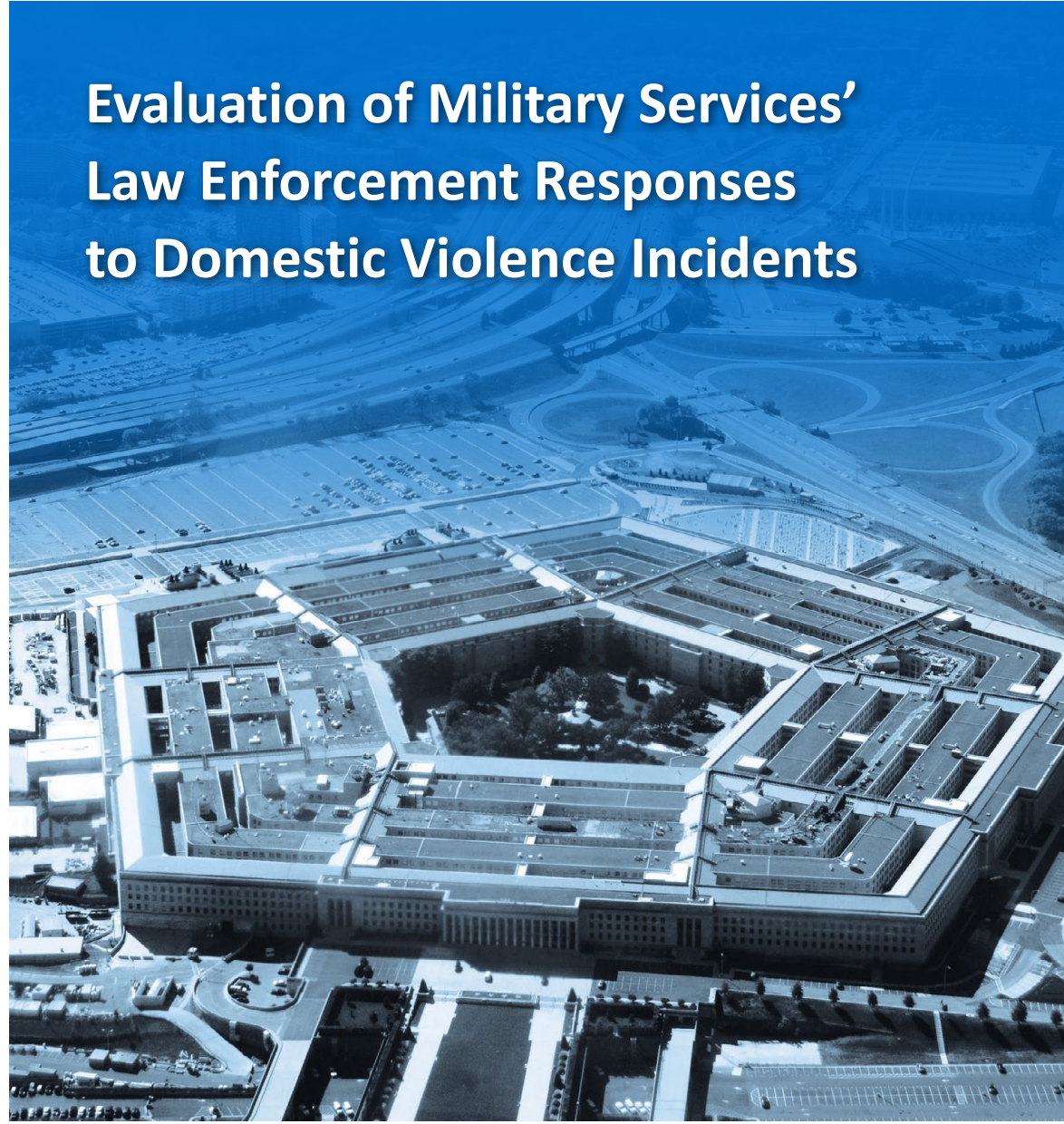




INSPECTOR GENERAL

U.S. Department of Defense

APRIL 19, 2019



Evaluation of Military Services' Law Enforcement Responses to Domestic Violence Incidents

INTEGRITY ★ INDEPENDENCE ★ EXCELLENCE





Results in Brief

Evaluation of Military Services' Law Enforcement Responses to Domestic Violence Incidents

April 19, 2019

Objective

We determined whether:

- Military Service law enforcement policies related to responding to domestic violence incidents were consistent with DoD Instruction (DoDI) 6400.06, "Domestic Abuse Involving DoD Military and Certain Affiliated Personnel," August 31, 2007, (Incorporating Change 2, July 9, 2015); and
- Military Service law enforcement organizations complied with DoD policy when responding to nonsexual domestic violence incidents with adult victims.

Background

According to DoDI 6400.06, domestic violence is an offense that involves the use, attempted use, or threatened use of force or violence against a person, or a violation of a lawful order issued for the protection of a: (1) person who is a current or former spouse, (2) person with whom the abuser shares a child in common, or (3) current or former intimate partner with whom the abuser shares or has shared a common domicile.

DoDI 6400.06 requires Military Service law enforcement personnel to respond to and investigate reports of domestic violence. Further, DoDI 6400.06 requires Military Service law enforcement personnel to assemble evidence and notify installation Family Advocacy Program (FAP) staff members immediately upon receiving an allegation of a domestic violence incident. The FAP is designed to address prevention,

Background (cont'd)

identification, evaluation, treatment, rehabilitation, followup, and reporting of family violence. The advocacy program consists of coordinated efforts designed to prevent and intervene in cases of family distress, and to promote healthy family life.

DoD policy also requires Military Service law enforcement personnel to submit subject criminal history data to the Defense Central Index of Investigations (DCII) and the Federal Bureau of Investigation (FBI) Criminal Justice Information Services Division (CJIS) in order to store criminal history information for security and law enforcement purposes.

Findings

The Military Service law enforcement policies related to responding to incidents of domestic violence that we evaluated were consistent with DoDI 6400.06. They also included procedures, not found in DoDI 6400.06, that are designed to enhance law enforcement personnel's response to domestic violence incidents.

However, we determined that Military Service law enforcement organizations did not consistently comply with DoD policies when responding to nonsexual domestic violence incidents with adult victims. Specifically, we evaluated 219 domestic violence incidents and found that Military Service law enforcement organizations did not consistently process crime scenes (62 of 219), conduct thorough interviews (148 of 219), notify FAP of domestic violence incidents (49 of 219), or submit criminal history data to the DCII, the FBI CJIS Division, and the Defense Forensics Science Center (DFSC) (180 out of 219).

Several factors contributed to Military Service law enforcement not complying with DoD law enforcement policies. Specifically, we determined that Military Service law enforcement commanders instructed law enforcement personnel to implement practices that were



Results in Brief

Evaluation of Military Services' Law Enforcement Responses to Domestic Violence Incidents

Findings (cont'd)

not consistent with DoD requirements which resulted in noncompliance. For example, a commander instructed law enforcement personnel to rely on the victim's command officials to take followup photographs of victims' injuries, rather than have law enforcement personnel take the photos. In addition, Military Service law enforcement personnel did not have the necessary equipment, such as cameras and digital field exploitation systems, to comply with DoD policies that require law enforcement personnel to collect and preserve evidence. Further, Military Service law enforcement supervisors did not perform effective supervisory oversight of domestic violence incident responses. For example, we found that supervisors did not review incident reports or only performed superficial reviews, which did not identify or correct the deficiencies discussed in the report.

If Military Service law enforcement personnel do not thoroughly investigate and document their response to domestic violence incidents, decision makers, such as commanders and prosecutors, will not have the necessary information to make informed disciplinary or prosecutorial decisions. Further, these deficiencies could hinder criminal investigations, impact law enforcement and national security interests, and expose victims to additional harm.

Recommendations

We recommend that the Secretaries of the Army, Navy, and Air Force take prompt action to ensure that:

- a. All subjects that we determined were not properly titled and indexed in the DCII are titled and indexed, as required.
- b. A comprehensive review of criminal investigative databases and files is conducted to verify that all subjects of domestic violence incidents from 1998 to present are titled and indexed in the DCII.

- c. Subject fingerprint cards and final disposition reports are collected and submitted to the FBI CJIS Division for all subjects that we determined were not submitted.
- d. DNA is collected and submitted to the DFSC for submission to the Combined DNA Index System for all qualifying subjects that we determined were not submitted.
- e. The importance of complying with DoD and supplemental Military Service policies related to law enforcement's response to domestic violence incidents when collecting evidence, conducting interviews, notifying Family Advocacy Personnel staff members, and titling and indexing subjects in the DCII is emphasized in writing to all Military Service law enforcement organizations.
- f. Military Service law enforcement practices, equipment, and supervisory reviews are adequate to comply with DoD policies when collecting evidence, conducting interviews, notifying Family Advocacy Program staff members, and titling and indexing subjects in the DCII.

Management Comments and Our Response

The Chief of Staff for the Office of the Army Provost Marshal General, responding for the Secretary of the Army, agreed with Recommendations a, e, and f. He described specific actions the Army would take to implement these recommendations. We consider Recommendations a, e, and f for the Army resolved, but open.

Additionally, the Chief of Staff for the Office of the Army Provost Marshal General agreed with Recommendations c and d. However, the actions described did not fully address the recommendations because the Chief of Staff's plan does not ensure that



Results in Brief

Evaluation of Military Services' Law Enforcement Responses to Domestic Violence Incidents

Comments (cont'd)

fingerprints, final disposition reports, and DNA is collected and submitted for all qualifying subjects. As a result, Recommendations c and d for the Army are unresolved and we request additional comments that describe the specific actions the Army will take to ensure that fingerprints, final disposition reports, and DNA is collected and submitted for the subjects that we identified were missing during our evaluation. Furthermore, the Chief of Staff for the Office of the Army Provost Marshal General disagreed with Recommendation b. The Chief of Staff stated that the Army needs to conduct an analysis of its database systems to determine if it has the capability to review investigative cases dating back to 1998. As a result, Recommendation b for the Army is unresolved. Therefore, we request additional comments identifying the expected completion dates for the analysis of the Army's criminal investigative databases and the recommended comprehensive review dating back to 1998 based on the Army's capabilities.

The Deputy Naval Inspector General, responding for the Secretary of the Navy, provided comments from the Assistant Director of NCIS who agreed with Recommendations a, b, c, e, and f. The Assistant Director of NCIS described specific actions NCIS would take to implement the recommendations. However, the actions described did not fully address Recommendations a and c because the described actions do not ensure the titling and indexing in the DCII and the submission of fingerprint cards and final disposition reports for all of the subjects we identified. Furthermore, the Assistant Director of NCIS disagreed with Recommendation d. The Assistant Director stated there was not sufficient probable cause to collect and submit the subject's DNA because the victim changed her statement and denied being assaulted by the subject. We disagree with the Assistant Director, because we believe there was sufficient probable cause for

collecting and submitting the subject's DNA based on the photographs of the victim's bruises to her chest and the statements she made to the nurse and responding law enforcement that she had been assaulted.

The Deputy Naval Inspector General, responding for the Secretary of the Navy, provided comments from the Commander, Navy Installations Command, who agreed with Recommendations a, b, c, d, e, and f; however, the actions described did not fully address Recommendations b, c, d, e, and f. For example, the described actions for Recommendation d did not address the collection and submission of DNA for the subjects we identified.

The Deputy Naval Inspector General, responding for the Secretary of the Navy, provided comments from the Branch Head of the Marine Corps Law Enforcement, Investigations, and Corrections Branch that were not responsive to Recommendations a, b, c, d, e, and f. Specifically, the Branch Head did not state whether he agreed or disagreed with the recommendations, nor did he describe actions the Marine Corps would take in response to the recommendations. As a result, we consider all of the recommendations to the Navy and Marine Corps, unresolved and we request additional comments from the Navy and the Marine Corps that state an agreement or disagreement with the recommendations and that describe specific actions they will take to resolve Recommendations a, b, c, d, e, and f.

The Deputy Director of Security Forces, responding for the Secretary of the Air Force, agreed with Recommendations a, b, c, and d. She described specific actions the Air Force would take to implement these recommendations. We consider Recommendations a, b, c, and d for the Air Force resolved, but open.



Results in Brief

Evaluation of Military Services' Law Enforcement Responses to Domestic Violence Incidents

Comments (cont'd)

The Deputy Director of Security Forces agreed with Recommendation f. However, the actions described did not fully address the recommendation because the actions were not specific to ensure law enforcement practices, equipment, and supervisory reviews are adequate to comply with DoD policies. As a result, Recommendation f for the Air Force is unresolved, and we request additional comments that describe the specific actions the Air Force will take to ensure that law enforcement practices, equipment, and supervisory reviews are adequate to comply with DoD policies.

Finally, the Deputy Director of Security Forces partially agreed with Recommendation e. She agreed to emphasize in writing the importance of complying with DoD and Military Service policies relating to notifying FAP. However, she did not agree that collecting evidence, conducting interviews, and taking photographs was required by DoDI 6400.06 because the guidance uses the word "should." We disagree with the Deputy Director. The "Writing Style Guide and Preferred Usage

for DoD Issuances," June 27, 2018, states that use of the word "should" in a DoD issuance means that the action is required unless there is a justifiable reason for not doing so. For the noncompliances we identified, the Security Forces personnel did not provide a justifiable reason for not collecting evidence, conducting interviews, and taking photographs. Additionally, the Deputy Director's described actions did not address ensuring the titling and indexing in the DCII for all of the subjects we identified that were missing from the DCII. As a result of the Deputy Director's incorrect assertion and not addressing the titling and indexing of the subjects in the DCII, Recommendation e for the Air Force is unresolved. We request additional comments that describe the specific actions the Air Force will take to ensure that collecting evidence, conducting interviews, taking photographs, and titling and indexing in the DCII is emphasized in writing.

Please see the Recommendations Table on the next page for the status of each recommendation.

Recommendations Table

Management	Recommendations Unresolved	Recommendations Resolved	Recommendations Closed
Secretary of the Army	B.1.b, B.1.c, B.1.d	B.1.a, B.1.e, B.1.f	
Secretary of the Navy	B.1.a-f		
Secretary of the Air Force	B.1.e., B.1.f	B.1.a, B.1.b, B.1.c, B.1.d	

We request that the Army, Navy, and Air Force provide additional comments on the unresolved recommendations by May 22, 2019.

Note: The following categories are used to describe agency management’s comments to individual recommendations.

- **Unresolved** – Management has not agreed to implement the recommendation or has not proposed actions that will address the recommendation.
- **Resolved** – Management agreed to implement the recommendation or has proposed actions that will address the underlying finding that generated the recommendation.
- **Closed** – OIG verified that the agreed upon corrective actions were implemented.





**INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500**

April 19, 2019

MEMORANDUM FOR SECRETARY OF THE ARMY
SECRETARY OF THE NAVY
SECRETARY OF THE AIR FORCE

SUBJECT: Evaluation of Military Services' Law Enforcement Responses to Domestic Violence Incidents (Report No. DODIG-2019-075)

We are providing this report for your information. We conducted this evaluation in accordance with the "Quality Standards for Inspections and Evaluations," published in January 2012 by the Council of the Inspectors General on Integrity and Efficiency.

We considered comments on a draft of this report. DoD Instruction 7650.03 requires that all recommendations be resolved promptly. Comments from the Army, Navy, and Air Force were partially responsive to the recommendations.

Comments from the Chief of Staff of the Army Provost Marshal General, responding for the Secretary of the Army, partially addressed the recommendations. Therefore, we request that the Army provide additional comments on Recommendation B.1.b, B.1.c, and B.1.d by May 22, 2019, to include the actions the Army will take.

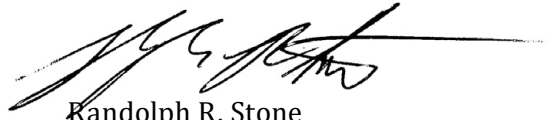
Comments from the Deputy Naval Inspector General, responding for the Secretary of the Navy, partially addressed the recommendations. Therefore, we request that the Navy provide additional comments on Recommendations B.1.a through B.1.f by May 22, 2019, to include the actions the Navy will take.

Comments from the Deputy Director of Security Forces, responding for the Secretary of the Air Force, partially addressed the recommendations. Therefore, we request that the Air Force provide additional comments on Recommendations B.1.e and B.1.f by May 22, 2019, to include the actions the Air Force will take.

Please send a PDF file containing your comments to [REDACTED] Copies of your comments must have the actual signature of the authorizing official for your organization. We cannot accept the /Signed/ symbol in place of the actual signature. If you arrange to send classified comments electronically, you must send them over the SECRET Internet Protocol Router Network (SIPRNET).

We intend to follow up on the implementation of the recommendations and the steps each Military Service is taking to implement the recommendations.

If you have any questions or would like to meet to discuss the evaluation, please contact [REDACTED] We appreciate the cooperation and assistance received during the evaluation.



Randolph R. Stone
Assistant Inspector General
for Evaluations
Space, Intelligence, Engineering,
and Oversight

cc:

GENERAL COUNSEL, DEPARTMENT OF DEFENSE
INSPECTOR GENERAL, DEPARTMENT OF THE ARMY
NAVAL INSPECTOR GENERAL
INSPECTOR GENERAL, DEPARTMENT OF THE AIR FORCE
DEPUTY COMMANDANT, MARINE CORPS PLANS, POLICIES,
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AUDITOR GENERAL, DEPARTMENT OF THE ARMY
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PROVOST MARSHAL GENERAL OF THE ARMY
INSPECTOR GENERAL OF THE MARINE CORPS
DIRECTOR, AIR FORCE SECURITY FORCES
COMMANDER, AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS

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Introduction

Objective

We determined whether:

- Military Service law enforcement policies related to responding to domestic violence incidents were consistent with DoD Instruction (DoDI) 6400.06, “Domestic Abuse Involving DoD Military and Certain Affiliated Personnel,” August 21, 2007, (Incorporating Change 2, July 9, 2015); and
- Military Service law enforcement organizations complied with DoD policy when responding to nonsexual domestic violence incidents with adult victims for the period of October 1, 2014, to September 30, 2016.¹

Appendix A discusses our scope and methodology in more detail. Appendix B provides the DoDI 6400.06 DoD law enforcement response protocol for installation law enforcement personnel to use when responding to domestic violence incidents.

Background

Domestic Violence

According to DoDI 6400.06, domestic violence is an offense that involves the use, attempted use, or threatened use of force or violence against a person, or a violation of a lawful order issued for the protection of a:

- current or former spouse,
- person with whom the abuser shares a child, or
- current or former intimate partner with whom the abuser shares or has shared a common domicile.

Public Law 97-114, “Department of Defense Appropriation Act, 1982” Established the DoD Family Advocacy Program

Public Law 97-114, “The Department of Defense Appropriation Act, 1982,” established the DoD’s Family Advocacy Program (FAP). The FAP works to prevent abuse by offering programs to put a stop to domestic abuse before it starts. When abuse does occur, the FAP works to ensure the safety of victims and helps military families overcome the effects of violence and change destructive behavior patterns. FAP staff members are trained to respond to incidents of abuse and neglect,

¹ Military Service law enforcement include installation-level law enforcement and the Military Criminal Investigative Organizations (MCIOs). Installation law enforcement includes U.S. Army Military Police, Naval Security Forces, Air Force Security Forces, and U.S. Marine Corps Military Police and Criminal Investigation Division. The MCIOs are the U.S. Army Criminal Investigation Command (USACIDC), the Naval Criminal Investigative Service (NCIS), and the Air Force Office of Special Investigations (AFOSI).

support victims, and offer prevention and treatment programs. FAP staff members will get involved when either the subject or victim is a military member or, in some cases, a DoD civilian serving overseas.² The FAP is also responsible for public awareness of domestic violence and education programs in the military community.

The FAP consists of coordinated efforts designed to prevent and intervene in cases of family distress, and to promote healthy family life. The Office of the Under Secretary of Defense for Personnel and Readiness (USD[P&R]), through the Deputy Assistant Secretary of Defense for Military Community and Family Policy (DASD[MC&FP]), develops FAP policy for military commanders, law enforcement personnel, victim advocates, and legal professionals to use when responding to domestic violence incidents. We reviewed several DoD policies and interviewed DoD personnel responsible for FAP and law enforcement policies. FAP policy for responding to adult domestic violence incidents is established in DoDI 6400.06, “Domestic Abuse Involving DoD Military and Certain Affiliated Personnel.”

DoDI 6400.06, “Domestic Abuse Involving DoD Military and Certain Affiliated Personnel”

In August 2007, DASD(MC&FP) published DoDI 6400.06 to establish, implement, and update domestic violence policies and identify and assign responsibilities for preventing and responding to domestic violence incidents. Furthermore, DoDI 6400.06 establishes DoD policy to prevent and eliminate domestic abuse in the DoD, provide for the safety of victims, hold abusers appropriately accountable for their behavior, and coordinate the response to domestic violence incidents within the local community. DoDI 6400.06 requires the Secretaries of the Military Departments to establish domestic abuse policies and programs and ensure implementation, monitoring, and evaluation at all levels of military command. It also requires the Secretaries of the Military Departments to establish guidance in accordance with the law enforcement policies and procedures in DoDI 6400.06 for prompt and effective DoD law enforcement investigation and command action.³

² DoDI 5505.07, “Titling and Indexing Subjects of Criminal Investigations in the Department of Defense,” January 27, 2012, defines a subject as “a person, corporation, or other legal entity about which credible information exists that would cause a trained criminal investigator to presume that the person, corporation, or other legal entity committed a criminal offense.”

³ Command action is the final administrative, judicial, or nonjudicial punishment decision that a commander takes against a military member to resolve disciplinary problems.

Further, DoDI 6400.06 requires that commanders refer any incident of domestic abuse reported or discovered independent of law enforcement to military law enforcement or the appropriate criminal investigative organization for possible investigation. In addition, DoDI 6400.06 requires DoD law enforcement personnel to:

- respond to and investigate reports of domestic violence;
- assemble evidence indicating whether or not an act, attempted act, or threatened act of nonaccidental physical force has occurred, by whom and against whom, and the impact the act has had on the victim in terms of actual or potential physical injury or the fear it creates;
- ensure that victims are informed of available domestic violence services; and
- notify installation FAP staff members immediately upon receiving an allegation of a domestic violence incident so that the FAP staff members can initiate a thorough risk assessment and safety plan.⁴

DoDI 6400.06 also provides specific procedures that law enforcement personnel should use when responding to a domestic violence incident. For example, DoDI 6400.06 specifies that law enforcement personnel should:⁵

- approach the scene of a domestic violence incident as one of high risk;
- collect and preserve all physical evidence reasonably necessary to establish what took place, including photographic evidence substantiating the victim's injuries and crime scene, and evidentiary articles, such as weapons or torn or bloodied articles of clothing;
- advise the victim to contact law enforcement and arrange for photographs to be taken of other injuries that become apparent in the days following the incident;
- interview the victim, subject, and witnesses thoroughly;
- interview children in a manner appropriate to their age and apparent developmental level; and
- inquire about any history of abuse.

⁴ A domestic violence risk assessment is a procedure used to identify and analyze potential future threats of violence by the subject against victims and other family members. DoDI 6400.06 defines safety planning as “[a] process whereby a victim advocate, working with a domestic abuse victim, creates a plan, tailored to that victim’s needs, concerns, and situation, that will help increase the victim’s safety and help the victim to prepare for, and potentially avoid, future violence.”

⁵ The “Writing Style Guide and Preferred Usage for DoD Issuances,” June 27, 2018, states the use of the word “should” in a DoD issuance means that the action is required unless justifiable reason exists for not doing so.

Furthermore, DoDI 6400.06 requires the MCIOs to investigate domestic violence incidents if the victim's injury is considered a Special Victim Investigation and Prosecution (SVIP) capability-covered offense. DoDI 5505.19, "Establishment of Special Victim Investigation and Prosecution (SVIP) Capability within the Military Criminal Investigative Organizations (MCIOs)," February 3, 2015, (Incorporating Change 1, September 4, 2015), defines SVIP capability-covered offenses, which includes aggravated assault with grievous bodily harm.⁶

Appendix B includes the section of DoDI 6400.06 that addresses law enforcement's roles and responsibilities related to responding to domestic violence incidents.

DoDI 5505.19, "Establishment of Special Victim Investigation and Prosecution (SVIP) Capability within the Military Criminal Investigative Organizations (MCIOs)"

More serious domestic violence incidents require enhanced law enforcement investigative tactics and procedures that are performed by the MCIOs. DoDI 5505.19 establishes the serious domestic violence incident threshold requirement for the MCIOs. Specifically, DoDI 5505.19 requires MCIOs to investigate all unrestricted reports of domestic violence involving sexual assault or aggravated assault with grievous bodily harm.⁷ DoDI 5505.19 defines grievous bodily harm as a "serious bodily injury that includes fractures or dislocated bones, deep cuts, torn members of the body, serious damage to internal organs, and other severe bodily injuries. It does not include minor injuries, such as a black eye or bloody nose."

Installation law enforcement personnel respond to and investigate most domestic violence incidents on DoD installations because the incident does not meet the threshold established for MCIOs to investigate.

Military Service, Installation-Level, and MCIO Law Enforcement Policies

The Military Services, installations, and MCIOs developed their own law enforcement policies that supplement the guidance established in DoDI 6400.06 and DoDI 5505.19. In many instances, domestic violence response requirements are not established in a single Military Service, installation-level, or MCIO law

⁶ DoDI 5505.19 defines SVIP capability-covered offenses as: a. Unrestricted reports of adult sexual assault; b. Unrestricted reports of domestic violence involving sexual assault and/or aggravated assault with grievous bodily harm; and c. Child abuse involving child sexual assault and/or aggravated assault with grievous bodily harm.

⁷ A victim of a domestic violence incident can choose restricted or unrestricted reporting for the incident. DoDI 6400.06 states that unrestricted reporting is for victims of domestic abuse who want to pursue an official command or criminal investigation. Restricted reporting is intended to give adult victims additional time, while benefiting from receiving relevant information and support, to make more informed decisions about reporting the domestic abuse incident to the appropriate commander.

enforcement policy, but they may be in multiple policies. Further, the Military Service, installation-level, and MCIO law enforcement policies are not necessarily unique to responding to domestic violence incidents, but are the same policies that are used when responding to other criminal incidents.

Following is a summary of the Military Service, installation-level, and MCIO law enforcement policies that we obtained and evaluated. We selected eight installations based on the number of unrestricted reports of domestic violence incidents between October 1, 2014, and September 30, 2016.⁸ We evaluated the installation-level policies discussed in the following sections of this report to determine whether they were consistent with DoDI 6400.06.

Army

The Army established requirements for law enforcement personnel to use when responding to domestic violence incidents in the following Army policies.

Army Regulation (AR) 190-45, “Law Enforcement Reporting,” September 27, 2016, establishes Army law enforcement policies and procedures for criminal history reporting to the DoD; the Federal Bureau of Investigation’s (FBI) National Crime Information Center (NCIC); and the Department of Justice, Criminal Justice Information Services (CJIS) Division.⁹ It also provides specific requirements for installation law enforcement personnel to use when responding to domestic violence incidents, such as enforcing civilian protection orders (CPOs) and handling restricted and unrestricted reporting of domestic violence incidents.

AR 195-2, “Criminal Investigation Activities,” June 9, 2014, requires U.S. Army Criminal Investigation Command (USACIDC) to assume investigative responsibility for all aggravated assaults where a victim was hospitalized for at least 24 hours.¹⁰ In addition, it establishes policies on criminal investigation activities, including the utilization, control, and investigative responsibilities of all personnel assigned to USACIDC elements. It also delineates responsibility and authority between Military Police and USACIDC.

⁸ Refer to Appendix A for additional explanation of the methodology used for this sample selection.

