



DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
5720 INTEGRITY DRIVE
MILLINGTON, TN 38055-0000

BUPERSINST 5370.5A
BUPERS-00IG
- 8 DEC 2010

BUPERS INSTRUCTION 5370.5A

From: Chief of Naval Personnel

Subj: CHIEF OF NAVAL PERSONNEL HOTLINE PROGRAM

Ref: (a) SECNAVINST 5370.5B
(b) BUPERSINST 5450.55
(c) NAVINSGEN Investigation Manual
(d) NAVINSGEN Investigation Guide

1. Purpose. To implement the provisions of references (a) and (b) and clarify responsibilities for operation of the Chief of Naval Personnel (CHNAVPERS) Hotline Program. To establish written internal procedures for processing Department of Defense (DoD) and Navy Hotline referrals within activities under the immediate command of CHNAVPERS. To implement an internal hotline program within the Bureau of Naval Personnel (BUPERS) and subordinate commands.

2. Cancellation. BUPERSINST 5370.5.

3. Definitions

a. Inquiry: Any form of examination into a matter that is part of a fact-finding process responding to a Department of Defense (DoD), Department of the Navy (DON), or BUPERS Hotline call or hotline referral. This includes any audit, investigation, inspection, examination, area visit, survey, or other type of review resulting from a hotline call referral.

b. Investigation: Any form of examination into specific allegations of wrongdoing.

c. Hotline: The purpose of the CHNAVPERS Hotline is to receive allegations of fraud, waste, abuse and mismanagement when the chain of command has been unresponsive, or the complainant fears reprisal resulting from the submission of his or her allegations. Mechanisms can include manned or unmanned local and toll free telephone numbers, inspector general (IG) Web site hotline submission forms or facsimile (fax) numbers.

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d. IG Network: A communication mechanism and technical chain of command comprised of all DON personnel who perform an IG function as part of the regular or recurring duties at any level. Naval Audit Service (NAVAUDSVC) and Naval Criminal Investigative Service (NAVCRIMINVSVC) personnel conducting inquiries in support of a DoD or DON Hotline inquiry are members of the IG network for the limited purpose and duration of that inquiry. In addition to NAVAUDSVC and NAVCRIMINVSVC personnel supporting a specific inquiry, the IG network also includes any other DON personnel who are tasked to support an inquiry on a one-time basis. These other DON personnel are part of the IG network only during the course of that specific inquiry.

4. Background. The DoD and Navy Hotlines are designed to strengthen and focus efforts to combat fraud, waste, abuse and mismanagement throughout BUPERS and its subordinate activities. In addition to identifying and establishing procedures for timely and thorough examination of hotline allegations, reference (a) also requires that echelon 2 commands issue written internal procedures for processing hotline referrals and establish them at appropriate levels within the chain of command. The IG process is of fundamental importance in combating fraud, waste, abuse and mismanagement as it gives voice to all members of the Navy team and assures them that their concerns will be heard, considered, and addressed by the DON's leadership. This is a significant strength in our system.

5. Applicability. The provisions of this instruction apply to all activities under the immediate command of CHNAVPERS unless specifically exempted by statute.

6. Policy

a. CHNAVPERS shall demand and enforce the highest ethical standards from its members, fairly and efficiently manage its resources and people, and exercise a fiduciary responsibility over taxpayers' dollars. It is CHNAVPERS policy to encourage the identification of problems in these areas and to swiftly correct them. The hotline program is designed to eliminate fraud, waste, abuse and mismanagement by identifying problems and potential solutions.

b. Reference (a) along with numerous other directives, requires military and civilian personnel to report suspected

wrongdoing to their chain of command. This is the preferred mechanism because it reinforces the privacy of the chain of command and allows problems to be addressed at the lowest level. DoD, DON and CHNAVPERS Hotline programs provide an alternative to the chain of command when a complainant reasonably fears reprisal or believes the chain of command has been unresponsive. This provides an unbiased, impartial approach to address these issues and ensures they are properly evaluated, investigated, and, when necessary, corrected by responsible authorities.

