



# Department of Defense INSTRUCTION

**NUMBER 5106.05**

**July 14, 2006**

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IG DoD

**SUBJECT:** Combatant Command Inspectors General—Implementing Procedures

- References: (a) DoD Directive 5106.04, "Combatant Command Inspectors General," June 19, 2006
- (b) Memorandum of Agreement between the Department of Defense and the Department of Homeland Security for the Inclusion of the U.S. Coast Guard in Support of Maritime Homeland Security (undated)<sup>1</sup>
  - (c) DoD Directive 5240.1, "DoD Intelligence Activities," April 25, 1988
  - (d) DoD 5240.1-R, "Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons," December 1982.
  - (e) through (q), see Enclosure 1

## 1. PURPOSE

This Instruction:

1.1. Implements policy, assigns responsibilities, and provides procedures under Reference (a) to guide the Inspector General (IG) activities for Combatant Command IGs, hereafter referred to as "CC IGs."

1.2. Articulates uniform policies and procedures for the CC IGs, assists in defining relationships with other IGs (e.g., Chairman of the Joint Chiefs of Staff IG, Inspector General of the Department of Defense (IG DoD), DoD Agency IGs, and Service IGs), and creates a reference document for CC IG use.

## 2. APPLICABILITY AND SCOPE

This Instruction applies to:

2.1. The Office of the Secretary of Defense, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector

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<sup>1</sup> Available at U.S. Coast Guard Headquarters, Defense Operations Office, 2100 2<sup>nd</sup> Street SW, Washington DC 20593-0001, phone 202-267-2889.

General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the DoD (hereafter referred to collectively as the “DoD Components”). The term “Military Services,” as used herein, refers to the Army, the Navy, the Air Force, and the Marine Corps (including active and reserve components).

2.2. Members of the United States Coast Guard who are assigned to or are under the control of a Combatant Command pursuant to Reference (b).

### 3. DEFINITIONS

Terms used in this Instruction are defined in Enclosure 2.

### 4. RESPONSIBILITIES

4.1. The Inspector General of the Department of Defense (IG DoD) shall:

4.1.1. Assist CC IGs by coordinating and clarifying DoD policy regarding CC IG policies, duties, responsibilities, and functions. This is done in consultation with the IGs of the Joint Staff, Combatant Commands, and Services.

4.1.2. Coordinate, conduct, provide uniform training, and certification regarding CC IG duties, responsibilities, and functions, procedures, and standards for CC IGs and their staffs.

4.1.3. Provide a forum for DoD IG issues. Assist and coordinate with the IG of the Joint Staff and the IGs of the Military Departments on joint IG issues of concern to the Combatant Commands and the Military Departments.

4.1.4. Designate a single IG DoD point of contact to coordinate appropriate IG matters with Combatant Command Commanders.

4.2. The CC IGs shall:

4.2.1. Serve their respective Combatant Commanders and support the Soldiers, Sailors, Airmen, Marines, Coast Guardsmen (when assigned or attached), DoD contractors (non-contract issue), and DoD civilian employees within the command.

4.2.2. Serve as fair, impartial, and objective fact-finders and problem solvers. They must be sufficiently independent so that personnel requesting CC IG assistance will continue to do so even when the complainant feels that the commander may be the problem.

4.2.3. Report on the state of efficiency, discipline, morale, training, and readiness throughout the command in support of the Combatant Commander’s intent.

4.2.4. Perform investigations, inspections, and assistance functions as directed by the Combatant Commander. The CC IG may inquire into any matter within the scope of the Combatant Commander's authority while executing these functions.

4.2.5. Coordinate issues or situations with the IG DoD and the Joint Staff IG when such issues or situations may potentially affect other Combatant Commands, DoD Agencies, or Services.

4.2.6. Monitor and report on Combatant Command intelligence oversight programs in those units/organizations assigned, attached, or under the administrative control of the Combatant Command according to DoD Directive 5240.1 (Reference (c)), DoD 5240.1-R (Reference (d)), and CJCSI 5901.01 (Reference (e)).

4.2.7. Notify the Military Service concerned of initiation and completion of investigative actions in accordance with Military Service requirements.

4.2.8. Select and train CC IG staff members. The CC IG may afford the IG of the nominee's Military Service the opportunity to comment on the qualifications and suitability of any prospective CC IG staff member.

4.2.9. Inform the Combatant Commander of his/her observations, findings, and impressions on all aspects of the command.

4.2.10. Report directly to either the Combatant Commander or to the Deputy Combatant Commander. This IG command and reporting relationship may not be further delegated.

4.2.11. Have a staff comprised of such military and civilian members, as the Combatant Commander deems necessary, to execute the duties of the office of the CC IG.

4.3. The Commanders of the Combatant Commands shall:

4.3.1. Select an officer in the grade of O-6 or above to serve as the CC IG. The Combatant Commander may afford the IG of the nominee's Military Service the opportunity to comment on the nominee's qualifications and suitability. The CC IG shall be a separate and full time position and shall not be filled on a part-time basis or by an officer assigned to another position.

4.3.2. Provide administrative and support personnel and other resources as necessary to the CC IG and staff to accomplish assigned missions.

4.3.3. Avoid assigning duties to the CC IGs that will interfere or conflict with their ability to provide unbiased monitoring, inspections, investigations, and oversight of the command's personnel or activities.

4.3.4. Rate/evaluate the CC IG. This rating/evaluation may be delegated only to the Deputy Combatant Commander.

4.3.5. Serve as the release authority/initial denial authority for all CC IG records. (Paragraph 4.1.1. of Reference (f) states that the Director, Administration and Management, Office of the Secretary of Defense, is the appellate authority for appeals to decisions by initial denial authorities in the Combatant Commands.) The CC Commander may delegate CC IG records release authority/initial denial authority to the Deputy Commander, Chief of Staff, or the CC IG.

4.3.6. Be knowledgeable of IG concepts and assist the CC IG on how best to serve the command.

4.4. The Joint Staff Inspector General shall:

4.4.1. Provide assistance to CC IG offices as requested.

4.4.2. Coordinate and consolidate the CC IG intelligence oversight report according to CJCSI 5901.01 (Reference (e)).

4.4.3. Serve as intermediary between the IG DoD and the CC IGs concerning investigations, assistance, and inquiries as requested by the CC IGs or the IG DoD.

4.4.4. Act as the liaison between the Military Service IGs and CC IGs.

4.4.5. Provide for a periodic forum for discussion of issues and information concerning CC IGs and Military Service IGs.

4.5. The Secretaries of the Military Departments shall:

4.5.1. Nominate qualified commissioned officers to serve as CC IGs in accordance with the Joint Manpower Document, when requested by the Combatant Commander.

4.5.2. Nominate qualified commissioned and noncommissioned officers to serve as members of the CC IG staff in accordance with the Joint Manpower Document, when requested by the Combatant Commander.

4.5.3. Comment concerning the suitability of any prospective CC IG or staff member, when requested by the Combatant Commander or the CC IG.

4.6. The Inspectors General of the Military Departments shall:

4.6.1. If requested, comment on the suitability of any prospective CC IG or staff member selected by the Combatant Commander, the Deputy Combatant Commander, or the CC IG.

4.6.2. Provide service-specific IG training, as required by that Service.

4.6.3 Notify the respective CC IG upon initiation and conclusion of investigations into allegations against senior officials assigned to that Combatant Command.

4.7. The Heads of the DoD Components shall:

4.7.1. Designate a point of contact to coordinate IG matters with the CC IGs. For DoD Agencies that have an IG, the point of contact shall be the DoD Agency IG. For DoD Agencies that do not have an IG, the point of contact shall be the individual who is the Agency-designated official or the Defense Hotline Agency Coordinator according to DoD Directive 7050.1 (Reference (g)).

