



REPLY TO  
ATTENTION OF

**DEPARTMENT OF DEFENSE**  
**UNITED STATES SOUTHERN COMMAND**  
3511 NW 91ST AVENUE  
MIAMI, FL 33172-1217

31 May 2000

SC Regulation 20-1  
Effective Upon Receipt

Assistance, Inspections, Investigations

## ACTIVITIES AND PROCEDURES

1. **PURPOSE.** To prescribe the mission, responsibilities, and concept of operation of the Inspector General (SCIG), United States Southern Command (USSOUTHCOM). This regulation applies to all Security Assistance Offices (SAOs) of USSOUTHCOM, joint commands subordinate to USCINCSO, component commands, and Headquarters, USSOUTHCOM.

### 2. REFERENCES.

a. DOD Directive 5106.4, Inspectors General (IGs) of the Unified and Specified Combatant Commands

b. Army Regulation 20-1, Inspector General Activities and Procedures

c. Executive Order 12333, 4 Dec 81, United States Intelligence Activities

d. DOD Directive 5240.1, DOD Intelligence Activities

e. DOD Directive 5240.1-R, Procedures Governing the Activities of DOD Intelligence

Components that Affect United States Persons

f. CJCS Instruction 5901.01, Conduct of Inspections, Investigations and Intelligence Oversight

g. USSOUTHCOM Inspector General Checklist

h. SC Regulation 37-4, Management Control Program

i. DOD Directive 7050.6, Military Whistle Blower Protection

\* This regulation supersedes USSOUTHCOM Reg 20-1, dated 10 July 1997.

j. DOD Directive 5505.6, Investigations of Allegations Against Senior Officials of the Department of Defense

k. DOD Directive 5500.7, Standards of Conduct

3. APPENDICES.

a. APPENDIX A. Inspections

b. APPENDIX B. Investigations and Inquiries

4. BACKGROUND AND ORGANIZATION. Reference (a) establishes the position of inspector general and the Office of the Inspector General in each unified command. When necessary to accomplish specific tasks, the Office of the Inspector General will be augmented from command and other appropriate personnel resources.

5. MISSION, RESPONSIBILITIES, AND FUNCTIONS.

a. The Office of the Inspector General assists the CINC in maintaining effective command and control and high standards of operational readiness throughout U.S. Southern Command Area of Responsibility.

b. The Inspector General will monitor, evaluate, assess, and investigate operational and administrative areas within the scope of the CINC's authority and essential to mission performance in peacetime and during contingencies. In exercising these responsibilities, the Inspector General will conduct evaluations, inspections, assist visits, and investigations (Appendices (A) and (B) pertain) as directed by the CINC, DCINC, or Chief of Staff (COS). Specific responsibilities and functions include:

- (1) Evaluate operational command and control systems.
- (2) Evaluate operational readiness of assigned forces.
- (3) Evaluate the command's Security Assistance Program.
- (4) Evaluate the command's Urinalysis Program.
- (5) Evaluate the Force Protection posture of assigned forces.
- (6) Monitor the command's Operations Security Program.
- (7) Monitor intelligence oversight.
- (8) Evaluate areas of special interest designated by the CINC.

(9) Investigate, as appropriate, allegations and complaints concerning violations of Service regulations, mismanagement, serious error, fraud, waste, abuse, or related improprieties.

(10) Coordinate the DOD Hotline Program at USSOUTHCOM.

(11) Perform other duties as required by law or regulation or as directed by the CINC, DCINC, or COS.

c. The Inspector General is also responsible for evaluating selected joint exercises conducted within U.S. Southern Command. These evaluations assist the CINC in determining the efficacy of USSOUTHCOM-sponsored exercises in preparing assigned forces for mission accomplishment.

6. POLICY. No coordinated joint policy exists to guide unified command inspectors general activities and procedures. In the absence of such policy, the USSOUTHCOM Inspector General has adopted the general policy of the U.S. Army as specified in reference (b). To the extent possible and practical, the USSOUTHCOM Inspector General will follow U.S. Army (Executive Agent for USSOUTHCOM) procedures and guidance in providing assistance and conducting inspections and investigations.

