

# *2015 IGMC MTT*

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# INSPECTOR GENERAL

*United States Marine Corps*



★ HONOR ★ COURAGE ★ COMMITMENT ★

PRESENTED BY: CYNTHIA EDWARDS, DIRECTOR, ASSISTANCE AND INVESTIGATIONS

## INSPECTOR GENERAL CONCEPTS & SYSTEMS

# OVERVIEW

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- Inspector General Concept and System Overview
- Inspector General Functions
- Command Inspector General (CIG) Roles and Responsibilities
- Cognizance
- Prohibited Duties
- Confidentiality



# ***IG PHILOSOPHY AND CONCEPT***

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- Guiding philosophy is to enhance the Commands
  - Readiness
  - Warfighting
  - Mission Capabilities
- Concept
  - Inspections
  - Assistance
  - Investigations
  - Teaching and Training
- Specifically outlined in the IGMC guide along with
  - IG confidentiality
  - Use of IG records
  - Other key aspects of the IG system



# IG FUNCTIONS

## ■ Inspections



## Teach and Train



## Assistance



## Investigations



## Audit



# IGMC FUNCTIONS - ASSISTANCE

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- Assistance
  - Oversight of CIG Hotline Program – FA 316
  - Respond to Congressional Correspondence (CONGRINTS)
  - Manage USMC HOTLINE Program
  - Receive complaints of fraud, waste, abuse, and mismanagement, and conduct investigations as appropriate or as directed
  - Conduct Senior Official inquiries
  - Screen all candidates for promotion, reassignment, retirement, school, and command
  - Respond to CMC inquiries
  - Mobile Training Team for NAVINSGEN & IGMC
  - Process Freedom of Information Act (FOIA) and Privacy Act requests



# ***IGMC FUNCTIONS - INVESTIGATIONS***

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- Investigations
  - Report Senior Official Complaints
  - Conduct Military Retaliation (MR) Analysis
  - Improper Mental Health Referrals



# IGMC FUNCTIONS - INSPECTIONS

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- Inspections
  - Conduct recurring, short notice unit inspections
  - Assess major command/unit compliance
  - Ensure Command Inspector General standardization
  - Use Functional Area (FA) checklists as primary inspection tool
  - Provide a productive learning experience for inspected units
    - Identify Marine concerns (Focus Groups/Request Mast)
    - Informally assess command climates
    - Share and disseminate best practices
    - Recognize individual excellence
    - Identify trends/inform leaders
  - Serve as a policy “feedback” mechanism
  - Enhance Readiness/Mission Effectiveness



# ***IGMC FUNCTIONS - TEACH AND TRAIN***

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- Teach and Train – Continuous
  - Responsibility to train non-IGs



# ***ROLE OF DoDIG***

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- As the proponent, DoD IG
  - Consults directly with the Staff IG, Combatant Command (CCMD) IGs, and Service IGs
  - Develops, maintains, coordinates, and clarifies IG policy
  - Develops, coordinates, conducts and provides uniform training
  - Provides a forum for DoD IG issues



# STATUTORY AUTHORITIES

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- Executive Order 12333, United States Intelligence Activities
- Title 5, United States Code, Appendix 3, The Inspector General Act of 1978
- Section 2302(b) (8) of title 5, United States Code, Section 1034 of title 10, United States Code, Section 2409(a) of title 10, United States Code - whistleblower protection
- Section 546 of Public Law 102-484- National Defense Authorization Act for Fiscal Year 1993
- Section 1709 - National Defense Authorization Act for Fiscal Year 2014



# WHO IS AN IG?

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- Officers and civilians
- Assigned to duty as an IG



# IG CATEGORIES

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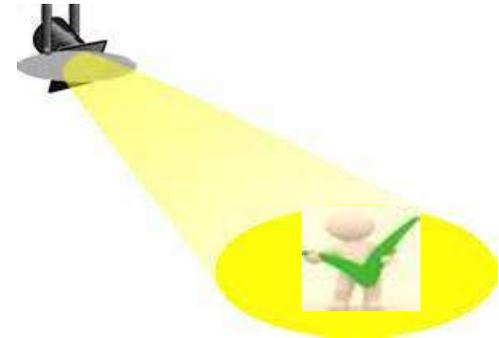
<b>Command IG (CIG)</b>	Commissioned officer (grade O-4 thru O-6) or civilian equivalent who is the commander's Special Staff officer assigned to <b>lead and oversee</b> all IG functions
<b>Deputy CIG</b>	Commissioned officer (grade O-4 thru O-5) or equivalent civilian employee that <b>assists CIG in leading and overseeing</b> all IG functions
<b>Assistant IG (AIG)</b>	Commissioned officer (grade O-4 thru O-5); commissioned warrant officer (W-3 to W-5); staff non-commissioned officers in grades E-7 to E-9; or equivalent civilian employee that <b>leads and assists</b> the CIG/Deputy CIG with all IG functions
<b>Temporary Assistant IG (TAIG)</b>	Commissioned officer, Staff Non-Commissioned Officer, or equivalent civilian employee that serves as a <b>subject matter expert</b> for a limited period of time or a specific purpose
<b>Liaison IG (LIG)</b>	Commissioned officer appointed to a <b>temporary collateral duty</b> that assists the CIG with <u>assistance</u> and <u>teach &amp; train</u> but does not administer oaths or have access to IG databases/records



# ***PERSONAL AND PROFESSIONAL STANDARDS***

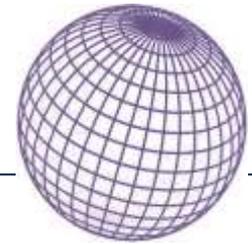
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- IGs are held to a higher standard
- Are never off the record
- Integrity, Independence, Objectivity, Professional Judgment, Confidentiality
- Proactive



# SPAN OF IG COGNIZANCE

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- Determines IG case jurisdiction
- Includes everything for which the Commander or Director is legally responsible
- Command is the IG's constituency
  
- Exceptions.....
  - Senior Official Allegations – IGMC/DoDIG conducts a senior official investigation
  - Defense Intelligence Agency (DIA) employees – Report to DIA IG allegations involving intelligence DoD civilian personnel
  - Criminal Activities
    - Report to Commander and SJA
    - Refer allegations to NCIS



# ***DUTY RESTRICTIONS AND PROHIBITED ACTIVITIES***

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**Inspectors General must avoid the perception of having a conflict of interest or of lacking impartiality**



# DUTY RESTRICTIONS

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- Certified CIGs assigned to CIG Positions **WILL NOT:**
  - Be assigned to any non-IG assistance or evaluation functions
  - Be appointed as investigating officers under UCMJ, Article 32 and Article 138, or any other regulation providing for the appointment of investigating officers or members of administrative separation boards.
  - Duties that may disqualify them from conducting impartial inspections, inquiries or investigations, such as
    - Managers' Internal Control Programs
    - Serve as investigating officers of other than IG investigations
    - Serving on admin separation boards, promotion boards, contracting award boards etc.
    - Magistrate



# PROHIBITED ACTIVITIES

---

- Certified CIGs assigned to CIG Positions **SHOULD NOT:**
  - Participate in the establishment of command policy outside of the IG function
  - Concur or non-concur in the staffing process for command policy (IGs reply should be “noted”; CIGs do not establish Command Policy)
  - Associate with individuals or organizations that may cause a reasonable person to question a IGs impartiality or objectivity

*Note: IGs may sit on court martial panels*



# CONFIDENTIALITY



# IG COLLABORATION

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“Skill is fine, and genius is splendid, but the right contacts are more valuable than either.”

Sir Arthur Conan Doyle



“If necessity is the mother of invention, it's the father of cooperation.”

John Ashcroft



# TEACH AND TRAIN

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- IG responsibility to teach and train
  - Non-IGs
  - Leaders
  - Service members
  - DoD civilians
  - DoD contractors
- Key to maintaining good working relationship and communication



# ***CIG ROLES & RESPONSIBILITIES***

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- Responsible to the CG for administrative and operational purposes
- No authority outside of CIG functions beyond that normally associated with your grade/rank
- Access to all documents and materials needed to discharge duties
- Assigned to perform IG functions for the Commanding General
- “Eyes and Ears” of the CG
- Staff relationship with the IGMC
- Extension of the Defense, Navy and Marine Corps Hotline Programs



# ***COMMANDER AND IG RELATIONSHIP***

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- Complete trust and confidence
- Eyes, ears, and voice, of the CG
- Must understand CG's goals
- Must have unimpeded access to CG
- All CIG records belong to the Directing Authority (Commanding General)



# ***CIG AND THE IGMC AO***

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- Each case tasked to a CIG has an IGMC POC
- The IGMC AO is the CIG resource for
  - guidance and assistance
  - granting extensions
  - oversight of the CIG product



# ***CIG AND THE COMPLAINANT***

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- Talk to the complainant **BEFORE** you decide on a course of action
- Maintain the privacy of the complainant to the fullest extent possible



# ***CIG AND THE SUBJECT***

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- Do NOT give the Subject a copy of the complaint
- Notify the Subject that he or she is under investigation
- Always afford the Subject of an investigation the opportunity to testify
- Do not give the Subject a copy of any of the IG products



# ***CIG AND THE SJA / CL***

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- Consult with legal when deciding on a course of action
- Consult with legal when formulating allegations
- A legal sufficiency review is **REQUIRED** for investigations



# ***CIG AND THE IO***

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- The CIG is the POC and resource for the IO
  
- Before beginning investigation
  - Meet with the IO
  - Provide all applicable instructions/guides
  - Provide the allegations
  
- During the investigation
  - Be impartial, objective, and unbiased
  - Keep investigation focused on allegations in complaint
  - Protect confidentiality
  
- After the investigation is completed
  - Review and edit report – and all enclosures
  - Obtain a legal sufficiency review and endorsements



# QUESTIONS?

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# INSPECTOR GENERAL

*United States Marine Corps*



★ HONOR ★ COURAGE ★ COMMITMENT ★

PRESENTED BY: MR. ED VOGT, DIRECTOR OF INTELLIGENCE OVERSIGHT

# INTELLIGENCE OVERSIGHT

# OVERVIEW

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- Why Intelligence Oversight?
- Authorized Collection Categories
- Questionable Activity Defined
- Applies to Intel Pax, including Civ Contractors
- Does Not Apply to Non-Intelligence Activities
- Responsibilities
- Current Issues/Concerns
- Classified Reporting
- Professional Conduct and Ethical Responsibility



# WHY INTELLIGENCE OVERSIGHT?

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## 1960/70'S

### VIETNAM ERA CIVIL RIGHTS ABUSES:

- GOVERNMENT INFILTRATION OF COLLEGE CAMPUSES AND DOMESTIC ORGS
- INVOLVEMENT IN DOMESTIC POLITICAL ISSUES
- SURVEILLANCE OF WAR PROTESTORS

Intel Oversight Laws,  
Executive Orders, &  
Regulations



# ***INTELLIGENCE OVERSIGHT***

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The following policies implement Executive Order 12333

- DOD 5240.1-R (currently in draft at Attorney Generals Office)
- SECNAVINST 3820.3E
- MCO 3800.2B
- DTM 08-052 ( Significant or Highly Sensitive Matters)

They address

- Collection, dissemination or retention of information on US persons by intelligence components
- Use of intrusive collection techniques (surveillance, bugging, phone taps)
- Assistance by intelligence components to law enforcement
- Reporting violations, investigations and corrective action



# EVOLVING GUIDANCE

Executive Order  
12333

USA PATRIOT  
Act

New Executive  
Orders?

New Legislation  
and Laws?



