Navy Sex Offender Notifications

This report contains information exempt from release under the Freedom of Information Act. Exemptions (b)(5) and (b)(6) apply.

Do not release outside the Department of the Navy or post on non-NAVAUDSVC Web sites or on Navy Taskers without prior approval of the Auditor General of the Navy.

N2016-0045
12 August 2016
Obtaining Additional Copies
To obtain additional copies of this report, please use the following contact information:

Phone: (202) 433-0687; (202) 433-5676
Fax: (202) 433-5921
E-mail: NAVAUDSVCS.FOIA@navy.mil
Mail: Naval Audit Service
      Attn: FOIA
      1006 Beatty Place SE
      Washington Navy Yard DC 20374-5005

Providing Suggestions for Future Audits
To suggest ideas for or to request future audits, please use the following contact information:

Phone: (202) 433-5840 (DSN 288)
Fax: (202) 433-5921
E-mail: NAVAUDSVCS.AuditPlan@navy.mil
Mail: Naval Audit Service
      Attn: Audit Requests
      1006 Beatty Place SE
      Washington Navy Yard DC 20374-5005

Naval Audit Service Web Site
To find out more about the Naval Audit Service, including general background, and guidance on what clients can expect when they become involved in research or an audit, visit our Web site at:

http://www.seeavnavy.mil/navaudsvc
MEMORANDUM FOR ASSISTANT SECRETARY OF THE NAVY (MANPOWER AND RESERVE AFFAIRS)
DIRECTOR, NAVAL CRIMINAL INVESTIGATIVE SERVICE
CHIEF OF NAVAL PERSONNEL

Subj: NAVY SEX OFFENDER NOTIFICATIONS (AUDIT REPORT N2016-0045)

Ref: (a) NAVAUDSVC memo 2015-065, dated 4 Mar 15
(b) SECNAV Instruction 7510.7F, “Department of the Navy Internal Audit”

Encl: 1. Status of Recommendations
  2. Pertinent Guidance
  3. Scope and Methodology
  4. Examples of Uniform Code of Military Justice Crimes Requiring Notifications
  5. Activities Contacted/Visited
  6. Management Response from Naval Criminal Investigative Service
  7. Management Response from Assistant Secretary of the Navy (Manpower and Reserve Affairs)

1. Introduction.

  a. We have completed the subject audit announced in reference (a). We found that the Navy did not comply with public law requiring notifications of convicted sex offenders. Governing Public Law and Department of Defense (DoD) and Navy policies1 require Navy to notify the four jurisdictions2 of the sex offenders convicted of specific Uniform Code of Military Justice (UCMJ) crimes.3 Secretary of the Navy (SECNAV) Instruction4 requires Naval Criminal Investigative Service (NCIS) to notify for sex

2 The jurisdictions include the United States Marshals Service, State law enforcement, local law enforcement, and State registration officials.
3 See Enclosure 4 for examples.
offenders who are convicted and not sentenced to confinement, and Navy Personnel Command (NPC) to make notification of Navy sex offenders who are convicted and sentenced to confinement.

- We found “the convicted and not confined sex offender notification process” was not working as intended, yet “the convicted and confined sex offender notification process” was working as intended. For example, NCIS failed to make the required notifications for 76 of 7 (100 percent) convicted and not confined sex offenders we reviewed, yet NPC made all required notifications for 13 of 13 (100 percent) convicted and confined sex offenders we reviewed. As of 7 April 2016, NCIS took corrective actions by making all of the required notifications for the seven sex offenders after they were informed of the noncompliance during the audit.

- We also found that Assistant Secretary of the Navy (Manpower and Reserve Affairs) (ASN (M&RA)) did not manage the Navy sex offender notification program, as required by SECNAV Instruction 5800.14A, to ensure the notification program was in compliance with Public Law. Therefore, the ASN (M&RA) office was not aware of the noncompliance identified in this report. In addition, SECNAV Instruction 5800.14A does not comply with DoD Instruction 1325.07, and does not provide clear guidance for “the convicted and not confined sex offender notification process.” The current ASN (M&RA) and NCIS process would not have identified the lack of notifications we found during the audit for the seven convicted and not confined sex offenders.

b. These conditions existed due to: (1) significant breakdown of NCIS’ internal controls related to the sex offender notification program; (2) NCIS’s lack of awareness of the sex offender notifications requirements; and (3) the Office of ASN (M&RA)’s lack of awareness of the requirement to manage the sex offender notification program. As a result of not making the required notifications, the jurisdictions missed an opportunity to determine whether the convicted sexual assault offenders will be registered on the National Sex Offender Registry. In addition, the conditions identified in this report could endanger the safety of military personnel, civilians, and sexual assault victims. This may hinder one of the SECNAV’s goals to “promote and enforce a culture free of sexual assault.” This also could negatively impact unit readiness. The noncompliance could also negatively impact the Navy’s credibility and public trust, in addition to the communities’ safety in which the offenders reside.

5 NCIS was required to make 28 notifications (4 notifications for the 7 offenders); and failed to make 26 of the 28 notifications.
6 The scope of the audit included a 100 percent review of NCIS cases referred to court-martial proceedings for adult sex crimes by analyzing alleged offenders’ dispositions (see Enclosure 3 for details).
7 According to SECNAV Instruction 5800.14A, the ASN (M&RA) is responsible for overall policy and execution of the notification program.
c. We made recommendations to NCIS and ASN (M&RA) to address the conditions noted. Management took or plans appropriate corrective actions on all of the recommendations.

2. **Audit Objective and Reason for Audit.** The audit objective was to verify the Navy is in compliance with Public Law requiring notifications of convicted sex offenders. XX XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
   XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
   XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
   XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
   XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
   XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX.

3. **Background.**

   a. According to the Public Law, all sex offenders are required to register as a sex offender in each jurisdiction where they will reside, work, or attend school. The National Sex Offender Registry (NSOR), established in September 2000, contains over 747,000 registered sex offenders in every state and territory; including names, aliases, maps, photos, addresses, and offenses. Sex Offender Registration and Notification Act (SORNA) jurisdictions include the 50 states, District of Columbia, the principal U.S. territories, and Indian Tribal territories; however, the jurisdictions do not include military services and military corrections facilities.

   b. Sex offenders convicted of a specific UCMJ crime are required to register as a sex offender in each jurisdiction where they will reside, work, or attend school. Every jurisdiction makes its own determinations about who will be required to register; therefore, states may determine some UCMJ offenses may not require registration. Once the sex offenders are registered, their information can be found on NSOR, which is available to the public. In addition, the United States Marshals Service has the responsibility of monitoring and tracking sex offenders to ensure registration requirements are met.

   c. One of SECNAV’s main focuses for the Department of the Navy’s (DON’s) goals and objectives for Fiscal Year 2016 was to “promote and enforce a culture free of sexual assault.” Success in this area may contribute toward an increase in effectiveness and efficiency of the entire Department, improve the lives of Sailors and Marines, and result in greater security for the United States.

---

8 XX XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
   XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
   XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
   XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
   XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
   XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

9 The Public Law is the Sex Offender Registration and Notification Act (SORNA) of 2006.
4. **Briefings with Management.** On 7 October 2015, we discussed our audit findings and potential recommendations with the Assistant Director, Criminal Investigations Directorate, NCIS. During the meeting, we requested that NCIS initiate immediate corrective actions for the seven convicted sex offenders, for whom NCIS had not made all of the required notifications. The Assistant Director agreed with the findings and potential recommendations, as did the following officials who were also briefed on the dates indicated:

- Director, 21st Century Sailor Office – 16 November 2015;
- Deputy Commander, NPC – 18 November 2015;
- Director, Criminal Law Division/Administrative Support Division; 19 November 2015;
- Deputy Director, DON Sexual Assault Prevention and Response Office – 1 December 2015;
- Director of Military Law, Office of the ASN (M&RA)– 16 February 2016; and
- Deputy Assistant Director, NCIS – 19 February 2016.

