
CHAPTER 13

Law and Order Investigations

The investigation of disruptive or dangerous behavior is a necessary part of any command's effort to maintain good order and discipline.

INVESTIGATING DOMESTIC DISTURBANCES

The role of MP in domestic disturbances is to restore order. MP are to stop the conflict and convince the individuals to regain control of their actions. The MP are to ensure that all family members are safe and have not been harmed. In incidents involving suspected spousal abuse see AR 608-1.

Domestic disturbances are one of the most dangerous types of activities in which the MP can become involved. Every year, a great many law enforcement officers are killed or injured in responding to domestic disturbances. MP know that each disturbance is different and must be treated individually.

MP are trained in methods of handling domestic disturbances. Their training gives them the specific skills and methods they need to handle crisis situations. The support systems available to MP enable them to intervene in domestic disturbances. Because communication and transportation systems are constantly available to MP, MP can respond immediately to disturbances 24 hours a day. MP also have the authority to physically intervene in domestic disturbances and to apprehend disputants if necessary.

In answering domestic disturbance calls, MP must have all available information on the family and the situation. When receiving a domestic disturbance call, the MP desk sergeant must obtain as much information as possible from the individual making the complaint before dispatching patrol units.

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The desk sergeant—

- Obtains data from the complainant-who, what, when, where, and how, and if weapons are involved or available.
- Asks the caller to describe the situation. Encourages caller to remain on the telephone to report changing events.
- Checks weapons registration cards and advises responding MP as appropriate.
- Relays all information to MP answering the call. If unable to obtain a clear description of the situation, the responding MP must be informed.
- Assigns a backup vehicle when a one-MP vehicle is dispatched. MP will never enter a residence alone.

MP avoid making noise that will announce their arrival at the scene. The approach of an MP vehicle is usually the first sign to one or more of the disputants that the MP have been called. If disputants are prone to violence, sight of an approaching MP vehicle allows them time to obtain weapons or otherwise prepare for police arrival. Upon arriving at the scene of a disturbance, the MP vehicle is parked one house away from the address to which called.

There is always a danger that MP may be assaulted between the time of arrival and the time they reach the door. MP visually check windows and doors for unusual movements or objects while approaching the residence. At night, flashlights will not be shined in windows to avoid warning of arriving MP. Only the MP in front will use a flashlight to avoid silhouetting the other MP to the occupants.

MP will always stand to either side of the door, never in front of it. Before knocking, or using the doorbell if one is available, MP listen at the door for 15 to 30 seconds. They may be able to determine the nature of the disturbance and whether or not it is violent before announcing their presence. Before knocking, MP check screen doors to see if they are locked. Locked screen doors can create an unexpected barrier between the MP and the disputants if immediate action is required. When knocking on the door, MP do not sound aggressive. If there is no response at the door and the dwelling appears quiet, MP verify the address with the MP desk. If correct, they check the sides and rear of the dwelling for indications of the presence of the occupants. Neighbors may also provide useful information.

To ensure coordinated activity, patrol partners will decide before gaining entry what action each will take in separating the disputants and mediating the disturbance. When someone answers the knock, MP will identify themselves and state why they are there. If not invited into the dwelling, the MP request to move the interview inside and

attempt to remove the dispute from view of the neighbors.

To avoid walking into an unknown situation, MP do not enter a dwelling even after being told by the occupant, "Come in, the door's open." MP allow the occupant to open the door for them. When entering a room or building, the senior partner positions himself on the side of the door that affords the greatest observation of the interior. The senior partner will direct who enters the dwelling first based on his observation of the situation. This provides for better command and control of the situation.

If entry is initially denied and the situation is temporarily calmed, the MP remain on the scene and work through the disputant's chain of command to gain entry. If the situation appears violent, or if the MP have cause to believe a person is injured or in danger of being injured, they have a lawful right to force entry into the dwelling.

Once inside, the MP separate the disputants if necessary. MP suggest that everyone sit down. MP realize that people involved in domestic disputes may be hostile, abusive, and uncooperative. It is to be expected that some hostility may be directed toward the MP, who are viewed as intruders. Reactions of the disputants will often be directly related to attitudes of indifference, aggression, or concern as seen in the MP.

The attitude of the MP is important. The initial impression will determine the degree of cooperation. MP realize that unintended meanings and attitudes will be read into their words, facial expressions, and body positions by the disputants. The MP must display a calm, positive, and helpful manner. A sensitive and tactful approach can do much to create a positive environment in which the dispute can be mediated.

