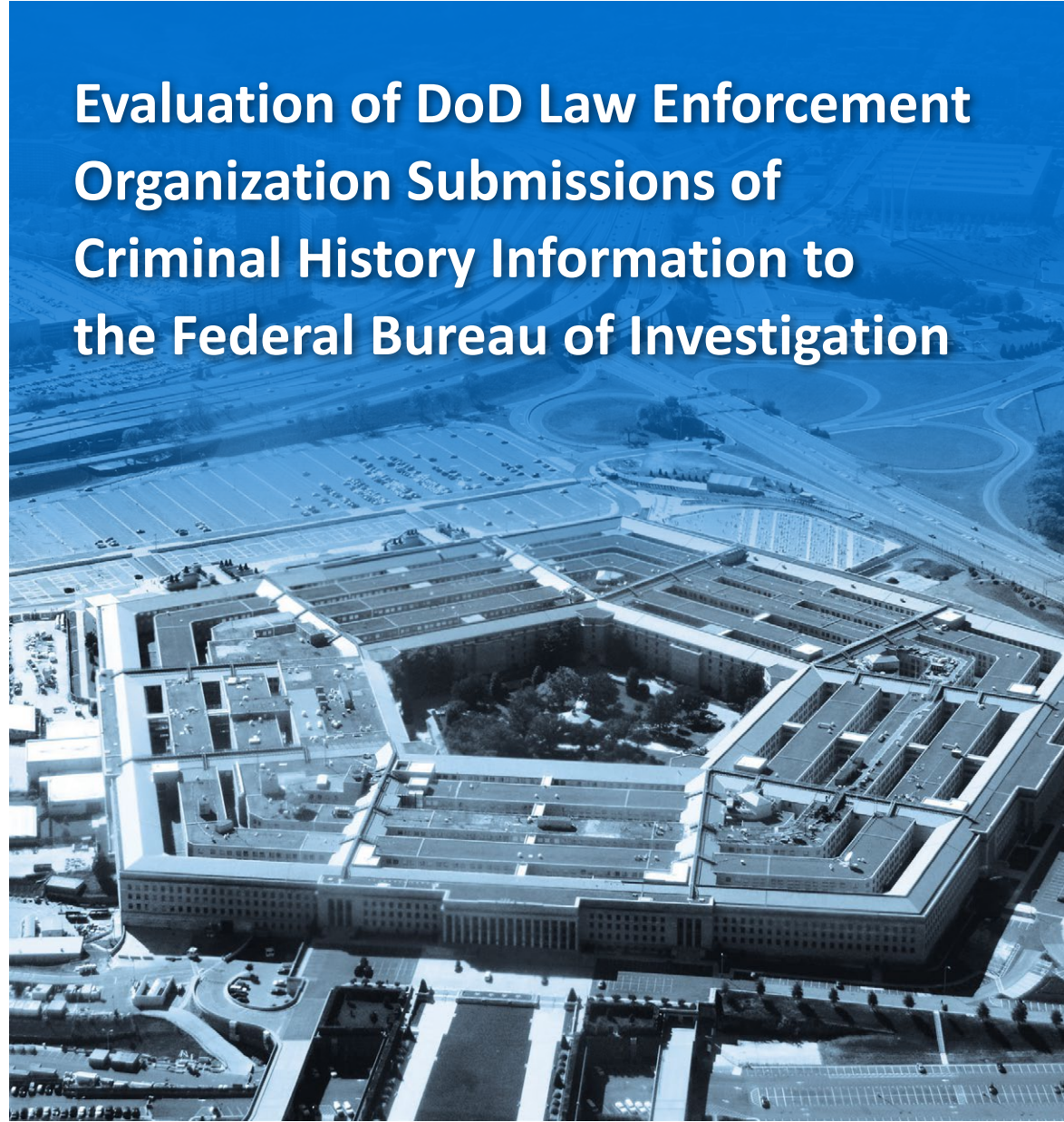




INSPECTOR GENERAL

U.S. Department of Defense

FEBRUARY 21, 2020



Evaluation of DoD Law Enforcement Organization Submissions of Criminal History Information to the Federal Bureau of Investigation

INTEGRITY ★ INDEPENDENCE ★ EXCELLENCE





Results in Brief

Evaluation of DoD Law Enforcement Organization Submissions of Criminal History Information to the Federal Bureau of Investigation

February 21, 2020

Objective

The objective of our evaluation was to determine whether the DoD and its law enforcement organizations (LEOs):

- complied with Federal law and DoD policy for submitting the following DoD criminal history information to the Federal Bureau of Investigation (FBI) for entry into its criminal history databases:
 - Fingerprints and offender final disposition reports;
 - Deoxyribonucleic Acid (DNA) information;
 - Sex Offender Registration and Notification Act (SORNA) information;
 - Gun Control Act information; and
- implemented policies, processes, training, and management oversight procedures to enhance the DoD collection and submission of criminal history information to the FBI.

Our review covered from January 1, 2015, through February 28, 2018.

Background

The FBI manages criminal history information submitted by LEOs across the Federal, state, local, and tribal governments. Federal law and DoD policy require that LEOs collect and submit criminal history information, such as fingerprints, final disposition reports, DNA, sex offender information, and Gun Control Act information, to the FBI for entry into its databases when an offender is arrested, detained, indicted, or convicted.

Background (cont'd)

In prior evaluation reports, the DoD OIG found repeated deficiencies with the Military Services' submission of required fingerprint cards, final disposition reports, DNA, and other criminal history information to the applicable FBI databases. We discuss these reports in detail in the Background section of this report.

Failure to collect and submit the required criminal history information, such as fingerprints and final disposition reports, to the FBI Criminal Justice Information Service (CJIS) Division, can have serious consequences. For example, fingerprint and final disposition report information is checked by Federal Firearms Licensees (FFL) to determine whether a prospective purchaser is eligible to receive firearms. In one tragic event, the Air Force failed to submit the fingerprints and final disposition report of Devin Patrick Kelley, a former Air Force member who had been convicted of domestic violence and discharged from the Air Force, to the FBI. This omission allowed Kelley to pass a background check and purchase firearms from a FFL. On November 5, 2017, Kelley used the firearms he purchased to kill 26 people and wound more than 20 others at the First Baptist Church of Sutherland Springs, Texas.

To assess whether LEOs have implemented policies and processes to help ensure compliance with federal law and DoD policy, the DoD OIG initiated this broad evaluation of the DoD policies and processes for submitting various categories of criminal history information to the applicable FBI databases.

Findings

We determined that, with some exceptions, the LEOs made the required submissions of fingerprints, final disposition reports, and DNA samples. In previous reports, we did not evaluate sex offender and Gun Control Act information submission rates; however, we did so for this evaluation and determined that the LEOs generally submitted sex offender information and Gun Control Act information as required. However, we found some gaps in the submission of DNA data and sex offender information.



Results in Brief

Evaluation of DoD Law Enforcement Organization Submissions of Criminal History Information to the Federal Bureau of Investigation

Findings (cont'd)

We also determined that, with the exception of the Navy Security Forces, the LEOs implemented new policies, processes, training, and management oversight procedures, such as supervisory reviews, to address previous deficiencies and ensure that the DoD collects and submits criminal history information into the applicable FBI databases as required.

Fingerprints and Final Disposition Reports

The DoDI 5505.11, "Fingerprint Card and Final Disposition Report Submission Requirements," July 21, 2014, Incorporating Change 2, Effective March 29, 2017, requires LEOs to collect and submit fingerprints and final disposition reports to the FBI CJIS Division. Our evaluation identified a total of 912 Service members convicted of offenses from January 1, 2015, through February 28, 2018, that resulted in a dishonorable discharge or dismissal for conviction of a qualifying offense and required submission of fingerprints and final disposition reports to the applicable FBI CJIS Division databases. We determined that the LEOs submitted all 912 (100 percent) fingerprint and final disposition reports that were required to be submitted to the applicable FBI CJIS Division databases.

Table 1 shows the LEO fingerprint and final disposition report compliance rates, taken from DoD OIG evaluations conducted in 1997, 2015, 2017, and this 2019 evaluation.

In this review, we conducted an evaluation of submissions from the DoD OIG's Defense Criminal Investigative Service (DCIS). DCIS did not investigate any offenses that resulted in a dishonorable discharge or dismissal for conviction of a qualifying offense. However, our evaluation identified a total of 199 convicted offenders whose fingerprints and final

disposition reports were required to be submitted by the DCIS to the applicable FBI CJIS Division databases. We determined that the DCIS submitted all 199 (100 percent) fingerprints and final disposition reports to the applicable FBI CJIS Division databases.

We also conducted an evaluation of submissions from the Pentagon Force Protection Agency (PFPA). The PFPA also did not investigate any offenses that resulted in a dishonorable discharge or dismissal for conviction of a qualifying offense. However, our evaluation identified a total of 236 offenders that were investigated by the PFPA whose fingerprints and final disposition reports were required to be submitted to the applicable FBI CJIS Division databases. We determined that the PFPA submitted 233 (99 percent) fingerprints and 231 (98 percent) final disposition reports to the applicable FBI CJIS Division databases.

Table 2 shows the fingerprint and final disposition report numbers and submission rates for the DCIS and PFPA for our current evaluation.

Finally, we determined that the LEOs have implemented new policies, processes, training, and management oversight procedures, such as supervisory reviews, to ensure fingerprints and final dispositions are collected and submitted to the applicable FBI CJIS Division databases.

However, we determined that the Navy Security Forces did not include the collection and submission of fingerprints and final disposition reports in its training schools. Furthermore, we determined that the Navy Security Forces did not establish any management oversight procedures to ensure that fingerprints and final disposition reports were collected and submitted to the applicable FBI CJIS Division databases.



Results in Brief

Evaluation of DoD Law Enforcement Organization Submissions of Criminal History Information to the Federal Bureau of Investigation

Table 1. LEO Fingerprint and Final Disposition Report Submission Compliance Rates from DoD OIG Reports

LEOs	1997 ¹			2015 ²			2017 ³			2019		
	Req	Sub	Sub %	Req	Sub	Sub%	Req	Sub	Sub %	Req	Sub	Sub %
Fingerprints												
Army	346	62	18%	NA	NA	NA	948	686	72%	424	424	100%
Navy	263	45	17%	317	249	79%	682	485	71%	349	349	100%
Air Force	355	220	62%	358	248	69%	743	638	86%	130	130	100%
Marine Corps	NA	NA	NA	427	301	70%	129	92	71%	9	9	100%
Total	964	327	34%	1102	798	72%	2502	1901	76%	912	912	100%
Final Disposition Reports												
Army	272	57	21%	NA	NA	NA	948	563	59%	424	424	100%
Navy	115	107	7%	317	237	75%	682	439	64%	349	349	100%
Air Force	128	64	50%	358	245	68%	743	637	86%	130	130	100%
Marine Corps	NA	NA	NA	427	286	67%	129	83	64%	9	9	100%
Total	515	228	25%	1102	768	70%	2502	1722	69%	912	912	100%

LEGEND

- Req Number of required fingerprints or final disposition reports.
 Sub Number of fingerprints or final disposition reports submitted.
 Sub % Percentage of required fingerprints or final disposition reports submitted.
 NA Service submission compliance rate was not evaluated or could not be determined.

¹ Report No. PO 97-003, "Criminal Investigations Policy Memorandum Number 10, Criminal History Data Reporting Requirements," January 28, 1997.

² Report No. DoDIG-2015-081, "Evaluation of Department of Defense Compliance with Criminal History Data Reporting Requirements," February 12, 2015.

³ Report No. DODIG-2018-035, "Evaluation of Fingerprint Card and Final Disposition Report Submissions by Military Service Law Enforcement Organizations," December 4, 2017.

Source: The Judge Advocates General of each Service (Service TJAGs) and Staff Judge Advocate to the Marine Corps Commandant (SJACMC), FBI CJIS Division, Army Criminal Investigation Command (CID), Naval Criminal Investigative Service (NCIS), Air Force Office of Special Investigations (AFOSI), Air Force Security Forces Center, Marine Corps Criminal Investigation Division (CID), and FBI CJIS Division.

Table 2. 2019 DCIS and PFFA Fingerprint and Final Disposition Reports Submission Rates

LEO	Fingerprints			Final Disposition Reports	
	Required	Submitted	Submitted (%)	Submitted	Submitted (%)
DCIS	199	199	100%	199	100%
PFFA	236	233	99%	231	98%

Source: DCIS, PFFA, and FBI CJIS Division.



Results in Brief

Evaluation of DoD Law Enforcement Organization Submissions of Criminal History Information to the Federal Bureau of Investigation

Findings (cont'd)

Deoxyribonucleic Acid (DNA)

DoDI 5505.14, "Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations," December 22, 2015, Incorporating Change 1, March 9, 2017, requires LEOs to submit DNA samples to the U.S. Army Criminal Investigation Laboratory (USACIL) for entry into the FBI Combined DNA Index System (CODIS). Failure to submit required DNA samples to the FBI CODIS can prevent law enforcement from linking crimes and known offenders.

Of the 912 offenders identified in our evaluation test data, we identified 884 offenders whose DNA samples were required to be collected and submitted by the LEOs to the USACIL for entry into the FBI CODIS, in accordance with DoDI 5505.14. We determined that the LEOs submitted 878 of these 884 (99 percent) DNA samples to the USACIL for entry into the FBI CODIS.

The Army, Air Force, and Marine Corps LEOs did not collect and submit 6 required DNA samples. Army and Marine Corps LEO personnel could not explain why 4 DNA samples were not collected for submission to the USACIL for entry into the FBI CODIS. Air Force Office of Special Investigations (AFOSI) personnel told us that they collected and submitted 2 DNA samples to the USACIL. However, USACIL personnel told AFOSI

personnel that they did not receive 1 of the DNA samples and that the other DNA sample was rejected as incomplete. AFOSI personnel could not determine why the USACIL had not received 1 of the 2 DNA samples. Additionally, AFOSI was unable to submit a new DNA sample for either rejected DNA samples because the Service members were discharged from the military and can no longer be compelled to provide another DNA sample.

Additionally, although Navy Security Forces did not investigate any offenses that resulted in a dishonorable discharge or dismissal for conviction of a qualifying offense which required fingerprint submission to the FBI CJIS Division, Navy Security Forces is responsible for collecting and submitting DNA samples for offenders convicted of offenses such as theft and assault. We determined that the Navy Security Forces did not collect and submit any DNA samples to the USACIL for entry into the FBI CODIS. The Navy Security Forces personnel were not aware of the requirement to submit DNA samples and believed that NCIS submitted all DNA samples to the USACIL for entry into the FBI CODIS.

Table 3 compares the DNA sample submission rates for LEOs from a previous DoD OIG evaluation on DNA sample submission compliance in 2014 and this 2019 evaluation.

Table 3. DNA Sample Submission Compliance Rates from DoD OIG Reports

Service	2014*			2019		
	Required	Submitted	Submitted %	Required	Submitted	Submitted %
Army	1717	1579	92%	431	428	99%
Navy	466	422	91%	331	331	100%
Air Force	387	300	78%	113	111	98%
Marine Corps	920	910	99%	9	8	89%
Total	3490	3211	92%	884	878	99%

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

Source: Service TJAGs and SJACMC, LEOs and Army CID USACIL.



Results in Brief

Evaluation of DoD Law Enforcement Organization Submissions of Criminal History Information to the Federal Bureau of Investigation

Findings (cont'd)

In addition, we conducted an evaluation of DNA sample submissions from DCIS. Our evaluation identified a total of 187 convicted offenders whose DNA samples were required to be submitted by DCIS to the USACIL for submission to the FBI CODIS. We determined that 181 of 187 (97 percent) DCIS offender DNA samples were submitted to the FBI CODIS. We could not verify whether the other 6 DNA samples were submitted to the FBI CODIS. DCIS personnel told us that they verified law enforcement organizations, such as the FBI and the U.S. Marshals Service, did not collect and submit the DNA samples to the FBI CODIS. Additionally, DCIS personnel determined that they could not collect and submit a DNA sample on 1 offender because he was released from confinement and government control, and was no longer available to provide a DNA sample. DCIS plans to obtain DNA samples from the remaining 5 offenders when they appear in court for sentencing.

We also conducted an evaluation of DNA sample submission requirements for the PFPA. Our evaluation determined that the PFPA did not investigate any crimes that required the PFPA to collect and submit DNA samples to the USACIL for entry into the FBI CODIS. However, the PFPA Threat Management Director told us that the PFPA was aware of the DoD policy and had DNA sample collection kits on hand, but previously did not have internal policy that required DNA sample collection and submission to the FBI CJIS Division.

Table 4 shows the DNA sample numbers and submission rates for DCIS and PFPA for our current evaluation.

Table 4. DCIS and PFPA DNA Sample Submission Rates

LEO	Required	Submitted	Submitted (%)
DCIS	187	181	97%
PFPA	NA	NA	NA

Source: DCIS, PFPA, and FBI CJIS Division.

Finally, we determined that the LEOs implemented new policies, processes, training, and management oversight procedures to ensure that DNA samples are collected and submitted to the USACIL for entry into the FBI CODIS. However, we found that the Navy Security Forces did not establish policy, processes, training, and management oversight procedures for DNA sample collection and submission to the USACIL for entry into the FBI CODIS.

Sex Offender Registration & Notification Act (SORNA)

DoDI 5525.20, "Registered Sex Offender (RSO) Management in DoD," November 14, 2016, Incorporating Change 1, June 29, 2018, requires LEOs to submit sex offender criminal history information to the FBI CJIS Division for offenders that were convicted of sex offenses for entry into the FBI CJIS Division criminal history database.¹ Failure to submit criminal history information for convicted military sex offenders to the FBI CJIS Division may allow convicted sex offenders to evade registration, not comply with the requirements of the Sex Offender Registration and Notification Act (SORNA), or obtain sensitive jobs and employment opportunities involving children and other vulnerable persons.

Of the 912 offenders identified in our evaluation test data, we identified 86 offenders whose sex offender criminal history information was required to be submitted to the FBI CJIS Division, in accordance with

¹ The term "sex offense" is used to refer to crimes, such as rape and sexual assault, as listed in DoDI 1325.07, "Administration of Military Correctional Facilities and Clemency and Parole Authority," March 11, 2013, Incorporating Change 3, April 10, 2018. See Appendix C for a list of qualifying offenses.



Results in Brief

Evaluation of DoD Law Enforcement Organization Submissions of Criminal History Information to the Federal Bureau of Investigation

Findings (cont'd)

DoDI 5525.20. We determined that the LEOs submitted 78 of 86 (91 percent) sex offenders' criminal history to the FBI CJIS Division for entry into its National Sex Offender Registry (NSOR) database. Although the LEOs did not enter the eight sex offenders into the NSOR, the eight convicted sex offenders complied with the SORNA requirements when they either self-reported and were registered as a sex offender in their state of residence, or their state of residence did not require registration for their particular offense. However, the LEOs could not explain why they did not submit the sex offender information to the FBI CJIS Division prior to the sex offenders' release from the military.

Table 5 shows the SORNA numbers and submission rates for the DoD law enforcement organizations we reviewed.

DCIS and PFFA do not investigate sex offenses and were not required to make SORNA submissions to the FBI CJIS Division.

The LEOs have implemented new policies, processes, training, and management oversight procedures for sex offender information submission that are designed to help ensure compliance with the DoDI 5525.20. However, we also determined that Army and Navy

policies do not require that the DD Form 2791, "Notice of Release/Acknowledgement of Convicted Sex Offender Registration Requirements," be provided to the U.S. Army Crime Records Center and the Naval Criminal Investigative Service, respectively, and the U.S. Marshals Service (USMS), as required by DoDI 5525.20. The DD Form 2791 is used to notify the USMS, state and local law enforcement agencies, and the state sex offender registration official of the release of a convicted sex offender and the requirements to register. Without the DD Form 2791, the Army and Navy may not enter all convicted military sex offenders into the NSOR, and USMS National Sex Offender Tracking Center personnel cannot track convicted military sex offenders that do not self-register with the state and local jurisdiction.

The Gun Control Act of 1968

The NICS maintains criminal history information on certain categories of persons prohibited from owning a firearm, including convicted felons and Service members that were dishonorably discharged or dismissed for conviction of a qualifying offense from the Military Service, as required by the Gun Control Act of 1968, as amended by the Brady Act.² The failure to submit

Table 5. SORNA Submission Rates

Service	Required	In NSOR	Compliance Rate
Army	40	38	95%
Navy	11	11	100%
Air Force	10	8	80%
Marine Corps	25	21	84%
Total	86	78	91%

Note: The DCIS and PFFA did not conduct any investigations resulting in a dishonorable discharge or dismissal; or investigate any sex crimes.

Source: Service TJAGs and SJACMC, USMS NSOTC, Army Corrections Command, Navy Corrections, and Air Force Security Forces Center.

² The Brady Act amended the Gun Control Act of 1968 by imposing as an interim measure a waiting period of 5 days before a licensed importer, manufacturer, or dealer may sell, deliver, or transfer a handgun to an unlicensed individual. The Gun Control Act of 1968 regulates interstate commerce in firearms by generally prohibiting interstate firearms transfers except among licensed manufacturers, dealers, and importers. The 1968 Gun Control Act and subsequent amendments codified at 18 U.S.C. §921 et seq. prohibits individuals convicted of a felony or subject to a domestic violence protective order from possessing a firearm.



Results in Brief

Evaluation of DoD Law Enforcement Organization Submissions of Criminal History Information to the Federal Bureau of Investigation

Findings (cont'd)

required Brady Act information to the FBI CJIS Division, like with fingerprints, can have tragic consequences if someone prohibited from purchasing a firearm is allowed to do so.

Of the 912 offenders identified in our evaluation test data, we identified 886 offenders for whom the LEOs were required to submit the offenders' criminal history information to the FBI CJIS Division for entry into the NICS in accordance with the Gun Control Act of 1968. We determined that the LEOs submitted all 886 (100 percent) of the offenders' criminal history information to the FBI CJIS Division for inclusion in the FBI NICS in accordance with the Gun Control Act of 1968.

We determined that the DCIS personnel submitted all 199 (100 percent) required fingerprints and final disposition reports for all felony convicted offenders. Additionally, PFPA submitted 233 (99 percent)

required fingerprints and 231 (98 percent) final disposition reports for all felony offenders that the PFPA investigated.

Table 6 shows the LEO Brady Act information numbers and submission rates for the DoD law enforcement organizations we reviewed during this evaluation.

However, we found that DoDI 7730.47 and DoD Manual 7730.47-M do not include a specific requirement to submit Brady Act information to the FBI CJIS Division. Additionally, DoDI 7730.47 and DoD Manual 7730.47-M do not identify the DoD entity that is responsible for submitting Brady Act information to the FBI CJIS Division for entry into the NICS. Although the Military Services have been submitting Brady Act information to the FBI CJIS Division without that specific DoD requirement, we believe the Instructions and Manuals should be updated to require that information to be submitted to the FBI CJIS Division.

Table 6. Brady Act Information Submission Rates

LEO	Required	Submitted	Submitted (%)
Army	431	431	100%
CID	397	397	100%
MP	34	34	100%
Navy	331	331	100%
NCIS	331	331	100%
Security Forces	0	0	N/A
Air Force	115	115	100%
AFOSI	113	113	100%
Security Forces	2	2	100%
Marine Corps	9	9	100%
Total	886	886	100%

Note: The Navy Security Forces, DCIS, and PFPA did not conduct any investigations resulting in a dishonorable discharge or dismissal.

Source: Service TJAGs and SJACMC, FBI CJIS Division, Army CID, NCIS, AFOSI and USMC CID.



Results in Brief

Evaluation of DoD Law Enforcement Organization Submissions of Criminal History Information to the Federal Bureau of Investigation

Recommendations

Fingerprints and Final Disposition Reports

We recommend that the Secretary of the Navy:

- Ensure that the Navy Security Forces updates its training to include instruction on fingerprint card and final disposition collection and submission to the applicable FBI CJIS Division database.
- Take action to establish management oversight procedures to ensure that fingerprints and final disposition reports are collected and submitted to the applicable FBI CJIS Division databases.

Deoxyribonucleic Acid (DNA)

We recommend that the Secretaries of the Army, Navy, and Air Force, and the Commandant of the Marine Corps take action to collect and submit the 6 missing DNA samples to the USACIL for entry into the FBI CODIS.

We recommend that the Secretary of the Navy ensure that Navy Security Forces:

- Collect and submit DNA samples for qualifying offenses to the USACIL for entry into the FBI CODIS.
- Establish policies, processes, training, and management oversight procedures for collecting and submitting DNA to the USACIL for entry into the FBI CODIS.

We recommend that the Defense Criminal Investigative Service Director take prompt action to collect and submit the five missing DNA samples to the USACIL for entry into the FBI CODIS.

Sex Offender Registration & Notification Act (SORNA)

We recommend that the Secretary of the Army and the Secretary of the Navy revise Army and Navy policy to require the DD Form 2791, "Notice

of Release/Acknowledgement of Convicted Sex Offender Registration Requirements," be provided to the U.S. Army Crime Records Center and the Naval Criminal Investigative Service, respectively, and the U.S. Marshals Service.

The Gun Control Act of 1968

We recommend that the Under Secretary of Defense for Intelligence:

- Revise DoDI 7730.47 and DoDM 7730.47-M, Volume 1, to require the submission of Brady Act information to the FBI for entry into the National Instant Criminal Background Check System, and establish roles and responsibilities for the submission of Brady Act information to the applicable FBI databases to make it available to the National Instant Criminal Background Check System.
- Determine whether the Defense Incident Based Reporting System should be used for reporting Brady Act information to the applicable FBI databases to make it available to the National Instant Criminal Background Check System.

Management Comments and Our Response

Fingerprints and Final Disposition Reports

The NCIS Executive Assistant Director, responding for the Secretary of the Navy, agreed with the recommendation to take prompt action to update the Navy Security Forces training to include instruction on fingerprint card and final disposition collection and submission to the FBI; and to establish management oversight procedures to ensure that fingerprints and final disposition reports are collected and submitted to the FBI. Comments from the NCIS Executive Assistant Director partially addressed the recommendation;



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Evaluation of DoD Law Enforcement Organization Submissions of Criminal History Information to the Federal Bureau of Investigation

Comments (cont'd)

however, the comments did not provide details on the corrective actions the Navy will take to implement this recommendation. Therefore, the recommendation is unresolved. We request that the Secretary of the Navy provide comments to the final report that details how the Navy will implement the recommendation and an expected completion date.

Deoxyribonucleic Acid (DNA)

The Provost Marshal General, responding for the Secretary of the Army, agreed with the recommendation to submit the three missing Army DNA samples stating that one DNA sample was obtained by civilian authorities for an unrelated crime and submitted to a civilian laboratory that recently uploaded the sample to the Federal Bureau of Investigation Combined DNA Index System (FBI CODIS). One offender is being sought by the U.S. Marshals Service for failing to register as a sex offender; upon his arrest, the jurisdiction where the offender ultimately registers as a sex offender is required to collect and submit his DNA sample to the FBI CODIS. The other offender was discharged and the Army no longer has the legal authority to collect the DNA samples. Comments from the Provost Marshal General addressed all specifics of the recommendation and the recommendation is closed.

The NCIS Executive Assistant Director, responding for the Secretary of the Navy, agreed with the recommendation to ensure that the Navy Security Forces collect and submit DNA samples; and establish policies, processes, training and management oversight procedures for collecting and submitting DNA to the USACIL for entry into the FBI CODIS. The NCIS Executive Assistant Director stated that the NCIS CJIS Systems Officer will assist the Navy Security Forces in implementing the recommendation. Comments from the NCIS Executive Assistant Director partially addressed the recommendation; however, the comments did not provide details on the corrective actions the Navy will take to implement this recommendation. Therefore,

the recommendation is unresolved. We request that the Secretary of the Navy provide comments to the final report that detail how it will implement the recommendation and an expected completion date.

The Air Force Inspector General, responding for the Secretary of the Air Force, agreed with the intent of the recommendation to take prompt action to submit the two missing Air Force DNA samples to the USACIL. However, the Air Force Inspector General stated that since the former members are no longer members of the military and the Air Force has no authority to collect a DNA sample from them, the collection of the DNA is not achievable. Comments from the Air Force Inspector General addressed all specifics of the recommendation; therefore, the recommendation is closed.

The Marine Corps Assistant Deputy Commandant for Plans, Policies, and Operations (Security Division), responding for the Secretary of the Navy and Commandant of the Marine Corps, agreed with the recommendation and described efforts to collect the missing DNA sample from the offender who refused to provide it. Comments from the Marine Corps Assistant Deputy Commandant for the Security Division addressed all specifics of the recommendation; therefore, the recommendation is closed.

The DCIS Director agreed with the recommendation to collect and submit the five missing DNA samples to the USACIL for entry into the FBI CODIS, and described a corrective action plan to obtain the missing DNA samples. The offenders in the DCIS cases are awaiting sentencing and still subject to Federal jurisdiction. DCIS will attempt to collect the DNA at the sentencing hearing. Comments from the DCIS Director addressed all specifics of the recommendation; therefore, the recommendation is resolved but will remain open. We will close the recommendation once we verify that the five DNA samples have been collected and submitted to the FBI CODIS.



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Evaluation of DoD Law Enforcement Organization Submissions of Criminal History Information to the Federal Bureau of Investigation

Comments (cont'd)

Sex Offender Registration & Notification Act (SORNA)

The Provost Marshal General, responding for the Secretary of the Army, agreed with the recommendation to require the Army to revise its Sex Offender Registration and Notification policy stating that the policy is being revised to require the DD Form 2791 be forwarded to the U.S. Army Crime Records Center and the USMS, and that the Army has issued interim guidance to its law enforcement organizations for the DD Form 2791 process. Comments from the Provost Marshal General addressed all specifics of the recommendation; therefore, the recommendation is resolved but will remain open. We will close the recommendation once we verify that the Army has published a revised AR 190-47 incorporating the requirements to send the DD Form 2791 to the U.S. Army Crime Records Center and the USMS Targeting Center, as required by DoDI 5525.20.

The NCIS Executive Assistant Director, responding for the Secretary of the Navy, agreed with the recommendation to require the Navy to revise its Sex Offender Registration and Notification policy to ensure the DD Form 2791 is sent to the NCIS and the USMS National Sex Offender Targeting Center, as required by DoDI 5525.20, stating that the Navy will revise its policy once the DoD policy is revised. Comments from the NCIS Executive Assistant Director partially addressed the recommendation; however, the comments did not describe interim actions the Navy will take to notify the appropriate agencies before the DoD and Navy policy revisions are complete. Therefore, the recommendation is resolved but will remain open. We request that the Secretary of the Navy provide comments to the final report that describe interim actions the Navy will take to ensure that the DD Form 2791 is forwarded to the appropriate offices until such time that the DoD and Navy policies are updated. We will close the recommendation once the Navy publishes its revised Sex Offender Registration and Notification policy.

The Gun Control Act of 1968

The Defense Intelligence, Counterintelligence, Law Enforcement and Security Director, responding for the Under Secretary of Defense for Intelligence, agreed with the recommendation to revise DoD policy to require the submission of Brady Act information to the FBI for entry into the NICS, and to establish roles and responsibilities for submitting Brady Act information to the FBI for entry into the NICS. The Director stated that his office anticipates drafting a DoD Policy Directive on NICS requirements no later than June 2020. The response addressed all specifics of the recommendation. Therefore, the recommendation is resolved but will remain open. We will close the recommendation once we verify the DoD Policy Directive, addressing submission requirements, is published.

The Defense Manpower Data Center Director, responding for the Under Secretary of Defense for Personnel and Readiness, stated that DoD transferred responsibility for all Law Enforcement programs and policies, including responsibility for the DIBRS system, to the Under Secretary of Defense for Intelligence and that the Under Secretary of Defense for Intelligence is responsible for determining the best method for reporting Brady Act information. As a result of management comments, we redirected the recommendation to the Secretary of Defense for Intelligence, who has the authority to implement the recommendation. Therefore, the recommendation is unresolved. We request that the Under Secretary of Defense for Intelligence provide comments to the final report to detail how this recommendation will be implemented and an expected completion date.

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

Recommendations Table

Management	Recommendations Unresolved	Recommendations Resolved	Recommendations Closed
Secretary of the Army	None	None	2, 7
Secretary of the Navy	1, 3, 8	None	5
Secretary of the Air Force	None	None	4
Under Secretary of Defense for Personnel and Readiness	None	None	None
Under Secretary of Defense for Intelligence	10	9	None
Defense Criminal Investigative Service Director	None	6	None

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**

February 21, 2020

MEMORANDUM FOR CHIEF MANAGEMENT OFFICER
SECRETARY OF THE ARMY
SECRETARY OF THE NAVY
SECRETARY OF THE AIR FORCE
UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS
UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE
COMMANDANT OF THE MARINE CORPS
DIRECTOR, DEFENSE CRIMINAL INVESTIGATIVE SERVICE

SUBJECT: Evaluation of Law Enforcement Organization Submissions of Criminal History
Information to the Federal Bureau of Investigation (Report No. DODIG-2020-064)

This final report provides the results of the DoD Office of Inspector General's evaluation. We previously provided copies of the draft report and requested written comments on the recommendations. We considered management's comments on the draft report when preparing the final report. These comments are included in the report.

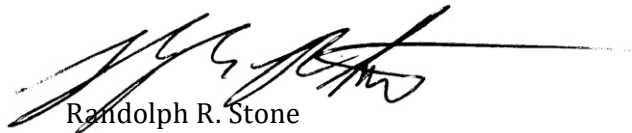
Management's comments and associated actions from the Secretaries of the Army, Navy, and Air Force addressed four recommendations and we consider these recommendations closed. Additionally, the Under Secretary of the Defense for Intelligence and the Defense Criminal Investigative Service Director agreed to address two recommendations presented in the report and these recommendations are considered resolved and open. Finally, this report contains four recommendations that are considered unresolved because the Secretary of the Navy and Under Secretary of Defense for Intelligence did not agree with or did not fully address the recommendations presented in the report.

As described in the Recommendations, Management Comments, and Our Response section of this report, the resolved and unresolved recommendations remain open. Resolved recommendations may be closed when we receive adequate documentation demonstrating that all agreed-upon actions to implement the recommendations have been completed. We will track unresolved recommendations until an agreement is reached on the actions to be taken to address the recommendations, and adequate documentation has been submitted showing that the agreed-upon action has been completed.

DoD Instruction 7650.03 requires that recommendations be resolved promptly. Therefore, please provide us within 30 days your response concerning specific actions in process or completed on the recommendations. Your response should be sent to followup@dodig.mil.

If you have any questions, please contact [REDACTED]

We appreciate the cooperation and assistance received during the evaluation.

A handwritten signature in black ink, appearing to read 'R. Stone', with a long horizontal flourish extending to the right.

