SUBJECT: DeCA Civil Liberties Program

References: See Enclosure 1

1. POLICY. This Manual implements polices as defined in DeCA Directive (DeCAD) 80-22 and is in compliance with references listed within this document.

2. PURPOSE. The purpose of this Manual is to establish processes and procedures governing the format, receipt, processing, investigation, and response to complaints of civil liberties violations; to establish the process and procedures to ensure DeCA is considering appropriate privacy and civil liberties requirements, policies and guidelines when proposing, developing, or implementing laws, regulations, policies, procedures or guidelines related to DeCA’s mission; to ensure review of DeCAs policies, publications, issuances, policy letters, and operational guidance for compliance with privacy and civil liberties requirements, policies and guidelines; and to establish training requirements regarding civil liberties.

3. APPLICABILITY. This Manual applies to all DeCA activities and all DeCA personnel. For purposes of this Manual, “DeCA personnel” includes contractors who must use, have access to, or disseminate individually identifiable information subject to the Privacy Act in order to perform their duties.

4. MANAGEMENT CONTROL SYSTEM. This Manual contains internal management control provisions that are subject to evaluation and testing as required by DeCAD 70-2.

5. RELEASABILITY. Unlimited - Cleared for public release. This Manual is available on DeCA’s Internet Web site at www.commissaries.com.
6. **EFFECTIVE DATE.** This Manual is effective January 8, 2016.

[Signature]

William E. Sherman  
General Counsel

Enclosures  
1. References  
2. Introduction  
3. Responsibilities  
4. Civil Liberties Training  
5. Review of DeCA Policies and Actions  
6. Civil Liberty Violations Complaint Processing

Glossary  
Figures
# TABLE OF CONTENTS

ENCLOSURE 1: REFERENCES...................................................................................................5

ENCLOSURE 2 – INTRODUCTION

PURPOSE ..................................................................................................................................6
BACKGROUND ............................................................................................................................6
CIVIL LIBERTIES PROGRAM MISSION ....................................................................................6
FEEDBACK .................................................................................................................................6

ENCLOSURE 3 – RESPONSIBILITIES

DeCA DIRECTOR ....................................................................................................................7
DeCA GENERAL COUNSEL ..................................................................................................7
DeCA CIVIL LIBERTIES POINT OF CONTACT .................................................................8
DeCA CIVIL LIBERTIES COMPLAINT PROCESSORS ......................................................8
DeCA EQUAL EMPLOYMENT OPPORTUNITY DIRECTOR ............................................9
DeCA HUMAN RESOURCES DIRECTOR ............................................................................9
DeCA INSPECTOR GENERAL ............................................................................................10
OTHER FUNCTIONAL PROCESS OWNERS (FPOs), SPECIAL STAFF GROUPS,
AREA DIRECTORS, ZONE MANAGERS, STORE MANAGERS, CMPP
MANAGER, CCS MANAGER, AND CDC MANAGERS .............................................10
SUPERVISORS AND MANAGERS.....................................................................................11
ALL DeCA EMPLOYEES AND CONTRACTORS ..............................................................11

ENCLOSURE 4 – CIVIL LIBERTIES TRAINING

CIVIL LIBERTIES AWARENESS TRAINING ....................................................................12
CIVIL LIBERTIES COMPLAINT PROCESSOR TRAINING .............................................12

ENCLOSURE 5 – REVIEW OF DeCA POLICIES AND ACTIONS

COORDINATION REQUIREMENT .....................................................................................13
DeCA CIVIL LIBERTIES POC DUTIES................................................................................13

ENCLOSURE 6 – CIVIL LIBERTY VIOLATIONS COMPLAINT PROCESSING

CIVIL LIBERTY VIOLATIONS COMPLAINT REQUIREMENTS........................................14
CIVIL LIBERTY VIOLATIONS RECEIPT ...............................................................................14
CIVIL LIBERTY VIOLATIONS COMPLAINT REFERRAL .................................................15
CIVIL LIBERTY VIOLATIONS COMPLAINT RESPONSE ..............................................15
ENCLOSURE 1

