

Criminal

Investigative

Policy &

Oversight



Evaluation of  
Military Criminal Investigative Organization  
and Law Enforcement Organization  
Crime Scene Management

Report Number 9950005E

July 5, 1999

Office of the Inspector General  
Department of Defense

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<b>AFI</b>	<b>Air Force Instruction</b>
<b>AFOSI</b>	<b>Air Force Office of Special Investigations</b>
<b>AFOSII</b>	<b>Air Force Office of Special Investigations Instruction</b>
<b>AR</b>	<b>Army Regulation</b>
<b>CALEA</b>	<b>Commission on Accreditation for Law Enforcement Agencies</b>
<b>CID</b>	<b>See USACIDC</b>
<b>CIDR</b>	<b>Criminal Investigation Division Regulation</b>
<b>CITP</b>	<b>Criminal Investigators Training Program</b>
<b>DCIO</b>	<b>Defense Criminal Investigative Organization</b>
<b>DoD</b>	<b>Department of Defense</b>
<b>DoDIG</b>	<b>Department of Defense, Inspector General</b>
<b>FLETC</b>	<b>Federal Law Enforcement Training Center</b>
<b>FM</b>	<b>Field Manual</b>
<b>LEO</b>	<b>Law Enforcement Organization</b>
<b>MCIO</b>	<b>Military Criminal Investigative Organization</b>
<b>NCIS</b>	<b>Naval Criminal Investigative Service</b>
<b>P.O.S.T.</b>	<b>Peace Officer Standards and Training</b>
<b>SECNAVINST</b>	<b>Secretary of the Navy Instruction</b>
<b>SOP</b>	<b>Standard Operating Procedure</b>
<b>USACIDC</b>	<b>U.S. Army Criminal Investigation Command</b>
<b>USAFSIA</b>	<b>U.S. Air Force Special Investigations Academy</b>



INSPECTOR GENERAL  
DEPARTMENT OF DEFENSE  
400 ARMY NAVY DRIVE  
ARLINGTON, VIRGINIA 22202-2884

July 5, 1999

MEMORANDUM FOR ASSISTANT SECRETARY OF THE NAVY  
(FINANCIAL MANAGEMENT AND COMPTROLLER)  
ASSISTANT SECRETARY OF THE AIR FORCE  
(FINANCIAL MANAGEMENT AND COMPTROLLER)  
DIRECTOR, DEFENSE CRIMINAL INVESTIGATIVE  
SERVICE  
AUDITOR GENERAL, DEPARTMENT OF THE ARMY

SUBJECT: Evaluation of the Military Criminal Investigative Organization and Law  
Enforcement Organization Crime Scene Management (Report Number 9950005E)

This report is provided for your review and comment. Your comments on the draft report were considered in preparing the final report and are included in the final report as Part III. Changes to the draft report based on your comments are discussed in the final report.

We appreciate the courtesies extended to the evaluation staff. Questions on the evaluation should be directed to Dr. Charles P. McDowell, Oversight Program Director, at (703) 604-8769 (DSN 664-8769), or LTC Paul F. Nigara, Evaluation Project Manager, at (703) 604-8764 (DSN 664-8764). See Appendix F for the report distribution.

A handwritten signature in black ink, appearing to read "C. W. Beardall".

Charles W. Beardall  
Deputy Assistant Inspector General  
Criminal Investigative Policy and Oversight

# Office of the Inspector General, DoD

Report Number 9950005E

July 5, 1999

## Evaluation of Military Criminal Investigative Organization and Law Enforcement Organization Crime Scene Management

### EXECUTIVE SUMMARY

The Inspector General, Department of Defense, conducted an evaluation of crime scene management by DoD Military Criminal Investigative Organizations (MCIOs)<sup>1</sup> and DoD Law Enforcement Organizations (LEOs).<sup>2</sup> Overall, our objective was to determine whether current policies and procedures are adequate to ensure thorough, appropriate, and consistent crime scene management. This research included review of previous evaluations, review of academic and governmental literature, and examination of statutory and regulatory guidance. We followed a three-phase approach to crime scene management,<sup>3</sup> beginning with the actions of initial responders through the roles of the forensic collectors and criminal investigators. Our field review included site visits to civilian police agencies, Army and Air Force training centers, and MCIO and LEO headquarters and operational elements. This evaluation was conducted from February 9, 1998, to January 30, 1999.

Our evaluation noted several positive aspects of MCIO/LEO crime scene management. Senior managers emphasize the importance of conducting the essential elements of crime scene processing. The MCIOs and LEOs understand their roles at crime scenes, and effective communication between initial responders, forensic collectors, and investigators exists.

During our analysis we concentrated on three areas: the agreement of Service-specific policy guidance with a "crime scene template" (Appendix B); the agreement of Service-specific

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<sup>1</sup> **Military Criminal Investigative Organization (MCIO).** The Military Criminal Investigative Organizations are the U.S. Army Criminal Investigation Command (USACIDC); the Naval Criminal Investigative Service (NCIS), which serves the Navy and the Marine Corps; and the Air Force Office of Special Investigations (AFOSI). The MCIOs are "stovepipe" organizations that report through their own chains of command and are not subordinate to the military commanders at the installations where they are stationed or at which they conduct their investigations.

<sup>2</sup> **Law Enforcement Organization (LEO).** A military organization that provides uniformed police services for a Military Department. Their primary mission is to enforce laws and regulations, protect property, investigate misdemeanors, and prevent crimes. The LEOs consist of base or post-level personnel who report through the local chain of command to the commander of the military installation of which they are a part.

<sup>3</sup> **Crime Scene Management.** The process that law enforcement and investigative agencies use in responding to crime scenes; identifying, preserving, and collecting forensic evidence; and conducting the preliminary investigation of criminal incidents. Crime scene management begins with the initial responder's actions and continues through the investigation conducted at the location of the crime.

crime scene policy with actual procedures; and a closed-case file review. This method of analysis supported the three objectives of this evaluation, which were:

- to determine whether DoD, MCIO, and LEO policies adequately support crime scene management;
- to determine whether the MCIOs and LEOs have established operational procedures consistent with existing policy to ensure their ability to manage crime scenes; and,
- to determine whether the MCIOs and LEOs have adequately implemented their internal procedural requirements for crime scene management.

Command and control<sup>4</sup> and policy development of the MCIOs and LEOs are based on different operational approaches. The MCIOs are stovepipe organizations that report through a centralized command structure, whereas the LEOs are decentralized and report directly to the local installation commander. This difference requires LEO managers to craft operating procedures to meet the needs of the local environment. We found these procedures to be effective and consistent with our benchmark criteria. The MCIOs perform the major share of forensic collection and investigative activity. The policies, procedures, and execution of crime scene management by the MCIOs were found to meet the benchmark criteria.

Observations made while conducting our closed case review generally validated the MCIOs' adherence to their policies and internal guidance. The project team found that U.S. Army Criminal Investigation Command (USACIDC; also CID) supervisory personnel review cases for compliance and correct omissions at the field level. Our review of the Air Force Office of Special Investigation (AFOSI) revealed some lapses in crime scene processing which may indicate a need for review to ensure internal oversight is functioning properly. The review of Naval Criminal Investigative Service (NCIS) files also showed some processing errors and administrative omissions, likewise suggesting a need for NCIS to review its case management oversight practices. However, these observations did not rise to the level of a recommendation and therefore do not mandate a response.

Each Service elected to respond to the draft report (Part III, Management Comments).

The Army's response outlined concern over the potential liability imposed on the Government by allowing state and local law enforcement agencies to provide technical assistance at military crime scenes. The concern centered on the possible violation of the Anti-Deficiency Act (31 U.S.C. § 1342), which limits the use of volunteers in the federal workplace. Our report noted examples of State and local law enforcement agencies providing crime scene support but

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<sup>4</sup> **Command and Control.** The exercise of authority and direction over assigned and attached persons in the accomplishment of the mission. Command and control functions are performed through an arrangement of personnel, equipment, communications, facilities, and procedures employed by a commander in planning, directing, coordinating, and controlling forces and operations in the accomplishment of the mission.

did not endorse or recommend this practice.<sup>5</sup> The Army's second comment correctly pointed out that our evaluation focused on crimes against the person and property crimes but did not address fraud and computer-related crimes. The Army recommended that future studies include these areas. We concur.

The Navy response pointed out a policy change within the NCIS. Our draft report stated that Major Case Response Teams (MCRTs) are not mandated. Since the publication of our draft report NCIS has mandated that all of their Field Offices create one or more MCRTs.

