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- (2) Nets.
- (3) Anchored or pile mounted channel markers.
- (4) Signaling devices.
- (5) Log booms.
- (6) Barges.
- (7) Workboats, whalers, and other small boats at anchor.

c. Barriers. Waterside barriers at an installation, facility, or asset afloat perform functions that barriers on land perform; establishing boundaries, isolating activity, discouraging visitors, and impeding passage by boat or swimmer. They can be installed at land/water interfaces or at average high-water marks. Rules of navigation allow for inadvertent and innocent penetration of certain types of barriers, as may occur with small craft engine failure, sail boats, and pleasure craft operators who lack navigational and operational skill.

(1) Several barriers can be used to slow or impede access to facilities by boats or swimmers. Nets are among the best for this purpose, however, well-marked partially submerged objects can also be used; there are legal implications regarding the emplacement of barriers that constitute a hazard to navigation. Prior to placement of these devices, commands should consult with the installation SJA.

(2) Barriers can be used to restrict waterside access to the installation. Use of floating nets, especially those made of wire mesh and anchored to the floor of the body of water, can deny access to swimmer delivery vehicles, small commercial-type submarines, or divers. Barges create a physical barrier of considerable penetration resistance to small craft. Barges should be secured bow to stern with the lead and aft barges being secured to the pier or shore side mooring point. The primary purpose for deploying a barrier of this type is to absorb a large portion of the blast from an explosive laden vessel that managed to elude initial defenses.

d. Patrol boats are the most effective means of isolating an activity and discouraging vessels from approaching identified boundaries. Patrol boats require establishment of a perimeter, surveillance beyond the perimeter to identify potential intrusions, and dispatch of C&E boats to intercept intruders

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within the security zone. Vessels should not be allowed within the reaction zone of the protected asset.

e. Security and Response Forces. Waterborne security and response forces are employed to maintain perimeter security and enforce security zone restrictions. Depending on the installation, the nature of facilities and activities, and jurisdiction under which waterside security is conducted, security forces may be provided by PMO/MCPD, U.S. Navy, installation directorates, tenant commands, U.S. Coast Guard, state or local police, or host-government forces.

(1) While patrolling the land-water interface, security forces must be equipped with vehicles, communications equipment, and personal protection equipment. It is essential that waterside and landside security force command, control, and communications systems be integrated.

(2) Patrol forces are deployed to patrol the security zone, provide detection and identification information to a central command post, and to aid other security forces as necessary.

(3) C&E forces are deployed in the outer security zone. C&E forces are responsible for positioning the C&E boats between intruders and protected assets, making initial contact with intruders, and providing navigational assistance and escort services to ensure intruders exit restricted waters.

(4) Tactical response boat (TRB) forces are deployed close to or within the reaction zone and are responsible for engaging intruders and terminating incidents outside of the "keep out" zone.

(5) If boarding becomes necessary it should be conducted by C&E forces, local or state law enforcement officers, or designated boarding teams transported to the scene by a standby vessel. In all cases boarding should take place outside the security zone at a secure location.

f. Patrol Tactics and Techniques. Defensive measures provide a response option for intercepting and neutralizing an identified, incoming hostile threat. The protected asset can be a ship, pier, waterfront facility, or any area or object vital to national security that requires protection from a waterborne threat. Random patrolling is an effective defensive measure in installation waterside security. Water approaches to the asset

need to be divided into sectors with sector boundaries that converge at the asset. In one-boat security zone enforcement, the security boat maintains a position near the zone centerline at the outer boundary. The position allows maximum visibility for observing the security zone and for warning vessel traffic. All turns should be made to the outside so the crew can maintain surveillance of zone boundaries.

4. Serious Incidents (Waterborne). Serious incident response (for example, search and rescue, drowning, environmental) and coordination will often be the responsibility of PMO/MCPD. PMO/MCPD may have cognizance over the operation and a command post should be established to coordinate all efforts. Depending on the situation, the following organizations may be notified and/or included in a waterborne emergency operation:

- a. Installation Fire Department.
- b. Branch Medical Clinic or Hospital.
- c. Water Front Operations, if established aboard the installation.
- d. Marine Corps Air Facility/Station if located aboard the installation and on the water.
- e. Environmental Protection and Compliance Department.
- f. Explosive Ordnance Disposal.
- g. Installation Public Affairs Office.
- h. Installation Staff Judge Advocate.
- i. U.S. Coast Guard
- j. State Department of Natural Resources.
- k. City and/or County Fire Departments.
- l. Unit or command affected.

Section 11800 - Holding Cell/Detention Space Procedures

11801. Purpose. This section establishes procedures concerning the operation of PMO/MCPD holding cells and detention spaces.

11802. Policy

1. Reference (v) provides Marine Corps policy on holding cells and detention spaces.
2. References (v) and (bf) standardize holding cell and detention space procedures and ensure that apprehended/detained personnel are held only when necessary, for a minimum period, under proper supervision, in a humane manner, and in an environment that will not impair health or subject the detainee to unreasonable discomfort or disparaging publicity.
3. Detention spaces and holding cells are used to temporarily detain personnel apprehended by military authorities or turned over to the military by civilian authorities. Persons may be detained only if there are reasonable grounds to believe a criminal offense has been or is being committed and the person to be detained committed or is committing the offense. Under no circumstances may an individual be placed in detention for protective custody or safekeeping. While under escort by cross-country chasers, individuals may be detained for further transport (FFT). Administrative disciplinary measures contained in reference (bf) are not applicable to holding cells and detention spaces.
4. When a person is placed into a detention space, strict compliance with this section and references (v) and (bf) are required. Holding of personnel in PMO/MCPD detention spaces will generally not exceed eight hours. Holding of personnel in PMO/MCPD holding cells will generally not exceed 24 hours except as noted in paragraph 11803 below. The additional holding time may only be granted by the installation commander with the concurrence of the PM/PC or Deputy PM/PC.
5. Use of force to place a detainee into a holding cell or detention space will be limited to the minimum amount required. Physical abuse, use of unnecessary force, and any form of corporal punishment against a detainee are prohibited. Use of restraining devices is not authorized within the holding cell or detention space except to prepare a detainee for transport. In extreme cases, a restraining jacket may be used in a holding

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cell or detention space when authorized by the PM/PC and medical officer.

6. All rules and regulations regarding apprehension, arrest, restriction, detention, and confinement shall apply equally to members of both sexes. When a situation dictates the detention of a female in a holding cell or detention space, the following requirements will be met:

a. A female MP/police officer will be utilized to process the subject if available.

b. No male will be confined with a female in the same space at the same time.

#### 11803. Definitions

1. Holding Cell. A holding cell is used for short-term detention, defined to mean no more than 24 hours during the work week, not more than 72 hours over a weekend, and not more than an additional 24 hours over an official holiday weekend. Detention in excess of 24 hours is authorized only with the express approval in each instance of the installation commander on which the holding cell is located, or his or her designated representative. Pre-trial or post-trial personnel may be confined in a holding cell for more than 72 hours under the following conditions:

a. When an individual has been sentenced to confinement by a court-martial, and is pending transfer to a confinement facility.

b. When an individual has been placed in confinement in a confinement facility, and is moved to, and confined in, a detention facility for the purpose of appearing as a witness or as the accused in a court-martial proceeding.

c. When a general Courts-Martial convening authority deems it necessary to retain an accused locally, during progress of a court-martial, in the absence of a brig. After trial, if the sentence as adjudged includes confinement, the member shall be transferred to a confinement facility within 72 hours. The written permission of either the installation commanding officer or the general Courts-Martial authority, as appropriate, must be obtained before an individual can be held for more than 72 hours in pre-trial confinement status in a holding cell or detention space. Time spent detained under these circumstances is

considered and counted as pre-trial or post-trial confinement, as appropriate.

2. Detention Space. A detention space is any cell, room, or other berthing space of the shore establishment used for short-term detention, defined to mean not more than eight hours.

11804. Procedures

1. PMs/CPs shall ensure compliance with references (b), (v) and (bf), and this Order in administering, operating and maintaining holding cells and detentions spaces.

2. Commissioned officers or warrant officers may only be placed in a holding cell or detention space with authorization from the Deputy PM/PC or PM/PC.

3. The Watch Commander, Platoon Commander, Operations Chief, Assistant Operations Officer, Operations Officer, Deputy PM/PC, or PM/PC may order enlisted personnel placed into a holding cell or detention space. Under extreme conditions, an on-duty patrol supervisor or the Desk Sergeant may temporarily hold a combative suspect in the detention cell pending Watch Commander notification and authorization.

4. The on-duty Watch Commander or any higher authority may detain civilians for any crime aboard base pending the notification of state or federal authorities.

5. No person shall enter occupied holding cells or detention spaces or remain in their immediate proximity wearing firearms, batons, or other weapons.

6. If multiple occupancy cells are utilized, segregation must be maintained for pre-trial and post-trial personnel, to include individuals detained for further transport by cross-country chasers.

7. A Privacy Act Statement will be completed on all detainees upon collection of personal information required to complete documentation upon detention. See figure 2-1.

8. Detainees will be thoroughly searched prior to detention. Funds, valuables, and other items in the detainee's possession (other than the clothing being worn, a wedding ring, or religious medallion) will be taken from the detainee. The items taken will be inventoried on an Evidence Property Custody

Document (OPNAV 5580/22) or a Prisoner Inventory and Receipt for Personal Effects (NAVPERS 1640/17), with a copy of the inventory provided to the detainee. When deemed necessary, items which could inflict bodily injury, such as belts, shoelaces, neckties, garters, and suspenders, may also be removed.

9. Administration and Operations

a. Files. All forms related to the detention of an individual will be retained per reference (b) SSIC 1630.3. At a minimum, the following required forms will be on file and properly completed:

- (1) Statement of Force/Use of Detention Space (NAVMC 11130).
- (2) Inspection Record of Prisoner in Segregation (DD 509).
- (3) Prisoner Inventory and Receipt of Valuables and Personal Effects (NAVPERS 1640/17) or Evidence Property Custody Document (OPNAV 5580/22).
- (4) Privacy Act Statement. See figure 2-1.
- (5) Receipt for Inmate or Detained Person (DD 2708).

b. Logbook. A holding cell/detention space log will be maintained as a bound ledger with consecutively pre-printed numbered pages. Per reference (b) SSIC 1640.1, the log will be retained for two years from the date of the last entry and destroyed. All events of significance will be recorded in the log. At a minimum, the following information will be recorded in the log:

- (1) Detention. The reason for, the date and time of detention, and the name and grade of the person ordering the detention.
- (2) Release. The date and time of release, and the disposition of the detainee.
- (3) Conduct and results of all inspections, fire drills, and lighting and ventilation tests, to include the date and time of the event, as well as the name and grade of the individual performing the action. It is recommended the presence of

maintenance workers be entered, to include a description of work performed.

c. Inspections. Holding cells and detention spaces will be regularly inspected for cleanliness, adequate lighting and ventilation, general repair, security, and safety:

(1) A daily security and sanitation inspection of the holding cell and detention space will be made by a senior member of the PMO/MCPD staff.

(2) The holding cell and detention space will be inspected at least monthly by a member of the medical department to ensure the operation of the facility and the physical plant meet accepted health and environmental standards, and that detained personnel are provided adequate health services.

(3) Per reference (bf), a triennial on-site Functional Adequacy Inspection (FAI) will be conducted by CMC (PS). The conduct of the FAI will be guided by the applicable Inspector General (IG) checklist, and will include analysis of procedures and operations, construction, maintenance, and safety conditions as set forth in reference (bf).

10. Processing. MPs/police officers shall make every effort to explain the reason for the detainee's detention. MPs/police officers will thoroughly search detainees before placing them in a detention cell. Money, valuables, and personal property (other than individual clothing, except as stated below, and wedding rings) will be taken from detainees, inventoried, placed inside a detained personnel storage locker. Items, which could be used to inflict bodily injury such as belts, shoelaces, neckties, garters, pantyhose and suspenders, will also be taken from detainees. Per reference (bf) complete three copies of the evidence/property custody receipt for all items taken from a detainee. Distribution of the original and second copy of the receipt will be offered to the detainee upon or immediately after being placed into the detention cell. If the detainee refuses to accept their copy of the receipt, staple it to the bag containing their property.

11. A person may generally be detained for up to 24 hours before a medical examination is required. However, if an individual appears to be ill, requests medical attention, indicates pregnancy, exhibits suicidal ideations, or exhibits an abnormal loss of control due to use of alcohol or other drugs, he or she shall be examined by medical personnel and certified

as being fit for confinement prior to being placed in detention. If exigent circumstances require detention of these individuals prior to medical evaluation, such examination will be accomplished by the most expedient means available, with the justification for such detention explained in detail on the NAVMC 11130. Even in the absence of these factors, individuals under the influence of alcohol or other drugs may only be placed in detention for brief periods of time (not to exceed four hours) necessary for command representatives or medical personnel to arrive and assume custody. During these periods, constant surveillance must be maintained to monitor the behavior and physical condition of such persons. No person will be detained in excess of 24 hours without a medical examination (to include a pregnancy test for females) as prescribed in reference (bf).

12. Detainees will be closely supervised during the period of detention. A closed circuit television may be utilized for observation of the detention space. While detainees will be kept under continuous observation by PMO/MCPD personnel, periodic physical checks of the detainees are required. The Inspection Record of Prisoner in Segregation (DD 509) or other form with a duplicate format of the DD 509 (for example, on the reverse of the NAVMC 11130) will be utilized to record the frequency of checks. Detainees exhibiting suicidal ideations will be physically checked every five minutes while awaiting diagnosis of being suicidal; other detainees at least once every fifteen minutes. Detainees diagnosed by qualified medical personnel as being suicidal will not be detained, or if detained prior to diagnosis, will not remain detained in a holding cell or detention space.