⁹ The NCIC is a computerized information system available to law enforcement and criminal justice agencies. The system includes records of wanted persons, missing persons, and persons who pose a threat to officer and public safety as well as records for stolen property items. Records of persons are generally indexed and accessed using identifiers such as names and dates of birth, Social Security numbers, and vehicle operator’s license numbers.

¹⁰ The AR 195-2 policy that requires 24 hours of hospitalization for USACIDC to assume investigative responsibility is not consistent with DoDI 5505.19. We identified this inconsistency during our comparison of Military Service law enforcement policies with DoDI 6400.06. We did not identify any instances where USACIDC should have investigated a domestic violence incident and failed to do so despite the inconsistent policy. DoDI 5505.19 is outside the scope of this evaluation; therefore, we did not make a recommendation in this report to the Secretary of the Army to update AR 195-2. However, we sent a memorandum on December 14, 2018, to USACIDC recommending that they take action to resolve the inconsistency in AR 195-2. Refer to Appendix C for additional information regarding the memorandum provided to USACIDC. On December 28, 2018, USACIDC published Operational Memorandum 016-18, providing interim guidance to USACIDC personnel that complies with DoDI 5505.19. This guidance will be added to AR 195-2.

Army Techniques Publication (ATP) 3-39.10, "Police Operations," January 26, 2015, addresses law enforcement operations including a section with specific procedures for law enforcement patrol officers to use when responding to domestic violence incidents. For example, ATP 3-39.10 provides guidance on the initial response for patrol officers, such as requiring at least two patrol officers to respond to a domestic violence incident. It also includes other procedures, such as interviewing children.

ATP 3-39.12, "Law Enforcement Investigations," August 19, 2013, provides guidance and investigative techniques for all Army law enforcement investigators to use when responding to certain criminal offenses including domestic violence. For example, for interviewing victims it states that law enforcement personnel should acknowledge the victim's emotional state if they are "shaking or crying," and to be prepared for the victim to be angry as well. The publication also provides requirements for conducting searches, collecting evidence, processing and documenting crime scenes, and conducting subject and child interviews.

In addition, the two Army installations that we selected for this evaluation, Fort Belvoir, Virginia, and Fort Bragg, North Carolina, established requirements for law enforcement personnel to use when responding to domestic violence incidents in the following installation-level policies.

Fort Belvoir Police Department Standard Operating Procedure (SOP) #2-22, "Domestic Abuse/Assault Cases," June 16, 2016, establishes specific procedures for installation law enforcement personnel at Fort Belvoir to use when responding to domestic violence incidents. For example, this policy requires installation law enforcement personnel to take photographs at crime scenes and conduct interviews. It also includes initial response procedures for patrol officers, such as patrol officers should wait for back-up patrol officers, discuss a strategy, and approach the dispute scene in pairs.

Fort Bragg Letter No. 80, "Command Response to Incidents of Domestic Violence," Appendix C7, "Respond to a Domestic Disturbance," June 7, 2016, establishes specific procedures for installation law enforcement personnel at Fort Bragg to use when responding to domestic violence incidents. For example, it requires installation law enforcement personnel to take photographs at crime scenes and conduct subject interviews. It also provides guidance on preventing dual apprehensions of the participants in the domestic violence incident.¹¹

¹¹ Dual apprehensions are the apprehensions of both parties involved in a domestic violence incident. Preventing dual apprehensions is important for protecting the victim's safety and holding the individual who poses the most serious threat accountable.

Finally, the USACIDC established USACIDC Regulation (CIDR) 195-1, “Criminal Investigation Operational Procedures,” January 4, 2016, which sets forth requirements for USACIDC agents to use when investigating domestic violence incidents resulting in an aggravated assault or more serious offenses. For example, it requires that USACIDC investigate a restricted report of domestic violence when, among other reasons, the victim authorizes disclosure to law enforcement or command officials, in writing, or when disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of the victim or another person, including a dependent child.

Navy and Marine Corps

The Navy established requirements for law enforcement personnel to use when responding to domestic violence incidents in the following Navy policies.

Naval Operations Instruction (OPNAVIST) 5530.14E, “Navy Physical Security and Law Enforcement Program,” November 9, 2009, (Incorporating Change 3, November 20, 2017), includes general guidance, but no specific procedures, for law enforcement personnel to use when responding to domestic violence incidents. For example, it requires installation law enforcement personnel to complete an on-scene investigation and initiate a followup investigation within installation law enforcement’s jurisdiction. It further requires installation law enforcement personnel to interview witnesses, seize evidence, and photograph the crime scene and victim’s injuries.

Navy Tactics, Techniques and Procedures (NTTP) 3-07.2.3, “Law Enforcement and Physical Security,” August 2011, establishes policies and procedures for Navy law enforcement personnel to use when conducting physical security and law enforcement activities. It also provides specific requirements for law enforcement personnel to use when responding to domestic violence incidents, such as procedures for arriving at the scene and conducting interviews.

In addition, the two Navy installations that we selected for this evaluation, Naval Construction Battalion Center (NCBC) Gulfport, Mississippi, and Naval Base (NB) San Diego, California, established requirements for law enforcement personnel to use when responding to domestic violence incidents in the following installation-level policies.

NCBC Gulfport Security Department SOP 19, “Domestic Disturbance,” May 21, 2014, establishes specific procedures for installation law enforcement personnel at NCBC Gulfport to use when responding to domestic violence incidents. For example, it includes specific procedures for installation law enforcement personnel at NCBC Gulfport to use on the initial response to the scene, such as where to park the patrol car and what initial notifications to make.

NB San Diego Navy Security Force ANNEX-I-N3AT-1-P, “Security Department Standard Operating Procedures Patrol Division,” January 20, 2017, establishes specific procedures for installation law enforcement personnel at NB San Diego to use when responding to any criminal incident and is not specific to responding to domestic violence incidents. These procedures address interviews and some crime scene processing tasks, such as searching a scene.

In addition, the Naval Criminal Investigative Service (NCIS) established the following policy for special agents to use when investigating domestic violence incidents.

NCIS Manual Volume 3, Chapter 29, “Assault (Category 7G and 7V),” August 2008, establishes guidance for NCIS agents to use when responding to domestic violence incidents. This NCIS Manual requires NCIS investigators to assume investigative responsibility for all reported domestic violence incidents, including misdemeanor or simple assaults, in the Navy and Marine Corps under one or more of the following circumstances:

- the assault was committed with a weapon,
- serious bodily injury occurred as the result of the assault,
- attempted strangulation,
- the victim is pregnant or recently gave birth, or
- prior incidents of violence that appear to be escalating in severity.

It also includes an appendix with a “Domestic Assault Investigative Protocol Checklist.”

Finally, the Marine Corps established requirements for installation law enforcement personnel to use when responding to domestic violence incidents in the following Marine Corps policies.

Marine Corps Order (MCO) 5580.2B, “Law Enforcement Manual,” August 27, 2008, (Incorporating Change 2, December 30, 2015), establishes specific procedures for patrol officers to use when responding to domestic violence incidents, including procedures for entry into a residence and handling children.

In addition, Marine Corps Base (MCB) Quantico, Virginia, established requirements for law enforcement personnel to use when responding to domestic violence incidents in the following installation-level policy.

MCB Quantico SOP, Section 14, “Response Procedures – Domestic Incidents,” June 1, 2016, establishes specific procedures for MCB Quantico installation law enforcement personnel to use when responding to any domestic violence incident. These procedures address conducting interviews and determining whether to apprehend a subject.¹²

MCB Camp Pendleton, California, did not establish installation requirements for law enforcement personnel to use when responding to domestic violence incidents. Instead, it used MCO 5580.2B.

Air Force

The Air Force established requirements for installation law enforcement personnel to use when responding to domestic violence incidents in the following Air Force policies.

Air Force Instruction (AFI) 31-115, “Security Forces Investigations Program,” November 10, 2014, establishes Air Force Security Forces law enforcement requirements for general Security Forces duties and law enforcement operations. It includes guidance for conducting investigations, such as conducting interviews and processing crime scenes.

AFI 31-118, “Security Forces Standards and Procedures,” March 5, 2014, (Incorporating Change 1, December 2, 2015), establishes Air Force Security Forces law enforcement requirements for general Security Forces duties and law enforcement operations. For example, it includes a chapter on conducting interviews, such as which witnesses to interview, but is not specific to domestic violence incidents.

AFI 71-101, Volume 1, “Criminal Investigations Program,” October 8, 2015, (Certified Current on December 17, 2015), establishes an investigative matrix for determining whether Air Force Security Forces or AFOSI will be contacted based on the alleged incident. It specifies that AFOSI assumes investigative responsibility for all reported aggravated assault or child endangerment incidents that result in an aggravated assault with grievous bodily harm and any assault committed during the commission of another crime investigated by AFOSI. Air Force Security Forces is contacted about all other aggravated assaults.

¹² The Uniform Code of Military Justice defines an apprehension as the taking of a person into custody.

Air Force Manual (AFM) 31-201, Volume 3, "Flight Operations," August 24, 2009, (Certified Current, February 26, 2014), establishes law enforcement guidance for Air Force Security Forces personnel. For example, it provides procedures for mobile patrol duties, supervisory duties, and Security Forces communications. The procedures are not unique to domestic violence; they can be used by law enforcement personnel when responding to domestic violence incidents.

AFM 31-201, Volume 4, "High Risk Response," November 17, 2011, establishes guidance for Air Force Security Forces to use when responding to high-risk incidents. It includes specific procedures for responding to domestic violence incidents. These procedures address arriving at the scene and conducting interviews.

In addition, Joint Base (JB) Andrews, Maryland, and JB Elmendorf-Richardson, Alaska, established requirements for law enforcement personnel to use when responding to domestic violence incidents in the following installation-level policies.

JB Andrews Supplement to Air Force Instruction 31-101, "Integrated Defense," July 6, 2017, establishes a foundation for security operations at JB Andrews. It includes general procedures for conducting subject interviews and photographing crime scenes for all incidents. It also addresses domestic violence incidents in several parts of the policy. For example, it requires installation law enforcement personnel to provide domestic violence victims with reasonable ideas for protection, such as staying with family members or friends.

11th Security Forces Group Operating Instruction 31-201, "Flight Operations," May 26, 2016, establishes procedures for installation law enforcement personnel at JB Andrews for conducting interviews and processing crime scenes, such as taking photographs.

673rd Security Forces Operating Instruction 31-101V1, "Security, Law Enforcement Operations," March 20, 2017, establishes specific procedures for installation law enforcement personnel at JB Elmendorf-Richardson to use when responding to all criminal incidents. These procedures include some crime scene processing tasks, such as taking photographs of injuries and property damage.

Finally, AFOSI established the following policies for special agents to use when investigating domestic violence incidents.

AFOSI Manual (AFOSIMAN) 71-118, Volume 4, "General Investigative Methods," April 30, 2009, (Incorporating Change 8, July 7, 2016), establishes guidance for AFOSI personnel to standardize investigative operations, and ensure investigative sufficiency for general investigative methods. It addresses restricted domestic violence reporting, including the collection and handling of evidence. It also includes guidance for conducting interviews.

AFOSIMAN 71-121, "Processing and Reporting Investigative Matters," April 13, 2015, (Incorporating Change 1, June 6, 2016), discusses investigative considerations unique to the criminal violations that AFOSI investigates. This manual provides information, guidance, and procedures for processing, documenting, and reporting investigative matters and reporting criminal history data to the FBI.

AFOSIMAN 71-122, Volume 1, "Criminal Investigations," September 28, 2012, (Incorporating Change 6, February 16, 2017), establishes guidance and discusses investigative considerations unique to the criminal violations that AFOSI investigates. It addresses deaths and assaults related to domestic violence incidents. It further addresses when AFOSI investigates these matters.

AFOSIMAN 71-124, "Crime Scene Manual," July 14, 2014, establishes guidance for AFOSI personnel to use when processing all crime scenes. For example, it provides guidance on conducting crime scene searches and the collection of various types of evidence to include cellular phones.

We evaluated these Military Service, installation-level, and MCIO law enforcement policies to determine whether they were consistent with DoDI 6400.06. Refer to Finding A for our determination regarding whether the Military Service, installation-level, and MCIO law enforcement policies were consistent with DoDI 6400.06.

Finding A

Policies Evaluated Were Consistent With and Enhanced DoDI 6400.06

The Military Service, installation-level, and MCIO law enforcement policies that we evaluated related to responding to domestic violence incidents were consistent with DoDI 6400.06. We also determined that they included procedures not found in DoDI 6400.06 that are designed to enhance law enforcement personnel's responses to domestic violence incidents. For example, the policies established enhanced procedures for:

- law enforcement personnel to identify a predominant aggressor,¹³
- law enforcement personnel to determine whether there are any potential language barriers,
- law enforcement personnel to use when responding to a domestic violence incident that involves another law enforcement officer,
- a minimum of two law enforcement officers to respond to a domestic violence incident,
- communication (dispatch) personnel to use to obtain relevant information for responding patrol officers, and
- law enforcement personnel to refrain from asking the victim if they wish to "press charges."

Policies Evaluated

DoDI 6400.06, "Domestic Abuse Involving DoD Military and Certain Affiliated Personnel"

In August 2007, DASD(MC&FP) published DoDI 6400.06 to establish, implement, and update domestic violence policies and identify and assign responsibilities for preventing and responding to domestic violence. Furthermore, DoDI 6400.06 is the DoD policy established to prevent and eliminate domestic abuse in the DoD, provide for the safety of victims, hold abusers appropriately accountable for their behavior, and coordinate the response to domestic violence incidents within the

¹³ Service and installation policies interchangeably use the terms "predominant aggressor" or "primary aggressor" as the individual who poses as the most serious threat.

local community. DoDI 6400.06 includes guidance for installation law enforcement personnel to use when responding to domestic violence incidents. For example, DoDI 6400.06 includes guidance for installation law enforcement personnel to:

- collect and preserve all physical evidence reasonably necessary to establish what took place, including photographic evidence substantiating the victim's injuries and the crime scene, and evidentiary articles, such as weapons or torn/bloodied articles of clothing;
- interview the victim, subject, and witnesses thoroughly; and
- notify FAP staff members immediately of the incident to prompt a thorough risk assessment and safety planning.

DoDI 6400.06 includes additional procedures for installation law enforcement personnel to use when responding to domestic violence incidents. Refer to Appendix B for the DoDI 6400.06 section that addresses law enforcement's role and responsibilities.

Military Service, Installation-Level, and MCIO Policies

The Military Services, installations, and MCIOs developed their own law enforcement response policies that supplement the guidance established in DoDI 6400.06.¹⁴ The supplemental requirements are not necessarily included in a single Military Service, installation-level, or MCIO policy, but may be contained in multiple policies. Further, the supplemental requirements in Military Service, installation-level, and MCIO policies are not always unique to responding to domestic violence incidents, but are the same policies used when responding to other criminal incidents, such as assaults that are not related to domestic violence incidents.

For example, the Army established policies in AR 190-45, ATP 3-39.10, and ATP 3-39.12 for installation law enforcement personnel to use when responding to domestic violence incidents. In addition, Fort Belvoir and Fort Bragg established installation-level policies for installation law enforcement personnel to use when responding to domestic violence incidents in Fort Belvoir Police Department SOP #2-22, and Fort Bragg Letter No. 80, Appendix C7, respectively. Finally, USACIDC established policy for special agents to use when responding to domestic violence incidents in CIDR 195-1.

¹⁴ The supplemental policies are developed to enhance and clarify DoD guidance, but are not required to repeat or include each procedure from DoD guidance.

Additionally, the Navy established requirements in OPNAVIST 5530.14E and NTTP 3-07.2.3 for installation law enforcement personnel to use when responding to domestic violence incidents. Further, NCBC Gulfport and NB San Diego established installation-level policies in NCBC Gulfport Security Department SOP 19 and NB San Diego Navy Security Force ANNEX-I-N3AT-1-P, respectively, for installation law enforcement personnel to use when responding to domestic violence incidents. Finally, NCIS established policies for special agents to use when responding to domestic violence incidents in NCIS Manual, Volume 3, Chapter 29.

Furthermore, the Marine Corps established requirements for installation law enforcement personnel to use when responding to domestic violence incidents in MCO 5580.2B. In addition, MCB Quantico established installation-level policy for installation law enforcement personnel to use when responding to domestic violence incidents in MCB Quantico SOP, Section 14.

Finally, the Air Force established requirements in AFI 31-115, AFI 31-118, AFI 71-101, AFM 31-101V3, and AFM 31-101V4 for installation law enforcement personnel to use when responding to domestic violence incidents. In addition, JB Andrews and JB Elmendorf-Richardson established installation-level policies in 11th Security Forces Group Operating Instruction 31-201 and 673rd Security Forces Operating Instruction 31-101V1 for installation law enforcement personnel to use when responding to domestic violence incidents. Finally, AFOSI established policies in AFOSIMAN 71-118, AFOSIMAN 71-121, AFOSIMAN 71-122, and AFOSIMAN 71-124 for special agents to use when responding to domestic violence incidents.

Analysis of Military Service, Installation-Level, and MCIO Policies

Military Service, Installation-Level, and MCIO Policies Were Consistent With DoDI 6400.06

To determine whether Military Service, installation-level, and MCIO law enforcement policies were consistent with DoDI 6400.06, we reviewed each law enforcement procedure in DoDI 6400.06. We then evaluated each of the Military Service, installation-level, and MCIO law enforcement policies identified in the Background section of this report to determine whether they included procedures that were consistent with the requirements established in DoDI 6400.06.

We found that the Military Service, installation-level, and MCIO law enforcement policies were the same or similar to policies established in DoDI 6400.06. For example, DoDI 6400.06 states that “[l]aw enforcement personnel should collect and preserve all physical evidence reasonably necessary to establish what took place, including photographic evidence of victim’s injuries and crime scene, and evidentiary articles.” The following excerpts are the same or similar to procedures in DoDI 6400.06.

Fort Belvoir Police Department SOP #2-22 directs installation law enforcement personnel to:

- when feasible, take photographs of injuries;
- photograph the crime scene to show that a struggle occurred; if photography is not possible, write a description of the crime scene;
- collect evidence according to the same principles as applied to any crime scene; and
- seize any weapons that were used or threatened to be used in the commission of any crime.

NCIS Manual, Volume 3, Chapter 29, directs special agents to:

- examine the crime scene for any indications of violence;
- photograph the location and positions of all relevant objects and evidence, including potential weapons; cartridges; spent bullets; toppled or moved furniture; objects on the floor; broken glass; torn curtains or draperies; broken, scratched, dented, or damaged furnishings; and fingernails potentially broken during a struggle;
- collect all evidence, including any weapons used during previous assaults; and
- prepare a crime scene sketch and obtain photographic coverage, showing the location of victim, assailant, furnishings, items of evidence and other pertinent objects, and distances between each.

MCO 5580.2B directs Marine Corps installation law enforcement personnel to:

- make an overall assessment of the quarters or room as appropriate;
- photograph the victim, subject, and quarters if there are visible injuries or substantial damage; and
- collect any physical evidence.

11th Security Forces Group Operating Instruction 31-201 directs installation law enforcement personnel to:

- note their path of travel when entering a crime scene, approach carefully, do not touch or move anything, and be able to retrace their path when exiting the scene;
- make a field sketch or take a photograph of the scene as appropriate;
- determine the need for any additional searches; and
- contact Alert Photo to obtain photographs of property damage or bodily injuries.¹⁵

AFOSIMAN 71-124 states that special agents should:

- attempt to find evidence that explains why and how a crime has or has not been committed;
- observe, record, collect, and preserve evidence, initially on the exterior scene and then the interior scene; and
- photograph, measure, sketch, and annotate on agent's notes items that are clearly visible.

In addition, DoDI 6400.06 states that "law enforcement personnel should interview the victim and alleged suspect as fully as circumstances allow." The following excerpts are the same or similar to procedures in DoDI 6400.06.

- ATP 3-39.12 directs installation law enforcement personnel to document, during the investigation and interviews, the victim's emotional condition, observable injuries, and any history of abuse.
- Fort Bragg Letter No. 80, Appendix C7, directs installation law enforcement personnel to interview subjects and record any spontaneous declarations or excited utterances made by the victim or the assailant as well as the victims' demeanor.
- CIDR 195-1 requires special agents to obtain sworn statements from all victims and complainants as appropriate. CIDR 195-1 states that special agents may need to delay obtaining a sworn written statement from victims or witnesses of violent crimes and sexual assaults so that the victim or witness can sufficiently recover from the traumatic event. However, law enforcement personnel need to conduct an initial verbal interview, as soon as possible, to obtain basic investigative facts, such as identity of subject, location of crime scene, and possible witnesses.

¹⁵ "Alert Photo" is an installation photographer who is available on standby to take photographs when requested.

- NTTP 3-07.2.3 requires law enforcement personnel to separate and interview parties to determine whether suspected abuse or neglect is occurring. In addition, NTTP 3-07.2.3 specifies that law enforcement personnel should interview all children who are present at the scene whenever possible.
- NCBC Gulfport Security Department SOP 19 directs installation law enforcement personnel to interview involved parties and witnesses.
- NB San Diego Navy Security Force ANNEX-I-N3AT-1-P directs law enforcement personnel to place witnesses, victims, and complainants in separate locations and to perform individual interviews. When conducting interviews, installation law enforcement personnel should “Listen, Empathize, Ask questions, Paraphrase and Summarize” to ensure that they clearly understood and that all relevant information is obtained.
- MCB Quantico SOP, Section 14, directs installation law enforcement personnel to gather statements from the parties involved, as well as any witnesses that were identified.
- AFM 31-201V4 requires law enforcement personnel to separate personnel and conduct interviews with each person.

Furthermore, DoDI 6400.06 requires law enforcement personnel to notify FAP staff members immediately of the domestic violence incident. The following excerpts are the same or similar to procedures in DoDI 6400.06.

- Fort Bragg Letter No. 80, Appendix C7, requires installation law enforcement personnel to notify Social Work Services regardless of whether the altercation is physical or verbal.¹⁶
- CIDR 195-1 requires USACIDC field elements to collaborate with the FAP managers and domestic abuse victim advocates during all stages of the investigation to ensure that an integrated military justice capability, to the greatest extent possible, is afforded to support the victim.
- NTTP 3-07.2.3 requires installation law enforcement personnel to request that the family advocacy representative be notified of all incidents or complaints involving child or spouse abuse.
- MCO 5580.2B states that after the disputants have been interviewed, military police should notify the Marine and Family Programs Division.¹⁷
- AFM 31-201 V4 states that the military member’s unit commander, first sergeant, and the base family advocacy officer must be advised of all incidents of family violence.

¹⁶ Social Work Services is another term used by the Army for the Family Advocacy Program.

¹⁷ Marine and Family Programs Division is an organization in the Marine Corps responsible for the Family Advocacy Program.

Procedures in Military Service, Installation-Level, and MCIO Policies Enhanced the DoDI 6400.06 Law Enforcement Domestic Violence Response Protocol

During our evaluation of Military Service, installation-level, and MCIO law enforcement policies, we identified the following additional procedures that were designed to enhance law enforcement personnel's response to domestic violence incidents.

- Fort Belvoir Police Department SOP #2-22; Fort Bragg Letter No. 80, Appendix C7; NTTP 3-07.2.3; NCIS Manual 3 Chapter 29; MCO 5580.2B; and MCB Quantico SOP Section 14 established a procedure to identify a predominant aggressor in domestic violence incidents.¹⁸ Identifying a predominant aggressor in a domestic violence incident is critical to avoid unnecessary dual apprehensions, such as apprehending a victim that while defending himself or herself injured the subject.
- ATP 3-39.12 and MCO 5580.2B established a procedure to determine whether there are any potential language barriers and request an interpreter where necessary. Determining potential language barriers is critical to ensure information is accurately obtained from a victim, subject, or witness that may not speak fluent English. This could occur because many military installations are located overseas or military members may be married to civilian spouses who do not speak fluent English.
- NCBC Gulfport Security Department SOP 19 and MCO 5580.2B established procedures for law enforcement personnel to use when responding to a domestic violence incident that involves another law enforcement officer. This guidance is critical to prevent a law enforcement officer from being treated differently than others in the community and to ensure that an offense by a law enforcement officer is investigated thoroughly due to the ramifications of a potential conviction of a qualifying offense under Federal law.¹⁹
- NCBC Gulfport Security Department SOP 19, MCB Quantico SOP, Section 14, and 673rd Security Forces Operating Instruction 31-101V1 established that a minimum of two officers respond to a domestic violence incident. It is critical to have a minimum of two officers to help ensure the safety of the law enforcement personnel and individuals at the scene.

¹⁸ Service and installation policies interchangeably use the terms "predominant aggressor" or "primary aggressor" as the individual who poses as the most serious threat.

¹⁹ The Domestic Violence Amendment to the Gun Control Act (Lautenberg Amendment), Public Law 104-208, was passed in 1996. The Amendment was named for its sponsor, Senator Frank Lautenberg and sought to close perceived gaps in the original law. Specifically, his proposal addressed misdemeanor domestic violence convictions and restraining orders for domestic abuse by including them in the definition of qualifying convictions. Once signed into law, the Lautenberg Amendment changed the language of the Gun Control Act to ensure the law applies to military personnel and law enforcement officers who rely on firearms and ammunition to perform their job.

- Fort Belvoir Police Department SOP #2-22; Fort Bragg Letter No. 80; Appendix C7; NTTP 3-07.2.3; MCO 5580.2B; MCB Quantico SOP, Section 14; AFM 31-201, Volume 3; AFM 31-201V4; and 673rd Security Forces Operating Instruction 31-101V established standard procedures for communication (dispatch) personnel to use to obtain relevant information for responding patrol officers. These standard procedures included asking the caller questions, such as whether there was a weapon involved or whether the subject had a previous criminal history. It is critical for communication personnel to obtain all relevant information from the caller to prepare responding patrol officers for their arrival at the scene, which helps to ensure the safety of patrol officers and others.
- Fort Bragg Letter No. 80, Appendix C7, and 673rd Security Forces Operating Instruction 31-101V1 established procedures directing law enforcement personnel to refrain from asking the victim if they wish to “press charges.” It is critical to investigate all allegations of domestic violence even when a victim does not desire to press charges because domestic violence is usually not an isolated incident, and law enforcement personnel will likely be called again.

Conclusion

Military Service, installation-level, and MCIO law enforcement policies were consistent with DoDI 6400.06. Furthermore, we determined that Military Service, installation-level, and MCIO law enforcement policies included additional procedures that were designed to enhance law enforcement personnel’s response to domestic violence incidents. Consistent and enhanced law enforcement policies are important to ensure that law enforcement personnel are prepared when responding to domestic violence incidents, law enforcement personnel conduct thorough domestic violence investigations, and victims of domestic violence are adequately protected.

Finding B

Military Service Law Enforcement Did Not Consistently Comply With DoD Policy When Responding to Domestic Violence Incidents

We evaluated 219 domestic violence incident responses at eight military installations and found that Military Service law enforcement organizations at the installation level did not consistently comply with DoD policies when responding to domestic violence incidents. Specifically, we determined that Military Service law enforcement at the installation level did not consistently:

- process crime scenes (62 of 219),²⁰
- conduct interviews (59 of 219),
- conduct thorough interviews (120 of 219),
- notify FAP staff members of domestic violence incidents (49 of 219), and
- submit criminal history data (180 of 219).

Law Enforcement Requirements

DoDI 6400.06 requires installation law enforcement personnel to respond to and investigate reported domestic violence incidents on their respective installations. Furthermore, DoDI 6400.06 requires the MCIOs to investigate the domestic violence incident if the victim's injury is considered a Special Victim Investigation and a Prosecution Capability-covered offense, such as aggravated assault with grievous bodily harm, in accordance with DoDI 5505.19.²¹ DoDI 5505.19 defines grievous bodily harm as a "serious bodily injury including fractures or dislocated bones, deep cuts, torn members of the body, serious damage to internal organs, and other severe bodily injuries. It does not include minor injuries such as a black eye or bloody nose."

