



SECRETARY OF THE ARMY  
WASHINGTON

07 NOV 2013

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2013-21 (Initiating Separation Proceedings and Prohibiting Overseas Assignment for Soldiers Convicted of Sex Offenses)

1. References:

- a. Title 42, United States Code, section 16911.
- b. Army Regulation (AR) 27-10 (Military Justice), 3 October 2011.
- c. AR 135-178 (Enlisted Administrative Separations), 13 March 2007, including Rapid Action Revision (RAR) 2 issued 13 September 2011.
- d. AR 635-200 (Active Duty Enlisted Administrative Separations), 6 June 2005, including RAR 3 issued 6 September 2011.
- e. AR 135-175 (Separation of Officers), 28 February 1987, including RAR 2 issued 4 August 2011.
- f. AR 600-8-24 (Officer Transfers and Discharges), 12 April 2006, including RAR 3 issued 13 September 2011.
- g. AR 10-87 (Army Commands, Army Service Component Commands, and Direct Reporting Units), 4 September 2007.

2. Sex offenses are serious crimes. Notwithstanding the provisions of any other Army regulation, directive, policy or other like guidance published by any Army official or organization, this directive establishes new policy to ensure that the decision to retain any Soldier convicted of a sex offense is fully informed and in the Army's best interest. In addition, this directive establishes Army policy prohibiting the overseas assignment or reassignment of any Soldier convicted of a sex offense.

3. Commanders will initiate the administrative separation of any Soldier convicted of a sex offense, as defined by references 1a or 1b, whose conviction did not result in a punitive discharge or dismissal. This policy applies to all personnel currently in the Army, regardless of when the conviction for a sex offense occurred and regardless of component of membership and current status in that component.



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a. For enlisted personnel:

(1) Commanders will follow the current policy for initiating administrative separation proceedings pursuant to references 1c or 1d, as appropriate.

(2) If the separation authority approves retention, he or she will initiate an action for the exercise of Secretarial plenary separation authority under paragraph 14-3 of reference 1c or paragraph 5-3 of reference 1d, as appropriate.

(3) If an enlisted Soldier who has been convicted of a sex offense already has been subject to an administrative separation action under references 1c or 1d for that conviction and has been retained as a result of that proceeding, the separation authority will initiate a separation action under the Secretarial plenary authority, as detailed in paragraph 3a(2) of this directive.

b. For commissioned and warrant officers:

(1) Commanders **will** initiate an elimination action under references 1e or 1f, as appropriate.

(2) No further action is required if a commissioned or warrant officer who has been convicted of a sex offense has already been subject to an elimination action for that conviction and has been retained.

4. Commanders will ensure that Soldiers convicted of an offense covered by references 1a or 1b are not assigned or deployed on a temporary duty (TDY), temporary change of station (TCS) or permanent change of station (PCS) status to duty stations outside of the Continental United States (OCONUS). The only permitted OCONUS locations are Hawaii, Alaska, the Commonwealth of Puerto Rico, or Territories or possessions of the United States.

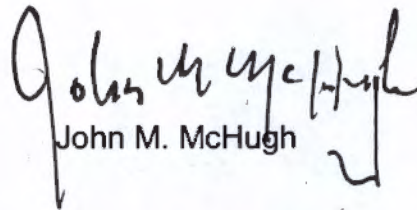
5. Soldiers currently serving in any non-permitted OCONUS locations who have been convicted of an offense covered by references 1a or 1b are ineligible for continued duty at those locations. Accordingly, overseas commanders of Army Commands, Army Service Component Commands or Direct Reporting Units (as established in reference 1g) will identify such Soldiers in their commands and coordinate with the applicable Headquarters, Department of the Army Assignment Authority (Commander, U.S. Army Human Resources Command; The Judge Advocate General; or Chief of Chaplains) for reassignment to the continental United States or the permitted OCONUS locations listed in paragraph 4 as soon as possible. Soldiers who are deployed to a non-permitted OCONUS location in any status (TDY/TCS) will immediately be returned to their parent organization. Command responsibility to reassign or redeploy a Soldier under this policy takes precedence over initiation of separation. Accordingly, Soldiers



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convicted of an offense covered by references 1a or 1b will first be reassigned or redeployed to a CONUS or permitted OCONUS location. The receiving commander will subsequently ensure the initiation of separation in accordance with paragraph 3.

6. The provisions of this directive are effective immediately. The Deputy Chief of Staff, G-1 is the proponent for this policy and, 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.



John M. McHugh

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