



**DEPARTMENT OF THE ARMY**  
**OFFICE OF THE ASSISTANT SECRETARY**  
**MANPOWER AND RESERVE AFFAIRS**  
**111 ARMY PENTAGON**  
**WASHINGTON, DC 20310-0111**

SAMR

06 JAN 2018

**MEMORANDUM FOR SEE DISTRIBUTION**

**SUBJECT: Additional Guidance on Army Directive 2014-23**

**1. References:**

a. Army Directive 2014-23, Conduct of Screening and Background Checks for Individuals Who Have Regular Contact with Children in Army Programs, 10 September 2014.

b. DoDI 1402.05, Background Checks on Individuals in DoD Child Care Services Programs, 11 September 2015.

2. Army organizations were required to fully implement reference 1a by 10 March 2015. The Assistant Secretary of the Army (Manpower and Reserve Affairs) is the proponent for this policy and retains oversight for this guidance. The ASA (M&RA) has the authority to grant waivers to this policy when warranted by circumstances and when the risk to the well-being, safety, and health of children is appropriately mitigated.

3. Reference 1b was reissued on 11 September 2015. The revised DoDI differs from the Army Directive (AD, or Directive) in several substantive ways and the Army will revise AD 2014-23 to address the inconsistencies between the two. Until the Directive is revised, this memo serves to provide that additional guidance, and is effective for one year from the date of signature, or until the new Army Directive is issued, whichever occurs first.

**4. Conduct of preliminary investigations.**

a. I am granting an exemption to the requirement for the conduct of the Local Civilian Law Enforcement (LCLE) check, Provost Marshal Office (PMO) / Directorate of Emergency Services (DES) Check, and the Mental Health Records and Housing checks. The preliminary investigation will only consist of the FBI fingerprint check and the Installation Records Check (IRC) (if DoD affiliated). The IRC must include a check of Army Law Enforcement Reporting and Tracking System (ALERTS), Defense Central Index of Investigations (DCII), the Army Substance Abuse Program, and the Army Central Registry. The reason for these actions are as follows:

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(1) LCLE Check. The LCLE checks are cumbersome, costly, and rarely yield information that is not more readily available from the FBI fingerprint and installation law enforcement checks. The LCLE checks also add a considerable amount of time to the on-boarding process. Reference 1b does not require LCLE checks to be conducted.

(2) PMO/DES Check. The Army Criminal Investigation Division and the Army Crime Records Center are now able to complete the installation law enforcement checks required in both ALERTS and the DCII systems.

(3) Reference 1b does not require the screening of Mental Health or Family Housing records.

#### 5. Adjudication of Minor Derogatory Information.

a. Enclosure 6 (Adjudication of Derogatory Information), paragraph 1c, of reference 1a gives some latitude to the Commander Designated Entities (CDEs) with respect to handling derogatory information that is minor, non-recurring, and occurred 10 years or more in the past. The CDE may, in cases where it is warranted, and when the CDE is both a government employee and a trained, cleared component adjudicator, choose not to forward derogatory information as defined in paragraphs 1c (1-5) and paragraph 1c(7) to the command-level Program Review Board (PRB).

b. Based on experience in implementing the background check process, it is clear that additional guidance should be provided with respect to adjudication of minor derogatory information as defined in reference 1a, Enclosure 6, paragraph 1.c (6). In reviewing this type of minor derogatory information, the command-level PRB should assess the information and determine whether the derogatory information is serious enough to warrant forwarding the case to the Headquarters, Department of the Army (HQDA) PRB for additional review and adjudication. The following derogatory information findings or records may be adjudicated at the command-level PRB:

(1) An isolated incident of minor criminal conduct that occurred **ten years** or more in the past. Examples include but are not limited to: drunk and disorderly, liquor law violation (use/possession by minor), disorderly conduct, disturbing the peace, resisting arrest, abusive language, unlawful assembly, vagrancy, loitering, and trespassing.

(2) Arrest or misdemeanor charge for possession of marijuana or marijuana paraphernalia that occurred **ten years** or more in the past. These cases are distinguished from felony drug offenses, which are criteria for mandatory disqualification.

