

115. (Services) What are the procedures to ensure service members convicted of sexual assault offenses comply with the sex offender registration requirements. Please be sure to describe under what circumstances the subject of a substantiated sexual assault report is required to register as a sex offender with civilian police upon separating from the armed forces?

USA	<p>Under Rules for Courts-Martial (RCM) 1101(a) or 1304(b)(2)(F)(v), the trial counsel will prepare a report of the result of trial at the end of the court-martial proceedings on DD Form 2707-1 (Department of Defense Report of Result of Trial). The DD Form 2707-1 will indicate whether the conviction requires sex offender registration in accordance with 42 U.S.C. § 14071 (AR 27-10, para 24-2 lists qualifying offenses).</p> <p>If the Soldier is ordered to military confinement, corrections officials will ensure the registration requirements of DODI 1325.7, paragraph 6.18.5, are met for military sexual offenders in Army confinement facilities. The facility will forward a copy of DD Form 2791 (Notice of Release/Acknowledgement of Convicted Sex Offender Registration Requirements) to the National Sex Offenders Targeting Center (NSOTC) of the US Marshals Services, the Army Correction Command, and the chief law enforcement agencies in the state or jurisdiction where the prisoner will reside, work or attend school or vocational training upon release from confinement. Copies of the form will also be provided to foreign countries upon request. When a special or general court-martial finds an accused guilty of a covered offense but the sentence does not include confinement, the trial counsel, in the presence of the defense counsel, will immediately provide notice that the military sexual offender is subject to a registration requirement as a sex offender by requiring the military sexual offender to complete the acknowledgement, DA Form 7439 (Acknowledgement of Sex Offender Registration Requirements).</p> <ul style="list-style-type: none"> <li>• Failure of the trial counsel to notify offenders required to register will not relieve those offenders of their duty to register.</li> <li>• The trial counsel will immediately notify the convicted Soldier's immediate commander of the Soldier's registration requirements, and will furnish both the immediate commander and the garrison commander with copies of the DA Form 7439.</li> <li>• The trial counsel will ensure that copies of the acknowledgment are filed in the allied papers of the record of trial, provided to the installation Provost Marshal where the military sexual offender is assigned or will be assigned, filed in the military sexual offender's Performance Section of the Official Military Personnel File and unit file, and forwarded to the Office of The Judge Advocate General (OTAJG), Criminal Law Division.</li> </ul> <p>The Office of The Judge Advocate General (OTJAG) will forward all acknowledgements (DA Forms 7439) to the Army Human Resources Command. Installation provost marshals in the United States will provide written notice of the conviction or transfer to the chief law enforcement officer of the State; the chief law enforcement officer of the local jurisdiction in which the accused will reside; the State</p>
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	<p>or local agency responsible for the receipt or maintenance of a sex offender registration in the State or local jurisdiction in which the person will reside; and officials of foreign countries upon request. The provost marshal notifications to State and local officials are described in AR 190-45 paragraph 2-7 and DODI 1325.7, paragraph 6.18.6. Violations by military sexual offenders of the registration requirement are punishable under UCMJ, Art. 92.</p> <p>The Sex Offender Compliance Assessment program was established to support the U.S. Marshals, National Sex Offender Targeting Center in its mission to locate, apprehend, and prosecute non-compliant sex offenders in violation of the Adam Walsh Act (AWA). The USMS NSOTC is notified when a military convicted sex offender is released from confinement (DD Form 2791, Notification of Release), which leads to a subsequent assessment of his/her compliance with the AWA. If the Soldier needs assistance with becoming compliant, USMS helps facilitate this process with the local and state government. If a former Soldier is non-compliant, USMS assists with developing lead packets for Deputy U.S. Marshals in order to locate and prosecute the prior former Soldier.</p>
USAF	<p>Overview of Sex Offender Registration Procedures in the Air Force:</p> <ol style="list-style-type: none"> <li>a. When a member is convicted in a general or special court-martial of an offense triggering sex offender registration (listed in AFI 51-201, Administration of Military Justice), the Report of Result of Trial, will include a notation that sex offender registration is required.</li> <li>b. The list of qualifying offenses requiring sex offender registration is found in AFI 51-201, Figure 13.3.</li> <li>c. The Security Forces corrections officer at the facility in which the prisoner is detained sends the DD Form 2791 (which has the Report of Result of Trial attached) to the State Attorney General, Local Law Enforcement, and the State Sex Offender Registration Official in the jurisdiction in which the prisoner states that he or she will reside upon release. Security Forces responsibilities are detailed in AFI 31-205, The Air Force Corrections System. A copy of DD Form 2791 is attached. (Atch 7)</li> <li>d. The DD Form 2791 is sent to appropriate officials at least 2 weeks prior to the prisoner's release.</li> <li>e. If the prisoner is to be released on parole, the DD Form 2791 is also sent to the supervising probation officer.</li> <li>f. The DD Form 2791 is required even when confinement is not part of the sentence. In such cases Security Forces will notify the appropriate agencies within 24 hrs of being notified of the conviction by the Staff Judge Advocate.</li> <li>g. DD Form 2791 also includes the corrections officer notifying the prisoner</li> </ol>

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about his or her registration responsibilities and obtains the prisoner's acknowledgment of these responsibilities. After the initial notifications made by Security Forces detailed above, the responsibility is with the member to comply with sex offender registration laws.

#### Administrative Separation:

- a. A member who is administratively separated under AFI 36-3208, Administrative Separation of Airmen, and AFI 36-3206, Administrative Discharge Procedures for Commissioned Officers, for "sexual assault," is not required to register as a sex offender unless the basis for the administrative separation is a court-martial conviction for a qualifying offense.
- b. If the member is convicted (either at court-martial or in a civilian court) of a qualifying offense, then it is the conviction that triggers the sex offender registration requirement, not the administrative separation. That is, the appropriate officials would be notified based on the timing of the conviction (within 24 hrs if no confinement adjudged) or at least 2 weeks prior to the member's release from confinement, not based on the timing of the administrative separation.
- c. The member's DD Form 214 will include in the narrative section the reason for separation, which will be "sexual assault" if the member is discharged under that provision of the administration separation regulations (for example, other stated reasons for discharge could include "drug abuse," "commission of a serious offense," etc.).

#### Substantiated Sexual Assault Report

- a. The DoD definition of "substantiated report" is "sufficient evidence to provide to command for consideration of action to take some form of punitive, corrective, or discharge action against an offender."
- b. In the Air Force all Reports of Investigation are provided to commanders for consideration. AFOSI does not substantiate or unsubstantiated allegations.
- c. If a Commander, with the advice of his or her Staff Judge Advocate, determines there is sufficient evidence to take against a member, the Commander may prefer court-martial charges, offer the member nonjudicial punishment, or take administrative action. Only court-martial charges that result in a conviction for a qualifying offense at a general or special court-martial trigger sex offender registration requirements. Nonjudicial punishment and administrative actions do not trigger sex offender registration requirements.

AFI 51-201 [http://static.e-publishing.af.mil/production/1/af\\_ja/publication/afi51-201/afi51-201.pdf](http://static.e-publishing.af.mil/production/1/af_ja/publication/afi51-201/afi51-201.pdf)

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	AFI 31-205 <a href="http://static.e-publishing.af.mil/production/1/af_a4_7/publication/afi31-205/afi31-205.pdf">http://static.e-publishing.af.mil/production/1/af_a4_7/publication/afi31-205/afi31-205.pdf</a>
USN	<p>SECNAVINST 5800.14A (enclosed) identifies the military confinement facility Commanding Officer, Officer in Charge, Chief Petty Officer in Charge, or Brig Officer as responsible for ensuring that prior to the permanent release of a prisoner for whom sex offender notification is required, they provide written notice of the release of the prisoner to the proper authorities. Notification is provided to the following</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The chief law enforcement officer of the State in which the prisoner intends to reside upon release from confinement</li> <li><input type="checkbox"/> the chief law enforcement officer of the local jurisdiction in which the prisoner intends to reside upon release from confinement</li> <li><input type="checkbox"/> the State or local agency responsible for receipt or maintenance of a sex offender registration in the State or local jurisdiction in which the prisoner intends to reside upon release from confinement</li> <li><input type="checkbox"/> If outside the country, in accordance with laws of the country of destination</li> </ul> <p>The instruction also lays out responsibilities for notification by the Convening Authority, the Convening Authority's designee, and NCIS under certain unique conditions. Details on these reporting requirements are as follows:</p> <p>For all cases, the Convening Authority will provide the Report of Results of Trial, indicating any sex offender registration or notification requirement to be accomplished, and documentation of the offender's intended address of residence to NCIS. Notification must also be given to NCIS immediately upon completion of any post-trial action that would affect the service member's reporting requirements.</p> <p>Upon receiving notice from the Convening Authority of those military offenders meeting the aforementioned criteria, NCIS must ensure notifications are made, utilizing DD Form 2791 (enclosed), within 10 days of completion of judicial proceedings.</p> <p>The Convening Authority, or the Convening Authority's designee, must notify the NCIS no later than one (1) day after completion of judicial proceedings at a special or general courts-martial that results in the adjudication of a qualifying sex offense or crime against a minor when those offenders meet one of the following criteria:</p> <ul style="list-style-type: none"> <li>(a) Are not sentenced to any confinement, or receive a sentence in which all confinement is suspended;</li> <li>(b) Are not confined in a service-operated confinement facility; or</li> <li>(c) Are not or will not be under control of the U.S. Probation Office or Federal Prisons at the time of release from military service.</li> </ul>