5. **Noteworthy Accomplishment.** We found NPC established a best business practice by developing a written policy to maintain confirmation of delivery of sex offender notification to the required jurisdictions via certified mail slips. Establishing such a requirement provides Navy with reasonable assurance the required notifications are made to the jurisdictions.

6. **Scope and Methodology.**

   a. The audit universe consisted of 1,111 alleged sexual assault offenders. From our audit universe, we identified 20 convicted sex offenders requiring notifications from the case dispositions obtained from XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX XXXXXXXXXX and the list of NCIS adult sex crime cases referred to court-martial reported between Fiscal Year 2013 and 25 June 2015. Thirteen of 20 were convicted and confined sex offenders; therefore, NPC was responsible for making the required notifications. Seven of 20 were convicted-but-not-confined sex offenders; therefore, NCIS was responsible for making the required notifications (see Enclosure 3, “Scope and Methodology” for more comprehensive explanation of our methodology).

   b. To determine compliance with Public Law and guidance, we researched and analyzed governing law and applicable criteria; interviewed NPC and NCIS key personnel to determine the notification process of convicted sex offenders; analyzed notification documentation provided to the four required jurisdictions; and met with personnel from ASN (M&RA) to determine if the sex offender notification program was managed as required by SECNAV Instruction 5800.14A. In addition, we reviewed
NSOR to determine if the 20 convicted sex offenders were listed as a result of their convicted military offense.

7. Audit Results. We found that Navy did not make any of the required notifications for 5 of 20 (25 percent) convicted sex offenders we reviewed. In addition, Navy only made partial notifications for 2 of 20 (10 percent). We also reviewed NSOR for the 20 convicted sex offenders and found that of the 14 who were listed, 12 were due to their convicted military offense. In addition, we found ASN (M&RA) did not manage the Navy sex offender notification program as required (see details below).

    a. Notifications for Convicted-and-Not-Confined Sex Offenders. We found that NCIS did not comply with Public Law/guidance\textsuperscript{10} for the required notifications to the required jurisdictions\textsuperscript{11} of convicted-and-not-confined sex offenders for whom NCIS is responsible. Specifically, NCIS did not make any of the required notifications to the jurisdictions for five of the seven\textsuperscript{12} convicted sex offenders we reviewed. Also, NCIS only made partial notifications for two of the seven offenders by notifying only one of the four required jurisdictions. NCIS failed to make the sex offender notifications despite having an established process to do so. Specifically, the NCIS sex offenders’ registration process (NCIS Appendix G) sets the requirement for the Supervisory Special Agent to certify the case agent’s accomplishment of the sex offender registration notification upon closure of a case. However, we found that all seven of the sex offender cases were closed without the Supervisory Special Agent certifying the case agent’s accomplishment of making the sex offender notifications.

        (1) Starting in October 2015, the Naval Audit Service informed NCIS on multiple occasions\textsuperscript{13} that the audit had identified instances of noncompliance and requested that NCIS immediately make the required notifications. We confirmed that NCIS completed all of the required notifications for the seven sex offenders as of 7 April 2016. According to the NCIS Division Chief of Family & Sexual Violence, “NCIS was making the notifications during this time; however, due to a variety of factors, the timeline was extended to include the need for clarification on who should execute the missing Form 2791 with the offender (NCIS or the command) and how many jurisdictions should be notified.”

        (2) NCIS’s noncompliance with Public Law occurred because of an absence of internal controls resulting in: (1) no headquarters oversight; (2) cases being closed

\textsuperscript{10} The following are the policies in which they were not in compliance: Public Law 105-119, “Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act,” dated 1998; DoD Instruction 1325.07, “Administration of Military Correctional Facilities,” dated 11 March 2013; and SECNAV Instruction 5800.14A, “Notice of Release of Military Offenders Convicted of Sex Offenses,” dated 24 May 2005.

\textsuperscript{11} These jurisdictions include the United States Marshals Service, State law enforcement, local law enforcement, and State registration officials.

\textsuperscript{12} The audit universe originally consisted of eight identified sex offenders; however, one offender was Army and is Army’s responsibility for notifications. After the audit team requested notification documentation, Army did not have the required DD 2791.

\textsuperscript{13} Naval Audit Service requests were made on 7 October 2015, 14 December 2015, and 19 February 2016.
without the required notifications being made; (3) the Management Internal Controls Program being outdated and not including the sex offender notification process as an assessable unit; and (4) sex offender notifications not being reviewed during the NCIS Inspector General semiannual inspections. Also, there was a lack of awareness of the sex offender registration requirements, resulting in: (1) a lack of enforcing the established requirements for sex offender notifications; (2) NCIS notification guidance (Appendix G) not being updated to reflect the requirement to notify the United States Marshals Service; and (3) unawareness of the noncompliance prior to the Naval Audit Service informing NCIS. Finally, maintaining documentation verifying that the notifications were completed is not a requirement.

(3) Failure to make sex offender notifications resulted in Navy not complying with Public Law. This led to: (1) Navy not having assurance the sex offender notifications were being completed; (2) United States Marshals Service’s inability to perform their tracking duties to monitor the sex offenders’ registration requirements; and (3) risk of unregistered offenders and, therefore, decreasing the safety of the communities’ welfare. This could damage DON’s reputation, put DON at risk for liability, and negatively impact the morale of DON personnel and the victims.

b. Notifications for Convicted and Confined Sex Offenders. We found NPC was in compliance with Public Law/guidance requiring sex offender notifications. Specifically, NPC notified the required jurisdictions for 12 of the 13 convicted and confined sex offenders. One sex offender was transferred to the Federal Bureau of Prisons (FBOP) and NPC made the required notification to FBOP. In this case, FBOP became responsible for notifying the required jurisdictions upon release from confinement. In addition, we found that NPC established an effective procedure to confirm the delivery of the sex offender notifications to the required jurisdictions. Specifically, NPC internal policy requires that NPC maintain copies of certified mail receipts confirming the delivery of the required sex offender notifications to the jurisdictions.

(1) Making the required notifications of the convicted sex offenders to the jurisdictions could promote the safety of military personnel, civilians, and victims of sex offenses, as well as safety in the communities in which offenders reside. Also, this could positively impact the Navy’s credibility and trust.

c. ASN (M&RA) Program Management. We found ASN (M&RA) did not manage the sex offender notification program as required. SECNAV Instruction

---


15 The notification was required by DoD Instruction 1325.

16 The policy is Navy Personnel Command, Ser 00D/045, "Requirement to Attach Critical Documents into Case Records of the Corrections Management Information System (CORMIS)," dated 25 February 2013.
5800.14A designated ASN (M&RA) as the responsible official for overall execution and policy of the sex offender notification program. Specifically, we found the Office of the ASN (M&RA) was not aware of the instances of Navy’s noncompliance with the Public Law regarding the sex offenders notifications identified in this report.

