



DEPARTMENT OF THE NAVY
NAVAL LEGAL SERVICE COMMAND
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WASHINGTON DC 20374-5066

IN REPLY REFER TO

COMNAVLEGSVCCOMINST 5040.1C
JAG 002
30 Jan 01

COMNAVLEGSVCCOM INSTRUCTION 5040.1C

From: Commander, Naval Legal Service Command

Subj: COMMAND INSPECTIONS

Ref: (a) 10 U.S.C. § 806
(b) SECNAVINST 5040.3A

Encl: (1) Inspection Procedures/Typical Schedule
(2) Command Inspection Report Format
(3) Command Inspection Checklist

1. Purpose. To promulgate policy, assign responsibilities, and establish procedures for Naval Legal Service Command (NAVLEGSVCCOM) command inspections.

2. Cancellation. COMNAVLEGSVCCOMINST 5040.1B.

3. Background. The Naval Legal Service Command mission is to provide the highest quality legal services and support to Navy and Joint leadership, commanders, commands, and individual Sailors and Marines and their families. Inspection is an inherent function of command exercised at every level. Leaders use formal and informal inspections to evaluate readiness, capability, and performance. Command inspections are necessary and useful to verify objectively and independently mission capability and performance. By reference (a), the Judge Advocate General is required to "make frequent inspection in the field in supervision of the administration of military justice." Reference (b) establishes the Department of the Navy Inspection Program and requires periodic inspections of Navy activities. This instruction implements an inspection program for NAVLEGSVCCOM.

4. Policy. Commander, Naval Legal Service Command (COMNAVLEGSVCCOM) will exercise an effective command inspection program, in accordance with references (a) and (b).

5. Objectives. Command inspections are conducted to:

a. Evaluate command readiness, efficiency, effectiveness, and quality of life, and whether NAVLEGSVCCOM policies and procedures contribute to the same;

b. Determine adequacy of resources and their utilization and materiel readiness, and evaluate the effect of any deficiencies on mission capability;

c. Ensure compliance with established laws, regulations, policies, and procedures;

d. Recommend steps to correct deficiencies and emphasize the philosophy and practice of constant improvement as the standard practice of doing business; and

e. Recognize, commend, and disseminate best practices, spreading ideas that will work as widely as possible throughout NAVLEGSVCCOM.

6. Action

a. The NAVLEGSVCCOM Inspector General (IG) is responsible for the command inspection program and shall:

(1) Direct the inspection team and report results to the Commanding Officer and COMNAVLEGSVCCOM;

(2) In coordination with the Commander and Vice Commander, establish the command inspection schedule, ensuring inspection of each command at least triennially. Inspection of a Naval Legal Service Office, a Trial Service Office, or the Naval Justice School shall normally include inspection of its detachments and/or branch offices;

(3) Advise commands of the dates of scheduled inspections; and

(4) Submit a final written inspection report no later than 45 days after the completion of the inspection to COMNAVLEGSVCCOM.

b. Inspection Team Members shall:

(1) Take part in advance briefings provided by the IG;

(2) Familiarize themselves with the geographic area of responsibility and resources of the command to be inspected and review previous inspection reports on that command;

(3) Familiarize themselves with the workload of the command to be inspected;

(4) During the inspection, note exceptionally good performance, practices, and processes and recommend appropriate recognition and publication;

(5) Identify problems, non-adherence to laws, regulations, policy, or established procedures and ascertain all relevant facts;

30 Jan 01

(6) Provide a well-reasoned recommendation for corrective action(s);

(7) Make recommendations to change NAVLEGSVCCOM policies and procedures, as appropriate; and

(8) Coordinate all inspection findings with the IG or his/her designee prior to assigning an inspection grade and provide a written inspection report.

c. The command to be inspected shall:

(1) Make all necessary administrative arrangements for the inspection team's visit (local transportation, billeting, etc.) in advance;

(2) Advise the inspection team of applicable uniform requirements;

(3) Recommend any appropriate protocol visits;

(4) Using enclosure (1) as a guide, provide a detailed schedule of events at least two weeks prior to the scheduled inspection; and

(5) At least two weeks prior to the scheduled inspection, provide a written copy of the answers to enclosure (3) or submit a narrative addressing the points contained therein (with supporting documents). Additionally, the narrative should include the command's major strengths and weaknesses.

d. Commanding Officers are also expected to conduct on-going, periodic self-assessments of their command, in keeping with their responsibility for the readiness, efficiency, quality of life, and effectiveness of the command.



MICHAEL F. LOHR

Distribution:

SNDL

C67A (NAVLEGSVCOFFDET, NAVLEGSVCBROFF)

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F01 (COMNAVLEGSVCCOM)

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F03 (TRISVCOFF)

F04 (NAVJUSTSCOL)

INSPECTION PROCEDURES/TYPICAL SCHEDULE

1. Initial Briefing. The commanding officer of the inspected command or his/her designee shall be prepared to present a pre-inspection briefing to the command inspection team. The briefing should be limited to 45 minutes and should acquaint the inspection team with the overall organization, mission, and geographical responsibility of the inspected command and should note any broad problem areas pertinent to the inspection. For inspections of detachments, the pre-inspection briefing should be abbreviated.

2. The Inspection

a. Techniques. Inspection team members should concentrate on matters that are manifestly important or require action.

(1) The inspectors' inquiries will include the following:

(a) The command's performance, productivity, planning, and programming for mission accomplishment;

(b) Whether the unit's personnel allowances should be augmented, reduced, or consolidated to ensure the most effective utilization of manpower; and

(c) Pertinent aspects of command, leadership, morale, management, operational personnel administration, and training.

(2) In pursuit of these inquiries, inspectors will interview knowledgeable personnel of the inspected command. These interviews will cover topics such as:

(a) Current problems affecting the command that require assistance from higher authority;

(b) Situations or practices within the command that actually or potentially detract from proper performance of assigned mission;

(c) Functions or tasks assigned to the command without the resources necessary to perform them and/or should be assigned to another activity; similarly, whether there are reporting requirements on the command that should be consolidated or eliminated; and

(d) Projects or plans of the command that have resulted or will result in economies or increased effectiveness.

30 Jan 01

(e) Policies and procedures of Naval Legal Service Command that particularly benefit or unnecessarily burden the command in the performance of its mission.

(3) Inspectors should bear in mind that they do not have command authority over the inspected command and must therefore guard against any actions that could be interpreted as an attempt to exercise such authority. The inspectors, however, may make suggestions for improved efficiency.

b. Use of Inspection Guides. The command inspection checklists contained in enclosure (3) or the narrative summary is a tool for the inspection. The checklist represents areas of inquiry -- not inflexible limitations on the inspector's inquiry. There is no prohibition against including additional items, which local conditions suggest would be meaningful. The good judgment and common sense of the inspectors will dictate those areas that require in-depth attention in order to meet the objectives of the inspection.

c. Personnel Inspections. Command inspections will usually include a personnel inspection, in the uniform prescribed by COMNAVLEGSVCCOM and the commanding officer of the unit being inspected.

d. Inspection Evaluations

(1) The principal measures of a command's performance are the quality and quantity of its sustained mission accomplishment and adherence to established policy. There may be occasions when the mission accomplishment of a command is diminished because of conditions beyond its control and despite all-out efforts by assigned personnel. Nevertheless, inspectors must base their evaluations on the command's overall ability to accomplish the mission, use of resources, and adherence to basic policy and procedures. Conditions beyond the control of the inspected command and recommendations for corrective action will be noted.

(2) In keeping with Department of the Navy policy, only "Satisfactory" or "Unsatisfactory" evaluations will be assigned and reported as grades in command inspections. A "Satisfactory" evaluation shall be assigned whenever mission accomplishment meets or exceeds minimum required standards. An "Unsatisfactory" evaluation shall be assigned only when mission accomplishment is below minimum required standards, or the command evaluated is incapable of performing its assigned functions or is in blatant violation of basic policy. The assignment of an "Unsatisfactory" evaluation to any functional area or to any inspected command must be fully supported in the inspection report and accompanied by all recommendations necessary to improve performance to an acceptable level. No other grades shall be assigned.

e. Critiques. A post-inspection critique of the inspected command is an essential part of every command inspection and a necessary prelude to the inspection report. The critique should be detailed and include recommendations for corrective action, as appropriate. Critiques should address all matters of mission accomplishment arising from the inspection and all issues relating to conformity with applicable regulations or standard operating procedures. An inspection grade will be assigned as part of the critique, but all inspection grades must be approved by the Inspector General prior to the critique. Senior personnel of the inspected command should have full opportunity during the critique to discuss issues identified by the inspectors.

3. Reporting and Follow-up

a. Command Inspection Reports. The IG will submit a formal report of command inspections, addressed to COMNAVLEGSVCCOM with a copy to the commanding officer of the inspected command not later than 45 days following the inspection. Enclosure (2) is provided as a guide. The commanding officer shall review a draft of the inspection report prior to submission to COMNAVLEGSVCCOM. Reports shall provide an overall evaluation of the command inspected and separate evaluations of the major functional areas covered by the inspection, together with such comments as are required to substantiate the evaluations. The evaluation shall include the findings of any inspections of command detachments/branch offices conducted as part of the command inspection. The written findings of any such detachment/branch office inspections shall be forwarded as attachments to the formal inspection report. Recommendations shall be set forth at the end of each inspection report.

b. Follow-up

(1) No inspection program is complete without proper follow-up to ensure that appropriate action is taken on recommendations resulting from inspections. For command inspections, the commanding officer will submit a plan of action with milestone dates and responsible action authority indicated for items noted as major discrepancies, safety violations, and conditions that significantly degrade mission readiness. This plan of action will be submitted within 30 days of receipt of the Inspection Report. The commanding officer shall submit a final report to COMNAVLEGSVCCOM when all required action has been completed.

(2) A reinspection shall be undertaken whenever a grade of "Unsatisfactory" is assigned, when a large number of major discrepancies are noted, or when the correction of discrepancies cannot be determined by other means. Reinspection, when

COMNAVLEGSVCCOMINST 5040.1C
30 Jan 01

required, should be conducted six months after the initial inspection. Major deficiencies or discrepancies are defined as conditions or omissions that have an adverse impact on mission accomplishment or the operation of any major functional area. Significant noncompliance with policy directives is included in this definition.

