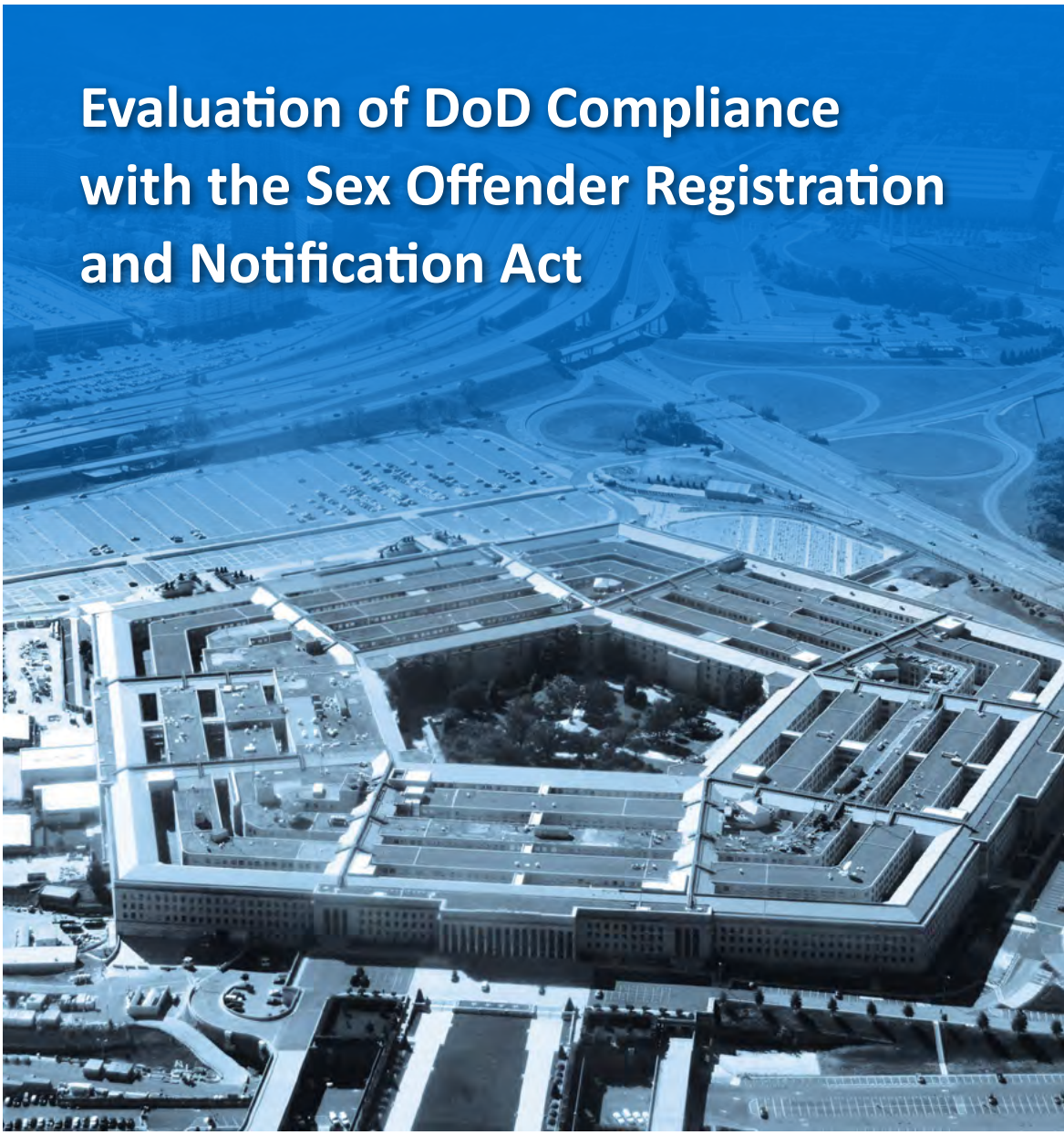
Report No. DODIG-2014-103

Inspector General

U.S. Department of Defense

AUGUST 29, 2014

Evaluation of DoD Compliance with the Sex Offender Registration and Notification Act



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Results in Brief

Evaluation of DoD Compliance with the Sex Offender Registration and Notification Act

August 29, 2014

Objective

We evaluated the Department's compliance with the Sex Offender Registration and Notification Act (SORNA), established by Title I of the "Adam Walsh Child Protection and Safety Act of 2006" (Public Law 109-248). We also evaluated whether the Department effectively accounts for registered sex offenders with access to DoD facilities.

Findings

The Department:

- is compliant with SORNA registration requirements;
- needs policy requiring Military Departments and Defense Agencies to account for registered sex offenders;
- needs policy to account for registered sex offenders deploying to, or returning from, foreign countries.
- lacks accountability of sex offenders accessing DoD facilities;
- can better support efforts by Federal counterparts and other agencies to account for DoD convicted sex offenders; and
- should improve processes to promote more efficient compliance.

Recommendations

- Under Secretary of Defense for Personnel and Readiness (USD [P&R]):
  - conduct a study to determine the benefits of legislation to designate DoD as a SORNA jurisdiction;
  - develop policy to:
    - establish a position at military correction facilities to monitor registration of released inmates;
    - require accounting of registered sex offenders on DoD installations and implement a Department of Defense Sex Offender Registry Management program;
    - require the use of DD Form 2707-1, "DoD Report of Result of Trial," and not Service-derived forms;
    - require orders promulgating the result of trial to annotate sex offender registration requirements;
    - establish assistance agreements with agencies involved in sex offender management and tracking;
    - establish a DoD offender management program coordinator to preclude violations relating to foreign deployments of DoD affiliated sex offenders by ensuring DoD personnel are compliant with registered sex offender international travel requirements; and
    - ensure DoD offenders convicted of qualifying sex offenses overseas register upon return to the United States and the appropriate SORNA jurisdiction is notified of the offender's return.

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Results in Brief

Evaluation of DoD Compliance with the Sex Offender Registration and Notification Act

Recommendations (cont'd)

- Secretaries of the Military Departments require the Services' Judge Advocate Generals implement quality control measures to ensure DD Forms 2707-1 are completed properly.
- USD (P&R) and the Secretaries of the Military Departments share sexual offender confinement data and consider a plan for the Services' correctional programs to use a common corrections management information system.

Management Comments

Overall USD (P&R) and the Secretaries of the Military Departments management comments were responsive and agreed with our recommendations. Where the Secretaries did not comment on pertinent recommendations, we requested their comments. As a result of management comments, we made adjustments to the body of the report.

Recommendations Table

Management	Recommendations Requiring Comment	No Additional Comments Required
The Under Secretary of Defense for Personnel and Readiness		A.1 and A.3, B, C, D, E
The Secretaries of the Military Departments (Army and Navy)	A.2	
The Secretaries of the Military Departments	A.3	

INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
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August 29, 2014

MEMORANDUM FOR UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS
SECRETARIES OF THE MILITARY DEPARTMENTS
COMMANDER, UNITED STATES TRANSPORTATION COMMAND

SUBJECT: Evaluation of DoD Compliance with the Sex Offender Registration and Notification Act (Report No. DODIG-2014-103)

This report is provided for information and use. We determined the Department is compliant with existing Sex Offender Registration and Notification Act (SORNA) requirements; however, improved processes would promote more efficient compliance. The Department lacks policy requiring Military Departments and Defense agencies to account for registered sex offenders, and consequently, does not effectively account for registered sex offenders with access to DoD facilities, or for sex offenders deploying to, or returning from, foreign countries. The Department can better support efforts by Federal counterparts and other agencies to account for DoD-affiliated convicted sex offenders.

We considered management comments on the draft of this report when preparing the final report. DoD Directive 7650.3 requires recommendations to be resolved promptly. Based on management comments we made revisions to the body of the report and our recommendations. Overall, the comments from the Under Secretary of Defense for Personnel and Readiness and the Secretaries of the Military Departments were responsive; however, the Secretaries of the Military Departments did not respond to all pertinent recommendations. Therefore, we request the Secretaries of the Military Departments provide management comments as indicated in the attached recommendations table.

We appreciate all the courtesies extended to our staff. For additional information on this report, please contact Mr. John K. Dippel at (703) 604 9294 (DSN 664 9294) or john.dippel@dodig.mil.

Randolph R. Stone
Deputy Inspector General
Policy and Oversight

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Introduction

Objective

We evaluated the Department's compliance with the Sex Offender Registration and Notification Act (SORNA), established by Title I of the "Adam Walsh Child Protection and Safety Act of 2006" (Public Law 109-248). The DoD Inspector General (IG) initiated this evaluation as a proactive measure. Our evaluation focused on determining the:

- adequacy of DoD and Service policies governing all DoD service members convicted of crimes requiring sex offender registration;
- effectiveness of DoD military correctional facilities to notify (1) convicted military sex offenders of their registration requirement; (2) Federal, State, and local law enforcement registration officials; and (3) victims and witnesses of an offender's release; and
- effectiveness of efforts to account for registered sex offenders with access to DoD facilities.

Background

SORNA requires people convicted of most sexual offenses to register with their States. The States enter the registration into the national sex offender database. There is no separate Federal or military registration system. In April 2012, OIG DoD investigators attended the Army Sexual Harassment/Assault Response and Prevention (SHARP) Summit and were briefed on issues regarding Army sex offenders. According to figures provided by the SHARP office, in 2011, the Army had 77 registered sex offenders serving on active duty. In July 2011, the overall registered sex offender population who self-identified to DoD law enforcement was 86 (60 civilians, 23 contractors, 2 dependents, and 1 military retiree). In 2012, the Army had 45 registered sex offenders serving on active duty. Based on a review of data call responses for this evaluation, the other Services were unable to provide similar figures of their overall registered sex offender population. We identified concerns about whether Service members requiring sex offender registration were complying with the law or whether permanent change of station transfers and divergent Military Service policies were contributing to non-compliance.

SORNA requires a host of Federal agencies to implement its statutory requirements. See Appendix A for a listing of these agencies and their summarized SORNA

responsibilities. See Appendix B for our scope and methodology of this review. Also, see Appendix D for a list of referenced Federal laws, DoD and Military Service references, and Appendix E for related coverage on sex offender management.

Federal Law and DoD Policy Requirements

Federal Law

Title 1 of the Adam Walsh Child Protection and Safety Act of 2006, commonly known as SORNA, establishes a national database of registered sex offenders. SORNA also requires jurisdictions to establish and maintain a sex offender registration and notification system conforming to comprehensive minimum standards established by the Act.[1] Military installations, Federal prisons, and military corrections facilities (MCF) are not jurisdictions as defined in SORNA section 111(10), and SORNA did not establish a separate jurisdiction or Federal registration program for sex offenders released from Federal or military prisons. However, Service members convicted of most military sexual offenses must comply with SORNA and register with the appropriate State jurisdiction.[2] Military sexual offenses requiring registration are referred to in this report as "Qualified Military Offenses" (QMOs). A complete list is included in Appendix C.

In an effort to ensure sex offenders' register as required, military correctional personnel are required to notify receiving jurisdictions that offenders will be released to their areas of jurisdiction.

> such [military] sex offenders are integrated into the sex offender registration programs of the states and other (non-federal) jurisdictions following their release. Provisions of federal law, appearing in 18 U.S.C. 4042(c) and section 115(a)(8)(C) of Public Law 105-119, require federal and military correctional and supervision personnel to notify the receiving jurisdiction's authorities concerning the release to their areas of such sex offenders so that this integration can be effected. Moreover, these sex offenders are required to comply with the SORNA registration requirements in the jurisdictions in which they

[1] "The National Guidelines for Sex Offender Registration and Notification – Final Guidelines," July 2008, (National Guidelines) published by the U.S. Department of Justice Office of the Attorney General, describe changes in sex offender registration and notification standards:

> The SORNA reforms are generally designed to strengthen and increase the effectiveness of sex offender registration and notification for the protection of the public, and to eliminate potential gaps and loopholes under the pre-existing standards by means of which sex offenders could attempt to evade registration requirements or the consequences of registration violations.

[2] Section 111(5), and (6) and Section 141of Public Law 109-248 (120 Stat. 592, 604), changing 18 U.S.C. 951 note, and referencing Section 115(a)(8)(C)(i) of Public Law 105-119 (111 Stat. 2466); DoD Instruction 1325.07, March 11, 2013, Appendix 4 to Enclosure 2.

> reside, are employed, or attend school as mandatory conditions of their federal supervision, as provided in 18 U.S.C. 3563(a)(8), 3583(d), 4209(a), and may be prosecuted under 18 U.S.C. 2250 if they fail to do so.[3]

Department of Defense

The Secretaries of the Military Departments are directed to establish policies and procedures to ensure correctional facilities comply with sex offender registration requirements:

Department of Defense Directive (DoDD) 1325.04, "Confinement of Military Prisoners and Administration of Military Correctional Programs and Facilities," August 17, 2001, (certified current as of April 23, 2007), establishes policy and responsibilities for the administration and operation of military correctional programs and facilities worldwide.

DoD Instruction (DoDI) 1325.07 identifies the Uniform Code of Military Justice (UCMJ) offenses that trigger sex offender reporting (see Appendix C) and requires DoD correctional facility commanders to:

- ensure records of prisoners are reviewed to determine if the prisoner has been convicted of a sexually violent offense;
- inform prisoners convicted of a QMO before release from a confinement facility of the registration requirements of the State the prisoner will reside upon release and requirements should the prisoner relocate to another State, and inform the prisoner they must also register in a State where the prisoner may be employed, or is a student; and
- ensure the prisoner acknowledges in writing that they were informed of the registration requirements.[4]

The Instruction also states "The Secretaries of the Military Departments will establish a system to verify required notifications have been made for prisoners, military members whose sentences do not include confinement, and those members who were sentenced to confinement but are no longer confined."

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[3] "The National Guidelines for Sex Offender Registration and Notification – Final Guidelines," July 2008, (National Guidelines) published by the U.S. Department of Justice Office of the Attorney General, page 47.

[4] DoDI 1325.07, "Administration of Military Correctional Facilities and Clemency and Parole Authority," March 11, 2013, which reissued DoDI 1325.7, entitled the same. Our review considered data and activity from 2011-2012 analyzed against DoDI 1325.7, which was in effect at that time. The development of DoDI 1325.07 does not affect the analysis of our findings, and the new Instruction did not substantially revise provisions considered for the purposes of this report.

Finding A

(1) DoD is compliant with SORNA.

Current SORNA legislation and DoD policy require the Department to identify and publish QMOs. The Service Judge Advocates (SJAs) are required to identify QMO convictions on Reports of Result of Trial (ROT), which are furnished to MCFs. When confinement is not required, SJAs must notify offenders of registration requirements and penalties for noncompliance. The MCFs must then inform inmates, before release, of registration requirements. The MCFs must also notify (1) registration officials where the inmate intends to reside after release, (2) the NSOTC of inmates' release, and (3) witnesses and victims, if requested, of changes in an offender's status.

DoDI 1325.07 requires MCF Commanders to inform offenders of registration requirements upon release from confinement using the DD Form 2791, "Notice of Release/Acknowledgement of Convicted Sex Offender Registration Requirements," or an equivalent. It also requires MCF Commanders to provide release notifications to appropriate Federal agencies and SORNA jurisdictions. Interviews of MCF and State and local agency officials, as well as reviews of MCF databases and documents, indicate the Department is in compliance with required notifications.

(2) Improved processes would promote more efficient compliance with SORNA.

The SJAs and MCFs are accomplishing SORNA requirements, but use of standardized forms, consolidation of corrections databases, and improved SJA documentation of sex offender notification requirements can improve the Department's efficiency in complying with SORNA.

According to DoDD 1325.04, "corrections programs shall promote uniformity in and among the Military Services in . . . the operation and administration of correctional facilities and programs . . . ." None of the Services use the DD Form 2707-1, "DoD Report of Result of Trial," choosing to use Service-derived forms to annotate SORNA notifications. When sex offender registration is not clearly indicated on the ROT, the MCF has to interpret legal jargon to determine if the conviction meets registration requirements. Additionally, only the Army, Navy, and Marine Corps have electronic databases to maintain prisoner records and document offender notifications. These databases do not interface with one another or with other components of the Services' justice systems. An integrated system would promote more efficient compliance with SORNA.

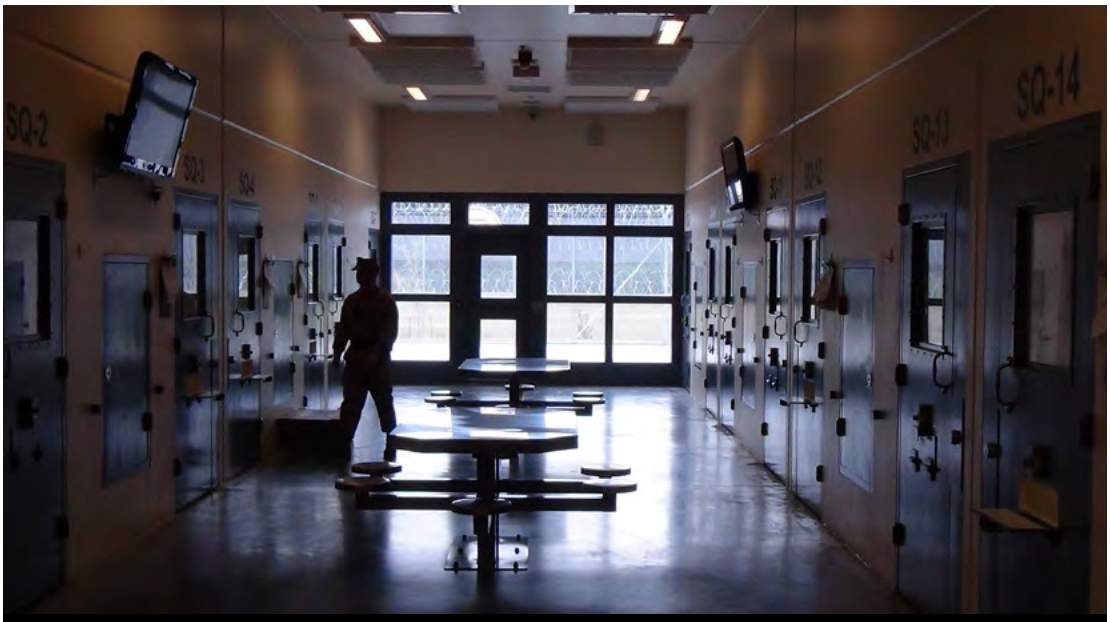


Figure 1. Marine Corps Correctional Facility Housing Area.
Source: Headquarters Marine Corps, Law Enforcement and Corrections, Arlington, VA.

