



Department of Defense **INSTRUCTION**

NUMBER 1325.02
November 16, 2012

USD(P&R)

SUBJECT: Desertion and Unauthorized Absence (UA)

References: See Enclosure 1.

1. PURPOSE. This Instruction reissues DoD Directive 1325.2 (Reference (a)) as a DoD Instruction in accordance with the authority in DoD Directive 5124.02 (Reference (b)) to update established policy, assigned responsibilities, and prescribed procedures designed to reduce desertion, UA, or designation as absent without leave (AWOL) of military personnel.

2. APPLICABILITY. This Instruction applies to:

a. OSD, the Military Departments (including the Coast Guard at all times, including when it is a service in the Department of Homeland Security by agreement with that Department), the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD.

b. All military personnel serving on active duty, active duty for training, or ordered to report to active duty in the Military Services; pursuant to section 802 of chapter 47 of title 10, United States Code (also known and hereinafter referred to as "The Uniform Code of Military Justice (UCMJ)" (Reference (c))).

3. DEFINITIONS. See Glossary.

4. POLICY. It is DoD policy to:

a. Foster the development of effective deterrent programs and enhance apprehension efforts related to desertion and UA/AWOL in the Military Services.

b. Support accurate and timely reporting of cases of desertion and UA/AWOL to appropriate military and civilian authorities.

- c. Apprehend deserters and absentees as promptly as possible.


- 5. RESPONSIBILITIES. See Enclosure 2.

- 6. PROCEDURES. See Enclosure 3.

- 7. RELEASABILITY. UNLIMITED. This Instruction is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

- 8. EFFECTIVE DATE. This Instruction:
 - a. Is effective November 16, 2012.

 - b. Must be reissued, cancelled, or certified current within 5 years of its publication in accordance with DoD Instruction 5025.01 (Reference (d)). If not, it will expire effective November 16, 2022 and be removed from the DoD Issuances Website.


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Enclosures

- 1. References
- 2. Responsibilities
- 3. Apprehending Absentees and Deserters

Glossary

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ENCLOSURE 1

REFERENCES

- (a) DoD Directive 1325.2, "Desertion and Unauthorized Absence," August 2, 2004 (hereby cancelled)
- (b) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008
- (c) Chapters 47 and 48 of title 10, United States Code
- (d) DoD Instruction 5025.01, "DoD Directives Program," September 26, 2012
- (e) Manual for Courts-Martial, United States, current edition
- (f) Joint Federal Travel Regulations, Volume I, "Uniformed Service Members," current edition
- (g) Federal Bureau of Investigation Criminal Justice Information Services, "NCIC 2000 Operating Manual," August 1, 2010¹
- (h) DoD Instruction 1336.01, "Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)," August 20, 2009

¹ Copies can be obtained by qualifying law enforcement agencies through Law Enforcement on Line (LEO) <http://www.leo.gov/> or by writing to the Communications Unit, Criminal Justice Information Services Division, FBI, Module 3, 1000 Custer Hollow Road, Clarksburg, WV 26306-0154.

ENCLOSURE 2

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS (USD(P&R)). The USD P&R shall:

- a. Monitor compliance with this Instruction.
- b. Act as a liaison between the DoD and all government and Federal, state, and local law enforcement agencies, including the Federal Bureau of Investigation (FBI), on absentee and deserter policy matters.

2. ASSISTANT SECRETARY OF DEFENSE FOR READINESS AND FORCE MANAGEMENT (R&FM). The Assistant Secretary, R&FM, under the authority, direction, and control of the USD(P&R), shall provide overall policy guidance for all Military Service programs designed to deter and reduce absenteeism and desertion.

3. SECRETARIES OF THE MILITARY DEPARTMENTS AND COMMANDANT, UNITED STATES COAST GUARD (USCG). The Secretaries of the Military Departments and the Commandant, USCG, shall:

- a. Deter desertion and UA/AWOL.
- b. Ensure that each Military Service designates a senior policy official to serve as the lead for deserter and absentee policy, and for administration of the absentee program.
- c. Establish a Deserter Information Point (DIP), an organization within each Military Service, in accordance with Enclosure 3 of this Instruction.
- d. On a rotational basis, periodically host joint Service meetings, video-teleconferences, or teleconferences to evaluate apprehension efforts and to propose necessary changes to policy.
- e. Develop programs for retaining the maximum number of those absentees and deserters returned to military control who have potential for continued effective service.

