MARINE CORPS
INSPECTOR GENERAL PROGRAM
INTELLIGENCE OVERSIGHT
GUIDE

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INSPECTOR GENERAL OF THE MARINE CORPS

Marine Corps Inspector General Program Intelligence Oversight Guide

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This Guide has been approved by the IGMC

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Introduction

Marine Corps Inspector General Program
Intelligence Oversight Guide

1. **Purpose:** This guide outlines the specific techniques, formats, and procedures used when performing Inspector General Program (IGP) Intelligence Oversight functions.

2. **The IGP Intelligence Oversight Guide:** Every IG has a responsibility to inspect Intelligence Oversight programs. This includes the programs and proper reporting of Intelligence Oversight (IO) for their assigned intelligence components (ICs); inspecting ICs as part of their command's IG Inspections Program (refer to the Marine Corps Inspector General Program Inspections Guide); and establishing procedures for reporting of any questionable activities in accordance with Procedure 15, DoD 5240.1-R, to the IGMC.

3. **The Guide as a Handbook:** This guide is designed to serve as a ready reference and step-by-step handbook that will assist IGs serving in the field to carry out their IO responsibilities. The techniques and formats offered herein are not mandatory for use but instead offer all IGs a common frame of reference and a generally approved way of executing Intelligence Oversight of ICs and activities within their commands. Whether or not these intelligence activities relate to the collection, retention, and dissemination of information about United States Persons (USPER), the purpose of the oversight effort is to ensure that ICs conduct these activities in a manner consistent with Executive Order 12333, DoDD 5240.1, DoD 5240.1-R, and applicable DoD Component Agency and / or Military Service implementing guidance on intelligence activities. IGs conducting IO Inspections will follow the IGP Inspections procedures with a different methodology that includes reviewing the IC's mission; ensuring that required reports of questionable activity are completed and submitted appropriately; and ensuring that an IO training program is in place. The rules bearing on the intelligence oversight function, as outlined in the Marine Corps Inspector General Program Concept and System Guide, represent the guidelines that frame this doctrine and, ultimately, the execution of this function. IGs may use this guide in concert with the policies outlined in the regulation.

4. **Format for Sample Memorandums:** The sample formats used in this guide are shown in subsequent chapters.

5. **Questions and Comments**: For questions or comments concerning this guide, please contact the IGMC (Oversight Division) at (703) 614-1206 ext 164.

Marine Corps Inspector General Program
Intelligence Oversight Guide
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Chapter 1

Background Information

1. **Purpose:** This chapter provides background information about the Intelligence Oversight (IO) process and the current rules and regulations that govern the Program.

2. **History and Background**. The Intelligence Oversight Process is two-fold. One aspect ensures that select agencies within the Intelligence Community collect, retain, and disseminate information concerning U.S. persons only in accordance with certain procedures and regulations. The second aspect is to verify that intelligence personnel conduct intelligence operations in accordance with law, policy, and regulation and under appropriate authority. Section 2.3 of Executive Order 12333 provides the regulatory intelligence oversight guidance for the whole intelligence community. The intent of intelligence oversight is to ensure the privacy of U.S. citizens and other entities defined as U.S. persons and to ensure that the intelligence community operates within its charter of foreign intelligence and counterintelligence.

     a. The U.S. Constitution lays the basic groundwork in the Intelligence Oversight Process: the First Amendment allows U.S. citizens the freedom to express themselves without fear of Government reprisal while the Fourth Amendment protects U.S. citizens from unlawful searches and seizures. However, the need for additional intelligence oversight became evident in a 1974 New York Times article detailing operations the Central Intelligence Agency (CIA) had been conducting for several years. Thus, in 1975 the United States Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities, chaired by Senator Frank Church (D-ID), was formed.

     b. The Church Committee, as it is commonly known, investigated the intelligence- gathering efforts of both the CIA and the Federal Bureau of Investigation (FBI). This investigation revealed that Army intelligence components participated in the surveillance of U.S. citizens and organizations. Testimony before the committee revealed that "the Army's nationwide surveillance program created files on some 100,000 Americans and an equally large number of domestic organizations, encompassing virtually every group seeking peaceful change in the United States, including the John Birch Society, Young Americans for Freedom, The National Organization of Women, the NAACP, the Urban League, the Anti-Defamation League of B'nai B'rith, and Business Executives to End the War in Vietnam."[1] The information and testimony presented led the Committee to conclude that Congress needed to establish oversight standards and regulations. As a result of pressure from Congress and other groups, President Gerald Ford issued Executive Order 11905. In 1981 Executive Order 12333 replaced this order under authorization from President Ronald Reagan.

     c. The Church Committee also spawned the creation of the Foreign Intelligence Surveillance Act (FISA) of 1978. The FISA outlines procedures for the physical and electronic surveillance and collection of "foreign intelligence information" between "foreign powers" and "agents of foreign powers," which may include U.S. citizens and /

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[1] Intelligence Activities and the Rights of Americans, Book II, Final Report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, United States Senate, April 26, 1976.

or permanent residents.

     d. The attacks of 11 September 2001 sparked a dramatic change in the intelligence community with the passing of the Patriot Act in 2001. By expanding the definition of terrorism to include "domestic terrorism," the Act increased the ability of law-enforcement agencies to search telephone, e-mail communications, medical, financial, and other records; this Act also eased restrictions on foreign intelligence gathering within the U.S.

3. **Policy Guidance for Intelligence Oversight.** The following documents outline the established polices for IO in the Department of Defense.

     a. Executive Order 12333, "United States Intelligence Activities": The purpose of EO 12333 is to authorize robust collection while respecting the rights set forth by the Constitution. In addition, Section 2.3 mandates that the Attorney General must approve the intelligence collection procedures promulgated by agency heads, to include the Secretary of Defense.

     b. Executive Order 13462, "President's Intelligence Advisory Board and Intelligence Oversight Board": Executive Order 13462 establishes the President's Intelligence Advisory Board and the Intelligence Oversight Board, which advises the President on matters related to the Intelligence Community.

     c. DoD Directive 5240.01, <u>DoD Intelligence Activities</u>, is the primary authority used by the Defense Intelligence Components and those performing an intelligence or counterintelligence function to collect, process, retain, or disseminate information concerning U.S. persons.

     d. DoD 5240.1-R, <u>Procedures Governing the Activities that Affect US Persons,</u> enables DoD intelligence components to effectively carry out their authorized functions while ensuring their activities that affect U.S. persons are carried out in a manner that protects the constitutional rights and privacy of such persons.

     e. Chairman of the Intelligence Oversight Board and Director of National Intelligence Memorandum on Intelligence Oversight Reporting Criteria, 17 July 2008, requires that significant or highly sensitive matters be reported immediately. These matters include intelligence activities that could impugn the reputation or integrity of the DoD intelligence community or otherwise call into question the propriety of these activities, whether or not the activities are unlawful or contrary to executive order, presidential directive, or applicable DoD policies.

     f. SECNAVINST 3820.3E, <u>Oversight of Intelligence Activities Within the Department of the Navy (DON)</u>, implements policies, procedures, and governing regulations regarding the conduct of intelligence activities, and a system of program reviews, inspections, and reporting requirements of those activities within the DON.

     g. SECNAVINST 5000.34D, <u>Oversight and Management of Intelligence Activities, Intelligence – Related Activities, Special Access Programs, Covert Action Activities, and Sensitive Activities Wothin the Department of the Navy</u>, establishes policy and assigns responsibility for the oversight and management of intelligence activities, intelligence

related activities, Special Access Programs (SAPS) covert action activities, and sensitive activities within the DON.

   h. MCO 3800.2B, <u>Oversight of Intelligence Activities</u>, establishes policy, procedures, and responsibilities governing the inspection and oversight of activities of Marine Corps intelligence and the reporting requirements regarding those activities.

4. **Applicability.** The Intelligence Oversight Process applies to all Marine Corps organizations having an intelligence gathering or collection capability which are known as intelligence components (ICS). The ICs in the Marine Corps include:

   a. HQMC Intelligence Department

   b. Marine Corps Intelligence Activity (includes all subordinate commands and elements).

   c. Organizational G-2 / S-2 staffs.

   d. Intelligence battalions.

   e. Radio battalion.

   f. Reconnaissance battalions / companies.
   g. Scout sniper platoons.

   h. Unmanned aerial vehicle squadrons.

5. **Responsibilities**. All personnel conducting, supervising, or providing staff oversight of intelligence activities, and who are involved in intelligence activities, are charged with ensuring that those activities are conducted properly.

   a.   Individuals assigned to or supporting Marine Corps commands with intelligence gathering or collection capability and / or performing intelligence activities will:

      (1) Conduct intelligence activities only pursuant to, and in accordance with, Executive Order 12333, DoD 5240.1-R, and the authorized mission of their organization.

      (2) Report questionable intelligence activities QIAs of EO 12333 or DoD 5240.1-R to their Commander, Command Inspector General (CIG), General Counsel (CL), or Staff Judge Advocate (SJA) immediately. Reporting should not be delayed and must be made immediately to IGMC (Oversight Division) upon discovery.

   b. The Inspector General of the Marine Corps (IGMC) (Code IGO) will:

      (1) Inspect intelligence oversight programs to ensure they are in compliance with requirements.

      (2) Report to the Assistant to the Secretary of Defense Intelligence Oversight (ATSD (IO)) with a copy to the Naval Inspector General (NAVINSGEN) any

allegation of questionable intelligence activities upon receipt in accordance with MCO 3800.2B.

       (3) Ensure that questionable activity is investigated under an appropriate authority to the extent necessary to determine the facts and assess whether the activity is legal and consistent with applicable policies.

       (4) Obtain assistance from other Inspector General Program (IGP) or Marine Corps intelligence personnel when necessary to complete the investigation in a timely manner.

      c. Command Inspectors General will:

       (1) Monitor, inspect, and report on their command's intelligence oversight program. Seek the assistance of the IGMC (Oversight Division) as required.

       (2) Conduct inspections and report on intelligence oversight programs of those intelligence components or units assigned, attached, or under their administrative control at least once every 24 months.

       (3) As part of an inspection, ensure procedures exist within the Command's headquarters and subordinate intelligence organizations for the reporting of questionable activities and that employees of such organizations are aware of their responsibilities as specified in Procedures 14 and 15 of DoD 5240.1-R.

       (4) Ensure the Headquarters and subordinate intelligence organizations report questionable intelligence activities (QIAs) to the CIG and then forward these reports to the IGMC (Oversight Division).

       (5) Notify the IGMC (Oversight Division) of initiation and completion of Procedure 15 / QIA-related investigative actions in accordance with MCO 3800.2B.

       (6) Submit quarterly Intelligence Oversight reports covering the Headquarters and subordinate intelligence organizations to IGMC (Oversight Division) no later than the <u>fifth day of the month</u> after the beginning of each quarter (October, January, April, and July). See Appendix C for an example format of a typical Command quarterly / annual IO report to the IGMC. CIGs will also immediately report questionable intelligence activities (as defined in reference 8) to the IGMC (Oversight Division). See Appendix C for a sample QIA notification report.

       (7) Ensure questionable intelligence activities are investigated under an appropriate authority to the extent necessary to determine the facts and assess the activity as follows:

       - Coordinate investigative activities with appropriate IGs. Investigate each report of questionable activity to the extent necessary to determine the facts and assess whether the activity is legal and consistent with applicable policies (see Appendix B for sample Procedure 15 / QIA Investigation report format).

- Conduct investigations expeditiously. Obtain assistance from other Marine Corps organizations when necessary to complete an investigation in a timely manner.

- Retain overall responsibility for investigating questionable intelligence activities concerning the Command's headquarters and subordinate organizations. While the CIG need not necessarily conduct the investigation, he or she should review the results of all investigations prior to submission to the IGMC.

6. **Reporting Requirements.** Any civilian or military DoD employee within the DoD intelligence component has a basic responsibility to report any Questionable Intelligence Activity to an Office of the Inspector General and / or Office of the General Counsel. Table 1-1 is an IG Intelligence Oversight Reporting Matrix.

a. "Questionable Intelligence Activity (QIA)," as defined by DoD 5240.1-R., is any intelligence or intelligence-related activity that may be unlawful or contrary to the references or other executive order, presidential directive, or applicable DoD policy governing those activities.

b. In accordance with reference 8, issued by the Intelligence Oversight Board (IOB) and Director of National Intelligence (DNI), significant or highly sensitive matters must also be reported immediately. These matters include intelligence activities that could impugn the reputation or integrity of the DoD intelligence community or otherwise call into question the propriety of these activities, whether or not the activities are unlawful or contrary to executive order, presidential directive, or applicable DoD policies.

Examples include:

(1) Matters that are or may be the subject of Congressional inquiries or investigations.

(2) Matters resulting in a media event that has the potential of becoming (or actually is) a QIA (depends upon the judgment of the CIG).

(3) Matters that impact foreign relations or foreign partners.

(4) Unauthorized disclosures of protected information.

7. **Training Requirements.**

a. Intelligence components will establish training programs to ensure employee awareness as outlined in DoD 5240.1-R, Procedure 14.

b. CIGs will ensure that procedures exist within the Command headquarters and subordinate intelligence organizations for the reporting of questionable activities and that employees are aware of their responsibilities as specified by DoD 5240.1-R.

IGP Intelligence Oversight Reporting Matrix

	Quarterly IO Report	**QIA (Procedure 15 notification reports)**	**QIA Investigations**
IGMC	TO: NAVINSGEN	TO: ATSD (IO) Copy: NAVINSGEN	TO: ATSD (IO) Copy: NAVINSGEN
CIGs	TO: IGMC Oversight Division	TO: IGMC (Oversight Division)	TO: IGMC (Oversight Division)
Service Intelligence Components	TO: Higher CMD INFO: DIR INT	TO: IGMC (Oversight Division) INFO: DIR INT	TO: IGMC (Oversight Division) INFO: DIR INT

Table 1-1
Reporting Matrix

Chapter 2

Key References and Publications

1. **Purpose:** This chapter provides an outline of all key references and publications that apply to the Inspector General Program (IGP) regarding Intelligence Oversight.

2. **Key Intelligence Oversight Publications:** The following is a listing of key references and publications used by IGs to provide intelligence oversight to Marine Corps intelligence components. These publications represent both policy and doctrine for intelligence oversight.

     a. Executive Order 12333, <u>United States Intelligence Activities</u>, dated December 4, 1981, as amended July 30, 2008.

     b. Executive Order 13462, <u>President's Intelligence Advisory Board and Intelligence Oversight Board</u>, dated February 29, 2008.

     c. DoDD 5240.1, <u>DoD Intelligence Activities</u>, August 27, 2007.

     d. DoDD 5525.5, <u>DoD Cooperation with Civilian Law Enforcement Officials</u>, 15 January 1986, as amended.

     e. DoD 5240.1-R, <u>Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons</u>, 7 December 1982.

     f. DoDI 1100.13, <u>Surveys of DoD Personnel</u>, dated November 21, 1996.

     g. DoDI 8910.01, <u>Information Collection and Reporting</u>, dated March 6, 2007.

     h. DoD OGC Memo, <u>Principles Governing the Collection of Internet Addresses by DoD Intelligence and Counterintelligence Components</u>, 6 Feb 2002

     i. DIAH CC-0000-181-95, <u>Intelligence Law Handbook</u>, 15 May 1995.

     j. DIAR 50-30, <u>Security Classification of Airborne Sensor Imagery</u>, 25 June 1997.

     k. SECNAVINST 3820.3E,<u>Oversight of Intelligence Activities Within the Department of the Navy (DON)</u>, 21 September 2005.

     l. SECNAVINST 5000.34D, <u>Oversight and Management of Intelligence Activities, Intelligence-Related Activities, Special Access Programs, Sensitive Activities and Special Activities Within the Department of the Navy (DON)</u>," 3 December 2008.

     m. SECNAVINST 5340.57G, <u>Mission and Functions of the Naval Inspector General</u>, 29 Dec 2005

     n. MCO 3800.2B, <u>Oversight of Intelligence Activities</u>, 30 April 2004.

     o. MCO 5430.1, <u>Marine Corps Inspector General Program</u>, 13 Nov 2006

p. <u>Marine Corps Inspector General Program Concept and System Guide</u>

q. <u>Marine Corps Inspector General Program Inspections Guide</u>

Chapter 3

Key Terms

1. **Purpose:** This chapter reviews the key terms that apply to the Inspector General Program (IGP) for Intelligence Oversight.

2. **ATSD (IO):** The office of the Assistant to the Secretary of Defense for Intelligence Oversight (ATSD (IO)) is an independent organization reporting to the Secretary and Deputy Secretary of Defense, and is responsible to the Secretary and Deputy Secretary for ensuring that Intelligence Oversight policies and regulations are carried out by DoD organizations that perform intelligence functions. To this end, ATSD (IO) conducts inspections and investigations to ensure that all activities performed by intelligence units and personnel are conducted in accordance with federal law, Presidential Executive Orders, DoD directives, regulations, policies, standards of conduct, and propriety. The Inspector General organizations of the military services, Defense intelligence agencies, and combatant commands also inspect for compliance regarding intelligence oversight and report their findings to the ATSD (IO) quarterly. The ATSD (IO) charter is contained in DoD Directive 5148.11.

3. **Collection:** Information is considered "collected" only when an employee of a Defense Intelligence Component or contractors working on behalf of Defense Intelligence Components receive it in the course of official duties and retain it with the intent for intelligence use. Data acquired by electronic means (e.g. telemetry, signals traffic analysis, measurement and signatures intelligence) is "collected" only when it has been processed from digital form into a form intelligible to a human being. The use of the Internet to obtain publicly available information may constitute collection if that information is downloaded or copied for use.

4. **CIG:** The Command Inspector General is a functional extension of the Inspector General of the Marine Corps (IGMC). CIGs are special staff officers assigned to all major subordinate commands (MSCs) within the Marine Corps commanded by a general officer.

The CIG will maintain, in conjunction with the command's General Counsel (CL) and Staff Judge Advocate (SJA), oversight in the intelligence area and non-intelligence (special activities) to ensure compliance with applicable Executive Orders and DoD, DON, and Marine Corps regulations and make reports as required.

5. **Counterintelligence:** Information gathered and activities conducted to protect against espionage; other intelligence activities; sabotage; assassinations conducted for or on behalf of foreign governments or elements thereof, foreign organizations, or foreign persons; or international terrorist activities.

6. **Dissemination:** The term "dissemination" refers to the distribution of U.S. person information, without the consent of the U.S. person, outside of the DoD intelligence component that collected and retained the information. It does not apply to information collected for administrative purposes or disseminated pursuant to law -- or pursuant to a court order that otherwise imposes controls upon such dissemination.

7. **DNIGMC:** Within the office of the Naval Inspector General (NAVINSGEN) there is a Deputy Naval Inspector General for Marine Corps Matters (DNIGMC), who shall be a Marine Corps General Officer. The DNIGMC shall perform the IG duties for the Marine Corps. Within the Marine Corps, the DNIGMC is called the Inspector General of the Marine Corps (IGMC).

The DNIGMC is the senior investigative official within the Marine Corps and the principal Marine Corps advisor to the CMC on all matters concerning inspections and investigations. The DNIGMC shall direct performance of the NAVINSGEN mission and function as it applies to the Marine Corps. The DNIGMC may communicate directly with the Secretary of the Navy concerning Marine Corps matters.

The DNIGMC / IGMC will maintain, in conjunction with the General Counsel to the Commandant of the Marine Corps (CMC) and the Staff Judge Advocate (SJA) to CMC, oversight in the intelligence area and non-intelligence (special activities) to ensure DON compliance with applicable Executive Orders and make reports as required.

8. **Domestic Imagery:** Satellite and airborne imagery of any part of the U.S., its territories, or possessions to a 12NM seaward limit of those land areas.

