

Army Regulation 190-41

Military Police

Customs Law Enforcement

**Headquarters
Department of the Army
Washington, DC
1 March 1994**

Unclassified

SUMMARY of CHANGE

AR 190-41

Customs Law Enforcement

This revision--

- o Prescribes the United States Army responsibilities for the Military Customs Inspection Program (para 1-5).
- o Updates military police/criminal investigation reporting procedures involving customs violations (para 3-4).
- o Redefines the responsibilities of the Secretary of the Army (para 2-1), Deputy Chief of Staff for Logistics (para 2-2), Deputy Chief of Staff for Operations and Plans (para 2-3), Commander, U.S. Army Criminal Investigation Command (para 2-4), major Army command commanders (para 2-5), and major overseas commanders (para 2-6).
- o Revises abbreviations and terms in glossary.
- o Contains a subject index as prescribed in AR 25-30.

Effective 1 April 1994

Military Police

Customs Law Enforcement

By Order of the Secretary of the Army:

GORDON R. SULLIVAN
General, United States Army
Chief of Staff

Official:


MILTON H. HAMILTON
Administrative Assistant to the
Secretary of the Army

History. This printing publishes a revision which is effective 1 April 1994. Because the structure of the entire revised text has been reorganized, no attempt has been made to highlight changes from the earlier regulation dated 4 November 1974.

Summary. This regulation implements DOD 5030.49-R, prescribes responsibilities for customs law enforcement matters and updates military police/criminal investigation reporting procedures involving customs violations. It provides guidelines concerning required training for personnel performing

customs law enforcement services within the Customs Territory of the United States.

Applicability. This regulation applies to all units of the Active Army, the U.S. Army Reserve, the Reserve Officers Training Corps (ROTC), and the Army National Guard (ARNG) when in Federal Service that perform a military customs law enforcement service. This regulation is applicable during full mobilization.

Proponent and exception authority. The proponent of this regulation is the Deputy Chief of Staff for Operations and Plans. The Deputy Chief of Staff for Operations and Plans has the authority to approve exceptions to this regulation that are consistent with controlling law and regulation. The Deputy Chief of Staff for Operations and Plans may delegate this authority in writing to a division chief within the proponent agency in the grade of colonel or the civilian equivalent.

Army management control process. This regulation is not subject to the requirements of AR 11-2.

Supplementation. Supplementation of this regulation is prohibited unless prior approval is obtained from HQDA (DAMO-ODL-S), WASH DC 20310-0400. When supplements are approved and issued, Army Staff agencies

and major Army commands will furnish one copy of each to HQDA(DAMO-ODL-S), WASH DC 20310-0400. Other commanders will furnish one copy each to their next higher headquarters.

Interim changes. Interim changes to this regulation are not official unless they are authenticated by the Administrative Assistant to the Secretary of the Army. Users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA (DAMO-ODL-S), 400 ARMY PENTAGON, WASH DC 20310-0400.

Distribution. Distribution of this publication is made in accordance with the requirements on DA Form 12-09E, block 3178, intended for all command levels (A, B, C, D, and E) for the Active Army, Army National Guard, and United States Army Reserve.

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* This regulation supersedes AR 190-41, 4 November 1974.

RESERVED

Chapter 1 Introduction and the Army Customs Law Enforcement Policies

1-1. Purpose

This regulation establishes policies, responsibilities, and procedures for customs law enforcement worldwide and implements law enforcement aspects of Department of Defense (DOD) 5030.49-R, DOD Customs Inspection Program.

1-2. References

Required and related publications and referenced forms are listed in appendix A.

1-3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are explained in the glossary.

1-4. Responsibilities

Responsibilities are listed in chapter 2.

1-5. U.S. Government/Army Policies for Customs Law Enforcement

It is the policy of the Department of the Army (DA) to—

a. Eliminate illegal traffic of controlled substances and other contraband in DA channels.

b. Ensure early detection and investigation of all violations of the United States Code (USC), DOD regulations, DA regulations, and applicable provisions of Status of Forces Agreements (SOFA) involving—

(1) Illegal possession of US Government property for personal use.