Observing conditions inside the dwelling while obtaining background information may give the MP ideas of contributing

causes to the dispute. MP must be alert for sudden movements. They watch to see if subjects continually glance at closets or bureaus. Such actions may be the first indication that a subject has a weapon available. The MP must also observe—

- The disputants' living conditions, clothing, and personal cleanliness.
- The location and number of disputants and any injuries requiring treatment.
- Any visible weapons and threatening moves.
- The emotional level of the dispute and the emotional condition of the disputants.

Apparent lack of food, broken furniture, and excessive amounts of liquor on hand can indicate neglect and instability. The condition of clothing and personal cleanliness can reflect the pride the family has in itself and the level of support provided. Facial expressions, eye movements, and body positions can provide emotional signs of fear, hate, depression, and embarrassment. Physical deformities or other handicaps affecting the family relationship may be noticeable if the afflicted person is being criticized or belittled by other family members.

After calming the disputants, the MP obtain information on the family structure and background before attempting mediation. MP will obtain—

- Names and addresses of all present and their ranks, social security numbers, and units if military.
- Relationship and legal status of the disputants: valid marriage, nephew-uncle, boyfriend-girlfriend.
- Length of residence in quarters and period assigned to the installation.
- Whether or not children are involved; if so, their ages and parental relationships.
- Whether or not MP or civil police have intervened in a domestic dispute before and if the disputants are receiving professional counseling.

If the parties can be separated, they are moved out of sight and hearing of each other. In separating the parties, the disputants are not allowed to come between the MP, are not left alone in another room, and are not moved to the kitchen because of potential weapons. The MP, if possible, are to remain within sight of one another at all times.

Once the disputants have been separated, seated, and have furnished basic background information, MP then interview each disputant. During the interview, MP may remove their hats and sit to further relax the disputants. MP must not assume that everyone is okay based on the word of one of the disputants. Each disputant is asked to define or explain the problem that caused the argument. The MP must appear interested and be good listeners. MP must carefully avoid giving opinions and making value judgments, as this will give the impression they are taking sides in the argument.

If a disputant refuses to discuss past events, his or her wishes are respected. Should a disputant be willing to discuss related facts or events, every effort is made to obtain as much information as possible. If the MP are being told obvious lies, it must be made clear that the lies are not believed. The interview must continue. Questioning, repeating the disputant's statement, and evaluating apparent facts are methods that will aid in gathering sufficient information for mediation. After the problem has been defined, MP question each disputant about related problems to see if a pattern occurs.

Mediation, referral, temporary separation, and apprehension are four courses of action available to MP once order has been restored. As soon as the MP establish what has occurred, the MP must choose one of these courses of action. If the dispute is verbal only, the MP can mediate, make referrals, or suggest temporary separation. If a physical assault has occurred, they must effect an apprehension. In all cases, MP will inform unit commanders of domestic disturbances involving unit personnel.

INVESTIGATING DRUG AND CONTROLLED SUBSTANCE ABUSE

MP, in enforcing laws, orders, and regulations, may uncover information relating to sales, availability, and users of narcotics and dangerous drugs. Investigative operations for such cases are complex. Close coordination between USACIDC special agents and federal and nonfederal investigative agencies concerned with drug suppression is of the utmost importance in the enforcement and control of illegal narcotics and dangerous drugs.

The unauthorized use, possession, sale, purchase, and receipt of narcotics, marijuana, and dangerous drugs is a violation of federal law and Article 112A, UCMJ. "Dangerous drugs" is an administrative label applying to those nonnarcotic substances listed in Public Law 91-513 that have been found to have a potential for abuse because of their depressant, stimulant, or hallucinogenic qualities.

The Drug Enforcement Administration has the primary responsibility for investigating drug violations in the US, including military installations. The Drug Enforcement Administration has, however, delegated much of their authority on Army installations to USACIDC. The PM may assume responsibility for investigation of certain types of drug violations as determined by USACIDC. On all major Army installations and on many smaller installations, USACIDC and the PM conduct combined drug suppression operations. The focus of these operations is

to stop the possession, use, and sale of illicit drugs on military installations.

PMs may request MP investigators or USACIDC special agents to develop information on the local drug situation. Within military installations, appropriate action will be taken to eliminate illegal sources of narcotics and dangerous drugs. When the source of supply originates in a civil law enforcement jurisdiction, coordinated operations will be required for detection and apprehension.

