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JOINT APPLIED PROJECT REPORT

USING ACQUISITION STRATEGY TO IMPROVE EFFICIENCY IN DEPARTMENT OF DEFENSE LAW ENFORCEMENT

June 2021

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IN DEPARTMENT OF DEFENSE LAW ENFORCEMENT**

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ABSTRACT

This joint applied project analyzes challenges in the decentralized acquisition of law enforcement products and services in the Department of Defense (DOD). The main issue is whether the current decentralized structure of DOD law enforcement acquisition and methods of collaboration are sufficient to ensure efficient acquisitions. The DOD has established defense enterprises as mechanisms to ensure collaboration among DOD components to reduce duplication. Examples include, but are not limited to, the Defense Security Enterprise and Defense Intelligence Enterprise. However, such an enterprise does not exist for DOD law enforcement. Despite the existence of defense enterprises, the DOD still duplicates acquisition as DOD components acquire products and services independently. The researchers posit this hinders opportunities to increase shared services and category management to realize cost savings. Using the service acquisition process in the *Defense Acquisition Guidebook*, this research analyzes DOD law enforcement acquisition to determine if increased collaboration is needed or whether a central manager is required to eliminate or reduce DOD law enforcement acquisition. Ultimately, this research concludes the DOD should establish a Defense Law Enforcement Enterprise (DLEE), led by a DOD senior official, as a central manager to provide authoritative decision making and senior-level governance necessary to compel collaboration between DOD components if necessary.

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LIST OF ACRONYMS AND ABBREVIATIONS

AFOSI	Air Force Office of Special Investigations
CCDR	Combatant Commander
CI	Counterintelligence
CMS	Case Management System
COCOM	Combatant Command
CT	Counterterrorism
DAG	Defense Acquisition Guidebook
DC3	Defense Cyber Crime Center
DCIO	Defense Criminal Investigative Organization
DCIS	Defense Criminal Investigative Service
DCSA	Defense Counterintelligence & Security Agency
DEA	Drug Enforcement Administration
DFBA	Defense Forensics & Biometrics Agency
DFSC	Defense Forensic Science Center
DHS	Department of Homeland Security
DIA	Defense Intelligence Agency
DLEE	Defense Law Enforcement Enterprise
DOC	Department of Commerce
DOD	Department of Defense
DODD	Department of Defense Directive
DODI	Department of Defense Instruction
DOJ	Department of Justice
FBI	Federal Bureau of Investigation
FLETC	Federal Law Enforcement Training Center
GAO	Government Accountability Office
ICASS	International Cooperative Administrative Support Services
IG DOD	Inspector General of the Department of Defense
JSC	Joint Chiefs of Staff
MCIO	Military Criminal Investigative Organization
NCIS	Naval Criminal Investigative Service

NDAA	National Defense Authorization Act
NSA	National Security Agency
OSD	Office of the Secretary of Defense
USACID	U.S. Army Criminal Investigations Command
USACIL	U.S. Army Criminal Investigations Laboratory
USC	U.S. Code
USD(A&S)	Undersecretary of Defense for Acquisition & Sustainment
USD(I&S)	Undersecretary of Defense for Intelligence & Security
USD(LE)	Undersecretary of Defense for Law Enforcement

I. INTRODUCTION

This joint applied project analyzes the challenges in the decentralized acquisition of law enforcement products and services in the Department of Defense (DOD). The main issue is whether the current decentralized structure of DOD law enforcement acquisition and the current methods of collaboration and coordination is sufficient to ensure effective and efficient acquisition. The DOD has established, through DOD policy, the Defense Security Enterprise, Defense Intelligence Enterprise, Defense Forensic Enterprise, and the Defense Biometrics Enterprise as mechanisms to ensure coordination and collaboration among DOD Components as well as reduce overlap and duplication. However, such an enterprise does not exist for DOD law enforcement. Despite the above-mentioned enterprises, the DOD still duplicates efforts in the area of acquisition as DOD Components independently acquire products and services related to enterprises. Additionally, even though these enterprises serve as central managers for their respective functional areas, standardization is needed to ensure not only effective and efficient acquisitions. They also ensure interoperability between DOD components does not occur. This joint applied project analyzes law enforcement acquisition practices through the lens of the service acquisition process according to the Defense Acquisition Guidebook. In addition, it helps determine whether increased coordination among DOD components is needed or whether a central manager for DOD law enforcement acquisition is required. Ultimately, the conclusion is drawn that the DOD should establish a Defense Law Enforcement Enterprise (DLEE) to address what this research determines are issues with collaboration and coordination with DOD law enforcement acquisition. The researchers posit that in addition to realizing additional opportunities for outsourcing and shared services that currently exist in DOD law enforcement, there are opportunities to utilize category management to improve buying power and realize cost savings. Additionally, the establishment of a DLEE may help to alleviate challenges with the above-mentioned enterprises as they all contain areas germane to DOD law enforcement. Since the collaboration and coordination efforts of these enterprises do not appear to provide the results for which they were intended, their consolidation into a DLEE could provide an enduring, holistic central manager DOD law

enforcement as well as provide senior-level governance to necessary to compel coordination and serve as the authoritative decision-making authority when successful collaboration and coordination between DOD components fail.

A. BACKGROUND

1. DOD Law Enforcement Acquisition

Under its current structure, DOD executes its law enforcement functions in a decentralized manner. Due to the decentralized nature of DOD law enforcement, no central entity exists to facilitate acquisition for DOD law enforcement organizations. While effective coordination and collaboration can mitigate potential issues with decentralization, the DOD currently lacks both in law enforcement. The DOD tends to use working groups for coordination and collaboration in law enforcement. However, these are not enduring working groups and are often created to address a specific matter after which they are dissolved, such as the Tri-Service Working Group and Counterintelligence Corporate Information Management Working Group.

In 1995, the Advisory Board on the Investigative Capability of the DOD, hereafter referred to as The Board, provided a report to the Secretary of Defense (SECDEF) and Congress regarding numerous law enforcement matters within the DOD. According to The Board (1995), “the Tri-Service Working Group was formed to identify ways to integrate and consolidate operations of Military Criminal Investigative Organizations (MCIOs) to save money and accommodate declining end strength targets while maintaining service delivery to the DOD. The Working Group determined that the collocation of MCIO fraud offices would result in cost savings due to reductions in leasing expenses and payroll. Yet, of 19 offices recommended for collocation, only 4 were” consolidated.

The Counterintelligence Corporate Information Management Working Group, over 12 months, systematically examined the common functional processes of the DOD organizations performing the counterintelligence (CI) mission to identify opportunities for improvement (The Board, 1995). According to The Board (1995), the CIM Working Group determined that the Army, Navy, and Air Force used different automated data processing (ADP) hardware, software, and report writing systems to do the same job. Today, ADP

hardware, software, and report writing systems are commonly referred to as a case management system (CMS). The Counterintelligence Corporate Information Management Working Group stated “significant efficiencies and potential improvements in CI capabilities could be realized within DDD simply by requiring the Army, Navy, and Air Force to: use the same CI vocabulary; use the same report writing systems; buy compatible computer hardware; develop computer software cooperatively; use a common database manager; and train the same.” (The Board, 1995)

In the report, The Board referenced a Corporate Information Management (CIM) working group established by the Inspector General of the DOD (IG DOD) to determine a way to integrate information systems of the DOD’s criminal investigation organizations. The Board (1995) stated the following in its report regarding the CIM:

CIM is the term used to describe the [DOD] initiative to modernize and standardize [DOD] information management, permit greater integration of systems, and reduce system acquisition and software development costs over time. The CIM process involves dissecting a specific task, such as report-writing, identifying opportunities to improve each step of the task, and implementing cost-effective changes, which may include automation, to improve the task.

However, the CIM did not include the non-investigative organizations of the DOD, such as military police, in the working group. As demonstrated by Table 1, the DOD still has not procured a modernized, standardized, and integrated CMS.

Table 1. List of Known DOD Law Enforcement Case Management Systems

NAME OF SYSTEM	USERS
Case Reporting and Information Management System (CRIMS)	Defense Criminal Investigative Service
Army Law Enforcement Reporting and Tracking System (ALERTS)	U.S. Army Criminal Investigative Command U.S. Army Military Police
Investigative Information Management System (I2MS)	Air Force Office of Special Investigations
Consolidated Law Enforcement Operations Center (CLEOC)	Naval Criminal Investigative Service Navy Security Forces Marine Corps Criminal Investigative Division Marine Corps Military Police

Currently, each organization, through its respective military departments, procures products and services independent of one another. While Table 1 lists four CMS currently in use by DOD investigative organizations, it does not capture all DOD law enforcement information systems acquired and sustained by other non-investigative DOD law enforcement organizations. Therefore, in addition to the four overlapping systems in Table 1, other CMS and similar information systems exist throughout the DOD, but the details of which are not available to the researchers.

Each organization duplicates the acquisition and sustainment activities when it procures a unique CMS, pre-award, award, and post-award activities are duplicated which increases acquisition program and contract management costs. In addition to each organization contributing to a DOD-wide problem of inefficient acquisition, each new CMS adds to system complexity and the potential for data incompatibility, making it more difficult to send, receive or connect information and/or data. For example, the CMS of the Air Force Office of Special Investigations (AFOSI) is not able to send or receive data to or from the CMS of the U.S. Army Criminal Investigative Division (USACID). The same applies to the CMS of the Naval Criminal Investigative Service (NCIS) and the CMS of Air Force Security Forces. The lack of interoperability prevents synergy that could improve the effectiveness and efficiency of DOD investigations and other law enforcement functions.

Decentralized acquisition in the DOD is not limited to information systems. It also affects the physical goods the DOD procures. Consumables such as clothing for DOD law enforcement personnel, weapons, and other personal protective equipment required to ensure the safety of its law enforcement personnel are obtained in a decentralized manner via separate military departments. It also prevents the use of consolidated acquisitions and category management, shared services, and/or outsourcing has the potential to lower both operational and acquisition costs. Centralizing the acquisition of DOD law enforcement products and services would enable the DOD to capture both efficiencies and economies of scale.

2. Potential Impact of Service Acquisition Strategy on DOD Law Enforcement

“The point of the strategy-making process is to choose the best course of action from a set of potential options, which means insisting on the development of multiple plausible options that are presented equally and without bias” (Meiser, 2017). The DOD does this relatively well through its use of service acquisition strategy. The goals of virtually any service acquisition are to find and obtain the best possible service(s) for the customer at a fair and reasonable price to both the DOD and the contractor. Part of the plan(s) for achieving these goals involves identifying existing opportunities to acquire the service or identifying alternatives to the service requested that meets or exceeds the customer’s requirement(s). Consolidation and centralization have been well established as a way to capture economies of scope and scale, particularly for shared services, outsourcing, and category management in government and large-scale organizations. The Office of Management and Budget (OMB) memorandum titled *Centralized Mission Support Capabilities for the Federal Government* (2019) articulated the key role centralization played in modernizing the Federal Government and improving mission outcomes, provide services, and stewardship of taxpayer dollars. The recommendations were substantiated via analysis of the implementation of common standards and shared services at International Business Machines (IBM) (Proctor & Gamble, 2011) where savings and cost avoidance delivered \$9 billion and \$900 million, respectively (OMB, 2019). Similar value in consolidation and specialization can be established through wide recognition of the value in outsourcing. The Director of the Defense Information Systems Agency (DISA), Lieutenant General (Lt.Gen.) Robert Skinner plans to increase efficiency and capture cost savings by embracing the DOD’s push to outsource information technology (IT) services to vendors (Eversden, 2021). Lt.Gen. Skinner (Eversden, 2021) describes his rationale:

Why would the government develop something when there is something that’s already out there from a commercial standpoint? Or why would we take something that’s commercial and ... bastardize it to the point of it is a one-off or it’s very unique, just for the government?

The Air Force is also exploring options to address the worldwide pilot shortage by outsourcing pilot training using programs that deliver to the same standard of training as Air Force training programs (Pawlyck, 2021). In addition, the Government Accountability Office (GAO) has established the potential for consolidation of category management to save the “federal government billions of dollars each year by improving how agencies buy common products and services” (DiNapoli, 2021).

One barrier to the DOD to obtain a better value through its law enforcement procurement, aside from decentralization, is the lack of understanding of law enforcement’s place within the DOD. Leadership in the Office of the Secretary of Defense (OSD) and the military departments have failed to recognize the cross-cutting nature of DOD law enforcement. Law enforcement is utilized by commanders at all levels to ensure good order and discipline as well as provide valuable combat support. Military installation commanders utilize it to protect their forces and the families that work and live on their installation. The theater security plans of Combatant Commanders (CCDRs), according to the Office of the Provost Marshal General (OPMG), often include developing an effective local police force and operating in international norms to prevent domestic conflict as well as building partner policing and corrections capacity to enhance regional stability (OPMG, 2016). DOD law enforcement also provides security for infrastructure critical to the DOD and investigates crimes that are committed against its personnel, property, programs, and operations. As a result, DOD law enforcement is, in many respects, an enterprise service. Unlike the Department of Justice (DOJ) where law enforcement is the mission, law enforcement in the DOD exists to support the mission of the Department, making law enforcement a service utilized by the DOD. Using this logic, the DOD should apply a service acquisition strategy—particularly the service acquisition process—to identify what it needs to procure and the best method of procurement. However, this cannot and will not occur with the current, decentralized structure of DOD law enforcement. Centralization is required to improve the effectiveness and efficiency of not only acquisition but the performance of law enforcement in the DOD.

3. Summary

This section has presented the background on the challenges associated with the acquisition as it relates to law enforcement in the DOD, as well as an existing approach the could be utilized by the DOD to make its law enforcement acquisitions and performance more effective and efficient. This research will examine how the DOD can employ the service acquisition process to eliminate fragmentation and duplication in law enforcement acquisition, identify areas of improvement in procurement, realize cost savings, and increase the speed of procurement, all while improving the performance of its law enforcement functions. By doing so, the DOD will capture economies of scale and lower the costs to perform law enforcement and returning additional value to the taxpayer.

B. PROBLEM STATEMENT

The DOD is a sprawling enterprise in which each organization fulfills a separate role in delivering its mission and functions. The structure of the DOD's law enforcement organizations and their functions creates duplication across the DOD that has led to the inefficient acquisition and less than optimal return on investment. Misalignment with national and defense strategies, inadequate attention and concern by DOD leadership, and the underutilization of acquisition as a driver of strategic change, have all contributed to the current state of affairs. The DOD's policy generally does not prevent duplication in the acquisition of products and services for DOD law enforcement and the law enforcement organizations of the DOD do not have their acquisition authority, law enforcement acquisition is dispersed across entities in the military departments that are unfamiliar with their requirements. This system creates the opportunity for inefficiencies in law enforcement acquisition, making it challenging to achieve efficiencies and cost savings through the consolidation and centralization of some functions, sharing or outsourcing services, and implementing category management.

C. RESEARCH OBJECTIVES

The primary objective of this research is to determine the extent to which law enforcement in the DOD can be performed with greater effectiveness and efficiency. To support this objective, this research will examine DOD strategy documents of law

enforcement and the service acquisition process to identify areas of improvement in DOD law enforcement acquisition. The examination will also entail a comparison of the law enforcement functions between DOD, DOJ, and DHS to identify areas where DOD strategy and the service acquisition process intersect.

The secondary objective of this research focuses on identifying methods to increase effectiveness and efficiency in DOD law enforcement acquisition through changes in DOD law enforcement structure and functions utilizing the service acquisition process. To this end, an examination of similarities and differences in the history of reform in various functions of the DOD is examined. A discussion of proposed acquisition reforms for DOD law enforcement products and services will occur that also identify the need for restructuring DOD law enforcement organizations, responsibilities, and leadership.

