



CHAIRMAN OF THE JOINT CHIEFS OF STAFF INSTRUCTION

DJS/DIG
DISTRIBUTION: C, J, S

CJCSI 5901.01
15 December 1999

CONDUCT OF INSPECTIONS, INVESTIGATIONS AND INTELLIGENCE OVERSIGHT

References: See Enclosure E.

1. **Purpose.** This Instruction:

a. Establishes policy, assigns responsibilities, and prescribes procedures by which oversight, inquiries, and investigations of the Joint Staff, Defense activities responsive to the Chairman of the Joint Chiefs of Staff, and other supporting organizations reporting to the Chairman will be conducted by the Joint Staff Inspector General.

b. Provides procedures for initiating, monitoring, and conducting investigations within the Joint Staff and for oversight coordination between the respective unified combatant commands (CINCs) and Chairman-controlled DOD activities.

2. **Cancellation.** JSI 5901.01, 30 June 1995, JSI 5902.01, 15 December 1995, and CJCSI 5902.01, 15 December 1995, are canceled.

3. **Applicability.** This instruction applies to:

a. The Joint Staff, combatant commands, and Defense activities responsive to the Chairman of the Joint Chiefs of Staff, supporting organizations reporting to the Chairman, and nonappropriated fund activities.

b. All DOD personnel.

4. Releasability. This instruction is approved for public release; distribution is unlimited. DOD components (to include the combatant commands), other Federal agencies, and the public may obtain copies of this instruction through the Internet from the CJCS Directives Home Page—<http://www.dtic.mil/doctrine/jel/cjcsd.htm>. Copies are also available through the Government Printing Office on the Joint Electronic Library CD-ROM.

5. Effective Date. This instruction is effective upon receipt.

A handwritten signature in black ink, appearing to read "C.W. Fulford, Jr.", with a stylized flourish at the end.

C.W. FULFORD, JR.
Lieutenant General, U.S. Marine Corps
Director, Joint Staff

Enclosures:

- A — Conduct of Inspections and Inquiries
- B — Whistleblower/Reprisal Reporting
- C — Intelligence Oversight Responsibilities and Coordination
- D — Matrix
- E — References

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ENCLOSURE A

CONDUCT OF INSPECTIONS AND INQUIRIES

1. General Information. The Director, Joint Staff (DJS), is the Joint Staff Inspector General (IG). The Chief of Joint Staff Support Services is dual-hatted as the Deputy Inspector General (DIG) and functions as an impartial fact-finder for the DJS and the Chairman of the Joint Chiefs of Staff. As such, the Joint Staff DIG coordinates and analyzes indicators that will provide timely feedback and recommendations of corrections to the appropriate decision maker.

2. Policy

a. Inquiries and investigations will be accomplished independently as directed by the Chairman or DJS, or as requested by the combatant commands and Defense activities.

b. The Joint Staff DIG, as required, will accomplish administrative oversight and ensure optimum efficiency and effectiveness during investigations and inquiries.

c. The inspection and investigations team chief will be the Deputy IG unless otherwise directed by the Chairman or DJS.

d. Allegations of misconduct by senior officials assigned to the Joint Staff, CINC staffs, Chairman-controlled activities, or other Joint activities will be reported, as required, to the Joint Staff DIG and the Inspector General, Department of Defense (DOD IG). The DOD IG will investigate or refer the allegation to the appropriate Service IG or investigating agency in accordance with DOD and Service regulations. Reference b gives specific guidance.

e. Allegations of misconduct by other than senior officials assigned to the Joint Staff, CINC staffs, Chairman-controlled activities, or other Joint activities will be investigated by the responsible IG. Allegations will be reported in accordance with the appropriate Service regulations (See Enclosure D-1 Matrix for details and Service-specific requirements).

3. Responsibilities

a. The Joint Staff DIG is assigned the responsibility for conducting inquiries and investigations as may be directed by the Chairman or the

DJS utilizing the procedures and guidance contained in reference c. The Joint Staff DIG will:

- (1) Provide executive direction for inquiries and investigations teams.
- (2) Arrange for funds to be budgeted yearly for anticipated inquiries and investigations.
- (3) Prepare notices of inspection and investigation for CJCS and DJS approval.
- (4) Act as representative of the Chairman or DJS during on-site inquiries or investigations.
- (5) Submit a report of the inquiry or investigation within 30 days, or sooner, if required.

b. Commanders and Directors of other participating commands and activities will:

- (1) Upon request, assign the Joint Staff DIG appropriate personnel with requisite technical expertise, in-depth knowledge, and background to augment inspection or investigation teams.
- (2) Upon request, provide the Joint Staff DIG with inspection or investigation reports and items to be reviewed.

c. CJCS Legal Counsel will review of all Joint Staff completion reports.

4. Submission of Reports. The inspection or investigation report will be submitted to the DJS. The DJS may forward the report to the Chairman or the Secretary of Defense, as appropriate.

