Purpose: This issuance, in accordance with the authority in DoD Directive 5105.64, “Defense Contract Management Agency (DCMA),” establishes policy, assigns responsibilities, and provides instructions for DCMA Inspector General Investigations, which ensures the DCMA Director is aware of significant violations of law, regulations, or policies having any impact on DCMA resources within areas critical to DCMA mission and vision.
SUMMARY OF CHANGES

This Instruction has been rewritten. Users and stakeholders should read this Instruction in its entirety. The following identifies the most notable changes:

- Adds instructions pertaining to the reporting of sexual misconduct allegations
- Changes the name of Investigators to Criminal Investigators
- Adds information pertaining to weapons carrying/handling/storage/qualifications
- Adds coordination requirement with United States Attorney and Assistant United States Attorney
- Adds requirements for obtaining subpoenas and warrants
- Adds Aircraft Integrated Maintenance Operations as a Regional Command
- Adds coordination requirements with other law enforcement agencies
- Adds instructions for Inspector General Auditor Reports involving Subcontractor Fraud
- Adds instructions for Inspector General Hotline Coordinator
- Adds reporting section
- Corrects administrative errors
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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY. This issuance applies to Criminal Investigators assigned to the DCMA Office of Internal Audit and Inspector General (OIA-IG) and all DCMA employees who suspect criminal activities or misconduct, unless higher-level regulations, policy, guidance, or agreements take precedence.

1.2. POLICY. It is DCMA policy that:

a. All DCMA personnel will have access to a fair and impartial Inspector General (IG).

b. The Agency will have an Assistant IG to ensure the effective and efficient management of DCMA general administrative and criminal investigations.

c. Nothing in this Instruction will be construed as limiting the authority of the DoD IG or the independence of the DoD IG.

d. All matters reported to the DCMA OIA-IG through various reporting systems will be investigated as expeditiously and completely as possible. It is incumbent upon all personnel assigned to DCMA to report matters involving criminality, misconduct, or other violations of law or regulations to the DCMA OIA-IG as soon as they become aware of such actions. All allegations of procurement/contract fraud; however, should be reported to the DCMA Contract Integrity Center.

e. This Instruction will be executed in a safe, efficient, effective, and ethical manner.
SECTION 2: RESPONSIBILITIES AND FUNCTIONS

2.1. DIRECTOR, DCMA. The DCMA Director will:


   b. Authorize the DCMA IG to conduct investigations, provide assistance, teaching, and training into any matter within the scope of the DCMA nexus.

   c. In accordance with DoDD 5106.04, ensure the IG’s Office has direct access to all records, reports, audits, reviews, databases, papers, recommendations, or other material available to the applicable establishment, which relate to programs and operations with respect to which the IG has responsibilities.

   d. Ensure DCMA personnel are informed of their right to access the DCMA IG.

   e. Designate the DCMA IG as the point of contact to coordinate all IG matters.

   f. Ensure that the assigned duties of the IG do not interfere with their responsibility as fair and impartial fact-finders for DCMA or create a conflict of interest.

   g. When appropriate, review substantiated investigations to ensure formal identification of findings, implementation of required corrective actions, and formal evidence of action taken by the responsible DCMA leader has occurred in accordance with DCMA Manual 4201-02, “Maintaining Discipline,” and DCMA Manual 4202-03, “Military Justice.”

   h. Ensure the DCMA OIA-IG is resourced in accordance to their mission requirements to include classification for general administrative and criminal investigators.

   i. Authorize Criminal Investigators to carry concealed firearms in the performance of official duties as long as applicable requirements are met as established in DoDD 5210.56, “Arming And the Use of Force,” Section 3, as implemented by DCMA Manual 4101-04, “Accountable Property and General Equipment,” and this Instruction.

