



# Department of Defense INSTRUCTION

NUMBER 5505.14

December 22, 2015

Incorporating Change 2, May 7, 2021

---

---

IG DoD

SUBJECT: Deoxyribonucleic Acid Collection Requirements for Criminal Investigations, Law Enforcement, Corrections, and Commanders

References: See Enclosure 1

1. PURPOSE. This instruction:

- a. Reissues DoD Instruction 5505.14 (Reference (a)) in accordance with the authority in DoD Directive 5106.01 (Reference (b)).
- b. Updates policy, assigns responsibilities, and prescribes procedures in accordance with the guidance in Section 28.12(b) of Title 28, Code of Federal Regulations and Sections 40702 and 12592 of Title 34, United States Code (U.S.C.) (References (c) and (d)) for deoxyribonucleic acid (DNA) sample collection requirements for criminal investigations, law enforcement, corrections, and commanders.
- c. Recognizes DoD and the Coast Guard as “agencies of the United States” for the collection of DNA samples pursuant to References (c) and (d).
- d. Does not eliminate other legal or policy requirements to provide DNA, fingerprints, or criminal history data, including submissions to the Defense Incident-Based Reporting System pursuant to DoD Instruction 7730.47 (Reference (f)).
- e. Does not regulate DNA or other biometric data collected from non-U.S. persons who are detained or held by DoD or the Coast Guard during combat or operational activities.
- f. Does not regulate DNA or other biometrical data collected pursuant to DoD Directive 8521.01E and Public Law 108-458 (References (g) and (h)).
- g. Does not regulate DNA samples maintained for identification of human remains, referred to in Section 1565a of Title 10, U.S.C. (Reference (e)).
- h. Assigns shared funding responsibility to the DoD Component heads and the Commandant of the Coast Guard for the collection of DNA samples pursuant to References (c) and (d).

i. Recognizes the United States Army Criminal Investigation Laboratory (USACIL) as the DoD's Combined Deoxyribonucleic Acid Index System (CODIS) participating laboratory.

j. Updates the protocol for DNA expungement from CODIS.

2. APPLICABILITY. This instruction applies to OSD, the Military Departments (including the Coast Guard at all times, including when it is a Service in the Department of Homeland Security by agreement with that Department), the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this instruction as the "DoD Components").

3. POLICY. It is DoD policy that DNA samples will be taken from Service members, DoD and non-affiliated DoD civilians, and contractors who are arrested or apprehended, facing charges, or convicted under the authority of the United States or are suspects of criminal investigations under the conditions in sections 3 and 7 of Enclosure 4.

4. RESPONSIBILITIES. See Enclosure 2.

5. PROCEDURES. See Enclosure 4.

6. RELEASABILITY. **Cleared for public release**. This instruction is available on the Internet from the DoD Issuances Website at <https://www.esd.whs.mil/DD/>.

7. SUMMARY OF CHANGE 2. This change updates the instruction to reflect the requirements in Section 40702 of Reference (d) and Subpart 28.12(b) of Reference (c) for the collection and submission of DNA samples from Service members, DoD and non-affiliated DoD civilians, and contractors who are arrested or apprehended, facing charges, or convicted under the authority of the United States or are suspects in criminal investigations. The change also deletes the "UCMJ Offenses Requiring DNA Sample Submission" table in Enclosure 3, as DNA collection and submission is required for all offenses resulting in arrest or apprehension.

