

DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
WASHINGTON, D.C. 20314-1000

CEPM

REGULATION  
NO. 190-1-50

30 November 87

MILITARY POLICE  
LAW ENFORCEMENT POLICY, U.S. ARMY CORPS OF ENGINEERS

Limited supplementation of this regulation is permitted but is not required. If supplements are issued DIVCDR and CDR, separate FOA will furnish one copy of each of CDRUSACE (CEPM) and (CEIM-PD), WASH D.C. 20314-1000; DISTCDR will furnish required copies to appropriate DIVCDR.

1. Purpose. The purpose of this regulation is to establish law enforcement policies for the U.S. Army Corps of Engineers, to define authority and jurisdiction and to provide procedures for liaison with appropriate law enforcement authorities, and for reporting, recording, investigating and analyzing offenses/incidents concerning USACE personnel or property.

2. Applicability. This regulation applies to all HQUSACE/OCE elements and all separate field operating activities (FOA). Oversea USACE commanders should consult with the appropriate legal counsel to determine to what extent the provisions of treaties or agreements, or the provisions of local laws may render inapplicable, in whole, or in part, the provisions of this regulation. However, this regulation does not apply to reporting of violation of rules and regulations contained in 36 CFR 327. Reporting of such violations will be in accordance with ER 1130-2-420. Serious incidents will be reported IAW AR 90-40. Aircraft and accidental mishaps will be reported IAW AR 385-40.

3. References. See Appendix A.

4. Explanation of Terms.

a. Serious Incident Report (SIR). Notification to HQUSACE of any reportable offense/incident falling within the criteria in AR 190-40.

b. Critical Offense/Incident Report (COIR). Telephonic notification to OCE of offenses or incidents which because of their nature, gravity, or potential publicity must be reported immediately to HQUSACE. This report pertains to offenses/incidents not reportable as SIRS, but are of sufficient importance to require notification.

c. Offense/Incident Report (OIR). A report prepared by managers (or designees) of facilities/activities of actual or alleged violations of laws, regulations, events, episodes or conditions, either criminal or noncriminal occurring on USACE facilities or involving USACE personnel.

d. Consolidated Minor Offense/Incident Report (CMOIR). A monthly consolidation of minor offenses/incident involving loss, theft of, or damage to government property valued at \$250 or less and private property regardless of value, occurring at USACE facilities/activities.

e. Engineer Law Enforcement Activities Report. A quarterly consolidated statistical and analytical report by divisions and separate FOA indicating criminal activities and status of DPI/DPA systems occurring at Corps facilities/activities.

f. Civilian Law Enforcement Agency. Any State, local or Federal nonmilitary public law enforcement agency.

## 5. Policy.

### a. Investigations.

(1) Suspected or alleged offenses/incidents involving USACE military or civilian personnel, or USACE property, must be investigated to determine if any violation of law, lawful order, regulation, or directive has occurred. At the time it is determined that an allegation or incident appears to be criminal, appropriate investigating agencies will be notified. USACE Security and Law Enforcement personnel will not investigate criminal offenses unless they are certified Military Police Investigators. This does not preclude Security and Law Enforcement personnel from conducting an inquiry of alleged incidents to ascertain the requirement for a full investigation by appropriate agencies charged with that responsibility.

(2) Any commissioned officer assigned or directed by the Commander, USACE/OCE is authorized to investigate any allegation or incident under AR 15-6. When determined by an AR 15-6 investigation that a criminal offense has occurred, the investigation will be referred to the appropriate investigative agency.

### b. Authority and Jurisdiction.

(1) In the original acquisition of lands at USACE civil works facilities/activities, USACE generally obtains and asserts only a proprietary interest. The state criminal code, except where it would interfere with or disrupt legitimate Federal functions, is the effective criminal code. USACE has promulgated regulations governing the public use of USACE water resource development projects. These regulations are part of the criminal law applicable to a given area enforced by the issuance of citations by USACE Rangers which require alleged violators to appear before a United States magistrate (36 CFR 327, 16 USC) 460d and ER 1130-2-420). Various civilian law enforcement agencies of the State, local, and Federal Government retain the statutory authority and inherent responsibility to enforce civilian enforcement of these civilian laws.

(2) Criminal investigative jurisdiction or responsibility.