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	<p>Additionally, Secretary of the Navy in 2008 established a policy directive prohibiting sex offenders from accessing to Department of Navy (DoN) Facilities to the maximum extent permitted by law (Memorandum dated 7 Oct 2008, enclosed). In particular, sex offenders are prohibited from occupying DoN owned or leased military housing or Public-Private Venture housing. This same policy directive prohibits enlistment or commissioning of sex offenders, directs administrative separation for convicted sex offenders (on active duty or in a reserve status) and provides other guidance on assignment and records maintenance. Chief of Naval Operations Instruction (OPNAVIST 1752.3) establishes policy, guidance and areas of responsibility for implementation of this memorandum and is enclosed for further reference.</p>
USMC	<p>SECNAVINST 5800.14A provides instructions for notification of sex offender status prior to release from military confinement, or notification by NCIS if the sex offender was not confined.</p> <p>If the Marine was confined in a military correctional facility following a conviction:</p> <p>Prior to the permanent release from confinement, the correctional facility (brig) will advise the prisoner of the registration requirements for the state the prisoner intends to reside within upon release.</p> <ul style="list-style-type: none"> <li>• Prior to the release of the prisoner, the confinement facility will provide written notice of the prisoner's impending release to: <ul style="list-style-type: none"> <li>– the chief law enforcement officer of the State in which the prisoner intends to reside upon release;</li> <li>– the chief law enforcement officer of the local jurisdiction in which the prisoner intends to reside; and</li> <li>– the State or local agency responsible for the receipt or maintenance of sex offender registration in that jurisdiction.</li> </ul> </li> </ul> <p>If the Marine was not sentenced to confinement, or was not confined in a military correctional facility following conviction:</p> <ul style="list-style-type: none"> <li>• No later than one working day after completion of the judicial proceeding, the Convening Authority will provide the Results of Trial indicating sex offender registration or notification requirements to NCIS.</li> <li>• NCIS will then notify the state and local law enforcement officials and the agency responsible for sex offender registration/notification in the jurisdiction of which the convicted service-member intends to reside, work or attend school.</li> </ul>
USCG	<p>The Sex Offender Registration and Notification Act (SORNA), Public Law 109-248, specifically includes certain Uniform Code of Military Justice (UCMJ) convictions in its definition of “sex offense.” In complying with SORNA, the Coast Guard does not have a stand-alone, agency- specific sex offender registration instruction. Rather, the Coast Guard follows the Department of Defense Instruction 1325.7 (March 11, 2013), which lists offenses that require a service member who is convicted at general or special court-martial to register with appropriate authorities.</p>

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	<p>Appropriate jurisdictions must ensure that all of the UCMJ convictions listed in DoD Instruction 1325.7 are included in their sex offender registration schemes.</p> <p>As per DODI 1325.7, appropriate officials must inform the person convicted member of his or her duty to register and must inform the appropriate officials in the offender's stated jurisdiction of residence prior to the prisoner's release from confinement or as soon as possible after conviction if not confined. For Coast Guard members convicted at court-martial and sentenced to confinement, DoD Confinement Facility personnel conduct the required notifications. For Coast Guard members not sentenced to confinement, the Coast Guard Investigative Service performs the required notifications.</p>
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**BY ORDER OF THE  
SECRETARY OF THE AIR FORCE**

**AIR FORCE INSTRUCTION 51-201**

**6 JUNE 2013**



**Law**

**ADMINISTRATION OF MILITARY JUSTICE**

**COMPLIANCE WITH THIS PUBLICATION IS MANDATORY**

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This instruction implements the Uniform Code of Military Justice (UCMJ), the Manual for Courts-Martial (MCM), and Air Force Policy Directive (AFPD) 51-2, *Administration of Military Justice*. It provides guidance and procedures for administering military justice. Users of this instruction must familiarize themselves with the UCMJ, MCM, and applicable Department of Defense (DoD) Directives. It applies to individuals at all levels, including Air National Guard (ANG) members and Air Force Reserve Command (AFRC) members. Commands may supplement this instruction only with the prior, written approval of Air Force Legal Operations Agency, Military Justice Division (AFLOA/JAJM), 1500 West Perimeter Road, Suite 1130, Joint Base Andrews Naval Air Facility Washington, MD 20762; DSN 612-4820. This instruction requires the collection and maintenance of information protected by the Privacy Act of 1974. The authority to collect and maintain this information is in 10 U.S.C. §§ 854 and 865. Privacy Act System of Records Notice F051 AF JA I, *Military Justice and Magistrate Court Records*, applies. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*; route AF Form 847s from the field through Major Command (MAJCOM) functional managers. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of in accordance with the Air Force Records Disposition Schedule (RDS) located in the Air Force Records Information Management System (AFRIMS).

13.7.1. Release of Court-Martial Record of Trial. RCM 1103(b)(2) defines a court-martial record of trial. The court-martial record of trial is subject to release determination under the Privacy Act and Freedom of Information Act. Information marked as classified, controlled, or sealed by judicial order should not be released absent an authoritative determination of releasability. A transcript of oral proceedings is not a record until authentication. When releasing records of trial under this paragraph, redact all Victim and Witness Protection Act and Privacy Act protected data, to include the names of victims of sex offenses, the names of children (under the age of 18), and the identity of victims who could be harmed by disclosure of their identity.

13.7.2. Release of Other Military Justice Documents or Records. All other documents or records, including documents which will become part of a record of trial, and including those which are attached to the court-martial record of trial but not made a part of the record of trial under the provisions of RCM 1103 (for example, an Article 32 report and its attachments) are also subject to release determination under the Privacy Act and Freedom of Information Act. However, due regard will be given to the potentially heightened privacy interests of an accused where a case has not been fully adjudicated as well as to whether any exemption, such as those included to protect ongoing deliberative processes or investigative processes should be invoked. Information marked as classified, controlled, or sealed by judicial order should not be released absent an authoritative determination of releasability. When releasing military justice documents or records under this paragraph, redact all Victim and Witness Protection Act and Privacy Act protected data, to include the names of victims of sex offenses, the names of children, and the identity of victims who could be harmed by disclosure of their identity.

13.7.3. Cases Disposed of by Acquittal or Action Other Than Court-Martial. When the charges against an accused were disposed of by an action other than court-martial, or when a court-martial results in an acquittal, due consideration must be given to the likelihood that the accused may have increased privacy interests in the protection of information contained in military justice documents or records. Less serious misconduct, which is handled administratively rather than judicially, generally is not considered of sufficient public interest to outweigh the privacy interest of the individual.

#### ***Section 13E—Special Interest Reports (SIRs)***

**13.8. Reporting Special Interest Cases to HQ USAF.** Certain offenses committed by Air Force members generate requests for information within HQ USAF, regardless of the member's grade or disposition by military or civilian authorities. Similarly, an accused's grade itself may generate requests for information, or necessitate HQ USAF knowledge of an alleged offense. SJAs must be sensitive to reporting requirements in this chapter, and make complete and timely reports. Reporting Special Interest cases is a base level responsibility. Reports should be prepared and forwarded within 24 hours of learning of the incident to AFLOA/JAJM by the base legal office prosecuting the case or, if the case is in a civilian court, the base legal office servicing the unit where the accused is assigned. None of the reporting requirements are intended to preclude a commander's complete evaluation of a case before deciding what action, if any, to take.