The Air Force response described the current structure within AFOSI, which empowers detachment commanders to conduct objective investigations while ensuring that the needs of their customers are met. Their response further outlined the AFOSI policy for reviewing death investigations, the use of Forensic Science Consultants, and improved procedures adopted by the Air Force Special Investigations Academy. The Death Case Review Board's primary purpose is to develop additional leads in order to resolve specific cases. That procedure is being extended to other types of investigations, such as child abuse and arson. The Forensic Science Consultants are trained in the field of forensic science, and their primary role is to ensure that the latest innovations in the forensic sciences are applied to current investigations. The Air Force Special Investigations Academy initiated several steps to enhance their instruction. The omissions and weaknesses emphasized in our review<sup>6</sup> have been incorporated into the relevant blocks of instruction, and our crime scene template has been added as a required reading assignment.

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<sup>5</sup> The Army's comments are cogent, and the MCIOs, in concert with their legal advisors, should review this practice to ensure statutory compliance.

<sup>6</sup> The case file numbers, the year in which the investigations occurred, and their specific weaknesses are available for review within the CIPO project files.

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# **PART I - EVALUATION RESULTS**

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## EVALUATION BACKGROUND

Crime scene management begins with the arrival of law enforcement personnel at the scene of a reported offense. It extends to the identification and isolation of the locations, people, and property that may be of evidentiary value in the subsequent investigation. The proper processing of a crime scene includes identifying victims and offenders; protecting the scene from contamination; observing and recording relevant events and conditions; and collecting, preserving, and processing evidence for subsequent technical or scientific examination.

As O'Hara and O'Hara note, "The search of the crime scene is, in certain types of offenses, the most important part of the investigation."<sup>1</sup> The crime scene is, in effect, the immediate physical record of the crime.<sup>2</sup> As such, it is vital to law enforcement personnel because without proper handling of the crime scene it may be impossible to establish that a crime has taken place. Moreover, evidence available at the scene may provide a link to the person who committed the crime. However, crime scenes are perishable, and once physical evidence has been altered, moved, or otherwise contaminated its evidentiary value diminishes dramatically. It is, therefore, critically important that law enforcement personnel respond to crime scenes quickly to protect them from contamination and that they effectively identify, document, and process any evidence that may be present. Any omission or failure in this process can compromise the overall investigation and could even preclude a successful prosecution.

Crime scenes differ in degree as well as type. Some, such as the scene of a murder, rape, or arson, are much more complex than others, such as a breaking and entering or minor theft. However, every crime scene needs to be handled professionally and processed properly.

## EVALUATION OBJECTIVES

This evaluation was conducted to determine whether the current policies and procedures that guide MCIO and LEO investigators are adequate to ensure thorough, appropriate, and consistent crime scene management. The evaluation had three overarching objectives:

- to determine whether DoD, MCIO, and LEO policies adequately support crime scene management;

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<sup>1</sup> Charles E. O'Hara and Gregory L. O'Hara, *Fundamentals of Criminal Investigation*, sixth edition, Springfield, Illinois: Charles C. Thomas, Publisher, 1994, page 47.

<sup>2</sup> A crime scene includes people, places, and things. A given crime may include multiple physical sites, people, and materiel, all of which have evidentiary value.

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- to determine whether the MCIOs and LEOs have established operational procedures consistent with existing policy to ensure their ability to manage crime scenes; and,
  - to determine whether the MCIOs and LEOs have adequately implemented internal procedural requirements for crime scene management.

## **SCOPE AND METHODOLOGY**

This evaluation focused on MCIOs and LEOs within the Army, Navy, Air Force, and Marine Corps, and examined the policies and procedures in effect when we conducted our fieldwork.

The team obtained and reviewed pertinent DoD and Military Department policy guidance relative to crime scene processing and management. Training requirements were also discussed during our visits to selected MCIO headquarters and LEO training facilities.

In addition, our team conducted 24 operational site visits to various MCIO and LEO field units.<sup>3</sup> The sites visited included Army, Navy, Air Force, and Marine Corps installations with daytime populations ranging from 5,000 to 150,000 people. During these visits we conducted interviews with Special Agents in Charge; Assistant Special Agents in Charge; Resident Agents in Charge; special agents; commanders; Provost Marshals; security officers; operations officers; operations supervisors; desk sergeants; detectives; patrol supervisors; and patrol officers.

This evaluation was conducted between February 1998 and July 1998. The organizations that participated in this evaluation are listed at Appendix D.

## **LIMITATIONS**

This evaluation did not include the Defense Criminal Investigative Service (DCIS) or the investigative/security components of the Defense Agencies or Field Activities, because these organizations are not generally involved in managing crime scenes at military installations. This evaluation was performed within the Continental United States (CONUS) and did not include the procurement fraud arena.

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<sup>3</sup> A complete listing of survey and verification site visits is located at Appendix D.

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## THE DEVELOPMENT OF A CRIME SCENE TEMPLATE BASED ON “BEST PRACTICES”

We established a set of “best practice” standards against which MCIO and LEO procedures could be compared. These “best practices” incorporated standards from several civilian police agencies, the Commission on the Accreditation of Law Enforcement Agencies (CALEA),<sup>4</sup> and accreditation standards from several state-level Peace Officer Standards and Training (P.O.S.T.)<sup>5</sup> organizations. In developing this template we conducted site visits and interviewed personnel from the Arlington County Police Department, Virginia; the Department of State Police, Fairfax Station, Virginia; and the City of Baltimore Police Department, in Maryland.

During the course of these site visits, we gathered each agency’s standards for responding to and processing major crime scenes. In addition, we reviewed and aggregated standards consistent with professional law enforcement guidelines identified by CALEA and several P.O.S.T. certification agencies. Based on the information obtained from these sources, we created a template of procedures and standards for crime scene management.<sup>6</sup> We also obtained supporting information from the Institute of Police Technology and Management, Jacksonville, Florida; the North Carolina State Police; and the Nashville [Tennessee] Police Department.

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<sup>4</sup> **CALEA:** The Commission on Accreditation for Law Enforcement Agencies. CALEA was founded in 1979 to establish a body of standards designed to (1) increase law enforcement agency capabilities to prevent and control crime; (2) increase agency effectiveness and efficiency in the delivery of law enforcement services; (3) increase cooperation and coordination with other law enforcement agencies and with other agencies of the criminal justice system; and (4) increase citizen and employee confidence in the goals, objectives, policies, and practices of the agency. In addition, the Commission was formed to develop an accreditation process that provides law enforcement agencies an opportunity to demonstrate *voluntarily* that they meet an established set of professional standards. CALEA is a joint effort of the International Association of Chiefs of Police, the National Organization of Black Law Enforcement Executives; the National Sheriff’s Association; and the Police Executive Research Forum. CALEA publishes the *Standards for Law Enforcement Agencies*.

<sup>5</sup> **P.O.S.T.:** Peace Officer Standards and Training. Numerous States have developed P.O.S.T. commissions to set standards for police training and certification.

<sup>6</sup> The template representing the “best practices” of law enforcement and investigative actions is located at Appendix B.

## **FINDING A. COMPARISON OF SERVICE-SPECIFIC POLICY GUIDANCE WITH THE CRIME SCENE TEMPLATE**

The Service-specific policies and guidance employed by the MCIOs and Military law enforcement organizations meet the sequential elements identified in our template of “best practices.” As a result, they have guidance that is appropriate and consistent with the best practices acknowledged by law enforcement and investigative communities. This enables them to respond to and process crime scenes effectively.

### **DISCUSSION**

The crime scene template contemplates a three-phased approach to crime scene management: initial responder, forensic collector, and criminal investigator. In most cases the role of initial responder falls upon law enforcement<sup>7</sup> personnel, while investigative personnel carry out the forensic collector and criminal investigator functions. These roles can be fluid and in certain cases can result in overlap between the activities of law enforcement and investigative personnel. It is therefore essential that the law enforcement and investigative organizations each have specific, detailed policies on the management of crime scenes.

### **SERVICE-SPECIFIC COMPARISON OF POLICY**

The primary role of the law enforcement organizations in significant criminal matters is that of initial responder. In each case the principal action of the initial responder is to respond to the crime scene as quickly and safely as possible. Our comparison of locally produced policies with the crime scene template included the following tasks: determining the nature of the offense, ascertaining the condition of victims, making an apprehension, initiating notifications, securing the perimeters, protecting the scene, and initiating the reporting process. We identified and reviewed pertinent LEO and MCIO documents outlining law enforcement policy and found they support the “best practices” of the larger civilian law enforcement community. For example, at Ft. Benning, Georgia, The Director of Public Safety has published a comprehensive Standard Operating Procedure (SOP) which applies to everyone performing law enforcement duties. The SOP is published in a handbook format and covers general patrol functions, authority and jurisdiction, incident response, communications, and military police investigations. All law enforcement personnel are required to maintain a copy of the SOP and have it with them while on duty. First line supervisors are responsible for training subordinates in these standard operating

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<sup>7</sup> The term “law enforcement” used in this report refers to uniformed police personnel.