TYPICAL SCHEDULE

Monday

0730	Inspection Team Members Meeting
0800-0845	NLSO Command Brief
0900-0930	NLSO Command Walking Tour
1000-1045	TSO Command Brief
1100-1130	TSO Command Walking Tour
1130-1600	Inspection Continues
1600	Inspection Team Members Meeting

Tuesday

0730	Inspection Team Members Meeting
0800-1530	Inspection Continues
1530	Inspection Team Members Meeting
1600	All Hands Social (NLSO & TSO Personnel)

Wednesday

0730	Inspection Team Members Meeting
0800-1600	Inspection Continues
1600	Inspection Team Members Meeting
1800	Wardroom Function

Thursday

0730	Inspection Team Members Meeting
0800-1600	Inspection Continues
1600	Inspection Team Members Meeting

Friday

0730	Inspection Team Members Meeting
0800	NLSO/TSO Personnel Inspection
0900	NLSO Inspection Out-brief
1000	TSO Inspection Out-brief
1200	Inspection Team Departs

COMMAND INSPECTION REPORT FORMAT

FOR OFFICIAL USE ONLY

From: Inspector General [or Senior Inspector if not the IG]
To: Commander, Naval Legal Service Command

Subj: COMMAND INSPECTION REPORT

Ref: (a) 10 U.S.C. 806
(b) SECNAVINST 5040.3[series]
(c) COMNAVLEGSVCCOMINST 5040.1[series]

Encl: (1) NLSO or TSO Inspected Comments

1. A command inspection in accordance with references (a) through (c) was conducted [date] at [command inspected]. The inspected command was evaluated overall as [satisfactory/unsatisfactory].
2. The information contained herein relates to internal practices of the Department of the Navy and is an internal communication within the Navy Department. NO PART OF THIS REPORT IS RELEASABLE without the specific approval of Commander, Naval Legal Service Command (COMNAVLEGSVCCOM). Its contents may not be disclosed outside of original distribution, nor may it be reproduced in whole or in part. All requests for this report, extracts there-from, or correspondence related thereto will be referred to COMNAVLEGSVCCOM.
3. Findings of significant deficiencies:
4. Comments, minor discrepancies and meritorious findings are contained in enclosure (1).
5. Command internal controls and procedures to prevent fraud, waste, and abuse of government resources were evaluated and [are/are not] in place and functioning adequately.
6. [Commanding Officer of command inspected] reviewed the draft of this report.
7. By copy of this letter, [Commanding Officer of command inspected] is directed to report to the Office of the Judge Advocate General (Code 63) final actions taken on items discussed in enclosure (1).

Copy to:
Navy IG
CO, [Command that was inspected]
OJAG (Code 63)

COMMAND INSPECTION CHECKLIST

SECTION I: FOR ALL COMMAND INSPECTIONS

I.	MANAGEMENT AND OPERATIONS.....	.5
	1. Organization.....	.5
	2. Personnel.....	.6
	3. Morale.....	.7
	4. Area Coordination Responsibility (Not for NJS).....	.7
	5. Facilities.....	.7
	6. Equipment.....	.8
	7. Property Control.....	.9
	8. Management Control Program.....	.9
	9. Productivity Data (Not for NJS).....	.9
II.	ADMINISTRATION.....	10
	1. Manuals and Instructions.....	10
	2. Mail Receipt and Correspondence Control Procedures.....	11
	3. Records.....	11
	4. FOIA/Privacy Act.....	11
	5. Personnel Accounting.....	11
	6. Safety.....	12
	7. Command Managed Equal Opportunity.....	12
	8. Equal Employment Opportunity Program.....	13
	9. Prevention of Sexual Harassment	13
	10. Drug/Alcohol Abuse Program.....	14
	11. Health and Physical Readiness.....	14
	12. Family Care Plan Program.....	16
III.	TRAINING.....	17
IV.	CIVILIAN PERSONNEL.....	19
V.	RESERVE AFFAIRS.....	21
	1. Training and Educational Responsibilities.....	21
	2. Reserve and Active Duty Counterparts.....	22
	3. Direct Peacetime Support.....	22
	4. Private Practice of Law.....	23
VI.	CORRESPONDENCE AND FILES.....	25
VII.	LIBRARY.....	26
	1. General.....	26
	2. Computer Assisted Legal Research (CALR).....	26

VIII.	INFORMATION ASSURANCE (IA)/INFORMATION SYSTEMS SECURITY.....	28
	1. Operating Systems.....	28
	2. Information Systems/LAN Operations.....	29
	3. Command Information Assurance Management.....	30
IX.	SECURITY - GENERAL, INFORMATION & PERSONNEL.....	33
X.	PHYSICAL SECURITY AND LOSS PREVENTION.....	34
	1. General.....	34
	2. Physical Security.....	34
	3. Loss Prevention.....	35
XI.	FINANCIAL MANAGEMENT.....	36
XII.	MILITARY JUSTICE OVERVIEW (Not for NJS).....	38
	1. Personnel.....	38
	2. Facilities.....	38
	3. Equipment.....	39
	4. Directives & Forms.....	39
	5. Books.....	41
	6. Administrative Procedures.....	41
	7. Working Environment.....	42
	8. Community Relations.....	43
	9. Performance.....	43
	10. Detachment/Branch Office.....	43
XIII.	STANDARDS OF CONDUCT.....	44
XIV.	FOR NAVAL JUSTICE SCHOOL INSPECTIONS ONLY.....	45

SECTION II: FOR NAVAL LEGAL SERVICE OFFICES

I.	DEFENSE DEPARTMENT.....	46
II.	CLAIMS.....	47
	1. General.....	47
	2. Claims Office Personnel and Equipment.....	47
	3. Federal Tort (FTCA) Claims.....	48
	4. Military Claims Act (MCA) Claims.....	49
	5. Nonscope Claims.....	50
	6. Foreign Claims Act (FCA) Claims.....	50
	7. Personnel Claims Act (PCA) Claims.....	51
	8. Carrier Recovery Claims.....	52
	9. Federal Claims Collection Act (FCCA).....	53
	10. Medical Care Recovery Act (MCRA) Affirmative Claims.....	53
	11. Admiralty Claims.....	55
III.	LEGAL ASSISTANCE.....	56
	1. Personnel.....	56
	2. Legal Assistance Services.....	57
	3. Legal Assistance Library.....	59
	4. Equipment/Facilities.....	59
	5. Readiness Legal Assistance.....	60
	6. Preventive Law Program.....	60
	7. Tax Assistance Program.....	60
	8. Confidentiality/Conflicts.....	61
	9. Referrals.....	61
	10. Internal Office Management.....	61
	11. Detachment and Branch Offices.....	62

SECTION III: FOR TRIAL SERVICE OFFICES

I.	TRIAL/COMMAND SERVICES DEPARTMENTS.....	64
	1. Training and Administration.....	64
	2. Victim & Witness Assistance Protection Program.....	65
	3. Community Relations.....	66
	4. Command Services.....	66
II.	INVESTIGATIONS.....	67
III.	DELIVERY OF PERSONNEL; SERVICE OF PROCESS; LITIGATION.....	69
	1. Delivery of Personnel.....	69
	2. Personnel Released by Civil Authorities on Bail or on Their Recognizance.....	69
	3. Request for Personnel Serving a Sentence of Confinement at Hard Labor.....	69
	4. Service of Process.....	70
	5. Personnel Subpoenaed As Witnesses.....	70
	6. Litigation Against the Department of the Navy.....	71
	7. Release of Official Information and Testimony by DON Personnel; Compliance with SECNAVINST 5820.8[series].....	71
IV.	ADMINISTRATIVE LAW.....	72
	1. General.....	72
	2. Ethics Counseling.....	73
V.	INTERNATIONAL LAW.....	75
	1. Foreign Civil Litigation.....	75
	2. Foreign Criminal Jurisdiction.....	75
	3. Other Foreign Jurisdiction Matters.....	75
VI.	LEGAL ASSISTANCE.....	76
	1. Personnel.....	76
	2. Legal Assistance Services.....	76
	3. Legal Assistance Library.....	78
	4. Equipment/Facilities.....	78
	5. Confidentiality/Conflicts.....	79
	6. Referrals.....	79
	7. Internal Office Management.....	79

SECTION I: FOR ALL COMMAND INSPECTIONS

I. MANAGEMENT AND OPERATIONS

References: OPNAVINST 3120.32[series]
Navy Regulations, 1990
Navy Uniform Regulations
OPNAVINST 5200.25[series]
COMNAVLEGSVCCOMINST 5800.1[series]

1. Organization

a. Attach a copy of the command standard organization and regulations manual (SORM).

b. Is the existing organization consistent with the organizational structure prescribed by COMNAVLEGSVCCOMINST 5800.1[series]?

c. Are there deviations from the prescribed organizational structure? Are they necessitated by local needs?

d. What procedures have been set up to ensure that the SORM is periodically reviewed and updated or corrected as required?

e. Is there a turnover file maintained for each organizational element which contains current information relating to that element's operations, functions, and responsibilities?

f. Are the following guides prepared and issued to command personnel as appropriate?

- (1) Plan of the Day/Week
- (2) Watch bills and duty lists

g. Have the following administrative/operating procedures been issued? How are they issued?

- (1) Personnel receipt and detachment
- (2) Leave and liberty
- (3) Personnel inspections
- (4) Performance evaluations
- (5) Training
- (6) Official correspondence and mail handling

- (7) Extreme weather procedures
- (8) Minor property inventory and survey procedures
- (9) Security of keys and combinations
- (10) Recall bill
- (11) Collateral duty list or notice
- (12) Commercial long distance telephone call accounting procedure

h. Are the command's instructions readily available and are new instructions routinely routed to all command personnel?

2. Personnel

a. Are sufficient personnel (officers, enlisted and civilian) authorized for accomplishment of the command's mission?

b. Are personnel appropriately allocated to various organizational elements to ensure each element's accomplishment of its functions and tasks?

c. Do civilian position descriptions accurately describe current tasks assigned?

d. Do civilian performance standards exist for each position?

e. Do the performance standards set realistic goals/objectives?

f. Are civilian grade level assignments consistent with position responsibilities?

g. Is there an appropriate mix of civilian and military personnel to ensure adequate paralegal/clerk support (e.g., MOJAGs, after-hours court reporting, and continuity of corporate memory)?

h. Is civilian overtime reserved for extraordinary situations?

i. Is there an effective check-in/check-out procedure in effect for all arriving/departing personnel which includes briefings by all departments and relevant special assistants as well as key individuals outside the command?

COMNAVLEGSVCCOMINST 5040.1C
30 Jan 01

j. Is the military bearing of personnel satisfactory?

k. Do judge advocates clearly understand that their professional conduct is governed by JAGINST 5803.1[series], Subject: Professional Conduct of Judge Advocates?

3. Morale

a. How is the command morale?

4. Area Coordination Responsibility (Not for NJS)

a. Is provision of legal services coordinated on a regional basis?

b. Is a "Board of Directors" approach (consultation of senior area judge advocates) utilized where feasible?

c. How do area commands know the normal operating hours and procedures for obtaining legal services?

d. What is the contingency plan for meeting surges in demand for services such as legal assistance or claims brought on by a mass casualty or natural disaster?

e. What "outreach" program do you have to improve services and promote positive working relationships with client commands (e.g., web sites, command newsletters, articles for base newspapers, briefings for local area COs/XOs, training for command legal officers, legalmen, base police, and yeomen and civilians performing legal functions)?

f. Is the command duty officer watch bill distributed to appropriate area commands?

g. Are area judge advocates included in command wardroom social functions?