D. RESEARCH QUESTIONS

Information presented to this point briefly describes how the DOD can benefit from reform in its law enforcement structure and functions to make the Department more efficient. The following research questions were created to answer research objectives. These research questions will direct the course of this research which will conclude in their answers provided in Chapter IV as well as the conclusion of this research in Chapter V.

1. Primary Research Questions

The acquisition of services in the DOD follows a standard three-phase, seven-step process according to the 2013 Defense Acquisition Guidebook (DAG). According to AcqNotes (2021), the service acquisition process starts with a valid mission requirement for a service essential for execution. “The process starts with a valid mission requirement for a service essential for the execution of an organizations mission. The process continues through a planning phase, which develops the foundation for defining your requirement and business strategy, and ultimately ends with the delivery and assessment of the services provided” (AcqNotes 2021). Therefore, the authors of this research posit that examining DOD law enforcement acquisition through the lens of the service acquisition process will identify inefficiencies in DOD’s current acquisition practices for DOD law enforcement

and subsequently identify avenues to improve both the efficiency and effectiveness of DOD law enforcement acquisition.

First, those responsible for providing and receiving DOD law enforcement functions require identification. As a result, a clear understanding of where DOD law enforcement fits into national strategy and subsequent DOD strategies is critical. Second, an understanding of relevant strategies is required to identify the objectives of DOD law enforcement determine DOD law enforcement requirements.

a. Primary Research Question 1:

Based on the service acquisition process Step 1 (Form the Team), what personnel has knowledge, functions, and authority to reform DOD law enforcement acquisition?

b. Primary Research Question 2:

Based on the service acquisition process Step 2 (Review Current Strategy), what are the current strategies that pertain to DOD law enforcement acquisition?

2. Secondary Research Questions

Strategy is used to determine objectives that in turn are used to create plans to achieve those objectives. In addition to identifying objectives, strategies also prioritize these objectives which in turn impacts resource allocation for the acquisition of products and services through procurement. Therefore, based on the service acquisition process, an exploration of existing DOD law enforcement functions and organizations is necessary to assist in developing DOD's law enforcement requirements. This allows well-informed market research to shape DOD law enforcement requirements that, in turn, are used to develop a plan for acquiring DOD law enforcement products and services more cost-effectively with increased speed and efficiency.

a. Secondary Research Question 1:

Based on the service acquisition process Step 3 (Market Research), what does market research reveal about capabilities existing outside the DOD that

are available to satisfy the Department's law enforcement needs while reducing acquisition costs?

b. Secondary Research Question 2:

Based on the service acquisition process Step 4 (Define Requirements), what must the DOD provide to support its own needs and the needs of external stakeholders for law enforcement?

c. Secondary Research Question 3:

Based on the service acquisition process Step 5 (Develop Strategy) what reforms are required to deliver best-value mission performance for DOD law enforcement?

E. PURPOSE/BENEFIT

It could be easily argued that the DOD is overstaffed and structured into too many unique entities to effectively and efficiently fulfill its limited law enforcement responsibilities. DOD's jurisdiction is limited to the performance of law enforcement activities to matters that impact the personnel, property, programs, and operations of the DOD, by comparison, the DOJ and DHS are not limited to matters that only impact their respective executive departments. Fundamental differences in missions and priorities between the DOD, DOJ, and DHS result in disparities in the execution of these functions. Despite this disparity, DOD has 14 law enforcement entities while the Department of Justice (DOJ) and the Department of Homeland Security (DHS) have a combined total of 11 law enforcement entities and much broader jurisdictions. One contributing factor to the DOD's inefficient structure and acquisition is the DOD's division of certain law enforcement functions among the military departments and their respective military services.

Some laws limit the DOD's ability to enforce the law in civilian domains such as the Posse Comitatus Act (PCA) and other USC statutes. As a result, the DOD provides support to civil authorities through a shared services model between agencies. The additional use of shared services with civil authorities at the federal and state level has the potential to improve acquisition efficiency and reduce the type or quantity of personnel required for law enforcement. However, the DOD has shown reticence toward maximizing

such approaches by incorrectly utilizing law and DOD policy to simultaneously restrict its involvement in certain law enforcement matters. For example, although the text of the PCA only applies to the Army and the Air Force, DOD regulations and policies direct that the Navy and the Marines are subject to the same restrictions (O'Hara, 2005). This is despite various doctrines, policies, and case law that support and allow greater involvement in civilian, domestic law enforcement by the DOD. The decentralized nature of the DOD adversely impacts the execution of its statutory and mission required law enforcement functions through previously discussed instances where coordination and collaboration are conspicuously absent as well as the lack of single, dedicated individual, outside of the SECDEF with the authority to compel coordination and coordination among DOD law enforcement organization when it does not occur voluntarily. The reason for inefficient performance and acquisition is surmised by asking one simple question: Who is in charge of DOD law enforcement?

Former Secretary of Defense (SECDEF) Robert Gates, in his 2014 memoir titled *Duty: Memoirs of a Secretary at War*, stated there is unparalleled power and resources are available to the SECDEF. However, very few SECDEF's have used their immense power to reform the DOD law enforcement structure and acquisition to free resources for the war fighters. Case in point, despite recommendations to former SECDEFs from two 1990s working groups regarding CMS systems, DOD law enforcement organizations have incurred additional costs due to the lack of an integrated CMS. Savings generated from more efficient law enforcement acquisitions could be redirected toward additional investment in existing warfighter capabilities or generating new capabilities through greater investment in research and development. However, without reform championed and led by engaged leadership, increased accountability as well as effective and efficient performance in the acquisition associated with and the performance of the law enforcement in the DOD, will remain an elusive fantasy. It was the personal engagement by the Director of the Federal Bureau of Investigation (FBI) that facilitated the restructuring of the FBI after the terrorist attacks of September 11, 2001 (9/11) as previously decentralized functions were centralized to improve coordination. Former FBI Director Robert Mueller's belief that centralized management would improve coordination and communication with

other federal agencies and increase internal coordination between field offices for investigative activities and information sharing (Gulati et al., 2010) drove him to push for centralization of much of the FBI's counterterrorism program.

The DOD has a history of reform to improve effectiveness and efficiency in many support areas with great success. Perhaps the reform effort most relevant to this research is the establishment of combat the National Security Agency (NSA)—the first defense agency in the DOD. The establishment of the NSA resulted from both the failure of numerous working group equivalents, such as boards and committees, as well as significant leadership engagement by President Harry Truman. President Truman directed the Brownell Commission in 1951 to examine the decline in quality intelligence obtained by the NSA's predecessor, the Armed Forces Security Agency (AFSA), in the period after World War II and into the Korean War. According to Hatch (2003), in describing problems with coordination and realizing cost savings, stated:

After World War II, the Army and Navy cryptologic organizations sought to eliminate duplication of effort and surmount budget difficulties by forming a cooperative organization, the Joint Operating Plan [JOP]. However, the JOP administrator did not have sufficient authority to achieve these goals. A later attempt at unification, the Armed Forces Security Agency, did well in intelligence production, but failed to achieve the savings expected of it. It also failed to bring the Service Cryptologic Agencies into closer cooperation.

To address the above issues as well as issues with intelligence consumer dissatisfaction, the Brownell Committee recommended the centralization of what are today the NSA's functions of signals intelligence (SIGINT). The final Brownell Report provided a strong indictment of AFSA which failed to centralize military SIGNINT and coordinate with civilian agencies such as the FBI and Central Intelligence Agency (CIA). As a result of these and other failures outside the scope of this research, the Brownell Committee recommended the establishment of a single organization to manage the SIGINT activities of the DOD. It also recognized that SIGINT is a national asset and recommended the NSA also serve as the SIGINT central organization for the entire federal government. Executive Order (EO) 12333 states "no other department or agency may engage in signals intelligence activities except pursuant to a delegation by the [SECDEF]." NSA also has its acquisition

authority and utilizes acquisition pathways geared toward intelligence agencies as Title 50 of the United States Code (USC) authorizes the Director of the NSA to enter into contracts or make grants in any fiscal year based on appropriated funds.

Poor strategic management, bureaucracy, and inadequate attention to the problem have contributed to the DOD's inability to manage talent, leverage resources, and maximize its authority to provide much-needed reform. Since no one person oversees the enterprise-wide function of DOD law enforcement, there is both no one accountable for the previously mentioned law enforcement acquisition issues and also no advocate for department-wide change. In addition to ineffectiveness and inefficiency, the DOD has incurs significant costs due to losses in buying power for the procurement of products and services. Former Undersecretary of Defense (USD) Frank Kendall introduced the Better Buying Power (BBP) initiative in 2014 to capture greater efficiency and productivity in defense spending by effectively delivering the warfighting capabilities needed for the money available (AcqNotes, 2021). Reforms in DOD law enforcement acquisition can contribute to BBP initiative, now in its fourth iteration. There are potential solutions to these issues commonly found in the private sector, such as enterprise and shared services. While the Department of Commerce (DOC) and the FBI have utilized enterprise and shared services to increase efficiency and provide better service delivery, the DOD is slow to adopt such approaches.

F. SCOPE/METHODOLOGY

Descriptive research will explore DOD law enforcement acquisition and performance through the identification, examination, and analysis of relevant strategies and policies. This research will utilize the service acquisition process as the foundation for analysis. A comparative analysis of the current functions of the DOD's law enforcement organizations and those of the DOJ and DHS will occur in conjunction with a descriptive analysis of law enforcement acquisition utilizing the service acquisition process. An examination and analysis of this and other information will identify and explain the advantages and disadvantages of reforming the DOD law enforcement acquisition based on the correlating functions of DOJ and DHS organizations. This will include a discussion

of advantages, disadvantages, and barriers to DOD law enforcement acquisition reform, both past, and present that are relevant to this research. The intent is to provide insight into whether previous reform studies as well as reform discussed in this research, if executed, will provide greater effectiveness and efficiency in the DOD that will, in turn, benefit the war fighters and other stakeholders. This research will address improvements of acquisition and performance that can reduce costs and allow for reinvestment in other areas of the DOD to provide insight as to whether reform will lead to greater efficiency.

G. THESIS STATEMENT

This research will examine, analyze, and determine challenges related to strategy in the execution of the DOD's law enforcement acquisition and functions. The service acquisition process will serve as the basis for analysis through data obtained for this research. Additional discussion on the matter will examine avenues for reform that involve micro-restructure and macro-restructure approaches with the potential to increase effectiveness and efficiency in DOD law enforcement acquisition.

H. REPORT ORGANIZATION

Chapter I provided a synopsis of the current challenges in DOD law enforcement acquisition and how utilizing the service acquisition strategy as a guide for reform can increase both effectiveness and efficiency in law enforcement acquisitions within the DOD. Chapter II provides general information on the functions and structure of DOD law enforcement and proposes the centralization of DOD law enforcement as a solution to acquisition challenges. Further, Chapter II discusses previous and current centralization efforts in the DOD that are relevant to the thesis of this research. Chapter III utilizes two phases and five steps of the service acquisition process to analyze the data collected and examined regarding DOD law enforcement acquisition. This research concludes with Chapter IV that, through the analysis from Chapter III, walks through the decision-making process for determining if centralization is viable for DOD law enforcement acquisition. Chapter IV closes with recommendations that provide avenues for reform in DOD law enforcement acquisition utilizing centralization as its foundation.

I. SUMMARY

This chapter reviewed the structure and functions of the DOD's law enforcement as well as challenges that impact acquisition in DOD law enforcement. The problem statement posits that due to DOD's size and the decentralized nature of its acquisitions, DOD law enforcement is not able to obtain cost savings and other efficiencies gained through centralization that may allow for increased utilization of shared or outsourced services as well as category management. The research questions, formed through five of the seven steps of the service acquisition process, lay the foundation that for the method of analysis to examine the thesis of this research.

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II. LITERATURE REVIEW

Lower budgets and the uncertain national security environment place a premium on operational effectiveness and management efficiency (Commission on Roles and Missions of the Armed Forces, 1995). Therefore, modern-day reform is critical to efforts within the DOD to eliminate or significantly reduce duplication— particularly in the area of DOD law enforcement acquisition. The decentralized organizational structure of DOD law enforcement prevents coordination and collaboration and presents a significant challenge for much-needed DOD law enforcement acquisition reform. However, to begin such reform, an understanding of why law enforcement functions exist in the DOD is needed.

A. LAW ENFORCEMENT FUNCTIONS OF THE DOD

The DOD needs to perform law enforcement functions related to its personnel, property, programs, and operations to ensure their protection and availability for the national security of the country. DOD law enforcement functions include enforcing federal criminal and civil laws including but not limited to fraud, corruption, embezzlement, theft, drugs, computer network intrusions, and other cyber activities affecting or involving DOD interests and personnel. The responsibility for and the authority to conduct investigations of these crimes are vested, through the SECDEF, in both civilian and military personnel of the DOD through Title 10 of the United States (U.S.) Code (USC).

Military service members, unlike civilians, are subject to both the traditional civilian justice system and a separate justice system under military law. The Uniform Code of Military Justice (UCMJ) is codified in Chapter 47 in Title 10 of the USC and includes offenses either not found in civilian law or classified as lesser offenses under civilian law but that the military elevates to a higher degree to maintain the good order and discipline of the armed forces. For example, adultery is not a crime under civilian law, but it is under military law in the UCMJ. States vary in their interpretation of military law when determining if an offense under military law in the UCMJ is a felony or a misdemeanor. Since the UCMJ does not explicitly differentiate between felony and misdemeanor crimes, the DOD uses policy to classify crimes as misdemeanors or felonies primarily based on the

potential sentence imposed for a particular offense. For example, the Manual for Courts-Martial, the official guide for the military justice system under the UCMJ, aligns offenses under the UCMJ with the division between felony and misdemeanor penalties for offenses in civilian jurisdictions. This is in contrast to civilian law enforcement agencies, which through state and federal law, have clear demarcations between misdemeanors and felonies which establishes jurisdiction and aids in resource allocation and determining responsibility for certain offenses. For example, Title 18 of the USC titles *Crimes and Criminal Procedure*, as well as most state penal codes explicitly separate felony and misdemeanor level offenses.

Enlisted and officer military servicemembers utilize authority granted by the UCMJ to enforce military law as are civilian police officers and investigators of the DOD. By contrast, civilian officers, investigators of local and state law enforcement agencies, and federal law enforcement personnel outside DOD are not authorized to enforce military law under the UCMJ. However, they can exclusively enforce civilian law against military members when an offense occurs off a military installation and may do so when an offense occurs on a military installation under circumstances such as matters of concurrent jurisdiction discussed later in this research. Even in matters of concurrent jurisdiction, the DOD may still pursue action under the UCMJ as servicemembers, unlike civilians, are held accountable to two justice systems—military and civilian.

Certain intelligence activities and all acts of terrorism violations of federal criminal law, fall under the CI and CT are intelligence functions of the DOD. These are conducted under authority derived from law and implemented through DOD policy. DOD Directive (DODD) 5240.02 titled *Counterintelligence* (2018) defines CI as “information gathered and activities conducted to identify, deceive, exploit, disrupt, or protect against espionage, other intelligence activities, sabotage, or assassinations conducted for or on behalf of foreign powers, organizations, or persons or their agents, or international terrorist organizations or activities.” CI activities include intelligence analysis, intelligence collection, CI investigations, and CI operations. The ultimate goal of these functions is to protect DOD personnel, property, programs, and operations from hostile domestic and foreign threats.

