



SECRETARY OF THE ARMY
WASHINGTON

21 SEP 2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2011-17 (Self-Reporting by Officers and Senior Enlisted Members of Criminal Convictions)

1. References:

- a. Directive-Type Memorandum (DTM), Under Secretary of Defense (Personnel and Readiness), subject: Self-Reporting by Officers and Senior Enlisted Members of Criminal Convictions, dated April 2, 2008.
- b. The Assistant Secretary of the Army (Manpower and Reserve Affairs) Memorandum, subject: Self-Reporting by Officers and Senior Enlisted Members of Criminal Convictions, dated March 24, 2011.
- c. AR 600-37, Unfavorable Information, dated 19 December 1986.
- d. AR 635-200, Enlisted Separations, dated 6 June 2005.
- e. AR 600-8-2, Suspension of Favorable Personnel Actions (Flags), dated 23 December 2004.
- f. AR 380-67, Personnel Security Program, dated 9 September 1988.
- g. AR 600-8-24, Officer Transfer and Discharges (RAR 002, 27 April 2010), dated 12 April 2006.
- h. AR 190-45, Military Police Law Enforcement Reporting, dated 30 March 2007.

2. Policy: In accordance with references a and b above, all United States Army commissioned officers, warrant officers, and enlisted members above the pay grade of E-6 who are on active duty or in an active duty status in the Reserve Component shall report in writing via DA Form 4187 or memorandum, any conviction of such member for violation of a criminal law of the United States - whether or not the member is on active duty or in an active status at the time of the conduct that provides the basis for the conviction. This policy applies to any criminal convictions announced on or after March 1, 2008, and is effective immediately.

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a. For convictions announced after March 1, 2008 and before the date of this memorandum, the report shall be made to the Soldier's commander within 15 days of the date of this memorandum, even if sentence has not been imposed or the Soldier intends to appeal the conviction.

b. For convictions announced after the date of this memorandum, the report shall be made to the Soldier's commander within 15 days of the date the conviction is announced, even if sentence has not been imposed or the Soldier intends to appeal the conviction.

c. Reserve Component Soldiers not on active duty but in an active status shall submit reports under this policy at the first drill period after the date the conviction is announced, or within 30 days of the date the conviction is announced, whichever is earlier, even if sentence has not been imposed or the Soldier intends to appeal the conviction. Soldiers in the Individual Ready Reserve will submit their reports to the Commander, HRC, ATTN: AHRC-PDR-R, 1600 Spearhead Division Avenue, Fort Knox, KY 40122, within 30 days of the date the conviction is announced (or within 30 days of the date of this memorandum if the conviction was announced prior to the effective date of this policy), even if sentence has not been imposed or the Soldier intends to appeal the conviction.

d. The written report will be on a DA Form 4187 or in memorandum format and include: Soldier's name, rank, unit of assignment, date of offense(s), specific nature of the offense (charged offense(s)), place and date of trial, result of trial, sentence (if available at the time of notification), and any other supporting documents. In addition, a copy of the conviction and sentencing documents will be submitted with the report. Soldiers may include statements of extenuation or mitigation with their report. Statements of extenuation or mitigation may be used by the chain of command and the General Court-Martial Convening Authority (GCMCA) in determining the filing disposition of the conviction as outlined in paragraph 4, below.

e. All Soldiers who must submit evidence of their conviction must maintain evidence of compliance with this requirement.

3. Definitions:

a. Conviction. For the purpose of this policy, the term "conviction" includes a plea or finding of guilty, a plea of *nolo contendere* (plea of *no contest* – plea guilty to the charge(s) without admitting guilt), and all other actions tantamount to a finding of guilty, including adjudication withheld, deferred prosecution, entry into adult or juvenile pretrial intervention programs, and any similar disposition of charges.

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b. Criminal Law of the United States. Includes any conviction of Federal criminal law; or any State, district, commonwealth, territorial or equivalent criminal law or ordinance; and any criminal law or ordinance of any county, parish, municipality or local subdivision of any such authority, other than motor vehicle violations that do not involve a court appearance.

c. Suspension of Favorable Personnel Actions (Flags). Suspension of favorable personnel actions is mandatory when an investigation (formal or informal) is initiated on a Soldier by military or civilian authorities.

4. Upon receipt of a report of civil conviction, the commander will forward that report to the Special Court-Martial Convening Authority (SPCMCA) and include any statements of extenuation or mitigation, if provided. The SPCMCA, with the assistance of the servicing judge advocate, will obtain an authenticated copy of the conviction and sentence, if available, from civilian authorities and all available supporting evidence. After review, the SPCMCA will forward the authenticated conviction (and sentence, if available) along with any supporting evidence, and statements of extenuation or mitigation, if provided, to the GCMCA with a recommendation on whether to file the conviction in the Soldier's official military personnel file in accordance with paragraph 3-3d, Army Regulation 600-37, Unfavorable Information. Commanders at all levels may consider the conviction for all official purposes, to include, but not limited to, evaluation reports, assignments, selection for schools, awards, initiation of separation, suspension of security clearance, etc. If the commander initiates separation action, the case will be processed through the chain of command to the separation authority for appropriate action.