House Permanent Select  
Committee on Intelligence



Senate Select Committee  
on Intelligence



President  
Obama



Attorney General  
Lynch



DHS Secretary  
Johnson



# THE FUTURE OF DATA

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[Play Clip](#)



# INTELLIGENCE OVERSIGHT PRESIDENTIAL CHARTER

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INTELLIGENCE OVERSIGHT BOARD

SECDEF

QUARTERLY  
REPORT

Department of  
Defense  
General Counsel

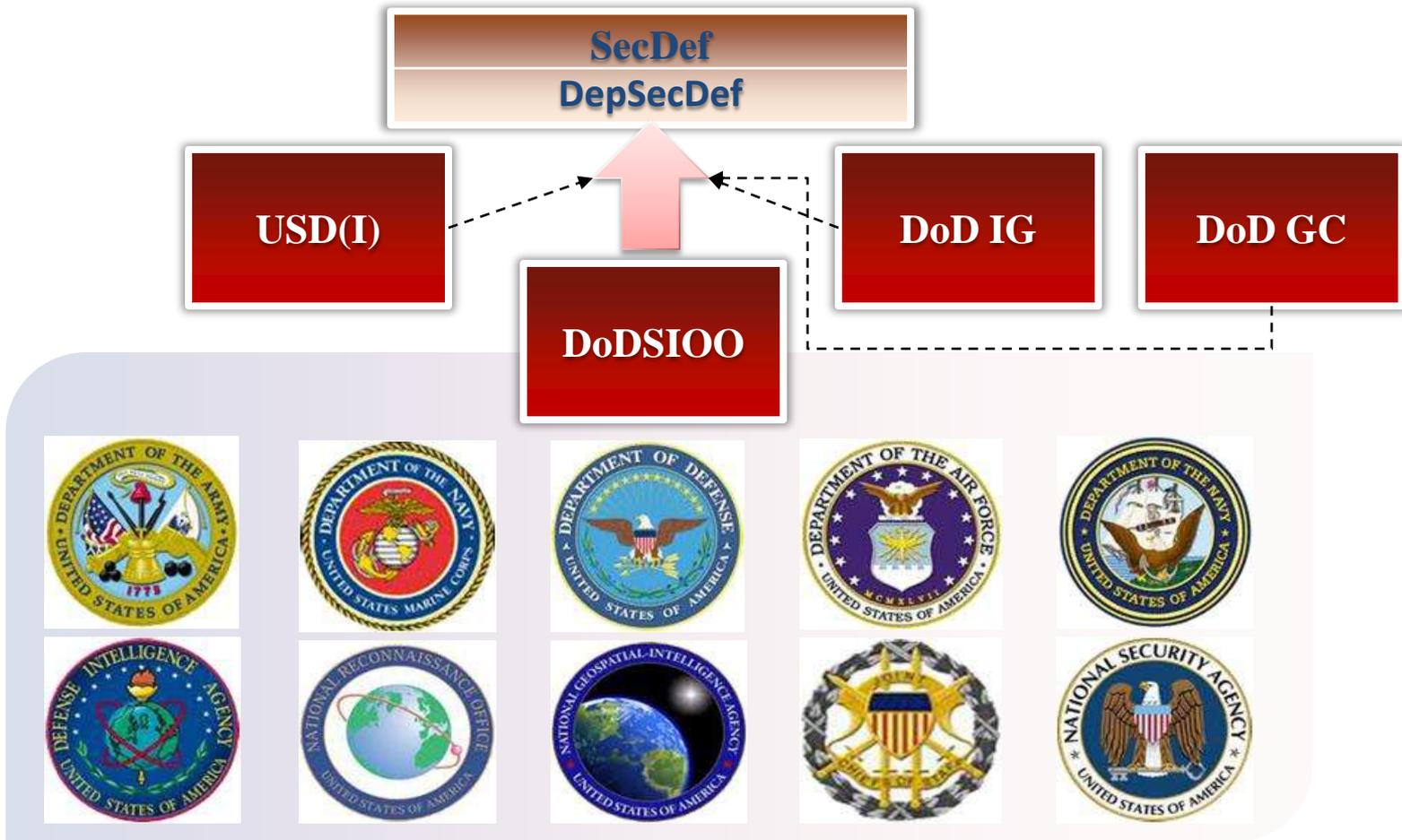
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POLICY AND  
GUIDANCE

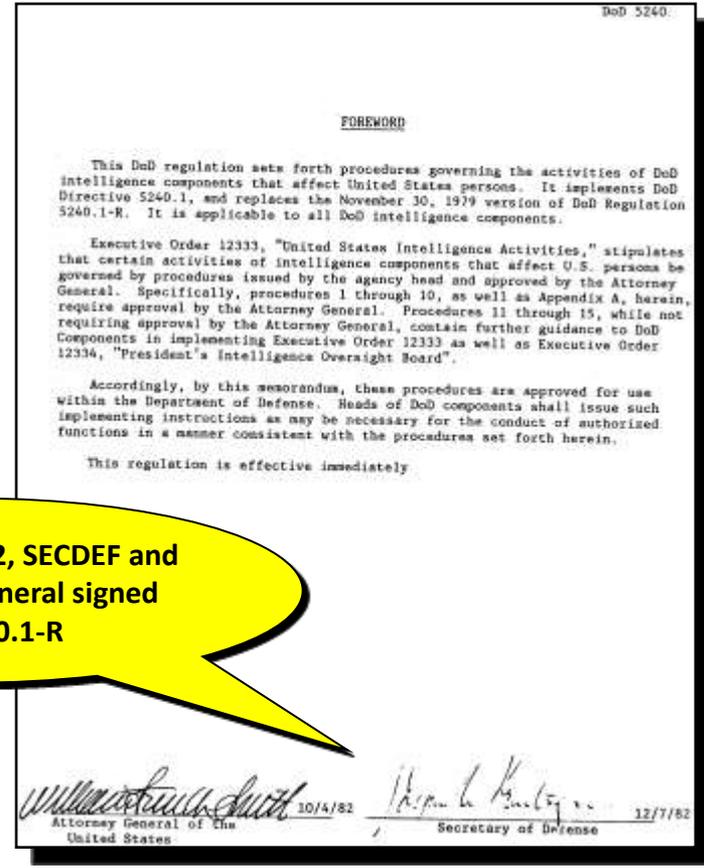
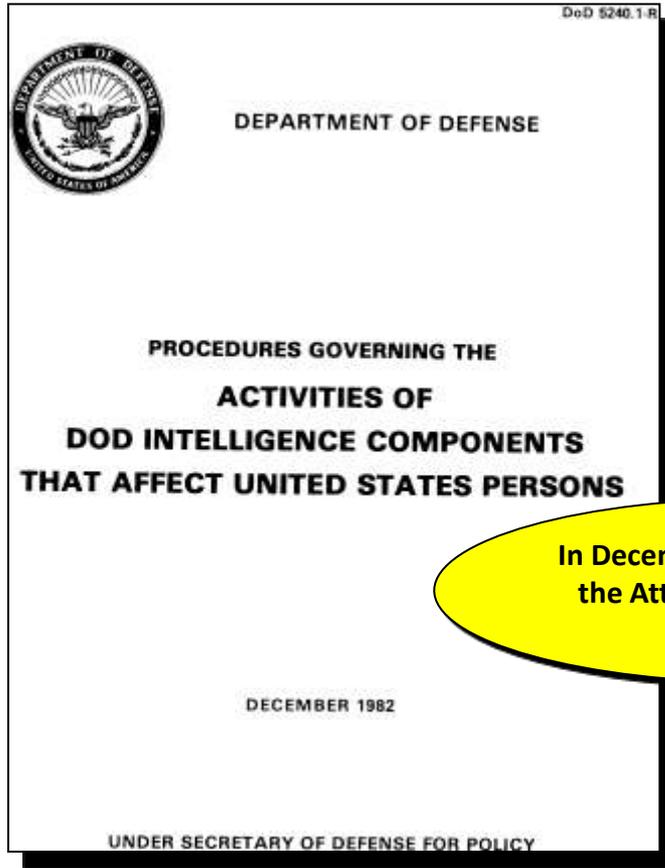
COMPLIANCE  
INSPECTIONS



# OSD INTEL OVERSIGHT COMMUNITY



# DoD 5240.1-R



In December 1982, SECDEF and the Attorney General signed DoD 5240.1-R



# ***DoD 5240.1-R PROCEDURES***

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1. General Provisions
2. Collection of Info on U.S. Persons
3. Retention of Information
4. Dissemination of Information
5. Electronic Surveillance
6. Concealed Monitoring
7. Physical Searches
8. Searches of Mail
9. Physical Surveillance
10. Undisclosed Participation in Organizations
11. Contracting for Goods and Services
12. Assistance to Law Enforcement
13. Experimentation on Humans
14. Employee Conduct
15. Questionable Activities



# DoD 5240.1-R PROCEDURE 2

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## Collection of Information on United States Persons:

“Information that identifies a United States person may be collected by a DoD intelligence component ***only if it is necessary to the conduct of a function assigned the collecting component***, and only if it falls within one of the following categories”



# ***COLLECTION OF INFORMATION ABOUT U.S. PERSONS***

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## **Authorized Collection 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. International narcotics
11. Threats to safety
12. Overhead reconnaissance (NGA currently rewriting)
13. Administrative purposes



# ***BASIC PRINCIPLES***

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- Information about US persons may be collected by a DOD intelligence component only if it is necessary to the conduct of a function assigned to the collecting component.
- The purpose of these procedures is to enable collectors to effectively carry out their authorized functions while ensuring the activities that affect US persons are carried out in a manner that protects the constitutional rights and privacy of such persons.



# ***U.S. PERSONS***

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- U.S. Citizens
- Aliens known to be permanent residents of the United States
- Associations or corporations formed in the US. . .  
**If directed and controlled by a foreign government, they are not considered U.S. Persons**



# QUESTIONABLE ACTIVITY

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- Questionable activity is defined as:
  - “Any conduct that constitutes, or is related to, an intelligence activity that may violate the law, any Executive Order or Presidential directive, including E.O. 12333, or applicable DOD policy, including MCO 3800.2B”
- \*\* MUST BE IMMEDIATELY REPORTED TO IGMC\*\*

**Is it an intelligence activity?**



# INTELLIGENCE OVERSIGHT

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- Military Intelligence Components
  - *G-2s, S-2s, Intel Bn's, Information Ops personnel*
  - *Military Intelligence Personnel serving in Intel Billets or Functions*
- Any Organization, Staff, Office used for Military Intelligence Purposes
  - *MCIA, MARSOC, MARFORCYBER, MCIOC, MCNOSC, Contractors*



# ***INTELLIGENCE OVERSIGHT***

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- Does Not Apply to Non-Intelligence Activities
  - Unit Administrative Activities (e.g. Social/Recall Rosters, Personnel Security Files)
  - Law Enforcement Activities
  - Intelligence Personnel not Serving in Intel Billets (e.g. Recruiting Duty, Security Guard Duty)



# INTELLIGENCE OVERSIGHT

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- Responsibilities
  - Command Inspector - *Overarching Responsibility*
    - *Oversight / Inspections*
    - *Reporting*
    - *Investigations*
  - G-2/S-2 - *Duty Expert / Implements IO Program*
    - *Training & Awareness*
    - *Reporting*
    - *Support to Command Inspector (G-2)*
  - SJA - *Advice & Counsel*
    - *Policy / Legal Interpretation*
    - *Questionable Activity*



