

United States Senate

WASHINGTON, DC 20510-1309

July 8, 2020

VIA ELECTRONIC DELIVERY

The Honorable Ryan McCarthy
Secretary of the Army
U.S. Department of the Army
1600 Army Pentagon
Washington, DC 20310-1600

General James McConville
Chief of Staff
U.S. Department of the Army
1600 Army Pentagon
Washington, DC 20310-1600

Dear Secretary McCarthy and General McConville:

I write to request the U.S. Department of the Army (Army) immediately conduct a comprehensive review of Army regulations, policies and procedures governing the initial response to reports of a missing Soldier. More importantly, I ask that the Army follow this review by prioritizing the implementation of corrective actions to make sure that the required response to an initial report of a missing Soldier results in a focused, diligent and urgent response that includes assistance from appropriate law enforcement entities.

The tragic disappearance and murder of Private First Class (PFC) Vanessa Guillen has raised troubling questions about how the chain of command at Fort Hood first responded to reports that PFC Guillen could not be located. Valid questions remain over whether additional actions should have been taken to locate PFC Guillen and recognize that this was an urgent matter warranting involvement of members of the Army Criminal Investigation Command (CID).

In reviewing Army Regulation 190-45 ("Law Enforcement Reporting"), I am concerned that the specific procedures primarily focus on reporting absence without leave, desertion and special category absentee offenses without detailing basic best practices that should be followed when a Soldier cannot be located for 24 hours to make sure properly trained experts conduct a preliminary assessment examining whether this incident should be reported to law enforcement for a potential criminal investigation.

While I recognize that the criteria under Army Regulation 190-45 concerning Reportable Serious Incidents provides a Commander with broad discretion and flexibility, the lack of specific guidance on handling an incident similar to the disappearance of PFC Guillen may partially explain why the chain of command appears not to have acted with sufficient urgency to the initial report.

When a Soldier loses a firearm, that error is serious and it would not be uncommon for an entire unit to be forced to prioritize locating the missing item. Depending on the scenario, it is not far-fetched that in certain instances, a missing weapon could result in an entire base being shut down until the weapon is located and secured. The Army should be no less diligent and act with no less urgency when a Soldier goes missing and cannot be located for more than 24 hours.

Accordingly, I request that the Army conduct a comprehensive review of regulations, policies and procedures governing the initial response to a report of a missing Soldier and implement improvements and updates designed to make sure that any time a Soldier is reported missing for more than 24 hours, a Commander has detailed, effective guidance on the best practices that should be taken.

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This comprehensive review should include the Army consulting with other organizations that have modernized their own missing persons policies and procedures, such as institutions of higher education that have recently updated missing students guidance to comply with updated Federal statutory and regulatory requirements.

Potential improvements would likely include, but not be limited to, a requirement that once a Soldier has been missing for 24 hours, the chain of command will provide a timely notice to an appropriate higher or external entity. That entity would conduct a preliminary assessment of the incident to determine whether the facts and circumstances warrant elevation to appropriate law enforcement agencies.

Thank you in advance for considering my request. I strongly urge the Army to take decisive action to conduct the requested review, and more importantly, implement improvements and updates that strengthen Army Regulations, policies and procedures in regard to initially handling the report of a missing Soldier.

Sincerely,



Tammy Duckworth
United States Senator