



DEPARTMENTS OF THE ARMY AND AIR FORCE
Illinois Army and Air National Guard
1301 North MacArthur Boulevard, Springfield, Illinois
62702-2399

DMAIL Policy/Procedure Memo 2004-01
(ILNG)

1 February 2004

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Reporting Requirements for Arrests, Pending Criminal Charges and Convictions

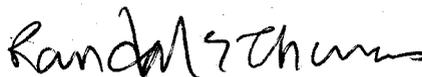
1. Commanders and military supervisors must be informed when any member of the ILARNG or ILANG has been arrested, charged with or convicted of any criminal offense, except for minor traffic offenses. In this regard, arrests, charges or convictions may affect a member's security clearance, duty performance and assignment, or the member's ability to possess firearms or ammunition (i.e., under the Lautenberg Amendment). Arrests, charges or convictions for serious criminal offenses or alcohol-related offenses, especially Driving Under the Influence (DUI), may also undermine good order and discipline and reflect a negative image on the Illinois National Guard.
2. Therefore, effective 1 February 2004, all personnel will be required to report arrests, charges and/or convictions concerning AGR and M-Day/traditional members of the ILARNG and ILANG as follows:
 - a. Reports of arrest, charges and/or conviction for personnel in the grades of E-1 to E-4 will be referred to the company/flight commander for a determination as to appropriate action.
 - b. Reports of arrest, charges and/or conviction for personnel in the grades of E-5 to E-6 will be referred to the battalion/squadron commander for a determination as to appropriate action.
 - c. Reports of arrest, charges and/or conviction for personnel in the grades of E-7 to E-8, CW1 to CW4, and 0-1 to 0-3, will be referred to the brigade/wing commander for a determination as to appropriate action.
 - d. Reports of arrest, charges and/or conviction for personnel in the grades of E-9, CW5, and officers in the grades of 0-4 and above, will be referred to the AAG-Army/AAG-Air for a determination as to appropriate action.
3. Commanders will take appropriate action concerning such reports, and such action will depend on the type of offense, whether the report involves an arrest, charges or a conviction, and the member's duty assignment. In some cases, no action by the commander or supervisor may be required. In other cases, initiation of a flag may be required under AR 600-8-2, or action to suspend a security clearance or access to weapons may be required. ANG regulations and instructions do not provide for "flagging" personnel for these types of actions, but ANG commanders should file these reports in their supervisor folders or Personal Information Files

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(PIF). For serious offenses, disciplinary action or administrative discharge/termination action may be appropriate. Commanders should consult with the appropriate personnel office or with their Staff Judge Advocate to determine what action, if any, should be taken.

4. However, please note that the reporting provisions of this memorandum do not supersede the applicable provisions of other regulations or instructions, such as AR 600-8-2 as noted above. Commanders will comply with all other applicable regulatory provisions, and will ensure the widest possible dissemination of this policy.



RANDAL E. THOMAS
Brigadier General, ILARNG
The Adjutant General

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