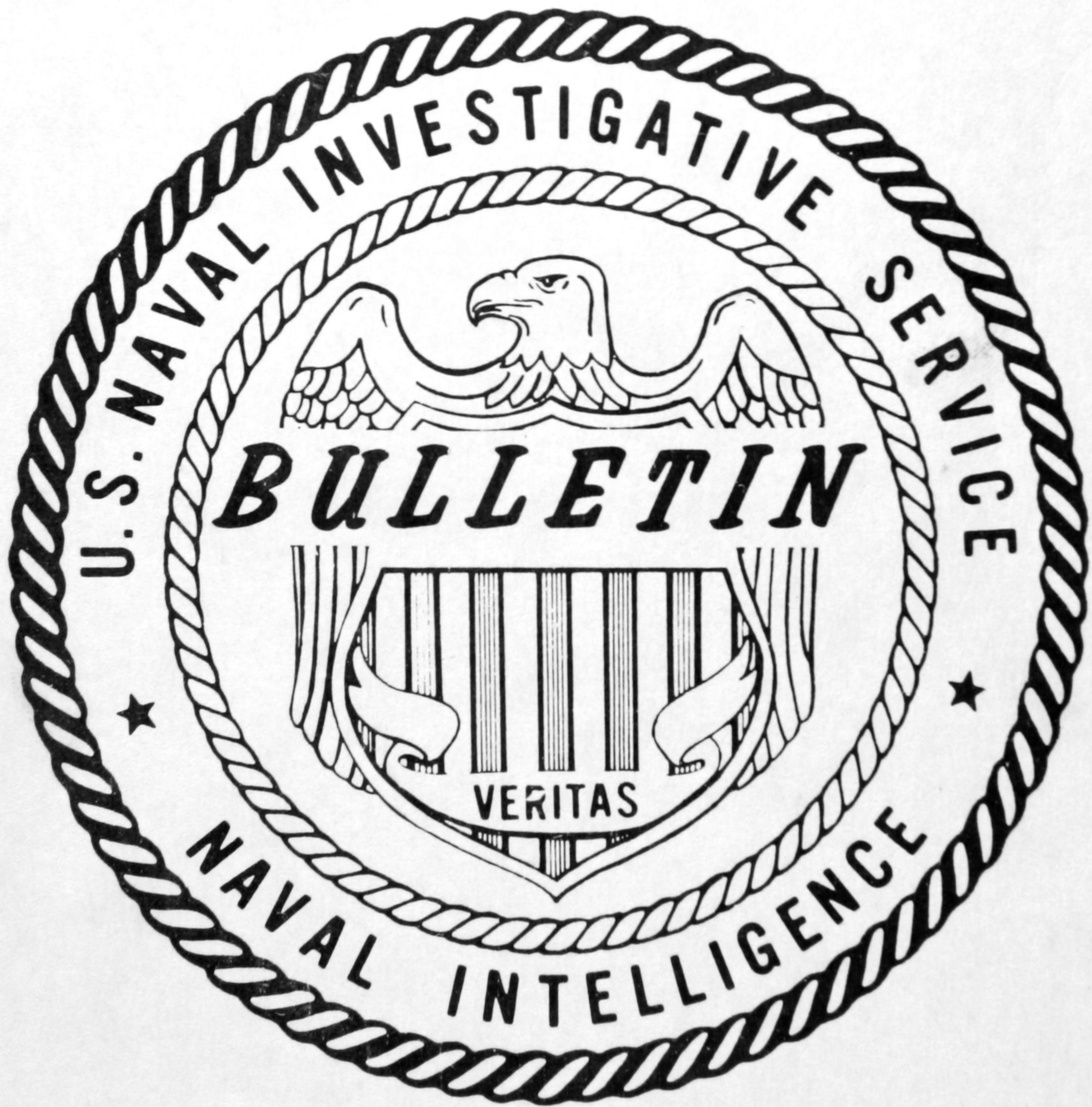


SPRING/SUMMER 1975

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NOT TO BE DISSEMINATED OUTSIDE THE NAVAL INVESTIGATIVE SERVICE

NIS BULLETIN
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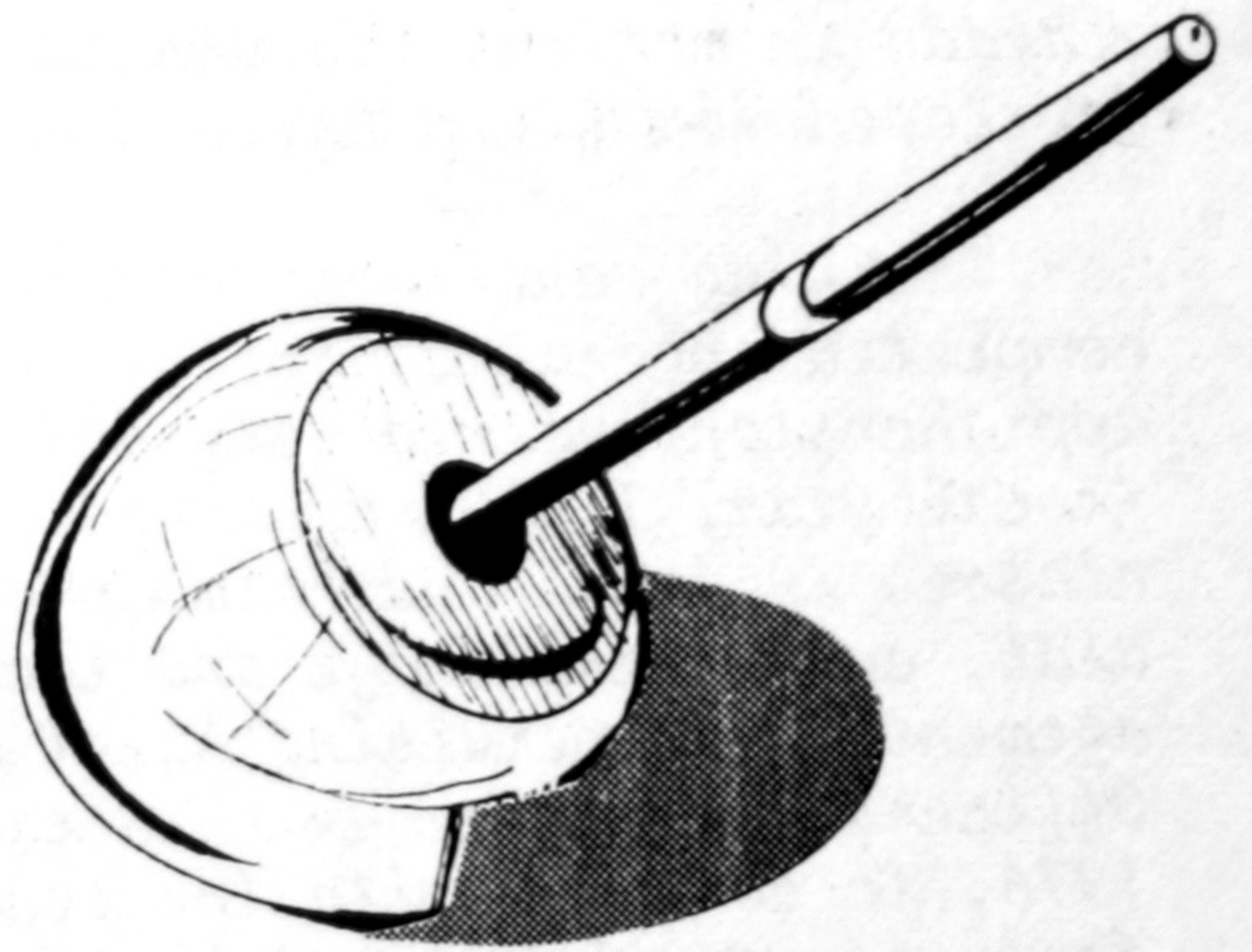
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The NIS BULLETIN is published quarterly by the Naval Investigative Service, 2461 Eisenhower Avenue, Alexandria, Virginia 22331.

This Bulletin is intended for the use and professional enhancement of all military and civilian supervisory personnel, Special Agents and counterintelligence analysts assigned to NIS worldwide.

Field components are encouraged to submit items for publication on a continuing basis. An article in the April 1972 issue of the NIS BULLETIN discusses the details regarding submissions to this Bulletin.

FROM THE DIRECTORS DESK



With the summer solstice nearly at hand, I had hoped to be able to report out on a number of policy matters in process, but unfortunately Washington seems to set its own pace. Our charter revision is making good progress, but is still in review. Reorganization of the Naval Intelligence Command is being staffed, and new approaches to the Navy's overall law enforcement and physical security posture are also being studied. A Navy-wide crime reporting system is getting a hard look, and NIS is very much a participant. Further policy expression on Posse Comitatus is expected from the DoD level, as well as reevaluation of the DIRC role in the investigative community. As you can see, there are a good many balls in the air and the months ahead hold considerable challenge.

I believe we can look back on the last quarter as a period of solid accomplishment, however. High on the list is the exceptional quality of new agents brought aboard. I have personally met and talked to each of them who have attended our basic classes, and there is no question that we have the very top contenders from among the hundreds of applicants. There is no single investment more important to our future, and I congratulate each of you participating in the selection process. Personnel

distribution for FY 76 has now been set (64 Special Agents, 32 clerical support) in consultation with the NISO's, and assignment machinery is already in motion. To assist in agent recruitment a brochure has been developed for field use and will be distributed shortly.

Training continues to carry an important priority. We have recently completed special courses in hostage negotiation, polygraph, and firearms/apprehension/unarmed self-defense instructor training. For the coming fiscal year, I have approved a projected syllabus that will include classes in fraud and crime prevention surveys, technical investigative aids, counterespionage and identi-kit application, among others. Management and Supervising Agent seminars are scheduled, as is a Commanding Officers conference -- this last tentatively set for the period 4 February 1976, to coincide with the tenth anniversary of our Service. I hope that those of you who cannot be here are already thinking of your own approaches to celebrate this important milestone. (Headquarters Birthday-Ball planners, incidentally, tell me the Bicentennial will pale in comparison!)