13. Meals of the same quality and quantity as that served in the installation dining facility will be provided at regular meal hours for personnel detained beyond six hours. In the event of overnight detention, minimum bedding consisting of a mattress, blanket, and pillow (with case) will be provided. PMO/MCPD personnel will ensure the physical needs of the detainees, such as water and head calls, are satisfied.

14. Individuals detained in a cell in excess of 24 hours will be provided one hour of physical exercise daily. Shower access will be provided daily to any detainee held over 24 hours if behavior is satisfactory.

15. Release. Upon release from detention, the detainee or a command representative will receipt for all funds, valuables,

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and other personal property previously taken from the detainee. A DD Form 2708 will be completed for military and civilian detainees being released to the cognizance of another individual; detainees released on their own recognizance will comply with the instructions issued by detention staff upon release.

16. Emergency Procedures. The Desk Sergeant will ensure the safety of a detainee in the event of fire or disorder. Evacuation of detainees will be conducted as shown on the evacuation diagrams adjacent to detention cells.

17. Serious Incidents. For serious incidents, such as death or injury of a detainee, immediate notification will be made to the Command Duty Officer, Operations Chief, and Operations Officer.

Section 11900 - Missing Persons

11901. Purpose. This section establishes PMO/MCPD responsibilities and guidelines for the investigation of missing persons.

11902. Policy. Many missing person reports involve individuals who have voluntarily left home for personal reasons, while other reports are often unfounded or quickly resolved. However, there are instances in which persons disappear for unexplained reasons and under circumstances where they may be considered at risk. The roles of the complaint taker and initial responding MP/police officer are critical in identifying the circumstances surrounding missing persons and in identifying those persons at risk. Therefore, it is the policy that all reports of missing persons be given full consideration and attention by members of PMO/MCPD to include careful recording and investigation of factual circumstances surrounding the disappearance in accordance with this section. Particular care must be exercised in instances involving missing children and those who may be mentally or physical impaired or others who are insufficiently prepared to take care of themselves.

11903. Procedures

1. Reporting/Classification of Missing Persons

a. There is no waiting period for reporting a missing person. Missing person reports shall be taken in-person or by telephone in conformance with the criteria of this section and the criticality of the incident.

b. A person may be declared "missing" when his/her whereabouts is unknown and unexplainable for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of the subject's behavior patterns, plans or routines.

c. An individual may be considered "missing-critical" who meets the paragraph 11903.1b above and who, among other possible circumstances:

(1) May be the subject of foul play.

(2) Because of age (young or old), may be unable to properly safeguard or care for himself or herself.

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(3) Suffers from diminished mental capacity or medical conditions that are potentially life threatening if left untreated and/or unattended.

(4) Is a patient of a mental institution/hospital and is considered potentially dangerous to himself or others.

(5) Has demonstrated the potential for suicide.

(6) May have been involved in a boating, swimming or other sporting accident or natural disaster.

d. Reports of juveniles who have voluntarily left home (for example, "runaways") should be classified as such only after thorough investigation.

e. Based on the outcome of initial inquiries, a decision may be made concerning the potential danger posed to the missing person and the urgency of police response.

## 2. Initial Report Taking

a. The initial report taker must gather as much pertinent information as possible in order to properly classify a missing person report and initiate proper response. This includes the following information:

(1) Name, age and physical description of the missing person and relationship of the reporting party to the missing person.

(2) Time and place of last known location and the identity of anyone accompanying the subject.

(3) The extent of any search for the missing person.

(4) Whether the missing person has been missing on prior occasions and the degree to which the absence departs from established behavior patterns, habits or plans.

(5) Whether the missing person has been involved recently in domestic incidents; suffered emotional trauma or life crises; demonstrated unusual, uncharacteristic or bizarre behavior; is dependent on drugs or alcohol or has a history of mental illness.

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(6) The current physical condition of the missing person and whether he/she is currently on prescription medication.

b. If the missing person is a child, inquiry should also determine if the child:

(1) Is or may be with any adult who could cause him/her harm.

(2) May have been the subject of a parental abduction;

(3) Has previously run away from home, has threatened to do so or has a history of explainable or unexplainable absences for extended periods of time.

(4) A supervisory MP/police officer shall be notified immediately upon classification of a report as "missing-critical."

3. Preliminary Investigation. The preliminary investigation is intended to gather additional information and to take those steps that will aid in the search for and locating a missing person. This includes gathering the following types of information and materials:

a. Complete description of the subject and a recent photograph.

b. Details of any physical or emotional problems identified in paragraphs 11903.2a(5) and (6).

c. Identity of the last person(s) to have seen the subject as well as friends, relatives, coworkers or associates who were or may have been in contact with the subject prior to disappearance.

d. Plans, habits, routines and personal interests of the subject including places frequented or locations of particular personal significance.

e. Indications of missing personal belongings, particularly money and other valuables.

f. Any suggestions of foul play or accident.

g. In the case of missing children, MPs/police officers shall be particularly cognizant of information that may suggest

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the potential for parental abduction or the possibility of stranger abduction, as well as:

(1) The presence of behavioral problems.

(2) Past instances of running away.

(3) Signs of an abusive home environment or dysfunctional family situation and if the child is believed to be with adults who may pose a danger.

(4) The name and location of the school attended by the child and any persons who may be responsible for private transportation to and from the location.

h. When possible, MPs/police officers should gain permission to search a missing child's home and school locker, as appropriate.

i. Upon verification of a missing person, a missing person report shall be completed and appropriate entries made in police databases in accordance with established procedures (DONCJIS, NCIC, and The National Center for Missing and Exploited Children).

j. In the case of persons designated as "missing-critical," a supervisory MP/police officer may direct that:

(1) The dispatcher broadcast to all persons on duty all information necessary to identify the missing person.

(2) Request that the Watch Commander authorize mobilization of resources necessary for an area search.

4. Ongoing Investigation. Ongoing investigations of missing persons may include, but not be limited to the following actions and activities:

a. Request release of dental records and any fingerprints available.

b. Contact hospitals and the coroner's office as appropriate for injured or deceased persons fitting the description of the missing person.

c. Thoroughly check the location at which the missing person was last seen and conduct interviews as appropriate with

persons who were with the individual or who may work in or frequent the area.

d. Conduct interviews with any additional family, friends, work associates, schoolmates and teachers as well as school counselors and social case workers, as appropriate, to explore the potential for foul play, voluntary flight, or, in the case of juveniles, parental kidnapping or running away.

e. Provide identification and related information to all elements of PMO/MCPD, the state police missing persons' authority, neighboring police agencies and, if parental or stranger-to-stranger abduction is suspected, the FBI.

f. Decisions to use local media to help locate missing persons shall be made with the approval of the installation commander, SJA, Public Affairs Officer, and the missing person's family.

g. The lead investigator shall maintain routine on-going contact with the missing person's closest relative concerning progress of the investigation. These and other relevant individuals shall be informed that they must notify the lead investigator as soon as any contact is made with the missing person.

#### 5. Recovery of Missing Persons and Case Closure

a. Competent adults, having left home for personal reasons, cannot be forced to return home. This does not apply to an active duty service member in an unauthorized absence or deserter status whom shall be returned to his/her command. MPs/police officers locating competent adults shall:

(1) Advise them that they are the subject of a missing person investigation.

(2) Ask if they desire the reporting party or next-of-kin to be notified of their whereabouts.

(3) Make provisions to transmit this information to the reporting party or next-of-kin if permitted by the missing person.

b. In all cases, reporting parties shall be informed of the well-being of located missing persons. Unless criminal matters

necessitate other action, desires of missing persons not to reveal their whereabouts shall be honored.

c. Missing persons shall be questioned to establish the circumstances surrounding their disappearance and whether criminal activity was involved.

d. In cases involving juveniles, MPs/police officers shall ensure that:

(1) The juvenile receives medical attention if necessary in a timely manner.

(2) Initial questioning of the youth identifies the circumstances surrounding the child's disappearance, any individuals who may be criminally responsible and/ or whether an abusive or negligent home environment was a contributory factor.

(3) That parents, guardians and/or the person reporting the missing youth are notified in a timely manner.

e. Upon location of a missing person, all agencies and information systems previously contacted for assistance will be notified or updated.

f. Where indicated, follow-up action shall include filing of an abuse and neglect report with the state youth service agency.

g. The case report shall include a complete report on the whereabouts, actions and activities of children while missing.

## Chapter 12

### Evidence/Property

#### Section 12000 - Collection and Preservation of Evidence

12001. Purpose. This section provides guidelines for documenting, collecting, packaging, and preserving evidence.

12002. Policy. Documentation, collection, and preservation of evidence are crucial steps in criminal investigations and often provide the basis for effective identification, prosecution, and conviction of criminals. Criminal investigators and NCIS Special Agents (SAs)/technicians are specially trained to process crime scenes, and to collect and preserve evidence. Pending the arrival of CID, NCIS, or Investigations Branch and when the incident is not assumed by investigators, MPs/police officers must protect and/or process crime scenes.

#### 12003. Definitions

1. Crime Scene. The location(s) at which a crime has been committed and/or where evidence of a crime is located or presumed to be located, and the site(s) of accidents and suspicious incidents where foul play could be involved.

2. Testimonial Evidence. Evidence collected through interviews or interrogation.

3. Real or Physical Evidence. Any material in either gross or trace quantities collected at a crime scene for examination and analysis.

#### 12004. Procedures

##### 1. MP/Police Officer Crime Scene Actions

a. If CID, NCIS, or Investigations Branch assume investigative jurisdiction, protect the crime scene until released by a criminal investigator or the Watch Commander. If not assumed by CID, NCIS or Investigations Branch, process the crime scene per this section and section 12100.

b. Document the location and condition of all items of evidence in an evidence log and use photographs, sketches, and, where appropriate, videotape.

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c. Make sketches to accurately depict the location of evidence. In addition to any photographs or videotapes made of the crime scene, sketches shall be made as required or directed by the lead investigator. Sketches shall include the following information:

- (1) General layout.
- (2) Offense or case number.
- (3) Title or description of area.
- (4) Date.
- (5) Sketcher's name.
- (6) Scale of measurement (to scale or not to scale).
- (7) Location of items or other significant features.
- (8) Compass direction.
- (9) Names of streets and/or landmarks.
- (10) Person who prepared the final diagram.
- (11) Person(s) who took the measurements.

(12) Photographs and/or videotape of the overall crime scene shall be considered. Where indicated, individual photographs shall be taken of items in the position found prior to collection.

d. Photographs should also be taken of tool marks, footprints, tire marks, blood spatter, serial numbers, latent fingerprints prior to being lifted, and any other related items of potential evidentiary value. Two photographs of sufficient quality to serve as permanent record should be taken in series, the first in its true or natural state and the second to scale. A ruler or other appropriate measuring instrument shall be used for scaled photographs.

e. All personnel handling evidence of any kind shall wear latex or other nonporous gloves. Individual items of evidence shall be examined carefully for trace evidence prior to being moved or packaged.

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f. Some items of evidence may require special handling and packaging and should be examined for trace evidence prior to packaging. When in doubt concerning appropriate collection or packaging procedures, MPs/police officers shall request assistance from a criminal investigator or supervisor.

g. Evidence containers shall be marked when collected. The collecting MP/police officer shall fully describe each item, package each item of evidence separately and place his or her initials, date of discovery, and case or exhibit number on the sealed container and the tape used for closure. Staples should never be used for sealing evidence containers. Large items shall be packaged with butcher paper or other suitable packaging.

h. The collection of firearms and related evidence shall be conducted in a manner that will ensure the safety of all personnel involved and the integrity of evidentiary items. If a firearm must be moved to protect it as evidence or because it cannot be safeguarded, its location and position shall be accurately marked and photographed where found, if possible. The condition of the weapon, the number of cartridges contained, and the position of the safety shall be recorded. If moving the weapon, lift it by grasping gently on the serrated surface of the handle. Never insert a pencil or other object into the barrel to lift or move, as it may destroy evidence inside the barrel. The weapon shall be placed in an appropriate container. Generally, firearms shall be unloaded before being transported for evidence. If a weapon must be transported loaded (because it is damaged, for instance), it shall be conspicuously tagged to indicate this fact and sealed in a rigid container similarly marked. When unloading a revolver, the position of the cylinder shall be recorded, as should the markings on cartridges and conditions of primers. Fired bullets and cartridge cases shall be protected and photographed, and their relative positions from each other and from fixed locations sketched and photographed before being bagged. Bullets shall not be pried from objects or surfaces. Portions of the objects in which they are embedded shall be removed with the bullet intact.

i. Evidence suitable for DNA analysis can be found at many crime scenes and is a powerful investigative tool for linking suspects to crimes, eliminating suspects, and identifying victims. All MPs/police officers shall be aware of common sources of DNA evidence, ways to protect against contamination of samples, and basic collection and packaging guidelines.

(1) Wear a mask to avoid contamination through talking, sneezing, and coughing.

(2) Blood and semen are two common sources of DNA evidence. However, other body tissues and fluids can be used for analysis, even in microscopic quantities.

(3) DNA is extremely sensitive and subject to contamination. Therefore, first responders must be familiar with conditions that will degrade, destroy, or contaminate DNA evidence and shall observe the following precautions:

(a) Change gloves between collections of samples in different areas.

(b) Use disposable instruments or clean them thoroughly with a 10 percent bleach solution before and after handling each sample.

(c) Avoid touching an area where you believe DNA may exist.

(d) Air-dry evidence thoroughly before packaging. If it cannot be air-dried, refrigerate and submit to the laboratory in not more than seven days.

(e) Put evidence into new paper bags or envelopes, not into plastic bags.

(f) Sterile swabs shall be used to collect liquid blood. Vials containing blood samples should be refrigerated as soon as possible, but no longer than seven days.

(g) Bloodstains shall be photographed first, then packaged or wrapped carefully in paper so that the bloodstain is not dislodged or disturbed. Smaller objects can be placed in envelopes or cardboard boxes.

