



DEPARTMENT OF THE AIR FORCE
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MEMORANDUM FOR DISTRIBUTION C
MAJCOMS/FLDCOMS/FOAs/DRUs

FROM: SAF/IGX

SUBJECT: Department of the Air Force (DAF) Guidance Memorandum to Air Force Manual (AFMAN) 71-102, *Air Force Criminal Indexing*.

By Order of the Secretary of the Air Force, this DAF Guidance Memorandum immediately changes AFMAN 71-102, *Air Force Criminal Indexing* to a DAFMAN. Compliance with this memorandum is mandatory. To the extent its directions are inconsistent with other DAF publications, the information herein prevails, in accordance with (IAW) DAF Instruction (DAFI) 90-160, *Publications and Forms Management* and DAFMAN 90-161, *Publishing Process and Procedures*.

This memorandum provides guidance authorizing the exclusion of offenses listed in **Attachment 5** from collection and submission of Deoxyribonucleic Acid (DNA) pursuant to changes issued in Department of Defense Instruction (DoDI) 5505.14, *DNA Collection and Submission Requirements for Law Enforcement*, and implements four new DAF forms. This guidance is applicable to the entire DAF, including all uniformed members of the Regular Air Force, the United States Space Force, the Air Force Reserve, the Air National Guard, the Civil Air Patrol, when conducting missions as the official Air Force Auxiliary, all DAF civilian employees, and those with a contractual obligation to abide by the terms of DAF issuances.

Ensure all records generated as a result of processes prescribed in this publication adhere to Air Force Instruction 33-322, Records Management and Information Governance Program, and are disposed in accordance with the Air Force Records Disposition Schedule, which is located in the Air Force Records Information Management System.

This memorandum becomes void after one year has elapsed from the date of this memorandum, or upon publication of an interim change or rewrite of the affected publication, whichever is earlier.

STEPHEN L. DAVIS
Lieutenant General, DAF
The Inspector General

Attachment: Interim Guidance for DAFMAN 71-102

ATTACHMENT

Interim Guidance for AFMAN 71-102, *Air Force Criminal Indexing*

(ADDED) 1.5.3. The servicing legal office will distribute all disposition documentation to DAF-CJIC within three duty days of disposition completed. The DA Form 239, *Department of the Air Force Offense Disposition Report*, is required for all offenses resulting in a positive probable cause disposition. The servicing legal office will provide the DA Form 239 to DAF-CJIC within three duty days of completion, and it also will return a completed copy of the DA Form 239 to the office (local AFOSI detachment or local AFSF) that initiated the DAF Form 239. Reference Table 1.1 for disposition documentation for which the servicing legal office is the Office of Primary Responsibility (OPR) for distribution.

(ADDED) 1.5.4. The installation servicing legal office will report all subjects of a commander directed investigation (CDI) or informal inquiry who have charges preferred against them to AFSF so a case can be opened, and criminal indexing can be accomplished.

(UPDATED) Table 1.1. Disposition Documentation Requirements.

Proceeding	Required Disposition Documentation	OPR
Summary Court-Martial (SCM)	DD Form 2329, <i>Record of Trial by Summary Court Martial</i> , and the first indorsement	SJA
General Court-Martial (GCM)	Notice of scheduling/delay/abatement exceeding one year after referral of charges	SJA
GCM and Special Court-Martial (SPCM)	Report of Results of Trial (pre-1 January 2019) or Statement of Trial Results (STR) and the first indorsement	SJA
GCM and SPCM	Court-Martial Order (pre-1 January 2019) or Entry of Judgement (EoJ) and the first indorsement	SJA
All courts-martial	DD Form 458 <i>Charge Sheet</i> , upon preferral and referral (copy of referral charge sheet must be provided to DAF-CJIC within 24 hours of service on accused)	SJA
All courts-martial	Notice of approval of request for resignation, retirement, or discharge in lieu of trial.	SJA
All courts-martial	Supplementary Orders (if any)	SJA
All courts-martial	First Supplemental Order (pre-1 January 2019) or Certification of Final Review (post review/appeals)	SJA
Nonjudicial Punishment	Completed AF Forms 3070, <i>Record of Nonjudicial Punishment Proceedings</i> ; AF Form 366, <i>Record of Proceedings of Vacation of Suspended Nonjudicial Punishment</i> ; AF Form 3212, <i>Record of Supplementary Action Under Article 15, UCMJ</i> (through servicing SJA review)	SJA
Notice of no criminal proceedings	DAF Form 239	SJA

(UPDATED) 1.7.1. Unit commanders will report all subjects who meet the NICS qualifications to DAF-CJIC within one duty day of commencing a CDI or informal inquiry (refer to **paragraph 4.3**). **(T-1)** Commanders will refer to AFOSI or AFSF substantiated allegations of misconduct in IAW AFI 71-101 V1, *Criminal Investigations Program*, Investigations Matrix, so a case can be opened, and criminal indexing can be accomplished. **(T-1)**

(UPDATED) 2.1.1. Entries are made in the III for serious and/or significant offenses, IAW 28 CFR § 20.32, *Includable offenses*. IAW DoDI 5505.11, paragraph 1.2.d., offenses excluded from fingerprint collection include non-serious offenses such as drunkenness, vagrancy, disturbing the peace, curfew violation, loitering, false fire alarm, non-specific charges of suspicion or investigation, and traffic violations (except data will be included on arrests for vehicular manslaughter, driving under the influence of drugs or liquor, and hit-and-run), when unaccompanied by a 28 CFR § 20.32(a) offense. Offenses that are not considered serious or significant for this limited purpose are found at **Attachment 5**. The offenses found in **Attachment 5** do not require the collection or submission of fingerprints or CHRI, unless such offenses are accompanied by other serious or significant offenses, IAW 28 CFR § 20.32. **(T-0)**

(UPDATED) 2.1.2. AFSF members and military AFOSI agents do not have statutory authority to arrest civilians for offenses against the United States. They will turn over detained civilians to the appropriate civilian law enforcement organization. **(T-0)** If civilian AFOSI agents are available, they may accept the matter for investigation, IAW AFI 71-101 Volume 1, Attachment 2, *Criminal Investigation Program*, Attachment 2, consistent with the arrest authority granted under 10 USC § 9377, *Civilian Special Agents of the Office of Special Investigations: Authority to Execute Warrants and Make Arrests*, and as specified in Air Force Policy Directive (AFPD) 71-1, *Criminal Investigations and Counterintelligence*. AFOSI will not conduct an arrest or booking procedures on any matter which AFOSI has not accepted for investigation and opened a substantive criminal case. **(T-1)** When an arrest is reasonably foreseeable, AFOSI civilian agents will obtain a warrant prior to arresting a civilian subject IAW AFOSIMAN 71-113, *Weapons, Arming, Search and Seizure, Apprehension, Arrest, and Use of Force*. Warrantless arrests may be performed by AFOSI civilian agents only in exigent circumstances. A DAF Form 178, *Affidavit for Apprehension/Arrest*, will not be used to document the probable cause to effect an arrest of a civilian subject.

(DELETED) 2.1.2.1.1.

(UPDATED) 2.1.2.2. Investigative case file documentation must include the date of coordination, the law enforcement organization and name(s) of the law enforcement officer(s) taking responsibility for, or declining to accept, the civilian for further investigation. **(T-1)**

(DELETED) 2.1.2.2.1.

(DELETED) 2.1.2.2.2.

(DELETED) 2.1.2.2.3.

(DELETED) 2.1.2.2.4.

(DELETED) 2.1.2.2.4.1.

(DELETED) 2.1.2.2.4.2.

(ADDED) 2.1.3. Fingerprints will be collected for all offenses for which the law enforcement agent and/or officer has determined probable cause exists, IAW DoDI 5505.11, **(T-0)** for:

(ADDED) 2.1.3.1. Regular Air Force, Air Force Reserve, and Air National Guard members on Title 10 status who are investigated for all offenses punishable by imprisonment listed in the punitive articles of the UCMJ. **(T-0)**

(ADDED) 2.1.3.2. Civilians arrested by civilian AFOSI agents with civilian arrest authority for USC offenses punishable by imprisonment, including persons subject to 18 USC § 3261(a), *Military Extraterritorial Jurisdiction Act of 2000*, or civilians who are charged during an initial court appearance or arraignment. **(T-0)**

(ADDED) 2.1.3.3. Military service members, their dependents, and DoD employees and contractors investigated by foreign law enforcement organizations for offenses punishable by imprisonment equivalent to those listed in the punitive articles of the UCMJ or elsewhere in the USC. **(T-0)**

(ADDED) 2.1.4. Additional Information. Fingerprints will be collected for:

(ADDED) 2.1.4.1. Any crime of violence that is defined under 18 USC § 16, *Crime of Violence Defined*. Under 18 USC § 16, the term crime of violence means, “an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.”

(ADDED) 2.1.4.2. Any attempt or conspiracy to commit any offense referenced in **paragraph 2.1.3.1.** through **paragraph 2.1.3.3.**

(ADDED) 2.1.5. Fingerprints and CHRI will not be taken from juveniles unless required to investigate a crime. **(T-0)** For the purposes of this manual, a juvenile is a person who has not attained their 18th birthday, unless the individual is otherwise subject to the UCMJ or has been emancipated by a competent authority.

(UPDATED) **2.2. Fingerprints and Criminal History.** Criminal history submissions and dispositions will be completed IAW this manual. **(T-1)** All DAF criminal history submissions and dispositions will process through DAF-CJIC for review and approval prior to transmission to the FBI for inclusion in the III. **(T-1)**

(UPDATED) 2.2.1. Probable cause coordination with the servicing legal office will be documented on the DAF Form 178. **(T-2)** The DAF Form 178 will be maintained within the investigative case file and within the agency's case management system. **(T-1)** AFOSI, AFSF, and the servicing legal office will consider other offenses as part of the probable cause decision (for instance, simple assault should be documented as a lesser included offense of assault consummated by battery, in cases where there is no probable cause for assault consummated by battery). **(T-1)** If the law enforcement agent and/or officer finds that there is probable cause for one or more indexable offenses, an arrest record must be created by submitting the FD-249 to the FBI, IAW DoDI 5505.11. **(T-1)** The law enforcement official will consult with an attorney, but ultimately the law enforcement official makes the final probable cause determination. **(T-1)** Reference **paragraph 2.2.1.6** through **paragraph 2.2.1.10** for procedures to submit the FD-249. The completed DAF Form 178 will be uploaded to the agency's case management system prior to the submission of an offender's FD-249 for criminal history record creation. **(T-1)**

(UPDATED) 2.2.1.1.1. If the law enforcement official initially determines there is not probable cause to effect an arrest, fingerprints may be collected at the time of the subject/offender interview IAW **paragraph 2.2.1.6** for criminal history inquiry only. These fingerprints will only be used to conduct an inquiry for identification and verification through records maintained in III. **(T-1)** The FD-249 may be maintained in the investigative case/incident file. The FD-249 will not be submitted to CJIS for retention and creation of an arrest record if probable cause does not exist at the time of collection. **(T-1)** If probable cause is later established, the law enforcement official will collect a new set of fingerprints and submit the new FD-249 to CJIS. **(T-1)** The subject/offender will be provided a DAF Form 179 at that time. **(T-2)**

(UPDATED) 2.2.1.1.2. The DAF Form 179 with original signatures will be maintained in the investigative case file. **(T-2)** If the subject/offender refuses to sign the DAF Form 179, annotate the refusal on the form, provide a copy to the individual, and maintain the DAF Form 179 in the investigative case file. **(T-2)** The completed DAF Form 179 will be uploaded to the agency's case management system prior to the submission of an offender's FD-249 for criminal history record creation. **(T-1)**

(UPDATED) 2.2.1.2. Where cases are investigated jointly with another law enforcement organization and that organization agrees to obtain and forward fingerprints and CHRI to the FBI, AFOSI and AFSF will document the coordination in the investigative case file. **(T-0)** Documentation will identify the subject, as well as, by name, the agency and representative who agreed to exercise jurisdiction and complete the associated indexing actions. **(T-0)** In such cases, unless and until investigative and/or prosecutorial jurisdiction is positively transferred back to the DAF, the DAF understands the agency exercising jurisdiction will be responsible for any indexing requirements. AFOSI and AFSF will maintain oversight of the investigation and conduct criminal indexing as required for any criminal offenses pursued under DAF jurisdiction. **(T-0)**

(UPDATED) 2.2.1.6. When probable cause exists for criminally indexable offenses, AFOSI and AFSF will collect booking photographs and an electronic FD-249 using the Livescan Management Software® (LSMS) during the subject/offender interview. **(T-2)** Upon a finding of probable cause for an indexable offense as described in this chapter, law enforcement will upload a completed DAF Form 178, DAF Form 179, and an FD-249 to their case management system. **(T-1)** The FD-249 will be sent to DAF-CJIC via the LSMS electronic interface. **(T-1)** If there was no probable cause to criminally index a subject/offender at the time of interview, AFOSI or AFSF must bring the subject/offender back in and collect new fingerprints via LSMS to submit for criminal history record creation upon establishing probable cause or as directed by other DoDI 5505.11 requirements (preferral of charges, etc.). **(T-1)** Use of fingerprints collected as inquiry only prints prior to probable cause will not be used to create a criminal history record within III. **(T-1)**

(REPLACED) 2.2.1.9. If probable cause is developed for additional indexable offenses for a previously criminally indexed subject/offender, AFOSI and AFSF must re-accomplish the criminal booking process in order to create a subsequent arrest cycle for the new indexable offenses. **(T-2)** AFOSI and AFSF will complete a new DAF Form 178 documenting probable cause for the new offenses and conduct criminal booking procedures for the subject/offender IAW **paragraph 2.2.1.6. (T-2)**

(REPLACED) 2.2.1.10. The FBI number, also referred to as the universal control number (UCN), associated with the electronically submitted fingerprints will be documented in the investigative case file. **(T-2)**

(DELETED) 2.2.1.10.1.

(ADDED) 2.2.1.11. Classified and Counterintelligence (CI) Investigations. When investigations are classified, prior to the submission of CHRI and fingerprints, a classification and operational security (OPSEC) review must be conducted and documented in the case file. **(T-0)** DoDI C-5240.08, *Counterintelligence (CI) Security Classification Guide*, states that the association of a subject's name with CI criminal offenses are classified until the subject is made aware of the existence of the investigation (typically occurs at arrest, apprehension, or subject interview). However, OPSEC concerns may preclude the entering of this information into unclassified systems due to potential threats to national security if the existence of a CI investigation is revealed.

(ADDED) 2.2.1.11.1. Upon completion of the CI investigation, when all OPSEC and potential threats to national security no longer exist, CHRI and fingerprints will be submitted for the subject/offender for all indexable offenses for which probable cause existed. **(T-0)**

(ADDED) 2.2.1.11.2. Dispositions rendered, including no action taken, for those offenses do not affect submission requirements.

(UPDATED) 2.2.2. Upon preferral of charges for subjects of a CDI or informal inquiry (not investigated by law enforcement), the servicing SJA must ensure notice is provided to AFSF. Following notification from SJA of preferral of charges, AFSF will conduct criminal indexing for qualifying offenses as required. Fingerprints will not be transmitted for criminal history record creation in the III for a CDI or informal inquiry that does not result in preferral of charges. **(T-1)**

(UPDATED) 2.2.2.1. Neither AFOSI nor AFSF will conduct fingerprint collection and/or submission for any offense on which they do not have a case. **(T-1)** Therefore, AFSF must create a case file in their case management system to maintain all supporting documentation and generate the case number that is required for submission of the FD-249. **(T-1)**

(ADDED) 2.2.2.2. All pertinent documentation must be available and retrievable using the case number for DAF-CJIC to answer any challenges to criminal history records, expungement requests, and audits of III, CODIS, and NICS entries. Refer to **paragraph 1.7** for additional information.

(REPLACED) 2.2.4.11. For all cases where probable cause was identified, AFOSI and AFSF will initiate a DA Form 239, documenting all offenses for which probable cause was found annotated on the DAF Form 178 and provide the form to the servicing legal office upon notification from servicing legal office that a disposition decision has been made by the appropriate authority. Notification will normally occur at the regularly scheduled meetings between local law enforcement and the servicing legal office. There is no need for the notification to be provided in writing. **(T-1)**

(ADDED) 2.2.4.11.1. Upon receipt from AFOSI or AFSF, the servicing legal office will complete the DA Form 239 documenting the disposition decision for all offenses listed by AFOSI or AFSF on the form. **(T-1)**

(ADDED) 2.2.4.11.2. Upon completion of the DA Form 239, the servicing legal office will provide the form to the DAF-CJIC within three duty days of completion. A courtesy copy of the completed form may be provided to the AFOSI or AFSF upon request. **(T-1)**

(ADDED) 2.2.4.12. Servicing legal offices will provide disposition documentation, as identified below, within three duty days of completion of the documents. **(T-1)**

(ADDED) 2.2.4.12.1. When disposition action results in court-martial or NJP, all additional supporting documentation such as an STR, EOJ, or AF Form 3070 will be provided to DAF-CJIC. **(T-1)**

(ADDED) 2.2.4.12.2. When command action for all offenses is anything other than court-martial or NJP, only a DA Form 239 will be provided to the local AFSF, local AFOSI, and DAF-CJIC. **(T-1)** There is no requirement to provide the associated administrative paperwork.

(ADDED) 2.4.1.3. All DAF NCIC entries will be entered into NCIC via a federal NCIC terminal. DAF records will not be entered into NCIC via state NCIC terminals. AFOSI/AFSF will submit all NCIC persons and property files for entry into NCIC to the AFOSI Watch, hqafosi.watch@us.af.mil, COMM: 571-305-8484, DSN: 240-8484 and courtesy copy the DAF-CJIC via email daf.cjic@us.af.mil.

(UPDATED) 2.6.2. Upon notification of a CPO, the FAP will notify DAF-CJIC immediately, not to exceed 24 hours after receipt, via e-mail to daf.cjic@us.af.mil. **(T-1)** The notification should include a copy of the CPO and PII for all parties if known.

(UPDATED) 2.6.3. DAF law enforcement control centers (AFSF BDOC or equivalent) will notify DAF-CJIC immediately, not to exceed 24 hours after receipt, via email to daf.cjic@us.af.mil. **(T-1)** The notification should include a copy of the CPO and personally identifiable information for all parties if known.

(REPLACED) 2.6.4. AFOSI will notify DAF-CJIC immediately, not to exceed 24 hours after receipt, via email to daf.cjic@us.af.mil. **(T-1)** The notification should include a copy of the CPO and personally identifiable information for all parties if known.

(ADDED) 2.6.5. DAF-CJIC will:

(ADDED) 2.6.5.1. Validate CPOs for any connection with DAF investigations and notify the owning investigative agency of the CPO. **(T-1)** If no DAF investigation exists, DAF-CJIC will notify the AFOSI and AFSF field unit who exercises investigative jurisdiction over the geographic area in which the member subject to the CPO is stationed or assigned.

(ADDED) 2.6.5.2. Conduct an NCIC query of protection orders to determine if the CPO was entered into the protection order file by the issuing jurisdiction. **(T-1)**

(ADDED) 2.6.5.2.1. If the CPO was not entered into the protection order file within NCIC, DAF-CJIC will coordinate with the responsible AFSF or AFOSI field unit to contact the issuing jurisdiction and follow-up on local entry into the protection order file within NCIC. **(T-1)** DAF-CJIC will forward the CPO and PII to FBI CJIS for review and inclusion in NICS as applicable. **(T-1)**

(ADDED) 2.6.5.2.2. If the CPO is found in the protection order file within NCIC, DAF-CJIC will forward the CPO and PII to FBI CJIS for review and inclusion in NICS as applicable. **(T-1)**

(ADDED) 2.6.5.3. Not enter the CPO into the NCIC protection order file, as DAF is not the record owner for any CPO and is not authorized to enter this type of record. **(T-0)**

(ADDED) 4.3.3.1.1. The *Controlled Substances Act (CSA) of 1970* created five schedules of substances controlled under the Act.