4.7.2. Provide assistance, including subject-matter experts as necessary, to assist the CC IGs and staff in the performance of their duties.

4.7.3. Accept investigative or assistance referrals from the CC IGs and process them in accordance with the procedures of the DoD Agency.

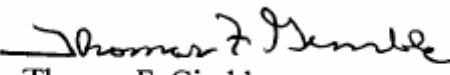
4.7.4. Coordinate and address CC IG issues with the IG DoD.

5. PROCEDURES

Implementing procedures are in Enclosure 3.

6. EFFECTIVE DATE

This Instruction is effective immediately.

  
Thomas F. Gimble  
Acting Inspector General

Enclosures – 9

- E1. References, continued
- E2. Definitions
- E3. Procedures
- E4. Inspections
- E5. Issues not Appropriate for CC IG Action
- E6. The Complaint/Allegation Resolution Process
- E7. Investigations
- E8. Format for a Report of Investigation--Example
- E9. Assistance

E1. ENCLOSURE 1

REFERENCES, continued

- (e) Chairman of the Joint Chiefs of Staff Instruction 5901.01, "Conduct of Inspections, Investigations and Intelligence Oversight," December 15, 1999
- (f) DoD Directive 5400.07, "DoD Freedom of Information Act (FOIA) Program," October 28, 2005
- (g) DoD Directive 7050.1, "Defense Hotline Program," January 4, 1999
- (h) DoD Directive 5148.11, "Assistant to the Secretary of Defense for Intelligence Oversight (ATSD(IO))," May 21, 2004
- (i) DoD Directive 7050.6, "Military Whistleblower Protection," June 23, 2000
- (j) DoD Directive 5505.06, "Investigations of Allegations Against Senior Officials of the Department of Defense," April 10, 2006
- (k) DoD 5200.1-R, Chapter 5, "Information Security Program," January 14, 1997
- (l) Chairman of the Joint Chiefs of Staff Manual 5760.01, "Joint Staff and Combatant Command Records Management Manual," March 10, 2003<sup>2</sup>
- (m) DoD 8910.1-M, "DoD Procedures for Management of Information Requirements," June 30, 1998
- (n) DoD 5400.11-R, "Department of Defense Privacy Program," August 31, 1983
- (o) Article 32 and 138 of title 10, United States Code, Uniform Code of Military Justice
- (p) Section 164 of title 10, United States Code
- (q) DoD Instruction 7050.7, "Defense Hotline Procedures," December 14, 1998

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<sup>2</sup> Available at [http://www.dtic.mil/cjcs\\_directives/cjcs/manuals.htm](http://www.dtic.mil/cjcs_directives/cjcs/manuals.htm)

## E2. ENCLOSURE 2

### DEFINITIONS

E2.1.1. Allegation. A statement or assertion of wrongdoing by an individual that is formulated by the IG. An allegation contains four essential elements: who committed the alleged violation; what alleged violation was committed; what law, regulation, procedure, or policy was violated; and when the alleged violation occurred (if known). Allegations are refined by the IG based upon evidence gathered during the course of the investigation or inquiry.

E2.1.2. Approval Authority. The individual with authority to approve a CC IG action. This is normally the Combatant Commander, unless cognizance over the issue resides with another DoD entity.

E2.1.3. Appointing Authority. The individual with authority to direct investigations (normally the Combatant Commander, but may be delegated to the Deputy Combatant Commander, the Chief of Staff of the Combatant Command or the CC IG).

E2.1.4. Confidentiality. The act of protecting both the complainant's or witnesses' identity, and any information that may lead to the identification of the complainant or witness, to the extent possible under applicable law and regulation.

E2.1.5. Hand-off. An administrative procedure that transfers a verified finding, that is beyond the authority or ability of the inspecting command to act on, from one command or agency IG to another command or agency IG.

E2.1.6. CC IG. Combatant Command Inspector General.

E2.1.7. IG Records. Any written or recorded product, in any form, from any source, that is created or obtained in furtherance of the performance of an IG function. An IG record includes, but is not limited to, correspondence or documents received from a witness or a person requesting assistance, IG reports, electronic media, computer automatic data files or data, and IG notes and working papers.

E2.1.8. Initial Denial Authority. An official who has been granted authority by the head of a DoD Component to withhold records requested under the FOIA for one or more of the nine categories of records exempt from mandatory disclosure. Initial denial authorities can also confirm that no records were located in response to a request. (DoD Directive 5400.07, subsection 4.1.1. (Reference (f)) states that the Director of Administration and Management is the appellate authority for appeals to decisions by initial denial authorities in the Combatant Commands.)

E2.1.9. Inquiry. Any form of examination or informal fact-finding into a matter, including audits, inspections, investigations, area visits, assistance actions, surveys, inquiries into allegations of impropriety and wrongdoing.

E2.1.10. Intelligence Elements. For purposes of this Instruction and the CC IG intelligence oversight function, any unit, organization, staff, or office assigned, attached, or under the administrative control of a Combatant Command that performs collection, production, or dissemination of foreign intelligence or counterintelligence information according to DoD Directive 5148.11 (Reference (h)).

E2.1.11. Member of the Armed Forces. All regular, guard, and reserve component officers (commissioned and warrant) and enlisted members of the Army, Navy, Air Force, Marine Corps, and the Coast Guard (while assigned, or under the control of, the Combatant Command), including reserve component personnel in any duty or training status.

E2.1.12. Non-IG Records. For purposes of records release/initial denial authority, these are documents contained within the IG system of records created by other DoD organizations, Federal agencies, or documents from outside the Federal Government. The originating agency of the record is the release authority/initial denial authority for those records. Request for non-IG records will be referred to the originator for appropriate action.

E2.1.13. Preliminary Analysis. The initial review of an issue or complaint, including the determination whether an issue or complaint is IG appropriate and warrants further action. The preliminary analysis is completed prior to proceeding to any type of inquiry/investigation.

E2.1.14. Protected Communication. A communication in which a member of the Armed Forces or civilian employee communicates information that the member/employee reasonably believes evidences a violation of law or regulation, including sexual harassment or unlawful discrimination, gross mismanagement, or gross waste of funds or other resources, an abuse of authority, or a substantial and specific danger to the public health or safety, when such a communication is made to one of the following:

E2.1.14.1. A Member of Congress, an IG, or a member of a DoD audit, inspection, investigation, or law enforcement organization. (There are separate protected communications provisions for Appropriated Fund Personnel, Non-Appropriated Fund Personnel, and contractors. Contact the IG DoD.)

E2.1.14.2. Any other person or organization in the chain of command or any other person or organization designated pursuant to regulations or other established administrative procedure for such communications.

E2.1.15. Referral. A complaint that is transferred to another organization for further action. Some Services may define this as a hand-off or transfer.

E2.1.16. Reprisal. Taking an adverse personnel action or withholding a favorable personnel action from a whistleblower who discloses information to designated officials that the whistleblower reasonably believes evidences a violation of law, rule, or regulation.



E2.1.17. Standard of Proof. The standard of proof applicable to CC IG investigations and inspections is “preponderance of the evidence,” which means that the IG Investigative Officer or Inspector is satisfied that the greater weight of credible evidence supports the finding(s) and conclusion(s).

E2.1.18. Subject. A person against whom allegations of wrongdoing have been made and whose conduct is the focus of an investigation.

E2.1.19. Substantiated. A complaint or allegation is substantiated when a preponderance of the evidence establishes that the complaint or allegation did occur.