Randolph R. Stone

Assistant Inspector General for Evaluations of
Space, Intelligence, Engineering, and Oversight

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Introduction

Objective

The objective of our evaluation was to determine whether the DoD and its law enforcement organizations (LEOs):

- complied with Federal law and DoD policy for submitting the following DoD criminal history information to the Federal Bureau of Investigation (FBI) for entry into its criminal history databases:
 - Fingerprints and offender final disposition reports,
 - Deoxyribonucleic Acid (DNA) information,
 - Sex Offender Registration and Notification Act (SORNA) information,
 - Gun Control Act information; and
- implemented policies, processes, training, and management oversight procedures to enhance the DoD collection and submission of criminal history information to the FBI.³

We reviewed the time period from January 1, 2015, through February 28, 2018.

³ The Defense Criminal Investigative Organizations (DCIO) are the U.S. Army Criminal Investigation Command (CID), the Naval Criminal Investigative Service (NCIS), the Air Force Office of Special Investigations (AFOSI), and the Defense Criminal Investigative Service (DCIS). The DoD LEOs are the U.S. Army Military Police (MP), the Navy Security Forces (Navy SF), the Air Force Security Forces, the Marine Corps MP and CID, and the Pentagon Force Protection Agency (PFPA). The DCIOs typically investigate more serious offenses such as rape, murder, and bribery, while the DoD LEOs are the first responders and investigate less serious offenses, such as simple assault and low threshold larcenies. The DCIOs and DoD law enforcement organizations are, for this report, referred to collectively as LEOs.

Public Law 90-618, "Gun Control Act of 1968," as amended, prohibits the sale of firearms and ammunition to felons and certain categories of prohibited person.

During this evaluation, we identified certain policies, processes, training, and management oversight that were implemented after we announced our evaluation; therefore, we could not evaluate whether the policies, processes, training, and management oversight led to improved compliance rates. However, we determined that, except where identified, the additional policies, processes, training, and management oversight procedures complied with the relevant Federal statutes and DoD policies, and were designed to help ensure compliance with FBI and DoD submission requirements.

Background

The FBI manages criminal history information submitted by LEOs across the Federal state, local, and tribal governments. Federal law and DoD policy require that LEOs collect and submit criminal history information, such as fingerprints, final disposition reports, DNA, sex offender information, and Gun Control Act information to the FBI for entry into its databases when an offender is arrested, detained, indicted, or convicted.

Failure to collect and submit required criminal history information, such as fingerprints and final disposition reports, to the applicable FBI CJIS Division database can have serious, even tragic, consequences. For example, the Air Force failed to submit the fingerprints and final disposition report of Devin Patrick Kelley, a former Air Force member who was convicted of domestic violence and was discharged from the Air Force, to the FBI. This omission allowed Kelley to pass a background check and purchase firearms from a Federal Firearms License dealer. On November 5, 2017, Kelley used the firearms he purchased to kill 26 people and wound more than 20 others at the First Baptist Church of Sutherland Springs in Sutherland Springs, Texas.

Additionally, failure to collect and submit other required criminal history information to the FBI, such as fingerprints, final disposition reports, DNA, sex offender information, and Gun Control Act information, can:

- hinder criminal investigations,
- prevent law enforcement from linking crimes to each other and to known offenders, and
- allow sex offenders to obtain sensitive jobs and employment opportunities involving children and other vulnerable persons.

Previous DoD OIG Reports

The DoD OIG has previously issued several reports that found deficiencies in the DoD's submission of criminal history information to the FBI and the FBI CJIS Division. This section of the report briefly summarizes each of those reports.

Fingerprint and Final Disposition Reports

The DoD is required to submit criminal history information to the FBI through the collection and submission of fingerprints and final disposition reports into the applicable FBI CJIS Division criminal history database. Information that is stored in the FBI criminal history databases is shared with Federal, state, local, and tribal government agencies for law enforcement purposes, employment suitability,

licensing determinations, immigration and naturalization matters, and national security clearances. LEOs also use the FBI fingerprint and final disposition report information to positively identify and assess potentially dangerous suspects before interviewing them.

Additionally, fingerprint and final disposition report information is checked by Federal Firearms Licensees (FFL) to instantly determine whether a prospective purchaser is eligible to purchase firearms. Failure to collect and submit required fingerprints and final disposition reports to the applicable FBI CJIS Division database can result in a FFL approving a firearm purchase by a person who is prohibited from purchasing a firearm.

The DoD OIG conducted several evaluations that found deficiencies in the DoD's submission of required fingerprints and final disposition reports to the applicable FBI CJIS Division databases.

Our first review, conducted in 1997, found significant deficiencies in the Military Services' compliance with the requirement to submit criminal history data to the FBI. In Report No. PO 97-003, "Criminal Investigations Policy Memorandum Number 10, Criminal History Data Reporting Requirements," January 28, 1997, we described the Military Services' compliance with the DoD requirements to submit fingerprints and final disposition reports to the FBI CJIS Division. This review found a high level of noncompliance by the DoD law enforcement organizations in submitting required fingerprint cards and final disposition reports to the FBI.

Overall, we found that the Army failed to submit required fingerprint cards to the FBI in 82 percent of its criminal cases and did not submit final disposition reports in 79 percent of its criminal cases; the Navy failed to submit fingerprint cards in 83 percent of its criminal cases and did not submit final disposition reports in 94 percent of its criminal cases; and the Air Force failed to submit fingerprint cards in 38 percent of its criminal cases and did not submit final disposition reports in 50 percent of its criminal cases.

We recommended that Military Department and Defense agency law enforcement organizations develop interim policies and implementing procedures for reporting to the FBI criminal history data files while awaiting a new DoD Instruction.

The Army agreed with our recommendation and stated that it would implement policy guidance to require the submission of reporting documents within 10 working days of a triggering event. The Army also stated that compliance with reporting requirements would be inspected during assistance visits to all field units. The Navy disagreed with our finding, stating that statistical data was questionable because an FBI backlog in data entry existed and the requirements

for the use of plain language on the fingerprint card may have resulted in the FBI not processing submissions. In addition, the Navy did not agree with our recommendation, stating that NCIS had policy and implementing procedures already in place.

The Air Force agreed with our recommendation. The AFOSI issued a memorandum on December 9, 1996, which emphasized that reporting requirements were a mandatory inspection item for all AFOSI self-inspections and AFOSI Inspector General inspections.

In 2015, the DoD OIG issued another report evaluating the Military Services submission of fingerprints to the FBI as required by DoD policies. In Report No. DoDIG-2015-081, "Evaluation of Department of Defense Compliance with Criminal History Data Reporting Requirements," February 12, 2015, we determined that the Military Services still did not consistently submit fingerprint cards and final disposition reports, as required.

Overall, we found that 304 of 1,102 (28 percent) fingerprint cards and 334 of 1,102 (30 percent) final disposition reports were not submitted to the FBI as required. 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. The Marine Corps failed to submit 126 of 427 (30 percent) required fingerprint cards and 141 of 427 (33 percent) required final disposition reports.

We recommended that the Secretaries of the Navy and Air Force take prompt action to submit missing fingerprints and final disposition reports to the FBI for inclusion into the Integrated Automated Fingerprint Identification System. We also recommended that the Secretaries of the Navy and Air Force take prompt action to ensure fingerprints and final disposition reports for future arrestees and convicted offenders were submitted to the FBI. The Navy and Air Force agreed with our recommendations, but expressed concern regarding their jurisdictional and legal authority to collect criminal history data from individuals no longer subject to the Uniform Code of Military Justice (UCMJ).

In November 2017, the DoD OIG was conducting another follow-up evaluation of the Military Services' compliance with DoD policies on submitting fingerprints to the FBI when Kelley killed 26 people at the church in Sutherland Springs, Texas.

In our report related to this follow-up evaluation, issued on December 4, 2017, Report No. DODIG-2018-035, "Evaluation of Fingerprint Card and Final Disposition Report Submissions by Military Service Law Enforcement Organizations," we again determined that the Military Services still did not consistently submit fingerprint cards and final disposition reports as required. Overall, of the 2,502 fingerprint cards, that required submission, 601 (24 percent), were not submitted. Of the 2,502 final disposition reports that required submission, 780 (31 percent) were not submitted.

We found that the Army failed to submit 262 (28 percent) of the required fingerprint cards and 385 (41 percent) of the final disposition reports. The Navy failed to submit 197 (29 percent) of the required fingerprint cards and 243 (36 percent) of the final disposition reports. The Air Force failed to submit 105 of 743 (14 percent) of the required fingerprint cards and 106 of 743 (14 percent) of the final disposition reports. The Marine Corps failed to submit 37 (29 percent) of the required fingerprint cards and 46 (36 percent) of the final disposition reports.

In our report, we recommended that the Secretaries of the Army, Navy, and Air Force ensure that all fingerprint cards and final disposition reports that we identified as not submitted during the period of our review, from 2015 through 2016, be promptly submitted to the FBI CJIS Division. We also recommended that the Secretaries of the Army, Navy, and Air Force; the Under Secretary of Defense for Intelligence; and the Deputy Chief Management Officer immediately perform a comprehensive review of their criminal investigative databases and files to ensure that all required fingerprint cards and final disposition reports for qualifying offenses extending back to at least 1998 were submitted to the FBI CJIS Division, in compliance with DoD and FBI requirements. We recommended that this review extend back to 1998 because that is when DoD policy first required the Military Services to submit such qualifying fingerprints and final disposition reports to the FBI CJIS.

We also recommended that the Secretaries of the Army, Navy, and Air Force; the Under Secretary of Defense for Intelligence; and the Deputy Chief Management Officer take prompt action to institute command, supervisory, and management oversight controls to verify compliance with fingerprint card and final disposition report submission requirements, in the past and in the future, and also ensure that such compliance is included as a special interest item in Service Inspector General inspections.

Finally, we recommended that the Secretaries of the Army, Navy, and Air Force; the Under Secretary of Defense for Intelligence; and the Deputy Chief Management Officer conduct a comprehensive review of their criminal history reporting programs to ensure that fingerprinting and final disposition report submission policy, training, and processes are consistent with DoDI 5505.11, the DoD policy covering the submission of fingerprints and final disposition reports, and that the processes are being implemented.

The Army agreed with our recommendations. In addition, the Army described steps it was taking to implement the recommendations. These steps include coordinating with the appropriate FBI CJIS Division officials to submit automated data regarding felony convictions and submitting final disposition reports.

The Navy agreed with our recommendations. Specifically, the NCIS described steps it was taking to implement the recommendations, including developing a “Fingerprint Verification Plan” to correct previous fingerprint submission deficiencies and to prevent future submission failures.

The Air Force agreed with our recommendations. Specifically, the AFOSI stated that it had taken steps to identify and obtain missing fingerprint cards and disposition reports and would continue that effort.

The Marine Corps agreed with our recommendations. The Marine Corps described steps it was taking to implement the recommendations, such as tasking all installation Provost Marshal’s Offices and Marine Corps Criminal Investigation Division offices to review all incident reporting to determine if suspect fingerprint cards and final disposition reports were completed and submitted to the FBI.

Table 7 shows the LEO fingerprint and final disposition report numbers and submission compliance rates for DoD OIG evaluations conducted in 1997, 2015, 2017, and this 2019 evaluation.

Table 7. LEO Fingerprint and Final Disposition Report Submission Compliance Rates from DoD OIG Reports

LEOs	1997 ¹			2015 ²			2017 ³			2019		
	Req	Sub	Sub %	Req	Sub	Sub%	Req	Sub	Sub %	Req	Sub	Sub %
Fingerprints												
Army	346	62	18%	NA	NA	NA	948	686	72%	424	424	100%
Navy	263	45	17%	317	249	79%	682	485	71%	349	349	100%
Air Force	355	220	62%	358	248	69%	743	638	86%	130	130	100%
Marine Corps	NA	NA	NA	427	301	70%	129	92	71%	9	9	100%
Total	964	327	34%	1102	798	72%	2502	1901	76%	912	912	100%
Final Disposition Reports												
Army	272	57	21%	NA	NA	NA	948	563	59%	424	424	100%
Navy	115	107	7%	317	237	75%	682	439	64%	349	349	100%
Air Force	128	64	50%	358	245	68%	743	637	86%	130	130	100%
Marine Corps	NA	NA	NA	427	286	67%	129	83	64%	9	9	100%
Total	515	228	25%	1102	768	70%	2502	1722	69%	912	912	100%

LEGEND

Req Number of required fingerprints or final disposition reports.

Sub Number of fingerprints or final disposition reports submitted.

Sub % Percentage of required fingerprints or final disposition reports submitted.

NA Service submission compliance rate was not evaluated or could not be determined.

¹ Report No. PO 97-003, "Criminal Investigations Policy Memorandum Number 10, Criminal History Data Reporting Requirements," January 28, 1997.

² Report No. DoDIG-2015-081, "Evaluation of Department of Defense Compliance with Criminal History Data Reporting Requirements," February 12, 2015.

³ Report No. DODIG-2018-035, "Evaluation of Fingerprint Card and Final Disposition Report Submissions by Military Service Law Enforcement Organizations," December 4, 2017.

Source: The Judge Advocates General of each Service (Service TJAGs) and Staff Judge Advocate to the Marine Corps Commandant (SJACMC), FBI CJIS Division, Army Criminal Investigation Command (CID), Naval Criminal Investigative Service (NCIS), Air Force Office of Special Investigations (AFOSI), Air Force Security Forces Center, Marine Corps Criminal Investigation Division (CID), and FBI CJIS Division.

Deoxyribonucleic Acid (DNA) Samples

The DoD is also required to collect and submit to the FBI DNA information on any service member investigated for a qualifying offense, such as murder, rape, and larceny.⁴

According to DoDI 5505.14, “Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations,” December 22, 2015, Incorporating Change 1, March 9, 2017, LEOs are required to submit DNA samples to the USACIL for entry into the FBI Combined DNA Index System (CODIS) database. DNA samples collected by the DoD are submitted to USACIL for analysis and are subsequently uploaded to the FBI CODIS. The FBI CODIS maintains a repository of DNA profiles submitted by Federal, state, local, and tribal agencies for individuals arrested or charged with qualifying criminal offenses.

The FBI CODIS enables Federal, state, local, and tribal forensic laboratories to exchange and compare DNA profiles electronically. DNA can be used, among other things, to link “serial crimes to each other and to known offenders.”⁵ The failure to submit required DNA samples to the FBI CODIS inhibits the ability of these agencies to link crimes and known offenders. Using the National DNA Index System of CODIS, the National Missing Persons DNA Database also helps identify missing and unidentified individuals.

The DoD OIG previously issued several reports that found deficiencies in the DoD’s collection and submission of required DNA samples to the FBI.

In Report No. DODIG-2014-029, “Review of Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations,” February 27, 2014, we determined that the DoD did not submit 279 of the 3,490 (8 percent) (this excludes U.S. Coast Guard submissions) required DNA samples to the USACIL for entry into the FBI CODIS. In our report, we recommended that the Secretaries of the Army, Navy, and Air Force take prompt action to submit the missing 279 DNA samples required to be in CODIS and to take prompt action to ensure DNA sample collections for future arrestees and convicted offenders conform to DoDI 5505.14.

Overall, the Secretaries of the Army, Navy, and Air Force agreed with our report and recommendations. Specifically, they agreed to promptly submit any missing DNA samples to CODIS. However, all of the Service Secretaries expressed concern regarding their jurisdictional and legal authority to collect samples from individuals no longer subject to the Uniform Code of Military Justice (UCMJ).

⁴ See Appendix C for a list of qualifying offenses.

⁵ FBI CJIS “Combined DNA Index System (CODIS)” webpage at <https://www.fbi.gov/services/laboratory/biometric-analysis/codis>.

In another report, in Report No. DODIG-2018-071, "Evaluation of the Pentagon Force Protection Agency's Critical Law Enforcement Programs," issued on February 14, 2018, Pentagon Force Protection Agency (PFPA) did not submit DNA samples for 3 of 33 (7 percent) subjects that were required to have a DNA sample submitted to the USACIL for entry into the FBI CODIS.

In this report we recommended that the Director of PFPA comply with:

- DoDI 5505.07, "Titling and Indexing Subjects of Criminal Investigations in the Department of Defense," January 27, 2012, which requires indexing subjects into DCII;
- DoDI 5505.11, "Fingerprint Card and Final Disposition Report Submission Requirements," July 21, 2014, which requires collecting and submitting fingerprints and final disposition reports to the FBI CJIS Division;
- DoDI 5505.14, "Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations, Law Enforcement, Corrections, and Commanders," December 22, 2015, which requires submitting DNA samples to the USACIL; and
- DoDI 7730.47, "Defense Incident-Based Reporting System (DIBRS)," January 23, 2014, which requires submitting criminal incident information to DIBRS.

PFPA agreed with the recommendation and stated that it would ensure that all required investigative and criminal incident information, including DNA, was submitted for inclusion in the FBI databases. As a result, the DoD OIG considered that PFPA's proposed actions met the intent of the recommendation. Therefore, the recommendation was resolved but remained open until all actions were completed.

Additionally, in Report No. DODIG-2019-075, "Evaluation of Military Services' Law Enforcement Responses to Domestic Violence Incidents," April 19, 2019, Military Service law enforcement organizations did not submit DNA samples for 105 of 192 (55 percent) subjects that were required to have a DNA profile in the FBI CODIS. In our report, we recommended that the Army, Navy, and Air Force ensure that DNA is collected and submitted to the USACIL for submission to CODIS for all qualifying subjects that we determined were not submitted.

The Army agreed with the recommendation and described specific actions to implement this recommendation; however, the actions described did not fully address the recommendations because the Chief of Staff's plan did not ensure that DNA is collected and submitted for all qualifying subjects. As a result, these

recommendations for the Army were considered unresolved and the DoD OIG requested additional comments that describe the specific actions the Army will take to ensure that DNA is collected and submitted for the subjects that were identified as missing during the evaluation.

For the Navy, the Assistant Director of NCIS disagreed with the recommendation and 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. However, we disagreed with the Director of NCIS because we believed 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.

Additionally, the Commander of Navy Installations Command agreed with the recommendation; however, the actions described did not fully address the recommendation. For example, the described actions for the recommendation did not address the collection and submission of DNA for the subjects that the DoD OIG identified. As a result, the DoD OIG considered the recommendation for the Navy as unresolved and requested additional comments from the Navy that describe specific actions they will take to resolve the recommendations.

The Air Force agreed with the recommendation and described specific actions that the Air Force would take to implement these recommendations. The DoD OIG considered the recommendation for the Air Force as resolved, but open.

The Marine Corps was not responsive to the recommendation. Specifically, the Marine Corps did not state whether they agreed or disagreed with the recommendations, nor did they describe specific actions the Marine Corps would take in response to the recommendation. As a result, the DoD OIG considered the recommendation to the Marine Corps unresolved and requested additional comments from the Marine Corps that state an agreement or disagreement with the Recommendations and that describe specific actions they will take to resolve the Recommendations.

Table 8 shows the Service and LEO DNA sample numbers and submission rates for the DoD law enforcement organizations we reviewed during multiple evaluations.

Table 8. DNA Sample Submission Compliance Rates from DoD OIG Reports

Service	2014*			2019		
	Required	Submitted	Submitted %	Required	Submitted	Submitted %
Army	1717	1579	92%	431	428	99%
Navy	466	422	91%	331	331	100%
Air Force	387	300	78%	113	111	98%
Marine Corps	920	910	99%	9	8	89%
Total	3490	3211	92%	884	878	99%

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

Source: Service TJAGs and SJACMC, LEOs and Army CID USACIL.

Sex Offender Registration Information

The DoD is also required to collect and submit information on service members convicted of sex offenses to the FBI for entry into the FBI CJIS Division criminal history database.⁶ The FBI CJIS Division maintains a national database of records on offenders who are required to register in the sex offender registry.

Service members who have been convicted of qualifying sex offenses or offenses against children must be registered as a sex offender in the database known as the National Sex Offender Registry (NSOR) so that government authorities can keep track of the sex offender's location and activities.⁷ Failure to submit criminal history information for convicted military sex offenders to the FBI CJIS Division allows convicted sex offenders to evade registration, not comply with the Sex Offender Registration and Notification Act (SORNA), and potentially obtain sensitive jobs and employment opportunities involving children and other vulnerable persons.

In Report No. DODIG-2014-103, "Evaluation of DoD Compliance with the Sex Offender Registration and Notification Act," issued on August 29, 2014, the DoD OIG evaluated the DoD's compliance with the Sex Offender Registration and Notification Act (SORNA). The DoD OIG also evaluated whether the DoD effectively accounted for registered sex offenders with access to DoD facilities.

⁶ The term "sex offense" is used to refer to crimes, such as rape and sexual assault, as listed in DoDI 1325.07, "Administration of Military Correctional Facilities and Clemency and Parole Authority," March 11, 2013, Incorporating Change 3, April 10, 2018. Also, see Appendix C for a list of qualifying offenses.

⁷ Qualifying sex offenses are listed in DoDI 1325.07, Table 4, and include offenses such as rape, indecent assault, and indecent or lewd acts. The DD Form 2707-1, "Department of Defense Report of Result of Trial," will identify a service member that is required to register as a sex offender after being convicted of a qualifying offense under the UCMJ.

The evaluation determined that the DoD was compliant with existing SORNA requirements; however, the DoD lacked policy requiring Military Departments and Defense agencies to account for registered sex offenders and consequently did not effectively account for registered sex offenders with access to DoD facilities or for sex offenders deploying to, or returning from, foreign countries.

We recommended that the Under Secretary of Defense for Personnel and Readiness (USD [P&R]) conduct a study to determine the benefits of legislation to designate DoD as a SORNA jurisdiction and to develop policy that includes the following provisions:

- establish a position at military correction facilities to monitor registration of released inmates;
- require accounting of registered sex offenders on DoD installations and implement a Department of Defense Sex Offender Registry Management program;
- require the use of DD Form 2707-1, "DoD Report of Result of Trial," and not Service-derived forms;
- require orders promulgating the result of trial to annotate sex offender registration requirements;
- establish assistance agreements with agencies involved in sex offender management and tracking;
- establish a DoD offender management program coordinator to preclude violations relating to foreign deployments of DoD affiliated sex offenders by ensuring DoD personnel are compliant with registered sex offender international travel requirements;
- ensure DoD offenders convicted of qualifying sex offenses overseas register upon return to the United States and the appropriate SORNA jurisdiction is notified of the offender's return;
- Secretaries of the Military Departments require the Services' Judge Advocate Generals implement quality control measures to ensure DD Forms 2707-1 are completed properly; and
- USD (P&R) and the Secretaries of the Military Department share sex offender confinement data and consider a plan for the Services' correctional programs to use a common corrections management information system.

Overall, USD (P&R) and the Secretaries of the Army, Navy, and Air Force agreed with the recommendations.

Our Current Evaluation

The DoD OIG repeatedly found deficiencies with the DoD's submissions of required fingerprints, final disposition reports, DNA, and other criminal history information into the FBI databases. The OIG conducted this broad evaluation to determine whether the DoD's Components were submitting the required criminal history information into the FBI databases.

Specifically, this evaluation focused on the submission of:

- fingerprint cards and final disposition reports to the FBI CJIS Division;
- DNA to the U.S. Army Criminal Investigation Laboratory for submission to the FBI Combined DNA Index System;
- sex offender registration information to the NSOR, in compliance with the Sex Offender Registration and Notification Act and DoD guidance; and
- criminal history information for disqualifiers of the Brady Handgun Violence Prevention Act for inclusion in the NICS.

Additionally, in this evaluation we examined the actions the LEOs took after the Sutherland Springs, Texas, shooting to ensure compliance with criminal history reporting requirements.



Evaluation of the DoD Criminal History Information Submissions to the FBI

Parts A through D

Evaluation of the DoD Criminal History Information Submissions to the FBI

This report provides the results of our evaluation of the DoD Components' compliance with reporting the required criminal history information to the applicable FBI database. Our report also examined some of the actions taken by the LEOs since our 2017 fingerprint report that are intended to help ensure that criminal history information is submitted to the FBI. In each section of this report, we discuss:

- the importance of submitting the applicable criminal history information to the FBI;
- the applicable Federal law and the relevant FBI databases;
- DoD policy for collecting and submitting required criminal history information;
- DoD processes for collecting and submitting required criminal history information;
- our testing and validation of criminal history information submissions and compliance results; and
- LEO policies and processes for collecting and submitting criminal history information.

To test DoD compliance with Federal and DoD criminal history information collection and submission requirements to the FBI, we reviewed the records of Service members convicted of offenses from January 1, 2015, through February 28, 2018, that resulted in a sentence that included a dishonorable discharge or dismissal for conviction of a qualifying offense. We selected this test sample because it allowed us to test DoD compliance across a broad spectrum of FBI criminal history information databases. Offenders who were dishonorably discharged or dismissed were convicted of serious crimes, such as homicide, rape, and larceny.

The LEOs who investigated these offenses were required to submit the offender's criminal history information to the FBI for entry into many of its databases. For example, based on the crime:

- fingerprints and final disposition reports should be entered into the Interstate Identification Index (III), the FBI's criminal history database;
- DNA should be entered into the Combined DNA Index System (CODIS), the FBI's database used to store an offender's DNA profile;

- convicted military sex offender's information should be entered into the FBI's National Crime Information Center (NCIC) National Sex Offender Registry (NSOR), the FBI's database used to track sex offender registration; and
- Gun Control Act, as amended, information should be entered in the National Instant Criminal Background Check System (NICS), the FBI's database used to store Brady Act firearms prohibiting (or prohibitor) information, hereafter referred to as Brady Act information.

We asked the Services' Judge Advocates General (TJAG) and the Staff Judge Advocate to the Commandant of the Marine Corps to identify their Service members convicted from January 1, 2015, through February 28, 2018, who received sentences that included a dishonorable discharge or dismissal for conviction of a qualifying offense. Our evaluation covered a total of 912 Service members convicted of offenses whose fingerprints and final disposition reports were required to be submitted by the LEOs to the FBI CJIS Division. We then identified the LEO that conducted the investigation for each offender whose criminal history information was required to be entered into the applicable FBI databases.

We contacted FBI CJIS Division personnel to verify whether offender fingerprints and final disposition reports and Brady Act information was submitted to the FBI as required. Additionally, we contacted the U.S. Army Criminal Investigation Laboratory personnel to determine whether the offender's DNA sample was entered into the FBI Combined DNA Index System. We also contacted the U.S. Marshal Service personnel to verify whether the offender's information was entered into the National Sex Offender Registry.

We reviewed additional test samples because the DoD OIG's Defense Criminal Investigative Service (DCIS) and the Pentagon Force Protection Agency (PFPA) did not investigate any offenses that resulted in a dishonorable discharge or dismissal for conviction of a qualifying offense. Therefore, we selected all DCIS offenders that were convicted of an offense that required criminal history information be submitted to the applicable FBI databases from January 1, 2015, through February 28, 2018. We also selected all PFPA offenders that were investigated for a criminal offense that required criminal history information be submitted to the applicable FBI databases from January 1, 2015, through February 28, 2018.

For the DCIS and PFPA test samples, we contacted FBI CJIS Division personnel to verify whether offender fingerprints, final disposition reports, and Brady Act information were submitted to the applicable FBI databases as required. We also contacted the U.S. Army Criminal Investigation Laboratory (USACIL) personnel and reviewed CJIS criminal history reports to verify whether the offender DNA samples were entered into the FBI CODIS.

This report details the results of our evaluation in several parts.

- Part A of our report provides the results of the fingerprint and final disposition report collection and submission compliance.
- Part B of our report provides the results of the DNA collection and submission compliance.
- Part C of our report provides the results of the Sex Offender Registration and Notification Act (SORNA) information submission compliance.
- Part D of our report provides the results of the Gun Control Act information submission compliance.

Appendix A discusses our scope and methodology. Appendix B summarizes the DoD OIG evaluations that previously examined the DoD submission of criminal history information to the FBI. Appendix C contains a list of qualifying offenses that require criminal history information to be submitted to the FBI CJIS Division.

Part A

Fingerprint and Final Disposition Report Submission to the FBI CJIS Division

DoD LEOs are required to submit criminal history information to the FBI through the collection and submission of fingerprints and final disposition reports on any Service member investigated for a qualifying criminal offense, for entry into the FBI CJIS Division criminal history database.⁸

The FBI CJIS Division maintains a database of fingerprints submitted by Federal, state, local, and tribal agencies for individuals arrested or charged with a criminal offense. The fingerprint and final disposition report information that is stored in the FBI criminal history database is shared with Federal, state, local, and tribal government agencies for law enforcement purposes, employment suitability, licensing determinations, immigration and naturalization matters, and national security clearances. LEOs also use the FBI fingerprint and final disposition report information to positively identify and assess potentially dangerous suspects before interviewing them.

Additionally, fingerprint and final disposition report information is checked by Federal Firearms Licensees (FFL) to instantly determine whether a prospective purchaser is eligible to purchase firearms. As a result, failures to collect and submit required fingerprints and final disposition reports to the FBI CJIS Division can result in a person being approved to purchase a firearm who should have been prohibited from purchasing a firearm. In addition, failure to submit fingerprints and final disposition reports to the FBI CJIS Division may hinder criminal investigations and potentially impact law enforcement and national security interests.

⁸ See Appendix C for a list of qualifying offenses.

Federal Law and Databases

During our evaluation, we examined the applicable Federal laws that established the requirements for the collection and submission of fingerprints and final disposition reports to the FBI CJIS Division. Specifically, section 534, title 28, United States Code, states that:

[t]he Attorney General shall acquire, collect, classify, and preserve identification, criminal identification, crime, and other records . . . [and] exchange such records and information with, and for the official use of, authorized officials of the Federal Government, including the United States Sentencing Commission, the States, . . . cities, and penal and other institutions.⁹

The FBI CJIS Division maintains an automated fingerprint identification and criminal history database. The fingerprint identification and criminal history reporting database provides automated fingerprint search capabilities, electronic image storage, and electronic exchange of fingerprints. Information in the fingerprint identification and criminal history database is shared with law enforcement agencies nationwide.

DoD Policy for Collection and Submission of Fingerprints and Final Disposition Reports

The DoD has established policy for the collection and submission of fingerprints and final disposition reports to the FBI CJIS Division. Specifically, DoD Instruction (DoDI) 5505.11, “Fingerprint Card and Final Disposition Report Submission Requirements,” March 30, 2017, requires the DoD to collect and submit offender criminal history information, using the FD-249, “Arrest and Institution Fingerprint Card,” to the FBI through the collection and submission of fingerprints and final disposition reports.¹⁰

DoDI 5505.11, Enclosure 4, Section 1.c.(1) requires that:

[u]sing an FD-249, fingerprints are submitted electronically to the CJIS Division of the FBI for military subjects investigated by an agent or law enforcement official from a DCIO or other DoD law enforcement organization when probable cause . . . exists to believe that the person has committed an offense listed in Enclosure 2 of this instruction...¹¹

⁹ Section 534, title 28, United States Code, “Acquisition, preservation, and exchange of identification records and information.”

¹⁰ DoDI 5505.11, Enclosure 2, lists the punitive articles of the UCMJ and requires LEOs to submit offender criminal history information to the FBI for anyone who is investigated for those or equivalent offenses. Fingerprints are collected and submitted after a probable cause determination. The FD-249, “Arrest and Institution Fingerprint Card,” documents fingerprints and biographical information about a subject. The FBI stopped accepting paper fingerprint cards in April 2012. DoDI 5505.11 was updated July 21, 2014, to reflect this change.

¹¹ Probable cause, as defined by DoDI 5505.11, is a determination that there are reasonable grounds to believe that an offense has been committed and that the person to be identified as the offender committed it. See also DoD Manual 7730.47-M, volume 1 (December 7, 2010), Enclosure 3, 2c.

Additionally, DoDI 5505.11, Enclosure 4, Section 1.c. requires that:

[f]inal dispositions not completed at the time of submission and recorded on an FD-249 will be subsequently recorded and submitted to the FBI on an R-84, “Final Disposition Report,” either hardcopy or electronically, in accordance with each agency’s standard operating procedures.¹²

The LEOs developed internal policies that supplement DoDI 5505.11. These policies are discussed in the applicable subsections of this report.

DoD Fingerprint and Final Disposition Report Submissions Process

Fingerprints are collected to document the arrest or apprehension of an offender and submitted to the FBI CJIS Division after probable cause has been determined that the offender committed an offense. The LEOs generally use electronic fingerprint collection and submission equipment hardware and software systems to submit electronic fingerprints to the FBI CJIS Division.¹³ Throughout this report, we refer to this equipment as digital fingerprint stations.¹⁴ At installations that do not have digital fingerprint stations, LEO personnel use paper fingerprint cards, normally FD-249s, which are submitted to their headquarters. Headquarters personnel scan and electronically submit the fingerprints to the FBI CJIS Division.

DoD Fingerprint and Final Disposition Report Submission Compliance Results

To determine whether the DoD complied with Federal law and DoDI 5505.11, we reviewed the records of Service members convicted from January 1, 2015, through February 28, 2018, that resulted in a sentence that included a dishonorable discharge or dismissal for conviction of a qualifying offense. According to DoDI 5505.11, Service members convicted of qualifying offenses that resulted in a dishonorable discharge or dismissal require the submission of fingerprint and final disposition report information to the FBI CJIS Division.

Based on information the Military Services’ Judge Advocates General (TJAGs) and the Staff Judge Advocate to the Commandant of the Marine Corps personnel provided to us, we identified 912 DoD offenders that were dishonorably discharged

¹² The FBI Form R-84, which is used to document a disposition of an arrest, states whether the arrested individual was convicted or acquitted, administratively punished, or the charge dismissed.

¹³ Electronic fingerprint collection and submission equipment is sold, under different names and configurations, by numerous manufacturers. Therefore, we refer to them as “digital fingerprint stations” throughout the report.

¹⁴ Digital fingerprint stations benefit the user because they are quicker, they automatically check for image quality and fingerprint sequencing to reduce rejection, and they need limited cleaning because they do not use ink.

or dismissed that required fingerprint and final disposition report submission to the FBI CJIS Division. We contacted the FBI CJIS Division personnel to verify whether offender fingerprints and final disposition reports were submitted to the FBI as required.

Of the 912 fingerprints and final disposition reports that were required to be submitted to the FBI CJIS Division, we determined that the DoD submitted all 912 (100 percent) to the FBI CJIS Division.

Table 9 shows the fingerprint and final disposition report numbers and submission rates for the DoD law enforcement organizations we reviewed for our current evaluation.

Table 9. 2019 LEO Fingerprint and Final Disposition Reports Submission Rates

LEO		Fingerprints		Final Disposition Reports	
	Required	Submitted	Submitted (%)	Submitted	Submitted (%)
Army	424	424	100%	424	100%
CID	390	390	100%	390	100%
MP	34	34	100%	34	100%
Navy	349	349	100%	349	100%
NCIS	349	349	100%	349	100%
SF	0	0	N/A	0	N/A
Air Force	130	130	100%	130	100%
AFOSI	128	128	100%	128	100%
SFs	2	2	100%	2	100%
Marine Corps	9	9	100%	9	100%
Total	912	912	100%	912	100%

Note: The Navy Security Forces, DCIS, and PFPF did not conduct any investigations resulting in a dishonorable discharge or dismissal for our evaluation period. These LEOs are discussed in the following sections of the report.