9. **Intelligence Component:** Any DoD organization specifically designated as such in DoD 5240.1R. Additionally, any other organizations, staffs, and offices when used for foreign intelligence, counterintelligence, or other intelligence-related activities provided that the heads of such organizations, staffs, and offices shall not be considered as the Heads of Defense Intelligence Components (ICs) as provided for in DoD 5240.1-R. The ICs in the Marine Corps include:

      a. HQMC Intelligence Department

      b. Marine Corps Intelligence Activity (includes all subordinate commands and elements).

      c. Organizational G-2 / S-2 staffs.

      d. Intelligence battalions.

      e. Radio battalion.

      f. Reconnaissance battalions / companies.

      g. Scout sniper platoons.

      h. Unmanned aerial vehicle squadrons.

10. **Employee:** A person employed by, assigned to, or acting for an agency within the intelligence community, including contractors and persons otherwise acting at the direction of such agency.

11. **Foreign Intelligence:** Information related to the capabilities, intentions, and activities of foreign powers, organizations, or persons but not including counterintelligence except for information on international terrorist activities.

12. **Intelligence activity:** All activities that Defense Intelligence Components are authorized to undertake pursuant to Executive Order, law, policy and governing regulations. The term also includes the intelligence activities of Defense non-Intelligence organizations whose sole mission is not intelligence.

13. **Incident assessment and awareness (IAA):** The use of DoD intelligence, surveillance, and reconnaissance (ISR) capabilities for domestic non-intelligence activities approved by the Secretary of Defense such as search and rescue (SAR), damage assessment, and situational awareness.

14. **IGMC:** The Inspector General of the Marine Corps is the term used within the Marine Corps to refer to the Deputy Naval Inspector General for Marine Corps Matters (DNIGMC).

The IGMC / DNIGMC will maintain, in conjunction with the General Counsel to the Commandant of the Marine Corps (CMC) and the Staff Judge Advocate (SJA) to CMC, oversight in the intelligence area and non-intelligence (special activities) to ensure DON compliance with applicable Executive Orders and make reports as required.

15. **Intelligence Oversight (IO):** Ensures that intelligence personnel shall not collect, retain, or disseminate information about U.S. persons unless done in accordance with specific guidelines, proper authorization, and within only specific categories. References: E.O. 12333, E.O.12334, DoD Dir 5240.1, DoD Reg 5240.1-R, SECNAVINST 3820.3, MCO 3800.2

16. **Intelligence oversight officer (IOO):** An individual assigned to establish intelligence oversight procedures and training programs; evaluate component or division personnel IO knowledge; and resolve collectibility determinations in consultation with his or her servicing legal advisor.

17. **Intelligence-related activity:** Those activities outside the consolidated defense intelligence program that respond to operational commanders' taskings for time-sensitive information on foreign entities; respond to national intelligence community taskings of systems whose primary mission is support to operating forces; train personnel for intelligence duties; provide an intelligence reserve; or are devoted to research and development of intelligence or related capabilities. (Specifically excluded are programs that are so closely integrated with a weapon system that their primary function is to provide immediate-use targeting data.)

18. **Intelligence Operations Center (IOC):** An interdependent, operational intelligence organization at the Department of Defense (DoD), Department of the Navy (DON), or Marine Corps that is integrated with national intelligence centers and capable of accessing all sources of intelligence impacting military operational planning, execution, and assessment.

19. **International terrorist activities:** Activities undertaken by or in support of terrorists or terrorist organizations that occur totally outside the United States, or that transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to coerce or intimidate, or the locale in which the perpetrators operate or seek asylum.

20. **Marine Corps Intelligence Components:** Those units, organizations, staffs, and offices that perform any intelligence activity, to include collection, production, retention, or dissemination of intelligence information. Intelligence sources are grouped into the following specific disciplines:

      a. Imagery intelligence,

      b. human intelligence,

      c. signals intelligence,

      d. measurement and signature intelligence,

      e. open source intelligence, and

      f. counterintelligence.

21. **NAVINSGEN:** The Naval Inspector General shall be a line officer with the rank of Vice Admiral or higher and shall report to the Secretary. There shall be within the Office a Deputy NAVINSGEN, who shall be a member of the Senior Executive Service, and a Deputy NAVINSGEN for Marine Corps Matters (DNIGMC), who shall be a Marine Corps General Officer. The DNIGMC shall perform the IG duties for the Marine Corps.

The NAVINSGEN will maintain, in conjunction with the General Counsel of the Navy and the Judge Advocate General, oversight in the intelligence area and non-intelligence (special activities) to ensure DON compliance with applicable Executive Orders and make reports as required.

22. **Proper Use Statements:** A statement included on a flight schedule that publishes domestic tactical air reconnaissance missions, both manned and unmanned. The proper use statement will state: "THIS DOMESTIC TACTICAL AIR RECONNAISSANCE MISSION IS CONDUCTED IAW MCO 3800.2B." The authorized signature on the flight schedule constitutes certification of the proper use statement. The proper use statement validates the mission and certifies that it is conducted in accordance with the Intel Ovst regulations and Service domestic tactical air reconnaissance imagery policy.

23. **Questionable Intelligence Activity:** Any action that constitutes, or is related to, an intelligence activity that may violate applicable laws, Executive Orders, Presidential Directives, or applicable DoD, DON, and Marine Corps policies and regulations governing such intelligence activity.

24. **Reasonable belief:** A reasonable belief arises when the facts and circumstances are such that a reasonable person would hold that belief. Reasonable belief must rest on facts and circumstances that can be articulated; hunches or intuitions are not sufficient. Reasonable belief can be based on experience, training, and knowledge in foreign intelligence or counterintelligence work applied to facts and circumstances at hand so that a trained and experienced "reasonable person" might hold a reasonable belief sufficient to satisfy this criterion when someone is unfamiliar with foreign intelligence or counterintelligence.

25. **Retention**: The term "retention", as applied to information collected on U.S. persons, refers to the maintenance of U.S. person information that can be retrieved by reference to the person's name or other identifying data.

26. **Sensitive Activity Oversight**: Any activity requiring special protection from disclosure which could embarrass, compromise or threaten the DON. Any activity which, if not properly executed or administered, could raise issues of unlawful conduct, government ethics, or unusual danger to DON personnel or property. These activities may include support to civilian law enforcement. Reference: SECNAVINST 5000.34

27. **Special Activities Oversight:** As defined by Executive Order 12333, activities conducted in support of national foreign policy objectives abroad which are planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, and functions in support of such activities, but which are not intended to influence United States political processes, public opinion, policies or media, and do not include diplomatic activities or the collection and production of intelligence or related support activities. Reference: SECNAVINST 5000.34

28. **Special Access Program (SAP):** Any Program imposing need-to-know or access controls beyond those normally required for Confidential, Secret or Top Secret information. Such a program includes but is not limited to a special clearance, more stringent adjudication or investigation requirements; special designation of officials authorized to determine need-to-know; or special lists of persons determined to have a need-to-know. A special access program may be a sensitive activity.

29. **United States Person (U.S. Person):** The term "U.S. person" means a U.S. citizen; an alien known by the Defense Intelligence Component concerned to be a permanent resident alien; an unincorporated association substantially composed of United States citizens and or permanent resident aliens; or a corporation that is incorporated in the United States, except for a corporation directed and controlled by a foreign power. A corporation subsidiary that is incorporated abroad is not a U.S. person, even if it is partially or fully owned by a corporation that is incorporated in the United States.

Chapter 4

Confidentiality and Use of Records in IG Intelligence Oversight

1. **Purpose:** The purpose of this section is to address how the key tenet of IG confidentiality and the rules regarding the use of IG records impact the execution of the intelligence oversight function.

2. **Confidentiality:** The IG has a duty to protect an individual's confidentiality to the maximum extent possible -- particularly when the individual specifically requests confidentiality. IG confidentiality and records are discussed in depth in Chapter 6 of the Marine Corps Inspector General Program Concept and System Guide. While IGs can never guarantee confidentiality, they should always attempt to maintain confidentiality as a matter of primary importance and as a key to success of the Inspector General Program (IGP). The intent is to protect an individual's privacy, maintain confidence in the IGP, and minimize the risk of reprisal.

      a. Intelligence Oversight reporting requirements do not affect the principle of IG confidentiality. An IG may provide the same level of confidentiality protection to someone reporting a Questionable Intelligence Activity (QIA) as he or she would in any other matter subject to the need to interview the person making the allegation or report in any subsequent inquiry. DoD 5240.1-R, paragraph 14.2.3.2., requires that persons making a report of QIA be protected from reprisal or adverse action. If that protection is accomplished through confidentiality or some other means, any option is acceptable.

      b. Individuals who provide information to IGs do not have a complete legal privilege of confidentiality. Rather, confidentiality results from the special relationship the IG has with the commander, the deliberative process, protection in both the Freedom of Information Act (FOIA) and the Privacy Act, 5 USC 2302, 10 USC 1587, and as a necessary incident to the protections of the Military and Civilian Whistleblower Protection Acts (10 U.S.C. 1034 and 5 U.S.C. 2302(b) (8)). Individuals providing information to an IG do not have to request confidentiality but will automatically receive such protection and consideration. The information that IGs gather, such as testimony, the contents of certain conversations with persons seeking IG assistance, or information offered when participating in an IG sensing session represent official, non-public Government information. As official, non-public Government information, IG information is for official use only.

3. **Required Release:** As a general rule, IGs should not disclose an individual's identity without that person's consent unless the IG determines that such disclosure is unavoidable during the course of an inspection, inquiry, or investigation. When a person seeks assistance from an IG, the IG must often reveal the person's identity to resolve the matter. The IG will make all attempts to notify the person of that necessity and document that fact in the IG case file or case notes. For those individuals who specifically request confidentiality, the IG must also document that fact in the case file or case notes while minimizing the use of the person's name in any file or record created by the IG, to include labeling of the files (use "complainant", "witness", or a similar identifier instead of the person's name.) QIA reports forwarded to IGMC from an Intelligence Component do not require, and normally do not include, the identity of the reporting individual or complainant.

4. **Intelligence personnel reporting requirements:** Individuals who become aware of activities they believe to be in violation of Intelligence Oversight regulations must report them to responsible authorities: the chain of command, Command Inspector General (CIG), General Counsel (CL), or Staff Judge Advocate (SJA). If an intelligence person suspects that an activity his or her supervisor or higher authority may be asking him or her to conduct is improper, that person is obligated to ask for clarification before conducting the activity. If this request does not adequately satisfy the person's concerns, then he or she must seek out the intelligence oversight officer, the commander, the component's legal advisor, or the CIG for clarification. No reprisal or adverse action may be taken against personnel for reporting possible violations of Intelligence Oversight regulations. Conversely, adverse action may be taken against personnel who were aware of violations but failed to report them.

5. **IGP Reporting Requirements:** Upon notification of or encountering questionable intelligence activity, IGs will immediately report the issue through their IG channels to the IGMC. The IGMC will forward the report to the Assistant to the Secretary of Defense Intelligence Oversight (ATSDIO) with a copy to the Naval Inspector General (NAVINSGEN). All IGs must remember not to overlook proper security procedures. Notification to the CIG and IGMC must be made immediately.

6. **Records Release:** Reports of QIA under Procedure 15 are not considered IG records and are afforded no special protections other than those information security classifications required by the content of the information in the report. This difference exists because the IG's role in the IO reporting system is a function shared with the legal community and the command reporting channels. They are reports within the IO community in which the IG is one of several reporting channels. In that an allegation made to an IG includes allegations of QIA along with other issues, the IG will process the portion reportable under Procedure 15 within IO channels. The IG will not address other matters not related to the QIA in those channels. The records or reports of subsequent inquiries may be subject to the protections associated with the authorities under which they are conducted. For example, should a commander elect to investigate the allegation through an IG investigation / inquiry, the ROI / ROII would be subject to protections and release as an IG record. The report resulting from a command investigation conducted under the authorities of Service regulations would be considered a command product subject to release by the Directing Authority. At times, ATSD (IO) may require access to those products in order to assure the Intelligence Oversight Board (IOB) of how the issue was resolved.

   a. IG records, unless classified due to content, are for official use only (FOUO), and IGs should manage, retain, and release them in accordance with established policy and procedures and classification requirements. IG records are the property of the Department of the Navy (DON), and IGs must maintain them in accordance with DON policy and guidance pertaining to records use, maintenance, and release. IG records management, protection, and release are discussed thoroughly in Chapter 6 of the Marine Corps Inspector General Program Concept and System Guide. Intelligence Oversight reporting and records information related to questionable intelligence activity must be provided to ATSD (IO) through the NAVISNGEN via the IGMC (Oversight Division) IAW DoD, DON, and Marine Corps regulations.

   b. The decisions on the disposition and dissemination of all IO-related reports ultimately belongs to ATSD (IO) as Office of Primary Responsibility for IO in the DoD

reporting chain. ATSD (IO) also has the authority to provide that information to whomever he/she deems appropriate for IO purposes. Commanders do not have the authority to prevent reporting of QIAs to ATSD (IO). Executive Order, policy, and implementing DoD directives and regulations require these reports. ATSD (IO) does not provide general distribution of Procedure15 reports to the Intelligence Components but reports them to the Intelligence Oversight Board (IOB) and the Office of the Director of National Intelligence (ODNI), as appropriate, and monitors resolution of issues raised with the responsible command.

Chapter 5

IG Inspections Process - The Preparation Phase

Chapter 5

The IG Inspections Process - Preparation Phase

1. **Purpose:** This chapter discusses the IG Inspections Process and the three phases associated with this process. The IG Inspections Process is a sequential planning management tool that allows IGs to plan and conduct inspections in a logical and efficient manner. This chapter also provides a recommended methodology and example formats for the Intelligence Oversight (IO) program reporting requirements as they arise.

2. **The IG Inspections Process:** The IG Inspections Process is a sequential planning and management tool that allows IGs to plan and conduct an IO compliance inspection and make procedural reports in case a Procedure 15 violation or questionable intelligence activity (QIA) surfaces during an IG inspection visit.

3. **The Three Phases of the IG IO Inspection Process:** The IG Inspections Process comprises a series of discrete steps that fall within three separate phases. These phases are as follows:

    a. Phase One: **Preparation**

    b. Phase Two: **Execution**

    c. Phase Three: **Completion**

These phases include specific steps of the process that an IG can tailor to suit his or her needs. The process is an extremely effective way of planning for an IO inspection that is narrow in focus and requires a great deal of research. The IG should resist the temptation to combine or skip some steps in an effort to be more efficient. The steps follow one another logically and produce certain products that are necessary to completing follow-on steps.

4.   **The IG IO Inspections Process Chart:** Figure 5-1 is a graphic portrayal of the IG Inspections Process and captures all 17 steps of the process:

IG Inspections Process

Preparation

| Step 1 Research Section 5-1 | → | Step 2 Develop Concept Section 5-2 | → | Step 3 CDR Approves Concept Section 5-3 | → | Step 4 Plan in Detail Section 5-4 | → | Step 5 Train Up Section 5-5 | → | Step 6 Pre-Inspection Visits Section 5-6 |

Execution

| Step 7 Visit Commands Section 6-1 | → | Step 8 In Process Review (IPR) Section 6-2 | → | Step 9 Update the Commander Section 6-3 | → | Step 10 Analyze Results and Crosswalk Section 6-4 | → | Step 11 Out Brief Proponent Section 6-5 |

Completion

| Step 12 Out Brief Commander Section 7-1 | → | Step 13 Taskers Section 7-2 | → | Step 14 Finalize the Report Section 7-3 | → | Step 15 Handoff Section 7-4 | → | Step 16 Distribute Report Section 7-5 | → | Step 17 Schedule Follow Up Inspection Section 7-6 |

Figure 5-1
The Inspections Process Chart

The following chapters will walk through each phase: Chapter 5 discusses the "preparation" phase, Chapter 6 breaks down the "execution" phase, and Chapter 7 dissects the "completion" phase.

5. **The Preparation Phase.** The Preparation Phase is the most important part of the inspection process because it establishes the inspection plan. The inspection plan is what the inspection team will follow to gather information and conduct the inspection. If an inspection team does not follow the six steps involved in this phase, then the inspection will almost certainly run into difficulty during the Execution Phase. Below are the six steps of this phase. Figure 5-2 is a flow chart depicting the preparation phase.

    a. Research

    b. Develop the Concept

    c. Commander Approves the Concept

    d. Plan in Detail

    e. Train Up

    f. Pre-Inspection Visits

IG Inspections Process

Preparation

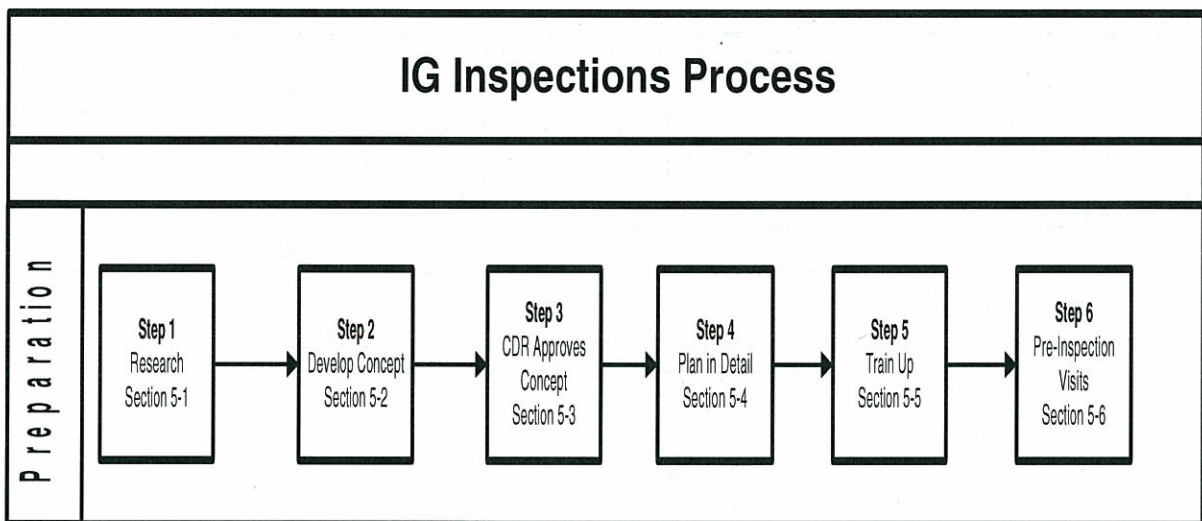| Step 1 Research Section 5-1 | → | Step 2 Develop Concept Section 5-2 | → | Step 3 CDR Approves Concept Section 5-3 | → | Step 4 Plan in Detail Section 5-4 | → | Step 5 Train Up Section 5-5 | → | Step 6 Pre-Inspection Visits Section 5-6 |

Figure 5-2
The Preparation Phase

Section 5-1

The Preparation Phase
Step 1: Research

1. **The Research Step.** The Research Step of the Preparation Phase is the first and most important step an IG must take prior to conducting an IO inspection. IG IO inspections will be compliance inspections that are narrow in scope and focused on ensuring compliance with applicable laws, rules, and DoD, DON, and Marine Corps guidance. The IG approaches these problems with the intent to identify -- and then correct -- any systemic problems within an intelligence component within their command. IO requires some specialized training and subject-matter expertise that the average IG may lack. Therefore, the IG must delve into the subject matter through a variety of means. Working closely with your SJA and / or G-2 representative is the most common way to improve your knowledge base in this area. Ultimately, this step will generate two very important products for the inspection team:

    a. **The Inspection Purpose.** The Inspection Purpose is simply to ensure compliance with all Federal, DoD, DON, and Marine Corps directives governing the Intelligence Community in regards to IO.

    b. **The Inspection Objectives.** The objectives are the most important features of the inspection because they focus the inspection effort and drive the information-gathering portion of the inspection. For an IO inspection, the objectives should (at a minimum) ensure compliance with all Federal and DoD directives, capture best practices, and review and discuss any corrective actions taken after the last inspection.

