

THE UNITED STATES ARMY INSPECTOR GENERAL SCHOOL

INTELLIGENCE OVERSIGHT GUIDE



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DEPARTMENT OF THE ARMY
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SAIG-ZA

MEMORANDUM FOR ALL U.S. ARMY INSPECTORS GENERAL

SUBJECT: Intelligence Oversight Guide

1. The Intelligence Oversight Guide represents U.S. Army Inspector General (IG) doctrine for the planning, execution, and completion of all Army IG Intelligence Oversight inspections. This doctrine is authoritative and has the backing of Army IG policy in the form of Army Regulation 20-1, Inspector General Activities and Procedures. All IGs will employ this doctrine within the policy framework set forth in Army Regulation 20-1. If a discrepancy exists between the guide and the regulation, the regulation will take precedence.
2. This doctrinal guide's Foreign Disclosure Determination / Designation is FD-1, which means that this doctrine is releasable to members of partner nations and to the general public.
3. If you have questions or comments about this guide, or identify discrepancies or inconsistencies requiring attention, please contact Dr. Stephen M. Rusiecki, Dean of Academics and Deputy Commandant, U.S. Army Inspector General School, (703) 805-3918 or Defense Switched Network (DSN) 655-3918.

Droit et Avant!

A handwritten signature in black ink that reads "Donna W. Martin".

DONNA W. MARTIN
Lieutenant General, USA
The Inspector General

Table of Contents

Intelligence Oversight Guide

Introduction

Chapter 1 - Background Information

Chapter 2 - Key Intelligence Terms

Chapter 3 - Intelligence Oversight Stakeholders and Requirements

Chapter 4 - IG Intelligence Oversight Inspection Process

Section 4-1 - IG Intelligence Oversight Inspection Preparation Phase

Section 4-2 - IG Intelligence Oversight Inspection Execution Phase

Section 4-3 - IG Intelligence Oversight Inspection Completion Phase

Appendix A - References

Appendix B - Sample Intelligence Oversight Inspection Concept Memorandum

Appendix C - Sample Intelligence Oversight Inspection Directive

Appendix D - Sample Intelligence Oversight Detailed Inspection Plan

Appendix E - Sample Intelligence Oversight Unit In-Brief Presentation

Appendix F - Standards and Information Domain Tools

Appendix G - Army Intelligence Elements and Personnel

Appendix H - IG Handling of Questionable Intelligence Activities and Significant or Highly Sensitive Matters

Appendix I - Intelligence Oversight Guide Acronyms, Abbreviations and Initialisms

Introduction

Intelligence Oversight Guide

- 1. Purpose.** The purpose of this guide is to assist Inspectors General (IGs) in preparing, executing, and completing Intelligence Oversight inspections. The U.S. Army Inspector General School (TIGS) uses this guide in teaching Intelligence Oversight. All field IGs can use this guide in their routine Intelligence Oversight inspections.
- 2. IG Responsibilities.** Every IG has a responsibility to provide Intelligence Oversight of intelligence elements and activities within his or her command; inspect intelligence elements as part of the Organizational Inspection Program (OIP); and report any questionable activities in accordance with Chapter 4, Army Regulation (AR) 381-10, The Conduct and Oversight of U.S. Army Intelligence Activities, to (DAIG's) Intelligence Oversight Division (SAIG-IO). This text provides IGs with a ready reference to assist them in carrying out these responsibilities. IGs should not use this guide as a stand-alone reference during Intelligence Oversight inspections but instead should use it in conjunction with AR 381-10; TIGS's The Inspections Guide; and AR 1-201, Army Inspection Policy.
- 3. Relationship to AR 20-1, Inspector General Activities and Procedures, and AR 1-201, Army Inspection Policy.** This guide supports the Intelligence Oversight requirements outlined in AR 20-1 and the Inspections Process described in Chapter 5 of the same document. This guide further supports the Inspection Principles and the precepts of the OIP as found in AR 1-201.
- 4. Relationship to AR 381-10, The Conduct and Oversight of U.S. Army Intelligence Activities.** This guide complements and reinforces the information found in AR 381-10, which is the governing document not just for the conduct of the Army Intelligence activities but for Intelligence Oversight as well.
- 5. Proponent.** TIGS is the proponent for this guide. Please submit recommended changes or comments to the following address:

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TIGS relies upon the subject-matter expertise of DAIG's Intelligence Oversight Division (SAIG-IO) for the accuracy of information found in this guide. Specific questions about the conduct of Intelligence Oversight inspections and other related concerns should be directed to the Intelligence Oversight Division at the following address:

U. S. Army Inspector General Agency
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6. Format for Sample Memorandums: This guide contains sample memorandums that do not adhere to the format requirements outlined in AR 25-50, Preparing and Managing Correspondence. In an effort to save space and paper, some of the required font sizes and spacings have been compressed. Refer to AR 25-50 for the correct format specifications.

7. Updates. TIGS will distribute updated versions of this guide as necessary. TIGS will notify – and then forward electronic copies to – all IG offices when changes have occurred.

8. Summary of Change. This revision supersedes the February 2023 version of the guide. This revision is comprehensive in nature and affects all portions of the guide. The changes were made to ensure our guide follows authoritative guidance in AR 381-10 and Department of Defense Directive (DoDD) 5148.13, Intelligence Oversight. The major changes included in this version are as follows:

- o Makes minor grammatical and administrative corrections throughout.
- o Deletes intelligence producer(s) and intelligence consumer(s) throughout.
- o Adds intelligence element(s) throughout.
- o Further defines intelligence oversight (Chapter 2).
- o Revises the objectives for Intelligence Oversight Inspections (Chapter 4, Section 4-1).
- o Adds Army Intelligence Employee (Appendix G).
- o Updates intelligence oversight responsibilities within the command OIP (Appendix G).

Chapter 1

Background Information

1. **Purpose.** This chapter provides background information on intelligence oversight (IO) and the creation of the National Intelligence Program (NIP).

2. **Goals.** The goals of this chapter are to provide IGs with:

a. An understanding of how the need for intelligence oversight emerged as part of the U.S. Civil Rights Movement, and;

b. An appreciation for the national level of emphasis and requirements for intelligence oversight as a mechanism to protect the privacy rights and civil liberties of all U.S. persons.

3. **Origins of Intelligence Oversight**

a. **Vietnam and the Civil Rights Movement.** During the 1960s and early 1970s, the Vietnam War strongly polarized many groups within the United States because many Americans opposed our involvement in that Southeast Asian country – often violently. These protests – and protests brought on by other issues of the 1960s such as the Civil Rights Movement – prompted many leaders at the highest levels of government to view these groups not just as political threats but also as threats to civil order. Senior leaders within the government ordered U.S. Army intelligence elements and other government agencies to aggressively collect information about U.S. persons who were involved in the anti-war and Civil Rights Movements in the belief that foreign governments were fomenting the actions of these movements. The public soon learned about this behavior and cried foul. These intelligence-gathering activities – now deemed "Big Brother" activities – led to public demands for curbs on the intelligence community to protect against abuses of the Constitutional provision against unlawful search and seizure.

b. **The Privacy Act of 1974.** A consequence of these federal law enforcement and intelligence gathering activities and other challenges regarding the collection, retention, dissemination, and use of U.S. person information (USPI) led to Congress passing and the President enacting the Privacy Act of 1974 (Public Law 93-579) to “to safeguard individual privacy from the misuse of Federal records, to provide that individuals be granted access to records concerning them which are maintained by Federal agencies, to establish a Privacy Protection Study Commission, and for other purposes.” This act serves as a statutory foundation on how the federal movement, not just the intelligence community, is required to establish a code of fair information practice that governs the collection, maintenance, use, and dissemination of personally identifiable information (PII) about individuals that is maintained in systems of records by federal agencies.

c. **The Church Committee.** In 1975, the U.S. Senate established the U.S. Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities, colloquially known as “The Church Committee.” The committee was part of a series of investigations into intelligence abuses in 1975, dubbed the “Year of Intelligence”, including its House counterpart, “The Pike Committee,” and the presidential Rockefeller Commission. The

Church Committee's efforts led to the establishment of the permanent U.S. Senate Select Committee on Intelligence (SSCI). The SSCI, along with the Pike Committee's transformation into the House Permanent Select Committee on Intelligence (HPSCI), established permanent Legislative Branch oversight mechanisms for the execution of intelligence activities by the Executive Branch.

d. **Executive Order 12333.** With the passing of the Privacy Act, other legislation, and the creation of intelligence oversight mechanisms within the Legislative Branch, successive Presidents took action to create a federated Intelligence Community within the Executive Branch. This effort culminated in President Reagan issuing Executive Order (EO) 12333, "United States Intelligence Activities," on 4 December 1981. EO 12333 and successive EOs amending it, serve as the cornerstone for the U.S. Intelligence Community (USIC).

(1) A key aspect of EO 12333 is its dual requirements enshrined within the preamble, whereby "all reasonable and lawful means must be used to ensure that the United States will receive the best intelligence possible," is balanced by the requirement "to provide for the effective conduct of United States intelligence activities and the protection of constitutional rights."

(2) This requirement to protect constitutional rights is further strengthened as a goal of U.S intelligence activities within Section 1.1(b), in which "The United States Government has a solemn obligation and shall continue in the conduct of intelligence activities under this order, to protect fully the legal rights of all United States persons, including freedoms, civil liberties, and privacy rights guaranteed by Federal law."

(3) It is this goal [Section 1.1(b)] that serves as the foundation for all intelligence oversight requirements governing the intelligence and counterintelligence elements of the Army as a member of the USIC.

Chapter 2

Key Intelligence Terms

1. **Purpose.** This chapter provides an overview of key intelligence related terms, the Army's intelligence oversight program, how to identify key stakeholders within the intelligence oversight program, and policy requirements for those stakeholders.

2. **Goals.** The goals of this chapter are to provide IGs with:

a. An understanding that key intelligence oversight terms have national origins and nuanced meanings that are subject to misinterpretation.

b. An understanding of intelligence as a national level program in which the Army participates according to national rules implemented pursuant to requirements within EO 12333.

3. **Key Intelligence-Related Terms.** IGs have a defined inspection responsibility for intelligence activities. The following is a short list of defined intelligence terms that IGs will need to understand when executing their regulatory required intelligence oversight inspection duties.

a. **Intelligence Oversight (IO).** IO operations are the efforts taken by members of the USIC in the conduct of intelligence activities “to protect fully the legal rights of all U.S. persons, including freedoms, civil liberties, and privacy rights guaranteed by Federal law” (EO 12333, Section 1.1(b)). IO, as further defined by DoDD 5148.11 Assistant to the Secretary of Defense for Intelligence Oversight (ATSD(IO)), incorporating Change 1, March 2, 2023), is the process of independently ensuring all DoD intelligence, counterintelligence, and intelligence-related activities are conducted in accordance with applicable U.S. law, EOs, Presidential directives, and DoD issuances designed to balance the requirement for acquisition of essential information by the intelligence community (IC) and the protection of Constitutional and statutory rights of U.S. persons. IO also includes the identification, investigation, and reporting of questionable intelligence activities and significant or highly sensitive matters (S / HS) involving intelligence activities.

b. **Intelligence.** Intelligence, as governed by EO 12333 and implementing guidance from the Director of National Intelligence (DNI), the Attorney General of The United States (AG), the Secretary of Defense (SECDEF), the Functional Managers for signals intelligence (SIGINT), human intelligence (HUMINT), and geospatial intelligence (GEOINT), means:

Intelligence includes Foreign Intelligence (FI) + Counterintelligence (CI)

- Where FI means “information relating to the capabilities, intentions, or activities of foreign governments or elements thereof, foreign organizations, foreign persons, or international terrorists.” (EO 12333, Section 3.5(e)).

- And CI means “information gathered, and activities conducted to identify, deceive, exploit, disrupt, or protect against espionage, other intelligence activities, sabotage, or assassinations conducted for or on behalf of foreign powers, organizations, or persons, or their agents, or international terrorist organizations or activities.” (EO 12333 Section 3.5.(a)).

- And that the goal of U.S. intelligence activities (for what purpose an intelligence activity is conducted) is to “provide the President, the National Security Council (NSC), and the Homeland Security Advisory Council (HSAC) with the necessary information on which to base decisions concerning the development and conduct of foreign, defense, and economic policies, and the protection of United States national interests from foreign security threats.”

c. **Intelligence Activities.** Intelligence activities is defined as “all activities that elements of the Intelligence Community are authorized to conduct pursuant to this order [EO 12333].” (EO 12333 Section 3.5.(g))

d. **U.S. Person.** Pursuant to Department of Defense Manual (DoDM) 5240.01, Procedures Governing the Conduct of DoD Intelligence Activities, a U.S. Person "Includes:

- A U.S. citizen.
- An alien known by the Defense Intelligence Component concerned to be a permanent resident alien.
- An unincorporated association substantially composed of U.S. citizens or permanent resident aliens.
- A corporation incorporated in the U.S., except for a corporation directed and controlled by a foreign government or governments. A corporation or corporate subsidiary incorporated abroad, even if partially or wholly owned by a corporation incorporated in the United States, is not a U.S. person.
- A person or organization in the U.S. is presumed to be a U.S. person, unless specific information to the contrary is obtained. Conversely, a person or organization outside the United States, or whose location is not known to be in the United States, is presumed to be a non-U.S. person, unless specific information to the contrary is obtained.”

e. **U.S. Person Information.** Pursuant to DoDM 5240.01, USPI means “Information that is reasonably likely to identify one or more specific U.S. persons. USPI may be either a single item of information or information that, when combined with other information, is reasonably likely to identify one or more specific U.S. persons. Determining whether information is reasonably likely to identify one or more specific U.S. persons in a particular context may require a case-by-case assessment by a trained intelligence professional. USPI is not limited to any single category of information or technology. Depending on the context, examples of USPI may include names or unique titles; government-associated personal or corporate identification numbers; unique biometric records; financial information; and street address, telephone number, and Internet Protocol (IP) address information. USPI does not include:

- A reference to a product by brand or manufacturer’s name or the use of a name in a descriptive sense, as, for example, Ford Mustang or Boeing 737; or
- Imagery from overhead reconnaissance or information about conveyances (e.g., vehicles, aircraft, or vessels) without linkage to additional identifying information that ties the information to a specific U.S. person.”

f. **Questionable Intelligence Activity (QIA).** Pursuant to DoDD 5148.13, Intelligence Oversight, and in accordance with AR 381-10, a QIA is “Any intelligence or intelligence-related activity when there is reason to believe such activity may be unlawful or contrary to an EO, Presidential directive, Intelligence Community Directive, or applicable DoD or Army policy governing that activity. For the purposes of this regulation, a questionable intelligence activity also includes any unauthorized access or use of information that has been collected for an intelligence purpose, or any unlawful or unauthorized use of a resource or capability researched and developed to support the conduct of intelligence or intelligence-related activity.”

g. **Significant or Highly Sensitive Matter.** Pursuant to DoDD 5148.13, a S / HSM is “[a]n intelligence or intelligence-related activity (regardless of whether the intelligence or intelligence-related activity is unlawful or contrary to an EO, Presidential directive, Intelligence Community Directive, or DoD policy), or serious criminal activity by intelligence personnel, that could impugn the reputation or integrity of the Intelligence Community, or otherwise call into question the propriety of intelligence activities. Such matters might involve actual or potential:

- Congressional inquiries or investigations.
- Adverse media coverage.
- Impact on foreign relations or foreign partners.
- Systemic compromise, loss, or unauthorized disclosure of protected information.”

h. **Army Intelligence Element.** Pursuant to AR 381-10, an Army Intelligence Element is “the Regular Army, U.S. Army Reserve (USAR), and Army National Guard (ARNG) elements that perform FI or CI missions or functions consisting of:

- HQDA Deputy Chief of Staff (DCS), G–2.
- U.S. Army Intelligence and Security Command (INSCOM) and subordinate units.
- 650th Military Intelligence Group, Supreme Headquarters Allied Powers Europe (SHAPE).
- Senior intelligence officers (SIOs) and staff of Army Commands (ACOMs), Army Service Component Commands (ASCCs), Direct Reporting Units (DRUs), and other commands and organizations while conducting an intelligence activity under Secretary of the Army (SECARMY) authorities, intelligence training, and Army-specific reporting requirements for QIAs and S / HSM.
- G–2 and S–2 offices at all levels of organization while conducting an intelligence activity under SECARMY authorities, intelligence training, and Army-specific reporting requirements for QIA and S / HSM.
- Installation, organization, facility, or program security offices when carrying out intelligence activities.
- Military Intelligence (MI) units while conducting an intelligence activity under SECARMY authorities, intelligence training, and Army-specific reporting requirements for QIA and S / HSM.
- U.S. Army Intelligence Center of Excellence (ICoE) and other organizations conducting intelligence training.

