

SECNAVINST 3820.3E  
21 Sep 2005

Naval Inspector General

## Intelligence Oversight Inspection Checklist

ACTIVITY/DETACHMENT: \_\_\_\_\_  
POINT(S) OF CONTACT: \_\_\_\_\_  
TODAY'S DATE: \_\_\_\_\_  
INSPECTOR(S): \_\_\_\_\_

**Definition of terms: For purposes of this checklist, the term Executive Order 12333 compliance shall include compliance/noncompliance with, or violations of, Executive Order 12333 and DOD Regulation 5240.1-R of December 1982 (NOTAL) as well as unauthorized intelligence missions and functions.**

### 1. Intelligence Oversight Policy

- a. Does the Commanding Officer, Executive Officer, Officer in Charge and Senior Intelligence Officer receive annual training on Executive Order 12333 and its DOD and Navy implementing directives/regulations/instructions?
- b. Describe the command's Intelligence Oversight program.
- c. What are the training, inspection, and reporting mechanisms?
- d. Have any violations occurred? If so, when and how reported? What corrective actions were taken?
- e. What is the impact of Intelligence Oversight restrictions on the command's mission?
- f. Is the official responsible for administering the command's Intelligence Oversight program designated by command instruction (Intelligence Oversight instruction, Standards Operations Regulations Manual, collateral duty list) or designation letter?
- g. Does this official have access to all the intelligence collection, retention (databases, files), and dissemination programs within the command for oversight purposes?
- h. If not, what mechanism is in place to ensure compliance with Executive Order 12333?
- i. Who certifies compliance with Executive Order 12333 for all command programs? How is compliance for all programs certified to this official?

*NOTE: Reports will be sent/forwarded to Echelon 2 if inspecting Echelon 3 or below. Is the quarterly report to NAVINSGEN signed by direction? Who signs? What is the command relationship to the official who certifies*

*compliance?*

j. Has the command received any tasking from higher authority that could actually or potentially (or perceived to be) contrary to intelligence restrictions? How was it handled? What was the outcome? How was it documented?

## **2. Training and Compliance Elements**

a. Does the command hold SECNAVINST 3820.3E? DOD Directive 5240.1? DOD Regulation 5240.1-R? Executive Order 12333?

b. Does the command have its own instruction on Intelligence Oversight?

c. Does the command instruction or directive designate the official responsible for conducting/coordinating Intelligence Oversight training?

d. Does the command have NAVINSGEN-N2 (or the appropriate Echelon 2) POC's phone numbers, e-mail addresses and Internet home page address (as applicable)? Do they have the Navy Hotline number? DODIG phone number? ATSD(IO) phone number?

e. How is required annual training conducted and documented? (Review training records for the last 3 years)

f. How does the command review its programs for compliance with Executive Order 12333? How are the results documented? How frequently are programs reviewed?

g. Are contracting activities reviewed for Executive Order 12333 compliance?

h. Are espionage cases reported to NAVINSGEN quarterly per SECNAVINST 3820.3E?

i. Are significant instances of fraud, waste, abuse, standards of conduct or ethics violations, financial misconduct, or conflicts of interest that impact upon intelligence operations reported to senior echelon or NAVINSGEN quarterly (per SECNAVINST 3820.3E)?

j. What databases does the command have access to that contain information on U.S. persons? How is compliance with Executive Order 12333 ensured? Are there directives or SOPs for preventing Executive Order 12333 violations when accessing these databases?

k. What is the reporting procedure for personnel to report questionable activities?

l. Is the proper channel for reporting Executive Order 12333 violations well publicized within the Command? *NOTE: Are Plan of the Day notes run periodically? Are notices posted on bulletin boards? Are the Executive Officer, Command Master Chief, military Division Officers, and senior civilians conversant with the procedures for reporting Executive Order 12333 violations?*

- m. Are there any command personnel assigned independent duty or serving in outlying areas? If so, how is Intelligence Oversight training administered? How is Executive Order 12333 compliance monitored and documented?
- n. How do personnel receive Intelligence Oversight training when they report aboard? Is it part of the check-in process?
- o. How does the command ensure subcomponents are inspected per the timelines established in SECNAVINST 3820.3E? Is an oversight inspection schedule submitted to NAVINSGEN each September per SECNAVINST 3820.3E? Are inspection records current?

### **3. Potential Problem Areas**

- a. Are there any indications of:
  - 1. Potential oversight violations?
  - 2. Standards of Conduct problems?
  - 3. Fraud/waste/abuse
  - 4. Financial misconduct?
  - 5. Conflict of interest?
  - 6. Espionage?
  - 7. Violation of law, directives, policy, or procedures?
- b. Have any of the following special collection techniques been used by the command:
  - 1. Concealed monitoring?
  - 2. Physical searches?
  - 3. Searches and examinations of mail?
  - 4. Physical surveillance?
  - 5. Undisclosed participation in organizations to gain intelligence information?

### **4. Personnel and Records Review**

- a. Visit operating spaces and randomly question personnel to evaluate their knowledge of intelligence activities.
- b. Examine intelligence files for compliance with collection and retention criteria.
- c. Is the annual training required by SECNAVINST 3820.3E reported in a timely manner by subordinate commands? How are they monitored by the Echelon 2 command?

- 5. **Command Feedback.** Does the command have any recommendations for improving the Intelligence Oversight process?