2. **Conducting Research.** There is a systematic approach to conducting research that helps ensure IG inspections are meaningful and truly focused on the most important issues to the commander and command. The seven steps to conducting focused research are:

    a. Review Guidance. Research of a unit's IO program should begin with any local / command guidance or standards. The information provided in these references will help provide the focal points of the inspection, which will become the Inspection Objectives.

    b. Review Existing Literature. This review involves an examination of past inspection reports, relevant articles, lessons learned, Procedure 15 reports, and other after-action reports that facilitate a greater understanding of the organization's IO program. Although there are no guarantees on the validity or reliability of data gathered, existing inspection materials will be very helpful in deriving potential objectives, standards, and trends relating to the ongoing efforts in the current IO program.

    c. Explore Publications for Standards. Research of IO standards should begin with EO 12333, DoD 5240.1, DoD 5240.1-R, SECNAVINST 3820.3E, SECNAVINST 5000.34D, and MCO 3800.2B. Also review any command guidance on IO. The information provided in these references will help complete the focal points of the inspection, which will fill out the Inspection Objectives. This effort will help determine

"what right should look like" and will provide some, but not all, of the applicable standards for the inspection. The IG may also conduct Web-based Internet research using the Assistant to the Secretary of Defense, Intelligence Oversight (ATSD (IO)) Web site.

      d. <u>Consult Subject-Matter Experts</u>. Discuss IO with intelligence and legal council inside and outside the organization to fill any remaining knowledge gaps. Face-to-face meetings (when possible) with these individuals can help clarify standards that apply to the topic and describe the doctrinal applications of the rules / laws.

      e. <u>Topic Analysis by Team Members</u>. The IG should analyze all Federal, DoD, DON, and Marine Corps directives carefully to ensure understanding of all aspects of the IO program and to expand his or her knowledge base to ensure the inspection is relevant and responsive to the needs of the command. The most common method for analysis is an examination of Doctrine-Organization-Training-Material-Leadership-Personnel-Facilities requirements involved in an activity or program.

      f. <u>Doctrine organization, training, material, leadership/education, personnel, and facilities (DOTMLPF) Analysis.</u> The IG can also apply the DOTMLPF analysis to gain a holistic understanding of the inspection topic. You should not attempt to conduct the DOTMLPF analysis without consulting the G-2 and SJA subject matter experts (SMEs) available to you.

      g. <u>Develop Inspection Purpose</u>. The Inspection Purpose is the inspection team's stated goal for the inspection. The statement should be clear and concise. Consider the following example:

      The purpose of this inspection is to verify compliance with all Federal, DoD, DON, and Marine Corps directives regarding intelligence activities.

      h. <u>Review the IGMC Automated Inspection Reporting system (AIRS) Series #240</u>: The AIRS sets the minimum criteria for inspections of functional areas. Series #240 deals with IO.

      i. <u>Develop Inspection Objectives</u>. An Inspection Objective should be clear, concise, and capture the essence of what the team needs to learn. The objectives can be broad in nature or focus on a specific issue where only one standard applies.

      1) Review the organization's mission to establish a basis for measuring compliance.

      2) Determine if the command has an IO program in place.

      3) Determine if the unit is training properly all required personnel in IO procedures.

      4) Determine if applicable resources / references are readily available for use.

      5) Determine if U.S. Persons information is present and, if so, is the unit tracking, storing, and disseminating it properly?

6) Determine if the unit is doing required reporting to standard.

3. **Approving the Inspection Purpose and Objectives.** The inspection team must agree upon the purpose and objectives. The purpose and objectives will form the basis for developing the concept of the inspection as part of Step 2 of the Inspections Process.

Section 5-2

The Preparation Phase
Step 2: Develop the Concept

1. **Develop the Concept.** This letter will later form the basis for the Concept-Approval Briefing to the Commander. The physical output of this step is the Concept Letter, which the inspection team develops as a way to communicate formally the major parts of the inspection concept. If a letter or memorandum is not required for staffing or any other purpose, then the inspection team may convert the concept directly into a briefing format.

2. **The Inspection Concept Letter:** The purpose of the Inspection Concept Letter, also known as a Statement of Work, is to summarize the inspection concept in a two- or three-page memorandum to coordinate with the CIG or other staff members as required and gain the approval of the commander (the Directing Authority). The Inspection Concept Letter includes the following items:

      a. Purpose (purpose of the inspection developed during the research step)

      b. Objectives (developed previously during the research step)

      c. Scope (describes the team's intended task organization and the number of units or installations the team plans to visit)

      d. Focus (mentions whether the inspection is a compliance or systemic inspection and describes the basic intent of the inspection as viewed by the inspection team)

      e. Timeline (outlines the key milestone dates from the time the commander signs the Inspection Directive to the completion of the Final Report)

      f. Timing of Feedback (discusses the nature of the feedback that each inspected unit or location will receive from the team and may include a comment about when the commander can expect a mid-inspection update if necessary)

      g. Notification (explains how the inspection team plans to notify the inspected units)

3. **Sample Inspection Concept Letter:** A sample Inspection Concept Letter is located on the next page.

COMMAND LETTERHEAD

20 August 20XX

MEMORANDUM FOR THE COMMANDER

SUBJECT: Inspection Concept for an Intelligence Oversight (IO) Inspection

1. PURPOSE: The purpose of this inspection is to determine the effectiveness of the IO Program within the command.

2. OBJECTIVES:

      a. Determine if Intel personnel understand IO policies.

      b. Determine if Intel personnel involved in ongoing missions are conducting adequate IO training.

      c. Determine if the Intel personnel are implementing the critical IO tasks as outlined in Procedures 2, 3, 4, 14, and 15 of DoD 5240.1-R and EO 12333.

3. SCOPE: One team of three inspectors will visit and interview all G-2 personnel and conduct sensing sessions, computer searches, and document reviews.

4. FOCUS: This inspection will be a compliance inspection that focuses on the IO process and the protection of U.S. Persons' rights.

5. TIMING OF FEEDBACK: The Commander will receive a mid-inspection briefing (if required) followed by a final-report briefing at the conclusion of the inspection. During the conduct of the inspection, the team will provide the inspected unit with immediate -- but general -- feedback following the visit in the form of an out-briefing. This out-briefing will capture the salient points of the team's preliminary findings and articulate in detail those results that may require immediate action.

6. TIMELINE:

      a. Gain Commander's approval of the concept: 24 August
      b. Send Notification Letter: 20 September
      c. Send Detailed Inspection Plan to Units: 20 October
      d. Visit first unit or staff section: 20 November
      e. Visit last unit or staff section: 04 December
      f. Final results to the Commander: 30 December
      g. Final written report complete: 10 January

7. NOTIFICATION: The Inspection Team will announce the inspection in advance using a Notification Letter and work with each unit or staff agency to develop detailed inspection schedules and gather resources.

                 //original signed//
                 I. M. STEEL
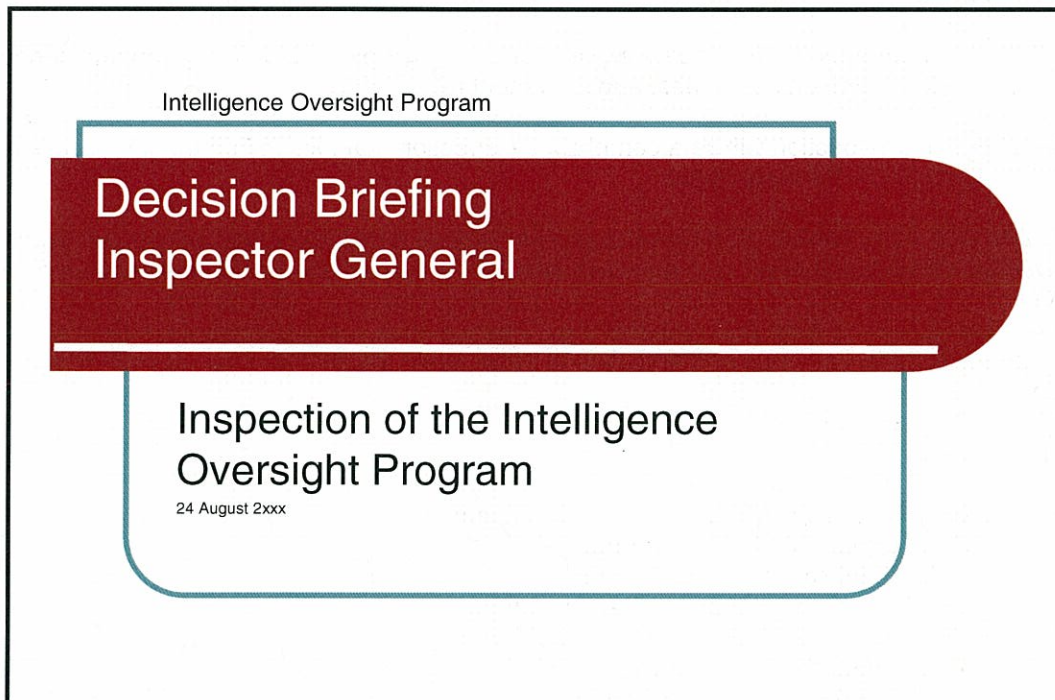   LtCol, USMC
                 Deputy Command Inspector General

Section 5-3

The Preparation Phase
Step 3: Commander Approves the Concept

1. **Develop the Concept-Approval Briefing.** The Concept-Approval Briefing is a decision briefing that the inspection team presents to the commander to gain his or her approval of the inspection concept. The IG inspection team converts the concept letter (or memorandum) into a decision briefing for the commander. At the conclusion of the briefing, the inspection team requests the commander's approval. If the commander approves the concept, then the inspection team will present the commander with an Inspection Directive for signature.

2. **Sample Concept-Approval Briefing:** A sample Concept-Approval Briefing based upon the Concept Letter is located below.

Intelligence Oversight Program

Decision Briefing
Inspector General

Inspection of the Intelligence Oversight Program

24 August 2xxx

Purpose

- To gain the Commander's approval of the inspection concept for evaluating the effectiveness of the Intelligence Oversight Program within the command.

Agenda or Outline

- Inspection Purpose
- Objectives
- Scope
- Focus
- Timing of Feedback
- Timeline
- Notification

Inspection Objectives

- Determine if Intel personnel understand IO policies.
- Determine if Intel personnel involved in ongoing missions are conducting adequate IO training.
- Determine if Intel personnel are implementing the critical IO tasks as outline I Procedures 2, 3, 4, 14, and 15 of DoD 5240.1-R and E.O. 12333

Scope

- One team of three inspectors will inspect the G-2 and S-2 personnel.
- The subject matter expert (SME) on the inspection team will be the Chief, Intelligence Oversight, MEF

Focus

- This inspection focuses on the ability of intelligence components to carry out their authorized functions while ensuring any activities that affect US persons are carried out in a manner that protects their constitutional rights and privacy.
- Existing IO guidelines as outlined in EO 12333 and DoD 5240.1-R will provide the guiding tenets for this inspection.

Timing of Feedback

- The IG will provide the Commander a final report at the conclusion of the inspection.
- During the conduct of the inspection, the inspection team will provide the inspected organization with immediate but general – feedback following the visit in the form of an out-briefing.

Timeline

Send Notification Letter	20 Sept 2xxx
Send Detailed Inspection Plan	20 Oct 2xxx
Conduct Inspection	20 Nov – 4 Dec 2xxx
Final Results to Commander	30 Dec 2xxx
Final Written Report Completed	10 Jan 2xxx

Approval

- Do you approve of this inspection concept?
- Please sign the Inspection Directive.
- Do you have any additional guidance for the inspection?

3. **The Inspection Directive.** The Inspection Directive is a critical document that authorizes the IG to conduct the inspection and gives the IG temporary tasking authority for the purposes of the inspection. The commander's signature at the bottom of this document means the IG is acting under the specific direction of the commander.

A sample Inspection Directive is located on the next page.

COMMAND LETTERHEAD

24 August 20XX

MEMORANDUM FOR THE COMMAND INSPECTOR GENERAL

SUBJECT: Directive for Inspection (Intelligence Oversight Inspection)

1. You are directed to evaluate the effectiveness of the Intelligence Oversight (IO) Program within the command's Intelligence G-2 organization.

2. The assessment will focus on the following objectives:

      a. Determine if command intelligence personnel understand IO policies.

      b. Determine if command intelligence personnel involved in ongoing missions are conducting adequate IO training.

      c. Determine if the command Intel personnel are implementing the critical IO tasks as outlined in Procedures 2, 3, 4, 14, and 15 of DoD 5240.1-R and EO 12333.

3. You are authorized to task all G-2 and S-2 staff for those resources required to ensure the successful accomplishment of this inspection.

4. You are authorized unlimited access to intelligence activities, organizations, and all information sources necessary to complete this effort.

5. You will provide me with a mid-course progress review on or about 30 November followed by a written report not later than 10 January.

I. KNOW
MajGen, USMC
Commander

Section 5-4

The Preparation Phase
Step 4: Plan in Detail

1. **Planning in Detail:** This step is the most comprehensive and critical step of the entire Preparation Phase. The four physical outputs of this step are as follows:

    a. Sub-Tasks for each Inspection Objective

    b. Methodology

    c. Notification Letter

    d. Detailed Inspection Plan

2. **Developing Sub-Tasks:** Sub-Tasks are tasks that focus the inspection team on specific ways to seek information and then answer the basic requirement of an Inspection Objective. These Sub-Tasks are based on the five techniques -- the five information-gathering domains-- that IGs employ to gather information. Those five domains appear below and in the context of intelligence oversight.

    a. <u>Interviews</u> with Intelligence Oversight Officer, G-2 and SJA personnel.

    b. <u>Sensing sessions</u> with enlisted personnel, officers, and civilians (as required).

    c. <u>Reviews</u> of pertinent documents such as EO 12333, DoD 5240.1, DoD 5240.1-R, SECNAVINST 3820.3E, SECNAVINST 5000.34D, MCO 3800.2B, Standing Operating Procedures (SOPs), command policy letters, training-guidance memoranda, etc.

    d. <u>Observation</u> of IO training events or self-inspections.

    e. <u>Surveys and Questionnaires</u> for all interview populations.

Sub-Tasks break down the objectives into achievable tasks based upon the five information-gathering domains. Each Sub-Task must have a clear task (one or more information-gathering domains) and a purpose that feeds directly back into the information requirement outlined in the inspection objective. The technique the IG intends to use to gather the information normally appears at the beginning of the Sub-Task (unless more than one domain applies). Some examples of Sub-Tasks for an IO Inspection are as follows:

Objective 1: Determine if command Intel personnel understand IO policies.

    a. **Sub-Task 1.1:** Review documents to determine if the applicable publications are on hand and readily available.

b. **Sub-Task 1.2:** Review documents to determine if the unit has appointed an intelligence oversight officer in writing and posted visual aids around the unit identifying the intelligence oversight officer.

c. **Sub-Task 1.3:** Determine if personnel know the name of their Intelligence Oversight officer. (interviews and sensing sessions) **Note that the applicable information-gathering domains appear in parentheses after the Sub-Task when more than one domain applies.**

d. **Sub-Task 1.4:** Determine if personnel are aware of who or what constitutes a U.S. person. (interviews and sensing sessions)

e. **Sub-Task 1.5:** Determine if personnel are aware of their obligation to report any questionable activity and if they know to whom to report it (interviews and sensing session)

f. **Sub-Task 1.6:** Conduct interviews and sensing sessions to determine if personnel know where to find applicable directives / regulations.

g. **Sub-Task 1.7:** Review command, unit records, and inspection results to determine if the unit conducts self-inspections of its Intelligence Oversight program.

h. **Sub-Task 1.8:** Conduct interviews and / or sensing sessions to determine if the command SJA is involved in the oversight and review process for command intelligence and non-intelligence sensitive activities.

Objective 2: Determine if command Intel personnel are conducting adequate IO training.

a. **Sub-Task 2.1:** Conduct interviews and / or sensing sessions to determine if the unit has established a familiarization program to ensure personnel are familiar with the Intelligence Oversight program's intent and responsibilities.

b. **Sub-Task 2.2:** Review training documents to determine if and how the unit is conducting and recording training.

c. **Sub-Task 2.3:** Review command records and training documents to determine if non-intelligence personnel who work within the facility (i.e., security, computer support, administrative, etc.) are trained on Intelligence Oversight.

d. **Sub-Task 2.4:** Review training materials to determine how the unit is accomplishing training.

Objective 3: Determine if the command intelligence personnel are implementing the critical IO tasks as outlined in Procedures 2, 3, 4, 14, and 15 of DoD 5240.1-R and EO 12333.

a. **Sub-Task 3.1:** Review documents and computer files to determine if the unit is collecting, analyzing, retaining, or disseminating any unauthorized material pertaining to U.S. persons.

b. **Sub-Task 3.2:** Review documents and search computer files to determine if the unit is properly maintaining record information on U.S. persons as outlined in DoDD 5240.1-R, Procedure 3.

c. **Sub-Task 3.3:** Determine if the unit is conducting periodic inspections / screenings to ensure intelligence holdings meet guidelines on retention of information on U.S. Persons (paper files, records, databases etc.) and, if so, how often and if there are any concerns on file retrieval procedures. (interviews and sensing sessions, review documents and computers)

3. **Developing a Methodology:** A methodology is nothing more than the inspection team's plan for physically conducting an inspection at a unit or within the IG's area of responsibility. The methodology contains three parts: task organization, Baseline methodology, and sample inspection itinerary.

a. A sample task organization for this team is as follows:

Team:
LtCol Steel (DCIG)
Maj Work (AIG)
MGySgt Marine (TAIG, II MEF G-2 Staff)

LtCol Steel is the overall Team Leader for the entire inspection effort.

b. **Baseline Methodology:** The baseline methodology is the standard approach the inspection team (or teams) will follow during an inspection visit to a unit or agency. A sample baseline methodology for an inspection is as follows:

(1) **Personnel to Interview:**

• Command G-2, IOO, and SJA **(LtCol Steel/MGySgt Marine - Interviewers)**
• All members of G-2 **(LtCol Steel / MGySgt Marine – Q and A Session)**

(2) **Documents to Review in Advance:**

• Unit / Organization IO SOPs
• Past IO Quarterly Reports
• Examples of past Intelligence Products
• IO Training Materials
• IO Training Records

(3) **Events to Observe (as available based upon the day the inspection team visits the unit):**

• Intelligence Briefings / Updates
• IO Training Events

c. **Sample Inspection Itinerary:** The Sample Inspection Itinerary applies time constraints to the baseline methodology. The inspection team must decide how long the team will spend at a particular unit or agency (one day, two days, or even five days). After this decision, the team will develop a Sample Inspection Itinerary for each day

spent at a unit or agency. A Sample Inspection Itinerary for a one-day inspection visit is as follows:

> 0800-0815 In-Brief Commander and Unit Leaders
> 0830-1000 Interview G-2
> 1000-1130 Sensing Session with G-2 personnel
> 1000-1130 Review Documents
> 1130-1230 Lunch
> 1300-1430 Sensing Session with G-2 personnel
> 1500-1600 Interview SJA
> 1600-1630 Out-brief Commander

4. **The Notification Memorandum (or Letter):** The Notification Memorandum officially notifies the affected units or staff agencies that an inspection is forthcoming.

   a. The Inspection Notification Memorandum should include the following information:

   (1) Background information about the inspection's origin

   (2) Purpose of the inspection

   (3) A listing of the units the team will visit by location (do not assign dates to these inspections since the calendar may change as a result of feedback the team receives from the affected units)

   (4) The Inspection Objectives

   (5) The basic methodology for the inspection (outline the information-gathering domains employed such as document review, sensing sessions, interviews, observation, and questionnaires or surveys)

   (6) The basic timeline (the minimum information included are the dates for actual execution phase, the projected out-briefing to the commander, and the date when the Final Report must be complete)

   (7) Include a copy of the signed Inspection Directive as an enclosure

   b. See the next page for a sample Inspection Notification Memorandum. Each affected unit must receive a signed copy of this memorandum. PDF files sent via email are the most efficient means of distribution while facsimile and messenger are the least efficient.

