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)?  YES NO
   or access via the internet to the following references?
   - Executive Order 12333, United States Intelligence Activities, December 1981 as amended (July 08)
   - 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.

Training

6. Do personnel receive Intelligence Oversight training?  YES NO
   - 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

- Is an Intelligence Oversight reference guide/smart card provided to personnel? Review content for accuracy and adequacy.  YES NO

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.

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)?

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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.)

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Were operators appropriately aware, prebriefed, monitored, and debriefed for each situation? Are records maintained on who was briefed and when? Are resulting reports/information executed/handled/disseminated/stored properly and correctly?

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14. Have organization personnel conducted any undisclosed participation in domestic organizations for intelligence purposes or in support of intelligence activities? Was such participation approved by appropriate authority and documented?

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15. Has the unit provided support to law enforcement agencies (LEA) since the last IO inspection?

If "**YES,**" did the requests receive a legal review and were they approved by the appropriate command authority? (Review approval documentation.)

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16. Has the organization **collected** imagery of US persons or organizations located in CONUS? Has the organization **collected** imagery of US persons located outside CONUS?

If "**YES,**" did the requests receive a legal review and were they approved by the appropriate command authority? (Review approval documentation.)

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17. Does the unit participate in any intelligence SAP’s or other restricted access programs?

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?

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18. Are IIR’s reviewed by the organization prior to publication?

- Do IIRs containing US person information receive any special or additional review?

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19. Does the organization have documented internal policies and procedures concerning collection, retention, and dissemination of US person information?

- Are personnel aware of these policies and procedures and able to identify their reporting/approval chain?

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20. What procedures exist to monitor the status of US person information held under the 90 day determination rule?

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*Independent Oversight*

21. Has IO been incorporated into the unit's Organizational Inspection Program (OIP)?

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Date of last IO OIP

Were there any findings/observations? If "**YES,**" review report.

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Were corrective actions taken?

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22. What external Intelligence Oversight inspections has the organization undergone since the previous inspection by the current inspecting headquarters.

YES  NO

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

*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?

YES  NO

(Review documentation.)

Response Mechanism

30. Does organization leadership understand it responsibilities to report QIAs to ATSD (IO)?

YES  NO

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
FOR CI UNITS ONLY

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 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 5240.22, 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 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 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
   - 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
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?

   - Executive Order 12333
   - DoD Directive 5240.1-R Procedures 1-4 and 14-15
   - NSA/CSS Policy 1-23
   - USSID SP0018
   - NSCID 6

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

   - Executive Order 12333
   - DoD Directive 5240.1-R Procedures 1-4 and 14-15
   - NSA/CSS Policy 1-23

4. Have all personnel participating in SIGINT operations received annual training on the requirements and restrictions of USSID SP0018?

5. Do personnel know what constitutes a USSID SP0018 violation?

6. Do personnel know the procedures if uncertain a USSID SP0018 violation occurred?

7. Do personnel know the procedures for reporting a USSID SP0018 violation?

8. Has the unit reported a USSID SP0018 violation within the last year?

   If “NO” go to 10

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

10. Do personnel access raw SIGINT databases?

    If “NO” go to 17

11. Have all personnel accessing databases completed online training within the time requirements mandated by NSA?

12. Do personnel have access to Protect America Act (PAA) or FISA Amendments Act (FAA) data?

    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?

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?
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
   YES  NO
   Observe auditors performing their auditing duties.

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

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

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

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
   YES  NO
   (ask to see last two reports)

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