

# **EXHIBIT**

**A-1**

Army Regulation 20-1

Assistance, Inspections, Investigations,  
and Followup

# Inspector General Activities and Procedures

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Tricket 26104146

Headquarters  
Department of the Army  
Washington, DC  
29 March 2002

**UNCLASSIFIED**



# **SUMMARY of CHANGE**

AR 20-1

Inspector General Activities and Procedures

This revision (dated 29 March 2002)--

- o Changes the publication and effective dates, the summary of change, and the history statement and supersession.
- o Supersedes the second cross-reference (para 1-4b(5)(b)).
- o Supersedes the address in the second sentence (para 3-6d(2)).
- o Supersedes the paragraph (para 3-6i).
- o Supersedes the first word (para 3-6i(1)).
- o Supersedes the title and first sentence (para 3-7a(2)).
- o Updates obsolete references to publications (app A and throughout).

The revision (dated 16 April 2001)--

- o Updates The Inspector General responsibilities (chap 1).
  - o Adds the Site Administrator Course (para 1-4a(9)).
  - o Updates nuclear and chemical responsibilities (para 1-4a(11)).
  - o Updates command and State inspectors general responsibilities (para 1-4b)).
  - o Expands inspection responsibilities (para 1-4b(4)).
  - o Adds requirement for reporting allegations against senior NCOs and field grade officers (para 1-4b(5)(b)).
  - o Changes the requirement for reporting allegations against inspectors general (para 1-4b(5)(c)).
  - o Adds requirement for transmitting inspector general records to support senior leadership decisions (para 1-4b(5)(e)).
  - o Formalizes the Inspector General System (para 1-6).
  - o Clarifies inspector general involvement in the policy coordination process (para 1-9c).
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- o Clarifies the inspector general sphere of activity (para 1-9a).
- o Provides additional guidance for Army National Guard investigations (para 1-10b(4)).
- o Requires coordination of modification tables of organizational equipment and tables of distribution and allowances changes with The Inspector General (para 2-1b).
- o Elaborates on inspector general categories (para 2-2). Changes minimum grade requirement for military assistant inspectors general from staff sergeant to sergeant first class; for civilian assistant inspectors general, minimum grade is changed from General Schedule 6 to General Schedule 9 (para 2-2d).
- o Allows commissioned warrant officers to administer oaths (para 2-2d(3)).
- o Specifies the certification process (para 2-3).
- o Changes approving authority for all detailed and assistant inspectors general to The Inspector General (para 2-3).
- o Stabilizes the inspector general detail to 3 years for military command nominees (para 2-4).
- o Clarifies duty restrictions and extends the restrictions to acting inspectors general (para 2-6).
- o Updates records release procedures (chap 3).
- o Adds a chapter (chap 4) on the Inspector General Action Process (para 4-1).
- o Establishes a time limit of 10 years after an event occurred for a complainant to submit a complaint (para 4-2d).
- o Clarifies procedures for civilian personnel complaints and grievances (para 4-4k).
- o Adds the procedures for reporting allegations against a senior NCO and a field grade officer. (para 4-6c).
- o Adds DA Form 7433, Privacy Act Release Statement (para 4-2).
- o Updates formats of sample memorandums of rights of individuals to present complaints (figures 4-1 and 4-2).
- o Updates training requirements (chap 5).
- o Updates procedures for requesting resident course training allocations (para 5-4f).
- o Adds the awarding of Skill Qualification Indicator B for noncommissioned officer assistant inspectors general (para 5-4h).

- o Updates training for technical inspections (para 5-7).
- o Makes consideration of the inspection process mandatory (para 6-2c, and para 6-4).
- o Mandates inspection procedures (para 6-3e).
- o Mandates notification of individuals or commanders when disclosure is necessary (para 6-3h).
- o Limits inspector general participation in command and staff inspections (paras 6-3l, m, n).
- o Defines the recommended inspection report finding format (para 6-5b).
- o Deletes all references to Nuclear Weapons Technical Inspections (paras 6-6, 6-7, 6-8).
- o Clarifies the procedures for providing assistance on an area basis (para 7-1d).
- o Clarifies use of the assistance inquiry (para 7-3).
- o Clarifies duties of investigators (para 8-2).
- o Requires use of a format for investigative inquiries (para 8-7b).
- o Clarifies jurisdiction and requires a legal review for reports of investigation and inquiry (paras 8-3, 8-4b(6), and 8-7c(1)(a)).
- o Clarifies the jurisdiction with regard to the responsibility and authority of the subordinate commander (para 8-3b(4)).
- o Clarifies making recommendations with regard to follow-on investigations (para 8-2c).
- o Clarifies procedures for the use of Army inspectors general for investigations or inquiries involving Air National Guard members (para 8-3e).
- o Changes procedures for reporting allegations against inspectors general (para 8-3h).
- o Clarifies and changes procedures for reporting allegations against senior officials (para 8-3i).
- o Changes requirements for the conduct of investigations and inquiries. Prescribes minimum requirements for investigative inquiries (para 8-4).
- o Addresses the use of interview guides during inquiries and investigations (para 8-4g).

- o Clarifies policy for recording interviews by other parties (para 8-4h).
  - o Clarifies the responsibilities relating to a suspect's or subject's defense counsel (para 8-4i).
  - o Clarifies the conclusion options during investigations and inquiries (para 8-4j).
  - o Clarifies differences between criminal and noncriminal allegations and the difference between suspects and subjects (para 8-5a).
  - o Clarifies rights of suspects and subjects with regard to unfavorable information and formal notification (para 8-6).
  - o Requires formats for investigative reports (para 8-7).
  - o Moves whistleblower, mental health and other special investigations from the Assistance Function chapter to the Investigations chapter (para 8-9).
  - o Updates the role of inspectors general in military operations with current doctrine (chap 9).
  - o Updates the entire information management chapter (chap 10).
  - o Updates the Semiannual Report to Congress requirements (chap 11).
  - o Adds, deletes and changes several significant terms and definitions (glossary).
  - o No longer requires the use of DD Form 2487, which has been rescinded by DOD.
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Assistance, Inspections, Investigations, and Followup

Inspector General Activities and Procedures

By Order of the Secretary of the Army:

ERIC K. SHINSEKI  
General, United States Army  
Chief of Staff

Official:

  
JOEL B. HUDSON  
Administrative Assistant to the  
Secretary of the Army

**History.** This printing publishes a revision of this publication. Changes made to this publication since the last revision are not highlighted.

**Summary.** This regulation prescribes the responsibility and policy for selection of inspectors general and duties of inspectors general throughout the Army. It describes inspector general functions, including teaching and training, inspection, investigation, and assistance. Although the fundamental inspector general role and functions have not changed, this revision incorporates numerous policy and mandated procedural changes affecting inspector general activities. This regulation implements Department of Defense Directive 5505.6.

**Applicability.**

a. This regulation applies to members of the Active Army, the Army National Guard of the U.S. (including periods

when operating in its Army National Guard capacity if a Federal interest exists), and the U.S. Army Reserve and to Department of the Army civilian employees and nonappropriated fund employees.

b. Paragraph 1-11 of this regulation is punitive. It regulates the individual conduct of Department of the Army military and civilian personnel, including those employed by nonappropriated fund instrumentalities, and all officers and enlisted soldiers of the U.S. Army Reserve and of the Army National Guard of the United States when they are performing Federal duties or engaging in any activity directly related to the performance of a Federal duty or function. Penalties for violating paragraph 1-11 of this regulation apply to Department of the Army military and civilian personnel and include the full range of statutory and regulatory sanctions, both criminal and administrative.

c. This regulation applies during all levels of mobilization.

**Proponent and exception authority.**

The proponent of this regulation is The Inspector General. The Inspector General has the authority to approve exceptions to this regulation that are consistent with controlling law and regulation. The Inspector General may delegate this approval authority, in writing, to the Deputy of The Inspector General or to a division chief under The Inspector General's supervision within the proponent agency in the grade of colonel or the civilian equivalent.

Army management control process.

This regulation contains management control provisions and, in appendix B, identifies key management controls that must be evaluated.

**Supplementation.** Supplementation of this regulation and establishment of command and local forms are not authorized without prior approval from The Inspector General. Send requests to The Inspector General (ATTN: SAIG-ZA), 1700 Army Pentagon, Washington, DC 20310-1700.

**Suggested Improvements.** Users may send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to The Inspector General (ATTN: SAIG-TR), 1700 Army Pentagon, Washington, DC 20310-1700. DA Form 2028 may be electronically sent to ar201@tigu.ignet.army.mil.

**Distribution.** This publication is available in electronic media only and is intended for command levels A, B, C, D, and E for the Active Army, Army National Guard of the United States, and U. S. Army Reserve.

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\*\*This regulation supersedes AR 20-1, dated 16 April 2001.

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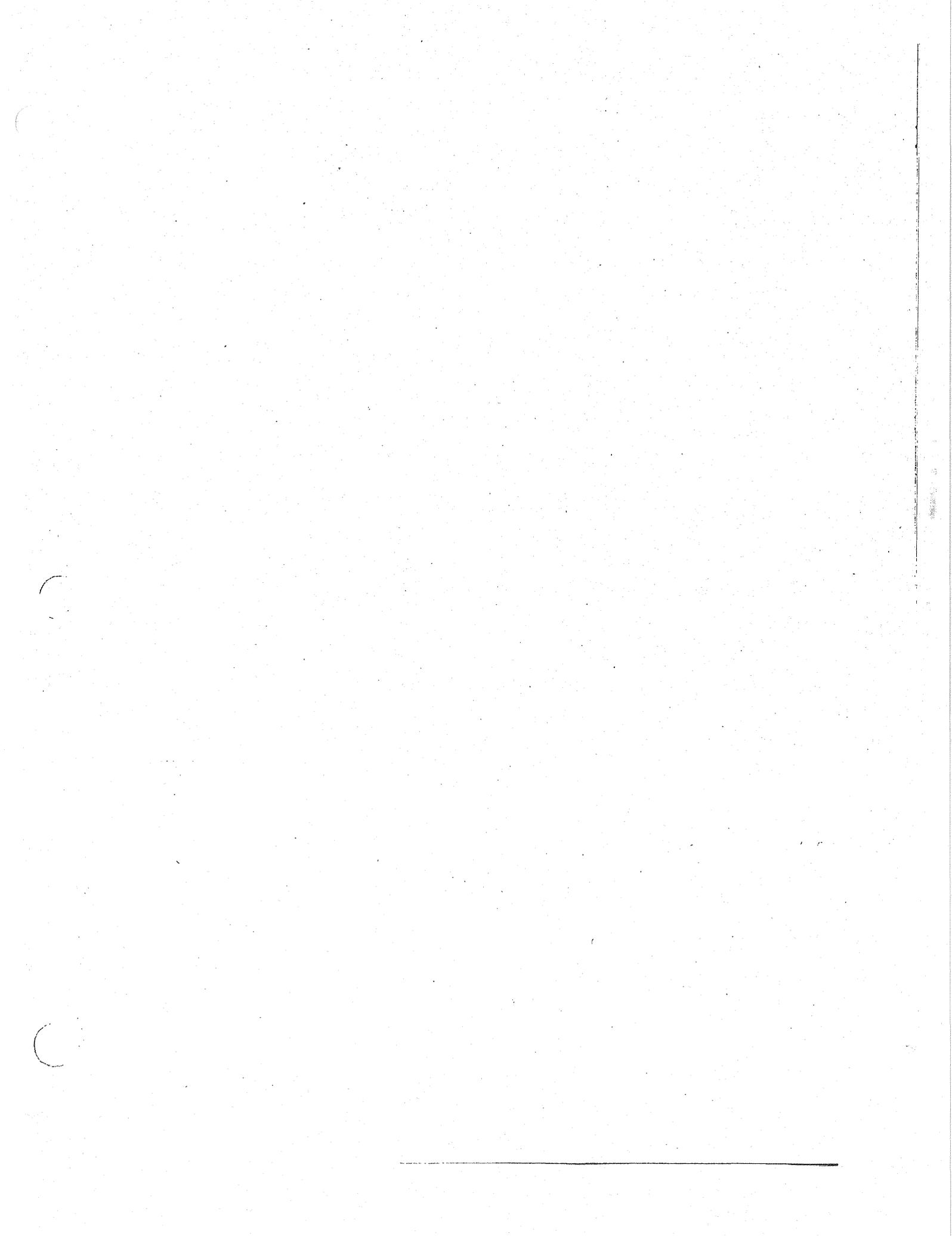
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# Chapter 1 The Inspector General System

## Section I Introduction

### 1-1. Purpose

This regulation—

- a. Prescribes policy and mandated procedures concerning the mission and duties for The Inspector General (TIG) of the Army.
- b. Prescribes duties, missions, standards, and requirements for inspectors general (IGs) throughout the Army.
- c. Prescribes responsibilities for commanders, The Adjutant General (TAG) of each State, and heads of agencies, activities, centers, and installations for support of IG activities.

### 1-2. References

Required and related publications and prescribed and referenced forms are listed in appendix A.

### 1-3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are explained in the glossary.

### 1-4. Responsibilities

a. The Inspector General will—

- (1) Inquire into and periodically report on the discipline, efficiency, economy, morale, training, and readiness throughout the Army, to the Secretary of the Army (SA) and the Chief of Staff, Army (CSA).
- (2) Perform other duties prescribed by the SA or the CSA.
- (3) Periodically propose programs of inspections to the SA and will recommend additional inspections and investigations as may appear appropriate.
- (4) Cooperate fully with the Inspector General of the Department of Defense (IG, DOD) in connection with the performance of any duty or function by the IG, DOD under the Inspector General Act of 1978 (title 5, United States Code (USC) appendix, section 3) regarding the Department of the Army.
- (5) Develop and publish policy and doctrine for the IG System.
  - (a) Publish IG policy and mandated procedures for Department of the Army level IGs (DAIG).
  - (b) Conduct long-range, contingency, mobilization, and wartime planning for DAIG and the IG System.
  - (c) Publish inspection guidance for the Army's Nuclear and Chemical Surety Programs and nuclear reactor facilities.
- (6) Serve as the IG for the Headquarters of the Department of the Army (HQDA) and for any National Capital Region (NCR) field operating agency (FOA) when the FOA does not have a detailed IG.
- (7) Provide field IG support to program managers (PMs) and program executive officers (PEOs), under the purview of the Army Secretariat, Army Staff, or other HQDA agency as follows:
  - (a) TIG will direct and approve IG inspections, IG investigative inquiries, and IG investigations with primary focus on PM or PEO issues.
  - (b) TIG will approve PM or PEO involvement prior to the conduct of an IG inspection, IG investigative inquiry, or IG investigation involving peripheral PM or PEO issues.
- (8) Select quality personnel to be IGs. Approve or disapprove nominations of soldiers to be IGs for specified IG categories (see chap 2); approve or disapprove the removal or early release of soldiers from IG duty except those soldiers relieved for cause.
  - (9) Train detailed and assistant IGs and conduct—
    - (a) The Inspector General Course for selected personnel.
    - (b) The IGMET Site Administrator Course for selected personnel.
    - (c) The State IG Module to the IG Course for selected personnel.
    - (d) Sustainment training for IGs.
- (10) Provide assistance to commanders, soldiers, family members, civilian employees, and retirees as follows:
  - (a) Provide a system for resolving problems of soldiers, family members, civilian employees, and retirees; protect confidentiality to the maximum extent possible; and guard against reprisal.
  - (b) Process Department of Defense (DOD) Hotline cases that relate to Army activities.
  - (c) Process DOD whistleblower reprisal cases that relate to Army activities.
  - (d) Process equal opportunity (EO) complaints, to include complaints of sexual harassment, as Inspector General Assistance Requests (IGARs). Inspector general inquiries will not be subject to the time-lines or the procedures imposed by AR 600-20, chapter 7. (See para 7-9 and app B.)
- (11) Conduct inspections, including the following:

(a) Provide SA and CSA a continuing assessment of the command, operational, managerial, logistical, and administrative effectiveness of the Army.

