

d) **USNORTHCOM IG:** The N-NC IG, completed Intelligence Oversight Inspections of JFHQ-NCR/MDW and AFNORTH. The organizations were well versed in their duties and responsibilities, understanding constitutional constraints, laws and directives which govern the collection, dissemination and storage of sensitive information, especially that data which is constrained by Intelligence Oversight guidance or acquired on non-DoD persons. Their programs were found to be very strong. Only one minor recommendation for improvement was provided.

All N-NC Intelligence Directorates and subordinate commands have conducted initial and refresher training for personnel. 99% of personnel have been trained.

A possible IO issue was brought to the command's attention after the report cut-off date. Information is still being gathered and will be submitted on the next quarterly report.

All N-NC Intelligence Directorates and JTFs have implemented more frequent database information review processes (30-60 days) to ensure data repositories have effective follow-up assessments concerning the need to retain information.

There have also been several discussions on NC produced threat assessments and the ability to house them on J2 websites/servers. These assessments have expanded from initial threat products to include a broader range of information of use to NC components. Pending locating another host for these products, access to them has been suspended.

e) **USPACOM IG:** Several units conducted annual training accomplishing 100% IO training for assigned personnel. Some units developed an online training program that made it much easier for assigned personnel to receive and conduct required annual training. Online programs have greatly assisted those units that typically have personnel away from the office (e.g., TDY) by making the training accessible at all times.

Training methods have been established for training records that include initial and recurring training accomplished that is associated with date of actual completion. In addition, in-processing checklists have been updated to reflect IO training as part of the formal in-processing requirements for newly assigned personnel.

All reporting commands are currently conducting indoctrination and refresher training.

f) **USSOUTHCOM IG:** Automated training notifications go out monthly as a reminder to all personnel who are required to undergo training during that

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month. Joint Task Force Bravo (*JTF Bravo*), Special Operation Command South (*SOCSSO-J2*), Joint Interagency Task Force-South (*JIATF-S J2 C1*), and Joint Task Force, Guantanamo Bay, Cuba (*JTF-GTMO*) all submitted negative reports to any IO violations. Special Operation Command South (*SOCSSO-J2*) continues to provide IO training and current resource materials to designated intelligence personnel on a regular basis. Joint Interagency Task Force-South (*JIATF-S J2 C1*) training of newly arriving personnel assigned to intelligence activities, monitored JIATF-S WebTas Program to ensure US persons data meets authorized retainability under JIATF-S mission allowing for collection of information regarding drug trafficking. Reviewed all US persons in WebTas to ensure all IO requirements were met. The database is current with known traffickers and persons with prior criminal history.

g) **USSOCOM IG:** One Joint IO inspection was conducted by USSOCOM IG and CENTCOM IG at Special Operations Command Central at MacDill AFB, FL. There were no questionable intelligence activities discovered during this inspection. There was a sufficient Intelligence Oversight Program in place. Personnel were familiar with the intelligence oversight requirements and were compliant with the laws, regulations, policies and procedures pertaining to intelligence oversight.

USSOCOM-SCSO-J2 continues to operate the Intelligence Oversight Training Program through a computer based program. No changes to that program have occurred.

b) **USSTRATCOM IG:** Inspected the IO program at Joint Functional Component Command (JFCC) Global Strike and Integration (SGI) JS17, Airborne Operations Branch. There were no questionable intelligence activities reported in JFCC-GSI J317 and the J317 IO were noted as excellent. The program met all DoD IO program requirements and all personnel interviewed were well aware of the requirements of the DoD IO program. The IO training programs in this organization were sound and met the needs of the organization's personnel and DoD.

The Office of the Assistant Secretary of Defense for Intelligence Oversight (OATSD-IO) conducted an inspection of the IO program at USSTRATCOM Headquarters from 4-7 February 2008. ATSD(IO) found USSTRATCOM's IO program to be in compliance with federal and DoD regulations and was being managed in an outstanding manner with no discrepancies to report. OATSD-IO plans to return to complete their inspection of four subordinate USSTRATCOM commands, JFCC-ISR, JFCC-NW, SCC-WMD, and JTF-GNO during their visit in March-May 08.

i) **USTRANSCOM IG (TCIG):** Conducted a quarterly review of command IO programs to assess compliance with Federal laws and national directives regarding intelligence activities. There were no questionable activities or

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violations reported this quarter.

In addition, TCIG and USSTRATCOM Chief, Civil and Fiscal Law (TCJA), conducted an IO program inspection of the Naval Reserve Joint Transportation Intelligence Operations Center (NR JIOCTRANS 0113) on 2 February 2008. The inspection consisted of a review of the unit IO program administration, to include documentation of annual IO training and an evaluation of the effectiveness of that training.

2. The point of contact for this action is the undersigned at (b)(6)

(b)(3) 10 USC 130b,(b)(6)

COL, USA
Deputy Inspector General

Enclosures:

Enclosure A - Intel Report U.S. Central Command
Enclosure B - Intel Report U.S. European Command
Enclosure C - Intel Report U.S. Joint Forces Command
Enclosure D - Intel Report U.S. Northern Command
Enclosure E - Intel Report U.S. Pacific Command
Enclosure F - Intel Report U.S. Southern Command
Enclosure G - Intel Report U.S. Special Operations Command
Enclosure H - Intel Report U.S. Strategic Command
Enclosure I - Intel Report U.S. Transportation Command

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ENCLOSURE A - USCENCOM



UNITED STATES CENTRAL COMMAND
7115 SOUTH BOUNDARY BOULEVARD
MACDILL AIR FORCE BASE, FLORIDA 33621-5101

CCJ2

28 March 2008

**TO: FOR DEPUTY INSPECTOR GENERAL, THE JOINT STAFF, 6000 DEFENSE
PENTAGON, WASHINGTON, DC 20301-6000**

**FROM: INSPECTOR GENERAL, HQUSCENTCOM, 7115 S. BOUNDARY BLVD,
MACDILL AFB, FL 33621-5101**

**THRU: STAFF JUDGE ADVOCATE, HQUSCENTCOM, 7115 S. BOUNDARY BLVD,
MACDILL AFB, FL 33621-5101**

SUBJECT: 2nd Quarter, Fiscal Year 08, Intelligence Oversight (IO) Report

REF: (a) CJCSI 5901-01, 25 Mar 03, Subject: Oversight of Intelligence Activities.

**(b) USCENTCOM Regulation 381-9, 17 Feb 05, Subject: Activities of USCENTCOM
Intelligence Components that Affect United States Persons**

1. Service Components report through their Service channels. Augmentation forces for Operation ENDURING FREEDOM assigned to USCENTCOM at MacDill AFB, FL are receiving initial intelligence oversight training.
2. There were no questionable intelligence activities during the reporting period.
3. POC is MSgt. (b)(3) 10 USC 1 Special Security Office (SSO) Intelligence Oversight Officer, DSN (b)(2) United States Central Command, MacDill Air Force Base, Florida.

(b)(3) 10 USC 130b.(b)
(6)

SES, DOD
Assistant Director of Intelligence

(b)(3) 10 USC 130b.(b)(6)

Colonel, USA
Inspector General

ENCLOSURE B - USEUCOM



HEADQUARTERS
UNITED STATES EUROPEAN COMMAND
UNIT 30400
APO AE 09131

ECIG

4 April 2008

MEMORANDUM FOR Joint Staff Inspector General

SUBJECT: Intelligence Oversight Report, 2nd Quarter, FY08

1. This report provides information concerning intelligence oversight activities of the staff directorates and direct-reporting subordinate intelligence units of headquarters, US European Command.
2. Intelligence oversight training:
 - a. Initial briefings: 105
 - b. Refresher briefings: 191
3. Questionable activities (violations of law, regulation, or policy and action taken): None reported or noted.
4. Intelligence oversight inspections.
 - a. By intelligence organizations.
 - (1) Activities conducting internal assessments: EUCOM J2, SHAPE Survey, USNIC-Pristina, USNIC-Sarajevo, Northern Region JOIC, Southern Region JOIC, Joint Analysis Center, Special Operations Command, Europe.
 - (2) Personnel interviewed: 141
 - b. By USEUCOM Inspector General.
 - (1) Activities inspected or assessed: None.
 - (2) Summary of results: N/A.
 - (3) Questionable intelligence activities discovered: N/A.
 - (4) Familiarity of personnel with intelligence oversight requirements: N/A.
 - (5) Adequacy of organization intelligence oversight training program: N/A.

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ECIG

SUBJECT: Intelligence Oversight Report, 2nd Quarter, FY08

(6) Corrective actions taken: N/A.

5. Changes to intelligence oversight program (including changes to supporting training programs and the reason for the changes; attach a copy of the directive or policy which directs the change): None.

6. Changes to published directives or policies concerning intelligence, counterintelligence, or intelligence-related activities (attach a copy of the directive or policy): None.

7. Status of ongoing Procedure 15 inquiries: None ongoing.

8. Other matters pertinent to USEUCOM intelligence oversight programs: EUCOM IG will conduct at least one intel oversight inspection during 3rd Quarter, FY08.

9. Point of contact is the undersigned at (b)(2),(b)(3) 10 USC 130b,(b)(6) or (b)(2),(b)(3) 10 USC 130b, (b)(6)

(b)(3) 10 USC 130b,(b)(6)

Assistant Inspector General

ENCLOSURE C - USJFCOM



DEPARTMENT OF DEFENSE
COMMANDER
U.S. JOINT FORCES COMMAND
1662 MITSCHER AVENUE SUITE 200
NORFOLK, VA 23551-2468

IN REPLY REFER TO:

5240
J00IG3
7 Apr 2008

MEMORANDUM FOR INSPECTOR GENERAL, THE JOINT STAFF
(ATTN: (b)(3) 10 USC)

Subject: U.S. Joint Forces Command (USJFCOM) Intelligence Oversight Report for the 2nd Quarter FY-08

1. Illegal or improper activities:

No intelligence activity has been identified which is reasonably believed to be illegal or contrary to Executive Order of Department of Defense instructions concerned with intelligence oversight.

2. Significant Intelligence Oversight activities:

a. USJFCOM J2 conducted a quarterly inspection of all intelligence holdings for U. S. persons' data. This included a spot check of items posted to command homepages, hard-copy files, proper use statements, and archived imagery. All records were in compliance the regulations.

b. The Joint Personnel Recovery Agency (JPRA) Intelligence Directorate is cooperating with the Federal Bureau of Investigation on the Global Hostage-Taking Research and Analysis Project managed by the FBI's Behavioral Science Unit. Cooperation is within the limits set by DOD 5240.1-R.

3. Results of Intelligence Oversight inspections:

a. The USJFCOM Inspector General's Office conducted unit command inspections of the Joint Fires Integration and Interoperability Team (JFIIT) in Eglin, Florida from 28 January to 1 February 2008. This inspection included intelligence oversight. JFIIT was found to be in compliance with all appropriate regulations and maintained accurate training records for the command's intelligence oversight program.

4. Suggestions for improvement: None

5. USJFCOM IG intelligence Oversight point of contact is (b)(6) and can be reached at (757) 836-5941/0 or DSN 836-5941/0.

(b)(6)

By Direction

ENCLOSURE D - USNORTHCOM



**NORTH AMERICAN AEROSPACE DEFENSE COMMAND
AND
UNITED STATES NORTHERN COMMAND**



MEMORANDUM FOR INSPECTOR GENERAL, THE JOINT STAFF
(ATTN: (b)(6) [redacted] USA) *blu*

FROM: NORAD and USNORTHCOM Inspector General

SUBJECT: US NORTHERN COMMAND (USNORTHCOM) Intelligence Oversight
Report for Second Quarter FY08

1. Illegal or Improper Activities

No intelligence activity has been identified which is reasonably believed to be illegal or contrary to Executive Order or Department of Defense directives concerned with Intelligence Oversight for USNORTHCOM or its subordinate joint commands.

A possible IO issue was brought to the commands attention after this reports cut-off date. Information is still being gathered and will be submitted on the next quarters report, if not sooner.

2. Significant Intelligence Oversight Activities

a. The N-NC IG completed Intelligence Oversight Inspections of JFHQ-NCR/MDW and ARNORTH. The organizations were well versed in their duties and responsibilities, understanding constitutional constraints, and the laws and directives which govern the collection, dissemination and storage of sensitive information, especially that data which is constrained by Intelligence Oversight guidance or acquired on non-DOD persons. Their programs are strong, with only minor recommendations for improvement.

b. Training: All N-NC Intelligence Directorates and subordinate commands have conducted initial and refresher training for personnel. The percentage of personnel trained in the command is currently 99%, and all efforts will be made to maintain/increase this level.

c. Suggestions for Improvement: All N-NC Intelligence Directorates and subordinate commands have implemented more frequent database information review processes (30-60 day reviews) to ensure data repositories have effective follow-up assessments concerning the need to retain various forms of information.

There have also been several discussions on NC produced threat assessments and the ability to house them on J2 websites/servers. These assessments have expanded from initial threat products to include a broader range of information of use to NC components. Pending locating another host for these products, access to them has been suspended.

3. POC for this report is (b)(6) commercial (719) 554- (b)(6) 0989.

//////////////////ORIGINAL SIGNED//////////////////
STEVEN E. ARMSTRONG, Colonel, USAF
Inspector General

ENCLOSURE E - USPACOM



**COMMANDER, U.S. PACIFIC COMMAND
(USPACOM)
CAMP H.M. SMITH, HAWAII 96861-4028**

9 April 2008

MEMORANDUM FOR Joint Staff, Inspector General, Attn: (b)(3) 10 USC
120b (b)(6)Subject: QUARTERLY INTELLIGENCE OVERSIGHT (IO) REPORT,
2nd QUARTER, FY 08Ref: (a) USCINCPACINST 3800.11A, 31 Jul 96
(b) ASD Memo / December 8, 2008

1. This report provides Intelligence Oversight activity of USPACOM staff and subordinate commands for 2nd Quarter, FY08.
2. Description of violations (law, regulation, or policy during the quarter): None
3. List Intelligence oversight inspections including:
 - a. List of organizations – USPACOM, JIATF West, USFK, USFJ, ALCOM, JIOC, SOCPAC and JPAC
 - b. Summarize the results or trends – None.
 - c. Comment on questionable intelligence activities discovered – None
 - d. Familiarity of personnel with intelligence oversight requirements – Very high
 - e. Adequacy of organization intelligence oversight training program – Several units conducted annual training this quarter accomplishing 100% IO training for assigned personnel. Some units have developed an online training program that has made it much easier for assigned personnel to receive and conduct required annual training. Online programs have greatly assisted those units that typically have many of their personnel away from the office (e.g., TDY) by making the training accessible at all times.
 - f. If inspections revealed deficiencies, note the corrective action taken – Establishment of better tracking methods for training records that include initial and recurring training accomplished associated with date of actual completion. In addition, in-processing checklists have been updated to reflect IO training as part of the formal in-processing requirements to a few units for newly assigned personnel.
4. Summarize any COCOM/agency level changes to your intelligence oversight program including changes to supporting training programs and the reason for the changes. Attach a copy of the directive or policy which directs the change: New IO SOP created with J2 signature for USFJ.
5. Summarize any COCOM/agency level changes to published directives or policies concerning:
 - a. Intelligence – None

- b. Counterintelligence - None
- c. Intelligence-related activities - None

6. Continue to report on the status of ongoing Procedure 15 inquiries and any additional matters pertinent to the agency/COCOM intelligence oversight programs as outlined in Procedure 15: All reporting commands are conducting indoctrination and refresher training.

7. Point of Contact for this report is COL John C. Stratis, USA, USPACOM IG, DSN 315-477-5101/5165 or COMM (808) 477-5101/5165

John Stratis
JOHN C. STRATIS
Colonel, USA
Inspector General

ENCLOSURE F - USSOUTHCOM

REPLY TO
ATTENTION OF**DEPARTMENT OF DEFENSE**
UNITED STATES SOUTHERN COMMAND
3511 NW 91ST AVENUE
MIAMI, FL 33172-1217

SCIG

7 April 2008

MEMORANDUM FOR THE JOINT STAFF INSPECTOR GENERAL, ROOM 2C962, *(b) (6)*
ATTN: JCS DOM *(b) (6)* JOINT STAFF INSPECTOR GENERAL,
WASHINGTON, D.C. 20318-0300

SUBJECT: Quarterly Intelligence Oversight Activities Report for the 2nd Quarter 2008

1. (U) Reference DOD Directive 5240.1R, dated December 1982.
2. (U) This report includes input from HQ U.S. Southern Command, Miami, Florida; Joint Task Force Bravo, Soto Cano AB, Honduras; Joint Task Force Guantanamo Bay, Cuba; Special Operations Command South, Homestead ARB, Homestead, Florida and Joint Interagency Task Force-South, Truman Annex (NAS), Key West, Florida.
3. (U) United States Southern Command (US SOUTHCOM) - In accordance with the directive the following is provided:
 - a. No intelligence activity that is reasonably believed to be illegal or contrary to Executive Order 12333, DoD 5240.1-R, or USSOUTHCOM Regulation 381-5 has been identified.
 - b. Significant oversight activities:
 - (1) Publications: None.
 - (2) Training: Training notifications go out monthly. It is automated; e-mail is generated at the server level and is sent to all personnel who are required to undergo training during that month.
 - (3) Inspections: None.
 - (4) Files review: None
 - (5) Inquiries: None
 - c. Suggestions for improvement. None.
 - d. Other. None

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SCYB

SUBJECT: Intelligence Oversight Activities Report for the 2nd Quarter 2008

c. Point of contact for this section is (b)(2),(b)(6) [redacted] (b)(2),(b)(6) [redacted]

b(2)
b(6)

4. (U) Joint Task Force Bravo (JTF Bravo) - In accordance with the directive the following is provided:

IAW referenced directive, the following information is provided:

a. No intelligence activity has been conducted which may be reasonably construed as illegal or contrary to Directive Order 12333, DoD directives or US SOUTHCOM regulations.

b. Suggestions for improvement: None

c. Other: None.

d. Point of Contact for this memorandum is (b)(2),(b)(3) 10 USC 1305,(b)(6) [redacted] (b)(2),(b)(3) 10 USC 1305,(b)(6) [redacted]

b(2)
b(3)
b(6)
10 USC

5. (U) Special Operations Command South (SOC SO-J2) - In accordance with the directive the following is provided:

a. No intelligence activity has been identified which is reasonably believed to be illegal or contrary to Executive Order 12333 or DoD directive 5340.1-R.

b. Suggestions for improvement: Continue to provide IO training and current resource materials to designated intelligence personnel on a regular basis.

c. Other: None

d. Point of contact for HOs Special Operations Command South is (b)(2),(b)(6) [redacted] (b)(2),(b)(6) [redacted]

b(2)
b(6)

6. (U) Joint Interagency Task Force-South (JIATF-S J2 CI) - In accordance with the directive the following is provided:

a. No intelligence activity has been identified which is reasonably believed to be illegal or contrary to Executive Order or DoD Directives.

b. Significant oversight activities for this quarter include training of newly arriving personnel assigned to intelligence activities.

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SCIG

SUBJECT: Intelligence Oversight Activities Report for the 2nd Quarter 2008

c. Monitored JIATF-S WebTas Program to insure US person data meets authorized retainability under JIATFS mission allowing for the collection of information regarding international drug trafficking.

d. Reviewed all US persons in WebTas and either eliminated them or left them in because of sustaining information. The database is current with known traffickers and persons with prior criminal history.

e. Point of contact for JIATF-S is (b)(2),(b)(6) [redacted] (b)(2),(b)(6) [redacted]

(b)(2)
(b)(6)

7. (U) Joint Task Force -- GTMO, Guantanamo Bay, Cuba - In accordance with the directive the following is provided:

a. No intelligence activity that is reasonably believed to be illegal or contrary to Executive Order 12333, DoD 5240.1-R, or USSOUTHCOM Regulation 381-S has been identified.

b. Significant oversight activities.

(1) Publications: None.

(2) Training: All JTF personnel receive IO training during initial inprocessing into the JTF.

(3) Files review: None.

(4) Inquiries: None.

c. Suggestions for improvement. None.

d. Point of contact for JTF-GTMO is IG, JTF-GTMO (b)(2),(b)(3) 10 USC 130b,(b)(6) [redacted] (b)(2),(b)(3) 10 USC 130b,(b)(6) [redacted]

(b)(2)
(b)(3)
(b)(6)

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SCIG

SUBJECT: Intelligence Oversight Activities Report for the 2nd Quarter 2008

8. Point of Contact at U.S. SOUTHERN COMMAND IG's Office is (b)(2),(b)(6)

(b)(2),(b)(6)

(b)(2)
b(6)

(original signed)
T.L. WASHBURN
CAPT, USN
Inspector General

- CP:
- IO Officer, USSOUTHCOM
- IO Officer, JIF-Bravo
- IO Officer, SOCSO
- IO Officer, JIATF-S
- Inspector General - GTMO

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ENCLOSURE G - USSOCOM

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UNITED STATES SPECIAL OPERATIONS COMMAND
7701 TAMPA POINT BLVD.
MACDILL AIR FORCE BASE, FLORIDA 32631-6100

SO:G

3 April 2008

MEMORANDUM FOR: DEPUTY INSPECTOR GENERAL, JOINT STAFF,
ATTN: (b)(3) 10 USC 130b,(b)(6) 300 JOINT STAFF, PENTAGON, WASHINGTON,
D.C. 20318-0300

SUBJECT: Quarterly Intelligence Oversight Activities Report for 2nd Quarter, FY 2008

1. References:

- a. E.O. 12333, 4 December 1981.
- b. DOD Directive 5240.1, 25 April 1988.
- c. DOD Regulation 5240.1-R, 7 December 1982.
- d. CJCSI 5901.01A, 3 January 2007.

2. No violations of applicable laws, orders, directives, regulations, or DoD policies were reported.

3. During this quarter, there was one intelligence oversight inspection conducted. The joint inspection was conducted by USSOCOM IG and CENTCOM IG at Special Operations Command Central at MacDill AFB, FL. There was no questionable intelligence activities discovered during the inspection. There was a sufficient Intelligence Oversight Program in place. Personnel were familiar with the intelligence oversight requirements and were compliant with the laws, regulations, policies and procedures pertaining to intelligence oversight.

4. The USSOCOM SCSO-J2 continues to operate the Intelligence Oversight Training Program through a computer based program. No changes to that program have occurred.

5. There were no changes to any published directives or policies concerning intelligence, counterintelligence or intelligence-related activities during this quarter.

6. Point of contact is (b)(2),(b)(3) 10 USC 130b,(b)(6)

(b)(3) 10 USC 130b,(b)(6)

Inspector General

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(b)(2)

ENCLOSURE H -- USSTRATCOM



DEPARTMENT OF DEFENSE
UNITED STATES STRATEGIC COMMAND
OFFUTT AIR FORCE BASE, NEBRASKA 68113-6000

Reply to:
USSTRATCOM/T005
901 SAC BLVD, STE 1F9
OFFUTT AFB NE 68113-6005

25 Mar 08

MEMORANDUM FOR THE INSPECTOR GENERAL, JOINT STAFF

Subject: Intelligence Oversight (IO) Report for the period of Jan - Mar 2008

1. There were no intelligence, counterintelligence, or intelligence-related violations of law, regulation, or policy in USSTRATCOM this quarter.
2. During this quarter, the IG inspected the IO program at Joint Functional Component Command (JFCC) Global Strike and Integration (GSI) J317, Airborne Operations Branch. There was no questionable intelligence activity in JFCC-GSI J317 and the J317 IO program is excellent. The program is meeting all DoD IO program requirements and all personnel interviewed were well aware of the requirements of the DoD IO program. The IO training program is sound and meets the needs of the J317 personnel and the DoD.
3. There were no changes to the USSTRATCOM IO programs during this period.
4. There were no changes to USSTRATCOM IO directives or policies concerning intelligence or intelligence-related activities during this period.
5. (b)(6) and (b)(6) from Office of the Assistant Secretary of Defense for Intelligence Oversight (OATSD-IO) conducted an inspection of the IO program at USSTRATCOM Headquarters 4-7 Feb 2008. (b)(6) initiated the inspection in June 2007 when he observed the USSTRATCOM Deputy IG conduct an IO inspection at JFCC-ISR. (b)(6) will complete the OSD inspection during March-May by visiting four subordinate USSTRATCOM commands, JFCC-ISR, JFCC-NW, SCC-SAMD, and JTF-GNO. During the out brief at USSTRATCOM Headquarters on 7 Feb (b)(6) stated that the USSTRATCOM IO program is in total compliance with federal and DoD regulations and is being managed in outstanding fashion with no discrepancies to report.

If you have any questions concerning this report, please contact the USSTRATCOM POC, (b)(6) Deputy Inspector General, (b)(2)

(b)(6)

high
(b)(2) *Edward W. Rausch*
EDWARD W. RAUSCH
Acting Inspector General

ENCLOSURE I - USTRANSCOM



UNITED STATES TRANSPORTATION COMMAND
608 SCOTT DRIVE
SCOTT AIR FORCE BASE, ILLINOIS 62225-6367

1 Apr 08

MEMORANDUM FOR THE JOINT STAFF, OFFICE OF THE INSPECTOR GENERAL

FROM: TCIG

SUBJECT: 2nd QUARTER, FY08, Intelligence Oversight (IO) Inspection Report

1. The USTRANSCOM Inspector General (TCIG) conducted a quarterly review of USTRANSCOM IO programs to assess compliance with Federal laws and national directives regarding Intelligence activities. There were no questionable activities or violations reported this quarter.
2. In addition, (b)(6), USTRANSCOM Deputy Inspector General (TCIG), and (b)(6), USTRANSCOM Chief, Civil and Fiscal Law (TCJA), specifically conducted an IO program inspection of the Naval Reserve Joint Transportation Intelligence Operations Center (NR JIOCTrans 0113) on 02 Feb 08.
3. The JIOCTrans 0113 inspection consisted of a review of the unit IO program administration, to include documentation of annual IO training and an evaluation of the effectiveness of that training (through testing and interviews). 100% of available JIOCTrans personnel received annual IO refresher training in Nov 07 and Jan 08. All personnel evaluated during the inspection demonstrated a sound understanding of IO policies and reporting requirements. There were 17 JIOCTrans personnel not available for training due to school or on active duty orders; those members will receive annual IO refresher training upon their return.
4. There have been no changes to USTRANSCOM IO program activities, directives, or training programs this quarter.
5. Please contact this office at DSN 779-1761, or USTCIG@ustranscom.mil, for additional questions.

//Signed//
BRADLEY A. CARPENTER
Captain, USN
Inspector General

cc:
USTRANSCOM/TCJ2
USTRANSCOM/TCJ2, JIOCTrans 0113
USTRANSCOM/TCJA

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DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1706 ARMY PENTAGON
WASHINGTON DC 20316-1700



REPLY TO
ATTENTION OF

SAIG-IO (20-1b)

31 January 2002

MEMORANDUM THRU GENERAL COUNSEL, ARMY [REDACTED] 6 Feb 02
FOR OFFICE OF THE ASSISTANT TO THE SECRETARY OF DEFENSE
(INTELLIGENCE OVERSIGHT)

SUBJECT: Quarterly Intelligence Oversight Activities Report
(First Quarter, FY 02)

1. References:

a. Executive Order 12333, 4 December 1981, United States Intelligence Activities.

b. DOD Directive 5240.1-R, December 1982, Procedures Governing the Activities of DOD Intelligence Components that Affect United States Persons.

c. Army Regulation (AR) 381-10, 1 August 1984, U.S. Army Intelligence Activities.

d. ~~CONFIDENTIAL~~ memorandum, Department of the Army Inspector General (DAIG), 31 October 2001, subject: Quarterly Intelligence Oversight Activities Report (Fourth Quarter, Fiscal Year 01) (U).

2. This report provides information on significant questionable activities received during the first quarter of fiscal year 2002, updates questionable activities reported in previous quarters, and outlines significant intelligence oversight (IO) initiatives within the Department of the Army.

3. There were two new reports during the quarter.

a. DAIG 01-009 STATUS: We have asked the Inspector General (IG), U.S. Army Intelligence and Security Command (INSCOM), to look into issues arising out of INSCOM's investigation of a special agent attached to the 501st Military Intelligence (MI) Battalion at Camp Bondsteel, Kosovo (DAIG 01-001). The issues

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SAIG-IO (20-1b)

Subject: Quarterly Intelligence Oversight Activities Report
(First Quarter, FY 02) (U)

include possible confusion concerning INSCOM's authority to conduct law enforcement investigations, possible inappropriate interference with a command inquiry by the 66th MI Group, and the special agent's concern that the investigation was one-sided and did not seek out facts that would have established his innocence. STATUS: Open.

b. DAIG 01-008. INSCOM reported that a counterintelligence (CI) special agent failed to administer a rights warning when questioning an active duty service member suspected of an offense. This occurred in conjunction with a joint CI investigation where the Federal Bureau of Investigation (FBI) was in the lead. The FBI had decided to conduct the interview non-custodially, and was not required to read rights. This, however, did not absolve the agent of that responsibility if she chose to question the service member, which she did. The agent's commander has directed that she receive a written counseling statement. Additionally he has directed that this subject be made a specific training topic during the upcoming training week, and that expanded guidance be incorporated in the unit's standing operating procedures, the investigative handbook, and the Sub-control Office handbook. STATUS: Closed.

4. Updates of previously reported cases (Reference 1.d.):

a. DAIG 01-007. INSCOM completed its inquiry into the allegation that the 902nd MI Group obtained a warrant for an unconsented physical search from a military magistrate without meeting the criteria of Procedure 7, AR 381-10. Although the target of the search was the subject of a CI investigation, there was no probable cause to believe he was an agent of a foreign power. INSCOM's inquiry revealed that the military magistrate was not versed in intelligence law and did not understand the authority under which the 902nd MI Group had requested the search. The inquiry also revealed that the Procedure 7 request had not been reviewed by the Group's own command judge advocate (CJA) prior to being submitted to the military magistrate. The 902nd MI Group has amended its procedures to ensure that the CJA reviews all such procedural requests before they leave the Group. Additionally, INSCOM will ensure that all CJA's understand their responsibilities in this regard. Finally, the office of The Judge Advocate General will ensure that this issue is included in military judge and magistrate training at the Judge Advocate General's School. STATUS: Closed.

SAIG-IO (20-1b)

Subject: Quarterly Intelligence Oversight Activities Report
(First Quarter, FY 02) (U)

b. DAIG 01-003. INSCOM is reviewing evidence gathered in its inquiry into allegations that elements of the 902nd MI Group, during the course of a CI survey at the Joint Interagency Task Force-East (JIATF-E), inappropriately collected, retained and disseminated information on U.S. persons. The complainant also alleged that JIATF-E members who answered questions on the survey were misled as to the ultimate disposition of the information. INSCOM conducted the initial work on this inquiry at Headquarters, 902nd MI Group in the summer of 2001, but for operational reasons delayed completing the inquiry following the attacks of 11 September. The complainant and key JIATF-E staff were telephonically interviewed in November 2001, which resulted in the identification of an additional witness. Based on this information, INSCOM tasked the 902nd MI Group to conduct a commander's inquiry, which was completed in January 2002. INSCOM is currently reviewing the information gathered, and thus far can find no evidence to substantiate the allegations. STATUS: Open.

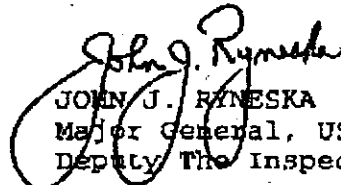
5. We continued a proactive program of assistance, training, and compliance inspections during the quarter, and inspected the following organizations:

- a. U.S. Army Garrison, Fort Campbell, Kentucky.
- b. G-2, 101st Infantry Division (Airborne), Fort Campbell.
- c. Fort Campbell Resident Office, 902nd MI Group.

d. Due to the events of September 11, 2001, we were unable to inspect the 5th Special Forces Group or the 160th Special Operations Aviation Regiment at Fort Campbell.

6. POC: [REDACTED], Intelligence Oversight Division, [REDACTED].

FOR THE INSPECTOR GENERAL:


JOHN J. RYNESKA
Major General, USA
Deputy The Inspector General

CF:
ODCSINT



~~SECRET//NOFORN//X1~~
DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20310-1700

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SAIG-IO (20-1b)

30 April 2001

MEMORANDUM THRU GENERAL COUNSEL, ARMY

FOR OFFICE OF THE ASSISTANT TO THE SECRETARY OF DEFENSE
(INTELLIGENCE OVERSIGHT)

SUBJECT: Quarterly Intelligence Oversight Activities Report
(Second Quarter, FY 01) (U)

1. (U) References:

- a. (U) Executive Order 12333, 4 December 1981, United States Intelligence Activities.
- b. (U) DOD Directive 5240.1-R, December 1982, Procedures Governing the Activities of DOD Intelligence Components that Affect United States Persons.
- c. (U) Army Regulation (AR) 381-10, 1 August 1984, U.S. Army Intelligence Activities.
- d. (U) DOD Directive 5200.27, 7 January 1980, Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense.
- e. (U) SECRET/NOFORN memorandum, Department of the Army Inspector General (DAIG), 30 January 2001, subject: Quarterly Intelligence Oversight Activities Report (First Quarter, Fiscal Year 01) (U).

2. (U) This report provides information on significant questionable activities received during the second quarter of fiscal year 2001, updates questionable activities reported in previous quarters, and outlines significant intelligence oversight (IO) initiatives within the Department of the Army.

3. (U) There were two new reports during the quarter.



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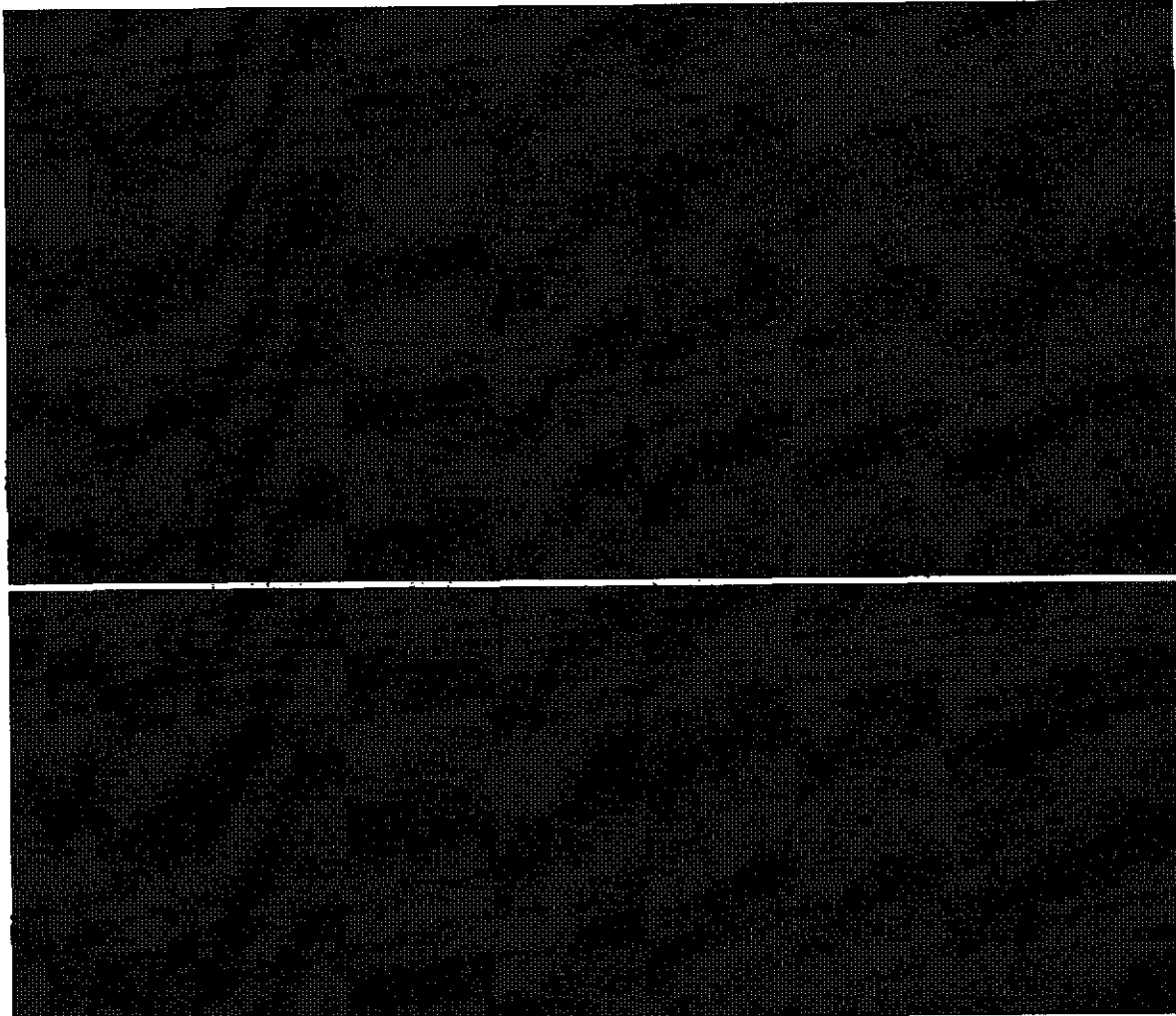
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SAIG-IO (20-1b)

Subject: Quarterly Intelligence Oversight Activities Report
Second Quarter, FY 01) (U)



4. (U) Update of previously reported case (Reference 1.e.):

(U) DAIG 00-010. The Inspector General, National Guard Bureau (NGB), has completed its fact finding concerning allegations by a civilian contractor with Task Force Eagle (TFE) in Bosnia. No allegations have been substantiated. The contractor alleged that personnel assigned to the G-2, 49th Armored Division, improperly collected information about him and other civilian and military members of TFE. These alleged activities included unauthorized physical surveillance and the interception of private e-mail. The complainant claimed that he uncovered and reported security deficiencies and violations of regulations in the course of his assigned duties. The NGB is finalizing the report of investigation. STATUS: Open.

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SAIG-IO (20-1b)

Subject: Quarterly Intelligence Oversight Activities Report
Second Quarter, FY 01) (U)

5. (U) We continued a proactive program of compliance inspections, assistance and training during the quarter, and inspected or visited the following organizations:

- a. (U) G-2, XVIII Airborne Corps, Fort Bragg, NC.
- b. (U) 525th MI Brigade, Fort Bragg, NC.
- c. (U) G-2, 82nd Airborne Division, Fort Bragg, NC.
- d. (U) 313th MI Battalion, Fort Bragg, NC.
- e. (U) Deputy Chief of Staff for Intelligence, U.S. Army Special Operations Command, Fort Bragg, NC.
- f. (U) Fort Bragg MI Det, 902nd MI Group, Fort Bragg, NC.
- g. (U) G-2, 3rd Infantry Division, Fort Stewart, GA.
- h. (U) 103rd MI Battalion, Fort Stewart, GA.
- i. (U) 224th MI Battalion, Hunter Army Airfield, GA.
- j. (U) 1st Bn, 75th Ranger Regiment, Hunter Army Airfield, GA.
- k. (U) 230th MI Company, North Carolina Army National Guard, Burlington, NC.

6. (U) Representatives from the Army General Counsel's Office made separate visits to the 902nd MI Group, Fort Meade, MD, for a command briefing and update of on-going intelligence activities.

7. (U) POC: [REDACTED], Intelligence Oversight Division, [REDACTED].