5. Facilities

a. Is the overall condition (safety, security, habitability, functionality) of the command satisfactory with regard to the following:

(1) Building facade and entrances;

(2) Access by disabled persons, including any physical modifications needed;

(3) Grounds maintenance;

- (4) Offices and work spaces, including courtrooms;
- (5) Heads and washrooms;
- (6) Storerooms and stowage spaces;
- (7) Classrooms, if applicable; and
- (8) Moot courtrooms, if applicable?

b. Are command facilities appropriately located for effective provision of legal services?

c. Do command facilities meet NAVFAC P-80 spatial requirements?

d. Is there adequate, properly marked parking for command clients and staff?

e. Do command facility design and layout contribute to organizational efficiency?

f. Is there a planned maintenance/replacement program for physical plant and furnishings?

g. What type of liaison has been established with the regional commander, installation commanding officer and public works officer to ensure support for rehabilitation and/or construction projects?

h. Are there any outstanding facility requirements?

6. Equipment

a. Is the computer equipment adequate for accomplishment of mission?

b. Is the telephone system adequate?

c. Is there at least one STU-III for secure communications?

d. Is the photocopier adequate?

e. Are personnel fully trained to use office equipment?

f. Are services provided under maintenance contracts timely and effective?

g. For equipment not under a maintenance contract, are there adequate local resources for repairs and is the local contracting office responsive to repair requirements?

- h. Are local repair resources cost-effective?
- i. What plan is there for life-cycle replacement of various equipment?
- j. Are there any outstanding equipment requirements?

7. Property Control

- a. Are "U.S. Navy Property" tags affixed to all minor and class 3 plant property?
- b. Is missing, lost, stolen, or recovered property reported in accordance with SECNAVINST 5500.4[series]?
- c. Is property inventoried at intervals no greater than six months, and upon relief of the commanding officer?
- d. Is the acquisition and disposition of class 3 property recorded and reported in accordance with NAVCOMPTMAN, VOL III, Chapter 6?
- e. Are inventory controls, including individual custody, established where appropriate?
- f. Are property records current and accurate?

8. Management Control Program

- a. Are the CO and XO knowledgeable in the requirements of the Navy's Management Control Program?
- b. Is there a system of records for maintaining previous command inspection reports?

9. Productivity Data (Not for NJS)

Reference: COMNAVLEGSVCCOMINST 5800.3[series]

- a. Are instructions being followed as to data entry conventions?
- b. Is there a system in place to maintain data?
- c. Is accurate data forwarded to Headquarters when due?
- d. Is the database being used to assist in the daily administration of the command's functions, such as military justice, legal assistance, command services, personal representation, and claims?

II. ADMINISTRATION

1. Manuals and Instructions. Does the command have access to necessary and current manuals and instructions (including access via CD-ROM and/or internet)? Examples include:

Navy Regulations
Uniform Regulations
PAYPERSMAN
Navy Correspondence Manual (SECNAVINST 5216.5[series])
Navy Directives Issuance System (SECNAVINST 5215.1[series])
SNDL, Part I and II
DON Consolidated Subject Index
Navy-USMC Awards Manual (SECNAVINST 1650.1[series])
SSIC (SECNAVINST 5210.11[series])
Navy Officer Manpower and Classification Manual
(NAVPERS 15839[series])
UIC Manual (NAVSO P-1000-25)
Enlisted Transfer Manual (NAVPERS 15909[series])
Officer Transfer Manual
Navy Casualty Assistance Calls Program (CACP)
(BUPERSINST 1770.3[series])
Manual of the Judge Advocate General
Manual for Courts-Martial, United States
Department of the Navy Postal Instruction
(OPNAVINST 5112.6[series])
Decedent Affairs Manual (NAVMEDCOMINST 5360.1[series])
DOD Military Pay and Allowance Entitlement Manual
Manual for Advancement (BUPERSINST 1430.16[series])
DON Policy on Military Equal Opportunity Complaint Processing
(OPNAVINST 5354.1[series])
Navy Performance Evaluation and Counseling System
(BUPERSINST 1610.10)
Navy Comptroller Manual, Volumes 2-7
Joint Federal Travel Regulations
Naval Military Personnel Command Manual
Naval Legal Service Office and Trial Service Office Manual
(COMNAVLEGSVCCOMINST 5800.1[series])
Navy Physical Security Manual (OPNAVINST 5530.14[series])
DON Information Security Program Regulation
(SECNAVINST 5510.36[series])
Security Regulations for Offices Under the Cognizance of the
Chief of Naval Operations (OPNAVINST 5510.60[series])
Standard Organization and Regulations of the U.S. Navy
(OPNAVINST 3120.32[series])
Navy Environmental and Natural Resources Program Manual
(OPNAVINST 5090.1[series])
Joint Ethics Regulation (DOD Regulation 5500.7-R)
Reference Guide to Post-Government Service Employment
Activities of DON Personnel (NAVSO P-1778 Rev. 04/00)
Commander's Handbook for Prevention of Sexual Harassment

COMNAVLEGSVCCOMINST 5040.1C
30 Jan 01

Department of the Navy Directives Issuance System
Consolidated Subject Index (OPNAVNOTE 5215[series])
JAG Instructions
CNLSC Instructions

2. Mail Receipt and Correspondence Control Procedures

a. Are appropriate correspondence control, assignment of action officers, and action due dates established when incoming mail is received?

b. Are due dates being met?

c. Are follow-up procedures adequate?

d. What procedures are in place for expedited handling of time-sensitive correspondence such as congressional inquiries and FOIA requests?

3. Records

a. Are record retention, retirement, and disposal in accordance with SECNAVINST 5210.8[series] (Records Management Program for the Department of the Navy)?

b. Are files, disks, and computer-stored data containing personal or privileged information (e.g. legal assistance files, defense counsel files and working papers, and trial counsel files and working papers) adequately safeguarded against compromise and unauthorized disclosure?

c. Are records in a Privacy Act system of records adequately safeguarded in accordance with SECNAVINST 5211.5[series] against unauthorized access or disclosure?

4. FOIA/Privacy Act

a. Has the command received any FOIA/Privacy Act requests during the last year? If so, were the requests timely processed?

b. Does the command have in place a system to maintain data for, and to submit on time, the annual FOIA report?

5. Personnel Accounting

a. Is verification/monitoring of Enlisted Distribution and Verification Report (EDVR) and Officer Distribution Control Report (ODCR) prompt and accurate?

b. Have personnel shortfalls been adequately identified by the command and addressed?

c. Is the Leave Authorization Form (NAVCOMPT 3065) (3PT) prepared per the directions indicated on the reverse of the part 3?

d. Are the Leave Authorization Log and Leave Control Number Log properly maintained?

e. Does the command require personnel to check-in/out on leave following the procedures outlined in OPNAVINST 3120.32[series]?

f. Is a Tango Number log kept for accurate control of TAD orders Tango Numbers?

g. Are travel claims liquidated promptly?

h. Is the commanding officer approving all TAD orders?

i. Is there a tickler system to ensure prompt submission of officer fitness reports and enlisted evaluations?

j. Are fitness reports and evaluations prepared correctly?

k. Is a Navy Sponsor Program in effect?

l. Is a board or similar reviewing authority used for the consideration of award recommendations?

6. Safety

Reference: OPNAVINST 5100.23[series]

a. Has a command safety officer been appointed?

b. Has the safety officer received any training in occupational safety and health?

c. Are all work spaces inspected at least annually for safety discrepancies?

d. Are there any outstanding safety deficiencies?

e. Are occupational safety and health topics included in the command's training program?

7. Command Managed Equal Opportunity

Reference: OPNAVINST 5354.1[series]
OPNAVINST 5354.5[series]

COMNAVLEGSVCCOMINST 5040.1C
30 Jan 01

a. Does the command hold the basic instruction, OPNAVINST 5354.1[series] and is it in compliance?

b. Is there a plan of action in place for monitoring and addressing command-specific problems and for maintaining an effective CMEO program?

c. Is there command guidance pertaining to the filing of discrimination complaints?

d. Is there a written command policy statement and does it clearly and strongly support EO?

e. Is the command familiar with the proper procedures for incident reporting?

8. Equal Employment Opportunity Program

References: SECNAVINST 12720.5[series]
SECNAVINST 5300.26
OPNAVINST 12720.8
OCPMINST 12713.2 (CPI 713)
OPNAVINST 5354.1[series]
OPNAVINST 5300.10

a. Are new employees provided EEO orientation?

9. Prevention of Sexual Harassment

References: SECNAVINST 5300.26[series]
OPNAVINST 5354.1[series]
OCPMINST 12713.2 (CPI 713)
SECNAVINST 12720.5[series]
OPNAVINST 12720.8[series]

a. Does the command hold or have immediate access to all current/pertinent instructions and is it in compliance?

b. Is the command's internal instruction current? Is the CO's policy statement current? Has the CO established and disseminated clear command/activity policy and created and nurtured the processes to implement it? Has responsibility been assigned for program administration, execution, and evaluation? Have internal procedures been established to process informal and formal complaints of discrimination/harassment expeditiously?

c. Are military and civilian personnel aware of the Navy's policy on sexual harassment?

d. Do all hands know the proper procedures to take if they see or experience sexual harassment?

e. Does the command have a mechanism in place to monitor the command climate concerning sexual harassment?

f. Is the chain of command sensitive to reports of sexual harassment, and does it respond appropriately to such reports?

10. Drug/Alcohol Abuse Program

Reference: OPNAVINST 5350.4[series]
OCPMINST 12792.3[series] (CPI 792-3)
OCPMINST 12792.1 (CPI 792)

a. Is an officer or senior petty officer formally appointed and qualified as command DAPA?

b. Is the command DAPA familiar with the Navy Drug Free Workplace Program?

c. Does the command have an active Drug/Alcohol Abuse Education Program?

d. Do command records reflect:

(1) Compliance with urinalysis test program requirements?

(2) Submission of required reports?

e. Are Drug/Alcohol Abuse policies explained to newly reporting personnel?

f. Are personnel involved in the Urinalysis Program properly instructed?

g. Is there an ongoing effort to de-glamorize the use of alcohol?

h. Is substance abuse training included in the GMT program?

11. Health and Physical Readiness

Reference: OPNAVINST 6110.1[series]

a. Does the command hold the current version of OPNAVINST 6110.1[series]?

b. Has a Command Fitness Leader (CFL) been assigned?

c. Does the CFL meet all of the following qualifications:

(1) E-7 or above?