(1) We also found that SECNAV Instruction 5800.14A was not in compliance with DoD Instruction 1325.07 sex offender notification requirements. Specifically, the SECNAV Instruction does not include the requirement to notify the United States Marshals Service, and references an outdated DD Form 2791. In addition, SECNAV Instruction 5800.14A does not clearly define Convening Authority (CA) or designee roles for the convicted-and-not-confined sex offender notification process. Specifically, the instruction does not clearly state which agency is responsible for completing the DD Forms 2791. The CA or designee is required to obtain the sex offenders’ acknowledgement in writing of the registration requirements, but there is no requirement to obtain the acknowledgement by using the DD form. However, NCIS is required to use DD Form 2791 to make required notifications.

(2) The conditions noted existed because the Office of the ASN (M&RA) was not aware of their responsibilities pertaining to the sex offender notification program. Without ASN (M&RA) properly managing the Navy sex offender notifications program, future noncompliance, if any, of the required notifications may not be identified, leaving the Navy at risk for punitive penalties and damage to its reputation. Also, the safety of the communities in which the offenders’ reside may be at risk. Finally, commands responsible for making the sex offender notifications may not be informed of updated notification guidance.

d. National Sex Offender Registry. We found 14 of 20 convicted sex offenders we reviewed were listed on NSOR. Although Navy made notifications for the remaining six convicted sex offenders during the audit, as of 1 June 2016 the six offenders were not listed on NSOR; however, the responsible jurisdiction makes the final determination whether the convicted sex offenders are eligible to be registered on NSOR. Of the 14 offenders listed on the registry, we found 12 were registered for their UCMJ offense.

8. Recommendations and Corrective Actions. Our recommendations, summarized management responses, and our comments on the responses are presented below. Naval Criminal Investigative Service (NCIS) did not state whether they concur or nonconcur; however, their management response indicates their concurrence with all 14 recommendations addressed to them. In addition, NCIS did not provide target completion dates for actions described in their responses; therefore, we are setting an

---

17 DD 2791 Forms, “Notice of Release/Acknowledgment of Convicted Sex Offender Registration Requirements,” are used to record the offender’s acknowledgement of receiving sex offender registration and information pertaining to this requirement, and to document an offender’s expected place of residence following release. In addition, the DD Form 2791 is also used by the state and local law enforcement authorities for the purpose of notification that a sex offender will be residing in a local community and for the purpose of registering the individual as a sex offender.
We recommended that the Director, Naval Criminal Investigative Service:

**Recommendation 1.** Notify the remaining jurisdictions of the seven convicted sex offenders identified in this audit.

**Management response to Recommendation 1.** NCIS provided the Naval Audit Service the notifications documentation for the seven convicted sex offenders identified in reference (a).

**Naval Audit Service comments on management response to Recommendation 1.** Corrective actions were completed and verified during the audit, and meet the intent of the recommendation. The recommendation is considered closed.

**Recommendation 2.** Establish a process that continually identifies sex offenders who warrant sex offender notification in compliance with Public Law 105-119, Department of Defense Instruction 1325.07, and Secretary of the Navy Instruction 5800.14A.

**Management response to Recommendation 2.** NCIS is in the process of implementing a new computerized report writing system, which will include mandatory fields for investigations requiring sex offender notification. The mandatory fields will preclude investigations from being closed until the required notifications have been made and documented. Pending the implementation of the new report writing system, NCIS will run queries quarterly to identify investigations requiring sex offender notification. Additionally, NCIS will add this requirement to the case review process, ensuring first line supervisors ascertain notification is completed prior to case closure.

**Naval Audit Service comments on management response to Recommendation 2.** Planned actions meet the intent of the recommendation. The recommendation will remain open until the new computerized report writing system is in place.

**Recommendation 3.** For those sex offender identified as a result of Recommendation 2, immediately notify all required jurisdictions.
Management response to Recommendation 3. NCIS is in the process of implementing a new computerized report writing system, which will include mandatory fields for investigations requiring sex offender notification. The mandatory fields will preclude investigations from being closed until the required notifications have been made and documented. Pending the implementation of the new report writing system, NCIS will run queries quarterly to identify investigations requiring sex offender notification. Additionally, NCIS will add this requirement to the case review process, ensuring first line supervisors ascertain notification is completed prior to case closure.

Naval Audit Service comments on management response to Recommendation 3. Planned actions meet the intent of the recommendation. The recommendation will remain open until supporting documentation regarding notifications to all four required jurisdictions (United States Marshals Service, State law enforcement, local law enforcement, and State registration officials) for those identified as a result of Recommendation 2 is provided.

Recommendation 4. Identify sex offenders who required notification to the jurisdictions outside the audit scope (prior to Fiscal Year 2013 and after 25 June 2015) and determine if all required notification were made.

Management response to Recommendation 4. The U.S. Navy Office of the Judge Advocate General queried courts-martial convictions back to Fiscal Year 2014 in which NCIS would be responsible for sex offender notification. In all identified cases, the convicted sex offender was properly registered. NCIS will query case information back to the beginning of 2004 to identify any other cases where NCIS is responsible for sex offender notification and ensure the notifications have been made. NCIS will continue to query, on a quarterly basis, all cases subsequent to 25 June 2015 requiring sex offender notifications and ensure all notification are made.

Naval Audit Service comments on management response to Recommendation 4. Planned actions meet the intent of the recommendation. The recommendation will remain open until supporting documentation of the query results showing the identification of sex offenders outside the scope of the audit and whether notifications were made.

Recommendation 5. For those instances when the required notification were not made to all required jurisdictions identified in Recommendation 4, immediately make the notification to all required jurisdictions and report the results back to the Naval Audit Service.
Management response to Recommendation 5. The U.S. Navy Office of the Judge Advocate General queried courts-martial convictions back to Fiscal Year 2014 in which NCIS would be responsible for sex offender notification. In all identified cases, the convicted sex offender was properly registered. NCIS will query case information back to the beginning of 2004 to identify any other cases where NCIS is responsible for sex offender notification and ensure the notifications have been made. NCIS will continue to query, on a quarterly basis, all cases subsequent to 25 June 2015 requiring sex offender notifications and ensure all notification are made.

Naval Audit Service comments on management response to Recommendation 5. Planned actions meet the intent of the recommendation. The recommendation will remain open until supporting documentation regarding the notifications to all four jurisdictions for offenders identified in Recommendation 4 is provided.

Recommendation 6. Establish Naval Criminal Investigative Service headquarters oversight and policy to ensure the sex offender notifications are completed.

Management response to Recommendation 6. In addition to the controls in the new report writing system, NCIS will update the Management Internal Control process to include verification of the completion of sex offender notifications by the second line supervisor as well as the Supervisory Special Agent. The NCIS Inspector General will also make the notifications an inspectable unit on oversight visits. NCIS Headquarters will continue quarterly queries of cases requiring sex offender notifications until the new writing system is implemented.

Naval Audit Service comments on management response to Recommendation 6. Planned actions meet the intent of the recommendation. The recommendation will remain open until supporting documentation of the implementation of the computerized report writing system is provided and verified. In the interim, NCIS Headquarters should provide supporting documentation for the quarterly queries of cases requiring sex offender notification.

Recommendation 7. Establish controls to ensure the required notification are completed prior to closing cases, in accordance with NCIS’ sex offender registration procedures (Appendix G).

Management response to Recommendation 7. NCIS is in the process of implementing a new computerized report writing system, which will include mandatory fields for investigations requiring sex offender notification. The mandatory fields will preclude investigations from being closed until the required
notifications have been made and documented. Pending the implementation of the new report writing system, NCIS will run queries quarterly to identify investigations requiring sex offender notification. Additionally, NCIS will add this requirement to the case review process, ensuring first line supervisors ascertain notification is completed prior to case closure.