JOSEPH R. INGE
Major General, USA
Deputy The Inspector General

CF:
ODCSINT
OTJAG

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DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20316-1700



SAIG-ID (20-1b)

27 July 2001

MEMORANDUM THRU GENERAL COUNSEL, ARMY [REDACTED] 8 Aug 01

FOR OFFICE OF THE ASSISTANT TO THE SECRETARY OF DEFENSE
(INTELLIGENCE OVERSIGHT)

SUBJECT: Quarterly Intelligence Oversight Activities Report
(Third Quarter, FY 01) (U)

1. (U) References:

a. (U) Executive Order 12333, 4 December 1981, United States Intelligence Activities.

b. (U) DOD Directive 5240.1-R, December 1982, Procedures Governing the Activities of DOD Intelligence Components that Affect United States Persons.

c. (U) Army Regulation (AR) 381-10, 1 August 1984, U.S. Army Intelligence Activities.

d. (U) SECRET/NOFORN memorandum, Department of the Army Inspector General (DAIG), 30 April 2001, subject: Quarterly Intelligence Oversight Activities Report (Second Quarter, Fiscal Year 01) (U).

2. (U) This report provides information on significant questionable activities received during the third quarter of fiscal year 2001, updates questionable activities reported in previous quarters, and outlines significant intelligence oversight (IO) initiatives within the Department of the Army.

3. (U) There were two new reports during the quarter.



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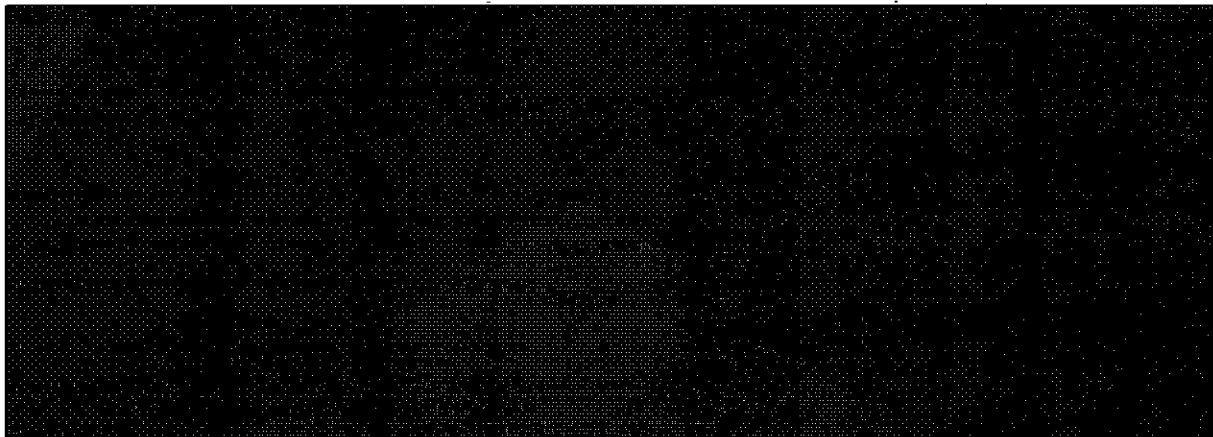
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SAIG-ID (20-1b)

Subject: Quarterly Intelligence Oversight Activities Report
Third Quarter, FY 01) (U)



4. (U) Updates of previously reported cases (Reference 1.d.):



b. (U) DAIG 00-010. The Inspector General, National Guard Bureau (NGB), completed its investigation into allegations by a civilian contractor with Task Force Eagle (TFE) in Bosnia. The

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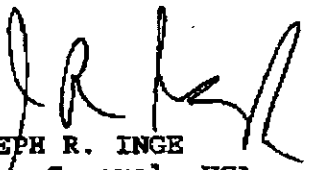
SAIG-IO (20-1b)
Subject: Quarterly Intelligence Oversight Activities Report
Third Quarter, FY 01) (U)

contractor alleged that personnel assigned to the G-2, 49th Armored Division, improperly collected information about him and other civilian and military members of TFE. These alleged activities included unauthorized physical surveillance and the interception of private e-mail. None of the allegations were substantiated. STATUS: Closed.

5. (U) We continued a proactive program of compliance inspections, assistance and training during the quarter, and inspected or visited the following organizations:

- a. (U) National Ground Intelligence Center, INSCOM, Charlottesville, VA.
- b. (U) Soldier Systems Center, Army Materiel Activity, Natick, MA.
- c. (U) Devens Resident Office, 902nd MI Group, Devens Reserve Forces Training Activity (DFRTA), MA.
- d. (U) 6th Battalion (CI Training), 98th Division, U.S. Army Reserve, (USAR), DFRTA, MA.
- e. (U) 325th MI Battalion (USAR), DFRTA, MA.
- f. (U) Northeast Information Operations Center, DRFTA, MA.
- g. (U) G-2 and 628th MI Bn, 28th Infantry Division, Pennsylvania National Guard, Harrisburg, PA.

6. (U) POC: [REDACTED], Intelligence Oversight Division, [REDACTED].


 JOSEPH R. INGE
 Major General, USA
 Deputy The Inspector General

CF:
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DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20310-1700



REPLY TO
ATTENTION OF

SAIG-IO (20-1b)

30 April 2002

MEMORANDUM THRU GENERAL COUNSEL, ARMY  7 May 02

FOR OFFICE OF THE ASSISTANT TO THE SECRETARY OF DEFENSE
(INTELLIGENCE OVERSIGHT)

SUBJECT: Quarterly Intelligence Oversight Activities Report
(Second Quarter, FY 02)

1. References:

a. Executive Order 12333, 4 December 1981, United States Intelligence Activities.

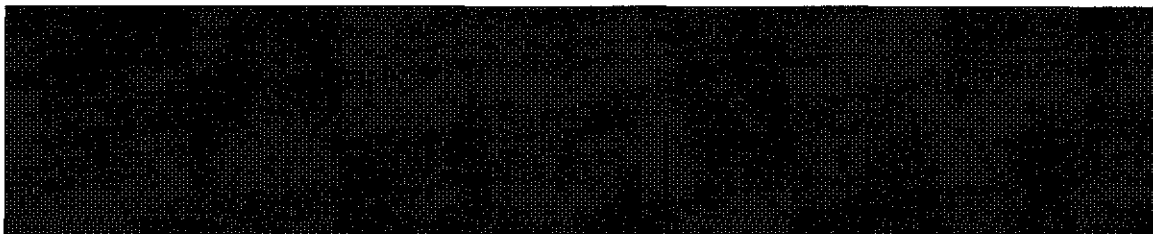
b. DOD Directive 5240.1-R, December 1982, Procedures Governing the Activities of DOD Intelligence Components that Affect United States Persons.

c. AR 381-10, 1 August 1984, U.S. Army Intelligence Activities.

d. ~~CONFIDENTIAL~~ memorandum, Department of the Army Inspector General (DAIG), 31 January 2002, subject: Quarterly Intelligence Oversight Activities Report (First Quarter, Fiscal Year 02) (U).

2. This report provides information on significant questionable activities received during the second quarter of fiscal year 2002, updates questionable activities reported in previous quarters, and outlines significant intelligence oversight (IO) initiatives within the Department of the Army.

3. There were eight new reports during the quarter.



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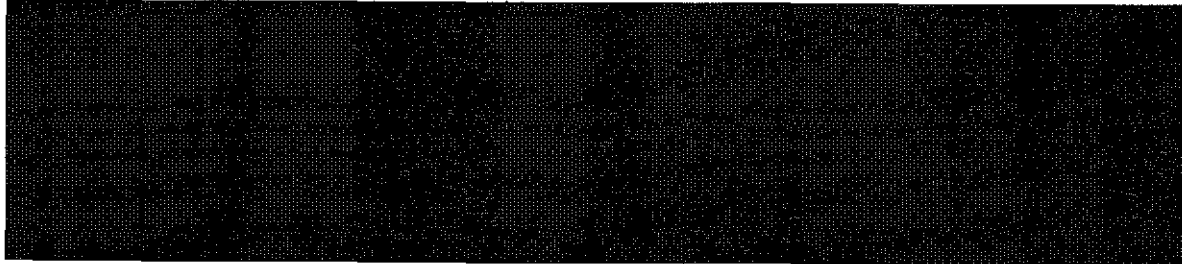
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SAIG-IO (20-1b)

Subject: Quarterly Intelligence Oversight Activities Report
(Second Quarter, FY 02) (U)



b. (U) DAIG 02-007. We have asked the Inspector General (IG), U.S. Army Materiel Command (AMC), to look into an allegation that the AMC DCSINT improperly included U.S. person information in an Intelligence Summary (INTSUM). As a result of this allegation, the AMC DCSINT reviewed its files and discovered four additional incidents in which U.S. person information was improperly reported in an INTSUM. The AMC DCSINT directed such reporting cease and such information be reported through Provost Marshal channels. The AMC DCSINT also submitted a report of questionable activity IAW Procedure 15. We asked the AMC IG, in light of these incidents, to assess the overall effectiveness of the IO program within AMC, to include employee understanding of AR 381-10, adequacy of procedures for reviewing U.S. person information in intelligence products, and the involvement of the AMC Legal Office in interpreting the regulation as required by Procedure 1. STATUS: Open.

c. (U) DAIG 02-006. The U.S. Army Corps of Engineers (USACE) reported that a counterintelligence (CI) officer assigned the Great Lakes and Ohio River Division may have improperly portrayed herself as a law enforcement officer and may have engaged or attempted to engage in law enforcement activities without proper authority. The officer is a U.S. Army Reserve Major recently brought on active duty to provide force protection support. USACE has removed the officer from her duties and is conducting a formal investigation into the allegations. USACE extended her on active duty for 30 days to allow for completion of the investigation and resulting actions. STATUS: Open.

d. (U) DAIG 02-005. The Joint Readiness Training Center (JRTC) and Fort Polk, U.S. Army Forces Command, reported that the Garrison G-2 identified local groups, two criminal gangs and a hate group, during a regular Force Protection briefing to the Commanding General. The JRTC IG observed this activity and initiated an informal inquiry to determine if G-2 personnel were collecting on domestic criminal activities. The IG determined that the G-2 officer, a U.S. Army Reserve Major recently brought on active duty, was unaware of the restrictions in AR 381-10

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SAIG-IO (20-1b)

Subject: Quarterly Intelligence Oversight Activities Report
(Second Quarter, FY 02) (U)

concerning the handling of domestic criminal information. The IG's involvement served to clarify relationships and reinforce the roles of the JRTC Provost Marshal, physical security officer, and the JRTC Force Protection Fusion Cell. STATUS: Closed.

e. (U) DAIG 02-004. The U.S. Army Europe (USAREUR) reported that a special agent assigned to the 165th MI Battalion, 205th MI Brigade, Darmstadt, Germany, may have engaged in unauthorized surveillance or personnel assigned to Detachment 15, 66th MI Group, an INSCOM unit, also located at Darmstadt. The agent was also alleged to have used his relationship with Military Police to conduct record checks of vehicles belonging to Detachment 15 personnel. The agent was allegedly motivated by animosity to Detachment 15 personnel stemming from a previous relationship in Bosnia. The 165th MI Battalion investigated the allegations and substantiated that the agent's actions were improper. As a result, the unit suspended the agent's security clearance; this will require him to be reclassified into a different military occupational specialty. STATUS: Closed.

f. (U) DAIG 02-003. The Deputy Chief of Staff (DCS), G-2, Headquarters, Department of the Army, reported that the USACE issued an operations order (OPORD) which directed CI personnel assigned to the USACE to conduct activities that were not authorized for the USACE under Army regulations. These activities included "elicitation at local establishments and area attractions to ascertain legitimacy (sic) of foreign terrorist activity directed toward USACE," and surveillance to "simulate either FIS or terrorist surveillance attempts to gain information on USACE." The DCS G-2 advised the USACE to cease immediately any unauthorized activities and to seek CI support from the 902nd MI Group. Additionally, the OPORD listed, in the *Enemy Situation* paragraph, protesters, disaffected employees, former employees, and computer hackers as potential enemies. It is not Army policy to list such categories of people as "enemies" in military operations orders. We forwarded the DCS, G-2 memorandum to the USACE IG to alert him that the OPORD may have created confusion within the USACE concerning the proper focus and scope of intelligence activities and may have contributed to the situation reported in DAIG 02-006. We advised the IG that we intended to add the USACE to our inspection schedule for FY 03, and we recommended that he conduct his own inspection prior to that date and apprise us of the results. STATUS: Closed.

g. (U) DAIG 02-002. This office conducted an inquiry into an allegation by the Senior Intelligence Officer (SIO) at the

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SAIG-IO (20-1b)

Subject: Quarterly Intelligence Oversight Activities Report
(Second Quarter, FY 02) (U)

U.S. Research Laboratory (ARL) in Adelphi, MD, that the ARL Security Manager may have improperly collected U.S. person information in violation of AR 381-10. The concern stemmed from a misconception that the Security Manager, who is in the intelligence job series (GS-0132), might have been restricted in his handling of personnel security information concerning ARL employees simply because of this job series. Our inquiry could find no reason to believe that the Security Manager had either invoked any intelligence related authorities in the examples provided, or had collected information on any ARL employee except under appropriate personnel security or administrative authorities. STATUS: Closed.

h. (U) DAIG 02-001. The IG, Utah National Guard, conducted an IG investigation into an allegation that a warrant officer assigned to the 141st MI Bn, Utah Army National Guard, may have improperly collected, retained and disseminated U.S. person information. The information involved two animal rights groups and one environmental group, all known to have engaged in criminal activity. The officer collected the information from publicly available sources in response to a tasking to prepare realistic training in support of its Military Assistance to Civil Disturbance mission (MACDIS). The IG investigation substantiated the allegation that the officer violated Procedure 2, in that he did collect the information and use it in classroom training. He did not, however, retain or further disseminate it. The investigation served to heighten awareness and understanding within the Utah National Guard concerning the provisions of AR 381-10, and their applicability to National Guard soldiers. The unit has also provided additional intelligence oversight training to the personnel involved. STATUS: Closed.

4. (U) Updates of previously reported cases (Reference 1.d.):

a. (U) DAIG 01-009. The INSCOM IG, is continuing its inquiry into issues arising out of INSCOM's CI investigation of a special agent attached to the 501st Military Intelligence (MI) Battalion at Camp Bondsteel, Kosovo (DAIG 01-001). The issues include possible confusion concerning INSCOM's authority to conduct law enforcement investigations, possible inappropriate interference with a command inquiry by the 66th MI Group, and the special agent's concern that the investigation was one-sided and did not seek out facts that would have established his innocence. STATUS: Open.

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SAIG-IO (20-1b)

Subject: Quarterly Intelligence Oversight Activities Report
(Second Quarter, FY 02) (U)

b. (U) DAIG 01-003. The INSCOM IG is finalizing the formal report of its inquiry into allegations that elements of the 902nd MI Group, during the course of a CI survey at the Joint Interagency Task Force-East (JIATF-E), inappropriately collected, retained and disseminated suitability information on U.S. persons. The complainant also alleged that JIATF-E members who answered questions on the survey were misled as to the ultimate disposition of the information. The INSCOM IG has completed its interview of knowledgeable and involved personnel at both JIATF-E and the 902nd MI Group. These interviews have provided no substantiation of the allegations. STATUS: Open.

5. (U) We continued a proactive program of assistance, training, and compliance inspections during the quarter, and inspected the following organizations:

- a. (U) U.S. Army Garrison, Fort Hood, Texas.
 - b. (U) G-2, III Corps, Fort Hood.
 - c. (U) Fort Hood Resident Office, 902nd MI Group.
 - d. (U) G-2, 49th Infantry Division and 649th MI Battalion, Texas Army National Guard, Austin, Texas.
 - e. (U) Southwest Army Reserve Intelligence Support Center, Camp Bullis, Texas.
 - f. (U) Intelligence Support to Counterdrug, Washington, DC.
6. (U) POC: [REDACTED], Intelligence Oversight Division, [REDACTED].

FOR THE INSPECTOR GENERAL:

[REDACTED]

COL, Inspector General
Chief, Intelligence
Oversight Division

CF:
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OTJAG

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SAIG-IO (381-10b)

18 August 2005

MEMORANDUM THRU GENERAL COUNSEL, ARMY

FOR OFFICE OF THE ASSISTANT TO THE SECRETARY OF DEFENSE
(INTELLIGENCE OVERSIGHT) [ATSD(IO)]

SUBJECT: Quarterly Intelligence Oversight Activities Report
(Third Quarter, FY 05) (U)

1. (U) References:

a. (U) Executive Order 12333, 4 December 1981, United States Intelligence Activities.

b. (U) DOD Directive 5240.1-R, December 1982, Procedures Governing the Activities of DOD Intelligence Components that Affect United States Persons.

c. (U) Army Regulation (AR) 381-10, 1 August 1984, US Army Intelligence Activities.

d. (U) SECRET//NOFORN memorandum, Department of the Army Inspector General (DAIG), 5 May 2005, Subject: Quarterly Intelligence Oversight Activities Report (Second Quarter, FY 05) (U).

e. (U) Unclassified memorandum, Department of the Army Office of the Deputy Chief of Staff G-2, 15 June 2004, subject: Procedure 15 Reporting in Combined and Joint Task Forces.

2. (U) This report provides information on significant questionable activities received during the third quarter of fiscal year 2005, updates questionable activities reported in previous quarters, and outlines significant intelligence oversight (IO) initiatives within the Department of the Army.

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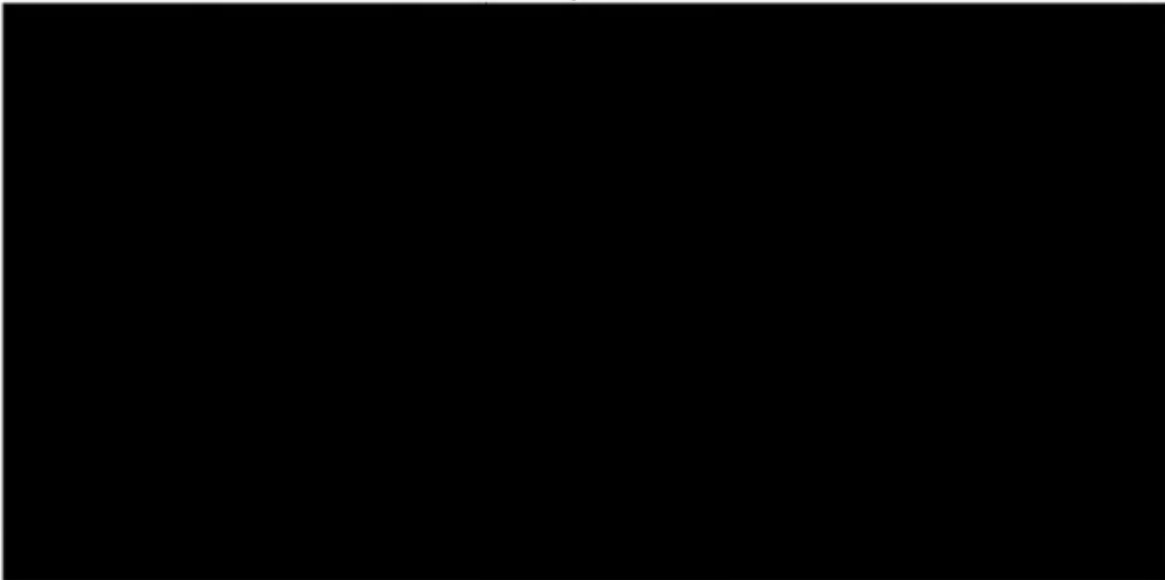
SAIG-IO

Subject: Quarterly Intelligence Oversight Activities Report
(Third Quarter, FY 05) (U)

3. (U) NEW REPORTS OF QUESTIONABLE ACTIVITIES: There were eight new Procedure 15s reported in the 3rd Quarter.



b. (U) DAIG 05-022. Removed for Classification.

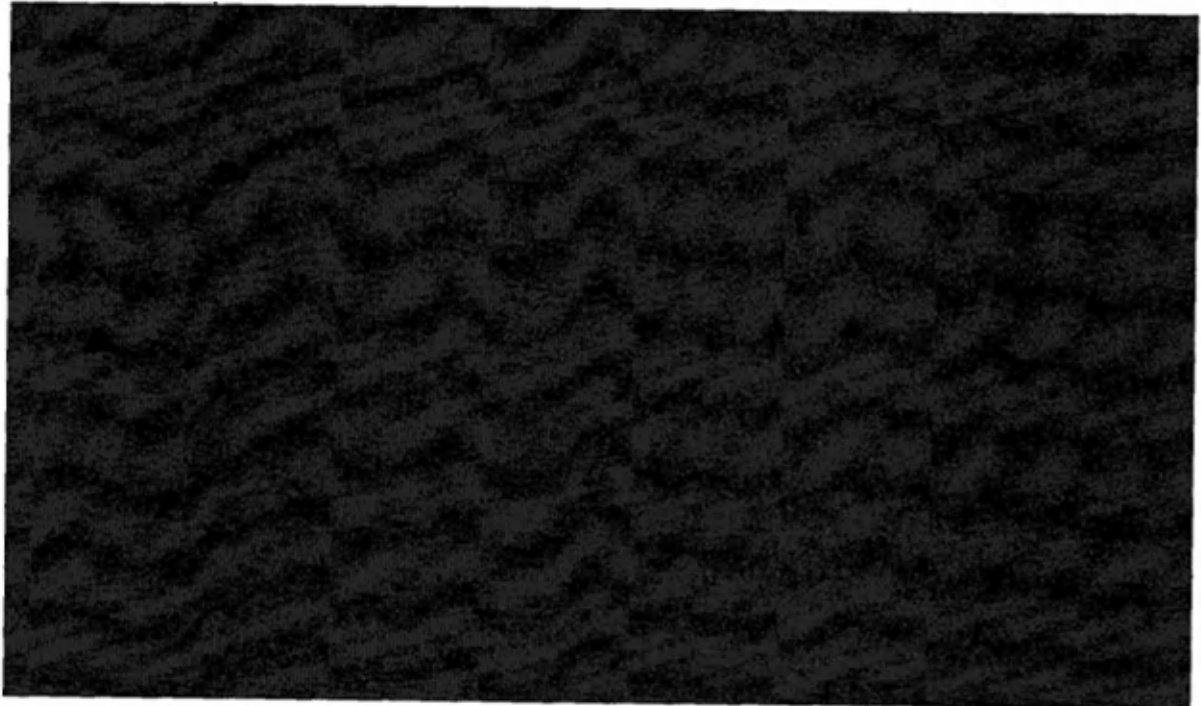


SAIG-IO

Subject: Quarterly Intelligence Oversight Activities Report
(Third Quarter, FY 05) (U)



d. (U) DAIG 05-025. The DAIG Assistance Division (SAIG-AC) received information from the Defense Criminal Investigative Service (DCIS) alleging misconduct of an MI officer performing intelligence operations while assigned as the G2, 1st Armored Division in Iraq. The officer was said to have conducted improper intelligence collection operations in violation of AR 381-172, DIAM 58-12, DCID 5/1 and various V Corps FRAGOs dealing with intelligence source operations. He is further alleged to have disobeyed direct orders of general officers for failing to terminate contact with informants and failing to register informants. Lastly, the officer allegedly made false official statement(s) when he told a general officer that he had registered all of his HUMINT sources when he knew that his statement was false. The officer is now assigned to US Army Intelligence Center and School, Fort Huachuca, and an investigation is being conducted by US Army Training and Doctrine Command. SAIG-AC is also monitoring the command investigation.
STATUS: Open.



SAIG-IO

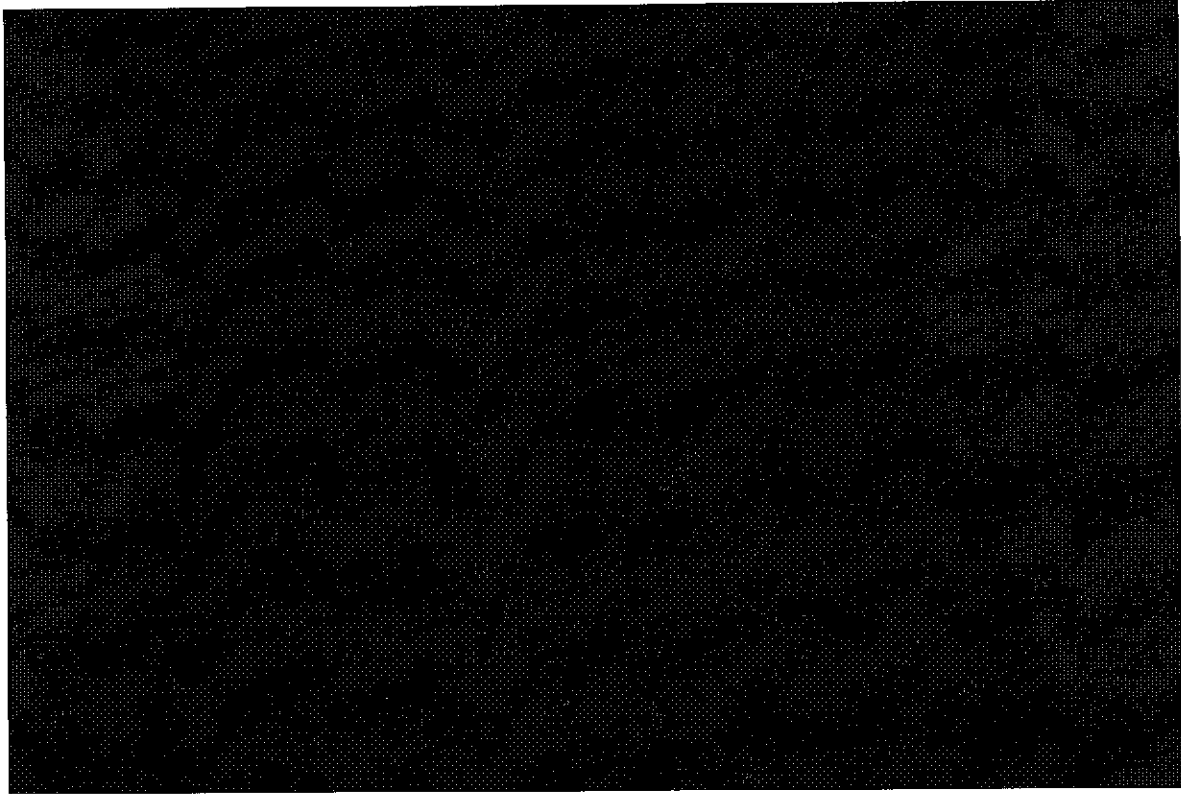
Subject: Quarterly Intelligence Oversight Activities Report
(Third Quarter, FY 05) (U)



f. (U) DAIG 05-028. Removed for Classification.

g. (U) Two 3rd Quarter Procedure 15 incidents (DAIG 05-024 and 05-026) are being investigated under the authority of the ACCO, INSCOM, as summarized in paragraph 5 below.

4. (U) UPDATES: Updates of cases previously reported in Reference 1.d. are provided below:

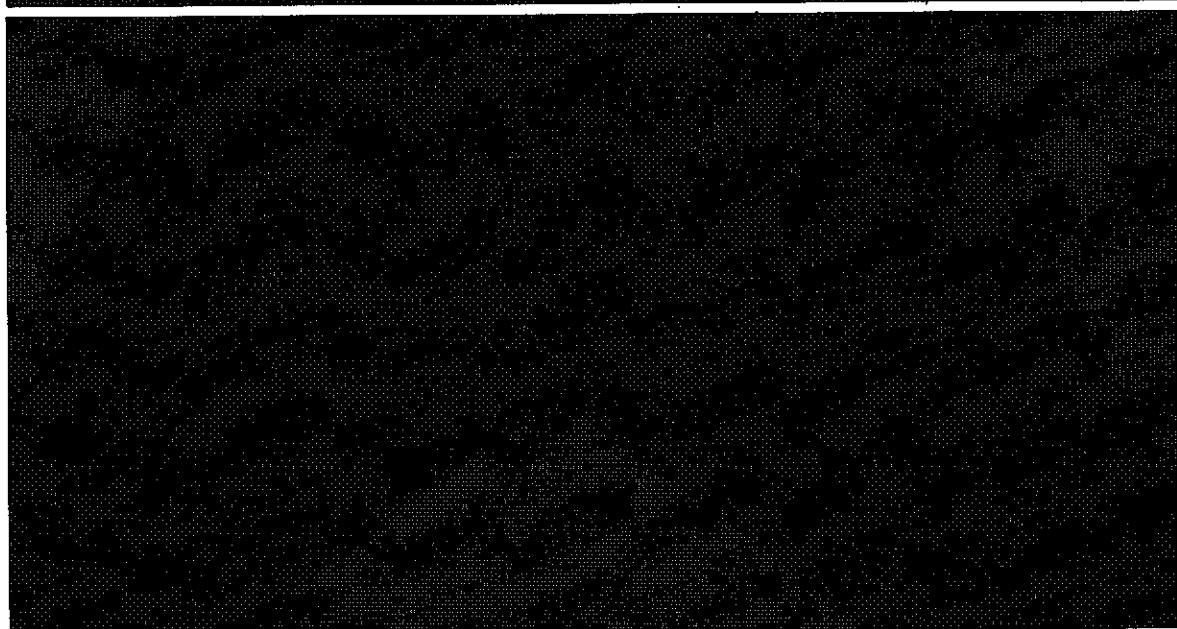


b. (U) DAIG 04-035. The MNC-I reported that, in November 2003, at a detention facility in Karbala, Iraq, a Titan Corporation civilian contract linguist and member of Tactical HUMINT Team (THT 106) struck a detainee during interrogation. Another contract linguist reported the alleged abuse to a Titan supervisor. On 10 June 2004 Titan reported the incident to the INSCOM Contract Office. The employee who allegedly struck the detainee left Titan in February 2004 and his current location is

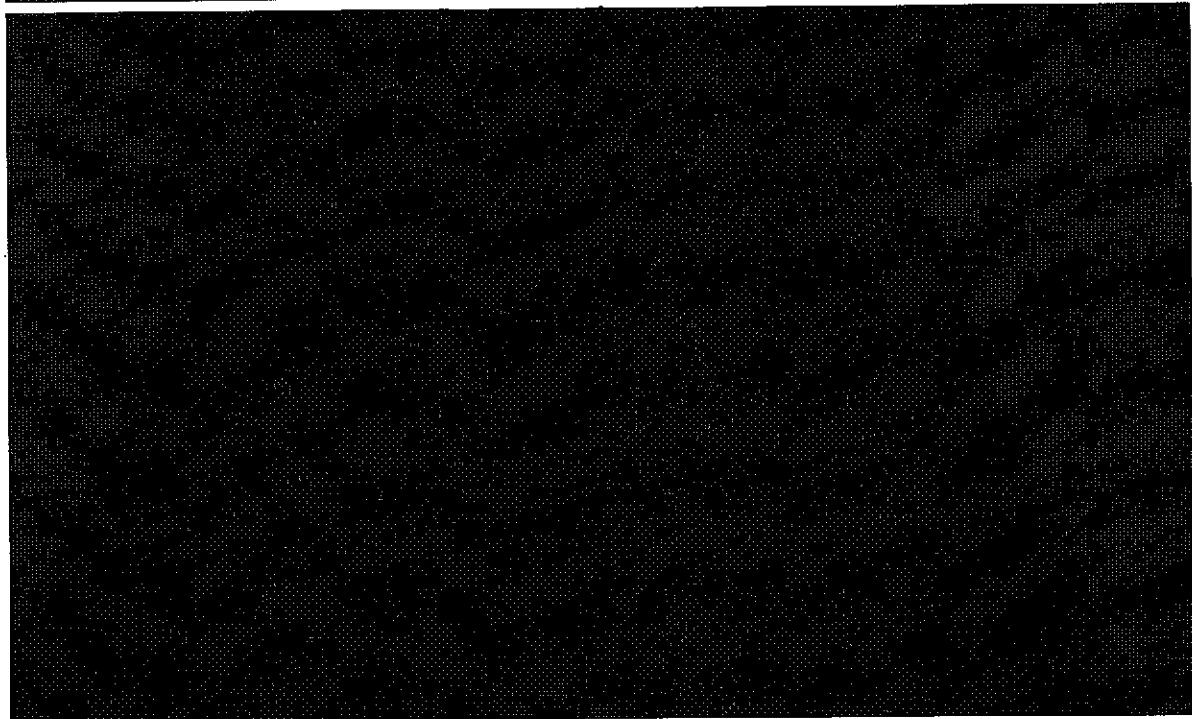
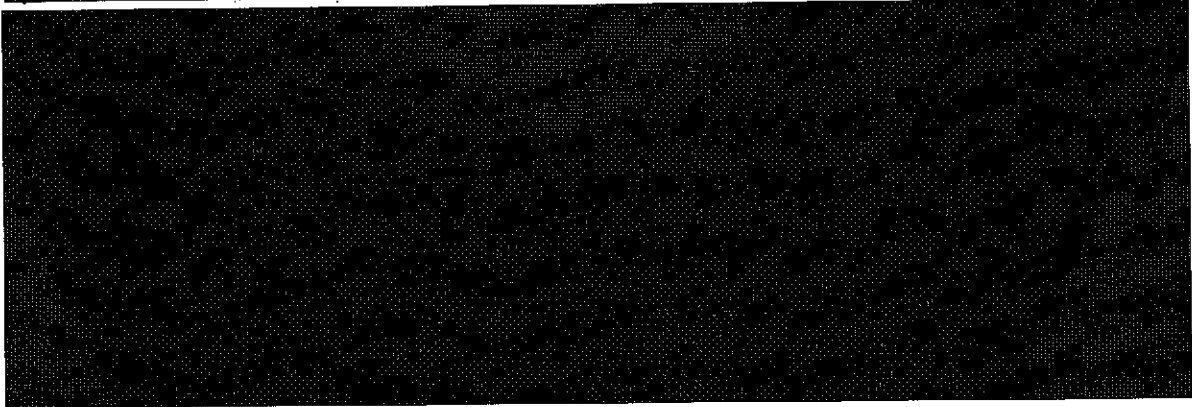
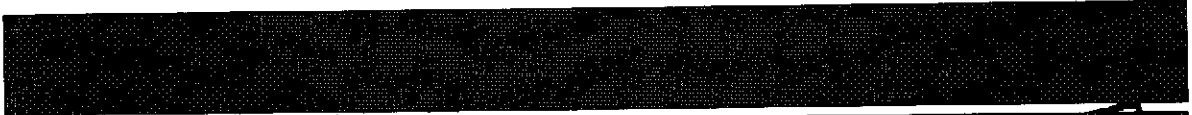
SAIG-IO

Subject: Quarterly Intelligence Oversight Activities Report
(Third Quarter, FY 05) (U)

unknown. Office of the Army General Counsel advised US Army Criminal Investigation Command (CIDC) of the allegation against the contract linguist. Also, INSCOM advised MNC-I/CENTCOM of the allegation and the MNC-I C-2, which had no record of the incident. MNCI C-2, MG Fast, directed an AR 15-6 investigation to determine why the THT had not reported the incident. The 15-6 investigation was previously reported to be complete and undergoing a legal review. However, MNC-I IG recently notified SAIG-IO that the 15-6 was in fact temporarily halted when it was learned there was a parallel CIDC investigation. MNC-I IG and C2 are compiling the findings in the CIDC and 15-6 reports and will forward the results to SAIG-IO as soon as possible. STATUS: Open.



SAIG-IO
Subject: Quarterly Intelligence Oversight Activities Report
(Third Quarter, FY 05) (U)



d. (U) DAIG 05-004. Removed for Classification.



SAIG-IO

Subject: Quarterly Intelligence Oversight Activities Report
(Third Quarter, FY 05) (U)

(1) (U) It was alleged that, during an informal conversation with friends on 11 September 2004, the civilian learned information reportable under the provisions of AR 381-12, SAEDA, but failed to report the information to the appropriate CI office as required in the regulation. Rather than reporting the information in a timely manner, the civilian is alleged to have personally conducted follow-up investigative activity in the Washington, D.C. area prior to reporting the information to the 902d MIG Fort Hood Resident Office (FHRO) on 27 September 2004, 16 days after learning the original information. Although the civilian is a credentialed CI SA, he had no authority to conduct investigative activity or collect additional information. The 470th MIBDE has no CI investigative jurisdiction in the Continental United States and the information should have been passed to FHRO within the time requirements of AR 381-12 in order to report the incident to the ACCO.

(2) (U) The Commander 470th MIBde directed an AR 15-6 investigation be conducted. The investigation substantiated the allegation that the SA violated Procedures 1, 2, and 14, AR 381-10, and AR 381-20, Counterintelligence Activities, as the collection of US person information was not within the investigative jurisdiction of the 470th MIBde. Furthermore, the Agent violated AR 381-12, for failing to report the incident in a timely manner. As a result, the Commander, 470th MIBde, directed "refresher training" for the Agent concerning investigative activities and reporting. Also, 470th MIBde CI personnel will receive additional training concerning AR 381-10, AR 381-12, and AR 381-20. At the behest of SAIG-IOD, the findings and corrective actions were reviewed and approved by the INSCOM SJA, Chief of Staff, and Director, Command Oversight Office. INSCOM will re-emphasize, in writing, that the 470th MIBde ensure the corrective actions are taken seriously and INSCOM will ensure that this matter will be the subject of future oversight inspections. STATUS: Closed.

f. (U) DAIG 05-011. INSCOM reported that two CI SAs assigned to the 470th MIBde, Fort Sam Houston, Texas, are alleged to have conducted improper collection and investigation activities.

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(1) (U) The report states that the two SAs witnessed a suspicious incident that should have been reported to the FHRO. However, rather than reporting the incident to FHRO, the SAs requested investigative assistance from the Fort Sam Houston Provost Marshal to conduct a file check on the license of a vehicle involved in the incident and, after it was determined that the vehicle was a rental car, to obtain identifying data on the driver from the rental company. The allegation is based on the fact that the 470th MIBde does not have CI investigative jurisdiction in the United States and therefore the activities of the two SAs were improper. The information concerning the suspicious incident should have been reported to FHRO ensuring that any follow-on CI investigation was conducted in accordance with the AR by the unit with investigative jurisdiction.

(2) (U) The investigation initiated by the Commander, 470th MIBDE under the provisions of AR 15-6 was completed by an investigating officer from Headquarters, US Army South. The investigation is under legal review. INSCOM assures IOD that the report will be submitted in Aug 05. STATUS: Open.

g. (U) DAIG 05-015. An employee of the 902d MIG, INSCOM, alleged that [REDACTED] violated Procedure 14, AR 381-10. On 1 February 2005, [REDACTED] allegedly exceeded his authority by openly destroying nondisclosure agreements (NDA) and then declaring that individuals covered by the NDA could brief a Video Teleconference (VTC) on a Federal Bureau of Investigation (FBI) investigation (the subject of the NDA).

(1) (U) The allegation stated that [REDACTED] coordinated with neither the FBI or the ACCO prior to destroying the NDAs and directing the briefing take place. According to the allegation, [REDACTED]'s actions violated the trust of individuals who had signed the NDA and who had been actively cooperating with the FBI. Also, the briefing directed by [REDACTED] on the VTC resulted in improper dissemination of sensitive FBI investigative data to a large number of people with no need to know. The allegations were referred to the INSCOM IG for investigation.

