

DEPARTMENT OF THE NAVY
Office of the Secretary
Washington, DC 20350-1000

SECNAVINST 5800.12A
NIG 00K
11 January 1993

SECNAV INSTRUCTION 5800.12A

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

Subj: INVESTIGATIONS OF ALLEGATIONS
AGAINST SENIOR OFFICIALS OF THE
DEPARTMENT OF THE NAVY

Ref: (a) DOD Directive 5505.6 of 12 Jul 91
(Investigations of Allegations Against
Senior Officials of the Department of
Defense) (NOTAL)
(b) SECNAVINST 5370.2J of 15 Mar 89
(Standards of Conduct and Govern-
ment Ethics)
(c) Office of Civilian Personnel Manage-
ment Instruction 12713.1 of 8 Nov 89
(d) OPNAV Instruction 5354.1C of 13 Apr
89

1. Purpose. To implement reference (a) within the Department of the Navy (DON). This instruction is a complete revision and should be reviewed in its entirety.

2. Cancellation. SECNAV Instruction 5800.12.

3. Background. The Secretary of Defense has established a policy that allegations of certain types of misconduct by senior Department of Defense officials be investigated and reported to the Inspector General, Department of Defense (IG, DOD). This instruction assigns responsibilities and prescribes procedures that implement reference (a), to ensure appropriate DOD and DON authorities are apprised of allegations against DON senior officials that warrant investigation.

4. Definitions

a. Senior Official. Active duty, retired, or Reserve military officers in, or selected for, grades O-7 and above; current or former civilians in the grade of GS or GM 16 and above; current or former civilians in Senior Level (SL) or Scientific and Professional (ST) positions; current or former members of the Senior Executive Service (SES); and current or former DON civilian presidential appointees.

b. Allegation of Covered Misconduct. An allegation, not obviously frivolous, that, if proven, would constitute:

(1) A violation of criminal law, including the Uniform Code of Military Justice.

(2) A violation of the standards of conduct and government ethics as identified in reference (b), or implementing regulations.

(3) An abuse of authority, especially when there is an element of personal benefit to the official, a family member, or associate.

(4) A violation of a statutory post-Government service restriction.

(5) A matter not included in paragraphs 4(b) (1) through (4) above, that, nevertheless, can reasonably be expected to be of significance to the Secretary of Defense, Secretary of the Navy, the Chief of Naval Operations (CNO), the Commandant of the Marine Corps (CMC), IG, DOD or the Naval Inspector General (NAVINSGEN).

c. Appropriate DON Authorities

(1) The Under Secretary of the Navy for all senior civilian officials.

(2) The CNO or the CMC for all flag or general officers.

d. Component-designated Official (CDO). The DON point of contact with IG, DOD for the exchange of information required by reference (a). The Deputy Naval Inspector General is the CDO when the Under Secretary of the Navy or the CNO is the appropriate DON authority. The Deputy Naval Inspector General for Marine Corps Matters (DNIGMC) is the CDO when the CMC is the appropriate DON authority.

5. Policy. It is DON policy that all allegations of covered misconduct by senior officials will be thoroughly investigated, using appropriate investigative means. Appropriate DON authorities shall be

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kept fully informed of the substance and disposition of all allegations of covered misconduct by senior officials.

6. Action

a. Initial report of the allegation. Within two working days of receipt by any commander, commanding officer, or supervisor of an allegation of covered misconduct involving a senior official, an initial report shall be made to the responsible CDO. Such reports will be followed up as soon as possible in writing and will include: the name, rank or pay grade, and title or position of the senior official involved; organization and location of senior official; a synopsis of the allegation; and the name of a point of contact for further information. In accordance with the provisions of reference (a), the responsible CDO will make an initial report to the IG, DOD within five working days.

b. Conduct of investigation. The NAVINSGEN or DNIGMC shall investigate all allegations of covered misconduct made against senior officials except as provided in paragraph 6(c) below. However, allegations involving criminal misconduct first shall be referred to the Naval Criminal Investigative Service (NCIS) for investigation. Should NCIS accept the case, the official responsible for the conduct of the investigation shall provide the CDO the information necessary to prepare the reports discussed in paragraphs 6(d) and 6(e) below in sufficient time to meet the deadlines set forth therein. The IG, DOD, may assume investigative responsibility for any particular allegation.

c. Investigations of alleged discrimination. When it is alleged that a senior official personally participated in discrimination subject to processing under reference (c) or reference (d), the initial report required by paragraph 6(a) above shall state whether the allegation(s) will be accepted for processing pursuant to said instructions. The NAVINSGEN or DNIGMC shall normally defer to the investigative process contemplated by those instructions. However, in such cases, the Equal Employment Opportunity Officer responsible for the investigation shall provide the CDO the information necessary to prepare the reports discussed in paragraphs 6(d) and 6(e) below in sufficient time to meet the deadlines set forth therein. Nothing herein

shall be deemed to preclude NAVINSGEN or DNIGMC from also investigating such allegations.

d. Interim Reports of Investigation. If an investigation will not be completed within 90 days of receipt of the allegation, the responsible CDO will forward an interim status report to reach IG, DOD before the 90th day. Interim status reports will be supplemented every 60 days thereafter until the investigation is completed. Interim reports will describe investigative efforts, results to date, and expected date of completion.

e. Final Reports. The following written final reports shall be submitted by the responsible CDO to the appropriate DON Authority and to the IG, DOD:

(1) Within one week of the completion of the investigation a final investigative report setting forth the findings and conclusions regarding each allegation, which shall clearly indicate the reasons for determining whether the allegation was found to be substantiated. Where appropriate, recommendations may be included in the body of the report or as an attachment.

(2) Within one week of taking any disciplinary or administrative action against a senior official, a written report setting forth the nature of the action taken.

f. In addition to the requirements prescribed in paragraphs 6(a) through 6(d), the NAVINSGEN or DNIGMC shall keep the Secretary of the Navy and appropriate DON authorities informed of allegations and investigations covered by this instruction.

g. DON personnel at all levels must ensure that access to information covered by this instruction is handled in a manner to avoid unauthorized disclosure and is limited to those persons who have an official interest in this matter.

7. Report. The reporting requirement contained in paragraph 6 is exempt from reports control by SECNAVINST 5214.2B.

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(Acting)

11 January 1993

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