



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500

September 30, 2014

INSPECTOR GENERAL INSTRUCTION 5400.2

PUBLIC AFFAIRS PROGRAM

FOREWORD

This Instruction establishes policies and procedures and assigns responsibilities within the Department of Defense Office of Inspector General concerning public affairs, media relations and the role of the Office of Communications and Congressional Liaison.

The office of primary responsibility is the Office of Communications and Congressional Liaison. This Instruction is effective immediately.

FOR THE INSPECTOR GENERAL:

A handwritten signature in black ink, appearing to read "SD Wilson".

Stephen D. Wilson
Assistant Inspector General
for Administration and Management

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CHAPTER 1 GENERAL

A. Purpose. This Instruction establishes policies and procedures, and assigns responsibilities within the Department of Defense Office of Inspector General (DoD OIG) concerning public affairs, media relations, and the role of the Office of Communications and Congressional Liaison (OCCL).

B. Cancellation. This Instruction cancels IG Instruction 5400.2, *Public Affairs*, April 6, 2007.

C. Summary of Changes. This Instruction updates position titles to reflect current staffing, organization, and responsibility changes assigned to some of the positions described. Certain paragraphs were reorganized to combine related tasks in a logical manner and some definitions in *Appendix B* were updated to reflect current Internet and social media platforms.

D. Applicability. This Instruction applies to the Office of Inspector General.

E. References. See Appendix A.

F. Definitions. See Appendix B.

G. Acronyms and Abbreviations. See Appendix C.

H. Policy.

1. As set forth in reference (a), it is DoD policy that accurate and timely information is made available to the public, the Congress and the news media to help the analysis and understanding of defense and national security issues.

2. It is OIG policy to make accurate and timely information available to help Congress, other national-level decision makers, the news media and the general public understand the OIG mission, the results of OIG activities, and the OIG role in promoting national defense.

3. The OIG public affairs duties will be carried out in accordance with (IAW) guidance set forth in references (a), (b), and (c). In accordance with Enclosure 2, paragraph 3, of reference (a), the OIG, as an independent and objective office in the DoD, is exempt from the policy review provisions of reference (a).

I. Responsibilities.

1. The **Assistant Inspector General (AIG) OCCL** will:

a. Oversee all matters involving contact with the news media.

- b. Manage, direct and implement procedures for external communication activities.
- c. Keep the Inspector General (IG), the Principal Deputy Inspector General, and the Component heads informed of media inquiries regarding the OIG.
- d. Advise the IG on responding to media inquiries.
- e. Designate the Chief, Freedom of Information Act (FOIA) Requester Service Center/Privacy Act Office, as the FOIA Public Liaison.

2. The Chief, Public Affairs (PA) will:

- a. Report to the AIG-OCCL through the Deputy AIG-OCCL and Director, Communications.
- b. Conduct the PA Program IAW procedures set forth in references (a), (b), and (c) relating to PA practices and procedures within the DoD and the OIG, and references (d) and (e) regarding information security and Privacy Act protected information.
- c. Develop and implement the PA Program.
- d. Respond to inquiries from the media. Serve as onsite media contact at congressional hearings.
- e. Coordinate and monitor media interviews; develop and provide relevant communications training for spokespersons; prepare principals prior to media interviews.
- f. Serve as the OIG point of contact for the Office of the Assistant to the Secretary of Defense for PA (ASD(PA)).
- g. Keep the ASD(PA) informed of the status of significant issues/cases, with the approval of the AIG-OCCL and applicable Component heads;
- h. Review requests from and respond to the ASD(PA) regarding requests for advance copies of all appropriate reports, audits, and other documentation required to prepare for media inquiries.
- i. Serve as the OIG point of contact for specific high visibility reports requiring public affairs coordination and review.
- j. Oversee the OIG Internet content and social media program as part of the PA Program

3. Component Heads will:

- a. Coordinate through the OCCL all matters involving Component contact with the news media.
- b. Notify OCCL at least one full working day in advance of the release of any audits, reports, or investigative or criminal justice actions that involve significant issues/cases.
- c. Provide the OCCL Component-level support and input in drafting responses to questions relating to media inquiries.
- d. Notify the OIG Front Office and OCCL before releasing public information on significant issues/cases.
- e. Coordinate with the Office of Security whenever information proposed for public release is derived from classified or possibly classified material or other sensitive information.
- f. Inform employees of, and comply with, OIG policy and procedures involving matters with the public and the media.
- g. Ensure Component internal procedures and guidelines regarding contact with the media are consistent with the guidance in this Instruction.

4. Employees will:

- a. Comply with the policy and procedures in this Instruction.
- b. Immediately report to their supervisor and the Chief, PA all contact with the news media. The employee's report should include as much information as possible, including when the contact occurred, the name of the individual making the contact, the news organization that the individual represents, and any contact information.