In concluding, I would like to take a moment to recognize the upcoming retirement of one of our most valued professionals. David N. Planton will be leaving NIS this summer after 25 years of dedicated service. Dave's contributions have been immense, and his loyalty and tireless dedication have been a standard to all of us. Starting with the Pensacola office in 1950, Dave's career has been a progression of increasingly responsible assignments. Following a tour as Supervising Agent, NISO New York, he came to Headquarters in January 1972 to take charge of the Criminal Division. With his experience and seasoned judgment, he also brought a wealth of innovative ideas that have enhanced the scope and effectiveness of the operation. Dave has served as the Supervising Agent, NISO Philippines, since July of last year, and has brought to this job the same qualities that have won him the respect and admiration of his colleagues. I know that his many friends join me in wishing he and Vonney a rewarding future, and a continuation of the warm relationships we have enjoyed.

Sammy Martin

THE SELECTION PROCESS -- MERIT OR MYTH?

*"Must I serve a long
apprenticehood to
foreign passages, and
in the end boast of
nothing else but that
I was a journeyman?"*

Shakespeare
(Richard II)

Probably no single aspect of NIS administration is more consistently misinterpreted than the mechanics of determining promotional suitability. Rumors and speculation ricochet through the system with the advent of each new PSL, and lists are studied with the care of a horse player. The resultant questions, spoken or unspoken, are usually a variant of "How did he make it ...?" "Is it more who you know ...?" and "What really goes on in the SASB ...?"

The facts are straightforward enough. The program is set out in NISINST 12300.2 -- admittedly in need of revision, but still a valid statement of operating principles. It is not a blueprint of how to scale the management rungs, but an outline of the systems that govern career progression. The evaluative process that begins with applicant screening and continues throughout an agent's career is well understood. Less so, is how the Special Agent Selection Board (SASB) actually works. Who sits on the boards, and how do they actually arrive at their determinations?

The "who" is answered easily enough. Permanent members are the Associate Director, who serves as the Chairman, the Assistant Director

for Operations and the Head, Career Services Division. The balance consists of four Supervising Agents for each board, selected by the Director with a view toward providing the most varied field representation possible. A non-voting recorder is also present for each meeting. Since the inception of the first SASB in November of 1967, a total of 16 different Supervising Agents have served, drawn from every current NISO in the system.

The purpose is to identify a reservoir of the most qualified candidates for promotion to GS-12 and 13, as openings become available. The board is convened as often as necessary to assure a sufficient number of selectees, but for reasons of economy it usually meets at the conclusion of the annual Supervising Agents' conference at Headquarters, for a period of two or three days. The discussions and exchange that take place are privileged, but the selection process is an explicit discipline. The total number to be selected, and eligibility requirements, are established in the Director's letter of promulgation. The zone for consideration includes all GS-11s with a minimum of one year in-grade and five years of total services. Guidelines are essentially that the record of each candidate is to be considered in context with all

others, and that each member has an equal vote, to be exercised in secret. (For the curious, each person on the board has a hand-held electronic control which signals his anonymous "yes" or "no" vote to a light panel monitored by the non-voting recorder).

The personnel jackets of eligible candidates, which contain AER's, letters of commendation and all other data relating to performance, are randomly assembled by the Career Services Division into six equal lots for the voting members (less the Chairman). For GS-11s this would presently number about 120, and for GS-12s, about 165. The guidelines are again reviewed by the Chairman before undertaking the business at hand, and two points are underscored: first, that there is no such thing as a "fair share" allocation to NISO's, regardless of size, grade structure or representation on the board. Candidates are to be judged solely on their performance record and potential, without respect to location, personal association or any other factors. The second is equally specific. It is that the members are not to advocate a candidate simply because he is a part of the Headquarters' team or the NISO the member is from, and that to do otherwise performs a disservice to the entire selection process.

The initial stage of the SASB consists of members carefully reviewing the jackets assigned them and selecting out those they feel would not weather later competition. In this manner the performer whose track record is obviously short of his peers is identified early on.

The reasons for these judgments are explained by each member to the rest of the board, and a vote taken in each case. If all concur, the jacket is set aside and no longer subject to consideration. If any single member disagrees, the jacket is retained for review in subsequent voting cycles. "Selection out" of an agent in any phase of the voting process does not exclude him from equal consideration in future boards.

The number of jackets under consideration are steadily reduced as the "selection out" process attenuates. With the completion of each voting cycle, the groups of remaining jackets are passed laterally by the board members, and each is subject to fresh review, comparison and discussion by a different voting member. In this manner the qualifications of all probable leaders are seen, and the zone of competition narrowed. Generally about half of those eligible remain in competition when the second, or "selection in" phase, begins.

The procedures remain the same. Each board member provides an objective evaluation of the candidate whose dossier he presently holds. This is supplemented by comment from any other board member who has personal knowledge of the individual, his performance, career potential or any other pertinent factors. Board member A will provide an evaluation of each candidate whose jacket he holds, and a separate vote is held by the board for each individual after discussion is complete. Board member B then follows the same procedure with the jackets in front of him, and so on around the table. The non-voting recorder tallies the results, and at the end of the first complete go-around

the selection list begins to take shape, the first names being any of those who received five or more favorable votes from the seven member board. In practice this has always proved to be less than the total assigned for selection by the Director, but should more names receive the necessary plurality than there were slots, those with the most affirmative votes (7-0, 6-1) would remain, and the balance would be re-voted on as a single competitive group.

Views and opinions of the board may not be communicated to non-board members, but there is no bar to soliciting information from any source. Frequently additional data is called for, or field supervisors telephoned and consulted regarding current performance or to expand on previous evaluations. AER marks may not be consistent with narrative comment, and it is no secret that grading standards vary with individual raters. These facts are openly addressed, and given appropriate weight by each member.

As the PSL progresses, the final selections are invariably the most difficult. There are always more top flight candidates than a PSL can accommodate, and as the jackets are screened the differences between the remaining contenders become less and less. Any 4-3 vote remands the jacket to another board member for comparison against those remaining, and the voting continues until one or more members concede a shade of difference and a five-vote majority is achieved for the final nominee. This may involve voting ten or more times on the same individual until the impasse is breached.

The wrap-up of a PSL list for GS-12s is followed by an identical screening process for a GS-13 slate, if one is required. While not specifically addressed in the current instruction, board members are given the same charge, and go through the same deliberations and voting rounds.

At the conclusion, the two lists are validated by each member and submitted to the Director for approval. With this, the procedural aspects of the board are completed, and approved lists are disseminated to the field. Individuals selected are queried as to any impediments to possible transfer or promotion, and if none exists they will remain on the list until such time as vacancies open and their nominations are further processed. An exception would be when an agent's performance later sags to a point where he is selected out by formal vote of a later SASB, and the action approved by the Director. This is a rare occurrence.

Closing the loop from suitability selection to actual promotion is also reserved to the Director, who relies on the help and recommendations of the Special Agent Promotion Board (SAPB), composed of the Deputy Director, Associate Director and Assistant Director for Operations. The SAPB convenes as necessary to weigh the many aspects that attach to billet creation, upgrading or vacancy, and compares potential candidates against special abilities needed, career patterns, transfer sequence and the like. It functions at the executive management level, as its recommendations must be developed within the context of overall resources, policy considerations and the needs of the Service.

The SAPB has no fixed schedule, but convenes as necessary to review requirements for upgrading GS-12 through 15 positions, and to screen and recommend candidates. The atmosphere is more informal than the SASB, but the same critical examination process obtains. All eligible personnel are carefully considered, and recommendations presented by the SAPB must be unanimous.

The final aspect of the selection process deals with filling the small number of positions that require special skills, such as within the Technical Services and Polygraph disciplines. The SAPB is authorized to recommend that these positions be filled by other means than the PSL when it appears that the best qualified and available candidates can be obtained elsewhere within NIS.

This, in brief, is the selection process and how it works. Accession to each level of the grade structure is realized competitively, within a closed career system. It is the most important single ingredient in the NIS building process for the future. Its keystones are the qualities of the individuals themselves -- those who perform the evaluative process and those who are evaluated.

NIS COMMAND INSPECTION PROGRAM

The Naval Investigative Service finalized the revitalization of its command inspection program in 1970. Since that time, all NISOs and most NISRAs have been inspected as part of this program. Although detailed inspection reports are furnished to the inspected components, there have

been persistent requests to identify any common problems/deficiencies uncovered by the inspection process. Since this matter has been addressed in the Investigative Supervision and Management Seminar, it seems appropriate to include a brief narrative for general consumption.

It should be understood that inspection deficiencies are changed as the matter is brought to the attention of the component concerned and corrective action is taken. Not only does the inspected office take corrective action but the "word gets around" and other offices also make appropriate adjustments. This makes common inspection deficiencies somewhat perishable. It is anticipated that the matters mentioned below will similarly be subjected to corrective action.

The "common deficiencies" noted below are limited to those uncovered in the course of NISRA inspections.

- a. Failure of agents to use available dictating equipment to maximum advantage.
- b. Agent's notes which are illegible, undated and not initialed by the agent.
- c. Failure to use Interview Logs or to complete them properly.
- d. Excessive time from the date of last lead to the date of report.
- e. Lack of Status reports.
- f. Lack of follow-up on referral cases.

g. SRA relying on ad-hoc counselling of agents and not using either a formal or semi-formal counselling session in which total performance is evaluated and career development discussed.

h. Lack of an in-service training program.

i. Excessive and/or obsolete administrative file holding.

j. Secret material not inventoried or inventory incomplete.

k. Agent knowledgeability of DIP/DIRC too narrow. In such cases, the agent's knowledge would not allow him to give commands a comprehensive briefing on DIP/DIRC policies. OUTCONUS offices have shown a marked tendency to ignore or downplay the importance of these policies.