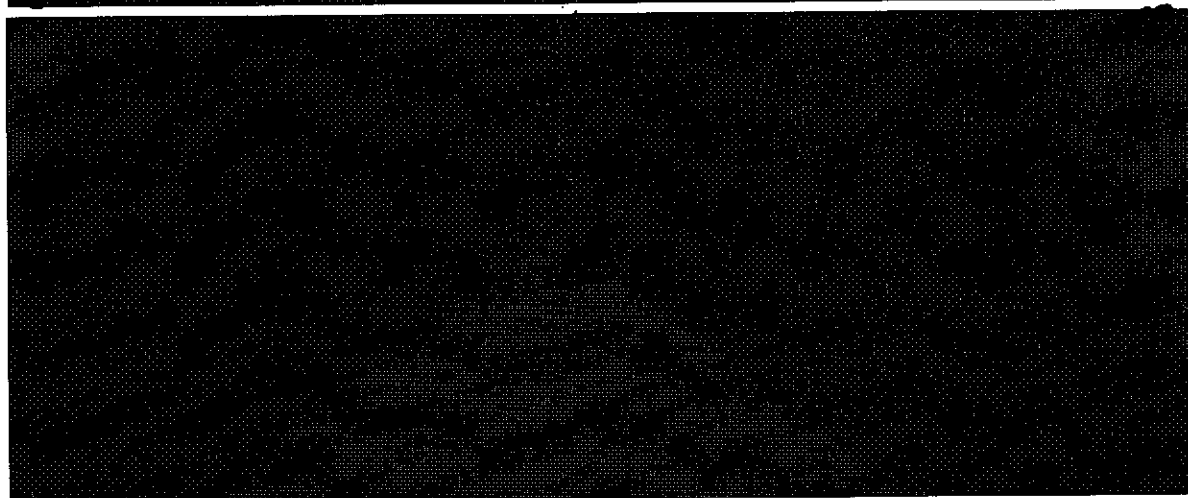
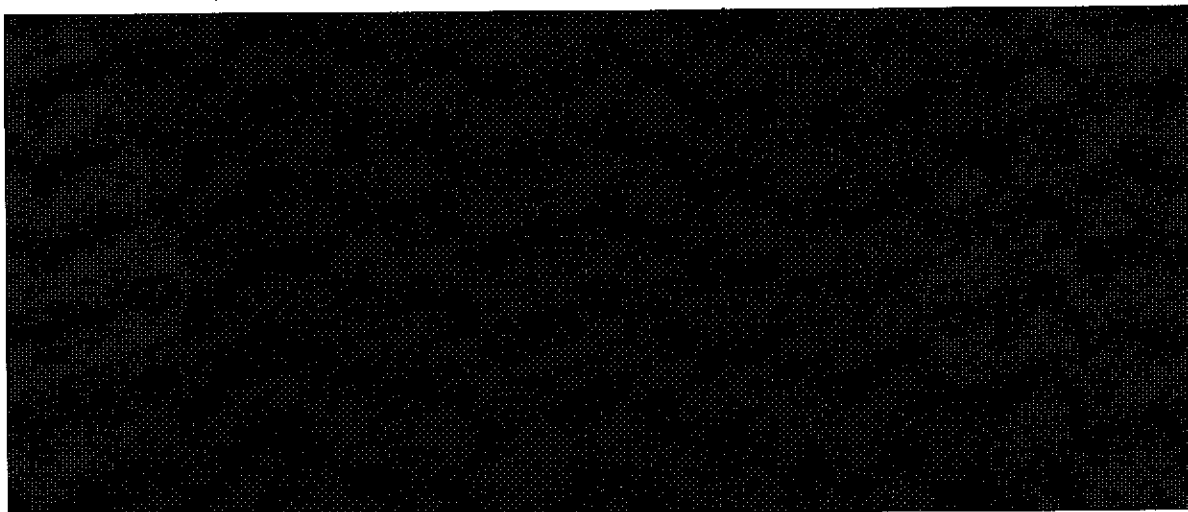
(2) (U) The investigation substantiated the allegation that the officer improperly destroyed Non-Disclosure Agreements in violation of Procedure 14, Employee Conduct, AR 381-10. As a result, the Commanding General, INSCOM, issued a written counseling record to the officer and directed additional

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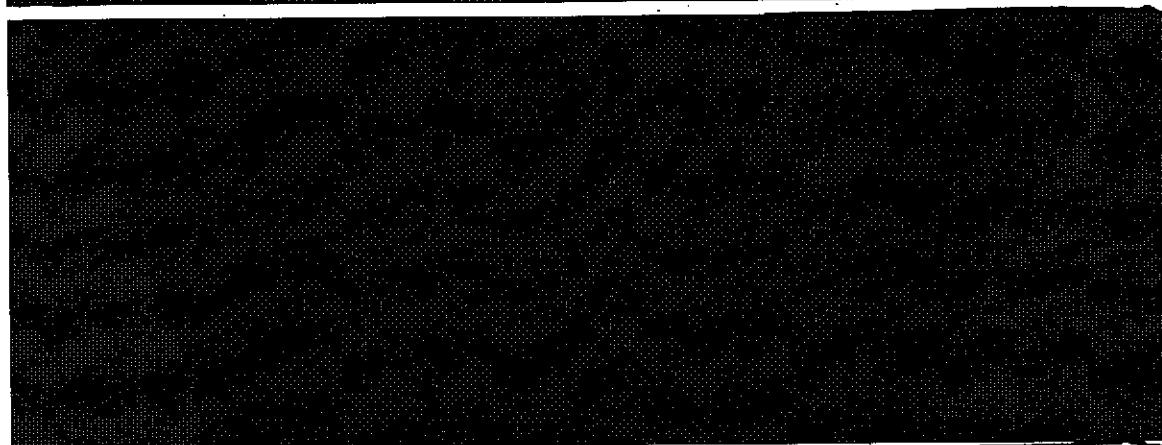
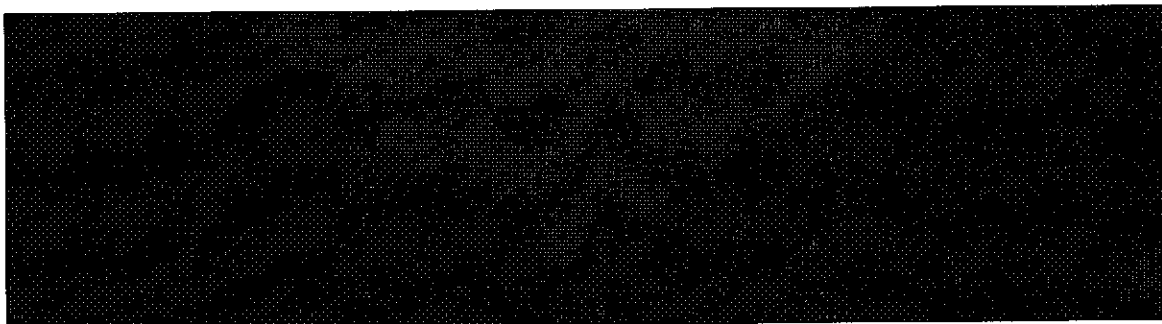
corrective actions. First, the INSCOM IG will conduct a review of the 902d MIG policies and procedures to ensure compliance with applicable Army and DoD regulations related to control and dissemination of investigative information. Second, SAs of the 902d MIG will contact the VTC briefing attendees to emphasize the extreme sensitivity of the investigative information. Third, SAs will also require the VTC briefing attendees to execute Non-Disclosure Agreements. Finally, Special Agents will contact the individuals, whose NDAs were destroyed by the offending officer, and remind them that they were still bound by the agreement.
STATUS: Closed.

h. (U) DAIG 05-017. Removed for Classification.



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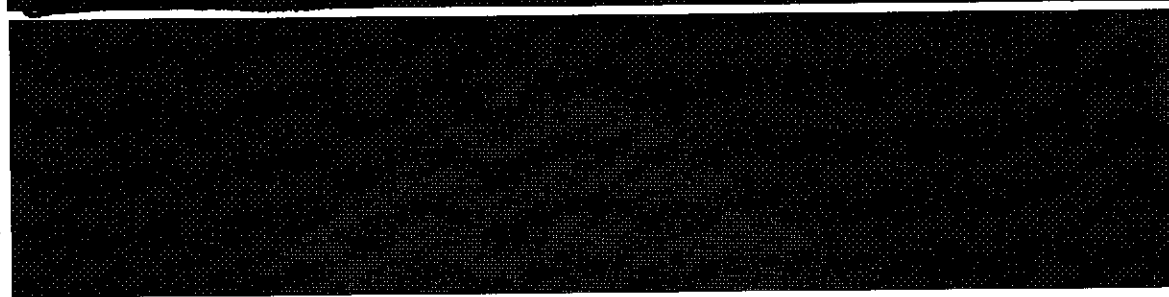
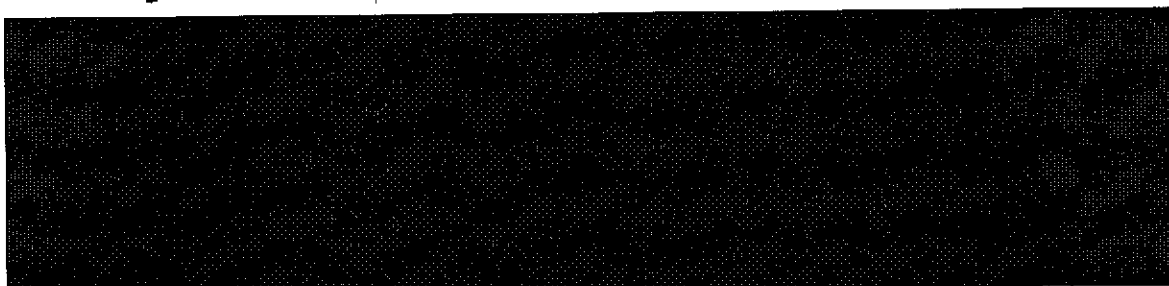
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(6) (U) INSCOM is currently evaluating the investigative products and confirming corrective actions. Following INSCOM's final report, SAIG-IO will close this Procedure 15. STATUS: Open.

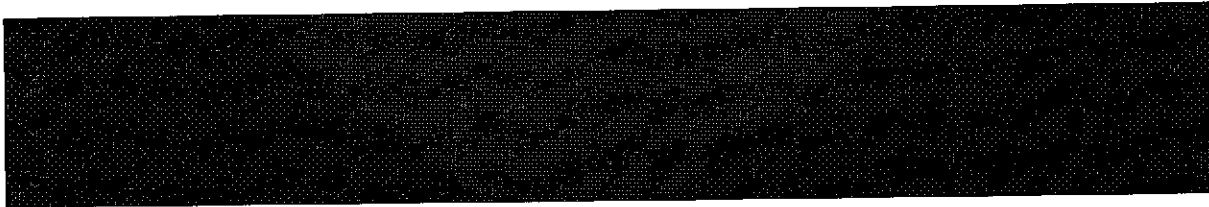
5. (U) OTHER INVESTIGATIONS: The following ACCO (CI) and CIDC (criminal) investigations of MI personnel are also possible questionable activities IAW AR 381-10. SAIG-IOD monitors investigative progress for intelligence oversight issues.

a. (U) New CIDC and/or ACCO Investigations (3rd Qtr): SAIG-IO will provide updates on these new cases once the investigations are completed by ACCO and/or CIDC, as appropriate.

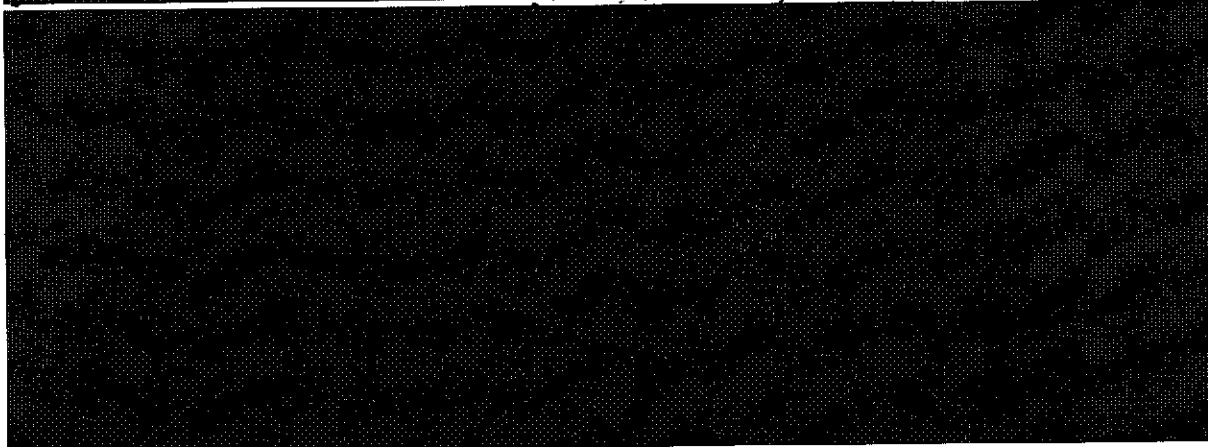
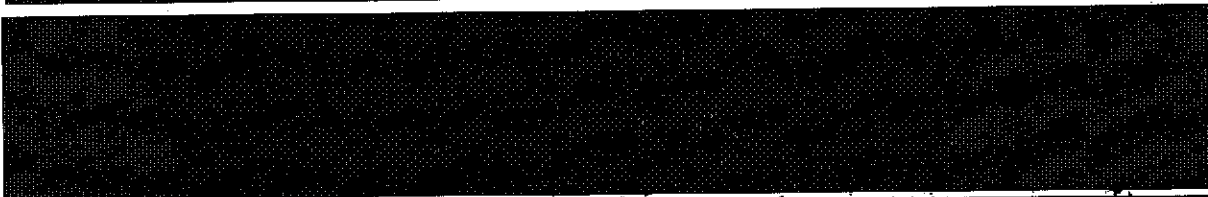
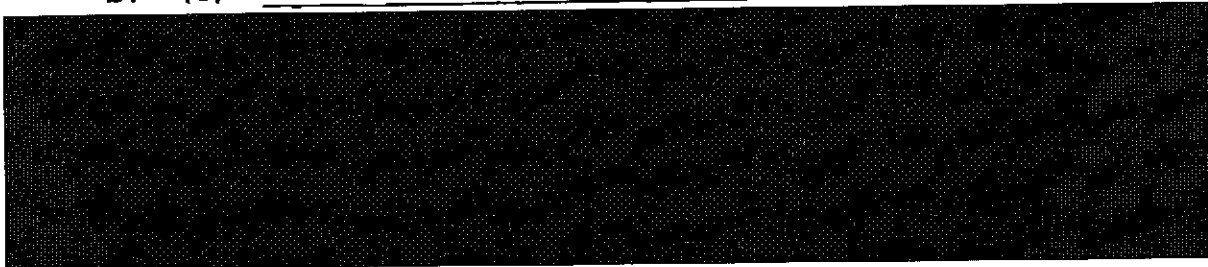


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b. (U) Closed CIDC and/or ACCO Investigations (3rd Qtr):

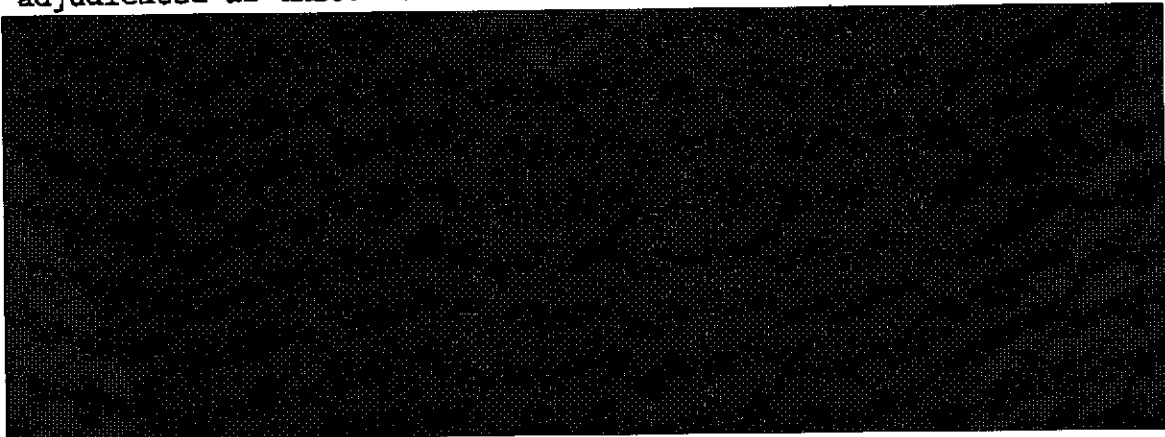


(2) (U) DAIG 04-015. This office received an initial CIDC report that indicated an MI Soldier assigned to the 205th MIBde, with duty at Abu Gharib prison, conspired with others to abuse detainees under their control. The CIDC investigation (case number 0003-04-CID149) into the matter revealed that Iraqi detainees in the isolation cell area at the Abu Gharib prison complex were assaulted and forced to strip off their clothing and perform indecent acts on each other in the presence of US Soldiers. The majority of the misconduct appeared to have been

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photographed and downloaded onto computers. To date, twelve US personnel have been identified as subjects, to include both military police and military intelligence personnel. CIDC's investigation into the 205th MIBde Soldier's involvement was adjudicated as unfounded. STATUS: Closed.



(4) (U) DAIG-04-039. Based on the investigative finding by Major General Taguba, CIDC reported information that Soldiers from the 519th MIBn, 525th MIBde, Fort Bragg, NC, physically abused detainees at Camp Vigilant, Iraq, after a mortar attack, which killed and injured other members of the 519th. The alleged abuse occurred on an unspecified date between 23 August-30 November 2003. CIDC investigated the alleged incident under control number 0073-04-CID023. CIDC recently adjudicated the allegations as unfounded and closed their criminal case. STATUS: Closed.

(5) (U) DAIG 04-040. CIDC reported that, from 15 April-1 July 2003, enlisted members of Detachment B, 223d MIBn, California National Guard, are alleged to have physically abused Iraqi detainees during interrogations at the 3d Brigade Combat Team detention facility, Sammarra, Iraq. According to one Soldier's statement, the MI Soldiers struck and pulled the hair of the detainees and forced numerous detainees into near asphyxiation. CIDC assigned case number 0139-03-CID469. CIDC adjudicated the allegations as unfounded and closed their investigation. STATUS: Closed.

6. (U) ASSISTANCE: SAIG-IO continues to execute a proactive program of assistance, training, and compliance inspections

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during the quarter. The program's 3rd Quarter's are outlined in the following subparagraphs.

- a. (U) 3411th MI Detachment, Devens, MA.
- b. (U) 3417th MI Detachment, Devens, MA.
- c. (U) 3437th MI Detachment, Devens, MA.
- d. (U) New England Resident Office, 308th MIBn, 902d MI Group, Devens, MA.
- e. (U) Headquarters, MA National Guard, Medford, MA.
- f. (U) Headquarters, VT National Guard, Colchester, VT.
- g. (U) Headquarters, CT National Guard, Hartford, CN.
- h. (U) 6th MIBn, Devens, MA.
- i. (U) 325th MIBn, Devens, MA.
- j. (U) Headquarters, TRADOC, Ft. Monroe, VA.
- k. (U) Fort Monroe Resident Office, 308th MIBn, 902d MI Group, Fort Monroe, VA.
- l. (U) National Ground Intelligence Center, Charlottesville, VA.
- m. (U) Headquarters, 101st Infantry Division (Airborne), Fort Campbell, KY.
- n. (U) 3rd Brigade Combat Team, 101st Infantry Division (Airborne), Fort Campbell, KY.
7. (U) Point of contact is [REDACTED], SAIG-IO, Intelligence Oversight Division, [REDACTED].

ALAN W. THRASHER
Major General, USA

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Deputy The Inspector General

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DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20310-1700

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SAIG-IO (381-10b)

24 April 2006

MEMORANDUM THRU GENERAL COUNSEL, ARMY [REDACTED] 24 Apr 06

FOR OFFICE OF THE ASSISTANT TO THE SECRETARY OF DEFENSE
(INTELLIGENCE OVERSIGHT) [ATSD(IO)]

SUBJECT: Quarterly Intelligence Oversight Activities Report (2nd Quarter, FY 06) (U)

1. (U) References:

- a. (U) Executive Order 12333, United States Intelligence Activities, 4 December 1981.
- b. (U) DOD Directive 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect United States Persons, December 1982.
- c. (U) Army Regulation (AR) 381-10, US Army Intelligence Activities, 22 November 2005.
- d. (U) SECRET//NOFORN memorandum, Department of the Army Inspector General (DAIG), subject: Quarterly Intelligence Oversight Activities Report (1st Quarter, FY 06) (U), 23 January 2006.
- e. (U) Unclassified memorandum, Department of the Army Office of the Deputy Chief of Staff G-2, subject: Procedure 15 Reporting in Combined and Joint Task Forces, 15 June 2004.
- f. (U) AR 20-1, Inspector General Activities and Procedures, 29 March 2002.

2. (U) This report provides information on significant questionable intelligence activities (QIA) received by the Intelligence Oversight Division, US Army Inspector General Agency (SAIG-IO), during the second quarter of fiscal year 2006. This report also updates QIA reported in previous quarters, and outlines significant intelligence oversight (IO) initiatives within the Department of the Army.

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3. (U) **NEW REPORTS OF QUESTIONABLE ACTIVITIES:** There were nine new QIA reports during the second quarter.

a. (U) **DAIG-06-005.** In December 2005, a previously unreported QIA was identified during a SAIG-IO inspection of the 86th MI Group (MIG). On 26 August 2005, a Counterintelligence (CI) Special Agent (S/A), 2nd MI Battalion (MIBN), allegedly misused his CI badge and credentials (B&C) to avoid the inconvenience of a vehicle search as he gained access to a US military compound. The commander's inquiry substantiated the allegation and the Detachment Commander counseled the S/A, placed him on one-year probation, and suspended his B&C and investigative status for one month. The S/A was also required to conduct detachment training on the proper use of CI B&C. After completing the one-month suspension, the S/A was returned to investigative status with his B&C. The inquiry also determined that the BN leadership possessed inadequate knowledge of AR 381-20, The Army CI Program, 15 November 1993, which contributed to the delay in reporting the incident. As a result, the BN Commander directed refresher training on AR 381-20. During the inspection, inspectors also provided on-the-spot training on the definition and scope of QIA, as outlined in Procedure 15, AR 381-10 (reference 1.c.). **STATUS: Closed.**

b. (U) **DAIG-06-009.**

(1) (U) On 5 January 2006, the Intelligence and Security Command (INSCOM) notified SAIG-IO that on 9 November 2004, a CI S/A assigned to the 902d MIG, with duty at the Joint Terrorism Task Force, Miami, FL (JTTF-Miami) may have inappropriately collected and reported information about a group's (US-person) plan to exercise their constitutional freedoms of assembly and speech. The information was reported as a Threat and Local Observance Notice (TALON) and submitted through the 902d MIG to the CI Field Activity (CIFA) for analysis and entry in the Cornerstone database. The report described the group's plan to convene a meeting titled "*Countering Military Recruitment, the Draft and Military Law.*" The report also described the group's plan to "*hold a workshop and planning meeting to discuss countering US Military recruiting in High Schools, as well as efforts to assist recruits in getting out of military contracts.*" On 15 November 2004, the S/A provided an updated TALON report describing the group's plans to set up "*tables at the schools in order to perform 'surveillance' on Military recruiters while on campus.*" The TALON report did not indicate the group or planned activities had a foreign nexus. Throughout the report, the S/A generically referred to the US Person as a "*group*" and a "*US Domestic Protest Group.*" However, when reporting the address of the group's meeting venue, the S/A included the name of the meeting facility, which contained the name of the group.

(2) (U) Until recently, the 902d MIG maintained a database of all or some of the TALON reports submitted by their S/As. Contrary to an INSCOM staff officer's

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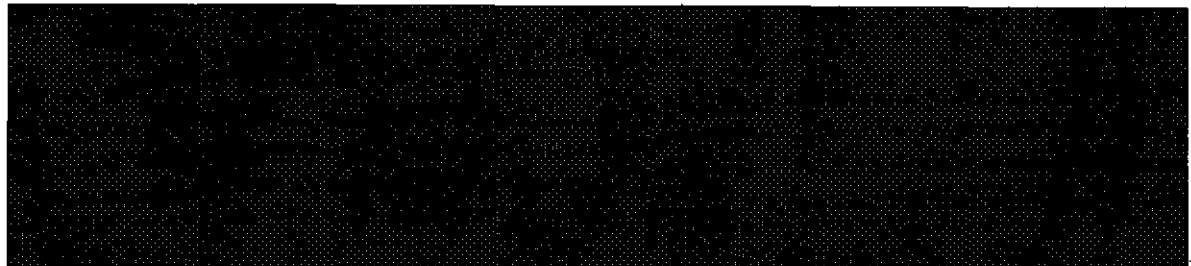
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guidance, the 902d MIG contends that the S/A's reporting (described above) was not a violation of AR 381-10, and his collection activities were consistent with the 902d MIG's expanded force protection collection mission, which they base on the following memoranda: FOUO memorandum, Deputy Secretary of Defense, 2 May 2003, Subject: Collection, Reporting, and Analysis of Terrorist Threats to DoD Within the United States; and FOUO memorandum, Office of the Vice Chief of Staff, 10 December 2004, Subject: Army Implementation Guidance for TALON Suspicious Incident Reporting.

(3) (U) On 5 January 2006, the INSCOM Commanding General directed the INSCOM Inspector General to conduct a special inspection of the TALON reporting system in INSCOM, with the following focus: (a) evaluate the strengths and weakness of the existing system; (b) provide a detailed assessment of 902d MIG's compliance with TALON regulations, policies and procedures; (c) determine conflicts or voids in guidance concerning the reporting, analysis, retention, and dissemination of TALON information; and (d) assess the policies and procedures for submitting TALON reports directly to CIFA without an intermediate review process by the chain of command.

(4) (U) On 30 March 2006, the Deputy Secretary of Defense (DEPSECDEF) established an unclassified interim policy memorandum concerning the TALON Reporting System, Subject: Threats to the Department of Defense (DoD). In the memorandum, the DEPSECDEF confirmed the reporting system should only be used to report information regarding possible international terrorism activities and the information should be retained in accordance with DoD 5240.1-R, Activities of DoD Intelligence Components that Affect US Persons, December 1982. Second, the interim policy requires that proposed TALON reports must meet one of the seven criteria outlined in the memorandum. Third, the Under Secretary for Defense (Intelligence) will convene working groups to examine information fusion among intelligence, CI, force protection, law enforcement and security communities. Fourth, the ATSD(IO) will conduct annual inspections of the TALON system. Finally, no later than 12 May 2006, the lead components from each military department must provide CIFA with copies of their implementation guidance of the DEPSECDEF's interim policy memorandum.

(5) (U) SAIG-IO will maintain this case as open until the DCS-G2 publishes their implementing guidance and INSCOM publishes its special inspection results and corrective actions (as appropriate). STATUS: Open.



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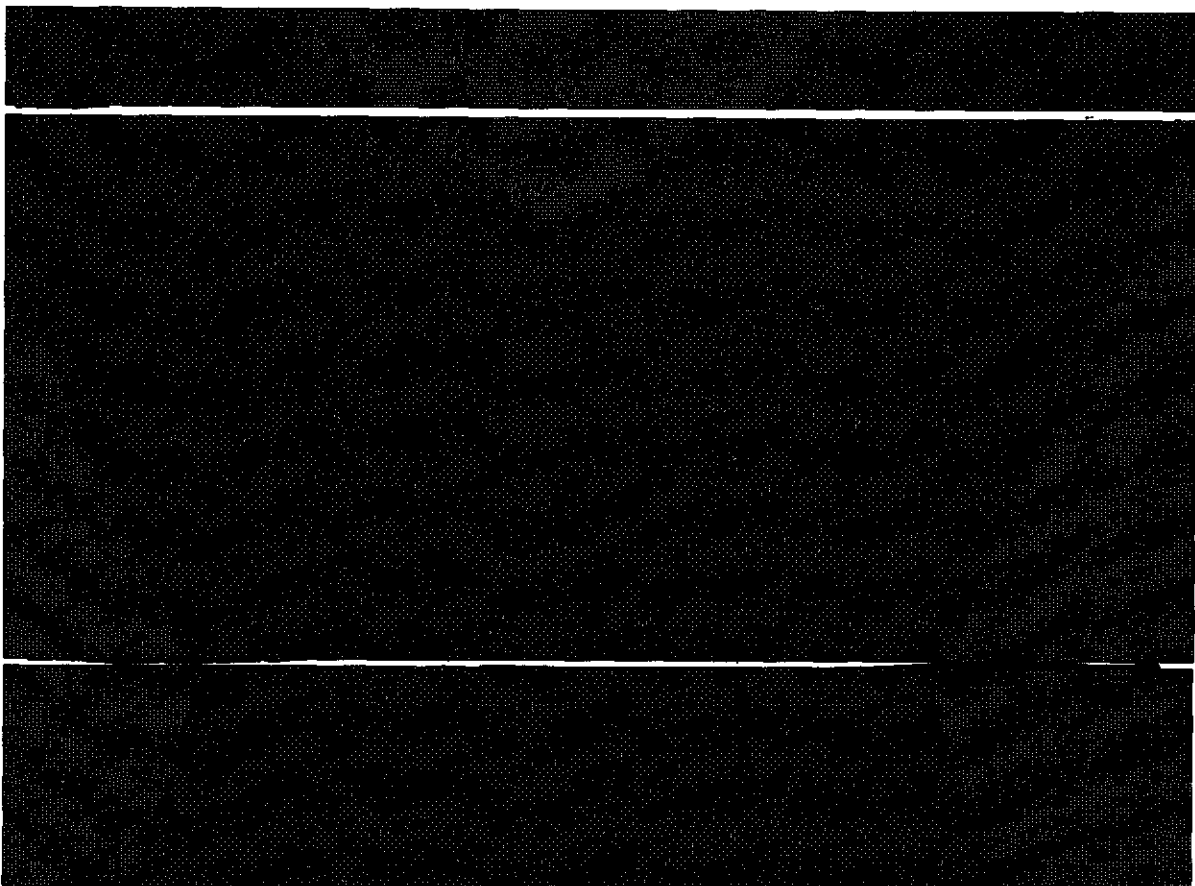
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d. (U) DAIG-06-011. On 2 March 2006, HQ, Multi-National Brigade (East) (KFOR7), Camp Bondsteel, Kosovo, notified SAIG-IO of the following QIA: Two CI S/As assigned to KFOR7 reportedly consumed alcoholic beverages during a "source meeting." Following the operational event, the senior S/A allegedly drove a government vehicle while under the influence of alcohol, resulting in an accident. The subsequent Military Police investigation confirmed the S/As were under the influence of alcohol when the vehicle was damaged in an accident. Pending the completion of a command investigation, the S/As are restricted to their barracks and the unit commander suspended their B&C and operational status. The S/As have also been removed from the CI team and placed in different sections within the task force. STATUS: Open.

e. (U) DAIG-06-012. On 2 March 2006, during a SAIG-IO inspection of the Headquarters, US Army Forces Northern Command (ARNORTH) (5th US Army), Fort Sam Houston, TX, inspectors discovered US-person force protection information in a G2-ARNORTH intelligence briefing. The briefing, which was presented by the G2 to the CG-ARNORTH on 21 February 2006, contained identities of US-persons, including a white supremacist group, and their planned domestic activities. An intelligence

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summary from the Federal Bureau of Investigations was cited as the source. The group and their planned activities did not involve a foreign nexus. The G2 attributed the violation to ARNORTH's immature structure and the staff's vague missions and functions. The G2 assured the inspectors that no other inappropriate collection or dissemination was conducted. SAIG-IO is coordinating with the Inspector General (IG) and G2 to determine what corrective actions were taken. **STATUS: Open.**

1. (U) DAIG-06-006, 06-007, 06-008 and 06-013: There were four QIA reports that are uniquely sensitive and summarized in paragraph 5.a. (below).

4. (U) UPDATES: Updates of cases reported last quarter (reference 1.d.) are provided below:

a. (U) DAIG-04-025.

(1) (U) In April 2004, an Inspector General from the Multi-National Corps-Iraq notified SAIG-IO of the following QIA: Prior to 21 February 2004, an MI officer assigned as the S2, 422d Civil Affairs Battalion (CAB), Baghdad, Iraq, allegedly conducted unapproved HUMINT collection operations resulting in one source's incarceration in an Iraqi jail. The officer also allegedly committed security violations with a Category I Iraqi linguist. The US Army Special Operations Command (USASOC) conducted a command investigation and forwarded the results to SAIG-IO.

(2) (U) The Investigating Officer (I/O) found no evidence to substantiate the allegation that the officer conducted unauthorized intelligence operations. The officer's routine and authorized duties and responsibilities included "ensuring all Iraqi Foreign Nationals (IFN) were properly screened and vetted prior to providing authorized documents that would allow them access to U.S. facilities and/or equipment." The process used to check the IFNs' background required the officer and his subordinates to interact with the IFNs' on a daily basis. The I/O opined that the personnel security process and daily contact with the IFNs' might have led someone to assume the officer was engaged in HUMINT operational activity. The investigation revealed no information to substantiate the claim that the officer's activities resulted in the incarceration of a "source."

(3) (U) The I/O found no evidence to substantiate the allegation that the officer compromised sensitive/classified information to a linguist. Part of the original security violation allegation was that the linguist was granted access to the officer's government issued laptop computer that was used to process classified information. The I/O determined the linguist had access to the officer's U.S. government laptop computer, but the I/O had no definitive information that the computer contained classified information. Interviewees established that in (approximately) February 2004, the officer's computer was turned-in to the G2, 1st Armored Division (AD), for forensic analysis. However, the I/O was unable to determine the computer's current disposition

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or if the forensic analysis was ever conducted. Interviews of likely witnesses to the forensic analysis proved to be inconclusive because of the witness' faded memories, the distraction of combat operations in Najaf, and confusion caused by 1st AD's transition activities with 1st Calvary Division. The appointing authority for the command investigation concurred with the I/O's recommendation that no action be taken against the officer. The I/O investigated other (unsubstantiated) allegation(s) concerning the officer that are beyond the scope of Procedure 15, AR 381-10. STATUS: Closed.

b. (U) DAIG 05-004.

c. (U) DAIG-05-021.

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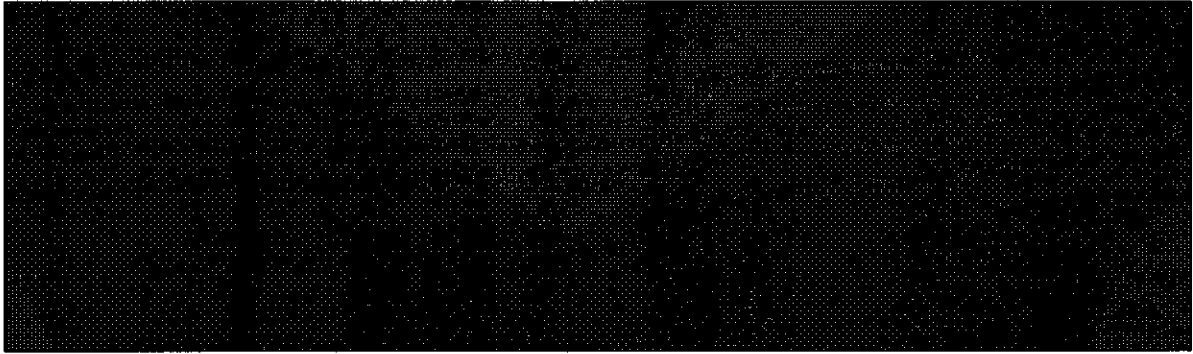
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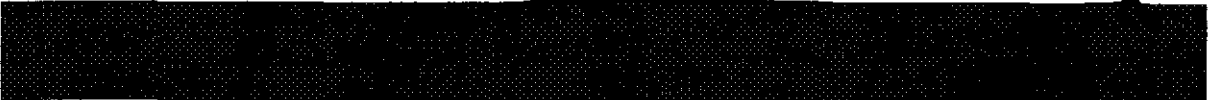
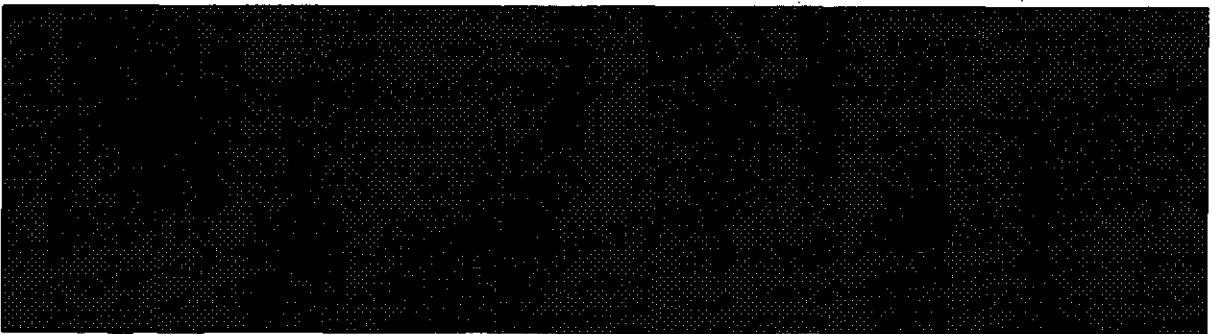
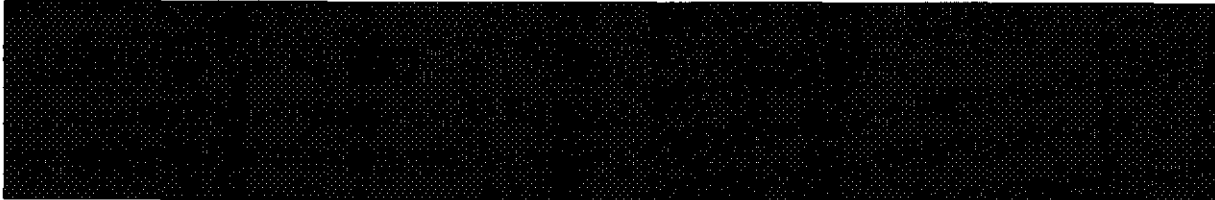
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d. (U) DAIG-05-025. In May 2005, SAIG-IO learned that the DAIG Assistance Division (SAIG-AC) received information from the Defense Criminal Investigative Service (DCIS) alleging misconduct of an MI officer performing unauthorized intelligence operations while assigned as the [REDACTED], 1st Armored Division in Iraq. The officer was said to have conducted improper intelligence collection operations in violation of AR 381-172 (S//NF), CFSO/LLSO (U), 30 December 1994; Defense Intelligence Manual (DIAM) 58-12 (S//NF), The DoD HUMINT Management System (U), 30 June 1997; Director of Central Intelligence Directive (DCID) 5/1 (S//NF), Espionage and Counterintelligence Activities Abroad (U), 19 December 1984; and various V Corps policies dealing with intelligence source operations. He is further alleged to have disobeyed direct orders of general officers by failing to terminate contact with informants

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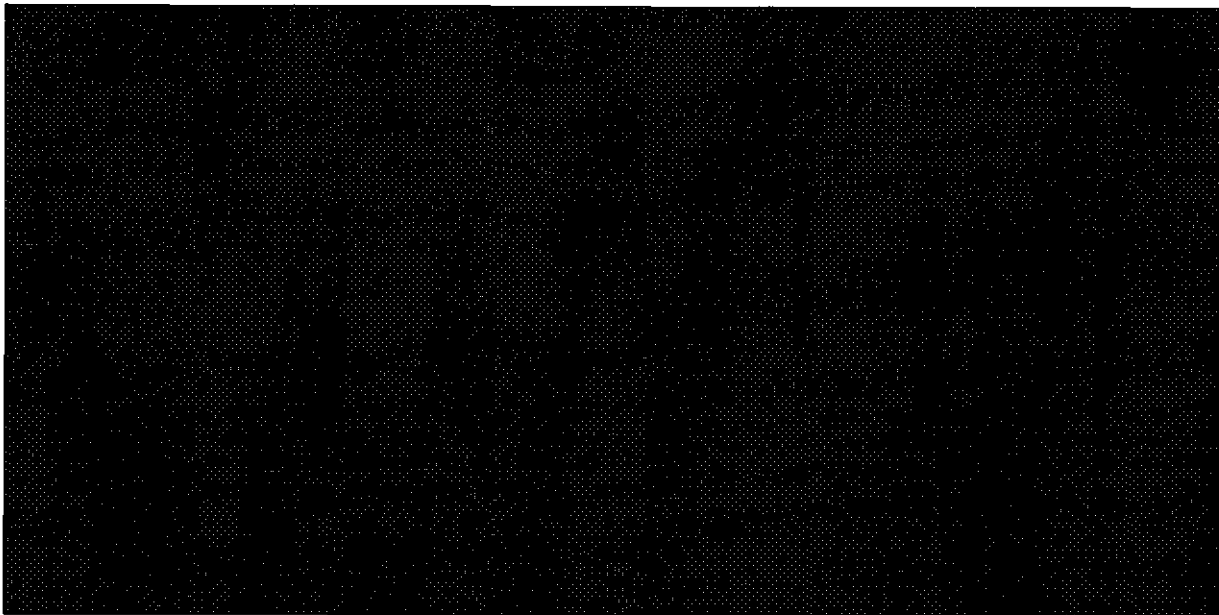
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and failing to register informants. Lastly, the officer allegedly made false official statement(s) when he told a general officer that he had registered all of his HUMINT sources when he knew that his statement was false. The officer is currently assigned to US Army Intelligence Center and School, Fort Huachuca. The US Army Training and Doctrine Command (TRADOC) conducted a command investigation and the officer received a general officer letter of reprimand. Subsequently, SAIG-AC completed a review of DCIS and TRADOC's investigations. SAIG-AC's draft investigative report was reviewed by SAIG-IO in March 2006. SAIG-IO expects to receive the final investigative report from SAIG-AC during the next quarter. STATUS: Open.



f. (U) DAIG 05-037.