13.8.1. Officer, Cadet, CMSgt and SMSgt Cases. Regardless of offense, report all investigations into allegations involving officers, cadets, CMSgts, and SMSgts.

13.8.2. Serious Crimes. Regardless of grade, report cases involving the following crimes, including attempts, conspiracies, and solicitations to commit these crimes:

13.8.2.1. homicide;

13.8.2.2. sexual assault;

13.8.2.3. espionage, subversion, aiding the enemy, sabotage, spying, or violations of punitive regulations or statutes regarding the handling of classified information or the foreign relations of the United States;

13.8.2.4. environmental crimes, including civilian felony prosecution;

13.8.2.5. fraternization and unprofessional relationships; and

13.8.2.6. anthrax or smallpox refusals.

13.8.3. Cases with Command or Media Interest.

13.8.3.1. Report any case where the local chain-of-command for the accused or subject would likely provide information about the case to the MAJCOM commander and/or Headquarters Air Force (HAF). SJAs should also work with their respective command post to ensure they are made aware of criminal activity and other legal-related events or incidents reported to higher headquarters via OPREP3 as provided for in AFI 10-206, *Operational Reporting*.

13.8.3.2. Report any other case with potential community reaction, or potential or actual media coverage.

13.8.4. Report Format. Use the Special Interest Report in AMJAMS to generate reports. Ensure the initial report includes a detailed summary of the case by filling in all AMJAMS data fields. Include a thorough description of offenses, dates, UCMJ articles allegedly violated, the number of specifications under each offense, sufficient detail to provide senior leadership with a clear understanding of the facts and circumstances involved, whether media attention is anticipated, and any other unusual or significant features of the case. Identify incomplete facts in the report and follow-up as soon as possible.

13.8.4.1. Ensure sensitive investigative information is not included in the SIR without concurrence of the AFOSI Detachment Commander/Special Agent-in-Charge (SAC) or other investigating agency. See paragraph 13.31 for examples of sensitive investigative information.

13.8.4.2. For matters investigated by commander-directed investigation (CDI), IG or MEO, summarize the allegations, and when final, identify both substantiated and unsubstantiated findings.

13.8.4.3. For cases disposed of by NJP or administrative action (e.g. LOR or LOC), identify the wrongdoing or offenses alleged (e.g. "On (date), Subject served NJP/LOR for...").

13.8.4.4. For cases disposed of by civilian authorities, include information that identifies the court and jurisdiction and summarize the charges, pleas, findings and sentence.

13.8.4.5. If a matter was disposed of without action, explain why.

13.8.4.6. With sexual assault cases, make sure to put whether or not an STC was consulted under the "Pending Offense" subfolder, "Case Information" tab.

13.8.5. When to Report. Submit reports:

13.8.5.1. Within 24 hours after learning of an incident in any of the above-mentioned categories;

13.8.5.2. When a significant event in a reported case occurs after initial reporting. Significant events include disposition of investigation, when jurisdiction is obtained from civilian authorities, preferral of charges, trial, results of trial, Convening Authority action, date Article 15 offered, date Article 15 punishment imposed, and media interest;

13.8.5.3. Continue to submit reports until completion of administrative or disciplinary action, to include the decision whether to file the action in an OSR, or as directed by AF, MAJCOM or NAF legal offices. Exception: in officer cases involving involuntary separation, continue to report until completion of discharge processing.

13.8.6. When updating or reporting initial SIRs in accordance with triggering events listed in the previous paragraph, use the following format for the e-mail subject line as appropriate: (FOUO) NEW SIR: CASE ID # - RANK SURNAME – BASE; (FOUO) UPATED SIR: CASE ID # - RANK SURNAME – BASE.

13.8.6.1. All current event updates to a SIR should be completed no later than the 25<sup>th</sup> of each month.

13.8.7. AMJAMS Process. All special interest reporting should be accomplished via AMJAMS using the reports located on the AMJAMS reports page. Reporting special interest cases is a base responsibility. Updates should be made after every significant event until final disposition (e.g., Article 15, administrative action, preferral, Article 32, referral).

13.8.7.1. SAF and NAF/MAJCOM SIR buttons are located in the Special Interest Folder of AMJAMS. Click the "Special Interest reporting required" button for all cases listed in the paragraphs 13.8.1 to 13.8.4. The "NAF/MAJCOM SIR" button is selected when a NAF/MAJCOM requires additional reporting not required by this AFI and the information is for use by each individual NAF and MAJCOM.

13.8.7.2. Transmitting SIRs to AFLOA/JAJM. In addition to the requirement in paragraph 13.8.4, updates are made in AMJAMS by going to the AMJAMS Reports page on the web and selecting Special Interest Report. Next, put in the case ID and select case notes and run the report. Save a "pdf" copy of the SIR and send it to AFLOA/JAJM via e-mail to [JAJM.SIR@pentagon.af.mil](mailto:JAJM.SIR@pentagon.af.mil).

### *Section 13F—Reporting Referral of Additional Charges in Cases Pending Review*

**13.9. Reporting Referral of Additional Charges in Cases Pending Review.** If a case is pending review under Articles 66, 67 or 69, UCMJ, the headquarters referring new charges must notify AFLOA/JAJM of the facts relating to the new charges.

### *Section 13G—Reporting Foreign National USAF Member Cases*

### NOTICE OF RELEASE/ACKNOWLEDGEMENT OF CONVICTED SEX OFFENDER REGISTRATION REQUIREMENTS

1. TO	<input type="checkbox"/> STATE LAW ENFORCEMENT	<input type="checkbox"/> LOCAL LAW ENFORCEMENT	<input type="checkbox"/> STATE SEX OFFENDER REGISTRATION OFFICIAL
<b>U.S. MARSHALS - NATIONAL SEX OFFENDER TARGETING CENTER</b>			

a. ADDRESS (Include ZIP Code)	b. DATE (YYYYMMDD)
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The Department of Defense is notifying your office of the release of an offender who, based on available information, was convicted of a covered sex offense under 42 U.S.C. 16911, et seq., or a crime against a victim who was a minor. The offender is subject to sex offender registration under Federal law. For additional information, please contact POC with the facility of release who is identified below. As used in this form, state also includes tribe or territory.

#### PRIVACY ACT STATEMENT

**AUTHORITY:** 10 U.S.C. 951 (Note); 18 U.S.C. 2250; 42 U.S.C. 16911 et seq.; DoDI 1325.7; and E.O. 9397.

**PRINCIPAL PURPOSE(S):** To record the offender's acknowledgement of receiving sex offender registration notice and information pertaining to this requirement, and to document an offender's expected place of residence following release.

**ROUTINE USE(S):** To state and local law enforcement authorities for the purpose of notification that a sex offender will be residing in a local community and for the purpose of registering the individual as a sex offender.

**DISCLOSURE:** Voluntary; however, failure to provide requested information may result in the denial of your request for parole or delay your release from confinement or military service. Required to provide this information to Federal, state and local law enforcement agencies, in accordance with Federal law (18 U.S.C. 2250).

2. NAME OF OFFENDER (Last, First, Middle)	3. DATE OF BIRTH (YYYYMMDD)	4. SOCIAL SECURITY NUMBER	5. DISCHARGED (X one) <input type="checkbox"/> YES <input type="checkbox"/> NO	6. APPELLATE REVIEW (X one) <input type="checkbox"/> YES <input type="checkbox"/> NO
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7. CURRENT AND PRIOR CRIMINAL HISTORY OF SEXUAL OFFENSE(S)			
a. SPECIFIC OFFENSE TITLE AND DESCRIPTION (5 words or more)	b. DATE OF CONVICTION (YYYYMMDD)	c. PLACE OF CONVICTION	d. VICTIM'S AGE/ DATE OF BIRTH (YYYYMMDD)

8. MAX REL DATE (YYYYMMDD)	9. RELEASE CONDITIONS OR RESTRICTIONS

10. FACILITY OR COMMAND RELEASING OFFENDER	
a. NAME OF FACILITY OR COMMAND	b. ADDRESS (Include ZIP Code)

11. CORRECTIONAL FACILITY OR COMMAND POINT OF CONTACT (POC)		
a. NAME (Last, First, Middle Initial)	b. ADDRESS (Include ZIP Code)	c. TELEPHONE NUMBER (Include Area Code)

12. FACILITY COMMANDER OR COMMANDER RELEASING OFFENDER		
a. TYPED NAME (Last, First, Middle Initial)	b. SIGNATURE	c. DATE SIGNED (YYYYMMDD)

In the event you are not the law enforcement agency with jurisdiction authority consistent with the offender's release address, please forward these documents to the appropriate authority.