(ADDED) 4.3.3.1.2. The DEA publishes the list of controlled substances in its DEA Orange Book located at <https://236.deadiversion.usdoj.gov/schedules/orangebook/orangebook.pdf>. The unlawful use of or addiction to substances scheduled and controlled under the CSA triggers firearms prohibitions requiring entry in the NICS indices regardless of whether the Orange Book has been updated. DAF-CJIC obtains guidance from the FBI, DEA, and ATF to resolve any issues concerning which substances meet entry criteria for NICS purposes and will advise DAF Law Enforcement Agencies and other stakeholders accordingly.

(ADDED) 4.3.3.1.2.1. Substances that are federally scheduled and controlled under the CSA remain unaffected by state legislation or regulations. Under the *Gun Control Act (GCA) of 1968*, codified in 18 USC § 922, illegal users or addicts of federally scheduled substances are prohibited from owning or transferring firearms, ammunition, and explosives. Although some states have legalized the recreational use of controlled substances, the duty to report disqualifiers under the GCA remains unaffected. As a federal agency, the DAF will continue to enter disqualifiers into the NICS for persons who are identified as illegal users and addicts of federally controlled substances as a direct result of its executive functions.

(ADDED) 4.3.3.1.2.2. The DAF will draw an inference that individuals are illegal users or addicts of controlled substances based on one or more of the criteria referenced in **paragraph 4.3.3.3** through **paragraph 4.3.3.6**. The DAF will make entries for all disqualified persons, regardless of military status or affiliation. These include, but are not limited to, active duty, Air Force Reserve, civilians, Air National Guard, and contractors.

(ADDED) 4.3.3.1.3. Certain conditions trigger the entry of firearms prohibitions in the NICS irrespective of the UCMJ articles or DAFI provisions under which a member may eventually be prosecuted or administratively processed (e.g., a member's positive urinalysis for Delta-8 THC triggers NICS entry whether the DAF prosecutes the member under Article 92 or Article 112a). DAF Law Enforcement Agencies will perform required NICS entries according to prohibitive criteria regardless of prosecutorial selection. **(T-0)**

(UPDATED) 4.3.3.3.2. The identification of unmarked and suspected controlled substances requires a positive result from a confirmatory or dispositive procedure. This may be accomplished by using a presumptive field test kit, a light spectrometry test, or by a forensic laboratory.

(ADDED) 4.3.7.5. *The Bipartisan Safer Communities Act (BSCA)*, signed into law on 25 June 2022, expanded qualifying Misdemeanor Convictions of Domestic Violence (MCDVs) to include offenses in which the offender has been in a "dating relationship" with the victim. Under this provision, a conviction for a single offense of domestic violence involving a dating relationship results in a five-year firearms prohibition under the GCA. The DAF will make NICS entries for qualifying court-martial convictions under BSCA. **(T-0)**

(ADDED) 4.3.7.5.1. The BSCA, under 18 USC § 921(a) Subsection 37(A), defines dating relationship as "a relationship between individuals who have or have recently had a continuing serious relationship of a romantic or intimate nature." 18 USC § 921(a) Subsection 37(B) identifies the relationship can be determined based on consideration of "(i) the length of the relationship, (ii) the nature of the relationship, and (iii) the frequency and type of interaction between individuals involved in the relationship." 18 USC § 921(a) Subsection 37(C) states "A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a dating relationship."

(ADDED) 4.3.7.5.2. For a court-martial conviction to qualify under the "dating relationship" provision of the BSCA, the UCMJ specification involving violence or the threat of violence against a victim must identify the victim as an "intimate partner" of the accused. **(T-1)**

(ADDED) 4.3.7.5.3. Regardless of the date of the underlying offense, only convictions occurring on or after June 25, 2022, qualify for the prohibition.

(ADDED) 4.3.7.5.4. Firearm prohibitions resulting from MCDVs involving dating relationships become permanent when:

(ADDED) 4.3.7.5.4.1. The subject/offender is convicted for multiple offenses with an element of violence against a victim who qualifies as a “dating relationship” in the same court.

(ADDED) 4.3.7.5.4.2. The subject/offender is convicted in multiple courts for offenses with an element of violence against a victim who qualifies for any Domestic Violence relationship, including “dating relationship.”

(UPDATED) Table 4.1. Matrix for Notification of Qualification for Prohibition of Firearms, Ammunition, and Explosives, and Service of DAF Form 177.

Paragraph	Prohibitor	Timing	Notifying Authority
4.3.1.	Conviction in any court a of crime punishable by imprisonment for a term exceeding one year	Conviction in a court-martial	SJA
4.3.1.	Conviction in any court of crime punishable by imprisonment for term exceeding one year	Conviction in a civilian court	Commander or Investigating Law Enforcement agency Note: If requirement is unclear, contact DAF-CJIC or servicing legal office.
4.3.3.	Persons who are unlawful users of, or addicted to, any controlled substance	Admission as part of a Law Enforcement investigation	Investigating Law Enforcement agency
4.3.3.	Persons who are unlawful users of, or addicted to, any controlled substance	Conviction at SCM/SPCM/GCM (regardless of whether earlier notified)	SJA
4.3.3.	Persons who are unlawful users of, or addicted to, any controlled substance	Completion of NJP (after servicing SJA legal review)	SJA
4.3.3.	Persons who are in possession of unlawful substance (as listed on CSA), when not otherwise justified by MRO	Admission as part of a Law Enforcement investigation	Investigating Law Enforcement agency
4.3.3.	Persons who are in possession of an unlawful substance (as	Completion of NJP (after servicing SJA legal review)	SJA

	listed on CSA), when not otherwise justified by MRO		
4.3.3.	Persons who are in possession of an unlawful substance (as listed on CSA), when not otherwise justified by MRO	Conviction at SCM/SPCM/GCM (regardless of whether earlier notified)	SJA
4.3.4	Persons who have been adjudicated as mental defectives or who have been committed to a mental institution	If resulting from a court-martial (e.g., not guilty by reason of insanity or incompetent to stand trial)	SJA
4.3.4.	Persons who have been adjudicated as mental defectives or who have been committed to a mental institution	Any other condition/trigger (not court-martial related)	Commander
4.3.7.	Persons convicted in any court of a MCDV. Note: Only applies to GCM/SPCM for military convictions.	Upon a court-martial conviction	SJA
4.3.7.	Persons convicted in any court of a MCDV.	Upon notification of a conviction in a civilian court of MCDV	Commander
4.3.8.	Persons who are under indictment or information for a crime punishable by imprisonment for a term exceeding one year. Note: Only applies to GCM referrals for military prosecutions.	Upon referral of charges	SJA
4.3.8.	Persons who are under indictment or information for a crime punishable by imprisonment for a term exceeding one year.	Upon notification of an indictment in a civilian court	Investigating Law Enforcement agency (or Commander if DAF Law Enforcement does not open an investigation)

(UPDATED) 4.6.3. Notification by the SJA. Where the SJA is required to notify the member that they have been identified as meeting a NICS prohibitor (refer to **Table 4.1** and **paragraph 4.3**), the legal office will provide a copy of the completed DAF Form 177 and all supporting documentation for the prohibition to DAF-CJIC, within 24 hours of completion, via email to daf.cjic@us.af.mil. **(T-1)** The servicing legal office will also provide a digital copy to the member's commander, member's defense counsel if applicable, and forward the original signed DAF Form 177 to the investigating DAF Law Enforcement Agency (AFOSI or AFSF) to be retained within the investigative case file. **(T-1)**

(UPDATED) 4.6.4. Notification by the Investigating Agency. Where the investigating agency (e.g., AFOSI or AFSF) is required to notify the member that they have been identified as meeting a NICS prohibitor (refer to **Table 4.1** and **paragraph 4.3**), the investigating agency will complete the DAF Form 177. **(T-1)** In cases where the prohibition becomes clear during a subject interview (e.g., the member admits to unlawful use of a substance as defined by the CSA), this notification will occur upon completion of the subject interview. **(T-1)** The investigating agency will retain the original signed DAF Form 177 in the investigative case file and will, within 24 hours of completion, provide a digital copy to the member's commander, servicing legal office, and DAF-CJIC (via email to daf.cjic@us.af.mil) with all supporting documentation for the prohibition. **(T-1)** The servicing legal office will provide a copy to the member's defense counsel, if applicable. **(T-1)**

(UPDATED) 4.6.5. Notification by the Commander. The member's unit commander is required to notify the member that they have been identified as meeting a NICS prohibitor (refer to **Table 4.1** and **paragraph 4.3**). **(T-1)** The commander will provide a copy of the completed DAF Form 177 and all supporting documentation for the prohibition to DAF-CJIC within 24 hours of completion via email to daf.cjic@us.af.mil and to the servicing legal office. **(T-1)** The servicing legal office will provide a copy to the member's defense counsel, if applicable. **(T-1)** The commander will forward the original signed DAF Form 177 and all supporting documentation for the prohibition to the investigating DAF Law Enforcement Agency (AFOSI or AFSF) to be retained within the investigative case file. **(T-1)**

(DELETED) 4.6.7.

(UPDATED) 5.1. Collection of DNA. The collection of a member's DNA sample is authorized by and conducted pursuant to 10 USC §1565, *DNA Identification Information: Collection from Certain Offenders; Use*; 34 USC § 40702, *Collection and Use of DNA Identification Information from Certain Federal Offenders*; and 28 CFR § 28.12, *Collection of DNA Samples*.

(UPDATED) 5.2. DNA Samples. AFOSI and AFSF will collect and submit DNA samples from service members when probable cause exists for indexable offenses. **(T-0)** **Note:** Only collect and submit DNA samples from civilians when the arrest has been made by an AFOSI civilian agent IAW **paragraph 2.1.2**. **(T-0)** Upon coordination with the servicing SJA, as documented on the DAF Form 178, submit the DNA sample to USACIL according to DoDI 5505.14 and maintain the DAF Form 178 in the investigative case file. **(T-1)** DNA collection and submission requirements do not apply to the offenses enumerated in **Attachment 5**, which are not considered to be serious or significant. The offenses found in **Attachment 5** do not require collection or submission of DNA, unless such offenses are accompanied by a serious or significant offense IAW 28 CFR § 20.32.

(UPDATED) 5.2.5. Upon preferral of charges for subjects of a CDI or informal inquiry (not investigated by law enforcement), the servicing SJA must ensure collection of DNA occurs for qualifying offenses. **(T-0)** Following notification from SJA of preferral of charges, AFSF will collect DNA for qualifying offenses as required. DNA will not be collected for a CDI or informal inquiry that does not result in preferral of charges. **(T-1)**

(ADDED) 5.2.5.1. Neither AFOSI nor AFSF will collect DNA for any offense without an open investigative case file. The case file number is required for submission of the DNA collection kit to USACIL. **(T-0)** All investigative documentation will be maintained in the case file and will be retrievable by the case file number. DAF-CJIC will use the case file number to retrieve information that is necessary for the performance of its duties including, but not limited to, DNA submission challenges, expungement requests, and audits of the CODIS entries. **(T-1)**

(UPDATED) **9.2. Expungement Requests.** Individuals requesting expungement will complete and submit an appropriate expungement request form and an DAF Form 238, *Department of the Air Force Verification of Identity*, to DAF-CJIC at DAF-CJIC, 27130 Telegraph Rd, Quantico, VA 22134, or by email to daf.cjic.expungements@us.af.mil. **(T-1)** Refer to **paragraphs 9.2.1, 9.2.2, and 9.2.3** to determine the appropriate DAF expungement request form.

(UPDATED) 9.2.1. Current service members requesting expungement or modification of their records will request an expungement by completing and submitting a DAF Form 235, *Request for Expungement of Current Service Members*, IAW **paragraph 9.2**. Members will submit these requests through the servicing SJA and the first commanding officer in the grade of O-4 or higher. The servicing SJA and commander will indorse the request for expungement from CODIS. DAF-CJIC will limit the review of SJA and commander indorsements to CODIS entries IAW DoDI 5505.14. DAF-CJIC will not consider any indorsements relating to entries in III, DCII or NICS. The requestor will then submit the completed DAF Form 235 IAW **paragraph 9.2**.

(UPDATED) 9.2.1.1.1. A completed DAF Form 235 written request for an expungement and/or correction of a DAF record. **(T-1)**

(UPDATED) 9.2.1.1.2. A completed DAF Form 238 with a wet signature or a digital signature using CAC certificates. **(T-1)**

(DELETED) 9.2.1.1.3.

(UPDATED) 9.2.1.2. To avoid delays in processing, include the following if available:

(UPDATED) 9.2.1.2.2. Former name (if applicable).

(UPDATED) 9.2.1.2.3. Supporting documents (e.g., proof that charges were dismissed, proof that the allegation was later found to have been based on a falsified report; proof of mistaken identity or a statement explaining that there was no probable cause to believe the individual committed the offense reported). **(T-1)**

(DELETED) 9.2.1.2.4.

(UPDATED) 9.2.2. IAW DoDI 5505.14, former DAF service members must mail or email requests for DNA expungement from CODIS directly to the AF Court of Criminal Appeals. The AF Court of Criminal Appeals' mailing address is: Clerk of the Court, U.S. Air Force Court of Criminal Appeals, 1500 West Perimeter Road, Suite 1900, Joint Base Andrews-Naval Air Facility Washington, MD 20762 and email address is: AF.JAH.Filing.Workflow@us.af.mil.(T-0)
Note: All requests for expungement from databases other than CODIS must be sent to DAF-CJIC at daf.cjic.expungements@us.af.mil. DAF-CJIC is not responsible for handling DNA expungement requests submitted by former service members. Reference DAF Form 236, *Request for Expungement of Records for Former Service Member*, for additional instructions.

(ADDED) 9.2.3. Civilians, IAW DoDI 5505.14, must submit requests for DNA expungement from CODIS directly to USACIL Attn: CODIS Branch, 4930 N. 31st Street, Forest Park, GA 30297 for processing. **Note:** All requests for expungement from databases other than CODIS must be sent to DAF-CJIC at daf.cjic.expungements@us.af.mil. DAF-CJIC will not be responsible for handling any civilian DNA expungement requests. Reference DAF Form 237, *Request for Expungement of Records for Civilians*, for additional instructions.

(UPDATED) Attachment 1

References

18 USC § 16, *Crime of Violence Defined*

18 USC § 3261(a), *Military Extraterritorial Jurisdiction Act of 2000*

34 USC § 40702, *Collection and Use of DNA Identification Information from Certain Federal Offenders*

The Bipartisan Safer Communities Act (BSCA), 25 June 2022

Controlled Substances Act (CSA) of 1970

Gun Control Act of 1968

DoDI 5505.14, *DNA Collection and Submission Requirements for Law Enforcement*, 5 April 2022

AFI 71-101 V1, *Criminal Investigation Program*, 1 July 2019

DAFI 90-160, *Publications and Forms Management*, 13 April 2022

DAFMAN 90-161, *Publishing Process and Procedures*, 18 October 2023

AFI 33-322, *Records Management and Information Governance Program*, 23 March 2020

Prescribed Forms

DAF Form 177, *Notification of Qualification for Prohibition of Firearms, Ammunition, and Explosives*

DAF Form 178, *Affidavit for Apprehension/Arrest*

DAF Form 179, *Apprehension/Arrest Notification Form Criminal History Record Information Notice*

DAF Form 235, *Request for Expungement of Current Service Members*

DAF Form 236, *Request for Expungement of Records for Former Service Members*

DAF Form 237, *Request for Expungement of Records for Civilians*

DAF Form 238, *Department of the Air Force Verification of Identity*

DAF Form 239, *Department of the Air Force Offense Disposition Report*

(DELETED) Attachment 2

(DELETED) Attachment 3

(DELETED) Attachment 4

(UPDATED) Attachment 5, NON-SERIOUS OFFENSES EXCLUDED FROM FINGERPRINTING AND DNA REQUIREMENTS

**BY ORDER OF THE SECRETARY
OF THE AIR FORCE**

AIR FORCE MANUAL 71-102

21 JULY 2020



Special Investigations

AIR FORCE CRIMINAL INDEXING

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This manual implements Air Force Policy Directive 71-1 *Criminal Investigations and Counterintelligence*; Department of Defense Instruction (DoDI) 5505.07, *Titling and Indexing in Criminal Investigations*; DoDI 5505.11, *Fingerprint Reporting Requirements*; DoDI 5505.14, *Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations, Law Enforcement, Corrections, and Commanders*; Public Law 103-159, 107 Stat. 1536, *Brady Handgun Violence Prevention Act*. Unless otherwise noted herein, this instruction applies to all civilian employees and uniformed members of the Department of the Air Force (Regular Air Force and Space Force), Air Force Reserve (AFR) and Air National Guard (ANG) while in Title 10 status. For purposes of this instruction, ANG members not in Title 10 status are treated as civilians. **COMPLIANCE WITH THIS PUBLICATION IS MANDATORY.** Requests for waivers to any part of this publication will not be granted. This manual requires the collection and or maintenance of information protected by the Privacy Act of 1974 and AFI 33-322 *Air Force Privacy and Civil Liberties Program*, authorized by Title 10 United States Code Section 9013, DoDI 5505.16, *Investigations by DoD Components*, and DoDI 5505.07. The applicable System of Records Notices, F071 AFOSI D, *Investigative Information Management System*, and F031 AF SF B, *Security Forces Management Information System*, are available at: <https://dpcl.d.defense.gov/privacy/SORNS.aspx>. The authority to collect and or maintain the records prescribed in this publication is Title 5 United States Code Section 552a. Forms affected by the Privacy Act have an appropriate Privacy Act statement. Ensure all records created as a result of processes prescribed in this publication are maintained in accordance with Air Force Manual AFI 33-322, *Records Management and Information Governance Program*, and disposed of in accordance with the Air Force Records Disposition Schedule located in the Air Force Records Information Management System. The reporting requirements in this publication are

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Chapter 1

ROLES AND RESPONSIBILITIES

1.1. Air Force Inspector General (IG). The IG develops indexing policy for the Department of the Air Force (DAF) and provides oversight of the AF in execution of indexing policies.