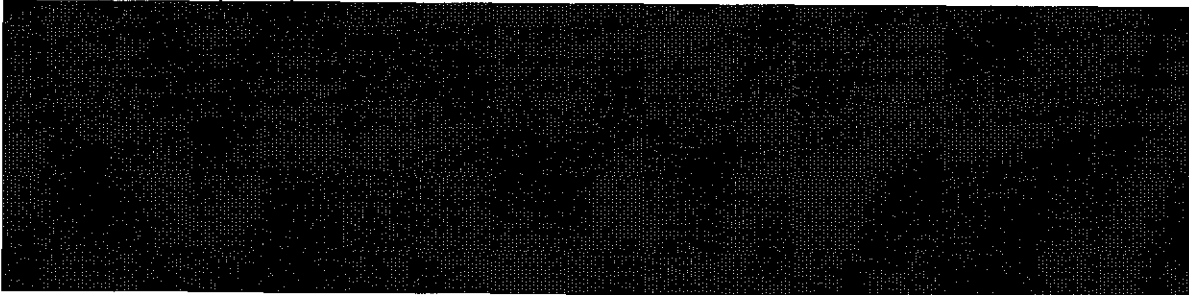


(2) (U) The ACCO opened and terminated their case, under case number 42ID-G2X-05-017, after determining the allegations were not of CI interest. The ACCO

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referred the allegations to the officer's deployed unit of assignment and CID for further investigation. Apparently, CID elected not to investigate the allegations. However, the 42nd Infantry Division conducted a command investigation, the results of which are outlined in the subsequent subparagraphs. Since the completion of the command investigation, the officer redeployed back to his home station and the 42nd Infantry Division redeployed back to New York where they receive IO support from the National Guard Bureau (NGB).



(b) (U) Interpreter: The I/O determined the officer used local nationals to perform interpreter duties, verify information from detainees, and establish rapport with detainees. The I/O determined that the officer's use of local nationals during interrogations was consistent with Multi-National Forces-Iraq (MNF-I) Policy 05-02 (Interrogation Policy) and the officer did not compromise classified information. While the policy was not fully described in the command investigation, feedback from the MNC-I Assistant Inspector General confirms the accuracy of the I/O's conclusion.

(c) (U) Hacking: The I/O corroborated the allegation that the officer, without authority, accessed a linguist's Yahoo email account. Contrary to the original allegation, the account belonged to a foreign national, not a US-person. After considering Procedure 5, Electronic Surveillance, AR 381-10, the I/O decided that its applicability was "not clear, and this investigation did not attempt to evaluate in depth whether the hacking here violated the requirements of this paragraph because the hacking was stopped, because nothing ever came of the hacking and because Division failed to identify the hacking as wrongful." Based on the I/O's inaccurate analysis and conclusions, SAIG-IO referred the allegation to NGB for resolution and offered the following advice: First, the I/O should consider Procedure 7, Physical Searches, as the appropriate procedure for the questionable activity described. Specifically, paragraph C.4., AR 381-10, describes un-consented physical searches of non-US persons abroad. Second, the I/O's decision to not pursue this allegation is insufficient. Paragraph 15-3.a.(1), Procedure 15, AR 381-10, states, "Each report shall be reviewed to confirm or refute the allegation and assessed to determine whether the reported activity is consistent with applicable policy." In addition to resolving the questionable activity as a procedural violation (AR 381-10), and assuming the hacking occurred and it was not an approved physical search, NGB-IG may want to obtain advice from their Chief Counsel

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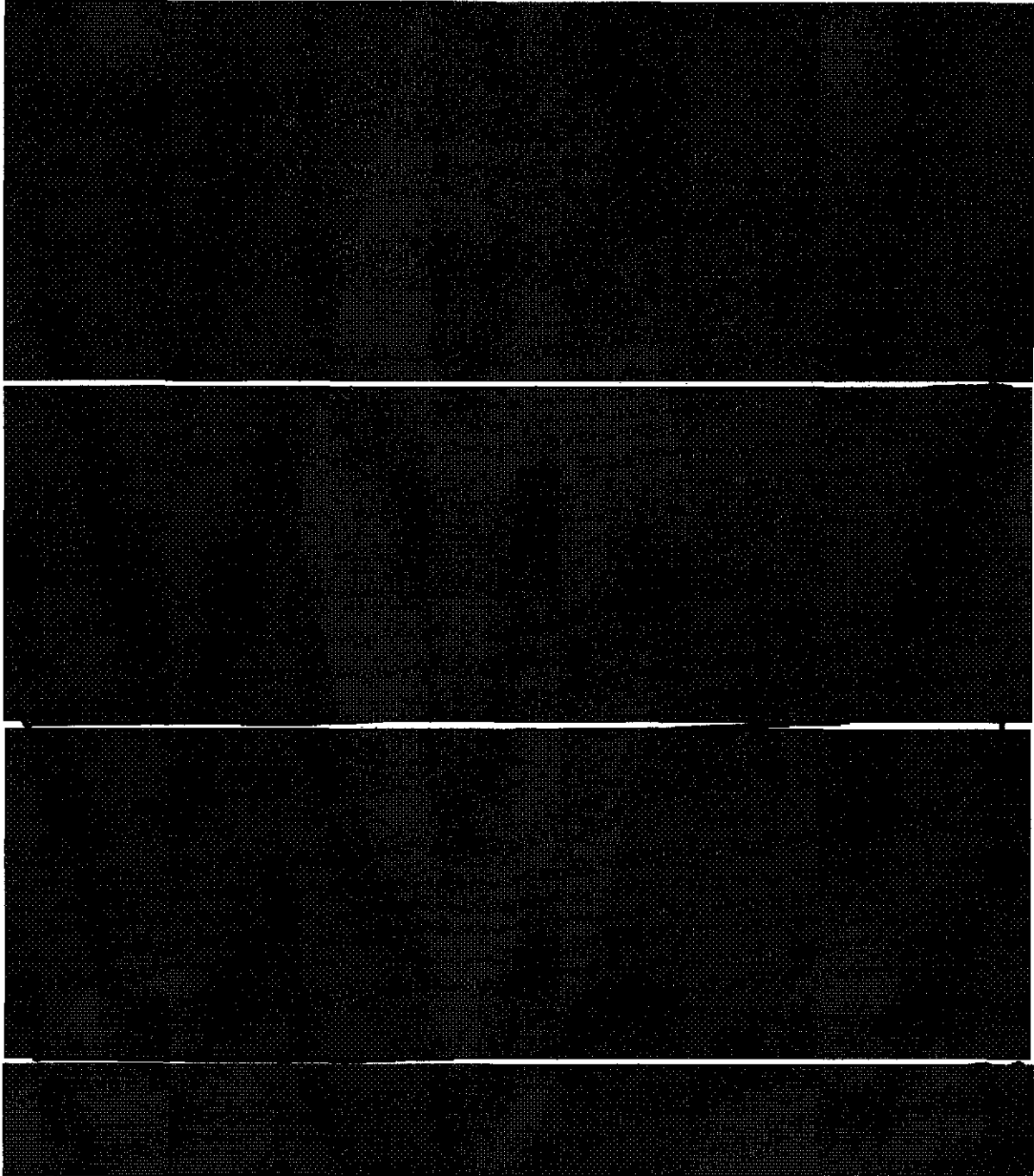
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to determine whether or not "hacking" violates federal law. NGB-IG and NYANG-IG's investigation continues. STATUS: Open



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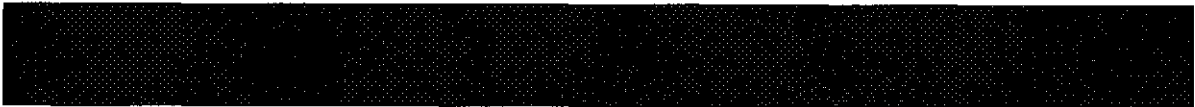
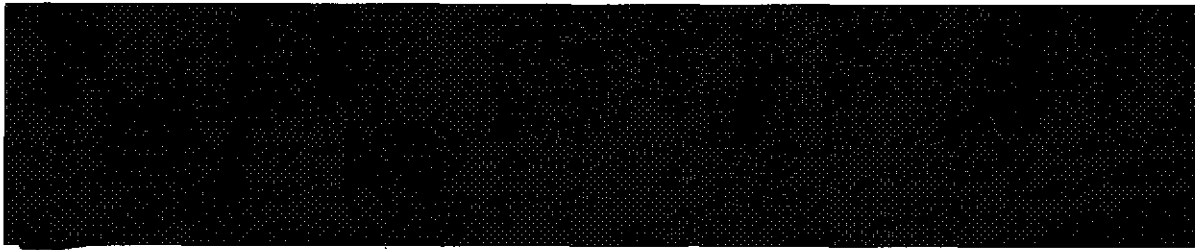
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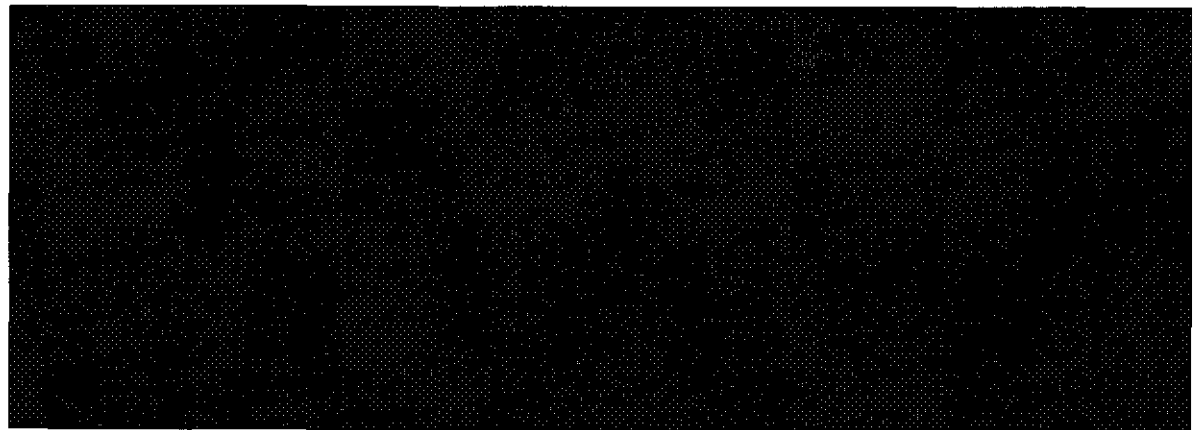
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5. (U) **OTHER SENSITIVE INVESTIGATIONS:** The below listed investigations are uniquely sensitive and considered "questionable activities" IAW AR 381-10. SAIG-IO monitors investigative progress for intelligence oversight issues.

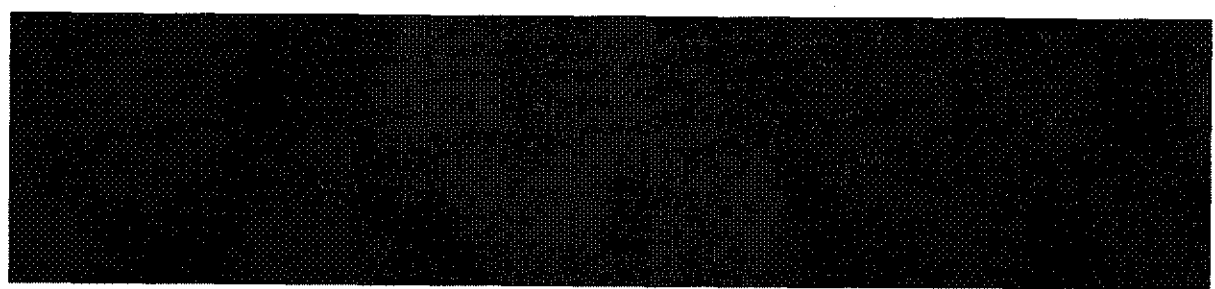
a. (U) **New Sensitive Investigations:** SAIG-IO will provide updates on the following new cases once the cases are closed by the Investigating agencies.



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(4) (U) DAIG-06-013. On 27 January 2006, the Office of the Army General Counsel notified SAIG-IO of an ongoing CID investigation (case #0137-02-CID369-23534) that involves six MI Soldiers' QIAs. The six MI personnel were assigned to Alpha Company, 519th MIBN, Afghanistan, when the alleged incidents occurred. In December 2001, four of the six MI personnel allegedly committed acts of "assault" and "maltreatment of a person in US custody." [redacted] is being investigated for "maltreatment of a person in US custody, false official statement, and conspiracy." [redacted] is being investigated for "dereliction of duty and conspiracy." The victim was an Afghan national who died from blunt force trauma. The criminal acts under investigation are directly related to the MI subjects' intelligence duties and responsibilities (interrogation). The CID investigation also listed 16 MP soldiers as subjects for similar prisoner abuse incidents; however, there is no indication that their acts were related to or in support of an intelligence function. CID recently reported their investigation as closed, but SAIG-IO maintains this as an open case until corrective actions have been identified and reported. STATUS: Open.

b. (U) Closed Sensitive Investigations:

(1) (U) DAIG-05-013. In January 2004, the DIA-IG notified SAIG-IO of the QIAs of an MI Captain, 10th Mountain Division, and an individual assumed to be a US Army contractor. The contractor and officer allegedly abused a prisoner at a detention facility in Shkin, Afghanistan. CID investigated under case control number 0164-04-CID369-69316 and determined the allegations of assault and maltreatment of a person in US custody were unfounded. STATUS: Closed.

(2) (U) DAIG-06-001.

(a) (U) On 17 October 2005, INSCOM reported the QIA of multiple MI officers to SAIG-IO. Allegedly, on 11 October 2005, officials in the Army-G2 requested INSCOM-G3 conduct "database checks" on an Army-G2 employee's foreign national relatives living in Egypt. The civilian employee is reportedly a US-person and not under suspicion; however, "... personnel in the (Army) G-2 thought it prudent to make these checks." The INSCOM Command Oversight Office (ICOO) concurred with the

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investigative request. However, subsequent to G3-INSCOM conducting the checks, ICOO assessed the actions as a possible violation of AR 381-10 in that the Army-G2 and INSCOM may not have the mission and authority to direct and execute investigative activity as performed in this situation.

(b) (U) On 21 October 2005, DTIG determined the issues are of sufficient gravity and interest to warrant an independent Department of the Army level assessment. DTIG directed the SAIG-IO to conduct a preliminary inquiry into the incident and determine the need for a formal investigation. On 25 October 2005, Army-G2 officers indicated that the database checks were conducted at the direction of a senior official. As a result, SAIG-IO referred the matter to Investigations Division (SAIG-IN) for resolution. SAIG-IN determined that IAW AR 380-67, Personnel Security Program, dated 9 September 1998, the Army-G2 has the authority to grant, deny, or revoke personnel security clearances. Upon learning that one of the Army-G2 employees had foreign relatives living in a Middle East country, the Army Central Clearance Facility provided the Army-G2 access to the employee's security clearance records (e.g. SF 86, Electronic Personnel Security Questionnaire). The Army-G2 noted the identities of the employee's foreign relatives and requested INSCOM conduct database checks on the foreign relatives to ensure the employee had no ties to terrorists. The INSCOM Staff Judge Advocate advised the ICOO that the request was within the Army-G2's authority UP AR 380-67. Therefore, the G3-INSCOM conducted the database checks on the foreign nationals. Subsequently, INSCOM advised the Army-G2 that their database(s) contained no information on the foreign relatives and, as a result, the Army-G2 did not pursue the matter any further.

(3) (U) SAIG-IN concluded that the Army-G2 has legitimate access to personnel security records and has the authority to grant, deny or revoke security clearances. Additionally, INSCOM has a lawful mission to collect information and maintain databases on foreign threats. Therefore, the information concerning the employee and her foreign relatives were appropriately collected. The allegation was not founded and the case was closed without further action. **STATUS: Closed.**

6. (U) **ASSISTANCE:** SAIG-IO continues to execute a proactive program of assistance, training, and compliance activities during the quarter. The second quarter inspection activities are outlined in the following subparagraphs.

- a. (U) HQ, US Army South, Fort Sam Houston, TX (1 March 2006)
- b. (U) HQ, 470th MIG, Fort Sam Houston (1 March 2006)
- c. (U) Operations Battalion, 470th MIG, Fort Sam Houston (1 March 2006)
- d. (U) HQ, III Corps, Fort Hood, TX (6 March 2006)

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- e. (U) 504th MIBDE, Fort Hood (7 March 2006)
- f. (U) 303rd MIBN, 504th MIBDE, Fort Hood (7 March 2006)
- g. (U) 15th MIBN, 504th MIBDE, Fort Hood (8 March 2006)
- h. (U) HQ, 1st Cavalry Division (CD), Fort Hood (8 March 2006)
- i. (U) 1st Brigade Combat Team, 1st CD, Fort Hood (9 March 2006)
- j. (U) 3rd Brigade Combat Team, 1st CD, Fort Hood (9 March 2006)
- k. (U) Fort Hood Field Office, 902d MIG, Fort Hood (10 March 2006)
- l. (U) HQ, Army Forces Northern Command (5th US Army), Fort Sam Houston, (2 March 2006)
- m. (U) 6th MIBN, 95th Division, Camp Bullis, TX (27 February 2006)
- n. (U) 321st MIBN, Austin, TX (27 February 2006)
- o. (U) SW Army Reserve Intelligence Support Center, Fort Sam Houston (3 March 2006)
- p. (U) HQ, TX Army National Guard, Austin (27 February 2006)
- q. (U) INSCOM Representative to the Joint Terrorism Task Force (JTTF), San Antonio, TX (2 March 2006)
- r. (U) INSCOM Representative to the JTTF, Austin (10 March 2006)

7. (U) Point of Contact is [REDACTED]


ALAN W. THRASHER
Major General, USA
Deputy The Inspector General

CF:
G2
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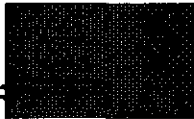
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DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20310-1700

SAIG-IO (381-10b)

28 July 2006

MEMORANDUM THRU GENERAL COUNSEL AT 
FOR OFFICE OF THE ASSISTANT TO THE SECRETARY OF DEFENSE
(INTELLIGENCE OVERSIGHT) [ATSD(IO)]

SUBJECT: Quarterly Intelligence Oversight Activities Report (3rd Quarter, FY 06) (U)

1. (U) References:

- a. (U) Executive Order 12333, United States Intelligence Activities, 4 December 1981.
- b. (U) DOD Directive 5240.1-R, Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons, December 1982.
- c. (U) Army Regulation (AR) 381-10, US Army Intelligence Activities, 22 November 2005.
- d. (U) ~~SECRET//NOFORN~~ memorandum, Department of the Army Inspector General (DAIG), 24 April 2006, subject: Quarterly Intelligence Oversight Activities Report (2nd Quarter, FY 06) (U).
- e. (U) Unclassified memorandum, Department of the Army Office of the Deputy Chief of Staff G-2, 15 June 2004, subject: Procedure 15 Reporting in Combined and Joint Task Forces.
- f. (U) AR 20-1, Inspector General Activities and Procedures, 23 May 2006.
- g. (U) AR 15-6, Procedures for Investigating Officers and Boards of Officers, 30 September 1996.

2. (U) This report provides information on significant questionable intelligence activities (QIAs) processed by the Intelligence Oversight Division, US Army Inspector General Agency (SAIG-IO), during the third quarter of fiscal year 2006. This report also updates QIAs reported in previous quarters, and outlines significant intelligence oversight (IO) initiatives within the Department of the Army.

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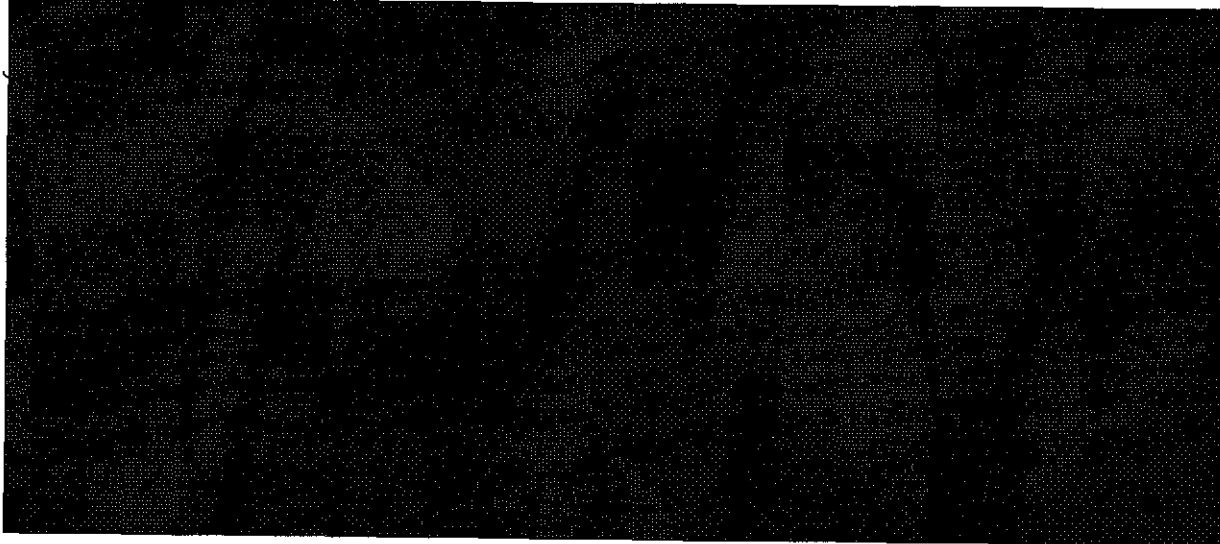
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Subject: Quarterly Intelligence Oversight Activities Report (3rd Quarter, FY 06) (U)

3. (U) **NEW REPORTS OF QUESTIONABLE ACTIVITIES:** There were fifteen new QIAs reports during the third quarter.

a. (U) **DAIG-06-017:** On 11 April 2006, the G2, US Army Europe (USAREUR), reported the QIA of the Countering Terrorism Branch (CTB), G2-USAREUR, Heidelberg, GM. On 7 April 2006, the CTB produced a Current Threat Report (CTR) containing the identities of numerous US-Persons with possible ties to terrorist groups and/or state sponsors of terrorism. The CTR was disseminated to multiple USAREUR consumers, including the USAREUR Intelligence Oversight Officer (IOO), who took corrective action on behalf of the command. The IOO promptly identified the incident as a QIA and then trained the Chief of the CTB on procedures 1-4, AR 381-10, and the authorized mission scope of the CTR. All CTB personnel received refresher IO training, the 7 April 2006 CTR was rescinded, and all USAREUR consumers were directed to delete their copies of the rescinded CTR. **STATUS: Closed.**



c. (U) **DAIG-06-019:** According to a 27 April 2006 Wall Street Journal (WSJ) article, "Pentagon Steps Up Intelligence Efforts Inside U.S. Borders," intelligence analysts' assigned to the 902d MI Group (MIG), Fort Meade, MD, allegedly collected and disseminated information concerning participants in a 19 March 2005 anti-war protest in Akron, OH. The article specifically alleged that the MIG's analysts downloaded information from activist web sites, intercepted emails and cross-referenced the information with police databases. The MIG allegedly reported the planned protest to the Akron police who, in turn, "followed" the rally. The Akron rally was said to be one of seven protests "monitored by the Army" in March 2005. On 28 April 2006, after conferring with SAIG-IO and the 902d MIG, the Intelligence and Security Command (INSCOM) decided to resolve the issues/allegations in this case (DAIG-06-019) by expanding their ongoing "special inspection" of the MIG's implementation and execution of the Threat and Local Observance Notice (TALON) program, which was initially reported in reference 1.d. as DAIG-06-009. An update to DAIG-06-009 is provided in paragraph 4.f. below. **STATUS: Open.**

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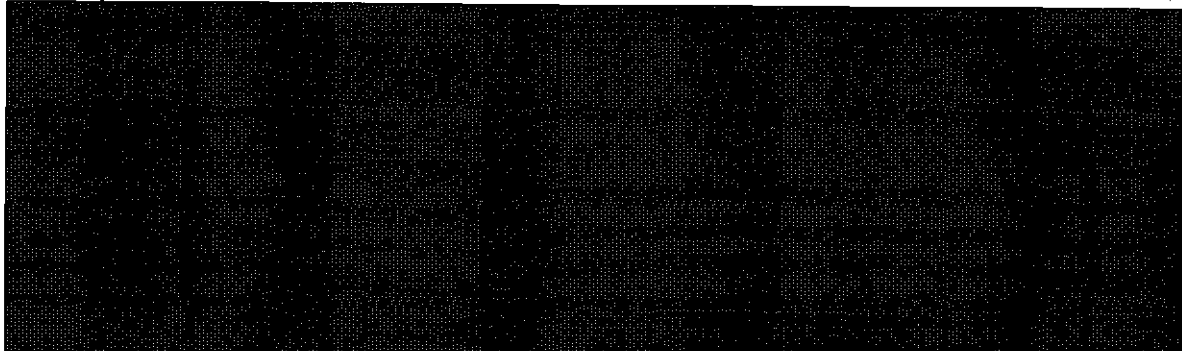
Subject: Quarterly Intelligence Oversight Activities Report (3rd Quarter, FY 06) (U)

d. (U) DAIG-06-022: On 5 and 20 June 2006, SAIG-IO received numerous allegations concerning members of the 101st Airborne Division (101st Abn), 4th Infantry Division (4th ID), and Operational Detachment-Alpha 388 (ODA-388). Some of the allegations were non-IO related and they were referred to Assistance Division, US Army Inspector General Agency (SAIG-AC), for action/resolution as appropriate. However, many other allegations (outlined below) are considered QIAs requiring resolution IAW AR 381-10. The QIAs were referred to the appropriate commands and SAIG-IO continues to oversee the progress of the following investigations, being conducted under the provisions of AR 15-6 (reference 1.g.):

(1) (U) Six of the allegations received on 5 June 2006, indicate that an Infantry officer, serving as a [REDACTED] in the 101st Abn, and his linguist, conducted unauthorized source operations, coerced local nationals to serve as sources, forced sources to falsify sworn statements to ensure convictions of alleged insurgents, conducted unauthorized and undocumented detention operations, and assaulted sources and detainees under their control. The allegations were previously reported to the officer's Battalion [REDACTED], but he failed to appropriately report and resolve the allegations IAW AR 381-10. On 9 June 2006, SAIG-IO referred these allegations to the Inspector General (IG), Multi-National Corps-Iraq (MNC-I), for resolution.

(2) (U) On 5 June 2006, it was alleged that a Category-II interpreter, 4th ID, conducted interrogations without the presence or participation of an Military Intelligence (MI) officer. The interpreter and an Iraqi Army Officer may have also conducted interrogations without the presence of an MI officer. The unauthorized and improper interrogations may have been done at the direction of the [REDACTED], 2/9th Cavalry Squadron, and/or the [REDACTED]. The allegations were reported to the Squadron [REDACTED], but he failed to report and resolve the allegations IAW AR 381-10. On 9 June 2006, SAIG-IO referred these allegations to the IG, MNC-I, for resolution.

(3) (U) Also on 5 June 2006, it was alleged that the [REDACTED] and members of Tactical Human Intelligence Team 676 (THT), 101st Abn, may have falsified interrogation reports concerning the specific interrogation techniques employed during interrogation sessions. Specifically, it was alleged that they would use fear-up techniques (wearing red contact lenses and claiming to be possessed by Satan), yet they reported using different techniques (i.e. direct ego-up). The allegations were reported to the Squadron [REDACTED], but he failed to report and resolve the allegations IAW AR 381-10. On 9 June 2006, SAIG-IO referred these allegations to IG, MNC-I, for resolution.



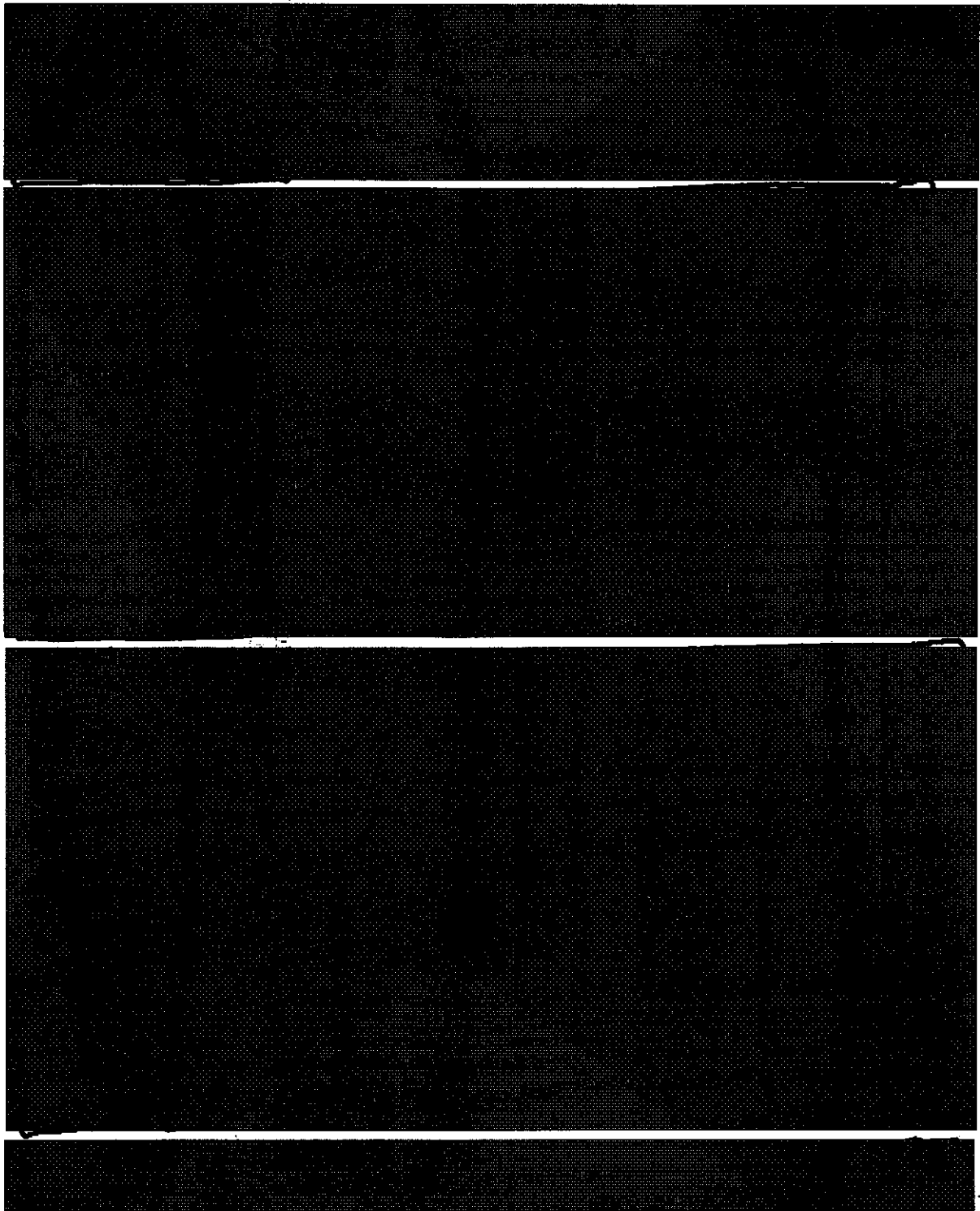
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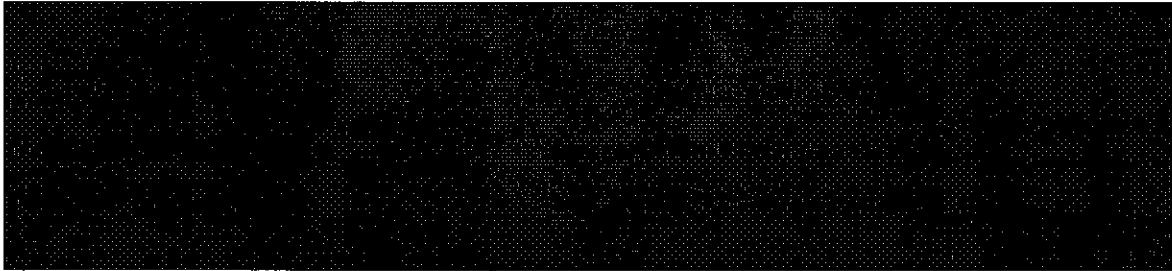
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i. (U) DAIG-06-028. On 29 June 2006, INSCOM reported the QIA of a member of the Los Angeles Field Office (LAFO), 902d MiG, Joint Forces Training Base (JFTB), Los Alamitos, CA, hereinafter referred to as Subject-1. Also implicated in the report are a non-DoD affiliated civilian (Subject-2) and a former member of the LAFO (Subject-3) who is currently assigned to a 902d MIG position in Texas. Allegedly, Subject-1 misused his official status to illegally acquire class-III weapons, ammunition, tactical equipment, and explosives. Subject-2 allegedly ordered and received the prohibited material and delivered the items to Subject-1 at the LAFO. Subject-3 is identified on some of the invoices for the material. Upon receipt of the material, Subject-1 took the material to an unknown location. With Subject-1's assistance, Subject-2's used the material to conduct for-profit training events on the JFTB. Both DoD and non-DoD personnel received the training. INSCOM also reported the QIAs as a possible federal crime under the provision of Chapter 16, AR 381-10. Meanwhile, the Commander of the 902d MIG initiated a command investigation under the provision of AR 15-6, reference 1.g. above. **STATUS: Open.**

j. (U) DAIG-06-014, 06-015, 06-016, 06-020, 06-021, and 06-023: In addition to the incidents described in paragraphs 3.a through 3.i. above, there were six new reports of QIA that are currently being investigated by the ACCO or the US Army Criminal Investigations Division (CID). The new ACCO/CID investigations are summarized in paragraph 5.a. (below).

4. (U) **UPDATES:** Updates of QIA cases reported last quarter (reference 1.d.) are provided below:



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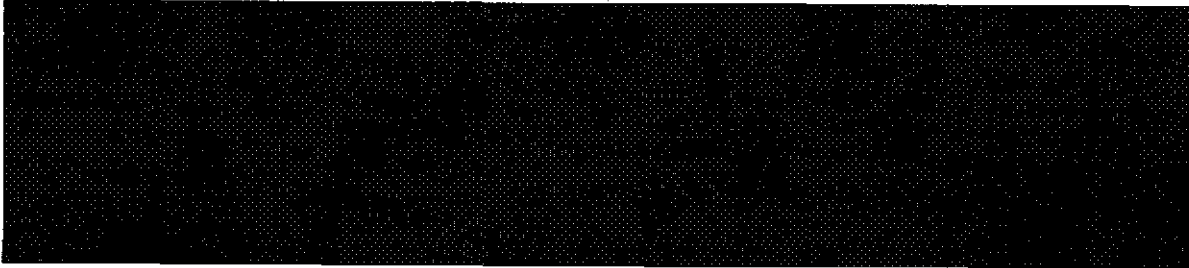
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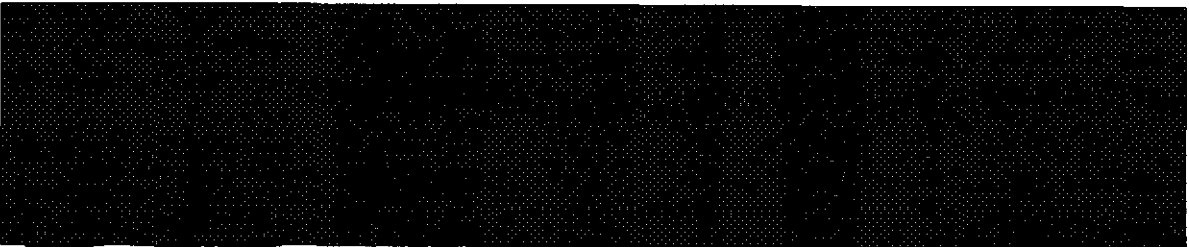
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b. (U) DAIG-05-025. In May 2005, SAIG-IO learned that SAIG-AC received information from the Defense Criminal Investigative Service (DCIS) alleging misconduct of an MI officer performing unauthorized intelligence operations while assigned as the [redacted], 1st Armored Division in Iraq. The officer was said to have conducted improper intelligence collection operations in violation of AR 381-172 (S//NF), CFSO/LLSO (U), 30 December 1994; Defense Intelligence Manual (DIAM) 58-12 (S//NF), The DoD HUMINT Management System (U), 30 June 1997; Director of Central Intelligence Directive (DCID) 5/1 (S//NF), Espionage and Counterintelligence Activities Abroad (U), 19 December 1984; and various V Corps policies dealing with intelligence source operations. He is further alleged to have disobeyed direct orders of general officers by failing to terminate contact with informants and failing to register informants. Lastly, the officer allegedly made false official statement(s) when he told a general officer that he had registered all of his Human Intelligence (HUMINT) sources when he knew that his statement was false.

