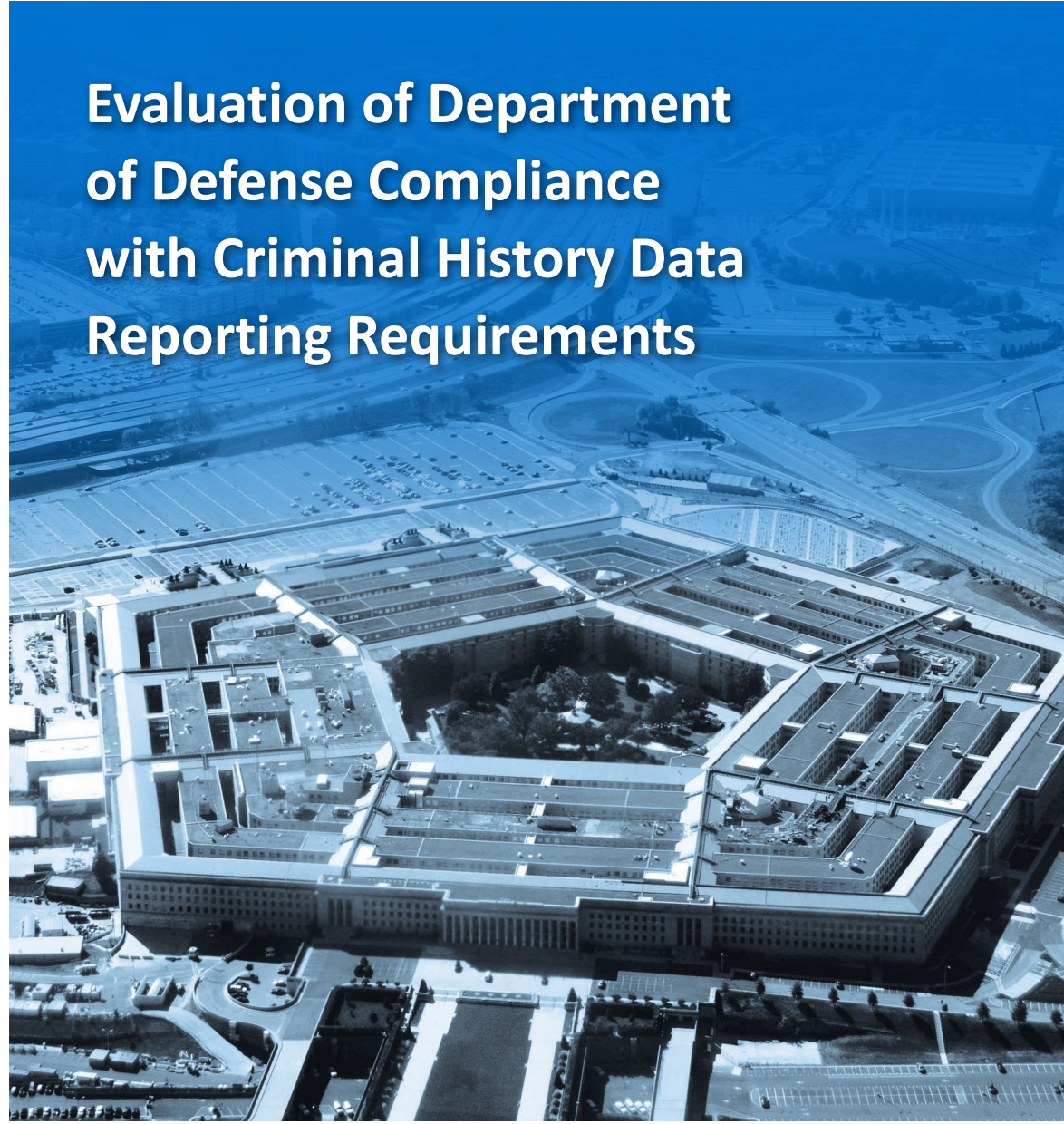




# INSPECTOR GENERAL

*U.S. Department of Defense*

FEBRUARY 12, 2015



## Evaluation of Department of Defense Compliance with Criminal History Data Reporting Requirements

INTEGRITY ★ EFFICIENCY ★ ACCOUNTABILITY ★ EXCELLENCE

INTEGRITY ★ EFFICIENCY ★ ACCOUNTABILITY ★ EXCELLENCE

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# Results in Brief

## *Evaluation of Department of Defense Compliance with Criminal History Data Reporting Requirements*

February 12, 2015

### Objective

We evaluated whether DoD Military Criminal Investigative Organizations (MCIOs)<sup>1</sup> and other DoD law enforcement organizations<sup>2</sup> reported offender criminal history data collected from service members convicted of qualifying offenses<sup>3</sup> and submitted the data to the Federal Bureau of Investigation's (FBI) Criminal Justice Information Services (CJIS) Division as DoD policy mandates.

Specifically, we determined whether fingerprints and final disposition reports for 1,102 Navy, Air Force, and Marine Corps service members convicted of qualifying offenses between June 1, 2010, and October 31, 2012, were submitted to the FBI's CJIS Division for inclusion in the Integrated Automated Fingerprint Identification System (IAFIS) (now called Next Generation Identification) database. Our analysis did not determine the reasons that fingerprints or final disposition reports that should have been included in IAFIS were not.

<sup>1</sup> The MCIOs include the U.S. Army Criminal Investigation Command, Naval Criminal Investigative Service, and Air Force Office of Special Investigations.

<sup>2</sup> DoD law enforcement organizations include the U.S. Army Military Police, U.S. Navy Shore Patrol/Naval Security Force, U.S. Air Force Security Forces and U.S. Marine Corps Military Police/Criminal Investigative Division.

<sup>3</sup> Offenses generally include any Uniform Code of Military Justice offense for which confinement exceeding 1 year may be imposed at sentencing. In the civilian justice system, these are often referred to as "felonies."

### Objective (cont'd)

We were not able to evaluate Army fingerprint and final disposition reporting and submission compliance due to data validation limitations. Army evaluation results will be published in a subsequent report. Any reference to MCIOs and other DoD law enforcement organizations generally is exclusive of all Army law enforcement organizations.

### Findings

- Fingerprints for 304 Navy, Air Force, and Marine Corps convicted offenders in our evaluation sample period were not in the FBI's IAFIS criminal history database. The evaluated Services had an overall fingerprint collection and submission compliance rate of 72 percent.
- Final disposition reports for 334 Navy, Air Force and Marine Corps convicted offenders in our evaluation sample period were not in the FBI's IAFIS criminal history database. The evaluated Services had an overall final disposition reporting compliance rate of 70 percent.

### Recommendations

We recommend the Secretaries of the Navy and Air Force take prompt action to submit the missing 304 fingerprints and 334 final disposition reports to the FBI for inclusion into IAFIS.

In addition, we recommend the Secretaries of the Navy and Air Force take prompt action to ensure fingerprints and final disposition reports for future arrestees and convicted offenders conform to DoD Instruction 5505.11, "Fingerprint Card and Final Disposition Report Submission Requirements."





