



PERSONNEL AND
READINESS

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

March 26, 2015

Incorporating Change 1, Effective Month Day, Year

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DEPUTY CHIEF MANAGEMENT OFFICER
DIRECTOR, COST ASSESSMENT AND PROGRAM
EVALUATION
DIRECTOR, OPERATIONAL TEST AND EVALUATION
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
DEPARTMENT OF DEFENSE CHIEF INFORMATION OFFICER
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DoD FIELD ACTIVITIES
COMMANDANT OF THE UNITED STATES COAST GUARD

SUBJECT: Directive-type Memorandum (DTM) 15-003 – Registered Sex Offender (RSO)
Identification, Notification, and Monitoring in DoD

References: See Attachment 1.

Purpose. In accordance with the authority in DoD Directive (DoDD) 5124.02
(Reference (a)), this DTM:

- Establishes policy for identification, notification, and monitoring of RSOs affiliated with DoD pursuant to chapter 151, subchapter I, part A of Title 42, United States Code (U.S.C.) (also known and referred to in this DTM as “the Sex Offender Registration and Notification Act (SORNA)”) (Reference (b)).
- Provides for the use of National Crime Information Center (NCIC) information retrieved through the Identity Management Capability Enterprise Services Application (IMESA) for DoD identification, notification, and monitoring pursuant to DTM 14-005 (Reference (c)).
- Implements the standards contained in this DTM within the United States to include Alaska, Hawaii, U.S. territories and possessions, and outside the United States in accordance with host nation laws and Combatant Command guidance.

- This DTM is effective March 26, 2015; it will be converted into a DoD instruction (DoDI). This DTM will expire effective March 26, 2016.

Applicability. This DTM applies to OSD, the Military Departments (including the Coast Guard at all times, including when it is a Service in the Department of Homeland Security by agreement with that Department), the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (referred to collectively in this DTM as the “DoD Components”).

Definitions. See Glossary.

Policy. It is DoD policy that:

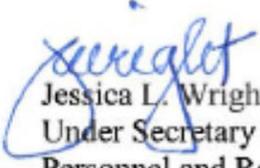
- Community safety on component installations be enhanced through the management of information concerning RSOs affiliated with DoD.
- RSOs affiliated with DoD Components are identified through the DoD IMESA-driven continuous vetting process as described in Reference (c).
- *The Department of Defense will provide to the Department of Justice the information described in Section 16914 of Title 42, U.S.C. (Reference (d)) to be included in the National Crime Information Center, National Sex Offender Registry File and the Dru Sjodin National Sex Offender Public Website for individuals released from military corrections facilities who are required to register under SORNA (Reference (b)) and individuals convicted who are required to register under SORNA (Reference (b)), pursuant to section 16928a of (Reference (d)).*
- When Service members convicted of a Uniform Code of Military Justice (UCMJ) offense requiring sex offender registration are separated from the Military Service or released from confinement, the releasing Military Service must notify the applicable State sex offender registries and the U.S. Marshals Service (USMS) National Sex Offender Targeting Center (NSOTC) in accordance with Attachment 3.
- RSOs affiliated with DoD Components who live or work on DoD installations and have restrictions associated with their conviction will be monitored by installation law enforcement, in accordance with pertinent law, and in conjunction with the appropriate unit commander, to ensure that those restrictions are enforced.
- RSOs affiliated with DoD Components who travel overseas must make appropriate notifications pursuant to the provisions of the SORNA.

- Legal restrictions on the authorized use of National Sex Offender Registry (NSOR) information will narrow the scope of use of that information. The use of NSOR information is described in Attachment 3.
- DoD Component law enforcement coordinates:
 - Within the United States. With the appropriate State, district, or territory law enforcement authorities that manage RSOs for the State, district, or territory in which the installation resides, to perform monitoring and notification functions described in paragraphs 2 and 3 of Attachment 3.
 - Outside the United States. With the appropriate host nation law enforcement authorities in accordance with governing status of forces agreements, bilateral treaties, Defense security cooperation agreements, diplomatic notes, and international agreements, as appropriate.
- Personally identifiable information (PII) collected and utilized in the execution of this DTM must be maintained under secure access to prevent any unauthorized use, disclosure, or loss. The collection, use, maintenance, and dissemination of PII must comply with the requirements of DoDD 5400.11, DoD 5400.11-R, DoDI 5505.17, DoDI 5400.16, and DoDI 1000.29 (References ~~(de)~~, ~~(ef)~~, ~~(fg)~~, ~~(gh)~~, and ~~(hi)~~).
- Requests for exception to DoDD 5200.27 (Reference ~~(ij)~~) policy regarding PII of non-DoD affiliated personnel must receive an Office of the General Counsel of the Department of Defense legal review and be approved by the Deputy Chief Management Officer or the Director of Administration, Office of the Deputy Chief Management Officer.