Unlike the CIA and FBI, the DOD tends not to separate CI and CT, predominantly fulfilling its CT functions, in a law enforcement sense, through force protection (King & Woods, 2009). The *DOD Dictionary of Military and Associated Terms* (2020) by the Joint Chiefs of Staff (JCS), defines “force protection as preventive measures taken to mitigate hostile actions against DOD personnel (to include family members), resources, facilities, and critical information”—very similar to the goals of CI. However, DOD defines terrorism as an “unlawful use of violence” (Joint Chiefs of Staff, 2020, p. 215). Additionally, DOD’s policy places its CT functions under the cognizance of the DIA which is an intelligence organization. This adds to fragmentation in DOD law enforcement and impacts acquisition as program management for CT is overseen. Furthermore, while CT functions related to law enforcement are performed by law enforcement organizations, all have been funded and managed by the military departments. Additionally, despite being the program manager for CT within the DOD and having its acquisition authority, the DIA does not serve as the acquisition executive for CT related DOD law enforcement products and services.

B. STRUCTURE OF DOD LAW ENFORCEMENT

While the SECDEF bears primary responsibility for law enforcement in the DOD, it delegates the responsibility for performing law enforcement functions to others in the Department—primarily the Secretaries of the military departments. These Secretaries are commonly referred to as Service Secretaries because their departments oversee the military services within their military departments. The Service Secretaries in turn delegate their authority to others within their respective military departments and their military services for execution. This is accomplished through Military Criminal Investigative Organizations (MCIOs) and military police that are charged with performing law enforcement functions on behalf of the SECDEF and the Service Secretaries. The MCIOs primarily conduct law enforcement through criminal investigations while the military police conduct law enforcement by ensuring compliance with applicable laws and regulations to preserve order and safety, primarily on and around military installations. When referred to collectively, the MCIOs is described as the Defense Criminal Investigative Organizations (DCIOs).

Many of the DCIOs are also designated as Military Department Counterintelligence Organizations (MDCOs) which, as CI elements of their respective military departments, are authorized to conduct CI investigations (DOD, 2018). As defined by the DOD, “a CI investigation is a formal investigative activity undertaken to determine whether a particular person is acting for or on behalf of a foreign power” (DOD, 2018). While not explicitly recognized as a criminal investigation, a CI investigation can result in violations of criminal law. As a result, the MCIOs also serve as the MDCO for their respective military departments as listed in Table 2. The MCIOs and MDCOs conduct felony-level investigations that primarily impact the personnel, property, programs, and operations of their respective military departments (authority). Their areas of concentration are primarily violations of military law, but also include violations of civilian law impacting their military departments (jurisdiction) with certain limitations and exceptions.

Table 2. DOD Investigative and Counterintelligence Organizations

Agency Name	Military Department	Military Service	Role	Composition
Air Force Office of Special Investigations	Air Force	Air Force	MCIO & MDCO	Military & Civilian
Army Criminal Investigation Command	Army	Army	MCIO	Military & Civilian
Army Counterintelligence	Army	Army	MDCO	Military & Civilian
Defense Criminal Investigative Service	N/A	N/A	DCIO	Civilian
Naval Criminal Investigative Service	Navy	Navy & Marine Corps	MCIO & MDCO	Civilian
Coast Guard Investigative Service	N/A	N/A	N/A	Military & Civilian

The Defense Criminal Investigative Service (DCIS) is designated a DCIO rather than an MCIO because it does not fall under the authority of the military department. Unlike the MCIOs who are typically limited to their respective military departments, the DCIS is the investigative arm of the IG DOD and has jurisdiction across military departments. Additionally, when referring to all of the investigative organizations, the DCIS is listed as a DCIO along with the MCIOs. The Coast Guard Investigative Service (CGIS) is not an MCIO, MDCO, or DCIO because, like the DCIS, it does not fall under a military department. While the U.S Coast Guard can fall under the Navy during the war,

in times of peace, it is an organization of the DHS. However, CGIS personnel attend the same or similar training as DCIO personnel and also conduct investigations into violations of military law.

In addition to MCIOs, MDCOs, and DCIOs, each military department has military police officers that are analogous to police officers or deputy sheriffs. While terminology differs between the military services, they are colloquially referred to as MPs, an abbreviation for military police. MPs ensure the safety and security of the personnel and property of their military installations through law enforcement functions that include, but are not limited to, traffic enforcement, access control, and the enforcement of military law. While MPs are primarily military service members, military services supplement their police organizations with civilian officers. For this research, the term MPs will refer to both military and civilian police officers. In addition to MPs who perform the aforementioned functions, the military departments also have MPs that can perform investigations. Again, the terminology differs between military departments, but they are colloquially referred to as military police investigators (MPIs) or investigators. They have the authority to conduct certain felony and misdemeanor-level investigations within their respective military departments. However, their jurisdiction is strictly limited to violations of military law and typically restricted to misdemeanor-level offenses. Table 3 provides a listing of military police organizations and their respective investigative entities.

Table 3. Listing of Military Police Organizations

Organization Name	Military Department
Army Military Police Corps	Army
Army Military Police Investigators	
Navy Security Force	Navy
Navy Security Force Investigators	
Marine Corps Military Police	
Marine Corps Criminal Investigative Division	
Air Force Security Forces	Air Force
Air Force Security Forces Investigators	

The DOD is comprised of the three military departments as well as defense agencies and defense field activities (DAFAs) that are colloquially referred to as the Fourth Estate

within the DOD. Some of the DAFAs also perform law enforcement, but primarily by policing rather than investigating, as they perform access control and enforcement of laws and regulations on their respective installations. Table 3 lists the law enforcement organizations of the defense agencies in the Fourth Estate.

Table 4. Listing of Defense Agency Police Organizations

Organization Name	Defense Agency
National Security Agency Police	National Security Agency (NSA)
Defense Logistics Agency Police	Defense Logistics Agency (DLA)
Defense Intelligence Agency Police	Defense Intelligence Agency (DIA)
National Geospatial Intelligence Agency Police	National Geospatial Intelligence Agency (NGA)

Unlike the police organizations of the military departments, the police organizations of the defense agencies are comprised exclusively of civilian personnel. Their jurisdiction is limited to the area on a military installation their agency occupies—a jurisdiction smaller than that of the police organizations of the military departments.

C. THE STRUGGLE FOR CONTROL

During a panel discussion at the Center for Strategic and International Studies in 2016, former Director of the NSA, Admiral Michael Rogers (Ret.), stated, “the government learned the lessons of 9/11 and has integrated the military, intelligence community, and law enforcement in ways that well-developed allies have not” (Garamone, 2016). The DHS was established post 9/11 through the consolidation of 22 executive branch organizations from seven executive branch departments to enhance the effectiveness and efficiency in addressing threats to the U.S. homeland. The Office of the Director of National Intelligence (ODNI) was established to provide central management of coordination and tasking within the IC. However, to date, the DOD has not made similar reforms in law enforcement as the DHS or the FBI of the DOJ as discussed later in this research.

One of the reasons the DOD was not included in previous intelligence, law enforcement, CI, and CT reform efforts may pertain to a cultural issue within the DOD that Admiral Rogers describes as misplaced managerial emphasis. According to Garamone

(2016), Admiral Rogers stated, when it comes to control and outcomes, that outcomes should be the driver as it relates to the key factors of agility and speed to intelligence. Admiral Rogers further asks “Could we focus a whole lot less on control and who ‘owns’ this? ... Because, we aren’t going to get the speed and agility if we can’t do this in a different way” (Garamone, 2016).

In the discussion of reforms and authorities granted under the Intelligence Reform and Terrorism Prevention Act of 2004, Jones (2005) states, “the DOD’s proclivity to resist control while co-opting national intelligence functions is especially likely to frustrate the new authority [of the DHS] to the detriment of overall national security.” As with the establishment of the NSA discussed previously in this research, control routinely appears as the common theme in resistance to consolidation or centralization efforts despite their proven ability to improve effectiveness and efficiency. According to Jones (2005), “with the majority of national intelligence assets residing in the DOD, the question is not so much whether centralized control over the community will succeed as whether such control will be civilian or military.” All DOD efforts to integrate functions considered as operational vice administrative appear to consistently result in a model that allows the military departments to retain some level of operational control—the NSA and the DIA are prime examples of that type of structure. Both organizations fulfill the need for central management of their respective intelligence functions to ensure strategic synergy while the military departments maintain their capabilities to fulfill their specific tactical needs. The geographical and functional Combatant Commands (COCOMs) are similar examples of sharing control which allowed for the success of central organizations such as the NSA and DIA. While the Combatant Commander (CCDR) has operational control of the personnel from the military services that comprise the COCOM, the military departments still maintain administrative control of their personnel. Therefore, any proposed reform of law enforcement has the potential to face less resistance by the military departments if it allows them to maintain some level of control over their personnel.

D. SUCCESSES OF INSTITUTIONAL REFORM IN THE DOD

While some consolidation and centralization efforts were directed by law, such as the establishment of the National Geospatial-Intelligence Agency via the NDAA for FY 1997 to consolidate military department imagery intelligence into a central organization, the vast majority of consolidation and centralization of functions within the DOD was initiated and instituted by the DOD itself without Congressional direction via legislation or directive from the President such as the establishment of the NSA by President Truman via a classified directive.

After the creation of the National Military Establishment in 1947, a single management system was instituted where each military service split the provision of common articles among themselves (Williams, 2019). To an extent, this model continues to this day through the DOD Executive Agent (EA) model discussed later in this research. The previously mentioned provisions included items such as fuel, food, clothing, and spare parts for equipment and platforms utilized across the DOD. While the procurement of these products was carried out by the military services, the personnel performing these functions were largely civilian. In 1961, SECDEF Robert McNamara directed one of many studies of the defense acquisition system to reduce the cost of weapon system acquisition and eliminate duplication in the purchase of supplies and equipment (Morgan, 1966). The result of the 1961 study was the creation of today's DLA. The mission of the DLA is to provide central, integrated management over the procurement and handling of supplies common to all the services (Morgan, 1966). Through consolidation and standardization, the DLA accomplished the procurement and management of supplies under the single manager system while reducing the number of staff in military departments by more than 3,000 employees (Williams, 2019). Additionally, the consolidation reduced military department bureaucracy and standardized supply procedures, delivering efficiencies through the consolidation of procurement and central management of common supplies. In its first year, the DLA exceeded Secretary McNamara's goals by realizing \$225 million in savings (Williams, 2019).

The creation of the Defense Contract Management Agency (DCMA) is another example of reform by SECDEF McNamara. In 1962, Secretary McNamara commissioned

what was known as Project 60 whose focus “was to establish uniform field procedures covering all contract management functions” (Roman & Smith, 1966). At that time, there was significant overlap in what Roman and Smith (1966) defined as “contract administration which entailed all those actions which are accomplished in the field for the benefit of the government which are necessary to the performance of a contract or in support of the buying organization.” Roman and Smith (1966) distinguished between contract administration and program management functions. Contract administration from a central agency like the DCMA would complement the program managers or buying offices of the military departments by providing support services that are military department agnostic. This, in turn, would allow the military departments to focus more on “contract execution responsibilities such as changes in contract terms relating to scope of work, schedule, or technical specifications” (Roman & Smith, 1966). As the customer, the military departments were freed to focus on contract management instead of contract administration. Project 60 estimated that eliminating the inconsistencies and overlapping responsibilities in contract administration by the military departments would result in \$11 million per year in cost savings (Roman & Smith, 1966). A revised study after the publication of Project 60 increased the cost savings from consolidated contract administration to approximately \$19 million per year (Roman & Smith, 1966). Fast forward to FY 2020, when the DCMA recovered \$591 million through contract actions, saved the DOD \$29.2 million, and allowed the DOD to avoid costs totaling \$2.3 billion (DCMA, 2021). The DCMA accomplished these cost savings while administering \$5.2 trillion across over 265,000 contracts. Overall, in “the fiscal year 2020, DCMA saved, recovered or avoided \$2.9 billion against its an annual \$1.4 billion budget. The agency has produced a 2:1 or better return for the past five years, averaging a return of \$2.75 for every dollar invested” (DCMA, 2021).

E. CURRENT DOD ACQUISITION REFORM EFFORTS FOR DOD LAW ENFORCEMENT TO MODEL

For a long time, the DOD has faced concerns about inefficiencies in the Military Health System (MHS). In response to a requirement in the NDAA for FY 2013 for the DOD to implement health care reform, the DOD created the Defense Health Agency

(DHA) which became a Fourth Estate defense agency and was also designated a combat support agency—designations the NSA and DIA also have. DHA was established “to create a more integrated [MHS] and achieve cost savings at headquarters-level organizations by, among other things, streamlining the administrative support for the military departments’ respective medical programs” (Farrell, 2019). To achieve the previously mentioned objectives, the DHA would “provide administrative support for the military departments’ medical programs by [implementing] common clinical [and] business processes and combining common shared services” (Farrell, 2019). The DHA was also to coordinate the work of the military departments’ Medical Treatment Facilities (MTFs) as well as care purchased from the private sector. At the time of its establishment, the DHA assumed authority, direction, and control over six MTFs in the National Capitol Region, including the well-known Walter Reed National Military Medical Center. “MTFs, which include military hospitals, ambulatory care clinics, and dental clinics, are part of the direct care system” (Farrell, 2019). Direct care refers to military hospitals and military clinics that are known as MTFs. The medical support organizations and health care facilities “owned by DOD and managed by the military departments’ respective Surgeons General” comprise the direct care system. “In December 2016, Congress expanded the role of the DHA by directing the transfer of responsibility for the administration of each MTF from the military departments to the DHA” (Farrell, 2019). However, the MHS was still in need of additional reform. The second interim report of the Congressional Conference Committee report accompanying the final version of NDAA for FY 2017 stated:

After careful study and deliberation, the conferees conclude that a single agency responsible for the administration of all MTFs would best improve and sustain operational medical force readiness and the medical readiness of the Armed Forces, improve beneficiaries’ access to care and the experience of care, improve health outcomes, and lower the total management cost of the military health system. (Congressional Conference Committee Report, 2017)

The above statement establishes the value of central management of defense-wide services. The NDAA for FY 2017 also divided the administration and operation of the MHS and MTFs between the DHA and the military departments. Per the NDAA for FY 2017, the “Director of the DHA is responsible for the administration of each military MTF with

respect to budgetary matters; health care administration and management; administrative policy and procedure; military medical construction, [IT] and any other matters the [SECDEF] determines appropriate.” Since the MTFs remain under the military departments, military commanders per the NDAA for FY 2017 are “responsible for ensuring the readiness of the members of the armed forces at the MTFs furnishing the health care and medical treatment” provided by MTFs on behalf of the DHA. As previously mentioned in this research, reform models on combat support functions that keep control of certain functions and military personnel within the military departments while shifting administrative matters to a centralized entity outside the military departments, are the preferred method of reform by the DOD as previously discussed with the NSA and the DIA. In the final report regarding the implementation of the DHA reform per the NDAA for FY 2017, the DOD shifted “management responsibilities for civilian employees and contractor personnel performing health care delivery functions and operations” to DHA while the military departments maintained responsibility for uniform personnel performing such functions and operations. This was a shift from the originally planned Component Model where the military departments’ Surgeons General, who are military servicemembers, reported to the Director of the DHA who is a civilian.

