DEPARTMENT OF THE NAVY
COMMANDER, NAVY INSTALLATIONS COMMAND
716 SICARD STREET, SE, SUITE 1000
WASHINGTON NAVY YARD, DC 20374-5140

CNICINST 1752.1
N00J
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CNIC INSTRUCTION 1752.1

From: Commander, Navy Installations Command

Subj: POLICY FOR SEX OFFENDER TRACKING, ASSIGNMENT, AND INSTALLATION ACCESS RESTRICTIONS

Ref: (a) SECNAV Memo, Policy for Sex Offender Tracking and Assignment and Access Restrictions within the Department of the Navy, of 7 Oct 08
(b) OPNAVINST 1752.3
(c) Sex Offender Registration and Notification Act of 2006 (SORNA), Title 42 U.S.C. §§ 16911 - 16929
(d) Department of Justice, Office of the Attorney General, The National Guidelines for Sex Offender Registration and Notification of 2 Jul 08 (Pages 38030 - 38070 of Volume 73, Number 128, Federal Register)
(e) U.S. Navy Regulations (1990)
(f) Title 18 U.S.C. § 1382
(g) CNIC Memo, Policy Letter - Enforcement of Prohibition on Registered Sex Offenders Occupying Navy-Owned, Leased, or Public-Private Venture Housing, of 10 Jul 09
(h) CNICINST 5009.5
(i) SECNAV Memo, Delegation of Authority to Issue Debarment Letters, of 11 Jun 08

Encl: (1) Glossary
(2) Waiver Requests
(3) CNIC Form 11103/1

1. Purpose. To implement policy outlined in references (a) and (b), and to define the roles and responsibilities for controlling access to Navy installations and Navy owned or leased military housing or Public-Private Venture (PPV) housing by sex offenders.

2. Background

a. References (a) and (b) established the Navy's policy on sex offenders, requiring Region Commanders (REGCOMs) and Installation Commanding Officers (COs) to prohibit sex offender access to Navy facilities and Navy owned, leased or PPV housing. A sex offender is defined as any individual convicted of a criminal offense who is required to register as a sex offender in accordance with references (c) and (d). The authority for the CO to bar individuals from an installation is derived from the authorities outlined in references (e) and (f).

b. Enclosure (1) provides terms and definitions as they apply to this instruction. Enclosure (2) provides guidelines for the REGCOM to consider for "base access" waiver requests.

3. Policy. As established in references (a) and (b):

a. To the maximum extent permitted by law or otherwise waived by competent authority, sex offenders are to be identified and prohibited from accessing Navy installations and facilities.

b. Except where prohibited by law or otherwise waived by competent authority, sex offenders shall not occupy Navy owned, leased, or PPV housing.

c. Only COs may issue a bar order and they should be narrowly tailored to meet the objective. For example, a civilian employee who is an indentified sex offender may be barred from all areas of the installation with the exception of his/her workplace.

d. This instruction also applies to all Military Sealift Command (MSC) mariners, whether shipboard or in transit to a MSC assignment.

4. Responsibilities

a. REGCOMs are responsible for:

(1) Utilizing the guidelines outlined in enclosure (2) when considering waivers for base access.

(2) Ensuring Region instructions are in compliance with references (a) and (b) and this instruction.

(3) Ensuring the Region N1, N3 and N9 are notified of all identified sex offenders.

(4) Ensuring the parent command and servicing Human Resource Office (HRO)/Human Resources Service Center (HRSC) are notified of all civilian employees identified as sex offenders.

(5) Maintaining bar orders and waivers for all personnel identified as sex offenders within the Region.

b. Installation COs are responsible for:

(1) Referring to the guidelines outlined in enclosure (2) prior to submitting waivers for base access to the REGCOM.

(2) Ensuring local instructions are in compliance with references (a) and (b) and this instruction.

(3) Ensuring the installation N1, N3 and N9 are notified of all identified sex offenders.

(4) Implementing references (g) and (h), by ensuring Navy Housing Offices are screening applicants using CNIC Form 11103/1, enclosure (3), which requires self-disclosure of any sex offender who will reside with the sponsor in the Navy-owned, leased, or PPV housing.

