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Description of document:	Closing documents for nine (9) Office of the Inspector General of the Intelligence Community (IC IG) Closed Investigations 2012-2013
Requested date:	26-March-2015
Release date:	08-November-2015
Posted date:	12-July-2021
Source of document:	FOIA Request FOIA/Privacy Act Office Office of the Director of National Intelligence (ODNI) Washington, DC 20511 Email: <a href="mailto:DNI-FOIA@dni.gov">DNI-FOIA@dni.gov</a>

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OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE  
WASHINGTON, DC

July 12, 2021

Reference: ODNI Cases DF-2015-00173

This letter responds to your Freedom of Information Act ("FOIA") letter dated 26 March 2015 and received by the Information Management Office on 6 April 2015 (Enclosure 1), in which you requested *a copy of the closing memo, report of investigation, referral memo, final report, referral letter, etc. for each of these closed DNI OIG investigations: 2012-0018; 2012-0030; 2012-0033; 2012-0038; 2012-0039.*

A search has been conducted and records responsive to your request were located. The responsive records are being granted to you in part (Enclosure 2a-2d) with the following exemptions:

- (b)(1), which applies to information that is currently and properly classified pursuant to Executive Order 13526, Section 1.4 (c).
- (b)(3), which applies to information exempt from disclosure by statute. The relevant statutes are:
  - the National Security Act of 1947, as amended, Section 102A(i)(1), 50 U.S.C. § 3024(i)(1), which protects information pertaining to intelligence sources and methods;
  - Section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C. § 3024(m), which protects, among other things, the names and identifying information of ODNI personnel;
- (b)(6), applies to information which, if released, would constitute a clearly unwarranted invasion of the personal privacy of individuals.
- (b)(7)(C), which provides protection for personal information in law enforcement records, the disclosure of which could reasonably be expected to constitute an unwarranted invasion of personal privacy.

You may contact me, the FOIA Public Liaison, at [dni-foia-liaison@dni.gov](mailto:dni-foia-liaison@dni.gov) or (703) 275-3500 for any further assistance or to discuss any aspect of your request. You may also contact the Office of Government Information Services ("OGIS") of the National Archives and Records Administration to inquire about the mediation services they provide. OGIS can be

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WASHINGTON, DC

reached by mail at 8601 Adelphi Road, Room 2510, College Park, MD 20740-6001; telephone (202) 741-5770; facsimile (202) 741-5769; Toll-free (877) 684-6448; or email at [ogis@nara.gov](mailto:ogis@nara.gov).

If you are not satisfied with my response to your request, you may administratively appeal by submitting a written request to the Chief FOIA Officer, c/o Director, Information Management Office, Office of the Director of National Intelligence, Washington, DC 20511 [or dni-foia@dni.gov](mailto:dni-foia@dni.gov). The request letter and envelope or subject line of the email should be marked "Freedom of Information Act Appeal." Your appeal must be postmarked or electronically transmitted within 90 days of the date of this letter.

If you have any questions, please feel free to contact our Requester Service Center at [dni-foia@dni.gov](mailto:dni-foia@dni.gov) or 703-275-1313.

Sincerely,



Sally A. Nicholson  
Chief, Information Review &  
Release Group  
FOIA Public Liaison  
Information Management Office

Enclosures

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(b)(3), (b)(6), (b)(7)(C)

Inspector General of the Intelligence Community  
Investigations Division

**SUMMARY REPORT OF INVESTIGATION**

(U) To:

Chief, IC IG Investigations

(U) Date:

October 12, 2012

(U//~~FOUO~~) From:

(U//~~FOUO~~) Subjects:

(U) Allegation:

Alleged reprisal for reporting wrongdoing to the IC IG

(U) File No:

IV- 2012-0018

(U) Purpose:

To provide a summary report of investigation and to recommend that this case be closed.

**I. (U) Background:**

(U//~~FOUO~~) On May 24, 2012, [REDACTED] a DIA senior level employee on a joint duty assignment (JDA) to ODNI, requested that the IC IG investigate [REDACTED] for reprisal against [REDACTED]. [REDACTED] stated that on April 23, 2012, [REDACTED] told [REDACTED] that [REDACTED] JDA was curtailed, and [REDACTED] would be returned to [REDACTED] sponsoring agency.