# Results in Brief

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## *Evaluation of Department of Defense Compliance with Criminal History Data Reporting Requirements*

### **Management Comments and Our Response**

Comments from the Secretaries of the Navy and Air Force addressed all specifics of the recommendations, and no further comments are required. They agreed with our recommendation to promptly submit any missing fingerprints and final disposition reports to the FBI for inclusion into IAFIS, 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. We recognize there may be hindrances in attempting to collect the missing data. However, we believe the Services should pursue all possible avenues in their efforts to collect and submit the required fingerprints and final disposition reports to the FBI.

## ***Recommendations Table***

<b>Management</b>	<b>Recommendations Requiring Comment</b>	<b>No Additional Comments Required</b>
Secretary of the Navy		1 and 2
Secretary of the United States Air Force		1 and 2



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

February 12, 2015

**MEMORANDUM FOR ASSISTANT SECRETARY OF THE AIR FORCE (FINANCIAL  
MANAGEMENT AND COMPTROLLER)  
NAVAL INSPECTOR GENERAL**

**SUBJECT: Evaluation of Department of Defense Compliance with Criminal History Data  
Reporting Requirements (Report No. DODIG 2015-081)**

This report is provided for information and use. We evaluated whether the Military Criminal Investigative Organizations and other DoD law enforcement organizations collected criminal history data from service members convicted of certain offenses and submitted it to the Criminal Justice Information Services Division for inclusion in the Federal Bureau of Investigation's (FBI) criminal history database. We were not able to evaluate Army fingerprint and final disposition reporting and submission compliance due to data validation limitations. Army evaluation results will be published in a subsequent report. We conducted this evaluation in accordance with the Council of Inspectors General on Integrity and Efficiency (CIGIE) Quality Standards for Inspection and Evaluation.

We found that fingerprints for 304 Navy, Air Force, and Marine Corps convicted offenders in our evaluation sample period were not in the FBI's Integrated Automated Fingerprint Identification System (IAFIS) criminal history database. The evaluated Services had an overall fingerprint collection and submission compliance rate of 72 percent.

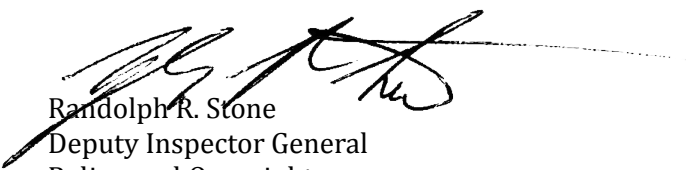
We found that final disposition reports for 334 Navy, Air Force, and Marine Corps convicted offenders in our evaluation sample period were not in the FBI's IAFIS criminal history database. The evaluated Services had an overall final disposition report submission compliance rate of 70 percent.

Our analysis did not determine the reasons that fingerprints or final disposition reports that should have been included in IAFIS were not.

We considered management comments on a draft of this report when preparing the final report.

Comments from the Secretaries of the Navy and Air Force conformed to the requirements of DoD Directive 7650.3; therefore, additional comments are not required.

We appreciate the courtesies extended to the review staff. For additional information on this report, please contact Mr. Jeff Bennett, Director of Oversight, at (703) 699-5667.

  
Randolph R. Stone  
Deputy Inspector General  
Policy and Oversight

# Contents

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## Introduction

Objective	1
Background	1

## Finding A. Fingerprints for 304 Convicted Offenders Were Not in IAFIS

MCIOS and Other DoD Law Enforcement Organizations Did Not Submit 304 of the 1,102 Required Fingerprints for Qualifying Offenders Within Our Sample Period	4
Navy Fingerprint Submission Analysis	4
Air Force Fingerprint Submission Analysis	5
Marine Corps Fingerprint Submission Analysis	6

## Finding B. Final Disposition Data for 334 Convicted Offenders Were Not in the IAFIS Database

MCIOS and Other DoD Law Enforcement Organizations Did Not Submit 334 of the 1,102 Required Final Disposition Reports for Qualifying Offenders Within Our Sample Period	7
Navy Final Disposition Reporting Analysis	7
Air Force Final Disposition Reporting Analysis	8
Marine Corps Final Disposition Reporting Analysis	8

## Conclusion

## Overall Recommendations, Management Comments, and Our Response

## Appendixes

Appendix A. Scope and Methodology	11
Prior Coverage	12
Appendix B. Qualifying Offenses	13
DoDI 5505.11 Enclosure 2 Offenses	13
Appendix C. Service Criminal History Data Reporting	16

## Contents (cont'd)

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### Management Comments

Navy Comments	17
Assistant Secretary of the Navy for Energy, Installations and Environment	17
Naval Criminal Investigative Service	20
Air Force Comments	22
Inspector General Director of Special Investigations	22
Air Force Office of Special Investigations CJIS Program Manager	23
Deputy Chief of Staff for Logistics, Installations and Mission Support (Deputy Director of Security Forces)	24

<b>Acronyms and Abbreviations</b>	<b>25</b>
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# Introduction

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## Objective

Our objective was to evaluate Military Criminal Investigative Organization (MCIO) and other DoD law enforcement organization compliance with fingerprint and final disposition submission requirements in DoD Instruction (DoDI) 5505.11, “Fingerprint Card and Final Disposition Report Submission Requirements,” June 20, 2006, and July 9, 2010, (Incorporating Change 1, May 3, 2011). See Appendix A for a discussion of the scope and methodology.

Specifically, we evaluated whether MCIOs and other DoD law enforcement organizations reported offender criminal history data for 1,102 service members convicted of qualifying offenses between June 1, 2010, and October 31, 2012, to the Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) Division for inclusion in its Integrated Automated Fingerprint Identification System (IAFIS). See Appendix B for a detailed list of qualifying offenses. Our analysis did not determine the reasons that fingerprints or final disposition reports that should have been included in the IAFIS were not.

## Background

### ***DoD Instruction***

In June 2006, DoD issued DoDI 5505.11, which established policy, assigned responsibilities, and prescribed procedures for DoD law enforcement organizations to report offender criminal history data to the FBI’s CJIS Division for inclusion in its criminal history database. DoDI 5505.11 was reissued July 9, 2010, and again on May 3, 2011, (Incorporating Change 1).<sup>4</sup>

The Instruction requires fingerprints and all information required on Federal Document 249 (FD-249), “Arrest and Institution Fingerprint Card,”<sup>5</sup> to be obtained from military subjects under investigation by DoD law enforcement organizations for offenses listed in Enclosure 2, DoDI 5505.11 (see Appendix B).

The Instruction further requires Defense Criminal Investigative Organizations (DCIOs) or other law enforcement organizations to report final disposition of military judicial, nonjudicial, or administrative proceedings to CJIS on an FBI/Department of Justice Form R-84 (R-84), “Final Disposition Report,” if it has not already been reported on a FD 249.

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<sup>4</sup> DoDI 5505.11 was reissued again on July 21, 2014; however, its reissuance has no bearing on this report’s findings or recommendations.

<sup>5</sup> The FD-249 was formerly known as the “Suspect Fingerprint Card.”

## ***FBI CJIS Division***

The CJIS Division is the FBI's central repository for criminal justice information services. Programs consolidated under the CJIS Division include the National Crime Information Center, Uniform Crime Reporting, Fingerprint Identification, and the IAFIS. The IAFIS is the program that has both fingerprint identification and final disposition data.

