

2015 OKINAWA IGMCMTT

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INSPECTOR GENERAL

United States Marine Corps



★ HONOR ★ COURAGE ★ COMMITMENT ★

PRESENTED BY: MS. ANNETTE HANKE, HOTLINE ADMINISTRATOR

CASE MANAGEMENT SYSTEM (CMS)

CMS ACCESS

1) Request HQI Account here:

<https://ehqmcsupport.usmc.mil/sites/mcwar/default.aspx>

2) Within 24-48 hours, confirmation email will be sent that account is created

3) Send email to IGMC Organizational Mailbox with the following items

- HQI account confirmation email
- CMS Access Request Form



CMS LINK

<http://www.hqmc.marines.mil/igmc/UnitHome.aspx>

[Best Practices 2011-2012](#)
[Functional Area Checklists](#)
[Submit A Complaint](#)
[Readiness Assessment Request Form](#)
[IGMC Assistance Guide](#)
[IGMC Inspections Guide](#)
[IGMC Intelligence Oversight Guide](#)
[IGMC Concepts and Systems Guide](#)
[IGMC Investigations Guide Part 1](#)
[IGMC Investigations Guide Part 2](#)
[IGMC Investigations Guide \(Appendix A-J\)](#)
[IGMC 2012 Campaign Plan](#)
[IGMC Special Interest \(SPIN\) Brief - 20130213](#)
[IGMC Newsletter \(30 March 2012\)](#)
[SAT Brief, April 2012](#)
[Core Functional Area Trends FY-12](#)

SITES OF INTEREST

[HQMC Privacy Act](#)
[Office of Government Ethics](#)
[Standards of Conduct Office](#)
[Information System Protection Board](#)
[Case Management System \(CMS\)](#)



CMS – OPENING A NEW CASE

The screenshot shows a web browser window with the URL <https://ehqmc.usmc.mil/org/igmc/cms/SitePag...>. The page features a navigation menu with 'Home', 'Search', 'Reports', 'Rolodex', 'Training and Reference', and 'Admin'. Below this is a sub-menu with 'Alerts', 'My Cases', 'All Office Cases', and 'My Notes'. The 'My Cases' section is highlighted with a red bar, and a 'Create a New Case' button is circled in red. Below the button is a table of existing cases.

Actions	Case ID	Agency	Directing Primary Officer	Action Agency	Action Primary Officer	Case Type	Case Action	Case Status	Due Date
Edit	14011	IGMC	Cassidy, James P.	IGMC	Cassidy, James P.	Assistance	IGMC Investigation/Inquiry/Review	Oversight	18-Mar-15
Edit	13987	IGMC	Cassidy, James P.	IGMC	Cassidy, James P.	Assistance	IGMC Investigation/Inquiry/Review	Analysis	12-Mar-15
Edit	13976	IGMC	Biello, Christopher J.	IGMC	Biello, Christopher J.	Assistance	IGMC Investigation/Inquiry/Review	Analysis	10-Mar-15
Edit	13971	IGMC	Geldhof, Matthew E.	IGMC	Geldhof, Matthew E.	Assistance	Command Investigation/Inquiry/Assistance	Analysis	09-Mar-15
Edit	13967	IGMC	Cassidy, James P.	IGMC	Cassidy, James P.	Assistance	IGMC Investigation/Inquiry/Review	Analysis	09-Mar-15
Edit	13894	IGMC	Cassidy, James P.	IGMC	Cassidy, James P.	Assistance	IGMC Investigation/Inquiry/Review	Analysis	26-Feb-15



CMS – OPENING A NEW CASE

CASE EDITOR

Agencies

Required Fields are marked with a red asterisk [*].

Agencies

Title *

NOTE: Name of Complainant (or Subject, if an Investigation) / Brief description of case. EX: JOHNSON/
Non-Support Issues

Directing Agency * <input type="text"/>	Primary Action Officer * <input type="text"/>	Secondary Action Officer * <input type="text"/>
Assigned Agency * <input type="text"/>	Primary Action Officer * <input type="text"/>	Secondary Action Officer * <input type="text"/>
Action Agency * <input type="text"/>	Primary Action Officer * <input type="text"/>	Secondary Action Officer * <input type="text"/>

NOTE: To refer/transfer an open case to a CIG not in your chain of command, contact IGMC.

Click the **Save** button to save your information and stay on the same page, click the **Save and Continue** button to save your information and advance to the next page, or click the **Cancel** button to cancel any changes and re-direct to the Home page.



CMS AGENCIES PAGE

Agencies

Case Info

Details

File Attachments

Case Summary/Close

Required Fields are marked with a red asterisk [*].

Agencies

Title *

HANKE/PLEAD

NOTE: Name of Complainant (or Subject, if an Investigation) / Brief description of case. EX: JOHNSON/Non-Support Issues

Directing Agency *

IGMC

Primary Action Officer *

Hanke, Annette

Secondary Action Officer *

Sellers, Sonya A

Assigned Agency *

IGMC

Primary Action Officer *

Hanke, Annette

Secondary Action Officer *

Sellers, Sonya A

Action Agency *

IGMC

Primary Action Officer *

Hanke, Annette

Secondary Action Officer *

Sellers, Sonya A

NOTE: To refer/transfer an open case to a CIG not in your chain of command, contact IGMC

Click the **Save** button to save your information and stay on the same page, click the **Save and Continue** button to save your information and advance to the next page, or click the **Cancel** button to cancel any changes and re-direct to the Home page.

Save

Save and Continue

Cancel



CMS CASE INFO PAGE

Required fields are indicated with a red asterisk (*).

Case Information

Active

WARNING: Only uncheck this box once case is completely closed and all action is complete. IGMC will uncheck for all IGMC/IGMC Directed cases. CIGs will uncheck for only those internal CIG cases. You cannot uncheck the Active box until a Case Closed Date has been entered.

Open Date *

08 Jan 13

Due Date *

08 Feb 13

Closed Date

Case Type *

Assistance

Case Sub Type

Fraud, Waste, Abuse or Mismanagement
 Select a Case Sub Type
 CONGRINT
 Dependent/Quality of Life
 FOIA/PA
 Fraud, Waste, Abuse or Mismanagement
 Improper Mental Health Referral
 Military Reprisal
 Misconduct
 Non-IG Related Cases
 Request Mast
 Sexual Orientation

Status *

Analysis

Case Action *

IGMC Investigation/Inquiry/Review

Source of Complaint *

DoDIG

Destroyed Date

Case Closure Information

SOPI/SOI

N/A

MCATS Tasker

Yes No

Anonymous Complainant

Yes No

Case References

Add Case Reference

NOTE: Add all Case Numbers that have either the same complainant or the same subject as the current case. If you suspect another CIG not in your chain has a case with the same subject or complainant, contact the contact IGMC.

Actions	Case Ref Type	CMS Reference Number	External Reference Number	Suspense Date	External Action Required	Description
Edit Delete	DoDIG		127826	4-03-2013	Action Referral	



CMS DETAILS

Agencies Case Info **Details** File Attachments Case Summary/Close

Dates Summary/Persons/Allegations

Required Fields are marked with a red asterisk [*].

Dates

Initial Complaint *

15 Oct 12 

Date Complaint was originally received by any entity of the Federal Government.

Complaint Received *

03 Jan 13 

Date Complaint was originally received by CIG or IGMC.

Tasked/Referred



Date Complaint was tasked or referred to CIG/IGMC/Sub Command.

Investigation/Inquiry Commence



Date Action Officer began Invest/Inquiry.

Investigation/Inquiry Completion



Date Action Officer completed Invest/Inquiry.

Action Agency Action Complete



Date ALL case action complete.

Sent to Legal Review



Date Report sent to Legal Review.

Sent to Directing Agency



Date completed Report sent to Directing Agency.

Directing Agency Approval/ Notifications Sent



Date Directing Agency approved report and notifications (complainant closure letter, DoD Closure letter, etc.) sent to all required parties.



CMS SUMMARY/PERSONS/ALLEGATIONS

Dates Summary/Persons/Allegations

 No Case Allegation has been saved for your Subject.

 No subjects have been saved for this case.

Required Fields are marked with a red asterisk [*].

NOTE: Case Summary is required for all cases. Provide case specifics, as provided in the complaint.

Case Summary

DoDIG Action referral 124460. Complainant has issue with medical hold policy and has been working appeals to SECHAV.

2000 characters left.

Case Persons/Allegations

Add Person/Allegation

NOTE: Required even if complainant is anonymous or there is no people identified. All allegations must be correctly formatted: Who, did What, in violation of What order, regulation, policy, and When.

Actions	Name	Role	Grade/Rank	Allegation Type	Allegation Sub Type	Finding
Edit Delete	Annette Hanke	Complainant	Maj	None	None	None

Case Notes

Add Note

NOTE: Case Notes are required for all cases. Provide timeline of actions completed for this case. Include dates you sent and received correspondence, interviews, phone calls, etc.

Actions	Note Type	Date	Created By	Note
Edit Delete	Other	11-09-2012	Hanke, Annette	Rec'd a call from Major Hanke regarding his case and his status on Legal Hold. Submitted request mast with MARFORRE5 10/325/2012 submitting pw to IGMC for rev.
Edit Delete	Investigators Log	9-12-2012	Hanke, Annette	Spoke with Mr. Dupree OJAG 703-614-7245 he explained that at this point all issues with OJAG have been closed. It is now up to WWR(BIA) to take action according to the 17 Aug 2012 letter. The BIA has two options accept findings and take action or the



CMS CASE PERSON

Person Allegations

Person Information

Anonymous/Unknown/None

First Name

Middle Name

Last Name

AKA or Maiden Name

Unit or Private Company

Sex

Male Female

Role

Select a Role ▼
Select a Role
Complainant
Org/System/Program
Other (Explain in Text Box Below)
Subject
Subject Matter Expert
Witness

Person Type

Select a Person Type ▼

Grade/Rank

▼

Comments

Type your comments here. There is a 2000 character limit.