COMNAVLEGSVCCOMINST 5040.1C
30 Jan 01

- (2) Cardio-Pulmonary Resuscitation (CPR) qualified?
 - (3) Non-user of tobacco products?
 - (4) Overall PRT score of "Excellent-Low" or better?
 - (5) Within maximum weight for height standards or no more than 21% body fat for males; 32% for females?
 - (6) Complete COMNAVPERSCOM-approved five-day CFL certification course?
- d. Are Health and Physical Readiness materials posted and/or available for command personnel?
 - e. Are the current Physical Readiness Test (PRT) standards and scoring posted for easy viewing?
 - f. Is the CFL utilizing the COMNAVPERSCOM-approved software?
 - g. Are all physical examinations current and documented in each member's permanent PRT record?
 - h. Does the CFL keep accurate individual records of all command members? Are testing and remedial program entries up to date?
 - i. Does the command provide 10-12 weeks notice preceding each PRT to allow completion of physical examination and verification, risk-screening, body composition determination, and conditioning?
 - j. Do all command members complete and return the Risk Factor Screening Questionnaire?
 - k. Are all members who responded "yes" to questions in the Risk Factor Screening Questionnaire and who have experienced a change of health since the prior cycle cleared by a physician before taking the PRT?
 - l. Are all members height/weight and body fat measurements conducted within 10 and 2 days before the PRT?
 - m. Has the CFL selected a flat running course and verified the distance of 1.5 miles?
 - n. Are the appropriate number of CPR qualified and emergency personnel present and available for each PRT?

o. Are all Physical Fitness Assessment (PFA) results forwarded to COMNAVPERSCOM (Pers 601), using COMNAVPERSCOM-approved software, within one to three weeks following each PRT?

p. Are all members notified of their PRT scores?

q. Are outstanding performances on the PRT and significant improvements recognized by the command?

r. Are all members who (1) fail a body composition assessment; (2) fail a PRT; (3) have a body fat percentage greater than or equal to their age-adjusted standard and score less than "Good-Low" on any PRT event; or (4) score "Satisfactory-Marginal" on any PRT exercise event enrolled in a Fitness Enhancement Program?

s. Are all body composition and/or PRT failures documented in accordance with OPNAVINST 6110.1[series]?

12. Family Care Plan Program

Reference: OPNAVINST 1740.4[series]

a. Does the command have a Family Care Plan coordinator?

b. Is the command in compliance with OPNAVINST 1740.4[series]?

COMNAVLEGSVCCOMINST 5040.1C
30 Jan 01

III. TRAINING

References: OPNAVINST 3120.32[series]
COMNAVLEGSVCCOMINST 5800.1[series]
JAG/COMNAVLEGSVCCOMINST 1500.1[series]

1. Is the command training program organized effectively?
2. Has the command designated a training officer/Professional Development Program Coordinator?
3. What mechanism is used to plan training?
4. What is the command's training plan?
 - a. Does it adequately cover the region?
 - b. How are the centrally-managed training funds handled?
 - c. How does the training officer liaison with NJS concerning availability of core courses?
 - d. What was the training schedule for the past year? What is the current training schedule?
 - e. Does the training plan provide for both command-wide and departmental/divisional training?
 - h. Does the training plan provide for needs of civilians, enlisted and officers?
 - i. Does the command have a mechanism to ensure personnel that miss required training receive a make-up session?
5. Are the trial judiciary, area active duty and Reserve judge advocates outside the command invited to participate in the command training program and do they receive the training schedules?
6. Is attendance at training sessions required, and is attendance recorded?
7. Is the command making full use of available local training opportunities, including local bar courses, Reserve judge advocates, ship and aircraft tours, and underway periods/aircraft flights?
8. Does the training program include orientation training for new JAG Corps accessions in the following:
 - a. Watch standing;

- b. Local base/station orientation, including CDO (or equivalent) functions, security, communications;
- c. Naval correspondence and messages; and
- d. Operational and administrative chains of command?

COMNAVLEGSVCCOMINST 5040.1C
30 Jan 01

IV. CIVILIAN PERSONNEL

References: NAVCOMPT, Vol. 3, Ch. 3
SECNAVINST 7000.11[series]
Guidance for the Defense Civilian Payroll System
12630 of 15Feb95
5 C.F.R. Part 410
5 C.F.R. Part 630
5 C.F.R. Part 720
DON Guide 771-01
DODINST 7000.14[series]

1. Are well-defined policies and procedures in place for payroll matters?
2. Are there clear delegations of authority to carry out payroll functions?
3. Are source documents supporting payroll entries properly prepared?
4. Are separate individuals responsible for timekeeping, and certification of time and attendance sheets?
6. Are compensatory time and overtime managed in accordance with existing instructions?
7. Are persons authorized to certify time and attendance sheets designated in writing, and are sample signatures provided to the payroll office?
8. Does the command record hours worked and leave taken and are entries validated?
9. Is positive action taken to prevent sick leave abuse?
10. Is annual leave planned in an effort to avoid loss of excess accumulated leave?
11. Are grievances and disciplinary actions processed fairly and promptly?
12. Are SF71s (Application for Leave) completed in accordance with instructions and properly filed?
13. Are time and attendance sheets prepared accurately, on time, and by authorized personnel only?
14. Are time and attendance reports and SF71s retained until an audit has been performed by GAO or for 3 years, whichever is sooner?

15. Are civilian personnel continually trained and properly informed in all relevant professional and job-related subjects?

16. Is civilian personnel support from the local civilian personnel office adequate to meet command needs?

17. Are position descriptions reviewed at least annually to make sure they are current, and are position descriptions reviewed by Code 64 before advertising?

18. Is the performance appraisal system being conducted in a fair and equitable manner?

19. Are position descriptions of personnel required to file SF-450s so marked?

20. Are position descriptions of personnel who come within the procurement integrity program so marked?

V. RESERVE AFFAIRS

1. Training and Educational Responsibilities

a. Does each Selected Reserve billet in the command's augmenting Reserve unit have a current, billet-specific Individual Training Plan (ITP)?

b. Is the command aware of the active duty mobilization site for each Naval Reserve officer and enlisted member either performing Inactive Duty Training (IDT) (drills) or annual training (AT) at the command?

c. Do Reserve unit personnel perform AT at their mobilization site in their assigned billet?

(1) If not, are those personnel receiving equivalent training that is performed at another site? Are they performing training that is otherwise required (e.g., attendance at an approved school such as the Naval Justice School or the Army JAG School)?

d. Do Reserve unit personnel train in their assigned mobilization billets during IDT?

e. Do Voluntary Training Unit (VTU) personnel perform drill at the command?

f. Do Reserve unit personnel who are not co-located with the command drill at a location other than the command?

(1) If so, are those personnel training and/or performing services directly and specifically related to their mobilization billets?

g. Do Reserve unit personnel who are not collocated with the command acquire Inactive Duty Training Travel (IDTT) funding to drill at the command on at least a quarterly basis?

h. Does the command provide training to Naval Reserve units which are not collocated with the command?

i. Is the Selected Reserve unit which gains to the activity a Flexible Drilling Unit?

(1) Do personnel from the unit drill during the week (Monday through Friday)?

(2) If personnel from the Reserve unit do not drill during the week, what training efforts are undertaken by the

command to ensure the Reserve officers and enlisted personnel are trained on the weekends?

j. Does the command use Reserve assets for short-term projects?

k. Is the command involved in acquiring ADT (Additional Duty Training) funding from the Fleet CINC or other sources to fund short-term projects undertaken by Reserve assets?

l. Does the command's Professional Development or Training Program expressly include Reserve unit personnel as participants in local training evolutions?

2. Reserve and Active Duty Counterparts

a. Is each Reserve officer and enlisted member teamed with an active duty member who is performing the same duties as those for which the reservist is being trained (e.g., trial counsel with trial counsel; claims attorney with claims attorney, etc.)?

b. Do the CO/XO work closely with the Reserve unit CO/XO to ensure all Reserve personnel receive necessary training to meet Individual Training Plan (ITP) requirements?

c. Are fitness reports and enlisted Performance Information Memoranda for Reserve personnel submitted promptly?

(1) Is the CO preparing and submitting concurrent fitness reports on unit commanding officers as the concurrent reporting senior?

(2) Are "Not Observed" fitness reports with comments being prepared for each Reserve officer for periods of AT and/or ADT?

d. Does the command have a mechanism to identify superior performance by Reserve personnel?

3. Direct Peacetime Support

a. Does the command have a mechanism to gather and report productivity and mission contribution from all Reserve personnel performing IDT, IDTT, AT, and ADT at the command?

b. Are Reservists trained in all areas of military law practice and military paralegal responsibilities, as well as leadership roles such as department head and executive officer?

c. Is each and every Reserve judge advocate certified as trial and defense counsel under Article 27(b), UCMJ?

d. Is each and every APG (advanced pay grade) Reserve legalman receiving necessary to make his or her rate permanent?

e. Are officer and enlisted Reservists receiving required Leadership Training Continuum (LTC) training appropriate to their grades?

f. Are Reservists receiving SECNAV/CNO/other required training (Government Ethics/Standards of Conduct, HIV Awareness, Prevention of Sexual Harassment, etc.)?

g. Are Reserve judge advocates utilized, as appropriate:

- (1) As Article 32 investigating officers?
- (2) As summary court-martial officers?
- (3) In the preparation of JAGMAN investigations?
- (4) As IROs?
- (5) As administrative discharge board recorders?
- (6) In Command Services?
- (7) For NJP advice?
- (8) To provide legal assistance?
- (9) To process claims?
- (10) To provide training for the command?

h. Are Reserve legalmen provided courtroom and paralegal training?

i. Do Reserve personnel receive training in claims processing appropriate to their mobilization billet?

j. Are Reserve personnel who provide legal assistance trained and supervised by an active duty or civilian legal assistance attorney?

4. Private Practice of Law

a. Are all required and necessary precautions taken to avoid the appearance of impropriety by Reservists providing legal assistance and claims services?

COMNAVLEGSVCCOMINST 5040.1C
30 Jan 01

b. When performing training, are Reserve personnel screened and assigned to appropriate duties to preclude any Government ethics or Standards of Conduct violations as set forth in the Joint Ethics Regulation?

COMNAVLEGSVCCOMINST 5040.1C
30 Jan 01

VI. CORRESPONDENCE AND FILES

References: OPNAVINST 5112.6[series]
SECNAVINST 5210.11[series]

1. Is all Navy correspondence prepared in the proper format and free of grammatical or typing errors?
2. Is command correspondence signed only by the commanding officer or officers with "by direction" authority?
3. Is "by direction" authority issued in writing, and is the scope of the authority clearly specified?
4. Is all correspondence for the commanding officer's signature routed through the originating department head, the executive officer, and the commanding officer's secretary?
5. Is outgoing correspondence properly serialized and dated?
6. Are administrative personnel familiar with the handling requirements for outgoing classified mail?
7. Are adequate measures used to safeguard registered mail, incoming/outgoing classified mail, and classified files and publications?
8. Are all files maintained in accordance with requirements of the Privacy Act, Navy disposal directives, and Navy classification standards?
9. Are only authorized persons permitted entry to file cabinets?
10. Are personnel files and other files containing sensitive information maintained in locked file cabinets?
11. Does the command keep an effective tickler system which includes all recurring routine and special reports required by higher authority and required answers to "Action" correspondence?
12. Are non-classified information messages, correspondence, instructions, and orders of special and general interest posted or routed for the information of all hands?
13. If the command has a seal, is it safeguarded?
14. How are appropriate E-mail and naval messages made available to members of the command?