(2) Attempted evasion of payment of customs duties for personal property.

(3) Illegal possession of controlled substances or other contraband.

c. Cooperate fully with the U.S. Customs Service (USCS) and all other Federal agencies, as required, in enforcing the laws and regulations of the United States concerning customs, agriculture, and immigration border clearances.

Chapter 2 Responsibilities

2-1. Secretary of the Army

The Secretary of the Army (SA) is the Executive Agent for the DOD Military Customs Inspection Program (MCIP).

2-2. Deputy Chief of Staff for Logistics

The Deputy Chief of Staff for Logistics (DCSLOG) has general staff responsibility for—

a. Developing and supervising DOD customs policy matters in coordination with Deputy Assistant Secretary of Defense (Administration).

b. Providing DOD single point of contact with USCS on customs policy and procedural matters.

c. Implementing military customs inspection policies and procedures within DOD.

2-3. Deputy Chief of Staff for Operations and Plans

The Deputy Chief of Staff for Operations and Plans (DCSOPS) is responsible for—

a. Maintaining liaison on customs law enforcement matters with DOD components and appropriate Federal agencies to ensure timely exchange of information and operational details in customs law enforcement activities.

b. Providing technical guidance to the DA Staff, Secretariat, and major Army commanders on operational techniques and training

standards for personnel assigned/attached to customs law enforcement operations.

c. Coordinating with the investigative elements of the Drug Enforcement Administration (DEA) and the Federal Inspection Service (FIS) for customs law enforcement operational matters pertaining to DA personnel.

d. Providing technical assistance to ODCSLOG, DA, in establishing policies and procedures concerning military customs inspections and examinations.

2-4. Commander, U.S. Army Criminal Investigation Command

The Commander, U.S. Army Criminal Investigation Command (USACIDC) is responsible for—

a. Conducting, controlling, and monitoring Army criminal investigations of serious crimes in accordance with AR 195-2 in support of Army customs law enforcement policies; maintaining basic responsibility for Army investigations of offenses involving controlled substances as defined in section 812, title 21, USC; undertaking investigations of less serious crimes on request, or when necessary in the furtherance of Army law enforcement; and conducting sensitive or special interest investigations as requested by competent authority.

b. Maintaining liaison with DOD components, USCS, and other appropriate Federal agencies reference customs law enforcement matters within USACIDC's jurisdiction.

2-5. Major Army Command commanders

Major Army Command (MACOM) commanders are responsible for ensuring that liaison is established and maintained between appropriate law enforcement elements and USCS points of contact (app. B) for the purposes of—

a. Receiving reports of border clearance violations detected by FIS within continental United States (CONUS) and major overseas commands.

b. Expeditious forwarding of such reports to appropriate commanders of units within CONUS and major overseas commands.

2-6. Major overseas commanders

Major overseas commanders are responsible for—

a. Maintaining liaison with in-country USCS personnel and other FIS personnel, as appropriate, ensuring a close working relationship between all military law enforcement elements.

b. Ensuring expeditious reporting to receiving commands/agencies/appropriate USCS officials of customs violations pertaining to personnel, personal property, cargo, and mail shipments.

c. All commands are responsible for ensuring prompt investigation of alleged violations of customs laws and regulations in accordance with DOD Regulation 5030.49-R, this regulation, AR 190-30, and AR 195-2. Investigations determined to be of interest to the USCS will be coordinated with the applicable regional/district investigative element of the USCS (app B).

Chapter 3 Operational procedures and requirements

3-1. DOD 5030.49-R

Law enforcement aspects of this regulation apply to all personnel assigned missions (including mandated training outlined in chapter 3 of DOD 5030.49-R) of providing customs law enforcement services for movement into the Customs Territory of the United States. Procedures contained in implementing regulations or instructions are also applicable for intertheater movements except—

a. When they may be subject to notification in compliance with SOFAs.

b. Where clearly not applicable between major overseas commands; for example, completion of customs forms required for CONUS entry only.

