

ATSD (IO) Intelligence Oversight Inspection Guide (28 Nov 11)

UNIT: _____ Date: _____ Inspectors: _____

General Program Organization

- | | | |
|---|-----|----|
| 1. Are unit personnel aware of and do they understand the unit's authorized intelligence mission set? | YES | NO |
| 2. What is the authorized mission? | | |
| 3. Has the organization designated an individual with overall responsibility for the IO program? | YES | NO |
| -Are duties delineated? | YES | NO |
| -Are duties reflected in appropriate Support Form? | YES | NO |
| - Does he/she have access to all intelligence and intelligence related programs, files networks, and information for operations or activities conducted by the organization? | YES | NO |
| - Is there anyone else who has some IO responsibility such as the unit SJA | YES | NO |
| 4. Review IO Officer/NCO files. Does the unit have an IO Policy Book (brigade/group level)? or access via the internet to the following references? | YES | NO |
| <ul style="list-style-type: none"> -Executive Order 12333, United States Intelligence Activities, December 1981 as amended (July 08) -DOD Directive 5240.01, DoD Intelligence Activities, 27 August 2007. -DOD Directive 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components That Affect United States Persons, December 1982. -DTM 08-052, DoD Guidance for Reporting Questionable Intelligence Activities and Significant or Highly Sensitive Matters," June 17, 2009 [with Change 2 of August 22, 2011] -Service or Agency Regulations and Policy Documents. -Unit specific/unique documents (e.g. OPORDS, memorandum, etc.) governing the unit's missions and/or activities -Unit IO SOP (not required by regulation but a good practice) -ATSD(IO) Intelligence Oversight Training and Resource Disk (March 2011) | | |
| 5. Other than appropriate administrative files, as required, do any files (automated, operational, working, etc.) contain information about US persons? If "YES," confirm the organization's authority to collect, retain, and disseminate such US person information and review authorization documentation for currency. | YES | NO |

Training

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| 6. Do personnel receive Intelligence Oversight training? | YES | NO |
| <ul style="list-style-type: none"> -What is the frequency required by the organization? -What percentage of assigned personnel are documented as current for training? -What is the method of delivery: (Online, group platform instruction, deskside) | | |
| -Is unit leadership made aware of IO requirements? How? | YES | NO |
| -Does unit leadership participate in IO training? | YES | NO |
| -Is training tailored to the unit's mission and adequate in content? | YES | NO |

-Is training effectiveness evaluated?	YES	NO
-Is training documented and are records current?	YES	NO
-Are new unit personnel briefed as part of in- processing?	YES	NO
-Is there a requirement for IO refresher training? Frequency?	YES	NO
-Are contractors required to take training?	YES	NO
-Are measures in effect to ensure personnel absent during scheduled training receive IO training? Describe how this is done and cross check training records.	YES	NO
-Are any personnel in the unit exempted from IO training? What is the basis for the exemption?	YES	NO

Who made the decision?

Has service or agency IG been notified?	YES	NO
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-Is an Intelligence Oversight reference guide/smart card provided to personnel? Review content for accuracy and adequacy.	YES	NO
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7. Based on personnel interviews, are organization personnel aware of:

- What constitutes a U.S. person?
- What constitutes a questionable intelligence activity?
- What obligation personnel have to report questionable intelligence activities?
- To whom personnel report questionable intelligence activities?
- The fact that no retaliatory action can be taken for reporting questionable intelligence activities?
- Where to find applicable directives, regulations, and policies?
- The additional reporting requirements for QIAs and Significant or Highly Sensitive Matters IAW DTM 08-052?

8. How is the IO program advertised in the organization?

9. Are there any Information Operations staffs assigned to the inspected command/organization?	YES	NO
-If so, have they received IO training?	YES	NO
-Was the training tailored to address potential conflicts between intelligence and informational operations per Para 5.7.4 of DoDD 3600.01.	YES	NO

Oversight Mechanisms

***Internal Oversight**

10. Does the organization conduct internal self-assessments or inspections of the IO program? What is the frequency? How are assessments documented?	YES	NO
11. Are file review and verification procedures established IAW agency or service regulation? Is the current files verification certificate on file? How is the annual files verification reported to higher headquarters?	YES	NO
12. Are IO concerns effectively considered in unit operational planning and conduct? How is this accomplished? Who participates in the process? What actions are taken to resolve concerns prior to plans being approved and operations executed?	YES	NO
13. Does the unit's mission allow, and is the unit conducting, intelligence operational activities	YES	NO

requiring the use of special collection techniques (Procedures 5 through 10)?