CHAPTER 2 PROCEDURES

A. General.

1. The release of information to congressional requesters, the news media, commercial enterprises, special interest organizations, and the general public involving significant issues/cases and/or FOIA/Privacy Act related issues, must be coordinated with OCCL. The release will be consistent with established federal, DoD, and OIG regulations, policies, and programs as specified in references (d) and (e).

2. The OIG information on significant issues/cases that is intended for public release will be reviewed by the Component heads and the OIG Front Office before release.

B. Response to Media Inquiries. All inquiries from the national media and all media inquiries involving significant issues/cases must be forwarded to and coordinated by the OCCL. Inquiries should be forwarded to the Chief, PA, or, as necessary, a designated OCCL representative, at public.affairs@dodig.mil, with a copy to the appropriate supervisory personnel. Notification must be made with enough time to process the request through the appropriate channels and receive a reply outlining the proper response or course of action.

1. OIG Reports. As a general rule, OIG reports stand on their own and should speak for themselves. However, information provided in response to news media requests for clarification or additional information relating to reports must be coordinated by the OCCL and approved by the appropriate Component heads. In the event the report involves a high profile issue that may be the subject of media inquiries, Components will work with OCCL to draft the appropriate responses.

2. Investigations.

a. The release of information regarding administrative and criminal investigative issues must be done IAW references (d) through (i).

b. Statements or information released by OIG personnel regarding suspects who have been apprehended, arrested, or under indictment must be within the guidelines set forth in reference (g).

c. The Defense Criminal Investigative Service (DCIS) serves as the governing entity as to the timing of the release of any and all law enforcement sensitive information.

d. The OIG does not confirm or deny the existence of, or comment on investigations or investigative issues. It is a long-standing policy of the IG not to comment on allegations or ongoing investigations unless or until, in criminal cases, a public arrest is made or an indictment is returned, or, in administrative investigations, a final investigative report is issued. Two exceptions include:

(1) Malicious misinformation that impugns the character or professional reputation of an individual; or

(2) Information that could cause the unfounded loss of confidence by investors in a publicly traded entity. In such cases the DoD *Principles of Information* applies, which states: "It is Department of Defense policy to make available timely and accurate information." (See Enclosure 3 of reference (b)).

e. All inquiries regarding information of national interest or are applicable to the DoD as a whole will be forwarded to the Chief, PA, by providing their contact information.

f. **DCIS Managers** will:

(1) Answer routine press inquiries received at the field office that do not pertain to significant issues/cases in which a:

(a) public arrest has been made,

(b) criminal indictment returned,

(c) criminal information filed, or

(d) civil complaint filed unsealed.

(2) Notify OCCL should a case initially deemed to be of only local interest develops into a matter of national interest.

(3) Be authorized to participate in press briefings. For press briefings of national level or Department-wide interest, DCIS managers will seek authorization to participate from OCCL.

(4) Notify OCCL and the Investigative Operations Directorate of all press contacts and the nature of the inquiry via e-mail as soon as practicable after the media contact.

(5) Refrain from answering hypothetical questions or expressing personal opinion. Additionally, disclosures must only include factual matters and not subjective observations. When background information or information relating to the circumstances of an arrest or investigation would be highly prejudicial or where the release thereof would serve no law enforcement function, such information will not be made public.

g. **Special Agents** who are approached by journalists at the scene of arrests, raids, or other fast-moving developments in investigations will provide the telephone number and e-mail address of the Chief, PA or the name and telephone number of DCIS supervisory personnel. Unless undercover assignments or similar circumstances dictate otherwise, Special Agents also have the authority to:

(1) Identify themselves as a "Special Agent of the Department of Defense Office of Inspector General, Defense Criminal Investigative Service,"

(2) Furnish the name of the field office to which they are assigned, and

(3) State the general nature of the investigative operation, such as "We are here to serve an arrest (or a search) warrant..."

C. Press Conferences.

1. The OCCL and the appropriate headquarters element should be notified in advance regarding participation in press conferences. The U.S. Attorneys' Offices often hold joint press conferences that include representatives of participating agencies when a high-profile case is resolved, an indictment is issued, an arrest is made, or a significant sentence or fine is handed down. It is appropriate that DCIS should be represented at these events by the Special Agent-in-Charge (SAC), the Assistant Special Agent-in-Charge (ASAC), or the Resident Agent-in-Charge (RAC), as approved by the SAC or ASAC.

2. As soon as the SAC, ASAC or RAC is notified that a joint press conference will be held in which they intend to participate, they will notify the Chief, PA, the DCIS Deputy Director for Investigative Operations, and/or other DCIS/Investigations headquarters-level supervisory personnel, as appropriate, prior to the press conference. Notification should include the date, time, and location of the press conference, along with a brief description of the case. Whenever possible, OCCL will be given 24 hours advance notice.