1.2. The Air Force Office of Special Investigations (AFOSI) will:

1.2.1. Serve as the DAF focal point for indexing Criminal History Record Information (CHRI) and validation of AFOSI and Air Force Security Forces (AFSF) field unit CHRI. **(T-0)**

1.2.2. Manage the DAF Criminal Justice Information Cell (DAF-CJIC). HQ AFOSI will establish and maintain a direct means to enter CHRI into the Interstate Identification Index (III) system and the National Crime Information Center (NCIC) databases, as well as serve as the venue to process expungements for these systems. **(T-1)**

1.2.3. Maintain the National Instant Criminal Background Check System (NICS) point of contact for the AF within Headquarters (HQ) AFOSI. **(T-1)** AFOSI executes responsibilities with the NICS enterprise via the DAF-CJIC. AFOSI will submit names and identifying information of qualifying persons to DAF-CJIC for inclusion in the NICS. **(T-1)** AFOSI will refer any expungement requests to the DAF-CJIC. **(T-1)** AFOSI units are responsible for collecting DNA samples from subjects investigated for qualifying offenses and submitting them to the United States Army Criminal Investigation Laboratory (USACIL) for indexing in the Combined Deoxyribonucleic Acid Index System (CODIS) database. **(T-0)**

1.2.4. Submit names and identifying information on AFOSI investigations for inclusion in the Defense Central Index of Investigations (DCII) database. **(T-0)** AFOSI will submit unclassified closed case information to the Law Enforcement Defense Data Exchange (D-DEX) upon case closure and ensure data is complete and accurate. **(T-0)** AFOSI is responsible for submitting Defense Incident-Based Reporting System (DIBRS) data to the Defense Manpower Data Center (DMDC), in accordance with Department of Defense Manual (DoDM) 7730.47 Volume 1, *Defense Incident-Based Reporting System (DIBRS): Data Segments And Elements*, DoDM 7730.47 Volume 2, *Defense Incident-Based Reporting System (DIBRS): Supporting Codes*, and this manual. **(T-0)** AFOSI at the installation level maintains relationships as necessary with installation offices responsible for aspects of the AF indexing process outlined in this manual. **(T-1)**

1.3. Air Force Security Forces (AFSF) will:

1.3.1. Maintain a direct means to enter CHRI into the III system. **(T-1)** AFSF units are responsible for collecting DNA samples from subjects/offenders investigated for qualifying offenses and submitting them to the USACIL for indexing in the CODIS database. **(T-0)**

1.3.1.1. AFSF will submit names and identifying information of qualifying persons to DAF-CJIC for inclusion in the NICS. **(T-0)**

1.3.1.2. AFSF will enter all names and identifying information on SF investigations for inclusion in the DCII database. **(T-0)** AFSF will refer any expungement requests to the DAF-CJIC. **(T-0)**

1.3.1.3. AFSF is responsible for submission of DIBRS information to DMDC. **(T-0)** AFSF will submit unclassified closed case information to D-DEx. **(T-0)** AFSF at the installation level maintains relationships as necessary with installation offices responsible for the actions to complete the indexing process. **(T-1)**

1.3.2. Air Force Security Forces Center (AFSFC). AFSFC provides oversight to the Air Force Corrections System. AFSFC tracks AF confinees in sister-services confinement facilities, as well as AF confinement facilities. AF confinement facilities complete notifications in accordance with AFMAN 31-115 Volume 1, *Air Force Corrections System*, regarding the release of a person required to register as a sex offender. The AF Corrections System maintains administrative oversight of members it gains and who are adjudged a punitive discharge (Bad Conduct Discharge, Dishonorable Discharge [DD], or Dismissal) from post-trial action through completion of appellate review leave. Once appellate review leave concludes and the punitive discharge is executed, The AF Corrections System produces and distributes the Air Force Form 100, *Request and Authorization for Separation* and the Department of Defense (DD) Form 214, *Certificate of Release or Discharge from Active Duty*, with all applicable separation codes listed.

1.4. Department of the Air Force Criminal Justice Information Cell (DAF-CJIC). The DAF-CJIC is an AF-level entity located at HQ AFOSI, reporting to the AFOSI commander, and is responsible for AF criminal indexing. The DAF-CJIC is composed of representatives from AFOSI, Air Force Judge Advocate General Corps, and AFSF. The DAF CJIC will:

1.4.1. Enter and oversee manual entries and removals for fingerprint indexing in the III system as necessary, as well as manual entries and removals from DCII as necessary. **(T-1)**

1.4.2. Oversee all AF expungement requests related to criminal indexing, oversee correction of CHRI, and oversee all AF NICS entries and removals. **(T-1)**

1.4.3. Conduct audits on NCIC terminal accesses and query records for the AF in compliance with the Federal Bureau of Investigation's (FBI) Criminal Justice Information Services (CJIS) Division mandates. **(T-1)**

1.4.4. Task and coordinate with AF law enforcement field units and judge advocates for criminal indexing related information, as necessary. **(T-1)**

1.4.5. Review fingerprint submission reports for additional indexing requirements.

1.4.6. Monitor Drug Demand Reduction (DDR) program submissions and engages with Air Force Medical Readiness Agency (AFMRA) to close reporting gaps. **(T-1)**

1.5. Air Force Judge Advocate General Corps (AFJAGC). Provides legal advice and guidance for the areas covered by this manual.

1.5.1. The installation Staff Judge Advocate (SJA) will provide legal advice to AF personnel on indexing requirements and legalities. **(T-1)** Other guidance about command action documentation is outlined in AFI 51-201, *Administration of Military Justice* (see Table 1.1).

1.5.2. The Air Force Military Justice Division (JAJM), formerly known as the Air Force Legal Operations Agency (AFLOA), will provide weekly data extractions from the Automated Military Justice Analysis and Management System to the DAF-CJIC. **(T-1)**

Table 1.1. Disposition Documentation Requirements.

Proceeding	Before 1 Jan 2019	After 1 Jan 2019	OPR
General court-martial (GCM)	DD Form 458, <i>Charge Sheet</i> , upon referral to GCM	DD Form 458, <i>Charge Sheet</i> , upon referral to GCM	SJA
Summary Court-martial (SCM)	Convening Authority Action/DD Form 2329, <i>Record of trial by Summary Court Martial</i>	DD Form 2329 + first indorsement	SJA
General court-martial	Notice of scheduling/delay/abatement exceeding one year after referral of charges	Notice of scheduling/delay/abatement exceeding one year after referral of charges	SJA
General and special court-martial (SPCM)	<i>Report of Results of Trial (RRoT)</i>	Statement of Trial Results + first indorsement	SJA
General and special court-martial	Court-Martial Order (CMO)	Entry of Judgement + first indorsement	SJA
All court-martial	Notice of approval of request for resignation, retirement or discharge in lieu of trial.	Notice of approval of request for resignation, retirement or discharge in lieu of trial.	SJA
All courts-martial	Supplementary Orders (if any)	Supplementary Orders (if any)	SJA
All courts-martial	Certification of Final Review (post review/appeals)	Certification of Final Review (post review/appeals)	SJA
Nonjudicial Punishment	Completed AF Form 3070, <i>Record of Nonjudicial Punishment Proceedings</i> , AF Form 366, <i>Record of Proceedings of Vacation of Suspended Nonjudicial Punishment</i> , AF Form 3212, <i>Record of Supplementary Action Under Article 15, Uniform Code of Military Justice (UCMJ)</i> (through servicing SJA review)	Completed AF Forms 3070, 366, 3212 (through servicing SJA review)	SJA

Administrative action	Command action memo or copy of administrative action	Command action memo or copy of administrative action	Commander
Notification of disposition other than court-martial in penetrative sexual assault cases	Initial Disposition Authority memorandum (General Court-Martial Convening Authority (GCMCA)) in penetrative sexual assault cases with disposition other than court-martial	Initial Disposition Authority memorandum (GCMCA) in penetrative sexual assault cases with disposition other than court-martial	SJA
Notice of no action in all other cases (not involving penetrative sexual assault)	Command action memo or other documentation	Command action memo or other documentation	Commander
Administrative discharge for qualifying offense	Convening authority action memorandum	Convening authority action memorandum	SJA

1.6. Air Force Medical Readiness Agency (AFMRA). Provides guidance to field medical staff in accordance with this manual.

1.6.1. Medical (or healthcare) providers (or personnel) will notify a member's commander when they become aware of the member's admission to, or discharge from, any on-base or off-base inpatient mental health or substance abuse treatment facility. (DODI 6490.08, *Command Notification Requirements to Dispel Stigma in Providing Mental Health Care to Service Members*, and AFI 44-172, *Mental Health*). **(T-1)**

1.6.2. Drug Demand Reduction (DDR). For AF military members, government service employees, and non-appropriated fund employees, AF DDR will report to the DAF-CJIC all positive urinalysis test results for controlled substances (as defined in Title 21 United States Code Section 802, *Drug Abuse and Prevention*) that are not medically authorized/explained by the medical review officer (MRO). **(T-1)**

1.6.3. Family Advocacy Program (FAP). The FAP will report to the respective commander and the DAF-CJIC, within one duty day of notification, AF personnel for which a military protection order (MPO) or civilian protection order (CPO) has been issued, as well as instances where they were notified of AF personnel convicted by civilian (federal, state, and local) court of offenses that may qualify as domestic violence (**reference para. 2.2.4.10**). **(T-1)**

1.7. Unit Commanders. Unit commanders will report to the installation's primary law enforcement control center (typically the law enforcement desk or base defense operations center) issuances, changes and terminations of MPOs. **(T-1)**

1.7.1. Unit commanders will report all subjects who meet the NICS qualifications to DAF-CJIC within one duty day of commencing a commander directed investigation (CDI) or informal inquiry (see [paragraph 4.3](#)). (T-1) Commanders will refer to OSI or AFSF any matter which is referred to court-martial, so a case may be opened and criminal indexing accomplished in accordance with DoDI 5505.11. Refer to AFI 71-101, Criminal Investigations, Investigations Matrix, to determine if the matter will be referred to OSI or to AFSF. (T-1)

1.7.2. In addition, unit commanders will notify members of NICS prohibition qualifications via AF Form 177 (formerly AFOSI Form 175), *Notice/Acknowledgment of Qualification for Prohibitions of Firearms, Ammunition, and Explosives*. (T-1) Unit commanders will distribute the AF Form 177, in accordance with section 4.6. (T-1) After consultation with servicing legal office, the unit commanders will coordinate with base AFOSI or AFSF for the collection of fingerprints and DNA for all CDIs or informal inquiries. (T-1)

1.7.3. Commanders will also report issuances of administrative action; approved administrative discharges (with either an “under other than honorable conditions or general discharge characterization); or a decision to take no action on a qualifying offense; and those indexable mental health hospitalizations that meet commitment reporting criteria in accordance with [paragraph 4.4](#) (T-1).

Chapter 2

CRIMINAL HISTORY REPORTING AND INDEXING - INTERSTATE IDENTIFICATION INDEX (III) & NATIONAL CRIME INFORMATION CENTER (NCIC)

2.1. Arrest and Collection of Fingerprints. The arrest of a person, based on established probable cause, and submission of the Federal Document (FD) 249, *Arrest and Institution Fingerprint Card*, creates the arrest record for the individual in the Interstate Identification Index (III). AFOSI and AFSF will collect and submit fingerprints of persons they detain or apprehend, as authorized and required by DoDI 5505.11, as specified below. **(T-0)**

2.1.1. Persons subject to the UCMJ for serious and/or significant offenses, in accordance with Title 28 Code of Federal Regulations, Part 20.32, *Includable Offenses*. According to DoDI 5505.11, paragraph 1.2.d., offenses excluded from fingerprint collection include, “non-serious offenses such as drunkenness, vagrancy, disturbing the peace, curfew violation, loitering, false fire alarm, non-specific charges of suspicion or investigation, and traffic violations (except data will be included on arrests for vehicular manslaughter, driving under the influence of drug or liquor, and hit-and-run).” Offenses that are not considered serious or significant for this limited purpose are found at **Attachment 5**. The offenses found in **Attachment 5** do not require collection or submission of fingerprints or CHRI, unless such offense are accompanied by a serious or significant offense, in accordance with 28 CFR Part 20.32. **(T-0)**

2.1.2. Persons not subject to the UCMJ, within the United States: AFSF members and military AFOSI agents do not have statutory authority to arrest civilians for offenses against the United States. They will turn over detained civilians to the appropriate civilian law enforcement organization. **(T-0)** If civilian OSI agents are available, they may accept the matter for investigation, in accordance with AFI 71-101V1, *Criminal Investigations Program*, Attachment 2, consistent with the arrest authority granted under Title 10 United States Code, Section 9377, *Civilian Special Agents of the Office of Special Investigation: authority to execute warrants and make arrests*, and as specified in 16 August 2014 Secretary of the Air Force Memorandum titled, *Additional Arrest and Search Authority for Civilian Special Agents of the Air Force Office of Special Investigations*. **(T-0)** AFOSI will not conduct an arrest/booking procedures on any matter AFOSI has not accepted for investigation and opened a substantive case file. **(T-1)**

2.1.2.1. AFOSI and AFSF will document in the investigative case file those instances where a civilian detained for offenses against the United States was transferred to another law enforcement organization and/or if the matter is declined for investigation by the other law enforcement agency. **(T-1)**

2.1.2.1.1. Investigative case file documentation must include the date of coordination, the law enforcement organization and name(s) of the law enforcement officer(s) taking responsibility for, or declining to accept, the civilian for further investigation. **(T-1)**

2.1.2.2. Fingerprints will be collected for all offenses for which the law enforcement agent/officer has determined probable cause exists, in accordance with DoDI 5505.11.: **(T-0)**

2.1.2.2.1. Regular AF, AF Reserve, and ANG members on Title 10 status who are investigated for all offenses punishable by imprisonment listed in the punitive articles of the UCMJ **(T-0)**;

2.1.2.2.2. Civilians investigated by OSI with civilian arrest authority for USC offenses punishable by imprisonment, which includes persons subject to section 3261(a) of Title 18 United States Code, Section 3261(a), *Military Extraterritorial Jurisdiction Act (MEJA) of 2000*, which includes all felony offenses under 18 USC. **(T-0)**.

2.1.2.2.3. Military service members, their dependents, and DoD employees and contractors investigated by foreign law enforcement organizations for offenses punishable by imprisonment equivalent to those listed in the punitive articles of the UCMJ or elsewhere in the USC. **(T-0)**.

2.1.2.2.4. Additional Information. Fingerprints will be collected for:

2.1.2.2.4.1. Any crime of violence as that term is defined under Section 16 of Title 18 USC. Under 18 USC § 16, this is defined as, “an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another.”

2.1.2.2.4.2. Any attempt or conspiracy to commit any offenses identified in **paragraphs 2.1.2.2.1 through 2.1.2.2.3**

2.1.2.3. Fingerprints and CHRI will not be taken from juveniles unless required to investigate a crime. **(T-0)** For the purposes of this manual, a juvenile is a person who has not attained his or her 18th birthday, unless the individual is otherwise subject to the UCMJ or has been emancipated by a competent authority.

2.2. Fingerprints and Criminal History. Criminal history submissions and dispositions will be completed in accordance with this manual. **(T-1)**

2.2.1. Probable cause coordination with the servicing SJA or legal office will be documented on the AF Form 178 (formerly AFOSI Form 115), *Affidavit for Arrest – Probable Cause Determination (in accordance with DoDI 5505.11)*. **(T-2)** The AF Form 178 will be maintained within the investigative case file and within the agency’s case management system. AFOSI, AFSF, and the servicing SJA or legal office will consider and document lesser included offenses as part of the probable cause decision (for instance, simple assault should be documented as a lesser included offense of assault consummated by battery, in cases where there is probable cause for assault consummated by battery). **(T-1)** If the law enforcement agent/officer finds that there is probable cause for one or more offenses, an arrest record must be created by submitting the FD-249 to the FBI, in accordance with DoDI 5505.11. **(T-1)** The law enforcement official consults with the attorney, but ultimately the law enforcement official makes the final probable cause determination. Reference **paragraphs 2.2.1.6 through 2.2.1.9** for procedures to submit the FD-249.

2.2.1.1. When the subject/offender FD-249 is submitted to CJIS based upon a finding of probable cause for an indexable offense, an AF Form 179 (formerly AFOSI Form 174), *Arrest Notification Card*, will be completed. **(T-1)** A copy of the completed AF Form 179 will be provided to the individual. **(T-2)** A Privacy Act statement is provided to each suspect whose personal data is collected in accordance with DoDI 5400.11, *DoD Privacy and Civil Liberties Programs*. If PC is developed later in the investigation, and the FD-249 is then submitted to CJIS, the law enforcement agent/officer will provide the AF Form 179 to the subject at that time. **(T-1)** If subject refuses to receive the notification form from law enforcement, the agent/officer will provide the completed form to JA, who will provide it to subject's ADC. **(T-1)** A copy of the collected fingerprints will be maintained in the investigative case file. **(T-2)**

2.2.1.1.1. If the law enforcement official initially determines there is not probable cause to effect an arrest, fingerprints will be collected at the time of the subject/offender in accordance with [paragraph 2.2.1.6](#) for criminal history inquiry only, and the FD-249 will be maintained in the investigative case/incident file. **(T-1)** The FD-249 will not be submitted to CJIS for retention and creation of an arrest record unless probable cause is developed later in the course of investigative activities. If probable cause is later established, the law enforcement official will submit the FD-249 to CJIS and provide the AF Form 179 to the subject at that time.

2.2.1.1.2. The AF Form 179 with original signatures will be maintained in the investigative case file. **(T-2)** If the subject/offender refuses to sign the AF Form 179, annotate the refusal on the form, provide a copy to the individual, and maintain the AF Form 179 in the investigative case file. **(T-2)**

2.2.1.2. Where cases are investigated jointly with another law enforcement organization and that organization agrees to obtain and forward fingerprints and CHRI to the FBI, AFOSI and AFSF will document the coordination in the investigative case file. **(T-0)** Documentation will identify the subject, as well as, by name, the agency and representative who agreed to exercise jurisdiction and complete the associated indexing actions. **(T-0)** In such cases, unless and until investigative and/or prosecutorial jurisdiction is positively transferred back to the AF, the AF understands the agency exercising jurisdiction will be responsible for any indexing requirements.

2.2.1.3. In such cases, AFOSI and AFSF will request copies of the FD-249 or equivalent and booking photographs from the other agency and maintain them within the investigative case file. **(T-1)** If the other agency refuses to provide the FD-249 or equivalent and booking photographs, the AF investigating agency will document the refusal in the investigative file. **(T-1)**

2.2.1.4. If prosecutorial jurisdiction is transferred back to the AF, the installation legal authority will notify the AF's investigative agency to facilitate collection of the FD-249 and booking photographs. **(T-1)** Case file documentation must include the date of coordination, the law enforcement organization and name(s) of the law enforcement officer(s) who facilitated the transfer request. **(T-1)**

- 2.2.1.4.1. When submitting the FD-249, charges must be listed by UCMJ punitive article, or USC violation, and offense name. **(T-0)** Offenses are not described solely by references to a UCMJ punitive article or to the USC or other statutory provision. The offense must be written in plain language in accordance with DoDI 5505.11. **(T-0)** Investigators must ensure that the charges submitted to the III reflect the actual charges for which there is probable cause, as shown on the AF Form 178. **(T-0)**
- 2.2.1.4.2. Charges will be submitted identifying the offense, offense article or USC violation. **(T-0)**
- 2.2.1.4.3. When submitting charges for violations of drug offenses, the offense will identify the federal schedule and specific drug; e.g., Drugs: Use of a Schedule I, II, III Drug (Cocaine), Violation of Article 112a, UCMJ. **(T-1)**
- 2.2.1.4.4. Charges prosecuted in military court-martial must be listed by the UCMJ Article and title of the article (e.g., Article 128, simple assault, or Article 128, assault consummated by battery). See [paragraph 2.2.1.5](#) for discussion of Article 134 offenses. **(T-1)**
- 2.2.1.4.5. Charges prosecuted in civilian courts must be listed by the appropriate statute (e.g., state statute if prosecuted in state court; federal statute if prosecuted by federal court, to include magistrate court). **(T-1)**
- 2.2.1.5. Article 134 Offenses. If a charge is prosecuted as an offense under Article 134, General Article, Crimes and Offense Not Capital (such as through the Assimilative Crimes Act) the offense must be listed as “Article 134; [Assimilative Crimes Act/Crimes and Offenses Not Capital/whichever is applicable] – [Plain name of statutory violation (e.g., False Imprisonment)], [insert state or federal statute and plain language description].” **(T-1)**
- 2.2.1.6. AFOSI and AFSF will collect booking photographs and electronic FD-249 using the Live Scan Management Software® (LSMS) at the time of the subject/offender interview. If the law enforcement official determines there is no probable cause to affect an arrest, fingerprints will be processed for criminal history inquiry only. Upon a finding of probable cause for an indexable offense as described in this chapter (whether at the time of the subject/offender interview or later in the investigation), units will submit FD-249 to the FBI CJIS Division via the LSMS electronic interface. **(T-2)**
- 2.2.1.6.1. If LSMS connectivity is unavailable and/or electronic transmissions are unsuccessful, fingerprints and booking photos will still be collected electronically on the LSMS machine. **(T-2)** Immediately following collection, generate a digital FD-249 from LSMS in .pdf format. Ensure all charges to be indexed are documented on the FD-249 and AF Form 178. **(T-1)** Email the FD-249 and AF Form 178 to DAF-CJIC daf.cjic@us.af.mil to complete criminal indexing. **(T-2)**
- 2.2.1.6.2. In the instances where the DAF-CJIC completed criminal indexing for field units, DAF-CJIC will provide the transaction control number (TCN) and FBI number to the submitting field unit.