## Finding A

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procedures and for ensuring compliance with them. The team likewise found extensive Security Force Operating Instructions at Langley Air Force Base, Virginia, and Eglin Air Force Base, Florida, which, in addition to law enforcement and investigative guidance, included quality control plans to ensure the proper oversight and compliance with the published instructions. Provost Marshal Special Order 29-97, United States Marine Corps Provost Marshal Office at Camp LeJeune, North Carolina, reinforced the crime scene management process through the establishment of a Field Training Officer program.

We found that the crime scene management policies in use at the 17 LEOs we visited conformed to the duties and responsibilities for initial responders listed as actions 1-9 in the crime scene template. At each of the sites we visited, we identified local standing operating procedures and operating instructions, and we noted that local training programs supported both.

The MCIOs have also developed crime scene handbooks for use as a ready-reference for their field agents. We compared each of these handbooks with our crime scene template. The handbooks adequately addressed both forensic collector and criminal investigator actions. Forensic collector responsibilities centered on the prompt collection and preservation of physical evidence, whereas criminal investigator responsibilities included the assumption of operational control of the scene and execution of the role of primary finder of facts. The crime scene template requires forensic collectors to examine and document the crime scene, activate search operations, evaluate physical evidence possibilities, prepare a narrative description, conduct a detailed search, and conduct a final survey. The steps required for criminal investigators include investigative responsibilities, release of the crime scene, and public affairs/media guidance. The MCIO handbooks identify these functions and provide ample guidance for carrying them out.

## **FINDING B. THE INTEGRATION OF POLICY, TRAINING, AND SUPERVISION**

The operational practices employed by military law enforcement and criminal investigative personnel are fully consistent with their respective policies and other written guidance. Actual crime scene practices in the Armed Forces rest on a foundation of written policy, training, and supervision. The greatest potential shortcoming in this tripartite approach appears to be in the arena of supervision, where we noted mixed results.

### **DISCUSSION**

Crime scene processing is a field activity carried out at the operational level. By the time a military law enforcement specialist or a criminal investigator actually begins to perform these tasks, he or she has been provided with the appropriate policies and guidelines, trained in the fundamentals of those duties, and his or her actions are normally conducted under the supervision of more experienced or higher ranking individuals. This tripartite process provides consistency in the application of principles and ensures a safety net, especially in cases that are either unusual or especially difficult. The effective management of crime scenes depends on the synthesis of these three elements, and one thrust of our evaluation was to assess the effectiveness with which these three components were integrated in actual practice.

### **POLICY**

As noted in Finding A, the military services have developed comprehensive, effective policies for the management of crime scenes. These policies conform to the “best practices” outlined in our crime scene template and provide excellent overall guidance to field personnel.

### **TRAINING**

We examined the training provided to military law enforcement and criminal investigative personnel with respect to crime scene processing. For military law enforcement personnel, this training is provided by the U.S. Army Military Police School, Ft. McClellan, Alabama, and by the U.S. Air Force Security Forces Investigations Academy (USAFSIA), Lackland AFB, Texas. The criminal investigative training centers are the U.S. Army Military Police School, Ft. McClellan, Alabama; the U.S. Air Force Special Investigations Academy, Andrews AFB, Maryland; and for NCIS, the Federal Law Enforcement Training Center, Glynco, Georgia. These schools qualify

## **Finding B**

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graduates as entry-level law enforcement personnel and entry-level criminal investigators (special agents). Their course of instruction consists of formal classroom presentations and “hands on” performance-based training. Students must pass written and practical examinations to successfully complete the course requirements.

The U.S. Army Military Police School trains soldiers and marines for initial qualification in Military Police Skill Level One subject areas. Throughout the 17-week training period students are challenged to establish a baseline of excellence for the Military Police Regiment. Specific law enforcement training conducted within a 9-week cycle that is consistent with the crime scene template includes patrol activities, conducting interviews, managing patrol incidents, protection of crime scenes, searches, and rights advisement.

The U.S. Air Force Security Forces Academy conducts the basic law enforcement training for the Air Force and Navy. The course of instruction lasts 10 weeks and includes 46 law enforcement apprentice subjects. This program is also consistent with the crime scene template. Topics include duties and responsibilities, communication devices, apprehension, law enforcement tactics, searches, interviews, processing crime scenes, performing installation patrol, and securing high risk incident scenes.

Each of the MCIOs provides specific training in crime scene management as part of its basic agent training:

The 15-week United States Army Criminal Investigation Command’s Apprentice Special Agent Course trains military and civilian personnel and supports the forensic collector and investigator phases of the crime scene template. One third of the course concentrates on the collection of physical evidence, where students learn to apply an 18-step outline to crime scene processing. Examples of the process include initial observations, photographing the scene, recording actions, making required measurements, collecting and preserving evidence, and release of the scene.

The 12-week U.S. Air Force Special Investigations Academy (USAFSIA) Special Investigators Course trains officer, enlisted, and civilian students to perform forensic and investigator roles. The Academy is assigned directly to Headquarters, Air Force Office of Special Investigations, and the curriculum is established by the Commander, AFOSI, and the Commander, USAFSIA. The learning objectives supporting crime scene management include emphasis on bloodborne pathogens, photography, crime scene processing, death investigations, elements of proof, evidence documentation, forensic evidence, and investigative responsibility.

NCIS special agents attend the Federal Law Enforcement Training Center’s Criminal Investigators Training Program (CITP) for 9-1/2 weeks and then attend a follow-on NCIS basic course for 6 additional weeks. The CITP course provides an in

depth study of basic law enforcement concepts and techniques. The major subject area supporting our crime scene template is “Modern Investigative Technology.” The NCIS follow-on includes instruction on investigative theory, latent prints, processing tool marks, crime scene photos, and interviewing, with both practical exercises and written examinations for crime scene processing.

### **SUPERVISION**

Policy and training are necessary for the effective management of crime scenes; however, taken together, they are not sufficient to ensure quality crime scene management. Effective crime scene management also requires supervision. Just as overall levels of experience in processing crime scenes varies in law enforcement and investigative units, so does the experience of the individuals who actually do the work. Supervision ensures that adequate and appropriate resources are applied, just as it makes sure that policies are followed and that actual practices follow the protocols set forth in training.

We found a common denominator among the military law enforcement organizations. Initial responders are generally the youngest and least experienced personnel within their respective organizations. Interviews with mid-level and senior supervisory personnel revealed that they consistently monitor patrol activity and require immediate notification regarding crime scene incidents. Upon notification they respond with the on-shift patrol units and when necessary assume operational control over the scene. Although this is effective in assuring an experienced and efficient response, it delays inexperienced law enforcement personnel from gaining proficiency by assuming greater responsibility for initial responder duties at a crime scene. Supervisory personnel are able to respond due to the low number of crime scenes per shift.

### **CASE REVIEW**

Each of the MCIOs recognizes the importance of case review at the field and headquarters levels.

Criminal Investigation Division Regulation (CIDR) 195-1, “Criminal Investigations Operational Procedures,” Chapters 6-19 and 6-20, outline the procedures for USACIDC case review. The process begins with the assigned case agent, flows through supervisory channels, and is completed with an administrative review at the Crime Records Center. The USACIDC Inspector General conducts periodic reviews during field visits to support the process.

AFOSI Instruction (AFOSII) 71-107, *Special Investigations*, “Processing Investigative Matters,” Chapters 3 and 5, sets forth the case review procedures for the AFOSI. Detachment Commanders must establish a program for reviewing the progress

## **Finding B**

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and investigative sufficiency of the Detachment's investigations each month. Region and Squadron Commanders may supplement this process as necessary but are not required to do so. With the exception of death investigations, there is little systematic overview of routine investigations at the headquarters level. For all practical purposes, case review in AFOSI is a function of the detachment level organization, with random checks and balances at the Region and Headquarters levels. The Headquarters review consists of a 10% sample of cases per quarter, per unit. Additional review occurs during HQ AFOSI Inspector General periodic field inspections and Region Commander inspections, alternating every other year. Inspectors are directed to check the management of detachment case review and to examine selected cases for investigative sufficiency. However, these reviews amount to a small sample as identified by the inspection team.