(1) DoD is compliant with SORNA.

Notifications to SORNA Jurisdictions by Military Correctional Facilities

In 2011 and 2012, approximately 40 percent of inmates confined in military prisons required sex offender registration. On December 31, 2011, prison populations in MCFs totaled 1,528, of which 605 (40 percent) were convicted of QMOs. On December 31, 2012, prison populations in MCFs totaled 1,434, of which 633 (44 percent) were convicted of QMOs.[5]

DoDI 1325.07 requires MCF Commanders to inform offenders of registration requirements upon release from confinement using the DD Form 2791 or an equivalent. SORNA notifications at MCFs are facilitated by the use of DD Form 2791. DoDI 1325.07 also requires MCF Commanders to notify appropriate Federal agencies and SORNA jurisdictions.

We conducted interviews, researched databases, and examined documents to determine whether the MCF Commanders were completing the required notifications. We found all of the Services had systems in place and were completing the notifications to the best of their abilities.

[5] Figures obtained from the Services' annual submission of prisoner populations on DD Form 2720, "Annual Confinement Report."

All of the Services' MCFs notify the appropriate jurisdictions through mail. Some MCFs follow up with e-mails and telephone calls to confirm receipt.

The Office of Navy Corrections and Programs effectively automates its notification reminders by producing a weekly work-flow tickler report informing MCF Commanders of any incoming inmates with SORNA, Victim Witness Assistance Program, or Deoxyribonucleic acid (DNA) reporting requirements. It is generated from the Corrections Management Information System (CORMIS).

Figure 2. Army Correctional Facility Housing Area.
Source: U.S. Army Corrections Command, Alexandria, VA.

Notifications to Victims Witnesses by Military Correctional Facilities

DoDI 1030.2, "Victim Witness Assistance Procedures," June 4, 2004, mandates the notification of victims and witnesses, who elect to be notified, of a change in their offender's status. Based on the Services' annual confinement reports for 2011 and 2012, the total number of military prisoners with victim notification requirements was 1,696 in 2011 and 1,555 in 2012. In 2011, a total 4,581 victims and witnesses

elected to be notified of a change in their offender's status. This total remained fairly constant in 2012 with 4,711 victims and witnesses electing to be notified. The total number of status changes requiring notifications in 2011 was 4,576, significantly increasing in 2012, with 8,148 status changes.[6]

State and Local Law Enforcement

We interviewed State and local law enforcement officials near military installations in California, Mississippi, Texas, and Virginia, to discuss the processes for registering military sex offenders before release from MCFs, and to evaluate the Department's notification process to Federal, State, and local registration offices when a military sex offender is released from a MCF or is convicted of a QMO but not confined. State and local law enforcement officials in these jurisdictions had received the DD Form 2791 from MCFs to register offenders.

A Killeen Police Department (KPD) official in Killeen, Texas, advised they had difficulty getting copies of military sex offender conviction data. KPD personnel also had trouble aligning military sex offense convictions with the Texas Code of Criminal Procedure. When KPD had difficulty matching a military offense with the Texas Code of Criminal Procedure, they contacted a Texas Department of Public Safety (DPS) Staff Attorney to determine the appropriate statute. KPD officials told us military sex offenders reported to KPD to register with no prior coordination or notification. Once military sex offenders reported to KPD, they informed them of their obligation to also register with the Provost Marshal Office (PMO).

The KPD official estimated they account for in excess of 100 military-affiliated sex offenders. KPD registers all sex offenders residing on Fort Hood. KPD expressed concerns about a military contractor who employs convicted sex offenders in positions requiring access to Fort Hood. KPD also told us a general contractor providing food service employed several sex offenders who worked on Fort Hood. We conducted an Internet query of the Texas DPS public sex offender registry with the zip code "76544" (Fort Hood, Texas), as well as zip code queries of the adjoining counties of Bell and Coryell, Texas. The results confirmed numerous DoD members associated with Fort Hood, Texas, were registered as sex offenders with the State. The query highlighted KPDs concerns about the number of sex offenders on Fort Hood. We passed this information to Fort Hood law enforcement.

[6] No explanation for the significant increase in notifications between 2011 and 2012 was provided on the Services' annual confinement reports.

A Leavenworth County Sheriff's Office official, told us they rarely communicated with Fort Leavenworth law enforcement officials about registering military or DoD affiliated sex offenders. According to the officer, all sex offenders (civilian and military) must register in the State within 3 days of trial if no post-conviction confinement is ordered. The official said registered sex offenders must notify law enforcement in the county prior to leaving the State; Kansas will then send a message to the gaining State and local police agencies with details of the offender's movement plans.

A Universal City Police Department (UCPD) official in Universal City, Texas, expressed concerns, mostly stemming from difficulty accessing the base, to account for registered sex offenders on Joint Base San Antonio Randolph (JBSAR), Texas. The UCPD officer explained approximately 18-24 months ago (as of March 2013), they were contacted by a U.S. Federal Parole Officer attempting to access JBSAR, Texas, to conduct a check of a military dependent registered as a sex offender. UCPD reported the Air Force Security Forces Squadron did not allow the parole officer entry to JBSAR to make contact with the offender who failed to register. A member of the Air Force Security Forces Squadron claimed JBSAR fell under exclusive Federal jurisdiction and did not grant the parole officer entry. According to a Texas DPS official, UCPD no longer pursued efforts to track down and contact military sex offenders affiliated with JBSAR due to the difficulty with installation access. The issue was resolved when the military commander had the family member move off of JBSAR.

Documentation of Sex Offender Convictions and Registration Requirements

In accordance with Rules for Courts-Martial, Chapter XI, Rule 1101, "Post-Trial Procedure," "after final adjournment of the court-martial in a case, the trial counsel shall promptly notify the accused's immediate commander, the convening authority or the convening authority's designee, and, if appropriate, the officer in charge of the confinement facility of the findings and sentence."

Military corrections officials use the ROT to determine if sex offender registration and victim and witness notifications are required. The DD Form 2707-1 (See Appendix F), and other similar forms specific to the Services, document whether offender convictions require sex offender registration. The DD Form 2707-1 is referenced in DoDI 1325.07; however, guidance for its use within the Department is not specifically addressed.

The Navy and the Marine Corps do not use the DD Form 2701-1 to document results of trial, but use a Service-specific memorandum format. Navy JAG Instruction 5800.7F, "Manual of the Judge Advocate General," June 26, 2012, mandates that:

> After adjournment of a court-martial, the trial counsel or summary court martial officer, as appropriate, will promptly notify the convening authority and the accused's CO [commanding officer] of the findings and sentence. If the sentence includes confinement, notification shall be in writing in the form prescribed in Appendix A-1-q [Report of Result of Trial] , completed so as to contain all applicable information, and a copy forwarded to the CO or OIC [officer in charge] of the brig or confinement facility in which the accused is to be confined.

ROTs in the Marine Corps are annotated to reflect sex offender registration requirements. Thereafter, corrections officials handle required notifications.

Army Regulation (AR) 27-10, "Legal Services Military Justice," October 3, 2011, requires "the trial counsel or SCM [summary court-martial] will prepare a report of the result of trial at the end of the court-martial proceedings." Additionally, the regulation requires that "post-trial prisoners who are transferred to the U.S. Disciplinary Barracks (USDB), [Fort Leavenworth, Kansas, or other military corrections system facilities] must carry a copy of the [Department of the Army] Form 4430 [Department of the Army Report of Result of Trial]."

Air Force Instruction 51-201, "Administration of Military Justice," February 3, 2010, requires "when an inmate (with or without a punitive separation) is transferred into the Air Force Corrections System, the servicing SJA sends . . . [o]ne copy of the ROT [record of trial] to the corrections officer, if the approved confinement is one year or more." Air Force SJAs are required to publish results of trial on the Air Force (AF) Form 1359, "Report of Result of Trial." For QMO convictions, AF Forms 1359 are annotated "Sex Offender Notification Required." We noted the AF Form 1359, unlike the DoD and Army forms, does not contain check boxes to identify sex offender registration requirements. Special handling procedures for sex offenders are documented in the "Sentence" block of AF Form 1359, where specific actions are annotated, such as DNA processing or sex offender notification. There are no requirements for Judge Advocates (JA) to confirm registration.

(2) Improved processes would promote more efficient compliance with SORNA.

Standardized Report of Results of Trial (ROT)

Properly annotated ROTs facilitate sex offender notification compliance. Inadequate documentation of QMO registration requirements was a concern at all correctional facilities throughout the Services. When sex offender registration requirements are not annotated on the Service's derived ROT forms, corrections officials struggle to determine if the conviction meets sex offender registration requirements. MCP officials stated the ROTs prepared by SJAs are often vague, lacking clear descriptions of QMO charges or conviction specifications, and do not clearly document sex offender registration requirements.

An Army corrections official stated MCF personnel contact JAs to obtain clarification of registration requirements when necessary; however, when contact is not possible, the burden to interpret legal language is left to MCF personnel. Marine Corps corrections officials also contact the originating trial counsel to obtain clarification of charges depicted on the ROT. A misinterpreted ROT at an Air Force minimum security MCF resulted in the erroneous registration of a former inmate who had not been convicted of a QMO. The registration had to be reversed after the MCF official learned of the error.

An Army SJA recommended the Army add a "Sex Offender Registration Required" caveat to the top of the court-martial promulgating order[7] similar to "DNA Processing Required" found on the confinement order. He stated this would enhance sex offender registration and notification in the Army.

Military Corrections Data Management

A more cohesive, interoperable MCF database system would further promote efficient compliance with SORNA. According to DoDD 1325.04, "corrections programs shall promote uniformity in and among the Military Services in . . . the operation and administration of correctional facilities and programs . . ." The Army, Navy, and Marine Corps have electronic corrections information databases to maintain prisoner records and document offender notifications. However, those databases do not interface with one another or with other components of the Services' justice information systems. The Army uses the Army Corrections Information System and the Navy and Marine

[7] Army Regulation 27-10, "Military Justice," states "(a)n initial promulgating order is used to promulgate the results of trial by a [General Courts Martial] or [Special Courts Martial] and the initial action of the convening authority thereon."

Corps use the CORMIS to collect prisoner data. If a prisoner transfers to a medium or maximum security facility outside of the Navy or Marine Corps, all documents are transferred "hardcopy" with the prisoner. The Air Force does not maintain a centralized corrections database. Air Force MCFs input sex offender data into the Security Forces Management Information System. Air Force prisoners' records are placed in double-sealed envelopes and are transferred with the prisoner to the gaining MCF. A DoD centralized database would significantly aid in efficient and effective compliance with SORNA requirements.

Figure 3. U.S. Naval Consolidated Brig, Miramar, CA.
Source: Office of Navy Corrections and Programs, Millington, TN.

Conclusion

(1) DoD is Compliant with SORNA

We concluded all of the Services had systems in place and were completing required SORNA notifications to the best of their ability. DoDI 1325.07 requires MCF Commanders to inform offenders of registration requirements upon release from confinement using the DD Form 2791, "Notice of Release/Acknowledgement of Convicted Sex Offender Registration Requirements," or an equivalent. It also requires MCF Commanders to provide release notifications to appropriate Federal agencies

and SORNA jurisdictions. Based on interviews of MCFs and State and local officials and reviews of documentation received as part of data calls, the Department is in compliance with required notifications.

(2) Improved Processes Would Promote More Efficient Compliance with SORNA

The Services have divergent programs to comply with SORNA requirements, which could be better aligned with the intent of DoDD 1325.04 of promoting uniformity in the DoD corrections system. The proper annotation of ROT and clearly documented confinement orders with sex offender registration requirements is critical to sex offender and victim-witness notification. Standardizing and centralizing the information will promote more efficient compliance with the SORNA. There is no DoD policy requiring the Services to use the DD Form 2701-1 to document ROTs and none of the Services use this form. Each Service has created its own form to identify sex offender registration requirements. The use of a common form by all Services will enhance the ability of MCF personnel to properly administer sex offender and victim-witness notification requirements, specifically with cross-service confinement of military prisoners. Because Service members convicted of QMOs, and sentenced to military confinement may not serve confinement in an MCF managed by their respective Service, military corrections data management interoperability should also extend to their information management systems.

Recommendations, Management Comments, and Our Response

Secretary of the Army Comments

SECARMY provided several comments to Finding A draft report body (p.7, para 1, p. 8, para 2, p. 9, para 3, and p. 11 para 2).

Our Response

SECARMY comments did not result in changes to Finding A. Details of the Army's comments can be found in the Management Comments section of this report.

Recommendations

Recommendation A.1

We recommend the Under Secretary of Defense for Personnel and Readiness revise Department of Defense policy to require the use of DD-Form 2707-1, "DoD Report of Results of Trial," to notify commanders of military confinement facilities of the results of trials, and not Service-derived forms.

Under Secretary of Defense for Personnel and Readiness Comments

USD P&R concurred with recommendation A.1 with one comment:

The Office of Legal Policy, OUSD(P&R) will work with the Joint Service Committee of Military Justice, and Military Services criminal law experts to ensure that DD Form 2707-1 meets the requirements of Military Service judge advocates as well as military confinement facilities, to clearly report results of trial which require sex offender registration. Based on these revisions, DD Form 2707-1 will replace Service-derived forms.

Our Response

The management comment from USD P&R was responsive.

Recommendation A.2

We recommend Secretaries of the Military Departments require the Services' Judge Advocate Generals implement quality control measures to ensure DD Forms 2707-1, "DoD Report of Results of Trial," are completed and orders promulgating the result of trial to clearly annotate sex offender registration requirements when offenders are convicted of qualifying military offenses.

Secretaries of the Military Departments

The Secretaries of the Army and Navy did not comment on recommendation A.2. The Secretary of the Air Force concurred with recommendation A.2.

Our Response

We request the Secretaries of the Army and Navy comment on recommendation A.2.

Recommendation A.3

We recommend the Under Secretary of Defense for Personnel and Readiness and the Secretaries of the Military Departments consider a plan to move the Services' military confinement programs to a common military corrections management information system. We recommend system interconnection with the Services' judge advocates and law enforcement systems to efficiently transmit results of trials to confinement facilities and other justice system components.

Under Secretary of Defense for Personnel and Readiness Comments

USD P&R partially concurred with recommendation A.3 with one comment:

Criminal justice information sharing within the Department's law enforcement agencies is a high priority. Specifically, this includes the fielding of the Law Enforcement Defense Data Exchange (D-DEx), a system that allows all law enforcement agencies in DoD to share their respective criminal justice information with one another. Three quarters of DoD's law enforcement agencies are participating in the new system, with a target of D-DEx being fully operational by the end of calendar year 2014.

Corrections information is processed as criminal justice information, either contained in the Services' law enforcement record management systems or as a stand-alone system, in the case of the Navy (to be tied into other Navy LE systems through the Navy Justice Information System, under development). Consequently, there is no need to create a new corrections management information system when the inherent information is already part of systems sharing data in D-DEx. The solution to better corrections data sharing across the Department of Defense therefore lies in customizing portions of D-DEx to meet the needs of the corrections community. The D-DEx Program Management Office will be tasked to develop a solution to the corrections communities' information sharing needs as part of D-DEx.

Our Response

The management comment from USD P&R was responsive. We did not adjust the recommendation, but include information provided by USD P&R on D-DEx and their proposed solution to meet the intent of recommendation A.3.

Secretaries of the Military Departments

The Secretaries of the Military Departments did not comment on recommendation A.3.

Our Response

We request the Secretaries of the Military Departments comment on recommendation A.3.

Finding B

The lack of jurisdiction for DoD to register military sex offenders with the National Sex Offender Registry enables military sex offenders released from military prisons to evade sex offender registration requirements.

The Department is not a SORNA jurisdiction and has no legislated authority to register sex offenders or create a database that feeds into the National Sex Offender Public Website to account for DoD-affiliated sex offenders. The Department relies on adjacent SORNA jurisdictions to register Service members convicted of QMOs. The inability to register sex offenders before release from military confinement enables offenders to evade registration.

SORNA Jurisdictions

According to the National Guidelines, only SORNA jurisdictions may participate in the National Sex Offender Public Website (NSOPW) and register sex offenders for qualifying offenses in the NSOR. SORNA jurisdictions include the 50 States, the District of Columbia, the five principal U.S. territories, and federally recognized Indian tribes that elect to function as registration jurisdictions. SORNA jurisdictions do not include the Military Services, MCFs, counties, cities, towns, or other political subdivisions located within states, tribes, or territories. DoD is not a SORNA jurisdiction and therefore, relies on SORNA jurisdictions to register DoD sex offenders on its behalf. Service corrections officials, military, State and local law enforcement, as well as subject matter experts believe DoD needs a sex offender registry similar to those operated by SORNA jurisdictions in support of the Congressional intent of SORNA.[8] DoD is unique in that although its facilities lie within recognized SORNA jurisdictions (unless overseas), it has its own law enforcement, judicial, and corrections systems unlike other Federal agencies.

Military Corrections Programs

We interviewed Army, Air Force, Navy, and Marine Corps corrections officials. They told us the current system of registration can be improved if military inmates were

[8] See note 1, supra.

registered while in confinement. The system currently relies on making notifications to inmates of their registration requirements (and relying on them to comply), then placing the burden on SORNA jurisdictions and the National Sex Offender Targeting Center (NSOTC) when they fail to do so. This proposed registration method would require inmates released from MCFs to be entered into the NSOR prior to their release from an MCF. Should the inmate fail to report to the gaining jurisdiction in the established timeframe, they would immediately be violating SORNA compliance. However, all of the inmates' information would be readily available in the NSOR for the NSTOC to track absconders.

