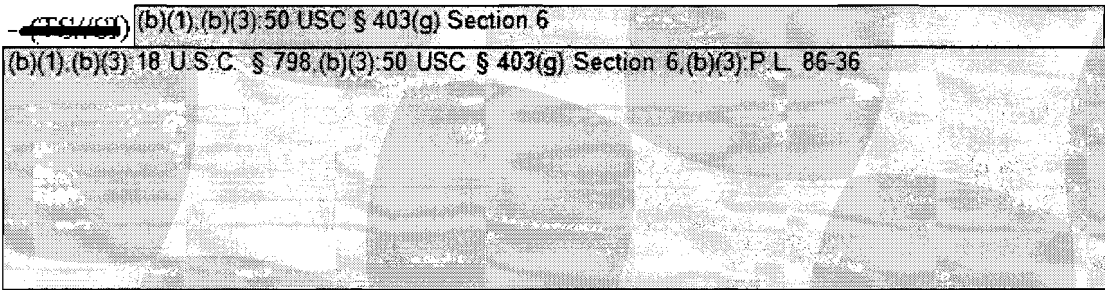


(FOUO) Navy Activity

--(FOUO) A Naval Criminal Investigations Service (NCIS) Headquarters review of a **Joint FBI/NCIS** joint counterespionage operation revealed that an NCIS asset had conducted undisclosed participation in a US organization in violation of Procedure 10 of DoD Regulation 5240.1-R and SECNAVINST 3820.3E. **The FBI** maintained that under its manuals, no prior authorization was required. This incident reveals differences that may exist among the operating guidelines of different Federal agencies regarding IO procedures and should be considered as part of any Federal inter-agency review of IO issues.

(U) Updates of Previously Reported Incidents and other Significant Procedure 15 Actions



--(U/FOUO) In addition, the NSA/IG closed out its August 2004 inspection report of [redacted] after having determined that Intelligence Oversight findings, identified in the August inspection report, had been rectified. The NSA/IG determined that they had received adequate reporting feedback and that Intelligence Oversight processes were documented to ensure program sustainability.

(b)(3): P.L. 86-36

--(S//NF) Incident of Prisoner Abuse by DIA Employee in Afghanistan (Project 05-2566-MA-056): In April 2005, the DIA Office of Inspector General, reported on allegations of two incidents of prisoner abuse by a civilian [redacted] assigned to the [redacted] with duty in support of [redacted]

(b)(1), (b)(3): 10 U.S.C. § 424

(b)(1), (b)(3): 10 U.S.C. § 424

[redacted] Based upon the DIA investigation into the matter, the allegations were substantiated. The [redacted] resigned from his job rather than receive a letter of termination.

(b)(1), (b)(3): 10 U.S.C. § 424

(b)(1), (b)(3): 10 U.S.C. § 424

~~(S//SI//NF)~~ (b)(1), (b)(3): P.L. 86-36  
(b)(1), (b)(3): P.L. 86-36

~~(S//SI)~~ (b)(1), (b)(3): P.L. 86-36  
(b)(1), (b)(3): P.L. 86-36

~~(S//SI)~~ (b)(1), (b)(3): P.L. 86-36  
(b)(1), (b)(3): P.L. 86-36

Other Activities

~~(S//SI//OC//NF)~~ (b)(1), (b)(3): P.L. 86-36  
(b)(1), (b)(3): P.L. 86-36

(U) DIA Activities

--(U) The DIA Inspector General's Office continues to provide IO training to outbound (b)(3): 10 U.S.C. § 424 This quarter, 23 DATTs received IO training prior to their deployments. In addition, an attorney from the DIA Office of General Counsel, provided instruction on (b)(3): 10 U.S.C. § 424 DoD Regulation 5240.1-R, (b)(3): 10 U.S.C. § 424 (b)(3): 10 U.S.C. § 424

(U) Update of Previously Report Questionable Intelligence Activities

--(S//NF) Unauthorized Participation in a (b)(1) (DIA/OIG Memo S-0235/IG): DIA/OIG conducted an IO investigation in response to an allegation of a questionable intelligence activity (QIA) involving participation of DIA and US Army personnel in a (b)(1) The investigation report (S-06-0230/IG) concluded that DIA personnel, during the period October 2004 through April 2005, had participated in an unauthorized (b)(1) (b)(1) in violation of US intelligence regulations. The report also found that the activity, (b)(1) was not documented by a (b)(1) nor was it subject to a counterintelligence review. In addition, the report concluded that personnel from the US Army Intelligence and Security Command (INSCOM) had participated in the activity without proper coordination. The report concluded that revelation of the program could