(b) Serve as proponent for Army inspection policy.

(c) Conduct inspections as directed by Secretary of the Army (SA), Under Secretary of the Army (USofA), Chief of Staff, U.S. Army (CSA), or Vice Chief of Staff of the Army (VCSA). Direct inspections as determined necessary, or prescribed by law or regulation.

(d) Report inspection results to the directing authority, identify root causes, recommend solutions, and identify responsibility for implementation.

(e) Conduct inspections of the Army's Nuclear and Chemical Surety Programs and nuclear reactor facilities.

(f) Conduct nuclear and chemical management evaluations.

(g) Report results from inspections of sensitive activities as directed by the SA and CSA.

(12) Conduct investigations and inquiries directed by SA, USofA, CSA, or VCSA or as determined necessary by TIG, submitting the Reports of Investigation (ROI) and the Reports of Investigative Inquiries (ROII) to the directing authority.

(13) In accordance with AR 381-10, conduct intelligence oversight (IO) of intelligence activities conducted under the provisions of Executive Order (EO) 12333 and DOD 5240.1-R.

(14) In accordance with AR 380-381, conduct inspections and noncriminal investigations of Army special access programs (SAPs) and sensitive activities.

(15) Provide management of followup, including the following:

(a) Publish DA followup policies for DAIG inspections.

(b) Establish policies, procedures, and systems for the followup program for IG, DOD investigations. (See AR 36-2.)

(c) Perform on-site followup of selected inspection findings and recommendations.

(d) Evaluate the effectiveness of solutions implemented.

(16) Serve as the HQDA focal point to interact with the IG, DOD and other governmental IGs.

(a) Maintain liaison with the IG, DOD; the other military services' IGs; other statutory IGs; and other agencies concerning Army IG activities.

(b) Coordinate inspection and audit topics and schedules with the Government Accounting Office (GAO); the IG, DOD; and the U.S. Army Audit Agency (USAAA) to resolve potential schedule conflicts. If unresolved, TIG will decide, within the scope of SA and CSA guidance, whether to change or perform an inspection.

(c) Provide information about IG, DOD reports to HQDA and the IG System.

(d) Serve as the Army's point of contact for receipt and control of IG, DOD investigations. Direct the appropriate Army agency or command for preparation of responses to investigations.

(e) Prepare Army's Semiannual IG Act Report.

(17) Maintain the integrity of the IG System. Monitor and report to the SA and CSA on the effectiveness of the Army IG System.

(18) Perform coordinating staff functions and administrative functions.

(a) Serve on boards, committees, councils, and similar organizations as directed by SA and CSA.

(b) Maintain custody of DAIG records on behalf of SA; serve as the Access and Amendment Refusal Authority for Privacy Act (PA) requests for all IG records; and serve as the Initial Denial Authority for Freedom of Information Act (FOIA) requests for all IG records.

(c) Serve as the functional proponent and manager for IG information systems.

(19) Teach Army policy, procedures, systems, and processes to help inspected activities improve operations and efficiency and accomplish command objectives.

(20) Disseminate information, innovative ideas, and lessons learned as the result of inspections and changes in policy.

(21) Serve as the Component-designated official (CDO) under the provisions of DOD Directive (DODD) 5505.6.

(22) Execute management control responsibilities in accordance with AR 11-2.

b. Inspectors general will—

(1) Determine the state of economy, efficiency, discipline, morale, and readiness throughout the command as directed by the commander or State AG.

Note. Henceforth, the term *commander* refers to both the commander and State AG unless otherwise specified.

(2) Monitor the effectiveness of IG functions (teaching and training, inspections, investigations, and assistance) within the command or State and inform the commander of this effectiveness and other matters concerning IG functions.

(3) Provide assistance on an area basis to commanders, soldiers, family members, civilian employees, retirees, and others who seek help with problems related to the U.S. Army (see paras 1-9a, 4-2a, and 7-1d) and maintain a database of IGAR cases to support trend analysis.

(4) Conduct inspections directed by the SA or CSA, the commander, or TIG or as prescribed by law or regulation.  
(a) Report inspection results to the directing authority, identify root causes, recommend solutions, and identify responsibility for implementation.

(b) Teach policy, procedures, systems, and processes to help inspected activities improve operations and efficiency and accomplish command objectives.

(c) Provide an impartial status report to the directing authority on the operational and administrative effectiveness of the command.

(d) Disseminate information, innovative ideas, and lessons learned as the result of inspections and changes in policy.

(e) During the normal course of inspections, consider management controls in the examination of systemic issues and make appropriate recommendations (see AR 11-2).

(f) Coordinate with TIG on IG inspections involving PM or PEO issues per paragraph a(7).

(5) Conduct investigations, including the following:

(a) Conduct inquiries as directed by the commander or TIG or as prescribed by law or regulation, providing a report of such investigations and inquiries to the directing authority.

(b) Report to TIG (ATTN: SAIG-AC) any IGAR containing an allegation against a MSG, SGM, or CSM or any officer in the grade of major through colonel within 2 working days after receipt by rapid and confidential means. (See paras 4-6c and 8-3g.)

(c) By rapid and confidential means and within 2 working days after receipt, report allegations against Army IGs to the next higher echelon IG for action (concurrent with a report to TIG (ATTN: SAIG-AC) and the major Army command (MACOM) IG). (See para 8-3i.)

(d) Report directly to TIG, within 2 working days after receipt from any source, any and all allegations of impropriety by general officers, brigadier general selectees, members of the Senior Executive Service (SES), and other DA civilian employees of comparable grade or position by rapid and confidential means. (See para 8-3j.)

(e) By rapid and confidential means and within 2 working days of a request from DAIG, forward or transmit to TIG any IG record in their possession that is required to support time-sensitive personnel management decisions by the Army leadership.

(f) Request approval from TIG (ATTN: SAIG-AC) regarding IG investigative inquiries and IG investigations with primary focus on PM or PEO issues. (See para a(7)(a).)

(g) Coordinate with TIG (ATTN: SAIG-AC) regarding IG investigative inquiries and IG investigation involving peripheral PM or PEO issues. (See para a(7)(b).)

(h) Report allegations of whistleblower or reprisal to TIG (ATTN: SAIG-AC) within 2 working days by rapid and confidential means.

(6) When directed by the commander, conduct followup of inspections and audits to evaluate the adequacy and effectiveness of corrective action taken.

(7) Review management control responsibilities (see AR 11-2) to determine if—

(a) Policies, standards, and requirements have been effectively implemented, including procedures for supplementing and using management control evaluation procedures. (See app B.)

(b) Management has taken effective and timely action to address management control problems identified in audit and inspection findings and recommendations.

(8) In accordance with AR 381-10, provide IO of intelligence activities and components within their command, per Executive Order 12333 (EO 12333), DOD 5240.1-R. It is the responsibility of every IG to inspect intelligence activities as part of their Organizational Inspection Program (OIP) and report any questionable activities (in accordance with Procedure 15, AR 381-10) to HQDA (SAIG-IO). Included in the definition of intelligence components are the intelligence units that support unified commands; intelligence offices (and their subordinate intelligence units and offices) supporting military commanders at all echelons; and other DA components performing intelligence activities. (See AR 381-10.) (As an example, a battalion S-2 is a DOD intelligence component, and the battalion S-2's activities are governed by AR 381-10.) When IGs inspect an intelligence component, or an organization that has an intelligence component, they will ensure that inspected personnel are familiar with the provisions of AR 381-10. Emphasis will be placed on the following:

(a) Procedures 1 through 4 of AR 381-10, which address the applicability of the regulation and the rules governing collection, retention, and dissemination of information about U.S. persons.

(b) Individual DA employee-reporting responsibilities under Procedure 14.

(c) How to report questionable activities under Procedure 15.

(d) Review of the component's IO training program.

(e) The IO of Army National Guard of the United States (ARNGUS) activities and units will be accomplished according to this regulation. For further guidance regarding procedures, contact the National Guard Bureau (NGB) (Chief, National Guard Bureau (ATTN: NGB-IG), Suite 11600, 1411 Jefferson Davis Highway, Arlington, VA 22202-3259).

(9) Train acting IGs and administrative support personnel who are not required to attend the Inspector General

Course. Training material is provided by the U.S. Army Inspector General Agency (USAIGA), Training Division, which operates the U.S. Army Inspector General School.

(10) Manage IG information and IG records.

(a) Serve as the IG office of record, on the SA's behalf for IG records (see the glossary for the definition of *IG office of record*). Maintain positive control of IG records in accordance with the provisions in chapter 3.

(b) Cooperate and coordinate with local internal review and audit compliance (IRAC) offices in connection with the performance of any inspection or investigation in order to preclude duplication of effort.

(c) Provide external inspection and audit reports and other information to the local IRAC offices.

(d) Process requests for release under the Freedom of Information Act (FOIA) and for access and amendment of IG records under the Privacy Act (see chap 3).

(11) Provide staff functions.

(a) Participate in the Program Budget Advisory Committee (PBAC) cycle at MACOM, installation, or State levels. Budget for all IG functions. This includes identifying required budget and manpower resources and establishing the means to account for funds during budget execution.

(b) Conduct long-range planning and mobilization planning for IG activities in the command or State.

(c) Forward problems that cannot be corrected at the local level through command or IG channels.

(d) Participate in the staff coordination process of policy and procedural documents within the sphere of IG activities and authority. (See para 1-9c.)

c. Commanders, State AGs, principal HQDA officials, and all supervisors will—

(1) Ensure all personnel under their jurisdiction are informed of their right to register complaints with or request assistance from an IG. (See para 4-2a.)

(2) Ensure that persons registering complaints with any IG (including the IG, DOD and other Service IGs) are afforded protection from reprisal actions as a result of their contact with the IG. (See para 1-11.)

(3) Provide, if a host commander, IG support for tenant organizations, agencies, and activities of other commands as established by agreements between the MACOMs concerned. (See paras a(7) and b(4)(f) for IG support to selected PMs and PEOs.)

(4) By rapid and confidential means and within 2 working days of receipt, report directly to TIG any and all allegations of impropriety by general officers, brigadier general selectees, members of the SES, and other Army civilian employees of comparable grade or position. The reporting of an incident of impropriety during an ongoing criminal or equal opportunity investigation to the U.S. Army Criminal Investigation Command (USACIDC), or to a higher commander, or to an equal opportunity officer, after the initial report to TIG, does not violate this regulation. However, such reporting to non-IG authorities does not eliminate the requirement to report the incident to TIG or allow commanders to inquire into or investigate the allegations. (See para 8-3j.)

(5) Report immediately to TIG the removal for cause of any detailed, assistant, temporary assistant, or acting IG. (See chap 2.)

(6) Request to TIG for early curtailment of an IG's assignment except for soldiers relieved for cause. (See para 2-4.)

d. Commander, U.S. Army Criminal Investigation Command and installation provost marshals will—

(1) Ensure that allegations from IGs concerning reported criminal misconduct are investigated as appropriate.

(2) Ensure that allegations that are not based on criminal misconduct are properly referred to the appropriate command or State IG for disposition.

#### 1-5. Statutory authority

a. Section 3014, title 10, United States Code (10 USC 3014) establishes TIG within the Office of the SA and provides authority for the SA to assign TIG sole responsibility within the HQDA for IG functions.

b. Section 3020, title 10, United States Code (10 USC 3020) states TIG's statutory requirements and provides for deputies and assistants for TIG.

c. Section 3065, title 10, United States Code (10 USC 3065) provides for detail of commissioned officers as IGs.

d. Section 10149, title 10, United States Code (10 USC 10149) authorizes screening of U.S. Army Reserve (USAR) IGs.

e. Section 105, title 32, United States Code (32 USC 105) provides for IG inspection of the ARNGUS on matters of Federal concern.

f. Section 315, title 32, United States Code (32 USC 315) is authority for detail of commissioned officers and enlisted personnel of the Regular Army (RA) for duty with the ARNGUS as IGs.

## Section II Inspector General System

### 1-6. Inspector general concept

Inspectors general operate within an environment consisting of the commander, the commander's soldiers, family members, DA civilian employees, retirees, and other civilians needing assistance with an Army matter and the IG System. Inspectors general must maintain a clear distinction between being an extension of the commander and their sworn duty to serve as fair and impartial and objective fact-finders and problem solvers. They must also simultaneously be sufficiently independent so that those requesting IG assistance will continue to do so, even when the complainant feels that the commander may be the problem. Commanders must understand this clear distinction for their IGs to be effective.

a. *The IG and commander relationship.* Inspectors general serve as extensions of their commander in the following three ways:

(1) Inspectors general extend the commander's eyes and ears.

(2) Inspectors general extend the commander's voice.

(3) Inspectors general extend the conscience of the commander. An IG must have the commander's total confidence and trust. To be effective, IGs must understand the commander's goals, expectations, standards, vision, operating methods, and personality. The IG must become the commander's confidant, that is, the individual with whom the commander can discuss, in complete trust, any aspect of the command, in wartime as well as peacetime. The IG has the responsibility to inform the commander of IG observations, findings, and impressions on all aspects of the command. The commander has a responsibility to become educated on IG concepts and to educate the IG on how the commander expects the IG to best serve the command.

b. *The IG, soldiers, family members, and civilians.* Inspectors general provide assistance to soldiers, family members, or civilians requesting it. Inspectors general also have the responsibility, unless directed otherwise by their commander, to discuss any observations, findings, and assistance requests with subordinate commanders to whom the observations or findings apply. When speaking with the subordinate commanders, IGs must be careful not to violate confidentiality. (See para 1-12.) It is essential that IGs work through the chain of command if the IG System is to be viable and involved.

c. *Inspectors general and the IG System.* Inspectors general can request, and are expected to provide, assistance to others within the IG System. (See the glossary for *Inspector General System*.) This is known as using IG "technical" channels. When a finding cannot be implemented or corrected at a particular IG level of command, the IG can forward the finding to the next higher headquarters. This is known as a "handoff." Inspectors general must be prepared to assist others within the IG System as well as other IGs outside of the Army IG System.

d. *TIG and the IG System.* The IG System is not a stovepipe system since IGs work for their respective commanders. However, all IGs working within the IG System must adhere to IG policy and mandated procedures as established and promulgated by TIG. Through policy oversight and certification authority, TIG maintains the integrity of the IG System.

### 1-7. Command and State IGs

Inspectors general are responsible for advising commanders on the state of their command. Inspectors general are confidential advisors and fact-finders to the commander. Selfless service is the cardinal attribute of successful military and civilian IGs. Effective IGs will be respected by all within their command or headquarters for their level of expertise, candor, credibility, reliability, and trustworthiness. Inspectors general must adhere to, and be advocates of, the core Army values. Inspectors general should be among the most professionally knowledgeable for their grade or rank. Military IGs are selected through a nominative process. Civilian IGs are selected through normal civilian personnel recruitment procedures and approved by the detailed IG. (See chap 2.)