**NOTICE OF RELEASE/ACKNOWLEDGEMENT OF CONVICTED SEX OFFENDER  
REGISTRATION REQUIREMENTS**

**SUPPLEMENTAL LETTER**

*(Explain to the offender the requirements for registration in the identified jurisdiction.  
Have the offender read the information carefully, then initial the block adjacent to the right of each statement.)*

*(Offender's Initials)*

1. I, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,  
(Full Name - Last, First, Middle) (Grade/Rank) (Branch) (Social Security Number)  
 was convicted for the commission of (a) sexual offense(s) that (Circle one) did or did not include a sentence to  
 confinement, and require(s) me to register as a sex offender.

2. I acknowledge that I have been informed that I will be physically released from confinement on or about  
 \_\_\_\_\_,  
(YYYYMMDD)

3. I acknowledge that I have been informed that if I am retained in the armed forces, I must register as a sex  
 offender with both military and civilian law enforcement agencies with jurisdiction over the installation, and my  
 residence upon my physical arrival on \_\_\_\_\_ to my assigned unit.  
(YYYYMMDD)

4. I certify that upon release from confinement or military service I will reside at the following address:

\_\_\_\_\_  
 \_\_\_\_\_  
(Street, Apartment Number, City, State and ZIP Code)

5. I hereby acknowledge that I was informed that upon my release from confinement or military service, I am  
 subject to registration requirements under the Sex Offender Registration and Notification Act (SORNA) as a  
 sex offender within 72 hours in any state, territory, or tribal nation, in which I will reside, be employed, carry on  
 a vocation, or be a student.

6. I understand that if I am awaiting appellate review/administrative actions by my Service component, I am  
 required to register with the state and local law enforcement agencies until the appellate process is complete,  
 regardless of my location.

7. I understand that I must also register at least 21 days prior to any international travel.

8. I understand that I must contact the office that follows, to ensure that sex offender registration requirements  
 are met:

\_\_\_\_\_  
 \_\_\_\_\_  
(Organization, Address (Include ZIP Code), and Telephone Number)

9. I understand that should the office listed in block 8 not be the correct point of registry for the jurisdictions in  
 which I plan to reside, be employed, or go to school, I will seek out and register at all appropriate offices.

10. I acknowledge I have been informed that the sex offender registry of the jurisdiction in which I will reside upon  
 release from confinement or military service is being provided written notice about the offense(s) for which I  
 was convicted, that I am subject to a registration requirement as a sex offender, and the date I was released  
 from confinement or military service.

11. I acknowledge I have been informed that every change in my local address must be reported in the manner  
 provided by state or tribal law.

12. I acknowledge I have been informed that if I move to another state, I must report the change of address to  
 the responsible agency in the state I am leaving, and comply with the registration requirements in the new  
 state of residence.

13. I acknowledge I have been advised and understand that if I do not register and/or change or update such  
 information as required by a relevant state, tribal or territorial sex offender registration program, my failure to  
 comply with these requirements could result in such penalties as revocation of parole/MSR or prosecution  
 under Federal law (18 U.S.C. 2250), punishable by up to 10 years imprisonment.

14. Signed on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

a. WITNESS:

b. OFFENDER:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Signature)

(Print Full Name - Last, First, Middle Initial)

(Print Full Name - Last, First, Middle Initial)

**INSTRUCTIONS FOR COMPLETING DD FORM 2791**

**THE AGENCY THIS DD FORM 2791 IS BEING FORWARDED TO**

Block 1. Identify the type of law enforcement agency notification is being sent.  
Block 1.a. List the agency address, to include city, state and ZIP Code.  
Block 1.b. Enter the date the form is being filled out (YYYYMMDD - Year/ Month/Day).

**NOTE: The Privacy Act Statement should be read by all applicable offenders.**

**OFFENDER'S PERSONALLY IDENTIFIABLE INFORMATION**

Block 2. Enter the applicable offender's last name, first name and middle name.  
Block 3. Enter the applicable offender's date of birth (YYYYMMDD - Year/Month/Day).  
Block 4. Enter the applicable offender's complete Social Security number.

**DISCHARGED**

Block 5. Mark (X) the appropriate block (Yes or No) for the offender's affiliation with the military service.

**APPELLATE REVIEW**

Block 6. Mark (X) the appropriate block (Yes or No) if offender is awaiting or undergoing the appellate review process.

**CURRENT AND PRIOR HISTORY OF SEXUAL OFFENSE(S)**

Block 7.a. List all current and prior criminal history of sexual offenses (use brevity and conciseness in this limited space).  
Block 7.b. Enter the date of conviction (YYYYMMDD - Year/Month/Day).  
Block 7.c. Enter place of conviction (installation or city and state).  
Block 7.d. Annotate the age and date of birth (YYYYMMDD - Year/Month/Day) of the victim(s). It is important that the age of the victim(s) associated with the offender are annotated of not just minors, as the definition of a minor may vary from jurisdiction to jurisdiction. If this information is not in the court martial documents, ask the prisoner.

**MAX REL DATE**

Block 8. Enter offender's maximum release date from confinement (if applicable).

**RELEASE CONDITIONS OR RESTRICTIONS**

Block 9. Annotate reason for release (i.e., expiration of sentence, parole, or MSR).

**FACILITY OR COMMAND RELEASING OFFENDER**

Block 10.a. Enter the complete correctional facility name.  
Block 10.b. Enter the complete address of the correctional facility location that the offender is being released from, including city, state and ZIP Code.

**CORRECTIONAL FACILITY OR COMMAND POINT OF CONTACT (POC)**

Block 11.a. Enter last name, first name, and middle initial of facility POC.  
Block 11.b. Enter address of facility POC, to include ZIP Code.  
Block 11.c. Enter the telephone number of facility POC, including area code.

**FACILITY COMMANDER OR COMMANDER RELEASING OFFENDER**

Block 12.a. Enter last name, first name, and middle initial of correctional facility commander or the commander releasing the offender, including rank or title.  
Block 12.b. Facility commander's signature required or the commander releasing the offender.  
Block 12.c. Enter the date the form was signed (YYYYMMDD - Year/Month/ Day).

**PAGE 2, SUPPLEMENTAL LETTER**

**NOTE 1: Have offender read the information below carefully, then initial the block adjacent to the right of each statement.**

Block 1. Enter the offender's full name, grade/rank (if applicable), branch of Service, Social Security number, and select the appropriate response to indicate if the conviction(s) included a sentence to confinement.

Block 2. If applicable, annotate the date the offender is physically being released from the correctional facility.

Block 3. If applicable, annotate the date the offender will report to his/her unit of assignment.

Block 4. Enter the complete residence address including the city, state and ZIP Code.

Block 8. Enter the name of the law enforcement agency and the complete address (including city, state and ZIP Code) and telephone number (including the area code and extension, if applicable) where the offender is required to report for registration upon release from confinement or the Service Component.

Block 14. Enter the date the offender signed the Supplemental Letter. The witness and the offender sign the letter and legibly print their names on the appropriate line below their signatures. If an offender refuses to sign the letter, write "OFFENDER REFUSED TO SIGN" on the offender's signature line, notify the Commander, and process the form unless instructed otherwise.

**NOTICE OF RELEASE/ACKNOWLEDGEMENT OF CONVICTED SEX OFFENDER  
REGISTRATION REQUIREMENTS**

<b>1. TO</b>	<input type="checkbox"/> STATE LAW ENFORCEMENT	<input type="checkbox"/> LOCAL LAW ENFORCEMENT	<input type="checkbox"/> STATE SEX OFFENDER REGISTRATION OFFICIAL
	<input type="checkbox"/> U.S. MARSHALS - NATIONAL SEX OFFENDER TARGETING CENTER		

<b>a. ADDRESS (Include ZIP Code)</b>	<b>b. DATE (YYYYMMDD)</b>
--------------------------------------	---------------------------

The Department of Defense is notifying your office of the release of an offender who, based on available information, was convicted of a covered sex offense under 42 U.S.C. 16911, et seq., or a crime against a victim who was a minor. The offender is subject to sex offender registration under Federal law. For additional information, please contact POC with the facility of release who is identified below. As used in this form, state also includes tribe or territory.

