



DoD INSTRUCTION 5525.20

REGISTERED SEX OFFENDER (RSO) MANAGEMENT IN DoD

Originating Component:	Office of the Under Secretary of Defense for Personnel and Readiness
Effective:	November 14, 2016
Releasability:	Cleared for public release. Available on the DoD Issuances Website at http://www.dtic.mil/whs/directives .
Incorporates and Cancels:	Directive-type Memorandum 15-003, "Registered Sex Offender (RSO) Identification, Notification, and Monitoring in DoD," March 26, 2015, as amended
Approved by:	Peter K. Levine, Performing the Duties of the Under Secretary of Defense for Personnel and Readiness

Purpose: In accordance with the authority in DoD Directive (DoDD) 5124.02, this issuance:

- Establishes policy and assigns responsibilities for identification, notification, monitoring, and tracking of DoD-affiliated personnel who are RSOs, referred to collectively in this issuance as "DoD-affiliated RSOs," pursuant to:
 - Chapter 151, Subchapter I, Part A of Title 42, United States Code (U.S.C.), also known and referred to in this issuance as the "Sex Offender Registration and Notification Act (SORNA)."
 - Section 16928a of Title 42, U.S.C., also known and referred to in this issuance as the "Military Sex Offender Reporting Act of 2015 (MSORA)."
- Provides procedures for the use of National Crime Information Center (NCIC) information retrieved through the Identity Matching Engine for Security and Analysis (IMESA) for DoD identification, notification, monitoring, and tracking of DoD-affiliated RSOs.

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY. This issuance 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 DoD (referred to collectively in this issuance as the “DoD Components”).

1.2. POLICY. The DoD will:

a. Enhance community safety on DoD Component installations, through the management of information concerning DoD-affiliated RSOs. When implementing this issuance outside the United States, DoD personnel will do so in accordance with host nation laws and Combatant Command guidance.

b. Use the DoD IMESA-driven continuous vetting process to identify DoD-affiliated RSOs.

c. In accordance with Section 16928a of Title 42, U.S.C., provide to the Department of Justice information on individuals who are required to register under SORNA, as described in Section 16914 of Title 42, U.S.C. This information will be included in the NCIC, National Sex Offender Registry (NSOR) File, and the Dru Sjodin National Sex Offender Public Website (NSOPW).

d. Notify the applicable State, territory, or tribal sex offender registries and the U.S. Marshals Service (USMS) National Sex Offender Targeting Center (NSOTC) when Service members:

(1) Are convicted of an offense under Chapter 47 of Title 10, U.S.C. (also known and referred to in this issuance as the “Uniform Code of Military Justice (UCMJ)”); and

(2) Are required to be registered as sex offenders in accordance with Paragraph 3.2.a. of this issuance.

e. Monitor DoD-affiliated RSOs who live or work on DoD installations, through DoD installation law enforcement and the appropriate unit commanders, and enforce any restrictions associated with the RSOs’ convictions in accordance with pertinent law.

f. Require appropriate notifications from DoD-affiliated RSOs who travel overseas pursuant to the provisions of the SORNA.

g. Limit the use of information obtained from the NSOR File in accordance with appropriate legal restrictions. The use of NSOR information is described in Section 3.

h. Prevent any unauthorized use, disclosure, or loss of personally identifiable information (PII) collected and used in the execution of this issuance by maintaining PII under secure access.

The collection, use, maintenance, and distribution of PII must comply with the requirements of DoDD 5400.11, DoD 5400.11-R, DoD Instruction (DoDI) 5505.17, DoDI 5400.16, and DoDI 1000.29.

- i. Make exceptions to DoDD 5200.27 policy regarding PII of non-DoD-affiliated personnel, as approved by the November 24, 2015 Deputy Chief Management Officer Memorandum.

SECTION 2: RESPONSIBILITIES

2.1. UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS. The Under Secretary of Defense for Personnel and Readiness:

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

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

2.3. 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 issuance.
- b. Develop policy and procedures supporting the establishment of RSO identification, notification, monitoring, and tracking capabilities within their respective Components.
- c. Coordinate 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 is located, to perform monitoring and notification functions described in Paragraphs 3.2. and 3.3.
- d. Coordinate 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.