## Section III Organization and sphere of activity

### 1-8. The Inspector General

a. *TIG as confidential representative of the SA and confidential adviser responsive to the CSA.* TIG has direct access to the SA and CSA. TIG commands the USAIGA (see para c), establishes policy and doctrine for the IG System (see para 1-4a(5)), and maintains the integrity of the IG System (see para 1-4a(16)). The Inspector General has the authority to direct command and State IGs to conduct inspections, inquiries, and investigations. (See paras 1-4b (4) and (5).)

b. *Office of The Inspector General (OTIG).* The OTIG is the HQDA agency that coordinates IG activities. The OTIG includes TIG, Deputy The Inspector General, an Executive, an Assistant Executive, and administrative support personnel.

c. *The U.S. Army Inspector General Agency (USAIGA).* The USAIGA is a field operating agency of the OTIG.

TIG's resources are assigned to USAIGA. (The term *Department of the Army Inspector General (DAIG)* is used when combining the Office of The Inspector General (OTIG) and the USAIGA.)

*d. Inspectors general.* Inspectors general are assigned to commands, agencies, activities, centers, communities, installations, and States, per authorization documents. Commanders determine the need for IG supporting staff in accordance with AR 71-32 and other applicable regulations. (See para 2-1.) The command or State IG is a member of the personal staff of the commander.

#### **1-9. Inspector general activities**

*a. IG sphere of activity.* The IG sphere of activity includes everything for which the commander is responsible to the United States and over which the commander or State AG has Federal authority. For further guidance on the appropriate sphere of activity of ARNGUS Active Guard Reserve (AGR) soldiers detailed as IGs, with regard to matters related to the ARNGUS, contact the Chief, National Guard Bureau (ATTN: NGB-IG), Suite 11600, 1411 Jefferson Davis Highway, Arlington, VA 22202-3259.) Inspectors general must be ever cognizant of this sphere of activity when determining jurisdiction of Inspector General Action Requests (IGAR) and IG issues within the IG System. The IG is responsible for the IGAR if it is within that IG's sphere of activity. Generally, if the IG's commander is responsible for resolving the issues or allegations involved, then that IG is responsible for the IGAR. For example, if the complainant is from one IG's command and the subject of the allegation is from another IG's organization, the IG of the commander responsible for resolving the allegation is the IG responsible as the IG office of record for the IGAR. Jurisdictional issues requiring resolution will be determined by the MACOM IG. When more than one MACOM is involved, USAIGA's Assistance Division will resolve the jurisdictional issue.

*b. IG and commander relationship.* The IG's relationship with the commander is one of extraordinary trust and confidence. The IG must be granted a high degree of independence and unlimited access to information in performing IG duties. The IG normally has direct access to the commander. To be fully effective, the IG must have the full support of the commander and the confidence of the command or activity. This confidence is obtained only when the command understands that the IG is an extension of the commander and that the commander has complete trust and confidence in the IG. To protect this independent and special relationship, the commander will rate the command or State IG. The commander may also senior rate the command IG. Active Army State IGs, as Federal officers, will be senior rated by the Chief, National Guard Bureau (CNGB).

*c. Inspectors general and command policy.* The IGs will not establish command policy except as provided in AR 1-201 and this regulation. The IGs have no directive authority, outside IG channels, beyond that normally associated with their grade. Additional authority must come from their commander. This does not preclude IG involvement in the policy formulation staffing process. Normally, the IG's input to a staff action that is coordinated by a proponent is "noted" instead of "concur" or "nonconcur." However, IGs may inform proponents about conflicts in regulatory or policy guidance and comment on policies and procedures without making specific recommendations or stating a position. For example, IGs may state: "That policy conflicts with AR 600-20"; "Have you considered the procedures specified in AR 600-9?"; "The policy is difficult to understand and interpret as it is written."

*d. Access to documents and evidence.* Inspectors general are authorized access to all documents and all other evidentiary materials needed to discharge their duties. These documents and materials include normally protected data. Some examples are classified documents, 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 personnel restricted fiche (R-fiche) (after compliance with AR 600-8-104), and financial disclosure statements. This authority may include direct access to pertinent extracts under applicable regulations. Inspectors general are not, however, authorized access to material subject to the attorney-client privilege.

*e. Access to classified or sensitive information.* Inspectors general must present proof of their security clearance or special access to review classified documents. Inspectors general also must present sufficient justification to the record holder to obtain sensitive records. Should compartmentalization or classification restrictions preclude immediate access to information required by an IG, the denying commander will immediately report the situation to the appropriate access control authority for an access eligibility determination. If this authority does not grant access to the information, the IG will notify the commander and TIG of the situation. The notice to TIG will include the location, date, and command; scope of inquiry, inspection, or investigation; who denied access; who verified denial and approved denial; and the reason access was denied.

#### **1-10. Inspector general guidelines for Army National Guard matters**

*a.* Unless otherwise specified, the NGB and the CNGB will function as a MACOM headquarters and MACOM commander with respect to Federal IGs (Active Army or ARNGUS on extended active duty in a title 10 status) assigned or detailed to the NGB and to the State area commands (STARCs) of the National Guard (NG) of the States.

*b.* With some exceptions, IG activities within the NG are the same as those in the Active Army and the USAR. Exceptions are stated in appropriate sections of this regulation. For Air National Guard (ANG) matters, Army personnel serving as IGs for the NG will follow these guidelines:

(1) At the discretion of the State AG, requests for assistance from ANG personnel or family members may be received and processed by the State IG office.

(2) The IGs usually will not inspect ANG units.

(3) If technical support for an investigation is needed from outside the State, that support will be requested through the Chief, National Guard Bureau (ATTN: NGB-IG), Suite 11600, 1411 Jefferson Davis Highway, Arlington, VA 22202-3259.

(4) When conducted by Active Army or ARNGUS IGs, an IG investigation or investigative inquiry will use established regulations and procedures applicable to the subject's or suspect's Service. For example, the Active Army or ARNGUS IG of the State will follow applicable Air Force/Air National Guard regulations and investigative procedures when inquiring or investigating allegations against an ANG member. When the investigation or investigative inquiry involves ARNGUS personnel, the IG will follow this regulation.

c. Active Army officers (and ARNGUS officers on extended active duty in a title 10 status, assigned as State IGs) have authority to inspect and to perform other IG functions with regard to those aspects of the NG having Federal interest (see glossary).

d. Pursuant to 10 USC 3020 and 32 USC 105, TIG is responsible to the SA and CSA for supervision of the activities of Federal IGs (Active Army or ARNGUS on extended active duty in a title 10 status) with regard to the NG. TIG is assisted in executing this responsibility by MACOM and subordinate commanders with regard to the activities of Federal IGs assigned to those commands. TIG is also assisted in executing this responsibility by the CNGB with regard to Federal IGs assigned to the NGB or to the STARC of the NG of the States. TIG retains general authority to direct IG inspections of those areas or activities of the NG of Federal interest.

e. MACOM commanders, subordinate commanders, and the CNGB may direct IG inspections of ARNGUS units, activities, and functions with regard to those areas or activities of Federal interest for which they have responsibility under AR 10-5, AR 10-87, or other applicable regulations or directives. Conduct of these inspections remains subject to the policies of this regulation. Inspection by Federal IGs assigned to a MACOM, a subordinate command, the NGB, or a NG STARC does not preclude inspection of the same units, activities, and functions by DAIG or other appropriate authority. In appropriate cases, as determined by TIG, responsibility to conduct an inspection of the NG by Federal IGs in particular cases will be transferred to the DAIG. TIG, acting through the IG, NGB, has authority to task Federal IGs assigned or detailed to STARCs to assist in a DAIG investigation of NG activities of Federal interest in that State.

## Section IV Punitive Prohibitions

### 1-11. Prohibited activity

a. *Prohibition on restricting lawful communication with an IG, Member of Congress (MC), or a member of an audit, inspection, investigation or law enforcement organization within the DOD.* Persons subject to this regulation will not restrict anyone in any manner from lawfully communicating with those individuals mentioned above. This prohibition includes communications with the IG, DOD and the IGs of other Services and Federal agencies.

b. *Prohibitions against reprisal.*

(1) *A civilian whistleblower.* Persons subject to this regulation will not take (or threaten to take) an unfavorable personnel action or withhold (or threaten to withhold) a favorable personnel action with respect to any employee or applicant for employment as reprisal for communications protected by 5 USC section 2302(b)(8).

(2) *A military whistleblower.* Persons subject to this regulation will not take (or threaten to take) an unfavorable personnel action or withhold (or threaten to withhold) a favorable personnel action with respect to a member of the armed forces as reprisal for making or preparing a lawful communication with an IG, MC, or member of a DOD audit, inspection, investigation, or law enforcement organization or with any other person or organization (including any person or organization in the chain of command) designated under regulations or other established administrative procedures (for example, the equal opportunity advisor (EOA), safety officer) to receive such communications. (See AR 600-20 for a definition of *chain of command*.) The term *lawful communication* encompasses information that the soldier reasonably believes evidences a violation of law or regulation, including a law or regulation prohibiting sexual harassment or unlawful discrimination, gross mismanagement, a gross waste of funds or other resources, an abuse of authority, or a substantial and specific danger to public health or safety.

c. *Prohibition against making an unlawful communication with an IG, an MC, or the Office of Special Counsel (OSC).* Persons subject to this regulation will not knowingly make an unlawful communication with an IG, an MC, or the OSC. An example of unlawful communication is a false official statement (Article 107, Uniform Code of Military Justice (UCMJ)). This prohibition also applies to communications with IG, DOD and the IGs of other Services and Federal agencies.

d. *Persons subject to the UCMJ.* Persons subject to the UCMJ who violate the above prohibitions are subject to punishment under Article 92, UCMJ. They are also subject to adverse administrative action and other adverse action authorized by the United States Code or Federal regulations.

e. *Persons not subject to the UCMJ.* DA civilian employees who violate the above prohibitions are subject to

disciplinary action under AR 690-700, chapter 751, or criminal prosecution authorized by the United States Code or Federal regulations.

*f. Reporting prohibited actions.* Persons who believe an action prohibited by paragraphs *a*, *b*, or *c* above has occurred, should report the circumstances to the chain of command or to the local IG. Alternatively, the circumstances may be reported to a higher headquarters IG listed in the permanent "Notice of Rights to Present Complaints" that is posted on local bulletin boards. (See figs 4-1 and 4-2.) For guidance to IGs on resolving reprisal cases, see paragraph 8-9c.

#### 1-12. Confidentiality

*a.* Persons who ask the IG for help, make a complaint, give evidence, contact or assist an IG during an inspection or investigation, or otherwise interact with an IG often have an expectation of confidentiality. This expectation encompasses safeguarding of personal identity and the nature of a contact with the IG. The IG has a duty to protect confidentiality to the maximum extent possible, particularly when it is specifically requested. Although the need for confidentiality and the measures necessary to protect it will vary with the circumstances, the IG always gives this issue priority attention. Army IG investigation files are a system of records subject to access under the Privacy Act. Inspector general files compiled for law enforcement purposes may be exempt from access under exemption k(2) of the Privacy Act; however, in accordance with this exemption, if an individual is denied any right, privilege, or benefit for which he or she would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

(1) When a person complains or provides information about impropriety or wrongdoing, the IG may disclose the complainant's identity to detailed IGs, the supporting legal advisor, and the directing authority without the complainant's consent unless the IG determines such disclosure is unnecessary or prohibited during the course of an inquiry or investigation. Inspectors general should not further disclose the complainant's identity without the complainant's consent unless the IG determines such disclosure is unavoidable during the course of an inquiry or investigation. If the IG determines that disclosure is unavoidable, the IG will try to inform the person before disclosure. If the person objects, the IG will coordinate with the legal office before proceeding. Efforts to notify the person and the circumstances of any disclosure of the person's name will be made part of the record.

(2) When a person seeks assistance from the IG, it is often necessary to reveal the person's identity to obtain the help needed. The IG will inform the person of that necessity. The IG file will reflect that the person was informed.

*b.* When a person requests anonymity, the IG will take more extensive measures to protect the person's identity. The person's name will not be used as a file identifier or as a means to retrieve a file. The request for anonymity will be prominently stated, and the use of the person's name will be minimized in any file or record created by the IG. This is most easily done by referring to the person as "complainant," "witness," or similar title instead of by name.

*c.* The intent behind this emphasis on confidentiality is to protect individual privacy, maintain confidence in the IG System, and minimize the risk of reprisal. (See glossary, *Triangle of Confidentiality*.) It is a key principle of IG doctrine because it encourages voluntary cooperation and willingness to ask for help or to present a complaint for resolution.

*d.* While protecting confidentiality is a priority concern for the IG, it cannot be absolutely guaranteed. Inspectors general will not unconditionally promise confidentiality. It may be breached if required by law or regulation, or by direction of TIG. Persons who request anonymity or who express a concern about confidentiality will be told this.

*e.* Inspectors general often seek legal advice from their supporting staff judge advocate (SJA). The legal advisor/SJA is considered to be "corporate counsel" with the Army being the corporation. Therefore, the Army is the client, not the IG. Although the SJA works for the commander and owes allegiance and confidentiality towards that entity, that confidentiality with the commander does not override the SJA's obligation to the Army (see *triangle of confidentiality* in the glossary).

*f.* All IGs and IG employees are obligated to protect confidentiality after their service with the IG System has ended.

## Chapter 2 Inspector General Personnel Procedures

### 2-1. Inspector general positions

*a.* Inspector general positions are designated in approved modification tables of organization and equipment (MTOEs) and tables of distribution and allowances (TDAs). A command IG position is required on each MTOE that requires a general officer as commander in wartime. Authority to establish IG positions in TDAs has been delegated to commanders reporting directly to HQDA. (See AR 614-100.) Additionally, State AGs have authority to modify the STARC TDA, per the guidelines established by the NGB in NGR 10-2. (For further guidance, contact the Chief, National Guard Bureau (ATTN: NGB-IG), Suite 11600, 1411 Jefferson Davis Highway, Arlington, VA 22202-3259.)

TIG provides input and reviews manpower standards and staffing guides provided by the U.S. Army Force Management Support Agency's studies regarding minimum manpower requirements for IG activities. Detailed IGs, assistant IGs, and IG office or administrative support staff will be assigned to MTOE or TDA positions.

b. Inspector general positions will be designated in approved MTOEs and TDAs in coordination with DAIG, (ATTN: SAIG-OP). The purpose of the coordination is to enable TIG, as the proponent of the IG System, to maintain visibility of the system and to advise commanders on IG force structure issues.

## 2-2. Inspector general categories

a. The IG System consists of people serving in one of the following five categories:

- (1) Detailed IGs.
- (2) Assistant IGs.
- (3) Temporary assistant IGs.
- (4) Acting IGs.

(5) Office or administrative support staff who are not IGs. Persons serving as detailed IGs, assistant IGs, temporary assistant IGs, and acting IGs are referred to as inspectors general. Table 2-1 lists the five categories by the actions each performs.

b. TIG establishes the prerequisites for service as an IG except for civilian assistant IGs.

c. Only commissioned officers are selected as detailed IGs and must qualify for the detail in accordance with AR 614-100. Warrant officers (WOs), including commissioned warrant officers, may not serve as detailed IGs.

(1) Command and State IGs must be detailed IGs who are on the personal staff of the commander; the command IG or the State IG works directly for the commander or State AG. The IGs operate with, contribute support to, and obtain support from other IGs Army-wide within the IG System as well as joint command IGs and other Service IGs through technical channels.

(2) Detailed IGs may receive and process requests for assistance, direct and conduct inquiries, conduct investigations and inspections, and administer oaths. Detailed IGs wear the IG insignia (see AR 670-1).

*Note.* The IG insignia will not be worn for official photographs.

