



COMMANDER IN CHIEF, U.S. PACIFIC COMMAND
(USCINCPAC)
CAMP H.M. SMITH, HAWAII 96861-4028

USCINCPACINST 5040.5E
J004
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USCINCPAC INSTRUCTION 5040.5E

Subj: COMMANDER IN CHIEF, U.S. PACIFIC COMMAND INSPECTOR GENERAL

- Ref:
- (a) DOD Directive 5106.4, 7 Jan 93
 - (b) Organization and Functions Manual, HQ, USCINCPAC
 - (c) Army Regulation 20-1 (IG Activities and Procedures)
 - (d) Executive Order 12333, 4 Dec 81
 - (e) DOD Directive 5240.1, 25 Apr 88 (DOD Intelligence Activities)
 - (f) CJCS Instruction 5902.01, 15 Dec 95
 - (g) USCINCPAC EAP Volume I, Feb 95
 - (h) USCINCPAC Instruction 5040.2N, 4 Mar 92 (SAO Evaluation)
 - (i) DOD Directive 7050.6 (Military Whistleblower Protection)
 - (j) IG, DOD Guide 7050.6, 6 Feb 96
 - (k) USCINCPAC Instruction 5354.1, 10 Jun 96
 - (l) PWC Pearl Harbor Instruction 12000.1A, 6 Sep 88
 - (m) DOD Directive 5505.6, 12 Jul 91
 - (n) DOD Directive 5500.7, 30 Aug 93

- Encl:
- (1) Inspections
 - (2) Evaluations
 - (3) Investigations and Inquiries

1. Purpose. To prescribe the mission, responsibilities and concept of operation for the Commander in Chief, U.S. Pacific Command Inspector General (USCINCPAC Inspector General). This instruction is completely revised and should be reviewed in its entirety.

2. Cancellation. USCINCPAC Instructions 5040.5D, 5040.6C, 5040.7C, 5040.8B, 5040.9, 5040.10, and 5040.11A.

3. Background and Organization. Reference (a) establishes the position of inspector general and the Office of the Inspector General in each unified command. Reference (b) assigns the Deputy Commander, USCINCPAC, as the Inspector General. The Inspector General is assisted by three deputies of senior military rank reflecting the Service balance of the command. When necessary to accomplish specific tasks, the Office of the Inspector General will be augmented from command and other appropriate personnel resources.

4. Mission. The Office of the Inspector General assists the CINC in maintaining effective command and control and high standards of operational readiness throughout the Pacific Command.

5. Responsibilities and Functions

a. The Inspector General will monitor, evaluate, assess, and investigate operational and administrative areas within the scope of the CINC's authority essential to mission performance in peacetime and in war. In exercising these responsibilities, the Inspector General will conduct evaluations, inspections, and investigations (enclosures (1) through (3) pertain) as directed by the CINC or DCINC. 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) Monitor the command's Operations Security Program.
- (5) Monitor intelligence oversight.
- (6) Provide evaluation support to personnel assigned to the USCINCPAC staff and commands and activities assigned to USCINCPAC.
- (7) Evaluate areas of special interest designated by the CINC.
- (8) Investigate, as appropriate, allegations and complaints concerning violations of Service regulations, mismanagement, serious error, fraud, waste, abuse, or related improprieties.
- (9) Coordinate the DOD Hotline Program at USCINCPAC.

b. The Inspector General is also responsible for evaluating selected joint exercises conducted within the Pacific Command (enclosure (2)). These evaluations assist the CINC in determining the efficacy of USCINCPAC-sponsored exercises in preparing assigned forces for mission accomplishment.

6. Policy. No coordinated joint policy exists to guide unified command inspector general activities and procedures. In the absence of such policy, the USCINCPAC Inspector General has adopted the general policy of the U.S. Army for its inspectors general (reference (c)). To the extent possible and practical, the USCINCPAC Inspector General will follow the guidance and procedures provided in reference (c), Army Regulation 20-1, in conducting assistance, inspections, investigations, and evaluations.

7. Records

a. Inspector general records are any written or recorded inspector general work product. Files may contain documents that were not prepared by or for the inspector general. Such documents 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 USCINCPAC. These records are maintained on the CINC's behalf by the Office of Deputy Inspector General. 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 USCINCPAC 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 USCINCPAC authority must be made in writing to the Inspector General, USCINCPAC. The USCINCPAC Inspector General is the release authority for all inspector general records.

d. Freedom of Information Act (FOIA) requests for Inspector General, USCINCPAC records must be made in writing to the USCINCPAC FOIA Manager (J0421).

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.

