

UNITED STATES ARMY INSPECTOR GENERAL SCHOOL

INTELLIGENCE OVERSIGHT GUIDE



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SAIG-ZA

MEMORANDUM FOR ALL U.S. ARMY INSPECTORS GENERAL

SUBJECT: The 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 DSN 655-3918.

Droit et Avant!

A handwritten signature in black ink, reading "Donna W. Martin", is positioned above the typed name.

DONNA W. MARTIN
Lieutenant General, USA
The Inspector General

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Introduction

The 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 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 a part of the Organizational Inspection Program (OIP); and report any questionable activities in accordance with Chapter 4, AR 381-10, to HQDA (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, The Conduct and Oversight of U.S. Army Intelligence Activities; 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 Organizational Inspection Program (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 this regulation, which is the governing document not just for the conduct of the Army Intelligence activities but for Intelligence Oversight as well.

5. **Proponent.** The U.S. Army Inspector General School (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 Army Regulation 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 Army Regulation 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 March 2020 version of the guide. This revision is comprehensive in nature and affects all portions of the guide.

Chapter 1

Background Information

1. **Purpose.** This chapter provides background information on Intelligence Oversight and the creation of the National Intelligence Program.

2. **Goals.** The goals of this chapter are to provide Inspectors General (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 as a whole, 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 United States 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 US 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 and the Army's intelligence oversight program.

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 clearly defined inspection responsibility for intelligence activities. However, most IGs do not have an intelligence background and often lack basic knowledge of key terms within the Army's intelligence community. 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.** Intelligence Oversight represents the efforts taken by members of the USIC in the conduct of intelligence activities "to protect fully the legal rights of all United States persons, including freedoms, civil liberties, and privacy rights guaranteed by Federal law" (EO 12333 Section 1.1(b)).

b. **Intelligence.** Intelligence may well be one of the most misused terms within the United States. The issue is that intelligence as a concept is used throughout society and military operations. However, with respect to the USIC, the term is defined within the Glossary of EO 12333 and further bounded by the goals of EO 12333 within Section 1.1. Therefore, 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), is as follows:

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, and the Homeland Security Council 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 means “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 DoDM 5240.01, 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 United States, 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 United States 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 (USPI). 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 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, as modified by 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 (S/HSM). Pursuant to DODD 5148.13, a S/HSM is “An intelligence or intelligence-related activity (regardless of whether the intelligence or intelligence-related activity is unlawful or contrary to an E.O., 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 (Glossary of Terms), an Army Intelligence Element is “the Regular Army, Army Reserve, and Army National Guard elements that perform FI or CI missions or functions consisting of:

- Headquarters, Department of the Army (HQDA), DCS, G–2.
- U.S. Army Intelligence and Security Command (INSCOM) and subordinate units.
- 650th Military Intelligence Group, Supreme Headquarters, Allied Powers Europe.
- 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/HSMs.
- 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 an IG must 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 organizational inspection program (OIP).

a. **Commanders.** The Commanders and Civilian leaders 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, paragraph 2-1b).

(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 1-21c 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 accordingly rely upon their G-2 / Senior Intelligence Officer.

b. **G-2 / Senior Intelligence Officer (SIO).** 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 Military Intelligence 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—

- 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.
- 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.
- 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.
- Assist in the implementation of the commander’s intelligence oversight program.
- Develop mission-specific intelligence oversight training and education programs and participate when available.
- 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.
- Review all unit requests for intelligence operational authorities and the use of procedures governing the conduct of DoD intelligence activities prior to approval.
- 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).
- Prepare subordinate units for intelligence oversight inspections and conduct inspections or assessments of subordinate unit programs.
- 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.
- Assist the commander in ensuring all personnel in their unit complete intelligence oversight training in accordance with this regulation.
- Monitor and maintain unit training statistics to ensure compliance.
- 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 CIG’s point of contact for all things intelligence oversight. If this fact is not the case, CIGs should emphasize to commanders the requirement in AR 381-10, paragraph 1-22m, for IOOs to assist IGs.