Source: The Judge Advocates General of each Service (Service TJAGs) and Staff Judge Advocate to the Marine Corps Commandant (SJACMC), FBI CJIS Division, Army Criminal Investigation Command (CID), Naval Criminal Investigative Service (NCIS), Air Force Office of Special Investigations (AFOSI), Air Force Security Forces Center, and Marine Corps Criminal Investigation Division (CID).

Table 10 compares the fingerprint and final disposition report submission rates for LEOs from previous DoD OIG evaluations on fingerprint and final disposition report submission compliance in 1997, 2015, 2017, and our current evaluation.

Table 10. LEO Fingerprint and Final Disposition Report Submission Compliance Rates from DoD OIG Reports

LEOs	1997 ¹			2015 ²			2017 ³			2019		
	Req	Sub	Sub %	Req	Sub	Sub%	Req	Sub	Sub %	Req	Sub	Sub %
Fingerprints												
Army	346	62	18%	NA	NA	NA	948	686	72%	424	424	100%
Navy	263	45	17%	317	249	79%	682	485	71%	349	349	100%
Air Force	355	220	62%	358	248	69%	743	638	86%	130	130	100%
Marine Corps	NA	NA	NA	427	301	70%	129	92	71%	9	9	100%
Total	964	327	34%	1102	798	72%	2502	1901	76%	912	912	100%
Final Disposition Reports												
Army	272	57	21%	NA	NA	NA	948	563	59%	424	424	100%
Navy	115	107	7%	317	237	75%	682	439	64%	349	349	100%
Air Force	128	64	50%	358	245	68%	743	637	86%	130	130	100%
Marine Corps	NA	NA	NA	427	286	67%	129	83	64%	9	9	100%
Total	515	228	25%	1102	768	70%	2502	1722	69%	912	912	100%

LEGEND

Req Number of required fingerprints or final disposition reports.

Sub Number of fingerprints or final disposition reports submitted.

Sub % Percentage of required fingerprints or final disposition reports submitted.

NA Service submission compliance rate was not evaluated or could not be determined.

¹ Report No. PO 97-003, "Criminal Investigations Policy Memorandum Number 10, Criminal History Data Reporting Requirements," January 28, 1997.

² Report No. DoDIG-2015-081, "Evaluation of Department of Defense Compliance with Criminal History Data Reporting Requirements," February 12, 2015.

³ Report No. DODIG-2018-035, "Evaluation of Fingerprint Card and Final Disposition Report Submissions by Military Service Law Enforcement Organizations," December 4, 2017.

Source: Service TJAGs and SJACMC, FBI CJIS Division, Army CID, NCIS, AFOSI, Air Force Security Forces Center, and Marine Corps CID.

We also conducted evaluations of submissions from the Defense Criminal Investigative Service (DCIS) and the Pentagon Force Protection Agency (PFPA) because they did not investigate any offenses that resulted in a dishonorable discharge or dismissal for conviction of a qualifying offense. Therefore, we examined all convicted offenders identified in DCIS investigations initiated from January 1, 2015, through February 28, 2018. We also examined all PFPA offenders that were identified in PFPA investigations initiated from January 1, 2015, through February 28, 2018.

We found that the DCIS was required to submit 199 fingerprints and final disposition reports to the FBI CJIS Division. Of the 199 fingerprints and final disposition reports that were required to be submitted to the FBI CJIS Division, the DCIS submitted all 199 (100 percent) fingerprints and final disposition reports.

We found that the PFPA was required to submit 236 fingerprints and final disposition reports to the FBI CJIS Division. Of the 236 fingerprints and final disposition reports that were required to be submitted to the FBI CJIS Division, the PFPA submitted 233 (99 percent) fingerprints and 231 (98 percent) final disposition reports.

Table 11 shows the fingerprint and final disposition report submission rates for the DCIS and PFPA for our current evaluation.

Table 11. 2019 DCIS and PFPA Fingerprint and Final Disposition Reports Submission Rates

LEO	Fingerprints			Final Disposition Reports	
	Required	Submitted	Submitted (%)	Submitted	Submitted (%)
DCIS	199	199	100%	199	100%
PFPA	236	233	99%	231	98%

Source: DCIS, PFPA, and FBI CJIS Division.

The following sections discuss the submission rates for fingerprints and final disposition reports for each of the Military Services.

The Army Fingerprint and Final Disposition Report Submissions

The Army Criminal Investigations Command Took Actions to Seek to Ensure Compliance with DoDI 5505.11

In our 2017 fingerprint report, we found that the Army CID was required to submit 768 fingerprints and final disposition reports to the FBI CJIS Division. Of the 768 fingerprints and final disposition reports that were required to be submitted to the FBI CJIS Division, Army CID personnel submitted 609 (79 percent) fingerprints and 504 (66 percent) final disposition reports to the FBI CJIS Division.

During the current evaluation, we found that the Army CID was required to submit fingerprints and final disposition reports to the FBI CJIS Division for 390 offenders who received a dishonorable discharge or dismissal from the military for conviction of a qualifying offense from January 1, 2015, through February 28, 2018. Of the 390 fingerprints and final disposition reports that were required to be submitted to the FBI CJIS Division, the Army CID personnel submitted all 390 (100 percent).

The Army CID Developed New Policies, Processes, Training, and Management Oversight Procedures

We determined that the Army CID has developed new policies, processes, training, and management oversight procedures that are designed to help ensure compliance with DoDI 5505.11, which we discuss in the following subsections.

The Army CID Policy for the Submission of Fingerprints and Final Disposition Reports

In our 2017 fingerprint report, we determined that Army CID Regulation 195-1, “Criminal Investigation Operational Procedures,” provided guidance consistent with DoDI 5505.11. Since our 2017 fingerprint report, the Army CID issued the following additional policies for the fingerprint and final disposition report submissions.

- “Preparation of FD-249 (Criminal Fingerprint Card) and R-84 (Final Disposition Report) and Submission of Digitally Scanned Fingerprints to the FBI,” February 1, 2018, is a step-by-step guide that provides instructions for collecting and submitting fingerprints and final disposition reports to the FBI CJIS Division, as required by DoDI 5505.11. This guide also includes procedures for issuing digital fingerprint stations and reporting submission progress to the Army CID headquarters.
- All CID Memorandum 029-18, “R-84, Final Disposition Report,” October 26, 2018, describes a direct data exchange by the Army CID Chief Information Officer (CIO) between the Army Law Enforcement Reporting and Tracking System (ALERTS) and the FBI CJIS Division for submitting final disposition reports.¹⁵

The Army CID Processes for the Submission of Fingerprints and Final Disposition Reports

In our 2017 fingerprint report, we found that Army CID personnel submitted paper fingerprint cards to the U.S. Army Crime Records Center (USACRC).¹⁶ The USACRC personnel scanned the paper fingerprints cards and submitted the fingerprint cards electronically to the FBI CJIS Division. However, Army CID representatives also told us that USACRC did not receive all paper fingerprint cards because some personnel mailed the paper fingerprint cards to an old USACRC address. Additionally, Army CID representatives told us that the USACRC did not have visibility of fingerprint submissions that Army CID personnel made directly to the

¹⁵ ALERTS is the primary case management system for all Army law enforcement professionals. This system provides the Army with an integrated case management system for law enforcement, supporting both the Army CID and Army MP.

¹⁶ The USACRC receives, safeguards, maintains, and disseminates information from Army law enforcement (Army CID and Army MP) records.

FBI CJIS Division. As a result, fingerprints and final disposition report submissions to the FBI CJIS Division were delayed due to mailing and because the USACRC could not determine whether all required fingerprints were submitted.

During the current evaluation, we determined that the Army and Air Force collaborated on a contract to purchase and install new digital fingerprint stations to allow for direct fingerprint and final disposition report submission to the FBI CJIS Division. The delivery of the new digital fingerprint stations, including hands-on training, started in May 2018 and was completed for all Army CID offices in October 2018. As a result, Army CID personnel now collect and submit both fingerprints and final disposition reports electronically using the new digital fingerprint stations. This eliminates the need to mail paper fingerprint cards to the USACRC and final disposition reports to the FBI CJIS Division.

Furthermore, the Army CID added procedures to its fingerprint and final disposition report submission process that are designed to help ensure that fingerprints and final disposition reports were submitted to the FBI CJIS Division. According to Army CID personnel, after Army CID personnel submit fingerprints to the FBI CJIS Division, Army CID personnel document the transaction control number in the case file, which indicates that the fingerprint submission was successful.¹⁷ Army CID personnel also attach a photocopy of the fingerprints to the law enforcement report. Army CID supervisors are required to perform reviews of case files that should help to ensure that fingerprints and final disposition reports were submitted. Additionally, the Army CID Special Agent-in-Charge or appointed Battalion or Group Operations personnel are required to annotate in the case activity summary that they verified the fingerprints were submitted.

The Army CID Training for the Submission of Fingerprints and Final Disposition Reports

In our 2017 fingerprint report, we found that in the U.S. Army Military Police School (USAMPS), located at Fort Leonard Wood, Missouri, fingerprint collection training focused on collecting fingerprints solely for evidentiary purposes. The training did not include collecting and submitting fingerprints or final disposition reports to the FBI CJIS Division.

During the current evaluation, we determined that the USAMPS updated its training to include submitting fingerprints and final disposition reports to the FBI CJIS Division. The USAMPS also acquired seven digital fingerprint stations to train students in the Army CID Special Agent Course on how to collect and submit fingerprints to the FBI CJIS Division.

¹⁷ The transaction control number is a unique number associated with the set of fingerprints submitted to CJIS. The transaction control number allows organizations to retrieve fingerprints associated with a particular subject.

Additionally, the Army CID now provides training updates, including slide presentations and instructional videos. Specifically, the Army CID CIO has developed and distributed to Army CID personnel three instructional videos for the collection and submission of fingerprints and final disposition reports.

The Army CID Management Oversight for the Submission of Fingerprints and Final Disposition Reports

In our 2017 fingerprint report, we found that USACRC personnel could not perform adequate management oversight procedures because they did not have visibility of the fingerprints and final disposition reports that were mailed to the FBI CJIS Division.

During the current evaluation we determined that the Army CID established management oversight procedures. According to Army CID personnel, an Army CID Special Agent-in-Charge or an appointed Battalion or Group Operations member is now required to review all case files and verify and annotate that the fingerprints were submitted to the FBI CJIS Division. Additionally, Army CID supervisors are required to certify in the ALERTS that the agent submitted fingerprints and final disposition reports to the FBI CJIS Division. Furthermore, the Army CID created mandatory fields in ALERTS that prevent closure of an investigation until the supervisor certifies that the fingerprint and final disposition reports were submitted to the FBI CJIS Division. This enabled USACRC personnel to determine that all required submissions were made by the CID personnel. Army CID OIG personnel also review fingerprint and final disposition report submissions during compliance inspections of investigative cases, which are conducted every 2 years.

In addition, the Secretary of the Army approved the hiring of 46 additional Army CID personnel, beginning in FY 2020, to manage, provide oversight, and verify compliance with criminal history information reporting requirements, including fingerprint and final disposition submission requirements.

The Army Military Police Took Actions to Seek to Ensure Compliance with DoDI 5505.11

In our 2017 fingerprint report, we found that Army Military Police (MP) was required to submit 180 fingerprints and final disposition reports to the FBI CJIS Division. Of the 180 fingerprints and final disposition reports that were required to be submitted to the FBI CJIS Division, the Army MP submitted 77 (43 percent) fingerprints and 59 (33 percent) final disposition reports to the FBI CJIS Division.

During the current evaluation, we determined that the Army MP was required to submit fingerprints and final disposition reports to the FBI CJIS Division for 34 offenders who received a dishonorable discharge or dismissal from the military for conviction of a qualifying offense from January 1, 2015, through February 28, 2018. Of the 34 fingerprints and final disposition reports that were required to be submitted to the FBI CJIS Division, the Army MP submitted all 34 (100 percent).

The Army MP Developed New Policies, Processes, Training, and Management Oversight Procedures

We determined that the Army MP has developed new policies, processes, training, and management oversight procedures that are designed to help ensure compliance with DoDI 5505.11, which we discuss in the following subsections.

The Army MP Policy for the Submission of Fingerprints and Final Disposition Reports

In our 2017 fingerprint report, we found that Army Regulation (AR) 190-45, “Law Enforcement Reporting,” September 27, 2016, conflicted with DoDI 5505.11. Specifically, AR 190-45 states that fingerprints, “will be sent to the Director, USACRC, and processed with the LER [law enforcement report].”¹⁸ The policy to allow the submission of fingerprints to the USACRC with the LER, which is processed after completion of the investigation, delays fingerprint submission to the FBI CJIS Division and is not in compliance with DoDI 5505.11. Specifically, DoDI 5505.11 requires fingerprints to be submitted to the FBI CJIS Division when a probable cause determination has been made that the subject committed the offense. The probable cause determination is made prior to completion of the investigation.

Since our 2017 fingerprint report, the Army MP issued the following interim policies for fingerprint and final disposition report submission:

- Operations Order 18-033, “[U.S. Army Installation Management Command] IMCOM Support to Army’s Action Plan to Address Challenges in Reporting of Criminal Information,” December 20, 2017, which requires the Army MP to submit fingerprints to the FBI CJIS Division when a probable cause determination has been made, as required by DoDI 5505.11, instead of at the end of the investigation.¹⁹

¹⁸ AR 190-45 also reflects that, “Reports submitted to USACRC will include a good, legible copy of all statements, photographs, sketches, laboratory reports, and other information that substantiates the offense or improves understanding of the report.” Based on our experience, in conjunction with this requirement, we concluded that LERs are submitted at the conclusion of the investigation.

¹⁹ The U.S. Army Installation Management Command (IMCOM) handles the day-to-day operations of U.S. Army installations.

- Operations Order 18-075, “IMCOM Support to Army’s Action Plan to Address Challenges in Reporting of Criminal Information,” April 12, 2018, which requires monthly quality assurance checks to verify compliance with fingerprint and final disposition submission requirements.

Additionally, according to the Army Provost Marshal General, the Army MP is currently updating Army Regulation 190-45 to align with DoDI 5505.11.

The Army MP Processes for the Submission of Fingerprints and Final Disposition Reports

In our 2017 fingerprint report, we found that the Army MP submitted paper fingerprint cards to the USACRC. USACRC personnel scanned the paper fingerprint cards and submitted the fingerprint cards electronically to the FBI CJIS Division. However, the USACRC fingerprint card submission process did not ensure that all fingerprint cards were submitted to the FBI CJIS Division. Specifically, the USACRC did not track fingerprints that it rejected for errors and returned to the Army MP. As a result, the USACRC could not determine whether the Army MP resubmitted the fingerprint cards to the USACRC.

During the current evaluation, we determined that the Army MP implemented new processes for the submission of fingerprints and final disposition reports to the FBI CJIS Division similar to the processes that the Army CID established, as discussed earlier in this report. Specifically, the Army MP:

- purchased and installed digital fingerprint stations, and provided hands-on training, at the Army MP locations;
- track transaction control numbers after submitting fingerprints to the FBI CJIS Division;
- submit final disposition reports directly to the FBI CJIS Division through the ALERTS; and
- perform supervisory reviews of case files that are designed to help ensure that fingerprints and final dispositions were submitted to the FBI CJIS Division.

The Army MP Training for the Submission of Fingerprints and Final Disposition Reports

In our 2017 fingerprint report, we found that the USAMPS fingerprint collection training focused on collecting fingerprints solely for evidentiary purposes. We found that the USAMPS did not train students on collecting and submitting fingerprints or final disposition reports to the FBI CJIS Division.

During the current evaluation, we determined that the USAMPS updated its training to include submitting fingerprints and final disposition reports to the FBI CJIS Division. The USAMPS also acquired seven digital fingerprint stations to train the students on how to collect and submit fingerprints to the FBI CJIS Division.

The Army MP Management Oversight Procedures for the Submission of Fingerprints and Final Disposition Reports

In our 2017 fingerprint report, we found that fingerprints and final disposition reports were reviewed during the U.S. Army Installation Management Command (IMCOM) headquarters inspections. However, the IMCOM headquarters inspectors did not review all case files and did not identify the 103 missing fingerprints and 121 missing final disposition reports that we identified in our 2017 fingerprint report.

During the current evaluation, we determined that the IMCOM implemented monthly quality control reviews to verify compliance with fingerprint and final disposition submission requirements to the FBI CJIS Division. Specifically, every month the Army CID CIO compares a list of all fingerprints submitted to the FBI CJIS Division to a list from the ALERTS that identifies all new subjects with qualifying offenses. If the Army CID CIO determines that a subject's fingerprints were not submitted to the FBI CJIS Division, he or she issues a memorandum to Army MP personnel directing them to submit the fingerprints. If the fingerprints are not submitted to the FBI CJIS Division within one month, Army MP personnel are required to explain, through their chain of command, why the fingerprints were not submitted.

Furthermore, Army MP supervisors are now required to certify in ALERTS that fingerprints and final disposition reports were submitted to the FBI CJIS Division. As previously discussed, Army CID created mandatory fields in ALERTS that prevent closure of an investigation until the supervisor certifies that the fingerprint and final disposition reports were submitted to the FBI CJIS Division. In addition, IMCOM headquarters personnel review the monthly fingerprint and final disposition report submission reports provided by the installation Army MP personnel and verify compliance with fingerprint and final disposition submission requirements.

Finally, the Secretary of the Army approved the hiring of 60 additional Army MP personnel, beginning in FY 2020, to assist with the collection and submission of fingerprints and final disposition reports to the FBI CJIS Division.

The Navy Fingerprint and Final Disposition Report Submissions

The Naval Criminal Investigation Service Took Actions to Seek to Ensure Compliance with DoDI 5505.11

In our 2017 fingerprint report, we found that the NCIS was required to submit 631 fingerprints and final disposition reports to the FBI CJIS Division. Of the 631 fingerprints and final disposition reports that were required to be submitted to the FBI CJIS Division, NCIS personnel submitted 472 (75 percent) of the required fingerprints and 428 (68 percent) of the required final disposition reports to the FBI CJIS Division.

During the current evaluation, we determined that the NCIS was required to submit fingerprints and final disposition reports to the FBI CJIS Division for 349 offenders who received a dishonorable discharge or dismissal from the military for conviction of a qualifying offense from January 1, 2015, through February 28, 2018. Of the 349 fingerprints and final disposition reports that were required to be submitted to the FBI CJIS Division, NCIS personnel submitted all 349 (100 percent).

The NCIS Developed New Policies, Processes, Training, and Management Oversight Procedures

We determined that the NCIS has developed new policies, processes, training, and management oversight procedures that are designed to help ensure compliance with DoDI 5505.11, which we discuss in the following subsections.

The NCIS Policy for the Submission of Fingerprints and Final Disposition Reports

In our 2017 fingerprint report, we found that NCIS-3, “Criminal Investigations,” Chapter 37, “Biometrics,” January 2014, provided guidance consistent with DoDI 5505.11. Since our 2017 fingerprint report, the NCIS issued the following policy for fingerprint and final disposition report submissions:

- General Administration (GENADMIN) 11C-0028, NCIS Policy Document 17-04, “Operational Submitting Fingerprints to Enroll Into The Federal Bureau of Investigation’s Integrated Automated Fingerprint Identification System,” December 2017, which emphasized the existing NCIS requirement to submit fingerprints and final disposition reports to the FBI CJIS Division as required by DoDI 5505.11.

The NCIS Processes for the Submission of Fingerprints and Final Disposition Reports

In our 2017 fingerprint report, we found that the NCIS field offices that regularly processed criminal investigations were equipped with digital fingerprint stations and electronically submitted fingerprint cards directly to the FBI CJIS Division. The field offices that were not equipped with digital fingerprint stations used hard-copy fingerprint cards, which were submitted to the NCIS headquarters for scanning and submission to the FBI CJIS Division. Additionally, we found that the NCIS did not have a process to ensure that the NCIS field offices submitted fingerprints and final disposition reports to the FBI CJIS as required by DoDI 5505.11.

During the current evaluation, we determined that the NCIS headquarters procured and distributed 68 of 103 digital fingerprint stations to the NCIS field offices. As a result, additional NCIS field offices are now collecting and submitting fingerprints and final disposition reports electronically using the new digital fingerprint stations. This process eliminates the need to mail the paper fingerprint cards and ensures timely submission of the fingerprints and the final disposition reports to the FBI CJIS Division.

Accordingly to NCIS personnel, they are required to document in the investigative case file that fingerprints were submitted to the FBI CJIS Division and to document the final disposition report submission in the final report of investigation before a case file is closed.

The NCIS Training for the Submission of Fingerprints and Final Disposition Reports

In our 2017 fingerprint report, we found that the NCIS personnel provided training to Special Agent Basic Training students at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. At this training, NCIS demonstrated the use of digital fingerprint stations for collecting and submitting fingerprints and final disposition reports to the FBI CJIS Division as required by DoDI 5505.11.

During the current evaluation, we determined that the NCIS provided additional fingerprint and final disposition report collection and submission training. Specifically, NCIS personnel now receive additional on-the-job training and annual proficiency training for the collection and submission of fingerprints and final disposition reports to the FBI CJIS Division.

The NCIS Management Oversight Procedures for the Submission of Fingerprints and Final Disposition Reports

In our 2017 fingerprint report, we found that the NCIS first-line supervisor and supervisory special agents were responsible for the management oversight procedures for fingerprint and final disposition report submissions. Additionally, the NCIS OIG personnel reviewed fingerprint collection, but did not review fingerprint submission to the FBI CJIS Division during its routine inspections.

During the current evaluation, we determined that the NCIS implemented additional management oversight procedures for the collection and submission of fingerprints and final disposition reports to the FBI CJIS Division. For example, NCIS headquarters created the Criminal Justice Information Division (CJID), an oversight division within the NCIS that reviews and validates criminal justice information submitted to the FBI CJIS Division. Moreover, according to NCIS personnel, the CJID provides management oversight and quality control of the collection and submission of fingerprints and final disposition reports for the Department of the Navy.

Furthermore, according to NCIS personnel, the NCIS supervisors are now required to review all case files and verify that fingerprints and final disposition reports were submitted to the FBI CJIS Division before a case can be closed. The NCIS Special Agents in Charge and Assistant Special Agents in Charge review investigative case files during the Manager's Internal Control inspections to determine whether fingerprints and final disposition reports were submitted to the FBI CJIS Division. In addition, senior-level NCIS agents conduct investigative case file reviews during field assistance inspections to verify whether fingerprints and final disposition reports were submitted to the FBI CJIS Division. Finally, the NCIS headquarters added fingerprint collection and submission compliance to the NCIS OIG compliance inspections.

The Navy Security Forces Took Some Actions to Seek to Ensure Compliance with DoDI 5505.11, but More Actions Are Needed

In our 2017 fingerprint report, we found that the Navy Security Forces were required to submit 51 fingerprints and final disposition reports to the FBI CJIS Division. Of the 51 fingerprints and final disposition reports that were required to be submitted to the FBI CJIS Division, the Navy Security Forces submitted 13 (25 percent) of the required fingerprints and 11 (22 percent) of the required final disposition reports to the FBI CJIS Division.

During the current evaluation, we determined that the Navy Security Forces did not investigate any offenses from January 1, 2015, through February 28, 2018, which resulted in a sentence that included a dishonorable discharge or dismissal for conviction of a qualifying offense and requires submission of fingerprint and final disposition report information to the FBI CJIS Division. Therefore, we evaluated Navy Security Forces policies, processes, training, and management oversight procedures for fingerprints and final disposition report submissions to the FBI CJIS Division.

The Navy Security Forces Developed Policies, Processes, Training, and Management Oversight Procedures

We determined that the Navy Security Forces developed some policies, processes, training, and management oversight procedures that are designed to help ensure compliance with DoDI 5505.11, which we discuss in the following subsections.

The Navy Security Forces Policy for the Submission of Fingerprints and Final Disposition Reports

In our 2017 fingerprint report, we found that Navy Tactics, Techniques, and Procedures (NTTP), “Law Enforcement and Physical Security NTTP 3-07.2.3,” August 2011, conflicted with DoDI 5505.11. Specifically, NTTP 3-07.2.3 required that Navy Security Forces submit fingerprints after command-initiated military judicial proceedings or when command action was taken in a non-judicial punishment proceeding. However, DoDI 5505.11 requires LEOs to submit fingerprints to the FBI CJIS Division when a probable cause determination has been made.

During the current evaluation, we determined that the Chief of Naval Operations issued NAVADMIN [Naval administrative (message)] 131/18, “Interim Procedures for Compliance with DoDI 5505.11 Fingerprint Card and Final Disposition Report Submission Requirements,” 2017. This policy requires Navy Security Forces personnel to consult with the servicing Staff Judge Advocate or other legal advisors to make a probable cause determination that a crime has been committed and then submit fingerprints to the FBI CJIS Division.

The Navy Security Forces Processes for the Submission of Fingerprints and Final Disposition Reports

In our 2017 fingerprint report, we found that the Navy Security Forces unit personnel were required to collect fingerprints on hardcopy fingerprint cards. The Navy Security Forces personnel were then required to mail the fingerprints to the NCIS headquarters for electronic scanning and submission to the FBI CJIS

Division. If the FBI CJIS Division rejected the fingerprint cards, the fingerprint cards were returned to the Navy Security Forces personnel for recollection and resubmission. Lastly, the Navy Security Forces personnel submitted final disposition reports directly to the FBI CJIS Division, rather than through the NCIS.

During the current evaluation, we determined that the Commander of Navy Installations Command (CNIC) procured and distributed digital fingerprint stations to 54 of 86 Navy Security Forces units. As a result, more Navy Security Forces units now collect and submit both fingerprints and final disposition reports electronically using the new digital fingerprint stations. This eliminates the need to mail the paper fingerprint cards and ensures timely submission of the fingerprints and the final disposition reports to the FBI CJIS Division.

The CNIC headquarters representatives told us that the other 32 of the 86 Navy Security Forces units will receive digital fingerprints stations when funds become available. As of June 2019, these 32 Navy Security Forces units still submit paper fingerprint cards and final disposition reports by mail to the NCIS headquarters, where the fingerprints are scanned and electronically submitted to the FBI CJIS Division. However, fingerprints and final disposition report submissions for these 32 offices could be at risk for delayed submissions to the FBI CJIS Division.

The Navy Security Forces Did Not Have Training for the Submission of Fingerprints and Final Disposition Reports

In our 2017 fingerprint report, we found that the Navy Security Forces Master-at-Arms School, located at Joint Base San Antonio, San Antonio, Texas, did not provide fingerprint and final disposition report collection and submission training for Navy Security Forces students. The CNIC Assistant Training Program Manager told us that the Navy Security Forces considered fingerprint and final disposition report training as on-the-job training at the home station for Navy Security Forces personnel that are specifically assigned those Security Forces duties.

During the current evaluation, we determined that the Navy Security Forces Master-at-Arms School still did not provide fingerprint and final disposition report collection and submission training to the Navy Security Forces students. However, the Navy Security Forces personnel told us that they were developing training for fingerprint collection and submission training for Navy Security Forces students. This training is expected to be completed between 2020 and 2021.

The Navy Security Forces Did Not Have Management Oversight Procedures for the Submission of Fingerprints and Final Disposition Reports

In our 2017 fingerprint report, we found that NTTP 3-07.2.3, “Law Enforcement and Physical Security,” August 2011, required both the NCIS Regional Investigations Coordinator and the Navy Security Forces installation security officer to establish a case review process; in addition to supervisors conducting biweekly case reviews. However, the NTTP 3-07.2.3 did not specifically require review of the fingerprint and final disposition report submissions to the FBI CJIS Division.

During the current evaluation, we determined that the Navy Security Forces had not updated NTTP 3-07.2.3, “Law Enforcement and Physical Security,” August 2011, to include management oversight procedures for fingerprint and final disposition report submissions to the FBI CJIS Division; however, the updated policy is scheduled for a December 2019 issue date.

The Air Force Fingerprint and Final Disposition Report Submissions

The Air Force Office of Special Investigations Took Actions to Seek to Ensure Compliance with DoDI 5505.11

In our 2017 fingerprint report, we found that the AFOSI was required to submit 588 fingerprints and final disposition reports to the FBI CJIS Division. Of the 588 fingerprints and final disposition reports that were required to be submitted to the FBI CJIS Division, the AFOSI personnel submitted 576 (98 percent) fingerprints and 575 (98 percent) final disposition reports to the FBI CJIS Division.

During the current evaluation, we found that the AFOSI was required to submit fingerprints and final disposition reports to the FBI CJIS Division for 128 offenders who received a dishonorable discharge or dismissal from the military for conviction of a qualifying offense from January 1, 2015, through February 28, 2018. Of the 128 fingerprints and final disposition reports that were required to be submitted to the FBI CJIS Division, the AFOSI submitted all 128 (100 percent).

The AFOSI Developed New Policies, Processes, Training, and Management Oversight Procedures

We determined that the AFOSI developed new policies, processes, training, and management oversight procedures that are designed to help ensure compliance with DoDI 5505.11, which we discuss in the following subsections.

The AFOSI Policy for the Submission of Fingerprints and Final Disposition Reports

In our 2017 fingerprint report, we found that AFOSI Manual 71-121, “Processing and Reporting Investigative Matters,” provided guidance consistent with DODI 5505.11. Since our 2017 fingerprint report, the AFOSI issued the following additional policies for the fingerprint and final disposition reports submissions.

- AFOSI Guidance Memorandum 2018-11 to AFOSI Manual 71-121, March 23, 2018, which updated the “AFOSI Closed Investigation File Checklist,” to include procedures to verify that fingerprints and final disposition reports are submitted to FBI CJIS Division, as required by DoDI 5505.11.
- “Decision Guide and Three Tier Verifications for Fingerprints (Criminal History Data) and DNA (CODIS) Taken from Subjects of AFOSI Investigations,” April 19, 2018, is a step-by-step guide that describes the process for special agents to use when collecting and submitting fingerprints. The guide also requires supervisory review and includes a list of offenses that requires the submission of fingerprints.

The AFOSI Processes for the Submission of Fingerprints and Final Disposition Reports

In our 2017 fingerprint report, we found that most AFOSI offices that regularly processed criminal investigations were equipped with digital scanners. For those AFOSI offices not equipped with digital scanners, fingerprints were collected using paper fingerprint cards and mailed to the AFOSI headquarters. The AFOSI headquarters personnel scanned the paper fingerprint cards and submitted the fingerprint cards electronically to the FBI CJIS Division. As a result, the submittal of fingerprints and final disposition reports from those AFOSI offices to the FBI CJIS Division was delayed.

During the current evaluation, we determined that in 2018, the Army and Air Force collaborated on a contract to purchase and install new digital fingerprint stations to collect and submit fingerprint and final disposition reports directly to the FBI CJIS Division. The delivery of the new digital fingerprint stations to the Air Force started in May 2018 and was completed in December 2018. As a result, AFOSI personnel now collect and submit fingerprints and final disposition reports electronically using the new digital fingerprint stations. This eliminated the delay in submitting the fingerprints and final disposition reports to the FBI CJIS Division.

The AFOSI Training for the Submission of Fingerprints and Final Disposition Reports

In our 2017 fingerprint report, we found that the Air Force Special Investigations Academy (USAFSIA), located at the FLETC, taught fingerprint card collection and submission procedures in several classes during the AFOSI Basic Special Investigations Course and Advanced General Crimes Investigation Course.

During the current evaluation, we determined that the USAFSIA updated its training to include when to submit fingerprints and final disposition reports to the FBI CJIS Division. The USAFSIA also acquired six digital fingerprint stations to train the AFOSI Special Agent Course students how to collect and submit fingerprints to the FBI CJIS Division. Additionally, the AFOSI and the USAFSIA developed annual refresher fingerprint submission training that was designed to help ensure compliance with the requirements of DoDI 5505.11.

The AFOSI Management Oversight Procedures for the Submission of Fingerprints and Final Disposition Reports

In our 2017 fingerprint report, we found that the AFOSI personnel had management oversight procedures that included supervisory reviews and checklists for fingerprints and final disposition report submission to the FBI CJIS Division.

During the current evaluation, we determined that the AFOSI developed additional fingerprint and final disposition reports submission review processes. The AFOSI created mandatory fields in the AFOSI case management system, Web Investigative Information Management System (WI2MS), which require the AFOSI field and regional leadership personnel to certify that fingerprints and final disposition reports were submitted to the FBI CJIS Division. Furthermore, these WI2MS fields prevent the closure of an investigation until leadership certify that the fingerprints and final disposition reports were submitted to the FBI CJIS Division.

Additionally, according to AFOSI OIG personnel, the AFOSI OIG personnel also review the AFOSI fingerprint and final disposition report submissions during unit compliance inspections of case files which are conducted on a 24 to 36-month cycle. The AFOSI OIG provides compliance inspection results directly to the Air Force OIG personnel to demonstrate the AFOSI compliance with DoDI 5505.11.

Finally, the AFOSI policy has been updated to require AFOSI personnel to perform a post-investigation indexing review to help ensure that fingerprints and final disposition reports were received by the FBI CJIS Division. The AFOSI personnel must attach the criminal history report to the AFOSI report of investigation and upload it to the AFOSI case management system prior to case closure.

The Air Force Security Forces Took Actions to Seek to Ensure Compliance with DoDI 5505.11

In our 2017 fingerprint report, we found that the Air Force Security Forces was required to submit 155 fingerprints and final disposition reports to the FBI CJIS Division. Of the 155 fingerprints and final disposition reports that were required to be submitted to the FBI CJIS Division, the Air Force Security Forces personnel submitted 62 (40 percent) of the required fingerprints and final disposition reports to the FBI CJIS Division.

During the current evaluation, we determined that the Air Force Security Forces was required to submit fingerprints and final disposition reports to the FBI CJIS Division for two offenders who received a dishonorable discharge or dismissal from the military for conviction of a qualifying offense from January 1, 2015, through February 28, 2018. Air Force Security Forces submitted both (100 percent) of the fingerprints and final disposition reports that were required to be submitted to the FBI CJIS Division.

The Air Force Security Forces Developed New Policies, Processes, Training, and Management Oversight Procedures

We determined that the Air Force Security Forces has developed new policies, processes, training, and management oversight procedures that are designed to help ensure compliance with DoDI 5505.11, which we discuss in the following subsections.

The Air Force Security Forces Policy for the Submission of Fingerprints and Final Disposition Reports

In our 2017 fingerprint report, we found that Air Force Instruction (AFI) 31-118, “Security Forces Standard and Procedures,” March 5, 2014, conflicted with DoDI 5505.11. Specifically, AFI 31-118 stated that the Air Force Security Forces Reports and Analysis section received the case file with the fingerprint cards at the end of the investigation and forwarded them to the Air Force Security Forces Center (AFSFC).²⁰ The AFSFC personnel scanned the paper fingerprint cards and submitted the fingerprint cards electronically to the FBI CJIS Division. However, DoDI 5505.11 requires fingerprints to be submitted to the FBI CJIS Division when a probable cause determination has been made. The Air Force policy to submit fingerprint cards to the AFSFC at the end of the investigation delayed fingerprint card submission to the FBI CJIS Division, which could allow a prohibited person to purchase a firearm from a FFL.