E2.1.20 Suspect. A person against whom sufficient evidence exists to create a reasonable belief that they engaged in criminal misconduct.

E2.1.21. Temporary or Temporary Assistant IG. Any member of the armed services, or DoD civilian, detailed in writing, who is authorized to act as a temporary IG. This IG is limited in scope to the specifics of the authorization detailing them as an IG.

E2.1.22. Transfer. See Referral.

E2.1.23. Whistleblower. A member of the Armed Forces, civilian employee, or Defense contractor employee who makes (or, in the case of a member of the Armed Forces, prepares to make) a disclosure of information protected by whistleblower statutes. (See DoD Directive 7050.6 (Reference (i)).

### E3. ENCLOSURE 3

#### PROCEDURES

#### E3.1. GENERAL FUNCTIONS

The CC IGs shall inspect, investigate, assist, teach and train, provide intelligence oversight, and support operational wartime planning and execution. The CC IGs will organize CC IG offices by planning for and requesting sufficient resources. The CC IGs will provide for the protection of CC IG records.

#### E3.2. INSPECTIONS

Combatant Commanders continually assess their organizations to determine the organization's capability to accomplish its missions. They accomplish this by analyzing and correlating evaluations of various functional systems such as training, logistics, personnel, resource management, command and control, and intelligence. A CC IG inspection is one of many sources of information available to the Combatant Commander. The CC IG inspection function is the process of conducting inspections, developing and implementing inspection programs, and advising Combatant Commanders, unit commanders, and Combatant Command staff on inspection policy. Inspection reports ensure the continuity of operations and provide a baseline for follow-up inspections, inspection planning, and trend analysis.

E3.2.1. Annual Inspection Plan. The CC IGs will prepare and coordinate an inspection plan for each year. To develop this inspection plan, CC IGs will identify inspection possibilities, evaluate the benefits expected from them, and then set priorities for projected inspections. There are many ways to identify possible topics for inspections (e.g., Combatant Commander's guidance, the joint mission essential task list, trend analysis, input from functional staff proponents, quarterly training briefs, unit status reports, results of group interviews, results from other inspections, and results of previous CC IG inspections).

E3.2.2. Goals of CC IG Inspections. The CC IGs must tailor their inspections to meet their Combatant Commander's requirements. For inspections to be of value to the Combatant Commander, the CC IG must design them to collect information that will assist the Combatant Commander in making decisions regarding the inspected organization or function. The CC IG inspections will identify noncompliance; determine the magnitude of the deficiency; seek the root cause; pursue systemic issues; teach systems, processes, and procedures; identify responsibility for corrective action; spread innovative ideas and train those inspected.

#### E3.3. INVESTIGATIONS

Prior to opening an investigation, the CC IG opens a case and conducts a preliminary analysis of the complaint. This preliminary analysis consists of the CC IG deciding if the complaint is

appropriate for further CC IG action. Enclosure 5 lists categories of issues that are not generally appropriate for CC IG action and the appropriate organization to refer the complaint. If the CC IG has determined that the case is IG appropriate, he should then consult with the Command Staff Judge Advocate (SJA) to determine what, if any, further action is required. If the CC IG and SJA decide that further action is necessary, the CC IG may investigate, refer, transfer, or close the case. (If the CC IG decides the issue/complaint has no merit and closes the case, the complainant should be notified (if known) and the complaint case marked closed.)

E3.3.1. Major Processing Steps. If the CC IG determines that the complaint contains adequate information to warrant further action, possible courses of action in processing the allegation are: clarifying the allegation, acknowledging the receipt of the allegation, dismissing the allegation, determining if the allegation is appropriate for the CC IG, referring the allegation to the appropriate agency or IG, or investigating the allegation and documenting the results. (Refer to Enclosure 7.)

E3.3.2. Investigate and Document - Nine Basic Steps of a CC IG Investigation. The nine basic steps of a CC IG Investigation are: (1) notify appropriate parties and authorities, (2) assign a CC IG to investigate the matter, (3) conduct fact-finding, (4) complete the report, (5) obtain a legal review, (6) submit the report to the approving authority, (7) make notifications of the results, (8) conduct follow-up, and (9) close the complaint or allegation (see Enclosure 7).

E3.3.3. Allegation Against a CC IG. An allegation against a CC IG is submitted to the Combatant Commander for action. The Combatant Commander, after consultations with the Command SJA, may act upon or refer the case to the IG DoD with a copy provided to the Joint Staff IG.

E3.3.4. Military Service Notification of Results of Allegations. The CC IG will notify the respective Military Service of initiation and completion of investigative actions in accordance with military Service requirements.

E3.3.5. Allegations Against Senior Officials. The CC IGs will process allegations against senior military officials and senior executive service employees of the Department of Defense in accordance with DoD Directive 5505.06 (Reference (j)) and inform the Joint Staff IG. The CC IGs and appointing authorities must be particularly sensitive to the requirements for proper handling and notification of allegations against senior officials. Under no circumstances will CC IGs investigate senior military officials and senior executive service employees (O-7 selects/O-6 promotable and above or SES personnel) but will refer the case to the IG DoD with an information copy to the Joint Staff IG.

E3.3.6. DoD Hotline Program. The CC IGs will comply with Reference (g). The DoD Hotline cases and reports are routed through the Joint Staff Deputy IG.

#### E3.4. PROVIDING ASSISTANCE

The purpose of the CC IG assistance function is to ensure that systems are functioning properly. When an individual requests assistance, the CC IG shall open an assistance case and conduct a preliminary analysis of the issue. This preliminary analysis consists of the CC IG deciding if the issue is appropriate for further CC IG action. Enclosure 5 lists some of the issues that are not appropriate for CC IG action and the appropriate organization to refer the issue. If the CC IG deems the issue is appropriate for CC IG action, then the CC IG may assist, investigate, refer (note: includes transfers, hand-offs or referrals), or, if the CC IG decides the issue has no merit, close the issue/case. If the CC IG closes the case, the individual raising the issue/requesting assistance should be notified (if known) in writing and the issue case marked closed.

#### E3.5. CC IG TEACHING AND TRAINING

Teaching and training is not an independent function but is an integral part of the CC IG functions of assisting, inspecting, and investigating and occurs during the course of the CC IGs duties. The CC IGs are not the primary trainers of Service members; however, they possess a reservoir of experience and knowledge to assist commanders in achieving disciplined and combat-ready units. The CC IGs provide information about military systems, processes, and procedures; and assess the command climate while assisting, inspecting, and investigating. The CC IGs pass on lessons learned to enable others to benefit from experience.

#### E3.6. INTELLIGENCE OVERSIGHT BY THE CC IG

E3.6.1. The CC IGs shall provide intelligence oversight to ensure that training of intelligence personnel is being conducted, that required reports are being completed, and that all intelligence activities are carried out in strict conformity with applicable laws and regulations, with special emphasis on protecting the rights and privacy of U.S. persons. The Intelligence Oversight function does not inherently require the CC IG to ensure the quality or accuracy of intelligence.

E3.6.2. Intelligence Oversight Programs in the Combatant Commands. The CC IGs will monitor intelligence oversight programs within the Combatant Command. This is inclusive of intelligence elements assigned, attached, or under the administrative control of the Combatant Command.

E3.6.3. Quarterly Intelligence Oversight Report. The CC IGs will provide a Quarterly Intelligence Oversight Report to the Joint Staff IG, with informational copies to the relevant Service component IG. (See References (d) and (e)).