NCIS Policy Document # 97-04, "Criminal Investigations (Administrative Case Management)," places responsibility for completeness of NCIS archived investigative products on field supervisors. NCIS Headquarters does not review case files submitted from the field unless they fall into one of three categories: special interest, death investigations, or cooperating witness operations. When an investigation is closed, administrative personnel of the local field office conducting the investigation assemble the entire investigative package. This package is given to the field supervisor. Once the supervisor certifies that the file is complete, he affixes his signature to a cover sheet, and the file is ready for permanent retention in the NCIS archives.

A total of 54 closed USACIDC, AFOSI, and NCIS investigations were reviewed at their respective record repositories. This sample included 6 death investigations, 6 arson investigations, and 6 cases involving damage to or destruction of government property within each MCIO. The investigations we examined were limited to those in which the MCIO was the primary investigative agency, and the case types we reviewed were selected because they almost always involve crime scene processing and because they can vary significantly in scope and seriousness. We benchmarked the actions taken in processing the crime scenes in these investigations with the "best practices" outlined in our crime scene template and with each MCIO's specific policies and regulatory guidance.

In addition to the results discussed below, we noted two novel arrangements used by MCIOs to ensure effective crime scene management. First, we found that some MCIOs have entered into agreements with local civilian law enforcement agencies to provide support in processing crime scenes. Civilian crime scene specialists were sometimes called in to conduct the forensic collection phase of the crime scene, and the MCIO then completed the investigative portion. This arrangement was found to be most common at Air Force and Navy installations. The second arrangement was employed by NCIS and involved the creation of Major Case Response Teams which respond on an ad hoc basis to important crime scenes. These teams assume the forensic collector role in crime scene management. Although this concept is not mandated, it is becoming the

accepted practice within NCIS. The Major Case Response Teams use a three-tiered approach to crime scene processing. Tier I, “Essential Level,” consists of basic skills held by all agents. Tier II, “Advanced Level,” uses crime scene specialists comprised of personnel who have received advanced training in crime scene examination and forensics. Tier III, “Masters Level,” utilizes special agents who have graduated from an accredited forensic science masters degree program. The local Special Agent in Charge retains operational control of the investigation and works closely with the crime scene team. NCIS’ stated advantages to this concept include a 24 hour surge capability of highly trained agents, relief of the case agent of crime scene responsibility, expediting crime scene processing, standardization of crime scene processing, and enhancing “team concept” approach to crime scene management.

### **USACIDC CASE REVIEW:**

The USACIDC investigations were in full compliance with both the crime scene template and USACIDC policies and guidance. Even so, we did note some errors and omissions<sup>8</sup> in some of these investigations, but we also noted that those errors had been detected and corrected by case supervisors. In no instance did an omission or error have a negative effect on the final disposition of the case. In addition, we noted that these investigations included the use of computerized crime scene sketches backed up by hand-drawn sketches, the use of digital photography, and well-written crime scene narratives.

### **AFOSI CASE REVIEW:**

The review of closed AFOSI investigations revealed a reasonable effort to process crime scenes in accordance with published guidelines. Although AFOSI policy and guidelines are superior, we noted lapses in crime scene processing that suggest insufficient field supervision compounded by a lack of regional or headquarters case review. In three arson investigations, no crime scene sketch was in the case file. In a death investigation, photos of the crime scene were not in the case file, and the crime scene sketch was not labeled. In another death investigation, evidence was not included on the crime scene sketch, and the evidence was not photographed. In a third death investigation, the interior of the vehicle (death scene) was not sketched or photographed and evidence was not photographed.<sup>9</sup> These omissions, albeit based upon a small sampling, suggest incomplete field supervision and may warrant attention at the regional or headquarters level.

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<sup>8</sup> Crime scene sketches were not fully developed and initial investigative statements required additional information.

<sup>9</sup> These omissions did not have a material impact on the outcome of the investigation, but their presence underscores the need for careful, consistent internal oversight.

## **Finding B**

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### **NCIS CASE REVIEW:**

The review of the closed NCIS investigative case files revealed that the majority appeared to be in compliance with NCIS policy and guidance, and with the “best practices” identified in our crime scene template. There were, however, some omissions in the crime scene reports. Crime scene sketches provided for three of the six death investigations did not include measurements. Another death scene sketch did not have a compass orientation. Two arson case files and two damage to government property case files did not have crime scene sketches. One damage to government property case file revealed the investigative agent did not respond to the crime scene. These omissions suggest inadequate case review at the field office supervisory level and may warrant attention at the headquarters level.

## **PART II – ADDITIONAL INFORMATION**

## **APPENDIX A. PRIOR REVIEWS AND CURRENT POLICY**

### **PRIOR REVIEWS**

On January 26, 1996, the Inspector General issued a report entitled “Department of Defense Policies and Procedures for Death Investigations.” Two of its objectives were to determine the adequacy of current policies and procedures to ensure thorough, appropriate, and consistent investigations of possible self-inflicted deaths, and to confirm that the individuals conducting the crime scene investigations had been adequately trained. Part II, Section A., (Criminal Investigations), discussed MCIO policies and procedures for processing crime scenes. The report states, “The MCIO policies and procedures addressing the investigative processes and steps under this criterion are thorough and current. They adequately address crime scene evaluation and processing.”

### **CURRENT POLICY**

We reviewed directives, regulations, instructions, manuals, policies, and local operating guidance.<sup>10</sup> Our review of current DoD-wide policies, directives and instructions failed to disclose any direct guidance governing crime scene management. We note, however, that DoD Directive 5505.1, “DoD Criminal Investigations and Standards, Policies, & Procedures,” dated February 13, 1985, requires improvement in the efficiency and effectiveness of DoD criminal investigation activities through the development and implementation of consistent standards, policies, and procedures. However, DoDD 5505.1 does not address specific procedures for crime scene management.

We reviewed Service-specific policies (both MCIO and LEO) regarding crime scene management. We then compared the Service-specific policies with our crime scene template, which is based on “best practices” identified from a sample of state and local law enforcement agencies, police accreditation associations, and academic institutions. This comparison included MCIO and LEO regulations and procedures listed below.

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<sup>10</sup> See Appendix C for a complete listing of directives, regulations, and instructions reviewed and used during this evaluation.

### U.S. ARMY: USACIDC

Army Regulation 195-1, "Army Criminal Investigation Program," August 12, 1974, prescribes responsibilities, mission, objectives, and policies pertaining to the Army's criminal investigation program. Paragraph 4 of this regulation directs subordinate elements to provide investigative services in support of Army criminal investigations. In general, this regulation establishes the basis for CID special agents processing and conducting crime scenes and otherwise conducting investigations within their areas of responsibility.

Army Regulation 195-2, "Criminal Investigation Activities," October 30, 1985, prescribes Department of the Army policy on criminal investigation activities, including the utilization, control, and investigative authority and responsibilities of all personnel assigned to criminal investigation elements. Chapter 3-13 states that the control and processing of a crime scene and the collection and preservation of evidence are the exclusive responsibilities of the CID special agent or supervisor in charge of the crime scene in those cases where the USACIDC has investigative responsibility. To prevent the possible loss or destruction of evidence, the CID special agent or supervisor in charge of the crime scene is authorized to exclude all other personnel from the scene. Chapter 6-1 directs the U.S. Army Criminal Investigation Laboratory to provide forensic laboratory services to evidence collectors assigned to field elements. Chapter 6-5 provides for on-scene assistance by members of the United States Army Criminal Investigation Laboratory when requested by field units.

Army Regulation 195-5, "Evidence Procedures," August 23, 1992, prescribes the policy and procedures for processing, handling, storing and safeguarding evidence in criminal investigations. We note that these procedures parallel those contained in our crime scene template.

CID Regulation 195-1, "Criminal Investigation Operational Procedures," October 1, 1994, prescribes policies, procedures and responsibilities for conducting CID investigative and non-investigative activities. It also sets forth CID's operational relationship with military police and other investigative organizations. Chapter 5, "Conduct of Criminal Investigations," specifically outlines investigative, crime scene, and evidence processing procedures. This policy is fully consistent with the forensic collector and criminal investigator phases of our crime scene template.

Field Manual 19-20, "Law Enforcement Investigations," November 25, 1985, serves as a procedural guide for CID special agents at all levels of the command structure. It instructs special agents in how to apply the skills and techniques that will result in a successful inquiry.