(3) As of late 2022, Army policy codified an IOO’s staff inspection responsibilities 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,

coordination, execution, and oversight of a command OIP's staff inspections for intelligence oversight.

(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 Organizational Inspection Program (OIP) Coordinator. AR 1-201, Army Inspection Policy, paragraph 1-4d, 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 [to] – (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 coordination of 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 3-2e) 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). CIGs by assignment are found only at the general staff level and have narrowly defined regulatory responsibilities for intelligence oversight. This guide is intended for CIGs, so a more fulsome explanation of those duties related to IG intelligence oversight inspections is as follows:

(1) Army Regulation (AR) 20-1, Inspector General Activities and Procedures, dated 23 March 2020.

(a) Paragraph 1-4b(3)(a) "[IGs will–] Conduct 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 1-4b(10) "[IGs will–] Report any questionable intelligence activities to DAIG's Intelligence Oversight Division (SAIG-IO) in accordance with procedure 15, AR 381-10."

(c) Paragraph 5-3a: "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 5-3b: “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 5-3d: “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, The conduct and Oversight of U.S. Army Intelligence Activities, dated 27 February 2023, paragraph 1-20: “The Army Inspectors General will—

- As part of their inspection program, determine if Army intelligence elements are conducting intelligence activities in compliance with law, presidential EOs, intelligence community directives, DoD policy, and Army policy.
- Determine whether inspected elements are involved in any QIA or S/HSM. If an inspection discovers a QIA or S/HSM, inspectors general will report the matter in accordance with chapter 4 of this regulation, [AR 381-10].
- 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, [AR 381-10].
- 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 will report the matter in accordance with chapter 4 of this regulation, AR 381-10.
- Evaluate leadership awareness and understanding of intelligence authorities governing the collection, retention, and dissemination of USPI.
- Determine whether inspected elements’ approved SIGINT missions comply with National Security Agency / Central Security Service policies and directives.
- Determine whether procedures exist within each element for reporting QIA, S/HSM, and Federal crimes and that personnel are aware of their reporting responsibility.
- 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 IO 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 1-4b(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 1-20h, 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 ultimate 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 Directive for Inspection (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 5-3b, 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 intelligence producers conduct their intelligence activities in compliance with policy.

(2) Objective 2. Identify if the command has non-intelligence capabilities acting as intelligence producers.

(3) Objective 3. Evaluate intelligence producer leadership’s understanding of intelligence policy.

(4) Objective 4. Verify the existence and publication of procedures for the handling and reporting of Questionable Intelligence Activities (QIA) and Significant or Highly Sensitive Matters (S/HSMs) within the command for intelligence producers.

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.*

CAUTION: There are terms such as “intelligence consumers” and “intelligence producers” that will require the Commander and G-2 / SIO to identify these elements before the IG Intelligence Oversight inspection. Appendix G provides additional detail on intelligence consumers / producers and an example ‘G-2 Identification of Intelligence Producers’ memorandum. This memorandum will assist IGs when developing the concept for the IO inspection.

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.

- 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.
- Agenda Slide: Inspections Purpose, Objectives, Scope, Focus, Timeline, Approval.
- 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 producers are complying with appropriate laws, executive orders, and policies 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.
 - Inspection Objectives: (Use the Objectives from page 4-1-2 of this guide)
 - Scope:
 - One team of two to three inspectors (to include the Division Intelligence Oversight Officer as a Temporary Assistant IG) will visit all intelligence producers (as previously identified by the G-2 / Senior Intelligence Officer (SIO)) within the command.
 - Pursuant to AR 20-1, paragraph 5-3a, this regulation-mandated IG inspection only applies to those Army intelligence elements of the command conducting foreign intelligence and counterintelligence activities, which constitutes the command’s small pool of intelligence producers as previously identified by the G-2/SIO.
 - Focus:
 - This is a regulation-mandated compliance inspection that focuses on verifying that the command’s intelligence producers conduct foreign intelligence and counterintelligence activities in compliance with appropriate laws, executive orders, and policy.
 - Existing Intelligence Oversight requirements as outlined in AR 381-10, The Conduct and Oversight of U.S. Army Intelligence Activities, will provide the guiding tenets for this inspection.
 - 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 producer’s commander or appropriate staff officer with immediate – but general – feedback in the form of an out-briefing.
 - Timeline:

| | |
|---|------|
| Send the Notification Letter | D-90 |
| Send the Detailed Inspection Plan to the intelligence producers | D-60 |

| | |
|---|------|
| Visit first intelligence producer | D+0 |
| Visit last intelligence producer | D+20 |
| Final results to the commanding general | D+40 |
| Final written report complete | D+50 |

- 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 IO 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 IO 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 the IG 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.** In-Process Reviews are important sessions for IO inspections and allow for the sharing of information collected during a unit visit. IO 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 Questionable Intelligence Activities 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 Senior Intelligence Official 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 IO 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 IO 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, which the proponent identified in the recommendations will implement. 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 IO inspection may constitute a Questionable Intelligence Activity (QIA). See Appendix H of this guide on how to properly address QIAs.
4. **Completion Phase Step 14: Finalize the Report.** For IO 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 IO Inspection reports does not deviate from the process outlined in The Inspections Guide, page 4-4-8, and AR 20-1, paragraph 3-4c.
 7. **Completion Phase Step 17: Schedule a Follow-Up.**
 - a. The IG office must follow-up on all IO 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 IO Inspections are documented in the 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 12333, (<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 5240.01, DoD Intelligence Activities, 27 August 2007 w/ Change 3 effective 9 November 2020

- DoD Directive 5148.13, Intelligence Oversight, 26 April 2017

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

- DoD 52401-R, Procedures Governing the Activities of DOD Intelligence Components that affect United States Persons, December 1982 w/ Change 2 effective 26 April 2017

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

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

- AR 20-1, Inspector General Activities and Procedures

- AR 1-201, Army Inspection Policy

5. **Army G-2 IO Staff Inspection Checklist**

(<https://inscom.mi.army.mil/hq/specialstaff/io/Intel%20Oversight%20Reference%20Library/DAG2%20Intelligence%20Oversight%20Checklist.pdf>)

Appendix B

Sample Intelligence Oversight Inspection Concept Memo

DEPARTMENT OF THE ARMY
HEADQUARTERS, 66th INFANTRY DIVISION
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 Program 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 Producers and Command Intelligence Oversight Responsibilities, DD MMM YYYY

2. 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 producers 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 intelligence producers conduct their intelligence activities in compliance with policy.
- b. Identify if the command has non-intelligence capabilities acting as intelligence producers.
- c. Evaluate intelligence producer leadership's understanding of intelligence policy.
- d. Verify the existence and publication of procedures for the handling and reporting of Questionable Intelligence Activities (QIA) and Significant or Highly Sensitive Matters (S/HSMs) within the command for intelligence producers.

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 producers (as previously identified by the G-2 / Senior Intelligence Officer (SIO) in Reference c) within the command.

b. Pursuant to AR 20-1, paragraph 5-3a, this regulation-mandated IG inspection only applies to those Army intelligence elements of the command conducting foreign intelligence and counterintelligence activities, which constitutes the command's small pool of intelligence producers as previously identified by the G-2 / SIO.

5. FOCUS: This is a regulation mandated compliance inspection that focuses upon verifying that the command's intelligence producers conduct foreign intelligence and counterintelligence activities in compliance with appropriate laws, executive orders, and policy. Existing Intelligence Oversight requirements as outlined in AR 381-10, The Conduct and Oversight of U.S. Army Intelligence Activities, 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 producer'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 producers | D-60 |
| • Visit first intelligence producer | D+0 |
| • Visit last intelligence producer | 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 producer to develop detailed inspection schedules and gather resources.