2.4. DoD COMPONENT HEADS WITHOUT ASSIGNED LEAs OR ACTIVITIES. The 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.

SECTION 3: IDENTIFICATION, NOTIFICATION, MONITORING, AND TRACKING PROCEDURES

3.1. IDENTIFICATION.

a. DoD-Affiliated RSOs. The identification of DoD-affiliated RSOs:

(1) Will be used for the administration of criminal justice; screening current or prospective employees or volunteers; and 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 DoD-affiliated RSOs is prohibited, and violations may be punishable under federal, military, or State laws.

(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. These functional communities will be required to conduct appropriate adjudications and determinations before taking any action within their area of responsibility.

b. Continuous Vetting Under the DoD IMESA.

(1) **IMESA.** The IMESA, as described in DoDI 5525.19, will identify DoD-affiliated RSOs 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 databases.
- (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 distributed in accordance with Section 534 of Title 28, U.S.C., 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, territory, or tribal jurisdictions' websites or by searching the NSOPW at www.nsopw.gov.

c. DoD IMESA Reporting to DoD Components.

(1) Because NSOR matches are criminal justice information, only criminal justice agencies (LEAs, courts, and prisons) may possess and use these matches.

(2) The IMESA process will provide NSOR matches to:

(a) The respective MCIOs, U.S. Coast Guard, or designated LEA of the Defense Agencies with whom the identified individual is associated.

(b) The appropriate DoD LEA providing interagency support agreement support (ISAS) to DoD Components without LEAs.

(3) DoD Components with individuals identified as RSOs who are assigned to organizations that are tenants on another Component's installation will notify the installation-owning Component of the individual's status as an RSO.

(4) The IMESA process will provide NSOR match-based "name only" notices to the U.S. Military Entrance and Processing Command. The notices will merely confirm that there has been a match between DoD-affiliated personnel contained in the Delayed Entry Program or Enlisted Referral File and the NSOR.

3.2. NOTIFICATION.

a. Service Members Convicted of a Qualifying Sex Offense.

(1) If a Service member is, or may be, required to register as a sex offender after being convicted of a qualifying offense under the UCMJ, as identified on the member's DD Form 2707-1, "Notice of Release/Acknowledgement of Convicted Sex Offender Registration Requirements," his or her commander or, if confined, servicing confinement facility will:

(a) Notify the appropriate State, territory, or tribal sex offender registry before the Service member is separated from military service with DD Form 2791, "Notice of Release/Acknowledgement of Convicted Sex Offender Registration Requirements," in accordance with applicable Service regulations.

(b) Notify the respective Component MCIO or LEA and the USMS NSOTC, using DD Form 2791, of the conviction and pending separation.

(c) Use the Department of Justice's SORNA Exchange Portal at <https://portal.nsopr.gov> to submit completed DD Form 2791s to the appropriate sex offender registry, MCIO, and NSOTC. SORNA Exchange Portal accounts may be requested at AWA-Request@iir.com.

(d) Notify local and State law enforcement (if different from the State agency operating the sex offender registry) by providing a copy of the DD Form 2791, but forgo other types of notifications that they may require.

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

b. IMESA-derived NCIC NSOR Data.

(1) MCIOs or LEAs will provide NSOR matches to subordinate installation or facility law enforcement (or ISAS LEA).

(2) Installation or facility law enforcement (or ISAS LEA) will notify the appropriate command, with publicly releasable information, of DoD-affiliated personnel assigned to or working on that installation or facility. Installation command, human resources, and personnel security will make their own independent fitness and suitability determinations respectively.

(3) For members of the National Guard, the MCIO or DoD LEA described in Paragraph 3.1.c.(2) will notify the National Guard Bureau Provost Marshal of DoD-affiliated RSOs. The National Guard Bureau Provost Marshal will make the appropriate notifications within the State or territorial National Guard structure.