REFERENCES

DeCAD 70-2, “Internal Control Program,” December 17, 2007
DeCAD 80-12, “Procedures for Investigating Officers,” January 21, 1994
DeCAD 80-21, “Privacy Act Program,” April 15, 2010
DoDI 1000.29, “DoD Civil Liberties Program,” November 26, 2014, as amended
DoDI 5025.01, “DoD Issuances Program” October 17, 2014, as amended
United States Code, Title 42, Sections 2000ee and 2000ee-l
ENCLOSURE 2

INTRODUCTION

1. PURPOSE. This Manual, in accordance with (IAW) the authorities in Sections 2000ee and 2000ee-l of Title 42, United States Code (U.S.C.), DoDI 1000.29, and DoD Directive 5105.55, establishes procedures and processes for the implementation of the DeCA Civil Liberties Program as established by DeCAD 80-22. DeCA’s Privacy Act Program will continue to be governed by DeCAD 80-21, Privacy Act Program, and DeCA Manual (DeCAM) 80-21.1. This Manual has been developed to provide all DeCA personnel with program reference and direction for complying with the Department of Defense and DeCA Civil Liberties Program. The guidance contained herein applies to all DeCA activities and all DeCA personnel. For purposes of this Manual, “DeCA personnel” includes contractors who must use, have access to, or disseminate individually identifiable information subject to the Privacy Act in order to perform their duties.

2. BACKGROUND. The development and maintenance of this manual is supported by DeCAD 80-22 and is to be used in coordination with DoD and DeCA directives, regulations, and supporting guidance listed in references.

3. CIVIL LIBERTIES PROGRAM MISSION. The primary mission of the DeCA Civil Liberties Program is to protect the privacy and civil liberties of DeCA personnel, members of the Military Services, and the public to the greatest extent possible, consistent with its operational requirements, and to consider appropriate privacy and civil liberties in the review, development, and implementation of new or existing laws, regulations, policies, and initiatives. Additionally, DeCA personnel have a continuing affirmative responsibility to safeguard the privacy and civil liberties of all those with whom they may deal in the course of the performance of their official duties and to report violations or suspected violations of civil liberties to the DeCA Chief Civil Liberties Officer (CCLO). The DeCA Civil Liberties Program exists to support DeCA in meeting its responsibilities in delivering the commissary benefit to Service members and to help improve DeCA’s performance and accountability in complying with statutory regulations.

4. FEEDBACK. The DeCA CCLO is receptive to suggestions for improving this Manual. Recommendations can be mailed to the Defense Commissary Agency, Attn: General Counsel/Civil Liberties Point of Contact (POC), 1300 E Avenue, Fort Lee, VA 23801-1800, or call (804) 734-8000 Extension 48116 (DSN 687), or via email to GeneralCounsel@deca.mil. Any questions pertaining to this Manual should be directed to the Civil Liberties POC.
ENCLOSURE 3

RESPONSIBILITIES

1. Director, DeCA. The Director shall:

   a. Consider privacy and civil liberties when proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to DeCA’s mission.

   b. Periodically investigate and review DeCA actions, policies, procedures, guidelines, and related laws and their implementation to ensure that DeCA is considering appropriate privacy and civil liberties.

   c. Ensure that DeCA has adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege that DeCA violated their privacy or civil liberties.

   d. In providing advice on proposals to retain or enhance a particular governmental power, consider whether DeCA has established that:

      (1) The need for the power is balanced with the need to protect privacy and civil liberties.

      (2) There is adequate supervision of the use by DeCA of the power to ensure protection of privacy and civil liberties.

      (3) There are adequate guidelines and oversight to properly confine the use of the power.

   e. Ensure DeCA employees are trained, as appropriate, regarding the protection of privacy and civil liberties.

   f. Submit reports as directed by the DPCLD IAW DeCAD 80-22 and DeCAD 70-2.

