

LAW ENFORCEMENT INVESTIGATIONS

Preface

This field manual is a guide for military police investigators (M PI) and US Army Criminal Investigation Command (USACIDC) special agents operating at all levels of tactical and garrison environments. Department of the Army civilian investigators and commanders and staff officers who supervise military investigators will also find it useful. This manual discusses the investigative process. It discusses the offenses investigators are called upon to investigate. It tells investigators how to apply the technical skills and techniques that will result in a successful inquiry. And it suggests approaches likely to bring each investigation to a favorable conclusion. Special terms used in the manual are explained in the Glossary.

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Unless otherwise stated, whenever the masculine or feminine gender is used both men and women are included.

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PART ONE
CONDUCTING SYSTEMATIC INQUIRIES

CHAPTER 1

The Investigator's Purview

Military law enforcement investigations are official inquiries into crimes involving the military community. As a military investigator you will conduct systematic and impartial investigations to uncover the truth. You will seek to determine if a crime has been committed and to discover evidence of who has committed it. You will find, protect, collect, and preserve evidence discovered at the crime scene or elsewhere. You will document your findings and your actions with careful records. You will ensure evidence is accounted for by a complete chain of custody to allow it to be admissible in court. You will conduct interviews and interrogations in a manner that ensures depositions, statements, admissions, and confessions can be accepted in court. And as a professional fact-finder you will maintain unquestionable integrity in the course of undertaking your investigations. Your charter is to impartially find, examine, and make available evidence that will clear the innocent and allow prosecution of the guilty.

To successfully conduct your inquiries you must know the technical and legal requirements for a successful investigation. You must understand the general rules of

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evidence. You must know how to submit evidence for examination by laboratory specialists at a US Army criminal investigations laboratory (USACIL). You must understand the provisions and restrictions of the Manual for Courts-Martial, United States 1984 (Revised Edition) (MCM) and the Uniform Code of Military Justice (UCMJ). When there is any question of jurisdiction, authority, or legality of action or evidence, you must seek the counsel of the staff judge advocate (SJA). And you must be able to render constructive testimony in court.

KNOWING LEGAL CONSIDERATIONS

All military personnel are subject to the provisions of the UCMJ. The UCMJ, as established by Congress, provides one basic code of military justice and law for all services. The code authorizes the President of the United States to set rules of evidence; pretrial, trial, and post-trial procedures; and maximum punishments for violations of the UCMJ. Under this authority, the President has issued the MCM.

THE MANUAL FOR COURTS-MARTIAL

The MCM is a primary source document for matters relating to military justice. It is an Executive Order implementing the provisions of the UCMJ. It establishes the military law of evidence. The MCM is divided into four parts: a table of contents; the body, which is divided into points; the appendixes; and the index.