



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
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MAY 7 2015

MEMORANDUM FOR DIRECTOR, NAVAL CRIMINAL INVESTIGATIVE SERVICE

SUBJECT: Investigative Results of a Possible Questionable Intelligence Activity
(Report No. DODIG-2015-119)

We announced the subject investigation on October 1, 2014. Our objective was to determine whether the use of the Naval Criminal Investigative Service's (NCIS) Law Enforcement Information Exchange (LInX) by elements of the Defense Intelligence Community was conducted in accordance with provisions of DoD 5240.1-R, and Procedures 2 (Collection of Information About U.S. Persons), 3 (Retention of Information About U.S. Persons), and 4 (Dissemination of Information About U.S. Persons).

Our investigation was based on the article by Mark Flatten, "Navy Database Tracks Civilians' Parking Tickets, Fender Benders, Raising Fears of Domestic Spying," which was published in the Washington Examiner on March 21, 2014. The story alleged the NCIS is "running a national information-sharing hub for federal, state and local law enforcement agencies." LInX has "amassed 506.3 million law enforcement records ranging from criminal histories and arrest reports to field information cards filled out by cops on the beat even when no crime has occurred".

In conjunction with our investigation, we met with senior officials from the Naval Criminal Investigative Service, National Security Agency Police Department, and the Pentagon Force Protection Agency. We reviewed all available documentation, including the Washington Examiner's original allegations. We also reviewed applicable chapters from:

- DoDD 5200.27, "Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense," January 7, 1980;
- DoDI 3025.21, "Defense Support of Law Enforcement Agencies," February 27, 2013;
- DoDI 5525.16, "Law Enforcement Defense Data Exchange (LE D-DEx)," August 29, 2013;
- DoDI 5525.18, "Law Enforcement Criminal Intelligence (CRIMINT) in DoD," October 18, 2013;
- Federal Register, Vol. 73, No. 70, Thursday, April 10, 2008, Notices, Pages 19483 thru 19491;
- Federal Register, Vol. 74, No. 196, Tuesday, October 13, 2009, Notices Pages 52468 thru 52474; and

- United States Court of Appeals for the Ninth Circuit U.S. v. Michael Allan Dreyer, No. 13-30077, D.C. No. 2:12-cr-00119-MJP-1.

We conducted this investigation in accordance with DoD 5240.1-R, Procedure 15, to determine whether the Defense Intelligence Community, to include NCIS, violated Procedures 2 (Collection of Information About U.S. Persons), 3 (Retention of Information About U.S. Persons), and 4 (Dissemination of Information About U.S. Persons).

During the course of our investigation, from October 1, 2014 to December 10, 2014, we found that both the LInX and Law Enforcement Defense Data Exchange (LE D-DEX) are part of a Records Management System. The LInX system contains civilian law enforcement records while LE D-DEX contains DoD criminal investigative records. Both are searchable by a single query.

Currently, an individual using LInX or LE D-DEX does not have direct access to records in which they do not have record ownership. The result of a query will produce an index listing of records that match the search criteria. Access to complete records requires the record owner's permission. This is contrary to the initial reporting in the Washington Examiner.

Based on our interviews and data call, we have determined that there is no indication intelligence components of the DoD Intelligence Agencies have direct access to LInX or LE D-DEX, or use these systems. Although the allegations of NCIS owning and maintaining these databases and the databases contain many records of United States Persons not affiliated with DoD, as reported in the Washington Examiner were correct, we have found that only Security/Law Enforcement entities of the DoD Intelligence Agencies are the users of LInX and LE D-DEX. As a result of our investigation and subsequent findings, allegations of a possible questionable intelligence activity are not substantiated.

We appreciate the courtesies extended to the staff. Comments to this memorandum report are not required. Should you choose to provide a formal response, please send your comments in electronic format (Adobe Acrobat file only) to [REDACTED]

[REDACTED] Please direct questions to me at (703) 882-4860, DSN 381-4860. If you desire, we will provide a formal briefing regarding this matter.



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Intelligence and Special
Program Assessments