- Intelligence systems developers when testing systems.
- Contractors supporting any Army entity when conducting intelligence activities as defined in DoDM 5240.01.
- Any other Army entity when conducting intelligence activities as defined in DoDM 5240.01 under the authority of the SECARMY.”

Chapter 3

Intelligence Oversight Stakeholders and Requirements

1. **Purpose.** This chapter identifies key stakeholders within the intelligence oversight program and policy requirements for those stakeholders.
2. **Goals.** The goals of this chapter are to provide IGs with:
 - a. The identities of key intelligence oversight stakeholders within a command.
 - b. Stakeholder roles and responsibilities for implementation of the Army's intelligence oversight program as it pertains to the intelligence oversight responsibilities of a Command IG (CIG).
3. **Stakeholders.** IGs must understand that intelligence activities are a nationally led effort with multiple authorities and levels of responsibility. It is easy for an intelligence professional, let alone a layman, to get lost amongst the myriad of statutes, executive orders, USIC policies, DoD policies, and Army regulations implementing those policies. Avoiding this "analysis paralysis" is of paramount importance to an IG and the solution is to focus on what must an IG do. The following is a narrow list of individuals with intelligence responsibilities as it relates to a CIG conducting IG intelligence oversight inspections as part of a Command's OIP.
 - a. **Commanders.** The Commanders of U.S. Army organizations that conduct intelligence or intelligence training, *"are responsible for everything their command does or fails to do. However, commanders subdivide responsibility and authority and assign portions of both to various subordinate commanders and staff members"* (AR 600-20, Army Command Policy, paragraph 2-1 b).
 - (1) Commanders of U.S. Army organizations that conduct intelligence activities or training under the Secretary of the Army authority are required by AR 381-10, Paragraph 1-21 c. to, "Include intelligence oversight as part of the command's organizational inspection program."
 - (2) Outside of an actual Military Intelligence unit, a Commander will not be an intelligence professional and will rely upon their G-2 / Senior Intelligence Officer (SIO).
 - b. **G-2 / Senior Intelligence Officer.** The G-2 / SIO is the General Staff Officer executing a Commander's responsibility to ensure the propriety of command intelligence activities. This individual is responsible for the coordination, execution, and oversight of all intelligence activities within a command, not the CIG. The term SIO is used because outside of a Division, Corps, ASCC, or ACOM, the G-2 may be limited to security roles only. In these cases, another Staff Officer (military or civilian) may hold the title of SIO. However, these cases are typically limited to MI units at the Battalion

level or higher where the S-3 / G-3 or a Director of Operations executes the commander's responsibility to ensure the propriety of command intelligence activities.

c. Intelligence Oversight Officers (IOOs). The IOOs are the primary administrators of a Commander / G-2 / SIO's Intelligence Oversight Program.

(1) The IOOs responsibilities are codified in AR 381-10, paragraph 1-22 (Intelligence oversight officers). *"All IOOs will—*

a. Represent commanders in matters of intelligence oversight, ensuring all personnel within the command are familiar with law, presidential EOs, intelligence community directives, DoD policy, and Army policy regarding the conduct of intelligence activities.

b. Provide advice and assistance with respect to intelligence oversight; keep leadership informed on new policy and guidance; monitor intelligence oversight training; and oversee all unit intelligence activities, operations, and reporting.

c. Assist the commander in ensuring the unit's intelligence activities are conducted and consistent with applicable law, presidential EOs, intelligence community directives, DoD policy, Army policy, and established oversight principles.

d. Assist in the implementation of the commander's intelligence oversight program.

e. Develop mission-specific intelligence oversight training and education programs and participate when available.

f. Ensure compliance with requirements regarding the investigation, reporting, tracking, and documenting of QIA, S / HSM, and reportable Federal crimes in accordance with DoDD 5148.13 and this regulation.

g. Review all unit requests for intelligence operational authorities and the use of procedures governing the conduct of DoD intelligence activities prior to approval.

h. Assist the commander in ensuring all personnel periodically review intelligence databases to ensure the retention of USPI is consistent with DoDM 5240.01 (specifically, that USPI is retained only for authorized functions and is not held beyond any evaluation period prior to a permanent retention decision or beyond the established disposition criteria).

i. Prepare subordinate units for intelligence oversight inspections and conduct inspections or assessments of subordinate unit programs.

j. Successfully complete all intelligence discipline specific oversight training within 30 days of appointment as the IOO, and any subsequent Army IOO course within 180 days of appointment or the date of the initial class offering.

k. Assist the commander in ensuring all personnel in their unit complete intelligence oversight training in accordance with this regulation.

l. Monitor and maintain unit training statistics to ensure compliance.

m. Assist Inspectors General in the review and inspection of the unit's intelligence activities and intelligence oversight program."

(2) In most units, the IOOs will be a CIGs point of contact for all things intelligence oversight. If this is not the case, CIGs should emphasize to commanders the requirement for IOOs to assist IGs in accordance with AR 381-10 paragraph 1-22m.

(3) As of late 2022, Army policy codified an IOO's staff inspection responsibility to *"conduct inspections or assessments of subordinate unit programs."* This regulatory requirement will likely result in Commanders gradually placing upon their IOOs the onus of planning, coordinating, executing, and oversight of a command OIP's staff inspections for IO.

(4) Staff Inspections under a command OIP generally use command-approved and tailored checklists. In the case of intelligence oversight staff inspections, this checklist should be based upon the HQDA DCS, G-2 Intelligence Oversight Assessment / Inspection Guide of April 2015, a DoD or Intelligence Functional Manager (HUMINT, GEOINT, SIGINT) suggested checklist, or other applicable USIC guide.

d. Command OIP Coordinator. AR 1-201, paragraph 1-4 d, requires *"Commanders, program managers, and directors from the battalion level up through the ACOMs, ASCCs, and DRUs (or similarly sized organizations) and State Adjutants General will — (3) Designate an OIP coordinator to coordinate and manage the OIP, preferably from within the staff agency that has tasking authority and direct access to the master calendar."*

(1) The Command's OIP Coordinator is the commander's focal point for all things OIP, to include scheduling and coordinating staff inspections and IG inspections for intelligence oversight. In the execution of a commander's OIP responsibilities, the OIP Coordinator at a Division or higher-level organization (which is where we find CIGs assigned to the general staff) typically executes the commander's OIP requirement (AR 1-201, paragraph 3-2 e) to *"address the IG's intelligence oversight responsibilities and requirements as outlined in AR 20-1."*

(2) While it is the responsibility of CIGs to execute IG intelligence oversight inspections, they must be coordinated through the command OIP Coordinator in consultation with the G-2 / SIO and IOOs.

e. Command Inspectors General. CIGs by assignment are found only at the general staff level and have narrowly defined regulatory responsibilities for intelligence oversight. An explanation of CIG duties related to IG intelligence oversight inspections follows.

(1) AR 20-1.

(a) Paragraph 1-4 b(3)(a) “[IGs will–] Conduct[ing] intelligence oversight inspections of intelligence activities and components within the command as part of the Organizational Inspection Program (OIP) in accordance with Executive Order 12333, DODD 5148.13, and AR 381–10.”

(b) Paragraph 1-4 b(10) “[IGs will–] Report any questionable intelligence activities to DAIG’s Intelligence Oversight Division (SAIG–IO) in accordance with procedure 15, AR 381–10.” [Note: A revision of AR 381-10, The Conduct and Oversight of U.S. Army Intelligence Activities was published 27 Feb 23 which defined questionable intelligence activity reporting within Chapter 4.]

(c) Paragraph 5-3 a. “All IGs throughout the Army will conduct intelligence oversight inspections of intelligence components and activities conducting foreign intelligence (to include any intelligence disciplines) or counterintelligence within their commands. Intelligence oversight inspections are a requirement for all IGs, and these inspections will be part of the IG inspection program within the command’s OIP. Because a command’s OIP consists of a variety of inspections, including external inspections, the command IG may accomplish the IO inspection by participating in or conducting a joint inspection with another element, as long as the IG is able to fulfill the requirements of this regulation and AR 381–10...”

(d) Paragraph 5-3 b. “The purpose of IG intelligence oversight inspections is to provide oversight and verify that intelligence components and activities are complying with appropriate laws, executive orders, and policy with an emphasis on ensuring that these components and activities perform their authorized intelligence functions in a manner that protects the constitutional rights of U.S. persons.”

(e) Paragraph 5-3 d. “The commander’s OIP will normally determine the frequency of intelligence oversight inspections within the command. However, IGs at all levels will ensure that they inspect their intelligence components a minimum of once every 2 years.”

(2) AR 381-10, paragraph 1-20, “The Army Inspectors General will—

a. As part of their inspection program, determine if Army intelligence elements are conducting intelligence activities in compliance with law, EOs, intelligence community directives, DoD policy, and Army policy.

b. Determine whether inspected elements are involved in any QIA or S / HSM. If an inspection discovers a QIA or S / HSM, inspector generals will report the matter in accordance with chapter 4 of this regulation.

c. Ascertain whether any organization, staff, or office not specifically identified as an Army intelligence element is being used for foreign intelligence or counterintelligence purposes and, if so, ensure its activities comply with this regulation.

d. Ascertain whether any organization, staff, or office not specifically identified as an Army intelligence element is conducting intelligence or counterintelligence activities without an assigned mission to do so. If the inspections identify an element within an Army unit that is conducting intelligence or counterintelligence activities without an assigned mission to do so, The Inspector General (TIG) will report the matter in accordance with chapter 4 of this regulation.

e. Evaluate leadership awareness and understanding of intelligence authorities governing the collection, retention, and dissemination of USPI.

f. Determine whether inspected elements' approved SIGINT missions comply with National Security Agency (NSA) / Central Security Service (CSS) policies and directives.

g. Determine whether procedures exist within each element for reporting QIA, S/HSM, and Federal crimes, and that personnel are aware of their reporting responsibility.

h. Provide advice to commanders and IOOs as needed.”

Chapter 4

IG Intelligence Oversight Inspection Process

Section 4-1 - Intelligence Oversight Inspection Preparation Phase

Section 4-2 - Intelligence Oversight Inspection Execution Phase

Section 4-3 - Intelligence Oversight Inspection Completion Phase

Section 4-1

Intelligence Oversight Inspection Preparation Phase

1. **Purpose.** This section uses the Preparation Phase of the 17-step Inspection Process to identify actions IGs take in preparation for executing an IG intelligence oversight inspection. In addition to identifying these actions, this chapter provides recommended strategies IGs may employ to achieve completion of identified actions in a resource-constrained environment.

a. The Preparation Phase of an IG intelligence oversight inspection represents the greatest challenge for IGs as it presents intelligence information that is unfamiliar to general audiences. This section and the appendices distill and organize this information in a manner that facilitates an IG's ability to execute an IG intelligence oversight inspection by providing standard objectives, sub-tasks, and related policy standards that are specific to intelligence oversight responsibilities.

b. Intelligence oversight is not a normal topic found in a guide or standard operating procedure (SOP), but its importance to CIGs cannot be overstated. Ultimately, this guide serves to assist IGs in the execution of their intelligence oversight (and later QIA and S / HSM reporting) responsibilities.

2. Introduction.

a. An IG inspection of an intelligence element's intelligence oversight program is essentially a "systems check" of the existing system within an organization. Although not a systemic inspection in the purest sense, the IG must still approach the inspection with an eye toward examining that element's intelligence oversight program as a system within the organization but not necessarily one that has given pre-inspection indicators that the program may be suffering from a pattern of non-compliance. Instead, many IGs will conduct intelligence oversight inspections and find highly effective and well-managed intelligence oversight programs in place.

b. The bottom line is the IG's ultimate responsibility is to "Determine the state of the command's discipline, efficiency, economy, morale, training, and readiness as directed by the commander, director with an assigned IG, or State AG" (AR 20-1, paragraph 1-4 b(1)). All CIGs and their subordinate IGs must approach intelligence oversight through this lens. An important regulatory requirement to aid CIGs and IGs in the execution of this duty is the last requirement of IGs within AR 381-10, paragraph 1-20 h, whereby IGs "Provide advice to commanders and IOOs as needed."

c. Your success as a CIG and IG with respect to intelligence oversight will not be determined by the execution and completion phases of the Inspections Process but instead the preparation phase. The preparation phase and interaction with key intelligence stakeholders identified in Chapter 3 of this guide will serve as the foundation for a coordinated and supportive activity that will strengthen your commander's ability to execute intelligence activities and training in a lawful manner and in an increasingly resource constrained environment. Accomplishing this task is the goal of the IG's responsibility to provide advice to commanders and IOOs.

d. As a reminder, this guide focuses exclusively on the perspective of an IG, but it is a powerful aid for CIGs and IGs to use to educate commanders and staffs in the execution of their responsibilities for intelligence oversight.

3. Preparation Phase Step 1: Research.

a. Introduction. With respect to intelligence oversight, IGs have distinct advantages in that the inspection purpose and inspection objectives of an IG intelligence oversight inspection are defined in AR 20-1 and AR 381-10. This purpose is a regulatory requirement and therefore will not change. This guide will provide IGs with a template for an IG intelligence oversight concept memorandum and subsequent inspection directive (intelligence oversight). Because these documents are driven by regulatory requirements, they provide IGs with a 90-percent solution for the creation of these documents and justification to your directing authority.

b. Inspection Purpose. Pursuant to AR 20-1, paragraph 5-3 b, the purpose of an IG intelligence oversight inspection is “To provide oversight and verify that intelligence components and activities are complying with appropriate laws, executive orders, and policy with an emphasis on ensuring that these components and activities perform their authorized intelligence functions in a manner that protects the constitutional rights of U.S. persons.” While an inspection concept and directive may amend this language to suit the needs of their commanders, any such changes should be minimized.

c. Inspection Objectives. Pursuant to AR 381-10, paragraph 1-20, the objectives of any IG intelligence oversight inspection are codified as subparagraphs a through g. These seven subparagraphs are listed in Chapter 3 of this guide under the responsibilities of a CIG. Not all seven responsibilities necessarily need to stand alone as objectives and can occur within the scope of an IG intelligence oversight inspection concept and directive. Therefore, these regulatory responsibilities may be reworded into the following standing objectives for an IG intelligence oversight inspection:

(1) Objective 1. Determine if Army intelligence elements are conducting intelligence activities in compliance with law, EOs, intelligence community directives, DoD policy, and Army policy.