(b)(1)  
(b)(3)-P.L. 86-36

~~(S//NF)~~ [Redacted]

(b)(3)-P.L. 86-36

~~(S//NF)~~ [Redacted]

NSA/IG Inspection

--~~(S//NF)~~ Inspectors from the Naval Network Warfare Command, the National Reconnaissance Office, the Central Intelligence Agency, the National Geospatial-Intelligence Agency and the NSA/IG conducted a joint inspection of [Redacted]. Analysis of a sample of training records revealed that only 64% of the newly arrived employees received initial training. An inspection finding by the joint inspection team documented the need for internal controls in the facility's oversight training.

(b)(1)  
(b)(3)-P.L. 86-36

(U) DIA Activities

--(U) The DIA Inspector General's Office continues to provide IO training to outbound [Redacted]. This quarter, [Redacted] received IO training prior to their deployments. In addition, an attorney from the DIA Office of General Counsel, provided instruction on [Redacted] DoD Regulation 5240.1-R/[Redacted] [Redacted] [Redacted] [Redacted]

*Of these individuals  
all - Jan-Mar 2007  
Report for  
update, still open*

(U) Army Activities

--~~(S)~~ Questionable Intelligence Activities of Individuals Assigned to the IO Division in Iraq (DAIG 06-022) UPDATE: As reported in the June-Septen Quarterly Report, the Army is currently investigating numerous allegations of questionable intelligence activity (QIA) concerning members of the 101<sup>st</sup> Airborne Division. The on-going investigations have yielded evidence to support the following allegations: unauthorized source operations by non MI soldiers and interpreters [Redacted] [Redacted] unauthorized sources may have used threats of torture to extract confessions; unauthorized use of captured equipment to support unauthorized source operations; unauthorized detention, interrogation and prisoner transfer operations; and unauthorized fear-up approached during interrogations. The investigations are on-going.

--(U) Alleged Misuse of Intelligence Contingency Funds (DAIG-06-029): On 23 March 2006, the DoD Inspector General (DoD/IG) 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



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

SAIG-IO (20-1b)

9 November 2007

MEMORANDUM FOR ASSISTANT TO THE SECRETARY OF DEFENSE –  
(INTELLIGENCE OVERSIGHT)

SUBJECT: Update to Referral of Intelligence Oversight Incident for Investigation (DAIG-07-018) (U)

1. (U) References: (b)(1) Memorandum, ATSD (IO), Subject: Referral of Intelligence Oversight Incident for Investigation (U), 16 April 2007.
2. (U//~~FOUO~~) This responds to the ATSD-IO's referenced request to investigate a reported Intelligence Oversight incident involving elements of Multi-National Division North (25<sup>th</sup> ID) while supporting the Federal Bureau of Investigation (FBI) in and around Mosul, Iraq in February 2007.
3. (U//~~FOUO~~) C2, Multi-National Corps Iraq, advised Intelligence Oversight Division (SAIG-IO), Army Inspector General Agency, that MND-N completed a commander's investigation and confirmed that questionable intelligence activities did occur – i.e. the collection of information on US persons (USP) by intelligence assets supporting MND-N.
  - a. (U//~~FOUO~~) According to MND-N's investigation, an American citizen (DETAINEE), allegedly fighting with Anti-Iraqi Forces (AIF) was detained by Coalition Forces (CF) in February 2007..
  - b. (U//~~FOUO~~) The FBI, seeking evidence for possible criminal prosecution, reportedly contacted elements of MND-N (b)(6), (b)(7)(C), (b)(7)(E) (b)(6), (b)(7)(C), (b)(7)(E)
  - c. (U//~~FOUO~~) MND-N elements attempted to determine the citizenship of the DETAINEE's father prior to employing CF collection capabilities, according to MND-N's investigating officer.
  - d. (U//~~FOUO~~) MND-N's investigation included one interview with an officer who indicated the FBI (b)(6), (b)(7)(C), (b)(7)(E) (b)(6), (b)(7)(C), (b)(7)(E)

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AS AUTHORIZED BY AR 20-1.