## 7. RECORDS.

a. Inspector General records are any written or recorded inspector general work products. Other documents contained in the IG files but not prepared by or for the inspector general are not inspector general records for purposes of review and release. Requests for such documents must be referred to their originators.

b. Inspector general records are the property of USSOUTHCOM. The Office of the Inspector General maintains these records on the CINC's behalf. Inspector general records often contain sensitive information. Unauthorized use or release of these records may seriously compromise inspector general effectiveness as a trusted adviser to the CINC and violate the principle of confidentiality that is essential to inspector general work.

c. Inspector general records may be provided to individuals, commands, or agencies within U.S. Southern Command with a need for these records in the official performance of duties. A request for inspector general records by an individual, command, or agency outside U.S. Southern Command authority, but with a need for the records in the official performance of duties, must be made in writing to the Inspector General, U.S. Southern Command. The USSOUTHCOM IG is the release authority for requests for records for official purposes.

d. Requests for release of inspector general records for unofficial or personal purposes are made under the provisions of the Freedom of Information Act (FOIA). Requests for IG records from state, county, and/or municipal governments are processed under FOIA also. Requests for release of records under FOIA must be made in writing to the USSOUTHCOM FOIA Coordinator (SCJ1-A). Requests that affect a partner nation in the USSOUTHCOM Area of Responsibility (AOR) will also be reviewed by the command's Foreign Disclosure Council.

e. Inspector General records will not normally be used as a basis for adverse action against individuals except when specifically authorized by the Inspector General.

8. CONFIDENTIALITY. Protecting the anonymity of units and individuals associated with inspector general activity is a priority concern. However, confidentiality cannot be guaranteed.

9. RELATIONSHIP WITH OTHER INSPECTORS GENERAL.

a. The USSOUTHCOM Inspector General has direct oversight responsibility for individuals, commands, and activities operationally and administratively assigned to USSOUTHCOM. The functions and responsibilities described in this regulation are not intended to interfere with the established responsibilities of Services' or Service components' inspectors general. To the extent possible and practical, USSOUTHCOM Inspector General activities will be coordinated with the inspectors general serving other commands to avoid unnecessary duplication of effort and overlap into service administrative and support areas. Matters discovered during the conduct of inspections or evaluations but outside the responsibility of USSOUTHCOM Inspector General or the inspector general of a component command will be referred to the appropriate commander for disposition.

b. Component commanders retain jurisdiction to exercise their authority in the inspection or investigation of areas pertaining only to the parent service. In these cases, coordination will be made with the USSOUTHCOM Inspector General, who will notify the commander of the applicable SAO or subordinate joint command.

10. ADMINISTRATION. The Inspector General will be granted the necessary security clearances and program indoctrination to allow unrestricted access to military operating areas, facilities, information, and personnel in order to accomplish tasking within the scope of this instruction or as directed by the CINC, DCINC, or COS.

The proponent agency for this regulation is the U.S. Southern Command. Users are invited to send comments and suggested improvements directly to HQ USSOUTHCOM/SCJ1-C, 3511 NW 91<sup>st</sup> Avenue, Miami, FL 33172-1217

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## APPENDIX A

## INSPECTIONS

1. Inspection Policy. The Inspector General is authorized to conduct inspections of any unit assigned to USSOUTHCOM. The Inspector General will tailor inspections to meet the CINC's needs. Inspections must be relevant and responsive to those needs. To be relevant, inspections must provide practical, accurate, and timely feedback to the CINC and staff. To be reliable, inspections must reflect accurately the condition of the inspected unit, activity, or system. Inspection results are reported to the CINC, the staff, or the subordinate commanders, as appropriate. Inspection results will not be used to compare or rank units. Inspector general inspections are not intended to reward or penalize units, commanders, or individuals.

2. Inspection Standards. Inspections will:

a. Measure force readiness objectively and against standards derived from law, established policy, and regulations.

b. Identify problems or potential problems with force readiness, policy, and regulations.

c. Seek the root cause of identified problems and possible solutions.

d. Teach systems, processes, and procedures.

e. Identify responsibility for corrective action.

f. Disseminate innovative ideas.