MPs conduct investigations of offenses involving possession and/or use of nonnarcotic controlled substances (see AR 190-30). Notification that an investigation has been initiated will be made to the supporting USACIDC element without delay. They will be kept fully informed of the progress of the investigation. A copy of all initial, interim, and final DA Forms 3975 will be provided to USACIDC at the local level.

Investigations of offenses involving possession and/or use of nonnarcotic controlled substances will be transferred to USACIDC on request. Once the transfer is made, the investigation must be carried through to conclusion by USACIDC. It cannot be transferred back to the MPI.

Investigations involving possession and/or use of nonnarcotic controlled substances generated by another USACIDC investigation may be transferred to the MPI. This can be done with the concurrence of USACIDC and the unit commander involved.

INVESTIGATING POSSIBLE RAPE OFFENSES

The MP play an important role in handling rape cases. MP are often the first help available to a rape victim.

The crime of rape, under appropriate federal laws, is a capital offense punishable

by death. It is a complex offense. It is not often sexually motivated. It is most often a crime of hate, anger, and violence in which the rapist uses sex as a weapon to inflict harm and humiliation upon the victim.

Sometimes the victim is a substitute target for the rapist's anger against women as a group or even society itself. MP actions in rape investigations must accord with FM 19-20.

MP know that rape is both an emotional and a physical assault. The emotional shock of rape often does greater harm to the victim than does the actual physical assault. Rape victims may show fear, anxiety, anger, and shock, both physically and verbally; victims may laugh, cry, or shake while discussing the offense. Or they may appear controlled and calm, hiding their inner feelings.

Physical shock, exhaustion, or even strict self-discipline may cause a victim to seem calm and composed. But fear is present in all victims. Fear may last for hours or for months, depending on the victim and the ordeal she has experienced. The victim may have been threatened or come close to death. A victim may fear that the rapist knows her name and address and may harm her in the future.

MP ENCOUNTER AND AID VICTIMS

When MP encounter rape victims they react quickly to ensure the emotional and physical well-being of the victim. They check the physical condition of the victim. They must establish rapport with the victim. They are aware of the victim's fears and know how to lessen them. The MP's initial actions set the stage for the investigation and the subsequent recovery of the victim. MP know that victims treated in a callous, indifferent, disbelieving manner can undergo difficult and lengthy recovery periods.

The victim is told what is being done and why. The MP informs the victim of the evidence procedures that must be followed until the investigator arrives. The MP makes sure the victim knows that taking a shower is not allowed until after the physical exam.

The initial interview with the victim is brief. The role of the MP conducting the interview is to gather enough information

for investigators to begin investigating the offense. Leading or sexually explicit questions are not asked. The MP at the crime scene learns from the victim exactly what took place and where. The victim is asked if she knows the offender, if she can describe the offender, and if she knows where the offender is or can be located.

The rape victim will relate to the incident more freely if only one person is present during the initial interview. Tact, compassion, and patience is used or the interview will fail. And more importantly, the victim may suffer emotionally. If the victim is made to feel guilty of the crime, the psychological damage may be significant.

Once enough information has been obtained to start processing the scene, MP escort the victim to the nearest facility for medical treatment and a thorough examination. Under no circumstances is the victim left alone. The MP remains with the victim until he or she is released to the USACIDC investigator.

Medical personnel are to preserve clothing and other items for evidence examination. The examining physician is advised of the areas of interest in the case and the evidence samples needed for the investigation.

MP TURN CASE OVER TO USACIDC INVESTIGATORS

When the victim is emotionally prepared, a follow-up interview is conducted by a USACIDC investigator. The USACIDC investigator will investigate all rape claims thoroughly and objectively. Rape claims are never assumed to be false.

The USACIDC investigator is told of all MP who have had contact with the victim. The investigator will want to interview them. The MP observations of the victim's emotional state, the condition of her clothing, and the circumstances surrounding the crime can be important both to the investigation and to the future prosecution of the offender.

INITIAL ACTIONS IN DEALING WITH RAPE VICTIMS

- LEND AID AND COMFORT TO THE VICTIM
- PROVIDE A PRIVATE PLACE TO TALK
- ESTABLISH A CARING RAPPORT
- INFORM VICTIM OF EVIDENCE PROCEDURES
- TAKE A BRIEF STATEMENT OF VICTIM'S ACCOUNT OF EVENTS
- ESCORT VICTIM TO THE NEAREST MEDICAL FACILITY
- REMAIN WITH THE VICTIM UNTIL VICTIM IS RELEASED TO AN INVESTIGATOR



INVESTIGATING POSSIBLE CHILD ABUSE AND NEGLECT

The MP are one of the main military agencies responsible for identifying and protecting abused and neglected children. The MP are most often contacted first when child abuse or neglect is suspected.