c. IG personnel will respond to substantive allegations of fraud, waste, abuse and mismanagement in a timely and impartial manner; research, recommend and track corrective action per applicable laws, regulations, directives, and instructions; and report the result of such investigations to the appropriate authorities. Unless specifically authorized by the complainant, IG personnel will protect the confidentiality of the complainant within the IG network at all stages of the hotline process except when the identification of the complainant is required by law or judicial order. CHNAVPERS IG will, to the maximum extent permitted under law and regulation, safeguard the identity of complainants. The CHNAVPERS IG shall explain to complainants that the use of their testimony and the release of their identity as witnesses, but not as complainants, may be necessary under due process procedures associated with disciplinary or administrative action. Commanders, commanding officers (COs) and supervisors responsible for enforcing accountability within their respective activity shall have access to IG reports when the investigation is complete.

d. CHNAVPERS IG will, to the maximum extent permitted under law and regulation, safeguard the identity of witnesses and assist them, as appropriate, if it is determined by the IG that they are victims of reprisal. CHNAVPERS IG shall explain to witnesses that the use of their testimony and the release of their identity as witnesses may be necessary under due process procedures associated with disciplinary or administrative action. Such identification will be made only to those with an official need to know the identity of the witness.

e. Certified DON IG investigators shall, to the maximum extent possible, conduct all investigations performed under the auspices of a DON IG office. All personnel assigned to the

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CHNAVPERS IG office who have investigative duties, which includes reviewing investigations, shall be certified as a DON Investigator as specified by reference (a).

f. Maintaining impartiality during an investigation is of paramount importance. Should a conflict of interest exist or the appearance that the investigator or investigative team cannot maintain impartiality, the responsible command representative or IG shall refer the matter to the CHNAVPERS IG for resolution.

7. Procedures

a. CHNAVPERS IG shall publish DON Hotline Complaint Submission procedures, which it may publish on its official Web site. CHNAVPERS IG is authorized to add, delete, or modify these procedures, as necessary.

b. CHNAVPERS IG will normally task all DoD and Naval Inspector General (NAVINSGEN) Hotline complaints that are associated with echelon 3 IGs to those IGs. Those IGs are authorized to task the investigative authority to subordinate commands, with the exception of allegations against COs, executive officers, command master chiefs or other senior military/civilian personnel. Those investigations will be conducted by the relevant IG staff. All Military Whistleblower Protection Act (MWPA) reprisal and Mental Health Evaluation (MHE) complaints will be retained and investigated at the CHNAVPERS IG level. Specific guidance and responsibilities pertaining to MWPA and MHE cases are provided in reference (a). All commands tasked by CHNAVPERS with conducting an investigation shall forward the completed investigation report to CHNAVPERS IG for review. The review of the investigation will address four standards: independence, timeliness, completeness, and accountability.

c. CHNAVPERS IG is responsible for the quality of IG reports forwarded to NAVINSGEN. Although not required in every hotline case, a legal review of the investigation by an attorney staff judge advocate or command counsel's office is expected in all cases of a significant nature, e.g., cases resulting in disciplinary action, detachments for cause, substantial monetary loss or property damage, and that legal review memorandum will be included in the material forwarded to CHNAVPERS IG. In

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significant cases, echelon 3 IGs are authorized to forward to CHNAVPERS IG investigations that are complete except for accountability. The legal review should be included with any report so forwarded. This will enable CHNAVPERS IG to evaluate the investigation for timeliness, independence, and completeness prior to the commander or other decision-maker addressing the issue of accountability. In such reviews, CHNAVPERS IG shall return the investigation within 15 days of receipt, indicating its approval or identifying the investigation's deficiencies. After the appropriate commander or decision-maker has addressed accountability, the final report shall be returned to CHNAVPERS IG requesting to close the case. CHNAVPERS IG will not close a substantiated case until corrective action has been reported. CHNAVPERS IG shall forward completed NAVINSGEN-tasked hotline cases to NAVINSGEN requesting closure. Cases originating at NAVINSGEN and transferred to CHNAVPERS IG will be closed by CHNAVPERS IG.