# INTELLIGENCE OVERSIGHT

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- Current Issues/Concerns
  - Domestic Urban Training (TRUEX)
    - *Domestic Imagery*
    - *Publicly Available Imagery/Maps*
  - In Theater (OIF/OEF) CI/HUMINT Employment
    - *Detainee Treatment*
    - *CI Activities Related to U.S. Persons*



# INTELLIGENCE OVERSIGHT

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- Current Issues/Concerns (cont)
  - Admin/Training Reqmts vs. Intel Mission Reqmts
  - Domestic Tactical Reconnaissance
  - Collection Via the www using Open Source
  - Support to Civilian Authorities (DOPLAW applies)
  - Domestic AT/FP
    - *Cooperation Between Military Police, NCIS and Military Intelligence*



**Hot Tip!**

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***THE THREE MOST IMPORTANT THINGS TO CONSIDER WHEN  
DOING AN INTEL OVERSIGHT ANALYSIS***

Mission

Mission

Mission

**Is the U.S. Person information necessary to the conduct of an  
assigned function?**



# ***INTEL OVERSIGHT REQUIREMENTS***

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- Ensure compliance with Intelligence Oversight laws and directives
- Immediate report of “Questionable Activities”
- Annual training/awareness program
- Initial join indoc brief for those working in Intel
- Inspections (no less than every 2-3 years)
- Quarterly report



# INTEL OVERSIGHT REPORTING

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- **Immediate and Quarterly Reporting**
- **Questionable Intelligence Activities (QIA)**
- **Significant or Highly Sensitive Matters (S/HS)**



# ***SIGNIFICANT OR HIGHLY SENSITIVE (S/HS) MATTER***

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- Impugn the reputation or integrity of the DoD intelligence community and/or
- Challenge the propriety of an intel activity
  - Prompted by Congressional inquiry
  - May result in adverse media coverage
  - May impact foreign relations
  - Significant unauthorized disclosure of classified or sensitive material
  - Report serious questionable intelligence activities and all significant or highly sensitive matters immediately.



# REPORTING FORMAT

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- DTM 08-052
- Assessment of effect on national security, international relations, civil liberties, and privacy rights
- Remedial action taken or planned
- Actions taken if incident involves improper handling or compromise of classified information
- Signed on letterhead (not an email or phone call)
- Recommend discussion between Combatant Command (COCOM) and Service IG's on jurisdiction

<http://www.dtic.mil/whs/directives/corres/pdf/DTM-08-052.pdf>



# PROFESSIONAL CONDUCT

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***"Such behavior is unacceptable, both as a husband and as the leader of an organization such as ours." – David Petraeus***

- In November 2012, David Petraeus resigned as Director of the CIA after admitting an affair with his biographer, Paula Broadwell
- Petraeus used a fake name to set up an email account so that he and Broadwell could exchange unsent, draft messages
- The FBI became aware of the email account while investigating an online harassment claim that implicated Broadwell



# PROFESSIONAL CONDUCT

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- A Navy intelligence civilian diverted nearly \$2 million under an illegitimate contract to build untraceable rifle silencers.
- The contract illegally paid \$1.6 million to the brother of a Navy official who led a small, Navy intelligence directorate.
- The \$1.6 million had been allocated to fund intelligence studies, not weapon procurement.



# PROFESSIONAL CONDUCT

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- The director of naval intelligence and the director of intelligence operations had their security clearances suspended in November 2013 after being investigated for possible misconduct.
- Today, investigators are looking for possible connections to Glenn Defense Marine Asia — the husbanding firm at the center of one of the Navy's biggest bribery scandals in decades.
- GDMA's CEO is accused of bribing Navy officers and overcharging the Navy tens of millions of dollars for food, fuel, and basic services.



# ETHICAL RESPONSIBILITY

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- “What if what they really want is for us to herd our children into stadiums like we're doing?
- And put soldiers on the street and have Americans looking over their shoulders?
- Bend the law, shred the Constitution just a little bit?
- Because if we torture him, General, we do that and everything we have fought, and bled, and died for is over.
- And they've won. They've already won.”



▪ [Play Clip](#)



# ***SUMMARY***

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- Why Intelligence Oversight?
- Authorized Collection Categories
- Questionable Activity Defined
- Applies to Intel Pax, including Civ Contractors
- Does Not Apply to Non-Intelligence Activities
- Responsibilities
- Current Issues/Concerns
- Intelligence Oversight Requirements
- Classified Reporting
- Professional Conduct and Ethical Responsibility



# CONCLUSION

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“A free people have long had to decide where to plant the flag on that inevitable spectrum between security and liberty. We have always planted it close to liberty.”

LtGen Hayden, Director, NSA



## **Questions?**

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<http://www.marines.mil/unit/hqmc/inspectorgeneral/Pages/IntelligenceOversight.aspx>





# INSPECTOR GENERAL

*United States Marine Corps*



★ HONOR ★ COURAGE ★ COMMITMENT ★

PRESENTED BY: LTCOL MICHAEL SUTHERLAND, DEPUTY DIRECTOR, A&I

## IG ACTION PROCESS

# ***WHAT IS ASSISTANCE?***

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- Contact with IG
- Complaints/issues vs Allegations
- Request for information
- Request for help presented or referred
- Major part of the CIG's workload



# WHY DOES ASSISTANCE EXIST?

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- Correct problems or unfairness
- Bring matters to the attention of the chain of command to provide corrective action at the lowest level
- Helps the Command when the problem can not be resolved within the chain of command
- Enhance readiness and warfighting capabilities by eliminating conditions detrimental to the morale, efficiency, or reputation of the command



# BE PROACTIVE - TEACH AND TRAIN



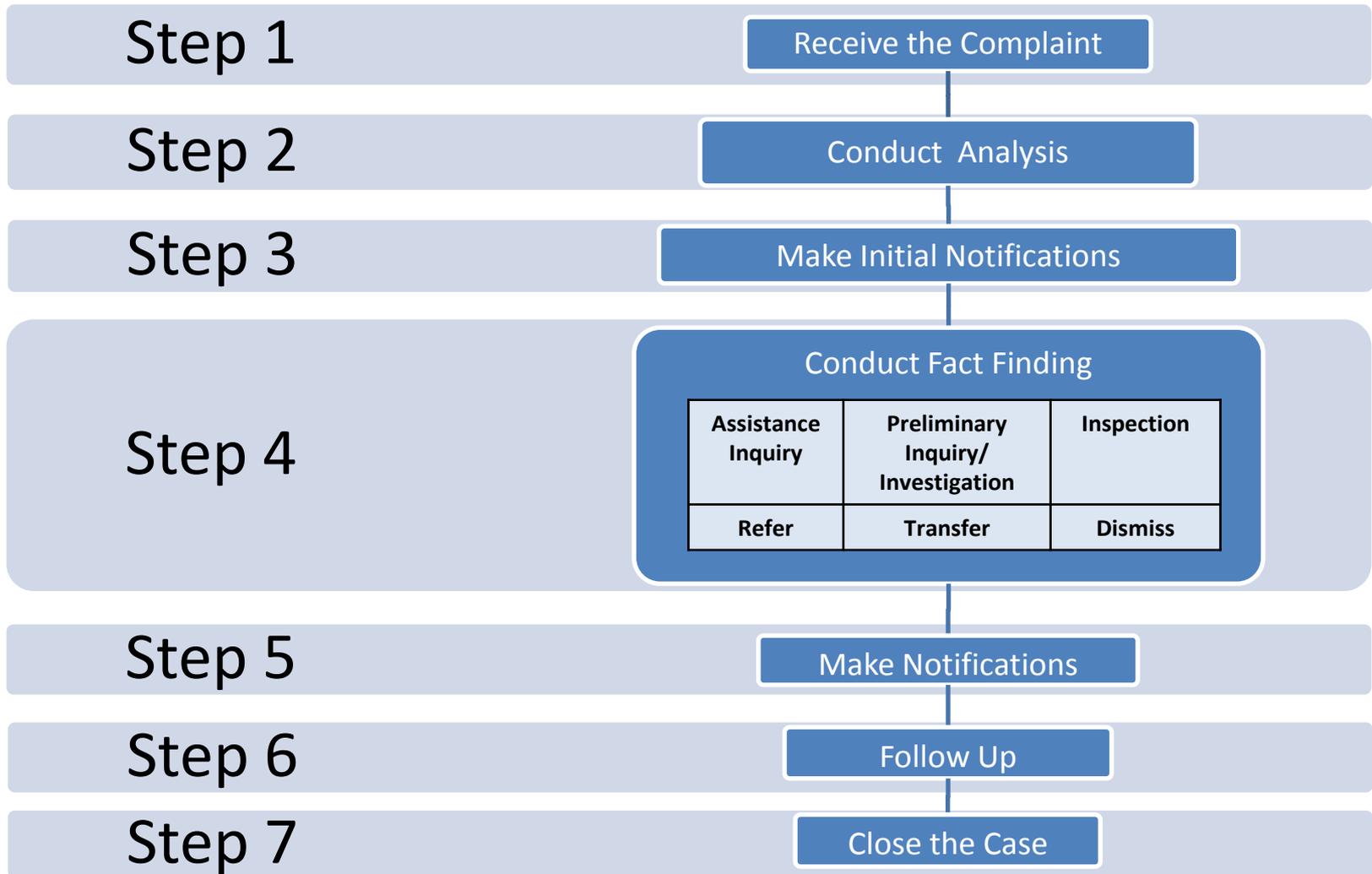
# ***TEACH AND TRAIN***

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- Assistance allows the CIG many opportunities to teach and train
- Provide regulatory guidelines
- Share lessons learned or best practices observed
- Teach leaders how the CIG can contribute to the mission