## ***IAFIS***

The IAFIS<sup>6</sup> is a national computerized system for storing, comparing, and exchanging fingerprint data and criminal history information. IAFIS provides automated fingerprint search capabilities, electronic image storage, and electronic exchange of fingerprints and responses. Federal, state, and local law enforcement agencies voluntarily submit fingerprints and criminal history information to IAFIS.

Law enforcement organizations use FD-249 and R-84 to submit fingerprint and other criminal history data to CJIS for inclusion in IAFIS.

The FD-249 documents fingerprints and other case file information on a subject. DoD law enforcement organizations submit the FD-249 to CJIS. The sender receives a confirmation message including a FBI Number assigned to that particular subject, and a Transaction Control Number (TCN) indicating acceptance of that subject's current incident and charge information.

Each criminal arrest for which CJIS has a fingerprint submission should also have a disposition. According to its website, "[t]he FBI defines a disposition as an action regarded by the criminal justice system to be final." Additionally, the R-84 form documents disposition data, including "arrest charge(s) [that] have been modified, dropped or reports the findings of a court." DoD law enforcement organizations submit the R-84 to CJIS.

For this evaluation, we eliminated those offenders whose qualifying offenses were not investigated by a DoD law enforcement organization,<sup>7</sup> leaving a total of 1,102 convicted offenders<sup>8</sup> requiring criminal history data submission. We forwarded the conviction data to our Service representatives and requested the corresponding FBI numbers, TCNs, and Originating Agency Identifier (ORI) numbers to assist in validating the Service's convicted offender data with CJIS.

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<sup>6</sup> Known as IAFIS for the period of our evaluation, this CJIS program is now known as Next Generation Identification (NGI).

<sup>7</sup> DoDI 5505.11, paragraph 2(b)(1), requires criminal history data to be reported only if the subject was investigated by a DCIO or other DoD law enforcement organization.

<sup>8</sup> There were 317 Navy, 358 Air Force, and 427 Marine Corps convicted offenders.

Service representatives researched convicted offender data and forwarded FBI numbers, TCNs, and/or ORI numbers directly to the CJIS Division to validate corresponding fingerprint and final disposition data. CJIS representatives verified the data and sent us the preliminary results.

We then developed a list of required convicted offender names that did not have fingerprints and/or final disposition updates in IAFIS and forwarded those names to the Service representatives for further research and validation. We asked them to submit supporting documentation and/or justification for missing names. Finally, we compared the updated information the Service representatives sent us with the IAFIS database. See Appendix C for a summary of Service criminal history data reporting.

## Finding A

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### **Fingerprints for 304 Convicted Offenders Were Not in IAFIS**

From June 1, 2010, to October 31, 2012, a total of 1,102 Navy, Air Force, and Marine Corps convicted service members were required to have fingerprints in IAFIS. Of those 1,102 service members, 798 had fingerprints in IAFIS, leaving a total of 304 (28 percent) fingerprints that were not in IAFIS.

### **MCIOs and Other DoD Law Enforcement Organizations Did Not Submit 304 of the 1,102 Required Fingerprints for Qualifying Offenders Within Our Sample Period**

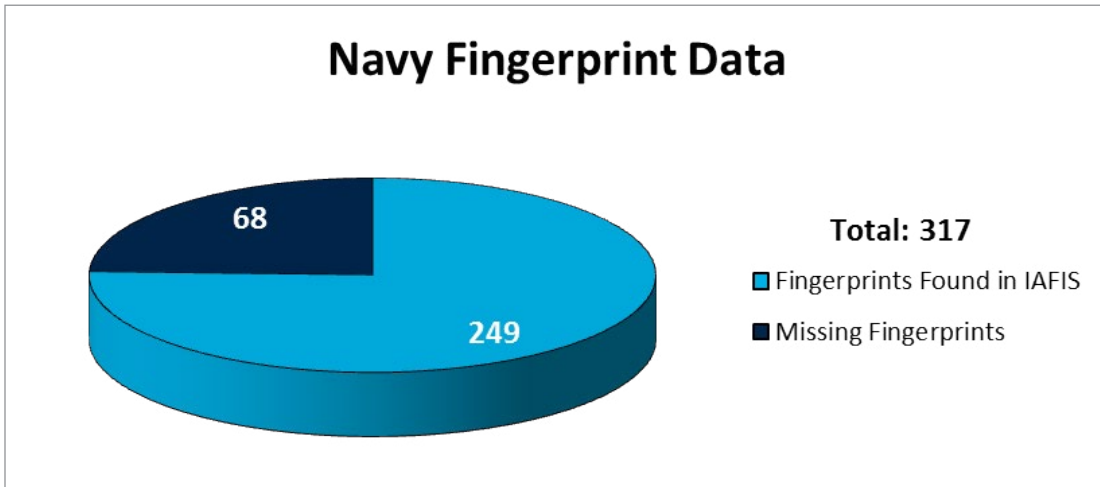
We identified 1,102 Navy, Air Force, and Marine Corps individuals convicted during our sample period that required criminal history data submission in accordance with DoDI 5505.11. We attempted to locate each name in the IAFIS database. We then developed lists of convicted service members not found in IAFIS.

After validating our findings with CJIS, MCIO, and other law enforcement organization representatives, we determined that fingerprints for 304 names (28 percent) of convicted offenders were not in IAFIS. The overall compliance rate for fingerprint collection and submission was 72 percent. Our analysis did not determine the reason that fingerprints that should have been included in IAFIS were not included.

#### ***Navy Fingerprint Submission Analysis***

The Navy reported 317 qualifying convictions within the evaluation sample period. There were 249 matching IAFIS entries. Of the 317 reported convictions, fingerprints for 68 qualifying members were not in IAFIS. The Navy had a 79-percent compliance rate. The Navy's fingerprint collection data and compliance rates are shown in Figure 1.

Figure 1. Analysis of Navy Fingerprint Submission Data

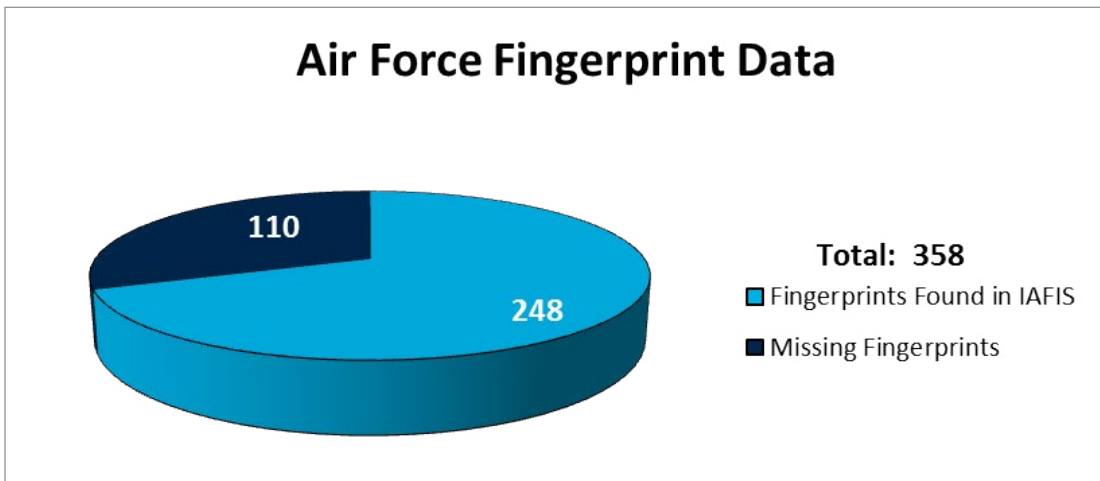


Source: United States Navy Office of the Judge Advocate General and CJIS Database.