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 intelligence producers conduct their intelligence activities in compliance with policy.
 - b. Identify if the command has non-intelligence capabilities acting as intelligence producers.
 - c. Evaluate intelligence producer leadership's understanding of intelligence policy.
 - d. Verify the existence and publication of procedures for the handling and reporting of Questionable Intelligence Activities (QIA) and Significant or Highly Sensitive Matters (S/HSMs) within the command for intelligence producers.
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 intelligence producers conduct their intelligence activities in compliance with policy.
 - b. Identify if the command has non-intelligence capabilities acting as intelligence producers.
 - c. Evaluate intelligence producer leadership's understanding of intelligence policy.
 - d. Verify the existence and publication of procedures for the handling and reporting of Questionable Intelligence Activities (QIA) and Significant or Highly Sensitive Matters (S/HSMs) within the command for intelligence producers.

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 NCOIC) – Top Secret
SFC Bergerac – Secret
CW3 Cloak (MI augmentee (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 BEB
22 July: Company B (MI), 3rd BEB
26 July: Company B (MI), 1st BEB
30 July: Division G-2 and 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, 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 producers).
- 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 producers.
- 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 (intelligence production).
- 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 (intelligence production).
- 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 |
| 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 |

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 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 DSN: 555-5678, frank.list.mil@army.mil.

Encl
Inspection Directive
The IG Intelligence Oversight Guide

ALBERT R. RIGHTWAY
LTC, IG
Inspector General

DISTRIBUTION:

G-2

Commander, 1st 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 producers 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

1. Determine if intelligence producers conduct their intelligence activities in compliance with policy.
2. Identify if the command has non-intelligence capabilities acting as intelligence producers.
3. Evaluate intelligence producer leadership's understanding of intelligence policy.
4. Verify the existence and publication of procedures for the handling and reporting of Questionable Intelligence Activities (QIA) and Significant or Highly Sensitive Matters (S/HSMs) within the command for intelligence producers.



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)

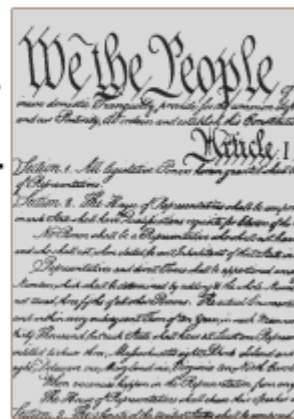
- **Implements Executive Order (EO 12333)**
- **Provides procedures on:**
 - **Collection, dissemination, or retention of information on U.S. persons by intelligence elements.**
 - **Use of intrusive collection techniques (surveillance, bugging, phone taps).**
 - **Assistance by intelligence elements 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.**



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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.



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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

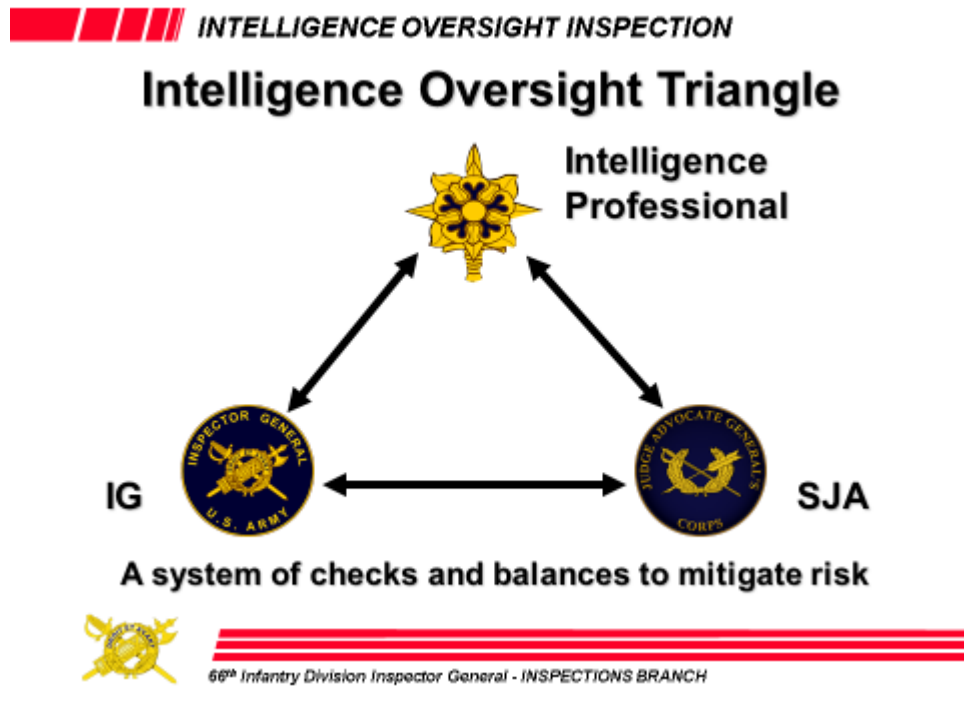
Prevent "mission creep"