(h) Wet bloodstained materials must be dried prior to submission to a laboratory. MPs/police officers shall not use heaters, free-standing room fans, or intense light to facilitate drying, as this may destroy the evidentiary value of the samples. Low-humidity cold environments that are well ventilated are suitable for this purpose.

(i) If exigent circumstances dictate immediate action to prevent destruction of evidence, wet bloodstained

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materials may be rolled or folded in paper or placed in a brown paper bag or box, sealed, and labeled. Folding garments through stains shall be avoided.

(j) Bloodstained articles and blood samples shall be transported as soon as possible and should never be stored in patrol vehicles or otherwise exposed to heat.

(k) Use a cotton Q-tip or swab lightly moistened with saline solution to collect dried bloodstains on fixed objects too large to transport or on porous surfaces. If saline is not available, tap water may be used so long as a control standard of the water is collected for comparison.

(l) As in the case of blood samples, clothing and bedding that may retain semen evidence shall be air-dried if wet and packaged separately in paper containers, and labeled.

j. Microscopic and trace evidence almost always require standards of comparison in order to be of value. Examples include the following:

(1) Pulled pubic hair from a suspect to compare with hair evidence combed from a victim.

(2) Paint chipped from a vehicle near the area of a car from which it is suspected the paint was transferred to another vehicle.

(3) Vegetation, such as weeds, near the scene of a homicide to compare with the seedpods found in the cuffs of a suspect.

k. Maintain evidence at the scene securely and in a manner that will prevent degradation and will preserve the chain of custody.

2. Releasing the Crime Scene. Conduct a debriefing of members of the crime scene team to share information and to identify priorities for follow-up investigation if required.

a. Review evidence collected, discuss preliminary findings, and identify potential forensic tests and any actions needed to complete the crime scene investigation. Complete overall measurements and photographs of the crime scene.

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b. Conduct a final walk-through of the crime scene to determine if any items of evidentiary value have been overlooked and to double check for equipment or materials that may have been left behind.

c. Determine when the crime scene can be released.

3. Transfer of Physical Evidence

a. Whenever possession of physical evidence is transferred from one person to another, a record will be made of the transfer.

b. The transfer will be recorded on evidence custody documents, to include name and function of the receiving party, name and function of the releasing party, and the date and items involved.

c. Evidence will be turned in to the evidence room or temporary evidence locker.

d. See section 12100 for evidence and property control.

Section 12100 - Evidence and Property Control

12101. Purpose. This section provides PMO/MCPD guidelines for documenting and controlling evidence.

12102. Policy

1. Documentation, collection, and preservation of evidence are crucial steps in criminal investigations and often provide the basis for effective identification, documentation, prosecution, and conviction of perpetrators.

2. It is the responsibility of all Marine Corps MPs/police officers, criminal investigators and personnel assigned to PMOs/MCPDs to take every precaution to preserve the integrity of evidence in its original condition. Personnel must enter evidence into the custodial system as soon as possible after its collection, seizure, or surrender and a proper chain of custody must be maintained.

12103. Procedures

1. PMs/CPs shall establish and operate evidence custodial systems in accordance with this Order that consist, at a minimum, of the following components:

- a. Evidence Custodian (designated in writing by the PM/PC).
- b. Alternate Evidence Custodian (designated in writing by the PM/PC).
- c. Evidence storage facilities.
- d. Evidence log.
- e. Active Evidence Custody Record/File.
- f. Final evidence disposition record or file.

2. The Evidence Custodian or, in his absence the Alternate Evidence Custodian, has responsibilities that cannot be further delegated to ensure that:

- a. Evidence is properly inventoried, tagged, packaged, and marked prior to acceptance for storage.

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b. Evidence custody documents are properly completed by MPs/police officers and criminal investigators delivering the evidence for safekeeping prior to acceptance for storage.

c. Evidence is properly safeguarded.

d. The evidence log, Active Evidence Custody Record/File, and final evidence disposition files are properly maintained.

e. Inventories of evidence holdings are conducted every quarter.

f. Evidence is disposed of in accordance with this section.

3. Evidence Documents. See reference (ag) for additional information on completing forms.

a. The Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00) is designed to establish the necessary control and maintenance of the chain-of-custody of evidence while under the control of the PMO/MCPD. It is not intended that the chain-of-custody of any command or other agency be reconstructed by utilizing this document on an after-the-fact basis. Such investigative activity shall be accomplished by obtaining appropriate statements and/or copies of other command or agency evidence documents. This does not preclude having personnel delivering evidence from marking the evidence itself or its container as appropriate. If the space provided for listing items of evidence seized is insufficient, the additional item(s) may be listed on a second evidence custody document and the two secured together. The first six blocks shall be completed on the second document, in the same manner as on the first, and on the right side of the case control number (CCN), Block 1, add "page 2". The same practice may be followed if the chain-of-custody section of the first document is insufficient for the number of transfers of custody.

b. The Department of the Navy Evidence Tag, OPNAV 5580/17B (2/00) shall be utilized to identify each item of evidence obtained by investigators and entered into the PMO/MCPD evidence custody system. The entries on the evidence tag will correspond with the applicable entries on the Evidence/Property Custody Receipt.

c. It is recommended that appropriate collection data on all seized or collected items of evidence be entered on the Evidence Tag at the point and time of seizure or collection.

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There is sufficient space on the face of the tag to enter a description of the material as well as date, time of seizure and specific location where the item or material was obtained. Examples are: Parker ball point pen - seized from left shirt pocket; \$10.00 note - from right front pants pocket; K-Bar knife - from tool pouch in subject's auto trunk, etc. Utilization of the evidence tag in the above described manner will provide original collection notes which can be used as a basis for completing the Evidence/Property Custody Receipt at a more convenient time and place, and will add to the integrity and authenticity of the evidence.

d. The Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00), and the Evidence Tag, OPNAV 5580/17 (2/00), are stocked in the Navy Supply Systems and should be procured through normal Marine Corps supply channels as necessary.

#### 4. Evidence Records

a. Each evidence storage facility will maintain a bound Evidence Log, OPNAV 5527/24, an Active Evidence Custody Record/File, and a Final Evidence Disposition File. The Evidence Log shall be maintained per reference (b) SSIC 5580.5a. It is presumed that the bound volume will serve for a number of years prior to starting a new volume. The Active Evidence Custody Record/File shall be maintained as long as there is evidence in custody which has not been disposed of. The Final Evidence Disposition File shall be maintained per reference (b) SSIC 5580.5a.

b. The Evidence Custodian shall maintain evidence transactions only in the approved Department of the Navy Evidence Log available through normal supply channels. Each custody document received by the custodian will be reflected on a separate log book line, regardless of how many items of evidence are listed on the document. It shall also contain date entries of all inventories, all changes of Evidence Custodian or Alternate, and all changes of lock combinations. Each entry indicating a receipt of evidence by the custodian shall be assigned an Evidence Log number which shall consist of two groups of numbers separated by a dash (-). The first group of numbers will be a three-digit chronological number of the document for that year, and the second group of numbers will consist of the last two digits of the year; e.g., 001-06 for the first evidence custody document for the calendar year 2006. Such additional information as may be desired for local control purposes may also be entered after the above items. Each entry

will be made in black ink on the next blank line and no empty lines will be permitted. In the event that an error is made in the entry, the line should be ruled out and the custodian's initials placed thereon. Erasures of entries are not authorized.

c. The Active Evidence Custodian Record/File shall consist of copies of each Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00), relating to evidence which has been received by the custodian and which has not been finally disposed of. This record shall be maintained in one or more loose-leaf notebooks, and Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00), shall be filed by Evidence Log Number with new entries being placed on top. This record will then serve as a control device for periodic review of evidence holdings for possible disposal and will represent all evidence for which the Evidence Custodian is responsible.

d. A Final Evidence Disposition File will be maintained of all Evidence/Property Custody Receipts, OPNAV 5580/22 (6-00), relating to evidence that has been finally disposed of. This file will be kept in appropriate file folders with one or more folders for each calendar year in which evidence is permanently disposed of. The original Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00), except when it has been transferred to another investigative agency, or laboratory, shall have the final disposition section completed and then be filed in the Final Evidence Disposition File in log number sequential order. The duplicate copy of the Evidence Custody Document in the Active Evidence Custody Record/File shall be destroyed. In the event the original is forwarded with the evidence during the final disposition action, the copy in the Active Evidence Custody Record/File shall be completed and transferred to the Final Evidence Disposition File.

e. The required evidence custody records shall be stored in the evidence storage facility in a suitable locked file cabinet or other secure container, preferably a fireproof container. Only the Evidence Custodian or Alternate shall have access to these records. Evidence custody information shall be maintained per reference (b) SSIC 5580.5b.

## 5. Evidence Submission

a. The MP/police officer or criminal investigator first assuming custody of evidence will mark the evidence itself for future identification. If such marking is not possible, the

evidence will be put in a container that can be marked. The marking will consist of time and date of acquisition and the initials of the person who assumed custody of the evidence. When any person submits evidence to the Evidence Custodian, it shall be properly tagged, in appropriate containers if needed, and have the original and two copies of the Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00), securely attached to the evidence or its outer container. The original and copies of the Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00), and interleaving carbon paper will be separated only by the custodian accepting the evidence for entry into the system. The original and all copies of the Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00), shall be signed by the Evidence Custodian in the appropriate block acknowledging receipt of the evidence. The original shall remain physically attached to the evidence or its container. The first copy shall be placed in the Evidence Custodian's Active Evidence Custody Record/File and the second shall be returned to the person turning in the evidence for his information and eventual inclusion in the case file. When evidence is turned into a temporary after-hours depository, the Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00), shall be signed off by the person depositing the item in the "Released by" column, and he shall enter the name or number of the depository in the "Received by" column, e.g., "MCAS CPNC temporary evidence locker #3". When the seizing person is also the Evidence Custodian or the Alternate Evidence Custodian, he will also complete the "released by" column on the Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00), to show release by the seizing person and receipt into the Marine Corps evidence custody system. When any evidence is checked out of the evidence storage facility for whatever purpose, prior to its final disposition, a copy of the Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00), shall be maintained in the evidence storage facility in the Active Evidence Custody Record/File. In the event that the original is lost or destroyed, the copy may be used in its place.

b. All submitted evidence shall be carefully examined, counted and weighed, as appropriate, by the accepting custodian. The submitting individual must ensure that items entered into evidence have actual evidentiary value. Any items that do not have evidentiary value will be promptly returned or disposed of by the submitting individual, in accordance with authorized procedures. The Evidence Custodian will neither accept items that are not evidence nor will he/she accept evidence that is not properly tagged and accompanied by an accurate Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00). No

item of evidence will be accepted by the Evidence Custodian without an available CCN for the corresponding IR that pertains to the evidence seized. This precludes confusion at a later date when researching records for evidence disposal authority, location of property owners, and determining final disposition of evidence.

#### 6. Evidence Storage Facilities

a. All property received as evidence will be physically safeguarded and stored in a separate and distinct "evidence room." The evidence room should be of sufficient size to allow for the handling, storage, and processing of volumes of evidence consistent with the size of the police operation. A closet may be adequate or a larger room may be necessary. When a room has been designated as an evidence room, other equipment and property, personal or official, shall not be stored therein under any circumstances.

b. Any room used for the storage of evidence shall comply with the structural standards set forth within this section. Waivers to these standards may be requested by submitting a written request, to include detailed justification, to CMC (PS).

c. When a closet or room is used for evidence storage, access door(s) may be of either wood or metal construction. When wooden doors are used, they will be of solid core construction and at least 1-3/4 inches thick. The use of hollow core wooden doors is discouraged; however, they may be used if they are reinforced with non-removable sheets of 18 gauge metal on both sides of the door. Access door(s) shall be equipped with a single cylinder deadbolt lock that has a minimum bolt throw of one inch. Additionally, door(s) shall be equipped with a case hardened hasp and staple in order to allow for double locking after normal working hours. The prescribed locking device is a low-security padlock, series 200 or 5200, (Military Specification MIL-P-17802D; NSN 5340-00-158-3805 or NSN 5340-00-158-3807). Care must be taken to ensure that the hasp and staple are mounted in such a manner that the heads of anchoring screws are not exposed. It is recommended that a reinforced strike plate be installed in the frame of the access door(s); however, standard strikes may be used, providing they are affixed to the door frame using mounting screws that are at least 2 inches long. Hinges on the access door(s) shall be placed so that they are on the inside of the evidence room. If this is not feasible, the hinges shall be of such type, or so modified, that the hinge pins cannot be removed without

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destroying the hinges or the door. Should the evidence room have windows or openings larger than 96 square inches, they will be covered with expanded steel gratings of 9 gauge thickness and securely attached to the inside portion of the building with anchoring devices which are not removable without permanent destruction. Equivalent materials may be used in lieu of steel gratings. The perimeter walls of evidence rooms shall extend from the true floor to the true ceiling. Non-masonry walls will be reinforced in such a manner that they offer the same level of protection as that afforded by the access door(s). The same principle applies likewise to floors and ceilings. Since evidence is a critical link to a conviction in many cases, procedures shall be established to guard against fire or other threats that can destroy evidence. Use of fireproof safes should be considered, especially for storage of evidence in felony cases.

d. The evidence room will be equipped with shelves, cabinets, storage bins, lockers, or suitable means for storing a volume of evidence in an accessible manner. One or more metal locking containers shall be used to store sensitive and high value evidence. This type of evidence will be individually categorized for storage purposes and kept in separate locations within the container. At a minimum, the following items of evidence will be categorized and stored separately: firearms, illegal drugs and high value evidence such as jewelry and currency. A GSA-approved security cabinet with three tumbler (three number) manipulation resistant lock with at least 100 graduations on the dial is required for weapons storage. Metal containers used for storage of sensitive and high value evidence that do not have combination locks will be equipped with hasps and locks as specified for access door(s). If the container used for storage of sensitive and high value evidence is of such weight that it can be reasonably considered removable (less than 500 pounds empty), it shall be secured to the structure in such a manner that the container or that part of the structure to which it is attached must be destroyed to remove it from the evidence room.