2. DeCA General Counsel (GC). The DeCA GC shall:

   a. Serve as the DeCA CCLO.

   b. Designate a government employee to serve as the primary DeCA Civil Liberties POC.

   c. Assist the Director, DeCA in carrying out his responsibilities set forth in Enclosure 6.1.a. above.

   d. Provide advice and assistance on all legal matters arising out of, or incident to, the DeCA Civil Liberties Program.
e. Review, in consultation the Civil Liberties POC, allegations of privacy and civil liberties violations and provide support to the investigation of those allegations, as appropriate.

f. Consult with and advise management officials on appropriate penalties and disciplinary actions for substantiated misconduct by employees in violation of this Manual and coordinating recommended actions with Human Resources (HR).

g. Provide guidance and assistance to investigators on requirements and protocol for conducting investigations into privacy and civil liberties violations, involved individuals’ due process rights, and writing the investigative report, or memorandum of record.

h. Investigate, IAW established GC processes and procedures, complaints of violations of privacy and civil liberties determined to be within the scope of the GC responsibilities.

3. DeCA Civil Liberties POC. The DeCA Civil Liberties POC shall:

a. Review complaints of violations that may be privacy or civil liberties-related to determine if the complaints are valid.

b. Refer valid complaints of privacy or civil liberties violations to the appropriate office for investigation and, if possible, resolution. Appropriate offices to investigate and, if possible, resolve complaints of violations of privacy or civil liberties are the DeCA Equal Employment Opportunity (EEO) Office, the DeCA Inspector General (IG), DeCA HR, and DeCA GC.

c. Assist the DeCA Director in submitting reports as directed by the Defense Privacy and DPCLD IAW DeCAD 80-22 and DeCAD 70-2.

4. DeCA Civil Liberties Complaint Processors. DeCA Civil Liberties Complaints Processors shall:

a. Complete Civil Liberties Complaint Processor Training.

b. Review complaints received from individuals who allege that DeCA violated their privacy or civil liberties and refer those complaints to the Civil Liberties POC for a determination of validity.

c. Investigate complaints of privacy or civil liberties violations from individuals referred to a processor by the Civil Liberties POC IAW the procedures used by that office for investigation of complaints, prepare a report summarizing the findings and conclusions of the investigation, and provide that report to the Civil Liberties POC.

d. Maintain records of complaints of privacy or civil liberties violations and investigation IAW DeCA records retention schedules.
e. Provide reports to the Civil Liberties POC on a periodic basis specifying the number of complaints received and investigated by that office.

5. DeCA, Equal Employment Opportunity (EEO) Director. The DeCA EEO Director shall:

   a. Appoint a DeCA Civil Liberties Complaint Processor.

   b. Refer complaints of violations that may be privacy or civil liberties-related to the DeCA Civil Liberties POC for review to determine if the complaints are valid.

   c. Upon referral of valid complaints of privacy or civil liberties violations by the DeCA Civil Liberties POC, investigate and, if possible, resolve those complaints IAW established EEO processes and procedures.

   d. Maintain records of complaints of privacy or civil liberties violations and investigations IAW DeCA Records Retention Schedules.

   e. Periodically provide the DeCA Civil Liberties POC with reports, as necessary, in order to carry out the DeCA Civil Liberties POC responsibility of assisting the DeCA Director in submitting reports, as directed by the DPCLD, IAW DeCAD 80-22 and DeCAD 70-2.

   f. Consider privacy and civil liberties when proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to DeCA’s mission, and refer all publications, issuances, policy letters, and operational guidance to the DeCA Civil Liberties POC to review for consideration of the effects on the DeCA Civil Liberties Program.

6. DeCA Director, Human Resources (HR). The DeCA HR Director shall:

   a. Appoint a DeCA Civil Liberties Complaint Processor.

   b. Refer complaints of violations that may be privacy or civil liberties-related to the DeCA Civil Liberties POC for review to determine if the complaints are valid.

   c. Upon referral of valid complaints of privacy or civil liberties violations by the DeCA Civil Liberties POC, investigate and, if possible, resolve those complaints IAW established HR processes and procedures;

   d. Maintain records of complaints of privacy or civil liberties violations and investigations IAW DeCA Records Retention Schedules.

   e. Consult with and advise management officials on appropriate penalties and disciplinary action for substantiated misconduct and coordinate recommended actions with GC.
f. Periodically provide the DeCA Civil Liberties POC with reports, as necessary, in order to carry out the DeCA Civil Liberties POC responsibility of assisting the DeCA Director in submitting reports as directed by the DPCLD IAW DeCAD 80-22 and DeCAD 70-2.

g. Consider privacy and civil liberties when proposing, developing, or implementing laws, regulations, policies, procedures or guidelines related to DeCA’s mission, and refer all publications, issuances, policy letters, and operational guidance to the DeCA Civil Liberties POC to review for consideration of the effects on the DeCA Civil Liberties Program.

