(U) Office of the Director of National Intelligence
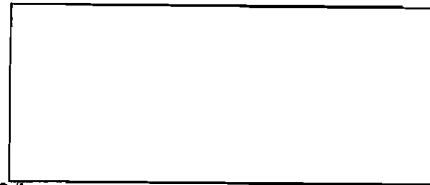
Office of the Inspector General

(U) Annual Report
January 31, 2008

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(U) Message from the Inspector General

(U) This reporting period marked the second full year of operations for the Office of the Inspector General (OIG) for the Office of the Director of National Intelligence (ODNI). In accordance with the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), the Director of National Intelligence (DNI) established the ODNI OIG in July 2005.

(U) This past year, the primary impetus of the OIG's efforts was to execute on the Intelligence Community (IC) reform mission by recommending improvements in the following four general focus areas:

- Increased information sharing in the IC,

- Enhanced financial management in the ODNI and IC,

- Efficient and effective management of the ODNI, and

- Effective integration of law enforcement into the IC.

(U) The ODNI OIG completed or initiated several significant projects in 2007 to address these focus areas, including a review of domestic intelligence integration, an organizational and cultural Diagnostic of the ODNI, a follow-up review of the National Counterterrorism Center (NCTC), an inspection of Advanced Geospatial Intelligence (AGI) capabilities, and an initiative to promote auditable financial statements. Many of these projects are ongoing and will be expanded or completed in 2008. We also conducted several investigations.

(U) In addition, in cooperation with the other IC Inspectors General, we have conducted an IC-wide review of the terrorist watchlist nomination process.

(U) I anticipate that our volume of investigations and inquiries will increase in 2008, and I intend to keep the DNI and Congress informed of our work.

(U) For myself and the staff of the OIG, we are honored to serve and are committed to accomplishing our goals.

Edward Maguire
Inspector General
Office of the Director of National Intelligence

(U) Table of Contents

(U) Office Profile

(U) The Director of National Intelligence (DNI) established the Office of the Inspector General (OIG) to detect and deter waste, fraud, abuse, and misconduct involving the Office of the Director of National Intelligence (ODNI) and IC programs and personnel, and to promote economy, efficiency, and effectiveness in the ODNI and IC operations. The OIG has responsibility for programs and operations internal to the ODNI, as well as responsibility over community-wide and cross-agency matters that are within the DNI's authorities.

(U) The OIG staff inspects and audits programs; assists management in promoting integrity, economy, efficiency, and effectiveness; and investigates alleged violations of criminal and civil laws, regulations, and ethical standards arising from the conduct of ODNI and IC employees in their numerous and diverse activities.

(U) OIG Organization
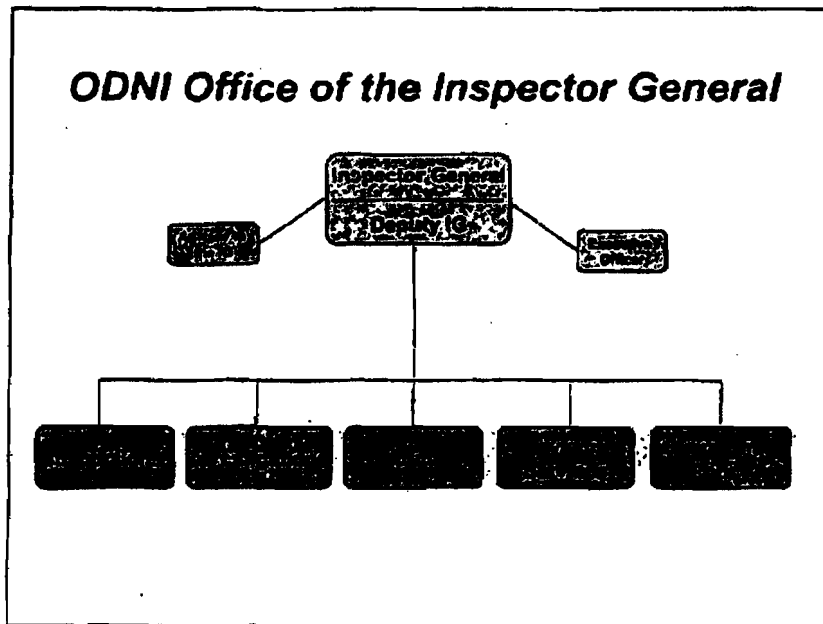

ODNI Office of the Inspector General

Figure 1 - UNCLASSIFIED

(U) The OIG consists of the following divisions:

(U) **Inspections Division.** Conducts program and management reviews that include on-site inspection, statistical and substantive analysis, and the evaluation of documentary evidence to review ODNI and IC programs and activities, and makes recommendations for improvement.