e. Keys for the access door(s) and those of individual evidence containers shall be safeguarded at all times. The operating set of keys should be retained by the evidence room custodian or, in his absence, the Alternate custodian. Duplicate keys shall be maintained in a metal container secured with a numbered seal. The container shall be kept in a secure area other than the evidence room and checked daily to ensure that the seal is not broken or otherwise tampered with. A

record of the seal serial number will be maintained. Keys shall be inventoried at least semiannually. Combinations to evidence containers shall be placed in a sealed envelope and stored with duplicate keys for the evidence room in the manner set forth above. The security of duplicate keys and combinations is the responsibility of the officer-in-charge/chief investigator (if no officer is assigned) of the Investigations Branch. Combinations will be changed and locks rotated whenever the Evidence Custodian or Alternate Evidence Custodian is changed or a breach of security is suspected. Failure to do so will cause the integrity of the chain of custody to become suspect.

f. Unaccompanied access to the evidence room will be strictly limited to the Evidence Custodian and, in his absence, the Alternate Evidence Custodian. An access list will be published in writing, signed by the PM/PC, and shall be retained on file within the CID or Investigations Branch office. Personnel on the access list should be kept to a minimum, such as the PM/PC, officer-in-charge, and noncommissioned officer-in-charge. Personnel who require admission on a limited basis in the execution of a specifically assigned duty, such as quarterly inventory officers and aids, inspectors, auditors, etc., shall be granted admission when escorted by the Evidence Custodian or Alternate Evidence Custodian. The Evidence Custodian or Alternate Evidence Custodian will maintain a record of all visitors to the evidence room that reflects: date, name, rank/grade, organization, purpose of visit, times of admission/ departure, and signature of both the visitor and the escorting party. At no time will the Evidence Custodian or his Alternate allow anyone to be left unattended or unobserved in the evidence room. Visitor logbooks shall be maintained per reference (b) SSIC 5580.5b.

g. After-hours receipt of evidence is possible without involving the Evidence Custodian or Alternate custodian. Small clothing/gym lockers or lockers such as those found in airports and bus terminals may be used as temporary evidence receptacles. Temporary evidence lockers shall be configured so that an individual may deposit evidence into a lockable container, but recovery can only be affected by the Evidence Custodian or Alternate custodian. The custodian will subsequently remove the evidence from the secure locker and log it into the evidence room. Only the Evidence Custodian and Alternate shall have access to the combinations or keys to the locks of temporary evidence storage containers. The requirements for key control, lock rotation, and combination changes previously addressed herein also apply to temporary evidence storage containers.

h. The evidence, properly packaged and with complete Evidence/Property Custody Receipt and the Department of the Navy Evidence Tag attached, is placed in the locker and secured. The key shall then be inserted through a slit in the locker door. The Evidence Custodian will subsequently remove the evidence and key from the locker and log the evidence into the evidence room. The key will be returned to the desk sergeant at the end of the workday. Only the Evidence Custodian or Alternate will maintain keys to temporary evidence lockers.

i. Evidence Inventories shall be maintained per reference (b) SSIC 5580.5b.

7. Evidence Storage. All evidence shall be stored in the evidence storage facility. The evidence storage facility will contain a refrigerator to store highly perishable items, such as food and human or animal parts. Evidence too bulky for storage, evidence of a classified nature that requires special handling, items of an unstable chemical or flammable nature, and ammunitions/explosives, may be stored elsewhere with the prior authorization of the PM/PC, taking into consideration that restricted physical access to the evidence must be maintained. All such items, unless of an especially bulky nature, shall be wrapped or placed in containers and sealed so that any unauthorized access to the evidence can be detected. A secured compound or warehouse type building must be made available for storing motor vehicles that have been seized as evidence. Personnel maintaining temporary custody of the above types of property will be briefed on the requirements for secure storage and the probable requirement for them to testify as to their custody. Further, they should be required to properly execute the Evidence/Property Custody Receipt upon receipt and release of the evidence. The original of the Evidence/Property Custody Receipt will be left with the evidence unless the storage conditions might cause its destruction. If the Evidence Custodian deems it appropriate, a copy may be substituted and the original maintained in the evidence storage facility. Evidence stored outside of the evidence storage facility is still the responsibility of the Evidence Custodian, or in his absence, the Alternate Evidence Custodian. To this end, the Evidence Custodian will establish appropriate controls, published in writing, to ensure the integrity of the evidence is maintained. It must include, at a minimum, security procedures for the facility for evidence security, documented weekly checks on evidence, and procedures in case evidence is lost, damaged or altered in any way, or evidence custody is compromised.

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## 8. Evidence Inventory

a. When evidence is first received into custody by MPs/police officers or criminal investigators, whether confiscated during an investigation or received from another agency or command representative, the receiving party must inventory the evidence personally. Subsequently, when evidence is transferred between parties for any reason, the inventory must be verified by the receiving individual unless it has been placed in a sealed container by MPs/police officers and criminal investigators. Money and controlled substances will be verified, even if in a sealed container.

b. The contents of each evidence storage facility shall be inventoried quarterly. An inventory shall also take place on the occasion of a replacement of the Evidence Custodian, an Alternate who has performed duties in excess of 30 calendar days, upon a loss of evidence or when a breach of security has occurred. If the inventory required for the replacement of the Evidence Custodian or Alternate occurs within one month of either regularly scheduled inventory, it may be substituted for that inventory.

c. When an inventory is taken, it shall be accomplished by the Evidence Custodian, and a disinterested officer outside of the CID or Investigations Branch. If available, the disinterested officer should come from outside the PMO/MCPD. An entry shall be entered into the evidence log reflecting the inventory and the participating personnel. If the inventory is necessitated by the relief of the custodian, it shall be conducted by the Evidence Custodian being relieved, the relieving or new Evidence Custodian, and the disinterested officer.

d. Within one month prior to the quarterly inventory of evidence, the Evidence Custodian will review the Active Evidence Custody Record/File in order to identify what evidence may be logically considered for disposal. It shall be the responsibility of the Evidence Custodian to obtain disposal authority.

e. The inventory required by this section shall, at a minimum, consist of a reconciliation of the Evidence Log against the Active Evidence Custody Record/File, and a visual accounting of each item for which there is a log entry without final disposition. The only exception to this sighting requirement shall be evidence that, according to the Active Evidence Custody

Record/File, has been temporarily transferred to another activity. Evidence that is stored outside the command evidence storage facility because of its bulk, classification, or special nature shall be sighted at each inventory, as it is not considered to be temporarily transferred. Currency and controlled substances must be accounted for by specific count at the time of each inventory unless in a sealed container with proper markings and the properly completed chain of custody is present unless the inventory is conducted pursuant to a change of Evidence Custodian, then a specific count inventory must be completed.

f. When an inventory is completed, the date of the inventory, the reasons for the inventory, by whom it was performed, and the results thereof shall be entered in the Evidence Log as the next entry at that point in time, and all parties shall sign the log entry. If the inventory is a relieving inventory, the log shall also reflect that all locks associated with evidence custody were changed. Log number and type of evidence will list any discrepancies. In the event that discrepancies are found to exist, the Evidence Custodian shall immediately notify the PM/PC, who will take appropriate action.

g. The signing of the Evidence Log by both the incoming and outgoing Evidence Custodian attesting to the fact that they have completed a visual sighting of each item or group of items of evidence and have found no discrepancies will complete the transfer of all evidence held at the installation. This negates the need to record the transfer of evidence between Evidence Custodians on each and every Evidence/Property Custody Receipt held within the system.

h. On the occasion of inspections of installations by the commanding general or his designee, or IGMC inspector(s), the inspector(s) will conduct a review of evidence custody procedures and may test the evidence custody system by reviewing selected items of evidence, the associated documentation, and a sample number of final disposal actions. This will not be considered as a substitute for one of the required inventories.

## 9. Transfer and Shipment of Evidence

a. Physical evidence coming into the possession of the Marine Corps will, from time to time, require transfer and shipment another agency, where the chain-of-custody must be maintained.

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b. When it is necessary to transfer evidence to another agency on a temporary basis (normally for laboratory examination purposes) the Forensic Examination Report, OPNAV 5527/15 is used. The original Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00), will accompany the evidence. The Evidence Custodian, prior to the release of the evidence, will sign the original and duplicate Evidence/Property Custody Receipts, OPNAV 5580/22 (6-00). The duplicate will be maintained as indicated, in the Active Evidence Custody Record/File in the evidence room. Those persons handling the evidence prior to its return to the Evidence Custodian will complete the appropriate blocks in the accompanying original Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00). A receipt must be obtained from the receiving agency (normally a crime lab) which provides for proprietary control of the evidence while it is not in the Marine Corps' possession. In those cases where registered mail is not used and the transfer is made by hand, the Evidence Custodian will obtain the signature of the receiving person on both the original and the copy of the custody document. The copy is then returned to the Evidence Custodian to be attached to the evidence document in the Active Evidence Custodian Record. In the event that only part of the evidence is temporarily transferred, the original Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00), will accompany that part with appropriate notations in the item column to the left of the transferring signature. A duplicate of the original Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00), will be reproduced and attached to the balance of the evidence maintained in the evidence room. Upon return of the original Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00), the duplicate may be destroyed.

c. In the event it is necessary to transfer evidence permanently to another agency assuming jurisdiction of the investigation, the original Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00), will accompany the evidence and will be signed out of the evidence locker by the custodian. The duplicate copy in the Active Evidence Custody Record/File will be completed by the Evidence Custodian and the final disposition portion will be completed by the agency representative receiving the evidence. The appropriate disposition entry will also be made in the bound Evidence Log Book. The duplicate copy will then be filed in the Final Evidence Disposition File. In the event the agency receiving permanent custody of evidence does not accept all the evidence listed on the evidence custody form, the original evidence custody form will be retained with the balance of the evidence in the evidence locker. The agency

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representative shall receipt for that portion of the evidence taken by an appropriate entry on the form, and he/she shall be provided a copy of the original form. The final disposition of the evidence will not be entered in the bound Evidence Log until all evidence listed in the Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00), has been properly disposed of.

d. Direct transfer of evidence between any two Marine Corps components authorized to maintain an evidence storage facility is permissible. When evidence is transferred to another authorized Marine Corps component, the original Evidence/Property Custody Receipt will be transmitted with the evidence. In the event that only part of the evidence is transferred for use in court, the original will be forwarded and a copy attached to the balance. If it is known prior to transfer that the part of the evidence being transferred will not be used in court and that the remaining evidence will probably be so used, the original Evidence/Property Custody Receipt will be retained and a copy shall be forwarded with the evidence. The Marine Corps component receiving the evidence will continue to use the custody document received from the transferring office. The item(s) of evidence will be logged the same as any others, including the assignment of a new evidence log number. The entry in the evidence log will show the new number followed in parentheses, by the code of the originating component and the number it has assigned to the item; e.g., 085-84 (244-82). The new number will also be placed on the custody document just above the original number. The receiving component will then reproduce a copy of the Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00), and place it in the Active Evidence Custody Record/File. The component which transferred the evidence, if all evidence was in fact transferred, will remove its copy of the Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00), from its active file, appropriately annotate the disposition portion and place the document in the Final Evidence Disposition File.

e. In many instances it will be possible to deliver evidence by courier or messenger. This is the most secure method and should be utilized as often as possible.

f. Evidence mailed to another Marine Corps component or another agency must, in all cases, be registered and a return receipt requested. The registered mail receipt and the return receipt will be stapled to the Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00), in the Active Evidence Custodian Record. If the transfer is permanent, the receipts will become

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a permanent part of the system, by inclusion in the final disposition file with the document. If the evidence is returned to the component the two receipts may be destroyed upon final disposition of the evidence. In no event will certified mail or other special handling be utilized. When evidence is prepared for mailing to the laboratory, the following guidelines will be adhered to:

(1) NCIS Laboratory. Double wrap with the inner wrapping marked to indicate the presence of evidence. The package must be specifically addressed to the Evidence Custodian.

(2) U.S. Army Criminal Investigation Laboratory. Double wrap with the chain-of-custody and laboratory request affixed to the outside of the inner wrapping.

g. All Marine Corps components who may receive evidence by mail should instruct their mail or receiving personnel that as soon as the presence of evidence is apparent, the wrapping should not be disturbed, and the package should be promptly delivered to the Evidence Custodian. In no event should mail or receiving personnel other than the Evidence Custodian tamper with the inner wrapping. Additionally, to prevent defense accusations of evidence tampering, the receiving custodian will note that the evidence was received secured and undisturbed. If that is not the case, the custodian will note any discrepancies and notify the PM/PC and transferring custodian of the discrepancies.

## 10. Disposal of Evidence

### a. Authority

(1) Approval for the final disposal of evidence shall be obtained from the appropriate authority, as set forth below, and entered in the final disposal section of the Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00). For evidence seized which correlates with a criminal investigation ROI, a locally generated Case File Retention/Evidence Disposal Sheet will be utilized to monitor judicial/administrative proceedings to help facilitate the disposal of evidence. Upon closure of the investigation, the Case File Retention/Evidence Disposal Sheet will be attached to the outside of the case file and the case file will be placed in a working file. After 60 days, the case file with attached Case File Retention/Evidence Disposal Sheet will be retrieved from the file, at which time the appropriate

individuals are contacted for disposal authority. If authority is granted, the Case File Retention/Evidence Disposal Sheet is used to document the authority and provided to the Evidence Custodian who will attach the completed sheet to the Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00). If authority is not granted due to pending action, the case file with attached Case File Retention/Evidence Disposal Sheet, will be returned to the working file for retrieval at a later date. An appropriate entry will be made on the Case File Retention/Evidence Disposal Sheet indicating the reason for the denial of destruction authority. Use of this form assists in monitoring command's actions relative to judicial/administrative proceedings and provides a tracking system for disposal of evidence on a timely basis.