(U//~~FOUO~~) [REDACTED] stated, "I believe the early termination of my JDA is actually an act of retaliation by the [REDACTED] for two actions I have taken during the past year." [REDACTED] described the two actions as, reporting contracting violations by the [REDACTED] to the IC Inspector General, and for blocking sole-source contracting attempts by [REDACTED].

**II. (U) Issue:**

(U//~~FOUO~~) Did [REDACTED] curtail [REDACTED] joint duty assignment to ODNI in reprisal for reporting contracting violations to the IC IG?

**III. (U) Applicable Authorities:**

**ODNI Instruction 2005-10, Inspector General of the Office of Director of National Intelligence, paragraph 8(c)** Any employee who has authority to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee as a reprisal for making a complaint or disclosing information to the Inspector General...

All redactions on page are  
(b)(3), (b)(6), (b)(7)(C)

**AR 1-3a Office of Inspector General (10) REPRISAL.** No action constituting a reprisal or threat of reprisal may be taken against any complainant or source of information in an IG investigation, audit, or inspection because the individual filed a complaint or provided information to the OIG...

**IV. (U) Methodology:** Sworn statements were taken from the complainant and both subjects. Additionally, the subjects email records were searched for indications of reprisal intentions against [REDACTED]

**V. (U) Findings:** Standard procedure for whistleblower reprisal investigations requires that four questions be addressed. They are as follows:

**1. (U) Did the complainant make, or prepare to make, a protected communication?**

(U//~~FOUO~~) Yes. There is ample evidence that [REDACTED] reported alleged [REDACTED] contracting violations to IC IG investigators which constitutes a protected communication.

**2. (U) Were unfavorable personnel actions taken or threatened following the protected communication?**

(U//~~FOUO~~) Yes. [REDACTED] management's April 23, 2012 direction that [REDACTED] JDA be curtailed can be regarded as an unfavorable personnel action.

**3. (U) Did the officials responsible for the personnel actions at issue know about the protected communications?**

(U//~~FOUO~~) Yes. [REDACTED] said [REDACTED] was aware [REDACTED] was cooperating with the IC IG investigation of HCO contracting practices. However [REDACTED] the deputy, stated that [REDACTED] was not aware that [REDACTED] had any contact with the IC IG.

**4. (U) Would the adverse personnel action at issue have occurred absent the protected communication?**

(U//~~FOUO~~) Yes. The evidence in this case did not give credence to [REDACTED] assertion that [REDACTED] curtailment was a direct result of [REDACTED] protected communications. Rather, the subjects' explanation for curtailing [REDACTED] was plausible, and was further supported by this investigator's search of [REDACTED] email records.

**VI. (U) Analysis:**

(U//~~FOUO~~) The investigation determined that the unfavorable personnel action at issue was a reasonable management action in light of manning changes within the CHCO. Testimony by [REDACTED] described the background and a logical justification for the reorganization and the resulting personnel moves. [REDACTED] pointed out that when [REDACTED] took over as [REDACTED]

on October 31, 2011, [REDACTED] immediately saw the need for reorganization – the organization “was too flat,” and civilian manning had been reduced by 11%. There were three deputies at that time [REDACTED] wanted a single deputy and [REDACTED] “competitively selected” [REDACTED] who was not one of the three deputies. Of the three previous deputies, two have since left the CHCO.

(U//~~FOUO~~) [REDACTED] stated that as part of the reorganization [REDACTED] [REDACTED] added that the business office was created, in part, to address contracting process deficiencies identified by OGC and the IC IG. In addition to contracting matters, the business manager was tasked to oversee several other functions including CHCO information technology matters, the position then held by [REDACTED]

(U//~~FOUO~~) [REDACTED] stated [REDACTED] decision to curtail [REDACTED] was not only due to the grade structure problem of having a GG-15 supervising [REDACTED] a senior, but also because [REDACTED] was “disruptive, dramatic, and did not work well with others.” That characterization of [REDACTED] was corroborated by [REDACTED] statement that [REDACTED] was “hard to work with” and “argumentative.”

(U//~~FOUO~~) Additionally, the IC IG searched [REDACTED] email and Lotus Sametime records for the two-month period prior to the April 23, 2012, meeting where [REDACTED] was informed that [REDACTED] being curtailed. The search found no indications or evidence of management intentions to curtail [REDACTED] in reprisal for communicating with the IC IG.