(U) **Audit Division.** Executes independent program and financial audits of ODNI programs, computer systems, and financial statements, as well as performance and financial audits of IC programs and operations falling within the authorities and responsibilities of the DNI.

(U) **Investigations Division.** Investigates allegations of violations of criminal laws and administrative regulations arising from the conduct of ODNI employees and contractors, as well as IC employees and contractors whose duties fall under the authorities and responsibilities of the DNI.

(U) **Advisory Services Division.** Conducts process improvement and management consulting for the ODNI, its centers, and the IC. Assists the IC in developing, documenting, and implementing processes, procedures, performance measures and metrics, and process interfaces to improve both effectiveness and efficiency.

(U) **Oversight and Policy Division.** Monitors and analyzes trends and patterns concerning intelligence oversight activities across the IC, liaises with the President's Foreign Intelligence Advisory Board's Intelligence Oversight Board (IOB), liaises with congressional oversight committees, and conducts policy studies on behalf of the Inspector General (IG).

(U) OIG Personnel

(U) The OIG authorized workforce level for FY 2007 was 21. As of January 15, 2008, the OIG had 19 staff on board, with vacancy announcements pending for 2 staff positions that would bring the OIG to full capacity. In the 2008 Defense Appropriation Act, $2 million was appropriated specifically for the OIG to hire 12 additional staff. However, the OIG has not hired against those appropriated positions pending authorization from the ODNI front office, and the additional 12 positions are not reflected in the staffing table below.

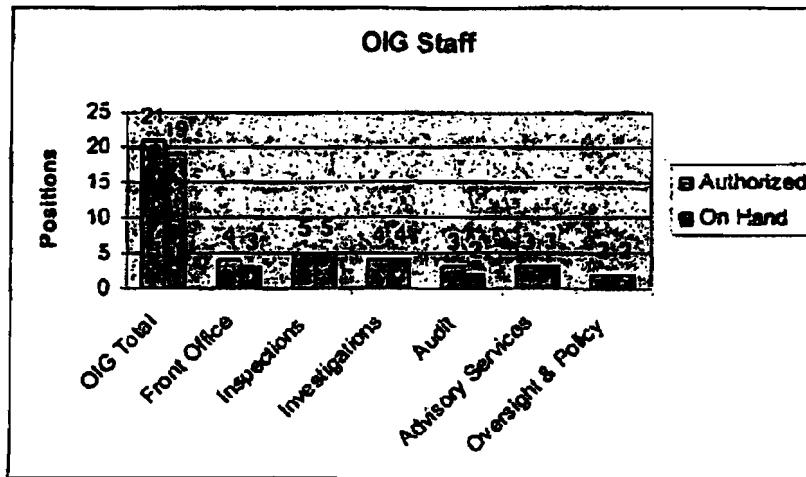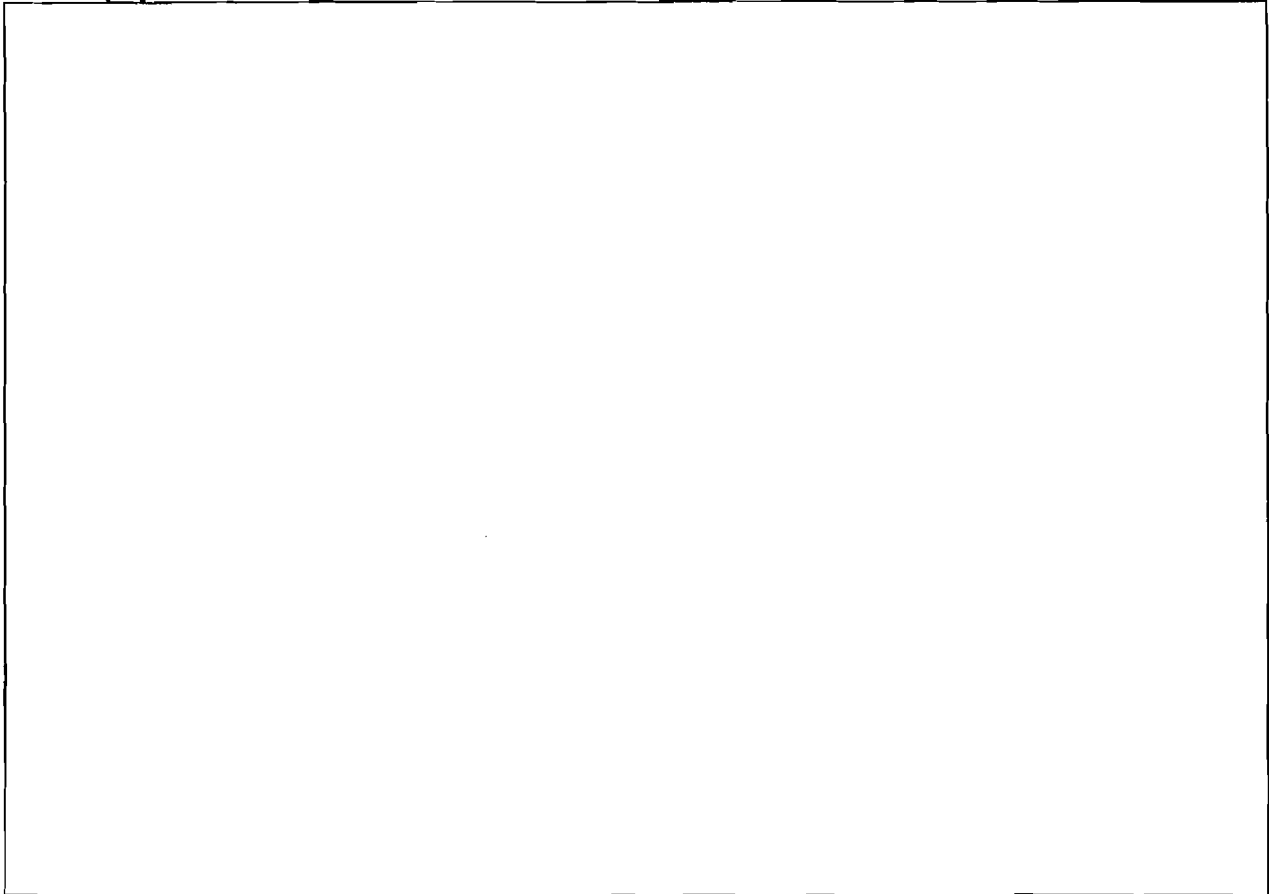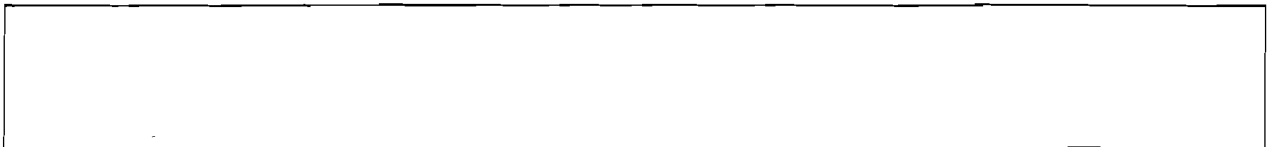

