR LEADS TO ACCIDENTAL DEATH

In late FY2018, CID was notified of the death of a PVT found in an off-post hotel room in the vicinity of an Army installation. The Soldier was discovered sitting on the toilet, with a hypodermic needle and a small bag of a white substance. The autopsy report revealed the cause of death as combined drug toxicity (heroin, fentanyl and methamphetamine) and the manner of death was accidental overdose. The Soldier had departed his unit in an AWOL status more than 30 days previously. In the months leading up to his AWOL, he was investigated for multiple crimes by military police and CID in four separate cases. In the first case, the PVT admitted to purchasing and using prescription anti-anxiety medication that was not prescribed to him. In the second investigation, he was found to be distributing prescription opioids to other Soldiers. Later, he was investigated for assaulting another Soldier. Following the assault, he was found to be in possession of a smoking pipe with methamphetamine residue. He admitted to smoking the meth.

In FY2018, 13 of the 94 Soldier victims of accidental or undetermined death investigations had a record of previous criminal conduct in Army law enforcement records. Commanders should be aware that patterns of high-risk behavior can sometimes lead to preventable tragedy. Commander's tools, such as the Newly Assigned Soldier Criminal History Report, Multiple Offender Reports, and the Commander's Risk Reduction Dashboard, provide increased situational awareness of high-risk behavior in order to implement preventive and corrective measures.

Civilian and Other Servicemember Deaths

CID investigated a total of 52 accidental and undetermined Civilian and other Servicemember deaths in FY2018 (compared to 60 in FY2017). Causes of death include the following: 9 died from drug overdoses; 7 died in automobile collisions; 5 died by drowning; 5 died in explosions; 3 died from asphyxiation; 3 died in motorcycle or ATV collisions; 2 died in airplane crashes; 2 died from electrocution; and 2 died from being struck by a vehicle as a pedestrian. In addition, there was one death apiece by the following: construction accident; fell down stairs; fire; and hypothermia. 10 deaths were still undetermined as of December 2018.

There were 18 distinct substances identified in the 9 accidental drug overdose deaths. Collectively, opioids of all types (both natural and synthetic; licit and illicit) were used in 4 (44%) of the 9 accidental drug overdose deaths. Fentanyl accounted for 2 (22%) overdose deaths. Benzodiazepines; amphetamines (e.g., Adderall) and methamphetamines; and non-heroin or fentanyl opioids were found as contributing factors in 6 deaths. Heroin, cocaine, anabolic steroids, synthetic cannabinoids, and THC were not contributing factors in any of the 9 accidental drug overdose deaths.

Lastly, alcohol was a contributing factor in 3 (33%) of the 9 accidental drug overdose deaths. 4 (44%) of the 9 accidental drug overdose deaths involved prescription drugs. 14 different prescription medications were used.

DANGERS OF INHALANT ABUSE

In 2018, a PFC and several other junior Soldiers were consuming alcohol in a barracks. Some, including the PFC, were also huffing from cans of compressed gas. At some point, the PFC became ill and then unresponsive. Life saving measures were attempted by some of the Soldiers present as well as medically trained personnel who resided in the same barracks building before Emergency Medical Services (EMS) arrived on scene. Some of the Soldiers immediately left the scene when the PFC passed out, concerned that they would be identified for underage drinking or huffing activities. The PFC was then transported to a hospital where he was pronounced deceased. A search of the scene revealed multiple cans and bottles of alcohol and two canisters of DustOff brand compressed gas. An autopsy was performed by the Armed Forces Medical Examiner, listing the manner of death as accidental and the cause of death as mixed drug toxicity (ethanol alcohol and difluoroethane).

Difluoroethane, a substance commonly used in compressed air products (as in computer keyboard cleaners), is extremely toxic when inhaled and may cause death by freezing in the lungs, inducing pulmonary congestion (excess fluid in the lung cavities) or exacerbating already present cardiopulmonary issues. Commanders should be aware these products could be abused as inhalants while conducting health and welfare inspections. Soldiers using these products to “get high” will be titled under the UCMJ for a Failure to Obey a General Order, Wrongful Use of an Inhalant.

LEARNING POINTS

- ★ Timely identification and reporting of significant actions or events enables leaders to better manage high-risk behavior and protect Soldiers.
- ★ Fellow Soldiers must acknowledge and embrace their role in observing their peers for high-risk behavior and intervening to ensure proper healthcare treatment.

3. Sex Crime Trends



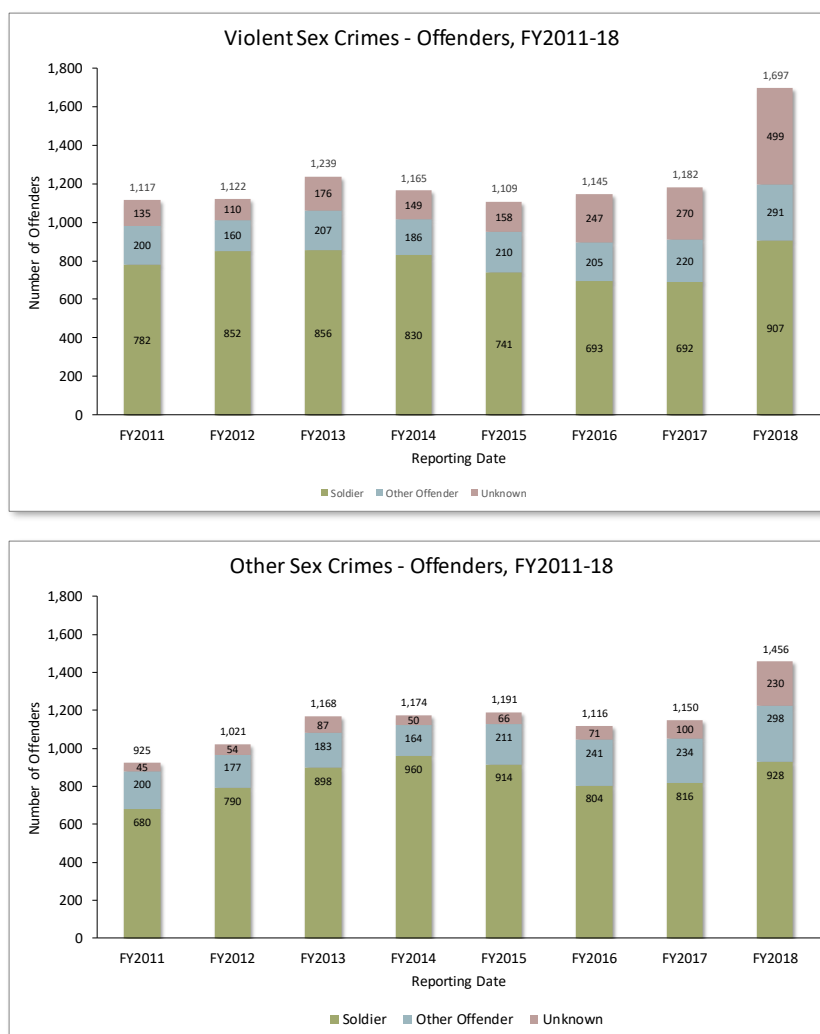
"We believe engaged first-line leaders are the foundation of the Army's primary prevention efforts when it comes to sexual assault, sexual harassment, and associated retaliation. Army leaders set the conditions to prevent sexual misconduct from occurring, through engaged leadership, treating each individual with dignity and respect."

– LTG Thomas Seamands
Deputy Chief of Staff, G-1

a. Army-Wide Crime

Figure III-11 depicts the number of sex crime offenders across the Army from FY2011-18. The stacked bar shows the number of offenders by subject type. For example, FY2011 had 1,117 Violent Sex Crime offenders comprised of 782 Soldiers, 200 Other Offenders, and 135 Unknown individuals.

The total number of Violent Sex Crime offenders (top chart) has been range bound between ~1,100 and ~1,200 offenders each year since FY2011. Please note that the seemingly large increase of 1,697 offenders in FY2018 reflects offenses still under investigation (70%), and a portion of these offenses will be unfounded as cases are closed. Similar trends and findings apply to Other Sex Crime offenders (bottom chart).



Note: Reflects founded and offenses under investigation only. Excludes unfounded. The FY2018 "spike" is due to a large proportion of offenses under investigation. A portion of these offenses will be unfounded as cases are closed.

Figure III-11: Sex Crime Across the Army

The total number of Violent Sex Crime offenders has remained range bound between 1,109 to 1,239 offenders from FY2011-17. The FY2018 "spike" is due to a large proportion of offenses under investigation.

b. Soldier Crime

Delayed reporting is especially prevalent for Violent Sex Crimes and Other Sex Crimes, unlike other crime categories.¹⁵ Due to the impact of delayed reporting, this section analyzes sex crime trends by both reporting date to law enforcement and incident date of the crime. Furthermore, the nature of these crimes require longer investigative timelines. To avoid misinterpreting crime counts in more recent years (especially FY2018), we delineate between founded offenses (dark green bar) and offenses under investigation (light green bar). The corresponding offense rates show an “upper bound” based on founded offenses and offenses under investigation (solid red line) and a “lower bound” for founded offenses only (dashed red line). As cases are closed, the two lines will converge.

Figure III-12 shows Violent Sex Crimes for Soldier Offenders by reporting date (top chart) and by incident date (bottom chart). The Violent Sex Crime rate is trending flat by reporting date but is downward by incident date.¹⁶

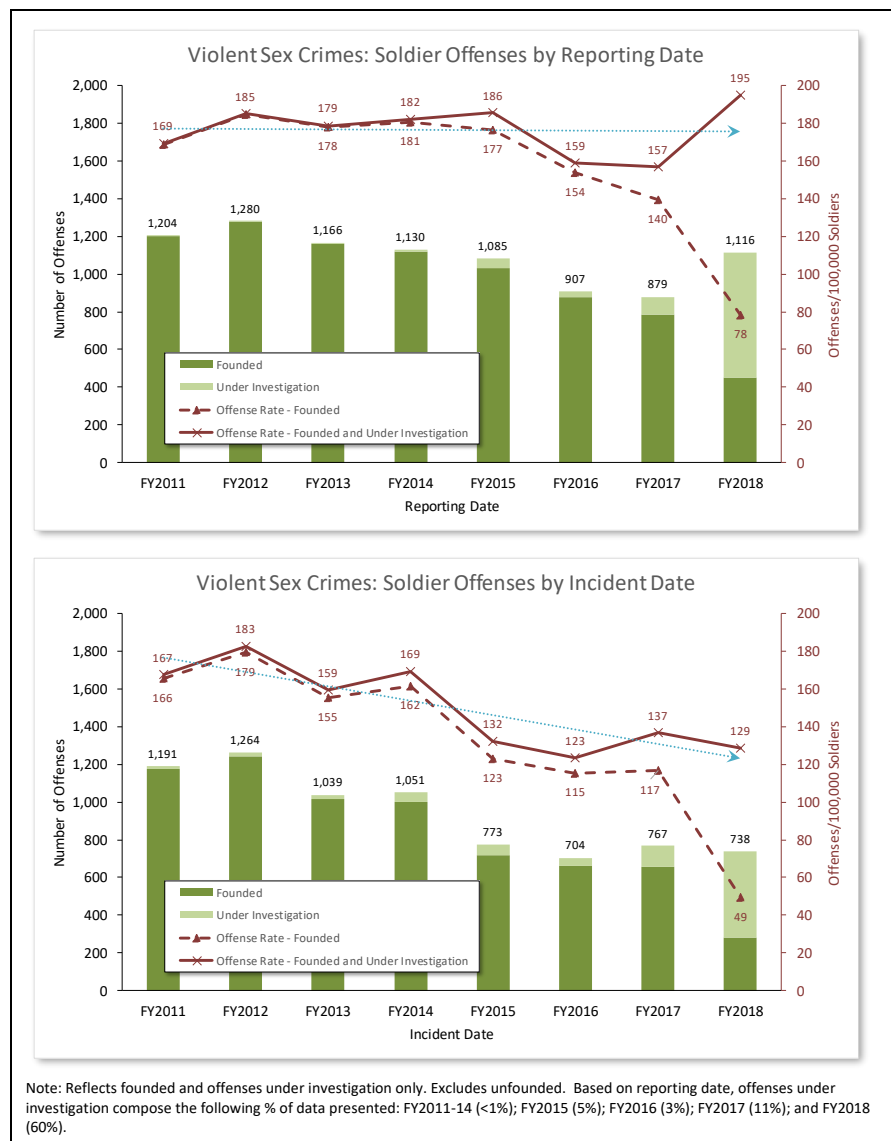


Figure III-12: Violent Sex Crime Trends for Soldier Offenders

Violent Sex Crime reporting to Army law enforcement is trending flat (top chart). When examined by date of the crime, however, the trend is downward (bottom chart). Within a given fiscal year, the upper bound and lower bound offense rates will converge as cases are closed.

¹⁵ Violent Sex Crimes include the penetrative sex crimes of rape, sexual assault, forcible sodomy, and associated attempts. Other Sex Crimes include Article 120 non-penetrative sex crime offenses, such as Abusive Sexual Contact and Indecent Exposure.

¹⁶ The blue trendline is a “line of best fit” or “regression trendline.” It is a straight line that best represents the offender / offense rates. The slope of the line visually shows whether crime is increasing, decreasing, or remaining flat over the eight year period.

Figure III-13 depicts Other Sex Crimes for Soldier Offenders. Heightened awareness generated by Army-wide SHARP initiatives and renewed leader/Soldier emphasis may explain the upward trend by reporting date. The offense rate by incident date is flat.

Proactive Army policies and sustained awareness of the impact of sexual misconduct on readiness are critical to reducing incidents of violent sex crimes. The professionalization of full-time Sexual Assault Response Coordinators (SARCs) and Victim Advocates (VAs); new computer-based training for SARCs and VAs (Emergent Leader Immersive Training Environment (ELITE)-SHARP Prevention and Outreach Simulation Trainer (POST)); revised professional military education (PME) SHARP training; further developed CID's Special Victim Unit capability; enhancements to the Office of the Judge Advocate General's (OTJAG) Special Victim Prosecutors; and implementation of the Special Victim Counsel program are among the many Army initiatives implemented to prevent and respond to sexual assaults and hold offenders accountable. These initiatives are reinforced by Army policy:

- Evaluation Reporting System enhancements which assess the effectiveness of officers and NCOs in eliminating sexual harassment and assault and fostering climates of dignity and respect in their units.¹⁷
- Clarifying guidance assisting the decision whether to retain Soldiers convicted of a sex crime, ensuring those decisions are fully informed and in the Army's best interest.¹⁸ Commanders will

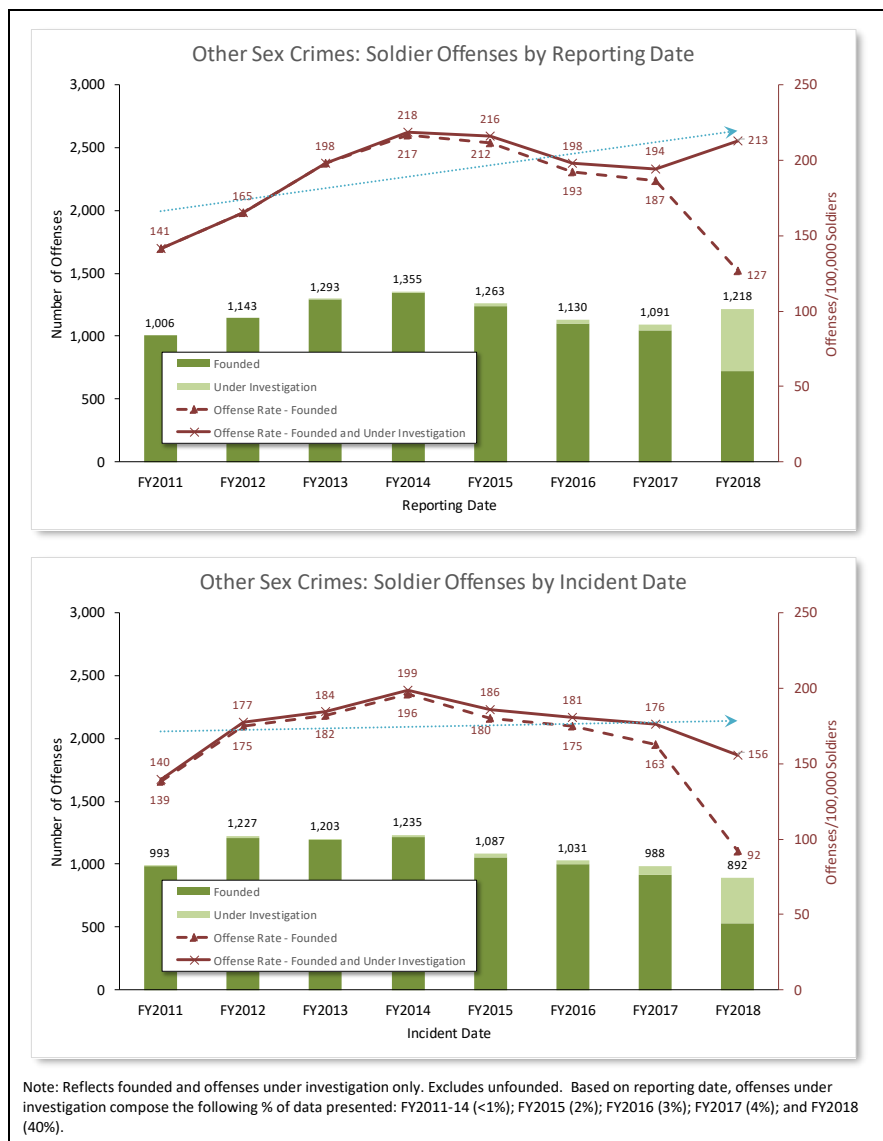


Figure III-13: Other Sex Crime Trends for Soldier Offenders

Other Sex Crime reporting to Army law enforcement is trending upward (top chart). When examining the date of the crime, however, the trend is flat (bottom chart).

¹⁷ Army Directive 2013-20 (Assessing Officers and Noncommissioned Officers on Fostering Climates of Dignity and Respect and on Adhering to the Sexual Harassment/Assault Response and Prevention Program), 27 September 2013.

¹⁸ Army Directive 2013-21 (Initiating Separation Proceedings and Prohibiting Overseas Assignment for Soldiers Convicted of Sex Offenses), 7 November 2013.

initiate the administrative separation of any Soldier convicted of a sex offense that requires registration as a sex offender under DoDI 1325.07 and whose conviction did not result in a punitive discharge or dismissal, regardless of conviction date, component (COMPO), and current status in that COMPO.¹⁹ Furthermore, Commanders must ensure Soldiers convicted of sex crimes are not assigned or deployed on a temporary duty (TDY), temporary change of station (TCS), or permanent change of station (PCS) status to duty stations outside the Continental United States (OCONUS).²⁰ Soldiers serving in OCONUS locations convicted of a sex offense are ineligible for continued duty at those locations and will be returned to the Continental United States (CONUS).

- Soldiers receiving court-martial convictions, nonjudicial punishment, or punitive administrative action for a sex crime are denied PCS or reassignment until approved by Headquarters, Department of the Army (HQDA). The sex crime is annotated in the Soldier's permanent record in the Army Military Human Resource Record (AMHRR) and Commanders must screen record briefs of current and incoming Soldiers for any sex crime codes to gain situational awareness of sex crime offenders within their formations.²¹ Relevant and measurable trends in the reporting of sexual assault offenses indicate a growing trust and confidence by victims and a command climate of dignity and respect.
- Sex offenders, including Servicemembers, civilian employees, accompanying dependent family members, and contractors, must register with the installation PMO within three working days of first arriving on an installation.²²

IMPORTANCE OF BYSTANDER INTERVENTION

A female SGT was sexually assaulted by a male SGT after a night of drinking with unit friends. The female SGT stated she blacked out from alcohol consumption and woke up in her bed the next morning with her clothing removed and bruising on her inner thighs. When she asked a friend what happened, he stated he left the room after she and the male SGT began kissing (despite her obvious level of intoxication). The male SGT was interviewed and stated all sexual acts were consensual, and that the female SGT was fully awake and coherent during them. After a second interview, the male SGT admitted he lied in his previous statement to CID and he performed sexual acts upon the female SGT while she was asleep and unable to consent, and that she did not reciprocate his advances. The male SGT pled guilty to sexual assault in a General Court Martial and was sentenced to four years confinement, reduced to the grade of E-1, and received a dishonorable discharge.

All of the Soldiers had the opportunity to do the right thing, to intervene in order to defend a teammate and prevent a crime that damaged many lives. Alcohol was a factor for all the personnel involved. There were numerous opportunities for intervention before alcohol consumption reached the point where people made decisions that resulted in lifelong negative impacts.

¹⁹ There are three Army Components: COMPO 1 – Active Army; COMPO 2 – Army National Guard; and COMPO 3 – US Army Reserve.

²⁰ OCONUS exceptions to Army Directive 2013-21 are Hawaii, Alaska, the Commonwealth of Puerto Rico, and US territories/possessions.

²¹ Army Directive 2014-29 (*Inclusion and Command Review of Information on Sex-Related Offenses in the Army Military Human Resource Record*), 9 December 2014.

²² AR 190-45 (*Law Enforcement Reporting*), paragraph 2-7.

GROOMING OF VICTIMS, THREATS OF RETALIATION, AND EFFECTS ON UNIT READINESS

A female SPC reported she was sexually assaulted by her Squad Leader, a female SGT, on numerous occasions over several months before and during a deployment. The SPC reported on one occasion, the SGT entered the SPC's shower area, kissed her, and touched her breasts. On another occasion while training for deployment, the Squad Leader again tried to enter her shower; the SPC was able to avert the attempt and get away from her. The SPC stated the SGT mistreated her and verbally attacked her as a result of rejecting the Squad Leader's advances. The investigation revealed that a second victim, another female SPC, was sexually assaulted by the Squad Leader who engaged in unwanted sexual contact to include kissing and groping the genital area of the Soldier. After deploying, the SPC stated she awoke to the SGT rubbing her hair and telling her she loved her. The SGT kissed the SPC's forehead then got into bed with another female SPC in the tent. The servicing judge advocate opined there was probable cause to believe the SGT committed multiple offenses of Abusive Sexual Contact to both SPCs and Cruelty to Subordinates to one of them. The SGT was punished under Article 15 with forfeiture of two months' pay, 45 days extra duty, 45 days restriction, and reduction in grade to E-4.