2.2. DCMA IG, OIA-IG. The DCMA IG will:

   a. Adhere to IG quality standards of integrity, objectivity, independence, professional judgement, and confidentiality.

   b. Ensure that the assigned duties of the Assistant IG and Criminal Investigators do not interfere with their responsibility as fair and impartial fact-finders for DCMA or create a conflict of interest.
c. Accept internal/external complaints and assistance referrals from other DoD Component IGs and process them in accordance with applicable laws, policies, and regulations.

d. Coordinate and address IG issues with the DoD IG, as appropriate.

e. Promptly report all significant criminal allegations to the Defense Criminal Investigative Service or the responsible Defense Criminal Investigative Organization (DCIO), in accordance with DoD Instruction (DoDI) 5505.16, “Investigations by DoD Components,” and DoDI 5505.03, “Initiation of Investigations by Defense Criminal Investigative Organizations.”

f. Maintain all IG investigative records in accordance with DoDI 5015.2, “DoD Records Management Program,” and release them in accordance with DoDD 5400.07, “DoD Freedom of Information Act (FOIA) Program,” and DoDD 5400.11, “DoD Privacy Program and Civil Liberties Program,” or only as authorized by the DCMA Director.

g. Serve as the directing authority for OIA-IG investigations. The DCMA OIA-IG must not direct an investigation into allegations against the DCMA Director or DCMA OIA-IG staff. These complaints will be elevated to the DoD IG for resolution.

h. Report to the Director on the status of all investigations.

i. Perform investigations, assistance, teaching, and training functions as directed by the DCMA Director per DoDD 5106.04 and the Inspector General Act of 1978.

j. Provide assistance, including subject matter experts, as necessary, to DCMA staff in performance of their duties, in accordance with applicable laws, policies, and regulations.

k. Recommend actions to correct deficiencies identified during investigations and monitor the progress of approved corrective actions.

l. Promptly report allegations against senior officials to the DoD IG within 5 workdays, in accordance with DoDD 5505.06, “Investigations of Allegations against Senior DoD Officials.”

m. Examine DoD Hotline information referrals to determine if an inquiry is warranted. If an investigation is conducted based on an information referral and results in corrective action taken, provide a DoD Hotline Completion Report in accordance with DoDI 7050.01, “Defense Hotline Program.” DoD Hotline complaints will not be transferred to another IG office without prior written approval of the Director, DoD Hotline.

n. In response to an allegation referred for action by the DoD Hotline, conduct and provide a DoD Hotline Completion Report, in accordance with DoDI 7050.01.

o. Use a case tracking system that is compliant with the cybersecurity requirements contained in DoDI 8500.01, “Cybersecurity,” and any applicable DCMA guidance.
p. Promptly report, and investigate when appropriate, allegations of violations of Section 1034(a) or 1034(b) of Title 10, United States Code (U.S.C), to the Whistleblower Reprisal Investigations Directorate within DoD IG, in accordance with DoDD 7050.06, “Military Whistleblower Protection.” Similar protections are afforded to civilian employees in accordance with Section 1587 of Title 10 U.S.C., in accordance with DoDD 1401.03, “DoD Nonappropriated Fund Instrumentality (NAFI) Employee Whistleblower Protection.”

q. Promptly report allegations of violations of and Directive-type Memorandum 13-008 to the DoD IG and provide a copy of the written complaint to DoD IG, ensuring that classified materials are submitted through appropriate channels.

r. Ensure that complaints of violations of Sections 1587 and/or 2409 of Title 10, U.S.C., are forwarded to the DoD Hotline.

s. Coordinate with other IGs as requested by the designated lead IG, for the overseas contingency operation or DoD IG in accordance with Section 8L of the Inspector General Act of 1978, and as directed by DoD IG.

t. Validate and approve all investigative reports. When necessary, this may be delegated to an Assistant IG.

u. Record the status of all findings, conduct trend analysis related to those findings, and provide regular status reports/briefings to the DCMA Director as required.

v. Ensure Criminal Investigators maintain qualifications to carry concealed firearms in the performance of official duties as established in DoDD 5210.56, Section 3, DCMA Manual 4101-04, and this Instruction, while maintaining all applicable training and qualification requirements.

w. Delegate responsibilities in this Section to the Assistant IG of Investigations in the absence of the OIA-IG

x. Never include any guidance or opinion in recommendations regarding disciplinary action. If an IG recommends or offers guidance pertaining to disciplinary actions, then the IG removes DCMA as legitimate recipient/resolution agency for a complainant who receives discipline based on the IG’s recommendation. Disciplinary actions are management decisions. The IG must maintain independence from the disciplinary process for situations when management actions could be called into question regarding the disciplinary actions taken. Other recommendations made within IG reports are not binding until management makes a decision to formally implement the recommendations.