(4) The MCIOs and DoD 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.

3.3. 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. Once notified of a DoD-affiliated RSO who lives or works on an installation or facility, the installation or facility DoD LEA will coordinate with the State, territory, or tribal sex offender registry office to determine:

(1) If the DoD-affiliated RSO has restrictions placed on him or her that are related 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.

c. If State or local law enforcement cannot or will not conduct the required monitoring, the DoD installation or facility LEA will conduct the required monitoring in coordination with the State, territory, or tribal sex offender registry office or delegated State or local LEA. In areas with off base or installation facilities in which DoD-affiliated RSOs would be restricted, the DoD

installation or facility LEA or commander and State or local law enforcement should coordinate to provide site monitoring or protection.

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

3.4. TRACKING.

a. MSORA. The MSORA requires that DoD provide to the NCIC NSOR and make available to the NSPOW information concerning Service members convicted of a registerable offense once released from a military corrections facility, or, if convicted of a registerable offense but not sentenced to confinement, following a courts-martial's adjudication of the sentence.

b. Internal Military Service Tracking. Notifications to the Component MCIO or LEA of the release of Service members requiring reporting to and tracking in NCIC NSOR will be made in accordance with procedures in Paragraphs 3.2.a. and 3.2.b. of this issuance.

c. Reporting to NCIC NSOR.

(1) When the Component MCIO or LEA concerned is notified of the release of a Service member who will or may be required to register as a sex offender in his or her destination State, territory, or tribal sex offender registry, the MCIO will add the Service member's name and required information to the NCIC NSOR File.

(2) The Component MCIO or LEA will place the information in Figure 1 in the NCIC NSOR File miscellaneous field, to ensure that civilian LEAs understand that the presence of the subject's name and information is a legal requirement, but does not constitute actual sex offender registration.

Figure 1. NCIC NSOR File Miscellaneous Entry

“Subject has been convicted of an offense that will or may require registration as a sex offender in a SORNA jurisdiction. The subject is required to comply with applicable State, territory, or tribal sex offender registration upon relocation. The subject will remain resident in NCIC NSOR, under a military ORI, until verification of either 1) a State, territory, or tribal registration is received, or 2) a State, territory, or tribal determination that registration is not required is received.”

(3) The subject will remain in the NCIC NSOR File until:

(a) The USMS NSOTC notifies the Component MCIO or LEA that the subject has registered at a State, territory, or tribal sex offender registry;

(b) A State, territory, or tribal sex offender registry notifies the Component MCIO or LEA that the subject has registered with that registry; or

(c) The USMS NSOTC, a State, territory, or tribal sex offender registry notifies the MCIO or LEA that the subject is not required to register in that jurisdiction.

(4) When the Component MCIO or LEA is notified of the subject's registration in a State, territory, or tribal sex offender registry, it will remove the subject's name and information from the NCIC NSOR File.

(5) If the Component MCIO or LEA receives notice from the State, territory, or tribal registry that it does not require registration, the subject's name will not be placed in the NCIC NSOR File or the information made available to the NSOPW.

(6) If the Component MCIO or LEA is never notified that the subject has registered in a SORNA jurisdiction sex offender registry, the Component MCIO or LEA will maintain the subject's information in the NCIC NSOR File as an alert to law enforcement, and will consult, as appropriate, with the USMS NSOTC.

(7) The Component MCIO or LEA will keep appropriate records of all information transactions associated with this process.

d. Information Made Available to the NSOPW. The Component MCIO or LEA will make publicly releasable information available to the Department of Justice's NSOPW for subjects entered into the NCIC NSOR File. Once the subject's name and information are removed from the NCIC NSOR File, that information will be withdrawn from NSOPW availability. If the condition described in Paragraph 3.4.c.(5) occurs, information will not be made available to the NSOPW.