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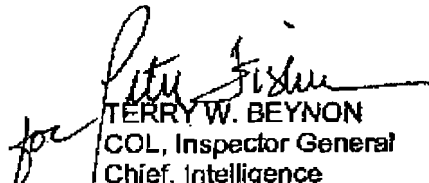
SUBJECT: Update to Referral of Intelligence Oversight Incident for Investigation (DAIG-07-018) (U)

e. (U//~~FOUO~~) MND-N was reportedly unable to obtain any clarifying information from FBI elements in the Iraqi Theater of Operation that would determine what was known by whom, and when, relative to (b)(6), (b)(7)(C)

4. (U//~~FOUO~~) In addition to the findings above, MND-N's investigation report included procedural recommendations to positively document the citizenship identity of individuals targeted for collection.

5. (U//~~FOUO~~) MND-N's cooperation with the FBI relates to the broader, systemic issue of Military Intelligence cooperation with Civilian Law Enforcement (CLEA). Procedure 12, AR 381-10, i.e. - Military Intelligence assistance to US civilian law enforcement authorities - requires Secretary of Defense approval through the DCS G2 for MI assistance to CLEA. The operational tempo in Iraq and Afghanistan, coupled with the now routine engagement of the FBI with MI in those theaters of operation, has created an environment that argues for the delegation of approval for MI assistance to CLEA to the operational commander and a re-examination of intelligence sharing regulations, policies and agreements between MI and the FBI (CLEA).

6. (U) POC is Mr. Peter Fisher (703) 692-9716.

  
TERRY W. BEYNON  
COL, Inspector General  
Chief, Intelligence  
Oversight Division

CF:  
DCS G2  
OGC

port of entry. Texas Army and Air National Guard, under Title 32 authority and direction of the Governor, were observed assisting in customs inspections.

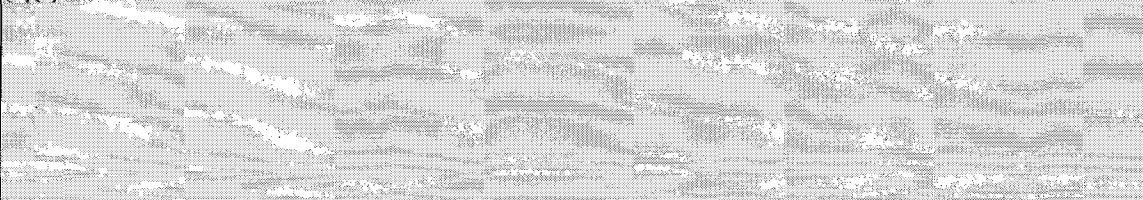
~~(FOUO)~~ Georgia National Guard (GANG), Atlanta, Georgia; South East Army Reserve Intelligence Support Center (SEARISAC) and Joint Reserve Intelligence Support Element (JRISE), Fort Gillem, Georgia. GANG Intelligence Oversight program had improved dramatically due to two events: a 1999 violation, which pointed up the need for oversight and was turned into a teaching tool, and appointment of an Intelligence Oversight officer in May 2000. SEARISC and JRISE Intelligence Oversight programs were adequate. Of note, the JRISE provides integrated, all source, intelligence production to the Joint Analysis Center (JAC) at Molesworth, United Kingdom. Their performance was highlighted during a previous inspection of JAC, Molesworth.

- ~~(FOUO)~~ Intelligence Oversight Training at the Western Hemisphere Institute for Security Cooperation (WHINSEC), Fort Benning, Georgia: ATSD(IO) and staff members presented the Intelligence Oversight training course to 60 Latin American and U.S. students attending the Command and General Officers Course at the WHINSEC. This program provides future Latin American leaders keen insights into how military and civilian leaders in the U.S. balance national security needs with constitutionally guaranteed rights of U.S. persons. Feedback from the students was positive; they were most impressed that our instruction admitted past mistakes on the part of the U.S. Intelligence Community and that the Intelligence Oversight program proactively sought to avoid such incidents in the future.

• (b)(1), (b)(3) P.L. 86-36



• (b)(1)



~~SECRET/COMINT//X1~~

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SI No.	06-SI-035
Document No.	21