CMS ALLEGATIONS

Person Allegations

Allegation Editor

Subject: [Richard Case](#)

Allegation Type

Select an Allegation Type

- Select an Allegation Type
- Abuse of Personnel or Authority
- Fraud
- Improper Mental Health Referral
- Military Reprisal
- Misconduct
- Mismanagement
- Waste

NOTE: Only properly framed allegations are to be entered. Who, did What, in violation of What order.

Type your allegation here. There is a 1000 character limit.

1000 characters left.

Person Allegations

Allegation Editor

Subject: [Richard Case](#)

Allegation Type

Select an Allegation Type

Finding

Select a Finding

- Select a Finding
- Not Substantiated
- Substantiated
- Unfounded

NOTE: Only properly framed allegations are to be entered.

Type your allegation here. There is a 1000 character limit.

1000 characters left.



CMS ALLEGATIONS

- Single subject
 - Linked to a single alleged wrong
 - In violation of a clearly stated standard
 - When did the violation occur?
- “ Who did, what , in violation of what, when.”
- Each allegation must be framed separately



CMS ALLEGATIONS

Allegations

Add Allegation

Actions	Allegation Type	Allegation Sub Type	Finding	Allegation
Edit Delete	Fraud	None	Substantiated	ALLEGATION #1: That Mr. Richard D. Smith committed fraud by distributing unreturned Transportation Incentive Program (TIP) media (vouchers) to Staff Sergeant Mark K. Smith, in violation of Title 18, USC section 1001 in February 2012.
Edit Delete	Fraud	None	Substantiated	ALLEGATION #2: That Mr. Richard D. Smith committed fraud by distributing unreturned Transportation Incentive Program (TIP) media (vouchers) to Sergeant Warren S. Smith, in violation of Title 18, USC section 1001 in February – March 2012.

Click the **Save** button to save your information and stay on the same page, click the **Save and Continue** button to save your information and return to previous page, or click the **Cancel** button to cancel any changes and return to previous page.

[Save](#)

[Save and Continue](#)

[Cancel](#)



CMS FILE ATTACHMENTS

- Use proper naming protocol
- Investigations (all documents)
 - Case # Subject Last Name Type Document
0004545 Jones OC
- Assistance Cases (all documents)
 - Case # Complainant Last Name Type
- PDF files only
- 10 MB



CMS FILE ATTACHMENTS

In order to standardize CMS case documents, CIGs are instructed to use the following naming protocols.

Please [click here](#) for examples.

No File Uploaded. Waiting for upload, which must be no more than **10 MB**.

Select a File Type

- Select a File Type
- Acknowledgement Ltr (ACK or ACK_END)
- Closing Ltr (END_OC, END_CMD, END_DODIG)
- Command Response [PI/ROI/HCR/MFR] (CMD_RES)
- CONGRINT Response (CONGRINT_RES)
- CONGRINT Tasking (CONGRINT_TL)
- Information Letter (IL)
- Investigation Tasking Letter (TL/INV)
- Notification Letter (NL)
- Original Complaint (OC)
- OTHER
- Referral Letter (RL)
- Request Mast (RM)
- Senior Official Investigation (SOI)
- Senior Official Preliminary Investigation (SOPI)
- Special Interest Letter (SPLINT)
- Substantive Emails (EM)
- Tasking Letter (TL)

Cancel



CMS CASE SUMMARY/CLOSE

Case Summary/Close

Print Summary

You cannot Close your case until you fix the error(s) below. Please fix all the errors, return to the Case Summary/Close page and Close your case to complete the process. Once you fix all your errors, a **Close Case** button will display at the bottom of the page. **Cancel** button will return you to Home page.

✓ Agencies

Directing:	IGMC	Primary Officer:	Hanke, Annette
Assigned:	IGMC	Primary Officer:	Hanke, Annette
Action:	IGMC	Primary Officer:	Hanke, Annette

✗ Case Info

CMS Case Number:	9093
CMS Reference Numbers:	There are no reference numbers for this case.
Opened Date:	16 Jul 12
Due Date:	16 Aug 12
Closed Date:	In order to Close a case, you need to un-check the Active checkbox, select 'Closed' for a Status and save a Closed Date.

✓ Details



CMS ROLODEX

File Edit View Favorites Tools Help

https://ehqmc.usmc.mil/org/igmc/cms/main.aspx?SBIT...

eHQMC > Inspector General of the Marine Corps > CMS

CMS

Home Search Reports **Rolodex** Training and Reference Admin

CMS Access Request

IGMC										
MARFORRES/MARFORNORTH	MARFORSOUTH	MARFORCOM		MARFORAF	MARCENT	MARFORPAC		MARSOC	LOGCOM	MAGT
		MARFOREUR	II MEF			I MEF	III MEF			
			2d MAW			3d MAW	1st MAW			
			2d MARDIV			1st MARDIV	3d MARDIV			
			2d MLG			1st MLG	3d MLG			



CMS ROLODEX

3d MARDIV

CG

Current CG/CO: Padilla, Frederick M.
Grade/Rank: BGen

[Edit](#)

CIG Office

Actions	Mailing Address	Physical Address	Org Email	Hotline Phone	DSN 1 Phone	Fax Phone	
Edit	3d Marine Division, Unit 35801, FPO, AP 96602-5801	Building: 4211 Room: 123 Base: Camp Courtney Okinawa	3divg7list@usmc.mil	011-81-611- 722-7014	315-622-7698		http://

CIG Staff

Actions	CIG Name	Billet	Rank/Grade	Phone	E-mail
Edit	Farmer, Antonio	CIG Chief	GySgt	315-622-7014	antonio.farmer@usmc.mil
Edit	Gonzalez, Zachary A.	CIG Clerk	LCpl	315-622-9422	zachary.a.gonzalez@usmc.mil
Edit	Tomko, Todd S.	CIG	LtCol	315-622-9572	todd.tomko@usmc.mil



CMS ROLODEX

Notify IGMC when staff member is no longer with CIG staff

Email - orgmb.igmc.hotline@usmc.mil

Who is gaining the opened cases?

Who is gaining the closed cases?



CMS REPORTS

- Pre- defined Reports
 - All closed cases
 - All closed cases PO
 - All open cases
 - All open cases PO



CMS SEARCH

Case ID:	<input type="text"/>	Case ID will return the specific CMS Case.
Case Officer:	<input type="text"/> Last Name	Case Officer may be the CIG staff member that is assigned as either the Primary Case Officer or Secondary Case Officer within either the Directing, Assigned or Action Agency.
Case Type:	<input type="text" value="Select a Case Type"/>	Case Sub Type: <input type="text"/>
Case Ref Type:	<input type="text" value="Select a Case Ref Type"/> Select CMS or the Agency that Case Reference Number refers to	External Action Required: <input type="text" value="Select an Action Required"/> For DoBiG Cases Only, select the type of referral case
External Number:	<input type="text"/> Enter the non-CMS case reference number	
SEARCHING CASES BY OPEN OR CLOSED DATES (OR BOTH):		
Open Date:	<input type="text" value="07 Mar 11"/> From	<input type="text" value="07 Mar 13"/> To
To find a case by the date it was OPENED, enter either the FROM date (in which case the TO date is today) or enter both the FROM and TO dates		To find a case that has either been OPENED or CLOSED during a certain period, in the OPEN Date FROM box, enter the beginning date and in the CLOSED Date TO box, enter the ending date of your search.
Closed Date:	<input type="text"/> From	<input type="text"/> To
To find a case by the date it was CLOSED, enter either the FROM date (in which case the TO date is today) or enter both the FROM and TO dates		To find a case that was OPENED and CLOSED during a certain period, in the OPEN Date FROM box, enter the beginning date and in the OPENED Date TO box, enter the ending date of your search of when the case was opened. Repeat these instructions for the CLOSED Date boxes.
Is Active:	<input type="text" value="Both"/>	
Organization Name:	<input type="text" value="3d MARDIV"/>	



CMS SEARCH

Case Persons/Case Allegations

Case Person: Hankle
Last Name

First Name

Middle Name

Person Role: Select a Person Role

Allegation Type: Select an Allegation Type

Status: Select a Status **Finding:** Select a Finding

Columns (Data) to Display:

<input checked="" type="checkbox"/> Case ID	<input checked="" type="checkbox"/> Person Role	<input type="checkbox"/> Action	<input type="checkbox"/> Assigned Org	<input type="checkbox"/> Opened Date	<input type="checkbox"/> Destroyed Date	<input type="checkbox"/> Action Required
<input type="checkbox"/> Case Type	<input checked="" type="checkbox"/> Case Person	<input type="checkbox"/> Active	<input type="checkbox"/> Assigned PO	<input type="checkbox"/> Due Date	<input type="checkbox"/> External Ref Number	<input type="checkbox"/> Destruction Date
<input type="checkbox"/> Status	<input type="checkbox"/> Allegation Type	<input type="checkbox"/> Directing Org	<input type="checkbox"/> Action Org	<input type="checkbox"/> Closed Date	<input type="checkbox"/> Case Reference Type	<input type="checkbox"/> Suspense Date
<input type="checkbox"/> Case Sub Type	<input type="checkbox"/> Finding	<input type="checkbox"/> Directing PO	<input type="checkbox"/> Action PO			

Case Person may be the name of the complainant, subject, witness, SME, or other persons associated to the case. You may enter the first name, last name, or a combination.



CMS SEARCH

Columns (Data) to Display:

- | | | | | | | |
|---|--|---|--|---|--|---|
| <input checked="" type="checkbox"/> Case ID | <input type="checkbox"/> Person Role | <input type="checkbox"/> Action | <input checked="" type="checkbox"/> Assigned Org | <input checked="" type="checkbox"/> Opened Date | <input type="checkbox"/> Destroyed Date | <input type="checkbox"/> Action Required |
| <input checked="" type="checkbox"/> Case Type | <input type="checkbox"/> Case Person | <input type="checkbox"/> Active | <input type="checkbox"/> Assigned PO | <input type="checkbox"/> Due Date | <input type="checkbox"/> External Ref Number | <input type="checkbox"/> Destruction Date |
| <input type="checkbox"/> Status | <input type="checkbox"/> Allegation Type | <input checked="" type="checkbox"/> Directing Org | <input checked="" type="checkbox"/> Action Org | <input checked="" type="checkbox"/> Closed Date | <input type="checkbox"/> Case Reference Type | <input type="checkbox"/> Suspense Date |
| <input checked="" type="checkbox"/> Case Sub Type | <input type="checkbox"/> Finding | <input type="checkbox"/> Directing PO | <input type="checkbox"/> Action PO | | | |



CMS SEARCH

Total of 23 Cases.