5. In the event a commander or military law-enforcement official receives information that a covered member of the Armed Forces under the jurisdiction of another Military Department has become subject to a conviction for which a report is required by this section, the commander or military law-enforcement official receiving such information will forward it to the Soldier's immediate commander. If the Soldier's immediate commander cannot be readily identified, the commander or military law-enforcement official receiving the information will forward it to the appropriate Service point of contact below:

a. United States Army: AOC, Washington, DC (703) 697-0219/DSN: 227-0219.

b. United States Marine Corps Active Duty: Commandant of the Marine Corps, HQMC (JAM), 3000 Marine Corps, Pentagon, Washington, DC 20350-3000, Commercial (703) 614-4250.

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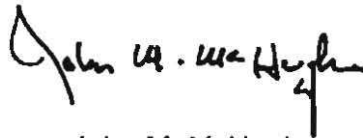
c. United States Marine Corps Reserve: Staff Judge Advocate, Marine Corps Mobilization Command, 15303 Andrews Road, Building 100, Kansas City, MO 64147-1207, Commercial 1-800-255-5082.

d. United States Air Force: Headquarters, Air Force Personnel Center , (AFPC/DPISIM), Special Programs Office, 550 C Street West, Randolph, Air Force Base, TX 78150-4745 (210) 565-259/DSN: 665-2591.

e. United States Navy Active Duty: Commander, Navy Personnel (PER-83), 5720 Integrity Drive, Millington, TN 38055. Officers: (901) 874-4424/DSN: 882-4424. Senior Enlisted: (901) 874-4433/DSN: 882-4433.

f. United States Navy Reserve: Commander, Navy Personnel Command (PERS-9), 5720 Integrity Drive, Millington, TN 38055, (901) 874-3087/DSN: 882-3087.

6. The provisions of this directive are effective immediately. The Deputy Chief of Staff (DCS), G-1 is the proponent for this policy. This policy will be incorporated into the next revision of Army Regulation 190-45, Military Police Law Enforcement Reporting and 600-20, Army Command Policy.



John M. McHugh

Enclosures

DISTRIBUTION:

Principal Officials of Headquarters, Department of the Army
Commander

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(CONT)

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DISTRIBUTION: (CONT)

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U.S. Army Test and Evaluation Command
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CF:

Commander, U.S. Army Accessions Command
Director, Office of Business Transformation
Executive Director, Army National Cemeteries Program
Commander, U.S. Army Cyber Command
Director, Army National Guard



UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, DC 20301-4000

APR 2 2008

PERSONNEL AND
READINESS

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS

SUBJECT: Self-Reporting by Officers and Senior Enlisted Members of Criminal Convictions

This directive-type memorandum implements the National Defense Authorization Act for Fiscal Year 2006, Pub. L. 109-163, § 554, 119 Stat. 3136, 3264-65.

All commissioned officers, warrant officers, and enlisted members above the pay grade of E-6 who are on active duty or in an active status in a Reserve Component, shall report in writing any conviction of such member for a violation of a criminal law of the United States—whether or not the member is on active duty or in an active status at the time of the conduct that provides the basis for the conviction—to the member's first-line military supervisor or summary court-martial convening authority, or in the case of a member of the individual ready reserve or standby reserve, to the Service-appropriate points of contact identified by the Services in accordance with the requirements below.

For purposes of this policy, the term "conviction" includes a plea or finding of guilty, a plea of *nolo contendere*, and all other actions tantamount to a finding of guilty, including adjudication withheld, deferred prosecution, entry into adult or juvenile pretrial intervention programs, and any similar disposition of charges.

For purposes of this policy, a criminal law of the United States includes any military or other Federal criminal law; any State, district, commonwealth, or territorial or equivalent criminal law or ordinance; and any criminal law or ordinance of any county, parish, municipality, or local subdivision of any such authority, other than motor vehicle violations that do not involve a court appearance.

Active duty members shall submit reports under this policy within 15 days of the date the conviction is announced, even if sentence has not been imposed or the member intends to appeal the conviction. Reserve Component members not on active duty but in an active status shall submit reports under this policy at the first drill period after the date the conviction is announced, or within 30 days of the date the conviction is announced, whichever is earlier, even if sentence has not been imposed or the member intends to appeal the conviction. All members who must submit evidence of their conviction, must maintain evidence of compliance with this requirement.

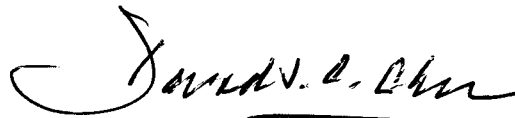


In the event a commander or military law-enforcement official receives information that a covered member of the Armed Forces under the jurisdiction of another military department has become subject to a conviction for which a report is required by this section, the commander or military law-enforcement official receiving such information shall forward it to the member's immediate commander. If the member's immediate commander cannot be readily identified, the commander or military law-enforcement official receiving the information shall forward it to the office designated by the member's military department identified as required below.

Each Service shall institute procedures to ensure that the members covered by the law comply with its requirements and the policy set forth in this memorandum. These procedures shall include points of contact for other military departments to comply with the notification requirements above. Each Service shall also establish points of contact to which Reserve Component members in the individual ready reserve or standby reserve who may not know the identity or address of their first line military supervisor or summary court-martial convening authority may provide information of a conviction covered under this policy.

Incorporate this policy in future editions of your Service regulations, instructions, directives, or orders concerning personnel evaluations or fitness reports.

This policy shall apply to any criminal conviction that is announced on or after March 1, 2008, and is effective immediately.

A handwritten signature in black ink, appearing to read "David S. C. Chu". The signature is fluid and cursive, with a large initial "D" and "C".

David S. C. Chu