Responsibilities. See Attachment 2.

Procedures. See Attachment 3.

Releasability. **Cleared for public release**. This DTM is available on the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.


Jessica L. Wright
Under Secretary of Defense for
Personnel and Readiness

Attachments:
As stated

ATTACHMENT 1

REFERENCES

- (a) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008
- (b) Chapter 151, Subchapter I, Part A of Title 42, United States Code (also known and referred to in this DTM as "the Sex Offender Registration and Notification Act (SORNA))
- (c) Directive-type Memorandum 14-005, "DoD Identity Management Capability Enterprise Services Application (IMESA) Access to FBI National Crime Information Center (NCIC) Files," April 22, 2014, *as amended*.
- (d) *Title 42, United States Code*
- (~~d~~e) DoD Directive 5400.11, "DoD Privacy Program," October 29, 2014
- (~~e~~f) DoD 5400.11-R, "Department of Defense Privacy Program," May 14, 2007
- (~~f~~g) DoD Instruction 5505.17, "Collection, Maintenance, Use, and Dissemination of Personally Identifiable Information and Law Enforcement Information by DoD Law Enforcement Activities," December 19, 2012
- (~~g~~h) DoD Instruction 5400.16, "DoD Privacy Impact Assessment (PIA) Guidance," ~~February 12, 2009~~ *July 14, 2015*
- (~~h~~i) DoD Instruction 1000.29, "DoD Civil Liberties Program," May 17, 2012, as amended
- (~~i~~j) DoD Directive 5200.27, "Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense," January 7, 1980
- (~~j~~k) Section 534 of Title 28, United States Code
- (~~k~~l) DoD Instruction 1325.07, "Administration of Military Correctional Facilities and Clemency and Parole Authority," March 11, 2013
- (~~l~~m) U.S. Office of Personnel Management, "Handbook of Occupational Groups and Families," May 2009

ATTACHMENT 2

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS (USD(P&R)). The USD(P&R):

- a. Establishes and maintains policy for RSO identification, notification, and monitoring within DoD.
- b. Monitors compliance with this DTM.
- c. Represents DoD in interagency and professional association forums, councils, and working groups concerning RSOs.

2. INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE. The Inspector General of the Department of Defense monitors compliance with this DTM as it relates to the military criminal investigative organizations (MCIOs).

3. DOD COMPONENT HEADS WITH ASSIGNED LAW ENFORCEMENT AGENCIES (LEAs) OR ACTIVITIES. The DoD Component heads with assigned LEAs or activities:

- a. Ensure compliance with this DTM.
- b. Develop policy and procedures supporting the establishment of RSO identification, notification, and monitoring capabilities within their DoD Component.

4. DOD COMPONENT HEADS WITHOUT ASSIGNED LEAS OR ACTIVITIES. Develop policy, procedures, and interagency support agreements with supporting criminal justice agencies for receipt of NSOR information.

ATTACHMENT 3

PROCEDURES

1. IDENTIFICATION

a. Affiliated Personnel. Identification of DoD and USCG affiliated personnel as RSOs, referred to collectively in this DTM as “affiliated personnel”:

(1) Will be used for the purposes of the administration of criminal justice; screening of current or prospective employees or volunteers; or otherwise for the protection of the public in general and children in particular on DoD installations.

(2) Does not authorize search, detention, or arrest of the identified individual based solely on his or her identification as an RSO. Unlawful use of the information for purposes of intimidating or harassing another is prohibited and willful violation may be punishable under the State law of the State in which a DoD installation resides.

(3) Is a criminal justice information matching action and does not create a right or basis for command, human resource, physical security, or personnel security action in and of itself. Appropriate adjudications and determinations will be required by those functional communities before any action is taken by them.

b. Continuous Vetting Under the DoD IMESA

(1) IMESA. The IMESA will identify affiliated personnel who are RSOs, in accordance with the provisions of Reference (c), by performing machine matching of authoritative DoD databases against the NCIC NSOR file.

(2) Authoritative DoD Databases. Databases containing individuals affiliated with DoD to be matched against the NCIC NSOR file include:

(a) Defense Enrollment Eligibility Reporting System (DEERS).