3. Inspection Procedures.

a. To the extent practicable, USSOUTHCOM Inspector General inspections will not duplicate inspections of subordinate commands by other appropriate authorities.

b. Inspection schedules will be prepared for the succeeding fiscal year and will be distributed to inspected commands and activities once approved by the CINC. Only the CINC, DCINC, or COS can authorize unannounced inspections of subordinate units by the Inspector General.

c. Augmentees will be drawn from appropriate staff sections when necessary to support Inspector General inspections. Although not required, commanders at any echelon may send representatives to accompany the Inspector General, if so desired.

d. The inspection team chief will conduct an entrance briefing as soon as possible after arrival. The briefing will provide the purpose, scope, and concept of the inspection. The inspected unit's commander will brief the team on significant aspects of command activities and local administrative and security requirements for the team. A brief summary of any problem areas and any additional areas the unit commander would like included in the inspection will be provided prior to the inspection team's arrival at the inspected unit.

(1) For Security Assistance Offices (SAO), the commander will coordinate the Team Chief's courtesy call on the Ambassador or Deputy Chief of Mission and the Defense Attaché prior to the team's arrival. Visits to host country military units and/or facilities will not be scheduled unless requested by the host country or when considered to be in the best interests of promoting United States – host country relationships.

(2) An exit briefing will be held at which all inspection team members will be present. The unit commander will determine inspected command representation. The exit briefing will include an overall assessment of organizational efficiency, areas and personnel that deserve to be commended, deficiencies and findings with recommended solutions, and general comments and observations on the inspection. However, the results of the inspection are not final until approved by the CINC.

(3) Report of Inspection. The inspection team chief will prepare a final report of inspection within 10 working days following the team's return to the Headquarters. The original will be forwarded to the inspected activity commander for information and action as appropriate. Information copies will be provided to appropriate USSOUTHCOM directors/heads of special staff sections.

(4) Follow up. The COS will determine when deficiencies are of sufficient concern to warrant follow up. When directed by the IG, inspected units or staff directorates identified as action agencies will report progress in rectifying the deficiency.

(5) Completed Report. The IG, USSOUTHCOM, will retain the completed report either for a period of three years following the inspection or until completion of the next formal inspection. The report will be available to the staff and unit commanders for review prior to visits to the inspected command.

e. Requirements for follow-on visits or re-inspections will be coordinated by the Inspector General, USSOUTHCOM with the appropriate SAO/component/subordinate joint command.

4. Required Inspections. The following areas require periodic inspections by the Inspector General (for planning, the inspection cycle should be every two years but will not exceed three years).

a. Intelligence oversight programs of USSOUTHCOM intelligence components. (includes JIATF-East, JIC, JTF-Bravo, SOCSOUTH, and HQ USSOUTHCOM SCJ2). References (c) through (f) provide the policy and standards for inspecting intelligence oversight programs.

(1) Each of these commands is required to submit a quarterly report of intelligence oversight activities undertaken during the quarter.

(2) The report will include information concerning questionable intelligence activities, actions taken in response to these activities, and suggestions for improving intelligence oversight.

(3) These reports are due to USSOUTHCOM Inspector General by the 10<sup>th</sup> day following the end of each quarter. References (d) and (e) require USSOUTHCOM to submit a quarterly report of intelligence oversight activities. USSOUTHCOM IG will forward a consolidated report 15 days after the end of the quarter to the Joint Staff Inspector General.

b. SAOs. SAOs should normally be inspected every 24 months, except when an organization is judged to be unsatisfactory overall, in which case a re-inspection will be required within ninety days. (Scheduling will be on a fiscal-year basis with an approved schedule published in September for the next year). Reference (g) is a tool the inspection team uses as a guide during the inspection and is available for use by inspected units.

c. Management Control Program, as directed in reference (h), will be accomplished in conjunction with IG inspections.

5. Staff Assistance Visits (SAV). At the request of the unit commander, the Office of the Inspector General will coordinate an SAV, the purpose of which is to provide technical help in specific functional areas. Also, unit commanders are encouraged to coordinate SAVs with the functional area Directorate.