(2) Objective 2. Determine if the inspected command has a subordinate unit, organization, staff, or office not identified as an Army intelligence element but are conducting intelligence activities (as defined by EO 12333). [If so, must meet Objective 1.]

(3) Objective 3. Evaluate leadership knowledge and understanding of intelligence oversight, especially reporting and procedures governing the collection, retention and dissemination of U.S. person information, in accordance with DoDM 5240.01, Procedures Governing the Conduct of DoD Intelligence Activities, August 8, 2016.

(4) Objective 4. Ensure existence and publication of procedures for the handling and reporting of questionable intelligence activities, significant and/or highly sensitive matters and reportable federal crimes, in accordance with AR 381-10, sections 4 and 5.

4. Preparation Phase Step 2: Develop the Concept.

a. Since the inspection purpose and objectives are defined by regulation, this guide offers a template that IGs can use and quickly tailor to the needs of their directing authority. See *Appendix B for a sample intelligence oversight inspection concept memorandum.*

b. Sample Concept-Approval Briefing. CIGs / IGs should consider using the following agenda / discussion points for their Concept-Approval Briefings to the directing authority. Actual slide presentation examples are in Section 4-2 of The Inspections Guide.

(1) Purpose Slide: To gain the Commanding General's approval of the inspection concept for evaluating the effectiveness of the intelligence oversight program within the command.

(2) Agenda Slide: Inspections Purpose, Objectives, Scope, Focus, Timeline, Approval.

(3) Inspection Purpose: Pursuant to AR 20-1, paragraph 5-3 b, the purpose of the IG inspection is to provide oversight and verify that the command's intelligence elements and personnel are complying with appropriate laws, executive orders, and policy with an emphasis on ensuring that these components and activities perform their authorized intelligence functions in a manner that protects the constitutional rights of U.S. persons.

(4) Inspection Objectives: (Use the Objectives from page 4 -1 - 2 of this guide)

(5) Scope:

- One team of two to three inspectors (to include the Division Intelligence Oversight Officer as a Temporary Assistant IG) will visit all intelligence elements (as previously identified by the G-2 / SIO within the command).

- Pursuant to AR 20-1, paragraph 5-3 a, this regulation-mandated IG inspection only applies to those Army intelligence elements of the command conducting intelligence activities which includes foreign intelligence and counterintelligence. The G-2 / SIO will assist the IG in identifying those elements which must be inspected.

(6) Focus:

- This is a regulation-mandated compliance inspection that focuses on verifying that the command's intelligence elements conduct intelligence activities in compliance with appropriate laws, executive orders, and policy.

- Existing intelligence oversight requirements as outlined in AR 381-10, will provide the guiding tenets for this inspection.

(7) Timing of Feedback:

- The Chief, Inspections Branch, will conduct a mid-inspection briefing with the commanding general followed by a final report briefing at the conclusion of the inspection.

- During the conduct of the inspection, the team will provide the inspected intelligence element commander or appropriate staff officer with immediate – but general – feedback in the form of an out-briefing.

(8) Timeline:

- Send the notification letter D-90
- Send the detailed inspection plan to the intelligence elements D-60
- Visit first intelligence element D+0
- Visit last intelligence element D+20
- Final results to the commanding general D+40
- Final written report complete D+50

(9) Approval:

- Do you approve of this inspection concept, sir / ma'am?
- Please sign the inspection directive.
- Do you have any additional guidance for the inspection, sir / ma'am?

5. Preparation Phase Step 3: Commander Approves Concept. Intelligence oversight inspections require a signed directive from the IG's directing authority. IGs will use the Sample Intelligence Oversight Inspection Directive in Appendix C of this guide.

6. Preparation Phase Step 4: Plan in Detail. Outputs for this step do not differ from The Inspections Guide; however, this guide provides recommended products for field IGs to use during intelligence oversight inspections.

a. Sub-Tasks for each objective.

- Sub-Task 1.1. Determine if commanders and their staffs execute policy requirements for the conduct of intelligence activities. (interviews, sensing sessions, document reviews, and observations)
- Sub-Task 1.2. Determine if individuals execute policy requirements for the conduct of intelligence activities. (interviews, sensing sessions, document reviews, and observations)
- Sub-Task 2.1. Determine if the command has documented mission and authorities to conduct intelligence activities. (document reviews)
- Sub-Task 3.1. Determine if intelligence oversight has been implemented within the command's organizational inspection program. (interviews, sensing sessions, document reviews, and observations)
- Sub-Task 3.2. Determine if commanders use intelligence professionals to assist them in fulfilling intelligence policy responsibilities. (interviews, sensing sessions, and document reviews)

- Sub-Task 4.1. Determine if the command has implemented an intelligence oversight training program tailored to the unit's intelligence mission and authorities. (interviews, sensing sessions, document reviews, and observations)
- Sub-Task 4.2. Determine if the command has implemented procedures for the reporting and investigating of QIAs and S / HSMs. (interviews, sensing sessions, and document reviews)

b. Methodology and Detailed Inspection Plan. Appendix D of this guide provides an example of a detailed inspection plan with a methodology included.

c. Notification Letter. Use the notification letter format from The Inspections Guide (Section 4-2).

7. Preparation Phase Step 5: Train Up. Outputs for this step do not differ from The Inspections Guide; however, this guide provides recommended products for field IGs to use during intelligence oversight inspections. IGs need to make sure that the intelligence subject-matter experts that have been brought onto the inspection team as Temporary Assistant IGs are administered the oath and trained on IG records.

a. Information-Gathering Tools. See Appendix F of this guide for sample interview and sensing-session questions.

b. Develop a Standard In-Briefing and Out-Briefing. For in-briefings, use the sample intelligence oversight unit in-briefing presentation located in Appendix E of this guide. Out-briefings should follow the example in The Inspections Guide (section 4-3).

c. Rehearsals. Rehearsals are a key to any operation. Take time during this step to rehearse with the team members.

8. Preparation Phase Step 6: Pre-Inspection Visits. IGs will not conduct pre-inspection visits as part of an intelligence oversight Inspection. intelligence oversight Inspections are inherently compliance-based, and AR 20-1 requires IGs to inspect all intelligence elements conducting foreign intelligence and counterintelligence activities once every two years. Results from all such elements must be included in the inspection report.

Section 4-2

Intelligence Oversight Inspection Execution Phase

1. **Purpose.** This section provides IGs with information concerning the Execution Phase of the 17-step Inspection Process as it applies to IG Intelligence Oversight Inspections. This phase does not deviate from TIGS's The Inspections Guide. Information provided within this section primarily:

- a. Points the IG to the appropriate portions of The Inspections Guide to avoid redundancy.
- b. Highlights key details within the Execution Phase that are specific to IG intelligence oversight inspections.

2. **Execution Phase Step 7: Visit Units.**

a. This step follows the procedures outlined in The Inspections Guide. IGs use their information-gathering tools and execute the methodology from the preparation phase.

b. In-briefing. The inspecting IG team chief should briefly describe the conduct, techniques, and scope of the intelligence oversight inspection, list the inspected units, and outline to whom and when the inspection report is due. See Appendix E for an example of an IG in-briefing to the intelligence element.

c. Inspected Unit Briefing. The inspected unit should brief the IG inspection team on the unit mission, organization, operations, intelligence files, and any intelligence oversight policy or program. Elements of importance include the existence of an intelligence oversight program – beyond simply a written program – and a designated intelligence oversight staff officer.

d. Out-briefing. Discuss any possible intelligence oversight issues identified during the inspection with the intelligence element's leadership. Inform the unit that these issues are just issues and not findings or observations until you can crosswalk (or verify) them. *See Appendix H on how to report any questionable intelligence activities discovered as part of the intelligence oversight inspection.*

e. Trip Reports. IGs must ensure that the team captures all the information that pertains to the objectives and sub-tasks within the trip reports immediately following the inspection of a unit or staff section. The longer the team waits to complete a trip report the higher the likelihood that information will be lost. **Without accurate trip reports, the IG team cannot produce a quality inspection report.**

3. **Execution Phase Step 8: In-Process Review (IPR).** IPRs are important sessions for intelligence oversight inspections and allow for the sharing of information collected during a unit visit. Intelligence oversight inspection IPRs follow the same procedures outlined in The Inspections Guide (pages 4-3-7 to 4-3-10).

4. **Execution Phase Step 9: Update the Commander.** The directing authority may request a mid-inspection update from the inspection team. The IG must also update the directing authority of any QIAs discovered during the inspection.

5. **Execution Phase Step 10: Analyze Results and Crosswalk.** Use the format from The Inspections Guide for writing your report (pages 4-3-20 to 4-3-32). Appendix F of this guide provides standards associated with the objectives prescribed in this guide as they pertain to specific sub-tasks. This appendix will focus the findings sections for the draft final report. (NOTE: If the organization is in compliance with the sub-task, the root cause is N/A)

6. **Execution Phase Step 11: Out-Brief the Proponent.** The proponent for recommendations made during an intelligence oversight inspection will be the SIO for your organization. That person is most likely the supervisor for the Temporary Assistance IGs who have augmented your inspection team. Ensure you brief them about the recommendations derived from the intelligence oversight inspection so they can improve their program.

Section 4-3

Intelligence Oversight Inspection Completion Phase

1. **Purpose.** This section uses the Completion Phase of the 17-step Inspection Process to identify actions an IG takes when completing an IG intelligence oversight inspection.
2. **Completion Phase Step 12: Out-Brief the Commander.**
 - a. The IG must prepare a formal out-briefing to the directing authority to obtain the report's approval.
 - b. The format for an intelligence oversight out-briefing to the directing authority does not differ from other inspection out-briefings. Follow the example from The Inspections Guide, page 4-4-2.
3. **Completion Phase Step 13: Taskers.** Once the directing authority has approved the report, any recommendation made by the IG becomes taskers or any recommendations become taskers, which will be implemented by the proponent identified in the recommendation(s). Typically, the Chief of Staff or Operations section will issue and monitor the completion of taskers. The IG is not a tasking authority. The IG must monitor the assignment and completion of taskers as outlined in The Inspections Guide, page 4-4-3.

NOTE: Unique to intelligence oversight, non-compliance discovered during an intelligence oversight inspection may constitute a QIA. See Appendix H of this guide on how to properly address QIAs.
4. **Completion Phase Step 14: Finalize the Report.** For intelligence oversight inspections, this step does not deviate from the process outlined in The Inspections Guide, page 4-4-4.
5. **Completion Phase Step 15: Handoff.** If any of the recommendations cannot be addressed at the directing authority's level, a handoff must occur through command channels, IG channels, or both as outlined in The Inspections Guide, page 4-4-7.
6. **Completion Phase Step 16: Distribute the Report.** Distribution of intelligence oversight inspection reports does not deviate from the process outlined in The Inspections Guide, page 4-4-8, and AR 20-1, paragraph 3-4 c.
7. **Completion Phase Step 17: Schedule a Follow-Up.**
 - a. The IG office must follow-up on all intelligence oversight inspections to determine if the necessary corrective actions have occurred to correct deficiencies discovered during the inspection.
 - b. The IG can follow-up through a follow-up inspection, a follow-up visit, a phone call, an e-mail, or a request to Reply by Memorandum from the proponent. These techniques are outlined in The Inspections Guide on page 4-4-9.

8. Finally, to capture man-hours and workload, ensure all intelligence oversight inspections are documented in the Inspector General Action Request System (IGARS) database using function code **18E5**.

Appendix A

References

1. **Purpose.** This appendix provides a list of references IGs should review when conducting intelligence oversight inspections.

2. **Laws:**

- Executive Order (EO) 12333, United States Intelligence Activities
(<https://www.archives.gov/federal-register/codification/executive-order/12333.html>)

3. **Department of Defense (DoD) Policies:** (<https://www.esd.whs.mil/DD/DoD-Issuances/>)

- DoD Directive (DoDD) 5148.11, Assistant to the Secretary of Defense for Intelligence Oversight (ATSD)(IO), with CH1, 2 March 2023

- DoDD 5148.13, Intelligence Oversight, 26 April 2017

- DoDD 5240.01, DoD Intelligence and Intelligence-Related Activities and Defense Intelligence Component Assistance to Law Enforcement Agencies and Other Civil Authorities, 27 September 2024

- DoD Manual (DoDM) 5240.01, Procedures Governing the Conduct of DoD Intelligence Activities, 8 August 2016

4. **Department of Justice (DoJ) Policies:**

- DOJ Memorandum of Understanding for the Reporting of Information Concerning Federal Crimes, 1995

5. **Army Policies:** (<https://armypubs.army.mil/default.aspx>)

- Army Regulation (AR) 1-201, Army Inspection Policy, 1 December 2023

- AR 15-6, Procedures for Administrative Investigations and Boards of Officers, 1 April 2016

- AR 20-1, Inspector General Activities and Procedures, 23 March 2020

- AR 25-50, Preparing and Managing Correspondence, 1 December 2023

- AR 381-10, The Conduct and Oversight of U.S. Army Intelligence Activities, 27 February 2023

- AR 600-200, Army Command Policy, 24 July 2020

6. **Forms:**

- Department of the Army (DA) Form 11-2, Internal Control Evaluation Certification, September 2012

- DA Form 1559, Inspector General Action Request, 1 April 2021

7. **The U.S. Army Inspector General School (TIGS) Guides:**

- The Inspections Guide, October 2023

8. **INSCOM Intelligence Oversight and Compliance Checklists:**

(<https://armyeitaas.sharepoint-mil.us/sites/INSCOM-IO/Shared%20Documents/Forms/AllItems.aspx?id=%2Fsites%2FINSCOM%2DIO%2FShared%20Documents%2FChecklists%2FDOD%20SIOO%20Checklists&viewid=881d0de2%2D55b4%2D44b1%2D9557%2D75f340c616d4>)

Appendix B

Sample Intelligence Oversight Inspection Concept Memorandum

DEPARTMENT OF THE ARMY
HEADQUARTERS, 66th INFANTRY DIVISION AND FORT VON STEUBEN
FORT VON STEUBEN, VIRGINIA 12345

AFVS-IG

14 April _____

MEMORANDUM FOR THE COMMANDING GENERAL, 66th INFANTRY DIVISION
AND FORT VON STEUBEN

SUBJECT: Inspection Concept for the Intelligence Oversight Inspection

1. REFERENCES.

- a. Army Regulation (AR) 20-1, Inspector General Activities and Procedures, 23 March 2020.
- b. AR 381-10, The Conduct and Oversight of U.S. Army Intelligence Activities, 27 February 2023.
- c. G-2, 66th Infantry Division and Fort Von Steuben Memorandum, SUBJECT: Identification of Intelligence Elements and Command Intelligence Oversight Responsibilities, DD MMM YYYY.

2. PURPOSE. Pursuant to AR 20-1, paragraph 5-3 b. the purpose of this IG inspection is to provide oversight and verify that the command's intelligence elements and personnel are complying with appropriate laws, executive orders, and policy with an emphasis on ensuring that these components and activities perform their authorized intelligence functions in a manner that protects the constitutional rights of U.S. persons.

3. OBJECTIVES.

- a. Determine if Army intelligence elements are conducting intelligence activities in compliance with law, executive orders (EOs), intelligence community directives, Department of Defense (DoD) policy, and Army policy.
- b. Determine if the inspected command has a subordinate unit, organization, staff, or office not identified as an Army intelligence element but used to conduct intelligence activities (as defined by EO 12333). [If so, must meet Objective 1]

c. Evaluate leadership knowledge and understanding of intelligence oversight, especially reporting and procedures governing the collection, retention and dissemination of U.S. person information, in accordance with Department of Defense Manual (DoDM) 5240.01, Procedures Governing the Conduct of DoD Intelligence Activities, 8 August 2016).

d. Ensure existence and publication of procedures for the handling and reporting of questionable intelligence activities (QIAs), significant and/or highly sensitive matters (S / HSMs) and reportable federal crimes in accordance with AR 381-10, Sections 4 and 5.