(b) Local population database.

(c) Others as identified, approved, and incorporated.

(3) NCIC NSOR File

(a) All NSOR records are based on documented criminal history information and can only be disseminated in accordance with section 534 of Title 28, U.S.C. (Reference (jk)), or other federal statutes. Information in the NSOR will not be disclosed to the public.

(b) Publicly available information is accessible on the appropriate State jurisdictions' websites or by searching the Dru Sjodin National Sex Offender Public Website at www.nsopw.gov.

c. DoD IMESA Reporting to DoD Components

(1) NSOR matches are criminal justice information. As such, this information may be held and used only by criminal justice agencies (LEAs, courts, and prisons).

(2) NSOR matches will be provided to the respective MCIOs, U.S. Coast Guard, or designated LEA of the Defense Agencies with whom the identified individual is associated.

(3) NSOR matches will be provided to the appropriate LEA providing interagency support agreement support (ISAS) to components without organic LEAs.

(4) NSOR match-based "name only" red flag notices will be provided to the Military Entrance and Processing Command. The red flag notice will merely confirm that there has been a match between affiliated personnel contained in the Delayed Entry Program or Enlisted Referral File and the NSOR.

2. NOTIFICATION

a. Service members who are required to register as a sex offender as a result of a conviction under the UCMJ, before being separated from Military Service, will be identified to the appropriate State sex offender registry by the member's Military Service, according to established Service regulation. In addition, the Military Services will concurrently notify the USMS NSOTC of the conviction and pending separation. The State registry and NSOTC notifications will be made through the Department of Justice's SORNA Exchange Portal at <https://portal.nsopr.gov>. Use is available at AWA-Request@iir.com.

b. State sex offender registry and USMS NSOTC notifications for Service members convicted as sex offenders, subsequent to conviction under the UCMJ, and incarceration in a DoD Component confinement facility based on that conviction will be carried out in accordance with procedures in DoDI 1325.07 (Reference (~~k~~l)) using the SORNA Exchange Portal.

c. If an MCIO or LEA concerned receives a foreign sex offender identification record from the IMESA continuous vetting process for an affiliated person who lives or works in the United States, its territories, or possessions, it will notify the International Criminal Police Organization (INTERPOL), United States National Crime Bureau (USNCB). INTERPOL USNCB will provide additional guidance to the notifying agency and further notify the country that issued the INTERPOL Green Notice on the subject individual.

d. The MCIO or LEA described in paragraph 1.c.(2). will notify subordinate installation or facility law enforcement (or ISAS LEA) and the Component human resources (HR) agency of affiliated personnel assigned to or working on that installation or facility.

e. For members of the National Guard, the MCIO or LEA described in paragraph 1.c.(2) will notify the National Guard Bureau (NGB) Provost Marshal of individuals identified as RSOs. The NGB Provost Marshal will make the appropriate notifications within the State or territorial National Guard structure.

f. The MCIO or LEA receiving the IMESA-derived NCIC NSOR data will notify the DoD Component HR and security personnel of affiliated personnel convicted as sex offenders, subsequent to conviction under the UCMJ, or identified by the IMESA continuous vetting process. Those functional communities will make their own independent fitness and suitability determinations respectively.

g. The MCIOs and LEA receiving the IMESA-derived NCIC NSOR data will ensure that criminal justice information not releasable to the public is protected before providing management information to their respective components.

3. MONITORING

a. Sex offenders who are released from confinement with required monitoring may be monitored in the community under rules designed to protect their victims, vulnerable people, the general public, and the offender.

b. RSO monitoring is the responsibility of criminal justice agencies within the State in which the sex offender is registered. Because of jurisdictional issues with RSOs living or working on federal property, i.e., DoD installations, this monitoring by State or local law enforcement does not always take place. Regardless, the concern for the protection of victims, vulnerable people, installation population, and the offender remain paramount within the confines of a DoD installation or facility.

c. Once notified of RSO affiliated personnel who live or work on an installation or facility, the installation or facility LEA will coordinate with the State sex offender registry office to determine:

(1) If the affiliated person has restrictions placed on him or her subsequent to his or her conviction as a sex offender.