In addition to interviewing corrections officials from each of the Services, we also interviewed the Services' Clemency and Parole Boards, Law Enforcement Activities, including officials of the Military Criminal Investigation Organizations (MCIOs), JAs, State and local law enforcement, and the NSOTC to assess current SORNA practices.

Our research disclosed:

- Current processes at correctional facilities, which rely on gaining jurisdictions registering military sex offenders post-release from confinement, enable some inmates to circumvent registration requirements;
- Sex offenders released from MCFs fabricate registration addresses or deviate from proposed residential plans;
- Some sex offenders cannot give legitimate residential addresses after release. For example, a unit commander allowed a former inmate once assigned to his unit to use the commander's personal address for SORNA registration. Based on the address, the MCF made SORNA notifications requiring the offender to register. The inmate failed to register and absconded.
- There is no registration verification for sex offenders released from MCFs. On occasion, MCF officials check the NSOPW, which is not equivalent to checking the NSOR; and
- A State official expressed concerns that military sex offenders confined in MCFs, residing in their States, were not registered.

Additionally, our research revealed if DoD were to obtain the authority to register military sex offenders in the NSOR, maintain a DoD sex offender public website, and participate in the NSOPW it would result in:

- Offender registration while confined, precluding inmates circumventing registration.
- Registration upon confinement accomplished electronically would minimize time dedicated to coordinating with an offender's gaining State.
- A DoD registry feeding into the NSOR would aid in registration verification.
- If an offender failed to register, MCFs could immediately notify the NSOTC.

Service Clemency and Parole Boards

We discussed current SORNA requirements and DoD policies for registering military sex offenders with the Military Services' Clemency and Parole Boards.

Army sexual offenders approved for release on parole or mandatory supervised release (MSR) before their maximum release date are supervised by a U.S. Probation Officer (USPO), and their activities are regulated based on their approved supervision plan and conditions. Navy and Marine Corps sex offenders are subject to military oversight by their respective Service clemency and parole board until their maximum release date. Once these sex offenders reach their maximum release date, they are no longer under military control and the Naval Clemency and Parole Board (NCPB) have no further oversight. When a Navy or Marine Corps sex offender reaches a minimum release date they are placed in an MSR program, unless an offender does not have a signed and approved treatment and post-release plan. To be considered for MSR, an offender must have an approved release plan, residency information, a treatment plan, and, if applicable, pending school information. These requirements result in a number of sex offenders who elect to serve their full sentence in military confinement. Offenders opt to remain in confinement to avoid USPO parole supervision and mandatory-imposed sex offender registration. However, if MSR is approved, the inmate is released and must register as a sex offender within 24 hours. If they fail to register, the Board issues a warrant on DD Form 553, "Deserter/Absentee Wanted by the Armed Forces," and the responsible parole and probation officer executes the warrant, returning the military sex offender to serve the remainder of his/her sentence.

Navy and Air Force Clemency and Parole Boards do not receive SORNA registration confirmation from Federal, State, or local law enforcement once a military sex offender is released from confinement and undergoes USPO supervision. In the Army, offender supervision conditions are incorporated in the parole and MSR plans. Army board

officials contact the USPO 3 to 4 months after a military sex offenders' release to confirm registration and treatment status, and respond to queries from the NSOTC.

As of March 2013, the NCPB monitored 140 offenders, approximately 70 percent of which were convicted sex offenders. USPO supervision for these offenders promoted compliance with the conditions of their release. Based on Navy estimates, approximately 80 Navy sex offenders were released under supervision in 2012, and a total of 40 supervision revocations were processed as a result of sex offenders failing to comply with the terms of their release.

U.S. Marshals Service (USMS) National Sex Offender Targeting Center (NSOTC)

The NSOTC is working in conjunction with the National Center for Missing and Exploited Children and military, Federal, State, and local law enforcement to ensure military offenders are registered, or if in violation, are located and held accountable. In November 2010, the NSOTC began an initiative to identify, locate, register, or apprehend convicted sex offenders who failed to comply with registration requirements following discharge from the U.S. Military. This initiative, titled "Operation Tarnished Service," identified former Service members convicted of a QMO while on active duty. Subsequent to their arrest, these offenders failed to comply with registration requirements of the State they resided in. The NSOTC is notified when a military sex offender is released from confinement via a DD Form 2791. In a memorandum dated January 31, 2013, the Chief Inspector, USMS at the NSOTC explained:

> One month after the offender's release, the Targeting Center conducts an assessment of the offender's registration by querying the National Sex Offender Registry. If the offender is found to be non-compliant, his/her information is sent to a Deputy U.S. Marshal in the field to conduct a preliminary investigation into the circumstances of the offender's non-compliance. If the offender is found to be non-compliant with their requirement to register as a sex offender, then a case is opened against them that may lead to a prosecution under the Adam Walsh Act.

Additionally, the NSOTC provided the following assessment for the first quarter of FY 2013. The NSOTC received 193 notices of release of military sex offenders from military corrections facilities. 158 (82%) were found to be compliant (registered in accordance with the AWA [Adam Walsh Act]/SORNA), 25 (13%) were found to be non-compliant and 10 (5%) are still pending assessment.

According to a memorandum dated January 11, 2013, the Army Interagency Fellow at the NSOTC made the following recommendation:

> The DoD should develop and implement a Sex Offender Registry component (unit, team, division, section) at the installation level which would be responsible for managing a military/dependent sex offender registry and would use national, state, and local sex offender registries to vet/screen contractors and civilians for employment and access on military installations. If implemented, the registry should be accessible by local, state, and federal law enforcement for investigative and periodic compliance assessment purposes.

State and Local Registration Officials

We also discussed with State and local officials the feasibility of registering SORNA-eligible military sex offenders while still in confinement. States varied on registering sex offenders into the National Sex Offender Registry (NSOR) while still in confinement.

- The Virginia State Police (VSP) indicated all sex offenders should register upon arrival in Virginia and should also include military sex offenders confined in MCFs located on DoD installations in Virginia. A VSP official told us if requested, they were adequately staffed to assist in registering military sex offenders at Virginia MCFs.
- A Texas DPS registration official explained some military offenses such as, "abusive sexual contact,"[9] do not meet Texas criteria mandating sex offender registration; however, they would enter the offender into the NSOR if the ROT required registration.
- A State of Kansas official had previously contacted the Army correctional facility at Fort Leavenworth, inquiring why they did not register their military sex offenders while they were incarcerated at the facility which was physically located in Kansas. The official opined that if it is deemed legal, convicted military sex offenders could be entered into the National Sex Offender Registration Database, which would be easier than having to coordinate with the individual states which have not standardized their registration requirements among themselves. Notifications could be made electronically via the registration database selected, thereby saving time on mailing items via mail.

[9] Manual for Courts Martial 2012 Edition, UCMJ Article 120, "Rape and Sexual Assault Generally," Article 120(h) abusive sexual contact is intended to cover acts where the sexual contact was committed in the same manner as a sexual act. If sexual contact constitutes "bodily harm" (any offensive touching), then it will be considered abusive sexual contact.

Conclusion

SORNA mandates sex offenders maintain registration in the jurisdictions in which they reside, work, or go to school. Current legislation does not recognize the Department as a SORNA jurisdiction. As a result the Department depends on SORNA jurisdictions to register DoD-affiliated sex offenders, upon their release from the MCF.

Although MCFs properly notify military sex offenders of the requirement to register and properly notify gaining jurisdictions, as well as the NSOTC, many military prisoners fail to register as required by law.

Recommendations, Management Comments, and Our Response

Secretary of the Army Comments

Regarding the paragraph discussing service and clemency parole boards (p.15, para 2 of the draft report), the SECARMY requested we revise the paragraph to read: Army sexual offenders approved for release on parole or mandatory supervised release (MSR) before their maximum release date are supervised by a U.S. Probation Officer (USPO), and their activities are regulated based on their approved supervision plan and conditions.

Our Response

We revised the referenced paragraph.

Recommendations

Recommendation B.1

We recommend the Under Secretary of Defense for Personnel and Readiness:

1. **Establish a sex offender registration coordinator at military correctional facilities to monitor and confirm inmates being released are registered as required, or upon failure, inform the National Sex Offender Targeting Center.**

Under Secretary of Defense for Personnel and Readiness Comments

USD P&R concurred with recommendation B.1 with comment:

In accordance with DoD Directive (DoDD) 1325.04, "Confinement of Military Prisoners and Administration of Military Correctional Programs and Facilities," the DoD Corrections Council serves as the focal point in the OSD for confinement matters, correctional programs, and clemency and parole policies and procedures. Working through the DoD Corrections Council, and based on the recommendations of Service military corrections officials, we will create policy establishing a sex offender registration coordinator at military correctional facilities to further enhance the effectiveness of current initiatives in place.

Our Response

The management comment from USD P&R was responsive.

Secretary of the Army Comments

While not required to comment on this recommendation SECARMY requested we revise the recommendation to read, "Ensure a sex offender registration coordinator is appointed duties at each military correctional facility to monitor and confirm inmates being released are registered as required, or upon failure to inform the National Sex Offender Targeting Center." The Army opined these duties do not require a full time person; facilities are not adequately staffed to dedicate a person to this position full-time. Limited DoD assets (funds and personnel) need to be properly managed to maximize efficiency.

Our Response

We understand the limitations of budget and staffing but stand by the recommendation. The recommendation does not require a full time, dedicated person; therefore we did not adjust the recommendation but include the Army's comment for clarity.

Recommendation B.2

We recommend the Under Secretary of Defense for Personnel and Readiness:

2. **Undertake a study to determine the benefits of legislation to designate the Department as a Sex Offender Registration and Notification Act jurisdiction to establish responsibilities similar to existing jurisdictions.**

Under Secretary of Defense for Personnel and Readiness Comments

USD P&R concurred with recommendation B.2 with comment:

The Defense Human Resource Activity's Law Enforcement Policy and Support office will conduct the recommended feasibility study.

Our Response

The management comment from USD P&R was responsive.

Finding C

(1) The Department lacks policies to implement SORNA foreign travel guidelines.

Military exigencies may preclude a DoD affiliated sex offender's ability to provide the required advance notice, which may contribute to violations by affected individuals. Such violations may reflect unfavorably on the Department. Therefore, DoD officials and military commanders should be aware of the requirements as well as the ramifications of official foreign travel for DoD affiliated registered sex offenders.

(2) The Department lacks policies to ensure offenders convicted of sex offenses abroad register as sex offenders upon their return to the United States.

There is no DoD policy regarding Service members convicted of sex offenses by foreign governments. Service members returning to the United States from foreign countries are not subject to the same scrutiny on re-entry as non-military personnel. They are permitted entry exempt from visa and passport requirements and immigration inspection when they present U.S. or NATO travel orders and a military identification card. This allows DoD members to travel without INTERPOL coordination. Policy is needed to ensure these personnel register as sex offenders upon return to the United States.

(1) The Department lacks policies to implement SORNA foreign travel guidelines

Registered sex offenders are required by 18 U.S.C. 2250(a)(2)(B) to notify the appropriate SORNA jurisdiction of foreign travel. The Guidelines reflect: "[I]t is a federal crime for a sex offender to travel in foreign commerce and knowingly fail to register or update a registration as required by SORNA." This includes active-duty military personnel who are registered as sex offenders. SORNA supplemental guidelines, effective January 11, 2011, require jurisdictions to have sex offenders "report international travel 21 days in advance of such travel and to submit information concerning such travel to the appropriate Federal agencies and databases."

According to the National Guidelines, "a sex offender who goes abroad may remain subject in some respects to U.S. jurisdiction." The guidelines provide the following scenario:

> a sex offender may be leaving to live on an overseas U.S. military base, as a service member, dependent, or employee, or to work as or for a U.S. military contractor in another country. In such cases, notification about the individual's status as a sex offender and intended activities abroad is of interest to federal authorities, because the presence of sex offenders implicates the same public safety concerns in relation to communities abroad for which the United States has responsibility (such as U.S. military base communities in foreign countries) as it does in relation to communities within the United States.

The scenario described above would apply to active-duty military personnel, military dependents, and DoD employees who are registered as sex offenders with the SORNA jurisdiction in which the person's Continental United States (CONUS) assigned military base is located, as well as U.S. military contractors in foreign countries.

Although, the notification requirement applies to the affected individual and not to DoD, military exigencies may preclude a DoD affiliated sex offender's ability to provide the required advance notice and contribute to legal violations by affected individuals. This could affect personnel readiness and reflect unfavorably on the Department if it caused the individual to violate the law. The Department should always help ensure compliance with law and avoid creating hardship in complying with statutory requirements. Recently enacted legislation precludes enlistments and continued active duty for registered sex offenders.[10] Nonetheless, DoD officials and military commanders should be aware of the requirements as well as the ramifications of official foreign travel for DoD affiliated registered sex offenders.

(2) The Department lacks policies to ensure offenders convicted of sex offenses abroad register as sex offenders upon their return to the United States

According to the Army Interagency Fellow during his tenure at the NSOTC, "[S]ervice members, military dependents, DoD contractors, and DoD civilians, who are convicted of a sex offense by a host nation while assigned overseas, are not being accounted for

[10] Air Force Guidance Memorandum for AFI 31-205, Air Force Corrections System, dated January 27, 2014, implements changes to the Air Force Return-to-Duty Program. "Applicants may not have a civilian or military conviction record of sex offenses or violent offenses."

upon return to the United States by law enforcement or in any registry." In addition, host nations are not notifying the offender of SORNA registration requirements and notifications are not being sent to U.S. law enforcement of the sex offender's return to the U.S. NSOTC encouraged the Department:

> to require service members, military dependents, DoD contractors, and DoD civilians who are convicted of a sex offense by the host nation while assigned overseas to complete a DD Form 2791 (or equivalent document) upon release from the host nation. Furthermore, the DD Form 2791 and copies of the Results of Trial should be provided to federal, state, and local law enforcement by the DoD.

Realistically, this would require DoD law enforcement, confinement, or legal personnel to monitor the individual's confinement and to prepare and process DD Forms 2791 upon their release. For active duty military personnel, violations of sex offender registration requirements are punishable under UCMJ, Art. 92.

Army military justice policy does require soldiers who are convicted by foreign governments of equivalent or closely analogous QMOs to register with the installation provost marshal and with the State and local officials. The servicing JA is responsible for notifying the Soldier of the registration requirements within five duty days of notice of a Soldier being convicted of an equivalent of a covered offense.

Air Force justice policy states that when Service members, military dependents, DoD Contractors, and DoD Civilians are convicted of a sex offense while assigned overseas by a host nation, servicing JA will notify the appropriate individuals of their registration requirements. The Air Force requires its JAs to ensure the offender completes the DD Form 2791 upon release from the host nation. The policy also suggests the DD Form 2791 and copies of the ROT should be provided to federal, state, and local law enforcement by the DoD.

Navy policy does not address DoD members convicted of SORNA qualifying offenses by a host country.

The International Criminal Police Organization (INTERPOL) recommended appropriate DoD officials coordinate with the Department of State, American Citizenship Services, who track all U.S citizens imprisoned outside of the United States, to identify inbound DoD personnel found guilty of sexual offenses requiring SORNA registration.

These measures are especially important because Service members returning to the United States from foreign countries are not subject to the same scrutiny on re-entry as non-military personnel. According to INTERPOL, U.S. Armed Forces, with support from the North Atlantic Treaty Organization (NATO) and outlined in Status of Forces Agreements, are permitted entry exempt from visa and passport requirements and immigration inspection when they present U.S. or NATO travel orders and a military identification card. This allows Service members to travel without INTERPOL coordination.

Additionally, the U.S. Department of Homeland Security screens Service members entering the United States via official points of entry. Section 235.1(b)(3), Title 8, Code of Federal Regulation, states:

> Any U.S. citizen member of the U.S. Armed Forces who is in the uniform of, or bears documents identifying him or her as a member of, such Armed Forces, and who is coming to or departing from the U.S. under official orders or permit of such Armed Forces, may present a military identification card and the official orders when entering the United States.

Conclusion

DoD needs policy guidelines which make commanders aware of the SORNA requirements for foreign travel of military and other DoD affiliated registered sex offenders so they understand the ramifications of foreign travel for these individuals.

DoD needs policy addressing the return of DoD personnel convicted of sex offenses by foreign countries requiring registration under SORNA. Policy is needed mandating notification to DoD personnel convicted of sex offenses by foreign countries of their SORNA registration requirements, and to ensure the appropriate State and local law enforcement officials and NSOTC are notified of returning offenders.

Recommendations, Management Comments, and Our Response

Recommendation C

We recommend the Under Secretary of Defense for Personnel and Readiness develop policy to:

1. **Apprise Department of Defense officials and military commanders of Sex Offender Registration and Notification Act requirements because military exigencies may preclude a Department of Defense affiliated sex offender's ability to provide the required advance notice, which may contribute to legal violations by affected individuals. Such violations may reflect unfavorably on the Department. Therefore, Department of Defense officials and military commanders should be aware of the requirements as well as the ramifications of official foreign travel for Department of Defense affiliated registered sex offenders.**

2. **Ensure Department of Defense affiliated personnel convicted of sex offenses while overseas, for which registration in the United States is required: (1) are notified of the requirement to register with the appropriate jurisdiction; (2) ensure the appropriate State and local law enforcement officials and the National Sex Offender Targeting Center are notified of the offender's return to the United States; and (3) responsible officials complete DD Form 2791.**

Under Secretary of Defense for Personnel and Readiness Comments

USD P&R concurred with recommendation C with one comment:

The policy to address these specific recommendations is currently under development and being drafted into DoDI 5525.jj, "Registered Sex Offender Identification, Notification, Monitoring, and Tracking in DoD."

