

DEPARTMENT OF THE NAVY  
Office of the Secretary  
Washington, D.C. 20350

SECNAVINST 5520.3  
Op-009C  
16 July 1975

SECNAV INSTRUCTION 5520.3

From: Secretary of the Navy  
To: All Ships and Stations  
  
Subj: Criminal and security investigations and related activities within the Department of the Navy  
  
Ref: (a) OPNAVINST 5510.1E  
(b) SECNAVINST 3820.2A  
(c) DOD Directive 5105.42  
(d) OPNAVINST C5500.46B

1. **Purpose.** To establish and restate jurisdiction and responsibilities in the conduct of criminal and security investigations and related activities.

2. **Cancellation.** SECNAV Instruction 5430.13B is hereby canceled.

3. **Discussion.** Good order and discipline are the direct responsibility of command. In the discharge of this responsibility, commanding officers must frequently rely on prompt investigative action by professionally trained personnel, not only for effective resolution of alleged, suspected, or actual criminal and security offenses, but also to preserve facts and construct an evidentiary foundation for subsequent command action. Under the Chief of Naval Operations and the Commander, Naval Intelligence Command, the Naval Investigative Service (NIS), is the primary investigative and counterintelligence agency for the Department of the Navy. The Marine Corps maintains a cadre of accredited counterintelligence and investigative personnel who exercise jurisdiction as delimited by this instruction and implemented by Marine Corps directives. NIS investigative jurisdiction is grounded and documented in Presidential directive, Departmental agreements, and Secretarial authority. The Director, Naval Investigative Service, maintains a worldwide organization composed of Navy and Marine Corps personnel responsive to command requirements of both Services. As a centrally directed organization, the NIS provides support, as needed, both ashore and afloat, consistent with departmental policy and with full regard for individual constitutional rights. In a combat or combat

contingency environment, the task force commander afloat and landing force commander ashore exercise immediate control over assigned Navy and Marine investigative and counterintelligence assets. Commands maintain a limited investigative capability for the resolution of minor offenses and those of a purely military character, and have authority to commission fact-finding bodies to determine the circumstances of specific incidents. This instruction delineates the responsibilities and limitations of both command and the NIS as relate to utilization of assets and policy doctrine applicable to criminal and security investigations, criminal intelligence operations, and counterintelligence activities.

4. **Responsibilities**

a. **Major criminal offenses**

(1) The NIS is the agency within the Department of the Navy responsible for the investigation of actual, suspected, or alleged major criminal offenses committed against a person, the United States government or its property, and certain classes of private property, including attempt or conspiracy to commit such offenses. A major criminal offense is defined for purposes of this instruction as one punishable under the Uniform Code of Military Justice by confinement for a term of more than 1 year, or similarly framed by federal statutes, state, local, or foreign laws or regulations. Incidents of actual, suspected, or alleged major criminal offenses coming to command attention (with the exception of those which are purely military in nature) must be immediately referred to the NIS. It is not normally appropriate that commands request investigation of only a specific phase(s) of a serious incident.

(2) In those rare instances when immediate response by the NIS is not feasible, such as a submarine on patrol or a ship at a remote location, commanding officers shall conduct such preliminary investigation as circumstances dictate, preparatory to later full investigation by the NIS. Appropriate measures shall be taken to insure the preservation and accounting of possible evidence and to avoid any action which might prejudice investigative possibilities or otherwise impair the subsequent process of justice.

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The Director, Naval Investigative Service, or his field representatives may decline to undertake investigation of any case which in their judgment would be fruitless and unproductive.

(3) In addition to referral of major criminal offenses, when any of the following circumstances occur, command shall promptly provide available information to the NIS for preliminary inquiry to determine if a request for full investigation is warranted:

(a) Unattended death of military personnel, dependents, or Department of the Navy employees occurring on a Navy or Marine Corps installation when criminal causality cannot be firmly excluded.

(b) Any fire or explosion of questionable origin affecting Department of the Navy property or property under Navy or Marine Corps control.

(c) When a possibility exists that one or more elements of a major criminal offense may attach to an incident apparently minor in nature. An example would be a petty larceny within a barracks cubicle or stateroom wherein entry to effect the larceny may constitute the additional offense of housebreaking.

(d) When aspects surrounding a nominally or minor incident which are of a potentially sensitive nature. Such considerations might include, but are not limited to, incidents involving ordnance, narcotics, dangerous drugs or controlled substances, incidents of perverted sexual behavior, or damage to government property which appears to be the result of arson or other deliberate attempt.

(e) Thefts of personal property when ordnance, contraband, or controlled substances are involved, items of a single or aggregate value of \$500 or more, or when substantive issues of morale and discipline apply, such as a continuing series of unresolved personal thefts.

(4) A major criminal offense, as defined, may constitute a violation of both military and civil law, and may involve both military personnel and civilians.