Export to Excel

Actions	Case ID	Case Type Select a Case Type	Case Sub Type	Directing Org	Assigned Org	Action Org	Opened Date	
Edit	6513	Assistance	Dependent/Quality of Life	3d MARDIV	3d MARDIV	3d MARDIV	12 Mar 11	1
Edit	8976	Assistance	Non-IG Related Cases	3d MARDIV	3d MARDIV	3d MARDIV	14 Apr 11	2
Edit	8943	Assistance	Misconduct	3d MARDIV	3d MARDIV	3d MARDIV	03 May 11	0
Edit	7305	Investigation	Misconduct	3d MARDIV	3d MARDIV	3d MARDIV	07 Nov 11	
Edit	8008	Assistance	Request Mast	3d MARDIV	3d MARDIV	3d MARDIV	16 Nov 11	0
Edit	8090	Assistance	Misconduct	3d MARDIV	3d MARDIV	3d MARDIV	27 Jan 12	
Edit	8091	Assistance	Misconduct	3d MARDIV	3d MARDIV	3d MARDIV	27 Jan 12	1
Edit	8266	Assistance	Fraud, Waste, Abuse or Mismanagement	IGMC	3d MARDIV	3d MARDIV	21 Feb 12	
Edit	8315	Assistance	Misconduct	3d MARDIV	3d MARDIV	3d MARDIV	27 Feb 12	2
Edit	8419	Investigation	Misconduct	3d MARDIV	3d MARDIV	3d MARDIV	14 Mar 12	0
Edit	8695	Assistance	Request Mast	3d MARDIV	3d MARDIV	3d MARDIV	18 Apr 12	3
Edit	8779	Assistance	Non-IG Related Cases	3d MARDIV	3d MARDIV	3d MARDIV	21 May 12	2
Edit	8798	Investigation	Fraud, Waste, Abuse or Mismanagement	3d MARDIV	3d MARDIV	3d MARDIV	25 May 12	2
Edit	9088	Investigation	Non-IG Related Cases	3d MARDIV	3d MARDIV	3d MARDIV	26 Jul 12	
Edit	9595	Assistance	Dependent/Quality of Life	3d MARDIV	3d MARDIV	3d MARDIV	16 Oct 12	1



CMS FUTURE CHANGES

- Version 1.4 pending testing
- History Page
- Delete capabilities
- Email all capability

- Defense Case Activity and Tracking System (DCATS)
 - 1-2 years out



QUESTIONS?





INSPECTOR GENERAL

United States Marine Corps



★ HONOR ★ COURAGE ★ COMMITMENT ★

PRESENTED BY: DIRECTOR CYNTHIA EDWARDS

INVESTIGATIONS PART I

WHY DO INVESTIGATIONS?

- Independent, fact-finding process used to address allegations of wrongdoing
- Maintain and ensure confidence in processes and practices in DoD
- Reactive method of resolving issues that affect readiness and war fighting capability
- Leadership tool to assist in addressing improprieties and protect best interest of command



DETERMINING INVESTIGATIVE MERIT

- Does the complaint have sufficient detail?
- Greater detail tends to lend greater merit to the complaint
- Complaints that lack detail may be less actionable without the benefit of an interview with the complainant
- More is not always better; more volume does not necessarily mean the complaint has merit
- What the complainant *perceives* as wrongdoing is not always a violation of a standard



INVESTIGATION

- IG investigations are administrative
- A fact-finding examination (rather than judicial proceedings) into allegations to provide the directing authority with a sound basis for decision and actions
- Standard of proof: Preponderance of evidence (51%)
- Led by an assigned CIG
- Authorized by a Directing Authority
- Sworn and recorded testimony is required
- Legal review
- Command Endorsement



ADMINISTRATIVE VS. CRIMINAL INVESTIGATIONS

- Due process afforded during IGMC and CIG investigations
 - Advising the subject of the allegations made against him or her
 - Advising the subject of the unfavorable information against him or her
 - Protecting the rights of all persons against self-incrimination



INVESTIGATOR'S ROLE

- Independent fact-finder
- Accurate, timely, and complete written reports
- Avoid mitigation
- Don't get personally involved
- Know when to say enough

The role of the CIG is to protect the best interests of the USMC and protect the rights and confidentiality of all individuals involved!



INVESTIGATION STANDARDS

- Independence
 - Impartial both in fact and appearance
- Accountability
 - Report forwarded to Directing Authority to hold wrongdoers accountable
- Completeness
 - Report should be a stand-alone document
 - Reader should come to same conclusion as investigator
- Timeliness
 - Impact on organization / lives / careers



ELEMENTS OF AN ALLEGATION

- Who?
- Did What?
- In violation of What order, regulation, or policy?
- When?



IDENTIFY THE “WHO”

- The “who” becomes the subject of the investigation
- The “who” must be identified by name and not as a position or job title
- Things to consider
 - You may not be able to establish the “who” until you gather evidence pertaining to the “what.” The “who” may be evident in documents; examine signatures on personnel actions.
 - Who does the complainant believe the “who” is and why?



DESCRIBE THE “WHAT”

- Describe the alleged acts done **that constitute the impropriety**
- The “what” can be a specific act, a failure to act, or threat of an action



“IMPROPERLY...”

- In most cases the word “improperly” will be inserted to ensure the focus is on an impropriety
- The indiscriminate use of the word “improperly” can be misplaced or redundant
- Improper behavior is an essential element of a correctly worded allegation
- For example, “ dereliction of duty” already describes wrongful behavior without the addition of the word “improperly”
- Contact the SJA for clarification of using “improperly” when framing allegations



IN VIOLATION OF “WHAT?” STANDARD

- Does the alleged act(s) violate a law, rule, regulation, or policy?
- The standard(s) serve as a guide to identifying the evidence needed to prove or disprove the allegation
- Research the standard -- Identify the applicable standard(s) Does the allegation involve more than one standard?
- The CIG, not the complainant, determines which standard(s) to use



CHOOSING A STANDARD

- Some acts violate more than one standard
- Use a general standard (such as a service regulation prohibiting “fraud, waste, and abuse”) only when there is no other standard specific to the allegation
- Use of the UCMJ as a standard only as a last resort



SOURCES FOR STANDARDS

- Coordinate with SJA
- United States Code
- Joint Ethics Regulation
- DoD Directives
- Joint Regulations and Policy
- USMC Orders and Policies
 - Avoid using UCMJ as your first choice of a standard



WHAT IS AN “ELEMENT” OF A STANDARD

- A fact or condition that needs to be met to establish whether a standard has been violated
- Often standards have multiple elements that need to be proven or disproven
- Provides outline of information / documentation that needs to be obtained during the course of an investigation



IDENTIFY THE ELEMENTS OF A STANDARD

- If investigating allegations of adultery, one must establish that the Subject had:
 - Wrongful sexual intercourse
 - That either the subject or the other party was married to someone else
 - And that the conduct was either prejudicial to good order or discipline or discreditable
- IGMC Standards Library: *Coming Soon.....*



ADDITIONAL CONSIDERATIONS

- What if you cannot identify a standard?
- Consider the fact that the alleged misconduct may violate one of the service components' core values
- The 14 general ethical principles contained in DoD 5500.7-R, "The Joint Ethics Regulation (JER)," or ethical values and decision-making (Chapter 12)
- Other acts might violate common sense or indicate negligence to a degree that allows use of the provisions of dereliction of duty under the Uniform Code of Military Justice (UCMJ) as a standard



SUBJECT MATTER EXPERTS

- It may be necessary to interview experts to ensure proper interpretation of the standard
 - Travel / finance experts for Joint Federal Travel Regulation (JFTR) (Uniformed Service members) and the Joint Travel Regulation (JTR) (DoD civilian employees)
 - Human Resource officials for Civilian Personnel Manual or merit system principles / prohibited personnel practices; or finance experts for the DoD Financial Management Regulation
 - When discussing standards with experts other than the SJA, always be aware of the need to maintain confidentiality



REVIEW STANDARDS WITH SJA

- Once all applicable standards are identified, consult with SJA and discuss the elements of proof required under each standard
- Identify the evidence needed to prove or refute the allegation
- Identify which standards may be punishable under the UCMJ and discuss with SJA whether the Commander would take judicial action if the allegation is substantiated



DEFINING “WHEN”

- At the **END** of the allegation
 - Identify the date(s) the act or omission occurred
 - Identify a time period covered by the alleged acts or omissions



FRAMING ALLEGATIONS

- Write a properly formatted allegation for each act of impropriety
- Do not combine different alleged offenses in a single allegation
 - For example: improper use of Government resources / equipment along with improper acceptance of a gift. One may be substantiated, but not the other may not. This creates a “partially substantiated” allegation which is not an acceptable IG conclusion.
- May frame an allegation that violates several standards as a single allegation. For example, the subject improperly traveled by premium class in violation of the JTR / JFTR and the JER
- Ensure standards were in effect at the time of the alleged impropriety are applied



EXAMPLES OF VIOLATIONS

- Accepting gifts in violation of the JER
- Use of government resources for personal gain
- Personal conduct in violation of USMC Orders and/or policies
- Misuse of government air or ground vehicles



FRAMING ALLEGATIONS

- Remember the 4 “W’s”
 - Who?
 - Did What?
 - In violation of What order, regulation, or policy ?
 - When?