(5) Reviewing collective bargaining agreements (CBA) to determine the appropriate action, if any, required by the CBA to implement this instruction.

(6) Ensuring the parent command and servicing Human Resource Office (HRO)/Human Resources Service Center (HRSC) are notified of all civilian employees identified as sex offenders.

(7) Maintaining installation bar orders for all personnel identified as sex offenders.

c. CNIC, Force Judge Advocate (FJA) Office is responsible for maintaining a record of all sex offender barment orders issued throughout the CNIC claimancy.

5. Action

a. The REGCOM shall:

(1) Provide the servicing HRO/HRSC a copy of all bar orders issued to civilian personnel.

(2) Notify the applicable contractor and government contracting representative if the identified sex offender is a contract employee.

(3) Ensure Navy personnel identified as sex offenders while on active duty or in a reserve status, and who are not punitively discharged by a court-martial, are processed for administrative separation.

(4) Ensure installation access for military retirees identified as sex offenders, but only for the limited purpose of visiting military medical treatment facilities, Veteran's Administration Offices, commissaries, and Navy Exchanges.

(5) Adjudicate installation bar order appeals in accordance with enclosure (2) of this instruction after consultation with a Staff Judge Advocate (SJA) and/or general counsel.

(6) Forward all bar orders and waivers issued to sex offenders to the CNIC, FJA Office.

b. The Installation CO shall:

(1) Maintain a list of MSC mariners who have been designated sex offenders as defined by this instruction before a MSC ship enters the installation port. Installation access will be denied to MSC mariners designated as sex offenders.

(2) Consult with the installation SJA and/or general counsel prior to issuing a bar order.

(3) Issue an installation bar order to an identified sex offender.

(4) Upload all bar orders into the Combined Law Enforcement Operations Center.

(5) Provide the servicing HRO/HRSC a copy of all bar orders issued to civilian personnel.

(6) Notify the applicable contractor and government contracting representative if the identified sex offender is a contract employee.

(7) Ensure Navy personnel identified as sex offenders while on active duty or in a reserve status, and who are not

punitively discharged, are processed for administrative separation.

(8) Ensure installation access for military retirees who are identified sex offenders, but only for the limited purpose of visiting military medical treatment facilities, Veteran's Administration Offices, commissaries, and Navy Exchanges.

(9) Forwarding all installation bar orders issued to sex offenders to the CNIC, FJA Office, via the REGCCOM.

c. CNIC FJA Office shall prepare all requests for Navy wide barments in accordance with reference (i).

6. Forms and Reports. Enclosure (3) can be obtained on the forms section at below link.

M. C. Vitale

M. C. VITALE
Vice Admiral, U.S. Navy

Distribution:
Electronic only,
https://g2.cnic.navy.mil/cc/CCLibrary/Forms/cnicdirectives.aspx

GLOSSARY

Unless otherwise noted, these terms and their definitions are for the purposes of this instruction.

Competent Authority. The cognizant Region Commander.

Installation Commanding Officer. A Commanding Officer of a Navy shore installation, including Commanding Officers of joint installations where Navy is the lead service.

Region Commander. Commander of one of the twelve CNIC Regions, including commanders of Joint Regions where Navy is the lead service.

Sex Offender. Any individual convicted of a criminal offense who is required to register as a sex offender under the Sex Offender Registration and Notification Act of 2006 (SORNA), Title 42 U.S.C. §§ 16911 - 16929 [Department of Justice, Office of the Attorney General, The National Guidelines for Sex Offender Registration and Notification of 2 Jul 08 (Pages 38030 - 38070 of Volume 73, Number 128, Federal Register)]. The SORNA web address, at http://www.nsopw.gov/, will be utilized to verify if an individual is a registered sex offender.