4. SCOPE.

a. One team of two to three inspectors (to include the Division Intelligence Oversight Officer as a Temporary Assistant IG) will visit all intelligence elements as previously identified by the G-2 / SIO in reference c within the command.

b. Pursuant to AR 20-1, paragraph 5-3 a, this regulatory mandated IG inspection only applies to those Army intelligence elements of the command conducting foreign intelligence and counterintelligence activities.

5. FOCUS. This is a regulatory mandated compliance inspection that focuses upon verifying the command's intelligence elements and personnel execute the conduct of foreign intelligence and counterintelligence activities in compliance with appropriate laws, executive orders, and policy. Existing intelligence oversight requirements as outlined in AR 381-10 will provide the guiding tenets for this inspection.

6. TIMING OF FEEDBACK. The Chief, Inspections Branch, will conduct a mid-inspection briefing with the commanding general followed by a Final Report briefing at the conclusion of the inspection. During the conduct of the inspection, the team will provide the inspected intelligence element's commander or appropriate staff officer with immediate – but general – feedback in the form of an out-briefing. This out-briefing will capture the salient points of the team's preliminary findings and articulate in detail those results that may require immediate action.

7. TIMELINE.

- Send the notification letter D-90
- Send the detailed inspection plan to the intelligence elements D-60
- Visit first intelligence elements D+0
- Visit last intelligence elements D+20
- Final results to the commanding general D+40
- Final written report complete D+50

8. NOTIFICATION. The inspection team will announce the inspection in advance using a notification letter and work with each intelligence element to develop detailed inspection schedules and gather resources.

9. The point of contact for this memorandum is the Chief, Inspections Branch [name], AFVS-IG, [phone number], or [email address].

FRANK E. LIST
MAJ, IG
Chief, Inspections Branch

Appendix C

Sample Intelligence Oversight Inspection Directive

DEPARTMENT OF THE ARMY
HEADQUARTERS, 66th INFANTRY DIVISION
FORT VON STEUBEN, VIRGINIA 12345

AFVS-IG

14 April ____

MEMORANDUM FOR THE INSPECTOR GENERAL

SUBJECT: Directive for Inspection (Intelligence Oversight Program)

1. You are directed to evaluate the compliance of the 66th Infantry Division's intelligence oversight program with an emphasis on integration of intelligence oversight in daily operations.
2. The assessment will focus on the following objectives:
 - a. Determine if Army intelligence elements are conducting intelligence activities in compliance with law, executive orders (EOs), intelligence community directives, Department of Defense (DoD) policy, and Army policy.
 - b. Determine if the inspected command has a subordinate unit, organization, staff, or office not identified as an Army intelligence element but are conducting intelligence activities (as defined by EO 12333). [If so, must meet first objective]
 - c. Evaluate leadership knowledge and understanding of intelligence oversight, especially reporting and procedures governing the collection, retention, and dissemination of U.S. person information, in accordance with Department of Defense Manual (DoDM) 5240.01 (Procedures Governing the Conduct of DoD Intelligence Activities, August 8, 2016).
 - d. Ensure existence and publication of procedures for the handling and reporting of questionable intelligence activities (QIAs), significant and / or highly sensitive matters (S / HSMs) and reportable federal crimes in accordance with AR 381-10, Sections 4 and 5.
3. You are authorized to task the Division staff and subordinate headquarters for those resources required to ensure the successful accomplishment of this assessment.
4. Within the limits of your security clearances, you are authorized unlimited access to Division activities, organizations, and all information sources necessary to perform your oversight duties, regardless of compartmentation.
5. You will provide me with a mid-point progress review at the end of July followed by a written report not later than 1 September ____.

6. Upon discovery, you will notify me of any questionable intelligence activities or Federal crimes found during the inspection.

MOTTIN De La BLAME
Major General, USA
Commanding

Appendix D

Sample Intelligence Oversight Detailed Inspection Plan

DEPARTMENT OF THE ARMY
HEADQUARTERS, 66TH INFANTRY DIVISION
FORT VON STEUBEN, VIRGINIA 12345

AFVS-IG

2 May ____

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Detailed Inspection Plan for the Intelligence Oversight Inspections

1. **DIRECTIVE:** On 14 April ____, the Commanding General (CG) directed the Inspector General to conduct General Inspections of the Intelligence Oversight Programs within the 66th Infantry Division. Unlike most Inspector General (IG) inspection reports, the IG will not redact unit names from the final written report to the CG because this inspection will be a general inspection to determine if foreign intelligence and counterintelligence elements are in compliance with Intelligence Oversight policies.
2. **INSPECTION PURPOSE:** The purpose of these inspections is to evaluate the compliance of the 66th Infantry Division's intelligence oversight programs with an emphasis on integration of intelligence oversight in daily operations.
3. **OBJECTIVES:** The objectives for these inspections are as follows:
 - a. Determine if Army intelligence elements are conducting intelligence activities in compliance with law, executive orders (EOs), intelligence community directives, Department of Defense (DoD) policy, and Army policy.
 - b. Determine if the inspected command has a subordinate unit, organization, staff, or office not identified as an Army intelligence element but are conducting intelligence activities (as defined by EO 12333, United States Intelligence Activities). [If so, must meet first objective]
 - c. Evaluate leadership knowledge and understanding of intelligence oversight, especially reporting and procedures governing the collection, retention and dissemination of U.S. person information in accordance with Department of Defense Manual (DoDM) 5240.01 (Procedures Governing the Conduct of DoD Intelligence Activities, August 8, 2016).
 - d. Ensure existence and publication of procedures for the handling and reporting of questionable intelligence activities (QIAs), significant and/or highly sensitive matters (S / HSMs) and reportable federal crimes, in accordance with AR 381-10, The Conduct and Oversight of U.S. Army Intelligence Activities, 27 February 2023, Sections 4 and 5.

4. **TASK ORGANIZATION:** An inspection team from the Inspections Branch of the 66th Infantry Division Inspector General Office will conduct the inspections by inspecting five active-duty divisional units. The composition of the team and each person's security clearance is as follows:

MAJ List (Team Leader) – Top Secret
MSG Smith (Team Noncommissioned Officer-in-Charge (NCOIC)) – Top Secret
SFC Bergerac – Secret
CW3 Cloak (Military Intelligence (MI) augmentee Intelligence Oversight Officer (IOO)) – Top Secret

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

20 July: Company B (MI), 2nd Brigade Engineer Battalion (BEB)
22 July: Company B (MI), 3rd BEB
26 July: Company B (MI), 1st BEB
30 July: Division G-2 and Analytical Control Element (ACE)

6. **INSPECTION APPROACH:** The inspection team will spend one day inspecting each unit. The respective unit will draft an itinerary for the inspection team based upon guidance outlined in paragraph nine of this document. The basic inspection approach at each location will be to in-brief the unit leaders and staff members; receive a briefing from the inspected unit on intelligence oversight compliance efforts; review relevant documents related to intelligence oversight; survey commanders, intelligence oversight staff officer or points of contact (POCs), junior officers, non-commissioned officers (NCOs), and Soldiers through interviews and sensing sessions; and physically check paper and electronic intelligence files for U.S. person information.

a. **Personnel to Interview** (see paragraph seven below for specific requirements):

- Division and Corps G-2s.
- Commander / XO / CSM / S-3 or equivalents of units conducting foreign intelligence and counterintelligence activities.
- Intelligence Oversight Officers at all levels (i.e., within G-2 staff elements and intelligence battalions).
- Functional managers for Counterintelligence (CI), Geospatial Intelligence (GEOINT), Human Intelligence (HUMINT), Signals Intelligence (SIGINT), Open-Source Intelligence (OSINT), and all source intelligence analysis and production.
- Company Commanders and First Sergeants of units containing intelligence elements.
- Elements (teams and sections) that contain Soldiers and civilians executing foreign intelligence and counterintelligence activities.

b. **Documents to Review:**

- Multi-discipline intelligence collection, intelligence analysis, and intelligence production mission and authorities (i.e., execution and operations orders from entire

- chain of command up to an including proper Secretary of the Army or Combatant Command granting authority) for the conduct of foreign intelligence and counterintelligence.
- Results of staff inspections of intelligence oversight (current and / or previous year, to include staff inspections of the G-2 staff).
 - Command OIP policies and implementing orders with respect to intelligence oversight.
 - Command intelligence oversight policies, implementing orders, and intelligence oversight officer appointments.
 - Command intelligence oversight training materials and records.
 - Formal (i.e., orders) and informal (i.e., standard operating procedures and similar documents) describing how the command executes, supervises, and oversees the conduct of foreign intelligence and counterintelligence activities.
- c. Events to Observe (based on opportunity):
- Intelligence oversight training.
 - Any training events for multi-discipline intelligence collection, intelligence analysis, and intelligence production.
 - Staff inspections of intelligence oversight.
 - Foreign intelligence and counterintelligence training exercises.
 - Foreign intelligence and counterintelligence activities.

7. INTERVIEW REQUIREMENTS:

a. The following table outlines the specific interview and sensing-session requirements for a standard MI company: *(Example)*

	Commander	XO	IO Staff Officer / POC	Junior Officers	NCOs	Soldiers
Individual Interviews	1	1	1			
Sensing Session: Junior Officers / Warrant Officers				8		
Sensing Session: NCOs					8	
Sensing Session: Soldiers						12
Total Contacted	1	1	1	8	8	12

b. Classroom and Interview Location Requirements. Each sensing session will require a classroom or similar facility that is removed from the unit's normal work location. The area must be relatively quiet and free from interruptions and telephone calls. In addition, the room will need no fewer than eight chairs or desks formed in a circle or "U" shape. The unit should schedule 90-minute blocks for each sensing session. Individual interviews can occur in the interviewee's office or in a similar location that is free from interruptions and telephone calls. The unit should schedule these interviews to last no more than one hour.

8. SPECIAL AREA OF INTEREST. The inspection team will not address a Special-Interest Item (SII) during this inspection.

9. INSPECTION ITINERARIES: The inspection team requests a draft itinerary that meets the requirements listed in paragraphs six and seven no less than 10 days before the day of the scheduled inspection. These itineraries should go directly to the Team Leader (see paragraph four). The team leader will work with each unit to determine which itinerary best allows the inspection team to meet the objectives listed in paragraph three. The intent of each inspection team is to conduct this assessment with minimal disruption to ongoing training. The team requires no special calendar arrangements except for the scheduling of group sensing sessions, interviews, and in- and out-briefings. A sample itinerary for a one-day unit inspection is as follows:

0800-0815	In-Brief Commander and Unit Leaders
0815-0900	Inspected Unit Briefing
0900-1000	Interview Commander
0900-1030	Sensing Session with Junior Officers and Warrant Officers
0900-1200	Review Documents
1030-1200	Sensing Session with NCOs
1100-1200	Interview Executive Officer (XO)
1300-1400	Interview Intelligence Oversight Staff Officer or POC
1300-1430	Sensing Session with Soldiers
1300-1530	Review Intelligence Files
1530-1630	Inspection Team In-Process Review (IPR)
1645-1715	Out-Briefing Commander and Unit Leaders

10. PRE-INSPECTION DOCUMENT REQUEST: Because of the nature of this inspection, no documents are required prior to the inspection team visit.

11. RESOURCES: The inspection team will travel to each unit using a locally procured transportation motor pool (TMP) van. The team members do not require any additional transportation. The unit will provide other special equipment to the team members as required.

12. ADMINISTRATIVE SUPPORT REQUIREMENTS: The inspection team will require the following administrative support assistance from each unit:

- a. Desk space for three or more people.
- b. Access to a computer.
- c. Printer and copying support.

13. REPORT COMPLETION TIMELINE: The results of each intelligence element's inspection will be contained in a written report provided to the commanding general. The schedule to complete the report is as follows:

- a. Out-brief the commanding general: 14 August ____.
- b. Complete report: 1 September ____.

14. SUSPENSE SUMMARY: A summary of the suspenses contained in this document is as follows:

- a. Draft itineraries due to the inspection team no less than **10 days** before the date of the scheduled inspection.
- b. Contact the IG POC below with the unit POC for this inspection no later than 1 June ____.

15. POC for this inspection is MAJ List, (703) 123-5678 or Defense Switched Network (DSN): 555-5678, frank.list.mil@army.mil.

Encl
Inspection Directive
IG Intelligence Oversight Guide

ALBERT R. RIGHTWAY
LTC, IG
Inspector General

DISTRIBUTION:

G-2

Commander, 1st Brigade Combat Team (BCT)

Commander, 2nd BCT

Commander, 3rd BCT

Commander, 1st BEB

Commander, 2nd BEB

Commander, 3rd BEB

CF:

SJA

Appendix E

Sample Intelligence Oversight Unit In-Briefing Presentation



General Inspection of the Intelligence Oversight Program

Inspection In-Briefing Company B (MI) 1st Brigade Engineer Battalion (BEB) 20 July _____



66th Infantry Division Inspector General - INSPECTIONS BRANCH



Inspection Purpose

Pursuant to AR 20 -1, paragraph 5 -3b, the purpose of this IG inspection is to provide oversight and verify that the command's intelligence elements and personnel are complying with appropriate laws, executive orders, and policy with an emphasis on ensuring that these components and activities perform their authorized intelligence functions in a manner that protects the constitutional rights of U.S. persons.



66th Infantry Division Inspector General - INSPECTIONS BRANCH

 **INTELLIGENCE OVERSIGHT INSPECTION**

Inspection Objectives

- Determine if Army intelligence elements are conducting intelligence activities in compliance with law, EOs, intelligence community directives, DoD policy, and Army policy.
- Determine if the inspected Command has a subordinate unit, organization, staff, or office not identified as an Army intelligence element but are conducting intelligence activities (as defined by EO 12333). [If so, must meet first objective]
- Evaluate leadership knowledge and understanding of intelligence oversight, especially reporting and procedures governing the collection, retention and dissemination of U.S. person information, IAW DODM 5240.01 (Procedures Governing the Conduct of DoD Intelligence Activities, August 8, 2016).
- Ensure existence and publication of procedures for the handling and reporting of questionable intelligence activities (QIAs), significant and/or highly sensitive matters (S/HSMs) and reportable federal crimes, IAW AR 381 -10, sections 4 and 5.



66th Infantry Division Inspector General - INSPECTIONS BRANCH

 **INTELLIGENCE OVERSIGHT INSPECTION**

IG Ground Rules

- Always on the record
- Can look into any violation of law or regulation
- Available for IG assistance
- Here to help; our goal is to --
 - Be value added
 - Identify issues affecting mission / operations
 - Identify systemic issues



66th Infantry Division Inspector General - INSPECTIONS BRANCH

 **INTELLIGENCE OVERSIGHT INSPECTION**

IG Reporting

- Unlike most Inspector General (IG) inspection reports, we will attribute our findings to specific units in the final written report to the Commanding General.
- We will not release the final written report to anyone beyond the CG unless directed by The Inspector General of the Army.
- We will report the discovery of questionable activities or Federal crimes in accordance with AR 381-10.