E3.6.4. Processing of Questionable Activity Intelligence Reports. The CC IGs shall receive and forward reports of questionable intelligence activities to the Joint Staff IG, with informational copies to the relevant Service component IG in accordance with References (d), (e), and (h).

### E3.7. CC IG WARTIME RESPONSIBILITIES

The basic IG functions shall remain the same in war and peace. However, the focus during military operations must be on the tasks and systems that relate directly to readiness and operations.

E3.7.1. Assignment of CC IG Responsibilities in Wartime Operations. As directed by the Combatant Commander and described in operational plans and orders, CC IGs may have an operational mission. To maintain situational awareness, the CC IGs must understand the Combatant Commander's intent and concept of the operation.

E3.7.2. CC IG Wartime Deployment Plan. As required by the Combatant Commander, the CC IG will formulate a plan to support deployed operations. This plan should include anticipated CC IG actions during each phase of the operation, such as mobilization, deployment, containment, preparation for combat, redeployment, and reconstitution. The CC IGs will continue to address morale and welfare issues, medical issues, family issues, civilian employee or other civilian issues and concerns, and other issues consistent with the fundamental missions of the IG system.

E3.7.3. CC IG Wartime Planning. The CC IGs must plan for provision of full-service operations in all combatant command operations. The organization of a CC IG office will vary depending on the status, location, and mission of that office. Considerations must be given to the need for both deployed and stay-behind capabilities in people and equipment. The following factors may be considered by CC IGs in the planning process:

E3.7.3.1. Deployable CC IG Personnel. Identify the proper (deployable) mix of personnel to retain flexibility for deploying elements while maintaining adequate resources at the home station to meet supporting CC IG requirements.

E3.7.3.2. Reserve Augmentees. Identify reserve augmentees IG staffing needs. Reserve personnel requirements shall be identified in the mobilization Joint Manning Document.

E3.7.3.3. Wartime Training Assessment for Reserve Component Personnel. Determine theater unique training requirements for reserve component personnel who will be identified upon activation. Those needs must be prioritized with other Combatant Command training needs and accomplished as practicable.

E3.7.4. CC IG Coverage of Remote Areas or Significant Increases in Unit Strength. The CC IG coverage must be provided to remote locations, units with significant increases in personnel strength, and Joint Task Forces. This coverage may be in the form of reach back, periodic visits, or another methodology (i.e., identify required IG personnel on Joint Manpower Documents).

E3.7.5. CC IG Coverage of Widely Dispersed Personnel. If the CC IG determines that the theater of operations will be one where personnel will be widely dispersed, the CC IG should indicate the methodology for CC IG coverage in the operation plan/order.

E3.7.6. Determination of CC IG Bases of Operations. In accordance with applicable plans and the Commander's guidance, the CC IG will determine the bases of operation required at the home station, staging bases, and deployed locations, to include the command posts from which the CC IG will operate.

### E3.8. CC IG RESOURCE ASSESSMENT

The CC IGs must continually assess their resources in relationship to the tasks that the Combatant Commander has assigned.

E3.8.1. CC IG Equipment Requirements. The CC IGs should review their equipment requirements to ensure that adequate provisions have been made for contingency/combat operations (for example, tactical vehicles, infrastructure requirements, and communications equipment). These requirements include electronic communications and connectivity means.

E3.8.2. CC IG Manpower Reviews. The CC IGs should conduct periodic manpower reviews to ensure adequate provisions have been made for workload increases to support wartime efforts. Training requirements for personnel selected to be CC IGs during wartime will be the same as those in peacetime.

### E3.9. CC IG RECORDS

The CC IG records are protected documents that contain sensitive information and are the property of the Department of Defense. The Combatant Commanders are responsible for the protection of CC IG records in their command's system of records. The CC IGs administer CC IG records. Unauthorized use or release of CC IG records can seriously compromise the CC IG's effectiveness as a trusted advisor to the Combatant Commander and violate DoD confidentiality policy.

E3.9.1. CC IG Records Protection. The CC IG records will be protected as follows:

E3.9.1.1. Unclassified CC IG Records. All unclassified CC IG records which may be exempt from release under the Freedom of Information Act (FOIA) will be marked "For Official Use Only" (FOUO). The abbreviation "FOUO" is used to designate unclassified portions that contain information that may be exempt from mandatory release to the public under DoD Directive 5400.07, "Freedom of Information Act (FOIA) Program," (Reference (f)).

E3.9.1.2. Classified CC IG Records. Classified CC IG records are classified, protected, and declassified according to applicable DoD guidelines for classification in DoD 5200.1-R

(Reference (k)). As appropriate, classified CC IG records will be marked "FOUO" when declassified.

E3.9.1.3. CC IG Correspondence. If CC IG correspondence is required by DoD Directives (or other authority approved by the SJA) to leave CC IG control, originals and all copies of CC IG correspondence (such as replies to correspondence or letters to Members of Congress) are given protective markings and treatment. Congressional correspondence requests may have special requirements for marking; consult your Congressional Liaison Office for guidance (or the Combatant Command's office that processes Congressional requests).

E3.9.1.4. CC IG Internal Document Management. The CC IG internal document management requires that all documents are marked in accordance with CJCSM 5760.01 (Reference (l)). Other DoD issuances that apply to the maintenance of records are Reference (k) and DoD 8910.1-M (Reference (m)).

E3.9.1.5. Disposition of CC IG Records. Disposition of CC IG records will be according to Reference (l).

E3.9.2. CC IG Records Release. The Combatant Commander is the release authority/initial denial authority for all CC IG records and may delegate CC IG records release authority to the Deputy Commander, Chief of Staff, or the CC IG. (Paragraph 4.1.1. of Reference (f) states that the Director, Administration and Management, Office of the Secretary of Defense, is the appellate authority for appeals to decisions by initial denial authorities in the Combatant Commands.) The CC IG records will be released only with the approval of the CC Commander, or designated representative, in accordance with the applicable DoD Directives, Reference (f), or DoD 5400.11-R (Reference (n)). The CC IG records should only be disclosed inside DoD to those requiring access to the records in the performance of their official duties. Usually, information related to open cases/investigations shall not be released outside IG channels. The Combatant Command SJA should be consulted on all CC IG records release issues. The Combatant Commander or designated authority may grant release of CC IG records as follows:

E3.9.2.1. Request for Use in Performance of Official Duties. Requests must be submitted to the Combatant Command in writing. The request by other than a commander or their SJA must be submitted through (as evidenced by endorsement) higher headquarters of the Service to which the requester belongs for a determination of the appropriateness of the request. The requester must identify the records requested (i.e., date of investigation, name of Investigative Officer, etc.), state the reason for the request, and specify how the records will be used. Only copies of reports or other documents may be provided to satisfy requests by other Inspectors General or any other organization external to the command. The original case file should not be released outside the originating Combatant Command. Reports and underlying documentation need not be redacted when provided for official use and the appropriate system of records notice permits the dissemination of such information. However, in order to protect the confidentiality of witnesses within the limits of regulation or law (who in many cases are subordinates of the subject), reports of investigations issued outside the Combatant Command should not include interview transcripts and other source-sensitive information. The CC IG should consult the Combatant Command SJA regarding this type of request.

E3.9.2.2. Congressional Requests. Congressional requests for documents should be referred to your Combatant Command Office of Congressional Liaison (or the Combatant Command's office that processes Congressional requests). In most cases, a written request is required.

