



DEPARTMENT OF THE NAVY

OFFICE OF THE SECRETARY
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SECNAVINST 3850.2C
N2E
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SECNAV INSTRUCTION 3850.2C

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

Subj: DEPARTMENT OF THE NAVY COUNTERINTELLIGENCE

Ref: (a) DOD Directive 5240.2 of 22 May 97
(b) DODI 5240.6 of 09 Aug 04
(c) Executive Order 12333
(d) DOD Instruction 5240.1R
(e) Counterintelligence Enhancement Act of 2002 (Pub.L. 107-306, Title 14, Nov 27, 2002)
(f) SECNAVINST 5520.3B
(g) SECNAVINST 5510.30A

1. Purpose: To implement references (a) and (b), delineate responsibilities for counterintelligence (CI) within the Department of the Navy (DON), ensure DON CI activities are conducted in a coordinated manner and pursuant to references (a) through (g). This instruction is a complete revision and should be reviewed in its entirety.

2. Cancellation: SECNAVINST 3850.2B and SECNAVINST 3875.1A

3. Background: CI is critical to the protection of Navy and Marine Corps forces, operations, information, facilities, equipment and networks from attack and the intelligence activities of foreign governments and international terrorist organizations. Department of Defense (DOD) policy directs CI activities shall be conducted in a comprehensive, integrated and coordinated effort within the department and also integrated into the national CI structure pursuant to reference (e).

4. Definitions

a. Counterintelligence: Information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage or assassinations conducted by or on behalf of foreign governments or elements thereof, foreign organizations, foreign persons or international terrorist organizations.

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b. Counterintelligence Activities: The functions of counterintelligence: investigations; operations; collection; analysis and production; and functional services.

(1) Counterintelligence Investigations: Activities conducted to prove or disprove an allegation of espionage or other intelligence activities, such as sabotage, assassination, or other national security crimes conducted by or on behalf of a foreign government, organization, or person or international terrorists. CI investigations may establish the elements of proof for prosecution or administrative actions, provide a basis for CI operations, or validate the suitability of personnel for access to classified information. CI investigations are conducted against individuals or groups for committing major security violations, as well as failure to follow Defense agency and Military Department directives governing reporting contacts with foreign citizens and out-of-channel requests for defense information. CI investigations provide military commanders and policymakers with information used to eliminate security vulnerabilities and otherwise improve the security posture of threatened interests.

(2) Counterintelligence Operations: Proactive activities designed to identify, exploit, neutralize or deter foreign intelligence collection and terrorist activities directed against the DOD. Operations are conducted to manipulate, disrupt, neutralize and or destroy the effectiveness of foreign intelligence activities; recruit or induce defection of foreign intelligence officers and personnel; collect threat information on foreign intelligence operations, modus operandi, intelligence requirements, targeting, objectives, personalities, communications, capabilities, limitations, and vulnerabilities; provide information and operations databases to support decision makers; provide CI support to clandestine human intelligence operations; identify past, ongoing or planned espionage; support force protection, operations other than war and peacekeeping; acquire foreign intelligence espionage equipment for analysis and countermeasures development; develop operational data, threat data and espionage leads for future CI operations, investigations, and projects and develop the potential of these leads to enhance DOD security overall; and support specific DON, Chairman Joint Chiefs of Staff, DOD and national plans.

(3) Counterintelligence Collection: The systematic acquisition of information concerning espionage, sabotage, terrorism, other intelligence activities or assassinations conducted for or on behalf of foreign powers, organizations or persons, or international terrorist activities that are directed against or threaten DON, DOD, or other US interests.

(4) Counterintelligence Analysis and Production: CI Analysis is the function of assimilating, evaluating, and interpreting information about areas of CI advocacy and responsibility. Information derived from all available sources is considered and integrated in the analytical process. CI Production is the process of analyzing all-source information concerning espionage or other multidiscipline intelligence collection threats, sabotage, terrorism, and other related threats to US military commanders, the DOD, and the US Intelligence Community and developing it into a final product that is disseminated. CI Production is used in formulating security policy, plans, and operations.

(5) Counterintelligence Functional Services: CI support activities that provide specialized defensive security services designed to identify and counter espionage, sabotage and related activities of foreign intelligence services and terrorism threats to DOD activities.

c. Counterintelligence Force Protection Source Operations (CFPSO): Collection operations conducted by CI personnel to provide force protection support. CFPSO are only conducted outside United States territory and may use foreign nationals as sources. CFPSO respond to local command requirements for force protection and do not fall within the purview of formal national level coordination as per Director of Central Intelligence Directive (DCID) 5/1, Espionage and Counterintelligence Activities Abroad.

d. Counterintelligence Policy: Written issuances that define missions, provide authority, assign responsibility and set forth guidance to ensure CI activities within the DON are initiated and conducted consistent with current statutes and regulations.

e. Preliminary Inquiry: A process by which DON CI elements are authorized to collect initial and limited information concerning a matter of CI interest that may ultimately result in or warrant a formal CI investigation or operation, but prior to the initiation of such an investigation or operation by Naval Criminal Investigative Service (NCIS).

