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**Review of the Implementation of DoD Instruction 5505.7,  
“Titling and Indexing of Subjects of Criminal Investigations in  
the Department of Defense”  
Phase I – The Defense Criminal Investigative Organizations  
Executive Summary**

**Introduction.** The Inspector General, Department of Defense, published DoD Instruction 5505.7, “Titling and Indexing of Subjects of Criminal Investigations in the Department of Defense,” in May 1992. DoD Instruction 5505.7 establishes DoD policy for “titling,” i.e., placing the names and other identifying data of subjects (and, to a lesser degree, victims and other significant incidentals) in the title block portion of investigative reports, and “indexing,” i.e., entering the same data into the Defense Clearance and Investigations Index (DCII). The purpose of titling and indexing is to establish an administrative system for the retrieval of criminal investigative files by subject name or other personal identifying data. This review was undertaken to meet the Inspector General, Department of Defense, standing need to review existing policy, and to address issues raised by both the Advisory Board on the Investigative Capability of the Department of Defense (DAB) and a congressionally authorized review by the National Academy of Public Administration (NAPA).

**Background.** Prior to DoD Instruction 5505.7, there was no common standard among the Defense Criminal Investigative Organizations (DCIOs)<sup>1</sup> for placing the name of an investigated subject in the title block of a criminal investigative report of investigation or in the DCII. The U.S. Army Criminal Investigation Command (USACIDC) titled and indexed subjects upon receipt of a probable cause opinion from a judge advocate. The remaining DCIOs used an operational standard equivalent to credible information to believe a crime was committed. DoD Instruction 5505.7 established the credible information standard in the DoD, and included other requirements such as titling and indexing at the start of an investigation or when a subject is identified.

**Review Results.** With minor exceptions, DoD Instruction 5505.7 appears to be understood and properly applied by the DCIOs. We found no basis for the recommendations of the DAB and NAPA, but do recommend other actions to improve the titling and indexing process. Specifically, we found that:

- Nearly all criminal investigations are duly titled and indexed by the DCIOs, with the exceptions of some criminal investigations of Air Force Office of

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<sup>1</sup> The DCIOs are comprised of the United States Army Criminal Investigation Command, the Naval Criminal Investigative Service, the Air Force office of Special Investigations, and the Defense Criminal Investigative Service.

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Special Investigations (AFOSI) personnel, and investigations conducted by Air Force police investigators.

- DoD Instruction 5505.7's credible information standard is understood and has been properly applied.
- Titling is properly applied as an operational rather than a legal decision.
- Concerning the DCIOs, the criminal investigative data in report title blocks and in the DCII has not been improperly used as the sole basis for judicial or adverse administrative action.
- Subjects and victims of investigations are routinely indexed; incidentals and impersonal titles are not.<sup>2</sup>
- Nearly all indexing properly occurs on case initiation; however, several of the DCIOs have delayed indexing based on operational security concerns. AFOSI does not index subjects of its internal criminal investigations until the employee leaves the organization.
- Privacy Act or similar procedures for the amendment of records have been used by subjects to appeal titling and indexing decisions. These procedures appear to be sufficient.

**Summary of Recommendations.** We recommended the following actions to improve titling and indexing in the DoD:

- The Commander, Air Force Office of Special Investigations, institute policy to limit matters indexed in the DCII to substantive investigations; implement procedures to ensure subjects of Security Forces criminal investigations (per definitions in DoD Instruction 5505.7) are indexed in the DCII as required by Air Force Instruction 71-101; and take action to ensure that when AFOSI personnel are subjects of criminal investigations, they are indexed in the DCII according to the DoD Instruction.
- The Office of the Deputy Assistant Inspector General for Criminal Investigative Policy and Oversight (CIPO), Inspector General, DoD, coordinate with the Defense Security Service regarding the possibility of expanding the number of fields available in the Defense Clearance and Investigations Index to adequately identify business subjects.

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<sup>2</sup> Incidentals are individuals who, while not believed to be subjects or victims at the time, appear to have played a significant enough role in a criminal scenario that retrieval of the file by the individual's name is deemed to be valuable. Impersonal titles are used when personal titles are not yet known, such as, "Andrews Air Force Base, Maryland, Theft of Computer Equipment."

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- CIPO amend DoD Instruction 5505.7 to allow for delayed indexing in the DCII in limited cases where such indexing may reasonably be anticipated to risk compromise of the criminal investigation.
  - The Commanders of the Army Criminal Investigation Command and Air Force Office of Special Investigations, and the Director, Naval Criminal Investigative Service (NCIS), institute written policy addressing authorized reasons for delays in indexing. The policy must also address the requirement to index and the procedures for the subsequent indexing of subjects of such investigations once the reasons for delayed indexing no longer exist.

**Management Comments.** We received, through their Service Departments, comments from the MCIOs to which recommendations were addressed and from the Defense Criminal Investigative Service (DCIS) (Appendix I). DCIS, USACIDC and NCIS concurred with all recommendations. AFOSI concurred with five of the six recommendations. AFOSI did not concur with our recommendation that DCII entries be limited to actual “investigations” and not include AFOSI “zero” files that do not represent substantive investigations. While we commend the recent AFOSI initiative to remove from the DCII those zero files not reaching the credible information standard, we still conclude that zero files should not be included in an index of investigations. See Part II, Section B, for the complete text addressing this recommendation.