- 2.2.1.6.3. Following submission of a digital FD-249 to DAF-CJIC, the units will initiate local troubleshooting procedures to bring the Live Scan system online. **(T-2)**
- 2.2.1.7. When no digital fingerprinting system is present at the installation, fingerprints will be collected on a hardcopy FD-249. **(T-1)** The unit will scan the hardcopy FD-249 (minimum 400 dots-per-inch quality) and email the fingerprints to the DAF-CJIC at daf.cjic@us.af.mil to complete criminal indexing. **(T-2)** A copy of the AF Form 178 documenting probable cause must be submitted with the fingerprints. **(T-2)** Ensure all charges to be indexed are documented on the AF Form 178 and the FD-249. **(T-2)** A copy of the AF Form 178 will also be maintained within the investigative file. **(T-2)**
- 2.2.1.7.1. If there is no capability to scan the hardcopy FD-249 at a minimum of 400 dpi for electronic submission to DAF-CJIC, units will accomplish two hard copy FD-249s. Units will maintain one FD-249 and the original AF Form 178 in the case file, and mail one hardcopy FD-249 and a copy of the AF Form 178 to the DAF-CJIC via certified mail at the following address: **(T-1): HQ AFOSI XIC, Attn: DAF-CJIC, 27130 Telegraph Road. Quantico VA 22134.**
- 2.2.1.7.2. In the instances where the DAF-CJIC completed criminal indexing for field units, DAF-CJIC must provide the TCN and FBI number to the submitting field unit. **(T-1)**
- 2.2.1.8. AFOSI and AFSF will not withhold submission of electronic fingerprints (e.g., FD-249), pending command action or appellate actions. **(T-1)**
- 2.2.1.9. The FBI number, also referred to as the universal control number (UCN), associated with the electronically submitted fingerprints will be documented in the investigative case file. **(T-2)**
- 2.2.1.10. Classified and Counterintelligence Investigations. When investigations are classified, prior to submission of CHRI and fingerprints, a classification and operational security (OPSEC) review must be conducted and documented in the case file. **(T-0)** DoDI C-5240.08, *Counterintelligence (CI) Security Classification Guide (SCG)*, states that the association of a subject's name with CI criminal offenses are classified until the subject is made aware of the existence of the investigation (typically occurs at arrest, apprehension, or subject interview). However, OPSEC concerns may preclude the entering of this information into unclassified systems due to potential threats to national security if the existence of a CI investigation is revealed.
- 2.2.1.10.1. Upon completion of the CI investigation, when all OPSEC and potential threats to national security no longer exist, CHRI and fingerprints will be submitted for the subject/offender for all indexable offenses for which probable cause existed. **(T-0)** Dispositions rendered, including no action taken, for those offenses do not affect submission requirements.
- 2.2.2. For subjects of a CDI or informal inquiry (not investigated by law enforcement), commanders must ensure collection and submission of fingerprints, DNA and qualifying offense information, upon preferral of charges and after a probable cause determination is made by the servicing SJA or other legal advisor (see [paragraph 1.7](#)). **(T-0)**.

2.2.2.1. Neither OSI nor AFSF will conduct fingerprint or DNA collection/submission for any offense on which they do not have a case. **(T-1)** Therefore, the responsible entity (OSI or SF) must create a case file in which to maintain all supporting documentation and generate the case number that is required for submission of the FD-249. **(T-1)** All pertinent documentation must be available and easily retrievable by the case number for the Federal Bureau of Investigations Criminal Justice Information System (CJIS) to answer any criminal history records challenges, expungement requests, and audits of the III, CODIS, and NICS entries. **(See para. 1.7 for additional information)**

2.2.3. AFOSI and AFSF will receive a TCN for electronically submitted fingerprints. TCNs must be retained and retrievable by the organization that submitted the fingerprint cards in the event it becomes necessary for the organization to retrieve a particular set of fingerprints. **(T-1).**

2.2.4. Final dispositions will be submitted via an R-84, *Disposition Report*, to the FBI as soon as possible, but no later than 30 days after receipt of final disposition taken as a result of the investigation using one of the below methods. **(T-0).**

2.2.4.1. Disposition submissions to CJIS will be accomplished using the LSMS (T-2). **(NOTE: LSMS dispositions are electronic R-84s).**

2.2.4.1.1. If LSMS connectivity is down, or if the unit does not have an LSMS machine, the unit will email a digital R-84s to R84@fbi.gov using a leo.gov email account obtained through the Law Enforcement Enterprise Portal (LEEP). (T-2).

2.2.4.1.2. Following email submission of a digital R-84 to R84@fbi.gov, units with LSMS machines will initiate local troubleshooting procedures to bring the system back online. (T-2).

2.2.4.2. A disposition for the purpose of R-84 submission includes, but is not limited to, the results from judicial (e.g., conviction, sentence of confinement, fine, punitive discharge, or acquittal) or nonjudicial proceedings; approval of a request for discharge/retirement/transfer to the retired reserve/resignation in lieu of court-martial; a finding that the subject/offender lacks the mental competence to stand trial; a finding that the subject/offender is not guilty by reason of insanity; and any administrative action taken by a commander, to include no action taken, based upon an investigation by AFOSI or AFSF into one or more qualifying offenses, or an administrative discharge for which the underlying misconduct was the indexable offense.

2.2.4.3. When submitting the R-84, the originally indexed charges and all additional charges/specifications must be listed by UCMJ punitive article and offense name (as identified below). **(T-1)** Offenses are not described solely by reference to a UCMJ punitive article or to the USC or other statutory provision. The offense must be written in plain language, as prescribed in DoDI 5505.11, and each disposition must correspond with the charge listed in the III. **(T-0)** A separate disposition is required for each charge. If no action is taken on a specific charge, the disposition will be, "Charge not prosecuted" (if it went to a hearing under Article 32, but was not further charged) or "No action taken" (if it never went to a hearing under Article 32). **(T-1)**

2.2.4.3.1. For the purposes of individual charge identification as reflected on a Statement of Trial Results (STR), formerly known as a Report of Result of Trial (RRoT); Entries of Judgement (EOJ), formerly known as a Court-Martial Order. Each specification of a UCMJ offense is considered a separate charge and must be indexed as a separate offense. In cases where specifications are charged “in the alternative,” both specifications must be indexed and constitute separate offenses.

2.2.4.3.2. Charges will be submitted identifying the offense, offense article or USC violation.

2.2.4.3.2.1. When submitting charges for violations of drug offenses, the offense will identify the federal schedule and specific drug; e.g., Drugs: Use of a Schedule I, II, III Drug (Cocaine), Violation of Article 112a, UCMJ. **(T-1)**.

2.2.4.3.2.2. Charges prosecuted in military courts-martial must be listed by the UCMJ Article and title of the article (e.g., Article 128, simple assault or Article 128, assault consummated by battery). See [paragraph 2.2.4.5.2.4](#) for discussion of Article 134 offenses. **(T-1)**

2.2.4.3.2.3. Charges prosecuted in civilian courts must be listed by the appropriate statute (e.g., state statute if prosecuted in state court; federal statute if prosecuted by federal court, to include magistrate’s court). **(T-1)**

2.2.4.3.2.4. Article 134 Offenses. If a charge is prosecuted as an offense under Article 134, General Article, Crimes and Offense Not Capital (such as through the Assimilative Crimes Act) the offense must be listed as “Article 134; [Assimilative Crimes Act/Crimes and Offenses Not Capital/whichever is applicable] – [Plain name of statutory violation (e.g., False Imprisonment)], [insert state or federal statute here].” **(T-1)**

2.2.4.4. All charges reflected in the arrest portion of the individual’s CHR within the III must have a disposition submitted. **(T-0)** Do not submit temporary or unknown dispositions such as, but not limited to, pending, indicted, or charged.

2.2.4.5. The disposition reflected on the R-84 must also be described in common language (e.g., convicted, acquitted, charges dismissed). **(T-0)** For military courts-martial, “convicted” is only reported for results of general or special court martial. Refer to [paragraph 2.2.4.7.2](#) for reporting results of SCM.

2.2.4.5.1. For military convictions, the disposition must also include the court venue (GCM or SPCM). **(T-0)**

2.2.4.5.2. Adverse findings resulting from a summary court-martial are recorded as, Subject found guilty by summary court-martial, which does not constitute a criminal conviction. **(T-0)** **NOTE:** A finding of guilt resulting from a summary court-martial does not constitute a criminal conviction.

2.2.4.5.3. Adverse findings resulting from nonjudicial proceedings pursuant to Article 15 must be recorded as, “Non-judicial disciplinary action, which does not constitute a criminal conviction.” **(T-0)** An adverse finding or punishment pursuant to Article 15, is a disciplinary action, but does not constitute a criminal proceeding or conviction.

- 2.2.4.5.4. Administrative discharges are recorded as “Administrative Discharge.” **(T-0)** The administrative discharge action must be affiliated with a qualifying offense to be considered a disciplinary action.
- 2.2.4.5.5. Discharges in Lieu of Courts-Martial pursuant to AFI 36-3208, *Administrative Separation of Airmen*, and AFI 51-201, are recorded as “Discharge in Lieu of Courts-Martial.”
- 2.2.4.5.6. Resignations in Lieu of Courts-Martial pursuant to AFI 36-3207, *Separating Commissioned Officers*, and AFI 51-201 are recorded as “Resignation in Lieu of Courts-Martial.”
- 2.2.4.5.7. Retirements in Lieu of Courts-Martial pursuant to AFI 36-3203, *Service Retirements*, and AFI 51-201 are recorded as “Retirements in Lieu of Courts-Martial.”
- 2.2.4.5.8. Transfer to the Retired Reserve in Lieu of Courts-Martial pursuant to AFI 36-3209, *Separation and Retirement Procedures for Air National Guard, and Air Force Reserve Members*, and AFI 51-201 are recorded as “Transfer to the Retired Reserve in Lieu of Courts-Martial.”
- 2.2.4.6. When submitting dispositions, sentencing actions should only include the period of confinement and monetary fines (not forfeitures of pay). Extra Duty, reduction in grade, and characterization of separation (Dishonorable Discharge, Bad Conduct Discharge, etc.) will not be reflected in the disposition. **(T-1)**
- 2.2.4.7. Sex Offender Notification. When a GCM or SPCM results in conviction of an offense that requires registration as a sex offender, the following will be added to the disposition on the R-84: “This conviction may require Sex Offender Registration.” **(T-0)**
- 2.2.4.8. Domestic Violence. Where a case results in a conviction for a crime of domestic violence at GCM or SPCM, the following will be added to the disposition on the R-84: “This offense is identified as a crime of domestic violence.” **(T-1)** **NOTE:** A crime may constitute a crime of domestic violence even if not charged under Article 128b, UCMJ.
- 2.2.4.8.1. A crime is identified as a crime of domestic violence if it has, as an element, the use or attempted use of physical force; or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim; by a person with whom the victim shares a child in common; by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian; or by a person similarly situated to a spouse, parent, or guardian of the victim. This definition is consistent with Title 18 United States Code, Section 921, et seq.
- 2.2.4.8.2. JA will notify OSI and AFSF of any appellate action affecting the character of an initial disposition, so the law enforcement agency can report the modification to CJIS. **(T-1)** Final disposition submission (i.e., R-84) will not be held pending appellate actions. **(T-0)** Dispositions that are exculpatory in nature (e.g., dismissal of charges, acquittal) must also be reported. **(T-0)**

2.2.4.9. AFOSI and AFSF must maintain criminal investigative records supporting CHRI submissions and dispositions in accordance with their respective agency disposition schedule. AFOSI and AFSF will notify DAF-CJIC upon the requirement to remove a record from the III. **(T-1)**

2.2.4.10. DAF-CJIC will remove all records from the III for which documentation supporting the arrest record does not exist. **(T-0)**

2.2.4.11. Servicing SJA offices will provide disposition documentation to the local AFSF, local AFOSI, and DAF-CJIC within five duty days of completion of the documents. **(T-2)** This documentation includes: STR (formerly RRoT), EOJ (formerly CMO), Nonjudicial Punishment (NJP); sexual assault initial dispositions other than court-martial; and administrative action (to include administrative discharges). **(T-1)**

2.3. III Record Corrections.

2.3.1. For instances where the submitting agency self-identifies an error in criminal indexing, the unit will request a record correction via the DAF-CJIC. Submit requests to DAF-CJIC in writing via email with a Memorandum for Record containing reasons why the data is inaccurate and attach any additional supporting documentation. **(T-1)** Email requests to daf.cjic@us.af.mil. This process is not for corrections requested by the indexed individual. Refer to **Chapter 9** of this manual for guidance on III expungements procedures.

2.4. NCIC Entries and Queries.

2.4.1. In cases when the AF entity is the lead investigative organization, the AF will index the following files into NCIC: **(T-0)**

2.4.1.1. Persons Files: supervised release, National Sex Offender Registry (NSOR) (**reference paragraph 3.1**), missing person, protection order (**reference paragraphs 2.5 and 2.6**), gang, known or appropriately suspected terrorist, wanted person, identity theft, and violent person. **(T-0)**

2.4.1.2. Property Files: Stolen articles, boats, guns, license plates, parts, securities, and vehicles. **(T-0)**

2.4.2. In joint investigations when an AF entity is not the lead investigative organization, coordination will be made with the lead agency regarding NCIC file inputs **(T-0)**.

2.4.2.1. If the lead agency elects to enter the files into NCIC, AFOSI and AFSF have no obligation to enter the files. The AF investigating organizations must annotate in the investigative case file that the lead agency will be entering the files into NCIC. **(T-1)** The documentation will identify each subject/offender and the law enforcement organization collecting and forwarding the data and the date of the coordination. **(T-1)**

2.4.2.2. If the lead agency elects not to enter records into NCIC, then the AF will only enter the following files into NCIC for all military members or civilians for which they have investigative jurisdiction: **(T-0)**

2.4.2.2.1. Person Files: supervised release, NSOR, missing person, protection order, gang, known or appropriately suspected terrorist, wanted person, identity theft, violent person. **(T-0)**

2.4.2.2.2. Property Files: stolen articles, boats, guns, license plates, parts, securities, and vehicles. **(T-0)**

2.4.2.2.3. If the lead agency declines to enter records into NCIC and AFOSI and AFSF do not have investigative jurisdiction, the AF agency will document the date of declination, the law enforcement organization and name(s) of the responsible law enforcement officer(s) within the investigative case file. **(T-1)**

2.4.2.2.4. AFOSI and/or AFSF will conduct the appropriate person file query for the entered files and place a copy of the results in the investigative case file. **(T-1)**

2.5. Military Protective Orders (MPO):

2.5.1. Overview. MPOs are distinct from a traditional no-contact order in that MPOs are entered into the NCIC Database. This ensures that civilian law enforcement are aware of the MPO and can notify military authorities if violations of the MPO occur off-base. No Contact Orders cannot be entered into NCIC; thus civilian law enforcement are unaware of their existence and cannot notify military law enforcement of any such violation.

2.5.2. Issuing an MPO. Only officers on G-Series orders, or service equivalent, have authority to issue an MPO. **(T-1)** Commanders should reference AFI 51-201 for guidance on issuance of MPOs, legal consultation requirements, and term limitations/considerations.

2.5.3. DD Form 2873. Commanders will issue MPOs using the DD Form 2873, *Military Protective Order*, and provide a copy to the protected person and the service member in accordance with the form's distribution section. **(T-1)**. When rescinding an MPO, commanders must use DD Form 2873-1 and provide copies in accordance with the form's distribution section. **(T-1)**

2.5.4. Commanders must forward all DD Forms 2873 and 2873-1 to their installation's primary law enforcement control center (AFSF BDOC or equivalent) within 24 hours of each issuance, extension, modification, or termination of an MPO. **(T-1)**

2.5.5. If the primary law enforcement control center is not AF, commanders must submit MPOs to the AFOSI Watch, afosi-icon_watch@us.af.mil. COMM: 571-305-8484, DSN: 240-8484. **(T-1)**

2.5.6. Commanders will advise MPO protected persons that MPOs are not enforceable by civilian authorities off-base, so protected persons may want to seek a Civilian Protective Order (CPO). **(T-1)** Commanders may issue an MPO, even if a CPO is in place; however, the MPO should not be any less restrictive than the provisions of the CPO.

2.5.7. Notification to AFOSI Watch.

2.5.7.1. AFOSI/AFSF will notify the AFOSI Watch, via afosi-icon_watch@us.af.mil or 571-305-8484, when notified of initiation, extension, modification, or termination of MPOs immediately, but not to exceed 24 hours. **(T-1)**

2.5.7.2. All AF law enforcement control centers (AFSF BDOC or equivalent) will submit all MPOs and a 24-hour contact number related to the MPO to the AFOSI Watch, via afosi-icon_watch@us.af.mil or 571-305-8484, within 24 hours after issuance. **(T-1)**

2.5.7.3. AF law enforcement control centers (AFSF BDOC or equivalent) will notify the AFOSI Watch, of extensions, modifications, or terminations of existing MPOs immediately, but not to exceed 24 hours after the change. **(T-1)**

2.5.7.4. Upon notification that an MPO has been rescinded, replaced, or has expired, the AFOSI Watch will ensure the MPO notification within NCIC has been rescinded or updated. **(T-1)**

2.5.8. The Family Advocacy Program (FAP) will **(T-1)**

2.5.8.1. Provide notification of any issuance, extension, modification or termination of an MPO to the AFOSI Watch within one duty day of receipt, upon notification of an MPO issued for the protection of persons. **(T-1)** This process is deliberately redundant to ensure timely transmission of critical MPO information.

2.5.8.2. Ensure notifications are accompanied by the DD Form 2873 for entry into NCIC. **(T-1)**

2.5.9. Upon receipt of an MPO from any source, the Watch will:

2.5.9.1. First verify if the MPO was already entered into NCIC. If it was not, The Watch will enter the MPO into the NCIC protection order file via the "Military Enter" module. The Brady Act indicator "BRD" will be marked "NO," as MPOs do not qualify. **NOTE:** The Watch may receive multiple notifications regarding the same MPO from different offices. This intentional redundancy ensures all MPOs are entered. **(T-1)**

2.5.9.2. Ensure the following information is included in the Miscellaneous Information block of the "Military Enter" module: "This is a Military Protective Order and may not be enforceable by non-military authorities. If subject is in possible violation of the order, advise the entering agency (insert name of military law enforcement entering MPO here.)" **(T-1)**

2.6. Civilian Protection Orders (CPO).

2.6.1. Upon notification of a CPO, commanders will notify their servicing primary law enforcement control center within 24 hours. **(T-1)**

2.6.2. Upon notification of a CPO, the FAP will notify the DAF-CJIC via e-mail, daf.cjic@us.af.mil within one duty day of receipt. **(T-1)**

2.6.3. AF law enforcement control centers (AFSF BDOC or equivalent) will notify the DAF-CJIC and send the CPO immediately, not to exceed 24 hours after receipt, via email daf.cjic@us.af.mil. **(T-1)**

2.6.4. The DAF-CJIC will:

2.6.4.1. Validate CPOs for any connection with AF investigations and notify the owning investigative agency. **(T-1)**

2.6.4.2. Conduct an NCIC query of protection orders to determine if the CPO was entered into the protection order file. **(T-1)** If the CPO was not entered into the protection order file, the DAF-CJIC will coordinate with the investigating AF or civilian law enforcement agency to contact the issuing jurisdiction and follow-up on local entry into the protection order file. **(T-1)**

2.6.4.3. Not enter the CPO into the NCIC protection order file, as AF is not the record owner for any CPOs and is not authorized to enter this type of record. **(T-1)**

2.7. Expungements. For expungements pertaining to DAF Records within the III and NCIC refer to **Chapter 9** of this manual.