The actions of the NCO negatively impacted the readiness of the unit far beyond the offenses perpetrated against the two junior Soldiers. A Command Climate Survey administered in the unit following the squad leader's offenses would clearly indicate that unit personnel would not feel comfortable with approaching the command if they witnessed incidents of sexual harassment or assault.

This vignette illustrates how sexual predators use the technique of grooming to test boundaries with victims, using actions that escalate from inappropriate behavior to abusive sexual contact and sexual assault. Additionally, many times these predators will use varying forms of threats to control their victims' reporting of the incidents. Soldiers should immediately report inappropriate behavior to stop grooming behaviors of peers and superiors alike. Commanders must work diligently to ensure their Soldiers trust that they will remain unbiased in all reported incidents to ensure justice is maintained throughout their command.

c. Soldier-on-Soldier Crime

Of the Violent Sex Crimes that were committed by Soldiers in FY2018, 44% (326 of 738 offenses) were perpetrated against other Soldiers. These involved 295 unique Soldier offenders and 288 unique Soldier victims.

Young female Soldiers remain the targets of these crimes. Of the 288 Soldier victims, 93% (267) were female, and 87% (231) of female victims were junior Soldiers (E1 - E4). Of the 295 Soldier offenders, 68% (202) were junior Soldiers and 32% (93) were E5 or above (including officers).

75% of all Soldier-on-Soldier Violent Sex Crimes involved alcohol. Based on anecdotal information, it is possible that the actual alcohol involvement may be higher due to underreporting driven by potential underage drinking and General Order (GO) #1 violations (no alcohol consumption while deployed).

Predominant Risk Factors for Soldier-on-Soldier Violent Sex Crime

- *Location.* 44% of crimes were committed in barracks.
- *Alcohol involvement.* 75% of the crimes involved alcohol use by the subject, victim, or both.
- *Victim demographics.* While female Soldiers compose 16% of the Force, they represent 93% of the Violent Sex Crime victims. 87% of the female Soldier victims were E1-E4.
- *Day of week.* 66% of crimes were committed during the weekend (Friday through Sunday)
- *Time of day.* 2200-0200 was the riskiest time block, with 59% of all crimes occurring between these hours.

COMMON ELEMENTS OF SOLDIER SEXUAL ASSAULTS

A female Soldier was sexually assaulted by a male PFC after drinking alcoholic beverages at a military ball. The SGT stated the PFC touched her in a sexual manner as he drove her back to post while she was conscious, then she fell asleep from alcohol consumption for the remainder of the drive and woke up to find her pants unbuttoned and partially pulled down, but was unaware of any physical contact during the time she was asleep. During witness interviews, a female spouse was interviewed and stated the same male PFC touched her in a sexual manner without her consent while attending the same military ball. Multiple witnesses were able to corroborate the spouse's claim. The PFC was interviewed and admitted he touched the Soldier in a sexual manner, but the contact was consensual and he stopped when told to do so. The PFC also stated he was intoxicated while at the military ball and could not recall contact with the spouse. The PFC pled guilty to two counts of Abusive Sexual Contact and received an Article 15 with forfeiture of two months' pay, 45 days extra duty, 60 days restriction, and reduction in grade to E-1.

This vignette represents common elements from many of CID's sexual assault investigations - young Soldiers who knew one another; alcohol consumption; usually in high-density housing areas, such as barracks, containerized housing units (CHUs), and hotels; and the failure to take care of a fellow Soldier. Leaders should continue to emphasize that engaging in sexual acts with another person who has consumed alcohol and is unable to give consent due to the effects of alcohol or drugs or has not given their consent is a risk not worth taking and violates the Army values, is against the law, and will likely result in lifelong consequences for the victim and assailant.

Figure III-14 depicts the offense rates by reporting date (top chart) vs. incident date (bottom chart) for Soldier-on-Soldier Violent Sex Crimes. Violent Sex Crimes are trending downward by both reporting and incident dates.

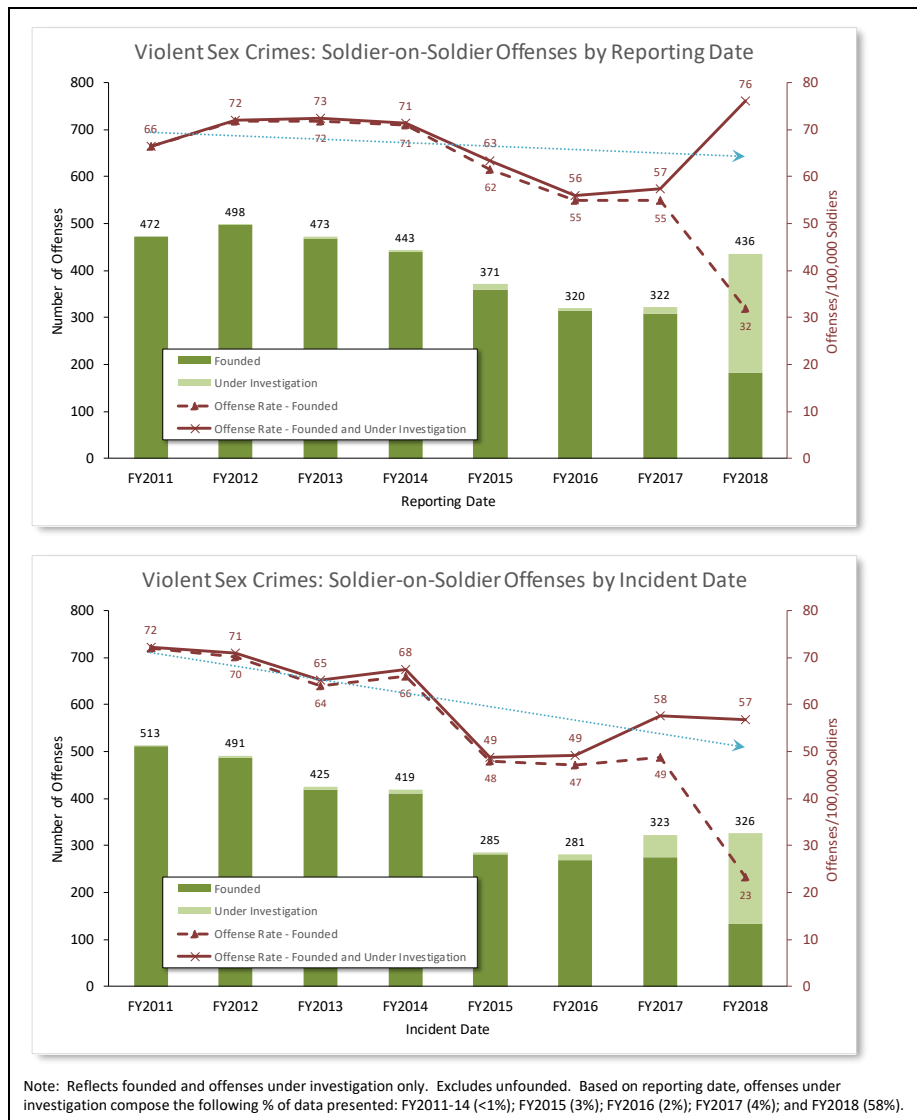


Figure III-14: Soldier-on-Soldier Violent Sex Crime Trends

Soldier-on-Soldier Violent Sex Crimes are trending downward by both reporting date (top chart) and incident date (bottom chart).

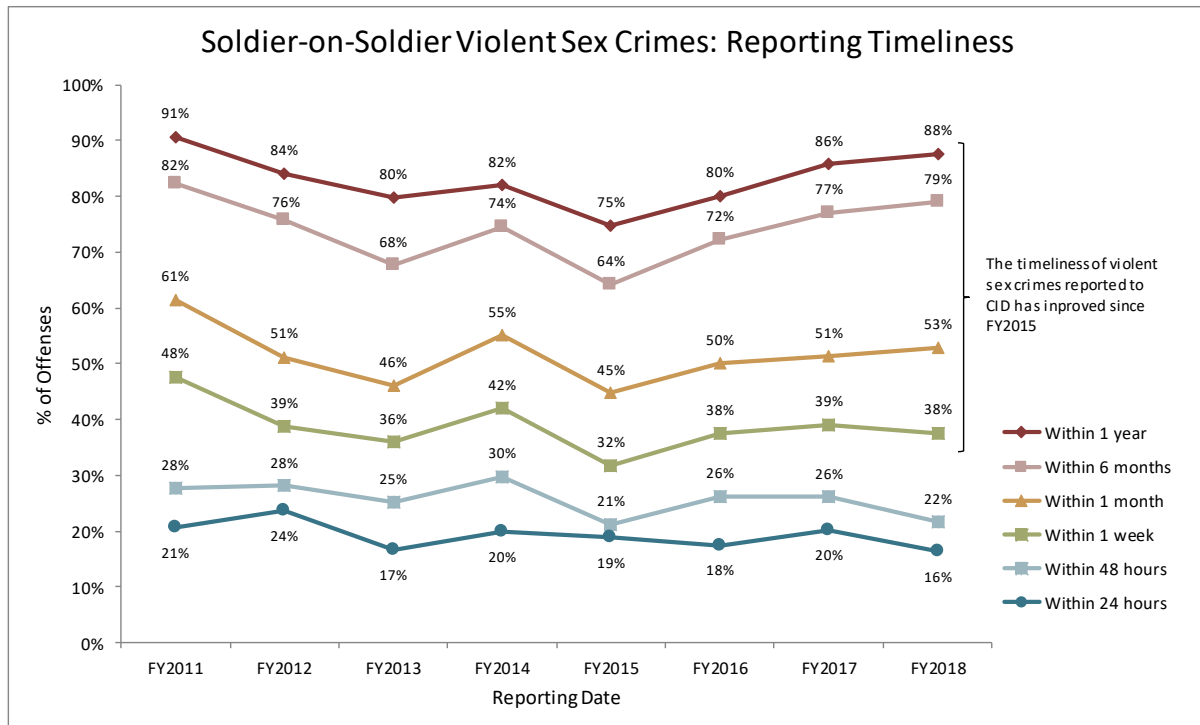
Figure III-15 depicts the offense rates by reporting date (upper chart) vs. incident date (lower chart) for Soldier-on-Soldier Other Sex Crimes. Other Sex Crimes, based on both reporting and incident dates, are trending upwards.

Figure III-16 quantifies the reporting timeliness of Soldier-on-Soldier Violent Sex Crimes. This figure measures the time a victim took to report the incident and does not reflect CID's ability to initiate or investigate the case. The volume of crimes reported to CID within one year of the incident date decreased from a high of 91% in FY2011 to a low of 75% in FY2015. Since FY2015, delayed reporting has improved and is on the decline.



Figure III-15: Soldier-on-Soldier Other Sex Crime Trends

Soldier-on-Soldier Other Sex Crimes are trending upward by both reporting date (top chart) and by incident date (bottom chart).



Note: Reflects founded and offenses under investigation only. Excludes unfounded. Based on reporting date, offenses under investigation compose the following % of data presented: FY2011-14 (<1%); FY2015 (3%); FY2016 (2%); FY2017 (4%); and FY2018 (58%).

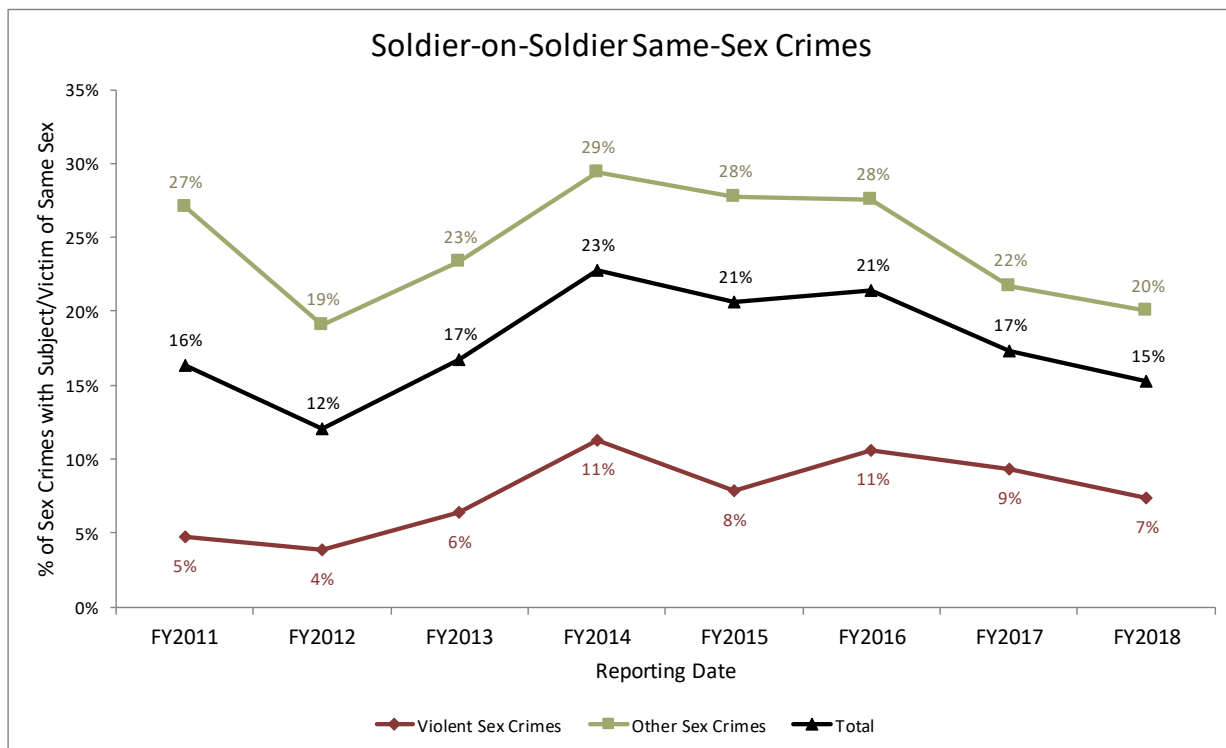
Figure III-16: Reporting Timeliness of Soldier-on-Soldier Violent Sex Crimes

The timeliness of Soldier-on-Soldier Violent Sex Crimes reported to CID has improved since FY2015.

While delayed reporting equates to a significantly reduced opportunity to collect physical evidence (e.g., traces of most date rape drugs leave the body within 24-48 hours) along with degraded testimony, it could also indicate renewed victim confidence in reporting and/or a desire to receive victim services. Commanders must continue to convey to their Soldiers – in words and actions – that victims will be cared for accordingly while offenders will be held accountable for their actions, and timely reporting will potentially prevent the subject from reoffending in the future.

Figure III-17 illustrates trends of Soldier-on-Soldier same-sex crimes from FY2011-18. This crime category has been trending downwards since FY2014. In FY2018, approximately one out of every seven Soldier-on-Soldier sex crimes was against the same sex (black line in figure).

The ratio between male-on-male and female-on-female crimes was 89% / 11% for Violent Sex Crimes; 85% / 15% for Other Sex Crimes; and 85% / 15% for Total Sex Crimes pertaining to Soldier-on-Soldier same-sex crimes from FY2011-18. These percentages are in line with Army demographics: 84% male / 16% female.



Note: Reflects founded and offenses under investigation only. Excludes unfounded. Based on reporting date, offenses under investigation compose the following % of data presented: FY2011-14 (<1%); FY2015 (3%); FY2016 (2%); FY2017 (4%); and FY2018 (58%).

Figure III-17: Same-Sex Crime Trends

One out of every seven Soldier-on-Soldier sex crimes is against the same sex.

IMMATURE CONDUCT CAN BE CRIMINAL

Two male SSGs reported a third male SSG sexually assaulted them after a night of drinking. One SSG stated the offending SSG touched his buttocks while they were drinking at a bar, and the other SSG reported the offending SSG touched his back and groin after they returned to his barracks room after a night of drinking. The offending SSG was questioned and stated he did not remember the sexual acts due to his level of intoxication during the incidents but added the incident in the barracks was plausible given his level of intoxication and physical attraction to the other SSG. The offending SSG further stated he considered the third SSG a friend and if he did touch his buttocks while at the bar, it was due to his level of intoxication and meant in a joking manner. The offending SSG pled guilty to two counts of Abusive Sexual Contact and was issued an Article 15 with forfeiture of two months pay and reduced in grade to E-5.

Leaders should continue to emphasize to Soldiers, especially junior Soldiers, the Army's high standards in personal responsibility and accountability as they transition from high school or college. The "locker room" conduct that may have been accepted in the school setting may be a criminal act under the UCMJ. Failure to live by the Army values of treating others with dignity and respect can result in serious consequences to include criminal charges and punishment.

LEARNING POINTS

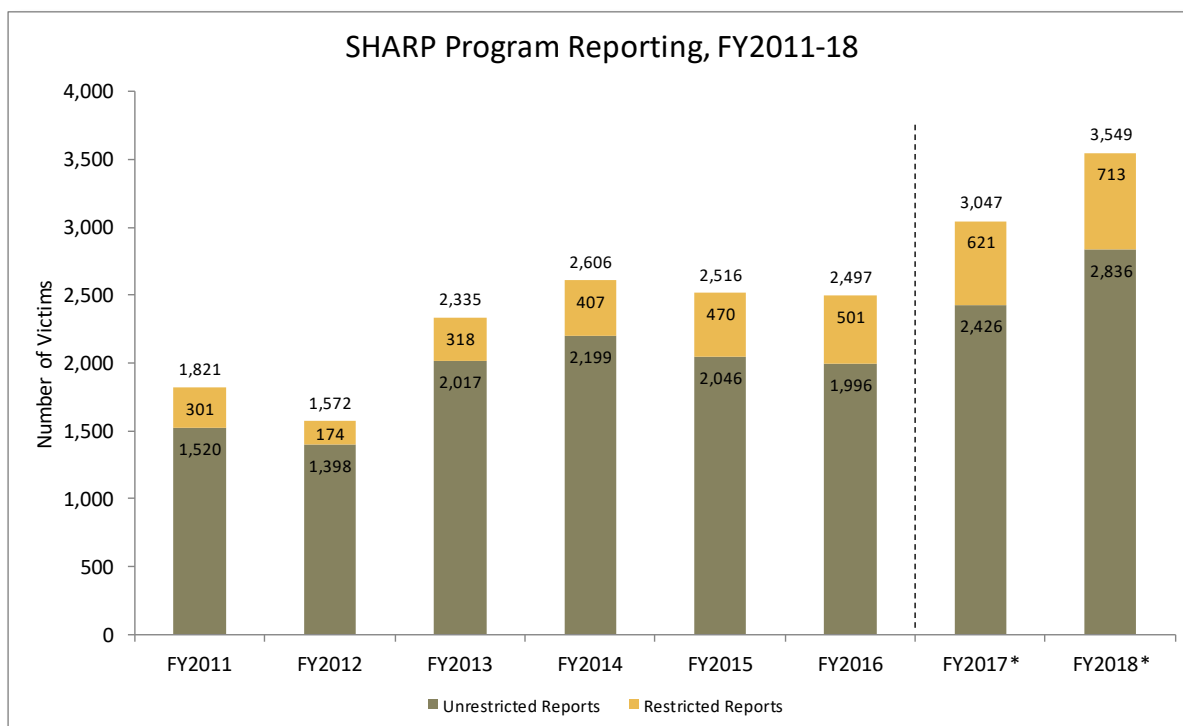
- ★ Encourage Soldiers to report sex crimes, and report them as quickly as possible. Timely reporting assists with medical treatment and well-being of the victim, preserves evidence, and positively impacts the investigation of the crime.
- ★ Use Charge of Quarters (CQ), led by non-commissioned officers, in all barracks to prevent sex crimes.
- ★ Ensure barracks policies provide appropriate good order and discipline (e.g., visitation hours and ages of visitors, acceptable quantities of alcohol per room, leader presence on weekends).
- ★ Ensure all Soldiers, especially junior (E1-E4) Soldiers, are formally sponsored and quickly integrated to reduce the potential for sex crime victimization and mitigate risks during transition periods.
- ★ Educate Soldiers that all sexual acts require consent from both people and engaging in a sexual act with another who is too intoxicated to give consent violates the law and will likely result in lifelong consequences for the victim and assailant. According to AR 600-20, paragraph 8-4.a., consent will not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, or coercion or when the victim is asleep, incapacitated, or unconscious.
- ★ Bystander intervention is critical; empower Soldiers to intervene and take action to protect their battle buddy if they see a fellow Soldier at risk of making poor decisions due to alcohol.
- ★ Leverage PMO and CID expertise to assist with law enforcement briefings at unit-level training events, garrison newcomer's briefs, and local Commander/1SG Courses.
- ★ Increase situational awareness through unit safety briefings, climate surveys, and sensing sessions. Targeted sensing sessions (e.g., with women only, men only, junior Soldiers) improves awareness.

d. Army Crime Report vs. SHARP Annual Report

The Army Crime Report and Sexual Harassment/Assault Prevention and Response Program (SHARP) Annual Report are the two authoritative annual reports on sex crimes in the Army; however, their statistics differ. These differences have led to confusion. This section provides a holistic understanding of sex crime reporting within the Army, highlighting reporting requirements of and commonality / differences between these two reports.

The Army Crime Report, produced by the Office of the Provost Marshal General for Commanders, reflects standard law enforcement reporting methodologies providing Commanders a review of sex crimes committed by active duty Soldiers, the population of offenders that Commanders can most influence and hold accountable. It also tracks all other offenders titled by Army law enforcement, such as Civilians, other Servicemembers, and unknown/unidentified individuals.

The SHARP Annual Report, produced by the Army G-1 for the Office of the Secretary of Defense (OSD) and Congress, reports sexual assault data in a manner directed by OSD policy. Figure III-18 depicts the number of victims reporting sexual assault from FY2011-18 based on the date the incident was reported. One victim equals one report. Information and data trends on the SHARP program is contained in the Department of Defense Annual Report on Sexual Assault in the Military, available at <http://www.sapr.mil/index.php/reports/sapro-reports>.



*FY2017 and FY2018 data includes all COMPOs. Previous years included COMPO 1 and COMPO 3 data only.

Figure III-18: SHARP Program Reporting, FY2011-18

There were 3,549 reports in FY2018 compared to 3,047 in FY2017. Of note, SHARP Program reporting included all COMPOs starting in FY2017; previous years included COMPOs 1 and 3 only. The timing of this reporting shift is designated by the dashed line in the figure.