**PRIVACY ACT STATEMENT**

**AUTHORITY:** 10 U.S.C. 951 (Note); 18 U.S.C. 2250; 42 U.S.C. 16911 et seq.; DoDI 1325.7; and E.O. 9397.

**PRINCIPAL PURPOSE(S):** To record the offender's acknowledgement of receiving sex offender registration notice and information pertaining to this requirement, and to document an offender's expected place of residence following release.

**ROUTINE USE(S):** To state and local law enforcement authorities for the purpose of notification that a sex offender will be residing in a local community and for the purpose of registering the individual as a sex offender.

**DISCLOSURE:** Voluntary; however, failure to provide requested information may result in the denial of your request for parole or delay your release from confinement or military service. Required to provide this information to Federal, state and local law enforcement agencies, in accordance with Federal law (18 U.S.C. 2250).

<b>2. NAME OF OFFENDER (Last, First, Middle)</b>	<b>3. DATE OF BIRTH (YYYYMMDD)</b>	<b>4. SOCIAL SECURITY NUMBER</b>	<b>5. DISCHARGED (X one)</b> <input type="checkbox"/> YES <input type="checkbox"/> NO	<b>6. APPELLATE REVIEW (X one)</b> <input type="checkbox"/> YES <input type="checkbox"/> NO
--	------------------------------------	----------------------------------	--	--

<b>7. CURRENT AND PRIOR CRIMINAL HISTORY OF SEXUAL OFFENSE(S)</b>			
a. SPECIFIC OFFENSE TITLE AND DESCRIPTION (5 words or more)	b. DATE OF CONVICTION (YYYYMMDD)	c. PLACE OF CONVICTION	d. VICTIM'S AGE/ DATE OF BIRTH (YYYYMMDD)

<b>8. MAX REL DATE (YYYYMMDD)</b>	<b>9. RELEASE CONDITIONS OR RESTRICTIONS</b>

<b>10. FACILITY OR COMMAND RELEASING OFFENDER</b>	
<b>a. NAME OF FACILITY OR COMMAND</b>	<b>b. ADDRESS (Include ZIP Code)</b>

<b>11. CORRECTIONAL FACILITY OR COMMAND POINT OF CONTACT (POC)</b>		
<b>a. NAME (Last, First, Middle Initial)</b>	<b>b. ADDRESS (Include ZIP Code)</b>	<b>c. TELEPHONE NUMBER (Include Area Code)</b>

<b>12. FACILITY COMMANDER OR COMMANDER RELEASING OFFENDER</b>		
<b>a. TYPED NAME (Last, First, Middle Initial)</b>	<b>b. SIGNATURE</b>	<b>c. DATE SIGNED (YYYYMMDD)</b>

In the event you are not the law enforcement agency with jurisdiction authority consistent with the offender's release address, please forward these documents to the appropriate authority.

## NOTICE OF RELEASE/ACKNOWLEDGEMENT OF CONVICTED SEX OFFENDER REGISTRATION REQUIREMENTS

### SUPPLEMENTAL LETTER

*(Explain to the offender the requirements for registration in the identified jurisdiction.  
Have the offender read the information carefully, then initial the block adjacent to the right of each statement.)*

<p>1. I, _____, _____, _____, _____, _____  <small>(Full Name - Last, First, Middle)      (Grade/Rank)      (Branch)      (Social Security Number)</small></p> <p>was convicted for the commission of (a) sexual offense(s) that (did or did not) include a sentence to confinement, and require(s) me to register as a sex offender.  <small>(Circle one)</small></p>	(Offender's Initials)
<p>2. I acknowledge that I have been informed that I will be physically released from confinement on or about _____  <small>(YYYYMMDD)</small></p>	
<p>3. I acknowledge that I have been informed that if I am retained in the armed forces, I must register as a sex offender with both military and civilian law enforcement agencies with jurisdiction over the installation, and my residence upon my physical arrival on _____ to my assigned unit.  <small>(YYYYMMDD)</small></p>	
<p>4. I certify that upon release from confinement or military service I will reside at the following address:           _____          _____  <small>(Street, Apartment Number, City, State and ZIP Code)</small></p>	
<p>5. I hereby acknowledge that I was informed that upon my release from confinement or military service, I am subject to registration requirements under the Sex Offender Registration and Notification Act (SORNA) as a sex offender within 72 hours in any state, territory, or tribal nation, in which I will reside, be employed, carry on a vocation, or be a student.</p>	
<p>6. I understand that if I am awaiting appellate review/administrative actions by my Service component, I am required to register with the state and local law enforcement agencies until the appellate process is complete, regardless of my location.</p>	
<p>7. I understand that I must also register at least 21 days prior to any international travel.</p>	
<p>8. I understand that I must contact the office that follows, to ensure that sex offender registration requirements are met           _____          _____  <small>(Organization, Address (include ZIP Code), and Telephone Number)</small></p>	
<p>9. I understand that should the office listed in block 8 not be the correct point of registry for the jurisdictions in which I plan to reside, be employed, or go to school, I will seek out and register at all appropriate offices.</p>	
<p>10. I acknowledge I have been informed that the sex offender registry of the jurisdiction in which I will reside upon release from confinement or military service is being provided written notice about the offense(s) for which I was convicted, that I am subject to a registration requirement as a sex offender, and the date I was released from confinement or military service.</p>	
<p>11. I acknowledge I have been informed that every change in my local address must be reported in the manner provided by state or tribal law.</p>	
<p>12. I acknowledge I have been informed that if I move to another state, I must report the change of address to the responsible agency in the state I am leaving, and comply with the registration requirements in the new state of residence.</p>	
<p>13. I acknowledge I have been advised and understand that if I do not register and/or change or update such information as required by a relevant state, tribal or territorial sex offender registration program, my failure to comply with these requirements could result in such penalties as revocation of parole/MSR or prosecution under Federal law (18 U.S.C. 2250), punishable by up to 10 years imprisonment.</p>	
<p>14. Signed on this _____ day of _____, _____.</p> <p>a. WITNESS: _____      b. OFFENDER: _____  <small>(Signature)      (Signature)</small></p> <p>_____      _____  <small>(Print Full Name - Last, First, Middle Initial)      (Print Full Name - Last, First, Middle Initial)</small></p>	

## INSTRUCTIONS FOR COMPLETING DD FORM 2791

**THE AGENCY THIS DD FORM 2791 IS BEING FORWARDED TO**

Block 1. Identify the type of law enforcement agency notification is being sent.

Block 1.a. List the agency address, to include city, state and ZIP Code.

Block 1.b. Enter the date the form is being filled out (YYYYMMDD - Year/ Month/Day).

**NOTE:** The Privacy Act Statement should be read by all applicable offenders.

**OFFENDER'S PERSONALLY IDENTIFIABLE INFORMATION**

Block 2. Enter the applicable offender's last name, first name and middle name.

Block 3. Enter the applicable offender's date of birth (YYYYMMDD - Year/Month/Day).

Block 4. Enter the applicable offender's complete Social Security number.

**DISCHARGED**

Block 5. Mark (X) the appropriate block (Yes or No) for the offender's affiliation with the military service.

**APPELLATE REVIEW**

Block 6. Mark (X) the appropriate block (Yes or No) if offender is awaiting or undergoing the appellate review process.

**CURRENT AND PRIOR HISTORY OF SEXUAL OFFENSE(S)**

Block 7.a. List all current and prior criminal history of sexual offenses (use brevity and conciseness in this limited space).

Block 7.b. Enter the date of conviction (YYYYMMDD - Year/Month/Day).

Block 7.c. Enter place of conviction (Installation or city and state).

Block 7.d. Annotate the age and date of birth (YYYYMMDD - Year/Month/Day) of the victim(s). It is important that the age of the victim(s) associated with the offender are annotated of not just minors, as the definition of a minor may vary from jurisdiction to jurisdiction. If this information is not in the court martial documents, ask the prisoner.

**MAX REL DATE**

Block 8. Enter offender's maximum release date from confinement (if applicable).

**RELEASE CONDITIONS OR RESTRICTIONS**

Block 9. Annotate reason for release (i.e., expiration of sentence, parole, or MSR).

**FACILITY OR COMMAND RELEASING OFFENDER**

Block 10.a. Enter the complete correctional facility name.

Block 10.b. Enter the complete address of the correctional facility location that the offender is being released from, including city, state and ZIP Code.

**CORRECTIONAL FACILITY OR COMMAND POINT OF CONTACT (POC)**

Block 11.a. Enter last name, first name, and middle initial of facility POC.

Block 11.b. Enter address of facility POC, to include ZIP Code.

Block 11.c. Enter the telephone number of facility POC, including area code.

