



Department of Defense INSTRUCTION

NUMBER 5505.07

January 27, 2012

IG DoD

SUBJECT: Titling and Indexing Subjects of Criminal Investigations in the Department of Defense

- References:**
- (a) DoD Directive 5106.01, "Inspector General of the Department of Defense," April 13, 2006
 - (b) DoD Instruction 5505.7, "Titling and Indexing Subjects of Criminal Investigations in the Department of Defense," January 7, 2003 (hereby cancelled)
 - (c) Public Law 106-398, "The National Defense Authorization Act for Fiscal Year 2001," October 30, 2000
 - (d) DoD Directive 5400.11, "DoD Privacy Program," May 8, 2007
 - (e) DoD 5400.11-R, "Department of Defense Privacy Program," May 14, 2007
 - (f) Appendix 3 of title 5, United States Code (also known as "The Inspector General Act of 1978, as amended")

1. **PURPOSE.** In accordance with the authority in Reference (a), this Instruction:

a. Reissues Reference (b) to establish policy and assign responsibilities that provide a uniform standard for titling and indexing subjects of criminal investigations in the DoD.

b. Prescribes procedures to create a uniform process that allows people named in criminal investigative reports or indexed in the Defense Central Index of Investigations (DCII) a chance to obtain a review of such actions, as required by Reference (c).

2. **APPLICABILITY.** This Instruction 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 (hereinafter referred to collectively as the "DoD Components").

3. **DEFINITIONS.** See Glossary.

4. POLICY. It is DoD policy that:

a. Defense criminal investigative organizations (DCIOs) and other DoD law enforcement organizations that conduct criminal investigations shall place the names and identifying information of people under criminal investigation in the title blocks of investigative reports.

(1) All names of individual subjects of criminal investigations by DoD organizations shall be listed in the DCII.

(2) This Instruction does not preclude the titling and indexing of victims or incidentals associated with criminal investigations.

(3) Titling and indexing in the DCII shall be done as soon as the investigation determines that credible information exists that the subject committed a criminal offense.

(4) The acts of titling and indexing are administrative procedures and shall not connote any degree of guilt or innocence.

b. Once the subject of a criminal investigation is indexed, the name shall remain in the DCII, even if the subject is found innocent of the offense under investigation, subject to the following exceptions:

(1) In the case of mistaken identity; i.e., the wrong person's name was placed in the report of investigation as a subject or entered into the DCII.

(2) It is later determined that a mistake was made at the time of titling and indexing, and no credible information indicating that the subject committed a crime existed.

d. If a subject's identifying information requires removal or correction in accordance with paragraphs b.(1) or b.(2) of this section, investigating organizations shall remove such information as soon as possible in accordance with section 6.

e. Judicial or adverse administrative actions shall not be taken against individuals or entities based solely on the fact that they have been titled or indexed due to a criminal investigation.

f. All criminal investigative files will be maintained in accordance with DoD privacy policies in DoD Directive 5400.11 and DoD 5400.11-R (References (d) and (e)).

5. RESPONSIBILITIES

a. Inspector General of the Department of Defense (IG DoD). The IG DoD, in addition to the responsibilities in paragraph 5.b., shall monitor compliance with this Instruction in accordance with Reference (a) and appendix 3 of title 5 of the United States Code (also known as "The Inspector General Act of 1978, as amended") (Reference (f)).

b. Heads of the DoD Components. The Heads of the DoD Components shall:

(1) Ensure that this Instruction, particularly the review process described in paragraph 4.d and section 6, is known and understood by organizations that may provide assistance to employees and Service members on criminal investigative matters.

(2) Designate the investigative officials who shall have final responsibility for the decision to title an individual or entity.

6. PROCEDURES. Investigating organizations shall, if required, make appropriate corrections to all reports of investigation and the DCII, which shall include, if appropriate, entering the correct name on the reports and in the DCII as soon as possible.

a. An individual or entity is listed as the subject of a criminal investigation in the DCII to ensure that this information may be retrieved for law enforcement or security purposes in the future. Reports of a criminal investigation are titled to identify the subject for the accuracy and efficiency of the investigative effort.

b. An individual (or representative of a business entity) who believes he or she (or the business entity represented) was titled or indexed incorrectly as discussed in subparagraphs 4.b.(1) or 4.b.(2), may appeal to the head of the investigation organization to obtain a review of the decision.

c. When reviewing the appropriateness of a titling and indexing decision, the reviewing official shall consider the investigative information available at the time the initial titling and indexing decision was made to determine whether the decision was made in accordance with the standard stated in subparagraph 4.a.(3).

7. RELEASABILITY. UNLIMITED. This Instruction is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

8. EFFECTIVE DATE. This Instruction is effective upon its publication to the DoD Issuances Website.



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Glossary

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

DCII Defense Central Index of Investigations
DCIO Defense criminal investigation organization
IG DoD Inspector General of the Department of Defense

PART II. DEFINITIONS

These terms and their definitions are for the purpose of this Instruction.

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 that 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.

criminal investigator. Civilian or military personnel, of any occupational series or specialty authorized to conduct criminal investigations.

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 or physical location of criminal and personnel security investigative files. The DCII database is physically maintained by the Defense Manpower Data Center; however, the data that it contains is the responsibility of the contributing agencies.

DCIOs. The Defense Criminal Investigative Service, the U.S. Army Criminal Investigation Command, the Naval Criminal Investigative Service, and the Air Force Office of Special Investigations.

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

indexing. The procedure whereby an organization responsible for conducting criminal investigations submits identifying information concerning subjects, victims, or incidentals of investigations for addition to the DCII.

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

title block. Portion of an investigative report used to identify the persons, entities, or activities on which the investigation focuses.

titling. Placing the name(s) of a person(s), corporation(s), other legal entity, organization(s), or occurrence(s) in the title block of a criminal investigative report.