STATE OF VERMONT
OFFICE OF THE ADJUTANT GENERAL
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NGVT-INT (Joint Policy 2020-17) 28 October 2020

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Joint Policy Memorandum, Intelligence Oversight

1. Purpose**.** This memorandum establishes policy and assigns responsibilities for the conduct and oversight of Vermont National Guard (VTNG) conducting intelligence and intelligence-related activities. This policy focuses on the internal processes used by the VTNG and does not attempt to re-document policies already covered by other publications. A small number of references will be highlighted to emphasize their importance.

2. Effective Date. This policy supersedes Joint Policy 2013-01 Intelligence Oversight and is effective immediately.

3. Applicability. Intelligence Oversight (IO) applies to all VTNG intelligence staffs, units and organizations. It also applies to non-intelligence personnel, staffs, units and organizations that conduct intelligence and intelligence-related activity regardless of duty status. Commanders, Senior Intelligence Officers (SIOs), Inspectors General (IG), and Judge Advocates (JA) responsible for these personnel, staffs, units, organizations and activities must be familiar of IO policies and requirements.

4. Responsibilities:

a. The Adjutant General (TAG) will appoint state primary and alternate IO monitors to manage the IO program for the Vermont National Guard.

b. Land Component Commander and Air Component Commander will appoint primary and alternate IO monitors. One of the IO monitors will be the components fulltime Senior Intelligence Officer (SIO).

c. State IO Monitors (primary and alternate) are responsible for the development and implementation of the IO program. The primary IO monitor is a senior intelligence officer with experience in plans and operations. The IO Monitors will maintain an IO

continuity binder IAW CNGBM2000.01. The IO Monitors will incorporate IO into the Army organizational inspection program (OIP) or Air Force management internal control toolkit (MICT). The IO Monitors will consolidate subordinate quarterly IO reports into a single IO report to submit to the state IG.

d. Staff Judge Advocates (SJA) will provide legal interpretation of laws, applicable directives, and regulations as they relate to information or intelligence collection activities conducted by members of the VTNG.

e. Inspector General (IG) will provide independent oversight of intelligence components and activities; inspect intelligence activities as part of their OIP; report any questionable activities; ensure that inspected personnel are familiar with the provisions of AR 381-10 & AFI 14-104.

f. Subordinate Commanders. Brigade (BDE), Regiment (RGT), Wing (WG), Battalion (BN), and Squadron (SQDN/Sq) commanders with intelligence personnel or who conduct intelligence-related activities will assign at least one IO monitor for their respective units. Traditionally, the S2 or SIO serves as the IO monitor. It is recommended commanders appoint an alternate IO monitor. One monitor must be a member of the command's full time staff.
Subordinate Command IO Monitors: The subordinate command IO Monitors (Primary and alternate) are responsible for the development and implementation of their unit IO program. IO Monitors will maintain an IO continuity binder IAW CNGBM 2000.01. IO Monitors will submit an IO report NLT the last day of each quarter to the State IO Monitors.

5. Training

a. Training Requirement. Per Enclosure D of CNGBM 2000.01: There are seven categories of personnel that require IO training. Additionally, the Executive Leadership has identified a need to provide IO training to officers who are required to make operational decisions in the absence of a commander (i.e. XO, S-3, AO, etc.) and those personnel that could potentially support information operations or non-traditional intelligence, surveillance and reconnaissance (ISR), i.e.: Public Affairs personnel, Pilots and Crew Chiefs of rotary-wing assets, pilots of fixed-wing assets. To simplify the process for subordinate units, Enclosure 1 of this policy provides a list of duty positions requiring IO training within the VTNG.

b. Initial IO Training. For those requiring IO training (See enclosure 1), initial IO training is required within 90 days of assignment or employment for Army personnel and 60 days for Air Force personnel. Understanding that most IO monitors are not fulltime employees, the initial IO training will be standardized by components within the timeframe authorized. Units will integrate this initial IO training into their unit in-processing procedures. The initial IO training consists of two components: a baseline training brief that is the same across the VTNG and an IO brief that is customized, tailored and developed by each individual unit IO Monitor

c. Baseline Training. The baseline training consists of a written brief signed by each VTNG member on in-processing and the unit member administrating the brief.

d. Unit Specific IO Brief. Due to varying missions, initial IO training must be tailored to each individual unit. To fulfill this requirement, unit IO monitors will develop, customize, and tailor briefs for their unique unit and or mission.

e. Documentation of Initial IO Training. Once a soldier or airman has completed baseline and unit specific IO training, it must be documented using a training roster that is maintained in the unit's continuity book. Training rosters will be inspected each year during the unit's OIP/MICT.

f. Annual IO Refresher Training. IO monitors will provide IO refresher training at least once every calendar year to all personnel requiring IO training (See Enclosure 1). Annual IO training should be tailored to the unit and must include some of the National Guard-specific aspects of IO as described in CNGBI 2000.01B and CNGBM 2000.01. Annual IO refresher training will be documented on an annual IO training roster and maintained within the unit's IO continuity binder.

g. Unit IO Monitors. Appointed Unit IO monitors will receive tailored annual training regarding their appointed duties and responsibilities from the State IO monitors.