## APPENDIX B

## INVESTIGATIONS AND INQUIRIES

## 1. Policy.

a. The inspector general investigation is used to respond to serious or sensitive allegations or other matters deemed appropriate by the CINC, DCINC, or COS. The purpose of inspector general investigations and inquiries is to provide the CINC with a sound and factual basis for proper action in response to allegations of wrongdoing. Investigations by the Inspector General will be limited to matters approved by the directing authority, normally the Deputy Commander in Chief or Chief of Staff.

b. Essential requirements of an investigation by the Inspector General include notification to commanders or supervisors and subjects or suspects included in the investigation of the nature of the allegations, appropriate rights warnings, and notification of commanders or supervisors and subjects or suspects of the results of the investigation upon its completion.

c. Expanding the scope of an investigation requires approval of the directing authority. If the Inspector General discovers matters requiring investigation, which are outside the bounds of an ongoing investigation, the Inspector General will report them to the directing authority so an appropriate investigation can be initiated.

d. An inquiry is the most common means used by inspectors general to gather information needed to respond to a request for assistance. It is an informal fact-finding process that may be as simple as making a single telephone call. If statements are taken during an inquiry, they normally are not recorded or sworn. Inspector general inquiries normally provide the basis for responding to assistance requests and allegations that fall below the threshold of serious or sensitive wrongdoing.

## 2. Jurisdiction.

a. The Inspector General may investigate or inquire into allegations of the following nature:

- (1) Violations of policy, regulation, or law.
- (2) Mismanagement, unethical behavior, or misconduct.

(3) Allegations of wrongdoing not involving serious misconduct or criminal behavior.

b. The Inspector General should not normally investigate allegations when:

(1) The alleged impropriety is of a nature that, if substantiated, would likely constitute criminal misconduct. (While many allegations of acts or omissions may be seen as criminal insofar as they could be phrased as dereliction of duty, violation of a regulation, or conduct unbecoming an officer, this does not necessarily prevent an investigation by the Inspector General).

(2) Substantiation of allegations is likely to result in adverse action against individuals.

(3) An established means of redress, remedy, or appeals exists and is available to the complainant. For example, military personnel have the chain of command; civilian employees also have the chain of command and civilian grievance procedures available for redress of wrongdoing.

3. Disposition of Inspector General Investigative Reports. Inspector general records include Reports of Investigation and Inquiry, extracts of these reports, supporting records and summaries. All inspector general records are the property of USSOUTHCOM. As such:

a. It is imperative that the confidentiality of inspector general reports be maintained. However, under some conditions, information contained in inspector general reports may be provided to commanders or higher military authority for official use.

b. Nothing prevents a senior commander or higher military authority from obtaining, upon proper request, a copy of a completed Report or Investigation/Inquiry.

c. A Report of Investigation/Inquiry is not normally provided to anyone who is not a member of USSOUTHCOM or higher authority. This restriction is necessary because:

(1) A Report of Investigation/Inquiry contains recommendations made in confidence to the CINC.

(2) A Report of Investigation/Inquiry is advisory in nature and the conclusions and recommendations are not binding upon the command.

(3) A Report of Investigation/Inquiry may include personal comments and opinions of witnesses.

d. Inspector general reports, including witness testimonies and exhibits, will not be furnished to any agency or individual outside USSOUTHCOM or higher authority within DOD unless approved by the Inspector General, USSOUTHCOM.

e. When the CINC or the Inspector General determines it necessary to use information contained in Reports of Investigation/Inquiry, the information will normally be provided to agencies and individuals within the USSOUTHCOM staff and DOD in summary format. Summaries are factual and complete; however, the following is not normally included:

(1) Classified material, except on a need-to-know basis to personnel possessing the appropriate security clearance and access.

(2) Information received from agencies outside USSOUTHCOM unless approval of the pertinent agency is obtained by the requester.

(3) Information revealing investigative techniques to include:

(a) Identity of confidential information or sources of information.

(b) The names(s) of the inspector(s) general who conducted the investigation.

(c) The opinions, conclusions, or recommendations of the inspector general.

(d) Any other information, if disclosure would involve a breach of faith or violate a moral obligation to keep the information confidential.

(e) Derogatory testimony toward a senior, which, if released, could result in adverse action against the witness.