Waiver Requests

1. The competent authority may waive installation sex offender bar orders when deemed appropriate.

2. The competent authority must grant a waiver to a bar order if the identified sex offender does not pose a threat to good order and discipline onboard the installation.

a. In determining whether the individual is a threat to good order and discipline, the following factors should be considered:

(1) Nature and seriousness of the offense(s) committed;

(2) Circumstances surrounding the conduct;

(3) Number of offense(s) committed;

(4) Recency of the misconduct;

(5) Individual's current age and their age at the time of the offense(s);

(6) Individual's status as a military retiree, veteran, civilian employee, or contractor;

(7) If the individual served in the military, the type of discharge;

(8) Number of years the sex offender had access to military installations without incident;

(9) Whether the sex offender admitted guilt and accepted responsibility for his/her actions;

(10) Any evidence of rehabilitation;

(11) The nexus between the individual's position and his/her potential interaction with those on the installation. For example, a nexus exists if the individual in question was convicted of sexually assaulting a minor and conducts maintenance at the Childcare Development Center; and

(12) All other relevant information, both favorable and unfavorable, deemed appropriate.

b. Reciprocity. All bar orders issued or waivers granted by a cognizant authority should be adopted by other commands to facilitate consistent, equitable treatment.

CNIC Form 11103/1

SEX OFFENDER POLICY ACKNOWLEDGEMENT & DISCLOSURE

PRIVACY ACT STATEMENT

Authority: 10 U.S.C. § 5013, 10 U.S.C. § 5041, 10 U.S.C. § 2831, DoD 4165.63-M and E.O. 9397.
Principle Purposes: To determine an individual's eligibility for Navy housing; including privatized housing.
Routine Uses: Used by region and installation housing office personnel to determine eligibility for Navy housing and by private partners who operate privatized Navy housing for management and operational purposes.
Disclosure: Voluntary; however, failure to provide the requested information may impact eligibility for Navy housing, including privatized housing.

POLICY STATEMENT: In accordance with OPNAVINST 1752.3, to the maximum extent permitted by law or otherwise waived by Commander, Navy Installations Command or the Chief of Naval Personnel (CNP), sex offenders are to be identified & prohibited from accessing Navy facilities and occupying Navy owned, leased, or PPV housing.

Sex Offender Definition: Any person convicted of a criminal offense requiring registration per the National Guidelines for Sex Offender Registration and Notification Act (SORNA) (42 U.S.C. §§ 16901-18962).

NOTICE OF REQUIREMENT TO DISCLOSE

	INITIAL
1. Military sponsors requesting assignment to Navy owned, leased or privatized housing are required to sign this acknowledgment and disclosure form.	JPS
2. Occupancy of Navy owned, leased or privatized housing will not be approved for otherwise eligible applicants if the applicant, any authorized dependent, or live-in aide residing in the home is a sex offender.	JPS
3. Anyone discovered to be a sex offender in the application process shall be denied access to Navy owned, leased or privatized housing.	JPS
4. Anyone found to be a sex offender after taking occupancy may lose the privilege of residing in Navy owned, leased or privatized housing, may be barred from the installation, and/or may be evicted. If eviction occurs you may be responsible for all relocation expenses.	JPS
5. The Installation or Region Housing Program Director will immediately forward information regarding identified sex offenders to the Installation N3, N9 and supports SJA/OGC offices, to include a copy of the applicant's DD 1746 and this form. All information will be forwarded to CNIC within two working days.	JPS
6. Anyone found to have falsely certified this Acknowledgment shall be referred for barment or eviction, as appropriate, and may be responsible for relocation expenses.	JPS
7. Denial of an application for assignment to Navy owned, leased or privatized housing under the applicable policy, may be appealed to the Region Commander via the military sponsor's chain of command.	JPS

CERTIFICATION: I have read and understand the above policy. By my signature below, I certify that under a penalty of administrative action and/or prosecution for making a false official statement in violation of 18 U.S.C § 1001 and/or the Uniform Code of Military Justice, Article 107, that neither I nor any person living in my household is a registered/convicted sex offender. I understand that I am required to notify the Navy's Housing Office and the Installation Security Office immediately if circumstances change so that this certification is no longer true.

Signature	John P. Sailor	Date	4 FEB 11
Print Name	John P. Sailor	Command	USS NEVERSAIL

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