The DOD maintains a sprawling retail operation through its commissaries and exchanges located around the world. While the establishment of the Defense Commissary Agency (DeCA) in 1991 merged all the independent commissaries of the military services, the exchanges were not included in the reform. The potential consolidation of DOD’s commissaries and exchanges had been examined in 12 studies between 1989 and 2015 that, while varied in scope, overwhelmingly recommended some form of consolidation (DOD, 2019). After a Government Accountability Officer (GAO) review of its analysis, the DOD projected a net savings of between \$309 million and \$739 million of combined appropriated and non-appropriated funds over the first five years of consolidation and recurring annual savings between \$255 million and \$457 million per year thereafter (Field, 2020). DOD commissaries and exchanges contract with a highly overlapping set of vendors as do DOD law enforcement entities. This potentially reduces the DOD’s buying power by not allowing for price negotiations and discounts based on buying in bulk. A task force

directed by the Deputy Secretary of Defense (DEPSECDEF) and managed by the former Chief Management Officer (CMO) of the DOD, conducted a business case analysis that recommended category management and highlighted the benefit of mergers. According to the task force's business case analysis, category management reforms include shifting the volume of goods purchased between different vendors, reducing the number of brands and products on store shelves, and selling more private label products (Field, 2020). Field (2020) cited DeCA officials who stated that DeCA implemented category management reforms in FY 2017 and DeCA began realizing savings from the reforms in FY 2019, totaling approximately \$50 million. The task force's business case analysis also stated retailers often pay different costs for identical products, and mergers are an opportunity for retailers to compare costs across a larger combined organization and make decisions that maximize savings (Field, 2020). Therefore, applying the common place commercial business practice of mergers can result in significant savings and more efficient operations. Despite the above-mentioned benefits, members of the task force informed the GAO that concerns expressed by the military departments of the merger were possibly motivated by a general opposition to consolidation. While the GAO could not conclude this was indeed the case, it is indicative of a history of resistance to mergers, consolidations, and other similar efforts in the DOD. The establishments of the NSA, DLA, and DIA are a few examples of reform efforts opposed by the military departments and only made possible the direct involvement of OSD-level leaders.

Reform in the DOD continues to this day but remains centered on the Fourth Estate. This demonstrates the Fourth Estate's ability to deliver value in the DOD through mergers and centralization. In 2019, the DEPSECDEF designated the Defense Information Systems Agency (DISA) as the single service provider to optimize network capabilities for the DAFAs of the Fourth Estate. The Fourth Estate Network Optimization (4ENO) Execution Guidance memorandum signed by the DEPSECDEF grants DISA the authority to direct the transition into a single service provider model for 14 Fourth Estate DAFAs. "The Fourth Estate Network Optimization will modernize the DOD IT architecture, consolidate networks, reduce costs, improve business practices and mitigate operational and cyber risk" (Kuykendall, 2019). Along with consolidating networks, the effort also is merging 30 help

desks into a single service, which improves user experience. Costello and Johnson (2019) cite deputy chief of the 4ENO project, Laura Herbertson, who stated “the consolidated network will also reduce redundant IT costs.” Currently, DOD law enforcement organizations and their respective functions are siloed much like the networks of the Fourth Estate.

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III. ANALYSIS

A. DEFENSE LAW ENFORCEMENT AS A SERVICE

The Defense Acquisition System (DAS) “exists to manage the nation’s investments in technologies, programs, and product support necessary to achieve the National Security Strategy (NSS) and support the U.S. armed forces” (Defense Acquisition Guidebook [DAG], 2013). As discussed later in this research, DOD law enforcement is a program the supports the U.S. armed forces. Therefore, this research posits the DOD could utilize the principles of the DAS to gauge the effectiveness and efficiency of DOD law enforcement functions as well as examine areas of reform for service delivery and procurement.

The services acquisition strategy, which describes the plan set to achieve the goals of service acquisition, “contains sufficient detail to allow senior leadership and the service acquisition category decision authority to assess whether the strategy makes good business sense, effectively implements laws and policies, and reflects management’s priorities, including affordability” (DOD, 2020). Additionally, the service acquisition strategy describes the plan to achieve the goals set in the services acquisition policy (DOD, 2020). The acquisition of services in the DOD follows a three-phase, seven-step process listed in Figure 1 from the DAG (2013).

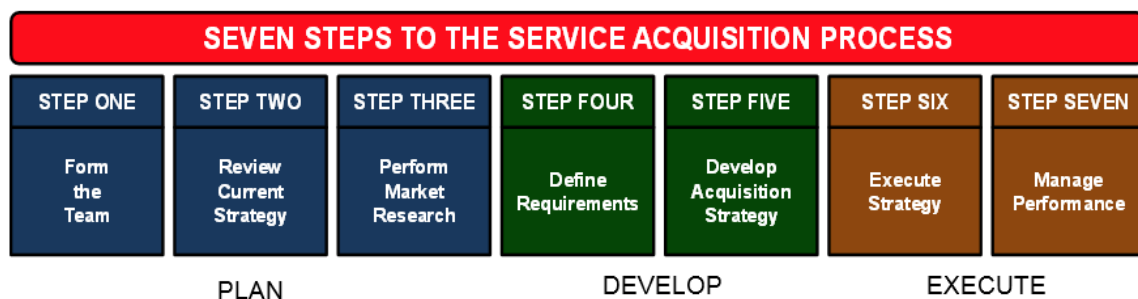


Figure 1. Seven Steps to Services Acquisition Process. Source: DOD INSTRUCTION 5000.74 (2020. p. 5).

The execute phase and its associated steps are outside the scope of this research and are an area of further study.

1. STEP 1—FORM THE TEAM

The first step in the service acquisition process involves assembling a group of individuals with varying knowledge, functions, and authority to complete the service acquisition process. The team members must “understand the requirement, understand how the requirement relates to the mission, and be able to put an executable strategy together in support of the mission” (DAG, 2013). A multi-functional team (MFT) is a “team composed of representatives from appropriate functional disciplines working together to create successful acquisition of services, identify and resolve issues, and make sound and timely recommendations to facilitate decision-making” (DOD, 2020). Table 5 identifies potential members of the MFT to complete the steps in the DOD law enforcement service acquisition process based on component and military department.

Table 5. Law Enforcement Service Acquisition Multi-functional Team

OSD	ARMY	NAVY	AIR FORCE
Inspector General of the Department of Defense	Secretary of the Army	Secretary of the Navy	Secretary of the Air Force
Undersecretary of Defense for Intelligence and Security	Provost Marshal General of the Army	Director, Naval Criminal Investigative Service	Commander, Air Force Office of Special Investigations
Undersecretary of Defense for Acquisition and Sustainment	Commander, Army Intelligence & Security Command	Commander, U.S. Fleet Forces Command	Director, Air Force Security Forces
Director of Administration and Management		Director, Security Division, Headquarters Marine Corps	

Currently, the DOD’s law enforcement functions are executed at varying levels within the Department as evidenced by the diversity of position and affiliation of the members listed in the above table. The DOD’s law enforcement functions and related intelligence functions are executed centrally through the OSD as well as in a decentralized manner through the Services. Therefore, the MFT is comprised of individuals from each of these entities.

a. Roles of MFT members

The proposed MFT for DOD law enforcement acquisition has four roles with a total of 17 team members. This appears to be a fairly large and senior team of individuals as all team members fall into one of these categories: presidentially appointed and Senate-confirmed; presidentially appointed; general and flag officers; and members of the Senior Executive Service (SES). The numerical composition of an MFT is not specified in any policy and the roles of each team member are not defined by rank. In an MFT, members serve various roles in the service acquisition process. Table 6 below lists members of the MFT for the DOD's law enforcement service acquisition process based on their respective team roles.

Table 6. Listing of Multi-Functional Team Members by Role

Decision Authority	Undersecretary of Defense for Acquisition and Sustainment	Undersecretary of Defense for Intelligence and Security			
Requiring Activities	Inspector General of the DOD	Secretary of the Army	Secretary of the Navy	Secretary of the Air Force	Director of Administration and Management
Functional Leaders	Provost Marshal General of the Army	Director, Naval Criminal Investigative Service (NCIS)	Commander, Air Force Office of Special Investigations (AFOSI)	Director, Security Division, Headquarters Marine Corps	
	Commander, U.S. Fleet Forces Command (USFF)	Director, Air Force Security Forces (SF)	Commander, Army Intelligence & Security Command (INSCOM)	Director, Pentagon Force Protection Agency (PFPA)	

The roles of those determined to be part of the MFT for the acquisition of law enforcement functions are defined by position as described in Table 7 per DODD 5000.74 titled *Defense Acquisition of Services* (DOD, 2020).

Table 7. Definitions of DOD Law Enforcement Service MFT Roles.
Source: DOD (2020).

Decision Authority	“The individual responsible for ensuring a proposed services acquisition is consistent with DOD’s policies, procedures, and best practices guidelines for the acquisition of services through approval of the acquisition strategy.”
Requiring Activity	“The organization charged with meeting a mission and delivering requirements. The requiring activity is responsible for obtaining funding or developing the program objective memorandum. The requiring activity may also be the organizational unit that submits a written requirement or statement of need for services required by a contract. The requiring activity is responsible for delivering the services to meet the mission if a contract is not in effect.”
Functional Leader	“Serves as the subject matter expert for the functional and competency area.”

The MFT concept omits some personnel that is the stakeholders in DOD law enforcement but do not have acquisition or functional roles. For example, the SECDEF and DEPSECDEF are not positioned one would associate with being a part of an MFT for DOD law enforcement services. However, the law enforcement functions of the DOD are performed under the authority of the SECDEF while budget formulation and the day-to-day operations of the DOD are performed by the DEPSECDEF.

While there are many other roles for members of this type of MFT, the roles listed above the most applicable to an MFT dedicated to obtaining law enforcement services for the DOD as they have the positional authority needed to change DOD law enforcement acquisition, are a consumer of DOD law enforcement services, or have the technical competency in law enforcement needed to advise those with decision-making authority. Each role and team member’s assignment to a role is discussed in this research based on the authority, function, or knowledge of each team member. The team members discussed below all possess authorities or capabilities that are relevant to DOD law enforcement acquisition. Therefore, their inclusion in the MFT is necessary for any reform in DOD law enforcement acquisition to occur.

b. *Decision Authority*

The Undersecretary of Defense for Acquisition and Sustainment, abbreviated as USD(A&S), is the chief acquisition official in the DOD and serves as the principal advisor to the SECDEF on acquisition matters. Since the acquisition of law enforcement services and the products associated with the acquisition will span the entire DOD, the USD(A&S) is an essential MFT member. Additionally, the USD(A&S) oversees the DLA which has its policing organization to protect the property and personnel on DLA installations authority delegated from the SECDEF. According to the NDAA for FY 2017, the USD(A&S) is responsible for “establishing policies on, and supervising, all elements of the Department relating to acquisition.” In supervising the DAS, the USD(A&S) also has the authority to oversee the requiring activities by directing the Service Secretaries of the DOD and OSD Components Heads in the exercise of acquisition and sustainment functions (DOD, 2020). Therefore, the USD(A&S) is the decision authority for law enforcement acquisition based on the service acquisition process. The Undersecretary of Defense for Intelligence and Security, abbreviated as USD(I&S), is also a decision authority for DOD law enforcement as DOD policy in DODD 5143.01 titled *Undersecretary of Defense for Intelligence and Security* (DOD, 2020) authorizes the USD(I&S) to exercise acquisition authority, as delegated by the USD(A&S), Director of National Intelligence (DNI), or another appropriate official, for intelligence, CI, and security technologies, systems, and equipment. Additionally, the USD(I&S) oversees the NSA, DIA, and NGA which both maintain their own policing organizations to protect the property and personnel on NSA, DIA and NGA installations through delegated authority from the SECDEF.

c. *Requiring Activities*

Per DOD policy under DODD 5000.74 titled *Defense Acquisition of Services*, “a requiring activity is the organization charged with meeting a mission and delivering requirements; obtaining funding or developing the program objective memorandum (POM); and delivering the services to meet the mission” (DOD, 2020). As previously discussed in this research, the SECDEF, IG DOD, Service Secretaries, and others are required by law and DOD policy to perform law enforcement functions and therefore must

deliver law enforcement as a service to support armed forces. Additionally, these entities are responsible for generating the budgets, which are completed via POM, for their respective organizations of which law enforcement is required to function. The requiring activities of the MFT are the Service Secretaries, IG DOD, and the Director of Administration and Management (DA&M).

The Services are also responsible for ensuring their forces are properly resourced in terms of manpower, training, and equipment for utilization by the CCDRs. Title 10 of the USC requires each Service Secretary to fulfill the current and future operational requirements of the unified and specified COCOMs. This includes providing law enforcement services to the CCDR to perform a variety of functions that include, but are not limited to those in the CCDR's theater security plan. When those forces are not assigned to a COCOM, they're utilized to fulfill the Service Secretaries' responsibility, delegated from the SECDEF and required by law under Title 10 of the USC, to ensure the protection of property and personnel on their military installations.

The IG DOD, per DODD 5106.01 titled *Inspector General of the Department of Defense* (DOD, 2020), serves "as the principal advisor to the [SECDEF] on all audit and criminal investigative matters and for matters relating to the prevention and detection of fraud, waste, and abuse in the programs and operations of the DOD."

The DA&M, per DODD 5105.53 titled *Director of Administration and Management* (DOD, 2008), executes a hierarchy of responsibilities in support of the SECDEF and DEPSECDEF; the DOD; the OSD; the DAFAs; and the Pentagon (DOD, 2008). These responsibilities include, but are not limited to, antiterrorism, force protection, security, and law enforcement for the personnel, facilities, and infrastructure the DA&M provides policy, oversight, direction, and control. The D&AM fulfills its law enforcement requirements through the Pentagon Force Protection Agency (PFPA) for which the DA&M exercises authority, direction, and control.

d. Functional Leaders

The functional leaders are the heads of each law enforcement and related intelligence entity across the DOD. They are all the highest-ranking advisors to their

respective superiors across a wide spectrum of law enforcement services that support their military departments and defense agencies. Additionally, functional leaders “articulate experience standards in terms of activities or types of experience reflective of the competencies and proficiency required for the level” (DOD, 2019).

Each functional leader is overseen by the head of a requiring activity. However, as their titles suggest, the heads of requiring activities are responsible for more than law enforcement, therefore, the attention and concern given to their respective law enforcement organizations is limited.

2. STEP 2—REVIEW CURRENT STRATEGY

Former Secretary of Defense Ashton Carter stated in his book, *Inside the Five-Sided Box: Lessons from a Lifetime of Leadership in the Pentagon* (2019), that “unfortunately much of the strategic thinking the Pentagon has engaged in over recent decades has been increasingly stale and arid.” Without clear, relevant direction through an up-to-date strategy, organizations are unaware of how they need to reform to meet changing objectives. This applies to DOD law enforcement. Currently, there is no DOD-wide strategy for law enforcement operations. Which in turn means there is no coherent, unified strategy to execute its functions and acquire the related products and services for law enforcement? However, the DOD is also guided by other strategies that rely on a preceding strategy or strategies as discussed in this chapter.

In the *Strategy for Homeland Defense and Defense Support to Civil Authorities* (2013) prepared by the OSD, the DOD elaborates on homeland defense and civil authority support, which the Department considers a core mission, despite neither listing it as such in the NDS. The DOD’s prioritization of these three missions is aligned and consistent with the primary purpose and mission of the DOD. Figure 2 below outlines the DOD’s priorities for three missions from the *Strategy for Homeland Defense and Defense Support to Civil Authorities* (DOD, 2013). Despite the DOD considering homeland security as one of its core missions, homeland security is not explicitly listed in the table above, but rather is merged with homeland defense. This is in line with *Defense Support of Civil Authorities*

(JCS, 2018) which states DOD priorities, in order, are homeland defense, force protection, mission assurance, and DSCA response.