## VII. (U) Conclusion:

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that [REDACTED] [REDACTED] did not reprise against [REDACTED] for making a protected communication to the IC IG.

## VIII. (U) Recommendation:

(U//~~FOUO~~) In accordance with the above, this case should be closed and the complainant and subjects be notified of the conclusion.

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OFFICE OF THE INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY  
WASHINGTON, DC 20511

(b)(3), (b)(6), (b)(7)(C)

19 SEP 2012

(U//~~FOUO~~) MEMO FOR:

(U//~~FOUO~~) FROM:

(b)(3), (b)(6), (b)(7)(C)

(U//~~FOUO~~) SUBJECT: 2012-0030—Unauthorized Disclosure of Classified Information.

(U//~~FOUO~~) On 6 JUL 12 the Inspector General of the Intelligence Community received the enclosed file from National Counterintelligence Executive, Special Security Directorate (NCIX/SSD) alleging the unauthorized disclosure of classified national security information related to a covert collection program of the CIA.

(U//~~FOUO~~) During a routine review of unauthorized disclosure crimes reports, the Joint Investigation Team identified Crime Report—UD 2012-004, as having a potentially identifiable subject due to the relatively narrow dissemination of the product, and the smaller number of people who would have known (b)(3)

(b)(3)

(b)(3)

DOJ declined to pursue this case, and it was referred back to SIB.

(U//~~FOUO~~) After consultation with SIB and the Subject Matter Expert who responded to the original "11 Questions", investigative efforts to narrow the pool of potential subjects revealed that the dissemination was overly broad and that the information had been shared with in excess of 300 individuals.

(U//~~FOUO~~) After further review of the preliminary inquiry, crimes report, and article, I recommend that this case be closed without further action by this office.

(b)(3), (b)(6), (b)(7)(C)

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WASHINGTON, DC 20511

(b)(3), (b)(6), (b)(7)(C)



13 July 2012

(U//~~FOUO~~) MEMO FOR:

(U//~~FOUO~~) FROM:

(U//~~FOUO~~) SUBJECT: 2012-002<sup>33</sup>—Unauthorized Disclosure of Classified Information – “CIA says it gets its money’s worth from Pakistani spy agency.”

(U//~~FOUO~~) On or about 27 JUNE 2012, the Inspector General of the Intelligence Community received the enclosed file from National Counterintelligence Executive, Special Security Directorate (NCIX/SSD) alleging the unauthorized disclosure of classified national security information related to a Los Angeles Times article entitled “CIA says it gets its money’s worth from Pakistani spy agency.”

(b)(1)



(U//~~FOUO~~) After further review of the preliminary inquiry, crimes report, and article, it appears that the sources cited are non-government employees who would be able to assert attorney client privilege. Additionally, much of the information cited may be speculated. Recommend that this case be closed without further action by this office.

(b)(3), (b)(6), (b)(7)(C)



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OFFICE OF THE INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY  
INVESTIGATIONS DIVISION

WASHINGTON, DC 20511

(b)(3), (b)(6), (b)(7)(C)

(U//~~FOUO~~) TO:

(U//~~FOUO~~) FROM:

(U//~~FOUO~~) SUBJECT:

(U) DATE: 11 September 2012

(U//~~FOUO~~) On 19 July 2012, this Office opened an investigation into an allegation by CIA employee, (b)(3), (b)(6), (b)(7)(C) that (b)(3), (b)(6), (b)(7)(C) has been subjected to illegal surveillance and attempts to entrap (b)(3), (b)(6), (b)(7)(C) into illegal business transactions by unknown persons. In nine hours of recorded testimony (b)(6), (b)(7)(C), (b)(3) described more than a dozen incidents where (b)(3), (b)(6), (b)(7)(C) was under surveillance, and three incidents where business acquaintances attempted to trick (b)(3), (b)(6), (b)(7)(C) into illegal business activities. (b)(3), (b)(6), (b)(7)(C) described the surveillance as electronic eavesdropping on (b)(3), (b)(6), (b)(7)(C) personal communications and physical surveillance of (b)(3), (b)(6), (b)(7)(C) vehicular travel in (b)(3), (b)(6), (b)(7)(C) northern Virginia neighborhood and throughout the Washington, DC metro area. (b)(3), (b)(6), (b)(7)(C) allegations are supported by (b)(3), (b)(6), (b)(7)(C) attorney and at least two business contacts, all of whom have stated on the record that they have observed the physical surveillance of (b)(3), (b)(6), (b)(7)(C).