Chapter 3

SEX OFFENDER REGISTRATION

3.1. General Provision. If a service member has been convicted of a sexually violent offense or certain offenses against a minor, the AF is required to provide notice to federal, state, and local officials prior to the offender's release from confinement, in accordance with DoDI 5525.20, Para. 3.4. **(T-0)** The member may be required to register as a sex offender under individual state laws as identified by annotation on the STR distributed by the servicing SJA office.

3.2. AF Confinement Responsibilities. The AF confinement officer, non-commissioned officer (NCO), or AF confinement liaison at sister service confinement facilities, ensures compliance with federal/state laws by notifying the appropriate law enforcement and sex offender (SO) registration officials using DD Form 2791, *Notice of Release/Acknowledgement of Convicted Sex Offender Registration Requirements*. **(T-0)** Additionally, the confinement officer obtains the offender's written acknowledgement of these registration responsibilities. If confined, the servicing confinement facility and/or the servicing AF liaison will notify:

3.2.1. The appropriate state, territory, or tribal sex offender registry where the offender intends to reside before the service member is separated from military service with DD Form 2791 and court documentation reflecting the offense(s) for which sex offender registration is required. **(T-0)**

3.2.2. The appropriate state Attorney General where the offender intends to reside before the service member is separated from military service with DD Form 2791 and court documentation reflecting the offense(s) for which sex offender registration is required. **(T-0)**

3.2.3. The United States Marshals Service (USMS) National Sex Offender Targeting Center (NSOTC), using DD Form 2791, of the conviction and pending separation via IOD.NSOTC@USDOJ.GOV. **(T-0)** Notification will include court documentation reflecting the offense for which sex offender registration is required. **(T-0)**

3.2.4. Local and state law enforcement where the offender intends to reside (if different from the state agency operating the sex offender registry) by providing a copy of the DD Form 2791. **(T-0)**

3.2.5. The DAF-CJIC prior to the release of the sex offender by providing a copy of the DD Form 2791 and court documentation reflecting the offense(s) for which sex offender registration is required. **(T-1)** The DAF-CJIC will conduct a records checks of the III and NCIC to ensure the Registered Sex Offender's (RSO) CHRI is properly documented. **(T-1)**

3.3. Sex Offender Registration and Notification Act (SORNA). Use the Department of Justice's (DOJ) Sex Offender Registration and Notification Act (SORNA) Exchange Portal at <https://portal.nsopr.gov>, to submit completed DD Forms 2791 and court documentation reflecting the offense(s) for which sex offender registration is required, to the appropriate sex offender registry, Military Criminal Investigative Organization (MCIO), and the NSOTC. **(T-0)** SORNA Exchange Portal accounts may be requested at AWA-Request@iir.com.

3.4. Convictions Without Confinement. When a service member is convicted and not subsequently confined for an offense that triggers the Sex Offender Registration (SOR) requirements (or sufficient pretrial or illegal pretrial confinement credit completely offsets the term of confinement imposed at trial), the servicing SJA notifies the base confinement Non-Commissioned Officer (NCO) in writing within 24 hours of the conviction. **(T-1)** Upon notification of the conviction by SJA, the confinement NCO (or if designated, the Victim Witness Assistance Program [VWAP] Coordinator) completes a DD Form 2791 and notifies the required agencies immediately (see [paragraph 3.2.1](#) through [paragraph 3.2.5](#)), or within a period not to exceed 24-hours. **(T-0)**

3.5. Registering a Sex Offender. The DAF-CJIC will enter convicted sex offender information in the NCIC NSOR file. **(T-1)** To ensure that civilian law enforcement organizations understand that the presence of the subject's/offender's name and information is a legal requirement (but does not constitute actual sex offender registration), the verbiage in [Figure 3.1](#) will be entered in the miscellaneous field. **(T-0)**

Figure 3.1. NCIC NSOR File Miscellaneous Entry (no periods will be included in this entry).

Subject has been convicted of an offense that will or may require registration as a sex offender in a SORNA jurisdiction The Subject is required to comply with applicable State, territory, or tribal sex offender registration upon relocation The subject will remain resident in NCIC NSOR, under a military ORI, until verification of either: 1) a state, territory, or tribal registration is received, or 2) a state, territory, or tribal determination that registration is not required is received.

3.5.1. The RSO's UCN/FBI number will be included in the NSOR entry. This allows the NSOR entry to be linked with the sex offender's criminal history record within the III.

3.5.2. NSOR entries will be entered with an expiration date of "NONEXP" to ensure the NSOR entry remains active until removed.

3.5.3. The subject/offender will remain in the NCIC NSOR File until:

3.5.3.1. The USMS NSOTC notifies the servicing confinement facility that the subject/offender has registered at a federal, state, local, territory, or tribal sex offender registry; **(T-0)**

3.5.3.2. A federal, state, local, territory, or tribal sex offender registry notifies the servicing confinement facility that the subject/offender has registered with that registry; or **(T-0)**

3.5.3.3. The USMS NSOTC, federal, state, local, territory, or tribal sex offender registry notifies the servicing confinement facility that the subject/offender is not required to register in that jurisdiction. **(T-0)**

3.5.4. When the DAF-CJIC is notified of the subject's/offender's registration in a federal, state, local, territory, or tribal sex offender registry, it will clear the subject's/offender's name and information from the NCIC NSOR File. **(T-0)**

3.5.5. If the DAF-CJIC receives notice from the federal, state, local, territory, or tribal registry that the subject/offender does not require registration, the subject's/offender's name will not be placed in the NCIC NSOR File or made available to the National Sex Offender Public Website (NSOPW). **(T-0)**

3.5.6. If the DAF-CJIC is never notified that the subject/offender has registered in a SORNA jurisdiction sex offender registry, the DAF-CJIC will maintain the subject's/offender's information in the NCIC NSOR File as an alert to law enforcement, and will consult, as appropriate, with the USMS NSOTC. **(T-0)**

3.5.7. The DAF-CJIC will keep appropriate records of all information transactions associated with this process, as required by this manual. **(T-0)**

3.5.8. Upon establishment of a process or mechanism by DoD, DAF-CJIC will make publicly releasable information available to the DOJ's NSOPW for subjects/offenders entered into the NCIC NSOR File. **(T-0)** Once the subject's/offender's name and information are removed from the NCIC NSOR File, that information will be withdrawn from NSOPW availability. If the condition described in **Paragraph 3.5.5** occurs, information will not be made available to the NSOPW.

3.6. Registered Sex Offender (RSO) Notifications. AFSF at the installation level will establish a relationship with the local/state sex offender registration offices and coordinate notification when a RSO registers with an on-base residence. Base confinement NCOs will also request notification when any RSO has access to or an affiliation with a military installation. **(T-0)**

3.7. International Travel. In accordance with SORNA requirements, AF-affiliated RSOs subject to the UCMJ must inform their residence jurisdictions of intended travel outside of the United States at least 21 calendar days before such travel. **(T-0)** Further, RSOs must inform their residence jurisdictions if they intend to reside, be employed, or attend school outside of the United States. **(T-0)** AF personnel with knowledge of any DoD-affiliated RSO's intention to travel or move overseas will notify AFSF at the installation level. **(T-0)** The base confinement NCO will then notify the appropriate state, territory, or tribal registry and the USMS NSOTC. **(T-0)**

Chapter 4

NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS)

4.1. NICS. NICS is a database system for the indexing of persons with a qualifying prohibition for the shipment, transportation, receipt and possession of firearms and ammunition in or affecting interstate or foreign commerce. The FBI maintains the NICS system on behalf of the DOJ. The Brady Handgun Violence Prevention Act of 1993 requires the reporting of the categories below to the FBI for purposes of prohibiting firearm purchases and possession. Refer to [Paragraph 4.4](#) for reporting procedures.

4.2. Title 18 United States Code, Section 925(a)(1), *Exceptions: Relief from Disabilities.* Establishes an exemption to the prohibitions listed in Title 18 United States Code Section 922, *Unlawful Acts*, for United States Government personnel to possess government owned weapons for official government business.

4.2.1. 18 USC § 925(a)(1) does not allow exceptions or waivers in the case of Misdemeanor Crimes of Domestic Violence (MCDV).

4.2.2. In accordance with DoDI 6400.06, *Domestic Abuse Involving DoD Military and Certain Affiliated Personnel*, a conviction for an offense meeting the definition of a felony crime of domestic violence also prohibits government personnel from the possession of government owned weapons.

4.3. Prohibited Categories. 18 USC § 922 details ten categories that prohibit an individual from the shipment, transportation, purchase, transfer, receipt and possession of firearms and ammunition. The categories and qualifications for those prohibitions are as follows:

4.3.1. Category 1: Persons who have been convicted in any court of a crime punishable by imprisonment for a term exceeding one year (or a misdemeanor crime punishable by imprisonment over two years).

4.3.1.1. Qualification prohibits the purchase of new and/or the possession of currently owned firearms and ammunition. This prohibition is permanent.

4.3.1.2. Requires a crime be punishable by imprisonment for a term exceeding one year. It does not require a person to actually receive a sentence of more than one year. A GCM is the only military court with the ability to impose a sentence in excess of one year.

4.3.1.3. AFOSI, AFSF, and commanders, upon notification, will report IAW [paragraph 4.4](#) all subjects of criminal investigations and/or CDIs or informal inquiries who are adjudicated as guilty at GCM for an offense punishable by imprisonment for a term exceeding one year. **(T-0)**

4.3.1.4. Base SJAs, upon notification, will report in accordance with [paragraph 4.4](#) all subjects of criminal investigations and/or CDIs or informal inquiries who are adjudicated as guilty at GCM for an offense punishable by imprisonment for a term exceeding a year. **(T-1)**

4.3.2. Category 2: Persons who are fugitives from justice.

4.3.2.1. Qualification prohibits the purchase of new and/or the possession of currently owned firearms and ammunition. Prohibition ends upon termination of an individual's fugitive status.

4.3.2.2. The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) defines "fugitive from justice" as a person who has fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding. This includes a person who knows charges are pending and leaves the state of prosecution.

4.3.2.3. Air Force Personnel Center (AFPC), upon notification, will report in accordance with **paragraph 4.4** all AF persons for whom a DD Form 553, *Deserter/Absentee Wanted by the Armed Forces*, has been issued, in order to ensure DAF-CJIC accomplishes legally mandated NICS entries for qualifying deserter cases, including those that do not relate to AFOSI investigations. **(T-0)** An individual identified as a deserter does not qualify as a fugitive unless the Air Force can prove the individual has fled the state.

4.3.2.4. AFOSI, upon notification, will report in accordance with **paragraph 4.4** all AF persons for whom a DD Form 553 has been issued. **(T-0)**

4.3.3. Category 3: Persons who are unlawful users of, or addicted to, any controlled substance.

4.3.3.1. Qualification results in a one-year firearms prohibition beginning from the date of the qualifying condition. This includes the purchase of new and/or the possession of currently owned firearms and ammunition.

4.3.3.2. This category includes those persons who have a positive drug test for a controlled substance that is not medically authorized/explained by the MRO.

4.3.3.3. This category includes those persons who have been found in possession of a confirmed controlled substance that is not medically authorized. Identification of substances are considered confirmed following a positive indication from a confirmatory or dispositive procedure at a forensic laboratory.

4.3.3.3.1. For possession that is not medically authorized, identification of a prescription medication as a controlled substance can be confirmed utilizing the identification markings. This shall only be accomplished by a licensed pharmacist or via the following websites: <https://pillbox.nlm.nih.gov> or <https://pill-id.webpoisoncontrol.org>.

4.3.3.3.2. Identification of unmarked controlled substances requires a positive indication from a confirmatory or dispositive procedure at a forensic laboratory.

4.3.3.4. Absent a confirmation of the controlled substance identity, a person who admits to a law enforcement officer the possession of a named controlled substance that is not medically authorized also qualifies. ATF views this admission as an inference of current drug use.

4.3.3.5. Those persons who have an admission to a law enforcement officer of recent use of a controlled substance that is not medically authorized. The Air Force utilizes the ATF definition of "recent" as use within the previous one year.

4.3.3.6. Persons who receive a court-martial conviction, nonjudicial punishment, administrative action, administrative discharge, or found guilty at summary courts martial, for the above qualifications will be submitted for an additional one year prohibition from the date of the completion of the judicial, nonjudicial, administrative action or discharge.

4.3.3.7. AFOSI, AFSF, and commanders, upon notification, will report in accordance with [paragraph 4.4](#) all subjects of criminal investigations and/or CDIs or informal inquiries who meet the qualifications identified in [Paragraphs 4.3.1.3.2](#) through [4.3.1.3.5 \(T-1\)](#)

4.3.3.8. SJAs, upon notification, will report in accordance with [paragraph 4.4](#), all subjects of a criminal investigation and/or CDI or inquiry who meet the qualifications identified in sections 4.3.3.6. **(T-1)**

4.3.3.9. For AF military members, government service employees, and non-appropriated fund employees, AF DDR will report to the DAF-CJIC all positive urinalysis test results for controlled substances that are not legally and medically authorized. **(T-1)**

4.3.4. Category 4: Persons who have been (1) adjudicated as mental defectives or (2) who have been committed to a mental institution.

4.3.4.1. Qualification under this prohibition results in indefinite prohibition and terminates when the individual successfully petitions the court, board, or other lawful authority who diagnosed the condition. This includes the purchase of new and/or possession of currently-owned firearms and ammunition.

4.3.4.2. **(1)** Persons who have been adjudicated as mental defectives.

4.3.4.2.1. The term “adjudicated as a mental defective” is prescribed by 18 USC § 922 and defined by 27 Code of Federal Regulations, Part 478.11, *Commerce in Firearms and Ammunition, Meaning of Terms*. It includes a determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence or a mental illness, incompetency, condition, or disease, (1) is a danger to himself or others, or (2) lacks the mental capacity to manage his own affairs. The term also includes (1) a finding of insanity by a court in a criminal case and (2) those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility pursuant to articles 50a and 72b of the UCMJ, 10 USC Sections 850a and 876(b).

4.3.4.2.2. AFOSI, AFSF, and commanders, upon notification, will report in accordance with [paragraph 4.4](#) all subjects of criminal investigations and/or CDIs or informal inquiries who have been determined by a court to be Not Guilty by Reason of Insanity or Mentally Incompetent to Stand Trial. **(T-0)**

4.3.4.2.3. SJAs, upon notification, will report in accordance with [paragraph 4.4](#) all subjects who have been determined by a court to be Not Guilty by Reason of Insanity or found Mentally Incompetent to Stand Trial. **(T-1)**

- 4.3.4.2.4. SJAs and commanders, upon notification, will report in accordance with **paragraph 4.4**, all service members who have been officially declared mentally incompetent for pay matters by an appointed military medical board in accordance with AFMAN 65-116v1, *Defense Joint Military Pay System Active Component (DJMS-AC) Financial Management (FMF) Procedures*, para. 50.2. **(T-1)**
- 4.3.4.3. Two (2) Persons who have been committed to a mental institution.
- 4.3.4.3.1. Among the persons subject to the federal mental health prohibitor are individuals with an NICS-indexable mental health hospitalization for which the person has been involuntarily committed to a civilian mental institution.
- 4.3.4.3.2. The term “committed to a mental institution” is prescribed by 18 USC § 922 and defined by 27 CFR, §478.11, as, “a formal commitment of a person to a mental institution by a court, board, commission, or other lawful authority. The term includes a commitment to a mental institution involuntarily and commitment for mental defectiveness or mental illness. It also includes commitments for other reasons, such as for drug use. The term does not include a person in a mental institution for observation or a voluntary admission to a mental institution.” A NICS-indexable mental health hospitalization for which the person has been involuntarily committed to a mental institution requires a ruling by a court or similar entity, and excludes emergency hospitalizations ordered by a medical professional (e.g., excludes commander-directed mental health evaluations and excludes involuntary commitments of active duty personnel in Medical Treatment Facilities (MTF) under the provisions of DoDI 6490.04, *Mental Health Evaluations of Members of the Military Services*, is separate from DODI 6490.08, *Command Notification Requirements*).
- 4.3.4.3.3. Consistent with DoDI 6490.08, installation medical (or healthcare) personnel will notify a member’s commander whenever they become aware of a NICS-indexable mental health hospitalization involving an Airman. **(T-0)** In making this disclosure, installation mental health personnel shall provide to the commander concerned the minimum amount of information required to facilitate NICS reporting and/or report a NICS-indexable hospitalization, generally consisting of: (1) The diagnosis; (2) a description of the treatment prescribed or planned; (3) impact on duty or mission; (4) recommended duty restrictions; (5) the prognosis; (6) any applicable duty limitations; (7) implications for the safety of self or others. **(T-0)** Installation mental health personnel will also advise commanders of the need to notify DAF-CJIC in accordance with **paragraph 4.4 (T-1)**
- 4.3.4.3.4. DoDM 6025.18, *Implementation of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule in DoD Health Care Programs*, and Title 45 Code of Federal Regulations, Part 164.512, *Uses and disclosures for which an authorization or opportunity to agree or object is not required*, permit disclosure of protected health information for purposes of reporting to NICS.
- 4.3.4.3.5. Commanders, upon notification, will report in accordance with **paragraph 4.4** instances of a NICS-indexable mental health hospitalization involving any personnel assigned, attached, or on temporary duty to their unit. **(T-1)**

- 4.3.4.3.6. Upon receipt of information regarding a NICS-indexable mental health hospitalization, installation law enforcement (AFOSI or AFSF) will coordinate with local law enforcement to determine if member has already been reported to NICS. **(T-1)**
- 4.3.5. Category 5: Persons who have been discharged from the United States Armed Forces under dishonorable conditions.
- 4.3.5.1. Qualification prohibits the purchase of new and/or possession of currently owned firearms and ammunition. This prohibition is permanent.
- 4.3.5.2. Separation from the United States Armed Forces resulting from a dishonorable discharge or dismissal adjudged by GCM is required for this prohibition to apply. The term does not include separation from the United States Armed Forces resulting from any other discharge characterization (e.g., a bad conduct discharge).
- 4.3.5.2.1. AFSFC, Air Force Confinement and Corrections Directorate (AFSFC/FC), upon notification, will report in accordance with **paragraph 4.4** all personnel who receive a Dishonorable Discharge or Dismissal. **(T-1)**
- 4.3.5.2.2. In accordance with **paragraph 4.4**, the servicing SJA, upon notification, will report and provide a copy of any final order or Certification of Final Review, following the conclusion of any post-sentencing or appellate review that executes a dishonorable discharge or dismissal. **(T-1)**
- 4.3.6. Category 6: Persons who, having been citizens of the United States, have renounced their U.S. citizenship. AFOSI, AFSF, commanders, and SJAs, upon notification, will report in accordance with **paragraph 4.4** all personnel who have renounced their United States citizenship. **(T-1)**
- 4.3.7. Category 7: Persons convicted in any court of a MCDV.
- 4.3.7.1. Qualification prohibits the purchase of new and/or possession of currently-owned firearms and ammunition. This prohibition is permanent.
- 4.3.7.2. Convictions for UCMJ offenses that have as their factual basis the use or attempted use of physical force, or threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, or guardian; or by a person similarly situated to a spouse, parent, or guardian of the victim, are qualifying domestic violence convictions (18 USC § 922). A qualifying conviction includes a conviction at a General or Special Court-Martial that meets the definition of an MCDV. **(NOTE:** Each offense must be reviewed to determine whether it meets the MCDV criteria. Not all offenses charged as an offense of domestic violence under Article 128b UCMJ, Domestic Violence, will qualify under the definition of domestic violence adopted in 18 USC § 922 and detailed in this paragraph. Likewise, some domestic violence offenses may be charged as violations of Article 120, 120b, 128, etc.)