(1) (U) The officer is currently assigned to US Army Intelligence Center and School, Fort Huachuca. As such, the US Army Training and Doctrine Command (TRADOC) conducted a command investigation, which did not incorporate the results of the DCIS investigation. TRADOC concluded that the officer failed to comply with the directives from his superiors, but the investigating officer attempted to mitigate the issue by suggesting the officer believed he had tacit approval by officials positioned above his superiors. Regarding the unauthorized conduct of source operations, TRADOC mitigated the issue by suggesting he did not have sufficient guidance from higher headquarters to appropriately conduct intelligence activities. The officer eventually received a general officer letter of reprimand.

(2) (U) Subsequently, SAIG-AC completed its investigation, which considered the results of the DCIS and TRADOC investigations. The Inspector General sent a letter to the TRADOC Commanding General outlining the results of SAIG-AC's investigative findings. SAIG-AC substantiated four allegations of disobeying direct orders, one allegation of improperly conducting intelligence operations, and one allegation of making false official statements to a General Officer. SAIG-IO is coordinating with TRADOC to confirm they received the letter, as well as determine what, if any, actions have been or will be taken by the command. STATUS: Open.



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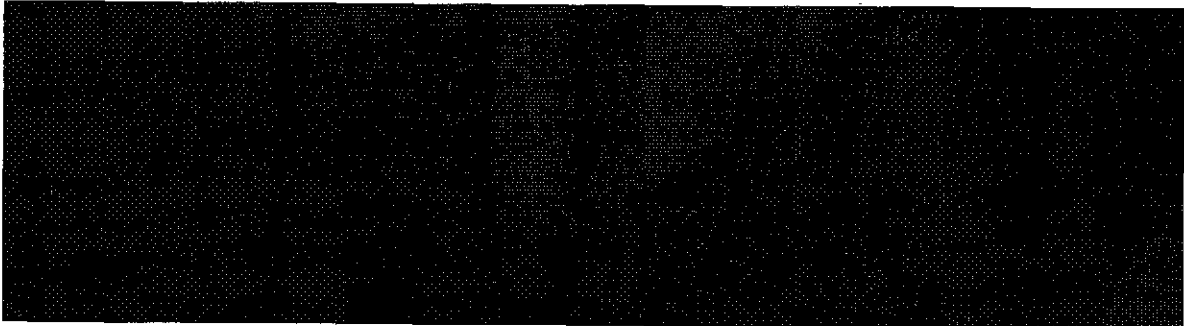
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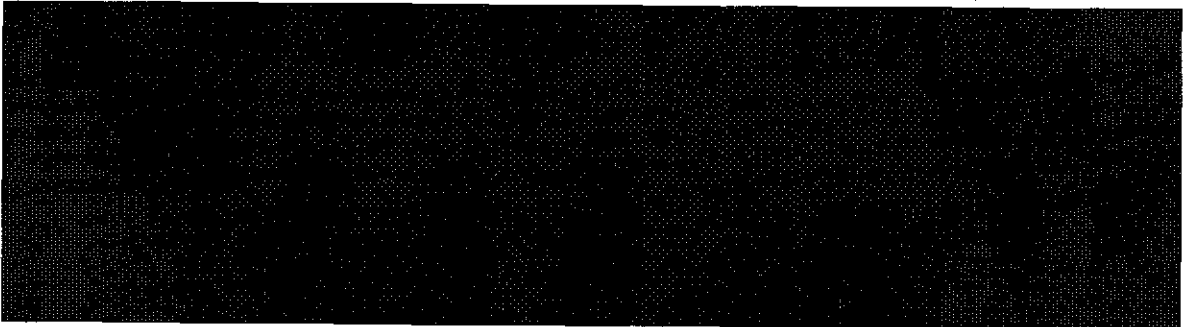
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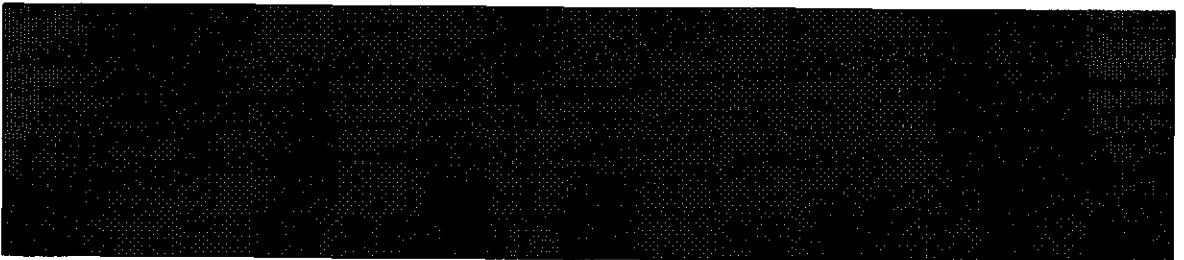
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d. (U) DAIG-05-037.



(2) (U) The ACCO opened and terminated their case, under case number 42ID-G2X-05-017, after determining the allegations were not of CI interest. The ACCO referred the allegations to the officer's deployed unit of assignment and CID in Iraq for further investigation. Apparently, CID-Iraq elected not to investigate the allegations. However, the 42nd Infantry Division conducted a command investigation, the results of which are outlined in the subsequent subparagraphs. Since the completion of the command investigation, the officer redeployed back to his home station and the 42nd Infantry Division redeployed back to their home station in New York.



(b) (U) Interpreter: The I/O determined the officer used local nationals to perform interpreter duties, verify information from detainees, and establish rapport with detainees. The I/O determined that the officer's use of local nationals during interrogations was consistent with MNF-I Policy 05-02 (Interrogation Policy) and the officer did not compromise classified information. While the policy was not fully described in the command investigation, feedback from the MNC-I Assistant Inspector General confirms the accuracy of the I/O's conclusion.

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(c) (U) Hacking: The I/O concluded that the officer, without authority, accessed a linguist's Yahoo email account. Contrary to the original allegation, the account belonged to a foreign national, not a US-person. After considering Procedure 5, Electronic Surveillance, AR 381-10, the I/O decided that its applicability was "not clear, and this investigation did not attempt to evaluate in depth whether the hacking here violated the requirements of this paragraph because the hacking was stopped, because nothing ever came of the hacking and because Division failed to identify the hacking as wrongful." SAIG-IO advised the I/O to consider Procedure 7, Physical Searches, as the appropriate procedure for the questionable activity described. Specifically, paragraph C.4., Procedure 7, AR 381-10, describes the authorities and requirements for un-consented physical searches of non-US persons abroad. SAIG-IO also determined that the I/O's rationale for dismissing the hacking allegation was insufficient because Procedure 15, AR 381-10, states that inquiries/investigations must confirm or refute the allegation and determine whether the activity is consistent with applicable policy. However, after consulting with the Army General Counsel, SAIG-IO determined that the hacking allegation might be a violation of federal law, specifically the Electronic Communications Privacy Act of 1986, USC Title 18, Part I, Chapter 119. Therefore, SAIG-IO referred the hacking allegation to CID for criminal investigation and recommended Army-G2 report the allegation as a possible federal crime UP Chapter 18, AR 381-10. CID opened a criminal investigation under case number 0048-2006-CID221-50109 (pending).

(3) (U) Upon review of the initial command investigative product, SAIG-IO noted other issues requiring resolution by the NYANG:

(a) (U) First, the I/O substantiated a previously unknown allegation that the officer's "THT improperly conducted raids without the presence or knowledge of the task force..." However, this allegation was not addressed in the command's legal review or description of corrective actions. SAIG-IO requested NYANG report the status of the allegation and corrective actions, as the THT was supposedly under the officer's control and the raids were presumably in support of intelligence activities.

(b) (U) Second, the officer's [REDACTED] and the BCT [REDACTED] allegedly sanctioned the THT's unauthorized use of alcoholic beverages during source operations, which violate theater policies. SAIG-IO requested NYANG report the status of the allegations and corrective actions.

(c) (U) Third, the [REDACTED] and [REDACTED] allegedly used undue command influence when they attempted to prevent a witness from reporting the QIAs. SAIG-IO requested NYANG report the status of this allegation and corrective actions.

(d) (U) Finally, it was alleged that the officer required his THT members to falsify intelligence reports. Specifically, the officer would always serve as the lead interrogator or interviewer, but he required the THT members to write the reports and omit his (officer's) presence and participation in the intelligence activity. SAIG-IO requested NYANG report the status of this allegation and related corrective actions. STATUS: Open.

e. (U) DAIG-06-003. According to a Defense Intelligence Agency Inspector General (DIA-IG) investigation, in February and March 2005, DoD personnel participated in an OCONUS

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bilateral US - Korea clandestine foreign material acquisition operation [STABLE POST (U)] without proper authority. Among the DoD participants were three members of INSCOM. The DIA-IG declared the incident to be a QIA under the provisions of DoD Directive 5240.1-R, and initiated an IG investigation into DIA's role. Upon receiving DIA-IG's referral, the SAIG-IO declared INSCOM's alleged participation as a QIA under Procedure 15, AR 381-10, and completed a preliminary inquiry in accordance with the Deputy The Inspector General's (DTIG) directive. SAIG-IO's Report of Preliminary Inquiry (ROPI) was endorsed by The Inspector General and submitted to the Army G-2 (DCS-G2), INSCOM-IG, and DIA-IG. The summary of the ROPI is provided in the following subparagraphs.

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f. (U) DAIG-06-009.

(1) (U) On 5 January 2006, INSCOM notified SAIG-IO that on 9 November 2004 a CI S/A assigned to the 902d MIG, with duty at the Joint Terrorism Task Force, Miami, FL (JTTF-Miami) may have inappropriately collected and reported information about a group's (US-person) plan to exercise its constitutional freedoms of assembly and speech. The information was reported as a Threat and Local Observance Notice (TALON) and submitted through the 902d MIG to the CI Field Activity (CIFA) for analysis and entry in the Cornerstone database. The report described the group's plan to convene a meeting titled "*Countering Military Recruitment, the Draft and Military Law.*" The report also described the group's plan to "*hold a workshop and planning meeting to discuss countering US Military recruiting in High Schools, as well as efforts to assist recruits in getting out of military contracts.*" On 15 November 2004, the S/A provided an updated TALON report describing the group's plans to set up "*tables at the schools in order to perform 'surveillance' on Military recruiters while on campus.*" The TALON report did not indicate the group or planned activities had a foreign nexus. Throughout the report, the S/A generically referred to the US Person as a "*group*" and a "*US Domestic Protest Group.*" However, when reporting the address of the group's meeting venue, the S/A included the name of the meeting facility, which contained the name of the group.

(2) (U) Until recently, the 902d MIG maintained a database of all or some of the TALON reports submitted by their S/As. Contrary to an INSCOM staff officer's guidance, the 902d MIG contends that the S/A's reporting (described above) was not a violation of AR 381-10, and his collection activities were consistent with the 902d MIG's expanded force protection collection mission, which they base on the following memoranda: FOUO memorandum, Deputy Secretary of Defense, 2 May 2003, Subject: Collection, Reporting, and Analysis of Terrorist Threats to DoD Within the United States; and FOUO memorandum, Office of the Vice Chief of Staff, 10 December 2004, Subject: Army Implementation Guidance for TALON Suspicious Incident Reporting.

(3) (U) On 5 January 2006, the INSCOM Commanding General directed the INSCOM Inspector General to conduct a special inspection of the TALON reporting system in INSCOM, with the following focus: (a) evaluate the strengths and weakness of the existing system; (b) provide a detailed assessment of 902d MIG's compliance with TALON regulations, policies and procedures; (c) determine conflicts or voids in guidance concerning the reporting, analysis, retention, and dissemination of TALON information; and (d) assess the policies and procedures for submitting TALON reports directly to CIFA without an intermediate review process by the chain of command.

(4) (U) On 30 March 2006, the Deputy Secretary of Defense (DEPSECDEF) established an unclassified interim policy memorandum concerning the TALON Reporting System, Subject: Threats to the Department of Defense (DoD). In the memorandum, the DEPSECDEF confirmed the reporting system should only be used to report information regarding possible international terrorism activities and the information should be retained in accordance with DoD 5240.1-R, Activities of DoD Intelligence Components that Affect US Persons, December 1982. Second, the interim policy requires that proposed TALON reports must meet one of the seven criteria outlined in the memorandum. Third, the Under Secretary for Defense (Intelligence) will convene working groups to examine information fusion among

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intelligence, CI, force protection, law enforcement and security communities. Fourth, the ATSD(IO) will conduct annual inspections of the TALON system. Finally, no later than 12 May 2006, the lead components from each military department must provide CIFA with copies of their implementation guidance of the DEPSECDEF's interim policy memorandum.

(5) (U) SAIG-IO will maintain this case as open until the DCS-G2 publishes their implementing guidance and INSCOM publishes its special inspection results and corrective actions (as appropriate). The QIA described in DAIG-06-019, paragraph 3.c. above, is also being resolved by the INSCOM "special inspection." STATUS: Open.

g. (U) DAIG-06-011.

(1) (U) On 2 March 2006, HQ, Multi-National Brigade (East) (KFOR7), Camp Bondsteel, Kosovo, notified SAIG-IO that two CI S/As assigned to KFOR7 reportedly consumed alcoholic beverages during a "source meeting." Following the operational event, the senior S/A allegedly drove a government vehicle while under the influence of alcohol, resulting in an accident. The subsequent Military Police (MP) investigation confirmed the S/As were under the influence of alcohol when the vehicle was damaged in an accident. Pending the completion of a command investigation, the S/As were restricted to their barracks, their Badge and Credentials suspended, and they were removed from the CI team and placed in different sections within the task force.

(2) (U) On 9 May 2006, the command investigation also concluded that the S/As were under the influence of alcohol on-duty and that the senior S/A was under the influence of alcohol when he drove an official vehicle. As a result, the S/As' credentials were seized and returned to the central repository at Fort Huachuca, AZ. Additionally, the S/As were punished under Article 15, UCMJ. The senior S/A received a field grade Article 15, and was reduced from E5 to E4; forfeited \$1099 for one month; placed on 45 days restriction; and received 45 days extra duty, suspended, which will be automatically remitted if not vacated before 12 July 2006. The Senior S/A was reassigned to the G2 Operations Section, Task Force Falcon. The junior S/A received a company grade Article 15, reduced from E4 to E3; forfeited \$394 for one month; and was placed on 14 days extra duty. The junior S/A appealed the decision, but it was denied because it was determined that the findings of fact and the punishment imposed were supported by the evidence presented. The junior S/A was reassigned to the HUMINT Analysis Requirements Cell, Task Force Falcon. STATUS: Closed.

h. (U) DAIG-06-012. During a 2 March 2006 intelligence oversight inspection of US Army Forces Northern Command (ARNORTH), SAIG-IO discovered US-Person force protection information in a stored G2-ARNORTH intelligence briefing. The briefing, which was presented by the G2 to the CG-ARNORTH on 21 February 2006, contained identities of US-Persons, including a white supremacist group, and their planned domestic activities. An intelligence summary from the FBI was cited as the source. The G2 and the DAIG inspectors agreed that collecting and retaining US-Person force protection information, without a foreign nexus, is beyond the scope of the G2's mission and functions. The G2 attributed the violation to ARNORTH's immature structure and the staff's vague missions and functions. SAIG-IO found no other indications of QIA in G2-ARNORTH. On 2 April 2006, ARNORTH reported that G2 personnel were re-trained on procedures outlined in AR 381-10. The Inspector General

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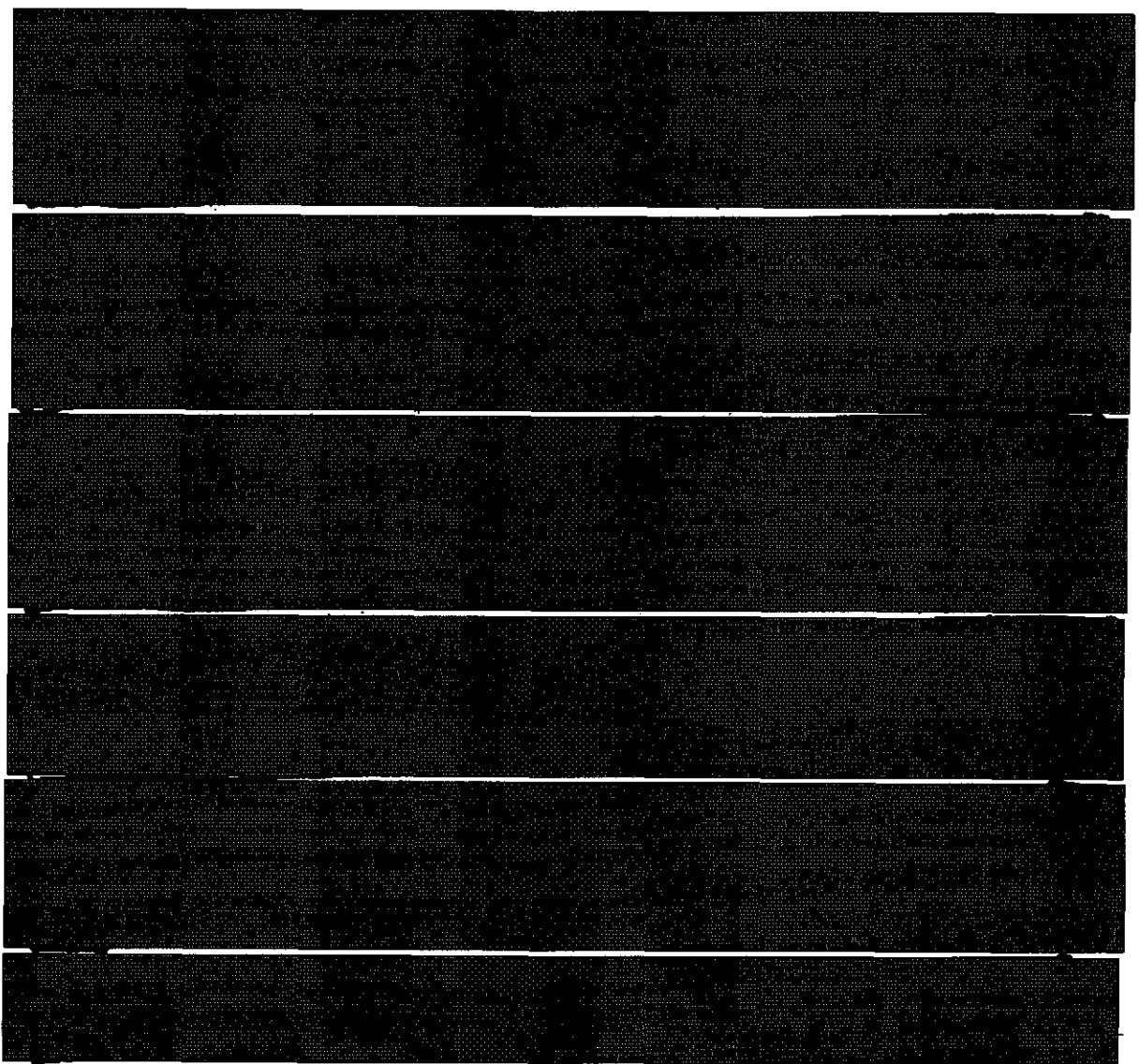
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ARNORTH informed SAIG-IO that the US-Person information was purged from intelligence files and they confirmed G2's understanding of their mission and functions, to include restrictions on collection, retention and dissemination of US-Person information. STATUS: Closed.

5. (U) **OTHER INVESTIGATIONS:** The below listed QIAs are subject to CI or criminal investigations by ACCO or CID, respectively.

a. (U) **New ACCO/CID Investigations:** IAW paragraph 15-2.b., reference 1.c., SAIG-IO will provide updates on the following new cases once they are closed by the CID or ACCO, as appropriate.

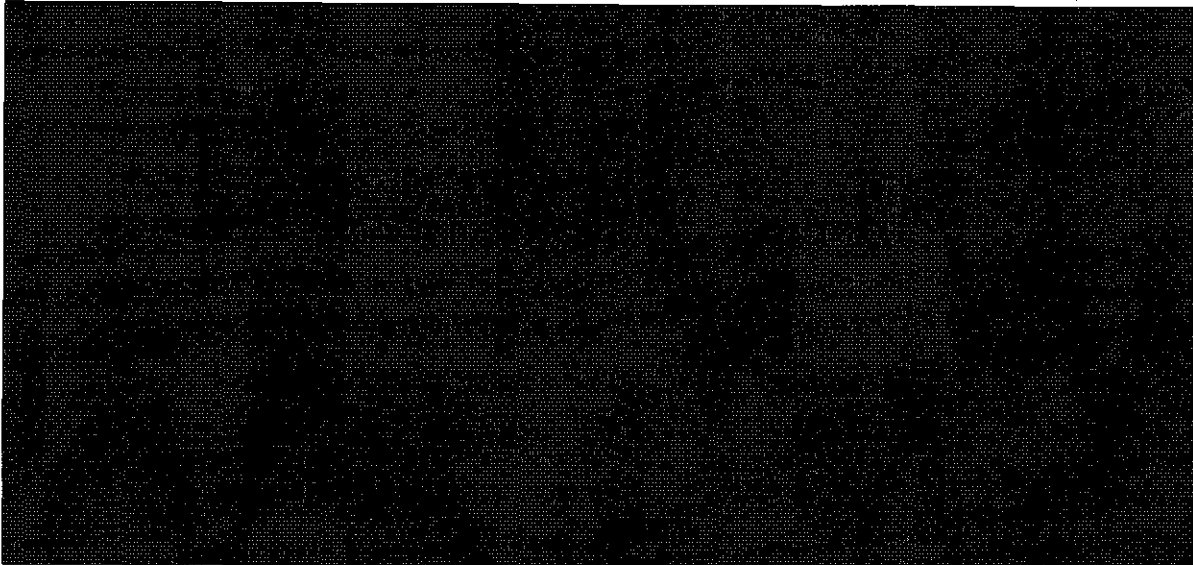


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b. (U) Closed ACCO/CID Investigations:

(1) (U) **DAIG-04-006.** In December 2003, CID reported the QIA of MI interrogators assigned to A Company, 519th MI Battalion, Bagram Detention Facility (BDF), Afghanistan; and supporting MP Soldiers assigned to 377th MP Company, US Army Reserve, BDF. Allegedly, in December 2002, numerous MI and MP Soldiers assaulted and mistreated detainees, resulting in death of one detainee. The alleged abuses by MI and MP Soldiers were directly related to the BDF's interrogation activities; therefore the incidents are considered QIAs. CID conducted a criminal investigation into the matter (CID case number - 0134-02-CID369-23533) and concluded that the subjects assaulted and mistreated the detainee, and that the detainee died while in BDF custody. The medical examiner classified the death as a homicide and the cause of death was blunt force trauma. However, the supporting Staff Judge Advocate opined that there was insufficient probable cause to hold anyone criminally responsible for the death of the detainee. Therefore, numerous Soldiers were titled with various offenses, including false official statements, dereliction of duty, and assault and battery. After coordinating with various commands, CID, and the Office of The Judge Advocate General (OTJAG), SAIG-IO determined the status of corrective actions taken against the subjects in this case:

(a) (U) There was insufficient cause to punish the Officer-in-Charge of the BDF interrogators. [Note: The OIC was also cited in another detainee abuse case (DAIG-06-013; CID Case 0137-02-CID369-23534; see paragraph 5.b(6) of this report].

(b) (U) The NCOIC of the BDF Interrogators has separated from service. As a result, the case was referred to the Department of Justice for their action. [Note: The NCOIC was also cited in another detainee abuse case (DAIG-06-013; CID Case 0137-02-CID369-23534; see paragraph 5.b.(6) of this report].

(c) (U) One MI Soldier is currently pending Court-Martial proceedings for dereliction of duty and assault consummated by battery.

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(d) (U) One MP was convicted at a General Court-Martial for aggravated assault, maltreatment, maiming, and false statement. He was acquitted of three assault charges and was reduced to E1.

(e) (U) Three MPs were acquitted.

(f) (U) Four MPs received letters of reprimand.

(g) (U) One MP pled guilty at a Special Court-Martial to assault and false official statement. The Soldier was reduced to E1, forfeited of 2/3 pay for four months, and was confined for four months.

(h) (U) One MP pled guilty at a Special Court-Martial to assault consummated by battery and dereliction of duty. The Soldier was reduced to E1, confined for 75 days, and sentenced to be discharged from service with a Bad Conduct Discharge. STATUS: Closed.

(2) (U) DAIG-04-007. In December 2003, CID reported the QIA of Soldiers deployed in Qairn, Iraq. On 23 November 2003, a detainee in US custody died while being interrogated by MI personnel. CID conducted an investigation into the matter under case number 0027-03-CID679-64999. The investigation identified three MI and five non-MI personnel as subjects in the investigation. All of the alleged abusive acts were directly related to an intelligence function (intelligence interrogation), and therefore reportable under the provisions of Procedure 15, AR 381-10. After coordinating with various commands, CID, and the Office of The Judge Advocate General (OTJAG), SAIG-IO determined the status of corrective actions taken against the subjects in this case:

(a) (U) An MI warrant officer was convicted at a General Court-Martial of negligent homicide and negligent dereliction of duty. He was sentenced to four months confinement, restriction for 60 days, and forfeiture of \$1500 for four months.

(b) (U) An MI warrant officer received an Article 15, UCMJ, not further identified (NFI).

(c) (U) One MI Senior NCO received a letter of reprimand, NFI.

(d) (U) Punishment under Article 15, UCMJ, is pending against one non-MI Soldier, NFI.

(e) (U) No action was taken against one non-MI warrant officer, two non-MI NCOs, and one non-MI civilian, NFI. STATUS: Closed.

(3) (U) DAIG-05-034. On 28 July 2005, INSCOM reported that a warrant officer assigned to the 297th MI Battalion allegedly kicked a detainee during pre-screening activities at Camp Sykes (Tall Afar), Iraq. Concerns of combat related stress were expressed by the Warrant Officer's command. Reportedly, the Warrant Officer was placed on administrative duties and would not likely return to interrogation duties with his team. The warrant officer and

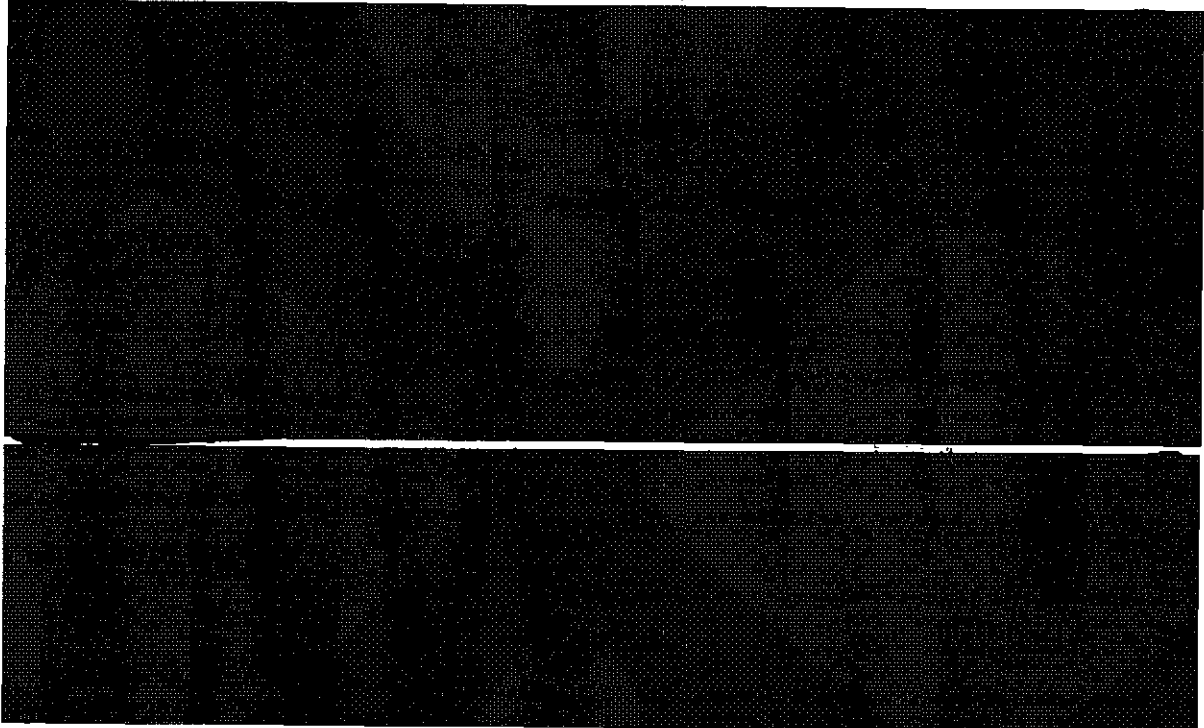
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his team received combat stress counseling and the command provided refresher training on interrogation rules. CID investigated the incident under case control number 0110-05-CID369-36749. In October 2005, CID notified this office that the detainee abuse allegation was substantiated and their case was closed. CID's investigative results were forwarded to the command for action. The command issued the warrant officer a letter of reprimand for his abusive actions. STATUS: Closed.



(6) (U) DAIG-06-013. On 27 January 2006, the Office of the Army General Counsel provided SAIG-IO with a copy of a report concerning an ongoing CID investigation (0137-02-CID369-23534). According to the CID investigation, in December 2002, four MI interrogators A Company, 519th MI Battalion, BDF, Afghanistan, committed acts of "assault" and "maltreatment of a person in US custody." As a result of the abuse, the victim, a BDF detainee, died of blunt force trauma. Additionally, the OIC of the Bagram Collection Point, was investigated for "maltreatment of a person in US custody, false official statement, and conspiracy." The NCOIC was also investigated for "dereliction of duty and conspiracy" allegations related to the maltreatment and assault incidents. While no one was found to be criminally responsible for the death of the detainee, many of the subjects were punished for related offenses. The following outlines the status of actions taken against the subjects:

(a) (U) There was insufficient cause to take action against the OIC. (Note: The OIC was also listed in DAIG-04-006, paragraph 5.b. above.)

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(b) (U) The NCOIC of the BDF Interrogators has separated from service. As a result, the case was referred to the Department of Justice for their action. (Note: The NCOIC was also listed in DAIG-04-006, paragraph 5.b. above.)

(c) (U) One Soldier pled guilty at a Special Court-Martial to dereliction of duty and assault consummated by battery. He was sentenced to a reduction to E1, forfeiture of \$822 for two months, two months confinement, and a Bad Conduct Discharge.

(d) (U) One Soldier pled guilty at a Special Court-Martial to dereliction of duty and assault consummated by battery. She was sentenced to a reduction to E4, forfeiture of \$250 for four months, two months confinement, and a reprimand.

(e) (U) One Soldier pled guilty at a General Court-Martial and was sentenced to confinement for five months and received a Bad Conduct discharge.

(f) (U) One Soldier received a letter of reprimand, NFI.

(g) (U) The CID investigative report also listed 16 MP soldiers as subjects for similar prisoner abuse incidents; however, there is no indication that their acts were related to or in support of an intelligence function. Therefore, the MP misconduct allegations are not being detailed in this report. **STATUS: Closed.**

6. (U) **ASSISTANCE:** SAIG-IO continues to execute a proactive program of assistance, training, and compliance activities during the quarter. During the third quarter, SAIG-IO conducted IO compliance inspections and IO assistance to the following organizations:

a. (U) Security and Intelligence Division, DPTMS, US Army Garrison (USAG), IMA, Fort Knox; 18 May 2006.

b. (U) a. Fort Knox Field Office, 902nd MI Group, Fort Knox, KY; 19 May 2006.

c. (U) G2, US Army Armor Center (USAARMC), Fort Knox, KY; 19 May 2006.

d. (U) Joint Forces Headquarters, KY National Guard; and Headquarters, KY Army National Guard (KYANG), Frankfort, KY; 20 May 2006.

e. (U) INSCOM Representative, JTTF, Chicago, IL; 22 May 2006.

f. (U) North Central Army Reserve Intelligence Support Center (ARISC), Fort Sheridan, IL; 22 May 2006.

g. (U) INSCOM Representative, JTTF, Minneapolis, MN; 23 May 2006.

h. (U) Joint Forces Headquarters, MN National Guard; and Headquarters, MN Army National Guard (MNANG), St. Paul, MN; 24 May 2006.

i. (U) 34th Infantry Division, MNANG, St. Paul, MN; 24 May 2006.

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7. (U) Point of Contact is [REDACTED]



ALAN W. THRASHER
Major General, USA
Deputy The Inspector General

CF:
G2
OTJAG

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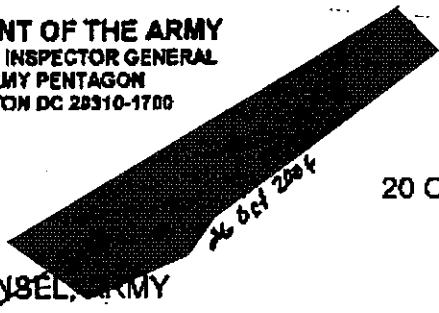
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DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20310-1700



SAIG-IO (381-10b)

20 October 2006

MEMORANDUM THRU GENERAL COUNSEL, ARMY

FOR OFFICE OF THE ASSISTANT TO THE SECRETARY OF DEFENSE
(INTELLIGENCE OVERSIGHT) [ATSD(IO)]

SUBJECT: Quarterly Intelligence Oversight Activities Report (4th Quarter, FY 06) (U)

1. (U) References:

- a. (U) Executive Order 12333, US Intelligence Activities, 4 December 1981.
- b. (U) DOD Directive 5240.1-R, Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons, December 1982.
- c. (U) Army Regulation (AR) 381-10, US Army Intelligence Activities, 22 November 2005.
- d. (U) SECRET//NOFORN memorandum, Department of the Army Inspector General (DAIG), 28 July 2006, subject: Quarterly Intelligence Oversight Activities Report (2nd Quarter, FY 06) (U).
- e. (U) Unclassified memorandum, Department of the Army Office of the Deputy Chief of Staff G-2, 15 June 2004, subject: Procedure 15 Reporting in Combined and Joint Task Forces.
- f. (U) AR 20-1, Inspector General Activities and Procedures, 19 July 2006.
- g. (U) AR 15-6, Procedures for Investigating Officers and Boards of Officers, 30 September 1996.

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SUBJECT: Quarterly Intelligence Oversight Activities Report (4th Quarter, FY 06) (U)

2. (U) This report provides information on questionable intelligence activities (QIAs) processed by the Intelligence Oversight Division, US Army Inspector General Agency (SAIG-IO), during the fourth quarter of fiscal year 2006. This report also updates QIAs reported in previous quarters, and outlines significant intelligence oversight (IO) initiatives within the Department of the Army.

3. (U) NEW REPORTS OF QUESTIONABLE ACTIVITIES: There were seven new QIA reports during the fourth quarter.

a. (U) DAIG-06-029: On 23 March 2006, the DoD Inspector General (DoDIG) received an anonymous complaint concerning a Military Intelligence (MI) officer's alleged misconduct in the performance of his intelligence duties while he was assigned to the US Army Task Force (TF) in Kosovo. On 15 June 2006, the DoDIG referred the case to the Assistance Division, US Army Inspector General Agency (SAIG-AC). On or about 17 July 2006, after notifying the Intelligence Oversight Division (SAIG-IO), SAIG-AC further referred the case to the TF Inspector General for resolution (SAIG-AC case number: DIH-06-B182). The salient points of the QIA allegations and status of the investigation are provided below:

(1) (U) An MI officer assigned as the TF Counterintelligence Coordinating Authority (TFCICA), Kosovo, was responsible for accountability of the TF's intelligence contingency funds (ICF). The officer allegedly misused his position as a TF MI officer and ICF custodian/agent to travel monthly to Headquarters, US Army Europe (USAREUR), Heidelberg, GM, under the possible guise of reconciling the ICF account with USAREUR. According to the anonymous allegation, the officer's supervisor "finessed things" to make sure the officer was able to spend time in GM with the officer's wife and the supervisor would "cover" for the officer and say the trips were needed for "intelligence purposes."

(2) (U) As an example, the complainant alleged that on Tuesday, 7 February 2006, the officer flew to GM to conduct about four hours of business with members of the USAREUR G2 staff. During his visit in GM, the officer telephoned his unit in Kosovo and stated that his scheduled 9 February 2006 return flight was cancelled and he would not be able to return until Tuesday, 14 February 2006. The complainant further stated that according to USAREUR G3 Aviation Operations, the 9 February 2006 flight was not cancelled and that there were numerous other flights available prior to 14 February 2006. During the officer's eight-day visit in GM, the wife vacationed with him, he remained on Temporary Duty (TDY) status and he subsequently claimed reimbursements for travel expenses and per diem. The complainant stated that a similar abuse occurred in March 2006.

(3) (U) The TF's command investigation continues and once complete, the TF will report their results to SAIG-AC and SAIG-IO. SAIG-AC will also provide a

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copy of the investigative results to DoDIG, who received the original allegation anonymously. STATUS: Open.

b. (U) DAIG-06-032: On 17 August 2006, the Intelligence Oversight Officer (IOO), 650th MI Group (MIG), Belgium, reported the following QIAs of a Sergeant First Class (SFC) and a Master Sergeant (MSG), Counterintelligence (CI) Special Agents (S/As) assigned to the Afghanistan Detachment (ADET), 850th MIG, Kabul, Afghanistan.

(1) (U) On 12 July 2005, the SFC allegedly used ICF (\$300-\$500) to purchase an AK-47 assault rifle from an intelligence source. The SFC used the weapon on intelligence missions and he falsified operational reports to conceal the AK-47 purchase. The SFC then terminated contact with the source and recommended no further attempts be made by ADET personnel to contact the source, presumably to conceal the illicit transaction.

(2) (U) On 2 August 2005, the MSG allegedly used ICF (\$600) to purchase an AK-47 assault rifle from an intelligence source. The MSG used the weapon on intelligence missions and he falsified operational reports to disguise the AK-47 acquisition as a "gift" from the source. The MSG may have concealed the unauthorized ICF expenditure by reporting (artificially) inflated source payments over the course of several meetings with the source.

(3) (U) The SFC and MSG allegedly conspired with a third person when they shipped the AK-47 rifles back to their home station (Belgium) via US military aircraft. The locations of the AK-47 rifles are unknown.

(4) (U) The Commander of the 650th MIG notified the Chief of DAMI-CD (DCS-G2) via email and telephone. Both officials agreed to delay reporting the incident as a QIA in order to preserve the integrity of the command investigation, which explains why this incident was not reported to SAIG-IO until 17 August 2006. The Commander, 650th MIG, also reported the matter to the local office of the US Army Criminal Investigations Division (CID) and a criminal investigation ensued (CID case number 0038-2006-CID427-52848-7F8A1). The IOO reported that the criminal investigation has been completed and the 650th MIG will incorporate CID findings in the command's final report of QIA, IAW Procedure 15, AR 384-10. STATUS: Open.

c. (U) DAIG-06-033:

(1) (U) On 15 August 2006, the Intelligence and Security Command (INSCOM) reported the QIA of a Department of the Army Civilian (DAC) employee, CI S/A, 500th MI Brigade's Pacific Liaison Detachment (PLD), Tokyo, Japan. The QIA occurred during a liaison meeting in a Japanese restaurant between Japanese officials and PLD members. Representing PLD was the PLD Chief, a Japanese national.