(U//~~FOUO~~) In the course of our investigation we contacted CIA and FBI officials who would be knowledgeable of a sanctioned surveillance operation against (b)(3), (b)(6), (b)(7)(C). All denied any knowledge of surveillance action against (b)(3), (b)(6), (b)(7)(C). We reached similar results after interviewing two of (b)(3), (b)(6), (b)(7)(C) most recent CIA supervisors who (b)(3), (b)(6), (b)(7)(C) implied may have knowledge of the surveillance. The attached after actions report and activity log describe in greater detail the actions taken by this office to investigate (b)(3), (b)(6), (b)(7)(C) allegations.

(U//~~FOUO~~) (b)(3), (b)(6), (b)(7)(C) provided auto license plate information for 41 vehicles (b)(3), (b)(6), (b)(7)(C) suspected as participating at various times in the physical surveillance. Though we have very limited access to license plate records we were able to obtain the records of a Maryland vehicle that (b)(3), (b)(6), (b)(7)(C) and (b)(3), (b)(6), (b)(7)(C) attorney allege were part of the surveillance. Per (b)(3), (b)(6), (b)(7)(C) and (b)(3), (b)(6), (b)(7)(C) attorney that particular vehicle was also responsible for remotely deleting case-related pictures from the attorney's cell phone. We discovered that vehicle was owned by a DC attorney. We interviewed that attorney who denied having any role in a surveillance operation. Ten days later, (b)(3), (b)(6), (b)(7)(C) attorney notified this office that

located the missing pictures on (b)(6), (b)(7)(C) phone; forgot that used (b)(6), (b)(7)(C) cell phone to take the case-related pictures.

(U//~~FOUO~~) Due to the lack of resources and lack of law enforcement authority, this office was unable to complete the checks of the license plates provided. Similarly, we do not have the ability to complete the forensic examination for evidence of tampering of the cell phones and home computers requested by (b)(3), (b)(6), (b)(7)(C)

(U//~~FOUO~~) In conclusion, at this time the IC IG does not have access to the resources needed to adequately investigate (b)(3), (b)(6), (b)(7)(C) allegations. Therefore, we recommend you refer this matter to the FBI, a law enforcement agency that has the resources to complete a thorough investigation into the serious allegations made by (b)(3), (b)(6), (b)(7)(C)

(b)(3), (b)(6), (b)(7)(C)

2 Attachments

1. After Actions Report
2. Activity Log

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OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE  
WASHINGTON, DC

July 12, 2021

Reference: ODNI Cases DF-2016-00035

This letter responds to your Freedom of Information Act ("FOIA") request dated 8 November 2015 and received by the Information Management Office on 9 November 2015 (Enclosure 1), in which you asked for "*The final report, concluding report, closing report, referral memo, referral letter or other conclusory document associated with each of the following four investigations: INV-2013-0059; INV-2013-0058; INV-2013-0057; and INV-2013-0056.*"

A search has been conducted and records responsive to your request were located. The responsive records are being granted to you in part (Enclosure 2a-2b) with the following exemptions:

- (b)(1), which applies to information that is currently and properly classified pursuant to Executive Order 13526, Section 1.4 (c).
- (b)(3), which applies to information exempt from disclosure by statute. The relevant statutes are:
  - the National Security Act of 1947, as amended, Section 102A(i)(1), 50 U.S.C. § 3024(i)(1), which protects information pertaining to intelligence sources and methods;
  - Section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C. § 3024(m), which protects, among other things, the names and identifying information of ODNI personnel;
  - 50 U.S.C. § 3033(g)(3)(A), which protects the identity of employees or contractors who come to the ICIG with complaints of violations of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety.
- (b)(6), applies to information which, if released, would constitute a clearly unwarranted invasion of the personal privacy of individuals.
- (b)(7)(C), which provides protection for personal information in law enforcement records, the disclosure of which could reasonably be expected to constitute an unwarranted invasion of personal privacy.

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WASHINGTON, DC

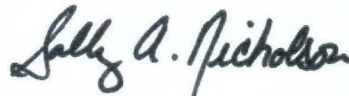
Please note that investigations 2013-0057, 2013-0058, and 2013-0059 are all represented within a single document (Enclosure 2b).