Protect Army interests

Protect constitutional rights



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INTELLIGENCE OVERSIGHT INSPECTION

General Inspection of the Intelligence Oversight Program

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

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Appendix F

Standards and Information Domain Tools

1. **Purpose.** This appendix provides sub-tasks for Inspector General (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 Command IGs (CIGs) echelons at corps and below (ECB) units in the execution of their duties by providing standardized sub-tasks, relevant AR 381-10 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, may be used 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 is presented in this appendix. However, CIGs are encouraged to 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 intelligence producers conduct their intelligence activities in compliance with policy.
- **Objective 2.** Identify if the command has non-intelligence capabilities acting as intelligence producers.
- **Objective 3.** Evaluate intelligence producer leadership's understanding of intelligence policy.
- **Objective 4.** Verify the existence and publication of procedures for the handling and reporting of Questionable Intelligence Activities (QIA) and Significant or Highly Sensitive Matters (S/HSMs) within the command for intelligence producers.

4. **Standing Sub-Tasks for ECB IG Intelligence Oversight Inspections.** In the same manner that standing inspection objectives are derived from an IG's responsibilities within AR 381-10, seven sub-tasks supporting these objectives are derived 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 Organizational Inspection Program. (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 | | |
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| 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 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 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. |

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| | | <p><i>i.</i> [Commanders] Ensure that no one under their command retaliates against employees who report waste, fraud, or abuse per AR 20-1.</p> <p>AR 381-10, paragraph 1-21.</p> <p><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—</p> <ul style="list-style-type: none"> (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 DOJ Memorandum of Understanding for the Reporting of Information Concerning Federal Crimes. <p>AR 381-10, paragraph 1-21.</p> <p><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.</p> <p>AR 381-10, paragraph 1-21.</p> <p><i>l.</i> [Commanders] Provide the command’s legal counsel; DCS, G–2; TIG; TJAG; Army General Counsel; DoD General Counsel; DoD 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.</p> <p>AR 381-10, paragraph 1-21.</p> <p><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.</p> |
| | <p>1.2. Determine if individuals execute policy requirements for the conduct of intelligence activities.</p> | <p>AR 381-10, paragraph 3-2. Professional conduct. In carrying out intelligence activities, all personnel acting under SECARMY authority and subject to this regulation—</p> <ul style="list-style-type: none"> <i>a.</i> Are authorized to collect, retain, and disseminate USPI and otherwise conduct intelligence activities only in accordance with DoDM 5240.01, DoD 5240.1-R, and this regulation. <p>AR 381-10, paragraph 3-2.</p> <ul style="list-style-type: none"> <i>b.</i> [Individuals] Must carry out all activities in all circumstances in accordance with the Constitution and laws of the United States. <p>AR 381-10, paragraph 3-2.</p> <ul style="list-style-type: none"> <i>c.</i> [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>AR 381-10, paragraph 3-2.</p> <ul style="list-style-type: none"> <i>d.</i> [Individuals] May not investigate U.S. persons or collect or maintain information about them solely for the purpose of monitoring |