1. Shot records and visas of OUTCONUS personnel have been out of date.

Some of the deficiencies listed above are "Major" on their face. Frequently, however, the seriousness of a deficiency can only be gauged in relationship to all of the conditions in a NISRA, or to particular factors unique to that NISRA. Deficiencies which have not been corrected or addressed over a long period of time will generally be viewed with more concern than those which had not been identified previously.

There has been a vast improvement in evidence handling procedures. Generally, the discrepancies in evidence handling have been technical in nature. Among those are failure to inventory the evidence holdings

upon replacement of custodian or alternate custodian (NIS-1, Sec. 3-2217.1). There have also been a few instances in which return receipts were not requested when items of evidence were mailed to another component or agency (NIS-1, Sec. 3-2218.6). The area having a potential for serious ramifications involves disposal of evidence. On occasion, disposal has been treated almost casually. Receipts for material returned to commands have not always been obtained or retained. Procedures for the destruction of certain items of evidence such as narcotics and handguns were not followed in that destruction was not witnessed, disposal authorization was not obtained or witnesses to the disposal did not sign the Evidence Custody Document (NIS-1, Sec. 3-2220).

CRIMINAL INTELLIGENCE

Law enforcement officers should be aware of the unique operation being used by narcotic violators to deter vehicle searches. Dirty and infected syringes are being placed between the seats of vehicles where officers normally run their hands when searching vehicles. Thus, while searching the car the officer scratches himself with the syringe and infection sets in. As a result of this practice, three officers have died since January 1974. (Source: U. S. Customs Service; California Department of Justice; NISO New Orleans and NISRA St. Louis)

CRIMINAL INVESTIGATIONS WITH SECURITY RAMIFICATIONS

Review of burglary and larceny investigations completed in the recent past raises the question as to whether our investigation of the readily apparent

crime does not at times overlook attendant security ramifications. It was noted that in a number of instances secure containers in Navy/Marine Corps offices containing valuables (weapons, funds, etc.) have been entered, either forcibly or surreptitiously, and investigation is directed toward resolution of the apparent crime. This is understandable. However, because the command inventory indicates no classified material is missing, that is little proof that a major security violation has not occurred. The fact remains that classified material has been exposed and subjected to compromise by a person or persons engaged in a criminal act. Therefore, the possibility of espionage or motivation other than simple theft should be a paramount consideration. Simple theft is often used as a cover for more lucrative or personal oriented action by an individual. One case determined that an individual entered a safe and took several classified documents for the sole purpose of embarrassing his command.

What is the solution? Obviously, if the commands complied with the "Security Manual" - OPNAVINST 5510.1E - which prohibits the storage of valuables with classified material the problem would disappear. Unfortunately, many commands continue this poor security practice.

In instances where the classified container was actually entered and classified material exposed to compromise it is recommended that a security violation investigation be opened as well as the basic criminal case. The security violation investigation should include, as a minimum, the identification

and security assessment of the classified material involved to show the potential damage if compromised is confirmed. The suspect, when identified, should not only be interrogated to confirm culpability but to fully explore the motivation behind his act. The theft of the valuable may only be part of the answer. Do not overlook the use of the polygraph in these dual violation matters. It may frequently be our only investigative tool to resolve the security aspect.

Additional distribution of the NOCP on such dual violation matters to either 0023 or 0022, as appropriate, will alert division personnel responsible for the review and control process, and thereby insure complete coverage and correct Seat of Government dissemination.

By the way, does your NISRA keep valuables in its classified container?

NISRA PROFILE

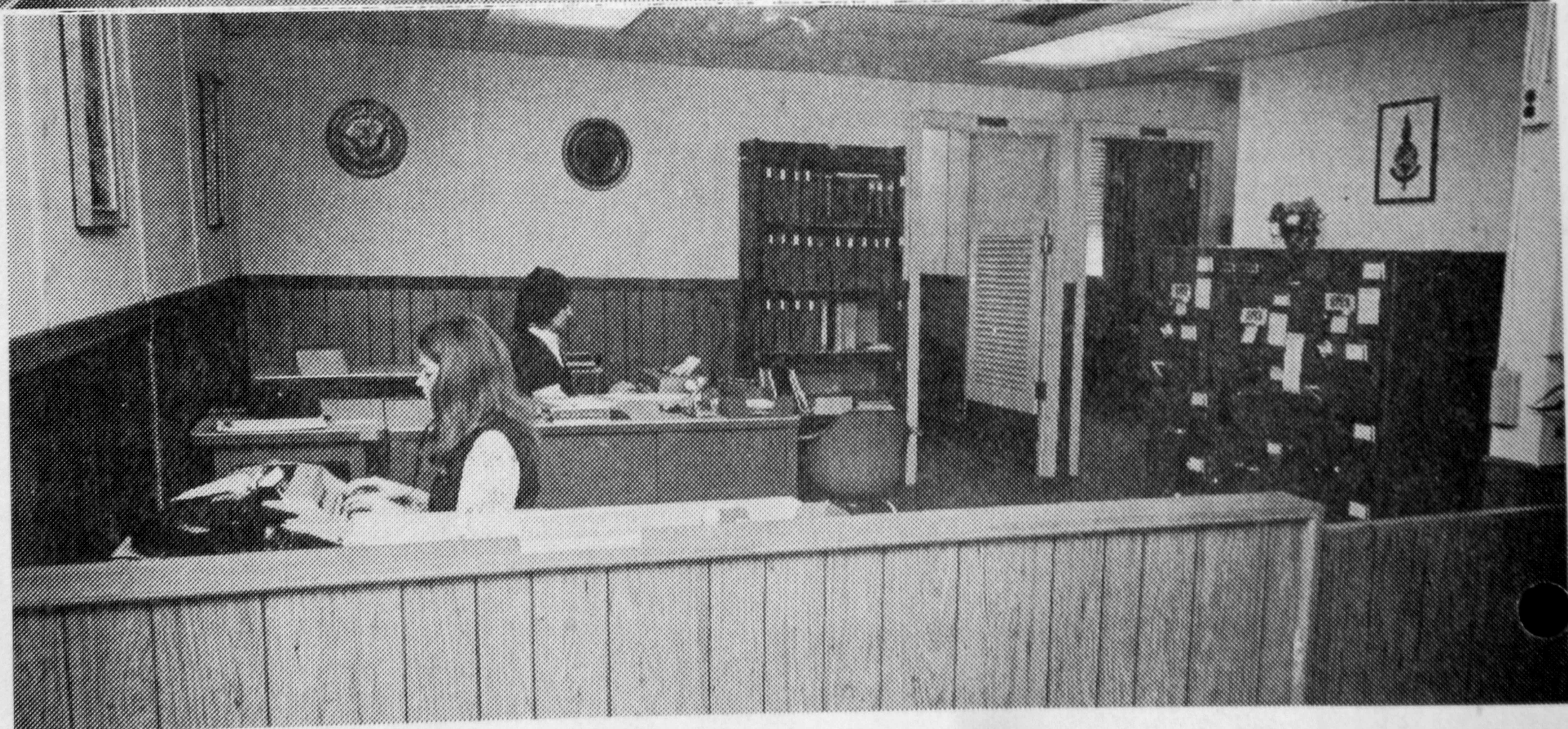
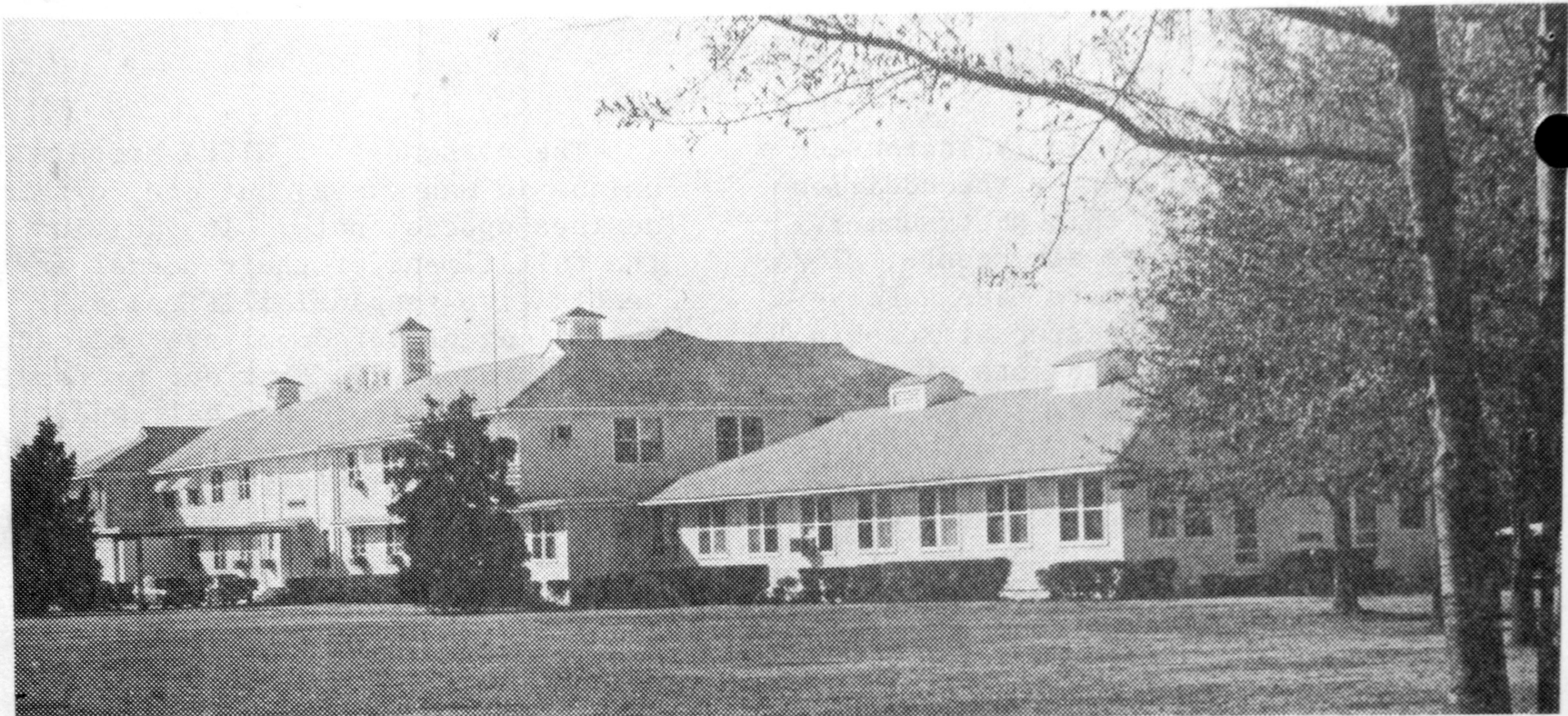
NISRA Memphis, Tennessee, centered in the heart of the Mid-South Cotton Belt and the land of friendly, hospitable people and lovely Southern Belles, is the epitome of the progress of our NIS organization during the recent past. Historically, the office was located in the Federal Office Building in downtown Memphis, a distance of approximately twenty miles from the Navy complex, north of Memphis in neighboring Millington, Tennessee. On 27 April 1973, the office moved to its present location aboard the Naval Air Station Memphis into exceptional spaces in the Administration Building. The move increased the efficiency and capability of service and generated an increase in the office caseload. The manpower level of four Special