68th Infantry Division Inspector General - INSPECTIONS BRANCH

 **INTELLIGENCE OVERSIGHT INSPECTION**

IG Task Organization

- MAJ List (Team Leader) – Top Secret
- MSG Smith (Team NCOIC) – Top Secret
- SFC Bergerac – Secret
- CW3 Cloak (MI augmentee (IOO)) – Top Secret



68th Infantry Division Inspector General - INSPECTIONS BRANCH

 **INTELLIGENCE OVERSIGHT INSPECTION**

Inspection Methodology

The basic approach for today's inspection will be to –

- Receive a briefing from the inspected unit on Intelligence Oversight compliance efforts.
- Review relevant documents related to Intelligence Oversight.
- Survey Commanders, Intelligence Oversight Staff Officers or Points of Contact (POC), junior officers, NCOs, and Soldiers through interviews and sensing sessions.
- Physically check paper and electronic intelligence files for U.S. person information.



66th Infantry Division Inspector General - INSPECTIONS BRANCH

 **INTELLIGENCE OVERSIGHT INSPECTION**

Personnel to Interview

Individual Interviews (POC is MAJ List):

- Company Commander
- Executive Officer
- Intelligence Oversight Staff Officer or POC

Sensing Sessions (POC is MSG Smith):

- Junior Officers / Warrant Officers
- NCOs (E-5 to E-7)
- Soldiers



66th Infantry Division Inspector General - INSPECTIONS BRANCH


INTELLIGENCE OVERSIGHT INSPECTION

Documents to Review

(POC is CW3 Cloak)

- Multi-discipline intelligence collection, intelligence analysis, and intelligence production mission and authorities (i.e. execution and operations orders from entire chain of command up to an including proper Secretary of the Army or Combatant Command granting authority) for the conduct of foreign intelligence and counterintelligence (intelligence production).
- Results of Command OIP staff inspections of intelligence oversight (current and / or previous year to include staff inspections of the G-2 staff).
- Command OIP policies and implementing orders with respect to intelligence oversight.
- Command intelligence oversight policies, implementing orders, and intelligence oversight officer appointments.
- Command intelligence oversight training materials and records.
- Formal (i.e. orders) and informal (i.e. standard operating procedures and similar documents) describing how the command executes, supervises, and oversees the conduct of foreign intelligence and counterintelligence activities (intelligence production).



66th Infantry Division Inspector General - INSPECTIONS BRANCH


INTELLIGENCE OVERSIGHT INSPECTION

Inspection Itinerary

- 0800-0815 In-Briefing Commander and Unit Leaders
- 0815-0900 Inspected Unit Briefing
- 0900-1000 Interview Commander
- 0900-1030 Sensing Session with Junior Officers and Warrant Officers
- 0900-1200 Review Documents
- 1030-1200 Sensing Session with NCOs
- 1100-1200 Interview Executive Officer
- 1300-1400 Interview Intelligence Oversight Staff Officer or Point of Contact
- 1300-1430 Sensing Session with Soldiers
- 1300-1530 Review Intelligence Files
- 1530-1630 Inspection Team In-Process Review (IPR)
- 1645-1715 Out-Briefing Commander and Unit Leaders



66th Infantry Division Inspector General - INSPECTIONS BRANCH

 **INTELLIGENCE OVERSIGHT INSPECTION**

Questions?

Intelligence Oversight Points of Contact

- IG, LTC Rightway, (703) 123-5677 or DSN: 555-5677, wally.rightway.mil@army.mil
- IG Inspections Chief, MAJ List, (703) 123-5678 or DSN: 555-5678, frank.list.mil@army.mil
- IG Inspections NCOIC, MSG Smith, (703) 123-5678 or DSN: 555-5678, john.smith.mil@army.mil
- Staff Judge Advocate, COL Beagle, (703) 123-3401 or DSN: 555-3401




68th Infantry Division Inspector General - INSPECTIONS BRANCH

 **INTELLIGENCE OVERSIGHT INSPECTION**

Back-Up Slides




68th Infantry Division Inspector General - INSPECTIONS BRANCH

INTELLIGENCE OVERSIGHT INSPECTION
Intelligence Oversight
(AR 381-10)

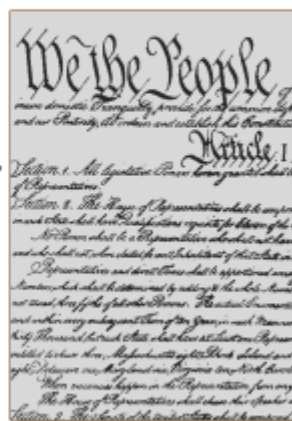
- Implements Executive Order (EO 12333)
- Provides procedures on:
 - Collection, dissemination, or retention of information on U.S. persons by intelligence elements.
 - Use of intrusive collection techniques (surveillance, bugging, phone taps).
 - Assistance by intelligence elements to law enforcement.
 - Employee Misconduct: reporting violations, investigating, and taking corrective action.



66th Infantry Division Inspector General - INSPECTIONS BRANCH

INTELLIGENCE OVERSIGHT INSPECTION
Purpose of
Intelligence Oversight

- Enables military intelligence elements to carry out their functions in a manner that protects the constitutional rights of U.S. persons.
- Regulates particular collection techniques to obtain information for foreign intelligence or counterintelligence purposes.



66th Infantry Division Inspector General - INSPECTIONS BRANCH

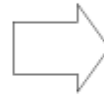
INTELLIGENCE OVERSIGHT INSPECTION

Why Intelligence Oversight?

1960 & 1970s

Vietnam-era abuses:

- Infiltration of college campuses
- Involvement in domestic political issues
- Surveillance of anti-war protestors



IO Mission

The establishment of Intelligence Oversight has allowed military intelligence elements to focus on their mission of collecting information related to *foreign* intelligence and counterintelligence purposes.



68th Infantry Division Inspector General - INSPECTIONS BRANCH

INTELLIGENCE OVERSIGHT INSPECTION

Relevance in the 21st Century

GWOT DEPLOYMENTS

PRE-DEPLOYMENT TRAINING

CONUS FORCE PROTECTION

INFORMATION FUSION
Force Protection /
Anti-Terrorism

EVOLVING CAPABILITIES

OPEN-SOURCE INTELLIGENCE

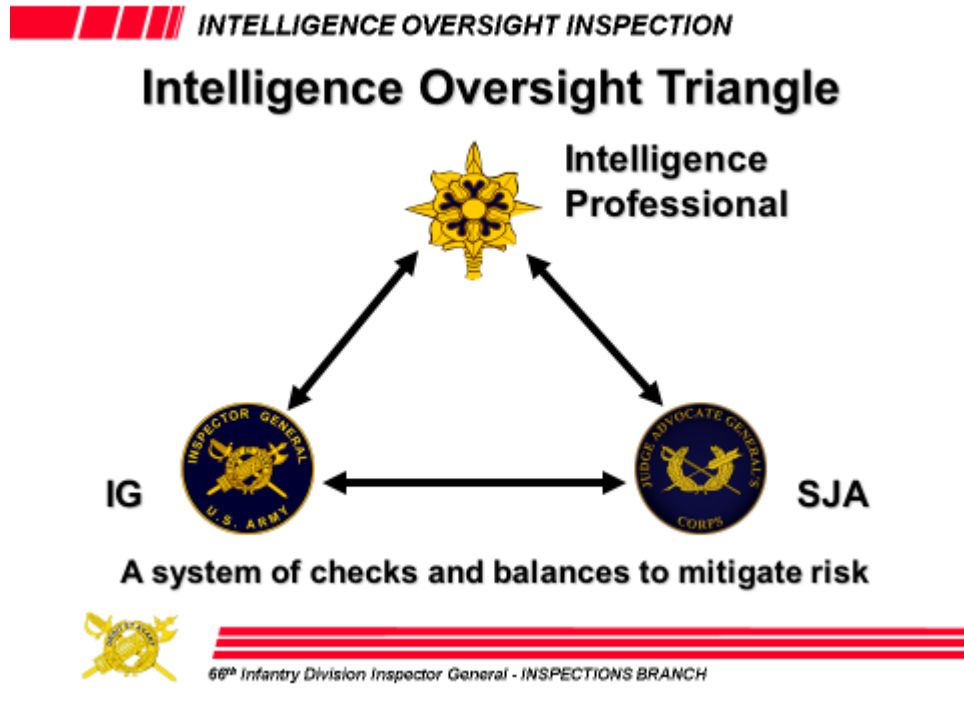
Prevent “mission creep”

Protect Army interests

Protect constitutional rights



68th Infantry Division Inspector General - INSPECTIONS BRANCH



INTELLIGENCE OVERSIGHT INSPECTION

General Inspection of the Intelligence Oversight Program

Inspection In-Briefing Company B (MI) 1st Brigade Engineer Battalion (BEB) 20 July _____

68th Infantry Division Inspector General - INSPECTIONS BRANCH

Appendix F

Standards and Information Domain Tools

1. **Purpose.** This appendix provides sub-tasks for IG intelligence oversight inspections, common policy citations as the standards relevant to each sub-task, and suggested lines of inquiry by relevant information domains that IGs may use during all three phases of the inspections process.
2. **Goals.** Assist CIGs echelons at corps and below (ECB) units in the execution of their duties by providing standardized sub-tasks, relevant AR 381-10, The Conduct and Oversight of U.S. Army Intelligence Activities, 27 February 2023 citations, and suggested information domain strategies for the conduct of IG intelligence oversight inspections.
 - a. This appendix serves as a consolidated reference guide for ECB CIGs and, in most cases, is useful as a standardized framework for the execution of an ECB CIG's intelligence oversight inspection responsibilities.
 - b. CIGs of echelons above corps (EAC) often have unique missions that require conferring with their respective EAC G-2s to identify any additional sub-tasks that are specific to the intelligence activities of their command.
 - c. CIGs at all levels are reminded that their directing authorities may add additional objectives and / or sub-tasks that go beyond what appears in this appendix. However, CIGs should use the model presented in this appendix to create similar IG intelligence oversight inspection tools that meet the needs of their specific units.
3. **Standing Inspection Objectives Revisited.** Chapter 4 (page 4-1-2) explains how IG intelligence oversight inspections have four standing objectives that are derived from AR 381-10, paragraph 1-20. These four inspection objectives are:
 - **Objective 1.** Determine if Army intelligence elements are conducting intelligence activities in compliance with law, executive orders (EOs), intelligence community directives, Department of Defense (DoD) policy, and Army policy.
 - **Objective 2.** Determine if the inspected command has a subordinate unit, organization, staff, or office not identified as an Army intelligence element but are conducting intelligence activities (as defined by EO 12333, United States Intelligence Activities). [If so, must meet Objective 1.]
 - **Objective 3.** Evaluate leadership knowledge and understanding of intelligence oversight, especially reporting and procedures governing the collection, retention, and dissemination of U.S. person information, in accordance with DoD Manual (DoDM) 5240.01 (Procedures Governing the Conduct of DoD Intelligence Activities, August 8, 2016).
 - **Objective 4.** Ensure existence and publication of procedures for the handling and reporting of questionable intelligence activities (QIAs), significant and/or highly sensitive matters (S / HSMs) and reportable federal crimes in accordance with AR 381-10, Sections 4 and 5.

4. **Standing Sub-Tasks for ECB IG Intelligence Oversight Inspections.** In the same manner that standing inspection objectives derive from an IG’s responsibilities within AR 381-10, seven sub-tasks supporting these objectives derive from the responsibilities of commanders and individuals articulated throughout AR 381-10 and on a limited basis from AR 1-201. These seven sub-tasks, arranged by objective, are:

- Objective 1, **Sub-Task 1.1.** Determine if commanders and their staffs execute policy requirements for the conduct of intelligence activities. (interviews, sensing sessions, document reviews, and observations)
- Objective 1, **Sub-Task 1.2.** Determine if individuals execute policy requirements for the conduct of intelligence activities. (interviews, sensing sessions, document reviews, and observations)
- Objective 2, **Sub-Task 2.1.** Determine if the command has documented mission and authorities to conduct intelligence activities. (document reviews)
- Objective 3, **Sub-Task 3.1.** Determine if intelligence oversight has been implemented within the command’s OIP. (interviews, sensing sessions, document reviews, and observations)
- Objective 3, **Sub-Task 3.2.** Determine if commanders use intelligence professionals to assist them in fulfilling intelligence policy responsibilities. (interviews, sensing sessions, and document reviews)
- Objective 4, **Sub-Task 4.1.** Determine if the command has implemented an intelligence oversight training program tailored to the unit’s intelligence mission and authorities. (interviews, sensing sessions, document reviews, and observations)
- Objective 4, **Sub-Task 4.2.** Determine if the command has implemented procedures for the reporting and investigating of QIAs and S / HSMs. (interviews, sensing sessions, and document reviews)

5. **Policy Citations Specific to Each Sub-Task.** Table 1 contains a list of the most common policy citations from AR 381-10 and AR 1-201 that serve as the basis of policy requirements for the seven standing sub-tasks of an ECB IG intelligence oversight inspection.

Table 1: Policy Citations of Supporting Requirements for each Sub-Task		
OBJ	Sub-Task	Supporting Requirement Citation
1	1.1. Determine if Commanders and their staffs execute policy requirements for the conduct of intelligence activities.	AR 381-10, paragraph 1-21. a. [Commanders] Ensure all assigned or attached military intelligence (MI) personnel conducting intelligence activities do so in accordance with law, EOs, intelligence community directives, DoD policy, and Army policy.
		AR 381-10, paragraph 1-21. b. [Commanders] Ensure MI personnel conducting intelligence activities are fully aware of and comply with their individual responsibilities as prescribed in this regulation.
		AR 381-10, paragraph 1-21. d. [Commanders] Ensure the auditability of U.S. person information (USPI) collected, retained, and disseminated in accordance with DoDM 5240.1 and this regulation.
		AR 381-10, paragraph 1-21. e. [Commanders] Establish documented procedures for retaining data containing USPI and recording the reason for retaining the data and the authority approving the retention and establish procedures to

		document the basis for conducting queries of unevaluated information that is intended to reveal USPI, if needed.
		AR 381-10, paragraph 1-21.
		<i>i.</i> [Commanders] Ensure that no one under their command retaliates against employees who report waste, fraud, or abuse per AR 20-1, <u>Inspector General Activities and Procedures</u> , 23 March 2020.
		AR 381-10, paragraph 1-21.
		<i>j.</i> [Commanders] Ensure that no one under their command takes adverse action against any DoD personnel or DoD contractor personnel because they intend to report, report, or reported what they reasonably believe are—
		(1) QIAs.
		(2) S / HSMs.
		(3) Facts or circumstances that reasonably indicate to the employee that an employee of an intelligence agency has committed, is committing, or will commit a violation of Federal criminal law.
		(4) Facts or circumstances that reasonably indicate to the employee that a non-employee has committed, is committing, or will commit one or more of the specified crimes in Section VII of the 1995 U.S. Department of Justice (DOJ) Memorandum of Understanding for the Reporting of Information Concerning Federal Crimes.
	AR 381-10, paragraph 1-21.	
<i>k.</i> [Commanders] Ensure appropriate sanctions, disciplinary, or administrative actions are imposed upon any employee who violates an EO, presidential directive, or any regulatory policy or procedures implementing the provisions of EO 12333.		
AR 381-10, paragraph 1-21.		
<i>l.</i> [Commanders] Provide the command’s legal counsel; Deputy Chief of Staff (DCS), G–2; The Inspector General (TIG); The Judge Advocate General (TJAG); Army General Counsel; DoD General Counsel; DoD Senior Intelligence Oversight Official (SIOO); and any inspector general of competent jurisdiction (or the representatives of those officials) with access to any employee and with all information necessary to perform their intelligence oversight responsibilities, including information protected by special access programs, alternative compensatory control measures, or other security compartmentalization.		
AR 381-10, paragraph 1-21.		
<i>p.</i> [Commanders] Ensure contractors involved in the conduct of intelligence activities comply with law, applicable federal regulations, and the terms and conditions of the applicable contract or agreement. Commanders will ensure that contracts for the conduct of intelligence activities explicitly incorporate the relevant provisions of AR 381-10.		
1.2. Determine if individuals execute policy requirements for the conduct of intelligence activities.	AR 381-10, paragraph 3-2. Professional conduct. In carrying out intelligence activities, all personnel acting under Secretary of the Army (SECARMY) authority and subject to this regulation—	
	<i>a.</i> Are authorized to collect, retain, and disseminate USPI and otherwise conduct intelligence activities only in accordance with DoDM 5240.01, Department of Defense Directive (DoDD) 5148.13 (Intelligence Oversight, 26 April 2017), and this regulation.	
	AR 381-10, paragraph 3-2.	
<i>b.</i> [Individuals] Must carry out all activities in all circumstances in accordance with the Constitution and laws of the United States.		
AR 381-10, paragraph 3-2.		