Our Response

The management comment from USD P&R was responsive.

Finding D

The Department has little accountability of the population of sex offenders with regular and periodic access to DoD facilities. DoD lacks policy requiring Military Departments to account for registered sex offenders. This results in divergent efforts to account for sex offenders on DoD installations.

DoD needs overarching policy to account for sex offenders among its population. The Services have developed and undertaken divergent efforts to account for sex offenders, including denial of access, registration, tracking and housing application procedures.

The Need for A DoD Sex Offender Registry

In June 2012, prior to deciding to undertake this evaluation, we interviewed the Director, Defense Human Resources Activity (DHRA), Law Enforcement Policy and Support (LEPS) (DHRA/LEPS). We learned there was no DoD entity with visibility over the total number of registered sex offenders with access to DoD facilities. Additionally, there was no formal accounting or tracking system in place to account for this population.

In completing our field work we interviewed Military Service law enforcement officials to determine the extent of their efforts to identify and account for and control access of registered sex offenders to DoD installations to determine the need for a DoD sex offender registry.

Army and Marine Corps law enforcement activity (LEA) officials recommended the Department maintain a DoD-wide database of convicted sex offenders for law enforcement use. A Marine Corps LEA official believed the database should include a notification alert for the installation LEAs. According to an Army LEA official, the database should integrate registering and updating the status of all sex offenders directly into the NSOR.

An Army LEA official confirmed the Army accounts for military sexual offenders who self-identify to the PMO, as directed in AR 190-45, "Military Police Law Enforcement Reporting," March 30, 2007. She explained the biggest challenge for installation law enforcement is ensuring the offender is made aware of the requirement to register with their command.

MCIO officials across all Services stated the Department could benefit from its own SOR, as it would establish a method for DoD-wide management of sex offenders and help in the investigative process.

An Air Force SJA stationed in Texas stated a SOR would be the best tool for accounting of sex offenders, as it would provide a single DoD database for sex offender management based on joint basing initiatives.

Proactive Initiatives to Identify and Account for Sex Offenders

DoD Policy. The DoD has no policy to account for sex offenders among its population. In July 2013, the Director, DHRA/LEPS informed us of the plan to implement the Identity Management Enterprise Services Architecture (IMESA) to provide visibility over sex offenders on DoD installations. The Defense Installation Access Control (DIAC) Joint Capabilities Technology Demonstration developed IMESA. IMESA's "primary purpose will be to vet the identities of everyone authorized to access a DoD installation against DoD, Federal, State and local authoritative data sources." The Director, DHRA/LEPS stated IMESA uses information from the Defense Enrollment Eligibility Reporting System (DEERS), a DoD database containing information on Service members, U.S.-sponsored foreign military, DoD and Uniformed Services, civilians, and family members. IMESA would compare names found in databases against the NSOR, identifying registered sex offenders who request installation access. In June 2013, the FBI granted DoD approval to compare IMESA data against the NCIC NSOR file. Results of the queries will be provided to MCIOs and, after sanitizing for law enforcement sensitive information, the information will be provided to installation officials. This process was presented to the Defense Investigative Organization Enterprise-Wide Working Group who concurred with the process.

The Director, DHRA/LEPS, told us the IMESA platform will aid the Department in identifying sex offenders. He told us, if the Department became a jurisdiction, the MCIOs could input military sex offender data into the NSOR at time of conviction. This would ensure offenders are registered, regardless of whether confinement was required. Further, this builds in a safeguard to prevent a military sex offender from failing to register post-confinement; they would already be registered as a convicted sex offender. Further, the Department will also need to develop standardized training for compliance officers accounting for DoD sex offenders.

Army Policy. Army Regulation (AR) 190-45, "Military Police Law Enforcement Reporting," March 30, 2007, and AR 27-10, "Legal Services Military Justice," October 3, 2011, require convicted soldiers to register with the installation's PMO.

AR 190-45 delineates procedures officials must follow to register sex offenders applies to soldiers "who are convicted by court-martial for certain sexual offenses." AR 190-45 also "directs installation PMs/DESs [Provost Marshal/Director of Emergency Services] to provide written notice to state and local law enforcement agencies of the arrival of an offender to the local area so the registration process can be completed." Per AR 27-10, violations of registration requirements are punishable under UCMJ, Art. 92.

PMOs are increasing efforts to notify commanders of sex offenders within their commands. A PMO official at an Army installation in Texas told us the installation Director of Emergency Services instituted a policy to notify every Brigade Commander upon the arrival of a newly assigned military registered sex offender to their command. The PMO then contacts Brigade Commanders once a quarter to monitor each offender's status. An installation law enforcement official at Fort Hood, Texas, told us offender accountability records are maintained for five years. According to Fort Hood officials, as of February, 2013, there were 13 registered sex offenders with access to Fort Hood.

An Army installation official in Texas developed a sexual offender registration review checklist to assist in processing sex offenders and maintain registration documents for sex offenders associated with the installation.

Headquarters, U.S. Army Criminal Investigation Command (CID) in conjunction with the Office of the Deputy Chief of Staff Army G-1, implemented a policy to identify active duty convicted sex offenders. Information concerning the offender is forwarded to commands for offenders not discharged from the Army as follows:

- Army G-1 forwards a list to Headquarters, U.S. Army Criminal Investigation Division Command (HQUSACIDC) of soldiers assigned to various units throughout the Army.
- HQUSACIDC runs a criminal history check on the list to identify those with founded criminal cases within the past 5 years and returns that information to Army G-1.
- Army G-1 forwards the information to the gaining installation PMO.
- The gaining PMO forwards the information to the soldier's gaining commander.

Army Human Resources Command is tracking Soldier registered sex offenders by coding them with an eligibility limiting assignment code. Quarterly updates of these Soldiers with a qualifying sexual assault conviction are provided to the Army Human Resources Command by the Office of the Deputy Chief of Staff, G-1, Office of the Judge Advocate General, and the Office of the Provost Marshal General. Commanders will use the information to ensure Soldiers are in compliance with sex offender registration requirements. CID proposed developing a DoD SOR and linking it to DEERS or the Department of Defense Employee Interactive Data System as they are tied to each military members' pay, finances, entitlements, and other programs, which are routinely updated.

Air Force Policy. The Secretary of the Air Force, through the Chief of Security Forces, promulgated instruction intended to facilitate the removal of individual offenders from Air Force installations. Air Force Manual 31-201, "Security Forces Administration and Reports", August 28, 2009,[11] highlighting the ability of installation commanders to deny access to individuals under debarment authority. Regarding sex offenders, the manual acknowledges there is no military sex offender registry and states, "If the on-base housing unit sits on land that is subject to exclusive or concurrent federal jurisdiction, the installation commander can enforce the state sex offender registration laws," and there are no conditions that ". . . prevent the installation commander from debarring a sex offender from base."

Navy Policy. The Secretary of the Navy requires " . . . 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 [Department of the Navy] facilities." In SECNAV Memorandum, "Delegation of Authority to Issue Debarment Letters," June 11, 2008, the SECNAV also grants leadership the discretion to issue debarment letters to registered sex offenders, prohibiting them from entering Navy and Marine Corps installations worldwide.

Navy and Marine LEA officials have extensive policy regarding sex offender accounting and access to Navy and Marine Corps installations including: Office of Naval Operations (OPNAV) Instruction 1752.3, "Policy for Sex Offender Tracking, Assignment and Access Restrictions Within the Navy," May 27, 2009, SECNAV Memorandum for Bar Letters (June 11, 2008), and SECNAV Instruction 5800.14A, "Notice of Release of Military Offenders Convicted of Sex Offense," May 24, 2005.

[11] Certified current on February 26, 2014.

The Norfolk LEA has taken an active approach in screening those requesting access to Naval Station-Norfolk. The Norfolk LEA access screening division conducted checks in 2012, and 774 visitors of 176,000 were identified as having committed a sexual offense and were denied access. A Norfolk LEA official indicated three registered sex offenders have waivers signed by the installation commander permitting entrance to Norfolk and other Navy installations in the Norfolk area.

NCIS policy requires notification to state, local and foreign registration officials under certain circumstances. According to Naval Investigative Service-3, Chapter 34, "Sex Offenses," September 2007.

> Some convicted sex offenders are required to register with local law enforcement authorities as a sex offender in their community. However, offenders do not always self-register as required . . . (t)here are exceptions that sometimes make it the responsibility of NCIS to make notification . . . the NCIS must ensure notifications are made, utilizing DD Form 2791 within 10 days of completion of judicial proceedings.

An official at an NCIS field office in Virginia stated that in addition to notifying local and state registration officials, NCIS also forwards the DD Form 2791 to the U.S. Marshals Service. An official at an NCIS field office in California explained the Naval Investigative Service-3 which delineates NCIS' responsibility for registering military offenders convicted of sex offenses or crimes against minors, required modification to make it clear whether notifications should be made to officials in the offender's listed home of record or at the installation where the offender was assigned, or to both. An official at NCIS Headquarters, Quantico, Virginia, explained NCIS officials are not required to validate an offender's registration after conducting required notifications.

Assignment of Sex Offenders to Military Housing

DoD Policy. DoD Manual 4165.63-M, Encl. 2, para, 5(f) "DoD Housing Management," October 28, 2010, requires installation commanders to "[p]rovide DoD housing consistent with Federal and State laws to impose registered sex offender residency restrictions." The manual allows use of DD Form 1746, "Application for Assignment to Housing," to be used for the purpose of ensuring Service members, their families, and eligible civilians have access to suitable military housing and services. Neither the Manual nor this form include any provisions for the disclosure by the applicant, or the applicant's family members or other family housing occupants to register as sex offenders under any provision of law. However, the Military Services have instituted policies for registered sex offenders regarding access to military-sponsored housing.

Army Policy. AR 420-1, "Facilities Engineering Army Facilities Management," August 24, 2012, requires: all soldiers; family members; DoD civilian employees and their family members; or civilians and their family members, who intend occupancy of, or overnight visitation to, a Family housing dwelling unit, who are required to register as a sex offender under any provision of law, to provide proof of registry to the provost marshal's office prior to occupancy. Failure to do so may result in the host sponsor being evicted from housing. Applications for family housing will be on DD Form 1746, "Application for Assignment to Housing," September 1993. Sponsors may request and receive approval from garrison commanders for a "non-Family member" to reside in housing. Non-Family members who are registered or who are required to register as sex offenders and intend occupancy of, or overnight visitation to, a Family housing dwelling unit, are required to sign in at the provost marshal's office. Failure to do so may result in the host sponsor being evicted from housing.

Navy Policy. The Navy and Marine Corps have the most restrictive guidance prohibiting offenders from occupying Navy or Marine Corps owned, leased, or public-private venture housing. Navy policy requires applicants for Navy owned, leased, or privatized housing to certify under penalty of law neither the applicant nor any person living in the household is a registered/convicted sex offender. The applicant also acknowledges the requirement to notify the Navy Housing Office and the Installation Security Office immediately if circumstances change making the certification no longer accurate.

Air Force Policy. Air Force installations require full disclosure from offenders applying for military, government-managed, or privatized housing, as well as dependents residing with military or civilian applicants who are required to register as a sex offender.[12] Applicants must complete an AF Form 4422, "Sex Offender Disclosure and Acknowledgement," to be considered for housing. The form notifies applicants of disclosure requirements and records their sex offender status. Applications by members who disclose they, or a member of their household is a registered sex offender, must be coordinated with the local JA, Security Forces Squadron, and the Force Support Squadron. The application is then forwarded to the Installation Commander for approval.

[12] Air Force Instruction (AFI) 32-6001, "Family Housing Management," August 21, 2006.

Conclusions

The Department does not have a policy or a process established to maintain accountability of registered sex offenders living and working on DoD facilities. However, DHRA/LEPS is developing the policy (internally referred to as DoDI 5525.jj, "Sex Offender Registration") for sex offender identification, monitoring, and tracking in DoD.[13] The policy will take advantage of the DIAC Working Group's development of a vetting process at the Defense Manpower Data Center. The vetting process will compare the DEERS data against law enforcement databases (NCIC/NSOR). The results from this comparison will be managed by DoD law enforcement to meet notification, monitoring and tracking requirements, and provide information to respective Service leadership.

Absent overarching DoD guidelines, DHRA/LEPS and the Military Services have undertaken numerous proactive initiatives to implement policies, procedures, and programs to identify and account for sex offenders; however, these policies and procedures are divergent and do not account for all sex offenders.[14]

The Services do not verify the veracity of military housing applicant's declarations and certifications Military members, family members and other family housing occupants are registered or required to register as sex offenders.

DoD needs a SOR to account for sex offenders working, residing, and going to school on DoD installations.

Recommendations, Management Comments, and Our Response

Secretary of the Army Comments

Regarding Army proactive initiatives to identify and account for sex offenders, (p. 26, para 3 of the draft report), the SECARMY requested we delete the statement, "another Army installation official in North Carolina conducted monthly checks through the NCIC and the Army Centralized Operations Police Suite and verified the home and work addresses of registered offenders." The Army explained the paragraph does not

[13] Email on DoDI 5525.jj, "Sex Offender Registration.pdf, pg. 1, dated September 25, 2013 from DHRA/LEPS Director.

[14] Based on data call responses, the Defense agencies and DoD Field Activities do not have processes or policies to account for DoD sex offenders. The nature of the work performed by many Defense agencies and DoD Field Activities often requires their personnel to undergo personnel security investigations to include criminal background checks which would probably disclose prior sex offenses and sex offender status. DoD policy guidance should also consider and be applicable to the Defense agencies and DoD Field Activities to protect their personnel and activities.

explain what authority this individual had to conduct these checks and "phishing" (sic) expeditions for names of sex offenders through official law enforcement system[s] of records which is not legally authorized under the Systems of Records Notice and the Privacy Act, unless it is conducted for law enforcement purposes.

SECARMY also provided several comments to Finding D draft report body (p.26, para 1, and 4, p. 27, para 1, and p.29, para 1).

Our Response

We omitted the paragraph cited in our draft report and notified pertinent Army Officials for corrective action if appropriate. At the time, DoD IG officials had no basis to question the propriety of the Army Official's actions undertaken to enhance the accountability of Army sex offenders.

The additional SECARMY comments to Finding D draft report body did not result in changes to the report. Details of the Army's comments can be found in the Management Comments section of this report.

Recommendations

Recommendation D

We recommend the Under Secretary of Defense for Personnel and Readiness:

1. **Develop overarching policy to require accounting for convicted and registered sex offenders on Department of Defense facilities. This policy must establish a mechanism for the Services to verify offenders comply with sex offender registration requirements, and for the Services to verify the veracity of military housing applicant declarations and certifications.**

2. **Develop policy to implement a Department of Defense Sex Offender Management Program to ensure the Department is able to register offenders living, working, or attending school on Department facilities.**

Under Secretary of Defense for Personnel and Readiness Comments

USD P&R concurred with recommendation D with one comment:

The policy to address these recommendations is under development and being drafted into DoDI 5525.jj, "Registered Sex Offender Identification, Notification, Monitoring, and Tracking in DoD." Moreover, this policy will be supported by the pending continuous vetting process which will identify DoD affiliated individuals who are registered sex offenders and pass information to the appropriate Military Service or Defense Agency for management. Directive-type Memorandum (DTMP 005-14, "DoD Identity Management Capability Enterprise Services Application (IMESA) Access to FBI National Crime Information Center (NCIC) Files," published April 22, 2014, authorizes this continuous vetting process.

Our Response

The management comment from USD P&R was responsive.

Finding E

The Department can better support efforts by Federal counterparts and other agencies to account for DoD-affiliated convicted sex offenders.

Agreements between the Department and other agencies involved in sex offender management and tracking should be formally established to strengthen and increase the effectiveness of sex offender registration and notification.

The Department works closely with federal agencies to identify and account for DoD affiliated sex offenders such as the International Tracking of Sex Offenders Working Group, the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, and the National Sex Offender Tracking Center; however, the Department does not have a formalized sex offender management program. The Department can benefit from formalizing relationships and information sharing networks with these agencies as well as establishing a sex offender management program coordinator.

DoD Efforts to Work with Federal and International Organizations

Federal law requires a system for informing the relevant jurisdictions about persons entering the United States who are required to register as sex offenders. The National Guidelines require the identification of sex offenders who are convicted in the United States and travel abroad, and those convicted in foreign countries when they enter or reenter the United States. This will require cooperative efforts by U.S. and foreign authorities. In response to the legal requirement to maintain the aforementioned system, in 2008, DOJ created the International Tracking of Sex Offenders Working Group comprised of representatives from DOJ (Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Office), Department of State, U.S. Department of Homeland Security, and DoD (DHRA/LEPS). The Director, DHRA/LEPS continues to work with the International Tracking of Sex Offenders Working Group, which is developing the Registered Sex Offender International Tracking System, for tracking registered sex offenders who enter or depart the United States.

Necessary parts of cooperative activities would include U.S. authorities informing foreign authorities about sex offenders coming to their jurisdictions from the

United States, and foreign authorities advising the United States about sex offenders coming to the United States from their jurisdictions. To accomplish these cooperative efforts, federal authorities in the United States will need information about sex offenders leaving domestic jurisdictions to go abroad in order to effectively carry out the requirements of SORNA § 128 and enforce 18 U.S.C. 2250(a)(2)(B).

The ITSOWG stresses the importance of information sharing between DOJ and DoD regarding registered sex offenders who are either active duty military, dependents living on military installations, civilian employees, or contractors working in Outside the Continental United States locations. ITSOWG recognizes DoD is not a SORNA jurisdiction, does not have a centralized direct conduit to NSOR, and is not authorized to create a centralized sex offender registry. The ITSOWG will continue to work with all relevant agencies to increase and improve information-sharing capacity. This relationship is commendable and should assist in developing DoD policy guidance to resolve findings identified in this report.

DoD has not established a formal relationship with the DOJ SMART Office other than the ITSOWG. However, the SMART Office has provided training to DoD personnel on SORNA requirements. The SMART Office has also assisted the Army and Navy in developing policies for housing DoD sex offenders after the advent of privatized military housing.