The PM office investigates suspected child abuse and neglect. The PM office participates in public awareness programs and activities. The PM office sets procedures for handling child abuse and neglect cases. The PM office sets up lines of communication with the Army Community Service, Family Advocacy Case Management Teams (FACMTs), and local civilian welfare and law enforcement agencies. The PM office, in accord with the installation FACMT, often publishes a local SOP setting out the role of each agency.

On US Army installations, the Army Family Advocacy Program (AFAP) and its action arm, the FACMT, are the key agencies for handling child abuse and neglect. The FACMT is legally mandated to ensure preventive, investigative, evaluative, and treatment programs are responsive,

first, to the needs of the abused or neglected children and, then, to the needs of their families (see AR 608-1).

The FACMT is coordinated by a social services professional. The coordinator monitors the program and supervises the staff of the local AFAP. A team of medical and social work professionals, the AFAP officer, and the Army Community Service social worker are supported by other installation agencies and their personnel. Law enforcement personnel, civilian child protection workers, chaplains, and members of the SJA often serve on the FACMT. MP and USACIDC representatives on the FACMT work closely with team members to provide help and investigative support.

REPORTS OF CHILD ABUSE AND NEGLECT

Reports of child abuse and neglect may come from hospital staffs, teachers, police officers, or neighbors. In accordance with AR 608-1 installation physicians, nurses, law enforcement personnel, school officials,

and child care/development personnel *will* report all incidents of suspected child abuse to the installation FACMT or the MP. The report may be received over the phone or in person. An MP may be sent to the child's home after a report has been received by another agency.

A report of suspected child abuse or neglect is not an accusation. The report itself does not prove the existence of child abuse and neglect. But neither are reports from questionable sources necessarily invalid. All reports of child abuse or neglect must be investigated. Sometimes false reports of suspected child abuse and neglect are made by angry parents with marital problems, by quarrelsome family members, by feuding neighbors, or even by an angry or distressed child.

If the report is received by the MP desk sergeant, the MP will need to interview the source in the field. It is often difficult for the source to make the initial report. MP tell the source that, if requested, statements made in connection with a particular case of alleged child maltreatment will be kept confidential under the provisions of AR 340-21. Statements made by sources will be marked "confidential" in all case records. MP attempt to obtain information from the source:

- The date and time the reported incident was received.
- The source's name, telephone number, and address if he/she is present and willing to provide this information.
- The type of source (for example, mandatory, permissive, anonymous).
- The relationship of the source to the child and family.
- The willingness of the source to share with the family his/her role in initiating the report, and his/her willingness to participate in the assessment process if appropriate.
- The action taken by the source or others including whether or not the child has been placed in protective custody.

- The motives of the source if possible to evaluate.
- The possible witnesses to the incident which caused the child's condition.

Simple verbal reassurance, or a follow-up letter which expresses gratitude for the source having taken the initiative to call, can make the difference in the source's future willingness to cooperate.

Witnesses to actual incidents of child abuse and neglect are rare. Most incidents occur within the confines of the home. Outside observers are few. However, there are usually persons who can furnish corroborative evidence of the child's condition, the home situation, or conditions of family life. Witnesses who are afraid of becoming involved are allowed to express any concerns they may have about their participation in the investigation.

SIGNS OF ABUSE

MP are trained to recognize the physical effects of child abuse and neglect. When MP encounter injured or disturbed children, MP note if the condition could be the result of parental behavior. MP are alert to physical injuries like disfigurement, burns, broken bones, bites, lacerations, or bruises that may indicate cases of child abuse. They know that unsanitary living conditions, inadequate food, untreated illnesses, and inadequate clothing and shelter often mean parents or guardians are not providing adequate care for a child. MP act immediately to protect children whose physical or mental health and welfare has been threatened or harmed by the persons responsible for the child's welfare.

As protectors of the military community, MP are concerned with the physical and emotional well-being of dependent children. At all times MP patrols—

- Respond immediately to a reported incident of child abuse and neglect.
- Report cases of suspected child abuse or neglect to the PM or appropriate civilian authorities.

INDICATORS OF CHILD ABUSE AND NEGLECT

MP LOOK FOR PHYSICAL AND BEHAVIORAL INDICATORS OF ABUSE OR NEGLECT THAT MAY EXIST INDEPENDENTLY OR IN COMBINATIONS.