(a) In accordance with AR 195-2, the United States Army Criminal Investigation Command (USACIDC) is the responsible Army agency for investigating criminal incidents or allegations affecting or involving persons subject to the Uniform Code of Military Justice; DOD civilians in connection with their assigned duties; Government property under Army jurisdiction; and those incidents occurring in areas under Army control or in violation of AR 600-50.

(b) USACIDC may investigate criminal offenses committed outside military controlled installations when there is a legitimate Army interest as determined by USACIDC in coordination with the local commander. All initial requests for investigative support will be made to USACIDC rather than to the Federal Bureau of Investigation. (USACIDC Investigative Areas of Responsibility, See Appendix B). This does not preclude seeking assistance from local law enforcement agencies in cases requiring immediate response such as the commission of a violent crime.

(c) Requests for USACIDC investigative support is limited to those incidents involving government property when the loss to the United States exceeds \$1000 or is expected to exceed that amount, and/or misconduct of Government employees in performance of their official duties. USACIDC will make every effort to investigate property related offenses, but in determining whether an investigation will be undertaken, many factors must be considered, such as: the seriousness of the offense; the total amount of actual or potential loss to the U.S. Government; whether the offense is being investigated effectively by civil police; the impact on CID resources; and the benefits to accrue to the Government as a result of a CID investigation. However, you should contact and inform CID of all property related offenses regardless of value so that trends and record-keeping actions can be accomplished by CID. Where property related offenses are less than \$1000 and CID declines to investigate but your commander feels strongly that CID should investigate, you should contact CEPM for further guidance. (See para. 7 a (3)).

(d) Loss of appropriated U.S. Government funds through fraud which involves any COE unit or personnel will be investigated IAW the thresholds established in AR 195-2 (\$500).

(3) Deputizing Corps employees. The deputizing of USACE employees by local law enforcement agencies is discouraged. Those cases where Corps employees may be deputized, the employees will not perform such duties on or off USACE facilities/activities during duty hours as a USACE employee or while wearing the USACE Ranger or DOD Guard uniform. Requests for exceptions to this policy will be submitted with justification by the Division Commander to CDRUSACE (CECW) WASH D.C. 20314-1000.

(4) Security of Corps Facilities. The method for protecting Corps facilities is at the discretion of the Division Commander. Arming Corps employees and maintenance of weapons at USACE projects is discussed in

USACE Supplement 1 to AR 190-14. Division and Laboratory Commanders will not arm Corps personnel unless three conditions exist. First, the known threat to the asset to be protected includes use of deadly force. Second, the criticality of the asset requires armed security upon the provisions of paragraph 4, AR 190-28. Finally, contract security, civilian law enforcement or military forces are not available to protect the asset and no other means exists to fulfill security responsibilities.

c. Liaison. HQUSACE must rely on civilian law enforcement agencies to supplement the law enforcement capability at USACE facilities/activities. Close and continuous liaison must exist with these agencies to insure complete coverage. Division, district, and separate FOA security and law enforcement personnel should be aware of the need for this liaison, initiate contacts with appropriate law enforcement agencies, and have a formal liaison program or plan that includes monitoring enforcement activities of civilian law enforcement agencies at USACE facilities/activities. Security personnel should coordinate with USACE Emergency Operation Managers in preparing plans designed to aid military or civil authorities to protect Corps property in the event of civil disturbances or disasters (AR 500-50).

d. Crime Prevention Analysis. Corps security and law enforcement personnel will analyze information from reports and investigations to anticipate, prevent, or monitor actual or possible criminal activities. Analysis can be used as a management tool to develop crime indicators, trends, and crime prevention techniques that assist USACE crime prevention programs at division, district, and separate FOA as required by USACE Suppl 1 to AR 190-31.

e. Training. Because of the complex and wide-ranging aspects of USACE law enforcement responsibilities, it is necessary that assigned FOA security and law enforcement personnel receive training in all aspects of law enforcement. The training standards established for the Security and Law Enforcement Security Managers are: The successful completion of the equivalent course from the Department of Defense Security Institute (DoDSI). All Security Managers must have a general knowledge of physical security and the measures used to safeguard facilities from the effects of sabotage, espionage and other destructive acts. To assess the vulnerabilities of facilities and to recommend physical security measures such as protective lighting, perimeter barriers, intrusion detection devices and systems, locks and locking devices and personnel screening for USACE facilities. All Security Managers must be able to assist and provide guidance in the proper classification of information, to downgrade, declassify and the safeguarding of classified documents.

f. Automation. Engineer FOA are encouraged to automate the reporting of offenses/incidents utilizing the codes listed in Appendix C. The title of the offense/incident and code are required for each OIR whether or not the present system is automated. These codes will facilitate future automation application at FOA permitting consolidation of statistics at each Corps echelon.

