



Department of Defense

DIRECTIVE

NUMBER 1325.2
August 2, 2004

USD(P&R)

SUBJECT: Desertion and Unauthorized Absence

- References: (a) DoD Directive 1325.2, "Desertion and Unauthorized Absence," August 20, 1979 (hereby canceled)
- (b) Sections 801-946, "Uniform Code of Military Justice (UCMJ)," and 956 of title 10, United States Code
 - (c) Manual for Courts-Martial, United States, current edition
 - (d) Joint Travel Regulations, Volume I, "Uniformed Service Members," current edition
 - (e) DoD Instruction 1336.1, "Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)," January 6, 1989

1. REISSUANCE AND PURPOSE

This Directive reissues reference (a) to update uniform policies and guidance designed to reduce desertion and unauthorized absence of military personnel, foster the development of effective deterrent programs, enhance apprehension efforts, and support accurate and timely reporting of cases of desertion and unauthorized absence.

2. APPLICABILITY AND SCOPE

This Directive applies to:

2.1. The Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the "DoD Components"). The term "Military Services," as used herein, refers to the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard (by agreement with the Department of Homeland Security when it is not operating as a Service of the Department of the Navy).

2.2. All military personnel serving on or ordered to report to active duty in the Armed Forces of the United States and members of the Reserve components serving on active duty or active duty for training (Section 802 of title 10, United States Code, Uniform Code of Military Justice (UCMJ) (reference (b))).

3. DEFINITIONS

3.1. Absentee. Any member of the Armed Forces not classified administratively as a deserter (see section 4., below) who is absent without authority from his or her unit, organization, or other place of duty where he or she is required to be.

3.2. Deserter. A member of the Armed Forces who has been administratively classified as a deserter (see section 4., below).

3.3. Desertion Under Aggravated Circumstances. Those cases of desertion involving one or more of the circumstances listed at enclosure 1.

3.4. Return to Military Control. The date and hour when:

3.4.1. An absentee or deserter surrenders to, is delivered to, or is apprehended by or for military authorities; or

3.4.2. A civilian authority, holding the absentee or deserter for some reason other than at the request of the military, informs the military of his or her availability; or

3.4.3. An absentee or deserter otherwise comes under the control of military personnel.

3.5. United States. The 50 States and all territories and possessions of the United States, and all waters and airspace subject to the territorial jurisdiction of the United States.

4. POLICY

It is DoD policy that:

4.1. Criteria for Administrative Classification of Deserters. For administrative purposes, an absentee is classified as a deserter, and a DD Form 553, "Deserter/Absentee Wanted by the Armed Forces," or an electronic equivalent approved by the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), shall be prepared when:

4.1.1. The facts and circumstances of the absence, regardless of the length of the absence, show that the member may have committed the offense of desertion, as

defined in Section 885 of reference (b) and the Manual for Courts-Martial, Part IV, paragraph 9 (reference (c)); or

4.1.2. The member has been absent without leave for 30 consecutive days; or

4.1.3. The member is absent without authority, regardless of the length of the absence, and has gone to or remains in a foreign country and, while in the foreign country, has requested, applied for, or accepted, any type of asylum or residence permit from that country, or any governmental agency thereof.

4.2. Apprehending Absentees and Deserters

4.2.1. General

4.2.1.1. Every practicable effort shall be made to apprehend absentees and deserters as promptly as possible. These efforts shall be made at the unit and other appropriate levels to investigate the facts and circumstances surrounding absences, to begin apprehension actions, and to speed the appropriate notification procedures.

4.2.1.2. Information developed about the location of absentees and deserters shall be conveyed promptly to appropriate civil law enforcement authorities who shall be requested to aid in the return of such persons to military control. The Military Services shall establish liaisons and maintain a level of coordination with civilian law enforcement agencies necessary to actively take part in efforts to apprehend absentees and deserters.

4.2.1.3. Cases of desertion under aggravated circumstances (enclosure 1) shall be reported to the appropriate military criminal investigative organization for assistance in apprehension.

4.2.1.4. The Military Services shall release information about the deserter apprehension program in an effort to deter absenteeism and desertion.