		<p>c. [Individuals] Are prohibited from using their access to intelligence capabilities and databases for purposes other <i>than</i> to support an authorized intelligence activity or other official DoD mission.</p> <p>AR 381-10, paragraph 3-2.</p> <p>d. [Individuals] May not investigate U.S. persons or collect or maintain information about them solely for the purpose of monitoring activities protected by the First Amendment or the lawful exercise of other rights secured by the Constitution or laws of the United States.</p> <p>AR 381-10, paragraph 3-2.</p> <p>e. [Individuals] Will not participate in or request any person or entity to undertake any intelligence activities that are not properly authorized and consistent with EO 12333, DoDM 5240.01, DoDD 5148.13, or this regulation.</p> <p>AR 381-10, paragraph 3-2.</p> <p>h. [Individuals] Must be familiar with the authorities, restrictions, and procedures established in this regulation, DoDD 5148.13, DoDD 5240.01, DoDM 5240.01, and all other applicable intelligence community directives, DoD issuances, and Army policies governing intelligence activities.</p> <p>AR 381-10, paragraph 3-3. Training. All personnel assigned to an Army intelligence element or other Army organizations conducting, supervising, or providing staff oversight of intelligence activities must—</p> <p>a. Complete intelligence oversight training specified in paragraph 1-21 g of this regulation [AR 381-10] within specified timeframe listed below and annually thereafter.</p> <p>(1) Within 30 days upon assignment or attachment for Regular Army personnel, Reserve Component personnel ordered to active duty for more than 179 days, full-time Army National Guard (ARNG) duty, and Active Guard Reserve (AGR) and U.S. Army Reserve (USAR).</p> <p>(2) Within 90 days upon assignment or attachment for ARNG and USAR personnel not fitting the criteria in paragraph 3-3 a(1).</p> <p>AR 381-10, paragraph 3-3.</p> <p>b. [Individuals] Complete intelligence discipline specific training required for the conduct of intelligence activities.</p>
<p>2</p>	<p>2.1. Determine if the command has documented mission and authorities to conduct intelligence activities.</p>	<p>AR 381-10, paragraph 2-2.</p> <p>a. Army intelligence elements or anyone subject to this regulation engaging in an intelligence activity must have documented mission and authorities to conduct such activities. Any intelligence activity conducted without properly documented mission and authorities must be reported and investigated as a possible QIA.</p> <p>AR 381-10, paragraph 2-3.</p> <p>a. Army intelligence elements or anyone operating under SECARMY authority will conduct intelligence activities consistent with the procedures as stated in DoDM 5240.01 and DoDD 5148.13.</p> <p>AR 381-10, paragraph 2-3.</p> <p>c. DoDM 5240.01 and DoDD 5148.13 require Defense Intelligence Component head (or delegatee) approval prior to conducting specific activities. Table 2–1 lists these specific intelligence activities and identifies Army approving officials and delegation authority for each activity. Army intelligence elements must receive the approval of an Army Defense Intelligence Component head (or delegatee) prior to conducting any of these specific activities as addressed in DoDM 5240.01 or DoDD 5148.13.</p>

3	<p>3.1. Determine if intelligence oversight has been implemented within the Command's Organizational Inspection Program.</p>	<p>AR 381-10, paragraph 1-21. c. [Commanders] Include intelligence oversight as part of the command's organizational inspection program.</p>
		<p>AR 381-10, Appendix B. B-3. Instructions. Answers must be based upon actual testing of key management controls using the methods specified on Department of the Army (DA) Form 11-2 (Internal Control Evaluation Certification). Answers must be Yes, No, or Not Applicable, with narrative explaining the answer, if needed. Answers that indicate deficiencies must be explained and corrective action indicated in supporting documentation. These management controls must be evaluated annually. Certification that this evaluation has been conducted must be accomplished on DA Form 11-2 (Internal Control Evaluation Certification). All Army elements subject to the intelligence oversight program will develop and implement an intelligence oversight inspection program. This appendix may serve as a base for inspections, with additional questions as determined by the agency or command performing the inspection. In addition, Internal Control Evaluations may reveal QIAs or S / HSMs which must be separately reported; units are reminded that leaders at all levels have an obligation to support reporting.</p>
		<p>AR 1-201, paragraph 1-4 d. (7) [Commanders at battalion level and up] Apply the principles of Army inspections outlined in paragraph 2-2 [principles of Army inspections] to plan inspections with adequate time to perform corrective actions and conduct follow-up inspections or activities.</p>
		<p>AR 1-201, paragraph 1-4 d. (14) [Commanders at battalion level and up] Ensure all individuals conducting inspections— (a) Are technically qualified to inspect the subject matter at hand. (b) Report to commanders or the local IG all deficiencies involving breaches of integrity, security, procurement practices, and criminality when discovered. Commanders / State Adjutants General / program managers / directors must consult with the servicing staff judge advocate when these cases arise. (c) Adhere to the Army inspection principles when performing inspection duties (see paragraph 2-2). (d) Determine the root cause of all identified deficiencies. (e) Provide recommendations to units when appropriate, and conduct teaching and training when appropriate to help correct any problem identified during an inspection. (f) Record and maintain inspection results until deficiencies are corrected. (g) Complete the training requirements for the Risk Management Internal Control (RMIC) in accordance with current guidance.</p>
		<p>AR 381-10, paragraph 1-21. o. Designate intelligence professionals in accordance with paragraph 1-24 in the intelligence operational chain to function as the command's primary and alternate IOOs.</p>
	<p>AR 381-10, paragraph 1-22. All IOOs [Intelligence Oversight Officers] will— a. Represent commanders in matters of intelligence oversight, ensuring all MI personnel within the command are familiar with law, EOs, intelligence community directives, DoD policy, and Army policy regarding the conduct of intelligence activities.</p>	
<p>3.2. Determine if commanders use intelligence professionals to assist them in fulfilling intelligence policy responsibilities.</p>		

		<p>AR 381-10, paragraph 1-22. <i>b.</i> [IOOs] Provide advice and assistance with respect to intelligence oversight; keep leadership informed on new policy and guidance; monitor intelligence oversight training; and oversee all unit intelligence activities, operations, and reporting.</p> <p>AR 381-10, paragraph 1-22. <i>c.</i> [IOOs] Assist the commander in ensuring the unit’s intelligence activities are conducted and consistent with applicable law, EOs, intelligence community directives, DoD policy, Army policy, and established oversight principles.</p> <p>AR 381-10, paragraph 1-22. <i>k.</i> [IOOs] Assist the commander in ensuring all personnel in their unit complete intelligence oversight training in accordance with this regulation.</p> <p>AR 381-10, paragraph 1-22. <i>m.</i> [IOOs] Assist Inspectors General in the review and inspection of the unit’s intelligence activities and intelligence oversight program.</p> <p>AR 381-10, paragraph 1-24. <i>Intelligence oversight officer selection and use requirements.</i> Intelligence oversight is an inherently governmental function, which precludes contractors from serving as an IOO. Commanders will document the appointment of all IOOs using appointment orders or other appropriate policy or operational instruments. An IOO must be an intelligence professional knowledgeable of all the issuances associated with the conduct of intelligence activities. An IOO must be commensurate in rank to the level of responsibility within the organization conducting intelligence activities. An IOO must hold the appropriate security clearance and accesses and have complete access to all information on their respective command’s intelligence activities and support mechanisms. While a command need not have an IOO assigned at lower subordinate levels, all command personnel must have unfettered access to the IOO. A command IOO is a distinct duty, separate from any intelligence discipline specific requirements, such as the Director, National Security Agency (DIRNSA) / Chief, Central Security Service (CHCSS) requirement for a commander of an approved Signals Intelligence (SIGINT) mission designating in writing an IOO for SIGINT operations, although commanders may appoint one person to fill both roles.</p>
<p style="text-align: center;">4</p>	<p>4.1. Determine if the command has implemented an intelligence oversight training program tailored to the unit’s intelligence mission and authorities.</p>	<p>AR 381-10, paragraph 1-21. <i>g.</i> [Commanders] Administer an intelligence oversight training program that is mission specific and tailored to unique unit requirements and provides initial and annual refresher intelligence oversight training to all MI employees. At a minimum, intelligence oversight training will include—</p> <p>(1) Familiarity with the authorities, restrictions, and procedures established in this regulation, DoDD 5148.13, DoDD 5240.01, DoDM 5240.01, and all other applicable intelligence community directives, DoD issuances, and Army policies governing applicable intelligence activities, including training for MI employees who access or use USPI on the civil liberties and privacy protections that apply to such information, and training on DoDM 5240.01, Procedure 4 for MI employees who might disseminate USPI.</p> <p>(2) Responsibilities of DoD personnel and DoD contractor personnel for reporting QIAs or S / HSMs in accordance with DoDD 5148.13 and Chapter 4 of this regulation.</p>

4.2. Determine if the command has implemented procedures for the reporting and investigating of QIAs and S / HSMs.		AR 381-10, paragraph 1-21. <i>h.</i> [Commanders] Ensure all employees complete intelligence discipline-specific training required for the conduct of intelligence activities.
		AR 381-10, paragraph 1-21. <i>q.</i> [Commanders] Maintain records documenting compliance with intelligence oversight training.
		AR 381-10, paragraph 1-21. <i>f.</i> [Commanders] Establish internal organizational intelligence oversight reporting responsibilities pursuant to the unit’s internal policies and regulations.
		AR 381-10, paragraph 1-21. <i>r.</i> [Commanders] Implement reporting procedures for QIA, S / HSM, Federal crimes, and violations of Army-specific intelligence policies in accordance with DoDM 5240.01 and this regulation.
		AR 381-10, paragraph 3-2. <i>f.</i> [Individuals] Must report any activity or conduct that qualifies as either a QIA, S / HSM, or violation of Army-specific intelligence policy without waiting for substantiation, completion of an investigation, formal adjudication, or final resolution of the issue. Reporting will adhere to the procedures in DoDD 5148.13 and this regulation.
		AR 381-10, paragraph 3-2. <i>g.</i> [Individuals] Must report Federal crimes in accordance with the 1995 DOJ Memorandum of Understanding for the Reporting of Information Concerning Federal Crimes and this regulation— (1) Facts or circumstances that reasonably indicate to the employee that an employee of an intelligence agency has committed, is committing, or will commit a violation of Federal criminal law. (2) Facts or circumstances that reasonably indicate to the employee that a non-employee has committed, is committing, or will commit one or more of the specified crimes listed in paragraph 5-3 of this regulation.
		AR 381-10, paragraph 4-4. <i>d.</i> Army intelligence elements must conduct investigations in accordance with AR 15-6, <u>Procedures for Administrative Investigations and Boards of Officers</u> , 1 April 2016.

6. Information-gathering Domains Used in IG Intelligence Oversight Inspections.

a. **Overview.** IG Intelligence Oversight Inspections are compliance-based and typically use three of the five domains as information-gathering techniques. These three domains are:

(1) Interviews with key leaders or personnel.

(2) Reviews of pertinent documents such as policies and orders granting intelligence missions and authorities, intelligence oversight staff inspection reports, policy letters, training-guidance memorandums, training materials, training records, QIA and S / HSM reports and investigations, and so on.

(3) Observation of intelligence activities, intelligence training events, staff inspections of intelligence elements, after-action reviews, and so on.

b. **Baseline Methodology.** The following is a partial baseline methodology based on the aforementioned sub-tasks and The Inspections Guide, page 4 - 2 - 20. Partial in this case means a comprehensive list of interviews, document reviews, and observations that the

inspection team will use to gather pertinent information. However, the inspection team must still identify who within the team will be responsible for each information-gathering task.

(1) Personnel to Interview.

- Division and Corps G-2s.
- Commander / Executive Officer (XO) / Command Sergeant Major (CSM) / S-3 or equivalents of units conducting Foreign Intelligence (FI) and Counterintelligence (CI) activities.
- IOOs at all levels (i.e., within G-2 staff elements and intelligence battalions).
- Functional managers for Geospatial Intelligence (GEOINT), Human Intelligence (HUMINT), SIGINT, Open-Source Intelligence (OSINT), and all source intelligence analysis and production.
- Company Commanders and First Sergeants of units containing intelligence elements.
- Elements (teams and sections) that contain Soldiers and Civilians executing FI and CI activities.

(2) Documents to Review (all intelligence-producing units should have these).

- Multi-discipline intelligence collection, intelligence analysis, and intelligence production mission and authorities (i.e., execution and operations orders from entire chain of command up to an including proper SECARMY or Combatant Command granting authority) for the conduct of FI and CI.
- Results of staff inspections of intelligence oversight (current and / or previous year, to include staff inspections of the G-2 staff).
- Command OIP policies and implementing orders with respect to intelligence oversight.
- Command intelligence oversight policies, implementing orders, and intelligence oversight officer appointments.
- Command intelligence oversight training materials and records.
- Formal (i.e., orders) and informal (i.e., SOPs and similar documents) describing how the command executes, supervises, and oversees the conduct of FI and CI activities.

(3) Events to Observe (based on opportunity).

- Intelligence oversight training.
- Any training events for multi-discipline intelligence collection, intelligence analysis, and intelligence production.
- Command OIP staff inspections of intelligence oversight.
- FI and CI training exercises.
- FI and CI activities.

c. **Information-Gathering Requirements and Supported Sub-Tasks.** Table 2 contains a crosswalk of the information-gathering requirements of the three information domains against

supported sub-tasks. This table is designed to be used in conjunction with Table 1. Specifically, CIGs should use the two tables to clearly articulate compliance and / or deviations from standards when determining to what degree an inspected element met the objectives of an IG Intelligence Oversight inspection.