**FACILITY COMMANDER OR COMMANDER RELEASING OFFENDER**

Block 12.a. Enter last name, first name, and middle initial of correctional facility commander or the commander releasing the offender, including rank or title.

Block 12.b. Facility commander's signature required or the commander releasing the offender.

Block 12.c. Enter the date the form was signed (YYYYMMDD - Year/Month/ Day).

**PAGE 2, SUPPLEMENTAL LETTER**

**NOTE 1:** Have offender read the information below carefully, then initial the block adjacent to the right of each statement.

Block 1. Enter the offender's full name, grade/rank (if applicable), branch of Service, Social Security number, and select the appropriate response to indicate if the conviction(s) included a sentence to confinement.

Block 2. If applicable, annotate the date the offender is physically being released from the correctional facility.

Block 3. If applicable, annotate the date the offender will report to his/her unit of assignment.

Block 4. Enter the complete residence address including the city, state and ZIP Code.

Block 8. Enter the name of the law enforcement agency and the complete address (including city, state and ZIP Code) and telephone number (including the area code and extension, if applicable) where the offender is required to report for registration upon release from confinement or the Service Component.

Block 14. Enter the date the offender signed the Supplemental Letter. The witness and the offender sign the letter and legibly print their names on the appropriate line below their signatures. If an offender refuses to sign the letter, write "OFFENDER REFUSED TO SIGN" on the offender's signature line, notify the Commander, and process the form unless instructed otherwise.



RSP Q115 supporting document for USN

DEPARTMENT OF THE NAVY  
OFFICE OF THE CHIEF OF NAVAL OPERATIONS  
2000 NAVY PENTAGON  
WASHINGTON, D.C. 20350-2000

OPNAVINST 1752.3  
N135  
27 May 09

OPNAV INSTRUCTION 1752.3

From: Chief of Naval Operations

Subj: POLICY FOR SEX OFFENDER TRACKING, ASSIGNMENT AND ACCESS RESTRICTIONS WITHIN THE NAVY

Ref: (a) SECNAV Memo of 7 Oct 08, Policy for Sex Offender Tracking and Assignment and Access Restrictions within the Department of the Navy (NOTAL)  
(b) Sex Offender Registration and Notification Act of 2006 (SORNA) (Section 16912 of Title 42, United States Code)  
(c) Department of Justice, Office of the Attorney General, The National Guidelines for Sex Offender Registration and Notification of 2 Jul 08 (Pages 38030-38070 of Volume 73, Number 128, Federal Register)  
(d) SECNAVINST 1640.9C  
(e) MILPERSMAN 1900-040  
(f) SECNAV Memo of 11 Jun 08, Delegation of Authority to Issue Debarment Letters (NOTAL)

1. Purpose. This instruction establishes policy, guidance, and areas of responsibility to implement reference (a), the Navy policy on sex offender tracking, assignment and access restrictions within the Navy.

2. Background. Reference (a) incorporates the sex offender definitions provided by references (b) and (c), establishes requirements for sex offender tracking, and imposes restrictions regarding assignment and access within the Navy.

3. Policy

a. To the maximum extent permitted by law, unless waived by competent authority, sex offenders are to be identified and prohibited from accessing Navy facilities. This provision does not apply to prisoners within Navy confinement facilities who are separately controlled pursuant to reference (d).

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27 May 09

b. Except where prohibited by law, or otherwise waived by competent authority, sex offenders shall not occupy Navy owned or leased military housing or Public-Private Venture (PPV) housing.

c. Sex offenders shall not be allowed to enlist or be processed for commissioning into the Navy.

d. Navy members who are convicted of a sex offense while on active duty, or in a reserve status, and who are not punitively discharged, shall be processed for administrative separation per reference (e).

e. Sex offenders on active duty shall not be assigned Outside Continental United States (OCONUS) or its territories. Navy personnel whose sponsored family members are sex offenders shall not be stationed OCONUS or its territories on accompanied orders, unless waived by competent authority.

f. Navy members who are convicted of qualifying sex offenses while on active duty and retire, or are transferred to the Fleet Reserve, shall have the sex offense conviction recorded in their permanent military record. Such sex offenders shall not be subject to recall for any purpose without express authority of the Secretary of the Navy (SECNAV). Likewise, Navy members who are retired, or transferred to the Fleet Reserve, and who are later convicted of a qualifying sex offense, shall not be subject to recall without express authority of SECNAV.

4. Definitions. A sex offender is defined as a person convicted of a criminal offense per guidelines in reference (c) and all persons who are required to be registered as sex offenders according to this same reference.

5. Action

a. Commander, Navy Installations Command (CNIC) shall:

(1) In coordination with Assistant Secretary of the Navy (Installations and Environment) (ASN(I&E)), establish procedures governing the prohibition of sex offenders in Department of the Navy owned or leased housing, or PPV housing, under the cognizance of the Navy.

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(2) Establish procedures to identify sex offenders incident to application for housing assignment, base access, vehicle registration and renewal of identification cards.

(3) Pursuant to reference (f) authority, issue Navy-wide debarment letters to identified sex offenders who might otherwise have access to Naval facilities.

b. Chief of Naval Personnel shall:

(1) In liaison with the Department of Justice and in coordination with Assistant Secretary of the Navy (Manpower and Reserve Affairs) and Deputy Commandant of the Marine Corps (Manpower and Reserve Affairs), develop initial and periodic update procedures to identify and track sex offenders who are on active duty, reserve, retired, Fleet Reserve or civilian employee status within the Navy.

(2) Pursuant to reference (f), issue Navy-wide debarment letters to identified sex offenders who might otherwise have access to naval facilities.

c. Commander, Navy Recruiting Command shall establish and publish procedures to prevent the enlistment or commissioning of sex offenders within the Navy.

d. Commander, Navy Personnel Command shall:

(1) Establish procedures to ensure that Navy members who are convicted of a sex offense while on active duty, or in a reserve status, but were not discharged, are processed for administrative separation per reference (e).

(2) In coordination with CNIC and ASN(I&E), develop procedures for archiving, researching and retrieving Navy-wide debarment letters.

(3) Establish procedures to prevent the overseas assignment of Navy members who are sex offenders.

(4) Establish procedures to prevent accompanied overseas permanent change of station assignments to Navy members whose sponsored family members are sex offenders.

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(5) Establish procedures to ensure that Navy members convicted of sex offenses while on active duty and who retire, or are transferred to the Fleet Reserve, have the sex offense conviction recorded in their permanent records and are not recalled to active duty.

(6) Establish procedures to screen retirees and Fleet Reserve personnel for sex offense convictions prior to recall in order to ensure members with such convictions are not subject to recall to active duty.

6. Records Management. Records created as a result of this instruction, regardless of media and format, shall be managed per SECNAV Manual 5210.1 of November 2007.

7. Waiver of policy. All requests for waivers of the above policy shall be submitted to SECNAV for approval.



M. E. FERGUSON III  
Vice Admiral, U.S. Navy  
Deputy Chief of Naval Operations  
(Manpower, Personnel, Training  
and Education)

Distribution:

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NAVY Q115



DEPARTMENT OF THE NAVY

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20350

SECNAVINST 5800.14A  
PERS-68

MAY 24 2005

SECNAV INSTRUCTION 5800.14A

From: Secretary of the Navy  
To: All Ships and Stations

Subj: NOTICE OF RELEASE OF MILITARY OFFENDERS CONVICTED OF  
SEX OFFENSES OR CRIMES AGAINST MINORS

Ref: (a) 10 U.S.C. 951 (Section 115(a)(8)(C) of P.L. 105-119  
of 26 Nov 97, 111 Stat 2466, reprinted as a note  
thereto)  
(b) 42 U.S.C. 14071  
(c) DOD Directive 1325.4 of 17 Aug 01  
(d) DOD Instruction 1325.7 of 17 Jul 01

Encl: (1) List of Offenses Requiring Processing as a Convicted  
Sex Offender  
(2) DD 2791 (APR 03), Notice of Release/Acknowledgement  
of Convicted Sex Offender Registration Requirements

1. Purpose

a. To provide policy and guidance for management of the notification program for military offenders currently or previously adjudged at a general or special courts-martial, or convicted by a State, Federal, or foreign court of a sex offense or crime against a minor for which notification is required.

b. To designate those persons responsible for identifying offenders for whom sex offender notifications are required.

c. To perform notifications required by references (a) and (b).