Agents was correspondingly increased to six Special Agents by the addition of two "new hires" this past summer. In addition to these six agents, NISRA Memphis is fortunate to have a Polygraph Examiner co-located at Memphis. The clerical staff consists of two secretaries.

NISRA Memphis is assigned the geographical area of Arkansas, and most of the states of Tennessee, Mississippi and Alabama, which necessitates an occasional road trip through the scenic countryside. The NISRA, centrally located in Memphis, covers Arkansas, Tennessee and Northern Mississippi and Alabama, while the NISSU at Meridian, Mississippi is responsible for the Navy complex at Meridian and the Southern portions of Mississippi and Alabama, which services approximately 3500 military personnel and the major commands of Naval Air Station, Meridian; Naval Technical Training Center; and Training Wing One. NISSU Meridian averages 14 criminal cases per month mostly in the narcotic, theft and assault categories, while the NISRA is currently averaging 74 criminal cases per month. Sixty percent of these are in the narcotics area and the balance is equally distributed in all other categories. Memphis offers wide criminal exposure to our agent corps, as exemplified by recent rape, attempted murder, alleged kidnapping, arson and armed robbery cases within the local 18,000 military population and sixteen activities. Major local commands are Chief Naval Technical Training, Naval Air Station Memphis, Naval Air Technical Training Center, Marine Aviation Training Support Group-90, Naval Hospital, Naval Air Maintenance Training Group, Naval Air Reserve Unit, and Marine Air Reserve Training Detachment.

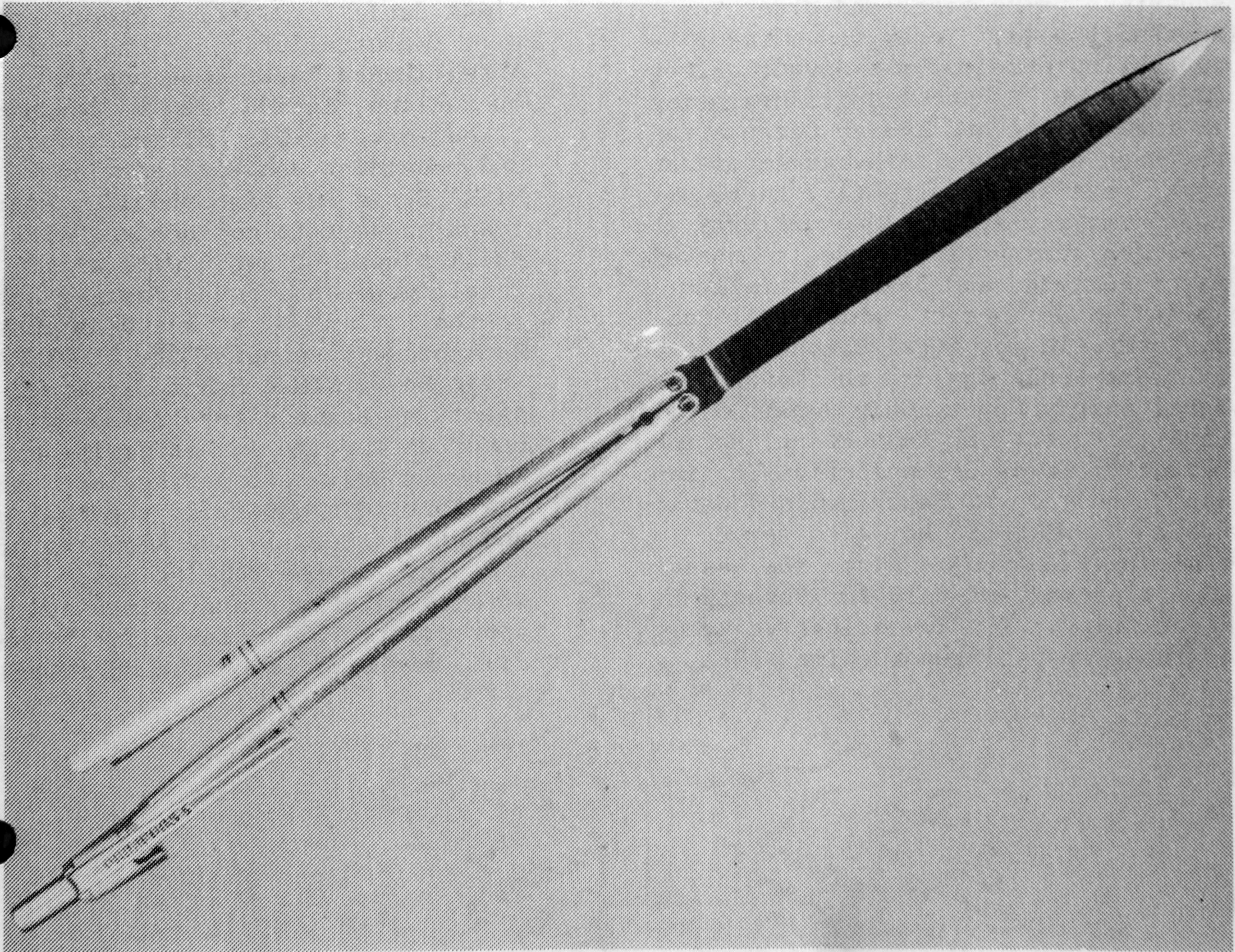
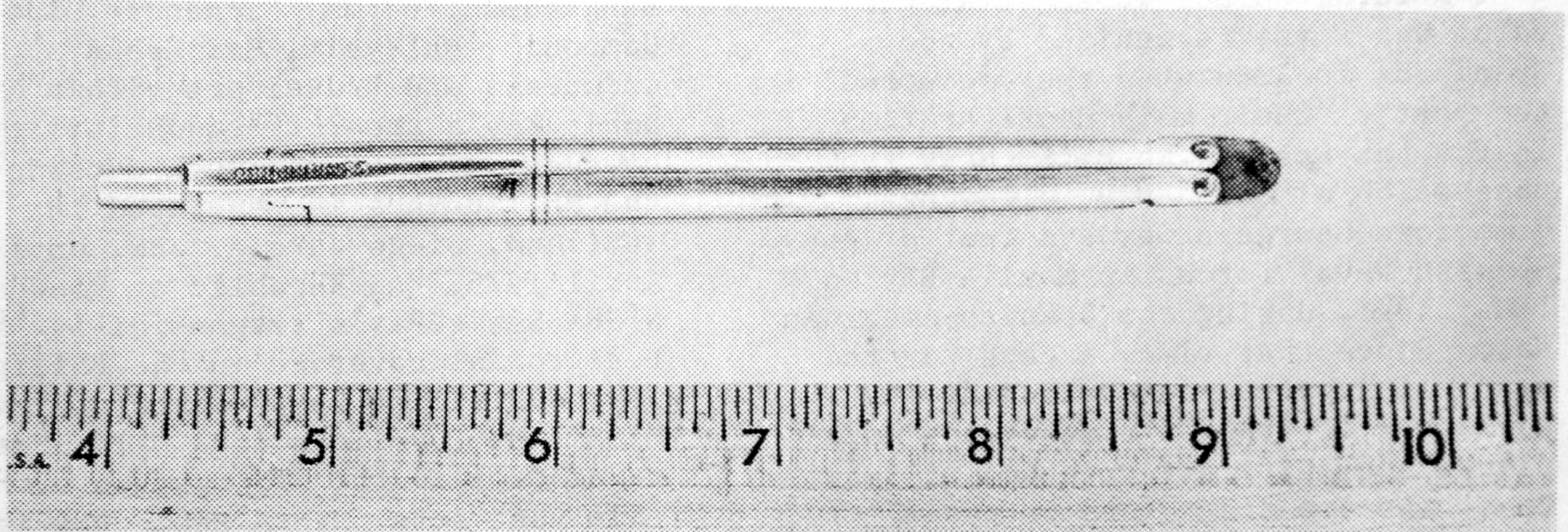
The personnel of NISRA Memphis are unique in many ways, but one certainly deserves special note. In addition to the fulfillment of their normal investigative responsibilities, all Special Agent personnel are dedicated to the proposition that our profession requires excellent physical conditioning. To achieve this goal all have been involved in a conditioning program for well over a year at the base gymnasium. The program consists of calisthenics, running, weight lifting and handball, and averages at least two nights a week. The program has been worthwhile and excellent results have been achieved.