FRAMING ALLEGATIONS

- General guidance for crafting an allegation
 - Staff Sergeant John J. Jones, USMC (Who) accepted a gift from a prohibited source (Did What), in violation of DoD 5500.7-R, Joint Ethics Regulation (What Standard), between February through May 2014 (When).
 - Lieutenant Colonel John Doe, USAF (Who), improperly used his Government credit card for personal purchases (Did What) in violation of the DoD Financial Management Regulation (what standard) on three occasions in May 2014 (When).



TYPES OF ALLEGATIONS

- Classes of Allegations
 - Violations of established policy, Standing Operating Procedures (SOPs), and standards
 - Violations of regulatory guidance (non-punitive)
 - Violations of law/UCMJ/US Code (punitive)
- Administrative and Standards of Conduct Violations
 - Violations of Standards of Conduct are among the most typical allegations investigated by IGs
 - The JER is the standard for ethical conduct



EXCEPTIONS

- CIGs may investigate some UCMJ violations such as
 - Adultery
 - Dereliction of duty



DIRECTING AUTHORITY

- Preliminary Inquiry
 - CIG
- Investigation
 - Any commander who has a CIG may direct an investigation
 - CIGs may not initiate, expand, or terminate an investigation without the directing authority's approval



PURPOSES OF OBTAINING A DIRECTIVE

- Historical record of authority to investigate (it becomes part of the ROI)
- Used as the basis for notifications
- Shown to witnesses to establish the investigator's authority
- Quoted in the formal read-in of witnesses
- Gives the authority to require the presence of military and DoD civilians at interviews



PURPOSES OF A DIRECTIVE

- Gives the authority to secure documents and other pertinent evidence
- Defines the scope and limits of the investigation
- Agreement between the Directing Authority, CIG and SJA/CL concerning what the CIG should investigate



INITIAL NOTIFICATIONS

- After obtaining authority for the investigation, notify the subject's commander before contacting any other witnesses or gathering further evidence
 - Chain of Command
 - CIG will make notification
 - Ensures cooperation and understanding
 - Explain the process
 - Visited Commands



NOTIFICATIONS (CON'T)

- Subject
 - CIG or Commander will make notification
 - Professional, non-adversarial proceeding
 - Inform him/her of the general nature of the allegations
 - Ensure you protect the confidentiality of the complainant



PURPOSE OF THE INVESTIGATIVE PLAN

- Critical element to successful achievement of the objective
- Helps the IO to assess facts that must be gathered to substantiate or refute the fact that a violation of a standard occurred
- Identifies the essential elements of that standard (e.g., the elements of proof)
- Determines how to gather the facts
 - Who must be interviewed (witnesses)
 - What questions to ask
 - Develop a logical sequence for conducting the interviews
 - Assess what documentary or physical evidence might be available that would contribute to the investigation



ELEMENTS OF AN INVESTIGATIVE PLAN

- Contact List
- Notification List
- Background Information
- Allegations List
- Outline of Proof



ELEMENTS OF AN INVESTIGATIVE PLAN

- Witness and Document List
- Interview Sequence Plan
- Chronology of Events
- Logistics Plan



SUMMARY

- Identify the CIG's role in investigations
- Describe the four standards a IG investigation must meet
- Identify and demonstrate proficiency in drafting a properly structured allegation
- Identify who is the Directing Authority for an Investigation
- Identify the purposes of a Directive
- Identify required notifications when initiating an investigation
- Describe the purpose and elements of a properly prepared investigative plan



QUESTIONS?





INSPECTOR GENERAL

United States Marine Corps



★ HONOR ★ COURAGE ★ COMMITMENT ★

PRESENTED BY: CYNTHIA EDWARDS, DIRECTOR OF ASSISTANCE AND INVESTIGATIONS

INVESTIGATIONS PART II

INTERVIEW TYPES AND MODES

- Two types
 - Witness
 - Complainant
 - Character Witness
 - Expert Witness
 - Informational Witness
 - Subject



- Modes
 - Face-to-Face - Most efficient
 - Telephonic - Time/money saver
 - Interviews by others - Requires in-depth planning/coordination



PREPARE, PREPARE, PREPARE

- Read-in / administrative matters
- Prepare line of questioning
- Use standards & elements of proof to assist drafting questions
- Know what evidence you expect each witness to provide
- Documents ready in order of presentation to interviewee
- Test recording devices ahead of time to ensure they are operational, batteries, a/c adapter



INVESTIGATING OFFICER PREPARATION

- Review letter of appointment and applicable directives
- Meet with the Command Inspector General for guidance
- Use the investigative plan
 - Each investigation is different
 - Goal = prove/disprove allegations
 - Draft questions in advance
- Investigators do not summon witnesses
 - Commanders make witnesses available
 - Contracting Officers make contractor personnel available



DECIDING WHO TO INTERVIEW

- Complainant (first) and subject (last)
- Persons who signed / coordinated on any official document relating to the matter under investigation (FITREP, travel orders, personnel documents, contracts, etc.)
- Addressees on email messages
- Persons present during a meeting / event that allegedly occurred (check meeting minutes, recorder, secretary)
- Persons who enter information onto another person's calendar or have permissions to view email



COOPERATION

- Military (Required)
 - Active Duty / Retired
 - Reserve
- DoD Civilians (Required)
 - Appropriated/Non-appropriated Fund
- Defense Contractors (Maybe)
 - May be required to cooperate / consult SJA
- Civilians (No authority)
 - Not employed by the DoD / “Civilian Civilians”



DUTIES OF INDIVIDUALS INVOLVED IN IG INVESTIGATIONS

- Military Service Members and Federal Employees
 - Must cooperate
 - Commanders and supervisors may order those who refuse to cooperate to do so
 - Witnesses and subjects may not be compelled to make incriminating statements or disclose privileged information



DEVELOPING QUESTIONS

- Know your audience - different experience levels
- Types of Questions
 - “The Basics” – *who, what, when, where*
 - “The Details” – *why, how*
- Start general and build toward specific
 - Establish knowledge of subject
 - Establish knowledge of events
 - Establish knowledge of standards
 - Establish expertise (if applicable)



SCHEDULING WITNESSES

- Anticipate time required for each interview
- Interview sequence
 - Complainant
 - Witness(es)
 - Subject
- Recall as necessary for clarification, validation of new evidence
- Expert witnesses as needed throughout



INTERVIEW BASICS

- Have room set up prior to interview
- Pre-read all documents
- Greet and establish rapport
- Introduce yourself with credentials (even if you know the interviewee)
- Explain their role (you are a witness, you are a subject)
- Explain the IG role (fact finder, impartial, unbiased)



INTERVIEW BASICS

- Professional, courteous, impartial
- Interview in private
- Avoid attribution
- Have second interviewer present – coordinate roles in advance
- Remain in control of interview
- May turn off the recorder, but never “off the record”
- Remind interviewee of fact-finding mission



RECORDING CONSIDERATIONS

Location

- In-person, in office best
- Smaller rooms better
- Area free of interference

Speaking

- Don't talk over each other
- Define acronyms
- Spell names first time
- Proximity to microphone
- Speak clearly / distinctly
- Watch voice volume

Logistics

- Two recorders
- Fresh batteries
- Transcribing

Best Practice

- Recording provides a verbatim testimony

- Digital recording should be kept on file until case closure

- Recordings protect the interviewer and the interviewee



INTERVIEW SEQUENCE AND CONDUCT

- Admin & Logistics Briefing (Pre-recording)
- Read-in
- Questioning
 - Prepared interrogatory / follow-up questions / be flexible
- Read-out



PRE-RECORDED BRIEFING

- Read-in brief regarding Freedom of Information Act, Privacy Act, confidentiality, and process
- Familiarize the witness with the interview process
- Establish rapport
- Assess witness demeanor
- Explain key information
- Outline Administrative Details
- Ground rules; If others are present, explain “limits”
- Answers questions interviewee may have before going on record
- Rights Warning Sheet (if applicable)



SWEARING WITNESSES

- All witnesses should be sworn
- Use templates
- Practice until comfortable
- Consider a “pre-interview” routine



CONFIDENTIALITY

- Implied confidentiality
 - Protect privacy
 - Maintain confidence in IG system
 - Minimize risk of reprisal
- Express confidentiality
 - IOs cannot grant
 - GCMA Appointing Authorities may, in writing, but
 - *Possible FOIA Limitations*
 - *Official Use Requests*
 - *Discovery Requests*
- Bottom line - while protecting confidentiality is a
- concern, it CANNOT be guaranteed



READ-IN

- Formal script / read verbatim / do not paraphrase
- Use Witness Interview Script
- Use Subject Interview Script



INTERVIEW TIPS

- Most witnesses will provide truthful and complete testimony
- Some witnesses will be reluctant, distraught, and/or hostile
- Always be professional and respectful
- Use individual's (or retiree's) rank
- Be friendly - smile, greeting, small talk
- Give witness a chance to relax
- Take breaks if needed



INTERVIEW TIPS (CONT)

- Maintain control/focus
- Remain impartial
 - Don't argue, provide advice, problem solve
- Don't allow yourself to be interviewed
- Speak plainly with conversational tone/inflection
- Be sensitive/discreet



QUESTIONING TECHNIQUES

- Open-ended
 - “Tell me about...” “Why...?” “How...?”
 - Probe - “What do you mean by that?”
 - Echo / Paraphrase - “I understand you to say that...”
 - Elicit - Use the “and...” technique
- Direct
- Follow-up questions
- Use a logical order
- Make witnesses explain fully
- Be thorough, objective, and discreet
- Ask hard questions
- Verbal Responses rather than “head shake”
- Let information come from interviewee – not interviewer
- Avoid stating opinions or reacting to answers
- Avoid interrupting the interviewee



QUESTIONING PITFALLS

- Off track on peripheral issues
- Compound questions
- Browbeat, mislead, threaten or intimidate
- Make promises
- Advise, counsel, provide opinions, philosophize
- Promise testimony won't be used for adverse action
- Tell an untruth to get a truth
- Reveal the identity of other witnesses
- Lead witnesses or put words in their mouths



NON-VERBAL BEHAVIORS

- Develop rapport
- Can reveal what interviewee is attempting to convey to investigator
- Should only be used to *facilitate* questioning
- IGs should be wary of making decisions about witness/subject/suspect intent based only on their interpretation of that person's body language
- Do not enter these observations in ROI or HCR
- Caution: Effective use and interpretation of body language requires training and practice



NON-VERBAL BEHAVIORS

<u>Truthful Body Posture</u>	<u>Deceptive Body Posture</u>
Open, upright, and comfortable	Slouched in chair, preventing the IG from getting close
Aligned frontally to face the IG directly	Unnaturally rigid
Leaning forward with interest	Lacking frontal alignment
Relaxed, casual, with some nervousness or excitement	Tending to retreat behind physical barriers
Smooth in its changes with no pattern	Erratic in its changes (can't sit still)
	Closed (elbows close to sides, hands folded in their lap, legs and ankles crossed)
	A "runner's position" (one foot back ready to push off)
	Exhibiting head and body slump



LISTENING

- Silence as a tool
 - Allow sufficient time
 - Limit note taking
 - Eye contact
 - Respond/acknowledge
 - Don't be judgmental
 - Accept feelings
 - Be patient
- Paraphrase
 - Never assume anything
 - Ask for clarification
 - “What do you mean by that?”
 - “Can you explain that another way?”