Sole or concurrent jurisdiction may also rest with another agency outside the Department of the Navy. The NIS is responsible for making investigative referrals in behalf of command in these instances.

(5) Certain instances will occur which are susceptible to administrative resolution without the application of professional investigative techniques. Within this interpretation are matters without criminal basis and which might be resolved by a fact-finding body, an informal inquiry, or administrative audit. Incidents which fall into this category might result from accident, negligence, incompetency, improper accounting procedures, or intervention of the forces of nature.

b. **Minor criminal offenses.** A minor criminal offense is defined as one punishable under the Uniform Code of Military Justice by confinement of 1 year or less, or carrying similar punishment by federal, state, local, or foreign statute or regulation, and lacking any of the considerations enumerated in the discussion of major criminal offenses above.

#### c. Use of Command Investigators

(1) Certain Navy and Marine Corps commands maintain an investigative capability organic to masters at arms forces, military police, base police, security or guard forces, shore patrol, provost marshals, and other compositions. Use of these investigators for criminal and security investigations shall be limited to minor criminal offenses, as defined in this instruction, and those of a purely military character, when the offense involves only Navy or Marine Corps personnel or dependents, and investigation is confined to a ship or station. Off-base investigative activities, with the exception of normal liaison with local law enforcement agencies, shall be restricted to a minimum and to the immediate area surrounding the installation.

(2) This policy shall not in any way restrict the discharge of assigned police and law enforcement functions by authorized personnel, or their responsibilities to execute appropriate procedures on suspicion or discovery of any criminal offense, such as preventing the escape or loss of identity of suspected offenders; preserving crime scenes and the integrity

of physical evidence; effecting preliminary on-scene inquiries; investigative assistance under the operational direction of the Naval Investigative Service; or any other actions which, in the judgment of the responsible commander, are necessary for the immediate preservation of good order and discipline.

**d. Training and operational use of Marine Corps personnel**

(1) The Marine Corps has a continuing requirement for training and proficiency in the conduct of criminal and security investigations and counterintelligence matters, for application in zones of action assigned to Fleet Marine Force units during combat operations. To this end, the Chief of Naval Operations and the Commandant of the Marine Corps will, through appropriate delegation, establish mutual agreements whereby sufficient and suitably qualified Marine Corps personnel are provided training in investigative and counterintelligence matters by the Naval Investigative Service.

(2) To maintain required proficiency, experience in all areas of NIS mission responsibility will be required. Mutual agreements shall therefore include provision for assignment of these trained personnel to NIS components, to participate in investigative and counterintelligence matters within NIS jurisdiction, under the operational supervision of the Naval Investigative Service.

**e. Criminal Intelligence Operations.** Criminal intelligence operations are defined as those formalized programs regarding significant criminal activity targeted against or directly involving Navy and Marine Corps personnel, to gain information of a criminal intelligence nature for law enforcement purposes. A high degree of specialized training and experience is mandatory to the successful accomplishment of these operations, and, to the extent that they are undertaken within the Department of the Navy, they will be done exclusively by the NIS, regardless of location. Criminal intelligence operations are undertaken at NIS initiative, in close coordination with senior command authority. During their course, these sensitive operations may disperse over wide geographic areas and extend across multiple command lines. The fullest cooperation of all commanding officers concerned is necessary and directed.

**f. Security and counterintelligence matters**

(1) Departmental agreements between Defense and Justice in part implement a Presidential directive that, for the NIS, establishes exclusive investigative jurisdiction within the Department of the Navy in matters involving actual, potential, or suspected sabotage, espionage, and subversive activities. The foregoing is considered to include actual, suspected, or attempted defection. Command referral of matters in these categories to the NIS is mandatory.

(2) Security matters requiring utilization of the NIS include:

(a) Loss, compromise, leakage, or unauthorized disclosure of classified information, when appropriate in accordance with reference (a).

(b) Unauthorized attempts to obtain classified or other information of intelligence value from Navy and Marine Corps personnel.

(c) Security situations which lend themselves to resolution through the application of counterintelligence operational techniques (less those combat-related counterintelligence matters within the functional responsibilities of the Marine Corps) and counterintelligence studies and analysis of groups or organizations whose interests are inimical to those of the United States, whose actions are targeted against the Navy and represent a clear threat to security. In this regard, regulatory guidance is contained in reference (b), which implements the policies of the Secretary of Defense in the functional area of security and counterintelligence investigations and related information collection and retention actions. It also assigns specific responsibilities and limitations governing initiative or reactive collection and storage of information on individuals and organizations not directly associated with the Department of Defense, but who are considered to be actually or potentially disruptive or dangerous to the operations of the Department of the Navy.

**g. Personnel Security Investigations.** Reference (c) established the Defense Investigative Service (DIS) as a separate operating agency of the Department of Defense, to provide for the conduct

of personnel security investigations (PSI) for DOD components. The DIS performs this function within the fifty states, the District of Columbia, and the Commonwealth of Puerto Rico; the NIS accomplishes PSI investigations in behalf of the DIS in other areas, and has responsibility for investigative development of matters resulting from personnel security investigations which have a significant counterintelligence or criminal aspect.

