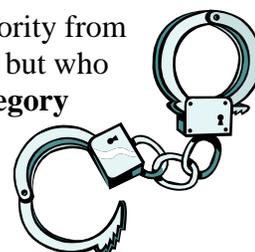


## AWOL and Deserters

### References

- AR 190-9, Absentee/Deserter Apprehension Program and Surrender of Military Personnel to Civilian Law Enforcement Agencies, 24 Jul 92.
- AR 190-45, Law Enforcement Reporting, 20 Oct 00.
- AR 630-10, Absence Without Leave, Desertion, and Administration of Personnel Involved in Civilian Court Proceedings, 22 Dec 03.
- AR 5-9, Area Support Responsibilities, 16 Oct 98.

1. An **absentee** is any military person who is absent without authority from his unit, organization, or other place of duty for more than 24 hours, but who has not been administratively classified as a deserter. A **special category absentee** is an absent soldier who has had access to top-secret information during the last 12 months or is currently assigned to a special mission unit.



2. **Absent without leave (AWOL)** is an offense in violation of Article 86, UCMJ referring to a soldier who without authority:

- Fails to go to their appointed place of duty at the time prescribed.
- Goes from their place of duty without proper authority.
- Is absent or remains absent from their unit, organization, or required place of duty.
- Fails to report to a transportation terminal as ordered.
- Fails to report to his or her proper duty station as ordered.

*See AR 630-10, Appendix A, Glossary Section II Terms, pg 28, 22 Dec 03.*

a. **Absentee.** “Military personnel who are absent without authority from their unit, organization, or other place of duty for more than 24 hours, but have not been administratively classified as deserters.” *AR 630-10, Appendix A, Glossary Section II Terms, pg 28, 22 Dec 03.*

b. **Special Category Absentee.** “An absent soldier who has had access to top secret information during the last 12 months or is currently assigned to a special mission unit.” *AR 630-10, Appendix A, Glossary Section II Terms, pg 29, 22 Dec 03.*

3. **Desertion** is an offense in violation of Article 85, UCMJ, and is classified a felony. Soldiers are normally considered deserters and dropped from unit rolls when:

- They are absent without authority for 30 consecutive days.
- The unit commander believes the soldier voluntarily sought political asylum or is living in a foreign country apart from official duties or authorized leave.

- The soldier has joined the armed forces of another country.
  - There is reasonable belief that the soldier has left his or her duty station with the intent to avoid hazardous duty or important service, or intends to remain permanently absent. An expressed intention not to return to a particular unit is not enough evidence to drop the soldier from the rolls of the Army.
  - The soldier fails to return to a unit from which he or she is AWOL after returning to military control at another location or departs prior to the completion of administrative, judicial, or non-judicial action for a previous absence.
  - The soldier escapes from confinement.
  - The soldier is identified as a special category absentee.
  - A commissioned officer tenders their resignation and before notice of its acceptance, departs their post or proper duties without leave and with the intent to remain away therefrom permanently.
  - A member of the Armed Forces leaves from, or remains absent from, their unit, organization, or place of duty with intent to remain away therefrom permanently.
- See AR 630-10, Appendix A, Glossary Section II Terms, pg 28, 22 Dec 03.*

4. Once you are aware of a possible **unauthorized absence**, take the following steps (See IAW AR 190-9 and AR 630-10):

a. In the first 24 hours, conduct an inquiry into the location of the absent soldier. If the soldier is located, the commander must determine if the absence is authorized or unauthorized. Examples of **authorized** absence are hospitalization, natural disaster, or confinement in a civilian facility. These are examples and not all-inclusive. If the soldier cannot be found or is found and the commander determines the absence is **unauthorized**, the commander will list the soldier as AWOL.

b. After the 24-hour unauthorized absence, the unit commander will list the soldier as AWOL using DA Form 4187 (Personnel Action), and DA Form 4384 (Commander Report of Inquiry/Unauthorized Absence). Within 24 hours of listing the soldier as AWOL, the unit will notify the Deserter Apprehension Team at the PMO by hand carrying or faxing a copy of the documents to the PMO at 396-7211. The Deserter Apprehension Team processes initial AWOL paper work. If the section knows the location of the soldier, the PMO will coordinate with civilian law enforcement agencies and assist unit commanders in returning absentees to military control. Even though assistance is given, extradition of absentees (i.e., transportation and escort) is a command responsibility. Military Police will generally not be committed in proactive efforts to apprehend absentees except when directed by the Provost Marshal.

c. The unit is also required to make the appropriate SIDPERS action.

d. If the soldier is a special category absentee IAW AR 190-9, Para 3-3, contact the Deserter Apprehension Team at 396-7504, to clarify their status. If the soldier is determined to be a special category absentee, follow instructions IAW AR 630-10, Para 3-3.

e. If you have reasonable belief that the soldier has left his or her duty station with the intent to avoid hazardous duty or important service, or intends to remain permanently absent, provide **DAT with a copy of deployment orders with the service member's name and social security number.**

f. If the soldier fails to return to a unit from which he or she is AWOL after RMC at another location or departs prior to the completion of administrative, judicial, or nonjudicial action for a previous absence; or, if the soldier is informed of a forthcoming Article 15 or administrative punishment and then goes AWOL, the service member can be dropped from the rolls the same day. **Provide DAT with a copy of the Article 15 and a memo from the commander explaining that the service member left after being informed by their chain of command that he/she would be receiving such action.**

g. Continue to investigate the absence. Contact the Deserter Apprehension Team with any new information obtained.

