



State of New Jersey
DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
POST OFFICE BOX 340
TRENTON, NEW JERSEY 08625-0340

PHILIP D. MURPHY
Governor
Commander-in-Chief

SHEILA OLIVER
Lieutenant Governor

☆
JEMAL J. BEALE
Brigadier General
The Adjutant General

TAG POLICY LETTER 18-2

08 May 2018

NEW JERSEY NATIONAL GUARD INTELLIGENCE OVERSIGHT POLICY

1. REFERENCES:

- a. AR 381-10, U.S. Army Intelligence Activities, dtd 3 May 2007.
- b. AFI 14-104, Oversight and Intelligence Activities, dtd 05 November 2017.
- c. CNGBI 2000.01B, National Guard Intelligence Activities, dtd 4 April 2017.
- d. CNGBM 2000.01, National Guard Intelligence Activities, dtd 26 November 2012.
- e. New Jersey National Guard Intelligence Oversight SOP, dtd 1 November 2017.

2. AUTHORITY. On the basis of National Guard (NG) guidance, the State Adjutants General will publish Intelligence Oversight (IO) program guidance for all subordinate commands in accordance with (IAW) AR 381-10 and AFI 14-104.

3. APPLICABILITY. This policy applies to all Soldiers, Airmen, and Civilians assigned to or working for the New Jersey National Guard (NJNG). IO applies to NJNG intelligence staffs, units and organizations. It also applies to non-intelligence personnel, staffs, units and organizations that conduct intelligence and intelligence-related activities. Commanders, Senior Intelligence Officers (SIOs), Inspectors General (IG), and Judge Advocates (JA) responsible for these personnel, staffs, units, organizations and activities must be familiar with IO policies and requirements.

4. PURPOSE. This policy enables any NJNG member performing authorized intelligence functions to carry out those functions in a manner that protects the constitutional rights of U.S. persons.

5. RESPONSIBILITIES.

a. Commanders:

- (1) Receive IO training.
- (2) Appoint in writing a primary and alternate IO monitor down to battalion/squadron level. Provide a copy of the appointment letter to proponent of IO.
- (3) Implement and maintain an effective IO program within the command. Be knowledgeable of the missions, plans, and capabilities of subordinate intelligence-related units.
- (4) Utilize the tabular IO continuity binder system IAW NJNG IO SOP.
- (5) Identify intelligence staff, units, and personnel performing intelligence and intelligence-related functions under their command.
- (6) Ensure identified personnel receive initial IO training within 90-days of arrival to the unit and annually thereafter and that training is documented and records kept on file for a minimum of five (5) years.
- (7) Provide an IO report each quarter to the NJNG-J2 IAW NJNG IO SOP.
- (8) Conduct an intelligence files review of all electronic and hard copy at least annually to ensure no unauthorized United States Person Information (USPI) has been retained and a Memorandum for Record (MFR) is maintained in the continuity binder.
- (9) Ensures that all identified personnel can identify, at a minimum, the purpose of the IO program, rules impacting their mission, the regulations and instructions governing IO and reporting procedures for Questionable Intelligence Activity (QIA) and Significant or Highly Sensitive Matters (S/HSM).
- (10) During Joint Reception, Staging, Onward Movement, and Integration (JRSOI) for Defense Support of Civil Authorities (DSCA) missions, deploying/receiving MSC IO monitors will ensure all arriving/deploying personnel are current on IO training for the duration of the deployment.

b. IO Monitors:

- (1) Receive IO Monitor Training from the State IO Monitor.

TAG-NJ

SUBJECT: State Intelligence Oversight (IO) Program Policy

(2) Implement an IO program to educate and train intelligence personnel on applicable IO regulations and directives, as well as individual reporting responsibilities, and confirm personnel can identify, at a minimum, the purpose of the IO Program, the regulations and instructions governing IO rules impacting their mission, reporting procedures for QIA, S/HSM and Federal crimes, and the identity of the IO Monitors.

(3) Conduct IO training, and maintain records of this training for five calendar years, to include the dates personnel received training.

(4) Maintain an IO Continuity Binder IAW NJNG IO SOP.

(5) Maintain copies of State IO policy and applicable references so they are available to the organization. References may be in hard copy or an electronic format.

(6) Perform a self-inspection in the final quarter of the calendar year, if the organization was not evaluated that year by an IG from one of the following organizations: the DoD Senior Intelligence Oversight Official, MACOM (Army) or MAJCOM (AF), or NGB.

(7) Assist in making determinations on collectability of USPI and seek assistance from the unit, State JA, IG, or J2.

(8) Review all files, electronic and paper, at a minimum of once per calendar year to ensure that any USPI is retained properly and certify that all files have been reviewed through an MFR, which will be maintained on file in the IO Continuity Book.

(9) Immediately route QIA reports and reports of incidents or S/HSM through IO channels.

(10) Submit a quarterly IO report through the chain of command to the State J2.

c. NJNG-J2:

(1) Appoint, in writing, experienced intelligence professionals to serve as NJNG JFHQs-State primary and alternate IO monitors.

(2) Establish State procedures for determining if any USPI may be retained, recording the reasons for retaining USPI, and the authority for approving retention of USPI.

(3) Establish State procedures for purging or redacting information that may not be retained.

(4) Establish State procedures for marking all files containing USPI information.

TAG-NJ

SUBJECT: State Intelligence Oversight (IO) Program Policy

(5) Conduct required IO training for all required Joint Force Headquarters (JFHQ) personnel and Major Subordinate Command (MSC)-level IO Monitors, know IO statutory and regulatory guidance, to include reporting responsibilities and restrictions.