ACTIVE LISTENING

- The most basic and powerful way to connect to another person is to listen
- Witness or subject may not have developed the skill of active listening and might misinterpret what the investigator is asking them and consequently, witness or subject often give an answer that does not respond to the question
- You are not successful active listeners if you do not realize that you never received an answer to your question until you try to write a synopsis of the interview.



WITNESS RULES

- All DoD personnel must participate in an IG investigation
- Subjects may consult attorney *before* questioning
- Witnesses may refer to notes during interview
- Witnesses may not use a recording device or take notes of interviewer's questions
- Government civilian employees may have Weingarten (labor agreement) rights
- Witnesses must be informed if their status changes to subject



READ-OUT

- Read verbatim / closes interview
 - Witness Interview Script
 - Subject Interview Script
 - Confidentiality Warning
 - Potential for Subsequent Interviews



DUE PROCESS RIGHTS

- Witness
 - Consult with Counsel
 - Confidentiality
 - Review Own Testimony
 - Avoid Self-Incrimination



DUE PROCESS RIGHTS

- Subject

- Have Counsel Present
- Remain Silent
- Know and Comment on Allegations
- Know and Comment on Unfavorable Information

...plus Witness rights



UNION REPRESENTATION DURING INTERVIEWS

- “Weingarten Rights”
- An employee in a bargaining unit represented by a union has a right to union representation
- Employee’s right, not a union prerogative
- The investigator must grant the request, if an employee in a bargaining unit requests union representation



NON-RIGHTS

- Friend or relative present during interview
- Know the identity of complainant
- Know the identities of witnesses
- Be present during the questioning of others
- Remain silent *



DISTRAUGHT WITNESS/SUBJECT

- Treat situation seriously
- Address the situation
 - “Are you okay?”
 - “Are you thinking of hurting yourself?”
- Ensure unit understands its responsibility
- Let the person know help is available* (CO, Chaplain, Attorney)

* If you believe there is no immediate danger, but have concern for the individual’s welfare, you should consider these steps.



DISTRAUGHT WITNESS/SUBJECT

Don't

Allow to be left alone

Act shocked

Debate morality of the act

Assume not suicidal

Offer advice



RELUCTANT WITNESSES

- Try increasingly assertive statements
 - “Why are you not willing to provide testimony?” (under oath, recorded, etc.)
- Educate the Witness
 - What they can and can not do



HOSTILE WITNESSES

- Be professional
- Encourage communication
- Listen closely without interrupting
- Depersonalize the situation
- Pause briefly
- Is it expression or insubordination?

Remember - you can't control the witness's thoughts or words, but you can control behavior



WHAT IF THE INTERVIEWEE...

Witness

Subject

Won't testify

Do not order to testify so as to remain impartial; CO may order

Wants lawyer present

Do not have right to have lawyer present

Wants lawyer to answer questions

Lawyers may only advise, not answer or control interview

Won't incriminate another

Military and civilians must answer all questions, except self-incrimination

Remains silent

Explain their responsibilities; use reluctant witness approach

Terminate
& call SJA/CL

Terminate
& call SJA/CL



WHAT IF THE INTERVIEWEE...

Witness/Subject

Believes answer is self-degrading

Military not required to make self degrading statements

Says classified Issues

Witness may rightly refuse initially, but not with proper investigator clearance and IG assistance

Wants Confidentiality

Explain inherent in IG system, remember only IG or AA may grant “express” confidentiality

Claims privileged Communication

Military not required to answer questions that are privileged communications—call SJA

Says question is immaterial

Witness may not refuse to testify; IO alone determines materiality of questions



CLOSING THE INTERVIEW

- Summarize & clarify main points of interview
- Ask for additional information or evidence
- Ask for other witnesses
- Read-Out



POST INTERVIEW

- Assess credibility/reliability
 - Bias
 - Body language
 - Voice inflection
 - Ulterior motives
- Plan subsequent interviews
- Correlate evidence



PRIVILEGED INFORMATION

- Witness may claim “privilege” that prevents them from testifying / cooperating
- Examples include
 - Promotion board members
 - Attorney-client
 - Husband-wife
 - Clergyman-penitent
 - *Doctor-patient
 - *only between a psychotherapist and his/her patient*
- Consult with SJA



POST INTERVIEW ACTIONS

- Submit copy of recording for transcription
- Document any “post interview discussions”
- Verify transcribed testimony
- Summarize ideas or important points of the interview



EVIDENCE



ESTABLISH THE FACTS

- Facts are events that are known to have happened and things that are known to be true
- A general guide in establishing facts is to obtain the testimony of two or more sworn, credible witnesses who independently agree on a single point
- A fact can also be established by a combination of testimony, documentary evidence, and physical evidence that all agree on a single point



EVIDENCE

- Investigations are focused searches for evidence in order to substantiate or refute allegations
- The preponderance of credible evidence is evaluated
- Evidence is identified by its source and its comparative value
 - Types
 - Categories
 - Levels



TYPES OF EVIDENCE

- Direct
 - Physical - documents, records, or computer records
 - Testimonial - evidence presented by the witnesses
- Indirect
 - Circumstantial - physical or testimonial evidence which indirectly proves the existence of a fact
 - Hearsay - a statement heard and repeated by a *third party* as the truth (whenever possible, talk to the actual person who made the statement)



CATEGORIES OF EVIDENCE

- Documentary
 - Evaluations, orders, email
 - Previous investigations, Congressional responses
- Physical evidence (uncommon)
- Statements / testimony
 - Primary means of gathering information
 - Transcribed
 - Summarized
- IG's personal observations



LEVELS OF EVIDENCE

Value

High



Low

- Direct: first-hand knowledge
- Circumstantial: tends to prove or disprove facts by inference
- Hearsay: form of circumstantial when one witness says he / she heard someone else say something
- Opinion: person's belief or judgment



EVIDENCE-GATHERING

- Reviewing documents
 - Command Products
 - Emails
 - Time and Attendance Records
 - SOPs
 - Training Records
 - Contracts

- Analyzing data



EVIDENCE-GATHERING

- Testimony
 - *Sworn and recorded statement*
 - *Transcribed verbatim*
 - *Most accurate record*

- Statements
 - *Information gathered during an interview that is not sworn*
 - *Document in a MFR*



EVIDENCE-GATHERING

- Credibility assessment / establish relative merit
- Weigh evidence collected
- Reach a conclusion



STANDARD OF PROOF



Preponderance of evidence

- >50%
- “More likely than not”

Unfounded, Substantiated or Not Substantiated



STANDARD OF PROOF (CONTINUED)

- Careful not to creep to “Clear and convincing” or “Beyond a reasonable doubt”
- Weight of the evidence not determined simply by number of witnesses / volumes of evidence
- Must consider all evidence and evaluate factors such as witness’ demeanor, ability to recall and relate events, and other indicators of veracity
- Focus on what is relevant to the allegations



EVALUATE THE EVIDENCE

- Use standards as guide
- Analyze for accuracy
- Determine what is relevant
- Check for inconsistencies
- Identify corroboration of facts
- Identify and correct any voids / gaps in evidence
- Resolve any weaknesses
- Use best judgment to determine when to stop collecting evidence and preponderance is met



ORGANIZE YOUR INFORMATION

- Investigation Matrix
- Evidence Matrix
- Force Field Diagram
- Web Diagramming
- “Old Fashioned Outline”
- IGMC Investigations Guide Example



INVESTIGATION MATRIX

Witness	Allegation #1	Allegation #2	Allegation #3	Other Matters	Due Outs
Mr. Taylor (Confidential Complainant)	X	X	--		
Col David (Chief of Staff)	X	~	--		
RADM Kelley (Commander)	X	~	--		
Mr. Carl Brominator (Co-worker)	~	~	--		
Mr. Steve Catherman (Co-worker)	~	~	--		
Col Beknots (Subject)	X	X	X		
Ms. Rachael Walker (Subject)	X	X	X	Was safety report filed? Was leave requested?	

X- Primary Witness -- Discuss if knowledgeable ~ Do not discuss



EVIDENCE MATRIX

Allegation#1 (Col Beknots failed to be at his official place of duty, the Executive Leadership Conference, on 21 April 2014.)