CIG
2 July 20XX

MEMORANDUM FOR G-2

SUBJECT: Notification of the Intelligence Oversight (IO) Inspection

Encl: Inspection Details

1. BACKGROUND: On 20 June 20XX, The Commander directed the Command Inspector General to conduct an Inspection of the Intelligence Oversight program in the command. The commander signed the Inspection Directive on 2 July 20XX (see enclosure).

2. PURPOSE: The purpose of this inspection is to determine the effectiveness of the Intelligence Oversight (IO) Program in the command.

3. INSPECTED UNITS / STAFF SECTIONS: G-2 section.

4. OBJECTIVES: The objectives for this inspection are as follows:

    a. Determine if intel personnel understand IO policies.

    b. Determine if intel personnel are conducting adequate IO training.

    c. Determine if the intel personnel are implementing the critical IO tasks as outlined in Procedures 2, 3, 4, 14, and 15 of DoD 5240.1-R and EO 12333.

5. METHODOLOGY: The baseline methodology for this inspection is as follows:

    a. In-brief the unit leaders and staff members.

    b. Review relevant documents related to IO.

    c. Observe scheduled IO events as available.

    d. Survey / interview key personnel.

    e. Out-brief the unit leaders and staff members and provide general feedback.

6. FEEDBACK: The results of this inspection will be contained in a written report distributed throughout the command following the commander's approval of the results.

7. TIMELINE: The projected timeline for the inspection is as follows:

    a. Distribute Detailed Inspection Plan: 20 October 20XX.

    b. First visit: 20 November 20XX.

    c. Last visit: 4 December 20XX.

CIG

SUBJECT: Notification of the Intelligence Oversight (IO) Inspection

    d. Final results to the Commander: 30 December 20XX.

    e. Final written report complete: 12 August 20XX.

8. INTENT: The intent of the IG Inspection Team is to conduct this assessment with minimal disruption to ongoing mission accomplishment. The team will require a few special arrangements that include the scheduling of interviews, in-briefings, and out-briefings. The IG will publish a Detailed Inspection Plan NLT 17 July 20XX.

9. POC for this inspection is Col ;Stoic, (xxx) xxx-xxxx or DSN: xxx-xxxx, address@usmc.mil.

                    I. M. STOIC
                    Colonel, USMC
                    Command Inspector General

5. **Sample Fragmentary Order (FRAGO):** In operational theaters, many commands use FRAGOs or other formats to transmit changes to existing base plans. Although the formats may vary, the same basic information included in documents such as the notification memorandum remains the same. A sample FRAGO that incorporates information from a notification memorandum is located on the next page.

SUBJECT: MARCENT FRAGO _____ G-2 SUPPORT TO CIG INSPECTION TEAM

ORIGINATOR: _____
DTG: _____
PRECEDENCE: ROUTINE
DAC: GENERAL

(CLASSIFICATION)//REL TO USA,AUS,CAN,GBR.//MR
OPER/XXXX//
MSGID/ORDER/MARCENT//

TIMEZONE/Z//

NARR/ (U) THIS IS MARCENT FRAGO _____ G-2 SUPPORT TO MARCENT IG INSPECTION TEAM AND NOTIFICATION OF UPCOMING IO INSPECTION//

GENTEXT/SITUATION/
1. (U) SITUATION. ON 12 AUG XX, CDR MARCENT DIRECTED THE CIG TO CONDUCT AN INSPECTION OF THE IO PROGRAM WITHIN MARCENT.//

GENTEXT/MISSION/
2. (U) MISSION. CIG WILL CONDUCT AN INSPECTION OF MARCENT BEGINNING 20 NOV XX AND ENDING 4 DEC XX TO DETERMINE IF THE CURRENT IO PROGRAM IS IN COMPLIANCE WITH ESTABLISHED STANDARDS.//

GENTEXT/EXECUTION/
3. (U) EXECUTION.

3.A. (U) CONCEPT OF OPERATIONS. CIG BRIEFED CDR, MARCENT ON 24 AUG XX AND OBTAINED APPROVAL OF THE METHODOLOGY FOR THE CONDUCT OF THE INSPECTION.

3.B. (U) TASKS.

3.B.1 (U) MARCENT IG WILL CONDUCT THE INSPECTION TO DETERMINE IF THE CURRENT IO PROGRAM IS IN COMPLIANCE WITH GIVEN STANDARDS:

3.B.1.A. (U) IN-BRIEF THE UNIT LEADERS AND STAFF MEMBERS.

3.B.1.B. (U) REVIEW RELEVANT DOCUMENTS RELATED TO THE IO PROGRAM.

3.B.1.C. (U) INTERVIEW G-2 AND SJA PERSONNEL

3.B.1.D. (U) SURVEY ALL MEMBERS OF THE G-2 THROUGH SENSING SESSIONS.

3.B.1.E. (U) OUTBRIEF THE UNIT LEADERSHIP AND STAFF MEMBERS AND PROVIDE GENERAL FEEDBACK.

3.B.2. (U) G-2. PROVIDE ALL DOCUMENTS REQUIRED TO THE IG INSPECTION TEAM.

3.C. (U) COORDINATING INSTRUCTIONS. DIRLAUTH REQUIRED BETWEEN THE MARCENT IG AND G-2 IN ORDER TO FINALIZE INSPECTION PROCESS. KEEP HEADQUARTERS, _____(MARCENT) INFORMED.

3.C.1 (U) THE INTENT OF THE IG INSPECTION TEAM IS TO CONDUCT THIS ASSESSMENT WITH MINIMAL DISRUPTION TO OPERATIONS. TEAM WILL PUBLISH A DETAILED INSPECTION PLAN NLT 20 OCT XX THAT WILL INCLUDE THE SCHEDULE FOR THE SENSING SESSIONS, INTERVIEWS, IN-BRIEFS, AND OUT-BRIEFS.

3.C.2 (U) THE TEAM WILL COORDINATE WITH THE G-2 PRIOR TO PUBLISHING THE DETAILED INSPECTION PLAN TO SOLICIT DATES THAT CAN ACCOMODATE THE SCHEDULE//

GENTEXT/ADMINISTRATION AND LOGISTICS/
4. (U) ADMIN AND LOGISTICS.

4.A. (U) CONCEPT OF LOGISTICS SUPPORT WILL REQUIRE CLOSE COORDINATION BETWEEN THE MARCENT IG AND G-2.

4.B. (U) IG WILL PROVIDE G-2 DATA ON NUMBER OF PERSONNEL AND AMOUNT OF EQUIPMENT TO BE HOSTED AT _____.//

GENTEXT/COMMAND AND SIGNAL/
5. (U) COMMAND AND SIGNAL.

5.A. (U) _____ RETAINS OPCON/TACON OF OPERATIONS.

5.B. (U) POINTS OF CONTACT.

5.B.1. (U) MARCENT IG, _____@XXXXXXX.SMIL.MIL.

5.B.2. (U) MARCENT CIG, COL STOIC, USMC DSN _____ VOSIP: _____ MAIL: I.M.STOIC(AT)_____.SMIL.MIL OR LTCOL ROCK MARCENT INSPECTION TEAM DSN _____ MAIL: MARINE(AT) _____.SMIL.MIL

5.C. (U) ACKNOWLEDGEMENT. ALL ACTION ADDRESSEES CONFIRM RECIEPT OF THIS FRAGO BY EMAIL TO _____@_____.SMIL.MIL.//

6. **The Detailed Inspection Plan:** The Detailed Inspection Plan is the single most important planning document the inspection team will develop and issue to the units or agencies affected by the inspection. The plan includes the following information:

      a. **Directive:** Explain the background of the inspection and list the date that the commander signed the Inspection Directive.

      b. **Inspection Goal (Purpose):** Outline once more the overall goal (or purpose) of the inspection.

      c. **Inspection Objectives:** List the objectives in their final version.

      d. **Task Organization:** Explain how the team is structured for the inspection. List the names of each team member and each member's security clearance.

      e. **Inspection Locations and Schedule:** List the units the team -- or teams -- will visit by location and date.

      f. **Inspection Approach:** Explain in detail the team's methodology for conducting an inspection at each location.

      g. **Interview Requirements:** This section of the plan should outline the individuals whom the team must interview and sense by <u>duty position and by number</u>.

      h. **Inspection Itineraries:** Be clear about the unit or agency's responsibilities with regard to developing, coordinating, and refining the itinerary.

      i. **Document Requests**: In most cases, the team will want to review a unit or agency's documents prior to arrival.

      j. **Resources:** This paragraph should explain to the unit or agency how the Joint IG team plans to travel to the location.

      k. **Administrative Support Requirements**: List any equipment requirements the inspection team will need while conducting the inspection visit.

      l. **Report Completion Timeline:** Specify the dates the team will brief the commander and complete the final report.

      m. **Suspense Summary:** Summarize all requirements mentioned throughout the Detailed Inspection Plan for the affected units or agencies.

      n. **Distribution:** List all of the affected units or agencies that will receive a copy of the Detailed Inspection Plan.

A sample Detailed Inspection Plan for an IO Inspection is located on the next page.

CIG
20 Oct XX

MEMORANDUM FOR G-2

SUBJECT: Detailed Inspection Plan for the Intelligence Oversight (IO) Inspection

Encl: Inspection Details

1. DIRECTIVE: On 20 June 20XX, the Commander directed the Command Inspector General to conduct an Inspection of the Intelligence Oversight program in the command. The commander signed the Inspection Directive on 2 July 20XX (see enclosure 1).

2. INSPECTION GOAL: The goal of the inspection is to determine the effectiveness of the Intelligence Oversight (IO) Program in the command.

3. OBJECTIVES: The objectives for this inspection are as follows:

   a. Determine if Intel personnel understand IO policies.

   b. Determine if Intel personnel are conducting adequate IO training.

   c. Determine if the Intel personnel are implementing the critical IO tasks as outlined in Procedures 2, 3, 4, 14, and 15 of DoD 5240.1-R and EO 12333.

4. TASK ORGANIZATION: An inspection team from the Command Inspector General's Office will conduct the assessment. The composition of the team and each person's security clearance is as follows:

LtCol Steel, DCIG (Team Leader) – Top Secret
Maj Rock, AIG – Top Secret
MGySgt Marine (TAIG, II MEF G-2) – Top Secret

5. INSPECTED UNITS: The inspection will involve the following units and staff agencies on the dates indicated:

20 Nov – 4 Dec 20XX: G-2

6. INSPECTION APPROACH: The Inspection Team will spend three to four hours inspecting the G-2. The G-2 will review and comment on the itinerary for the Inspection Team based upon the guidance outlined in paragraph nine of this document. We ask that you provide us with a mission and functions-type briefing, to include information on your mission, organization, on-going major activities, and IO training / awareness program. Please provide us hard copies of the briefing to assist us in note taking. We prefer and encourage dialogue and discussion during and after these presentations. The basic inspection approach will be to in-brief the unit leaders and staff members; review relevant documents related to IO; observe scheduled IO events as available; survey / interview key personnel; and out-brief the unit leaders and staff members and provide general feedback.

SUBJECT: Detailed Inspection Plan for the Intelligence Oversight (IO) Inspection

    a. **Personnel to Interview** (see paragraph seven below for specific requirements)**:** The inspection team will interview the G-2, IO officers, and selected intelligence personnel.

    b. **Documents to be reviewed:** All IO documents, programs, policies, plans for accomplishing critical tasks, to include any previous IO inspections / assessments.

    c. **Training to Observe (as available based upon the day that the inspection team visits the unit):**

        IO briefings
        IO inspections
        IO after-action reviews
        Any training conducted on the topic of IO

7. INTERVIEW REQUIREMENTS: Individual interviews can occur in the interviewee's office or in a similar location that is free from interruptions and telephone calls. The unit should schedule these interviews to last no more than 20 minutes each.

8. INSPECTION ITINERARIES: The Inspection Team requests that the G-2 concur with the proposed itinerary NLT 10 days before the day of the scheduled inspection. Concurrence should go directly to the Team Leader (see paragraph four). The Team Leader will work with the G-2 to determine how the itinerary can best allow the Inspection Team to meet the objectives listed in paragraph three. The intent of the inspection team is to conduct this assessment with minimal disruption to ongoing mission accomplishment. The team requires no special calendar arrangements except for the scheduling of interviews and in- and out-briefings. The itinerary for the inspection is as follows:

20 Nov 20XX
1300-1320 In-Brief Inspection Team, Commander / Leaders
1320-1340 Review Documents
1340-1400 Interview IOO
1400-1500 Inspect IO Systems
1500-1515 Inspection Team In-Process Review (IPR)
1515-1600 Interview Intel Personnel
1600-1630 Observe IO events (as available)

21 Nov 20XX
0900-1000 Out-Brief Commander / Leaders

9. PRE-INSPECTION DOCUMENT REQUEST: The Inspection Team requests that G-2 have all documents listed in para 6b on-hand and ready for review. The intent of this document request is to view only those documents that relate to IO. Avoid preparing documentation that does not apply to IO.

10. RESOURCES: The Inspection Team will travel to the G-2 using a locally procured vehicle. The team members do not require any additional transportation. Uniform is duty uniform.

SUBJECT: Detailed Inspection Plan for the Intelligence Oversight (IO) Inspection

11. ADMINISTRATIVE SUPPORT REQUIREMENTS: The Inspection Team will require the following administrative support assistance from each unit:

    a. Appropriate facilities for in- and out-brief presentation (slides, hardcopy of slides presented, conference room).

    b. Desk space for three people.

    c. All records, files, emails, and computer drives / systems relative to the inspection and controlled by the military intelligence components.

    d. Printer and copying support.

12. REPORT COMPLETION TIMELINE: The IG inspection team will include the results of the inspection in a written report following the commander's approval of the results. The schedule to complete the report is as follows:

    a. Out-brief the Commander: 21 November 20XX.

    b. Complete written report: 30 November 20XX.

13. SUSPENSE SUMMARY: A summary of the suspense contained in this document is as follows:

    Concurrence with the inspection itinerary due to the Inspection Team Leader no fewer than 10 days (10 Nov 20XX) before the date of the scheduled inspection.

14. POC for this inspection is LtCol Steel, (xxx) xxx-xxxx or DSN: xxx-xxxx, address@usmc.mil.

                      I. M. STOIC
                      Colonel, USMC
                      Command Inspector General

Section 5-5

The Preparation Phase
Step 5: Train Up

1. **Training for the Inspection:** Once the IG inspection team completes and issues the Detailed Inspection Plan, the team can focus its efforts on training for -- and preparing to conduct -- the inspection.

2. **Additional Training:** After planning in detail for the inspection, the Inspection Team Leader may realize that the Research step did not provide all of the information the team members require to accomplish the inspection successfully. The Team Leader may decide to ask the Temporary Assistant IGs (TAIGs) -- as subject-matter experts -- to conduct training for the IG team members.

3. **Duties of TAIGs:** The Team Leader should capture in writing the duties and responsibilities of all TAIGs to avoid confusion as the inspection progresses.

4. **Developing Information-Gathering Tools:** The information-gathering tools the team will need to develop to execute the inspection are interview questions, observation spot-report formats, surveys or questionnaires, checklist, and guidelines for document review.

      a. **Interview and Sensing Session Questions:** The team members must develop the interview questions based upon the sub-tasks created for each objective during Step 4. The questions should be based upon the specific sub-task requirements that generate the need for the questions. In turn, the information provided must answer the basic requirements for those sub-tasks. The following set of interview and sensing session questions are examples created in response to specific sub-tasks that require interviews and sensing sessions to answer:

Interview: G2 / SJA

Interviewee _____**Unit** _____**Date** _____
Duty Position_____ **Time in Current Position** _____

1. What publications do you use for reference and keep on hand for Intelligence Oversight? (Sub-Tasks 1.1)

2. Has an intelligence oversight officer been appointed? Is the appointment in writing? What kind of visual aids are posted identifying the intelligence oversight officer and where are they located? (Sub-Task 1.2)

3. Do you know who your Intelligence Oversight officer is? Who? (Sub-Task 1.3)

4. Are you aware of who / what constitutes a U.S. person? Explain what it means to you? (Sub-Tasks 1.4)

5. Are personnel aware of the obligation to report any questionable activity IAW ATSD (IO) guidance on reporting QIAs? Do they know who to whom to report it? (Sub-Tasks 1.5)

6. Has the unit established a familiarization program to ensure personnel are familiar with the Intelligence Oversight program's intent and responsibilities? (Sub-Task 2.1)

7. Is IO training documented? How? (Sub-Task 2.2)

8. Are you aware of any illegal Intelligence activities or other Intelligence misconduct in your unit? If you had anything to report, to whom would you report it? (Sub-Task 2.8)

9. Are you aware of the specific intelligence mission(s) given to your organization? What are they? (Sub-Task 2.9)

Notice that the questions are focused on a conversation with one person and that the questions lend themselves to more open discussion. Close-ended questions -- questions that require only a "yes" or "no" response -- do not promote discussion and limit a IG's ability to inquire further into problem areas. Open-ended questions that promote discussion help the IG to ask "Why?" and get at the root cause of the problem.

Sensing Session / G-2 Analysts Questions

Duty Positions_____ _____Unit_____ Date_____
Interviewees' Grade Structure_____

1. Has the unit established a familiarization program to ensure personnel are familiar with the Intelligence Oversight program's intent and responsibilities? (Sub-Task 4.2)

2. Is initial intelligence oversight training part of the in-processing checklist? (Sub-Task 3.1)

3. Have all personnel received training at designated intervals? (Sub-Tasks 3.1)

4. How does the unit accomplish training? (Sub-Tasks 3.2)

5. Do personnel know the name of their Intelligence Oversight officer? (Sub-Tasks 4.4)

6. Are personnel aware of the obligation to report any questionable activity? Do they know to whom to report it? Do personnel know that the command cannot take retaliatory or adverse action for reporting questionable activities? (Sub-Task 3.2, 3.3, and 3.8)

7. Do personnel know what constitutes appropriate / inappropriate activity? (Sub-Task 3.72)

Some of these questions are similar to the interview questions presented earlier, but the focus of these questions is to promote a group discussion. Sensing sessions last longer than interviews (90 minutes or less), but the number of questions should still remain at around 10 or 11. More people will be talking, so the facilitator will require more time.

b. **Observation Spot-Report Formats:** Since direct observation is one of the more important information-gathering techniques available to the IG, the inspection team should consider developing a standard format for capturing information gleaned from observing training or other events.

c. **Surveys and Questionnaires:** Surveys and questionnaires are nothing more than interview questions converted to a close-ended format. These questionnaires should have "yes" or "no" questions or a multiple-choice answer. Surveys and questionnaires are best used when the IG team only requires a sampling of information from a certain population.

d. **Guidelines for Developing Checklists:** In the past, Compliance Inspections asked basic, close-ended questions (based upon the established standards) that the inspectors could simply check off as 'yes' or 'no.' The inspectors did not need to be experts in the subject matter to conduct these very basic, and extremely simplistic, inspections.

The problem with these checklists was that they did not allow the inspectors to dig deeper into the reason for any non-compliance identified through the checklist. In effect, the checklist did not facilitate a greater examination of the root causes behind the non-compliance. Neither the inspectors nor the inspected commanders can recommend or implement effective solutions for the non-compliant areas if they don't identify and understand the root causes behind the shortfalls.

A better method is to tie the questions on the checklist to the specific sub-task requirements. Keep in mind that you may have a sub-task that requires you to combine two or more information-gathering domains (i.e. interview and document review). In a situation of this nature, a detailed checklist may be necessary.

(1) **Getting at the Root Cause.** The only way to remedy the problem of identifying root causes while using checklists is to create checklists that combine close-ended questions (answered with a simple 'yes' or 'no') with open-ended questions (answered by an in-depth explanation). The result will be a greater understanding of the root causes associated with the command's inability to comply with the established standard. However, for inspectors to understand the open-ended questions they are asking, they must have some measure of expertise in the inspected functional area.

(2) **Sample Checklist.** The checklists below combine closed-ended questions with open-ended questions. The inspector must have the functional-area representative on hand for this inspection. The inspection of the functional area is, for the most part, an interview with the functional area representatives intermingled with some physical, hands-on checking.