²⁰ The Air Force Security Force Center receives, safeguards, maintains, and disseminates information from Air Force law enforcement records.

During the current evaluation, we determined that the Air Force Security Forces issued the following interim policies for the fingerprint and final disposition reports submissions to the FBI CJIS Division:

- Air Force Guidance Memorandum 2017-01 to AFI 31-118, “Security Forces Standard Procedures,” which requires the Air Force Security Forces personnel to submit fingerprints to the FBI CJIS Division when a probable cause determination has been made instead of at the end of the investigation, as required by DoDI 5505.11.
- Air Force Guidance Memorandum 2018-01 to AFI 31-118, “Security Forces Standard and Procedures,” added flowcharts and checklists that illustrate the fingerprint and final disposition report collection and submission process. The guidance memorandum also requires the Air Force Security Forces squadron commanders to conduct monthly compliance reviews and report the results to their respective headquarters command and the AFSFC.

The Air Force Security Forces Processes for the Submission of Fingerprints and Final Disposition Reports

In our 2017 fingerprint report, we found that the Air Force Security Forces personnel mailed paper fingerprint cards to the AFSFC. The AFSFC personnel scanned the paper fingerprint cards and submitted the fingerprint cards electronically to the FBI CJIS Division. As a result, fingerprints and final disposition report submissions to the FBI CJIS Division were delayed due to mailing and because the AFSFC could not determine whether all required fingerprints were submitted.

During the current evaluation, we determined that, in 2018, the Army and Air Force collaborated on a contract to purchase and install new digital fingerprint stations to collect and submit fingerprint and final disposition reports directly to the FBI CJIS Division. The delivery of the new digital fingerprint stations started in May 2018 and was completed in December 2018. As a result, the Air Forces Security Forces personnel now collect and submit both fingerprints and final disposition reports electronically using the new digital fingerprint stations. This eliminated the need to mail the paper fingerprint cards to the AFSFC and the final disposition reports to the FBI CJIS Division.

Furthermore, the Air Force Security Forces implemented new procedures to its fingerprint and final disposition report submission process that are designed to help ensure that fingerprints and final disposition reports were submitted to the FBI CJIS Division. According to the Air Force Security Forces personnel after

they submit fingerprints to the FBI CJIS Division, the Air Force Security Forces personnel document the transaction control number in their case management system and in the newly developed “Fingerprinting & DNA Compliance Reporting Tool” database to document that the fingerprint submission was successful.²¹

The Air Force Security Forces Training for the Submission of Fingerprints and Final Disposition Reports

In our 2017 fingerprint report, we found that the Air Force Security Forces conducted fingerprint training as part of its Annual Home-Station Training. The training addressed the collection of fingerprints, but did not include requirements to submit fingerprints and final disposition reports to the FBI CJIS Division.

Since our 2017 fingerprint report, the Air Force Security Forces updated its annual Home-Station Training to include detailed information and policy on the collection and submission of fingerprints and final disposition reports to the FBI CJIS Division. In addition, the Air Force Security Forces Academy, located at Lackland Air Force Base, San Antonio, Texas, developed training for its students that includes training for collecting and submitting fingerprints to the FBI CJIS Division.

The Air Force Security Forces Management Oversight Procedures for the Submission of Fingerprints and Final Disposition Reports

In our 2017 fingerprint report, we found that the Air Force Security Forces personnel conducted self-inspections using checklists to verify whether fingerprinting procedures were being followed. However, the checklist did not include fingerprint and final disposition report submission to the FBI CJIS Division.

During the current evaluation, we determined that the Air Force Security Forces created a review process for the unit, major command, and AFSFC leadership to verify that fingerprints and final disposition reports were submitted to the FBI CJIS Division. According to Air Force Security Forces personnel, Air Force Security Forces personnel and supervisors are now required to use an updated checklist that includes fingerprint and final disposition report submission to the FBI CJIS Division. Furthermore, the Air Force Security Forces supervisors and squadron commanders are required to verify that fingerprints and final disposition reports were submitted to the FBI CJIS Division prior to case closure.

Additionally, the Air Force major command OIG personnel review the Air Force Security Forces fingerprint and final disposition report submissions during

²¹ The AFSFC developed a database in December 2017 that tracks arrests, fingerprinting, DNA collection, FBI and transaction control number, and case dispositions.

compliance inspections of investigative cases, which are conducted on a 24- to 36-month cycle. The Air Force major command OIG provides compliance inspection results directly to the Air Force OIG personnel to demonstrate the Air Force Security Forces' compliance with DoDI 5505.11.

The Marine Corps Fingerprint and Final Disposition Report Submissions

The Marine Corps LEOs Took Action to Seek to Ensure Compliance with DoDI 5505.11

In our 2017 fingerprint report, we found that the Marine Corps LEOs were required to submit 129 fingerprints and final disposition reports to the FBI CJIS Division. Of the 129 fingerprints and final disposition reports that were required to be submitted to the FBI CJIS Division, the Marine Corps LEOs submitted 92 (71 percent) of the required fingerprints and 83 (64 percent) of the required final disposition reports to the FBI CJIS Division.

During the current evaluation, we determined that the Marine Corps LEOs were required to submit fingerprints and final disposition reports to the FBI CJIS Division for nine offenders who received a dishonorable discharge or dismissal from the military for conviction of a qualifying offense from January 1, 2015, through February 28, 2018. Of the nine fingerprints and final disposition reports that were required to be submitted to the FBI CJIS Division, the Marine Corps LEOs submitted all nine (100 percent).

The Marine Corps LEOs Developed New Policies, Processes, Training, and Management Oversight Procedures

We determined that the Marine Corps LEOs developed new policies, processes, training, and management oversight procedures that are designed to help ensure compliance with DoDI 5505.11, which we discuss in the following subsections.

The Marine Corps LEO Policy for the Submission of Fingerprints and Final Disposition Reports

In our 2017 fingerprint report, we found that the Marine Corps Order 5580.2B, "Law Enforcement Manual," August 27, 2008, did not have policy for the Marine Corps LEOs to collect and submit fingerprints and final disposition reports to the FBI CJIS Division.

During the current evaluation, the Marine Corps LEOs issued the following policies for the fingerprint and final disposition reports submissions to the FBI CJIS Division.

- General Administration memorandum (GENADMIN) 001-18, “Collection, Submission and Oversight of Criminal Fingerprints and Subject DNA,” March 9, 2018, which provides detailed policies on the Marine Corps CID submissions of fingerprints and final disposition reports to the FBI CJIS Division, as required by DoDI 5505.11.
- Marine Corps Bulletin 5810, “Criminal Justice Information Reporting Requirements and Guidance,” August 2018, which requires Commanding Officers, Marine Corps LEO personnel, and Marine Corps correctional facility personnel to follow proper fingerprint and final disposition report collection and submission processes.

The Marine Corps LEO Processes for the Submission of Fingerprints and Final Disposition Reports

In our 2017 fingerprint report, we found that the Marine Corps LEOs mailed paper fingerprint cards to the NCIS headquarters. The NCIS headquarters personnel then scanned the paper fingerprint cards and submitted the fingerprints electronically to the FBI CJIS Division. We also found that the Marine Corp LEOs did not verify that fingerprint and final disposition reports were submitted to the FBI CJIS Division. As a result, submitting fingerprints and final disposition reports to the FBI CJIS Division was delayed because the fingerprints and final disposition reports were mailed to the NCIS headquarters. Furthermore, the NCIS could not determine whether the Marine Corps LEOs submitted all required fingerprints and final disposition reports to the NCIS headquarters.

During the current evaluation, we determined that the Marine Corps LEOs purchased and distributed digital fingerprint stations to all Marine Corps LEO offices. As a result, the Marine Corps LEOs now collect and submit both fingerprints and final disposition reports electronically using the new digital fingerprint stations. This eliminated the need to mail the paper fingerprint cards and final disposition reports to NCIS headquarters for submission to the FBI CJIS Division.

The Marine Corps LEO Training for the Submission of Fingerprints and Final Disposition Reports

In our 2017 fingerprint report, we found that the Marine Corps CID agents attend the USAMPS CID Special Agent Course and a select group of Marine Corps MPs attend the USAMPS MPI Course. However, we found that these training courses focused on collecting fingerprints only for evidentiary purposes.

During the current evaluation, we determined that the USAMPS updated its training for both the USAMPS CID Special Agent Course and the MPI Course to include training for submitting fingerprints and final disposition reports to the FBI CJIS Division. The USAMPS also acquired seven digital fingerprint stations to train the Marine Corps CID Special Agent Course students on how to collect and submit fingerprints to the FBI CJIS Division.

The Marine Corps LEO Management Oversight Procedures for the Submission of Fingerprints and Final Disposition Reports

In our 2017 fingerprint report, we found that the Marine Corps personnel inspected Marine Corps MP operations, which included fingerprints and final disposition report submission requirements.

During the current evaluation, NCIS headquarters created the Criminal Justice Information Division (CJID), an oversight division within the NCIS that reviews and validates criminal justice information submitted to the FBI CJIS Division. Additionally, the CJID provides management oversight and quality control of fingerprints and final disposition reports for all Marine Corps investigative and law enforcement criminal history information.

We also found that the Marine Corps OIG personnel revised its Criminal Investigation Division Functional Area Checklists to include Marine Corps LEO fingerprint and final disposition report collection and submission compliance. The checklists include verifying fingerprint and final disposition report collection and submission. Finally, according to Marine Corps OIG personnel, the Marine Corps OIG personnel review fingerprint and final disposition report submission compliance during their inspections.

The Defense Criminal Investigative Service Fingerprint and Final Disposition Report Submissions

The Defense Criminal Investigative Service Took Actions to Seek to Ensure Compliance with DoDI 5505.11

In our 2017 fingerprint report, we did not evaluate whether the Defense Criminal Investigative Service (DCIS) complied with fingerprint and final disposition reporting requirements in DoDI 5505.11. However, the DCIS responded to a general recommendation to ensure its compliance with DoDI 5505.11 fingerprint and final disposition report submission requirements.

During the current evaluation, we determined that the DCIS did not conduct any investigations that resulted in dishonorable discharges or dismissals for conviction of a qualifying offense. Therefore, to assess DCIS compliance, we tested all convicted offenders identified in DCIS investigations initiated from January 1, 2015, through February 28, 2018. We found that the DCIS was required to submit 199 fingerprints and final disposition reports to the FBI CJIS Division. Of the 199 fingerprints and final disposition reports that were required to be submitted to the FBI CJIS Division, the DCIS submitted all 199 (100 percent) fingerprints and final disposition reports.

The DCIS Developed New Policies, Processes, Training, and Management Oversight Procedures

We determined that the DCIS has developed new policies, processes, training, and management oversight procedures that are designed to help ensure compliance with DoDI 5505.11, which we discuss in the following subsections.

The DCIS Policy for the Submission of Fingerprints and Final Disposition Reports

During this evaluation, we determined that the DCIS issued the following policies for the fingerprint and final disposition report submissions to the FBI CJIS Division.

- DCIS Special Agent Manual (SAM) “Chapter 20, Arrests, DNA, Fingerprints, Criminal History Disposition Reporting,” July 27, 2018, includes the DCIS policies and procedures for the fingerprint and final disposition report collection and submission to the FBI CJIS Division. The SAM now requires the DCIS special agents to ensure that fingerprint and final disposition reports are electronically submitted to the FBI CJIS Division.

- “DCIS Fingerprinting, Criminal History Reporting and DNA Collection Quick Reference Guide,” July 2018, describes additional procedures for the collection and submission of fingerprints and final disposition reports to the FBI CJIS Division.

The DCIS Processes for the Submission of Fingerprints and Final Disposition Reports

During this evaluation, we determined that the DCIS updated its SAM for the processes and procedures pertaining to the collection and submission of fingerprint and final disposition reports to the FBI CJIS Division. DCIS follows the processes below, according to DCIS policy, for fingerprint and final disposition report submission to the FBI CJIS Division.

- Arrange to have the offender electronically fingerprinted and obtain copies of the fingerprints from the U.S. Marshals Service, a joint investigative agency, or the Joint Automated Booking System (JABS), then include a copy of the fingerprints in the case file and the DCIS Case Reporting Information Management System (CRIMS).²²
- Document in the DCIS case file which law enforcement agency collected the fingerprints and enter the date in the CRIMS.
- Enter the offender’s FBI uniform control number for the offender’s fingerprint submission in the CRIMS and the date the fingerprints were submitted to the FBI CJIS Division.
- Upload a copy of the offender’s final disposition report to the CRIMS, document in the DCIS case file the law enforcement agency responsible for submitting the offender’s final disposition report, then enter the offender’s FBI transaction control number for the offender’s final disposition report submission and the date it was submitted to the FBI CJIS Division.

The DCIS Training for the Submission of Fingerprints and Final Disposition Reports

During this evaluation, we determined that the DCIS also provided training to the DCIS supervisors on how to collect and submit fingerprints and final disposition reports to the FBI CJIS Division. Additionally, the DCIS conducted five training sessions with personnel from each of the DCIS offices to explain the policies and procedures associated with fingerprint and final disposition submissions to the FBI CJIS Division.

²² JABS is an information-sharing system as well as a conduit for sending standard booking data directly to the FBI’s Integrated Automated Fingerprint Identification System (IAFIS). JABS receives common offender data elements (biographical data, fingerprints, and photographs) from automated booking stations and booking systems of DOJ law enforcement components and certain other Federal law enforcement agencies and maintains a shared repository that can be accessed by all participating agencies.

The DCIS Management Oversight Procedures for the Submission of Fingerprints and Final Disposition Reports

During this evaluation, we determined that the DCIS implemented management oversight procedures that are designed to help ensure that fingerprint and final disposition reports are submitted to the FBI CJIS Division. Specifically, the DCIS created data fields in CRIMS to track the submission of fingerprint and final disposition reports to the FBI CJIS Division. DCIS supervisors are required to complete case file reviews every six months and verify that fingerprint and final disposition reports submissions are completed. Additionally, the DCIS updated its case file and CRIMS checklists to include verification requirements for fingerprint and final disposition report submissions. These checklists are used by DCIS supervisors during investigation closure and case file reviews to help ensure that fingerprint and final disposition reports are submitted to the FBI CJIS Division.

Furthermore, each fiscal year, the DCIS headquarters personnel conduct an annual review of a select group of open DCIS investigations to verify special agents' compliance with the DCIS policies, including fingerprint and final disposition report collection and submission. In addition, according to DCIS personnel, the DCIS implemented a two-tier inspection program that includes both self-inspections and management verification, which are completed on a triennial basis. These inspections use checklists that include the collection and submission of fingerprint and final disposition reports to the FBI CJIS Division.

The Pentagon Force Protection Agency Fingerprint and Final Disposition Report Submissions

The Pentagon Force Protection Agency Took Actions to Seek to Ensure Compliance with DoDI 5505.11

In our 2017 fingerprint report, we did not evaluate whether the PFPA complied with fingerprint and final disposition reporting requirements in DoDI 5505.11. However, in our 2017 fingerprint report, we included the PFPA in a general recommendation to ensure its compliance with DoDI 5505.11 fingerprint and final disposition report submission requirements.

During the current evaluation, we determined that the PFPA did not conduct any investigations that resulted in dishonorable discharges or dismissals for conviction of a qualifying offense. Therefore, to assess PFPA compliance, we tested all offenders identified in PFPA investigations initiated from January 1, 2015, through February 28, 2018. We found that the PFPA was required to submit

236 fingerprints and final disposition reports to the FBI CJIS Division. Of the 236 fingerprints and final disposition reports that were required to be submitted to the FBI CJIS Division, the PFPA submitted 233 (99 percent) fingerprints and 231 (98 percent) final dispositions.

The PFPA Developed New Policies, Processes, Training, and Management Oversight Procedures

We determined that the PFPA has developed new policies, processes, training, and management oversight procedures that are designed to help ensure compliance with DoDI 5505.11, which we discuss in the following subsections.

The PFPA Policy for the Submission of Fingerprints and Final Disposition Reports

During this evaluation, we determined that the PFPA had issued the following policies for its fingerprint and final disposition reports submissions.

- PFPA Operations Instruction 61, “Fingerprint Card and Final Disposition Report Requirements,” April 16, 2018. The PFPA Operations Instruction 61 requires the PFPA personnel to electronically submit fingerprints and final disposition reports to the FBI CJIS Division for all civilian and military subjects they arrest upon establishing probable cause. The PFPA personnel electronically submit the fingerprint and final disposition reports to the FBI CJIS Division using digital fingerprint stations.
- Pentagon Force Protection Agency Threat Management Unit (TMU), Operating Instruction Number 7, “Fingerprint Card and Final Disposition Report Requirements,” dated August 30, 2018, requires the PFPA Pentagon Police Division (PPD) Court Liaison personnel to electronically submit fingerprints and final disposition reports to the FBI CJIS Division.

The PFPA Processes for the Submission of Fingerprints and Final Disposition Reports

During this evaluation, we determined that the PFPA personnel collect and electronically submit fingerprint and final disposition reports to the FBI CJIS Division using digital fingerprint stations. According to PFPA personnel and our document review, the PFPA personnel then document the collection and submission of fingerprints in the PFPA case management system, known as the “Records Management System (RMS),” and the official case file. Additionally, a digital copy of the fingerprints and final disposition report is uploaded into the RMS.

The PFPA Training for the Submission of Fingerprints and Final Disposition Reports

During this evaluation, we determined that the PFPA personnel receive training at the FLETC Uniformed Police Training Program and Criminal Investigator Training Program courses. The PFPA police officers and special agents are taught to collect and submit fingerprints and final disposition reports. In addition, PFPA police officers and special agents receive in-service training for the JABS and fingerprint collection and submission to the FBI CJIS Division.

Furthermore, the PFPA Training Division developed a 3-hour Biometric Collection Techniques training, which includes 2 hours of lecture and laboratory, and a 1-hour practical exercise covering fingerprint collection and submission to the FBI CJIS Division. The Biometric Collection Techniques training is scheduled to begin in FY 2020.

The PFPA Management Oversight Procedures for the Submission of Fingerprints and Final Disposition Reports

During the current evaluation, we determined that the PFPA personnel are required to document in the case file the FBI transaction control number to validate that the FBI CJIS Division received the fingerprint or final disposition reports. Additionally, a copy of the fingerprints is required to be maintained in the official case file to serve as a record that fingerprints were taken in case of loss of the electronic file. Furthermore, according to PFPA personnel, and our policy review, PFPA personnel are required to make copies of the electronic fingerprints and submit them to the PFPA Court Liaison office. The PPD Court Liaison Supervisor is required to ensure that the PFPA Court Liaison personnel review and process fingerprint and final disposition reports, perform daily submission verifications, and track the date fingerprint and final disposition reports are collected and submitted to the FBI CJIS Division.

Other DoD Components With LEOs That Do Not Collect and Submit Fingerprint and Final Disposition Reports

During this evaluation, we determined that the National Security Agency, Defense Intelligence Agency, Defense Logistics Agency, National Reconnaissance Office, and National Geospatial Intelligence Agency have LEO personnel that do not collect or submit fingerprint and final disposition reports to the FBI CJIS Division. These LEO personnel do not conduct criminal investigations; instead, they refer criminal allegations to a DCIO or other law enforcement organization. Therefore, the LEO personnel do not submit fingerprints and final disposition report information to the FBI CJIS Division.

Conclusion

In sum, we concluded that the LEOs are complying with DoDI 5505.11 by submitting the required fingerprints and final disposition reports to the FBI CJIS Division. Our evaluation identified a total of 912 offenders convicted of an offense that resulted in a sentence, including a dishonorable discharge or dismissal for conviction of a qualifying offense, whose fingerprints and final disposition reports were required to be submitted by LEOs to the FBI CJIS Division. We determined that the LEOs submitted all 912 (100 percent) fingerprints and final disposition reports that were required to be submitted to the FBI CJIS Division for entry into its database.

Additionally, we determined that the DCIS complied with DoDI 5505.11 by submitting the required fingerprints and final disposition reports to the FBI CJIS Division. Our evaluation identified a total of 199 offenders convicted of an offense for which DCIS was required to submit fingerprints and final disposition reports to the FBI CJIS Division. We determined that the DCIS submitted all 199 (100 percent) fingerprints and final disposition reports that were required to be submitted to the FBI CJIS Division.

We also determined that the PFPA generally complied with DoDI 5505.11 by submitting most of the required fingerprints and final disposition reports to the FBI CJIS Division. Our evaluation identified 236 offenders for which PFPA was required to submit fingerprints and final disposition reports to the FBI CJIS Division. We determined that the PFPA submitted 233 (99 percent) fingerprints and 231 (98 percent) final dispositions that were required to be submitted to the FBI CJIS Division.

Furthermore, we determined that the LEOs have implemented new policies, processes, training, and management oversight procedures that are designed to help ensure fingerprints and final dispositions are collected and submitted to the FBI CJIS Division. For example:

- Army LEOs established new step-by-step fingerprint and final disposition report submission guides, installed digital fingerprint stations with hands-on training, and established mandatory supervisory validations requirements;
- Navy LEOs published new fingerprint and final disposition report submission policies and installed additional digital fingerprint stations. Additionally, NCIS updated fingerprint and final disposition report collection and submission training, and developed management oversight review processes;

- Air Force LEOs installed additional digital fingerprint stations, updated its fingerprint and final disposition report collection and submission training, updated inspection checklists, and added a requirement for mandatory supervisory validations and Air Force Major Command OIG reviews;
- Marine Corps LEOs issued new policies, installed additional digital fingerprint stations, revised USAMPS fingerprint collection and submission training, updated inspection checklists, and instituted Marine Corps OIG reviews;
- DCIS added new requirements in its SAM, updated training, created new data fields in CRIMS for tracking submissions, and established new verification and inspection requirements; and
- PFFA added new fingerprint and final disposition report submission requirements to its policies, updated training, and established new mandatory reviews and verification requirements that are designed to help ensure compliance with DoDI 5505.11.

However, we determined that the Navy Security Forces did not implement training to instruct its personnel to collect and submit fingerprints and final disposition reports to the FBI CJIS Division. We also determined that the Navy Security Forces did not establish any management oversight procedures for fingerprint and final disposition report submission to the FBI CJIS Division.

Recommendations, Management Comments, and Our Response

Recommendation 1

We recommend that the Secretary of the Navy take prompt action to:

- Update the Navy Security Forces Master-at-Arms School law enforcement training to include instruction on fingerprint and final disposition report collection and submission to the Federal Bureau of Investigation Criminal Justice Information Services Division.**
- Require the Navy Security Forces to establish management oversight procedures to verify fingerprints and final disposition reports were submitted to the Federal Bureau of Investigation Criminal Justice Information Services Division.**

Secretary of the Navy Comments

The NCIS Executive Assistant Director, responding for the Secretary of the Navy, agreed with the recommendation to take prompt action to update the Navy Security Forces training to include instruction on fingerprint card and final disposition collection and submission to the FBI and to establish management

oversight procedures to ensure that fingerprints and final disposition reports are collected and submitted to the FBI, stating that the NCIS CJIS Systems Officer will assist the Navy Security Forces, as requested, in implementing the recommendations.

Our Response

Comments from the NCIS Executive Assistant Director partially addressed the recommendation; however, the comments did not provide details on the corrective actions the Navy will take to implement this recommendation. Therefore, the recommendation is unresolved and will remain open. We request that the Secretary of the Navy provide comments to the final report that details how the Navy will implement the recommendation and an expected completion date.

Part B

DNA Sample Submission to the FBI CODIS

The DoD LEOs are required to submit criminal history information to the FBI through the collection and submission of DNA information on any service member investigated for a qualifying criminal offense.²³ LEOs are required to submit a DNA sample to the USACIL for entry into the FBI CODIS database. The FBI CODIS database maintains a repository of DNA profiles submitted by Federal, state, local, and tribal agencies for individuals arrested or charged with qualifying criminal offenses.

The FBI CODIS “enables Federal, state, local, and tribal forensic laboratories to exchange and compare DNA profiles electronically, thereby linking crimes to each other and to known offenders.”²⁴ As a result, failures to submit required DNA samples to the FBI CODIS can affect the ability of these agencies to link serial crimes. In addition, using the National DNA Index System of CODIS, the National Missing Persons DNA Database also helps identify missing and unidentified individuals.

Federal Law and Databases

During our evaluation, we examined the applicable Federal law that established the requirements for collection and submission of DNA to the FBI CODIS database. Specifically, Section 28.12(b), title 28, Code of Federal Regulations, mandates that, “any agency of the United States that arrests or detains individuals or supervises individuals facing charges shall collect DNA samples from individuals who are arrested, facing charges, or convicted.” The law requires processing offender DNA samples for submission into the national database and defines a selective process for removing individual samples from the database.²⁵

The FBI operates and maintains a national database known as the CODIS where DNA profiles are stored, compared, and used to generate leads in criminal investigations.²⁶ The FBI CODIS contains DNA profiles from Federal, state, local, and tribal forensic laboratories on arrestees; convicted offenders, including sex offenders; unsolved crime scene evidence; and missing persons.

²³ See Appendix C for a list of qualifying offenses.

²⁴ FBI CJIS “Combined DNA Index System (CODIS)” webpage at <https://www.fbi.gov/services/laboratory/biometric-analysis/codis>.

²⁵ Federal law mandates DNA samples be expunged upon an arrestee’s showing that a conviction was overturned, or upon a showing of dismissal, acquittal, or if no charges were filed in the applicable time period. 34 U.S.C. § 12592(d). No provision requires expungement upon a convict’s completion of his/her sentence.

²⁶ Once a DNA sample is processed and put into the Combined DNA Index System, it is technically referred to as a DNA profile.

Section 1565, title 10, United States Code (2004) mandates the collection of a DNA sample from each member of the armed forces under the jurisdiction of the Secretary of Defense who is, or has been, convicted of a qualifying offense.²⁷ The DoD is required to analyze each offender DNA sample and enter the results into the FBI CODIS.

DoD Policy for DNA Sample Collection and Submissions

The DoD established policy for the collection and submission of DNA sample information to the FBI CODIS. Specifically, DoDI 5505.14, “Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations, Law Enforcement, Corrections, and Commanders,” March 9, 2017, implemented Federal law and established requirements and responsibilities for DNA collection and submission within the DoD. DoDI 5505.14 requires collecting a DNA sample on any service member investigated for a qualifying offense. It also requires the LEOs to forward the DNA samples to the USACIL for entry into the FBI CODIS.²⁸ The USACIL is responsible for conducting the DNA analyses on the DNA samples collected from military offenders and submitting the resulting DNA profiles to the FBI CODIS.

DoD DNA Sample Submissions Process

DNA samples are collected at the time of arrest or apprehension of an offender and submitted to the USACIL after probable cause has been determined that the offender committed an offense. The USACIL provides DNA collection kits to the LEOs for the collection of DNA samples. The LEO personnel collect the DNA sample from the offender when probable cause exists to believe the offender committed the offense. The LEO personnel submit the DNA collection kit to the USACIL and the USACIL personnel analyze the DNA sample to develop a DNA profile. USACIL personnel then enter the DNA profile into the FBI CODIS from an on-site CODIS computer terminal. If the USACIL rejects the DNA sample, it notifies the LEO and requests a new DNA sample be collected and submitted. The USACIL maintains a webpage that LEO personnel can access to determine the status of their DNA sample submissions.

²⁷ 10 U.S.C. § 1565, “DNA identification information: collection from certain offenders; use.” Offenses generally include any offense under the Uniform Code of Military Justice for which a sentence of confinement for more than 1 year may be imposed.

²⁸ The USACIL is the only full-service forensic laboratory in the DoD, providing forensic support to the DoD. It is responsible for conducting DNA analysis of samples collected from military arrestees and convicted offenders.

DoD DNA Sample Submission to the FBI CODIS Compliance Results

To determine whether the DoD complied with Federal law and DoDI 5505.14, we reviewed the records of Service members convicted of qualifying offenses from January 1, 2015, through February 28, 2018, that resulted in a sentence that included a dishonorable discharge or dismissal for conviction of a qualifying offense. Based on the information the Judge Advocates General (TJAG) and the Staff Judge Advocate to the Commandant of the Marine Corps provided to us, we identified 884 offenders that required DNA sample submission to the USACIL for entry into the FBI CODIS.²⁹ We verified through the USACIL whether the offender's DNA sample was entered into the FBI CODIS.

Of the 884 DNA samples that were required to be submitted to the USACIL for entry into the FBI CODIS, we determined that the DoD submitted 878 (99 percent) to the FBI. Table 12 shows the Service and LEO DNA sample numbers and submission rates for the DoD law enforcement organizations we reviewed during the current evaluation.

Table 12. DNA Sample Submission Rates

LEO	Required	Submitted	Submitted (%)
Army	431	428	99%
CID	396	394	99%
MP	35	34	97%
Navy	331	331	100%
NCIS	331	331	100%
SF	0	0	N/A
Air Force	113	111	98%
AFOSI	112	110	98%
SF	1	1	100%
Marine Corps	9	8	89%
Total	884	878	99%

Note: The Navy Security Forces, DCIS, and PFFA did not conduct any investigations resulting in a dishonorable discharge or dismissal.

Source: Service TJAGs and SJACMC, LEOs, and Army CID USACIL.

²⁹ DNA samples are only required to be submitted one time for each person, regardless of their number of arrests, investigations, convictions, or confinements. Therefore, the number of required DNA submissions is different than the number of required fingerprints and final disposition reports.

Table 13 compares the DNA sample submission rates for LEOs from previous DoD OIG evaluations on DNA sample submission compliance in 2014 and our current evaluation.

Table 13. DNA Sample Submission Compliance Rates from DoD OIG Reports

Service	2014*			2019		
	Required	Submitted	Submitted %	Required	Submitted	Submitted %
Army	1717	1579	92%	431	428	99%
Navy	466	422	91%	331	331	100%
Air Force	387	300	78%	113	111	98%
Marine Corps	920	910	99%	9	8	89%
Total	3490	3211	92%	884	878	99%

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

Source: Service TJAGs and SJACMC, LEOs, and Army CID USACIL.

We also conducted evaluations of submissions from DCIS and PFPA because they did not investigate any offenses that resulted in a dishonorable discharge or dismissal for conviction of a qualifying offense. Therefore, we examined all convicted offenders identified in DCIS investigations initiated from January 1, 2015, through February 28, 2018. We also examined all PFPA offenders that were identified in PFPA investigations initiated from January 1, 2015, through February 28, 2018.

We found that DCIS was required to submit 187 DNA samples to the USACIL for entry into the FBI CODIS. Of the 187 DNA samples that were required to be submitted to the USACIL for entry into the FBI CODIS, DCIS submitted 181 (97 percent).

We found that the PFPA did not investigate any crimes that required the PFPA to collect and submit DNA samples to the USACIL for entry into the FBI CODIS, as required by DoDI 5505.14.

The following sections discuss the submission rates for DNA samples for each of the Military Services.

The Army DNA Sample Submissions

The Army CID Took Actions to Seek to Ensure Compliance with DoDI 5505.14

In our 2014 DNA report, we found that the Army was required to submit 1,717 DNA samples to the USACIL for entry into the FBI CODIS. Of the 1,717 DNA samples that were required to be submitted to the USACIL, the Army submitted 1,579 (92 percent) of the required DNA samples to the USACIL for entry into the FBI CODIS.³⁰

During the current evaluation, we determined that the Army CID was required to submit DNA samples to the USACIL for entry into the FBI CODIS for 396 offenders who received a dishonorable discharge or dismissal from the military for conviction of a qualifying offense from January 1, 2015, through February 28, 2018. Of the 396 DNA samples that were required to be submitted to the USACIL for entry into the FBI CODIS, Army CID personnel submitted 394 (99 percent).

The Army CID did not collect and submit two of the required DNA samples. The USACIL CODIS Manager and the CID Operations Chief stated that the two DNA samples were not submitted to the USACIL for entry into the FBI CODIS because the two offenders were released from the Army before a DNA sample was collected.³¹ As a result of the offenders' release from the Army, the offenders are no longer available to provide DNA samples for collection and submission to the USACIL for entry into the FBI CODIS. However, Army CID personnel reported that:

- one DNA sample was submitted to a civilian laboratory and was uploaded to the FBI CODIS in October 2019; and
- one offender is being sought by the U.S. Marshals Service (USMS) for failing to register as a sex offender; upon his arrest, the jurisdiction where the offender ultimately registers as a sex offender should collect and submit his DNA sample to the FBI CODIS.³²

The Army CID Developed New Policies, Processes, Training, and Management Oversight Procedures

We determined that the Army CID has developed new policies, processes, training, and management oversight procedures since our 2014 DNA report that are designed to help ensure compliance with DoDI 5505.14.

³⁰ In our 2014 DNA report, our analysis did not determine the reasons why samples that should have been included in CODIS were not. Also we did not separate Army results by Army CID and Army MP.

³¹ The Army CID did not have any further explanation for why the DNA samples for these two offenders were not submitted prior to release from the military.

³² Public Law 109-248, The "Sex Offender Registration and Notification Act," July 27, 2006, requires that the jurisdiction in which a sex offender registers must ensure the sex offender's DNA sample is included in the sex offender registry.

The Army CID Policy for the Submission of DNA Samples

Specifically, we determined that the Army CID issued the following policies for the DNA submission.

- Operations Memorandum 009-18, “Combined Deoxyribonucleic Acid Index System (CODIS),” April 9, 2018, requires commanders and supervisors to ensure that annual training for the collection and submission of DNA samples is incorporated in agent’s training schedules. Furthermore, this memorandum requires the Army CID units to establish procedures to review DNA samples prior to submission to prevent deficiencies that cause a DNA sample to be rejected.
- ALCID [to All CID offices] Memorandum 015-18, “DNA Collection Requirements and Expungement Request Processing,” May 14, 2018, which places increased emphasis and urgency on collecting and submitting all DNA samples to the USACIL for entry into FBI CODIS. It also requires Army CID agents to correct and track rejected DNA samples.

The Army CID Processes for the Submission of DNA Samples

The Army CID representatives told us that prior to the Kelley incident, the Army CID did not have procedures in place to track DNA samples from collection to submission. Specifically, the Army CID personnel did not verify if the USACIL accepted the DNA sample they sent and whether the analyzed DNA profile was submitted to the FBI CODIS.

During the current evaluation, we determined that the Army CID established new mandatory fields in its ALERTS system to reconcile the USACIL DNA sample collection, acceptance, or rejection. According to Army CID personnel, they are required to document in ALERTS the DNA collection kit numbers, dates the DNA samples were taken and submitted to the USACIL, and a reason why a DNA sample was not collected and submitted to the USACIL for entry into the FBI CODIS. Finally, the Army CID certifies in ALERTS that the DNA sample was accepted by the FBI CODIS.