The SMART Office shared numerous inquiries received through its "Ask SMART" program with OIG DoD evaluators.[15] Inquiries from various military departments requested guidance on SORNA legal issues. SMART Office officials stated the inquiries highlight the need for "an attorney to represent DoD," or a DoD point of contact well-versed in SORNA legal requirements. Overall, the SMART Office supports a closer working relationship with DoD officials responsible for administration of SORNA.

Additionally, in 2010, the Army began to identify and monitor the Army sex offender population. Army officials detailed an officer as part of a fellow program to the NSOTC. As a result of the interagency actions, USD (P&R) revised DoDI 1325.07 instituting mandatory notifications to NSOTC by all MCFs before the release of a prisoner convicted of a QMO.[16] The Army fellow monitors these notifications, identifies those who fail to register, and coordinates with the USMS field elements to locate and investigate noncompliant offenders.

[15] Online submissions of SORNA-related questions to the SMART Office http://www.ojp.usdoj.gov/smart/contact.htm.

[16] Offenses delineated in DoDI 1325.07, March 11, 2013, are also listed in Appendix C of this report.

All MCP officials had positive comments on the partnership in establishing the Army fellow at NSOTC. An official at the U.S. Disciplinary Barracks, Fort Leavenworth, Kansas, recommended the Department expand the program and create a DoD Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking Office to oversee DoD's sex offender accountability and act as a conduit for DoD in sex offender management.

INTERPOL

One of INTERPOL's most important functions is to help police in its member countries share critical crime-related information using a system of international notices. Police can use INTERPOL notices to alert law enforcement in other countries of potential threats, or to ask for assistance in solving crimes. INTERPOL uses various types of notices including "Green Notices," which are used to warn about a person's criminal activities if that person is considered to be a possible threat to public safety. In 2004, as part of "Operation Predator" INTERPOL used Green Notices to notify foreign countries when international travel was requested by a sex offender. According to INTERPOL representatives, the United States views the issuance of Green Notices as the Government's responsibility to alert foreign authorities concerning potentially dangerous individuals traveling internationally. INTERPOL recommended DoD consider taking advantage of their Green Notice program for any DoD affiliated sex offender traveling to and from overseas locations. We provide this information for DoD policy consideration.

Conclusion

The Department does not have a formalized sex offender management program and will require assistance in interpreting SORNA legal requirements, and developing policy and training standards. The Department's work with ITSOWG and the Army's interagency fellowship program with NSOTC are strong steps in the right direction. The Department can benefit from formalizing relationships and information sharing networks with agencies like the SMART Office and NSOTC that have programs in place to help train agencies and give technical assistance on sex offender management.

Recommendations, Management Comments, and Our Response

Recommendation E.1

We recommend the Under Secretary of Defense for Personnel and Readiness:

1. **Establish assistance agreements with agencies involved in sex offender management and tracking such as the U.S. Marshals Service, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking to reinforce existing relationships and programs, such as the National Sex Offender Targeting Center Army fellowship program, and better account for Department of Defense-affiliated sex offenders.**

Under Secretary of Defense for Personnel and Readiness Comments

USD P&R partially concurred with recommendation E.1 and provided one comment:

As noted in the draft report, the Department works directly and closely with both organizations, as well as other federal and nongovernmental agencies. In 2010, NSOTC began an initiative called Operation Tarnished Service to identify, locate, register, and/or apprehend, former service members who fail to comply with registration requirements following discharge from the military. Through this interagency collaboration between Federal and local law enforcement officials, the Department ensures all sex offenders released from military confinement, or discharged from military service, register where they live, or face severe consequences. Agreements are, and will be put in place when they are deemed necessary by both parties to delineate joint responsibilities, resources, and programs. Creating agreements however, without a mutually agreed-upon purpose, specific need, and understanding, will not enhance these effective partnerships.

Our Response

The management comment from USD P&R was partially responsive. This evaluation found that agencies such as the SMART Office, the NSOTC, and INTERPOL were interested in formalizing relationships at the DoD level to aid the Department in more proactively managing and monitoring the Department's sex offender population. Formally establishing Memorandums of Agreement or Memorandums of Understanding or other assistance agreements delineating the services these agencies can and will provide, ensures the Department is aware of these services and can quickly engage these agencies when in need of such services.

Recommendation E.2

We recommend the Under Secretary of Defense for Personnel and Readiness:

2. **Designate a Department of Defense sex offender management program coordinator to serve as a liaison between the Department and other Federal agencies to oversee the Department's administration of sex offender registration and notification issues.**

Under Secretary of Defense for Personnel and Readiness Comments

USD P&R did not concur with recommendation E.2 and provided one comment:

Access to and use of conviction information is the responsibility of the Military Services who have oversight for their assigned personnel and carry out necessary personnel management, law enforcement, disciplinary, and judicial functions. Ensuring each functional component (policy, program management, and operations) performs its part of policy implementation is the key to a successful sex offender registration and notification program, not combining them into one individual. Specifically, this recommendation mixes policy oversight, program oversight and management, operational criminal justice information use, and interagency liaison and coordination into one entity. At the management and interagency level, the program coordinator is the office of primary responsibility for the policy, in this case OUSD (P&R). Unlike the Military Services, however, OUSD(P&R) is not organized or equipped to function effectively in this manner. For these reasons, OUSD (P&R) believes the Military Services can most effectively carry out this mission.

Our Response

The management comment from USD P&R was responsive. Regarding recommendation E.2 we found merit in designating a sex offender management program coordinator at the Departmental level to serve as the point of contact for other agencies and the Services based on feedback that a centralized coordinator would aid in funneling requests for information and general questions about the DoD's sex offender management program. We concur with the management comment submitted by DHRA/LEPS via USD P&R that "access to and use of conviction information is the responsibility of the Military Services who own the subject personnel and carry out personnel management, law enforcement, and judicial functions." We revised recommendation E.2 to omit the portion requiring the DoD sex offender management program coordinator to have "access to conviction information," as this official can reach out the Services should they require this information. We do find merit in centralizing sex offender policy oversight, program oversight and interagency liaison into one entity, as currently these responsibilities are distributed throughout the Department.

Appendix A

Implementing SORNA

Federal Agencies

Office of the U.S. Attorney General

Within the Federal Government, the Office of the U.S. Attorney General (AG) is responsible for issuing guidelines and interpreting and implementing SORNA. The AG is assisted by other United States Department of Justice (DOJ) elements such as the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART), the USMS NSOTC, the U.S. Parole Commission, the Criminal Justice Information Service, a division of the Federal Bureau of Investigation, and the U.S. Probation and Pretrial Services. In addition to these DOJ elements, the U.S. Office of Personnel Management/ Federal Investigative Services and the INTERPOL, provide additional support to the sex offender registration system.

Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART)

The Department of Justice established the SMART Office within the Office of Justice Programs in response to the "Adam Walsh Child Protection and Safety Act of 2006." According to the SMART Office website, the office is authorized by law to:

- administer the standards for the Sex Offender Registration and Notification Program set forth in Title 1 of the Adam Walsh Act;
- administer grant programs relating to sex offender registration and notification authorized by the Adam Walsh Act and other grant programs authorized by the Adam Walsh Act as directed by the Attorney General;
- cooperate with and provide technical assistance to states, the District of Columbia, principle U.S. territories, units of local government, tribal governments, and other public and private entities involved in activities related to sex offender registration or notification or to other measures for the protection of children or other members of the public from sexual abuse or exploitation; and
- perform such other functions as the Attorney General may delegate.

The SMART Office hosts the Dru Sjodin National Sex Offender Public Website (NSOPW), which provides the public with access to sex offender data nationwide.

> NSOPW is the only U.S. government Website that links public state, territorial, and tribal sex offender registries from one national search site. Parents, employers, and other concerned residents can utilize the Website's search tool to identify location information on sex offenders residing, working, and attending school not only in their own neighborhoods but in other nearby states and communities. In addition, the Website provides visitors with information about sexual abuse and how to protect themselves and loved ones from potential victimization….NSOPW presents the most up-to-date information as provided by each Jurisdiction. Information is hosted by each Jurisdiction, not by NSOPW or the federal government. The search criteria available for searches are limited to what each individual Jurisdiction may provide. Search results should be verified by visiting the providing Jurisdiction's 'Public Registry Website' for further information and/or guidance.

U.S. Marshals Service National Sex Offender Targeting Center

According to the "Adam Walsh Child Protection and Safety Act of 2006," the USMS is "to assist state, local, tribal, and territorial authorities in the location and apprehension of non-compliant sex offenders; to investigate violations of the criminal provisions of the Act (18 U.S.C. § 2250), and to identify and locate sex offenders displaced as a result of a major disaster."

In 2009, the NSOTC was created to support the USMS in meeting the requirements of the "Adam Walsh Child Protection and Safety Act of 2006." The NSOTC:

> [F]unctions as an interagency intelligence and operations center to assist with identifying, investigating, locating, apprehending, and prosecuting non-compliant, unregistered fugitive sex offenders . . . collaborates with the National Center for Missing and Exploited Children (NCMEC) and the . . . (SMART Office) to support . . . law enforcement in pursuing unregistered and non-compliant sex offenders.

Other Federal agencies are represented at the NSOTC, including the Department of the Army. (See Finding D for further details of the Army's involvement at NSOTC.)

U.S. Parole Commission

According to the U.S. Parole Commission's (USPC) public website:

> [T]he mission of the U.S. Parole Commission is to promote Public Safety and strive for justice and fairness in the exercise of its authority to release, revoke and supervise offenders under its jurisdiction. Per the National Guidelines, "Federal sex offenders are also required to comply with the SORNA registration requirements as mandatory conditions of their federal probation, supervised release, or parole, as provided pursuant to amendments adopted by section 141(d)-(e), (j) of SORNA."

Criminal Justice Information Services

According to the Criminal Justice Information Services (CJIS) website, its mission is "to equip our law enforcement, national security, and intelligence community partners with the criminal justice information they need to protect the United States while preserving civil liberties." CJIS was established in February 1992 and has become the largest division within the Federal Bureau of Investigation (FBI) serving as the agency's central repository for criminal justice information services. The CJIS Division oversees several programs to include: the National Crime Information Center (NCIC), Uniform Crime Reporting (UCR), and Fingerprint Identification. The Division is also responsible for various technological initiatives, including the Integrated Automated Fingerprint Identification System (IAFIS), NCIC 2000, and the National Incident-Based Reporting System (NIBRS).

According to the SMART Office in the August 2013 version of "Sex Offender Registration and Notification in the United States: Current Case Law and Issues," CJIS also maintains the NSOR:

> The National Sex Offender Registry (NSOR) is a law-enforcement only database that is a file of the National Crime Information Center (NCIC) database managed by the Federal Bureau of Investigation Criminal Justice Information Services (CJIS) division. It was created in the late 1990s to store data on every registered sex offender in the United States, and to provide law enforcement access to that data nationwide.

U.S. Probation and Pretrial Services

According to its website, the U.S. Probation and Pretrial Services (PPS), "carries out probation and pretrial services functions in the U.S. district courts." According to a DOJ Handbook titled, "Sex Offender Registration and Notification in the United States:

Current Case Law and Issues," July 2012, "part of the government's involvement with sex offenders who are required to register concerns the handling of those offenders housed and subsequently discharged from federal correctional institutions." The U.S. Probation System conducts probation and pretrial services in the U.S. district courts. U.S. Probation Officers (USPOs) work with offenders "post-conviction," after they are tried and found guilty of Federal crimes and released from prison. Federal Probation Officers are required by 18 U.S.C. §4042(c) to notify state registration officials when a Federal prisoner meeting SORNA registration requirements is released from custody.

U.S. Office of Personnel Management, Federal Investigative Services

According to its website, OPM-FIS "provides investigative products and services for over 100 Federal agencies to use as the basis for suitability and security clearance determinations as required by Executive Orders and other rules and regulations." OPM-FIS conducts initial and periodic reinvestigations that would identify an individual convicted as a sex offender.

International Criminal Police Organization

INTERPOL is an international organization whose mission is to exchange police information between law enforcement authorities of its 190 member countries. INTERPOL gives investigative resources to its member-country law enforcement officials and administers a system of international advisory notices. The color-coded notices are issued by INTERPOL's General Secretariat in Lyon, France and are distributed to member-country law enforcement officials. INTERPOL often queries the NSOR to account for registered sex offenders traveling overseas. If an offender is not compliant with SORNA, the information is forwarded to the USMS or the U.S. Department of State for action.

INTERPOL Washington–U.S. National Central Bureau, a component of the U.S. DOJ, is the point of contact for all INTERPOL matters involving the United States. INTERPOL's U.S. National Central Bureau is responsible for administering U.S. authorities' access to INTERPOL databases and seeking the issuance of all INTERPOL notices on behalf of the United States and alerting U.S. authorities to the existence of INTERPOL notices.

Department of Defense

Within DoD, the Under Secretary of Defense for Personnel and Readiness (USD P&R) and subordinate elements including the Office of Legal Policy, and the Defense Human Resources Activity (DHRA), Law Enforcement Policy and Support (LEPS), develop DoD policy to implement sex offender requirements. These USD P&R elements interface with the Services' judge advocates (SJA), Military Corrections Programs (MCP), and the Services' clemency and parole boards.

Under Secretary of Defense for Personnel and Readiness

According to its website, the USD (P&R) "is the principal staff assistant and advisor to the Secretary and Deputy Secretary of Defense for Total Force Management as it relates to readiness; National Guard and Reserve component affairs; health affairs; training; and personnel requirements and management, including equal opportunity, morale, welfare, recreation, and quality of life matters." USD (P&R) published DoDI 1325.07, which provides departmental guidance on sex offender notification requirements. An official from USD (P&R) Office of Legal Policy serves as the Chair for the DoD Corrections Council.

Defense Human Resources Activity, Law Enforcement Policy and Support

According to its website, the DHRA/LEPS Office, "conducts policy oversight and program management of law enforcement-related activities for the DoD, including Trafficking of Persons, Missing and Exploited Children, Private Motor Vehicle Accident Reduction, DoD Civilian Police Standards of Training, and National Law Enforcement Data Sharing." DHRA/LEPS maintains oversight responsibility for DoD sex offenders when they travel outside of the Continental United States. DHRA/LEPS is also responsible for writing general law enforcement policy and for criminal data collection, sharing and reporting. A DHRA/LEPS official also serves on the SMART Office's ITSOWG. This same official also serves as the Chief Security Officer for DoD and works with the FBI Criminal Justice Information Services Division (CJIS) Advisory Policy Board.

Military Corrections Programs

The MCP is composed of the U.S. Army Corrections Command; Headquarters U.S. Marine Corps, Plans, Policies, and Operations Department, Law Enforcement and Corrections; Headquarters Air Force Security Forces Center, Corrections Division; and

the Office of Navy Corrections and Programs. DoDI 1325.07 delineates "(c)orrectional personnel responsible for the security and control of prisoners," and requires that MCFs "shall ensure Victim/Witness Assistance Program, DNA sample collection, and sex offender registration and notification requirements are met."

Service Judge Advocates

According to their respective websites, the Services' Judge Advocate General Corps are responsible for the defense and prosecution of military law according to the UCMJ. Within the JAG Corps, SJAs serve as legal advisors to military commands on diverse legal issues. SJAs provide the results of trials to the military confinement facilities, which identify whether sex offender registration is required.

Service Clemency and Parole Boards

According to DoDI 1325.07, "(c)lemency and parole programs shall be administered by the Military Departments to foster the safe and appropriate release of military offenders under terms and conditions consistent with the needs of society, the rights and interests of victims, and the rehabilitation of the prisoner." The Army Clemency and Parole Board, the Navy Clemency and Parole Board, and the Air Force Clemency and Parole Board, consider military offenders from their respective Services for clemency and parole.

U.S. Army Sexual Harassment/Assault Response Prevention Office

The U.S. Army SHARP Office conducts sex offender management in the Army and maintains a record of registered sex offenders with access to Army installations. SHARP also leads the Army Sex Offender Working Group composed of members from the Army SHARP Office, U.S. Army Office of the Provost Marshal General, U.S. Army Criminal Investigation Command, U.S. Army Office of the Judge Advocate General, U.S. Army Human Resources Command, U.S. Army Department of Military Personnel Management, Assistant Secretary of the Army (Manpower and Reserve Affairs), U.S. Army Assistant Chief of Staff for Installation Management, and the U.S. Army Installation Management Command.

U.S. Air Force Sexual Assault Prevention and Response Program

According to its website, the U.S. Air Force Sexual Assault Prevention and Response (SAPR) Program "reinforces the Air Force's commitment to eliminate incidents of sexual assault through awareness and prevention training, education, victim advocacy, response, reporting and accountability."

U.S. Navy Sexual Assault Prevention and Response Program

According to its website, the mission of the U.S. Navy Sexual Assault Prevention and Response (Navy SAPR) Program is to "prevent and respond to sexual assault, eliminating it from our ranks through a balanced [sic] of focused education, comprehensive response, compassionate advocacy, and just adjudication in order to promote professionalism, respect, and trust, while preserving Navy mission readiness."

U.S. Marine Corps Marine and Family Programs Division, Sexual Assault Prevention and Response

According to its website, the U.S. Marine Corps Marine and Family Programs Division, Sexual Assault Prevention and Response Program "is responsible for providing policies, evidence-based prevention training, and oversight of victim-centric services. The purpose of the SAPR Program is to eliminate incidents of sexual assault through a comprehensive program that centers on awareness and prevention, training and education, reporting, response, victim advocacy, and accountability."

U.S. Transportation Command

According to its website, U.S. Transportation Command (USTRANSCOM) "is a unified, functional combatant command which provides support to the eight other U.S. combatant commands, the military services, defense agencies and other government organizations." According to the Defense Transportation Regulation (DTR) 4500.9-R, Part I, "Passenger Movement," "the Commander, United States Transportation Command (USTRANSCOM) is the DOD single manager for transportation." USTRANSCOM is the proponent for the DTRs and the developer of the Global Air Transportation Execution System, the Department's transportation processing and management system, which cross-checks flight manifests and passenger information against various law enforcement databases to include the NSOR in NCIC.

