



DoD INSTRUCTION 5505.20

PROCESSING EVIDENCE INTO THE NATIONAL INTEGRATED BALLISTIC INFORMATION NETWORK IN CONNECTION WITH DoD CRIMINAL INVESTIGATIONS

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| Releasability: | Cleared for public release. Available on the Directives Division Website at https://www.esd.whs.mil/DD/ . |
| Approved by: | Robert P. Storch, Inspector General of the Department of Defense |
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Purpose: In accordance with the authority in DoD Directive 5106.01, this issuance establishes policy, assigns responsibilities, and prescribes procedures for processing firearms and ballistic evidence data associated with DoD criminal investigations into the National Integrated Ballistic Information Network (NIBIN) pursuant to Executive Order 14092 and in accordance with the December 12, 2022 Office of the Deputy Attorney General Memorandum.

TABLE OF CONTENTS

| | |
|---|---|
| SECTION 1: GENERAL ISSUANCE INFORMATION | 3 |
| 1.1. Applicability. | 3 |
| 1.2. Policy. | 3 |
| 1.3. Summary of Change 1. | 3 |
| SECTION 2: RESPONSIBILITIES..... | 4 |
| 2.1. IG DoD..... | 4 |
| 2.2. USD(I&S). | 4 |
| 2.3. DoD Component Heads with LEAs..... | 5 |
| 2.4. Secretary of the Army..... | 5 |
| SECTION 3: GENERAL PROVISIONS..... | 6 |
| 3.1. DoD LEAs. | 6 |
| 3.2. USACIL. | 7 |
| GLOSSARY | 8 |
| G.1. Acronyms..... | 8 |
| G.2. Definitions..... | 8 |
| REFERENCES | 9 |

SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY.

This issuance applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense (IG DoD), the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”).

1.2. POLICY.

a. The requirements of this issuance will not replace or eliminate other legal or policy requirements relating to evidence associated with DoD criminal investigations.

b. The United States Army Criminal Investigation Laboratory (USACIL), a directorate of the Department of the Army Criminal Investigation Division, will submit firearms and ballistic evidence data to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for NIBIN entry.

c. DoD law enforcement activities (LEAs) must submit all firearms and fired cartridge casings recovered in connection with any criminal investigation initiated by the DoD LEA to USACIL for analysis and determination of eligibility for NIBIN entry.

1.3. SUMMARY OF CHANGE 1.

The change to this issuance clarifies the responsibilities assigned to the IG DoD and Under Secretary of Defense for Intelligence and Security and how they relate to IG DoD authority in Chapter 4 of Title 5, United States Code, also known as the “Inspector General Act of 1978, as amended.”

SECTION 2: RESPONSIBILITIES

2.1. IG DoD.

The IG DoD:

a. Establishes policy and issues direction on the technical requirement for collecting, preserving, and submitting all firearms and fired cartridge casings that are recovered in connection with any criminal investigation initiated by the DoD LEA. This includes evidence collected in:

(1) Criminal investigations.

(2) Noncombat death investigations when it is unknown whether a firearm involved in the death incident could have also been involved in any criminal offense.

b. Approves deviations from technical requirements.

c. Oversees and evaluates DoD LEA compliance with this issuance, and specifically monitors Defense Criminal Investigative Service (DCIS) compliance with the requirements of Section 3.(f) of Executive Order 14092 that are not monitored by the Under Secretary of Defense for Intelligence and Security (USD(I&S)) pursuant to Paragraph 2.2.

2.2. USD(I&S).

The USD(I&S):

a. Monitors DoD LEA compliance with Section 3.(f) of Executive Order 14092 and related Department of Justice directives with respect to collection, preservation, laboratory submission, and disposition of firearms and ballistic evidence. For all matters related to the DCIS, the DCIS may provide data or otherwise inform such efforts by the USD(I&S) as the IG DoD determines is appropriate in light of the IG DoD's statutory independence.

b. Provides reports on compliance with this issuance upon request and as appropriate.

c. Reviews and coordinates on developing training requirements and NIBIN reporting.

d. Monitors resourcing and advocates for resourcing changes.

e. Monitors execution of this issuance and identified deficiencies, excluding the DCIS.

2.3. DOD COMPONENT HEADS WITH LEAS.

The DoD Component heads with LEAs:

- a. Establish firearms and ballistic evidence collection, preservation, and handling procedures.
- b. Establish training for DoD LEA personnel on firearms and ballistic evidence collection, preservation, and submission to USACIL.
- c. Ensure all firearm and ballistic evidence is submitted to USACIL to meet all NIBIN entry requirements.