(2) Obtaining authorization for disposal of evidence which corresponds to IRs and other military police reports will be accomplished by the Evidence Custodian. At a minimum of every 60 calendar days, the Evidence Custodian will make telephonic contact with the commanding officer, or his designated representative, of the command with cognizance over the individuals who are the subject of the police reports, to monitor judicial/administrative action. Once the matter has been disposed of, the Evidence Custodian will obtain evidence disposal authority from the appropriate authority. In the event the matter has been referred for action other than administrative or non-judicial punishment, the proper authority, as set forth below, will be contacted for final disposal authority.

(3) Any evidence that was used in any court action shall not normally be disposed of until the initial trial and subsequent appeals have been completed. Authorization for disposal must be obtained from the appropriate SJA, his representative, or trial counsel representing the U.S. Government at the original trial. If the evidence was used in federal, state, or other civilian court, the authorization must be obtained from the appropriate prosecuting attorney prior to disposal. When authorization for disposal is received, the Evidence Custodian shall complete the final disposition section of the Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00), by recording the name and title of the person authorizing the disposal.

(4) Any evidence which was used in any administrative process shall not be released until all appeals or reviews of the initial action are completed. Prior to disposal of such

evidence, authorization shall be obtained from the appropriate SJA or the commanding officer or his designated representative who has cognizance over the person against whom the action was taken. When authorization is received, the Evidence Custodian shall complete the final disposition section of the Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00), indicating the name and title of the person authorizing the disposal.

(5) Any evidence that is entered into the Evidence Custody System and not utilized in judicial or administrative action may be disposed of upon authorization from the PM/PC or his/her designated representative. In such cases, the Evidence Custodian will complete the final disposition section of the Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00), annotating the PM/PC or his/her designated representative as the disposal authority.

(6) Authority to dispose of evidence entered in the evidence custody system that pertains to individuals assigned to commands at other military installations or units that may be deployed, must be obtained in accordance with the foregoing procedures. This evidence will be retained until final adjudication/administrative action can be verified to avoid inadvertent disposal of evidence needed for presentation at formal hearings. In certain instances, evidence will need to be transferred to other Marine Corps evidence facilities or other law enforcement facilities for use during legal proceedings in other jurisdictions. This will be accomplished by registered mail with return receipt requested and documented accordingly on the Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00). Prior to the transfer of evidence to other Marine Corps facilities or other agencies, coordination with the receiving law enforcement agency is essential. Transfers of evidence to other jurisdictions will be considered the final disposal for the evidence facility that initially received the evidence and will be recorded as such on the Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00).

b. Specific guidelines for evidence disposal are as follows:

(1) Evidence that is obtained during the course of an investigation and is the personal property of an individual shall, whenever possible, be returned to that person, with the exception of items for which the mere possession of is unlawful. Such items would include narcotics, unlawfully obtained drugs,

illegal firearms, explosives, counterfeit U.S. or foreign currency, or counterfeit identification. When personal property is returned to the owner or his authorized representative, the individual receiving the property will be required to sign for it in the disposition section of the original Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00), or, in its absence, the duplicate copy. If the owner or his representative presents a Marine Corps property receipt when making the claim, the receipt will be obtained and maintained per reference (b) SSIC 5580.5b. In the event that the owner refuses to accept all the property seized, this will be noted on the Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00), the owner will be asked to sign that he/she refuses to accept the property, and other appropriate disposal will be made of the property. In the event the owner of personal property cannot be determined, contacted or located, it will be disposed of per section 16400. In the event certain personal property, the possession of which is prohibited by command or base regulations, is entered into the evidence custody system, this property will be returned to the command having control over the individual from whom it was obtained. It will be necessary for that command to receipt for the property and make a determination as to its disposition. All evidence custody information shall be maintained per reference (b) SSIC 5580.5b.

(2) When U.S. Government property has been received as evidence and can be identified as belonging to a command, it will be returned to a command representative and that person will be required to receipt for it in the final disposition section of the Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00).

(3) All U.S. Government property that cannot be identified as belonging to a particular activity or command shall be submitted to the nearest Marine Corps supply activity or Defense Reutilization and Marketing Office (DRMO). This will be accomplished in accordance with current Marine Corps procedures. In addition to any documentation required by the receiving activity, the activity's representative shall receipt for the material in the final disposition section of the Evidence/Property Custody Receipt. In the event that the activity declines to receipt on the Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00), a suitable receipting document shall be obtained and attached to the Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00).

(4) Currency that cannot be returned to the rightful

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owner shall be turned in to the U.S. Treasury via a local Marine Corps disbursing office through a cash collection voucher. The same procedure applies to U.S. Government funds held as evidence.

(5) Evidence that, by its nature, cannot be returned to the owner or entered into the Marine Corps supply system for disposal, such as narcotics, illegal firearms or other contraband, shall be destroyed. Such destruction shall be accomplished by or in the presence of the Evidence Custodian and either a staff noncommissioned officer, commissioned officer, or civilian equivalent assigned to PMO/MCPD and a second staff noncommissioned officer, commissioned officer, or equivalent if the Evidence Custodian is a staff noncommissioned officer. All persons involved and witnessing the destruction will sign the final disposition section of the Evidence/Property Custody Receipt, OPNAV 5580/22 (6-00). Such destruction shall be of a nature so as to make the evidence unusable for any lawful or unlawful purpose other than residual scrap.

(6) Under no circumstances will any evidence be converted for use by a Marine Corps component or for the personal use of any individual.

(7) Evidence in the form of controlled substance training aids to MWD/CPWD teams or for the purpose of making a training aid display board is not authorized.

(8) When making final disposition on U.S. Government-owned firearms no longer required as evidence, the Evidence Custodian should be guided by the principle that such weapons should be returned to the command from which they were stolen or seized. If this cannot be accomplished the weapon should be forwarded, not as evidence, to COMMARLOGBASES for disposition.

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## Section 12200 - Contraband Seizures

12201. Purpose. This section establishes guidelines for seizing, reporting, and processing contraband.

12202. Policy

1. It is the policy of the Marine Corps to ensure that members comply with federal and state constitutional limitations regarding an individual's right to be free from unreasonable searches and seizures.

2. Commanders may authorize inspections of the whole or part of a unit, organization, installation, vessel, aircraft, or vehicle. Inspections are usually quantitative examinations insofar as they do not normally single out specific individuals or small groups of individuals. There is, however, no requirement that the entirety of a unit or organization be inspected. Unless authority to do so has been withheld by competent superior authority, any individual placed in a command or appropriate supervisory position may inspect the personnel and property within his or her control. Inspections may utilize any reasonable natural or technological aid and may be conducted with or without notice to those inspected. Thus, MWDs and CPWDs may be used to detect contraband during an inspection. Unlawful weapons, contraband, or other evidence of a crime located during an inspection may be seized.

12203. Definitions

1. Contraband is defined as material the possession of which is by its very nature unlawful.

12204. Procedures

1. MPs/police officers and criminal investigators shall search for, seize, control and process contraband as evidence per sections 2200, 12000, and 12100.

2. The Evidence Custodian or, in his absence the Alternate Evidence Custodian, shall handle contraband as evidence per sections 2200, 12000, and 12100.

3. Evidence that, by its nature, cannot be returned to the owner or entered into the Marine Corps supply system for disposal, such as narcotics, illegal firearms or other contraband, shall be destroyed. Such destruction shall be

accomplished by or in the presence of the Evidence Custodian and either a staff noncommissioned officer, commissioned officer or civilian equivalent assigned to PMO/MCPD and a second staff noncommissioned officer, commissioned officer or equivalent. All persons involved and witnessing the destruction will sign the final disposition section of the Evidence/Property Custody Receipt. Such destruction shall be of a nature so as to make the contraband unusable for any lawful or unlawful purpose other than residual scrap. All evidence custody information shall be maintained per reference (b) SSIC 5580.5b.

Chapter 13

Criminal Investigations

Section 13000 - Criminal Investigation Division Standards of  
Conduct and the Personal Reliability Program

13001. Purpose. This section establishes procedures for Criminal Investigation Division (CID) standards of conduct and the personal reliability program.

13002. Policy. Marine Corps criminal investigators are regarded as extremely mature personnel of high reliability whose duties routinely require contact with personnel of higher rank and whose actions or lack of actions are continually under scrutiny. Marine Corps Criminal Investigators may be Marines or U. S. Government/Marine Corps employees. The personal and professional reputation of Marine Corps Criminal Investigators must be above reproach at all times.

13003. Procedures

1. The nature of the CID Program necessitates that all individuals assigned to the program, regardless of their status, maintain the highest standards of personal conduct and professionalism to:

- a. Preclude the possibility of compromising criminal investigations.
- b. Prevent criticism that assails the credibility of the CID Program.
- c. Avoid embarrassment to the U. S. Marine Corps and the Government.
- d. Avoid exploitation by foreign agents.
- e. No member or employee of the U. S. Marine Corps/U. S. Government has an inherent right to be a CID criminal investigator or to be a member of the CID. At the sole discretion of the Commandant of the Marine Corps (PS), any individual who is considered substandard in performance or conduct, deficient in character, or otherwise unsuited for the CID Program will not be accepted or retained.

f. Punishment received for misconduct as a result of a trial or under the provisions of Article 15 of reference (c) and the subsequent use of this in support of elimination from the CID Program, does not constitute double jeopardy.

2. Accredited CID criminal investigators may be eliminated from the CID Program for any of the following reasons:

a. Loss of credential, badge, or any part thereof through gross negligence.

b. Purposely or through negligence failing to secure or account for evidence or government funds.

c. Indiscretion, disaffection, breach of discipline, or abuse of privilege that could adversely affect the performance of criminal investigative or other CID Program duties.

d. Lack of character or moral integrity necessary for the proper performance of criminal investigative or other CID Program duties.

e. Any acts or omissions by the individual that could impair at any time the ability to perform effectively any CID Program duties. This prohibition includes commission of any offense under reference (c), federal or state law, or the laws of foreign countries.

f. CID supervisors may be eliminated from the CID Program for any of the reasons listed.

3. Apprentice investigators have no tenure and may be eliminated from the CID Program, reclassified, or reassigned without CMC (PS) action under the following circumstances:

a. Failure to complete the prescribed apprentice period successfully and attain accredited status.

b. Any of the reasons listed in para 13003.2 above.

4. The acceptance or accreditation of an individual in the CID Program is effective until revoked by the CMC (PS). CMC (PS) will establish administrative procedures for revocation of accreditation. These procedures will ensure, at a minimum, that the individual concerned is given notice of the basis for the action and an opportunity to respond prior to the final determination. An exception to this applies when an individual has not attended or completed the ASAC. In these cases, action

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will be taken to revoke acceptance when information is received that warrants revocation. The individual will be notified of the final decision and the reasons for revocation. All academic failures at the ASAC, as determined by the school, will constitute grounds for automatic removal from the CID Program. The Deputy Director, Security and Law Enforcement Division, Headquarters, U. S. Marine Corps, will be the decision maker on recommendations to withdraw acceptance.

5. PMs/CPs, on receipt of any information regarding occurrences outlined in paragraph B above, will conduct a preliminary inquiry to determine the source and validity of the information. The preliminary inquiry will be completed within 3 working days.

6. CMC (PS) or PMs/CPs will promptly withdraw credentials when one of the following conditions exists:

- a. An investigator is permanently assigned to other than law enforcement duties.
- b. When an investigator is convicted of a criminal offense.
- c. When allegations of substantial misconduct exist.
- d. When performance of duty is substandard, or for any other circumstance that reduces the individual's effectiveness to the point that it interferes with performance of duties.
- e. Termination of employment or investigative duty status of a civilian criminal investigator.

7. CMC (PS) will be notified immediately when credentials are withdrawn. Withdrawn credentials may be retained locally up to 90 days. After 90 days, credentials will be forwarded to CMC (PS) with a statement explaining the circumstances leading to their withdrawal. CMC (PS) shall maintain these records per reference (b) SSIC 5580.2.

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Section 13100 - Domestic Violence, Child Abuse,  
and Sexual Assault Investigations

13101. Purpose. This section establishes guidelines for domestic violence, child abuse and sexual assault investigations aboard Marine Corps installations.

13102. Policy

1. Domestic violence, child abuse and sexual assault are criminal acts. These criminal acts impede unit morale, effectiveness, efficiency, and negatively impair the ability of the Marine Corps to function smoothly.

2. Historically, victims were sometimes considered partially responsible for crimes against them and were then re-victimized by being made to feel guilty and even being told that they "asked for it". To prevent victims from being re-victimized, it is Marine Corps policy that all personnel shall treat victims with dignity and sensitivity. Victims will be protected through fair, conscientious, and unbiased treatment.

3. Effective response to these criminal acts requires cooperative and coordinated efforts by multiple organizations and commands on, and sometimes off, Marine Corps installations. Furthermore, under certain circumstances, arrest/apprehension and criminal prosecution is preferred from a preventive standpoint. Therefore, all reports of these criminal acts shall be thoroughly investigated to ensure appropriate action can be taken through references (c) and (d), and federal and state law.

13103. Definitions

1. Child Abuse and/or Neglect. Includes physical injury, sexual maltreatment, emotional maltreatment, deprivation of necessities or combinations thereof for a child's welfare under circumstances indicating that the child's welfare is harmed or threatened. The term encompasses both acts and omissions on the part of a responsible person. The "child" is a person under 18 years of age for whom a parent, guardian, foster parent, caretaker, employee of a residential facility, or any staff person providing out-of-home care is legally responsible. The term "child" means a natural child, adopted child, stepchild, foster child, or ward. The term also includes an individual of any age who is incapable of self-support because of a mental or physical incapacity and for whom treatment in a Medical Treatment Facility (MTF) is authorized.

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2. Indecent Assault. Generally, an indecent assault is an assault of another person who is not the spouse of the offender, done with the intent to gratify the lust or sexual desires of the offender and is prejudice to the good order and discipline of the armed forces or of a nature to bring discredit upon the armed forces. Indecent assault is proscribed by Article 134 of reference (c).