6. Responsibilities.

a. Commanders, Engineer divisions, districts, and separate field operating activities are directly responsible for maintenance of law and order at activities under their jurisdiction. Criminal incidents in the USACE affecting or involving persons subject to the Uniform Code of Military Justice, civilian employees of the Department of the Army in connection with their assigned duties, and Government property under USACE jurisdiction or occurring in areas under USACE jurisdiction will be promptly reported to the appropriate law enforcement agency for investigation.

b. The HQUSACE Chief, Security and Law Enforcement, is the responsible staff officer for law enforcement matters for the Commander USACE/OCE. This includes all potential, alleged, or actual criminal investigations involving USACE property or personnel.

c. CONUS Engineer Division Chiefs, Security and Law Enforcement and OCONUS Engineer Division Provost Marshals are the responsible staff officers for all law enforcement matters for the Division Engineer. This includes all potential, alleged, or actual criminal investigations involving USACE property or personnel.

d. The district and separate FOA Security Officers/Managers are the responsible staff officers for all law enforcement matters for District Commanders and commanders of separate FOA. This includes all potential, alleged, or actual criminal investigation involving USACE property or personnel.

NOTE: The provisions of this paragraph (para 6) do not pertain to the Rules and Regulations Governing Public Use of Water Resource Development Projects which is the staff responsibility of Natural Resources Branch, Directorate of Civil Works in coordination with the Chief, Security and Law Enforcement.

7. Procedures.

a. Reporting Alleged Offenses and Incidents to Appropriate Law Enforcement Agencies.

(1) The appropriate investigative agency will be contacted when information obtained during investigations involving USACE personnel or property appears to involve alleged or suspected criminal activity.

(2) When an incident occurs involving a USACE facility, telephonic notification will be made by the responsible USACE division, district, laboratory, or other field activity to the nearest USACIDC field element and a copy of ENG Form 4337 (Offense/Incident Report) (App D), will be forwarded to that office. Appropriate local law enforcement agencies will also be notified in those cases requiring an immediate response. The USACIDC will determine investigative jurisdiction and further determine if a case is to be opened by USACIDC or transferred to another investigative agency. The notification will include the Report of Investigation (ROI) number or sequence number. In those instances when districts contact USACIDC the appropriate division headquarters

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will be notified through security and law enforcement channels that USACIDC has initiated an investigation. Division will, in turn, notify the Office of Security and Law Enforcement, HQUSACE. Laboratories and USACE field activities not within a division structure will report directly to the CDRUSACE (CEPM) WASH, D.C. 20314-1000.

(3) Because U.S. Army Corps of Engineers Civil Works facilities/activities are under Army jurisdiction, the provost marshal having area responsibility also can be contacted for investigative assistance. AR 5-9 sets forth the appropriate CONUS Army installation geographic area of responsibility. By contacting the installation provost marshal, an appropriate determination can be made to provide the necessary investigative support, i.e., USACIDC and Military Police.

(a) Direct coordination should be made to obtain timely investigative support. If difficulties are encountered, assistance can be requested through the USACE security and law enforcement technical channels.

(b) In specific cases involving reporting of offenses/incidents by USACE Ranger personnel, guidance is contained in paragraph 6b, ER 1130-2-420.

(4) On military installations, alleged offenses/incidents involving USACE personnel and property will be reported to appropriate security or military police.

(5) Alleged offenses/incidents occurring off USACE facilities/activities involving USACE personnel or property will be reported to local civilian law enforcement agencies having jurisdiction.

b. Telephonic Notification of Offenses/Incidents Through USACE Channels. Any occurrence that might be identified under paragraph 4a and b above, as being either a serious or critical offense/incident (Exempt report, paragraph 5-2c(3), AR 335-15) will be reported immediately to CDRUSACE (CEPM) WASH D.C. 20314-1000 by telephone or electrical means. CEPM will notify appropriate HQUSACE elements.

(1) During normal duty hours, notification will be made to the Office of Security and Law Enforcement.