You may contact me, the FOIA Public Liaison, at [dni-foia-liaison@dni.gov](mailto:dni-foia-liaison@dni.gov) or (703) 275-3500 for any further assistance or to discuss any aspect of your request. You may also contact the Office of Government Information Services ("OGIS") of the National Archives and Records Administration to inquire about the mediation services they provide. OGIS can be reached by mail at 8601 Adelphi Road, Room 2510, College Park, MD 20740-6001; telephone (202) 741-5770; facsimile (202) 741-5769; Toll-free (877) 684-6448; or email at [ogis@nara.gov](mailto:ogis@nara.gov).

If you are not satisfied with my response to your request, you may administratively appeal by submitting a written request to the Chief FOIA Officer, c/o Director, Information Management Office, Office of the Director of National Intelligence, Washington, DC 20511 or [dni-foia@dni.gov](mailto:dni-foia@dni.gov). The request letter and envelope or subject line of the email should be marked "Freedom of Information Act Appeal." Your appeal must be postmarked or electronically transmitted within 90 days of the date of this letter.

If you have any questions, please feel free to contact our Requester Service Center at [dni-foia@dni.gov](mailto:dni-foia@dni.gov) or 703-275-1313.

Sincerely,



Sally A. Nicholson  
Chief, Information Review &  
Release Group  
FOIA Public Liaison  
Information Management Office

Enclosures

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OFFICE OF THE INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY  
INVESTIGATIONS DIVISION  
WASHINGTON, DC 20511

5 July 2013  
INVM 2013-0056-001

Mr. Mark Ewing  
Chief Management Officer  
Office of the Director of National Intelligence  
Washington, DC 20505

All redactions on page are  
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unless otherwise noted.

Subject: IC IG Investigation 2013-0056, [REDACTED]

Dear Mr. Ewing,

Accompanying this letter is a report that contains the results of an investigation into whether [REDACTED] engaged in misconduct while on temporary duty in Tokyo, Japan. The investigation concludes that [REDACTED] did not engage in criminal conduct, but did engage in administrative misconduct.

A preponderance of the evidence establishes that [REDACTED] exhibited poor personal judgment that created circumstances which negatively reflected upon the ODNI and potentially impaired [REDACTED] ability to perform [REDACTED] duties.

I am available at [REDACTED] to discuss any questions you may have regarding this matter.

Sincerely,





OFFICE OF THE INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY  
INVESTIGATIONS DIVISION  
WASHINGTON, DC 20511

REPORT OF INVESTIGATION

IV 2013-0056

26 JUNE 2013  
INVM-2013-0056

EXECUTIVE SUMMARY

NAME / POSITION: [REDACTED]

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(b)(3), (b)(6), (b)(7)(C),  
unless otherwise noted.

**AUTHORITIES:** National Security Act of 1947, as amended, Section 103H.

**BACKGROUND:** On April 30, 2013, the DNI Representative assigned to the US Embassy in Japan alleged to the IC IG Investigations Division that misconduct related

[REDACTED]

According to the initial information received by the IC IG Investigations Division,

[REDACTED]

While TDY to the US Embassy, Japan, [REDACTED] met with (b)(6), (b)(7)(C) a former coworker from [REDACTED] prior employment at the Office of Naval Intelligence, and long-time friend. According to [REDACTED]

[REDACTED]

(b)(6), (b)(7)(C) reported the (b)(3) [REDACTED] to the Regional Security Officer and the DIA Office of Security, who notified the NCIS Washington Resident Agency (RA). The NCIS Yokosuka RA opened a criminal investigation on May 2, 2013. The IC IG opened an investigation on May 22, 2013 upon notice that NCIS would be closing its investigation without findings.

**SUBSTANTIATED ALLEGATION:** Off-Duty Conduct Unbecoming a Federal Employee: While TDY on official ODNI business in Tokyo, Japan, [REDACTED] exhibited poor personal judgment that created circumstances which reflected poorly on the ODNI and potentially impaired [REDACTED] ability to perform [REDACTED] duties. As a result of [REDACTED] actions,

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the Deputy Chief of Mission requested through DIA channels that [REDACTED] not be allowed to return to the US Embassy in Tokyo. Further to the misconduct, [REDACTED] used [REDACTED] position as [REDACTED] to advocate for (b)(6), (b)(7)(C) professional benefit with at least two senior Navy Officers who may have been in a position to influence (b)(6) career and, after the March 2013 incident, personally requested that the DNI's executive assistant provide a DNI signed commendatory letter for (b)(6), (b)(7)(C) for assistance to the ODNI mission, which [REDACTED] hand delivered to (b)(6), (b)(7)(C) in April 2013.