3-2. Customs inspections

Military customs inspectors (MCIs) will be trained and certified prior to conducting customs inspections and examinations per local command policy implementing DOD 5030.49-R.

3-3. Search and seizure

a. The authority to conduct customs inspections and examinations is derived from title 19, USC, and implementing directives. Procedures for military customs inspections/examinations are contained in DOD 5030.49-R.

b. Searches and seizures conducted as a result of a military customs inspection or examination will be in accordance with AR 190-22.

3-4. Reports

a. Military police will report violations of customs laws and regulations and the results of customs investigations on DA Form 3975 (Military Police Report) with one copy furnished to—

(1) Subject's commander; DA Form 4833 (Commander's Report of Disciplinary or Administrative Action) attached.

(2) Subject's installation provost marshal (PM).

(3) Crime Records Directorate, USACIDC; if provisions of AR 190-45, paragraph 4-4 apply.

b. The USACIDC special agents will utilize AR 195-1 for reporting procedures. Policy, procedures, and distribution will be in accordance with AR 195-1.

c. The USCS district directors or their subordinate units (app B) normally will provide details of customs violations and incidents which involve civilian employees, family members, and personnel of the United States Army in a report to the nearest CONUS installation PM. The PM, in turn, will ensure prompt investigation by military police investigators (MPIs), refer the matter to USACIDC for investigation, or forward the USCS report and any additional details on DA Form 3975 to the commander concerned. When circumstances warrant, and to preclude delay in unit investigations, notification by electrical message will be made to commanders. Where necessary, a written report will follow.

Appendix A References

Section I Required Publications

AR 190-22

Searches, Seizures, and Disposition of Property. (Cited in para 3-3b.)

AR 190-30

Military Police Investigations. (Cited in para 2-6c.)

AR 190-45

Military Police Law Enforcement Reporting. (Cited in para 3-4a(3).)

AR 195-1

Army Criminal Investigation Program. (Cited in para 3-4b.)

AR 195-2

Criminal Investigation Activities (Cited in paras 2-4a and 2-6c.)

DOD Regulation 5030.49-R

(Cited in paras 1-1, 2-6c, 3-1, 3-2, and 3-3a.)

United States Code

(Cited in 1-5b, 2-4a, and 3-3a.)

Section II Related Publications

AR 10-5

Organization and Functions: Headquarters, Department of the Army

AR 40-12

Quarantine Regulations of the Armed Forces

AR 55-46

Travel of Dependents and Accompanied Military and Civilian Personnel To, From, or Between Oversea Areas

AR 55-71

Transportation of Personal Property and Related Services

AR 190-14

Carrying of Firearms and Use of Force for Law Enforcement and Security Duties

AR 195-5

Evidence Procedures

AR 600-8-1

Army Casualty and Memorial Affairs and Line of Duty Investigations

AR 600-8-3

Unit Postal Operations

AR 608-4

Control and Registration of War Trophies and War Trophy Firearms

AR 700-93

Processing and Shipping DOD Sponsored Retrograde Materiel Destined for Shipment to the United States, Its Territories, Trusts, and Possessions

DOD 4500.32-R

Military Standard Transportation and Movement Procedures (Volume I)

DOD 4525.6-M (Volumes I and II)
DOD Postal Manual

DOD Instruction 4000.19

Interservice, Interdepartmental, and Interagency Support

Section III Prescribed Forms

This section contains no entries.

Section IV Referenced Forms

DA Form 3975

Military Police Report.

DA Form 4833

Commander's Report of Disciplinary or Administrative Action.