D. Interviews. Interviews will be scheduled and approved by OCCL and are generally limited to executive staff members and Senior Executive Service personnel. In some circumstances where comment from a subject matter expert is required, such as the case agent on a DCIS investigation or the lead auditor on a highly sensitive special project, personnel designated by the appropriate Deputy Inspector General (DIG), AIG, or equivalent may be interviewed with an OCCL representative present or monitoring the interview on a conference call. Field elements must notify OCCL and the appropriate headquarters-level supervisory personnel regarding any requests for interviews at least 48 hours in advance and must receive approval from both offices before proceeding with the interview.

E. Press Releases/Information Releases.

1. DoD Press Release. Pursuant to paragraph 3.a. of reference (c), the ASD(PA) is assigned the responsibility as the sole “release authority for DoD information [and materials] to news media representatives.” The OIG will coordinate significant press contacts and submit proposed press releases to ASD(PA) for review.

2. OIG Information Release. Should ASD(PA) determine that a submitted OIG press release does not warrant a DoD press release, the OIG has the option to post the information on any OIG website as an OIG information release. An information release may also be used to announce significant events or achievements by Components and should be properly coordinated with the OCCL and the appropriate headquarters-level supervisory element.

3. When available, it is best to use press releases issued by the offices of the U.S. Attorneys involved regarding DCIS-related activities, especially in cases that may attract national attention.

4. If a U.S. Attorneys’ press release is not available or will not be issued, or if the event does not involve the U.S. Attorneys’ Office, a draft release should be prepared and forwarded 48 hours in advance of the proposed release date to the Chief, PA, with copies to DCIS Deputy Director for Investigative Operations and/or other DCIS/Investigations headquarters-level supervisors to release.

F. News Media Freedom of Information Act Requests.

1. The Chief, FOIA, will be the point of contact for all FOIA requests from the news media.

2. In order that the public may have timely information concerning OIG activities, records requested by news media representatives that would not be withheld if requested under the FOIA should be released upon request. Prompt responses to requests for information from news media representatives should be encouraged to eliminate the need for these requesters to invoke the provisions of the FOIA and thereby assist in providing timely information to the public.

**APPENDIX A
REFERENCES**

- a. DoD Directive 5230.09, *Clearance of DoD Information for Public Release*, August 22, 2008
- b. DoD Instruction 5400.14, *Procedures for Joint Public Affairs Operations*, January 22, 1996
- c. DoD Directive 5122.05, *Assistant Secretary of Defense for Public Affairs (ASD(PA))*, September 5, 2008
- d. DoD 5400.11-R, Department of Defense Privacy Program, May 14, 2007
- e. Title 5, United States Code, section 552a, The Privacy Act of 1974
- f. IG Instruction 5400.11, *Privacy Act Program*, January 29, 2010
- g. IG Instruction 5400.7, *Freedom of Information Act Program*, April 16, 2010
- h. Section 50.2 of Title 28, Code of Federal Regulations, *Judicial Administration: Release of Information by Personnel of the Department of Justice Relating to Criminal and Civil Proceedings*
- i. Defense Criminal Investigative Services Special Agents Manual, Chapter 15, Grand Jury Proceedings, February 2013

APPENDIX B DEFINITIONS

1. **information.** Communication or representation of knowledge such as facts, data, or opinions in any medium or form pertaining to OIG activities.
2. **media relations.** A controlled, centrally directed program that enables organizations, such as the OIG, to communicate effectively with the news media while at the same time ensuring that sensitive or classified information, or information subject to Privacy Act restrictions, is not released.
3. **national media.** Major newspapers, national magazines, major television networks to include cable, radio networks, and Internet sites which have a nationwide audience, and their online public websites.
4. **Public Affairs.** The overall communications program for an organization that typically includes media relations, web content and programs, publications, speech writing, and other forms of interaction designed to convey information to a variety of publics to include both internal and external audiences, as well as more specialized audiences, such as the news media.
5. **significant issues/cases.** The OIG investigations, audits, reviews, assessments, or evaluations that are expected to generate congressional attention are newsworthy on a national level, and are applicable to DoD as a whole. Generally these issues involve top defense contractors, major weapon systems, items of congressional interest, issues regarding high level military and civilian officials, and matters which ordinarily come to the attention of the Secretary of Defense or the principal deputies.

**APPENDIX C
ACRONYMS AND ABBREVIATIONS**

AIG	Assistant Inspector General
ASAC	Assistant Special Agent-in-Charge
ASD(PA)	Assistant Secretary of Defense for Public Affairs
DCIS	Defense Criminal Investigative Service
DIG	Deputy Inspector General
DoD	Department of Defense
FOIA	Freedom of Information Act
IAW	in accordance with
IG	Inspector General
OCCL	Office of Communications and Congressional Liaison
OIG	Office of Inspector General
PA	Public Affairs
RAC	Resident Agent-in-Charge
SAC	Special Agent-in-Charge