



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
400 ARMY NAVY DRIVE
ARLINGTON, VIRGINIA 22202-4704

November 21, 2003

MEMORANDUM FOR CIVILIAN EMPLOYEES ASSIGNED TO THE DEFENSE
CRIMINAL INVESTIGATIVE SERVICE, OFFICE OF THE
INSPECTOR GENERAL OF THE DEPARTMENT OF
DEFENSE

SUBJECT: DCIS News Release Protocol

References: Inspector General Policy memorandum of June 27, 2003, "Public Release of Information from the Office of the Inspector General of the Department of Defense (OIG DoD)"

Purpose: Pursuant to the Inspector General (IG) memorandum of June 27, 2003, "Public Release of Information from the Office of the Inspector General (OIG DoD)" (see attached), the following process is established for the review of information from/concerning investigative cases that may be issued as a "Blue Top" News Release from the Office of the Assistant Secretary of Defense (Public Affairs) (OASD (PA)) or as an IG Information Release.

1. When Defense Criminal Investigative Service (DCIS) desires to have a news release issued in connection with a significant¹ case, it will submit a summary of that case and/or a draft press release to the Office of Communications and Congressional Liaison (OCCL). These case summaries should be submitted with adequate advanced notice, preferably two weeks prior to the date the news release is required, to allow for OCCL coordination with OASD (PA) and Public Affairs offices external to DOD. Submission of these summaries will be done via an e-mail submitted by the Special Agent in Charge (SAC), Assistant Special Agent in Charge (ASAC) or Resident Agent in Charge (RAC) directly to OCCL and a cc: to the INV-003 mailbox and the Deputy Director of operations. Note: in the case of sealed actions, prepare this summary only when the action is unsealed.
2. OCCL will review the submitted cases and, as appropriate, prepare summaries for consideration by OASD (PA). These summaries must be marked as

¹ For the purpose of this Protocol, the term "significant" means a case or case development that is newsworthy on a national level and/or is applicable to the Department of Defense as a whole. Generally, such cases will involve (1) top 100 contractors, (2) major weapon systems, (3) items of congressional interest, (4) issues regarding high level military and civilian officials, and (5) matters which ordinarily come to the attention of the Secretary of Defense or his principal deputies.

"FOUO – Law Enforcement Sensitive Material Do Not Release Without DCIS Approval."

3. OASD (PA) will make the final determination regarding suitability for issuing a DoD News Release. Upon selection, OASD (PA) may contact OCCL for additional case information.
4. OCCL will take the selected cases and--in coordination with the Investigative Operations Directorate--contact the appropriate DCIS SAC, ASAC, or RAC to request additional information about these cases.

OCCL will brief salient points to the OASD (PA) single point of contact for the Office of the Inspector General (OIG). Some circumstances may necessitate both OCCL and OASD (PA) to meet or conduct a conference call with the pertinent DCIS representative to secure details of selected cases--again, in coordination with DCIS Investigative Operations Directorate. OCCL and OASD (PA) understand that designated DCIS information must be treated as Law Enforcement Sensitive.

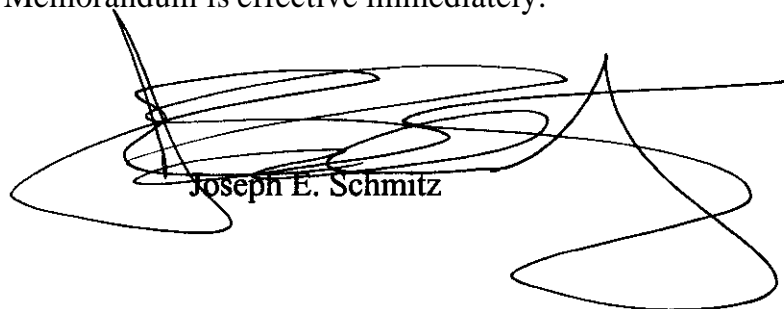
5. DCIS Managers (SACS, ASACs, RACs or above) will submit draft news releases to OCCL. Alternatively, they may use OCCL as a resource to develop draft news releases upon request. OCCL will, with the concurrence of the Inspector General and senior DCIS management, submit news releases to OASD (PA). News releases on all active cases must be coordinated with the U.S. Attorney's Office or the Department of Justice, as applicable, prior to release.
6. OASD (PA), upon acceptance, will convert and issue the official OASD (PA) "Blue Top" News Release to the press.
7. The SAC, ASAC or RAC and Investigative Operations Directorate will be promptly notified by OCCL of those cases not deemed of interest for a "Blue Top" News Release. OCCL will advise whether these cases will be posted on the IG website as an IG Information Release. Those cases not selected or not posted may then be treated as "local press interest cases" by DCIS, according to the addendum to this protocol.
8. DCIS Managers shall be authorized to participate in press briefings per paragraph 4 in the addendum to this protocol.

Special Notes

- i. OCCL and OASD (PA) maintain responsibility for all necessary Department/Agency Public Affairs coordination for press releases;

- ii. OCCL will follow all guidelines applicable to the use and handling of Law Enforcement Sensitive information; and
- ii. DCIS serves as the governing entity as to the timing of the release of any and all law enforcement sensitive information.