Appendix B Directory of the U.S. Customs Service

Main Headquarters:
U.S. Customs Service
1301 Constitution Avenue, N.W.
Washington, D.C. 20229
Phone (202) 566-8195

REGION

NORTHEAST

10 Causeway Street
Boston, MA 02222-1056
(617) 565-6240

NORTHEAST DISTRICTS

40 S. Gay Street
Baltimore, MD 21202
(301) 962-2666

10 Causeway Street, Rm 603
Boston, MA 02222-1059
(617) 565-6147

111 W. Huron Street, Rm 603
Buffalo, NY 14202
(716) 846-4373

127 N. Water Street
Ogdensburg, NY 13669
(315) 393-0660

2nd & Chestnut Sts, Rm 102
Philadelphia, PA 19106
(215) 597-4605

312 Fore St, PO Box 4688
Portland, ME 04112
(207) 780-3326

Pavilion Avenue
Providence, RI 02905
(401) 528-5080

Main & Stebbins Sts
Post Office Bldg
P.O. Box 1490
St. Albans, VT 05478
(802) 524-1521

NEW YORK REGION

6 World Trade Center
New York, NY 10048
(212) 466-4444

NEW YORK DISTRICTS

New York Sea Port
Customhouse
6 World Trade Center
New York, NY 10048
(212) 466-5817

Kennedy Airport Area
Bldg 178, Rm 330B
Jamaica, NY 11430
(718) 917-1542

Hemisphere Center
Newark, NJ 07102
(201) 645-3760

SOUTHEAST DISTRICT

909 S.E. 1st Avenue
Miami, FL 33131
(305) 536-5952

200 Bay Street
Charleston, SC 29402
(803) 724-4312

Southeast
Main P.O., Sugar Estate

Charlotte Amalie, St. Thomas-Virgin Islands 00801
(809) 774-2530

77 S.E. 5th Street
Miami, FL 33131
(305) 530-7900

Number One La Puntilla
Old San Juan, PR 00901
(809) 729-6950

1 Easy Bay Street
Savannah, GA 31401
(912) 944-4256

101 E. Main Street
Norfolk, VA 23510
(804) 441-6546

4430 East Adamo Dr, Suite 301
Tampa, FL 33605
(813) 228-2381

PO Box 17423
Gateway 1 Bldg
Dulles International Arpt
Chantilly, VA 22021
(202) 661-3600

One Virginia Avenue
Wilmington, NC 28401
(919) 343-4601

NORTH CENTRAL REGION

55 E. Monroe Street
Chicago, IL 60603-5790
(312) 353-4733

NORTH CENTRAL DISTRICTS

610 S. Canal Street
Chicago, IL 60607
(312) 353-6100

Plaza Nine Bldg, 6th Floor
5 Erieview Plaza
Cleveland, OH 44114 (216) 522-4284

477 Michigan Avenue
Patrick V. McNamara Bldg, Rm 200
Detroit, MI 48226-2568
(313) 226-3177

515 W. First Street #209
Duluth, MN 55802-1390
(218) 720-5201

300 Second Ave South
P.O. Box 789
Great Falls, MT 59405
(406) 453-7631

6269 Ace Industrial Dr.
P.O. Box 37260
Milwaukee, WI 53237-0260
(414) 297-3925

110 S. Fourth Street
Minneapolis, MN 55401
(612) 348-1690

Federal Bldg, PO Box 610
Pembina, ND 58271
(701) 825-6201

7911 Forsyth Blvd, Suite 625
St. Louis, MO 63105
(314) 425-3134

SOUTH CENTRAL REGION

423 Canal Street
New Orleans, LA 70130
(504) 589-6324

SOUTH CENTRAL DISTRICTS

150 N. Royal Street
Mobile, AL 36602
(205) 690-2106

423 Canal Street
New Orleans, LA 70130
(504) 589-6353

SOUTHWEST DISTRICTS

5850 San Felipe Street
Houston, TX 77057
(713) 953-6841

1215 Royal Lane
P.O. Box 619050
Dallas/Ft Worth, TX 75261
(214) 574-2170

Bldg B, Room 134
Bridge of the Americas
P.O. Box 9516
El Paso, TX 79985
(915) 534-6798