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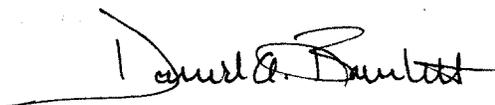
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f. Exercise evaluation reports will normally be completed and approved by the Inspector General within 30 days of exercise completion. Unlike other inspector general records, exercise evaluation reports are written to be read by a wide audience. Once reports are approved by the Inspector General, they can be widely distributed, inside and outside DOD channels, unless distribution is specifically restricted by the Inspector General.

8. Confidentiality. Protecting the anonymity of units and individuals associated with inspector general activity is a priority concern. Confidentiality can not, however, be guaranteed.

9. Relationship With Other Inspectors General. The USCINCPAC Inspector General has direct oversight responsibility for individuals, commands, and activities operationally and administratively assigned to USCINCPAC. The functions and responsibilities described in this instruction are not intended to interfere with the established responsibilities of Services' or Service components' inspectors general. To the extent possible and practical, USCINCPAC Inspector General activities will be coordinated with the inspectors general serving other commands.

10. Administration. Deputy Inspectors 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 Inspector General.



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Lieutenant General, USA
Deputy USCINCPAC/Chief of Staff

Distribution: (USCINCPACINST 5605.1L)
List IA and B
List IIA, B, C, and G
List IIIA2

INSPECTIONS

1. Inspection Policy. The Inspector General is authorized to conduct inspections of any unit assigned to USCINCPAC. The Inspector General should tailor inspections to meet the CINC's needs. Inspections must be relevant and responsive to these 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 should attempt to:

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. Spread innovative ideas.

3. Inspection Procedures

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

b. Inspection schedules will be prepared and distributed to inspected commands and activities as far in advance as possible of a scheduled inspection. Only the CINC or DCINC 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.

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d. The senior inspector will notify an appropriate authority in the inspected command of the inspection team's arrival at the beginning of the inspection visit, and of departure when the inspection is complete. If desired by the inspected command, the senior inspector should provide the command with a summary of the inspection results. Inspection out briefs should be given with the caveat that the results of the inspection are not final until approved by the Inspector General.

4. Required Inspections. The following functional areas require periodic inspections by the Inspector General (the inspection cycle should not exceed three years).

a. Intelligence oversight programs of USCINCPAC intelligence components. These include: ALCOM, JIATF-WEST, JICPAC, JICPAC Detachment, JTF-FA, SOCPAC, USFJ, and USFK. Executive Order 12333, reference (d), DOD Directive 5240.1 reference (e), and CJCSI 5902.01, reference (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 should include information concerning questionable intelligence activities, actions taken in response these activities, and suggestions for improving intelligence oversight.

(3) These reports are due to USCINCPAC Deputy Inspector General by the 10th day following the end of each quarter. Reference (f) requires USCINCPAC to submit to the Joint Staff Inspector General a quarterly report of intelligence oversight activities 15 days after the end of each quarter.

b. Command and control systems of Service components and sub-unified commands. Command and control systems include the facilities, equipment, communications, procedures, and personnel essential to a commander for commanding and controlling operations of assigned forces. Inspected commands include ALCOM, PACFLT, PACAF, USARPAC, USFJ, and USFK. USCINCPAC EAP Volume I, reference (g), provides the policy and standards for inspecting command and control systems.

5. Funding. Funding for inspections by the Inspector General is provided by the Comptroller, USCINCPAC, to the Office of the Deputy Inspector General.

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EVALUATIONS

1. Evaluation Policy. The Inspector General maintains a capability to evaluate operational and administrative concerns within USCINCPAC. The purpose of Inspector General evaluations is to provide the CINC and staff with objective and factual information in areas of concern from which informed decisions can be made. Examples of operational and administrative areas the Inspector General might evaluate:

- a. Joint operational activity, interoperability, and doctrine.
- b. Joint exercises and training.
- c. Staff organization and functions.
- d. Items of special interest.
- e. Program evaluation.
- f. Command climate and morale.
- g. Security assistance programs.
- h. Command and control issues.
- i. Communications security.

The Inspector General routinely evaluates major joint exercises and security assistance programs within the Pacific Command. Inspector General evaluations of other areas will be as directed by the CINC or other appropriate authority within the command, such as a staff director.