Appendix B

Scope and Methodology

We conducted this review from October 2012 through September 2013. We focused on the Department's accountability of DoD registered sex offenders (active duty, reserve, National Guard, dependents, contractors, and U.S. Government (DoD) employees). We evaluated the Department's notification process to Federal officials and State and local registration offices when a military sex offender is released from a MCF or is convicted of QMOs but not confined. We reviewed the DoD and Service processes for notifying victims and witnesses of changes in the status of convicted sex offenders. We also evaluated Department and Service guidance addressing sex offender requirements to ensure current policies and procedures meet SORNA requirements.

Program Review

A data call was forwarded to the Services, Defense agencies,[17] and DoD Field Activities[18] requesting the number of DoD registered sex offenders in their respective commands, to include documentation of formal or informal procedures for maintaining accountability of DoD sex offenders. We requested the MCP provide information on inmates confined at MCF for QMOs for calendar years 2011-2012. We requested the JAG provide a report of Service members convicted of sexual offenses requiring sex offender registration, but not sentenced to confinement. We evaluated the processes used by JAs for notifying MCF Commanders or State and local officials of military convictions for QMOs requiring sex offender registration. We analyzed all of the responses to evaluate whether overall current Departmental processes were in compliance with SORNA legislation and DoD policies. Results from our program review are incorporated in the findings section of this report.

Policy Review

We reviewed DoD and Service guidance governing sex offender notification and accountability to determine if the guidance aligned with SORNA requirements.

[17] Based on data call responses, we found the Defense agencies have no process or policy to account for DoD sex offenders.

[18] Defense agencies and Defense agencies and DoD Field Activities are delineated in DoDD 5100.1, "Functions of the Department of Defense and Its Major Components," December 21, 2010. Although outside the scope of this review we found DoD Field Activities have no process or policy to account for DoD sex offenders.

Interviews

We interviewed or attended briefings by subject-matter experts and knowledgeable officials from the following agencies to assess DoD compliance with SORNA: DHRA/LEPS, Army SHARP Office, MCP, MCF, JAG/JA, SMART Office, INTERPOL, USMS NSOTC, USPO, Center for Sex Offender Management, OPM-FIS, DHS, and USTRANSCOM. We interviewed sex offender notification officials to assess their victim and witness notification processes. We also interviewed military law enforcement officials to identify their processes for accounting for sex offenders. We interviewed state and local civilian law enforcement officials to discuss the processes for registering military sex offenders before release from MCFs.

Site Visits

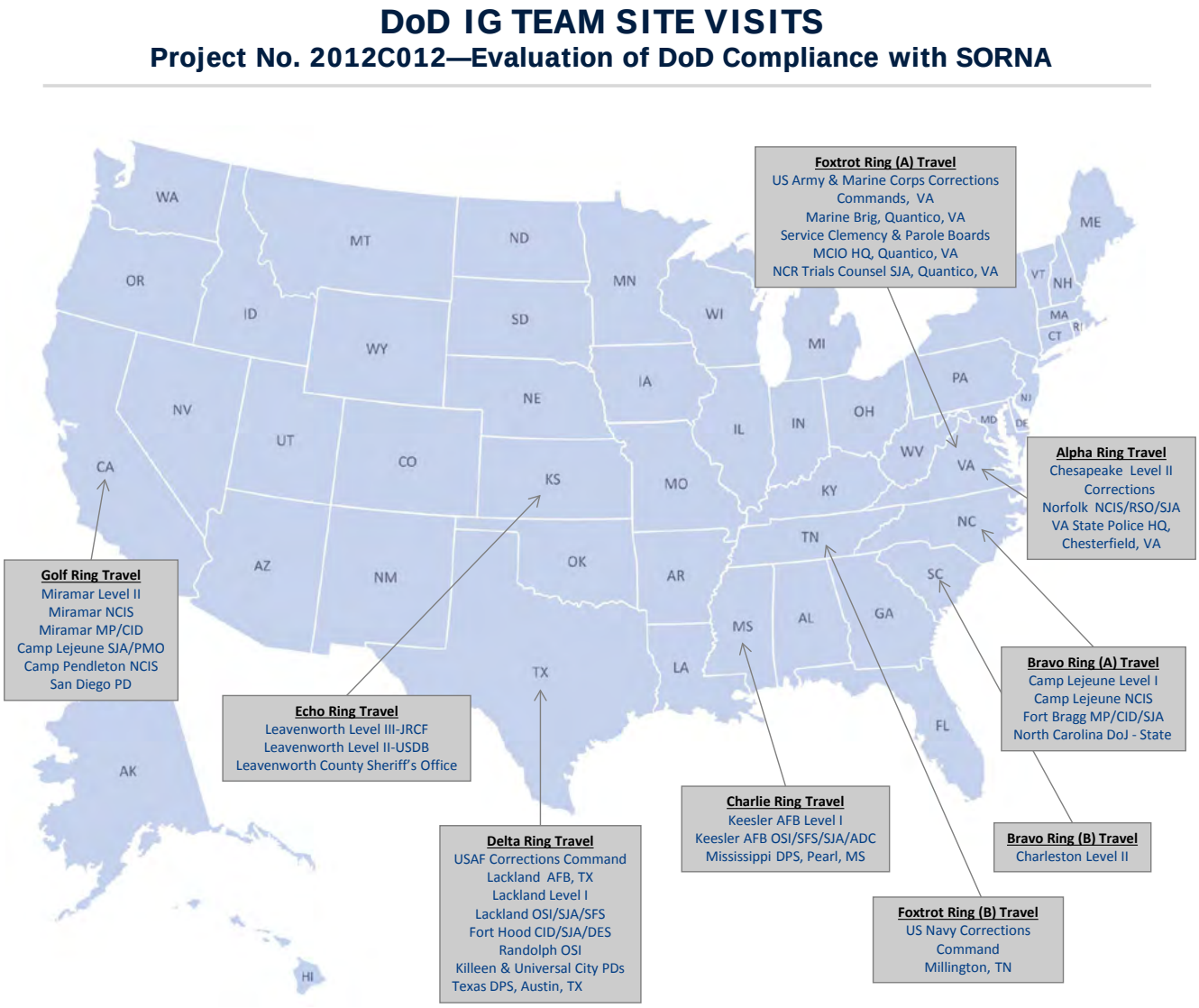
We conducted site visits to Level I and Level II MCFs in Charleston, South Carolina; Chesapeake, Virginia; Norfolk, Virginia; Fort Leavenworth, Kansas; Miramar, California and; Quantico, Virginia, in addition to the U.S. Disciplinary Barracks (USDB), Fort Leavenworth, Kansas, which according to its website, is "the only maximum security correctional facility in the Department of Defense."

Figure B-1. USDB, Fort Leavenworth, KS-A Maximum Security Correctional Facility
Source: Photographs courtesy of USDB, Fort Leavenworth, KS

We visited military facilities with high numbers of convictions for QMOs including Fort Hood, Texas; Fort Bragg, North Carolina; Naval Station Norfolk, Virginia; Camp Lejeune, North Carolina; Keesler Air Force Base, Mississippi; Lackland, Air Force Base, Texas; and Marine Corps Air Station Miramar, California. We also visited select state registration centers near military facilities.

The OIG DoD team conducted site visits to all four correctional commands, eight correctional facilities, and various military installations and State and local sex offender registration centers.

Figure B-2. Site Visits



Military Correctional Commands

1. U.S. Army Corrections Command, Alexandria, VA
2. Headquarters U.S. Marine Corps, Plans, Policies, and Operations Department, Law Enforcement and Corrections, Alexandria, VA
3. Headquarters Air Force Security Forces Center, Corrections Division, San Antonio, TX
4. Office of Navy Corrections and Programs, Millington, TN

Military Correctional Facilities

1. Level I, U.S. Marine Corps Correctional Facility, Camp Lejeune, NC
2. Level I, U.S. Air Force Confinement Facility, Keesler AFB, MS
3. Level I, U.S. Air Force Confinement Facility, Lackland AFB, TX
4. Level II, U.S. Navy Consolidated Brig, Charleston, SC
5. Level II, U.S. Navy Consolidated Brig, Chesapeake, VA
6. Level II, U.S. Army Midwest Joint Regional Correctional Facility, Fort Leavenworth, KS
7. Level II, U.S. Navy Correctional Facility, Miramar, CA
8. Level III, U.S. Army Disciplinary Barracks, Fort Leavenworth, KS

Military Clemency and Parole Boards

1. U.S. Air Force Clemency and Parole Board, Joint Base Andrews, MD
2. U.S. Army Clemency and Parole Board, Army Review Boards Agency, Arlington, VA
3. Navy and Marine Corps Appellate Leave Activity, Washington Navy Yard, D.C.
4. Navy Clemency and Parole Board, Washington Navy Yard, D.C.

Military Legal

1. Office of the Staff Judge Advocate, Fort Bragg, NC, Fort Hood, TX and Camp Lejeune, CA
2. Area Defense Counsel and Office of the Staff Judge Advocate, Keesler AFB, MS

3. Naval Station Norfolk Judge Advocate General, Norfolk, VA
4. 802nd Mission Support Group, Judge Advocate Office, Joint Base San Antonio, Lackland, TX
5. National Capitol Region Regional Trial Counsel, and Staff Judge Advocate Office, Quantico, VA

Military Law Enforcement Activity

1. 81st Security Forces Squadron (SFS), Keesler AFB, MS
2. Provost Marshal's Office, Military Police Investigations, Fort Bragg, NC
3. 802 SFS, Joint Base San Antonio Lackland, TX
4. Regional Security Office, Naval Station Norfolk, VA
5. 87th Military Police Detachment CID and 32d MP Det CID, Fort Bragg, NC
6. Provost Marshal's Office, Camp Lejeune, NC
7. Directorate of Emergency Services, Fort Hood, TX

Military Criminal Investigative Organizations

1. Headquarters, Air Force Office of Special Investigations (AFOSI), Quantico, VA
2. Headquarters, Naval Criminal Investigative Service (NCIS), Quantico, VA
3. Headquarters, U.S. Army Criminal Investigation Command (CID), Quantico, VA
4. U.S. Army Criminal Investigation Command, Fort Hood, TX
5. AFOSI Detachment 407, Keesler AFB, MS
6. NCIS Carolinas Field Office, Camp Lejeune, NC
7. AFOSI 4th Field Investigations Region, Randolph AFB, TX
8. Criminal Investigation Division, Marine Corps Air Station Miramar, CA
9. NCIS Marine Corps West Field Office, Camp Pendleton, CA
10. NCIS Norfolk Field Office, Norfolk, VA

State and Local Registration Centers

1. Virginia State Police Administrative Headquarters, North Chesterfield, VA
2. Texas Department of Public Safety, Crimes Records Service, Austin, TX
3. Mississippi Department of Public Safety, Pearl, MS
4. Leavenworth County Sheriff's Office, Sex Offender Registration Unit, Leavenworth, KS
5. San Diego Police Department Sex Offender Registration Unit, San Diego, CA
6. Killeen Police Department Sex Offender Registration Unit, Killeen TX
7. Universal City Police Department, Universal City, TX

Appendix C

Listing of Offenses Requiring Sex Offender Registration

DoDI 1325.07, March 11, 2013, Appendix 4 to Enclosure 2

1. A Service member who is convicted in a general or special court-martial of any of the offenses listed in Table 4, must register with the appropriate authorities in the jurisdiction (State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the U.S. Virgin Islands, and Indian Tribes) in which he or she will reside, work, or attend school upon leaving confinement, or upon conviction if not confined. Generally, this registration must take place within 3 days of release from confinement or within 3 days of conviction if not confined.

2. Appropriate DoD officials, as designated in implementing Service regulations, must inform the person so convicted of his or her duty to register and must inform the appropriate officials in the offender's stated jurisdiction of residence as soon as possible after conviction (if not confined) and before the prisoner's release (if confined). Any failure of the appropriate DoD officials to notify an offender of his or her requirement to register will not serve to relieve that offender of his or her duty to so register.

3. A Service member convicted of any offenses listed in Table 4 or convicted of offenses similar to those offenses listed below, shall be advised that the individual jurisdictions in which the offender might live, work, or attend school may require registration for offenses not listed below. Each registration jurisdiction sets its own sex offender policy and laws.

4. Effective immediately, reporting (and notice to convicted persons) is required based on a qualifying conviction of any offense listed below, without regard to the date of the offense or the date of the conviction for anyone incarcerated or under supervision (parole or mandatory supervised release).

5. The offenses defined before October 1, 2007, are included to help identification of those prisoners who were convicted of offenses occurring before October 1, 2007; however, reporting could still be required if the offense for which convicted occurred before October 1, 2007, but contained

elements that would require reporting if the offense had occurred on or after October 1, 2007.

6. Notwithstanding the offenses listed in Table 4, offenses under Articles 120 or 134 of the UCMJ that constitute only public sex acts between consenting adults do not require sex offender registration (i.e., indecent exposure). An offense involving consensual sexual conduct between adults is not a reportable offense, unless the adult victim was under the custodial care of the offender at the time of the offense. An offense involving consensual sexual conduct is not a reportable offense if the victim was at least 13 years old and the offender was not more than 4 years older than the victim (as determined by date of birth).

Table 4. Offenses Defined before October 1, 2007

UCMJ ARTICLE	DIBRS CODE	OFFENSE
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	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	Pornography Involving a Minor
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)
134	134-Y2	Assimilative Crime Conviction (of a sexually violent offense or a criminal offense of a sexual nature against a Minor or kidnapping of 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)

Table 5. Offenses Defined on or After October 1, 2007 and Before June 28, 2012

UCMJ ARTICLE	DIBRS CODE	OFFENSE
120(a)(1)	120-A1	Rape. Using Force
120(a)(2)	120-A2	Rape. Causing Grievous Bodily Harm
120(a)(3)	120-A3	Rape. Threatening Death, Grievous Bodily Harm, Kidnapping
120(a)(4)	120-A4	Rape. Rendering Unconscious
120(a)(5)	120-A5	Rape. Administering Drug, Intoxicant, Or Similar Substance
120(b)(1)	120-B3	Rape Of Child. Under 12 Years Old
120(b)(2)	120-B4	Rape Of Child. 12 - Under 16 Years Old
120(b)(2)	120-B5	Rape Of Child. 12 - Under 16 Years Old. Causing Grievous Bodily Harm
120(b)(2)	120-B6	Rape Of Child. 12 - Under 16 Years Old. Threatening Death, Grievous Bodily Harm, Kidnapping
120(b)(2)	120-B7	Rape Of Child. 12 - Under 16 Years Old. Rendering Unconscious
120(b)(2)	120-B8	Rape Of Child. 12 - Under 16 Years Old. Administering Drug, Intoxicant, Or Similar Substance.
120(c)(1)(A)	120-C1	Aggravated Sexual Assault. Threatening Or Placing in Fear (Other than Of Death, Grievous Bodily Harm, Kidnapping)
120(c)(1)(B)	120-C2	Aggravated Sexual Assault. Causing Bodily Harm
120(c)(2)	120-C3	Aggravated Sexual Assault. When Victim is Substantially Incapacitated/Unable to Appraise Act, Decline Participation, Or Communicate Unwillingness
120(d)	120-D1	Aggravated Sexual Assault of a Child. 12 - Under 16 Years Old
120(e)	120-E1	Aggravated Sexual Contact. Using Force
120(e)	120-E2	Aggravated Sexual Contact. Causing Grievous Bodily Harm
120(e)	120-E3	Aggravated Sexual Contact. Threatening Death, Grievous Bodily Harm, Kidnapping
120(e)	120-E4	Aggravated Sexual Contact. Rendering Unconscious
120(e)	120-E5	Aggravated Sexual Contact. Administering Drug, Intoxicant, or Similar Substance
120(f)	120-F1	Aggravated Sexual Abuse of a Child
120(g)	120-G1	Aggravated Sexual Contact with a Child. Under 12 Years Old
120(g)	120-G2	Aggravated Sexual Contact with a Child. 12 - Under 16 Years Old. Using Force
120(g)	120-G3	Aggravated Sexual Contact with a Child. 12 - Under 16 Years Old. Causing Grievous Bodily Harm
120(g)	120-G4	Aggravated Sexual Contact with a Child. 12 - Under 16 Years Old. Threatening Death, Grievous Bodily Harm, Kidnapping
120(g)	120-G5	Aggravated Sexual Contact with a Child. 12 - Under 16 Years Old. Rendering Unconscious

UCMJ ARTICLE	DIBRS CODE	OFFENSE
120(g)	120-G6	Aggravated Sexual Contact with a Child. 12 - Under 16 Years Old. Administering Drug, Intoxicant, or Similar Substance
120(h)	120-H1	Abusive Sexual Contact
120(h)	120-H2	Abusive Sexual Conduct. Causing Bodily Harm
120(h)	120-H3	Abusive Sexual Conduct. When Victim is Substantially Incapacitated/Unable to Appraise Act, Decline Participation, or Communicate Unwillingness
120(i)	120-I1	Abusive Sexual Contact with a Child. 12 - Under 16 Years Old
120(j)	120-J1	Indecent Liberty with a Child
120(k)	120-K1	Indecent Acts
120(l)	120-L1	Forcible Pandering
120(m)	120-M1	Wrongful Sexual Contact
125	125A	Forcible Sodomy
125	125B1/2	Sodomy of a Minor
133	133D	Conduct Unbecoming an Officer that describes conduct set out in any Provision of this Appendix
134	134-B6	Prostitution Involving a Minor

Appendix D

References

Federal Law

42 U.S.C. § 14071, "Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Program."

Public Law 105-119, "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998.

Public Law 109-248, "Adam Walsh Child Protection and Safety Act of 2006."

