



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
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SECNAVINST 5800.12B
NAVINSGEN-N5

OCT 18 2005

SECNAV INSTRUCTION 5800.12B

From: Secretary of the Navy

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

Ref: (a) DoD Directive 5505.6 of 12 Jul 91
(b) DoD Regulation 5500.7-R, Joint Ethics
Regulation, 30 Aug 93 (Ch 4, 6 Sep 98)
(c) Office of Civilian Personnel Management
Instruction 12713.2A of 18 Aug 95 (NOTAL)
(d) OPNAVINST 5354.1E
(e) MCO P5354.1D, Marine Corps Equal Opportunity (EO)
Manual of 14 Apr 03

1. Purpose. To implement reference (a) within the Department of the Navy (DON). This instruction has been substantially revised and should be reviewed in its entirety.

2. Cancellation. SECNAVINST 5800.12A.

3. Background. Reference (a) requires that allegations of certain types of misconduct by senior Department of Defense officials be investigated and reported to the Inspector General, Department of Defense (DODIG). 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 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 that, if proven, would constitute:

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

(2) A violation of reference (b) to include laws and regulations referenced therein.

(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 4b(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), DODIG, or the Naval Inspector General (NAVINGEN).

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 DODIG for the exchange of information required by reference (a). The Deputy Naval Inspector General is the CDO for Navy personnel 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 for Marine Corps personnel when the Under Secretary of the Navy or 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 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 involving a senior official, as defined in paragraph 4b above, 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 DODIG 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 6c below. However, they shall first refer allegations involving criminal misconduct 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 6d and 6e below in sufficient time to meet the deadlines set forth therein. The DODIG 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 references (c) through (e), the initial report required by paragraph 6a 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 official responsible for the investigation shall provide the CDO the information necessary to prepare the reports discussed in paragraphs 6d and 6e 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 DODIG before the 90th day, and interim status reports 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 DODIG:

(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 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 6a through 6d, the NAVINSGEN and DNIGMC shall keep the Secretary of the Navy and appropriate DON authorities informed of allegations and investigations covered by this instruction.

g. All DON personnel shall ensure that 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 controlled by SECNAVINST 5214.2B.



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Under Secretary of the Navy

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