Figure 2 - UNCLASSIFIED

(U) OIG Resources

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# (U) Completed Projects

(U) Inspections and Reviews

(U) Review of Dissemination of Sensitive Reporting

(U) The DNI tasked the OIG to study current practices throughout the IC relating to the dissemination of compartmented intelligence and to make recommendations for improvement.

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(U//FOUO) To address these findings, the OIG recommended that the DNI: 1) establish an office to promulgate policies and procedures for dissemination and access, and 2) establish an objective process for arbitration of dissemination disputes for the IC's most sensitive intelligence. The DNI concurred with the recommendations, and many IC agencies began implementing them.
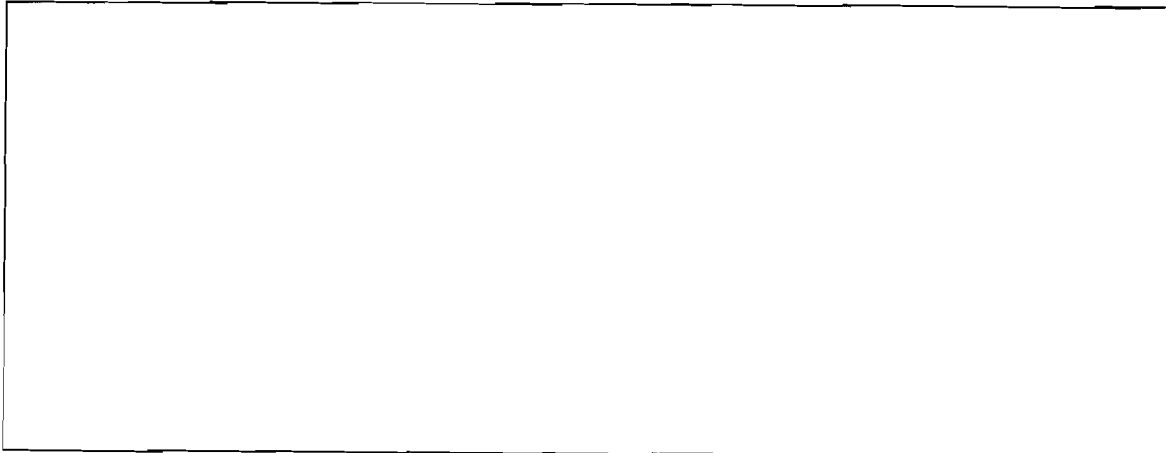
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(U//FOUO) The Federal Bureau of Investigation (FBI) appointed a Working Group to establish formal dissemination policy and procedures   The Working Group has not yet published the formal policy and procedures for the FBI, but anticipates doing so in 2008.