d. When tasked to investigate a hotline complaint, BUPERS departments and subordinate activities shall conduct that investigation per reference (a) on a priority basis as these investigations frequently are required by the NAVINSGEN or the DoD. Timeliness is critical. If the investigator is not able to meet the assigned due date, the CHNAVPERS IG office should be contacted as soon as possible in order to coordinate a request for an extension of the due date with higher authority. Reports should be in the format provided in reference (a) and forwarded to CHNAVPERS IG in time to arrive by the due date as assigned or extended. Reference (a) requires all investigating officers (IO) be trained and certified to conduct IG investigations. Any IO not assigned to an IG office must complete "Naval Inspector General Investigations: The Basics" online at Navy Knowledge Online prior to conducting the investigation. IOs are responsible for providing a copy of the course completion certificate for interim certification consideration per reference (a) and an investigation plan prepared per references (c) and (d) prior to initiating the investigation. References (c) and (d) can be accessed at www.ig.navy.mil. Once the IO's certificate of completion and the investigative plan have been reviewed and approved, the CHNAVPERS IG will furnish an interim certification letter to the IO, with copies to the chain of command.

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e. All working papers associated with a hotline investigation shall be kept per the NAVINSGEN records retention policy.

f. IG reports and associated papers shall be maintained in a secure environment and made available only to those with an official need to know. Release of IG-generated material to those without an official need to know must be applicable under reference (a) and applicable law, e.g., under the Freedom of Information Act or Privacy Act.

g. NAVCRIMINVSVC is the largest investigative organization within DON. All NAVCRIMINVSVC special agents are certified investigators in the context of this instruction. IG organizations under the purview of the CHNAVPERS IG are authorized to request NAVCRIMINVSVC assistance in conducting hotline investigations.

h. NAVAUDSVC is staffed with trained, professional auditors and is responsible for performing internal audits. IG organizations under the purview of CHNAVPERS IG are authorized to request NAVAUDSVC assistance when the nature of the investigation requires the expertise of auditors.

8. Action

a. The CHNAVPERS IG shall:

(1) Operate the CHNAVPERS Hotline. Matters under the cognizance of CHNAVPERS concerning allegations of fraud, waste, abuse, inefficiency, and related impropriety may be reported by telephone or in writing to the CHNAVPERS IG as they occur. The CHNAVPERS Hotline telephone number is toll free 1-877-414-5357 and is available 24 hours, 7 days a week. Written complaints can be faxed to (901) 874-2603/DSN 882 or mailed to:

BUREAU OF NAVAL PERSONNEL
OFFICE OF THE INSPECTOR GENERAL (BUPERS-00IG)
Building 453
5720 Integrity Drive
Millington, TN 38055-0000

(2) Coordinate Navy and DoD Hotline investigations as assigned by the NAVINSGEN.

(3) Upon receipt of a hotline call, CHNAVPERS IG personnel will complete NAVPERS 5370/1 Hotline Intake Form and provide it to the office manager for inclusion into the NAVINSGEN Hotline Tracking System (NIGHTS) Case Management Information System. NAVPERS 5370/1 may also be provided to the complainant in order to request and gather pertinent information regarding the complaint.

b. BUPERS departments and subordinate activities shall:

(1) Ensure widest dissemination of their hotline program as well as the CHNAVPERS Hotline Program and the DoD/DON Hotline program;

(2) Post Navy Hotline Posters in their spaces. Reference (a) contains information for ordering these posters. BUPERS departments/subordinate activities requiring three or fewer posters may request posters from the CHNAVPERS IG at the telephone number or address above; and

(3) The CHNAVPERS IG and all echelon 3 IGs under the purview of CHNAVPERS IG shall enter all investigations into the NAVINSGEN NIGHTS Case Management Information System.

9. Records Management. Records created as a result of this instruction, regardless of media and format, shall be managed per SECNAV M-5210.1 of November 2007.

10. Form. NAVPERS 5370/1 Hotline Intake Form is available at <http://navalforms.daps.dla.mil/>.



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