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| | | <p>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, DoD 5240.1-R, 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, DoD 5240.1-R, 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 1-21g 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 National Guard duty, and Active Guard and Reserve.</p> <p>(2) Within 90 days upon assignment or attachment for ARNG and USAR personnel not fitting the criteria in paragraph 3-3a(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 DoD 5240.1-R.</p> <p>AR 381-10, paragraph 2-3.</p> <p>c. DoDM 5240.01 and DoD 5240.1-R require Defense Intelligence Component head (or delegee) 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 delegee) prior to conducting any of these specific activities as addressed in DoDM 5240.01 or DoD 5240.1-R.</p> |
| <p>3</p> | <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.</p> <p>c. [Commanders] Include intelligence oversight as part of the command's organizational inspection program.</p> <p>AR 381-10, Appendix B.</p> <p>B-3. Instructions. Answers must be based upon actual testing of key management controls using the methods specified on DA Form 11-2 (Internal Control Evaluation Certification). Answers must be Yes, No, or Not Applicable, with narrative explaining the answer, if</p> |

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| | | <p>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 1-4d. (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 1-4d. (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 Managers' Internal Control Program (MICP) in accordance with current guidance.</p> |
| | <p>3.2. Determine if Commanders use intelligence professionals to assist them in fulfilling intelligence policy responsibilities.</p> | <p>AR 381-10, paragraph 1-21. 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>AR 381-10, paragraph 1-22. b. [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. c. [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> |

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| | | AR 381-10, paragraph 1-22. k. [IOOs] Assist the commander in ensuring all personnel in their unit complete intelligence oversight training in accordance with this regulation. |
| | | AR 381-10, paragraph 1-22. m. [IOOs] Assist Inspectors General in the review and inspection of the unit's intelligence activities and intelligence oversight program. |
| | | 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 DIRNSA/CHCSS requirement for a commander of an approved SIGINT mission designating in writing an IOO for SIGINT operations, although commanders may appoint one person to fill both roles. |
| 4 | 4.1. Determine if the Command has implemented an intelligence oversight training program tailored to the unit's intelligence mission and authorities. | AR 381-10, paragraph 1-21. g. [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— (1) Familiarity with the authorities, restrictions, and procedures established in this regulation, DoDD 5148.13, DoDD 5240.01, DoDM 5240.01, DoD 5240.1–R, 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. (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. |
| | | AR 381-10, paragraph 1-21. h. [Commanders] Ensure all employees complete intelligence discipline-specific training required for the conduct of intelligence activities. |
| | | AR 381-10, paragraph 1-21. q. [Commanders] Maintain records documenting compliance with intelligence oversight training. |
| | 4.2. Determine if the Command has implemented procedures for the | AR 381-10, paragraph 1-21. f. [Commanders] Establish internal organizational intelligence oversight reporting responsibilities pursuant to the unit's internal policies and regulations. |

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| reporting and investigating of QIAs and S/HSMs. | 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 381-1-, paragraph 4-4. <i>d.</i> Army intelligence elements must conduct investigations in accordance with AR 15–6. |

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 / XO / CSM / S-3 or equivalents of units conducting foreign intelligence and counterintelligence activities (intelligence producers).

- 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 producers.
- Elements (teams and sections) which contain Soldiers and Civilians executing foreign intelligence and counterintelligence 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 Secretary of the Army or Combatant Command granting authority) for the conduct of foreign intelligence and counterintelligence (intelligence production).
- 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 (intelligence production).

(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.
- Foreign intelligence and counterintelligence training exercises.
- Foreign intelligence and counterintelligence 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.

| 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 (intelligence producers). | 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 | Intelligence Oversight Officers 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 Counterintelligence (CI), Geospatial Intelligence (GEOINT), Human Intelligence (HUMINT), Signals Intelligence (SIGINT), Open-Source Intelligence 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 foreign intelligence and counterintelligence 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 Secretary of the Army or Combatant Command granting authority) for the conduct of foreign intelligence and counterintelligence (intelligence production). | 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., standard operating procedures and similar documents) describing how the command executes, supervises, and oversees the conduct of foreign intelligence and counterintelligence activities (intelligence production). | 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 | Foreign intelligence and counterintelligence training exercises | 1.1, 1.2 |
| Observe | Foreign intelligence and counterintelligence 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.

