



Department of Defense INSTRUCTION

NUMBER 5505.11

December 1, 1998

IG, DoD

SUBJECT: Fingerprint Card and Final Disposition Report Submission Requirements

- References:
- (a) Inspector General of the Department of Defense, Criminal Investigations Policy Memorandum Number 10, "Criminal History Data Reporting Requirements," March 25, 1987 (hereby canceled)
 - (b) Appendix 3 of title 5, United States Code
 - (c) [DoD Directive 5106.1](#), "Inspector General of the Department of Defense," March 14, 1983
 - (d) Title 28, Code of Federal Regulations, Part 20, "Criminal Justice Information System" (July 1, 1997)
 - (e) through (k) see enclosure 1

1. PURPOSE

This Instruction:

1.1. Supersedes reference (a) under the authority of references (b) and (c).

1.2. Implements policy, assigns responsibilities, and prescribes procedures under references (d) and (e) for reporting offender criminal history data to the Criminal Justice Information Services (CJIS) Division of the FBI, by the DoD law enforcement organizations, for inclusion in the National Crime Information Center criminal history databases. This Instruction is not intended to eliminate requirements to provide criminal history data otherwise imposed, including the Defense Incident Based Reporting System.

2. APPLICABILITY AND SCOPE

This instruction applies to:

2.1. The Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Inspector General of the Department of Defense, and the Defense Agencies (hereafter referred to collectively as “the DoD Components”).

2.2. The Defense Criminal Investigative Organizations (DCIOs) and all other DoD criminal investigative or police organizations that investigate crimes for which criminal history data reporting is required by this Instruction.

3. DEFINITIONS

Terms used in this Instruction are defined in enclosure 2.

4. POLICY

It is DoD policy, under Appendix 3 of title 5 United States Code and DoD Directive 5106.1 (references (b) and (c)), that the DCIOs and all other DoD criminal investigative and police organizations shall submit to the FBI as prescribed herein, offender criminal history data for all Armed Forces members they investigate for commission of an offense listed in enclosure 3.

5. RESPONSIBILITIES

5.1. The Inspector General of the Department of Defense shall monitor and evaluate compliance with this Instruction.

5.2. The Secretaries of the Military Departments and the Heads of the other DoD Components shall:

5.2.1. Issue regulations, as may be necessary, to implement and comply with this Instruction.

5.2.2. Ensure that Commanders establish and follow procedures to promptly notify the appropriate DCIO or other DoD criminal investigative or police organization:

5.2.2.1. When a military judicial proceeding is initiated or command action is taken in nonjudicial proceedings (as defined in enclosure 2) against a military subject investigated by a law enforcement organization for an offense listed in

enclosure 3.

5.2.2.2. Of the final disposition of such military judicial or nonjudicial proceeding.

6. PROCEDURES

6.1. Fingerprints and all additional information required by the FD-249, "Suspect Fingerprint Card," shall be obtained from military suspects under investigation by the DCIOs or any other DoD criminal investigative or police organization for offenses listed in enclosure 3. Where required, a Privacy Act Statement shall be provided to each suspect whose personal data is collected under DoD 5400.11-R (reference (h)).

6.2. Offender criminal history data records required under this Instruction are to be initiated by preparing and submitting an FD-249 (enclosure 4), to the CJIS, FBI.

6.2.1. The FD-249 shall be submitted when a command initiates military judicial proceedings, or when command action is taken in nonjudicial proceedings (as defined in enclosure 2) against a military subject investigated for the commission of an offense listed in enclosure 3.

6.2.2. Submission of the FD-249 shall occur within 15 days of command initiation of military judicial proceedings or when command action is taken in nonjudicial proceedings against a military subject (as defined in enclosure 2).

