



DEPARTMENT OF THE NAVY

OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON, DC 20350-1000

SECNAVINST 1620.7A
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24 May 2002

SECNAV INSTRUCTION 1620.7A

From: Secretary of the Navy

Subj: DESERTION AND UNAUTHORIZED ABSENCE (UA)

Ref: (a) DODD 1325.2 of 20 AUG 79
(b) SECNAVINST 5520.3B

Encl: (1) Offenses in Aggravation of Desertion in Naval Service

1. Purpose. To establish policies to minimize unauthorized absence (UA) and desertion, foster development of effective deterrent programs, enhance apprehension efforts, and provide for accurate and timely reporting of incidents of UA and desertion as required in reference (a). This instruction is a complete revision and should be reviewed in its entirety.

2. Cancellation. SECNAVINST 1620.7.

3. Background. Unauthorized absence is the most frequently committed offense in the military. In the past, the ability of the military services to return deserters to military control relied significantly on the assistance of the Federal Bureau of Investigation (FBI) through its routine investigation and apprehension of deserters. Currently, the FBI is limiting investigation and apprehension of deserters to those cases where aggravating circumstances exist (see enclosure (1), reference (a)). The FBI will continue to provide other support such as granting access to, and the inclusion of deserter information in, the Wanted Person File of the National Crime Information Center (NCIC) (reference (a)). A key element of the Department of the Navy (DON) Deserter Apprehension Program (DAP) is to encourage, by appropriate service action, other civil law enforcement agencies to increase their efforts in regard to apprehending deserters. This instruction provides policies and assigns responsibilities to ensure attainment of the program's objectives within DON.

4. Definitions. For the purpose of this instruction, the following definitions apply:

a. Absentee. Servicemembers who are absent without authority from their unit, organization or other place of duty where they are required to be, who are not classified administratively as a deserter.

b. Deserter. Any servicemember who has been declared to be in a desertion status per article 85 of the Uniform Code of Military Justice (UCMJ) and applicable service regulations by a competent military authority.

5. Policy. Unauthorized absence and desertion represent serious breaches of military discipline, reduce military effectiveness and impose added burdens on commanders and other service personnel. Therefore, it is DON policy to curtail UA and desertion through education, counseling, rehabilitation, and disciplinary or administrative action as appropriate. Every reasonable effort will be made to locate and return absentees and deserters to military control. Location and apprehension of deserters will be accomplished primarily by civil law enforcement agencies. To ensure the continuing cooperation of these agencies, a centralized Deserter Information Point (DIP) is established in each service, supported by absentee collection units for the expeditious return of deserters to military control. Reward and reimbursement claims of civil law enforcement agencies effecting deserter apprehensions will be adjudicated and paid promptly. Cases of absence/desertion aggravated by the fact the absentee/deserter is also suspected of having committed an offense described in enclosure (1) shall be handled on a preferential basis. Assistance of the FBI in locating and apprehending aggravated cases described in enclosure (1) will normally be requested through Naval Criminal Investigative Service (NCIS) (reference (b)). Absentees and deserters suitable for further productive service may be restored to duty upon completion of any disciplinary action.

6. Action

a. Per reference (a), Chief of Naval Operations (CNO) and Commandant of the Marine Corps (CMC) are designated as senior policy officials to serve as the focal points for absentee and deserter policy and for the administration of their respective DAPs. As such, they or their designees shall

(1) maintain a centralized DIP, which shall provide for the control, accounting and dissemination of deserter information and shall coordinate the actions of the Absentee Collection Units (ACUs) necessary to accomplish prompt return of deserters to military control.

(2) maintain ACU's which shall take custody of deserters apprehended by civil law enforcement personnel and return them to the proper military authorities. ACU's shall be centrally funded and dedicated to the DAP. ACU's will normally take custody of apprehended absentees and deserters within 48 hours of receipt of notification by civil law enforcement agencies that such personnel are available for return to military control. ACU's shall, at the local level, coordinate with similar units of the other services in order to conserve resources and to ensure expeditious response to requests from civil law enforcement agencies.

(3) issue implementing directives necessary to carry out policies, responsibilities and procedures prescribed in reference (a) and this instruction.

b. Marine Corps commands at Marine Corps installations shall report all aggravated circumstances of UA and desertion immediately to the installation provost marshal/military police activity for appropriate action and for referral to NCIS per this instruction.

c. Director, NCIS shall investigate, or refer to other Federal law enforcement, security and intelligence agencies for investigation, as appropriate, those cases of absence or desertion aggravated by the fact the absentee or deserter is also suspected of having committed one or more offenses listed in enclosure (1).

7. Program Evaluation. CNO and CMC will provide to Office of Under Secretary of Defense, Personnel and Readiness (OUSDP&R))

a. a brief summary of the semi-annual statistical information required by reference (a); and

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b. an evaluation of program results within Navy and Marine Corps coincident with the annual joint service evaluation meeting required by reference (a).

William A. Navas, Jr.
Assistant Secretary of the Navy
(Manpower and Reserve Affairs)

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OFFENSES IN AGGRAVATION OF DESERTION IN NAVAL SERVICE

1. Violations of the UCMJ

Article	82	Soliciting or advising another to: desert, commit mutiny, or commit misbehavior before the enemy or engage in 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, a noncommissioned officer or petty officer while in the execution of his office
	94	Mutiny or sedition.*
	95	Escape (from confinement facility).*
	104	Aiding the enemy.
	106	Espionage.
	118	Murder.
	119	Manslaughter.
	120	Rape or carnal knowledge.
	122	Robbery.
	124	Maiming.
	125	Sodomy by force and without consent, or with a child under the age of 16 years.
	126	Arson.
	128	Assault. - with a dangerous weapon or force likely to produce death or grievous bodily harm. - intentional infliction of grievous bodily harm with or without a weapon.
	133	Conduct unbecoming an officer (sexual, violent, etc.)
	134	Assault. - indecent. - with intent to commit murder, voluntary manslaughter, rape, robbery, sodomy, arson, burglary, or housebreaking.

Article	134	Other offenses. - Indecent acts with a child under the age of 16 years. - Indecent language to a child under the age of 16 years. - Possessing or transmitting pornography involving a Child - Firearm, discharging - willfully, under such circumstances as to endanger human life.* - Homicide, negligent. - Impersonating a commissioned, warrant, noncommissioned or petty officer. - Kidnapping. - Obstruction of justice.* - Communicating a threat.*
	80	Attempting to commit any of the above.
	81	Conspiracy to commit any of the above.
		Any other offense within the investigative responsibilities of NCIS as prescribed by reference (b).*

2. Cases involving desertion of servicemembers in the rank of E-7 and above.

3. Cases involving personnel who have had access to classified national security information, which if disclosed could jeopardize the security interests of the United States.

*Special requests must be submitted to the FBI for their assistance on a case by case basis under the provisions of paragraph (5) of enclosure (1) to reference (a).