

2015 OKINAWA IGMCM TTT

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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

- Inspector General Concept and System Overview
- IG Functions
- Command Inspector General Roles and Responsibilities
- Cognizance
- Prohibited Duties
- Confidentiality



IG PHILOSOPHY AND CONCEPT

- 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



IG FUNCTIONS - ASSISTANCE

- Assistance
 - Manage 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



IG FUNCTIONS - INVESTIGATIONS

- Investigations
 - Report Senior Official Complaints
 - Conduct Military Reprisal (MRI)
 - Improper Mental Health Referrals



IG FUNCTIONS - INSPECTIONS

- 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



IG FUNCTIONS - TEACH AND TRAIN

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



ROLE OF DoDIG

- 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

- 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



GOVERNING DOCTRINE

Independence: IG must be free in fact and appearance from all impairments to independence

Timeliness: IG investigations must be conducted and completed in a timely manner

Thoroughness: IG investigations must address all relevant issues clearly and concisely

Confidentiality: IG Act combined with discretion and common sense



WHO IS AN IG?

- Officers and civilians
- Assigned to duty as an IG



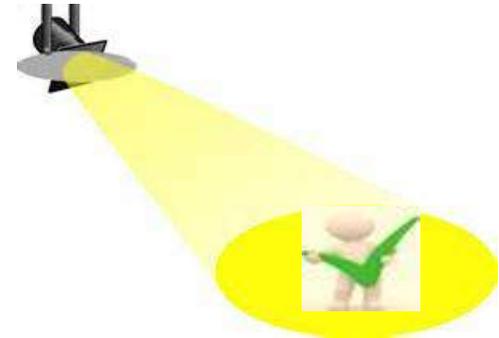
IG CATEGORIES

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

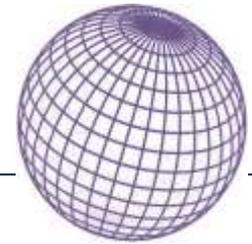


PERSONAL AND PROFESSIONAL STANDARDS

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



SPAN OF IG COGNIZANCE



- 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 J-2 DoD civilian personnel
 - Criminal Activities
 - Report to Commander and SJA
 - Refer allegations to NCIS



DUTY RESTRICTIONS AND PROHIBITED ACTIVITIES

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



DUTY RESTRICTIONS

- Assignments to any non-IG assistance or evaluation functions
- 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

- Participation in the establishment of command policy outside of the IG function
- Concurrence or non-concurrence in the staffing process for command policy (IG's reply should be "noted")
- Association with individuals or organizations that may cause a reasonable person to question a IGs impartiality or objectivity
- Do not establish Command Policy

Note: IGs may sit on court martial panels.



CONFIDENTIALITY



IG COLLABORATION

“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

- 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

- 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

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



CIG AND THE IGMC AO

- 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

- 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

- 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

- 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

- 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?





INSPECTOR GENERAL

United States Marine Corps



★ HONOR ★ COURAGE ★ COMMITMENT ★

PRESENTED BY: MS. ANNETTE HANKE, HOTLINE COORDINATOR

ASSISTANCE

ASSISTANCE

- What is Assistance?
- 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?

- 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

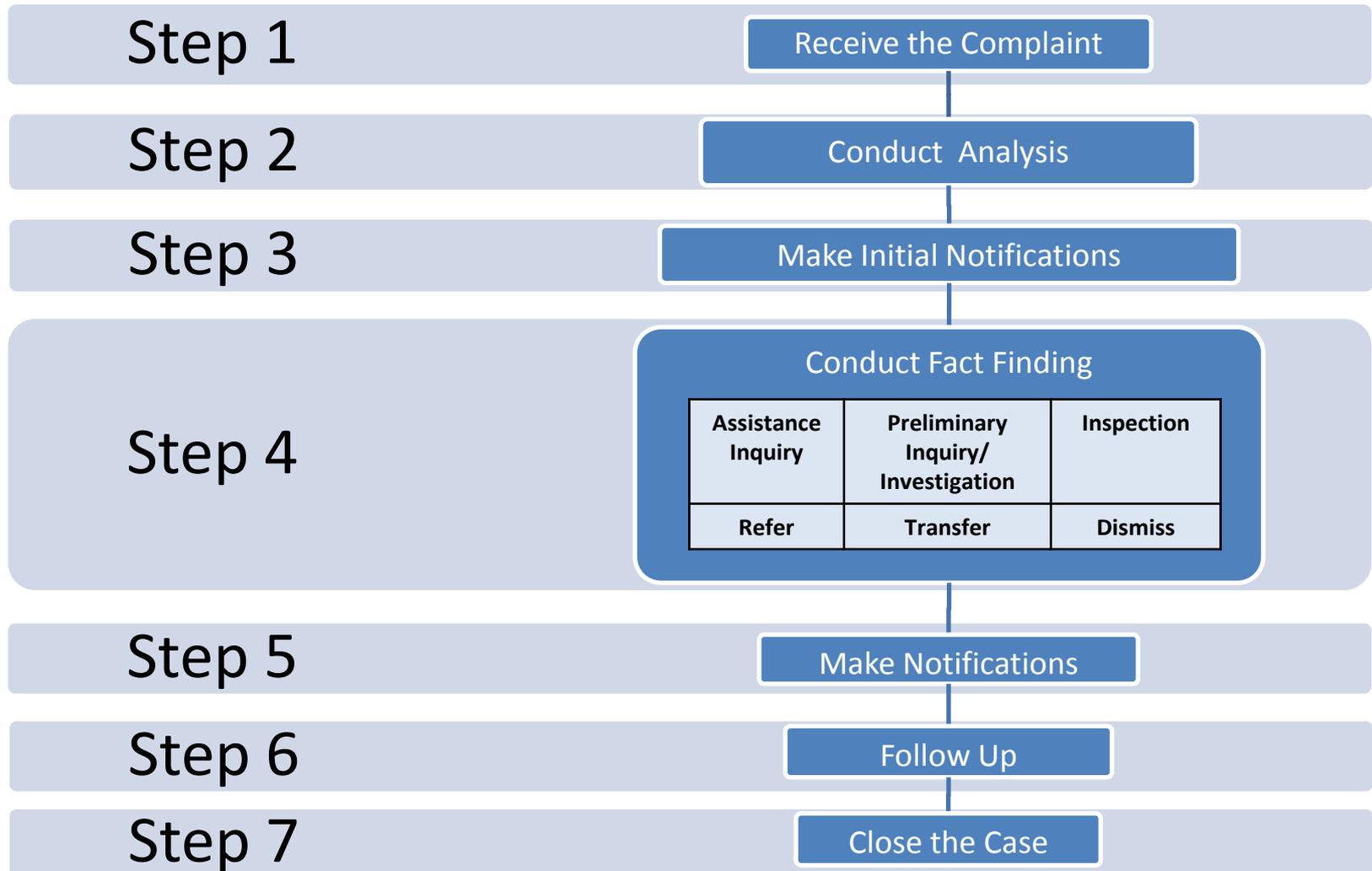


TEACH AND TRAIN

- 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)