The inspector can begin the inspection by asking an open-ended question that will result in a discussion of the command's Intelligence Oversight (IO) program. By asking the command representative to explain the program, the inspector will be able to determine if the representative understands the regulations and the command's overall program. If the individual does not respond effectively, the inspector can ask the second part of the question (a follow-up question), which is a more direct query about the individual's knowledge of the program and the associated standards. Once the inspector captures the essential information from these initial questions, the inspector

can then ask a close-ended question and require the representative to show the inspector on-hand references.

The inspection will continue in this manner until the inspector gathers all of the required information about the functional area. The inspector will normally not offer an on-the-spot assessment of the functional area but will analyze the information later in conjunction with the established standard to determine if the command is in compliance with this particular functional area.

Two examples of sample checklists are located below:

Sample IO Inspections Checklist 1

Intelligence Officer Inspection Checklist

Proponent: **Functional Area:**   **Checklist Date:**
ATSD (IO)   IO Program   20 November 20XX

Inspecting Office: **Inspector/Phone:**

Unit Inspected: **Date Inspected:**

Unit Functional Area Representative:

Reference(s): DoDD 5240.01, <u>DoD Intelligence Activities</u>, 27 August 2007, DoD 5240.1-R, <u>Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons</u>, 7 December 1982, EO 12333, <u>United States Intelligence Activities</u>, 4 December 1981

1. Would you briefly explain the unit's IO Program?
_____
_____
_____

Do you understand DoDD 5240.01 regarding the IO program?
_____
_____
_____

2. Does the unit have the proper references and publications on hand to implement an effective IO program?
_____
_____
_____

If not, why?

_____
_____
_____

3. Does the unit have a familiarization program to ensure personnel are familiar with the IO program's intent and responsibilities?

_____
_____
_____

If not, why?

_____
_____
_____

4. Are you aware of what your unit's assigned mission(s) is / are? Do you know of any exceptions to the DoD implemented IO rules based on the assigned mission?

_____
_____
_____

If not, why?

_____
_____
_____

5. Does the unit properly screen intelligence products to ensure compliance with all IO rules concerning U.S. Persons information?

_____
_____
_____

If not, why?

_____
_____
_____

6. Does the unit conduct self-inspections to ensure that its members are not using, maintaining, or disseminating unauthorized U.S. Person information?

_____
_____
_____

If not, why?

_____

_____

_____

7. Is the command SJA involved in oversight and review of command intelligence activities?

_____

_____

_____

If not, why?

_____

_____

_____

       e. **Guidelines for Document Review:** Guidelines for document review are nothing more than a list of considerations -- or even questions -- that the reviewer should follow for all documents reviewed on a similar inspection topic. If the document review requires a physical check of intelligence files or other on-hand documents, a checklist may be useful. IGs may use the example below may to facilitate or track the inspector's actions.

       f. **Checklist for inspecting the Intelligence Oversight Officer:** A checklist to assist the IG during his or her inspection of the IO Officer's program appears below.

Sample IO Inspections Checklist 2
For the Intelligence Oversight Officer

INTELLIGENCE OVERSIGHT INSPECTION GUIDE	YES	NO	COMMENTS
AC.1. Are the following publications on hand?			
AC.1.1. E.O. 12333			
AC.1.2. DoDD 5240.01			
AC.1.3. DoDD 5240.1-R			
AC.1.4. CJCSI 5901.01			
AC.15. Unit Operating Instruction			
AC.1.6. Continuity Book			
AC.2. Has the unit appointed an intelligence oversight officer? Is the appointment in writing? Are visual aids posted identifying the intelligence oversight officer?			
AC.3. Has the unit established a familiarization program to ensure personnel are familiar with the Intelligence Oversight program's intent and responsibilities?			
AC.3.1. Is training documented? How?			
AC.3.2. Is initial intelligence oversight training part of the in-processing checklist?			
AC.3.3. Have all personnel received training at designated intervals?			

INTELLIGENCE OVERSIGHT INSPECTION GUIDE	YES	NO	COMMENTS
AC.3.4. Does training include non-intelligence personnel who work within the facility (i.e. security, computer support, administrative, etc.)?			
AC.3.5. How is the training accomplished?			
AC.4. Do personnel know the name of their Intelligence Oversight officer?			
AC.5. Are personnel aware of who / what constitutes a U.S. person?			
AC.6. Are personnel aware of the obligation to report any questionable activity? Do they know to whom to report it? Do personnel know that the command cannot take retaliatory or adverse action for reporting questionable activities?			
AC.7. Do personnel know what constitutes appropriate / inappropriate activity?			
AC.8. Do personnel know where to find applicable directives / regulations?			
AC.9. Is Intelligence Oversight part of the unit self-inspection? (if unit has self-inspection program)			
AC.10. Is the command SJA involved in oversight and review of command intelligence and non-intelligence sensitive activities?			
AC.11. Is any unauthorized material pertaining to U.S. persons collected, analyzed, retained, or disseminated?			
AC.12. Is the unit maintaining records / information on U.S. persons properly under DoDD 5240.1-R, Procedure 3?			
AC.13. Are all intelligence-related activities performed by the command authorized by higher authority?			
AC.14. Are quarterly IO reports submitted in a timely manner?			
AC.15. Are periodic inspections / screenings conducted to ensure intelligence holdings meet guidelines on retention of information on U.S. persons? (Paper files, records, databases etc.) (How often?) (Any concerns on file retrieval?)			
AC.16. Are members of the command being tasked to join and / or report on domestic organizations? (DoDD 5240.1-R, Procedure 10)			
AC.17. Has the command requested imagery of non-U.S. government property? Are domestic-use statements on file? (DoDD 5240.1-R Procedure 6, Concealed Monitoring)			

5. **Standard In-Briefing and Out-Briefing Formats:** The Team Leader of each team (if operating in two or more teams) must always brief the leadership of the command or unit the team is inspecting immediately upon arrival.

a. **In-Briefing Format:** The standard in-briefing should be informative, focused, and brief. The presentation is strictly informational and should not include any information that will raise questions among the command or unit's leaders. The in-briefing should include the following:

(1) Inspection Goal

(2) Inspection Intent (should include a bullet that states that the inspection will be open and discreet with no surprises)

(3) Inspection Objectives

(4) Task Organization

(5) Inspection Concept (one slide per phase if required)

(6) Special-Interest Item (if applicable)

(7) List of locations and units that the team (or teams) will visit

(8) Inspection Timeline (locations to visit by month and phase)

b. **Out-Briefing Format:** The standard out-briefing will comprise two parts. The first part will review information from the in-briefing covering the inspection's overall purpose, and the second part will include feedback from the inspection. The out-briefing must be fully redacted for all attribution save for the good news observations. The out-briefing format should include the following:

(1) Inspection Goal

(2) Inspection Intent (should include a bullet that states that the inspection was open and discreet with no surprises)

(3) Inspection Objectives

(4) Training or Events Observed and Assessed (this slide will quantify the numbers of individuals interviewed and sensed, the number of documents reviewed, and the number of events observed)

(5) Good News Observations (this slide should list no fewer than three positive features of the inspection and can include the names of individuals or units)

(6) Training or Events Observed (this slide will include bullets that comment upon the training or other events observed by the inspection team)

(7) Documents Reviewed (this slide should offer some brief comments about the results of the inspection team's analysis of the command's or unit's documents)

(8) Interviews and Sensing Sessions (this slide -- or slides -- should

provide unprocessed comments taken directly from interviews and sensing sessions; the Team Leader must emphasize to the leadership these slides are not the result of IG analysis but are simply restated -- but relevant -- comments from <u>anonymous </u>individuals throughout the command)

        (9) Summary Slide (this slide should not attempt to endorse or validate any one unit's particular program or operation; the Final Report will cover that issue)

6. **Equipment Inventories and Rehearsals:** Inspection teams should ensure that they bring the appropriate equipment and sufficient supplies needed to properly conduct the inspection.

Each Team Leader should conduct a <u>rehearsal inventory</u> of this equipment prior to conducting the Pre-Inspection Visit and the actual visits to the inspected units. The intent behind carrying these items is to reduce the IG team's resource demands on the inspected units or agencies.

7. **Interview Rehearsals:** Interview rehearsals may be difficult to conduct prior to executing the Pre-Inspection Visit. In any case, the inspection team's interviewers should practice their introductions, room set up, and overall technique before conducting the Pre-Inspection Visit.
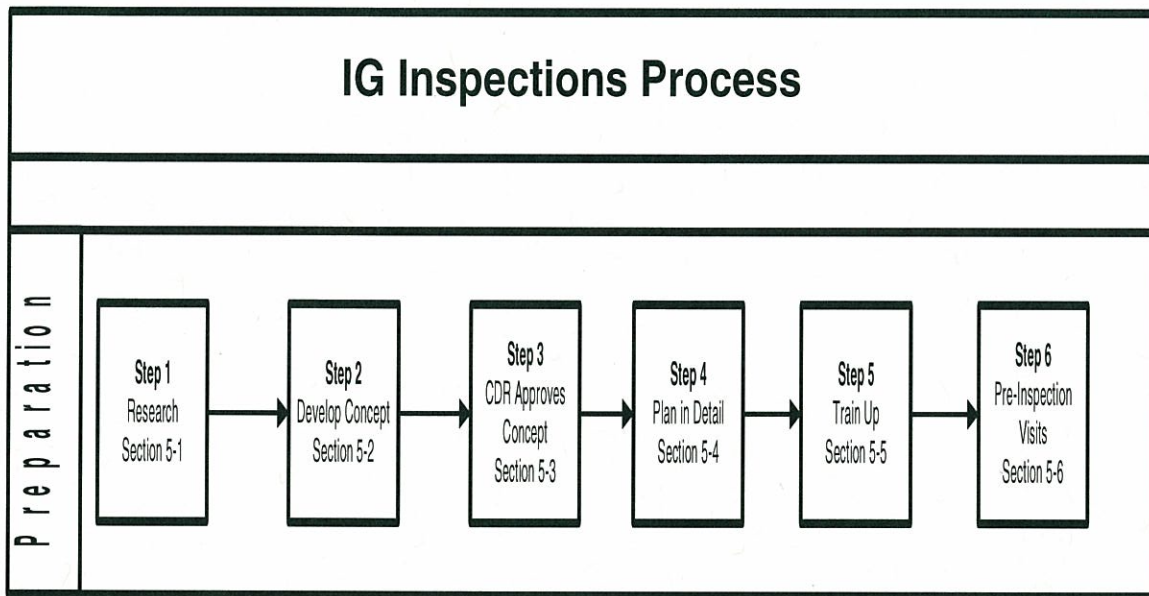
Section 5-6

The Preparation Phase
Step 6: Pre-Inspection Visit

1. **Purpose of the Pre-Inspection Visit:** Pre-Inspection Visits are necessary to validate and refine the inspection team's methodology and information-gathering tools (interview questions, etc.).

2. **Selecting a Unit for the Pre-Inspection Visit:** The inspection team should identify the Pre-Inspection unit -- or units -- during the Plan-in-Detail step (Step 4). The unit or command should be a representative, median example of the type of unit or command that the inspection team will visit.

3. **Notifying the Units or Commands Selected for the Pre-Inspection Visit:** Notification of the Pre-Inspection Unit (or Units) should occur at the same time that the inspection team notifies the units selected for the actual inspection. The Pre-Inspection Unit should receive a Notification Letter and a Detailed Inspection Plan. The planning documents must state that the unit is a Pre-Inspection Unit and that the IG team will not use the information gleaned from the visit for the inspection or include that information in the Final Report.

4. **Conducting the Pre-Inspection Visit:** The inspection team should treat the Pre-Inspection Visit as a full dress rehearsal for the actual inspection. The team should arrive prepared to execute the methodology precisely as planned. The team must also provide feedback to the unit at the out-briefing so the unit may benefit from participating in the pre-inspection exercise.

5. **Refining the Methodology and Information-Gathering Tools:** Once the Pre-Inspection Visit -- or Visits -- is complete, the inspection team should return to the IG office and refine the methodology and information-gathering tools as necessary. After the adjustments to the tools are complete, the inspection team is ready to visit the units.

Figure 5-3 shows the steps with the associated completed items.

IG Inspections Process

Preparation

| Step 1 Research Section 5-1 | Step 2 Develop Concept Section 5-2 | Step 3 CDR Approves Concept Section 5-3 | Step 4 Plan in Detail Section 5-4 | Step 5 Train Up Section 5-5 | Step 6 Pre-Inspection Visits Section 5-6 |

Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
Inspection Purpose	Concept Letter	Concept Briefing	Sub-tasks Identified	Information Gathering Tools	Refine Methodology
Inspection Objectives		Inspection Directive	Methodology Task Org Baseline Itinerary	Rehearsals	Refine Information Gathering tools
			Notification Letter		
			Detailed Inspection Plan		

Figure 5-3
Preparation Phase and Outputs

Chapter 6
_____
IG Inspections Process - The Execution Phase

Chapter 6

IG Inspections Process - The Execution Phase

1. **Purpose:** This section discusses the five steps of the Execution Phase within the Inspections Process.

2. **The Execution Phase:** The Execution Phase of the IG Inspections Process represents the heart of the inspection since inspectors will spend this phase gathering and analyzing information. The Execution Phase has five discrete steps (see Figure 6-1), but some of these steps may be repeated several times before progressing to the next step (for example, Visit Commands and IPR). The five steps of the Execution Phase follows:

    a. Visit Commands

    b. In-Process Review (IPR)

    c. Update the Commander

    d. Analyze Results and Crosswalk

    e.   Out-Brief the Proponent

IG Inspections Process

Execution

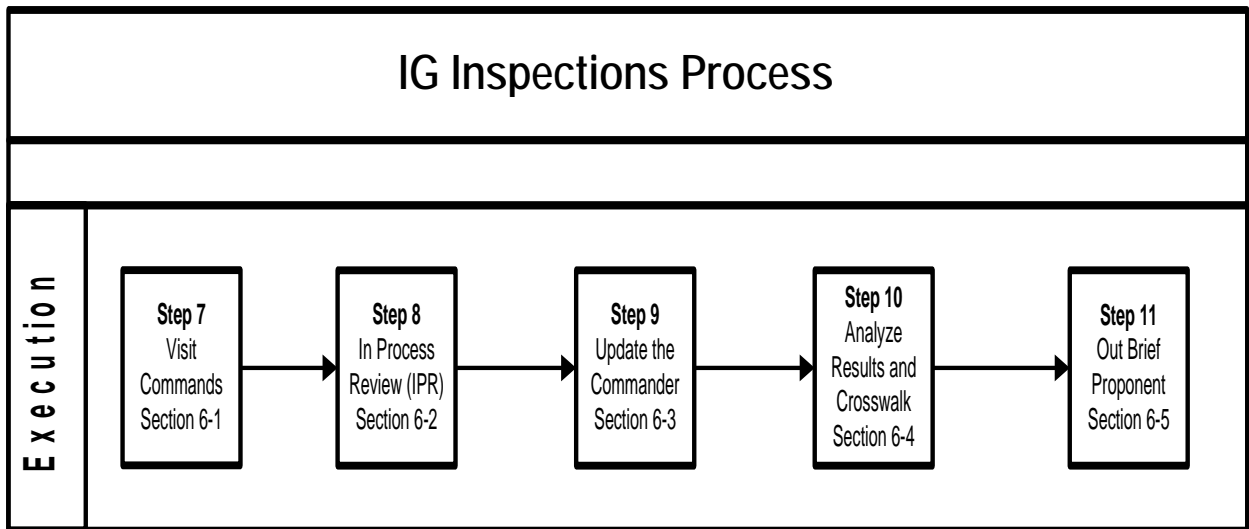| Step 7 Visit Commands Section 6-1	→	Step 8 In Process Review (IPR) Section 6-2	→	Step 9 Update the Commander Section 6-3	→	Step 10 Analyze Results and Crosswalk Section 6-4	→	Step 11 Out Brief Proponent Section 6-5

Figure 6-1
The Execution Phase

Section 6-1

The Execution Phase
Step 7: Visit Commands

1. **Visit Units:** The IG inspection team will put into practice their validated methodology and information-gathering tools during this step of the Execution Phase. At the end of the visit, the inspection team will conduct an In-Process Review (explained in greater detail in Step 8) with the sole purpose of developing an out-briefing to present to the unit leadership upon the team's departure.

2. **Actions Following a Unit Visit:** Some inspection teams may develop an inspection schedule that affords them one day between visits or several days between visits. In any case, the team must craft a detailed Trip Report (the only physical output of this step) that captures the critical information gleaned during that visit. The Trip Report should be in memorandum format and include a paragraph for each interview and sensing session conducted, each document reviewed, and each event observed. These paragraphs will appear in the Trip Report as an <u>observation</u> and will include four possible types of information:

      a. **Raw-data information:** Unprocessed examples of what the inspector saw, read, or heard.

      b. **Synthesized information:** Sentences that combine raw-data information in an effort to summarize that information.

      c. **Analyzed information:** Sentences that critically examine and process raw-data information in an effort to glean greater meaning from the data.

      d. **Inspector's opinion:** Sentences that capture the inspector's sense or impression of the event observed or people interviewed.

The Trip Reports will serve as the <u>primary-source documents</u> for writing the Final Report, so ensure they are thorough, accurate, and complete. The longer the inspection team waits before writing a Trip Report, the more information the team will lose.

3. **Writing the Trip Report:** The Team Leader or Team Deputy is normally responsible for setting writing deadlines, compiling the completed paragraphs, and then editing the final product for content and grammar. Each member of the team must contribute to the report.

      a. <u>Setting a Writing Deadline</u>: The Team Leader or Team Deputy is responsible for setting a clear, reasonable writing deadline aimed at completing the Trip Report before embarking upon the next inspection visit.

      b. <u>Writing the Sub-Paragraphs</u>: Each team member must write paragraphs that capture the results of interviews, sensing sessions, observations, and document reviews they conducted or participated. These paragraphs must follow the inspection team's prescribed Trip-Report format precisely.

     c. <u>Compiling the Trip Report</u>: The Team Leader or Team Deputy will compile the completed Trip Report (electronically if possible) and then edit the document for comprehension, readability, format, and grammar.

     d. <u>Signing and Approving the Trip Report</u>: The Team Deputy will submit the Trip Report to the Team Leader for final review and signature. All original, signed copies of Trip Reports will go into the inspection team's archive file or book along with a copy of the unit out-briefing slides.

A trip report is required for every visit. On the next page is a sample of one Trip Report for an IO Inspection.

COMMAND LETTERHEAD

21 November 20XX

MEMORANDUM FOR RECORD

SUBJECT: Intelligence Oversight Inspection of G-2

1. **General.** One team composed of two Joint Inspectors General and one member of the II MEF Staff as a Temporary Assistant Inspector General (TAIG) conducted an assessment of the IO Program within command G-2.

2. **Team Composition.**

    Team:
    LtCol Steel (DCIG)
    Maj Rock (AIG)
    MGySgt Marine (TAIG, MEF Intelligence Oversight)

3. **Scope of the Visit:** To determine the effectiveness of the Intelligence Oversight (IO) Program in the G-2 via computer searches, document reviews, and interviews / sensing sessions with G-2 and SJA personnel and leadership.

4. **Observations.**

    a. **Interview Findings:**

        (1) **Observation 1 (**Sub-Tasks 1.3, 1.5, 1.6, and 1.8). **Interview with the Intelligence Oversight Officer (Capt Nerdo).** Capt Nerdo has served as the Intelligence Oversight (IO) Officer for seven months. He is fully aware of the correct regulations and source documents pertaining to Intelligence Oversight. He produced a copy of his orders appointing him as the IO Officer; the commander had signed the document on 18 July 2XXX. In addition, Capt Nerdo explained fully the unit's IO training program and his involvement in that program. He also correctly explained the process for processing a QIA up through the IGMC.

    b. **Sensing Sessions;**

        (1) **Observation 1:** (Sub-Tasks 1.4 and 1.8) **Sensing Session with Junior Enlisted Troops.** Personnel interviewed were able to define who / what constitutes a U.S. Person and could provide proper references when asked.