y. Ensure the Audit and Inspection teams within DCMA OIA-IG provide all findings of fraud, waste, and abuse to the DCMA OIA-IG investigative staff. The primary elements of a prevention and detection program exist within DCMA in the audit and inspection review, investigation, legal, and security areas.
z. Investigate reports of Questionable Intelligence Activities and Significant/Highly Sensitive Matters as required by DoDD 5148.13, “Intelligence Oversight,” and DCMA Instruction 3302, “Intelligence Oversight.”

aa. DCMA IG require the Assistant IG for Investigations to report directly to him/her. This may not be further delegated.

bb. Consult and coordinate their activities with DoD IG, other Federal, State and/or local law enforcement entities to enhance effectiveness, increase efficiency, minimize conflict and redundancy (as applicable).

2.3. CRIMINAL INVESTIGATORS, OIA-IG. The Criminal Investigators will:

a. Perform the tasks required in accordance to the CIGIE, Quality Standards for Investigations.

b. Be free, both in fact and appearance, from impairments to independence; be organizationally independent; and maintain an independent attitude, in all matters relating to investigative work.

c. Ensure professional care is used in conducting investigations and preparing related reports.

d. Maintain all applicable training and qualification requirements as outlined in DoDD 5210.56, DCMA Manual 4101-04, and this Instruction, when authorized to carry firearms in the performance of official duties.

e. Have authority (through IG or grand jury subpoenas and search warrants) to obtain documents not normally available to DCMA in performing its mission.

f. Criminal Investigators assigned to the DCMA OIA-IG are responsible for conducting thorough and impartial investigations into allegations of misconduct where DCMA has a nexus. The DCMA OIA-IG has investigative jurisdiction regarding all personnel, property, and resources assigned to DCMA.

2.4. COMMANDERS AND DIRECTORS FOR INTERNATIONAL, COST AND PRICING, AIRCRAFT INTEGRATED MAINTENANCE OPERATIONS, AND SPECIAL PROGRAMS COMMANDS; EASTERN, CENTRAL, AND WESTERN REGIONAL COMMANDS. The Commanders/Directors will:

a. Serve as the primary focal point and coordinator for all allegations not reaching the threshold investigated by the DCMA IG. As a general rule, IG appropriateness is defined in the Joint Inspector General Investigations Guide, Section 2.5, table 2.5.1, “Established Redress and Resolution Paths,” (see Resource Page for details).

b. Authorize Command Directed Investigations (CDI) into matters deemed not appropriate for the DCMA IG or another investigative channel.
c. Notify the DCMA IG upon initiation and completion of CDIs for tracking purposes.

d. Participate in monthly and interim updates, as appropriate, to the DCMA IG on the current status of all CDIs.

e. Provide the DCMA IG a response pertaining to action taken in reference to all substantiated IG Reports of Investigation and substantiated CDIs within 120 calendar days after closure of the investigation.

f. Notify the DCMA IG of all allegations of sexual misconduct.

g. Ensure DoD and DCMA IG Hotlines are publicized.

h. Not use IG records as attachments or exhibits to other official records without written approval of the DCMA IG.

i. Not use DCMA IG records for adverse action without coordination with General Counsel (GC) and approval from the DCMA IG.

2.5. COUNSEL.

a. The DCMA Office of General Counsel (GC) is responsible for all legal advice, counsel and representational services to DCMA, its Director and staff on all matters involving or affecting the Agency and manages the Contractor Fraud, Ethics and Litigation programs for the agency.

b. Office of the U.S. Attorney. Each U.S. Attorney is the chief federal law enforcement officer of the United States within his or her particular jurisdiction. The appropriate U.S. Attorney with jurisdiction will be consulted on all criminal investigations if determined by the Assistant IG for Investigations, DCMA, that a probable cause threshold has been achieved. GC may be consulted prior to the U.S. Attorney to assist in determining probable cause, but it is not necessary. The U.S. Attorneys have five statutory responsibilities under Section 547 of Title 28, U.S.C.