5. Responsibilities

a. The Secretary of the Navy:

(1) Exercises responsibility for the DON CI program through the Under Secretary of the Navy, Chief of Naval Operations (CNO) and Commandant Marine Corps (CMC) as delineated in paragraphs 5(b) through (d). The responsibilities delineated below shall not supersede command or management relationships established in reference (f) and shall be consistent with reference (a).

(2) Establishes a DON CI Requirements Council (CIRC) to ensure CI support is responsive to all DON components and also supports national requirements levied upon the DON.

b. The CNO (N2) shall:

(1) Manage the DON strategic CI requirements process.

(2) Chair or designate a uniformed principal (O-6 or above) to chair the DON CIRC.

(3) Establish DON CI policy in coordination with the Director, Naval Criminal Investigative Service (DIRNCIS) and Marine Corps Director of Intelligence (DIRINT).

(4) Serve as the DON resource sponsor for NFIP (FCIP) and JMIP (DJCIP) funding.

(5) Monitor the execution of CI activities and ensure CI information and activities are integrated with other intelligence activities within the DON.

c. The DIRNCIS shall:

(1) Direct, manage and control the execution of all DON CI functions, to include primary responsibility for CI investigations and operations, except those functions within the responsibility of the CMC (DIRINT), as set forth in Para 5 (d).

(2) Develop and implement CI briefing and awareness programs and reporting procedures in accordance with ref (b) for DON.

(3) Establish relationships with all DON commands and activities such that all CI incidents within the DON are immediately reported to NCIS pursuant to reference (g).

(4) Represent the DON in national forums involving CI.

(5) Ensure national and DOD CI requirements are obtained and presented to the DON CIRC.

(6) Ensure DON strategic CI requirements are obtained and presented to the DON CIRC.

(7) Ensure the CNO and CMC are kept fully informed of all CI activities in a timely manner.

(8) Assign senior CI specialists to the staffs of the CNO and CMC to facilitate the flow of CI information.

(9) Provide the DNI with senior CI specialists, as required to execute the duties and responsibilities in paragraph 5(b) above.

(10) Assign a senior CI specialist to the staff of each component command, fleet, and Marine Expeditionary Force.

(11) Ensure Navy and Marine Corps component commanders are apprised of NCIS CI activities, through the cognizant Staff Counterintelligence Officer or CI/HUMINT Officer (CIHO) and provide any intelligence reports or CI/CT information that could impact Navy and/or USMC forces.

d. Marine Corps DIRINT shall:

(1) Establish policy and procedures for the conduct of authorized CI activities by Marine Corps CI elements in accordance with references (a) through (c), the remainder of this instruction, and the following policy:

(a) USMC CI elements shall conduct CI collection, including CFSO, in support of deployed and deploying Marine Corps forces.

(b) USMC CI elements shall conduct liaison with US and foreign officials in support of deployed and deploying Marine Corps forces. USMC CI elements shall apprise the nearest NCIS element of the conduct of this activity.

(c) USMC CI elements shall conduct CI preliminary inquiries in support of deployed Marine Corps forces. Upon initiating a preliminary inquiry, USMC CI elements shall notify the nearest NCIS representative so that NCIS may determine their level of interest and involvement. The USMC CI element shall keep NCIS apprised of the status and ultimate disposition of the inquiry. If appropriate, NCIS may assume control of the inquiry for CI investigative or operational purposes.

(2) Organize, train and equip USMC CI elements.

(3) Serve as resource sponsor for USMC TIARA and the program executor for Marine Corps FCIP funding.

(4) Issue official credentials to accredited USMC CI personnel.

6. The DON CI Requirements Council: The DON CIRC reviews, validates and prioritizes DON and national CI strategic requirements and ensures that DON CI activities are responsive to Navy, Marine Corps and national interests. The DON CIRC is chaired by the CNO (N2) or his designated representative (Grade O-6 or above) and includes the following core members or their designated representatives (Grade O-6/GS-15) or above:

Deputy Director for Operations, NCIS
Director of Intelligence HQMC
Asst Deputy CNO Plans, Policy and Programs (N3B/N5B)
Director, Plans, Programs and Operations HQMC
Dep Asst Secretary of the Navy (RD&A)
General Counsel of the Department of the Navy
Judge Advocate General (JAG)

a. The DON CIRC reviews, prioritizes and validates DON and national CI strategic CI requirements annually and ensures a strategic CI plan is in place to address these requirements. The CIRC shall meet as required, but at a minimum quarterly, to review and reassess strategic needs and the supporting CI plan. Associate members representing other stakeholders within the DON shall be invited to attend as deemed appropriate by the core membership.

b. The DON CIRC shall provide semiannual briefings to the Senior Review Board via the Sensitive Activities Review Board.

c. The DON CIRC shall validate DON CI requirements and recommend the allocation of NCIS CI resources to the NCIS Board of Directors.

d. The DON CIRC shall include a Special Means Committee that will meet as required to support sensitive CI activities.

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Under Secretary of the Navy

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