4.2.2. Authority to Apprehend

4.2.2.1. Absentees and deserters may be apprehended by members of the Armed Forces under the circumstances prescribed by Section 807b of reference (b) and Rule for Courts-Martial (RCM) 302(b)(1)-(2) of reference (c).

4.2.2.2. Any civil official having authority to apprehend offenders under the laws of the United States may promptly apprehend a deserter from the Armed Forces and deliver him or her into the custody of those forces (Section 808 of reference (b) and RCM 302(b)(3) of reference (c)). Civilian law enforcement authorities may apprehend absentees when requested to do so by military or Federal authorities.

4.2.2.3. U.S. authorities may apprehend absentees and deserters in foreign countries only when authorized by an international agreement with the country concerned or by agreement with appropriate local authorities when such agreement does not conflict with an existing international agreement (see subparagraph 4.2.5.2., below). In these cases:

4.2.2.3.1. Possible international implications and adverse foreign reaction must be carefully considered.

4.2.2.3.2. When an absentee or deserter may not be apprehended, a report of the facts shall be forwarded, through appropriate Military Department channels, to the USD(P&R) for resolution.

4.2.3. Return to Military Control

4.2.3.1. Absentees and deserters shall be received at any military installation that is manned by active duty personnel. Immediate action shall be taken to transfer an individual to the nearest installation of his or her Military Service having facilities to process absentees and deserters.

4.2.3.2. Absentees and deserters being detained temporarily in the hands of civil authorities shall be taken into custody by military authorities as soon as possible after responsible military officials are informed of their place of detention and the civilian authorities are ready to release them. Military authorities shall strive to achieve such return to military control within 48 hours after receiving notification of the absentee's or deserter's place of detention. To reach this goal, local or area commanders are urged to form inter-Service agreements to ease the pickup and transportation of absentees and deserters of all Military Services.

4.2.3.3. In the absence of other specific arrangements among Military Service commands, when one of the Military Services makes a pickup of absentees and deserters from civil authorities anywhere in the continental United States, all such individuals, regardless of their Military Service, shall be picked up at the same time and delivered to the nearest military installation having facilities to process absentees or deserters. When such a multi-Service pickup is not possible, the military authority making a limited pickup shall notify the Military Service(s) of the individuals remaining in civilian custody, preferably before leaving the civilian confinement facility.

4.2.3.4. In foreign countries, military attachés, the Chief of the Military Assistance Advisory Group (MAAG), or similar security assistance organizations shall usually not accept the offer of a deserter or absentee to return to military control, unless the United States is directly responsible for the presence of the individual in the country where help is requested.

4.2.3.4.1. Deserters and absentees shall usually be advised and helped to report, at their own expense, to an appropriate U.S. military installation in the United States or overseas.

4.2.3.4.2. Unless they are citizens of the country in which help is requested, absentees and deserters shall be reported to the appropriate authorities of such foreign country to be deported.

4.2.3.4.3. If the individual leaves the foreign country or is deported, the military attaché or Chief of the MAAG shall make arrangements, if possible, to have the individual taken into custody when he or she arrives in a territory where U.S. military officers have authority to apprehend.

4.2.3.4.4. The Chief of the U.S. diplomatic mission shall be kept fully informed.

4.2.3.5. All original recipients of a DD Form 553 shall be promptly informed of the individual's return to military control by the publication of a DD Form 616, "Report of Return of Absentee."

4.2.3.6. The Military Services shall develop programs for keeping the maximum number of those absentees and deserters returned to military control who have potential for continued effective service.

4.2.4. Rewards and Reimbursements

4.2.4.1. Receipt of any authorized communication, oral or written, from a military or Federal law enforcement official or agency requesting active cooperation in the apprehension or delivery to military control of an absentee or deserter wanted by the Armed Forces shall constitute the basis for a reward. After such communication, persons or agencies apprehending, detaining, or delivering absentees, deserters, or escaped military prisoners to military control shall be promptly rewarded or reimbursed (but not both) by:

4.2.4.1.1. Payment of a reward in an amount not to exceed that named in Section 956 of reference (b), for apprehending absentees, deserters, or escaped prisoners.

4.2.4.1.2. Reimbursement of reasonable and actual expenses incurred in the apprehension, detention, or delivery to military control of an absentee, deserter, or escaped prisoner.