The underlying sex crime data presented in the Army Crime Report both differ and overlap with that of the SHARP Annual Report based on unique reporting requirements. Figure III-19 outlines the key differences in the reportable metrics used to inform each report. For example, SHARP excludes sex crimes perpetrated against juveniles (i.e., victims under 16 years of age) and victims in marital, domestic, or intimate partner relationships. SHARP includes both unrestricted and restricted reports whereas the Army Crime Report only includes unrestricted.

	Army Crime Report	DoD / SHARP Annual Report
Key Reporting Metric	Number of offenses and unique offenders (no double counting); offense and offender rates for active duty Soldiers only	Number of victims (one victim = one report) and prevalence data
Offender Criteria	All offenders titled by Army Law Enforcement	All offenders (i.e., Soldiers, Family members, civilians, other Servicemembers) of crimes committed by and/or against Servicemembers
Victim Criteria	All victims; no exclusions	Excludes sex assault cases involving victims who are juveniles and marital, domestic or intimate partners
Included Crimes	All sex crimes (penetrative and non-penetrative) and their attempts	Excludes certain non-penetrative crimes (e.g., indecent exposure, solicitation)
Founded/Unfounded	Founded offenses and offenses under investigation	Founded offenses and offenses under investigation, as well as unfounded offenses.
Restricted/Unrestricted²³	Unrestricted reports only	Restricted and unrestricted reports

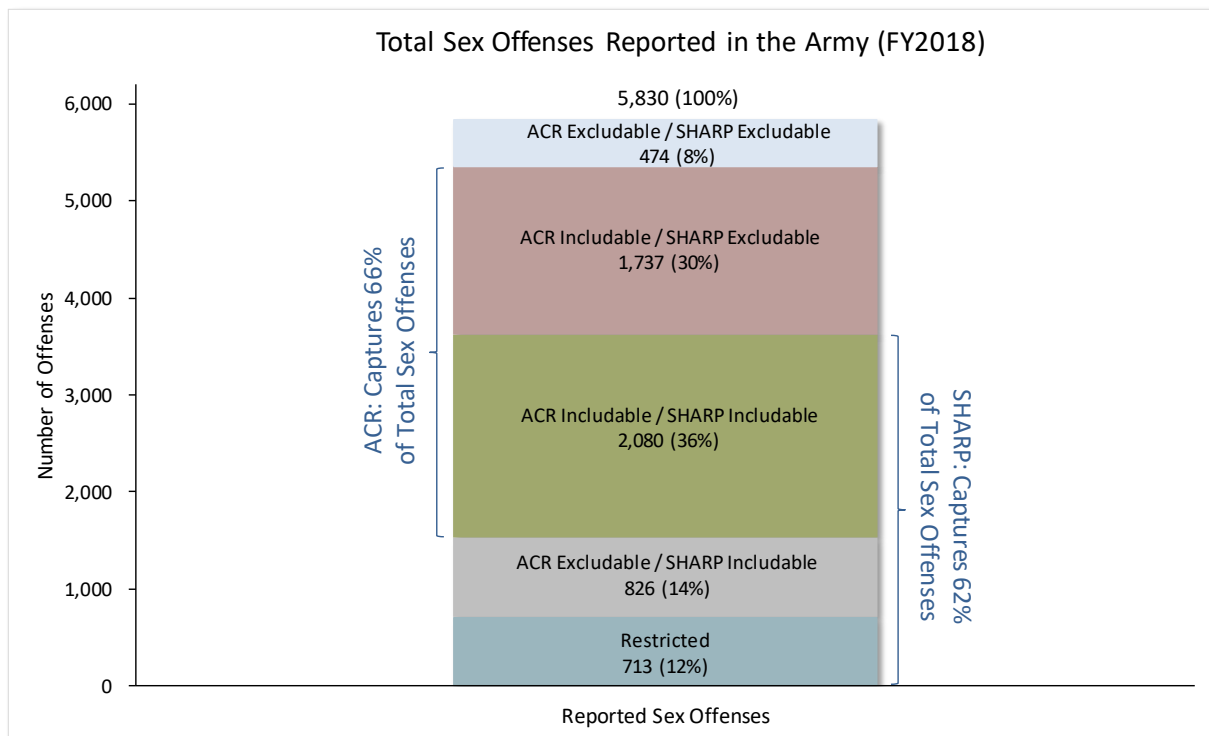
Figure III-19: Differences in Reporting Requirements

Differences include reporting metrics, offender criteria, victim criteria, included crimes, founded/unfounded, and restricted/unrestricted reporting.

Figure III-20 defines the total composition of sex offenses reported in FY2018 under the Army umbrella. The five data buckets are:

- ACR Excludable / SHARP Excludable (474 offenses). Includes unfounded civilian offenses.
- ACR Includable / SHARP Excludable (1,737 offenses). Includes offenses against spouses/intimate partners or juveniles. Also includes certain non-penetrative sex crimes not reportable by SHARP (e.g., indecent exposure, solicitation to commit sex offenses, voyeurism).
- ACR Includable / SHARP Includable (2,080 offenses). Offenses common to both the ACR and SHARP. Includes founded crimes involving adult victims (excluding spouses and intimate partners).
- ACR Excludable / SHARP Includable (826 offenses). Includes unfounded offenses.
- Restricted Reports (713 offenses). Confidential reporting that allows victims to access healthcare, advocacy services, and legal services without notification to the command or law enforcement.

²³ Under DoD's Sexual Assault Prevention and Response policy, victims have two reporting options – Restricted Reporting and Unrestricted Reporting. With Restricted (Confidential) Reporting, victims can access healthcare, advocacy services, and legal services without notification to the command or law enforcement. With Unrestricted Reporting, both the command and law enforcement are notified.



Source: Army G-1 for restricted reports; ALERTS for unrestricted reports.

Note: Restricted reports are based on the number of victims (one report = one victim) whereas unrestricted reports are based on the number of titled offenses. In order to derive a total number of sex offenses in the Army as depicted, we assume that each restricted report = one offense.

Figure III-20: Total Sex Offenses Reported in the Army

There were 5,830 sex offenses reported in the Army in FY2018. The buckets depict the number of offenses that are included or excluded from the Army Crime Report and SHARP Annual Report based on reporting requirements.

Based on these buckets, the Army Crime Report accounts for 66% of sex offenses under the Army umbrella and the SHARP Annual Report accounts for 62%. Approximately one-half of the offenses in each of these reports is common to one another. Taken together, both reports cover 92% of sex offenses in the Army and provide Commanders with greater insight into the issues raised by sexual assault and how to best mitigate them.

In addition to reported sex crimes, DoD/SHARP measures sexual assault prevalence. Sexual assault prevalence is an estimate of the number of Soldiers who indicate they were victims of unwanted sexual contact during the surveyed year. The Army determines prevalence of sexual assault based on responses to the biennial Workplace and Gender Relations Survey of Active Duty Members (WGRA), administered by the Department of Defense Office of People Analytics. In FY2018, the prevalence of sexual misconduct increased for Soldiers and across all Services. The survey found that the prevalence rate for active duty Army women increased from 4.4% in the FY2016 survey to 5.8% in the FY2018 survey. The FY2018 prevalence rate for active duty Army men was 0.7%; in the FY2016 survey, it was 0.6%. According to the WGRA, nearly 40% of Soldiers – one in two female Soldiers and one in five male Soldiers – reported their sexual assault, the same as in the FY2016 survey.

4. Domestic Violence



“Domestic violence and child abuse is inconsistent with Army Values and threatens the foundation of the Family. It is everyone's responsibility to promote awareness, build community, and work towards preventing future acts. The Total Army must remain vigilant in ensuring Soldiers and Family members receive help at the earliest stages of family violence being detected. Family violence detracts from mission readiness and threatens our Army's mission to fight and win wars. The Family Advocacy Program (FAP) facilitates the coordinated community response required to prevent, intervene, and provide treatment to Soldiers and Families in domestic violence and/or child abuse incidents. Your local Family Advocacy Program office has available resources and provides education and care for Soldiers and Families to be resilient and strong. The Family Advocacy Program office can be located through the installation directory.”

– LTG Gwen Bingham
Assistant Chief of Staff for Installation Management

The FY19 National Defense Authorization Act (NDAA) implemented provisions of the Military Justice Act of 2016. These provisions constituted significant reforms to the Uniform Code of Military Justice. Effective 1 January 2019, Army law enforcement began to title subjects under a new, enumerated UCMJ punitive article for Domestic Violence.

Any person who—

- (1) commits a violent offense against a spouse²⁴, an intimate partner²⁵, or an immediate family member²⁶ of that person; or
- (2) with intent to threaten or intimidate a spouse, an intimate partner, or an immediate family member of that person—
 - (a) commits an offense under the UCMJ against any person; or
 - (b) commits an offense under the UCMJ against any property, including an animal; or
- (3) with intent to threaten or intimidate a spouse, an intimate partner, or an immediate family member of that person, violates a protection order; or
- (4) with intent to commit a violent offense against a spouse, an intimate partner, or an immediate family member of that person, violates a protection order; or
- (5) assaults a spouse, an intimate partner, or an immediate family member of that person by strangling or suffocating;

Shall be punished as a court-martial may direct.

Figure III-21: Article 128b – Domestic Violence

This new article enumerates domestic violence as a crime under the UCMJ. Of note, the new definition for domestic violence now includes child victims and certain non-violent crimes such as violation of protective orders when there is an intent to threaten or intimidate.

²⁴ Spouse: One's husband or wife by lawful marriage.

²⁵ Intimate partner: A former spouse of the specific person, a person who shares a child in common with the specific person, or a person who cohabits with or has cohabited as a spouse with the specific person; or a person who has been in a social relationship of a romantic or intimate nature with the specific person, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

²⁶ Immediate family member: That person's spouse, parent, brother or sister, child, or other person to whom he or she stands in loco parentis; or any other person living in his or her household and related to him or her by blood or marriage.

When an investigation determines there is credible information a Servicemember violated Article 128b, Army Law Enforcement organizations will use the Domestic Violence offense code (5C2D) in ALERTS reports, as well as the offense code for any other associated offenses (e.g., assault and battery) involved in the incident.²⁷ Army Law Enforcement organizations will include the Domestic Violence offense code and the associated offenses, enabling more accurate reporting and tracking of the different types of offenses that encompass a Domestic Violence offense. Army Law Enforcement organizations will coordinate with the installation Judge Advocate for additional guidance concerning the elements of proof associated with Article 128b.

Figure III-22 describes the composition of FY2018 Domestic Violence in the Army based on the types of offenses and victims under Article 128b. Assault and Battery, Violent Sex Crimes, and Aggravated Assault compose approximately 80% of these crimes against spouses, intimate partners, and immediate family members. The remaining ~20% includes Other Sex Crimes, Violations of Protective Orders, Property Damage / Wrongful Appropriation, Verbal Threats, Kidnapping, Stalking, and Homicide.

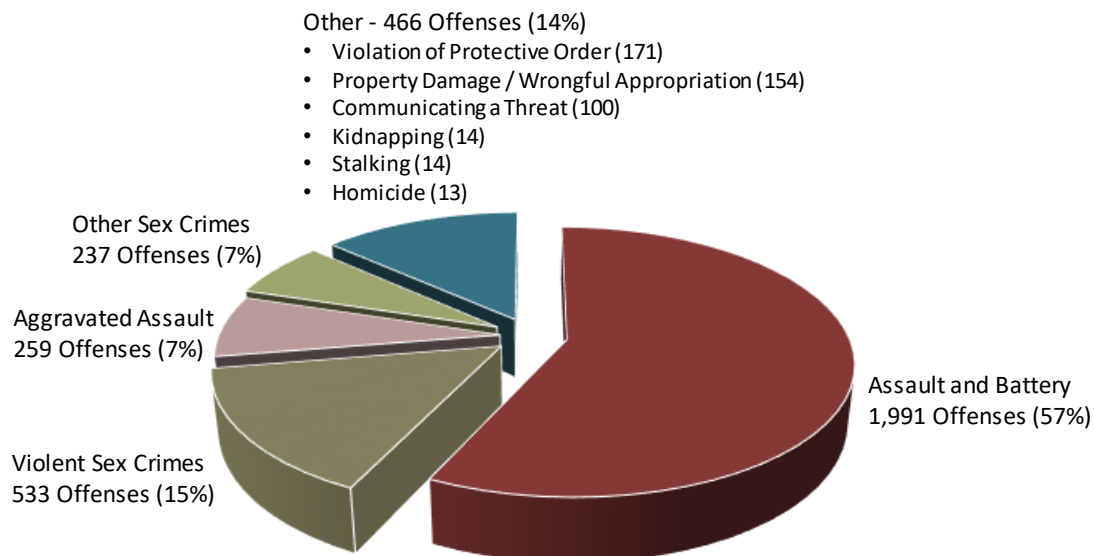


Figure III-22: FY2018 Domestic Violence Composition

Assault and Battery, Violent Sex Crimes, and Aggravated Assault compose approximately 80% of all Domestic Violence crimes in FY2018.

Figure III-23 illustrates that Domestic Violence by Soldier subjects is trending upward. From FY2011-18, the offender rate increased by 5% (310 to 326 offenders per 100,000) and the offense rate increased by 7% (428 to 457 offenses per 100,000). Furthermore, Soldier crime increased in FY2018 as compared to FY2017, with offender and offense rates increasing by 3% and 6%, respectively.

²⁷ Implementation of Reporting Procedures and New Offense Codes for Domestic Violence, DAPM-MPO-LE Memorandum dated 28 December 2018.

Per AR 608-18 (*The Army Family Advocacy Program*) and AR 190-45 (*Law Enforcement Reporting*), Provost Marshals and local CID investigative units are required to notify the installation FAP Report Point of Contact (RPOC) of all reports of spouse and child abuse.²⁸ This notification enables FAP to open a case and coordinate professional intervention within military and civilian communities, to include military law enforcement, child protective services, legal services, and other social and health-related providers.

Furthermore, PMOs must notify the FAP Manager and Social Work Services (SWS) of all incidents in which a preponderance of indicators reveal a potential risk of reoccurrence and increasing severity of maltreatment. Through better reporting to FAP, there is a clear opportunity for LE to assist Senior Commanders in addressing the problems of spouse and child abuse, preventing further trauma for abuse victims, mitigating risk of self-harm for both victims and offenders,²⁹ and supporting other objectives of the FAP Program. FAP is especially helpful in preventing cases involving mild abuse from becoming worse, and Commanders should report all cases to FAP regardless of severity. The reporting of homicides can assist FAP with installation and Army-level fatality reviews to mitigate future cases.



Figure III-23: Domestic Violence Trends

Soldier Domestic Violence crime is trending upwards.

²⁸ AR 608-18 (30 October 2007), paragraphs 1-8(j) and 1-8(k) and Appendix B, paragraph B-3(c).

²⁹ Family violence increases the risk of suicide attempts, among both subjects and victims, regardless of gender or age, according to Army STARRS (Army Study to Assess Risk and Resilience in Servicemembers); reference Army STARRS briefing to Secretary McHugh and GEN Campbell dated 27 January 2014.

PATTERN OF DOMESTIC VIOLENCE

In FY2018, a male SPC was identified in five separate MP or CID reports for offenses committed against his spouse ranging from assault, communicating a threat, and wrongful destruction of private property to indecent broadcasting and violation of a protection order. Additionally, the SPC expressed suicidal ideations following the second assault investigation.

In this case, multiple indicators are present to initiate intervention prior to the escalation of violence. There are no records to indicate the abuse incidents were referred to the Family Advocacy Program. Command teams must, in addition to disciplinary action, refer Soldiers and families to the appropriate installation support agencies in order to ensure they receive the counseling / treatment required to break the cycle of violence as early as possible.

Commanders should refer Soldiers and families to FAP to ensure they receive the treatment required, and take disciplinary action against Soldiers if warranted. Also, Commanders must provide copies of military protective orders (MPOs) to Provost Marshal Offices for entry into NCIC in order to alert military and civilian law enforcement officials of the temporary separation order.

Soldiers are not exempt from the Lautenberg Amendment (to the Gun Control Act of 1968). The Lautenberg Amendment makes it a felony for those convicted of domestic violence to possess firearms or ammunition. Summary court-martial convictions, nonjudicial punishment under the UCMJ, and deferred prosecutions (or similar alternative dispositions) in civilian court do not constitute qualifying convictions within the meaning of the Lautenberg Amendment.

Soldiers with a Lautenberg qualifying conviction (misdemeanor crimes of domestic violence after 30 September 1996) impact Army readiness and their ability to serve in uniform in many ways:

- Soldiers are non-deployable for missions that require possession of firearms or ammunition.
- Soldiers may not be assigned or attached to tables of organization and equipment (TOE) or modified tables of organization and equipment (MTOE) units.
- Soldiers should not be selected for leadership positions that would give them access to firearms and ammunition.
- Soldiers may not attend any service school where instruction with individual weapons or ammunition is part of the curriculum.
- Soldiers are barred from reenlistment and are limited to a one-year extension.

For these reasons, Commanders should emphasize to their Soldiers that domestic violence has devastating effects on families and could have severe repercussions for continued service.

LEARNING POINTS

- ★ Initiate appropriate measures and Army resources to assess and monitor Soldiers under investigation to reduce the potential of self-harm or harm to others.
- ★ Enhance situational awareness and improve the ability to recognize indicators of domestic violence by participating in the Community Health Promotion Council (CHPC) and other risk reduction forums.
- ★ Provost Marshals and local CID Investigative units must notify the FAP report point of contact on all incidents of domestic violence, including suspected cases of mild abuse to homicide.
- ★ PMOs and installation FAP offices should conduct routine incident reconciliations, maximizing cross communication on domestic violence events to eliminate notification gaps across the Army.
- ★ Commanders must report domestic violence to law enforcement and the FAP office upon gaining awareness of any domestic violence incident, regardless of severity, law enforcement investigation, or on/off-post location, and take disciplinary action against Soldiers if warranted.
- ★ Commanders must assess and monitor both subjects and victims of domestic violence for potential of self-harm. There is a correlation between family violence and suicide attempts among both subjects and victims, regardless of gender or age.
- ★ Commanders must provide copies of MPOs to Provost Marshal Offices for entry into NCIC in order to alert military and civilian law enforcement officials of the temporary separation order.
- ★ Commanders should emphasize to their Soldiers that domestic violence could have severe repercussions for continued service.

5. AWOL / Desertion

Figure III-24 and Figure III-25 illustrates AWOL and Deserter trends, respectively, for enlisted Soldiers on active duty. The analysis excluded officers due to the small numbers of offenders (approximately 15/year) which would skew percentages downward.

a. AWOL

The AWOL offender rate for enlisted Soldiers has trended downward from FY2011-18. However, this rate has steadily increased since FY2015 (0.19% in FY2015, 0.20% in FY2016, 0.22% in FY2017, and 0.24% in FY2018). AWOLs impact unit and team cohesion/readiness and serve as an indicator of high risk behavior, often leading to desertion.

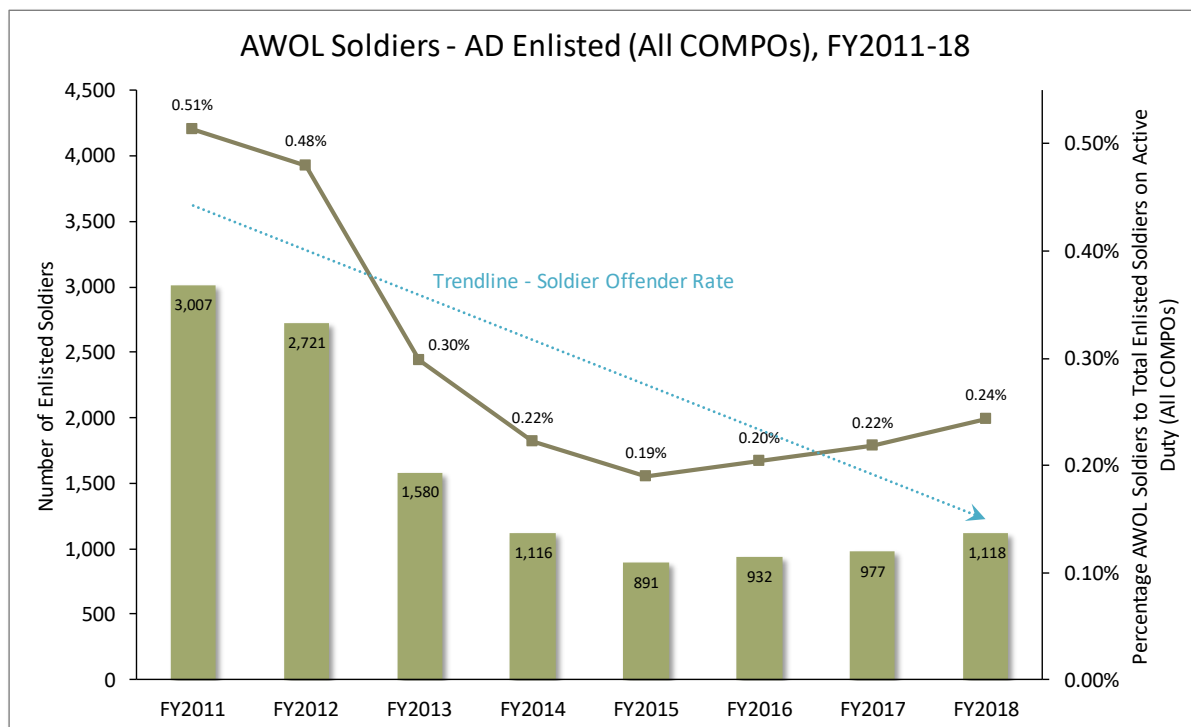


Figure III-24: AWOL Soldiers – AD Enlisted Only, All COMPOs

The AWOL offender rate has trended upwards since FY2015. Approximately one out of every 400 enlisted Soldiers went AWOL at least once in FY2018.

LEARNING POINTS

- ★ Commanders must notify the PMO within 48 hours of a Soldier being AWOL and immediately notify the PMO when the Soldier returns.

b. Desertion

Figure III-25 depicts the number of enlisted Soldiers who deserted each fiscal year. The Desertion offender rate has trended down from FY2011-18. This rate has plateaued in recent years (0.10% in FY2015, 0.10% in FY2016, 0.11% in FY2017, and 0.11% in FY2018).