2. Exercise Evaluations. The Inspector General is responsible for evaluating USCINCPAC-sponsored joint exercises. Exercises selected for evaluation are determined by the CINC and the Director for Operations (J3) according to theater priorities and operational need. The Inspector General, USCINCPAC, is the only evaluation authority for USCINCPAC-sponsored exercises. Other commands and activities with evaluation interests in any USCINCPAC-sponsored exercise should coordinate their evaluation effort with the Inspector General and provide copies of their evaluation reports to the Inspector General, USCINPCAC. Funding for exercise evaluations is a J3 responsibility (the Inspector

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General is not provided funding for exercise evaluations). Staffing and funding limitations restrict the number of exercises the Inspector General can evaluate to four per year.

a. Exercise Evaluation Concept. Evaluations, by definition, serve to determine the value and significance of what is being evaluated. The exercise evaluation effort is built around a concept that focuses on ways to improve the exercise process as a means of training joint staffs and forces in mission accomplishment. This concept is built upon the belief that good training leads to combat readiness, and, that the only way to get good training--short of actual operations--is through well designed and realistic exercises. Exercise evaluations provide feedback to exercise designers and controllers on the capability and appropriateness of a particular exercise to meet training objectives and readiness concerns. These evaluations attempt to measure the efficacy of the training process and not the performance of exercise participants. Unit performance is best measured by commanders using well constructed and executed exercises as a tool for self-assessment.

b. Evaluation Teams. There are no standing evaluation teams assigned to the Office of the Inspector General. Evaluation teams are formed ad hoc and tailored to meet the desired evaluation objectives of the user. The Deputy Inspector General will usually lead any evaluation effort and draw upon staff expertise and Service-affiliated analytical agencies as necessary to form evaluation teams. Funding for these teams is provided from the USCINCPAC exercise budget managed by the Exercise and Training Division (J35).

3. Security Assistance Program Evaluation. Reference (h) outlines the procedures for Security Assistance Program evaluation in the Pacific Command. Security Assistance Program evaluations determine the efficacy of security assistance organizations to carry out USCINCPAC's security assistance mission. The Inspector General, working with the Logistics and Security Assistance Directorate (J4), assists in these evaluations by forming Performance Evaluation Groups (PEGs) to evaluate designated security assistance organizations. The PEGs are ad hoc teams consisting of staff members with appropriate expertise in desired evaluation areas and are tailored to individual security assistance organizations. There is no set evaluation schedule; the Inspector General and the J4 will determine evaluation location and frequency.

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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 or DCINC. 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 Deputy Inspector General will be limited to matters approved by the directing authority, normally the Deputy Commander/Chief of Staff/Inspector General.

b. Essential requirements of an investigation by the Inspector General include a notification of 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 Deputy Inspector General discovers matters requiring investigation, which are outside the bounds of an ongoing investigation, the Deputy 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.

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(3) Other 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.¹

(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 USCINCPAC. 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 getting, upon proper request, a copy of a completed Report of Investigation/Inquiry.

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

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

¹While 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.

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(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 USCINCPAC or higher authority within DOD unless approved by the Inspector General, USCINCPAC.

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

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

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

(3) Information revealing investigative techniques to include:

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

(b) The name(s) of the inspector 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.

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4. Military Reprisal Complaints. Section 1034 of Title 10, U.S.C., requires an expeditious investigation of allegations of reprisal for whistleblowing 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?

d. Reference (j) outlines in detail the required procedure to be followed in military reprisal investigations and guides investigators through these questions.

5. Military Equal Opportunity Complaints. Reference (k) provides instruction on processing equal opportunity complaints by military personnel assigned to USCINCPAC. If an equal

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opportunity complaint in 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 USCINCPAC Equal Opportunity Officer for resolution. The Inspector General will notify the Equal Opportunity Officer of Inspector General investigations of equal opportunity complaints.

6. DOD Hotline Complaints. DOD Hotline complaints referred to USCINCPAC 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 draw 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 extent possible. Complainants shall be assured that they can report instances of fraud, waste, and abuse without fear of reprisal.

7. Civilian Complaints. Reference (1) outlines the procedures for processing grievances, appeals, and equal employment opportunity (EEO) complaints. The role of the Inspector General in these cases 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 Liaison Branch (J122) and representatives at the Human Resources Office, Navy Public Works Center, Pearl Harbor, can provide employees assistance and advice on the grievance procedure 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 Department, Human Resource Service Center, Pacific Region. The J122 provides staff assistance and advice on EEO matters. EEO complaints must be processed in EEO channels.

c. Reprisal Complaints. Reprisal complaints within the purview of 5 USC 2301 and 2302 (Whistleblower) 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.

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e. The fifth category of civilian complaints involves matters not directly related to employment or individual well-being. These include 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 (m) 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 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 (n); 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 USCINCPAC will be reported to the Inspector General of the accused officer's parent Service.