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(U//FOUO) While the National Security Agency (NSA)   , it has improved the efficiency of its dissemination efforts by automating the distribution of its sensitive series reporting. The OIG believes that the NSA has sufficiently addressed the recommendations,

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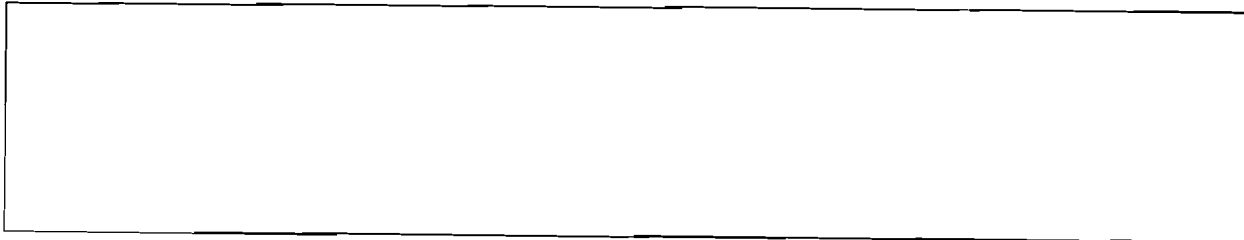
(U) National Ground Intelligence Center (NGIC) Follow-Up

(U) In 2005, the OIG inspected the operations of the NGIC, which was criticized by the WMD Commission and by the Senate Select Committee on Intelligence in its Report on the IC's Pre-war Intelligence Assessments on Iraq. The OIG found that the NGIC had instituted new systems and rules relating to work flow processes and senior staff reviews, instituted a formalized quality assurance program, and developed and launched new training programs to achieve higher analytic standards within its organization.

(U//FOUO) During this reporting period, the OIG issued a report of a follow-up inspection it conducted to assess the NGIC's progress in maintaining and implementing new procedures and programs to[   ] The OIG found that NGIC had made progress in the overall implementation of their programs and processes, but that some training initiatives remained in development or were awaiting approval.

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(U) Audits

(U) Audit of the Contract Award Process for the CASES Program

(U) The Contract Advisory and Assistance Services/Systems Engineering and Technical Assistance and External Analysis and Conferencing Support (CASES) Program is one of the largest corporate contract programs for the ODNI, with a total estimated value of $406 million. The CASES program provides contractors for support and technical assistance to the ODNI. The OIG, in conjunction with the CIA OIG, audited the process used to award the Indefinite Delivery/Indefinite Quantity (ID/IQ) contracts under CASES. Specifically, the OIG reviewed the actions and decisions made from requirements definition through award of the ID/IQ contracts to determine whether they were executed in accordance with ODNI and CIA policies and procedures.

(U) The audit determined that the ODNI and the CIA generally complied with the Federal Acquisition Regulation (FAR) and the CIA Contracting Manual in conducting the acquisition planning, contract solicitation, and the source selection procedures. However, the acquisition planning did not address performance-based acquisitions as required by the FAR. As a result, we recommended that the Chief, ODNI Contracts, amend the CASES acquisition plan to address the FAR requirements for performance-based acquisitions, issue a policy to implement performance-based acquisitions in the ODNI, and provide training to the contracting officers and contracting officer technical representatives on performance-based acquisitions. The Chief, ODNI Contracts, concurred with the recommendations.

(U) Federal Information Security Management Act (FISMA) Review

(U) The FISMA requires the Inspector General for each agency to conduct an annual independent evaluation of the agency's information security programs and practices. The evaluation includes testing the effectiveness of information security policies, procedures, and practices of a subset of agency systems. To oversee the implementation of policies and practices relating to information security, the Office of Management and Budget (OMB) has issued guidance to agencies for their FISMA requirements.

(U) In fiscal year (FY) 2007, the OIG evaluated whether the ODNI has implemented a comprehensive information security program for internal ODNI operations and for the IC's information systems. The review determined that while the ODNI has elements of an information security program and is making efforts to put a comprehensive plan in place, it has

not yet implemented a comprehensive information security program for either internal ODNI operations or for the IC's information systems. We recommended that the Chief Information Officer (CIO) and Security continue to work on establishing a comprehensive and effective information security program and to develop information security strategic plans.