**Naval Audit Service comments on management response to Recommendation 7.** Planned actions meet the intent of the recommendation. The recommendation will remain open until the new computerized report writing system is in place.

**Recommendation 8.** Establish controls to ensure the notifications are made to all required jurisdictions, in accordance with Public Law 105-119 and Department of Defense Instruction 1325.07.

**Management response to Recommendation 8.** In addition to the controls in the new report writing system, NCIS will update the Management Internal Control process to include verification of the completion of sex offender notifications by the second line supervisor as well as the Supervisory Special Agent. The NCIS Inspector General will also make the notifications an inspectable unit on oversight visits. NCIS Headquarters will continue quarterly queries of cases requiring sex offender notifications until the new writing system is implemented.

**Naval Audit Service comments on management response to Recommendation 8.** Planned actions meet the intent of the recommendation. The recommendation will remain open until supporting documentation of the implementation of the new computerized report writing system is provided.

**Recommendation 9.** Update the Naval Criminal Investigative Service’s sex offender registration procedures (Appendix G) to require the United States Marshals Service notifications, in accordance with Department of Defense Instruction 1325.07.

**Management response to Recommendation 9.** Sex offender notification to the United States Marshals Service has been updated in Appendix G and will be published in the near term.

**Naval Audit Service comments on management response to Recommendation 9.** Planned actions meet the intent of the recommendation. The recommendation will remain open until supporting documentation of the updated NCIS Appendix G has been provided.

**Recommendation 10.** Establish a requirement for maintaining documentation in order to confirm delivery of the required sex offender notifications to the jurisdictions.
Management response to Recommendation 10. NCIS policy requires the completed DD Form 2791 be attached to the closed investigative report. In addition, NCIS policy will be updated to require annotation in the closed report of who the form was provided to and when it was provided. When the new report writing system comes online, it will require this information to be entered into the database prior to closing the case.

Naval Audit Service comments on management response to Recommendation 10. Planned actions meet the intent of the recommendation. The recommendation will remain open until supporting documentation of the NCIS updated policy to require annotation in the closed report to confirm delivery of notification documentation is provided.

Recommendation 11. Update the Management Internal Control Plan to include sex offender notifications as an assessable unit.

Management response to Recommendation 11. In addition to the controls in the new report writing system, NCIS will update the Management Internal Control process to include verification of the completion of sex offender notifications by the second line supervisor as well as the Supervisory Special Agent. The NCIS Inspector General will also make the notifications an inspectable unit on oversight visits. NCIS Headquarters will continue quarterly queries of cases requiring sex offender notifications until the new writing system is implemented.

Naval Audit Service comments on management response to Recommendation 11. Planned actions meet the intent of the recommendation. The recommendation will remain open until NCIS provides supporting documentation that the updated Management Internal Control process includes verification of the completion of sex offender notifications by the second line supervisor as well as the Supervisory Special Agent making the sex offender notifications.

Recommendation 12. Develop a Naval Criminal Investigative Service Inspector General inspection checklist for sex offender notifications to ensure the required notifications are completed, in accordance with Public Law 105-119 and Department of Defense Instruction 1325.07.

Recommendation 13. Establish the requirement for sex offender notifications to be reviewed during the Naval Criminal Investigative Service’s Inspector General routine inspections using the checklist in Recommendation 12.

Management response to Recommendations 12 and 13. In addition to the controls in the new report writing system, NCIS will update the Management
Internal Control process to include verification of the completion of sex offender notifications by the second line supervisor as well as the Supervisory Special Agent. The NCIS Inspector General will also make the notifications an inspectable unit on oversight visits. NCIS Headquarters will continue quarterly queries of cases requiring sex offender notifications until the new writing system is implemented.

**Naval Audit Service comments on management response to Recommendations 12 and 13.** Planned actions are an acceptable alternative way of satisfying the intent of the recommendation. The recommendation will remain open until NCIS provides supporting documentation that the NCIS Inspector General has made notifications an inspectable unit on oversight visits.

**Recommendation 14.** Provide training and refresher training to all agents on a recurring basis to increase awareness of the sex offender notification requirements.

**Management response to Recommendation 14.** Instruction specific to NCIS law enforcement notification procedures and policy has been added to the NCIS Basic Agent Training Program at the Federal Law Enforcement Training Center, which all Special Agents hired attend. NCIS law enforcement notification policy and procedures have been identified as required areas of emphasis in the NCIS Field Training Agent program, in which all newly-hired Special Agent must participate following Basic Agent Training, for the first probationary year of employment.

The NCIS Criminal Investigations & Operations Directorate has coordinated with the NCIS Training Department to conduct a curriculum review of NCIS first and mid-level supervisor training courses to insert a period of instruction on sex offender notification requirements. The NCIS sex offender notification procedures and policy have been provided to all supervisory field personnel.

A period of instruction on sex offender notification requirements has been added to the NCIS Advanced Adult Sex Assault Investigator Training Program, which all Special Agents who conduct sex assault investigations are required to attend.

**Naval Audit Service comments on management response to Recommendation 14.** Planned actions meet the intent of the recommendation. The recommendation will remain open until supporting documentation of the new training requirements is provided and verified.

**Additional NCIS management comments.** The forgoing actions will ensure the NCIS sex offender notification policy is aligned with all Sex Offender Registration
and Notification Act requirements, that the NCIS Special Agent corps is well-versed in the policy and its implementing procedures, and that fail-safe requirements imbedded in the NCIS report writing program preclude investigations requiring sex offender notifications from being closed until those notifications have been made and appropriately documented.

We recommended that the Assistant Secretary of the Navy (Manpower and Reserve Affairs):

Recommendation 15. Establish a process to ensure the Department of the Navy’s sex offender notification program is in compliance with Public Law 105-119, Department of Defense Instruction 1325.07, and Secretary of the Navy Instruction 5800.14A.

Management response to Recommendation 15. Concur. Assistant Secretary of the Navy (Manpower and Reserve Affairs) will update Secretary of the Navy Instruction 5800.14A requiring Services to establish procedures to ensure the Navy’s sex offender notification program is in compliance with Public Law 105-119, Department of Defense Instruction 1325.07, and Secretary of the Navy Instruction 5800.14A. Navy Taskers will be used as the internal control mechanism for tracking and completion of the reporting requirement by August 31, 2017.

Naval Audit Service comments on management response to Recommendation 15. Subsequent to the submission of the management comments, the Deputy Assistant Secretary of the Navy (Military Personnel Policy) confirmed in a teleconference that their intent is to establish a process to ensure that the Navy sex offender notification program is in compliance with Department of Defense Instruction 1325.07, and Secretary of the Navy Instruction 5800.14A. Therefore, the planned actions meet the intent of the recommendation. The recommendation will remain open until supporting documentation of establishment of the process is provided. The target completion date is 31 August 2017. Since the target completion date is over 1 year, we established an interim status reporting date of 28 February 2017.