8. EFFECTIVE DATE. This instruction is effective December 22, 2015.



Jon T. Rymer  
Inspector General of the  
Department of Defense

Enclosures

1. References
2. Responsibilities
3. Uniform Code of Military Justice (UCMJ) Offenses
4. Procedures

Glossary

TABLE OF CONTENTS

ENCLOSURE 1: REFERENCES.....5

ENCLOSURE 2: RESPONSIBILITIES.....6

    INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.....6

    DoD COMPONENT HEADS.....6

    SECRETARY OF THE ARMY .....6

ENCLOSURE 3: UNIFORM CODE OF MILITARY JUSTICE (UCMJ) OFFENSES .....8

ENCLOSURE 4: PROCEDURES.....9

    APPENDIX

        PRIVACY ACT STATEMENT FOR DNA SAMPLING .....14

GLOSSARY .....15

    PART I: ABBREVIATIONS AND ACRONYMS .....15

    PART II: DEFINITIONS.....15

FIGURE

    Privacy Act of 1974 Statement .....14

ENCLOSURE 1

REFERENCES

- (a) DoD Instruction 5505.14, "Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations," May 27, 2010, as amended (hereby cancelled)
- (b) DoD Directive 5106.01, "Inspector General of the Department of Defense (IG DoD)," April 20, 2012, as amended
- (c) Section 28.12 of Title 28, Code of Federal Regulations
- (d) Title 34, United States Code
- (e) Title 10, United States Code
- (f) DoD Instruction 7730.47, "Defense Incident-Based Reporting System (DIBRS)," January 23, 2014, as amended
- (g) DoD Directive 8521.01E, "DoD Biometrics," January 13, 2016, as amended
- (h) Public Law 108-458, "Intelligence Reform and Terrorism Prevention Act of 2004," December 17, 2004
- (i) DoD Directive 5205.15E, "DoD Forensic Enterprise," April 26, 2011, as amended
- (j) DoD 5400.11-R, "Department of Defense Privacy Program," May 14, 2007
- (k) Title 18, United States Code
- (l) Manual for Courts-Martial, United States, current edition
- (m) Commandant Instruction M5527.1 (series), "Coast Guard Investigations Manual," current edition<sup>1</sup>
- (n) DoD Instruction 1325.07, "Administration of Military Correctional Facilities and Clemency and Parole Authority," March 11, 2013, as amended

---

<sup>1</sup> This is a restricted U.S. Coast Guard document. A list of offenses that are investigated (see paragraph 3a of Enclosure 3) may be obtained by contacting the U.S. Coast Guard Freedom of Information Act Office, from the Internet at <http://www.uscg.mil/foia/>

ENCLOSURE 2

RESPONSIBILITIES

1. INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE. The Inspector General of the Department of Defense oversees and evaluates compliance with this instruction.
  
2. DoD COMPONENT HEADS. With respect to the criminal investigative and law enforcement organizations, correctional facilities, and commanders under their control, the DoD Component heads:
  - a. Issue procedures, as may be necessary, to implement and comply with this instruction.
  
  - b. Coordinate with the Army (Defense Forensic Science Center) for the required programming and allocating of funds for DNA collection and processing as required by DoD Directive 5205.15E (Reference (i)).
  
  - c. Require that:
    - (1) Commanders coordinate closely with the appropriate Defense Criminal Investigative Organization (DCIO), other DoD law enforcement organizations, DoD correctional facilities, or Coast Guard Investigative Service (CGIS) to ensure DNA samples are taken and processed as required by section 3 of Enclosure 4.
  
    - (2) Commanders and Directors of the DCIOs, other DoD law enforcement organizations, DoD correctional facilities, and CGIS provide appropriate Privacy Act statements to persons from whom DNA samples are taken as required by DoD 5400.11-R (Reference (j)).
  
    - (3) DCIOs, other DoD law enforcement organizations, DoD correctional facilities, CGIS, and commanders will provide instructions concerning expungement rights and procedures to all persons from whom they collect DNA samples in accordance with this instruction. Such instructions will be included, in the form of a notice, in the USACIL DNA collection kits.
  
3. SECRETARY OF THE ARMY. In addition to the responsibilities in section 2 of this enclosure and through the Director, Defense Forensic Science Center, the Secretary of the Army:
  - a. Designates the Director, Defense Forensic Science Center, to serve as the CODIS program manager for DoD. USACIL will be responsible for conducting DNA analyses and submitting the results to the Federal Bureau of Investigation (FBI) for entry into the National DNA Index System.

b. Ensures a DNA collection kit is developed and provided to locations designated by the DoD Components with law enforcement organizations and correctional facilities. The collection kit will include a notice of general expungement rights.

c. Analyzes all DNA samples submitted in accordance with this instruction and forwards the results to the FBI for inclusion in CODIS.

d. Expunges profiles and destroys samples as required by this instruction.

e. Provides annual funding requirements to the DoD Component heads and Commandant of the U.S. Coast Guard for the implementation requirements in this instruction.

ENCLOSURE 3

UNIFORM CODE OF MILITARY JUSTICE (UCMJ) OFFENSES

The collection and analysis of an individual's DNA is mandated when a subject is arrested or apprehended for, prosecuted for, or convicted of violating any punitive article in Chapter 47 of Reference (e). DCIOs, other DoD law enforcement organizations, DoD correctional facilities, CGIS, and commanders, as applicable, must submit offender DNA profiles through USACIL to the CODIS Division, FBI (see Section 3 of Enclosure 4).