# IG ACTION PROCESS (IGAP)



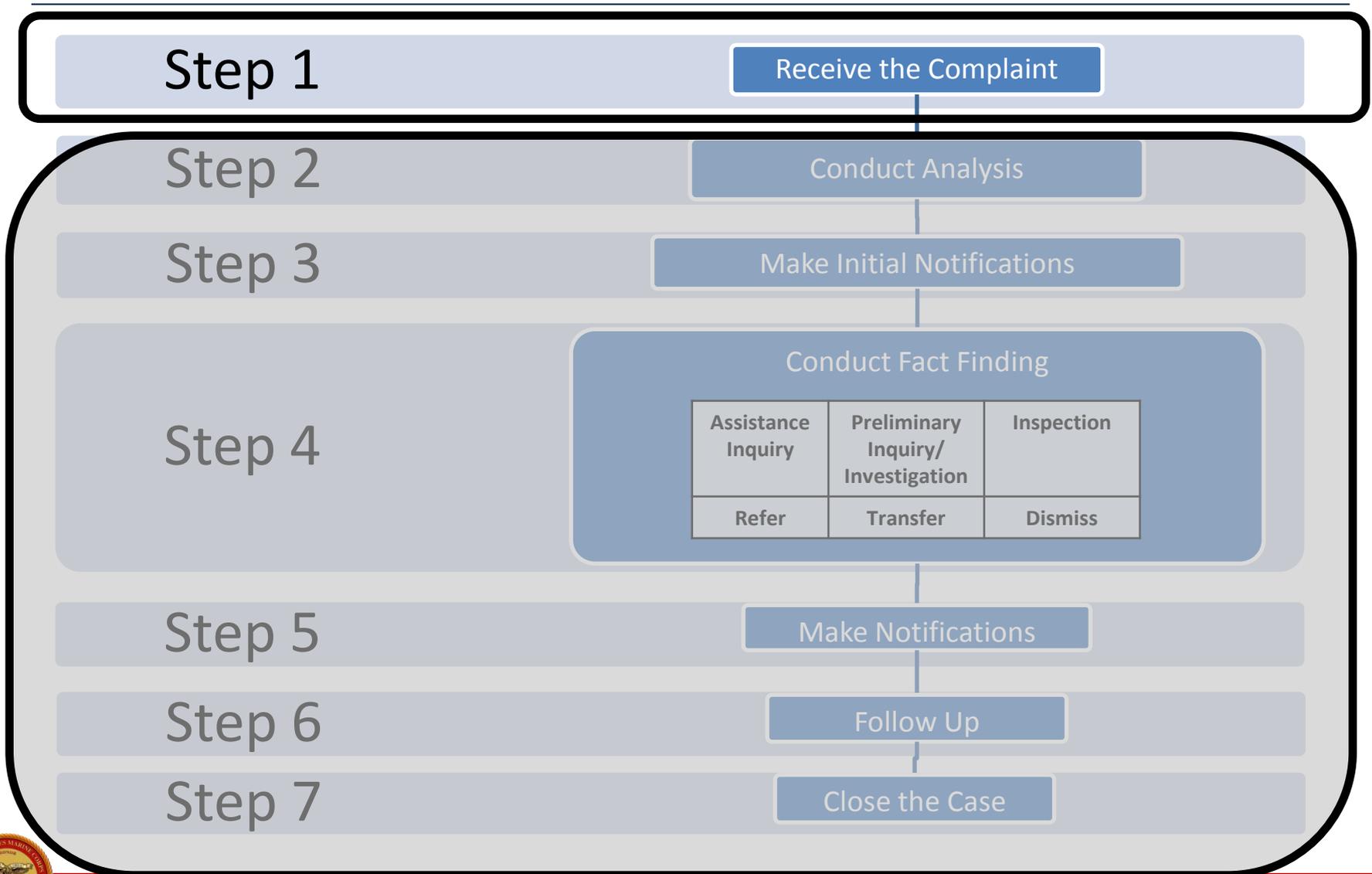
# IGAP OVERVIEW

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- Administrative process
- Systematic approach
- Identifies critical tasks
- Provides a structured means to properly resolve complaints to an IG
  - IG appropriate
  - Command action
  - Referral

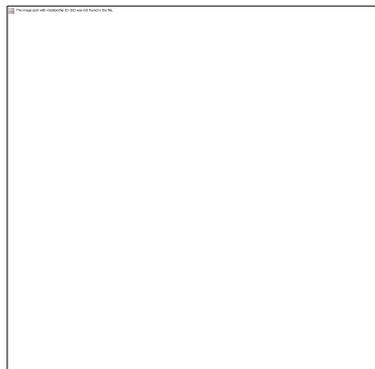
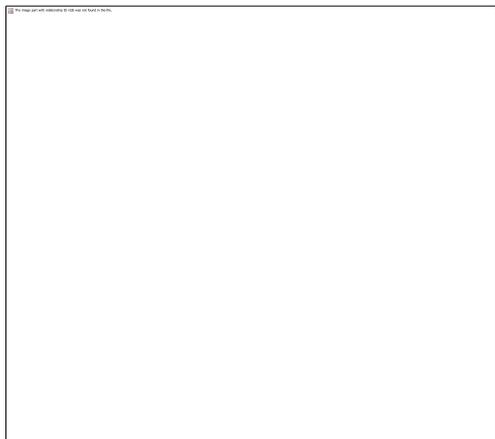


# IG ACTION PROCESS (IGAP)

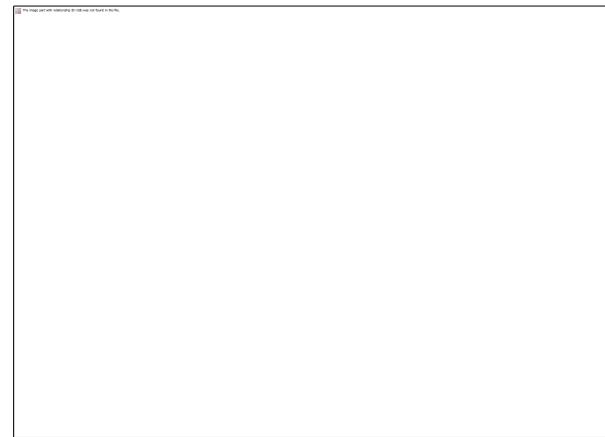
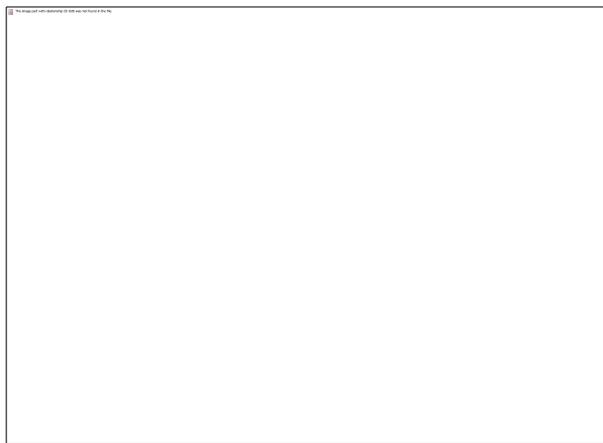
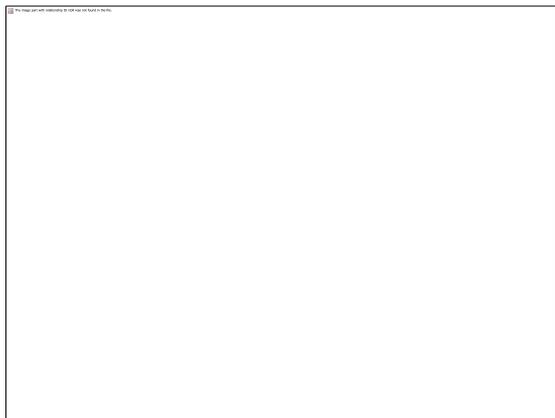


# WHO CAN SUBMIT A COMPLAINT?

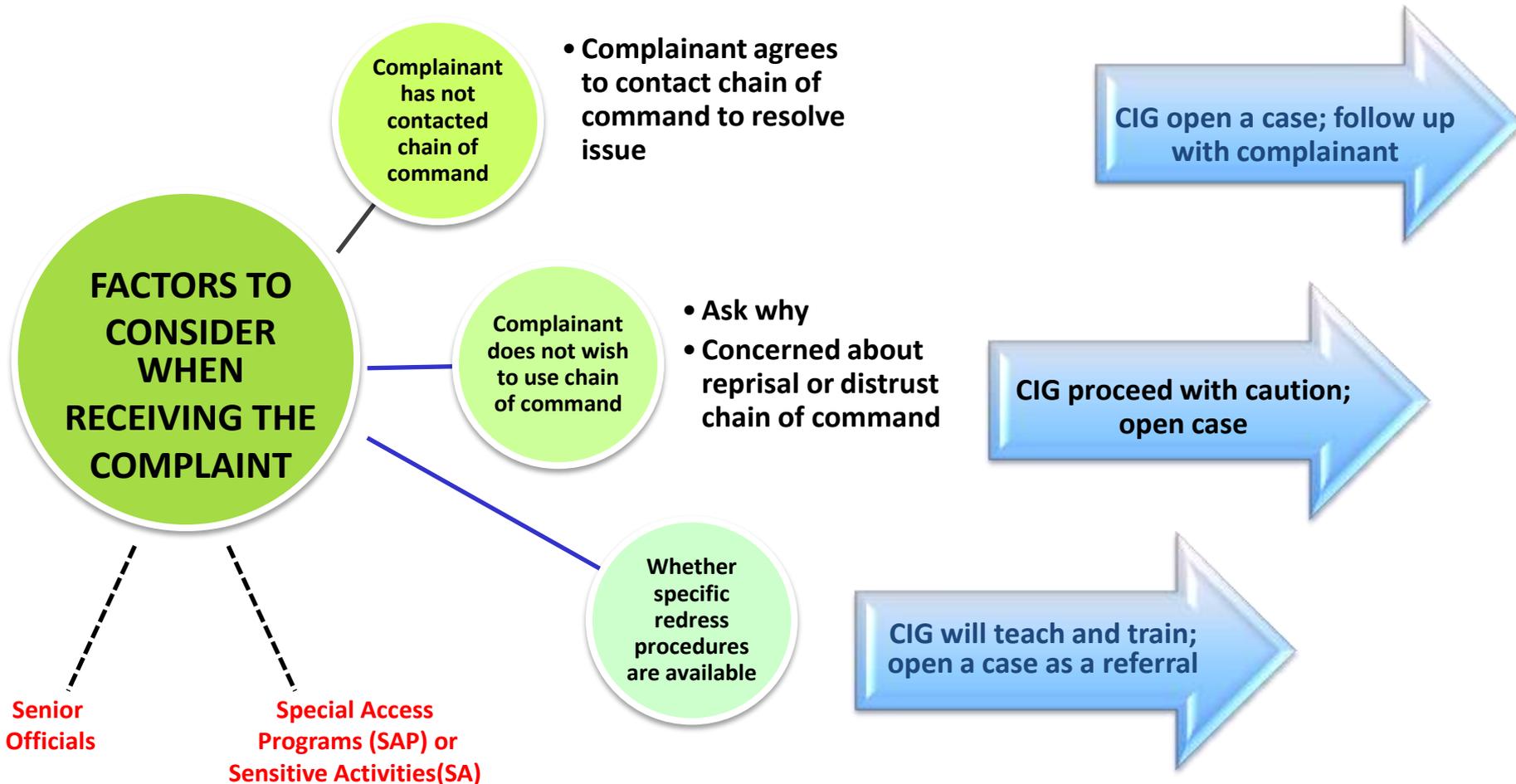
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**ANYONE**



# STEP ONE – RECEIVE THE COMPLAINT



# ***STEP ONE – RECEIVE THE COMPLAINT:***

---

- Email
- Fax
- Phone
- Letter
- Walk-in
- Referral



# ***PURPOSE AND USE OF COMPLAINT FORM***

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- Document the initial request from complainant
- Serves as a detailed source of information
- Provides the warning about false statements
- Tracking tool for documenting workload
- Identifies possible trends and systemic issues



# ***STEP ONE – RECEIVE THE COMPLAINT: ANONYMOUS***

---

- CIGs will look into the anonymous complaint
- Do not try to obtain the identity of the complainant
- Insufficient information to work case
  - Close case, annotate in case notes and synopsis



# STEP ONE – RECEIVE THE COMPLAINT

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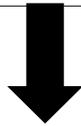
- Unforeseen Circumstances
  - Suicidal or homicidal complainant
  - Emergency mental health referral



# STEP ONE – RECEIVE THE COMPLAINT: OPEN A CASE

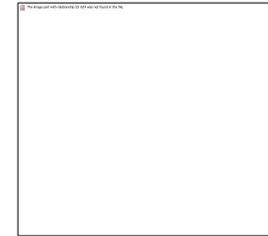
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- Open a case in CMS