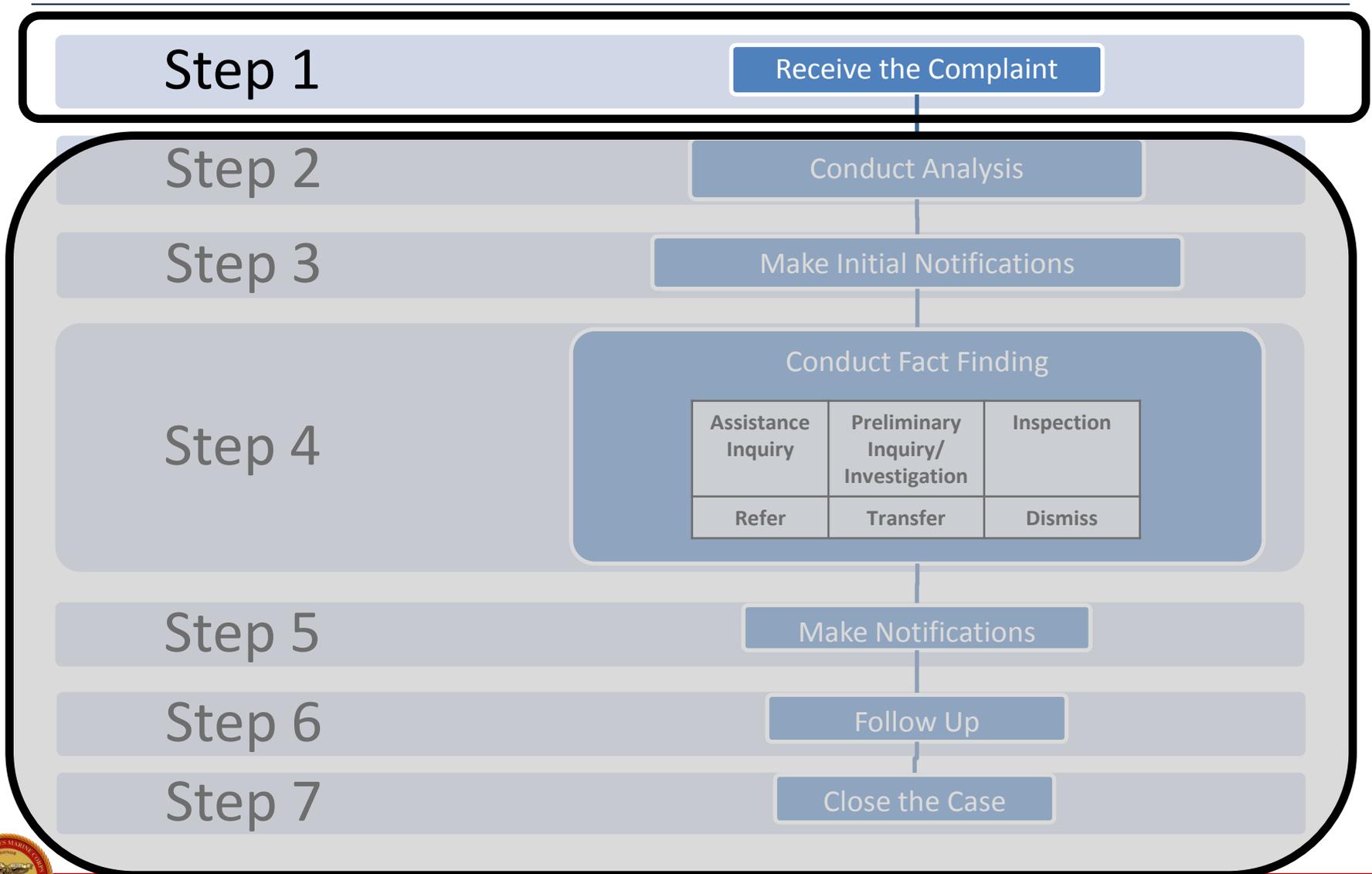


IGAP OVERVIEW

- 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)