Public law 97-291, "Victim and Witness Protection Act of 1982."

DoD Issuances

Department of Defense Directive (DoDD) 5100.01, "Functions of the Department of Defense and Its Major Components," December 21, 2010.

DoDD 5124.02, "Under Secretary of Defense for Personnel and Readiness," June 23, 2008.

DoDD 5106.01, "Inspector General of the Department of Defense (IG DoD)," April 13, 2006.

DoDD 1325.04, "Confinement of Military Prisoners and Administration of Military Correctional Programs and Facilities," August 17, 2001.

Defense Transportation Regulation (DTR) 4500.9-R, "Passenger Movement," November 2010, includes changes through May 1, 2013.

Department of Defense Instruction (DoDI) 1325.07, "Administrations of Military Correctional Facilities and Clemency and Parole Authority," July 17, 2001, Incorporating Change 1, June 10, 2003 (reissued March 11, 2013).

DoDI 5505.03, "Initiation of Investigations by Defense Criminal Investigative Organizations," March 24, 2011.

DoDI 1030.2, "Victim and Witness Assistance Procedures," June 4, 2004.

DoDI 1325.7, "Administration of Military Correctional Facilities and Clemency and Parole Authority," July 17, 2001.

Service Issuances

Army

Army Regulation (AR) 27-10, "Military Justice," October 3, 2011.

AR 600-8-24, "Officer Transfers and Discharges," September 13, 2011.

AR 635-200, "Active Duty Enlisted Administrative Separations," September 6, 2011.

AR 195-2, "Criminal Investigation Activities," March 22, 2010.

AR 190-45, "Law Enforcement Reporting," March 30, 2007.

AR 190-47, "The Army Corrections System," June 15, 2006.

AR 611-1, "Military Occupational Classification Structure Development and Implementation," September 30, 1997.

Navy and Marines

Secretary of the Navy Instruction (SECNAVINST) 5430.108, "Department of the Navy Sexual Assault Prevention and Response Office," June 10, 2010.

Chief of Naval Operations (OPNAV) Instruction 1752.3, "Policy for Sex Offender Tracking Assignment and Access Restrictions within the Navy," May 27, 2009.

Department of the Navy Headquarters United States Marine Corps, "Policy Letter-Registered Sex Offenders Prohibited Occupancy and Access to Marine Corps Government-Owned, Leased, or Privatized Family," December 31, 2008.

Memorandum from the Secretary of the Navy (SECNAV), "Policy for Sex Offender Tracking and Assignment and Access Restrictions within the Department of the Navy," October 7, 2008.

Navy Military Personnel Manual (MILSPERSMAN) 1900-040, "Transfer to the Retired List, Retired Reserve, or the Fleet Reserve in a Restricted Status," September 22, 2008.

SECNAV Memorandum, "Delegation of Authority to Issue Debarment Letters," June 11, 2008.

NCIS 3, Chapter 34, "Sex Offenses," September 2007.

SECNAVINST 1640.9C, "Department of the Navy Corrections Manual," January 3, 2006.

SECNAVINST 5430.107, "Mission and Functions of the Naval Criminal Investigative Service," December 28, 2005.

SECNAVINST 1752.4A, "Sexual Assault Prevention and Response," December 1, 2005.

SECNAVINST 5800.14A, "Notice of Release of Military Offenders Convicted of Sex Offender," May 24, 2005.

SECNAVINST 5815.3J, "Department of the Navy Clemency and Parole Systems," June 12, 2003.

Marine Corps Order 1752.5A, "Sexual Assault Prevention and Response Program," February 8, 2008.

Air Force

Air Force Instruction (AFI) 51-201, "Administration of Military Justice," February 3, 2010.

AFI 32-6001, "Family Housing Management," August 21, 2006.

AFI 31-205, "The Air Force Corrections System," April 7, 2004.

Air Force Guidance Memorandum for AFI 31-205, "The Air Force Corrections System," January 27, 2014.

Supplemental Guidance

U.S. DOJ SMART Office, SORNA Overview (Handbook), August 2013.

U.S. DOJ SMART Office, SORNA Overview (Handbook), July 2012.

U.S. DOJ SMART Office, SORNA Substantial Implementation Checklist, Summer 2008.

U.S. DOJ SMART Office, Frequently Asked Questions.

International Association of Chiefs of Police, "IACP Sexual Assault Incident Reports: Investigative Strategies," December 2008.

International Association of Chiefs of Police, "Strategically Monitoring Sex Offenders: Accessing Community Corrections' Resources to Enhance Law Enforcement Capabilities," August 2008.

International Association of Chiefs of Police, "IACP Registering and Tracking Sex Offenders," November, 2007.

International Association of Chiefs of Police, "Sex Offenders in the Community: Enforcement and Prevention Strategies for Law Enforcement," September 2007.

Appendix E

Related Coverage

Below is a list of related coverage on sex offender management. Unrestricted GAO reports can be accessed over the Internet at http://www.gao.gov. Unrestricted DoD IG reports can be accessed at http://www.dodig.mil/pubs/index.cfm, and National Academy of Public Administration reports can be accessed at http://www.napawash.org/reports-publications.html.

Navy Commercial Access Control System Did Not Effectively Mitigate Access Control Risks. Report No. DODIG-2013-134, September 16, 2013.

Registered Sex Offenders: Sharing More Information Will Enable Federal Agencies to Improve Notifications of Sex Offenders' International Travel, Government Accountability Office – GAO-13-200, February 14, 2013.

Sex Offender Registration and Notification Act: Jurisdictions Face Challenges to Implementing the Act, and Stakeholders Report Positive and Negative Effects, GAO-13-211, Feb 7, 2013.

Evaluation of DoD Correctional Facility Compliance with Military Sex Offender Notification Requirements – DoD IG Report Number CIPO2002S003, June 26, 2002.

Adapting Military Sex Crimes Investigations to Changing Times, Summary Report, National Academy of Public Administration, June 1999.

Appendix F

DD Form 2701-1

DEPARTMENT OF DEFENSE REPORT OF RESULT OF TRIAL

1. DATE OF TRIAL (YYYYMMDD)

TO: (Convening Authority)

1. NOTIFICATION UNDER R.C.M. 1101 IS HEREBY GIVEN IN THE CASE OF THE UNITED STATES VERSUS:

a. NAME (Last, First, Middle initial)	b. BRANCH OF SERVICE	c. RANK/GRADE	d. DoD ID/SSN (Last 4)

e. ORGANIZATION (Full address)	2.a. TYPE OF COURT-MARTIAL (X one)
	☐ GENERAL ☐ JUDGE ALONE ☐ SPECIAL ☐ JUDGE ALONE ☐ SUMMARY

b. CONVENED BY: COURT MARTIAL ORDER NUMBER(S)	c. ISSUING COMMAND	d. DATE (YYYYMMDD)

3. SUMMARY OF OFFENSES, PLEAS AND FINDINGS

a. CHARGE/ SPECIFICATION NO(S).	b. UCMJ ARTICLE(S)	c. DIBRS CODE	d. BRIEF DESCRIPTION OF OFFENSE	e. PLEA	f. FINDING

4.a. DATE ADJUDGED (YYYYMMDD)	b. DATE OF ANY FORFEITURES OR REDUCTIONS (YYYYMMDD)

5. SENTENCE

6.a. CONTENTS OF PRE-TRIAL AGREEMENT CONCERNING SENTENCE TO CONFINEMENT (If any)

b. DAYS OF PRE-TRIAL CREDIT	c. DAYS OF OTHER JUDGE ORDERED CREDIT	d. TOTAL PRESENTENCE CREDIT TOWARD POST-TRIAL CONFINEMENT

7. DNA PROCESSING: IAW 10 U.S.C. §1565 ☐ IS ☐ IS NOT REQUIRED.

8. SEX OFFENDER REGISTRATION: IAW 42 U.S.C. §14071 ☐ IS ☐ IS NOT REQUIRED.

9. COMPANION ACCUSED/CO-ACCUSED (Name(s) and Social Security Number(s) (If any))

10. DISTRIBUTION (Copy provided to named Agencies/Unit(s))

11. SIGNED BY (X one) ☐ TRIAL COUNSEL ☐ SUMMARY COURT-MARTIAL OFFICER

a. NAME (Last, First, Middle initial)	b. RANK/GRADE	c. BRANCH OF SERVICE

d. SIGNATURE	e. DATE SIGNED (YYYYMMDD)

DD FORM 2707-1, MAR 2013 PREVIOUS EDITION IS OBSOLETE

Management Comments

USD (P&R)

PERSONNEL AND READINESS

OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

MAY 15 2014

MEMORANDUM FOR DEPARTMENT OF DEFENSE INSPECTOR GENERAL

SUBJECT: Response to Draft Report, Evaluation of DoD Compliance with the Sex Offender Registration and Notification Act (Project No. 2012C012)

In response to the April 15, 2014 request for comments on an update to DoD Inspector General Report 2012C012, we respectfully provide the following comments pertaining to the draft recommendations for the Office of the Under Secretary of Defense for Personnel and Readiness (USD (P&R)).

- **Recommendation A.1.** We recommend the Under Secretary of Defense for Personnel and Readiness revise Department of Defense policy to require:

  a. The use of DD Form 2707-1, "DoD Report of Results of Trial," to notify commanders of military confinement facilities of the results of trials, and not Service-derived forms.

  b. Orders promulgating the result of trial to clearly annotate sex offender registration requirements when offenders are convicted of qualifying military offenses.

P&R Response: Concur. The Office of Legal Policy, OUSD(P&R) will work with the Joint Service Committee of Military Justice, and Military Services criminal law experts to ensure that DD Form 2701-1 meets the requirements of Military Service judge advocates as well as military confinement facilities, to clearly report results of trial which require sex offender registration. Based on these revisions, DD Form 2707-1 will replace Service-derived forms.

- **Recommendation A.2.** We recommend Secretaries of the Military Departments require the Services' Judge Advocate Generals implement quality control measures to ensure DD Forms 2707-1, "DoD Report of Results of Trial," are completed.

P&R Response: Concur. As stated above, P&R will work closely with our Military Service colleagues to take these steps. The systematic review and update of DD Form 2707-1, will ensure that all orders promulgating the result of trial clearly and consistently highlight sex offender registration requirements when offenders are convicted of qualifying offenses in accordance with DoD Instruction 1325.07, "Administration of Military Correctional Facilities and Clemency and Parole Authority," Appendix 4 to Enclosure 2.

- **Recommendation A.3.** We recommend the USD(P&R) and the Secretaries of the Military Departments consider a plan to move the Services' military confinement programs to a common military corrections management information system. We recommend system interconnection with the Services' judge advocates and law enforcement systems to efficiently transmit results of trials to confinement facilities and other justice system components.

USD (P&R) (cont'd)

P&R Response: Partially concur. Criminal justice information sharing within the Department's law enforcement agencies is a high priority. Specifically, this includes the fielding of the Law Enforcement Defense Data Exchange (D-DEx), a system that allows all law enforcement agencies in DoD to share their respective criminal justice information with one another. Three quarters of DoD's law enforcement agencies are participating in the new system, with a target of D-DEx being fully operational by the end of calendar year 2014.

Corrections information is processed as criminal justice information, either contained in the Services' law enforcement record management systems or as a stand-alone system, in the case of the Navy (to be tied into other Navy LE systems through the Navy Justice Information System (NJIS), under development). Consequently, there is no need to create a new corrections management information system when the inherent information is already part of systems sharing data in D-DEx. The solution to better corrections data sharing across the Department of Defense therefore lies in customizing portions of D-DEx to meet the needs of the corrections community. The D-DEx Program Management Office will be tasked to develop a solution to the corrections communities' information sharing needs as part of D-DEx.

- **Recommendation B.** We recommend the USD(P&R):

  1. Establish a sex offender registration coordinator at military correctional facilities to monitor and confirm inmates being released are registered as required, or upon failure, inform the National Sex Offender Targeting Center.

  2. Undertake a study to determine the benefits of legislation to designate the Department as a Sex Offender Registration and Notification Act jurisdiction to establish responsibilities similar to existing jurisdictions.

P&R Response:

1. **Concur.** In accordance with DoD Directive (DoDD) 1325.04, "Confinement of Military Prisoners and Administration of Military Correctional Programs and Facilities," the DoD Corrections Council serves as the focal point in the OSD for confinement matters, correctional programs, and clemency and parole policies and procedures. Working through the DoD Corrections Council, and based on the recommendations of Service military corrections officials, we will create policy establishing a sex offender registration coordinator at military correctional facilities to further enhance the effectiveness of current initiatives in place.

2. **Concur.** The Defense Human Resource Activity's Law Enforcement Policy and Support office will conduct the recommended feasibility study.

- **Recommendation C.** We recommend the USD(P&R) develop policy to:

  1. Apprise Department of Defense officials and military commanders of Sex Offender Registration and Notification Act requirements because military exigencies may preclude a Department of Defense affiliated sex offender's ability to provide the required advance notice, which may contribute to legal violations by affected individuals. Such violations may reflect unfavorably on the Department. Therefore, Department of Defense officials and military commanders should be aware of the requirements as well as the ramifications of official foreign travel for Department of Defense affiliated registered sex offenders.

2

USD (P&R) (cont'd)

2. Ensure Department of Defense affiliated personnel convicted of sex offenses while overseas, for which registration in the United States is required: (1) are notified of the requirement to register with the appropriate jurisdiction; (2) ensure the appropriate State and local law enforcement officials and the National Sex Offender Targeting Center are notified of the offender's return to the United States; and (3) responsible officials complete DD Form 2791.

P&R Response: Concur. The policy to address these specific recommendations is currently under development and being drafted into DoDI 5525.jj, 'Registered Sex Offender Identification, Notification, Monitoring, and Tracking in DoD.'

- **Recommendation D.** We recommend the Under Secretary of Defense for Personnel and Readiness:

1. Develop overarching policy to require accounting for convicted and registered sex offenders on Department of Defense facilities. This policy must establish a mechanism for the Services to verify offenders comply with sex offender registration requirements, and for the Services to verify the veracity of military housing applicant declarations and certifications.

2. Develop policy to implement a Department of Defense Sex Offender Management Program to ensure the Department is able to register offenders living, working, or attending school on Department facilities.

P&R Response: Concur. The policy to address these recommendations is under development and being drafted into DoDI 5525.jj, "Registered Sex Offender Identification, Notification, Monitoring, and Tracking in DoD." Moreover, this policy will be supported by the pending continuous vetting process which will identify DoD affiliated individuals who are registered sex offenders and pass that information to the appropriate Military Service or Defense Agency for management. Directive-type Memorandum (DTMP 005-14, "DoD Identity Management Capability Enterprise Services Application (IMESA) Access to FBI National Crime Information Center (NCIC) Files," published April 22, 2014, authorizes this continuous vetting process.

- **Recommendation E.** We recommend the USD(P&R):

1. Establish agreements with the U.S. Marshal Service National Sex Offender Targeting Center (NSOTC) and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking to reinforce existing relationships and programs, such as the National Sex Offender Targeting Center Army fellowship program, to better account for Department of Defense-affiliated sex offenders.

2. Designate a Department of Defense sex offender management program coordinator with access to conviction information to serve as a liaison between the Department and other Federal agencies to oversee the Department's administration of sex offender registration and notification issues.

P&R Response:

3

USD (P&R) (cont'd)

1. **Partially concur.** As noted in the draft report, the Department works directly and closely with both organizations, as well as other federal and nongovernmental agencies. In 2010, NSOTC began an initiative called Operation Tarnished Service to identify, locate, register, and/or apprehend, former service members who fail to comply with registration requirements following discharge from the military. Through this interagency collaboration between Federal and local law enforcement officials, the Department ensures that all sex offenders released from military confinement, or discharged from military service, register where they live, or face severe consequences. Agreements are, and will be put in place when they are deemed necessary by both parties to delineate joint responsibilities, resources, and programs. Creating agreements however, without a mutually agreed-upon purpose, specific need, and understanding, will not enhance these effective partnerships.

2. **Nonconcur.** Access to and use of conviction information is the responsibility of the Military Services who have oversight for their assigned personnel and carry out necessary personnel management, law enforcement, disciplinary, and judicial functions. Ensuring that each functional component (policy, program management, and operations) performs its part of policy implementation is the key to a successful sex offender registration and notification program, not combining them into one individual. Specifically, this recommendation mixes policy oversight, program oversight and management, operational criminal justice information use, and interagency liaison and coordination into one entity. At the management and interagency level, the program coordinator is the office of primary responsibility for the policy, in this case OUSD (P&R). Unlike the Military Services, however, OUSD(P&R) is not organized or equipped to function effectively in this manner. For these reasons, we believe the Military Services can most effectively carry out this mission.

We appreciate the opportunity to respond to this draft report and remain committed to improve our programs ensuring accountability for sex offenders and the protection of crime victims. These comments have been coordinated with Mr John Awtrey, Director, Law Enforcement Policy and Support, (571) 372-1989, john.f.awtrey.civ@mail.mil. Additionally, if you have any questions, I can be reached at (703) 697-3387 or paul.e.kantwill.mil@mail.mil.

Paul E. Kantwill, Colonel, U.S. Army
Director, Legal Policy

4

Secretary of the Army

Evaluation of DoD Compliance with the Sex Offender Registration and Notification Act
(Project No. 2012C012)

Coordination:

	Name/Signature	Date	Remarks
ASA(M&RA	Larry Stubblefield Deputy Assistant Secretary of the Army (Diversity & Leadership)	6 May 2014	Concur w/ Comment (See attached SD Form 818)

Army POC: COL David M. Griffith, (703) 614-5311, david.m.griffith14.mil@mail.mil.