(3) When a command or State IG is about to complete or curtail an IG detail and another detailed IG is not available to readily assume or act in the position of the command or State IG, coordination will be made with a higher level IG. The higher level IG will ensure that a detailed IG is designated to provide technical assistance to the subordinate level IG office until its own detailed IG is available.

d. Assistant IGs are chief warrant officers (CWOs), noncommissioned officers (sergeant first class (SFC) and above), or civilian employees (General Schedule 9 (GS-09) and above) who perform IG functions on the staff of a command or State IG. Noncommissioned officer (NCO) assistant IGs must qualify for the IG assignment under AR 614-200 as applicable. (Enlisted assistant IGs in the grade of SSG/E6 and DAC assistant IGs in grades of GS-06 to GS-08 working as IGs under the provisions of the 1994 edition of this regulation are allowed to complete their IG assignment.) The CWOs must be graduates of the Warrant Officer Advance Course in the grade of CW2(P) and above. Exceptions to grade qualifications will be approved by TIG. Additional prerequisites are contained in AR 614-100.

(1) An assistant IG may receive and process requests for assistance, conduct IG inquiries, assist detailed IGs with IG investigations and IG inspections, and perform administrative duties.

(2) Assistant IGs normally assist detailed IGs in the conduct of inspections by either being a member of an inspection team led by the detailed IG, or by leading an inspection team that is under the detailed IG's direction.

(3) Except for commissioned warrant officers, assistant IGs may not administer oaths. However, as an exception, command IGs can request through channels TIG approval for grades GS-9 and above and for grades sergeant first class (SFC) and above to administer oaths for conducting specific investigations and inquiries.

(4) Enlisted soldiers serving as assistant IGs will wear IG insignia. The CWOs serving as assistant IGs will wear WO insignia (see AR 670-1).

*Note.* Inspector general insignia will not be worn for official photographs.

e. Temporary assistant IGs are commissioned officers, CWOs, enlisted soldiers, and DA civilian employees temporarily detailed to augment an IG inspection or investigation team for a specified period of time. Individuals detailed as temporary assistant IGs must possess requisite specialty training and field experience. Additional guidance can be found in AR 614-100 (commissioned officer and CWOs), AR 614-200 (enlisted soldiers), and AR 140-10 (Reserve Components (RC) personnel). The term of service of a temporary assistant IG is specified in the appropriate authorizing regulation.

(1) Soldiers assigned as temporary assistant IGs who perform IG duties for more than 180 days must be approved by TIG. Soldiers assigned as temporary assistant IGs to perform IG duties in excess of 90 but fewer than 180 days will be approved by MACOM commanders. MACOM commanders may delegate their authority to the first general officer in the chain of command. Temporary assistant IGs assigned for 90 days or less will be approved by the local commander authorized a detailed IG.

(2) The command or State IG will ensure that persons selected to serve as temporary assistant IGs receive appropriate training before performing IG functions. Temporary assistant IGs who are expected to perform IG functions for over 180 days will attend the resident IG Course as soon as possible after selection by the authorized commander. Exceptions require TIG approval.

(3) Temporary assistant IGs may not administer oaths.

(4) Commissioned officers (other than commissioned warrant officers) and enlisted soldiers assigned as temporary assistant IGs will wear IG insignia when the duration of their service as temporary assistant IGs is anticipated to be for more than 180 days.

(5) Temporary assistant IGs will work under the supervision of a detailed IG and will not lead an inspection, investigation or inquiry. Temporary assistant IGs will not process IGARs but may assist a detailed or assistant IG with IGARs by their special expertise.

f. Acting IGs are commissioned officers appointed to this additional duty by a MACOM commander. Exceptions may be approved by TIG (ATTN: SAIG-OP) in cases where a commissioned officer is not available (see para 2-3c). An acting IG assists a detailed IG with receiving IGARs in population areas for which the detailed IG has responsibility but from which the detailed IG is often geographically separated. The detailed IG has several other options to the appointment of an acting IG. These include conducting periodic IG assistance visits, publishing toll-free numbers, using facsimile transmittals, receiving IGARs in conjunction with inspections, and executing Memorandums of Agreement (MOAs) with other IGs.

(1) Acting IGs will only provide assistance for requests for help. Acting IGs will not conduct investigative inquiries or investigations, serve on IG inspection teams, or perform duties in the office of a detailed IG. Acting IGs may not administer oaths.

(2) Acting IGs will not wear IG insignia.

(3) Acting IGs will be trained for responsibilities and procedures by a detailed IG. Additionally, acting IGs will receive technical supervision from and be supervised in the performance of their duties by a detailed IG.

(4) Commissioned officers in the chain of command, or those who routinely assume duties in the chain of command, will not be designated acting IGs. (For example, a battalion executive officer (XO) should not be assigned as an acting IG. If the XO assumes temporary command, the XO's effectiveness as an acting IG could be compromised.) Exceptions will be approved by TIG (ATTN: SAIG-OP).

(5) Acting IGs will not be assigned non-IG investigations such as AR 15-6 investigations, commander's inquiries, reports of survey, line of duty investigations, and Article 32 investigations. (See para 2-6a(2).) Although these duties may not directly conflict with the acting IG's duties, they may create the perception in the command of an IG investigation while placing the acting IG in a position of fulfilling two separate but opposing roles.

(6) When an acting IG is approved, the command or State will announce the designation of the acting IG by memorandum. A memorandum will also be sent to the acting IG by the command or State IG. This memorandum will specify the extent of the acting IG's authority to receive and act on requests for assistance and will identify the detailed IG who will supervise the acting IG's activities.

g. Office and administrative support staff are soldiers and civilian employees who serve in administrative and support positions (such as administrative assistants, secretaries, drivers, computer operators, clerks, typists, and so forth) on the staff of a command or State IG. Although they are not assistant IGs, they will take the IG oath (see para 2-5) because they are part of the IG System and may have access to IG records. Command and State IGs will ensure that administrative support personnel do not perform any of the IG functions but are obligated to protect confidentiality per paragraph 1-12.

### 2-3. Inspector general certification

a. The IG certification process consists of three parts: nomination; selection, that is, approval of the nomination; and training (see chap 5). All Army IGs are certified by TIG to perform IG duties after they complete the three-part process. For Active Army assignments as detailed IGs, assistant IGs, or temporary assistant IGs for more than 180 days, nominations are made by the U.S. Total Army Personnel Command (PERSCOM), either as a result of the requisition process, or of the identification of a local nominee by the commander or IG. For USAR AGR assignments as detailed IGs or assistant IGs, nominations are made by AR-PERSCOM as a result of the requisition process. For AGR ARNGUS commissioned officers, nomination packets will be reviewed by NGB, prior to submission for TIG approval. TIG approves nominations of all soldiers to be assigned as detailed and assistant IGs within the IG System and as military temporary assistant IGs assigned in excess of 180 days. TIG also approves nominations of all soldiers assigned to IG duties in joint and unified commands and IG, DOD, prior to the approval of the gaining command.

b. All nominations requiring TIG approval will be submitted as specified in appendix C. Nomination approval authorities of all categories of IGs are shown at table 2-1.

c. Nominations of commissioned officers to be assigned as acting IGs for active and subordinate USAR units may be approved by MACOM commanders. MACOM commanders may delegate authority to approve such nominations to the first general officer in the chain of command. The State AG approves appointment of commissioned officers as acting IGs in the State or territory of the NG. If a commissioned officer is not available for nomination as an acting IG,

a request for exception may be submitted to TIG. The request must demonstrate the need for an acting IG, explain why no commissioned officer is available, and describe the qualifications of the nominee.

d. Nomination of Active Army commissioned officers to be a detailed IG in a State, territory, Commonwealth of Puerto Rico or the District of Columbia must be reviewed by the CNGB and approved by the State AG or the Commanding General of the District of Columbia National Guard prior to approval by TIG. The State AG will provide TIG with written detailed justification for not accepting a PERSCOM nomination.

e. Reserve Components military technicians will not be approved for USAR troop program unit (TPU) or ARNGUS mobilization-day (M-day) IG positions because of the inherent conflict of interests of holding both positions. Command and State IGs should avoid hiring civilian assistant IGs who hold an RC status (non-IG position) for the same reason.

f. Multiple nominations for one duty position will not be considered. Announcement of detail will be made per AR 614-100.

g. Nominations for repetitive or consecutive IG tours must be approved by TIG.

h. Civilian employees selected to serve as assistant IGs will be approved by the local command or State IG. Command and State IGs will report newly hired assistant civilian IGs to TIG (ATTN: SAIG-TR) so that the Inspector General Personnel System (IGPERS) database can be updated and selection verified for attendance to the IG Course. For specific guidance on policies pertaining to the placement and employment of civilian inspectors general, see the servicing Civilian Personnel Advisory Center (CPAC).

#### **2-4. Length of inspector general assignments**

a. Detail as an IG is for a 3-year, stabilized tour (or the tour elected in accordance with AR 614-30), with curtailments handled on an exception basis. Soldiers approved by TIG for IG duty will not be reassigned or removed without TIG approval until the prescribed tour has been completed. TIG will normally approve requests for early release based upon professional development reasons including, but not limited to, assignment to branch qualifying positions or professional development schools. Under special conditions, TIG may approve removal or reassignment of an IG without prejudice. Requests for curtailment and removal without prejudice will be initiated by the commander or the soldier. Requests will be on a DA Form 4187 or in memorandum format and will contain a justification and anticipated release date. Curtailment requests must be endorsed by the immediate supervisor and will be processed through normal personnel channels to the soldier's assignment manager (at PERSCOM, Army Reserve Personnel Command (AR-PERSCOM) or NGB). The assignment manager will forward requests to DAIG (SAIG-OP) for TIG approval. (All ARNGUS requests for curtailments of IG duty for both Active Army and ARNGUS soldiers will be forwarded through Chief, National Guard Bureau (CNGB) prior to being sent to TIG for approval.) Soldiers removed for cause do not require TIG approval. TIG will be notified immediately of any removal for cause. Replacements for approved curtailments will be processed through normal personnel channels. TIG may remove any soldier from service as an IG.

b. For Active Army soldiers, the soldier's assignment manager is the approval authority for the extension of the third to the fourth year as a detailed IG or an assistant IG. Extension of any IG duty beyond 4 years requires TIG's concurrence. Extension requests must be endorsed by the immediate supervisor and will be processed through normal personnel channels to the soldier's assignment manager. DAIG (SAIG-OP) will be provided copies of all approved extensions by the assignment manager. If the assignment manager disapproves the request for extension, a copy of the disapproval will be sent to DAIG (SAIG-OP). Extension requests for detail beyond 4 years on which the assignment manager recommends approval will be forwarded to the DAIG (SAIG-OP) for coordination and final TIG approval.

c. The MACOM, in coordination with AR-PERSCOM or Office of the Chief, Army Reserve (OCAR), may approve fourth year extensions of USAR soldiers. Authority to approve fourth year extensions of USAR soldiers may be delegated to the first general officer in the chain of command. Extension requests for detail beyond 4 years on which the assignment manager recommends approval will be forwarded to DAIG (SAIG-OP) for coordination and final TIG approval.

d. The State Adjutant General may approve fourth year extensions of ARNGUS soldiers. Extension requests for detail beyond 4 years on which the assignment manager recommends approval will be forwarded to DAIG (SAIG-OP) for coordination and final TIG approval.

e. There is no specified length of IG assignments for civilian assistant IGs. Their IG assignment is determined by the command or State IG in accordance with applicable civilian employment policies (see para 2-3h).

#### **2-5. Inspector general oath**

a. Persons serving as an IG and office administrative support staff will take the IG oath. (See figs 2-2, 2-3, and 2-4.) The commander or an authorized representative will administer the IG oath.

b. The IG oath, although primarily descriptive of the position of a detailed IG, is nevertheless appropriate for all personnel serving in an IG office or as an acting IG. Everyone serving in an IG office contributes to the effectiveness of the IG System, manages sensitive information, and represents the IG functions to other persons and agencies. The IG oath reminds all IG personnel of the special trust and confidence inherent in their position.

c. Personnel who have sworn to or affirmed the IG oath will be issued DA Form 5097 (Inspector General Oath) (fig

2-1), or DA Form 5097-1 (Inspector General Oath (Non-IG)) (fig 2-2), or DA Form 5097-2 (Inspector General Oath (Acting IG)) (fig 2-3), as appropriate. DA Form 5097, DA Form 5097-1, and DA Form 5097-2 are available through normal supply channels.

## 2-6. Inspector general duty restrictions

a. Detailed IGs, assistant IGs, temporary assistant IGs, and acting IGs will not—

(1) Be assigned to any non-IG assistance or evaluation functions such as maintenance assistance and inspection teams, command logistics evaluation and review teams, readiness evaluation teams, command or staff inspection teams, or similar teams.

(2) Be appointed as investigating officers under Article 32, Uniform Code of Military Justice (UCMJ, Art. 32), or Article 138, Uniform Code of Military Justice (UCMJ, Art. 138), AR 15-6, or other regulation providing for the appointment of investigating officers, members of administrative separation boards, or members of courts-martial.

(3) Be assigned duties that may subsequently disqualify them from making or assisting in impartial inquiries or investigations within their sphere of activity (see paras 1-9a, 2-2f(4) and 2-2f(5)). Examples include staff duty officer or NCO, line of duty investigator, casualty assistance officer or NCO, member of interior guard force, member of an awards board, funeral detail, or any committee or function, unless directly related to IG matters.

b. The restrictions in this paragraph are intended to preclude conflicts of interest, prevent the prejudice of impartiality, and protect the integrity of the IG System. Inspectors general are never off the record; IGs do not make command policy; IGs do not recommend adverse personnel action; and IGs do not do anything that may jeopardize the distinction between being the extension of the commander and a fair and impartial fact-finder. The restrictions in this paragraph are not intended to exclude IGs from performing management functions normal for offices and staff office chiefs, such as participating in the budget process and contributing to goal setting for the command.

## 2-7. Retiree Mobilization Program

TIG is the approving authority for retired commissioned officers (under 60 years of age) nominated for pre-assignment orders to IG positions in accordance with AR 601-10. AR-PERSCOM has overall responsibility for administering the program. AR-PERSCOM will approve officers to serve as IGs in this program who can be identified as having an additional skill identifier (ASI) of 5N (Inspector General).

Table 2-1

Categories of Inspectors general

Grade and duties	Detailed IG	Assistant IG	Temporary assistant IG	Acting IG	Admin support staff
Grade	Com Off, CPT+	CW2(P)+, SFC+, GS-9+	Com Off, WO, NCO, DAC	Com Off (exceptions approved by TIG)	In accordance with MTOE or TDA
Approved by	TIG	Military by TIG; DAC by cmd	TIG for 180 days+; MACOM for 90 to 180 days; local cmd for under 90 days	MACOM for Active Army and USAR; TAG for ARNGUS; exceptions by TIG	Local command
Trained by	DAIG	DAIG	Detailed IG; by DAIG if duty over 180 days	Detailed IG; DAIG if space available	Detailed IG; DAIG if space available
Take IG oath	Yes	Yes	Yes	Yes	Yes
Conduct IG inspections	Yes	Assists detailed IG	Assists detailed IG	No	No
Conduct IG assistance	Yes	Yes	Assists detailed/assistant IGs	Yes, under supervision of detailed IG	No
Conduct IG inquiries	Yes	Yes	Assists detailed IG	No	No
Conduct IG investigations	Yes	Assists detailed IG	Assists detailed IG	No	No

Table 2-1 Categories of inspectors general—Continued					
Administer oaths	Yes	CWOs only; NCO & DAC by exception	No	No	No
Perform admin duties	Yes	Yes	Yes	Yes	Yes
Tour length	3 years	Military: 3yrs; DAC: indefinite	In accordance with ARs 614-100, 614-200, 140-10; DAC in accordance with CPAC	In accordance with command	In accordance with command
Wear IG insignia	Yes	NCO only	Military only if duty over 180 days	No	No



# Department of the Army

I, LTC JACK D. SMITH,

having been assigned as an Inspector General, do solemnly swear (or affirm) that I accept the special obligations and responsibilities of the position freely, that I will uphold the standards for Inspectors General prescribed by regulations and that I will, without prejudice or partiality, discharge the duties of the office upon which I am about to enter. So help me God.