VII. LIBRARY

Reference: JAGINST 5070.1[series]

1. General

a. Does the library contain all the items listed on the inventory provided by OJAG 64.3?

b. Is there an adequate indexing system for finding items/materials? Is it arranged by shelf or general area of the library? Does it account for "auxiliary" libraries, e.g., library materials shelved in other parts of the office?

c. Has a library manager been appointed in writing?

d. Are the latest pocket parts filed?

e. Are loose-leaf publications kept up to date?

f. Are advance sheets circulated on a timely basis?

g. Is the biannual order sheet for publications distributed by OJAG used by the command as a check-in tool to ensure that all items ordered are received?

h. Can books not on the shelves be accounted for (i.e., is there a borrowers' "check out" system)?

i. Is the check-out system up-to-date and monitored periodically?

j. Are there adequate measures in place for the physical security of library spaces?

k. Are sets with soft cover indices and pamphlets reviewed for currency and current pamphlets retained? Are the pamphlets and indices reviewed annually after the sets' pocket parts are received? Are sets which are incorporated into others (e.g., Federal Register into the CFR) being weeded out after an appropriate period of time? (Recommend no more than a year and a half of the Federal Register on the shelf.)

l. Does the command have adequate library resources to fulfill its mission?

2. Computer Assisted Legal Research (CALR)

a. Is appropriate security being maintained for local activity verification and cancellation of password(s)? Does the activity request a list of its authorized users from the CALR

COMNAVLEGSVCCOMINST 5040.1C
30 Jan 01

vendor and verify accuracy of that list on an annual basis? Are appropriate changes made when users report/detach from the activity?

b. Are users properly trained to use CALR? Does the activity monitor CALR training on a regular basis? If the CALR vendor provides inadequate training, has the activity taken appropriate action (e.g., notifying vendor and Code 64) to address these deficiencies?

c. If there are instances of unsatisfactory support by the CALR vendor, has the activity taken appropriate action (e.g., notifying vendor and Code 64) to address these deficiencies?

d. Is training provided in specialized databases, such as military justice, and such activities as cite checking? Are introductory, intermediate, and advanced specialized training classes being provided? Is the command making sure that its detachments are receiving training? Is training provided not only to the attorneys but also to the paralegals, enlisted and civilian, who do searching and cite checking?

e. Is connectivity (i.e., speed and ability to access) to databases satisfactory? If unsatisfactory, has the command taken appropriate action (e.g., notifying Code 65 on connectivity issues) to improve connectivity?

VIII. INFORMATION ASSURANCE (IA)/INFORMATION SYSTEMS
SECURITY (INFOSEC)

1. Operating Systems

a. Are the following safeguards in place for Windows NT 4.0 servers?

- (1) Maximum Password Age. Set to "180" days.
- (2) Minimum Password Length. Set to "8" characters.
- (3) Minimum Password Age. Set to "1" day.
- (4) Password Uniqueness. Set to "10" passwords.
- (5) Lockout after X bad logon attempts. Set X to "5".
- (6) Reset count after X minutes. Set X to "999999".
- (7) Lockout Duration field. Set duration for "forever".

b. Has the Administrator account been renamed to a name that is hard to guess?

c. Has an Administrator account been created with no rights?

d. Has the Guest account been disabled?

e. Is the DOD Warning Banner installed and displayed at login?

f. Is "do not allow dialup" selected for all users?

g. Are the following events being audited for all user accounts?

- (1) Logon and Logoff (SUCCESS/FAIL).
- (2) File and Object Access (FAIL).
- (3) Use of User Rights (FAIL).
- (4) User and Group Management (FAIL).
- (5) Security Policy Changes (SUCCESS/FAIL).
- (6) Restart, Shutdown and System Process Tracking (NOT SELECTED).

COMNAVLEGSVCCOMINST 5040.1C
30 Jan 01

h. Are the following events being audited for domain controllers:

- (1) Change Permission (SUCCESS/FAIL)
- (2) Take Ownership (SUCCESS/FAIL)

i. Is a password screen saver activated after 5 minutes of inactivity?

j. Is shutdown privilege for domain servers authorized to Administrator account only?

k. Are the following C2 compliance settings in place for any NT 4.0 Workstations?

- (1) Is NTFS file system selected?
- (2) If MS-DOS is removed, BOOT.INI timeout is set for "3" for OS configuration?
- (3) Is OS2/POSIX subsystem removed?
- (4) Overwrite events as needed for security log set?
- (5) Display logon message set?
- (6) Last username display hidden for workstation?
- (7) Shutdown button not hidden for workstation?
- (8) Password length set to a minimum of 8 characters?
- (9) Guest account disabled?
- (10) Networking installed?
- (11) All users can assign printers and drive letters?
- (12) Removable media drives not allocated at logon?
- (13) Has C2 Configuration Manager for NT Workstation been run?

2. Information Systems/LAN Operations

a. Are modems/fax modems connected to LAN workstations?

b. Is anti-virus software (McAfee or Norton) installed on all stand-alone PCs, notebooks, LAN workstations and file servers?

c. Have the lists of latest virus signatures been updated within the last 7 days?

d. Are the command LAN, LAN workstations, and stand-alone PCs accredited IAW DITSCAP requirements?

e. Is the DOD Warning Banner installed on all stand-alone PCs, notebooks, LAN workstations and displayed at user login?

f. Do users regularly back-up their files?

g. Does the command have a current disaster recovery plan (backup) for the command LAN and command unique database programs?

h. Are all desktop systems, printers, and file servers labeled to identify classification?

3. Command Information Assurance Management

a. Is there a current command Information System Security Plan (ISSP)?

b. Does the ISSP describe the security environment and outline the following:

(1) Current LAN/PC environment.

(2) Commanding Officer's policy on privately owned software, freeware, and shareware.

(3) Command anti-virus policy.

(4) Identify and describe the duties of DAA/ISSM/ISSO.

(5) Email/internet policy.

(6) Declassification procedures of classified PCs, diskettes, and CD-ROMs.

(7) Command IA training and user awareness.

(8) Risk management/accreditation procedures.

(9) Incident reporting procedures.

c. Does the ISSM have the following instructions?

(1) DOD Publication 5200.40 (DoD Information Technology Security Certification and Accreditation Process);

COMNAVLEGSVCCOMINST 5040.1C
30 Jan 01

(2) SECNAVINST 5239.3[series] (Subj: DON INFOSEC Program);

(3) OPNAVINST 2201.2[series] (Subj: Navy and Marine Corps Computer Network Incident Response);

(4) OPNAVINST 5230.24[series] (Subj: Navy and Marine Corps Policy on use of CD-ROM Technology);

(5) OPNAVINST 5239.1[series] (Subj: Navy Information Assurance (IA) Program); and

(6) Navy Information Assurance Publications 5239 (NAVSO 5239 series)

d. Does ISSM/ISSO have signed designation letters? Are they current?

e. Is the command ISSM conducting IA briefs at the command indoc and semi-annual or annual INFOSEC GMT? Is this documented?

f. Has the command ISSM attended IA/INFOSEC training?

g. Has the command information assurance staff been trained in risk assessment and security test & evaluation by the command ISSM?

h. Are all PCs (CPU, monitors, printers, scanners, CD-ROM servers, file servers) diskettes labeled with appropriate SF-710 or other classification labels?

i. Are classified media (diskettes, removable hard drives, CD-ROMs) stored in approved GSA safes with approved locks?

j. For systems that process data that is protected under the Privacy Act:

(1) Are magnetic media that contain such data marked externally with an appropriate warning (i.e. For official use only, Privacy Act data), the purpose, and the date of creation?

(2) Are magnetic media that contain such data stored in a locked container when not attended?

(3) If the system has more than one user, does a manual or automated audit trail exist and does the audit trail contain the operator's name, the name of each file created or accessed, and the date and time.

- k. Does the command have an established hardware and software tracking/inventory management system?
- l. Does the command have software licenses for applications running on the command LAN?
- m. Does the command have a process for ensuring compliance with Information Assurance Vulnerability Alerts (IAVA)?
- n. Has an IAVA POC been appointed for the command?
- o. Is the command's contingency plan current?
- p. Does the command contingency plan address the following:
 - (1) Identification of mission critical systems;
 - (2) Actions required to take in the event of fire, flood, natural disaster, bomb threat, unscheduled power outages, loss of data, degradation of systems;
 - (3) Recovery procedures for mission essential AIS systems after a natural disaster, unscheduled power outages, loss of data, degradation of systems; and
 - (4) Identification of an off-site storage site for critical software.
- q. Has the contingency plan been tested?
- r. Are there standard operating procedures established for registration of users to the LAN and removal of users' LAN accounts?
- s. Are surge suppressors utilized for stand-alone PCs, LAN workstations, printers, and scanners?
- t. Are Uninterruptable Power Sources (UPS) utilized for LAN servers and others mission essential AIS systems?
- u. Are access control procedures implemented to prevent unauthorized entry to the command information systems facility?

COMNAVLEGSVCCOMINST 5040.1C
30 Jan 01

IX. SECURITY - GENERAL, INFORMATION & PERSONNEL

Reference: SECNAVINST 5510.30[series], Department of the Navy
Personnel Security Program
SECNAVINST 5510.36[series], Department of the Navy
Information Security Program (ISP)

1. Has the command complied with security checklists that are found in SECNAVINST 5510.30[series] and SECNAVINST 5510.36[series].

X. PHYSICAL SECURITY AND LOSS PREVENTION

References: SECNAVINST 5510.36[series]
OPNAVINST 5530.14[series]
JAG/COMNAVLEGSVCCOMINST 5530.1[series]

1. General

- a. Has the command designated a security officer in writing?
- b. Is the designated security officer at least a GS-11 or above, a military officer or senior enlisted, E-7 or above?
- c. Are the references available and does the security officer have a working knowledge of them?
- d. Is the command in compliance with the references?
- e. Does the command have a written physical security (PSP) plan and a loss prevention plan?
- f. Does the host command maintain an organized and equipped Auxiliary Security Force (ASF)?
- g. Are there sufficient on-board active duty military personnel available who could be utilized by the host command to adequately staff the ASF?

2. Physical Security

- a. Is a Physical Security Review Committee (PSRC) designated in writing?
- b. Does the PSRC meet at least quarterly, and are minutes recorded?
- c. Does the security officer represent the command on the installation PSRC?
- d. Does the host-tenant agreement specifically address what physical security functions are to be accomplished, by whom, when, and how often? Is there a host-tenant PSP agreement?
- e. Does the security officer conduct physical security surveys at least annually?
- f. Is the command receiving an area threat assessment briefing from NCIS on at least an annual basis?