3. Rape. An act of sexual intercourse by force and without consent of the victim. The charge of rape can apply to a victim of any age and against a spouse. Rape is proscribed by Article 120 of reference (c).

4. Sexual Assault. Intentional sexual contact, characterized by the use of force, physical threat or abuse of authority or when the victim does not or cannot consent. Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts. Sexual assault can occur without regard to gender or spousal relationship or age of victim.

a. "Consent" shall not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, coercion or when the victim is asleep, incapacitated, or unconscious.

b. Other sex-related offenses are defined as all other sexual acts or acts in violation of reference (c) that do not meet the above definition of sexual assault, or the definition of sexual harassment as promulgated in reference (bq).

5. Victim. A person, male or female, who has suffered direct physical or emotional harm as a result of the commission of a sexual assault offense committed in violation of reference (c), or in violation of the law of another jurisdiction if any portion of the investigation is conducted primarily by the DOD components, including military members and their family members; when stationed outside the continental United States, DOD civilian employees and contractors, and their family members. When a victim is under 18 years of age, incompetent, incapacitated, or deceased, the term includes one of the following (in order of precedence): a spouse, legal guardian, parent, child sibling, another family member, or another person designated by the court or the SJA to CMC, or designee. The term "victim" does not include an individual involved in the crime as a perpetrator or accomplice, even though the individual may be one of the representatives described previously.

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6. Victim Advocate. The victim advocates in the Marine Corps Family Services, Family Advocacy Program, provide information, guidance and support to victims of domestic violence and sexual assault. Advocates are available 24 hours a day, 365 days a year to provide crisis intervention, safety planning, referrals to, and liaison with civilian resources, and support during medical exams and court proceedings. Victims are not required to use military victim advocates and may use victim advocates from civilian resources.

7. Victim and Witness Assistance Program (VWAP). A multi-disciplinary program to assist victims and witnesses of crime to ensure that the military criminal justice system accords crime victims and witnesses their rights, without infringing on the constitutional rights of an accused, to ensure they receive appropriate assistance. VWAP incorporates police personnel, criminal investigators, service providers, judge advocates, corrections personnel, and unit commanding officers, to assist victims and witnesses of crime through the criminal justice process.

8. Witness. As defined under VWAP, a witness is a person who has information or evidence about a crime, and provides that knowledge to a DOD component about an offense in the investigative jurisdiction of a DOD component. When the witness is a minor, that term includes a family member or legal guardian. The term does not include a defense witness or an individual involved in the crime as a perpetrator or accomplice.

#### 13104. Procedures

1. PMs/CPs, CID Officers and supervisory criminal investigators shall ensure domestic violence, child abuse/neglect, and sexual assault investigations are conducted per this section and references (an) and (ao). If a MP/police officer/criminal investigator asks for a person's name and personal identifying information such as social security number, address, phone number, etc., they shall provide the individual a privacy act statement (see figure 2-1) or when completing an IR, if a person is asked personal identifying information, the MP/police officer/criminal investigator must read the person the privacy act statement at the top of the IR.

#### 2. Domestic Violence Investigations

a. CID/Domestic Violence Unit (DVU)/Investigations Branch shall:

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(1) Review all reported incidents of domestic violence.

(2) Assume investigative control of cases of domestic violence wherein an actual assault resulting in visible or serious injury occurred.

(3) Refer cases to Naval Criminal Investigative Service as appropriate and in accordance with local MOUs and/or agreements.

b. When responding to reports of domestic violence, criminal investigators shall, unless circumstances do not permit:

(1) Ensure the victim's safety and privacy by interviewing the victim in an area apart from the alleged suspects, witnesses, and occupants. Be sure to inquire about any history of abuse or existing protective orders. Fully investigate all protective order violations. Encourage the victim to seek a medical examination and arrange transport as needed. Inquire about injuries that are concealed by clothing or otherwise not readily apparent. Advise the victim to contact CID or NCIS and arrange for photographs to be taken of injuries that become apparent in the days following the incident

(2) Collect and preserve physical evidence, including photographs per sections 12000 and 12100.

(3) If no apprehension or detention is made, explain to the victim the reasons why.

(4) Ask the suspect(s) and victim(s) if they desire to speak to a counselor/advocate or desire information concerning local shelter facilities. If yes, contact the Duty Chaplain or the Family Service Center Victim Advocate and/or provide shelter information. Provide victims and witnesses with DD Form 2701, Initial Information for Victims and Witnesses of Crimes. If there is a sexual assault, see paragraph 13104.3 below.

(5) Explain any applicable installation policies and regulations to include that all cases of domestic violence are forwarded to a Case Review Committee (CRC) that has the responsibility to make recommendations on available options to the commanding officer.

(6) In cases resulting in apprehension of the military sponsor, the command may issue a military protective order

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requiring the military member to stay away from their quarters/family for the safety of the spouse/children.

(7) If an investigation is initiated, complete a ROI and all required documentation. ROIs shall be maintained per reference (b) SSIC 5580.13a(1) and 13a(2) as appropriate.

3. Child Abuse and Neglect. Criminal investigators shall:

a. Respond to all reported cases of child abuse/neglect. Notify NCIS immediately upon substantiation of evidence of child abuse. Conduct a preliminary interview with the reporting individual, when known, to determine the basis for the report, to include determination of such factors as:

(1) The physical condition of the child.

(2) Description of the abusive or neglectful behavior.

(3) Evidence of parental disabilities such as alcoholism, drug abuse, mental illness or other factors that demonstrate or suggest an inability to care for the child.

(4) Description of suspicious injuries or conditions.

(5) Nature of any statements made by the child concerning parental maltreatment.

(6) Any evidence of parental indifference or inattention to the child's physical or emotional needs.

b. Background Investigation. Investigating complaints of child abuse generally requires contact with several sources of information depending upon the nature of the complaint and the scope of abuse. In all but emergency situations, the following sources of information should normally be contacted prior to interviewing the family and/or the child:

(1) An inquiry should be made to determine whether a court protective order or military protective order is in force with regard to the child or other members of the family. A criminal records check should also be performed on the suspect.

(2) Medical personnel, including family practitioners, emergency room staff and medical examiners, often acquire information that confirms or suggests abuse. Certain types of

injuries are particularly characteristic of physical abuse and are most incriminating when they do not correlate with parental explanations of how they occurred. They include:

(a) "Pattern" injuries that may be linked to specific objects used in an attack such as hot irons, coat hangers, fingertip marks caused by tight gripping; straight, curved or curvilinear or jagged lesions indicating whipping; bite marks; and scald or peculiar burn marks.

(b) Injuries to specific body parts such as the genitals, buttocks or rectum, as well as trauma to the torso, upper arms and thighs in the absence of other common injuries suffered by children in play accidents such as skinned knees, elbows, and forehead.

(c) Signs of old injuries to various parts of the body in different stages of healing, particularly those that are not common to childhood.

(d) Bone fractures of small children and related injuries that are inconsistent with the child's level of maturity and risk of injury, such as spiral fractures (suggesting vigorous shaking), fractures to the rear and upper skull (suggesting blows to the head), subdural hematomas without scalp contusions (suggesting violent shaking with resultant head whiplash), and fractures of long bones and joints that are suggestive of violent pulling, twisting or jerking of the extremities.

(e) History, pattern or extent of injury that does not correlate with the alleged cause of death or means of injury.

(f) Inordinate delay in seeking medical attention, evidence of administration of home remedies for relatively serious injuries, history of prior visits to different emergency rooms, frequent changes of physicians and prior diagnosis of "failure to thrive".

(g) At autopsy, the presence of old injuries or other internal injuries that were not detectable through external examination.

(3) Child Protective Services (CPS)/social welfare officers must be contacted during the early stages of the investigation as they can provide considerable insight into

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situations of suspected child abuse since many abusive families have had prior contact with local support agencies. These agencies may provide information on family background, employment, economic and domestic stability and previous contacts with child protective service agencies and should be contacted during the early stages of the investigation.

(4) School teachers may also provide some insight into cases of suspected child abuse through records of the child's attendance, grades, demeanor, socialization, motivation and perceived emotional stability. Several behavioral indicators are suggestive of child abuse, including the following:

(a) Recurrent injuries or complaints of parental physical mistreatment.

(b) Marked changes in the child's behavior or level of achievement.

(c) Strong antagonism toward authority.

(d) Exaggerated reactions to being touched.

(e) Withdrawal from peers, or combative/confrontational behavior.

(f) Delinquent acts, such as running away from home or truancy.

(g) Refusal to dress for physical education or dressing inappropriately.

(5) When interviewing neighbors or any other individuals who may have personal knowledge of the family situation, investigators should ask if any of the previous indicators of child abuse were identified.

c. Family Interview. Based on information generated in the background investigation, reasonable suspicion may exist to conduct an interview with the family and the child.

(1) If there is reason to believe that a case against the parents or others will be prosecuted, interviews should be conducted at the PMO/MCPD and prior contact, when appropriate, should have been made with the installation SJA/military justice officer or prosecutor's office.

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(2) If possible, a child protective service officer should be present with the investigator during interviews with children.

(3) The interview should be conducted in a non-accusatory, informal, fact-finding manner, and questions should be presented in an open-ended format to allow parents or others latitude in responding.

(4) In determining whether or not to accept a parent's explanation, criminal investigators should consider the following questions. Findings consistent with those in parentheses may indicate a greater likelihood of abuse.

(a) Is it reasonable to believe that the child's injuries were self inflicted or accidental given the child's maturity, manual dexterity and ability to walk or stand? (No)

(b) Was the parent's story consistent with other evidence? (No)

(c) Do parents claim ignorance of critical details of the incident? (Yes)

(d) Does the home appear to be clean and well maintained? (No)

(e) Does the family live in a socially isolated environment without the support of neighbors, friends or family? (Yes)

(f) Do the parents appear to support one another in a positive home environment? (No)

(g) Does there appear to be frequent or ongoing crises in the family? (Yes)

(h) Does the child in question appear to be regarded by the parent(s) in a negative light? (Yes)

(5) Some parents may explain or excuse the incident as a legitimate attempt to discipline the child. However, in order to be reasonable and acceptable, the discipline should:

(a) Be appropriate to the misbehavior involved but never involve bodily injury.

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(b) Be consistent with the child's ability to understand its relevance to the acts in question.

(c) Be administered with prudence and caution rather than recklessly, brutally or without sufficient regard for the child's power of endurance. Note: Statutes governing the use of corporal punishment vary from state to state.

(6) If there is reason to believe that the victim has been abused or neglected, and the abuse or neglect has occurred within the family, Child Protective Services (CPS) must be notified.

(7) Make the determination whether or not to transport the victim to a medical facility for further evaluation based on the psychological and physical appearance of the child.

(8) If the child requires further examination, request the non-offending parent to transport the child to the nearest medical facility for a medical evaluation by a physician. The parent will transport the child with a criminal investigator, MP or police officer escort if the victim is ambulatory, the parents are not intoxicated, leaving the child with the parents will not cause more physical or psychological damage, and the parent can be trusted not to dissuade the child from revealing injuries to protect the other parent. Removal of a child from his/her parents is only used as a last resort. If this is necessary, follow the procedures to remove a child from the custody of his/her parents. If the parents do not consent to a medical examination of the child and the child is not in imminent danger (for example, injured or there is a reasonable possibility of injury by the parents or guardian), follow procedures to take a child into custody. If the child is in imminent danger, PMO/MCPD is authorized to transport to a medical facility. A medical officer will render an opinion as to whether the child has been a victim of child abuse/neglect.

d. Interviewing Children. Criminal investigators conducting interviews with children in suspected child abuse cases should be familiar with and follow procedures for interviewing children. In addition, they should be familiar with the following special issues that arise when conducting these interviews in cases of suspected child abuse:

(1) Children should be interviewed separately from their parents.

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(2) Repeated interviews with the child should be avoided whenever possible. Joint interviews with the child protective worker or military justice officer/prosecutor, for example, may help minimize the trauma of these sessions.

(3) Avoid questions that can be answered with a "yes" or "no" response. Use open-ended questions whenever possible.

(4) Anatomically correct dolls should be used whenever available to trained investigators.

(5) Sit with the child rather than across a table. Conduct the interview in a casual and non-threatening manner.

(6) Do not lead the child or suggest answers, probe or pressure the child for answers, or express concern, shock or disbelief in response to answers.

(7) Reassure the child that he/she is not to blame and is not in trouble for what happened or for being asked questions.

e. In cases where injuries are present and in all cases of suspected child sex abuse, notify NCIS.

f. Once a medical officer renders an opinion that the child has been abused/neglected, obtain photographs of injuries through your office procedures or request the Duty Photographer to respond via the Desk/Dispatch Team. Enclose a copy of the emergency care and treatment form and all photographs and negatives with the report.

g. The preferred means of removing a child from the home is by court order. However, in cases of abandonment, severe abuse, or neglect, where the child is in imminent danger of death or serious bodily harm and time is of the essence, a MP/police officer or criminal investigator shall, in compliance with state and federal law, remove the child from the home for purposes of protective custody. The assistance of child welfare authority officers should be sought, if available in a timely manner. Parental permission should also be sought, but is not required in order to remove a child under emergency circumstances.

h. Physical Evidence. Collecting physical evidence to document abuse is very important for prosecuting these cases. In this regard, criminal investigators should be aware of the following:

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(1) Color photographs of injuries should be taken and preserved for evidentiary purposes. They may be taken by medical personnel or by a same-sex criminal investigator. All injuries should be described in writing and diagrammed.

(2) X-rays should be taken if appropriate, and any that have been taken should be collected and preserved.

(3) Photographs of home conditions should be taken to indicate possible child maltreatment.

(4) Any instruments that were used in the physical attack should be identified and preserved, as well as any clothing that bears evidence such as blood or semen stains.