**Air Force Fingerprint Submission Analysis**

The Air Force reported 358 qualifying convictions within the evaluation sample period. There were 248 matching fingerprint cards in IAFIS. Of the 358 reported convictions, 110 qualifying members were not in IAFIS. The Air Force had a 69-percent compliance rate. The Air Force’s fingerprint collection data and compliance rates are shown in Figure 2.

Figure 2. Analysis of Air Force Fingerprint Submission Data



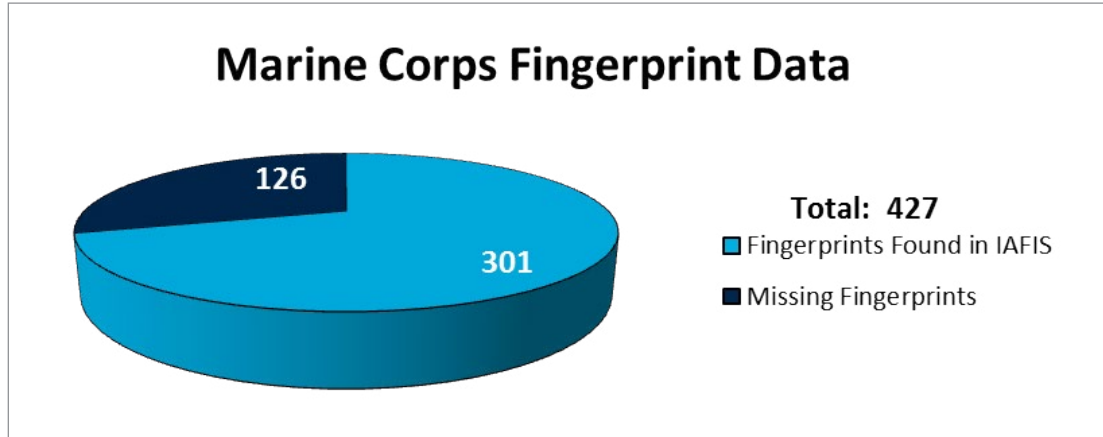
Source: United States Air Force Office of the Judge Advocate General and CJIS Database.



### **Marine Corps Fingerprint Submission Analysis**

The Marine Corps reported 427 qualifying convictions within the evaluation sample period. There were 301 matching IAFIS entries. Of the 427 reported convictions, 126 qualifying members were not in IAFIS. The Marine Corps had a 70-percent compliance rate. The Marine Corps' fingerprint collection data and compliance rates are shown in Figure 3.

*Figure 3. Analysis of Marine Corps Fingerprint Submission Data*



Source: Judge Advocate Division, Headquarters Marine Corps and CJIS Database.

## Finding B

### Final Disposition Data for 334 Convicted Offenders Were Not in the IAFIS Database

From June 1, 2010, to October 31, 2012, a total of 1,102 Navy, Air Force, and Marine Corps convicted service members were required to have final disposition data in IAFIS. Of those 1,102 service members, 768 had final disposition reports in IAFIS, leaving a total of 334 (30 percent) final dispositions that were not in IAFIS.

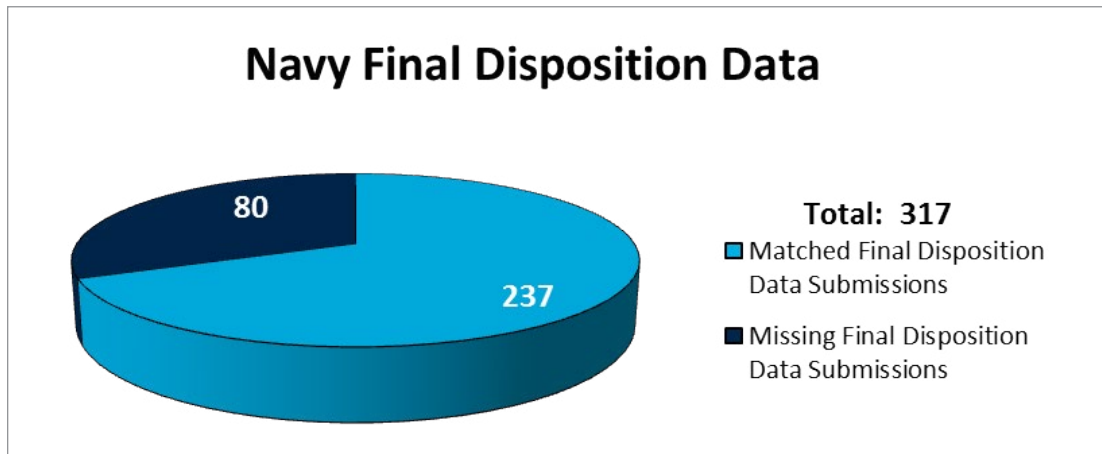
### MCIOS and Other DoD Law Enforcement Organizations Did Not Submit 334 of the 1,102 Required Final Disposition Reports for Qualifying Offenders Within Our Sample Period

Final disposition reports for 334 (30 percent) qualifying offenders were not in IAFIS. The overall compliance rate for final disposition reporting for the evaluated Services was 70 percent. Our analysis did not determine the reason that final disposition reports that should have been included in IAFIS were not included.

#### ***Navy Final Disposition Reporting Analysis***

The Navy reported 317 qualifying convictions within the evaluation sample period. IAFIS contained final disposition data for 237 convicted offenders. Of the 317 reported convictions, disposition data for 80 qualifying members were not in IAFIS. The Navy had a 75-percent compliance rate. The Navy’s final disposition data and compliance rates are shown in Figure 4.