Recommendation 16. Update Secretary of the Navy Instruction 5800.14A to:

a. Require notifications to the U.S. Marshals Service of convicted sex offenders;
b. Use the updated DD Form 2791;
c. Require the Convening Authority or designee to provide the sex offender’s acknowledgement to Naval Criminal Investigative Services using DD Form 2791; and
d. Require Naval Criminal Investigative Service to finalize the DD Form 2791 prior to notifying the required jurisdictions.
Management response to Recommendation 16. Concur. Assistant Secretary of the Navy (Manpower and Reserve Affairs) will take action to update Secretary of the Navy Instruction 5800.14A so as to comport with public law and Department of Defense Instruction 1325.07 no later than August 31, 2017. Navy Taskers will be used as the internal control mechanism for tracking and completion of the issuance update.

Naval Audit Service comments on management response to Recommendation 16. Planned actions planned meet the intent of the recommendation. The recommendation will remain open until the issuance of the updated Secretary of the Navy Instruction 5800.14A, to include the information noted in A through D above. The target completion date is 31 August 2017. Since the target completion date is over 1 year, we established an interim status reporting date of 28 February 2017.

9. Federal Managers’ Financial Integrity Act. The Federal Managers’ Financial Integrity Act of 1982, as codified in Title 31, United States Code, requires each Federal agency head to annually certify the effectiveness of the agency’s internal and accounting system controls. In our opinion, the conditions noted in this report may warrant reporting in the Auditor General’s annual Federal Managers’ Financial Integrity Act memorandum identifying management control weaknesses to the Secretary of the Navy.

10. Other Information.

   a. Actions taken by Naval Criminal Investigative Service met the intent of Recommendation 1, and that recommendation is considered closed. Actions planned by Naval Criminal Investigative Service meet the intent of Recommendations 2 through 14. These recommendations are considered open pending completion of the planned corrective actions, and are subject to monitoring in accordance with reference (b). Because Naval Criminal Investigative Service did not provide target completion dates, we have assigned an interim target date of 28 February 2017 for Recommendations 2 through 14. We request that the NCIS provide us with a status on the corrective actions by that time.

   b. Actions planned by Assistant Secretary of the Navy (Manpower and Reserve Affairs) meet the intent of Recommendations 15 and 16. These recommendations are considered open pending completion of the planned corrective actions, and are subject to monitoring in accordance with reference (b). Management should provide a written status report on the recommendations within 30 days after target completion dates. In addition, since the target completion dates for Recommendations 15 and 16 are more than 1 year in the future, we have established an interim reporting date of 28 February 2017.
c. Please provide all correspondence to the Assistant Auditor General for Manpower and Reserve Affairs Audits, Mr. Jonathan Kleinwaks, by e-mail at XXXXXXXXXX, with copies to the Director, Policy and Oversight, XXXXXXXXXX, XXXXXXXXXX, and the Naval Audit Service Followup Coordinator, XXXXXXXXXX, XXXXXXXXXX. Please submit correspondence in electronic format (Microsoft Word or Adobe Acrobat file), and ensure that it is on letterhead and includes a scanned signature.

d. Any requests for this report under the Freedom of Information Act must be approved by the Auditor General of the Navy as required by reference (b). This audit report is also subject to followup in accordance with reference (b).

e. In order to protect privacy and other sensitive information included in this report, we request that you do not release this report outside the Department of the Navy, post on non-Naval Audit Service Web sites, or in Navy Taskers without the prior approval of the Auditor General of the Navy.

f. We appreciate the cooperation and courtesies extended to our auditors.

JONATHAN KLEINWAKS
Assistant Auditor General
Manpower and Reserve Affairs Audits
Copy to:
UNSECNAV
DCMO
OGC
ASSTSECNAV FMC
ASSTSECNAV FMC (FMO)
ASSTSECNAV EIE
ASSTSECNAV MRA
ASSTSECNAV RDA
CNO (VCNO, DNS-33, N40, N41)
CMC (DMCS, ACMC)
DON CIO
NAVINSGEN (NAVIG-14)
AFAA/DO
OGC
# Enclosure 1:
## Status of Recommendations

<table>
<thead>
<tr>
<th>Finding&lt;sup&gt;18&lt;/sup&gt;</th>
<th>Rec. No.</th>
<th>Page No.</th>
<th>Subject</th>
<th>Status&lt;sup&gt;19&lt;/sup&gt;</th>
<th>Action Command</th>
<th>Target or Actual Completion Date</th>
<th>Interim Target Completion Date&lt;sup&gt;20&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>8</td>
<td>Notify the remaining jurisdictions of the seven convicted sex offenders identified in this audit.</td>
<td>C</td>
<td>Naval Criminal Investigative Service</td>
<td>4/7/16</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>8</td>
<td>Establish a process that continually identifies sex offenders who warrant sex offender notification in compliance with Public Law 105-119, Department of Defense Instruction 1325.07, and Secretary of the Navy Instruction 5800.14A.</td>
<td>O</td>
<td>Naval Criminal Investigative Service</td>
<td>To be determined</td>
<td>2/28/17</td>
</tr>
<tr>
<td>1</td>
<td>3</td>
<td>8</td>
<td>For those sex offender identified as a result of Recommendation 2, immediately notify all required jurisdictions.</td>
<td>O</td>
<td>Naval Criminal Investigative Service</td>
<td>To be determined</td>
<td>2/28/17</td>
</tr>
<tr>
<td>1</td>
<td>4</td>
<td>9</td>
<td>Identify sex offenders who required notification to the jurisdictions outside the audit scope (prior to Fiscal Year 2013 and after 25 June 2015) and determine if all required notification were made.</td>
<td>O</td>
<td>Naval Criminal Investigative Service</td>
<td>To be determined</td>
<td>2/28/17</td>
</tr>
<tr>
<td>1</td>
<td>5</td>
<td>9</td>
<td>For those instances when the required notification were not made to all required jurisdictions identified in Recommendation 4, immediately make the notification to all required jurisdictions and report the results back to the Naval Audit Service.</td>
<td>O</td>
<td>Naval Criminal Investigative Service</td>
<td>To be determined</td>
<td>2/28/17</td>
</tr>
<tr>
<td>1</td>
<td>6</td>
<td>10</td>
<td>Establish Naval Criminal Investigative Service headquarters oversight and policy to ensure the sex offender notifications are completed.</td>
<td>O</td>
<td>Naval Criminal Investigative Service</td>
<td>To be determined</td>
<td>2/28/17</td>
</tr>
<tr>
<td>1</td>
<td>7</td>
<td>10</td>
<td>Establish controls to ensure the required notification are completed prior to closing cases, in accordance with NCIS’ sex offender registration procedures (Appendix G).</td>
<td>O</td>
<td>Naval Criminal Investigative Service</td>
<td>To be determined</td>
<td>2/28/17</td>
</tr>
</tbody>
</table>

<sup>18</sup> / + = Indicates repeat finding.

<sup>19</sup> / O = Recommendation is open with agreed-to corrective actions; C = Recommendation is closed with all action completed; U = Recommendation is undecided with resolution efforts in progress.