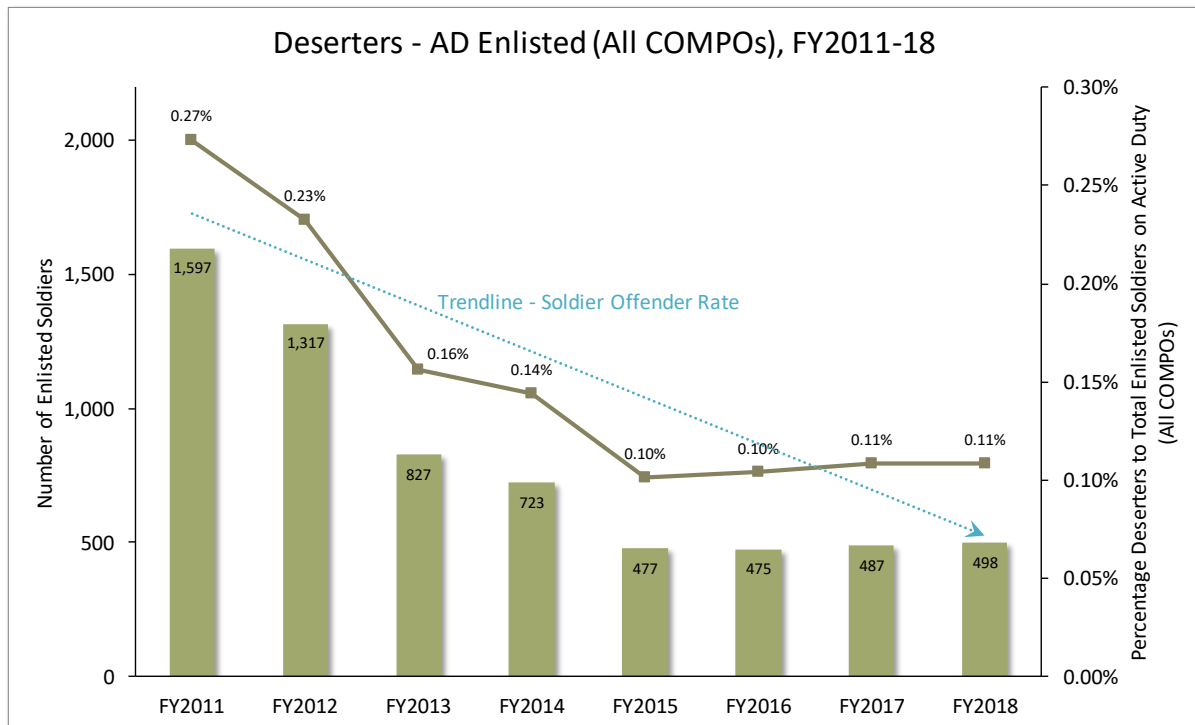


Figure III-25: Deserters – AD Enlisted Only, All COMPOs

Desertion rates have trended flat since FY2015. Approximately one out of every 900 enlisted Soldiers deserted at least once in FY2018.

CONDITIONS FOR REPORTING DESERTION

In FY2018, a male SPC was added to the US Army Most Wanted Fugitives list as an alleged deserter under aggravating circumstances. The SPC is wanted for the alleged murder of his spouse and is believed to have fled the US to a foreign country. His current location is unknown, but the US Army is working in close coordination with the US State Department and the US Marshal Service to locate, apprehend and return the Soldier to military control. The Soldier has a history of Domestic Violence, Assault, and Menacing prior to the alleged incident that resulted in the death of his wife. The DD Form 553 indicates the Soldier was declared a deserter just four days after departing his unit; but the Soldier was able to flee the country prior to a warrant being issued for arrest.

Soldiers do not have to be AWOL for 30 consecutive days before being classified/reported as a deserter. A unit's timely submission of DD Form 553 improves notification to civilian law enforcement for apprehension assistance. The DD Form 553 is for all intents and purposes the military warrant for the offense of desertion.

When a Soldier departs the unit to flee authority, under suspicious circumstances, or when there are clear indicators there is no intent to return (for example, packed and shipped his valuables), Commanders should report the Soldier as a Deserter rather than AWOL. Leader action to submit the DD Form 553 may prevent a criminal act by or harm to the Soldier.

LEARNING POINTS

- ★ Soldiers do not have to be AWOL for 30 consecutive days before being classified/reported as a deserter.
- ★ Commanders should immediately classify a Soldier as a deserter without regard to the length of absence if: (1) the Soldier intends to remain permanently absent; (2) the Commander believes there is a risk that the Soldier may commit violent acts, or harm themselves or others; or (3) the absent Soldier is assigned to a special mission unit or had access to Top Secret, Sensitive Compartmented Information, or Special Access Program information during the 12 months preceding the absence. Timely reporting (IAW AR 190-9) reduces the threat and risk to the Army.
- ★ Commanders must complete DD Form 553 (*Deserter/Absentee Wanted by Armed Forces*), if their Soldier is a high-risk deserter (e.g., pending investigation or has serious offense allegations).

IV – Soldiers Titled in Multiple Felony Cases

This chapter discusses Soldiers titled in two or more separate law enforcement cases involving a founded felony-level offense.³⁰ The data is based on founded offenses only and prior to Commander adjudication. Although a very small part of the Army (<1%), we monitor this population of Soldiers because of their significant impact on leader time, resources, and readiness, as well as their impact on victims and Army communities. Of note, some Soldiers within this population were found ‘not guilty’ or acquitted during judicial or non-judicial proceedings; however, they are still tracked for the purpose of readiness.

Status of Soldiers Titled in Two or More Law Enforcement Cases Involving a Founded Felony Level Offense
FY2001 - FY2018

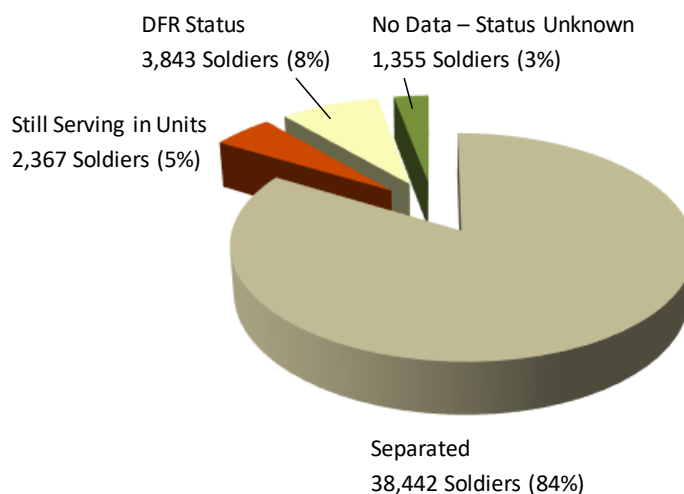


Figure IV-1: Status of Soldiers Titled in Multiple Felony Cases

From FY2001 - FY2018, there were 46,007 Soldiers titled in multiple felony cases. 2,367 Soldiers (5%) were still serving in units as of January 2019.

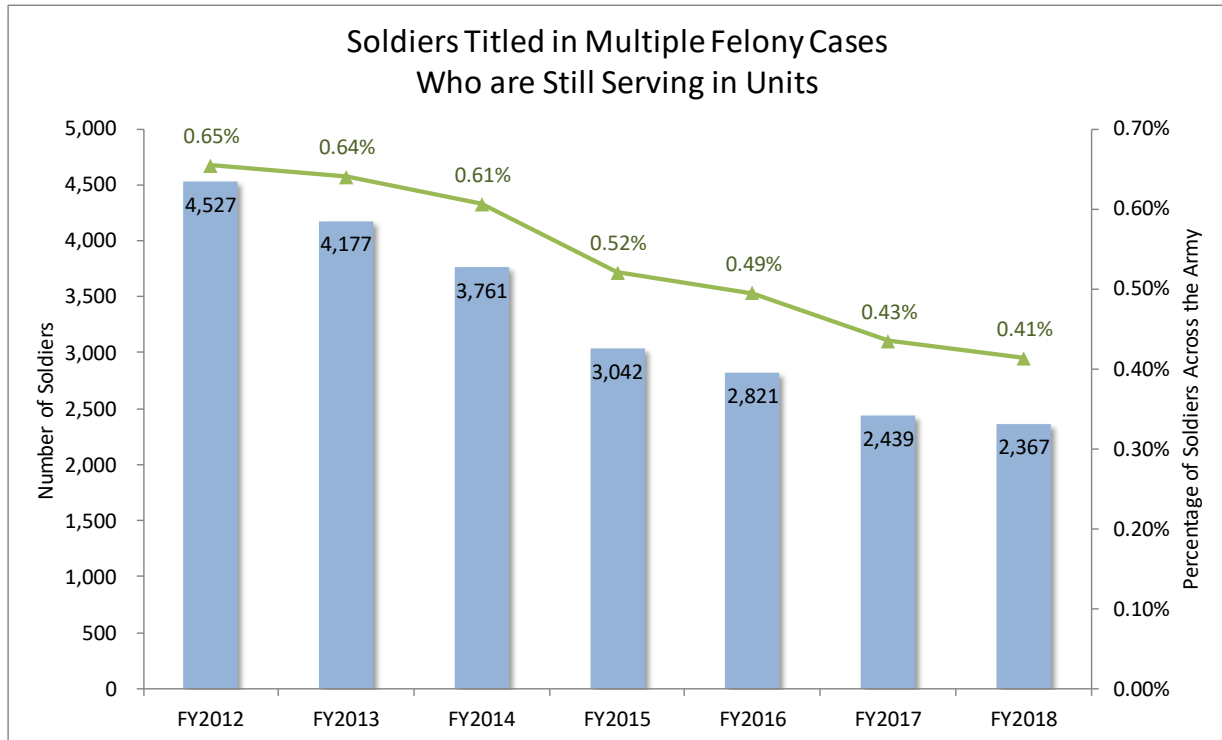
There were 46,007 Soldiers titled in multiple felony cases from FY2001-18. As of January 2019, 84% (38,442 Soldiers) were separated; 5% (2,367 Soldiers) were still serving in units; and 8% (3,843 Soldiers) were dropped from the rolls (DFR).^{31, 32} Of those in DFR status, approximately three-quarters are incarcerated and one-quarter are deserters with active warrants.

The number of Soldiers still serving in units with multiple felony cases continued to decrease. This downward trend illustrates Commanders take their legal responsibility within the military criminal justice system seriously. Figure IV-2 illustrates that both the number of Soldiers and their representative percentage of the Force decreased from FY2012 to FY2018. Although the percentages are small, the size of this cohort as a percentage of the Force decreased by 37% (0.65% to 0.41%) during this timeframe.

³⁰ Based on closed, founded investigations that received a legal opine demonstrating that there was probable cause to believe the Soldier (listed in the subject line) committed the crime. It is not dependent on judicial decision / commander adjudication.

³¹ Status results are based on AC personnel information only. Access to RC personnel data was not available at the time; it is assumed that the 1,355 Soldiers with unknown status are largely RC Soldiers. It is possible for separated AC Soldiers to join the RC.

³² Dropped from the Rolls (DFR) is an administrative action that drops an unauthorized absentee or incarcerated Soldier from the strength accountability of a unit.



Note: Analysis of this cohort was not conducted until FY2012. The figure reflects all available snapshots of this cohort since this date.

Figure IV-2: Number of Soldiers Titled in Multiple Felony Cases Who are Still Serving in Units

The number of these Soldiers still serving in units continued to decrease, both in counts and as a percentage of the Force.

1. Profile of Soldiers with Multiple Felony Cases Who are Still Serving

Soldiers who are repeatedly titled in felony-level cases, especially those who are accused of committing violent crimes yet continue to serve, are a threat to the readiness of the Force. An analysis of these individuals, viewed by three perspectives – number of felony-level cases per Soldier, separation history, and criminal history – illustrates different aspects of the problem.

The number of felony-level cases per Soldier measures the impact on the Army due to the retention of these Soldiers in the Force. Actions taken after the first founded felony offense, which did not result in the Soldier's separation from the Army, resulted in the Soldier being titled and investigated again for a subsequent founded felony offense. Figure IV-3 illustrates that this effect is recurring and cumulative; 18% (429 of 2,367) of Soldiers still serving were titled in three or more founded felony-level cases.

Based on this propensity to reoffend, Commanders should consider a Soldier's entire criminal history and subsequent Commanders' findings/actions on those offenses when determining whether to refer cases to General or Special Courts-Martial for felony-level prosecution or to dispose of cases using non-judicial punishment or administrative actions. Commanders should also consider the impacts on readiness and public safety of retaining these Soldiers or discharging them without felony convictions. A number of vignettes depict situations where felonies may have been prevented had reoffending Soldiers, especially those who committed the most egregious crimes and were found guilty of the offense or lesser crimes, been separated with felony-level convictions following the first felony.

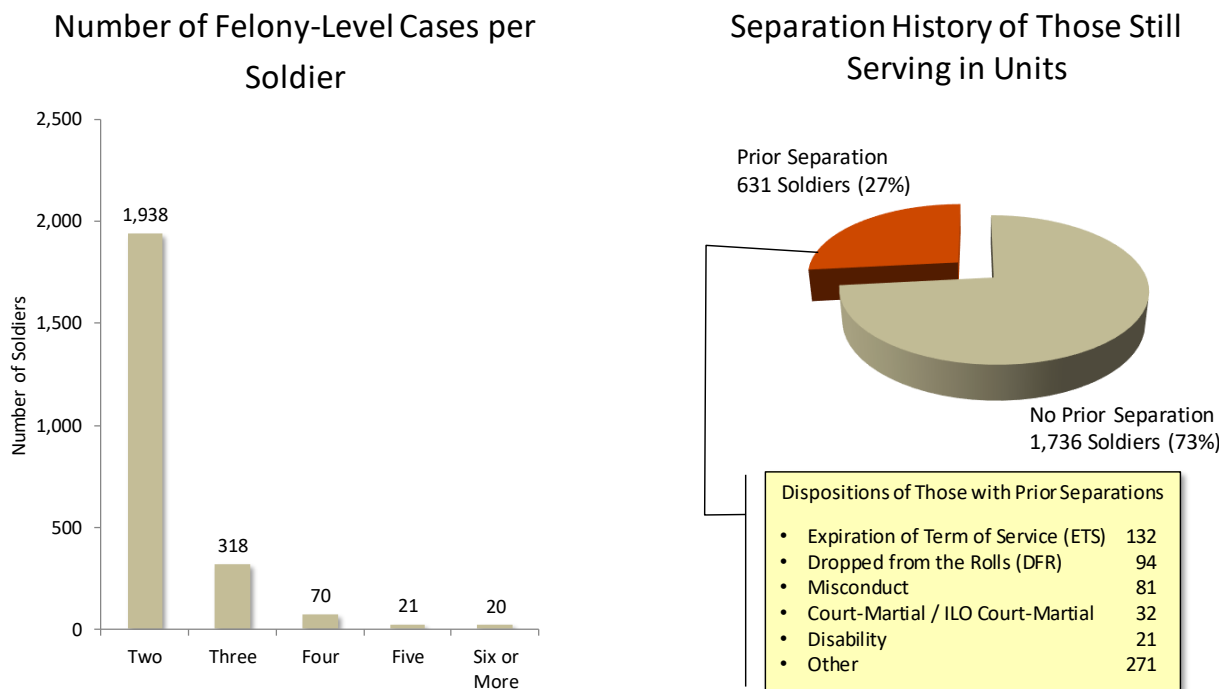


Figure IV-3: Number of Felony-Level Cases and Separation History of Soldiers Still Serving

The majority of these Soldiers still serving in units were titled in two felony-level cases. A significant number (429 Soldiers), however, are still serving despite three or more cases involving founded felonies. Additionally, 27% (631 Soldiers) of the 2,367 Soldiers still serving were previously separated yet allowed to reenter the Army.

Figure IV-3 also depicts the magnitude of previous separation history for this cohort of Soldiers. Of the 2,367 Soldiers still serving, 27% (631 Soldiers) had prior separations. At least 207 Soldiers were previously separated for adverse reasons. This latter population confirms previously identified gaps in the Army transition processes by allowing offenders to depart active duty with an inappropriate characterization of service and with a reentry code allowing them to reenter the Army. Commanders should note that administratively separating Soldiers titled with egregious felony-level offenses, without conviction by General or Special Courts-Martials, may result in the lack of a criminal record of these Soldiers' actions in Federal Bureau of Investigation (FBI) criminal databases. This lack of awareness in FBI criminal databases create risks to public safety once these Soldiers are separated. These Soldiers, once back in society without court-martial convictions, may be able to purchase weapons, assume jobs in positions of trust, or, in some cases, reenter military or government service.

Figure IV-4 depicts criminal history, the third perspective for this cohort. Of the 2,367 Soldiers in this cohort, the most frequently occurring offenses were the non-violent felonies of Failure to Obey a General Order (51%) and Drug Crimes (34%). Within violent felonies, the most frequently occurring offenses were Violent Sex Crimes (14%) and Aggravated Assault (12%). The percentage of Violent Sex Crimes and Aggravated Assault offenses committed by this cohort is substantial considering violent felonies compose 4% of crime across the active duty population.

Crime Category	Number of Soldiers Titled for At Least One Offense	% of Soldiers Still Serving in Units as of January 2019
Violent Felony		
Violent Sex Crimes	342	14%
Aggravated Assault	284	12%
Homicide	29	1%
Child Pornography	24	1%
Kidnapping	15	<1%
Robbery	8	<1%
Non-Violent Felony		
Failure to Obey General Order	1,209	51%
Drug Crimes	806	34%
Larceny	330	14%
Other Sex Crimes	283	12%
Desertion	93	4%
Drunk Driving with Personal Injury	51	2%
Other Non-Violent Felonies	1,088	46%
Misdemeanor		
Traffic Violations	884	37%
Assault and Battery	518	22%
Family Abuse	252	11%
Drunk Driving without Personal Injury	231	10%
Drunk and Disorderly	217	9%
AWOL	146	6%
Other Misdemeanors	721	30%

How to Read: 342 (14%) of the 2,367 Soldiers in this cohort were titled for at least one Violent Sex Crime. A Soldier may be titled for more than one crime category, but would be counted only once within that category regardless of the number of offenses for which he/she was titled. Misdemeanor crimes are also depicted to represent the extent to which the 2,367 Soldiers in this cohort impacted readiness through criminal conduct in this category.

Figure IV-4: Criminal History of Soldiers Still Serving in Units

Of the 2,367 Soldiers in this cohort, 14% were titled for Violent Sex Crimes; 12% for Aggravated Assault; and 34% for Drug Crimes.

OFFENDERS' NEGATIVE INFLUENCE ON FELLOW SOLDIERS

In FY2018, a witness notified CID a PVT (PVT #1) was in possession of cocaine, marijuana, and drug paraphernalia at his on-post quarters. While attempting to make contact with the PVT at his quarters, investigators encountered a second PVT (PVT #2) and a PV2, both residing at the quarters, and observed marijuana paraphernalia in plain view. Consent to search the quarters was obtained and cocaine, marijuana, and paraphernalia for use and distribution were collected as evidence.

PVT #1 was titled with Wrongful Use of Cocaine, Wrongful Use of Marijuana, Possession of Marijuana with Intent to Distribute, and Possession of Cocaine with Intent to Distribute. He was administratively separated for Misconduct (Drug Abuse), under Other Than Honorable Conditions. Prior to this case, PVT #1 was the subject of three previous investigations. The most recent of the previous incidents occurred in early FY18; PVT #1 was titled with Wrongful Use of Marijuana. PVT #1 received a Field Grade ART 15, 45 days extra duty, 45 day restriction, forfeiture of pay for the duration of two months. Separation proceedings were initiated and underway when the incident at his quarters occurred.

PVT #2 was titled with Possession of Cocaine with Intent to Distribute, Possession of Marijuana with Intent to Distribute, Wrongful Use of Cocaine, Wrongful Use of Marijuana, and Wrongful Use of Amphetamine/Methamphetamine. He was found guilty at a Special Court-Martial and was sentenced to nine months of confinement and a Bad Conduct Discharge.

The PV2 was titled with Possession of Cocaine with Intent to Distribute, Possession of Marijuana with Intent to Distribute, AWOL, Wrongful Use of Cocaine, and Wrongful Use of Marijuana. He was separated In Lieu Of (ILO) Court-Martial under Other Than Honorable (OTH) conditions.

Despite the junior ranks, PVT #1 had more experience in the Army and exercised a level of influence with his peers. The fellow Soldiers were junior in age and did not have the extensive criminal history of PVT #1. While peer pressure may be a powerful tool in the collective development of a small unit, leaders must be aware that informal leaders may emerge that actively encourage behaviors that negatively influence readiness and Soldier welfare. Commanders must take swift actions against these negative influencers.

LEARNING POINTS

- ★ Consider appropriate adverse disciplinary and administrative measures for offenders along with the proper recording of convictions in FBI criminal databases in order to prevent the transmission of criminal and high-risk behavior across units and communities.
- ★ Establish, based on a systematic review of disciplinary and administrative options, appropriate adjudication withholds (e.g., a division Commander retaining purview for adjudication of officer misconduct) and methods of case disposition to ensure appropriate accountability.
- ★ Administratively flag Soldiers that are under investigation to protect the investigative process, unit cohesion and other personnel.
- ★ Monitor flags and bars (IAW AR 600-8-2) and DA Form 4833 compliance to ensure unit readiness.
- ★ Utilize criminal history sharing procedures (IAW AR 190-45) to increase awareness, provide assistance to at-risk Soldiers, and deter involvement in future criminal offenses.

2. Subset: Soldiers Titled in Multiple Drug Cases

Soldiers titled in two or more drug crime cases compose a substantial subset of Soldiers titled in multiple felony cases. Dating back to FY2001, this subset composed 43% (19,583 of the 46,007 Soldiers).

AR 600-85 directs Commanders to process for separation all Soldiers identified as illegal drug users; Soldiers involved in two serious incidents of alcohol-related misconduct within 12 months; Soldiers involved in illegal trafficking, distribution, possession, and use or sale of illegal drugs; Soldiers convicted of driving under the influence (DUI) a second time during their career; Soldiers with drug abuse rehabilitation failures; and Soldiers with a subsequent alcohol- or drug-related incident of misconduct at any time during the 12-month period following successful completion of ASAP. Additionally, the regulation specifies decision authorities; for example, NCOs (corporal and above) processed for drug-related separations require a retention decision from the first general officer in the chain of command. This retention authority also applies to junior enlisted Soldiers testing positive for illegal drugs a second time in their career.