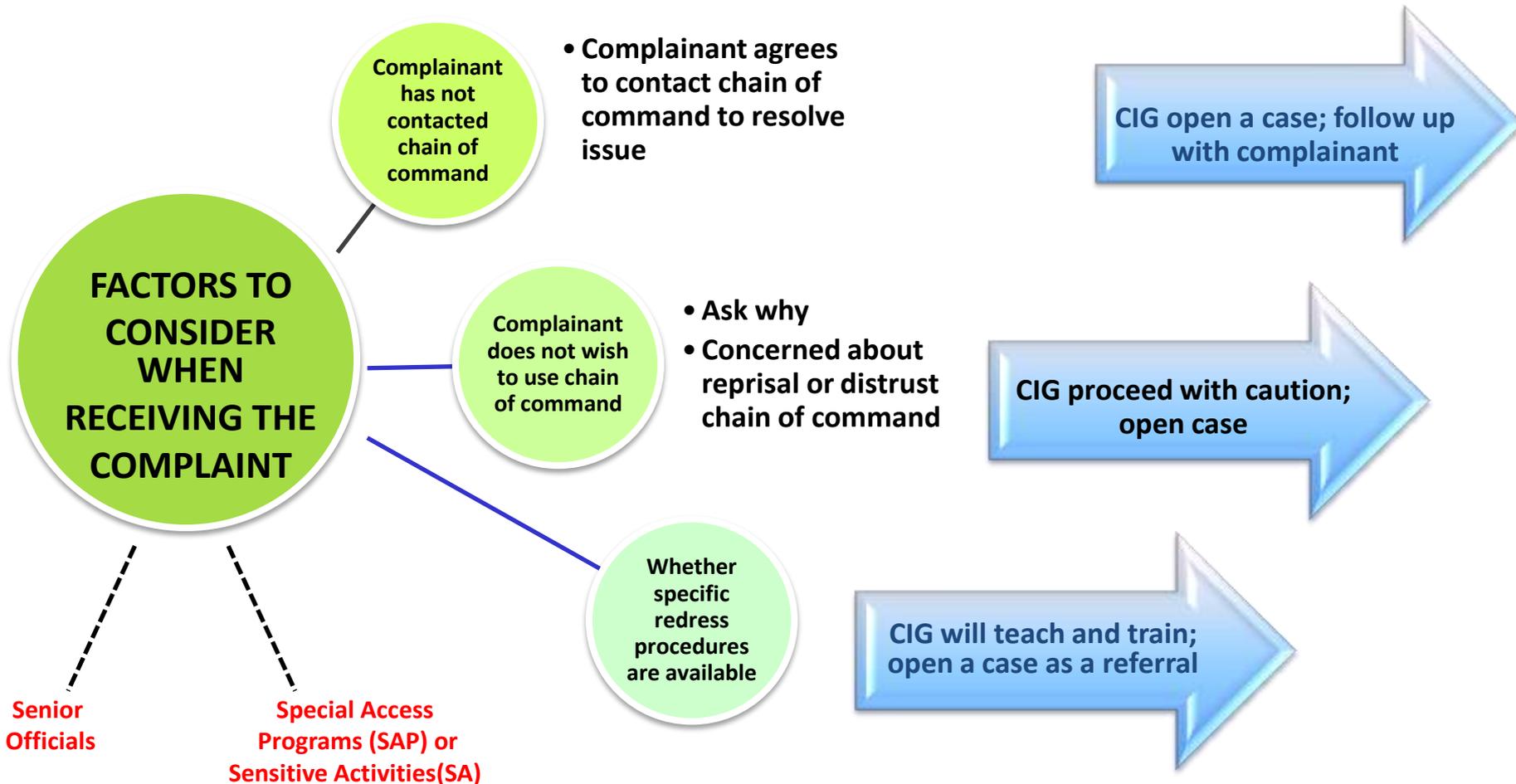
WHO CAN SUBMIT A COMPLAINT?



ANYONE



STEP ONE – RECEIVE THE COMPLAINT



IGMC COMPLAINT FORM



INSPECTOR GENERAL OF THE MARINE CORPS COMPLAINT FORM

Email: wrights.igmc.hq@mc.marines.mil FAX #: (703) 604-7021
Mail: HQMC Code 10, 701 S. Courthouse Rd, Suite 1200, Arlington, VA 22204-2485

This form is provided for individuals to provide an outline of information the IGMC requires to conduct an analysis of the complaint. The complaint can be sent via e-mail, FAX, or by mail. You may print this form, fill in all of the requested information, and send it to a Command Inspector General ([see list of Command Inspector General Offices for command fax numbers](#)). Frequently Asked Questions can be found at the IGMC website.

Date: _____

1. Do you wish to remain anonymous?

Yes No

(If yes, do not identify yourself below.)

2. If no, do you want confidentiality?

Yes No

(If yes, identify yourself below. We will make every effort to protect your identity from disclosure; however, we cannot guarantee confidentiality since disclosure may be required during an investigation or in the course of corrective action.)

3. Are you willing to be interviewed?

Yes No

4. Have you previously or do you intend to contact a Command Inspector General, Department of Defense Inspector General or any US Congressmen's Office concerning this complaint?

Yes No

Command Inspector General contacted: _____ Date: _____

DoD Inspector General contacted: _____ Date: _____

Congressional Office contacted: _____ Date: _____

Provide the action taken by the office listed above, if any:

5. Your Name: (no nicknames, include maiden name if applicable)

First - _____ MI: _____ Last - _____ Rank/Grade - _____

Mailing Address:

Address: _____ City - _____ State - _____

Zip code - _____ Country - _____

Home Telephone: (Area Code & number) (include country code, if applicable)

Work Telephone: (Area Code & number) (include DSN and/or country code, if applicable)

IGMC Form 10-01-10

1

Do not enter SSN –
Enter EDPI if needed

Contact
information

Background
information

What do you
want the IG to
do for you?



PURPOSE AND USE OF COMPLAINT FORM

- 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:

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



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
 - Do not send a reply if the identity is later determined



STEP ONE – RECEIVE THE COMPLAINT

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



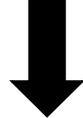
IG APPROPRIATENESS

- 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!



