



DEPARTMENT OF THE ARMY
HEADQUARTERS, 10TH MOUNTAIN DIVISION (LIGHT INFANTRY)
FORT DRUM, NEW YORK 13602-5000

AFDR-CG

9 September 2021

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy Memorandum #22, Submission of Derogatory Information Reports

1. References:

a. DoD Instruction 5200.02, DoD Personnel Security Program (PSP), 21 March 2014 and Incorporating Change 3, 24 September 2020.

b. DoD Instruction 6490.08, Commander Notification Requirements to Dispel Stigma in Providing Mental Health Care to Service Members, 17 August 2011.

c. DoD Manual 5200.02, Procedures for the DoD Personnel Security Program (PSP), 03 April 2017.

d. DoD 5220.22-M, National Industrial Security Program Operating Manual, 28 February 2006, and Incorporating Change 2, 18 May 2016.

e. AR 380-67, Personnel Security Program, 24 January 2014.

f. AR 381-12, Threat Awareness and Reporting Program, 1 June 2016.

2. This memorandum supersedes and replaces Installation Policy Memorandum 12-36, Reporting of Derogatory Information, dated 09 November 2012.

3. Commanders will report all derogatory incidents (as defined in Reference c.) to the Department of Defense Consolidated Adjudication Facility (DoD CAF) through the 10th MTN DIV (LI) G2 Security office. Categories of reportable information include:

a. Sabotage, espionage, treason, terrorism, anarchy, sedition, or attempts, preparation, or conspiracy with or aiding others to commit these acts.

b. Establishing/continuing sympathetic association with any individual in item "a", including agents of a foreign nation or any person who advocates use of force or violence against the United States by unconstitutional means. This includes knowingly being a member or furthering the aims of such a person or group.

c. Unauthorized disclosure of classified information.

d. Accepting and maintaining dual citizenship or other acts which serves (or could be expected to serve) the interest of another government in preference to the interests of the United States

e. Disregard of public law, statues, Executive Orders, or regulations, including violation of security regulations or practices.

f. Criminal or dishonest conduct.

g. Acts of omission or commission that indicate poor judgment, unreliability, or untrustworthiness.

h. Any behavior or illness, including a mental condition which, in the opinion of competent medical authority, may cause a temporary or permanent defect in judgment or reliability.

i. Vulnerability to coercion, influence, or pressure that may cause conduct contrary to the national interest. This includes familial ties or other bonds of affection/affinity/obligation.

j. Excessive indebtedness, recurring financial difficulties or unexplained affluence.

k. Habitual or episodic use of intoxicants to excess.

l. Illegal or improper use, possession, transfer, or sale of or addiction to any controlled or psychoactive substance, narcotic, cannabis, or other dangerous drug.

m. Any knowing and willful falsification, cover up, concealment, misrepresentation, or omission of material fact from any written or oral statement, document, form or device used by DoD or other Federal agency.

n. Failing or refusing to answer, or authorizing others to answer questions or provide information required by any congressional committee, court, or agency in the course of an official inquiry, including refusal or intentionally failing to provide a current Personnel Security Questionnaire (PSQ), or omitting material facts in a PSQ or other security form.

o. Sexual behavior that involves a criminal offense, indicates a personality or emotional disorder, reflects lack of judgment or discretion, or which may subject the individual to undue influence, coercion, exploitation, or duress, or that which raises questions about the individual's reliability, trustworthiness and ability to protect classified information.

4. All DA Form 5248-R and supporting documents for these cases will be routed to/thru the G2 Security office in order to meet submission criteria and to serve as a quality

control/quality assurance mechanism. G2 Security will submit these reports into Joint Personnel Adjudication System (JPAS) and Defense Information System for Security (DISS) systems of record (or their successor systems) on the units' behalf.

5. Commanders are kept abreast of derogatory activity by their Soldiers through the Military Police Blotter. Additional sources of information regarding derogatory activity include Blue 17 Serious Incident Report (SIR) reports, Commander's Critical Information Requirement (CCIR) reports, as well as local law enforcement and courts, and local news media. The Brigade or equivalent level Security Manager is responsible for tracking and maintaining records regarding the submission of derogatory information to 10th MTN DIV (LI) G2 Security office and subsequently, to DoD CAF.

6. Individuals in possession of a security clearance and any coworker or supervisor, regardless of access to classified information, have a responsibility to report derogatory information to the appropriate supervisor, Commander, or security official when they become aware of information with potentially serious security significance regarding someone with access to classified information.

7. All DA Form 5248-R submissions must be signed by the first Summary Court Martial Convening Authority (SCMCA).

8. Commanders must provide a recommendation on the DA Form 5248-R indicating if classified access is being suspended – either formally or informally. If the Commander, based on the seriousness of the derogatory information, elects to “Informally” suspend the individual's access, the Commander may later decide to restore access prior to DoD CAF rendering a final adjudication of the information. However, if the Commander elects “Formal” suspension of access at any time during the lifecycle of the reporting, the Commander may not restore access until or unless a final favorable adjudication of the information is made by the DoD CAF. Commanders must also ensure the Special Security Office (SSO) is notified of the derogatory information if the person is indoctrinated for Sensitive Compartmented Information (SCI). This is accomplished by ensuring block #2 of the DA 5248-R is filled out on the initial report, and a copy forwarded to the 10th MTN DIV SSO.

9. Commanders or security professionals will report derogatory information and any actions taken or anticipated within 72 hours to the appropriate adjudication facility via JPAS and make a determination on whether the derogatory information warrants the suspension of access to classified information. Commanders will submit the completed DA Form 5248-R and all available supporting documentation to the G2 Security office within 30 days of (be specific about what triggers the clock). For cases involving Positive Urinalysis, the unit must also provide the Commander's Positive Notification Sheet, Laboratory Results Report, Unit Ledger, and DA 2624 with the Initial report.

10. Follow-Up reports must be submitted to 10th MTN DIV (LI) G2 Security, at minimum every 90 days, counted from the date the incident occurred. These reports

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will include a DA Form 5248-R, updated to reflect the current status of the incident and any additional actions the Commander, local police, or courts have taken related to the incident. Any new or updated supporting documentation related to the incident must also be attached and submitted with the updated DA Form 5248-R. Follow-Up reports may be submitted earlier than the 90 day recurrence when new or significant updates to the incident have occurred.

11. A final report will be submitted at conclusion of the Command action, or when all actions have been closed or completed by local law enforcement or courts, as appropriate. These reports will include a DA Form 5248-R and all new supporting documentation which shows the results of any inquiries, investigations, board actions, court martial, Uniform Code of Military Justice (UCMJ) actions, and the like.

12. Derogatory reports must be submitted even when the individual concerned does not possess a security clearance.

13. Commanders and security managers that have DoD Contractor personnel working for, with duty at, or assigned to a work unit under their purview are required to notify the appropriate Contract Officer Representative (COR) or the contractor's Facility Security Officer (FSO) of any derogatory information discovered. The COR or FSO with purview over the individual is then responsible for properly reporting that information to the Defense Security Service (DSS), or Personnel Security Management Office for Industry (PSMO-I), and to the DoD CAF for appropriate action IAW Ref 1(d).

14. The Point of Contact for this memorandum is Mr. L. Sean Haga, Security Specialist, (315) 774-4144.

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