**UNSUBSTANTIATED ALLEGATION:** Violation of (b)(3) [REDACTED]  
NCIS Yokosuka RA closed the investigation into this matter on May 24, 2013 based upon (b)(6), (b)(7)(C) victim preference statement, and (b)(6) statement that (b)(6) was not the (b)(3) [REDACTED]. The IC IG's review of the NCIS report, the statements of [REDACTED] and the electronic record of communications between [REDACTED] supports the conclusion [REDACTED] did not (b)(3) [REDACTED].

All redactions on page are (b)(3), (b)(6), (b)(7)(C), unless otherwise noted.
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**REPORT OF INVESTIGATION**

IV 2013-0056

14 JUN 13

1. **PURPOSE AND AUTHORITY:** Investigate allegations that [REDACTED] against an U.S. Embassy military official while TDY in TOKYO. This investigation was conducted under the authority of the National Security Act of 1947, as amended, Section 103H.

2. **SUBJECT:**

[REDACTED]

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unless otherwise noted.

3. **DATE AND BACKGROUND OF COMPLAINT:** On April 30, 2013, the DNI Representative assigned to the US Embassy in Japan alleged to the IC IG Investigations Division that misconduct related to (b)(3)

[REDACTED] According to the initial information received by the IC IG Investigations Division, [REDACTED]

While TDY to the US Embassy, Japan, [REDACTED] met with (b)(6), (b)(7)(C) a former coworker from [REDACTED] prior employment at the Office of Naval Intelligence, and long-time friend. According to [REDACTED]

(b)(6), (b)(7)(C) reported the (b)(3) [REDACTED] to the Regional Security Officer and the DIA Office of Security, who notified the NCIS Washington Resident Agency (RA). The NCIS Yokosuka RA opened a criminal investigation on May 2, 2013. The IC IG opened an investigation on May 22, 2013 upon notice that NCIS would be closing its investigation without findings.

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4. ANALYSIS OF ALLEGATIONS:

**Allegation 1:** [REDACTED]

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unless otherwise noted.

a. Evidence.

(1) NCIS Report of Investigation dated 24 MAY 13 (D-1)

(2) Interview of [REDACTED] 24 MAY 13 (B-1)

(3) Interview of [REDACTED] 29 MAY 13 (B-2)

(4) Interview of [REDACTED] 6 JUN 13 (B-3)

(5) Personal emails between [REDACTED] from the account  
[REDACTED] sent between 3 MAR 13 and 26 MAY 13. (D-2)

(6) Personal emails between [REDACTED] from [REDACTED] unclassified  
government account [REDACTED] between 4 MAR 13 and 30 APR 13. (D-3)

b. Discussion:

[REDACTED]

(3) On May 2, 2013, [REDACTED] was interviewed by NCIS Yokosuka RA  
concerning (b)(3). According to [REDACTED] were  
friends and (b)(3) while he was visiting Tokyo on official business.  
[REDACTED] relayed that (b)(6) was aware [REDACTED]  
described [REDACTED] stated [REDACTED]

(4) [REDACTED] interviewed [REDACTED] on May 24, 29, and June  
6, 2013. [REDACTED] admitted that [REDACTED] met (b)(6), (b)(7)(C) a former coworker and long-time