<i>Missions</i>	<i>Objectives</i>	<i>Core Capabilities</i>
1) Defend U.S. Territory From Direct Attack by State and Non-State Actors	<i>a. Counter air and maritime threats at a safe distance</i>	• Persistent air & maritime domain awareness • Capable, responsive air defense forces • Capable, responsive maritime forces
	<i>b. Prevent terrorist attacks on the homeland through support to law enforcement</i>	• Rapid and actionable intelligence on terrorist threats • Capabilities to counter IEDs • Capabilities to prevent terrorists' use of WMD in the homeland • Rapid acquisition, analysis, and dissemination of threat information • Programs to counter insider threats • Dual-effect military training
2) Provide Defense Support of Civil Authorities (DSCA)	<i>a. Maintain Defense preparedness for domestic CBRN</i>	• Postured, rapidly deployable CBRN response forces
	<i>b. Develop plans and procedures to ensure DSCA during complex catastrophes.</i>	• Immediate response authority • Geographically-proximate force sourcing • Ready access to non-National Guard Reserve forces

Figure 2. DOD Homeland Defense and Defense Support of Civil Authorities Missions, Objectives, and Core Capabilities. Source: Joint Publication 3-28, Defense Support of Civil Authorities (2018).

By including force protection in its DCSA mission, the DOD reaffirms its support role in protecting its personnel, resources, and facilities. In essence, the DOD's preferred method for protecting its forces and assets is through using the Department's resources to support other agencies in the performance of their duties to delivers mission assurance. In short, mission assurance is the protection of the Department's mission-essential functions which, according to the DOD's *Mission Assurance Strategy* (2012), includes force projection, warfighting, and sustainment capabilities. This is synonymous with shared services in acquisition parlance.

3. STEP 3—MARKET RESEARCH

The purpose of market research is to “gather and analyze information about the capabilities within the market to satisfy the agency needs” (DAG, 2013). This is a critical step in the acquisition process as it is vital to subsequent steps in the process—Define Requirements and Develop Acquisition Strategy. This research will examine how the utilization of intra-agency and interdepartmental shared services can provide for more effective and efficient execution of law enforcement services as well as the acquisition of related products and services.

The DOD must conduct market research to identify responsible sources for fulfilling requirements for its functions which may reside either inside or outside the Department. Even though a source may reside inside the Department, it still requires examination through market research to determine if it is a responsible source. The Federal Acquisition Regulation (FAR) defines a responsible source as an entity that meets the standards in FAR Part 9.104-1 (2021), General Standards. Turley (2019) summarizes the FAR’s standards for a responsible source as one that adheres to the below standards:

- The required financial, technical, production, and operational resources to perform;
- Adequate experience and a satisfactory record of both performance and business ethics;
- The necessary management, organizational, and operational controls to ensure safety, quality, and other critical aspects of performance

Since the DOD must properly manage and leverage its resources for its defense mission, the DOD must prioritize those functions that contribute directly to that mission. Law enforcement in the DOD does not directly contribute to that mission. Rather, it supports the mission indirectly through a variety of support services provided by both military and civilian personnel. Therefore, the DOD must realize that it may not be a responsible source, based on the criteria above, to fulfill all of its requirements for law enforcement. This may seem counterintuitive given the fact the DOD has its organic capabilities; almost in excessive quantities in terms of numbers of organizations when compared to the DOJ and DHS. However, quantity does not always equal or correlate to quality. While the DOD has significant quantity, one area the DOD must consider is economies of scale—whether the DOD already has them or whether it can achieve them through law enforcement acquisition

reform. The latter, based on the DOD's strategic approach to law enforcement, seems unlikely. Therefore, conducting market research to identify the potential for intra-government shared services and interdepartmental shared services is necessary. Additionally, identification of those services is required to accurately define the requirements for DOD law enforcement which in turn impacts how it will develop its strategy to acquire products and services.

The former OCMO stated in the *FY 2021 Annual Performance Plan & FY 19 Annual Performance Report* (2020) "it is the DOD's responsibility to deliver optimized enterprise business operations and shared services to assure the successful implementation of the NDS across the Department." While the aforementioned performance plan pertains to utilizing shared services within the Department, intra-agency shared services are a tool the DOD already utilizes to increase mission assurance. In the area of law enforcement, there are federal, state, and local agencies operating at scale the DOD utilizes to accomplish some of its required functions.

a. *Intra-agency Shared Services*

Integration is the key to intra-agency shared services. Integration in government refers to "the coordination of working arrangements where multiple departments or public sector organizations are involved in delivering a public service or program" (National Audit Office, 2013). Previous commonalities between the government and commercial businesses are evident in the realm of integration. Terms such as horizontal integration and vertical integration are common in the commercial business lexicon where both are used to increase value. While these business practices can apply to government, strategic integration is most relevant to intra-agency shared services. Strategic integration applies "a coordinated approach across government, for example, cross-cutting mechanisms such as shared government-wide objectives or central support for common functions" (National Audit Office, 2013). The form of strategic integration most relevant to this research is complex strategic integration—one of five different types of strategic integration in a proposed framework by Burgelman and Doz (2001). "Complex strategic integration involves the discovery and creation of new business opportunities that combine resources

from multiple units within the company (each with its particular perspective and vested interests) in order to extend the corporate strategy in new directions” (Burgelman & Doz, 2001). This form of strategic integration provides the maximum amount of scope and reach as it can integrate contributions from external partners. This is at the heart of intra-agency shared services within the government as it is important for enabling the integration of services to work effectively.

The proceeding sections will list current areas of intra-agency shared services that exist outside the DOD between the DOJ, DHS, and local law enforcement agencies. The discussion around shared services will center on areas where the DOD currently uses shared services to take greater advantage of economies of scale these entities possess. An intra-agency shared services model that capitalizes on DOJ, DHS, and local law enforcement resources is one avenue for addressing the DOD’s law enforcement requirements. Discussion of greater utilization of shared services within the Department will also occur. Taking a market research approach to this discussion, this research will identify entities that exist in the Department that, through their economies of scale, could significantly add to their value propositions as well improve effectiveness and efficiency.

b. Department of Justice and Department of Homeland Security

To an extent, the DOD is already engaged in an intra-agency shared service for force protection through its support of DOJ organizations such as the FBI and Drug Enforcement Administration (DEA). Table 9 below lists existing intra-agency shared services between the DOD, FBI, and DEA which utilizes task forces as the preferred model.

Table 8. Task Force Memberships of DOD Law Enforcement

TASK FORCE	LEAD AGENCY	DESCRIPTION
Joint Terrorism Task Force (JTTF)	FBI	Combined resources of federal, state, and local law enforcement in terrorism investigations
Counterintelligence Task Force (CITF)	DNI-FBI	“Ensuring integrity in government-funded programs and defeating economic espionage and theft of trade secrets” (DOJ, 2020)
Cyber Task Force (CTF)	FBI	“Synchronizes domestic cyber threat investigations in the local community through information sharing, incident response, and joint enforcement and intelligence actions” (FBI, n.d.)
High Intensity Drug Trafficking Areas (HIDTA)	DEA	“Provides assistance to federal, state, local, and tribal law enforcement agencies operating in areas determined to be critical drug-trafficking regions of the U.S.” (DEA, n.d.)
Project Shield America	Immigration & Customs Enforcement (ICE)	“Industry and academia outreach program designed to seek the partnership in preventing the illegal procurement of military items and controlled dual-use commodities, technology and technical data” (ICE, 2021)

The DOJ Office of Justice Programs (DOJ Website, 2021) DOJ cites the advantages of human trafficking task forces, one of the advantages cited by the Office of Justice Programs is true for all task forces in regard to shared services—leveraging resources. It provides the following example of how task force members leverage the resources of other members in a human trafficking task force:

For example, one victim service provider may offer housing for female victims of human trafficking but lack the capacity to house men or families. One victim service provider may be able to provide broad social services and case management, but not legal services related to immigration status or family law matters—both routine needs of trafficking victims. While a

local law enforcement agency has immediate response capabilities, it may lack investigative resources that require coordination with federal law enforcement agencies. (Office of Justice Programs, para 4)

In the example above, one task force member offers housing to victims. It is reasonable to assume, this task force member's agency has victim housing at its mission or a core competency and is therefore funded and staffed accordingly. As a result, task force members who do not have housing capabilities or are not sufficiently funded or staffed to provide victim housing, utilize their task force partners' resources to accomplish the mission. Therefore, the task force model is extremely beneficial to the DOD for law enforcement as it supports both the DCSA strategy as well the mission assurance strategy of the Department. Additionally, this allows the DOD to take advantage of organizations that are already operating at scale and have a competitive advantage associated with a task(s) undertaken by a task force. For example, according to the FBI's website (n.d.), the agency's priorities are the following:

- Protect the U.S. from terrorist attack;
- Protect the U.S. against foreign intelligence, espionage, and cyber operations;
- Combat significant cyber-criminal activity; and
- Combat public corruption at all levels

The listing of the FBI's priorities demonstrates that CT, CI, and Cyber are its top priorities. While the DOD also has a vested interest in these areas from force protection, critical technology protection, and military readiness standpoint, it is not prioritized in the same manner and is therefore not resourced in the same manner as the FBI. The FBI's authorities are aligned with that prioritization as federal law, EOs, and various presidentially issued directives designate the FBI as the lead agency for those functions; unlike the DOD who is not the lead agency for any federal law enforcement function except for the enforcement of the UCMJ. Additionally, the FBI website (n.d.) listed the FBI has over 35,000 employees in its 56 domestic field offices as well as its 91 attaché offices and sub-offices in U.S. embassies and U.S. consulates across 75 countries worldwide. Its enacted budget for FY 2021 is approximately 9.7 billion dollars which included an increase in funding to enhance CI capabilities among others. The same holds for the DEA and ICE who are also designated by law as the lead agencies over the task their task forces. The FY20 enacted budget for

the DEA was approximately \$3.7 billion and its workforce is comprised of approximately 10,000 personnel. The enacted FY20 budget for ICE was approximately 9.3 billion dollars with a workforce of approximately 24,000 personnel. Therefore, the FBI, DEA, and ICE have a significant competitive advantage in resources and experience that allow them to operate at scale in their respective functional areas of law enforcement. As a result, the DOD would be best served by sharing in these economies of scale by utilizing an intra-agency shared services approach to fulfill its force protection mission in a domestic capacity.

c. Local Law Enforcement Agencies

Utilizing shared services with local law enforcement agencies is an area of expansion the DOD should consider in its shared services approach through strategic integration. While some MCIOs adopt a form of shared services with local law enforcement, it appears to be ad hoc and varies by MCIO and location. This is an area of improvement for the DOD as more consistent and standardized utilization of shared services with local law enforcement agencies will allow the Department to take greater advantage of these agencies' economies of scale. This will also allow the DOD to re-evaluate its force structure and its supporting civilian personnel structure in locations where increase shared services with local law enforcement can occur. Increasing shared services with local law enforcement, while primarily associated with manpower and physical assets of those agencies, also requires acquisition changes for the procurement of services from local enforcement agencies.

The vast majority of military installations in the U.S. are under concurrent jurisdiction. If the installation has concurrent jurisdiction, state authorities may assume jurisdiction and prosecute the offender (Gilligan, 1999). In essence, local law enforcement agencies can assume control of an incident on a military installation that involves both military and civilian personnel. As previously discussed in this research, military personnel are subject to a civilian justice system (state and federal law) as well as the military justice system (UCMJ). Therefore, an assault that occurs on a military installation with concurrent jurisdiction can be assumed by a local law enforcement agency for investigation and

prosecution under state law. However, this does not interfere with the military justice system as the military member may still be held accountable under the UCMJ. If the service member is investigated, but not prosecuted in state court, the military can still utilize the UCMJ to adjudicate the service member for the alleged offense. However, the military is aided in this process by utilizing the investigative products generated by the local law enforcement agency. Depending on the scope and quality of the local law enforcement agency's investigation, the military may have sufficient evidence to move forward with administrative or criminal proceedings against the alleged offender; thereby conserving its limited law enforcement resources in alignment with mission assurance. While the utilization of local law enforcement agencies to assume control over investigations or other policing functions is feasible, it is bound to face resistance from both sides. Military commanders are reticent to surrender control of matters that occur on their installations or that affect their personnel, while local law enforcement agencies may resist due to manpower issues or a desire to remain removed from investigations involving military personnel. Local law enforcement agencies, despite having more personnel and equipment to respond quickly to the incident, may want to conserve their resources. Despite this, local agencies typically want to ensure their involvement in incidents that become a high-profile matter such as an active shooter event. The previous statement does not imply that local law enforcement agencies are apathetic to all other forms of crime that are not active shooters or similarly high-profile incidents. Rather, in a focus on mission assurance, local law enforcement agencies may prefer to utilize their limited resources—personnel and equipment—for incidents that are better suited for their utilization.

Despite the above-mentioned challenges in increasing shared services with local law enforcement agencies, a format for such a model already exists. Through its JTTFs, the FBI routinely pays overtime expenses for task force officers assigned to a JTTF from a local law enforcement agency and provides them with equipment from the FBI inventory that local law enforcement agencies may not possess—free of charge. The Code of Federal Regulation (CFR) through 32 CFR § 635.20 titled *Establishing Memoranda of Understanding* (2012) authorizes installation commanders “to contract for local, state, or federal law enforcement services (enforcement of civil and criminal laws of the state) from

civilian police departments.” Similar to the FBI, the DOD can provide compensation to local law enforcement agencies to support the Department executing its law enforcement functions through investigation of reported criminal offenses or other policing matters that occur on or around military installations. The DOD could create its task force with local law enforcement agencies adjacent to military installations to focus on incidents that occur on or around military installations and fund its operation. This funding can include overtime for officers from local law enforcement agencies or funding for new, additional positions within those local law enforcement agencies that can work predominantly or exclusively on DOD-related law enforcement matters. This shared services model benefits the DOD as it takes advantage of concurrent jurisdiction through greater utilization of local law enforcement for incidents on military installations as well as those that occur outside military installations. This is more relevant as the majority of military service members assigned to a military installation live in the communities surrounding the military installation. Depending upon the size and location of the military installation, this can include multiple cities and counties. Since military service members do not exclusively commit the crime or are victims of crime on a military installation, having such as task force would also facilitate the leveraging of resources of those task force members from the law enforcement agencies of those municipalities. This allows the DOD and the local law enforcement agencies where service members live and work to share the load of policing and investigating matters where military service members are offenders or where the service members are victims and the offenders are civilians with no affiliation to the military. Additionally, such a shared service model may permit the DOD to devote less personnel, which in turn lowers cost, while achieving the same or better service delivery. However, the DOD’s existing strategies are barriers to implementing shared services via a task force by the DOD. As previously discussed, DOD’s strategy writ large is to support others in law enforcement, not lead any law enforcement effort not explicitly connected to homeland defense. However, the DOD could create a version of its Joint Task Force-North (JTF-N) with local law enforcement agencies to remain true to its law enforcement support strategies. Based at Fort Bliss, Texas, JTF-N is a joint service command comprised of active-duty and reserve-component Soldiers, Sailors, Airmen, Marines, Coast Guardsmen,

DOD civilian employees, and contracted support personnel “tasked to support the nation’s federal law enforcement agencies in the identification and interdiction of suspected transnational criminal organizations’ activities conducted within and along the approaches to the continental U.S.” (JTF-N, n.d.). JTF-N has been in existence for over 30 years and is a DOD-led task force, but is only for homeland defense. Additionally, JTF-N membership is exclusively comprised of federal law enforcement agencies; not local law enforcement agencies like the above-mentioned task force model.