ENCLOSURE 4

PROCEDURES

1. The purposes for DNA collection are similar to those for taking fingerprints. They include making positive identification and providing or generating evidence to solve crimes through database searches of potentially matching samples.
2. DNA samples required by this instruction will be collected only with the USACIL DNA collection kit and submitted utilizing the USACIL DNA collection form. Kits may be requested from USACIL through its CODIS Branch at DSN 797-7258, (404) 469-7258, or [usarmy.gillem.dfsc.mbx.codis@mail.mil](mailto:usarmy.gillem.dfsc.mbx.codis@mail.mil). The kit will include the Privacy Act statement in the appendix to this enclosure as well as instructions for collecting DNA samples and for requesting expungement. The Privacy Act statement and notice of the general rights for requesting expungement will be provided when the sample is collected.
3. The DCIOs, other DoD law enforcement organizations, DoD correctional facilities, CGIS and commanders will take DNA samples from Service members and expeditiously forward them to USACIL in accordance with Reference (d) and the Manual for Courts-Martial (Reference (l)) when:
  - a. DNA is taken in connection with an investigation, when a subject is arrested or apprehended, facing charges, or convicted under the authority of the United States or when the suspect is under criminal investigation, for offenses identified in Enclosure 3 of this instruction and Commandant Instruction M5527.1 (Reference (m)), conducted by a DCIO, other DoD law enforcement organization, or CGIS, and in which the investigator concludes there is probable cause to believe that the subject has committed the offense under investigation. The investigator must consult with a judge advocate before making a probable-cause determination. DNA samples may be collected, but not forwarded, before consultation. DNA will be taken from all drug suspects, except those who are apprehended or detained for the offenses of simple possession and personal use. However, DNA will be taken from those excluded suspects when charges are preferred for or the subject is convicted at special or general court-martial of simple possession or use.
  - b. Court-martial charges are preferred in accordance with Rule for Courts-Martial 307 of Reference (l) for an offense referenced in Enclosure 3 if a DNA sample has not already been submitted.
  - c. A Service member is ordered into pre-trial confinement for an offense referenced in Enclosure 3 by a competent military authority after the completion of the commander's 72-hour memorandum required by Rule for Courts-Martial 305(h)(2)(C) of Reference (l) if a DNA sample has not already been submitted.
  - d. A Service member is confined to a military correctional facility or temporarily housed in civilian facilities as a result of any general or special court-martial conviction for an offense

referenced in Enclosure 3 if a DNA sample has not already been submitted in accordance with DoD Instruction 1325.07 (Reference (n)). This also applies to those instances where a Service member does not receive confinement as a result of any general or special court-martial conviction for an offense identified in Enclosure 3, if a DNA sample has not already been submitted.

e. A commander conducts or directs a command-level investigation or inquiry when no criminal investigation was conducted by a DCIO, other DoD law enforcement agency, or CGIS, nor processed through DoD corrections authorities (e.g., no previous DNA collection), for all offenses identified in Enclosure 3. In those instances, after consultation with his or her supporting Staff Judge Advocate, the commander is responsible for collecting DNA samples from the Service member. The commander is responsible for ensuring that the Service member's DNA sample is collected in accordance with the commander's specific Military Department or U.S. Coast Guard procedures and in accordance with the DNA collection kit instructions. Commanders may obtain kits from local military law enforcement offices.

4. If a commander conducts or directs a command level investigation or inquiry for offenses identified in Enclosure 3 of this instruction and Reference (m), the collection of DNA samples from Service members is not mandated if the Service member is punished via non-judicial punishment (e.g., Article 15 of the UCMJ) or found guilty by a summary court-martial. A commander is only mandated to collect a DNA sample if the Service member was convicted of an offense by a general or special court-martial.

5. Current Service members from whom samples are taken but who are not convicted of any offense by general or special court-martial (including action generally inconsistent with such a conviction, such as administration of non-judicial punishment, administrative separation, or referral to a summary court-martial) may request in writing that their DNA records be expunged in accordance with the procedures in this section.

a. Requests for expungement will be forwarded through the first commanding officer in the grade of major or lieutenant commander, or higher, in the Service member's chain of command. Such requests will include adequate proof that the charges have been dismissed, withdrawn, disposed of in a manner not resulting in preferral of charges pursuant to Rule for Courts-Martial 307 of Reference (l), or otherwise have not and will not result in a conviction of any offense (including proof of any action by a general or special court-martial convening authority that has the effect of a full acquittal).

