

A QUICK REFERENCE GUIDE FOR REPORTING QUESTIONABLE INTELLIGENCE ACTIVITIES

YOU ARE PROTECTED

Persons reporting a questionable intelligence activity are protected from reprisal or adverse actions by anyone in their entire chain of command.

WHAT IS A QUESTIONABLE INTELLIGENCE ACTIVITY?

Most intelligence personnel associate questionable intelligence activities with improper collection on U.S. Persons; however, that is only one aspect of questionable intelligence activities. The below will assist you to understand this very important responsibility; a responsibility that applies to everyone involved in DCSA, whether you have an intelligence specialty or not. But, to answer the initial question:

A questionable intelligence activity is one that may violate the law, any Executive Order (EO) (such as EO 12333, *United States Intelligence Activities*), Presidential directive, or applicable Department of Defense (DoD) policy (such as DoD Manual (DODM) 5240.01, *Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons*)

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Examples of a questionable intelligence activity include, but are not limited to, the following:

- Tasking intelligence personnel to conduct activities that are not part of the Agency's approved mission, even if they have the technical capability to do so.
- Intelligence personnel tasking non-intelligence personnel to conduct intelligence activities, or collect information not available through authorized collection techniques.
- Providing intelligence services and/or products without proper authorization.
- Collecting U.S. Persons information, even through open source means, when it is not part of the unit's specific mission.
- Alleged abuse and mistreatment of detainees and prisoners by or directed by intelligence personnel.
- Actions that are not inherently intelligence, such as fraud, waste and abuse, personal misconduct, and minor security violations/deviations are normally processed through Security channels.
- When in doubt, ASK!

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WHAT ARE YOUR RESPONSIBILITIES?

If you're part of the DCSA CI Directorate, you are responsible under DoD Directive (DODM) 5240.01 to conduct only lawful intelligence activities. This is to ensure that in the process of defending the Constitution of the United States, we don't compromise the very values we have sworn to uphold and defend.

As a DCSA Employee, if you suspect an activity you or others conducted, or were directed to conduct, may be improper, it is your responsibility to ask questions. The first step would be to ask your supervisor. If you are concerned that your supervisor has not adequately addressed your concerns, then seek out the Intelligence Oversight Officer for your section, or the DCSA Senior Intelligence Oversight Official.

- So, what do you do when you encounter a questionable intelligence activity? Under DoDD 5148.13, you are responsible, to report what you believe is a questionable intelligence activity immediately through your chain of command or supervisor to the DCSA Senior Intelligence Oversight Official. You can also report to the Office of General Counsel, the Inspector General (IG), the DoD General Counsel, the DoD SIOO, the Joint Staff IG, the Legal Counsel for Chairman Joint Chiefs of Staff, the DoD IG, or the Intelligence Community IG.

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CHECKLIST FOR REPORTING QUESTIONABLE INTELLIGENCE ACTIVITY

A key point to remember as you go through this process: do not overlook proper security procedures. If the issue you are concerned about is in controlled and/or classified channels, ensure you bring the problem to the attention of those who have the appropriate clearances.

1. What is your name and contact information? Is there an alternate method to contact you?
2. If the nature of your concern is classified what is the best way to contact you (i.e., secure telephone, SIPRNET, or JWICS)?
3. Identify the activity and why you believe it falls into the category of a questionable intelligence activity.
4. Identify those who you believe are involved in this questionable intelligence activity.
5. If you have already brought this to the attention of those in your chain of command, your legal advisor, or to the Inspector General, what was their response?
6. Do you believe you are being pressured **not** to report this? Have you been threatened with adverse action, such as a negative impact on your evaluation report?
7. Do you believe you are in danger because of this reporting? If so, why?