        (2) **Observation 2:** (Sub-Tasks 1.3, 1.5, and 1.8) **Sensing Session with Senior Non-Commissioned Officers in the G-2 Staff Section.** All G-2 non-commissioned officers interviewed knew the IO Officer's name. The IO officer personally provides all IO training so that all trained personnel recognize the IO Officer. There are also several notices located in conspicuous locations throughout the command identifying the IO Officer and providing his contact information.

    c. **Documents Reviewed:**

        (1) **Observation 1:** (Sub-Task 1.1 and Sub-Task 1.2) **Determine if all applicable publications are on hand.** All required references are on hand. CG Memorandums and the G-2 Annex provide specifics above and beyond what DoD regulations require. The commander appointed the Intelligence Oversight Officer in writing, and visual aids are posted throughout the G-2 work area.

(2) **Observation 2** (Sub-Task 3.2). **Standing Operating Procedure (SOP).** The use of a detailed, updated, and MARCENT specific local G-2 SOP helps to ensure the standardization of daily operating procedures and activities.

(3) **Observation 3** (Sub-Task 3.4). **Training Records**. Over the past three months, the percentage of G-2 personnel that are currently trained has been steadily declining, going from 80% down to 60%. According to the G-2 and the Intelligence Oversight Officer, the G-2 is not scheduled to have an IO training session until February / March time frame.

(4) **Observation 3** (Sub-Task 3.2). **Training Materials.** Reviewed the training material used to conduct the required annual IO training events. The G-2 has established a training program to ensure all G-2 personnel are trained on the IO program's intent and responsibilities and that training is properly tracked. Maj Happy, the G-2 Intelligence Oversight Officer, has developed an outstanding, detailed IO training program, including real-world examples, interactive slides, and written tests that can be used as a standard for future IO training.

5**. Good News Story.** Good accountability and integration of Commercial, Law Enforcement Sensitive (LES), and other U.S. Person information was demonstrated throughout the IO Inspection. It was apparent that general awareness of the legal constraints involved in IO / Sensitive Data was present throughout the G-2.

6. **Additional Information.** None

//original signed//
J. P. Steel
LtCol, DCIG

Encl:
Out-briefing Slide Packet

[Footer for all pages:]
FOR OFFICIAL USE ONLY

Take note of the level of detail involved in each paragraph. The more detail each inspector adds -- the better! The Good News information located in paragraph five is from the out-briefing (not presented here). Also, note the footer that must appear at the bottom of each page.

4. **Inspector General Information:** Trip Reports are not redacted (edited) for attribution. Instead, Trip Reports list units and interviewees by name in case the team members need to know the source of the information for potential cross-walking issues at a later time. Since IGs must protect this information in order to protect confidentiality, a footer must appear at the bottom of each page (see the example above) that reminds an IG (and others) that the information is FOUO (For Official Use Only). Only redacted reports -- or reports edited for attribution -- can be released under Exemption 5 of the Freedom of Information Act (FOIA).

Section 6-2

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The Execution Phase
Step 8: In-Process Review (IPR)

1. **Purpose of the In-Process Review (IPR):** An In-Process Review (IPR) is a meeting of inspection team members for the sole purpose of compiling and sharing information gathered during a single or multiple inspection visits. By sharing key information at the IPR, team members can gain a perspective on where the inspection results are leading and what patterns and trends are beginning to appear. Generally, IGs convene IPRs for two different reasons and purposes:

    a. Immediately following an inspection visit to a unit or command with the sole purpose of sharing information **to produce an out-briefing**. Conducting daily team IPRs at the inspection location is essential. If the visit to the unit or command lasts for two or three days, the team must gather at the end of each day to share data gleaned from the day's information-gathering activities. If the visit to the unit or agency lasts only one day, the team will conduct one IPR and produce the out-briefing at the end of the meeting.

    b. Periodically, during the course of an inspection, to share information gathered at several units **to identify trends and patterns**. The Team Leader of the overall inspection effort may decide to convene IPRs at the IG office following every third or fourth unit visit. The purpose of these IPRs will be to share information gathered from several units so the team can identify developing trends and patterns.

These two products -- the out-briefing and trend analysis -- represent two potential physical outputs of an IPR. IPRs may occur to generate other products as well.

2. **IPR Analysis Tools:** Sharing information during an IPR can be a challenge. The best method for sharing information or developing trends is to develop a method (or methods) that captures the information and presents it visually so that everyone on the inspection team can see the information and discuss it. Two recommended IPR analysis tools are discussed below.

    a. **The IPR Worksheet:** This worksheet brings together the key points that <u>all</u> members of the team gleaned from their interviews, sensing sessions, document reviews, and observations at a particular unit or units. The best technique for capturing and sharing this data is to draw an IPR Worksheet on butcher-block paper and add everyone's comments. A sample IPR Worksheet is in figure 6-2:

IPR WORKSHEET

Location(s): _____ (Date)

Team / Team Member	Objective 1	Objective 2	Objective 3	Objective 4	Objective 5

Figure 6-2
IPR Worksheet

The inspection team may add more rows to the worksheet as necessary based upon the number of teams or the number of team members.

b. **Trends Analysis Sheet:** This sheet will allow the assembled inspection team to review present and past IPR Worksheets and list any obvious trends. A sample Trends Analysis Sheet is in figure 6-3:

TRENDS ANALYSIS

TREND	UNIT	UNIT	UNIT	UNIT	UNIT

Figure 6-3
Trends Analysis

3. **Conducting the IPR:** The overarching purpose of all IPRs is to share information; however, the output of each IPR may vary. IPRs conducted at the end of a unit visit will produce an out-briefing; however, IPRs conducted periodically at the IG office during the course of the inspection will consider information from several units and produce trends and patterns. An IPR should occur as follows:

    a. Presentation of the IPR agenda by the Team Leader.

    b. Review of the next day's itinerary or upcoming unit itineraries.

    c. Discussion of any administrative data or requirements.

    d. Completion of the IPR Worksheet. The best technique for completing the IPR Worksheet is to sketch out a worksheet matrix on butcher-chart paper with one objective per sheet. The Team Leader will then call upon each team or individual to mention those items that pertain to that objective. The process can stop for discussions and explanations as necessary. The person designated to develop the out-briefing slides will develop the briefing directly from this worksheet. A sample version of a completed IPR Worksheet for a shortage of IO training in G-2 appears in figure 6-4.

IPR WORKSHEET

Location(s): G-2 (20 Nov____)

Inspector	Objective 1	Objective 2	Objective 3
LtCol Steel	- G-2 was very knowledgeable about the IO Program and was able to articulate the details clearly. - Dep G-2 confirmed findings with regard to G-2 knowledge of the IO Program.	- Decline in IO training being conducted over the past year.	- The command was manned at 93% of allocated strength; however, G-2 manning was at 72%.
Maj Rock		- Finding time to train is difficult due to the high optempo. - Although being conducted, G-2 enlisted leadership did not feel IO training requirements are properly captured in the unit training plan.	- Disconnect between expansion of mission operational requirements and cross-check of personnel skill sets on board.
MGySgt Marine		- Longer working hours and mission creep with fewer personnel on station.	- G-2 training has steadily declined over past year. More attention to the legal basis for IO is desired.

Figure 6-4
IO IPR Worksheet

Note that this inspection only had three objectives and one team. This IPR Worksheet has been completed by team members, suggesting an IPR conducted at a unit for the purpose of developing an out-briefing.

      e. Develop the out-briefing or complete the Trends Analysis Sheet (see paragraphs four and five below).

      f. Final comments and guidance from the team.

The sample agenda outlined above can apply to all IPRs. The inspection team should develop a standard agenda that the team can follow routinely without much preparation.

4. **Developing the Out-Briefing:** The out-briefing is the IG team's way of providing some form of interim (or in some cases definitive) feedback on the results of a particular inspection. The team must recognize that the information presented during the out-briefing has not had the benefit of close analysis or scrutiny. The team should not attempt to discuss issues or observations that require further post-visit analysis.

      a. <u>Writing the Out-Briefing</u>: The Team Leader (or team member designated to develop the out-briefing) will draft bullet comments from the information captured on the IPR Worksheet during the IPR. The Team Leader must use discretion and not offer feedback on any issue the team has yet to analyze fully or validate. The Team Leader must also avoid attributing command names and individual names to the information offered. The only exception is for the slide depicting Good-News Observations, which may mention specific personnel and command. Finally, the summary slide should never state definitively that any unit or command's particular program is good or bad.

      b. <u>Reviewing the Draft Out-Briefing</u>: The team will reserve time at the end of the IPR (or during the last IPR for extended visits) to review or build the out-brief. The team members will offer input and comments and make any necessary changes to the language.

      c. <u>Preparing the Out-Briefing for Presentation</u>: The Team Leader or designated scribe will develop the out-briefing slides using the established format. A sample out-briefing presentation appears starting on the next page:

Intelligence Oversight Program

Out Briefing
LtCol Steel   MGySgt Marine
DCIG   TAIG

Special Inspection of
Intelligence Oversight Program
2-3 August 2XXX

Purpose

- To provide feedback to the Commander on the IG's inspection of the Intelligence Oversight (IO) Program within the MEF

Inspection Goal

- **The goal of this inspection was to determine if the IO program at I MEF was being implemented in a manner consistent with the direction provided by the Assistant to the Secretary of Defense for Intelligence Oversight (ATSD IO), DoD 5240.1-R, and EO 12333**

Inspection Intent

- **Conduct an inspection of I MEF to determine if if the IO Program in place meets DoD standards.**
- **Conduct sensing sessions and interviews with G-2 and SJA personnel.**
- **Review IO related documents and intelligence products and search computer hard/shared drives**
- **Conduct the inspection open and discreetly.**
- **No suprises**

Inspection Objectives

- Determine if I MEF Intel personnel understand IO policies.
- Determine if I MEF Intel personnel involved in ongoing missions are conducting adequate IO training.
- Determin if I MEF Intel personnel are implementing the critical IO tasks as outline in Procedures 2, 3, 4, 14, and 15 of DoD 5240.1-R and E.O. 12333

Good News Observations

- I MEF has a strong IO training program and has implemented real-world events into training.
- A strong IO awareness permeates the entire command from the top down.
- IO is not seen as a hindrance to the unit mission but rather as a enabler.
- There is a very strong working relationship between the I MEF G-2 and SJA.

Intelligence Oversight Program

- **Observations**
  - **Command memos and the G-2 Annex provide specifics above and beyond DoDIs.**
  - **100 personally provides training.**
  - **Self-inspection same standard as IG.**
  - **SJA involvement.**
  - **Entire I MEF staff receiving IO training.**

Intelligence Oversight Program

- **Documents Reviewed**
  - I MEF Intelligence Oversight Officer Program Book had all required documents on hand, to include several additional items (point papers, legal reviews, etc.). These additional documents provided further guidance/clarification on IO matters.
  - The past 30 days of the Weekly Intel Update and the Daily Commander's Update briefings revealed no IO violations.
  - The G-2 shared drive as well as 30% (3 of 10) of the hard drives reviewed revealed no IO violations.

Intelligence Oversight Program

- **Interviews and Sensing Sessions**
  - o All individuals present are aware of the restrictions and limitations regarding US Persons Information and IO.
  - o IO is not viewed as "a problem" to the analysts. They understand the importance of abiding by the rules and do not feel that it limits their ability to accomplish the mission.
  - o Additonal training provided by the SJA wold provide more in-depth information/explanation to some of the legal issues involved in IO.

Summary

- **It is evident that a strong emphasis is placed on protecting the rights and privacy of US citizens in the command.**
- **A follow-on meeting between the G-2 and SJA has been coordinated to design and schedule a more in-depth IO training programs.**
- **Excellent support and cooperation was provided to the inspection team.**
- **Thank you for your support.**
- **Semper fi**

The Inspector General Program Intelligence Oversight Guide   August 2009

4. **Developing Trends and Patterns:** The Team Leader will have a designated scribe create a Trends Analysis Sheet (see figure 6-5) format on butcher-block paper so that the team members can see the information. The Team Leader will ask the team members to nominate any trends that have appeared during the course of the inspection. This process will either validate or invalidate the trend. A sample Trends Analysis Sheet for an Intelligence Oversight inspection appears below. **Note:** MEU X and MEU Y are units previously inspected; the units appear here to illustrate the cumulative nature of trends over time to verify or validate existing trends and identify emerging trends.

TRENDS ANALYSIS

TREND	MEU-X	MEU-Y	G-2 Intelligence
1. G/S-2s understand DoD directed IO Program requirements	S-2 lacked detailed knowledge of IO program requirements	S-2 well versed in IO program requirements	G-2 had strong background in IO program requirements / training
2. Increased workload due to gapped G/S-2 billets	Officer and enlisted leadership well aware of increased workload due to gapped critical S-2 billets	Officer and enlisted leadership well aware of increased workload due to gapped critical S-2 billets	Indoctrination course incorporated IO training to cover requirements lowering the stress on the G-2 personnel
3. Analysts understand DoD directed IO Program requirements	S-2 Analysts lacked detailed knowledge of IO program requirements	S-2 Analysts well versed in IO program requirements	G-2 Analysts well versed in IO program requirements
4. Morale is good	Poor morale due to stress of additional duties and working hours coupled with lack of IO training and guidance	Good morale	Excellent morale due to well-planned training program for the unit

Figure 6-5
IO Trends Analysis

Section 6-3

_____

The Execution Phase
Step 9: Update the Commander

1. **Updating the Commander:** The commander who directed the inspection may request a mid-inspection update from the inspection team. This update should be part of the inspection timeline. The physical output of this step is the update briefing for the commander.

2. **Information Source:** Since the inspection team cannot pause in the middle of the actual inspection to analyze results and develop findings, the inspection team must rely on the trends or patterns captured during the periodic IPRs (normally conducted every third or fourth inspection visit).

3. **Briefing Outline:** Since the commander may not recall the details of the inspection concept, the inspection team should design the briefing to remind the commander of the inspection plan and to provide the commander with the most current trends. A recommended slide outline (or agenda) is as follows:

       (1) Purpose of the Briefing

       (2) Inspection Goal (or Purpose)

       (3) Inspection Objectives

       (4) Task Organization

       (5) Inspection Concept

       (6) List of units or agencies that the team (or teams) has visited followed by a list of the remaining units or agencies to visit

       (7) Inspection Timeline

       (8) Trends (bullets taken directly from the Trends Analysis Sheet) (Trends are based on previous annual IO inspections of G-2 intelligence components.

Section 6-4

The Execution Phase
Step 10: Analyze Results and Cross-Walk

1. **Drafting the Final Report:** Analyzing results means the Team Leader must organize the inspection team to write a draft version of the Final Report, which is the only physical output of this step. Before beginning this step, all visits to units or agencies must be complete, and the Trip Reports for each visit must be finished. The timeline must give the team members time to analyze the results, write their findings, and conduct <u>cross-walking</u> as necessary. The Final Report must also follow the format prescribed by the Team Leader. During the Completion Phase, all information-gathering activities cease.

2. **Cross-walking:** Cross-walking is the process of verifying inspection results. In other words, an IG inspector may need to check with other sources or agencies to verify -- or validate -- what he or she saw, read, or heard during the conduct of the inspection. Cross-walking may take an IG inspector up the chain (vertically) or across command lines (horizontally).

3. **Final Report Format:** Every unit or command will have different requirements or SOPs for staff products and reports. IG inspection reports should follow unit or command guidelines as closely as possible to ensure compliance with the local SOP. However, final inspection reports are not brief memorandums that are a few pages in length. Reports are normally quite lengthy and detailed. The recommended format for a final inspection report is as follows:

       a. Table of Contents
       b. Guidance on the release of IG information
       c. Executive Summary (perhaps the most widely read portion of the report!)
       d. Separate chapters on the inspection Background and Methodology
       e. Chapters for each Objective with the findings presented by Sub-Task
       f.   Summary of the Recommendations (usually separated by proponent)
       g. Appendices:
           (1) References
           (2) Inspection Directive (signed copy)
           (3) List of units or commands visited
           (4) Interview and Sensing-Session questions

4. **Task Organizing the Inspection Team:** The Team Leader must organize the team to write the Final Report and assign specific responsibilities to each team member. The Team Leader should organize the team as follows:

      a. **Overseer of the Writing Process:** This person is normally the Team Leader, who is usually not responsible for writing any portion of the report.

      b. **Writers for each Objective Chapter:** The team members assigned to write the main chapter objectives are normally the IGs and not the Temporary Assistant IGs (TAIGs).

      c. **Chapter-Review Committee:** The Team Leader will establish a Chapter-Review Committee to review all chapters for logical sufficiency and general correctness.

      d. **Writer for the Background and Methodology Chapters:** The team member who writes these two chapters is normally the Team Deputy. Much of this information will come directly from the initial planning documents such as the Detailed Inspection Plan.

      e. **Final Editor and Reviewer:** The Team Leader usually takes this assignment; however, the Team Leader may select someone from within the team who has excellent grammar skills and writing abilities.

5. **Writing an Objective Chapter:** The writer must first begin by reviewing the chapter format established by the Team Leader. At a minimum, the chapter format will have the Joint IG writer <u>developing no less than one finding statement per Sub-Task</u>. This guide outlines a **nine-step process** any IG inspector can use to analyze results and develop findings for a particular Sub-Task. After developing the findings section for each Sub-Task, organize the chapter as follows:

      a. Objective 1:
            (1) Sub-Task 1:
                  (a) Finding 1 (write out the entire five-paragraph findings section under each finding heading)
                  (b) Finding 2
            (2) Sub-Task 2:
                  (a) Finding 1
                  (b) Finding 2
            (3) Sub-Task 3:
                Finding

6. **The Nine-Step Process for Developing a Finding Statement:** The nine-step process outlined below is designed for IG writers to develop one finding statement (and findings section) at a time. Repeat this process for each Sub-Task. If the inspection objective has five Sub-Tasks, then follow the first seven steps of this process five different times before completing steps eight and nine. The nine-step process is as follows:

      a. **Step 1: Gather the Tools:** Print copies of all Trip Reports the team produced for each visit to a unit or agency. The Trip Reports will serve as the primary-source documents for the chapter. Have on hand all key references that pertain to the

inspection as well as a copy of the <u>Marine Corps Inspector General Program Inspections Guide</u>. Lastly, gather highlighters of different colors to color-code the information on the Trip Reports as you read through them.

      b. **Step 2: Develop a Writing Schedule:** Craft a calendar plan identifying specific days to work on a particular Sub-Task or portion of the chapter. Next, review the writing schedule to ensure it meets the overall report-writing timeline established by the Team Leader.

      c. **Step 3: Organize Your Sources:** Gather the Trip Reports and write bold headings at the top of each one using a colored pen or marker to distinguish easily and quickly one from the other.

      d. **Step 4: Review and Study Your Sources:** This phase of the writing process is normally called pre-writing. Go through each Trip Report and use the different colored markers to highlight the information for each of your Sub-Tasks. Use a different color for each Sub-Task.

      e. **Step 5: Develop Tools to Collect and Analyze Your Information:** After absorbing the information and crafting a draft finding statement (or statements), develop a tool to help you organize your thoughts and the information gathered. If the preponderance of information from the Trip Reports supports the draft finding statement, then the statement is accurate. Conduct **cross-walking** as necessary for additional information or for clarification. Call or visit those individuals or agencies you think can help you validate inspection information.

      f. **Step 6: Develop Your Finding Statements:** Refine the language of the draft finding statement (or statements) as necessary. The finding statement is a single, well-focused, well-structured sentence that captures the true essence of the finding. <u>This sentence must be able to stand alone</u>. You will base your finding statement (or statements) on the preponderance of information you gather about a particular Sub-Task. Here is an example of a finding statement:

      Several commands in the MARCENT AOR have significant problems meeting the DoD guidance on Intelligence Oversight.

      g. **Step 7: Write Your Findings Sections:** Follow the recommended findings-section format when writing all of the information that applies to the finding. The format is:

           (1) Finding Statement
           (2) Standard
           (3) Inspection Results (Discussion)
           (4) Root Cause
           (5) Recommendation(s)

Each Sub-Task will have at least one findings section; some Sub-Tasks may have two or three finding statements and sections. Be certain to include positive findings and not just negative. Good-news stories are always welcome. In paragraph two, **Standard**, write, verbatim, the entire standard for that finding from the original source. Do not paraphrase the text. In paragraph three, **Inspection Results**, address each and every

point to support the finding. For paragraph four, **Root Cause**, follow the Root Cause Analysis Model to describe the reasons for compliance or non-compliance (don't know, can't comply, and won't comply). Finally, in paragraph five, **Recommendation**, ensure each recommendation is detailed and identifies the person or staff agency who can fix the problem.

       h. **Step 8: Complete the Chapter:** Compile all of the completed findings sections into one document using the established chapter format.

       i. **Step 9: Submit the Chapter for Peer and Committee Review:** Let someone else read the draft chapter and point out obvious errors or inconsistencies. Make necessary changes and submit a clean copy to the Team Leader for a final grammar and format review. A graphic representation of the Committee Review process is in figure 6-6:

Step 9: Submit the Chapter for Peer and Committee Review

Figure 6-6
Peer and Committee Review Process

7. **Practical Example of the Nine-Step Process:** To review an example of this process, please see the Marine Corps Inspector General Program Inspections Guide, page 6-4-5.

