

FORCE MANAGEMENT  
POLICYASSISTANT SECRETARY OF DEFENSE  
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WASHINGTON, D.C. 20301-4000

JAN 22 2002

MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY  
(MANPOWER AND RESERVE AFFAIRS)  
ASSISTANT SECRETARY OF THE NAVY  
(MANPOWER AND RESERVE AFFAIRS)  
ASSISTANT SECRETARY OF THE AIR FORCE  
(MANPOWER AND RESERVE AFFAIRS)

SUBJECT: Enlistment Waivers for Domestic Violence-Related Convictions

In its initial report, the Defense Task Force on Domestic Violence (DTFDV) recommended that DoD review the appropriateness of enlistment waivers granted to individuals convicted of "domestic violence-related" offenses. The DTFDV found that some waivers have been granted in the case of convictions for offenses involving domestic violence in a broad sense, but falling outside the definition of domestic violence used in the domestic violence amendment to the Gun Control Act and DoD's interim policy implementing that amendment. For example, waivers have been granted in the case of convictions for violence against siblings.

The DTFDV did not substantiate any waivers granted in violation of DoD's interim policy, which prohibits the entrance into military service of anyone with a misdemeanor conviction for a crime of domestic violence. The term "crime of domestic violence" as used in the Act and the interim policy is an offense that has, as an element, the use or attempted use of physical force, or threatened use of a deadly weapon; committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent or guardian of the victims.

I do not want to restrict Service authority to grant accession waivers in the case of convictions for offenses outside the coverage of DoD's interim policy implementing the domestic violence amendment to the Gun Control Act. Rather, the purpose of this memorandum is to bring the DTFDV's recommendation to your attention and suggest that you may want to review your Service's accession waiver procedures to ensure that waivers are granted only in appropriate cases. In light of the consequences of a domestic violence conviction committed after an individual enters military service, it may not be prudent to grant waivers in the case of convictions for crimes that are not technically domestic violence, but are similar.

  
Charles S. Abell