4.3.7.3. To qualify for entry into NICS, military conviction records (RRoT, Statement of Trial Results, and Entry of Judgment) must document the offense(s) for which the person was adjudicated guilty, including whether the offense(s) qualified under this provision. Incident reports alone are not sufficient to support elements of force.

4.3.7.4. Relationship of an MCDV victim can be determined from non-court records as established in the investigative case file or incident report.

4.3.7.4.1. AFOSI, AFSF, and commanders, upon notification, will report in accordance with [paragraph 4.4](#) all subjects of criminal investigations and/or CDIs or informal inquiries who are found guilty as a result of a General or Special Court-Martial for an offense identified as Domestic Violence. **(T-1)**.

4.3.7.4.2. SJAs, upon notification, will report in accordance with [paragraph 4.4](#) all subjects who are adjudicated as guilty as a result of a General or Special Court-Martial for an offense identified as Domestic Violence. **(T-1)**

4.3.7.4.3. FAP, upon notification, will report in accordance with [paragraph 4.4](#) all personnel convicted by civilian (federal, state, or local) court for an MCDV. **(T-1)**

4.3.8. Category 8: Persons who are under indictment or information for a crime punishable by imprisonment for a term exceeding one year.

4.3.8.1. Qualification for this prohibition terminates at the conclusion of the corresponding trial proceedings. **NOTE:** If convicted of an offense qualifying as a different prohibitor, the new prohibitor must be entered into NICS.

4.3.8.2. Qualification prohibits the purchase of new firearms and ammunition. It does not prohibit possession of firearms or ammunition owned prior to indictment, unless and until such person is convicted of the offense.

4.3.8.3. Requires the person be formally charged with an offense in military or civilian court proceedings. Charges pending in a GCM trigger this prohibition unless no charged offense is punishable by a possible sentence to confinement greater than one year.

4.3.8.4. AFOSI, AFSF, and commanders, upon notification, will report in accordance with [paragraph 4.4](#) all subjects of criminal investigations, CDIs, and/or informal inquiries who have had charges referred to a GCM (military) or have been indicted (federal, state, or local). **(T-1)**

4.3.8.5. SJAs, upon notification, will report in accordance with [paragraph 4.4](#) all subjects who have had charges referred to a GCM (military). Such notification is satisfied by forwarding the referred charge sheet to AFOSI, AFSF, and DAF-CJIC in accordance with AFI 51-201. **(T-1)**

4.3.9. Category 9: Persons who are aliens and illegally in the United States. AFOSI, AFSF, commanders, and SJA, upon notification, will report in accordance with [paragraph 4.4](#) all personnel who are identified as being in the United States illegally. **(T-0)**

4.3.10. Category 10: Persons who are subject to a qualifying protection/restraining order (MPOs do not qualify for this prohibition).

4.3.10.1. AFOSI, AFSF, and commanders, upon notification, will report in accordance with [paragraph 4.4](#) all subjects of criminal investigations and/or CDIs or informal inquiries for whom a CPO has been issued. **(T-1)**

4.3.10.2. FAP and SJAs, upon notification, will report in accordance with [paragraph 4.4](#) all subjects for whom a CPO has been issued. **(T-1)**

4.4. Reporting Qualifying Prohibitions. Reporting of persons qualifying for NICS prohibition is an immediate denial of the individual's ability to exercise his or her constitutional right to possess a firearm. Due to the restrictions imposed by a NICS entry, care must be taken to ensure an individual meets the strict qualifications and supporting documentation is available.

4.4.1. All requests and supporting documentation for entry of persons with a qualifying prohibition into NICS will be sent to the DAF-CJIC via email at daf.cjic@us.af.mil. **(T-1)**

4.4.2. The following information is required for reporting a prohibited person in NICS: full name (last, first, middle); Social Security Number; date of birth (YYYYMMDD format); Gender; Race; agency case number. **(T-0)** These data points are documented on the AF Form 177. Reference Section 4.6 of this manual. See [paragraphs 4.4.4](#) through [paragraph 4.4.12](#) for additional requirements for each prohibitive category.

4.4.3. Category 1: Persons who have been convicted in any court of a crime punishable by imprisonment for a term exceeding one year (or a misdemeanor crime punishable by imprisonment over two years) will be indexed in accordance with [paragraph 4.4.2](#) **(T-0)**

4.4.3.1. Requests for submission to NICS must be accompanied by documentation in accordance with [Table 1.1](#), or civilian equivalent. Any actions taken by the convening authority or as the result of appellate review will be transmitted to DAF-CJIC in accordance with [paragraph 4.4.2](#) **(T-1)**

4.4.4. Category 2: Persons who are fugitives from justice will be indexed in accordance with [paragraph 4.4.2](#) **(T-0)**

4.4.4.1. Requests for submission to NICS must be accompanied by a corresponding DD Form 553. **(T-1)**

4.4.4.2. Requests for removal from NICS must be accompanied by DD Form 616, *Report of Return of Absentee*. **(T-1)**

4.4.5. Category 3: Persons who are unlawful users of, or addicted to, any controlled substance will be indexed in accordance with [paragraph 4.4.2](#) Requests for submission to NICS under the substance abuser prohibition must include the following for subject: **(T-0)**

4.4.5.1. Date of qualifying action(s) (admission, urinalysis, and/or possession date). **(T-0)**

4.4.5.2. One of the following supporting documents:

4.4.5.2.1. A confirmation positive urinalysis result using mass spectrometry. **(T-0)**

4.4.5.2.2. Positive drug identification lab result. **(T-0)**

4.4.5.2.3. Agency case file documentation reflecting drug identification in accordance with [paragraph 4.3.1.3.3.2](#) **(T-0)**

- 4.4.5.2.4. Agency case file documentation reflecting admission to a law enforcement officer of the use or possession of a controlled substance by name, including street names and common vernacular. **(T-0)**
- 4.4.5.3. Documentation in accordance with **Table 1.1** or civilian equivalent. Any actions taken by the convening authority or appellate review will be transmitted to DAF-CJIC in accordance with **paragraph 4.4.2 (T-0)**
- 4.4.5.3.1. In any case where administrative, nonjudicial or judicial action was taken, supporting documentation in accordance with **Table 1.1**, or civilian equivalent, must be submitted. **(T-0)**
- 4.4.6. Category 4: Persons who have been adjudicated as mental defectives or who have been committed to a mental institution will be indexed in accordance with **paragraph 4.4.2 (T-0)** Requests for submission to NICS must be accompanied by documentation in accordance with **table 1.1** or civilian equivalent. **(T-1)** Any actions taken by the convening authority or as a result of appellate review will be transmitted to DAF-CJIC in accordance with **paragraph 4.4.2 (T-1)**
- 4.4.6.1. For instances when an individual is involuntarily committed to a treatment facility, a corresponding court order signed by a court-appointed judge must be provided. **(T-0)**
- 4.4.6.2. For instances when a service member is officially declared mentally incompetent for pay matters, in accordance with AFMAN 65-116v1, para. 50.2, the pertinent documents specified in paras. 50.2.1 or 50.2.3 must be provided. The items in paras. 50.2.2 and 50.2.4 are not Air Force records. It is the responsibility of the owning agencies to accomplish those NICS entries; however, the SJA and commander must still provide the member with AF Form 177 in accordance with section 4.6.
- 4.4.7. Category 5: Persons who have been discharged from the United States Armed Forces under dishonorable conditions or who have received a dismissal will be indexed in accordance with **paragraph 4.4.2 (T-0)**
- 4.4.7.1. Requests for submission to NICS must be accompanied by a corresponding DD Form 214. **(T-1)**
- 4.4.8. Category 6: Persons who, having been citizens of the United States, have renounced their U.S. citizenship will not be indexed by the AF because NICS submissions under this prohibition are outside the purview of the AF. **(T-0)** When referring these matters to the appropriate civilian agency, follow that agency's specific guidance for the referral.
- 4.4.9. Category 7: Persons convicted in any court of a MCDV will be indexed in accordance with **paragraph 4.4.2 (T-0)**
- 4.4.9.1. Requests for submission to NICS under the MCDV prohibition must include the following for subjects **(T-0)**:
- 4.4.9.1.1. UCMJ or civilian (federal/state/local) statute for which the individual was convicted. **(T-0)**
- 4.4.9.1.2. Relationship between the victim and the subject, if any of the following relationships are indicated:

- 4.4.9.1.2.1. Subject is current or former spouse of victim (can be same sex). **(T-0)**
- 4.4.9.1.2.2. Subject is parent/step-parent of victim. **(T-0)**
- 4.4.9.1.2.3. Subject is guardian of victim. **(T-0)**
- 4.4.9.1.2.4. Subject has a child in common with victim (child must be born). **(T-0)**
- 4.4.9.1.2.5. Subject is cohabiting or has cohabited as spouse of victim (can be same sex). **(T-0)**
- 4.4.9.1.2.6. Subject is cohabiting or has cohabited as parent of victim. **(T-0)**
- 4.4.9.1.2.7. Subject is cohabiting or has cohabited as guardian of victim. **(T-0)**
- 4.4.9.1.2.8. Subject is similarly situated to spouse of victim (can be same sex). **(T-0)**
- 4.4.9.1.2.9. Subject is similarly situated to parent of victim. **(T-0)**
- 4.4.9.1.2.10. Subject is similarly situated to guardian of victim. **(T-0)**

4.4.9.1.3. Requests for submission to NICS must be accompanied by documentation in accordance with [Table 1.1](#), or civilian equivalent, and agency case file documentation identifying the relationship. **(T-0)** Any actions taken by the convening authority or appellate review will be transmitted to DAF-CJIC in accordance with [paragraph 4.4.2](#) **(T-1)**

4.4.10. Category 8, Persons who are under indictment or information for a crime punishable by imprisonment for a term exceeding one year will be indexed in accordance with [paragraph 4.4.2](#) **(T-0)**

4.4.10.1. Requests for submission to NICS under the indictment prohibition must include the following for subjects:

- 4.4.10.1.1. Expected date of trial or date charges were referred if the court date is unknown. **(T-0)**
- 4.4.10.1.2. Referred DD Form 458 or equivalent civilian (federal/state/local) court documentation. **(T-0)**

4.4.11. Category 9: Persons who are an alien and are illegally or unlawfully in the United States will not be indexed by the AF because NICS submissions under this prohibition are outside the purview of the AF. **(T-0)** Follow agency specific guidance regarding referral of these matters to the appropriate civilian agency.

4.4.12. Category 10: Persons who are subject to qualifying protection/restraining order (MPOs do not qualify for this prohibition) will be indexed in accordance with [paragraph 4.4.2](#) **(T-0)**

4.4.12.1. Requests for submission to NICS under the protection order prohibition must include a signed CPO with expiration date. **(T-0)**

4.5. Disposition of Firearms Checks.

4.5.1. 18 USC § 922(d) prohibits the delivery of a weapon to a prohibited person. Delivery is defined as the physical transfer of a firearm to a person.

4.5.2. DAF-CJIC will conduct Disposition of Firearms (DOF) checks prior to returning any privately-owned weapon to the owner or designated person. **(T-1)** This applies to privately-owned weapons that are maintained in courtesy storage by the AF and weapons seized as evidence for an AFSF or AFOSI investigation, CDI or informal inquiry.

4.5.2.1. Send requests for a DOF check to daf.cjic@us.af.mil. (or call the AFOSI Watch, 571-305-8484 (DSN 240-8484), for issues requiring immediate attention) and include the following:

4.5.2.1.1. Purpose Identification Number – choose one of the following:

4.5.2.1.1.1. 22 – Disposition of Handgun.

4.5.2.1.1.2. 23 – Disposition of Long Gun.

4.5.2.1.1.3. 24 – Return of Other (frame, receiver, etc.).

4.5.2.1.2. Additional Identifying Information

4.5.2.1.2.1. Full Name (Last, First Middle).

4.5.2.1.2.2. Gender.

4.5.2.1.2.3. Date of Birth.

4.5.2.1.2.4. Race.

4.5.2.1.2.5. State of Residence.

4.5.2.1.2.6. Social Security Number.

4.5.2.1.2.7. Place of Birth.

4.5.2.2. DAF-CJIC will complete the DOF check and provide a response to the requestor within 24 hours of receiving the request. **(T-1)** When a DOF check returns a qualifying prohibition, the DAF-CJIC will notify the unit not to relinquish possession of the weapon until further direction from the DAF-CJIC. **(T-1)**

4.5.2.3. AF personnel will not release DOF check results to the prohibited person with the exception of the name and contact information of the agency that entered the prohibition. **(T-1)**

4.5.2.4. DOF checks are not authorized to be accomplished prior to the issuance of government-owned firearms.

4.6. Member Notification/Acknowledgement.

4.6.1. On behalf of the convening authority, the servicing SJA, unit commander, or law enforcement, as described in the [paragraphs 4.6.2-4.6.5](#) and [Table 4.1](#), will provide an AF Form 177, to all AF members identified as meeting NICS prohibitions qualifications (See [Section 4.3](#) for NICS prohibitions and qualifications). **(T-1)** See [Table 4.1](#) for a listing of triggering conditions and identification of the entity responsible for notifying the member of

the prohibition. (T-1) If questions arise that may not be answered in this section, consult with the servicing legal office and DAF-CJIC for further guidance.

Table 4.1. Matrix for Notification of Qualification for Prohibition of Firearms, Ammunition, and Explosives, and Service of AF Form 177.

Paragraph	Prohibitor	Timing	Notifying Authority
4.3.1	Conviction in any court of crime punishable by imprisonment for term exceeding one year	Conviction in a court-martial	SJA
4.3.1	Conviction in any court of crime punishable by imprisonment for term exceeding one year	Conviction in a civilian court	Commander or Investigating LE agency Note: If requirement is unclear, contact DAF-CJIC or servicing legal office.
4.3.2	Fugitives from justice	N/A (prohibition applies only if charges have been referred and the accused has left the state)	N/A Note: DAF-CJIC should be advised by investigating LE when charges have been referred and accused has left state.
4.3.3	Persons who are unlawful users of, or addicted to, any controlled substance	Admission as part of LE investigation	Investigating LE agency
4.3.3	Persons who are unlawful users of, or addicted to, any controlled substance	Conviction at SCM/SPCM/GCM (regardless of whether earlier notified)	SJA
4.3.3	Persons who are unlawful users of, or addicted to, any controlled substance	Completion of NJP (after servicing SJA legal review)	SJA

4.3.3	Persons who are unlawful users of, or addicted to, any controlled substance	Commander final indorsement on administrative paperwork	Commander or Investigating LE agency
4.3.3	Persons who are unlawful users of, or addicted to, any controlled substance	Administrative separation	Commander
4.3.3	Persons who are in possession of unlawful substance (as listed on Controlled Substances Act), when not otherwise justified by MRO	Admission as part of LE investigation	Investigating LE agency
4.3.3	Persons who are in possession of unlawful substance (as listed on Controlled Substances Act), when not otherwise justified by MRO	Completion of NJP (after servicing SJA legal review)	SJA
4.3.3	Persons who are in possession of unlawful substance (as listed on Controlled Substances Act), when not otherwise justified by MRO	Commander final indorsement on administrative paperwork	Commander or Investigating LE agency
4.3.3	Persons who are in possession of unlawful substance (as listed on Controlled Substances Act), when not otherwise justified by MRO	Administrative separation	Commander

4.3.3	Persons who are in possession of unlawful substance (as listed on Controlled Substances Act), when not otherwise justified by MRO	Conviction at SCM/SPCM/GCM (regardless of whether earlier notified)	SJA
4.3.4	Persons who have been adjudicated as mental defectives or who have been committed to a mental institution	If resulting from court-martial (e.g., not guilty by reason of insanity or incompetent to stand trial)	SJA
4.3.4	Persons who have been adjudicated as mental defectives or who have been committed to a mental institution	Any other condition/trigger (not court-martial related)	Commander
4.3.5	Persons who have been discharged from the United States Armed Forces under dishonorable conditions.	At conviction Note: Prohibitor is not entered until discharge is executed.	SJA
4.3.6	Persons who, having been citizens of the United States, have renounced their U.S. citizenship.	Upon receipt of such information	Commander, if applicable
4.3.7	Persons convicted in any court of a MCDV.	Upon court-martial conviction	SJA
4.3.7	Persons convicted in any court of a MCDV.	Upon notification of conviction in civilian court of MCDV	Commander
4.3.8	Persons who are under indictment or information for a crime punishable by imprisonment for a term exceeding one year.	Upon referral of charges	SJA

4.3.8	Persons who are under indictment or information for a crime punishable by imprisonment for a term exceeding one year.	Upon notification of indictment in civil court	Investigating LE agency (or CC if AF LE does not open an investigation)
4.3.9	Persons who are aliens and illegally in the United States.	Upon notification	Detaining LE agency
4.3.10	Persons who are subject to a qualifying protection/restraining order (MPOs do not qualify for this prohibition)	Upon notification	Commander Note: FAP will notify CCs of existence of CPOs IAW para 1.6.3.

4.6.2. Completion of the AF Form 177. The notifying entity will direct the prohibited member to place his or her initials next to the identified prohibited category/categories and sign the form in acknowledgement of this notification. **(T-1)** There may be more than one applicable category; all applicable categories require notification and placement of initials. Notifications will occur within 24 hours of identification of the prohibition, unless otherwise noted in this manual. **(T-1)**

4.6.3. Notification by the SJA. Where the SJA is required to notify the member that he or she has been identified as meeting a NICS prohibitor (see [Table 4.1](#) and Section 4.3 of this manual), the legal office will provide a copy of the completed AF Form 177 to DAF-CJIC within 24 hours of completion via email: daf.cjic@us.af.mil. **(T-1)** The SJA will also provide a digital copy to the member's commander, investigating Air Force LE (AFOSI or AFSF). The legal office will forward the original and signed AF Form 177 via mail to DAF-CJIC, where it will be maintained. **(T-1)**

4.6.4. Notification by the Investigating Agency. Where the investigating agency (e.g., AFOSI or SFS) is required to notify the member that he or she has been identified as meeting a NICS prohibitor (see [Table 4.1](#) and Section 4.3 of this manual), the investigating agency (e.g., AFOSI or SFS) will complete the AF Form 177. **(T-1)** In cases where the prohibition becomes clear during a subject interview (e.g., the member admits to unlawful use of a substance as defined by the Controlled Substances Act), this notification will occur upon completion of the subject interview. **(T-1)** The investigating agency will retain a copy of the form in the investigative case file. The investigating agency will, within 24 hours of completion, provide a digital copy to the member's commander, servicing legal office, and DAF-CJIC (daf.cjic@us.af.mil). **(T-1)** The servicing legal office will provide a copy to the member's defense counsel, if applicable. **(T-1)** The investigating agency will forward the original and signed AF Form 177 via mail to DAF-CJIC, where it will be maintained. **(T-1)**

4.6.5. Notification by the Commander. The member's unit commander is required to notify the member that he or she has been identified as meeting a NICS prohibitor (see **Table 4.1** and Section 4.3 of this manual). **(T-1)** The commander will provide a copy of the completed AF Form 177 to DAF-CJIC within 24 hours of completion via email: daf.cjic@us.af.mil. **(T-1)** The commander will also provide a digital copy to the servicing legal office, and investigating Air Force LE (AFOSI or AFSF). **(T-1)** The servicing legal office will provide a copy to the member's defense counsel, if applicable. **(T-1)** The commander will forward the original and signed AF Form 177 via mail to DAF-CJIC, where it will be maintained. **(T-1)**

4.6.6. Declination of the Member to Initial or Sign. If the member refuses to initial and/or sign the form, the commander will annotate the refusal to sign and provide a copy to the member. **(T-1)** Refusal to sign does not affect the prohibition on the member.