**CMS**  
Case  
Management  
System

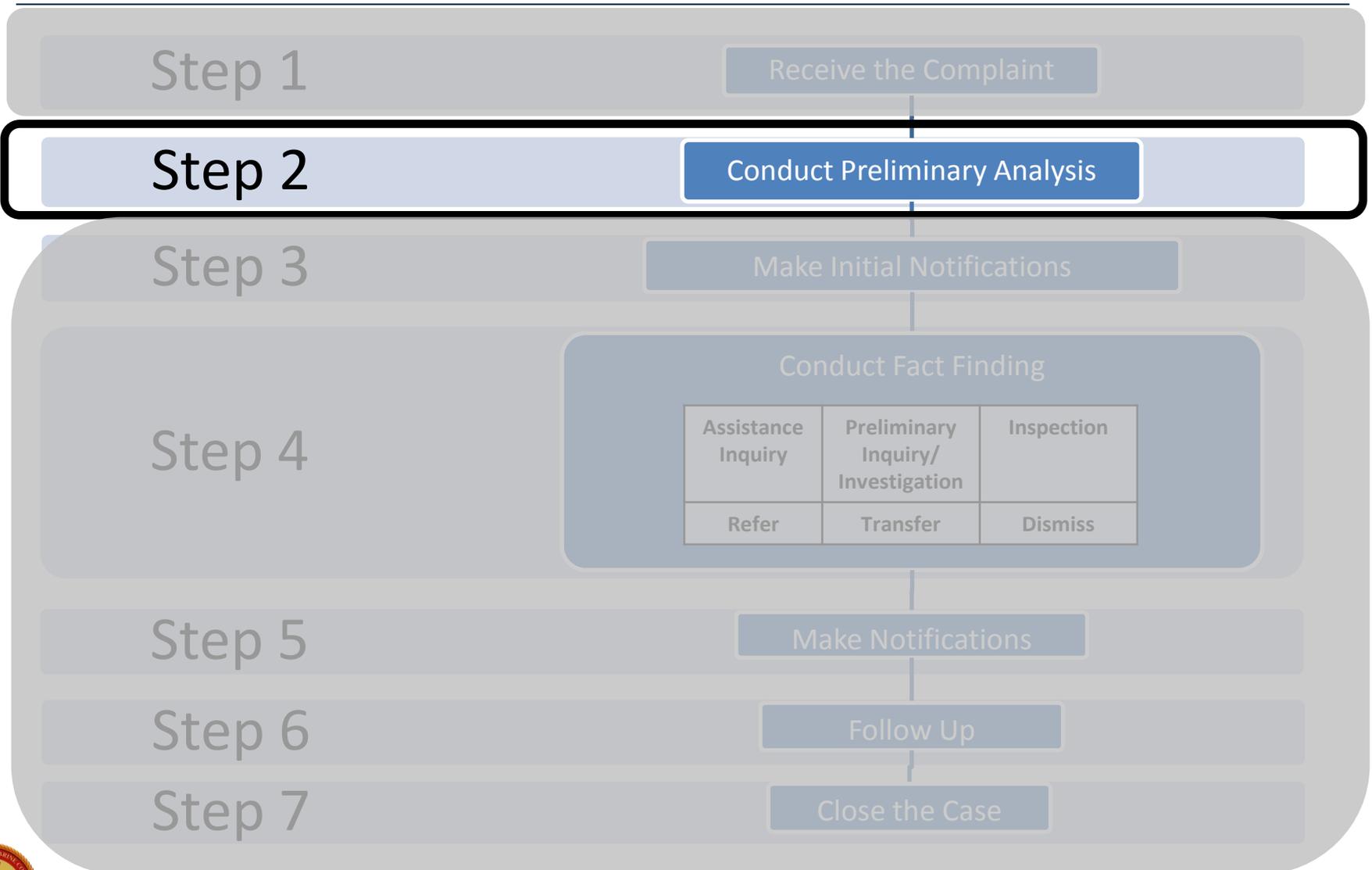
Coming soon.....



**DCATS**  
Defense Case  
Activity Tracking  
System



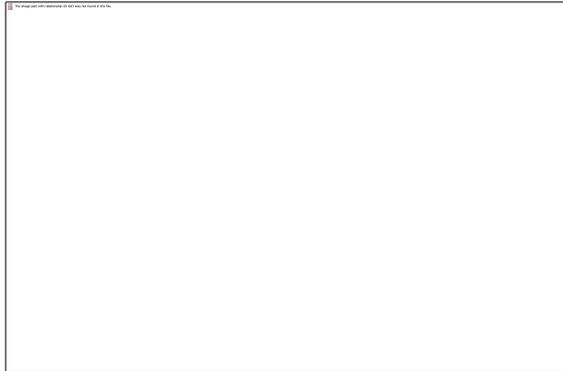
# IG ACTION PROCESS (IGAP)



# IG APPROPRIATENESS

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- First step – read the incoming complaint
- Ensure the allegation / issue is within IG's purview
  - If not, refer complaint to the established grievance channel
- Remember, IG complaints are not like a fine wine... they don't get better with age!



# ***PARTIES INVOLVED***

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- Military service members
- Civilians
  - Defense contractor employees
  - Appropriated fund employees
  - Non-appropriated fund employees
  - Other Federal employees outside DoD
- Civilian civilians
- Non-governmental organizations



## ***STEP TWO – CONDUCT ANALYSIS: ACKNOWLEDGE RECEIPT***

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- All Complaints should be acknowledged in writing
- Annotate the acknowledgement and the type in the case notes
- Complaints received from another IG will be acknowledged by phone or e-mail
- Use Naval Correspondence Manual format



## ***STEP TWO – CONDUCT ANALYSIS: ACKNOWLEDGE RECEIPT TO A THIRD PARTY***

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- A basic letter of acknowledgement
  - Do not provide specific information
  - Due to the Privacy Act the release of personal information to third parties is prohibited without consent



# ***PRELIMINARY ANALYSIS***

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- Process used to determine best course of action
- Commander's guidance
- Identify issues and develop allegations
- Identify any underlying core issues or problems
- Assistance, investigation, or inspection, refer to another IG or agency, recommend commander's inquiry or criminal investigation

Ref.: Investigations Guide (Rev.) Sec. 2-1



## ***STEP TWO – CONDUCT ANALYSIS OF ISSUES OR ALLEGATIONS***

---

- Determines who and how to resolve problem
- Analyze information received from complainant
  - Systemic issues
  - Allegations
  - Request for assistance
  - Combination
- Must identify all requests for help and matters of concern
- Clarify issues, allegations, or concerns
- May have to refer to chain of command or other agency



# ***STEP TWO – CONDUCT ANALYSIS: ISSUE***

---

- Issue - a request for information or assistance to the CIG that does **not** contain an allegation of FWA or misconduct
- Issue identification is critical during the Analysis phase
- Failure to identify issues result in:
  - deficient resolution
  - dissatisfied complainant
  - appearance of a “cover-up”



# ***STEP TWO – CONDUCT ANALYSIS: ALLEGATION***

---

- Allegation – A complaint of wrongdoing by an individual
  
- IG will formulate a proper allegation
  - WHO
  - IMPROPERLY DID OR DID NOT DO WHAT
  - IN VIOLATION OF WHAT STANDARD
  - WHEN
  
- Once formulated, confer with your SJA before proceeding



## ***STEP TWO – CONDUCT ANALYSIS: ALLEGATION***

---

- Example: “That Staff Sergeant John J. Jones, USMC improperly accepted a gift from a prohibited source, Defense Contractor representatives, in violation of DoDD 5500.7, Standards of Conduct, between February through May 2014.”



# ***STEP TWO – CONDUCT ANALYSIS: SELECT A COURSE OF ACTION (COA)***

---

CIG will select a COA, not limited to one:

**T**ransfer

**A**ssistance Inquiry

**R**efer

**D**ismiss

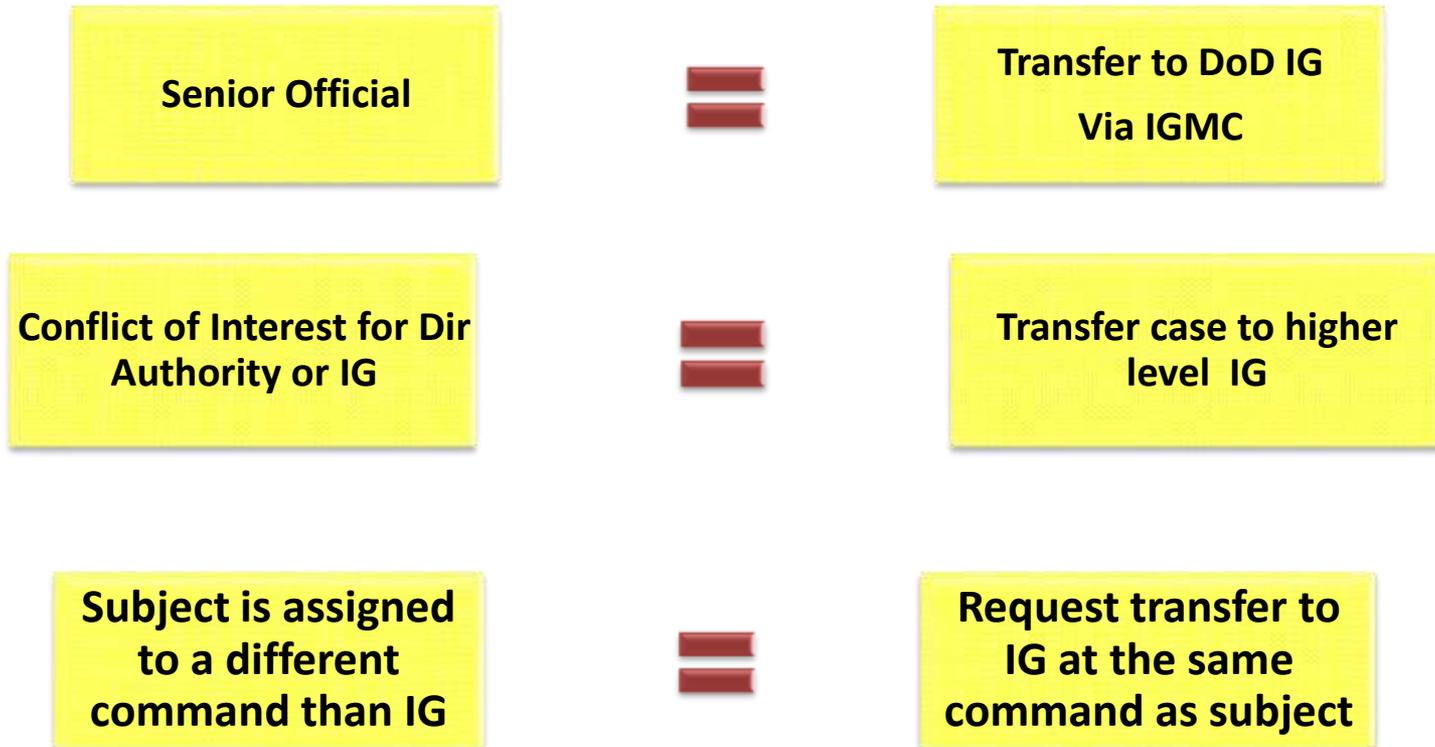
**I**nvestigation or PI

**I**nspection



# STEP TWO – CONDUCT ANALYSIS: COA - TRANSFER

---



# ***STEP TWO – CONDUCT ANALYSIS COA – ASSISTANCE INQUIRY***

---

- IGPA indicates that there is not any **recognizable** wrongdoing or violation of law, regulation, or policy by a **WHO**
- IG will provide assistance by:
  - Making phone calls
  - Researching the topic
  - Gathering supporting documents
  - Documenting all information in case notes



## ***STEP TWO – CONDUCT ANALYSIS: COA - REFER***

---

If analysis determines a **recognizable** wrong or violation law, regulation, or policy,

**BUT**

Complaint is not appropriate for IG due to another form of redress existing, **then**

IG refers the complainant or complaint to the responsible person, agency, organization, or process