Good morale, a pleasant environment, pride in our organization, a harmonious team spirit, respect from and good rapport with our local commands are hallmarks of NISRA Memphis. All in all an excellent assignment. In addition, Memphis is a good place to live. The city affords excellent living conditions with good schools and excellent housing. Diversified industry and agriculture are the basis of the income of the local citizens, and the basic American characteristics still exist in the Mid-South. Good fishing and hunting abound in the surrounding area, and the city itself offers good theatre, professional football, basketball and minor league baseball, college sports, as well as the Liberty Bowl, the Mid-South Fair, the visiting Metropolitan Opera, other guest artists and the annual Cotton Carnival. The home of Elvis Presley and the adopted home of Danny Thomas and his golf classic and charity drive for St. Jude Children's Hospital beckons to one and all.



STAY ALERT STAY ALIVE

Several NISOs have experienced numerous encounters with concealed knives similar to the one pictured. When carried in a shirt pocket the weapon gives appearances of a ball point pen; however, as graphically illustrated in the photographs the seemingly innocuous pen is in reality a deadly weapon.



NISRA PROFILE

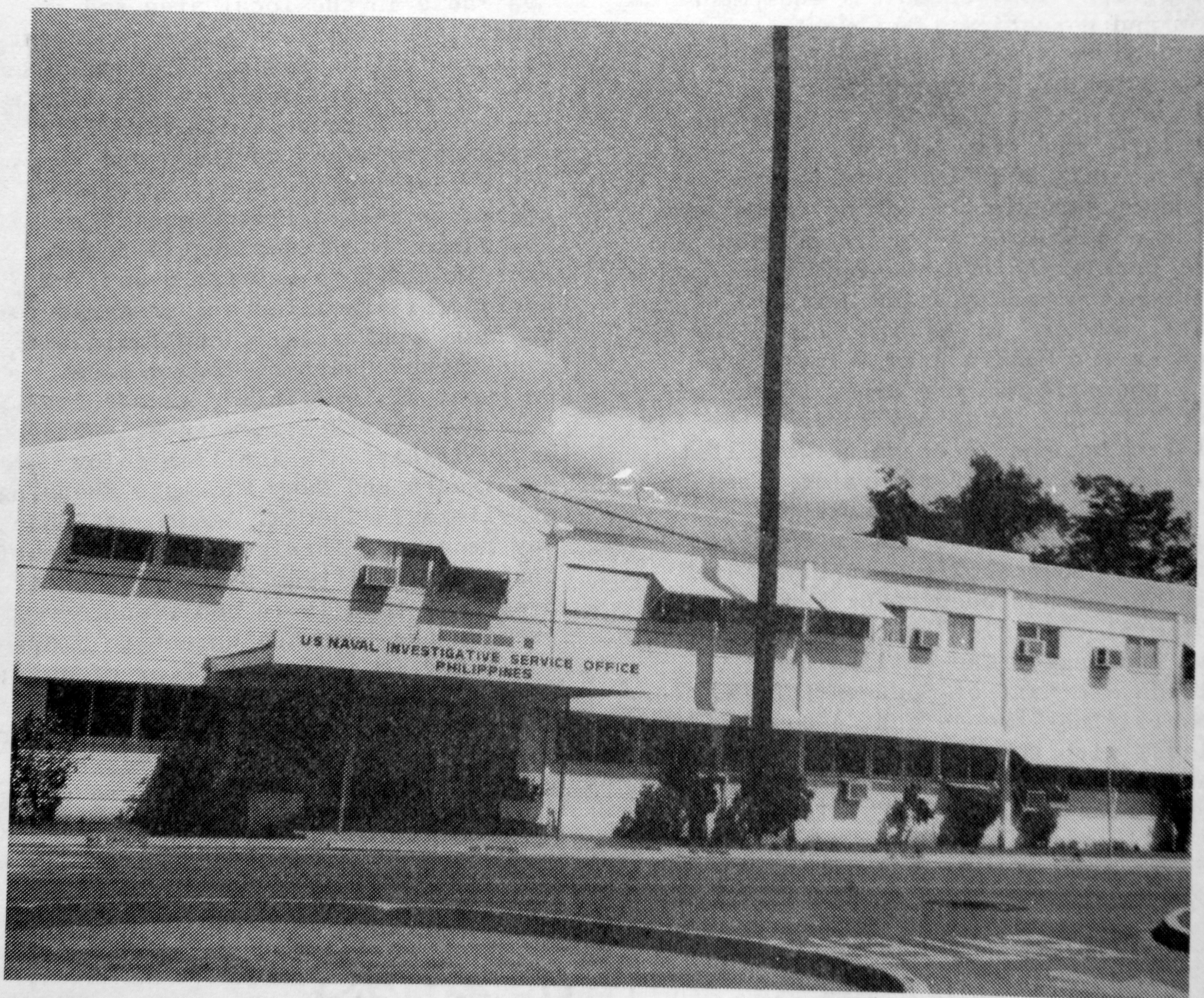
NISRA Subic Bay is located aboard U. S. Naval Base, Subic Bay, in the Republic of the Philippines. The Naval Base, a complex occupying approximately 6,000 acres of land and controlling an additional 4,300 acres of water in Subic Bay, is located on the South China Sea on the West Coast of Luzon, the largest of some 7,100 islands comprising the Philippine Archipelago. Subic Bay is a natural harbor whose strategic value was first recognized by the Spaniards in 1868 when they selected the port as their main naval station in the Far East. The U. S. Navy took possession of Subic Bay following Commodore George Dewey's defeat of the Spanish Naval Forces in Manila Bay on 1 May 1898, during the Spanish-American War. Since that time, except for the years of Japanese occupation during World War II, the U. S. Navy has maintained a significant presence at Subic Bay. The importance and potential of the base became obvious when the U. S. sought to bring peace and order to Southeast Asia. Today, as a major supporting base for the Seventh Fleet and other U. S. Naval units operating in the Pacific and Indian Ocean areas, the base continues to be an important Naval facility. Currently, there are approximately 7,000 U. S. military and civilian personnel assigned to the eight major commands and 35 to 40 smaller units and detachments which call Subic Bay home. Major local commands served by NISRA Subic Bay are the Naval Station; Naval Supply Depot; Ship Repair Facility; Naval Air Station, Cubi Point; Marine Barracks; Naval Communication Station, San Miguel; Naval Magazine; and Naval Base. NISRA Subic Bay also serves visiting Fleet units since the base is a regular port-of-call for Seventh Fleet Ships. The investigative needs of these ships often require NISRA

Subic Bay to deploy Special Agents afloat for periods ranging from a few days to three months. NISRA Subic Bay's geographic area of responsibility includes the British Indian Ocean Territory and 14 Asian Nations with a combined land area of approximately 3,066,951 square miles and an estimated total population of 956,701,000. Pakistan, India, Bangladesh, Burma, Singapore, Laos, Cambodia, Malaysia, Sri Lanka, Indonesia and Brunei are within NISRA Subic Bay's area of responsibility; however, most of the work outside of the Philippines is generated in Thailand, Diego Garcia, and, until April 1975, the Republic of Vietnam. NISRA Subic Bay's responsibility for territorial coverage in the Philippines includes all of Luzon North of the Manila Metropolitan area. In order to accomplish the NIS mission within this vast area, NISRA Subic Bay is Staffed with sixteen Special Agents. NISRA Subic Bay Special Agents conduct the usual criminal and counter-intelligence investigations and operations, in addition to conducting fraud surveys, DIS-PSI investigations, and providing security services. NISRA Subic Bay also provides significant support to collocated NISRA Philippines. Liaison with all U. S. intelligence and investigative agencies in the various U. S. overseas missions is another responsibility of NISRA Subic Bay. NISRA Subic Bay Special Agents maintain close liaison with numerous foreign investigative and security services, particularly in Thailand, Diego Garcia, the Philippines, and until recently the Republic of Vietnam. In the Philippines, close working relations are maintained with appropriate Philippine military and civil authorities on the municipal,

provincial, and national level. Five indigenous criminal investigators, are also assigned to NISRA Subic Bay. The criminal investigators conduct a wide range of investigations, particularly where Philippine Nationals are involved. Administrative support is provided by a yeoman and three civilian clerks. NISRA Subic is collocated with NISO Philippines and NISRA Philippines in a large two story building. The SRA's office is large enough to double as a conference room for agents' training and meetings. NISRA Subic has nine two-man offices for the special agents and criminal investigators, five administrative and reception areas, three interrogation rooms, and three evidence rooms, as well as an armory, storeroom, I.D. room for identification photography and fingerprinting, photography lab, technical equipment room and narcotics lab. Vehicles assigned to NISRA Subic include eight 1974 Toyota sedans, one 1974 Dodge pickup truck, three 1971 Ford sedans, two 1970 Ford sedans, and one 1970 Jeep vehicle. NISRA Subic Bay is presently in the process of installing a radio communications system that will permit radio communications between the base station and mobile units anywhere in Central Luzon, including the Manila area. There are many positive aspects about an assignment to NISRA Subic Bay besides the challenging and interesting work that is here. Living in the Philippines is a unique experience in itself and there is much to see and do in this friendly and beautiful country. The Philippines has been described as a "cultural collision" between the East and West. The Philippine Islands are part of Southeast Asia. The Filipinos are Asians, actually Malays, with the addition of Chinese, Spanish, American, and other strains. On the other hand, the Philippines