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(U) Advisory Services

(U) Diagnostic of the ODNI

(U) The DNI requested that the OIG conduct an Organizational and Cultural Diagnostic and Design Study (Organizational Study) of the ODNI. The OIG interviewed a total of 146 ODNI employees from every ODNI office and across all grade levels. During the interviews, ODNI employees identified several mostly cultural conditions in the ODNI that could be improved.

(U) The OIG briefed the senior leadership of the ODNI regarding the OIG's findings and recommendations and delivered to the DNI a final report containing our findings, statistical evidence supporting our findings, and recommendations for improvements and future actions. ODNI management concurred with many of the recommendations, and the OIG will continue to monitor implementation of these recommendations.

(U) Organizational and Cultural Diagnostic of DDNI/Acquisition

(U) The Deputy Director of National Intelligence (DDNI)/Acquisition requested that the OIG conduct a follow-up study of Acquisition based on the Organizational Study to determine whether some of the conditions identified during the ODNI Diagnostic as needed improvement, exist in Acquisition. The OIG interviewed approximately 50% of the employees of Acquisition to address the issues raised in the Organizational Study and identified 3 challenges facing the DDNI/Acquisition: vertical and horizontal information flow, lack of respect for

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DDNI/Acquisition's authorities, and confusion regarding internal structural changes. The OIG provided its recommendations to the DDNI/Acquisition and he concurred with them.

(U) Assessment of ODNI Human Resource Management Functions

(U) The Director of the Intelligence Staff and the Executive Review Board requested the Advisory Services Division conduct a comprehensive review of the Human Resource Management (HRM) function of the ODNI. The purpose of the review was to determine the efficiency and effectiveness of the HRM function, document HRM processes, and make recommendations for improvement.

(U) Through the review process, the OIG identified several key conditions that must be addressed in order to improve the efficiency and effectiveness of the ODNI HRM function, including: 1) policies, processes, and procedures; 2) authorities and responsibilities; 3) organization and staffing; 4) system support; and 5) management responsiveness. The ODNI concurred with many of the OIG's recommendations, has successfully implemented some of them, and is in the process of implementing others.

(U) Investigations

(U//FOUO) The OIG conducted 19 investigations during this reporting period, including improper use of position, improper use of government resources, disparate hiring practices, contract irregularities, time and attendance abuse, voucher fraud, policy and procedure adherence, and ethics violations. Select investigations are highlighted below:

(U//FOUO) Misuse of a government vehicle:
The OIG conducted an investigation into the activities of a senior ODNI official to determine whether the official committed contract fraud, abused official travel, and misused a government vehicle. The investigation found that the official did not commit contract fraud or abuse official travel; however the official misused a government vehicle on four occasions.

(U//FOUO) Iraqi Media Release Project (IMRP):
The OIG reviewed and evaluated the policies, processes, and procedures developed to implement and manage the IMRP and whether the established policies and procedures were followed in the posting of three Iraqi nuclear-related documents, generally believed to be classified by IC elements. The study determined that policies and procedures were followed; however, the procedures for document review lacked sufficient guidance, which caused the inappropriate release of classified documents to a public website.

(U//FOUO) Counterfeit of an Official Insignia:
A joint investigation by the ODNI OIG and the CIA OIG developed evidence that a contract employee of the ODNI forged the signature of the former Principal Deputy DNI on a fraudulent document. During this reporting period, the contractor pled guilty to one misdemeanor count of counterfeit of an official insignia and was sentenced to 60 days of home detention, 18 months probation, and a fine of $2500.

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(U//FOUO) Allegation of Possible Fraudulent Reimbursements:
The OIG received an allegation of irregularities regarding the travel voucher submissions of an ODNI employee during his previous employment by another IC agency. The investigation determined that although the subject was improperly reimbursed for several days of per diem while he was on leave, his vouchers were prepared by his office manager and the errors were unintentional.

(U//FOUO) Allegation of Abuse of Position:
The OIG investigated an ODNI official for allegations that he had threatened reprisals against several ODNI employees. These allegations were not substantiated.

(U//FOUO) Use of Subpoena Authority:
During this reporting period, the ODNI Inspector General did not exercise subpoena authority under section 7(a)(4) of ODNI Instruction 2005-10.