(2) During nonduty hours, notification will be made to the USACE Duty Officer who will relay the report to the Office of Security and Law Enforcement.

(3) Information will be provided by telephone or telecopier using ENG Form 4337 (Offense/Incident Report) (RCS: DAEN-PM-7) as format.

c. Records and Reports.

(1) Offense/Incident Report (OIR) (RCS: DAEN-PM-7).

(a) ENG Form 4337 will be used to report and record offenses/incidents listed in Appendix C, or other offenses involving USACE personnel or property. The title of the offense/incident and the corresponding code as shown in Appendix C will be entered in Item 1, ENG Form 4337. Managers (or designees) of facilities/activities will report alleged offenses/incidents on ENG Form 4337. The form will be prepared in triplicate and two copies forwarded to district or separate FOA. One copy will be retained on file. Reports may be initiated at District or separate FOA.

(b) District or separate FOA security and law enforcement personnel will retain copy for a year and forward one copy to the Division Security and Law Enforcement Office within 5-working days of occurrence. These reports will not be forwarded to CDRUSACE (CEPM) WASH, D.C. 20314.

(c) This form is self-explanatory except for the following:

1. Numbering. Districts and separate FOA will number reports to show USACE facility/activity symbol, year sequence number, e.g., SAM 80-1. Offense/Incident Report will include the CID case number assigned to the report, if one has been assigned.

2. Type/status reports. Item 4, of ENG Form 4337, will indicate case "closed" unless follow-up information is necessary. "Initial" report will be indicated when follow-up information is required. Every 30 days a "follow-up" report is required on all unresolved cases referred to local police, CID or FBI. If no supplemental information is available, a telephonic report will be made to division. "Add-on" reports will be prepared when new information is received on case that was previously indicated as "closed." When the form is to be used as a Consolidated Minor Offense/Incident Report, the "CMOIR" block will be indicated.

(2) Consolidated Minor Offense/Incident Report (CMOIR) (RCS: DAEN-PM-7).

(a) ENG Form 4337 will be used monthly to consolidate minor offenses/incidents involving loss, theft of, and damage to Government property valued at \$250 or less occurring at each USACE facility/activity. The CMOIR will also be used to record the number of occurrences only of loss, theft of, and damage to private property occurring at USACE facilities/activities. Value of private property will be stated. For numbering purposes each CMOIR will constitute one report. Consolidation will cover the first through last day of the calendar month. The CMOIR will be prepared in triplicate as stated in Appendix D. The heading, items 4 and 5, and signature block will be the only items completed. One copy will be retained on file.

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(b) Managers (or designees) of facilities/activities will consolidate their minor offenses/incidents and submit two copies of the report monthly to divisions. These reports will not be forwarded to CEPM.

(3) Engineer Law Enforcement Criminal Activities Report (RCS: DAEN-PM-6 (R2)).

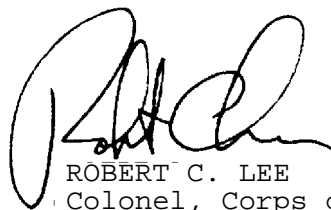
(a) ENG Form 4535-R will be completed by each engineer division and separate FOA's and forwarded to CDRUSACE (CEPM), WASH D.C. 20314-1000, within 20-working days following the end of each quarter (Jan, Apr, Jul, Oct). See Appendix E for sample ENG Form 4535-R.

(b) Preparation procedures are self-explanatory.

(4) Serious Incident Reports (SIR) (RCS: CSGPA-1340). SIR will be submitted in accordance with USACE Suppl 1 to AR 190-40.

(5) Crime Prevention Survey Report (CID Form 3). A copy of the Crime Prevention Survey report is forwarded to CDRUSACE (DAEN-PM) WASH D.C. 20314-1000 from U.S. Army Criminal Investigation Command for information. The Division and District Security Managers will forward a copy of Report of Corrective Action to CDRUSACE (CEPM) WASH D.C. 20314-1000.

FOR THE COMMANDER:



ROBERT C. LEE  
Colonel, Corps of Engineers  
Chief of Staff

4 Appendixes

App A - References

App B - USACIDC Investigative Areas  
of Responsibility

App C - Offense Codes

App D - Offense/Incident Report  
(ENG Form 4337)

App E - Engineer Law Enforcement  
Criminal Activities Report  
(ENG Form 535-R)