(5) Any other items that have bearing on the abuse or neglect, such as guns, knives, drugs, poisons or related items in possession of the suspect, should be identified and collected.

i. Complete a ROI and all required documentation.

#### 4. Sexual Assault Investigations

a. Sexual assault investigations typically include both a preliminary and subsequent in-depth interview with the victim. Responding MPs/police officers or investigators may conduct the initial preliminary interview and criminal investigators normally conduct in-depth interviews. The preliminary interview is intended to establish whether a crime has occurred. In the initial response, MPs/police officers or criminal investigators shall first establish the elements of the crime(s) as prescribed by reference (c), state, local or federal laws, and identify any and all witnesses, suspect(s), evidence, and crime scene(s). The preliminary interview is not intended to be a comprehensive or final interview. Additional interviews will be needed as the investigation develops.

b. Involve a victim advocate. Every effort shall be made by the criminal investigator to contact a victim advocate as soon as possible. If the victim declines assistance from an advocate, the investigator shall provide the victim with written referrals for community resources specifically designed to help victims of sexual assault.

#### c. Initial Victim Interview Protocol

(1) Based on the length of time between the assault and report of the crime and the individual's personal history, the victim may be in crisis and experiencing posttraumatic stress disorder or rape trauma syndrome and exhibiting a range of behaviors that will likely change over time.

(2) The victim's response to the trauma of a sexual assault is extremely unpredictable and shall not be used in any way to measure credibility. When drugs or alcohol are involved, the victim may have limited recollection or be unable to give a complete account of the crime. Not knowing the details of what happened may exacerbate the trauma experienced by the victim.

(3) Interviews shall be conducted promptly if the victim is coherent and agrees to the interview.

(4) Prior to the initial interview, the MP/police officer or criminal investigator shall whenever possible:

(a) Interview any witnesses who might have seen or spoken with the victim before, during, or after the assault.

(b) Accommodate the victim's request for a rape crisis advocate or support person whenever possible.

(c) Take responsibility for excluding a support person, when appropriate, and offer the victim and support person an explanation

(d) Secure a private location for the interview that is free from distractions

(e) Express sympathy to the victim and an interest in the victim's well-being

(f) Inform the victim of the need and importance of full disclosure of any and all recent drug use.

(5) During the initial interview, the MP/police officer or criminal investigator shall:

(a) Obtain contact information for the victim, including temporary accommodations.

(b) Explain the nature of the preliminary interview and the need for follow-up contacts.

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(c) Ask victims to explain what they remember and how they felt.

(d) Revisit the possibility of a victim advocate for victims who initially declined the offer.

(e) Explain that other professionals such as forensic examiners, detectives, evidence technicians, and prosecutors may have additional questions

(6) At the conclusion of the initial interview, the MP/police officer or criminal investigator shall whenever possible:

(a) Give the victim the duty criminal investigator's contact information.

(b) Encourage the victim to contact the investigator with any additional information or evidence.

(c) Remind the victim that visible evidence of injury may appear later, and to contact the investigators for additional photographs or other documentation.

(d) Ensure that requests for victim protective orders are made where indicated.

(e) Provide written referrals for victim service organizations.

(f) Provide transportation when reasonably possible.

(g) Inform the victim about the next steps in the investigation.

d. Provide victims and witnesses with DD Form 2701, Initial Information for Victims and Witnesses of Crimes. Have the victim complete the Victim Preference Statement (see Figure 13-1, page 13-25) if NCIS has not assumed the investigation and the victim chooses not to cooperate with the investigation.

e. Proceeding with or conducting a thorough investigation shall not be contingent upon laboratory findings. Criminal investigators shall:

(1) Remain patient and maintain an open mind while listening to the victim's account.

(2) Remember that victims may struggle with gaps in memory.

(3) Avoid leading questions while conducting the interview.

(4) Use simple terminology appropriate to the victim's age, sophistication, and intelligence.

(5) Avoid using jargon or police, medical, or legal terms.

f. Collect evidence per sections 12000 and 12100. DNA evidence plays a crucial role in sexual assault investigations. In addition to the victim's and suspect's bodies and clothing, there are many other potential sources such as prophylactics, sheets, blankets, pillows, and bottles that may contain biological evidence such as blood, sweat, tissue, saliva, hair, and urine.

(1) To properly collect DNA evidence, criminal investigators shall:

(a) Use sterile gloves and change as needed.

(b) Use sterile swabs, papers, solutions, and tools.

(c) Package evidence in individual envelopes.

(d) Avoid touching the area where potential DNA evidence may exist.

(e) Avoid talking, sneezing, and coughing over evidence.

(f) Air dry evidence before packaging.

(g) Put evidence into new paper bags or envelopes, not plastic.

(2) The sexual assault evidence kit shall be accepted from the medical staff after it has been properly sealed and labeled. Only qualified medical staff can perform sexual assault kit examinations.

(a) The kit will contain whole blood that requires that the kit be placed and logged into an evidence refrigerator

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as soon as possible. The kit may also contain a urine sample for toxicology testing. If it does, the urine sample shall also be refrigerated.

(b) Investigators or supervisors shall have access to the evidence refrigerator after regular business hours, on weekends, and on holidays.

(c) The kit shall not be allowed to freeze or to be exposed to heat such as being near a car's interior heater.

g. Stranger vs. Non-Stranger Assaults. Criminal investigators shall be familiar with common defenses to the charges of sexual assault.

(1) Non-Stranger Assault. The majority of non-stranger sexual assaults result in a consent defense. Thus, evidence of particular importance includes:

(a) Evidence of physical or verbal resistance on the part of the victim.

(b) Evidence of genital or other injuries.

(c) Detailed account of the victim's thoughts and feelings during the assault.

(d) Information regarding the suspect's size and strength in comparison to the victim's.

(e) Information regarding the environment in which the assault took place (such as isolation, soundproofing).

(f) Information regarding the victim's behavior after the assault, including posttraumatic stress.

(g) Information regarding the use of weapons, real or threatened, and threatening statements.

(2) Stranger Assault. Evidence in stranger sexual assaults often center on a question of identification, pending the processing of DNA evidence. Therefore, investigative strategies must remain flexible. An identity defense will typically include latent fingerprints, lineups, DNA, and trace evidence.

h. Forensic Examinations for Victims of Sexual Assault. Victim-centered care is paramount to the success of the forensic examination of victims of sexual assault. A timely, professional forensic examination increases the likelihood that injuries will be documented and evidence collected to aid in the investigation and prosecution of sex offenders. Evidence may normally be collected up to 92 hours after the assault, but evidence can be gathered and injuries documented beyond that time, especially if the victim is injured, bleeding, or experiencing pain.

(1) Criminal investigator actions are as follows.

(a) Ask the victim whether there is anyone who should be called or notified, and facilitate this contact.

(b) Address any special needs of the victim, such as communication or mobility, and notify the victim advocate of the special need.

(c) Explain the purpose of the forensic examination and its importance to the investigation and provide the victim with information on the procedure.

(d) Inquire whether the victim will consent to a forensic examination.

(e) Inform the victim of the right to decline any or all parts of the examination.

(f) Explain to the victim the potential consequences if any part of the examination is refused.

(g) Notify a victim advocate to offer the victim support when a forensic examination is to be conducted.

(h) Transport the victim to the designated medical facility if a forensic examination is warranted and the victim consents.

(i) Advise the victim that the forensic examiner will collect any clothing that was worn during or immediately after the sexual assault.

(j) Assist in arranging for clothing the victim may need after the examination.

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(k) Seek permission from the victim to collect a urine sample for drug screening.

(l) Obtain a signed release from the victim for access to medical records.

(m) Encourage a victim who is unwilling to undergo a forensic exam to get medical attention, including testing for pregnancy and sexually transmitted diseases.

(2) Presence of a victim advocate. When it is determined that a forensic examination will be conducted, a victim advocate or a support person of the victim's choosing shall be allowed to be present in the room and during the interview, unless it would be harmful to the investigation. The criminal investigator shall take responsibility for excluding a support person, when appropriate, and providing an explanation to the victim and the support person.

i. Drug-Facilitated Sexual Assault Considerations

(1) If a drug-facilitated sexual assault is suspected, it is critical to obtain a urine sample from the victim as soon as possible. If it has been less than 24 hours since the time of the assault, also obtain a blood sample in a grey-top tube.

(2) Protocols for responding to illegal substance abuse by victims (including underage drinking) shall be followed and never used to discredit or discourage the victim from reporting the assault. The department priority is to conduct a thorough investigation of a sexual assault rather than prosecute victims for misdemeanor violations.

(3) Because of the delay in reporting most sexual assaults, laboratories capable of testing urine and blood samples at very low levels for those drugs commonly used to facilitate sexual assault are essential.

j. Follow-up Victim Interviews. Prior to a follow-up interview, criminal investigators should consult with MPs/police officers who responded to the scene (if the criminal investigator did not respond to the scene), retrieve communications tapes and printouts, and review all reports. The criminal investigator should coordinate with relevant agencies, assistance organizations, service providers, or sexual assault response professionals to address the needs of the victim and to discuss the best means for keeping the victim informed.

(1) Investigative Strategy. In preparing for the interview, the investigator shall develop an investigative strategy based on the nature of the assault and the possible defenses available to the suspect (such as denial, mistaken identity, or consent). This strategy shall guide the questions and other evidence collection efforts. Critical evidence collection efforts include evaluating whether a pretext phone call (to elicit an incriminating response) is appropriate and determining the need for re-photographing injuries to document changes in injuries.

(2) Follow-up Interview Protocol

(a) An in-depth follow-up interview shall be conducted after the victim has been medically examined and treated, and personal needs have been met.

(b) In the event that the victim is still under the influence of drugs or alcohol, has been injured, or as a result of the assault has not slept, and barring exigent circumstances requiring an arrest or identification, the interview shall be delayed.

(c) Arrange for equipment to tape record or videotape the interview so the criminal investigator can focus on listening.

(d) The interview shall be conducted in a location that is convenient, accessible, and comfortable for the victim. The investigator shall provide or arrange for transportation for the victim when needed.

(e) At the start of the follow-up interview, the criminal investigator shall:

1. Discuss the purpose and scope of the interview.

2. Review contact information for both the victim and investigator that may need to be updated.

3. Explain the victim's rights, including confidentiality.

4. Explain the need to tape record or videotape the interview.

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5. Address arrest decisions including an explanation of the status of the case.

(f) Normally, when conducting the follow-up interview, the criminal investigator shall:

1. First allow the victim to describe what occurred without interruption.

2. Restate what he or she heard for accuracy, identify new information or developments, and ask questions.

3. Clarify any inconsistencies with earlier accounts of the sexual assault in a non-threatening manner.

4. Document the victim's actions in response to the attack, the victim's state of mind during the attack, specific statements made by the suspect, the nature of any relationship with the suspect, and explain the importance of these questions from a prosecutorial standpoint.

5. Inquire about any circumstances that may indicate the use of a drug to facilitate the sexual assault (such as whether the victim experienced any loss of memory, disorientation, severe illness, or hallucinations).

6. Assist the victim in developing a safety plan, in the event safety concerns exist, and encourage the victim to call police if the suspect violates any existing criminal or court orders, or if the suspect contacts the victim in any way.

(g) Normally, once a thorough follow-up investigation has been completed, the criminal investigator shall:

1. Evaluate impounded evidence and determine which items might have probative value based on the statements and other information.

2. Submit a lab service request such as DNA, biology, trace, or toxicology based on the assessment of the evidence.

3. Present the complete case file including forensic results as soon as available to the prosecuting

attorney for review and work with the prosecutor's office to develop the case.

4. Encourage the victim's continued support in the investigation, apprising the victim of future investigative and prosecutorial activities that will or may require involvement.

5. Familiarize the victim, prior to trial, with the types of defense strategies and inquiries that may be made during cross-examination.

k. Contacting and Interviewing the Suspect

(1) The criminal investigator(s) shall, whenever possible, follow these procedures and sections 2100, 2200, 12000, and 12100 on identifying the suspect, conducting the suspect interview, and collecting evidence in a sexual assault investigation.

(2) Involvement of a victim in a pretext phone call to the suspect should take into consideration the victim's emotional and physical state. A victim advocate should be present whenever possible to offer support.

1. Sexual assault forensic examination for the suspect. PMOs/MCPDs will work with other agencies and community organizations to establish protocols regarding the location of the forensic examination of the suspect, who will pay for it, and what steps will be involved. It is essential that the victim and suspect examinations take place in different locations.

(1) Protocol for Suspect Examination

(a) Immediately after the preliminary suspect interview, the criminal investigator shall determine whether a forensic sexual assault examination should be obtained for the suspect.

(b) A search warrant/authorization may be needed to collect any evidence from the body of the suspect or even to collect clothing. If the suspect consents to such evidence collection procedures, documentation of voluntary consent shall be provided in the police report.

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(c) The investigator shall clearly document the suspect's freedom to decline any part of the examination and to leave at any time.

(d) Criminal investigators and supervisors shall be trained to collect cells from inside a suspect's cheek for DNA profiling. Cotton-tipped swabs or other buccal DNA collectors shall be readily available to investigators in the field.

(2) Evidence Collection

(a) The forensic examiner shall document the suspect's medical history, document all injuries that are observed, and collect biological and trace evidence from the suspect's body.

(b) If in custody, the suspect shall be given a Miranda or Article 31b rights warning before being asked medical history questions by the forensic examiner or investigator.

(c) If the suspect invokes his/her right to remain silent, the examiner shall bypass the medical history portion of the examination and continue documenting any visible injury and collecting the appropriate specimens.

(d) Both the examiner and attending criminal investigator shall be prepared to document any spontaneous statements made by the suspect regardless of whether or not the suspect is in custody and whether or not the suspect was provided with a Miranda warning.

m. Complete a ROI and all required documentation. ROIs shall be maintained per reference (b) SSIC 5580.13a(1) and 13a(2) as appropriate.