The Army CID Training for the Submission of DNA Samples

During the current evaluation, we determined that training for the collection and submission of DNA samples is provided during the Basic Special Agent Course at the U.S. Army Military Police School (USAMPS). Specifically, students are instructed on the proper techniques for collecting the DNA samples and for verifying that the DNA sample that was submitted to the USACIL was entered into the FBI CODIS. Additionally, the Army CID established an annual refresher training requirement for DNA collection and submission for its personnel.

The Army CID Management Oversight Procedures for the Submission of DNA Samples

During the current evaluation, we determined that the Army CID established management oversight procedures that are designed to help ensure that the DNA sample was collected and submitted to the USACIL and entered into the FBI CODIS. Specifically, according to Army CID personnel, the Army CID supervisors are required to certify in the investigative case file and ALERTS that the Army CID personnel submitted DNA samples to the USACIL for entry into the FBI CODIS. Furthermore, the Army CID personnel are required to provide written justification to the Army CID headquarters if the DNA sample that was rejected by the USACIL is not corrected and resubmitted within 30 days.

The Army CID also created mandatory fields in ALERTS that prevents closure of an investigation until an Army CID supervisor certifies in ALERTS that the DNA sample was submitted to the USACIL for entry into the FBI CODIS.

Additionally, the Army CID OIG personnel review DNA collection and submission during compliance inspections of investigative cases. Finally, the Secretary of the Army approved the hiring of 46 additional personnel, beginning in FY 2020, to manage, provide oversight, and verify compliance with criminal history information reporting requirements, including DNA sample collection and submission requirements.

The Army Military Police Took Actions to Seek to Ensure Compliance with DoDI 5505.14

In our 2014 DNA report, we found that the Army was required to submit 1,717 DNA samples to the USACIL for entry into the FBI CODIS. Of the 1,717 DNA samples that were required to be submitted to the USACIL, the Army submitted 1,579 (92 percent) of the required DNA samples to the USACIL for entry into the FBI CODIS.³³

During the current evaluation, we determined that the Army MP was required to submit DNA samples to the USACIL for entry into the FBI CODIS for 35 offenders who received a dishonorable discharge or dismissal from the military for conviction of a qualifying offense from January 1, 2015, through February 28, 2018. Of the 35 DNA samples that were required to be submitted to the USACIL for entry into the FBI CODIS, the Army MP submitted 34 (97 percent). The Army MP did not collect and submit one of the required 35 DNA samples. We asked the Army MP

³³ In our 2014 DNA report, our analysis did not determine the reasons why samples that should have been included in the FBI CODIS were not. Also we did not separate Army results by Army CID and Army MP.

why the one DNA sample was not submitted to the USACIL for entry into the FBI CODIS. The Army Installation Management Command Provost Marshal/Protection (PM/P) Directorate representative stated that the Army failed to obtain the offender's DNA sample before the offender was discharged and the Army no longer has the legal authority to collect his DNA.³⁴

The Army MP Developed New Policies, Processes, Training, and Management Oversight Procedures

We determined that, although the Army MP did not accomplish 100 percent compliance with DoDI 5505.14, the Army MP implemented new policies, processes, training, and management oversight procedures since our 2014 DNA report that are designed to help ensure compliance with DoDI 5505.14

The Army MP Policy for the Submission of DNA Samples

During the current evaluation, we found the Army MP issued the following policies for the DNA sample submission.

- Operations Order 18-033, "[Installation Management Command] IMCOM Support to Army's Action Plan to Address Challenges in Reporting of Criminal Information," December 20, 2017, which emphasizes the requirement to submit DNA samples to the FBI CODIS.
- Operations Order 18-075, "IMCOM Support to Army's Action Plan to Address Challenges in Reporting of Criminal Information," April 12, 2018, which requires an installation commander to provide monthly quality assurance reports to IMCOM headquarters personnel to certify the installation's Army MP compliance with DNA sample submission requirements.

The Army MP Processes for the Submission of DNA Samples

During the current evaluation, we determined that the Army MP developed new procedures for its DNA sample collection and submission process. According to Army MP personnel, the Army MP personnel are required to use the new mandatory fields in ALERTS to document the collection and submission of DNA samples to the USACIL for entry into FBI CODIS. Specifically, Army MP personnel are now required to document the DNA collection kit numbers, the dates the DNA samples were taken and submitted to the USACIL, and a reason why a DNA sample was not collected and submitted to the USACIL for entry into the FBI CODIS.

³⁴ The Army MP did not have any further explanation why the DNA sample for this offender was not submitted prior to release from the military. This Service member was convicted for being absent without leave, a military offense. Since the offense does not require sex offender registration at the state level, there is no expectation that his DNA sample would be collected and submitted by a state or local sex offender registration office.

The Army MP Training for the Submission of DNA Samples

During the current evaluation, we determined that Army MP personnel receive on-the-job training at their unit for collection and submission of DNA samples using training developed by the USACIL. We reviewed the training and determined that it provided procedures for the collection and submission of DNA samples to the USACIL for entry into the FBI CODIS.

The Army MP Management Oversight Procedures for the Submission of DNA Samples

During the current evaluation, we determined that the Army MP supervisors are now required to certify in the ALERTS that the DNA samples were submitted to the USACIL for entry into the FBI CODIS. Furthermore, the case file cannot be closed until the supervisor certifies in ALERTS that the DNA sample has been submitted to the USACIL for entry into the FBI CODIS.

Additionally, according to Army MP personnel, the IMCOM headquarters personnel perform monthly quality control checks to verify compliance with DNA submission requirements. Specifically, every month, IMCOM headquarters personnel receive a list of DNA sample submissions to the USACIL that identifies whether the DNA sample was accepted and rejected. The IMCOM headquarters personnel then distribute this list to the installations to help ensure that rejected DNA samples are corrected in a timely manner.

The Navy DNA Sample Submissions

The NCIS Took Actions to Seek to Ensure Compliance with DoDI 5505.14

In our 2014 DNA report, we found that the Navy was required to collect and submit 466 DNA samples to the USACIL for entry into the FBI CODIS. Of the 466 DNA samples that were required to be submitted to the USACIL, the Navy submitted 422 (91 percent) of the required DNA samples to the USACIL for entry into the FBI CODIS.³⁵

During the current evaluation, we found that the NCIS was required to submit DNA samples to the USACIL for entry into the FBI CODIS for 331 offenders who received a dishonorable discharge or dismissal from the military for conviction of a qualifying offense from January 1, 2015, through February 28, 2018. Of the 331 DNA samples that were required to be submitted to the USACIL for entry into the FBI CODIS, NCIS submitted all 331 (100 percent).

³⁵ In our 2014 DNA report, our analysis did not determine the reasons why samples that should have been included in the FBI CODIS were not. Also we did not separate Navy results by NCIS and Navy Security Forces.

The NCIS Developed New Policies, Processes, Training, and Management Oversight Procedures

We determined that the NCIS has developed new policies, processes, training, and management oversight procedures that are designed to help ensure compliance with DoDI 5505.14, which we discuss in the following subsections.

The NCIS Policy for the Submission of DNA Samples

During the current evaluation, we found that the NCIS issued GENADMIN 11C-0028, NCIS Policy Document 17-04, “Operational Submitting Fingerprints to Enroll into the Federal Bureau of Investigation’s Integrated Automated Fingerprint Identification System,” December 5, 2017. This GENADMIN clarified NCIS policy for the collection and submission of DNA samples to the USACIL for entry into the FBI CODIS.

The NCIS Processes for the Submission of DNA Samples

During the current evaluation, we determined that the NCIS processes and procedures for collecting and submitting DNA samples to the USACIL for entry into the FBI CODIS were consistent with DoDI 5505.14. For example, according to NCIS personnel, NCIS personnel submit the DNA samples to the USACIL for entry into the FBI CODIS immediately after the sample is collected. NCIS personnel then document the DNA collection kit number in the case file.

The NCIS Training for the Submission of DNA Samples

During the current evaluation, we found that the NCIS personnel provided training to Special Agent Basic Training students at the FLETC for the collection and submission of DNA samples. Additionally, NCIS personnel receive on-the-job-training for collecting and submitting DNA samples upon arrival at their duty station.

The NCIS Management Oversight Procedures for the Submission of DNA Samples

During the current evaluation, we determined that the NCIS headquarters created the Criminal Justice Information Division (CJID), an oversight division within the NCIS that reviews and validates criminal justice information submitted to the FBI CODIS. Moreover, the CJID provides management oversight and quality control of the collection and submission of DNA samples for all Navy and Marine Corps investigative and law enforcement criminal history information.

Furthermore, according to NCIS personnel, the NCIS supervisors are now required to review all case files monthly and verify that DNA samples were collected and submitted to the USACIL for entry into the FBI CODIS. Additionally, the NCIS established a USACIL liaison position and an NCIS headquarters program manager who are responsible for tracking whether DNA samples were accepted or rejected by the USACIL. In the event a DNA sample is rejected, the NCIS USACIL liaison notifies the case agent and the NCIS headquarters program manager with the details about the rejection, and the case agent and the program manager ensure that the rejected DNA samples are corrected in a timely manner.

The NCIS Special Agents in Charge and Assistant Special Agents in Charge review investigative case files during the Manager's Internal Control inspections to determine whether a DNA sample was collected and submitted to the FBI CODIS. Lastly, the NCIS headquarters added DNA collection and submission compliance to the NCIS OIG compliance inspections.

The Navy Security Forces Did Not Take Actions to Seek to Ensure Compliance with DoDI 5505.14

In our 2014 DNA report, we found that the Navy was required to submit 466 DNA samples to the USACIL for entry into the FBI CODIS. Of the 466 DNA samples that were required to be submitted to the USACIL, the Navy submitted 422 (91 percent) of the required DNA samples to the USACIL for entry into the FBI CODIS.³⁶

During the current evaluation, we determined that the Navy Security Forces did not investigate any crimes which resulted in a dishonorable discharge or dismissal for conviction of a qualifying offense from January 1, 2015, through February 28, 2018.³⁷ Furthermore, the USACIL DNA CODIS Program Manager stated that, although DNA collection kits were sent to Navy Security Forces units, the USACIL did not receive any DNA sample submissions from the Navy Security Forces. Navy Security Forces unit personnel stated they did not collect and submit DNA samples to the USACIL for entry into the FBI CODIS.³⁸

The Navy Security Forces personnel stated that they were not aware of the requirement to collect DNA samples and had not received any guidance from

³⁶ In our 2014 DNA report, our analysis did not determine the reasons why samples that should have been included in CODIS were not. Also, we did not separate Navy results by NCIS and Navy Security Forces.

³⁷ Navy Security Forces personnel are assigned to the Commander, Navy Installations Command (CNIC), and typically investigate misdemeanor crimes in the Navy, such as petty theft and traffic crimes. Although Navy Security Forces did not investigate any offenses that resulted in a dishonorable discharge or dismissal which required DNA sample submission to the USACIL, the Navy Security Forces is responsible for submitting DNA samples for offenders convicted of offenses such as theft and assault. Therefore, we evaluated Navy Security Forces policies, processes, training, and management oversight for DNA collection and submission to the USACIL.

³⁸ In our 2017 fingerprint report, we recommended that the Secretary of the Navy ensure that other required investigative and criminal history information, such as criminal incident data and Deoxyribonucleic Acid (DNA) samples, have been submitted for inclusion in FBI databases. In a July 3, 2018, memorandum, the CNIC Commander told us that the CNIC had not yet determined the scope of the DNA issue.

CNIC headquarters on how to collect and submit DNA samples. Furthermore, the Navy Security Forces personnel told us that they believed that NCIS collected and submitted all DNA samples. Additionally, the CNIC personnel also told us that the CNIC did not establish policy, processes, training, or management oversight procedures for DNA sample collection and submission. As a result, we determined that the Navy Security Forces did not collect and submit DNA samples to the USACIL for entry into FBI CODIS as required by DoDI 5505.14.

The Navy Security Forces Did Not Have Policies, Processes, Training, and Management Oversight Procedures

We determined that the Navy Security Forces did not collect and submit DNA samples as mandated by DoDI 5505.14 or develop the required policies, training, and management oversight procedures since our 2014 DNA report to ensure compliance with DoDI 5505.14.

The Navy Security Forces Did Not Have Policy for the Submission of DNA Samples

During the current evaluation, we found that the Navy Security Forces did not have policy that required Navy Security Forces to collect and submit DNA samples to the USACIL as required by DoDI 5505.14.

We interviewed the CNIC personnel and the CNIC OIG representatives regarding the lack of policy for Navy Security Forces personnel to collect and submit DNA samples to the USACIL for entry into the FBI CODIS. The CNIC personnel stated that a draft policy was being staffed and Navy Security Forces DNA sample collection and submission requirements would be included in the future CNICINST 5530.14B and NTTP 03-07.2.3 (Law Enforcement). We asked CNIC personnel and CNIC OIG personnel if we could review the draft DNA sample collection and submission policy; however, the CNIC personnel did not provide the draft policy for our review.

The Navy Security Forces Did Not Have a Process for the Submission of DNA Samples

During the current evaluation, we found that the Navy Security Forces did not have a process for the collection and submission of DNA samples to the USACIL for entry into the FBI CODIS.

The Navy Security Forces Did Not Have Training for the Submission of DNA Samples

During the current evaluation, we found that training for DNA sample collection and submission was not provided for Navy Security Forces personnel at the Master-at-Arms (MA) “A” school, Lackland Air Force Base, San Antonio, Texas.³⁹

The Navy Security Forces Did Not Have Management Oversight Procedures for the Submission of DNA Samples

During the current evaluation, we determined that Navy Security Forces did not establish management oversight procedures of DNA collection and submission to the USACIL for entry into the FBI CODIS.

The Air Force DNA Sample Submissions

The AFOSI Took Actions to Seek to Ensure Compliance with DoDI 5505.14

In our 2014 DNA report, we found that the Air Force was required to submit 387 DNA samples to the USACIL for entry into the FBI CODIS. Of the 387 DNA samples that were required to be submitted to the USACIL, the Air Force submitted 300 (78 percent) of the required DNA samples to the USACIL for entry into the FBI CODIS.⁴⁰

During the current evaluation, we determined that the AFOSI was required to submit DNA samples to the USACIL for entry into the FBI CODIS for 112 offenders who received a dishonorable discharge or dismissal from the military for conviction of a qualifying offense from January 1, 2015, through February 28, 2018. Of the 112 samples that were required to be submitted to the USACIL for entry into the FBI CODIS, the AFOSI submitted 110 (98 percent).

We asked the AFOSI personnel why the two DNA samples were not submitted to the USACIL for entry into the FBI CODIS. They told us DNA samples were collected for both offenders. However, the USACIL rejected one of the two DNA samples as it did not contain enough material to obtain a DNA profile. The AFOSI was not notified of the rejection until after the offender was already discharged from the Air Force. For the second missing DNA sample, the offender’s confinement order documented that a DNA sample was collected by AFOSI, but the USACIL had no

³⁹ The MA school trains sailors for force protection, antiterrorism, law enforcement, and physical security duties.

⁴⁰ In our 2014 DNA report, our analysis did not determine the reasons why samples that should have been included in the FBI CODIS were not. Also we did not separate Air Force results by AFOSI and AF Security Forces.

record of receiving it and the AFOSI personnel could not explain why it was not entered into the FBI CODIS.⁴¹ The AFOSI personnel stated that both offenders have been discharged from the Air Force and cannot be compelled to provide DNA samples for submission to the USACIL for entry into the FBI CODIS.⁴²

The AFOSI Developed New Policies, Processes, Training, and Management Oversight Procedures

We determined that the AFOSI has developed new policies, processes, training, and management oversight procedures that are designed to help ensure compliance with DoDI 5505.14, which we discuss in the following subsections.

The AFOSI Policy for the Submission of DNA Samples

During the current evaluation, the AFOSI issued the following policies for the submission of DNA samples.

- AFOSI Guidance Memorandum 2018-11 to AFOSI Manual 71-121, “Processing and Reporting Investigative Matters,” March 23, 2018, which updated the “AFOSI Closed Case Investigation File Checklist,” to include procedures to verify that DNA samples are submitted to the USACIL for entry into the FBI CODIS, as required by DoDI 5505.14.
- “Decision Guide and Three Tier Verifications for Fingerprints (Criminal History Data) and DNA (CODIS) Taken from Subjects of AFOSI Investigations,” April 19, 2018, is a step-by-step guide that describes the process for agents to use when collecting and submitting DNA samples to the USACIL for entry into the FBI CODIS. The guide also requires supervisory reviews and lists that demonstrate different offense requirements for fingerprints and DNA samples.

The AFOSI Processes for the Submission of DNA Samples

During the current evaluation, we determined that AFOSI personnel perform post-investigation CODIS queries to help ensure that DNA samples were received by the USACIL and entered into the FBI CODIS. According to AFOSI personnel, the AFOSI personnel must also attach the USACIL CODIS verification report to the report of investigation and upload it to the AFOSI case management system.

⁴¹ Each Service has appointed its CJIS Systems Officer, who monitors systems use, enforces system discipline and security, and assures that CJIS operating procedures are followed by all users.

⁴² One of these Service members was convicted of aggravated sexual contact and sexual assault. Therefore, his DNA should have been collected and submitted by a state or local sex offender registration office. The other Service member was convicted of desertion. Since desertion does not require state sex offender registration, there is no expectation that his DNA sample would be collected and submitted by a state or local sex offender registration office.

The AFOSI Training for the Submission of DNA Samples

During the current evaluation, we determined that the AFOSI and the Air Force Special Investigations Academy (USAFSIA), located at the FLETC, developed training that instructs the proper collection and submission for DNA samples. In addition, the AFOSI requires annual DNA sample collection and submission refresher training for its personnel.

The AFOSI Management Oversight Procedures for the Submission of DNA Samples

During the current evaluation, we determined that AFOSI implemented new management oversight procedures. According to AFOSI personnel, the AFOSI created mandatory fields in the AFOSI's case management system, Web Investigative Information System (WI2MS) that require the AFOSI field and region leadership to certify that the DNA sample was submitted to the USACIL for entry into FBI CODIS.

Additionally, the AFOSI developed a CODIS spreadsheet that identifies whether DNA samples were accepted or rejected by USACIL. Furthermore, the AFOSI Forensic Science Program Manager is now the AFOSI liaison that coordinates directly with the USACIL and the AFOSI personnel to help ensure that rejected DNA samples are resubmitted in a timely manner.

Finally, the AFOSI OIG personnel also review the AFOSI DNA sample submissions during the AFOSI OIG compliance inspections of case files which are conducted on a 24- to 36-month cycle. The AFOSI OIG provides compliance inspection results directly to the Air Force OIG personnel to demonstrate the AFOSI compliance with DoDI 5505.14.

The Air Force Security Forces Took Actions to Seek to Ensure Compliance with DoDI 5505.14

In our 2014 DNA report, we found that the Air Force was required to submit 387 DNA samples to the USACIL for entry into the FBI CODIS. Of the 387 DNA samples that were required to be submitted to the USACIL, the Air Force submitted 300 (78 percent) of the required DNA samples to the USACIL for entry into the FBI CODIS.⁴³

⁴³ In our 2014 DNA report, our analysis did not determine the reasons why samples that should have been included in the FBI CODIS were not. Also we did not separate Air Force results by AFOSI and AF Security Forces.

During the current evaluation, we determined that the Air Force Security Forces was required to submit 1 DNA sample to the USACIL for entry into the FBI CODIS for the 1 offender who received a dishonorable discharge or dismissal from the military for conviction of a qualifying offense from January 1, 2015, through February 28, 2018. The Air Force Security Forces submitted the 1 (100 percent) required DNA sample to the USACIL for entry into the FBI CODIS.

The Air Force Security Forces Developed New Policies, Processes, Training, and Management Oversight Procedures

We determined that the Air Force Security Forces has developed new policies, processes, training, and management oversight procedures that are designed to help ensure compliance with DoDI 5505.14, which we discuss in the following subsections.

The Air Force Security Forces Policy for the Submission of DNA Samples

During the current evaluation, the Air Force Security Forces issued the following interim policies for the submission of DNA samples.

- Air Force Guidance Memorandum 2017-01 to AFI 31-118, “Security Forces Standard Procedures,” December 21, 2017, which requires the Air Force Security Forces personnel to submit DNA samples to the USACIL for entry into the FBI CODIS when Security Forces personnel determine, in conjunction with the servicing SJA or legal advisor, that probable cause exists to believe the person has committed an offense listed in DoDI 5505.14.
- Air Force Guidance Memorandum 2018-01 to AFI 31-118, “Security Forces Standard and Procedures,” December 18, 2018, added flowcharts and checklists that illustrate the DNA collection and submission process. The guidance memorandum also requires the Air Force Security Forces squadron commanders to conduct monthly compliance reviews and report the results to their respective headquarters command and the AFSFC.

The Air Force Security Forces Processes for the Submission of DNA Samples

During the current evaluation, we determined that the Air Force Security Forces developed new procedures for its DNA sample collection and submission process. According to Air Force Security Forces personnel, the Air Force Security Forces personnel are required to document the date the sample was submitted and

the DNA collection kit number in their case management system and in the “Fingerprinting & DNA Compliance Reporting Tool” database, certifying that the DNA sample submission was successful.⁴⁴

The Air Force Security Forces Training for the Submission of DNA Samples

During the current evaluation, we determined that the Air Force Security Forces Academy located in San Antonio, Texas, developed training for its students that includes training for collecting and submitting DNA samples to the FBI CODIS. In addition, the Air Force Security Forces Center requires annual DNA sample collection and submission refresher training for its personnel.

The Air Force Security Forces Management Oversight Procedures for the Submission of DNA Samples

During the current evaluation, we determined that the Air Force Security Forces implemented new management oversight procedures. Specifically, we found that the Air Force Security Forces created a review process for the unit, major command, and AFSFC leadership personnel to verify that DNA samples were submitted to the USACIL for entry into the FBI CODIS. According to Air Force Security Forces personnel, Air Force Security Forces personnel and supervisors are now required to use an updated checklist that includes DNA sample collection and submission to the USACIL for entry into the FBI CODIS. Furthermore, the Air Force Security Forces supervisors and squadron commanders are required to verify that DNA samples were collected and submitted to the USACIL for entry into the FBI CODIS prior to case closure.

In addition, Air Force Security Forces also appointed two AFSFC personnel to serve as the USACIL liaison representatives. The AFSFC liaison representatives coordinate directly with the USACIL and the Air Force Security Forces personnel to help ensure that rejected DNA samples are resubmitted in a timely manner.

⁴⁴ The Air Force Security Forces Center developed a database in December 2017 that tracks arrests, fingerprinting, DNA collection, FBI and transaction control number, and the disposition of cases.

The Marine Corps DNA Submissions

The Marine Corp LEOs Took Actions to Seek to Ensure Compliance with DoDI 5505.14

In our 2014 DNA report, we found that the Marine Corps LEOs were required to submit 920 DNA samples to the USACIL for entry into the FBI CODIS. Of the 920 DNA samples that were required to be submitted to the USACIL, the Marine Corps LEOs submitted 910 (99 percent) of the required DNA samples to the USACIL for entry into the FBI CODIS.⁴⁵

During the current evaluation, we found that the Marine Corps LEOs were required to submit DNA samples to the USACIL for entry into the FBI CODIS for nine offenders who received a dishonorable discharge or dismissal from the military for conviction of a qualifying offense from January 1, 2015, through February 28, 2018. Of the nine DNA samples that were required to be submitted to the USACIL for entry into the FBI CODIS, the Marine Corps LEOs submitted 8 (89 percent). The Marine Corps LEOs did not collect and submit 1 of the required nine DNA samples. We asked the Marine Corps LEO personnel why the DNA sample was not submitted to the FBI CODIS.⁴⁶ The Marine Corps LEO personnel could not explain why the Marine Corps LEO did not collect and submit the DNA sample. As a result of the offender's release from the Marine Corps, the offender is no longer available to provide DNA samples for collection and submission to the USACIL for entry into the FBI CODIS.

The Marine Corps LEOs Developed New Policies, Processes, Training, and Management Oversight Procedures

We determined that although the Marine Corps LEOs did not accomplish 100-percent compliance with DoDI 5505.14, the Marine Corps LEOs implemented new policies, processes, training, and management oversight procedures since our 2014 DNA report that are designed to help ensure compliance with DoDI 5505.14.

⁴⁵ In our 2014 DNA report, our analysis did not determine the reasons why samples that should have been included in the FBI CODIS were not.

⁴⁶ This Service member was convicted of fraternization, adultery, and conduct unbecoming. Since none of these offenses require sex offender registration, there is no expectation that his DNA sample would be collected and submitted by a state or local sex offender registration office.

The Marine Corps LEO Policy for the Submission of DNA Samples

During the current evaluation, the Marine Corp LEOs issued the following policies for the collection and submission of DNA samples.

- GENADMIN 001-18, “Collection, Submission, and Oversight of Criminal Fingerprints and Subject DNA,” March 9, 2018, which provided detailed guidance for the Marine Corps LEOs to collect and submit DNA samples to the USACIL for entry into the FBI CODIS and provide documentation in the case file.
- Marine Corps Bulletin 5810, “Criminal Justice Information Reporting Requirements and Guidance,” August 30, 2018, which emphasizes the requirement for the Marine Corps LEOs to submit DNA samples to the USACIL for entry into the FBI CODIS.

The Marine Corps LEO Processes for the Submission of DNA Samples

During the current evaluation, we determined that the Marine Corps LEOs document in the case file the DNA collection kit number, name of the offender, name of the Marine Corps LEO personnel that collected the DNA sample, and the date the DNA sample was collected and submitted to the USACIL.

The Marine Corps LEO Training for the Submission of DNA Samples

During the current evaluation, we determined that Marine Corps LEOs receive on-the-job training at their home station for collection and submission of DNA samples to the USACIL for entry into the FBI CODIS. Additionally, the Marine Corps LEO established annual refresher training for DNA collection and submission for its personnel.

The Marine Corps LEO Management Oversight Procedures for the Submission of DNA Samples

During the current evaluation, we determined that the NCIS headquarters created the Criminal Justice Information Division (CJID), an oversight division within the NCIS that reviews and validates criminal justice information submitted to the FBI CODIS. In addition, the CJID provides management oversight procedures and quality control of the collection and submission of DNA samples for all Marine Corps investigative and law enforcement criminal history information.

Additionally, according to Marine Corps personnel, the Marine Corps LEO leadership at the Marine Corps LEO units are required to certify in the case files that the DNA sample was collected and submitted to the USACIL for entry into FBI CODIS prior to closing an investigation. At a minimum, the CID OIC and the Chief Criminal Investigator annotate DNA collection data within the case notes.

Furthermore, Marine Corps LEOs are required to conduct an annual review of the DNA collection and submission requirements in GENADMIN 001-18 to ensure currency in both policy and practice.

The Defense Criminal Investigative Service DNA Sample Submissions

In our 2014 report, we did not evaluate whether the DCIS complied with DNA collection and submission requirements in DoDI 5505.14. During the current evaluation, we determined that the DCIS did not conduct any investigations that resulted in dishonorable discharges or dismissals for conviction of a qualifying offense. Therefore, to assess DCIS compliance, we tested all convicted offenders identified in DCIS investigations initiated from January 1, 2015, through February 28, 2018. We found that the DCIS was required to submit or document the submission of 187 DNA samples to the USACIL for entry into the FBI CODIS. We determined that 181 of 187 (97 percent) DNA samples of DCIS convicted offenders were submitted into the FBI CODIS.

We asked DCIS personnel why the other 6 DNA samples were not collected and submitted to the USACIL or documented in its case files as submitted by their joint investigation partner. The DCIS personnel told us that they routinely rely on their joint investigation partners, such as the FBI or the U.S. Marshals Service, to collect and submit DNA samples to the FBI CODIS. However, DoDI 5505.14 requires that, “DoD LEOs will document in the appropriate case file when civilian law enforcement organizations handle any part of the DNA processing and whether the civilian law enforcement agency forwarded the DNA sample to the FBI laboratory.” The DCIS personnel told us that they document in the case file the organization responsible for submitting DNA samples to the FBI CODIS. We asked the DCIS personnel to verify that the joint investigation partner responsible for submitting the 6 DNA samples to the FBI CODIS was documented in the DCIS case files. DCIS personnel determined they could not collect and submit a DNA sample on one offender because he was released from confinement and government control and was no longer available to provide another DNA sample. DCIS personnel told us that they verified their joint investigation partners did not collect and submit the remaining 5 DNA samples to the FBI CODIS. However, the DCIS personnel have developed a corrective plan to obtain DNA samples from the remaining 5 offenders when they appear in court for sentencing.

The DCIS Developed New Policies, Processes, Training, and Management Oversight Procedures

We determined that the DCIS has developed new policies, processes, training, and management oversight procedures that are designed to help ensure compliance with DoDI 5505.14, which we discuss in the following subsections.

The DCIS Policy for the Submission of DNA Samples

During the current evaluation, the DCIS updated its Special Agent Manual (SAM) Chapter 20, “Arrests, DNA, Fingerprints, Criminal History Disposition Reporting,” July 27, 2018, which prescribes the DCIS policies and procedures for the DNA sample collection and submission to comply with DoD 5505.14. The SAM requires the DCIS personnel to collect DNA samples and submit them to the USACIL for entry into the FBI CODIS. However, if other joint investigation partners, such as an MCIO, the FBI, another OIG, or U.S. Marshals Service is the lead agency or DCIS has an agreement with the other joint investigation partners to collect DNA samples, then that other joint investigation partner submits the DNA sample to the USACIL or directly to the FBI CODIS. Additionally, the DCIS personnel document that the joint investigation partner collected and submitted the DNA sample and the date it was submitted in the DCIS Case Reporting Information Management System (CRIMS).

The DCIS Processes for the Submission of DNA Samples

During the current evaluation, we determined that DCIS personnel developed a process to collect and submit DNA samples to the USACIL for entry into FBI CODIS. Specifically, according to DCIS personnel, DCIS personnel collect DNA samples from offenders and then submit the DNA samples to the USACIL for entry into the FBI CODIS. If a joint investigation partner collected the DNA sample, DCIS personnel document the organization that collected and submitted the DNA sample and the date it was submitted in the CRIMS.

The DCIS Training for the Submission of DNA Samples

During the current evaluation, we determined that the DCIS provided training to DCIS supervisors on how to properly collect and submit DNA samples to the USACIL for entry into the FBI CODIS. Additionally, the DCIS conducted five training sessions with personnel from each of the DCIS offices to explain the policies and procedures associated with DNA sample collection and submission to the USACIL for entry into the FBI CODIS.

The DCIS Management Oversight Procedures for the Submission of DNA Samples

During the current evaluation, we determined that the DCIS implemented management oversight procedures. Specifically, the DCIS created data fields in CRIMS to track the collection and submission of DNA samples to the USACIL for entry into the FBI CODIS. According to DCIS personnel, DCIS supervisors are required to complete case file reviews every six months and verify that the collection and submission of DNA samples to the USACIL for entry into the FBI CODIS. Additionally, the DCIS updated its case file and CRIMS checklists to include verification requirements for DNA sample submissions. These checklists are used by DCIS supervisors during investigation closure and case file reviews to help ensure that DNA samples are submitted to the USACIL for entry into the FBI CODIS.

Furthermore, each fiscal year, the DCIS headquarters personnel conduct an annual review of a select group of open DCIS investigations to verify special agents' compliance with the DCIS policies, including DNA sample collection and submission. In addition, the DCIS implemented a two-tier inspection program that includes both self-inspections and management verification, which are completed on a triennial basis. These inspections use checklists that include DNA sample collection and submission to the USACIL for entry into the FBI CODIS.

The Pentagon Force Protection Agency DNA Sample Submissions

In our 2014 report, we did not evaluate whether PFPA complied with DNA sample collection and submission requirements in DoDI 5505.14. During the current evaluation, we determined that PFPA did not investigate any crimes that resulted in a dishonorable discharge or dismissal for conviction of a qualifying offense from January 1, 2015, through February 28, 2018. Therefore, to assess PFPA compliance, we tested all offenders identified in PFPA investigations initiated from January 1, 2015, through February 28, 2018. Our evaluation determined that the PFPA did not investigate any crimes that required the PFPA to collect and submit DNA samples to the USACIL for entry into the FBI CODIS, as required by DoDI 5505.14. However, the PFPA Threat Management Director told us that the PFPA was aware of the DoD policy and had DNA sample collection kits on hand but previously did not have internal policy that required DNA sample collection and submission to the FBI CJIS Division.

The PFPA Developed New Policies, Processes, Training, and Management Oversight Procedures

We determined that the PFPA has developed new policies, processes, training, and management oversight procedures that are designed to help ensure compliance with DoDI 5505.14.

The PFPA Policy for the Submission of DNA Samples

During the current evaluation, we determined that the PFPA issued the following policies for the DNA submissions.

- PFPA Pentagon Police Directorate (PPD) Operations Division Instruction 53, “DNA Collection Procedures for Qualifying Criminal Offenses,” March 16, 2018, prescribes procedures for the collection of DNA and requires PFPA police officers to collect DNA samples from arrestees for qualifying offenses and store it in an evidence locker. However, PPD Operations Division Instruction 53 does not address submitting DNA samples to the USACIL for entry into the FBI CODIS.⁴⁷
- Memorandum for Distribution, Subject: PFPA Threat Management Unit (TMU), Operating Instruction Number 8, “Deoxyribonucleic Acid (DNA) Collection Procedures for Qualifying Criminal Offenses Involved in Criminal Investigations,” August 30, 2018, prescribes policy and procedures for DNA collection and submission when processing a suspect at the Pentagon Police Division Court Liaison office. The PFPA TMU Operating Instruction Number 8 requires the PFPA special agents to collect and submit DNA samples to the USACIL for entry into the FBI CODIS.

The PFPA Processes for the Submission of DNA Samples

During the current evaluation, we determined that the PFPA implemented two processes for the collection and submission of DNA, one for its police officers and another for special agents.

- The PFPA police officers are required to collect DNA samples and prepare the DNA sample collection card. They are also required to maintain a copy of the DNA collection card in the PFPA Records Management System and then store the DNA sample in an evidence locker. The PFPA evidence custodian then submits collected DNA samples to the USACIL for entry into the FBI CODIS.

⁴⁷ On September 12, 2019, the PFPA updated PFPA PPD Operations Instruction 65, “Evidence Management and Storage Procedures,” which superseded PFPA PPD Operations Division Instruction 53 and requires the evidence custodian to submit DNA samples to the USACIL for entry into the FBI CODIS.

- The PFPA special agents are required to collect the DNA sample and request the PPD evidence custodian submit the DNA sample to the USACIL. However, there was not a process for the evidence custodian to submit the DNA sample to the USACIL for entry into the FBI CODIS.

The PFPA Training for the Submission of DNA Samples

During the current evaluation, we determined that the PFPA developed the following training for both its police officers and special agents.

- PFPA police officers receive initial training during the Uniformed Police Training Program located at the FLETC, which includes instruction on DNA sample collection and submission. In addition, PFPA police officers receive DNA sample collection and submission refresher training every 3 years at their duty station.
- PFPA special agents receive initial training during the Criminal Investigator Training Program (CITP), located at FLETC, which includes instruction on DNA collection and submission. In addition, PFPA special agents receive DNA sample collection and submission refresher training every 3 years at their duty station.