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employee, the DAC, and another CI S/A. During the meeting, the DAC became intoxicated and used foul language. The two Japanese officials were offended by the DAC's lack of decorum, causing them to end the meeting and depart the restaurant. Subsequently, when the PLD Chief attempted to discuss the evening's mishaps with the PLD team, the DAC responded violently and assaulted the Chief and the team members. The restaurant employees attempted to quell the commotion by restraining the DAC, removing him from the restaurant and placing him in a taxi. However, the DAC managed to jump out of the taxi, grab the PLD Japanese national employee and throw her on to the street. The injuries to all involved were limited to bruises and the PLD Chief's preliminary assessment is that the episode "will not become an international incident." PLD's Japanese national employee "appears to have no intention" of reporting the matter to the Japanese police.

(2) (U) The Brigade Commander appointed an AR 15-6 investigating officer, reported the incident to CID, secured the DAC's CI badge and credentials, and placed him on administrative leave. CID completed their investigation on 30 August 2006 under case number 0041-06-CID018-7359 [Destruction of Things in General, Article 261, Japanese Penal Code (JPC); Bodily Injury, Article 204, JPC; and Violence, Article 208, JPC] and provided the results to the command for inclusion in the 15-6 investigation. STATUS: Open.

d. (U) DAIG-06-030, 06-031, 06-034, and 06-035: In addition to the incidents described in paragraphs 3.a through 3.b. above, there were five new reports of QIA that are currently being investigated by the ACCO or CID. The new ACCO/CID investigations are summarized in paragraph 5.a. (below).

4. (U) UPDATES: Updates of QIA cases reported last quarter (reference 1.d.) are provided below:

a. (U) DAIG-05-025: In May 2005, SAIG-IO learned that SAIG-AC received information from the Defense Criminal Investigative Service (DCIS) alleging misconduct of an MI officer performing unauthorized intelligence operations while assigned as the 1st Armored Division in Iraq. The officer was said to have conducted improper intelligence collection operations in violation of AR 381-172 (S//NF), CFSO/LLSO (U), 30 December 1994; Defense Intelligence Manual (DIAM) 58-12 (S//NF), The DoD HUMINT Management System (U), 30 June 1997; Director of Central Intelligence Directive (DCID) 5/1 (S//NF), Espionage and Counterintelligence Activities Abroad (U), 19 December 1984; and various V Corps policies dealing with intelligence source operations. He is further alleged to have disobeyed direct orders of general officers by failing to terminate contact with informants and failing to register informants. Lastly, the officer allegedly made false official statement when he told a general officer that he had registered all of his Human Intelligence (HUMINT) sources when he knew that his statement was false.

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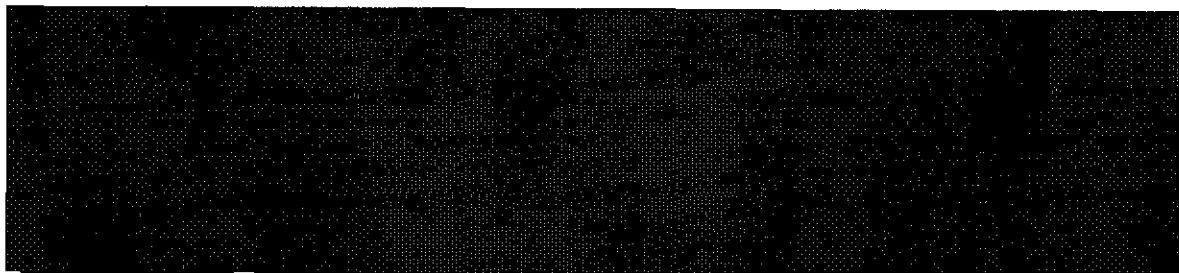
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SUBJECT: Quarterly Intelligence Oversight Activities Report (4th Quarter, FY 06) (U)

(1) (U) The officer is currently assigned to US Army Intelligence Center and School (USAICS), Fort Huachuca. As such, the US Army Training and Doctrine Command (TRADOC) conducted a command investigation, which did not incorporate the results of the DCIS investigation. TRADOC concluded that the officer failed to comply with the directives from his superiors, but the investigating officer mitigated the issue by suggesting the officer believed he had tacit approval by officials positioned above his superiors. Regarding the unauthorized conduct of source operations, TRADOC mitigated the issue by suggesting he did not have sufficient guidance from higher headquarters to appropriately conduct intelligence activities.

(2) (U) Subsequently, SAIG-AC completed its investigation, which considered the results of the DCIS and TRADOC investigations. The Inspector General sent a letter to the TRADOC Commanding General outlining the results of SAIG-AC's investigative findings. SAIG-AC substantiated four allegations of disobeying direct orders, one allegation of improperly conducting intelligence operations, and one allegation of making false official statements to a General Officer. The officer received a letter of counseling from the Commanding General, Combined Arms Center, and a verbal reprimand from the Commanding General, USAICS. STATUS: Closed.



(2) (U) Having resolved the original allegation, the I/O explored why INSCOM, specifically the ACCO, perceived there to be a violation of Article 31(b), UCMJ. The Investigating Officer (I/O) determined that poor communication between the SCO and ACCO created the misperception that S/A committed a QIA. When SCO informed ACCO of the interview plan, SCO inaccurately described the activity as a "non-custodial subject interview," and SCO never informed ACCO that CI S/A and FBI S/A no

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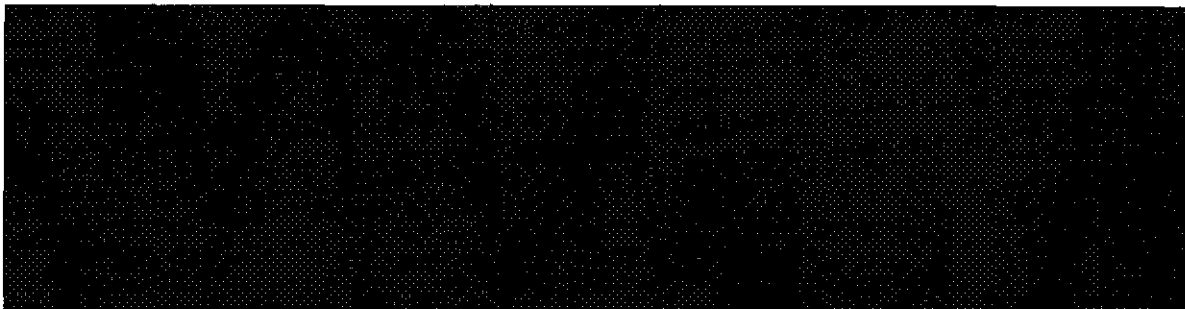
SUBJECT: Quarterly Intelligence Oversight Activities Report (4th Quarter, FY 06) (U)

longer considered the officer to be a subject or suspect in their joint investigation. Interim ACCO policies are in place to prevent similar miscommunication incidents in the future. Additionally, the Army-G2 will include unambiguous case control procedures and outline Article 31(b) requirements in its new standard operating procedures.

STATUS: Closed.



(1) (U) ACCO opened and terminated their case, under case number 42ID-G2X-05-017, after determining the allegations were not of CI interest. ACCO referred the allegations to the officer's deployed unit of assignment and CID in Iraq for further investigation. CID-Iraq elected not to investigate the allegations. However, the 42nd Infantry Division conducted a command investigation, the results of which are outlined in the subsequent subparagraphs. Since the completion of the command investigation, the officer redeployed back to his home station and the 42nd Infantry Division redeployed back to their home station in New York.



(b) (U) Interpreter: The I/O determined the officer used local nationals to perform interpreter duties, verify information from detainees, and establish rapport with detainees. The I/O determined that the officer's use of local nationals during interrogations was consistent with Multi-National Forces-Iraq (MNF-I) Policy 05-02 (Interrogation Policy) and the officer did not compromise classified information. While the policy was not fully described in the command investigation, feedback from the Assistant Inspector General, Multi-National Corps-Iraq, confirms the accuracy of the I/O's conclusion.

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(c) (U) Hacking: The I/O concluded that the officer, without authority, accessed a linguist's Yahoo email account. Contrary to the original allegation, the account belonged to a foreign national, not a US-person. After considering Procedure 5, Electronic Surveillance, AR 381-10, the I/O decided that its applicability was "not clear, and this investigation did not attempt to evaluate in depth whether the hacking here violated the requirements of this paragraph because the hacking was stopped, because nothing ever came of the hacking and because Division failed to identify the hacking as wrongful." SAIG-IO advised the I/O to consider Procedure 7, Physical Searches, as the appropriate procedure for the questionable activity described. Specifically, paragraph C.4., Procedure 7, AR 381-10, describes the authorities and requirements for un-consented physical searches of non-US persons abroad. SAIG-IO also determined that the I/O's rationale for dismissing the hacking allegation was insufficient because Procedure 15, AR 381-10, states that inquiries/investigations must confirm or refute the allegation and determine whether the activity is consistent with applicable policy. However, after consulting with the Army General Counsel, SAIG-IO determined that the hacking allegation might be a violation of federal law, specifically the Electronic Communications Privacy Act of 1986, USC Title 18, Part I, Chapter 119. Therefore, SAIG-IO referred the hacking allegation to CID for criminal investigation and recommended Army-G2 report the allegation as a possible federal crime UP Chapter 16, AR 381-10. CID opened a criminal investigation under case number 0048-2006-CID221-50109 (pending).

(3) (U) Upon review of the initial command investigative product, SAIG-IO noted other issues requiring resolution by NGB and/or the NYANG:

(a) (U) The I/O substantiated a previously unknown allegation that the officer's "THT improperly conducted raids without the presence or knowledge of the task force..." However, this allegation was not addressed in the command's legal review or description of corrective actions. SAIG-IO requested NYANG report the status of the allegation and corrective actions, as the THT was supposedly under the officer's control and the raids were presumably in support of intelligence activities.

(b) (U) The officer's [REDACTED] and the BCT [REDACTED] allegedly sanctioned the THT's unauthorized use of alcoholic beverages during source operations, which violate theater policies. SAIG-IO requested NYANG report the status of the allegations and corrective actions.

(c) (U) The [REDACTED] and [REDACTED] allegedly used undue command influence when they attempted to prevent a witness from reporting the QIAs. SAIG-IO requested NYANG report the status of this allegation and corrective actions.

(d) (U) It was alleged that the officer required his THT members to falsify intelligence reports. Specifically, the officer would always serve as the lead interrogator

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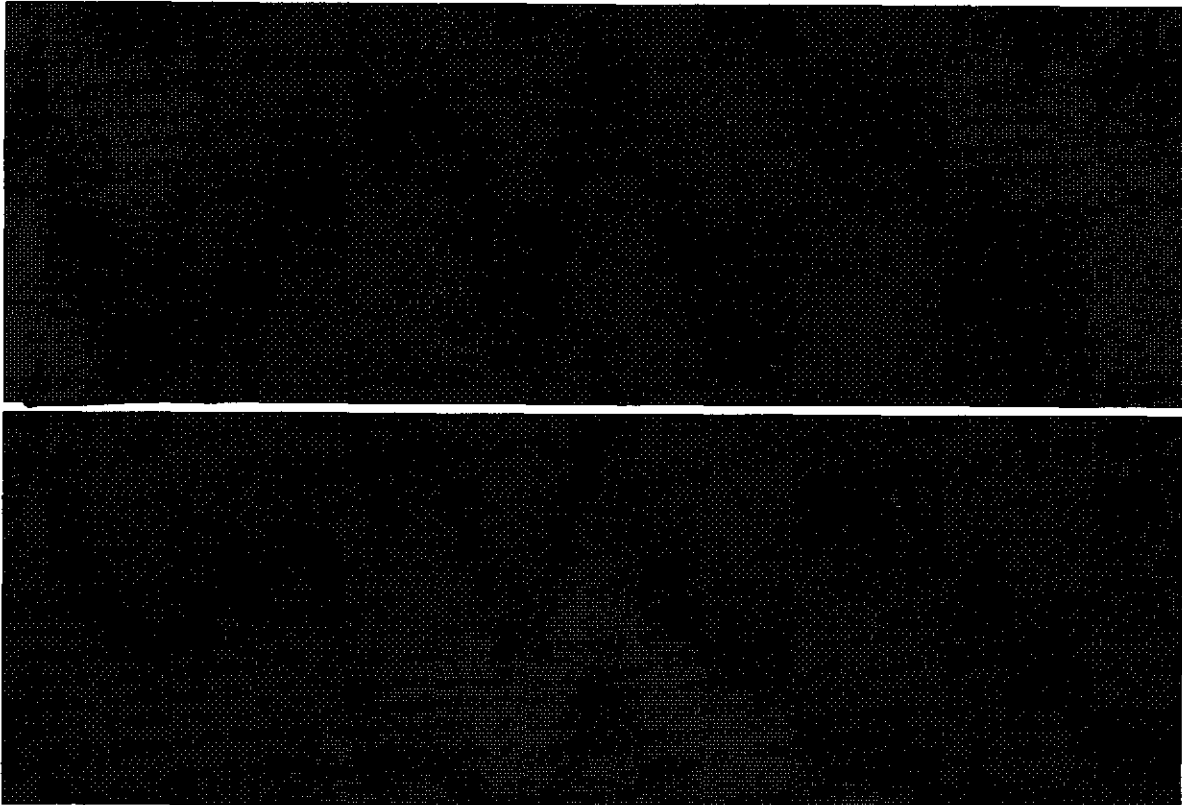
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or interviewer, but he required the THT members to write the reports and omit his (officer's) presence and participation in the intelligence activity. SAIG-IO requested NYANG report the status of this allegation and related corrective actions. **Status: Open.**

d. (U) DAIG-06-003. According to a Defense Intelligence Agency Inspector General (DIA-IG) investigation, in February and March 2005, DoD personnel participated in an OCONUS bilateral US - Korea clandestine foreign materiel acquisition operation [STABLE POST (U)] without proper authority. Among the DoD participants were three members of INSCOM. The DIA-IG declared the incident to be a QIA under the provisions of DoD Directive 5240.1-R, and initiated an IG investigation into DIA's role. Upon receiving DIA-IG's referral, the SAIG-IO declared INSCOM's alleged participation as a QIA under Procedure 15, AR 381-10, and completed a preliminary inquiry in accordance with the Deputy The Inspector General's (DTIG) directive. SAIG-IO's Report of Preliminary Inquiry (ROPI) was endorsed by The Inspector General and submitted to the Army G-2 (DCS-G2), INSCOM-IG, and DIA-IG. The summary of the ROPI is provided in the following subparagraphs.

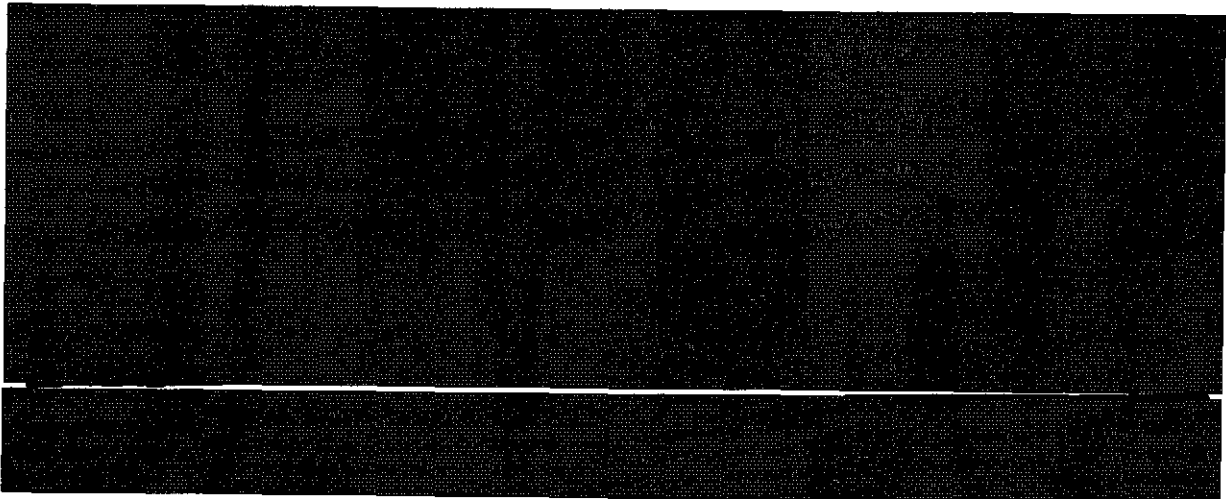


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e. (U) DAIG-06-009.

(1) (U) On 5 January 2006, INSCOM notified SAIG-IO that on 9 November 2004 a CI S/A assigned to the 902d MIG, with duty at the Joint Terrorism Task Force, Miami, FL (JTTF-Miami) may have inappropriately collected and reported information about a group's (US-person) plan to exercise its constitutional freedoms of assembly and speech. The information was reported as a Threat and Local Observance Notice (TALON) and submitted through the 902d MIG to the CI Field Activity (CIFA) for analysis and entry in the Cornerstone database. The report described the group's plan to convene a meeting titled "*Countering Military Recruitment, the Draft and Military Law.*" The report also described the group's plan to "*hold a workshop and planning meeting to discuss countering US Military recruiting in High Schools, as well as efforts to assist recruits in getting out of military contracts.*" On 15 November 2004, the S/A provided an updated TALON report describing the group's plans to set up "*tables at the schools in order to perform 'surveillance' on Military recruiters while on campus.*" The TALON report did not indicate the group or planned activities had a foreign nexus. Throughout the report, the S/A generically referred to the US Person as a "group" and a "*US Domestic Protest Group.*" However, INSCOM provided that when reporting the address of the group's meeting venue, the S/A included the name of the meeting facility, which may have contained the name of the group.

(2) (U) Until recently, the 902d MIG maintained a database of all or some of the TALON reports submitted by their S/As. Contrary to an INSCOM staff officer's guidance, the 902d MIG contends that the S/A's reporting (described above) was not a violation of AR 381-10, and his collection activities were consistent with the 902d MIG's expanded force protection collection mission, which the 902d MIG based on the following memoranda: FOUO memorandum, Deputy Secretary of Defense, 2 May 2003, Subject: Collection, Reporting, and Analysis of Terrorist Threats to DoD Within

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the United States; and FOUO memorandum, Office of the Vice Chief of Staff, 10 December 2004, Subject: Army Implementation Guidance for TALON Suspicious Incident Reporting.

(3) (U) On 5 January 2006, the INSCOM Commanding General directed the INSCOM Inspector General to conduct a special inspection of the TALON reporting system in INSCOM, with the following focus: (a) evaluate the strengths and weakness of the existing system; (b) provide a detailed assessment of 902d MIG's compliance with TALON regulations, policies and procedures; (c) determine conflicts or voids in guidance concerning the reporting, analysis, retention, and dissemination of TALON information; and (d) assess the policies and procedures for submitting TALON reports directly to CIFA without an intermediate review process by the chain of command.

(4) (U) On 30 March 2006, the Deputy Secretary of Defense (DEPSECDEF) established an unclassified interim policy memorandum concerning the TALON Reporting System, Subject: Threats to the Department of Defense (DoD). In the memorandum, the DEPSECDEF confirmed the reporting system should only be used to report information regarding possible international terrorism activities and the information should be retained in accordance with DoD 5240.1-R, Activities of DoD Intelligence Components that Affect US Persons, December 1982. Second, the interim policy requires that proposed TALON reports must meet one of the seven criteria outlined in the memorandum. Third, the Under Secretary for Defense (Intelligence) will convene working groups to examine information fusion among intelligence, CI, force protection, law enforcement and security communities. Fourth, the ATSD(IO) will conduct annual inspections of the TALON system. Finally, no later than 12 May 2006, the lead components from each military department must provide CIFA with copies of their implementation guidance of the DEPSECDEF's interim policy memorandum.

(5) (U) DAIG-06-009 will remain open until INSCOM publishes its special inspection results and corrective actions (as appropriate). The QIA described in DAIG-06-019, below, is also being resolved by INSCOM "special inspection." Status: Open.

f. (U) DAIG-06-019: According to a 27 April 2006 Wall Street Journal (WSJ) article, "Pentagon Steps Up Intelligence Efforts Inside U.S. Borders," intelligence analysts' assigned to the 902d MI Group (MIG), Fort Meade, MD, allegedly collected and disseminated information concerning participants in a 19 March 2005 anti-war protest in Akron, OH. The article specifically alleged that the MIG's analysts downloaded information from activist web sites, intercepted emails and cross-referenced the information with police databases. The MIG allegedly reported the planned protest to the Akron police who, in turn, "followed" the rally. The Akron rally was said to be one of seven protests "monitored by the Army" in March 2005.

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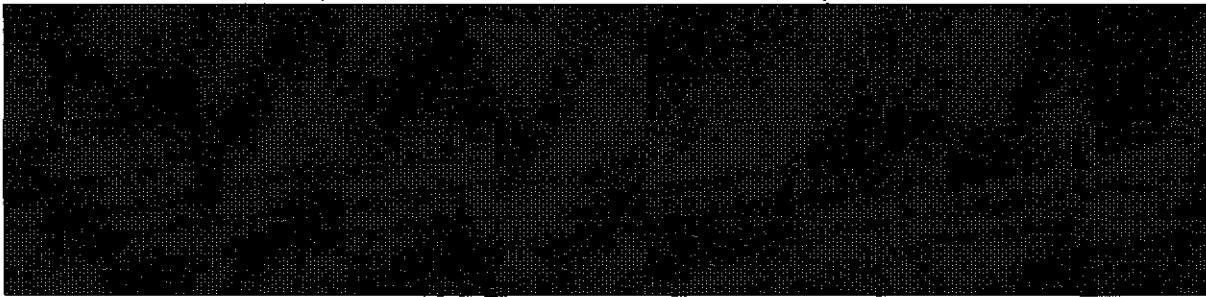
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On 28 April 2006, after conferring with SAIG-IO, INSCOM decided to resolve the issues/allegations in this case (DAIG-06-019) by expanding their ongoing "special inspection" of the command's implementation and execution of the TALON program, which was initially reported in reference DAIG-06-009 (above). Status: Open.

g. (U) DAIG-06-022:

(1) (U) In June 2006, SAIG-IO received numerous allegations concerning members of the 101st Airborne Division (101st Abn), 4th Infantry Division (4th ID), and Operational Detachment-Alpha 386 (ODA-386). Some of the allegations were non-IO related and they were referred to SAIG-AC, for action/resolution as appropriate. However, many other allegations (outlined below) are considered QIAs requiring resolution IAW AR 381-10. The QIAs were referred to the appropriate commands and SAIG-IO continues to oversee the progress of the following investigations, being conducted under the provisions of AR 15-6 (reference 1.g.):



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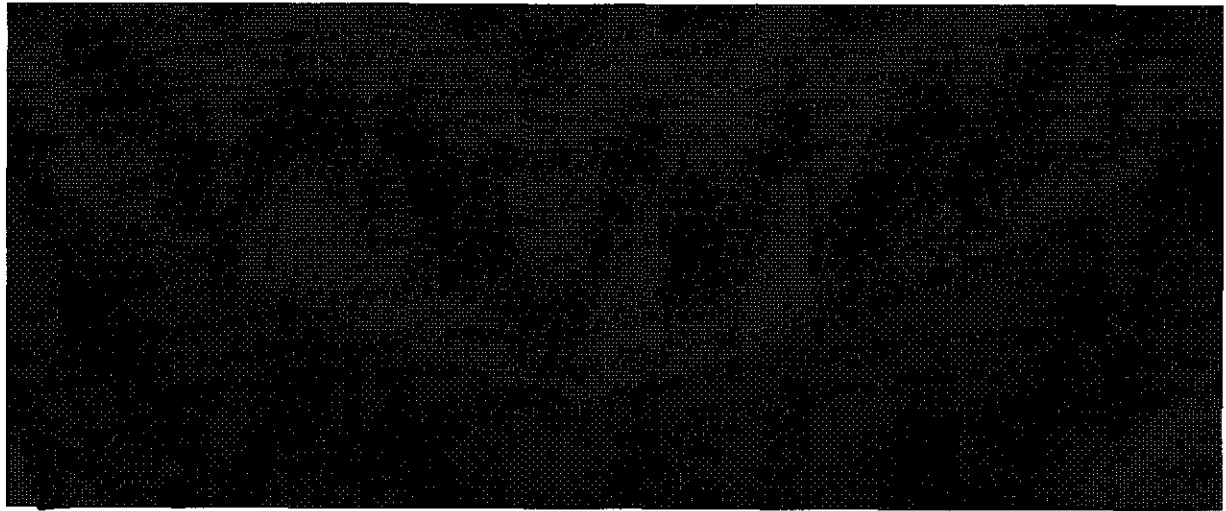
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(6) (U) After formally briefing the Army-G2, Army General Counsel, and The Inspector General, SAIG-IO referred the allegations to MNC-I and US Army Special Operations Command for resolution. SAIG-IO also provided courtesy notifications to IG-DIA, IG-CENTCOM, and IG-Multi National Forces-Iraq (MNF-I).

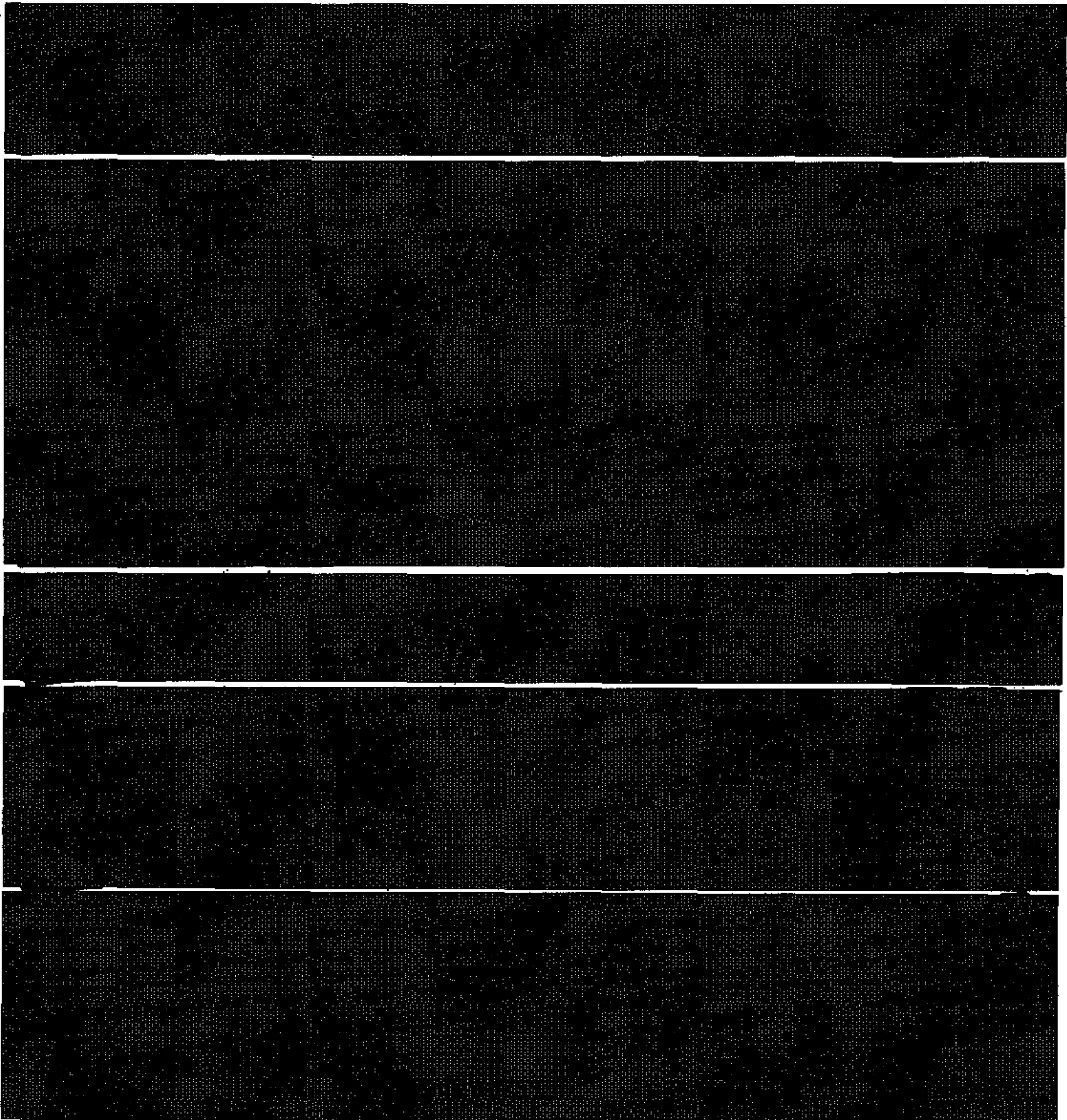


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(4) (U) Although they had the documented authority to do so, the S/As never released US-Person information to the KSIS. Information that was shared with KSIS was, in fact, coordinated with the Chief of Station and appropriately authorized for release.

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(5) (U) The confusion concerning the scope of and authority for the interviews was caused by a number of communication problems and personal conflicts between 501st MIB staff officers. Further complicating the authority question was the fact that the SCO-K Chief was new to the 501st MIB and the Senior Advisor to the Commander was on leave during the time of the allegations surfaced. No violations occurred. The commander implemented changes to his staff's standard operating procedures to prevent future communication problems. Status: Closed.



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I. (S//NF) DAIG-06-028. On 29 June 2006, INSCOM reported the QIA of a member of the Los Angeles Field Office (LAFO), 902d MIG, Joint Forces Training Base (JFTB), Los Alamitos, CA, hereinafter referred to as Subject-1. Also implicated in the report are a non-DoD affiliated civilian (Subject-2) and a former member of the LAFO (Subject-3) who is currently assigned to a 902d MIG position in Texas. Allegedly, Subject-1 misused his official status to illegally acquire class-III weapons, ammunition, tactical equipment, and explosives. Subject-2 allegedly ordered and received the prohibited material and delivered the items to Subject-1 at the LAFO. Subject-3 is identified on some of the invoices for the material. Upon receipt of the material,

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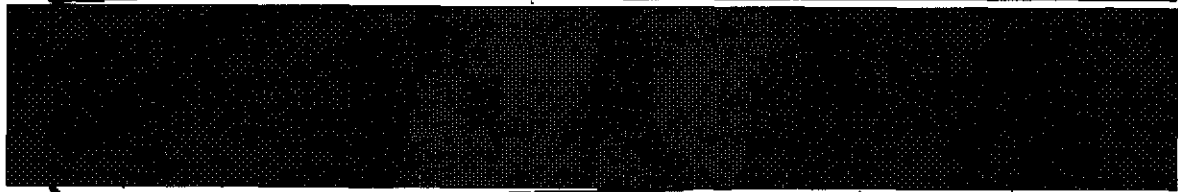
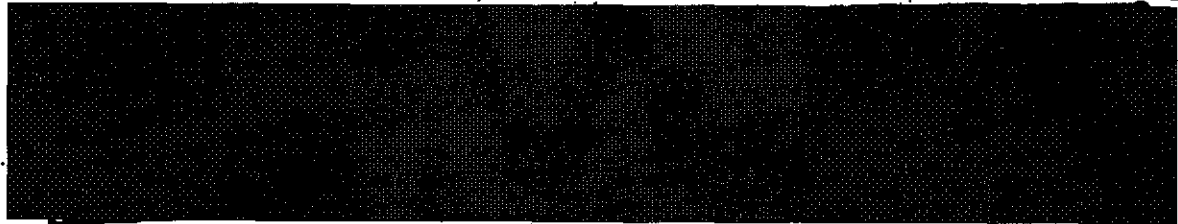
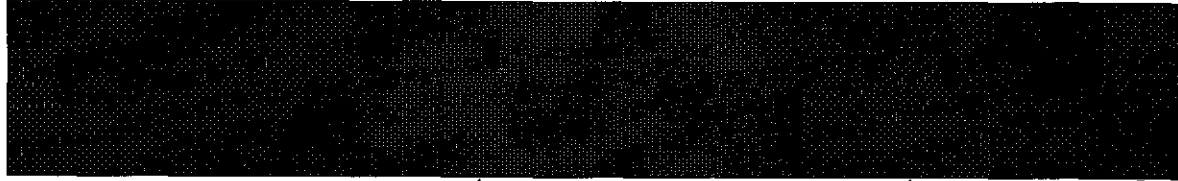
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SUBJECT: Quarterly Intelligence Oversight Activities Report (4th Quarter, FY 06) (U)

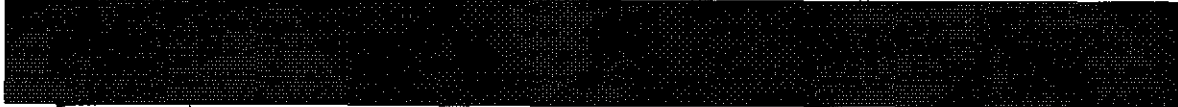
Subject-1 took the material to an unknown location. With Subject-1's assistance, Subject-2's used the material to conduct for-profit training events on the JFTB. Both DoD and non-DoD personnel received the training. INSCOM also reported the QIAs as a possible federal crime under the provision of Chapter 16, AR 381-10. Meanwhile, the Commander of the 902d MIG initiated a command investigation under the provision of AR 15-6, reference 1.g. above. **STATUS: Open.**

5. (U) **OTHER INVESTIGATIONS:** The below listed QIAs are part of CI or criminal investigations by ACCO or CID, respectively.

a. (U) **New ACCO/CID Investigations:** IAW paragraph 15-2.e., AR 381-10, SAIG-IO will provide updates on the following new cases once the cases are closed.



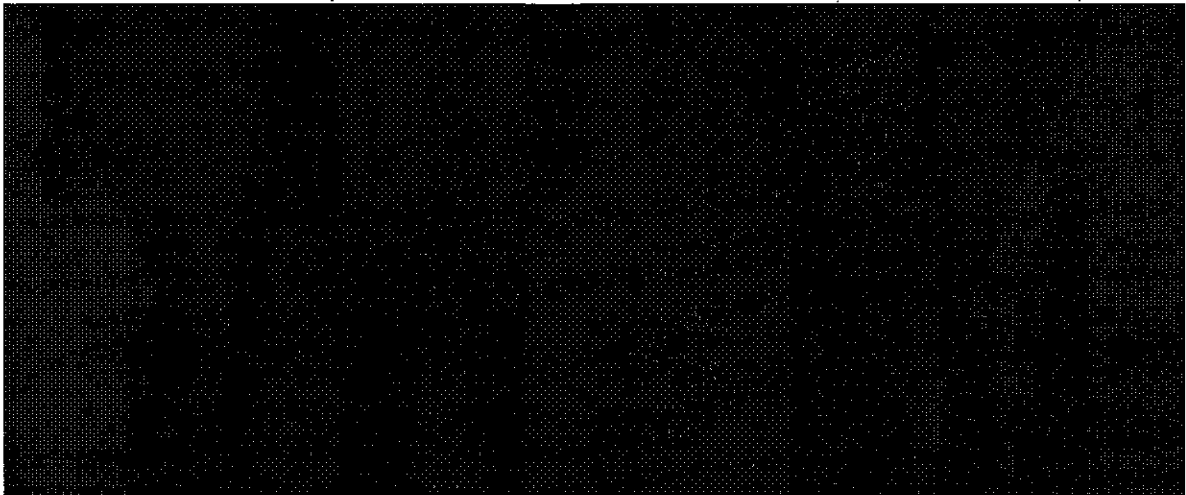
b. (U) **Closed ACCO/CID Investigation(s): DAIG-05-026:**



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6. (U) **ASSISTANCE:** During the fourth quarter, SAIG-IO conducted IO compliance inspections and IO assistance to the following organizations:

- a. (U) Headquarters, INSCOM, Fort Belvoir, VA.
- b. (U) 1st Information Operations Command, Fort Belvoir
- c. (U) Army Central Control Office, Fort Belvoir
- d. (U) Army Directed Studies Office, INSCOM, Fort Belvoir
- e. (U) Military Intelligence Reserve Command (MIRC), Ft Belvoir
- f. (U) Headquarters, 902d MIG, Fort Meade, MD
- g. (U) Army CI Center, 902d MIG, Fort Meade
- h. (U) 308th MI Battalion, Fort Meade
- i. (U) 310th MI Battalion, Fort Meade
- j. (U) Headquarters, US Army Operational Activity, Fort Meade
- k. (U) Headquarters, US Army Garrison, Fort Meade

7. (U) Point of Contact is [REDACTED]



ALAN W. THRASHER
Major General, USA
Deputy The Inspector General

CF:
G2
OTJAG

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DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20310-1700

SAIG-IO (381-10b)

25 January 2006

MEMORANDUM THRU GENERAL COUNSEL, ARMY

30 January 2007

FOR OFFICE OF THE ASSISTANT TO THE SECRETARY OF DEFENSE
(INTELLIGENCE OVERSIGHT) [ATSD(IO)]

SUBJECT: Quarterly Intelligence Oversight Activities Report (1st Quarter, FY 07) (U)

1. (U) References:

- a. (U) Executive Order 12333, US Intelligence Activities, 4 December 1981.
- b. (U) DOD Directive 5240.1-R, Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons, December 1982.
- c. (U) Army Regulation (AR) 381-10, US Army Intelligence Activities, 22 November 2005.
- d. (U) Unclassified memorandum, Assistant to the Secretary of Defense, 8 December 2006, Subject: Annual Intelligence Oversight Report to Congress – New Requirement.
- e. (U) Unclassified//FOUO memorandum, Office of the Director of National Intelligence, 23 March 2006, Subject: Request for Information and Coordination.
- f. (U) SECRET//NOFORN memorandum, Department of the Army Inspector General (DAIG), 20 October 2006, Subject: Quarterly Intelligence Oversight Activities Report (4th Quarter, FY 06) (U).
- g. (U) AR 20-1, Inspector General Activities and Procedures, 19 July 2006.
- h. (U) AR 15-6, Procedures for Investigating Officers and Boards, 30 September 1996.

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SUBJECT: Quarterly Intelligence Oversight Activities Report (1st Quarter, FY 07) (U)

2. (U) **SCOPE OF REPORT:** In accordance with references 1.b. – 1.d., and paragraph 3 of reference 1.e., this report provides information on the following:

a. (U) Questionable intelligence activities (QIAs) processed by the Intelligence Oversight Division, US Army Inspector General Agency (SAIG-IO), during the reporting period, 1st Quarter, Fiscal Year 2007.

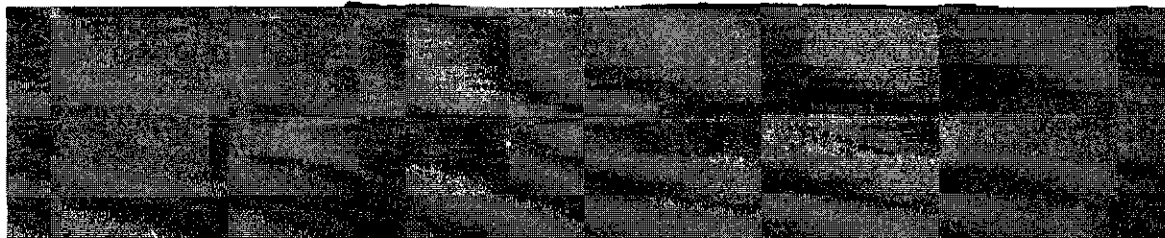
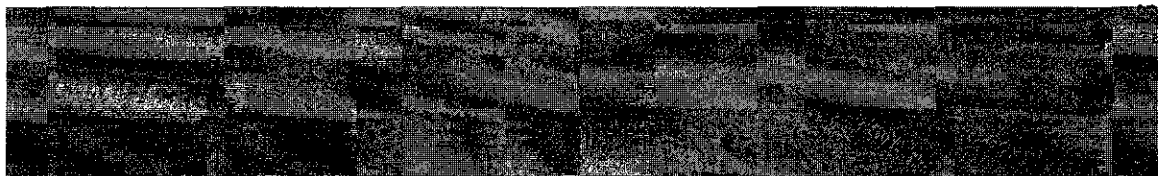
b. (U) Updates on QIAs reported in previous quarters.

c. (U) The results of intelligence oversight (IO) inspections and other initiatives conducted by SAIG-IO during the reporting period.

d. (U) Summary of substantive changes to the Army IO program during the reporting period.