Table 2: Information Gathering Requirements and Supported Sub-Tasks		
Information Domain	Information-Gathering Tasks	Supported Sub-Tasks
Interview	Division and Corps G-2s.	1.1; 1.2; 3.1; 4.1; 4.2
Interview	Commander / XO / CSM / S-3 or equivalents of units conducting foreign intelligence and counterintelligence activities.	1.1; 1.2; 3.1; 4.1; 4.2
Interview	Company Commanders and First Sergeants of units containing intelligence producers.	1.1; 1.2; 3.1; 4.1; 4.2
Interview	IOOs at all levels (i.e., within G-2 staff elements and intelligence battalions).	1.1; 1.2; 2.1; 3.2; 4.1; 4.2
Interview	Functional managers for CI, GEOINT, HUMINT, SIGINT, OSINT, and all source intelligence analysis and production.	1.1; 1.2; 2.1
Interview	Elements (teams and sections) which contain Soldiers and Civilians executing FI and CI activities.	1.2
Review	Multi-discipline intelligence collection, intelligence analysis, and intelligence production mission and authorities (i.e., execution and operations orders from entire chain of command up to an including proper SECARMY or Combatant Command granting authority) for the conduct of FI and CI.	2.1
Review	Results of command OIP staff inspections of intelligence oversight (current and/or previous year to include staff inspections of the G-2 staff).	1.1; 1.2; 2.1; 3.1; 4.1; 4.2
Review	Command OIP policies and implementing orders with respect to intelligence oversight.	3.1; 4.2
Review	Command intelligence oversight policies, implementing orders, and intelligence oversight officer appointments.	3.1; 3.2
Review	Command intelligence oversight training materials and records.	1.2; 4.1
Review	Formal (i.e., orders) and informal (i.e., SOPs and similar documents) describing how the command executes, supervises, and oversees the conduct of FI and CI activities.	2.1; 4.2
Observe	Intelligence oversight training.	1.2; 4.1
Observe	Any training events for multi-discipline intelligence collection, intelligence analysis, and intelligence production.	4.1
Observe	Command OIP staff inspections of intelligence oversight.	3.1
Observe	FI and CI training exercises.	1.1, 1.2
Observe	FI and CI activities.	1.1, 1.2

7. Suggested Interview Questions. Tables 3 through 6 provide suggested interview questions designed to elicit information in support of the sub-tasks. These questions are based upon the regulatory requirements associated with each sub-task in Table 1.

Table 3: Div / Corps G-2 and CDR / XO / CSM / S-3 and Company CDR / 1SG Interview Questions	
Interview Question	Sub-Task
1. How do you ensure all assigned or attached MI personnel conducting intelligence activities do so in accordance with law, executive orders, intelligence community directives, DoD policy, and Army policy?	1.1; 1.2
2. How do you ensure personnel conducting intelligence activities are fully aware of, and comply with, their individual responsibilities as prescribed in AR 381-10?	1.1; 1.2

3. How do you include intelligence oversight as part of the command's organizational inspection program?	1.1; 3.1
4. How do you ensure the auditability of USPI that is collected, retained, and disseminated in accordance with DoDM 5240.1 and AR 381-10?	1.1
5. What are your documented procedures for retaining data containing USPI and recording the reason for retaining the data and the authority approving the retention, and establish procedures to document the basis for conducting queries of unevaluated information that is intended to reveal USPI, if needed?	1.1
6. What are the unit's internal policies for intelligence oversight reporting responsibilities of QIAs and S / HSMs?	1.1; 4.2
7. How have you implemented an intelligence oversight training program that is mission specific and tailored to unique unit requirements and provides initial and annual refresher intelligence oversight training to all military intelligence employees?	1.1; 4.1
8. How do you ensure that all employees complete intelligence discipline specific training required for the conduct of intelligence activities?	1.2
9. What actions have you taken to ensure that no one under the command retaliates against employees who report waste, fraud, or abuse per AR 20-1?	1.1
10. What actions have you taken to ensure that no one under the command takes adverse action against any DoD personnel or DoD contractor personnel because they intend to report, report, or reported what they reasonably believe are QIAs, S / HSMs, and violations or potential violations of federal criminal law?	1.1
11. What sanctions, disciplinary, or administrative actions have the command imposed upon any employee who has violated an EO, presidential directive, or any regulatory policy or procedures implementing the provisions of EO 12333?	1.1
12. Describe your relationship with the command's legal counsel and IGs.	1.1
13. Describe how you have included the command's legal counsel in your planning and execution process for intelligence activities?	1.1
14. Who are your primary and alternate IOOs, and what process did you use to appoint them?	1.1
15. How do you ensure that contractors involved in the conduct of intelligence activities comply with law, applicable federal regulations, and the terms and conditions of the applicable contract or agreement?	1.2
16. Describe how you gather and maintain records documenting compliance with intelligence oversight training?	1.1; 4.1
17. What QIAs or S / HSMs has the command had in the past year, and how did you report, investigate, and respond to each instance?	1.1; 4.2

Table 4: Intelligence Oversight Officer Interview Questions

Interview Question	Sub-Task
1. How do you represent your commander in matters of intelligence oversight, ensuring all intelligence personnel within the command are familiar with law, executive orders, intelligence community directives, DoD policy, and Army policy regarding the conduct of intelligence activities?	1.1; 1.2; 3.2
2. How do you provide advice and assistance with respect to intelligence oversight to the command? Specifically, how do you keep leadership informed on new policy and guidance; monitor intelligence oversight training; and oversee all unit intelligence activities, operations, and reporting?	1.1; 3.2
3. How do you assist the commander in ensuring the unit's intelligence activities are conducted and consistent with applicable law, executive orders, intelligence community directives, DoD policy, Army policy, and established oversight principles?	1.1; 1.2; 3.2
4. How do you assist the commander in the implementation of their intelligence oversight program?	1.1; 3.2; 4.1
5. What are the command's mission-specific intelligence oversight training and education programs?	1.1; 3.2

6. How do you ensure compliance with requirements regarding the investigation, reporting, tracking, and documenting of S / HSMs, and reportable Federal crimes in accordance with DoDD 5148.13 and AR 381-10?	1.1; 3.2; 4.2
7. Describe how you review all unit requests for intelligence operational authorities and the use of procedures governing the conduct of DoD intelligence activities prior to the approval by an appropriate authority.	1.1; 2.1; 3.2
8. How do you assist the commander in ensuring all personnel periodically review intelligence databases to ensure the retention of USPI is consistent with DoDM 5240.01? Specifically, that USPI is retained only for authorized functions and is not held beyond any evaluation period prior to a permanent retention decision or beyond the established disposition criteria.	1.1; 1.2; 3.2
9. How do you help prepare the command and subordinate units for intelligence oversight inspections?	1.1; 3.1; 3.2
10. How do you conduct staff inspections or assessments of the commander's staff and subordinate unit intelligence oversight programs?	1.1; 3.1; 3.2
11. What are the mandatory intelligence discipline-specific oversight training requirements for your position, and when did you complete them?	1.1; 3.2
12. How do you assist the commander in ensuring all personnel within the unit complete intelligence oversight training in accordance with AR 381-10?	1.1; 3.2; 4.1
13. How do you oversee the monitoring and maintenance of unit intelligence oversight training statistics to ensure compliance with AR 381-10?	1.1; 3.2; 4.1
14. Describe your relationship with the command's legal counsel and IGs.	1.1; 3.2

Table 5: Interview Questions for Functional Managers for CI, GEOINT, HUMINT, SIGINT, OSINT and Intelligence Analysis / Production	
Interview Question	Sub-Task
1. What documents (i.e., Execution Orders (EXORDs) / Operation Orders (OPORDs) grant your unit the mission to conduct intelligence activities?	2.1
2. What documents (i.e., EXORDs / OPORDs) authorize you to conduct intelligence activities specific to your intelligence mission?	2.1
3. How do you ensure all assigned or attached MI personnel conducting intelligence activities do so in accordance with law, EOs, intelligence community directives, DoD policy, and Army policy?	1.1; 1.2
4. How do you ensure the auditability of USPI that is collected, retained, and disseminated in accordance with DoDM 5240.1 and AR 381-10?	1.1
5. What are your documented procedures for retaining data containing USPI and recording the reason for retaining the data and the authority approving the retention, and establish procedures to document the basis for conducting queries of unevaluated information that is intended to reveal USPI, if needed?	1.1
6. Describe how you have included the command's legal counsel in your planning and execution process for intelligence activities.	1.1
7. How do you ensure that contractors involved in the conduct of intelligence activities comply with law, applicable federal regulations, and the terms and conditions of the applicable contract or agreement?	1.2

Table 6: Interview Questions for elements (teams and sections) that contain Soldiers and Civilians executing foreign intelligence and counterintelligence activities.	
Interview Question	Sub-Task
1. Who in the chain of command do you ask if you have questions regarding your unit's intelligence mission and authorities?	1.2
2. What intelligence oversight training have you received in the past year?	1.2
3. If you had questions about intelligence rules for the collection, retention, and dissemination of United States persons information, who would you consult? If you still had questions, who in your chain of command would you ask?	1.2
4. What is a QIA, and what would you do to find the actual definition?	1.2

5. What is a S / HSM, and what would you do to find the actual definition?	1.2
6. If you were to come across information regarding a QIA or S / HSM, what would you do?	1.2

Appendix G

Army Intelligence Elements and Personnel

1. **Purpose.** This appendix provides expanded guidance to Inspectors General (IGs) regarding their responsibilities within an IG-led intelligence oversight inspection and the importance of identifying intelligence elements and those personnel who are conducting intelligence activities within the inspected unit. The appendix is designed for both IGs and G-2s as an aid to identify intelligence elements and other units conducting foreign intelligence and counterintelligence activities within their commands.

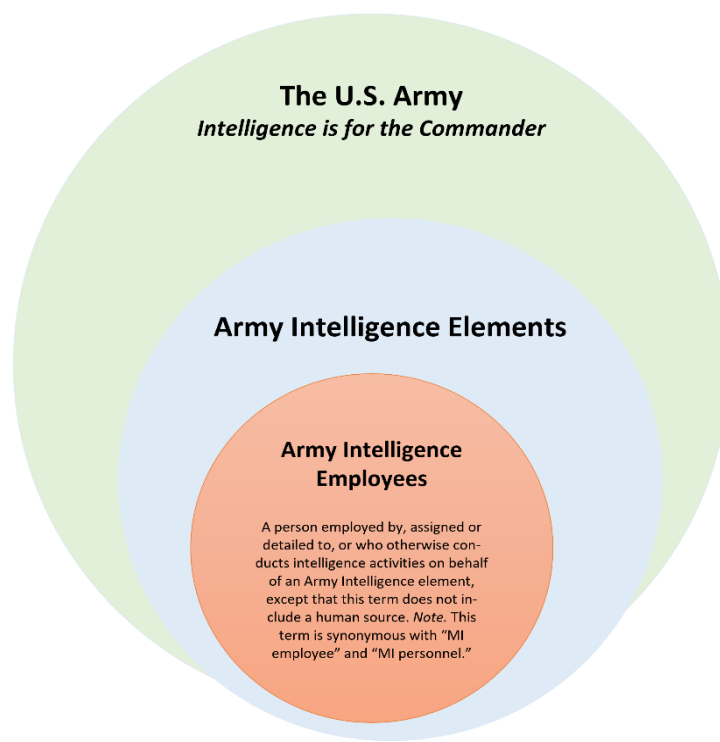
2. **Goals.** Provide CIGs with a policy-backed tool that will help them identify those elements of a command who are subject to an IG intelligence oversight inspection pursuant to Army Regulation (AR) 381-10, The Conduct and Oversight of U.S. Army Intelligence Activities, 27 February 2023 and AR 20-1, Inspector General Activities and Procedures, 23 March 2020.

3. **Foreword.** IGs are in the business of inquiring into, and periodically reporting on, the discipline, efficiency, economy, morale, training, and readiness of the Army. A general inspection is one way an IG assesses compliance and / or deviations from a known standard. These standards are set by policy, and IG intelligence oversight inspections are one of several inspections required by policy, specifically in AR 381-10 and AR 20-1. IG intelligence oversight inspections, as part of a command's OIP, are limited to those intelligence elements and other elements or personnel within the command conducting foreign intelligence and counterintelligence activities.

Figure 1: Army Intelligence, Elements, and Employees

4. **Key Terms.** Figure 1 describes the relationship between army intelligence employees and army intelligence elements. Army intelligence elements is expressly defined in policy.

a. **Intelligence.** "Intelligence is for the Commander." The foreword of Army Doctrine Publication (ADP) 2-0, Intelligence, July 2019 doctrinally describes this need and use of intelligence. "[Leaders at all levels (civilian and military)] require detailed intelligence to develop situational understanding and answer the commander's intelligence requirements . . . Intelligence enables command and control, facilitates initiative, and allows commanders and staff [to include senior leaders] to execute tailored solutions for complex programs in fast-paced environments...Ready access to the intelligence networks enables



timely decision-making and provides commanders [and senior leaders] the flexibility to successfully shape and execute operations.”

b. **Army Intelligence Elements**. This term is defined in the Glossary of Terms in AR 381-10. This term describes those elements of the Army specifically designed to perform foreign intelligence or counterintelligence activities and as such defines the Army’s portion of the U.S. Intelligence Community. However, it does not actually grant either mission or authority to conduct intelligence activities. A key concept for all stakeholders is that being an Army intelligence element does not by inference grant such an element the ability to execute any intelligence activity.

See Chapter 2 (Key Terms) of this guide for the Regular Army, USAR, and ARNG elements that perform FI or CI missions or functions.

c. **Army Intelligence Employee**. An intelligence employee is a person employed by, assigned, or detailed to, or who otherwise conducts intelligence activities on behalf of an Army Intelligence element, except that this term does not include a human source. NOTE: This term is synonymous with “military intelligence (MI) employee” and “MI personnel.”

5. **Intelligence Oversight Responsibilities within the Command’s OIP**. Within the command’s OIP, intelligence professionals (led by the G-2 within a division) and CIGs each have specific responsibilities. The command responsibilities associated with staff inspections of intelligence oversight include all the command’s intelligence elements and those personnel conducting intelligence (or intelligence-related) activities. An IG’s focus is to “watch the watcher,” collaborate with the G-2 and / or SIO, and identify / inspect the command’s Intelligence elements. Here are the intelligence oversight inspection requirements for each stakeholder.

a. Commanders and Staff:

- **OIP Staff Inspection Requirement**. AR 381-10, paragraph 1-21 (The Commanders of U.S. Army organizations that conduct intelligence activities or intelligence training under Secretary of the Army authority), subparagraph c: *“Include intelligence oversight as part of the command’s organizational inspection program.”*

- **Frequency of Staff Inspections**. AR 381-10, Appendix B (Internal Control Evaluation), paragraph B-3 (Instructions): *“... These management controls must be evaluated annually.”*

- **Units Covered in Staff Inspections**. The inclusion of “intelligence training” in the requirement extends to all Army intelligence elements as training and readiness are both cornerstones for “Characteristics of command leadership,” with policy-defined responsibilities within AR 600-20, Army Command Policy, 24 July 2020, paragraph 1-6 (command), subparagraph c: *“The commander is responsible for all aspects of unit readiness. Training is the cornerstone of unit readiness and must be the commander’s top peacetime priority . . . As the primary unit trainers, commanders must develop their leaders to extract the greatest training value from every opportunity in every activity in order to build combat readiness and prepare their units and Soldiers to rapidly deploy and accomplish their decisive action missions... Commanders remain responsible for the professional development of their Soldiers at all ranks.”*

b. Command IGs:

- OIP IG Inspection Requirement. AR 20-1, paragraph 5-3 a: “*Intelligence oversight inspections are a requirement for all IGs, and these inspections will be part of the IG inspection program within the command’s OIP.*”

- Frequency of IG Inspections. AR 20-1, paragraph 5-3 d: “*Inspection frequency. The commander’s OIP will normally determine the frequency of intelligence oversight inspections within the command. However, IGs at all levels will ensure that they inspect their intelligence components a minimum of once every 2 years.*”

- Units Covered in IG Inspections. AR 20-1, paragraph 5-3 a: “*All IGs throughout the Army will conduct intelligence oversight inspections of intelligence components and activities conducting foreign intelligence (to include any intelligence disciplines) or counterintelligence within their commands.*”

c. IG Standard Objectives:

- Determine if Army intelligence elements are conducting intelligence activities in compliance with law, executive orders (EOs), intelligence community directives, Department of Defense (DoD) policy, and Army policy.