WITNESS	Testimony / Statement / Documents	Evidence Type	Substantiate / Not Substantiate
Mr. Taylor (Confidential Complainant)	Co-worker of Col Beknots; had lunch with Col Beknots, but stated the Col never returned to the conference after lunch.	Circumstantial	Substantiate (if proven Col did not return to conf.)
Ms. Walker (Witness)	Stated she heard rumors that Col Beknots never returned to the afternoon leadership seminars.	Hearsay	Not Substantiate
Col David and RADM Kelley (Witnesses)	Both testified that Col Beknots was directed to attend another meeting on the Admiral's behalf, off-site, in the afternoon of 21 Apr 14.	Direct	Not Substantiate
Col Beknots (Subject)	Was in receipt of TAD orders to attend an off-site leadership conference from 20 through 22 April 2014. He admitted to leaving the conference site on 21 Apr 14. Afternoon attendance sheets from 21 Apr 10 do not contain Col Beknots's signature.	Direct Circumstantial	Substantiate Substantiate (if Col cannot account for whereabouts)
Col Beknots (Subject)	Testified Col David (CofS) directed him to attend BRAC meeting at Pentagon in afternoon of 21 Apr 14.	Direct	Not Substantiate



FORCE-FIELD DIAGRAM

- A visual representation of the facts that includes
 - Allegation with standard
 - Elements of proof
 - Facts to substantiate or not substantiate
 - Level of evidence (direct, circumstantial, hearsay, opinion)



FORCE-FIELD DIAGRAM (CON'T)

Force-Field Diagram

Allegation: Ms. Rachael Walker improperly used her official time in violation of 5 C.F.R. Part 2635.705(a), Use of Official Time during April 2010.

Elements of Proof: Employee was in a duty status. Employee was obligated to perform official duties. Employee either performed the duties or was charged official leave.

Substantiate

Not Substantiate

(O) Confidential complainant stated Ms. Walker was goofing off instead of attending the seminar.

(C) Attendance sheets from the 1300 leadership seminar on 21 Apr 10 did not contain Ms. Walker's signature.

(D) Two witnesses (Mr. Brominator & Mr. Catherman) testified they were both in the 1300 seminar, 21 Apr 10 and Ms. Walker was not there.

(H/S) Ms. LeClair heard Ms. Walker always took extended lunch hours and left the conference site several times.

(D) Ms. Walker stated she returned to the conference site at 1330, 21 Apr 10, but did not return to the seminar area until 1445.

Fact – Ms. Walker was in receipt of TDY order to an official conference. She was required to attend leadership briefings between 1300 and 1500 on 21 Apr 10. Ms. Walker did not attend the 1300 briefing, was off-site, and did not return to the seminar area until 1445.

(D) Ms. Walker stated she tripped on the stairs at the conference site and broke the heel of her shoe.

(O) Ms. Walker stated she thought she made it back in time for the 1300 leadership seminar.

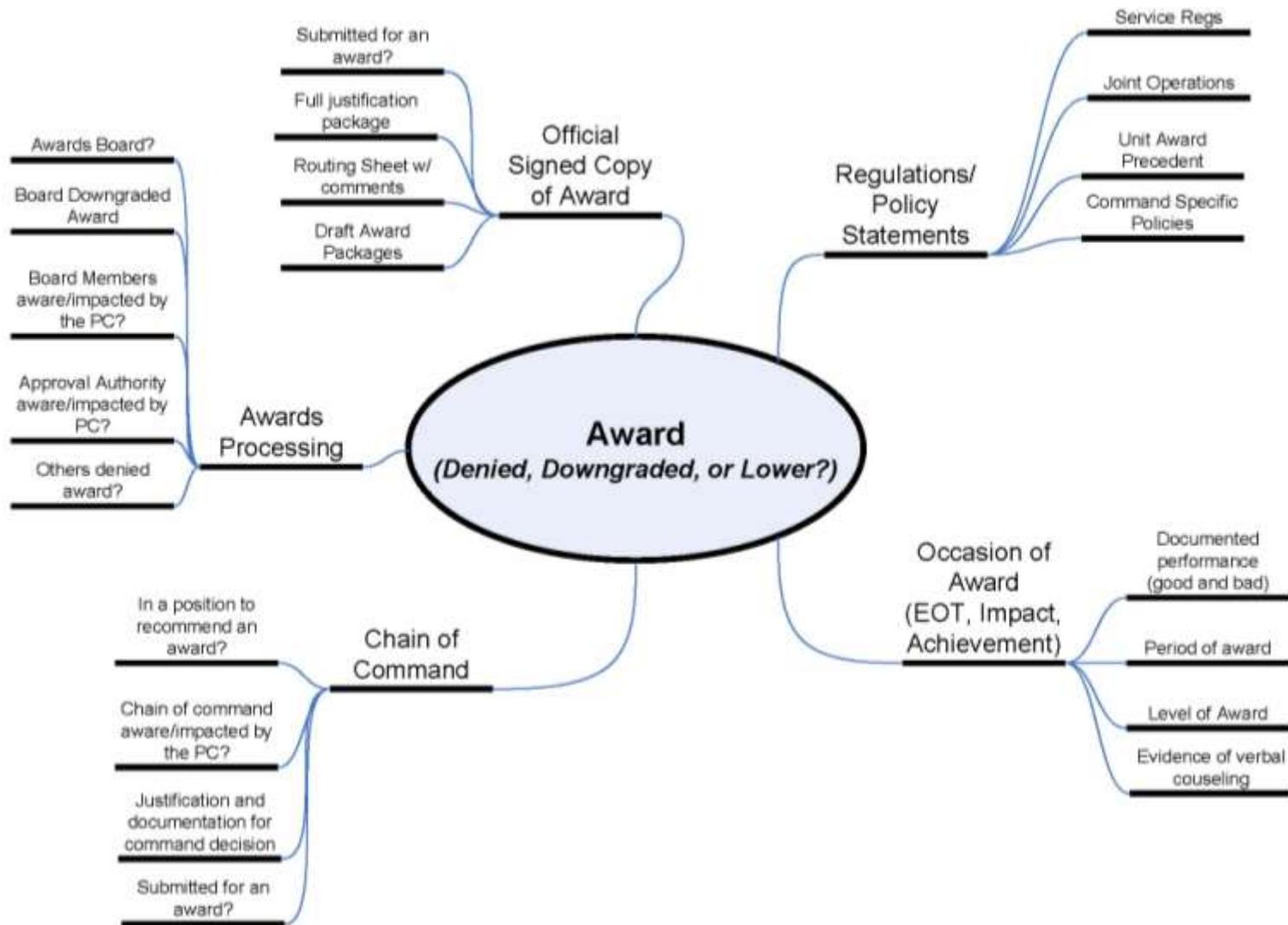
Key - (O) Opinion; (H/S) Hearsay; (C) Circumstantial; (D) Direct



QUESTIONS?



WEB DIAGRAMMING





INSPECTOR GENERAL

United States Marine Corps



★ HONOR ★ COURAGE ★ COMMITMENT ★

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

INTELLIGENCE OVERSIGHT

OVERVIEW

- 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

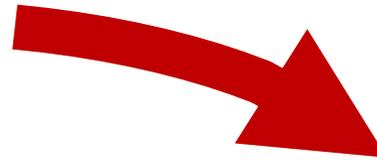


WHY INTELLIGENCE OVERSIGHT?