(2) If required monitoring will be conducted by State or local law enforcement for the period of time the subject individual lives or works on the installation.

d. If State or local law enforcement cannot or will not conduct the required monitoring, the installation or facility LEA will conduct the required monitoring in coordination with the State sex offender registry office or delegated State or local LEA. In areas with off base or installation facilities in which RSO s' would be restricted, coordination should be made between the installation or facility LEA or commander and State or local law enforcement to provide site monitoring or protection.

e. Installation or facility law enforcement will insure that a sufficient number of law enforcement officers receive RSO monitoring training in order to carry out any required RSO monitoring duties. Installation or facility LEA should contact the State sex offender registry office to ascertain available training vehicles and opportunities to accomplish this task.

4. INTERNATIONAL TRAVEL

a. In accordance with SORNA (Reference (b)) requirements, registrants must inform their residence jurisdictions of intended travel outside of the United States at least 21 days in advance of such travel. Further, registrants must inform their residence jurisdictions if they intend to reside, be employed, or attend school outside of the United States.

b. DoD Components will require that registrants subject to the UCMJ comply with these reporting requirements.

c. As a condition of employment, components will require registrants who are not subject to the UCMJ, but work on DoD installations, to comply with these reporting requirements.

d. DoD Components with knowledge of any affiliated personnel's intention to travel or move overseas will provide that information to both the appropriate state registry and the USMS NSOTC.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

DEERS	Defense Enrollment Eligibility Reporting System
DMDC	Defense Manpower Data Center
DoDI	DoD instruction
DoDD	DoD Directive
DTM	Directive-type Memorandum
HR	human resources
IMESA	Identity Management Capability Enterprise Services Application
INTERPOL	International Criminal Police Organization
ISAS	interagency support agreement support
LEA	law enforcement agency
MCIO	military criminal investigative organization
NCIC	National Crime Information Center
NGB	National Guard Bureau
NSOR	National Sex Offender Registry
NSOTC	National Sex Offender Targeting Center
PII	personally identifiable information
RSO	registered sex offender
SORNA	Sex Offender Registration and Notification Act
UCMJ	Uniform Code of Military Justice
U.S.C.	United States Code
USMS	U.S. Marshals Service
USNCB	United States National Crime Bureau

USD(P&R) Under Secretary of Defense for Personnel and Readiness

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purpose of this DTM.

affiliated personnel. DoD or USCG personnel who are either in DEERS or the local population database.

DEERS. A database that contains information for each DoD uniformed service member (active duty, retired, or Reserve Component member), U.S.-sponsored foreign military, DoD civilians, other personnel as directed by the DoD (including the patient population serviced through the Military Health Services System), and their eligible family members.

IMESA. A system that continuously vets identities against authoritative data sources to determine fitness.

LEAs. Organizations, agencies, entities, and offices of the Military Departments and Defense Agencies and the Office of the Inspector General of the Department of Defense that perform a law enforcement function for those departments and agencies and are staffed by DoD LEOs.

DoD LEO. All of the following personnel:

Military police (Army and Marine Corps), security forces (Air Force), and Masters-at-Arms (Navy) who wear a military uniform with police identification while on duty; and DoD Component civilian police (GS 0083 series or equivalent, consistent with the definitions of “law enforcement officer” in the Office of Personnel Management Handbook of Occupational Groups and Families (Reference (4m)) when credentialed to perform those duties.

Military and civilian (GS 1811, consistent with the definitions of “law enforcement officer” in Reference (4m)) criminal investigators (special agents).

Correctional officers (military or civilian employees in job series 0007 or equivalent of Reference (4m)).

local population database. Data from all individuals with valid reason to access the installation, who are not already recorded in DEERS, and that possess a credential authorized to facilitate access to a DoD installation in accordance with Reference (c) and have had their credential processed through a visitor center or physical access control systems at least once.

MCIOs. The U.S. Army Criminal Investigation Command, the Naval Criminal Investigative Service, and the Air Force Office of Special Investigations.

NSOR. A database exclusive to law enforcement that is a file of the NCIC database managed by the Federal Bureau of Investigation Criminal Justice Information Services division. The NSOR is an aggregate of all RSOs contained in State, territorial, and tribal sex offender registries.

PII. Information that can be used to distinguish or trace an individual's identity, such as his or her name, social security number, date and place of birth, mother's maiden name, and biometric records, including any other personal information that is linked or linkable to a specific individual.

RSO. A person who has been convicted of a crime involving a sexual act where the federal, State, or local laws require them to be placed on a sexual offender registry.

sex offender. Defined by Reference (b).

SORNA Exchange Portal. The Internet-based portal that provides a venue for better communication between criminal justice jurisdictions and sex offender registry officials.