2. Cancellation. SECNAVINST 5800.14.

3. Discussion. Sex offenders were previously required to register themselves with appropriate authorities in the locality where they chose to live. This requirement has been expanded to better meet the needs of the community. References (c) and (d) implement the requirements of references (a) and (b) to ensure

SECNAVINST 5800.14A

registration and notification to State and local levels are made by the Services, not just the offender.

4. Applicability. This instruction applies throughout the Department of the Navy. It pertains to all Department of the Navy offenders who:

a. Have been adjudged, at any time, at a general or special courts-martial of a qualifying sex offense or crime against a minor as listed in enclosure (1).

b. Have a history of any State, Federal, or foreign conviction for a qualifying sex offense or crime against a minor for which notification is required.

5. Policy. The Department of the Navy will take steps necessary to register all offenders currently or previously adjudged at a general or special courts-martial, or previously convicted by a State, Federal, or foreign court of a sex offense or crime against a minor as required by references (a) through (d).

6. Limitation. No limitations are placed on the lawful prerogatives of the Department of the Navy or its officials.

7. Responsibility

a. The Assistant Secretary of the Navy (Manpower and Reserve Affairs) is responsible for overall policy and execution of this notification program.

b. Commander, Navy Personnel Command (PERS-84) (Corrections and Programs Division) and Commandant of the Marine Corps (PSL Corrections) are assigned as "Component-Responsible Officials" and shall:

(1) Develop and implement a notification program using a multi-disciplinary approach by judge advocates, corrections personnel, the Naval Criminal Investigative Service, and unit commanding officers.

(2) Establish procedures to ensure this notification program is in compliance with references (c) and (d).

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(3) Establish a training program to ensure that service providers receive instruction in fulfilling the requirements for the Department of the Navy Notification Program.

(4) Establish an integrated and comprehensive system meeting the requirements of references (c) and (d).

(5) Coordinate provision of personnel in sufficient numbers to ensure that the program is effective.

b. The Component-Responsible Officials of this notification program for military offenders confined in their respective Service's correctional facilities shall:

(1) Ensure that prior to the permanent release from confinement of a prisoner, for whom sex offender notification is required, the correctional facility's commanding officer, officer in charge, chief petty officer in charge, or brig officer advise the prisoner of the registration requirements of the State in which the prisoner intends to reside upon release from confinement.

(2) Ensure that confinement facilities, through the use of enclosure (2), obtain the prisoner's acknowledgement in writing that the prisoner has been informed of the registration requirements. The notice, provided to the prisoner shall contain information that the prisoner is subject to a registration requirement as a sex offender in any State in which the prisoner resides, is employed, carries on a vocation, or is a student. The documentation shall be made a part of the prisoner's permanent file and the files maintained per current regulations.

(3) Ensure that before permanent release of a prisoner to a location inside the United States, for whom sex offender notification is required, the facility's commanding officer, officer in charge, chief petty officer in charge, or brig officer provide written notice of the release using enclosure (2) to the following:

(a) The chief law enforcement officer of the State in which the prisoner intends to reside upon release from confinement.

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(b) The chief law enforcement officer of the local jurisdiction in which the prisoner intends to reside upon release from confinement.

(c) The State or local agency responsible for the receipt or maintenance of a sex offender registration in the State or local jurisdiction in which the prisoner intends to reside upon release from confinement.

(4) Ensure that before permanent release of a prisoner to a destination outside the United States, for whom sex offender notification is required, written notice of the offender's return to the community is provided using enclosure (2) per laws of the country of destination.

(5) Ensure enclosure (2) is used for making required notifications. The notice shall be provided in order to be received at least 5 days prior to the prisoner's permanent release from confinement. A prisoner's release date may not be extended due to failure of the confinement facility to complete required notifications prior to release.

(6) Ensure that upon transfer of a military prisoner, for whom sex offender notification is required, to a State or local confinement facility, or to a facility under the control of the Federal Bureau of Prisons, the Naval confinement facility provides written notification to the receiving confinement facility that the prisoner has been convicted. The receiving confinement facility will provide notice of release and inform the prisoner concerning registration obligations under the law. Notification to State and local officials is not required when prisoners are transferred to another correctional facility.

c. The Convening Authority or the Convening Authority's Designee shall:

(1) Ensure documentation of any sex offender registration or notification requirements for military offenders adjudged at a special or general courts-martial are included in the Reports of Results of Trial.

(2) After completion of judicial proceedings at a general or special courts-martial, and upon post-trial confinement of military offenders, provide documentation (i.e.,

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Reports of Results of Trial) to the designated confinement facility indicating any sex offender registration or notification requirement to be accomplished by the confinement facility as described in paragraph 7b above.

(3) (no later than one working day after completion of judicial proceedings at a special or general courts-martial, resulting in adjudgement of a qualifying sex offense or crime against a minor) provide the Reports of Results of Trial indicating any sex offender registration or notification requirement to be accomplished, and documentation of the offender's stated intended address of residence (specifying the city and State) to the Naval Criminal Investigative Service when those offenders:

(a) Are not sentenced to any confinement, or receive a sentence in which all confinement is suspended.

(b) Are not confined in a service-operated confinement facility.

(c) Are not or will not be, under control of the U.S. Probation Office or Federal Bureau of Prisons at the time of release from military service.

(4) Obtain the member's acknowledgement in writing that they were informed of the registration requirements.

(5) Immediately, upon completion of any post-trial action that would affect reporting requirements under references (a) through (d), including, for example, modification or disapproval of findings or sentence, provide notification to the Naval Criminal Investigative Service of such action.

d. The Naval Criminal Investigative Service, upon notification from a convening authority concerning those military offenders adjudged at a general or special courts-martial for whom sex offender notification is required, shall:

(1) Ensure required notifications are made in order to be received within 10 days of the completion of:

(a) Judicial proceedings for those offenders meeting conditions of paragraph 7c(3)(a) and (b).

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(b) Any post-trial action described in paragraph 7c(5).

(2) Ensure enclosure (2) is used for making required notifications.

(3) Ensure written notice of an offender's return to the community is provided to

(a) Officials outlined in paragraphs 7b(3)(a), 7b(3)(b), and 7b(3)(c) for offenders returning to a destination inside the United States.

(b) Officials outlined in paragraph 7b(4) for offenders returning to a destination outside the United States.

(4) Ensure prompt notification of all recipients of notifications that the previous notice is withdrawn in the event that notification of an offender's return to the community based on conviction for a sex offense or crime against a minor has been made, after which all such findings are disapproved in post-trial action described in paragraph 7(c)(5), and no conviction for a sex offense or crime against a minor is approved.

e. The Navy's Judge Advocate General shall provide advice, guidance, and assistance regarding the legal aspects of this notification program.

8. Form. DD 2791 (APR 03), Notice of Release/Acknowledgment of Military Offender Convicted of Sex Offender Registration Requirements may be obtained from [www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm](http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm):



WILLIAM A. NAVAS, JR.  
Assistant Secretary of the Navy  
(Manpower and Reserve Affairs)

Distribution:  
Electronic only via Navy Directives Website  
<http://neds.daps.dla.mil//>

SECNAVINST 5800.14A

**LIST OF OFFENSES REQUIRING PROCESSING AS A CONVICTED  
SEX OFFENDER**

Conviction of any of the following offenses punishable under the Uniform Code of Military Justice (UCMJ) shall require notification of State and local law enforcement agencies and provide information to inmates concerning sex offender registration requirements. For purposes of this instruction, conduct which is criminal only because of the age of the victim shall not be considered a triggering offense if the perpetrator was 18 years of age or younger when the offense was committed.