Utilizing intra-agency shared services between the DOD and local law enforcement agencies will also reduce overlap and duplication—two areas the GAO is statutorily required to examine in how federal departments execute their functions. GAO defines overlap occurs when multiple agencies are engaged in similar activities for the same recipients. Next, duplication occurs when multiple agencies provide similar activities and services to the same beneficiary. Currently, some MCIOs conduct parallel investigations with local law enforcement agencies that involve military service members or related personnel such as military dependents when they are offenders or victims. The purported purpose of this is to ensure the military commander is informed and able to execute their responsibility of ensuring good order and discipline per the UCMJ. A secondary purpose is to provide the support requested by local law enforcement agencies and ensure the MCIO is prepared to assume the investigation if the local law enforcement agency ceases its investigation or their investigation is declined for the prosecution at the state level—in which case the MCIO will assume primary control to pursue prosecution under the UCMJ. In a DOD-led task force model, the MCIO and the local law enforcement agency will conduct investigations as a unified team instead of via two separate endeavors. That means one investigation instead of two which in turn, at a minimum, halves personnel conducting the investigation. Therefore, utilizing a shared service model for acquisition streamlines the task force and removes both overlap and duplication.

d. Interdepartmental Shared Services

In the *FY 2021 Annual Performance Plan & FY 19 Annual Performance Report* (2020), the former OCMO used the phrase shared services approximately 35 times in the

plan. The former OCMO was abundantly clear in its intention to utilize shared services including, but not limited to, the elimination of duplication, reduction of administrative and regulatory burden, provision of data management and analytics for data-driven decision-making, and improvement of customer experience. Given the short, three-year time the OCMO and CMO had to implement shared services in an enterprise fashion, before dissolution the objective of shared services at scale in the Department has yet to be realized. However, market research revealed the existence of shared services in other federal departments and agencies. This research will highlight and discuss the Department of Commerce (DOC) use of enterprise-wide services to provide insight to shape Step 5—“Define the Acquisition Strategy”—within the “Develop” phase of the service acquisition process.

The DOC took an enterprise services approach to shared services in 2018, utilizing “enterprise services to improve experience and consistency of services across the organization” (DOC, 2020). The DOC studied current enterprise operations through focus groups, studies, and interviews which identified three pain points in current service delivery across the 12 and very distinct bureaus of the DOC. Two of the three pain points discovered during the study included inefficient purchasing process and issues with IT services—two of the four services the DOC considers mission-enabling. The two key components of enterprise services cited by the DOC, based on previously stated research on DOD culture appear to make enterprise services palatable for the DOD. According to the DOC (2020), there were two key components to its enterprise services model:

Independence from any particular DOC bureau and the provision of a subset of services deemed fit for delivery in a shared way. In general, services that are more transactional. Retaining some specific services in DOC bureaus which allows services that are more strategic and mission focused to remain closely linked to a bureau itself. (DOC, 2020)

Military departments and their respective organizations are sensitive to perceived encroachment of their independence to procure their products and services. The second key component mentioned above would allow the military departments the autonomy to acquire those products and services that are particular and peculiar to their mission requirements while the first key component provides the centralization and standardization

that can generate economies of scale for shared services and products. Therefore, DOD law enforcement products and services may be procured according to the first key component as virtually all law enforcement products and services are capable of delivery in a shared way. According to the DOC (2020), benefits of enterprise services included advanced customer experience through “efficient delivery of high-quality services and access to real-time information and service; increased performance management through increased transparency and accountability for meeting service standards allowing for informed decision-making and quick issue resolution; strengthened mission focus by freeing up employees to allocate their time to strategic activities as opposed to transactional tasks.” The Fourth Estate recently moved to enterprise services for many of its agencies for network, cloud, and other IT services. An enterprise services model, if not adopted by the Department as a whole, is still a viable solution for DOD law enforcement. Using existing infrastructure in the Fourth Estate, the DOD’s law enforcement organizations could establish their enterprise services model utilizing category management as its principle instrument. Further discussion on DOD law enforcement enterprise services is discussed in Chapter IV (Conclusion & Recommendations).

4. STEP 4—DEFINE REQUIREMENTS

Following the market research, the fourth step in the service acquisition process is defining the requirements of the acquisition. The findings gathered within the market are what assist in forming the requirements. “Requirements definition is the most important and most difficult part of services acquisition” (DAG, 2013). One mission of defining requirements is to ensure that they are understood by all stakeholders. In this section, a discussion of requirements for DOD law enforcement will occur that will highlight the acquisition associated with the requirements.

a. Personnel

Title 10 of the USC gives the SECDEF authority, direction, and control over all organizations of the DOD, including their personnel and property. It requires the SECDEF to protect the buildings, grounds, and property that are under the jurisdiction, custody, or control of the Department of Defense and the persons on that property (NDAA, 2016). This

essentially requires the SECDEF to perform law enforcement and designate the personnel to perform that service.

As previously stated in this research, the DOD utilizes military service members and civilian personnel to perform law enforcement services. The DOD acquires military service members through recruitment and acquires civilian personnel in a similar, but distinct manner. Despite the differences in recruiting and on boarding military service members civilians, both are engaged in a pseudo-contract with the DOD. Both military and civilian personnel agree to provide a service to the DOD in exchange for consideration in the form of salary and benefits. For military members, particularly enlisted service members, this is typically an initial, fixed service obligation that's normally four years in duration—similar to a period of performance in a procurement contract. Enlisted military service members can extend their service obligation if their performance and conduct are satisfactory, through re-enlisting in their military service—similar to option years in procurement contracts. Commissioned officers and civilians are not under contract, but do have a similar commitment.

As with any acquisition best value to the DOD is a critical factor. An advantage military service members possess, when compared to hiring civilians, is that their level of training in certain skills is superior to that of a civilian. While military service members are or can be trained to perform any law enforcement function a civilian can perform, they are subject matter experts in the area of combat. As previously mentioned in this research, DOD law enforcement is a combat support service that can require performance in combat or contingency environments. This provides military service members a wider range of experience overall compared to a civilian. When deployed in a combat or contingency environment, military service members are dual-purpose as they can perform law enforcement and combat functions, unlike civilians who are largely single-purpose in the same environment. However, most of the military departments seem to require civilian police officers to supplement their military police officers. Operations Enduring Freedom and Iraqi Freedom highlighted the combat support role of military police. With active duty and reserve military police deployed to combat zones, the military departments had to rely on civilian personnel to fill the gap in manpower and to provide continuity for installation-

level law enforcement. As a result, each military department maintains a robust population of civilian police officers who work in tandem with their military police counterparts.

On the surface, military service members provide better value to the DOD for law enforcement when compared to civilians. In addition, to have additional capacity, military service members have a lower cost as they advance in their careers when compared to civilians. This is particularly relevant when comparing enlisted military service members and civilians. However, the best value determination requires an examination of tradeoffs. While military service members typically have a lower per-unit cost, civilian employees usually perform law enforcement more consistently and over longer periods than military service members. Further examination of this dynamic is outside the scope of this research but is suggested as an area for further study.

b. Training

In addition to delegating authority to military and civilian personnel of the DOD for law enforcement, Title 10 of the USC also provides the SECDEF the authority to carry firearms, make arrests, serve subpoenas, and execute warrants to fulfill the SECDEF's inherent law enforcement responsibilities. The Service Secretaries utilize the SECDEF's delegated power, as well as the authority of their authority under Title 10, to authorize military and civilian personnel of their respective Services to perform the above-mentioned functions. Additionally, commanders of military installations have inherent authority through power delegated from the SECDEF for the functions mentioned above. As a result of the functions required to perform, law enforcement services, the DOD is required to train its law enforcement personnel to standards set forth by various certifying and accrediting bodies. Military and civilian personnel normally have different training programs, but law enforcement training is one area where training is centralized, but not consolidated. This prevents the DOD from realizing cost savings through more efficient acquisitions through increased shared services or outsourcing.

Military service members start their careers completing initial military training known as boot camp conducted by their respective military services where they obtain familiarization of the roles of their military service and receive basic combat skills. This

does not include law enforcement training. This typically occurs later in military service members' careers after they've obtained training and experience in another, sometimes unrelated skill. However, law enforcement training is an area where the DOD can improve its acquisition by standardizing and consolidating training. This is discussed further in Chapter V (Conclusion & Recommendations).

Civilian personnel in DOD law enforcement receive their training at civilian-operated training academies rather than boot camps. For example, the vast majority of DOD law enforcement personnel receive their initial training law enforcement training at the Federal Law Enforcement Training Center (FLETC)—a DHS-operated facility. The DOD, in essence, outsources training to the DHS for its civilian personnel. However, there is one DOD law enforcement organization within a military department that attends initial training at FLETC—the AFOSI. All other military service law enforcement organizations train at the U.S. Army Military Police School (USAMPS). This fragmented training environment increases costs by dividing training between different locations and by having each DOD law enforcement organization administer the contracts, agreements, payments, etc., to these training facilities for their respective programs; all of which have varying costs. Additional discussion on this matter occurs in Chapter IV (Conclusions & Recommendations).

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costs. Additional discussion on this matter occurs in Chapter IV (Conclusions & Recommendations).

c. Products and Services

To perform its law enforcement services, DOD law enforcement personnel require equipment that is unique and specific to executing law enforcement functions. As previously discussed, DOD law enforcement requires a CMS to effectively execute functions related to investigations, incident management, data analysis, and information sharing with stakeholders inside and outside the Department. Such systems also require sustainment which may occur via a service. In addition to a CMS, DOD law enforcement requires other systems that to execute law enforcement functions that include forensics, biometrics, and other critical areas that are necessary to identify individuals associated with both criminal and intelligence matters. However, forensics and biometrics are considered a separate enterprise, from law enforcement because it is conducted in a decentralized and siloed manner that prevents standardization to occur. It is also needed to leverage category management to increase acquisition efficiency and decrease costs.

Another important service is information technology (IT) as provides operational, sustainment, including long-distance communication and commercial satellite communications services, using both commercial and military exclusive IT equipment. This service also includes National Security Systems which is required for daily work performance that is unique CI and CT aspects of law enforcement. IT-based services such as cloud services, Infrastructure-as-a-Service, Platform-as-a-Service, Software-as-a-Service, and other services are required to perform law enforcement functions such as data analysis and information sharing. This service is needed to carry out important day-to-day business operations. The acquisition of this service provides an opportunity to increase productivity that will in turn improve effectiveness and efficiency in the performance of law enforcement services within the DOD. While general IT requirements such as desktop computers, printers, etc., are provided to DOD law enforcement personnel through their respective military departments and defense agencies, their unique law enforcement IT products are services are procured in the same decentralized, inefficient, and costly manner.

Military and civilian law enforcement personnel of the DOD are issued specific law enforcement tools and equipment for protection and defense. These include, but are not limited to, firearms, ammunition, handcuffs, baton, body armor, vehicles, and additional equipment and protective gear as required by function and location. The government provides vehicles for personnel conducting official business, most of which are leased through the General Service Administration (GSA) who provides federal agencies with vehicles through fleet management services. Other common products utilized by DOD law enforcement personnel include, but are not limited to mobile computers such as laptops and tablets and cellular phones to execute law enforcement functions outside of an office and in varying conditions and environments at various times of day and night.

5. STEP 5—DEVELOP ACQUISITION STRATEGY

“The acquisition strategy document contains sufficient detail to allow senior leadership and the Service Category Decision Authority to assess whether the strategy makes good business sense, effectively implements laws and policies, and reflects management’s priorities, including affordability” (DAG, 2013). While this research is not creating a formal strategy document, this section will use the analysis provided in proceeding sections to present options for reform of DOD law enforcement based on acquisition strategy. This chapter will utilize a previous study of the subject matter as a guide in developing options for reform in DOD law enforcement.

According to its report titled *Report of the Advisory Board on the Investigative Capability of the Department of Defense*, The Board (1995) found what it described as significant shortcomings the DOD should quickly remedy. In its report, the board provided nine areas that required remedy by the DOD. Four of those nine areas remain deficient and are areas of improvement for the DOD’s policing and investigative capabilities. The four outstanding areas are listed below:

1. Leadership
2. Consolidation
3. Data Collection and Analysis
4. Training

The proceeding sections and sub-sections will address four of the above-mentioned shortcomings identified by The Board. However, despite the fact there are four shortcomings, this research will address all of them through two of the identified shortcomings—leadership and consolidation. All of these shortcomings can all be surmised through challenges in DOD leadership and the continued need for consolidation—particularly in the area of acquisition. In doing so, shortcomings identified in this research are compared and contrasted with those of The Board to generate options for reform based on contemporary information.

a. Leadership

The most poignant shortcoming identified by The Board (1995) states that uniformly professional and efficient investigative capability will remain an elusive goal unless the [SECDEF] gives it his attention. While The Board’s statement refers to investigations, the same applies to police functions in the DOD. The attention of the SECDEF is required to initiate any reform effort to improve effectiveness and efficiency in the performance and administration of DOD law enforcement. As discussed earlier in this research, the law requires the DOD to execute law enforcement functions and to do so efficiently. It also provides the SECDEF the authority to make broad, sweeping changes per the Defense Reorganization Act of 1958. However, as the CEO of the largest federal department, significant and consistent levels of SECDEF involvement are virtually impossible. In its report, The Board (1995) highlights this by stating:

Ultimately, the [SECDEF] is responsible for all of these investigations, but he cannot be expected to focus on the myriad of policy issues that regularly arise. The Secretary must be able to rely on members of his management team to develop and implement investigative policies in those areas that transcend the parochial interests of any given Service. And, he needs the active cooperation of the Services themselves.

As demonstrated by the MFT discussed in Step 1 (Form the Team) of the service acquisition process, there are 17 managers for the SECDEF to rely upon. While the numbers suggest there’s a robust team to assist the SECDEF, there is no single individual responsible for all matters of law enforcement in the DOD. The Board (1995) stated the organizational structure now existing within the OSD does not lend itself to giving the

SECDEF a coordinated mechanism to fulfill the law enforcement responsibilities of the Department—particularly investigations. The organizational structure that existed in 1995 at the time of The Board’s report still exists today, with no significant reform in the almost 30 years since the publication of The Board’s report. The current structure does not allow for effective management of a key enterprise function and obfuscates any form of accountability for the effectiveness and efficiency of such a critical, enterprise-wide function. Additionally, the decentralized structure does not allow the transcendence of parochial interests by the military departments. The current structure in which the Service Secretaries, two Undersecretaries, and the IG DOD are responsible for law enforcement and associated acquisitions without central management, does not adequately serve the SECDEF. The SECDEF must have one senior official to lead a new Defense Law Enforcement Enterprise (DLEE) within the DOD.

(1) Central Manager for DOD Law Enforcement

This research and history have shown that central management of enterprise-wide functions under one entity outside of the military departments generates efficiencies and greater performance the military departments cannot deliver. The DOD utilizes an “Executive Agent” model for addressing Department-wide functions. According to DODD 5101.1 titled *DOD Executive Agent* (2003), an Executive Agent (EA) is defined as “the Head of a DOD Component to whom the SECDEF or the DEPSECDEF has assigned specific responsibilities, functions, and authorities to provide defined levels of support for operational missions, or administrative or other designated activities that involve two or more of the DOD Components” (p. 2). Many of the Fourth Estate DAFAs was created as a result of the ineffectiveness of the EA system’s predecessor for central management. For example, after Congress created the DOD in the late 1940s, the military departments split the provision of common articles among themselves (Williamson, 2019). This was referred to as the single manager system in which a single military department would acquire a commodity for all of the DOD. While consolidation under the single manager system might theoretically enable efficiencies, the lack of standardized documentation, receipt, and order processing systems forced the units had to manage separate and parallel procedures for each of the three military departments (Williamson, 2019). Therefore, the single

management system, which is equivalent to today's EA system, did not realize the efficiencies it was intended to create. Central management outside the military departments was required to achieve the efficiencies and savings gained from the consolidation that was not possible through the military departments. In his 2019 article titled *Consolidation of Supply Functions Under the Defense Logistics Agency Brought Efficiencies, Cost Savings to DOD Logistics*, Williamson makes the following points in highlighting the success of central management in a DAFA compared to the single manager system like the EA system that relies upon the Services:

- Found efficiencies through consolidation, standardization, structure, and emphasis
- Did not accept personnel from the Services whose jobs would be duplicated under the new structure
- Reduced inventory by cutting supplies and warehouses
- Eliminated layers between the DOD and commodity managers
- Increased the emphasis on automation, workforce management, and value engineering
- Centralized supply functions under one agency allowed for data automation

Therefore, central leadership and management are critical to creating the standardization and structure needed to gain efficiencies in acquisition. Another benefit of central management outside the Services is economies of scale and reductions personnel which provides savings in addition to those generated through standardization.