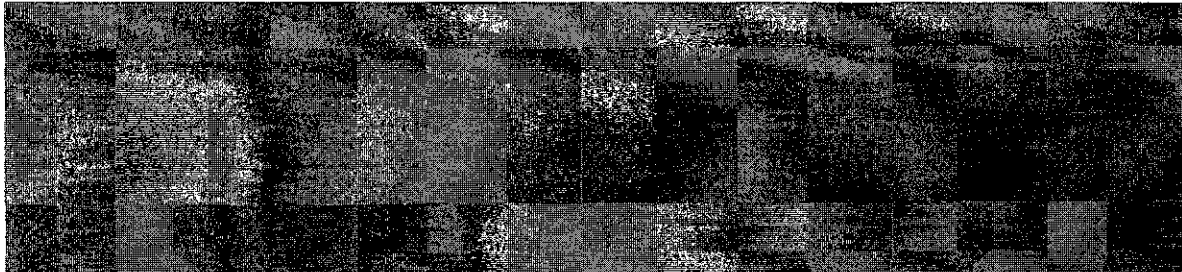
e. (U) Summary of any changes to intelligence, counterintelligence (CI), and intelligence-related policies during the reporting period.

3. (U) **NEW REPORTS OF QIA:** There were 12 new reports of QIA processed during this reporting period.



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c. (U) DAIG-07-003: On 5 October 2006, INSCOM reported the alleged QIA of a US Army Staff Sergeant (SSG) CI Special Agent (S/A), while attending the Military Intelligence (MI) Basic Non-commissioned Officer Course (BNCOC), Fort Huachuca, AZ, from July-August 2006. In July 2006, the SSG allegedly misused his official position when approached a female soldier, identified himself with his CI Badge and Credentials (B&Cs), deceptively suggested he worked for US Special Forces, and solicited her interest in working in special operations on behalf of the Army, without authority. The soldier agreed and began answering numerous personal questions, which she assumed to be part of the assessment process. During the next month, he provided her training in surveillance and elicitation techniques (without authority), and they engaged in a physical relationship. Their relationship ended when he graduated from BNCOC and departed Fort Huachuca. The SSG's alleged actions are apparent violations of chapters 5 and 9, AR 381-20, The Army CI Program, 15 November 1993, and Procedure 14, AR 381-10 (reference 1.c.). INSCOM initiated a command investigation under the provisions of AR 15-6 (reference 1.h.). STATUS: Open.

d. (U) DAIG-07-004: On 12 October 2006, the US Army Materiel Command (AMC), Fort Belvoir, reported the QIA of the G2, USA Aviation and Missile Command (AMCOM), Redstone Arsenal, AL. Included in a 20 September 2006 AMCOM Intelligence Summary (INTSUM) were references to Texas based US-Person organizations and its possible links to foreign terrorist organizations. AMC reviewed the matter and concluded that there was no violation because of the foreign terrorism nexus and its potential threat to AMCOM. AMC cited the CI and foreign intelligence (CI/FI) categories in Procedure 2, paragraphs 2-2.c. and 2-2.d., AR 381-10, to support its conclusion. AMC also concluded that AMCOM does not have an intelligence collection mission, but as the command's G2, it has the responsibility to provide intelligence support to the commander. In so doing, the AMCOM G2 consumes various intelligence products, including reports from INSCOM's Army CI Center (ACIC), and extracts threat information of concern to the AMCOM community. AMCOM then forwards the ACIC threat data, as INTSUM advisories, throughout the command. AMCOM also adds a dissemination caveat to its INTSUMs that alerts the recipients to the AMCOM-G2's dissemination authority and it stipulates that AMCOM-G2 is not the originator of the threat information contained in the INTSUM. STATUS: Closed.

e. (U) DAIG-07-005: On 8 November 2006, the 513th MI Brigade, Fort Gordon, GA, learned that from 30 October - 3 November 2006, CI S/As assigned to B Company, 202nd MI Battalion, 513th MI Brigade, conducted a Threat Vulnerability Assessment (TVA) of Fort Gordon, in support of the Anti-Terrorism/Force Protection (AT/FP) Officer, US Army Garrison (USAG), Fort Gordon. The Brigade opined that the S/As may have failed to pre-coordinate their activities

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with the Fort Gordon Field Office, 902d MI Group, which is the only Army CI element chartered to conduct strategic CI support activities in the Fort Gordon area. A command review of the possible Procedure 14 violation revealed the following: The 202d determined that conducting a TVA of the Fort Gordon installation would serve as an excellent training exercise for deploying S/As, who would be required to conduct TVAs of Forward Operating Bases in Iraq and Afghanistan. The unit obtained consent from the USAG's AT/FP Officer and conducted the TVA during the 30 October – 3 November 2006 time frame. The AT/FP Officer lauded the results of the TVA and the TVA product was used as a tool to establish the USAG's AT/FP posture. The unit did not coordinate with the 902d MIG prior to conducting the TVA. Once the command realized B/202d failed to pre-coordinate their garrison activities, the command provided a copy of the TVA results to the S/A in Charge of the Field Office. The command confirmed that no US-Person collection occurred during the conduct of the TVA. In the future, the 202d MI Battalion will obtain prior approvals for any CONUS activities from the 902d MIG, 202nd MI Battalion leadership, and the Command Staff Judge Advocate. STATUS: Closed.

f. (U) DAIG-07-006:

(1) (U) On 31 October 2006, SAIG-IO inspectors conducted an IO inspection of the Headquarters, US Army Reserve Command (USARC), Fort McPherson, GA. During the inspection, the inspectors determined that a USARC G2 staff officer routinely collected and retained information from open sources concerning domestic US-Person protest groups exercising their freedom of speech/assembly. There was no indication that the information contained a foreign nexus or otherwise represented a legitimate force protection threat to the US Army. The information was incorporated into the G2's regular Battle Update Briefing (BUB) to the Commanding General and key leaders. The inspectors advised the G2 that the collection, retention and dissemination of domestic protest information was considered a violation of Procedures 2-4, AR 381-10 and required resolution in accordance with Procedure 15, AR 381-10.

(2) (U) On 1 November 2006, the USARC declared that G2 would restrict its activities to foreign-nexus threats to USARC and any domestic force protection information would be left to the USARC Provost Marshal and Force Protection Officer, as appropriate. On 16 November 2006, the USARC Inspector General confirmed that the offending domestic information was purged from the G2 records. USARC IG also confirmed that G2 personnel received refresher IO training. STATUS: Closed.

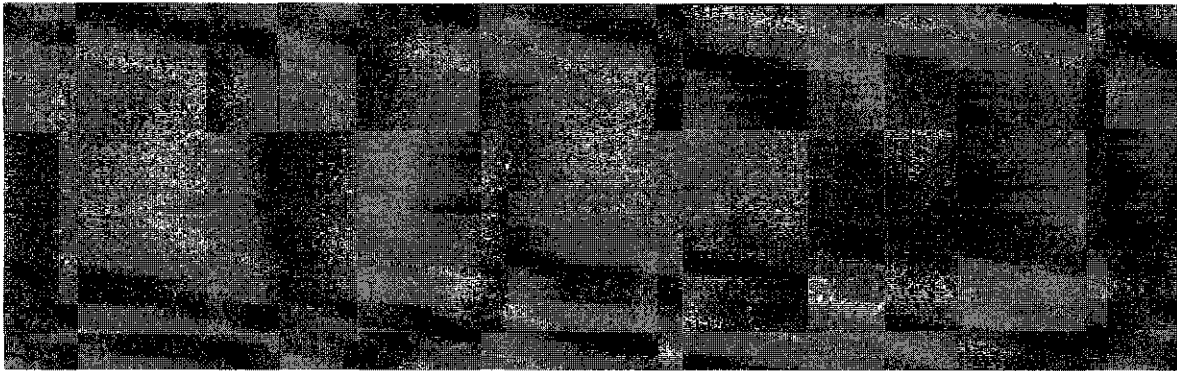
g. (U) DAIG-07-007:

(1) (U) On 28 November 2006, SAIG-IO received an initial report of QIA from the Deputy Inspector General, Multi-National Division-Baghdad (MND-B), Iraq. The allegations concern unauthorized and/or inappropriate source operations by members of 506th Regimental Combat Team (RCT), which are possible violations of Army Field Manual (FM) 2-22.3, HUMINT Intelligence Collector Operations; MNF-I HUMINT CONOP for the Iraqi theater of Operations; the 4th Infantry Division's Commanding General's Intelligence Collection Policy dated 7 June 2005; and Procedure 14, AR 381-10.

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h. (U) DAIG-07-008:

(1) (U) On 28 November 2006, SAIG-IO received an initial QIA report from the Deputy Inspector General, MND-B. The original allegation appeared to have been reported by the G2, MND-B, and concerns an unauthorized investigation of a US-Person by the S2, 506th RCT, in possible violation of AR 381-12, AR 381-20 and Procedures 2 and 14 of AR 381-10.

(2) (U) On 6 October 2006, the S2 allegedly directed four subordinate personnel to obtain the personnel files of a Category II linguist, a US-Person, who worked on Forward Operating Base-Rustamiyah. Specifically, the S2 directed his people to "gather as much evidence as you can about this *terp*." (Note: The term "*terp*" is military slang for "interpreter.") There is no indication that the investigation was part of an authorized CI investigation. The MND-B initiated a command investigation to resolve the allegations. STATUS: Open

i. (U) DAIG-07-009: On 12 October 2006, INSCOM, Fort Belvoir, VA, reported the QIA of two CI S/As, 524th MI Battalion, 501st MI Brigade, Korea. The Military Police (MP), US Army-Yongsan, Korea, alleged that the S/As violated a General Order (Article 92, UCMJ), and Obstruction of Justice (Article 134, UCMJ). Allegedly, on 19 November 2006, the MPs, working with the Korean National Police, identified two junior Soldiers in a drinking establishment in Itaewon, Korea (off-base), during curfew hours. When questioned by the MPs, the individuals identified themselves as on-duty CI S/As conducting an investigation. The MPs stated that one of the S/As used his CI B&Cs to assert his official status, which the S/A later denied. Initial investigation by the MPs determined that the S/As were not on duty. Both individuals were apprehended (MPR#01653-2006-MPC338) and transported to the MP Station, US Army-Yongsan, where they failed sobriety tests. The Soldiers were then processed and released to their unit. The Commander, 524th MI Battalion, initiated a command investigation. STATUS: Pending.

j. (U) DAIG-07-010:

(1) (U) On 1 November 2006, the Inspector General, National Guard Bureau (NGB-IG), conducted an IO inspection of the J2 Section, California National Guard (CANG), Sacramento, CA, during which IO violations were found and corrected. A US Army MI First Lieutenant and an Army MP Sergeant, who worked as intelligence analysts in J2-CANG, collected information (open source and law enforcement), including protest/demonstration

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activities and the names of US-Person protest groups and its members. The information was retained in so-called "intelligence summaries" that were allegedly never disseminated. Similar information was also included in briefings labeled "terrorism" and "terror organizations", which were posted on the CANG's intranet. SAIG-IO contacted NGB-IG and confirmed that CANG's errant activities were limited to collecting information from open sources and law enforcement resources. There was no indication that CANG engaged in intelligence operations to gather the information. The findings are apparent violations of Procedures 2-4 and 14, AR 381-10. NGB-IG corrected the J2 personnel, provided IO re-training, and ensured US-Person/protest information was purged from the intranet and other J2 files/records. With the assistance of SAIG-IO and NGB-IG, CANG is improving its IO program, will be re-inspected in 8-12 months, and will ensure its Legal Advisor contributes to the command's IO training and the daily J2 functions.

(2) (U) The above IO violation is similar to the findings identified in July 2005 by SAIG-IO [refer to DAIG-05-030, DAIG-05-031 and DAIG-05-032 in SECRET//NOFORN memorandum, Department of the Army Inspector General (DAIG), 27 October 2005, subject: Quarterly Intelligence Oversight Activities Report (Fourth Quarter, FY 05) (U)]. NGB-IG attributed the new incidents to lack of continuity during senior leadership turnover (i.e. The Adjutant General, J2) since the 2005 findings. STATUS: Closed.

k. (U) DAIG-07-011: On 28 November 2006, INSCOM reported the QIA of the 513th MI Brigade's CI elements deployed in the Southwest Asia area of operations. The CI elements routinely submit initial CI investigative reports late, beyond the 72 hour time limit, and may have been conducting investigative activity beyond the "Standing Investigative Authority," in violation of ACCO policies and AR 381-20. The Commander, 513th MI Brigade, is conducting a commander's inquiry to determine the scope of the problem, responsible CI elements, and appropriate corrective actions. Key leaders in the 513th MI Brigade have opined that unrealistic policies are contributing factors to the incidents. Specifically, some leaders believe that the 72-hour reporting requirement and the "Standing Investigative Authority" policy are often too restrictive in a combat environment. STATUS: Open.

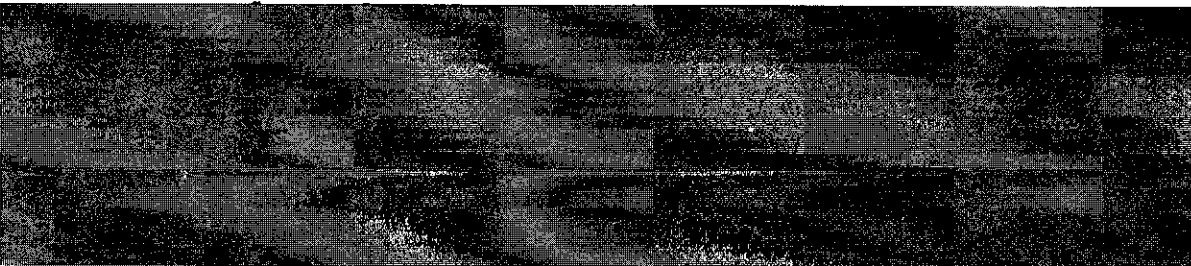
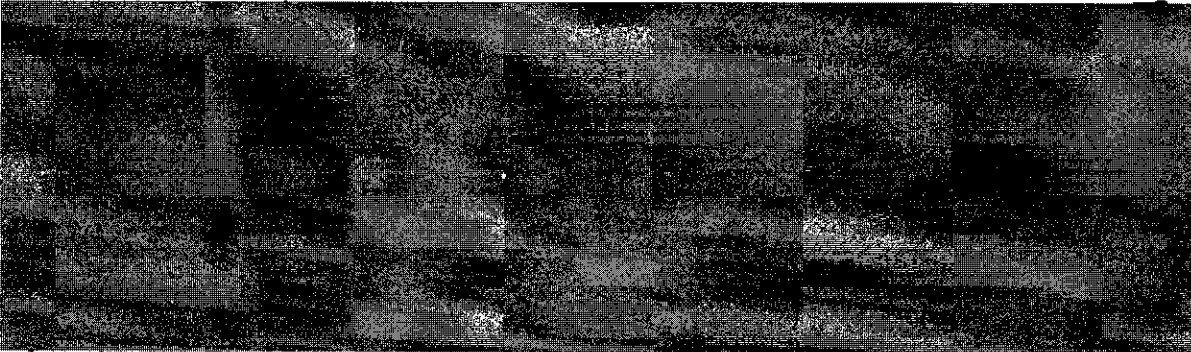
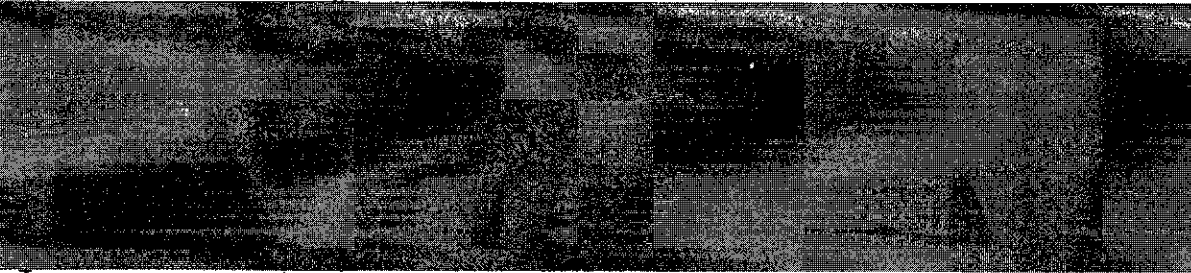
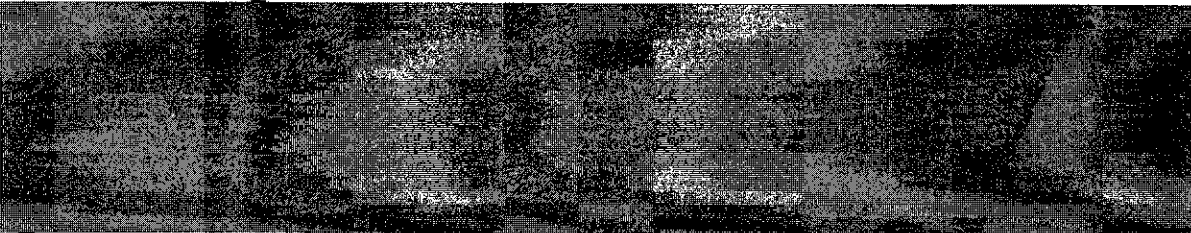
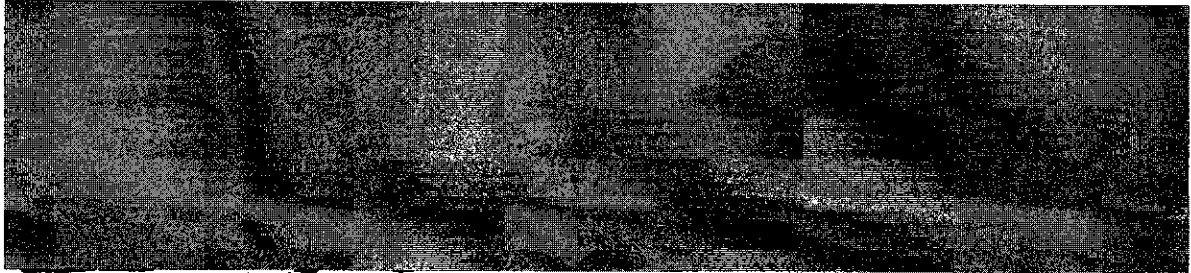


4. (U) UPDATES: Updates of QIA cases reported last quarter (reference 1.f.) are provided below.



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(1) (U) ACCO opened a case and promptly determined the allegations were not of CI interest. ACCO terminated its case (ACCN: 42ID-G2X-05-017) and referred the allegations to the officer's deployed unit of assignment and CID in Iraq for further investigation, as appropriate. CID-Iraq elected not to investigate the allegations. However, the 42nd Infantry Division conducted the initial command investigation, but the 42nd Infantry Division was unable to resolve all of the allegations. The NGB assumed the responsibility for completing the investigation.

(2) (U) First, the 42nd Infantry Division determined the ICF related allegation to be unsubstantiated, but NGB is reviewing the results to ensure the Division appropriately applied AR 381-141(C), ICF (U), 16 January 2004. Second, the allegations associated with the use of a Category-1 interpreter have been resolved as unsubstantiated, as the use of the interpreter was determined to be consistent with Multi-National Forces-Iraq (MNF-I) Policy 05-02 (Interrogation Policy). Also found to be unsubstantiated were the related allegations concerning the compromise of classified information to sources and interpreters. While the policy was not fully described in the command's investigative report, feedback from the Assistant Inspector General, Multi-National Corps-Iraq (MNC-I), confirms the accuracy of the I/O's conclusion. Third, after consulting with the Army General Counsel, SAIG-IO determined that the hacking allegation might be a violation of federal law, specifically the Electronic Communications Privacy Act of 1986, USC Title 18, Part I, Chapter 119. Therefore, SAIG-IO referred the hacking allegation to CID Headquarters for criminal investigation and SAIG-IO recommended the Army-G2 report the allegation as a possible federal crime under the provisions of Chapter 16, AR 381-10. CID opened a criminal investigation under case number 0048-2006-CID221-50109, which is ongoing.

(3) (U) Upon review of the initial command investigative product, SAIG-IO noted other issues requiring resolution by NGB:

(a) (U) In the command investigative report, the I/O substantiated a previously unknown allegation that the officer's *THT improperly conducted raids without the presence or knowledge of the task force...* SAIG-IO requested NGB confirm the status of the allegation and report corrective actions, as the THT was supposedly under the officer's control and the raids were presumably in support of intelligence activities.

(b) (U) The officer's company commander and the BCT S2 allegedly sanctioned the THT's unauthorized use of alcoholic beverages during source operations, which violates theater policies. SAIG-IO requested NGB report the status of the allegations and corrective actions.

(c) (U) The commander and S2 allegedly prevented a witness from reporting the QIAs. SAIG-IO requested NGB report the status of this allegation and corrective actions.

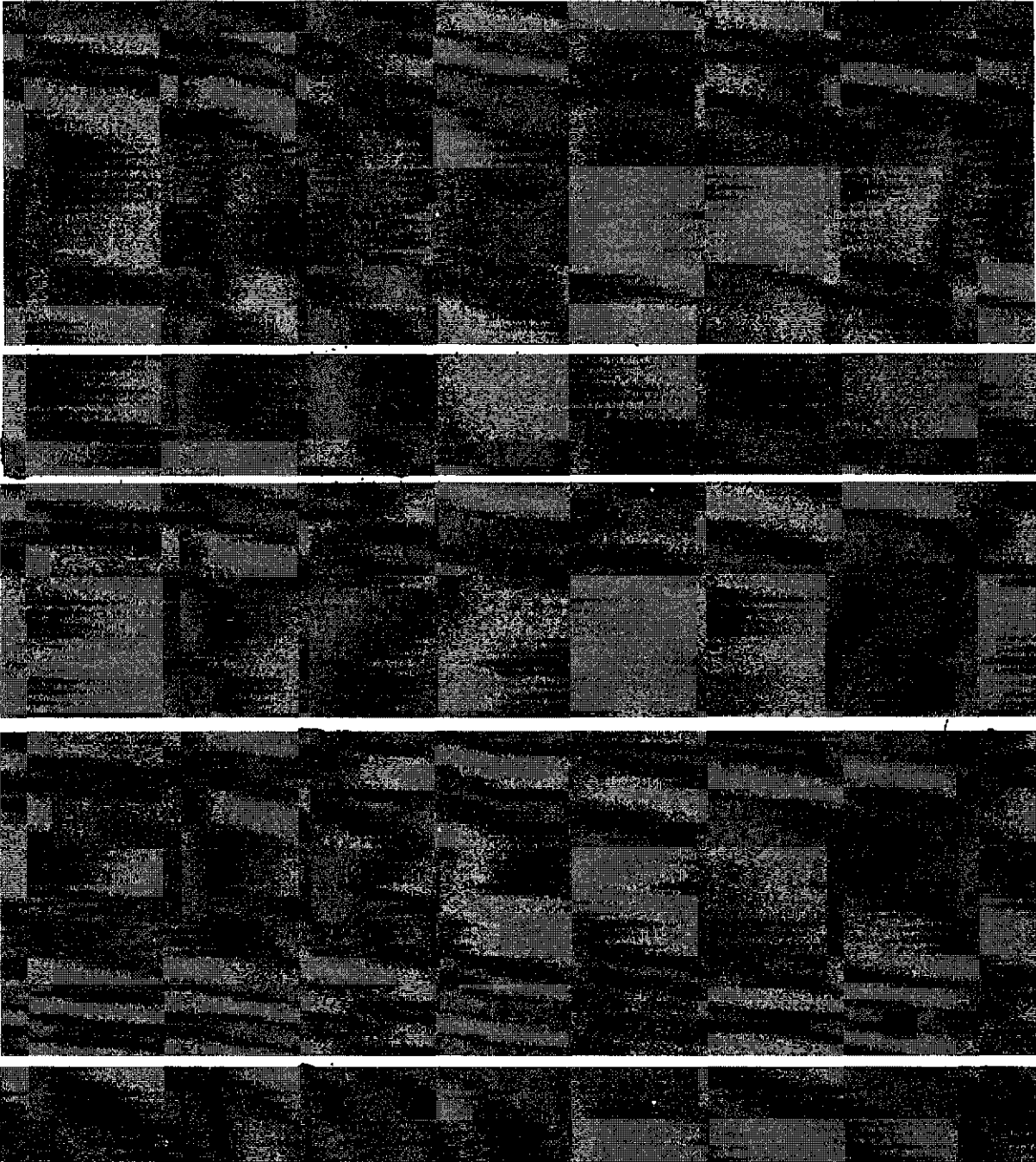
(d) (U) It was alleged that the officer required his THT members to falsify intelligence reports. Specifically, the officer would always serve as the lead interrogator or

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interviewer, but he required the THT members to write the activity reports and omit his (officer's) presence and participation in the intelligence activity. SAIG-IO requested NGB report the status of this allegation and related corrective actions. STATUS: Open.



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g. (U) DAIG-06-009.

(1) (U) On 5 January 2006, INSCOM notified SAIG-IO that on 9 November 2004 a CI S/A assigned to the 902d MIG, with duty at the Joint Terrorism Task Force, Miami, FL (JTTF-Miami) may have inappropriately collected and reported information about a group's (US-person) plan to exercise its constitutional freedoms of assembly and speech. The information was reported as a Threat and Local Observance Notice (TALON) and submitted through the 902d MIG to the CI Field Activity (CIFA) for analysis and entry in the Cornerstone database. The report described the group's plan to convene a meeting titled "*Countering Military Recruitment, the Draft and Military Law.*" The report also described the group's plan to "*hold a workshop and planning meeting to discuss countering US military recruiting in High Schools, as well as efforts to assist recruits in getting out of military contracts.*" On 15 November 2004, the S/A provided an updated TALON report describing the group's plans to set up "*tables at the schools in order to perform 'surveillance' on Military recruiters while on campus.*" The TALON report did not indicate the group or planned activities had a foreign nexus. Throughout the report, the S/A generically referred to the US Person as a "*group*" and a "*US Domestic Protest Group.*" However, INSCOM provided that when reporting the address of the group's meeting venue, the S/A included the name of the meeting facility, which was assumed to contain the name of the group. Until recently, the 902d MIG maintained a database of all or some of the TALON reports submitted by its S/As.

(2) (U) On 5 January 2006, the INSCOM Commanding General directed the INSCOM Inspector General to conduct a special inspection of the TALON reporting system in INSCOM, with the following focus: (a) evaluate the strengths and weakness of the existing system; (b) provide a detailed assessment of 902d MIG's compliance with TALON regulations, policies and procedures; (c) determine conflicts or voids in guidance concerning the reporting, analysis, retention, and dissemination of TALON information; and (d) assess the policies and procedures for submitting TALON reports directly to CIFA without an intermediate review process by the chain of command. The INSCOM-IG special inspection is ongoing.

(3) (U) On 30 March 2006, the Deputy Secretary of Defense (DEPSECDEF) established an unclassified interim policy memorandum concerning the TALON Reporting System, Subject: Threats to the Department of Defense (DoD). In the memorandum, the DEPSECDEF confirmed the reporting system should only be used to report information regarding possible international terrorism activities and the information should be retained in accordance with DoD 5240.1-R, Activities of DoD Intelligence Components that Affect US Persons, December 1982. Second, the interim policy requires that proposed TALON reports must meet one of the seven criteria outlined in the memorandum. Third, the Under Secretary

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for Defense (Intelligence) will convene working groups to examine information fusion among intelligence, CI, force protection, law enforcement and security communities. Fourth, ATSD(IO) will conduct annual inspections of the TALON system. Finally, the lead components from each military department must provide CIFA with copies of their implementation guidance of the DEPSECDEF's interim policy memorandum.

(4) (U) DAIG-06-009 will remain open until INSCOM publishes its special inspection results and corrective actions. The QIA described in DAIG-06-019, paragraph 4.j. below, is also being resolved by INSCOM "special inspection." STATUS: Open.



j. (U) DAIG-06-019: According to a 27 April 2006 Wall Street Journal (WSJ) article, "Pentagon Steps Up Intelligence Efforts Inside U.S. Borders," intelligence analysts assigned to the 902d MIG, Fort Meade, MD, allegedly collected and disseminated information concerning participants in a 19 March 2005 anti-war protest in Akron, OH. The article specifically alleged that the MIG's analysts downloaded information from activist web sites, intercepted emails and cross-referenced the information with police databases. The MIG allegedly reported the planned protest to the Akron police who, in turn, "followed" the rally. The Akron rally was said to be one of seven protests "monitored by the Army" in March 2005. On 28 April 2006, after conferring with SAIG-IO, INSCOM decided to resolve the issues/allegations in this case (DAIG-06-019) by expanding its ongoing "special inspection" of the command's implementation and execution of the TALON program, which was initially reported in reference DAIG-06-009 (paragraph 4.g. above). STATUS: Open.

k. (U) DAIG-06-020: On 9 May 2006, INSCOM reported the QIAs of two US Army Master Sergeants who were assigned MI duties. According to ACCO, the two Soldiers employed Polygraph Examination Physical Countermeasures (PEPCM) during several CI scope PEs. The SCO, 902d MIG, opened a preliminary CI investigation (LCCN: P1-SCO-06-012). ACCO/SCO closed the investigation on 5 June 2006 after the Soldiers made relevant

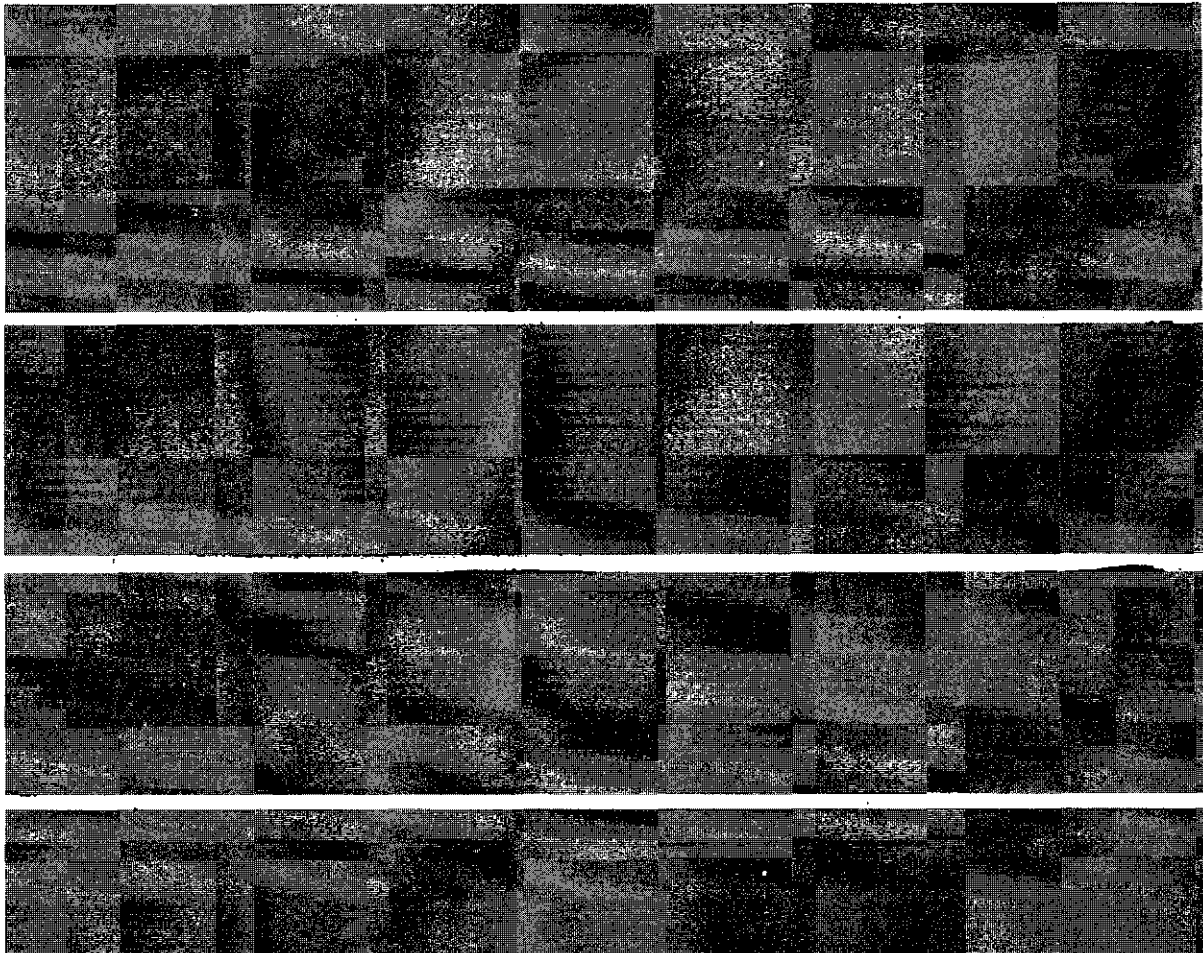
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admissions and passed subsequent PEs. A summary of the investigation was provided to the National Security Agency and the Central Clearance Facility (CCF). Both Soldiers received General Officer Memorandums of Reprimand that were placed in the Soldiers' official military personnel file. Status: Closed.

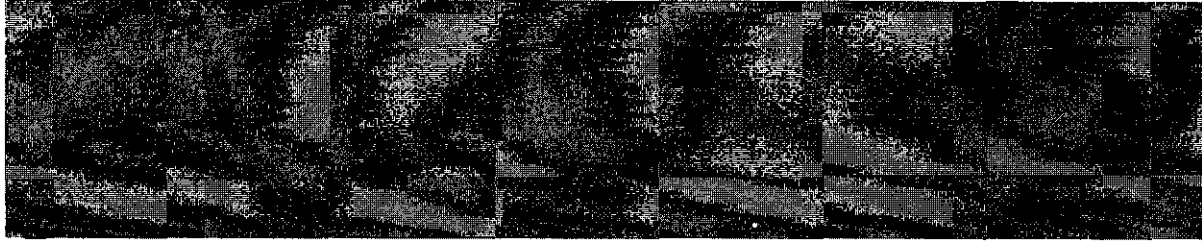
I. (U) DAIG-06-022:

(1) (U) In June 2006, SAIG-IO received numerous allegations concerning members of the 101st Airborne Division (101st Abn), 4th Infantry Division (4th ID), and Operational Detachment-Alpha 386 (ODA-386), 3rd Special Forces Group, during their 2006 deployment in Iraq. Some of the allegations were non-IO related and they were referred to Assistance Division, US Army Inspector General Agency (SAIG-AC), for action/resolution as appropriate. However, other allegations (outlined below) are considered QIAs requiring resolution IAW AR 381-10. The QIAs were referred to the appropriate commands and SAIG-IO continues to monitor the investigative progress. (Note: At the time of the alleged incidents, elements of the 4th ID were task organized as a subordinate element of the 101st Abn.)

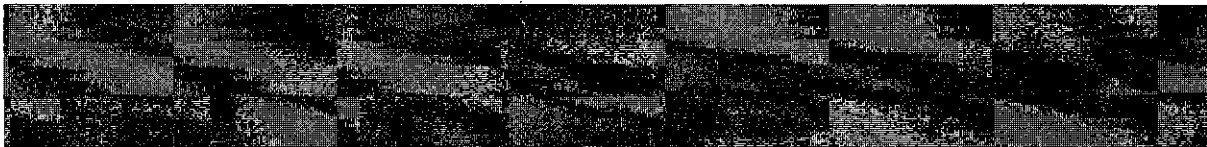


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(6) (U) After formally briefing the Army-G2, Army General Counsel, and The Inspector General, SAIG-IO referred the allegations to MNC-I and US Army Special Operations Command for resolution. SAIG-IO also provided courtesy notifications to IG-DIA, IG-CENTCOM, and IG-Multi National Forces-Iraq (MNF-I).



(a) (U) An Infantry Officer and his linguist conducted unauthorized source operations in violation of Army regulations and theater policies. One such unauthorized operation may have contributed to a source's death.

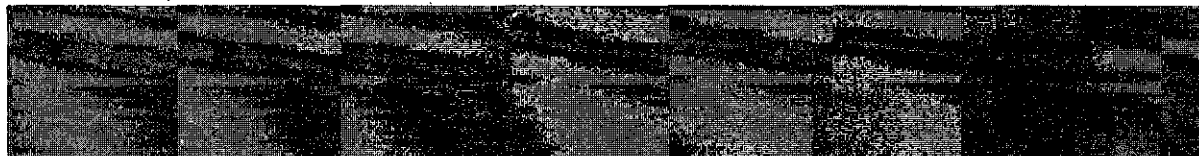
(b) (U) An Infantry Officer and his linguist interfered with THT operations, in violation of Army regulations and theater policies.

(c) (U) An Infantry Officer and his linguist conducted unauthorized detention and interrogation operations, in violation of Army regulations and theater policies.

(d) (U) Four officers in the 1/187th failed to report and accurately resolve the QIAs reported to them, in violation of AR 381-10.

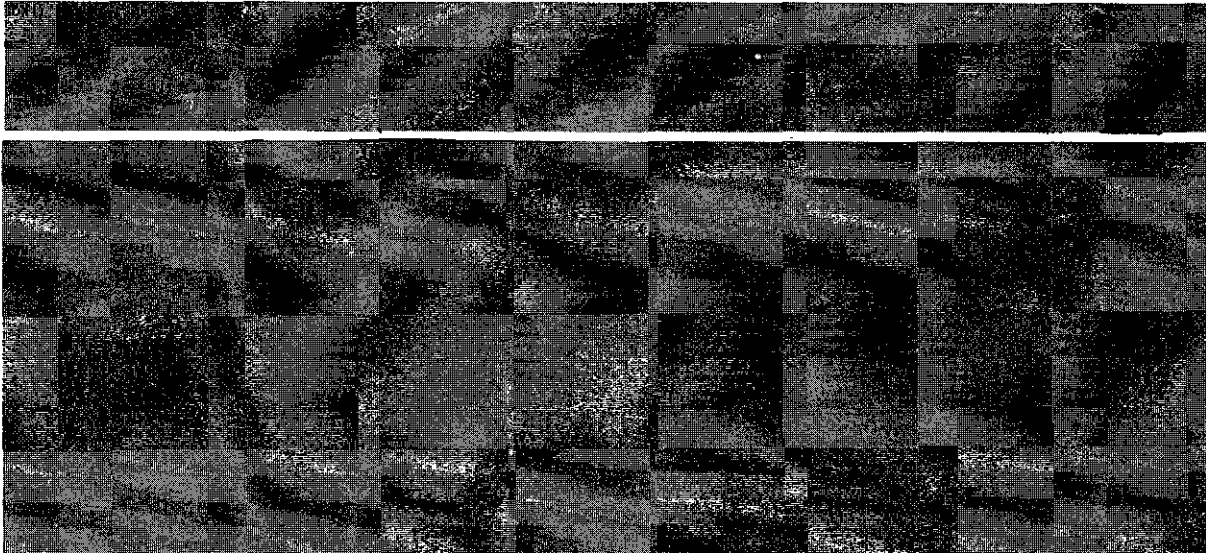
(e) (U) The remaining allegations were determined to be unsubstantiated. As a result of the I/O's substantiated findings, the Commanding General of the 101st Abn issued letters of reprimand to four officers. The officers will also publish a "Company and Battalion Commanders Handbook and Guide to HUMINT Operations consistent with the recently published FM 2-22.3, HUMINT Collector Operations, September 2006." The Division G2, who is not a subject in the command investigation, will supervise the handbook project. The Commanding General also directed improvement to training and coordination activities to prevent future incidents.