(U) Oversight and Policy Division

(U) Cyber Operations Study
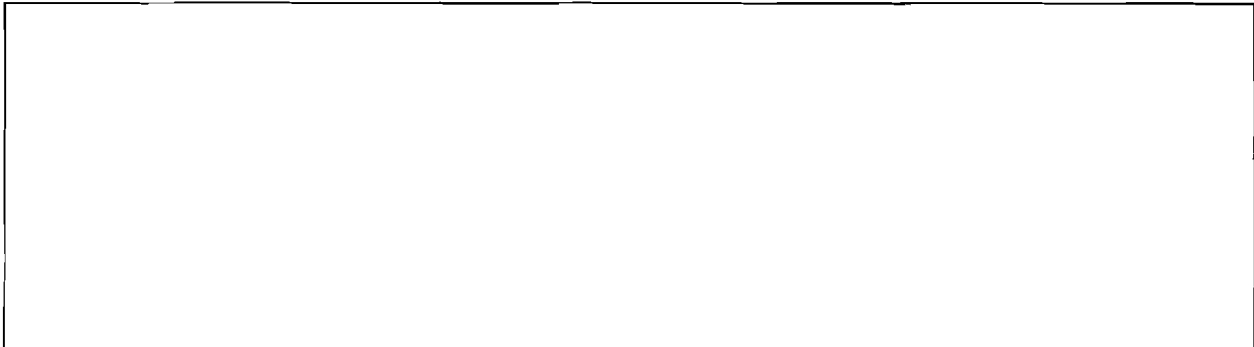
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cyber operations.

(U) Intelligence Oversight

(U) The OIG analyzed reporting to the Intelligence Oversight Board (IOB) by the IC IG community. In addition, other intelligence oversight activities included conducting site visits to several IC IG intelligence oversight offices, communicating IOB reporting standards, assisting the Civil Liberties Privacy Office with the Protect America Act Compliance Assurance Program, and serving as an IC IG focal point for questions regarding intelligence oversight efforts.

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(U) Intake Program

(U) The OIG implemented an integrated on-line complaint intake program so members of the IC can alert the OIG to incidents of fraud, waste, abuse, or substantial and specific danger to public health and safety. The program is located on the ODNI OIG JWICS web page.

(U) Intelligence Community Inspector General Activities

(U) Intelligence Community Inspectors General Forum

(U) The ODNI Inspector General chairs the Intelligence Community Inspectors General (IC IG) Forum, a quarterly meeting of all Intelligence Community Inspectors General, or their designees. The ODNI OIG also fulfills the Executive Secretariat function for the forum.

(U) The IC IG Forum is designed to promote and further collaboration, cooperation, and coordination among the IGs of the IC, with the purpose of strengthening the collective role and effectiveness of IGs throughout the IC, enhancing the value of OIG activities in support of the National Intelligence Strategy, and increasing efficiency by avoiding duplication of effort among the IGs of the IC. Throughout 2007, the IC IG Forum provided the IGs a venue in which to share information, educate one another, and discuss and collaborate on matters of common concern.

(U) 13th Annual Intelligence Community Inspectors General Conference

(U) The ODNI OIG hosted the 13th annual Intelligence Community Inspectors General Conference. The topic for the conference was "Procurement Fraud," and it featured panels and sessions on issues like the Joint Department of Justice (DOJ) / IG Task Force on Procurement Fraud (see the discussion of the NPFTF in Ongoing Projects), IG perspectives on procurement fraud, fraud issues in a war zone, intelligence oversight by Congress, and forensic investigations. Over 300 Inspectors General and staff from 15 OIGs attended the conference, as did the Honorable Paul McNulty, Deputy Attorney General, whose keynote address focused on the prevention and detection of procurement fraud, and the important partnership between DOJ and OIGs.

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(U) Ongoing Projects

(U) Inspections and Reviews

(U) Review of the NCTC, Phase II: Effectiveness of Community Relations

(U//FOUO) In 2006, the OIG conducted the first of a two-phase inspection of the NCTC, which focused on the overall performance of the NCTC and its mission. In March 2007, the OIG began Phase II of the inspection of the NCTC. Phase Two examines the state of relations between the NCTC and its federal and non-federal partners, including:

- Activities that are complementary, overlapping, competing, or counterproductive among the counterterrorism (CT) organizations;
- Information sharing among CT organizations;
- IC and Law Enforcement community perspectives on the present and future role of the NCTC and the rationale for those perspectives;
- The effectiveness of the NCTC's external collaboration; and
- The quality, utility, and accessibility of NCTC products.

(U) Review of the Terrorist Watchlist Nomination Process: Findings and Recommendations for Action

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are working together to review the processes for nominating individuals to the consolidated terrorism Watchlist. The respective agencies' OIGs have examined the watchlisting process within their own agencies, and the ODNI is analyzing their findings as part of its review of the watchlisting process across the IC.