Jack D. Smith  
Inspector General

Date: 20 AUG 93

Sworn in Recognition of Special  
Trust and Honor by Order of  
THE SECRETARY OF THE ARMY

Ernest A. Gifford  
The Inspector General

W. J. W. Stone  
Secretary of the Army

DA FORM 5097, NOV 1988 (Edition of Apr 88 is obsolete)

Figure 2-1. Sample DA Form 5097



# Department of the Army

I, MRS. JILL D. SMITH,

having been assigned in the office of an Inspector General, do solemnly swear (or affirm) that I accept the special obligations and responsibilities of the position freely, that I will uphold the standards for Inspectors General prescribed by regulations and that I will, without prejudice or partiality, discharge the duties of the office upon which I am about to enter. So help me God.

Jill D. Smith

Date: 20 AUG 83

Sworn in Recognition of Special  
Trust and Honor by Order of  
THE SECRETARY OF THE ARMY

Donald H. Siffert  
The Inspector General

Gen. J. L. Claus  
Secretary of the Army

DA FORM 5097-1, NOV 1980

Figure 2-2. Sample DA Form 5097-1



# Department of the Army

I, LTC JAMES E. SMITH,

having been assigned as an Acting Inspector General, do solemnly swear (or affirm) that I accept the special obligations and responsibilities of the position freely, that I will uphold the standards for Inspectors General prescribed by regulations and that I will, without prejudice or partiality, discharge the duties of the office upon which I am about to enter. So help me God.

James E. Smith  
Acting Inspector General

Date: 20 AUG 83

Sworn in Recognition of Special  
Trust and Honor by Order of  
THE SECRETARY OF THE ARMY

James E. Smith  
The Inspector General

W. S. W. C. Lane  
Secretary of the Army

DA FORM 5097-2, NOV 1982

Figure 2-3. Sample DA Form 5097-2

## Chapter 3 Inspector General Records

### 3-1. Nature of inspector general records

a. All IG records, including USAR IG records and ARNGUS IG records concerning Federal matters, are the property of the SA. These records are maintained on the SA's behalf by IGs. The designated release authority for all IG records is TIG.

b. Inspector general records are privileged documents and contain sensitive information and advice. Unauthorized use or release of IG records can seriously compromise the IG's effectiveness as a trusted adviser to the commander or State AG and may breach IG confidentiality. (See para 1-12.)

c. Army IG records are any written or recorded IG work-product created during the course of an IG assistance case, inquiry, inspection, and investigation. An IG record includes, but is not limited to, correspondence or documents received from a witness or a person requesting assistance, IG reports, IG Worldwide Network (IGNET) or other computer automatic data processing (ADP) files or data, and IG notes and working papers.

d. Non-IG records are documents contained within the IG file that were created by other Army or Federal agencies, or documents from outside the Federal Government. While these records may be under the control of the IG for purposes of conducting assistance, inquiries, inspections, and investigations, release of these records remains under the jurisdiction of the originating organization. Requests for non-IG records will be referred to the appropriate custodian

for release determination and direct response to the requester. For release of IG records or information to DA investigators, see paragraph 3-6i.

e. Only TIG or TIG's designated representatives (Legal Advisor and Deputy Legal Advisor) have the authority to release IG records. (See para 3-4.)

### 3-2. Protection of inspector general records

a. Unclassified IG records will be marked "For Official Use Only (FOUO)" and "Dissemination is prohibited except as authorized by AR 20-1." The markings will be on the bottom of the front cover, on every page that contains IG sensitive information, and on the outside of the back cover. The acronym "FOUO" will not be used.

b. When IG records are released outside IG channels (see paras 3-6 and 3-7), they will be marked, "This document contains information EXEMPT FROM MANDATORY DISCLOSURE under the FOIA. Exemption(s) (number(s)) apply." The following exemptions may apply to IG records:

- (1) Inspection reports—Exemption 5.
- (2) ROI—Exemptions 5, 6, and 7.
- (3) Reports of Investigative Inquiry—Exemptions 5, 6, and 7.
- (4) Inspector General Action Requests—Exemptions 5, 6, and 7.

c. Classified IG records will be marked, per AR 380-5. They will also be marked "When declassified, document becomes For Official Use Only. Dissemination is prohibited except as authorized by AR 20-1."

d. Each magnetic tape or floppy disk containing IG data will be marked with the appropriate DA label. (See AR 25-55 and AR 380-5.)

e. Original copies of IG correspondence designed to leave IG control, such as replies to correspondence or subjects and letters to MC, are not given protective markings and treatment. However, file copies of such correspondence should be protectively marked if they leave IG channels.

f. Internal management documents designed to circulate within an IG office and govern routine matters do not require protective markings; however, they are still protected as FOUO material.

g. Each part of an electrically transmitted message containing FOUO information shall be marked appropriately. Unclassified messages containing FOUO information shall contain the acronym "FOUO" before the beginning of the text.

h. Destruction of IG records will be in accordance with AR 25-55, chapter 4, section 5; AR 25-400-2, or AR 380-5, as appropriate.

i. Alcohol and Drug Abuse Prevention and Control Program (ADAPCP) information in IG records requires additional protection per section 290dd-2; title 42, United States Code (42 USC 290dd-2). Prior to the release of such information, consult with the DAIG Legal Advisor (SAIG-ZXL), (Defense Switched Network (DSN): 329-1093).

### 3-3. Use of inspector general records for adverse actions

a. Inspector general records will not be used as the basis for adverse action (see glossary) against individuals, military or civilians, by directing authorities or commanders, except when specifically authorized by SA, USofA, CSA, VCSA, or TIG. Requests for such use will be submitted to TIG. Requests must state why a follow-on investigation would be unduly burdensome, unduly disruptive, or futile.

b. When an IG record is used as the basis for adverse action, the individual concerned may be entitled to additional due process rights as outlined below:

(1) *Non-Senior officials.* Inspector general records will not be used as a basis for an adverse action that will be filed in a non-senior official's official personnel file (as defined by AR 600-37) unless the issuing authority has obtained approval, as outlined in paragraph a above. In addition, the non-senior official has been given the opportunity to review the IG records that serve as the basis for the proposed filing and make a written statement in rebuttal or to decline in writing to make such a statement.

(2) *Senior officials.* Inspector general records used as a basis for an adverse action against a senior official will be provided only if the records are requested by the senior official and when such release is otherwise required under the provisions of FOIA and/or the Privacy Act.

c. Release of the IG record may breach the confidentiality of witnesses and/or IG opinions, conclusions, and recommendations. Commanders, State AGs, and directing authorities must consider this impact when deciding whether to request the use of an IG record for adverse action. Extreme care should be taken to ensure that any adverse action taken by a supervisor against a subordinate does not constitute a reprisal against a "whistleblower" and is otherwise taken within the guidelines of the Whistleblower Protection Act (see section 2302, title 5, United States Code (5 USC 2302)) and the Whistleblower Protections for Members of the Armed Forces (see section 1034, title 10, United States Code (10 USC 1034)). Chapter 8 provides specific guidance in situations in which IG investigations should be directed instead of other types of investigations, such as those conducted by USACIDC or pursuant to AR 15-6.

d. When use of IG records as the basis for adverse action is contemplated, the IG office with the records will submit the request to the Records Release Office address, The Inspector General (ATTN: SAIG-ZXR), 1718 Army Pentagon, Washington, DC 20310-1718, describing precisely which portions of the IG records are requested and why. Assistance

in determining whether an action is deemed adverse may be obtained from the servicing legal office or the Legal Advisor, USAIGA. The IG will also encourage consultation between the commander concerned and the servicing legal office regarding the need for IG records as the basis for the action contemplated and the availability of other evidence to serve the same purpose.

e. When IG records are approved for use as the basis for adverse action, only the minimum amount of evidence necessary from the record will be used, preferably from documentary evidence and testimony for which consent to release was obtained. IG opinions, conclusions, and recommendations are not evidence and will not be used as a basis for adverse action.

### **3-4. Request for IG records**

Request for IG records must be in writing and submitted for action to the Records Release Office, HQDA (ATTN: SAIG-ZXR), 2511 Jefferson Davis Highway, Arlington, VA 22202-3912.

### **3-5. Release authority for IG records**

a. Only TIG or TIG-designated representatives (Legal Advisor and Deputy Legal Advisor) can approve release of IG records outside IG channels, except as set forth in paragraphs 3-6a(1) and 3-6a(2).

b. Release of IG records will only be made after case closure. The Inspector General grants access to IG records under the following two separate records release categories and subject to the provisions stipulated below:

- (1) Official Use of Inspector General Records Within Department of the Army.
- (2) Release of Inspector General Records Outside Department of the Army.

### **3-6. Official use of inspector general records within Department of the Army**

a. Applicable portions of IG records may be provided to individuals, commands, or agencies within DA having a need for these records in the official performance of their duties if approved by TIG.

b. The Inspector General is the only authority to act on requests for IG records For Official Use Only, with the following exceptions:

(1) Release of an IG ROI or ROII to the directing authority. For use of IG ROI or ROII for adverse action, see paragraph 3-3.

(2) Release of an IG inspection report to the directing authority and to DA agencies responsible for effecting changes to functional areas addressed in the report and agencies responsible for developing training based on findings addressed within the report. See paragraph 3-7a(4) for release of IG inspection reports to Commanders in Chief (CINCS) and non-Army IGs.

c. An IG ROI contains privileged and sensitive information. When provided for official use, IG ROI/ROII will be strictly controlled. Review of IG reports will be restricted to the absolute minimum number of people with a strict need to review the report in the performance of official Army duties, in order to make a recommendation and decision on appropriate action. Generally, persons responsible only for implementing a decision based on an IG report do not need to review the report.

d. Inspector general records for official use within DA may be obtained as follows:

(1) Certain IG reports, for example, inspection reports, are distributed by the IG office preparing the report to commanders and staff officers whose duties are related to the subjects of the reports.

(2) Persons and agencies within DA may obtain IG records for official use by providing their local detailed IG, or the IG office of record a written request that states clearly the reason they need the IG records. These requests will be forwarded to the Records Release Office, SAIG-ZXR, 2511 Jefferson Davis Highway, Arlington, VA 22202-3912. Written notation concerning the release and its justification will be retained with the record file copy of the case.

e. The following restrictions apply to all IG records requested for official use by individuals, commands, or agencies within DA and will be stated in a transmittal letter to the DA recipient:

(1) Inspector general records will not be reproduced or further disseminated without specific permission of TIG, who may provide permission in the transmittal letter, if appropriate.

(2) Use or attachment of IG records as exhibits or enclosures to records of other DA offices or agencies is not authorized without written approval of TIG.

(3) Inspector general records will not be used by commanders at any level to compare commands or commanders.

(4) Rating officials and supervisors may not cite inspection findings, inquiry results, or other IG information in an evaluation report, performance appraisal, award recommendation, or other evaluation that is maintained in official personnel records. Even though a rating or recommendation is not adverse, disagreements over the rating or award may lead to appeals and resultant disclosure of IG information in a public forum.

(5) Inspector general records provided to DA recipients will be returned to the Records Release Office, SAIG-ZXR, 2511 Jefferson Davis Highway, Arlington, Virginia 22202-3912 when the records have served the requested purpose.

f. The restrictions above emphasize that the records are only "on loan" to the recipient and remain under TIG's control. Recipients of IG records are not to incorporate them into a system of records subject to the Privacy Act

because the recipient's system of records may not be subject to the same Privacy Act exemptions as the IG system of records.

g. Requests for IG records by the accused and defense counsel submitted through the Government representative in a judicial proceeding are Discovery requests (see para 3-7e). Requests for IG records by the accused, counsel, appellants, and respondents submitted to the Records Release Office, SAIG-ZXR, are FOIA requests (see para 3-7c). For example, if the purpose of the request is to appeal an administrative action such as officer evaluation report (OER) or noncommissioned officer evaluation report (NCOER), relief for cause appeal, or Army Board for Correction of Military Records (ABCMR) petition, the request for IG records should be made pursuant to FOIA. Upon request by the FOIA requester, SAIG-ZXR may grant expedited processing when there is a compelling need for the IG records. See paragraph 3-7c(6) for what constitutes compelling need.

h. Inspector general records requested in relation to an appeal of an adverse administrative action, evaluation report, or petition for correction of records, where no due process right of access exists, may be provided to a review or appeal board for consideration upon the board's request as an "official use" release within DA.

i. Release of IG records or information to DA investigators: DA investigators include personnel (that is, Investigating Officers, Report of Survey Officers, CID, and MP investigators) performing law enforcement or other investigations under Army regulations and outside IG channels. These personnel are entitled to IG information described below when it is relevant to an authorized investigation. They will not be provided additional information without approval of TIG or higher authority.

(1) An IG may orally brief the investigator on the nature of the allegations or matters the IG office examined, being careful not to be judgmental about the allegations or to reveal any IG findings, opinions, conclusions, or recommendations.

(2) An IG may release documentary evidence that is readily available to any DA investigator and that was not received by the IG in confidence. This includes finance and personnel records, travel vouchers, motel and restaurant receipts, and so forth. "Readily available" includes documents that would be readily available from the source but have been lost, destroyed, retired, or altered after being obtained by the IG.

(3) An IG may identify by name those witnesses who have information relevant to the investigation and explain how they are relevant with a brief oral synopsis of their testimony. Where possible, the IG will not reveal which witness is the complainant (see para 1-12). Written statements, transcripts, and recorded tapes taken by the IG will not be released.

j. Requests for an "Official Use" release within DA must be written, reasonably identify the IG records sought (that is, name of the complainant/subject, date of investigation, where the IG investigation was conducted, and so forth). The request must also state the specific purpose or intended use of the IG records.

k. Requests for IG records by Government representatives (within or outside DA) in a judicial proceeding are FOUO. The request must be in writing and sent to the Records Release Office, SAIG-ZXR. The request must reasonably describe the records sought. Release of IG records to the Government representative is for review only. The records will not be reproduced or disseminated without written consent of The Inspector General. Should the IG records become the subject of discovery, procedures set forth in paragraph 3-7e apply.

l. The requesting agency must be designated in the "Routine Uses" section of the IG's systems of records notice in the Federal Register, to receive the records without the consent of individuals mentioned in the IG records. The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose that is compatible with the purpose for which it was collected. Release of IG records pursuant to "Routine Uses" is discretionary.

### 3-7. Release of inspector general records outside Department of the Army

a. *General.* Release and use of IG records outside DA, to include release to DA personnel for unofficial or personal use, requires the approval of TIG or higher authority. Such requests for records must be submitted in writing. As an exception, IGs may respond directly to requests from outside DA for IG information and records when the request falls into one of the following four categories:

(1) *Use of IG records to respond to requests for assistance and complaints.* Information may be extracted from IG records to respond to requests for assistance, advice, or information; answer complaints; and prepare closure letters. Personal information may be used in such responses only when the individual to whom the information pertains has given written consent to its use. See AR 340-21, paragraph 3-3, for examples of personal information that may be released under FOIA. Consult the Records Release Office or legal advisor for your command when you are uncertain whether use of personal information will cause either an unwarranted invasion of privacy or a breach of IG confidentiality.

