

Office of the Secretary
Washington 25, D. C.

JAG:JL:SH:ADM:RA
26 June 1953

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SECNAV INSTRUCTION 5840.1

From: Secretary of the Navy
To: All Ships and Stations

Subj: Felonies involving both naval personnel and civilians

1. Purpose. The purpose of this Instruction is to amend and reissue the regulations governing investigative procedures and resultant prosecution for felonies involving both naval personnel and civilians.
2. Cancellation. This Instruction cancels and supersedes JAG ltr JAG:AJ:DHP:nbrHSS:gh of 20 Oct 1947 (NDB Jul-Dec 1947, 47-997, pp. 107 and 108).
3. General Procedure. Where the commanding officer of a naval activity has knowledge of the probable commission within his command of a felony as defined in 18 U.S.C.1, he shall immediately evaluate such information with a view to determining whether or not a civilian may be involved. If the commanding officer's preliminary evaluation indicates the involvement of a civilian he should promptly notify the district intelligence office or the local representative of that office, and request that the cognizant Federal investigating agency be called in on the case. In areas where it is not feasible, because of distance or otherwise, to contact a representative of the district intelligence office the commanding officer may make direct contact with the closest office of the Federal Bureau of Investigation and request assistance of that agency. Should it not be feasible to request assistance of either of the above-noted investigative agencies the commanding officer will immediately cause a thorough investigation to be instituted. If circumstances warrant this method of procedure the commanding officer shall communicate via official channels with the United States attorney within whose jurisdiction the alleged felony occurred, stating the pertinent facts, the investigative action being taken, and requesting that the cognizant Federal investigative agency be apprised of the situation.
4. When Investigation Conducted by Federal Civilian Agencies. In cases of this nature, where the investigation is conducted by a Federal civilian agency, the Navy Department normally will defer prosecution to the Department of Justice; therefore, naval personnel involved will not be brought to trial by court-martial without prior reference to and approval of the Chief of Naval Personnel or the Commandant of the Marine Corps.

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5. Determination of Prosecuting Agency. Upon the recommendation of the Chief of Naval Personnel or the Commandant of the Marine Corps, the Judge Advocate General shall submit the case to the Department of Justice with a recommendation as to whether or not the naval personnel involved shall be brought to trial before a Federal court along with the civilians concerned. Upon the determination that such naval personnel are to be tried in the Federal courts, such personnel shall be delivered over to the proper Federal authorities for that purpose.

C. S. THOMAS
Under Secretary of the Navy