²⁰ Processing crime scenes includes procedures such as searching the crime scene, identifying and collecting evidence, and taking photographs of the crime scene, evidence, injuries, and property damage.

²¹ The MCIOs are USACIDC, NCIS, and AFOSI.

In addition, DoD policies include the following procedures that installation law enforcement and MCI/O personnel should perform when responding to and investigating domestic violence incidents.²²

- DoDI 6400.06 states that law enforcement personnel should:
 - collect and preserve all physical evidence reasonably necessary to establish what took place, including photographic evidence substantiating the victim’s injuries and crime scene, and other physical evidence;
 - conduct interviews with all victims, subjects, and any witnesses, including adults and children; and
 - notify FAP staff members immediately upon receipt of a report of domestic violence.
- DoDI 5505.07, “Titling and Indexing Subjects of Criminal Investigations in the Department of Defense,” January 27, 2012, requires DoD law enforcement personnel to title and index the names and identifying information of people under criminal investigation, such as the “subject,” in the title blocks of investigative reports.²³
- DoDI 5505.11, “Fingerprint Card and Final Disposition Report Submission Requirements,” July 21, 2014, (Incorporating Change 1, Effective October 31, 2014), requires DoD law enforcement personnel to collect and submit subject fingerprint cards and final disposition reports related to criminal investigations to the FBI CJIS Division.
- DoDI 5505.14, “Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations, Law Enforcement, Corrections, and Commanders,” December 22, 2015, requires DoD law enforcement personnel to collect and submit subject DNA through the Defense Forensic Science Center (DFSC) to the FBI Combined DNA Index System (CODIS) Division.

We discuss these requirements in further detail in the corresponding sections of this Finding.

²² The “Writing Style Guide and Preferred Usage for DoD Issuances,” June 27, 2018, states the use of the word “should” in a DoD Issuance means that the action is required unless justifiable reason exists for not doing so.

²³ DoDI 5505.07 states that the Defense Central Index of Investigations (DCII) is a centralized database of selected unique identifying information and security clearance data used by security and investigative agencies in the DoD to determine security clearance status and the existence of criminal and personnel security investigative files. DoDI 5505.07 also states that “indexing” is the process used to submit identifying information concerning subjects, victims, or incidentals of investigations for inclusion to the DCII. It further states that “titling” is the act of identifying information of a person, corporation, other legal entity, or activity in the title block of an investigative report. DoDI 5505.07 defines incidentals as “[a]ny person or entity associated with a matter under investigation whose identity may be of subsequent value for law enforcement or security purposes.”

Our Evaluation of Law Enforcement Responses to Domestic Violence Incident Reports

To determine whether law enforcement personnel consistently complied with DoD policies when responding to domestic violence incidents, we evaluated law enforcement responses to domestic violence incidents at eight military installations. We selected two installations from each Military Service, for a total of eight installations, based on the number of domestic violence incidents that were reported between October 1, 2014, and September 30, 2016. For each Military Service, we selected the installation with the highest number of domestic violence incidents and an installation with a low number of domestic violence incidents.²⁴ There were a total of 956 law enforcement domestic violence incident responses during the time period at the eight installations.

We selected a simple random sample of 219 of the 956 law enforcement domestic violence incident responses.²⁵ The numerical breakdown of the 219 law enforcement domestic violence incident responses was as follows:

- 31 were from Fort Belvoir installation law enforcement;
- 45 were from Fort Bragg installation law enforcement;
- 7 were from NCBC Gulfport installation law enforcement;
- 7 were from NB San Diego installation law enforcement;
- 47 were from MCB Camp Pendleton installation law enforcement;
- 20 were from MCB Quantico installation law enforcement;
- 6 were from JB Andrews installation law enforcement;
- 32 were from JB Elmendorf-Richardson installation law enforcement; and
- 24 were from NCIS offices at NB San Diego, MCB Camp Pendleton, and MCB Quantico.

USACIDC at Fort Belvoir and Fort Bragg, NCIS at NCBC Gulfport, and AFOSI at JB Andrews and JB Elmendorf-Richardson did not have any domestic violence investigations within the scope of this evaluation. We found that there were 247 subjects associated with the 219 domestic violence incidents because in some instances, an incident had more than one subject.²⁶ We analyzed Military Service

²⁴ We selected the installation with the highest number and one that had a small number of incidents to capture installations where domestic violence is a routine Military Service law enforcement response and installations where domestic violence is not a routine Military Service law enforcement response.

²⁵ We worked with the DoD OIG Quantitative Methods Division (QMD) to determine a simple random sample to evaluate based on a desired level of reliability giving us our sample size. The sample size was selected from the population using a 90-percent confidence level, 50-percent probability of occurrence at a 7-percent precision level.

²⁶ Some incidents had more than one subject because law enforcement apprehended both parties following the incident based on a determination that both parties had committed a criminal offense.

law enforcement incident response documentation and performed queries of or reviewed domestic violence incidents reports from the applicable law enforcement databases. Our analysis determined whether Military Service law enforcement personnel consistently processed crime scenes, conducted thorough interviews, notified FAP staff members immediately, and submitted criminal history data. We found that 201 of the 219 domestic violence incidents did not comply with DoD policies in one or more of the following categories: processing crime scenes, conducting thorough interviews, notifying FAP, or reporting criminal history data.

Table 1 depicts a breakdown by Military Service installation law enforcement and the one MCIO with investigations in the scope of this evaluation of the 201 domestic violence incidents where law enforcement personnel did not comply with DoD policies in one or more of the following categories.

Table 1. Military Service Law Enforcement Incident Response Evaluation

Category	Number of Incidents Evaluated					
	Total	Army	Navy	Marine Corps	NCIS	Air Force
Total Number of Domestic Violence Incident Responses Evaluated	219	76	14	67	24	38
Number Of Incident Responses With Noncompliances In Crime Scene Processing, Interviewing, FAP Notifications, Or Criminal History Reporting	201	76	14	59	14	38
Number of Incident Responses Compliant In All Categories Evaluated	18	0	0	8	10	0
Noncompliance Rate	92%	100%	100%	88%	58%	100%

In the following subsections, we discuss these noncompliances and their importance in more detail.

We interviewed law enforcement personnel that are currently assigned to the eight selected installations and law enforcement personnel that were assigned between October 1, 2014, and September 30, 2016, to determine why the law enforcement responses did not comply with DoD policies. In the Analysis of Installation Law Enforcement Noncompliance with DoD Policies section of this finding, we discuss in detail the results of these interviews and the factors that contributed to these noncompliances.

Processing Crime Scenes

Requirements for Crime Scene Processing

DoDI 6400.06 requires law enforcement personnel to assemble evidence indicating whether or not an act, attempted act, or threatened act of nonaccidental physical force has occurred, by whom and against whom, and the impact the act has had on the victim in terms of actual or potential physical injury or the fear it creates. Furthermore, DoDI 6400.06 states that “[l]aw enforcement personnel should collect and preserve all physical evidence reasonably necessary to establish what took place, including photographic evidence and other evidence that substantiates the victim’s injuries and crime scene.”²⁷

Consistent and accurate processing of crime scenes is critical for factually assessing what occurred during a domestic violence incident. Evidence collected and preserved provides decision makers, such as commanders and prosecutors, with information necessary to make disciplinary or prosecutorial decisions. In addition, evidence collected can be used to help support or refute statements made by subjects, victims, and witnesses.

Our Evaluation of Crime Scene Processing

We evaluated the 219 law enforcement domestic violence incident reports to determine whether law enforcement personnel photographed and collected evidence from crime scenes, property damage, and the victim’s or subject’s injuries. We found that law enforcement personnel were required to search 143 of the 219 crime scenes. The other 76 domestic violence incidents did not require a crime scene search for reasons such as the victim delayed the report of the incident or the victim told law enforcement personnel there were no visible injuries or property damage. Table 2 depicts a breakdown by Military Service installation law enforcement and the one MCIO with investigations in the scope of this evaluation of the 47 of the 143 domestic violence incidents where law enforcement personnel did not search the crime scene for evidence as required by DoDI 6400.06. In addition, Table 2 also depicts a breakdown by Military Service installation law enforcement and the one MCIO with investigations in the scope of this evaluation of the eight domestic violence incidents where law enforcement personnel searched the crime scene, but did not collect the appropriate evidence.²⁸ We also found that law enforcement personnel were required to photograph 150 of the 219 crime scenes.²⁹

²⁷ Subject or victim photographs are photographs taken of visible injuries at the time of the law enforcement domestic violence response and followup photographs taken of injuries that later became visible or change over time.

²⁸ Examples of evidence not collected include weapons used during the domestic violence incident, such as a knife, a pool cue, and a baseball bat.

²⁹ Examples of instances when photographs were not taken include crime scenes where a victim and subject reported injuries, and weapons and property damage, including holes in the wall caused by the subject, were found at the scene.

The other 69 domestic violence incidents did not require crime scene photographs to be taken for reasons such as there was no information indicating there were visible injuries, evidence, or property damage. Table 2 also depicts a breakdown by Military Service installation law enforcement and the one MCIO with investigations in the scope of this evaluation of the 44 of the 150 domestic violence incidents when law enforcement personnel did not take photographs of the crime scenes or injuries as required by DoDI 6400.06.

Table 2. Military Service Law Enforcement Crime Scene Processing Evaluation

Category	Number of Incidents Evaluated					
	Total	Army	Navy	Marine Corps	NCIS	Air Force
Total Number of Domestic Violence Incident Responses Evaluated	219	76	14	67	24	38
Crime Scene Search Required	143	42	9	45	21	26
Crime Scene Search Not Conducted	47	21	5	11	1	9
Crime Scene Search Noncompliance Rate	33%	50%	56%	24%	5%	35%
Crime Scene Search Required and Conducted	96	21	4	34	20	17
Crime Scene Search Conducted, Required Evidence Was Not Collected	8	1	0	2	0	5
Evidence Collected Noncompliance Rate	8%	5%	0%	6%	0%	29%
Photographs Required	150	45	11	42	20	32
Required Photographs Not Taken	44	22	1	12	0	9
Photographs Noncompliance Rate	29%	49%	9%	29%	0%	28%

Military Service law enforcement did not consistently process crime scenes to provide decision makers, such as commanders and prosecutors, with information necessary to make disciplinary or prosecutorial decisions. Specifically, Military Service law enforcement did not consistently search crime scenes when required, collect evidence, and take photographs.

For example, according to one incident report reviewed at Fort Bragg, the subject allegedly tore down a curtain rod and attempted to use it as a weapon during an assault. The incident report also described additional property damage. However, the incident report did not indicate that law enforcement personnel conducted a search for the curtain rod or took pictures of the other property damage.

An incident report for a domestic violence incident at MCB Quantico documented that the victim said that the subject punched walls, hit various items, and broke a television during the incident. However, the incident report did not indicate that law enforcement personnel conducted a crime scene search to identify the property damage nor did the report contain any pictures of the damage.

An example of where crime scene evidence was not collected occurred when JB Elmendorf-Richardson law enforcement personnel responded to a domestic violence incident where the subject allegedly held a knife while strangling and threatening the victim. However, law enforcement personnel did not seize the knife used in the assault.

Another example of where crime scene evidence was not collected occurred when Fort Bragg law enforcement personnel responded to a domestic violence incident where a cellular phone was alleged to contain text messages, known as digital evidence, related to the domestic violence incident. The Staff Judge Advocate (SJA) requested the cellular phone be collected to review the digital evidence in order to establish probable cause. However, law enforcement personnel did not collect the cellular phone and as a result could not provide the digital evidence to the SJA.

An example of the failure to take photographs occurred when Fort Belvoir law enforcement personnel responded to a domestic violence incident and did not take pictures of the victim's injuries. According to the incident report, the victim had red circular marks on his right cheek and neck.

Interviews of Military Service Law Enforcement Personnel Regarding Crime Scene Processing Noncompliances

We interviewed both former and currently assigned law enforcement personnel at the eight installations that we evaluated to identify the factors that contributed to the crime scene processing noncompliances.

The Fort Belvoir Patrol Captain told us that the noncompliances related to crime scene processing were due to patrol officers not documenting the actions they performed or not having the equipment to complete the actions. For example, he told us that the searches of crime scenes were likely accomplished, but were not documented. In explaining the causes of the lack of documentation of investigative activities by his department, the Fort Belvoir Chief of Police acknowledged law enforcement personnel at Fort Belvoir had a history of not completing required documentation of law enforcement investigative activities. He told us he has taken steps to correct this problem. Specifically, the steps he described included talking with department supervisors about the documentation noncompliances in order to "tighten things up" and working with first-line supervisors to improve report

writing. Additionally, he told us that between August 2010 and September 2017, patrol officers did not consistently have operational cameras to take the required photographs when processing crime scenes. He said that prior to September 2017, he was unaware that the patrol officers didn't have operational cameras and when he was made aware of it, he did not have the funding to immediately correct the issue. However, he told us that in September 2017, his agency purchased new cameras for patrol officers to use when responding to domestic violence incidents. Finally, the Fort Belvoir Chief of Police explained that the crime scene processing noncompliances occurred because supervisors needed to do a better job of ensuring law enforcement personnel document the procedures they perform.

The Fort Bragg Chief of Police told us that he did not know why his department had noncompliances related to crime scene processing. However, he told us that he had several inexperienced investigators, which may have contributed to the noncompliances. He also told us that his investigators sometimes have multiple domestic violence responses happening at the same time and he does not have enough investigators to respond to simultaneously occurring incidents. In these instances, if the subject at one incident admits to committing a domestic violence offense, then the investigator may decide not to take photographs because the subject admitted to committing the offense. Instead, the investigator focuses his response on the other domestic violence incident where he will take the required photographs. This practice does not comply with DoDI 6400.06, which requires that law enforcement take photographs of domestic violence crime scenes and injuries. Additionally, the Fort Bragg Chief of Police told us that supervisors did not identify and correct noncompliances related to crime scene processing due to a lack of law enforcement experience. He told us that law enforcement supervisors are often inexperienced because they have spent only 6 months performing law enforcement duties before they are temporarily reassigned for 18 months to perform non-law enforcement wartime mission duties.³⁰ When they return to their law enforcement duties, they are placed in law enforcement supervisory roles overseeing other inexperienced personnel.

The NCBC Gulfport Naval Security Officer told us that the noncompliances related to crime scene processing were due to a lack of knowledge of the requirements and training deficiencies by patrol officers and supervisors. He told us the patrol officers did not know the requirements for conducting searches, such as knowing what to look for or what to take photographs of in a domestic violence incident. The NCBC Gulfport Naval Security Officer told us that his department was correcting the training deficiencies in crime scene processing to ensure

³⁰ Wartime mission is related to the physical security of an installation and its assets. It is not related to performing law enforcement functions, such as enforcing the law and investigating crimes.

that personnel know the requirements for those procedures. He told us that his department drafted a new SOP, which is currently being coordinated through the installation SJA and installation commander for approval. His department law enforcement personnel will begin training on the new SOP as soon as it is approved. He also told us that his department is developing a training facility where patrol officers will get hands-on practice responding to different events, such as domestic violence incidents. He told us that the training for domestic violence incidents will include crime scene processing specifically to address the noncompliances found during this evaluation. He also told us that they plan to perform annual domestic violence incident training, specifically scenario-based response training.

The NB San Diego Deputy Chief of Police told us that the noncompliances related to crime scene processing were due to patrol officers not documenting the procedures they performed. For example, he told us that he spoke with the patrol officers that responded to the domestic violence incidents and they told him that they conducted crime scene searches, but did not document the searches. However, he could not explain why law enforcement personnel did not comply with the other DoD policies related to crime scene processing, such as taking photographs, other than the patrol officers lack of knowledge of the requirement. Additionally, the NB San Diego Deputy Chief of Police and the Security Officer both told us that patrol officers do not take followup photographs of a victim's injuries. He told us that NCIS, Marine Corps CID, or the victim's command official will take followup photographs of injuries that become apparent later. The practice of relying on command officials to take photographs does not comply with DoDI 6400.06, which requires law enforcement personnel to take followup photographs. Further, during our review of domestic violence incident reports, we did not identify any followup photographs that were taken by command officials.

The NB San Diego Deputy Chief of Police also told us based on this evaluation, he identified a training deficiency in his department related to taking photographs. He told us that he has implemented additional training to address the noncompliances found during this evaluation. Further, the NB San Diego Deputy Chief of Police told us that the patrol supervisors did not provide adequate oversight to identify and correct noncompliances related to processing crime scenes. Finally, he told us that the supervisory reviews did not identify these noncompliances because the reviews were general in nature. To correct this issue, he told us that he created a review checklist for supervisors to use during their reviews to ensure the investigative activities were completed.

The MCB Camp Pendleton Operations Non-Commissioned Officer told us that the noncompliances related to crime scene processing were due to law enforcement personnel not documenting the procedures they performed and a shortage of working cameras. She told us that cameras were recently purchased to take photographs. Additionally, she told us that Marine Corps CID recently established a MCB Camp Pendleton domestic violence investigation unit, which only focuses on domestic violence investigations. Any time a domestic violence incident is reported, patrol officers respond and then notify the domestic violence unit investigator who responds. Further, she told us that the domestic violence unit investigators are trained at the US Army Military Police School, Domestic Violence Intervention Training (DVIT) course.³¹

The MCB Quantico PMO Operations Chief told us that some of the noncompliances related to crime scene processing were due to human error. For example, for noncompliances related to the collection of digital evidence, he told us that the patrol officers were unsure of when to collect cellular phones as evidence. This was because the personal cellular phones are used for multiple purposes and contain several non-evidentiary items on them such as personal photographs. Additionally, the MCB Quantico PMO Operations Chief told us that digital evidence, when collected, is sent to Marine Corps CID because it has the capability to extract data from a cellular phone. However, the MCB Quantico CID Commander told us that digital evidence is difficult to collect because they do not have a digital field exploitation system to extract data from cellular phones.³² In addition, the MCB Quantico PMO Operations Chief told us that the noncompliances related to photographing may have been the result of patrol officers having cameras that were old with no support to fix or replace them. However, he could not recall why the support was not obtained to fix or replace the cameras. It is PMO leadership's responsibility to ensure that law enforcement personnel have the equipment necessary to perform their duties. Finally, the MCB Quantico PMO Operations Chief attributed noncompliances related to crime scene processing to lack of supervisory oversight.

³¹ DVIT is a 5-day course taught in residence or by mobile training teams to provide advanced training to law enforcement personnel and domestic violence first responders. According to its website, <http://home.army.mil/wood/index.php>, the course schedule includes: "[l]egal aspects of domestic violence/intimate partner violence, biases and beliefs about domestic violence, dynamics and psychological aspect of domestic violence, affects (sic) of interpersonal violence on children, understanding the neurobiology of trauma, trauma informed interview techniques, strangulation, domestic violence lethality assessment, victim sensitivity and awareness, domestic violence first responder protocol, evidence based prosecution, video exercise 'profile of the abuser', responding to vulnerable populations (mental/physical disabilities), working with a multidisciplinary team, '[i]n her shoes' practical exercise, overview of victim/witness program and former victim interview."

³² Digital field exploitation systems have the ability to extract data, including photographs and text messages, from various digital devices.

The JB Andrews Security Forces Manager could not explain why law enforcement personnel did not comply with DoD policies related to crime scene processing. She told us that she was not aware that crime scene searches were not conducted, evidence was not obtained, and photographs were not taken. Additionally, the JB Andrews Security Forces Manager told us that the noncompliances that we identified occurred because of a lack of law enforcement experience by some supervisors. She told us that some law enforcement supervisors are often inexperienced in law enforcement duties because they have spent the majority of their career focused on other Security Forces duties, such as missile security, prior to being assigned to JB Andrews.³³ Additionally, she told us that supervisors in the Operations Section were responsible for identifying these noncompliances; however, these supervisors focused on day-to-day operations such as personnel staffing, training, and other issues. Further, she said that they did not review domestic violence incident reports unless it was specifically requested.

The JB Elmendorf-Richardson Security Forces Chief of Plans and Programs told us that many of the noncompliances related to crime scene processing were due to law enforcement personnel not documenting the procedures they performed and supervisors not going to the crime scene to provide effective oversight. He told us that he recently created a checklist for supervisors to use when reviewing domestic violence incidents. Additionally, he told us that installation law enforcement personnel do not coordinate with subjects and victims for followup photographs. This practice does not comply with DoDI 6400.06, which requires that law enforcement take followup photographs. Finally, the JB Elmendorf-Richardson Security Forces Chief of Plans and Programs told us that the noncompliances that we identified also occurred because of a lack of law enforcement experience by some patrol officers. He told us that some patrol officers are often inexperienced in law enforcement duties, because they spent the majority of their career focused on other Security Forces duties, such as missile security, prior to being assigned to JB Elmendorf-Richardson.

According to Military Service law enforcement leadership, there were several factors that resulted in crime scene processing noncompliances. These factors included commanders that instructed law enforcement personnel to follow various practices that conflicted with DoD requirements, such as allowing victim's command officials to take photographs of injuries that become apparent later, lack of equipment, such as cameras and digital exploitation systems; and ineffective supervisory oversight.

³³ Security Forces duties include missile security, air base defense, law enforcement, combat arms, and military working dogs.

Conducting Interviews

Requirements for Conducting Interviews

DoDI 6400.06 requires law enforcement personnel to conduct interviews of all victims, subjects, and witnesses involved in a domestic violence incident. This includes interviews of children in a manner appropriate for their age and apparent developmental level. In addition, DoDI 6400.06 states that “law enforcement personnel should inquire about any history of abuse.”

Thorough interviews of victims, subjects, and witnesses are key to assembling evidence to determine what specifically occurred during a domestic violence incident. Information from interviews provides decision makers, such as commanders and prosecutors, with the information necessary to make disciplinary or prosecutorial decisions.

Our Evaluation of Domestic Violence Incident Interviews

We evaluated the 219 law enforcement domestic violence incident reports to determine whether Military Service law enforcement personnel conducted thorough interviews. Specifically, we evaluated whether law enforcement personnel interviewed all appropriate victims, subjects, and witnesses, and conducted thorough interviews.

Table 3 depicts a breakdown by Military Service installation law enforcement and the one MCIIO with investigations in the scope of this evaluation of 59 domestic violence incidents where law enforcement personnel did not interview all victims, subjects, or witnesses and 120 domestic violence incidents where law enforcement personnel did not conduct thorough interviews as required by DoDI 6400.06.³⁴

Table 3. Military Service Law Enforcement Interview Evaluation

Category	Number of Incidents Evaluated					
	Total	Army	Navy	Marine Corps	NCIS	Air Force
Total number of domestic violence incident responses evaluated	219	76	14	67	24	38
Interviews Not Conducted	59	28	3	15	4	9
Interview Noncompliance Rate	27%	37%	21%	22%	17%	24%
Interviews Not Thorough	120	54	9	18	6	33
Interview Thoroughness Noncompliance Rate	54%	71%	64%	27%	25%	87%

³⁴ Interview thoroughness focused on whether law enforcement personnel attempted to obtain information relating to any history of abuse.

Military Service law enforcement did not consistently conduct thorough interviews to provide decision makers, such as commanders and prosecutors, with the information necessary to make disciplinary or prosecutorial decisions.

An example of an interview that was not conducted occurred when Fort Belvoir law enforcement personnel responded to a domestic violence incident where the victim lost consciousness during the incident. The victim was told what happened during the incident by three children who were with her at the time and she relayed that information to law enforcement. However, installation law enforcement personnel did not interview the children to obtain the information directly from these eyewitnesses.

In addition, we consistently found that Military Service law enforcement personnel at each of the eight installations did not conduct thorough interviews because they did not always ask victims, subjects, or witnesses about prior abuse history, as required by DoDI 6400.06.

Interviews of Military Service Law Enforcement Personnel Regarding Interviewing Noncompliances

We interviewed both former and currently assigned law enforcement personnel at the eight installations that we evaluated to identify the factors that contributed to the interviewing noncompliances.

The Fort Belvoir Patrol Captain told us that the noncompliances related to interviews were due to patrol officers not documenting the interviews they conducted. Additionally, the Fort Belvoir Chief of Police told us that his department personnel did not ask victims, subjects, and witnesses about abuse history as they were focused on the current incident and not prior incidents. This practice does not comply with DoDI 6400.06, which requires that law enforcement inquire about abuse history. We did not find documentation indicating that children were being interviewed and specifically asked the Fort Belvoir Patrol Captain why law enforcement personnel did not conduct these interviews. He told us that he instructed patrol officers not to interview children 10 years of age and under because patrol officers could ask questions in a way that would negatively affect the investigation. He told us that his investigators use the local Child Protective Services (CPS) department for interviewing children and the investigators obtain a copy of the CPS report. We agree that the practice of relying on CPS for interviewing children is acceptable; however, during our evaluation of Fort Belvoir incident reports, we found no evidence that children were interviewed by CPS. In Fort Belvoir Police Department's initial written response to our data analysis, they responded to each of the identified noncompliances related to missing child interviews that they believed the child was too young to be interviewed including

a child that was 11 years old. When we asked the Fort Belvoir Chief of Police if patrol officers could conduct simple field interviews of children, he said they could when they ask general questions, but that patrol officers did not document these interviews. In explaining the causes of the lack of documentation of investigative activities by his department, the Fort Belvoir Chief of Police acknowledged law enforcement personnel at Fort Belvoir had a history of not completing required documentation of law enforcement investigative activities. He told us he has taken steps to correct this problem. Specifically, the steps he described included talking with department supervisors about the documentation noncompliances in order to “tighten things up” and working with first-line supervisors to improve report writing. Additionally, to correct noncompliances related to interviews, he told us that the Detective Supervisor, Patrol Captain, and Chief of Police now perform daily investigation reviews. He also told us that the department now uses a domestic violence risk assessment checklist to ensure victim interviews are thorough. Further, he told us that they are providing additional training to department personnel to improve responses to domestic violence incidents. For example, the Fort Belvoir Police Department hosted a DVIT course in October 2018 provided by instructors from the U.S. Army Military Police School, Fort Leonard Wood, Missouri. Finally, the Fort Belvoir Chief of Police explained that interviewing noncompliances occurred because supervisors needed to do a better job of ensuring law enforcement personnel document the procedures they perform.

The Fort Bragg Chief of Police could not explain why law enforcement personnel did not comply with DoD policies related to conducting interviews. He told us that patrol officers are expected to interview adults and investigators are expected to interview both adults and children. We did not find documentation indicating that children were interviewed. In Fort Bragg’s initial response to our data analysis, law enforcement personnel acknowledged that each of the child witnesses we identified in our evaluation were not interviewed. We asked the Fort Bragg Chief of Police why law enforcement personnel did not conduct these interviews. The Fort Bragg Chief of Police told us that he was not aware that the children had not been interviewed. The Fort Bragg Chief of Police told us that to correct the noncompliances related to interviews, his department had implemented additional training on the topic. Finally, the Fort Bragg Chief of Police told us that the supervisory reviews of law enforcement domestic violence incident reports are conducted by the Officer-in-Charge of the investigations section. However, he told us due to the Officer-in-Charge’s other responsibilities, the reviews are generalized and do not address all of the details that the patrol officers are expected to document in their domestic violence incident reports.