The DLA example demonstrates the need for acquisition in a DLEE to occur outside the Services where they remain decentralized and lack standardization to be effective. Full acquisition authority, direction, and control of a DLEE must be provided to a central manager. Congress could bestow similar acquisition authority to that granted to

the Special Operations Command (SOCOM) upon its inception as established by the Joint Resolution of Congress in 1986:

- To validate and establish priorities for requirements;
- Ensure combat readiness;
- Develop and acquire special operations--peculiar equipment and acquire special
- operations--peculiar material, supplies, and services; and
- Ensure the interoperability of equipment and forces

Similar to SOCOM's functions, the performance of law enforcement requires unique equipment and services. As a result, a DLEE would need to validate and establish priorities for its unique requirements. This is particularly true for IT services unique to law enforcement, such as CMS and digital evidence management systems. A DLEE central manager will not need to develop peculiar equipment like law enforcement equipment needs are available via the commercial market. Despite the commercial availability of such equipment, it peculiar within military departments as they are not routinely found in the inventory of such departments. Even protective equipment such as ballistic vests specific to law enforcement personnel is different than those acquired and issued through military department acquisition channels for combat. Peculiar equipment needs for a DLEE include, but are not limited to, vehicles with emergency response equipment such as sirens, mobile digital terminal (MDTs) for patrol vehicles, specific law enforcement clothing such as raid jackets, audio/visual recording equipment for suspect and victim interviews, and forensics tools and supplies for a crime scene examination. Additionally, a DLEE has peculiar service needs such as transcription services and various types of analytical support, that, while similar to those of military intelligence, are still distinct from those used in law enforcement.

(2) Utilizing Category Management in DOD Law Enforcement Acquisition

The current structure of DOD law enforcement does not allow for category management that could occur under a DLEE with a central manager. "Category management, at its most basic level, category management is about bundling items" (Webb, 2015), and is an "approach the federal government [applies] to buy smarter and more like a single enterprise" (DAU, n.d.). Category management enables the government

to group products or services by type and acquire them under a single contract (Webb, 2015), enabling them to “eliminate redundancies, increase efficiency, and deliver more value and savings from the government’s acquisition programs” (DAU, n.d.) provides the example below that highlight what occurs when an organization does not use category management to acquire similar items required across the enterprise:

Imagine a company with 40 factories, spread across the world. Each has a general manager (GM) responsible for negotiating her own deals for supply. Let’s take paperclips. Each GM spends time trying to source stationery which, although not essential to the factory, subsumes time in sourcing. Suppliers know that the GMs are busy and looking to close a quick deal. Vendors can take advantage of this and push for a higher price in return for a fast turnaround. They can repeat this trick 40 times, as GMs across the companies do not waste time discussing the price of paperclips.

A 2013 audit titled *Police Procurement* in England and Wales by the National Audit Office covering 43 police forces across England and Wales found that procurement activity at the police force level developed organically, with police forces historically procuring most goods and services independently. Therefore, each police historically procured items without utilizing category management. The National Audit Office (2013) elaborated by stating the following:

We examined police forces’ procurement of five categories of goods, such as body [armor] and riot shields. For each category we found they procure a wide range of different specifications. Even for identical goods, we found substantial variation in the prices paid.

The results of the National Audit Office’s audit are indicative of current acquisition practices in DOD law enforcement. Currently, all law enforcement peculiar equipment and services are procured individually by the Services. Even within the Services, law enforcement acquisition is not unified. For example, an MCIO can have different equipment than the military police or security forces of their same Service. While there are instances where requirements are different, they are largely common to all MCIOs and military police or security forces. The above-cited audit is a follow-up to a previous audit related to police procurement in England and Wales. In its 2011 consultation paper titled *Obtaining Better Value for Money from Police Procurement* the Home Department (Home Office) stated “as the taxpayer expects improvements in value for money, it is no longer

defensible to continue a system where goods and services for policing are bought in up to 43 different ways across the country.” The same sentiment applies to DOD law enforcement acquisition.

b. Consolidation

The topic of consolidation is an area of focus for reform in the DOD to realize the establishment of a DLEE. Within this section, the consolidation of MCIO office space for co-location, the law of IT and other technical products and services; and consolidation of law enforcement training for co-location are discussed.

The Conference Report of the NDAA for FY 1993 referenced a bill drafted in the House of Representatives that contained a provision (sec. 902) that would require the SECDEF to consolidate in the DCIS the functions of the USACID, the NCIS, and the AFOSI. However, the Senate’s amendment contained a provision that required the SECDEF to establish a commission to examine DOD law enforcement. The House of Representatives receded its provision and The Board was subsequently established. However, The Board concluded that consolidation of the DCIOs would not improve the investigative capability of the DOD. The Board (1995) also concluded that cost savings associated with such consolidation are “unreliable” and the costs of consolidation from a customer service standpoint are not worth estimated financial costs savings—approximately \$65.8 million of five years in 1994 figures according to the DOD Comptroller at the time.

Although no savings are insignificant, particularly in times of budget reductions, The Board (1995) believed that whatever savings would occur were insufficient to warrant the reported reduction in quality and responsiveness that would accompany consolidation. However, there is value in each Service maintaining its MCIO. The Board (1995) recommends against total consolidation because it concluded from its findings that the military services need their own general crimes investigators and complete consolidation would create an overly large and unresponsive organization. It did not, however, state the same for CI and CT. Additionally, since Cyber was not a prevalent area in law enforcement at the time of The Board’s report in 1995, it too was not studied for consolidation. However,

the consolidation or central management of CI, CT, and Cyber, from a law enforcement standpoint in the DOD, are areas of further study. In addition to finding no significant problems with the current organizational structure for conducting general crimes investigations, The Board (1995) also concluded that investigators who know the culture in which they are investigating and who are trained to deploy with their Services conduct higher quality general crimes investigations. However, The Board and the GAO agree that procurement fraud is an area where consolidation into a single agency is appropriate. While staying within the construct of each military department maintaining its own MCIO, there is an area of consolidation that maintains MCIO independence, but also allows for greater shared services—MCIO office space; data collection and analysis; and initial and advanced training.

(1) Shared Services for DOD Law Enforcement Office Space

The Department is one of the largest real property managers in the world, maintaining inventory in all 50 states, seven U.S. territories, and 42 foreign countries with over three billion square feet of owned and leased facilities valued at over one trillion dollars while costing \$30 billion annually for maintenance and upkeep (Defense Business Board, 2016). Through the Defense Base Realignment and Closure (BRAC) process, the DOD has sought to consolidate and reduce its real estate holdings to increase efficiency and generate cost savings. Another round of BRAC is needed to evaluate the benefit of shared services of MCIO office space. There is demonstrated value in such consolidation as a prior BRAC round recommended the co-location of MCIO headquarters elements, along with other security and intelligence entities, in a single location. This recommendation was implemented and today USACID, NCIS, AFOSI, and the Defense Counterintelligence and Security Agency (DCSA) are headquartered in the same building as the Joint Counterintelligence Training Academy (JCITA)—a subordinate unit of the DIA—in a consolidated facility aboard Marine Corps Base Quantico, VA. According to the BRAC Commission (2005), the co-location of MCIO headquarters would net the following benefits:

- Annual savings of \$25.7 million within seven years of initial investment
- Produce operational synergies by collocating entities with similar or related missions
- Enhanced security for DOD activities and consolidation of NCR intelligence community activities for the DOD
- Significantly enhance CI synchronization and collaboration across the DOD
- Enhance DOD analytic and operational synergy and cooperation

However, some but not all of the above-mentioned benefits were realized by co-location. The construction costs of the building almost doubled due to increased costs in military construction, as well as inadequate requirements definition. In 2012, in a GAO report titled *Military Base Realignments and Closures*, Lepore stated, “the one-time implementation costs increased \$301 million (175 percent) largely because the required square footage needed for the facility was underestimated” because “space for contractors or students that train at the facility was not originally included.” However, despite these issues, consolidation of office space that leads to co-location of MCIOs has the potential to yield cost savings as similar efforts, such as the consolidation of civilian personnel offices within military department and defense agencies and the co-location of missile and space defense agencies at Redstone Arsenal, AL, which saved \$87.8 million and \$118.2 million (Lepore, 2021)

MCIOs have offices on their respective installations. However, there are military installations, particularly joint bases established through BRAC Commissions, where multiple Services occupy real estate on one installation. As a result, based on the number of personnel assigned to or assets located at a joint base, an MCIO may establish an office at that location. Therefore, there are locations where more than one MCIO has established an office but maintains that office separate and apart from the other MCIO(s). For example, in locations such as Joint Base Anacostia-Bolling in Washington, DC, and Joint Base San Antonio in Texas, the MCIOs maintain separate buildings on the same installation. Consolidating office space and co-locating the MCIOs may assist in realizing some of the previously mentioned benefits identified by the 2005 BRAC Commission. However, consolidating office space to co-locate MCIOs is an area of further study as it will require an initial investment and a time before cost savings will occur. Further study such as a cost-

benefit analysis is needed to determine if such consolidation will result in long-term savings.

If consolidation of office space is deemed beneficial, the MCIOs can institute a shared services model where costs for initial building construction or renovation as well as contract management are shared between the MCIOs. Additionally, the MCIOs could use shared services to defray the costs of facility maintenance, waste removal, and other services usually paid via contract. For example, the DOD could implement a system where MCIOs contribute to shared facility services similar to the International Cooperative Administrative Support Services (ICASS) system the DOD participates in abroad when DOD personnel are assigned to at U.S. embassies and consulates of the Department of State (DOS). “ICASS is an interagency system established in 1997 for distributing the cost of administrative services at overseas posts and is intended to ensure that each agency bears the cost of its overseas presence” (Courts, 2012). MCIOs that maintain separate offices on the same military installation are potentially duplicating acquisition costs in the construction or renovation of these offices and the services to maintain them. This increases overall costs to the DOD. “GAO’s analysis of ICASS cost and workload data shows that significant economies of scale can be achieved through greater participation in ICASS” (Courts, 2012). However, while participation in the ICASS system is voluntary, it is required for certain services at a DOS embassy or consulate. The voluntary nature of participation in some but not all services contributes to duplication as agencies make decisions on ICASS participation based on their costs and not the total cost to the Government. Additionally, agencies may obtain their services without comparing costs. Therefore, if the DOD were to implement an ICASS-type system with co-located MCIOs, mandatory participation is required with oversight from a central manager within the DOD.

A second reason why the intended benefits of headquarters co-location were not realized is that, despite working in the same building, the MCIOs still do not have an effective and efficient way to share information for collaboration and de-duplication. While co-location has increased dialogue and cooperation at the leadership levels, realizing greater synchronization and analytical synergy has remained elusive due to siloed data

collection. This is an even larger problem in locations where MCIOs are geographically separated or even tenants on the same installation.

As previously stated in this research, none of the CMS of the DCIOs are integrated to provide a common operating picture for the DOD. Each MCIO and policing organization in the DOD maintains its own CMS that feeds incident and investigation data to central DOD databases that serve as data repositories. The Board (1995) addressed this issue in its report through its examination of what is called automated data processing by stating the following:

The capability to gather and analyze at the DOD level the enormous amount of data related to DOD investigations—much less do it quickly—is virtually nonexistent. At last count, 23 different, incompatible database systems exist within DOD to gather and archive data on investigations, law enforcement activities, prosecutive activities, and confinement records. Although the [SECDEF] has directed the Department to standardize and integrate DOD automated data processing (ADP) systems, DOD has not yet linked these databases to permit quick retrieval of data for useful management analysis.

Despite direction by the SECDEF to standardize and integrate law enforcement systems before or concurrent with The Board's report in 1995, the DOD has still not followed through with this direction almost 30 years later. Despite receiving this information from The Board, Congress has contributed, along with various SECDEFs, to the fragmentation and duplication in incompatible and non-integrated law enforcement systems by not executing on recommendations from The Board and by appropriating funds for duplicative systems. Stein (2019) stated, in regard to Air Force Justice Information System, that an Air Force team developed AFJIS within 10 months for \$5.7 million. Assuming each DCIO spent the same amount for their CMS, the DOD would have spent over \$25 million for multiple systems that provide similar capabilities, are not interoperable, do not share data, do not share criminal intelligence, and do not allow for DOD-wide analytics of law enforcement incidents and investigations. While a CMS may optimally address the needs of a particular DCIO or police organization, it does not address the needs of the DOD as a whole. This does not provide the best value for the DOD for multiple reasons including, but not limited to, inefficient acquisition, duplicative contract costs, no system integration to eliminate data silos, and no common operating picture for the SECDEF on law

enforcement activities of the Department. Despite this fact, in the year 2021, there are currently two MCIOs developing a new CMS for their needs independent of each other thereby duplicating costs for the DOD. Additionally, the two systems are not interoperable and will not permit information sharing between the two MCIOs.

(2) Shared Services and Outsourcing of DOD Law Enforcement Training

The DOD can also reduce costs through increased shared services and outsourcing training of the DCIOs and police organizations of the Department. While some organizations have joint training courses and facilities to reduce costs through shared services, there are additional savings that are achievable particularly in uncertain fiscal environments. As with the period in which The Board's study was completed and as it exists today, defense budgets face flattening and declines. Therefore, in these days of DOD downsizing, the duplication in schoolhouse facilities, instructor and support staff, and equipment, to teach the same subjects to new investigators is not only unnecessary but also inefficient (The Board, 1995). The decentralized nature of DOD law enforcement training does not take advantage of existing economies of scale and also prevents the DOD from achieving its economies of scale through shared services. Table 10 lists the training locations of DOD law enforcement organizations. To add clarity to further discussion on the topic, the research will separate law enforcement training into two categories: policing and investigations.

Table 9. DOD Law Enforcement Training Locations

ORGANIZATION	TRAINING LOCATION
<u>Army</u> Army Police (military & civilian) USACID Army Military Intelligence	U.S. Army Military Police School (USAMPS) U.S. Army Military Police School (USAMPS) Federal Law Enforcement Training Center (FLETC)
<u>Navy</u> Navy Security Forces (military) Navy Police (civilian) NCIS	Naval Technical Training Center (NTTC) Federal Law Enforcement Training Center (FLETC) Federal Law Enforcement Training Center (FLETC)
<u>Air Force</u> Air Force Security Forces (military) Air Force Police (civilian) AFOSI	Air Force Security Forces Center (AFSFC) Veterans Affairs Law Enforcement Training Center Federal Law Enforcement Training Center (FLETC)
<u>Marine Corps</u> Marine Corps Police (military & civilian) Marine Corps CID	U.S. Army Military Police School (USAMPS)
<u>Fourth Estate</u> NSA Police DIA Police NGA Police PFPA	Federal Law Enforcement Training Center (FLETC)
<u>IG DOD</u> DCIS	Federal Law Enforcement Training Center (FLETC)

The names of training locations for basic police training may suggest each training program is in a different location. For example, despite having different names the AFSFC and the NTTC are both located at Lackland Air Force Base in Texas. However, while AFSFC and NTTC are located on the same installation, they are separate training programs. Therefore, while Navy Security Forces and Air Force Security Forces complete basic law enforcement training at the same installation and receive similar law enforcement training, the Air Force and the Navy incur costs of two separate training programs. This is unlike the Army and the Marine Corps whose military police attend the same basic military police training program at the USAMPS at Fort Leonard Wood in Missouri in a joint training environment. This provides the benefits of independence while capturing economies of scale by utilizing shared services. Army and Marine Corps military police trainees receive

instruction side-by-side while also receiving further instruction on military service-specific matters by instructors from their respective military services.