<u>UCMJ Art.</u>	<u>DIBRS Code</u>	<u>Offense</u>
120	120A	Rape
120	120B1/2	Carnal Knowledge
125	125A	Forcible Sodomy
125	125b1/2	Sodomy of a Minor
133	133D	Conduct Unbecoming an Officer (involving any sexually violent offense or a criminal offense of a sexual nature against a minor or kidnapping of a minor).
	134-B6	Prostitution Involving a Minor
134	134-C1	Indecent Assault
134	134-C4	Assault with Intent to Commit Rape
134	134-C6	Assault with Intent to Commit Sodomy
134	134-R1	Indecent Act with a Minor
134	134-R3	Indecent Language to a Minor
134	134-S1	Kidnapping of a Minor (by a person not parent)
134	134-Z	Indecent exposure committed in the presence of a minor; depositing obscene materials involving minors in the mail; and pandering involving minors.
134	134-Z	Conduct Prejudicial to Good Order and Discipline (involving any sexually violent offense or a criminal offense of a sexual nature against a minor or kidnapping of a minor)

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SECNAVINST 5800.14A

<u>UCMJ Art</u>	<u>DIBRS Code</u>	<u>Offense</u>
134	134-Y2	Conviction under Federal or assimilated State law for offenses or sexual violence, or of a sexual nature against or involving a minor, including the production, possession, or transmission of pornography that depicts a minor, or kidnapping a minor
80		Attempt (to commit any of the foregoing)
81		Conspiracy (to commit any of the foregoing)
82	082-A	Solicitation (to commit any of the foregoing)

SECNAVINST 5800.14A

## FOR OFFICIAL USE ONLY (When Filled In)

NOTICE OF RELEASE/ACKNOWLEDGEMENT OF CONVICTED SEX OFFENDER REGISTRATION REQUIREMENTS			
1. TO	STATE LAW ENFORCEMENT	LOCAL LAW ENFORCEMENT	STATE SEX OFFENDER REGISTRATION OFFICIAL
a. ADDRESS (Include ZIP Code)		b. DATE (YYYYMMDD)	
<p>Pursuant to 10 U.S.C. 951 (Note) and DODI 1325.7, paragraph 6.18.5, the Department of Defense is notifying your office of the release of an offender who, based on available information, was convicted of a sex offense or a crime against a victim who was a minor. The offender is subject to sex offender registration under Federal law. For additional information, please contact the point of contact with facility of release who is identified below.</p> <p style="text-align: center;"><b>PRIVACY ACT STATEMENT</b></p> <p><b>AUTHORITY:</b> 10 U.S.C. 951 (Note); DODI 1325.7, paragraph 6.18.5; and E.O. 9397.</p> <p><b>PRINCIPAL PURPOSE(S):</b> To notify an offender of the requirement to register upon release from confinement or military service with the state authorities as a sex offender, to record the offender's acknowledgement of receiving notice of and information pertaining to the requirement, and to obtain an offender's expected place of residence following release.</p> <p><b>ROUTINE USE(S):</b> To State and local law enforcement authorities for purposes of notification that a sex offender will be residing in a local community and to State or local officials for purposes of registering the individual as a sex offender.</p> <p><b>DISCLOSURE:</b> Voluntary; however, failure to provide an expected place of residency may result in denial of your request for parole or delay your release from confinement or military service.</p>			
2. NAME OF OFFENDER (Last, First, Middle Initial)	3. DATE OF BIRTH (YYYYMMDD)	4. SOCIAL SECURITY NUMBER	
5. CURRENT AND PRIOR CRIMINAL HISTORY OF SEXUAL OFFENSE(S)			
SPECIFIC OFFENSE TITLE AND DESCRIPTION (5 words or more)		b. DATE OF CONVICTION (YYYYMMDD)	c. PLACE OF CONVICTION
6. FINAL RELEASE DATE (YYYYMMDD)		7. RELEASE CONDITIONS OR RESTRICTIONS	
8. OFFENDER'S ACKNOWLEDGEMENT OF SEX OFFENDER REGISTRATION REQUIREMENTS			
<p>I, _____ (Full Name - Last, First, Middle) _____ (Rank) _____ (Service) _____ (Social Security Number), was convicted and sentenced for the commission of <input type="checkbox"/> a sexual offense <input type="checkbox"/> sexual offenses <input type="checkbox"/> an offense involving a _____ year old minor.</p> <p>I have been informed that I will be released from confinement or military service on or about: _____ (YYYYMMDD).</p> <p>I certify that upon release from confinement or military service I will reside at the following address: _____ (Initial)</p> <p style="text-align: center;">(Street, Apartment Number, City, State and ZIP Code)</p> <p>I hereby acknowledge that I was informed that upon my release from confinement or military service, I am subject to registration requirements as a sex offender in any State or U.S. territory in which I will reside, be employed, carry on a vocation, or be a student. I was further informed that the chief local law enforcement officer of the jurisdiction in which I will reside upon release from confinement or military service is being provided written notice of the date of my release from confinement or military service, the offense(s) of which I was convicted, and that I am subject to a registration requirement as a sex offender. This notice will also be submitted to state law enforcement and sex offender officials. I understand that I must contact the office that follows, to ensure that sex offender registration requirements are met: _____ (Initial)</p> <p style="text-align: center;">(Organization, Address (Include ZIP Code), and Telephone Number)</p> <p>I acknowledge that I was informed that every change in my address must be reported in the manner provided by State law. I also acknowledge being informed that if I move to another state, I must report the change of address to the responsible agency in the state I am leaving, and comply with the registration requirements in the new state of residence. I understand that the failure to register may constitute grounds to revoke parole. Finally, I understand that if I fail to register and/or change or update such registration information as required under a State sex offender registration program, I may be subject to criminal prosecution.</p> <p>Signed on this _____ day of _____</p> <p>WITNESS: (Signed Name) _____ OFFENDER: (Signed Name) _____ (Printed Name) _____ (Printed Name) _____</p>			
9. CONFINEMENT FACILITY OR COMMAND RELEASING OFFENDER			
a. NAME OF FACILITY OR COMMAND		b. ADDRESS (Include ZIP Code)	
10. CONFINEMENT FACILITY OR COMMAND POINT OF CONTACT			
a. NAME (Last, First, Middle Initial)	b. ADDRESS (Include ZIP Code)	c. TELEPHONE NUMBER (Include Area Code)	
11. CONFINEMENT FACILITY COMMANDER OR COMMANDER RELEASING OFFENDER			
a. TYPED NAME (Last, First, Middle Initial)	b. SIGNATURE	c. DATE SIGNED (YYYYMMDD)	
<p>In the event you are not the law enforcement agency with jurisdiction authority consistent with the offender's release address, please forward these documents to the appropriate authority.</p>			

DD FORM 2791, APR 2003

REPLACES PREVIOUS EDITION AND DD FORM 2791-1, WHICH ARE OBSOLETE.

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Enclosure (2)

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THE SECRETARY OF THE NAVY  
WASHINGTON DC 20350 1000

OCT 07 2008

MEMORANDUM FOR COMMANDANT OF THE MARINE CORPS  
CHIEF OF NAVAL OPERATIONS

SUBJECT: Policy for Sex Offender Tracking and Assignment and Access Restrictions  
within the Department of the Navy

- References: (a) Sex Offender Registration and Notification Act of 2006 (Title 42, United States Code, Section 16912)
- (b) The National Guidelines for Sex Offender Registration and Notification July 2, 2008. (Federal Register Vol. 73, No. 128, pp, 38030-69)

This memorandum establishes requirements within the Department of the Navy (DON) regarding identification, assignment, and access restriction pertaining to sex offenders consistent with the definitions provided in references (a) and (b). The policy provisions herein shall be implemented throughout the DON as soon as practicable, but not later than December 31, 2008.

For purposes of this policy directive, the term "sex offender" is defined as a person having been convicted of a criminal offense according to guidelines in reference (b) and applies to all persons who are required to be registered as sex offenders according to this same reference.

To the maximum extent permitted by law or otherwise waived by competent authority, sex offenders are to be identified and prohibited from access to DON facilities.

Except where prohibited by law or otherwise waived by competent authority, sex offenders shall not occupy DON owned or leased military housing or Public-Private Venture housing.

Sex offenders shall not be allowed to enlist or processed for commissioning within the Navy or Marine Corps.

Navy or Marine Corps members who are convicted of a sex offense while on active duty or in a reserve status and who are not punitively discharged shall be processed for administrative separation.

Any Navy or Marine Corps sex offenders on active duty shall not be assigned outside of the United States or its territories, and any Navy or Marine Corps personnel whose sponsored family members are sex offenders shall not be assigned outside of the United States or its territories on accompanied orders, unless waived by competent authority.

Navy and Marine Corps members who are convicted of sex offenses while on active duty and who retire or are transferred to the Fleet Reserve or Fleet Marine Reserve shall have the sex offense conviction recorded in their permanent military record. Such sex offenders shall not be subject to recall for any purpose without express authority of the Secretary of the Navy (SECNAV). Likewise, Navy and Marine Corps members who are retired or transferred to the Fleet Reserve or Fleet Marine Reserve and who are later convicted of sex offense shall not be subject to recall without express authority of SECNAV.

To the extent that it does not conflict with higher directive, the services shall develop procedures and modify processes as necessary to identify sex offenders and to effect the above policy.



Donald C. Winter