Effective date: This Policy Memorandum is effective immediately.



Joseph E. Schmitz

Attachment:
As stated

November 21, 2003

**ADDENDUM REGARDING DCIS CONTACT WITH THE PRESS
CONCERNING CASES NOT OF NATIONAL-LEVEL OR DEPARTMENT-
WIDE INTEREST**

The Inspector General of the Department of Defense "does not publicly comment on ongoing investigations unless or until, in criminal cases, a public arrest is made or an indictment is returned, or in administrative investigations a final investigative report is issued." Accordingly, DCIS Managers **are authorized** to answer, in accordance with all of the following guidelines, routine press inquiries received at the field office concerning investigation not of national-level or Department-wide interest in which (1) a public arrest has been made, (2) a criminal indictment returned, (3) a criminal information filed, or (4) a civil complaint filed unsealed; however DCIS managers **are not authorized** to issue "local" DCIS press releases concerning such cases:

1. DCIS Managers may provide information regarding cases NOT of national-level or Department-wide interest as determined by the Office of Communications and Congressional Liaison. The representative DCIS Special Agent providing comment will be a DCIS Manager.
2. DCIS Managers, subject to specific limitations imposed by law or court rule or order, may make public the following information:
 - i. The defendant's name, age, and employment;
 - ii. The substance or text of the charge, such as complaint, indictment, or information;
 - iii. The identity of the investigating agency and/or arresting agency; or
 - iv. The circumstances immediately surrounding an arrest, including the time and place of an arrest, resistance, pursuit, possession and use of weapons, and a description of items seized at the time of arrest. This is **not** limited to criminal cases.

The rationale underlying the release of this information should be consistent with that of the DCIS News Release Protocol, i.e., to help deter crime and to increase public awareness of the enforcement efforts of DCIS to combat fraud, waste, abuse, and terrorism.

3. Because release of certain types of information could tend to create dangers of prejudice in an adjudicative proceeding, DCIS Managers should refrain from making available the following:
 - i. Observations about a defendant's character;

¹ Inspector General Info Memo to Secretary of Defense of June 3, 2003, ("Public Discussions Concerning Ongoing I.G. Investigations").

- ii. Statements, admissions, confessions, or alibis attributable to a defendant, the refusal or failure of the accused to make a statement;
- iii. Reference to investigative procedures such as fingerprints, polygraph examinations, laboratory results, or the refusal by the defendant to submit to such tests or examinations;
- iv. Statements concerning the identity, testimony, or credibility of prospective witnesses;
- v. Statements concerning evidence or argument in the case, whether or not it is anticipated that such evidence or argument will be used at trial; or
- vi. Any opinion as to the accused's guilt, or the possibility of a plea of guilty to the offense charged, or the possibility of a plea to a lesser offense.

4. DCIS Managers should not disseminate any information concerning a defendant's prior criminal record.

5. In responding to press inquiries, DCIS Managers should be courteous, factual and as helpful as possible. They should refrain, however, from answering hypothetical questions or expressing personal opinions. Additionally, disclosures should only include factual matters, and should not include subjective observations. When background information or information relating to the circumstances of an arrest or investigation would be highly prejudicial or where the release thereof would serve no law enforcement function, such information should not be made public.

6. DCIS Managers shall be authorized to participate in press briefings. For press briefings of national-level or Department-wide interest, DCIS Managers shall seek authorization to participate from OCCL.

Requirements

- DCIS Managers who provide comment to media will notify OCCL and the Investigative Operations Directorate of all press contacts and the nature of the inquiry via e-mail as soon as practicable after the media contact.
- All inquiries regarding information of national interest and/or applicable to the Department of Defense (DoD) as a whole will be forwarded to the External Affairs Officer in OCCL, by providing his/her contact information.
- DCIS Managers will notify OCCL should a case initially deemed to be of local interest develop into a matter of national interest.

SPECIAL NOTES

Frequently, Special Agents receive press inquiries at the scenes of arrests, raids, or other fast-moving developments in investigations. Unless undercover assignments or similar circumstances dictate otherwise, Special Agents who are approached by journalists at the scene of fast-moving developments in DCIS cases, in addition to

providing name and phone number of supervisory personnel or OCCL, may make the following responses:

- Identify themselves as "a Special Agent of the Department of Defense Office of the Inspector General Defense Criminal Investigative Service,"
- Furnish the name of the field office to which they are assigned, and
- State the general nature of the investigative operation, such as "We are here to serve an arrest (or a search) . . ."