(8) (U) The 101st Abn's command investigation is closed. USASOC's investigative report is in draft and under legal review. STATUS: Open.



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a. (U) DAIG-06-028. On 29 June 2006, INSCOM reported the QIA of a member of the Los Angeles Field Office (LAFO), 902d MIG, Joint Forces Training Base (JFTB), Los Alamitos, CA, hereinafter referred to as Subject-1. Also implicated in the report are a non-DoD affiliated civilian (Subject-2) and a former member of the LAFO (Subject-3) who is currently assigned to a 902d MIG position in Texas. Allegedly, Subject-1 misused his official status to illegally acquire class-III weapons, ammunition, tactical equipment, and explosives. Subject-2 allegedly ordered and received the prohibited material and delivered the items to Subject-1 at the LAFO. Subject-3 is identified on some of the invoices for the material. Upon receipt of the material, Subject-1 took the material to an unknown location. With Subject-1's assistance, Subject-2 used the material to conduct for-profit training events on the JFTB. Both DoD and non-DoD personnel received the training. The 902d MIG initiated a command investigation and INSCOM reported the QIAs as a possible federal crime under the provision of Chapter 16, AR 381-10. The results of the INSCOM investigation is provided below:

(1) (U) Subject-1 violated Article 107, UCMJ, when he signed numerous deceptive memorandums on official LAFO letterhead. Some of the memorandums untruthfully asserted Subject-2's affiliation with LAFO and untruthfully claimed official sponsorship of training and weapons demonstrations. Additionally, Subject-1 violated the Joint Ethics Regulation, and Article 92, UCMJ, for "wrongfully using (his) position for the private gain of (Subject-2), a civilian businessman. Subject-1 received the following punishments: *"Forfeiture of \$2,000 pay per month for 2 months. Forfeiture of \$1,000 of the first month and forfeiture of \$2,000 for the second month, suspended, to be automatically remitted if not vacated before 29 March 2007."* Subject-1 will be reassigned outside of the 902d MIG, in a non-investigative position.

(2) (U) Subject-2 (non-DoD, private civilian): The Staff Judge Advocate, INSCOM, submitted a copy of the command investigation to the Los Angeles office of the Bureau of Alcohol, Tobacco and Firearms (ATF), for its use as ATF deems appropriate. INSCOM's cover letter to ATF indicated that Subject-1's misconduct may have "enabled (Subject-2) to circumvent or perhaps violate federal statutes and regulations."

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(3) (U) Subject-3, a former member of LAFO and current member of the 902d MIG in Texas, received a letter of reprimand and a written counseling statement for the following (similar) offenses: Subject-3 "violated 31 USC 1342, when he allowed (Subject-2) to provide free training to LAFO on at least two occasions." Subject-3 also made false statements when he previously produced letterhead memorandums, with the intent to deceive, requesting weapons demonstrations for training and possible purchase. STATUS: Closed.

p. (U) DAIG-06-029: On 23 March 2006, the DoD Inspector General (IG-DoD) received an anonymous complaint concerning an MI officer's alleged misconduct in the performance of his intelligence duties while he was assigned to the US Army Task Force (TF) in Kosovo. On 15 June 2006, the IG-DoD referred the case to the SAIG-AC. On or about 17 July 2006, after notifying the SAIG-IO, SAIG-AC further referred the case to the TF Inspector General for resolution (SAIG-AC case number: DIH-06-8182). According to the initial report, the officer allegedly misused his position as a TF MI officer and ICF custodian/agent to travel monthly to Headquarters, US Army Europe (USAREUR), Heidelberg, GM, under the possible guise of reconciling the ICF account with USAREUR. It was further alleged that the officer's supervisor would conceal the purpose of the trip(s) as official MI business. The TF's investigation continues and once complete, the TF will report its results to SAIG-AC and SAIG-IO. SAIG-AC will also provide a copy of the investigative results to the IG-DoD. STATUS: Open.

q. (U) DAIG-06-032: On 17 August 2006 the IO Officer (IOO), 650th MIG, Belgium, reported the alleged QIA of a Sergeant First Class and a Master Sergeant, CI S/As assigned to the Afghanistan Detachment (ADET), 650th MIG. It was alleged that the NCOs used ICF to purchase AK-47 assault rifles from their respective intelligence sources. They allegedly used the weapons on intelligence missions and falsified operational reports to disguise the purchases. The NCOs terminated contact with their sources and recommended no other ADET personnel use the sources for future missions, presumably to conceal the illicit transactions. Lastly, the NCOs allegedly conspired with a third person when they shipped the rifles back to their home station via US military aircraft. The Commander, 650th MIG reported the matter to the local CID office and a criminal investigation ensued (0038-2006-CID427-52848-7F8A1). The CID investigation was closed in August 2006 after determining the NCOs appropriately purchased and shipped replica (toy) rifles. After incorporating CID's investigative findings, the 650th MIG also determined the allegations as unfounded. SAIG-IO telephonically contacted the IOO and confirmed that the NCOs did not use ICF to purchase the toy rifles. STATUS: Closed.

r. (U) DAIG-06-033:

(1) (U) On 15 August 2006, INSCOM reported the QIA of a Department of the Army Civilian (DAC) employee, CI S/A, 500th MI Brigade's Pacific Liaison Detachment (PLD), Tokyo, Japan. The QIA occurred during a liaison meeting in a Japanese restaurant with Japanese officials. Representing PLD was the PLD Chief, a Japanese national employee, the DAC, and another CI S/A. During the meeting, the DAC became intoxicated and used foul language. The two Japanese officials were offended by the DAC's lack of decorum, causing them to end the meeting and depart the restaurant. Subsequently, when the PLD Chief attempted to discuss the evening's mishaps with the PLD team, the DAC respond violently and

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assaulted the Chief and the team members. The restaurant employees attempted to quell the commotion by restraining the DAC, removing him from the restaurant and placing him in a taxi. However, the DAC managed to exit the taxi, grab the PLD Japanese national employee, and throw her onto the street. The injuries to all involved were limited to bruises and the PLD Chief's preliminary assessment is that the episode "will not become an international incident." PLD's Japanese national employee "appears to have no intention" of reporting the matter to the Japanese police.

(2) (U) The Brigade Commander appointed an I/O, reported the incident to CID, secured the DAC's CI badge and credentials, and placed him on administrative leave. CID completed their investigation on 30 August 2006 under case number 0041-06-CID018-7359 [Destruction of Things in General, Article 261, Japanese Penal Code (JPC); Bodily Injury, Article 204, JPC; and Violence, Article 208, JPC] and provided the results to the command for inclusion in the 15-8 investigation, which is still ongoing. STATUS: Open.

5. (U) **INSPECTIONS:** During the reporting period, SAIG-IO conducted IO compliance inspections of the below listed organizations.

- a. (U) US Army Forces Central Command, Ft. McPherson, GA: No findings.
- b. (U) US Army Forces Command, Ft. McPherson, GA: No findings.
- c. (U) US Army Garrison (USAG), Ft. McPherson: No findings.
- d. (U) USAG, Ft. Gordon, GA: No findings.
- e. (U) McPherson Resident Office, 902d MI Group, Ft. McPherson: No findings.
- f. (U) INSCOM Representative to the FBI's Joint Terrorism Task Force-Atlanta (JTTF), Atlanta, GA: No findings.
- g. (U) Hqs, 513th MI Brigade, Fort Gordon: There were no findings.
- h. (U) Task Force Lightning, 513th MI Brigade, Fort Gordon: No findings.
- i. (U) 202nd MI Battalion, 513th MI Brigade, Fort Gordon: During the inspection of USAG-Fort Gordon (see paragraph 5.d. above), inspectors identified a QIA incident conducted by members of the 202nd MI Battalion, which was reported as DAIG-07-005 in paragraph 3.e. above.
- j. (U) 297th MI Battalion, 513th MI Brigade, Fort Gordon: No findings.
- k. (U) Gordon Field Office, 902d MIG, Fort Gordon: No findings.
- l. (U) Headquarters, Georgia Army National Guard (GAARNG), Atlanta, GA: During a GAARNG briefing, inspectors identified a possible QIA concerning a subordinate MI officer's (Title 32 status) detail assignment to the FBI-Atlanta's Field Intelligence Group (FIG). When

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asked, the command was unable to cite its authority for what appeared to be support to a civilian law enforcement agency (Procedure 12, AR 381-10). The command and NGB researched the matter and reported that its command briefing was misleading. In fact, NGB reported that the officer was merely working as a Title 32 state liaison officer to the Georgia Information Sharing and Analysis Center (GISAC), a state fusion section located in the federal building. NGB and GAARNG report that this liaison activity is fully compliant with AR 381-10 and DoD 5240.1R, does not require approvals pursuant to Procedure 12, and does not involve collection on US Persons. The inspectors reviewed the officer's stated duties and responsibilities and it appears to be in compliance with AR 381-10. Future IO inspections of the GAARNG should include an on-site inspection of the GAARNG's support to the GISAC.

m. (U) 221st Tactical Exploitation Battalion (TEB), GAARNG, Fort Gillem, GA: No findings.

n. (U) Headquarters, USARC, Ft. McPherson: There were no training records to indicate G2-USARC personnel received IO training as required by AR 381-10. At the time of the inspection, the Deputy G2 confirmed that G2 personnel have not received IO training. Since the inspection, the USARC-IG confirmed that G2 personnel completed the requisite IO training. Also, inspectors identified the QIA of an MI officer assigned to the G2-USARC (see DAIG-07-006, paragraph 3.f. above).

o. (U) Headquarters, MI Readiness Command (MIRC), Ft. Gillem: No findings.

p. (U) Southeast Army Reserve Intelligence Support Center (SEARISC), Fort Gillem: No findings.

q. (U) Delta Company, 345th MI Battalion [Theater Support Battalion (TSB)], Fort Gillem: No findings.

r. (U) 345th MI Battalion (TSB), Ft. Gordon: No findings.

6. (U) INSPECTION TRENDS:

a. Procedure 14 requires individuals to "conduct activities in accordance with applicable law and policy, including E.O. 12333, as amended by EOs 13284 and 13355, DOD 5240.1-R, this regulation, and the policy of the appropriate intelligence discipline." The most frequently reported IO violation is employee (mis)conduct, Procedure 14, AR 381-10, but IO reporting does not reveal sub-trends under this category. In fact, as supported by the content of paragraphs 3 and 4 above, the reports of misconduct are as varied as the Procedure is broad.

b. (U) Generally speaking, commanders' IO programs effectively administer IO training and identify possible violations. When QIAs surface, commanders resolve the allegations and take appropriate corrective actions. Unauthorized collection of US-Person information or other inappropriate intelligence activity is occasionally reported, but it is not considered a trend, as the reported incidents are isolated and when they do occur the root cause is usually unclear policies or poor training retention by the violator.

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c. (U) Since the beginning of combat operations in the Middle East and Army Transformation, there has been a developing trend of non-MI soldiers, normally combat unit members, conducting source operations in combat theaters of operation, which is a violation of Army policies and generally considered dangerous to sources and units relying on sources' information. This trend is difficult to quantify accurately because IO reporting from combat areas to SAIG-IO is sporadic and SAIG-IO does not have visibility over incidents reported by the Combatant Command to ATSD(IO) or the Joint Staff. The contributing factors to this trend appear to be the limited number of MI assets; urgent need for tactical intelligence; and combat leaders' unfamiliarity with intelligence policies and procedures. The Army's efforts to increase the strength of MI, particularly CI and Human Intelligence, is well known. The US Army Intelligence Center and School (USAICS) is also providing training to combat arms officers during their professional development training. The training is intended to assist combat arms officers understand MI assets provided to them as a result of transformation, and introduce them to the various laws, regulations and procedures governing the training and employment of MI assets.

7. (U) IO PROGRAM CHANGES: Aside from the new reporting requirements outlined in references 1.d. and 1.e. above, there have been no substantive changes to the Army's IO program during the reporting period.

8. (U) CHANGES TO MI REGULATIONS / POLICIES: The Army G2 reported the following changes to MI regulations / policies:

a. (U) ~~FOUO~~ memorandum, Army-G2 (DAMI-CDC), 21 October 2006, Subject: Delegation of Authority: The Army G2 delegated to the Commander, 850th MI Group, Supreme Headquarters, Allied Powers Europe (SHAPE), the authority to approve nonconsensual physical searches of property belonging to non-US Persons outside the US pursuant to a lawful CI function. See the enclosed memorandum for additional details (Enclosure 1).

b. (U) ~~FOUO~~ memorandum, Army-G2 (DAMI-CD), 21 April 2006, Subject: Policy Letter on Information-Sharing Regarding Army CI Investigations Involving Illicit Technology Transfer. The policy letter directs the ACCO to ensure Army CI elements inform "cognizant federal agencies" (i.e. FBI, Department of Commerce, Department of Homeland Security) of appropriate investigative issues (i.e. illicit technology transfer). See the enclosed memorandum for additional details (Enclosure 2).

c. (U) ~~SECRET//NOFORN~~ memorandum, Army-G2 (DAMI-CD), 31 October 2006, Subject: (U) Policy for CI Investigation and Investigative Source Operations Excluded from Revision of AR 381-47 (S). In April 2006 the Army approved the publication of the revised AR 381-47(S), US Offensive CI Operations, 17 March 2006. The revision replaced the earlier version of AR 381-47(S), US Army Counterespionage Activities, 30 July 1990. The memorandum introduced in this paragraph reissues policy guidance that was excluded from the revised AR 381-47(S). The reissued guidance includes policies on CI investigations, counterespionage projects, reporting, and IO. See the enclosed memorandum for additional details (Enclosure 3).

SAIG-IO

SUBJECT: Quarterly Intelligence Oversight Activities Report (1st Quarter, FY 07) (U)

9. (U) POINT OF CONTACT: [REDACTED] NIPRnet email:

[REDACTED] SIPRnet email: [REDACTED]



ALAN W. THRASHER
Major General, USA
Deputy The Inspector General

Encl
as

CF:
G2
OTJAG



DEPARTMENT OF THE ARMY
OFFICE OF THE DEPUTY CHIEF OF STAFF, G-2
1000 ARMY PENTAGON
WASHINGTON DC 20310-1000

DAMI-CDC

DDT 12 200

MEMORANDUM FOR COMMANDER, 650th MILITARY INTELLIGENCE
GROUP, UNIT 21407, P.O. BOX 5700, APO AE 09705

SUBJECT: Delegation of Authority

1. Reference AR 381-10, U.S. Army Intelligence Activities, 22 Nov 05.
2. In accordance with reference, I delegate to Commander, 650th MI Group authority to approve nonconsensual physical searches of property belonging to non-U.S. persons outside the United States pursuant to a lawful CI function. This authority may not be further delegated.
3. Approval of these activities will be granted only for physical searches that will be conducted in support of authorized NATO deployments, and after a legal review conducted by a supporting U.S. legal advisor. If necessary, an agreement may be established with a non-NATO U.S. Army command for appropriate legal advice.
4. This authority does not constitute permission to contravene NATO/Allied Command directives or applicable international or foreign laws.
5. This authority remains in effect until superseded or cancelled.
6. The Office of the Deputy Chief of Staff, G-2 point of contact is [REDACTED] DAMI-CDC, [REDACTED] e-mail: [REDACTED]

JOHN F. KIMMONS
Lieutenant General, GS
Deputy Chief of Staff, G-2

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DEPARTMENT OF THE ARMY
OFFICE OF THE DEPUTY CHIEF OF STAFF, G-2
1000 ARMY PENTAGON
WASHINGTON DC 20310-1000

DAMI-CD

21 April 2006

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy Letter on Information-Sharing Regarding Army CI Investigations Involving Illicit Technology Transfer (U)

1. (U) References:

- a. (U) DoD Directive 5200.39, Security, Intelligence and Counterintelligence Support to Acquisition Program Protection, 10 September 1997.
- b. (U) Army Regulation 381-10, US Army Intelligence Activities, 22 November 2005.
- c. (U) Army Regulation 381-12, Subversion and Espionage Directed against the US Army (SAEDA), 15 January 1993.
- d. (U) Army Regulation 381-20, The Army Counterintelligence Program, 15 November 1993.
- e. (U) The National Counterintelligence Strategy of the United States, Office of the National Counterintelligence Executive, March 2005.

2. ~~(FOUO)~~ Foreign intelligence services, state-controlled commercial entities, and other sub-state actors conduct intelligence operations targeting US Army technologies, be they classified or unclassified but export-controlled. In the past, these foreign entities have exploited jurisdictional gaps between counterintelligence and those federal agencies charged with countering illicit technology transfer. In accordance with above references, Army counterintelligence has the obligation to conduct investigations and to develop offensive operations in concert with the cognizant federal agencies to counter attempts to acquire these type technologies.

3. ~~(FOUO)~~ On 5 November 2004, the US Attorney General signed an order granting the FBI concurrent criminal jurisdiction in export matters with a counterintelligence nexus. As written, the order designates "the FBI to take charge of investigative work in

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DAMI-CD

SUBJECT: Policy Letter on Information-Sharing Regarding Army CI Investigations Involving Illicit Technology Transfer (U)

matters relating to espionage, sabotage, subversive activities, and related matters, including investigating any potential violations of the Arms Export Control Act, the Export Administration Act, the Trading with the Enemy Act, or the International Emergency Economic Powers act, relating to any foreign counterintelligence matter. The Office of Immigration and Customs Enforcement (ICE), Department of Homeland Defense retains its original jurisdiction over matters related to the International Trafficking in Arms Regulation (ITAR). The Office of Export Enforcement (OEE), Bureau of Industry and Security (BIS), Department of Commerce retains its original jurisdiction in regards to the Export Administration Regulation (EAR).


4. ~~(FOUO)~~ To leverage the investigative and operational capabilities of our national-level partners, the Army Central Control Office (ACCO) will ensure Army counterintelligence elements inform the cognizant federal agencies in a timely manner of appropriate investigative issues. Specifically, ACCO will ensure that the FBI receives either a Request for Assistance (RFA) or a Summary of Information (SOI) in all instances of illicit technology transfer. In instances where there is a potential violation of the EAR, ACCO will also ensure OEE receives an RFA and/or SOI. In those instances where there is a potential violation of the ITAR, ACCO will ensure ICE receives an RFA and/or SOI. In those instances, where facts are insufficient to determine if the incident violates the ITAR or the EAR, ACCO will ensure both OEE and ICE receive the appropriate documents.
5. ~~(FOUO)~~ It is the responsibility of the ACCO to ensure Army counterintelligence elements monitor the status of incidents reported to FBI, ICE and OEE until resolved. In instances involving targeting of Army technologies where FBI, ICE, and/or OEE defer operational interest, it is the responsibility of ACCO to ensure Army counterintelligence elements exercise their responsibilities IAW AR 381-12, SAEDA.
6. ~~(FOUO)~~ OCONUS CI elements will also cooperate, where appropriate, with host-nation counterintelligence/security elements to counter third-country targeting and illicit transfer of US and/or NATO technologies worldwide. ACCO will encourage OCONUS CI elements to engage host-nation CI elements in identifying third-country threats to Army technologies, and will conduct combined investigations/operations to counter those threats. In instances where OCONUS CI elements open bilateral investigations with host-nation services, ACCO shall inform and update ICE, OEE and FBI headquarters as necessary.

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DAMI-CD
SUBJECT: Policy Letter on Information-Sharing Regarding Army CI Investigations
Involving Illicit Technology Transfer (U)

7. (U) The HQDA, DCS, G-2 point of contact is [REDACTED] DAMI-CDC,
telephone: [REDACTED] and email: [REDACTED]


JOHN F. KIMMONS
Lieutenant General, GS
Deputy Chief of Staff, G-2

DISTRIBUTION:
ASSISTANT SECRETARY OF THE ARMY (ACQUISITION,
LOGISTICS AND TECHNOLOGY)
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DEPUTY CHIEF OF STAFF, G-4
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US ARMY INTELLIGENCE AND SECURITY COMMAND

CF:
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DEPARTMENT OF THE ARMY
OFFICE OF THE DEPUTY CHIEF OF STAFF, G-2
1000 ARMY PENTAGON
WASHINGTON, DC 20310-1000

31 Oct 06

DAMI-CD

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: (U) Policy for Counterintelligence Investigations and Investigative Source Operations Excluded from Revision of AR 381-47 (S)

1. (U) References:

- a. (U) AR 381-12, Subversion and Espionage Directed Against the US Army, 15 Jan 93.
- b. (U) AR 381-20, The Army Counterintelligence Program, 15 Nov 93.
- c. (U) AR 381-47 (S), US Army Counterespionage Activities, 30 Jul 90.
- d. (U) AR 381-47 (S), Offensive Counterintelligence Operations, 17 Mar 06.
- e. (U) Memorandum, Under Secretary of Defense for Intelligence, 18 Jul 03, subject: Reporting Significant Counterintelligence Activity.
- f. (U) Secret Memorandum, DCS G-2, DAMI-CI, 27 Aug 04, subject: Interim Guidance for Counterintelligence Operations, Projects, and Collection.

2. (U) Effective 17 Apr 06, a major revision to AR 381-47 was approved for publication by the Administrative Assistant to the Secretary of the Army.

3. (U) Reference 1c included policy on counterintelligence investigations in Chapter 4, counterespionage projects in Chapter 5, and reporting and intelligence oversight in Chapter 6, all of which was excluded from the revision of AR 381-47.

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DATE OF SOURCE: 7 Dec 05
REASON: 1.4(c)
DECLASSIFY ON: 1 Jun 2031

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Enclosure. 2

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DAMI-CD

SUBJECT: (U) Policy for Counterintelligence Investigations and Investigative Source Operations Excluded from Revision of AR 381-47 (S)

4. (U) The enclosure reissues that policy which will continue in effect until superseded or rescinded.
5. (U) This policy supersedes reference 1f.
6. (U) This policy has been reviewed for legal sufficiency by the Office of The Judge Advocate General and the Office of the Army General Counsel.
7. (U) The Office of the Deputy Chief of Staff, G-2 point of contact is [REDACTED] DAMI-CDC, [REDACTED] SIPRNET e-mail: [REDACTED]

Enclosure

John F. Kimmons
JOHN F. KIMMONS
Lieutenant General, GS
Deputy Chief of Staff, G-2

DISTRIBUTION:
US ARMY CENTRAL COMMAND
US ARMY FORCES COMMAND
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US ARMY SOUTH
US ARMY SPECIAL OPERATIONS COMMAND
US ARMY INTELLIGENCE AND SECURITY COMMAND
650TH MILITARY INTELLIGENCE GROUP
US ARMY INTELLIGENCE CENTER AND FORT HUACHUCA

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Policy for Counterintelligence Investigations and Investigative Source Operations (U)

1. (U) **Purpose.** This policy sets forth the standards, responsibilities, and approval procedures for CI investigations, subject interviews, investigative source operations, and CI projects excluded from the revision of AR 381-47, ~~Offensive~~ Counterintelligence Operations (U), 17 Mar 06.
2. (U) **Applicability.** This policy applies to those CI units in the active Army, the Army National Guard, and the US Army Reserve with a lawful mission to implement the activities defined herein.
3. (U) **CI Investigations.**
 - a. (U) The Army CI Coordinating Authority (ACICA) (formerly ACCO) has the authority to assume direct control of a CI investigation and to task directly down to the CI field or resident office level on all full field CI investigations and other investigations, as required.
 - b. (U) CI field elements are not only authorized, but enjoined, to respond directly to the ACICA when so tasked.
 - c. (U) The Theater CI Coordinating Authority (TCICA) and/or the chain of command will be information addressees on any direct tasking from the ACICA.
 - d. (U) CI elements in receipt of reports rendered under AR 381-12 will continue to comply with the requirements of para 3-4b, AR 381-12.
 - e. (U) INSCOM will continue to maintain one or more CI specialized mission units capable of implementing complex and sensitive CI investigative activity, including special investigative techniques, physical and technical surveillance, collection of evidence, and cyber forensics. These elements will be prepared on order to deploy worldwide when directed by Commander, INSCOM, the Army G-2X or the DCS, G-2.
 - f. (U) The ACICA will ensure that the reporting of significant CI activity to the DCS, G-2 is accomplished in accordance with the criteria specified by reference 1e. The ACICA will provide detailed briefings on a monthly basis to the DCS, G-2 on significant CI investigations and those otherwise identified by the DCS, G-2 as noteworthy. The ACICA will also respond to DCS, G-2 requests for detailed summaries on CI investigations for the purpose of advising senior DA and DoD officials of significant developments.

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Policy for Counterintelligence Investigations and Investigative Source Operations (U)

g. (U) Reports from other US and foreign government agencies regarding known or suspected espionage or terrorism will be referred to the ACICA promptly. No investigative action will be taken if such action might compromise another agency's sources or methods. When the source agency requests that dissemination of the report be restricted, the CI Agent should advise the agency that the information must, at a minimum, be reported to the ACICA.

h. (U) When a CI scope polygraph examination surfaces an indication of possible espionage, terrorism, or other matters of CI interest, the polygraph element will refer the matter in a timely manner to the ACICA for a follow-on CI investigation, if appropriate. The ACICA will ensure that any follow-on investigation is conducted expeditiously.

i. (U) Upon completion of investigative activity, CI elements will prepare a Report of Investigation (ROI). The ROI will be prepared on any investigation which exceeds the scope of local and military agency checks and the interview of the original source. The ROI will include a concise and complete record of all investigative activity accomplished. The ROI will include those actions taken to confirm or refute the original report and any legal or administrative actions taken as a result of the investigation. The ACICA will transmit all investigative files and reports to the ACICA along with the ROI.

j. (U) The ACICA will review ROIs to ensure that all appropriate leads have been pursued. The ACICA may direct further investigative activity, if necessary. The ACICA will forward the original copies of all reports and the ROI to the US Army Investigative Records Repository (USAIRR) for archiving.

4. (U) **Subject interviews.** Interviews of subjects of CI investigations are conducted to afford subjects the opportunity to refute, explain, clarify or mitigate allegations of espionage, terrorism, and other national security crimes. CI Agents will not conduct, participate in, or witness subject interviews conducted by other agencies unless expressly approved by the ACICA. In addition to approval by the ACICA, proposals to conduct or participate in subject interviews will be reviewed in advance by a staff judge advocate (SJA) or other appropriate legal counsel.

a. (U) If the subject is an active duty Soldier, a retiree, an Army reservist, or a member of the Army National Guard (hereinafter referred to as service members) under Army CI investigative jurisdiction as specified in paragraphs 4-2c and d, AR

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Policy for Counterintelligence Investigations and Investigative Source Operations (U)

381-20, and is suspected of having committed a crime or an offense under the Uniform Code of Military Justice (UCMJ), he will be advised of his rights under Article 31b, UCMJ, prior to the onset of the interview. The subject will be asked to execute a DA Form 3881, Rights Warning Procedure/Waiver Certificate, subsequent to the rights warning and prior to the commencement of the interview. Should the subject invoke his Article 31(b) rights, the interview will be terminated or suspended until the subject has consulted with a lawyer. At the conclusion of the interview, provided that the subject has waived his rights, he will be asked to execute a sworn statement which will include all information that the subject provided during the interview, either in narrative form or question and answer form.

b. (U) CI Agents may not participate in or witness subject interviews conducted by another agency of service members who are suspected of an offense or crime under UCMJ, unless the service member is advised of his rights under Article 31(b), as specified above.

c. (U) Interviews of service members not suspected of a crime under the UCMJ are normally not preceded by the rights warning. If, during the conduct of such an interview, a service member makes incriminating statements which may be indicative of a crime under the UCMJ for which Army CI has investigative jurisdiction in accordance with AR 381-20, the Agent will suspend the interview. The Agent will then advise the interviewee of his rights under Article 31(b). If the interviewee has consented on DA Form 3881 to proceed without a lawyer present, the Agent may continue the interview. If the service member invokes his rights under Article 31(b), the Agent will pose no further questions and will provide the subject the opportunity to consult with a lawyer. In cases where a service member discloses incriminating information about offenses outside of Army CI investigative jurisdiction, the Agent will consult with a legal advisor prior to executing a rights advisory and proceeding with the interview.

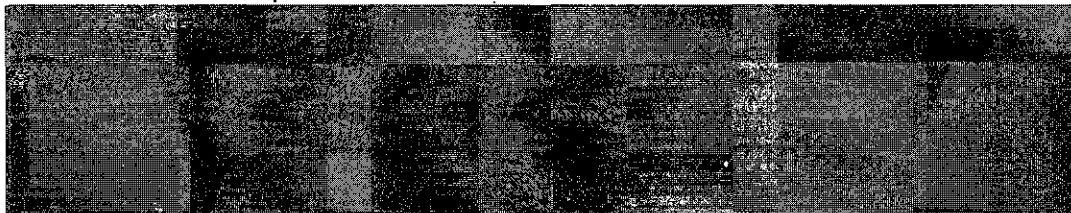
d. (U) Army CI Agents may either conduct or participate in non-custodial interviews of civilian subjects who are either under Army CI investigative jurisdiction or who are the focus of an approved joint investigation. Non-custodial interviews of civilian subjects do not require a rights warning before the onset of the interview, and, if the subject incriminates himself during the course of the interview, questioning may continue without a rights advisement.

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Policy for Counterintelligence Investigations and Investigative Source Operations (U)

e. (U) In the conduct of joint investigations of civilian subjects or in coordination with those agencies having jurisdiction, CI Agents will ensure that, if the interview is custodial or it is otherwise legally appropriate, these subjects are advised of their rights under the Fifth Amendment to the Constitution of the US. The subject will be asked to execute a DA Form 3881, Rights Warning Procedure/Waiver Certificate (or its equivalent), subsequent to the warning and prior to the commencement of the interview. Should the subject invoke his Constitutional rights, the interview will be terminated or suspended until the subject has had the opportunity to consult with a lawyer. At the conclusion of the interview, provided that the subject has waived his rights, he will be asked to execute a sworn statement which will include all information that the subject provided during the interview.



5. (U) CI Investigative Source Operations.

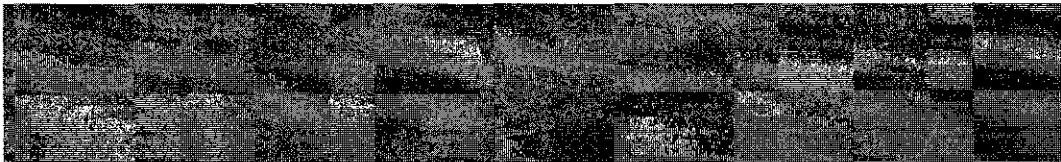
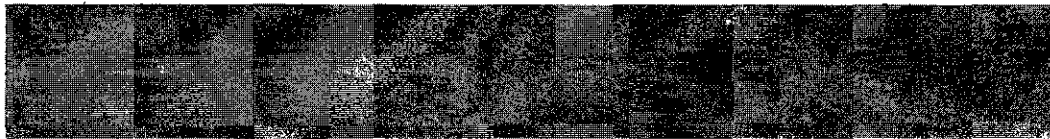
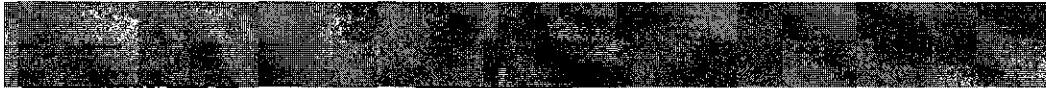
a. (U) Role Players.



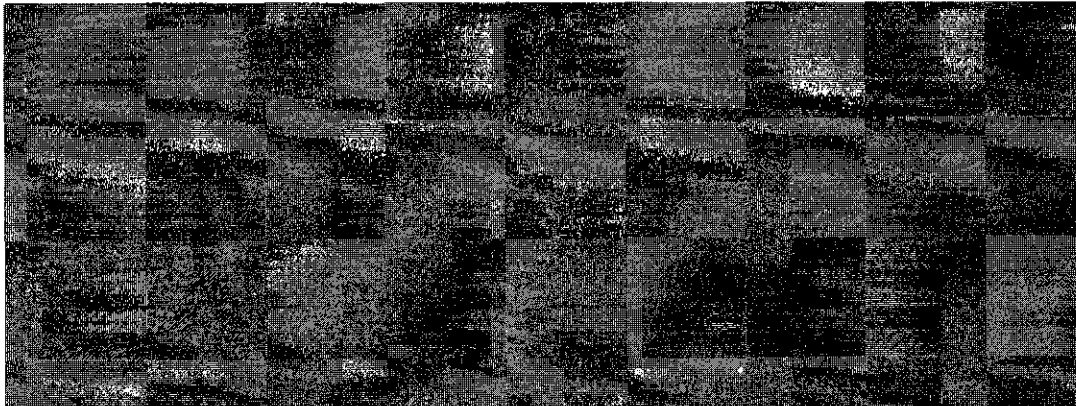
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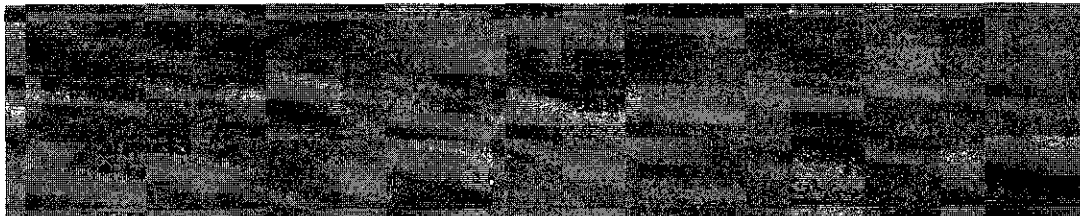
Policy for Counterintelligence Investigations and Investigative Source Operations (U)



b. (U) Investigative Access Agents.



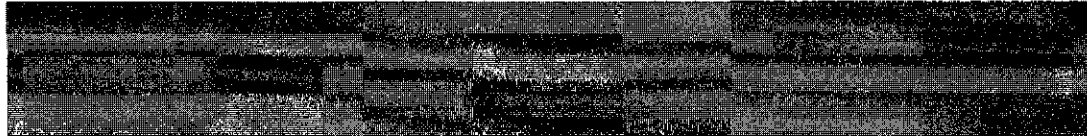
(2) (U) CISOCs proposing the use of investigative access agents will be approved by Commander, INSCOM, or his single designee. CISOCs proposed by the 650th MI Group will be approved by the Supreme Allied Commander, Europe (SACEUR) or his single designee.



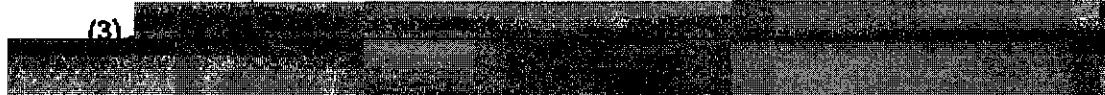
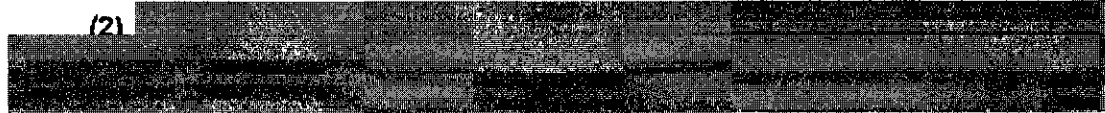
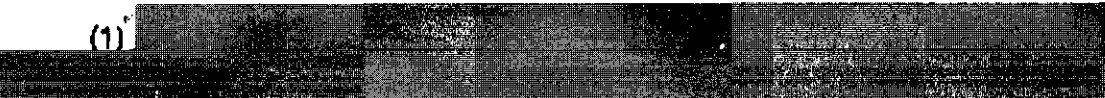
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Policy for Counterintelligence Investigations and Investigative Source Operations (U)



6. (U) CI Projects.



b. (U) CI projects will be implemented based on the submission and approval of a CISOC by Commander, INSCOM or his single designee, and the Deputy Chiefs of Staff, G-2, USAREUR, ARCENT, EUSA, USARPAC, and USARSO for projects in their areas of responsibility. These officials may delegate approval authority to MI brigade or group commanders. CISOCs proposed by the 650th MI Group will be approved by the SACEUR or his single designee. The DCS G-2, USASOC, may approve CI projects proposed by subordinate CI elements.

c. (U) Copies of these CISOCs will be forwarded through the ACICA to the DCS, G-2 for review and registration within three working days of approval by those officials designated in paragraph 6b, above.

d. (U) CI organizations conducting investigative source operations and CI projects will ensure that all relevant reporting goes to the ACICA. CI organizations

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Policy for Counterintelligence Investigations and Investigative Source Operations (U)

will send a monthly summary to the ACICA on the progress of the operation and will report via e-mail immediately upon the occurrence of any significant activity.

7. (U) The ACICA will --

a. (U) Exercise authority over the coordination and operational direction of all CI investigative source operations and CI projects in the Army.

b. (U) Coordinate source operations and CI projects with other government agencies at the national level.

c. (U) Ensure that any techniques and procedures employed in the implementation of source operations and CI projects are consistent with AR 381-10, US Army Intelligence Activities.

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DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20310-1700

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JAN 30 2008

SAIG-IO (381-10b)

MEMORANDUM THRU GENERAL COUNSEL, ARMY
FOR OFFICE OF THE ASSISTANT TO THE SECRETARY OF DEFENSE
(INTELLIGENCE OVERSIGHT) (ATSD(IO))

SUBJECT: Quarterly Intelligence Oversight Activities Report (1st Quarter, FY 08) (U)

1. (U) References:

- a. (U) Executive Order 12333, US Intelligence Activities, 4 December 1981, as amended.
- b. (U) DoD 5240.1-R, Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons, December 1982.
- c. (U) DoD Directive 5240.1, DoD Intelligence Activities, 27 August 2007.
- d. (U) Army Regulation (AR) 381-10, US Army Intelligence Activities, 3 May 2007.
- e. (U) Unclassified memorandum, Assistant to the Secretary of Defense, 8 December 2006, subject: Annual Intelligence Oversight Report to Congress – New Requirement.
- f. (U) Unclassified//FOUO memorandum, Office of the Director of National Intelligence, 23 March 2006, subject: Request for Information and Coordination.
- g. (U) ~~SECRET//NOFORN~~ memorandum, Department of the Army Inspector General (DAIG), 30 October 2007, subject: Quarterly Intelligence Oversight Activities Report (4th Quarter, FY 07) (U).
- h. (U) AR 20-1, Inspector General Activities and Procedures, 1 February 2007.
- i. (U) AR 15-6, Procedures for Investigating Officers and Boards, 30 September 1996.

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