MEMORANDUM FOR DIRECTOR, NAVAL CRIMINAL INVESTIGATIVE SERVICE

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

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

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

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

- DoDD 5200.27, “Acquisition of Information Concerning Persons and
  Organizations not Affiliated with the Department of Defense,” January 7, 1980;

- DoDI 3025.21, “Defense Support of Law Enforcement Agencies,” February 27,
  2013;

- DoDI 5525.16, “Law Enforcement Defense Data Exchange (LE D-DEx),”
  August 29, 2013;

- DoDI 5525.18, “Law Enforcement Criminal Intelligence (CRIMINT) in DoD,”
  October 18, 2013;

- Federal Register, Vol. 73, No. 70, Thursday, April 10, 2008, Notices, Pages
  19483 thru 19491;

- Federal Register, Vol. 74, No. 196, Tuesday, October 13, 2009, Notices Pages
  52468 thru 52474; and
We conducted this investigation in accordance with DoD 5240.1-R, Procedure 15, to determine whether the Defense Intelligence Community, to include NCIS, violated Procedures 2 (Collection of Information About U.S. Persons), 3 (Retention of Information About U.S. Persons), and 4 (Dissemination of Information About U.S. Persons).

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

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

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

We appreciate the courtesies extended to the staff. Comments to this memorandum report are not required. Should you choose to provide a formal response, please send your comments in electronic format (Adobe Acrobat file only) to Mr. Jean-Pierre Hill at (703) 699-7204, DSN 499-7204, jean-pierre.hill@dodig.mil, or Mr. Dan Thomas at (703) 699-7218, DSN 499-4838, dan.thomas@dodig.mil. Please direct questions to me at (703) 882-4860, DSN 381-4860. If you desire, we will provide a formal briefing regarding this matter.

Anthony C. Thomas
Deputy Inspector General for Intelligence and Special Program Assessments