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HEADQUARTER, 25TH INFANTRY DIVISION AND U.S. ARMY HAWAII
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SCHOFIELD BARRACKS, HI 96857-6000

APVG-CG

7 January 2021

MEMORANDUM FOR RECORD

SUBJECT: United States Army Hawaii (USARHAW) Policy Letter #23 – Intelligence Oversight

1. References:

a. Executive Order (EO) 12333, United States Intelligence Activities, December 1981; as amended in EO 13284, January 23, 2003; EO 13355, August 27, 2004; and EO 13470, July 30, 2009.

b. Department of Defense (DoD) Directive 5240.01 (DoD Intelligence Activities).

c. DoD Regulation 5240.1-R, Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons, December 1982, Incorporating Change 1, August 2016.

d. Directive Type Memorandum 08-052, DoD Guidance for Reporting Questionable Intelligence Activities and Significant or Highly Sensitive Matters, June 2009, Incorporating Change 7, August 2016.

e. Army Regulation 381-10, US Army Intelligence Activities, May 2007.

2. Applicability. This policy applies to all military and civilian intelligence personnel assigned or attached to the USARHAW G2, assigned to a subordinate intelligence unit/section, or operating in support of USARHAW in intelligence or intelligence related activities.

3. Policy. Intelligence Oversight (IO) is a program designed to enable intelligence components to effectively carry out their authorized missions, while protecting the constitutional rights and privacy of United States (U.S.) persons. The program achieves this objective by clearly defining who intelligence activities may legally target and who intelligence activities may not target. Intentionally targeting U.S. persons without appropriate mission approval is a willful violation of U.S. law and a serious crime punishable by court-martial under the UCMJ. Commanders are responsible for IO Programs within their formations and shall ensure that assigned personnel and unit operations follow the laws, directives, regulations, and policies related to IO. The intent of this policy is also to develop a continuous living IO program, rather than a reactionary one based on external inspections.

a. Unit IO Officers. Commanders, with assigned Military Intelligence personnel or organizations conducting intelligence operations, shall appoint a primary and alternate Unit Intelligence Oversight Officer (IOO) in writing via appointment memorandum. IOOs must be an intelligence professional with experience and rank commensurate with their responsibilities and the size of the unit. IOOs must be actively involved in the unit's intelligence mission and have a thorough understanding of unit intelligence operations. Copies of appointment orders shall be retained in unit IO continuity books, with copies furnished to the higher headquarters unit IOO and the USARHAW IOO. At the unit level, IOOs shall ensure intelligence oversight of operations is routine, integrated into unit organizational inspection programs, standing operating procedures and tactics, techniques, and procedures. Intelligence oversight practices will receive periodic inspections from higher headquarters. IOO duties will be reflected on evaluation support forms. Within 30 days of appointment, new IOOs must meet with the Division IOO in order to assess the new IOO's knowledge and familiarity of the IO Program. Based on this evaluation the Division IOO will develop an individual training plan to address any knowledge gaps.

b. IO Training Requirements. IO training shall be conducted in person, by an appointed unit IOO, and be tailored to the unit mission. Training shall include, at a minimum, Procedures 1-4 and 14-17 as directed by reference 1e, and DoD-directed criteria and procedures described in reference 1d. All personnel conducting or supervising intelligence collection, analysis, or dissemination operations, and those with influence over intelligence operations or personnel engaged in such operations, including commanders and their command staff, shall receive the aforementioned training.

(1) Newly Assigned Personnel. All newly assigned Military Intelligence Personnel, and those performing intelligence duties, must complete initial IO training within 30 days of assignment. Personnel will complete training and sign an IO Statement of Understanding which shall be maintained on record for two years.

(2) Annual Refresher Training. All newly assigned Military Intelligence Personnel, and those performing intelligence duties shall also receive IOO led scenario-based refresher training annually. Unit participants must re-sign their Statement of Understanding upon completion of each annual training event. IOOs shall document completion of annual training via memorandum which identifies training participants by name and furnish a copy to their higher IOO.

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c. Annual Files Review. Commanders shall ensure that all subordinate units conduct an annual formal IO review of intelligence documents and files. Units will purge documents as required. Unit IOOs shall document the results of the annual review via memorandum that identifies the findings and provide a copy to their higher headquarters IOO to confirm requirement completion.

d. IO Continuity Books. Unit IOOs will maintain an IO continuity book that includes hard copies of applicable regulations and policies, appointment orders, training records, documentation of annual file reviews, and recent inspection results. IO continuity books are subject to inspection to validate compliance with this policy and shall include at a minimum, those items directed by the Division IO SOP and the IOO.

e. Reporting Violations or Questionable Activities. Anyone who believes they have knowledge of a violation or questionable activity will report this incident immediately through their command, to the Division IOOs, or the 25th ID Inspector General no later than four business days after identification of the incident. Personnel may also report directly to the Army General Consul, The DoD General Consul, The Department of the Army Inspector General or the DoD Senior Intelligence Oversight Official.

4. This policy will remain in effect until superseded or rescinded.

5. Point of contact for this action is the HUMINT G2X at 808-437-1382.



JAMES B. JARRARD
Major General, USA
Commanding