



DoD INSTRUCTION 5505.21

CHILD SEXUAL EXPLOITATION INVESTIGATIONS IN THE DoD

Originating Component: Office of Inspector General of the Department of Defense

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Approved by: Steven A. Stebbins, 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 investigating and combating child sexual exploitation (CSE) within the DoD, in accordance with the authority in Chapter 4 of Title 5, United States Code (U.S.C.) (also known as the “Inspector General Act of 1978,” as amended).
- Implements:
 - Section 550D of Public Law (PL) 116-92 (accompanied as a note with Chapter 80 of Title 10, U.S.C.).
 - Section 534 of PL 118-31 (amends Section 550D of PL 116-92 with additional requirements, accompanied as a note with Chapter 80 of Title 10, U.S.C.). This is referred to as “Section 550D” throughout this issuance.

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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 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 military criminal investigative organizations (MCIOs) will initiate a criminal investigation in response to allegations of CSE-related criminal offenses of which they become aware that occur within their jurisdiction, but only when such allegations are based on credible information that a crime has occurred, and have a DoD nexus, as defined in DoD Instruction (DoDI) 5505.03.

b. The MCIOs are the only DoD law enforcement organizations within the DoD authorized to investigate CSE-related criminal offenses.

c. The MCIOs will refer allegations of CSE-related criminal offenses they receive to the appropriate Federal, State, or local law enforcement agency when the reported offenses are not within the MCIOs’ investigative jurisdiction.

d. The MCIOs are permitted to conduct proactive operations to prevent or combat CSE, but only when such operations target potential subjects that are within the MCIOs’ investigative jurisdiction or when there is a known DoD nexus. The MCIOs must consult with supporting legal counsel before conducting any CSE combative operations or participating in any such operations as part of a Federal, State, or local task force to ensure the activity will not violate Section 1385 of Title 18, U.S.C., also known and referred to in this issuance as the “Posse Comitatus Act.”

e. The MCIOs are not permitted to conduct CSE combative operations or participate in a task force that targets potential subjects when there is no known DoD nexus or when it could violate the Posse Comitatus Act.

f. The MCIOs must submit any visual depiction of sexually explicit conduct involving a minor discovered during an investigation to the National Center for Missing and Exploited Children in accordance with the National Center for Missing and Exploited Children’s submission procedures.

1.3. RECORDS MANAGEMENT.

a. All DoD law enforcement organizations must maintain an automated records management and information system that is compliant and compatible with the Federal Bureau of Investigation's National Incident-Based Reporting System, National Data Exchange System, and the Law Enforcement Defense Data Exchange.

b. The DoD will develop automated records management systems in accordance with DoD Manual 8180.01 and compliant with records management requirements specified in DoDIs 5015.02 and 5525.16.

SECTION 2: RESPONSIBILITIES

2.1. IG DoD.

In addition to the responsibilities in Paragraph 2.4., the IG DoD oversees and evaluates, as the IG DoD considers appropriate, DoD Component compliance with this issuance.

2.2. UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE AND SECURITY (USD(I&S)).

In addition to the responsibilities in Paragraph 2.4., the USD(I&S), as the designated Principal Staff Assistant for law enforcement:

- a. May monitor DoD Component execution of this issuance.
- b. Establishes, reviews, and coordinates on training and training requirements related to this issuance and as required by Section 550D.
- c. Monitors DoD Component resourcing to implement this issuance and advocates for any changes to that resourcing.
- d. Collects information from the MCIOs and provides annual reports to the Committees on Armed Services of the Senate and the House of Representatives that detail specific actions that have been taken or that are planned to be taken to detect, combat, and stop the use of the DoD network to further CSE in accordance with Section 550D and as specified in Paragraph 3.5.

2.3. SECRETARIES OF THE MILITARY DEPARTMENTS.

In addition to the responsibilities in Paragraph 2.4., the Secretaries of the Military Departments ensure:

- a. Adequate resources are continuously available to support MCIO investigations and CSE combative operations.
- b. Sufficient MCIO personnel are trained and available to investigate and combat CSE in accordance with Section 550D.
- c. MCIO personnel provide information to the USD(I&S) to support annual reporting requirements as specified in Section 550D.
- d. MCIO personnel submit any visual depiction of sexually explicit conduct involving a minor discovered during an investigation to the National Center for Missing and Exploited Children in accordance with the National Center for Missing and Exploited Children's submission procedures.

2.4. OSD AND DOD COMPONENT HEADS.

The OSD and DoD Component heads ensure their Component:

- a. Complies with this issuance and prescribes additional procedures, as necessary, to implement its policy.
- b. Immediately reports all allegations of CSE with a DoD nexus within their Component to the responsible MCIO.
- c. Maintains records and information established and created in accordance with this issuance, DoDI 5015.02, and DoD Component records disposition schedules.

SECTION 3: GENERAL PROVISIONS

3.1. DOD COLLABORATION AND NOTIFICATION REQUIREMENTS.

The MCIO criminal investigators assigned to a CSE-related offense investigation will complete all applicable victim support collaboration and notification procedures in accordance with DoDIs 5505.19, 6400.01, 6400.06, and Volume 1 of DoDI 6495.02.

3.2. TRAINING.

a. The MCIO personnel assigned to investigate and combat CSE will be sufficiently trained to conduct such investigations and operations.

b. In accordance with Section 550D, MCIO personnel will be trained on:

(1) Technologies, tools, and techniques, including digital forensics, to support and enhance CSE investigations.