The NCBC Gulfport Naval Security Officer told us that the noncompliances related to interviews were due to a lack of knowledge of the requirements and training deficiencies by patrol officers and supervisors. He also told us that patrol officers were not familiar with what witnesses they needed to interview, such as neighbors, to determine if there was an indication of abuse history with the family involved. Further, he told us that patrol officers rely on either Fleet and Family Support Center (FFSC) staff members or local child services agencies to provide assistance with forensic child interviews when these types of interviews are necessary.³⁵ We agree that the practice of relying on FFSC staff members or local child services agencies to conduct interviews is acceptable because these personnel often have more training and experience interviewing children. However, during our review of incident reports, we found no evidence that children were interviewed by FFSC or CPS. The NCBC Gulfport Naval Security Officer told us that his department was correcting the training deficiencies related to interviewing to ensure that personnel know the requirements. He told us that his department drafted a new SOP, which is currently being coordinated through the installation SJA and installation commander for approval.

The NB San Diego Deputy Chief of Police did not know the reasons for the noncompliances related to interviews. He told us that the abuse history questions were not asked by patrol officers, which caused the noncompliances related to interview thoroughness. He also told us that supervisors at all levels in the department did not provide adequate oversight on this matter. Further, he told us the department's SOPs were not clear on this either. However, he told us that to correct this matter, these questions were added to NB San Diego's new supervisor review checklist.

The MCB Camp Pendleton Operations Non-Commissioned Officer told us that the noncompliances related to interviewing were due to a lack of supervisory oversight of patrol officers. We did not find documentation indicating that children were being interviewed and specifically asked her why law enforcement personnel did not conduct these interviews. She told us that her department would not directly interview persons under 18 years of age. Further, she told us that law enforcement personnel use the FAP to interview children. We agree that the practice of relying on FAP to conduct interviews is acceptable because these personnel often have more training and experience interviewing children. However, during our evaluation, we found no evidence that children were interviewed by FAP. Additionally, she told us that the previously mentioned domestic violence unit should prevent these non-compliances with interviews.

³⁵ The FFSC performs the same function at Navy installations as FAP offices at other Service installations. A forensic interview of a child is a developmentally sensitive and legally sound method of gathering factual information regarding allegations of abuse or exposure to violence. This interview is conducted by a competently trained, neutral professional utilizing research and practice-informed techniques as part of a larger investigative process.

The MCB Quantico PMO Operations Chief attributed noncompliances related to interviewing to lack of supervisory oversight. In addition, we asked MCB Quantico Marine Corps CID and PMO personnel why we did not find documentation indicating that children were being interviewed and specifically asked why law enforcement personnel did not conduct these interviews. They told us that patrol officers do not interview children younger than the age of 14 and that they prefer that civilian CPS interview these children. Furthermore, they told us that high school aged children may be interviewed by the School Resource Officer assigned to the on-base school.³⁶ We agree that the practice of relying on CPS or the School Resource Officer is acceptable because these personnel often have more training and experience interviewing children. However, during our evaluation, we found no evidence that children were interviewed by CPS or a School Resource Officer. MCB Quantico law enforcement leadership concurred with our analysis that the children were not interviewed. The oldest child not interviewed was 16 years old.

We asked the NCIS NB San Diego Supervisory Special Agent if he was familiar with the requirements in DoDI 6400.06 prior to the DoD OIG evaluation. He told us that he was aware of those requirements prior to the DoD OIG evaluation. He also told us that the NCIS noncompliances related to interviews occurred due to the lack of experience of NCIS agents and the overwhelming workload of supervisory special agents. He explained that supervisory special agents at NB San Diego have an average of 100 investigations to review at a time. He also told us that the workload was overwhelming for supervisory special agents to provide effective reviews when they were supervising special agents with only 5 to 7 months of experience. As a result, he believed that supervisory reviews were ineffective in identifying the noncompliances related to interviews.

We asked the NCIS MCB Camp Pendleton Acting Supervisory Special Agent if he was familiar with the requirements in DoDI 6400.06 prior to the DoD OIG evaluation. He told us that he was aware of those requirements prior to the DoD OIG evaluation. He also told us that the noncompliances related to interviews were due to the case agents' belief that the interviews would not provide information related to the incident. Additionally, he told us that he did not know why the supervisory reviews did not identify these noncompliances.

We asked the NCIS MCB Quantico Supervisory Special Agent if she was familiar with the requirements in DoDI 6400.06 prior to the DoD OIG evaluation. She told us that she was aware of those requirements prior to the DoD OIG evaluation. She also told us that the NCIS noncompliances related to interviews occurred

³⁶ The U.S. Department of Justice defines School Resource Officers as "sworn law enforcement officers that are responsible for safety and crime prevention in schools."

due to the overwhelming workload of supervisory special agents. She explained that supervisory special agents at MCB Quantico have an average of 60 to 90 investigations to review at a time. As a result, she believed that supervisory reviews were ineffective in identifying the noncompliances related to interviews.

The JB Andrews Security Forces Manager told us that the noncompliances related to interviews occurred because patrol officers may not know what questions to ask in a domestic violence incident. Also, a JB Andrews Security Forces Investigator told us that the noncompliances related to interviews occurred because the responding patrol officers sometimes do not inquire about prior abuse history. He told us that investigators address abuse history during subject and witness interviews, but the thoroughness of the interview depends on the experience of the investigator conducting the interview. This practice does not comply with DoDI 6400.06, which requires that law enforcement inquire about abuse history. We did not find documentation indicating that children were being interviewed and we specifically asked him why law enforcement personnel did not conduct these interviews. He said patrols usually do not interview children, but instead, let the investigators conduct those interviews. He told us, however, that investigators do not always interview children as it depends on the comfort level of the investigator. This practice of not interviewing children does not comply with DoDI 6400.06, which requires all witnesses of domestic violence to be interviewed. Additionally, regardless of who conducts the interview, documentation of the interviews should be included in the incident report. The JB Andrews Security Forces Manager told us that the noncompliances that we identified also occurred because of a lack of law enforcement experience by some supervisors. She told us that some law enforcement supervisors are often inexperienced in law enforcement duties because they have spent the majority of their career focused on other Security Forces duties, such as missile security, prior to being assigned to JB Andrews.³⁷ Additionally, she told us that supervisors in the Operations Section were responsible for identifying these noncompliances; however, these supervisors focused on day-to-day operations such as personnel staffing, training, and other issues. Further, she said that they did not review domestic violence incident reports unless it was specifically requested.

The JB Elmendorf- Richardson Security Forces Chief of Plans and Programs told us that the noncompliances related to interviews were due to installation law enforcement personnel not inquiring about abuse history and only focusing on the current incident. This practice does not comply with DoDI 6400.06, which requires that law enforcement inquire about abuse history. We did not find

³⁷ Security Forces duties include missile security, air base defense, law enforcement, combat arms, and military working dogs.

documentation indicating that children were being interviewed and specifically asked him why law enforcement personnel did not conduct these interviews. The JB Elmendorf-Richardson Security Forces Chief of Plans and Programs told us that law enforcement personnel may not have interviewed children if they did not know that children were present or they may have conducted the interview, but did not document it. He also said they sometimes rely on other agencies to conduct interviews of children. We agree that the practice of relying on other agencies, such as FAP and CPS, to conduct interviews of children is acceptable because these personnel often have more training and experience interviewing children. However, during our evaluation we found no evidence that children were interviewed by other agencies. Finally, the JB Elmendorf-Richardson Security Forces Chief of Plans and Programs told us that the noncompliances that we identified also occurred because of a lack of law enforcement experience. He told us that some patrol officers are often inexperienced in law enforcement duties, because they spent the majority of their career focused on other Security Forces duties, such as missile security, prior to being assigned to JB Elmendorf-Richardson.

According to Military Service law enforcement leadership, there were several factors that resulted in interviewing noncompliances. These factors included commanders that instructed law enforcement personnel of various practices that conflicted with DoD requirements, such as not inquiring about abuse history and not interviewing child witnesses; and ineffective supervisory oversight.

Notifying FAP

Requirements for Notifying FAP

DoDI 6400.06 requires law enforcement personnel to notify FAP staff members immediately upon a report of a domestic violence incident. The FAP is designed to intervene in cases of family distress and to promote healthy family life. Notifications to FAP staff members by Military Service law enforcement personnel are important to ensure FAP staff members are able to initiate a thorough risk assessment and safety planning for victims and other family members.³⁸ Risk assessments and safety planning help to ensure the victim's safety and help the victim prepare for, and potentially avoid, future violence.

³⁸ A domestic violence risk assessment is a procedure used to identify and analyze future threats of violence by the subject against victims and other family members. Further according to DoDI 6400.06, safety planning is "[a] process whereby a victim advocate, working with a domestic abuse victim, creates a plan, tailored to that victim's needs, concerns, and situation, that will help increase the victim's safety and help the victim to prepare for, and potentially avoid, future violence."

Our Evaluation of FAP Notifications

We evaluated the 219 law enforcement domestic violence incident reports to determine whether Military Service law enforcement personnel immediately notified FAP staff members of the domestic violence incident. We found that Military Service law enforcement personnel were required to notify FAP staff members in 212 of the 219 domestic violence incidents. In the other seven domestic violence incidents, Military Service law enforcement personnel were not required to notify FAP because FAP staff members were already aware of the incidents. Table 4 depicts a breakdown by Military Service installation law enforcement and the one MCIO with investigations in the scope of this evaluation of the 49 domestic violence incidents when Military Service law enforcement personnel did not notify FAP staff members as required.

Table 4. Military Service Law Enforcement FAP Notification Evaluation

Category	Number of Incidents Evaluated					
	Total	Army	Navy	Marine Corps	NCIS	Air Force
Total number of domestic violence incident responses evaluated	219	76	14	67	24	38
FAP Notifications Required	212	74	12	65	24	37
FAP Was Not Notified	49	23	5	7	0	14
FAP Notification Noncompliance Rate	24%	31%	42%	12%	0%	38%

Military Service law enforcement did not consistently notify FAP staff members of domestic violence incidents to ensure that FAP staff members were able to initiate risk assessments and safety planning for victims and other family members.

An example of when law enforcement did not notify FAP occurred when NB San Diego law enforcement personnel responded to a domestic violence incident where the subject assaulted the victim causing lacerations to the victim's head. However, NB San Diego law enforcement personnel did not notify FAP to ensure that the FAP staff members were able to initiate a thorough risk assessment and safety planning for the victim and other family members.

In another example, Fort Belvoir law enforcement personnel responded to a domestic violence incident where the subject threw a wine glass in the direction of the victim during an argument. The glass hit the wall instead of the victim, causing a piece of the shattered glass to strike their 18-month old son in the head.

This caused a contusion and an inch sized laceration. However, Fort Belvoir law enforcement personnel did not notify FAP to ensure that the FAP staff members were able to initiate a thorough risk assessment and safety planning for the victim and other family members.

Interviews of Military Service Law Enforcement Personnel Regarding FAP Notification Noncompliances

We interviewed both former and currently assigned law enforcement personnel at the eight installations that we evaluated to identify the factors that contributed to the FAP notification noncompliances.

The Fort Belvoir Patrol Captain told us that the noncompliances related to FAP notifications were due to supervisors that did not ensure that law enforcement personnel notified FAP or documented the notification when it was made. When we asked, the Fort Belvoir FAP did not identify concerns with domestic violence incident notifications.

The Fort Bragg Chief of Police told us that the noncompliances related to FAP notifications may have occurred because the Fort Bragg FAP did not have a 24-hour duty phone. He also told us that he believed that the FAP notifications were accomplished, but were not documented. When we asked if they had experienced any notification issues by law enforcement, the Fort Bragg FAP personnel told us that they have an excellent relationship with the Fort Bragg PMO and did not identify concerns with domestic violence incident notifications.

The NB San Diego Deputy Chief of Police told us that the noncompliances related to FFSC notification were due to law enforcement personnel relying on the subject or victim's commander to make the notification. This practice does not comply with DoDI 6400.06, which requires law enforcement personnel to immediately notify FAP of domestic violence incidents. The NB San Diego Deputy Chief of Police told us that the FFSC was not on their notification matrix during that time. He told us that based on this DoD OIG evaluation, he added FFSC notification to the notification matrix and SOP.

The MCB Camp Pendleton Operations Non-Commissioned Officer told us that the noncompliances related to notifying FAP were due to patrol officers not documenting the FAP notifications they completed. She also told us that the previously mentioned domestic violence unit should prevent these noncompliances related to FAP notifications. When we asked, MCB Camp Pendleton FAP personnel described a good relationship with installation law enforcement and did not identify concerns with domestic violence incident notifications.

The JB Andrews Security Forces Manager told us that she believed FAP notifications were accomplished, but were not documented. In addition, she told us that she believed the SJA and subject or victim's commander would notify the FAP if law enforcement personnel did not notify FAP. This practice does not comply with DoDI 6400.06, which requires that law enforcement immediately notify FAP. When we asked, FAP personnel at JB Andrews said that, while infrequent, there were some instances where FAP was not notified of domestic violence incidents by installation law enforcement.

The JB Elmendorf-Richardson Security Forces Chief of Plans and Programs told us that the noncompliances related to FAP notifications were due to law enforcement personnel making the FAP notification, but not documenting the notification. When we asked, FAP personnel at JB Elmendorf-Richardson identified a concern that installation law enforcement did not always notify FAP and instead FAP finds out about incidents from the victims.

According to Military Service law enforcement leadership, there were two factors that resulted in FAP notification noncompliance. These factors included practices that did not comply with DoD policy, such as relying on the SJA or the subject or victim's commander to notify FAP; and ineffective law enforcement supervisory oversight.

Submitting Criminal History Data

Titling and Indexing Subjects in the DCII

Titling and Indexing Requirement

DoDI 5505.07 requires DoD law enforcement personnel to title and index the names and identifying information of people under criminal investigation, for example, the "subject," in the title blocks of investigative reports. DoDI 5505.07 defines a subject as "a person, corporation, or other legal entity about which credible information exists that would cause a trained criminal investigator to presume that the person, corporation, or other legal entity committed a criminal offense." Further, DoDI 5505.07 states that "[t]itling and indexing in the DCII shall be done as soon as the investigation determines that credible information exists that the subject committed a criminal offense."³⁹ DoDI 5505.07 defines credible information as "[i]nformation disclosed or obtained by a criminal investigator that, considering the source and nature of the information and the totality of the circumstances, is sufficiently believable to lead a trained criminal investigator to presume that the fact or facts in question are true." Examples commonly

³⁹ DoDI 5505.07 states that the DCII is a centralized database of selected unique identifying information and security clearance data used by security and investigative agencies in the DoD to determine security clearance status and the existence of criminal and personnel security investigative files.

associated with domestic violence incidents that require titling and indexing in the DCII are violations of the Uniform Code of Military Justice (UCMJ) Article 128, "Assault," and UCMJ Article 134, "Communicating a Threat." An example of an assault includes a subject pushing a victim, as well as more serious incidents, such as a subject hitting a victim with their fist or an object like a baseball bat. Further, an example of communicating a threat includes a subject threatening to physically harm a victim.

In addition, in May 2007, NCIS published an administrative message, titled "Navy Law Enforcement Incident Reports and Criminal Investigation Reports Policy for Security Departments," to all Navy and Marine Corps installation law enforcement organizations that identified NCIS as the single records center repository for all law enforcement incident reports within the Department of the Navy. According to NCIS, NCIS is responsible for titling and indexing all incident reports with a criminal offense in the DCII. Further, according to Air Force Instruction 31-120, "Security Forces Systems and Administration," April 1, 2015, Security Forces will provide original reports of investigations, incident reports, and other necessary forms to AFOSI who is responsible for putting data into the DCII.

Titling and indexing a subject in the DCII is important to ensure that Military Service law enforcement personnel and security officials have access to all available DoD criminal investigative files. Failing to submit subject data accurately to the DCII impacts the Department's ability to accurately assess a subject's criminal history thereby limiting the ability of commanders to make appropriate disciplinary and prosecutorial determinations. It also impacts the ability to accurately assess a subject's suitability to obtain or maintain a security clearance thereby creating an unnecessary and avoidable risk to national security.

Results of our DCII Query

We evaluated the 219 selected domestic violence incident reports to determine whether there was credible information to title and index the 247 individuals as subjects of a criminal offense. To verify whether the subjects were titled and indexed as subjects in the DCII as required by DoD policy, we performed a query of the DCII database. We reviewed the 219 incident report files to determine whether the offenses alleged against the 247 subjects were sufficient for titling in the DCII database. We determined that 135 of the 247 subjects were not titled and indexed as subjects in the DCII database.⁴⁰ Table 5 depicts a breakdown by Military Service installation law enforcement and the one MCIO with investigations in the scope of this evaluation of the 135 subjects that law enforcement personnel did not title and index as subjects in the DCII, as required by DoDI 5505.07.

⁴⁰ This included subjects that were not indexed for the applicable domestic violence incidents and subjects that were inaccurately indexed as victims of the applicable domestic violence incidents.

Table 5. Military Service Law Enforcement DCII Submission Evaluation

Category	Number of Subjects in the Investigations					
	Total	Army	Navy	Marine Corps	NCIS	Air Force
Total Number Of Domestic Violence Incident Responses Evaluated	219	76	14	67	24	38
Total Number Of Subjects In Evaluated Investigations	247	94	18	73	24	38
Subjects Not Indexed In the DCII	135	55	18	45	4	13
DCII Noncompliance Rate	55%	59%	100%	62%	17%	34%

Military Service law enforcement did not consistently title and index subjects in the DCII to ensure that Military Service law enforcement personnel, security officials, and commanders could accurately assess a subject's criminal history when making disciplinary, prosecutorial, and security clearance suitability determinations.

An example of a subject not being titled and indexed in the DCII occurred when MCB Quantico law enforcement personnel investigated a domestic violence incident where both individuals were listed as subjects in the law enforcement report. The report indicated that the male subject told patrol officers that a verbal argument had turned physical and he admitted to violating a military protective order by living at the residence. The law enforcement report indicated the female subject had injuries to the head and she had alleged that the male subject hit her in the head with his fist and strangled her and she attempted to scratch the male subject to get him off of her. Additionally, the report indicated a patrol officer identified that the male had an abrasion on a knuckle on his right hand and a scratch behind his left ear. Our evaluation determined that there was sufficient credible information to list the male as a subject. However, MCB Quantico law enforcement did not title and index the male subject in the DCII, as required by DoDI 5505.07. Our evaluation determined there was insufficient credible information to list the female as a subject in the law enforcement report. Therefore, MCB Quantico law enforcement was not required to title and index the female subject in the DCII.

In another example, NCIS personnel at Camp Pendleton investigated a domestic violence incident where the subject strangled the victim and threw her to the floor. We evaluated the domestic violence incident report and determined that NCIS personnel at Camp Pendleton had sufficient credible information that the subject committed a criminal offense. The victim's allegation was deemed sufficiently credible by NCIS since they listed the victim's spouse as a subject in the report. A victim's allegation, if deemed credible by law enforcement, is sufficient credible

information to title and index a subject in the DCII. We found no information in the report indicating that the victim's allegation was not credible. However, NCIS personnel at Camp Pendleton did not title and index the subject in the DCII, as required by DoDI 5505.07.

Interviews of Military Service Law Enforcement Personnel Regarding Titling and Indexing Noncompliances

We interviewed both former and currently assigned law enforcement personnel at the eight installations that we evaluated to identify the factors that contributed to the titling and indexing noncompliances.

The Fort Belvoir Patrol Captain explained why his department did not comply with DoD policy regarding the titling and indexing of subjects of domestic violence incidents. He told us that his department mistakenly waited to title and index a subject in the DCII until an SJA had rendered an opinion that probable cause existed that a subject committed a criminal offense. This practice does not comply with DoDI 5505.07, which requires that subjects be titled and indexed when the trained criminal investigator has credible information to presume that the person, corporation, or other legal entity committed a criminal offense.⁴¹ In addition, DoDI 5505.07 does not require a legal opinion by an SJA. Rather, it requires law enforcement officers to make the determination. He told us that nothing has been done to correct this noncompliance because until this evaluation, his department personnel were unaware that probable cause was not the requirement for titling and indexing.

The Fort Bragg Chief of Police explained why his department did not comply with DoD policy regarding the titling and indexing of subjects of domestic violence incidents. He told us that his department mistakenly waited to title and index a subject in the DCII until an SJA had rendered an opinion that probable cause existed that the subject committed a criminal offense. This practice does not comply with DoDI 5505.07, which requires that subjects be titled and indexed when the trained criminal investigator has credible information to presume that the person, corporation, or other legal entity committed a criminal offense. Further, he told us that Fort Bragg does not have an on-call SJA and in some instances, it may take up to 3 months to get an SJA legal opinion. Prior to this evaluation, he was unaware that probable cause was not the standard required for titling and indexing subjects and that law enforcement, and not the SJA, was required to make the determination.

⁴¹ DoDI 5505.07 defines "credible information" as "[i]nformation disclosed or obtained by a criminal investigator that, considering the source and nature of the information and the totality of the circumstances, is sufficiently believable to lead a trained criminal investigator to presume the fact or facts in question are true." DoDI 5505.11 defines probable cause as a "[d]etermination 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." DoDI 5505.11 does not apply to titling and indexing in criminal investigations.

The NCBC Gulfport Naval Security Officer also told us that prior to the interview, he was not aware of requirements for titling and indexing subjects in the DCII. He told us that he was also not aware that domestic violence incident reports were required to be forwarded to NCIS headquarters so criminal subjects could be titled and indexed in accordance with DoD policy. When we asked, NCIS was unable to determine in a timely manner whether the installations, such as NCBC Gulfport, had provided the incident reports to NCIS for titling and indexing subjects in the DCII.

In addition, the NB San Diego Deputy Chief of Police told us that he believed that titling and indexing of subjects in the DCII was the responsibility of security managers in the subjects' units. He did not know that Navy law enforcement personnel were required to submit criminal incident reports, including domestic violence incident reports, to NCIS for titling and indexing subjects in the DCII.

Finally, the MCB Camp Pendleton Operations Non-Commissioned Officer told us that the noncompliances related to titling and indexing in the DCII were due to mislabeling the subject in the domestic violence incident report. She told us that the mislabeling resulted from individuals that were labeled as witnesses instead of as a subject of the investigation. In addition, the MCB Camp Pendleton Provost Marshal told us that law enforcement personnel provide domestic violence incident reports to NCIS for entry in the DCII. However, he told us that having one agency responsible for numerous law enforcement entities was likely a cause for not titling and indexing subjects in the DCII. When we asked, NCIS was unable to determine in a timely manner whether the installations, such as MCB Camp Pendleton, had provided the incident reports to NCIS for titling and indexing subjects in the DCII.

The MCB Quantico Deputy Chief of Police told us he did not know about the requirement for titling and indexing subjects in the DCII.

The NCIS MCB Camp Pendleton Acting Supervisory Special Agent told us that the noncompliances related to titling and indexing in the DCII were due to not having sufficient information to establish probable cause for titling and indexing. He told us that NCIS requires probable cause to title and index a person as a subject in the DCII. However, NCIS Manual 1, Chapter 23, "Defense Central Index of Investigations," June 2014, requires credible information and not probable cause to title and index a person as a subject in the DCII. Probable cause is a higher standard than credible information. Therefore, NCIS MCB Camp Pendleton applied the wrong standard.

The JB Andrews Security Forces Base Defense Operations Center Non-Commissioned Officer-in-Charge told us that the noncompliances related to titling and indexing subjects in the DCII were due to JB Andrews installation law enforcement personnel not providing domestic violence incident reports to AFOSI for entry in the DCII, as required by AFI 31-120. As a result, the subjects were not titled and indexed in the DCII.

The JB Elmendorf-Richardson Security Forces Chief of Plans and Programs told us that the noncompliances related to titling and indexing were due to installation law enforcement personnel not forwarding domestic violence incident reports to AFOSI as required by AFI 31-120. As a result, the subjects were not titled and indexed in the DCII.

According to Military Service law enforcement leadership, there were two factors that resulted in titling and indexing noncompliances. These factors included practices that conflicted with DoD or military service requirements, such as relying on security managers to title and index subjects or not providing reports to the MCIOs as required by service policy, and leadership that was unaware of the requirement to title and index subjects in the DCII.

Fingerprint Submissions to the FBI CJIS Division

DoDI 5505.11 requires DoD law enforcement personnel to collect and submit subject fingerprint cards and final disposition reports related to criminal investigations to the FBI CJIS Division. Qualifying offenses identified in DoDI 5505.11, or the United States Code (U.S.C.) equivalent offenses, requires the collection of fingerprints based on the subject's military or civilian status.⁴² Examples of qualifying offenses that are commonly associated with domestic violence incidents are UCMJ Article 128, "Assault," and UCMJ Article 134, "Communicating a Threat." An example of an assault includes a subject pushing a victim, as well as more serious incidents, such as a subject hitting a victim with their fist or an object like a baseball bat. Further, an example of communicating a threat includes a subject threatening to physically harm a victim. Law enforcement personnel can collect fingerprints through the Federal Document (FD)-249, and "Arrest Institution Fingerprint Card," or Live Scan system.⁴³ Subsequently, law enforcement personnel are required to submit the fingerprint cards or Live Scan fingerprints to the FBI CJIS Division database when they determine there

⁴² DoDI 5505.11 lists qualifying offense within the instruction for which fingerprints are required to be submitted to the FBI CJIS Division, such as murder, rape, larceny, and assault among others.

⁴³ The FD-249 is a hard copy paper form on which fingerprints are captured in ink. Live Scan is an inkless, electronic means of capturing fingerprints in a digitized format and then transmitting them to the FBI CJIS Division.

is probable cause to believe the subject has committed the qualifying offense under investigation.⁴⁴ DoDI 5505.11 states that law enforcement personnel make the probable cause determination in “conjunction with the servicing Staff Judge Advocate or other legal advisor.”⁴⁵

In addition, DoDI 5505.11 requires that final disposition reports be submitted to the FBI CJIS Division database when final disposition is not reported at the time of the original submission of the fingerprints. Final disposition reports are reports submitted to update the FBI CJIS Division database with final disciplinary and prosecutorial actions taken when fingerprints were previously submitted. Examples of disciplinary and prosecutorial actions that need to be reported to the FBI are command actions, arrest charge or charges that have been dropped or modified, and findings of the court.⁴⁶ Law enforcement personnel are required to use Form R-84, “Final Disposition Report,” or the Live Scan system to document and submit final disciplinary and prosecutorial data to the FBI CJIS Division database.

The FBI fosters national and international relationships related to biometrics, such as fingerprints in support of counterterrorism and other law enforcement efforts. Also, the Department of Homeland Security (DHS) uses biometrics, such as fingerprints for detecting and preventing illegal entry into the U.S., granting and administering proper immigration benefits, facilitating legitimate travel and trade, enforcing Federal laws, and enabling verification for visa applications to the U.S. As a result, any missing fingerprint card and final disposition report can have serious, even tragic, consequences. Specifically, the failure to submit all required fingerprint records to the FBI CJIS Division database can allow someone to purchase a firearm who should not, hinder criminal investigations by preventing law enforcement from identifying subjects based on fingerprint matches, and potentially impact law enforcement and national security interests by allowing individuals to illegally enter the U.S. who may have previously committed crimes or have ties to terrorist organizations.

⁴⁴ DoDI 5505.11 defines probable cause as a “[d]etermination 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.”

⁴⁵ DoDI 5505.11, Interim change 2, effective March 30, 2017, which was not in effect during the scope of this evaluation, uses the same language.

⁴⁶ Command action is the final administrative, judicial, or nonjudicial punishment decision that a commander takes against a military member to resolve disciplinary problems.

FBI CJIS Division Database

The FBI CJIS Division database is a national computerized system for storing, comparing, and exchanging fingerprint data and criminal history information. The FBI CJIS Division database's primary function is to provide the FBI with an automated fingerprint identification and criminal history reporting system. The FBI CJIS Division database provides the criminal justice community with the world's largest and most efficient repository of biometric and criminal history information.⁴⁷

Federal, state, and local law enforcement agencies submit fingerprint cards and criminal history information to the FBI CJIS Division database. The FBI CJIS Division database provides automated fingerprint search capabilities, electronic image storage, and electronic exchange of fingerprints. Information in the FBI CJIS Division database is shared with criminal justice agencies nationwide through the FBI CJIS National Crime Information Center (NCIC).

