



SECRETARY OF THE ARMY
WASHINGTON

07 JUL 2023

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2023-13 (Processing of Personal Effects by the Joint Personal Effects Depot)

1. References. See references enclosed.
2. Purpose. This directive assigns authorities and responsibilities to the Joint Personal Effects Depot (JPED) for the screening of personal effects (PE) of deceased servicemembers.
3. Applicability. This directive applies to the Regular Army, and Army National Guard/Army National Guard of the United States, and U.S. Army Reserve.
4. Policy. Where this policy conflicts with any other Army policy or procedures, this directive is controlling.
 - a. The Commander, U.S. Army Human Resources Command (HRC), through the Chief of Casualty and Mortuary Affairs Operations Division, oversees JPED, located at Dover Air Force Base, Delaware.
 - b. Pursuant to reference 1i, JPED is directed to screen the PE of decedents returning from a theater of operations or a specified named operation through mortuary affairs channels. Screening is defined as a review of the decedent's PE, including data residing on personal electronic devices (PEDs), to determine whether U.S. Government or military-owned information (classified, controlled unclassified information (CUI), or operational security (OPSEC) material) is present. This directive does not apply to living personnel departing the operational area of theater (such as medically evacuated personnel or personnel returning to station of assignment at the end of deployment) or personnel with duty status categorized as whereabouts unknown or missing.
 - c. JPED will make reasonable attempts to bypass encryption on PEDs. If the device is damaged to a point that data is inaccessible or encryption cannot be bypassed through available technological capabilities and software, JPED will transfer the unscreened devices to the person eligible to receive effects (PERE) in accordance with Army Regulation (AR) 638-2.

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d. The Commander, HRC will develop screening criteria to determine appropriate circumstances and parameters to guide JPED in accessing cloud or equivalent external internet-based server systems. Screening will be limited to the content that is accessible from the device. JPED will cease those screening activities at first indication that the server system is shared with another individual.

e. If JPED discovers content that may potentially cause added sorrow to the PERE on PEDs, it will not remove the content. JPED will coordinate with the casualty office or case manager to ensure that the casualty assistance officer or casualty assistance call officer discusses the nature of the content with the PEREs to determine preferences. The PERE will decide whether JPED is authorized to destroy the content or will ship the content with the PE. If the PERE wishes to receive the content, it will be sealed and will include a warning label indicating the presence of sensitive or potentially upsetting information. JPED will assess potentially harmful information based on an assessment of the totality of the case.

f. If JPED discovers prohibited or potentially criminal material within a decedent's PE—including classified information, CUI (such as external personally identifiable information (PII) or protected health information (PHI)), or OPSEC—while screening, it will follow the disposition guidelines outlined in this directive.

(1) Classified Information.

(a) If JPED discovers information that appears to be classified in PE, including PEDs, it will notify the combatant command or Service component that transferred the PE of the potential classified information discovered, the apparent level of classification, and the contact information of the organization or activity that will execute a detailed forensic investigation.

(b) JPED will transfer the device believed to contain classified information to the U.S. Army Intelligence and Security Command for Department of the Army (DA) personnel or appropriate Service component for non-DA personnel. Pending transfer, JPED will secure the classified information and associated devices and apply safeguards appropriate to the highest level of classification of any information detected among the apparent classified materials, as prescribed in chapter 6 of AR 380–5, and maintain the proper chain of custody.

(2) CUI and OPSEC. JPED will extract from the PE (including from PEDs) any content identified as CUI or that violates operational security principles.

(3) Suspected Criminal Activity.

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(a) DA Personnel. JPED will transfer the PE of DA personnel to the U.S. Army Criminal Investigation Division (USACID) if it discovers content containing suspected criminal activity pursuant to AR 195–2, table B–1, and AR 190–45, chapter 8, that may reasonably be believed to include data pertaining to war crimes, incidents involving children or detainees, significant theft, illegal drugs, violent crimes, or other criminal matters. Pending release to USACID, JPED will secure the information in accordance with AR 380–5.

(b) Non-DA Personnel. If JPED discovers suspected criminal activity within PE for Department of the Navy (including United States Marine Corps) or Department of the Air Force personnel (including Space Force), it will transfer the PE to either the Naval Criminal Investigative Service (NCIS) or the Air Force Office of Special Investigations (AFOSI), as appropriate, for follow-on investigation. Pending transfer to NCIS or AFOSI, JPED will secure the information in accordance with AR 380–5.

(4) JPED will remove all information or data from PE (including PEDs) that contains PII or PHI other than that of the decedent.

(5) The JPED summary court-martial officer (SCMO) is responsible for making the initial determination of data to extract from PE or to be considered for transfer to the appropriate authority to ensure that all information belonging to the government is removed before providing the PE to the PERE.

g. Critical Capacity Considerations. During large-scale combat operations or other events where the caseload exceeds JPED’s operational capability to ensure expedient processing and delivery of PE, the Commander, HRC may direct the Commander, JPED to transfer to the PERE unscreened PEDs determined to constitute low risk by JPED.

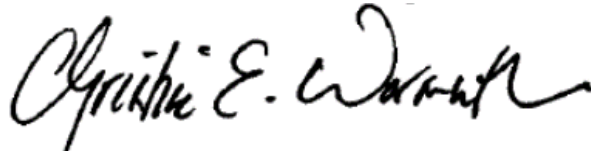
(1) High risk is determined by the decedent’s type of mission, unit, location, duty position, and other factors that the Commander, HRC determines to be relevant to determine likelihood of access to potential classified, CUI, or OPSEC material that, if compromised, may harm national security or cause other violations of law.

(2) Low-risk cases are those involving decedents with a reduced likelihood to have regular access to potential classified, CUI, or OPSEC material.

5. Proponent. The Assistant Secretary of the Army (Manpower and Reserve Affairs) has oversight responsibility for this policy. The Deputy Chief of Staff, G-1 will ensure its provisions are incorporated into AR 638–2 within 2 years of the date of this directive.

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6. Duration. This directive is rescinded on publication of the revised regulation.



Christine E. Wormuth

Encl

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REFERENCES

- a. Department of Defense (DoD) Directive 1300.22 (Mortuary Affairs Policy), 30 October 2015, incorporating Change 2, effective 2 September 2021
- b. DoD Instruction 1300.29 (Mortuary Affairs Program), 28 June 2021
- c. DoD Instruction 5505.03 (Initiation of Investigations by Defense Criminal Investigative Organizations), 24 March 2011, incorporating Change 2, effective 13 February 2017
- d. DoD Manual 5200.01, Volume 3 (DoD Information Security Program: Protection of Classified Information), 24 February 2012, incorporating Change 3, effective 28 July 2020
- e. Joint Publication 3-12 (Cyberspace Operations), 19 December 2022
- f. Army Directive 2020-16 (Determination and Reporting of Missing, Absent-Unknown, Absent Without Leave, and Duty Status-Whereabouts Unknown Soldiers), 17 November 2020
- g. Army Regulation 190-45 (Law Enforcement Reporting), 27 September 2016
- h. Army Regulation 195-2 (Criminal Investigation Activities), 21 July 2020
- i. Army Regulation 380-5 (Army Information Security Program), 25 March 2022
- j. Army Regulation 638-2 (Army Mortuary Affairs Program), 3 March 2023

Enclosure