7. **DeCA Inspector General (IG).** The DeCA IG shall:

   a. Appoint a DeCA Civil Liberties Complaint Processor.

   b. Refer complaints of violations that may be privacy or civil liberties-related to the DeCA Civil Liberties POC for review to determine if the complaints are valid.

   c. Upon referral of valid complaints of privacy or civil liberties violations by the DeCA Civil Liberties POC, investigate and, if possible, resolve those complaints IAW established IG processes and procedures.

   d. Maintain records of complaints of privacy or civil liberties violations and investigation IAW DeCA records retention schedules.

   e. Periodically provide the DeCA Civil Liberties POC with reports, as necessary, in order to carry out the DeCA Civil Liberties POC responsibility of assisting the DeCA Director in submitting reports as directed by the DPCLD IAW DeCAD 80-22 and DeCAD 70-2.

   f. Consider privacy and civil liberties when proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to DeCA’s mission, and refer all publications, issuances, policy letters, and operational guidance to the DeCA Civil Liberties POC to review for consideration of the effects on the DeCA Civil Liberties Program.

8. **Other Functional Process Owners (FPOs), Special Staff Group, Area Directors, Zone Managers, Store Managers, and Central Meat Processing Plant (CMPP) Manager, Central Catalog System (CCS) Manager, and Central Distribution Center Managers.** Other FPOs, Special Staff Groups, area directors, zone managers, store managers, CMPP, CCS, and CDC Managers shall:

   a. Monitor complaints received by their respective departments, offices and divisions for potential privacy or civil liberties-related matters, and refer those complaints to the DeCA Civil Liberties POC; and

   b. Consider privacy and civil liberties when proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to DeCA’s mission, and refer all
publications, issuances, policy letters, and operational guidance to the DeCA Civil Liberties POC to review for consideration of the effects on the DeCA Civil Liberties Program.

9. **Supervisors and Managers.** Each supervisor and manager shall be responsible for the following:

   a. Project appropriate professional behavior that fosters and promotes a work environment free from privacy and civil liberties violations.

   b. Reassure employees who raise privacy and civil liberties violations that confidentiality, to the extent possible, will be maintained.

   c. Inform employees who raise privacy and civil liberties violations to them that this Manual strictly prohibits retaliation, and ensuring that substantiated retaliation claims result in the appropriate disciplinary action.

   d. Taking prompt and appropriate corrective, remedial, or disciplinary action against subordinate personnel who have engaged in misconduct that violates this Manual.

   e. Referring complaints they have received to the Civil Liberties POC when privacy or civil liberties violations have been alleged.

   f. Ensuring that all DeCA employees receive Civil Liberties Awareness training at least triennially.

10. **All DeCA Employees and Contractors.** All DeCA employees and contractors shall:

    a. Act professionally and refrain from engaging in acts that may violate another individual’s privacy or civil liberties.

    b. Complete Civil Liberties Workforce Awareness Training as specified in this Manual.

    c. Become familiar with the provisions of this Manual, complying with all requirements of this Instruction, and cooperating with any investigation under this Manual.

    d. Promptly report suspected violations of privacy and/or civil liberties to the DeCA Civil Liberties POC.
ENCLOSURE 4

CIVIL LIBERTIES TRAINING

1. Civil Liberties Awareness Training.
   a. All DeCA personnel shall complete Civil Liberties Awareness Training at least once every three years.
   b. DeCA supervisors shall maintain records of Civil Liberties Awareness training of DeCA personnel, and shall submit the total number of DeCA personnel trained to the Civil Liberties POC, as needed, to respond to required DoD reporting requirements.
   c. The DeCA CCLO, through the DeCA Civil Liberties POC, will annually issue a training standard operating procedures (SOP) detailing the DeCA personnel who should receive training during that year, the permissible methods of presentation (e.g. individual, group, etc.), and reporting requirements.

