



Titling



Please note that this Information Paper only provides basic information and is not intended to serve as a substitute for personal consultations with a Legal Assistance Attorney.

Q. What is Titling?

A. Titling is the decision to place the name of a person in the 'subject' block of a CID report of investigation (ROI). Unlike a criminal conviction, which requires proof beyond a reasonable doubt, to title someone only requires existence of credible information that a person committed a criminal offense. Legally, this is a very low standard, far below the standard required at trial by a court of law. Titling is not a legal or judicial decision, it is an operation procedure used by CID.

Q. If I'm titled, does that mean I'm going to trial?

A. Not always. Remember, a titling decision is not a legal or judicial decision. Titling does not mean an individual has been arrested, charged or convicted of a crime. The primary purpose of titling is to ensure that information contained in the CID report can be retrieved for law enforcement and security purposes. Once a person is titled, the ROI is indexed in the Defense Clearance and Investigations Index (DCII).

If the person being titled is in the Army, they will also be indexed in the Army Crimes Records Center (CRC). Being indexed in the DCII and the CRC means that the titling can follow you around and be accessed when you apply for some types of jobs, especially federal jobs.

Think of it as similar in some ways to an arrest. There might be enough evidence to arrest a person, but not enough to go to trial. Even though the person does not have a conviction, a check of their criminal history might show an arrest that the person will need to explain to a future employer.

Q. Can Titling affect military AND civilian careers?

A. Yes. The information contained in these databases may be used for a variety of purposes such as making civilian employment decisions, military assignment decisions, such as battalion and brigade commander assignments, military promotion decisions and security determinations

More than 27 agencies have access to the DCII and it receives approximately 35,000 requests for information a day. This information is retrievable from DCII and CRC for 40 years.

Q. Can my command take any actions based solely upon the Titling decision?

A. Yes. If a Soldier is titled, his or her commander will be notified. Additionally, a commander may flag a Soldier based on an initial ROI. A commander may also recommend suspension of a Soldier or DoD civilian's security clearance. An individual who has been titled will also have his or her name listed in the DCII, which is a computerized registry that contains all DoD investigations.

Q. Am I allowed to request an amendment to the CID Report and titling decision?

A. Yes, but you bear the burden of proof of substantiating the request. It is nearly impossible to get "untitled," i.e. getting your name removed from the ROI. To have a name removed, a person must conclusively establish that the wrong person's name has been entered as a result of mistaken identity.

But wait - there's another tactic you can try. The good news is that it is much easier to amend the ROI from founded to unfounded.

The first step is getting the ROI. If you do not have a copy, you must submit a request under the Privacy Act of 1974 to the director of CRC at: Director, U.S. Army Crime Records Center, Attention: Freedom of Information/Privacy Act Division, US Army Records Center, 27130 Telegraph Road, Quantico, VA 22134.

Next, the Soldier comes to the legal assistance office for help in drafting a memorandum, with supporting documentation, on why the amendment to the ROI should be granted. (Please be aware that "new and relevant" information we need to bring your request for a formal review does not include information about career goals, exemplary changes in life, and similar justifications. These will not be considered as a basis for the decision to amend.)

After receipt of the request to amend, the CRC will then forward these documents to the CID Staff Judge Advocate and the CID Investigative Operations Section. If everybody agrees then the ROI will be amended. If this approach fails, the Soldier can apply for redress with the Army Board for Correction of Military Records. Your Legal Assistance Office can also help you with this process as well.

Q. I'm out of the Army and no longer entitled to Legal Assistance services. Can you provide further information on how to amend the CID report?

A. Here's the exact language from 32 Code of Federal Regulations (CFR) § 633.12, Amendment to CID reports, which says "USACIDC reports of investigation (ROI) are exempt from the amendment provisions of the Privacy Act and AR 340-21. Requests for amendment will be considered only under the provisions of this regulation. Requests to amend USACIDC reports will be granted only if the individual submits new, relevant and material facts that are determined to warrant their inclusion in or revision of the ROI. The burden of proof is on the individual to substantiate the request. Requests to delete a person's name from the title block will be granted only if it is determined that there is

not probable cause to believe that the individual committed the offense for which he or she is listed as a subject. It is emphasized that the decision to list a person's name in the title block of a USACIDC report of investigation is an investigative determination that is independent of whether or not subsequent judicial, nonjudicial or administrative action is taken against the individual. Within these parameters, any changes in the ROI rest within the sole discretion of the Commanding General. USACIDC, whose decision will constitute final action on behalf of the Secretary of the Army with respect to this regulation."

You should send your request for amendment, along with new and relevant information, to: Director, U.S. Army Crime Records Center, Attention: Freedom of Information/Privacy Act Division, US Army Records Center, 27130 Telegraph Road, Quantico, VA 22134.

Here's a link to an excellent article by MAJ Patricia A. Ham, printed in the *The Army Lawyer*, explaining the Titling process in greater depth.
https://www.loc.gov/rr/frd/Military_Law/pdf/08-1998.pdf

For further information, contact the Legal Assistance Office, Stuttgart Law Center, DSN 421-4152; Civ 0711-729-4152 or make an appointment at www.stuttgartcitizen.com/appointments.