# ***STEP TWO – CONDUCT ANALYSIS: COA - REFER***

---

- Referral to another agency
  - Be aware of confidentiality issues
  - Provide necessary information to take action
  - Determine whether IG will monitor case
  - Request the agency follow up with the individual and advise you of the results



# STEP TWO – CONDUCT ANALYSIS: COA - DISMISS

Insufficient information to conduct the Analysis

Frivolous complaint

Too much time elapsed or not enough facts



No extraordinary circumstances or special interest in the matters presented to justify an inquiry

Complaint is already the subject of investigation by other investigative agency



Complaint addresses the same matter addressed in the IG complaint

Higher level IG office has already addressed the matter



No new evidence or information that justifies further inquiry or investigation



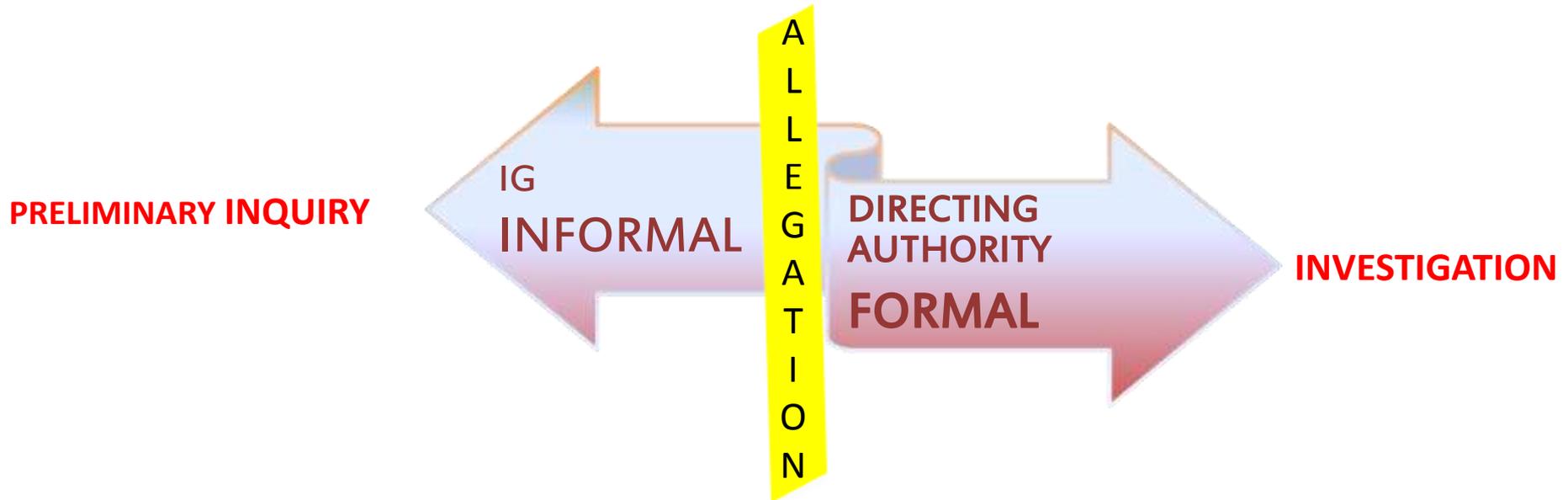
**DISMISS THE COMPLAINT**



# ***STEP TWO – CONDUCT ANALYSIS: COA INVESTIGATION OR PRELIMINARY INQUIRY***

---

PI determines Investigative Merit



# ***PRELIMINARY INQUIRY***

---

- Informal
- A fact-finding examination into allegations, issues, or adverse conditions of a serious nature
- Led by an assigned CIG
- Authorized by Directing Authority or CIG
- Written directive not required
- Most interviews conducted in an Preliminary Inquiry will be statements



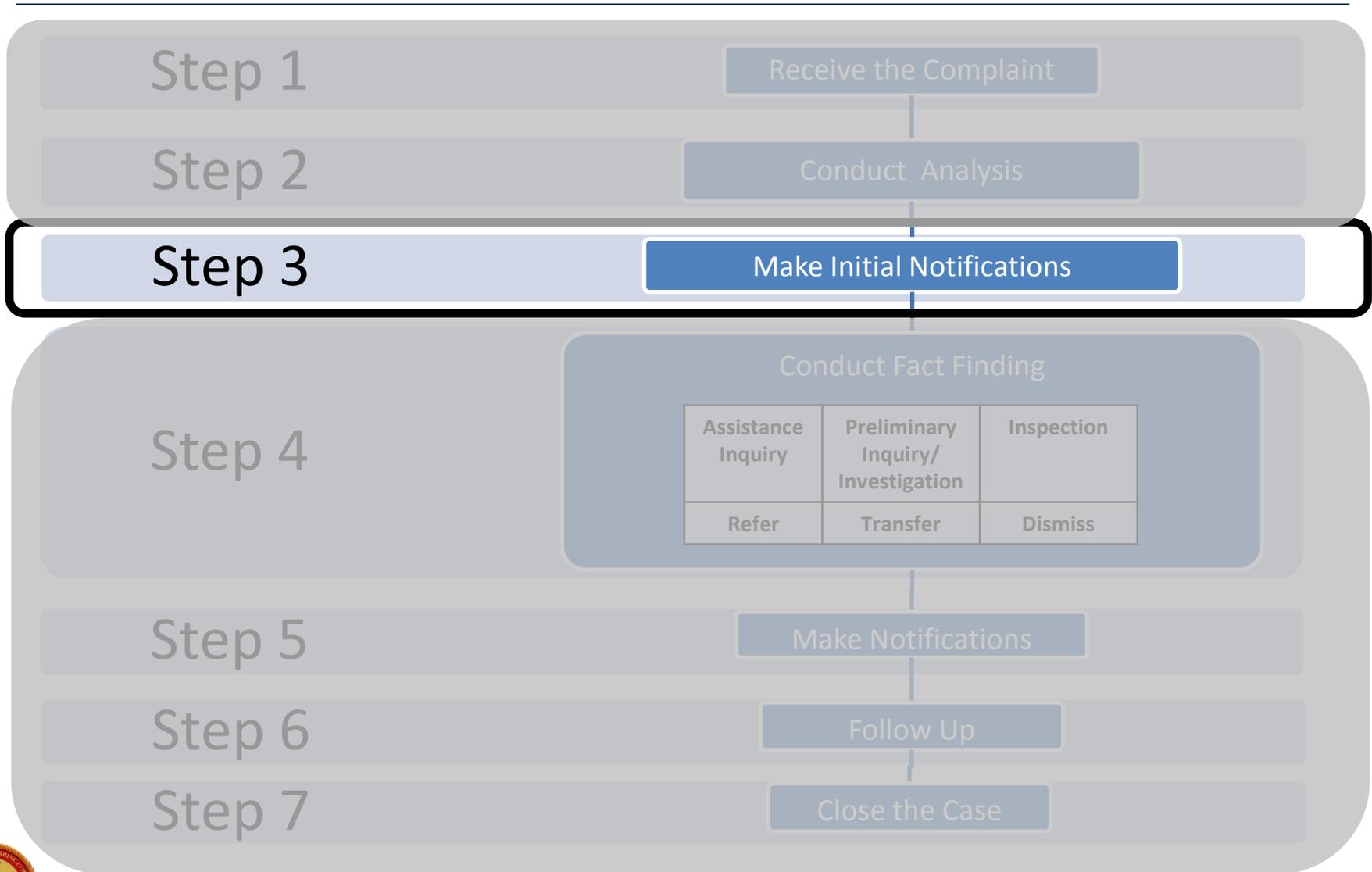
# ***STEP TWO – CONDUCT ANALYSIS: COA - INSPECTION***

---

- IG may be faced with matters that are recurring issues or may not be easily resolved due to systemic problems
- Inspection can
  - identify the root cause
  - provide recommendations to fix systemic problems



# IG ACTION PROCESS (IGAP)



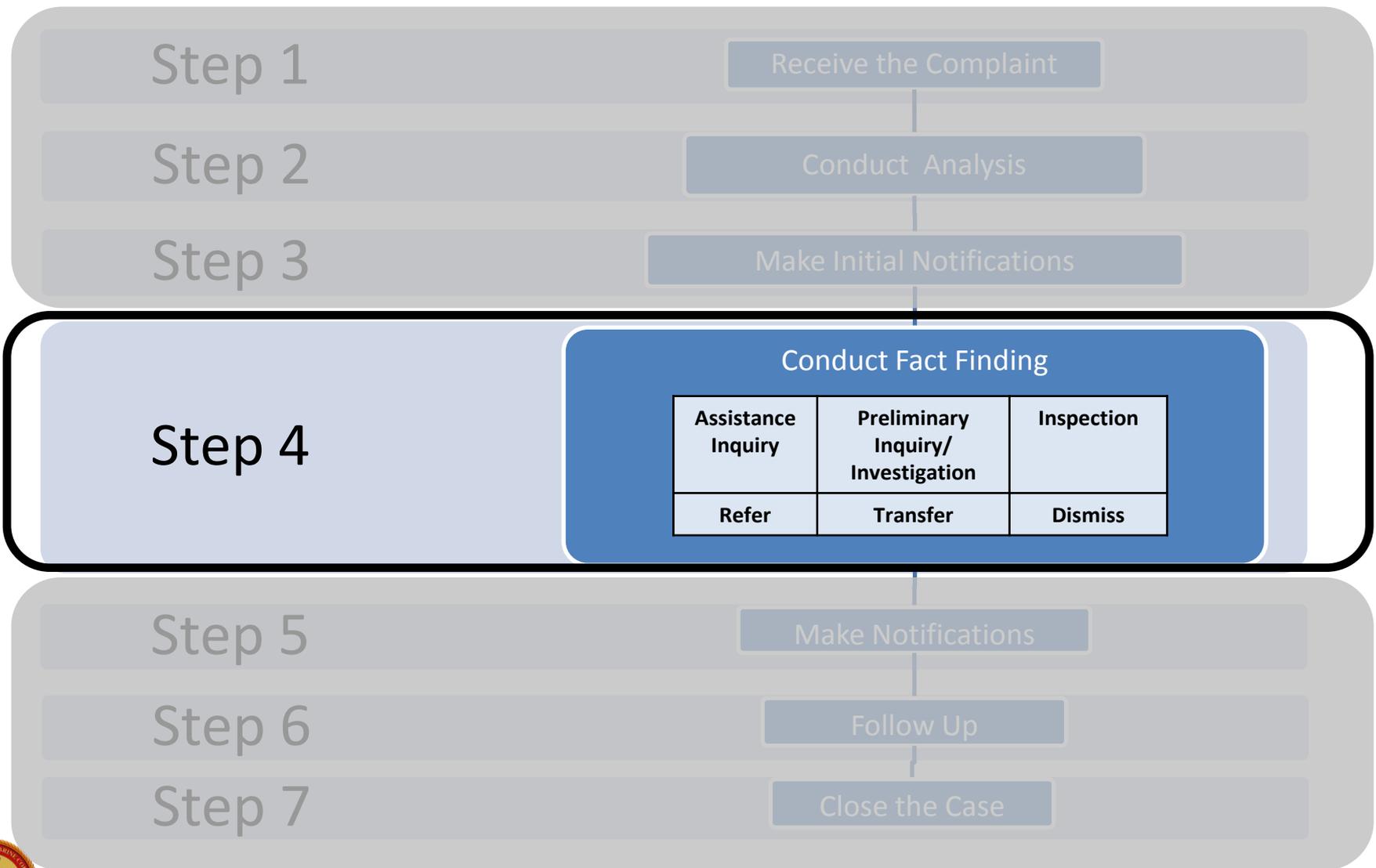
# STEP THREE – MAKE INITIAL NOTIFICATIONS

---

- **ONLY** applies to Preliminary Inquiry and investigation
- CIG will verbally notify the appropriate **commanders** or **supervisors** on the nature of the inquiry
- Document/annotate notifications
  - Case notes
  - Report of Investigation (ROI)



# IG ACTION PROCESS (IGAP)



# STEP FOUR – CONDUCT IG FACT FINDING: ASSISTANCE

---

## HOW TO ASSIST A COMPLAINANT

Discuss concerns and/or issues with complainant

Determine if case can be handled through assistance

Make phone calls or contacts to provide the complainant the assistance needed

Ensure the appropriate agency is handling the complainant's concerns

Document the case as an "Assist" and close the case



# STEP FOUR - CONDUCT JOINT IG FACT FINDING: TRANSFER

## HOW TO TRANSFER A COMPLAINT

IG to IG

Determine IG appropriateness  
Whether it should be transferred to another IG

Transfer the complaint, in writing to another IG and explain rationale  
Courtesy call prior to transfer is recommended  
Transfer all documentation

Notify the complainant in writing of the transfer

Once the other IG accepts the case, document  
in the case notes as “Transferred” and close the case.