6.2.3. If final disposition of the proceeding is anticipated within 60 days of command initiation of military judicial proceedings or of command action in nonjudicial proceedings (as defined in enclosure 2), the FD-249 may be held and final disposition recorded on the FD-249. If the final disposition is not recorded on the FD-249, then an FBI/DoJ Form R-84, "Final Disposition Report," enclosure 5, is required.

6.2.4. If final disposition is not anticipated within 60 days, submission of the FD-249 shall not be delayed by the local investigative office pending completion of military judicial or nonjudicial proceedings.

6.2.5. If applicable, approval of a request for discharge, retirement, or resignation in lieu of court-martial, and/or a finding of lack of mental competence to stand trial shall be recorded as "final disposition" either on the FD-249 or R-84, as appropriate.

6.3. Within 15 days after final disposition of judicial or nonjudicial proceedings, or the approval of a request for discharge, retirement, or resignation in lieu of court-martial, disposition information shall be reported by the DCIOs or other DoD criminal investigative or police organizations on the R-84, or an electronic data transfer equivalent, if it has not already been reported on an FD-249. Do not hold the FD-249 pending appellate actions; however, appellate action affecting the character of an initial disposition must be reported if it occurs. Dispositions that are exculpatory in nature (e.g., dismissal of charges, acquittal) shall also be filed.

7. INFORMATION REQUIREMENTS

7.1. The FBI shall provide, at no cost, FD-249 fingerprint cards, FBI/DoJ Forms R-84, pre-addressed envelopes, and further guidelines for submission of criminal history data. Address requests for supplies and the "Guidelines for Preparation of Criminal Justice Information Services Division, Fingerprint Cards," March 1996, to the Personnel Division, Federal Bureau of Investigation, Washington, DC 20535.

7.2. Where necessary, DCIOs and other DoD criminal investigative or police organization personnel shall be provided training (offered by the FBI at no cost) on fingerprinting and completion of the forms required under this Instruction.

7.3. When submitting the FD-249 and FBI/DoJ Form R-84, charges must be described in commonly understood descriptive terms as specified in enclosure 3 (e.g., murder, rape, robbery, assault, possession of a controlled substance, etc.) or, if not specified in enclosure 3, by commonly understood title. Offenses shall not be described solely by references to a Uniform Code of Military Justice (UCMJ) (reference (g)) punitive article, or to the United States Code or other statutory provision. Investigators must ensure that the charges annotated on the FD-249 reflect the actual charges being pursued through court-martial or nonjudicial punishment.

7.4. The disposition reflected on the FD-249 or the FBI/DoJ Form R-84 must also be described in common language; e.g., conviction (include offense(s)), dishonorable discharge, reduction in rank, forfeiture of pay, charges dismissed, etc. The disposition of "conviction" shall only be reported for crimes prosecuted at trials by general, special, or summary court-martial yielding a plea or finding of guilty. Adverse findings stemming from nonjudicial proceedings should be recorded as "nonjudicial disciplinary action."

7.5. The DoD internal reporting of criminal history data is exempt from licensing

in accordance with paragraphs 5.4.2. and 5.4.7. of DoD 8910.1-M (reference (i)). The interagency reporting required by this Instruction is exempt from licensing in accordance with paragraph (b)(2)(iii) of 41 CFR 101-11.204 (reference (j)).

8. EFFECTIVE DATE

This Instruction is effective immediately.



Eleanor Hill
Inspector General

Enclosures - 5

- E1. References, continued
- E2. Definitions
- E3. Listed Offenses
- E4. Figure 4-1. FD-249, "Suspect Fingerprint Card"
- E5. Figure 5-1. FBI/DoJ Form R-84, "Final Disposition Report"