| Interview Question | Sub-Task |
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| 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 |

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| 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 United States persons information (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 questionable intelligence activities (QIAs) and significant or highly sensitive matters (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 Executive Order, presidential directive, or any regulatory policy or procedures implementing the provisions of Executive Order 12333? | 1.1 |
| 12. Describe your relationship with the command's legal counsel and Inspectors General. | 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 Intelligence Oversight Officers, 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 | |
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| 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 | 1.1; 3.2 |

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| on new policy and guidance; monitor intelligence oversight training; and oversee all unit intelligence activities, operations, and reporting? | |
| 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 questionable intelligence activities (QIAs), significant or highly sensitive matters (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 United States persons information (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 Inspector Generals. | 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 EXORDs / 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 United States persons information (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 questionable intelligence activity (QIA), and what would you do to find the actual definition? | 1.2 |
| 5. What is a significant or highly sensitive matter(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

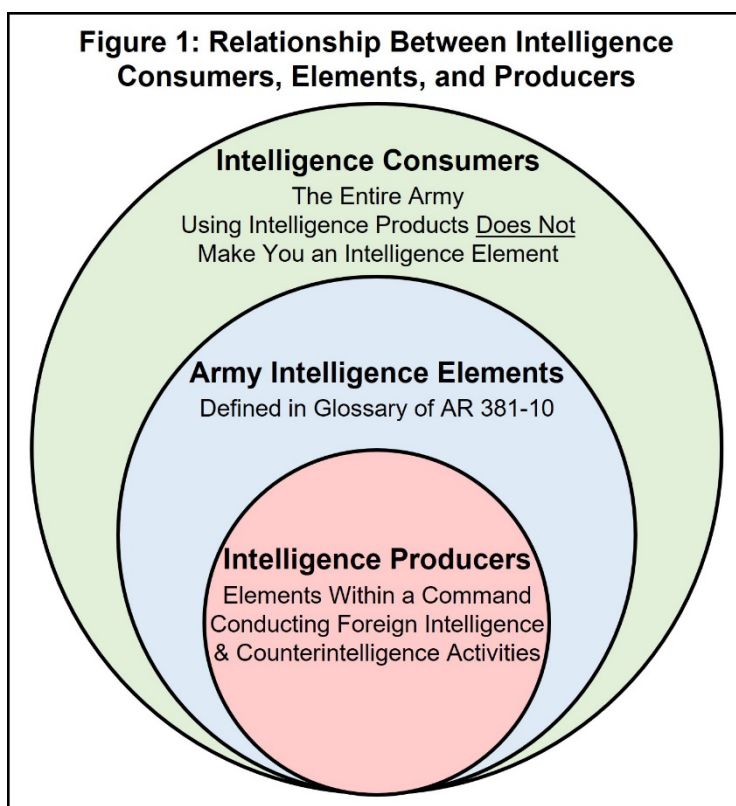
Army Intelligence Consumers, Elements, and Producers

1. **Purpose.** This appendix provides expanded guidance to Inspectors General (IGs) on the differences between intelligence consumers, intelligence elements, and intelligence producers. The appendix is designed for both IGs and G-2s as an aid to identify those intelligence elements and other units conducting foreign intelligence and counterintelligence activities within their commands.

2. **Goals.** Provide Command IGs (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 AR 381-10 and AR 20-1.

3. **Foreword.** In policy, words matter. IGs are in the business of inquiring into, and periodically reporting on, the discipline, efficiency, economy, morale, training, and readiness of the Army. An inspection is one means by which an IG executes these activities and at the heart of all such inquiries is the assessment of compliance and / or deviations from a known standard. These standards are set by policy, which must be read carefully, completely, and in context for a reader to have a firm understanding of what is required to meet a standard. IG Intelligence Oversight Inspections are one of only a few inspections required by policy, specifically in AR 381-10 and AR 20-1. The language used in these policies is very precise yet easily misunderstood. IGs and G-2s who take the time to read these regulations carefully, completely, and in context will discover that IG Intelligence Oversight Inspections, as part of a command's organizational inspection program (OIP), are limited to those intelligence elements and other command activities conducting foreign intelligence and counterintelligence activities. This sub-set of Army intelligence elements can be labeled as "intelligence producers".