(2) *Release of IG witness statements.* Individuals who provided statements must submit a Freedom of Information Act (FOIA) request to the IG office of record to obtain a copy of their own testimony. Upon receipt of the written FOIA request, the IG office of record must forward for action two collated copies of the responsive records to HQDA (ATTN: SAIG-ZXR), 2511 Jefferson Davis Highway, Arlington, VA 22202-3912. Inspector general records will only be released after case closure.

(3) *Use of IG records to respond to requests for information from Congress, acting as a body (or through its*

*committees, joint committees, or subcommittees of either), and the White House.* Information may be released by the Records Release Office, SAIG-ZXR, in accordance with AR 340-21 and AR 1-20, under FOIA, 5 USC 552, DOD 5400.7-R, and AR 25-55. Before release, the Chief of Legislative Liaison, 1600 Army Pentagon, Washington, DC 20310-1600, or the White House Liaison Office (ATTN: DAEC-CA (OSA-WHLO)), 100 Army Pentagon, Washington, DC 20310-0100 as appropriate, will be informed of the action contemplated. Replies will be fully responsive but will be limited to the immediate scope of the inquiry. No congressional request may be fully denied without prior approval of the SA. If the directing authority believes that the requested information should not be released, the request, with all relevant information and the directing authority's recommendations, will be forwarded to HQDA (ATTN: SAIG-ZXR), 2511 Jefferson Davis Highway, Arlington, VA 22202-3912. Requests for copies of IG records by a member of Congress (MC), on their own behalf or on the behalf of a constituent, will be treated as a request for records under the FOIA or the Privacy Act, as appropriate. (See para c below.)

(4) *Release of Army IG inspection reports to Commanders in Chief (CINCs) and non-Army IGs.* Inspector general inspection reports may be released to CINCs of combatant commands or their IGs by MACOM IGs with the approval of the commander that directed the inspection. Commanders authorizing the release of their IG inspection reports to CINCs must have an operational or contingency relationship with that combatant command. Inspector general inspection reports containing HQDA-related findings must first be approved by TIG (SAIG-ID) prior to release of the report.

b. *Requests from other Government agencies for IG records for official use.* After telephone coordination for action, forward these requests and two collated copies of the requested records to the Records Release Office, HQDA (ATTN: SAIG-ZXR), 2511 Jefferson Davis Highway, Arlington, VA 22202-3912.

(1) As a limited exception, IGs may permit investigative personnel from IG, DOD; Defense Investigative Service (DIS); GAO; OSC; or the Merit Systems Protection Board (MSPB) to review IG records in the IG office having possession of records relevant to an ongoing agency investigation or audit. Requests from these agencies for copies of IG records must be submitted in writing and state the reason a copy is required. Forward such requests to the Records Release Office, HQDA (ATTN: SAIG-ZXR), 2511 Jefferson Davis Highway, Arlington, VA 22202-3912. Release of copies of IG records to these agencies requires TIG's approval.

(2) Forward for action all IG records responsive to requests for information from congressional committees to the Records Release Office, HQDA (SAIG-ZXR), 2511 Jefferson Davis Highway, Arlington, VA 22202-3912.

c. *Freedom of Information Act (FOIA) and Privacy Act (PA) requests for release of IG records.* The Freedom of Information Act (FOIA) is a statutory right of access to Federal Government information. It is the Government's policy to disclose requested records unless exempt or excluded in the statute (section 552, title 5, United States Code). The Privacy Act (PA) of 1974 (5 USC 552a) is a code of fair information practices that regulates the collection, maintenance, use, and dissemination of personal information by Federal Government agencies. The Inspector General is the Initial Denial Authority, and the Legal Advisor and the Deputy Legal Advisor are the designated representatives for records requested under the FOIA. TIG is the Access and Amendment Refusal Authority for records requested under the PA for IG records. Procedures for requesting records and processing requests are as follows:

(1) Requests must be in writing and reasonably identify the IG records sought. When possible, IGs should assist requesters in identifying the specific information being sought, thereby limiting the volume of records copied and processed for release.

(2) Requests for IG records under the FOIA must comply with AR 25-55.

(3) Requests for records under the PA, which will be processed also as a FOIA request, must comply with AR 340-21.

(4) The requester will be notified promptly in writing that the request has been received and referred to TIG for direct reply to the requester.

(5) Forward the original request, two collated copies (not the originals) of the requested records (including exhibits, if specifically requested), and a copy of the acknowledgment letter, within 10 working days, to the Records Release Office, HQDA (ATTN: SAIG-ZXR), 2511 Jefferson Davis Highway, Arlington, VA 22202-3912. In its forwarding memorandum, the IG office of origin will state the date the request was received. The memorandum will include any specific local concerns or recommendations about the request and a list of witnesses who did not consent to release of their testimony. The memorandum will also identify by name the source (that is, complainant, subject, witness) of each non-IG work-product being forwarded. The IG office of origin will promptly notify the requester in writing that the request has been received and that the requested records have been referred to the Records Release Office, HQDA (ATTN: SAIG-ZXR), 2511 Jefferson Davis Highway, Arlington, VA 22202. Telephone coordination with The Inspector General (ATTN: SAIG-ZXR), 1718 Army Pentagon, Washington, DC 20310-1718; is encouraged before copying and forwarding voluminous exhibits to a requested record.

(6) Expedited processing of the FOIA request shall be granted to a requester when there is a compelling need for the information. Compelling need is described as follows:

(a) Failure to obtain the records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual.

(b) Information is urgently needed by representatives of news media who are primarily engaged in disseminating information in order to inform the public concerning actual or alleged Federal Government's activity. Urgently needed

information means the value of such information will be lost if not disseminated quickly (example: breaking news story of general public interest).

(c) Imminent loss of substantial due process rights.

(d) Humanitarian need to promote the welfare and interests of mankind.

*d. Subpoenas and similar court orders.* The Judge Advocate General (DAJA-LT) is the proponent for all aspects of litigation involving DA personnel. (See AR 27-40 for specific guidance; appendix C of AR 27-40 contains information on litigation, extracted from DODD 5405.2.)

(1) DOD policy is that official information should generally be made reasonably available for use in Federal and State courts and by other governmental bodies. The exception is unless the information is classified, privileged, or otherwise protected from public disclosure. Inspector general records are, however, the property of the SA. Thus, IG personnel may not disclose any official information from IG files or any information acquired during performance of IG duties without TIG's prior written approval.

(2) When an IG receives a subpoena, court order, or request for attendance at a judicial or quasi-judicial proceeding or a request for an interview that the IG reasonably believes is related to actual or potential litigation, and the information sought is from DA files or is known to the IG as a result of official duties, the IG should immediately notify the local Staff Judge Advocate (SJA) and the IG Legal Advisor. A subpoena must never be ignored.

(3) Inspectors general should inform the individual seeking the information that—

(a) Requesters must set forth, in writing and with specificity, the nature and relevance of the official information sought.

(b) Only TIG or higher authority within DA or DOD may authorize release of IG records. Inspectors general should refer requesters to part 97, title 32 of the Code of Federal Regulations (32 CFR 97) for detailed instructions.

(4) If a response to a subpoena or court order is required before TIG authorizes release, IGs will advise the official seeking the release of DOD, DA, and TIG policy; inform the requesting official that the request is being reviewed expeditiously; and seek a stay of the subpoena or order pending a final determination.

(5) If a court of competent jurisdiction or other appropriate authority declines to stay the effect of the order or subpoena, the IG should notify the local SJA and the DAIG Legal Advisor immediately. In those rare cases in which circumstances require response before TIG acts, IGs should respectfully decline to comply with the subpoena or order. (See U.S. ex. rel. Touhy v. Ragen, 340 USC 462 (1951).) Inspectors general may ordinarily expect judges to respect the military officer's dilemma of whether to comply with orders of superior military authority of the executive branch to not release until authorized or with subpoenas and other orders of courts of the judicial branch.

*e. Requests for IG records by an accused and defense counsel.* Requests for IG records by an accused and defense counsel through Government counsel in a judicial proceeding, although not FOUO, are Discovery requests. Discovery is the disclosure of relevant information between opposing counsel before and during litigation. The following procedures apply:

(1) Defense discovery requests for IG records must be in writing and submitted to the Government representative in the case.

(2) The Government representative will forward the request to the Records Release Office, SAIG-ZXR for action. SAIG-ZXR will release requested IG records to the Government representative for relevancy determination.

(3) The Government representative will review the IG records to determine which portion(s), if any, of the IG records are relevant to the case. If the Government representative determines that the IG records are relevant to the case, the Government representative will submit a written request to SAIG-ZXR for release of relevant portions of IG records to the Government counsel and defense counsel.

(4) SAIG-ZXR will redact nonrelevant information and information exempt under FOIA and PA from requested IG records. SAIG-ZXR will forward the redacted records to the Government representative. The Government representative is authorized to release the redacted records to defense counsel before any hearing in response to the discovery request.

(5) If the Government representative determines that the IG records requested by the defense counsel are not relevant to the case, the Government counsel must assert the IG privilege to bar disclosure of the IG records in order to protect the identity and privacy interests of the alleged wrongdoer and witnesses.

(6) If the defense counsel objects to the "not relevant" determination made by the Government representative or limited discovery provided through release of the redacted copy, the Government representative can request an "in camera" review by the presiding judge.

(7) In the event the presiding judge orders the release of the IG records in toto (in its entirety unredacted), the Government representative must obtain a "protective order" from the judge to prevent the accused or the defense counsel from making further dissemination of the IG records.

(8) Release of IG records in toto must occur only after an "in camera" review is completed, a relevancy determination made, and an appropriate protective order issued by the judge.

(9) The accused or defense counsel may submit a FOIA request for records beyond those provided under the Discovery process. Inspector general records will not be made available to individuals or their counsel for use in administrative actions, military justice actions or appeals, unless TIG determines that the individual has a right of

access under minimum due process because the IG records are the basis for the action taken against the individual.

*Note.* Senior officials receive only the portion of the records releasable under FOIA.

DAIG's Legal Advisor will be alerted telephonically (commercial (703) 601-1093, or DSN 329-1093), about any request for IG records, based on a due process claim. The request, the related adverse action, and a copy of the requested IG record will be forwarded promptly to the Records Release Office, HQDA (SAIG-ZXR), 2511 Jefferson Davis Highway, Arlington, VA 22202-3912, for processing. The Military Rule of Evidence (MRE) 506, Manual For Courts-Martial (MCM), United States, 2000, provides a procedure to exclude IG records from court-martial proceedings. Other requests for IG records by counsel, accused, appellants, and respondents for the purpose of appealing an administrative action will be processed under FOIA (see para *c* above).

*f. Requests by labor organizations.* Section 7114(b)(4), title 5, U.S.C. (5 USC 7114(b)(4)), requires agencies to furnish labor organizations with information related to collective bargaining. This right of access includes IG records that meet the criteria listed in the statute.

(1) This statutory right to agency information is in addition to access rights under the FOIA. Inspector general records that do not pertain to subjects within the scope of collective bargaining will not be released under 5 USC 7114(b)(4) but will be processed under the FOIA.

(2) Requests for IG records by labor organizations will be acknowledged in writing within 10 working days by the office receiving the request. The request, a copy of the acknowledgment, two collated copies of the requested records (not the originals), and a copy of the applicable collective bargaining agreement will be forwarded within 10 working days to the Records Release Office, HQDA (SAIG-ZXR), 2511 Jefferson Davis Highway, Arlington, VA 22202-3912. Telephone coordination with the Records Release Office, HQDA (SAIG-ZXR), is encouraged, particularly before copying and forwarding voluminous IG records. (Telephone commercial (703) 601-1093 or DSN 329-1093.)

*g. Use of IG records to respond to requests from the media.* Inspectors general are not authorized to discuss specific inspections, assistance cases, inquiries, or investigations with media representatives. Media inquiries should be referred to the local public affairs officer (PAO). Inspectors general will neither confirm nor deny that a specific subject or topic is or has been under investigation or inquiry. There is no prohibition against an IG discussing the general functioning of the IG system or the general and functional aspects of the positions, after coordination with the local PAO. Inspectors general should not answer questions concerning hypothetical situations that might occur in performing their duties. Requests for IG records from media representatives should be processed under FOIA. (See para *c* above.)

### **3-8. Amendment of inspector general records**

*a.* Persons should direct requests for amendment of IG records to—

(1) The authority that directed the record be made (for example, the directing authority of an ROI), when the request concerns a factual portion of the IG record. (See *b* below.)

(2) TIG, when the request concerns matters of IG opinions, judgment or conclusions in the record. (See *c* below.)

*b.* Requests to amend factual portions of agency records are made under the provisions of the PA, 5 USC 552a(f)(4), and AR 340-21.

(1) Officials receiving requests for amendments of IG records will follow the procedures in AR 340-21.

(2) Officials may amend personal information on individuals that is contained in the record provided the request is adequately supported by documentary evidence. This amendment authority is limited to those portions of the record containing facts, for example, the spelling of a name. It does not include authority to amend those portions containing opinions, judgments, or conclusions.

(3) Amendment requests for which the directing authority recommends denial must be supported by memoranda and forwarded to HQDA (SAIG-ZXR), 2511 Jefferson Davis Highway, Arlington, VA 22202-3912.

(4) As the Access and Amendment Refusal Authority designated in AR 340-21, TIG is the first official who may deny requests to amend IG records.

*c.* All requests for amendment of IG records concerning matters of opinion, judgment, or conclusion will be forwarded to the Records Release Office for referral to the appropriate Division within DAIG for review prior to action by TIG. Included will be two copies of the record to which amendment is sought, any documents in support of or related to the disputed record, acknowledgement to the requester, and recommendations concerning whether the amendment should be granted or refused, with supporting rationale. Requests for amendments concerning opinion, judgment, or conclusion will only be granted upon a showing of fraud, mistake of law, mathematical miscalculation, or newly discovered evidence.

### **3-9. Record maintenance period**

Army Regulation 25-400-2, The Modern Army Recordkeeping System (MARKS), states that FN: 20-1a (Field IG Inspections) and FN: 20-1e (IG Investigations and Inquiries involving non-senior officials (unsubstantiated allegations

and assistance cases) will be maintained no longer than 6 years. It is the policy of TIG that these records will be destroyed 3 years after the inspection is completed or the case is closed.

## Chapter 4

### The Inspector General Action Process

Army leaders commonly use established problem solving techniques when faced with issues presented by soldiers, family members or civilians. Inspectors general are also in the business of problem solving and have developed, over the history of the IG System, a problem solving process that is both effective and efficient. This chapter prescribes the process that IGs will use to resolve Inspector General Action Requests (IGARs). Inspectors general will implement the policies and procedures in this chapter in conjunction with doctrinal guidance of the DAIG Training Division.

#### 4-1. Receiving and resolving requests from complainants

Inspector General Action Process—Inspectors general will use the Inspector General Action Process (IGAP) outlined below in receiving and resolving IGARs. The IGAP provides for a systematic fact-finding approach to problem solving. Specific actions or components of the IGAP are integral to the whole process and are not intended to be a group of individual steps that are accomplished independently during the process. The process does not require a dogmatic sequential application of each step for every case, but using this process allows the IG to accomplish all critical tasks in resolving complaints.