E3.9.2.3. Release of CC IG Records to the News Media. All requests for CC IG records from the news media will be transferred to the Combatant Command office that processes news media requests for information. Combatant Command personnel will not provide CC IG records directly to a member of the media. The standard Combatant Command response is that the CC IG neither confirms nor denies the existence of any inquiry. The CC IG staff will advise the caller/requester that they are unable to comment on the requested matter (or words to that effect) and advise the caller to contact the Combatant Command office that processes news media requests. After the CC IG terminates the contact with the news media caller/requester, the CC IG should inform the office that processes news media requests that a news media request for information may be forthcoming.

E3.9.2.4. Requests for Records in Conjunction with Legal Proceedings. The CC IGs shall expeditiously consult the Combatant Command SJA regarding all requests for CC IG records that are in conjunction with legal proceedings.

E3.9.2.5. Requests Submitted under FOIA Program and the DoD Privacy Program. The CC IG records may be released to the public as required by the DoD FOIA and Privacy Programs (References (f) and (n)). Requests for CC IG records covered by these programs must be processed by FOIA/Privacy Program office of the Combatant Command in accordance applicable requirements.

E3.9.3. Use of CC IG Records for Adverse Action. The CC IG records may be used as the basis for adverse action against military or civilian personnel by directing authorities or commanders. Requests for such use will be submitted to the Combatant Commander or Deputy Combatant Commander for their review, in consultation with the Combatant Command SJA. When CC IG records are to be used as the basis of an adverse action, the CC IG may release any or all documentary evidence and testimony. In some instances, CC IG opinions, conclusions, analysis, and recommendations may be evidence. Consult with the Combatant Command SJA.

E3.9.4. Restrictions for Use of CC IG Records. The following restrictions apply to all CC IG records requested for official use by individuals, commands, or DoD agencies and will be so stated in the transmittal letter to the recipient.

E3.9.4.1. Incorporation of CC IG Records. The CC IG records remain the property of the Department of Defense while under the control of the Combatant Commander. Unless required by law or regulation, recipients of CC IG records, or any portions thereof, will not incorporate CC IG records into any other system of records without written approval of the Combatant Commander or his designee.



E3.9.4.2. Reproduction Authority for CC IG Records. The CC IG records will not be reproduced or further disseminated without specific permission of the Combatant Commander or his designee, who may provide permission in the transmittal letter if appropriate.

E3.9.4.3. Attaching CC IG Records as Exhibits. Use or attachment of CC IG records as exhibits or enclosures to records of other DoD offices or agencies is not authorized without written approval of the Combatant Commander or his designee.

#### E3.10. QUALIFICATIONS FOR CC IG/ASSISTANT CC IG ASSIGNMENT

All CC IGs must meet the following requirements:

E3.10.1. CC IG. The CC IG will be an O-6 or above. Command experience is desirable for the CC IG. The CC IG must complete the Combatant Command and Joint IG certification process described in paragraph E3.10.3 before (or as soon as practicable after) becoming the CC IG. These individuals will be approved by the Combatant Commander or his designated representative.

E3.10.2. Assistant CC IG. All Assistant CC IGs must meet the following requirements before (or as soon as practicable after) becoming Assistant CC IG. Assistant CC IGs should be officers in the grades of O-4 or above, civilians in the grades of GS-9 or above, or non-commissioned officers in the grades of E-7 or above. Clerical personnel who do not perform CC IG functions need not meet the GS-9 grade and other training requirements.

E3.10.3. CC IG Certification. As a minimum, individuals who perform an Inspector General role shall complete a Service IG school and/or the Combatant Command and Joint IG Course before (or as soon as practicable after) beginning their duties. To be certified as the Combatant Command IG, the CC IG shall complete the Combatant Command and Joint IG Course.

#### E3.11. AUTHORIZED ACCESS

In the conduct of their duties, CC IGs are authorized expeditious and unrestricted access to, and copies of, all records, reports, investigations, audits, reviews, documents, papers, recommendations or other available material. These documents and materials include normally protected data. Some examples are classified documents (within the limits of the CC IGs' security clearance/special access), records of board proceedings, acquisition information, medical records, medical quality assurance records, drug and alcohol records, financial records, evaluation reports, back-channel messages, security dossiers, criminal investigation reports, copies of restricted personnel files, and financial disclosure statements. This authority may include direct access to pertinent extracts under applicable regulations. (The CC IGs must present proof, to the satisfaction of the responsible security personnel, of their security clearance or special access to review classified documents. Additionally, CC IGs must present sufficient justification to the record holder to obtain sensitive records.)

### E3.12. PROTECTION OF CONFIDENTIALITY

The CC IG has a duty to protect a complainant's identity and other personal information as much as possible. The intent is to protect individual privacy, maintain confidence in the CC IG system, and minimize the risk of reprisal. The CC IGs should not disclose a complainant's or witnesses' identity without the complainant's/witnesses' consent unless the CC IG determines such disclosure is unavoidable during the course of the investigation or inquiry. (See Reference (i)).

E3.12.1. When a witness or interviewee requests protection of his or her identity, and the statement furnished by the witness or interviewee is not filed in a system of records covered by the Privacy Act (Reference (n)), the CC IG will take measures to protect their identity.

E3.12.2. When a witness or interviewee requests protection of his or her identity, and the statement furnished by the witness or interviewee is filed in an exempt system of records covered by the DoD Privacy Program (Reference (n)), the CC IG may expressly promise that their identity will be protected. Such a pledge, however, should only be given when the information to be furnished by the witness or interviewee is considered essential for the purposes for which the information is sought.

E3.12.3. All requests for protection of the individual's identity will be prominently documented in the case file and subsequent use of the person's name will be minimized in any file or record created by the CC IG. Refer to the person as a "complainant," "witness," or similar identifier instead of using the name to facilitate confidentiality.

### E3.13. CONFLICTS OF INTEREST, IMPARTIALITY, AND INTEGRITY

In order to preclude conflicts of interest or the appearance of a conflict of interest, to maintain impartiality, and to protect the integrity of the IG System, CC IGs must adhere to the following prohibitions.

E3.13.1. Prohibition Regarding Establishing Command Policy. The CC IGs will avoid establishing command policy except as provided in CC IG policy documents. The CC IGs have no directive authority outside CC IG channels beyond that normally associated with their grade. Additional authority must come from their Combatant Commander. This prohibition does not preclude CC IG involvement in the policy formulation staffing process. The CC IGs may inform proponents about conflicts in regulatory or policy guidance and comment on policies and procedures.

E3.13.2 Association with Individuals or Organizations. All CC IGs are cautioned against association with individuals or organizations that may cause a reasonable person to question the impartiality or objectivity of the IG.

E3.13.3. CC IG Assignment to Non-CC IG Assistance Functions. The CC IGs must not be assigned to any non-CC IG assistance or evaluative functions such as maintenance assistance teams, non-CC IG inspection teams, readiness evaluation teams, or logistic review teams.

E3.13.4. CC IG Appointment as Uniform Code of Military Justice (UCMJ) Investigation Officer. The CC IG must not be appointed as an investigating officer under Articles 32 and 138, Uniform Code of Military Justice (Reference (o)), or other regulations providing for the appointment of investigating officers, as a member of administrative separation boards, or as a member of courts-martial.

E3.13.5. Duties That Disqualify a CC IG. The CC IGs must not be assigned duties that may subsequently disqualify them from making, or assisting in, impartial inquiries or investigations within their sphere of activity. Examples include staff duty officer or noncommissioned officer (NCO), line-of-duty investigator, casualty assistance officer or NCO, member of interior guard force, member of an awards board, funeral detail, Staff Judge Advocate (Counsel), or any committee or function unless directly related to CC IG matters.