4.6.7. Forwarding the Original AF Form 177. **(T-1)** All original AF Forms 177 will be mailed to DAF-CJIC at: **HQ AFOSI/XIC, 27130 Telegraph Rd, Russell Knox Building, Quantico, VA 22134.**

4.7. Expungements and NICS. For expungements pertaining to AF records within NICS, see **Chapter 9** of this manual.

Chapter 5

DOD COMBINED DNA INDEX SYSTEM (CODIS)

5.1. Collection of DNA. The collection of an individual's DNA sample is authorized by and conducted pursuant to Title 10 United States Code, Section 1565, *DNA identification information: collection from certain offenders*; Title 34 United States Code, section 40702 (formerly 42 U.S.C. § 14135) et seq., *Collection and use of DNA identification information from certain Federal offenders*; and Title 28 Code of Federal Regulations, Part 28.12 (28 CFR § 28.12), *Collection of DNA Samples*, for offenses that constitute a felony under the USC and offenses for which a sentence of confinement for more than one year may be imposed under the UCMJ.

5.2. DNA Samples. AFOSI and AFSF will collect DNA samples from suspects in accordance with DoDI 5505.14, normally at the same time as fingerprints, following a probable cause determination. **(T-0)** Upon coordination with servicing SJA, as documented on the AF Form 178, submit the DNA sample to USACIL according to DoDI 5505.14 and maintain the AF Form 178 in the investigative case file. **(T-1)**

5.2.1. Collect DNA samples using the CODIS DNA collection kit. **(T-0)** Provide the subject of investigation with the Privacy Act Statement and notice of the general rights for requesting expungement at the time sample is collected. **(T-0)**

5.2.1.1. The collected DNA sample is not evidence and is not perishable. Once the sample is collected it does not need to be refrigerated, but should be safeguarded in accordance with agency procedures to prevent loss, tampering, damage, or contamination.

5.2.1.2. Mail the collected DNA sample to USACIL within three duty days (unless required to be held until preferral of charges), using the pre-printed mailer provided in the CODIS kit. **(T-0)**

5.2.1.3. AFOSI and AFSF will document the CODIS kit number and date mailed to USACIL in the investigative case file. **(T-1)**

5.2.2. Only civilian AFOSI agents will collect DNA samples from civilians they arrest, consistent with the arrest authority granted under 10 USC § 9377, when it is determined there is probable cause to believe the civilian has committed a qualifying federal offense as defined by Title 42 USC § 14135 a(d). **(T-0)** AFSF members and military AFOSI agents do not have statutory authority to collect DNA samples from civilians for offenses against the United States.

5.2.3. AFOSI and AFSF will document in the investigative case file those instances where any subject's/offender's DNA sample was not collected due to transfer of investigation to another law enforcement organization. **(T-1)** Case file documentation must include the date of coordination, the law enforcement organization and name(s) of the law enforcement officer(s) taking responsibility for the subject/offender for further investigation. **(T-1)**

5.2.4. DNA samples will not be collected from juveniles, as defined in [paragraph 2.1.5.1](#), for CODIS indexing purposes. **(T-0)**

5.2.5. AF commanders will coordinate with their base law enforcement to collect DNA samples when a commander conducts or directs a CDI or informal inquiry, for offenses qualifying for DNA collection in accordance with DoDI 5505.14, and after coordination with the servicing legal office. **(T-0)** DNA submission will occur after charges have been preferred. **(T-0)**

5.3. Pretrial Confinement. AFOSI and AFSF agents will collect DNA samples from members ordered into pretrial confinement if a 72-hour commander's memorandum RCM 305(h)(2)(C)) has approved continued pretrial confinement (whether or not charges have been preferred). **(T-0)** The SJA must immediately notify commanders about their responsibility to coordinate with the confinement officer for the collection and submission of a DNA sample. **(T-1)**

5.3.1. If a military member is confined in an off-base facility, the AFSF Confinement NCO is responsible to ensure DNA samples are collected and submitted. **(T-1)**

5.3.2. The collected DNA sample will be mailed by the next business day. **(T-1)**

5.3.3. The confinement NCO will document the CODIS kit number and date submitted in the confinement record. **(T-1)**

5.4. Conviction. For offenses in which an accused is convicted at a General or Special Court-Martial and the RRoT, CMO, Statement of Trial Results, or Entry of Judgment indicates "DNA Processing Required", JA will promptly notify the investigating agency, via distribution of the aforementioned post-sentencing documents and any required indorsements, to ensure DNA collection and submission is accomplished. **(T-1)**

5.5. Expungements and CODIS. For expungements pertaining to AF Records within CODIS, refer to **Chapter 9** of this manual and DODI 5505.14.

Chapter 6

DEFENSE CENTRAL INDEX OF INVESTIGATIONS (DCII)

6.1. DoDI 5505.07, *Titling and Indexing Subjects of Criminal Investigations in the Department of Defense* . DoDI 5505.07 mandates AFOSI and AFSF submit names and identifying information for subjects/offenders and victims of criminal investigation into the DCII database. **(T-0)** Submissions are based on a credible information standard. All criminal investigative files will be maintained in accordance with DoDI 5400.11 and Office of Management and Budget Memorandum (OMB M) 17-12, *Preparing for and Responding to a Breach of Personally Identifiable Information*. **(T-0)**

6.2. Titling and indexing into DCII. Titling and indexing will be done as soon as the investigation determines that credible information exists that the subject/offender committed the criminal offense. **(T-0)** The acts of titling and indexing are administrative procedures and do not convey a degree of guilt or innocence. **(T-0)**

6.2.1. Individuals are listed as subject/victim of a criminal investigation in DCII to ensure the information can be retrieved for law enforcement and/or security clearance purposes.

6.2.2. Once the subject of a criminal investigation is indexed, the name shall remain in DCII, even if the subject/offender is found not guilty of the offense under investigation, with the following exceptions: **(T-0)**

6.2.2.1. Mistaken identity; e.g., the wrong person's name was placed in the report of investigation as a subject or entered into the DCII. **(T-0)**

6.2.2.2. Error made at the time of titling and indexing; no credible information indicating the subject/offender committed a crime. **(T-0)**

6.2.3. If the subject's/offender's identifying information requires expungement or correction, see **Chapter 9** of this manual.

6.3. Retention of Information. Information will be maintained in DCII per the owning agency's records retention schedule. Once the record meets the retention deadline and is destroyed, the investigating agency will remove the entry from DCII. **(T-0)**

6.4. Classified Investigations. For classified investigations, a classification and operational security (OPSEC) review must be conducted and documented in the case file prior to indexing in DCII. **(T-0)** DoDI 5240.08, *Counterintelligence (CI) Security Classification Guide*, states that the association of a subject's name with CI criminal offenses are classified, until the subject is made aware of the existence of the investigation (typically occurs at arrest, apprehension, or subject interview). However, OPSEC concerns may preclude the entering of this information into unclassified systems due to potential threats to national security if the existence of a CI investigations is revealed.

6.4.1. Upon completion of the CI investigation, when all OPSEC and potential threats to national security no longer exist, the subject's/offender's information will be submitted for inclusion in DCII. **(T-0)**

6.5. Expungements and DCII. For expungements pertaining to AF Records within DCII refer to **Chapter 9** of this manual.

Chapter 7

DOD LAW ENFORCEMENT DEFENSE DATA EXCHANGE (D-DEX)

7.1. DoDI 5525.16, *Law Enforcement Defense Data Exchange* . DoDI 5525.16 mandates the participation of all DoD law enforcement organizations in D-DEX, which is managed by the Naval Criminal Investigative Service (NCIS). D-DEX is used to share criminal justice information between DoD and civilian criminal justice agencies and with DoD non-criminal justice agencies whose missions include responsibilities for DoD insider threats, foreign terrorist threats, and anti-terrorism and force protection.

7.1.1. AF law enforcement organizations will provide means for their case management systems to upload unclassified case information to D-DEX upon case closure. **(T-0)** Submissions will comply with DoDI 5525.16 and the *Memorandum of Understanding Between the Law Enforcement Agencies of the DoD Regarding an Information Sharing Initiative*, located at <https://www.le-ddex.us/ddex/gateway/> **(T-0)**

7.1.2. The memorandum is an enduring document between D-DEX and the DoD participants, which outlines implementation of DoDI 5525.16. Should a signatory to the original memorandum change, the D-DEX program manager can provide a supplemental page, on which to document the new signatory.

Chapter 8

DEFENSE INCIDENT-BASED REPORTING SYSTEM (DIBRS)

8.1. Defense Incident-Based Reporting based upon DoDM 7730.47-M-V1 and V2 . DoDM 7730.47-M-V1 directs the submission of criminal incident data to the FBI's National Incident-Based Reporting System (NIBRS) by DMDC. DMDC maintains DIBRS and provides DoD with DIBRS data on criminal statistics on a yearly basis.

8.2. DIBRS reporting. DIBRS reporting is triggered when an AF law enforcement organization responds to a credible report of a criminal incident. Criminal incident records will be collected, prepared, stored, and submitted to DMDC. **(T-0)**

8.3. Civilian Notification of Military Member Arrest. When civilian police agencies notify AF law enforcement of a military member's arrest, AFOSI, AFSF, or SJA will accomplish DIBRS reporting as required. **(T-0)** Civilian police agencies will typically complete NIBRS reporting, but not DIBRS.

8.3.1. A DIBRS reportable incident is finalized upon receipt of disposition.

8.3.2. AFOSI and AFSF will submit required data to DMDC no later than 15 duty days after the end of the month. **(T-1)**

8.4. Segments to submit records. AFOSI and AFSF are responsible for submitting records pertaining to the following segments: **(T-1)**

8.4.1. Administration

8.4.2. Offense

8.4.3. Property

8.4.4. Victim

8.4.5. Offender/Arrestee/Subject

8.4.6. Corrections (AFSF Only)

8.5. The SJA will: submit records pertaining to command action, results of trial and administration. **(T-1)**

8.6. Errors in DIBRS Reporting. In the event of notification of errors in data submission, AFOSI, AFSF or the SJA will correct the errors and resubmit data within 30 calendar days. **(T-1)**

Chapter 9

EXPUNGEMENTS

9.1. Overview. Individuals whose information is entered into DCII, III, NCIC, CODIS, and NICS, may request expungement or correction of the information entered by the AF.

9.2. Expungement Requests. Individuals requesting expungement will complete and submit the expungement request template (**attachments 2 and 3**) to the DAF-CJIC at **HQ AFOSI/XIC, 27130 Telegraph Rd, RKB, Quantico, VA 22134, or by email to daf.cjic@us.af.mil.** (T-1)

9.2.1. Current service members requesting expungement or modification of their records must route requests through the SJA and the first commanding officer in the grade of major or higher in the requestor's chain of command. (T-1) The requestor will then submit completed expungement request templates in accordance with **para. 9.2**

9.2.1.1. Requests must include the following:

9.2.1.1.1. A written request for expungement/correction. (T-1)

9.2.1.1.2. Supporting documents (e.g., proof that charges were dismissed, proof that the allegation was later found to have been based on a falsified report; or proof of mistaken identity or a statement explaining that there was no probable cause to believe the individual committed the offense reported). (T-1)

9.2.1.1.3. Verification of identity. (T-1)

9.2.1.2. To avoid delays in processing, requests should include the following:

9.2.1.2.1. AFOSI or Security Forces case number.

9.2.1.2.2. Former name and date of name change (if applicable).

9.2.1.2.3. Date of alleged offense.

9.2.1.2.4. Name and location of unit to which the requester was assigned during the investigation.

9.2.2. Former service members, in accordance with DoDI 5505.14, must send requests for expungement directly to the service's Court of Appeals. (T-0) The AF Court of Appeals' contact information is: **Clerk of the Court, U.S. Air Force Court of Criminal Appeals, 1500 West Perimeter Road, Suite 1900, Joint Base Andrews, MD 20762-6604 usaf.pentagon.af-ja.mbx.af-jah-filing-workflow@mail.mil.** (NOTE: this applies for former service members and CODIS, while all other systems requests will still be sent to DAF-CJIC. DAF-CJIC will not be responsible for handling any AF Court of Appeals actions. Reference **Attachment 3** for additional instructions.)

9.3. DAF-CJIC review. The DAF-CJIC will review expungement requests and consult with the DAF-CJIC legal advisor on required action. (T-1) If any changes are required, DAF-CJIC will execute corrective actions. (T-0) DAF-CJIC will notify the requestor of the outcome of the review in writing. (T-1)

9.4. Appeals. Requestors may appeal the DAF-CJIC decision in writing to **HQ AFOSI/XIC, 27130 Telegraph Rd, RKB, Quantico, VA 22134, or by email** to daf.cjic@us.af.mil. (T-1) DAF-CJIC will notify the requestor of the outcome of the appeal in writing. (T-1)

9.5. Documentation. All documents and responses associated with a request will be added to the investigative case file and maintained in accordance with the respective agency retention schedules. (T-1).

SAMI D. SAID,
Lieutenant General, USAF
The Inspector General

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

5USC § 552a, *Records Maintained on Individuals*

10USC § 850(a), Art 50a, *Defense of lack of mental responsibility*

10USC § 876(b), Art 76b, *Lack of mental capacity or mental responsibility: commitment of accused for examination and treatment*

10USC § 1565, *DNA identification information: collection from certain offenders; use*

10USC § 9013, *Secretary of the Air Force*

10USC § 9027, *Civilian special agents of the Office of Special Investigations: authority to execute warrants and make arrests*

10USC § 9377, *Civilian Special Agents of the Office of Special Investigations: authority to execute warrants and make arrests* (renumbered from the above 9027 per 2018-Pub. L. 115-232, which is referenced in July 2019 AFPD 71-1.

18USC § 16, *Conservation*

18USC § 921, *Definitions*

18USC § 922, *Unlawful acts*

18USC § 925, *Exceptions: Relief from disabilities*

18USC § 1001, *Statements or entries generally*

18USC § 3261 et seq., *Criminal offenses committed by certain members of the Armed forces and by persons employed by or accompanying the Armed Forces outside the United States.*

21USC § 802, *Definitions, Food and Drugs; Drug Abuse Prevention and Control*

27CFR § 478.11, *Meaning of terms, Commerce in Firearms and Ammunition*

28CFR § 28.12, *Collection of DNA samples*

28CFR § 20.32, *Includable Offenses*, 1 July 2018

34USC § 40702 (formerly 42 USC § 14135), *Collection and use of DNA Identification*

45CFR § 164.512, *Uses and disclosures for which an authorization or opportunity to agree or object is not required*

Public Law 103-159, 107 Stat. 1356; *Brady Handgun violence Prevention Act*, 30 November 1993

DoDI 5400.11, *DoD Privacy and Civil Liberties Programs*, 29 January 2019

DoDI 5505.07, *Titling and Indexing in Criminal Investigations*, 28 Feb 2018

DoDI 5505.11, *Fingerprint Reporting Requirements*, 31 October 2019

DoDI 5505.14, *Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations, Law Enforcement, Corrections, and Commanders*, 22 December 2015

DoDI 5505.16, *Investigation by DoD Component*, 23 June 2017

DoDI C-5240.08, *Counterintelligence (CI) Security Classification Guide*, 28 November 2011

DoDI 5525.16, *Law Enforcement Defense Data Exchange (D-DEx)*, 29 August 2013, which includes *Memorandum of Understanding between the Law Enforcement Agencies of the DoD Regarding an Information Sharing Initiative*, 31 December 2018

DoDI 5525.20, *Registered Sex Offender (RSO) Management in DoD*, 29 June 2018

DoDI 6400.06, *Domestic Abuse Involving DoD Military and Certain Affiliated Personnel*, 21 August 2007

DoDI 6490.08, *Command Notification Requirements to Dispel Stigma in Providing Mental Health Care to Service Members*, 17 August 2011

DoDM 6025.18, *Implementation of the Health Insurance Portability and Accountability Act (HIPA) Privacy Rule Compliance in DoD Health Care Programs*, 13 March 2019 (DoDI of the same number discusses compliance of this DoDM)

DoDM 7730.47 Volume 1, *Defense Incident-Based Reporting System (DIBRS): Data Segments and Elements*, 7 December 2010

DoDM 7730.47 Volume 2, *Defense Incident-Based Reporting System (DIBRS): Supporting Codes*, 7 December 2010

OMB M-17-12, *Preparing for and Responding to a Breach of Personally Identifiable Information (PII)*, 3 January 2017

Uniform Code of Military Justice (UCMJ), 5 May 1950 (per 10 USC, Chapter 47)

AFMAN 31-115 Volume 1, *Air Force Corrections System*, 28 August 2019

AFMAN 33-322, *Records Management and Information Governance Program*, 23 March 2020

AFI 33-324, *The Air Force Information Collections and Reports Management Program*, 22 July 2019

AFI 33-332, *Air Force Privacy and Civil Liberties Program*, 12 January 2015

AFI 36-3203, *Service Retirements*, 18 September 2015

AFI 36-3207, *Separating Commissioned Officers*, 9 July 2004

AFI 36-3208, *Administrative Separation of Airmen*, 9 July 2004

AFI 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*, 14 April 2005

AFI 44-172, *Mental Health*, 13 November 2015

AFI 51-201, *Administration of Military Justice*, 18 January 2019

Air Force Policy Directive 71-1 *Criminal Investigations and Counterintelligence*, 1 July 2019

Prescribed Forms

AF Form 178, *Affidavit for Arrest/Probable Cause Determination*

AF Form 179, *Apprehension/Arrest Notification Form*

AF Form 177, *Notice of Qualification for Prohibitions of Firearms, Ammunition, and Explosives*

AF Form 847, *Recommendation For Change Of Publication*, 22 September 2009

Adopted Forms

AF Form 100, *Request and Authorization for Separation*

AF Form 1359, *Report of Result of Trial*

AF Form 3070, *Record of Nonjudicial Punishment Proceedings*

AF Form 3212, *Record of Supplementary Action Under Article 15, UCMJ*

AF Form 366, *Record of Proceedings of Vacation of Suspended Nonjudicial Punishment*

DD Form 214, *Certificate of Release or Discharge from Active Duty*

DD Form 2329, *Record of trial by Summary Court Martial*

DD Form 2791, *Notice of Release/Acknowledgement of Convicted Sex Offender Registration Requirements*

DD Form 2873, *Military Protective Order*

DD Form 458, *Charge Sheet*

DD Form 553, *Deserter/Absentee Wanted by the Armed Forces*

DD Form 616, *Report of Return of Absentee*

FD-249, *Arrest and Institution Fingerprint Card*

R-84 Form, *Disposition Report*

Abbreviations and Acronyms

AF—Air Force

DAF-CJIC—Department of the Air Force Criminal Justice Information Cell

AFCS—Air Force Corrections System

AFI—Air Force Instruction

AFJAGC—Air Force Judge Advocate General Corps

AFMAN—Air Force Manual

AFMRA—Air Force Medical Readiness Agency (effective 1 Jul 19, formerly AF Medical Operations Agency)