E1. ENCLOSURE 1

REFERENCES, continued

- (e) Section 534 of title 28, United States Code
- (f) Manual for Courts-Martial, United States, 1984 (Executive Order 12473, as amended by Executive Order 12484)
- (g) Chapter 47 of title 10, United States Code (Uniform Code of Military Justice, 10 U.S.C. 801-946)
- (h) DoD 5400.11-R, "Department of Defense Privacy Program," August 1983, authorized by DoD Directive 5400.11, June 9, 1982
- (i) [DoD 8910.1-M](#), "DoD Procedures for Management of Information Requirements," November 1986, authorized by [DoD Directive 8910.1](#), June 11, 1993
- (j) Federal Property Management Regulation Title 41 CFR Part 101-11.204, "Interagency Reports Management Program"
- (k) Section 13 of title 18, United States Code, "Laws of States adopted for areas within Federal jurisdiction"

E2. ENCLOSURE 2

DEFINITIONS

E2.1.1. Defense Criminal Investigative Organizations. The Defense Criminal Investigative Service, the U.S. Army Criminal Investigation Command, the Naval Criminal Investigative Service, and the Air Force Office of Special Investigations.

E2.1.2. Military Judicial Proceeding. A summary, special, or general court-martial, under the Uniform Code of Military Justice (10 U.S.C. 801-946 (reference (g))).

E2.1.2.1. Initiation. The referral of court-martial charges to a specified court by the convening authority under the Manual for Courts-Martial (MCM) (reference (f)), Rules for Courts-Martial (RCM) 601, or receipt by the command of an accused Service member's request for resignation, retirement, or discharge in lieu of court-martial.

E2.1.2.2. Final disposition of military judicial proceedings. Action by the trial counsel to report the results of the findings and sentence under the MCM (reference (f)), RCM 1101(a), or final approval of a resignation, retirement, or discharge in lieu of court-martial.

E2.1.3. Military Nonjudicial Proceeding. Proceedings under Article 15, Uniform Code of Military Justice (UCMJ).

E2.1.3.1. Command Action. Point in time when a commanding officer in the grade of major or lieutenant commander or above completes action to impose nonjudicial punishment, as specified in paragraph 4, Part V, MCM (reference (f)).

E2.1.3.2. Final Disposition. Action 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 (reference (f)).

E2.1.4. Offender Criminal History Data. The information, including fingerprints, that is recorded on the front and back of a standard Suspect Fingerprint Card (FBI Form FD-249) and Final Disposition Report (FBI/DoJ R-84), or their electronic data transfer equivalent.

E3. ENCLOSURE 3

OFFENSES UNDER SECTIONS 801-946 OF 10 U.S.C., (REFERENCE (G)) ¹ THAT REQUIRE SUBMISSION OF OFFENDER CRIMINAL HISTORY DATA TO THE CRIMINAL JUSTICE INFORMATION SERVICES DIVISION, FBI, BY THE DCIOs AND ALL OTHER DoD LAW ENFORCEMENT ORGANIZATIONS

- E3.1.1. Article 78. Accessory after the fact (for crimes listed in this enclosure).
- E3.1.2. Article 80. Attempts (for crimes listed in this enclosure).
- E3.1.3. Article 81. Conspiracy (for crimes listed in this enclosure).
- E3.1.4. Article 82. Solicitation.
- E3.1.5. Article 85. Desertion.
- E3.1.6. Article 90. Assaulting a superior officer.
- E3.1.7. Article 91. Striking or assaulting warrant, noncommissioned, or petty officer.
- E3.1.8. Article 94. Mutiny or sedition.
- E3.1.9. Article 95. Resistance, breach of arrest, and escape.
- E3.1.10. Article 106. Spies.
- E3.1.11. Article 106a. Espionage.
- E3.1.12. Article 107. False Official Statements.
- E3.1.13. Article 108. Military property of the United States; sale, loss, damage, destruction, or wrongful disposition.
- E3.1.14. Article 109. Willfully destroying or damaging private property.
- E3.1.15. Article 111. Drunk driving.

¹ Sections 1 through 33 in this enclosure, below, are under reference (g).

E3.1.16. Article 112a. Wrongful use, possession, etc., of controlled substances.

