



SECRETARY OF THE ARMY
WASHINGTON

09 DEC 2014

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2014-29 (Inclusion and Command Review of Information on Sex-Related Offenses in the Army Military Human Resource Record)

1. Sex offenses are serious crimes. Notwithstanding the provisions of any other Army regulation, directive, policy or like guidance published by any Army official or organization, this directive establishes new policy to ensure accountability for sex-related offenses and compliance with section 1745 of the National Defense Authorization Act for Fiscal Year 2014 and Department of Defense (DoD) guidance (references a and n). (A complete list of references is at the enclosure.)
2. References a and n require the inclusion of information on sex-related offenses in personnel service records and the mandatory review of such records by the Soldier's commanding officer. The provisions of Army Directive 2013-21 (Initiating Separation Proceedings and Prohibiting Overseas Assignment for Soldiers Convicted of Sex Offenses) (reference e) remain in effect. In addition to the assignment guidance in that directive, Soldiers who receive a court-martial conviction, nonjudicial punishment or punitive administrative action for a sex-related offense as outlined in this directive, and who are otherwise unaffected by the reassignment guidance in Army Directive 2013-21, will remain assigned to their current unit unless permanent change of station or reassignment is approved by the applicable Headquarters, Department of the Army Assignment Authority (the Commanding General, U.S. Army Human Resources Command; The Judge Advocate General; Chief of Chaplains; Director, Army National Guard; or Chief, Army Reserve).
3. Sex-related offenses include a violation of the following sections of Title 10, United States Code and equivalent articles of the Uniformed Code of Military Justice:
 - Section 920 – Article 120: Rape and sexual assault. This includes rape, sexual assault, aggravated sexual contact and proof of threat.
 - Section 920a – Article 120a: Stalking.
 - Section 920b – Article 120b: Rape and sexual assault of a child. This includes rape, sexual assault, sexual abuse of a child and proof of threat.
 - Section 920c – Article 120c: Other sexual misconduct. This includes indecent viewing, visual recording or broadcasting.

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- Section 925 – Article 125: Forcible sodomy; bestiality.
- Section 880 – Article 80: Attempt (any attempt to commit these offenses).

4. Commanders will ensure that a Soldier's permanent record in the Army Military Human Resource Record (AMHRR) is annotated for Soldiers who receive a court-martial conviction, nonjudicial punishment or punitive administrative action for a sex-related offense.

a. For the purposes of this directive, "punitive administrative action" means any adverse administrative action initiated as a result of the sex-related offenses identified in paragraph 3 and includes, but is not limited to, memorandum or reprimand, admonishment or censure from all levels of command. In all cases, the Soldier will be given notice and an opportunity to respond before the adverse administrative action is included in the Soldier's personnel file. The Soldier's response will be filed with the adverse administrative action.

b. This requirement applies to Soldiers in all components, regardless of grade. Commanders do not have the option to designate that these documents be filed locally or in the Restricted folder of the AMHRR. Documents will be filed in the Performance – Disciplinary folder in the interactive Personnel Electronic Records Management System.

5. The Commander, Human Resources Command will designate and implement an appropriate code for use on Soldiers' record briefs to identify those Soldiers with a court-martial conviction, nonjudicial punishment or punitive administrative action for a sex-related offense.

6. Lieutenant colonel-level commanders, or higher authority, will review the history of sex-related offenses documented in the AMHRR for any Soldier permanently assigned to their unit. Commanders will screen the record brief of current and incoming Soldiers for the code indicating that the Soldier has received a court-martial conviction, nonjudicial punishment or punitive administrative action for the sex-related offense. The purpose of this review is to ensure that commanders are aware of the history of sex-related offenses of Soldiers within their formations.

7. In accordance with references a and n, the requirement to annotate the AMHRR is retroactive to 26 December 2013. The requirement for command review is retroactive to 22 August 2014.

8. This policy does not prohibit a Soldier from appealing the placement of the notation in the AMHRR to the Army Board for Correction of Military Records.

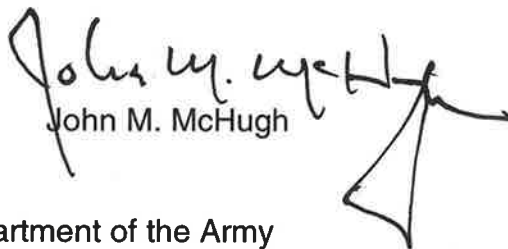
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9. The Army Deputy Chief of Staff, G-1 is the proponent for this policy and will incorporate the provisions of this directive into the next revision of Army Regulation (AR) 600-37 as soon as practicable.

10. The Deputy Chief of Staff, G-1, in coordination with the Assistant Secretary of the Army (Manpower and Reserve Affairs), will publish appropriate implementing instructions as soon as possible. This directive and its implementing instructions take precedence over and cancel any conflicting guidance. They will remain in effect until relevant Army regulations are revised and published to incorporate the policies set forth herein.

11. This directive is rescinded upon publication of the revised AR 600-37.

Encl


John M. McHugh

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REFERENCES

- a. National Defense Authorization Act for Fiscal Year 2014, Pub. L. No. 113-66, section 1745, 127 Stat. 672, 982–93.
- b. DoD Instruction 1336.08 (Military Human Resource Records Life Cycle Management), November 13, 2009.
- c. DoD Instruction 6495.02 (Sexual Assault Prevention and Response (SAPR) Program Procedures), March 28, 2013, Incorporating Change 1, February 12, 2014.
- d. Army Directive 2013-06 (Providing Specified Law Enforcement Information to Commanders of Newly Assigned Soldiers), 14 February 2013.
- e. Army Directive 2013-21 (Initiating Separation Proceedings and Prohibiting Overseas Assignment for Soldiers Convicted of Sex Offenses), 7 November 2013.
- f. AR 27-10 (Military Justice), 3 October 2011.
- g. AR 600-8-11 (Reassignment), 1 May 2007, including RAR Issued 18 October 2012.
- h. AR 600-8-101 (Personnel Processing (In-, Out-, Soldier Readiness, Mobilization and Deployment Processing)), 18 July 2003.
- i. AR 600-8-104 (Army Military Human Resource Records Management), 7 April 2014.
- j. AR 600-20 (Army Command Policy), 6 November 2014.
- k. AR 600-37 (Unfavorable Information), 19 December 1986.
- l. AR 614-100 (Officer Assignment Policies, Details, and Transfers), 10 January 2006.
- m. AR 614-200 (Enlisted Assignments and Utilization Management), 26 February 2009, including Rapid Action Revision No. 2 Issued 11 October 2011.
- n. Memorandum, Under Secretary of Defense, May 20, 2014, subject: Regulations and Command Review of Information on Sex-Related Offenses in Personnel Service Records.
- o. ALARACT 187/2013, Provost Marshal General, 0618432 Aug 13, subject: Implementation Guidance for the Secretary of the Army (Sec Army) Directive 2013-06, Providing Specified Law Enforcement Information to Commanders of Newly Assigned Soldiers.

Enclosure