AFOSI—Air Force Office of Special Investigations

AFPC—Air Force Personnel Center

AFSF—Air Force Security Forces
AFSFC—Air Force Security Forces Center
AMJAMS—Automated Military Justice Analysis and Management System
ATF—Bureau of Alcohol, Tobacco, Firearms and Explosives
BCD—Bad Conduct Discharge
BDOC—Base Defense Operations Center
CDI—Commander Directed Investigation
CFR—Code of Federal Regulations
CHRI—Criminal History Record Information
CI—Counterintelligence
CJA—Criminal Justice Agencies
CJIS—Criminal Justice Information Services
CMO—Courts-Martial Order
CODIS—Combined Deoxyribonucleic Acid Index System
CPO—Civilian Protection Order
DCII—Defense Central Index of Investigations
DD—Department of Defense (when used as a form designator)
D-DEx—Defense Data Exchange
DDR—Drug Demand Reduction
DIBRS—Defense Incident-Based Reporting System
DMDC—Defense Manpower Data Center
DNA—Deoxyribonucleic Acid
DoD—Department of Defense
DoDI—Department of Defense Instruction
DoDM—Department of Defense Manual
DOF—Disposition of Firearms
EOJ—Entries of Judgement
FAP—Family Advocacy Program
FBI—Federal Bureau of Investigation
FD—Federal Document
GCM—General Courts-Martial
GCMCA—General Courts-Martial Convening Authority

HIPAA—Health Insurance Portability and Accountability Act

HQ—Headquarters

IAW—IAW

IG—Inspector General

III—Interstate Identification Index

JAJM—Military Justice Division (Formerly known as AF Legal Operations Agency)

LEEP—Law Enforcement Enterprise Portal

LSMS—Live Scan Management System

MCDV—Misdemeanor Crime of Domestic Violence

MCIO—Military Criminal Investigative Organization

MCM—Manual for Courts-Martial

MEJA—Military Extraterritorial Jurisdiction Act

MPO—Military Protection Order

MRO—Medical Review Officer

MTF—Medical Treatment Facilities

NCIC—National Crime Information Center

NCIS—Naval Criminal Investigative Service

NCO—Non-Commissioned Officer

NIBRS—National Incident-Based Reporting System

NICS—National Instant Criminal Background Check System

NJP—Nonjudicial Punishment

NSOPW—National Sex Offender Public Website

NSOR—National Sex Offender Registry

NSOTC—National Sex Offender Targeting Center

OMB M—Office of Management and Budget Memorandum

OPSEC—Operational Security

RRoT—Report of Results of Trial

RSO—Registered Sex Offender

SCM—Summary Courts-Martial

SJA—Staff Judge Advocate

SO—Sex Offender

SOR—Sex Offender Registration

SORNA—Sex Offender Registration and Notification Act

SPCM—Special Courts-Martial

STR—Statement of Trial Result

TCN—Transaction Control Number

UCMJ—Uniform Code of Military Justice

UCN—Universal Control Number

USACIL—United States Army Criminal Investigation Laboratory

USC—United States Code

USMS—United States Marshals Service

VWAP—Victim Witness Assistance Program

Terms

Active Duty—Full-time duty in the active military service of the United States. This includes members of the Reserve Components serving on active duty or full-time training duty, but does not include full-time National Guard who are not in Title 10 status.

Allegation—An assertion that must be proved or supported with evidence.

Apprehension—§ 807. Art. 7 (a) Apprehension is the taking of a person into custody (MCM 2019).

Arrest—§ 809. Art. 9. Imposition of restraint; (a) Arrest is the restraint of a person by an order, not imposed as a punishment for an offense, directing him to remain within certain specified limits. (MCM 2019)

Attempts—An attempt to commit an offense is defined as an act or acts done with specific intent to commit the particular offense, except for the interference of some cause preventing the carrying out of the intent, apparently would have resulted in the actual commission of the offense. An attempt is an offense that may be charged provided there is the required specific intent.

Charge—The article of the code, law of war, or local penal law of an occupied territory that the accused is alleged to have violated.

Civilian—For purposes of this instruction, civilians are defined as individuals not in Title 10 Federal Active Duty status. This includes those with no military affiliation, AFR and ANG personnel not in federal active duty status pursuant to Title 10, and individuals in other forms of state active or inactive duty status. Civilians are indexed in accordance with this instruction, DoD policy, and federal law.

Committed to a mental institution—A formal commitment of a person to a mental institution by a court, board, commission, or other lawful authority. The term includes a commitment to a mental institution involuntarily. The term includes commitment for mental defectiveness or mental illness. The term does not include a person in a mental institution for observation or a voluntary admission to a mental institution.

Commander—A commissioned or warrant officer who, by virtue of rank and assignment, exercises primary command authority over a DoD organization.

Counterintelligence—Information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage, or assassinations conducted by or on behalf of foreign governments or elements thereof, foreign organizations or foreign persons, or international terrorist activities.

Credible information—Information disclosed to or obtained by an investigator that, considering the source and nature of the information and the surrounding circumstances, reasonably warrants further investigation to determine whether a criminal act did or may have occurred and is sufficiently believable to indicate criminal activity has occurred.

Criminal history record information—The information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests; detentions; indictments; information or other formal criminal charges; and any disposition arising therefrom, including acquittal, sentencing, correctional supervision.

Criminal investigation—An investigation of possible criminal violations of the United States Code, the Uniform Code of Military Justice, or, when appropriate, state or local statutes or ordinances or foreign law.

Defense Central Index of Investigations (DCII)—A centralized database organized in a searchable format of selected unique identifying information and investigations 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.

DoD law enforcement organization—An agency or activity, or any subdivision thereof, chartered and empowered to enforce the criminal laws of the United States on DoD property or during DoD functions anywhere in the world. A traditional DoD law enforcement organization that employs recognized law enforcement officers are those organizations designated for the security or protection of DoD property, personnel, or places that are subject to the jurisdiction or administration, or are in the custody of, the DoD.

Extract—A verbatim portion or combination of portions of a report of investigation selected for use in a judicial or administrative proceeding.

Expungement—Deletion of an indexed entry.

Final disposition of a military judicial proceeding—For the purpose of submitting a subject's fingerprints or R-84 to the FBI, this term means: Action by the trial counsel to report the results of the findings and sentence under the MCM, Rules for Court-Martial 1101(a), or final approval of a resignation, retirement, or discharge in lieu of court-martial for a summary, special, or general court-martial under the UCMJ. This information will be documented on the Statement of Trial Results (or Report of Result of Trial prior to 1 Jan 19).

Final disposition of a military NJP proceeding—For the purpose of sending a subject's fingerprints or R-84 to the FBI, this term means: Action taken on an appeal by the next superior authority or expiration of the time limit to file an appeal or the date the service member indicates that an appeal shall not be submitted, as specified in paragraph 7, Part V, MCM, for proceedings under UCMJ Article 15, Commanding Officer's nonjudicial punishment. This information will be documented on the AF Form 3070A-E.

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 database of record.

Indexing—The recording of information so that an orderly retrieval process can identify and access a particular file or investigation.

Juvenile—A person who has not attained his or her eighteenth birthday unless the individual is a Service member on active duty.

Mental defective—A determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence or a mental illness, incompetency, condition, or disease, (1) is a danger to himself or others, or (2) lacks the mental capacity to manage his own affairs. The term also includes (1) a finding of insanity by a court in a criminal case and (2) those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility pursuant to articles 50a and 72b of the Uniform Code of Military Justice, 10 USC Sections 850a, 876(b).

Probable cause—Determination that there are reasonable grounds to believe that an offense has been committed and that the person to be identified as the offender committed it.

Prohibited person—Person prohibited from purchasing, possessing, receiving, and/or owning a firearm, ammunition, and/or explosives in accordance with 18 USC § 922.

Subject—A person, corporation, legal entity, or organization about which credible information exists which would cause a reasonable person to suspect that party had committed a criminal offense, or would make the party the object of a criminal investigation.

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.

Titling—Placing the name of a person, corporation, legal entity, organization, or occurrence in the subject block of an investigative report. Titling is an operational, rather than a legal decision. Final responsibility for the decision to title an individual or entity rests with AFOSI. Titling and indexing do not, in and of themselves, imply any degree of guilt or innocence.

United States—For this manual, the 50 states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

Attachment 2

EXPUNGEMENT TEMPLATE - CURRENT MEMBERS

Figure A2.1. Expungement Template - Current Members.

MEMORANDUM FOR <<Staff Judge Advocate>>	<<date>>
<<Insert O-4 or higher commander here>>	
FROM: <<member name>>	
SUBJECT: Request for Expungement of Records for Current Service Member	
<p>I request the Air Force review information it has submitted into criminal indexing systems on me. The AFOSI Investigation number was _____ [or] The Security Forces Investigation Number was _____.</p> <p>Specifically regarding my Interstate Identification Index (III) record, I request [initial as appropriate]:</p> <p style="padding-left: 40px;">_____<i>Expungement of III criminal history data and fingerprints, in accordance with DoDI 5505.11, Fingerprint Reporting Requirements, because:</i></p> <p style="padding-left: 80px;">_____ the offense for which I was indexed is not a qualifying offense in accordance with the version of DoDI 5505.11 that was current at the time I was indexed; or</p> <p style="padding-left: 80px;">_____ there was no probable cause that I committed the offense(s) for which I was indexed at the time I was indexed.</p> <p>Note: Probable cause is defined as a determination that there are reasonable grounds to believe that an offense has been committed and that the person identified as the offender committed it. Probable cause is not based upon conviction at trial.</p> <p>_____<i>Amendment of III criminal history data, in accordance with DoDI 5505.11, because:</i></p> <p style="padding-left: 80px;">_____ the disposition is incorrect; or</p> <p>Note: Dispositions include conviction, nonjudicial punishment, administrative discharge, administrative action, acquittal, and no action.</p> <p style="padding-left: 80px;">_____ the charges listed are incorrect.</p>	

____ I am requesting expungement of my Combined DNA System (CODIS) record, in accordance with the current version of DoDI 5505.14, *Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations, Law Enforcement, Corrections, and Commanders*, because:

____ I was convicted at a general or special court-martial of an offense that is not subject to indexing; or

____ I was not convicted at a general or special court-martial of any offense.

I understand as a result of this request, the Air Force may review all Air Force criminal indexing records associated to me. This review may result in the creation or deletion of a record and/or addition, adjustment, or deletion of charges and dispositions for those records.

Please contact me at <<phone>> or <<email>> if you require additional information.

[sign here]

<<Member name>>

<<Member home address or post office box>>

1st Indorsement, <<Staff Judge Advocate>>

<<date>>

MEMORANDUM FOR <<commander>>

1. I have reviewed this request and make the following recommendations regarding expungement of DNA from CODIS, as indicated by my initials:

____ The member's request for expungement of his/her DNA from CODIS should be forwarded to USACIL for processing because he/she was not convicted of a qualifying offense under DoDI 5505.14 at a general or special court-martial.

____ The member's request for expungement of his/her DNA from CODIS should NOT be forwarded to USACIL for processing because he/she was convicted of a qualifying offense under DoDI 5505.14 at a general or special court-martial.

____ The member is no longer a current service member. I have informed the individual that a request by a former member for expungement of DNA from CODIS expungement must be sent to the service's Court of Appeals in accordance with DoDI 5505.14. The Air Force Court of Appeals' contact information is: Clerk of the Court, U.S. Air Force Court of Criminal Appeals, 1500 West Perimeter Road, Suite 1900, Joint Base Andrews, MD 20762-6604, Usaf.pentagon.af-ja.mbx.af-jah-filing-workflow@mail.mil.

2. Please contact me at <<phone>> or <<email>> if you require additional information.

[sign here]
 <<Staff Judge Advocate Name>>
 Staff Judge Advocate

2d Indorsement, <<requester's commander in rank of O-4 or higher>> <<date>>

MEMORANDUM FOR <<requester>>
 <<AFOSI/XIC>>
 IN TURN

1. I have reviewed this request and make the following findings regarding expungement of DNA from CODIS, as indicated by my initials:

____ Your request for expungement of your DNA from CODIS should be forwarded to USACIL for processing because you were not convicted of a qualifying offense under DoDI 5505.14 at a general or special court-martial.

____ Your request for expungement of your DNA from CODIS should NOT be forwarded to USACIL for processing because you were convicted of a qualifying offense under DoDI 5505.14 at a general or special court-martial.

____ You are no longer a current service member. I have informed you that a request by a former member for expungement of DNA from CODIS expungement must be sent to the service's Court of Appeals in accordance with DoDI 5505.14. The Air Force Court of Appeals' contact information is: Clerk of the Court, U.S. Air Force Court of Criminal Appeals, 1500 West Perimeter Road, Suite 1900, Joint Base Andrews, MD 20762-6604, Usaf.pentagon.af-ja.mbx.af-jah-filing-workflow@mail.mil.

2. I have consulted with my Staff Judge Advocate in making these findings.

3. Please contact me at <<phone>> or <<email>> if you require additional information.

[sign here]
 <<Commander's Name>>
 Commander

Attachment 3

EXPUNGEMENT TEMPLATE (FORMER SERVICE MEMBERS)

Figure A3.1. Expungement Template -Former Service Members.

MEMORANDUM FOR HQ AFOSI/XIC	<<date>>
FROM: <<member name>>	
SUBJECT: Request for Expungement of Records for Former Service Member	
I request the Air Force review information it has submitted into criminal indexing systems on me. In support of this request, I am providing:	
<ol style="list-style-type: none"> 1. Verification of Identity for Expungement Request 2. My name when in the military was _____ 3. My AFOSI Investigation number was _____ 4. My Security Forces Investigation number was _____ 5. [List other documents such as court-martial findings offered in support of your request] 	
Specifically regarding my Interstate Identification Index (III) record, I request [initial as appropriate]:	
<p>_____ <i>Expungement</i> of III criminal history data and fingerprints, in accordance with DoDI 5505.11, <i>Fingerprint Reporting Requirements</i>, because:</p> <p>_____ the offense for which I was indexed is not a qualifying offense in accordance with the version of DoDI 5505.11 that was current at the time I was indexed; or</p> <p>_____ there was no probable cause that I committed the offense(s) for which I was indexed at the time I was indexed.</p> <p>Note: Probable cause is defined as a determination that there are reasonable grounds to believe that an offense has been committed and that the person identified as the offender committed it. Probable cause is not based upon conviction.</p>	
<p>_____ <i>Amendment</i> of III criminal history data, in accordance with DoDI 5505.11, because:</p> <p>_____ the disposition is incorrect; or</p> <p>Note: Dispositions include conviction, nonjudicial punishment, administrative discharge, administrative action, acquittal, and no action.</p>	

_____the charges listed are incorrect.

I am aware that as a former service member, I cannot submit a request to the Department of the Air Force (DAF) for expungement of my Combined DNA Indexing System (CODIS) record related to the aforementioned investigation, in accordance with the current version of DoDI 5505.14, *Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations, Law Enforcement, Corrections, and Commanders*. I will submit any request directly to the service's Court of Appeals. The Air Force Court of Appeals' contact information is: Clerk of the Court, U.S. Air Force Court of Criminal Appeals, 1500 West Perimeter Road, Suite 1900, Joint Base Andrews, MD 20762-6604, Usaf.pentagon.af-ja.mbx.af-jah-filing-workflow@mail.mil.

I understand as a result of this request, the Air Force may review all Air Force criminal indexing records associated to me. This review may result in the creation or deletion of a record and/or addition, adjustment, or deletion of charges and dispositions for those records.

Please contact me at <<phone>> or <<email>> if you require additional information.

[sign here]

<<Member name>>

<<Member home address or post office box>>

Attachment 4**VERIFICATION OF IDENTITY FOR EXPUNGEMENT TEMPLATE****Figure A4.1. Verification of Identity for Expungement Template.**

<u>Verification of Identity</u>
<p>To aid processing of my expungement request, below is my identify verification data:</p> <ol style="list-style-type: none">1. Name:2. Current Mailing Address:3. DoD ID Number or SSN if no DoD ID number is available: <p>I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above (requester) and I understand that any falsification of this statement is punishable under the provisions of 18 USC Section 1001 by a fine of not more than \$10,000.00 or by imprisonment of not more than five years, or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 USC. 552a(i)(3) by a fine of not more than \$5,000.00.</p> <p>Signature and Date:</p>

Attachment 5

EXCLUDED OFFENSES FROM FINGERPRINTING REQUIREMENTS

Figure A5.1. Excluded Offenses from Fingerprinting Requirements.

UCMJ Article	Offense	Maximum Confinement
84	Breach of Medical Quarantine - All Other Cases	6 months
86	Failing to Go, Going from Appointed Place of Duty	1 month
86	Absence from Unit, Organization, etc.: Not More than 3 Days	1 month
86	Absence from Unit, Organization, etc.: More than 3, Not More than 30 Days	6 months
86	Absence from Guard or Watch	3 months
86	Absence from Guard or Watch with Intent to Abandon	6 months
86	Absence with Intent to Avoid Maneuvers or Field Exercises	6 months
87	Jumping from Vessel into the Water	6 months
87b	Breach of Restriction	1 month
91	Contempt or Disrespect: Warrant Officer	9 months
91	Contempt or Disrespect: Superior Noncommissioned or Petty Officer	6 months
91	Contempt or Disrespect: Other Noncommissioned or Petty Officer	3 months
92	Violation of or Failure to Obey Other Lawful Order*	6 months
92	Dereliction in Performance of Duties: Through Neglect or Culpable Inefficiency*	3 months
92	Dereliction in Performance of Duties: Willful*	6 months
95	Offenses by Sentinel or Lookout: Other Cases	6 months
95a	Disrespect Toward Sentinel or Lookout	3 months
105a	False or Unauthorized Pass Offenses: All Other Cases	6 months
106a	Wearing Unauthorized Insignia, Decoration, Badge, Ribbon, Device, or Lapel Button: All Other Cases	6 months
108	Damaging, Destroying, Losing or Suffering to be Lost, Damaged, Destroyed, Sold or Wrongfully Disposed: Through Neglect, of a Value or Damage of \$1000 or Less	6 months
108a	Captured or Abandoned Property, Failure to Secure, etc.: Of a value of \$1000 or Less	6 months
112	Drunk Prisoner	3 months
121	Wrongful Appropriation: Of a Value of \$1000 or Less	3 months
123a	Making, Drawing, or Uttering Check, Draft, or Order Without Sufficient Funds: For the Procurement of Any Article or Thing of Value, with Intent to Defraud, in the Face Amount of: \$1000 or Less	6 months
123a	For the Payment of Any Past Due Obligation, or For Any Other Purpose, with Intent to Deceive	6 months
131f	Noncompliance with Procedural Rules: Unnecessary Delay in Disposing of Case	6 months

134	Check, Worthless, Making and Uttering - By Dishonorably Failing to Maintain Funds	6 months
134	Debt, Dishonorably Failing to Pay	6 months
134	Disorderly Conduct: Under Such Circumstances as to Bring Discredit Upon the Military Service	4 months
134	Disorderly Conduct: Other Cases	1 month
134	Drunkenness: Aboard Ship or Under Such Circumstances as to Bring Discredit Upon the Military Service	3 months
134	Drunkenness: Other Cases	1 month
134	Drunk and Disorderly: Aboard Ship	6 months
134	Drunk and Disorderly: Under Such Circumstances as to Bring Discredit Upon the Military Service	6 months
134	Drunk and Disorderly: Other Cases	3 months
134	Gambling with Subordinate	3 months
134	Indecent Language: Other Cases	6 months
134	Straggling	3 months
<p>* If the underlying misconduct can be analogized to an offense under the UCMJ not in this list, or to a violation of the USC that otherwise requires submission of fingerprints and criminal history record data, this offense must be indexed in III. Coordinate with the servicing legal office and DAF-CJIC to determine whether this exception applies.</p>		