E3.1.17. Article 116. Riot

E3.1.18. Article 118. Murder.

E3.1.19. Article 119. Manslaughter.

E3.1.20. Article 120. Rape and carnal knowledge.

E3.1.21. Article 121. Larceny and wrongful appropriation.

E3.1.22. Article 122. Robbery.

E3.1.23. Article 123. Forgery.

E3.1.24. Article 123a. Bad Checks (in an amount over 100 dollars)

E3.1.25. Article 124. Maiming.

E3.1.26. Article 125. Sodomy.

E3.1.27. Article 126. Arson.

E3.1.28. Article 127. Extortion.

E3.1.29. Article 128. Assault.

E3.1.30. Article 129. Burglary.

E3.1.31. Article 130. Housebreaking.

E3.1.32. Article 131. Perjury.

E3.1.33. Article 132. Frauds against the United States.

E3.1.34. The following offenses under Article 134, listed in the Manual for Courts-Martial (reference f):

E3.1.34.1. Assault. Indecent.

E3.1.34.2. Assault. With intent to commit murder, voluntary manslaughter,

rape, robbery, sodomy, arson, burglary, or housebreaking.

E3.1.34.3. Assaulting a Federal officer in the performance of duties.

E3.1.34.4. Bribery and graft.

E3.1.34.5. Burning with intent to defraud.

E3.1.34.6. False pretenses, obtaining services under (value of more than 100 dollars).

E3.1.34.7. False swearing.

E3.1.34.8. Firearm, discharge. Willfully, under such circumstances as to endanger human life.

E3.1.34.9. Fleeing the scene of an accident.

E3.1.34.10. Homicide, negligent.

E3.1.34.11. False personation with intent to defraud.

E3.1.34.12. Indecent acts or liberties with a child.

E3.1.34.13. Indecent exposure.

E3.1.34.14. Indecent language (communicating to any child under the age of 16 years).

E3.1.34.15. Indecent acts with another.

E3.1.34.16. Kidnapping.

E3.1.34.17. Mails. Taking, opening, secreting, destroying, or stealing.

E3.1.34.18. Mails. Depositing or causing to be deposited obscene matters in [mail].

E3.1.34.19. Misprision of serious offense.

E3.1.34.20. Obstructing justice.

E3.1.34.21. Pandering and prostitution.

E3.1.34.22. Perjury. Subornation of.

E3.1.34.23. Public record. Altering, concealing, removing, mutilating, obliterating, or destroying.

E3.1.34.24. Seizure. Destruction, removal, or disposal of property to prevent.

E3.1.34.25. Soliciting another to commit an offense (for crimes listed).

E3.1.34.26. Stolen property. Knowingly receiving, buying, or concealing (value more than 100 dollars).

E3.1.34.27. Testify. Wrongful refusal.

E3.1.34.28. Threat or Hoax. Bomb.

E3.1.34.29. Threat, communicating.

E3.1.34.30. Weapon. Concealed or carrying.

E3.1.35. Any offenses under 18 U.S.C. (reference (h)), charged as a violation of Article 134, which has a maximum punishment of more than one year.

E4. ENCLOSURE 4
SUSPECT FINGERPRINT CARD
 E4.F1. FD-249, "Suspect Fingerprint Card"

FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE WASHINGTON, D.C. 20537			
PRIVACY ACT OF 1974 (P.L. 93-578) REQUIRES THAT FEDERAL, STATE, OR LOCAL AGENCIES INFORM INDIVIDUALS WHOSE SOCIAL SECURITY NUMBER IS REQUESTED WHETHER SUCH DISCLOSURE IS MANDATORY OR VOLUNTARY, BASIS OF AUTHORITY FOR SUCH SOLICITATION, AND USES WHICH WILL BE MADE OF IT.			
JUVENILE FINGERPRINT SUBMISSION YES <input type="checkbox"/>	DATE OF ARREST MM DD YY	ORI CONTRIBUTOR ADDRESS REPLY DESIRED? YES <input type="checkbox"/>	
TREAT AS ADULT YES <input type="checkbox"/>	DATE OF OFFENSE MM DD YY	PLACE OF BIRTH (STATE OR COUNTRY)	COUNTRY OF CITIZENSHIP
SEND COPY TO: (ENTER ORI)	MISCELLANEOUS NUMBERS		
SCARS, MARKS, TATTOOS, AND AMPUTATIONS		RESIDENCE/COMPLETE ADDRESS	
OFFICIAL TAKING FINGERPRINTS (NAME OR NUMBER)		CITY	STATE
EMPLOYER: IF U.S. GOVERNMENT, INDICATE SPECIFIC AGENCY. IF MILITARY, LIST BRANCH OF SERVICE AND SERIAL NO.		PHOTO AVAILABLE? YES <input type="checkbox"/> PALM PRINTS TAKEN? YES <input type="checkbox"/>	
OCCUPATION		DISPOSITION	
CHARGE/CITATION 1.		1.	
2.		2.	
3.		3.	
ADDITIONAL		ADDITIONAL	
ADDITIONAL INFORMATION/BASIS FOR CAUTION		STATE BUREAU STAMP	
FD-249 (Rev. 12-1-84)		U.S. GPO: 1985-406-015/20012	

E4.F2. FD-249, "Suspect Fingerprint Card" (reverse) continued

LEAVE BLANK		CRIMINAL		(STAPLE HERE)				LEAVE BLANK					
STATE USAGE		STATE USAGE		OFF RECORD		SUBMISSION		APPROXIMATE CLASS		AMPUTATION		SCAR	
				<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>				953050000110	
SIGNATURE OF PERSON FINGERPRINTED		SOCIAL SECURITY NO.		LEAVE BLANK									
ALIAS/HAIR		LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX											
FBI NO.	STATE IDENTIFICATION NO.	DATE OF BIRTH		MM	DD	YY	SEX	RACE	HEIGHT	WEIGHT	EYES	HAIR	
1. R. THUMB		2. R. INDEX		3. R. MIDDLE		4. R. RING		5. R. LITTLE					
6. L. THUMB		7. L. INDEX		8. L. MIDDLE		9. L. RING		10. L. LITTLE					
LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY				L. THUMB		R. THUMB		RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY					

E5. ENCLOSURE 5
FINAL DISPOSITION REPORT

E5.F1. FBI/DOJ Form R-84, "Final Disposition Report,"

R-84 (Rev. 5-14-80)

FINAL DISPOSITION REPORT

Note: This vital report must be prepared on each individual whose arrest fingerprints have been forwarded to the FBI Identification Division without final disposition noted thereon. If no final disposition is available to arresting agency, also obtain subject's right four finger impressions on this form, complete left side and forward the form when case referred to prosecutor and/or courts. Agency on notice as to final disposition should complete this form and submit to: Director, FBI, Washington, D.C. 20537. Attention: Identification Division. (See instructions on reverse side)