"Techniques of Crime Scene Processing," 18 Step Outline, produced by the Department of Military Police Operations and Investigations, U.S. Army Military Police School, is the apprentice CID special agent course training guide for processing crime scenes. Steps 1-18 correspond directly to our crime scene template. The 18 Step Outline is used by Army CID

## **Appendix A. Prior Reviews and Current Policy**

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special agents, Army Military Police investigators, Air Force Security Force investigators, and by Marine Corps CID investigators.

The “Crime Scene Handbook” is a manual created as a field guide for USACIDC special agents. It provides guidance for an agent’s actions from the time of notification of a crime to the release of the crime scene. The five chapters of this handbook include “Duty Agent Notifications,” “Crime Scene Safety,” “Types of Crime Scenes,” “Evidence Collection,” and “Autopsy Considerations.”

### **U.S. ARMY: LAW ENFORCEMENT ORGANIZATIONS**

Army Regulation 190-30, “Military Police Investigations,” June 1, 1978, prescribes Department of the Army policy for conducting military police investigations. It also establishes policies and procedures for the selection, training, and employment of military police investigators and identifies responsibilities for conducting the Military Police Investigator program.

Army Regulation 195-5, “Evidence Procedures,” August 23, 1992, governs practices of both CID and the military police.

Field Manual 19-10, “Military Police Law & Order Operations,” September 30, 1987, discusses each element of the Military Police law and order mission to include the military police role as initial responder. It addresses law enforcement operations, to include investigations, the confinement of military prisoners, and counter-terrorism operations.

Both CID and the Military Police use Field Manual 19-20, “Law Enforcement Investigations.” Chapter 12, “Processing Crime Scenes and Investigating Offenses,” November 25, 1985, is broken down into four major areas which directly apply to crime scene management and the benchmark criteria (preserving the scene, searching the scene, processing and collecting the evidence, and preserving the evidence).

Army Law Enforcement regulatory guidance and policy is further decentralized and supplemented by major commands and base-level Provost Marshals. These supplements provide specific local action steps required by the individual location. They do not change the basic regulatory guidance.

### **U.S. AIR FORCE: AFOSI**

Air Force Office of Special Investigations Instruction 71-105, “Investigations,” June 21, 1996, implements Air Force Policy Directive 71-1. Chapter 2 of Air Force Instruction (AFI) 71-105, “Criminal Investigations,” outlines the procedures for conducting criminal investigations. The guidance given in this publication corresponds to the “Criminal Investigator Role” in our crime scene template.

## **Appendix A. Prior Reviews and Current Policy**

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Air Force Office of Special Investigations Instruction 71-106, "General Investigative Methods," March 25, 1997, contains procedural guidance necessary to comply with laws and higher directives, ensure health and safety, standardize investigative operations, and to ensure investigative sufficiency. Chapter 9, "Crime Scene Processing," provides general guidance for crime scene processing and directs the user to AFOSI Handbook 71-124 for additional guidance.

Air Force Office of Special Investigations Handbook 71-124, "Crime Scene Handbook," March 1, 1998, is a ready reference for field investigators. It provides guidance for agent actions from the time of notification of a crime to the subsequent release of the crime scene. Chapters 1-8 cover duty agent actions, crime scene safety, team roles, types of crime scenes, evidence collection, autopsy considerations, and post crime scene activities.

### **U.S. AIR FORCE: LAW ENFORCEMENT ORGANIZATIONS**

Air Force Handbook 31-218, Volume II, "Law Enforcement Investigations and Operations," October 20, 1986, provides general guidance to security force personnel with respect to their investigative duties. It discusses suggested procedures for processing crime scenes, the use of various investigative procedures, managing sources, planning and conducting interviews, statement taking, incident documentation, testifying, and procedures for the completing of necessary forms.

### **U.S. NAVY: NCIS**

Secretary of the Navy Instruction (SECNAVINST) 5520.3B, "Criminal and Security Investigations and Related Activities within the Department of the Navy," January 4, 1993, prescribes jurisdiction and responsibility in the conduct of criminal and security investigations and related activities within the Department of the Navy. This instruction delineates NCIS responsibilities and limitations regarding utilization of assets and policy applicable to criminal and security investigations, criminal intelligence operations, counterintelligence activities, and technical investigative support matters. Within the Department of the Navy, NCIS is primarily responsible for investigating actual, suspected, or alleged major criminal offenses committed against a person, the United States Government, or private property, including the attempts or conspiracies to commit such offenses.

Naval Criminal Investigative Service (NCIS) 3, "General Crimes Operations Manual," Undated, establishes the operating procedures for NCIS special agents.

NCIS, "Field Guide for Crime Scene Investigations," Undated, is a ready-reference for processing crime scenes. Section 1, "Crime Scene Management," sets guidelines for the role of the duty agent upon initial notification and the organization and management of crime scene processing using the team approach.

## **Appendix A. Prior Reviews and Current Policy**

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NCIS Policy Document No. 95-11, "Specialized Investigative Techniques-Crime Scene," July 7, 1995, establishes policy to implement and administer the NCIS crime scene examination program.

### **U.S. NAVY: LAW ENFORCEMENT ORGANIZATIONS**

Chief of Naval Operations, OPNAV INSTRUCTION 5580.1, "Navy Law Enforcement Manual," October 20, 1986, establishes policy, provides guidance, details procedures, and sets forth standards for military and civilian law enforcement personnel.

### **U.S. MARINE CORPS**

A Memorandum of Understanding between the Director, Naval Criminal Investigative Service, and the Commandant of the Marine Corps, assigns NCIS the primary responsibility within the Department of the Navy for the investigation of actual, suspected, or alleged major criminal offenses. This includes attempts or conspiracies to commit such offenses against a person, the United States Government, or its property, and certain classes of personal property. NCIS possesses a worldwide investigative capability responsive to command requirements of the Navy and the Marine Corps, ashore and afloat.

Marine Corps Order P5580.2, "Marine Corps Law Enforcement Manual," May 30, 1990, establishes the policies, procedures, standards, and guidelines for the administration and operation of military police units and the personnel assigned to them. This order directs the actions of Marine Corps military police in conducting the initial responder role at a crime scene.

## **Appendix A. Prior Reviews and Current Policy**

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## APPENDIX B. BEST PRACTICES TEMPLATE

### CRIME SCENE TEMPLATE FOR PROCESSING CRIME SCENES

**Duties and Responsibilities:** Written directives should establish the following:

**Initial Responder:** is the first law enforcement or investigative responder to arrive at a crime scene. In the military, the initial responder is generally a member of a law enforcement organization.

The **initial responder** must respond to the crime scene as quickly and safely as possible and assess, protect, and secure the crime scene.

Specific Actions include:

1. Ascertain the condition of any victims present and take appropriate action
2. Determine the nature of the offense.
3. If possible make an apprehension.
4. Initiate notification of medical, investigative, and supervisory personnel as required.
5. Secure and establish inner and outer perimeters as required.
  - a. Discretion should be exercised in establishing the perimeters to ensure the integrity of the crime scene and to provide a suitable working area to carry out the investigation.
  - b. The perimeters should encompass as much area as possible because it is much easier to reduce the crime scene than expand it.
  - c. Keep in mind the possibility of a multiple series of crime scenes.
6. Protect the Crime Scene.

## Appendix B. Best Practices Template

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a. The crime scene must be protected from entry by unnecessary or unauthorized persons so that physical evidence will not be altered, moved, destroyed, lost or contaminated. Avoid touching, handling or stepping on traces left at the scene.

b. Establish a fixed post at entry to the crime scene and ensure continuous manning. Log all persons entering the crime scene.

c. Keep the site of the crime in the same physical condition as the perpetrator left it.

7. Secure each witness.

a. Keep the witnesses separated.

b. Do not permit a witness to wander about protected areas.

c. Establish rapport with witnesses. Do not appear hostile or discourage any possible witness from offering information.

8. Initiate the reporting process. Ensure reports contain:

a. Names of all emergency personnel, police officers, investigators, witnesses and others who entered or exited the crime scene.

b. Complete identification of each witness.

c. Identification of anything touched, moved or manipulated in any way.

d. Paths taken through the crime scene by emergency personnel.

e. Initial statements made by witnesses.

9. Assign personnel to locate witnesses and obtain all identity information, as well as to encourage the witnesses not to leave the scene until investigative personnel interview them.

**Forensic Collector:** an individual or group responsible for identifying, preserving, and collecting physical evidence at a crime scene.

The **forensic collector** has the primary responsibility for the prompt collection and preservation of physical evidence.

