



United States Army

Criminal Investigation Command

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FOR IMMEDIATE RELEASE

CID Lookout
On Point for the Army

Violators of Military Hoaxes Act could receive fines, prison time

FORT BELVOIR, Virginia, February 22, 2007-- Persons making false or misleading statements to families about the death, injury, capture or disappearance of a member of the Armed Forces of the United States during a time of war could be fined, imprisoned, or both.

According to the *Stop Terrorist and Military Hoaxes Act of 2004*, codified at Title 18, U.S. Code, Section 1038, it's a criminal offense to convey false or misleading information about the status of a service member during a time of armed conflict. In addition to fines, violators can face up to 5 years in jail for the hoax. When serious injury occurs as a result of a hoax, possible jail time increases to 20 years, and life imprisonment is possible for the perpetrator if death occurs as a result of a hoax.

"The section was added by an act of Congress as a direct result of the terrorist attacks of 11 September 2001," said CPT Anthony Adolph, judge advocate, Headquarters, 3^d Military Police Group (CID).

According to LTC Stephanie Stephens, U.S. Army Criminal Investigation Command's (USACIDC) staff judge advocate, terrorist hoaxes became an issue shortly after 9-11. Existing law at that time generally covered fake bomb threats, but did not apply to fake threats of biological or chemical attack, such as anthrax scares. The proposed "Hoax Act of 2001" was intended to close the gap, but was not passed because it was drafted too broadly. The "Stop Terrorism and Military Hoaxes Act of 2004" includes much of the original basis of the 2001 statute, as well as the additional crime concerning hoaxes related to the status of a military member.

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Adolph said some individuals belonging to anti-war and anti-government groups may sometimes prey on family members as an act of rebellion to Soldiers actively engaged in conflict and could face stiff penalties if caught providing false information.

“Soldiers and their family members are easy targets for such groups who tend to prey on individuals with loved ones serving in combat,” Adolph said. “Victims of this scam should know that in the case of injury notifications, the Soldier will be asked to personally call the family. If unable to do so, the call will come from the Casualty and Mortuary Affairs Operations Center (CMAOC) at the U.S. Army Human Resources Command or the hospital where the Soldier is recovering.”

According to COL Pat Gawkins, CMAOC director, if a Soldier dies in theater or while recovering in a medical facility, a casualty notification officer will make an in-person notification.

“Unfortunately, there have been circumstances beyond our control when we have had to make notifications by telephone,” Gawkins said. “These calls are followed up immediately by a Soldier or officer who will extend condolences.

“We have had issues of the Record of Emergency Data (DD93) not having current addresses or incomplete next of kin information which have caused us to make telephonic notification,” he added. “In these cases, by simply trying to verify an address, or one next-of-kin calling another while their Casualty Notification Officer was present, we have made notification. Again, this happens in very few cases, but it does happen.”

In addition to the personal visit, Adolph said a casualty assistance officer will also provide immediate support for the family member whenever and wherever necessary to help the family through their crisis.

According to Stephens, the 2004 Hoax Act is meant to not only protect the victims of a hoax, but responders as well.

“The civil action portion of the statute means that in addition to criminal penalties, a person who violates the statute may be required to pay for the cost of any expenses that an emergency response or investigative agency incurs while responding to their hoax,” Stephens said. “Hoaxes distract federal, state and local law enforcement criminal investigators and emergency responders from a real crises and threats, resulting in a risk to public safety and national security.”

CID Special Agents recommend if a family member ever receives a call concerning the medical status of their loved ones deployed to a combat zone, they should note the name and telephone number of the caller, if possible, and contact the local Casualty Office or the American Red Cross to confirm. If the call is determined to be a hoax, immediately report the crime to the local CID office.

Solving and preventing these types of crime cannot be achieved solely by CID Special Agents and the Military Police. Together, professional law enforcement officers and the Army community must work hand-in-hand to fight serious crime. As such, CID is *On Point for the Army* and depends heavily on Soldiers, family members and civilian employees to *Be On The Lookout* and provides assistance in keeping the *Army Strong* and safe.

CID Lookout provides the latest information to the Army community aimed at helping Soldiers protect themselves, their families and to reduce their chances of becoming crime victims.

For more information on CID or to report a felony-level crime or provide information concerning a crime, contact your local CID Office or the Military Police, or visit www.cid.army.mil