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

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



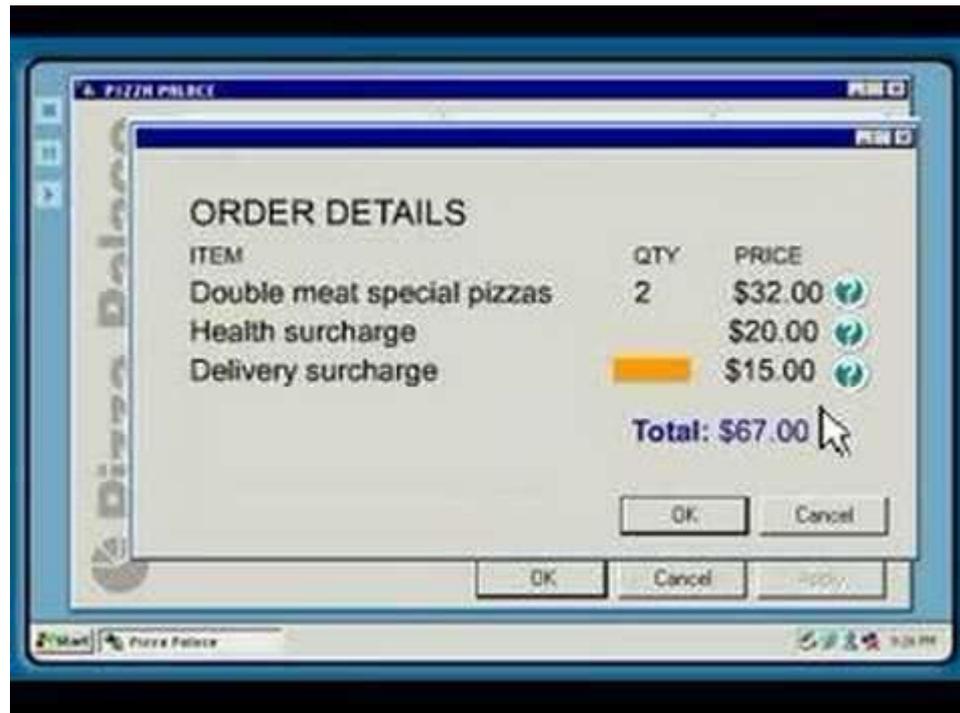
Attorney General
Lynch



DHS Secretary
Johnson



THE FUTURE OF DATA



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INTELLIGENCE OVERSIGHT PRESIDENTIAL CHARTER



INTELLIGENCE OVERSIGHT BOARD

SECDEF

QUARTERLY
REPORT

Department of
Defense
General Counsel

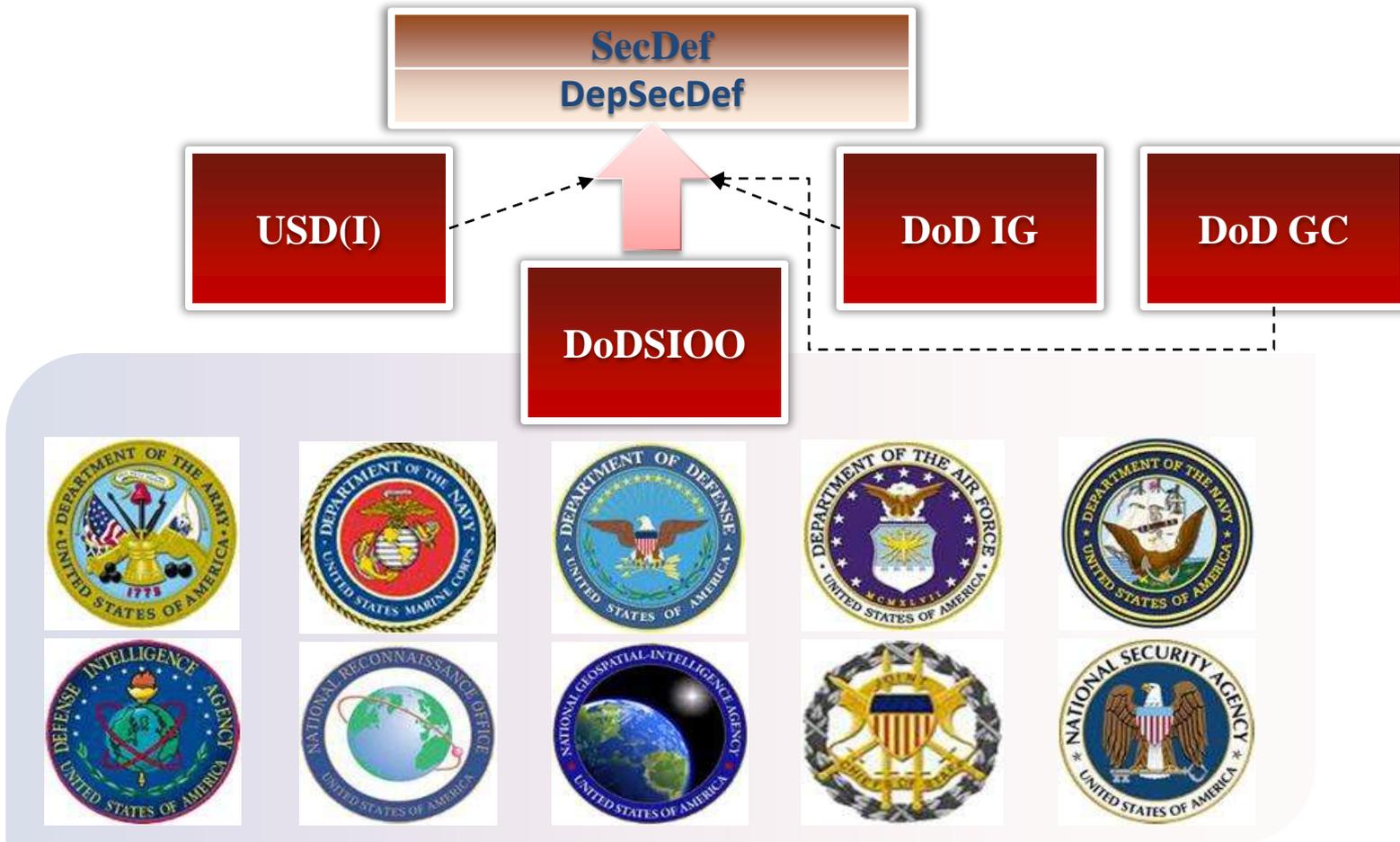
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POLICY AND
GUIDANCE

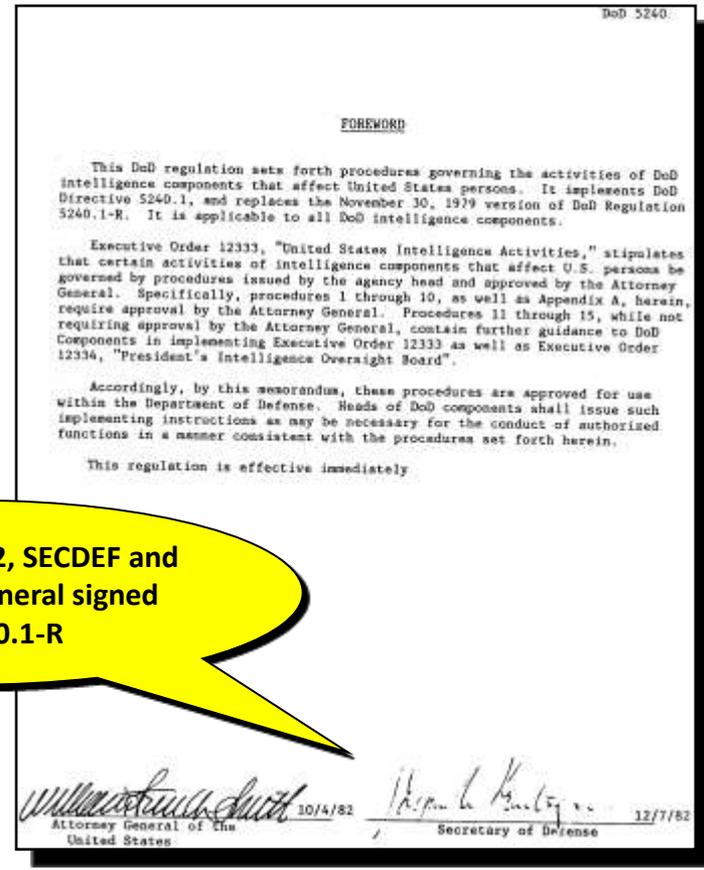
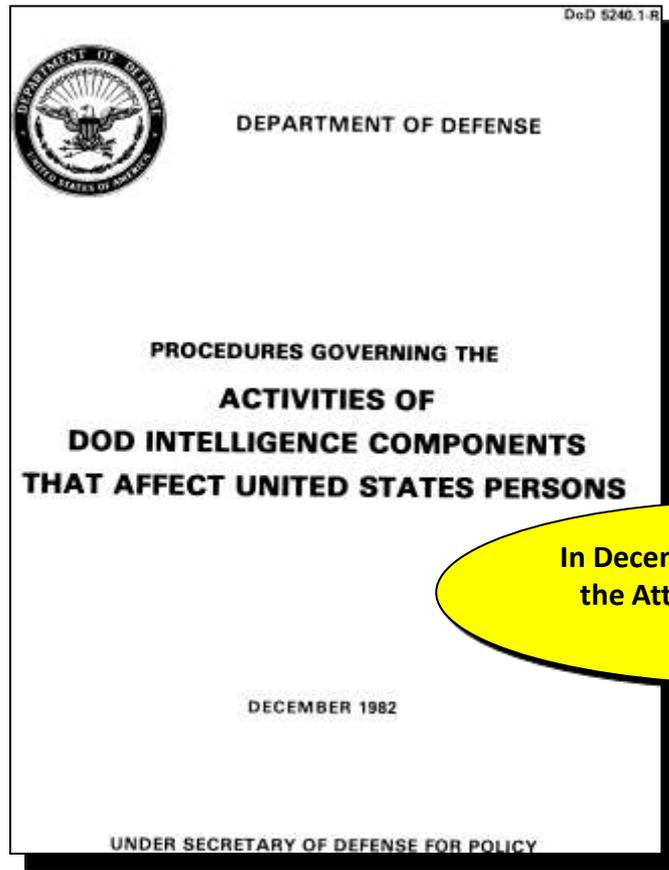
COMPLIANCE
INSPECTIONS



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

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

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

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

- 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

- 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

- 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

- 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*



CLASSIFIED WHISTLEBLOWING

- Presidential Policy Directive-19 (PPD-19), October 10, 2012 - Protecting Whistleblowers with Access to classified information
- Ensures 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
- It prohibits retaliation against employees for reporting waste, fraud and abuse



SECTION A

- Section A prohibits taking, threatening to take or failing to take a Personnel Action as reprisal for a Protected Disclosure.



SECTION B

- Section B prohibits taking, threatening to take, or failing to take action affecting an employee's eligibility for access to classified information as a reprisal for a Protected Disclosure.



SECTION C

- Section C requires the DNI (Director of National Intelligence) to establish an Inspector General External Review Panel for employees alleging reprisal who have exhausted the applicable review process in Part A or Part B.



IGMC RESPONSE

- IGMC has provided a link on the Classified (SIPR) portal to submit classified complaints
- Access to SIPR is required
- Ability to use the unclass hotline to advise of a classified complaint on SIPR



INTELLIGENCE OVERSIGHT

- 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

- 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

- 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

- 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!