2. Civil Liberties Complaint Processor Training.
   a. All DeCA personnel who have been designated as DeCA Civil Liberties Complaint Processors shall complete Civil Liberties Complaint Processor training at least once every year.
   b. The EEO Director, the IG, the HR Director, and the GC shall maintain records of Civil Liberties Complaint Processor training of DeCA personnel, and shall submit the total number of DeCA personnel trained to the DeCA Civil Liberties POC, as needed, to respond to required Department of Defense (DoD) reporting requirements.
ENCLOSURE 5

REVIEW OF DeCA POLICIES AND ACTIONS

1. Coordination Requirement. FPOs, Staff Offices, area directors, zone managers, store managers, CMPP manager, CCS manager, and CDC managers shall:
   a. Consider privacy and civil liberties in the review, development, and implementation of new or existing regulations, policies, and initiatives.
   b. Forward all DeCA publications, issuances, policy letters, and operational guidance containing civil liberties or privacy concern to the DeCA Civil Liberties POC for coordination before becoming final.

2. DeCA Civil Liberties POC Duties. The DeCA Civil Liberties POC shall:
   a. Be responsible for responding to inquiries on whether an Agency action contains a civil liberties or privacy concern, including reviewing the issuance and rendering a determination on whether a civil liberties or privacy concern is present.
   b. Review all Agency actions to ensure that civil liberties and privacy concerns are adequately considered prior to being issued or reissued.
ENCLOSURE 6

CIVIL LIBERTY VIOLATIONS COMPLAINT PROCESSING

1. Civil Liberty Violations Complaint Requirements.
   a. A valid complaint shall be in writing and must contain:
      (1) The alleged civil liberties violation;
      (2) Specific date, time and location of the alleged violation and whether it is on-going;
      (3) Name of individual(s) who violated the complainant’s civil liberties;
      (4) Explanation of how situation was resolved, if resolved;
      (5) Complainant’s original signature (digital or wet).
   b. An example of a valid complaint may be found at Figure 1.

2. Civil Liberty Violations Receipt.
   a. Complaints alleging civil liberties violations may be received in a variety of ways:
      (1) Direct communication to the DeCA CCLO or the DeCA Civil Liberties POC, located in the DeCA Office of General Counsel;
      (2) Referral from the DPCLD;
      (3) Embedded in or raised in the course of complaint or grievance processing received by the DeCA EEO Office, the IG, the GC, the Privacy Office, the HR Directorate; or
      (4) Complaints received by commissary store personnel, area, and headquarters personnel in the course of their duties.
   b. Written complaints may be addressed to the Defense Commissary Agency, Office of General Counsel, ATTN: DeCA Civil Liberties POC, 1300 E Avenue, Fort Lee, VA 23801-1800.
   c. All complaints alleging civil liberties violations shall be referred to the DeCA Civil Liberties POC for evaluation and referral to the appropriate office for investigation.
   d. The DeCA Civil Liberties POC will review each complaint received to determine if it raises a valid civil liberties violation.
3. Civil Liberty Violations Complaint Referral.

   a. If the complaint raises a valid civil liberties violation, but is embedded in a complaint under the jurisdiction of the DeCA EEO Office, IG, or HR, the complaint will be referred back to the appropriate office for investigation IAW that office’s established procedures. For example, a valid civil liberties violation raised in a complaint of discrimination will be investigated IAW with EEO complaint processing procedures. A sample letter of referral is attached at Figure 3.

   b. If a complaint raises a valid civil liberties violation in the context of a Privacy complaint, the complaint will be referred to the Privacy Officer for investigation.

   c. If the complaint raises a valid civil liberties violation in the context of an ethics complaint, the GC will designate an attorney to conduct an investigation.