Department of Defense Intelligence Oversight Report  
January-March 2004

- ~~(FOUO)~~ Significant Intelligence Oversight issues warranting SECDEF/IOB attention for this period: None.
- ~~(FOUO)~~ Detainee Abuse Out-of-Cycle Reporting (per IOB request): There is nothing new to report since the Kern Report of Investigation Briefing to the IOB September 8, 2004.
- ~~(FOUO)~~ Intelligence Oversight violations during this period. The ATSD(IO) is monitoring six investigations in addition to evolving investigations related to the Kern Report of Investigation. None of these cases require SECDEF/IOB attention at this time. The following are representative cases in which the investigations have been completed:
  - ~~(FOUO)~~ Misuse of Intelligence Badge and Credentials by Counter Military Intelligence Warrant Officer--Camp Doha, Kuwait: The U.S. Army has substantiated the following allegations against a counterintelligence officer while he was deployed to Iraq: (1) he misused his Intelligence Badge and Credentials to transport a weapon on a commercial airline without authorization; and (2) he possessed and used a DoD contractor identification card, as part of his operational cover, without authorization. As a result, the officer, who had been attached to the Kuwait Resident Office at Camp Doha, was re-deployed from theatre, removed from counterintelligence duties, and issued non-judicial punishment for rendering a false statement during the investigation.
  - ~~(FOUO)~~ Inappropriate Activity by U.S. Army Counterintelligence Personnel on U.S. Campus--University of Texas Law School: In February 2004, two U.S. Army lawyers attended a conference on Islamic Law at the University of Texas Law School. Although not in uniform, some participants discovered they were military lawyers and challenged why they were there. In response to what they felt were "inappropriate questions" the lawyers reported the incident to Special Agents assigned to Company C, 308th MI Battalion, 902d MI Group. Subsequently, two Special Agents--one of which was the unit commander and new to the counterintelligence field--without proper

~~SECRET/COMINT//X1~~

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investigative authority went to the school to make inquiries about conference attendees. The investigation concluded that the Special Agents, had:

"improperly conducted investigative activity directed against three civilians, within the U.S., who were outside Army counterintelligence investigative jurisdiction and failed to refer the matter to the FBI as they were required to do so."

The requirement to refer the matter to the FBI is based on the February 1979 "Agreement Governing the Conduct of Defense Department Counterintelligence Activities in Conjunction With the Federal Bureau of Investigation." As a result of this incident:

- All 902d subordinate commanders were directed to retrain all Special Agents regarding procedures and regulations concerning U.S. Army intelligence activities on college campuses.
- A mobile training team was dispatched to Company C to provide training on Intelligence Oversight and U.S. Army policies and procedures for counterintelligence Special Agents in the U.S.
- An experienced senior civilian Special Agent was reassigned to Company C to provide oversight of operations and investigations.
- (FOUO) National Geospatial-Intelligence Agency (NGA) Employee Conducting Unauthorized Collection: The NGA Office of the Inspector General has concluded that an NGA employee, using his private aircraft, conducted unauthorized photographic collection against public and private facilities. The purpose of the unauthorized collection was solely for a government purpose and use. (b)(6)

(b)(6)

(b)(6)

According to the investigation, the employee had been doing this since 2001 with the knowledge of his supervisor and other NGC instructors. His activity came to light after he notified personnel at a Pennsylvania airport that he planned to do a low-level fly over of a local refinery. The airport personnel notified the police who contacted the refinery. The refinery personnel had no record of any fly over request and contacted NGA. NGA stated it had no missions planned and as a result, the refinery officially complained to the Pennsylvania Emergency



~~SECRET~~

(b)(1)

(b)(1)

~~NOFORN//XI~~

-- ~~(S//SI)~~ NSA Inspector General Activity:

(b)(3):P.L. 86-36

(b)(3):P.L. 86-36

(b)(1),(b)(3): 18 U.S.C. § 798,(b)(3): 50 USC § 403(g) Section 6,(b)(3):P.L. 86-36

-- ~~(FOUO)~~ **Unauthorized Request for Civilian Telephone Transaction and Toll Records:** A Special Agent assigned to a unit under the U.S. Army's Intelligence and Security Command inappropriately requested civilian telephone transaction records/toll records, from a private telecommunication company, in violation of U.S. Code 18, Section 2709. Section 2709 specifically authorizes the FBI to request such records for CI access and prohibits communication companies from notifying anyone, including the customer, that any request was made or that records were provided. The law does not allow the Army to make requests for these records directly to a communication company. The investigation revealed the Special Agent made three direct requests; one was honored and two others were pending-- information that had been provided was destroyed when the violation was discovered. The Army investigation determined the requests had been coordinated with the local FBI field office. However, neither the Army unit nor the FBI Field Offices were aware that these requests had to be made by the FBI. As a result of the investigation, the Army's investigative handbook has been updated to clarify the ambiguity. The Army also provided a copy of its investigation to FBI Headquarters with the recommendation that the FBI advise its offices of the proper procedures for such requests.

~~SECRET~~

(b)(1)

(b)(1)

~~NOFORN//XI~~

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