4.2.4.2. Payments authorized by subparagraph 4.2.4.1., above, and costs of travel of guards assigned to absentees or deserters shall be charged to the military personnel appropriation of the parent Military Service. Costs associated with an

absentee's or deserter's transportation for return to designated military duty status shall be charged to the pay account of the individual member as prescribed in the Joint Travel Regulations, Volume I (reference (d)).

4.2.5. Cooperation of Armed Forces and Civil Law Enforcement Agencies

4.2.5.1. Absentees or Deserters in the United States. Notices about members wanted for unauthorized absence or desertion who are believed to be in the United States shall be circulated promptly among those Armed Forces and civil law enforcement agencies considered useful in apprehending the particular absentee.

4.2.5.2. Absentees and Deserters Outside the United States. Commands shall take such initial actions as the local situation warrants, within the authority of applicable international agreements, to secure cooperation in apprehending absentees or deserters (see subparagraph 4.2.3.4., above).

4.2.5.3. Notices shall be sent to the Federal Bureau of Investigation (FBI) and Department of State only after appropriate review and signature by the Deserter Information Point (DIP) of the Military Service concerned. The DD Form 553 shall be used to notify the FBI of a need for apprehension support.

4.3. DIP

4.3.1. A DIP shall be established as the central focal point in each Military Service to support the control, accounting, and circulation of information about members administratively classified as deserters, and serve as a central point of contact for dissemination of information about members absent without leave for less than 31 days.

4.3.2. To make timely and complete deserter information available to civil law enforcement agencies, each DIP shall either have access to a terminal for direct entry to the FBI National Crime Information Center (NCIC) computer or ensure that deserter information is entered into the NCIC by a supporting military law enforcement organization. Each Military Service shall ensure that deserter information is entered into the NCIC on receipt of the DD Form 553. The goal is to do this no later than 7 days after an individual has been administratively declared a deserter. Minimizing this time interval and increasing the reliability and use of the NCIC shall be a primary consideration for each Military Service.

4.3.3. The primary source of information to the DIP shall be the DD Forms 553 and 616, supported by the appropriate personnel forms documenting desertion or return to military control, and verified by the DIP through the automated personnel accounting system of the Military Service. The DIP shall make appropriate NCIC entries in the Wanted Persons File as soon as possible after verification. The DIP shall clear from the NCIC all members returned to military control, or whose status is found to be other than desertion. Members who desert under aggravated circumstances (see

enclosure 1), such as being involved in a crime of violence, shall be reported immediately on verification of deserter status by the DIP through the use of the DD Form 553 to the FBI for appropriate aid or investigation.

4.3.4. Each Military Service shall ensure that its DIP provides management information that shall readily identify the number of absentees and deserters returned to military control and the mode of return (surrendered to and/or apprehended by military or civilian authorities).

5. RESPONSIBILITIES

5.1. The Under Secretary of Defense (Personnel and Readiness) (USD(P&R)) shall:

5.1.1. Provide overall policy guidance for the Military Services' programs that deter and reduce absenteeism and desertion.

5.1.2. Act as a liaison between the Department of Defense and the FBI, and other Government and civil law enforcement agencies on absentee and deserter policy matters.

5.2. The Secretaries of the Military Departments shall:

5.2.1. Try to deter desertion and unauthorized absence by improving current program management practices and developing new programs.

5.2.2. Ensure that each Military Service designates a senior policy official to serve as the focal point for absentee and deserter policy and for administration of the absentee program.

5.2.3. Establish DIPs in accordance with subparagraph 4.3.1., above.

5.2.4. On a rotational basis, periodically host joint Service meetings to evaluate apprehension efforts and to propose necessary changes.

6. INFORMATION REQUIREMENTS


6.1. By May 31 and November 30 of each year, the Military Services shall forward the information prescribed by the reporting format (enclosure 2) to the address listed therein for the two preceding fiscal quarters (October 1 through March 31 and April 1 through September 30). This reporting requirement applies only to enlisted members. It does not apply to enlisted members of a Reserve component who have been ordered to active duty for a period of 270 days or less. Report Control Symbol DD-P&R(SA)1454 is assigned to this report.