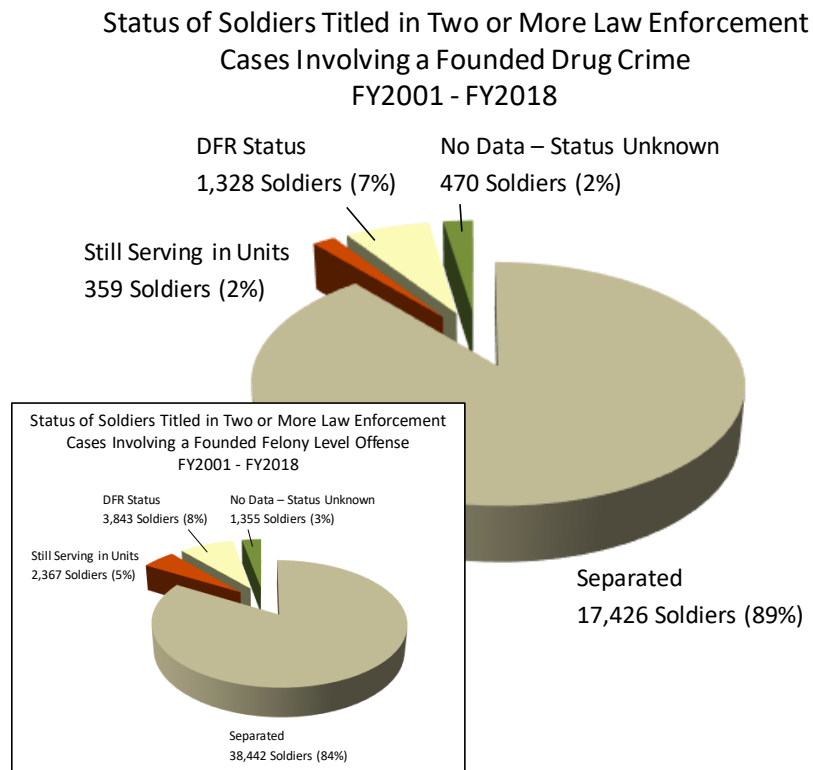


Figure IV-5: Subset: Soldiers Titled in Multiple Drug Cases

Compared to the broader population of Soldiers titled in multiple felony cases, more Soldiers titled in multiple drug cases were separated (89% vs. 84%) with fewer still serving in units (2% vs. 5%). This reinforces the benefits of clear policy regarding separation of drug offenders.

LEARNING POINTS

- Commanders must process for separation (IAW AR 600-85) all Soldiers identified as illegal drug abusers; Soldiers involved in two serious incidents of alcohol-related misconduct within 12 months; Soldiers involved in illegal trafficking, distribution, possession, and use or sale of illegal drugs; Soldiers convicted of DUI a second time during their career; Soldiers with drug abuse rehabilitation failures; and Soldiers with a subsequent alcohol- or drug-related incident of misconduct at any time during the 12-month period following successful completion of ASAP.

V – Administrative Accountability



“It's up to leaders at all levels to provide a strong, ethics-driven command climate emphasizing doing the right thing at all times - even when no one else is looking. Criminal activities and misconduct in our ranks detract from Army readiness, waste valuable resources and time, and negatively impact morale. Leaders must engage with their troops regularly – and remember, it's not a one-way conversation. Every Soldier, Army Civilian and other members of the Army community must incorporate the tenets of strong character and accountability in everything they do. It's up to all of us to keep an eye out for our friends, colleagues and Army Family.”

– LTG Leslie Smith
The Inspector General

Readiness is the Army's first priority. Commanders, leaders, and program managers shape the readiness of the Force. When used appropriately, administrative processes ensure the most qualified recruits are selected, the highest quality Soldiers are retained, and Soldiers not meeting Army standards are promptly identified and separated from service. The Army relies on administrative actions to ensure accountability, provide treatment when needed, and guarantee the readiness of the Force.

1. DA Form 4833

The DA Form 4833 (*Commander's Report of Disciplinary or Administrative Action*) remains a critical tool in ensuring Soldier readiness. Documenting important judicial, non-judicial, or administrative actions and recording disciplinary actions and referrals (e.g., ASAP and FAP) facilitates Soldier accountability. The DA Form 4833 is intended to provide such a record through Commanders' adjudication of criminal conduct. A gaining Commander may use DA Form 4833 records to make a risk assessment of previously recorded high-risk behavior when the disposition of the offenses investigated are properly recorded.

Under the UCMJ, the Commander's adjudication decisions (to include Guilty/Not Guilty, NJP/Court Martial, and sentencing/sanctions) drive a series of follow-on administrative and military justice record actions, to include fingerprint and deoxyribonucleic acid (DNA) submissions to national databases, adjudication of security clearances, and notification to offender registries. Completed and accurate DA Forms 4833 are crucial to assisting the U.S. Army Human Resources Command (HRC) in properly informing personnel boards of the outcome of a case. Based on a sampling of “completed” DA Forms 4833, some are returned to the PMO or CID office with incomplete or inaccurate information. Entries for Part 4 (Action Taken), Part 5 (NJP/Court-Martial/Civilian Criminal Court Proceedings Outcome), and Part 8 (Non-Judicial/Judicial Sanctions) must be accurate and complete.

Inaccurate and incomplete information may negatively affect the Soldier's military career and future employment as they leave the Army. Incomplete disposition information is considered an “open” police action by civil authorities, indicating the crimes listed against the individual are pending disposition in court. Inaccurate and incomplete disposition information allows offenders to remain in the Army and places unit members and the Army at risk. For all these reasons, it is critical that Commanders complete DA Forms 4833 with accuracy and return them to the PMO or CID office in a timely manner.

Explanation of DA Form 4833 Referrals and Completions

PMO/CID-Initiated (Referred) DA Form 4833:

The DA Form 4833 is used to record actions taken against identified offenders and report the disposition of offenses investigated by civilian LE agencies. The installation PMO or Directorate of Emergency Services (DES) initiates this critical document and is responsible for its distribution and for establishing a suspense system to ensure timely response by Commanders. Disposition reports are part of the reporting requirements within DA and DoD. The installation PMO/DES and CID offices then send the DA Form 4833 to the subject's unit commander for completion; they also copy furnish the brigade judge advocate and the subject's brigade commander.

Commander-Initiated (Referred) DA Form 4833:

In accordance with DoDI 7730.47 and Department of Defense Manual (DoDM) 7730.47-m, Vol.1, Commanders are also responsible for submitting to installation PMOs or DESs the DA Form 4833. Commanders must submit the DA Form 4833 for specified offenses per AR 195–2, appendix B, table B–1. Commanders must refer to Army law enforcement (Military Police or CID) every credible allegation (that is, supported by probable cause) that an assigned Soldier committed a crime that falls outside of the Commander's investigative purview. The Commander will submit a self-initiated DA Form 4833 to their installation PMO/DES based when the Commander has completed their command investigation and determined to take action against the offender.

Completed DA Form 4833:

Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MP, civilian detectives employed by the DA, and the installation PMO/DES. The battalion commander or the first lieutenant colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of investigations under UCMJ, Article 15; court-martial orders; reprimands; and so on) for all CID investigations. The Commander completes the DA Form 4833 within 60 days of receipt and returns it to the originating office (the installation PMO/DES or CID).

Source: AR 190-45, para 4-7

Figure V-1 illustrates the DA Form 4833 referral and completion rates from FY2014-18. Referral rates (top chart) for CID-referred Forms 4833 are very high. The small number of Soldiers eligible but not yet referred for a Form 4833 may be the result of LE gaps or if action against the Soldier subject had already been taken.³³ Opportunities exist to improve PMO referral rates which range from 51% to 59% of eligible Soldier subjects. Completion rates (bottom chart), a closely tracked HQDA metric, are high from FY2014-17. FY2018 completion rates (68% for CID-referred and 72% for PMO-referred as of October 2018) will improve as pending and overdue Forms 4833 are completed and returned.

³³ Per CID Regulation 195-1 (*Criminal Investigation Operational Procedures*), 2 October 2015, paragraph 4-12.

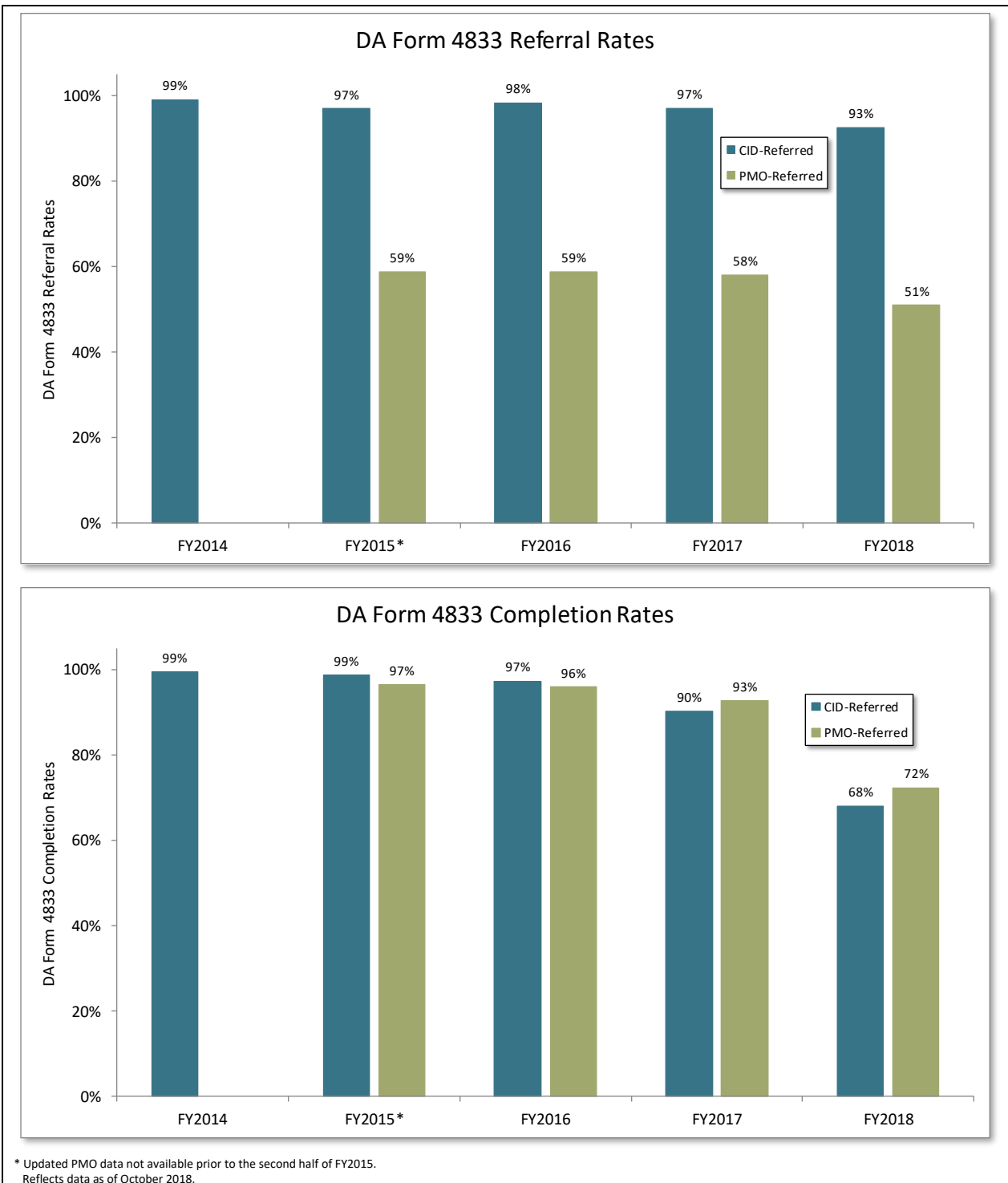


Figure V-1: DA Form 4833 Referral and Completion Rates

Completion rates (bottom chart), a closely tracked HQDA metric, are high from FY2014-17. FY2018 completion rates (68% for CID-referred and 72% for PMO-referred as of October 2018) will improve as pending and overdue Forms 4833 are completed and returned.

Commanders must continue to prioritize DA Form 4833 compliance. A best practice incorporates DA Form 4833 checks into the installation clearing process. Soldiers cannot clear the PMO without resolution on any outstanding DA Forms 4833. This procedure provides additional benefits by limiting impacts to Soldier security clearance reinvestigations hindered by pending Forms 4833.

Policy changes to AR 190-45 (*Law Enforcement Reporting*) reduced the DA Form 4833 delinquency rate and better shape Soldier readiness. Commanders have 60 days (vice 45 days previously) to complete and return the DA Form 4833 and supporting documentation to law enforcement, a more realistic suspense considering the time to adjudicate some offenses. Supporting documentation include copies of investigation under Article 15, UCMJ; court orders; and reprimands.³⁴ Additionally, PMOs are required to provide Commanders with increased visibility of off-post criminal conduct, enabling them to hold Soldiers accountable. Previously, the PMOs were required to track civilian court adjudications, complete the DA Form 4833, and submit to the Army Crime Records Center, a policy gap that left Commanders out of the loop. The revision of AR 190-45 requires law enforcement to coordinate with Commanders and supporting judge advocates to track and report the final disposition in order to close this gap.

DoD Instruction 5505.11 establishes policy, assigns responsibilities, and prescribes procedures for DoD law enforcement organizations to report offender criminal history data to the Criminal Justice Information Services (CJIS) Division of the FBI for inclusion in the NCIC criminal history database. Commanders, Military Police, and CID share responsibility for accurately reporting criminal conduct by Army personnel to protect the public. The Military Police and CID investigate crimes, identify offenders and collect fingerprints. Commanders make decisions on punishment under the UCMJ and report the action taken against the Soldier offender using DA Form 4833. The Commander's decision on punishment, as indicated in the DA Form 4833, drives the process for filing offender identity information in U.S. criminal justice systems.

LEARNING POINTS

- ★ The DA Form 4833 documents command actions taken which can inform subsequent treatments and adjudications. Commanders must record the outcome of disciplinary and administrative action, to include referrals (e.g., ASAP, FAP), and return to CID/PMO for documentation in national LE databases.
- ★ PMOs and Commanders must improve DA Form 4833 referral and completion rates.
- ★ Commanders should ensure that all open Form 4833 actions are completed before Soldiers within their command PCS.

³⁴ Per AR 190-45 (*Law Enforcement Reporting*), paragraphs 1-4, c(3) and (4).

2. Accession Waivers

Figure V-2 illustrates that the percentage of conduct and drug and alcohol waivers for Active Component accessions has steadily increased since FY2015 but remains at historic post-surge lows. The number of approved waivers increased from 3% in FY2017 (2,141 waivers out of 68,862 total accessions) to 4% in FY2018 (2,584 waivers out of 69,972 total accessions). The majority of FY2018 waivers (70%, or 1,794 of 2,584) were for misdemeanor crime; 25% (657) for drug and alcohol; 3% (87) for felony crime (60 committed as a juvenile); and 2% (46) for patterns of criminal misconduct.

The upward trend in waivers is partly driven by the March 2015 relaxation of waivers³⁵ for single offenses for possession/use of marijuana/marijuana paraphernalia or single drug test positives for marijuana. Individuals who test positive at the Military Entrance Processing Station (MEPS) are required to wait 90 days and retest the Drug and Alcohol Test (DAT). If their results are negative, they are allowed waiver consideration and may be accessed. 657 Soldiers were accessed with a drug/alcohol waiver in FY2018 vs. 520 in FY2017.

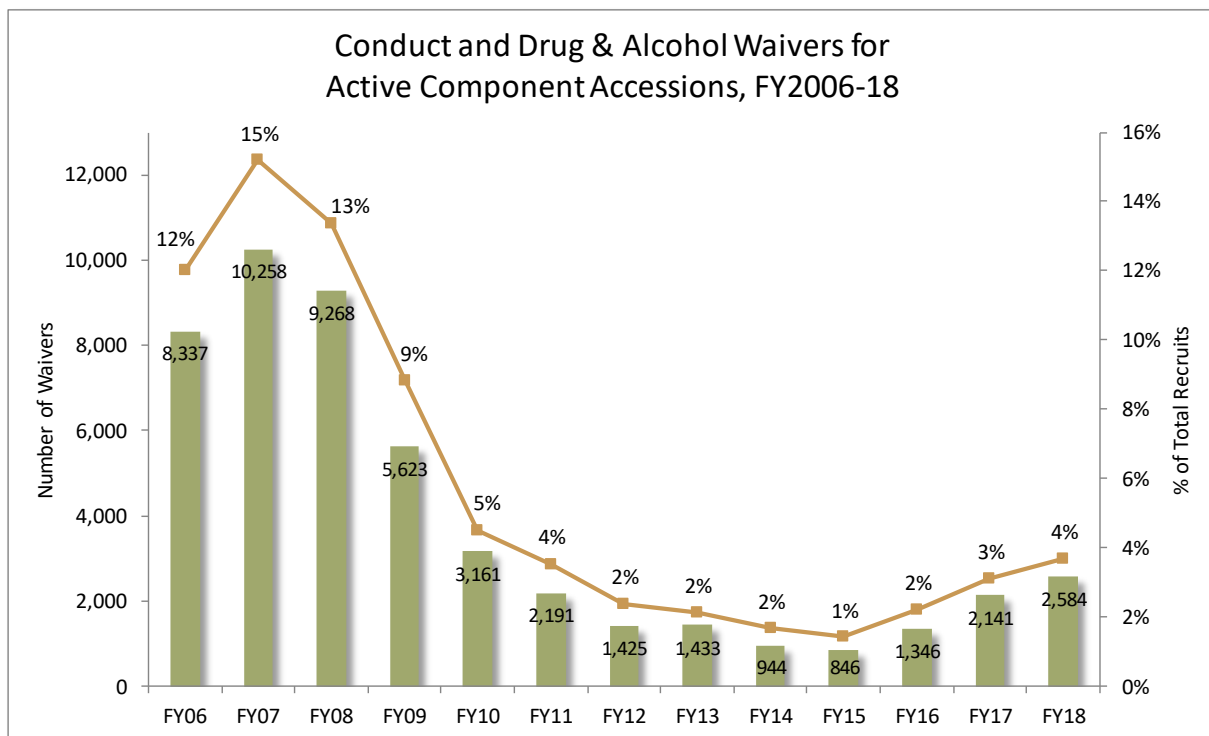


Figure V-2: Conduct and Drug & Alcohol Waivers

Waivers have steadily increased since FY2015 but remains at historic post-surge lows. 4% of FY2018 recruits entered the Army with a criminal misconduct waiver (largely attributed to misdemeanor-level crime) or drug/alcohol waiver.

The removal of the suspension on conduct and drug and alcohol waivers for a single possession/use of marijuana/marijuana paraphernalia or drug test positive for marijuana was based on a review of Army

³⁵ Part of the 2010 drug and alcohol waiver policy was suspended in 2015. See *Suspension of Enlistment Waivers (Change 1)* memorandum dated 27 March 2015.

*Gold Book*³⁶ findings. These initial findings indicated that those enlistees who entered with a drug waiver were six times more likely to commit drug offenses than the non-waivered cohort. Upon further review by the Army G-1, it was found that many of the Soldiers that were later unfavorably separated from the Army due to drug recidivism was not attributable to accession waivers for single marijuana offenses, but rather for waivers received for multiple marijuana offenses or single offenses for heroin, cocaine, methamphetamines, and other street drugs (as defined by Title 21 United States Code (USC) Controlled Substances Act).

The waived population committed more than twice as many criminal offenses than the non-waivered population.³⁷ However, the highest correlation between in-service recidivist behavior among applicants receiving enlistment waivers for misconduct was for waivers for adult major misconduct (felony offenses). Accordingly, the Army has not allowed waivers for these offenses since 2009.

3. Reenlistments and Retention



“We are committed to retaining quality people over quantity as we continue to build Army readiness. Our success is a combination of strong, engaged leadership along with Soldiers inspired by their service to America. It is imperative that we maintain the highest of moral and ethical standards while building the most ready, lethal force we possibly can. Our profession of arms requires America's most qualified, talented people to serve the Nation in uniform. The American people deserve nothing less.”

– SMA Michael Grinston
Sergeant Major of the Army

Previous analysis from the *Army Red Book* and *Army Gold Book* indicates Commanders retained high-risk Soldiers to meet the demands of an era of persistent conflict. Current reenlistment data analysis indicates that Commanders are responding appropriately and only reenlisting quality Soldiers. Figure V-3 illustrates a decline since FY2011 in the percent of AC Soldiers titled with criminal offenses within three years prior to their most recent enlistment. The percentage of FY2018 reenlistments with a prior (10.9% of all reenlistments) was relatively unchanged from FY2017 (11.0%).

The release of Army Directive 2016-19 (*Retaining a Quality Noncommissioned Officer Corps*), dated 26 May 2016, continues the Army's intention to retain NCOs with the most potential for continued service and who have exhibited the attributes expected of a professional, all-volunteer Force. These changes are effective 1 October 2016 and include the following:

- Senior NCOs selected by an HQDA centralized promotion board that convened before the date of the directive will have newly adjusted Retention Control Points (RCPs).
- Soldiers exceeding their RCP due to a grade reduction or promotion list removal must retire or separate from the Army no later than 180 days after the reduction in grade effective date.

³⁶ Also known as *Generating Health and Discipline in the Force Ahead of the Strategic Reset* (January 2012).

³⁷ *Army Gold Book*, p.152.

- The Bar to Reenlistment (RA and USAR only) redesignates as the Bar to Continued Service. The Bar to Continued Service places a Soldier on notice that his or her continued service may not be in the Army's best interest. This bar is now applicable to all enlisted ranks regardless of the established RCP/maximum age for each rank.
- Soldiers who do not overcome a Bar to Continued Service will be separated from the Army with a reentry code of 3 annotated on their DD Form 214 (*Certificate of Release of Discharge fFrom Active Duty*). This code requires a waiver for reentry into any Army component. Commanders can now simultaneously implement a bar to continued service and initiate a separation action against a Soldier.

Commanders play a critical role in ensuring transitioning Soldiers remain a mobilization asset and possess future potential for useful service under the conditions of full mobilization. Commanders must update Soldiers' records documenting eligibility, quality, and potential for future service. However, Commanders must also ensure Soldiers deemed unfit for continued service are not eligible to transfer to other Army components.