(1) Prosecute for all offenses against the United States;

(2) Prosecute or defend, for the Government, all civil actions, suits or proceedings in which the United States is concerned;

(3) Appear in behalf of the defendants in all civil actions, suits or proceedings pending in his district against collectors, or other officers of the revenue or customs for any act done by them or for the recovery of any money exacted by or paid to these officers, and by them paid into the Treasury;
(4) Institute and prosecute proceedings for the collection of fines, penalties, and forfeitures incurred for violation of any revenue law, unless satisfied on investigation that justice does not require the proceedings; and

(5) Make such reports as the Attorney General may direct.

c. State’s Attorney or District Attorney. Depending on the state in which an offense takes place, the prosecuting attorney may be called a State Attorney or District Attorney. During investigations wherein DCMA OIG Criminal Investigators are working jointly, not lead, with local authorities, they may need to work with State Attorney or District Attorney Counsel pertaining to criminal investigations. In these cases, the Criminal Investigator will adhere to the guidance of the State Attorney’s or District Attorney’s office to ensure competent prosecution.

2.6. IG AUDITORS. IG Auditors may:

a. When possible, support IG investigations when the Criminal Investigators have submitted a written request for assistance to the Audit Assistant IG. Auditors will treat requests for investigative support as customer’s requested assignments and schedule them for completion on that basis. The Assistant IG for Investigations will work with investigators to determine what audit assistance is needed, list of needed support, and expected timeframe of needed support. This list may be amended periodically, depending on investigative developments or as deemed necessary by the auditor to properly fulfill his or her mission or function.

b. Provide assistance if possible to support Criminal Investigators consistent with the auditor's role in the investigative process. Auditors are not to perform clerical or other tasks outside the normal function of the auditing profession on behalf of Criminal Investigators and are not to assume the role of an investigator.

c. Not have Criminal Investigators use their authority to obtain, for DCMA's use, information or documents not related to the investigation. Conversely, auditors will not use DCMA's authority to obtain, for Criminal Investigators, information or documents not related to the investigation.

d. Not, if assigned to an investigative team, directly or indirectly, state or indicate that their presence at the auditee's premises is for any purpose other than to assist in an IG investigation. To do otherwise could result in audit-obtained information being deemed inadmissible in court.

e. Be aware of their responsibility to exercise due care and be mindful that removal of original documents from the designated workplace could result in both significant embarrassment to the Agency and penalties to the auditor when assigned to assist an investigation.

2.7. IG HOTLINE COORDINATOR. DCMA IG Hotline Coordinator will adhere to all regulatory requirements within DCMA Instruction 936, “Hotline Program.”
SECTION 3: VIOLATIONS AND MISCONDUCT

3.1. CRIMINAL VIOLATIONS. Criminal incidents that concern/affect DCMA personnel, facilities, activities, or assets will be reported to the DCMA IG within 24 hours regardless of the location of the incident, affiliation/jurisdictional considerations, or the likelihood of redundant reporting of the incident by other DoD elements. The DCMA IG will promptly report significant criminal allegations to Defense Criminal Investigative Service or the appropriate DCIO. In situations where the safety of people and property are in question, local police or facility security personnel should be the first to be notified. All allegations of procurement/contract fraud; however, are to be reported promptly and directly to the DCMA Contract Integrity Center.

a. Reports will be submitted by DCMA employees whenever suspected or known criminal incidents or activities occur. Information submitted under the provisions of this Instruction is intended to alert headquarters DCMA of significant incidents or actions which may adversely affect mission accomplishment or require timely action by the agency.

b. Reports must be made to the DCMA Hotline via phone (toll-free) 1-844-551-2067, (commercial) 804-609-4264 or DSN 687-4264; by mail/commercial delivery service addressed to the DCMA Hotline, Office of Internal Audit and Inspector General, 3901 A Avenue, Building 10500, Fort Lee, VA 23801; or online at www.dcma.mil/hotline.

c. Allegations of criminal offenses declined and not reaching the threshold investigated by any DCIO, and noncriminal misconduct will be investigated by Criminal Investigators assigned to the DCMA IG.

d. Criminal Investigators must coordinate with the Contract Integrity Center Fraud Counsel prior to initiating and throughout any investigation involving contract/procurement fraud.