(6) Be knowledgeable of all state intelligence and intelligence-related activities.

(7) Identify intelligence staffs, units, and personnel performing intelligence and intelligence-related functions within the state, and verify compliance with appropriate directives.

(8) Advise the Adjutant General of New Jersey (TAG-NJ) on matters related to the oversight of intelligence and intelligence-related activities and correspond with TAG-NJ regarding the State IO program.

(9) Coordinate with the State JA and IG on IO matters.

(10) Review, in consultation with the NJNG JFHQ-State IG, JA, and J3, any planned or on-going NG information-collection activities. Submit any required documentation.

(11) Submit, after consultation with the NJNG JFHQ-State JA, a Proper Use Memorandum (PUM) to NGB-J2 for Incident Awareness and Assessment (IAA) missions.

(12) Review all NJNG JFHQs-State J2 electronic and hard copy files at least once each calendar year to ensure that no unauthorized USPI has been improperly stored.

(13) Certify the proper use of all domestic commercial or publicly available imagery, such as Unites States Geological Survey (USGS) imagery, Google Earth imagery, and Falcon View imagery, through an internal MFR annually.

(14) Consolidate Quarterly IO Reports from all intelligence organizations, units and staff organizations, and non-intelligence organizations that perform intelligence or intelligence-related activities and submit a consolidated Quarterly IO Report to the NJNG JFHQ-State IG.

d. NJNG-IG:

(1) Receive initial and annual IO training and maintain a working knowledge of IO statutory and regulatory guidance, to include reporting responsibilities and all restrictions.

TAG-NJ

SUBJECT: State Intelligence Oversight (IO) Program Policy

(2) Be knowledgeable of the missions, plans, and capabilities of state intelligence and intelligence-related entities, and the Federal and State laws, policies, and treaties that apply to their activities, to include the restrictions on collection, retention, and dissemination of USPI, and the requirement to report QIA and S/HSM and certain federal crimes.

(3) Ensure IO inspections are incorporated into the State and required subordinate Organizational Inspection Programs.

(4) Establish a process to conduct QIA and S/HSM investigations.

e. NJNG-JA:

(1) Be knowledgeable of the missions, plans, and capabilities of State intelligence and intelligence-related entities, and the Federal and State laws, policies, and treaties that apply to their activities, to include the restrictions on collection, retention, and dissemination of USPI, and the requirement to report QIA, S/HSM and certain Federal crimes.

(2) Be knowledgeable of the jurisdictional relationship between National Guard (NG) intelligence and Counter Intelligence (CI) activities, as well as the parallel jurisdictions of Anti-Terrorism/Force Protection (AT/FP) and Law Enforcement activities.

(3) Receive annual IO training.

(4) Advise TAG and NJNG JFHQ-State J2 section on intelligence law and IO matters within their purview.

(5) Review intelligence plans, proposals, and concepts for legality and propriety.

(6) Review all State PUMs for legal sufficiency.

(7) Train members of organizations engaged in intelligence and intelligence-related activities on all laws, policies, treaties, and agreements that apply to their activities, as required.

f. NJNG-A2:

(1) Develop a list of duty positions within the subordinate commands that require IO training.

(2) Implement and maintain an effective IO program within the command. Be knowledgeable of the missions, plans, and capabilities of subordinate intelligence-related units.

(3) Utilize the tabular IO continuity binder system IAW NJNG IO SOP.

(4) Identify intelligence staff, units, and personnel performing intelligence and intelligence-related functions under their command.

(5) Ensure identified personnel receive initial IO training within 90-days of arrival to the unit and annually thereafter and that training is documented and records kept on file for a minimum of five (5) years.

(6) Provide an IO Report each quarter to the NJNG-J2 IAW NJNG IO SOP.

(7) Conduct an intelligence files review of all electronic and hard copy at least annually to ensure no unauthorized United States Person Information (USPI) has been retained and a Memorandum for Record (MFR) is maintained in the continuity binder.

(8) Ensures that all identified personnel can identify, at a minimum, the purpose of the IO program, rules impacting their mission, the regulations and instructions governing IO and reporting procedures for Questionable Intelligence Activity (QIA) and Significant or Highly Sensitive Matters (S/HSM).

g. ALL NJNG PERSONNEL:

(1) All DoD personnel have a responsibility to report Questionable Intelligence Activity (QIA) and Significant or Highly Sensitive Matters (S/HSM). QIA and S/HSMs will be reported immediately to their chain-of-command or supervision and referred to the NJNG State IG.

(2) An intelligence or intelligence-related activity (regardless of whether the intelligence or intelligence-related activity is unlawful or contrary to an Executive Order (E.O.) Presidential directive, Intelligence Community Directive, or DoD policy), or serious criminal activity by intelligence personnel, that could impugn the reputation or integrity of the Intelligence Community, or otherwise call into question the propriety of intelligence activities.


(3) Such matters might involve actual or potential; Congressional inquiries or investigations, adverse media coverage, impact on foreign relations or foreign partners or systemic compromise, loss, or unauthorized disclosure of protected information.

(4) Failure to report a QIA is a violation of IO policy and is a QIA in itself.

TAG-NJ

SUBJECT: State Intelligence Oversight (IO) Program Policy

6. If there are questions concerning this policy letter please telephone CW2 Timothy Jardinico at 609-530-6707 or email at timothy.j.jardinico.mil@mail.mil.


JEMAL J. BEALE
Brigadier General, NJNG
The Adjutant General