FOR FBI USE

FBI No. _____ IF KNOWN		Final Disposition & Date (If convicted or subject pleaded guilty to lesser charge, include this modification with disposition.)
Name on Fingerprint Card Submitted to FBI MUST CORRESPOND WITH NAME ON ARREST FINGERPRINT CARD.		1. INCLUDE FINAL DISPOSITION & DATE FOR EACH OFFENSE CHARGED AT ARREST. 2. INDICATE TYPE OF SENTENCE IMPOSED: EG., CONSECUTIVE, CONCURRENT, PROBATION, ETC., IF APPLICABLE.
Date of Birth: _____ MONTH-DAY-YEAR		
Henry _____ Fingerprint Classification _____ From FBI 1-B Response _____ State Bureau No. (SID) _____		
Social Security No. (SOC) _____ IF APPLICABLE		
Contributor of Fingerprints (include complete name and location of agency, together with ORI #) _____ AGENCY SUBMITTING ARREST FINGERPRINT CARD (GIVE ORI #, COMPLETE ADDRESS INCLUDING ZIP CODE)		This Form Submitted By: (Name, Title, Agency, ORI No., City & State) OFFICER OF AGENCY SUBMITTING FINAL REPORT. LIST IN ORDER SHOWN ABOVE
<h1>SPECIMEN FINAL DISPOSITION REPORT</h1>		
Arrest No. (OCA) _____ AS APPEARS ON ARREST FINGERPRINT CARD	Date Arrested or Received _____ MONTH-DAY-YEAR	Signature _____ Date _____ Title _____
Offenses Charged at Arrest OFFENSES MUST BE SAME AS THOSE APPEARING ON ARREST FINGERPRINT CARD.		<input type="checkbox"/> COURT ORDERED EXPUNGEMENT: Return Arrest Fingerprint Card to Contributing Agency; Certified or Authenticated Copy of Court Order Attached.
ARRESTING AGENCY MUST OBTAIN RIGHT FOUR FINGER IMPRESSIONS OF SUBJECT ON THIS FORM. ALL INFORMATION REQUESTED IS ESSENTIAL. THIS FORM <u>NOT</u> TO BE USED IN LIEU OF ARREST FINGERPRINT CARD.		Right Four Fingers Taken Simultaneously IF BLOCK IS CHECKED, MAKE CERTAIN THAT CERTIFIED OR AUTHENTICATED COPY OF COURT ORDER IS SECURELY ATTACHED TO THIS FORM.

If additional space is needed, check and continue on reverse side of this form.

E5.F2. FBI/DOJ Form R-84, "Final Disposition Report," (reverse) continued

INSTRUCTIONS

1. The purpose of this report is to record the initial date of an individual's arrest and thereafter secure the final disposition of the arrest at the earliest possible time from either the arresting agency, the prosecutor or the court having jurisdiction. (INTERIM DISPOSITION INFORMATION, e.g., RELEASED ON BOND, SHOULD NOT BE SUBMITTED.) The SUBJECT'S NAME, CONTRIBUTOR AND ARREST NUMBER should be exactly the same as they appear on the fingerprint card IN THE FILES OF THE FBI. The FBI number should be indicated, if known. Agency ultimately make disposition will complete and mail form to: FBI Identification Division, Washington, D.C. 20537.
2. The arresting agency should fill in arrest date on left side of form and obtain the finger impressions of the right four fingers simultaneously. It should be done at the same time as the full set of fingerprints are taken on the arrest fingerprint card. If the arrest is disposed of by the arresting agency, as where the arrestee is released without charge, then the arresting agency should fill in this final disposition and mail form to FBI Identification Division. Of course, if final disposition is known when arrest fingerprint card is submitted it should be noted thereon and this form is unnecessary. In the event the case goes to the prosecutor, this form should be forwarded to the prosecutor with arrestee's case file.
3. The prosecutor should complete the form to show final disposition at the prosecution level if the matter is not being referred for court action and thereafter submit form directly to FBI Identification Division. If court action required, the prosecutor should forward form with case file to court's jurisdiction.
4. The court should complete the form as to final court disposition such as when arrested person is acquitted, case is dismissed, on conviction and when sentence imposed or sentence suspended and person placed on probation.
5. When arrested person convicted or enters guilty plea to lesser or different offense than that charged when originally arrested, this information should be clearly indicated.
6. If subsequent action taken to seal or expunge record, attach certified or authenticated copy of court order to this form so that FBI can return the fingerprints to original contributor.
7. It is vitally important for completion of subject's record in the FBI Identification Division files that Final Disposition Report be submitted in every instance where fingerprints previously forwarded without final disposition noted thereon.

FOR ADDITIONAL INFORMATION

GPO : 1997 O - 366-78