**h. Special Activities.** In addition to the above noted categories, the facilities of the NIS may be utilized by the Department of the Navy where unusual circumstances or aspects of sensitivity attach which may require unusual techniques and the exercise of a high degree of discretion or the employment of extensive investigative resources.

**i. Liaison.** The Director, Naval Investigative Service or his designated representatives shall be exclusively responsible for maintaining liaison on all criminal and security investigative and counterintelligence matters with federal law enforcement, security, and intelligence agencies; and shall be the primary agency for liaison in these matters with state, local, and foreign law enforcement, security, and intelligence agencies, including those of the military departments.

**j. Initiation and Reporting**

(1) Requests for NIS support may be initiated by any commander, commanding officer, or other appropriate command authority in the Navy and Marine Corps, to the nearest NIS representative. The NIS is authorized, exclusive of command request, to undertake activities within the purview of this instruction in matters of sabotage, espionage, and subversive activity; and support on a reciprocal basis for other federal, state, local, or foreign law enforcement, security, or intelligence agencies. Separate from the foregoing, the Director, Naval Investigative Service and representatives specifically designated by him are authorized to initiate preliminary investigative action absent a specific request in any category of case under NIS investigative jurisdiction when urgent or unusual circumstances exist. The Director, Naval Investigative Service, shall assure that, in each instance, appropriate Naval or Marine Corps higher authority is promptly advised.

(2) The NIS maintains a cadre of technical specialists qualified to assist commands in their development of a comprehensive audio security posture through the application of technical surveillance countermeasures techniques. Procedures for requesting this support are contained in reference (d).

(3) Determinations as to the initiation of counterintelligence or criminal intelligence operations are reserved to the Director, Naval Investigative Service, and will be undertaken only in conformance with policy set forth by higher authority.

(4) With the exception of those offenses which are purely military in nature or relate to routine traffic violations, copies of all reports of complaint and investigation by command criminal investigative and security personnel and base police shall be furnished to the local NIS representative.

(5) The NIS shall insure that requesting authority is provided a full report of each investigation conducted in the latter's behalf. In addition, it is the responsibility of the NIS to:

(a) Assure the maintenance of a central repository for appropriate reports of investigation and pertinent counterintelligence data.

(b) Provide statistical reporting required by higher authority on investigative and other matters within its mission responsibility.

(c) Report any aspect of investigative, security, or counterintelligence activity indicative of an actual or potential trend, threat to operational integrity, or which otherwise warrants the attention of fleet commanders in chief, Commanding Generals FMFLANT and FMFPAC, and senior authority at the seat of government. This in no way abrogates the responsibility of commands to notify appropriate echelons of significant incidents, investigative action initiated, results thereof, and command actions taken or contemplated. This responsibility cannot be deferred to the NIS.

**k. Credentials and Badges.** Individuals accredited by the Director, Naval Investigative Service, to carry out investigations and other mission-related responsibilities are issued standardized credentials and badges

designating them as "Special Agents." Certain categories of personnel are also issued credentials identifying them as an "NIS Representative." No other persons in the Navy and Marine Corps engaged in investigative, security, or counterintelligence matters are authorized to use these titles. Personnel issued NIS Special Agent and Representative credentials are cleared for access up to and including Top Secret by the Director, Naval Investigative Service. They shall be presumed to have a need to know with regard to access to information, material, or spaces relevant to the performance of their official duties. Access to special intelligence and compartmented or similarly controlled spaces, material, or information shall be cleared by the authority controlling access prior to the Special Agent or Representative pursuing a matter of official concern. NIS Special Agent and Representative credentials are to be accorded full recognition when presented for purposes of entering or leaving installations. Accredited NIS personnel, vehicles used by them in the course of official business, and all occupants therein shall be exempt from routine search.

1. **Investigative policy.** The NIS is the activity responsible for developing investigative policy for the Department of the Navy, consistent with directives

and guidance promulgated by higher authority, and for developing regulatory guidance for the employment of polygraph examinations, audio surveillance, and other investigative or countermeasures aids.

5. **Limitations.** Nothing herein is to be construed as infringing upon, conflicting with, or restricting in any way the investigative functions of the Naval Inspector General, the Inspector General of the Marine Corps, other inspectors general, courts of inquiry, or investigations conducted pursuant to the Uniform Code of Military Justice or the Manual of the Judge Advocate General. Examinations and other actions concerning the effectiveness of command procedures for good order and discipline or the effectiveness with which command personnel have carried out their duties in these areas are not appropriate for NIS inquiry, and should not be so referred.

6. **Action.** Addressees shall take such action as is expressed or implicit to insure compliance with this instruction.

J. WILLIAM MIDDENDORF II  
Secretary of the Navy

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