5. If the **soldier returns** to the unit, initiate a DA Form 4187 returning the soldier to duty and provide a copy to the Deserter Apprehension Team. Have an NCO escort the soldier along with the copy of the DA Form 4187, showing the Duty Status Change (Section II, block 7) as Absent without Leave (AWOL) to Present for duty (PDY), to the DAT inside the PMO on Butner Road, Building AT-3275. The Military Police Report will be closed out and the soldier will be released back to the unit.

6. If the soldier returns to a military installation other than Fort Bragg or a recruiting station, immediately notify the Deserter Apprehension Team. One of the following arrangements will be made:

a. If the soldier is not a "flight risk", the custodial installation will make the necessary arrangements and release the soldier on a DD Form 460 (Provisional Pass), ordering the soldier back to the assigned unit. The unit is then responsible for picking up the soldier from appropriate travel depot (i.e., bus, train, airport) and bringing him/her to the DAT the next duty day.

b. If the soldier is classified as a "flight risk" as determined by the custodial installation's Provost Marshal IAW AR 190-9, the unit of responsibility will dispatch three soldiers – one being an NCO – to the soldier's location for extradition back to Fort Bragg. The Deserter Apprehension Team will train the unit conducting the extradition and provide the senior escort with restraints.

7. If the AWOL soldier is **detained by civilian authorities**, immediately notify the Deserter Apprehension Team, who will attempt to have the soldier extradited to the nearest military installation or transported to the nearest travel depot (i.e., bus, train, plane). If it is not possible to extradite the soldier thru either of the above listed means, the unit is responsible to conduct the extradition back to Fort Bragg. This is accomplished using a three soldier escort team and a military vehicle. The Deserter Apprehension

Team will train the three unit soldiers to perform the escort mission IAW AR 190-9 Chapter 4-1,2,3,,24 JUL 92 / Fort Bragg PMO SOP #52 (Custody, Control and Escort of Military Prisoners)

8. If you have a **soldier who is a deserter:**

a. Verify the absentee meets the requirements to be classified as a deserter. An absentee **cannot** be dropped from rolls IAW 630-10 for any of the following circumstances:

- While under military control.
- While confined by civilian authorities. However, they can be DFR on SIDPERS if confined for 6 months or longer.
- While receiving treatment in a civilian or military medical facility.
- If the absentee dies before the desertion report is made.

b. Complete a DA Form 4187, recording the status change from AWOL to DFR. (See Appendix A for example.)

c. Complete a DD Form 553 (Deserter/Absentee Wanted By The Armed Forces). This form should be completed as much as possible. It will serve as the actual federal arrest warrant and will be published to law enforcement agencies nationwide. (See Appendix A for example.)

d. Complete a DD Form 458 (Charge Sheet) charging the absentee with Article 85 UCMJ (Desertion). No other pending charges will be listed.

e. Hand carry the DFR packet (containing a copy of DA Form 4187 listing the soldier AWOL, a DA Form 4187 Dropping the Soldier from the Rolls, a DA Form 458, a DA Form 4384, and the original DD Form 553) to the Deserter Apprehension Team within 48 hours of the soldier becoming DFR. The Deserter Apprehension Team will review the packet for accuracy and completeness before accepting it. The unit will retain the originals after they have been processed by the DAT. The Deserter Apprehension Team will retain copies.

f. Unit commanders will be responsible for ensuring the original DFR packet, 201 file, and medical and dental records are forwarded thru PSB or SSB to the United States Army Deserter Information Point (USADIP) within 48-hours after being approved by the DAT. Mail the packet to : Department of the Army, ATTN: ATZK-PMF-D (USADIP), Fort Knox, KY 40121-5238.

*g. FAILURE TO COMPLETE THESE STEPS MAY RESULT IN THE ABSENTEE BEING RETURNED TO THE PARENT UNIT REGARDLESS OF THE LENGTH OF ABSENCE, AS WELL AS NO FORMAL CHARGES BEING LEVIED AGAINST THE SOLDIER.*

9. The Deserter Apprehension Team coordinates with USADIP and civilian law enforcement agencies to determine a soldier's status. The Deserter Apprehension Team is responsible to extradite any Army Deserters that have been returned to military control (RMC) in North Carolina IAW AR 190-9 and AR 5-9 (Area Support Responsibilities). The soldier will be processed for Desertion, Article 85, UCMJ, then released to the appropriate Replacement Detachment. For a deserter wanted by the unit for disciplinary action other than AWOL/Desertion, the Deserter Apprehension Team will conduct the extradition back to Fort Bragg with assistance from the unit.

10. Once a deserter has **returned to military control**, one of the following will apply:

a. If the soldier returns to the unit from which he was dropped from rolls, immediately detain the deserter, and notify the Deserter Apprehension Team. If after duty hours, hold the soldier until the next duty day and escort the soldier to the DAT with a DA Form 4187 (see appendix A) showing the date and time the soldier was returned to the unit.

b. If a deserter is apprehended or surrenders at another Army installation, that installation's Provost Marshal Office is responsible for processing the soldier and arranging transportation to the appropriate parent unit.

11. If the deserter soldier is **detained by civilian authorities**, get a POC from the facility and a phone number and notify the Deserter Apprehension Team at (910)-396-7504. If after hours notify USADIP at DSN 537-3711/3712 (commercial: (502)-626-3711/3712).