The Marine Corps moved its Marine Corps Police Academy (MCPA) from Marine Corps Air Station Miramar in California to Fort Leonard Wood at the USAMPS to obtain cost savings and take advantage of economies of scale through shared services. The MCPA is the Marine Corp's academy for its civilian police officers. According to Decker (2020), the "decision to move the [MCPA] serves a two-fold purpose first, saving the DOD \$4.5 million per year and second, giving students of the academy, which instructs civilian police serving Marine Corps installations, access to state-of-the-art training facilities at the [USAMPS]." Decker (2020) quoted Deputy Commanding General Gregg Thompson from the Support Center of Excellence at Fort Leonard Wood who said, "the academy will serve as another venue through which we can share both our land and resources with our interagency and our interservice partners." However, while the move saved costs through shared services, additional savings are possible with taking shared services further by implementing a joint training program with all civilian and military police officers. If the Navy and the Air Force were to use the same shared service model as the Army and Marine Corps, cost savings and economies of scale realized by co-location of military and civilian police training programs are possible.

Since the Fourth Estate is independent of a military department, it does not rely on the military department training programs to fulfill its requirements. Additionally, Fourth Estate police organizations are exclusively civilian in composition which also shapes these organizations' training requirements. Additionally, they serve a predominantly civilian workforce when compared to military police. Therefore, police organizations of the Fourth Estate utilize FLETC.

Like training for basic police, training for basic investigations is also spread across more than one location; though not to the same degree. While all MDCOs train at FLETC, not all the DCIOs utilize FLETC for basic investigations training. USACID is the only DCIO that does not utilize FLETC for its training. Instead, USACID utilizes the USAMPS. While NCIS and AFOSI receive the same basic investigations training through FLETC along with other federal law enforcement agencies such as U.S. Secret Service and the U.S.

Marshals Service, USACID attends the same basic investigations course as USMC-CID—an agency that is not an MCIO. While NCIS and AFOSI build on the basic investigations training at FLETC with “add-on” training provided by their respective agencies, USACID does not have add-on training upon completion of its basic investigations program.

Training for add-on and advanced training for investigations is also predominantly attended at FLETC. However, the USACID does not send its military agents to attend any FLETC courses and only sends their civilian agents that conduct procurement fraud to attend advanced training courses at FLETC. While follow-on training for NCIS and AFOSI is held at FLETC, both agencies maintain separate training programs. While this is also true for DCIS, its follow-on training requirements differ since it is under the authority, direction, and control of the IG DOD. DCIS agents must attend specific training for IGs that is held at FLETC. However, DCIS attends much of the same advanced training at FLETC as does NCIS and AFOSI.

Similar to police training, the DOD misses opportunities to capitalize on economies of scale through outsourcing much of its training to FLETC. Thereby, neglecting any potential cost savings as well as opportunities to achieve standardization required for the centralization of law enforcement systems to allow for more efficient acquisitions. The DOD must reduce fragmentation and overlap in its training for police and investigators. To realize additional savings through shared services, the DOD must consolidate its training through co-location. The Board (1995) stated in its report the biggest factor to be considered in consolidating basic training is identifying the best facility at which to train all DCIO investigators. The same applies to military and civilian personnel performing police functions.

IV. CONCLUSION AND RECOMMENDATIONS

A. CONCLUSION

A significant event, such as the attacks of 9/11, usually serves as the trigger for reform, reorganization, or consolidation. Therefore, “most successful reorganizations have also shared a common mission focus, usually responding to major mission failures or service delivery issues” (Executive Office of the President of the United States, 2018). The creation of the DHS and the position of the DNI are prime examples as they were created following the terrorist attacks of 9/11. For over a decade before 9/11, some members in Congress introduced legislation to create a DNI position. The DNI is, in essence, a central manager for the U.S. Intelligence Community much like the proposed central manager for a DLEE in the DOD. However, there was no impetus for reform as no mission failure or crisis occurred before 9/11 to stir the appetite for reform that resulted in the DNI. Despite numerous reports provided to SECDEFs of the past and Congress, the DOD has failed to address matters of DOD law enforcement acquisition.

The DOD’s own service acquisition process can assist the DOD in its examination. In essence, law enforcement is a service utilized by the DOD. As with any service the DOD obtains, the service acquisition process ensures the DOD obtains what it needs at a fair and reasonable price. According to the DAG (2013), “services encompass all non-product procurements and involve the performance of specific activities in support of DOD missions.” As previously stated in this research, law enforcement in the DOD exists to support the mission of the department. Therefore, based on the DAG’s definition, law enforcement is indeed a service as it supports the DOD’s mission to maintain and use armed forces for timely and effective military action. While the DAG states the DOD does not typically own the assets performing the service, it states that product-like acquisitions such as professional services of a consulting firm that generate reports for the DOD are a form of service; though it’s harder to identify it as such (DAG, 2013). Law enforcement in the DOD, in many respects, is a professional service for the DOD.

The DOD has a decades-long history of using consolidation and centralization to obtain greater effectiveness and efficiency as previously discussed in this research. While some consolidation and centralization efforts were directed by law, the vast majority of consolidation and centralization of functions within the DOD was initiated and instituted by the DOD itself or by Congress. While the federal government has business processes, it is not a business in the true sense. However, injecting more business practice in decision-making can achieve greater efficiency. Figure 3 uses a commercial business approach to determining whether centralization is appropriate for a business. This model is often used after one business has acquired another through a merger or acquisition to determine the path forward for the new business entity.

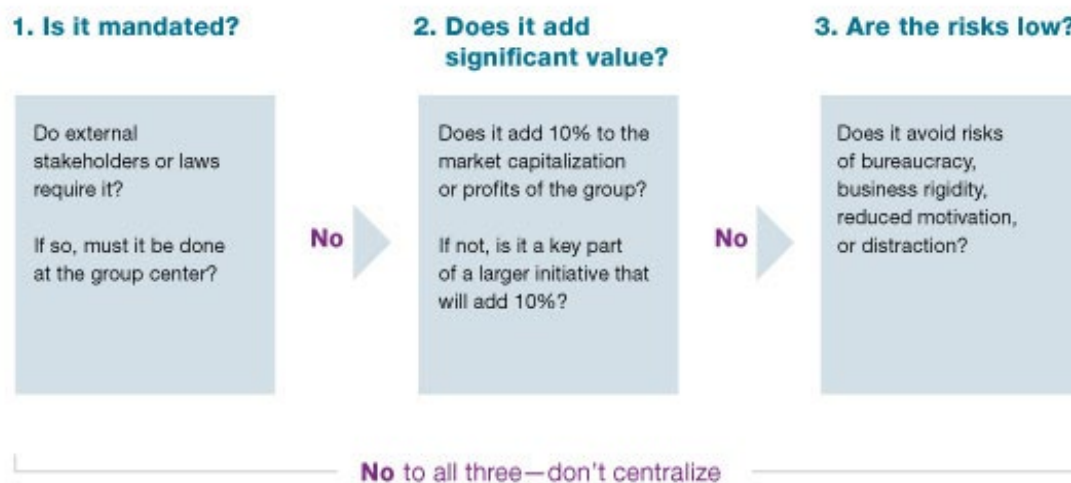


Figure 3. Questions to Ask When Deciding Upon Centralization.
Source: Campbell and Muller-Stewens (2011).

At an initial glance, the answer to the first question may invoke a “No” response. However, as previously discussed in this research law and policy requires the SECDEF, DEPSECDEF, and the Service Secretaries to be responsible for the efficient operations of functions under their charge. Specifically, the law requires the SECDEF to provide statements of cost savings and the elimination of redundancies to Congress (10 USC § 113) as well as consolidate to provide more efficient and economical administration and operation of the DOD (10 USC § 125). While the law does not explicitly require the SECDEF to centralize elements of DOD law enforcement particularly, it explicitly requires

the SECDEF to apply that legal obligation to all areas of the DOD which includes law enforcement. This is particularly relevant as the previous discussion of legal authorities highlighted that every DOD law enforcement entity, those that perform police functions as well as those that perform investigative functions, all operate under the legal authority of the SECDEF.

While market capitalization is not a concern of the DOD, it must determine if centralization will add value to the DOD. The answer to the second question is “Yes” because of the added value in the more efficient and effective acquisition and administration through centralization. Looking back at the previous examples of consolidation to realize centralization with DLA and DCMA, the DOD has proved through these and other Fourth Estate DAFAs that centralization adds value. The current effort to centralize MTF administration under DHA is one recent example as well as the consolidation of military exchanges to create centralization for the incorporation of category management. Therefore, the DOD recognizes the significant value afforded by continuing to centralize services within its DAFAs. For example, in 2020, the Defense Information Systems Agency (DISA) moved to consolidate and the IT networks of approximately 14 Fourth Estate agencies into one unified network. Miller (2019) cites Drew Jaehnig, Chief of the Fourth Estate Optimization Program as well as the Chief of the Defense Enclave Services Program, who stated “the Department thinks we should be able to save a significant amount of money and return that to the lethality for the Department by combining these networks and reducing the footprint to the tune of about \$170 million a year.” This recent example within the Fourth Estate once again demonstrates that centralization adds significant value.

The answer to the third question is arguably the most difficult to answer. First and foremost, there is the risk to almost any decision to centralize—particularly in bureaucracy-laden institutions such as the DOD. Additionally, organizational inertia and a strong, sometimes misguided adherence to military department and DOD organizational culture that pride themselves on control, create noteworthy variables for the items of business rigidity and motivation. To what degree they impact risk is debatable and to an extent depends on those in the decision-making process. The Board, in essence, stated that any

effort to make change is impossible without SECDEF's attention. Therefore, without the involvement of a SECDEF, who does not wait for or necessarily seek consensus and who effectively wields the power of the SECDEF under laws that empower the SECDEF to make sweeping change, there is potentially high risk. Centralization on a scale described in this research requires an engaged leader with the desire and authority to effect change. A leader can guide those reticent to change through the process and compel those who are not willing to change. If such an individual is at the helm of the effort, the risk lowers significantly. However, the individual(s) do not have to belong to the DOD. Congress has the authority through legislation to affect the necessary centralization. However, like the DOD, it can encounter significant business rigidity and can lack motivation without a crisis, significant event, and constituent interest to precipitate action which greatly increases the risk.

The answer to the three questions of centralization does not warrant a categorical "No" across the board, which leads to the conclusion that centralization is not appropriate. The answers to questions one and two are dependent upon one's point of view. The answer to the second question is undoubted "Yes." Therefore, centralization is appropriate for DOD law enforcement. The significant value-added through centralization that will bring standardization increased shared services, and better buying power through category management far outweigh any possible "No" answers to the other two questions. Therefore, using acquisition strategy from a commercial business and Government procurement standpoint has shown that reform of DOD law enforcement is not only needed but required to move the DOD forward to increase effectiveness and efficiency to reinvest in the warfighter.

B. RECOMMENDATIONS

First, the DOD must develop an enterprise-wide strategy for DOD law enforcement and ensure its alignment with national goals and objectives. As previously stated in this research, strategy impacts resource allocation which in turn impacts acquisition. The Planning, Programming, Budgeting and Execution (PPBE) process in Figure 4 is used to generate its portion of the president's budget requests to Congress.

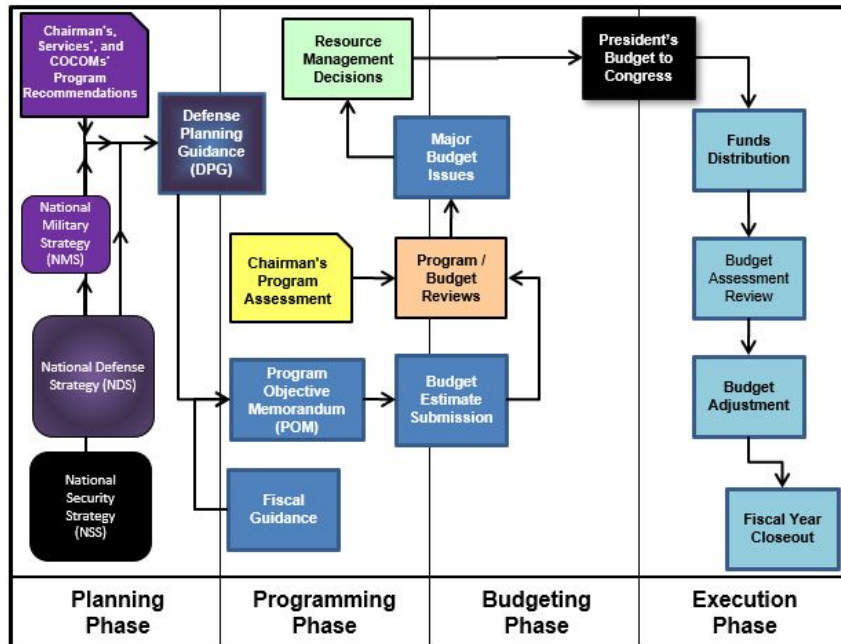


Figure 4. Planning, Programming, Budgeting, and Execution (PPBE) Process Overview. AcqNotes. Source: National Defense Strategy. Reprinted from the Planning Phase of the PPBE Process (2018).

The first three items in the planning phase all pertain to strategy. Therefore, the DOD must ensure that law enforcement is appropriately aligned with all of those strategies. Additionally, it appears without tying DOD law enforcement to a relevant, national strategy, DOD law enforcement acquisition reform will not occur until a mission failure or other similar significant event.

Finally, the DOD must establish a DLEE. The DOD clearly understands the value in such a designation as it has established a Defense Forensics Enterprise; a Defense Intelligence Enterprise; and a Defense Security Enterprise. However, rather than establish a DLEE, the DOD instead relies on fragmented delegation of the SECDEF's authority and the imperfect EA system for assigning responsibility. The problem with such an approach is that it does not allow for a single individual to assume responsibility for a service like law enforcement that spans not only the Services but the Fourth Estate. As previously discussed in this research, DAFAs was established due to inherent weaknesses in the EA system. Additionally, law enforcement, similar to the SECDEF, is not the primary or secondary responsibility for the Service Secretaries. The Service Secretaries, by law, are

responsible for organizing, training, and equipping their military departments among many other tasks. While this research has stated this can include the functions and personnel associated with law enforcement, it is not viewed in that manner. Service Secretaries are primarily concerned with matters such as budgets, large acquisition programs, etc., of which law enforcement matters of their respective military services appear to rarely reach that level. Therefore, it's not realistic, prudent, or fair to place full accountability of the effectiveness and efficiency of law enforcement of the military services squarely on the Service Secretaries. Therefore, a DLEE must be established with its leader to centralize the authority, direction, and control of the SECDEF for law enforcement responsibility. Establishing a dedicated law enforcement enterprise will reduce fragmentation, overlap, and duplication to healthy levels. It will also provide much-needed acquisition support to a decentralized law enforcement procurement system and will provide the SECDEF and Congress a true advisor and Senior Accountable Official in the DOD for law enforcement.

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