*Figure 4. Analysis of Navy Final Disposition Reporting*

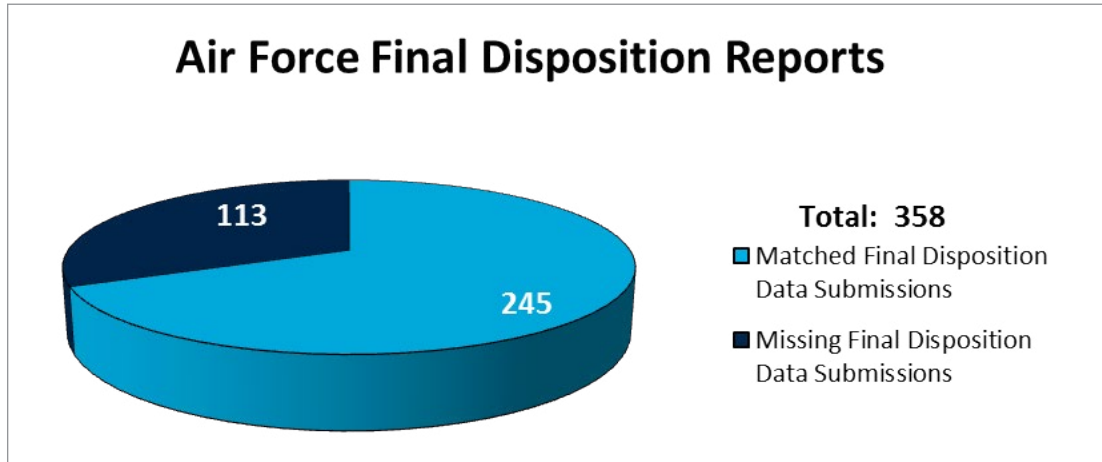


Source: United States Navy Office of the Judge Advocate General and CJIS Database.

### ***Air Force Final Disposition Reporting Analysis***

The Air Force reported 358 qualifying convictions within the evaluation sample period. IAFIS contained final disposition data for 245 convicted offenders. Of the 358 reported convictions, disposition data for 113 qualifying members were not in IAFIS. The Air Force had a 68-percent compliance rate. The Air Force’s final disposition data and compliance rates are shown in Figure 5.

*Figure 5. Analysis of Air Force Final Disposition Reporting*

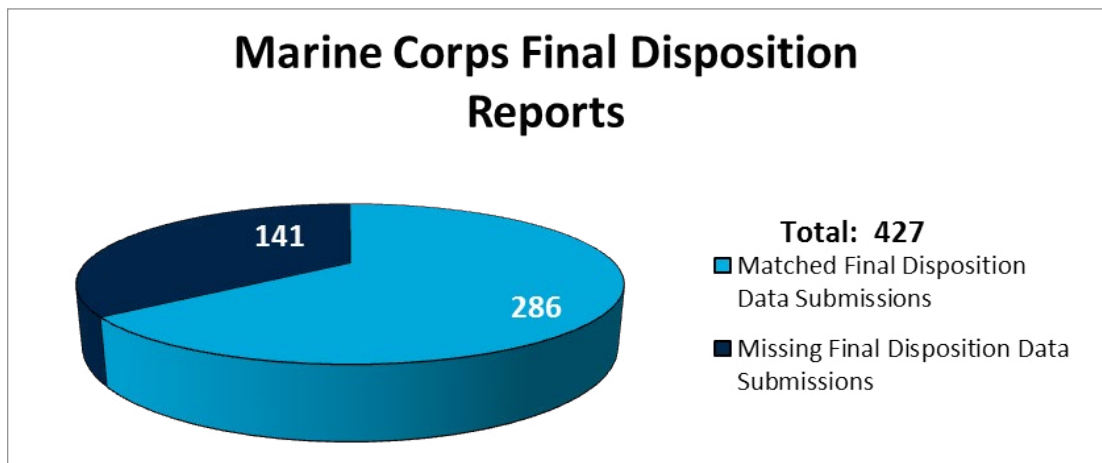


Source: United States Air Force Office of the Judge Advocate General and CJIS Database.

### ***Marine Corps Final Disposition Reporting Analysis***

The Marine Corps reported 427 qualifying convictions within the evaluation sample period. IAFIS contained final disposition data for 286 convicted offenders. Of the 427 qualifying convictions, disposition data for 141 qualifying members were not in IAFIS. The Marines had a 67-percent compliance rate. The Marine Corps’ final disposition data and compliance rates are shown in Figure 6.

*Figure 6. Analysis of Marine Corps’ Final Disposition Data Reporting*



Source: Judge Advocate Division, Headquarters Marine Corps and CJIS Database.

## Conclusion

The Navy, Air Force, and Marine Corps submitted 72 percent of the required convicted offender fingerprints, and 70 percent of the required final disposition reports to CJIS for inclusion in IAFIS.

## Overall Recommendations, Management Comments, and Our Response

### **Recommendation 1**

**We recommend that the Secretaries of the Navy and Air Force take prompt action to submit the missing 304 fingerprints and 334 final disposition reports to the FBI for inclusion into IAFIS.**

#### *Navy Comments*

The Navy agreed with our recommendation.

#### *Our Response*

Comments from the Navy addressed all specifics of the recommendation. No further comments are required.

#### *Air Force Comments*

The Air Force agreed with our recommendation.

#### *Our Response*

Comments from the Air Force addressed all specifics of the recommendation. No further comments are required.

#### *Marine Corps Comments*

The Marine Corps agreed with our recommendation.

#### *Our Response*

Comments from the Marine Corps addressed all specifics of the recommendation. No further comments are required.

## ***Recommendation 2***

**We recommend the Secretaries of the Navy and Air Force take prompt action to ensure fingerprint and final disposition information for future arrestees and convicted offenders conform to DoDI 5505.11, “Fingerprint Card and Final Disposition Report Submission Requirements.”**

### *Navy Comments*

The Navy agreed with our recommendation.

### *Our Response*

Comments from the Navy addressed all specifics of the recommendation. No further comments are required.

### *Air Force Comments*

The Air Force agreed with our recommendation.

### *Our Response*

Comments from the Air Force addressed all specifics of the recommendation. No further comments are required.

### *Marine Corps Comments*

The Marine Corps agreed with our recommendation.

### *Our Response*

Comments from the Marine Corps addressed all specifics of the recommendation. No further comments are required.



## Appendix A

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### Scope and Methodology

We conducted this evaluation from October 2013 to July 2014 in accordance with the Council of Inspectors General on Integrity and Efficiency, “Quality Standards for Inspections and Evaluations,” January 2012. We planned and performed the evaluation to obtain sufficient and appropriate evidence to provide a reasonable basis for our observations and conclusions based on our objectives.

Our evaluation assessed the Services’ compliance with DoDI 5505.11. We focused on whether DoD law enforcement organizations complied with fingerprint and final disposition reporting. Our analysis did not determine the reasons fingerprints or final disposition reports that should have been included in IAFIS were not.

Specifically, we sought to determine if Navy, Air Force, and Marine Corps authorities submitted fingerprints and final disposition reports for service members convicted of qualifying offenses between June 1, 2010, and October 31, 2012, to CJIS for inclusion in the IAFIS criminal history database.

To evaluate criminal history data submission compliance, we used a recently developed representative sample from our Report No. DODIG-2014-029, “Review of Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations,” February 27, 2014.

That evaluation sought to determine if DNA samples for service members convicted of qualifying offenses between June 1, 2010, and October 31, 2012, were collected and submitted to the U.S. Army Criminal Investigation Laboratory, Defense Forensic Science Center, for inclusion in the Combined DNA Index System. Collection and submission of fingerprints and DNA is based on the same list of qualifying offenses found in DoDI 5505.11, Enclosure 2.

In the above cited evaluation, we asked the Services’ Judge Advocate Generals (JAG) and the Staff Judge Advocate to the Commandant of the Marine Corps, for information on service members convicted of a qualifying offense between June 1, 2010 and October 31, 2012. They identified 3,536 individuals convicted during the sample period.