4. **Key Terms.** Figure 1 describes the relationship between Intelligence Consumers, Army Intelligence Elements, and Intelligence Producers. Only "Army Intelligence Elements" is expressly defined in policy while "Intelligence Producers" is a term derived from the policy requirements of an IG. Understanding the meanings and



relationships between these terms provides a common understanding among all of the command's stakeholders with intelligence oversight responsibilities.

a. **Intelligence Consumers**. This term is a synonym for the entire Army. Grasping this concept requires an understanding of the need for intelligence and how it is used. The Foreword of ADP 2-0 (Intelligence) doctrinally describes this need and use for 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 facilitates timely decision making and provides commanders [and senior leaders] the flexibility to successfully shape and execute operations.” An important distinction is that being an “Intelligence Consumer” does not inherently make you an Army Intelligence Element or Intelligence Producer.

b. **Army Intelligence Elements**. This term is defined in the Glossary of Terms of AR 381-10. The key to this term is it 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 authorities to conduct intelligence activities! A key concept for all stakeholders to understand 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, Army Reserve, and Army National Guard elements that perform FI [foreign intelligence] or CI [counterintelligence] missions or functions.

c. **Intelligence Producers**. This term is derived from the AR 20-1, paragraph 5-3a., requirement for “*All IGs throughout the Army [to] conduct intelligence oversight inspections of intelligence components [now elements in AR 381-10] and activities conducting foreign intelligence (to include any intelligence disciplines) or counterintelligence within their commands.*” The second half of this requirement is a modifier that makes the requirement only apply to those elements in the first half who are conducting activities identified in the second half. This defined subset constitutes “Intelligence Producers.” The importance of this term to intelligence oversight stakeholders is that ONLY “Intelligence Producers” are subject to the requirement for an IG intelligence oversight inspection within a command’s OIP.

5. Intelligence Oversight Responsibilities within the Command OIP. Within the command’s OIP, intelligence professionals (led by the G-2 within a division) and CIGs each have specific responsibilities. The responsibilities associated with staff inspections of intelligence oversight include all of a command’s Army Intelligence Elements, while IG inspections of intelligence oversight only include a command’s Intelligence Producers. 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), 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 IG’s

- OIP IG Inspection Requirement. AR 20-1, paragraph 5-3a, “*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 5-3d, “*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 5-3a, “*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.*”

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

a. CIGs need to identify “Intelligence Producers” within a command. However, the responsibility to identify Intelligence Producers within a command rests with the commander and not the IG. At the division level, the G-2 / Senior Intelligence Officer oversees this aspect of a commander’s responsibilities.

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 foreign intelligence and counterintelligence activities (intelligence production). 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. Army Regulation (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, as defined in reference a, within the command 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 or counterintelligence mission and authorities (hereinafter referred to as Intelligence Producers).

(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 Producers 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 Producers

***** 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 Producers

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 directive for the Assistant Chief of Staff, Intelligence, as the Command’s Senior Intelligence Officer, to identify the Command’s “Intelligence Producers.”

3. “Intelligence Producers” 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 “Intelligence Producers.”

- 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 Questionable Intelligence Activities (QIAs) and Significant or Highly Sensitive Matters (S/HSMs) in accordance with AR 381-10 and AR 20-1. 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 all the above reasons.

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 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 1-21r, “[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.” 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 4-4d 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 1-20d, 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 1-4b(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 5-3c, 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 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, S/HSM, or involves a special-access program.

(a) If the complainant identifies their 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 states 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 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, which is a command inquiry / administrative investigation process. Either way, keep documentation in 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 or not the command properly handled the matter.

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