#### E3.14. CC IG COORDINATION

The CC IGs will maintain working relationships and networking channels with other military and Federal IGs, as appropriate. The CC IG's reporting relationship does not preclude the CC IG from supporting other IGs, including the IG DoD, the Joint Staff IG, Military Service IGs, DoD Agency IGs, or other U.S. Federal Government IGs.

## E4. ENCLOSURE 4

### INSPECTIONS

#### E4.1. PROCEDURES

The Combatant Command inspection process may include the following steps:

E4.1.1. Determine Personnel Resources Requirements. The CC IG must evaluate the scope of the mission and then identify the number and skill-set of personnel required for the inspection team. For expert augmentation on functional matters, the CC IG may draw on personnel resources in other parts of the Combatant Command, including the component commands.

E4.1.2. Obtain Inspection Plan Approval. Once the Combatant Command inspection plan is established, the CC IG must obtain the Combatant Commander's approval for execution. The Combatant Commander may accept the CC IG proposed inspection plan by concurring with the annual inspection plan.

E4.1.3. Preparation Phase. Generally consists of research, developing the concept, obtaining the Combatant Commander's approval (if required) of specific inspection design plan, detailed planning, pre-inspection visits, and training of the inspection team.

E4.1.4. Execution Phase. Generally consists of inspecting organizations and/or functions, conducting in-process reviews, analyzing results, (if appropriate) consultation with other IGs, and out-briefing the leadership and staff functional proponents.

E4.1.5. Completion Phase. Generally consists of preparing a final report, notifying inspected units under the authority of the Combatant Command, distributing the final report, and scheduling follow up. The inspection results are provided to the Combatant Commander, the staff, or subordinate commanders as appropriate. In cases where a CC IG's observations or findings involve an organization outside the control of the Combatant Command, applicable sections of the final report should be handed off to the organization/command that has operational authority with a request for corrective action.

E4.1.6. CC IG Consultation of Inspection Findings with Legal Counsel. If a CC IG discovers serious deficiencies involving breaches of integrity, security violations, or criminality, the CC IG shall consult with supporting legal counsel or the criminal investigation office as appropriate to determine a recommended course of action. The CC IG will notify the appropriate subordinate commander so that immediate corrective action can be initiated.

E4.1.7. CC IG Inspection Out-briefs. Each CC IG inspection will normally include an out-brief and a written report to the Combatant Commander, or the Deputy Combatant Commander and/or the subordinate commander that was inspected. The CC IG will be the office of record for the inspection report.

E4.1.8. CC IG Inspection Results. The CC IG inspection report provides four primary results: findings, observations, notables, and commendables. See Sections E4.2 through E4.5. for details concerning the four primary results.

E4.1.9. Commander Action in Response to Inspection Results. If required, the Combatant Commander or Deputy Combatant Commander tasks inspected subordinate commanders/unit leadership to address the inspection results. The CC IG will follow up, as appropriate, to ensure compliance with the Combatant Commander corrective directives.

E4.1.10. Combatant Commands with Global Title 10 Responsibilities. Some Combatant Commands with global responsibilities may have forces and assets temporarily attached to (or otherwise operating in) another Combatant Command according to 10 U.S.C. Section 164 (Reference (p)). This temporary attachment/situation may result in the Combatant Command with global responsibility having forces and assets located anywhere around the world. No matter where the global Title 10 Combatant Command's forces and assets are located, that command may assess their forces. Global Title 10 CC IGs may assess, inspect, and evaluate their forces and assets while they are attached to (or otherwise operating in) a different geographic Combatant Commander, as long as coordination has been completed with the geographic Combatant Commander.

E4.1.11. CC IG Participation on other IG Teams. The CC IGs may participate as members of any subordinate command's IG inspection team or as a member of another Combatant Command inspection team.

E4.1.12. Designation of Command Inspections done by a CC IG. Any inspection conducted by a CC IG as part of a command inspection or staff inspection renders that part of the command or staff inspection a CC IG inspection and records from such inspections shall be maintained as CC IG records. This fact does not preclude the CC IG from teaching and training a command or staff inspection team on how to conduct inspections, nor does it preclude the CC IG from accompanying either of those teams to observe and evaluate the inspection and the inspectors.

E4.1.13. Group Interviews and Command Climate Surveys. A CC IG inspection may include a group interview or a command climate survey. Only when the CC IG participates in the group interview or command climate survey do the results become a CC IG record. When CC IGs conduct group interviews involving DoD civilians or contractor personnel, it may be necessary to coordinate the sessions with the appropriate bargaining unit/union, contractor's offices or the Combatant Command Staff Judge Advocate. The CC IG group interviews and command climate surveys do not preclude other staff members (such as the chaplain, Equal Opportunity (EO) advisor, or Equal Employment Opportunity (EEO)) from conducting group interviews or command climate surveys. If other staff proponents (chaplain, EO, EEO advisor) conduct group interviews or command climate surveys, then these records need not be recorded as CC IG records.

## E4.2. FINDINGS

Those areas where the inspected organization does not comply with an identifiable standard constitutes a finding. The organization is required to take corrective action and provide a written response to the CC IG. The format for a finding is:

E4.2.1. Finding Statement. A short paragraph (preferably a single sentence) describing the area of non-compliance.

E4.2.2. Standard. The laws, regulations, or other documents that set forth the standard.

E4.2.3. Office of Primary Responsibility (OPR). The office or individual within an organization responsible for addressing the area of non-compliance.

E4.2.4. Discussion. A description of how the organization did not meet the standard, and how the root cause leads to the symptoms uncovered in the inspection.

E4.2.5. Recommended Action(s). What the OPR should do to correct a finding. There may be more than one recommended action, but each action has only one OPR.

## E4.3. OBSERVATIONS

An observation is an opinion where a standard may not have been violated or may not exist but where economy, efficiency, or effectiveness may be improved by recommended corrective actions.

E4.3.1. Observation statement. A short paragraph (preferably a single sentence) describing the condition observed.

E4.3.2. OPR. The office or individual within an organization responsible for addressing the area of observation.

E4.3.3. Discussion. A description of what was observed during the inspection.

E4.3.4. Recommended Action(s). What the OPR should do in response to the observation.

E4.4. NOTABLES. Those areas where an organization is operating in an excellent manner. Unlike commendables, notables are not forwarded or exported.

E4.4.1. Notable Statement. A short paragraph (preferably a single sentence) describing the excellent area.

E4.4.2. Standard. The laws, regulations, or other documents that set forth the standard.

E4.4.3. OPR. The office or individual within an organization responsible for addressing the notable area.

E4.4.4. Discussion. A paragraph or more describing the excellent performance.

E4.4.5. Recommendation. Optional.

#### E4.5. COMMENDABLES

Those areas where an organization is operating in an outstanding manner. Commendables are “best practices” or procedures that can be exported to other organizations.

E4.5.1. Commendable Statement. A short paragraph (preferably a single sentence) describing the outstanding area.

E4.5.2. Standard. The laws, regulations, or other documents that set forth the standard.

E4.5.3. OPR. The office or individual within the organization responsible for exporting the commendable practice to other organizations.

E4.5.4. Discussion. A paragraph or more describing the outstanding performance.

E4.5.5. Recommended Action(s). A statement indicating that the OPR should disseminate the commendable practice to other organizations for possible adoption.