Additional analysis is required to focus on the criminal histories of Expiration of Term of Service (ETS) and separated Soldiers enlisting in the ARNG and USAR to identify/prevent Soldiers with criminal records moving between components. With the implementation of the Bar to Continued Service, and with appropriate coding upon separation from service, Commanders can help inform ARNG and USAR recruiters of discipline concerns and ultimately assist the Army to properly shape the Total Force.

LEARNING POINTS

- ★ Consider a Soldier's complete individual record when making reenlistment decisions.
- ★ Update Soldiers' records documenting eligibility, quality, and potential future service.
- ★ Inform gaining Commanders of high-risk Soldiers as they transition among AC and RC units to enhance readiness.
- ★ Consider utilizing the Bar to Continued Service in order to place Soldiers on notice that their retention may not be in the Army's best interest.

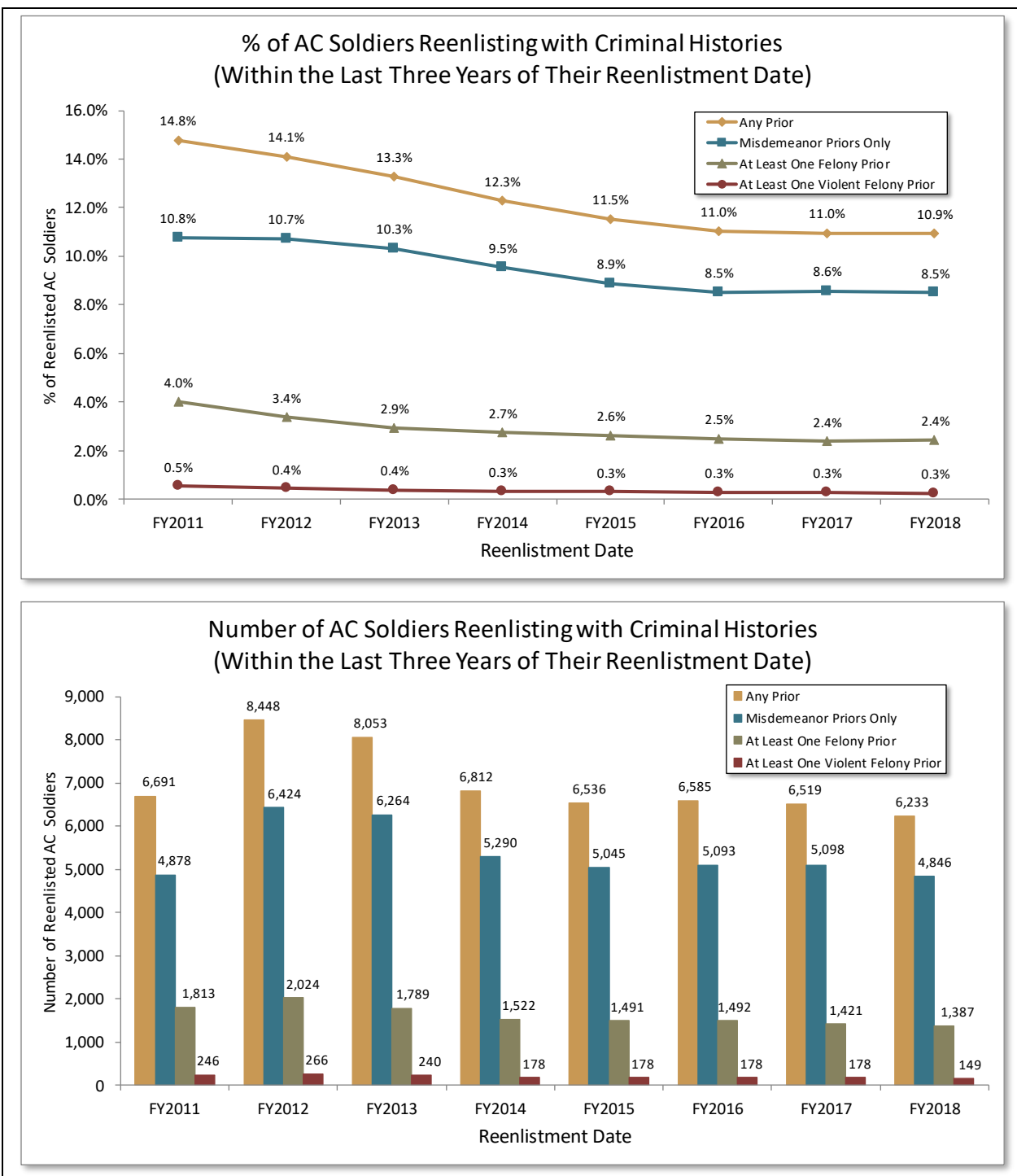


Figure V-3: Reenlisted Soldiers with Criminal Histories

The percentage of AC Soldiers reenlisting with criminal histories (within the last three years of their reenlistment date) has trended downward from FY2011-18. It has remained relatively unchanged since FY2016.

4. Separations

Figure V-4 illustrates administrative separation trends for AC enlisted Soldiers. The administrative separations shown are composed of the following chapters that impact the readiness of the Force: Chapter 9 (Drug/Alcohol Rehab Failure), Chapter 10 (In Lieu of Trial by Court-Martial), Chapter 13 (Unsatisfactory Performance), and Chapter 14 (Misconduct). The percentage of administratively separated Soldiers to total enlisted Soldiers increased from 2.7% in FY2017 (10,227 chapters) to 2.9% in FY2018 (10,985 chapters).

AR 635-200 (*Active Duty Enlisted Administrative Separations*) is the regulation that sets policies, standards, and procedures to ensure the readiness and competency of the Force while providing for the orderly administrative separation of Soldiers. Commanders should recommend to the separation authority an appropriate characterization of service (i.e., Honorable, General (under Honorable Conditions), and Other Than Honorable) for the discharged Soldier based on guidelines within AR 635-200. The characterization of service and reentry code entered on the Soldier's DD Form 214 (*Certificate of Release or Discharge from Active Duty*) are important for preventing Soldiers who do not meet Army standards from moving between components or Services. Furthermore, Soldiers who are dishonorably discharged are prohibited from lawfully possessing or receiving firearms via NICS background checks.

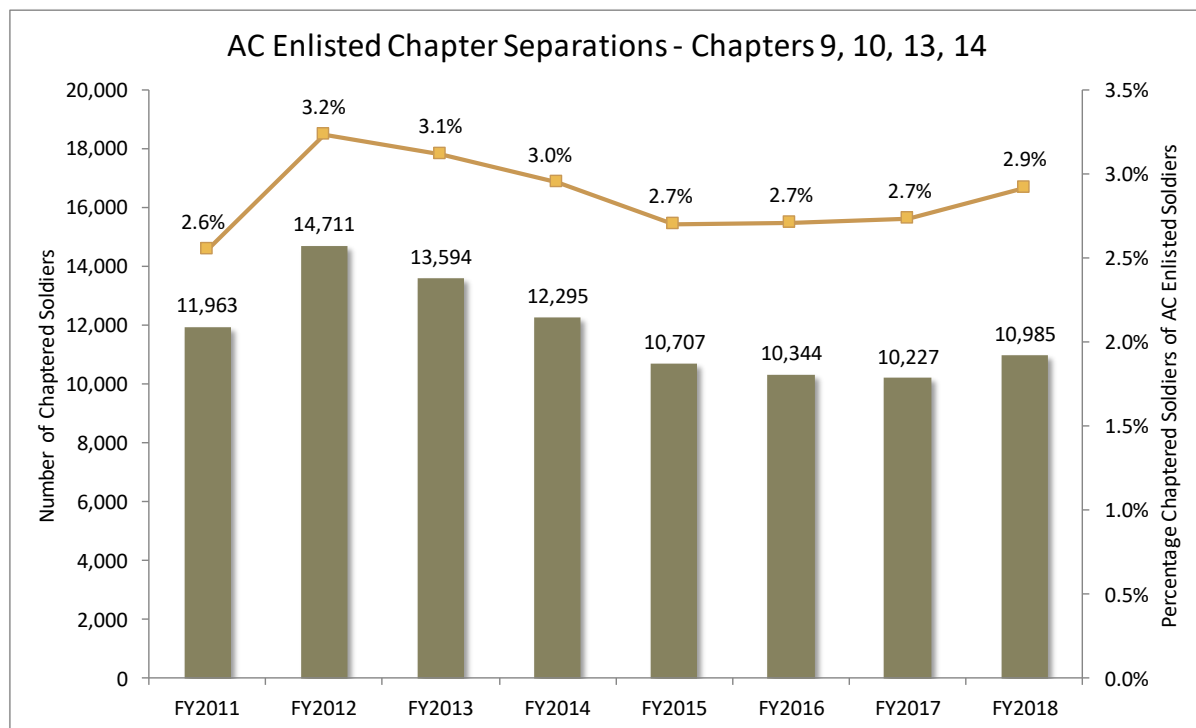


Figure V-4: Total Chapter Separations

The percentage of chaptered Soldiers to total AC Enlisted Soldiers increased from 2.7% in FY2017 to 2.9% in FY2018.

LEARNING POINTS

- ★ Recommend that Soldiers processed for administrative separation due to misconduct receive an appropriate characterization of service and reentry code preventing their transition into the Reserve Component or back into the Active Component as appropriate.

5. Army Corrections

In FY2018, Army correctional facilities handled a total of 91 pre-trial prisoners (56 were Army pre-trial prisoners), in-processed a total of 372 prisoners (306 were Army prisoners), and released a total of 415 prisoners (337 were Army prisoners). As of September 2018, there were 604 Army Prisoners incarcerated within DoD correctional facilities, 189 in federal correctional facilities, 92 on mandatory supervised release, and 192 on parole. As illustrated in Figure V-5, a disproportionate number of Army prisoners are junior Soldiers (E1-E4). Junior Soldiers composed 65% of the prisoner population despite reflecting 41% of the AD population. Also, a disproportionate number of prisoners are male (99%) compared to their AD population size (84%).

Pay Grade	Army Prisoners		FY2018 AD Population	
	Number	%	Number	%
E1-E4	698	65%	237,372	41%
E5-E6	276	26%	149,859	26%
E7-E9	47	4%	71,429	12%
W01-CW5	12	1%	18,761	3%
O1-O6	41	4%	95,066	17%
Unknown/Other*	3		422	
Total	1,077	100%	572,909	~100%

*Omitted for comparison purposes to the AD population

Figure V-5: FY2018 Army Prisoners by Pay Grade

Junior Soldiers (E1-E4) represent a disproportionate cohort of the Army prisoner population relative to its AD population size. 65% of all Army Prisoners are junior Soldiers.

In FY2018, 58% of the Army prisoner population's primary confining offense was sex crimes and 35% for other violent crimes. Of the sex crimes, 44% were against adult victims and 56% against children. Of the violent crimes, 68% were for murder, 18% for assault, 10% for child pornography, and 4% for other violent offenses (e.g., robbery, kidnapping). 95% of the population have a sentence length of one year or more and 3% of the population have a life sentence. 85% of those serving a life sentence were convicted of murder and 15% were convicted of other crimes (e.g., rape, aiding the enemy).

LEARNING POINTS

- ★ Leaders should educate their Soldiers of the significant penalties within the Uniform Code of Military Justice for serious offenses. Conviction of sex crimes or other violent crimes will likely result in lifelong consequences.

6. DNA and Fingerprint Collection from Criminal Suspects

Army law enforcement is required to collect DNA samples from Soldiers and civilians who are suspects of certain criminal investigations and to forward the samples to the US Army Criminal Investigation Laboratory (USACIL) in accordance with DoD and DA policy.³⁸ Positive identification of individuals in the Federal Bureau of Investigation's DNA database, the Combined DNA Index System (CODIS), enables successful military and civilian investigations.

DNA matches in the FBI's database assisted in over 428,808 criminal cases in the United States as of October 2018. In FY2018 alone, the DoD Criminal Investigative DNA Database at USACIL obtained 141 positive identifications on previously unidentified subjects, 76 of which were related to sexual assault investigations. These investigations might still be unsolved without assistance from CODIS. Profiles from military offenders were linked to unknown subject cases throughout 29 states and the CODIS program at the USACIL has a nationwide impact on law enforcement and public safety.

Submissions of samples from military offenders observed an increase in 2018. As a result the program identified 25% more suspects over the previous year. USACIL received 12,552 samples in FY2016; 10,808 samples in FY2017; and 13,638 in FY2018.

THE VALUE OF FORENSICS

On FY2018, USACIL was notified by an installation CID office of a sexual assault/murder investigation of an Army dependent spouse that occurred on post, 48 hours prior, wherein the civilian suspect was at large. As background, a female dependent spouse was found in her quarters deceased with two gunshot wounds in the back of her head. A condom wrapper was found next to the body and apparent semen was present which was collected at autopsy.

Evidence was found at the scene, to include photographs, indicating the female victim was involved in a relationship with a male civilian suspect who had an extensive criminal record including multiple violent felony convictions. The most recent was a 2008 federal conviction for armed robbery for which he served six years. The CID office requested evidence to be DNA tested as soon as possible to support the arrest of the suspect. The evidence was hand delivered to USACIL where a dedicated team was assembled to prioritize this case. The DNA team began processing three samples that same day and developed an unknown male profile which was subsequently uploaded into CODIS.

USACIL's CODIS team exercised an emergency protocol which led to CODIS presenting a "hit" by the next morning of the civilian suspect. USACIL released an official report to CID identifying their primary suspect as the contributor of the unknown DNA profile developed from the evidence. The USACIL team's tremendous effort took less than 50 hours between receipt of evidence to a "hit" in CODIS.

Army law enforcement is required to submit offender criminal history data from Soldiers and civilians who are investigated for specific offenses, based on a probable cause standard determined in conjunction with the servicing Staff Judge Advocate (SJA) or legal advisor, to the Criminal Justice Information Services division of the FBI for inclusion in the National Crime Information Center criminal

³⁸ This requirement is stipulated by DoDI 5505.14 (*Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations*), 24 April 2012 and stems from the DNA Fingerprint Act of 2006, Public Law 109-162.

history database in accordance with DoD and DA policy.³⁹ The Army continues to close the gap in reporting and is using new technology advancements in automated digital fingerprinting to ensure timely and accurate reporting of law enforcement data to the FBI.

³⁹ This requirement and the corresponding list of UCMJ offenses is stipulated by DoDI 5505.11 (*Fingerprint Card and Final Disposition Report Submission Requirements*), 30 March 2017.

VI – Commander’s Tools for Maintaining Good Order and Discipline



“Ensuring installation readiness is a priority for U.S. Army Materiel Command, and minimizing crime on Army installations directly correlates to readiness. Commanders at all levels must be aware of and utilize installation resources to prevent and address crime. This chapter identifies tools available to Commanders including the Commander's Risk Reduction Dashboard which provides near real-time risk assessment and reduction capabilities, Juvenile Review Boards used to adjudicate juvenile minor misconduct, and the Installation Traffic Safety Program which can help reduce traffic accidents and violations. These tools help ensure that installations remain safe and secure for our Soldiers, Civilians, Families, and Contractors.”

– GEN Gustave Perna
Commanding General, U.S. Army Materiel Command

Garrison and Senior Commanders have several tools in their kitbag for surveilling, detecting, and responding to Soldier and civilian crime on their installations. Figure VI-1 lists these tools that are directed in Army regulations and policies. Each of these are further described in the following pages.

Although Commanders have numerous tools to address Soldier indiscipline, their ability to address criminal misconduct committed on an Army installation by civilians depends on the status of the civilian offender – civilian employee, contractor, dependent family member, or non-DoD affiliated civilians. Commanders should consult with their servicing Judge Advocate to determine all of the courses of action, which may include bar from installation, disciplinary actions against civilian employees, removal from housing, early return of dependents, and other administrative options. Civilians may also be subject to the Federal justice system (non-UCMJ) or, depending on the jurisdiction breakdown of the installation, the State justice system. While prosecution in the civilian justice system (Federal or State) is not a “command authority,” it is a potential option for civilian criminal misconduct. Maintaining the safety of installations is critical to readiness and should be a priority in addressing civilian misconduct.

Tools in the Commander's Kitbag	
1.	Bar from Installation
2.	Removal from Government Family Quarters
3.	Juvenile Review Boards
4.	Incident Determination Committee and Clinical Case Staff Meeting
5.	Installation Traffic Safety Programs
6.	Newly Assigned Soldier Criminal History Report
7.	Placement of Military Protective Orders in National Crime Information Center
8.	Commander's Risk Reduction Dashboard
9.	Joint Analytic Real-time Virtual Information Sharing System
10.	Army Most Wanted Fugitive Public Website
11.	Crime Prevention Surveys
12.	Armed Forces Disciplinary Control Board

Figure VI-1: Commanders' Tools for Maintaining Good Order and Discipline

Commanders have several tools at their disposal to surveil, detect and respond to crime within their formations and on installations.

1. *Bar from Installation.* A bar order can be imposed on a civilian spouse, parent, juvenile, and any civilian whose continued presence on the installation represents a threat to the safety of persons or property on the installation. Violations of bar orders are crimes which are separately punishable before a federal magistrate or federal district court judge. Post barment programs serve as effective tools in maintaining good order and discipline on installations while also deterring criminal activity. Barment programs should be approved by the installation Judge Advocate General (JAG) office and Commanders must know the process to ensure effective implementation.⁴⁰
2. *Removal from Government Family Quarters.* Families or members of families may be removed from government family quarters (including government-leased quarters off the installation) when their removal is in the best welfare and safety of other individuals and/or the installation. One example of this could be removal of a civilian spouse as a means to protect a military spouse and child from abuse.
3. *Juvenile Review Boards.* Since most juvenile offenses are minor offenses and normally not prosecuted in federal courts, a Juvenile Review Board (JRB) may be the best way to handle these types of crimes depending on crime severity. The JRB provides an administrative method of adjudicating juvenile minor misconduct.

The Army is committed to maintaining the safety and security of families on military installations. Although the Army does not have the legal authority to prosecute juvenile offenders for alleged serious misconduct occurring on installations, the Army investigates and refers cases to local or federal authorities for review and disposition. The Army also provides services in response to child-

⁴⁰ Reference AR 608-18 (*The Family Advocacy Program*), 30 October 2007, paragraph 3-22.d.

on-child sexual misconduct, which may include services provided by the Army's Family Advocacy Program, counseling, and treatment through Military Treatment Facilities and off-post referrals to specialized medical providers.

4. *Incident Determination Committee and Clinical Case Staffing Meeting.* The Incident Determination Committee and Clinical Case Staffing Meeting (IDC-CCSM) (outlined in DoDM 6400.01 Vol 3, 11 August 16) replaces the current Social Work Services (SWS) Case Review Committee (CRC) (outlined in AR 608-18). The IDC-CCSM provides a platform for Garrison or Deputy Senior Commanders in reviewing and making determinations on which domestic violence and child abuse allegations meet the DoD definition of abuse on their installations. The IDC-CCSM determination provides oversight of treatment with the ultimate intention of preventing future abuse. The Army is conducting IDC-CCSM pilot studies at 10 installations with the highest number of FAP cases. Of note, Garrison Commanders or Deputy Senior Commanders must chair their installation IDC-CCSM meetings.

5. *Installation Traffic Safety Programs.* Traffic safety poses a significant threat to the welfare of others on an installation. From motorcycle safety to targeted speed enforcement, traffic safety initiatives can save lives. Commanders should review their motorcycle safety course programs and PMO's Traffic Point System Program (outlined in AR 190-5, Chapter 5) for effective implementation. When properly executed, the Traffic Point System Program discourages drivers from committing traffic offenses and ultimately can reduce traffic crime through on-post suspensions and/or driving revocations.

Risk Factors for Installation Property Crimes

Installation PMOs/DEs identified five periods of increased likelihood for installation property crimes. These periods or events are opportune times for proactive law enforcement intervention to support Commanders. Being aware of these vulnerable periods can enable Commanders to make informed decisions about allocating their time to intervention strategies and could impact their ability to act earlier with respect to the warning signs.

- *Change of Command Inventories.* Missing property and limited property accountability revealed during property book change of command inventories.
- *Extended Deployments (>29 days).* Accountability (inventory) and security of unattended (rear) property while unit or activity is deployed.
- *Equipment Fieldings.* Ancillary parts associated with new equipment and turn-in equipment missing (accountability).
- *Unit "Block" Leaves.* Poor accountability (inventory) and no security of unattended personal property while personnel are away on block leave.
- *Facility or Unit Area Moves.* Missing property revealed after unit relocations.

6. *Newly Assigned Soldier Criminal History Report.* Criminal history is a key indicator for at-risk Soldiers. Commanders can receive the criminal history on their newly assigned Soldiers. AR 190-45 outlines the process for systematically requesting and receiving the criminal history on newly arrived Soldiers through G-1 channels to CID. By knowing their high-risk Soldiers prior to or immediately upon arrival, Commanders can now ensure that precision and educated leadership is directed toward the high-risk Soldiers with the intent to monitor, mentor, and ultimately prevent further high-risk behavior and crime.
7. *Placement of Military Protective Orders in National Crime Information Center.* Upon issuance of a Military Protective Order (DD Form 2873), Commanders will furnish a copy of the MPO to their installation Provost Marshal Office. The only effective means of making MPO information available to civilian law enforcement is electronically, through the Protective Order File (POF) of the National Crime Information Center. This allows civilian law enforcement to advise the PMO of violations of the order. This capability assists Commanders in their efforts to combat domestic abuse and sexual assault.
8. *Commander's Risk Reduction Dashboard.* The Commander's Risk Reduction Dashboard (CRRD) Increment I is an automation tool that consolidates information from various Army databases into one automated dashboard location and provides background on Soldiers in each unit and their risk history. HQDA already fielded CRRD Increment I to all active units across the Army.

CRRD Increment II is scheduled to be fully fielded in CY19. The Reserve and National Guard Components are incorporated into the CRRD II fielding plan. CRRD II includes additional Law Enforcement information pulled from the ALERTS database. This will alleviate the need for Commanders to request information from the local PM/DES or CID office. AR 190-45, Chapter 3-2a.(5) authorizes brigade-level or higher commanders (O-6 or above) to receive criminal history reports, stored in Army law enforcement systems, on newly assigned Soldiers. Once implemented, CRRD II will provide Company and Battalion Command Teams a near real-time automated risk assessment capability with recommended prevention and risk reduction strategies. It provides Battalion and Brigade Commanders an aggregate risk assessment, trend analysis, and recommended broader strategy for increased personal readiness for their formations. The CRRD includes a Risk Reduction Program using a bullseye chart and other graphic depictions visible up to the Army Command (ACOM) / Army Service Component Command (ASCC) levels. CRRD Increment II is built using more complex analytical software which will give the Commanders a more dashboard feel, a holistic view of their Soldiers and unit, and eventually an initial predictive capability. The first unit fielding of Increment II is scheduled for release during in July 2019. CRRD II (final) is scheduled to be fielded by December 2019.