## **Prior Coverage**

In 1997, the Department of Defense Office of Inspector General issued a report titled, "Evaluation of Department of Defense Compliance with Criminal History Data Reporting Requirements," February 10, 1997. Neither the MCIOs nor the Service law enforcement organizations consistently submitted data to the FBI.

## Appendix B

### Qualifying Offenses

#### ***DoDI 5505.11 Enclosure 2 Offenses***

The following offenses are pursuant to the punitive articles of the Uniform Code of Military Justice and require DCIOs and all other DoD law enforcement organizations to submit offender criminal history data to the CJIS Division, FBI.

Article	Offense Description
<b>78</b>	Accessory after the fact (for crimes listed in this enclosure)
<b>80</b>	Attempts (for crimes listed in this enclosure)
<b>81</b>	Conspiracy (for crimes listed in this enclosure)
<b>82</b>	Solicitation
<b>85</b>	Desertion
<b>90</b>	Striking or assaulting a superior commissioned officer
<b>91</b>	Striking or assaulting a warrant, noncommissioned, or petty officer
<b>94</b>	Mutiny and sedition
<b>95</b>	Resistance, flight, breach of arrest, and escape
<b>97</b>	Unlawful detention (added on July 9, 2010)
<b>106</b>	Spies
<b>106a</b>	Espionage
<b>107</b>	False official statements
<b>108</b>	Military property of the United States – sale, loss, damage, destruction, or wrongful disposition
<b>109</b>	Property other than military property of the United States – waste, spoilage, or destruction
<b>111</b>	Drunken or reckless operation of vehicle, aircraft, or vessel
<b>112a</b>	Wrongful use, possession, etc., of controlled substances
<b>116</b>	Riot or breach of peace
<b>118</b>	Murder
<b>119</b>	Manslaughter
<b>119a</b>	Death or injury of an unborn child (added on July 9, 2010)
<b>120</b>	Rape and carnal knowledge (for offenses committed prior to October 1, 2007)
<b>120</b>	Rape, sexual assault, and other sexual misconduct (for offenses committed on or after October 1, 2007)
<b>120a</b>	Stalking (for offenses committed on or after October 1, 2007) (added on July 9, 2010)

Article	Offense Description
<b>121</b>	Larceny and wrongful appropriation
<b>122</b>	Robbery
<b>123</b>	Forgery
<b>123a</b>	Making, drawing, or uttering check, draft, or order without sufficient funds
<b>124</b>	Maiming
<b>125</b>	Sodomy
<b>126</b>	Arson
<b>127</b>	Extortion
<b>128</b>	Assault
<b>129</b>	Burglary
<b>130</b>	Housebreaking
<b>131</b>	Perjury
<b>132</b>	Frauds against the United States
<b>134a.</b>	Assault – Indecent (for offenses committed prior to October 1, 2007)
<b>b.</b>	Assault – with intent to commit murder, voluntary manslaughter, rape, robbery, sodomy, arson, burglary, or housebreaking
<b>c.</b>	Bribery and graft
<b>d.</b>	Burning with intent to defraud
<b>e.</b>	Child endangerment (for offenses committed on or after October 1, 2007) (added on July 9, 2010)
<b>f.</b>	Child pornography offenses, to include possession, distribution, production, receipt, viewing, and accessing (added Change 1, May 3, 2011)
<b>g.</b>	Correctional custody – offense against (added on July 9, 2010)
<b>h.</b>	False or unauthorized pass offenses (added on July 9, 2010)
<b>i.</b>	False pretenses, obtaining services under
<b>j.</b>	False swearing
<b>k.</b>	Firearm, discharge – willfully, under such circumstances as to endanger human life
<b>l.</b>	Fleeing the scene of an accident
<b>m.</b>	Homicide, negligent
<b>n.</b>	Impersonating a commissioned, warrant, noncommissioned, or petty officer, or an agent or official
<b>o.</b>	Indecent acts or liberties with a child (for offenses committed prior to October 1, 2007)
<b>p.</b>	Indecent exposure (for offenses committed prior to October 1, 2007)
<b>q.</b>	Indecent language
<b>r.</b>	Indecent acts with another (for offenses committed prior to October 1, 2007)

Article	Offense Description
<b>s.</b>	Kidnapping
<b>t.</b>	Mail: taking, opening, secreting, destroying, or stealing
<b>u.</b>	Mail: depositing or causing to be deposited obscene matters in
<b>v.</b>	Misprision of serious offense
<b>w.</b>	Obstructing justice
<b>x.</b>	Wrongful interference with an adverse administrative proceeding (Added on July 9, 2010)
<b>y.</b>	Pandering and prostitution (having someone commit an act of prostitution is still an offense pursuant to Article 134, but if the pandering is "compelled," it becomes an Article 120 offense, on or after October 1, 2007)
<b>z.</b>	Perjury: subornation of
<b>aa.</b>	Public record: altering, concealing, removing, mutilating, obliterating, or destroying
<b>ab.</b>	Reckless endangerment
<b>ac.</b>	Seizure: destruction, removal, or disposal of property to prevent
<b>ad.</b>	Self-injury without intent to avoid service
<b>ae.</b>	Soliciting another to commit an offense (for crimes listed in this enclosure)
<b>af.</b>	Stolen property: knowingly receiving, buying, concealing
<b>ag.</b>	Testify: wrongful refusal
<b>ah.</b>	Threat or hoax designed or intended to cause panic or public fear
<b>ai.</b>	Threat, communicating
<b>aj.</b>	Weapon: concealed, carrying

Any offenses pursuant to section 13, title 18, United States Code (18 U.S.C. § 13) (Reference (h)), charged as a violation of Article 134.



## Appendix C

### Service Criminal History Data Reporting

Description	Navy	Air Force	Marine Corps	Total
Number of Offenders	317	358	427	<b>1,102</b>
Fingerprints Submitted to CJIS	249	248	301	<b>798</b>
Missing Fingerprints in CJIS	68	110	126	<b>304</b>
<b>Fingerprint Compliance Rate</b>	<b>79%</b>	<b>69%</b>	<b>70%</b>	<b>72%</b>
Final Disposition Data Submitted to CJIS	237	245	286	<b>768</b>
Missing Final Disposition Data in CJIS	80	113	141	<b>334</b>
<b>Final Disposition Data Compliance Rates</b>	<b>75%</b>	<b>68%</b>	<b>67%</b>	<b>70%</b>

# Management Comments

## Navy Comments

### *Assistant Secretary of the Navy for Energy, Installations and Environment*



DEPARTMENT OF THE NAVY  
OFFICE OF THE ASSISTANT SECRETARY  
(ENERGY, INSTALLATIONS AND ENVIRONMENT)  
1000 NAVY PENTAGON  
WASHINGTON DC 20350-1000

IN REPLY REFER TO  
5211  
Ser N00/

JAN 15 2015

From: Assistant Secretary of the Navy (EI&E)  
To: Inspector General, Department of Defense

Subj: Draft Report - Evaluation of Department of Defense  
Compliance with Criminal History Data Reporting (Project  
No. 2013C006)

1. The draft report evaluated whether DOD Military Criminal Investigative Organizations (MCIOs) and other DOD Law Enforcement Organizations (LEO) reported offender criminal history data collected from service members convicted of qualifying offenses and submitted the data to the FBI Criminal Justice Information Services (CJIS) Division as DOD policy mandates. For the purposes of this response, Navy MCIO is defined as Navy Criminal Investigative Service (NCIS) and Navy LEO is defined as Naval Security Forces (NSF).