COMNAVLEGSVCCOMINST 5040.1C
30 Jan 01

g. Has the command received an NCIS vulnerability assessment?

h. Has a key control officer been appointed in writing?

i. Does the key and lock control program include a key control register, an annual inventory of keys, and a system of key and lock accountability?

j. Do all security containers and vaults conform to standards outlined in SECNAVINST 5510.36?

k. Are adequate arrangements in place for the conduct of after-hours and weekend security checks?

3. Loss Prevention

a. Does the command have a comprehensive Loss Prevention Program?

b. Does the command have a comprehensive Missing, Lost, Stolen, or Recovered (MLSR) program and is MLSR property correctly reported?

c. Are high-value, easily pilfered items such as typewriters, computers, calculators, video and audio recorders, televisions, projectors, and radio receivers, stored in secured areas and/or anchored?

d. Does the command have in place a suitable property pass system for equipment which may properly need to be removed from the command?

XI. FINANCIAL MANAGEMENT

References: COMNAVLEGSVCCOMINST 5800.1[series]
COMNAVLEGSVCCOMINST 7321.1
DOD Financial Management Regulation
(DOD 2000.14[series])
NAVCOMPT Manual
NAVSO P-3006

(In conducting this inspection, both for regular O&M,N funds (subheads 11T0/11M0 beginning FY01) as well as Claims (subhead 12TL) where applicable, all files and computer record systems will be made available for independent review by the inspecting official for verification of comptroller responses to the following questions.)

Questions 1 through 11 below apply both to operating as well as Claims funds.

1. Are applicable instructions, notices, manuals, etc., readily available?
2. Is the Budget Execution Tracking System (BETS) used and up-to-date (i.e., is the budget execution plan kept current, commitments/obligations and related expenditures uploaded), for both the current and prior fiscal years?
3. Are the financial management personnel knowledgeable about BETS and its related procedures?
4. Is BETS the primary system being used for managing funds?
5. Is supporting documentation for information contained in BETS readily retrievable and understood? Does that documentation support the information contained in BETS?
6. Are controls in place to prevent abusive use of resources (e.g., personal long distance telephone calls charged to activity funds)?
7. Are the BETS reports used by the CO/XO to periodically review the status of budget execution?
8. Does the budget officer review budget execution at least monthly and reconcile any variance between BETS for both current and prior fiscal years? Is the budget execution plan being updated based upon fiscal realities? Are significant variances from the plan being analyzed?
9. Are financial management personnel aware of constraints on use of O&M,N funds and externally imposed targets and ceilings?

10. Are emergent funding requirements evaluated by senior command leaders to identify potential internal funding sources prior to requesting additional funds from Code 64? Are midyear review, budget, and POM submissions and year-end funding requirements evaluated and prioritized by senior command leaders prior to submission to Code 64? Do senior command leaders evaluate the cost/benefits of additional civilian positions prior to submitting those requests?

11. Do adequate written instructions exist to assist a reviewing officer in locating required information and understanding existing procedures? Are turnover files maintained and are they complete?

Questions 12 through 19 below apply only to operating funds.

12. Are dealer invoices/user charges promptly verified and certified for payment as required by the Prompt Payment Act?

13. Are funds utilized only for authorized items following a prepared plan?

14. Is all procurement reviewed for necessity, appropriateness, short- and long-term value and relative cost?

15. Are procedures adequate for obtaining data required for budget, midyear and Program Objective Memorandum inputs?

16. Are financial management materials (e.g., midyear, budget, etc.) submitted by due date?

17. Do budget requirements include funding for planned replacement of all equipment having a limited useful life?

18. Are unfunded items prioritized to ensure that essential items receive funding?

19. Are personnel familiar with NAVCOMPT Manual requirements for inventory and controls over class 3 property?

XIII. MILITARY JUSTICE OVERVIEW
(Not for NJS)

1. Personnel

a. Officer

(1) Are the number of military justice billets, personnel on board, and experience level of counsel adequate to meet mission requirements?

(2) Is grade distribution within billet authorization adequate to meet mission requirements?

(3) Do intra-unit rotation practices permit counsel to gain adequate courtroom experience?

b. Enlisted

(1) Is the number of legalman billets and legalmen on board adequate for mission requirements?

(2) Is grade distribution within billet authorization adequate for mission requirements?

(3) Do intra-unit rotation practices permit legalmen to gain adequate experience in all aspects of paralegal practice?

(4) TSO: Are legalmen adequately trained in court-reporting skills? NLSO: Are legalmen receiving sufficient training to ensure they maintain professional competence in court reporting skills?

c. Civilian

(1) Are civilian court reporters and transcribers adequately trained?

(2) Are civilian court reporter position descriptions suitably classified?

(3) Are civilian court reporters efficiently utilized?

2. Facilities (For host TSO or NLSO)

a. Courtrooms

(1) Sufficient number?

(2) Large enough?

- (3) Reasonably located?
- (4) Adequately heated/cooled?
- (5) Noise adequately controlled?
- (6) Deliberation rooms adequate?
- (7) Waiting rooms adequate?
- (8) Physical security concerns?

b. Offices

- (1) Sufficient number?
- (2) Adequate privacy?
- (3) Suitable waiting rooms?

c. Is the parking adequate?

d. Does the Brig provide adequate facilities for interviews and is it accessible?

3. Equipment

a. Is the telephone system adequate?

b. Is the ADP equipment adequate? (Computers, printers, software, etc.)

4. Directives & Forms

a. Are current directives available for the military justice department? To include:

- (1) Title 10, U.S. Code
- (2) Manual for Courts-Martial (MCM)
- (3) Manual of the Judge Advocate General (JAGMAN)
- (4) Navy Regulations
- (5) Naval Military Personnel Command Manual (MILPERSMAN)
- (6) PAYPERSMAN
- (7) Joint Federal Travel Regulations

- (8) Uniform Regulations
- (9) DON Consolidated Subject Index
- (10) SECNAVINST 1640.9[series], Corrections Manual
- (11) SECNAVINST 1910.4[series], Enlisted Adseps
- (12) SECNAVINST 1920.6[series], Officer Adseps
- (13) SECNAVINST 5420.174[series], Discharge Review Manual
- (14) SECNAVINST 5300.28[series], Alcohol & Drug Abuse
- (15) SECNAVINST 5800.11[series], Protection and Assistance of Crime Victims & Witnesses
- (16) OPNAVINST 3120.32[series], Navy SORM
- (17) OPNAVINST 5350.4[series], Urinalysis Program
- (18) NAVPERS 15018, Register of Officers-Bluebook
- (19) DA Pamphlet 27-9, Military Judge Benchbook
- (20) Trial Guide
- (21) JAGINST 5810.2[series], Military Justice Regulations
- (22) OPNAVINST 5800.7, Victim & Witness Assistance Program
- (23) DOD Regulation 5500.7[series], Joint Ethics Regulation
- (24) JAGINST 5803.1[series], Professional Responsibility

b. Are superseded publications also available?

c. Are the latest forms such as the following readily available? (SF 1156 (Witness voucher), SF 1157 (Witness claim), DD 453 (Subpoena), DD 453-1 (Travel order), DD 454 (Warrant of attachment), DD 455 (Vacation proceedings), DD 457 (PTI report), DD 458 (Charge Sheet), DD 490 (Verbatim ROT), DD 491 (Summarized ROT), DD 2329 (SCM ROT), DD 2330 (Waiver/appellate rev.), DD 2331 (Waiver/post trial rev.), NAVPERS 1626/7 (Report chit), DD 2702 (Victims & Witnesses Court-Martial info), DD 2703 (Victims & Witnesses Post-Trial info), and DD 2704 (Victim/Witness Certification & Election))

5. Books

a. Does the department have easy access to the following books/publications and are all pocket-parts and update services current?

- (1) Court-Martial Reports
- (2) Military Justice Reporter
- (3) Shepard's Military Justice Citations (overseas only)
- (4) West's Military Justice Digest
- (5) Salzburg, Schinasi & Schlueter, Military Rules of Evidence Manual, 4th ed., (Michie Co. 1992)
- (6) Schlueter, Military Criminal Justice, 5th ed., (Michie Co. 1992)
- (7) Gilligan & Lederer, Court-Martial Procedure, (2 vol.) (1991)
- (8) Uniform System of Citations (Blue Book)
- (9) Black's Law Dictionary
- (10) Complete set of NJS Study Guides - either hardcopy, CD-ROM, or access via the Internet.
- (11) Diagnostic and Statistical Manual of Mental Disorders (4th ed.) (DSM IV)

6. Administrative Procedures

a. Docketing

(1) Does the military judge supervise the docketing process?

(2) Are logistical considerations such as OPSKEDS and witness availability routinely available and considered?

b. Is there a reliable record of:

- (1) Who was detailed?
- (2) To what case, or matter?
- (3) On what date?

(4) For what purpose?

(5) With what, if any, limitations?

c. Prisoners, Service and Other Records, and Records Retention

(1) Prisoners

(a) Are effective procedures in place for the transport, custody, and delivery of prisoners?

(b) Are safeguards in place to avoid prisoners being left in the custody of their defense counsel without supervision?

(2) Service/health records. Are procedures in place to track location and maintain accountability for service and health records within the command, and between the command and PSD/PSA?

7. Working Environment

a. NLSO/TSO and Judiciary Relations

(1) Is the NLSO/TSO providing adequate administrative support to the judiciary?

(2) Is there a spirit of cooperation between NLSO/TSO and judiciary?

(3) Does the CO/XO solicit comment from the judiciary regarding counsel performance and ability?

b. Command Supervision

(1) Does the CO/XO regularly observe the courtroom performance of counsel?

(2) In NLSOs, do defense counsel feel that the CO/XO require them to zealously represent their clients within the bounds of the law, and that CO/XO support their ability to do so?

(3) Do counsel feel that the CO/XO fairly evaluate their conduct and performance?

(4) Are the CO/XO/OIC aware of the responsibilities imposed by Rule 5.1 of JAGINST 5803.1[series] regarding supervising subordinate judge advocates?

8. Community Relations

a. As appropriate, has the command established and maintained good communication and coordination with the Brig, Medical, NCIS, PSD, SJAs, Base security and other law enforcement agencies, Family Service Center, local non-lawyer legal officers, and State crime compensation programs?

9. Performance

a. Are processing times within NLSC standards? If not, what are the reasons?

b. Is motion practice regularly pursued?

c. What is the quality of motions/answers?

d. What is the quality of records of trial?

e. What is the quality of advocacy?