***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

- 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

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



SIGNIFICANT OR HIGHLY SENSITIVE (S/HS) MATTER

- 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

- 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

"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



- 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

- 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

- “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

- 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

“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



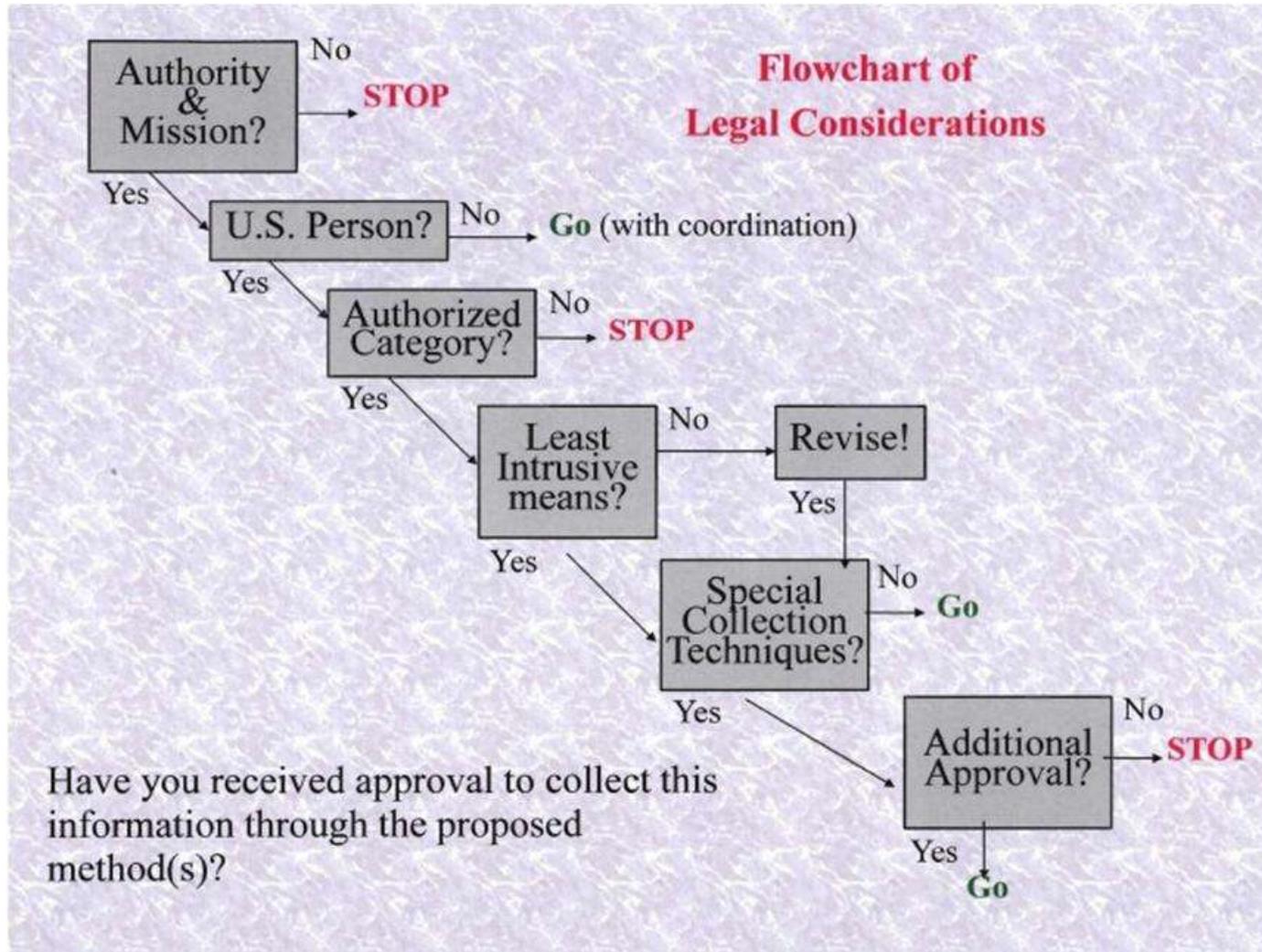
Questions?

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



INTELLIGENCE OVERSIGHT





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

LEGAL SUFFICIENCY AND THE ROLE OF COUNSEL

OVERVIEW

- Counsel/SJA support
 - CL supports IGMC
 - Either SJA or CL support Command IG (CIG) **See next slide*
 - *Subject matter*
 - *Conflicts*
 - *IGMC oversight*
- Early legal engagement with CIG: **Authorities**
 - *Frame allegations*
 - *Discuss comprehensive investigative plan, addressing foreseeable command actions in one product*
- Attorneys provide Legal Sufficiency Reviews for **all** CIG Reports of Investigation (ROI)
 - *Legal concurrence on all Preliminary Inquiries (PI)*
- **Legal Sufficiency determination is critical**
 - *Ensures finding supported by a preponderance of the evidence (burden of proof for IG investigations)*



SOURCES OF IGMCM LEGAL ADVICE



Staff Judge Advocate to the Commandant

- Military Justice
- Operational Law
- Civil and Administrative Law
- Legal Assistance
- Rules Counsel
- Ethics Advisor *

* Shared Responsibility



Counsel for the Commandant

- Acquisition Law
- Civilian Personnel Law
- Senior Official Matters
- Fiscal Law
- Environmental Law
- Intellectual Property
- Intelligence Law
- Real and Personal Property
- Ethics Advisor *



AUTHORITIES

- DoDI 7050.1: Defense Hotline Program
- SECNAVINST 5370.5B: DON Hotline Program
- MCO 5370.8: Marine Corps Hotline Program
- SECNAVINST 5430.57G: Mission and Functions of the Naval Inspector General
- MCO 5430.1: Marine Corps Inspector General Program
- IGP Investigations Guide (Aug 2009)

- *R.C.M. Rule 303: Preliminary Inquiry into Reported Offenses*
- *JAGMAN, Chapter 2, Paragraph 0201c(2): Administrative Investigations (Relation to other Investigations)*



AUTHORITIES (CONT.)

- Per MCO 5370.8, CIGs are an alternative to the chain of command, an extension of the IGMC who reports directly to SECNAV.
 - Secretarial authority governs IG products
 - IG products must be complete
 - *Avoids unnecessary/unreasonable risk to command element*
- Coordination between CIG and Counsel/SJA is vital at outset
 - Ensures appropriate authorities govern investigation
 - Allegations contain appropriate law
 - Investigative plan addresses all issues
 - *One product can be used to address multiple actions, as long as authorities are clear*
- DoDI, SECNAVINST, and MCO detail requirements for proficient command hotline program
 - Receives/addresses **all** complaints
 - No latitude to leave anything unaddressed
 - CONOPS: IGP Investigations Guide
- Analogy



INQUIRIES V. INVESTIGATIONS

- **IG Preliminary Inquiry:** An informal fact-finding process conducted to gather sufficient information to determine investigative merit. Once investigative merit is established, it becomes necessary to notify the Subject (or his command) of the allegations, or extensive witness interviews are required, the inquiry is over and an investigation will begin. If fact finding requires interviewing the subject, the inquiry is over and an investigation will begin.
- **IG Investigation:** An examination into specific allegations of wrongdoing that involves the systematic collection and examination of testimony and documents to determine the facts and draw conclusions. The results are reported in an ROI.
 - *Any investigation done by an IG (an IG cannot be an IO for a JAGMAN or other type of administrative inquiry)



LEGAL SUFFICIENCY ANALYSIS - CHECKLIST

- ✓ Properly framed allegations using language of the standard
- ✓ Logical & complete findings of fact, proper analysis applying standard (and its elements) to facts, and conclusion supported by facts and analysis
- ✓ To be substantiated, an allegation must be legally sufficient by a preponderance of the evidence
- ✓ Legal Sufficiency Review cannot “amend” the ROI nor contain disposition advice
- ✓ Long Legal Sufficiency Review is a red flag that there are problems with ROI
- ✓ If not legally sufficient, goes back to IG for improvements



DISAGREEMENTS

- CG does not have the option change a substantiation but CG always has discretion regarding what, if any, disciplinary action to take
 - *Substantiated finding must be legally sufficient*
 - *If CG wants his disagreement to be a “non-concur” (i.e., change to not substantiated), he must consult with lawyer and CIG and send his non-concur up the chain for a determination (last stop IGMC)*
- If SJA/Counsel cannot give an ROI a legal sufficiency review, or concur with a PI, work with IG to correct the product
 - *If product cannot be improved, contact Counsel, IGMC*



REPORT WRITING: LOOKS MATTER

- Quality product = quality investigation
 - Re-read—No typos or passive voice
 - Don't list facts without analysis
 - Each allegation has its own analysis that applies the standard to the facts
- Avoid judgmental tone in ROI; IG does not “testify”
- Don't surprise the reader; logical flow
- HQMC Supplement to the DON Correspondence Manual (MCO 5216.20)
 - “Short sentences are preferable to long ones, but either can become monotonous with continuous use. Mixing them for a change of pace will produce...balanced paragraphs that can stand the test of being read aloud.”



RECORDS RELEASE

- Release of IG records
 - IG Act and confidentiality (reasonable expectation, not a guarantee)
 - PA and FOIA: redactions → Appropriately cited authority **critical** FOIA implications
 - Official request–relevance?
 - Articulate official purpose in release document
 - Adverse actions
- Release Authority
 - Directing Authority

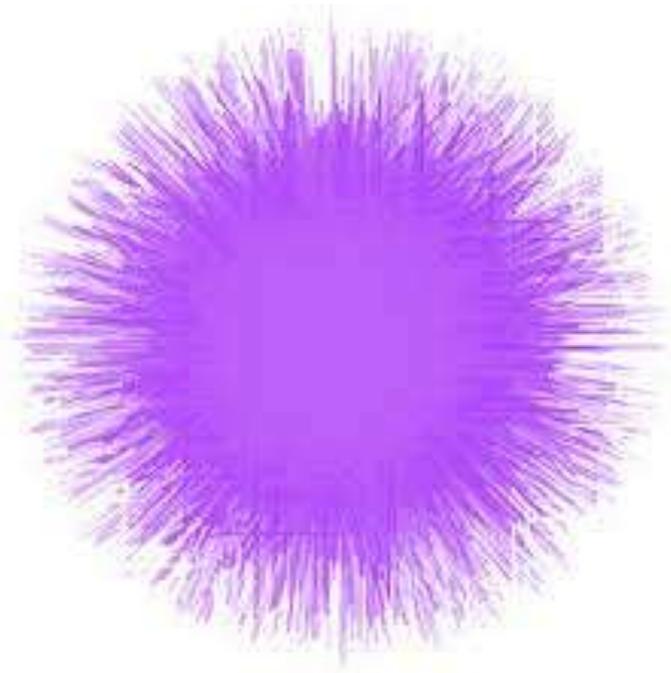


LEGAL CHANGES: 1034 AND 1709

- 10 USC 1034: The Military Whistleblower Protection Act, as amended through FY2014 NDAA
 - *SECNAVINST 5370.7D*
 - *New SECNAV oversight requirements (with SECDEF visibility)*
 - Prohibited personal action?
 - Correct Record
 - “Appropriate” disciplinary action
- FY2014 NDAA, Section 1709: Prohibition of Retaliation against Members of the Armed Forces for Reporting a Criminal Offense
 - Ostracism and maltreatment
 - SECNAVINST preference for command resolution



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://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** 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 2 SURVEY – SURVEY MONKEY

Day 2 - <https://www.surveymonkey.com/s/89B37HR>