2. NCIS responded separately for MCIO related findings.

3. In coordination with Commander, Navy Installations Command (CNIC), the following is provided for LEO related findings:

a. CNIC agrees with the recommendation 1.

(1) CNIC will direct Naval Security Forces under its cognizance to liaise with appropriate MCIOs and promptly take action on missing fingerprint/final disposition reports respectively.

(2) Estimated completion date is 31 January 2015.

b. CNIC agrees with the recommendation 2.

(1) CNIC will direct Naval Security Forces under its cognizance to comply with DoDI 5505.11 for fingerprint and final disposition information for all future arrestees and convicted offenders.

(2) Estimated Completion Date is 31 January 2015.

## **Assistant Secretary of the Navy for Energy, Installations and Environment (cont'd)**

Subj: Draft Report - Evaluation of Department of Defense Compliance with Criminal History Data Reporting (Project No. 2013C006)

4. In coordination with US Marine Corps Law Enforcement (USMC LE), the following is provided for LEO related findings:

(a) USMC LE agrees with recommendation 1 with modification:

- (1) USMC LE will obtain a complete list of evaluated cases and coordinate with NCIS on cases requiring USMC LE corrective action. Within 90 days of obtaining the complete list, USMC LE will provide report to DoD IG on all cases that can be brought into compliance. Commands will have 90 days upon tasking to meet 100% compliance with fingerprint submission.
- (2) USMC LE will provide training and begin to use LIVESCAN system to submit electronic fingerprints: Expected timeline is 180 days.

(b) USMC agrees with recommendation 2.

- (1) USMC LE and CID will update necessary policy and incorporate the requirements during police department accreditation assessment to monitor compliance in future cases: expected completion is 31 Jan 2015.
- (2) USMC LE and CID will include training on requirements of Federal Document 249 (FD-249) "Arrest and Institution Fingerprint Card" and FBI/Department of Justice Form R-84 (R-84) "Final Disposition Report" in entry and advanced law enforcement training. Expected completion is 90 days.
- (3) USMC LE is working on developing a new system that will enhance the ability to record case disposition. The Navy Justice Information System (NJIS) is being developed to have direct feed into FBI systems with better tracking by LE and Commands on case progress. The training during implementation of this system will cover case disposition requirements for Commanders.

**Assistant Secretary of the Navy for Energy, Installations  
and Environment (cont'd)**

Subj: Draft Report - Evaluation of Department of Defense  
Compliance with Criminal History Data Reporting (Project  
No. 2013C006)

5. CNIC point of contact is [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]. USMC LE point of contact is  
[REDACTED] [REDACTED] [REDACTED].

Copy to:  
Commander, Navy Installations Command  
Commander, USMC Law Enforcement  
Naval Inspector General  
Naval Criminal Investigative Service

## Naval Criminal Investigative Service



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

December 15, 2014

MEMORANDUM FOR DEPUTY INSPECTOR GENERAL, POLICY AND OVERSIGHT,  
DEPARTMENT OF DEFENSE OFFICE OF INSPECTOR GENERAL

SUBJECT: NCIS Response to the Evaluation of Department of Defense Compliance with  
Criminal History Data Reporting Requirements (Project No. 2013C006)

Reference: (a) DoD Inspector General Draft Report dated October 9, 2014

The Naval Criminal Investigative Service (NCIS) has reviewed the reference.  
NCIS appreciates the opportunity to provide comment on the draft DoDIG report.

The report has two recommendations as follows:

- Recommend the Secretaries of the Navy and Air Force take prompt action to submit the missing 329 fingerprints and 366 final disposition reports to the FBI for inclusion into IAFIS.
- Recommend the Secretaries of the Navy and Air Force take prompt action to ensure fingerprints and final disposition reports for future arrestees and convicted offenders conform to DoDI 5505.11, "Fingerprint Card and Final Disposition Report Submission Requirements."

NCIS concurs with the recommendations. The latest version of DoDI 5505.11 was published July 21, 2014 and called for "DoD law enforcement organizations to report offender criminal history data to the Criminal Justice Information Services Division of the Federal Bureau of Investigation for inclusion in the National Crime Information Center criminal history database." NCIS implemented the previous version DoDI dated July 9, 2010 for NCIS investigations into a General Administration dated July 26, 2011 and then into NCIS policy that is derived from the NCIS Manual 3 Criminal Investigations: Chapter 37 Biometrics that was signed January 2014. Since that time, NCIS has worked to ensure full compliance with DoDI 5505.11, to include documenting the fingerprint submission to the Consolidated Law Enforcement Operations Center case reporting system. NCIS is also currently updating the NCIS Manual 3 Criminal Investigations: Chapter 37 Biometrics to include the latest version of DoDI 5505.11.

Corrective action will be taken for the members associated to NCIS cases that are still on active duty needing fingerprint or disposition submissions. Specifically, leads will be sent to the field office leadership with the respective investigative case files to direct the fingerprinting of the missing Navy and Marine Corps. The submission of delinquent dispositions will be handled by the NCIS Biometrics Branch.



**Naval Criminal Investigative Service (cont'd)**

SUBJECT: NCIS Response to the Evaluation of Department of Defense Compliance with  
Criminal History Data Reporting Requirements (Project No. 2013C006)

If you have any comments and/or questions, please contact acting Biometrics Branch  
Head, Supervisory Special Agent [REDACTED]

[REDACTED]

Executive Assistant Director  
Intelligence & Information Sharing Directorate

## Air Force Comments

### Inspector General Director of Special Investigations



Office of the Secretary

#### DEPARTMENT OF THE AIR FORCE

WASHINGTON DC

12 December 2014

#### MEMORANDUM FOR DOD-IG

FROM: SAF/IGX  
1140 Air Force Pentagon (5B919)  
Washington DC 20330

SUBJECT: DoD/IG Draft Report Evaluation of Department of Defense Compliance with Criminal History Data Reporting, 9 October 2014 (Project No. 2013C006)