If "YES,"--Have all requests for the use of special collection techniques been reviewed by proper legal authority and approved by the appropriate command authority? (Review approval requests and approval documentation.)	YES	NO
Were operators appropriately aware, prebriefed, monitored, and debriefed for each situation?	YES	NO
Are records maintained on who was briefed and when?	YES	NO
Are resulting reports/information executed/handled/disseminated/stored properly and correctly?	YES	NO
14. Have organization personnel conducted any undisclosed participation in domestic organizations for intelligence purposes or in support of intelligence activities?	YES	NO
Was such participation approved by appropriate authority and documented?	YES	NO
15. Has the unit provided support to law enforcement agencies (LEA) since the last IO inspection?	YES	NO
If "YES," did the requests receive a legal review and were they approved by the appropriate command authority? (Review approval documentation.)	YES	NO
16. Has the organization collected imagery of US persons or organizations located in CONUS?	YES	NO
Has the organization collected imagery of US persons located outside CONUS?	YES	NO
If "YES," did the requests receive a legal review and were they approved by the appropriate command authority? (Review approval documentation.)	YES	NO
17. Does the unit participate in any intelligence SAP's or other restricted access programs?	YES	NO
If "YES,"		
-What mechanisms are in place to ensure IO training of personnel and reporting Questionable Intelligence Activities involving the SAP?		
-What access does the command legal office and Inspector General have to provide oversight?		
18. Are IIR's reviewed by the organization prior to publication?	YES	NO
-Do IIRs containing US person information receive any special or additional review?	YES	NO
19. Does the organization have documented internal policies and procedures concerning collection, retention, and dissemination of US person information?	YES	NO
-Are personnel aware of these policies and procedures and able to identify their reporting/approval chain?	YES	NO
20. What procedures exist to monitor the status of US person information held under the 90 day determination rule?		

***Independent Oversight**

21. Has IO been incorporated into the unit's Organizational Inspection Program (OIP)? Date of last IO OIP _____	YES	NO
Were there any findings/observations? If "YES," review report.	YES	NO
Were corrective actions taken?	YES	NO

22. What external Intelligence Oversight inspections has the organization undergone since the previous inspection by the current inspecting headquarters.	YES	NO
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Date:_____ Inspecting Organization_____

Date:_____ Inspecting Organization_____

Date:_____ Inspecting Organization_____

Date:_____ Inspecting Organization_____

(Review the reports of inspection.)

23. For any IO inspection listed in #22, above, in which there were findings/observations, were corrective actions taken on findings/observations? Provide comments as applicable.	YES	NO
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***Legal Oversight**

24. What legal office provides advice and legal review of intelligence activities for IO equities?

25. What is the involvement of the organization's SJA or General Counsel in the oversight program?

Reporting Procedures

25. What internal periodic reporting requirements has the organization established?

26. Are required reports submitted in a timely manner as established by organization policy?	YES	NO
27. Are procedures established, and documented, to report questionable intelligence activities (QIA), Significant or Highly Sensitive Matters (S/HS) and Federal criminal activities to organization leadership within the timelines outlined in DOD 5240.1-R and DTM 08-052?	YES	NO

What is the documented reporting process?
(Crosswalk information from personnel interviews with the documented process.)

28. Review derogatory information in S-2 files for information reportable under Procedure 15 or as a Federal crime. Direct the unit to report if reportable information is found.

