

# TRANSCRIPT – TEXT

## DEPARTMENT OF DEFENSE

### INSPECTOR GENERAL SUBPOENA VIDEO

**MR. CHARLES W. BEARDALL (DOD DEPUTY INSPECTOR  
GENERAL FOR INVESTIGATIONS)**

The key mission of the Office of the Inspector General is to detect and deter fraud, waste and abuse in the programs and operations of the Department of Defense. Our partnership with you, the Defense Criminal Investigative Organizations, has resulted in many successful investigations that have helped us achieve this mission. As criminal investigations become increasingly more complex, one of the most effective investigative tools at your disposal is the subpoena. Last year, the Inspector General issued over 300 subpoenas that supported a myriad of criminal investigations, primarily focused on economic crime and conducted by the Army Criminal Investigations Command, the Naval Criminal Investigative Service, the Air Force Office of Special Investigations and the Defense Criminal Investigative Service.

The successes of cases that used subpoenas have been remarkable. For example, during fiscal years 2006 and 2007, DCIS cases that employed Inspector General subpoenas resulted in recoveries of over \$163 million dollars. The Office of Inspector General component responsible for the subpoena program is the Office of Investigative Policy and Oversight (IPO). The staff of IPO is dedicated to helping you perfect your subpoenas and to get them to you promptly. They are the architect of this video which we are confident will assist you in better understanding and working within the DoD IG Subpoena program.

**NARRATOR - OSI SPECIAL AGENT JOHN GIBSON (LIAISON TO  
OIG)**

The Office of the Inspector General, Department of Defense stands ready to support Defense investigators in obtaining records that will resolve allegations of civil or criminal misconduct involving DoD programs and operations. We want to help you solve the must-solve cases. Whether your investigation involves the Global War on Terrorism, strengthening war-fighting capabilities, protecting our most valued resource, our people, or making the best use of taxpayer dollars; the IG's Office of Investigative Policy and Oversight stands ready to assist you through its Subpoena

Program. The Defense Criminal Investigative Service or (DCIS) conducts criminal investigations in support of DoD priorities. As such, they are among our most frequent users. In successful DCIS economic crime investigations, records obtained through IG subpoenas have been critical to case resolution. The OIG's singular goal is to help you get the subpoenas you need quickly. A key component within the IG staff that plays a crucial role in this process is the Office of General Counsel.

**ANN KANAMINE (ASSOCIATE GENERAL COUNSEL, DOD IG OFFICE OF GENERAL COUNSEL)**

OIG attorneys provide not only a necessary legal review to ensure the subpoena is relevant and within the statutory authority of the Office of Inspector General, but their experience and legal expertise is absolutely invaluable to the investigation itself. They often provide leads that are not always apparent to the case agent, guidance on the interpretation and application of the law, and assistance in crafting the language of the subpoena to maximize its effectiveness in obtaining specific documents and records that can successfully resolve an investigation. The Office of General Counsel, working in tandem with the subpoena program managers of the

Investigative Policy and Oversight Directorate, provide a powerful team that stands ready to maximize the investigative efforts of all field agents.

## **NARRATOR**

DCIO Special Agents develop investigations and seek to identify relevant and logical documentary evidence needed to solve cases. Records that may be subpoenaed include phone records, bank records, Internet service provider records, business records, and even the records of state and local governments, and sometimes those of private individuals. While we cannot subpoena testimony or require the creation of documents that don't already exist, such as written responses to questions, we can request any and all relevant records that are in existence at the time of the request. In addition, Department of Defense auditors are often called upon to assist special agents in the development of investigations and, in many instances, uncover criminal acts themselves. Recently, auditors working side by side with special agents of the United States Army Criminal Investigation Command Task Force played a crucial role in the pursuit of specific records by assisting agents in the preparation of subpoenas to identify and substantiate that a large number of travel vouchers were fraudulent. The Task Force used subpoenas primarily to obtain financial records, following the guidance

prescribed in the Right to Financial Privacy Act, which required that the individual customers be notified of the subpoena prior to obtaining documents from the financial institution. The Act also allows financial institutions to seek reimbursement from the Office of the Inspector General for costs associated with responding to subpoenas for documents of a customer. This Task Force has successfully used subpoenas to obtain records that otherwise would have made the investigations difficult to resolve.

#### **NCIS SPECIAL AGENT CHARLES MAY (LIAISON TO OIG)**

The Naval Criminal Investigative Service exists for one reason, to prevent and solve crimes that threaten the war-fighting capability of the United States Navy and the United States Marine Corps. In 2005, when the Inspector General introduced a program to issue subpoenas in support of serious general crimes matters, NCIS was one of the first agencies to use this investigative resource. Although the subpoena request process is the same, the difference is a subpoena can be issued in support of certain categories of general crimes investigations of a significant nature. To date, subpoenas have been issued in investigations involving large scale narcotics operations, homicides, rape, child pornography and witness tampering. Criminal

investigators in garrison, rely heavily on DoD IG subpoenas to do their work as do deployed agents. Special Agents stationed in Fallujah, Iraq requested a subpoena in the theft of Army and Air Force Exchange property, specifically, AT&T calling cards which were used to make thousands of telephone calls all over the world. Records obtained from AT&T by subpoena supplied the agents with names and telephone numbers of all the military members involved. This on-going investigation could not have been solved without the use of DoD IG subpoenas.

## **NARRATOR**

In recent years, the proliferation of computer crimes, including attempts to hack into Department of Defense computer systems, has resulted in the establishment of several Defense Criminal Investigative Organization Task Forces. One such element is the US Army CID Computer Crime Investigative Unit. This elite unit is responsible for investigating incidents when networks are breached by those intent upon disrupting Army networks and websites, a constant challenge to our computer crime investigators.

## **US ARMY CID SPECIAL AGENT CHARLES AMES (COMPUTER CRIMES INVESTIGATIVE UNIT)**

Army CID's Computer Crime Investigative Unit is responsible for the investigation of network intrusions and related crime, with a worldwide area of responsibility. With the aid of DoD IG subpoenas, we have identified both international and domestic suspects, who were responsible for compromising Army systems. Hackers often compromise civilian computers and use those computers during the compromise of government networks. This convoluted trail slows our efforts to identify the hacker. Often, our only lead is an Internet Protocol address, which leads us to an Internet Service Provider. Further complicating matters, Internet Service Providers have varying lengths of time that they keep records, which can range from days to months. Our first step is to send a preservation request to the provider, which obligates the provider to preserve data for 90 days. We then obtain a DoD IG subpoena to obtain the account information, and in this manner we follow the trail back to the hacker. CCIU has used DoD IG subpoenas for almost five years as our primary means of obtaining information from Internet Service and e-mail providers and identifying criminal subjects. Although, we have used court orders and Grand Jury

subpoenas, DoD IG subpoenas have proven to be a fast and efficient means of obtaining subscriber and related information.

## **NARRATOR**

Special Agents from the US Army CID, the Air Force Office of Special Investigations, the Naval Criminal Investigative Service, and the US Marine Corps Criminal Investigation Division have requested and received over eleven hundred (1,100) subpoenas in the past five years. The process for obtaining a subpoena is not complicated and the time period from request to subpoena issuance has decreased from over 30 days to 12 days and we're working on ways to be even more responsive to you. Subpoenas can help you solve the must-solve cases and the special agents in the Office of the Inspector General, Investigative Policy and Oversight, stand ready to assist you.

Together we are ---- "one professional team."