1. This memorandum is provided in response to your draft report dated October 9, 2014 requesting comments from the Air Force. The Air Force reported 358 qualifying convictions within the evaluation sample period. Of the 358 qualifying convictions, 110 were missing fingerprint cards and 113 were missing disposition data entries. In the Air Force, the Air Force Office of Special Investigations (AFOSI) and the HQ Air Force Security Forces (HAF/A4S) are the functions responsible for the collection of this data.
2. Our review found that 358 qualifying convictions were missing 110 fingerprint cards and 113 disposition data entries. Please see AF/A4S and AFOSI memoranda on action taken in complying with the DoD/IG Draft Report Evaluation of Department of Defense Compliance with Criminal History Data Reporting, 9 October 2014 (Project No. 2013C006).
3. The following breakdown characterizes all tasked agencies review within the Air Force:
  - a. AF/A4S (Security Forces): The Air Force Security Forces Center (AFSFC) was tasked with reviewing the draft report. For more information see USAF/A4S Memorandum, *Subject: DoD/IG Draft Report Evaluation of Department of Defense Compliance with Criminal History Data Reporting, 9 October 2014* dated 9 December 2014 on the action taken to submit the fingerprints and final disposition and action to ensure fingerprints and final disposition reports for future arrestees and convicted offenders comply with DODI 5505.11 "Fingerprint Card and Final Disposition Report Submissions Requirements."
  - b. AFOSI: AFOSI was tasked with reviewing the draft report. For more information see HQ AFOSI Memorandum, *Subject: Responses to Draft Report – Evaluation of Department of Defense with Criminal History Data Reporting, 9 October 2014, (Project No. 2013C006)*, dated 21 October 2014 on the action taken to submit the fingerprints and final disposition and action to ensure fingerprints and final disposition reports for future arrestees and convicted offenders comply with DODI 5505.11 "Fingerprint Card and Final Disposition Report Submissions Requirements."
4. We appreciate the opportunity to respond to the draft report. The overall Air Force POC is [REDACTED], AF Criminal Investigations Program Manager, [REDACTED] DSN 227.

[REDACTED]  
[REDACTED], Col, USAF  
Director, Special Investigations

## Air Force Office of Special Investigations CJIS Program Manager



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

17 October 2014

MEMORANDUM FOR DEPARTMENT OF DEFENSE INPECTOR GENERAL

FROM: HQ AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS

SUBJECT: Responses to Draft Report – Evaluation of Department of Defense Compliance with Criminal History Data Reporting Requirements (Project No. 2013C006)

1. This response includes final reporting numbers for the Air Force Office of Special Investigations (AFOSI). Please note, AFOSI is not responsible for Air Force Security Forces fingerprinting or final disposition reporting to the FBI's Integrated Automated Fingerprint Identification System (IAFIS) database and maintains no oversight of their policies or procedures regarding criminal histories.
2. AFOSI was tasked with validating 271 service members' criminal histories within IAFIS, specifically to determine if fingerprints and final dispositions were correctly entered to IAFIS (see attached spreadsheet). Of the 271, ten names were not identified with an AFOSI investigation leaving 261 members to validate. Of the remaining 261, 16 fingerprints and 17 final dispositions were not submitted to IAFIS IAW DoDI 5505.11; however AFOSI correctly submitted 245 out of 261 fingerprints and 244 out of 261 final dispositions to IAFIS, which reflected a 93.86% success rate for fingerprints and a 93.48% success rate for final dispositions.
3. To resolve the issue of the outstanding fingerprints and dispositions, AFOSI tasked units with submitting fingerprints and final disposition reports to IAFIS within 60 days of this memo. AFOSI's National Crime Information Center's (NCIC) program manager will work with units to ensure this is completed IAW DoDI 5505.11 and the FBI's Criminal Justice Information Systems (CJIS) security policy. In regards to the final dispositions, AFOSI correctly entered all final dispositions IAW DoDI 5505.11.
4. AFOSI's success rate was largely due to AFOSI's electronic fingerprint scanners and investigative databases programming. These electronic systems ensure field agents 1) establish probable cause with a prosecuting attorney prior to submission and 2) will not allow field agents to complete the electronic fingerprint process prior to a positive IAFIS response indicating fingerprints were accepted by IAFIS.
5. For questions regarding this memo, please contact me at [REDACTED] or email at [REDACTED].

[REDACTED] SA, USAF  
Superintendent, IT Integrations HQ AFOSI

*"Eyes of the Eagle"*

## **Deputy Chief of Staff for Logistics, Installations and Mission Support (Deputy Director of Security Forces)**



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

DEC 9 2014

MEMORANDUM FOR DoD/IG

FROM: HQ USAF/A4S  
1030 Air Force Pentagon, Rm 5E1040  
Washington, DC 20330-1030

SUBJECT: DoDIG Draft Report Evaluation of Department of Defense Compliance with Criminal History Data Reporting, dated 9 Oct 14.

DoDIG has issued the draft report dated October 9, 2014 located on the original docs tab (Tab 1) and has requested comments not later than 30 October 2014. DoDIG found that fingerprints for 329 Navy, Air Force, and Marine Corps convicted offenders in their evaluation sample were not in the FBI's IAFIS criminal history database. The evaluated Services had an overall fingerprint collection and submission compliance rate of 70%. Additionally, final disposition reports for 366 Navy, Air Force and Marine Corps convicted offenders in our evaluation sample period were not in the FBI's IAFIS criminal history database. The evaluated Services had an overall final disposition reporting compliance rate of 67%. DoDIG recommends the Secretaries of the Navy and Air Force take prompt action to submit the missing 329 fingerprints and 366 final disposition reports to the FBI for inclusion into IAFIS.

The Air Force Security Forces Center (AFSFC) recently received a copy of the DoDIG draft report outlining the Air Forces discrepancies pertaining to missing fingerprints from individuals who were subjects of criminal investigations. Security Forces identified 97 names where fingerprints were not collected. The AFSFC (through all major commands) has exhausted all efforts to collect, through voluntary consent, the missing fingerprints and Final Disposition Report Submission (R-84). Tab 3 includes the list of Security Forces' missing fingerprints and R-84 and the results of our attempts to collect the missing items. There are no further updates to this review. Request Security Forces portion of this task be closed for future updates due to legal limitations on collecting fingerprints and R-84s for separated personnel. The AFSFC will continue to stress the importance of obtaining the fingerprints and R-84 requirements on all future cases to SF field units as established by DoDI, 5505.11.

My point of contact is [REDACTED]

[REDACTED]  
[REDACTED], Col, USAF  
Deputy Director of Security Forces  
DCS/Logistics, Installations & Mission Support

3 Tabs  
Tab 1- Draft report Criminal History Data Reporting  
Tab 2- (FOUO) Copy of Air Force Fingerprint Results 113 Names  
Tab 3- (FOUO) DoDIG List of Security Forces Names

## Acronyms and Abbreviations

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<b>CJIS</b>	Criminal Justice Information Services
<b>DCIO</b>	Defense Criminal Investigative Organization
<b>DNA</b>	Deoxyribonucleic Acid
<b>DoDI</b>	DoD Instruction
<b>FBI</b>	Federal Bureau of Investigations
<b>FD</b>	Federal Document
<b>IAFIS</b>	Integrated Automated Fingerprint Identification System
<b>JAG</b>	Judge Advocate General
<b>MCIO</b>	Military Criminal Investigative Organization
<b>NCIC</b>	National Crime Information Center
<b>OIG</b>	Office of Inspector General
<b>ORI</b>	Originating Agency Identifier
<b>TCN</b>	Transaction Control Number
<b>USACIL</b>	U.S. Army Criminal Investigation Laboratory
<b>U.S.C.</b>	United States Code



# **Whistleblower Protection**

## **U.S. DEPARTMENT OF DEFENSE**

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[congressional@dodig.mil](mailto:congressional@dodig.mil); 703.604.8324

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4800 Mark Center Drive  
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[www.dodig.mil](http://www.dodig.mil)  
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