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
400 ARMY NAVY DRIVE
ARLINGTON, VIRGINIA 22202-4704

JUN 27 2003

MEMORANDUM FOR CIVILIAN AND MILITARY PERSONNEL EMPLOYED BY
AND ASSIGNED TO THE OFFICE OF THE INSPECTOR
GENERAL OF THE DEPARTMENT OF DEFENSE

SUBJECT: Public Release of Information from the Office of the Inspector General of
the Department of Defense (OIG DoD)

- References:
- (a) Inspector General Act of 1978, as amended
 - (b) Inspector General Policy memorandum of February 10, 2003,
"Inspector General Act Implementation and Office of Inspector
General Policy Guidance"
 - (c) DoD Principles of Information, November 9, 2001
 - (d) DoD Directive 5230.9, "Clearance of DoD Information for Public
Release," April 9, 1996, Administrative Reissuance Incorporating
Change 1, July 15, 1999
 - (e) DoD Directive 5122.5, "Assistant Secretary of Defense for Public
Affairs (ASD (PA))," September 27, 2000
 - (f) Memorandum from the Deputy Secretary of Defense, "Ensuring
Quality of Information Disseminated to the Public by the Department
of Defense," February 10, 2003

Purpose: Pursuant to Section 6(a)(7) of Reference (a), implemented generally by Reference (b), the Inspector General "is authorized . . . to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office subject to the provisions of [various federal statutes]." Although Reference (c) assigns "primary responsibility for carrying out [the Department of Defense's policy] commitment" to "make available timely and accurate information so that the public, Congress and the news media may assess and understand the facts about national security and defense strategy," to the "Assistant Secretary of Defense for Public Affairs," neither Reference (c) nor any other Department of Defense Public Affairs policy, including those promulgated in References (d)-(f), precludes the Inspector General from designating a Public Affairs Officer (PAO) for the Office of Inspector General (OIG). Given the importance of this position, I hereby designate the Director of the Office of Communications and Congressional Liaison (OCCL) as OIG PAO, to be complemented by a Deputy OIG PAO.

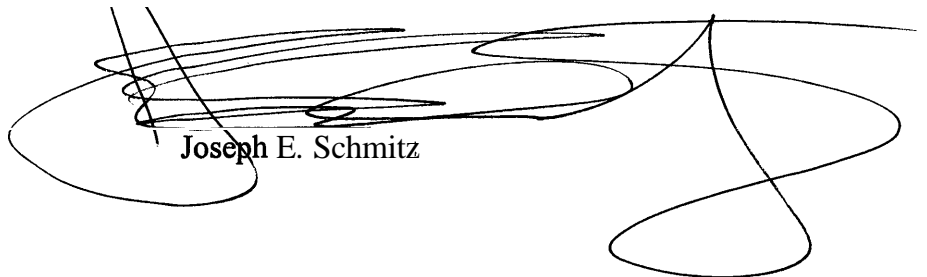
The Director, OCCL, will perform the duties of the OIG PAO in addition to the duties of the position of the Director, OCCL. The OIG PAO may delegate duties as needed within the OIG, including OIG components.

Responsibilities: Consistent with the statutory duties in reference (a), as implemented by reference (b), and consistent with the letter and spirit of (c), (d) and (e), the OIG PAO is

the official responsible for implementing the public affairs strategy of the OIG. Consistent with Reference (f) the OIG PAO is "Designate[d] the Component public affairs activity . . . to receive complaints regarding information that may not comply with the quality standards." To the maximum extent permitted by Reference (a), all public affairs activities will be coordinated closely with the Assistant Secretary of Defense for Public Affairs (ASD (PA)) through the attached mutually acceptable protocol which stipulates that the "OIG has the option to post [IG related] information on any OIG website under any heading, as long as the information is not labeled as 'news release' or 'press release.'"

This Policy Memorandum has been coordinated with the Acting ASD (PA).

Effective date: This Policy Memorandum is effective immediately.



Joseph E. Schmitz

Attachment:
As stated



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
400 ARMY NAVY DRIVE
ARLINGTON, VIRGINIA 22202-4704

PROTOCOL

SUBJECT: Office of the Inspector General and Office of the Assistant Secretary of Defense (Public Affairs) Protocol for Issuing Press Releases

References: (a) DoD Directive 5122.5, "Assistant Secretary of Defense for Public Affairs (ASD (PA)), September 27, 2000
(b) Memorandum from the Inspector General of the Department of Defense, "Public Release of Information from the Office of the Inspector General of the Department of Defense," June 27, 2003

Pursuant to Section 3.4 of Reference (a), the Assistant Secretary of Defense (Public Affairs) (ASD (PA)) is assigned the responsibility as the sole "release authority for DoD information [and materials] to news media representatives." As such and pursuant to Reference (b) which calls for the Office of the Inspector General of the Department of Defense (OIG DoD) to closely coordinate press releases with ASD (PA) "through mutually acceptable protocols," OIG will coordinate significant press contacts and submit proposed press releases to ASD (PA) for review.

ASD (PA) will review each submission to determine whether an official DoD press release is warranted. ASD (PA) utilizes the following two primary criteria to validate whether proposed press releases are eligible to be issued as official DoD press releases:

1. Newsworthiness;
2. Applicability to the Department of Defense as a whole.

Should the proposed press releases meet ASD (PA) criteria – as determined by ASD (PA) – the proposed press releases will be published as official DoD press releases – also known as Blue Tops.

Should ASD (PA) determine that submitted OIG press releases do not warrant Blue Top status, OIG has the option to post the information on any OIG website under any heading, as long as the information is not labeled as "news release" or "press release."