<sup>20</sup> If applicable.
<table>
<thead>
<tr>
<th>Finding</th>
<th>Rec. No.</th>
<th>Page No.</th>
<th>Subject</th>
<th>Status</th>
<th>Action Command</th>
<th>Target or Actual Completion Date</th>
<th>Interim Target Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>8</td>
<td>11</td>
<td>Establish controls to ensure the notifications are made to all required jurisdictions, in accordance with Public Law 105-119 and Department of Defense Instruction 1325.07.</td>
<td>O</td>
<td>Naval Criminal Investigative Service</td>
<td>To be determined</td>
<td>2/28/17</td>
</tr>
<tr>
<td>1</td>
<td>9</td>
<td>11</td>
<td>Update the Naval Criminal Investigative Service’s sex offender registration procedures (Appendix G) to require the United States Marshals Service notifications, in accordance with Department of Defense Instruction 1325.07.</td>
<td>O</td>
<td>Naval Criminal Investigative Service</td>
<td>To be determined</td>
<td>2/28/17</td>
</tr>
<tr>
<td>1</td>
<td>10</td>
<td>11</td>
<td>Establish a requirement for maintaining documentation in order to confirm delivery of the required sex offender notifications to the jurisdictions.</td>
<td>O</td>
<td>Naval Criminal Investigative Service</td>
<td>To be determined</td>
<td>2/28/17</td>
</tr>
<tr>
<td>1</td>
<td>11</td>
<td>12</td>
<td>Update the Management Internal Control Plan to include sex offender notifications as an assessable unit.</td>
<td>O</td>
<td>Naval Criminal Investigative Service</td>
<td>To be determined</td>
<td>2/28/17</td>
</tr>
<tr>
<td>1</td>
<td>12</td>
<td>12</td>
<td>Develop a Naval Criminal Investigative Service Inspector General inspection checklist for sex offender notifications to ensure the required notifications are completed, in accordance with Public Law 105-119 and Department of Defense Instruction 1325.07.</td>
<td>O</td>
<td>Naval Criminal Investigative Service</td>
<td>To be determined</td>
<td>2/28/17</td>
</tr>
<tr>
<td>1</td>
<td>13</td>
<td>12</td>
<td>Establish the requirement for sex offender notifications to be reviewed during the Naval Criminal Investigative Service’s Inspector General routine inspections using the checklist in Recommendation 12.</td>
<td>O</td>
<td>Naval Criminal Investigative Service</td>
<td>To be determined</td>
<td>2/28/17</td>
</tr>
<tr>
<td>1</td>
<td>14</td>
<td>13</td>
<td>Provide training and refresher training to all agents on a recurring basis to increase awareness of the sex offender notification requirements.</td>
<td>O</td>
<td>Naval Criminal Investigative Service</td>
<td>To be determined</td>
<td>2/28/17</td>
</tr>
<tr>
<td>1</td>
<td>15</td>
<td>14</td>
<td>Establish a process to ensure the Department of the Navy’s sex offender notification program is in compliance with Public Law 105-119, Department of Defense Instruction 1325.07, and Secretary of the Navy Instruction 5800.14A.</td>
<td>O</td>
<td>Assistant Secretary of the Navy (Manpower and Reserve Affairs)</td>
<td>8/31/17</td>
<td>2/28/17</td>
</tr>
<tr>
<td>Finding</td>
<td>Rec. No.</td>
<td>Page No.</td>
<td>Subject</td>
<td>Status</td>
<td>Action Command</td>
<td>Target or Actual Completion Date</td>
<td>Interim Target Completion Date</td>
</tr>
<tr>
<td>---------</td>
<td>----------</td>
<td>----------</td>
<td>---------</td>
<td>--------</td>
<td>----------------</td>
<td>----------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>1</td>
<td>16</td>
<td>14</td>
<td>Update Secretary of the Navy Instruction 5800.14A to:</td>
<td>O</td>
<td>Assistant Secretary of the Navy (Manpower and Reserve Affairs)</td>
<td>8/31/17</td>
<td>2/28/17</td>
</tr>
</tbody>
</table>

- a. Require notifications to the U.S. Marshals Service of convicted sex offenders;
- b. Use the updated DD Form 2791;
- c. Require the Convening Authority or designee to provide the sex offender's acknowledgement to Naval Criminal Investigative Services using DD Form 2791; and
- d. Require Naval Criminal Investigative Service to finalize the DD Form 2791 prior to notifying the required jurisdictions.
Public Law 105-119 – Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, dated 1998, establishes the requirement for the Department of Defense to ensure compliance with registration requirements for sex offenders and provide notices concerning the release of confinement or sentencing of sex offenders.

Department of Defense Instruction 1325.07, “Administration of Military Correctional Facilities,” dated 11 March 2013, identifies the offenses for which sex offender notification is required and the requirement for notification to the United States Marshals Service Sex Offender Targeting Center. The Instruction establishes the requirement for the military corrections facilities’ commanders to provide written notice of released convicted sex offenders to the United States Marshals Service, National Sex Offender Targeting Center; the chief law enforcement officer of the State, tribe, territory, or local jurisdiction; and to the State or local agency responsible for the receipt or maintenance of a sex offender registration. The United States Marshals Service tracks down sex offenders for not registering with the State and local jurisdiction for which the offender resides. For convicted offender requiring sex offender processing, appropriate Department of Defense 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 prior to the prisoner’s release (if confined).

Secretary of the Navy Instruction 5800.14A, “Notice of Release of Military Offenders Convicted of Sex Offenses,” dated 24 May 2005, states that the Assistant Secretary of the Navy (Manpower & Reserve Affairs) is responsible for overall policy and execution of the notification program. Navy Personnel Command is responsible for making the required notifications to the chief law enforcement officer of the State; the chief law enforcement officer of the local jurisdiction; the State or local sex offender registry agency for sex offenders who are convicted and confined, and requiring notifications upon prisoners’ release from confinement. This instruction established the requirement of the convening authority, or the convening authority's designee, to notify Naval Criminal Investigative Service (NCIS) after completion of judicial proceedings at a special or general court-martial that result in conviction of a qualifying sex offense or crime against a minor. Upon receiving notice from the Convening Authority, the NCIS field office must ensure notifications are made using the DD Form 2791.
Navy Personnel Command, Ser 84/078-00, “Notice of Release of Military Offenders Convicted of Sex Offenses or Crimes Against Minors,” dated 28 April 2000, establishes the notification program for released military offenders convicted of sex offenses and requires performing the notification.

Navy Personnel Command, Ser 00D1/035, “Providing U.S. Marshals Service with Notice of Release of Military Offenders Convicted of Sex Offenses or Crimes Against Minors,” dated 10 March 2011, states that brig officers shall provide the United States Marshals Service with a copy of the DD Form 2791 at the same time when notice is provided to state law enforcement, local law enforcement, and the state sex offender registration official.

Navy Personnel Command, Ser 00D/045, “Requirement to Attach Critical Documents into Case Records of the Corrections Management Information System (CORMIS),” dated 25 February 2013, establishes the requirement to maintain copies of correspondence and certified mail receipts (return receipt) concerning sex offender registration.

NCIS Appendix G, “NCIS Sex Offender Registration,” procedures establish the requirement for the Supervisory Special Agent to certify the case agent accomplishment of the sex offender registration notification upon closure of a case.
Enclosure 3:
Scope and Methodology

Scope

We conducted this audit of Navy Sex Offender Notifications from 4 March 2015 to 24 June 2016. Our audit focused on convicted sex offenders requiring notifications from sexual assault cases during Fiscal Year (FY) 2007 through 25 June 2015.

Methodology

To identify the universe, we used the case dispositions obtained from XXXXXXXXXXXXXXXXXXXXXXXXX and the list of Naval Criminal Investigative Service (NCIS) adult sex crime cases referred to court-martial reported between FY 2013 to 25 June 2015.

Table 1. Case Disposition Outcomes XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXXXXXX.