Results of FBI CJIS Division Query

We evaluated the 219 domestic violence incidents to determine whether Military Service law enforcement personnel submitted the fingerprints and final disposition reports for the 247 subjects in the FBI CJIS Division database, as required by DoD policy. Specifically, we evaluated whether law enforcement personnel established probable cause and whether the domestic violence incident report contained sufficient information to support a probable cause determination that a qualifying offense had occurred during the domestic violence incident. Based on our evaluation of the establishment of probable cause, we determined that law enforcement personnel were required to submit the fingerprints for 194 of the 247 subjects.

Then, we coordinated with the FBI CJIS Division. Specifically, we provided a listing of the subjects identified in this evaluation. The FBI CJIS Division then queried the FBI CJIS Division database to determine whether the subject's fingerprint cards and final disposition reports were included in the database. Table 6 depicts a breakdown by Military Service installation law enforcement and the one MCIO with investigations in the scope of this evaluation when law enforcement personnel did not submit fingerprints and final disposition reports as required by DoDI 5505.11.

⁴⁷ <https://www.fbi.gov>.

Table 6. Fingerprint Cards and Final Disposition Report Submissions Evaluation

Category	Number of Subjects of the Investigations					
	Total	Army	Navy	Marine Corps	NCIS	Air Force
Total Number Of Subjects In Evaluated Investigations	247	94	18	73	24	38
Subjects With Qualifying Offenses Requiring Fingerprint Submission To FBI CJIS Division	194	64	16	63	17	34
Fingerprint Cards Not Submitted As Required	137	60	16	26	3	32
Fingerprint Card Noncompliance Rate	71%	94%	100%	41%	18%	94%
Final Disposition Reports Not Submitted As Required	147	63	16	32	4	32
Final Disposition Noncompliance Rate	76%	98%	100%	51%	24%	94%

Military Service law enforcement did not consistently submit subject fingerprints and final disposition reports, which could have serious, even tragic, consequences, such as allowing someone to purchase a firearm who should not be able to purchase one.

An example of a subject's fingerprints not being submitted to FBI CJIS occurred when NCBC Gulfport law enforcement responded to a domestic violence incident where the female subject physically assaulted the male subject by pushing him during an argument and the male subject responded by threatening to get his gun. NCBC Gulfport law enforcement investigated the incident and determined that there was sufficient information to support a probable cause determination that a qualifying offense had occurred during the domestic violence incident. Specifically, the male subject told law enforcement personnel that the female subject had pushed him and the female subject admitted that she had pushed the male subject. Additionally, the female subject told law enforcement personnel that the male subject responded by threatening to get his gun which scared her and the male subject admitted that he had threatened and left to get his gun. However, NCBC Gulfport law enforcement did not collect either subject's fingerprints and submit them to the FBI CJIS Division, as required by DoDI 5505.11.

In another example, Fort Bragg law enforcement responded to a domestic violence incident where a subject slapped the victim on the forehead with an open hand and pinned the victim against the wall with open hands around her neck. Additionally, the victim had scratches on the right side of her neck and right arm. Fort Bragg

law enforcement investigated the incident and determined that there was sufficient information to support a probable cause determination based on the victim's statement and the visible injuries observed that a qualifying offense had occurred during the domestic violence incident. Additionally, the SJA was briefed on the incident and concurred that probable cause existed that the subject assaulted the victim. However, Fort Bragg law enforcement did not collect the subject's fingerprints and submit them to the FBI CJIS Division, as required by DoDI 5505.11.

Other DoD Office of Inspector General (DoD OIG) Evaluations of Fingerprint and Final Report Disposition Submissions

On December 5, 2017, the DoD OIG issued Report No. DODIG-2018-035, "Evaluation of Fingerprint Card and Final Disposition Report Submissions by Military Service Law Enforcement Organizations." In this report, the DoD OIG determined that Military Service law enforcement personnel did not submit fingerprint cards and final disposition reports for Military Service members convicted by court-martial of qualifying offenses, as required by DoDI 5505.11. In the report, the DoD OIG made recommendations to the Secretaries of the Military services to correct systemic fingerprint and final disposition report deficiencies. Specifically, the DoD OIG recommended the Secretaries of the Military Departments take prompt action to (1) perform a comprehensive review of all Military Service criminal investigative databases and files to ensure all fingerprint cards and final disposition reports for anyone investigated for, or convicted of, qualifying offenses at least to 1998 have been reported to the FBI CJIS Division in compliance with DoD and FBI requirements, (2) ensure that Military Service command, supervisory, and management oversight controls verify compliance with fingerprint card and final disposition report submission requirements and ensure that such compliance is included as a special interest item in applicable IG inspections, and is actually conducted, (3) conduct a comprehensive review of Military Service criminal history reporting programs to ensure fingerprinting and final disposition report submission policy, training, and processes are consistent with DoDI 5505.11, and are being implemented, and (4) ensure that other required investigative and criminal history information, such as criminal incident data and Deoxyribonucleic Acid (DNA) samples, has been submitted for inclusion in FBI databases.

Because of the noncompliances identified in December 2017, the DoD OIG announced Project No. 2018C008, "Investigation and Review regarding the DoD's submission of information for inclusion in the Federal Bureau of Investigation's databases," on November 9, 2017. This new evaluation is examining the policies, practices, and procedures used by DoD law enforcement regarding the submission of required information to FBI databases. The DoD OIG is also assessing, as a part of this ongoing evaluation, the causes for the enduring deficiencies that were found

in DODIG-2018-035 and this evaluation. Further, this new evaluation is examining whether the DoD has taken actions in response to the DoD OIG recommendations that were designed to correct systemic fingerprint and final disposition report submission deficiencies. As a result, we did not make any additional systemic recommendations related to fingerprint submissions in this report.

CODIS DNA Submissions to the DFSC

Federal law authorizes the collection of DNA samples from individuals arrested, facing charges, or convicted of crimes and from non-United States citizens detained under the authority of the United States.⁴⁸ The law requires processing of DNA samples for indexing in national databases. The FBI is authorized to operate and maintain a national database where DNA profiles can be compared to generate leads in criminal investigations.⁴⁹ This database, known as CODIS (Combined DNA Index System), contains DNA profiles on arrestees, convicted offenders, unsolved crime scene evidence, and missing persons.

In May 2010, the DoD issued DoDI 5505.14, which implemented Federal law and established requirements and responsibilities for DNA collection within the DoD. DoDI 5505.14 requires DoD law enforcement personnel to collect and submit subject DNA related to criminal investigations to the DFSC when law enforcement personnel concludes there is probable cause to believe that the subject has committed the qualifying offense under investigation.⁵⁰ Law enforcement personnel must coordinate with the installation SJA before making the probable cause determination.⁵¹ DoDI 5505.14 lists the qualifying offenses that require law enforcement personnel to submit DNA. The qualifying offenses commonly associated with domestic violence incidents are assault and communicating a threat.⁵²

⁴⁸ 42 U.S.C. § 14135a (a)(1).

⁴⁹ 42 U.S.C. § 14132(a).

⁵⁰ The DFSC is a subordinate unit of the USACIDC and is the DoD's forensic center, located in Forest Park, Georgia. The DFSC mission is to provide full service forensic support to Army and DoD entities worldwide; provide specialized forensic training and research capabilities; serve as executive agent for DoD Convicted Offender DNA Databasing Program; and provide forensic support to other Federal departments and agencies.

⁵¹ DoDI 5505.14 Interim Change 1, effective March 9, 2017, which was not in effect during the scope of this evaluation, uses similar language.

⁵² The FY 2019 National Defense Authorization Act created domestic violence as a separate criminal offense, Article 128b: Domestic Violence, under the UCMJ. Prior to the FY 2019 NDAA, domestic violence was not categorized as its own separate offense. Instead domestic violence incidents were investigated under other UCMJ offenses, such as Article 128: Assault, without domestic violence being identified in the offense.

DoDI 5505.14 specifies that the DFSC analyze the DNA sample and submit the results to the FBI for entry in CODIS.⁵³ The DFSC enters DNA results directly into CODIS from its laboratory.⁵⁴

CODIS enables Federal, state, and local forensic laboratories to exchange and compare DNA profiles electronically, thereby enabling investigators to link serial violent crimes to each other and to known offenders. It also provides the ability to link crime scenes together, possibly identifying serial offenders. Based upon a match, law enforcement personnel from multiple jurisdictions, including the DoD, can coordinate their respective investigations and share the information they developed independently. The failure of Military Service law enforcement personnel to submit DNA samples to CODIS through the DFSC, as required, could prevent the identification of serial violent crime offenders.

Results of CODIS DNA Submission Query

We evaluated the 219 domestic violence incidents to determine whether Military Service law enforcement personnel submitted DNA samples for the 247 subjects to the DFSC for submission to CODIS as required by DoD policy. Specifically, we evaluated whether law enforcement and legal personnel established probable cause and whether the domestic violence incident report contained sufficient information to support a probable cause determination that a qualifying offense had occurred during the domestic violence incident. We determined that law enforcement personnel were required to submit DNA samples for 192 of the 247 subjects.⁵⁵ We then coordinated with DFSC personnel to determine whether Military Service law enforcement personnel submitted DNA samples to the DFSC for the 192 subjects and whether the DFSC entered the DNA results into CODIS. Table 7 depicts a breakdown by Military Service installation law enforcement and the one MCIO with investigations in the scope of this evaluation when law enforcement personnel did not submit DNA to the DFSC for entry into CODIS, as required by DoDI 5505.14. Additionally, we confirmed with the DFSC that all DNA that was submitted to the DFSC was subsequently submitted to CODIS.

⁵³ CODIS is the acronym used to describe the FBI's program of support for criminal justice DNA databases as well as the software used to run these databases.

⁵⁴ Currently, laboratories in all 50 states, the District of Columbia, the Federal Government, and Puerto Rico, along with the DFSC, participate in CODIS. The system enables state, local, and Federal law enforcement crime laboratories to compare DNA profiles electronically. CODIS and NDIS Fact Sheet, <http://www.fbi.gov/about-us/lab/biometric-analysis/codis/codis-and-ndis-fact-sheet>.

⁵⁵ For 194 subjects, probable cause of a qualifying offense existed to submit DNA to CODIS; however, two civilian subjects legally declined to provide DNA samples for CODIS.

Table 7. DNA Submission Evaluation

Category	Number of Subjects of Investigations					
	Total	Army	Navy	Marine Corps	NCIS	Air Force
Total Number Of Subjects In Evaluated Investigations	247	94	18	73	24	38
Subjects With Qualifying Offenses Requiring DNA Submission	194*	64	16	63*	17	34
DNA Not Submitted To The DFSC As Required	105	27	16	28	1	33
DNA Submission Noncompliance Rate	55%*	42%	100%	46%*	6%	97%

* Two civilian subjects legally declined to provide DNA samples to Military Service law enforcement; therefore, the Marine Corps DNA submission noncompliance rate was calculated with 28 of 61 required submissions.

Military Service law enforcement did not consistently submit DNA to the DFSC, which could prevent law enforcement from linking serial violent crimes to each other and to known offenders.

An example of a subject's DNA not being submitted to the DFSC for entry into CODIS occurred when JB Andrews law enforcement personnel responded to a domestic violence incident where the subject struck the victim in the nose with the tips of his fingers. JB Andrews law enforcement personnel investigated the incident and determined that there was sufficient information based on victim's initial statement to JB Andrews law enforcement personnel to support a probable cause determination that the subject had committed this offense. However, JB Andrews did not collect the subject's DNA and submit it to the DFSC, as required by DoDI 5505.14.

In another example, NCIS personnel at NB San Diego responded to a domestic violence incident where the subject grabbed the victim's chest and arms causing bruises. NCIS personnel at NB San Diego investigated the incident and determined that there was sufficient information based on the victim's injuries and the victim's statement to law enforcement personnel to support a probable cause determination that the subject had committed the offense. However, NCIS personnel at NB San Diego did not collect the subject's DNA and submit it to the DFSC, as required by DoDI 5505.14.

Other DoD OIG Evaluations of DNA Submission

On February 27, 2014, the DoD OIG issued Report No. DODIG-2014-029, “Review of Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations.” In this report, the DoD OIG determined that, between June 2010 and October 2012, DoD and U.S. Coast Guard authorities did not submit 282 of 3,536 required DNA samples to the DFSC for inclusion in CODIS. In the report, the DoD OIG made one recommendation to the Secretaries of the Military Departments and the Commandant of the Coast Guard to correct the systemic DNA submission deficiency. This recommendation was to take prompt action to ensure DNA sample collections for future arrestees and convicted offenders conform to DoDI 5505.14.

On November 9, 2017, the DoD OIG announced Project No. 2018C008. This new evaluation is examining the policies, practices, and procedures used by DoD law enforcement regarding the submission of required information to FBI databases. The DoD OIG is also assessing, as part of this ongoing evaluation, the causes for the enduring deficiencies related to DNA submission to CODIS that were found in DODIG-2014-029 and this evaluation. Further, this new evaluation is evaluating whether the DoD has taken actions in response to the DoD OIG recommendation that was designed to correct systemic DNA submission deficiencies. As a result, we did not make any additional systemic recommendations related to DNA submissions in this report.

Analysis of Installation Law Enforcement Noncompliance with DoD Policies

According to Military Service law enforcement leadership, there were several factors that resulted in noncompliance with DoD policies for responses to domestic violence incidents. These factors included various practices that conflicted with DoD requirements, such as allowing victim’s command officials to take photographs of apparent injuries that appear later and not interviewing children; lack of equipment, such as cameras and digital exploitation systems; and ineffective supervisory oversight.

As indicated in Finding A, we found that Military Service policies for responding to domestic violence incidents to be consistent with DoDI 6400.06. However, we also found that Military Service law enforcement personnel were not complying with these policies. Military Service law enforcement gave varied reasons for not complying with these policies. These reasons included a lack of policy knowledge, a lack of equipment, and poor supervision.

We found Navy Military Service law enforcement personnel used practices to improperly defer the responsibility for taking photographs of victim and subject injuries to command officials instead of taking the photographs themselves. For example, we found that Navy law enforcement personnel used the victims' command officials to take followup photographs of victims' injuries. This practice conflicts with DoDI 6400.06, which requires law enforcement personnel to take the followup photographs. Additionally, relying on command officials to take photographs may discourage a victim from having the photographs taken and participating in the investigation due to the sensitive nature of domestic violence.

Army, Navy, Marine Corps, and Air Force law enforcement agency leadership described practices where patrol officers and investigators did not document investigative steps, including crime scene searches, interviews, and FAP notifications, that they should have performed in domestic violence incident responses. Law enforcement agency leadership could not provide a valid reason why the investigative steps were not documented. Without documentation of investigative steps, there is no evidence that the domestic violence incidents were properly investigated. Furthermore, decision makers, such as commanders and prosecutors, do not have adequate information necessary to make disciplinary or prosecutorial decisions.

Army, Navy, Marine Corps, and Air Force Military Service law enforcement agency leadership told us that they deferred interviews of children to specialized investigators or social service agencies. Some told us that it is standard practice not to allow patrol officers to interview children because patrol officers could ask questions in a way that would negatively affect the investigation. Although this practice does not conflict with DoD policy, law enforcement personnel should obtain the interview documentation from the specialized investigators or social service agencies and include it in the investigative file. We found that children were present in many of the domestic violence incidents that we evaluated. However, law enforcement personnel did not document whether children were interviewed by anyone including, patrol officers, specialized investigators, or social services organizations. Furthermore, law enforcement agency leadership could not provide us with evidence that the interviews were conducted. Interviews of children are important because they are often the only witnesses to a domestic violence incident. The failure to develop evidence through witness interviews, prevents decision makers, such as commanders and prosecutors, from making informed disciplinary or prosecutorial decisions.

We found Army, Navy, Marine Corps, and Air Force Military Service law enforcement personnel did not title and index subjects in the DCII as required by DoDI 5505.07. The Army told us it did not title and index subjects in the DCII until an SJA had rendered an opinion that probable cause existed that a subject committed a criminal offense. NCIS installation leadership also told us that NCIS Headquarters required probable cause that a subject committed a crime before the subject could be titled and indexed in the DCII. DoDI 5505.07 requires that a subject is titled and indexed in the DCII once a law enforcement agency establishes credible information that a subject committed a criminal offense. DoDI 5505.07 does not require probable cause to be established before titling and indexing a subject in the DCII.⁵⁶

We also found that Army, Navy, Marine Corps, and Air Force law enforcement agency personnel were not aware of DoD policy for titling and indexing subjects in the DCII. Although the Military Service policies were adequate and consistent with DoDI 5505.07, Military Service law enforcement personnel were unaware of the requirements for submitting the domestic violence incident response reports to their respective MCIO to title and index subjects in the DCII. Titling and indexing a subject in the DCII is important to ensure that Military Service law enforcement personnel and security officials have access to all available DoD criminal investigative information that affects the security of the DoD. Failing to submit subject data to the DCII impacts the DoD's ability to accurately assess a subject's criminal history thereby limiting the ability of commanders to make appropriate disciplinary and prosecutorial determinations. Furthermore, it impacts the DoD's ability to accurately assess a subject's suitability to obtain or maintain a security clearance thereby creating an increased risk of insider threats to national security.⁵⁷

We also found that Army and Marine Corps law enforcement agency supervisors did not provide the necessary equipment for installation law enforcement personnel to comply with DoD policies when responding to domestic violence incidents. According to the Fort Belvoir Chief of Police, a MCB Camp Pendleton Operations Non-Commissioned Officer, and the MCB Quantico PMO Operations Chief, Army and Marine Corps law enforcement personnel did not have cameras to take photographs

⁵⁶ DoDI 5505.11 defines probable cause as a “[d]etermination 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.” DoDI 5505.07 defines “credible information” as “[i]nformation disclosed or obtained by a criminal investigator that, considering the source and nature of the information and the totality of the circumstances, is sufficiently believable to lead a trained criminal investigator to presume the fact or facts in question are true.”

⁵⁷ DoD Directive 5205.16, “The DoD Insider Threat Program,” September 30, 2014, Incorporating Change 2, August 8, 2017, defines insider threat as “[t]he threat insiders may pose to DoD and U.S. Government installations, facilities, personnel, missions, or resources. This threat can include damage to the United States through espionage, terrorism, unauthorized disclosure of national security information, or through the loss or degradation of departmental resources or capabilities.”

of crime scenes or injuries. Also, according to the MCB Quantico CID Commander, they did not have digital exploitation systems designed to extract digital data from cellular phones. Therefore, law enforcement personnel did not collect evidence or document investigative activities as required by DoDI 6400.06. The failure to collect evidence and document investigative activities through photographs and data extraction of cellular phones impedes a thorough investigation. Without a thorough investigation, decision makers, such as commanders and prosecutors, cannot make informed disciplinary or prosecutorial decisions.

Finally, according to the law enforcement leadership at all eight installations, law enforcement supervisory oversight of domestic violence incident responses was not effective. Army, Navy, Marine Corps, and Air Force law enforcement supervisors were not familiar with domestic violence response policies and did not have an effective review process for domestic violence incidents. Law enforcement agency leadership did not review reports or performed only superficial reviews that were not effective to ensure compliance with policies. This led to law enforcement personnel not properly documenting or completing investigative activities in domestic violence incident reports. Law enforcement supervisory reviews of domestic violence incident reports are necessary to ensure a complete and thorough investigation. Without a thorough investigation, decision makers, such as commanders and prosecutors, cannot make informed disciplinary or prosecutorial decisions.

Conclusion

Military Service law enforcement personnel did not consistently comply with DoD policies when responding to non-sexual domestic violence incidents with adult victims. Specifically, we determined that Military Service law enforcement personnel did not consistently process crime scenes, conduct interviews or conduct interviews thoroughly, notify FAP staff members of domestic violence incidents, or submit criminal history data.

We interviewed Military Service law enforcement personnel who indicated that several factors contributed to law enforcement personnel not complying with DoD policies related to processing crime scenes, conducting interviews, notifying FAP, and titling and indexing subjects in the DCII. For instance, we determined that commanders instructed law enforcement personnel to implement practices that were not consistent with DoD requirements, such as command officials taking photographs that resulted in noncompliance with DoD requirements. In addition, supervisors did not ensure that law enforcement personnel had the equipment necessary to respond to domestic violence incidents. Further, law enforcement supervisors did not perform effective supervisory oversight.

If law enforcement personnel do not thoroughly investigate and document their response to a domestic violence incident, decision makers, such as commanders and prosecutors, will not have the necessary information to make informed disciplinary or prosecutorial decisions. Further, this can hinder criminal investigations, potentially impact law enforcement and national security interests, and expose victims to additional harm.

Army Comments

The Chief of Staff for the Office of the Army Provost Marshal General, responding for the Secretary of the Army, stated that the Army is actively pursuing resolution of the DoD OIG's findings through two working groups. The Headquarters Department of the Army Domestic Violence Working Group is assessing law enforcement practices, equipment, and supervisory reviews to ensure that they are adequate to comply with DoD policies when collecting evidence, conducting interviews, notifying FAP staff members, and titling and indexing subjects in the DCII.

Additionally, the Headquarters Department of the Army Criminal Justice Information Reporting Working Group is rectifying the missing fingerprint cards and final disposition reports reported in DODIG-2018-035, "Evaluation of Fingerprint Card and Final Disposition Report Submissions by Military Service Law Enforcement Organizations," December 4, 2017. According to the Chief of Staff, as of January 2019, 88 percent of missing fingerprint cards and 73 percent of final disposition reports going back to January 1, 2013, have been reconciled with the FBI. Furthermore, he stated that the U.S. Army Crime Lab has reconciled more than 25,000 missing DNA samples in CODIS going back to January 1, 2013.⁵⁸

The Chief of Staff stated that the data in the findings of this report for fingerprint and DNA collections and submissions may not be current because the data were obtained early during the evaluation period. He further stated that the Army may have already corrected many of the noncompliances as it reconciled its records to respond to the recommendations in DODIG-2018-035. The Chief of Staff recommended adding new compliance rate numbers reflecting the corrections accomplished for DODIG-2018-035 recommendations.

Our Response

Although the Chief of Staff told us that the Army may have corrected many of these noncompliances, we disagree with the Chief of Staff's recommendation to update the compliance rate numbers for fingerprint and DNA collections and submissions.

⁵⁸ The U.S. Army Crime Lab, also known as the U.S. Army Criminal Investigation Laboratory, is a subordinate unit of the DFSC.

The noncompliances presented in this report for collecting and submitting fingerprints and DNA were accurate based on the Army's compliance with DoD policies at the time of the incidents. Although the Army may have corrected some of these noncompliances after we reviewed the Army files, some fingerprints and DNA were not collected and submitted, as required by DoD policies, when we reviewed the files during this evaluation.

Air Force Comments

The Deputy Director of Security Forces, responding for the Secretary of the Air Force, disagreed with our finding that Security Forces' personnel did not follow procedures when collecting evidence, conducting interviews, and gathering photographs. The Deputy Director stated that these procedures are not listed as requirements in DoDI 6400.06, "... but instead are items law enforcement should consider and/or establish ..."

Our Response

We disagree that the procedures listed in DoDI 6400.06 for collecting evidence, conducting interviews, and gathering photographs are not required. For example, DoDI 6400.06 paragraph 6.2.10, specifies that "(l)aw enforcement personnel should collect and preserve all physical evidence reasonably necessary to establish what took place, including photographic evidence substantiating the victim's injuries and crime scene, and evidentiary articles, such as weapons or torn/bloodied articles of clothing." This paragraph along with the other paragraphs related to these procedures uses the word "should," but does not include qualifying language such as "should be considered" or "should be established." Furthermore, the "Writing Style Guide and Preferred Usage for DoD Issuances," June 27, 2018, explains that the use of the word "should" in a DoD issuance means that the action is required unless justifiable reason exists for not doing so.

As noted in the report, we identified numerous noncompliances in the Security Forces domestic violence incident reports relating to collecting evidence, conducting interviews, and taking photographs. During our evaluation of these noncompliances, we considered whether there was a justifiable reason for not completing a procedure. For the noncompliances listed in Table 2 and Table 3, our analysis of the incidents determined that there was no justifiable reason for not accomplishing the procedure as required by DoDI 6400.06.

For example, as noted earlier in this report, we found that a knife used by a subject during a domestic violence incident was not collected by JB Elmendorf-Richardson law enforcement personnel. After evaluating the law enforcement incident report, we found no justifiable reason for not collecting the knife. Therefore, we determined that it was required to be collected as evidence in accordance with DoDI 6400.06.

Recommendations, Management Comments, and Our Response

Recommendation B.1.a

We recommend that the Secretaries of the Army, Navy, and Air Force take prompt action to ensure that all subjects that we determined were not properly titled and indexed in the Defense Central Index of Investigations (DCII) are titled and indexed, as required by DoD Instruction 5505.07, "Titling and Indexing Subjects of Criminal Investigations in the Department of Defense," January 27, 2012.

Army Comments

The Chief of Staff for the Office of the Army Provost Marshal General, responding for the Secretary of the Army, agreed with the recommendation. The Chief of Staff stated that his office would review the investigations and ensure the subjects identified were titled and indexed in the DCII within 90 days of receiving the list of the subjects from the DoD OIG.

Our Response

The response addressed all specifics of the recommendation. Therefore, the recommendation is resolved, but remains open. We provided the list of the subjects to the Army on February 13, 2019. We will close this recommendation after we verify that the Army has titled and indexed in the DCII the 55 subjects who we determined were not indexed in the DCII.

Navy Comments

NCIS

The Deputy Naval Inspector General, responding for the Secretary of the Navy, provided comments from the Assistant Director of NCIS, who agreed with the recommendation. The Assistant Director stated that the NCIS had already titled and indexed one subject in the DCII. However, the Assistant Director stated that there was not credible information to title and index the remaining three subjects in the DCII. The Assistant Director agreed that DoDI 5505.07 and NCIS policy require credible information in order to title and index a subject in the DCII.

However, she stated that “[c]redible information in a NCIS control case includes a statement to NCIS from the reported victim.” The Assistant Director stated that in the three investigations, the alleged victims did not provide a statement or the victim denied being assaulted when questioned by NCIS resulting in a lack of credible information to title and index the three subjects in the DCII.

Naval Security Forces

The Deputy Naval Inspector General, responding for the Secretary of the Navy, provided comments from the Commander, Navy Installations Command, who agreed with the recommendation. The Commander stated that the military units to which the subjects are assigned are currently deployed so the Commander, Navy Installations Command, estimated the completion date to title and index the subjects as “to be determined.”

Marine Corps

The Deputy Naval Inspector General, responding for the Secretary of the Navy, provided comments from the Branch Head of the Marine Corps Law Enforcement, Investigations, and Corrections Branch who did not address the specifics of the recommendation. Specifically, the comments did not state whether the Branch Head agreed or disagreed with the recommendation, and did not state how the Marine Corps would resolve the recommendation. The Branch Head stated that the Marine Corps has “. . . continued to ensure policy remains relevant and oversight of policies is conducted.” Additionally, he stated that the Inspector General of the Marine Corps conducts inspections of all Marine Corps law enforcement organizations every two years using “functional area checklists” that include inspection items relating to fingerprint collection and submission, DNA collection and submission, and other requirements identified in policy. Finally, he stated that his office has worked with the Marine Corps Judge Advocate Division to “generate policy pertaining to the requirement to enter prohibited persons in the Federal Bureau of Investigation (FBI), Criminal Justice Information Service (CJIS), National Information Background Check System (NICS) Indices.”