PHYSICAL ABUSE—Unexplained injuries; bruises, fractures, lacerations, and/or abrasions

NEGLECT—Poor hygiene, inappropriate clothing, hunger, fatigue, lack of supervision, unattended physical or medical need.

EMOTIONAL MALTREATMENT—Emotionally or intellectually immature, inadequate coping skills, low self-esteem, antisocial or destructive behavior

SEXUAL ABUSE—Difficulty in walking or sitting, complains of pains in genital area, engages in fantasies, bizarre or sophisticated sexual knowledge



- Take immediate action to protect a child in danger of further maltreatment.
- Investigate allegations of child abuse or neglect and suspect conditions noted in the course of other investigations.

- Whether or not further police action is required by MPI or USACIDC.
- Whether or not the case should be referred to FACMT in accordance with AR 608-1.
- If the case is based on a false report and no further action is indicated.

INVESTIGATION OF SUSPECTED ABUSE

The primary concern of the MP, when investigating cases of child abuse and neglect, is the protection of the child. To protect the child, MP must ensure the investigation determines—

- Whether or not child abuse or neglect is occurring.
- Whether or not the child is at risk in the home.
- Whether or not immediate intervention is necessary to ensure the child's safety.

Once this immediate concern has been addressed, the investigator must then determine—

Deciding whether or not a child is safe in the home is the most crucial step in the investigation. This decision can be reached through a review of past parental behavior, statements, and behaviors during an investigative interview, or from reports by others who know the family. If the child is in imminent danger, the investigator must take whatever steps are necessary to ensure the child's safety before proceeding with the investigation.

In determining if protective custody is necessary, the investigator considers whether or not—

- Maltreatment in the home, present or potential, is such that a child could suffer permanent damage to body or mind if left there.

- The child is in immediate need of medical or psychiatric care and the parents refuse to obtain it.
- The child's sex, age, or physical or mental condition renders the child incapable of self-protection—or for some reason constitutes a characteristic the parents find completely intolerable.
- Evidence suggests that parental anger and discomfort with the investigation will be directed toward the child in the form of severe retaliation against him or her.
- Evidence suggests that the parent or parents are so out of touch with reality that they cannot provide for the child's basic needs.
- Evidence suggests that the parent or parents' physical condition poses a threat to the child.
- The family has a history of hiding the child from outsiders.
- The family has a history of prior incidents or allegations of abuse or neglect.
- The parents are completely unwilling to cooperate in the investigation or to maintain contact with any social agency and may flee the jurisdiction.
- The parent or parents may abandon the child.

If the investigator decides to place a seriously abused child in protective custody, the FACMT will be notified immediately. The child is immediately taken to the installation medical facility for examination. The child will remain in the medical facility for observation while the FACMT simultaneously acts on the case. If the child is not in imminent danger, then the decision to remove the child from the home should be made jointly by the investigating officer and the FACMT.

If grounds exist for temporary removal of the child from the home, the SJA must be consulted while the MP or responding agent remains at the scene until further guidance is received.

To conduct an effective investigation, MP or responding agents will need to visit the home, see the child, interview the parents, and collect evidence. Two types of information need to be gathered in order to corroborate or dismiss a report. Primary information includes records of the investigators' interviews and their observations, photographs, and physical evidence. Background information is that which has been gathered from collateral sources such as medical records, school records, and other agency records.

A routine check of the family is the first step after receipt of the report. This check may include internal departmental records, court records, or FACMT records. In some areas central registers of reports of actual or suspected child abuse and neglect are maintained, often on a statewide basis. These central registers may be accessed directly by the law enforcement agency itself or, in some jurisdictions, indirectly through the local FACMT.

Information which may be revealed through a records check includes—

- Prior reports of suspected child abuse and neglect for this family and the outcome of those reports.
- Services being provided to the family because of a previous report.
- Information on the informant's reliability based on any prior reports.

Evidence of child abuse and neglect may include the investigating officer's observations, photographic evidence, and physical evidence. All evidence is important. Hearsay evidence can be of value to a social agency in its subsequent efforts to serve the family. Such evidence may even be admissible in later court actions. The MP or responding agent concentrates on obtaining—

- The name, age, sex, ethnic background, and permanent address of the child.
- Present location of the child and location where incidents occurred if different from permanent address.

- Name of person or institution responsible for the child's welfare (and address if different from the permanent address of the child).
- Name and address of the person alleged to be responsible for the abuse and/or neglect.
- The names, sexes, and ages of siblings and other adults present.
- The nature and extent of the suspected abuse or neglect, including any available information of prior injury to the child or other siblings.