b. The first commanding officer in the grade of major or lieutenant commander, or higher, will review and confirm the information and then submit the request through the relevant DCIOs, other DoD law enforcement organizations, or CGIS. The DCIOs, other DoD law enforcement organizations, or CGIS will then validate that the Service member has no convictions that would prohibit expungement.

c. If the first commanding officer in the grade of major or lieutenant commander, or higher, after consulting with a legal advisor, determines that expungement is not authorized, the commander should notify the requestor in writing with a copy furnished to the servicing DCIO,

other appropriate DoD law enforcement organization, or CGIS. If the Service member has no convictions that would prohibit expungement, the commander will coordinate with a legal advisor and may authorize expungement.

d. The DCIOs, other DoD law enforcement organizations, and CGIS will send appropriate requests for expungement to USACIL. Requests will be on letterhead and bear the title, signature, and telephone number of the special agent or law enforcement officer forwarding the request. Requests will clearly state that the Service member concerned is entitled to expungement and list the Service member's full name, social security number, and mailing address. Requests will include all documents submitted by the Service member along with any additional relevant documents in the possession of the commander or official receiving the request. The DCIOs, other DoD law enforcement organizations, and CGIS should maintain a copy of all requests in the case file, including those requests not forwarded to USACIL because expungement was not authorized.

e. USACIL will review requests for expungement to ensure they contain all of the required information. Incomplete requests will be returned to the submitter. When a request for expungement that is complete and complies with one or more of the criteria set forth in section 5 of this enclosure is received, USACIL will expunge the DNA records, destroy the submitted sample, notify the Service member of its actions, and maintain documentation of that notice.

6. Former Service members from whom samples were taken but who were not convicted of any offense by a general or special court-martial, or can provide a certified copy of a final court order documenting the charge has been dismissed or resulted in an acquittal, may request in writing that their DNA records be expunged in accordance with the procedures in this section.

a. Requests for expungement will be submitted to the Clerk of Court of the Military Department's Court of Criminal Appeals and include all reasonably available proof showing that none of the offenses giving rise to the collection of DNA resulted in a conviction at a general or special court-martial (including a final court order establishing that such a conviction was overturned, or establishing action by the convening authority that has the effect of a full acquittal). A court order is not final if time remains for an appeal or application for discretionary review with respect to the order. Such former Service members must include their name, social security number, current contact information, date of alleged offense, and contact information of the unit that the former Service member belonged to when the sample was taken. Requests that do not provide adequate information to identify the alleged offense or to confirm the alleged offense did not result in a conviction will be returned by "return receipt requested" with an explanation of the deficiency.

b. The Clerk of Court of the Military Department's Court of Criminal Appeals will search his or her records for any conviction pertaining to the former Service member and determine whether the former Service member is entitled to expungement. The Clerk of Court of the Military Department's Court of Criminal Appeals will send appropriate requests for expungement by former Service members to USACIL. Requests will be on letterhead and bear the title, signature, and telephone number of the Military Department Clerk of Court (or similar appropriate official) forwarding the request. Requests will clearly state that the Service member

concerned is entitled to expungement and list the Service member's full name, social security number, and mailing address. Requests will include all documents submitted by the Service member along with any additional relevant documents in the possession of the official receiving the request.

c. USACIL will review all requests for expungement that it receives to ensure they contain all the required information. Incomplete requests will be returned to the submitter. For complete requests, USACIL will expunge the DNA profile from the CODIS database.

7. DCIOs, other DoD law enforcement organizations, and CGIS will take DNA samples from civilians whom they detain or hold and who remain within their control when it is determined there is probable cause to believe the civilian has committed a Federal offense. DNA samples may also be taken by civilian law enforcement organizations; however, an individual DNA sample does not need to be taken more than once.

a. DNA samples taken by the DCIOs, other DoD law enforcement organizations, and CGIS will be forwarded to USACIL. The DCIOs, other DoD law enforcement organizations, and CGIS will document in the appropriate case file when civilian law enforcement organizations handle any aspect of the DNA processing and whether the civilian law enforcement agency forwarded the DNA sample to the FBI Laboratory. This instruction does not require DCIOs, other DoD law enforcement organizations, or CGIS to take samples from a civilian not in their control at the point when a probable-cause determination is made.

b. Civilians whose samples are taken and forwarded pursuant to section 7 of this enclosure, but who are not convicted of any offense, or provide a certified final court order documenting the conviction has been overturned, may request in writing that their DNA sample be expunged.