10. Detachment/Branch Office

a. Are all trial/defense office locations within the command using the same or similar military justice related forms/documents? For example, are all locations using the same or similar worksheet/sample forms relative to pretrial agreements? If not, is there a basis for the difference between offices?

b. Are all trial/defense office locations sharing information, forms, motions, research, and other matters?

c. Are there procedures in place such that counsel in detachments/branch offices can interface and/or seek assistance related to military justice matters from more experienced and/or counsel with more specific expertise who may be at other office locations?

d. Are policy/procedures relative to military justice (e.g., who assigns counsel, when counsel are assigned, are court-reporters made available for hearings, are hearings transcribed, etc.) consistent at all office locations? If not, is there a basis for the differences between offices?

e. Are all office locations receiving the same or similar information relative to new developments in criminal law that is available to the main office? If not, is there a basis for the difference?

XIII. STANDARDS OF CONDUCT

References: DOD 5500.7 [series], Joint Ethics Regulation,
August 1993)
JAGINST 1500.4[series]
NAVSO P-1778 (Rev. 4/00), Reference Guide to Post-
Government Service Employment Activities of
Department of the Navy Personnel
JAGINST 5803.1[series]

1. Is the commanding officer/OIC personally and actively involved in, and committed to, standards of conduct and professional ethics training?
2. Is standards of conduct and professional ethics training provided as required by the references?
3. Have appropriate personnel submitted OGE-450's (confidential financial disclosure forms)?
4. Are personnel other than the TSO commanding officer providing informed standards of conduct advice as a function of command services? Is a viable system in place in legal assistance to screen for clients seeking standards of conduct advice? Are such clients referred to the TSO?
5. Are personnel seeking ethics advice informed that there is no attorney-client relationship and that their communications are not protected by the attorney-client privilege?
6. When performing ADT, are Reserve personnel screened and assigned to appropriate duties to preclude them from obtaining nonpublic information which could be used to gain unfair advantage over civilian competitors or compromise the Government's position in ongoing or potential litigation?
7. Does the command have a program to identify and combat fraud, waste, and abuse (e.g., to prevent improper or unauthorized use of government vehicles, telephones, photocopy machines, supplies, etc.)?
8. Are requests for part-time outside employment of judge advocates processed under JAGINST 5803.1[series]?
9. Are suspected violations of the JAG Rules of Professional Conduct properly reported to the Rules Counsel?

COMNAVLEGSVCCOMINST 5040.1C
30 Jan 01

XIV. FOR NAVAL JUSTICE SCHOOL INSPECTIONS ONLY

1. Are course teaching materials and guides adequate and up to date?
2. Are class sizes reasonable?
3. Is the array of courses offered sufficient to meet the Navy's mission? Should courses be added?
4. Are courses offered as frequently as needed?
5. Are the length of the courses appropriate?
6. Do courses cover necessary substance as well as provide practical training, as necessary?
7. Are surveys used to study the effectiveness of any courses? Are instructors provided feedback?
8. Are instructors able to obtain necessary specialized training?
9. Is there a written school policy on "non-attribution" or academic freedom?
10. Are there sufficient resources and personnel to fulfill the Audio Visual Department mission?

SECTION II: FOR NAVAL LEGAL SERVICE OFFICES

I. DEFENSE DEPARTMENT

1. What is the command's policy on provision of defense services for:
 - a. IRO hearings?
 - b. Interrogations?
 - c. Administrative discharge boards?
 - d. Booker advice?
 - e. NJP appeals?
 - f. Art. 1150/138 complaints?
 - g. Walk-ins generally?
2. Does everyone understand this policy?
3. What system is in place to monitor initial confinement of personnel and ensure that defense counsel services are provided expeditiously in appropriate cases?
4. Does the senior defense counsel have adequate experience to fulfill his/her duties?
5. Do the CO/XO and senior DC instruct, advise, and assist junior counsel?
6. Do the CO/XO and senior DC regularly observe and critique the courtroom performance of junior counsel?
7. Does the command maintain adequate form memoranda and pleadings to respond efficiently to repetitive, routine matters?
8. Is the confidentiality of defense division records duly respected within the NLSO?
9. Does the senior DC have an adequate case tracking system in place?
10. Does the senior DC maintain an adequate turnover file for the defense division?

II. CLAIMS

1. General

a. Is there a written delegation of adjudication/settlement authority for all statutes administered?

b. How timely are notifications from other commands or activities of incidents that may involve claims for or against the Navy?

c. What are the procedures for receipt, date stamping, and assignment of claims handling responsibility?

d. How are claims tracked?

e. Are there procedures for review of the adjudication by the claims officer, executive officer, and commanding officer?

f. How effective is the liaison with source activities for affirmative property claims and MCRA claims?

g. Are negotiable instruments safeguarded and promptly deposited?

h. Is there a claims backlog?

i. Are claimants promptly notified of adjudication?

j. Does the NLSO maintain effective liaison with the cognizant disbursing office to ensure prompt processing of vouchers and prompt forwarding of payments to claimants?

k. Do letters to claimants accurately reflect the specific statute and regulation (C.F.R) the claim is processed under?

2. Claims Office Personnel and Equipment

a. Is the claims office adequately staffed with officer, civilian, paralegal, clerical, and administrative personnel?

b. Are rotations/turnovers accomplished in a manner that ensures continuity of claims knowledge and expertise?

c. Are personnel adequately trained?

d. Are appropriate designations of payment/denial authority to NLSO personnel by the commanding officer on file?

e. Are the appropriate sections of the GAO Manual "Policy and Procedural Manual for Guidance of Federal Agencies" available to claims personnel?

f. Does the claims officer turnover file include:

(1) Copies of all Navy Claims Newsletters and Claims and Tort Litigation Updates, Claims Clips, and policy guidance from OJAG?

(2) Copy of Handbook for Navy Investigating Officers and Claims Officers?

(3) Department of Justice Tort Claims Monographs?

(4) JAGINST 5890.1[series] and local policy/procedures guidance regarding handling of claims?

(5) Copy of current personal property depreciation guidelines?

g. Is the office adequately equipped with sufficient telephones, copier, fax machine, printers, and computers?

3. Federal Tort (FTCA) Claims

a. Upon receipt of a claim, is an expeditious request for an investigation made (and followed-up on) to the appropriate command?

b. Has regular and continuing liaison been established with medical facility personnel to facilitate the handling of medical malpractice matters?

c. Are technical guidance and assistance given to investigating officers investigating these claims?

d. Are procedures in effect to ensure that original medical records, lab reports, x-rays, tissue samples and slides, and other medical evidence are not misplaced or destroyed during the pendency of claims/litigation?

e. Are receipts of tort claims promptly acknowledged by appropriate initial letter to claimant/attorney?

f. Are appropriate follow-up letters sent when claimant/attorney fails to respond to requests for information?

g. Do letters approving or denying claims, if signed by a claims officer, indicate that functional authority in lieu of "By direction"?

h. Do files reflect all telephonic communications/negotiations with claimant/attorney?

i. For claims beyond NLSO settlement authority, do files reflect an effort to negotiate (in appropriate cases) with claimant's attorney to reach settlement within NLSO authority, or are cases forwarded without initial evaluation of the claims' merits?

j. Are all files forwarded to OJAG assembled in a logical fashion (with tabs, if appropriate) and properly secured with metal fasteners and appropriate number of copies provided?

k. Are litigation reports completed in a timely fashion?

l. Are original litigation reports forwarded directly to the U.S. Attorney?

m. Is prompt support provided to the AUSA regarding the answering of interrogatories and discovery requests?

n. Are copies of SF 95's involving medical malpractice claims promptly forwarded to OJAG?

o. Are claims forms properly completed with accurate statistical claims information forwarded when due?

p. If a claim has been paid for less than the amount claimed, does the file contain a proper settlement agreement?

q. Have any claims been paid/denied in excess of NLSO authority?

r. Are denial letters correct (contain reason for denial and provide advice as to the right to bring suit within 6 months) and sent by certified or registered mail with return receipt requested?

s. Does NLSO effect prompt denial of claims under its cognizance when claimant files suit?

4. Military Claims Act (MCA) Claims

a. Are claim forms properly completed and signed (e.g., sum certain) and signed by claimant or authorized agent?

b. Are claimants proper claimants under the MCA?

c. Are claims cognizable under the MCA?

- d. Do files contain all necessary documentation?
- e. Is processing prompt?
- f. Are small claims, which are denied at a level below the commanding officer, resolved on appeal at the NLSO level?
- g. If the claim is paid for less than the amount claimed, does the file contain a proper settlement agreement?
- h. Are any claims paid in excess of the NLSO's authority?
- i. Are denial letters sent by certified or registered mail, return receipt requested?
- j. Do denial letters explain the reason for denial and contain appeal procedures, including the right to sue should the claimant deem the claim cognizable under the FTCA?
- k. What procedures are in place for emergency adjudication/payment for MCA claims?

5. Nonscope Claims

- a. Are claim forms properly completed and signed?
- b. Do files contain all necessary documentation, including a complete investigation?
- c. If claim was for an amount over \$1,000.00, was claimant/attorney advised that recovery is limited to that amount?
- d. Are claims submitted under FTCA/MCA which are denied because DON employees were not in the scope of employment automatically considered as nonscope claims?
- e. Is payment effected through the local disbursing office when the claim is adjudicated by the NLSO?

6. Foreign Claims Act (FCA) Claims

- a. Are claim forms properly completed and signed?
- b. Are claimants proper claimants under the FCA?
- c. Are claims cognizable under the FCA?
- d. Are NATO or other SOFA-type claims procedures understood and followed where applicable?

COMNAVLEGSVCCOMINST 5040.1C
30 Jan 01

e. Are Foreign Claims Commissions properly constituted and appointed?

f. Do files contain settlement agreements?

g. Do files forwarded to OJAG contain appropriate information, including recommendations?

7. Personnel Claims Act (PCA) Claims

a. Are claims forms properly completed and signed by proper claimants (DD-1842), including the date the claim was submitted and the amount of the claim?

b. Do files contain copies of supporting documents such as estimates of costs of repair or evidence of replacement costs?

c. Do files contain copies of orders authorizing the shipment, bill of lading, and legible copies of the inventories of the property shipped?

d. Do files contain legible copies of notices of loss or damage to carriers (DD-1840 and 1840R)?

e. Is the 1840R dated to show date of dispatch?

f. Have depreciation guidelines been properly applied using the JAG ALLOWANCE LIST/DEPRECIATION GUIDE for payment to the member and have depreciation guidelines been properly applied using the MILITARY/INDUSTRY DEPRECIATION GUIDE for carrier liability?

g. Is the remarks section of the 1844 annotated with the abbreviations as set forth in the depreciation guide?

h. Are claimants whose claims were not approved in their entirety advised that they may request reconsideration within six months?

i. Are claimants furnished copies of the Schedule of Property and Claims Analysis form that shows how the claim was adjudicated (DD-1844)?

j. Is demand on carrier letter (DD-1843) accompanied by a copy of adjudicated claim (DD-1844) and are estimates of repair utilized in adjudications of the claim included with the Demand on Carrier (DD-1843)?

k. Is the DD Form 1842 signed by the adjudicating official and amount allowed block completed and filled in?