CRRD I specific capabilities include:

- Weekly feeds from all risk behavior data sources.
- Daily feeds from Integrated Total Army Personnel Database (ITAPDB) and Total Officer Personnel Management Information System (TOPMIS).
- Commanders have a two year look back period on all risk factors except law enforcement data (crimes against property, person, and society; alcohol offenses and drug offenses) which is five years. CRRD will be updated weekly to include any new offenses.
- If a Soldier has a risk factor event within that two year look back period, Commanders are authorized an extended look. The extended lookback period varies by data source:

- Drug positives, CMD-referred Substance Use Disorder Clinical Care (SUDCC) screening data after alcohol or drug incident, and mandated enrollment in substance use disorder treatment – entire career look back.
- E-profile – since inception in January 2012.
- Accidents and injuries -- all available history from Safety Center (20 years) and Defense Casualty (47 years).
- Domestic Violence and Child Abuse – Open cases and cases closed for less than 90 days.

CRRD II highlighted capabilities include:

- Daily or weekly feeds from 26 authoritative data sources including up to 40 risk elements.
- Daily updates to personnel information from ITAPDB with additional data fields.
- Access to Soldier Interactive Personnel Electronics Records Management System (iPERMS) files (non-restricted) which can include UCMJ actions, courts martial, separation actions, financial information from the Unit Commander's Financial Report, and Government Credit Card delinquencies and overdue balances.
- Command Teams (Company Commander, First Sergeant, Battalion Commander, and Command Sergeant Major) will have access to a five year history on all Soldier events and if an event exists the history will contain up to a ten year history.
- Access to assigned, attached, and arriving Soldier records.
- Subsumes the current Risk Reduction Program and provides bullseye chart and other visualizations by command level thru ACOM/ASCC.

9. *Joint Analytic Real-time Virtual Information Sharing System.* The Joint Analytic Real-time Virtual Information Sharing System (JARVISS) provides law enforcement data for both on- and off-post. On-post law enforcement data is pulled from ALERTS and can be used for statistical analysis. Off-post crime is pulled from local law enforcement reporting on daily calls to service. This data can be used for crime statistics analysis for off-post locations such as standalone facilities and the locations of special events. JARVISS also offers a specific Law Enforcement Portal certified for the storage of For Official Use Only (FOUO) and Law Enforcement Sensitive (LES) data. The system will allow LE users to generate customizable crime statistics reports for on-post automatically to save time on the development of reports.
10. *Army Most Wanted Fugitive Public Website.* This website (<http://fugitives.army.mil>) is built specifically to support SecArmy Directive 2014-25 and is similar to the "FBI Ten Most Wanted List." It displays pictures and associated data for the most wanted fugitives and provides contact information for anyone having information about the fugitives. By design, the website is publically accessible and usable by anyone, from DoD and Federal Government Law Enforcement organizations down to private individuals. This website has resulted in the capture and conviction of Army fugitives wanted for a variety of crimes including murder, rape, child abuse, pornography, and human trafficking.

INSTALLATION ACCESS CONTROL

The identification of terrorists, criminals, and potential insider threats before they gain physical access to installations is critical to Army efforts to secure installations. Access Control for Army Installations is a two-step process comprised of initial/baseline vetting and continuous vetting.

Step one - Initial/baseline vetting using the National Crime Information Center Interstate Identification Index (NCIC-III) of more than 3.2 million visitors in 2018 resulted in 35,018 individuals being denied access to Army installations including 4,693 who had active warrants and 10 Known or Suspected Terrorist (KST) hits. Notably, of the 35,018 individuals denied access, 454 were convicted murderers and 1,325 were registered sex offenders. This does not include criminals deterred from attempting to enter installations.

- On 29 December 2018 an Uber driver bringing a Soldier onto an installation underwent initial vetting (NCIC-III check) when a positive KST hit was returned. Dispatch called the FBI Terrorist Screening Center (TSC) and the hit was confirmed. The TSC did not request any action be taken. The driver was informed that he was denied access to the installation but not about being on the Terrorist Watch List.
- On 11 March 2018 an individual attempted to gain access to the installation's community hospital. While conducting initial vetting (NCIC III check) a KST hit was returned. A Department of the Army Security Guard (DASG) called the TSC to verify the hit. The TSC asked where was the individual going, who he was with, why he was going to location given, and what the relationship was between the driver and individual in question, along with the demeanor of the individual. The DASG answered the TSC questions to the extent possible and then denied the individual access to the installation.
- On 9 July 2018, an identified driver from a US trucking company arrived at the installation's guard shack and requested entry to pick up a load of undisclosed equipment. The individual underwent initial vetting (NCIC-III check) when a positive KST hit was returned. The TSC was called and the hit was confirmed. The driver's probation officer had noted that he was not to access any government bases as a condition of his federal parole. The driver became argumentative and was told to leave or face arrest. The driver left without further incident.

Step Two - Continuous vetting is achieved by using the Army's Physical Access Control System which continuously vets all personnel entering installations against the Defense Enrollment Eligibility Reporting System (DEERS), Service debarment lists, and FBI NCIC databases (including the Terrorist Screening Database (TSDB)). This continuous vetting determines if visitors remain in good standing, have active law enforcement wants or warrants, or are enrolled as sex offenders. Additionally, the Army's Physical Access Control System is joint force interoperable and allows local garrisons to input bar-to-installation rosters. Continuous vetting at 28 installations during 2018 resulted in identifying 258 individuals identified with active warrants, 1,426 barments, and 15,969 fake or expired ID cards confiscated.

11. *Crime Prevention Surveys.* Conducted by installation CID offices, the Crime Prevention Survey (CPS) is a formal recorded review and analysis of existing conditions within a specified facility, activity, or area for the purpose of detecting crime, identifying conditions or procedures conducive to criminal activity, and minimizing or eliminating the opportunity to commit a criminal offense or engage in criminal activity. It seeks to determine the nature, extent, and underlying causes of crime, and provides the Commander with information for use in their evolving crime prevention program. The CPS identifies situations that are not procedural deficiencies, but could, if left unchecked, result in the loss of Army assets through negligence, systemic weakness, or result in the failure and erosion of established internal controls. Both findings and observations assist the supported Commander in deterring and reducing crime within his command and control. A CPS can be directed toward identifying:

- An overall view of criminal activity in a specific location through the analysis of criminal intelligence.
- Findings that are regulatory deficiencies that may be conducive to the loss of Army assets through criminal activity.
- The economic threat to an installation or activity.
- The evaluated domestic and international terrorist threat/vulnerability assessment of high ranking officials.
- The susceptibility to theft, diversion, sabotage, or destruction of U.S. Government property or assets.
- The threat/vulnerability of Army automated systems through hacking, data-mining, etc.

12. *Armed Forces Disciplinary Control Board.* The Armed Forces Disciplinary Control Board (AFDCB) is used to advise and make recommendations to Commanders on matters concerning eliminating conditions which affect the health, safety, welfare, morale, and discipline of Soldiers off the installation. The Board should meet quarterly or as needed. The Board receives reports and takes appropriate action on conditions in their area of responsibility relating to any of the following:

- Disorder and lack of discipline.
- Prostitution.
- Sexually transmitted diseases.
- Liquor violations.
- Racial and discriminatory practices.
- Alcohol and drug abuse.
- Drug abuse paraphernalia.
- Criminal and illegal activities involving cults or hate groups.
- Illicit gambling.
- Areas susceptible to terrorist activity.
- Unfair commercial or consumer practices.
- Other undesirable conditions deemed unsafe, which may adversely affect the health and well being of military personnel or their families.

The goal of the Board is to correct these conditions and, if they cannot be corrected, recommend an off-limits restriction.

LEARNING POINTS

- ★ Post barmment programs can be used as a tool to maintain good order and discipline on an installation.
- ★ Removing family members or entire families from family quarters remains an option when dealing with serial offenders residing on their installations.
- ★ Installation Juvenile Review Boards can serve as an effective means to adjudicate minor juvenile crimes refused by the federal magistrate.
- ★ As a means of preventing future abuse, the CRC / IDC-CCSM play a crucial role in the diagnosis and treatment plans for those families experiencing domestic and child abuse.
- ★ Garrison and Senior Commanders are encouraged to execute the installation "Traffic Point System" outlined in AR 190-5, Chapter 5 to discourage drivers from committing traffic offenses and to reduce traffic crime through on-post suspensions and/or driving privilege revocations.
- ★ Commanders can request and receive the criminal history on newly arrived Soldiers to identify high-risk Soldiers in their formations.
- ★ Commanders must provide copies of MPOs to Provost Marshal Offices for entry into NCIC in order to alert military and civilian law enforcement officials of the protection order.
- ★ Commanders should leverage the Commander's Risk Reduction Dashboard for awareness of the risk history of Soldiers within their unit, enabling Commanders to implement appropriate prevention and risk reduction strategies.
- ★ Commanders can request a Crime Prevention Survey from their local CID office at any time. The CPS is a formal analysis of an area within their area of responsibility for the purpose of detecting crime, identifying conditions or procedures conducive to criminal activity, and minimizing or eliminating the opportunity to commit a criminal offense or engage in criminal activity.
- ★ Senior Commanders and PMOs should implement / leverage Armed Forces Disciplinary Control Boards IAW AR 190-24 as a mechanism to address off-post issues which affect the health, safety, welfare, morale, and discipline of Soldiers off the installation.
- ★ Installation SJA and PMO partnerships with surrounding civilian court and civilian law enforcement are critical enablers for the Garrison and Senior Commanders' abilities to provide a safe and secure installation.

VII - Changes to the UCMJ: Information that Commanders Should Know



“With the passage of The Military Justice Act of 2016 (MJA 16) we witnessed the most sweeping legislative changes to the Uniform Code of Military Justice in over 60 years. Though many of the changes brought by MJA 16 are procedural in nature, MJA 16 also modernizes several of our criminal offenses by incorporating new offenses including computer crimes, retaliation, and credit card fraud while expanding and refining other offenses, such as aggravated assault and domestic violence. The changes provide additional tools for Commanders, law enforcement personnel, and legal professionals to balance efficiency with due process protections enjoyed by the accused. One of the greatest strengths of our military is our ability to constantly reflect and improve when needed. We welcome opportunities to advocate for progress and reform and the passage of MJA 16 is a reflection of our commitment to continually improve. The focus of our justice system has always been, and will always remain, the preservation of good order and discipline to ensure readiness and lethality.”

– LTG Charles Pede
The Judge Advocate General

The FY19 National Defense Authorization Act (NDAA) implemented provisions of the Military Justice Act of 2016. Besides the creation of a new punitive article to address Domestic Violence introduced in Chapter III, there are many other significant changes that Commanders should know about. These changes were effective 1 January 2019.

a. Statute of Limitations. The statute of limitations (SOL) for child abuse offenses increases from the longer of five years or the life of the child to ten years or the life of the child. Also, the SOL for fraudulent enlistment or appointment increases from the default of five years to the longer of five years or the length of the enlistment or appointment.

b. Restructured and New Punitive Articles. The punitive articles were reordered to organize similar offenses together. Also, many Article 134 offenses either merged into enumerated articles or were re-designated as new articles based on well-recognized concepts in criminal law no longer requiring the terminal element as the basis of criminality. The FY19 NDAA created four new punitive articles.

- (1) Article 93a: Provides enhanced accountability for offenses involving consensual sexual activity between trainers and trainees or recruiters and potential recruits. Although these types of crimes can already be prosecuted under Article 92, UCMJ, Article 93a raises the maximum punishment from two to five years of confinement.
- (2) Article 121a: Addresses fraudulent use of credit cards, debit cards, and other access devices such as PIN or account numbers.
- (3) Article 123: Addresses unauthorized access to Government computers and computer systems to obtain classified or protected information, or intentionally causing damage to a Government computer by introducing harmful code, programs, or other information.

- (4) Article 132: Criminalizes taking or threatening to take adverse personnel actions, or withholding or threatening to withhold favorable personnel actions to punish or discourage a person from making a protected communication or reporting a crime.
- (5) Congress amended portions of Article 120(b), Sexual Assault, and also the definitions of sexual act and sexual contact. Congress also amended Article 128, Aggravated Assault, removing the language about other force or means likely to produce death or grievous bodily harm and instead focuses on the subject's intent and redefines dangerous weapon. Other changes to the punitive articles include expanding stalking to include cyberstalking, lowering the blood alcohol content (BAC) statutory limit to .08, and removing the intent to steal from the elements of robbery.
- (6) The FY19 NDAA made additional changes to the punitive articles to include expanding the definition of aggravated assault to include any assault by strangulation or suffocation and also creating a new enumerated offense of domestic violence.

c. New Special Court-Martial. Cases may be referred directly to a new military judge alone special court-martial where the maximum punishment is six months confinement, reduction to E-1, and forfeiture of 2/3 pay for up to six months. A punitive discharge is not authorized. Other than Rape and Sexual Assault offenses, any UCMJ offense may be referred to this forum. However, the subject may object to a specification being tried at this forum on two bases:

- (1) Conviction will require sex offender registration; or
- (2) The maximum authorized punishment for the specification objected to exceeds two years. The only exception to this second basis for objection is any offense under Article 112a. The subject cannot object to a specification under Article 112a being tried at this new forum, regardless of the maximum authorized punishment.

d. Preliminary Hearings. The Article 32 reports now require more detail. For each specification, the preliminary hearing officer must now include the reasoning and conclusions regarding whether each specification alleges an offense, whether there is probable cause to believe the subject committed each offense charged, whether there is jurisdiction over the subject and offense, and what if any level of court-martial the offenses should be referred to. Another significant change to preliminary hearings is the new right of the subject and alleged victims to submit, within 24 hours of the closure of the hearing, supplementary information the party deems relevant to the convening authority's disposition decision.

e. Plea Agreements. The subject and convening authority may now agree to not only a maximum sentence, but also a minimum sentence, a range, or a fixed sentence. Additionally, once the military judge reviews and approves the agreement, it is binding on the court and the parties.

f. Pretrial Advice. The Staff Judge Advocate (SJA) must now personally attest in advice to the convening authority that there is probable cause to believe the subject committed the alleged offenses. The previous requirement required the SJA to comment on whether the specifications were warranted by the evidence in an Article 32 report. Additionally, Appendix 2.1 of the new Manual for Courts-Martial (MCM) contains non-binding disposition guidance to aid disposition decisions.

g. Sentencing. The military judge is now the default sentencing authority in all courts-martial. However, a subject tried and found guilty by members may elect to be sentenced by members. Additionally, the military judge and panel previously issued only unitary sentences, which meant the overall sentence included the penalties for all offenses all combined into one single sentence. Under the FY19 NDAA, panels will continue to adjudge unitary sentences, but now the military judge will impose segmented sentences for confinement and fines for each guilty finding. The military judge will also indicate whether sentences to two or more terms of confinement are to be served concurrently or consecutively.

h. UCMJ Training for All Soldiers. All Soldiers must receive training on the UCMJ upon entry into Service, and periodically thereafter. Article 137 further requires periodic military justice training for Commanders and convening authorities.

VIII –Closing



“There is a tremendous amount of data throughout this Army Crime Report, all designed to inform leaders across the Force on typical areas of risk within your formations. It is only effective if leaders at all levels are educated on the trends and analysis of Soldier indiscipline identified in this report. Using the Crime Report and local resources (Directorate of Emergency Services, CID) will assist units in setting conditions for the prevention of crime. Focusing efforts towards prevention of misconduct will take less leader time than reacting to misconduct after it has occurred. Educated leaders and engaged leadership is an effective method for reducing criminal indiscipline, which keeps leaders focused on the mission and keeps Soldiers Ready Now.”

– SGM Larry Orvis
Provost Marshal General Sergeant Major

Commanders, leaders, and program managers serve as essential pillars to decrease crime and maintain good order and discipline within our Army. Through consistent surveillance, detection and response to at-risk behavior, Commanders, leaders, and program managers positively improve Soldier discipline and individual readiness ultimately leading to decreased crime levels across the Force.

Figure VIII-1 identifies a number of current or forthcoming Army initiatives to further enable Commanders, leaders and program managers.

Current or Forthcoming Initiatives	
1.	DoDM 6400.01 Vol 3, <i>Incident Determination Committee and Clinical Case Staffing Meeting (IDC-CCSM)</i> , 11 Aug 16. The new requirement replaces the current FAP Case Review Committee (CRC) as outlined in AR 608-18. The IDC-CCSM provides a platform for Installation Command Leaders to be more involved in reviewing and making determinations on domestic violence and child abuse allegations. The IDC-CCSM provides oversight of treatment. The Army is in the early phase of conducting an IDC-CCSM pilot study at 10 installations that historically have the highest number of FAP cases. Of note, the Deputy Senior Commander or Garrison Commander must chair the IDC-CCSM with the purpose of infusing more senior level installation leader oversight for domestic violence incidents on our installations.
2.	<i>Background Checks for all Installation Visitors.</i> In accordance with Homeland Security Presidential Directive 12 and Army Regulation 190-13, all visitors and un-cleared contractors desiring unescorted access to Army installations must be vetted through the National Crime Information Center Interstate Identification Index (NCIC III), a Federal Bureau of Investigation database that provides criminal histories and the Army's baseline background check for entrance onto Army installations for non-common access card (CAC) or non-DoD identification card holders. The required vetting of visitors in NCIC III to determine authorized access to the installations increases base security.
3.	<i>Installation Management Command (IMCOM) Law Enforcement COMPSTAT.</i> Preventive and Problem Oriented (intelligence led) policing programs such as law enforcement “Computer Statistics” (COMPSTAT) target crime problem areas and attempt to prevent crime through targeted enforcement. IMCOM implemented a quarterly command COMPSTAT as their

managerial process for crime accountability for law enforcement while addressing crime and quality of life issues on a regular basis. COMPSTAT is a process of organized problem solving that leads to positive outcome(s) of incremental reductions in crime. Additionally, installation PMOs conduct their own COMPSTATs on a much more frequent basis to proactively target and prevent crime on their installations.

4. *Army Insider Threat Hub.* The Army Insider Threat Hub, a function of the Army Protection Program, is the Army's centralized reporting and analytical capability to protect the Army's information, networks, facilities, and personnel. The Army Hub provides Commanders and their civilian equivalents with holistic assessments of the risk posed by insiders to enable more timely and informed investigative and command mitigation responses.
5. *Criminal Justice Information Working Group.* OPMG initiated the Criminal Justice Information Working Group in 2017 to identify and rectify gaps in the Army's policy, resourcing, and information reporting to the National Crime Information Center (NCIC) and National Instant Criminal Background Check System (NICS).^{41, 42} The working group identified two legislative proposals: one would add Army deserters to the list of persons prohibited from purchasing or possessing a firearm, and the other would create a separate enumerated article under the UCMJ for domestic violence assaults. OTJAG and OPMG are coordinating on this effort and will submit these proposals to the Office of the Chief Legislative Liaison (OCLL) through the Assistant Secretary of the Army, Manpower and Reserve Affairs (ASA(M&RA)), for submission to the 2020 National Defense Authorization Act.
6. *Military Justice Online / ALERTS Synchronization.* CID and OTJAG are working to provide a direct digital link between Military Justice Online and ALERTS, providing a more accurate and timely reporting of Commander Actions. As of April 2019 the initiative is still in development requiring engineering changes to ALERTS to mirror existing fields within Military Justice Online. Sample test files have been exchanged with further testing and analysis to continue, with fielding scheduled for Q1 FY20. One potential goal is to eliminate the requirement for the DA Form 4833.
7. *Defense Enrollment Eligibility Reporting System / ALERTS Synchronization.* CID and DMDC are working to provide a direct digital link between DEERS and ALERTS, providing accurate identification of DoD personnel associated to a law enforcement case. As of April 2019, the initiative is still in development requiring engineering changes to ALERTS to process received DEERS data, with fielding scheduled for Q1 FY20.
8. *Army Regulation 600-20 revision.* The SHARP Program Office created a dedicated policy and oversight branch that completed a comprehensive review of AR 600-20 and submitted significant revisions to the SHARP portion of the regulation. The updated AR 600-20 is scheduled for publication in early FY20. The overarching policy for the SHARP Program is contained in AR 600-20, a regulation for many programs. The SHARP Program office is currently drafting a standalone SHARP regulation, scheduled for publication in FY20.
9. *Privately Owned Firearms.* Additional control measures will be put in place regarding restrictions associated with Soldiers' possession of Privately Owned Firearms (POFs). OPMG is currently drafting Army Directive 2019-XX (*Carrying of Firearms for Personal Protection*), which is scheduled for publication in FY19. The policy will apply to Army installations and stand alone facilities (SAFs)

⁴¹ The National Crime Information Center is a computerized index of criminal justice information (criminal record history information, fugitives, stolen properties, missing persons, etc.). It is available to federal, state, and local law enforcement and other criminal justice agencies for tracking crime-related information.

⁴² The National Instant Criminal Background Check System is a national system that instantly checks available records on persons who may be disqualified from buying firearms.

and will be incorporated into the next revision of AR 190-14 (*Carrying of Firearms and Use of Force for Law Enforcement and Security Duties*). The policy will apply to members of the armed forces (Title 10 only) and only to those stationed or assigned to the installation/center/facility. The new policy has specific eligibility criteria the individual must meet to gain authorization to bring or carry a POF on the installation for personal protection, and the approval authority is at the Installation Senior Commander (GO) level or first GO/SES in the chain of command for SAFs. AR 190-14 will also provide policy and procedures for Government Owned Firearms (GOFs). The arming authority of Law Enforcement officers with GOFs for official duties will be at the COL level.

Figure VIII-1: Army Initiatives to Improve Discipline

As represented by the many initiatives implemented or under way, our Army is committed to improving the readiness of the Force.

The Office of the Provost Marshal General welcomes your thoughts on improving future Army Crime Reports. Please address any questions or feedback to usarmy.pentagon.hqda-pmg.list.sig-acr@mail.mil.