2.4. SECRETARY OF THE ARMY.

In addition to the responsibilities in Paragraph 2.3., the Secretary of the Army, through the Director, Department of the Army Criminal Investigation Division:

- a. Ensures the Assistant Director, USACIL:
 - (1) Analyzes all firearms and ballistic evidence received from DoD LEA submitters.
 - (2) Processes firearms and ballistic evidence in accordance with approved forensic testing policies and procedures.
 - (3) Prepares and submits recovered cartridge casings evidence data and test fire standards to ATF for NIBIN entry.
- b. Provides funding to USACIL to implement USACIL responsibilities for this issuance.

SECTION 3: GENERAL PROVISIONS

3.1. DOD LEAS.

The directors of each DoD LEA will:

a. Collect, preserve, and submit, as a minimum, all firearms and fired cartridge casings that are recovered in connection with any criminal investigation initiated by the DoD LEA to USACIL. This requirement includes evidence collected in:

(1) Criminal investigations that are still open as of the effective date of this issuance and any future investigation.

(2) Noncombat death investigations when it is unknown whether a firearm involved in the death incident could have also been involved in any criminal offense.

b. Coordinate and submit the seized firearms and ballistic evidence to USACIL for appropriate forensic testing within 5 workdays of seizure, absent unexpected and extenuating circumstances.

c. Prepare a DD Form 2922, "Forensic Laboratory Examination Request," located at https://www.esd.whs.mil/Directives/forms/dd2500_2999/, or an equivalent electronic evidence management system request form and include it with the evidence submitted to USACIL. Block 13 on the DD Form 2922 must include the language "Request NIBIN entry for any eligible firearms and ballistic evidence."

d. Document NIBIN actions completed in the associated investigation report. Including the laboratory examination report, specified in Paragraph 3.2.c., as an attached exhibit to the investigation report will be sufficient documentation.

e. Document firearms and ballistic evidence collection and laboratory submission delays in the associated investigation report or file.

f. Document details in the associated investigation report when another civilian or Federal law enforcement organization:

(1) Handles any aspect of the firearms and fired cartridge casing evidence collection.

(2) Submits firearms and fired cartridge casing evidence to USACIL, the Federal Bureau of Investigation Laboratory, or another laboratory for processing and NIBIN entry.

3.2. USACIL.

The Director, USACIL will:

- a. Establish forensic testing policies and procedures for receiving, processing, and preparing all firearms and fired cartridge casing evidence received from DoD LEAs for NIBIN entry.
- b. Expedite processing any firearms and fired cartridge casing evidence that is eligible for NIBIN entry and submit the recovered cartridge casings and test fire standards to the ATF for NIBIN entry within 5 workdays after completing all prerequisite forensic testing, absent unexpected and extenuating circumstances.
- c. Document NIBIN actions completed in the associated laboratory examination report.
- d. Document delays in submitting recovered cartridge casings and test fire standards to the ATF for NIBIN entry in the associated laboratory examination report.
- e. Return evidence to the submitting DoD LEA in accordance with standard USACIL procedures after NIBIN actions are completed.

GLOSSARY

G.1. ACRONYMS.

| ACRONYM | MEANING |
|----------|--|
| ATF | Bureau of Alcohol, Tobacco, Firearms and Explosives |
| DCIS | Defense Criminal Investigative Service |
| DD | Department of Defense (forms) |
| IG DoD | Inspector General of the Department of Defense |
| LEA | law enforcement activity |
| NIBIN | National Integrated Ballistic Information Network |
| USACIL | United States Army Criminal Investigation Laboratory |
| USD(I&S) | Under Secretary of Defense for Intelligence and Security |

G.2. DEFINITIONS.

Unless otherwise noted, these terms and their definitions are for the purpose of this issuance.

| TERM | DEFINITION |
|---------|---|
| DoD LEA | Defined in DoD Instruction 5505.17. |
| NIBIN | An essential firearm intelligence tool operated by the ATF. The system enables Federal, State, local, tribal, and territorial investigators to match fired cartridge casings to the firearms from which they were fired and link them to shooting incidents. The effectiveness of NIBIN is dependent on the comprehensive collection of fired cartridge casings, the prompt test-firing of recovered firearms, and the timely entry of ballistics evidence data into NIBIN. |

REFERENCES

- DoD Directive 5106.01, “Inspector General of the Department of Defense (IG DoD),” April 20, 2012, as amended
- DoD Instruction 5505.17, “Personally Identifiable Information and Law Enforcement Information Handling by DoD Law Enforcement Activities,” August 22, 2023
- Executive Order 14092, “Reducing Gun Violence and Making our Communities Safer,” March 14, 2023
- Office of the Deputy Attorney General Memorandum, “Processing Ballistics Evidence in the National Integrated Ballistic Information Network (NIBIN) in Connection with Criminal Investigations,” December 12, 2022¹
- United States Code, Title 5, Chapter 4 (also known as the “Inspector General Act of 1978, as amended”)

¹ Available at https://www.justice.gov/d9/2022-12/dag_nibin_memo.pdf.