The PFPA Management Oversight Procedures for the Submission of DNA Samples

During the current evaluation, we determined that the PFPA implemented management oversight procedures. Specifically, according to PFPA personnel, the PFPA supervisors are now required to complete case file reviews to help ensure compliance with DNA sample collection and submission requirements. Additionally, the PFPA personnel told us they will now use the PFPA “Court Liaison Case File Tracking Sheet” to review case files to help ensure that DNA sample collection and submission requirements are completed.

Other DoD Components with LEOs That Do Not Collect and Submit DNA Sample Submissions to the FBI CODIS

During this evaluation, we determined that the National Security Agency, Defense Intelligence Agency, Defense Logistics Agency, National Reconnaissance Office, and National Geospatial Intelligence Agency have LEO personnel that do not collect or submit DNA samples to the USACIL for entry into the FBI CODIS. These LEO personnel do not conduct criminal investigations and instead refer criminal allegations to a DCIO or other law enforcement organization. Therefore, the LEO personnel do not submit DNA to the USACIL for entry into the FBI CODIS.

Conclusion

In sum, we concluded that the Army, Air Force, and Marine Corps LEOs and NCIS are generally complying with DoDI 5505.14 by submitting the required DNA samples to the USACIL for entry into the FBI CODIS. Specifically, our evaluation identified a total of 884 offenders convicted of an offense that resulted in a sentence including a dishonorable discharge or dismissal for conviction of a qualifying offense whose DNA samples were required to be submitted by LEOs to the USACIL for entry into the FBI CODIS. We determined that the Army, Air Force, and Marine Corps LEOs and NCIS submitted 878 (99 percent) of 884 DNA samples that were required to be submitted to the USACIL for entry into the FBI CODIS.

We determined that 181 of 187 (97 percent) DNA samples of DCIS convicted offenders were submitted into the FBI CODIS. One offender is no longer under Government control and is not available to provide a DNA sample. The DCIS personnel have developed a corrective plan to obtain DNA samples from the remaining 6 offenders when they appear in court for sentencing.

We also determined that the PFPA did not investigate any crimes that required collection and submission of DNA samples to the USACIL for entry into the FBI CODIS. The PFPA Threat Management Director told us that the PFPA was aware of the DoD policy and has implemented policy that requires DNA sample collection and submission to the USACIL for entry into the FBI CODIS.

We determined that the LEOs have implemented new policies, processes, training, and management oversight procedures that are designed to help ensure DNA samples are collected and submitted to the USACIL for entry into the FBI CODIS. For example, the:

- Army LEOs established new mandatory ALERTS fields including supervisory certifications that the DNA sample was submitted to the USACIL, updated its training, and established requirements for USACIDC Office of Inspector General or IMCOM reviews to validate the DNA samples were submitted to the USACIL;
- NCIS established annual DNA collection and submission training, supervisory reviews, NCIS headquarters program manager oversight, and NCIS OIG inspections;
- Air Force LEOs established new step-by-step guides for DNA collection and submission, updated its training, and implemented leadership reviews and certifications;
- Marine Corps LEOs established new policies for DNA sample collection and submission, annual home station DNA refresher training, and management oversight procedures, updated its checklists, and established Marine Corps OIG compliance inspections;

- DCIS updated its policies and processes to submit DNA to the USACIL, implemented training for DNA collection and submission, and implemented leadership reviews and certifications; and
- PFPA established policies and processes to submit DNA to the USACIL, training for DNA collection and submission, and leadership reviews and certifications.

Furthermore, the Navy Security Forces was not submitting DNA samples to the USACIL for entry into the FBI CODIS. Additionally, the Navy Security Forces did not establish policy, processes, training, or management oversight procedures for DNA sample collection and submission to the USACIL for entry into the FBI CODIS. Lastly, PFPA did not collect and submit DNA samples to the USACIL for entry into the FBI CODIS as required by DoD 5505.14.

Recommendations, Management Comments, and Our Reponse

Recommendation 2

We recommend that the Secretary of the Army take prompt action to submit the two missing Army Criminal Investigation Command DNA samples and the one missing Army Military Police DNA sample to the U.S. Army Criminal Investigation Laboratory for entry into the Federal Bureau of Investigation Combined DNA Index System as required by DoDI 5505.14.

Secretary of the Army

The Provost Marshal General, responding for the Secretary of the Army, agreed with the recommendation stating that:

- one DNA sample was submitted to a civilian laboratory and the state that collected the DNA sample submitted it to the FBI CODIS in October 2019;
- one offender is being sought by the USMS for failing to register as a sex offender and, upon his arrest, the jurisdiction where the offender ultimately registers as a sex offender should collect and submit his DNA sample to the FBI CODIS; and
- one offender was discharged and the Army no longer has the legal authority to collect the DNA sample.

Our Response

Comments from the Provost Marshal General addressed all specifics of the recommendation; therefore, the recommendation is closed. We believe the Army has pursued all possible avenues to collect the missing DNA samples. The offenders we identified as not having DNA samples in the FBI CODIS have since been discharged from the Army and are no longer subject to the Uniform Code of Military Justice nor within the legal or investigative jurisdiction of the Army's law enforcement organizations.

Recommendation 3

We recommend that the Secretary of Navy take prompt action to:

- a. Direct the Navy Security Forces to collect and submit DNA samples to the U.S. Army Criminal Investigation Laboratory for entry into the Federal Bureau of Investigation Combined DNA Index System as required by DoDI 5505.14.**
- b. Establish policy, processes, training, and management oversight procedures for Navy Security Forces personnel to collect and submit DNA samples to the U.S. Army Criminal Investigation Laboratory for entry into the Federal Bureau of Investigation Combined DNA Index System as required by DoDI 5505.14.**

Secretary of the Navy Comments

The NCIS Executive Assistant Director, responding on behalf of the Secretary of the Navy, agreed with the recommendation to direct the Navy Security Forces to collect and submit DNA samples and to establish policies, processes, training, and management oversight procedures for collecting and submitting DNA to the USACIL for entry into the FBI CODIS, stating that the NCIS Navy CJIS Systems Officer will assist the Navy Security Forces in implementing the recommendations.

Our Response

Comments from the NCIS Executive Assistant Director partially addressed the recommendation; however, the comments did not provide details on the corrective actions the Navy will take to implement this recommendation. Therefore, the recommendation is unresolved and will remain open. We request that the Secretary of the Navy provide comments to the final report that details how the Navy will implement the recommendation and an expected completion date.

Recommendation 4

We recommend that the Secretary of the Air Force take prompt action to submit the two missing Air Force Office of Special Investigations DNA samples to the U.S. Army Criminal Investigation Laboratory for entry into the Federal Bureau of Investigation Combined DNA Index System as required by DoDI 5505.14.

Secretary of the Air Force Comments

The Air Force Inspector General, responding for the Secretary of the Air Force, agreed with the intent of the recommendation to take prompt action to submit the two missing Air Force DNA samples to the USACIL. However, the Air Force Inspector General stated that since the former members are no longer members of the military and the Air Force has no authority to collect a DNA sample from them, the collection of the DNA is not achievable. The Air Force Inspector General stated that the AFOSI is taking additional steps to determine if either of the convicted offenders have DNA in the FBI CODIS via another agency's submission.

Our Response

Comments from the Air Force Inspector General addressed all specifics of the recommendation. We believe the Air Force has pursued all possible avenues to collect the missing DNA samples; therefore, the recommendation is closed. The offenders we identified as not having DNA samples in the FBI CODIS have since been discharged from the Air Force and are no longer subject to the Uniform Code of Military Justice nor within the legal or investigative jurisdiction of the Air Force's law enforcement organizations.

Recommendation 5

We recommend that the Secretary of the Navy and Commandant of the Marine Corps take prompt action to submit the missing Marine Corps DNA sample to the U.S. Army Criminal Investigation Laboratory for entry into the Federal Bureau of Investigation Combined DNA Index System as required by DoDI 5505.14.

Secretary of the Navy Comments

The Marine Corps Assistant Deputy Commandant for Plans, Policies, and Operations Security Division), responding for the Secretary of the Navy and Commandant of the Marine Corps, agreed with the recommendation and stated that the DNA sample for the offender was not obtained at the time of the investigation as required and the offender has been discharged. The Marine Corps Assistant Deputy Commandant for the Security Division stated that the Marine Corps CID personnel in Miramar, California, telephonically contacted the convicted offender in December 2018; however, the offender refused to provide a DNA sample.

Our Response

Comments from the Marine Corps Assistant Deputy Commandant for the Security Division addressed all specifics of the recommendation. We believe the Marine Corps has pursued all possible avenues to collect the missing DNA sample; therefore, the recommendation is closed. The offender we identified as not having a DNA sample in the FBI CODIS has been discharged from the Marine Corps and is no longer subject to the Uniform Code of Military Justice nor within the legal or investigative jurisdiction of the Marine Corps' law enforcement organizations.

Recommendation 6

We recommend that the Defense Criminal Investigative Service Director take prompt action to collect and submit the five missing DNA samples to the Federal Bureau of Investigation Combined DNA Index System.

Defense Criminal Investigative Service Director Comments

The DCIS Director agreed with our recommendation and stated that DCIS plans to obtain the missing DNA samples during the offenders' post-conviction sentencing hearings. The offenders in the DCIS cases are awaiting sentencing and still subject to Federal jurisdiction. The DCIS Director expects to submit the missing DNA samples to the FBI CODIS by May, 2020.

Our Response

Comments from the DCIS Director addressed the specifics of our recommendation; therefore, the recommendation is resolved but will remain open. We will close the recommendation once we verify that the five DNA samples have been collected and submitted to the FBI CODIS.

Part C

Sex Offender Information Submission to the FBI CJIS Division

The DoD LEOs are required to submit criminal history information of sex offenders to the FBI CJIS Division through the collection and submission of information on service members convicted of sex offenses for entry into the FBI CJIS Division criminal history database.⁴⁸ The FBI CJIS Division maintains a national database of records on offenders who are required to register in the sex offender registry.

Specifically, Service members who have been convicted of qualifying sex offenses or sex offenses against children must be registered as a sex offender in the database known as the National Sex Offender Registry (NSOR) so that Government authorities can keep track of the sex offender's location and activities.⁴⁹ Failure to submit criminal history information for convicted military sex offenders to the FBI CJIS Division could enable the convicted sex offenders to evade registration, not comply with the Sex Offender Registration and Notification Act (SORNA), or potentially qualify for sensitive jobs and employment opportunities involving children or other vulnerable persons.

Federal Law and Databases

During our evaluation, we examined the applicable Federal law that established the requirements for the submission of convicted sex offender registration information to the FBI CJIS Division. Specifically, the SORNA established a database of registered sex offenders, called the National Sex Offender Registry (NSOR). It also required state, local, and tribal jurisdictions to establish and maintain a sex offender registration and notification system conforming to standards established by the SORNA.⁵⁰

⁴⁸ The term "sex offense" is used to refer to crimes, such as rape and sexual assault, as listed in DoDI 1325.07, "Administration of Military Correctional Facilities and Clemency and Parole Authority," March 11, 2013, Incorporating Change 3, April 10, 2018. Also, See appendix C for a list of qualifying offenses.

⁴⁹ Qualifying sex offenses are listed in DoDI 1325.07, Table 4 and include offenses such as rape, indecent assault, and indecent or lewd acts. The DD Form 2707-1, "Department of Defense Report of Result of Trial," will identify a service member that is required to register as a sex offender after being convicted of a qualifying offense under the UCMJ.

⁵⁰ Public Law 109-248, "Adam Walsh Child Protection and Safety Act of 2006," title I, "Sex Offender Registration and Notification Act," July 27, 2006, codified by section 20911, et. seq., title 34, U.S.C. The 48 states, Washington D.C., U.S. Territories, and participating U.S. Native American Tribes submit records to the NSOR. The NSOR is a file contained in the FBI CJIS Division's NCIC database that is an aggregate of all registered sex offenders that are contained in state, territorial, and tribal sex offender registries

The SORNA requires a convicted sex offender to register and maintain a current registration in each jurisdiction where the convicted sex offender resides, works, or attends school. The FBI CJIS Division maintains the NSOR, which contains records for persons who have been convicted of a criminal sexual offense against a minor, or for a sexually violent offense or for persons whom authorities determined are sexually violent predators.⁵¹

Federal, state, local, and tribal law enforcement agencies, including the DoD, are required to submit convicted military sex offender registration information to the FBI CJIS Division. The FBI CJIS Division NSOR is part of its National Crime Information Center (NCIC) and includes the convicted sex offender's current registered address and dates of conviction and registration.

In our 2014 SORNA report, we found that military installations, Federal prisons, and military correctional facilities were not defined as jurisdictions by SORNA. Therefore, the SORNA did not require offenders convicted of military sexual offenses to register as a sex offender. Furthermore, the DoD had no authority to register convicted military sex offenders in the NSOR.

The Military Sex Offender Reporting Act of 2015 (MSORA) amended the SORNA to require that the DoD submit convicted military sex offender information to the Attorney General to be included in the NSOR when the convicted military sex offender is released from military confinement facilities, or upon conviction if not confined.⁵² As a result of the MSORA, the DoD established several policies for registering convicted military sex offenders in the NSOR.

DoD Policy for Collection and Submission of Convicted Military Sex Offender Information

The DoD has established policies for registering convicted military sex offenders that incorporate the SORNA and MSORA requirements for submission of convicted military sex offender information to the FBI CJIS Division. Specifically, DoDD 1325.04, "Confinement of Military Prisoners and Administration of Military Correction Programs and Facilities," April 23, 2007, issues policy and

⁵¹ According to the SORNA, The term "specified offense against a minor" means an offense against a minor that involves any of the following: (a) an offense (unless committed by a parent or guardian) involving kidnapping; (b) an offense (unless committed by a parent or guardian) involving false imprisonment; (c) solicitation to engage in sexual conduct; (d) use in a sexual performance, (e) solicitation to practice prostitution; (f) video voyeurism as described in section 1801 of title 18, U.S.C.; (g) possession, production, or distribution of child pornography; (h) criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct; and (i) Any conduct that by its nature is a sex offense against a minor.

⁵² Public Law 114-22, "Justice for Victims of Trafficking Act of 2015," title V, section 501, "Military Sex Offender Reporting Act of 2015," May 29, 2015, codified at section 20931, title 34, U.S.C. Although the MSORA established the DoD requirement to submit sex offender information, it did not re-define SORNA jurisdictions to include the DoD.

responsibilities for the administration and operation of military correctional programs and facilities. The Directive requires the Secretaries of the Military Departments to establish policies and procedures to ensure that Military correctional facilities comply with SORNA requirements.

DoDI 1325.07, “Administration of Military Correctional Facilities and Clemency and Parole Authority,” March 11, 2013, Incorporating Change 3, April 10, 2018, identifies the sexual offenses that trigger military sex offender registration. The instruction requires that Service members convicted of qualifying sex offenses register with the jurisdiction where they reside, work, or attend school upon their release from confinement or upon conviction if not confined for a qualifying sex offense. The DoDI 1325.07 also requires that military correctional facility personnel advise a prisoner convicted of a sex offense of the requirement to register with the state or local jurisdiction as a convicted military sex offender upon their release from confinement.

Additionally, DoDI 1325.07 requires the military correctional facility to provide written notice of a convicted military sex offender’s release from confinement to the convicted sex offender’s expected place of residence by sending a DD Form 2791, “Notice of Release/Acknowledgement of Convicted Sex Offender Registration Requirements,” to the:

- U.S. Marshals Service (USMS) National Sex Offender Targeting Center;
- chief law enforcement officer of the state, tribe, territory, or local jurisdiction in which the convicted military sex offender plans to reside; and
- state or local agency responsible for the convicted military sex offender registration in the state, tribe, territory, or local jurisdiction in which the convicted sex offender plans to reside.

Furthermore, DoDI 5525.20, “Registered Sex Offender (RSO) Management in DoD,” November 14, 2016, Incorporating Change 1, June 29, 2018, requires the DoD to identify, notify, monitor, and track DoD personnel who are required to register as convicted military sex offenders, to comply with the SORNA and the Military Sex Offender Reporting Act of 2015.⁵³ After a conviction of a qualifying sex offense, as identified on the DD Form 2707-1, “Department of Defense Report of Result of Trial,” the convicted military sex offender may be required to register as a

⁵³ Monitor refers to a DoD-affiliated registered sex offender who lives or works on an installation or facility. The installation or facility will monitor that individual if the state does not. Tracking refers to the tracking of the registered sex offender from military release to registration in the respective state of jurisdiction.

sex offender.⁵⁴ When a LEO is notified of the convicted military sex offender's registration in a state, territory, or tribal sex offender registry, the LEO is required to remove the convicted sex offender's name and information from the NSOR File. The removal is mandated because the convicted military sex offender has met the sex offender registration requirements and the sex offender is SORNA-compliant when they register in the other registry.

DoD SORNA Submissions Process

When a Service member is convicted of a sex offense, the trial counsel is required to prepare a DD-Form 2707-1 to notify the convicted military sex offender's "commander and the convening authority of the conviction and imposed sentence."⁵⁵ The DD Form 2707-1 documents the conviction and sentence and the requirement that the convicted military sex offender register as a sex offender when released from the military.

The convicted military sex offender's commander or trial counsel or, if confined, the military correctional facility, is required to notify the convicted military sex offender of registration requirements using the DD Form 2791, "Notice of Release/Acknowledgement of Convicted Sex Offender Registration Requirements," which is signed by the notifying official and the convicted military sex offender. Next, prior to release of the convicted military sex offender from the military, the commander or trial counsel or, if confined, the military correctional facility official, is required to send the DD Form 2791 to the applicable state or local law enforcement agency where the convicted military sex offender plans to reside.

The notifying official also is required to send the DD Form 2791 to the USMS National Sex Offender Targeting Center (NSOTC) and to the LEO headquarters at the military installation where the convicted military sex offender was last assigned for duty.⁵⁶ The military installation LEO headquarters should then submit the convicted military sex offender's information to the FBI CJIS Division for entry into the NSOR.

⁵⁴ Although the 2019 Manual for Courts-Martial (MCM) now refers to the "Statement of Trial Results," we will refer in this report to the "Report of Result of Trial," as mentioned in the 2016 MCM, which was effective through the end of our field work. As of May 29, 2019, the DD Form 2707-1 is still titled the, "Department of Defense Report of Result of Trial. The trial counsel is the military prosecutor. Additionally, we found that DoDI 5505.20 refers to DD Form 2707-1 as the "Notice of Release/Acknowledgement of Convicted Sex Offender Registration Requirements." The correct name of the form is DD Form 2707-1, "Department of Defense Report of Result of Trial."

⁵⁵ The trial counsel is the military prosecutor.

⁵⁶ The NSOTC was created to support the USMS in meeting the requirements of the Adam Walsh Child Protection and Safety Act of 2006.

The USMS NSOTC has a team of military liaisons that processes the DD Forms 2791 and verifies that convicted military sex offenders have complied with registration requirements. If convicted military sex offenders have not registered with their local jurisdiction when released from the military, the military liaisons notify the local USMS district to locate the convicted military sex offender. The military liaisons to the USMS also assist the state and local sex offender registration office personnel by providing military records, including court documents and personnel records.

DoD SORNA Submission Compliance Results

To determine whether the DoD complied with Federal law and the DoDI 1325.07, we reviewed the records of Service members convicted of sex offenses from January 1, 2015, through February 28, 2018, that resulted in a sentence that included a dishonorable discharge or dismissal for conviction of a qualifying offense. Based on information the Service Judge Advocates General (TJAG) and Staff Judge Advocate to the Commandant of the Marine Corps provided to us, we identified that of the 912 offenders that were dishonorably discharged or dismissed, 86 were convicted military sex offenders that were required to be entered into the NSOR. Therefore, we asked the USMS to verify whether these military sex offenders were entered into the NSOR.

Of the 86 convicted military sex offenders that were required to be submitted into the NSOR, we determined that 78 (91 percent) were entered into the NSOR. Table 14 shows the SORNA numbers and submission rates for the DoD law enforcement organizations we reviewed for our current evaluation.

Table 14. SORNA Submission Rates

Service	Required	Submitted	Submitted %
Army	40	38	95%
Navy	11	11	100%
Air Force	10	8	80%
Marine Corps	25	21	84%
Total	86	78	91%

Note: DCIS and PFPA did not conduct any investigations resulting in a dishonorable discharge or dismissal; additionally, DCIS and PFPA did not investigate any sex crimes.

Source: Service TJAGs and SJACMC, USMS NSOTC, Army Corrections Command, Navy Corrections, and Air Force Security Forces Center.

The following sections discuss the submission rates for SORNA information for each of the Military Services.

The Army SORNA Submissions

We determined that the Army had 40 convicted military sex offenders who received a dishonorable discharge or dismissal from the military for conviction of a qualifying offense from January 1, 2015, through February 28, 2018. Of the 40 convicted military sex offenders that were required to be submitted into the NSOR, we determined 38 (95 percent) were entered into the NSOR.

We asked the military liaison to the USMS why the two convicted military sex offenders were not entered into the NSOR.⁵⁷ The military liaison to the USMS stated that the USMS did not receive the DD Forms 2791 from the Army. Therefore, the two convicted military sex offenders were not entered into the NSOR. We asked Army TJAG personnel why they did not submit the DD Forms 2791 and they did not have any additional explanation. However, the military liaison to the USMS stated that the two convicted military sex offenders self-registered in the state they reside in. Therefore, although the Army did not enter the sex offenders into the NSOR, the convicted sex offenders are SORNA-compliant.

The Army Developed New Policies, Processes, Training, and Management Oversight Procedures

We determined that the Army has developed new policies, processes, and management oversight procedures since our 2014 SORNA report that are designed to help ensure compliance with the SORNA.

The Army Policy for the Submission of SORNA Information

Since our 2014 SORNA report, the Army issued the following policy for the SORNA submissions for the Army:

- Army Regulation (AR) 27-10, “Military Justice,” May 11, 2016, provides policy on sex offender notification. The policy requires that the Army use the DD Form 2707-1, “Department of Defense Report of Result of Trial,” because it includes a field to annotate the SORNA notifications. If a convicted military sex offender is not confined, the policy requires the trial counsel to ensure the convicted offender signs the DD Form 2791, “Notice of Release/Acknowledgement of Convicted Sex Offender Registration Requirements.” The trial counsel provides the DD Form 2707-1 to the immediate commander, garrison [installation] commander, installation provost marshal, and the USMS NSOTC. It also requires the installation provost marshal to provide the DD Form 2791 to the U.S. Army Crime Records Center (USACRC), USMS NSOTC, and state and local law enforcement.

⁵⁷ The USMS Military Liaisons are military personnel who work at the NSOTC. USMS Military Liaisons validate sex offender registration compliance of released convicted military sex offenders and identify and locate convicted military sex offenders who fail to comply with registration requirements. USMS Military liaisons also process the DD Forms 2791.

- AR 190-45, “Military Police Law Enforcement Reporting,” September 27, 2016, added policy on sex offender notification when a convicted military sex offender is not confined. The trial counsel prepares the DD Form 2791 and provides it to the installation provost marshal or Director of Emergency Services who ensures that a copy is filed with the USACRC.
- Army CID Memorandum, “Registered Sex Offender Management Standard Operating Procedure,” April 26, 2018, established the responsibilities of the USACRC Registered Sex Offender (RSO) program manager. The USACRC RSO program manager is responsible for ensuring that the convicted military sex offenders are entered into the NSOR before they are released from the military or confinement.

During the current evaluation, we reviewed AR 190-47, “The Army Corrections System,” June 15, 2006, which provides policy on convicted sex offender notification when a convicted military sex offender is sentenced to confinement. The policy states that when the sex offender is sentenced to confinement, military corrections officers will prepare the DD Form 2791 and send the DD Form 2791 to the Office of the Provost Marshal General, the chief law enforcement officer of the state and local jurisdiction and sex offender registry office in which the convicted military sex offender plans to reside.

However, we determined that AR 190-47 does not require the military corrections officers to provide the DD Form 2791 to the LEO USACRC and the USMS NSOTC as required by DoDI 5525.20. As a result, the USACRC may not enter all convicted military sex offenders into the NSOR and USMS NSOTC personnel cannot track convicted military sex offenders that do not self-register with the state and local jurisdiction.

The Army Process for the Submission of SORNA Information

For all convicted military sex offenders, the trial counsel is required to provide the DD Form 2707-1 to the convicted military sex offender’s commander, garrison [installation] commander, installation provost marshal, and the USMS NSOTC notifying them that the offender was convicted of a sex offense that requires entry into the NSOR.

If the convicted military sex offenders are confined, then the Army correctional facility personnel are required to complete and mail the DD Form 2791 to the state and local jurisdictions and sex offender registration agency where the convicted military sex offender plans to reside, work, or attend school, the USACRC, and the USMS NSOTC. The DD Form 2791 is maintained in the convicted sex offender's (Military) Correctional Treatment Folder and is scanned into the Army Corrections Information System. Lastly, the USACRC Registered Sex Offender program manager enters information into the NSOR. Once the convicted military sex offender registers with the state or local jurisdiction where they reside, work, or attend school, the USMS NSOTC notifies the USACRC of the SORNA compliance. The USACRC personnel then remove the convicted sex offender from the NSOR.

If the convicted military sex offender is not confined, the trial counsel and convicted military sex offender are required to complete the DD Form 2791. The trial counsel sends the form to the convicted sex offender's commander and the installation Provost Marshal, who submits the DD Form 2791 to the USACRC for entry into the NSOR. Lastly, the USACRC Registered Sex Offender program manager enters information on the DD Form 2791 into the NSOR. Once the convicted military sex offender registers with the state or local jurisdiction where they reside, work, or attend school, the USMS NSOTC notifies the USACRC to remove the convicted sex offender from the NSOR.

The Army Management Oversight Procedures for the Submission of SORNA Information

In January 2018, the USACRC appointed a Registered Sex Offender program manager who is responsible for ensuring that the convicted military sex offenders are entered into the NSOR before they are released from the military or confinement.

The Navy SORNA Submissions

We determined that the Navy had 11 convicted military sex offenders who received a dishonorable discharge or dismissal from the military for conviction of a qualifying offense from January 1, 2015, through February 28, 2018. Of the 11 convicted military sex offenders that were required to be submitted to the NSOR, we determined that 11 (100 percent) were entered into the NSOR.

The Navy Developed New Policies, Processes, Training, and Management Oversight Procedures

We determined that the Navy has developed new policies, processes, and management oversight procedures since our 2014 SORNA report that are designed to help ensure compliance with the SORNA.

The Navy Policy for the Submission of SORNA Information

Since our 2014 SORNA report, the Navy issued the NCIS-3, Chapter 34 Sex Offenses, December 4, 2017, which identifies NCIS responsibilities for conducting investigations of major criminal offenses within the Department of the Navy, including incidents of sexual assault, and the sex offender reporting process. NCIS-3, Chapter 34 Sex Offenses, also provides additional guidance on the sex offender registration process and states that, once a sex offender has been notified of their requirement to register as a sex offender, the NCIS submits the convicted military sex offender's information to the FBI CJIS Division for entry into the NSOR.

Furthermore, the NCIS-3, Chapter 34 Sex Offenses, requires that if a Navy or Marine Corps member is, or may be, required to register as a sex offender after being convicted of a qualifying offense under the UCMJ, as identified on the member's DD Form 2707-1, "Department of Defense Report of Result of Trial," his or her convening authority or, if confined, servicing confinement facility will notify the appropriate state, territory, and the U.S. Marshals Service. Additionally, NCIS will be notified of the registration requirement.

Additionally, during the current evaluation, we reviewed the Secretary of the Navy Instruction (SECNAVINST) 5800.14A, "Notice of Release Military Offenders Convicted of Sex Offenses or Crimes against Minors," May 24, 2005, which provides policy on the management of the sex offender notification program for convicted military sex offenders currently or previously adjudged at a general or special court-martial, or convicted by a Federal, state, or foreign court of a sex offense or crime against a minor for which notification is required.

However, we found that SECNAVINST 5800.14A, does not require that the DD Form 2791 be provided to the LEO NCIS and the USMS NSOTC, as required by DoDI 5525.20. As a result, the NCIS may not enter all convicted military sex offenders into the NSOR and the USMS NSOTC personnel cannot track convicted military sex offenders that do not self-register with the state and local jurisdiction.

The Navy Processes for the Submission of SORNA Information

For all convicted Navy and Marine Corps sex offenders, the convening authority provides the DD Form 2707-1 to the NCIS notifying them that the offender was convicted of a sex offense which will require entry into the NSOR.

If the convicted military sex offenders are confined, the Navy Military Confinement Facility sex offender registration coordinator is required to complete and mail the DD Form 2791 to NCIS, USMS NSOTC, state and local jurisdictions, and the sex offender registration agency where the convicted military sex offender plans to reside, work, or attend school. NCIS personnel are then required to enter information into the NSOR. Once the convicted military sex offender registers with the state or local jurisdiction where they reside, work, or attend school, USMS NSOTC notifies NCIS personnel to remove the convicted sex offender from the NSOR.

If the convicted military sex offenders are not confined, the court-martial convening authority is required to complete the DD Form 2791. The convening authority sends the form to the NCIS for entry into the NSOR. NCIS personnel enters information on the DD Form 2791 into the NSOR. Once the convicted military sex offender registers with the state or local jurisdiction where they reside, work, or attend school, the USMS NSOTC notifies the NCIS of the SORNA compliance. The NCIS personnel then remove the convicted sex offender from the NSOR.

The Navy Management Oversight Procedures for the Submission of SORNA Information

We found that the Navy Parole and Release (P&R) Director or administrative officer are required to review the completed DD Forms 2791 before they are provided to the NCIS for entry into the NSOR. Additionally, the NCIS appointed an NCIS liaison to the USMS who is required to ensure that the convicted military sex offenders are entered into the NSOR before they are released from the military or confinement.

The Air Force SORNA Submissions

We determined that the Air Force had 10 convicted military sex offenders who received a dishonorable discharge or dismissal from the military for conviction of a qualifying offense from January 1, 2015, through February 28, 2018. Of the 10 convicted military sex offenders that were required to be submitted to the NSOR, we determined eight (80 percent) were entered into the NSOR.

We asked the Air Force Confinement and Corrections Manager why the criminal history information for two convicted military sex offenders was not submitted to the NSOR. The Air Force Confinement and Corrections Manager stated that the two convicted military sex offenders self-registered in the state they reside in. Therefore, although the Air Force did not enter the sex offenders into the NSOR, the convicted sex offenders are SORNA-compliant.

The Air Force Developed New Policies, Processes, Training, and Management Oversight Procedures

We determined that the Air Force implemented new policies, processes, and management oversight procedures since our 2014 SORNA report that are designed to help ensure compliance with the SORNA.

The Air Force Policy for the Submission of SORNA Information

Since our 2014 SORNA report, the Air Force has issued the following policy for the SORNA submissions for the Air Force.

- Air Force Instruction (AFI) 31-105, “The Air Force Corrections System,” Incorporating Guidance Memorandum 2018-01, April 26, 2018, requires the corrections officer to prepare the DD Form 2791 and send the completed form to the State Attorney General where the convicted military sex offender plans to reside, local law enforcement in the jurisdiction where the convicted sex offender plans to reside, the state sex offender registration official where the convicted military sex offender plans to reside, and the USMS NSOTC. When a convicted military sex offender is not confined, the installation SJA notifies the installation corrections office. Subsequently, the corrections officer notifies the four agencies identified above. Additionally, the AFSFC is now responsible for entry of convicted military sex offender into the NSOR before the convicted military sex offender is released from confinement.
- AFI 51-201, “Administration of Military Justice,” December 8, 2017, requires that the Air Force use of the DD Form 2707-1, “Department of Defense Report of Result of Trial,” because it includes a field to annotate SORNA notifications.

The Air Force Processes for the Submission of SORNA Information

For all convicted military sex offenders, the trial counsel is required to provide the DD Form 2707-1 to the installation Security Forces personnel notifying them that the offender was convicted of a sex offense that will require entry into NSOR.

If the convicted military sex offenders are confined, the Air Force Security Forces confinement personnel are required to mail the DD Form 2791 and the DD Form 2707-1 to the state and the local jurisdictions and sex offender registration agency where the convicted military sex offender plans to reside, work, or attend school and the USMS NSOTC. The DD Form 2791 and certified mail receipt is maintained in the convicted military sex offender's Correctional Treatment Folder. Lastly, the installation Air Force Security Forces confinement personnel provide the DD Form 2791 to the AFSFC for entry into the NSOR. Once the convicted military sex offender registers with the state or local jurisdiction where they reside, work, or attend school, the USMS NSOTC notifies the AFSFC personnel to remove the convicted sex offender from the NSOR.

If the convicted military sex offenders are not confined, the Staff Judge Advocate is required to notify the installation Air Force Security Forces confinement personnel of the conviction. The installation Air Force Security Forces confinement personnel complete the DD Form 2791 and are required to mail it to the state and local jurisdictions and sex offender registration agency where the convicted military sex offender plans to reside, work, or attend school and the USMS NSOTC. In addition, the installation Air Force Security Forces confinement personnel provide the DD Form 2791 to the AFSFC. Lastly, the AFSFC is responsible for the entry of the convicted military sex offender into the NSOR. Once the convicted military sex offender registers with the state or local jurisdiction where they reside, work, or attend school, the USMS NSOTC notifies the AFSFC of the SORNA compliance. The AFSFC personnel then remove the convicted sex offender from the NSOR.

The Air Force Management Oversight Procedures for the Submission of SORNA Information

The Air Force Confinement and Corrections Manager now performs monthly reviews to track all convicted military sex offenders and ensure the convicted military sex offenders are entered into the NSOR.

The Marine Corps SORNA Submissions

We determined that the Marine Corps had 25 convicted military sex offenders who received a dishonorable discharge or dismissal from the military for conviction of a qualifying offense from January 1, 2015, through February 28, 2018. Of the 25 convicted military sex offenders that were required to be submitted to the NSOR, we determined 21 (84 percent) were entered into the NSOR.

We asked the military liaison to the USMS why the four convicted military sex offenders were not entered into the NSOR. The military liaison to the USMS stated that it did not receive the DD Forms 2791 from the Navy for the Marine Corps sex offenders. Therefore, the four convicted military sex offenders were not entered into the NSOR. We asked Marine Corps LEO personnel why the DD Forms 2791 were not submitted, and they did not have any explanation.

The military liaison to the USMS stated that one of the four convicted military sex offenders self-registered in the state where he resides and is SORNA-compliant. Furthermore, the other 3 convicted military sex offenders reported to the local jurisdiction where they reside. However, these 3 offenders are not required to register as sex offenders because the offenses did not meet the state sex offender registration requirements. Therefore, these 3 sex offenders are SORNA-compliant.

