Office of the Inspector General, DoD

Project No. 9850008X **September 16, 1998**

Evaluation of the Department of Defense Forensic Laboratories

Executive Summary

Introduction. This evaluation was performed in response to a recommendation contained in the "Report of the Advisory Board on the Investigative Capability of the Department of Defense," January 1995, issued by the Secretary of Defense. Recommendation No. 88 of the study proposed that the Secretary's Board on Investigations determine whether consolidating all DoD forensic support under one integrated laboratory system would result in additional cost efficiencies and enhanced customer support. The evaluation was identified as a project in the Office of the Inspector General Fiscal Year 1997 Annual Plan and was announced April 8, 1997. The on-site evaluation was conducted from July through September 1997. The Army consolidated its forensic laboratories in 1993 and 1996, and the Navy consolidated its laboratories in 1992, resulting in the present arrangement of one Army and two Navy laboratories.

Evaluation Objective. The primary objective was to evaluate whether consolidating forensic laboratories under one integrated system would result in cost efficiencies and enhanced customer support. The evaluation also focused on the efficiency and effectiveness of the DoD forensic laboratories' policies and procedures in support of the criminal investigative mission and on the adequacy of resources needed to perform the forensic laboratory mission.

Evaluation Results. The DoD forensic laboratories, as currently structured, are meeting their mission of providing responsive forensic services to the Defense Criminal Investigative Organizations. The laboratories have demonstrated their effective capabilities to provide forensic services through accreditation by the American Society of Crime Laboratory Directors and highly favorable reports from their customer base. Because we found no deficiencies in the forensic support provided, further consolidation at this time cannot be justified based on the potential for more effective forensic laboratory support to the Defense Criminal Investigative Organizations. However, improvement in laboratory operations are warranted which will allow the accurate assessment of the cost efficiency of services provided. Also, the practice of receiving and providing certain non-Federal laboratory services without reimbursement could potentially violate fiscal statutes and regulatory guidance.

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o The DoD laboratories do not perform cost accounting to determine the cost of forensic examinations for comparison purposes with other crime laboratories. Further, the laboratories lack a uniform method for collecting workload data. As a result, the laboratories are unable to assess the cost-effectiveness of operations in comparison with other crime laboratories (Finding A).

o The Defense Criminal Investigative Organizations request and receive forensic services from non-Federal agencies at no charge in cases in which the non-Federal agency has no interest. In addition, the Navy forensic laboratories provide forensic support to non-Federal law enforcement agencies on a no-fee basis in cases in which the Navy has no interest. These procedures by the Defense Criminal Investigative Organizations could result in violation of fiscal statutes including the Anti-Deficiency Act and DoD directives (Finding B).

Recommendations in this report, if implemented, will improve the overall management of the DoD forensic laboratories.

Summary of Recommendations. We recommend that the Director, U.S. Army Criminal Investigation Laboratory, and the Directors, Naval Criminal Investigative Service Regional Forensic Laboratories, initiate cost accounting of their examinations and establish standard measurements to generate valid and reliable workload statistics. We also recommend that the General Counsel, Department of Defense, and the Service General Counsels review the Defense Criminal Investigative Organizations' policies and procedures for requesting and providing forensic laboratory services to ensure compliance with statutory and regulatory requirements.

Management Comments. The Army and Navy nonconcurred with the recommendation to establish a cost accounting system for their examinations. The Army stated that the unit cost analysis is outside current capabilities of DoD and the Army laboratory. The Navy stated that NCIS does not want to divert laboratory dollars and manpower to do a unit cost analysis study. The Navy concurred with the recommendation to establish standard measurements to accurately define and report forensic workload statistics. The Army nonconcurred with the recommendation stating the DoD laboratories, including Army, do not have a common denominator for comparing units of work.

The Air Force General Counsel generally disagreed with the Finding B which concludes that certain Defense Criminial Investigative Organization practices for providing or reviewing laboratory services from non-Federal agencies could lead to Anti-Deficiency Act violations. The Air Force General Counsel finds no violation of the 31 U.S.C. §1342 provision of the Act which prohibits accepting voluntary services or a violation of any other federal fiscal statute. However, the Air Force General Counsel offered a recommendation that services provided by State and local forensic laboratories be obtained by a written agreement that provides that services rendered are gratuitous with no expectation of future payment. None of the comments address Defense Criminal Investigative Organizations compliance with regulations. We note that our recommendation regarding Finding B is precisely that the Service General Counsels

review laboratory procedures to ensure compliance with regulations. The General Counsel, Department of Defense, Army General Counsel, and the Navy General Counsel did not comment on a draft of this report issued March 11, 1998. See Part I for a discussion of management comments and Part III for the complete text of the management comments.

Evaluation Response. The Army and Navy comments were not fully responsive. We disagree with the Army and Navy's assessment of cost accounting systems for the laboratories. In addition, we believe the Army should reassess the need to establish standard measurements to define and report forensic workload statistics. We request the Army and Navy provide comments on the final report as indicated in Part I. The Air Force General Counsel's recommendation is responsive. However, prior to implementing this procedure for DoD laboratories, we need to review and assess responses to the final report. We request that the General Counsel, Department of Defense, the Army General Counsel, and the Navy General Counsel provide comments on the final report by November 16, 1998.