



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS
QUANTICO VIRGINIA

FAQs Regarding Expungements

What is my “record”?

Your record is your criminal history – broadly speaking: *contact you have had with law enforcement*. Your criminal history isn’t kept in one place. The Air Force (AF) is directed by Federal Law, Department of Defense policy, and Air Force policy to submit information to multiple databases. Each database has different criteria for entry and sometimes the year the incident took place or when judgment is served changes what criteria applies. That is why you might have a record in one database but not in another.

What databases does the AF put my information into?

In total the Air Force inputs information into 5 databases: Defense Criminal Index of Investigations (DCII), National Crime Information Center (NCIC), the Interstate Identification Index (III), Combined Deoxyribonucleic Acid Index System (CODIS), and National Instant Criminal Background Check System (NICS).

I was never taken to court or I was acquitted...why do I have a record in III?

The short answer is, being investigated can be enough as the decision to criminally index someone is based on a probable cause determination by the Arresting Agency. DoDI 5505.11 defines “probable cause” as: *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.* Probable cause is a legal standard above credible information, but below beyond a reasonable doubt, which is required for convictions. In III, a key component to the record is the disposition of that offense. In other words, the end result should be included and should be accurate. Possible dispositions cover a range including; “No Action Taken,” “No Criminal Action Taken, administrative action only,” “Non-Judicial Disciplinary Action, which does not constitute a criminal conviction,” “Administrative Discharge,” “Acquitted,” and “Convicted.”

What should I do before submitting a request to expunge my record?

Prior to submitting a request to expunge a record, you should know what your record contains and what documents support it. As applicable: - Obtain and review a copy of any Reports of Investigations (ROI) associated with you. This can be accomplished by submitting a Freedom of Information Act (FOIA) request to the investigating agency. For information on how to submit a FOIA request to the Air Force Office of Special Investigations (AFOSI), or Security Forces (SF), visit <https://www.osi.af.mil/afosifoia/>. - The FBI, for a fee, can provide individuals with an Identity History Summary of their III record often referred to as a criminal history record or a “rap sheet.” See www.fbi.gov for more information.

How do I request an expungement of or a challenge to my information entered by the Air Force?

To request an expungement of a record based on information provided by the Air Force, visit <http://www.osi.af.mil/afosifoia/>. On the website, there are two documents to assist you. The first document is the expungement request template. In the case of current service members, it provides a means to document Commander and servicing Staff Judge Advocate (SJA) coordination (which is required for a CODIS request.) For former service members and civilians, there is also a request template but it differs from the current service member's request by removing the SJA and Commander coordination. Additionally, all requestors are required to complete a Verification of Identity form provided on the website. This will enable the Air Force to locate your information. It is imperative that you provide both documents, completely filled out, or your request will be delayed. Submit the request and supporting documents (if applicable) to the location identified on the website.

What is involved with an expungement decision?

Once we get your request, we gather all relevant documents about you to make the decision. This includes, but is not limited to, the investigative case file, legal documentation, and command action documentation. We also query the various criminal history databases to see what information is already reflected currently. Experienced criminal investigators and lawyers compare your criminal history database information against supporting Air Force documentation, focusing on applicable database entry criteria, accuracy, and completeness. If they find any errors, they correct, or request corrections to information contained in these database(s). Correction may include complete removal of all information (although this is rare). In some instances, records may also be added to your criminal history record.

How long will it take to process an expungement request?

We handle requests for expungement on a first-come, first-served basis for initial processing. Once an expungement request is received, applicable documents are gathered in response to the request. This is the point where the process can slow down. While some documents are maintained in electronic databases, the official documents in most cases are in hardcopy form. Because of this, it may be necessary for the Air Force to request official records from the National Archives and Records Administration which can delay the expungement process. When we have all the necessary documentation, we can begin the review. We estimate completion of an expungement request is between six and nine months, although on many occasions it takes less time. Each expungement review is unique to each individual's circumstance and is not a simple process. You deserve to have your request thoroughly reviewed and this can take time.

What if the investigation isn't finished?

Sometimes a requestor submits an expungement request before the investigative case file has been completely closed. We cannot process an expungement request until we are certain the investigation is finished – which happens when the record is archived. Therefore, we will not process expungement requests until the investigative file has been completed and archived. In these cases, we will reach out to the investigative office and request updates to the investigation's status.

Is there anything I can do to make the process faster?

The best way to ensure the process is as fast as possible is to provide as much information as possible on your request, along with the verification of identity documentation. It is imperative that the Air Force have your identifying information in order to locate all pertinent records for you. Additionally, any documentation you can provide supporting your request for expungement will assist in the processing of your request. If you received any administrative paperwork, trial results, or appeal decisions, please include those with your request.

How will I know what decision was made as a result of my request?

Once your request has been completely processed, you will receive at least one letter from the Air Force notifying you of the decision to expunge/modify your “record” or not. If your request for expungement is denied, this letter will also address any updates that were made to your record(s). Results are sent via email unless otherwise specified by the requestor.

What if I feel your decision is wrong? Can I appeal?

Yes, you can appeal a decision by the Air Force. Appeals must be submitted in writing, mailed to HQ AFOSI/XRGI, Attn: DAF-CJIC Expungements, 27130 Telegraph Rd, Quantico, VA 22134 or emailed to DAF.CJIC@us.af.mil. Please include any additional information or documentation that you feel was missed during the original review. You can submit the notice of appeal any way you like. Please provide a justification to support why you feel the original expungement response is incorrect.

Is there anything else I should know before submitting an expungement for my record?

You may specify that your expungement request is for only some of the databases (DCII, NCIC, III, NICS, and/or CODIS) into which the Air Force may have submitted information for you. However, regardless of which record you specify, the Air Force will review your information in ALL of the databases. Your request for an expungement from one database may identify that a record in another database requires correction or creation. It is the Air Force’s responsibility to ensure all records required to be created by federal law and DoD policy exist and are accurate, not just the one for which an expungement was requested.