(1) To request expungement of DNA records for civilians pursuant to Reference (d), the requestor or legal representative must submit a written request to:

USACIL  
ATTN: CODIS Branch  
4930 N. 31<sup>st</sup> Street  
Forest Park, GA 30297

(2) If the request is for expungement of DNA records resulting from an arrest pursuant to the authority of the United States, the requester must include, for each charge for which the DNA record was or could have been included in the national DNA index, a certified copy of a final court order establishing that such charge has been dismissed or, resulted in an acquittal, or that no charge was filed within the applicable time period.

(3) The copy of the court order must contain a certification that it is a true and accurate copy of the original court order and be signed and dated by an appropriate court official, such as a court clerk. The copy of the court order itself must be signed by a judge, be dated, and include sufficient identifying information (at a minimum the person's full name, social security number, or date of birth) to determine the identity of the person and that the conviction offense was

overturned, the charge was dismissed, the charge resulted in an acquittal, or no charges were filed within the applicable time period.

8. Expungement is not authorized under any of the conditions in paragraph 6 of this enclosure if the individual seeking expungement has a Federal conviction for a separate offense that should have but did not result in the collection and forwarding of DNA to USACIL in accordance with this instruction.

Appendix  
Privacy Act Statement for DNA Sampling

APPENDIX TO ENCLOSURE 4

PRIVACY ACT STATEMENT FOR DNA SAMPLING

See the figure for the Privacy Act statement for DNA sampling.

Figure. Privacy Act of 1974 Statement

PRIVACY ACT STATEMENT

This statement is provided in compliance with the provisions of the Privacy Act of 1974, Section 552a of Title 5, U.S.C., which requires that Federal agencies inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested.

The collection of a sample of an individual's DNA by the U.S. Department of Defense is authorized by and conducted pursuant to Section 40702 of Title 34, U.S.C. and Subpart 28.12 of Title 28, Code of Federal Regulations. Collection is authorized for all offenses investigated pursuant to Section 40702(a)(1)(A) of Title 34, U.S.C. and for all military offenses under the Uniform Code of Military Justice.

The purpose of the Department of Defense's collection of a sample of an individual's DNA is to allow for positive identification and to provide or generate evidence to solve crimes through database searches of potentially matching samples.

It is mandatory that United States persons who are arrested or apprehended, facing charges, or convicted and non-United States persons who are detained by the Department of Defense or Coast Guard in non-combat or operational activities cooperate in the collection of a sample of his or her DNA. Failure to do so may result in samples taken by the minimum force necessary and/or disciplinary action for a violation of Article 92, Uniform Code of Military Justice, or a determination that the individual is guilty of a class A misdemeanor and punishment in accordance with Title 18 (Crimes and Criminal Procedure), U.S.C.

Analysis conducted on DNA samples collected by the Department of Defense will be forwarded by the U.S. Army Criminal Investigation Laboratory (USACIL) to the Federal Bureau of Investigation for entry into the Combined DNA Index System (CODIS).

Pursuant to Section 12592(d) of Title 34, U.S.C. and Section 1565(e) of Title 10, U.S.C., an individual whose DNA is collected and analyzed in the above manner may request that his or her DNA analysis be expunged from USACIL records and CODIS if the individual is (i) not convicted of an offense in a Federal court, or in the case of a current or former Service member, not convicted of an offense by general or special court-martial (including action generally inconsistent with such a conviction, such as administration of non-judicial punishment, administrative separation, or referral to a summary court), and (ii) meets certain conditions set forth in DoD Instruction 5505.14, "Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations, Law Enforcement, Corrections, and Commanders."

## GLOSSARY

### PART I. ABBREVIATIONS AND ACRONYMS

CGIS	Coast Guard Investigative Service
CODIS	Combined Deoxyribonucleic Acid Index System
DCIO	Defense Criminal Investigative Organization
DNA	deoxyribonucleic acid
FBI	Federal Bureau of Investigation
UCMJ	Uniform Code of Military Justice
USACIL	United States Army Criminal Investigation Laboratory
U.S.C.	United States Code

### PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purpose of this instruction.

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

DCIO. U.S. Army Criminal Investigation Command, Naval Criminal Investigative Service, Air Force Office of Special Investigations, and DCIS.

DoD law enforcement organizations. 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.

non-judicial punishment. Disciplinary punishment, as listed in section 815 of Reference (e), imposed by a commander or other authorized officer for minor offenses without the intervention of a court-martial.

criminal history data. 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, and release of criminal history record information.

probable cause. As defined in Reference (1).