# STEP FOUR - CONDUCT JOINT IG FACT FINDING: REFER

## HOW TO REFER A COMPLAINT



IG REFER  
to  
ANOTHER AGENCY

Determine if complaint could be handled through other channels

Encourage the complainant to contact the appropriate Agency, **or**  
Refer the complaint, in writing, to the other agency  
Notify the complainant in writing (if possible) of the referral

Ask the referral agency to provide a copy of closure response to the complainant for the case file

Document the case as a “Referral” and close the case

If no closure response is received, follow-up with referral agency and document that follow-up action in case notes



# STEP FOUR - CONDUCT JOINT IG FACT FINDING: DISMISS

## HOW TO DISMISS A COMPLAINT

Determine if the Joint IG should dismiss the complaint

Notify the complainant in writing (if possible) of the dismissal  
Clearly explain the rationale  
Document this notification in the case notes

Document in the case notes as a “dismissal” and close the case

Joint IG Assistance Guide, Sec. 2.5.5



# ***TYPES OF TASKINGS FROM IGMC***

---

- Assistance
  - Information Letter (IL)
  - Special Interest Letter (SPLINT)
- Investigation
  - Tasking Letter (TL)



# ***TYPES OF TASKINGS FROM IGMC***

---

- **Information Letter (IL)** – letter to Command Inspector General (CIG) advising that the case is referred to the command as a matter under its cognizance

“The enclosure may lack sufficient detail or significant subject matter to warrant formal inquiry. If administrative or disciplinary action is taken, please provide documentation to the IGMC.”



# ***IL DELIVERABLE TO A&I***

---

## CIG Decision

No action needed = MFR

Intermediate = Memorandum for Record (MFR)

Preliminary Inquiry = MFR

Investigation = HCR

**JAGMAN Investigation + CIG Product**

Regardless of decision made by CIG, response to A&I must be in writing



# ***TYPES OF TASKINGS FROM IGMC***

---

- Special Interest Letter (SPLINT)
  - Must answer questions posed by IGMC
  - COA situationally dependent
  - The questions are NOT Allegations



# ***ACTION FOR SPLINT***

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Explanation

Preliminary Inquiry

Investigation



# ***SPLINT DELIVERABLE TO A&I***

---

- **CIG Decision**
  - Explanation = MFR
  - Preliminary Inquiry = MFR
  - Investigation = HCR
  - **JAGMAN Investigation + CIG Product**
- Regardless of decision made by CIG, response to A&I must be in writing



# ***INVESTIGATION***

---

## Letter to CIG directing an investigation

At a minimum, the following allegation must be investigated:

(who, did what, in violation of what law, rule, or regulation, and when).



# *INVESTIGATION DELIVERABLE TO A&I*

---

- HCR
- JAGMAN Investigation + CIG Product
- Legal Sufficiency
- Endorsements
- Enclosures (upon request only)



# ***ANALYSIS & TASKING BENEFITS***

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Keeps complaints in the most appropriate grievance channel

Creates realistic expectations for all involved

Focuses investigation – Proper scope

Protects IG credibility



# ***STEP FOUR - CONDUCT IG FACT FINDING: INSPECTIONS***

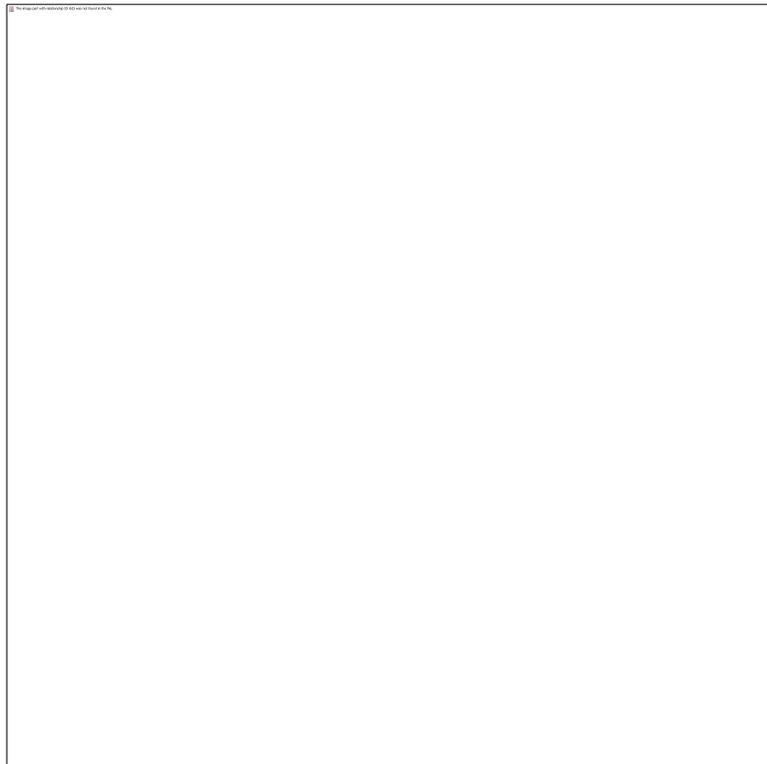
---

- IGs identify trends or patterns with individual complaints
- Can result in an Inspection
- Can assist the command in identifying local unique issues
- Data collection point because other issues often manifest
- Compliments Assistance function



# QUESTIONS?

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# INSPECTOR GENERAL

*United States Marine Corps*



★ HONOR ★ COURAGE ★ COMMITMENT ★

PRESENTED BY: MRS. CYNTHIA EDWARDS, DIRECTOR OF ASSISTANCE & INVESTIGATIONS

## **SPECIAL CATEGORIES**

# ***SPECIAL CATEGORIES***

---

- Civilian Complaints
- Senior Officials
- Equal Opportunity
- DADT Repeal
- Criminal
- Improper Mental Health Evaluation Referrals
- Congressional / White House Inquiries
- Social Media
- Hazardous Work Conditions
- Allegations Against Members of SAPs & Sas
- Other Forms of Redress



# CIVILIAN COMPLAINTS

---

- Whistleblower Reprisal
  - Depends on status
- Grievances / Appeal Adverse Action
  - Refer to Human Resources/Civilian Personnel Office (*Office of Personnel Management*)
- Equal Employment Opportunity (EEO)
  - Refer complainant to Equal Employment Opportunity Commission (EEOC)



# WHAT IS CIVILIAN REPRISAL?

---

- Any employee who has the authority to take, direct others to take,
- recommend, or approve any personnel action, shall not take or fail to
- take, a personnel action because of:
  - A disclosure which the employee reasonably believes evidences --
    - *Any violation of any law, rule, or regulation; or*
    - *Gross mismanagement, gross waste of funds, abuse of authority, or a specific danger to public health or safety*
    - *The disclosure is not protected if it is specifically prohibited by law and is not required to be kept secret*
  - Any disclosure to the OSC, an IG of an agency, or an employee designated to take such disclosures in which the employee reasonably believes evidences --
    - *Any violation of any law, rule, or regulation; or*
    - *Gross mismanagement, gross waste of funds, abuse of authority, or a specific danger to public health or safety*



# CIVILIAN REPRISAL

---

- Appropriated Fund Employees
  - Title 5, USC 2302 (b)(8)
  - Refer to Office of Special Counsel (OSC) (800-872-9855)
- Non-Appropriated Fund Employees
  - DoDI 1401.3, Personnel Policy for Non-Appropriated Fund Instrumentalities (NAFIs)
  - Refer to DODIG Hotline (1-800-424-9098) / [www.dodig.mil/hotline/reprisalcomplaint.html](http://www.dodig.mil/hotline/reprisalcomplaint.html)
- DoD Contractors
  - Title 10, USC 2409
  - Refer to DoDIG Hotline (1-800-424-9098)
  - [www.dodig.mil/hotline/reprisalcomplaint.html](http://www.dodig.mil/hotline/reprisalcomplaint.html)
- Intelligence Community (Civ & Mil)
  - Refer to DODIG Hotline (1-800-424-9098)
  - [www.dodig.mil/hotline/reprisalcomplaint.html](http://www.dodig.mil/hotline/reprisalcomplaint.html)
- Local / Foreign Nationals
  - Status of Forces Agreement (SOFA)



# ***CLASSIFIED WHISTLEBLOWER REPRISAL***

---

- Presidential Policy on Whistleblowers and Retaliation
  - Employees serving in the Intelligence Community (IC) or who are eligible for access to classified information can effectively report waste, fraud, and abuse while protecting classified national security information.
  - Retaliation against employees for reporting waste, fraud and abuse is prohibited.

---Presidential Policy Directive (PPD) 19



# REPRISAL UNDER PPD 19

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- Section A: “Any officer or employee of a Covered Agency who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee serving in an Intelligence Community Element as a reprisal for a protected disclosure.”
- Section B: “Any officer or employee of an executive branch agency who has authority to take, direct others to take, recommend or approve any action affecting an employee's eligibility for access to classified information shall not take, fail to take, or threaten to take or fail to take, any action affecting an employee’s eligibility for access to classified information as a reprisal for a protected disclosure.”
- Section C: Requires the Director of National Intelligence to establish an Inspector General Review Panel for employees alleging reprisal who have exhausted the applicable review process in Sections A & B



# PROTECTED DISCLOSURES - PPD 19

---

- A violation of law, rule, or regulation
- Gross mismanagement
- Gross waste of funds
- An abuse of authority
- A substantial and specific danger to public health or safety
- Matters of urgent concern
  - *Serious or flagrant problem, abuse, or violation of law or Executive Order*
  - Deficiency relating to the funding, administration, or operations of an intelligence activity involving classified information, but does not include differences of opinion concerning public policy matters
  - False statement to or willful withholding from Congress on an issue of material fact relating to funding, administration, or operation of an intelligence activity
  - Reprisal or threat of reprisal in response to the reporting of an urgent concern