STEP ONE – RECEIVE THE COMPLAINT: OPEN A CASE

- Open a case in CMS



CMS
Case
Management
System

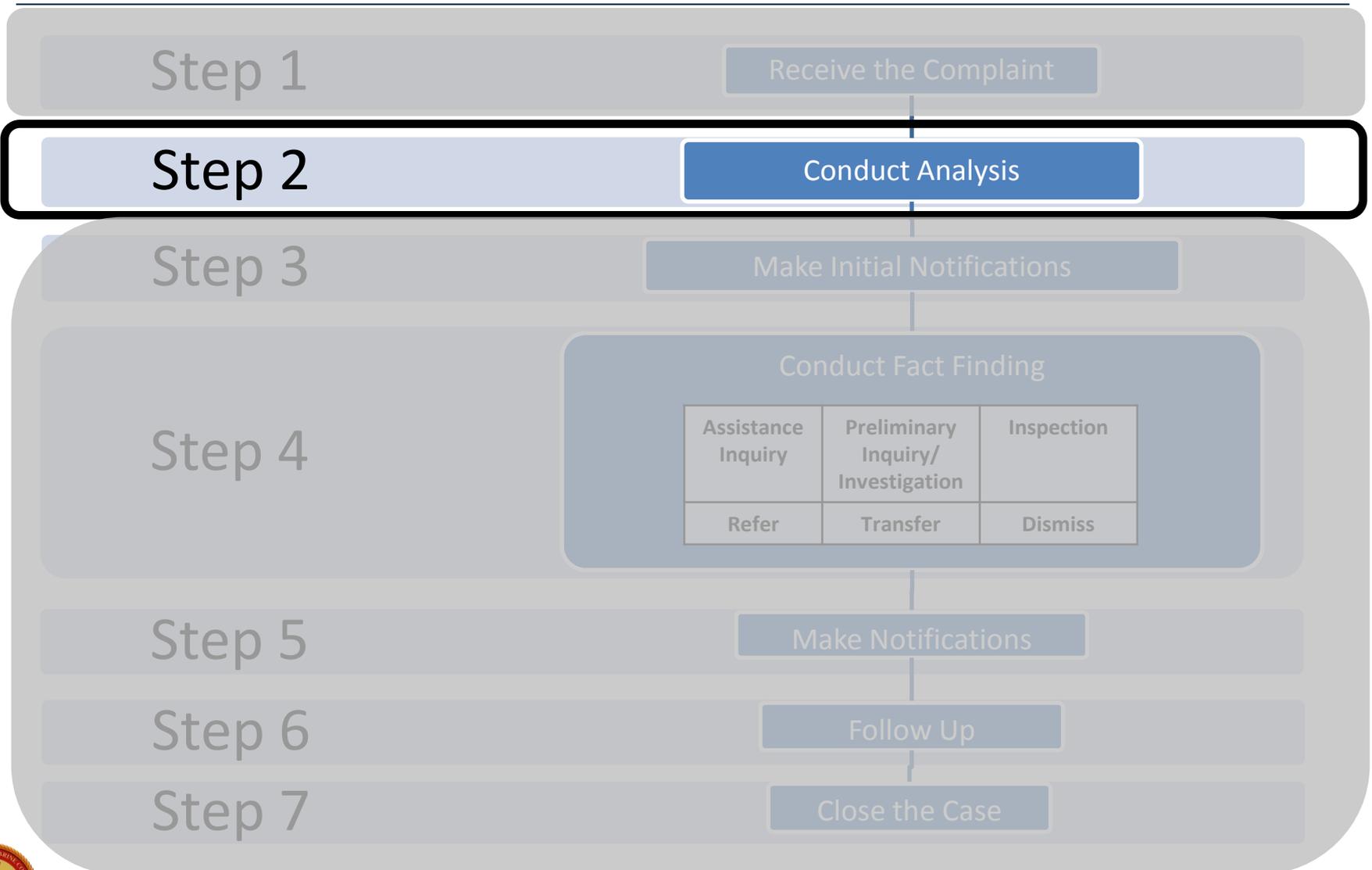
Coming soon.....



DCATS
Defense Case
Activity Tracking
System



IG ACTION PROCESS (IGAP)



STEP TWO – CONDUCT ANALYSIS: ACKNOWLEDGE RECEIPT

- 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

- 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



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:

Transfer

Assistance Inquiry

Refer

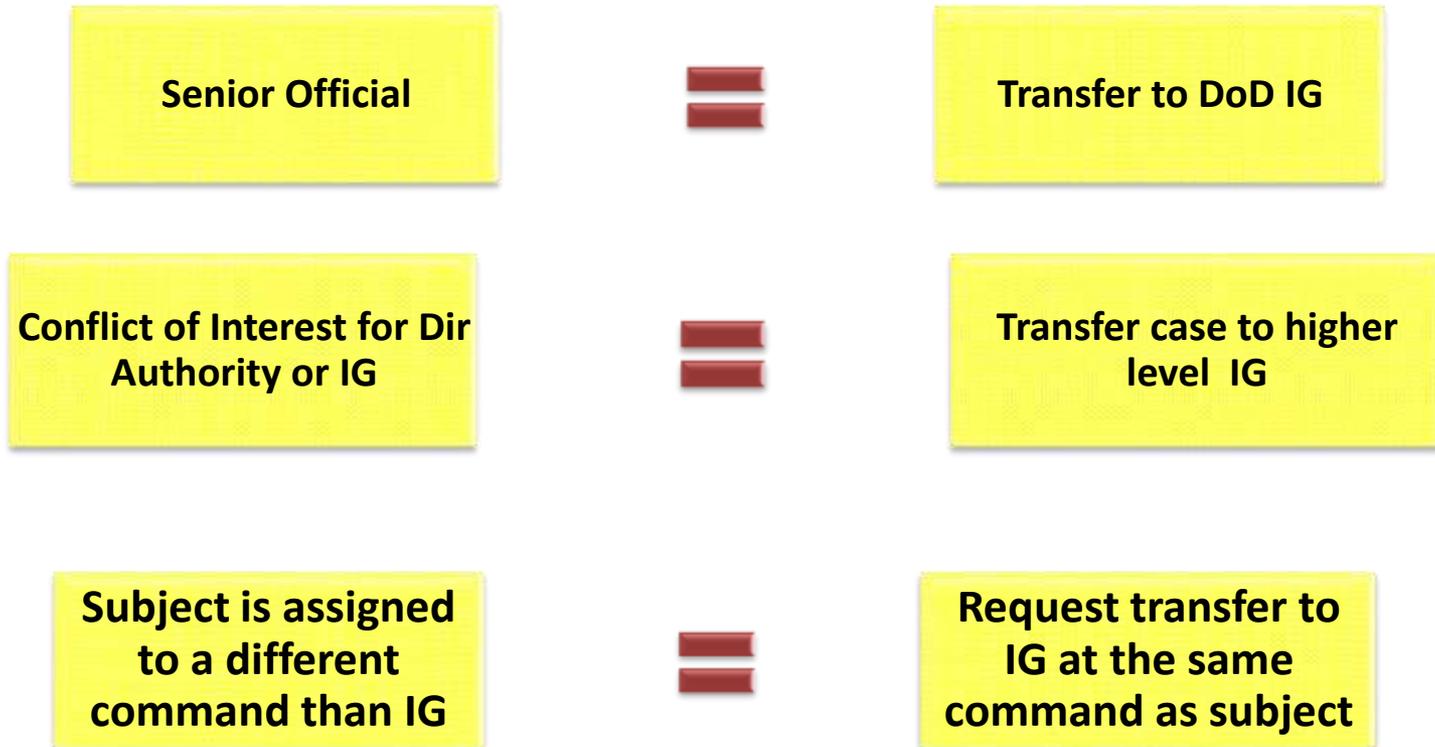
Dismiss

Investigation or PI

Inspection



STEP TWO – CONDUCT ANALYSIS: COA - TRANSFER



STEP TWO – CONDUCT ANALYSIS COA – ASSISTANCE ANALYSIS

- 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



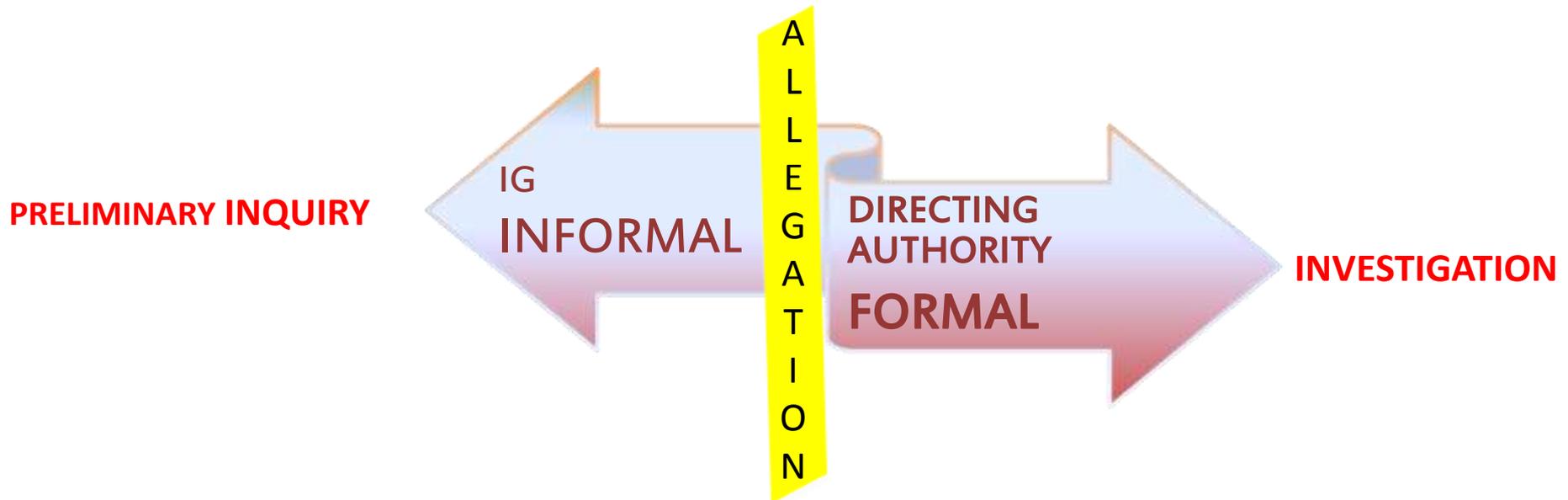
Higher level IG office has already addressed the matter