Our Response

NCIS

The response partially addressed the recommendation. Therefore, the recommendation is unresolved. We disagree with the Assistant Director that NCIS did not have credible information to title and index in the DCII the three of the four subjects who we determined were not indexed in the DCII. We also disagree that a statement to NCIS from the victim is required to establish credible information. DoDI 5505.07 states that “[t]itling and indexing in the DCII shall

be done as soon as the investigation determines that credible information exists that the subject committed a criminal offense.” Furthermore, DoDI 5505.07 defines credible information as “[i]nformation disclosed or obtained by a criminal investigator that, considering the source and nature of the information and the totality of the circumstances, is sufficiently believable to lead a trained criminal investigator to presume that the fact or facts in question are true.” DoDI 5505.07 does not require a victim statement be provided to NCIS in order to meet its definition of “credible information.” We also reviewed NCIS policy N1-23, “Defense Central Index of Investigations,” June 2014, and found that it is consistent with DoDI 5505.07. NCIS policy N1-23 does not require a victim to provide a statement to NCIS to meet the “credible information” standard. In two of the three investigations where the victims did not provide statements to NCIS, the victims previously provided statements to other law enforcement agencies about their assaults. We believe that these statements were sufficient to support the credible information standard even if the victims were unwilling to provide subsequent statements to NCIS. In the third investigation, although the victim denied being assaulted, credible witnesses provided statements to responding law enforcement personnel that they witnessed the subject strangling the victim. We believe that these witness statements were sufficient to establish that the allegation was credible even if the victim denied being assaulted.

We request the Assistant Director of NCIS reconsider her position and provide comments in response to the final report on what actions NCIS intends to take to ensure that the other three subjects we identified are titled and indexed in the DCII. Once the NCIS agrees to fully implement this recommendation and provides an estimated completion date for this recommendation we will consider it resolved.

Naval Security Forces

The Naval Security Forces response addressed all specifics of the recommendation. Therefore, the recommendation is resolved, but remains open. We accept the Commander’s response that the military units to which the subjects are assigned are currently deployed. The Commander, Navy Installations Command, estimated completion date to title and index the subjects is “to be determined” based on the units’ return from deployment. We will close this recommendation after we verify that the Navy has titled and indexed the 18 subjects who we determined were not indexed in the DCII.

Marine Corps

The response did not address the specifics of the recommendation. The response did not state whether the Branch Head agreed or disagreed with the recommendation, nor did he describe the actions the Marine Corps would take in response to the recommendation. We request additional comments from the Navy for the Marine Corps that provide agreement or disagreement with the recommendation, the actions the Marine Corps will take to address the recommendation, and an estimated completion date for actions to resolve the recommendation.

Air Force Comments

The Deputy Director of Security Forces, responding for the Secretary of the Air Force, agreed with the recommendation. The Deputy Director stated that the Air Force will take action by July 2019, to title and index the subjects of all Air Force Security Forces investigations that the DoD OIG identified in the evaluation.

Our Response

The response addressed all specifics of the recommendation. Therefore, the recommendation is resolved, but remains open. We accept the Deputy Director's response that the Air Force will take action by July 2019, to title and index the subjects of all Air Force Security Forces investigations that the DoD OIG identified in the evaluation. We will close this recommendation after we verify that the Air Force has titled and indexed in the DCII the 13 subjects who we determined were not indexed in the DCII.

Recommendation B.1.b

We recommend that the Secretaries of the Army, Navy, and Air Force take prompt action to ensure that a comprehensive review of all criminal investigative databases and files is conducted to verify that all subjects of domestic violence incidents from 1998 to present are titled and indexed in the Defense Central Index of Investigation, as required by DoD Instruction 5505.07, "Titling and Indexing Subjects of Criminal Investigations in the Department of Defense," January 27, 2012.

Army Comments

The Chief of Staff for the Office of the Army Provost Marshal General, responding for the Secretary of the Army, disagreed with the recommendation stating that the Army needs to complete additional analysis based on limitations of its criminal investigative databases and files. Specifically, the Chief of Staff stated that there

are limitations to reviewing domestic violence incidents from 1998 to present because the Army's legacy records management system only goes back to 2004. Additionally, the Chief of Staff stated the Army will need to create a search criteria since there was not a domestic violence offense code prior to January 1, 2019.⁵⁹ The Chief of Staff stated that once the Army develops the search criteria, the Army will better understand the level of effort it will take to complete the comprehensive review.

Our Response

The response partially addressed the recommendation. Therefore this recommendation is unresolved. Although the Chief of Staff disagreed with the recommendation, we agree with his plan to conduct additional analysis based on the limitations of conducting a search for domestic violence offenses in its criminal investigative databases and files because there was not a domestic violence offense code prior to January 1, 2019. However, we disagree with a limitation based on their legacy management systems only going back to 2004. In the Army's official follow-up response to DODIG 2018-035, the Army stated it had completed a comprehensive review of all law enforcement reports back to 1998 and had identified all individuals whose fingerprints should have been submitted to the FBI CJIS Division. The Army's response to DODIG 2018-035 did not identify any limitations due to their legacy management systems.

We request additional comments from the Army to resolve this recommendation. We request that the Army provide an estimated completion date for completing the additional analysis and the recommended comprehensive review of its criminal investigative databases and files.

Navy Comments

NCIS

The Deputy Naval Inspector General, responding for the Secretary of the Navy, provided comments from the Assistant Director of NCIS who agreed with the recommendation. The Assistant Director stated that NCIS established a task force to ensure that all subjects in its investigations from 1998 to present had properly annotated criminal histories. The Assistant Director stated that followup efforts to ensure that the DCII is updated accordingly are ongoing.

⁵⁹ The FY 2019 National Defense Authorization Act created domestic violence as a separate criminal offense, Article 128b: Domestic Violence, under the UCMJ. Prior to the FY 2019 NDAA, domestic violence was not categorized as its own separate offense. Instead domestic violence incidents were investigated under other UCMJ offenses, such as Article 128: Assault, without domestic violence being identified in the offense.

Naval Security Forces

The Deputy Naval Inspector General, responding for the Secretary of the Navy, provided comments from the Commander, Navy Installations Command, who agreed with the recommendation and stated that all actions were complete. The Commander stated that in accordance with Navy Administrative Message (NAVADMIN) 076/18, "Gun Control Act of 1968 Criminal Justice Information Reporting Requirements," March 29, 2018, his organization completed a review of all investigations and reported all findings.

Marine Corps

The Deputy Naval Inspector General, responding for the Secretary of the Navy, provided comments from the Branch Head of the Marine Corps Law Enforcement, Investigations, and Corrections Branch who did not address the specifics of the recommendation. Specifically, the Branch Head stated that the Marine Corps continues to ensure policy is developed and remains relevant. Additionally, he stated that the Inspector General of the Marine Corps conducts inspections of all Marine Corps law enforcement organizations every two years.

*Our Response**NCIS*

The response addressed all specifics of the recommendation. Therefore, the recommendation is resolved, but remains open. We will close this recommendation after we verify that the NCIS has ensured that a comprehensive review of all criminal investigative databases and files was conducted to verify that all subjects of domestic violence incidents from 1998 to present were titled and indexed in the DCII.

Naval Security Forces

The response did not address all specifics of the recommendation. Therefore, the recommendation is unresolved. The completed actions taken as directed by NAVADMIN 076/18 are not responsive to the recommendation. NAVADMIN 076/18 provides guidance related to providing criminal history information to the FBI CJIS Division for entry in the National Instant Criminal Background Check System, but does not provide guidance for titling and indexing subjects in the DCII which is a separate and unrelated database maintained by the DoD. Thus, the completed actions by Naval Security Forces did not verify that all subjects of domestic violence incidents from 1998 to present are titled and indexed in the DCII.

We request additional comments from the Navy for Naval Security Forces to resolve this recommendation. We request the Navy describe the actions that Naval Security Forces will take to ensure a comprehensive review of all criminal investigative databases and files is conducted to verify that all subjects of domestic violence incidents from 1998 to present are titled and indexed in the DCII, as required by DoD Instruction 5505.07.

Marine Corps

The response did not address the specifics of the recommendation. The response did not state whether the Branch Head agreed or disagreed with the recommendation, nor did he describe the actions the Marine Corps would take in response to the recommendation. We request additional comments from the Navy for the Marine Corps that provide agreement or disagreement with the recommendation, the actions the Marine Corps will take to address the recommendation, and an estimated completion date for actions to resolve the recommendation.

Air Force Comments

The Deputy Director of Security Forces, responding for the Secretary of the Air Force, agreed with the recommendation and stated that by July 2019, the Air Force Security Forces will take action to review all investigative databases and files to verify that all subjects of domestic violence incidents from 1998 to present are titled and indexed in the DCII.

Our Response

The response addressed all specifics of the recommendation. Therefore, the recommendation is resolved, but remains open. We accept the Deputy Director's response that Air Force Security Forces will take action to review all investigative databases and files to verify that all subjects of domestic violence incidents from 1998 to present are titled and indexed in the DCII. We will close this recommendation after we verify that the Air Force has ensured that a comprehensive review of all criminal investigative databases and files was conducted to verify that all subjects of domestic violence incidents from 1998 to present were titled and indexed in the DCII.

Recommendation B.1.c

We recommend that the Secretaries of the Army, Navy, and Air Force take prompt action to ensure that subject fingerprint cards and final disposition reports are collected and submitted to the Federal Bureau of Investigations Criminal Justice Information Services Division database for all subjects that we determined were not submitted, as required by DoD Instruction 5505.11, "Fingerprint Card and Final Disposition Report Submission Requirements," July 21, 2014, as amended.

Army Comments

The Chief of Staff for the Office of the Army Provost Marshal General, responding for the Secretary of the Army, agreed with the recommendation. The Chief of Staff stated that they would review the investigations and ensure that fingerprints are submitted to the FBI within 90 days of receiving the list of the subjects from the DoD OIG. The Chief of Staff stated that if a soldier has left the military, the fingerprints cannot be collected.

Our Response

The response partially addressed the recommendation. Therefore, the recommendation is unresolved. The Chief of Staff's response does not include a plan to submit fingerprints for soldiers who have left the military.

We offer that in the event a soldier who has left the military cannot be located, the Army should submit the fingerprint cards previously collected from the soldier during the soldier's initial enlistment into the Army. The fingerprint cards, also referred to as "civil cards" or "civil prints," may be obtained from the FBI and then resubmitted to the FBI CJIS Division database in place of the prints that should have been taken in connection with the soldier's criminal investigation. This is similar to the process the Army is currently using to resolve the missing fingerprints identified in DODIG-2018-035.

We request additional comments from the Army to resolve this recommendation. We also request that the Army provide an estimated completion date to collect and submit the fingerprint cards and the final disposition reports to the FBI CJIS Division database that we determined were not submitted in order to resolve this recommendation.

Navy Comments

NCIS

The Deputy Naval Inspector General, responding for the Secretary of the Navy, provided comments from the Assistant Director of NCIS who agreed with the recommendation. The Assistant Director stated that NCIS has already corrected three of the four. For the fourth subject, the Assistant Director stated that the subject was not fingerprinted due to insufficient probable cause.

Naval Security Forces

The Deputy Naval Inspector General, responding for the Secretary of the Navy, provided comments from the Commander, Navy Installations Command, who agreed with the recommendation. The Commander stated that Naval Security Forces has contacted NCIS to upload fingerprint cards in the DCII for the cards that had been collected, but not submitted. The Commander stated that for one subject whose fingerprints were not collected and submitted, the subject has since departed the base or separated from active duty with no contact information available. Further, the Commander stated that four other investigations were referred to the owning command for nonjudicial punishment with no fingerprints taken, and five others were referred to the owning command where Naval Security Forces are working to obtain disciplinary dispositions. The Commander stated that an estimated completion date had yet to be determined.

Marine Corps

The Deputy Naval Inspector General, responding for the Secretary of the Navy, provided comments from the Branch Head of the Marine Corps Law Enforcement, Investigations, and Corrections Branch who did not address the specifics of the recommendation. Specifically, the Branch Head stated that the Marine Corps continues to ensure policy is developed and remains relevant. Additionally, he stated that the Inspector General of the Marine Corps conducts inspections of all Marine Corps law enforcement organizations every two years.

Our Response

NCIS

The response partially addressed the recommendation. Therefore, the recommendation is unresolved. We disagree with the Assistant Director's comments on the fourth subject as we believe that there was probable cause to collect and submit the subject's fingerprints based on the totality of the circumstances and physical evidence obtained. Specifically, we believe that probable cause existed because of the bruises to the victim's chest and arm

that appeared to be hand and finger marks and the victim's statements to the nurse and responding law enforcement that the subject had attacked her. We do not believe that the victim provided a credible statement to NCIS three days later when she stated that she and her husband were playing a physical children's game which caused the bruises, as the statement did not match the bruising documented in the investigation file photographs.

We request additional comments from the Navy for NCIS to resolve this recommendation. We request the Assistant Director reconsider her position that there was insufficient probable cause to collect and submit the fourth subject's fingerprints. We also request the Assistant Director agree to collect and submit the fourth subject's fingerprint card and final disposition report to the FBI CJIS Division database and provide an estimated completion date for these actions.

Naval Security Forces

The response partially addressed the recommendation. Therefore, the recommendation is unresolved. The Commander's comments do not describe specific actions Naval Security Forces will take to collect and submit the missing fingerprint cards and final disposition reports to the FBI CJIS Division database or an estimated completion date for these actions. Additionally, the Commander incorrectly stated that the fingerprints would be submitted into the DCII. The fingerprints must be submitted to the FBI CJIS Division for inclusion in the criminal history database, not into the DCII. The DCII database is a DoD database that is used to record security clearances and records of criminal investigations within the DoD and is not used for submitting fingerprint cards and final disposition reports.

We request additional comments from the Navy for Naval Security Forces to resolve this recommendation. We request the Navy describe the specific actions it will take to collect and submit the missing fingerprint cards and final disposition reports to the FBI CJIS Division database and an estimated completion date for these actions.

Marine Corps

The response did not address the specifics of the recommendation. The response did not state whether the Branch Head agreed or disagreed with the recommendation, nor did he describe the actions the Marine Corps would take in response to the recommendation. We request additional comments from the Navy for the Marine Corps that provide agreement or disagreement with the recommendation, the actions the Marine Corps will take to address the recommendation, and an estimated completion date for actions to resolve the recommendation.

Air Force Comments

The Deputy Director of Security Forces, responding for the Secretary of the Air Force, agreed with the recommendations. The Deputy Director stated that the Air Force Security Forces will take action to ensure that fingerprints and final disposition reports are collected and submitted to the FBI CJIS Division database for the subjects who the DoD OIG determined were not submitted by July 2019.

Our Response

The response addressed all specifics of the recommendation. Therefore, the recommendation is resolved, but remains open. We will close this recommendation after we verify that the Air Force has ensured that subject fingerprint cards and final disposition reports are collected and submitted to the FBI CJIS Division database for 32 subjects whose fingerprint cards and final disposition reports we determined were not submitted.

Recommendation B.1.d

We recommend that the Secretaries of the Army, Navy, and Air Force take prompt action to ensure that DNA is collected and submitted to the Defense Forensics Science Center for submission to the Combined DNA Index System for all qualifying subjects that we determined were not submitted, as required by DoD Instruction 5505.14, “Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations, Law Enforcement, Corrections, and Commanders,” December 22, 2015.

Army Comments

The Chief of Staff for the Office of the Army Provost Marshal General, responding for the Secretary of the Army, agreed with the recommendation. The Chief of Staff stated that his office would review the investigations and ensure that DNA was submitted to the DFSC for submission to CODIS within 90 days of receiving the list of the subjects from the DoD OIG. Also, the Chief of Staff stated that if soldiers have left the military, their DNA cannot be collected.

Our Response

The response partially addressed the recommendation. Therefore, the recommendation is unresolved. We accept the Chief of Staff’s agreement to review the investigations and ensure DNA is submitted to the DFSC for submission to CODIS.

However, for soldiers no longer in the military, the Army should make efforts to locate the individuals and request that they voluntarily provide a DNA sample for submission to ensure that DNA is submitted to DFSC for submission to CODIS.

We request additional comments from the Army to resolve this recommendation. We request that the Army collect and submit DNA for the 27 subjects identified in the list we provided to the Army on February 13, 2019, to the DFSC for submission to CODIS.

Navy Comments

NCIS

The Deputy Naval Inspector General, responding for the Secretary of the Navy, provided comments from the Assistant Director of NCIS, who disagreed with the recommendation. The Assistant Director stated that there was insufficient probable cause to collect the subject's DNA and the subject did not receive administrative or judicial punishment related to this incident.

Naval Security Forces

The Deputy Naval Inspector General, responding for the Secretary of the Navy, provided comments from the Commander, Navy Installations Command, who agreed with the recommendation. The Commander stated that his organization did not have specific policy on the collection of DNA. The Commander stated that policy for DNA was expected to be published by March 31, 2019.

Marine Corps

The Deputy Naval Inspector General, responding for the Secretary of the Navy, provided comments from the Branch Head of the Marine Corps Law Enforcement, Investigations, and Corrections Branch who did not address the specifics of the recommendation. Specifically, the comments did not state whether the Branch Head agreed or disagreed with the recommendation, and did not state how the Marine Corps would resolve the recommendation.

Our Response

NCIS

The response did not address the specifics of the recommendation. Therefore, the recommendation is unresolved. We disagree with the Assistant Director's comments that there was insufficient probable cause to collect DNA for the one subject. We found that there was probable cause to collect and submit the subject's DNA to the DFSC based on the totality of the circumstances and physical evidence obtained. Specifically, we believe that probable cause existed because the bruises

to the victim's chest and arm appeared to be hand and finger marks, and the victim made prior statements to a nurse and responding law enforcement that the subject had attacked her. We do not believe that the victim provided a credible statement to NCIS three days later when she stated that she and her husband were playing a physical game and that she accidentally fell on top of a shoe or water bottle which caused the bruises. The victim's statement to NCIS did not match the bruising documented in the investigation file photographs. Additionally, and contrary to NCIS management comments, administrative or judicial punishment is not required by DoDI 5505.14 in order to collect or submit DNA to the DFSC for submission to CODIS.

We request additional comments from the Navy for NCIS to resolve this recommendation. We request that the Assistant Director reconsider her position that the investigation did not establish probable cause to collect and submit DNA to the DFSC for submission to CODIS. We request the Assistant Director agree to collect and submit the DNA to the DFSC for submission to CODIS for the one subject and provide an estimated completion date for these actions.

Naval Security Forces

The response partially addressed the recommendation. Therefore, the recommendation is unresolved. The Commander did not address the collection and submission of DNA to the DFSC for submission to CODIS for the 16 subjects DNA that we determined were not submitted.

We request additional comments from the Navy for Naval Security Forces to resolve this recommendation. We request that the Navy describe the specific actions it will take to collect and submit DNA to the DFSC for submission to CODIS for the 16 subjects' DNA that we determined were not submitted and provide an estimated completion date for these actions.

Marine Corps

The response did not address the specifics of the recommendation. The response did not state whether the Branch Head agreed or disagreed with the recommendation, nor did he describe the actions the Marine Corps would take in response to the recommendation. We request additional comments from the Navy for the Marine Corps that provide agreement or disagreement with the recommendation, the actions the Marine Corps will take to address the recommendation, and an estimated completion date for actions to resolve the recommendation.

Air Force Comments

The Deputy Director of Security Forces, responding for the Secretary of the Air Force, agreed with the recommendation. The Deputy Director stated that the Air Force Security Forces will take action to ensure that DNA is collected and submitted to the DFSC for submission to the CODIS by July 2019.

Our Response

The response addressed all specifics of the recommendation. Therefore, the recommendation is resolved, but remains open. We will close this recommendation after we verify that the Air Force has collected and submitted DNA to the DFSC for submission to CODIS for the 33 subjects DNA that we determined were not submitted.

Recommendation B.1.e

We recommend that the Secretaries of the Army, Navy, and Air Force take prompt action to ensure that the importance of complying with DoD and supplemental Military Service policies related to law enforcement's response to domestic violence incidents when collecting evidence, conducting interviews, notifying Family Advocacy Program staff members, and titling and indexing subjects in the Defense Central Index of Investigations is emphasized in writing to all law enforcement organizations.

Army Comments

The Chief of Staff for the Office of the Army Provost Marshal General, responding for the Secretary of the Army, agreed with the recommendation and stated that the Army would issue supplemental and clarifying guidance in writing to all Army law enforcement organizations by August 2019.

Our Response

The response addressed all specifics of the recommendation. Therefore, the recommendation is resolved, but remains open. We will close this recommendation after we verify that the Army has issued supplemental and clarifying guidance in writing to all Army law enforcement organizations related to law enforcement's response to domestic violence incidents when collecting evidence, conducting interviews, notifying Family Advocacy Program staff members, and titling and indexing subjects in the DCII.

Navy Comments

NCIS

The Deputy Naval Inspector General, responding for the Secretary of the Navy, provided comments from the Assistant Director of NCIS, who agreed with the recommendation. The Assistant Director stated that each month the NCIS Headquarters Family and Sexual Violence Division publishes and distributes a newsletter addressing various matters affecting Family and Sexual Violence investigations, policy, and trends to NCIS leaders for dissemination within their offices. The Assistant Director stated that by February 28, 2019, a special edition of the newsletter would be published focusing on compliance with DoDI 6400.06 and emphasizing collecting evidence; conducting logical, thorough interviews with named witnesses or persons having knowledge of the reported abuse; notifying FAP staff members; and titling reported offenders upon receipt of credible evidence. Additionally, the Assistant Director stated that these topics were stressed at NCIS's most recent Advanced Family and Sexual Violence Training Program, on February 5, 2019.

Naval Security Forces

The Deputy Naval Inspector General, responding for the Secretary of the Navy, provided comments from the Commander, Navy Installations Command, who agreed with the recommendation. The Commander stated that the importance of complying with DoD and supplemental Military Service policies has been emphasized through numerous NAVADMIN issuances, and will be added in future Commander, Navy Installations Command, guidance by March 31, 2019.

Marine Corps

The Deputy Naval Inspector General, responding for the Secretary of the Navy, provided comments from the Branch Head of the Marine Corps Law Enforcement, Investigations, and Corrections Branch, who did not address the specifics of the recommendation. Specifically, the Branch Head stated that the Marine Corps continues to ensure policy is developed and remains relevant. Additionally, he stated that the Inspector General of the Marine Corps conducts inspections of all Marine Corps law enforcement organizations every two years.

Our Response

NCIS

The response addressed all specifics of the recommendation. Therefore, the recommendation is resolved and closed. NCIS published the special edition of its newsletter in January 2019 focusing on compliance with DoDI 6400.06

and emphasizing collecting evidence; conducting logical, thorough interviews with named witnesses or persons having knowledge of the reported abuse; notifying FAP staff members; and titling reported offenders upon receipt of credible evidence.

Naval Security Forces

The response partially addressed the recommendation. Therefore, the recommendation is unresolved. The Commander did not identify which specific NAVADMIN issuances emphasized collecting evidence; conducting logical, thorough interviews with named witnesses or persons having knowledge of the reported abuse; notifying FAP staff members; and titling reported offenders upon receipt of credible evidence.

We request additional comments from the Navy for Naval Security Forces to resolve this recommendation. We request the Navy provide the specific NAVADMIN messages that emphasized collecting evidence; conducting logical, thorough interviews with named witnesses or persons having knowledge of the reported abuse; notifying FAP staff members; and titling and indexing in the DCII the reported offenders upon receipt of credible evidence.

Marine Corps

The response did not address the specifics of the recommendation. The response did not state whether the Branch Head agreed or disagreed with the recommendation, nor did he describe the actions the Marine Corps would take in response to the recommendation. We request additional comments from the Navy for the Marine Corps that provide agreement or disagreement with the recommendation, the actions the Marine Corps will take to address the recommendation, and an estimated completion date for actions to resolve the recommendation.

Air Force Comments

The Deputy Director of Security Forces, responding for the Secretary of the Air Force, partially agreed with the recommendation and stated that the Air Force Security Forces will take action to ensure the importance of complying with DoD policies related to notifying FAP staff members by July 2019. The Deputy Director disagreed with the part of the recommendation related to collecting evidence and conducting interviews because of her disagreement with our findings as previously documented in the “Conclusion” section for Finding B in this report. The Deputy Director stated that the guidance in DoDI 6400.06 related to collecting evidence, conducting interviews and gathering photographs was not a requirement, but “should be considered and/or established.”

Our Response

The response partially addressed the recommendation. Therefore, the recommendation is unresolved. We accept the Deputy Director's agreement of ensuring the importance of complying with DoD policies related to notifying FAP staff members. However, the Deputy Director did not describe how the Air Force would emphasize the notification of FAP staff members including whether the guidance would be emphasized in writing, as recommended.

The Deputy Director did not address the recommendation for emphasizing in writing to all law enforcement organizations the importance of complying with DoD and supplemental Air Force policies related to law enforcement's response to domestic violence incidents when collecting evidence, conducting interviews, and titling and indexing subjects in the DCII. As we previously stated in the "Conclusion" section for Finding B, the Air Force Security Forces misquoted the guidance in DoDI 6400.06 for collecting evidence, conducting interviews, and gathering photographs. The Deputy Director stated that the policy states that the procedures "are not requirements but instead are items law enforcement should consider and/or establish." While the guidance in DoDI 6400.06 uses the word "should" for these requirements, the guidance does not include qualifying language such as "should be considered" or "should be established."

The "Writing Style Guide and Preferred Usage for DoD Issuances," June 27, 2018, explains that the use of the word "should" in a DoD issuance means that the action is required unless justifiable reason exists for not doing so. Therefore, the usage of the word "should" in DoDI 6400.06 for the procedures related to collecting evidence and conducting interviews requires law enforcement to accomplish the procedures unless a justifiable reason exists for not completing them. The Deputy Director did not provide a justifiable reason for not accomplishing the procedures.

Additionally, DoDI 5505.07 specifies that "[a]ll names of individual subjects of criminal investigations by DoD organizations shall be listed in the DCII" and "[t]itling and indexing in the DCII shall be done as soon as the investigation determines that credible information exists that the subject committed a criminal offense." Therefore, law enforcement personnel are required to submit the subjects of the law enforcement investigations into the DCII when credible information exists that the subject committed the criminal offense.

We request additional comments from the Air Force to resolve this recommendation. We request that the Air Force describe the specific actions that it will take to ensure that the importance of complying with DoD and supplemental Air Force policies related to law enforcement's response to domestic violence incidents when collecting evidence, conducting interviews, notifying FAP staff members, and titling and indexing subjects in the DCII is emphasized in writing to all Air Force law enforcement organizations.

Recommendation B.1.f

We recommend that the Secretaries of the Army, Navy, and Air Force take prompt action to ensure that law enforcement practices, equipment, and supervisory reviews are adequate to comply with DoD policies when collecting evidence, conducting interviews, notifying Family Advocacy Program staff members, and titling and indexing subjects in the Defense Central Index of Investigations.

Army Comments

The Chief of Staff for the Office of the Army Provost Marshal General, responding for the Secretary of the Army, agreed with the recommendation and stated that the Army would review, through the Headquarters Department of the Army Domestic Violence Working Group, law enforcement practices, equipment, and supervisory reviews to ensure that they are adequate to comply with DoD policies by August 2019.

Our Response

The response addressed all specifics of the recommendation. Therefore, the recommendation is resolved, but remains open. We will close this recommendation after we verify the specific actions taken by the Army to ensure law enforcement practices, equipment, and supervisory reviews are adequate to comply with DoD policies have been completed.