E5. ENCLOSURE 5ISSUES NOT APPROPRIATE FOR CC IG ACTION

	<b>TYPE OF COMPLAINT</b>	<b>POSSIBLE REFERRAL ACTION</b>
1.	Appropriated Fund employees – Conditions of employment (personnel policies, practices, and matters affecting working conditions) or, EEO issues (discrimination based on age, race, color, sex, religion, disability, or national origin). For reprisal against a civil service employee (Appropriated Fund/Non-Appropriated Fund - see #2, "Reprisal allegations" below).	Refer to the servicing Civilian Personnel Office for action in accordance with the civilian grievance system. The EEO complaints should be referred to the Chief EEO Counselor for processing.
2.	Reprisal allegations—Military/Appropriated Fund/Non-Appropriated Fund employees/Defense Contractor.	Contact IG DoD for guidance/possible referral.
3.	Military Equal Opportunity and Treatment Issues.	Refer to local Military Equal Opportunity office.
4.	Administrative Separations.	Refer to local Military Personnel office.
5.	Reserve Forces Assignment matters.	Refer to respective Service Reserve HQ office.
6.	Equal Opportunity in off-base housing.	Refer to the servicing Housing Referral office.
7.	Landlord or tenant disputes.	Refer to subject's immediate unit commander.
8.	Claims against the Government.	Refer to SJA.
9.	Correction of military records.	Refer to the respective Service appropriate office.
10.	Appeal of an Officer and Enlisted Performance Reports, Fitness Reports, Officer and Enlisted Evaluation Reports.	Refer to the respective Service appropriate office.
11.	Support of Dependents and Private Indebtedness.	Refer to subject's immediate unit commander.
12.	Suggestions.	Refer to local Suggestions Monitor.
13.	Letter of Counseling, Letter of Reprimand or Non-Judicial Punishment (NJP), (Article 15*, Captain's Mast <sup>3</sup> ). (Exception if CC Commander directs an IG investigation or the issue involves possible reprisal against military member - see #2, "Reprisal allegations" above.)	Refer to appropriate Military Defense Counsel office.

<sup>3</sup> After the Article 15 or Captain's Mast is complete, including any appeal, the CC IG may review the process to ensure due process.



	<b>TYPE OF COMPLAINT</b>	<b>POSSIBLE REFERRAL ACTION</b>
14.	Issues related to punishment under UCMJ and non-judicial. (Exception if CC Commander directs an IG investigation or the issue involves possible reprisal against military member - see #2, "Reprisal allegations.")	Refer to appropriate Military Defense Counsel office.
15.	Article 138, UCMJ (Complaints of Wrongs).	Refer to SJA.
16.	Hazardous Working Conditions (unsafe or unhealthy).	Refer to local Safety Office.
17.	Elimination from Training.	Refer to respective Service training HQ.
18.	Medical Treatment.	Refer to respective Service Surgeon's General for Quality Assessment or Medical Incident Investigation.
19.	TRICARE Complaints.	Refer to TRICARE Benefits Office of the governing TRICARE Region.
20.	Allegations of homosexual conduct.	Refer to Commander.
21.	Allegations of misuse or abuse of government vehicles.	Refer to local transportation office responsible for the vehicle or Commander.
22.	Allegations of unprofessional Relationships/Adultery. (Exception if CC Commander directs an IG Investigation.)	Refer to Commander.
23.	Allegations regarding non-governmental organizations.	Refer to specific agency or Service IG or to the Defense Hotline.
24.	Allegations against Military Defense Counsel.	Refer to SJA.
25.	Allegations of Anti-Deficiency Act violations.	Refer to respective Service office HQ.
26.	Commander-Directed Investigation (CDI)	Refer to Commander for CDI process issues. Refer to chain of command or Area Defense Counsel for CDI corrective action.
27.	Contracting Issues. (Exception if the CC Commander directs an IG Investigation.)	Refer to issuing contract unit or respective Service office HQ.
28.	Allegations against Colonel-Promotable/Brigadier General-Select and above/Senior Executive Service (SES) Personnel.	Refer to IG DoD.

E6. ENCLOSURE 6

THE COMPLAINT/ALLEGATION RESOLUTION PROCESS (After the Preliminary Analysis)

- E6.1. Notify the Combatant Commander (if recommending an investigation).
- E6.2. Assign a CC IG Investigating Officer to investigate the matter.
- E6.3. Develop allegation listing.
- E6.4. Conduct fact-finding.
- E6.5. Complete report.
- E6.6. Obtain legal review if applicable.
- E6.7. Submit report to approving authority.
- E6.8. Make notifications of results.
- E6.9. Conduct follow-up.
- E6.10. Close the request for assistance or complaint.

## E7. ENCLOSURE 7

### INVESTIGATIONS

E7.1. Clarification of an Allegation. The wording of the allegation is critical to the investigation. Certain steps may be helpful in clarifying an allegation. Find a private location for an interview if the complaint is made in person. Determine if the allegation is filed with another Agency, Command, or Congressional office, or individual. Determine if the individual has sought assistance from the appropriate source. If the complaint or allegation is appropriate for the CC IG to investigate, the complainant will assist the CC IG with identifying the nature of the allegation. A statement should be prepared briefly outlining the facts and relevant background information related to the allegation. The statement should address: who committed the alleged violation; what alleged violation was committed; what law, regulation, procedure, or policy was violated; and when the alleged violation occurred (if known). The complainant should identify sources (documents, names of witnesses, or physical evidence) that can corroborate the allegation. Finally, the CC IG needs to determine what remedy the complainant is seeking.

E7.1.1. Acknowledgement of Receipt of the Allegation. The complainant should receive a written acknowledgement of the acceptance of their complaint by the CC IG. In this acknowledgement, the CC IG should explain the major steps of a CC IG investigation and when the complainant can expect to receive an interim reply from the CC IG. Additionally, the CC IG should explain to the complainant that, in some instances (senior official cases), the CC IG does not provide status updates or final replies and, in the case of IG DoD Hotline complaints, the IG DoD can only tell a complainant whether their case is open or closed, and, if closed, whether the allegations were substantiated.

E7.1.2. Declining to Pursue an Allegation/Complaint. In some instances, the CC IG can decline to pursue a complaint after the preliminary analysis. Examples of such instances follow:

E7.1.2.1. Analysis discloses no recognizable wrong, violation of law, regulation, or policy;

E7.1.2.2. Complainant refuses to provide sufficient evidence to conduct the analysis properly;

E7.1.2.3. Complainant files essentially the same complaint under Article 138 of the UCMJ;

E7.1.2.4. The complaint is frivolous;

E7.1.2.5. Investigation would not appreciably affect the outcome or remedy sought;

E7.1.2.6. The allegation has already been investigated and reviewed by the CC Commander or is currently under Commander investigation;

E7.1.2.7. The nature of the complaint is so improbable that it defies common sense; or

E7.1.2.8. The complaint falls outside the jurisdiction of the CC IG (may want to refer the complaint).

All reasons for a CC IG to decline to pursue a complaint must be documented in a notification letter to the complainant, a copy of that letter placed in the case file, and the case marked closed.

E7.1.3. Determination of a CC IG Appropriate Allegation. The CC IG must determine if an allegation is appropriate to investigate. Some issues that may not be appropriate for the CC IG are listed in Enclosure 5. The CC IG may examine complaints that identify a flawed process.

E7.1.4. Referral of an Allegation. If the CC IG decides the case is not appropriate for CC IG investigation but warrants investigation by the appropriate authority, the CC IG will refer the case using three steps. First notify, in writing, the appropriate agency and the complainant of the referral or refer the complainant to the appropriate existing grievance channel. Second, if appropriate, request the referral agency to provide a copy of any closure actions for the CC IG case files. Third, document the case as a referral and make the appropriate annotations in the CC IG database (if applicable), and close the case.

E7.1.5. Appropriate CC IG Investigations. If the allegation is determined to be a CC IG matter, the CC IG will request that the Appointing Authority grant approval to proceed with a CC IG investigation performed either by an existing assigned IG or a temporary IG.

