



DEPUTY SECRETARY OF DEFENSE  
1010 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1010

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MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS  
CHAIRMAN OF THE JOINT CHIEFS OF STAFF  
UNDER SECRETARIES OF DEFENSE  
COMMANDERS OF THE COMBATANT COMMANDS  
GENERAL COUNSEL OF THE DEPARTMENT OF  
DEFENSE  
INSPECTOR GENERAL OF THE DEPARTMENT OF  
DEFENSE  
DIRECTOR, ADMINISTRATION AND MANAGEMENT

SUBJECT: Responsibility for Response to Reports of Alleged Criminal Activity Involving  
Contractors and Civilians Serving with or Accompanying the Armed Forces Overseas

Military operations in support of the Global War on Terror increasingly require that U.S. military forces operate alongside Department of Defense (DoD) civilian employees and employees of DoD contractors. This memorandum provides guidance on the responsibility to respond to allegations that these contractor and civilian employees have committed crimes or are the victims of crimes.

Military commanders have the inherent authority and responsibility to respond promptly to these allegations. Military law enforcement officials and Special Agents of a Defense Criminal Investigative Organization (DCIO) (e.g., the Army Criminal Investigation Command) are best able to respond to alleged criminal activity, including situations involving contractor and civilian employees, and are expected to provide that emergency response to the extent possible. Where such personnel are not readily available, military commanders will assign appropriate personnel to respond to the incident and then to facilitate transfer of the case to appropriate law enforcement or DCIO officials as soon as practicable.

Ultimate criminal jurisdiction and investigative responsibilities, in accordance with applicable laws such as the Military Extraterritorial Jurisdiction Act, will be determined after the immediate needs of the initial response and investigation have been addressed (e.g., ensuring safety, victim care, preserving the crime scene, and identifying alleged offenders and witnesses). DoD law enforcement responders will remain with the case until the investigation is completed or until another appropriate law enforcement agency assumes responsibility. As necessary, DoD responders will assist until a final disposition occurs.

The Department has implemented special policies and procedures that apply to reports of sexual assaults. Those procedures will be strictly adhered to in implementing this guidance.

Commanders will publicize the means by which military members and other persons serving with or accompanying the Armed Forces may report alleged criminal activity.



*Andrew England*

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