Portway Plaza Suite 400
1717 East Loop
Houston, TX 77029
(713) 671-1000

Lincoln Juarez Bridge
P.O. Box 3130
Laredo, TX 78041-3130
(512) 726-2267

International & Terrace Sts.
Nogales, AZ 85621
(602) 287-3637

4550 75th Street
Port Arthur, TX 77642
(409) 724-0087

PACIFIC DISTRICT
One World Trade Center
Suite 705
Long Beach, CA 90831-7200
(213) 491-7200

PACIFIC DISTRICTS
605 West 4th Avenue
Anchorage, AK 99501
(907) 271-2675

335 Merchant Street
P.O. Box 1641
Honolulu, HI 96806
(808) 541-1725

300 S. Ferry Street
Terminal Island
San Pedro, CA 90731
(213) 514-6001

511 NW Broadway
Portland, OR 97209
(503) 221-2865

880 Front St, Rm 5-S-9
San Diego, CA 92188
(619) 557-5360

555 Battery Street
PO Box 2450
San Francisco, CA 94126
(415) 465-4340

1000 2nd Ave, Suite 2200
Seattle, WA 98104
(206) 553-0554

Glossary

Section I Abbreviations

CONUS

continental United States

DA

Department of the Army

DCSLOG

Deputy Chief of Staff for Logistics

DCSOPS

Deputy Chief of Staff for Operations and Plans

DEA

Drug Enforcement Administration

DOD

Department of Defense

FIS

Federal Inspection Services

INS

Immigration and Naturalization Service

MACOM

major Army command

MCI

military customs inspectors

MCIP

Military Customs Inspection Program

MPI

Military Police Investigator

PM

provost marshal

SA

Secretary of the Army

SOFA

Status of Forces Agreement

USA

United States Army

USACIDC

U.S. Army Criminal Investigation Command

USC

United States Code

USCS

U.S. Customs Service

USDA

U.S. Department of Agriculture

Section II Terms

CID Report of Investigation

An official written record of all pertinent information and facts obtained in a criminal investigation.

Contraband

Material, goods, plant and animal products, or pests, and articles prohibited from entry into the customs territory of the United States, including controlled substances as identified in section 812, title 21, U.S.C. and restricted items when conditions of the restriction have not been met.

Controlled substances

Those drugs, narcotics, and other items of such nature, the possession or use of which is prohibited in all cases except by medical prescription, as specified in section 812, title 21, U.S.C.

Customs examination

The process of scrutinizing personal property, parcel mail, and other DOD cargo, to include physical opening of baggage, parcels, cartons, containers, disassembly of articles as required, and/or the physical search of DOD personnel and DOD-sponsored personnel for contraband and controlled substances.

Customs inspection

The detailed observation of personal property, letter and parcel mail, and other DOD cargo, noting their markings and outer physical characteristics, and/or the oral questioning of DOD personnel and DOD-sponsored personnel to determine potential for customs violations.

Customs investigation

An examination of the circumstances surrounding a suspected or reported violation of customs regulations, conducted solely or jointly by military police or United States Army Criminal Investigation Command (USACIDC) special agents and appropriate civilian authorities, for the purpose of substantiating/refuting the suspicion/allegation and rendering completed reports to commands as required.

Customs Territory of the United States

The 50 States of the United States, the District of Columbia, and Puerto Rico (19 USC 1202). Not included are American Samoa, Guam, Johnston Island, Midway Island, the Virgin Islands of the United States, Wake Island, and the former Panama Canal Zone.

Military Police Reports

Data on complaints received, incidents observed by or reported to military police, and the record of actions taken for the purpose of apprising commanders concerned of incidents involving personnel of their commands. (A Commander's Report of Disciplinary or Administrative Action (DA Form 4833) against offenders also will be included when the provisions of AR 190-45 are met.

U.S. Customs Service

Agency of the U.S. Government, within the Department of Treasury, created by the Act of 3 March 1927 (44 Stat. 1381; 19 USC 2071), with functions of: assessment and collection of duties and taxes on imported merchandise; control of carriers and merchandise imported into, or exported from the United States; and combating smuggling and fraud on revenue and related functions.

Section III

Special Abbreviations and Terms

There are no entries in this section.

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