Navy Comments

NCIS

The Deputy Naval Inspector General, responding for the Secretary of the Navy, provided comments from the Assistant Director of NCIS, who agreed with the recommendation. The Assistant Director stated that in 2017, NCIS made major revisions to the NCIS first-line supervisor investigative file review process to enhance quality reviews and that all first-line supervisors were mandated to attend training on the revised process. Furthermore, the Assistant Director stated that in 2018, additional fingerprint and CODIS DNA compliance requirements were

added to the investigative file review process and that all first and second-line supervisors were mandated to attend training on the additional processes. Additionally, the Assistant Director stated that NCIS has realigned resources so that Supervisory Special Agents have a more manageable workload.

Naval Security Forces

The Deputy Naval Inspector General, responding for the Secretary of the Navy, provided comments from the Commander, Navy Installations Command, who agreed with the recommendation. The Commander stated that the importance of complying with DoD and supplemental Military Service policies has been emphasized through numerous NAVADMIN issuances, and will be added in future Commander, Navy Installations Command, guidance by March 31, 2019.

Marine Corps

The Deputy Naval Inspector General, responding for the Secretary of the Navy, provided comments from the Branch Head of the Marine Corps Law Enforcement, Investigations, and Corrections Branch, who did not address the specifics of the recommendation. Specifically, the Branch Head stated that the Marine Corps continues to ensure policy is developed and remains relevant. Additionally, he stated that the Inspector General of the Marine Corps conducts inspections of all Marine Corps law enforcement organizations every two years.

Our Response

NCIS

The response addressed all specifics of the recommendation. Therefore, the recommendation is resolved, but remains open. We will close this recommendation after we verify that NCIS's investigative file review process addresses the compliance with DoD policies when collecting evidence, conducting interviews, notifying Family Advocacy Program staff members, and titling and indexing subjects in the Defense Central Index of Investigations.

Naval Security Forces

The response partially addressed the recommendation. Therefore, the recommendation is unresolved. The Commander's comments do not address the actions taken to ensure that law enforcement practices, equipment, and supervisory reviews are adequate to comply with DoD policies when collecting evidence, conducting interviews, notifying FAP staff members, and titling and indexing subjects in the DCII.

We request additional comments from the Navy for Naval Security Forces to resolve this recommendation. We request that the Navy describe the specific actions Naval Security Forces will take to ensure that law enforcement practices, equipment, and supervisory reviews are adequate to comply with DoD policies when collecting evidence, conducting interviews, notifying FAP staff members, and titling and indexing subjects in the DCII.

Marine Corps

The response did not address the specifics of the recommendation. The response did not state whether the Branch Head agreed or disagreed with the recommendation, nor did he describe the actions the Marine Corps would take in response to the recommendation. We request additional comments from the Navy for the Marine Corps that provide agreement or disagreement with the recommendation, the actions the Marine Corps will take to address the recommendation, and an estimated completion date for actions to resolve the recommendation.

Air Force Comments

The Deputy Director of Security Forces, responding for the Secretary of the Air Force, agreed with the recommendation and stated that the Air Force Security Forces will take prompt action to ensure that Air Force Security Forces practices, equipment, and supervisory reviews are adequate to comply with DoD policies when collecting evidence, conducting interviews, notifying FAP staff members, and titling and indexing subjects in the DCII by July 2019.

Our Response

The response partially addressed the recommendation. Therefore, the recommendation is unresolved. Although the Deputy Director concurred with the recommendation, she did not provide specific actions that the Air Force would take to ensure that law enforcement practices, equipment, and supervisory reviews are adequate to comply with DoD policies when collecting evidence, conducting interviews, notifying FAP staff members, and titling and indexing subjects in the DCII.

We request additional comments from the Air Force to resolve this recommendation. We request that the Air Force describe the specific actions it will take to ensure that law enforcement practices, equipment, and supervisory reviews are adequate to comply with DoD policies when collecting evidence, conducting interviews, notifying FAP staff members, and titling and indexing subjects in the DCII to resolve this recommendation.

Appendix A

Scope and Methodology

We conducted this evaluation from September 2017 through January 2019 in accordance with the “Quality Standards for Inspection and Evaluation,” published in January 2012 by the Council of Inspectors General on Integrity and Efficiency. Those standards require that we adequately plan the evaluation to ensure that objectives are met and that we perform the evaluation to obtain sufficient, competent, and relevant evidence to support the findings, conclusions, and recommendations. We believe that the evidence obtained was sufficient, competent, and relevant to lead a reasonable person to sustain the findings, conclusions, and recommendations.

To accomplish the objectives in this report, we obtained and evaluated Military Service, installation-level, and MCIO policies related to law enforcement response to domestic violence incidents. In addition, we obtained a list of incidents from the DoD Family Advocacy Central Registry from the Office of Family Readiness Policy within the Deputy Assistant Secretary of Defense for Military Community and Family Programs. The list identified all unrestricted domestic violence incidents reported at every military installation between October 1, 2014, and September 30, 2016. We analyzed the list and selected eight military installations, two from each Service, for evaluation based on the total number of unrestricted reports of spousal and intimate partner physical maltreatment incidents. Specifically, for each Military Service, we selected the installation with the highest total number of unrestricted reports of domestic violence incidents and an installation with a lower number of unrestricted reports of domestic violence incidents above 100. The installations we selected were:

- Fort Belvoir, Virginia
- Fort Bragg, North Carolina
- NCBC Gulfport, Mississippi
- NB San Diego, California
- MCB Camp Pendleton, California
- MCB Quantico, Virginia
- JB Andrews, Maryland
- JB Elmendorf-Richardson, Alaska

We obtained a detailed list from the law enforcement agencies at each of the eight installations that identified all domestic violence incidents that that Military Service law enforcement personnel responded to as a lead agency between October 1, 2014, and September 30, 2016. Then, we selected a simple random sample of 219 of the 956 installation-level law enforcement and MCIO domestic violence incident responses.⁶⁰ We evaluated the corresponding records, including blotters, journals, statements, domestic violence incident reports, investigative reports, and results of trial for each of the 219 sampled domestic violence incidents.⁶¹

Further, we interviewed the Defense Human Resources Activity (DHRA) Law Enforcement Policy and Support (LEPS) Director, the former DHRA LEPS Director, and the former Deputy Director, DASD(MC&FP) personnel, Headquarters Military Service law enforcement personnel, MCIO Headquarters personnel, installation law enforcement personnel, DoD Inspector General personnel, SJA, FAP staff members, and MCIO representatives. Finally, we queried or obtained reports from the DCII, the FBI CJIS Division database, and CODIS.

Use of Computer-Processed Data

We used computer-processed data to perform this evaluation. Specifically, we relied on data from the following systems: the DoD Family Advocacy Central Registry, the DCII, the FBI CJIS Division database, and CODIS. We did not verify the reliability of data in these systems.

Use of Technical Assistance

We coordinated with the DoD OIG Quantitative Methods Division to determine the number of incidents to evaluate at each of the installations in order to provide a statistically valid representative sample of the law enforcement responses at the eight selected installations. The Quantitative Methods Division identified a simple random sample of incidents based on a desired level of reliability. The sample size was selected from the population using a 90-percent confidence level, 50-percent probability of occurrence, and a 7-percent precision level.

⁶⁰ The simple random sample of incidents to evaluate was based on a desired level of reliability. The sample size was selected from the population using a 90-percent confidence level, 50-percent probability of occurrence, and a 7-percent precision level.

⁶¹ Law enforcement blotters and journals are logs of incident responses that occur throughout the day and are usually maintained by the installation law enforcement dispatch office. The incident responses are briefly summarized in chronological order.

Prior Coverage

The Department of Defense Office of Inspector General previously issued several reports related to Military Service law enforcement's response to domestic violence incidents and criminal history reporting requirements.

Unrestricted DoD OIG reports can be accessed at <http://www.dodig.mil/reports.html/>.

DoD OIG

Report No. DoDIG-2014-029, "Review of Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations," February 27, 2014

DoD and U.S. Coast Guard authorities did not submit 282 of the 3,536 required DNA samples to the U.S. Army Criminal Investigation Laboratory for inclusion in CODIS during the evaluation sample period of June 1, 2010, through October 31, 2012. The evaluated agencies had an overall 92 percent compliance rate.

Report No. DoDIG-2015-011, "Evaluation of the Defense Criminal Investigative Organizations' Defense Incident-Based Reporting System Reporting and Reporting Accuracy," October 29, 2014

The DoD was not reporting criminal incident data to the FBI for inclusion in the annual Uniform Crime Reports to the President, the Congress, State governments, and officials of localities and institutions participating in the Uniform Crime Reports Program, as required by Federal law. In addition, the DoD had not completed the FBI's requirements for the Defense Incident Based Reporting System (DIBRS) database certification; therefore, the DoD did not report criminal incident data to the Attorney General, through the FBI, for inclusion in the Uniform Crime Reports, as required.

Although the DoD is a Federal agency that routinely investigates complaints of criminal activity, it does not report details about such crimes to the FBI for inclusion in the National Incident Based Reporting System database and the annual Uniform Crime Reports. The DIBRS Database Administrator was aware of the FBI's requirements to obtain certification, but had not submitted the required DoD criminal incident data to the National Incident Based Reporting System to obtain the certification. As a result, DIBRS data was never submitted to the FBI for inclusion in their annual Uniform Crime Reports.

Report No. DoDIG-2015-078, "Evaluation of the Defense Criminal Investigative Organizations' Compliance with the Lautenberg Amendment Requirements and Implementing Guidance," February 6, 2015

The DCIOs did not comply with the Lautenberg Amendment as implemented by cited DoD policies. USACIDC did not require personnel applying for covered positions to use the DD Form 2760 to certify that they did not have qualifying convictions, in accordance with DoD Directive 5210.56 and DoDI 6400.06. In addition, Defense Criminal Investigative Service, USACIDC, and NCIS did not have clear and consistent policies regarding the disposition of privately owned firearms and ammunition by agents found to have a qualifying conviction. Finally, Defense Criminal Investigative Service, USACIDC, and NCIS did not periodically inform employees in covered positions that they have an affirmative, continuing obligation to inform their commander or supervisor if they have an existing qualifying conviction or later obtain one.

Ultimately, the DoD OIG determined that it was unlikely the DCIOs hired or retained anyone with a qualifying conviction because the suitability investigation process is very thorough.

Report No. DoDIG-2015-081, "Evaluation of Department of Defense Compliance with Criminal History Data Reporting Requirements," February 12, 2015

The Navy failed to submit 68 of 317 (21 percent) required fingerprint cards and 80 of 317 (25 percent) required disposition reports. The Air Force failed to submit 110 of 358 (31 percent) required fingerprint cards and 113 of 358 (32 percent) required disposition reports and the Marine Corps failed to submit 126 of 427 (30 percent) required fingerprint cards and 141 of 427 (33 percent) required final disposition reports.

Report No. DoDIG-2016-030, "Evaluation of the Military Criminal Investigative Organizations' Violent Crime Investigative Compliance Oversight Management and Inspection Programs," December 11, 2015

The MCIOs' investigative compliance oversight management and inspection programs aligned with DoD and Military Service requirements, and the MCIOs were executing internal controls as required.

Report No. DoDIG-2018-035, "Evaluation of Fingerprint Card and Final Disposition Report Submissions by Military Service Law Enforcement Organizations,"
December 4, 2017

Military Services did not consistently submit fingerprint cards and final disposition reports as required. Overall, of the 2,502 fingerprint cards required to be submitted, 601 (24 percent) were not submitted. Of the 2,502 final disposition reports required to be submitted, 780 (31 percent) were not submitted.

Appendix B

Law Enforcement Protocol from DoDI 6400.06

6.2. Law Enforcement's Role in Responding to Domestic Violence. As part of the coordinated community response to domestic abuse, law enforcement and military criminal investigative personnel shall be responsible for investigating reports of domestic violence and assembling evidence indicating whether or not an act, attempted act, or threatened act of non-accidental physical force has occurred, by whom and against whom, and the impact the act has had on the victim in terms of actual or potential physical injury or the fear it creates. Law enforcement personnel shall respond to reports of domestic violence as they would to credible reports of any other crime and shall ensure that victims are informed of available domestic abuse services. This section provides sample protocols for first responders that may be used as guidance in establishing appropriate military law enforcement or MCIO responses to domestic violence incidents.

6.2.1. The law enforcement or criminal investigative officer should attempt to elicit from the dispatcher all relevant information pertaining to the incident.

6.2.2. Responding law enforcement personnel should approach the scene of a domestic violence incident as one of high risk.

6.2.3. Upon arrival, law enforcement personnel should identify themselves, explain their presence, and request entry to investigate the call. If refused entry, law enforcement personnel should be persistent and seek appropriate legal advice if forced entry is contemplated.

6.2.4. Once inside, law enforcement personnel should establish control by:

6.2.4.1. Identifying potential weapons in the surroundings.

6.2.4.2. Separating the victim and the alleged subject.

6.2.4.3. Restraining, detaining, or apprehending the alleged subject as needed.

6.2.4.4. Assessing injuries, administering first aid, or notifying emergency medical services.

6.2.4.5. Inquiring about the alleged incident.

6.2.4.6. Identifying all occupants and witnesses on the premises.

6.2.4.7. Separating occupants and witnesses from the victim and the alleged subject and keeping them out of hearing range.

6.2.5. Once control has been established, law enforcement personnel should:

6.2.5.1. Interview the victim and alleged subject as fully as circumstances allow.

6.2.5.2. To the extent possible, attempt to determine the presence of risk factors as outlined in paragraph 6.6.2.

6.2.5.3. Inquire about any history of abuse or existing protective orders.

6.2.5.4. Fully investigate all alleged violations of protective orders.

6.2.5.5. Encourage the victim to seek a medical examination and arrange transport as needed.

6.2.5.6. Inquire about injuries that are concealed by clothing or otherwise not readily apparent.

6.2.5.7. Advise the victim to contact law enforcement and arrange for photographs to be taken of other injuries that become apparent in the days following the incident (bruises, for example, might appear several hours after the incident occurred or the following day).

6.2.6. Law enforcement personnel shall immediately notify FAP of the incident to prompt a thorough risk assessment and safety planning.

6.2.6.1. Special Victims Investigation and Prosecution (SVIP) capability covered offenses will be investigated by the MCIOs in accordance with DoD Instruction 5505.19 (Reference (aa)) [sic].

6.2.7. If the alleged subject has fled the scene, attempt to get information about potential whereabouts.

6.2.8. Law enforcement personnel should interview any witnesses as fully and as soon as circumstances allow.

6.2.9. Law enforcement personnel should interview children in a manner appropriate to their age and apparent developmental level.

6.2.10. Law enforcement personnel should collect and preserve all physical evidence reasonably necessary to establish what took place, including photographic evidence substantiating the victim's injuries and crime scene, and evidentiary articles, such as weapons or torn/bloodied articles of clothing.

6.2.11. Law enforcement personnel should follow established law enforcement procedures pertaining to apprehension (for military personnel) and detention (for civilians). Law enforcement personnel should:

6.2.11.1. Comply with training on whether advisement of rights under the 5th Amendment of the Constitution of the United States (Reference (ab)) or Article 31 of the UCMJ (Chapter 47 of Reference (p)) is required.

6.2.11.2. Detain and turn over civilian subjects to DoD or local law enforcement personnel having arrest authority for further disposition.

6.2.11.3. Comply with any applicable MOUs in terms of information sharing and cooperating with civilian law enforcement agencies. (See paragraph 6.1.5.)

6.2.12. Law enforcement personnel should seek appropriate legal advice if seizure of firearms not directly tied to the incident is contemplated. (See paragraph 6.1.2. pertaining to MPOs and paragraph 6.1.4. pertaining to the Lautenberg Amendment to the Gun Control Act.)

6.2.13. If the victim has a CPO, law enforcement personnel shall take all reasonable measures necessary to ensure that a CPO is given full force and effect. (See paragraph 6.1.3. on the Armed Forces Domestic Security Act.)

6.2.13.1. An installation may have procedures in place for registering a CPO, but failure to register the order shall not be reason for law enforcement personnel, having knowledge of the order, to fail to give it full force and effect.

6.2.13.2. Law enforcement personnel shall cooperate with civilian law enforcement agencies to ensure that alleged violations of CPOs are investigated.

6.2.14. If apprehension or detention is not authorized, law enforcement personnel should explain to the victim the reasons why apprehension or detention is not going to occur.

6.2.15. Whether or not apprehension or detention occurs, law enforcement personnel should not leave the scene of the incident until the situation is fully under control and the likelihood of further violence has been eliminated.

6.2.15.1. Law enforcement personnel shall inform the victim of the availability of local shelter facilities, services offered through FAP, victim advocate and other domestic abuse services, and procedures for obtaining a protective order.

6.2.15.2. If the victim desires to take advantage of the shelter option, law enforcement personnel are obliged to stand by as belongings are gathered for the stay at the shelter and to arrange transport to the shelter, as needed.

6.2.16. Law enforcement personnel shall promptly complete a detailed written report of the investigation and forward a copy to the alleged subject's commander or when the alleged subject is a civilian, to the local law enforcement authorities in accordance with local law enforcement requirements and procedures.

Appendix C

Memorandum to USACIDC



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500

December 14, 2018

MEMORANDUM FOR DEPUTY G-3, U.S. ARMY CRIMINAL INVESTIGATION
COMMAND

SUBJECT: Army Regulation 195-2, "Criminal Investigation Activities," June 9, 2014

The DoD Office of the Inspector General (OIG) initiated an evaluation of Military Service Law Enforcement Responses to Domestic Violence Incidents (Project No. 2017C013) on September 21, 2017, to determine if the Military Services' (Army/Navy/Marine Corps/Air Force) law enforcement agencies (Military Criminal Investigative Organizations [MCIOs] and non-MCIOs) respond to domestic assault incidents in accordance with DoD Instruction (DoDI) 6400.06, "Domestic Abuse Involving DoD Military and Certain Affiliated Personnel," August 21, 2007. The evaluation objectives were to:

- a. Evaluate whether Military Service and installation-level law enforcement agencies' policies and procedures align with DoDI 6400.06; and
- b. Evaluate whether law enforcement agencies' responses to domestic assault (non-sexual) incidents with adult victims comply with pertinent DoD, Service, or installation guidance.

During the course of the evaluation, we identified guidance in Army Regulation 195-2, "Criminal Investigation Activities," June 9, 2014, that conflicts with DoDI 5505.19, "Establishment of Special Victim Investigation and Prosecution (SVIP) Capability within the Military Criminal Investigative Organizations (MCIOs)." Specifically, DoDI 5505.19 requires the MCIOs, which includes USACIDC, to investigate all allegations of domestic violence that involve aggravated assault with grievous bodily harm. DoDI 5505.19 defines grievous bodily harm as: "[s]erious bodily injury that includes fractures or dislocated bones, deep cuts, torn members of the body, serious damage to internal organs, and other severe bodily injuries. It does not include minor injuries such as a black eye or bloody nose."

The guidance contained in AR 195-2, paragraph 3-3.a.(11), states that USACIDC investigates aggravated assaults when the victim is hospitalized for more than 24 hours for other than "mere" observation. Further, AR 195-2 states that all other aggravated assaults will be investigated by installation law enforcement. We have determined that AR 195-2 conflicts with DoDI 5505.19 because grievous bodily harm could occur without hospitalization. To further explain, a victim could experience a broken arm from a domestic violence incident that doctors treat without hospitalization. As a result, according to DoDI 5505.19, USACIDC should investigate the domestic violence incident that results in a fractured or dislocated bone, i.e. grievous bodily harm as defined by DoDI 5505.19. However, according to AR 195-2, USACIDC would not investigate because hospitalization did not occur.



Memorandum to USACIDC (cont'd)

We recommend prompt action to correct the language in AR 195-2 to ensure compliance with DoDI 5505.19. If you agree with our recommendation, please respond and describe what actions you have taken or plan to take and include the actual or planned completion dates of your actions. If you disagree, please provide the reasons why you disagree and any propose alternative corrective actions in your response for our consideration.

If you have any questions or would like to meet to discuss the evaluation, please contact

[REDACTED]

[REDACTED]

Attachment: None

cc:

Operations Chief, CIOP-ZC, USACIDC

[REDACTED]

Management Comments

Army



DEPARTMENT OF THE ARMY
Office of the Provost Marshal General
2800 Army Pentagon
Washington, DC 20310-2800

DAPM-MPO-LE

MEMORANDUM FOR OFFICE OF INSPECTOR GENERAL (DEPUTY INSPECTOR GENERAL FOR POLICY AND OVERSIGHT), DEPARTMENT OF DEFENSE, 4800 MARK CENTER DRIVE, ALEXANDRIA, VA 22350-1500

SUBJECT: Military Service Law Enforcement Responses to Domestic Violence Incidents (Project No. D2017-C013)

1. Reference Draft Report, 11 January 2019, subject as above.
2. Thank you for the opportunity to provide comments to the draft report. I acknowledge your detailed review of Army law enforcement policies related to responding to domestic violence incidents and whether Army law enforcement organizations complied with DoD policy when responding to nonsexual domestic violence incidents with adult victims.
3. The Office of the Provost Marshal General (OPMG) is actively pursuing resolution of the issues identified in the draft report through two working groups.
 - a. HQDA Domestic Violence (DV) Working Group (WG). The DV WG assesses if law enforcement practices, equipment, and supervisory reviews are adequate to comply with DoD policies when collecting evidence, conducting interviews, notifying Family Advocacy Program staff members, and titling and indexing subjects in the Defense Central Index of Investigations.
 - b. HQDA Criminal Justice Information Reporting Working Group. This working group is rectifying the missing fingerprint cards and final disposition reports from the DoDIG Report No. DODIG-2018-035, "Evaluation of Fingerprint Card and Final Disposition Report Submissions by Military Service Law Enforcement Organizations." As of January 2019, 88% of missing fingerprint cards and 73% of final disposition reports going back to 1 January 2013 have been reconciled with the FBI. Furthermore, the U.S. Army Crime Lab has reconciled over 25,000 missing DNA samples in CODIS going back to 1 January 2013.
4. The Army reviewed the draft report and recommend the following changes under Finding B:
 - a. The report indicates your review was conducted from 21 September 2017 through 10 January 2019, but does not specify when the fingerprint and DNA data pulls took

Army (cont'd)

DAPM-MPO-LE

SUBJECT: Military Service Law Enforcement Responses to Domestic Violence Incidents (Project No. D2017-C013)

place on the 219 random DV subjects. The report indicates the Army has a 94% (fingerprint) and 42% (DNA) noncompliance rate; however, this may not be an accurate figure. Army Execution Order 051-18, published 13 December 2017, directed ACOMs, ASCCs, DRUs, ARNG, USARC, and HQDA staff to review the compliance of criminal justice information reporting to the FBI and missing FD-249 cards and R-84 reports to the Crime Records Center no later than April 2018. If the fingerprint and DNA data pulls were ran early in the review period, this would account for the low compliance rate.

b. Recommend adding the new compliance rate numbers based off the results from DoDIG Report Recommendations, "Evaluation of Fingerprint Card and Final Disposition Report Submissions by Military Service Law Enforcement Organizations." Using the new compliance rate data would provide a more accurate assessment of Army compliance with criminal justice information reporting requirements.

5. The OPMG reviewed Recommendations B.1., in coordination with USACIDC and IMCOM, and provides the following feedback:

- DoDIG recommend that the Secretaries of the Army, Navy, and Air Force take prompt action to ensure that:

a. All subjects that we determined were not properly titled and indexed in the Defense Central Index of Investigations are titled and indexed, as required by DoD Instruction 5505.07, "Titling and Indexing Subjects of Criminal Investigations in the Department of Defense," January 27, 2012.

Response: Agree. The Army Crime Records Center will review the cases and ensure they are properly titled and indexed into DCII. The planned completion date is 90 days from when we receive the list of subjects from DoDIG.

b. A comprehensive review of all criminal investigative databases and files is conducted to verify that all subjects of domestic violence incidents from 1998 to present are titled and indexed in the Defense Central Index of Investigation, as required by DoD Instruction 5505.07, "Titling and Indexing Subjects of Criminal Investigations in the Department of Defense," January 27, 2012.

Response: Disagree. The Army will develop a plan to conduct a comprehensive review of our criminal investigative databases and files; however, there is additional analysis required on how far back we can search, the query criteria we will use to conduct the search and level of effort required.

There are limitations to reviewing subjects of domestic violence incidents from 1998 to present in our databases and files. These limitations include what can be retrieved from our legacy Records Management System (RMS), the Centralized Operations Suite (COPS), and our current Army Law Enforcement Reporting and Tracking System

Army (cont'd)

DAPM-MPO-LE

SUBJECT: Military Service Law Enforcement Responses to Domestic Violence Incidents (Project No. D2017-C013)

(ALERTS); our RMS can only go back to 2004. Prior to 1 January 2019, there was no offense code for Domestic Violence; therefore, we will need to create a criteria for the search query to include subject/victim relationship and type of offense that would trigger it to be categorized as domestic violence. From 2004-2015, installation Provost Marshal Offices were authorized the use of installation-specific 2-codes series. This allowed them to create their own offense codes and many domestic violence incidents were coded under these non-standard codes which will make the search query more complex and time-consuming. Once we develop the search criteria, we will better understand the level of effort it will take to complete the comprehensive review.

There could be additional reporting requirements emerging from adding incidents to the DCII since these cases could trigger addition reporting requirements of collecting and reporting fingerprinting and DNA requirements to the FBI, which will increase our workload associated with the DoDIG Report Recommendations in "Evaluation of Fingerprint Card and Final Disposition Report Submissions by Military Service Law Enforcement Organizations."

c. Subject fingerprint cards and final disposition reports are collected and submitted to the Federal Bureau of Investigations Criminal Justice Information Services Division database for all subjects that we determined were not submitted, as required by DoD Instruction 5505.11, "Fingerprint Card and Final Disposition Report Submission Requirements," July 21, 2014, as amended.

Response: Agree. The Army will review those individuals that DoDIG has identified as requiring fingerprints and final disposition reports and coordinate with the FBI to ensure they are submitted. There are some limitations with reporting fingerprint cards and final disposition reports. The Army conducted a batch closure of law enforcement reports in COPS in 2012 of cases from 1 January 2004 - 31 December 2007 that were missing disposition reports and no disposition was found; these cases will not be rectified as there are no disposition reports available. Also, if a Soldier has left the military, his/her fingerprints cannot be collected. The planned completion date is 90 days from when we receive the list of subjects from DoDIG.

d. DNA is collected and submitted to the Defense Forensics Science Center for submission to the Combined DNA Index System for all qualifying subjects that we determined were not submitted, as required by DoD Instruction 5505.14, "Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations, Law Enforcement, Corrections, and Commanders," December 22, 2015.

Response: Agree. The Army's Criminal Justice Information Reporting Working Group, in coordination with the U.S. Army Crime Lab, will review those individuals which DoDIG has identified as requiring DNA submissions. The same limitations in Recommendation c. apply. The planned completion date is 90 days from when we receive the list of subjects from DoDIG.

Army (cont'd)

DAPM-MPO-LE

SUBJECT: Military Service Law Enforcement Responses to Domestic Violence Incidents (Project No. D2017-C013)

e. The importance of complying with DoD and supplemental Military Service policies related to law enforcement's response to domestic violence incidents when collecting evidence, conducting interviews, notifying Family Advocacy Personnel staff members, and titling and indexing subjects in the Defense Central Index of Investigations is emphasized in writing to all law enforcement organizations.

Response: Agree. The Army will issue supplemental and clarifying guidance in writing to all law enforcement organizations. This issuance will be by an All Army Activities Message in addition to internal OPMG, IMCOM, and U.S. Army Military Police School messages to the field. The planned completion date is August 2019.

f. Law enforcement practices, equipment, and supervisory reviews are adequate to comply with DoD policies when collecting evidence, conducting interviews, notifying Family Advocacy Program staff members, and titling and indexing subjects in the Defense Central Index of Investigations.