![Diagram](image)

*NJJP: Non Judicial Punishment

The 442 cases consisted of 465 alleged sexual assault offenders from a judgmental sample of all NCIS Navy sexual assault cases opened from FYs 2007-2011 and closed by 30 June 2012. Because a case may involve multiple offenders, there are more offenders than cases.
Table 2. Case Disposition Outcomes Identified During this Audit.

| 646 Alleged Offenders' Dispositions on Referred Court-Martial Proceedings for Adult Sex Crimes |
|---|---|---|---|
| Not Guilty, 106 | Unknown, 5 |
| NIP, 133 | Convicted of SA Related Charge, 165 |
| Dismissed, 43 | Convicted of Non-SA Related Charge, 168 |
| Admin Separated, 26 | Confined - No Registration, 69 |
| | Confined - Registration, 81 |
| | Not Confined - No Registration, 6 |
| | Not Confined - Registration, 9 |

The 611 cases consisted of 646 alleged sexual assault offenders from sexual assault cases that were referred to court-martial proceedings for adult sex crimes from FY 2013 – 25 June 2015. Note: the scopes of cases in Tables 1 and 2 are different; therefore, a direct comparison cannot be made.

As a result of analyzing the case dispositions, we identified 1,111 alleged sexual assault offenders, of which 22 were convicted and required notifications. From the 22 convicted sex offenders, one offender was Army, and Army was responsible for making the required notifications. One offender was still in confinement (notifications are not required until the release of the offender). Therefore, the audit team analyzed the required notification of 20 convicted sex offenders. Of the 20 offenders, 13 were convicted and confined and Naval Personnel Command (NPC) was responsible for making the notifications; and 7 were convicted and not confined and NCIS was responsible for making the notifications.

To determine whether the Navy complied with Public Law and guidance, we researched and analyzed applicable criteria; interviewed NPC and NCIS key personnel to determine the convicted sex offender notification process; assessed internal controls; and requested NPC and NCIS supporting documentation for notifications to the required jurisdictions.

---

21 We contacted Army to determine if the required notifications were made. Army provided an Army form with the offender's acknowledgment to register, but did not provide the required DD Form 2791.
To assess the internal controls for NPC and NCIS, we interviewed key players; analyzed the Manager’s Internal Control Plan; and reviewed the oversight for the notification program.

NPC provided the DD Forms 2791, certified mail slips, and some prisoner record files. We reviewed the DD Forms 2791 for signatures, dates, addresses, and if the forms were present and clearly marked to identify which notifying official each notification form was directed. We analyzed the mail slips by verifying the matching tracking numbers associated with the sent and return labels, the addresses listed for notification, and the receiving officials’ signature and date if present.

NCIS provided the DD Form 2791, the Closed Case Certification, and the National Sex Offender Registry (NSOR) pages for the sex offenders. We reviewed the DD Forms 2791 for signatures, dates, addresses, and if the forms were present and clearly marked to identify from which notifying official each form was directed. We analyzed the Closed Case Certification/Release sheet to identify if the Supervisory Special Agent certified the case agent completed the sex offender registry notification.

To determine if the sex offenders were listed on NSOR, we used NSOR to search for the 20 convicted sex offenders. We identified whether the sex offenders were registered in NSOR by matching their name and date of birth, or name and Uniform Code of Military Justice (UCMJ) sex offense. Once we identified the sex offenders listed on NSOR, we verified if they were listed due to their military offense by comparing the conviction dates and UCMJ sex offense codes.

We reviewed prior audits conducted by the Government Accountability Office (GAO), Department of Defense Office of Inspector General (DoDIG), Air Force Audit Agency (AFAA), Army Audit Agency (AAA), and Naval Audit Service for the last 5 years and found one audit that pertained to the notification process for convicted sex offenders. This audit was conducted by DoDIG and was titled, “DoDIG Evaluation of DoD Compliance with Sex Offender Registration and Notification Act (SORNA),” dated 29 August 2014. The audit objective was to evaluate the Department’s compliance with SORNA and whether the Department effectively accounts for registered sex offenders with access to DoD facilities. We met with DoDIG personnel to discuss their scope and methodology; and to determine if corrective actions were taken to close the recommendations related to this audit. We spoke with Office of the Under Secretary of Defense (Personnel and Readiness) and NPC, and found the Department of the Navy had policy in place to satisfy the recommendations. In addition, we reviewed published reports by the DoD Sexual Assault Prevention and Response Office, RAND National Defense Research Institute, CNA Corporation, and Defense Manpower Data Center and did not identify any reports related to sex offender notifications.
We did not assess the data reliability because: (1) XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX; and (2) we analyzed source documentation for the required notifications. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.
# Enclosure 4:

## Examples of Uniform Code of Military Justice Crimes Requiring Notifications

<table>
<thead>
<tr>
<th>UCMJ Crime</th>
<th>DIBRS* Code</th>
<th>Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>120(a)</td>
<td>120AA1</td>
<td>Rape</td>
</tr>
<tr>
<td>120(b)</td>
<td>120AA2</td>
<td>Sexual Assault</td>
</tr>
<tr>
<td>120(c)</td>
<td>120AA3</td>
<td>Aggravated Sexual Contact</td>
</tr>
<tr>
<td>120(d)</td>
<td>120AA4</td>
<td>Abusive Sexual Contact</td>
</tr>
<tr>
<td>120b(a)</td>
<td>120BB1</td>
<td>Rape of Child (under 12)</td>
</tr>
<tr>
<td>120b(a)</td>
<td>120BB2</td>
<td>Rape of Child (12 or older)</td>
</tr>
<tr>
<td>120b(b)</td>
<td>120BB3</td>
<td>Sexual Assault of a Child</td>
</tr>
<tr>
<td>120b(c)</td>
<td>120BB4</td>
<td>Sexual Abuse of a Child</td>
</tr>
<tr>
<td>120c(a)</td>
<td>120CC1</td>
<td>Indecent Viewing, Visual Recording, or Broadcasting</td>
</tr>
<tr>
<td>120c(b)</td>
<td>120CC2</td>
<td>Forcible Pandering</td>
</tr>
</tbody>
</table>

*Defense Incident-Based Reporting System
Enclosure 5:

Activities Contacted/Visited

Office of the Under Secretary of Defense Personnel and Readiness
- Office of Legal Policy, Washington, DC
- Law Enforcement Policy and Support, Alexandria, VA

Office of the Assistant Secretary of the Navy (Manpower and Reserve Affairs), Washington, DC*
- Military Law
- Military Personnel Policy

Department of Defense Inspector General, Arlington, VA*
- Investigative Policy and Oversight, Violent Crime Division

Office, Judge Advocate General, Washington, DC*
- Administrative Support Division
- Criminal Law Division

Naval Criminal Investigative Service, Quantico, VA*
- Family and Sexual Violence Unit

Department of the Navy Sexual Assault Prevention and Response Office, Washington, DC*

Navy Personnel Command, Millington, TN
- Navy Corrections and Programs

21st Century Sailor and Marine Office, Arlington, VA*

*Activities Visited
MEMORANDUM

From: Executive Assistant Director, Criminal Investigations & Operations Directorate, Naval Criminal Investigative Service (NCIS)

To: Auditor General, Naval Audit Service

Subj: NCIS RESPONSE TO THE NAVY SEX OFFENDER STATE NOTIFICATION AUDIT (2015-065)

Ref: (a) Draft Audit Report Navy Sex Offender Notifications Audit dated Jun 16

1. NCIS has reviewed Reference (a). NCIS appreciates the opportunity to provide comment on the draft Naval Audit Service report.

2. Reference (a) provided fourteen (14) recommendations as follows. In instances where multiple recommendations are similar in nature, a single response is provided:

   • Recommendation 1
     Notify the remaining jurisdictions of the seven convicted sex offenders identified in this audit; all of the required notifications have been completed.