8. **The Final Result:** The final result of this step is a draft version of the Final Report. The Team Leader will compile the approved chapters into the draft Final Report and use that draft to develop a slide presentation for the proponents and the commander. The inspection team must consider the report a draft at this stage because the commander has not yet approved the results.

9**. Questionable Intelligence Activity (QIA):** If the inspection team discovers any QIAs during the inspection, the team must send a report immediately IAW the ATSD (IO) guidance on reporting QIAs. The IG team may need to submit the QIA report separately from the inspection report to ensure compliance with required timelines.

Section 6-5

The Execution Phase
Step 11: Out-Brief the Proponent

1. **Identifying the Proponent:** The proponents are the individuals or staff agencies the IG team identified in the recommendation paragraphs to fix the identified problems. Each recommendation must name at least one proponent. IGs must ensure that the proponent identified in the recommendation is the correct one to fix the problem. If the recommended solution concerns a particular standard or regulation, the IG should determine what person or staff agency is the proponent for that standard or regulation.

2. **Out-Briefing the Proponent:** Before the commander sees the results of the inspection, the IG team must extend a professional courtesy to those individuals or staff agencies listed to fix the variety of issues the IG team recommended. The Team Leader should schedule a briefing with the head of the staff agency or the person involved and share the findings and recommendations <u>pertaining only to that person or staff agency</u>. The slide briefing, the only physical output of this step, should cover the following areas:

      a. Inspection Background and Concept (slides on the Inspection Purpose, Inspection Objectives, and Inspection Concept)

      b. Inspection Methodology (slides on the overall Inspection Approach, Task Organization, and units or agencies visited)

      c. Results of a Legal Review (if a legal review was requested)

      d. Findings by Objective and Sub-Task with Recommendations (one slide for each finding listing the Inspection Objective, Sub-Task, Finding Statement, and Recommendation) [Note: Show only those slides pertaining to the proponent you are briefing.]

If a face-to-face briefing is not possible, then a telephone call to the proponent that covers all of this information is acceptable.

3. **The Purpose of the Briefing:** The purpose of the briefing is to inform the proponent about the recommendations you will make to the commander which -- once approved -- will require that proponent to take corrective action. The briefing is an information briefing only and does not require the concurrence of the proponent. Once all proponent out-briefings are complete, the IG inspection team is ready to transition to the Completion Phase of the Inspections Process and out-brief the commander.

Figure 6-7 shows the steps with the associated completed items.

IG Inspection Progress

Execution

| Step 7 Visit Commands Section 6-1 | → | Step 8 In Process Review (IPR) Section 6-2 | → | Step 9 Update the Commander Section 6-3 | → | Step 10 Analyze Results and Crosswalk Section 6-4 | → | Step 11 Out Brief Proponent Section 6-5 |
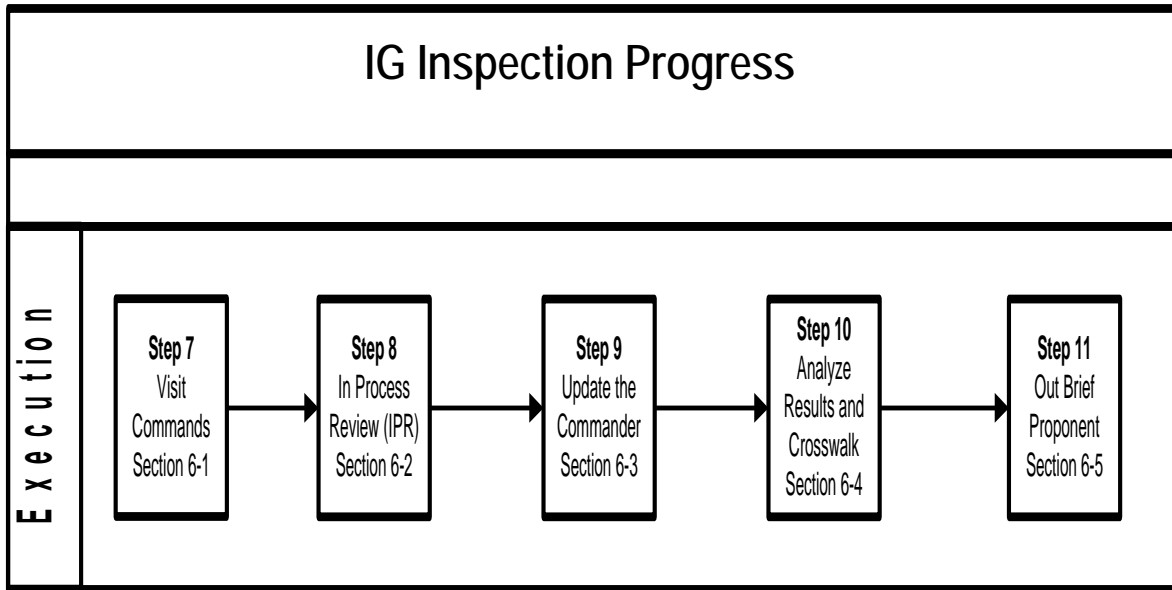
Step 7	Step 8	Step 9	Step 10	Step 11
Trip Report	Trends Analysis	Update Briefing	Draft Final Report	Inspection Results Briefing
	Unit(s) Out Briefing			

Figure 6-7
Execution Phase and Outputs

Chapter 7

IG Inspections Process - The Completion Phase

Section 7-1 – Step 12: Out-brief the Commander

Section 7-2 – Step 13: Taskers

Section 7-3 – Step 14: Finalize Report

Section 7-4 – Step 15: Handoff

Section 7-5 – Step 16: Distribute the Report

Section 7-6 – Step 17: Schedule a Follow-up Inspection

Chapter 7

IG Inspections Process - The Completion Phase

1. **Purpose:** This section discusses the Completion Phase of the IG Inspections Process and the six steps included in that phase.

2. **The Completion Phase:** The Completion Phase (See Figure 7-1) of the Inspections Process puts the finishing touches on the Final Report and includes those steps necessary to ensure the designated proponents fix the recommended solutions. The Completion Phase has six discrete steps, but some of these steps may occur simultaneously after the commander approves the inspection results. The six steps of the Completion Phase are as follows:

    a. Out-Brief the Commander
    b. Issue Taskers
    c. Finalize the Report
    d. Handoff
    e. Distribute the Final Report
    f. Schedule a Follow-Up Inspection
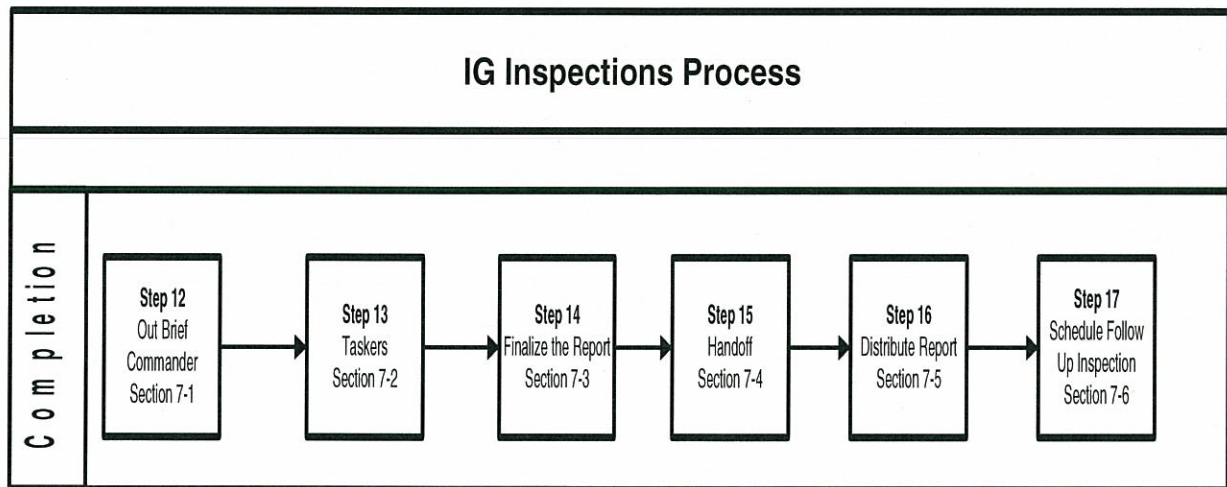
Figure 7-1
The Completion Phase

Section 7-1

The Completion Phase
Step 12: Out-Brief the Commander

1. **Out-Briefing the Commander:** The out-briefing to the commander should be a formal event designed to gain the commander's approval of the final inspection report. The Team Leader should invite all of the proponents to the briefing and any other staff agency heads who might be interested in the inspection results. In addition, the Chief of Staff is normally present at these briefings.

2. **Contents of the Briefing:** The briefing is a decision briefing that, once presented, will request the commander's approval or disapproval. The briefing, the only physical output of this step, should cover the following areas:

      a. Inspection Background and Concept (slides on the Inspection Purpose, Inspection Objectives, and Inspection Concept)

      b. Inspection Methodology (slides on the overall Inspection Approach, Task Organization, and units or agencies visited)

      c. Results of a Legal Review (if a legal review was requested)

      d. All inspection findings by Objective and Sub-Task with Recommendations (one slide for each finding that lists the Inspection Objective, the Sub-Task, Finding Statement, and Recommendation)

      e. Results of the proponent out-briefings (to include any non-concurrence issues that the proponents raised)

      f. Timeline for completion and distribution of the Final Report

      g. Request for the commander's approval or additional guidance

3. **Commander's Approval:** In most cases, the commander will approve the inspection results based solely upon a review of the Finding Statements and Recommendations. However, the commander may direct some changes or adjustments to the Final Report that the team must make before he or she will concur with the inspection results. Once approved, the report is no longer a draft document, and the Inspection Directive expires.

Section 7-2

The Completion Phase
Step 13: Taskers

1. **Issuing Taskers:** The individuals or staff agencies the IG team identified in each recommendation will normally receive taskers to initiate the actions required to fix the problem. Upon the report's approval, the Chief of Staff will usually issue the taskers and then monitor their completion.

2. **The IG's Role in Taskers:** The IG's role with regard to taskers is to monitor the assignment of the tasker and to be aware of each tasker's completion. The IG is not a tasking authority and should never assume a supervisory role when monitoring the taskers. If the IG team feels a proponent is not correcting a problem within a reasonable amount of time or within the parameters of the recommendation, the IG team can raise that concern with the appropriate tasking authority. The IG team should always be prepared to work with the staff agencies or individuals tasked to help them solve or fix the problem(s).

Section 7-3

The Completion Phase
Step 14: Finalize the Report

1. **Finalizing the Written Report:** Immediately following the briefing to the commander, the inspection team should make any necessary adjustments to the Final Report. The inspection team must ensure they have fully redacted the report for all attribution. Confidentially is crucial. Remember: <u>The information contained in the report is what is important and not the sources of the information</u>.

2. **Commander's Cover Letter:** The inspection team must develop a cover letter stating the commander has approved of the report's findings and recommendations. The commander must sign this letter, which becomes the first page of the Final Report. This cover letter is the only physical output of this step.

3. **Submit the Final Report to the Commander:** Submit a copy of the Final Report to the commander with a copy of the cover letter for final approval and signature. The inspection team must have this signed copy of the cover letter before reproducing and distributing the Final Report.

Section 7-4

The Completion Phase
Step 15: Handoff

1. **Definition of Handoff:** Handoff is the transferring of a verified finding that the Joint-level command cannot resolve to another command or organization for resolution. Handoff may occur through Command Channels by requesting assistance from the next higher command or staff for operational issues, through IG Technical Channels such as forwarding the finding to the IGMC for information purposes, or through Intelligence-specific Channels requesting assistance from outside intelligence agencies. The IG will recommend handoffs to the commander during the inspection-results briefing since the IG team will probably name the staff directorate, outside agency, or Service as the proponent.

2. **Handoff Procedures:** Handoff can occur through Command Channels, IG Technical Channels, or in the event the verified finding requires special handling, i.e., specific classified handling / channels used due to specific classification / caveats, the handoff may need to be made through Intelligence Specific Channels. The procedures for each method are as follows:

    a. **Command Channels:** The command should have procedures in place for requesting assistance from HQMC.

    b. **IG Technical Channels:** When using IG Technical Channels for a handoff, the CIG should request assistance through the IGMC. Finally, the initiating IG must keep the commander informed of the handoff's progress.

    c. **Intelligence Specific Channels:** The command should have procedures in place for requesting assistance from the IGMC. Finally, the initiating IG must keep the commander informed of the handoff's progress.

Section 7-5

The Completion Phase
Step 16: Distribute the Report

1. **Release Authority.** Upon the commander's approval of the inspection report, IGs may release the written inspection reports for official use as long as the report meets the following criteria:

     a. Report is redacted of unit or individual information
     b. Report is not used to compare commands and commanders
     c. Report contains the appropriate markings (see paragraph 3 below)

2. **Distribute the Final Report:** Printed copies of the Final Report should go to the commander, primary staff members, the proponents, Service components, and any other component within the command (or outside the command) that may benefit from the results. If appropriate, provide a courtesy copy to the IGMC for awareness or assistance. Never send out a document someone else can manipulate or change on a computer. Ask your Information Resource Manager for help if necessary.

3. **Releasing IG Records**: Following prescribed standards regarding classification and clearance requirements / need to know, printed copies of the Final Report should go to the commander, primary staff members, the proponents, Service components, and any other component within the command (or outside the command) that may benefit from the results. If the document is classified, ensure that the proper classification heading is in place before distribution. The footer below explains that the Final Report is for official use only. Some parts of the document are exempt from mandatory disclosure under the Freedom of Information Act (FOIA). Exemption 5 further protects the procedural and deliberative products used to determine the report's findings. The correct footer is as follows (be mindful of classification level of the information being reported):

FOR OFFICIAL USE ONLY

The commander or designated release authority will release IG records in accordance with DoD Directive 5400.7, DoD Freedom of Information Act (FOIA) Program, and DoD 5400.11-R, DoD Privacy Program. See The Joint IG Concept and System Guide, Sections 4-3 and 4-4, for detailed records-release procedures for both official and non-official requests.

Section 7-6

The Completion Phase
Step 17: Schedule a Follow-Up Inspection

1. **Scheduling a Follow-Up Inspection:** An inspection is meaningless if the inspection team does not follow up to determine if the necessary corrective actions have occurred. Following up is an important inspection principle that applies to all IG inspections. The IG team should schedule all follow-up activities to occur only after the command has had sufficient time to take corrective action.
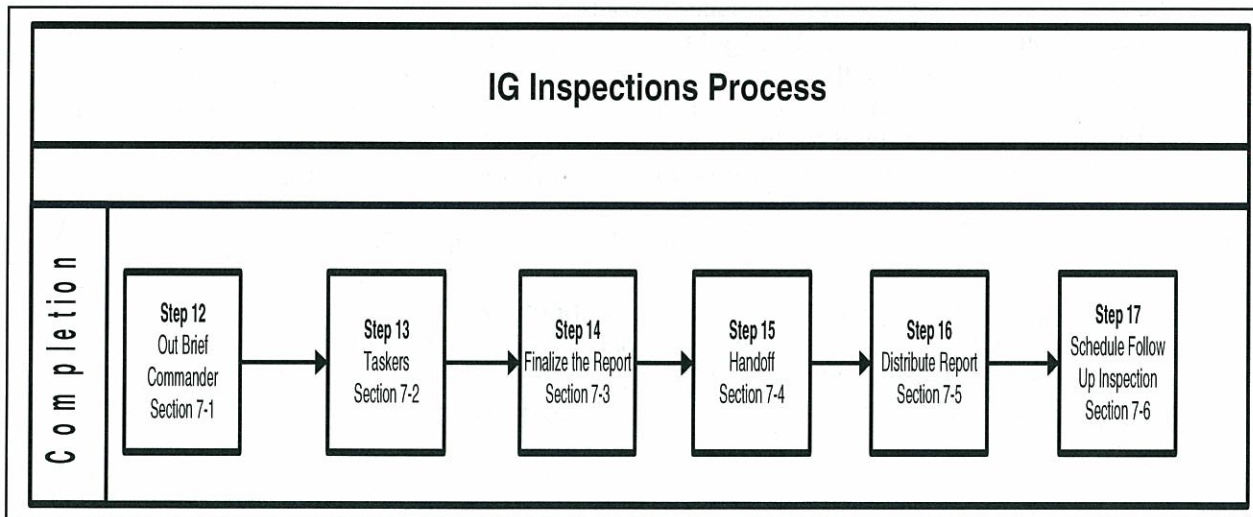
2. **Techniques for Following Up:** A IG can follow up an inspection using three different methods:

    a. **Follow-Up Inspection:** A complete re-inspection of the same topic is the best method to determine if the results of the first inspection have been implemented.

    b. **Follow-Up Visit:** The IG team members can visit the individuals or agencies responsible for taking the corrective action to determine their progress.

    c. **Telephone:** The method is the same as a Follow-Up Visit except the IG team members conduct it by telephone.

Figure 7-2 shows the steps with the associated completed items.

IG Inspections Process

Completion
Step 12 Out Brief Commander Section 7-1 → Step 13 Taskers Section 7-2 → Step 14 Finalize the Report Section 7-3 → Step 15 Handoff Section 7-4 → Step 16 Distribute Report Section 7-5 → Step 17 Schedule Follow Up Inspection Section 7-6

Step 12	Step 13	Step 14	Step 15	Step 16	Step 17
Inspection Results Briefing	Monitor Completion	Completed Report	Command Channels	Distribution List	Follow up Schedule
		Commander's Cover Letter	IG Technical Channels	Redacted Report	

Figure 7-2
Completion Phase and Outputs

Appendix A

Guidance on Collecting U.S. Person Information

1. **Purpose:** This section provides further information on collecting U.S. person information by addressing some vague areas in EO 12333 and other DoD-related Intelligence Oversight documents.

2. **Respect for Legal Rights of United States Persons (U.S. persons):** These guidelines do not authorize maintaining information on U.S. persons solely for the purpose of monitoring activities protected by the First Amendment or the lawful exercise of other rights secured by the Constitution or laws of the United States. Rather, all activities conducted under these guidelines must have a valid purpose and must be carried out in conformity with these guidelines; all applicable statutes; Executive Orders; and Department of Defense directives, regulations, and policies. In particular, DoD intelligence component personnel are required to ensure that all intelligence activities that require the collection, retention, and dissemination of information about United States persons are done in a manner consistent with Executive Order 12333, DoDD 5240.1, DoD 5240.1-R, and any DoD or military service implementing guidance on intelligence activities.

