



DoD INSTRUCTION 5505.07

TITLING AND INDEXING IN CRIMINAL INVESTIGATIONS

Originating Component:	Office of the Inspector General of the Department of Defense
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Reissues and Cancels:	DoD Instruction 5505.07, "Titling and Indexing Subjects of Criminal Investigations in the Department of Defense," January 27, 2012
Approved by:	Glenn A. Fine, Acting Inspector General of the Department of Defense

Purpose:

- In accordance with the authority in DoD Directive 5106.01, this issuance establishes policy, assigns responsibilities, and provides procedures for a uniform standard for titling and indexing subjects of criminal investigations by the DoD.
- As required by Section 552 of Public Law 106-398, this issuance provides:
 - Procedures to create a process for individuals titled in criminal investigations or indexed in the Defense Central Index of Investigations (DCII) to obtain a review of the titling or indexing decision.
 - Correction and expungement procedures when entry of a name and other identifying information was made contrary to DoD policy.

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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 the Inspector General of the Department of Defense, 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. DoD Components authorized to conduct criminal investigations, as outlined in DoD Instruction 5505.16, will title and index subjects of criminal investigations as soon as the investigation determines there is credible information that the subject committed a criminal offense. Indexing in the DCII may be delayed until the conclusion of the investigation due to operational security.

b. Victims and incidentals associated with criminal investigations can be titled and indexed.

c. Titling and indexing are administrative procedures and will not imply any degree of guilt or innocence.

d. Once the subject of a criminal investigation is indexed in the DCII, the information will remain in the DCII, even if the subject is found not guilty of the offense under investigation, unless there is mistaken identity or it is later determined no credible information existed at the time of titling and indexing.

e. If a subject’s information requires expungement from or correction in the DCII, DoD Components will remove the information as soon as possible, as outlined in Section 3.

f. Judicial or adverse administrative actions will not be taken based solely on the existence of a titling or indexing record in a criminal investigation.

SECTION 2: RESPONSIBILITIES

2.1. INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE. The Inspector General of the Department of Defense monitors and evaluates compliance of DoD Components with this issuance.

2.2. DOD COMPONENT HEADS. The DoD Component heads:

a. Designate the investigative personnel who have responsibility for the decision to title and index for criminal investigations.

b. Implement procedures for expungement or correction of titling decisions in investigative reports or indexing decisions in the DCII.

SECTION 3: CORRECTION AND EXPUNGEMENT PROCEDURES

3.1. A subject is titled in a criminal investigative report to ensure accuracy and efficiency of the report. A subject's information is indexed in the DCII to ensure this information is retrievable for law enforcement or security purposes in the future.

3.2. A subject who believes they were incorrectly indexed, as outlined in Paragraph 1.2.d., may appeal to the DoD Component head to obtain a review of the decision.

3.3. When reviewing the appropriateness of a titling or indexing decision, the reviewing official will only consider the investigative information at the time of the decision to determine if the decision was made in accordance with Paragraph 1.2.a.

3.4. DoD Components that conduct criminal investigations will make appropriate corrections or expungements to criminal investigative reports or the DCII as soon as possible.

3.5. All criminal investigative files will be marked, used, transmitted, and stored in accordance with DoD privacy policies in DoD Directive 5400.11, DoD 5400.11-R, Volume 4 of DoD Manual 5200.01, and Office of Management and Budget Memorandum M-17-12.

GLOSSARY

G.1. ACRONYMS.

DCII Defense Central Index of Investigations

G.2. DEFINITIONS. These terms and their definitions are for the purpose of this issuance.

credible information. Information disclosed or obtained by a criminal investigator that, considering the source and nature of the information and the totality of the circumstances, is sufficiently believable to lead a trained criminal investigator to presume the fact or facts in question are true.

criminal investigation. Investigation into alleged or apparent violations of law undertaken for purposes which include the collection of evidence in support of potential prosecution.

DCII. A centralized database organized in a searchable format of selected unique identifying information and security clearance data utilized by security and investigative agencies in the DoD, as well as selected other federal agencies, to determine security clearance status and the existence and physical location of criminal and personnel security investigative files. The DCII database is physically maintained by the Defense Manpower Data Center; however, the data is the responsibility of the contributing agencies.

expungement. Deletion of a single arrest or an entire criminal history record, which includes an individual's descriptive information, fingerprints, arrests, and subsequent dispositions.

incidental. Any person or entity associated with a matter under investigation whose identity may be of subsequent value for law enforcement or security purposes.

index. The procedure where a DoD Component responsible for conducting criminal investigations submits identifying information concerning subjects, victims, or incidentals of investigations for inclusion to the DCII.

subject. A person, corporation, or other legal entity about which credible information exists that would cause a trained criminal investigator to believe they committed a criminal offense.

title. Placing the name and identifying information of a person, corporation, other legal entity, or activity in the title block of a criminal investigative report.

REFERENCES

- DoD 5400.11-R, "Department of Defense Privacy Program," May 14, 2007
- DoD Directive 5106.01, "Inspector General of the Department of Defense (IG DoD)," April 20, 2012, as amended
- DoD Directive 5400.11, "DoD Privacy Program," October 29, 2014
- DoD Instruction 5505.16, "Investigations by DoD Components," June 23, 2017
- DoD Manual 5200.01, Volume 4, "DoD Information Security Program: Controlled Unclassified Information (CUI)," February 24, 2012
- Office of Management and Budget Memorandum M-17-12, "Preparing for and Responding to a Breach of Personally Identifiable Information," January 3, 2017
- Public Law 106-398, "The National Defense Authorization Act for Fiscal Year 2001," October 30, 2000