Secretary of the Army (cont'd)

UNCLASSIFIED

COMMENTS MATRIX FOR Evaluation of DoD Compliance with the Sex Offender Registration and Notification Act (Project No. 2012C012)							
#	CLASS	POC NAME, PHONE, AND E-MAIL	PAGE	PARA	COMMENT TYPE	COMMENTS, JUSTIFICATION, AND ORIGINATOR JUSTIFICATION FOR RESOLUTION	A/R/P

HOW TO USE THE COMMENTS MATRIX

GENERAL GUIDANCE:

- **To sort the table** by page number, hover your mouse over the top of the first cell in the column until a downward arrow appears; click to select the entire column. Under Table Tools, select Layout, and then click Sort and "OK." **To add new rows,** copy and paste a blank row to keep consistent formatting. **To add automatic numbering to column 1**, select the entire column and then click on the Numbering button under Paragraph on the Home ribbon.

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Secretary of the Army (cont'd)

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COMMENTS MATRIX FOR Evaluation of DoD Compliance with the Sex Offender Registration and Notification Act (Project No. 2012C012)							
#	CLASS	POC NAME, PHONE, AND E-MAIL	PAGE	PARA	COMMENT TYPE	COMMENTS, JUSTIFICATION, AND ORIGINATOR JUSTIFICATION FOR RESOLUTION	A/R/P
1	U	Katherine Brennan, 703-692-6721, katherine.e.brennan4.civ@mail.mil, OPMG	7	1	S	**Coordinator Comment:** Add: "Army Regulation 190-45, *Law Enforcement Reporting*, directs installation PMs/DESs to provide written notice to state and local law enforcement agencies of the arrival of an offender to the local area so the registration process can be completed. **Coordinator Justification:** Army does have a policy to coordinate with state and local law enforcement agencies to register Soldier sex offenders. **Originator Justification for Resolution:**	Choose an item.
2	U	Earl Ball, 703-428-7707, earl.w.ball.civ@mail.mil, OPMG	9	2	S	**Coordinator Comment:** Revise paragraph to read: "DA Form 4430 was changed to DD Form 2707-1 in March 2013 to be used by all Services in order to better facilitate sex offender notification compliance." Also, add the words "prior to this change" in front of the next sentence that begins with the word "inadequate". **Coordinator Justification:** Changing this form was agreed upon by all branches of the Service during the joint staffing action to update DoDI 1325.07 (*Administration of Military Correctional Facilities and Clemency and Parole Authority*). All Services agreed to use the new form prior to publication of DODI 1325.07 on 11 March 2013. Most Army activities have adjusted to use of the new form IAW the DoDI. **Originator Justification for Resolution:**	Choose an item.
3	U	Earl Ball, 703-428-7707, earl.w.ball.civ@mail.mil, OPMG	9	3, 2d sentence	S	**Coordinator Comment:** Add the words "prior to this change" in front of the sentence that begins with the word "inadequate." **Coordinator Justification:** Clarity. **Originator Justification for Resolution:**	Choose an item.

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Secretary of the Army (cont'd)

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COMMENTS MATRIX FOR Evaluation of DoD Compliance with the Sex Offender Registration and Notification Act (Project No. 2012C012)							
#	CLASS	POC NAME, PHONE, AND E-MAIL	PAGE	PARA	COMMENT TYPE	COMMENTS, JUSTIFICATION, AND ORIGINATOR JUSTIFICATION FOR RESOLUTION	A/R/P
4	U	Earl Ball, 703-428-7707, earl.w.ball.civ@mail.mil, OPMG	11	2	S	**Coordinator Comment:** Change "DD Form 2701-1" to read "DD Form 2707-1" in this paragraph and anywhere else it is used throughout this report. **Coordinator Justification:** Corrects inaccurate information; form number inaccurately cited. **Originator Justification for Resolution:**	Choose an item.
5	U	Steven Andraschko 703-571-0533 steven.l.andraschko.civ@mail.mil, OPMG	15	2	S	**Coordinator Comment**: Revise paragraph to read: "Army sexual offenders approved for release on parole or mandatory supervised release (MSR) before their maximum release date are supervised by a U.S. Probation Officer (USPO), and their activities are regulated based on their approved supervision plan and conditions." **Coordinator Justification**: Corrects inaccurate information. **Originator Justification for Resolution:**	Choose an item.
6	U	Earl Ball, 703-428-7707, earl.w.ball.civ@mail.mil, OPMG	18	1, recommendation B	S	**Coordinator Comment:** Revise to read, "Ensure a sex offender registration coordinator is appointed duties at each military correctional facility to monitor and confirm inmates being released are registered as required, or upon failure to inform the National Sex Offender Targeting Center." **Coordinator Justification:** Duties do not require a full time person; facilities have already complied with current staffing and facilities are not adequately staffed to dedicate a person to this position full time. Limited DoD assets (funds and personnel) need to be properly managed to maximize efficiency. **Originator Justification for Resolution:**	Choose an item.

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Secretary of the Army (cont'd)

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COMMENTS MATRIX FOR Evaluation of DoD Compliance with the Sex Offender Registration and Notification Act (Project No. 2012C012)

#	Class	POC Name, Phone, and E-mail	Page	Para	Comment Type	Comments, Justification, and Originator Justification for Resolution	A/R/P
7	U	Katherine Brennan, 703-692-6721, katherine.e.brennan4.civ@mail.mil, OPMG	19	Finding C	S	**Coordinator Comment:** Add: "Army Directive 2013-21, *Initiating Separation Proceedings and Prohibiting Overseas Assignment for Soldiers Convicted of Sex Offenses*, was published on 7 Nov 13." **Coordinator Justification:** This directive establishes new policy to ensure that the decision to retain any Soldier convicted of a sex offense is fully informed and in the Army's best interest. The directive requires commanders to initiate administrative separation of any Soldier convicted of a sex offense. In addition, this directive established Army policy prohibiting the overseas assignment or reassignment of any Soldier convicted of a sex offense. **Originator Justification for Resolution:**	Choose an item.
8	U	Katherine Brennan, 703-692-6721, katherine.e.brennan4.civ@mail.mil, OPMG	26	1	S	**Coordinator Comment:** Either this Army official was misquoted or he stated the wrong form. "This same Army official believed accountability could be accomplished by adding the PMO to the distribution of the DA Form 4833, *Commander's Report of Disciplinary or Administrative Action*." The PMO is the initiator of the DA Form 4833; the correct form he needed to reference is DD Form 2791. **Coordinator Justification:** This is the form that "would inform the PMO of a soldier's QMO conviction and assist in registration requirements." **Originator Justification for Resolution:**	Choose an item.
9	U	Katherine Brennan, 703-692-6721, katherine.e.brennan4.civ@mail.mil, OPMG	26	3	S	**Coordinator Comment:** Delete this statement, "Another Army installation official in North Carolina conducted monthly checks through the NCIC and the Army Centralized Operations Police Suite and verified the home and work address of registered offenders." **Coordinator Justification:** It does not explain what authority this individual had to conduct these checks and phishing expeditions for names of sex offenders through official law enforcement system of records is not legally authorized under the System of Records Notice and the Privacy Act, unless it's conducted for law enforcement purposes (i.e., the individual is under investigation).	Choose an item.

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Secretary of the Army (cont'd)

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COMMENTS MATRIX FOR Evaluation of DoD Compliance with the Sex Offender Registration and Notification Act (Project No. 2012C012)

#	Class	POC Name, Phone, and E-mail	Page	Para	Comment Type	Comments, Justification, and Originator Justification for Resolution	A/R/P
						Originator Justification for Resolution:	
10	U	Katherine Brennan, 703-692-6721, katherine.e.brennan4.civ@mail.mil, OPMG	26	4	S	**Coordinator Comment:** The last paragraph is incorrect; replace with this version: "The U.S. Army Office of the Provost Marshal General (OPMG) implemented a recently published Army directive to provide specified law enforcement information to commanders of newly assigned Soldiers. Commanders will use the information in the reports to ensure that, if required, Soldiers have completed DA Form 7439 (*Acknowledgement of Sex Offender Registration Requirements*) as required by AR 27-10. • Brigade-level commanders forward a list of their in-processing Soldiers for the month to the installation PMO. • PMO submits the list to CID to run a criminal history check on the list to identify those with founded criminal cases within the past 5 years and returns that information to the installation PMO. • The PMO forwards the information to the Soldier's gaining Brigade-level commander." **Coordinator Justification:** CID does not receive any lists from G-1 on Soldier movement. **Originator Justification for Resolution:**	Choose an item.
11	U	Katherine Brennan, 703-692-6721, katherine.e.brennan4.civ@mail.mil, OPMG	27	1	S	**Coordinator Comment:** Delete this section: "Permanent records of Army active duty convicted sex offenders are coded to identify the Soldier at the gaining installation as a convicted sex offender. A pilot program of this notification system implemented at Fort Hood, Texas was deemed successful. Commanders will use the information to ensure Soldiers are in compliance with DA Form 7439." Change to: "Army Human Resources Command (HRC) is tracking Soldier registered sex offenders by coding them with an eligibility limiting assignment code (L8). Quarterly updates of these Soldiers with a qualifying sexual assault conviction are provided to HRC by the Office of the Deputy Chief of Staff, G-1 (HRPD), Office of The Judge Advocate General (OTJAG), and the Office of the Provost Marshal General. Commanders will use the information to ensure soldiers are in compliance with sex offender registration requirements."	Choose an item.

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Secretary of the Army (cont'd)

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COMMENTS MATRIX FOR Evaluation of DoD Compliance with the Sex Offender Registration and Notification Act (Project No. 2012C012)

#	Class	POC Name, Phone, and E-Mail	Page	Para	Comment Type	Comments, Justification, and Originator Justification for Resolution	A/R/P
						Coordinator Justification: This change provides the correct information. **Originator Justification for Resolution:**	
12	U	Jan Morgan, 703-571-7339, Janetta.z.morgan.civ@mail.mil, G-1 SHARP	29	1, line 6	S	**Coordinator Comment:** Stated: Failure to do so **will** result in the host sponsor being evicted from housing. **Coordinator Justification:** Statement should say "may" not "will"….. **Originator Justification for Resolution:**	Choose an item.
13	U	Jan Morgan, 703-571-7339, Janetta.z.morgan.civ@mail.mil, G-1 SHARP	34	Para 1	S	**Coordinator Comment:** Recommendation E.1; Army already has an MOU in place with USMS NSOTC. **Coordinator Justification:** Clarification. **Originator Justification for Resolution:**	
14	U	Jan Morgan, 703-571-7339, Janetta.z.morgan.civ@mail.mil, G-1 SHARP	34	Para 2	S	**Coordinator Comment:** Disagree: Stated: Designate a Department of Defense sex offender management program coordinator with access to conviction information to serve as a liaison between the Department and other Federal agencies to oversee the Department's administration of sex offender registration and notification issues. **Coordinator Justification:** OUSD (P&R) law enforcement and policy support is the liaison. **Originator Justification for Resolution:**	
15	U	Jan Morgan, 703-571-7339, Janetta.z.morgan.civ@mail.mil, G-1 SHARP	40	3	S	**Coordinator Comment:** Para should to read: The U.S. Army SHARP Office maintains a record of Army Soldiers who are registered sex offenders as identified and authenticated by OTJAG, CID, and OPMG. SHARP also leads the Army Sex Offender Working Group composed of members from the Army SHARP Office, U.S. Army Office of the Provost Marshal General, U.S. Army Criminal Investigation Command, U.S. Army Office of the Judge Advocate General, U.S. Army Human Resources Command, U.S. Army Department of Military Personnel Management, Assistant Secretary of the Army (Manpower and Reserve Affairs), U.S. Army Assistant Chief of	

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Secretary of the Army (cont'd)

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COMMENTS MATRIX FOR Evaluation of DoD Compliance with the Sex Offender Registration and Notification Act (Project No. 2012C012)							
#	CLASS	POC NAME, PHONE, AND E-MAIL	PAGE	PARA	COMMENT TYPE	COMMENTS, JUSTIFICATION, AND ORIGINATOR JUSTIFICATION FOR RESOLUTION	A/R/P
						Staff for Installation Management, and the U.S. Army Installation Management Command **Coordinator Justification:** Comments more accurately reflect SHARP involvement in implementing SORNA. **Originator Justification for Resolution:**	

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Secretary of the Navy

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COMMENTS MATRIX FOR Evaluation of DoD Compliance with the Sex Offender Registration and Notification Act (Project No. 2012C012)							
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Secretary of the Navy (cont'd)

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1	U	LCDR Eisenberg, 202 685-7717, Mitchell.eisenberg @navy.mil	12	A.2	S	**Coordinator Comment**: DNA Processing reference in block 7 of DD FORM 2701-1 Mar 2013 is outdated. Correct reference in block 7 should read "DoDI 5505.14." **Coordinator Justification**: DoDI 5505.14 more accurately states the DNA processing requirements. **Originator Justification for Resolution**:	Choose an item.
2	U	LCDR Eisenberg, 202 685-7717, Mitchell.eisenberg @navy.mil	12	A.2	S	**Coordinator Comment:** Sex Offender Registration Reference in block 8 of DD FORM 2701-1 Mar 2013 is outdated. Correct reference in block 8 should read "42 U.S.C. §16917" **Coordinator Justification:** New law more accurately states sex offender registration requirements. **Originator Justification for Resolution:**	Choose an item.

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Secretary of the Air Force

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COMMENTS MATRIX FOR Evaluation of DoD Compliance with the Sex Offender Registration and Notification Act (Project No. 2012C012)							
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Secretary of the Air Force (cont'd)

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	Choose an item.	Sheryll I. Klinkel, 703-697-6061, sheryll.i.klinkel.mil@mail.mil			Choose an item.	**Coordinator Comment**: SAF/PA recommends response to query when changes are instituted by JA or A7 communities as directed by DoD. **Coordinator Justification**: Proactive communication not required for those equities. **Originator Justification for Resolution**:	Choose an item.
	Choose an item.				Choose an item.	**Coordinator Comment:** **Coordinator Justification:** **Originator Justification for Resolution:**	Choose an item.
	Choose an item.				Choose an item.	**Coordinator Comment:** **Coordinator Justification:** **Originator Justification for Resolution:**	Choose an item.
	Choose an item.				Choose an item.	**Coordinator Comment:** **Coordinator Justification:** **Originator Justification for Resolution:**	Choose an item.
	Choose an item.				Choose an item.	**Coordinator Comment:** **Coordinator Justification:** **Originator Justification for Resolution:**	Choose an item.

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Acronyms and Abbreviations

AFI	Air Force Instruction
AFOSI	Air Force Office of Special Investigations
AG	U.S. Attorney General
APIS	Advance Passenger Information System
AR	Army Regulation
CID	U.S. Army Criminal Investigations Command
CBP	U.S. Customs and Border Protection
CJIS	Criminal Justice Information Services Division
CLASS	Consular Lookout and Support System
CORMIS	Corrections Management Information System
DEERS	Defense Enrollment Eligibility Reporting System
DDEX	Defense Data Exchange
DHRA	Defense Human Resource Activity
DIAC	Defense Installation Access Control
DNA	Deoxyribonucleic acid
DoD	Department of Defense
DoDD	Department of Defense Directive
DoDI	Department of Defense Instruction
DOJ	Department of Justice
DPS	Department of Public Safety
DTR	Defense Transportation Regulation
FBI	Federal Bureau of Investigation
IAFIS	Integrated Automated Fingerprint Identification System
ICE	U.S. Immigration and Customs Enforcement
IG	Inspector General
IMESA	Identity Management Enterprise Services Architecture
INTERPOL	International Criminal Police Organization
JA	Judge Advocate
JAG	Judge Advocate General
JBSAR	Joint Base San Antonio Randolph
KPD	Killeen Police Department
LE	Law Enforcement
LEA	Law Enforcement Activity
LEPS	Law Enforcement Policy and Support Office
MCF	Military Correctional Facility
MCIO	Military Criminal Investigation Organization
MCP	Military Corrections Programs
MSR	Mandatory Supervised Release

Acronyms and Abbreviations (cont'd)

NCIC	National Crime Information Center
NCIS	Naval Criminal Investigative Service
NCPB	Navy Clemency and Parole Board
NSOPW	National Sex Offender Public Website
NSOR	National Sex Offender Registry
NSOTC	National Sex Offender Targeting Center
OCONUS	Outside of the Continental United States
OPM-FIS	U.S. Office of Personnel Management, Federal Investigative Services
OPNAV	Office of the Chief of Naval Operations
OPNAVINST	Department of the Navy Chief of Naval Operations Instruction
PMO	Provost Marshal Office
PPS	U.S. Probation and Pretrial Services
QMO	Qualifying Military Offenses
ROT	Report of Results of Trial
SAPR	Sexual Assault Prevention and Response
SECAF	Secretary of the Air Force
SECARMY	Secretary of the Army
SECNAV	Secretary of the Navy
SECDEF	Secretary of Defense
SECNAVINST	Secretary of the Navy Instruction
SFS	Security Forces Squadron
SHARP	Sexual Harassment/Assault Prevention
SJA	Service Judge Advocate
SMART	Sex Offender Sentencing, Monitoring, Apprehending, Registering, & Tracking
SOR	Sex Offender Registry
SORNA	Sexual Offender Registration and Notification Act
TSA	Transportation Security Administration
TSOC	Transportation Security Operations Center
UCMJ	Uniform Code of Military Justice
UCPD	Universal City Police Department
UCR	Uniform Crime Reporting
U.S.C.	United States Code
USD(P&R)	Under Secretary of Defense for Personnel and Readiness
USDB	U.S. Disciplinary Barracks
USMS	U.S. Marshals Service
USPC	U.S. Parole Commission
USPO	U.S. Probation Office/Officer
USTRANSCOM	U.S. Transportation Command

INSPECTOR GENERAL

INTEGRITY

EFFICIENCY

DEPARTMENT OF DEFENSE

Whistleblower Protection
U.S. Department of Defense

The Whistleblower Protection Enhancement Act of 2012 requires the Inspector General to designate a Whistleblower Protection Ombudsman to educate agency employees about prohibitions on retaliation, and rights and remedies against retaliation for protected disclosures. The designated ombudsman is the DoD Hotline Director. For more information on your rights and remedies against retaliation, visit www.dodig.mil/programs/whistleblower.

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