# WHO CAN RECEIVE A PROTECTED DISCLOSURE (PPD 19)?

---

- A supervisor in the employee's chain of command
- The head of the employee's agency
- The Director of National Intelligence
- The Inspector General of the Intelligence Community
- The employee's agency IG
- An employee designated to receive disclosures
- DoD IG
  - *Secret: SIPR Website: <http://www.dodig.smil.mil/hotline>  
(please contact the DoD Hotline at 1.800.424.9098 prior to sending)*
  - *Top Secret: JWICS at <http://www.dodig.ic.gov/hotline/index.html>  
(please contact the DoD Hotline at 1.800.424.9098 prior to sending)*
- IGMC: SIPR  
Website: <http://gccsportal.mcw.ad.usmc.smil.mil/sites/igmc/default.aspx>
- Or...Contact Mr. Ed Vogt via SIPR @ [edwin.vogt@usmc.smil.mil](mailto:edwin.vogt@usmc.smil.mil)  
(please contact the IGMC Hotline prior to sending)



# ***MERIT SYSTEMS PROTECTION BOARD (MSPB)***

---

- An independent quasi-judicial agency established to protect federal employees against abuse by agency management
- Refer these issues to MSPB ( [www.mspb.gov](http://www.mspb.gov) )
- Some examples:
  - Removal, terminations
  - Suspension for more than 14 days
  - Reductions in grade or pay
  - Performance-based removals or reductions in grade
  - Denials of within-grade salary increases
  - Reduction-in-force (RIF) actions
  - OPM determinations in retirement matters
  - Denials of restoration or reemployment rights



# ***EQUAL OPPORTUNITY COMPLAINTS***

---

- Equal Opportunity (EO) - Military
  - Sexual Harassment complaints
  - Discrimination complaints
  
- CIG Role
  - Refer to Equal Opportunity (EO) Office
  - Open a case in CMS and document action taken
  
- **EXCEPTION:** Any EO allegation against Senior Officials must be reported to IGMC



# EQUAL EMPLOYMENT OPPORTUNITY (EEO) COMPLAINTS

---

- Equal Employment Opportunity - Civilians
  - Sexual Harassment Complaints
  - Discrimination Complaints
- CIG Role
  - Refer to Equal Employment Opportunity (EEO) Office
  - Open a case in CMS and document action taken
- **EXCEPTION:** Any EO complaints against Senior Officials must be reported to IGMC



# SENIOR OFFICIAL ALLEGATIONS

---

- Defined
  - General Officer and BGen Selects (Active duty/Retired/Reserve)
  - Senior Executive Service or equivalent (Current and former)
  - Presidential appointees (Current and former)
- CIG role: Immediately notify IGMC / Do not put anything in CMS

Why?.....IGMC has sole authority over Senior Official Investigations

**IGMC has 5 business days from date the complaint was received  
to report Senior Official Allegations to DODIG**



# ***DADT REPEAL***

---

- No monthly reporting requirement to IGMC
- Investigate the allegation NOT orientation



# CRIMINAL ALLEGATIONS

---

- Defined as Offenses Punishable by Fine or Imprisonment
- IGs don't investigate Felony allegations
- Consult with your SJA
- Report criminal allegations to the subject's command for possible JAGMAN or Command Investigation
- Contact NCIS, PMO, CID to refer or obtain declination
- Maintain case in open status until investigation is completed



# ***SEXUAL ASSAULT COMPLAINTS***

---

- Unrestricted Reporting
  - Uniformed Victim Advocate (UVA)
  - Sexual Assault Response Coordinator
  - Chain of Command
  - Law Enforcement
- Restricted Reporting
  - Uniformed Victim Advocate (UVA)
  - Sexual Assault Response Coordinator
  - Military Healthcare Provider/Counselor
  - Chaplain
- CIG Role
  - Refer to the unit's Uniformed Victim Advocate



# ***IMPROPER MENTAL HEALTH EVALUATION REFERRALS***

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- DoDI 6490.4 - *Mental Health Evaluations (MHE) of Members of the Military Services, 4 Mar 2013*
- DODI 6490.04 defines MHE as: *A psychiatric examination or evaluation, a psychological examination or evaluation, an examination for psychiatric or psychological fitness for duty, or any other means of assessing the mental health of a Service member.*



# DoDI 6490.4

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- Does not apply to:
  - Voluntary self-referrals
  - Required pre and post deployment assessments
  - Responsibility/competency inquiries for CM
  - Family Advocacy Program interviews
  - Drug/Alcohol abuse rehab programs
  - Clinical referrals by healthcare providers w/consent
  - Evaluations under law enforcement or corrections procedures
  - Evaluations for Special duties or occupations



# WHO CAN REFER???

---

- Who has the authority to refer a Service member for an Involuntary MHE under the new rule?

Commanders and **Supervisors**

- A Supervisor is:

*A commissioned officer within a Service member's chain of command, or a civilian employee in a grade comparable to a commissioned officer, who exercises supervisory authority over the member; and is authorized due to the impracticality of involving the commanding officer.*



# ***NON-EMERGENCY REFERRALS***

---

- Commanders and supervisors who in good faith believe a subordinate Service member may require a MHE are authorized to direct an evaluation
- Requirements
  - Provide the member the name and contact info of the mental health provider
  - Inform the member the date, time, and place of the MHE
  - Explain that there is no stigma associated with obtaining mental health services
- What is not required anymore
  - A written memo
  - Right to contact an IG and/or attorney
  - 2 business days between notice and MHE



# EMERGENCY REFERRALS

---

- Any situation in which a Service member is found or determined to be a risk for harm to self or others:
  - A member, by actions or words, such as actual, attempted, or threatened violence, intends or is likely to cause serious injury to himself or others
  - When the facts and circumstances indicate the member's intent to cause such injury is likely
  - When the commanding officer believes the member may be suffering from a severe mental disorder
- Communicate to the mental health provider the circumstances and observations that led to the referral prior to or during transport
- What is not required anymore
  - Memo outlining the member's rights and reasons for the referral



# MHE FOLLOW ON ACTIONS

---

- Rights of the Service Member
  - *The member has the right, as soon as condition permits, after admission, to contact anyone the member chooses (eg. Relative, friend, Chaplain, Attorney, IG)*
  
- MHE Findings and Recommendations
  - Mental Health Providers advise Commander/ Supervisor
  - Information and recommendations to understand the member's condition in order to make reasoned decisions about safety, duties, and medical care requirements
  - How the commander/supervisor can assist member's treatment
  - Member's fitness and suitability for continued service and whether separation from Service is recommended



# ***CIG ROLE IN IMHE***

---

- Receive and analyze complaints from Service members that allege a command-directed MHE was conducted in reprisal for a protected communication
- DoDIG, IGMC and CIG may still receive complaints about procedural errors but those can be referred to the command and do not require IG involvement

**IGMC has 10 business days from date the complaint was received to report an Improper Mental Health Referrals as an act of Professional Retaliation to DODIG**



# CONGRESSIONAL & WHITE HOUSE INQUIRIES

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- Congressional
  - IG receive Member of Congress (MoC) inquiries
    - Directly from MoC – contact OLAC
    - From Office of Legislative Affairs
    - OLA will respond to MoC – MOC will respond to the complainant
- White House
  - IG receive White House inquiries
    - White House Liaison Office (WHLO)
    - Office of Legislative Affairs
  - Responses go to the WHLO
- Privacy Act Considerations



2010  
2009  
2008  
2007  
2004  
1991  
Born

 **Stephen Danbom** shared CNN's photo.  
December 29 at 1:26pm · 🌐

I admire the daily crap I take more than those domestic terrorists



CNN

Who do you admire the most? Barack Obama is the most admired man in the world and Hillary Clinton the most admired woman, according to Gallup's annual poll:  
<http://cnn.it/1Aeasqn>

Like · Share

👍 8 people like this.

 **Christopher Alexander O'Quin** you want a shitstorm. This poll is how you generate a shitstorm  
December 29 at 1:35pm · Like · 👍 1

 **Stephen Danbom** #fact haha  
December 29 at 2:17pm · Like

 **Randy Clinton** Hey bud, not sure if you want to make such a public scene about calling the president a terrorist next to you wearing your blues. It's a public post. Not sure if you really want this to go viral.  
December 29 at 2:21pm · Like · 👍 3

 **Stephen Danbom** Hey "bud", first, I don't know you. And second I still have rights and am free to express my beliefs. The very ones I have fought for and I will express them freely. Because this is America and I will not be shush ed into a corner because everyone else is scared of the dictator in charge. Not me. Not today satan  
December 29 at 3:32pm · Like



# SOCIAL MEDIA

---

- 96% of people under age 30 have joined a social network
- Social media is accepted and used throughout DoD to recruit, link families, and push information
- Everything you publish online has the potential to be seen by everyone – not just your family and friends
- Misuse of Social Media has a detrimental impact on the individual Marine and readiness of the unit
- Marines should use their best judgment at all times and avoid inappropriate behavior that could bring discredit upon themselves, their unit, and the Marine Corps. This includes posting any defamatory, libelous, abusive, threatening, racially or ethically hateful or otherwise offensive or illegal content. (MARADMIN 365/10)



# SOCIAL MEDIA

---

- 3-5 social media sites purport to depict Marine Corps culture
  - Participants bill themselves as a movement to defend Marine infantry culture
- Online community of approx. 20,000 committed followers
  - A mix of active duty Marines, former Marines, and civilians
  - Exact breakdown difficult to determine due to anonymity of many postings
- Sites display sexist content in two forms:
  - General – misogynist images and posts
  - “Fire missions” - targeted attacks against individuals
- Sites are drawing negative attention from Congress and the media
- Perception is that Marine Corps is not doing enough

*"The 'humor' expressed on this page and similar pages ... contribute to a culture that permits and seems to encourage sexual assault and abuse." – Rep. Speier to CMC, 08 May 2013*



# ***SOCIAL MEDIA – CURRENT APPROACH***

---

- Current efforts are reactive
  - USMC acts only in response to specific complaints
  - Removal of offensive material can take days/weeks
- Inappropriate personal online activity is prohibited by policy
  - Some offenders have been punished under UCMJ (Arts. 92, 93, and 134)
- Web hosts have shutdown sites in response to complaints
- Despite efforts, continued presence of sites gives perception USMC is not doing enough
- Marines are responsible for all content they publish on social networking sites, blogs, or other websites (MARADMIN 365/10)
- Report to IGMC events and incidents likely to attract media interest!



# HAZARDOUS WORK CONDITIONS

---

- Command Safety Program
- IG **will not** normally work
- IG May look into a systemic issue
- Teach and train



# ***ALLEGATIONS AGAINST MEMBERS OF SAPs & SAs***

---

- Allegations against
  - Members of special access programs (SAP)
  - Members of sensitive activities (SA)
- Contact IGMC Office for Intelligence Oversight (IO) Mr Vogt ([edwin.vogt@usmc.mil](mailto:edwin.vogt@usmc.mil) / 703-604-4518)



# ISSUES WITH OTHER FORMS OF REDRESS

---

- Refer Complainant to agency
- Teach and Train complainant about other forms of redress
  - Claims
  - Financial Liability Investigation of Property Loss (FLIPL)
  - Evaluations
  - Enlisted Reductions
  - Fitness Reports
  - Non-judicial punishment
  - Separations
  - Security clearances
  - Board for Correction of Naval Records (BCNR)



# ISSUES WITH OTHER FORMS OF REDRESS

---

- Accusations against Specific Professions/Professional Advice
  - Lawyers → Service-related Legal Advisor to Senior Counsel
  - IGs → IGMC within 2 workdays after receipt
  - Chaplains → Next higher supervisory Chaplain
  - Medical → Appropriate medical agency or Command IG
  - NCIS Investigative Agents → NCIS IG
  - CID Investigative Agents → Appropriate commander
- CIG Role: Open a case in CMS and document action taken



# QUESTIONS?

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# ***DAY 1 SURVEY – SURVEY MONKEY***

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<https://www.surveymonkey.com/s/87MPKWD>