   d. Complaints raising valid civil liberties violations received from other sources (store personnel, supervisors and managers, area and headquarters personnel, patrons, etc.) may be referred to the DeCA EEO Office, the IG, HR, or GC, as appropriate. However, complaints of valid civil liberties violations may not fall within the purview of the established jurisdiction of those offices. In those cases, the complaint will be referred to an appropriate DeCA Senior Executive Service official who will direct an inherent authority of command investigation pursuant to DeCAD 80-12.


   a. When an investigation of a valid civil liberties complaint is completed, the responsible office will prepare a draft letter responding to the complainant reporting the results of that investigation and any corrective actions taken, and will forward that draft, along with a copy of the complete investigation to the DeCA Civil Liberties POC.

   b. The DeCA Civil Liberties POC will review the investigation and will finalize the letter of response for the DeCA CCLO. The DeCA Civil Liberties POC will prepare an Executive Summary for the DeCA CCLO.

   c. The DeCA CCLO will review the Executive Summary and sign and dispatch the letter of response to the complainant. Copies of the signed letter will be provided to the investigation office and the DeCA Civil Liberties POC.
d. The DeCA Civil Liberties POC will maintain the official records copy of all correspondence and investigations relating to complaints of civil liberties violations not otherwise referred to other offices IAW applicable records retention schedules.
CIVIL LIBERTIES
10 AMENDMENT ROW
ARLINGTON, VA 22202-1234
PHONE: (123) 456-7890
E-MAIL: CIVIL.LIBERTIES@DEFENSEAGENCY.MIL

MAY 1, 20XX

DEFENSE COMMISSARY AGENCY
ATTN: GENERAL COUNSEL/CIVIL LIBERTIES POINT OF CONTACT
1300 E AVENUE
FORT LEE, VA 23801-1800

TO WHOM IT MAY CONCERN:

MY CIVIL LIBERTIES WERE VIOLATED ON EXACT DATE(S) WHILE EMPLOYED AT THE DEFENSE COMMISSARY AGENCY. A RELIGIOUS FILM WAS BEING SCREENED AT EXACT LOCATION (AUDITORIUM, CAFETERIA, ETC.) AND IT APPEARED THAT PEOPLE FROM OTHER DEPARTMENTS ATTENDED THE FILM ON AN INDIVIDUAL BASIS.

HOWEVER, MY BRANCH CHIEF TOLD MY DEPARTMENT THAT WE WOULD BE ATTENDING A RELIGIOUS FILM AS A GROUP. A NUMBER OF US, OTHER MEMBER NAME(S) AND TITLE(S), OBJECTED TO THIS AND DID NOT WANT TO ATTEND THE FILM. SEVERAL PEOPLE, MYSELF INCLUDED, VOICED OBJECTIONS AND SAID WE WOULD NOT ATTEND THE FILM. THE BRANCH CHIEF THEN TOLD US THAT WE DID NOT HAVE TO ATTEND THE FILM, BUT THAT WE MUST TAKE LEAVE WHILE THE REST OF THE DEPARTMENT ATTENDED THE FILM. THIS WAS A PUNISHMENT FOR NOT ATTENDING THE RELIGIOUS FILM. STATE WHICH CIVIL LIBERTY(IES) WERE BELIEVED TO HAVE BEEN VIOLATED. EXPLAIN HOW THE SITUATION WAS RESOLVED.

I HAVE NOT REPORTED THIS TO ANY OTHER OFFICE. STATE IF THIS INVESTIGATION IS ONGOING OR A ONE TIME OCCURRENCE.

PLEASE INVESTIGATE THIS, AS I BELIEVE IT IS A VIOLATION FOR MY BRANCH CHIEF TO REQUIRE ME TO ATTEND A FILM WITH A RELIGIOUS THEME. PLEASE CONTACT ME BY E-MAIL AT ANY TIME AT CIVIL.LIBERTIES@DEFENSEAGENCY.MIL.