**VICTIM PREFERENCE STATEMENT**

I, \_\_\_\_\_, have been informed of my rights as a crime victim under the Victim and Witness Assistance Program and have been provided a copy of DD Form 2701, Initial Information for Victims and Witnesses of Crime. \_\_\_\_\_  
(initials)

I have had the opportunity to consult with a victim advocate, counselor, or other person(s) of my choosing before making the following decision. \_\_\_\_\_  
(initials)

At this time, I have decided to not report that I am a victim of sexual assault to my command, law enforcement personnel, or other military authorities. I understand that by not reporting this offense, there will be no investigation. \_\_\_\_\_  
(initials)

Further, I have been informed that by not reporting this offense the full range of protections afforded to victims, including the issuance of a military protective order against the offender, may not be made available. \_\_\_\_\_  
(initials)

Finally, I further understand that I may change my mind and report this offense at a later time. If I do report this offense at a later time, I understand that the delay may adversely affect the subsequent investigation and prosecution of the offender. \_\_\_\_\_  
(initials)

\_\_\_\_\_  
Victim's signature and date

Witnessed by:

\_\_\_\_\_

\_\_\_\_\_  
Title of witness and date

Figure 13-1.--Victim Preference Statement.

Section 13200 - Criminal Intelligence and Crime Analysis

13201. Purpose. This section establishes guidelines and principles for the collection, analysis, and distribution of criminal intelligence information and crime data aboard Marine Corps installations.

13202. Policy

1. Criminal Intelligence

a. Information gathering is a fundamental and essential element for police agencies. Once acquired, the information is used to prevent crime, pursue and apprehend offenders, and obtain evidence necessary for conviction. When there is reasonable suspicion, as defined in Part 23, Section 23.3c of reference (ap), that individuals or organizations may either be planning or are engaging in criminal activity, it is Marine Corps policy to gather information for analysis and potential use in prosecution. This information must be gathered with due respect for the rights of those involved, and can only be disseminated to authorized personnel. While criminal intelligence may be assigned to specific personnel within the PMO/MCPD, all members of the organization are responsible for reporting information that may help identify criminals.

b. It is also Marine Corps policy to adopt the standards of the Commission on Accreditation for Law Enforcement Agencies (CALEA) for intelligence gathering, specifically that: if an agency performs an intelligence function, procedures must be established to ensure the legality and integrity of its operations, to include:

(1) Procedures for ensuring information collected are limited to criminal conduct and relates to activities that present a threat to the community.

(2) Descriptions of the types or quality of information that may be included.

(3) Methods for purging out-of-date or incorrect information.

(4) Procedures for the utilization of intelligence personnel and intelligence gathering techniques.

2. The crime analysis function shall include collecting, organizing, analyzing and interpreting crime and incident data to evaluate past performance and identify criminal activity patterns and trends for operational deployment, tactical intervention, strategic planning and management analysis. Crime analysis is indispensable to PMO/MCPD efficiency, productivity and effectiveness. Therefore, all applicable personnel shall provide complete and consistent reports of crime, incidents and related information to support this function.

13203. Definitions

1. Criminal Intelligence. Information compiled, analyzed and/or disseminated in an effort to anticipate, prevent, monitor, or prosecute criminal activity.
2. Strategic Intelligence. Information concerning existing patterns or emerging trends of criminal activity designed to assist in criminal apprehension and crime control strategies, for both short- and long-term investigative goals.
3. Tactical Intelligence. Information regarding a specific criminal event that can be used immediately by PMO/MCPD units to further a criminal investigation, plan tactical operations, and enhance officer safety.
4. Threshold for Criminal Intelligence. The threshold for collecting information and producing criminal intelligence shall be the "reasonable suspicion" standard in Part 23, Section 23.3c of reference (ap).

13204. Procedures - Criminal Intelligence

1. Mission. The criminal intelligence mission is to gather information from all sources in a manner consistent with the law and to analyze that information in order to provide tactical and/or strategic intelligence on the existence, identities, and capabilities of criminal suspects and enterprises generally and, in particular, to further crime prevention and enforcement objectives/priorities aboard Marine Corps installations, as identified by the PMO/MCPD.
  - a. Information gathering in support of the intelligence function is the responsibility of each member of the PMO/MCPD, although specific assignments may be made by the CID Officer, Chief Investigator or Supervisory Investigator.

b. Information that implicates, suggests implication or complicity of any senior commissioned officer, staff noncommissioned officer or public official in criminal activity or corruption shall be immediately reported to the PM/PC.

2. Professional Standards. Information-gathering requirements for law enforcement sometimes impede upon the rights of individuals. To this end, members of PMOs/MCPDs shall comply with the following:

a. Information gathering for intelligence purposes shall be premised on circumstances that provide a reasonable suspicion, as defined in Part 23, Section 23.3c of reference (ap), that specific individuals or organizations may be planning or are engaging in criminal activity aboard a Marine Corps installation.

b. Investigative techniques employed shall be lawful and only so intrusive as to gather sufficient information to prevent criminal conduct or the planning of criminal conduct.

c. Every effort will be made to ensure that information added to the criminal intelligence base is relevant to a current or on-going investigation and the product of dependable and trustworthy sources of information. A record shall be kept of the source of all information received and maintained.

d. Information gathered and maintained by PMOs/MCPDs for intelligence purposes may be disseminated only to appropriate persons for legitimate law enforcement purposes in accordance with law and procedures established by DOD and the Marine Corps. A record shall be kept regarding the dissemination of all such information to persons within this or other law enforcement agencies.

3. Compiling Criminal Intelligence

a. Criminal intelligence investigations/files may be opened by the CID/Investigations Branch Officer, Chief Investigator or Supervisory Investigator with sufficient information and justification. This includes, but is not limited to, the following types of information:

(1) Subject, victim(s) and complainant as appropriate; summary of suspected criminal activity.

(2) Anticipated investigative steps to include proposed use of informants, photographic, or electronic surveillance.

(3) Resource requirements, including personnel, equipment, buy/flash monies, travel costs, etc.

(4) Anticipated results.

(5) Problems, restraints or conflicts of interest.

b. MPs/police officers and criminal investigators shall not retain official intelligence documentation for personal reference or other purposes but shall submit such reports and information directly to the intelligence authority.

c. Information gathering using confidential informants, as well as electronic, photographic, and related surveillance devices, shall be performed in a legally accepted manner and in accordance with procedures established for their use by the Marine Corps or PMO/MCPD and through coordination with the local NCIS.

#### 4. Analysis

a. Establish and maintain a process to ensure that information gathered is subjected to review and analysis to derive its meaning and value.

b. The above-described process should be accomplished by professional, trained analysts in CID/Investigations Branch.

c. When meaningful trends, patterns, methods, characteristics or intentions of criminal enterprises or individuals emerge, analytic material (i.e., criminal intelligence) shall be compiled and provided to authorized recipients as soon as possible.

5. Receipt/Evaluation of Information. Upon receipt of information in any form, the CID/Investigations Branch Officer, Chief Investigator or Supervisory Investigator shall ensure that the following steps are taken:

a. Where possible, information shall be evaluated with respect to reliability of source and validity of content. While evaluation may not be precise, this assessment must be made to the degree possible in order to guide others in using the information. A record of the source of all information shall be

kept, when known and maintained in strict confidence available only to those with a need to know. Sources should be classified as Identity Protected Witnesses (IPW) and their information sealed in an envelope marked IPW and assigned an IPW number. Said envelope shall be kept separate from the case file and locked in the CID Officer/Chief Investigator's safe. An IPW logbook must be maintained with IPW names and assigned numbers, date of initiation and termination and safeguarded in the same manner.

b. Reports and other investigative material and information received by PMOs/MCPDs shall remain the property of the originating agency, but may be retained by PMOs/MCPDs. Such reports and other investigative material and information shall be maintained in confidence, and no access shall be given to another agency except with the consent of the originating agency.

c. Information having relevance to active cases or that requires immediate attention shall be forwarded to responsible investigative or other personnel as soon as possible.

d. When meaningful trends, patterns, methods, characteristics or intentions of criminal enterprises or individuals emerge, analytic material (for example, criminal intelligence) shall be compiled and provided to authorized recipients as soon as possible.

6. File Status. Criminal intelligence file status will be classified as either "open" or "closed," in accordance with the following:

a. Open. Criminal intelligence files that are actively being worked will be designated as "Open". In order to remain open, MPs/police officers and criminal investigators working such cases must file intelligence status reports covering case developments at least every 180 days.

b. Closed. "Closed" criminal intelligence files are those in which investigations have been completed, where all logical leads have been exhausted, or where no legitimate law enforcement interest is served. All closed files must include a final case summary report prepared by or with the authorization of the lead investigator.

7. Classification/Security of Criminal Intelligence

a. Criminal intelligence files will be classified in order to protect sources, investigations, and individual's rights to privacy, as well as to provide a structure that will enable PMOs/MCPDs to control access to intelligence. These classifications shall be reevaluated whenever new information is added to an existing intelligence file.

(1) Restricted. "Restricted" criminal intelligence files include those that contain information that could adversely affect an on-going investigation, create safety hazards for MPs, police officers, criminal investigators, informants, or others and/or compromise their identities. Restricted intelligence may only be released by approval of the CID Officer, Chief Investigator, Supervisory Investigator or the PM/PC to authorized law enforcement agencies with a need and a right to know.

(2) Law Enforcement Sensitive. "Law enforcement sensitive" criminal intelligence is less sensitive than restricted criminal intelligence. It may be released to PMO/MCPD personnel when a need and right to know has been established by the CID/Investigations Branch Officer, Chief Investigator, Supervisory Investigator or PM/PC.

(3) Unclassified. "Unclassified" criminal intelligence contains information from the news media, public records, and other sources of a topical nature. Access is limited to MPs, police officers and criminal investigators conducting authorized investigations that necessitate this information.

(4) Any intelligence information that contains information that is classified as confidential or secret maintains the highest classification level of the information contained therein.

b. All restricted and law enforcement sensitive files shall be secured, and access to all criminal intelligence information shall be controlled and recorded by procedures established by the intelligence OIC.

(1) Informant (IPW) files shall be maintained separately from intelligence files and in accordance with reference www and reference (b) SSIC 5580.4d(5).

(2) Criminal intelligence files shall be maintained per reference (b) SSIC 5580.4d(5) and in accordance with state and federal law.

(3) Release of intelligence information in general, and electronic surveillance information and photographic intelligence, in particular, to any authorized law enforcement agency shall be made only with the approval of the CID/Investigations Branch Officer, Chief Investigator, Supervisory Investigator or PM/PC and with the stipulation that such intelligence not be duplicated or otherwise disseminated without the approval of the CID/Investigations Branch Officer, Chief Investigator, Supervisory Investigator or PM/PC.

(4) All files released under Freedom of Information Act (FIOA) provisions or through disclosure shall be carefully reviewed and accomplished through the installation process for FOIA requests.

#### 8. Auditing and Purging Files

a. The CID/Investigations Branch Officer, Chief Investigator or Supervisory Investigator is responsible for ensuring that files are maintained in accordance with references (b) and (bw).

b. When a file has reached the end of its lifecycle the CID/ Investigations Branch shall apply the correct disposition as stated in reference (b). A record of purged files shall be maintained by CID/Investigations Branch.

#### 13205. Procedures - Crime Analysis

1. The crime analysis process shall be organized on five primary levels: data collection, data collation, analysis, report dissemination and feedback/evaluation.

a. Data Collection. The crime analysis function shall identify all essential information requirements for analytical and reporting responsibilities. The Crime Prevention Section and/or CID/Investigations Branch shall communicate these requirements to the PM/PC and coordinate data recording and reporting procedures with the PM/PC and his designates.

(1) Crime data requirements include but are not necessarily limited to the following:

(a) Classification of crime.

(b) Date and time of occurrence.

- (c) Time of police response.
- (d) Location of occurrence and demographics.
- (e) Victim and target characteristics.
- (f) Criminal suspect name/alias.
- (g) Criminal suspect characteristics.
- (h) Suspect vehicle.
- (i) Modus Operandi.
- (j) Physical evidence.
- (k) Stolen property record.
- (l) Responding officer/investigator.
- (m) Arrests/charges.
- (n) Case closures.

(2) Sources for the above data include the following records and reports:

- (a) Dispatch.
- (b) Patrol incident.
- (c) Supplementary.
- (d) Arrest/apprehension/detention.
- (e) Investigative.
- (f) Field interrogation.

b. Data Collation

(1) From the data elements and sources, crime analysis personnel shall compile data into organized formats for subsequent comparison and analysis.

(2) Data shall be arranged so the relationships between data elements may be established.



(3) A system for ready retrieval of stored information shall be established.

c. Analysis. Analysis of crime-related data and information shall be focused in four primary areas: crime pattern detection, crime-suspect correlations, crime forecasts and resource allocation.

(1) Crime pattern detection shall be used to identify similarities among crimes that may be used for improved deployment and related purposes. At a minimum, analyses in relationship to geographic and offense patterns shall be correlated with suspect information, vehicle, modus operandi (MO) and related files to establish investigative leads and tactical recommendations.

(2) Crime suspect correlations shall be performed where indicated to establish specific relationships between suspects and offenses. Suspect identifiers may be drawn from CLEOC/DONCJIS, MO files, suspect vehicle files, field interrogation reports, apprehension/detention records and alias files.

(3) Daily and weekly crime patterns shall be used, in addition to other data, to identify established or developing crime patterns. Where the quantity and consistency of information is available, target areas or locations shall be identified to assist in tactical and patrol deployment.

(4) Crime analysis personnel shall provide data and analyses that support resource allocation, performance evaluation and efficiency assessments. This information shall be sufficient for decision making in the following areas and as otherwise directed by the PM/PC:

(a) Staffing in relationship to service demands and related priorities.

(b) Determining patrol areas.

(c) Allocating personnel.

(d) Mode of patrol and number of officers assigned to specific units.

(e) Assessing workload imbalances.