The Marine Corps Developed New Policies, Processes, Training, and Management Oversight Procedures

We determined that although the Marine Corps did not accomplish 100 percent compliance with the SORNA and DoD policies, the Marine Corps followed newly implemented policies, processes, and management oversight procedures since our 2014 SORNA report that are designed to help ensure compliance with the SORNA.

The Marine Corps Policy for the Submission of SORNA Information

As discussed earlier in this report, since our 2014 SORNA report, the Navy issued NCIS-3, Chapter 34 Sex Offenses, December 4, 2017, which identifies NCIS responsibilities for conducting investigations of major criminal offenses within the Department of the Navy, to include all reported incidents of sexual assault and the sex offender reporting process. NCIS-3, Chapter 34 Sex Offenses, also provides additional guidance on the sex offender registration process and states that once a sex offender has been notified of their requirement to register as a sex offender, the NCIS submits the convicted military sex offender's information to the FBI CJIS Division for entry into the NSOR.

Furthermore, NCIS 3, Chapter 34 Sex Offenses, requires that if a service member is, or may be, required to register as a sex offender after being convicted of a qualifying offense under the UCMJ, as identified on the member's DD Form 2707-1, "Department of Defense Report of Result of Trial," his or her convening authority or, if confined, servicing confinement facility will notify the appropriate state, territory, and the USMS. Furthermore, NCIS will be notified of the registration requirement.

Additionally, during the current evaluation, we reviewed the Secretary of the Navy Instruction (SECNAVINST) 5800.14A, “Notice of Release Military Offenders Convicted of Sex Offenses or Crimes against Minors,” May 24, 2005, which provides policy on the management of the sex offender notification program for convicted military sex offenders currently or previously adjudged at a general or special court-martial, or convicted by a Federal, state, or foreign court of a sex offense or crime against a minor for which notification is required.

However, we found that SECNAVINST 5800.14A, does not require that the DD Form 2791 be provided to the LEO NCIS and the USMS NSOTC, as required by DoDI 5525.20. As a result, the NCIS may not enter all convicted military sex offenders into the NSOR and the USMS NSOTC personnel cannot track convicted military sex offenders that do not self-register with the state and local jurisdiction.

The Marine Corps Processes for the Submission of SORNA Information

For all convicted military sex offenders, the convening authority provides the DD Form 2707-1 to the NCIS notifying them that the offender was convicted of a sex offense which will require entry into the NSOR.

If the convicted military sex offenders are confined, the Navy Military Confinement Facility personnel sex offender registration coordinator completes and is required to mail the DD Form 2791 to the NCIS, USMS NSOTC, state and local jurisdictions, and the sex offender registration agency where the convicted military sex offender plans to reside, work, or attend school, NCIS, and the USMS NSOTC. Lastly, the NCIS personnel enter information into the NSOR. Once the convicted military sex offender registers with the state or local jurisdiction where they reside, work, or attend school, the USMS NSOTC notifies the NCIS personnel to remove the convicted sex offender from the NSOR.

If the convicted military sex offenders are not confined, the court-martial convening authority completes the DD Form 2791. The convening authority is required to send the form to the NCIS for entry into the NSOR. NCIS personnel enter information on the DD Form 2791 into the NSOR. Once the convicted military sex offender registers with the state or local jurisdiction where they reside, work, or attend school, the USMS NSOTC notifies the NCIS of the SORNA compliance. The NCIS personnel then remove the convicted sex offender from the NSOR.

The Marine Corps Management Oversight Procedures for the Submission of SORNA Information

We found that the Navy Parole and Release (P&R) Director or administrative officer reviews the completed DD Forms 2791 before they are provided to the NCIS for entry into the NSOR. Additionally, the NCIS appointed an NCIS liaison to the USMS who is responsible for ensuring that the convicted military sex offenders are entered into the NSOR before they are released from the military or confinement.

The Defense Criminal Investigative Service SORNA Submissions

The DCIS does not investigate sex offenses. Therefore, the DCIS is not required to make SORNA submissions.

The Pentagon Force Protection Agency SORNA Submissions

The PFPA does not investigate sex offenses. Therefore, the PFPA is not required to make SORNA submissions.

Conclusion

In sum, we determined that sex offender criminal history information for 86 offenders was required to be submitted to the FBI CJIS Division in accordance with DoDI 5525.20. We determined that the LEOs submitted 78 of 86 (91 percent) sex offenders' criminal history to the FBI CJIS Division for entry into its NSOR database. The Army, Air Force, and Marine Corps LEOs did not submit 8 required sex offenders' criminal history information. However, these 8 offenders were registered as a sex offender in their state of residence, or their state of residence did not require registration for their particular offense. The LEOs did not have any further explanation why the sex offender information was not submitted prior to release from the military.

In addition, the LEOs generally implemented new policies, processes, training, and management oversight procedures that are designed to help ensure compliance with the DoDI 5525.20. For example, the:

- Army LEOs established Army policy to the use the DD Form 2707-1 and a process to send the DD Form 2791 to the USMS NSOTC and the USACRC Registered Sex Offender program manager to help ensure convicted military sex offenders are entered into the NSOR;
- Navy LEOs established sex offender registration policy in NCIS-3, Chapter 34 Sex Offenses, which identifies NCIS, confinement facility, and convening authority responsibilities for accomplishing SORNA submissions, established a process to send the DD Form 2791 to the USMS NSOTC, and established an NCIS liaison to the USMS NSOTC to help ensure convicted Navy and Marine Corps sex offenders are entered into the NSOR; and

- Air Force LEOs established policy to use the DD Form 2707-1 and a process to send the DD Form 2791 to the USMS NSOTC and the Air Force Confinement and Corrections Manager to help ensure the convicted military sex offenders are entered into the NSOR.

However, we also determined that Army and Navy policies do not require that the DD Form 2791, “Notice of Release/Acknowledgement of Convicted Sex Offender Registration Requirements,” be provided to the U.S. Army Crime Records Center and the Naval Criminal Investigative Service, respectively, or the U.S. Marshals Service (USMS). As a result, the Army and Navy may not enter all convicted military sex offenders into the NSOR, and USMS National Sex Offender Tracking Center personnel cannot track convicted military sex offenders that do not self-register with the state and local jurisdiction. We therefore make the following recommendations to correct these deficiencies.

Recommendations, Management Comments, and Our Response

Recommendation 7

We recommend that the Secretary of the Army revise Army Regulation 190-47 to require military correctional facility commanders to send DD Form 2791 to the U.S. Army Crime Records Center and the U.S. Marshals Service National Sex Offender Targeting Center as required by DoDI 5525.20.

Secretary of the Army Comments

The Army Provost Marshal General, responding for the Secretary of the Army, agreed with the recommendation. The Provost Marshal General stated that Army Regulation 190-47 is being revised to require the DD Form 2791 be sent to the U.S. Army Crime Records Center and USMS National Sex Offender Targeting Center. The Army Corrections Command has issued interim policy to all Army law enforcement agencies notifying them of the requirement to forward the DD Form 2791 to the U.S. Army Crime Records Center and the USMS National Sex Offender Targeting Center.

Our Response

Comments from the Army Provost Marshal General addressed all specifics of the recommendation; therefore, the recommendation is resolved but will remain open. We will close the recommendation once we verify that the Secretary of the Army has published the revised policy AR 190-47.

Recommendation 8

We recommend that the Secretary of the Navy revise Secretary of the Navy Instruction 5800.14A to require the DD Form 2791 be provided to the Naval Criminal Investigative Service and the U.S. Marshals Service National Sex Offender Targeting Center as required by DoDI 5525.20.

Secretary of the Navy Comments

The NCIS Executive Assistant Director, responding for the Secretary of the Navy, agreed with the recommendation, stating that the Navy will revise its policy once the DoD policy is revised, which should be completed in approximately 1 year.

Our Response

Comments from the NCIS Executive Assistant Director partially addressed the recommendation; however, the comments did not describe interim actions the Navy will take to notify the appropriate agencies until the DoD and Navy policy revisions are complete. Therefore, the recommendation is resolved but will remain open. We request that the Navy provide comments to the final report that describe interim actions the Navy will take to ensure that the DD Form 2791 is forwarded to the appropriate offices until the DoD and Navy policies are updated. We will close the recommendation once we verify that the Navy has revised the SECNAVINST 5800.14A to require the DD Form 2791 be provided to the NCIS and the USMS National Sex Offender Targeting Center, as required by DoDI 5525.20.

Part D

The DoD Criminal History Information Submission to the FBI CJIS Division

To comply with Federal law, LEOs are required to submit criminal history information to the FBI CJIS Division National Instant Criminal Background Check System (NICS) for persons prohibited from purchasing a firearm. To comply with the FBI CJIS Division requirements for submitting Brady Act information, LEOs and other submitting agencies must submit identifying information of individuals disqualified from possessing or receiving firearms, such as the offender's name, date of birth or social security number, gender, and the prohibition categories discussed in the next section. The NICS, located at the FBI Criminal Justice Information Services (CJIS) Division, is a national computerized background check system used to determine if a prospective firearms purchaser is eligible to purchase firearms.

The FBI CJIS Division maintains a repository of criminal history information submitted by Federal, state, local, and tribal governments on individuals who are prohibited from receiving firearms in accordance with the Gun Control Act of 1968, as amended (Gun Control Act).⁵⁸ The Gun Control Act makes it illegal for Federal Firearms Licensees (FFL) to sell firearms to people in the prohibited person categories which we discuss in more depth in the next section. The Brady Handgun Violence Prevention Act (Brady Act) and implementing regulations established a repository (the NICS Indices) to store the criminal history information of the people in the prohibited persons categories.⁵⁹ We refer to this criminal history information as "Brady Act information."

The failure to submit required Brady Act information to the applicable FBI CJIS Division databases can have serious, even tragic, consequences if someone prohibited from receiving a firearm is allowed to do so.

⁵⁸ Public Law 90-618, "Gun Control Act of 1968," October 22, 1968, section 921-938, "Firearms," title 18, U.S.C.

⁵⁹ Public Law 103-159, "Brady Handgun Violence Prevention Act," November 30, 1993, section 40901, title 34, U.S.C. The Brady Act established the NICS, which is required to be used by Federal firearms license or licensee (FFL) to determine instantly if a prospective firearms purchaser is eligible to purchase firearms.

Federal Law and Databases

During our evaluation, we examined the applicable Federal laws that established the requirements for the collection and submission of Brady Act information. Multiple Federal laws exist to regulate the purchase of a firearm. The Gun Control Act regulated interstate and foreign commerce in firearms, imposed stricter licensing and regulation on the firearms industry, and prohibited the sale of firearms and ammunition to felons and other prohibited person categories. The Brady Act amended the Gun Control Act and established the NICS, which FFLs are required to contact for an FBI determination of whether a prospective purchaser is eligible to receive firearms.

The Gun Control Act of 1968 as Amended

The Gun Control Act, as amended, prohibits the interstate sale or transfer of firearms, except for licensed firearms manufacturers, FFLs, and licensed firearms importers. The Gun Control Act imposes strict regulations prohibiting the sale of firearms and ammunition to felons and other categories of prohibited persons, including any person who:

- 922(g)(1): has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;
- 922(g)(2): is a fugitive from justice;
- 922(g)(3): is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act [21 U.S.C. § 802];
- 922(g)(4): has been adjudicated as a mental defective or has been committed to any mental institution;
- 922(g)(5): is an alien;⁶⁰
- 922(g)(6): has been discharged from the Armed Forces under dishonorable conditions;
- 922(g)(7): having been a citizen of the United States, has renounced his citizenship;
- 922(g)(8): is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner or child of such intimate partner, or from engaging in other conduct that would place the partner or child in reasonable fear of bodily injury;

⁶⁰ An alien is defined in the Brady Act as someone who is illegally or unlawfully in the United States, or with exceptions, has been admitted to the United States under a nonimmigrant visa.

- 922(g)(9): has been convicted in any court of a misdemeanor crime of domestic violence; or
- 922(n): is under indictment for a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.⁶¹

The Brady Act

On November 30, 1993, the Brady Handgun Violence Prevention Act amended the Gun Control Act of 1968 to require mandatory background checks on individuals purchasing firearms from FFLs. The Brady Act also required the establishment of a repository so that FFLs could determine whether a prospective firearm purchaser is prohibited from receiving the firearm under the Gun Control Act of 1968, as amended, or applicable state law. To implement the Brady Act, the Department of Justice established the NICS, which became operational on November 30, 1998. The Brady Act also established the NICS Indices, which contain information provided by Federal, state, local, and tribal agencies on persons prohibited from purchasing firearms under Federal law.

The NICS Improvement Amendments Act of 2007

The NICS Improvement Amendments Act of 2007 further amended the Gun Control Act and required that federal agencies submit Brady Act information to the Attorney General (the FBI CJIS Division) on a minimum quarterly basis.⁶²

NICS

The NICS, located at the FBI CJIS Division, is a national computerized background check system used to determine if a prospective firearms purchaser is eligible to receive firearms. Once a prospective buyer completes a “Firearms Transaction Record,” the FFL electronically contacts NICS to request a background check to determine the prospective buyer’s eligibility to purchase a firearm.⁶³ When a NICS check is conducted, it queries three FBI CJIS Division databases:

- the NICS Indices,
- the National Crime Information Center (NCIC), and

⁶¹ Section 921, title 18, U.S.C., contains the definitions used in the Gun Control Act. Section 922, title 18, U.S.C., contains the Brady Act prohibitions for the sale, transport, possession, and receipt of firearms.

⁶² Public Law 110-180, “NICS Improvement Amendments Act of 2007,” Section 101, “Enhancement of Requirement that Federal Departments and Agencies Provide Relevant Information to the National Instant Background Check System.”

⁶³ The purchaser or transferee is required to complete the “Firearms Transaction Record,” (ATF Form 4473) before receiving a firearm from a FFL. The FFL uses the information provided on the form to determine if the person is prohibited from receiving a firearm. The ATF Form 4473 is not provided to the NICS. Only the identifying information contained on the form is provided for purposes of conducting the NICS checks. The ATF Form 4473 is retained by the FFL.

- the Interstate Identification Index (III).⁶⁴

The NICS responds instantly to background check inquiries from FFLs and either approves, delays, or denies the firearm purchase.

DoD Policy for Collection and Submission of Brady Act Information

The DoD established policy for the collection and submission of Brady Act information into the applicable FBI CJIS Division databases. Specifically, DoD Instruction (DoDI) 7730.47, “Defense Incident-Based Reporting Systems (DIBRS),” January 23, 2014, implements the Brady Act requirement for the LEOs to collect and submit offender criminal history information to the Defense Manpower Data Center (DMDC) for entry into the DIBRS.⁶⁵

DoD Manual (DoDM) 7730.47-M, Volume 1, “Defense Incident-Based Reporting System (DIBRS): Data Segments and Elements,” December 7, 2010, Incorporating Change 1, April 4, 2017, states that the DIBRS will centralize the collection of criminal history information that is reportable by the DoD Components under the Brady Act, which requires the DoD to report eight categories of prohibited persons to the FBI for the purposes of prohibiting firearm purchases.

However, the DoDI 7730.47 and DoDM 7730.47-M, Volume 1, do not include a requirement to submit Brady Act information from DIBRS to the FBI CJIS Division for entry into the NICS. Additionally, DoDI 7730.47 and DoDM 7730.47-M, Volume 1, do not identify the DoD organization or specify the personnel that are required to submit Brady Act information to the FBI CJIS Division for entry into the NICS.

DoD Brady Act Information Submission Process

According to DoDI 7730.47 and DoDM 7730.47-M, Volume 1, the LEOs are required to collect and submit Brady Act information, which consists of the prohibited person’s personally identifiable information (PII), to the DMDC for entry into DIBRS. The DMDC enters the Brady Act information into DIBRS; however, DMDC personnel did not transfer the Brady Act information to the FBI CJIS Division for entry into the NICS.

⁶⁴ The NICS Indices were created in response to the Brady Act. The NICS Indices contain information provided by Federal, state, local, and tribal agencies concerning persons prohibited from receiving firearms under Federal or state law. The NCIC is a computerized information system available to law enforcement and criminal justice agencies. The system includes records of wanted persons, missing persons, subjects of protection orders, and other 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. The III is part of the FBI’s Next Generation Identification and contains biometric criminal history anchored by a fingerprint submission. The III provides a means of conducting national criminal history record searches for criminal justice and other purposes as specified by existing Federal laws and state laws. Submission into III is based on an individual being arrested or charged.

⁶⁵ DoDI 7730.47 defines DIBRS as the DoD’s centralized reporting system to the FBI’s National Incident-Based Reporting System. DMDC, a component of the Defense Human Resources Activity (DHRA), manages the DIBRS program.

We asked the Defense Human Resources Agency (DHRA) personnel why the Brady Act information was not transferred to the FBI CJIS Division for entry into NICS. The DHRA Policy Support Director stated that DIBRS does not have the capability to identify the PII for the Brady Act information that is required for submission to the FBI CJIS Division for entry into the NICS. The DHRA Policy Support Director also stated that DIBRS was an existing database when the Brady Act information submission requirement was established and that DIBRS was not updated to meet those requirements.

Following the Kelley incident, the LEOs determined that the DMDC was not submitting Brady Act information to FBI CJIS Division for entry into the NICS. As a result, each of the Services began directly submitting Brady Act information to the FBI CJIS Division for entry into the NICS.

The DoD Brady Act Information Submission Compliance Results

To determine whether the DoD complied with the Gun Control Act, we reviewed the records of Service members convicted of qualifying offenses from January 1, 2015, through February 28, 2018, that resulted in a sentence that included a dishonorable discharge or dismissal for conviction of a qualifying offense. Based on the information provided by the Military Services' Judge Advocates General (TJAG) and the Staff Judge Advocate to the Commandant of the Marine Corps, we identified 886 DoD offenders that were dishonorably discharged or dismissed that required Brady Act information submission to the FBI CJIS Division for entry into the NICS. We then verified, by reviewing a CJIS list of DoD personnel entered into the NICS, whether offender Brady Act information was submitted to the FBI as required.

Of the 886 Brady Act information submissions that were required to be submitted to the FBI CJIS Division, we determined that the DoD submitted all 886 (100 percent) to the FBI. Table 15 shows the LEO Brady Act information numbers and submission rates for the DoD law enforcement organizations we reviewed during this evaluation.

Table 15. *Brady Act Information Submission Rates*

LEO	Required	Submitted	Submitted (%)
Army	431	431	100%
CID	397	397	100%
MP	34	34	100%
Navy	331	331	100%
NCIS	331	331	100%
Security Forces	0	0	N/A
Air Force	115	115	100%
AFOSI	113	113	100%
Security Forces	2	2	100%
Marine Corps	9	9	100%
Total	886	886	100%

Note: The Navy Security Forces, DCIS, and PFP did not conduct any investigations resulting in a dishonorable discharge or dismissal.

Source: Service TJAGs and SJACMC, FBI CJIS Division, Army CID, NCIS, AFOSI and USMC CID.

The Army Brady Act Information Submissions

The Army submits Brady Act information to the DMDC for entry into the DIBRS, as required by DoDI 7730.47. However, the DMDC personnel did not submit Brady Act information to the applicable FBI CJIS Division databases for entry into the NICS. As a result, in November 2017, the Army CID began submitting the Army offender Brady Act information directly to the FBI CJIS Division for entry into the NICS.

We asked the Army CID Operations Chief why the Army CID started submitting Brady Act information to the FBI CJIS Division for entry into the NICS without a DoD or Army policy to do so. He told us that after the Kelley incident, the Army CID CJIS Systems Officer (CSO) realized the information was not being submitted by the DMDC to the FBI CJIS Division for entry into the NICS.⁶⁶

The Army CID CSO explained that Army LEO personnel submit Brady Act information into the Army Law Enforcement Reporting and Tracking System (ALERTS). The Army CSO creates an ALERTS report that produces the required Brady Act information. Lastly, the Army CSO submits the required information through the FBI Law Enforcement Enterprise Portal (LEEP) directly to the FBI CJIS Division for entry into the NICS.

⁶⁶ Each Service has appointed its CJIS Systems Officer, who monitors systems use, enforces system discipline and security, and assures that CJIS operating procedures are followed by all users.

The Navy and Marine Corps Brady Act Information Submissions

The Navy submits the Brady Act information to the DMDC for entry into the DIBRS, as required by DoDI 7730.47. However, as previously discussed, the DMDC personnel did not submit Brady Act information to the FBI CJIS Division for entry into the NICS. As a result, in November 2017, the NCIS began submitting the Navy and Marine Corps Brady Act information directly to the FBI CJIS Division for entry into the NICS.

We asked the NCIS Division Chief, Navy CSO, and other NCIS senior leadership why the NCIS started submitting Brady Act information to the FBI CJIS Division for entry into NICS without a DoD or Navy policy to do so. The Navy representatives told us that after the Kelley incident, the Navy CSO began submitting Brady Act information for all Navy and Marine Corps LEOs when the Navy realized the information was not being submitted by the DMDC to the FBI CJIS Division for entry into the NICS.

The Navy representatives explained that the Navy and Marine Corps LEO personnel submit Brady Act information into the Consolidated Law Enforcement Operations Center (CLEOC). The Navy CSO creates a CLEOC report that produces required Brady Act information. Lastly, the Navy CSO submits the required information through the FBI Law Enforcement Enterprise Portal (LEEP) directly to the FBI CJIS Division for entry into the NICS.

The Air Force Brady Act Information Submissions

The Air Force submits Brady Act information to the DMDC for entry into the DIBRS, as required by DoDI 7730.47. However, as previously discussed, the DMDC personnel did not submit Brady Act information to the FBI CJIS Division for entry into the NICS. As a result, in November 2017, the AFOSI began submitting the Air Force Brady Act information directly to the FBI CJIS Division for entry into the NICS.

We asked the Air Force CSO why the AFOSI began submitting Brady Act information to the FBI CJIS Division for entry into the NICS without a DoD or Air Force policy to do so. The CSO stated that after the Kelley incident, the Air Force CSO began submitting Brady Act information for all Air Force LEOs when the Air Force realized the information was not being submitted by the DMDC to the FBI CJIS Division for entry into the NICS.

The Air Force LEO personnel submit Brady Act information into the Web Investigative Information Management System (WI2MS) and Security Forces Management Information System (SFMIS), respectively. The Air Force CSO receives the Brady Act information from WI2MS and SFMIS and then submits the required information through the FBI LEEP directly to the FBI CJIS Division for entry into the NICS.

The Defense Criminal Investigative Service Brady Act Information Submission

DCIS personnel do not submit Brady Act information to the DMDC for entry into the DIBRS, as required by DoDI 7730.47. To comply with the Gun Control Act, DCIS personnel submitted fingerprints and final disposition reports that included Brady Act information to the FBI CJIS Division. In Section A of this report, we determined that the DCIS personnel submitted all 199 (100 percent) required fingerprints and final disposition reports to the FBI CJIS Division for convicted felony offenders that the DCIS investigated.⁶⁷

The Pentagon Force Protection Agency Brady Act Information Submissions

PFPA personnel do not submit Brady Act information to the DMDC for entry into the DIBRS, as required by DoDI 7730.47. To comply with the Gun Control Act, PFPA personnel submitted fingerprints and final disposition reports, which included Brady Act information, to the FBI CJIS Division. In Section A of this report, we determined that the PFPA personnel submitted 233 of 236 (99 percent) required fingerprints and 231 of 236 (98 percent) final disposition reports for offenders that the PFPA investigated.

Conclusion

In sum, we concluded that LEOs submitted Brady Act information to the FBI CJIS Division, but the DMDC did not submit Brady Act information to the FBI CJIS Division. We found that the DoD guidance does not include a requirement for the LEOs to submit Brady Act information from DIBRS to the FBI CJIS Division for entry into the NICS. Additionally, DoD guidance does not identify the DoD organization or the personnel that are required to submit Brady Act information

⁶⁷ The U.S. Attorney General published a memorandum titled, “Guidance to Agencies Regarding Submission of Relevant Federal Records to the NICS,” March 2013, that states if records are relevant to the NCIC or III, they should be submitted to those databases rather than the NICS Index. When FBI CJIS Division conducts a NICS check, the FBI CJIS Division queries the NICS, NCIC, and the III to determine whether the individual is prohibited from purchasing a firearm.

to the FBI CJIS Division for entry into the NICS. Furthermore, the DIBRS does not have the capability to identify the PII required for Brady Act information submission to the FBI CJIS Division for entry into the NICS.

However, after the Kelley incident, the LEOs determined that the DMDC was not submitting Brady Act information to the FBI CJIS Division. In November 2017, LEO personnel began submitting Brady Act information directly to the FBI CJIS Division for entry into the NICS.

Specifically, our evaluation identified a total of 886 offenders convicted of an offense from January 1, 2015, through February 28, 2018, which resulted in a sentence including a dishonorable discharge or dismissal for conviction of a qualifying offense for an individual whose Brady Act information was required to be submitted to the FBI CJIS Division. We determined that the LEOs submitted Brady Act information for all 886 (100 percent) offenders to the FBI CJIS Division for entry into the NICS.

Additionally, we determined that the DCIS and PFPD primarily submitted Brady Act information to the FBI CJIS Division through fingerprints and final disposition reports. Brady Act information submitted through fingerprints and final disposition reports is identified during FFL NICS checks. We therefore make the following recommendations to correct these deficiencies.

Recommendations, Management Comments, and Our Response

Recommendation 9

We recommend that the Under Secretary of Defense for Intelligence revise DoDI 7730.47 and DoDM 7730.47-M, Volume 1 to:

- a. Require the submission of Brady Act information to the applicable Federal Bureau of Investigation databases to make it available to the National Instant Criminal Background Check System.**
- b. Establish roles and responsibilities for the submission of Brady Act information to the applicable Federal Bureau of Investigation databases to make it available to the National Instant Criminal Background Check System.**

Under Secretary of Defense for Intelligence Comments

The Defense Intelligence, Counterintelligence, Law Enforcement & Security Director, responding for the Under Secretary of Defense for Intelligence, agreed with the recommendation and anticipates drafting a DoD Policy Directive on NICS requirements no later than June 2020.

Our Response

Comments from the Defense Intelligence, Counterintelligence, Law Enforcement & Security Director addressed all specifics of the recommendation; therefore, the recommendation is resolved but will remain open. We will close the recommendation once we verify the DoD Policy Directive, addressing NICS submission requirements, is published.

Redirected Recommendation

As a result of management comments, we redirected Recommendation 10 to the Under Secretary of Defense for Intelligence which has the authority to implement this recommendation. The recommendation was originally made to the Under Secretary of Defense for Personnel and Readiness who stated in response to the draft report that DoD transferred responsibility for all Law Enforcement programs and policies, including responsibility for the DIBRS system, to the Under Secretary of Defense for Intelligence and that the Under Secretary of Defense for Intelligence is responsible for the best method for reporting Brady Act information. Therefore, the recommendation is unresolved. We request that the Under Secretary of Defense for Intelligence provide comments to the final report to detail how this recommendation will be implemented and an expected completion date.

Recommendation 10

We recommend that the Under Secretary of Defense for Intelligence determine whether the Defense Incident Based Reporting System should be used for reporting Brady Act information to the applicable Federal Bureau of Investigation databases to make it available to the National Instant Criminal Background Check System.

Appendix A

Scope and Methodology

We conducted this evaluation from January 2018 through November 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 conduct this evaluation, we assembled a multi-disciplinary team of investigators, special agents, auditors, and attorneys. The team coordinated with over 100 DoD and Service senior-level subject matter experts at 24 offices. We conducted 111 interviews of over 362 personnel, including interviews of military Staff Judge Advocates (SJAs), LEO personnel, and military corrections and confinement personnel during 34 site visits. The team also reviewed DoD and LEO policies related to Federal law and DoD policy for submitting criminal history information to the applicable FBI databases.

Additionally, we tested criminal history information submission compliance for offenders who received sentences that included a dishonorable discharge or dismissal from the military for a qualifying offense from January 1, 2015, through February 28, 2018. We selected this sample because it allowed us to test DoD compliance across a broad spectrum of FBI criminal history information databases. Offenders who were dishonorably discharged or dismissed were convicted of serious crimes, such as homicide, rape, and larceny. Therefore, the LEOs investigating these offenses were required to submit the offender’s criminal history information to the applicable FBI databases.

We asked the Services’ Judge Advocates General (TJAG) and the Staff Judge Advocate to the Commandant of the Marine Corps to identify the Service members convicted of qualifying offenses from January 1, 2015, through February 28, 2018, who received sentences that included a dishonorable discharge or dismissal. We then identified the LEO that conducted the investigation for each conviction. Although DCIS and PFPA did not investigate any offenses that resulted in a dishonorable discharge or dismissal, DCIS and PFPA provided a list of the investigations they initiated from January 1, 2015, through February 28, 2018. From this list, we identified qualifying offenders whose criminal history information was required to be submitted to the applicable FBI databases.

We contacted FBI CJIS Division personnel to verify whether offender fingerprints and final disposition reports and Brady Act information were submitted to the applicable FBI databases as required. Additionally, we contacted the U.S. Army Criminal Investigation Laboratory personnel to determine whether the offender's DNA sample was entered into the FBI Combined DNA Index System. Lastly, we contacted the U.S. Marshal Service personnel to verify whether the offender's information was entered into the National Sex Offender Registry.

Use of Computer-Processed Data

We used computer-processed data to perform this evaluation. Each of the Service TJAGs populated our spreadsheet with information retrieved from the respective military justice systems. We did not verify the reliability of the following Army, Navy, and Marine Corps, and Air Force TJAG data systems.

- Army Courts-Martial Information System (ACMIS)
- Navy and Marine Corps Case Management System
- Air Force Automated Military Justice Administration and Management System (AMJAMS)

Additionally, each of the military LEOs used its respective reporting system to retrieve information about the convicted offenders identified by the TJAGs. We did not verify the reliability of the LEO data.

- Army Law Enforcement Reporting and Tracking System (ALERTS)
- Navy Consolidated Law Enforcement Operations Center (CLEOC)
- Air Force Web Investigative Information Management System (WI2MS)
- Air Force Security Forces Management Information System (SFMIS)
- DCIS Case Reporting Information Management System (CRIMS)
- PFPA Records Management System (RMS)

The FBI CJIS Division used its data storage and reporting systems to validate information submitted by the LEOs about convicted offenders identified by the Service TJAGs. We did not verify the reliability of the FBI CJIS Division data.

- FBI National Criminal Information Center (NCIC)
- Interstate Identification Index (III)
- National Instant Criminal Background System Check (NICS)

The USACIL used its "STACS DNA" (Sample Tracking and Control Software for DNA Labs) to validate that LEOs submitted required DNA samples to the USACIL and the USACIL submitted the profiles to the FBI National DNA Index System. We did not verify the reliability of the USACIL data.

Appendix B

Prior Coverage

The DoD Office of Inspector General (OIG) previously issued the following reports that found deficiencies in the DoD submission of criminal history information to the FBI and the FBI CJIS Division. Unrestricted DoD OIG reports can be accessed at <http://www.dodig.mil/reports/html/>.

Fingerprints and Final Disposition Reports

Report No. DODIG-2019-075, “Evaluation of Military Services’ Law Enforcement Responses to Domestic Violence Incidents,” April 19, 2019

The DoD OIG determined that fingerprints for 137 of 194 (71 percent) and final disposition reports for 147 of 194 (76 percent) domestic violence subjects were not submitted to the FBI CJIS Division. Also, DNA was not submitted for 105 of 192 (55 percent) domestic violence subjects.

Report No. DODIG-2019-030, “Report of Investigation into the United States Air Force’s Failure to Submit Devin Kelley’s Criminal History Information to the Federal Bureau of Investigation,” December 6, 2018

The DoD OIG determined that the Air Force had four opportunities to submit Kelley’s fingerprints to the FBI, but did not do so. On six occasions, Kelley purchased firearms from stores that were FFLs and completed the Bureau of Alcohol, Tobacco, Firearms, and Explosives Form 4473, which is required to obtain a firearm license. Because the Air Force did not submit Kelley’s fingerprints to the FBI, which would have prohibited the sale of firearms to Kelley, he was able to purchase the firearms.

Report No. DODIG-2018-071, “Evaluation of the Pentagon Force Protection Agency’s Critical Law Enforcement Programs,” February 14, 2018

The DoD OIG determined that fingerprints for 1 of 33 (3 percent) subjects identified in 45 criminal investigations were not submitted to the FBI CJIS Division.

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

The DoD OIG determined that the Services did not consistently submit fingerprints and final disposition reports as required. Overall, of the 2,502 fingerprints 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.

Within the Services, the Army, Navy, and Marine Corps had more missing fingerprints and final disposition reports. The Army had 262 (28 percent) missing fingerprints and 385 (41 percent) missing final disposition reports. The Navy had 197 (29 percent) missing fingerprints and 243 (36 percent) missing final disposition reports. The Air Force had 105 (14 percent) missing fingerprints and 106 (14 percent) missing final disposition reports. The Marine Corps had 37 (29 percent) missing fingerprints and 46 (36 percent) missing final disposition reports.

Report No. DoDIG-2017-054, “Evaluation of Military Criminal Investigative Organizations’ Adult Sexual Assault Investigations,” February 14, 2017

The DoD OIG determined that in 15 of 376 (4 percent) cases, fingerprint cards were not collected by Military Criminal Investigative Organizations or were collected but not submitted to the FBI.

Report No. DoDIG-2015-094, “Evaluation of Military Criminal Investigative Adult Sexual Assault Investigations,” March 24, 2015

The DoD OIG determined that in 51 of 532 (10 percent) cases, fingerprint cards were not collected by Military Criminal Investigative Organizations, or were collected but not submitted to the FBI CJIS.

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

The DoD OIG determined that the Services did not consistently submit fingerprints and final disposition reports as required. Overall, we found that 304 of 1,102 (28 percent) fingerprints and 334 of 1,102 (30 percent) final disposition reports were not submitted to the FBI as required. The Navy failed to submit 68 of 317 (21 percent) required fingerprints and 80 of 317 (25 percent) required disposition reports. The Air Force failed to submit 110 of 358 (31 percent) required fingerprints and 113 of 358 (32 percent) required disposition reports, and the Marine Corps failed to submit 126 of 427 (30 percent) required fingerprints and 141 of 427 (33 percent) required final disposition reports.

Report No. DoDIG-2015-055, "Evaluation of Military Criminal Investigative Organizations' Child Death Investigations," December 22, 2014

The DoD OIG determined that in 2 of 82 (2 percent) cases, fingerprints were not collected by Military Criminal Investigative Organizations or were collected but were not submitted to the FBI CJIS.

Report No. DoDIG-2014-105, "Evaluation of Military Criminal Investigative Organizations' Child Sexual Assault Investigations," September 9, 2014

The DoD OIG determined that in 24 of 163 (15 percent) cases, fingerprints were not collected by Military Criminal Investigative Organizations, or were collected but were not submitted to the FBI CJIS.

Report No. DoDIG-2013-091, "Evaluation of Military Criminal Investigative Organizations' Sexual Assault Investigations," July 9, 2013

The DoD OIG determined that in 101 of 501 (20 percent) cases, fingerprints were not collected by Military Criminal Investigative Organizations, or were collected but were not submitted to the FBI.