THANK YOU,
V/R
CIVIL LIBERTIES
ACKNOWLEDGEMENT LETTER

Defense Commissary Agency  
ATTN: General Counsel/Civil Liberties POC  
1300 E Avenue  
Fort Lee, VA 23801-1800

Mr. Bill O’Rights  
1 American Way  
Washington, DC 34567-1234

Dear Mr. O’Rights:

This letter acknowledges receipt of your Civil Liberties Complaint filed with our office on September 20, 2011. Based on my review of your Complaint, I have decided to frame your Complaint as follows:

Whether Complainant’s Civil Liberties (i.e., due process rights) were violated when, on or about October 17, 1996, the Defense Commissary Agency violated Title 18, United States Code (U.S.C.), Section 1001, by lying about him in a Notice of Proposed Suspension.

If your complaint is accepted by our office, you will be notified of the date of investigation. After the investigation, you will be sent a summary regarding the outcome of the investigation. If your complaint is not accepted for investigation, you will be informed of the reason(s) for the non-acceptance. The determination regarding whether your complaint will be investigated and the final outcome of the investigation is not subject to further review.

If you have questions or need more information, please contact CIVIL LIBERTIES POC at [e-mail address] or (804) 734-8000, x48116.

Sincerely,

John A. Doe  
Civil Liberties POC
Figure 3

SAMPLE REFERRAL MEMORANDUM

GC

MEMORANDUM FOR [Name of Referral Office]

SUBJECT: [File/Complaint Number Assigned by Referral Office]

The Office of General Counsel has reviewed the above referenced complaint and has determined that it alleges a potential violation of individual civil liberties in contravention of Department of Defense (DoD) policy to protect the civil liberties of DoD personnel and the public to the greatest extent possible, given operational requirements. DoD is required by Section 803 of Public Law 110-53, an Act Implementing the Recommendations of the 9/11 Commission of 2007 to develop and implement adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege that DoD has violated their civil liberties.

Civil liberties are the rights of individuals to exercise constitutionally guaranteed freedoms without Government interference, and include the rights of freedom of speech, freedom of religion, the right to peaceable assembly, and the right to petition the government for redress.

The attached complaint alleges that [include a brief description of the facts alleged and a short legal analysis of the civil liberty allegedly breached].

Because this civil liberty allegation arises within your area of responsibility (AOR), you are directed to inquire into the allegations of civil liberty violations in addition to other matters within your AOR, either using established investigative processes (e.g. investigation of fraud, waste, and abuse complaints by the Inspector General, investigation of Equal Employment Opportunity (EEO) matters by the EEO Officer, etc.) or by using the Procedure for Investigating Officers set forth in DeCA Directive 80-12, dated January 21, 1994. Your point of contact (POC) for this inquiry should interview personnel, take statements or testimony, and examine records in order to fully develop the facts of the matter. In addition your POC should consult with (Name of GC attorney designated as POC).

Your inquiry should determine whether the civil liberties allegations are substantiated, and provide recommendations for appropriate corrective or disciplinary action. You will provide a summary report to the Office of General Counsel within 45 days of receiving this notice. That report will reference your office’s assigned File Number, whether the allegation(s) was substantiated, a brief summary of the facts, and your recommendations for corrective or disciplinary action. Records of your inquiry will be maintained in your system of files in accordance with the requirements of your approved records retention schedule and file plan.

Civil Liberties Officer
GLOSSARY

G.1. - ACRONYMS

AOR area of responsibility
CCLO Chief Civil Liberties Officer
CCS Central Catalog System
CDC Central Distribution Center
CMPP Central Meat Processing Plant
DeCA Defense Commissary Agency
DeCAD DeCA Directive
DeCAM DeCA Manual
DoD Department of Defense
DoDI Department of Defense Instruction
DPCLD Defense Privacy and Civil Liberties Division
EEO Equal Employment Office
FPO Functional Process Owner
GC General Counsel
HR Human Resources
IAW in accordance with
IG Inspector General
POC Point of Contact
SOP Standard Operating Procedure

G.2. – DEFINITION

Civil Liberties. Fundamental rights and freedoms protected by the Constitution of the United States.

Complaint. An assertion alleging a violation of privacy and/or civil liberties

Privacy. The right to privacy recognized under the Constitution of the United States

Violation of Civil Liberties. Undue government influence with the exercise of fundamental rights and freedoms protected by the Constitution of the United States.