ENCLOSURE 3

APPREHENDING ABSENTEES AND DESERTERS

1. DIP

a. A DIP shall be established in each Military Service to serve as a central point of contact for dissemination of information about Service members administratively separated from the Service for either AWOL desertion or AWOL conviction & confinement by civil authorities.

b. Service DIPs will provide management information to Service headquarters that shall identify the number of absentees and deserters returned to military control. The information will also include one of the following modes of return:

- (1) Surrendered to military or civilian authorities.
- (2) Apprehended by military or civilian authorities.

2. CRITERIA FOR ADMINISTRATIVE CLASSIFICATION OF DESERTERS

a. For administrative purposes, an absentee is classified as a deserter when any of the following conditions exist:

(1) The facts and circumstances of the absence, regardless of its length, show that the Service member may have committed the offense of desertion, as defined in section 885 of Reference (c) and Part IV, paragraph 9 of the Manual for Courts-Martial (Reference (e));

(2) The Service member has been absent without leave for 30 consecutive days; or

(3) The Service 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, the Service member has requested, applied for, or accepted any type of asylum or residence permit from that country or any governmental agency thereof.

b. A Department of Defense (DD) Form 553, "Deserter/Absentee Wanted by the Armed Forces," shall be prepared for any of the circumstances in paragraph 2.a.

3. APPREHENSION

a. Authority to Apprehend

(1) Absentees and deserters may be apprehended by military law enforcement officials and commissioned and, warrant, petty and non commissioned officers under the circumstances prescribed by the rules for Courts-Martial 302(b)(1) and (2), respectively, of Reference (e).

(2) Civilian law enforcement authorities may apprehend absentees when requested to do so by military or Federal authorities.

(3) Any civilian official having authority to apprehend offenders under U.S. law may promptly apprehend a deserter from the Military Services and deliver him or her into Service custody in accordance with section 808 of Reference (c) and RCM 302(b)(3) of Reference (e).

(4) 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.

b. Return to Military Control

(1) Absentees and deserters shall be received at any military installation having facilities to process absentees and deserters 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.

(2) Military authorities shall initiate actions to return Service personnel to military control within 48 hours after receiving notification of the absentee's or deserter's place of detention. Inter-Service agreements will be used to facilitate the transference of custody of absentees and deserters of all Military Services.

(3) When one of the Military Services makes a pickup of absentees and deserters from civilian authorities in the continental United States who are detaining personnel from multiple Services, that Service shall coordinate with the appropriate other Service DIP to determine the feasibility of pickup at the same time and delivery to the nearest military installation. 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 before leaving the civilian confinement facility.

(4) In cases involving deserters and absentees apprehended in foreign countries:

(a) U.S. military attachés, the Chief of the Military Assistance Advisory Group (MAAG), or similar U.S. security assistance organizations will 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 by assignment or deployment.

(b) Deserters and absentees shall be advised to report, at their own expense, to a U.S. military installation.

(c) U.S. military attachés, the Chief of the MAAG, or similar U.S. security assistance organizations shall report absentees and deserters to the appropriate authorities of such foreign country for deportation, unless those absentees and deserters are citizens of that country.

(d) 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.

(e) U.S. military attachés, the Chief of the MAAG, or similar U.S. security assistance organizations shall keep the Chief of the U.S. diplomatic mission fully informed.

(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."

c. Rewards and Reimbursements

(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 Military Services 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:

(a) Payment of a reward in an amount not to exceed that named in section 956 of Chapter 48 of Reference (c), for apprehending absentees, deserters, parole and mandatory supervised release (MSR) violators.

(b) Reimbursement of reasonable and actual expenses incurred in the apprehension, detention, or delivery to military control of an absentee, deserter, or parole and MSR violators.