is the only Christian nation in Asia and most Filipinos speak English. The U. S. governed the Philippines for about fifty years and the American influence can be seen in varying degrees throughout the country, particularly in the Manila area. If a NIS family wants to range farther, and most do, the opportunity to travel to new and exotic places such as Hong Kong, Taipei, Bangkok, and Singapore on low cost, or no cost, air transportation is readily available. Domestic employees are available here and most NIS families take advantage of this. Recreational facilities aboard the Base are almost unlimited. The Base also has a library, good schools, several chapels, and a U. S. Naval Hospital. NIS families, especially the wives, enjoy the shopping available in the local area and in Manila, fifty miles to the Southeast. Upon arrival at Subic, NIS families live in adequate off-base housing in the colorful town of Olongapo City, which is adjacent to the Naval Base. While residing off-base, Special Agents receive a living quarters allowance to off-set rental costs. After a six to nine months waiting period, NIS families are assigned to no-cost, comfortable, centrally air conditioned quarters aboard base. On base, all utilities, except for telephone service, are free. While at Subic Bay, NIS families enjoy commissary and Navy Exchange shopping privileges. Special Agents at Subic Bay receive a foreign post differential that equals fifteen percent of their base pay, this is in addition to premium pay. An assignment to NISRA Subic Bay is a two year tour of duty; however, during the last four years most Special Agents have extended for an additional two or three years. The exceptional esprit de corps among the Special Agents at NISRA Subic Bay

began during the early days of the Scoutmaster project in 1971 and continued as Stableboy operations began in 1973. Today, NISRA Subic Bay is expanding into new areas, such as blackmarket alpha, counterintelligence programs, and crime-fraud surveys. In order to better serve commands, there are now full-time agents at NAS Cubi Point and the Naval Communications Station at San Miguel. In conclusion, it may be said that NISRA Subic Bay is a choice duty station for those enjoying rewarding work in interesting surroundings.



MEDICOLEGAL ASPECTS OF RAPE INVESTIGATIONS (PART I)

BACKGROUND

For the investigator to effectively cope with medicolegal aspects of rape and reflect true professionalism in his pursuance of the investigation, a well founded knowledge of the parameters of this crime is essential. This is the focus of this discussion since perhaps no other case category within the jurisdiction of the Naval Investigative Service requires so close an alliance between the investigator and the physician for the successful resolution of a crime. This alliance, if founded on mutual respect, will certainly be advantageous to both the investigator and the physician and as a corollary, act as an amalgam to the service of justice.

It would seem that for the case's proper resolution there are three primary areas in which the Agent's counsel to the physician is needed:

a. As an interpreter of investigative facts. The investigator must be able to provide a concise, accurate and detailed summary of the circumstances surrounding the offense.

b. As an advisor regarding the particular services desired from the physician.

c. As an instructor in the techniques and necessity of establishing and maintaining a proper chain of custody for all medical evidence.

The physician, on the other hand, is the Agent's advisor in the following provinces of investigation:

a. A collector of medicolegal facts of a clinical nature, be they findings of physical trauma, retrieval of body fluids, or salient psychiatric innuendo.

b. An interpreter of clinical findings.

c. A potential expert witness should the investigation culminate in court action.

Details of these complementary services will be discussed shortly.

Unfortunately, the vicissitudes of practical events can confound the orderly progress of an investigation at any point -- cases are not always referred to NIS as they should be, victims recant their statements, and crime scenes do not always reveal the culprit's dropped ID card. There is another more serious vexation worthy of mention. The Happy-hour folklore of investigators is rich in stories of frustration over the examining physician's reluctance to provide full support for fear of "getting involved". A review of possible consequences stemming from a physician's participation in an investigation will reveal some of the more understandable reasons for his reluctance - the inconvenience of possibly long hours of preparation and waiting in a witness room to testify, the chance of being recalled to a duty station to testify subsequent to leaving the armed forces, the discomfort of detailed and sometimes acid cross examination by the defense counsel.

In spite of these recognized unpleasantnesses, it is nevertheless part of a physician's responsibility to duty which, at least in military medicine, cannot be rightfully eschewed. A healthy and constructive indication of growing concern for the fulfillment of this obligation is reflected in a recent policy statement by Rear Admiral R. G. Williams, Jr., MC, USN, Commanding Officer, National Naval Medical Center, Bethesda, Maryland:

"...the Legal Advisors at BuMed and the Center have advised that if a woman is sexually assaulted and is brought to a military reservation, she cannot be refused examination. Sexual assault is considered an emergency, and SecNav provides that humanitarian care will be given; we cannot refuse to treat within the extent of our capabilities..." (1)

WHAT TO DO UNTIL THE DOCTOR COMES...

There are numerous aspects of the investigation in which time is of the essence. A fixed sequential outline of steps will not be offered since priorities will vary on a case-by-case basis and will be established by a variety of factors such as the physical and emotional state of the victim, the availability of medical and investigative support, the time and location of initial involvement, and the lapsed time between act and involvement. The remainder of this discussion will be framed with NIS as the victim's first substantive contact -- the ideal situation.

Unless the victim is in extremis, the first logical step is a brief interview with the victim to obtain a narrative summary of the facts

regarding the offense. Armed with these facts, the services and assistance of the medical officer should be immediately enlisted for obtaining clinical evidence and assuring the victim's medical protection. The author has listened to several doctors regretfully relate an inability to provide meaningful help because they were consulted too late in the case -- physical innuendos of trauma were already gone or the vaginal pool had been drained or douched away.

WHAT TO EXPECT FROM THE DOCTOR WHEN HE COMES...

While the general protocol of medical procedures is under the purview of the examining physician, the Agent should be aware of what can and should be provided so as to be in a position to intelligently offer advice as to what will further the investigation. A medical examination for rape should cover the following:

a. Presenting Complaint. Here the physician will include a brief physical description of the patient and a statement of her complaint along with the reported date of last menstrual period and last consensual coitus.

b. General Physical Examination. This examination should include recording of vital signs as warranted by the extent of trauma suspected. Also of importance is the noting of injuries evident such as ligature marks, bruises, abrasions, open wounds, and bite marks. An accurate description of any wounds found can be of value in estimating the time of their infliction since the healing process progresses through several stages and these stages are related to time. A pathologist can assist in determining whether the degree of healing present is consistent

with the amount of time elapsed between the alleged assault and the examination. The presence of foreign matter beneath the fingernails is also information to be observed and retained for further examination.

c. Pelvic Examination. An overall description of the genitalia should be given along with the location and extent of any abnormalities, trauma, or foreign matter. The following anatomical regions should be covered:

1. vulva
2. vaginal introitus
3. vaginal canal
4. cervix of uterus
5. ovaries and fallopian tubes
6. hymen
7. perineum (the space between the inferior aspect of the vulva and the anus)
8. anus

d. Specimens for Laboratory Examination. The medical examiner should outline what type of specimens he removed from what area of the body and for what purpose.

e. Medications. This area should be included more from a good medical care point of view than for the investigator -- but it may assume medicolegal importance at a later time. Any medicine administered or prescribed should be shown.

f. Follow-up. If further medical attention is required, it should be

so noted.

A hypothetical examination report is included as Appendix I. As will be seen, it need not be long or un-berably technical in content.

A TECHNICAL INVESTIGATIVE AID FOR THE MEDICOLEGAL TEAM

The investigation of a rape is never complete without the results of the medical examination since the resolution of the entire case may well rest upon these findings and the investigator and prosecutor would look foolish indeed entering a court of law without these results. Unfortunately, there are but few of the smaller Naval establishments where the investigator can be assured of assistance from a physician trained and experienced in the examination of rape victims. Rarer still is the availability of a laboratory properly equipped and prepared with standard procedures to be followed in the laboratory investigation of cases of alleged rape and other sex offenses and a forensic pathologist to interpret the results. Many dispensary emergency rooms do not have at hand the proper material to even collect the necessary specimens. The investigator will be especially interested in one area of the author's efforts to remedy some of these problems.

Technical Services Division will soon be able to provide Resident Agencies with a rape investigation kit. This kit can be given to the medical facilities under the Resident Agency's jurisdiction or kept at the office for use on a case-by-case basis. Included in the kit will be an instruction sheet to assist the physician in specimen collection and provide him with the proper materials for this collection. A list of Naval medical facilities will also be furnished where competent processing of specimens can be obtained.

The collection of medicolegal evidence specimens should proceed before disturbing or manipulating various anatomic sites. This will lessen the chance of the examiner inadvertently transferring material from one location to another, either on the gloved hand or by causing fluids to flow in unnatural paths. Let us now turn to those specimens and laboratory procedures of primary interest to the medicolegal investigating team.

a. Spermatozoa. The classic and irrefutable indicator of recent coitus is the presence of male reproductive cells within the vaginal cavity. Each millilitre of ejaculate will normally contain from 28 million to 225 million sperm cells. Investigatory procedures regarding sperm fall into two categories.

1. motility studies. This technique must be carried out immediately by the facility conducting the physical examination. The only equipment required is a microscope. One drop of vaginal or other appropriate fluid is mixed with one drop of normal saline solution (a salt solution in water where the concentration of the sale is the same as that found in the body fluids), placed on a microscope slide, and examined for motile sperm. Although there is no absolute period of time spermatozoa will remain motile after leaving the male, the longest period may be considerably shorter depending on the conditions of post-ejaculation environment (temperature, acidity, bacterial activity, etc). In any event, the presence of motile sperm

not only show evidence of coitus but yield an approximate time frame to the act. The NIS kit will include microscope slides for this examination.

2. fixed smears for sperm staining. For this examination, the physician should provide a microscope slide with an air dried smear from each area of interest, e.g., vaginal pool, vulva, mouth, etc. This slide can then be examined at a properly equipped laboratory. Again, no absolute values can be given. Rupp⁽²⁾ reported no sperm after 14 hours post-coitus. Davies and Wilson⁽³⁾ obtained no negative results before 30 hours and very few results of a negative nature up to 48 hours post-coitus. Even after six days their research produced one positive finding. If the examining laboratory is staffed by experienced and conscientious technicians, smear reports may differentiate between sperm with and without attached tails. This is a meaningful finding since it provides yet another indicator of elapsed time. Davies and Wilson⁽⁵⁾ report their results thusly: "Tails are most frequently found attached to spermatozoa on swabs taken within one hour of intercourse. They are commonly found up to 16 hours; thereafter, spermatozoa with tails occur rarely but have been found as late as 72 hours." Notice how all the above data support the desirability of examinations being conducted as soon as possible in order to derive the most meaningful data.

b. Prostatic Acid Phosphatase. The products of the testes constitute less than 5% of the seminal fluid volume. For several reasons it is to

this portion of the seminal fluid that current research is turning for accurate indicia of coitus.