(2) Evidence-based forensic child victim interviewing skills or be knowledgeable of established procedures to obtain and use trained child advocacy support organization personnel for the child interviews.

(3) Requirements to refer child victims for trauma-informed mental and medical health care and other treatment and support services.

3.3. PARTNERSHIPS AND COLLABORATION.

a. The MCIOs will seek to enter partnerships and execute collaborative agreements with functional experts, including, as appropriate:

(1) Highly qualified national child protection organizations; or

(2) Law enforcement training centers with demonstrated expertise in the delivery of law enforcement training, to identify, investigate, and prosecute individuals engaged in online CSE.

b. The MCIO personnel assigned to investigate and combat CSE will collaborate with Federal, State, local, and other civilian law enforcement agencies to the extent authorized by law. The collaboration will include:

(1) Participating in task forces established by Federal, State, local, and other civilian law enforcement agencies for the purpose of preventing and combating CSE but such collaboration may only include active assistance to civilian law enforcement agencies when such task forces are targeting potential subjects that are within the MCIOs' investigative jurisdiction or when there is a known DoD nexus.

(2) Establishing cooperative agreements to facilitate co-training and other collaboration with such agencies.

(3) Ensuring that streamlined processes for the referral of CSE cases to other agencies and jurisdictions, as appropriate, are fully operational.

3.4. MILITARY COMMUNITY EDUCATION.

MCIO personnel may assist in educating the military community on the prevention of and response to CSE, as appropriate and resources permit.

3.5. CONGRESSIONAL REPORTING REQUIREMENTS.

Annual reports to the Committees on Armed Services of the Senate and the House of Representatives will detail specific actions that have been taken or that are planned to be taken to detect, combat, and stop the use of the DoD network to further CSE in accordance with Section 550D. The annual reports are due by March 21 in years 2025, 2026, 2027, 2028, and 2029.

GLOSSARY

G.1. ACRONYMS.

| ACRONYM | MEANING |
|----------|--|
| CSE | child sexual exploitation |
| DoDI | DoD instruction |
| IG DoD | Inspector General of the Department of Defense |
| MCIO | military criminal investigative organization |
| PL | public law |
| U.S.C. | United States Code |
| 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 |
|-------------------------------|--|
| credible information | Information disclosed or obtained by a DoD law enforcement person that, considering the source and nature of the information and the totality of the circumstances, is sufficiently believable to lead a trained DoD law enforcement person to presume the fact or facts in question are true. |
| criminal investigation | An investigation into reported or apparent violations of law undertaken for purposes that include collecting evidence to support potential prosecution. |

| TERM | DEFINITION |
|---------------------|--|
| CSE | <p>CSE is a broad term for various crimes against children such as those described in Sections 2251 and 2252 of Title 18, U.S.C. Examples of CSE include:</p> <p>Producing a visual or live depiction of sexually explicit conduct involving a minor.</p> <p>Having a minor assist in producing a visual or live depiction of sexually explicit conduct involving anyone.</p> <p>Permitting a minor to engage in or assist in producing a visual or live depiction of sexually explicit conduct involving anyone.</p> <p>Advertising a visual depiction of sexually explicit conduct involving a minor or opportunities to participate in sexually explicit conduct with a minor.</p> <p>Possessing, transporting, distributing, or receiving a visual depiction of sexually explicit conduct involving a minor.</p> |
| DoD nexus | Defined in DoDI 5505.03. |
| jurisdiction | Defined in DoDI 5505.03. |
| MCIO | Defined in DoDI 5505.03. |
| Subject | A person, corporation, or other legal entity about which credible information exists that would cause trained DoD law enforcement personnel to believe they committed a criminal offense. |

REFERENCES

- DoD Directive 5106.01, “Inspector General of the Department of Defense (IG DoD),” April 20, 2012, as amended
- DoD Instruction 5015.02, “DoD Records Management Program,” February 24, 2015, as amended
- DoD Instruction 5505.03, “Initiation of Investigations by Defense Criminal Investigative Organizations,” August 2, 2023
- DoD Instruction 5505.19, “Military Criminal Investigative Organizations’ Special Victim Investigation and Prosecution Capability,” October 8, 2024
- DoD Instruction 5525.16, “Law Enforcement Defense Data Exchange (LE D-DEx),” August 29, 2013, as amended
- DoD Instruction 6400.01, “Family Advocacy Program (FAP),” May 1, 2019
- DoD Instruction 6400.06, “DoD Coordinated Community Response to Domestic Abuse Involving DoD Military and Certain Affiliated Personnel,” December 15, 2021, as amended
- DoD Instruction 6495.02, Volume 1, “Sexual Assault Prevention and Response: Program Procedures,” March 28, 2013, as amended
- DoD Manual 8180.01, “Information Technology Planning for Electronic Records Management,” August 4, 2023
- Public Law 116-92, Section 550D, “National Defense Authorization Act for Fiscal Year 2020,” December 20, 2019 (“Enhancing the Capability of Military Criminal Investigative Organizations to Prevent and Combat Child Sexual Exploitation”)
- Public Law 118-31, Section 534, “National Defense Authorization Act for Fiscal Year 2024,” December 22, 2023 (“Additional Requirements for Initiative to Enhance the Capability of Military Criminal Investigative Organizations to Prevent and Combat Child Sexual Exploitation”)
- United States Code, Title 5, Chapter 4 (also known as the “Inspector General Act of 1978, as amended”)
- United States Code, Title 10, Chapter 80
- United States Code, Title 18