6. Highlighted Capabilities.

a. Unmanned Aerial Systems. Military owned or operated Unmanned Aerial Systems (UAS) such as the Raven RQ-11 are treated as intelligence collection platforms. UAS assets can only be operated in accordance with an approved Proper Use Memorandum (PUM). The approval level for a training PUM is NGB J-2 through the State IO monitor. The approval level for a UAS PUM related to Defense Support to Civil Authorities (DSCA) is the Secretary of Defense. Operators will see and read an approved PUM before operating a UAS asset. Additionally personally owned UAS platforms (Drones, Quad Copters, etc. will not be used over any National Guard Facility. Note: The G2 does not have control or authority over any airspace, the State Aviation Officer serves as the coordinating official for airspace over National Guard lands.

b. VTNG Aircraft. Both Rotary and Fixed winged aircraft utilized by the VTNG have intelligence related capabilities. Training or use of these capabilities must be conducted in accordance with an approved Proper Use Memorandum (PUM). Pilots and operators will see and read an approved PUM before operating an intelligence related capability or full motion video sensor. The approval level for a training and DSCA PUM is NGB J-2 through the State IO monitor.

c. Anti-terrorism/force protection. Activities to support a unit's anti-terrorism/force protection (AT/FP) program or realistic intelligence training may involve identifying,

collecting, reporting, analyzing, and disseminating information regarding foreign threats. AT/FP operations within the U.S. are the primary responsibility of J3, Department of Military Support, Provost Marshal (Army), Security Forces (Air), and civilian federal, state, and local law enforcement authorities. A unit's anti-terrorism officer (ATO) can be tasked with identifying, collecting, reporting, analyzing, and disseminating information regarding domestic threats to the unit or VTNG facilities. Intelligence personnel within the VTNG will not be assigned as ATOs.

7. Reporting a Questionable Intelligence Activity. A Questionable Intelligence Activity (QIA) is defined as: Any conduct that constitutes, or is related to, an intelligence activity that may violate the law, any executive order or Presidential directive, including EO 12333, DoD 5240.1-R, CNGBM 2000.01, and/or other NGRs, Army and AF policy documents and instructions. Such a violation is not a QIA in this context unless some connection exists between the activity and an intelligence function (reference CNGBM 2000.01). As part of the IO program, VTNG personnel are required to report QIAs. A failure to report a QIA is a violation of IO policy and is a QIA in itself. Personnel will report QIA using the supervisory chain of command, when feasible. No matter who receives the QIA report, it must be forwarded within 48 hours from discovery to the State IG. A more detailed QIA report format can be found in the VTNG IO SOP.

8. Quarterly IO Reports. Subordinate Command IO Monitors will submit a unit IO report to the State IO Monitor NLT the last day of each quarter (See VTNG IO SOP for an example of a Quarterly IO Report).The IO report will contain IO inspections, "Handling of Non-DOD Affiliated Persons Information Program" assessment, reports of questionable activities and recommended improvements to the IO program received during the quarter.

9. Annual File Review. In the last quarter (Oct-Dec) of the calendar year, IO Monitors will review all electronic/hard copy files and intelligence systems to ensure U.S. persons information is not retained in violation of reference DoD 5240.1-R. This review will include keyword searches of information systems predominately used by intelligence personnel or for intelligence missions. A memorandum for record (MFR) certifying the review was conducted and no unauthorized U.S. Persons information has been retained will be maintained on file in the IO Continuity Binder (see VTNG IO SOP for example). Additionally, a copy of the MFR will be forwarded to the state IO Monitor with the quarterly IO report.

10. Self-inspection Requirement. IO monitors will perform a self-inspection of their IO program in the final quarter of the calendar year. An example self-inspection checklist can be found in VTNG IO SOP. A copy of self-inspection results will be maintained in the IO Continuity Binder.

11. Organizational Inspection Program (OIP). An inspection of command programs is incorporated into the VTNG OIP. The Inspection checklist used to inspect command IO programs is located in the VTNG IO SOP. Each command will be inspected at least once during each training year by their higher headquarters. Unit IO programs found deficient will be inspected multiple times until the unit meets minimum standards.

12. Exception to Policy (ETP). Unless previously directed by NGB, TAG retains ETP approval to this policy. ETPs must be directed to SIO for staffing.

13. Proponent office is the J2. Questions regarding this policy can be directed to the Senior Intelligence Officer: LTC Joseph Colantoni, 802-338-3399 or joseph.a.colantoni.mil@mail.mil

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Major General
The Adjutant General

Encl (1)

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