No new evidence or information that justifies further inquiry or investigation



STEP TWO – CONDUCT ANALYSIS: COA PRELIMINARY INQUIRY OR INVESTIGATION

PI determines Investigative Merit

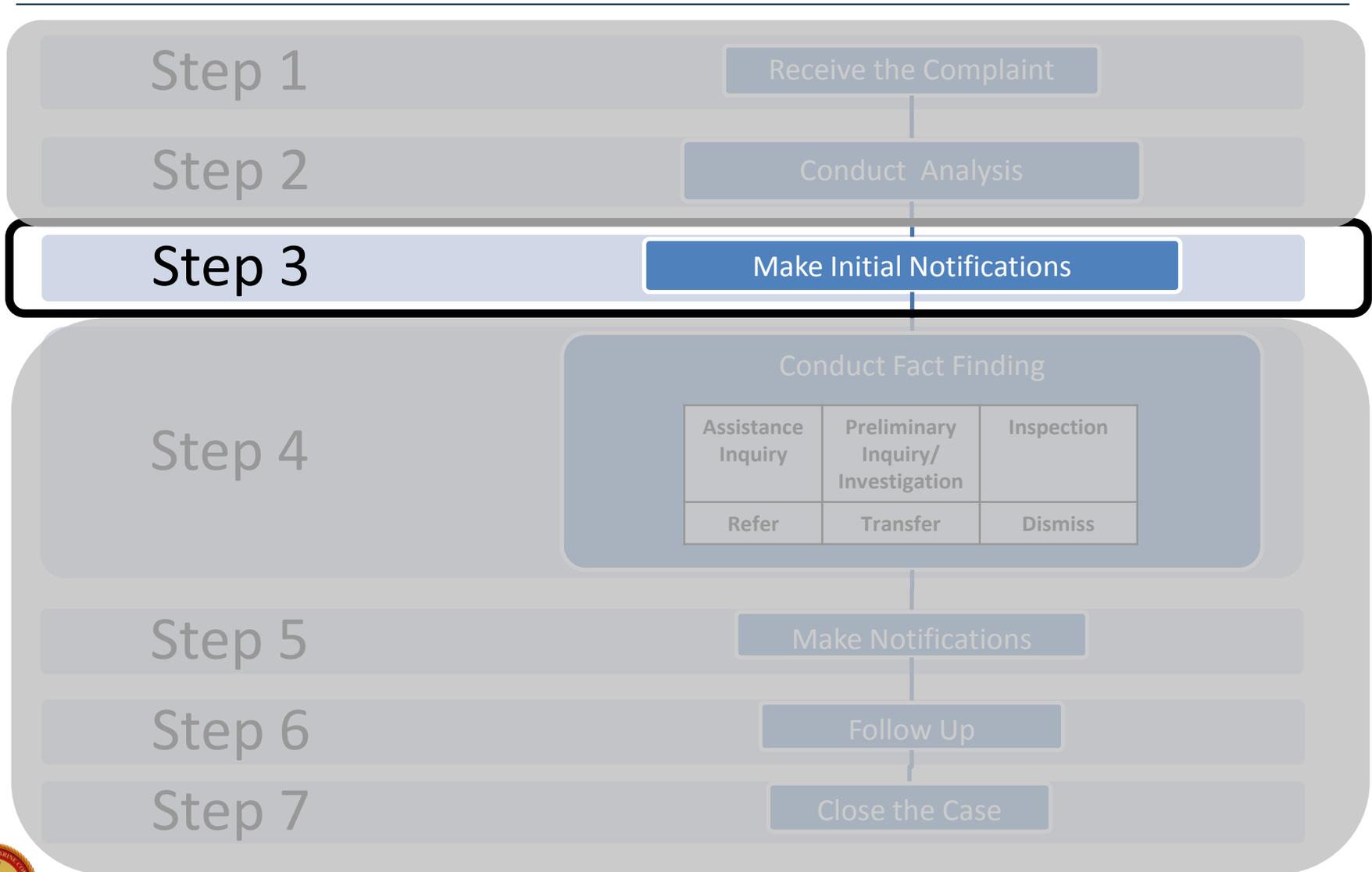


STEP TWO – CONDUCT ANALYSIS: COA - INSPECTION

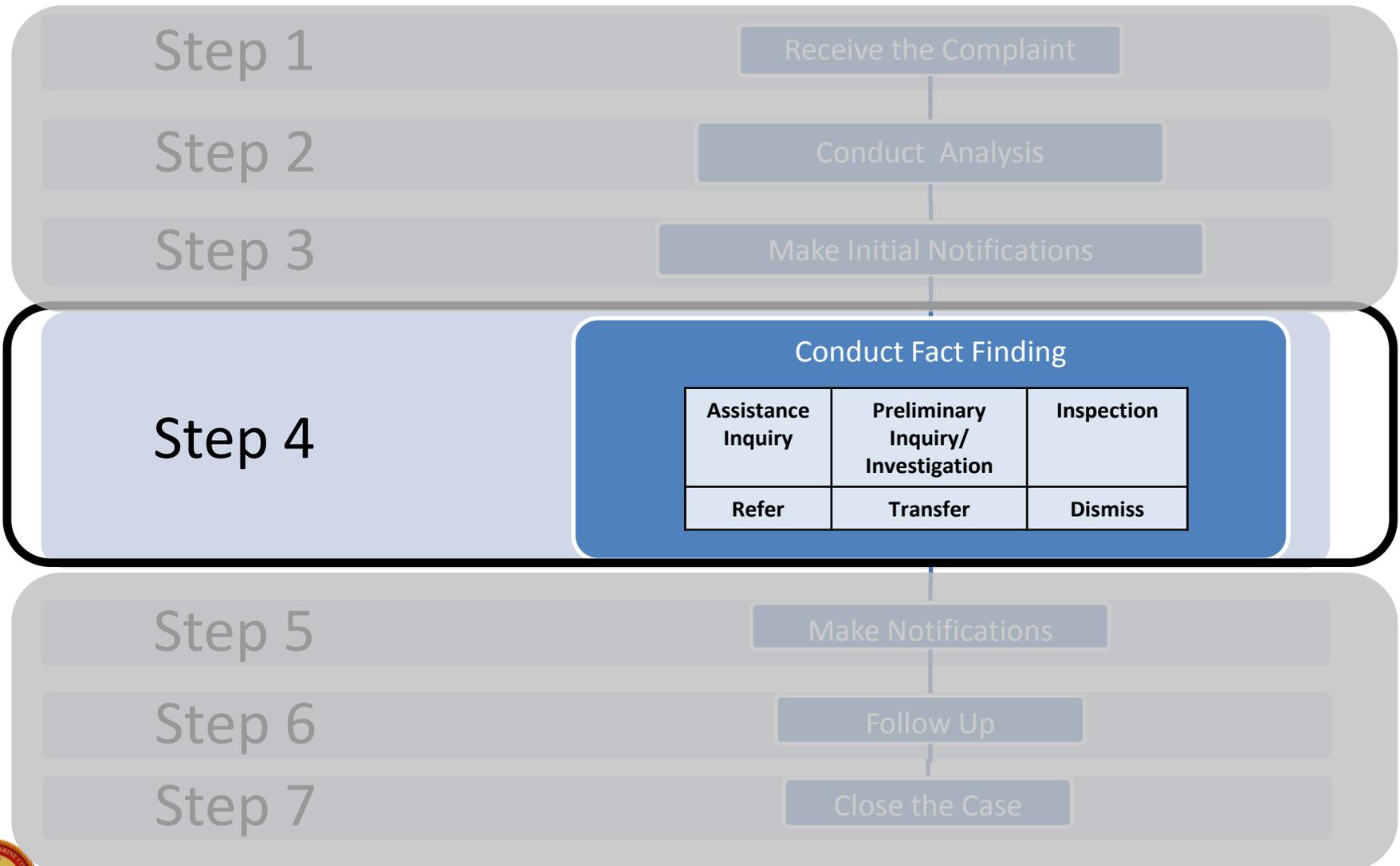
- IG may be faced with matters that are recurring issues or may not be easily resolved due to systemic problems
- Inspection can
 - identify the root cause
 - provide recommendations to fix systemic problems



IG ACTION PROCESS (IGAP)



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



TYPES OF TASKINGS FROM IGMC

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



INFORMATION LETTER (IL)

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.



ACTION FOR IL

CIG Decision

No action needed

Intermediate action

Preliminary Inquiry (PI) or Investigation



IL DELIVERABLE TO A&I

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

No action needed = email

Intermediate = Memorandum for Record (MFR)

Preliminary Inquiry = MFR

Investigation = HCR

JAGMAN Investigation + CIG Product



SPECIAL INTEREST LETTER (SPLINT)

Must answer questions posed by IGMC

COA situationally dependent

The questions are NOT Allegations



ACTION FOR SPLINT

CIIG Decision

Explanation

Preliminary Inquiry

Investigation



SPLINT DELIVERABLE TO A&I

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

Explanation = MFR

Preliminary Inquiry = MFR

Investigation = HCR

JAGMAN Investigation + CIG Product



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

Keeps complaints in the most appropriate grievance channel

Creates realistic expectations for all involved

Focuses investigation – Proper scope

Protects IG credibility



QUESTIONS?