29. Has the unit reported any questionable intelligence activities under Procedure 15? (Review documentation.)	YES	NO
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Response Mechanism

30. Does organization leadership understand its responsibilities to report QIAs to ATSD (IO)?	YES	NO
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31. Does organization leadership understand its responsibilities to ensure appropriate inquiry into reported QIAs and take appropriate corrective action based on a determination of the facts?	YES	NO
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FOR CI UNITS ONLY

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| 1. Does the organization have established procedures for review of all CI operations and investigations to ensure compliance with DoD and service regulations? | YES | NO |
| 2. Does the organization periodically review long-term CI special operations and investigations to ensure continued regulatory compliance after initial approval? | YES | NO |
| 3. Has the organization established procedures to ensure CISOCs, CIOCS, and threat assessments receive legal and oversight reviews and are approved by the proper authority prior to implementation | YES | NO |
| 4. Is release of information on US persons in accordance with the provisions of Procedure 4, DOD 5240.1-R? | YES | NO |
| 5. Does the organization have available or access via internet to the following documents? | YES | NO |

DoD Directive 5240.02, December 20, 2007, Counterintelligence - Incorporating Change 1 December 30, 2010

DoD Directive 5525.5, DoD Cooperation with Civilian Law Enforcement, 15 Jan 1986 - Incorporating Change 1 December 20, 1989]

DoD Instruction S-5240.09, October 29, 2008, Offensive Counterintelligence Operations (OFCO) (U)

DoD Instruction 5240.04, February 2, 2009, Counterintelligence (CI) Investigations

DoD Instruction 5240.05, February 22, 2006, Technical Surveillance Countermeasures (TSCM) Program

DoD Directive 5240.06, May 17, 2011, Counterintelligence (CI) Awareness and Reporting

DoD Instruction C5240.08, February 28, 2011 Counterintelligence Security Classification Guide

DoD Instruction 5240.10, October 5, 2011, Counterintelligence Support to the Combatant

Commands and the Defense Agencies

DoD Instruction 5240.16, May 21, 2005, DoD Counterintelligence Functional Services

DoD Instruction S5240.17, January 12, 2009, Counterintelligence Collection

DoD Instruction 5240.18, November 17, 2009, Counterintelligence (CI) Analysis and Production

DoD Instruction 5240.19, "Counterintelligence Support to the Defense Critical Infrastructure Program, August 27, 2007

Incorporating Change 1, December 28, 2010

DoD Instruction 5240.22, September 24, 2009, Counterintelligence Support to Force

1979 FBI MOU Agreement Governing the Conduct of Defense Department Counterintelligence Activities in Conjunction with the Federal Bureau of Investigation, 5 Apr 1979

1996 supplement to 1979 FBI MOU Regarding Coordination of Counterintelligence Matters, 1 Apr 1996

Service and Agency Regulations and Instructions as Appropriate to Support Unit Mission

Service or Agency Policy Documents or Regulations

FOR HUMINT UNITS ONLY

1. Does the organization have established procedures for review of all HUMINT operations to ensure compliance with regulatory requirements, and DIAMs 3301.002 and DHM31301.002? YES NO

2. Does the organization periodically review long-term HUMINT operations to ensure continued compliance with DIAM 3301.002? (do they still have a valid mission authority?) YES NO

3. Has the organization established procedures to ensure OVOPs receive legal and oversight reviews and are approved by the proper authority prior to implementation? YES NO

4. Is release of information on US persons in accordance with the provisions of Procedure 4, DOD 5240.1-R? YES NO

5. Does the organization have available the following documentation as required by mission? YES NO

DoD Directive-S 5200.37 "Management and Execution of Defense HUMINT," 29 May 2011
DoD Instruction-S3325.07, "Source Validation," 16 August 2010
DoD Instruction-C-5205.01, "DoD Foreign Military Intelligence Collection Activities (FORMICA)," January 22, 2009
DoD Instruction-C-5200.42, "Defense Human Intelligence (HUMINT) and Related Intelligence Activities," December 8, 2009
DoD Instruction-S.5105.61, "Implementation of DoD Cover and Cover Support Activities," March 9, 1999
Defense HUMINT Manual 3301.002, Defense Human Intelligence (HUMINT) Enterprise Manual, Volume II: Collection Operations, 23 November 2010
Defense HUMINT Manual 3301.001, Defense Intelligence Agency Human Intelligence (HUMINT) Manual, Volume I: Collection Requirements, Reporting, and Evaluation Procedures, 30 January 2009
Intelligence Community Directive #304, Human Intelligence," March 6, 2008, Amended 9 July 2009
DoD/CIA Memorandum Of Agreement, "Operational Activities," July 2005
Service or Agency Policy Documents and Regulations