4. Military Reprisal Complaints. Section 1034 of Title 10, U.S.C., requires an expeditious investigation of allegations of reprisal for whistle blowing submitted by military members. Reference (i) implements 10 U.S.C. 1034. This reference prohibits:

a. Restricting a military member from making a protected communication to a member of Congress; an inspector general of a DOD component; a member of a DOD audit, inspection, investigation, or law enforcement organization; or any other person or organization in the chain of command.

b. Taking or threatening to take an unfavorable personnel action or withholding, or threatening to withhold, a favorable personnel action as reprisal for making or preparing a protected communication to a person or organization identified in paragraph 4a above.

c. Generally, the Inspector General should not combine the investigation of the protected communication of alleged wrongdoing with the investigation of any associated reprisal allegations. The issue of reprisal should be handled as a stand-alone investigation. The challenge to reprisal investigations comes in obtaining evidence to answer four central questions:

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

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

(3) Did the official responsible for taking, withholding, or threatening the personnel action know about the protected communication?

(4) Does the evidence establish that the personnel action would have been taken, withheld, or threatened if the protected communication had not been made? Reference (i) outlines in detail the required procedure to be followed in military reprisal investigations and guides investigators through these questions.

5. Military Equal Opportunity Complaints. If an equal opportunity complaint is made with the Office of the Inspector General, the Inspector General may initiate an inquiry into the complaint or elect to pass the complaint to the USSOUTHCOM Equal Opportunity Advisor for resolution. The Inspector General will notify the Equal Opportunity Advisor of Inspector General investigations of equal opportunity complaints.

6. DOD Hotline Complaints. DOD Hotline complaints referred to USSOUTHCOM will be examined by the Inspector General. The examinations should be completed and the results reported to DOD within 90 days of receipt. When required, the Inspector General will rely upon the staff to obtain the services of qualified auditors, inspectors, or investigators to assist with the examination. The identity of individuals who make Hotline complaints should be protected to the maximum extent possible. Complainants shall be assured that they can report instances of fraud, waste, and abuse without fear of reprisal.

7. **Civilian Complaints.** The role of the Inspector General in processing grievances, appeals, and equal employment opportunity (EEO) complaints is usually one that involves determining the nature of the complaint and where the employee should take the complaint for action. In most situations, civilian complaints are not appropriate for inspector general action, except to ensure due process. There are four broad categories of civilian complaints:

a. **Grievances.** Civilian grievances should be referred to the lowest appropriate supervisor in the chain of command for resolution. The Civilian Personnel Division (SCJ1-C) and representatives at the Civilian Personnel Advisory Center, Fort Benning, Georgia can provide employees assistance and advice on grievance procedures and time requirements for filing.

b. **EEO complaints.** EEO complaints, including reprisals within the purview of 29 C.F.R. 1614, should be referred to the EEO Liaison (SCJ1-C) or USSOUTHCOM EEO counselors. SCJ1-C provides staff assistance and advice on EEO matters. EEO complaints must be processed within EEO channels.

c. **Reprisal Complaints.** Reprisal complaints within the purview of 5 U.S.C. 2301 and 2302 (whistle blower) should normally be referred to the Office of Special Counsel (OSC.)

d. **Appeals of adverse actions** within the purview of Title 5, U.S.C., Sections 7701-7703. The SCJ1-C will provide guidance in Merit System Protection Board appellate procedures.

e. A fifth category of civilian complaints involves matters not directly related to employment or individual well being. This category includes allegations against third parties, reports of misconduct, mismanagement, or other matters requiring command action. The commander can review and attempt to resolve complaints without referral to outside agencies. Many of these complaints may be appropriate for Inspector General action.

8. **Allegations Against Senior Officials.** Reference (j) provides guidance on processing allegations against senior officials. Allegations of serious misconduct against senior officials shall be reported to the Inspector General, DOD, at the time allegations are made. A senior official is a military officer on active duty, retired, reserve, or national National Guard in grades 0-7 and above; current and former civilians in the grade of GS or GM-16 or above; or current and former members of the Senior Executive Service.

Serious misconduct is an offense that, if proven, would constitute a violation of criminal law or the Uniform Code of Military Justice; a violation of the DOD Standards of Conduct, reference (k); an abuse of authority; a violation of a statutory post-government service restriction; or a matter that can reasonably be expected to be of significance to the Secretary of Defense or the Inspector General, DOD. Normally, allegations made against flag or general officers assigned to USSOUTHCOM will be reported to the Inspector General of the accused officer's parent service.