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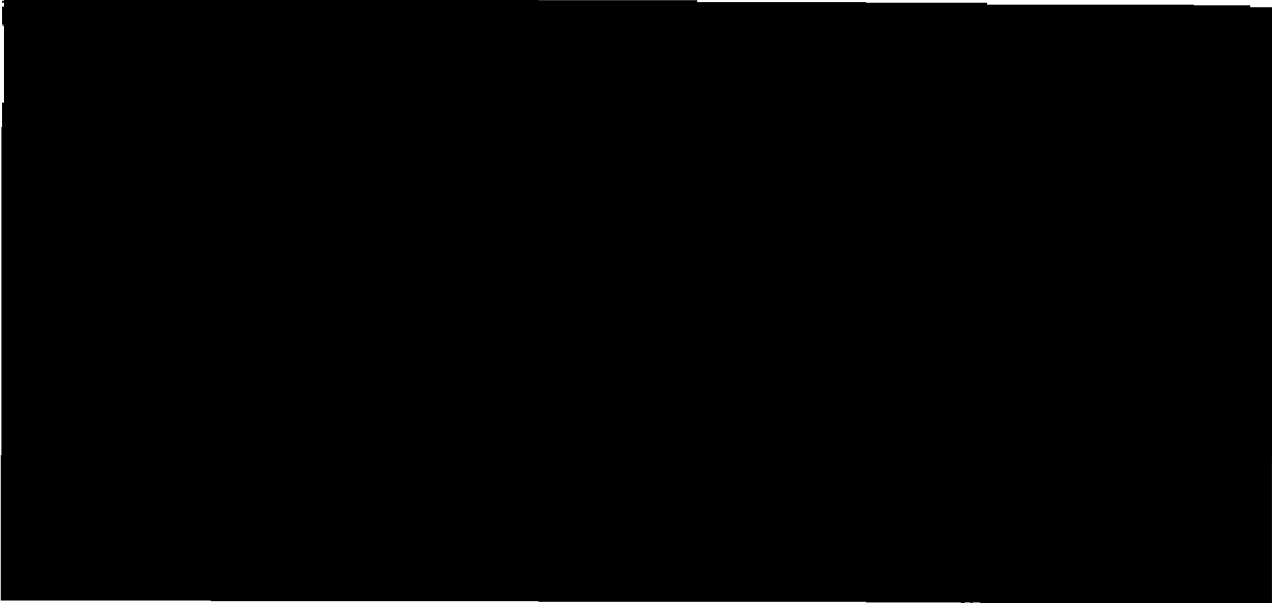
friend, while on TDY in Tokyo. (b)(6), (b)(7)(C), (b)(3)



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**Allegation 2: That [REDACTED] engaged in off-duty conduct unbecoming a federal employee.**

**a. Evidence.**

(1) NCIS Report of Investigation dated 24 MAY 13 (D-1)

(2) Interview of [REDACTED] 24 MAY 13 (B-1)

(3) Interview of [REDACTED] 30 MAY 13 (B-2)

(4) Interview of [REDACTED] 6 JUN 13 (B-3)

All redactions on page are  
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unless otherwise noted.

(5) Personal emails between [REDACTED] from the account [REDACTED] sent between 3 MAR 13 and 26 MAY 13. (D-2)

(6) Personal emails between [REDACTED] from [REDACTED] unclassified government account [REDACTED] between 4 MAR 13 and 30 APR 13. (D-3)

(7) Email from the DNI Representative in Tokyo informing the IC IG that the Deputy Chief of Mission, US Embassy Tokyo, has informally requested that [REDACTED] not be allowed to return to Japan while [REDACTED] is still assigned to the DAO.

**b. Discussion.**

(1) [REDACTED] allegedly engaged in conduct unbecoming a federal employee during a TDY to Tokyo, Japan on March 3 to 7, 2013 which created circumstances that were discrediting to the ODNI, potentially impaired [REDACTED] ability to perform [REDACTED] duties in the East Asia region, and impaired the abilities of another federal employee to perform effectively. [REDACTED] further used [REDACTED] position and access as [REDACTED] in an attempt to

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benefit the professional career of [REDACTED]  
[REDACTED]

All redactions on page are  
(b)(3), (b)(6), (b)(7)(C),  
unless otherwise noted.

(2) Standards.

5 CFR 2635.101 (14) states: "Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of all the relevant facts."

AR 13-1 states that Employees are expected to perform their duties in a professional and satisfactory manner. An employee who is responsible for a significant failure to act in accordance with the level of professionalism and diligence reasonably to be expected or who evidences a pattern of conduct that demonstrates a failure to carry out the functions of [REDACTED] position has not lived up to this standard. Actions that would constitute such a failure include insubordination, harassing or discriminatory conduct, or neglect of duty.

(3) On May 24, 2013, [REDACTED] obtained sworn testimony from [REDACTED] wherein [REDACTED] acknowledged that it would have a significant impact on [REDACTED] ability to perform [REDACTED] duties if he were unable to return to Japan for the duration of (b)(6), (b)(7)(C) assignment. Specifically, the nature of [REDACTED] duties and ongoing classified projects with the Japanese would suffer. On May 30, 2013, [REDACTED] acknowledged that [REDACTED] made a personal mistake and that the situation reflected poorly on the ODNI. [REDACTED] reiterated that [REDACTED] performance would be hampered if [REDACTED] could not return to Japan for official business. [REDACTED] also acknowledged that the situation could adversely impact (b)(6), (b)(7)(C) military career.