6.2. When alien deserters are discharged in absentia, military personnel offices shall forward one copy of DD Form 214, "Certificate of Release or Discharge from Active Duty," to the U.S. Department of State, Visa Office-CA/VO, State Annex No. 2, Washington, DC 20520, to deter the unwarranted issuance of visas. (See DoD Instruction 1336.1 (reference (e)).)

6.3. For aliens who are absentees or deserters known or suspected to be residing in foreign countries, DIPs shall forward one copy of DD Form 553 to the Visa Office, at the address in paragraph 6.2., above. For U.S. citizens, DIPs shall forward one copy of DD Form 553 to the U.S. Department of State, Passport Office-PPT/C, 1425 K Street, Washington, DC 20525.

7. EFFECTIVE DATE

This Directive is effective immediately.



Paul Wolfowitz
Deputy Secretary of Defense

Enclosures - 2

- E1. Desertion Under Aggravated Circumstances
- E2. Desertion and Unauthorized Absence (AWOL) Semi-annual Service Report

E1. ENCLOSURE 1

DESERTION UNDER AGGRAVATED CIRCUMSTANCES

E1.1. AGGRAVATING CIRCUMSTANCES

The following cases shall be considered as desertion under aggravated circumstances for this Directive. Cases in which the deserter:

E1.1.1. Is an officer.

E1.1.2. Has had access to classified defense information that, if disclosed, could jeopardize the security interests of the United States.

E1.1.3. Is suspected of or has been convicted of one or more of the offenses listed in section E1.2., below, that are punishable under reference (b).

E1.2. OFFENSES THAT AGGRAVATE DESERTION

Table E1.T1., below, shows UCMJ offenses that aggravate desertion.

Table E1.T1. UCMJ Offices that Aggravate Desertion

<u>UCMJ Article</u>	<u>Offense</u>
82	Soliciting or advising another to desert or to mutiny, or to commit misbehavior before the enemy; sedition
90	Striking, drawing, or lifting up any weapon or offering any violence to his superior commissioned officer in the execution of his office
91	Striking or otherwise assaulting a warrant officer or a noncommissioned officer or petty officer while in the execution of his office
92	Disclosure of classified defense information
99	Misbehavior before the enemy
100	Subordinate compelling surrender
103	Looting and pillaging
104	Aiding the enemy
106	Spying
116	Riot
118	Murder
119	Manslaughter
120	Rape
122	Robbery
124	Maiming
125	Sodomy by force and without consent, or with a child under the age of 16 years
126	Arson
127	Extortion
128	Assault upon a commissioned officer not in the execution of his office

E2. ENCLOSURE 2

DESERTION AND UNAUTHORIZED ABSENCE (AWOL)
SEMI-ANNUAL SERVICE REPORT

1. MILITARY SERVICE: _____

2. OCTOBER 1 - MARCH 31 REPORT or APRIL 1 TO SEPTEMBER 30 REPORT (circle one)
YEAR: _____

3. TOTAL DESERTERS AND AWOLS CURRENTLY AT LARGE: _____
 - a. MALE DESERTERS: _____
 - b. FEMALE DESERTERS: _____
 - c. MALE AWOL: _____
 - d. FEMALE AWOL: _____

4. NUMBER OF DESERTERS DURING THIS REPORTING PERIOD WHO:
 - a. SURRENDERED TO MILITARY AUTHORITY: _____
 - b. SURRENDERED TO CIVIL AUTHORITY: _____
 - c. WERE APPREHENDED BY MILITARY AUTHORITY: _____
 - d. WERE APPREHENDED BY CIVIL AUTHORITY: _____

5. NUMBER OF NEWLY DECLARED DESERTERS DURING THIS REPORTING PERIOD
 - a. MALE: _____
 - b. FEMALE: _____

Semi-annual reports are due by April 30th for the March Report and October 31st for the September Report. Reports shall be faxed to the DMDC at (831) 583-2340 or mailed to:

Defense Manpower Data Center (DMDC)
Attn: Chief, Management, Information, and Analysis Division
400 Gigling Rd.
Seaside, CA 93955-6771

An information copy of the report shall be faxed to Legal Policy at (703) 693-6708 or mailed to:

Office of the Under Secretary of Defense (Personnel and Readiness) (USD(P&R))
Program Integration-Legal Policy
4000 Defense Pentagon
Washington, DC 20301-4000