e. Audit Reports Involving Alleged Subcontractor Fraud:

(1) Most fraud statutes provide for measurement of total cost impact to the Government for damages resulting from subcontractor fraud or false statements. For example, a second-tier subcontractor may make a false statement to a first-tier subcontractor resulting in a $1 million defective pricing. If the first-tier subcontractor and the prime contractor rely on the defective data, the impact to the Government would exceed $1 million after adding the two additional levels of overhead, general and administrative, and profit. In this example, the second-tier subcontractor would be liable for the entire cost impact to the Government (plus penalties) even though its gain was only $1 million. This situation differs significantly from a non-fraudulent defective pricing case where the Government would seek recovery of the entire cost impact from the prime contractor.

(2) During an investigation, it may be necessary to audit companies that are not the target of the investigation. An example is the audit of a subcontractor to confirm or refute information provided by a prime contractor. If a company is not the target of an investigation, do not inform the company of the investigation or of the investigative nature of the audit.
3.2. NONCRIMINAL MISCONDUCT. Allegations of noncriminal misconduct by DCMA employees (related to their DCMA employment) must be reported to the DCMA IG via the reporting options listed in Paragraph 3.1.b., of this Instruction.

   a. Allegations of serious misconduct by senior officials of DCMA/DoD must be promptly reported to the DCMA IG. "Senior Officials" are considered to be active duty, retired, Reserve, or National Guard military officers in the grades O-7 and above; current or former members of the Senior Executive Service; and current and former DoD civilian Presidential appointees.

   b. Equal Employment Opportunity (EEO) complaints must be reported to the DCMA EEO Office within 45 calendar days from the date of the alleged incident. The EEO Complaint mailbox is dcma.lee.hq.mbx.eeo@mail.mil and the EEO Complaints Line can be reached at (commercial) 804-609-4766, or DSN 687-4766.

   c. Allegations of noncriminal sexual misconduct will be reported to DCMA IG. Allegations of discrimination regarding employment matters based on sex identity should be reported to EEO.

   d. Allegations of a breach of security will be referred to DCMA Security for further action.

   e. Allegations of ethics violations will be investigated by the DCMA IG, or other investigative authority, as determined by the IG.

   f. Investigations involving fraud, waste, and abuse of purchase/travel cards will be conducted by the DCMA IG. Notification of the potential involvement of purchase or travel cards must take place within 72 hours of becoming aware of the suspected violation. The cardholder's Commander or second line/second level supervisor, as appropriate, and security manager must be notified.

   g. To avoid duplication, the DCMA Hotline generally does not accept administrative complaints for which other channels that address the matter have been established by law, rule, or regulation.

   h. If an employee suspects fraud or misconduct within their chain of command and believes they cannot report the matter to their supervisor and/or anyone in the chain, the DCMA Hotline or DoD IG Hotline will be used in accordance with the DCMA Hotline Program and DoDI 7050.01.

   i. Provide investigative support to Insider Threat Inquiries and activities as requested by the DCMA Insider Threat Program Manager.

3.3. INVESTIGATIVE PRIORITIES. The DCMA IG has the following investigative priorities in references to IG cases:
3.4. REPORTING.

a. Employees have a duty to promptly report fraud, waste, and abuse or gross mismanagement; violations of law, policy, procedures, instructions, or regulations, injustices, abuses of authority, inappropriate conduct, or misconduct (as defined by an identifiable standard); and/or deficiencies to the appropriate supervisory channel, to an IG or other appropriate inspector, or through an established grievance channel.

b. Complainants should attempt to resolve complaints at the lowest possible level (appropriate for the circumstances) using supervisory channels before addressing them to higher-level command channels or the IG. For all complaints, IG staff members and Criminal Investigators will query the complainant on whether other grievance channels were contacted prior to contacting the IG for assistance.

c. When a complainant informs the DCMA IG that their complaint was filed with a higher level organization for redress as such the President, Congress, Office of Special Counsel and/or IG DoD, then consideration and care must be taken prior to closing a case before the higher level organization has either referred the case to DCMA or has completed its own investigation. Often complainants fail to provide identical information to all complaint recipient organizations. Therefore, it is prudent to delay final closure of complaints filed with higher echelon organizations until confirming that all information received by the higher echelon IG is the same as the information provided to DCMA IG by the complainant.