The last decade has seen an overwhelming acceptance of the vasectomy as a simple, safe, and cheap method of nearly 100% effective birth control. The operation is now as commonplace as the tonsillectomy and it is estimated that since 1970 well over three million American men have undergone this procedure. Medical conditions can also confound the search for rape evidence based solely on the presence of sperm. Prostatic acid phosphatase, an enzyme unique to the prostate gland will, however, be found in ejaculate with or without the presence of sperm.

Collection for this procedure consists of the physician saturating a cotton tipped swab in the vaginal pool or other appropriate area, placing this swab in a dry stoppered tube and storing in a freezer until time for testing. Equipment for this procedure is supplied in the NIS kit.

The testing procedure itself is too complex and varied for description here. Suffice it to say that different methods of prostatic acid phosphatase determination will yield differing numerical indices and will claim varying time periods of validity. Rupp ⁽²⁾ using one method, has detected prostatic acid phosphatase for periods well in excess of 24 hours. Baxter ⁽⁴⁾ utilizing another system reports detection of semen in the vagina up to four days after intercourse. Enos, et al ⁽⁵⁾ use a method yielding negative results after a post-coital period of over 12 hours. Reports indicate findings in Bodansky units, International Units,

or King-Armstrong units. What better illustration could be desired to emphasize the absolute necessity of a well documented and accurately interpreted pathology report.

c. Bacteriology. The need for smears of appropriate areas to culture for the possible presence of the bacteria N. gonnorrhoea is primarily for the protection of the victim's health. There is also the potential for evidentiary value here especially if a suspect is found to have this form of venereal disease (or contacts it a few days later). Provisions for this smear are also provided in the NIS kit.

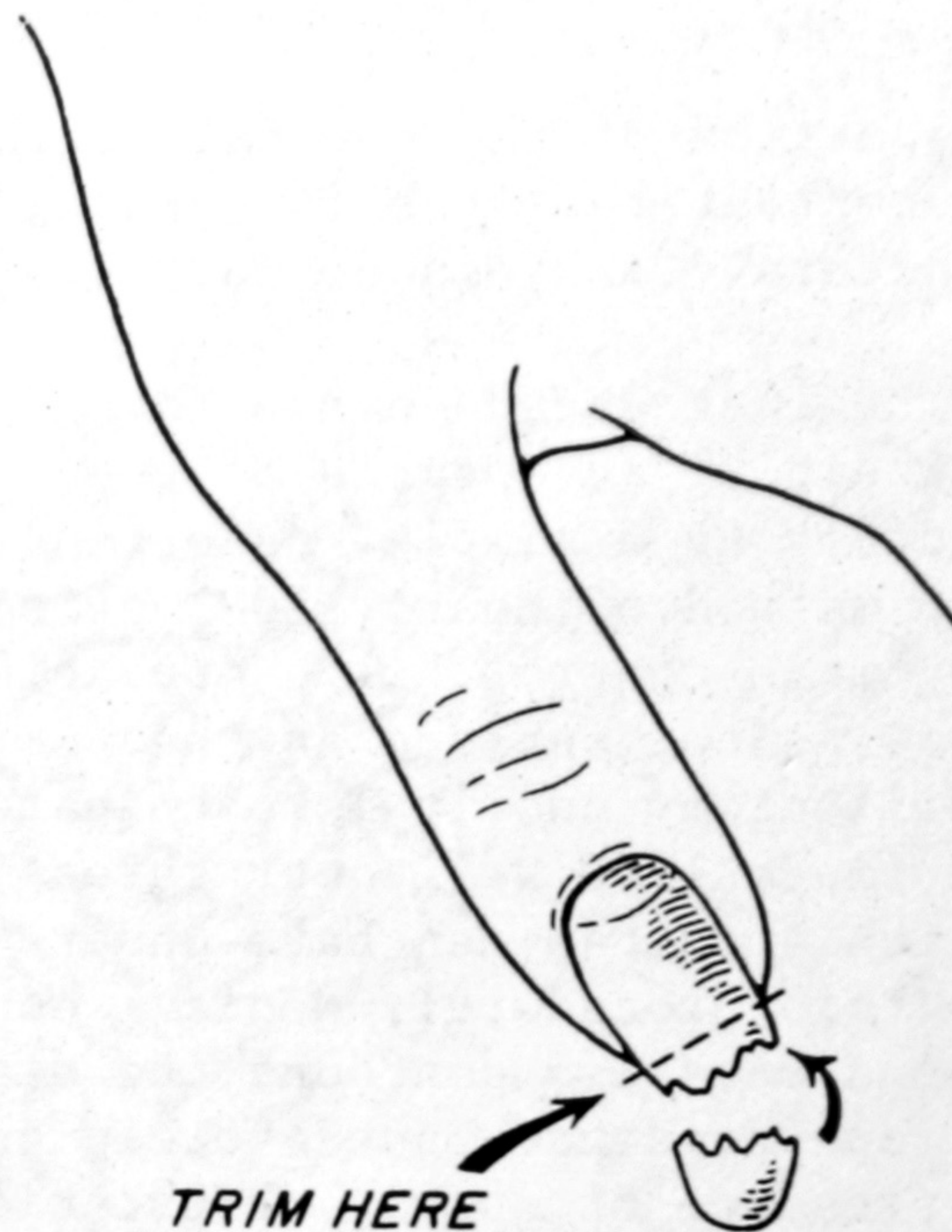
d. Serology. Venous blood is drawn for the purpose of blood grouping and serological tests for syphilis. Here again the serology studies are primarily for the protection of the victim. The physician will in all likelihood repeat this examination six to 12 weeks later. Blood grouping will be of obvious evidentiary value should blood stains be found at the scene of the crime.

e. Secretor Status. In addition to the blood-group substances found in everyone's blood, 80-85% of the population, known as "secretors", also have these substances in other body fluids such as sputum, tears, perspiration and semen. Two or three millilitres of the victim's sputum should be collected on the piece of dense filter paper, air dried, and placed in a plastic bag. This may not prove of any evidentiary value but should be retained in the event other evidence at the crime scene or on a suspect is developed for comparative purposes. A separate air

dried slide smear of seminal fluid found on the victim should also be retained for possible secretor comparison with suspects. Dried semen can be scraped into a plastic bag. Again the NIS kit will provide necessary materials.

f. Pubic hair combings and specimens. The examiner should completely comb victim's pubic hair and deposit all hairs retrieved, along with the comb provided in the kit, in a plastic bag. He should then pluck 10-12 pubic hairs and place them in a separate bag. If the victim objects to this procedure, the hairs may be cut at skin level.

g. Fingernail scrapings. Scrapings are taken from under all the nails of one hand and placed (along with the scraper) in a plastic bag. The other hand should be similarly treated and the scrapings and stick placed in another bag. If the victim lost a portion of a nail during her encounter with the rapist, the surrounding nail should be trimmed off and retained (Figure 1). If the Agent is involved in a rape investigation where the victim is dead, all fingernails should be trimmed instead of scraped at the time of the autopsy and the parings retained. A fingernail trimmer is supplied in the kit.



TRIM HERE
Retain for possible matching with nail portions found at scene or on person of suspect

(Figure 1)

h. Additional specimens. The above mentioned procedures are to be routinely considered in all cases. Each incident, however, is unique and a particular situation may require the investigator to request additional support from the examining physician. Three possibilities will be mentioned.

(1) blood alcohol and other toxicologic studies. If the victim shows symptoms of intoxication, its nature should be determined. If the victim suspects that she has been drugged, analysis should be conducted. These findings may bear on the legal question of invalid consent caused by mental impairment or drug intoxication.

WHERE ARE THEY NOW?

From 14 February to 11 March 1966, the Class shown below, 3B66, met at the Fairmont Building in Arlington, Virginia. Of the twenty-four Special Agents in attendance, including four counselors, a total of nine remain on-board. Five class members transferred to the Defense Investigative Service, and ten resigned.



R.T. BALSON



R.A. BONGGREN



P.D. CHIARO



D.L. CLARK



B.W. GIVEN



E.J. KEENAN



D.E. LEAR



G.G. LESURE



C.D. LILES



G.W. MEGLEMRE

OFFICE OF NAVAL INTELLIGENCE

Agents' Basic Training Course

3B-66 14 Feb - 11 Mar 1966

Arlington, Virginia



M.M. PARKER



B.E. PARSONS, Jr.



M.C. REID



F.D. ROGERS



R.C. STEINBUGL



L.W. TARNOWSKI



B.M. TAYLOR, III



F.R. TRASER



J.W. TRIPLETT, Jr.



L.K. WATANABE



R.A. WHITEHOUSE



G.E. WILKES



L.H. WINEGARDEN



M.E. WOLF

(2) clothing. Any articles of clothing containing suspected blood or seminal stains should be air dried and retained in plastic evidence bags. Since a thorough search for trace evidence can best be accomplished by the forensic laboratory, it might be wise to submit all garments worn by the victim for analysis. Clothing held for evidentiary purposes can be listed on NIS Form 5520/118 and the victim given the property receipt card attached to this form.

(3) pregnancy test. The physician will likely cover this protective measure for the victim by requesting an early morning, first voided urine sample for a pregnancy test.

Part II will be included in next issue.