FOR SIGINT UNITS ONLY (note: inspect from top down, CDR to IO Officer, to branch chiefs to operators)

1. What is (are) the organization mission(s) (Unit USSID/Profile, Mission Delegation Form(s) Staff Processing Form(s)? When were they last updated and reviewed by the Service Cryptologic Element?

2. Does the organization have available in hard copy or online access to the current copies of the following documents? YES NO

-Executive Order 12333	YES	NO
-DoD Directive 5240.1-R Procedures 1-4 and 14-15	YES	NO
-NSA/CSS Policy 1-23	YES	NO
-USSID SP0018	YES	NO
-NSCID 6	YES	NO

3. Have all personnel received annual training on the requirements and restrictions of:

-Executive Order 12333	YES	NO
-DoD Directive 5240.1-R Procedures 1-4 and 14-15	YES	NO
-NSA/CSS Policy 1-23	YES	NO

4. Have all personnel participating in SIGINT operations received annual training on the requirements and restrictions of USSID SP0018? YES NO

5. Do personnel know what constitutes a USSID SP0018 violation? YES NO

6. Do personnel know the procedures if uncertain a USSID SP0018 violation occurred? YES NO

7. Do personnel know the procedures for reporting a USSID SP0018 violation? YES NO

8. Has the unit reported a USSID SP0018 violation within the last year? YES NO

If "NO" go to 10

9. Describe the USSID SP0018 violations(s) that occurred and what transpired.

10. Do personnel access raw SIGINT databases? YES NO

If "NO" go to 17

11. Have all personnel accessing databases **completed online training** within the time requirements mandated by NSA? YES NO

12. Do personnel have access to Protect America Act (PAA) or FISA Amendments Act (FAA) data? YES NO

If "NO" go to 14

13. Have all personnel accessing PAA/FAA data successfully completed the required training within the time requirements mandated by NSA? YES NO

14. What raw SIGINT databases are accessed by assigned personnel. (Note: Response may be classified)

15. Is there a mechanism in place to track the reviewers (primary and secondary) for personnel accessing raw SIGINT databases? YES NO

Check the following using the list of primary and secondary reviewers (representative sample):

a. Reviewers (primary and secondary) are available to conduct reviews (not reassigned, TDY, etc.)	YES	NO
b. Reviewers (primary and secondary) know that they are reviewers.	YES	NO
c. Reviewers (primary and secondary) know their responsibilities	YES	NO
d. Reviewers (primary and secondary) are qualified to be reviewers Observe auditors performing their auditing duties.	YES	NO
e. Reviewers (primary and secondary) conduct reviews	YES	NO
f. Review files are retained	YES	NO
16. Is there a mechanism in place to terminate a person's database access when access is no longer required?	YES	NO
If "YES" describe.		
17. Does the unit task targets?	YES	NO
If "NO" go to 21		
18. Is IO incorporated in target tasking procedures?	YES	NO
If "YES" describe.		
19. Does the organization have any targets tasked requiring authorizations?	YES	NO
If "NO" go to 21		
20. How does the organization manage tasked targets requiring authorizations (describe)?		
21. Does the organization issue reports (serialized, time sensitive, summaries, etc.)	YES	NO
If "NO" go to 24		
22. Is IO incorporated into the pre-release quality control for reports?	YES	NO
23. Are reports reviewed, post release, for IO concerns?	YES	NO
24. Who in the organization submits quarterly reporting to NSA/OIG (ask to see last two reports)	YES	NO
25. Is there a separate SIGINT IO officer?	YES	NO
26. Did he/she take the required online training?	YES	NO
27. What are the mechanics for reporting incidents?		
28. Are they codified in a policy letter or SOP?	YES	NO