3. **Determination of United States Person Status:** A United States person is:

    a. An individual who is a United States citizen or an alien lawfully admitted for permanent residence;

    b. An unincorporated association substantially composed of individuals who are United States persons; or

    c. A corporation incorporated in the United States.

    d. If we do not have information indicating that the person is an alien or not legally residing in the United States, that person's status will be considered unknown. Once classified as an unknown status, subjects within the United States are assumed to be U.S. persons; subjects outside of the United States are assumed not to be U.S. persons.

4. **Collecting U.S. Person Information:** Information may be collected by pulling the information from sources (accessing it) or having it pushed by sources to intelligence components or personnel (receiving it). DoD 5240.1-R, Procedure 2, defines collection as the receipt of information for use by an employee of a DoD intelligence component in the course of his / her official duties. Essentially, this description means that information is collected when received by a DoD intelligence component employee with the intent to use the information in some manner. Data acquired by electronic means would not be considered "collected" until it has been processed into intelligible form. So, as an example, encrypted SIGINT data in bits and bytes would not be considered "collected" until unencrypted and produced in a useable form; however, a written report, spreadsheet, or database received through electronic means (such as an e-mail or

electronic database query) would be considered in intelligible form once received for use or further analysis, even if it has not yet been subjected to analysis to determine its intelligence value. DoD intelligence components and personnel may collect, through access or receipt, information held by any source, in any format, subject to the following caveats. Before collecting information, DoD intelligence component personnel must have the appropriate clearance and a valid mission requirement to review the information. Further, DoDD 5240.1 limits permissible intelligence activities of DoD intelligence components to foreign intelligence (FI) and counterintelligence (CI). Information about U.S. persons may be intentionally collected from all available permissible sources only when it is either FI or CI and necessary to the conduct of the specific DoD intelligence component's mission and responsibility and falls within one of the specific 13 categories of U.S. person information specified in DoD 5240.1-R, Procedure 2.

5. **Processing and Safeguarding United States Person Information:**

    a. Before using any information accessed or received by DoD intelligence components, the user shall review it to determine whether the information identifies a U.S. person as defined in these guidelines.

    b. United States persons identifying data includes a name, Social Security Number, or Alien Registration number. Depending on what other information is available, U.S. person identifying data may also include date and place of birth and permanent address, vehicle license plates, or similar information.

    c. Information about U.S. persons may be retained only if collected properly. Collection may occur intentionally or incidentally. Intentionally collected information is only permitted if authorized under DoD 5240.1-R, Procedure 2, and is expected to fall within one of the 13 specifically enumerated categories: (1) information obtained with consent; (2) publicly available information; (3) foreign intelligence; (4) counterintelligence; (5) potential sources of assistance to intelligence activities; (6) protection of intelligence sources and methods; (7) physical security; (8) personnel security; (9) communications security; (10) narcotics; (11) threats to safety; (12) overhead reconnaissance; or (13) administrative purposes (See DoD 5240.1-R, Procedure 2, for definitions). If the information was incidentally collected (that is, not intentionally accessed or received), it should be reviewed to ensure that it could have been intentionally collected under DoD 5240.1-R, Procedure 2, or may otherwise be retained in accordance with DoD 5240.1-R, Procedure 3. DoD intelligence component personnel may temporarily retain all collected information on U.S. persons for up to 90 days solely to review and determine if it was properly collected and therefore may be permanently retained. This temporary retention period begins the moment that a DoD intelligence component employee receives or retrieves U.S. person information in the course of his or her official duties with the intent of determining whether the information should be used in a report, a database, or in some other manner that constitutes an affirmative intent to use or retain the information. Once a collectability determination has been made regarding information received or retrieved on U.S. persons, if the information should not have been collected, or is not needed, it will be destroyed immediately.

d. All information received or retrieved by DoD intelligence components or personnel subject to this instruction that is temporarily retained while pending a collectability determination for permanent retention shall be segregated from other U.S. person information for which a collectability determination has been made authorizing permanent retention. All U.S. person information temporarily retained pending a permanent retention collectability determination shall be regularly reviewed periodically, not to exceed a 90-day period, to ensure that U.S. person information is not improperly retained.

e. All command records or documents (regardless of format), produced, retained, or disseminated by DoD intelligence components or personnel subject to this instruction that contain U.S. person identifying data shall be clearly marked "CONTAINS U.S. PERSON INFORMATION", "THIS REPORT CONTAINS U.S. PERSON IDENTITY INFORMATION", "USPERSON", etc., as appropriate.

f. Prior to dissemination, all Marine Corps component intelligence products will be reviewed to determine whether the U.S. person identity information is necessary for the use of or the understanding of the product. This process is called the MINIMIZATION process. Where the U.S. person identity information is not necessary to understand the product, the identity information will be MINIMIZED by replacing it with "a U.S. person", "USPER", "a U.S. hydroelectric corporation", "a Colorado social club" etc., as appropriate.

g. Where a Marine Corps component intelligence product will include U.S. person identity information, the product will carry a warning stating that "This product contains U.S. person information" or words to that effect. Where U.S. person information has been minimized, the product will carry a notice to that effect and will clearly advise the recipients how they may obtain the U.S. person identity data should their mission require it. Additionally, a marking that clearly indicates that the information is considered U.S. person information must follow the first reference to each U.S. person's identity. For example, "(U.S. PERSON)" or "(USPER)."

h. On occasion, it may be appropriate to produce and disseminate multiple versions of a product with varying degrees of U.S. person identifying information included, based upon the respective intended audience for each product.

6. **Collectability and Retention Determinations for U.S. persons (Establishing a "Foreign" or "Transnational" Nexus):** The conduct of intelligence activities (foreign intelligence or counterintelligence) by DoD intelligence components requires establishing a foreign or transnational nexus to collect information about U.S. persons. There must be a reasonable belief that the U.S. person is working for or on behalf of, under the control of, or an agent of, a foreign power or international terrorist organization or is involved in international narcotics activities. When determining if a sufficient foreign or transnational nexus exists to warrant permanent retention of U.S. person information, all facts and circumstances should be evaluated in making the collectability and permanent retention determination.

The following list provides some of the factors helpful in making this determination:

a. Evidence of direct communications to or from known international terrorists or international terrorist organizations, foreign powers, or international narcotics organizations indicating direction or control of the U.S. organization.

b. Evidence indicating that U.S. persons have visited, communicated with, or downloaded material from Web sites operated by or under the control of known international terrorist organizations.

c. Evidence of membership in known international terrorist or international terrorist organizations, foreign powers, or international narcotics organizations indicating direction or control of the U.S. organization.

d. Evidence indicating allegiance to international terrorist organizations or adoption of international terrorist ideology by the U.S. person.

e. Acts conducted by U.S. persons in furtherance of stated goals or objectives of known international terrorist organizations.

f. Participation in training conducted by or under the direction of known international terrorist organizations.

g. Evidence of solicitation of financing or receipt of financing from foreign sources.

7. When evaluation of all available facts does not clearly support a reasonable belief that the U.S. person has sufficient foreign or transnational nexus to support permanent retention, a collectability determination should be sought in writing from the organization's servicing legal advisor. Ensure that this collectability determination is sought sufficiently in advance of the 90-day limit to make a determination on permanent retention by or before 90 days.

Appendix B

Sample Procedure 15 Reporting Format

Purpose: This section provides an example memorandum and further information on submitting a finished Procedure 15 Report to the IGMC. The memorandum should contain as much detail and information as possible and may need to be classified based on content. In the event classified material is included, ensure that proper marking and handling procedures are followed.

MEMORANDUM FOR THE INSPECTOR GENERAL OF THE MARINE CORPS

FROM: Command Inspector General

SUBJ: MARCENT G-2 INTELLIGENCE PROCEDURE 15 INVESTIGATION

1. During the an Intelligence Oversight Inspection of the G-2, the IG inspection team discovered several questionable documents. Details of the ensuing investigation appear below.

    a. A command IO Inspection of the G-2 (Intelligence Division) took place 6-8 October XX. The inspectors, LtCol Steel and MGySgt Marine, conducted a search of archive files located on personal and shared drives via G-2 computers. Upon noting a questionable item (attachment 1), an Interagency Advisory Group PowerPoint slide labeled "Activity Inside AOR", the inspectors continued their search. The inspectors immediately found several more examples of questionable material. The inspectors commented with concern that the names of U.S. Persons (USP) groups were included in all of the documents and that no foreign nexus was apparent. The G-2 personnel could not provide a reason to have the documents. At this point LtCol Steel and MGySgt Marine stopped the inspection and conferred telephonically with both the G-2 Legal Advisor and the Command Inspector General (CIG). Collectively, they determined that a Procedure 15 Investigation was necessary. The team printed and retained hard copies of two examples of the suspect documents (attachments 1-2). During the inspection out-brief, the inspection team explained in detail why these documents were IO violations, steps the G-2 could take to ensure they did not commit additional violations, and the Procedure 15 process. LtCol Steel and MGySgt Marine also directed the G-2 not to delete any data until directed to do so by the CIG. Immediately upon return to IG office, the inspectors followed all necessary reporting procedures to the IGMC.

    b. The CIG office coordinated with the IGMC to determine responsibility to conduct the Procedure 15. It was decided that the CIG would take the lead in the investigation. The IGMC concurred with this plan. Coordination regarding fact-finding, evidence search, generation of pertinent questions, and interview coordination was made between all IG offices.

    c. An IG team, consisting of Mr. Bob (JA) and MGySgt Marine (Intelligence Inspector) returned to the G-2 the week of 16-20 October XX to conduct the Procedure 15 Investigation and conduct a re-inspection of the command.

d.   The IG team provided an in-depth IO training session not only to the G-2 personnel but also to the Anti-Terrorism / Force Protection (AT / FP) branch and the JA personnel. The training presentation slides are attached (attachment 3). The number of G-2 personnel trained reached 12 (all G-2-specific personnel were trained). The remaining personnel will receive training during the next quarter. The inspection team then conducted another search of all shared and personal drives in the G-2; the team noted zero violations or deficiencies.

e.   The IG team also conducted interviews with appropriate personnel within the G-2. These interviews provided potential contributing factors concerning the events leading to the IO violations.

2.   The CIG had three major concerns regarding the IO violation:

a.   G-2 personnel knowingly collected information that specifically identified U.S. Persons with no foreign nexus and / or did not meet the authorized collection requirements in accordance with DoDD 5240.1-R.

The investigation discovered that G-2 personnel did download prohibited information from the Internet regarding U.S. Persons. U.S. Persons data was also provided to them through local law enforcement and other DoD elements as well as the command's AT / FP branch.

b.   This information was retained in G-2 files (at times labeled as "G-2 Products" or as "Intelligence"), was included in command briefings presented by the G-2, and was disseminated to the command in G-2 or AT / FP products.

The investigation discovered that the G-2 did have U.S. Persons data stored on the G-2 drives, and much of this data had been on the drives well past 90 days. The G-2 personnel regularly included much of this information in the production of their weekly G-2 and AT / FP senior staff / Deputy Commander's brief. The G-2 also disseminated much of this data throughout the command, to higher commands, and to subordinate elements through weekly threat briefs and other correspondence.

c.   There was a lack of understanding and, therefore, enforcement in the command regarding the rules governing IO and U.S. Persons information.

Although the six personnel in the G-2 had considerable experience in the intelligence field, and all had received their required annual training in IO, there was a collective lack of knowledge and general misunderstanding of the guidance contained in E.O 12333, DoDD 5240.1, and DoDD 5240.1-R. A large contributing factor to this confusion was the lack of a team approach to the G-2 IO program. The Staff Judge Advocate (SJA), the G-2, and the AT / FP should be meeting regularly to address IO issues (the CIG recommended monthly but at a minimum, they should meet quarterly). Another contributing factor appears to be a combination of the severe shortage in manpower within the G-2 and the large number of Interagency Working Groups that the G-2 is a member of (three). The last contributing factor is the outdated and vague guidance provided in the DoD directives. The major issues that came to light concerning the DoD directives is that they do not cover the operating environment well and definitions, or lack thereof, significantly lag relative to

the most recent technological advances and capabilities. Thus, applying this guidance leaves room for misinterpretation and blurs the intent.

3. To summarize, the CIG conducted an IO Inspection of the G-2 6-8 October 20XX. The last IO Inspection that the G-2 had was conducted by the IG on 6 April 20XX. The 6-8 October 20XX inspection resulted in the discovery of numerous IO violations. A Procedure 15 Investigation was warranted and conducted. A training brief was developed and presented to provide the depth of knowledge necessary to operate within current constraints. Three Findings denoted in the final MARCENT IO Inspection Report XX-08 (attachment 4) required resolution and reporting. The team conducted an IO re-inspection on 19 October 20XX (attachment 5) and found no deficiencies. The G-2 also completed a purge of questionable items, including data which may have been captured on back-up tapes.

4. Due to the OPTEMPO and assigned missions, the CIG office suggested that the G-2 continue conducting IO training for all assigned AT / FP personnel. The G-2 stated that ALL personnel coming into the G-2 (permanent party as well as augmentees) will be required to attend the training as part of in-processing. The training will emphasize the proper understanding and use of constitutional constraints and the laws and directives which govern the collection, dissemination, and storage of sensitive information as contained in applicable guidance.

5. The CIG has received confirmation that the search and purge of all offending material has been completed by the G-2 / G-6 and also received the Corrective Action Reports (CAR) on the three findings from the original IO Inspection (attachment 6). The CIG office will conduct an IO Inspection on the G-2 during the fourth quarter FYXX.

6. Additionally, the CIG has addressed the propensity for similar opportunity (AT / FP information transiting into Intelligence channels) occurring in other units due to the interagency relationships and our geographic location. To help mitigate this possibility, all subordinate commands have been briefed about the related risks, required sensitive information handling practices, and the multitude of channels that may carry U.S. Persons data into a command. They have been provided the appropriate references and training material.

7. POC for this report is MGySgt Marine, DSN 555-5555, commercial (555) 555-5555.

<div style="text-align:center">
I. M. STOIC
Col, USMC
Command Inspector General
</div>

Attachments:
1. "Activity Inside AOR"
2. DHS Domestic Terrorism Newsletter
3. IO / SI Training Slides
4. IO Inspection Report XX-08
5. IO Inspection Report XX-07
6. Corrective Action Reports

Appendix C

Sample QIA and Quarterly Reporting Format and Instructions

1. **Purpose:** This section provides instructions and an example memorandum for submitting a Quarterly IO Report to the IGMC.

2. **Report Submission:** The Command Inspectors General (CIGs) of commands with intelligence component's assigned shall submit Quarterly IO reports via IG Technical Channels. The CIGs of I MEF, II MEF, III MEF, MARFORRES, MCIEAST, MCIWEST, and MCCDC will consolidated reports from their MSCs and submit consolidated reports to the IGMC in accordance with the following guidance. The IGMC (Oversight Division) will compile all Quarterly IO reports and submit a Marine Corps report to the Naval Inspector General (NAVINSGEN). The NAVINSGEN, in turn, submits a Department of the Navy (DON) Quarterly IO report to the Assistant to the Secretary of Defense for Intelligence Oversight (ATSD (IO)).

   a. Report questionable intelligence activities of a serious nature and all significant or highly sensitive matters immediately. Such reports may be by any secure means. Verbal reports should be documented with a written report as soon as possible thereafter.

   b. Report questionable intelligence activities not of a serious nature quarterly. Reporting periods shall be based on the calendar year. The first report for each calendar year shall cover January 1 through March 31. Succeeding reports shall follow at 3 month intervals. Quarterly reports are due to the IGMC no later than 5 working days after the beginning of each quarter (Oct, Jan, Apr, July). Quarterly IO reports will describe all questionable intelligence activities as well as significant or highly sensitive matters identified during the quarter. Quarterly IO reports are required even if no reportable matters occurred during the reporting period.

   c. Reporting CIGs will format the report as follows:

      (1) **Assignment of a Case Number for Each Incident**. Except where the volume of incident investigations, that have been reported and closed within the same reporting quarter, make the assigning of a case number impracticable, a case number that runs consecutively and identifies the reported incident by reporting agency, military department, or combatant command and calendar year shall be assigned to each incident.

For example: **II MEF 2009-04**

This number indicates the fourth incident reported by II MEF in calendar year 2009. Use this number each time the incident is mentioned in initial reports and in update and close-out reports. A case number will be assigned to all reported incidents that, at a minimum, are the subject of an ongoing investigation.

      (2) Information to be Included in each report. For each incident reported, include the following information as it becomes available.

         (a) A narrative describing each incident reported.

(b) An explanation of why the incident is being reported either as a potential violation of law, potentially contrary to Executive Order or Presidential Directive, or a potential violation of DoD 5240.1-R and/or military department procedures implementing E.O. 12333. Cite the portions of relevant law, order, policy, or regulation as it is determined.

(c) An explanation of why the incident is considered a significant or highly sensitive matter, if so reported.

(d) An analysis of how or why the incident occurred.

(e) An assessment of the anticipated impact of the reported incident on national security or international relations, as well as any mitigation efforts, including success and failures of such efforts. If there has been no impact or no impact is anticipated, the report should so state.

(f) Remedial action taken or planned to prevent recurrence of the incident.

(g) An assessment of any impact the reported incident may have on civil liberties or protected privacy rights.

(h) A description of actions taken if the incident concerns information improperly acquired, handled, used, or destroyed,

(i) Any additional information considered relevant for purposes of fully informing the Secretary and/or Deputy Secretary of Defense, the Intelligence Oversight Board (IOB), and the Director of National Intelligence (DNI) and providing context about the incident.

   d. Reporting should not be delayed or postponed pending an investigation, command inquiry, or legal proceeding.

Sample memorandum formats are on the next pages.

SAMPLE QUARTERLY INTELLIGENCE OVERSIGHT REPORT

3800
IG/G-7
Date

From: Commanding General, II Marine Expeditionary Force
To: Inspector General of the Marine Corps (IGO)

Subj: QUARTERLY INTELLIGENCE OVERSIGHT REPORT, _____ QTR, FY ___

Ref: (a) MCO 3800.2B

1. Per the reference, the following informational report is submitted.

2. [A statement identifying any intelligence or counterintelligence activity that was illegal, improper, or contrary to applicable laws, statutes, directives, and/or policies, and corrective action taken.]

3. [Identify intelligence oversight activities completed during this quarter (e.g., training, inspections, etc.) and any significant activities planned for the next quarter.]

4. [Provide any additional comments or suggestions for improving the intelligence oversight program developed locally or reported from the field.]

5. [Identify intelligence oversight point of contact and contact information.]

_____
Commander
or, By Direction

Sample QIA Report

Classification: UNCLASSIFIED

                                                            II MEF CIG
                                                            6 April 20xx

MEMORANDUM FOR: INSPECTOR GENERAL OF THE MARINE CORPS (ATTN: IGO)

SUBJECT: Initial Questionable Intelligence Activity/Procedure 15
Report on _____

1.   Command 20xx -##: (Example: II MEF 2009-04)
     a. A narrative describing the incident reported.

     b. An explanation of why the incident is being reported
either as a potential violation of law, potentially contrary to
Executive order of Presidential directive of potential violation
of DOD 5240.1-R and/or agency or military department procedures
implementing E.O. 12333. Cite the portions of relevant law
order, policy or regulation as it is determined.

     c. An explanation of why the incident is considered a
significant or highly sensitive matter.

     d. An analysis of how or why the incident occurred

     e. Assessment of anticipated impact of the reported incident
on national security or international relations. If there is no
impact or no impact anticipated, the report should state so.

     f. Remedial action taken or planned to prevent recurrence of
the incident.

     g. An assessment of any impact the reported incident may have
on civil liberties or protected privacy rights.

     h. Description of any actions taken if the incident concerns
info improperly acquired, handled, used or destroyed.

     i. Any additional info considered relevant for purposes of
fully informing the Secretary and/or DEPSECDEF, the IOB and the
DNI and providing context about the incident.

                         Signature BLOCK

ENCLOSURES

                    Classification: UNCLASSIFIED

Index