(See FM 19-20 for more information on physical evidence and photographing evidence.)

Home Visits

Investigators may not gain entry to the home on their initial approach to the family. Investigators must indicate concern and sympathy and explain their presence as ensuring the health and safety of the child to gain entry into the home. However, if investigators do not receive permission to enter, they have the right of forcible entry if—

- There is probable cause to believe a child in the home is in imminent danger.
- There is probable cause to believe that a crime is being committed in the home.

If the investigator feels entry is necessary but the family will not allow it and it does not appear that an emergency exists, a court order or search warrant must be obtained. The local SJA is contacted to determine the proper course of action.

Initial Observations

Upon entering the home MP or responding agents must record their observations accurately and in detail so that they will be able to testify effectively if the case goes to trial later. MP or responding agents must note the—

- Physical condition of all children, including any observable injuries or

conditions such as disfigurement, burns, broken bones, bites, lacerations, bruises, or untreated illnesses.

- General appearance of all children, including the condition of their clothing (for example, worn, tattered, filthy).
- Safety of their surroundings.
- General condition of the home, including degree of cleanliness; availability of food and water; adequacy of sleeping, eating, and washing facilities; adequacy of heat, light, and space; and evidence of human or animal waste.

MP will also observe and record the behavior of parents and other children in the family, including their reaction to the MP's presence. These observations can be used to confirm or deny parents' statements. Nonverbal messages that can be observed are—

- Eye contact between family members.
- Facial expressions of love, support, anger, distrust, or rejection.
- Tones of voice that communicate various emotions.
- The presence or absence of communication.
- Willingness to listen.
- Willingness to express feelings and emotions.
- Physical closeness.

Interviews with the Parents

Interviewing the parents may be the most important step in the investigation. Due process rights granted by the Fourth and Fifth Amendments of the United States Constitution as well as those covered by Article 31, UCMJ, must be observed in conducting these interviews. The Miranda rights, or Article 31 rights, must be made known to the parents. Article 31 rights must be voluntarily waived before questioning begins. Any person accused of child abuse or neglect must be informed of their rights pertaining to information in the report or records generated from the incident.

In conducting interviews with parents—

- The interview is conducted in a comfortable setting free from distraction. Jargon is not used.
- The investigator will, if possible, interview each parent privately and separately.
- The investigator will tell the parents the reason for the interview, give the legal authority, and treat them with respect. Under no circumstances will the investigator display horror, anger, or repugnance.
- The investigator must be alert to any apparent vagueness or inconsistencies in the explanations each gives for the allegations contained in the report.
- The investigator will not respond to demands by the parents to be told who reported them.
- The investigator will not reinforce questionable parental actions by such statements as, "If he were mine, I'd hit him too." This may give a disturbed parent license to increase assaults upon the child.
- The investigator must not allow feelings of anger or revenge to impair his professional judgment.
- The investigator will not attempt to coerce a confession from a parent.

Contact and Interviews with the Child

The first contact the investigator has with the child is of greatest importance. This initial contact may take place in the home, medical facility, school, or a child care facility. The investigator must not assume that the victim is old enough or mature enough to cope mentally with the offense. The purpose of the initial contact with the child is to determine the validity of the accusation and to determine if the child is in imminent danger.

There are times when the child must be interviewed in order to learn what has

happened. However, every attempt is made to minimize the need for interviews of child victims. Whether or not the child is interviewed depends upon factors such as—

- The child's age.
- The child's ability to understand and evaluate what has happened.
- The possible impact of the interview upon the child.
- The possibility of retaliation by a parent against a child who has "told."

The parents are informed of the need for the interview. But they are not present while the child is being questioned. Many children are afraid to speak in front of those who have hurt, abused, and neglected them. If the parents object strongly, it may be necessary to place the child in protective custody before proceeding with the interview to assure the parents will not retaliate against the child. If the child must be in the sole care of the military even for a short time, two investigators will be responsible for the child. If the investigators are both male, a female member of the armed forces must be provided to be with the child also.

Investigators must tell children that they are not in trouble and have done nothing wrong. Interviewing children in sexual abuse cases calls for particular sensitivity and skill. In addition to feeling confused and afraid, these children may also feel great guilt. The investigator/interviewer must convey to the child the understanding that he or she has done nothing wrong.

When conducting the interview, the interviewer must keep in mind that the child may be hurt, in pain, fearful, confused, or apprehensive. The child must be made as comfortable as possible under the circumstances. It is advisable to have a trained interviewer who is of the same sex as the child or at least to have someone of the same sex present during the interview.