E7.2. Notifications of CC IG Investigations. This section applies only to O-6s/GS-15 employees and below. (Investigations of O6 promotable/select, General Officers, and Senior Executive Service (SES) personnel are handled by the IG DoD.) Notifications of CC IG investigations are important so that all involved parties are properly informed of the appointment, progress, and results of the investigation. Investigation notification requirements vary depending on what type of investigation is being conducted. To ensure compliance with applicable laws, the Combatant Command SJA should be consulted regarding all notification issues involving CC IG investigations. While conducting a notification, the CC IG investigators will not provide investigation materials to witnesses, subjects, or other third parties or allow those individuals to read any complaint filed through IG channels. (CC IG investigators may choose to show selected exhibits to witnesses or subjects during the course of a fact-finding interview provided such exhibits are purged of data that identifies individuals.) Usually, proper notifications start with the CC IG notifying the appointing authority of the allegation. The appointing authority may appoint a CC IG currently assigned to the command or appoint a temporary IG to conduct the investigation. The appointing authority designates in writing the currently assigned CC IG or the temporary IG as an Investigating Officer (IO). At this point, the CC IG IO should consult with the Combatant Command SJA to ensure all applicable laws are followed while conducting an effective investigation. Finally the appointed CC IG IO provides progress reports to the CC IG (if required) at agreed-upon suspense dates.

E7.2.1. Conduct Fact-Finding. The CC IG investigations are administrative rather than judicial in nature. Although they assess a subject's personal responsibility with respect to an

alleged wrongdoing, CC IG investigations are not criminal proceedings in which proof beyond a reasonable doubt is required. Rather, the standard of proof that applies is proof by a preponderance of the evidence (See Enclosure 2, paragraph E2.1.17). The facts gathered by a CC IG IO may not rise to the level of what would be required in a court of law. With that in mind, the CC IG IO gathers facts by conducting interviews, reviewing evidence, and making observations. Sometimes the subject matter of the investigation will be beyond the expertise of the CC IG IO. In those cases, the CC IG IO must request the assistance of a subject-matter expert. The CC IG IO should use his or her judgment and experience to determine what amount of evidence is appropriate for a thorough investigation.

E7.2.2. Complete Report. Although stylistic variances are allowed at the discretion of the CC IG, the basic elements and headings for a report of investigation are presented at Enclosure 8.

E7.2.3. Obtain Legal Review. Before issuance of an investigative report, the CC IG IO must submit the report to the Combatant Command SJA for a written legal review of sufficiency. The CC IG IO should work closely with the Combatant Command SJA to resolve any issues before the CC IG IO report is presented to the appointing authority. If issues arise between the SJA and the CC IG IO that cannot be resolved, the CC IG IO should highlight the issue with the appointing authority, make recommendations, and request guidance.

E7.2.4. Submit Report to Approving Authority. Once the investigation report has been reviewed by the Command SJA's office, the CC IG IO must submit the report to the approval authority, who is usually the Commander. The approval authority will approve or disapprove the report in writing. If the approval authority disapproves the report, the CC IG IO will rework the investigation or the approval authority will attach an addendum stating the reasons for disapproval and any additional findings.

E7.2.5. Notifications of Investigation Results. Upon approval of an investigation report, the CC IG must make notifications of the results of the investigation. The subject and the subject's Commander must be notified of the results of the investigation. Notification of the subject's Service IG may be required. If the complainant was adversely affected by the actions of the subject, then the complainant is entitled to a summary report of the investigation findings. If the complainant is a third party they are not entitled to the results of an investigation. Contact your SJA for additional information or advice.

E7.2.6. Conduct Follow-up. After notifications are complete, the CC IG IO needs to determine if appropriate follow-up is desirable. Normally the result of an investigation ends after reporting to the Commander. However, in some instances follow-up may be appropriate if the investigation discovers a systemic problem.

E7.2.7. Close the Case. To close a case, the CC IG IO must label each allegation in the case file as closed and, if applicable, make the same annotations in the case database. If some allegations remain open pending further/ongoing investigation, the case will not be closed.

E7.2.8. CC IG Conclusions. A CC IG can reach only one of two conclusions for each allegation in an investigation. An allegation can either be substantiated or not substantiated.

E8. ENCLOSURE 8

FORMAT FOR A REPORT OF INVESTIGATION--Example

REPORT OF INVESTIGATION (ROI):  
(Dates of Investigation)

E8.1. CC IG Investigator. (Enter CC IG's grade, full name, and duty title)

E8.2. Grade and Name of Complainant (database number if there is one).

E8.3. Authority and Scope of Investigation. An example may read: The authority for this investigation was granted by General Thomas J. Dooley, Commander, United States Central Command on 4 July 2004 (Attachment 1).

The objective of this investigation was to determine the facts and circumstances bearing on a complaint submitted by SSgt John Doe alleging three different EES violations on the part of his supervisor, MSgt Jane Doe, XX MSS,

E8.4. Allegation #1—list the allegation and its finding. (State whether the allegation was substantiated or not substantiated, based on the evidence. Do not use “substantiated” when wrongdoing is not present.)

E8.4.1. Chronology of Events Relating to Allegation #1. A chronology of events is essential to a thorough, in-depth ROI. The chronology should include the complete chain of events pertaining to the various allegations contained in the complaint. Events not pertinent to the allegation(s) should be excluded.

E8.4.2. Analysis and Conclusion—Allegation #1. State how the facts were determined (such as witness testimony or documentary evidence, etc.). Explain the rationale for the conclusion (substantiated or not substantiated) and comment on any corrective actions already taken. Give the current status of the complaint and describe any options or alternatives management has given or those still available to the complainant.

E8.4.3. Recommendation(s)—Allegation #1. Include your recommendations, if deemed necessary. Provide for short-term and long-term fixes. Do not recommend specific disciplinary actions for individuals.

E8.5. Allegation #2—For allegation #2, repeat the process outlined in paragraph E8.4 above. Repeat this process for each allegation.

**SIGNATURE BLOCK**

Note: Stamp or mark the bottom of each page as follows:

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Note: The format above is an example of an ROI. The CC IG may decide other formats are more appropriate. **HOWEVER, IF THE ROI IS IN RESPONSE TO AN IG DOD HOTLINE COMPLAINT, YOU MUST USE THE FORMAT AT ENCLOSURE 2 OF DoDI 7050.7, "DEFENSE HOTLINE PROCEDURES," (Reference (q)).**

E9. ENCLOSURE 9

ASSISTANCE

E9.1. Processing of Requests for Assistance or Complaints. A CC IG may receive and process requests for assistance and/or complaints from any source (including anonymous sources) regarding operations, organizations, functions, and personnel.

E9.2. Preliminary Analysis. If, during preliminary analysis of the request for assistance or of a complaint, the CC IG determines that a request/complaint is not CC IG appropriate (e.g., not an assistance issue, not a systemic problem warranting inspection, or that it contains inadequate information to pursue as an allegation), the CC IG case will be closed. The table at Enclosure 5 is an example of case categories that are not appropriate for CC IGs and which should be referred to the appropriate agency. In cases where the complainant is known, the complainant will be notified of the decision and the supporting rationale. The notification (if required) and rationale shall be documented in the case record.

E9.3. Assistance to other IGs. The CC IGs may and are encouraged to assist other governmental IGs upon request. When a CC IG determines an issue is not appropriate for their Combatant Command, the CC IG will forward the issue to the command or governmental agency that has the most direct authority over the complaint or issue.