ENCLOSURE B

WHISTLEBLOWER/REPRISAL INVESTIGATIONS

1. General Information.

a. The Inspector General, Department of Defense (DOD IG) is charged with the responsibility for improving the economy, efficiency, and effectiveness of the Department of Defense through the prevention, detection, and correction of fraud, waste, and mismanagement. In order to effectively fulfill these responsibilities, Congress, in reference (d), assigned the DOD IG final approval authority for all whistleblower and reprisal investigations.

b. A whistleblower or reprisal complaint is any allegation that a responsible official took or threatened to take unfavorable personnel actions or withheld or threatened to withhold favorable personnel actions in reprisal against a member of the Armed Forces for making or preparing to make lawful communications (protected communications) to a member of Congress, inspector general, member of a DOD audit, inspection, investigation, or law enforcement organization, or any other person (including the chain of command) designated under component regulations or other established administrative procedures to receive such communications.

2. Policy. The Joint Staff DIG and the Inspector General of a combatant command will forward to the DOD IG all allegations of reprisal in accordance with reference (e). The DOD IG "Special Inquiries Directorate" will be provided a copy of the written complaint or a detailed summary of the allegation within 72 hours of receipt of the allegation. Additionally, the IG of a combatant command will provide an information copy to the Joint Staff DIG.

3. Responsibilities

a. The DOD IG will conduct a preliminary analysis to determine if sufficient evidence exists to warrant further investigation in accordance with reference (f). If further investigation is warranted, the DOD IG may forward the action to the Joint Staff DIG for investigation or further referral to the appropriate CINC IG. The completed investigation report will be forwarded back through the Joint Staff DIG to the DOD IG.

b. The Joint Staff DIG will coordinate any case that falls within the Joint Staff or the Chairman-controlled activities.

c. Completion reports will be formatted to be consistent with current guidelines. At a minimum, the reports will consist of the following:

(1) Introduction and Summary

(2) Background

(3) Scope

(4) Findings:

(a) Did the military member make or prepare a communication protected by statute?

(b) Was an unfavorable personnel action taken or threatened, or was a favorable personnel action withheld or threatened to be withheld following a protected communication?

(c) Did an official responsible for taking, withholding, or threatening the adverse personnel action know about the protected communication before they took the adverse personnel action?

(d) Does a preponderance of the evidence establish that the adverse personnel action would have been taken absent the protected communication?

(5) Conclusion

(6) Recommendation(s)

4. Submission of Reports. Whistleblower or reprisal completion reports from a combatant commander's inspector general will receive a legal review from the CINC's legal counsel.

ENCLOSURE C

INTELLIGENCE OVERSIGHT RESPONSIBILITIES AND
COORDINATION

1. General Information. The Joint Staff Deputy Inspector General (DIG) coordinates and consolidates the Intelligence Oversight activities of the combatant commanders. Note: The Defense Intelligence Agency (DIA) is responsible for the Intelligence Oversight (IO) for the Joint Staff Directorate for Intelligence.

2. Policy

a. The combatant commanders are responsible for monitoring, inspection, assessment, and evaluation of their respective command IO activities.

b. The Joint Staff DIG will conduct periodic reviews and direct appropriate CINC coordination for the conduct of an IO inquiry or investigation, as warranted, in accordance with guidelines delineated in references g and h.

3. Responsibilities

a. Joint Staff DIG is a member of the DOD Joint Intelligence Oversight Coordination Group.

b. Joint Staff DIG coordinates visits to combatant commands and joint activities for the Assistant to the Secretary of Defense (Intelligence Oversight).

4. Submission of Reports. The combatant commands will provide the Joint Staff DIG a quarterly report on IO activities for consolidation and submission to the Assistant to the Secretary of Defense (Intelligence Oversight).

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ENCLOSURE D

MATRIX FOR OTHER THAN SENIOR SERVICE MEMBER
REPORTING REQUIREMENTS

	Air Force	Army	Navy/ Marines
Rank/Grade	0-6/0-6 (s) GM-15	0-4 and above	N/A

1. The Air Force requires notification upon receipt of an allegation against an O6, O6 select, or GM15. Report all allegations via telephonic notification followed by written notification (fax) to the Joint Staff Deputy Inspector General (DIG). The Joint Staff DIG will, in turn, notify/inform the Department of the Air Force Staff/IGQ (Directorate of inquiries). A completed investigation report will be forwarded to the Joint Staff DIG, even if the allegations are unsubstantiated.

2. Allegations of wrongdoing against Army personnel (O4s and above) will be reported via telephonic notification to the Joint Staff DIG. The Joint Staff DIG will, in turn, notify/inform the Department of the Army IG (DAIG/Assistance Division) of the specifics. A completed investigation report will be forwarded to the Joint Staff DIG, even if the allegations are unsubstantiated.

3. The Navy and Marine Corps have no requirement to report allegations against their O6 and below service members.

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ENCLOSURE E

REFERENCES

- a. JS Instruction JSI 5901.01, 30 June 1995
- b. DOD Directive 5505.6, "Investigations of Allegations against Senior Officials of the Department of Defense."
- c. DOD Directive 5106.4, 7 January 1993, "Inspectors General (IGs) of the United and Specified Combatant Commands"
- d. Section 1034 of title 10, United States Code
- e. DOD Directive 7050.6 "Military Whistleblower Protection"
- f. Inspector General, Department of Defense (IGDG) 7050.6, 6 February 1996, "Guide to Investigating Reprisal and Improper Referrals for Mental Health evaluation"
- g. Executive Order 12333, 4 December 1981, "United States Intelligence Activities"
- h. DOD Directive 5148.11, 1 July 1994, "Assistant to the Secretary of Defense for Intelligence Oversight"

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