### 1. Examine and document the crime scene.

- a. Ensure personnel use appropriate protective equipment and follow standard recommendations to protect themselves from any health hazard which might be presented by blood-borne pathogens or any other fluid or substance.
- b. Copious notes and relevant times should be kept on every aspect of the crime scene.
- c. Walk through the “trail” of the crime. This may include the point of entry, the location of the crime, areas where a suspect may have cleaned up, and the point of exit.
- d. Note location of potential evidence and mentally outline how the scene will be examined.
- e. Document through the use of videotape, photographs and/or sketches.

### 2. Procedures for search operations.

- a. Accomplish search based on previous evaluation of evidence possibilities.
- b. Conduct search in a general manner first, then work to specifics.
- c. Identify and protect transient physical evidence.
- d. Photograph all items. Use scale/ruler when necessary.
- e. Develop a general theory of the crime.
- f. Make extensive notes to document scene and environmental conditions, assignments, movement of personnel, etc.
- g. On vehicles get VIN number, license number, position of key, odometer reading, gearshift position, amount of fuel in tank, lights on or off, contents of trunk and interior.

### 3. Evaluate physical evidence possibilities

- a. Based on preliminary survey, determine what evidence is likely to be present.
- b. Concentrate on the most transient evidence and work to it's least transient forms.
- c. Consider whether the evidence appears to have been moved.

## Appendix B. Best Practices Template

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- c. Evaluate whether or not the scene and evidence appears intentionally “contrived”.
4. Prepare narrative description
  - a. Create a running narrative of the conditions at the crime scene.
  - b. Represent scene in a “general to specific” scheme.
5. Prepare diagram/sketch of scene
  - a. The diagram establishes permanent record of the items, conditions and distance/size relationships. Diagrams supplement photographs.
  - b. Typical information included in the sketch:
    - (1) Specific location
    - (2) Date
    - (3) Time
    - (4) Case identifier
    - (5) Name of person preparing the sketch.
    - (6) Weather conditions
    - (7) Lighting conditions
    - (8) Scale or scale disclaimer
    - (9) Compass orientation
    - (10) Evidence
    - (11) Measurements
    - (12) Key or legend
  - c. General progression of sketches:
    - (1) Lay out basic perimeter
    - (2) Set forth fixed objects, furniture, etc.
    - (3) Record position of evidence
    - (4) Record appropriate measurements
    - (5) Set forth key/legend, compass orientation
6. Conduct detailed search/record and collect physical evidence:
  - a. Four basic premises:

- (1) The best search options are the most difficult and time consuming.
- (2) You cannot “over document” the physical evidence.
- (3) There is only one chance to perform the job properly.

(4) There are two basic search approaches: a cautious search, taking steps to avoid evidence loss or contamination, and, after the cautious search, a vigorous search for hidden/concealed areas.

- b. Accomplish search based on previous evaluation of evidence possibilities.
- c. Use of specialized search patterns (e.g. grid, strip/lane, or spiral).
- d. Photograph all items before collection.
- e. Mark evidence locations on diagram/sketch.
- f. Complete evidence log.
- g. Secure proper containers and initial each by person collecting evidence.
- h. Do not handle evidence excessively after recovery.
- i. Seal all evidence containers at the crime scene.

### 7. Conduct final survey

- a. This survey is a critical review of all aspects of the search.
- b. Discuss the search jointly with all personnel for completeness.
- c. Double check documentation to detect inadvertent errors.
- d. Check to ensure all evidence is accounted for before departing scene.
- e. Ensure all equipment used in the search is gathered.
- f. Make sure possible hiding places or difficult access areas have not been overlooked during the detailed search.

## Appendix B. Best Practices Template

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g. Review final critical issues; have you gone far enough in the search for evidence, documented all essential things, and made no assumptions, which may prove to be incorrect in the future.

**Criminal Investigator:** The primary finder of facts (assumes operational control upon arrival at the crime scene).

### 1. Investigative responsibilities

- a. Arrive at scene promptly.
- b. Interview the first responder on the scene or the supervisor to determine the known facts. Note time of arrival, original time of call, and names of all persons present at the crime scene.
- c. View the immediate scene to determine who and what is needed to conduct a thorough investigation.
- d. Interview all witnesses as soon as possible.
- e. Direct the all unit broadcast and ensure proper and complete information is given.
- f. Direct and assist the forensic personnel with the crime scene work.
- g. Document all investigative work.
- h. Oversee all actions taken at the crime scene.
- i. Assess the requirements for Specialists; e.g. engineer, bomb technician, arson investigator, blood pattern analyst, etc.

### 2. Release the crime scene

- a. Release is accomplished only after completion of the final survey.
- b. At a minimum, documentation should be made of:
  - (1) Time and date of release
  - (2) To whom released
  - (3) By whom released

c. Ensure that appropriate inventory has been provided as necessary, considering legal requirements, to person to whom the scene is released.

d. Only the person in charge has the authority to release the scene.

### 3. Public Affairs/Media

a. Plan for a spokesperson.

b. Ensure all statements are factual and coordinated among police personnel.

## **APPENDIX C. POLICIES, PROCEDURES, AND REGULATIONS REVIEWED**

### **ARMY**

- (1) AR 10-87, "U.S. Army Criminal Investigation Command," October 30, 1992
- (2) AR 190-30, "Military Police Investigations," June 1, 1978 (Note: Draft of updated version was also reviewed)
- (3) AR 195-1, "Army Criminal Investigation Program," August 12, 1974
- (4) AR 195-2, "Criminal Investigation Activities," October 30, 1985
- (5) AR 195-5, "Evidence Procedures," August 23, 1992
- (6) CIDR 195-1, "Criminal Investigations Operational Procedures," October 1, 1994
- (7) "Crime Scene Handbook," United States Army Criminal Investigations Command (USACIDC), Undated
- (8) FM 19-10, "Military Police Law & Order Operations," September 30, 1987
- (9) FM 19-20, "Law Enforcement Investigations," November 25, 1985
- (10) "Techniques for Crime Scene Processing, Investigative Notes, 18 Step Outline," Apprentice CID Special Agent Course (IK 220), Directorate of Training, Department of Military Police Operation and Investigations, Physical Evidence Branch, January 1998

### **NAVY**

- (1) NCIS Policy Doc. 95-09, "Criminal Investigations," September 16, 1997, (Forensic Consultant Program)
- (2) NCIS Policy Doc. 95-11, "Specialized Investigative Techniques," July 7, 1995, *Crime Scene Examination*
- (3) NCIS 3, "General Crimes Operations Manual," Undated
- (4) OPNAV 5580.1, "Navy Law Enforcement Manual," October 20, 1986
- (5) SECNAVINST 5520-3B, "Criminal and Security Investigations," January 4, 1993, and Related Activities within the Department of the Navy
- (6) "The Field Guide for Crime Scene Investigations," Naval Criminal Investigative Service (NCIS), Undated

### **AIR FORCE**

- (1) AF Handbook 31-218, Vol. II, "Law Enforcement Investigations and Operations," July 31, 1996
- (2) AF Policy Directive, "Criminal Investigations and Counterintelligence," March 3, 1995

## Appendix C. Policies, Procedures, and Regulations Reviewed

- (3) AFI 31-206, "Security Police Investigations," December 1, 1996
- (4) AFI 71-101, Vol. 1, "Criminal Investigations, Counterintelligence, and Protective Service Matters," July 22, 1994
- (5) AFI 71-105, Vol. 1, "Investigations," June 21, 1996
- (6) AFI 71-106, Vol. 1, "Special Investigations – General Investigative Methods," March 25, 1997, (FOUO)
- (7) AFI 71-107, "Processing Investigative Matters," December 9, 1996
- (8) AFOSI Manual 71-118, "Special Investigations – General Investigative Methods," November 4, 1996, (FOUO)
- (9) AFOSI Handbook 71-124, "Crime Scene Handbook," March 1, 1998, (FOUO)

### MARINE CORPS.

- (1) MCO P5580.2, "Marine Corps Law Enforcement Manual," May 30, 1990
- (2) Memorandum of Understanding between the Director, Naval Criminal Investigative Service and the Commandant of the Marine Corps establishing policy between the Marine Corps and NCIS regarding the investigation of criminal offenses, February 26, 1997
- (3) SECNAVINST 5520.3B, "Criminal and Security Investigations and Related Activities within the Department of the Navy," January 4, 1993

### INSPECTOR GENERAL, DEPARTMENT OF DEFENSE

- (1) DoD Directive 5505.1, "DoD Criminal Investigative Standards, Policies, and Procedures," February 13, 1985
- (2) DoD Instruction 5505.3, "Initiation of Investigations by Military Criminal Investigative Organizations," July 11, 1986

### CIVILIAN LAW ENFORCEMENT AGENCIES AND OTHER LAW ENFORCEMENT

#### REFERENCES

- (1) Arlington County Police Department, Arlington, Virginia. Procedure #530.01, "Criminal Investigation Process, Preliminary and Follow-up," Effective April 12, 1984, Amended June 6, 1984, April 1, 1986, March 18, 1994
- (2) Baltimore Police Department, Baltimore, Maryland. General Order G-3, "Death and Serious Assault Investigations," May 1, 1996. *Standard Operating Procedures - Homicide Unit*, October 22, 1996. *Standard Operating Procedures - Child Abuse, Sex Offense, and Missing Persons Unit*, July 17, 1997
- (3) California Commission on Peace Officer Standards and Training (POST). Workbook for the "Forensic Technology for Law Enforcement" telecourse presented on May 13, 1993. "Personnel Duties and Responsibilities," "Documentation Procedures," "Organization and Procedures for Search Operations."

