

INFORMATION PAPER

AFRC-JA

2 JUN 2004

SUBJECT: Reporting Requirements for MI Personnel Implicated in Detainee Abuse cases

1. Purpose. To provide information to assist commanders regarding the reporting of MI personnel implicated in detainee abuse cases.

2. Points or Facts.

a. AR 361-10 sets forth procedures governing the activities of DoD intelligence components that affect United States persons. It implements DoD Directive 5240.1, and is applicable to all DoD intelligence components.

b. Procedure 15 of AR 361-10 provides for the identification, investigation, and reporting of questionable intelligence activities. The term "questionable activity," as used in procedure 15, refers to any conduct that constitutes, or is related to, an intelligence activity that may violate the law, any Executive Order or Presidential directive, including E.O. 12333, or applicable DoD policy, including AR 361-10.

c. Commanders will ensure that:

(1) Personnel conducting intelligence activities are aware of the obligation to report questionable intelligence activity under Procedure 15.

(2) Employees report any questionable activities to the Army General Counsel or Army Inspector General, or to the Assistant Secretary of Defense for Intelligence Oversight (IO).

(3) Members or employees of an Army intelligence component report immediately (through command channels if possible) any facts and circumstances that tend to show the following:

(a) That a member or employee of a DA intelligence component may have violated any Federal statute.

(b) That any other person may have violated a Federal criminal statute in one of the following categories:

i. Crimes involving intentional infliction of threat of death or serious physical harm.

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ii. Crimes likely to impact on the national security, defense, or foreign relations of the United States.

iii. Crimes involving foreign interference with the integrity of US governmental institutions or processes.

iv. Crimes that appear to have been committed by or on behalf of a foreign power or in connection with international terrorist activity.

v. Any conspiracy or attempt to commit a crime reportable under categories (a) through (d) above.

(4) Employees are encouraged to submit such reports through command channels; however, if the employee desires, reports of questionable activity may be sent directly to the following: The ACSI, HQDA; the Office of The Inspector General, HQDA; or the Office of the Army General Counsel, WASH DC 20310.

d. When an investigation or inquiry undertaken pursuant to these procedures establishes reasonable belief that a crime has been committed, the DoD intelligence component concerned shall refer the matter to the appropriate law enforcement agency in accordance with procedure 15, or, if the DoD intelligence component is otherwise authorized to conduct law enforcement activities, shall continue such investigation under appropriate law enforcement procedures. If evidence surfaces during the course of an investigation by an Army intelligence component that provides reasonable belief that a crime has been committed and which under AR 195-2 also may be under the investigative jurisdiction of the US Army Criminal Investigation Command (USACIDC), details of the investigation will be provided to the USACIDC under AR 381-20.

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Director

Approved: \_\_\_\_\_ Date: \_\_\_\_\_

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