(U) Inspection of Advanced Geospatial Intelligence (AGI) Capabilities

(U//FOUO) In response to concerns raised by the Senate Select Committee on Intelligence

with a focus on the most critical activities and capabilities required to   **(b)(3)**

. To date, the OIG has gathered over 6,000 pages   **(b)(3)**
of documents, interviewed over 300 officers across the IC, and examined the following AGI program activities:

- Functional management as executed by NGA and other IC organizations;
- Inter-agency collaboration.   **(b)(3)**
- The effects of program compartmentation and data access – for AGI collection, exploitation, and analysis;
- Collection, processing, and exploitation systems development;

- Exploitation and analysis planning and strategics; and
- AGI applications as reflected in intelligence analysis and reporting.

(FOUO) Upon completion of this inspection, the OIG will provide specific recommendations to execute key aspects of AGI program objectives for the IC and the National System for Geospatial Intelligence.

(U) Review of Implementation of the Joint Duty Directive

(U) As stated in the previous Annual Report, the OIG had planned to initiate a review of the IC's implementation of the ODNI's Joint Duty Directive in 2007. However, because the Intelligence Community Civilian Joint Duty Implementing Instructions were issued in June 2007, the OIG decided to defer this review until the program has been operational for a sufficient period of time.

(U) Oversight of Service Contracts

(U) The OIG announced in last year's annual report that it planned to evaluate whether ODNI Contracting Officers Technical Representatives (COTRs) provide sufficient oversight for service contracts to ensure that contractors perform in accordance with the contract or task orders. This issue was incorporated into the National Procurement Fraud Task Force.

(U) Audits

(U) Audits of Special Access Programs

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(U) Intelligence Community Auditable Financial Statements

(U) The DNI is committed to improving financial management in the IC and has established the goal of achieving sustainable unqualified audit opinions for all IC agencies and elements. The ODNI CFO prepared a financial management and auditability improvement plan dated April 15, 2007.

(U) The ODNI IG is working in collaboration with the ODNI CFO to monitor and assist IC agency CFOs and IGs in their efforts to reach the auditability goals and milestones set out in the improvement plan.

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(U) On September 21, 2007, the ODNI CFO and IG co-hosted a meeting of agency CFOs and IGs to discuss the auditability challenges and unresolved issues. Subsequent meetings were held between the ODNI CFO and IG and the CFOs and IGs of CIA and NRO.

(U) A meeting was held with Daniel Werfel, Deputy Controller of OMB, on October 15, 2007 with CFO and IG representatives from CIA, NRO and ODNI to discuss ways of resolving accounting and auditing issues.

(U) The ODNI CFO and IG continue to work together with agency staff to monitor progress and provide support in the auditability initiative.

(U) Chief Financial Officers Act Audit

(U) The OIG announced in last year's annual report that it intended to conduct annual audits to ensure ODNI compliance with the CFO Act. Specifically, the OIG planned to review and comment on such areas as financial management plans, policies, procedures, financial management systems, and various financial management initiatives within the IC. However, due to resource contraints in the Audit Division, this planned audit was not initiated in 2007.

(U) Advisory Services

(U) Intelligence Reform Diagnostic

(U) In both the 100 and 500 Day Plans, the DNI established initiatives to support six key integration and transformation focus areas:

- Create a culture of collaboration
- Accelerate information sharing
- Foster collection and analytic transformation
- Build acquisition excellence and technology leadership
- Modernize business practices
- Clarify and align the DNI's authorities

(U) The OIG has been tasked with assessing the IC's progress in achieving transformational outcomes in the aforementioned six focus areas. To accomplish this, the Advisory Services Division is working with the ODNI Strategy, Plans and Policy office to develop a diagnostic based on a Capabilities Maturity Model construct. The OIG will establish an initial baseline and conduct subsequent periodic evaluations to measure progress in the IC as a whole.

(U) Review and Analysis of ODNI Responsibilities and Authorities

(U) One of the OIG's findings in the Organizational Study was that the respective responsibilities and authorities of ODNI offices are unclear. As a result, the OIG is reviewing

authorities and responsibilities that pertain to the ODNI to determine gaps and overlapping activities within the organization.

(U) Review of U.S. Persons (USP) Rules Training Programs

(U) The objectives of this review are to identify training inconsistencies that occur across the IC, determine if these inconsistencies perpetuate the inconsistent interpretation of USP rules, identify any model training programs that can be adopted by other IC agencies, and make recommendations for how agencies' training programs can be improved.

(U) To date, the OIG has collected training material from each IC agency; reviewed, compiled, and summarized training information; identified agencies requiring further review; and conducted interviews at select IC agencies.