#### 4-2. Receiving an Inspector General Action Request (IGAR)

a. *DA Form 1559.* DA Form 1559, Inspector General Action Request, will be completed by the IG for all requests for assistance presented to an IG.

b. *Complainants.* Anyone may submit a complaint, allegation, or request for information or assistance to any Army IG concerning matters of Army interest. (See glossary for definition of complainant.) When practical, soldiers and civilian employees will be afforded the opportunity to present complaints, allegations, or requests for assistance in person to an IG. An IG receiving an IGAR is acting for the commander. An IGAR is received by an IG when it is given, presented or referred to that IG, either directly (for example, by the complainant) or indirectly (for example, by someone else on behalf of the complainant). The IGAR may be received via any means (for example, in writing, by telephone, telephone facsimile (fax), via e-mail, in person, and so forth) and may be received from any source (for example, soldiers, family members, commanders, staff officers, other IGs, Congress, and so forth) regarding any matter of concern (for example, allegation, issue, complaint, request for assistance/information, and so forth) for which IG action is requested. In many cases, it is essential to protect the confidentiality of the complainant. The IG must ensure the commander understands the concept of confidentiality as used in IG actions. (See para 1-12.) Permanent notices, as shown in figures 4-1 and 4-2, will be posted on bulletin boards at Army activities. These notices are signed by the commander or a designated representative.

c. *Command policy.* The IG will encourage the soldier or civilian employee to first discuss complaints, allegations, or requests for assistance with the commander, chain of command, or supervisor as provided in AR 600-20. If a complainant does not wish to do so, the IG will accept the IGAR unless specific redress procedures are available. (See para 4-4j.) Civilian employees will be directed to the appropriate avenue of redress, and IG involvement will be limited to the due process issue. (See para 4-4k.) An IG receiving an allegation, however, will open an IGARS case file even if the IG's action is to immediately refer that case to the appropriate commander or another agency. The IG will monitor the command's actions and document that action in the IGARS.

d. *Time limit.* Complaints must be presented to an IG in a timely manner in order to be effectively resolved. A complaint presented more than 10 years after the event occurred is not timely and does not require action. TIG is the final authority. Notwithstanding, the 10-year time limit does not apply to the requirement to report allegations against senior officials to DAIG in accordance with paragraphs 1-4b(5)(d) and 1-4c(4).

e. *Walk-in complaints.*

(1) Inspectors general will conduct an interview of the complainant or initiator; the key to successful interviewing is to establish rapport and listen actively. Additional information on interviewing techniques that are useful in all IG interviews may be obtained from the DAIG Training Division.

(2) Inspectors general should screen walk-in complainants in a semiprivate area and move them to a private room for an interview. Complaints that may appear to be insignificant will not be trivialized because fact-finding has not yet begun.

(3) Inspectors general should ask the individual, "What do you want the IG to do?" This is the single most important question an IG should ask when receiving complaints. It helps to focus the complainant. It also ensures that the matters of concern are of Army interest and appropriate for the IG.

(4) A complainant may submit an IGAR in any form, for example, by letter or telephone. However, use of a DA Form 1559 is the preferred method because it facilitates standardization and implementation of IGARS. The DA Form 1559 provides the complainant Privacy Act (PA) information as well as the purpose of the form. DA Form 1599 is

available on the Army Electronic Library (AEL) CD-ROM (EM 0001) and the USAPA Web site (www.usapa-army.mil). Inspectors general may record case information on word processors and transfer the information into the case file or directly on the electronic database and reports. The IG must inform the complainant of the PA and the purpose for the IGAR information. Have the individual read the Privacy Act Statement at the top of the form. The purpose of having the complainant read the Privacy Act Statement is to show that IGs have the authority to request personal information and that the release of the complainant's social security number, home address, and home telephone number is voluntary. Also, the complainant should read the statement concerning presenting false charges to an IG at the bottom of the page. (Inspectors general do not place undue emphasis on the false charge statement.)

(5) Inspectors general must determine if the individual submitting the IGAR sought assistance elsewhere to resolve the issue. If some action was initiated, determine whether sufficient time elapsed to resolve the matter. With that information, determine if IG action is appropriate or advise the individual of future actions that may need to be taken.

(6) Inspectors general will explain to the individual the inspector general policy on confidentiality (see para 1-12). If the individual requests anonymity, take appropriate action when preparing the case file. Inspectors general protect, but will not guarantee, anonymity or confidentiality. Complainants' concern about this concept is common. Inspectors general will inform the complainant of the IG perspective on confidentiality and document the action in the case chronology.

(7) The IG receiving the complaint will review the DA Form 1559 for completeness while the complainant is present. If necessary, the IG may assist the individual in drafting the complaint.

(8) During the interview, the IG should avoid making promises or commitments. Instead, the IG should inform the complainant that the IG will look into the matter and, when appropriate, respond to the complainant. Inspectors general will record their impressions of the complainant's understanding, attitude, apparent sincerity, credibility, and veracity in the case notes. This will assist other IGs who may become involved with working the case. Because such notes are part of the file, they are not personal notes and may be releasable under the Freedom of Information Act (FOIA). (See personal notes in glossary.)

(9) Inspectors general will assign each case a unique combination originator code or case number, in accordance with the IGARS user's manual issued with the database software (contact HQDA (SAIG-IR) for further guidance. This number, which is recorded on the DA Form 1559, is the control mechanism for each IGAR. All materials gathered during resolution of the IGAR will be included in the case file.

*f. Call-in complaints.* When in receipt of a telephonic IGAR, the IG will advise the complainant of the Privacy Act and the false charge statement (knowingly untruthful statement) and record the request on DA Form 1559. The IG will indicate "By telephone" in the signature block. Inspectors general should require complainants to confirm allegations and complicated IGARs in writing and to submit other available information.

*Note.* Receipt of a telephonic allegation does not constitute acceptance.

The allegation must be analyzed in accordance with the IGAP.

*g. Write-in complaints.* Inspectors general may receive written complaints, allegations or requests for assistance in a variety of ways. Several common forms of these are—

(1) *White House correspondence.* The Army White House Liaison Office refers requests from the President, Vice President, or their spouses to DAIG or to an Army Staff element. (See para 8-9a.)

(2) *Congressional correspondence.* Referrals from MCs include requests from constituents who may be soldiers, family members, or private citizens. The Army Office of the Chief of Legislative Liaison (OCLL) receives cases from MCs and refers them to either the Army Staff, the chain of command (Adjutant General (AG) congressional channels), or to DAIG. (See para 8-9a.)

(3) *The Secretary of Defense, SA, and CSA.* TIG may receive referrals from the Secretary of Defense (SECDEF), Secretary of the Army, Chief of Staff of the Army, and the Executive Communications and Control Office of the Director of Army Staff. Consequently, Army Staff agencies and MACOMs are often asked for input and response to these referrals.

(4) *DOD Hotline.* The Hotline Coordinator in DAIG Assistance Division, receives these cases from the IG, DOD Hotline office. The coordinator refers DOD Hotline cases to field IG offices for appropriate action and reply in a specific format contained in Department of Defense Directive 7050.1, Defense Hotline Program. (See para 8-9b.)

(5) *"Normal" correspondence.* These are letters written to the IG presenting an allegation, concern or request for assistance. Enter "see attached" in the remarks section of the DA 1559 rather than transferring the contents of correspondence to the form.

(6) *Audio or video tapes.* A complainant may submit an IGAR using audio or video tape. Should this occur, treat the tape as "normal" correspondence. The tape will be transcribed to written form if necessary to work the case.

(7) *Electronic mail.* Complainants may submit an IGAR electronically. Although electronic mail (e-mail) is in written form, IGs should treat IGARs sent by e-mail as a call-in complaint and ask the complainant to confirm the IGAR in writing whenever appropriate. Confirmation is important because the complainant may not be the originator of the e-mail.

*Note.* Receipt of an e-mail allegation does not constitute acceptance. The allegation must be analyzed in accordance with the IGAP.

*h. Other considerations.*

(1) *Anonymous complaints.* Anonymous IGARs will not be ignored. Inspectors general will take action to resolve them and protect the interests of the Government. When processing anonymous allegations and complaints, IGs should avoid identifying the complainant. Inspectors general will not create the appearance of unduly trying to identify a complainant. The determination of the facts and circumstances related to the IGAR is the IG's primary concern.

(2) *Pen pals or phone pals.* Some complainants will repeatedly bring complaints to an IG. If a case has been closed, IGs will review any relevant material and determine if the case should be reopened. Anonymous complaints will not be automatically rejected without impartially analyzing the correspondence for new matters.

(3) *Third party letters.* Third party letters (for example, those sent by a parent or family member on behalf of a soldier) may have been initiated on behalf of or without the knowledge of the complainant. The Privacy Act prohibits the release of personal information to third parties without consent (see AR 340-21, chap 3). The complainant's rights to privacy must not be violated. Inspectors general will obtain a DA Form 7433 (Privacy Act Information Release Statement) authorization from the complainant prior to releasing personal information pertaining to the complainant. DA Form 7433 is available on the Army Electronic Library (AEL) CD-ROM (EM 0001) and the USAPA Web site ([www.usapa.army.mil](http://www.usapa.army.mil)). If the complainant is a soldier or civilian Government employee and a participant in alcohol or drug rehabilitation programs, refer to AR 600-85 for an example of the consent statements for release of information. Inspectors general will ensure the complainant's confidentiality and due process rights are protected.

(4) *Withdrawn complaints.* At any point following receipt of a complaint, the complainant or initiator may ask to withdraw the IGAR. This can occur during any phase of the IGAP but more typically occurs during fact-finding. The IG must determine whether to continue the case based on the best interests of the Army or command. The permission of the complainant or initiator is not needed to continue the case. However, IGs should determine why the complainant wants to withdraw the complaint. Possible reprisal, coercion or duress are issues of concern appropriate for IGs. Inspectors general will not suggest that a complainant withdraw a complaint. However, if the complainant desires to do so, IGs will require a written request to properly document the withdrawal or annotate the request in case notes if the complainant declines to submit the withdrawal request in writing.

#### **4-3. Conducting Inspector General Preliminary Analysis (IGPA)**

a. The Inspector General Preliminary Analysis (IGPA) is a thought process used by IGs to determine how best to proceed (contact HQDA (SAIG-TR) for further guidance with assistance and investigations procedures). It may take a few moments, hours, or days. IGPA encompasses several of the inherent steps of the IGAP. This process helps clarify matters of concern, identifies issues, formulates allegations, and initiates a plan of action. It helps determine who should resolve the problem and how to solve it. IGPA is the beginning of the resolution process and may result in several courses of action for the IG. If the results of IGPA indicate that the IGAR received is appropriate for IG action, then the IG will accept the IGAR and open a case. Inspector general action includes, but is not limited to, investigative action, inspection, assistance, and/or referral. IGs could also determine that the case should be referred to another IG or agency or recommend a follow-on investigation.

b. Complaints and requests for assistance may be referred for appropriate action to—

- (1) The responsible Army leader, commander, or management official within the IG's command.
- (2) Other Army IGs, using IG channels.
- (3) The IG, DOD.
- (4) The IGs in other Services.
- (5) DOD, Army, and nonmilitary agencies with purview over the matter of concern contained in the IGAR.

c. An IG is usually in IGPA until a course of action is selected for a particular issue or allegation, but in the course of obtaining facts, additional issues may result in further IGPA concurrent with other IGAP procedures pertaining to the original IGAR.

#### **4-4. Identifying issues and allegations and determining inspector general appropriateness**

a. *Type of IGAR.* Inspectors general will analyze the information presented by the complainant and determine whether that information is a systemic issue, an allegation of impropriety against an individual, a request for help (assistance), or a combination of two or more of these elements. For example, a soldier who complains about not receiving a pay check is a request for help, but it could also be a systemic problem if trends indicate that the same problem may be pervasive throughout the organization. Inspectors general will determine the assistance requested and what issues or allegations the complainant presented. All requests for help and matters of concern must be identified, even if the complainant did not specifically mention them. The complainant must be contacted to clarify the issues, allegations, or concerns. The IG may later refer the complainant to the chain of command or an appropriate staff agency for action. For example, a soldier with a pay complaint who has not initiated the complaint with his or her chain of command or servicing Personnel Administration Center should be encouraged to do so. Inspectors general will follow up referrals to ensure the complainant receives appropriate assistance.

b. *Analyzing allegations.* Inspectors general will analyze each complaint or allegation of impropriety to determine

the potential for embarrassment or adverse impact on their command (of readiness, discipline, morale, efficiency, and so forth).

(1) With concurrence of the commander or directing authority, IGs will promptly notify the next higher IG of the allegation if a determination is made that the allegation would, if substantiated, adversely affect the public perception of the command. The next higher IG will determine which command should actually work the case and will retain the responsibility to review the completed action for thoroughness and impartiality. Normally, the next higher echelon IG should provide the final response to the complainant. Allegations within the meaning of this paragraph will vary. They may include matters such as allegations of impropriety against leaders within a command. Other allegations include areas in which the local or national media may have an interest; complaints of sexual harassment by supervisors; and reports of fraud, waste, and abuse. Inspectors general should consult with their next higher IG in doubtful cases.

(2) All referrals to HQDA, except those concerning general officers, brigadier general selectees, and SESs (see chap 8), will be sent to DAIG's Assistance Division.

*c. Elements of an allegation.* IGARs must be analyzed for any allegations of impropriety. Inspectors general determine the issues and allegations, not the complainants. If the information from the complainant can be formatted into the following four elements of an allegation, the investigative process detailed in chapter 8 should be used to resolve the IGAR.

(1) Who? — The complaint involves an individual rather than an organization.

(2) Improperly? — The subject or suspect is alleged to have committed an improper action.

(3) Did or did not do what? — There is a behavior being described as improper.

(4) In violation of what standard? — There is a policy, regulation or law allegedly violated.

*d. The standards.* The standards allegedly violated usually fall into three categories:

(1) Nonpunitive violations of regulatory guidance.

(2) Punitive violations of law (UCMJ, Federal, State, and local) and regulation.

(3) Violations of established policy, SOPs, standards.

*e. Perspectives.* Inspectors general will always look for larger issues, systemic problems, implied allegations, and condoning of wrongdoing. Chapter 8 contains a detailed discussion for formulating allegations.

*f. Determine IG appropriateness.*

(1) The following issues and allegations are not appropriate for IG intervention:

(a) Criminal allegations (see para 8-3b(1)).

(b) Issues that have other means of redress (see paras *j* and *k* below).

(2) If the appropriate redress procedures were used, IGs will advise complainants that IG involvement focuses on ensuring the complainant received due process and the protection of rights as intended by law and regulation.

(3) When presented with non-IG matters of concern, IGs will advise complainants of the appropriate recipient for resolution of the complaint and normally allow complainants to present their issues to that agency. Inspectors general may elect to refer the issue to the appropriate agency on behalf of the complainant but must be mindful of confidentiality concerns. Inspectors general will provide the necessary information to the agency and determine whether to monitor the action until completion. For example, if an individual alleges criminal activity, IGs will consult with the local USACIDC investigative office. Inspectors general will retain a copy of the original complaint and follow up on cases referred to other agencies. If the referred office does not accept the complaint, IGs may refer the allegation to another agency or to the chain of command for action. Chapter 8 contains further discussion on this topic.

*g. The issue is not Army related.* In cases where the issues are clearly not Army related, the IG should not accept the IGAR and advise the individual to present the complaint to the appropriate agency.