- Determine if the inspected command has a subordinate unit, organization, staff, or office not identified as an Army intelligence element but used to conduct intelligence activities (as defined by EO 12333). [If so, must meet Objective 1.]

- Evaluate leadership knowledge and understanding of intelligence oversight, especially reporting and procedures governing the collection, retention, and dissemination of U.S. person information (USPI) in accordance with Department of Defense Manual (DoDM) 5240.01 (Procedures Governing the Conduct of DoD Intelligence Activities, 8 August 2016).

- Ensure the existence and publication of procedures for the handling and reporting of questionable intelligence activities (QIAs), significant and / or highly sensitive matters (S / HSMs) and reportable federal crimes in accordance with AR 381-10, Sections 4 and 5.

6. **CIG Engagement with the G-2 / Senior Intelligence Officer (SIO).**

a. CIGs must identify Intelligence elements and employees who are conducting intelligence activities (as defined within EO 12333, United States Intelligence Activities) within a command. However, the responsibility to identify Intelligence elements and activities within a command rests with the Commander and not the IG. At the division level, the G-2 / SIO oversees this aspect of a Commander’s responsibilities with the assistance of an assigned intelligence oversight officer.

b. While doctrine covers the relationship between a commander and the staff, it does not constitute actual authority. CIGs have unique placement and access enabling them to engage the Commander and the staff leads.

c. In the case of intelligence oversight responsibilities, CIGs should provide both parties information on how to ensure a delegation of a commander’s authority to the G-2 / SIO for how the command executes, supervises, and oversees the conduct of FI and CI activities. CIGs can provide the following examples to a Commander and the G-2 / SIO.

(1) Example: Commanding General’s Delegation of Authority

***** BEGIN CG DELEGATION MEMO *****

DEPARTMENT OF THE ARMY
HEADQUARTERS, 66th INFANTRY DIVISION AND FORT VON STEUBEN
FORT VON STEUBEN, VIRGINIA 12345

AFVS-ZA

[Date]

MEMORANDUM FOR The Assistant Chief of Staff for Intelligence, 66th Infantry Division and Fort Von Steuben

SUBJECT: Delegation of Authority for the Conduct and Oversight of Intelligence and Intelligence-Related Activities

1. REFERENCES.

a. Army Regulation (AR) 381-10, The Conduct and Oversight of U.S. Army Intelligence Activities, 27 February 2023.

b. AR 20-1, Inspector General Activities and Procedures, 23 March 2020.

2. DELEGATION OF AUTHORITY. Pursuant to reference a, I hereby designate the Assistant Chief of Staff for Intelligence (G-2), 66th Infantry Division, as the Command’s Senior Intelligence Officer (SIO). I delegate to the Command’s SIO my authority for the conduct and oversight of all intelligence and intelligence-related activities, to include intelligence training, within 66th Infantry Division and Fort Von Steuben. The SIO shall execute this responsibility through appropriate Army doctrinal orders processes.

a. All Army intelligence elements within the command, as defined in reference a, are subject to this delegation of authority.

b. This delegation includes the requirement for the SIO to:

(1) Specifically identify which elements of this command execute multi-discipline intelligence collection, intelligence analysis, and intelligence production under approved foreign intelligence (FI) or counterintelligence (CI) mission and authorities.

(2) Coordinate and oversee annual intelligence oversight staff inspections for all Army intelligence elements within the command as part of the command’s organizational inspection program (OIP).

3. The Command Inspector General’s (IG) responsibility for IG inspections of intelligence pursuant to reference b are limited to the intelligence elements of this command.

4. The point of contact for this memorandum is the G-2, [name], [phone number], or [email address].

MOTTIN De La BLAME
Major General,
Commanding

***** END CG DELEGATION MEMO *****

(2) Example: G-2 Identification of Intelligence Elements

***** BEGIN G-2 / SIO MEMO *****

DEPARTMENT OF THE ARMY
HEADQUARTERS, 66th INFANTRY DIVISION AND FORT VON STEUBEN
FORT VON STEUBEN, VIRGINIA 12345

AFVS-IN

[Date]

MEMORANDUM FOR RECORD

SUBJECT: Identification of the Command's Intelligence Elements

1. REFERENCE. Commanding General, 66th Infantry Division and Fort Von Steuben Memorandum for The Assistant Chief of Staff for Intelligence, 66th Infantry Division and Fort Von Steuben, dated DD MMM YYYY. SUBJECT: Delegation of Authority for the Conduct and Oversight of Intelligence and Intelligence-Related Activities.

2. PURPOSE. This memorandum executes the referenced Commanding General's (CG's) directive for the Assistant Chief of Staff, Intelligence, as the command's Senior Intelligence Officer (SIO) to identify the command's intelligence elements and those personnel conducting intelligence activities.

3. Intelligence elements are the sole elements within the command that execute multi-discipline intelligence collection, intelligence analysis, and intelligence production under approved foreign intelligence or counterintelligence mission and authorities. The following elements of the command are hereby designated as approved intelligence elements:

- G-2 Staff of 66th Infantry Division and Fort Von Steuben.
- XXXX Military Intelligence Battalion.
- Military Intelligence Company, XXXX XXXX Battalion
- *List any other elements*

4. The point of contact for this memorandum is the undersigned at [phone number], or [email address].

JOHN A. DOE
LTC, MI
Assistant Chief of Staff for Intelligence

***** END G-2/SIO MEMO *****

Appendix H

IG Handling of Questionable Intelligence Activities and Significant or Highly Sensitive Matters

1. **Purpose.** This appendix provides guidance to Inspectors General (IGs) on their responsibilities within the reporting process for QIAs and S / HSMs in accordance with Army Regulation (AR) 381-10, The Conduct and Oversight of U.S. Army Intelligence Activities, 27 February 2023 and AR 20-1, Inspector General Activities and Procedures, 23 March 2020. It also provides guidance on processing QIAs and S / HSMs as a “matter considered not IG appropriate” using the seven-step IG Action Process (IGAP).

2. Introduction.

a. The reporting and investigation of QIAs and S / HSMs is a command function. However, the sensitivity of QIAs and S / HSMs is such that the Army has identified IGs within policy as a reporting channel of last resort.

b. Typically, when an IG receives a QIA or S / HSM, it is because:

- The reporter is not aware of the proper command reporting channels.
- The command has failed to implement its responsibility for establishing and maintaining proper reporting mechanisms.
- The reporter is not conformable discussing the issue with the chain of command, or
- A combination of the reasons listed above.

c. An IG’s role with QIAs and S / HSMs falls under the Assistance function as a “matter not considered IG-appropriate.”

d. However, IGs do have a policy requirement to report any such instances to Department of the Army Inspector General’s (DAIG’s) Intelligence Oversight Division (SAIG-IO). This report to SAIG-IO is a notification mechanism so that DAIG can take actions to ensure the QIA or S / HSM is handled by the chain of command and NOT through IG channels.

3. **Key Terms.** QIA, S / HSM, and all other key terms are defined in Chapter 2 of this guide.

4. Responsibilities.

a. Commanders. Pursuant to AR 381-10, paragraph 1-21 r, “[Commanders] implement reporting procedures for QIA, S / HSM, Federal crimes, and violations of Army-specific intelligence policies in accordance with DoDM 5240.01 [Procedures Governing the Conduct of DoD Intelligence Activities, 8 August 2016] and this regulation.” Reporting procedures and timelines for QIAs and S / HSMs are articulated in AR 381-10, paragraph 4-3, based upon specific situations. However, in all cases, such reports “are an internal Army operational chain of command reporting responsibility.” Additionally, AR 381-10, paragraph 4-4 d, requires that “Army intelligence elements [commanders] must conduct investigations in accordance with AR 15–6.”

b. Individuals. Pursuant to AR 381-10, paragraph 4-2, “*All Army intelligence employees must identify any QIA or S / HSM to their chain of command or supervision immediately. If it is not practical to report the identification of a QIA or S / HSM to the chain of command or supervision, Army intelligence element employees may report the identification of a QIA or S / HSM through legal counsel or inspector general channels.*”

c. IGs.

(1) Within AR 381-10, the only portion of the regulation that requires an IG to report a QIA or S / HSM is in the role of a “reporter” and not an IG. This situation is covered as an IG responsibility within AR 381-10, paragraph 1-20 d, and is specific to an IG’s discovering a QIA or S / HSM during an IG intelligence oversight inspection.

(2) Within AR 20-1, paragraph 1-4 b (10), “[IGs] Report any questionable intelligence activities to DAIG’s Intelligence Oversight Division (SAIG-IO) in accordance with procedure 15 [QIA and S / HSMs reporting], AR 381-10.” This is a feedback mechanism so that SAIG-IO can ensure that the chain of command is appropriately handling the matter as the report must get into command channels for proper reporting and investigation.

(3) AR 20-1, paragraph 5-3 c, reinforces an IG’s role by stating, “*Since Procedure 15 [QIA and S / HSMs] reports are nonpunitive in nature, they do not place the IG in a dilemma by reporting information that might be used for adverse purposes (unless the violation is criminal in nature). Procedure 15 [QIA and S / HSMs] reports are not IG records and are not subject to IG records-release procedures. IGs will forward all Procedure 15 [QIA and S / HSMs] reports directly to DAIG’s Intelligence Oversight Division at The U.S. Army Inspector General Agency (SAIG- IO) ...*”

5. **IGAP for Receiving a QIA or S / HSM.** The following is a recommended process flow by which IGs can ensure that a QIA or S / HSM (1) is properly referred to the command for action, (2) is simultaneously referred to SAIG-IO for situational awareness, or (3) is handled in a manner that prevents the unauthorized disclosure of classified information.

a. STEP 1: Receive the Inspector General Action Request (IGAR). A QIA or S / HSM will most likely involve classified information, so once an IG discovers that the reporter wishes to discuss an intelligence or intelligence-related matter, they should conduct the following drill.

(1) **STOP** the complainant and ask him or her, “**Will we need to discuss classified materials to process your complaint or report?**” If the answer is yes, then you will need to find out the classification levels of the material (to see if you even have the appropriate security clearance level to handle the issue and move to a location that has the proper accreditation to handle classified materials (contact the G-2).

(2) **ASK** the complainant if his or her complaint is a report of a QIA or S / HSM or involves a special-access program.

(a) If the complainant identifies the issue as a QIA or S / HSM, explain your referral role and how you cannot guarantee confidentiality as the command must handle the issue.

(b) If the complainant mentions “special-access program,” “SAP,” or something along the lines of “I cannot tell you what unit I am assigned to,” **IMMEDIATELY STOP** and call

SAIG-IO. Inform the complainant that based on his or her response, only SAIG-IO has the appropriate security clearances to address the complaint. Your role now is to contact SAIG-IO for follow-on instructions. **STOP HERE, AND DO NOT DOCUMENT OR OPEN A CASE IN IGARS.**

(3) If this is a QIA or S / HSM report, limit information on the DA Form 1559, Inspector General Action Request, dated 1 April 2021 to the name of the command in which the QIA or S / HSM occurred, the fact that you referred the issue to the command for action, and that you simultaneously notified SAIG-IO of having received a QIA or S / HSM. **DO NOT WRITE ANY INFORMATION ABOUT THE ACTUAL ISSUE.** The information will likely be classified and could result in spillage, requiring remediation by information automation specialists.

(4) Once you have established the ground rules regarding classified information (i.e., do not write any of it down), process Step 1 of the IGAR in accordance with The Assistance and Investigations Guide.

b. STEP 2: Preliminary Analysis. Since you have already identified the matter as a QIA or S / HSM, your course of action will be twofold: (1) notify SAIG-IO that you received a QIA or S / HSM, and (2) execute a command referral as all reports and investigations of a QIA or S / HSM must be conducted per AR 15-6, Procedures for Administrative Investigations and Boards of Officers, 1 April 2016, which is a command inquiry / administrative investigation process. Either way, keep documentation in the IGARS down to a minimum to avoid spillage of potentially classified information.

c. STEP 3: Initiate Referrals / Make Initial Notifications. Once the command and SAIG-IO have been notified, you will skip to STEP 6.

d. STEP 6: Follow-Up. In the case of a QIA or S / HSM, consult the command's supporting staff judge advocate (SJA) to ensure the command executed the reporting and inquiry process per AR 15-6. Part of that process is the requirement of a legal review of the inquiry / investigation, so the SJA will be able to tell you whether the command properly handled the matter.

e. STEP 7: Close the IGAR. Complete this step per The Assistance and Investigations Guide.

Appendix I

Intelligence Oversight Guide Acronyms, Abbreviations and Initialisms

ACE	analytical control element
ACOM	army command
ADP	army doctrine publication
AG	Attorney General of The United States
AGR	active guard reserve
AR	army regulation
ARNG	Army National Guard
ASCC	army service component command
ATSD(IO)	Assistant to the Secretary of Defense for Intelligence Oversight
ATTN	attention
BCT	brigade combat team
BEB	brigade engineer battalion
CG	commanding general
CHCSS	Chief, Central Security Service
CI	counterintelligence
CIG	Command IG
CSM	command sergeant major
CSS	central security service
CW3	chief warrant officer 3
DA	Department of the Army
DAIG	Department of the Army Inspector General
DCS	Deputy Chief of Staff
DIRNSA	Director, National Security Agency
DNI	Director of National Intelligence
DoD	Department of Defense
DoDD	Department of Defense Directive
DoDM	Department of Defense Manual
DOJ	Department of Justice
DRU	direct reporting unit
DSN	defense switched network
EAC	echelons above corps
ECB	echelons at corps and below
EO	executive order

EXORD	execution order
FD	foreign disclosure
FI	foreign intelligence
G-2	Army Deputy Chief of Staff for Intelligence; Army component intelligence staff officer
G-3	Army Deputy Chief of Staff for Operations; Army component operations staff officer
GEOINT	geospatial intelligence
HQDA	Headquarters, Department of the Army
HPSCI	House Permanent Select Committee on Intelligence
HSAC	Homeland Security Advisory Council
HUMINT	human intelligence
IC	intelligence community
ICoE	Intelligence Center of Excellence
IG	inspector(s) general
IGAP	IG action process
IGAR	inspector general action request
IGARS	inspector general action request system
INSCOM	U.S. Army Intelligence and Security Command
IO	intelligence oversight
IOO	intelligence oversight officer
IP	internet protocol
IPR	in-process review
MAJ	major
MI	military intelligence
MSG	master sergeant
NCO	noncommissioned officer
NCOIC	noncommissioned officer-in-charge
NIP	national intelligence program
NSA	national security agency
NSC	national security council
OIP	organizational inspection program
OPORD	operation order
OSINT	open-source intelligence
PII	personally identifiable information
POC	point of contact
QIA	questionable intelligence activity
RMIC	risk management internal control
S / HS	significant or highly sensitive
S-2	battalion or brigade intelligence staff officer
S-3	battalion or brigade operations staff officer

SAIG-IO	DAIG Intelligence Oversight Directorate
SAP	special-access program
SAIG-TR	DAIG Training Division
SECARMY	Secretary of the Army
SECDEF	Secretary of Defense
SFC	sergeant first class
SHAPE	Supreme Headquarters Allied Powers Europe
SIGINT	signals intelligence
SIO	senior intelligence officer
SIOO	senior intelligence oversight officer
SJA	staff judge advocate
SOP	standard operating procedure
SSCI	senate select committee on intelligence
TIG	The Inspector General
TIGS	The U.S. Army Inspector General School
TJAG	The Judge Advocate General
TMP	transportation motor pool
U.S.	United States
USAR	U.S. Army Reserve
USIC	U.S. intelligence community
USPI	U.S. person information
XO	executive officer