Response: Agree. The Army will review, through the Army's Domestic Violence Working Group, law Enforcement practices, equipment and supervisory reviews to ensure they are adequate to comply with DoD policies. The planned completion date is August 2019.

6. Again, we appreciate the opportunity to provide feedback on the draft report and look forward to continuing to work together toward successful resolution of the challenges to these important components of our law enforcement programs.

7. Point of contact for this memorandum is [REDACTED]

Navy



DEPARTMENT OF THE NAVY
NAVAL INSPECTOR GENERAL
1254 9TH STREET SE
WASHINGTON NAVY YARD, DC 20374-5006

5505
Ser N00/0182
1 Mar 19

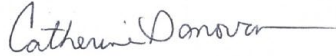
From: Naval Inspector General
To: Department of Defense Inspector General

Subj: MILITARY SERVICE LAW ENFORCEMENT RESPONSE TO DOMESTIC
VIOLENCE INCIDENTS

Encl: (1) Naval Criminal Investigative Service Response of 15 Feb 19
(2) Commander, Navy Installations Command Response of 27 Feb 19
(3) Headquarters United States Marine Corps Response (Undated)
(4) DODIG Draft Report – Military Service Law Enforcement Response to Domestic
Violence Incidents

1. The Department of the Navy's comments on the Draft Report "Military Service Law
Enforcement Response to Domestic Violence Incidents" are provided at enclosures (1) through
(3).

2. Please contact me on (202) 433-2000 should you have any questions.


CATHERINE DONOVAN
Deputy

Copy to:
NCIS
CNIC
HQ USMC



Navy (cont'd)



DEPARTMENT OF THE NAVY
HEADQUARTERS
NAVAL CRIMINAL INVESTIGATIVE SERVICE
27130 TELEGRAPH ROAD
QUANTICO VA 22134-2253

February 15, 2019

FOR: DEPARTMENT OF DEFENSE INSPECTOR GENERAL

FROM: [REDACTED] Assistant Director

SUBJECT: Official Comments Requested - Military Service Law Enforcement Responses to Domestic Violence Incidents Project No. D2017-C013

In response to DoDIG "Results in Brief: Military Service Law Enforcement Responses to Domestic Violence Incidents," January 11, 2019, NCIS' response to the recommendations in section B.1 of the report are as follows:

- Recommendation B.1.a: DoDIG recommends all subjects that DoDIG determined were not properly titled and indexed in the Defense Central Index of Investigations (DCII) were titled and indexed, as required by DoD Instruction 5505.07, "Titling and Indexing Subjects of Criminal Investigations in the Department of Defense," January 27, 2012. DoDIG identified four NCIS cases that they believe were not properly titled and indexed.
- Response B.1.a: NCIS concurs, but with clarifying comments. In accordance with DoDI 5505.07 and NCIS policy, subjects are titled and indexed in the Defense Central Index of Investigations (DCII) upon receipt of credible information. Credible information in a NCIS control case includes a statement to NCIS from the reported victim. Upon review of the four cases, NCIS corrected one of the identified cases prior to receipt of this report. In the remaining three cases there is not sufficient credible information to subject title or index named individuals. In two of the cases, no victim made a statement to NCIS about being a victim and additional credible information was not obtained to warrant subject titling. In the third case, the victim denied being a victim of domestic violence.
- Recommendation B.1.b: DoDIG recommends a comprehensive review of all criminal investigative databases and files is conducted to verify that all subjects of domestic violence incidents from 1998 to present are titled and indexed in the Defense Central Index of Investigations (DCII) were titled and indexed, as required by DoD Instruction 5505.07, "Titling and Indexing Subjects of Criminal Investigations in the Department of Defense," January 27, 2012.
- Response B.1.b: NCIS concurs. In December 2017, NCIS stood up a Task Force to ensure all subjects in our investigations from 1998 to present had properly annotated

Navy (cont'd)

[REDACTED]

criminal histories. To date over 148,000 cases, including but not limited to domestic violence, have been reviewed and discrepancies are being actively addressed. Emphasis was placed on ensuring individuals that should have been fingerprinted and indexed in the Interstate Identification Index (III) were identified. Follow on efforts to ensure DCII was updated accordingly are ongoing.

- Recommendation B.1.c: DoDIG recommends subject fingerprint cards and final disposition reports are collected and submitted to the Federal Bureau of Investigations Criminal Justice Information Services Division databases for all subjects that DoDIG determined were not submitted, as required by DoD Instruction 5505.11, "Fingerprint Card and Final Disposition Report Submission Requirements," July 21, 2014, as amended. DoDIG identified four NCIS cases that did not have fingerprints cards submitted to the Federal Bureau of Investigation Criminal Justice Information Services Division database.
- Response B.1.c: NCIS concurs, but with clarifying comments. NCIS collects fingerprints and final dispositions and submits them to the Federal Bureau of Investigations Criminal Justice Information Services Division database for qualifying subjects. In three of the four identified cases, NCIS has already addressed the identified subjects and their fingerprints and final disposition were submitted to the FBI as part of a comprehensive review of closed case files. In the fourth case, the individual was not fingerprinted due to a lack of sufficient probable cause. In December 2017, all NCIS agents received mandatory stand down training on fingerprint collection including probable cause and submission of fingerprint cards and subsequent R-84. Further, in December 2017, NCIS stood up a Task Force to ensure all subjects in our investigations from 1998 to present had fingerprints submissions when sufficient probable cause was identified. To date over 148,000 cases were reviewed and discrepancies are being actively addressed. In April 2018, NCIS created the Criminal Justice Information Division (CJID) to have oversight and conduct quality control of FD-249 submissions, R-84 submissions, DNA submissions, and the National Instant Criminal Background Check System (NICS) submissions.
- Recommendation B.1.d: DoDIG recommends DNA is collected and submitted to the Defense Forensics Science Center for submission to the Combined DNA Index System for all qualifying subjects that DoDIG determined were not submitted, as required by DoD Instruction 5505.14, "Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations, Law Enforcement, Corrections, and Commanders," December 22, 2015. DoDIG identified one NCIS case where they believe DNA should have been submitted.
- Response B.1.d: NCIS does not concur with this recommendation. NCIS collects DNA and submits to the Defense Forensics Sciences Center for submission to the Combined DNA Index System for qualifying subjects. In the only instance addressed in this report,

Navy (cont'd)

[REDACTED]

DNA was not taken from the individual due to insufficient probable cause. Additionally, the individual did not receive any administrative or judicial punishment related to this incident. In April 2018, NCIS created the Criminal Justice Information Division (CJID) to have oversight and conduct quality control of FD-249 submissions, R-84 submissions, DNA submissions, and the National Instant Criminal Background Check System (NICS) submissions. In October 2018, CJID initiated mandatory annual training in the collection and submission of fingerprints and collection and submission of CODIS DNA for all agents and investigators.

- Recommendation B.1.e: DoDIG recommends the importance of complying with DoD and supplemental Military Service policies related to law enforcement's response to domestic violence incidents when collecting evidence, conducting interviews, notifying Family Advocacy Personnel staff members, and titling and indexing subjects in the Defense Central Index of Investigations is emphasized in writing to all law enforcement organizations.
 - Response B.1.e: NCIS concurs with this recommendation. Each month NCIS Headquarters Family and Sexual Violence (F&SV) Division prepares and publishes a newsletter addressing various matters affecting F&SV investigations, policy and/or trends. NCIS Field Office Special Agents in Charge and NCIS Assistant Directors Atlantic and Pacific Division all receive the newsletter and disseminate within their respective offices. In February 2019, a special edition of the newsletter will focus on the compliance with DoDI 6400.06 and emphasize collection of evidence, conducting logical thorough interviews with named witnesses or persons having knowledge of the reported abuse, notification to Family Advocacy, and titling reported offenders upon receipt of credible evidence. Estimated date of completion is February 28, 2019. In addition, these topics were stressed at NCIS' most recent Advanced Family and Sexual Violence Training Program (AFSVTP) on February 5, 2019.
 - Recommendation B.1.f: DoDIG recommends law enforcement practices, equipment and supervisory reviews are adequate to comply with DoD policies when collecting evidence, conducting interviews, notifying Family Advocacy Program staff members, and titling and indexing subjects in the Defense Central Index of Investigations.
 - Response B.1.f: NCIS concurs with this recommendation. In 2017, major revisions were made to the NCIS first line supervisor case review process to enhance quality review. All first line supervisors were mandated to attend the training. In 2018, additional compliance requirements related to fingerprints and CODIS DNA were added to the first line supervisor case review and to the authoritative case review process. All first line and second line supervisors were mandated to attend training on the additional processes. Further, NCIS has realigned resources so our Supervisory Special Agents are better positioned to have a more manageable workload. All these processes and better
- [REDACTED]

Navy (cont'd)

[REDACTED]

distribution of NCIS resources has enhanced the adequacy of first line supervisor's engagement in and review of ongoing investigations.

[REDACTED]

[REDACTED]

Navy (cont'd)



DEPARTMENT OF THE NAVY
 COMMANDER NAVY INSTALLATIONS COMMAND
 716 SICARD STREET, SE, SUITE 1000
 WASHINGTON NAVY YARD, DC 20374-5140

5505
 19U001A
 27 Feb 19

From: Commander, Navy Installations Command
 To: Naval Inspector General

Subj: CNIC RESPONSE TO DODIG PROJECT NO. D2017-C013, MILITARY SERVICE
 LAW ENFORCEMENT RESPONSES TO DOMESTIC VIOLENCE INCIDENTS

Ref: (a) DoDIG Project No. D2017-C013 of 11 Jan 2019

1. Per reference (a), Commander, Navy Installations Command's (CNIC's) management comments to Department of Defense (DoD) Inspector General (IG) report are provided below.

a. Recommendation B.1.a: Ensure that all subjects that we determined were not properly titled and indexed in the Defense Central Index of Investigations are titled and indexed, as required by DoD Instruction 5505.07, "Titling and Indexing Subjects of Criminal Investigations in the Department of Defense," January 27, 2012.

b. CNIC Response: CNIC concurs, but with clarifying comments. In accordance with DoDI 5505.07, subjects are titled and indexed in the Defense Central Index of Investigations (DCII). DCII titled and indexed upon receipt of credible information. Upon review of five cases at NCBC Gulfport, three cases had charges dismissed at the Magistrate Court, in the fourth case the Central Violations Bureau has no record of the case and the individual separated from the military, and the last case where a warrant was issued due to failure to show. Of the nine cases identified at Naval Base San Diego, four were referred to the owning command for non-judicial punishment, and the remaining five were referred to the owning command: NB San Diego is working through legal channels to obtain case disposition for those five. ECD: To Be Determined – all five owning commands are currently deployed/underway.

c. Recommendation B.1.b: Ensure that a comprehensive review of all criminal investigative databases and files is conducted to verify that all subjects of domestic violence incidents from 1998 to present are titled and indexed in the Defense Central Index of Investigation, as required by DoD Instruction 5505.07, "Titling and Indexing Subjects of Criminal Investigations in the Department of Defense," January 27, 2012.

d. CNIC Response: CNIC concurs, and actions are complete. In November 2018, CNIC completed a review of all cases as directed in NAVADMIN 076/18, "Gun Control Act of 1968 Criminal Justice Information Reporting Requirements. As directed, CNIC reported all findings to the Office of the Judge Advocate General (OJAG), Naval Legal Service Command (NLSC), and NCIS.

e. Recommendation B.1.c: Ensure that subject fingerprint cards and final disposition reports are collected and submitted to the Federal Bureau of Investigations Criminal Justice Information Services Division database for all subjects that we determined were not submitted, as required by DoD Instruction 5505.11, "Fingerprint Card and Final Disposition Report Submission Requirements," July 21, 2014, as amended.

f. CNIC Response: CNIC concurs, but with clarifying comments. Upon review of the five cases identified at NCBC Gulfport, four cases contained hard copy fingerprint cards, but were not forwarded for entry into DCII. Contact has been made with local NCIS Field Office to request their assistance in loading the fingerprint cards into DCII. Only one case was identified where fingerprints were not obtained and the individual involved has since departed the base and/or separated from active duty service with no contact information available. Of the nine cases identified at NB San Diego, four were referred to the owning command for non-judicial punishment with no fingerprints taken, and the remaining five were referred to the owning command: NB San Diego is working through legal channels to obtain case disposition. ECD: To Be Determined – all five owning commands are currently deployed/underway.

Navy (cont'd)

g. Recommendation B.1.d: Ensure that DNA is collected and submitted to the Defense Forensics Science Center for submission to the Combined DNA Index System for all qualifying subjects that we determined were not submitted, as required by DoD Instruction 5505.14, "Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations, Law Enforcement, Corrections, and Commanders," December 22, 2015.

h. CNIC Response: CNIC concurs. CNIC currently has no specific guidance promulgated on the collection of DNA. Guidance will be promulgated in the revised CNICINST 5530.14B as directed in DODI 5505.14. ECD: 31 March 2019

i. Recommendation B.1.e: Ensure that the importance of complying with DoD and supplemental Military Service policies related to law enforcement's response to domestic violence incidents when collecting evidence, conducting interviews, notifying Family Advocacy Personnel staff members, and titling and indexing subjects in the Defense Central Index of Investigations is emphasized in writing to all law enforcement organizations.

i. CNIC Response: CNIC concurs. The importance of complying with DoD and supplemental Military Service policies has been emphasized through numerous NAVADMIN issuances, and will be added in the revised CNICINST 5530.14B. ECD: 31 March 2019

k. Recommendation B.1.f: Ensure that law enforcement practices, equipment, and supervisory reviews are adequate to comply with DoD policies when collecting evidence, conducting interviews, notifying Family Advocacy Program staff members, and titling and indexing subjects in the Defense Central Index of Investigations.

l. CNIC Response: CNIC concurs. The importance of complying with DoD and supplemental Military Service policies has been emphasized through numerous NAVADMIN issuances, and will be in the revised CNICINST 5530.14B. ECD: 31 March 2019

2. The technical point of contact is [REDACTED] or email:

The administrative point of contact is [REDACTED]

By direction

Copy to:
CNIC (OIG)

Navy (cont'd)



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3000 MARINE CORPS PENTAGON
WASHINGTON DC 20350-3000

IN REPLY REFER TO:
1000
PPO

From: Branch Head; Law Enforcement, Investigations, and Corrections Branch (PSL); Security Division (PS); Plans, Policies, and Operations (PPO)

To: Inspector General, Department of Defense

Subj: MARINE CORPS SERVICE LEVEL COMMENTS PERTAINING TO DOD
INSPECTOR GENERAL'S INSPECTION OF LAW ENFORCEMENT RESPONSES
TO DOMESTIC VIOLENCE (PROJECT NO. D2017-C013)

Ref: (a) DODI 6400.06 Domestic Abuse Involving DoD Military and Certain Affiliated Personnel

Encl: (1) Provost Marshals Office Functional Area Checklist
(2) Criminal Investigation Division Operations Functional Area Checklist
(3) MCBUL 5810
(4) MARADMIN 652/18

1. The captioned draft report identified Marine Corps policies were consistent with DoD policies as it relates to domestic violence in accordance with Reference (a); however, the report identifies several inconsistencies with Marine Corps law enforcement execution of domestic violence policies for law enforcement. PSL has taken multiple steps to continue to ensure policy remains relevant and oversight of policies is conducted.

2. Inspector General of the Marine Corps (IGMC). PSL has collaborated with the IGMC to conduct thorough inspections of all Marine Corps supporting establishment law enforcement organizations. PSL generated and updated functional area checklists (FAC) for Marine Corps Provost Marshals Offices (PMO), Enclosure (1), and Criminal Investigation Division's (CID) Enclosure (2). Both FAC's have been identified as core inspections, which means there is a requirement to conduct these respective inspections at each location every two years. Both FACs include inspection items pertaining to criminal fingerprint collection and submission, offender disposition submission, Deoxyribonucleic Acid (DNA) collection and submission, and other requirements identified in policy. To date, 13 of 17 total locations have been inspected.

3. Criminal Justice Information Reporting. PSL has worked with the HQMC Judge Advocate Division (JAD) to generate policy pertaining to the requirement to enter prohibited persons in the Federal Bureau of Investigation (FBI), Criminal Justice Information Service (CJIS), National Information Background Check System (NICS) Indices. The policy, attached as Enclosure (3), also addresses criminal fingerprinting and offender disposition submission requirements for law enforcement. PSL also generated additional guidance to provide clarity to commanders and Marine Corps law enforcement, which is attached as Enclosure (4).

Navy (cont'd)

Subj: MARINE CORPS SERVICE LEVEL COMMENTS PERTAINING TO DOD
INSPECTOR GENERAL'S INSPECTION OF LAW ENFORCEMENT RESPONSES
TO DOMESTIC VIOLENCE (PROJECT NO. D2017-C013)

a. In addition to publishing policy and guidance, PSL has conducted reviews of past convictions to identify personnel that are prohibited from purchasing, possessing, or transferring firearms, to include researching the National Archives. The national archives research dates back to 1951 and PSL will continue the research to ensure prohibited persons are identified and submitted into the NICS Indices.

b. In December of 2017, PSL tasked all Marine Corps Installation Provost Marshals' Offices (PMO)/Marine Corps Police Departments (MCPD) and Criminal Investigation Division (CID) Offices to review all cases available through the Marine Corps Consolidated Law Enforcement Operations Center (CLEOC) and identify all past cases that required fingerprints. They were also tasked to report if they obtained criminal fingerprints and offender dispositions, if they submitted them to the FBI, and if their submission reflects within the FBI's National Crime Information Center (NCIC). After receiving the responses of the PMO/MCPD and CID review, PSL subsequently tasked them with correcting the deficiencies in criminal fingerprint and offender disposition reporting. An analysis to determine the effectiveness of the corrective actions remains pending.

4. My point of contact for information contained within this letter is [REDACTED] Head of the Criminal Investigation Division, PSL; who can be contacted by phone at [REDACTED] or e-mail at [REDACTED]

Air Force



**DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE
WASHINGTON, DC**

30 January 2019

MEMORANDUM FOR DEPARTMENT OF DEFENSE INSPECTOR GENERAL

FROM: HQ USAF/A4S
1030 Force Pentagon, Rm 5E1040
Washington D.C., 20330-1030

SUBJECT: Air Force Response to DoD Office of Inspector General Draft Report, Military Service Law Enforcement Responses to Domestic Violence Incidents (Project No. D2017-C013)

1. This is the Director of Security Forces response to DoD Office of Inspector General Draft Report, Military Service Law Enforcement Responses to Domestic Violence Incidents (Project No. D2017-C013). AF/A4S partially concurs with the report as written and welcomes the opportunity to provide further input upon request.
2. AF/A4S in coordination with Air Force Security Forces Center (AFSFC) will correct issues identified in this report, and develop and implement a corrective action plan outlined in the following recommendations B.1.a-f:

RECOMMENDATION B.1.a: The DoDIG recommends that the Air Force take prompt action to ensure that: All subjects that we determined were not properly titled and indexed in the Defense Central Index of Investigations are titled and indexed, as required by DoD Instruction 5505.07, "Titling and Indexing Subjects of Criminal Investigations in the Department of Defense," January 27, 2012.

AIR FORCE RESPONSE: Concur. All Air Force Security Forces cases that DoDIG identified will be titled and indexed as required by DoD Instruction 5505.07, "Titling and Indexing Subjects of Criminal Investigations in the Department of Defense," January 27, 2012. **Estimated Completion Date:** July 2019.

RECOMMENDATION B.1.b: The DoDIG recommends that the Air Force take prompt action to ensure that: A comprehensive review of all criminal investigative databases and files is conducted to verify that all subjects of domestic violence incidents from 1998 to present are titled and indexed in the Defense Central Index of Investigation, as required by DoD Instruction 5505.07, "Titling and Indexing Subjects of Criminal Investigations in the Department of Defense," January 27, 2012.

AIR FORCE RESPONSE: Concur. Air Force Security Forces will review all investigative databases and files to verify that all subjects of domestic violence incidents from 1998 to present are titled and indexed in the Defense Central Index of Investigation, as required by DoD Instruction 5505.07, "Titling and Indexing Subjects of Criminal Investigations in the Department of Defense," January 27, 2012. **Estimated Completion Date:** July 2019.

Air Force (cont'd)

RECOMMENDATION B.1.c: The DoDIG recommends that the Air Force take prompt action to ensure that: Subject fingerprint cards and final disposition reports are collected and submitted to the Federal Bureau of Investigations Criminal Justice Information Services Division database for all subjects that we determined were not submitted, as required by DoD Instruction 5505.11, "Fingerprint Card and Final Disposition Report Submission Requirements," July 21, 2014, as amended.

AIR FORCE RESPONSE: Concur. The Air Force Security Forces will take prompt action to ensure that fingerprints and final disposition reports are collected and submitted to the Federal Bureau of Investigations Criminal Justice Information Services Division database for all subjects that DoDIG determined were not submitted, as required by DoD Instruction 5505.11, "Fingerprint Card and Final Disposition Report Submission Requirements," July 21, 2014, as amended. **Estimated Completion Date:** July 2019.

RECOMMENDATION B.1.d: The DoDIG recommends that the Air Force take prompt action to ensure that: DNA is collected and submitted to the Defense Forensics Science Center for submission to the Combined DNA Index System for all qualifying subjects that we determined were not submitted, as required by DoD Instruction 5505.14, "Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations, Law Enforcement, Corrections, and Commanders," December 22, 2015.

AIR FORCE RESPONSE: Concur. The Air Force Security Forces will take prompt action to ensure that DNA is collected and submitted to the Defense Forensics Science Center for submission to the Combined DNA Index System for all qualifying subjects that DoDIG determined were not submitted, as required by DoD Instruction 5505.14, "Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations, Law Enforcement, Corrections, and Commanders," December 22, 2015. **Estimated Completion Date:** July 2019.

RECOMMENDATION B.1.e: The DoDIG recommends that the Air Force take prompt action to ensure that: The importance of complying with DoD and supplemental Military Service policies related to law enforcement's response to domestic violence incidents when collecting evidence, conducting interviews, notifying Family Advocacy Personnel staff members, and titling and indexing subjects in the Defense Central Index of Investigations is emphasized in writing to all law enforcement organizations.

AIR FORCE RESPONSE: Partially Concur. The Air Force Security Forces agrees and will take prompt action to ensure the importance of complying with DoD and supplemental Service policies related to law enforcement response to domestic violence incidents. Specifically, notifying Family Advocacy Personnel staff by Air Force Security Forces will be emphasized in Security Forces newly drafted law enforcement instruction, AFI 31-115, Law and Order Operations. **Estimated Completion Date:** July 2019.

However, Air Force Security Forces non-concurs with several of DoDIG findings that state procedures were not followed when collecting evidence, conducting interviews and gathering photographs. The report erroneously states that DoDI 6400.06 lists these items as requirements. These items are not requirements but instead are items law enforcement should consider and/or

2

Air Force (cont'd)

establish (DoDI 6400.06 para 6.2.). Request DoDIG delete all references to non-compliance on the aforementioned topics within the draft report.

RECOMMENDATION B.1.f: The DoDIG recommends that the Air Force take prompt action to ensure that: Law enforcement practices, equipment, and supervisory reviews are adequate to comply with DoD policies when collecting evidence, conducting interviews, notifying Family Advocacy Program staff members, and titling and indexing subjects in the Defense Central Index of Investigations.

AIR FORCE RESPONSE: Concur. The Air Force Security Forces will take prompt action to ensure that Air Force Security Forces practices, equipment, and supervisory reviews are adequate to comply with DoD policies when collecting evidence, conducting interviews, notifying Family Advocacy Program staff members, and titling and indexing subjects in the Defense Central Index of Investigations. **Estimated Completion Date:** July 2019.

3. The AF/A4S point of contact is [REDACTED]

SCHEPPERS.HE
IDI.L. [REDACTED]

HEIDI L. SCHEPPERS, SES, DAF
Deputy Director of Security Forces
DCS/Logistics, Engineering, and Force Protection

Acronyms and Abbreviations

AFI	Air Force Instruction
AFM	Air Force Manual
AFOSI	Air Force Office of Special Investigations
AFOSIMAN	Air Force Office of Special Investigations Manual
BDOC	Base Defense Operations Center
CID	Criminal Investigation Division
CIDR	U.S. Army Criminal Investigation Command Regulation
CJIS	Criminal Justice Information Services
CODIS	Combined DNA Index System
CPO	Civilian Protection Order
CPS	Child Protective Services
DASD(MC&FP)	Deputy Assistant Secretary of Defense for Military Community and Family Policy
DCII	Defense Central Index of Investigations
DHRA	Defense Human Resources Activity
DIBRS	Defense Incident-Based Reporting System
DNA	Deoxyribonucleic Acid
DVIT	Domestic Violence Intervention Training
FAP	Family Advocacy Program
FBI	Federal Bureau of Investigation
FD	Federal Document
FFSC	Fleet and Family Service Center
IMCOM	Headquarters Army Installation Management Command
JB	Joint Base
LEPS	Law Enforcement Policy and Support
MCB	Marine Corps Base
MCIO	Military Criminal Investigative Organization
MCO	Marine Corps Order
NB	Naval Base
NCBC	Naval Construction Battalion Center
NCIC	National Crime Information Center
NCIS	Naval Criminal Investigative Service
NTTP	Navy Tactics, Techniques and Procedures
NAVADMIN	Navy Administrative Message

OIG	Office of Inspector General
PMO	Provost Marshal Office
OPNAVIST	Naval Operations Instruction
QMD	Quantitative Methods Division
SJA	Staff Judge Advocate
SOP	Standard Operating Procedure
SVIP	Special Victim Investigation and Prosecution
UCMJ	Uniform Code of Military Justice
USACIDC	U.S. Army Criminal Investigation Command
U.S.C.	United States Code
USD(P&R)	Under Secretary of Defense for Personnel and Readiness

Glossary

Advanced training. Training provided to develop a higher skill level for accomplishing a procedure.

Air Force law enforcement. All Air Force law enforcement agencies providing law enforcement support to an installation. This includes the installation Air Force Security Forces squadron and the installation Air Force Office of Special Investigations office.

Army law enforcement. All Army law enforcement agencies providing law enforcement support to an installation. This includes the installation Provost Marshal Office, installation police department, and the installation U.S. Army Criminal Investigation Command office.

Defense Criminal Investigative Organizations. The DCIOs are the Defense Criminal Investigative Service, U.S. Army Criminal Investigation Command, the Naval Criminal Investigative Service, and the Air Force Office of Special Investigations. The Defense Criminal Investigative Service is the criminal investigative arm of the Inspector General, DoD.

DoD law enforcement. All law enforcement agencies within DoD.

Grievous Bodily Harm. Also known as serious bodily injury. It includes fractured or dislocated bones, deep cuts, torn members of the body, serious damage to internal organs, and other severe bodily injuries. It does not include minor injuries such as a black eye or a bloody nose.

Installation law enforcement. All military law enforcement agencies at a military installation that do not include the Military Criminal Investigative Organizations.

Marine Corps law enforcement. All Marine Corps law enforcement agencies providing law enforcement support to an installation. This includes the installation Provost Marshal Office and installation Marine Corps Criminal Investigation Division office.

Military Criminal Investigative Organizations. The MCIOs are the U.S. Army Criminal Investigation Command, the Naval Criminal Investigative Service, and the Air Force Office of Special Investigations.

Military Service law enforcement. All law enforcement agencies within the Army, Navy, Marine Corps, and Air Force.

Navy law enforcement. All Navy law enforcement agencies providing law enforcement support to an installation. This includes the installation Naval Security Forces Detachment and the Navy and Marine Corps installation's Naval Criminal Investigative Service office.



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U.S. DEPARTMENT OF DEFENSE

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For more information about DoD OIG reports or activities, please contact us:

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