     Response
     NCIS provided the Naval Audit Service the notification documentation for the seven convicted offenders identified in Reference (a).

   • Recommendation 2
     Establish a process that continually identifies sex offenders who warrant sex offender notifications in compliance with Public Law 105-119, Department of Defense Instruction 1325.07, and Secretary of the Navy Instruction 5800.14A.

     Recommendation 3
     For those sex offenders identified as a result of Recommendation 2, immediately notify all required jurisdictions.

     Recommendation 7
     Establish controls to ensure the required notifications are completed prior to closing cases, in accordance with NCIS’ sex offender registration procedures (Appendix G).
Response
NCIS is in the process of implementing a new computerized report writing system, which will include mandatory fields for investigations requiring sex offender notifications. The mandatory fields will preclude investigations from being closed until the required notifications have been made and documented. Pending the implementation of the new report writing system, NCIS will run queries quarterly to identify investigations requiring sex offender notifications. Additionally, NCIS will add this requirement to the case review process, ensuring first line supervisors ascertain notification is completed prior to case closure.

- Recommendation 4
  Identify sex offenders who required notifications to the jurisdictions outside the audit scope (prior to FY 2013 and after 25 June 2015) and determine if all required notifications were made.

Recommendation 5
For those instances when the required notifications were not made to all required jurisdictions identified in Recommendation 4, immediately make the notification to all required jurisdictions and report the results back to the Naval Audit Service.

Response
The US Navy Office of the Judge Advocate General (OJAG) queried Courts-Martial convictions back to FY-14 in which NCIS would be responsible for sex offender notifications. In all identified cases, the convicted sex offender was properly registered. NCIS will query case information back to the beginning of 2004 to identify any other cases where NCIS is responsible for the sex offender notification and ensure the notification have been made. NCIS will continue to query, on a quarterly basis, all cases subsequent to 25 June 2015 requiring sex offender notifications and ensure all notifications are made.

- Recommendation 6
  Establish Naval Criminal Investigative Service headquarters oversight and policy to ensure sex offender notifications are completed.

Recommendation 8
Establish controls to ensure the notifications are made to all required jurisdictions, in accordance with Public Law 105-119 and Department of Defense Instruction 1325.07.

Recommendation 11
Update the Management Internal Control Plan to include sex offender notifications as an assessable unit.

Recommendation 12
Develop a Naval Criminal Investigative Service Inspector General inspection checklist for sex offender notifications to ensure the required notifications are completed, in accordance with Public Law 105-119 and DoD Instruction 1325.07.

Recommendation 13
Establish the requirement for sex offender notifications to be reviewed during the Naval Criminal Investigative Service Inspector General routine inspections using the checklist in Recommendation 12.

Response
In addition to the controls in the new report writing system, NCIS will update the Management Internal Control process to include verification of the completion of sex offender notifications by the second line supervisor as well as the Supervisory Special Agent. The NCIS Inspector General will also make the notifications an inspectable item on oversight visits. NCIS Headquarters will continue quarterly queries of cases requiring sex offender notifications until the new report writing system is implemented.

- Recommendation 9
Update the Naval Criminal Investigative Service’s sex offender registration procedures (Appendix G) to require the United States Marshal’s Service notifications, in accordance with Department of Defense Instruction 1325.07.

Response
Sex offender notification to the US Marshal’s Service has been updated in Appendix G and will be published in the near term.

- Recommendation 10
Establish a requirement for maintaining documentation in order to confirm delivery of the required sex offender notifications to the jurisdictions.

Response
NCIS policy requires the completed DD Form 2791 be attached to the closed investigative report. In addition, NCIS policy will be updated to require annotation in the closed report of who the form was provided to and when it was provided. When the new report writing system comes online, it will require this information be entered into the database prior to closing the case.

- Recommendation 14
Provide training and refresher training on sex offender notification requirements to all agents of a recurring basis.

Response
Instruction specific to NCIS law enforcement notification procedures and policy has been added to the NCIS Basic Agent Training Program at the Federal Law Enforcement Training Center, which all Special Agents hired attend. NCIS law enforcement notification policy and procedures have been identified as required areas of emphasis in
the NCIS Field Training Agent program, in which all newly-hired Special Agents must participate following Basic Agent Training, for the first probationary year of employment.

- The NCIS Criminal Investigations & Operations Directorate has coordinated with the NCIS Training Department to conduct a curriculum review of NCIS first and mid-level supervisor training courses to insert a period of instruction on sex offender notification requirements. The NCIS sex offender notification procedures and policy have been provided to all supervisory field personnel.

A period of instruction on sex offender notification requirements has been added to the NCIS Advanced Adult Sexual Assault Investigator Training Program, which all Special Agents who conduct sexual assault investigations are required to attend.

3. The foregoing actions will ensure the NCIS sex offender notification policy is aligned with all SORNA requirements, that the NCIS Special Agent corps is well-versed in that policy and its implementing procedures, and that fail-safe requirements imbedded in the NCIS report writing program preclude investigations requiring sex offender notifications from being closed until those notifications have been made and appropriately documented.

4. Should you have any questions regarding this matter, please do not hesitate to contact Deputy Assistant Director (Acting) [redacted] at telephone [redacted], or via email at [redacted].

John A. Hogan
MEMORANDUM FOR ASSISTANT AUDITOR GENERAL FOR MANPOWER AND RESERVE AFFAIRS

SUBJECT: Navy Sex Offender Notifications (Draft Audit Report 2015-065)

Thank you for the opportunity to review the subject draft audit report. We concur with the report results and recommendations. The Department of the Navy is committed to improving the Navy sex offender notification program by ensuring the program is in compliance with public law and Department of Defense instruction requiring notifications of convicted sex offenders.

The following response to the recommendations for the Assistant Secretary of the Navy for Manpower and Reserve Affairs (ASN(M&RA)) are provided:

Recommendation 15: Establish a process to ensure the Department of the Navy’s sex offender notification program is in compliance with Public Law 105-119, Department of Defense Instruction 1325.07, and Secretary of the Navy Instruction 5800.14A.

ASN (M&RA) Response: Concur. ASN (M&RA) will update SECNAV Instruction 5800.14A requiring Services to establish procedures to ensure the Navy’s sex offender notification program is in compliance with Public Law 105-119, Department of Defense Instruction 1325.07, and Secretary of the Navy Instruction 5800.14A. Navy Taskers will be used as the internal control mechanism for tracking and completion of the reporting requirement by August 31, 2017.

Recommendation 16: Update Secretary of the Navy Instruction 5800.14A to:

a. Require notifications to the U.S. Marshals Service of convicted sex offenders;
b. Use the updated DD Form 2791;
c. Require the Convening Authority or designee to provide the sex offender’s acknowledgement to Naval Criminal Investigative Services using DD Form 2791; and
d. Require Naval Criminal Investigative Service to finalize the DD Form 2791 prior to notifying the required jurisdictions.

ASN (M&RA) Response: Concur. ASN (M&RA) will take action to update SECNAV Instruction 5800.14A so as to comport with public law and DoDI 1325.07 no later than August 31, 2017. Navy Taskers will be used as the internal control mechanism for tracking and completion of the issuance update.
Should you require additional assistance in this matter, my point of contact is [Redacted], who can be reached at [Redacted] or via email at [Redacted].

Franklin R. Parker
Use this page as

BACK COVER

for printed copies

of this report