INSPECTOR GENERAL

United States Marine Corps



★ HONOR ★ COURAGE ★ COMMITMENT ★

PRESENTED BY: *DANIELLE P. BIANCHI*

COUNSEL FOR THE INSPECTOR GENERAL OF THE MARINE CORPS,

OFFICE OF THE COUNSEL FOR THE COMMANDANT

ETHICS & STANDARDS OF CONDUCT

AGENDA

- Conflicts of Interest
- Unauthorized Commitments
- Use of Non-Public Information
- Use of Government Resources
- Gifts
- Solicitation
- Fundraisers
- Post-Government Employment
- Political Activity: Hatch Act



INTRODUCTION

- What are “ethics”?
 - Rules, not morals
 - Complex, fact-driven analysis

- To whom do ethics rules apply?
 - All U.S. Government employees
 - Contractor application

- What happens when rules are broken?
 - Court-martial or Nonjudicial punishment
 - Administrative action (letter of reprimand)
 - Civil lawsuit
 - DONCAF notifications



KEY ETHICS REFERENCES

- Office of Government Ethics, 5 C.F.R. §2635 - Standards of Ethical Conduct for Employees of the Executive Branch
- DoD 5500.07-R, Joint Ethics Regulation (JER)
- 5 C.F.R. §3601 - Supplemental Standards of Ethical Conduct for Employees of the Department of Defense
- Title 18, United States Code



GENERAL PRINCIPLES OF PUBLIC SERVICE

- 1) Public Service is a Public Trust**
- 2) No financial interests that conflict with the conscientious performance of duty
- 3) No financial transactions using nonpublic Government information
- 4) No gift solicitation or acceptance from any person or entity seeking official action
- 5) Honest effort in the performance of duties**
- 6) No unauthorized commitments/promises of any kind purporting to bind the Government
- 7) No use of public office for private gain**



GENERAL PRINCIPLES OF PUBLIC SERVICE (CONT.)

- 8) Act impartially: no preferential treatment to any private organization or individual
- 9) Protect and preserve Federal property, using for only authorized activities
- 10) No outside employment that conflicts with official Government duties and responsibilities
- 11) Disclose fraud, waste, abuse, and corruption
- 12) Satisfy obligations as citizen (i.e., taxes)
- 13) Provide equal opportunities for all Americans
- 14) Avoid any actions creating the appearance of an ethical violation (reasonable person standard)**



CONFLICTS OF INTEREST (COI)

- **Rule:** An employee may not participate personally and substantially as a Government officer or employee in any particular matter in which he, his spouse, or minor child has a financial interest.

- Resolving a COI or potential COI:
 - PRIOR disqualification from participating in the matter
 - Provide written notice to all parties
 - Reassignment of duties
 - Divestiture of assets



UNAUTHORIZED COMMITMENTS

- **Rule:** Employees shall not make unauthorized commitments or promises obligating the Government without the authority to do so.

- **Examples:**
 - Making contracts
 - Agreeing to buy items to be billed to Government
 - Obtaining services by making a promise to pay
 - Accepting liability on behalf of the Government
 - Waiving a debt owed to the Government



USE OF NON-PUBLIC INFORMATION

- **Rule:** Employees shall not engage in financial transactions using non-public official or Governmental information, or allow the improper use of such information to further any private interest.

- **Examples:**
 - Personally Identifiable Information (PII)
 - Future Government actions
 - Proprietary business information
 - Source selection information
 - Hiring decisions



USE OF GOVERNMENT RESOURCES

- Personal use of Government property--minimal
- Areas subject to abuse:
 - General office materials
 - General office equipment
 - Subordinate employee time
 - Official Government transportation
- Misuse of position: An employer shall not encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of official duties or authorized by other law or regulation.
- Voluntary Services: Appropriate Compensation—FMV of service



GIFT ANALYSIS

- **Rule:** An employee shall not directly or indirectly solicit or accept a gift.
- Is it from a prohibited source?
- Is it offered because of your official position?
- Is it a “gift”?
 - Exclusions: Modest items of food; of little intrinsic value (cards, plaques)
- Is there an exception?
 - Gifts up to \$20, up to \$50/year; based on personal relationships/outside employment*
- Is there a limitation on the exception?
- Is there an appearance problem? Frequency?



GIFTS—SPECIAL

- Foreign gifts:
 - May accept gift of “minimal value” (retail value in US at time of acceptance of **\$375*** or less)—prior written determination now required per ALNAV 077/14
 - Must aggregate gifts (including gifts to spouse)
 - Diplomatically refuse, accept as gift to US, pay FMV
- Gifts to supervisors:
 - Generally no
 - Exception: Infrequent, special occasions (wedding, illness, birth of child, or occasion that terminates the superior/subordinate relationship)
 - *Never cash—“appropriate to the occasion”*
 - *MUST be voluntary*
 - *\$10 per person (free to voluntarily give more)*
 - *Aggregate gifts up to \$300*
 - Exception: Hospitality and host/hostess gifts, occasional basis items <\$10
- Gifts from supervisors:
 - No \$ limit but generally discouraged to ensure equity among subordinates



SOLICITATION

- **Rule:** A DoD employee shall not knowingly solicit or make solicited sales to DoD personnel who are junior in rank, grade or position, or to family members of such personnel, on or off duty.
- From junior to senior: no rule but discouraged
- Base Orders on door-to-door solicitation
- **NO!!!:** Girl Scout Cookies, Mary Kay, School fundraisers, etc.
 - CFC and Navy-Marine Corps Relief are authorized
 - By/For/Among: OK (doesn't include contractors)
 - Informal funds/soda messes



FUNDRAISERS

- No active and visible participation in event: do not sit at head table, be the honorary chairperson, stand in receiving line, etc.
- Appearance: avoid the VIP dinner before the event because pictures taken can look like selling access to the GO/gov't official
- SECDEF (Gates) Model: spoke at a dinner only and then left without eating
- Personal Capacity Disclaimers: at the beginning and end of the speech (or the blog entry, article, etc.) so it is clear that you are acting in your personal capacity
- DoD title: should not be given in a biography unless listed with at least three other facts so it is not the primary fact highlighted



OTHER ETHICS TOPICS

- **Post-Government Employment:**
 - Lifetime prohibition in matters in which participated personally and substantially
 - Two-year restriction in matters pending under official responsibility
 - One-year “cooling off” period for senior employees
 - Procurement Integrity Act: special reporting rules for procurement officials
 - 2014 DoD Public Affairs Guidance for Political Campaigns and Elections

- **Hatch Act:** Restricts partisan political activities of civilian DoD employees
 - DoD policy further restricts the partisan political activities of certain political appointees and SES
 - Military Personnel: Similar rules, which are described in DoD Directive 1344.10, Political Activities by Members of the Armed Forces—should not engage in partisan politics
 - *Partisan* is any activity associated with the success of a political party, candidate for partisan political office, or partisan political group