(U) Lessons Learned

(U) The OIG is working in conjunction with the ODNI Lessons Learned Office to determine how agencies within the IC manage Lessons Learned programs. The objectives for this review are to identify existing best practices in the IC for Lessons Learned programs, and to assist the Director of the Lessons Learned Center in gaining a more complete understanding of the varying practices within the IC.

(U) Dissemination of Analytical Products

(U) In 2007, the OIG had planned to review the process for disseminating analytical products, including to whom analysts disseminate their products and why. However, other priorities for the OIG and the ODNI Analysis intervened, and this project has been deferred.

(U) Acquisition Workforce Study

(U) Last year's annual report referenced the OIG's plan to study the IC's acquisition workforce to identify retention issues and make recommendations on how to improve retention. Intervening priorities for the OIG and ODNI Acquisitions resulted in this study being deferred.

(U) Investigations and Inquiries

(U//FOUO) Ethics violation by an ODNI Official

The OIG is conducting an investigation into the activities of a senior ODNI official to determine whether the official violated federal ethics laws or regulations.

(U//FOUO) Time and Attendance Fraud

The OIG is investigating three ODNI employees for possible time and attendance fraud.

(U//FOUO) Inappropriate Possession of Classified Documents

The OIG is conducting an investigation into a former ODNI employee's unauthorized possession of classified documents belonging to another agency. The employee allegedly took the classified documents when he transferred to the ODNI. The OIG is investigating this matter in conjunction with the employee's former agency.

(U//FOUO) Civil Rights and Civil Liberties Complaints

According to protocols established between the OIG and the Civil Liberties Protection Officer, the Civil Liberties Protection Officer will refer cases of alleged individual misconduct regarding possible civil liberties or privacy abuse in the administration of the programs and operations of the ODNI to the OIG, and the OIG will make a determination of whether the alleged abuse warrants investigation and how such investigation should proceed. During this reporting period, the OIG did not receive any allegations from the Civil Liberties Protection Officer.

(U) Oversight and Policy Division

(U) Integration of Law Enforcement and Intelligence

(U) The OIG is reviewing whether law enforcement organizations are effectively integrated into the overall strategic activities of the IC. Initial observations led the OIG to recommend the DNI add to his senior ODNI staff a high-level FBI official to advise the DNI on domestic intelligence issues. As part of this integration review, the OIG is evaluating the implementation and practical effect of the FBI's Attorney General Guidelines for National Security Investigations at the operational level.

(U) Congressionally Directed Actions

(U) The OIG has worked to ensure timely and thorough response to communications from Congressional members and their staff. During 2007, the OIG provided Reports of Investigation to intelligence oversight committees, and responded to Congressional queries from committee members and their staffs.

(U) Intelligence Community Inspector General Activities

(U) National Procurement Fraud Task Force (NPFTF)

(U) The OIG Investigations Division has partnered with the DOJ National Procurement Fraud Task Force (NPFTF) and other Federal IGs to assist in the prevention, detection, and prosecution of procurement fraud associated with the increase in federal contracting expenditures, particularly in the areas of intelligence and national security support activities since September 11, 2001.

(U) The ODNI IG chairs the NPFTF Intelligence Committee, which addresses the unique aspects of detecting, investigating, and prosecuting procurement fraud in a classified environment. This committee has identified several key areas where efforts are needed to improve procurement fraud prosecutions:

- Documenting and reporting impediments to the detection, investigation, and prosecution of procurement fraud in a classified environment.

- Establishing procedures for facilitating IC procurement fraud information sharing.

- Developing and implementing procedures to ensure that investigators, auditors, and prosecutors obtain necessary clearances to investigate IC procurement fraud cases.

(U) Intelligence Community Inspectors General Joint Duty Program

(U) The IG for DIA and the ODNI OIG led efforts to implement a joint duty program for the Intelligence Community Inspectors General. Through this program, personnel in the offices of the IC IGs may acquire joint duty certification by serving on other IC IG staffs in accordance with Intelligence Community Directive (ICD) 601, "Human Capital Joint Intelligence Community Duty Assignments."

(U) The IC IG joint duty program is designed to enhance IG staff's joint IG experience; foster communication and professional relations; and share best practices. The IG joint duty program operates like an exchange program: when an OIG details a staff member for an IG joint duty rotation, that OIG also will gain a staff member from another IC OIG for the duration of the rotation. The IG joint duty program is intended to complement, and not compete with, other joint duty programs, such as the Leadership Exchange and Assignment Pilot. IC IG members may participate in any or all of these joint duty programs.

(U) Report Waste, Fraud, Abuse, or Misconduct

(U) To report allegations of waste, fraud, abuse, or misconduct in the ODNI or Intelligence Community agencies, send complaints to:

Office of the Inspector General
Office of the Director of National Intelligence
Investigations Division
Washington, DC 20511

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