When interviewing the child the interviewer must try to determine the emotional state of the child. Is fear, hatred,

defiance, shock, confusion, love, jealousy, or anger apparent? Is the child ready to tell the truth, lie, or exaggerate? The interviewer must attempt to gain the child's confidence. The interviewer must act as a friend to the child rather than as a figure of authority. The interviewer must not take sides against the parents. The interviewer must conduct the interview in language the child clearly understands. The interviewer must permit the child to tell about incidents in his or her own way. The child must not be pressed for details that he or she may be unwilling or unable to give. Questions are limited to necessary information. Open-ended questions are asked whenever possible. The interviewer will tell the child what will happen next and how the investigator will use the information the child has given. The interviewer will inform an adolescent when a "person in need of supervision" petition or a similar order is necessary.

Prosecution

Prosecution of persons who abuse or neglect children can be difficult in all but the

most serious cases. The purpose of prosecution is to establish the guilt of and impose punishment upon the person responsible for an incident of child abuse or neglect. Unsuccessful prosecution may result in increased risk for the child. An angry or disturbed parent may view a verdict of "not guilty" as approval of his or her conduct or as a license to continue maltreatment.

There are times when apprehension of the parent, guardian, or caretaker is necessary. An apprehension may be made immediately, particularly when the incident is severe. Or it may be delayed, pending consultation with FACMT and others. An apprehension may be made when injury to the child is severe or evidence exists that a serious crime has been committed. When there is reason to believe that the parent, guardian, or caretaker will flee the jurisdiction, he or she may be apprehended. An apprehension may be made when it is necessary to preserve the peace or when the person believed responsible presents an immediate danger to others.

INVESTIGATING SUICIDE THREATS AND ATTEMPTS

Suicide threats received at the MP station must be treated seriously. The desk sergeant, or any other MP answering the call, must show immediate concern and interest in the caller's problem. The interest, concern, and reassurance shown by the MP on the telephone is important in keeping the individual on the line. The first priority is to obtain basic information from the caller, such as the caller's name, address, and the telephone number of the phone from which the call is being made. Information obtained from the caller will also allow the MP to return the call if the connection is cut off. It is critical that the caller be kept on the telephone as long as possible while a patrol unit is being dispatched. Talking will distract the person, provide time for a change of mind, and allow for rescuers to arrive. Keeping the suicidal person on the

telephone while a patrol unit is being sent will prevent many suicides.

When MP arrive at the scene before the threatened suicide attempt is carried out, they may find the subject emotionally upset. MP must avoid sudden, aggressive moves to avoid frightening the subject into committing suicide. Upon arrival, MP should try to start a conversation with the subject to help talk him or her out of committing suicide. If the subject is in immediate danger of jumping, safety precautions such as nets are used. MP carefully position themselves to restrain the subject. MP must keep crowds and onlookers away from the area. They must be patient and understanding with the subject. And they must not use abusive or threatening language.

When MP arrive at the scene and the subject has already attempted suicide, they must immediately take action to stop the subject from further self-injury. First aid is administered, if necessary, and medical help requested. If the subject has taken poison or an overdose of pills, any remaining pills, bottles, and related material are taken to the hospital, along with the subject. The immediate family, unit commander, clergy, or other personnel who might help the subject are notified.

When MP arrive at the scene of a suicide, they carefully approach it, so as not to destroy evidence. They immediately examine the subject for signs of life. If there are signs of life, MP should immediately begin lifesaving techniques such as

cardiovascular pulmonary resuscitation. MP then request immediate medical assistance for continued rescue efforts.

If the victim is obviously deceased, medical assistance is still required to affirm the victim's death. MP will secure the scene until medical and investigative assistance arrives. Suicide notes, weapons, and other evidence must be secured at the scene and released only to assigned investigators.

After securing the scene, MP identify witnesses, friends, and relatives in the area. They make notes of anything that might aid the investigators. Until proven otherwise, every suicide will be treated as a potential homicide. (See FM 19-20 for a detailed discussion of suicide investigations.)

INVESTIGATING REPORTS OF ABNORMAL BEHAVIOR

MP may be called upon to investigate reports of people exhibiting abnormal behavior. Each person encountered may require a different form of response from the MP. In all situations, the MP must not only preserve the peace and control disorderly incidents, but they must also protect individual rights and obtain help for those people who cannot adequately control their behavior.

