



PERSONNEL AND
READINESS

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

MAY 20 2014

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS

SUBJECT: Regulations on Inclusion and Command Review of Information on Sex-Related Offenses in Personnel Service Records

In Section 1745 of the National Defense Authorization Act for Fiscal Year 2014, Congress implemented two new requirements with regards to accountability for sex-related offenses: the inclusion of information on sex-related offenses in the personnel service records of members of the Armed Forces and the mandatory review of the personnel record notation by the commanding officer of each Service member's sex-related offenses (Public Law 113-66). To fulfill the requirements of this section, I am requesting that you develop and issue regulations for your respective Services to implement this requirement by August 22, 2014.

The regulations must address the two specific requirements outlined in Section 1745. First, the regulations shall require that if a complaint of a "sex-related offense" is made against a Service member and the Service member receives a court-martial conviction, non-judicial punishment, or punitive administrative action for the offense, a notation to that effect shall be placed in the personnel service record of the Service member. The notation requirement is effective as of December 26, 2013 and shall be made in accordance with the Department of Defense Instruction (DoDI) 1336.08, "Military Human Resource Records Life Cycle Management." The Command review requirement is effective when appropriate regulations are issued no later than June 24, 2014. The notation shall not be placed in a restricted section of the personnel service record. "Sex-related offenses" include a violation of sections 920, 920a, 920b, 920c, or 925 of title 10 (articles 120, 120a, 120b, 120c, or 125 of the Uniform Code of Military Justice (UCMJ)); or an attempt to commit these offenses punishable under section 880 of title 10 (article 80 of the UCMJ).

Second, the regulations shall require that the commanding officer of a facility, installation, or unit to which the Service member is permanently assigned or transferred shall review the Service member's history of sex-related offenses, as documented in the member's personnel service record. The purpose of this review is for commanders to familiarize themselves with such history of the member.

The policy prescribed should not limit or prohibit the capacity of a military member to challenge or appeal the placement of a notation, or location of placement of a notation, in the member's personnel service record.

The Department will promulgate uniform policy consistent with these requirements in the Change 2 to DoDI 6495.02, "Sexual Assault Prevention and Response Program Procedures," governing notations and command review consistent with the guidance set forth in this memorandum.

Please provide your published guidance to the Sexual Assault Prevention and Response Office (SAPRO) no later than August 22, 2014, Lieutenant Colonel Tawnya S. Evans, Policy Analyst / Reserve Component Liaison, Department of Defense SAPRO. She may be reached by telephone at (571) 372-2646, or via email at tawnya.s.evans.mil@mail.mil.


Jessica L. Wright
Acting

cc:
Chiefs of the Military Services
Chairman of the Joint Chiefs of Staff
Chief of the National Guard Bureau