Report No. PO 97-003, "Criminal Investigations Policy Memorandum Number 10, Criminal History Data Reporting Requirements," January 28, 1997

The DoD OIG determined a high level of noncompliance by the DoD law enforcement organizations in submitting required fingerprints and final disposition reports to the FBI. Overall, we found that the Army failed to submit required fingerprints to the FBI in 82 percent of its criminal cases, and did not submit final disposition reports in 79 percent of its criminal cases; the Navy failed to submit fingerprints in 83 percent of its criminal cases and did not submit final disposition reports in 94 percent of its criminal cases; and the Air Force failed to submit fingerprints in 38 percent of its criminal cases and did not submit final disposition reports in 50 percent of its criminal cases.

DNA Samples

Report No. DODIG-2019-075, "Evaluation of Military Services' Law Enforcement Responses to Domestic Violence Incidents," April 19, 2019

The DoD OIG determined that fingerprints of 137 of 194 (71 percent) and 147 of 194 (76 percent) of subjects identified were not submitted to the FBI CJIS Division. Also, DNA was not submitted for 105 of 192 (55 percent) of subjects.

Report No. DODIG-2018-071, "Evaluation of the Pentagon Force Protection Agency's Critical Law Enforcement Programs," February 14, 2018

The DoD OIG determined that DNA was not submitted for 3 of 33 (7 percent) subjects identified.

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

The DoD OIG determined whether the Services' law enforcement and confinement authorities collected DNA samples from service members convicted of qualifying offenses between June 1, 2010, and October 31, 2012, and submitted those samples to U.S. Army Criminal Investigation Laboratory (USACIL) for analysis and entry in the Combined DNA Index System (CODIS). The DoD OIG determined that the DoD did not submit 279 of the 3,490 (8 percent) (excludes U.S. Coast Guard submissions) required DNA samples to the USACIL for entry into CODIS during the evaluation sample period of June 1, 2010, through October 31, 2012.

SORNA

Report No. DODIG-2014-103, "Evaluation of DoD Compliance with the Sex Offender Registration and Notification Act," August 29, 2014

The DoD OIG determined that the DoD is compliant with existing Sex Offender Registration and Notification Act (SORNA) requirements; however, improved processes would promote more efficient compliance. The DoD lacks policy requiring Military Departments and defense agencies to account for registered sex offenders and, consequently, does not effectively account for registered sex offenders with access to DoD facilities, or for sex offenders deploying to, or returning from, foreign countries.

Report No. CIPO2002S003, "Evaluation of DoD Correctional Facility Compliance with Military Sex Offender Notification Requirements," June 26, 2002

The DoD OIG determined that DoD policy regarding sex offender notifications complied with statutory requirements. However, the Services did not adequately implement the policy or meet the notification requirements. Additionally, military confinement facilities consistently did not receive documentation of the victim and witness notification requirements. Even when they received the documentation, military confinement facilities did not always satisfy the victim and witness notification requirements. Consequently, some victims and witnesses did not receive notifications upon an inmate's release from confinement.

Multiple Focus Areas

Report No. DODIG-2017-036, "Evaluation of Non-DCIO Components' Compliance with DODI 5505.16, "Criminal Investigations by Personnel Who Are Not Assigned to a DCIO," December 22, 2016

The DoD OIG determined whether the Defense Logistics Agency and Defense Finance and Accounting Service notified the appropriate DCIO at the onset of all investigations as required. The DoD OIG also determined that the Defense Contract Audit Agency, Defense Commissary Agency, Defense Contract Management Agency, Defense Health Agency, Department of Defense Education Activity, and Washington Headquarters Services did not conduct criminal investigations. These non-DCIO Components followed their standard operating procedures and reported criminal allegations to a DCIO or other law enforcement agency (LEA) or conducted administrative investigations for management action.

Appendix C

Qualifying Offenses by DoD Instruction

The following table lists reportable qualifying offenses, by article number. The Fingerprints column indicates which Uniform Code of Military Justice (UCMJ) Article investigations require fingerprint and final disposition report submissions. (DoDI 5505.11, March 30, 2017). The DNA column indicates which UCMJ articles investigations require DNA sample submission to CODIS. (DoDI 5505.14, March 9, 2017). The SORNA column indicates which convictions for UCMJ sexual offenses require NSOR submissions and subsequent offender registration. (DoDI 1325.07, April 10, 2018). If only specific conditions of UCMJ articles require DNA or NSOR submission, these conditions are shown in bold typeface.

Article	Offense Description	Fingerprints	DNA	SORNA
78	Accessory after the fact (for crimes listed in this enclosure)	X	X	
80	Attempts (for crimes listed in this enclosure)	X	X	X
81	Conspiracy (for crimes listed in this enclosure)	X	X	X
82	Solicitation	X	X	X
83	Fraudulent enlistment, appointment, or separation		X	
84	Effecting unlawful enlistment, appointment, or separation		X	
85	Desertion	X	X	
86	Absence without leave for more than 30 days and terminated by apprehension only		X	
87	Missing movement by design only		X	
90	Striking or assaulting a superior commissioned officer	X	X	
91	Striking or assaulting a warrant, noncommissioned, or petty officer	X	X	
92	Failure to obey a lawful general order or regulation; or dereliction in the performance of duties through neglect or culpable inefficiency resulting in the death or grievous bodily harm; or willful dereliction of duty resulting in death or grievous bodily harm only		X	
93	Cruelty and maltreatment		X	
94	Mutiny and sedition	X	X	
95	Resistance, flight, breach of arrest, and escape	X		

Qualifying Offenses by DoD Instruction (cont'd)

Article	Offense Description	Fingerprints	DNA	SORNA
95	Escape from post-trial confinement only		X	
96	Releasing prisoner without proper authority – or suffering a prisoner to escape through design only		X	
97	Unlawful detention	X	X	
98	Noncompliance with procedural rules – Knowingly and intentionally failing to enforce or comply with provisions of the code only		X	
99	Misbehavior before the enemy		X	
100	Subordinate compelling surrender		X	
101	Improper use of countersign		X	
102	Forcing a safeguard		X	
103	Captured or abandoned property - Failing to secure public property taken from the enemy; failing to secure, give notice and turn over, selling, or otherwise wrongfully dealing in or disposing of captured or abandoned property of a value of more than \$500.00 or any firearm or explosive or looting or pillaging only		X	
104	Aiding the enemy		X	
105	Misconduct as a prisoner		X	
106	Spies	X	X	
106a	Espionage	X	X	
107	False official statements	X	X	
108	Military property of the United States – sale, loss, damage, destruction, or wrongful disposition	X		
108	Military property of the United States, i.e., sale, loss, damage, destruction, or wrongful disposition - Selling or otherwise disposing of military property of a value of more than \$500.00 or any firearm or explosive; or willfully damaging, destroying or losing, or willfully suffering to be lost, damaged, destroyed, sold or willfully disposed of military property of a value or damage of more than \$500.00, or of any firearm or explosive only		X	
109	Property other than military property of the United States – waste, spoilage, or destruction	X		

Qualifying Offenses by DoD Instruction (cont'd)

Article	Offense Description	Fingerprints	DNA	SORNA
109	Property other than military property of the United States, waste, spoilage, destruction, or damage of a value or damage of more than \$500.00 only		X	
110	Improper hazarding a vessel		X	
111	Drunken or reckless operation of vehicle, aircraft, or vessel	X		
111	Drunken or reckless operation of vehicle, aircraft, or vessel, resulting in personal injury only		X	
112a	Wrongful use, possession, etc., of controlled substances	X	X	
113	Misbehavior of sentinel or lookout, in time of war or while receiving special pay only		X	
116	Riot or breach of peace	X		
116	Riot or breach of peace - riot only		X	
118	Murder	X	X	
119	Manslaughter	X	X	
119a	Death or injury of an unborn child	X	X	
120	Rape and carnal knowledge for offenses committed on or after June 28, 2012	X	X	X
120	Rape, sexual assault, and other sexual misconduct for offenses committed on or between October 1, 2007, and June 27, 2012	X	X	X
120	Rape and carnal knowledge for offenses committed before October 1, 2007	X	X	X
120a	Stalking	X	X	X
120b	Rape and sexual assault of a child for offenses committed on or after June 28, 2012	X	X	X
120c	Other sexual misconduct of offenses committed on or after June 28, 2012	X	X	X
120c	Other sexual misconduct for offenses committed on or after June 28, 2012 – indecent visual recording, broadcasting or distribution of an indecent visual recording, and forcible pandering only		X	
121	Larceny and wrongful appropriation	X	X	
122	Robbery	X	X	
123	Forgery	X	X	

Qualifying Offenses by DoD Instruction (cont'd)

Article	Offense Description	Fingerprints	DNA	SORNA
123a	Making, drawing, or uttering check, draft, or order without sufficient funds	X		
123a	Making, drawing, or uttering check, draft, or order without sufficient funds – For the procurement of any article or thing of value, with the intent to defraud, in the face amount of more than \$500.00 only		X	
124	Maiming	X	X	
125	Forcible sodomy; bestiality, in accordance with section 1707 of Public Law 113-66, which repealed the offense of consensual sodomy under the UCMJ	X	X	X
126	Arson	X		
126	Arson – Aggravated arson or simple arson where the property is of a value of more than \$500.00 only		X	
127	Extortion	X		
128	Assault	X		
128	Assault – Simple assault when committed with an unloaded firearm, assault upon a commissioned officer of the armed forces of the United States or of a friendly foreign power, not in the execution of office; assault upon a warrant officer, not in the execution of office; assault upon a sentinel or lookout in the execution of duty, or upon a person who, in the execution of office, performing security police, military police, shore patrol, master of at arms, or other military or civilian law enforcement duties; assault consummated by a battery upon a child under 16 years; aggravated assault with a dangerous weapon or other means of force likely to produce death or grievous bodily harm; or aggravated assault in which grievous bodily harm is intentionally inflicted only		X	
129	Burglary	X	X	
130	Housebreaking	X	X	
131	Perjury	X	X	
132	Frauds against the United States	X	X	
132	Frauds against the United States - see DoD 5505.14 for various criteria		X	

Qualifying Offenses by DoD Instruction (cont'd)

Article	Offense Description	Fingerprints	DNA	SORNA
133	Conduct unbecoming an officer and gentleman – if the military judge determines that the offense was punishable by confinement for longer than 1 year		X	
133	Conduct unbecoming an officer (involving any sexually violent offense or a criminal offense of a sexual nature against a Minor or kidnapping of a Minor)			X
134	Assault – Indecent for offenses committed before October 1, 2007	X	X	X
134	Assault – with intent to commit murder, voluntary manslaughter, rape, robbery, sodomy, arson, burglary, or housebreaking	X	X	
a.	Assault – with intent to commit rape or sodomy			X
b.	Bigamy		X	
c.	Bribery and graft	X		
d.	Burning with intent to defraud	X	X	
e.	Child endangerment for offenses committed on or after October 1, 2007	X		
	Child endangerment for offenses committed on or after October 1, 2007 – Child endangerment by design, endangerment by culpable negligence resulting in grievous bodily harm or endangerment by culpable negligence resulting in harm only		X	
f.	Child pornography offenses, to include possession, distribution, production, receipt, viewing, and accessing	X	X	X
	Conduct prejudicial to good order and discipline (involving any sexually violent offense or a criminal offense of a sexual nature against a minor or kidnapping of a minor)			X
g.	Correctional custody – offense against	X		
	Disloyal statement		X	
h.	False or unauthorized pass offenses	X		
	False or unauthorized pass offenses – Possessing or using with intent to defraud or deceive, or making, altering, counterfeiting, or tampering with, or selling only		X	

Qualifying Offenses by DoD Instruction (cont'd)

Article	Offense Description	Fingerprints	DNA	SORNA
i.	Obtaining services under false pretenses	X		
	Obtaining services under false pretenses of a value of more than \$500.00 only		X	
j.	False swearing	X	X	
	Fraternization		X	
k.	Willfully discharging a firearm under such circumstances as to endanger human life	X		
l.	Fleeing the scene of an accident	X		
m.	Negligent homicide	X	X	
n.	Impersonating a commissioned, warrant, noncommissioned, or petty officer, or an agent or official	X		
	Impersonating a commissioned, warrant, noncommissioned, or petty officer, or an agent or official with the intent to defraud only		X	
o.	Indecent acts or liberties with a child for offenses committed prior to October 1, 2007	X	X	X
	Indecent acts with another for offenses committed before October 1, 2007	X	X	X
p.	Indecent exposure for offenses committed before October 1, 2007	X		
q.	Indecent language	X		
	Indecent language communicated to any child under the age of 16 years only		X	X
s.	Kidnapping	X	X	
	Kidnapping of a minor (by a person not parent)			X
t.	Taking, opening, secreting, destroying, or stealing mail	X	X	
u.	Depositing, or causing to be deposited, obscene matters in mail	X	X	
v.	Misprision of serious offense	X	X	
w.	Obstructing justice	X	X	
x.	Wrongful interference with an adverse administrative proceeding	X	X	

Qualifying Offenses by DoD Instruction (cont'd)

Article	Offense Description	Fingerprints	DNA	SORNA
y.	Pandering and prostitution. Having someone commit an act of prostitution is still an offense pursuant to Article 134 of the UCMJ, but if the pandering is "compelled," it becomes an Article 120 offense, on or between October 1, 2007 and June 27, 2012, and Article 120c offense on or after June 28, 2012	X	X	
	Prostitution involving a minor			X
z.	Subornation of perjury	X	X	
aa.	Altering, concealing, removing, mutilating, obliterating, or destroying public records	X	X	
ab.	Reckless endangerment	X		
ac.	Destruction, removal, or disposal of property to prevent seizure	X		
ad.	Self-injury without intent to avoid service	X	X	
	Sentinel or lookout: offenses by or against - Loitering or wrongfully sitting on post by a sentinel or lookout in the time of war or while receiving special pay only		X	
ae.	Soliciting another to commit an offense (for crimes listed in this enclosure)	X	X	
af.	Knowingly receiving, buying, or concealing stolen property	X	X	
ag.	Wrongful refusal to testify	X	X	
ah.	Threat or hoax designed or intended to cause panic or public fear	X	X	
ai.	Communicating threat	X	X	
aj.	Wrongfully concealing or carrying a weapon	X		
ak.	Specific Federal statutes charged as a violation of Article 134 of the UCMJ: (1) Aggravated identity theft (2) Fraud and related activity in connection with computers (3) Fraud and related activity in connection with identification documents, authentication features, and information (4) Sabotage	X		
	Any Federal statutes charged as a violation of Article 134 of the UCMJ with a maximum punishment including confinement exceeding 1 year.		X	

Qualifying Offenses by DoD Instruction (cont'd)

Article	Offense Description	Fingerprints	DNA	SORNA
al.	Any state criminal offenses pursuant to section 13, title 18, United States Code (18 U.S.C. § 13) (also known as the “Federal Assimilative Crimes Act”), charged as a violation of Article 134 of the UCMJ	X	X	

Management Comments

Chief Management Officer



DEPUTY CHIEF MANAGEMENT OFFICER
9010 DEFENSE PENTAGON
WASHINGTON, DC 20301-9010

DEC 19 2019

MEMORANDUM FOR INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

SUBJECT: DoD IG Draft Report - "Evaluation of DoD Law Enforcement Organization Submissions of Criminal History Information to the Federal Bureau of Investigation," Project Number 2018-C008

This is in response to your request for comments regarding the proposed subject report. I concur with the findings associated with the Pentagon Force Protection Agency (PFPA). PFPA implemented policies, procedures, training, and management oversight to ensure the submission of criminal history information to the Federal Bureau of Investigation.

If you have any questions, the Deputy Chief Management Officer point of contact is Dr. [REDACTED] Acting Director, Pentagon Force Protection Agency. He can be reached at [REDACTED].

HERSHMAN.LIS [REDACTED]

A.W. [REDACTED]

[REDACTED]

Lisa W. Hershman

Secretary of the Army



DEPARTMENT OF THE ARMY
OFFICE OF THE PROVOST MARSHAL GENERAL
2800 ARMY PENTAGON
WASHINGTON, DC 20310-2800

DAPM-MPO-LE

MEMORANDUM FOR Inspector General, Office of the Inspector General, U.S.
Department of Defense, 4800 Mark Center Drive, Alexandria, VA 22350-1500

SUBJECT: Draft Report - Evaluation of DoD Law Enforcement Organization
Submissions of Criminal History Information to the Federal Bureau of Investigation
(Project No. 2018-C008)

1. This memorandum is in response to the Department of Defense Inspector General (DOD OIG) Project No. 2018C008. Since November 2017, Army Law Enforcement has made significant progress in complying with federal law, DOD policy, and Army policy requiring the submission of criminal justice information reporting. To date, the Army has submitted 94% of the required fingerprint and final disposition reports dating back to 1998 and 84% of obtainable Deoxyribonucleic Acid (DNA) samples. Army Law Enforcement has updated policy and oversight procedures to ensure 100% compliance moving forward and continues to make every conceivable effort to obtain missing historical records.

2. The Office of the Provost Marshal General responses to recommendations identified in the project are as follows:

a. **Recommendation 2:** The DOD OIG recommended that the Secretary of the Army (SA) take prompt action to submit the two missing Army Criminal Investigation Command (CID) DNA samples and the one missing Army Military Police (MP) DNA sample to the Federal Bureau of Investigation (FBI) Combined DNA Index System (CODIS) as required by DODI 5505.14.

Response: Regarding the two CID DNA samples, one was obtained and submitted to a civilian laboratory, and is pending processing and submission to the FBI CODIS with an anticipated submission date in April 2020. The second offender is being sought by the U.S. Marshals Service (USMS) for failing to register as a sex offender, and upon his arrest, the USMS will collect the DNA sample for submission to the FBI CODIS. The one MP DNA sample is unobtainable due to the service member separating from service.

b. **Recommendation 8:** The DOD OIG recommended that the SA revise Army Regulation (AR) 190-47 to require military correctional facility commanders to send DD Form 2791 to the U.S. Army Crime Records Center (CRC) and the USMS National Sex Offender Targeting Center (NSOTC) as required by DODI 5525.20.


Secretary of the Army (cont'd)

DAPM-MPO-LE

SUBJECT: Draft Report - Evaluation of DoD Law Enforcement Organization
Submissions of Criminal History Information to the Federal Bureau of Investigation
(Project No. 2018-C008)

Response: AR 190-47 is under revision and has been revised to include the recommended language. In the interim, the U.S. Army Corrections Command has issued guidance for commanders to collect and send DD Form 2791 to the CRC and NSOTC as required.

MILLER, DUANE, R.


DUANE R. MILLER
Brigadier General, USA
Deputy Provost Marshal General

Secretary of the Navy



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

5041
23/19U0149
11 Dec 19

FOR: DEPARTMENT OF DEFENSE INSPECTOR GENERAL

FROM: Gregory D. Ford, Executive Assistant Director

SUBJECT: Request for response to DoDIG Draft Report: "Evaluation of Law Enforcement Organization Submissions of Criminal History Information to the Federal Bureau of Investigation" (Project No. 2018C0008)

The Naval Criminal Investigative Service (NCIS) is providing responses to DoDIG Draft Report: "Evaluation of Law Enforcement Organization Submissions of Criminal History Information to the Federal Bureau of Investigation," November 20, 2019.

The following are the responses to recommendations 1,3,5, and 9 in the draft report.

Recommendation 1

- a. Update the Navy Security Forces Master-at-Arms School law enforcement training to include instruction on fingerprint and final disposition report collection and submission to the Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) Division.
- b. Require the Navy Security Forces to establish management oversight procedures to verify fingerprints and final disposition reports were submitted to the FBI CJIS Division.

NCIS response to recommendation 1: OPNAV N46 is the primary lead and NCIS, as the DON CSO, will assist Navy Security Forces, as requested, in implementing the recommendation.

Recommendation 3

- a. Direct the Navy Security Forces to collect and submit DNA samples to the U.S. Army Criminal Investigation Laboratory (USACIL) for entry into the Federal Bureau of Investigation (FBI) Combined DNA Index System (CODIS) as required by DoDI 5505.14.
- b. Establish policy, processes, training, and management oversight procedures for Navy Security Forces personnel to collect and submit DNA samples to the USACIL for entry into the FBI CODIS as required by DoDI 5505.14.

Secretary of the Navy (cont'd)

NCIS response to recommendation 3: OPNAV N46 is the primary lead and NCIS, as the DON CSO, will assist Navy Security Forces, as requested, in implementing the recommendation.

Recommendation 5

a. We recommend that the Secretary of the Navy and Commandant of the Marine Corps take prompt action to submit the missing Marine Corps DNA sample to the Federal Bureau of Investigation Combined DNA Index System as required by DoDI 5505.14.

NCIS response to recommendation 5: NCIS has met this recommendation, however, as the DON CSO, will assist the Navy and USMC as requested.

Recommendation 9

a. We recommend that the Secretary of the Navy revise Secretary of the Navy Instruction 5800.14A to require the DD Form 2791 be provided to the Naval Criminal Investigative Service and the U.S. Marshals Service National Sex Offender Targeting Center as required by DoDI 5525.20.

NCIS response to recommendation 9: DoDI 5525.20 is currently undergoing a re-write and should be completed in approximately one year. Since Navy Instruction 5800.14A is based off direction outlined in the DoDI, NCIS determined that we should wait for the new DoD instruction before re-writing the Navy Instruction. NCIS will assist the Navy and USMC in implementing recommendation.



GREGORY D. FORD

Secretary of the Air Force



Office of the Secretary

DEPARTMENT OF THE AIR FORCE WASHINGTON DC

20 Dec 19

MEMORANDUM FOR DEPARTMENT OF DEFENSE INSPECTOR GENERAL

FROM: SAF/IG


SUBJECT: Air Force Response to DoDIG Draft Report, "DOD LEO SUBMISSIONS OF CRIMINAL HISTORY INFO TO FBI" (Project No. D2018-C008)

1. This is the Department of the Air Force response to the DoDIG Draft Report, "DOD OIG DRAFT REPORT – DOD LEO SUBMISSIONS OF CRIMINAL HISTORY INFO TO FBI" (Project No. D2018-C008). The Air Force partially disagrees with recommendation 4 for The Air Force Office of Special Investigations and provided other substantive comments regarding the report, which are attached at Tab 1. SAF/IG also coordinated with AF/A4S and the Security Forces Center, who provided additional comments (attached at Tab 2). Otherwise, the Air Force concurs with the overall report findings and welcomes the opportunity to discuss the recommendation response and additional comments.

2. **RECOMMENDATION 4:** The DoD OIG recommends that the Secretary of the Air Force take prompt action to submit the two missing Air Force Office of Special Investigations DNA samples to the U.S. Army Criminal Investigation Laboratory for entry in to the Federal Bureau of Investigations combined DNA Index System as required by DoDI 5505.14.

3. **AIR FORCE RESPONSE:** SAF/IG, in coordination with the Air Force Office of Special Investigations (AFOSI), agrees with the intent of this recommendation, however the proposed actions for resolution are not achievable. AFOSI agrees that the two referenced CODIS kits were not submitted, but does not have means or authority to collect DNA from the subjects for submission to CODIS, as they are no longer members of the military. However, AFOSI is taking steps to determine if either SUBJECT may have DNA in CODIS via another agency's submission. Of the two missed CODIS, one was a deserter and one was a sex offender. AFOSI submitted an inquiry to USACIL to confirm if they received an acceptable DNA profile from any agency and submitted to CODIS for either SUBJECT. Additional details of this effort are documented in page 6 of attachment 1.

4. The SAF/IG point of contact is [REDACTED], SAF/IGX; [REDACTED].


SAMI D. SAID
Lieutenant General, USAF
The Inspector General

Secretary of the Air Force (cont'd)

Attachments:
Tab 1 - AFOSI Response to Draft Report - DoD LEO Submissions of Criminal History Info to FBI

Tab 2 - A4S Response to DRAFT_DoDIG Closure Request 2018-C008

Under Secretary of Defense for Personnel and Readiness




**DEPARTMENT OF DEFENSE
DEFENSE HUMAN RESOURCES ACTIVITY
DEFENSE MANPOWER DATA CENTER**
4800 MARK CENTER DRIVE, SUITE 04E25-01
ALEXANDRIA, VA 22350-6000

MEMORANDUM FOR DEPARTMENT OF DEFENSE INSPECTOR GENERAL
(ATTN: [REDACTED])

SUBJECT: Response to DoDIG (Project No. 2018C008) "Evaluation of DoD Law Enforcement Organization Submissions of Criminal History Information to the Federal Bureau of Investigation"

Thank you for the opportunity to provide comments and statement of management action for the DoDIG (Project No. 2018C008) "Evaluation of DoD Law Enforcement Organization Submissions of Criminal History Information to the Federal Bureau of Investigation." Please direct any questions to my point of contact for this issue, [REDACTED]

SORRENTO.MIC
HAEL.V.


Michael V. Sorrento
Director

Under Secretary of Defense for Personnel and Readiness (cont'd)

Recommendation 11: We recommend that the Under Secretary of Defense for Personnel and Readiness, determine whether the Defense Incident Based Reporting System should be used for reporting Brady Act information to the Federal Bureau of Investigation for entry into the National Instant Criminal Background Check System.

Management Response: Non-concur. The Department has transferred the responsibility for Law Enforcement Policy to Under Secretary of Defense for Intelligence, USD(I). This transfer of function included all Law Enforcement programs and the related DoD Issuances including responsibility for Defense Incident Based Reporting System. USD (I) is responsible for determining the best method for reporting Brady Act information and all future requirements for the Defense Incident Based Reporting System.

Additional Comments Section D. The DoD Criminal History Information Submission to the FBI CJIS Division: DMDC had previously submitted several comments recommending revisions to this section to clarify the role of the Defense Incident Based Reporting System (DIBRS) and the ability to provide the Brady Act information to the FBI. See attached document with proposed changes. To improve the accuracy of this report the key points include:

1. The Services did not provide all required Brady Act categories and information to DIBRS.
2. Although the DODI 7730.47 and DoDM 7730.47M describe desired future capabilities, DIBRS was never fully developed with the capability to provide all the required Brady Act information to the FBI.
3. Although there may have been some confusion, the Services, all of which had representation on the DBIRS requirement working group, were aware that DIBRS was not providing all Brady Act information to the FBI.
4. Although the Services may be compliant now, at the time of the shooting in November 2017, the Services had not submitted 100% of the required Brady Act Information.

Under Secretary of Defense for Intelligence



INTELLIGENCE

OFFICE OF THE UNDER SECRETARY OF DEFENSE
5000 DEFENSE PENTAGON
WASHINGTON, DC 20301-5000

DEC 23 2019

MEMORANDUM FOR INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

SUBJECT: Follow-up to **DODIG-2018-C008**, "Evaluation of DoD Law Enforcement Organization Submissions of Criminal History Information to the Federal Bureau of Investigation"

Thank you for the opportunity to provide a response to the items from DoD Inspector General Report No. DODIG-2018-C008. Our response to the recommendation is attached.

Please feel free to direct any questions to [REDACTED]

[REDACTED]

Garry P. Reid
Director for Defense Intelligence
Counterintelligence, Law Enforcement,
& Security



Under Secretary of Defense for Intelligence (cont'd)

Recommendation 10:

We recommend that the Under Secretary of Defense for Intelligence (USD(I)) revise DoDI 7730.47 and DoDM 7730.47-M, Volume 1 to:

- (a) Require the submission of Brady Act information to the FBI for entry into the National Instant Criminal Background Check System, and
- (b) Establish roles and responsibilities for the submission of Brady Act information to the FBI for entry into the National Instant Criminal Background Check System.

Management response:

We agree that DoDI 7730.47 "Defense Incident Based Reporting System (DIBRS)" and DoDM 7730.47-M, Volume 1 "Data Segments and Elements" require revision to mandate the submission of Brady Act information to the FBI for entry into the National Instant Criminal Background Check System (NICS), and establish roles and responsibilities for the submission of Brady Act information to the FBI for entry into the National Instant Criminal Background Check System. USD(I) anticipates entering a draft NICS DoD Directive in to formal coordination no later than June 2020.

Marine Corps Commandant



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

IN REPLY REFER TO:
7500
DMCS-A
11 Dec 19

From: Head, Audit Coordination and Liaison, Office of the
Director, Marine Corps Staff

To: Director, Investigative Oversight and Special
Investigations and Reviews, Office of Inspector General,
U.S. Department of Defense

Subj: EVALUATION OF LAW ENFORCEMENT ORGANIZATION SUBMISSIONS OF
CRIMINAL HISTORY INFORMATION TO THE FEDERAL BUREAU OF
INVESTIGATION (OFFICIAL DRAFT EVALUATION REPORT PROJECT
NO. 2018C008 DATED NOVEMBER 20, 2019)

Ref: (a) DODIG Memorandum dtd November 20, 2019

Encl: (1) U.S. Marine Corps Official Responses

1. Reference (a) requested U.S. Marine Corps management
comments on the subject report and its recommendation no. 5.
2. Enclosure (1) provides the requested responses from the
Headquarters Marine Corps (HQMC) Assistant Deputy Commandant for
Plans, Policies, and Operations (Security Division).
3. We appreciate the opportunity to respond to the report.

ure, I can be reached at




CHARLES K. DOVE

Copy to:
NAVAUDSVC (P&O)
IGMC
CL
DC, P&R (MCMICP)
DC, PP&O

Marine Corps Commandant (cont'd)

**DEPARTMENT OF DEFENSE INSPECTOR GENERAL (DODIG)
DRAFT EVALUATION REPORT
DATED NOVEMBER 20, 2019
PROJECT NO. 2018C008**

**“EVALUATION OF DOD LAW ENFORCEMENT ORGANIZATION SUBMISSIONS
OF CRIMINAL HISTORY INFORMATION TO THE FEDERAL BUREAU OF
INVESTIGATION”**

**UNITED STATES MARINE CORPS COMMENTS
TO THE DODIG RECOMMENDATION**

RECOMMENDATION 5: DODIG recommends that the Secretary of the Navy and Commandant of the Marine Corps take prompt action to submit the missing Marine Corps DNA sample to the Federal Bureau of Investigation Combined DNA Index System as required by DoDI 5505.14.

USMC RESPONSE: The Marine Corps concurs with recommendation 5. As background, the USMC Criminal Investigation Division (CID) office located aboard MCAS Miramar, CA, was the responsible office that conducted this investigation during fiscal year 2015 for a military specific offense. The deoxyribonucleic-acid (DNA) for the offender was not obtained at the time of the investigation as required by DODI 5505.14. USMC CID, MCAS Miramar, CA, was contacted and solicited to attempt to obtain a DNA sample from the offender. It was identified that the offender had been discharged from the USMC and was living out of state at a location that is a considerable distance from any USMC CID office. Telephonic contact was made with the offender in December of 2018; however, the offender refused to provide a DNA sample.

Encl (1)

Defense Criminal Investigative Service Director



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

December 12, 2019

MEMORANDUM FOR DEPUTY INSPECTOR GENERAL FOR EVALUATIONS

SUBJECT: DoD OIG Draft Report, "Evaluation of DoD Law Enforcement Organization Submissions of Criminal History Information to the Federal Bureau of Investigations" (Project No. 2018C008)

In response to your request for comments regarding the referenced report, the Defense Criminal Investigative Service (DCIS), the criminal investigative component of the DoD OIG, agrees with your findings. Regarding the five missing DNA samples referenced in the draft report, we coordinated with the Department of Justice, the relevant DCIS field offices and the DoD OIG Office of the General Counsel to formulate an action plan to collect the missing DNA samples.

We will collect the DNA samples on the day each subject is sentenced. All subjects are scheduled to be sentenced NLT May 2020. Subsequent to the DNA collections, we will update our investigative files, and will confirm collected samples were properly entered into the Federal Bureau of Investigation's DNA database.

We appreciated the opportunity to respond to your draft report. My point of contact for this response is [REDACTED]. He can be reached at [REDACTED].

A handwritten signature in black ink, appearing to read "Dermot F. O'Reilly", is written over a horizontal line.

Dermot F. O'Reilly
Deputy Inspector General for
Investigations

Acronyms and Abbreviations

ACMIS	Army Courts-Martial Information System
AFI	Air Force Instruction
AFOSI	Air Force Office of Special Investigations
AFSFC	Air Force Security Forces Center
ALCID	All (Army) CID Elements Message
ALERTS	Army Law Enforcement Reporting and Tracking System
AMJAMS	Automated Military Justice Administration and Management System (Air Force)
AR	Army Regulation
ATF	Bureau of Alcohol, Tobacco, Firearms, and Explosives
CID	U.S. Army Criminal Investigation Command, or Criminal Investigation Division (Marine Corps)
CITP	Criminal Investigator Training Program (FLETC)
CJID	Criminal Justice Information Division (NCIS)
CJIS	Criminal Justice Information Services (FBI)
CLEOC	Navy Consolidated Law Enforcement Operations Center
CNIC	Commander, Navy Installations Command
CSO	CJIS Systems Officer
DCIO	Defense Criminal Investigative Organizations
DCIS	Defense Criminal Investigative Service
DHRA	Defense Human Resources Activity
DNA	Deoxyribonucleic Acid
FBI	Federal Bureau of Investigation
FFL	Federal Firearms License/Licensee
FLETC	Federal Law Enforcement Training Center
III	Interstate Identification Index
IMCOM	Army Installation Management Command
JAG	Judge Advocate General
LEEP	Law Enforcement Enterprise Portal
LEO	Law Enforcement Organization or Officer
MCIO	Military Criminal Investigative Organizations
MP	Military Police
MPI	Military Police Investigations
NCIC	National Crime Information Center
NCIS	Naval Criminal Investigative Service
NICS	National Instant Criminal Background Check System

NSOR	National Sex Offender Registry
NSOTC	National Sex Offender Targeting Center
NTTP	Navy Tactics, Techniques, and Procedures
OIG	Office of Inspector General
OUSD(I)	Office of Under Secretary of Defense for Intelligence
OUSD(P&R)	Office of the Under Secretary of Defense for Personnel and Readiness
PII	Personally Identifiable Information
SF	Security Forces (Navy and Air Force)
SECNAVINST	Secretary of the Navy Instruction
SFMIS	Security Forces Management Information System (Air Force)
SJA	Staff Judge Advocate
SJACMC	Staff Judge Advocate to the Commandant of the Marine Corps
STACS DNA	Sample Tracking and Control Software for DNA Labs
TJAG	The Staff Judge Advocate General (Army, Navy, and Air Force)
U.S.C.	United States Code
USACIL	U.S. Army Criminal Investigation Laboratory
USACRC	U.S. Army Crime Records Center
USAFSIA	U.S. Air Force Special Investigations Academy
USAMPS	U.S. Army Military Police School
USMC	U.S. Marine Corps
USMS	U.S. Marshals Service
WI2MS	Web Investigative Information Management System (Air Force)
USD(I)	Under Secretary of Defense for Intelligence
USD(P&R)	Under Secretary of Defense for Personnel and Readiness



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