People with abnormal behavior may react violently to stresses and problems. They can be dangerous and must be handled with caution. They may be easily influenced by others. They may be easily threatened by unfamiliar people, places, and events. The MP approach must be friendly and understanding. MP seek to handle these people as humanely as possible without endangering themselves, the person involved, or others. MP must—

- Not deceive.
- Use the least amount of force necessary.
- Allow the person time to calm down.
- Avoid threats and abuse.

- Ignore verbal abuse.
- Remain calm.

MP must be trained to identify abnormal behavior. Improper identification of behavior and subsequent treatment can result in serious illness or death. People with abnormal behavior might show changes in their behavior and personality that may help in identifying them. Characteristics of someone with abnormal behavior may be—

- Change in personality, behavior, and attitudes.
- Change in personal habits.
- Sudden change in job performance.
- Uncontrolled outbursts of temper.
- Distrust and hypersensitivity.
- A strong interest in weapons.
- Disorganized thinking.
- Hallucinations, delusions, and fears.

MP must be familiar with local agencies best able to assist people in need. MP do not take action unless the person poses a threat to himself or to the welfare and property of others.

MP do not diagnose injuries and diseases. However, they must be alert for unusual symptoms and know that illness and other abnormalities may appear as intoxication. Local medical facilities can train MP in how to recognize and react to people with abnormal symptoms.

When MP encounter a person who has had an accident where the possibility of a head injury exists, or if an individual carries a medical alert notice, or where doubt exists over the person's condition, examination by medical personnel must be immediately requested. Because it is often difficult to distinguish between the behavior and confusion caused by alcohol or drugs and that caused by injury or illness, all apparently intoxicated personnel are watched for other symptoms.

If the person has to be apprehended there must be a sufficient number of MP to restrain the individual. The procedures for searching and restraining do not differ from

those used for other offenders. MP must consider that the individuals may be less aware of their constitutional rights and may not fully understand when rights are read to them. The police role is to initially interview the subject, gather evidence, and complete an objective investigation of the incident. Legal and medical authorities must then determine the individual's level of responsibility and competence.

MP immediately notify parents, guardians, or next of kin of those people with abnormal behavior who must be removed from the scene of an incident or placed under apprehension. If the individual has committed a criminal offense, the parents, guardian, or next of kin are read the rights warning statement and notified of the charges. The parents, guardians, or next of kin must also be present during interviews and interrogations. They may be able to furnish important background information on the individual.

INVESTIGATING CUSTOMS VIOLATIONS

MP customs units conduct investigations of alleged or suspected violations of customs laws and regulations by members of the US forces. These investigations are conducted under the same rules and procedures, with appropriate reports, as are other MP investigations (see FM 19-20). Some of the investigations will be conducted jointly with host country customs and tax personnel or other official investigative agencies having an interest in the case. MP customs inspectors who possess MPI credentials may receive locally fabricated identification with data in the host language. All credentials are treated as accountable items. Since the investigator may be assigned to a surveillance operation, the commander can permit the wearing of civilian clothing while on duty. A duty roster of investigators is maintained to provide necessary investigation during nonduty hours.

Customs authorities periodically find unauthorized material such as contraband, explosives, ammunition, weapons, and property, some of which may be property of the US government. In order to determine if theft or government loss is involved, the procedures of the Bureau of Customs call for the notification of DA when weapons or material believed to be military property have been seized or are in customs custody under questionable circumstances. All such offenses will be reported to MP and investigated by USACIDC or MPIs, as appropriate (see AR 195-2, AR 190-30). Recovery of weapons and significant amounts of ammunition will be reported by the Army element receipting for them from the Bureau of Customs in accordance with AR 190-11.

MP will receipt, from US Customs personnel, for all confiscated US government

property and contraband shipped by US Army personnel. The property will be returned to Army supply channels if there are no legal requirements to retain the property before releasing it into supply channels. Items of contraband will be disposed of in accordance with AR 190-22. Property receipted for by MP will be accounted for and disposed of in accordance with evidence procedures outlined in AR 195-5.

All physical property seized by MP customs personnel will be processed, safeguarded, and disposed of in accordance with the guidance furnished in FM 19-20 and the provisions of AR 190-22 and AR 195-5.

Evidence custodians and alternate custodians are appointed on unit orders and perform the responsibilities as outlined in the publications previously cited. Prescribed depositories must be provided at appropriate locations and inspections and inventories performed as required.

When it is determined that the subject of one of these investigations is no longer a member of the US Army, the investigation will be terminated and a final report submitted indicating the subject has been released from the Army. An information copy of the report will be furnished to the appropriate civil investigative agency.