



*Exemption* NUMBER 1327169 DATE September 12, 1966

Department of Defense Instruction

ASD(A)

73

SUBJECT Reporting of Security and Criminal Violations

- References:
- (a) DoD Instruction 5200.22, "Reporting of Deliberate Security Violations," October 1, 1965, as amended (hereby cancelled)
  - (b) Executive Order 10501, "Safeguarding Official Information in the Interests of the Defense of the United States," November 5, 1963, as amended
  - (c) DoD Directive 5110.1, "Assistant Secretary of Defense (Administration)," July 11, 1964, as amended
  - (d) DoD Directive 5210.50, "Investigation of and Disciplinary Action Connected with Unauthorized Disclosure of Classified Defense Information," April 29, 1966
  - (e) DoD Directive 7730.32, "Quarterly Report on Investigations and Related Activities," December 9, 1965
  - (f) DoD Directive 5110.2, "Directorate for Inspection Services, OASD(A)," March 10, 1965

I. PURPOSE

A. This Instruction is issued under authority contained in reference (c) for the purpose of implementing requirements of reference (b).

B. This Instruction requires timely reporting to the Assistant Secretary of Defense (Administration) of every incident in the Department of Defense and in the defense industry in which espionage or some other deliberate compromise of classified information to an unauthorized person or institution is suspected or believed to have occurred.

C. In addition, timely reports are required respecting known or suspected criminal activity which might embarrass or otherwise be of concern to the Department of Defense. Selective judgment should be exercised in determining what matters are to be reported.

D. All reports required by this Instruction should be furnished to the OASD(A) by the most expeditious means possible under the circumstances. To this end, each military department and all other DoD components should

Copy for.....  
Action Op.....  
R/S #.....

appoint an official or office to receive the information and transmit the same to the OASD(A) (Chief, Investigation Division, Directorate for Inspection Services).

## II. APPLICABILITY

A. The provisions of this Instruction apply to all components of the Department of Defense.

B. As more fully stated in references (c), (d) and (f), the Director, Directorate for Inspection Services, under the direction of the Assistant Secretary of Defense (Administration) is responsible for conducting and monitoring investigations of criminal and counter-intelligence matters and unauthorized disclosures of classified defense information. He serves as the focal point for information on all major espionage, counterintelligence, unauthorized disclosures, and criminal investigative activity within the Department of Defense and related activities.

## III. DEFINITIONS

A. Espionage. Conduct which comes or appears to come within the criminal sanctions of Chapter 37, Title 18, United States Code or of Section 4 of the Subversive Activities Control Act of 1950 (Act of September 23, 1950, ch. 1024, 64 Stat. 989).

B. Deliberate compromise of classified information. Any intentional act done with the object of conveying information classified under the provisions of reference (b) to any person not officially authorized to receive it.

C. Criminal activity. Activity which comes or appears to come within the criminal sanctions of Federal and State statutes, the Uniform Code of Criminal Justice, the common law and in addition, the criminal laws of foreign countries.

D. Counterintelligence. Counterespionage or other measures employed to prevent the enemy from getting information that would be of value.

#### IV. REPORTING REQUIREMENT

Whenever an official having responsibility for classified defense information learns, determines, or suspects that classified information has been, or is likely to have been, the object of espionage or other deliberate compromise, he shall forward a report forthwith to the Assistant Secretary of Defense (Administration) for review in the light of the responsibilities set forth under references (c), (d) and (f). When the source of information originates from another agency of the Executive Branch, the contents of the report, as prescribed in Section V below, shall be limited to matters that supplement the information from the reporting agency. Where time is of the essence and the full report required by Section V would cause undue delay, an interim report containing information immediately available shall be submitted.

#### V. CONTENTS OF SECURITY AND CRIMINAL REPORTS

The report of each such incident shall contain as a minimum the following information as appropriate:

##### A. Security Reports

1. Identification of the person or persons involved together with a brief summary of that person or persons' background.
2. Degree of sensitivity of the classified information which the person or persons involved possess or possessed and an estimate of the time that such information will retain such sensitivity.
3. Description of the classified information which has been compromised or which might have been compromised or which was the subject of an attempted compromise.
4. Evaluation of the significance to the national security of the classified information which was or might have been compromised.
5. Summary of the circumstances of the actual or attempted compromise.
6. Copy of any report of investigation, final or interim, conducted in connection with the compromise.

7. Evaluation of a compromise to indicate any area of security weakness exposed by the compromise.

8. Report of any changes in the procedures of the component involved, resulting from the compromise and recommendations for any changes in departmental policies that might prevent future compromises of a similar nature.

9. An indication whether disciplinary action has been taken or is recommended or whether the incident has been referred to another component or to another Federal department for appropriate further action.

B. Criminal Reports

1. Full identification of person(s) involved to include full name, date and place of birth, local address, and present whereabouts.

2. Facts concerning actual or attempted crime.

3. Pending or completed action in court or other tribunal including disciplinary action taken or recommended.

4. A copy of any report of investigation, final or interim, conducted in connection with the crime or charge.

5. A statement as to why it is believed the incident might embarrass or otherwise be of concern to the Department of Defense.

VI. RELATED DIRECTIVES

The reporting requirements of this Instruction shall be in addition to any imposed pursuant to references (d) and (e).

VII. CANCELLATION

Reference (a) is hereby cancelled.

VIII. IMPLEMENTATION

Two copies of regulations implementing this Instruction will be forwarded to the Assistant Secretary of Defense (Administration) within 30 days of the effective date.

IX. EFFECTIVE DATE

This Instruction is effective immediately.

*Southern*

Assistant Secretary of Defense  
(Administration)