	<u>NAME</u>	<u>EOD</u>	<u>NISO/NISRAs ASSIGNED</u>
Top Row, l. to r.	BALSON, R. T.	3-15-65	NISRA Dallas, NISHQ, NISO Europe
	BONGGREN, R. A.	4-6-65	NISRA South Bend, Ind., Resigned
	CHIARO, P. D.	4-12-65	NISRA Washington, D. C., Resigned
	CLARK, D. L.	4-12-65	NISRA Detroit, Resigned
	GIVEN, B. W.	5-17-65	NISRAs San Francisco, Alameda, NISHQ
2nd Row, l. to r.	KEENAN, E. J.	6-1-65	NISRAs Cleveland, Philadelphia, Resigned
	LEAR, D. E.	10-4-65	NISRAs Washington, Annapolis, Resigned
	LESURE, G. G.	5-2-65	NISRA Hartford, Resigned
	LILES, C. D.	2-15-65	NISRAs New Orleans, San Antonio, Saigon, DIS
	MEGLEMRE, G. W.	6-21-65	NISRAs Danang, Mare Island, Long Beach, Resigned
3rd Row, l. to r.	PARKER, M. M.	6-30-65	NISRAs Charleston, Birmingham, Gaeta
	PARSONS, B. E.	3-16-65	NISRAs Oceana, Norfolk, Portsmouth, Va., USNH Portsmouth, Va., Subic
	REID, M. C.	4-5-65	NISRA Long Beach, Resigned
	ROGERS, F. D.	2-1-65	NISRA Washington, D. C., Resigned

	<u>NAME</u>	<u>EOD</u>	<u>NISO/NISRAs ASSIGNED</u>
4th Row, l. to r.	STEINBUGL, R. C.	6-1-65	NISRAs Philadelphia, Columbus, DIS
	TARNOWSKI, L. W.	4-5-65	NISRA Minneapolis, DIS
	TAYLOR, B. M. III.	4-5-65	NISRAs Miramar, NavSta San Diego, Camp Pendleton, San Diego, Washington, D. C.
	TRASER, F. R.	5-10-65	NISRAs Alameda, Mare Island, Adak
	TRIPLETT, J. W., Jr.	2-12-65	NISRAs Washington, D. C., Annapolis, Fort Holabird, Danang, Newport, Keflavik
5th Row, l. to r.	WATANABE, L. K.	5-5-65	NISRA Pearl Harbor, DIS
	WHITEHOUSE, R. A.	6-28-65	NISRA Boston, Okinawa
	WILKES, G. E.	3-25-64	NISRAs Pasadena, Los Angeles, DIS
	WINEGARDEN, L. H.	3-29-65	NISRA Shreveport, La., Resigned
	WOLF, M. E.	2-15-65	NISRAs Milwaukee, Madison, Wisc., Keflavik

TRANSFERS

June 1975

	<u>FROM</u>	<u>TO</u>
BICKLEY, C. M.	NISRA Camp Pendleton	NISRA Barbers Point
ALLRED, B. E.	NISRA Yokosuka	NISRA Portsmouth
ROLLINS, C. B.	NISRA Portsmouth	NISRA Yokosuka
STEVENS, J. M.	NISRA Barbers Point	NISRA Port Hueneme
FITZPATRICK, E. J.	NISRA North Island	NISRA Iwakuni
TARDIFF, B. L.	NISRA Iwakuni	NISRA MCRD San Diego

July 1975

TRASER, F. R.	NISRA Adak	NISSU China Lake
MONTGOMERY, K. A.	NISRA NAVSTA San Diego	NISRA Adak
WHITEHOUSE, R. A.	NISRA Okinawa	NISRA Great Lakes
MACHIN, R. C.	NISRA Great Lakes	NISRA Okinawa
DAVID, R.	NISRA Taipei	NISRA Long Beach
HUDGINS, M. J.	NISRA Long Beach	NISRA Taipei
PARSONS, B. E.	NISSU NavHosp Portsmouth	NISRA Keflavik
TRIPLETT, J. W.	NISRA Keflavik	NISSU NavHosp Portsmouth
ALDRIDGE, G. W.	NISRA Cherry Point	NISRA Philippines
HENDRICKS, E. A.	NISRA New Orleans	NISRA Little Creek
KALIHER, V. L.	NISRA Athens	NISRA Great Lakes
DONNENWIRTH, T. J.	NISRA Great Lakes	NISRA Guantanamo
HARTMAN, D. R.	NISRA Guantanamo	NISRA San Diego
LARSON, D. A.	NISSU Coronado	NISSU Bermuda
CHAMBERS, J. B.	NISSU USNH Philadelphia	NISRA Camp Pendleton
CLEVELAND, W. G.	NISRA MCRD San Diego	NISHQ
STOVALL, H. J.	NISSU Agana	NISRA Guam
BYRD, J. P.	NISSU Imperial Beach	NISRA Philadelphia
MARQUETTE, J. J.	NISRA Philippines	NISRA Lemoore
BERNASCONI, R. J.	NISRA Subic Bay	NISRA Pensacola
COX, J. N.	NISRA Quantico	NISRA Subic Bay
SOTACK, R. J.	NISRA Camp Lejeune	NISRA Naples
KOHLMEYER, R. E.	NISRA Lemoore	NISRA Yokosuka
PARKEY, J. L.	NISRA Washington	NISRA New York
HELBOCK, R. G.	NISRA Bremerton	NISSU Imperial Beach
OULAHAN, J. C.	NISO Norfolk	NISO Philippines

August 1975

MC COY, D. L.	NISRA Naples	NISRA Quantico
ANDERSON, P. L.	NISRA Camp Pendleton	NISRA Taipei
VALENTINE, R. A.	NISRA Taipei	NISRA Camp Pendleton
JANSON, R. C.	NISRA Camp Pendleton	NISRA Guam
MC PHERSON, V. H.	NISRA Okinawa	NISSU NTC San Diego

LAUGHTIN, D. R.
SEEHORN, D. R.
SIMPRINI, J. J.
MARRETTA, A.
NICKEL, K. W.
GRAY, W. F.
HANSEN, H. P.
DEMPSEY, J. W.
ABRAMS, H. L.
ANTHONY, K. W.
TATE, T. R.
WALKER, K. E.
CARSON, J. E.
HARDY, R. D.
GILLISPIE, T. N.
CREATURO, J. J.
CLARK, P. L.
BLACK, V. G.
SYMONDS, D. R.
SLOAN, T. H.
PARKER, M. M.
STILWELL, F. L.
ROBERTS, R. L.
BARNES, W. J.
GRIM, G. F. ()
KERSENBROCK, A. J.
SWEENEY, D. J.
MOUNT, R. L.

NISSU Bermuda
NISRA Little Creek
NISRA Atsugi
NISRA Port Hueneme
NIS Pacific
NISHQ
NISRA Kaneohe
NISRA Pearl Harbor
NISRA Pearl Harbor
NISRA Quantico
NISRA Iwakuni
NISRA Philadelphia
NISRA Okinawa
NISRA Camp Pendleton
NISRA Okinawa
NISRA Philadelphia
NISSU China Lake
NISRA Subic Bay
NISRA St. Louis
NISRA Washington
NISSU Gaeta
NISRA NTC San Diego
NISRA Whidbey Island
NISRA Memphis
NISRA North Island
NIS Pacific
NISRA New London
NISHQ

NISRA Camp Pendleton
NISRA Atsugi
NISHQ
NISRA Pearl Harbor
NISRA North Island
NIS Pacific
NISRA Pearl Harbor
NISRA Norfolk
NISRA Kaneohe
NISRA Okinawa
NISSU Lakehurst
NISRA Iwakuni
NISRA Philadelphia
NISRA Okinawa
NISHQ
NISRA Subic Bay
NISSU Agana
NISRA St. Louis
NISRA Little Creek
NISRA Okinawa
NISSU USNH Philadelphia
NISSU Gaeta
NISSU Coronado
NISRA Okinawa
NISRA Okinawa
NISO Norfolk
NIS Pacific
NISRA New London

September 1975

HAMILTON, L. R.
PEISTRUP, E. J.
CUSACK, J. T.
REILLY, P.
PALMUCCI, V. J.
HUDSON, B. E.
REEVES, H. A.
COOK, P. D.

NISRA Guam
NISRA Subic Bay
NISRA Subic Bay
NISRA Okinawa
NISHQ
NISSU Santa Ana
NISRA El Toro
NISRA Miramar

NISRA Camp Pendleton
NISRA New Orleans
NISRA Cherry Point
NISHQ
NISO New York
NISRA El Toro
NISRA Subic Bay
NISRA Subic Bay

October 1975

HAMILTON, D. D.

NISRA Okinawa

NISSU Santa Ana

AUTHORIZED PROMOTIONS TO GS-14

KERSENBROCK, Allan J.

ASA (Criminal), NISO Norfolk

AUTHORIZED PROMOTIONS TO GS-13

MC COY, Donald L.

SRA, NISRA Quantico

AUTHORIZED PROMOTIONS TO GS-12

TATE, Terrance R.

RRA, NISSU Lakehurst

LAMBERT, Anderson T.

RRA, NISSU Warminster

O'CONNOR, Joseph P.

RRA, NISSU Beaufort

ORRANTIA, Frank E.

ASRA, NISRA Mare Island

PARKEY, Jack L.

Senior Special Agent, NISRA
New York

STILWELL, Fredrick L.

RRA, NISSU Gaeta

ROBERTS, Randall L.

RRA, NISSU Coronado

HELBOCK, Robert G.

RRA, NISSU Imperial Beach

TRASER, Francis R.

RRA, NISSU China Lake

BARNES, William J.

Senior Special Agent, NISRA
Okinawa

GRIM, Gordon F.

Senior Special Agent, NISRA
Okinawa

MC PHERSON, Victor H.

Senior Special Agent, NISSU,
NTC, San Diego

NEW HIRES

HARTLEY, Robert J.

NISRA Quantico

MILLER, Rodney B.

NISRA Great Lakes