Appendix A – Abbreviations

AA&E	Arms, Ammunition, and Explosives
AC	Active Component
ACI2	Automated Criminal Investigative and Intelligence (case management system)
ACOM	Army Command
AD	Active Duty
ADCO	Alcohol and Drug Control Officer
ADOS	Active Duty for Operational Support
AFDCB	Armed Forces Disciplinary Control Board
AFMES	Armed Forces Medical Examiner System
AIT	Advanced Individual Training
ALARACT	All Army Activities
ALERTS	Army Law Enforcement Reporting and Tracking System
AMHRR	Army Military Human Resource Record
APO	Army Post Office
AR	Army Regulation
ARNG	Army National Guard
ASA (M&RA)	Assistant Secretary of the Army (Manpower and Reserve Affairs)
ASAP	Army Substance Abuse Program
ASCC	Army Service Component Command
AWOL	Absent Without Leave
BAC	Blood Alcohol Content
BAH	Basic Allowance for Housing
BH	Behavioral Health
CAC	Common Access Card
CBD Oil	Cannabidiol Oil
CCIU	Computer Crime Investigative Unit
CDC	Centers for Disease Control and Prevention
CENTCOM	US Central Command
CERP	Commander's Emergency Response Program
CHPC	Community Health Promotion Council
CHU	Containerized Housing Unit
CID	US Army Criminal Investigation Command
CJIS	Criminal Justice Information Services
CODIS	Combined DNA Index System
COMPO	Component
COMPSTAT	Computer Statistics
CONUS	Continental United States
COPS	Centralized Operations Police Suite
COR	Contracting Officer Representative
CPS	Crime Prevention Survey

CQ	Charge of Quarters
CRC	Case Review Committee
CRC	US Army Crime Records Center
CRRD	Commander's Risk Reduction Dashboard
CY	Calendar Year
DA Form	Department of the Army Form
DASG	Department of the Army Security Guard
DD Form	Department of Defense Form
DEA	Drug Enforcement Agency
DEERS	Defense Enrollment Eligibility Reporting System
DES	Directorate of Emergency Services
DFAS	Defense Finance and Accounting Service
DFR	Dropped from the Rolls
DMDC	Defense Manpower Data Center
DNA	Deoxyribonucleic Acid
DoD	Department of Defense
DoDI	Department of Defense Instruction
DoDM	Department of Defense Manual
DoDSER	Department of Defense Suicide Event Report
DOJ	Department of Justice
DRU	Direct Reporting Unit
DST	Drug Suppression Team
DUI	Driving Under the Influence
ELITE-SHARP POST	Emergent Leader Immersive Training Environment – SHARP Prevention and Outreach Simulation Trainer
EMS	Emergency Medical Services
EPR	Enhanced Performance Round
ETS	Expiration of Term of Service
EXORD	Executive Order
FAP	Family Advocacy Program
FBI	Federal Bureau of Investigation
FLIR	Forward-Looking Infrared
FOO	Field Ordering Officer
FOUO	For Official Use Only
FTX	Field Training Exercise
FY	Fiscal Year
GO	General Order
GOF	Government Owned Firearm
HRC	US Army Human Resources Command
HQDA	Headquarters, Department of the Army
IAW	In Accordance With
IDC-CCSM	Incident Determination Committee and Clinical Case Staffing Meeting
ILO	In Lieu Of
IMCOM	Installation Management Command

IPERMS	Interactive Personnel Electronics Records Management System
ITAPDB	Integrated Total Army Personnel Database
ITAR	International Trafficking in Arms Regulations
JAG	Judge Advocate General
JARVISS	Joint Analytic Real-time Virtual Information Sharing System
JRB	Juvenile Review Board
KST	Known or Suspected Terrorist
LE	Law Enforcement
LER	Law Enforcement Report
LES	Law Enforcement Sensitive
MCM	Manual for Courts-Martial
MEDCOM	US Army Medical Command
MEPS	Military Entrance Processing Station
MJA 16	Military Justice Act of 2016
MOU	Memorandum of Understanding
MP	Military Police
MPI	Military Police Investigator
MPO	Military Protective Order
MPFU	Major Procurement Fraud Unit
MPR	Military Police Report
MPRS	Military Police Reporting System
MTF	Military Treatment Facility
MTOE	Modified Table of Organization and Equipment
MWD	Military Working Dog
NCIC	National Crime Information Center
NCIC III	National Crime Information Center Interstate Identification Index
NCO	Non-Commissioned Officer
NDAA	National Defense Authorization Act
NICS	National Instant Criminal Background Check System
NIDA	National Institute on Drug Abuse
OCLL	Office of the Chief Legislative Liaison
OCONUS	Outside the Continental United States
OPMG	Office of the Provost Marshal General
OSD	Office of the Secretary of Defense
OSUT	One Station Unit Training
OTH	Other Than Honorable
OTJAG	Office of the Judge Advocate General
PBO	Property Book Officer
PCS	Permanent Change of Station
PII	Personally Identifiable Information
PM/DES	Provost Marshal/Director of Emergency Services
PME	Professional Military Education
PMO	Provost Marshal Office
POF	Privately Owned Firearm

POF	Protective Order File
POW	Privately Owned Weapon
POV	Privately Owned Vehicle
RC	Reserve Component
RCP	Retention Control Point
ROI	Report of Investigation
RPOC	Report Point of Contact
SAF	Stand Alone Facility
SARC	Sexual Assault Response Coordinator
SHARP	Sexual Harassment/Assault Response and Prevention
SIR	Serious Incident Report
SJA	Staff Judge Advocate
SOL	Statute of Limitations
STARRS	Study to Assess Risk and Resilience in Servicemembers
SUDCC	Substance Use Disorder Clinical Care
SWS	Social Work Services
SYCAN	Synthetic Cannabinoid
TC	Trial Counsel
TCS	Temporary Change of Station
TDY	Temporary Duty
THC	Tetrahydrocannabinol
TOE	Table of Organization and Equipment
TOPMIS	Total Officer Personnel Management Information System
TSC	Terrorist Screening Center
TSDB	Terrorist Screening Database
TTP	Tactics, Techniques and Procedures
UA	Urinalysis
UCFR	Unit Commander's Finance Report
UCMJ	Uniform Code of Military Justice
UPL	Unit Prevention Leader
USACIDC	US Army Criminal Investigation Command
USACIL	US Army Criminal Investigation Laboratory
USAR	US Army Reserve
USC	United States Code
USMA	United States Military Academy
VA	Victim Advocate
WGRA	Workplace and Gender Relations Survey of Active Duty Members

Appendix B – OPMG Crime Reporting Methodology

- **Scope:** All crime statistics reflect (unrestricted) Army Law Enforcement Reports only. Restricted reports are excluded.
- **Key Metrics:** Key crime metrics are the counts and rates of: (1) offenders; and (2) offenses. These metrics are provided for a given reporting period.
 - Offenders (subjects) are categorized as active duty Soldiers (including ARNG and USAR Soldiers while on active duty), Other Offenders (such as military family members, federal employees, and other civilians), and Unknown / Unidentified individuals.
 - Offenses are limited to US Army Crime Records Center (CRC) reportable offenses that are founded or under investigation. It is unknown whether Commanders or civilian courts adjudicated these offenses. Unfounded offenses are excluded.
 - Rates are expressed in per capita terms; that is, in offenders or offenses per 100,000. The rate accounts for the changing population over time, thus normalizing data when evaluating trends.
- **Reporting Periods:** The reporting time period is by government fiscal year (i.e., October 1 through September 30). The last eight fiscal years are included for trend analysis.
- **Trend Lines:** Also known as a “line of best fit” or “regression trendline,” the slope of the trend line indicates whether crime is increasing, decreasing, or remaining flat over an eight year period.
- **Crime Types and Categories:** Crime types include violent felonies, non-violent felonies and misdemeanors.
 - Violent and non-violent felonies are offenses punishable by death or confinement for more than one year as defined by Army policy (e.g., AR 195-2, AR 190-30); misdemeanors are crimes with a maximum punishment of one year.
 - Additional crime categorizations within these crime types are based on criminal offense codes in AR 190-45 (*Law Enforcement Reporting*). See Figure B-1 for a list of crime categories.
- **Data Sources:** Principal sources for crime data are the authoritative Army law enforcement systems: ALERTS and the MPRS module in COPS. Monthly Soldier population data from Defense Manpower Data Center (DMDC) is used to calculate the average active duty population for reporting periods.
 Note: The population of others on the installation (military family members, federal employees, non-DoD affiliated civilians, other Servicemembers, contractors, foreign nationals, students, businesses, and visitors) is not known; therefore, rates for such individuals are not provided for analysis.
- **Data “As Of Date”:** [October 2018](#)
 The “as of date” is a snapshot in time of offenses that were founded or under investigation at the time of the data extract. Numbers may change slightly over time as open cases are closed, subjects are titled with additional offenses, unknown subjects are identified, etc.

Example – How a Crime is “Counted” for Reporting Purposes

Two civilian females attended a party adjacent to a barracks and became extremely intoxicated. They found an empty bedroom to lie down and, while resting, were sexually assaulted by three men. The next morning, one of the females reported the crime to the military police and the three men, later identified as two PFCs and one civilian, were each titled with sexual assault and forcible sodomy.

Number of Offenders: Three. Each of the subjects (two PFCs and one civilian) is counted once regardless of the number of offenses.

Number of Offenses: Six. Each of the three subjects is titled with two offenses (once for sexual assault and once for forcible sodomy).

Crime Types and Categories	Soldiers	Other Offenders	Unknown	Total
Violent Felony	1,378	456	592	2,426
Homicide	58	18	13	89
<i>Murder</i>	17	13	11	41
<i>Voluntary Manslaughter</i>	3	1		4
<i>Involuntary Manslaughter</i>	7	2		9
<i>Negligent Homicide</i>	9	1		10
<i>Attempted Murder</i>	25	2	2	29
Violent Sex Crimes	907	291	499	1,697
<i>Rape and Attempts</i>	246	137	208	591
<i>Sexual Assault and Attempts</i>	689	151	274	1,114
<i>Forcible Sodomy</i>	20	13	22	55
Kidnapping	25	5	27	57
Robbery	12	6	7	25
Aggravated Assault	390	128	45	563
Child Pornography	83	25	39	147
Non-Violent Felony	9,341	3,276	4,342	16,959
Drug Crimes	4,383	1,027	52	5,462
Failure to Obey General Order	2,500	597	194	3,291
Desertion	502	6		508
Larceny	505	454	2,045	3,004
<i>Government Property/Funds</i>	348	355	1,664	2,367
<i>Private Property/Funds</i>	158	101	413	672
Other Sex Crimes	928	298	230	1,456
Drunk Driving with Personal Injury	208	114		322
Other Non-Violent Felonies	1,728	1,016	1,920	4,664
Misdemeanor	19,011	16,402	8,621	44,034
Traffic Violations	10,966	10,858	2,468	24,292
Assault and Battery	3,109	1,506	305	4,920
AWOL	1,140	14	1	1,155
Drunk Driving without Personal Injury	1,880	577		2,457
Family Abuse	1,291	670	21	1,982
Drunk and Disorderly	1,152	331	30	1,513
Other Misdemeanors	3,717	4,079	5,852	13,648
Total Offenders	25,985	19,190	12,081	57,256

Figure B-1: FY2018 Offender Counts by Crime Types and Categories

Appendix C – Summary of FY2018 Army Crime Report Recommendations

Summary of FY2018 Army Crime Report Recommendations

Chapter II

1. When Soldier health and discipline issues are linked, respond first to the health and welfare of the Soldier and then conduct due process to assess and ensure accountability.
2. Monitor events in Soldiers' lives to help identify potentially higher-risk Soldiers and facilitate appropriate care as needed. Multiple stressors (e.g., legal, financial, relationship, medical, and criminal in nature) indicate an increased risk for suicide.
3. Initiate appropriate measures to assess and monitor Soldiers under investigation to reduce the potential of self-harm or harm to others. DoD policy requires Commander notification by law enforcement of all serious investigations at the earliest opportunity without jeopardizing the integrity or successful resolution of the investigation.
4. Reduce the risk of suicide and other high-risk behavior by separating at-risk Soldiers from their privately owned weapons.
5. Educate leaders that Soldiers residing on-post must register their weapons with the PMO. Soldiers residing off-post are encouraged, but not required, to register their weapons with the PMO.
6. Employ Health and Welfare inspections to control the improper storage of POWs in the barracks. Consider use of explosive detector MWDs in the barracks as part of Health and Welfare inspections to assist in finding weapons and ammunition. Also consider using drug detection MWDs and members of installation DSTs to identify illegal and illicit drugs and paraphernalia.
7. Report all AA&E losses (actual or suspected) or recoveries within two hours of initial discovery to Army law enforcement to assist with further reporting, investigation, or recovery actions.
8. Make Serious Incident Report notifications through command channels to the Army Watch within 24 hours when prescribed thresholds of AA&E is stolen, lost, unaccounted for, or recovered.
9. Coordinate with the installation PM/DES to ensure lost, stolen, or recovered weapons are promptly recorded in the National Criminal Information Center and the DoD Central Registry.

Chapter III

10. Facilitate the identification of potential BAH / fraudulent marriage-related crimes by involving subordinate leaders (i.e., platoon sergeants and squad leaders) in rigorous reviews of the monthly UCFR.
11. To prevent Army-related fraud activity, increase Commanders' situational awareness and ensure designated personnel (e.g., CORs, FOO and CERP dispensing leaders) are properly trained.
12. Refer all drug crimes to CID. While the possession of some synthetic drugs and drug paraphernalia (e.g., suspected smoking devices) may be a Failure to Obey a General Order violation, investigative purview remains with law enforcement.
13. Enhance drug surveillance and detection with recurring Health & Welfare inspections; incorporate drug-detecting military working dogs as well.
14. Increase Soldier awareness of synthetic drugs by leveraging law enforcement and ASAP expertise during unit and installation drug awareness briefings.
15. Educate Soldiers and their families on the benefits of safely disposing of unwanted or unneeded pharmaceuticals in MEDCOM's permanent drug take-back containers located in or near MTF pharmacies.
16. Conduct random UA tests of 10 percent of assigned end strength each month of the fiscal year, and test all remaining untested Soldiers in the fourth quarter of the fiscal year in addition to the regular 10% monthly random testing. This supplements the units' annual 100% urinalysis test.
17. Educate Soldiers to acknowledge and embrace their role in observing their peers for high-risk behavior and intervening to ensure proper healthcare treatment.

18. Encourage Soldiers to report sex crimes, and report them as quickly as possible. Timely reporting assists with medical treatment and well-being of the victim, preserves evidence, and positively impacts the investigation of the crime.
19. Use Charge of Quarters, led by non-commissioned officers, in all barracks to prevent sex crimes.
20. Ensure barracks policies provide appropriate good order and discipline (e.g., visitation hours and ages of visitors, acceptable quantities of alcohol per room, leader presence on weekends).
21. Ensure all Soldiers, especially junior (E1-E4) Soldiers, are formally sponsored and quickly integrated to reduce the potential for sex crime victimization and mitigate risks during transition periods.
22. Educate Soldiers that all sexual acts require consent from both people and engaging in a sexual act with another who is too intoxicated to give consent violates law and will likely result in lifelong consequences for the victim and assailant.
23. Empower Soldiers to intervene and take action to protect their battle buddy if they see a fellow Soldier at risk of making poor decisions due to alcohol.
24. Leverage PMO and CID expertise to assist with law enforcement briefings at unit-level training events, garrison newcomer's briefs, and local Commander / 1SG Courses.
25. Increase situational awareness through unit safety briefings, climate surveys, and sensing sessions. Targeted sensing sessions (e.g., with women only, men only, junior Soldiers) improves awareness.
26. Initiate appropriate measures and Army resources to assess and monitor Soldiers under investigation to reduce the potential of self-harm or harm to others.
27. Enhance situational awareness and improve the ability to recognize indicators of domestic violence by participating in the CHPC and other risk reduction forums.
28. Ensure that Provost Marshals and local CID investigative units notify the FAP report of contact on all incidents of domestic violence, including suspected cases of mild abuse to homicide.
29. Ensure that the PMO and installation FAP offices conduct routine incident reconciliations, maximizing cross communication on domestic violence events to eliminate notification gaps across the Army.
30. Report domestic violence to law enforcement and the FAP office upon gaining awareness of any domestic violence incident, regardless of severity, law enforcement investigation, or on/off-post location, and take disciplinary action against Soldiers if warranted.
31. Assess and monitor both subjects and victims of domestic violence for potential of self-harm. There is a correlation between family violence and suicide attempts among both subjects and victims, regardless of gender or age.
32. Emphasize to Soldiers that domestic violence could have severe repercussions for continued service.
33. Notify the PMO within 48 hours of a Soldier being AWOL. Immediately notify the PMO when the Soldier returns.
34. Immediately classify a Soldier as a deserter without regard to the length of absence if: (1) the Soldier intends to remain permanently absent; (2) the Commander believes there is a risk that the Soldier may commit violent acts, or harm themselves or others; or (3) the absent Soldier is assigned to a special mission unit or had access to Top Secret, Sensitive Compartmented Information, or Special Access Program information during the 12 months preceding the absence. Soldiers do not have to be AWOL for 30 consecutive days before being classified/reported as a deserter.
35. Complete DD Form 553 (*Deserter/Absentee Wanted by Armed Forces*), if their Soldier is a high-risk deserter (e.g., pending investigation or has serious offense allegations).

Chapter IV

36. Consider appropriate adverse disciplinary and administrative measures for offenders along with the proper recording of convictions in FBI criminal databases in order to prevent the transmission of criminal and high-risk behavior across units and communities.
37. Establish, based on a systematic review of disciplinary and administrative options, appropriate adjudication withholds (e.g., a division Commander retaining purview for adjudication of officer misconduct) and methods of case disposition to ensure appropriate accountability.

38. Administratively flag Soldiers that are under investigation to protect the investigative process, unit cohesion, and other personnel.
39. Monitor flags and bars (IAW 600-8-2) and DA Form 4833 compliance to ensure unit readiness.
40. Utilize criminal history sharing procedures (IAW AR 190-45) to increase awareness, provide assistance to at-risk Soldiers, and deter involvement in future criminal offenses.
41. Process for separation (IAW AR 600-85) all Soldiers identified as illegal drug abusers; Soldiers involved in two serious incidents of alcohol-related misconduct within 12 months; Soldiers involved in illegal trafficking, distribution, possession, and use or sale of illegal drugs; Soldiers convicted of DUI a second time during their career; Soldiers with drug abuse rehabilitation failures; and Soldiers with a subsequent alcohol- or drug-related incident of misconduct at any time during the 12-month period following successful completion of ASAP.

Chapter V

42. Complete the DA Form 4833 and return to CID/PMO. The 4833 documents command actions taken which can inform subsequent treatments and adjudications.
43. Encourage PMOs to improve DA Form 4833 referral and completion rates.
44. Ensure that all open 4833 actions are completed before Soldiers PCS.
45. Consider a Soldier's individual record when making reenlistment decisions.
46. Ensure Soldiers' records are updated to document eligibility, quality, and potential future service.
47. Enhance readiness by informing gaining Commanders of high-risk Soldiers as they transition among AC and RC units.
48. Consider utilizing the Bar to Continued Service in order to place Soldiers on notice that their retention may not be in the Army's best interest.
49. Recommend that Soldiers processed for administrative separation receive an appropriate characterization of service (e.g., OTH discharge) and reentry code to prevent transition into the Reserve Component or back into the Active Component.
50. Educate Soldiers of the significant penalties within the Uniform Code of Military Justice for serious offenses. Conviction of sex crimes or other violent crimes will likely result in lifelong consequences.

Chapter VI

51. Ensure effective implementation of post barment programs as a tool to maintain good order and discipline on installations.
52. Consider removing family members or entire families from family quarters as an option when dealing with serial offenders residing on installations.
53. Execute the installation "Traffic Point System" outlined in AR 190-5, Chapter 5 to discourage drivers from committing traffic offenses and to reduce traffic crime through on-post suspensions and/or driving privilege revocations.
54. Request the criminal history on newly arrived Soldiers to identify high-risk Soldiers in their formations.
55. Provide copies of MPOs to Provost Marshal Offices for entry into NCIC in order to alert military and civilian law enforcement officials of the protection order.
56. Leverage the Commander's Risk Reduction Dashboard (CRRD) for awareness of the risk history of Soldiers within their unit, enabling the implementation of appropriate prevention and risk reduction strategies.
57. Request a Crime Prevention Survey (CPS) from the local CID office, as necessary. The CPS is a formal analysis of an area within their AOR for the purpose of detecting crime, identifying conditions or procedures conducive to criminal activity, and minimizing or eliminating the opportunity to commit a criminal offense or engage in criminal activity.
58. Implement / leverage Armed Forces Disciplinary Control Boards (IAW AR 190-24) as a mechanism to address off-post issues which affect the health, safety, welfare, morale, and discipline of Soldiers off the installation.

Appendix D – OPMG Crime Publications

The following is a list of past OPMG crime publications (in reverse chronological order):

FY2017 Army Crime Report (December 2018)

<https://army.deps.mil/army/sites/PMG/team/SIG/Policy/FY2017ArmyCrimeReport.pdf>

FY2016 Army Crime Report (August 2017)

<https://army.deps.mil/army/sites/PMG/team/SIG/Policy/FY2016ArmyCrimeReport.pdf>

FY2015 Army Crime Report (August 2016)

<https://army.deps.mil/army/sites/PMG/team/SIG/Policy/FY2015ArmyCrimeReport.pdf>

FY2014 Army Crime Report (April 2015)

<https://army.deps.mil/army/sites/PMG/team/SIG/Policy/FY2014ArmyCrimeReport.pdf>

FY2013 Army Crime Report (April 2014)

<https://army.deps.mil/army/sites/PMG/team/SIG/Policy/FY2013ArmyCrimeReport.pdf>

Generating Health and Discipline in the Force Ahead of the Strategic Reset (January 2012)

aka *Army Gold Book*

<https://army.deps.mil/army/sites/PMG/team/SIG/Policy/ArmyGoldBook.pdf>

Army Health Promotion / Risk Reduction / Suicide Prevention Report (July 2010)

aka *Army Red Book*

<https://army.deps.mil/army/sites/PMG/team/SIG/Policy/ArmyRedBook.pdf>

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