## **Appendix C. Policies, Procedures, and Regulations Reviewed**

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- (4) Charles E. O'Hara and Gregory L. O'Hara, *Fundamentals of Criminal Investigation*, Sixth Edition, Springfield, Illinois: Charles C. Thomas, Publisher, 1994
- (5) Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA). "Standards for Law Enforcement Agencies, The Standards Manual of the Law Enforcement Agency Accreditation Program," Third Edition, April 1994. Revised 3/24/95, 7/29/95, and 3/22/96. CALEA Standards 11.2.3; 41.1.22; 55.2.4; 83.1.1; 83.1.5; 83.19; 83.2.7; 83.4.2; 83.4.3.
- (6) Institute of Police Technology and Management (IPTM), Jacksonville, Florida. "Crime Scene Protection and Investigation," adapted from the Nashville Police Department's General Order 94-21
- (7) Louisiana State Police Crime Laboratory. "Protecting the Crime Scene," Undated. Examination and Documentation of the Crime Scene, "Undated." "Collection and Preservation of Evidence, Undated"
- (8) Richmond Police Department, Richmond, Virginia. General Order 201-1, "Crime Scene Protection."

## **APPENDIX D. ORGANIZATIONS VISITED OR CONTACTED**

### **STATE AND LOCAL LAW ENFORCEMENT AGENCIES**

- Arlington Police Department, Arlington, VA
- Baltimore Police Department, Baltimore, MD
- Richmond Police Department, Richmond, VA
- Virginia State Police, Fairfax Station, VA
- North Carolina State Police, Raleigh, NC

### **DEPARTMENT OF THE ARMY**

- Headquarters DA, Military Police Operations, Washington, DC
- Ft. Benning, Columbus, GA
- Ft. Bragg, Fayetteville, NC
- Ft. Eustis, Newport News, VA
- Ft. McClellan, Anniston, AL

### **DEPARTMENT OF THE NAVY**

- Headquarters, NCIS, Master at Arms Program, Washington Navy Yard, Washington, DC
- NCIS, Washington Field Office
- Naval Base, Norfolk, VA
- Naval Air Station, Pensacola, FL
- NCIS, Camp LeJeune, NC

### **DEPARTMENT OF THE AIR FORCE**

- Air Force Security Forces Center, Lackland Air Force Base, San Antonio, TX
- Headquarters, AFOSI, Bolling Air Force Base, Washington, DC
- Eglin Air Force Base, Ft. Walton Beach, FL
- Langley Air Force Base, Hampton, VA
- Pope Air Force Base, Fayetteville, NC

### **US MARINE CORPS**

- Headquarters, US Marine Corps Law Enforcement, Washington, DC
- Camp LeJeune, Jacksonville, NC

## **APPENDIX E. CIVILIAN POLICE AGENCY PROFILES**

### **ARLINGTON COUNTY POLICE DEPARTMENT, VIRGINIA**

The Arlington County Police Department is adjacent to Washington, D.C., and supports a resident population of 187,100 that expands to 264,700 during the daytime. The Department's jurisdiction encompasses approximately 25.6 square miles. Their total number of full-time law enforcement personnel consists of 350 sworn officers. According to the most current "Uniform Crime Reports," Arlington had an index crime rate of 5,215 per 100,000 population in 1996 and 4,456 per 100,000 population in 1997. During the years 1996 and 1997, Arlington experienced 6 homicides/murders, 86 forcible rapes, 541 robberies, 499 aggravated assaults, and 1,499 burglaries. The Department uses a cadre of crime scene specialists to process crime scenes.

### **DEPARTMENT OF STATE POLICE, RICHMOND, VIRGINIA**

The Department of State Police, Richmond, Virginia, supports a resident population of 6,677,700, comprising the state of Virginia, which encompasses approximately 39,780 square miles. Although the bulk of the Department's operations involve traffic law enforcement, it also provides the full range of law enforcement and investigative support to those rural counties, towns, and villages that do not maintain their own police departments. The Department's total number of full-time sworn law enforcement personnel in 1996 was 1,684 and in 1997 was 1,635.

### **CITY OF BALTIMORE POLICE DEPARTMENT, MARYLAND**

The Baltimore Police Department supports a resident population of 675,401 that expands to 844,250 during the daytime. The Department's jurisdiction encompasses approximately 81.5 square miles. The total number of full-time sworn law enforcement personnel in the Department was 3,081 in 1996 and 3,132 in 1997. "Uniform Crime Report" statistics for 1996 and 1997 indicate a crime index rate of 12,961 per 100,000 population in 1996 and 11,489 per 100,000 in 1997. During each of these two years, the Department averaged 321 homicides, 562 forcible rapes, 9,511 robberies, 8,070 aggravated assaults, and 13,796 burglaries per year.

## **APPENDIX F. REPORT DISTRIBUTION**

### **OFFICE OF THE SECRETARY OF DEFENSE**

Under Secretary of Defense (Personnel and Readiness)  
Assistant Secretary of Defense (Command, Control, Communications and Intelligence)  
Assistant Secretary of Defense (Legislative Affairs)  
Assistant Secretary of Defense (Public Affairs)  
Assistant Secretary of Defense (Reserve Affairs)  
Deputy Under Secretary of Defense (Installations)  
General Counsel, Department of Defense  
Office of The Inspector General  
General Counsel, Defense Logistics Agency  
Deputy General Counsel (Inspector General)\*  
Inspector General, Defense Intelligence Agency  
Inspector General, National Security Agency  
Director, Washington Headquarters Service  
Director, Defense Criminal Investigative Service\*  
Chief, Defense Protective Service  
Office of the Congressional Liaison

### **DEPARTMENT OF THE ARMY**

Inspector General, Department of the Army  
General Counsel, Department of the Army  
Auditor General, Department of the Army\*  
U.S. Army Criminal Investigation Command\*  
Deputy Chief of Staff for Operations and Plans, Security, Force Protection and Law  
Enforcement Division

### **DEPARTMENT OF THE NAVY**

Assistant Secretary of the Navy (Financial Management & Comptroller)\*  
Assistant Secretary of the Navy (Manpower & Reserve Affairs)  
General Counsel, Department of the Navy  
Director, Naval Criminal Investigative Service\*  
Inspector General, Department of the Navy  
Navy Chief of Information

## **Appendix F. Report Distribution**

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Counsel for the Commandant (Marine Corps)  
Inspector General, U.S. Marine Corps

### **DEPARTMENT OF THE AIR FORCE**

Assistant Secretary of the Air Force (Financial Management & Comptroller)\*  
General Counsel, Department of the Air Force  
Inspector General, Department of the Air Force\*  
Commander, Air Force Office of Special Investigations\*  
Director of Security Forces

### **NON-DEFENSE FEDERAL ORGANIZATIONS**

Chairman and ranking minority member of each of the following congressional committees and subcommittees:

Senate Committee on Appropriations  
Senate Subcommittee on Defense, Committee on Appropriations  
Senate Committee on Armed Services  
Senate Committee on Governmental Affairs  
House Committee on Appropriations  
House Subcommittee on Defense, Committee on Appropriations  
House Committee on Government Reform  
House Subcommittee on National Security, International Affairs, and Criminal Justice,  
Committee on Government Reform and Oversight

### **NON-FEDERAL ORGANIZATIONS**

Department of State Police, Fairfax Station, Virginia  
Arlington County Police Department, Virginia  
City of Baltimore Police Department, Maryland

\*Recipient of draft report.