d. When complainants send the same or a similar complaint to several levels of the government, the highest level with which the complainant corresponds will reply, unless determined otherwise by the higher level office or other directives. If it is decided that a lower level will respond, the IG must inform the complainant they may not receive separate replies.
from various levels of the government and inform the complainant which level will provide the primary response.

e. The IG system should not be used for matters normally addressed through other established grievance or appeal channels, unless there is evidence those channels mishandled the matter or process.

f. Complainants must provide compelling evidence that the process was mishandled or handled prejudicially before the IG will process a complaint of mishandling. Mere dissatisfaction or disagreement with the outcome or findings of an alternative grievance or appeal process is not a sufficient basis to warrant an IG investigation.

g. Complainants must exhaust those procedures addressed by policy directive or instruction that provides a specific means of redress or appeal of a grievance before filing an IG complaint.

h. Complainants should submit a complaint if they reasonably believe inappropriate conduct has occurred, or a wrong or violation of law, policy, procedure, instruction, or regulation has been committed, even if the complainant is not the wronged party or was not affected by the alleged violation. Individuals may also submit a complaint on behalf of another individual. Those who do so are known as third-party complainants.

i. Third-party complainants are not entitled to a response regarding the substance of alleged wrongs not directly affecting them. Third-party complainants are only entitled to have receipt of their complaint acknowledged.

j. Third-party complainants are not entitled to personal information or other information not releasable to the public under the Freedom of Information Act/Privacy Act. To release personal information concerning a first-party individual (complainant, subject), a written and signed consent to release private information must be acquired from the affected individual. If the individual does not give their consent to release first-party information to a third party, IGs must inform the requestor that personal privacy information will not be released.

k. Complainants must cooperate with DCMA IG by providing factual and relevant information regarding the issues and/or allegations unless exercising Fifth Amendment rights (self-incriminating information). If complainants do not cooperate, the IG may dismiss the complaint if the lack of information leaves the IG unable to conduct a thorough preliminary analysis.

l. Complainants providing information to the DCMA IG system must understand they are submitting official statements within official channels. Therefore, they remain subject to punitive action for knowingly and intentionally making false statements and for submitting other unlawful communications.

m. The contents of a Report of Investigation will not be released to subjects/suspects, or witnesses named in the report without DCMA IG approval.
GLOSSARY

G.1. DEFINITIONS.

Misconduct. Wrongful, improper, or unethical conduct motivated by an intentional purpose or by obstinate indifference to the consequences of one's actions that fails to meet the accepted standard of criminal behavior.


Procedures. A set of mandatory step-by-step instructions established to implement Agency policy. It describes the process that must be followed to achieve the desired outcome.

Qualified. Trained to a satisfactory level of competence in an IG DoD-approved IG training course.

Sexual Misconduct. Wrongful, improper, or unethical sexual conduct (fraternization, adultery, etc.) motivated by an intentional purpose or by obstinate indifference to the consequences of one's actions which fails to meet the accepted standard of criminal behavior.
# Glossary

## G.2. Acronyms.

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<th>Acronym</th>
<th>Description</th>
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<tr>
<td>CDI</td>
<td>Command Directed Investigation or Inquiry</td>
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<tr>
<td>CIGIE</td>
<td>Council of the Inspector General on Integrity and Efficiency</td>
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<td>DCIO</td>
<td>Defense Criminal Investigative Organization</td>
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<td>DoDD</td>
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<td>Inspector General</td>
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<td>OIA-IG</td>
<td>Office of Internal Audit and Inspector General</td>
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REFERENCES

DCMA Instruction 936, “Inspector General: Hotline Program,” October 9, 2018
DCMA Instruction 3302, “Intelligence Oversight,” June 4, 2020
DoD Instruction 5400.11, “DoD Privacy Program and Civil Liberties Program,” January 29, 2019
DoD Instruction 5505.16, “Investigations by DoD Components,” June 23, 2017
DoD Instruction 7050.01, “Defense Hotline Program,” October 17, 2017
DoD Instruction 8500.01, “Cybersecurity,” March 14, 2014
Inspector General Act of 1978
United States Code, Title 10
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