(2) Authorized payments and cost of travel of guards assigned to absentees or deserters shall be charged to the parent Military Service's military personnel appropriation. Costs associated with absentee or deserter transportation for return to designated military duty status shall be charged to the pay account of the individual Service member as prescribed in the Joint Federal Travel Regulations, Volume I (Reference (f)).

4. DESERTION UNDER AGGRAVATED CIRCUMSTANCES. Cases shall be considered as desertion under aggravated circumstances when:

a. The deserter is a commissioned officer.

b. The deserter has had access to classified defense information at any point in time that, if disclosed, could jeopardize U.S. security interests.

c. The deserter is suspected of or has been convicted of one or more of the offenses listed in the Table, which are punishable according to the terms of Reference (c).

Table. UCMJ Offenses That Aggravate Desertion

| UCMJ Article | Offense |
|--------------|---|
| 82 | Solicitation |
| 90 | Assaulting or willfully disobeying superior commissioned officer |
| 91 | Insubordinate conduct toward warrant officer, noncommissioned officer, or petty officer |
| 92 | Failure to obey order or regulation |
| 99 | Misbehavior before the enemy |
| 100 | Subordinate compelling surrender |
| 103 | Captured or abandoned prop |
| 104 | Aiding the enemy |
| 106 | Spies |
| 116 | Riot or breach of peace |
| 118 | Murder |
| 119 | Manslaughter |
| 120 | Rape and sexual assault generally |
| 120a | Stalking |
| 120b | Rape and sexual assault of a child |
| 120c | Sexual Misconduct |
| 122 | Robbery |
| 124 | Maiming |
| 125 | Sodomy |
| 126 | Arson |
| 127 | Extortion |
| 128 | Assault |

5. DESERTER AND ABSENTEE REPORTING

a. Cooperation of Service and Civil Law Enforcement Agencies

(1) Commands shall take such initial actions as the local situation warrants, and within the authority of applicable international agreements outside the continental United States, to secure cooperation from civilian law enforcement agencies in apprehending absentees or deserters.

(2) Service law enforcement agencies shall notify civilian law enforcement agencies, through prompt entry of warrants in the FBI’s National Crime Information Center (NCIC), of deserters under aggravated or exceptional circumstances (see section 4 or paragraph 5.c. of this enclosure, respectively), escaped prisoners, and individuals wanted for parole and MSR violations.

(3) Deserter notices shall be sent to the FBI and Department of State only after appropriate review and signature by the DIP of the Military Service concerned.

b. Deserter Arrest Warrants

(1) Each DIP shall either have access to a terminal for direct entry to the FBI NCIC computer, or shall ensure that deserter information is entered into the NCIC by a supporting military law enforcement agency. The DIP shall enter deserter information into NCIC on receipt of the DD Form 553 within 24 hours after an individual has been administratively dropped from the rolls.

(2) 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:

(a) Ensure that appropriate NCIC entries are made in the Wanted Persons File as soon as possible after verification.

(b) Ensure NCIC is cleared of all Service members returned to military control, or whose status is found to be other than desertion.

(3) Service members who desert under aggravated circumstances as defined in section 4 of this enclosure shall be reported immediately upon verification of deserter status by the DIP through the use of the DD Form 553 to the FBI for appropriate aid or investigation.

c. Deserter Arrest Warrants Under Exceptional Circumstances

(1) Classification of a Military Service member as a deserter is based on intent and not the time the member has been absent from his or her unit. Commanders will consider the circumstances surrounding UA and AWOL, and request warrants for absentees:

(a) Determined to be high risk due to the existence of aggravating circumstances as detailed in this enclosure.

(b) Who fled to avoid prosecution.

(c) Who are believed to likely to commit violent acts, or may harm themselves or the general public.

(2) A commander who determines an absentee Service member is high risk or has indicated intent to remain absent from his or her place of duty may immediately classify the member a deserter and direct that an arrest warrant be issued by the installation law enforcement agency for violation of Article 85 of Reference (c).

(3) The installation law enforcement agency will ensure that a warrant is entered into the FBI NCIC for the arrest of the absentee Service member for violation of Reference (c). Procedures for entering a deserter warrant are located in the FBI's NCIC 2000 Operating Manual (Reference (g)).