## **PART III – MANAGEMENT COMMENTS**

# Department of the Army - Comments



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
OFFICE OF THE DEPUTY CHIEF OF STAFF FOR OPERATIONS AND PLANS  
400 ARMY PENTAGON  
WASHINGTON, DC 20310-0400



DAMO-ODL-O

3 Jun 99

MEMORANDUM THRU DEPUTY CHIEF OF STAFF FOR OPERATIONS AND PLANS  
~~DIRECTOR OF THE ARMY STAFF~~  
ASSISTANT SECRETARY OF THE ARMY (MANPOWER  
AND RESERVE AFFAIRS) John P. McLaurin, III  
Acting Assistant Sec Army  
(Manpower and Reserve Affairs)  
FOR DEPARTMENT OF DEFENSE INSPECTOR GENERAL, ASSISTANT  
INSPECTOR GENERAL FOR CRIMINAL INVESTIGATIVE POLICY AND  
OVERSIGHT

SUBJECT: Evaluation of the Military Criminal Investigative Organization and Law  
Enforcement Organization Crime Scene Management (Project Number  
80G-P007)—INFORMATION MEMORANDUM

1. The following comments are provided:

a. Reference page 9, last paragraph.

Comment. The paragraph discusses the use of civilian law enforcement agencies to provide support in processing crime scenes. Both the Navy and Air Force use that support method. The practice raises concern about the liability placed on the Government by such assistance and the lack of authority to collect evidence during the forensic collection phase of crime scene processing. One serious concern would be the medical and legal liability placed on the Government if civilian law enforcement officials were exposed to blood-borne pathogens or other dangers. There is an implication that the use of civilian law enforcement personnel may be considered "volunteers." If that inference is drawn, there could be violations of Title 31 USC 1342 which preclude the use of volunteers in the federal workplace, except in emergency situations.

Recommendation. The report should address the legality of civilian support agreements to avoid violations of law and to protect management, the volunteer, and the Federal Government from potential legal and financial liabilities.

b. General Comment. The focus of the evaluation was on crimes against persons and property crimes, and it did not address fraud and computer-related crimes. Due to the highly technical nature of fraud and computer related crimes, and the significant monetary loss attributed to them, the inclusion of such crimes should be part of future studies.

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DAMO-ODL-O

SUBJECT: Evaluation of the Military Criminal Investigative Organization and Law Enforcement Organization Crime Scene Management (Project Number 80G-P007)--INFORMATION MEMORANDUM

2. Coordination. Secretary of the Army General Counsel (Ms. Sajer) and U.S. Army Criminal Investigation Command (COL Quinn).
3. Point of contact is Mr. Jeffery Porter, 681-4868.



EDWARD SORIANO  
Major General, GS  
Director of Operations,  
Readiness and Mobilization

Mr. Porter/681-4868

**Department of the Navy - Comments**

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DEPARTMENT OF THE NAVY  
HEADQUARTERS  
NAVAL CRIMINAL INVESTIGATIVE SERVICE  
WASHINGTON NAVY YARD BLDG 111  
716 SICARD STREET SE  
WASHINGTON DC 20388-5380

17 Mar 1999

**MEMORANDUM FOR DEPUTY ASSISTANT INSPECTOR GENERAL  
(CRIMINAL INVESTIGATIVE POLICY AND OVERSIGHT)**

Subj: EVALUATION OF MILITARY CRIMINAL INVESTIGATIVE  
ORGANIZATION AND LAW ENFORCEMENT ORGANIZATION CRIME  
SCENE MANAGEMENT

Ref: (a) DODIG Draft Evaluation Report dtd 05 Feb 1999

1. Requested review of reference (a) disclosed information to be factual and accurate. Referenced material indicates Major Case Response Teams (MCRTs) are not mandated within NCIS. Since drafting of reference (a), NCIS has mandated all Field Offices create one or more MCRTs, as determined by geographic areas of coverage and other demographic considerations unique to their specific area of responsibility.

2. Should you require any additional information/assistance regarding this matter, please feel free to contact Special Agent Mark Fox at (202)433-9254.

A handwritten signature in black ink, appearing to read "T. V. Fischer".

T. V. FISCHER  
Assistant Director for Inspections

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File



DEPARTMENT OF THE AIR FORCE  
AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS

MEMORANDUM FOR SAF/IGX

25 Feb 99

FROM: AFOSI/CC

SUBJECT: Review of DoD/IG Draft Report, "Evaluation of Military Criminal Investigative Organization and Law Enforcement Organization Crime Scene Management," dated 5 Feb 99

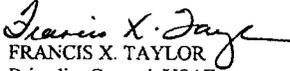
1. We concur that AFOSI policy and procedures relevant to crime scene processing and management provide ample guidance to our investigators. We feel those instructions are well articulated and user-friendly. With regards to the discrepancies in crime scene processing identified during the case review, it is difficult to comment specifically on the investigations reviewed since neither the Case File numbers nor the year within which the investigations occurred is listed. We do concur that the observations uncovered during the case review do not conform to AFOSI policy and procedures. However, it is felt that these findings are isolated and not endemic of AFOSI's crime scene processing and management. The current structure of AFOSI empowers the Detachment commander to conduct an objective investigation while ensuring the needs of his/her customer are met. The detachment commander is accountable for reviewing all cases which originate in his/her detachment. The Region does conduct a random review of those cases. The headquarters review process concentrates primarily on violent crimes. Although our death case review process is the most established, we are looking at expanding a similar process to other violent crimes against persons.
2. Beginning in Jan 98, XOGS began conducting 100% case review of death investigations. Although the death case review procedure is not spelled out in AFOSII 71-107, a policy letter entitled, "Review of Death Investigations" was published in early 1997 but was not among the policy materials reviewed by DoD/IG. This policy was designed "...to ensure we [AFOSI] consistently marshal the most skilled resources available to assist detachment commanders during the conduct of all death investigations." This policy has been further enhanced and is now ready to be published in the upcoming publication of AFOSII 71-105.
3. The current death case review procedure is quite comprehensive and is comprised of the following steps:
  - a) AFOSI Ops Center notifies XOGS on all deaths who ensures the servicing Forensic Science Consultant(FSC) is also notified
  - b) Seven days after case initiation the originating detachment sends an Investigative Plan to its Region, FSC, and HQ AFOSI/XOGS for review

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## Department of the Air Force - Comments

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- c) 30 days after case initiation the first ROI is due to the Region, FSC, and HQ AFOSI/XOGS for review
  - d) This review process continues until the investigation is closed. The metric for case completion is 60 days
  - e) Following the completion of the death investigation, the Armed Forces Institute of Pathology reviews the case to ensure the cause and manner of death are accurate
4. For cases which cannot be resolved, XOGS convenes a Death Case Review Board (DCRB) in order to assist the originating detachment. The DCRB is comprised of the Chief, Death Investigations (XOGS), an Investigative Psychologist (XOGP), the case agent, and a Forensic Science Consultant. The primary purpose of the review is to develop additional leads in order to resolve the case. This procedure is now being expanded to other investigations such as child abuse and arson.
  5. An investigative asset to AFOSI investigations which was not considered by the DoD/IG review is the role of AFOSI's Forensic Science Consultants. This program has been a benchmark to MCIOs since its inception. These AF officer Special Agents have all received their Masters in Forensic Science from George Washington University; one year fellowship in Forensic Medicine from the Armed Forces Institute of Pathology; a two-week internship in Forensic Pathology at Cook County Medical Examiner's Office; and a variety of advanced specialty training in arson, evidence collection, child abuse, and bomb scene processing. The primary purpose of the FSC is to ensure the latest innovations in the forensic sciences are applied to AFOSI's investigative mission. They are strategically located to maximize their ability to respond in a timely manner. Their primary investigative support is to investigations into death, child physical and sexual abuse, rape, and arson.
  6. The AF Special Investigations Academy has also reviewed the draft and has initiated several steps to enhance their instruction. The omissions and weakness emphasized in the review have been incorporated into the relevant instruction blocks to ensure emphasis. Problems highlighted by the review are now stressed in the relevant instruction blocks. And, the template has been added as a required reading assignment.
  7. If there are any other questions or concerns regarding subject review, please contact Mr. John Gerns at DSN: 857-1114.

  
FRANCIS X. TAYLOR  
Brigadier General, USAF  
Commander

# **EVALUATION TEAM MEMBERS**

**Deputy Assistant Inspector General for Criminal Investigative Policy and Oversight,  
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**LTC Paul Nigara – Project Manager**

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