3.5. INTERNATIONAL TRAVEL. In accordance with SORNA requirements, registrants must inform their residence jurisdictions of intended travel outside of the United States at least 21 days before such travel. Further, registrants must inform their residence jurisdictions if they intend to reside, be employed, or attend school outside of the United States.

a. DoD Components will require that DoD-affiliated RSOs subject to the UCMJ comply with these reporting requirements.

b. DoD Components with knowledge of any DoD-affiliated RSO's intention to travel or move overseas will provide that information to both the appropriate State, territory, or tribal registry and the USMS NSOTC by those Component organizations identified in Paragraph 3.2.

GLOSSARY

G.1. ACRONYMS.

DEERS	Defense Enrollment Eligibility Reporting System
DoDD	DoD Directive
DoDI	DoD Instruction
IMESA	Identity Matching Engine for Security and Analysis
ISAS	interagency support agreement support
LEA	law enforcement agency
MCIO	military criminal investigative organization
MSORA	Military Sex Offender Reporting Act
NCIC	National Crime Information Center
NSOPW	National Sex Offender Public Website
NSOR	National Sex Offender Registry
NSOTC	National Sex Offender Targeting Center
ORI	originating agency identifier
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

G.2. DEFINITIONS. Unless otherwise noted, these terms and their definitions are for the purpose of this issuance.

DEERS. A database that contains information for each DoD Service member in uniform (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.

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

DoD-affiliated RSOs. DoD-affiliated personnel who are identified in the NCIC NSOR File as being RSOs.

DoD 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 law enforcement officers.

DoD law enforcement officer. 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 (General Schedule 0083 series or equivalent, consistent with the definitions of “law enforcement officer” in the Office of Personnel Management Handbook of Occupational Groups and Families) when credentialed to perform those duties.

Military and civilian (General Schedule 1811, consistent with the definitions of “law enforcement officer” in Office of Personnel Management Handbook of Occupational Groups and Families) criminal investigators (special agents).

Correctional officers (military or civilian employees (in job series 0007 or equivalent of Office of Personnel Management Handbook of Occupational Groups and Families)).

IMESA. A system that continuously vets DoD-affiliated personnel identities against authoritative data sources to determine fitness.

local population database. Data from all individuals with valid reason to access the installation who are not already recorded in DEERS, who possess a credential authorized to facilitate access to a DoD installation, and who 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.

NSOPW. The U.S. Government website that acts as a national search site, linking public State, territorial, and tribal sex offender registries (not a database).

NSOR. A database exclusive to law enforcement that is a file of the NCIC database managed by the Federal Bureau of Investigation’s 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.

release. Appellate or excess leave and discharge (administrative or punitive).

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 in SORNA.

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

REFERENCES

- Deputy Chief Management Officer of the Department of Defense Memorandum, “Exception to Policy of Department of Defense Directive 5200.27 for the Identity Matching Engine for Security and Analysis - NCIC National Sex Offender Registry (NSOR) File,” November 24, 2015¹
- DoD 5400.11-R, “Department of Defense Privacy Program,” May 14, 2007
- DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008
- DoD Directive 5200.27, “Acquisition of Information Concerning Persons and Organizations Not Affiliated with the Department of Defense,” January 7, 1980
- DoD Directive 5400.11, “DoD Privacy Program,” October 29, 2014
- DoD Instruction 1000.29, “DoD Civil Liberties Program,” May 17, 2012, as amended
- DoD Instruction 5400.16, “DoD Privacy Impact Assessment (PIA) Guidance,” July 14, 2015
- 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
- DoD Instruction 5525.19, “DoD Identity Matching Engine for Security and Analysis (IMESA) Access to Criminal Justice Information (CJI) and Terrorist Screening Databases (TSDB),” May 4, 2016
- U.S. Office of Personnel Management, “Handbook of Occupational Groups and Families,” May 2009
- United States Code, Title 10, Chapter 47 (also known as the “Uniform Code of Military Justice (UCMJ)”
- United States Code, Title 28
- United States Code, Title 42

¹ Available from the Director, Office of Law Enforcement Policy and Support, OUSD P&R/DoDHRA, 4800 Mark Center Drive, Suite 06J25-01, Alexandria, VA. 22350-4000