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(3) An isolated incident of driving under the influence (DUI) or driving while intoxicated (DWI) that occurred **ten years** or more in the past.

c. Enclosure 6 (Adjudication of Derogatory Information), paragraph 1(c)(7) of reference 1a also gives the CDE the discretion to not forward to the installation or command-level PRB information related to minor discrepancies with educational, reference, or employment checks. Additional guidance is necessary with regard to this category of information as well. Minor discrepancies that the trained, cleared government CDE may decide not to forward include, for instance, discrepancies in dates of attendance at schools or dates of employment when clarifying documentation from the individual mitigates the discrepancy. Other types of minor derogatory information relating to education, employment or reference checks, may be adjudicated by the command-level PRB and not forwarded to the HQDA PRB. Cases with the following derogatory information findings or records may be adjudicated at the command-level PRB: minor employment, educational or reference check issues that occurred more than **four years ago** (e.g., issues related to absenteeism, negative attitude, or personality conflict). This list is not exhaustive and is intended as a guide for the PRB to use as a baseline.

d. If the incidence of minor derogatory information is isolated, non-recurring, not part of a pattern of behavior, and mitigated by time (as specified in paragraphs a through c above), the command-level PRB need not forward the results to the HQDA PRB. However, if there is any doubt whether the finding or record falls into one of these categories, if a combination of events and/or conduct in one or more of the above categories indicates a pattern of behavior which could call into question the applicant's integrity or judgment, or if a criminal act was pleaded out as lesser charge, the Commander will forward the case to the HQDA PRB Review Panel for adjudication.

6. Transitioning from specified volunteer to employee, contractor, or in-home provider (Family Child Care or Homes Off-Post).

a. Reference 1a requires specified volunteers in child programs to undergo a background check, and any derogatory information discovered must be adjudicated through the PRB process.

b. Specified volunteers who subsequently apply for positions listed in para 6 above are subject to the additional background checks as described therein. Derogatory information must be re-adjudicated through the PRB process to ensure suitability for these positions even if the individual was previously found suitable to serve as a specified volunteer.

7. Volunteers for Non-Federal Entities (NFEs). Private organizations such as the Boy Scouts of America, the Girl Scouts of America, and the American Red Cross are not

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Army sponsored or Army sanctioned programs, even if they operate on Army installations. The word "scouts" should not appear in the definition of "Army Sponsored or Sanctioned Programs" as listed under "Terms" in reference 1a, enclosure 7; therefore, I am granting an exemption to the requirement to conduct background investigations on volunteers for NFEs.

8. Youth Volunteers

a. Army "unspecified" volunteers are equivalent to DoD "non-specified" volunteers. Reference 1a, enclosure 5 (Screening and Background Checks for Volunteers and All Other Categories of Individuals), paragraph 5c, identifies youth volunteers (under age 18) as unspecified volunteers, regardless of the duration of their volunteer services.

b. Reference 1b defines "non-specified volunteers" as those individuals who provide services that are shorter in duration than is required to perform a background check (e.g. one-day class trip, class party). Reference 1b contains no age restriction for either non-specified or specified volunteers. Age will no longer be a factor in determining specified versus unspecified status.

9. As a reminder, reference 1a applies to all individuals who have regular contact with children in Army-sponsored or sanctioned programs. This includes, but is not limited to, Soldiers, Civilians (appropriated and non-appropriated fund personnel and foreign nationals), specified volunteers, contractors and in-home providers. It is my expectation that all commands are taking appropriate measures to comply with the requirements defined in Reference 1a. Activities are reminded to satisfy any applicable labor relations obligations.

10. This memorandum is effective immediately and is effective for one year from the date of signature, or until the new Army Directive is issued, whichever occurs first.

11. My point of contact is Ms. Christine Traugott, Christine.M.Traugott.civ@mail.mil, or 703-614-9175.



DEBRA S. WADA  
Assistant Secretary of the Army  
(Manpower and Reserve Affairs)

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