(4) The installation law enforcement agency will also notify the respective Service's DIP of the deserter under exceptional circumstances warrant.

d. Deserter Under Exceptional Circumstances Transition to Deserter Reporting

(1) Once the Military Service member is absent for more than 30 days and administratively dropped from the rolls, the DIP will check NCIC for a previous deserter under exceptional circumstance warrant entry, prior to entering the deserter warrant. If a previous deserter under exceptional circumstances warrant is found for a Service member, the DIP will contact the original installation reporting law enforcement agency to verify that the absentee Service member has not been returned to military control.

(2) If the Service member has not been returned to military control, the reporting installation law enforcement agency will initiate the deserter under exceptional circumstances warrant removal, to prevent the entry of double warrants (installation law enforcement agency and DIP) into NCIC for the same Service member.

(3) If the Service member is returned to military control:

(a) The commander of the installation gaining control of the Service member will notify the commander of the installation from which the individual went UA/AWOL of the return to military control.

(b) The commander of the installation from which the individual went UA/AWOL of the return to military control will insure installation law enforcement is provided that status.

(c) The installation reporting law enforcement agency will then ensure that the deserter under exceptional circumstances warrant is either cleared or canceled in NCIC.

e. Escaped Prisoner, Parole, or MSR Violator Release Warrants

(1) The Clemency and Parole Board (CPB) of each Military Service shall direct suspense and revocation of parole and for MSR violators to return to military control and correctional facilities.

(2) Upon review, the respective Service's DIP shall promptly enter the escaped prisoner's information into the FBI NCIC.

(3) Upon entry completion, the DIP will promptly return a copy of the DD Form 553, to the CPB with the assigned FBI number.

(4) Upon notification by civil law enforcement agency, the DIP provides information to the appropriate installation law enforcement activity for assistance in returning the violator to military control and the designated facility.

(5) The DIP will provide a copy of the completed DD Form 616 for the prisoner's return to military control to the military correctional facility and to the Services CPB.

f. Department of State Reporting

(1) For alien Military Service deserters who are discharged in absentia, military personnel offices shall forward a copy of DD Form 214, "Certificate of Release or Discharge from Active Duty," to the Department of State to deter the unwarranted issuance of visas, in accordance with DoD Instruction 1336.01 (Reference (h)). For aliens who are absentees or deserters known or suspected to be residing in foreign countries, DIPs shall forward a copy of DD Form 553 to the Visa Office. The DD Forms 214 or 553 shall be sent to:

U.S. Department of State
Visa Office-CANO
State Annex No. 2
Washington, D.C. 20520

(2) For U.S. citizens, DIPs shall forward a copy of DD Form 553 to:

U.S. Department of State
Passport Office-PPT/C
1425 K Street
Washington, D.C. 20525

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

| | |
|----------|--|
| AWOL | absent without leave (Army and Air Force (UA in the Navy, Marine Corps, and Coast Guard)) |
| CPB | Clemency and Parole Board |
| DD | Department of Defense |
| DIP | Deserter Information Point |
| FBI | Federal Bureau of Investigation |
| MAAG | Military Assistance Advisory Group |
| MSR | mandatory supervised release |
| NCIC | National Criminal Information Center |
| UA | unauthorized absence (Navy, Marine Corps and Coast Guard (AWOL in the Army and Air Force)) |
| UCMJ | Uniform Code of Military Justice |
| USD(P&R) | Under Secretary of Defense for Personnel and Readiness |

PART II. DEFINITIONS

These terms and their definitions are for the purpose of this Instruction.

absentee. Any Service member who is absent without authority from his or her unit, organization, or other place of duty where he or she is required to be.

alien Military Service deserter. An alien serving in the U.S. Military Services who deserts.

deserter. A Service member who intends to permanently abandon his or her military duties.

desertion under aggravated circumstances. Those cases of desertion involving one or more of the circumstances listed in the Table of this Instruction.

return to military control. The date and hour when:

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

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

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

installation law enforcement agency. On a DoD installation, the Provost Marshal (Army and Marine Corps), Chief of Security Forces (Air Force), or Director of Emergency Services or Chief of Police (Navy and Defense Agencies).