GEN WARD, COMMANDER, US AFRICOM

- 79 Trips/TDY 389 days from May 08 – Mar 11. 52 of the trips with spouse
- ALL on MilAir
- Questionable official activity—staff urged to find reasons for spousal travel
- Gifts: accepted dinners, hotel rooms, Broadway tickets from prohibited sources
- Gave personalized coins purchased with ORF as awards/gifts
- Used staff for personal services

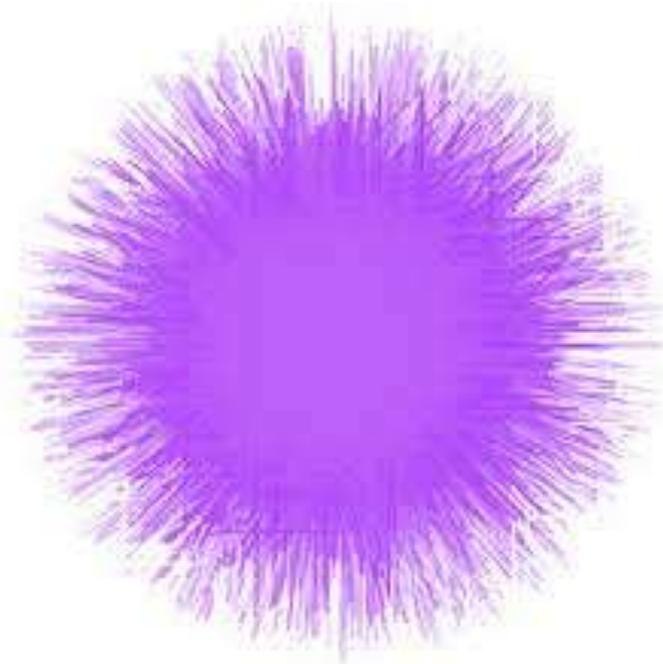


WHO TO CALL...

- If you have an ethics concern or question:
 - **Ethics Counselors: SJA/CL**
 - Designated Agency Ethics Officer
 - Ethics communications are not protected by the A/C Privilege and agency ethics officials are required to report violations of criminal code (Title 18).
 - §2635.107: Good faith reliance upon the advice of an agency ethics official (provided all circumstances disclosed) will prevent disciplinary actions for violations. It will NOT prevent prosecution for violating a criminal statute.
 - IG Hotline
 - Ethics and SOC are complex: asking an attorney before something is a problem gives the attorney the time to provide the risk analysis.



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

- Military Whistleblower Reprisal
- Civilian Complaints
- Senior Officials
- Equal Opportunity
- Equal Employment Opportunity
- DADT Repeal
- Criminal
- Improper Mental Health Evaluation Referrals
- Congressional / White House Inquiries
- Media Matters
- Hazardous Work Conditions
- Allegations Against Members of SAPs & SAs



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)



CIVILIAN COMPLAINTS - REPRISAL

- Appropriated Fund Employees
 - 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 (1-800-242-9098)

- DoD Contractors
 - 10 USC 2409
 - Refer to DoDIG Hotline (1-800-242-9098)

- Local / Foreign Nationals
 - Status of Forces Agreement (SOFA)



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 (<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



SENIOR OFFICIAL ALLEGATIONS

- Defined
 - General Officer and BGen Selects (Active duty/Retired/Reserve)
 - Senior Executive Service (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 Days to report Senior Official Allegations to DODIG from date that complaint was received



EQUAL OPPORTUNITY (EO) COMPLAINTS

- Equal Opportunity - Military
 - Sexual Harassment Allegations
 - Sexual Assault Allegations
 - Discrimination Allegations
- CIG Role
 - Refer to Equal Opportunity (EO) Office
- **EXCEPTION:** Any EO allegation against Senior Officials must be reported to IGMC



EQUAL EMPLOYMENT OPPORTUNITY (EEO) COMPLAINTS

- Equal Employment Opportunity - Civilians
 - Sexual Harassment Allegations
 - Discrimination Allegations
- CIG Role
 - Refer to Equal Employment Opportunity (EEO) Office
- **EXCEPTION:** Any EO allegation against Senior Officials must be reported to IGMC



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



MENTAL HEALTH EVALUATION (MHE) REFERRALS

- DoDI 6490.1 - *Mental Health Evaluations of Members of the Armed Forces*, 1 Oct 1997 and **4 Mar 2013**
- DoDD 7050.6 - *Guide to Investigating Reprisal and Improper Referrals for Mental Health Evaluations*, 23 July 2007
- 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

- 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



MHE REFERRAL

- 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 to report Improper Mental Health Evaluation complaints to DODIG within 10 DAYS of the complaint



CONGRESSIONAL & WHITE HOUSE INQUIRIES

- 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://cn.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** 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 / 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
 - Military Board of Corrections



QUESTIONS?



LAW OF WAR VIOLATIONS

- Law of War – International law that regulates the conduct of armed hostilities
- DoDD 2311.01E, “Law of War Program”
- CJCSI 5810.01D, “Implementation of the DoD Law of War Program”
- Reportable is any possible, suspected or alleged credible Law of War violation, that occurred during armed conflict or military operations
- Allegations are reported through the chain of command
- IG’s chain of command reports the allegations to the Secretary of the Army, Executive Agent for Law of War violations
- Handling Law of War violations
 - IG reports violations to the chain of command
 - IG does not conduct an investigation
 - *Violations are inherently criminal and not normally appropriate for Joint IG action*



PRIVATE INDEBTEDNESS OF MILITARY PERSONNEL

- Members of the Military Services are expected to pay their financial obligations in a proper and timely manner
- DoD Components have no legal authority to require members to pay a private debt or to divert any part of their pay for satisfaction of a private debt
- Some State laws limit creditors contacting a debtor's employer
 - **Check with legal**
 - **Refer to Command**



NONSUPPORT OF FAMILY MEMBERS

- Service members are expected to provide adequate support
- Commander's responsibility -- not Joint IG's
 - Counsel / interview Service member
 - Check with legal
 - Respond to complainant
- IG's responsibilities:
 - Ensure chain of command is informed
 - Ensure family's immediate needs are met
 - Do not offer opinions, do not take sides
 - Obtain Privacy Act Statement to release personal information
- Document action taken
- Teach and train



DAY 1 SURVEY – SURVEY MONKEY

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

