TITLING AND INDEXING PROCEDURES UTILIZED BY THE DEFENSE CRIMINAL INVESTIGATIVE ORGANIZATIONS

EXECUTIVE SUMMARY

The House Armed Services Committee (HASC) recently recommended that the Department of Defense (DoD) military criminal investigative organizations (MCIOs) needed to establish a uniform standard for "titling" individuals as subjects of an investigation. The HASC report recommended that the titling standard should be set as probable cause to believe the individual had committed the alleged offense being investigated. The Office of the Inspector General, DoD, (OIG, DoD) was tasked to determine the feasibility of the recommendation.

The OIG, DoD, reviewed in detail the titling policies of the MCIOs. The OIG, DoD, which is responsible for establishing criminal investigative policy in DoD, also conducted the review to determine the effectiveness and efficiency of the existing titling and indexing policies, as titling is no more than a step in maintaining indices of investigations. Further, the review sought to assess the impact of the HASC recommendation on the efficiency and effectiveness of maintaining and retrieving DoD investigative records. Included in the review for comparison were the titling and indexing policies of the: Defense Criminal Investigative Service; Defense Investigative Service; Department of the Army Military Intelligence-Counterintelligence; Federal Bureau of Investigations; U.S. Customs Service; Bureau of Alcohol, Tobacco and Firearms; Internal Revenue Service Criminal Investigation Division and Inspection Service; and United States Secret Service.

The OIG, DoD, review confirmed the need for consistent titling and indexing policies among the Defense criminal investigative organizations. The review also found that the standard recommended in the HASC report would have significant negative impact on DoD investigative operations and would be inconsistent with the policies of the law enforcement community. A DoD criminal investigations titling and indexing policy will be developed based on the findings of the OIG, DoD review. The policy will establish that an individual will be titled as the subject of an investigation when sufficient evidence is developed to warrant an investigation of any allegations. The policy will further provide that indices of investigations will be maintained with more stringent requirements limiting removal of names from such indices.