(4) [REDACTED] has acknowledged exercising poor discretion in the incident. [REDACTED] was unclear as to why other members of the DAO, NCIS, or [REDACTED] became involved. According to [REDACTED] and as stated in an email from [REDACTED] dated April 17, 2013, [REDACTED] was in trouble at work (b)(3)

[REDACTED]

(5) [REDACTED] acknowledged that [REDACTED] used poor judgment and that the situation created by [REDACTED] poor judgment had an adverse effect on the image of the ODNI. Further, [REDACTED] established knowledge of military culture indicates that [REDACTED] should have known the risk to (b)(6), (b)(7)(C) career and position at the embassy. On at least two occasions after their March 4, 2013 [REDACTED] used his access as [REDACTED] to advocate for (b)(6), (b)(7)(C) professional career with senior Naval Officers who were in a position to assist (b)(6), (b)(7)(C) career. [REDACTED] even discussed bringing (b)(6), (b)(7)(C) to ODNI to work for [REDACTED] stated that [REDACTED] acts as an advocate for any Navy officer who is a high-performer but agreed that [REDACTED] Additionally, after the March 4, [REDACTED] personally sought a DNI signed

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commendatory letter to present to (b)(6), (b)(7)(C) which he obtained and hand delivered on or about April 17, 2013.

(6) Conclusion: The allegation that [REDACTED] engaged in off-duty conduct unbecoming a federal employee is substantiated.

5. OTHER MATTERS: The US Attorney's Office, Eastern District of Virginia, declined to criminally prosecute [REDACTED] on May 29, 2013.

6. RECOMMENDATIONS: That this report be approved and provided to the appropriate management officials for action.

All redactions on page are  
(b)(3), (b)(6), (b)(7)(C),  
unless otherwise noted.

Approved:

[REDACTED]

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
A	
1.	Email from DNI Representative Tokyo, Dtd 30 APR 13 bringing the initial complaint.
B	
1.	Interview of [REDACTED] 24 MAY 13
2.	Interview of [REDACTED] 29 MAY 13
3.	Interview of [REDACTED] 6 JUN 13
C.	
1.	(b)(3) [REDACTED]
2.	5 CFR 735.203
3.	AR 13-1, Standards of Conduct
	<div>All redactions on page are (b)(3), (b)(6), (b)(7)(C), unless otherwise noted.</div>
D	
1.	NCIS Report of Investigation dtd 24 MAY 13
2.	Email Messages from [REDACTED]
3.	Email Messages from [REDACTED]
4.	United Mileage Plus Credit Card Statement w/ Handwritten note identifying a specific charge.
5.	Email from COS Tokyo to (b)(6), (b)(7)(C) discussing the DCM Request to bar [REDACTED] from returning to Tokyo.



OFFICE OF THE INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY  
WASHINGTON, DC 20511

31 May 2013

**MEMORANDUM FOR:** Assistant Inspector General for Investigations

**REFERENCE:** (U) IO-2013-002: National Reconnaissance Office (NRO) Crimes Reporting Process

**SUBJECT:** (U) NRO Admissions for Referral to the Office of the Inspector General of the Intelligence Community (IC IG) Investigations Division

(U//~~FOUO~~) As agreed during the 24 May 2013 In-Progress-Review for the IC IG special evaluation of NRO Crimes Reporting, we are referring three admissions of potential crimes. The admissions were made by subjects during polygraph sessions conducted by the NRO between Fiscal Years 2009 and 2012 (1 October 2008-30 September 2012).

(U//~~FOUO~~) Two of the cases involve admissions of child molestation and/or viewing of child pornography. These cases were:

1. (b)(1), (b)(3) 50 USC 3033(g)(3)(A), (b)(6)

2.


3.

(U) The attachment provides additional information on the admissions made by each individual.

(U) Thank you for considering these referrals. We are available to discuss them with you should you have any questions.

Sincerely,

(b)(3), (b)(6), (b)(7)(C)



Attachment: Crimes Referral Attachment

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