*h. Soldier EO complaints.* The EO advisor (under provisions of AR 600-20), the IG, or an investigating officer (appointed under AR 15-6) may address EO complaints made by soldiers. The manner in which EO complaints are addressed and who specifically addresses the complaint is a command decision. (NG personnel, see para 7-7b.) However, when an EO complaint is presented to an IG, the IG will normally refer the complainant to the supporting EO office for action. Should an EO complaint require IG action, the IG will use the IG Action Process rather than the EO process to resolve the case. When the complainant seeks redress for past alleged discriminatory practices that have become part of official Army records, the IG should advise the complainant to seek redress through appeals procedures provided by law or Army regulations pertaining to the particular adverse action. Examples include OER or NCOER appeals, courts-martial, and other actions listed below.

*i. Hazardous work conditions.* The IGs will advise requesters presenting complaints of hazardous work conditions (unsafe or unhealthy) to follow procedures in AR 385-10.

*j. Redress available to soldiers through other channels.*

(1) There are many situations for which law or regulation provide soldiers a remedy or means of redress. Soldiers must seek the prescribed redress or remedy before an IG can provide assistance. Once the soldier has used the available redress procedures, IG action is limited to a review of the situation to determine if the soldier was afforded the due process provided by law or regulation.

(2) Examples of situations where specific redress, remedy, or appeals procedures are applicable include, but are not limited to, the following:

- (a) Court-martial actions.
- (b) Nonjudicial punishment.
- (c) Officer evaluation reports.
- (d) NCO evaluation reports.
- (e) Enlisted reductions.
- (f) Type of discharge received.
- (g) Pending or requested discharge.
- (h) Complaints that a soldier has been wronged by the commanding officer.
- (i) Reports of survey.
- (j) Relief for cause.
- (k) Adverse information filed in personnel records.
- (l) Claims

*k. Redress available for Department of Defense civilian employees through other channels*

(1) Federal law and regulations and local collective bargaining agreements include procedures for processing grievances and appeals. Procedures are also included for processing equal employment opportunity (EEO) complaints made by civilian employees and NG military technicians pertaining to all aspects of their employment. Procedures prescribed by those publications, rather than IGAR procedures, should be used in processing these complaints. These complaints generally fall into the following four broad categories:

- (a) Grievances within the purview of DOD 1400.25-M.
- (b) Appeals of adverse actions within the purview of sections 7701-7703, title 5, United States Code (5 USC 7701-7703).
- (c) EEO complaints, including reprisals for protected EEO activity, within the purview of section 1614, title 29, Code of Federal Regulations (29 CFR 1614) and AR 690-600.
- (d) Complaints of retaliation or reprisal within the purview of 5 USC 2301 and 5 USC 2302.

(2) A fifth category of civilian complaints that may be acted on by IGs involves matters that do not directly affect the employment situation or well-being of the individual. Examples include complaints or allegations against third parties, reports of alleged misconduct, mismanagement, or other matters requiring command attention.

(3) When a civilian employee makes a complaint, report, or allegation to an IG, the IG must analyze the matter to determine the category into which it falls. Although IGs do not normally handle the complaints listed in (1)(a) through (1)(d) above, they will provide assistance in referring the civilian employee to the appropriate avenue of redress. In making this determination, the IG should seek assistance from the supporting staff judge advocate or command counsel, the civilian personnel advisory center, or the EEO officer, as appropriate. Inspectors general may also consult appropriate ARs and public laws.

(a) If the action request is a grievance (DOD 1400.25-M) or appeal (5 USC 7701-7703), IGs will refer the employee to the local Civilian Personnel Advisory Center (CPAC) for information and assistance. Inspectors general will advise the employee to use procedures provided by the governing regulation to obtain timely consideration and appropriate adjustment of the grievance or appeal. Inspector general involvement in these cases should be limited to the due process aspect, and then only to ensure the employee is allowed to present a grievance, receive an answer, and use the appeal process if necessary. If a local negotiated grievance procedure covers the matter, the employee should be informed that the negotiated procedure must be used.

(b) Inspectors general will not accept EEO complaints. Inspectors general will advise a civilian employee or third party who presents a complaint based on discrimination because of race, color, religion, sex, age, national origin, or handicap condition, or allegations of reprisal for protected EEO activity to contact the EEO officer or an EEO counselor for information and assistance in processing the complaint.

(c) If the employee alleges retaliation or reprisal for the lawful disclosure of information that the employee reasonably believes evidences a violation of any law, rule, or regulation; gross mismanagement; a gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety, then the employee may present the allegation to— Office of the Special Counsel, 1730 M Street, N.W., Suite 300, Washington, DC 20036-4505. The local command may also investigate or conduct inquiry into these cases. Non-appropriated fund (NAF) employees should be referred to IG, DOD.

(d) If the action request pertains to matters other than that directly affecting the employment situation or well-being of the individual (that is, the complaint is not applicable to categories listed above), the IG will employ the IGAR processing procedures described in this chapter.

(4) The commander may determine that a complaint falling within the categories listed above, whether formally presented or only vaguely and informally articulated, contains allegations or other information that require inquiry or investigation. In these cases, the commander may direct an IG investigation or IG inquiry into those allegations while simultaneously processing the employee's complaint or grievance through appropriate channels. The IG investigation

or IG inquiry must clearly be a separate action in which the IG is working for the commander and not the employee. The two actions must not be intermingled; neither action may interfere with nor delay completion of the other. Close coordination with the local CPAC and command legal office is essential.

1. *Systemic issues.* Inspectors general will always analyze individual issues for systemic problems. Inspectors general should review the IGARS database to note trends that may indicate a need for a systematic examination of a particular issue, function or Army system. Although complainants may be referred to other agencies, a large number of complaints recorded in the IGARS for any particular issue does not preclude IGs from inspecting, inquiring, or investigating a systemic issue within their sphere of activity. Nevertheless, followup with complainants who are referred to other agencies is necessary to ensure—

- (1) The complaint was addressed.
- (2) The complainant was afforded due-process.
- (3) IG credibility.
- (4) IG workload is documented.
- (5) Trends and systemic issues are identified and addressed.

#### 4-5. Acknowledging receipt and selecting a course of action

a. *Proper acknowledgment all IGARs.* Inspectors general will acknowledge, verbally or in writing, individual complaints, allegations, or requests for assistance.

(1) Inspectors general receiving a verbal IGAR may acknowledge it at that time but also should provide a written response to formalize the acknowledgment. A record of the acknowledgment must be made in the case file.

(2) Inspectors general do not acknowledge anonymous complaints or requests for assistance. Members of Congress (MC) may refer anonymous letters on behalf of constituents. Although the constituent is anonymous to the IG and may be unknown to the MC, IGs will acknowledge receipt to the MC when appropriate.

(3) An individual may ask an IG for assistance and at the same time seek help from a Member of Congress. Once a MC intervenes, the complainant will not receive a response from the IG. Rather, the MC will receive the IG response from DAIG. Inspectors general must, therefore, inform the complainant that the response will come from the MC and not directly from the IG. This response to the complainant should be done in writing with a copy maintained in the case files.

(4) Inspectors general will inform the complainant that the final response will contain only that information that directly and personally affects the complainant. When the initiator is not the complainant, the IG will explain to the initiator that the response is subject to the release of information by the complainant.

(5) Inspectors general will provide an interim response to complainants when the final response will be delayed beyond the time indicated in the acknowledgment or when the requester will be delayed beyond the time indicated in the acknowledgment or when the requester submits additions to the IGAR that require additional time to process.

(6) Inspectors general will acknowledge IGARs referred by another IG. Cases referred from DAIG do not require an acknowledgment unless specifically directed.

(7) The IG is not required to acknowledge receipt of an information copy of a letter addressed to another agency.

(8) Command IGs and State IGs may receive allegations or complaints against subordinate commands (for example, a corps or MACOM receiving allegations or complaints about division-level activities). When this occurs and it is appropriate to refer complaints or allegations of impropriety to an IG at a lower level for resolution, the complainant will be so informed. Should the complainant express concern about this procedure, IGs will explain that this is the established procedure for handling complaints. Inspectors general will also explain that the purpose of this referral action is to allow the appropriate command the opportunity to identify and correct deficiencies within the command, thereby reinforcing the local chain of command's ability to correct problems once they are identified. The complainant will also be informed that the next higher command will review the completed casework of referred cases to ensure the responsible command thoroughly and impartially addressed the complainant's concerns. If the complainant still objects, the IG will notify the complainant that the case will be resolved at an appropriate level in accordance with the IG process.

b. *Selection of courses of action.* After a determination that the matters of concern are proper for IG involvement, there are normally four generic courses of action available: conduct an IG inspection; conduct an IG investigation or investigative inquiry; conduct an IG assistance inquiry; or refer to another agency. Inspectors general should determine the appropriate courses of action for each complaint, issue, and allegation determined in the IGAR. Often IGARS contain several issues that result in more than one course of action. Inspectors general will determine—

(1) If a systemic problem exists and warrants an IG inspection. If so, the process outlined in chapter 6 (inspection) will be used. If an inspection is not appropriate, the process outlined in chapter 7 (assistance) or chapter 8 (investigations) may be used.

(2) Whether the complaint contains allegations of wrongdoing by an individual, an adverse condition or issue. If so, the process outlined in chapter 8 will be used. Allegations against general officers or members of the Senior Executive Service require referral to USAIGA's Investigations Division (see para 8-3j). Allegations against an IG require referral to the next higher echelon IG (see para 8-3i).

(3) If the concerns are within their purview of directing authority (see para 1-9a). If an IG determines that a concern is outside of his or her authority, the IG will determine the IG of the appropriate organization or the appropriate command agency.

(4) If remaining issues require IG intervention. Teach and train the complainant on appropriate regulations and policy provisions; close the case if necessary.

#### **4-6. Initiating referrals and making notifications**

*a. Referral to the chain of command.* The chain of command (or supervisory chain) has the responsibility and the authority to address complaints. Inspectors general will decide matters that are appropriate for the chain of command and then monitor the case after the referral is made to ensure the chain of command takes proper action. When appropriate, IGs should refer allegations to commanders while protecting confidentiality of the source to the extent possible.

*b. IGARs submitted by members of other Services.* Military personnel and family members of other Services may present complaints to any Army IG. If the IGAR concerns Army related issues, IGs will process the IGAR as appropriate. If the IGAR contains issues that are appropriate for another Service, IGs will refer the issues to that Service IG and assist that Service IG as necessary.

*c. Allegations against a senior NCO or an Army officer.* Any allegation presented to an Army inspector general against a MSG, SGM, CSM, or any Army officer in the grade of major through colonel that resulted in the initiation of an IG investigation or investigative inquiry or a command-directed action such as an AR 15-6 investigation, commander's inquiry, referral to USACIDC, and so forth, will be reported to TIG (ATTN: SAIG-AC) within 2 working days after receipt by rapid and confidential means. AR 600-8-29, Officer Promotions, establishes a requirement for a review of IG records in conjunction with senior officer promotion boards. Other IG records reviews are conducted at the direction of senior Army leaders. The DAIG Assistance Division is the proponent for post selection board review of IG records for other than general officers and members of the Senior Executive Service. The intent of these requirements is to ensure the selection of the best leaders and commanders, to consider information not available to the original board, and to protect the rights of individuals.

*d. Referred issues.* Issues that were identified as being appropriate for other activities and agencies are referred through the appropriate channels. When initiating referrals, IGs must protect confidentiality and comply with IG records release policies. When referring an IGAR through IG channels, do not assume that cases that are transmitted by electronic mail over the IGMET are secure and properly protected.

(1) Referrals of allegations against IGs will be made in accordance with paragraph 8-3i.

(2) Referrals of allegations against senior officials will be made in accordance with paragraph 8-3j.

*e. Notification.* If IGs initiate an inquiry or recommend an investigation they will verbally notify appropriate commanders or supervisors and the subjects or suspects of the inquiry/investigation and inform them of the nature of the allegations. The notifications will be documented and enclosed to the ROI. (See para 8-4.)

#### **4-7. Conducting inspector general fact-finding**

*a. Fact-finding* is the essence of what inspectors general do in fulfilling their role as the extension of the commander. Fact-finding involves the process of obtaining factual information in the conduct of IG inspection, assistance, and investigation functions to resolve the issues and allegations determined from an IGAR, whether the IGAR is from a complainant or a request from a commander. After the IG selects the appropriate course of action, one or more of the following informal or formal fact-finding processes ensues. The IG may—

(1) Conduct an IG inspection. For guidance on conducting an IG inspection, see chapter 6, The IG Inspection Function.

(2) Render IG assistance and conduct an IG assistance inquiry. For guidance on providing IG assistance, see chapter 7, The IG Assistance Function.

(3) Conduct an IG investigation or IG investigative inquiry. For guidance on conducting an IG investigation or investigative inquiry, see chapter 8, The IG Investigation Function.

*b. Fact-finding* is not conducted when a case is referred to another agency for action and when closing the case after IG Preliminary Analysis.

#### **4-8. Making notifications of results**

*a.* At the completion of the inquiry or investigation the subject/suspect must be notified of the results in writing.

*b.* At the completion of the inquiry or investigation any intermediate commanders, or individuals who were initially notified of the inquiry/investigation will be again notified. If it is inappropriate to notify any of the persons who were initially notified, the IG will notify a higher level commander of the results. Inspectors general will notify appropriate commanders of substantiated conclusions contained in their reports even if the commander was not initially notified of the investigative inquiry. Results of all allegations will be recorded in the IGARS database along with the IG's recommendations and command's response to the recommendations, if applicable. In all cases, the final subject/suspect notification will be conducted by the official IGARS office of record and recorded on the DA 1559.

c. If assistance was provided, information directly pertaining to the complainant regarding actions taken should be provided to the complainant.

#### **4-9. Conducting followup**

a. Followup ensures all issues have been thoroughly addressed and the IG responsibilities have been fulfilled. This includes followup on any needed corrective actions. Corrective actions may not satisfy complainants. The IG's primary concern is with ensuring IG actions, command decisions or proponent actions were completed. Followup should include a review of issues previously addressed to determine if further appeal procedures are available or due process should be examined by the IG. Inspectors general may personally conduct the followup or address the issue during a future inspection.

b. If a problem is not resolved, the IG must determine the reason for it. Some problems cannot be resolved until a standard, that is, law, regulation, or policy is changed. The IG's case is not closed until all appropriate actions are completed.

#### **4-10. Closing the Inspector General Action Request**

Closing an IGAR consists of providing the complainant a final reply, notifying the suspect/subject (see para 8-4b(7) for investigations and para 8-4b for inquiries), closing the file in the IGARS database, making the appropriate reports, and analyzing any developing trends. All IGARS will result in a final response to the complainant, except for anonymous complaints. The final response to the complainant should be written but may be made verbally. Responses will be annotated in the case file and the electronic database file. The complainants do not have a right to know the results of allegations that do not pertain to them directly. Inspectors general may advise the complainant to request such information using FOIA procedures, although there is no requirement to do so.

a. DA Form 1559 serves two primary purposes. It is the control form for the case file, and it is the base document that facilitates entry into IGARS. Inspectors general will enter IGAR information on completed cases into the IGARS database in accordance with the procedures contained in the IGARS user's manual issued with the database software (contact HQDA (SAIG-IR) for further guidance). The IG office of record is responsible for entering the case data. Other IG offices may enter information into their automation system database for case management purposes using the appropriate case identifier. The assigned case number of the IG office of record will be used throughout this process.

b. Those IG offices not electronically connected with DAIG will forward completed data to DAIG in accordance with guidance from DAIG Information Resources Management Division.

c. Complainants who are not satisfied with the response they received will be advised to seek redress through the IG of the next higher command. Complainants may contact DAIG/IG, DOD at anytime regarding requests for assistance, complaints, or allegations but should be encouraged to seek redress initially through lower level headquarters IGs.