- l. Is a copy of the payment voucher included in the file?
- m. Does the file note when the claim was initially received, thereby tolling the statute of limitations?
- n. Is there a system in place to ensure that the DD Form 1840R is actually mailed on the day listed as the date of dispatch?
- o. Is there a system in place to ensure that the DD Form 1840R is retained and incorporated in the claims file when the claimant submits the DD Form 1842?
- p. Is there a system in place to ensure that the date the DD 1840R is received in the claims office is documented?
- q. Is there a system in place to check the 1844 against the 1840R, when a member turns in both the claim and the 1840R within 70 days, to ensure that items are listed on both forms?
- r. Are procedures in effect to ensure all claims vouchers are compared with corresponding claims files by someone other than the person who prepared the voucher?
- s. Does the claims department head or other supervisor randomly compare vouchers with corresponding claims files?
- t. Does the person signing a multi-page voucher/memorandum initial all pages of the memorandum portion?
- u. Is there a system in place to provide training to the claims personnel at the local Personal Property Office (PPO) with regard to policy updates from Code 15?
- v. Is there a system in place to identify and correct issues repeatedly denied by the PPO in initial adjudications but paid by NLSO personnel on reconsideration?
- w. What procedures are in place for emergency adjudication/payment for PCA claims?

8. Carrier Recovery Claims

- a. Are there procedures for tracking and asserting carrier recovery claims?
- b. Is there a backlog in processing these claims?
- c. Are negotiations with the carriers vigorously pursued or does the NLSO routinely accept the initial offer of the carrier?

d. Is there a system in place to ensure that amounts paid on reconsideration are included in the demand on carrier?

9. Federal Claims Collection Act (FCCA)

a. Are local commands and SJAs made aware that the NLSO is sole authority for pursuing claims under the FCCA?

b. Is there an ongoing system in place for NLSOs to be provided with information and notification regarding potential FCCA claims arising at other commands?

c. Are FCCA claims being pursued in a timely manner with respect to applicable statutes of limitations?

d. Are FCCA collections credited to specific commands vice the general treasury, when appropriate?

e. Are procedures in place to forward claims to the DoJ Central Intake Facility to pursue claims where collection efforts have not been successful?

10. Medical Care Recovery Act (MCRA) Affirmative Claims

a. Are there procedures for tracking and asserting MCRA claims?

b. Are procedures in place for facilitating identification and forwarding of potential medical care claims by medical facility personnel?

c. Are there training lectures for personnel handling NAVJAG Form 5890/12 on potential recovery areas?

d. Is access available to other regular sources of information on potential claims (e.g., accident reports)?

e. Are procedures in effect for hospitals to inform the NLSO of requests by an injured party/attorney for medical records?

f. Are claims personnel handling MCRA claims familiar with TRICARE/CHAMPUS intermediaries, local insurers, and the district medical payments officer?

g. Are procedures in place for hardship cases involving compromise/waiver?

h. Is prompt notice of claim given to all parties (i.e., notice not delayed while treatment is completed and all medical costs accrued)?

- i. Are screening mechanisms in place to ensure optimum return on effort of claims asserted?
- j. Are screening processes in place to ensure notice of claim is sent to ALL potential sources of recovery (i.e., no fault, liability carrier, etc)?
- k. Do notices of claims and NLSO correspondence cite BOTH statutory authorities for affirmative claims for medical care (i.e., 10 U.S.C. 1095 and 42 U.S.C. 2651-53)?
- l. Are there procedures in place for returning money to the medical treatment facilities of all services?
- m. Are there procedures in place to notify the MTF that money has been deposited in its account (i.e., copy of voucher sent to fiscal office)?
- n. Do closed files for which no collections were made contain documented record of the reasons no assertion or collection was made and is a record kept of the names of potential claims which were never asserted?
- o. Do files reflect that prompt notice of claim is given to all appropriate parties?
- p. Do files reflect that prompt requests for billings are made and are followed up every 30 days?
- q. Do files reflect that letters are promptly sent to injured party's attorney requesting representation and are followed up by telephone call after 14 days?
- r. Do files contain copies of attorney agreements?
- s. Do files reflect that all other correspondence requiring further action is followed-up within 21 days by a letter or telephone call?
- t. Are procedures in place to determine the statute of limitations date and to tickle the file for action at least 6 months before expiration?
- u. Are litigation reports prepared properly with sufficient factual background and legal treatment of the issues to make the Navy's litigation interests clear?
- v. Are procedures in place to request permission from OJAG to refer a case to the cognizant U.S. Attorney for litigation?

COMNAVLEGSVCCOMINST 5040.1C
30 Jan 01

w. Are waivers and compromises adequately supported by OJAG/DOJ approval?

11. Admiralty Claims

a. Are NLSO claims personnel aware of their command's responsibilities for admiralty claims functions?

b. Does the NLSO have internal controls for identifying and forwarding admiralty-tort-claim cases to OJAG (Code 11) for proper processing?

c. Has the Claims Branch established a separate Admiralty Matters Topic and Subject file? Is a chronological history and record of all admiralty claims that arise within the relevant geographic area kept? Are copies of all admiralty-related correspondence retained, including that of claimants, OJAG (Code 11), and other naval commands and activities?

III. LEGAL ASSISTANCE

1. Personnel

a. Attorneys

(1) Are all attorneys providing legal assistance qualified as legal assistance attorneys (JAG Manual 0704; JAGINST 5801.2)?

(2) What type of out-of-office training have the full-time legal assistance attorneys received?

(3) What type of in-house indoctrination/training program do the new legal assistance attorneys participate in?

(4) Is there an up-to-date attorney turnover file? (Attach a copy of the turnover file)

(5) What opportunities are legal assistance attorneys afforded to attend continuing legal education courses relating directly to a legal assistance practice?

(6) Are attorneys aware of the limitations in sections 203 and 205 of title 18 United States Code, on representing a client in certain matters before the Government?

(7) What safeguards are in place to address potential conflicts of interest (e.g. self-referrals) when legal assistance is provided by Reserve attorneys with civilian practices in the same geographical area as the legal assistance office?

b. Legalmen/Paralegals

(1) What type of out-of-office training have the legalman/legal clerks received?

(2) What type of in-house indoctrination/training program do the new legal assistance legalman/paralegals participate in?

(3) Is there an up-to-date turnover file? (Attach a copy of the turnover file)

(4) Do position descriptions adequately describe duties of civilian paralegals?

(5) Are duties of paralegals within the limits of ethical requirements (i.e., not the practice of law) and applicable service regulations (JAGINST 5803.1 [series])?

(6) What opportunities are civilian paralegal personnel and legalmen given to receive advanced paralegal/legal services support training?

c. Legal assistance clerical/other support personnel (including temporary hires and limited duty personnel)

(1) What clerical support is available to legal assistance attorneys and paralegals and is it adequate?

(2) What are the duties of clerical and other support personnel? Are they within the limits of ethical requirements and applicable service regulations?

(3) Describe the in-house indoctrination and training program for new clerical and other support personnel. Does it include instruction on confidentiality, privileged communications, and conflicts of interest policy?

2. Legal Assistance Services

a. Scope

(1) Are the services offered within the authorized scope of practice?

(a) What legal assistance service are provided?

(b) What are the guidelines and procedures for identifying requests for prohibited assistance? (e.g., business or other non-personal legal problems, matters opposing the U.S., military defense or personal representation cases, etc., per JAG Manual 0709 and JAGINST 5801.2)?

(2) Are services limited to eligible personnel?

(a) What system is in place to verify the eligibility of clients before they meet with an attorney?

(b) What services are provided to Reserve personnel?

b. Availability of Services

(1) What is the appointment policy (appointments, walk-ins, etc.)?

(2) Are clients able to obtain an appointment within a reasonable time of requesting assistance (goal of 3 days, per COMNAVLEGSVCCOMINST 5800.1[series])? If not, what procedures are in place to establish priorities by category of beneficiary (JAG Manual 0706), and/or type of service, to reduce the backlog?

(3) What are the guidelines concerning providing legal assistance over the telephone?

(4) After arriving for an appointment, are legal assistance clients seen promptly?

(5) Describe the procedures in effect for handling emergency legal assistance cases?

(6) Have legal assistance services been suspended for a period of more than seven continuous days at any time and, if so, was CNLSC notified?

c. Practice Standards (JAGINST 5801.2[series])

(1) Are all legal assistance services provided by or under the supervision of a legal assistance attorney? Except for cases of services that are specifically authorized without an attorney-client meeting, are all clients personally interviewed by an attorney?

(2) Describe the will execution process. Are mass will executions avoided? What personnel are used as witnesses?

(3) Are wills routinely prepared using the DL Wills software?

(4) What services are provided for divorce/separation cases? If more than limited service is offered, are such services provided under the supervision of an attorney with training and experience in domestic relation cases? Do non-support clients meet with an attorney to discuss options for obtaining payment of or seeking relief from spousal or child support obligations?

(5) Are basic powers of attorney routinely prepared using HotDocs? Do powers of attorney include the Military Power of Attorney prefatory language specified by 10 U.S. Code 1044b? Do clients seeking springing or conditional powers of attorney, or durable health care powers of attorney, meet with an attorney to discuss their cases before preparation of such powers?

d. What types of informational handouts are available for clients? How often are handouts reviewed and updated?

e. Expanded Legal Assistance Program (ELAP) (JAG Manual 0711)

(1) Where an ELAP is in operation, has the program obtained necessary approvals?

(2) What is the scope of ELAP practice?

(3) What procedures are used to accept and supervise a case under ELAP?

3. Legal Assistance Library

a. Are centrally distributed legal assistance materials on board and up to date?

(1) Does the office maintain or have access to all legal assistance field law library materials?

(2) Does the office have all current legal assistance publications of the Naval Justice School, Army JAG School, Air Force JAG School, and Navy JAG Legal Assistance Division?

(3) Are automated legal research services made available to legal assistance attorneys?

b. Do attorneys providing legal assistance have reasonable access to law library materials, including materials relevant to their local area of practice?

c. Navy JAG Legal Assistance Division field support

(1) Do legal assistance attorneys receive E-mail materials generated by the Legal Assistance Division (e.g., Legal Assistance Practice Advisories (LAPAs), Tax Information Memoranda, ELFINS, etc.)?

(2) Is there a set of LAPAs extending back at least two years? Are they placed in a centrally accessible file?

4. Equipment/Facilities

a. Is adequate word processing/ADP equipment, including a laser or other letter quality printer, dedicated for legal assistance use?

b. Software

(1) How many computers, including all PC's and laptops, have the DL Wills software installed on them? How many licenses does the command own?

(2) Is the HotDocs Program installed on all legal assistance computers? How many licenses does the command own?

c. Facilities

(1) Are individual private offices provided for legal assistance attorneys?

(2) Is there a suitable space available for execution of legal documents?

(3) Where is the legal assistance office located? Is it convenient for clients?

(4) Is the location easy to find and well-marked? How is it publicized?

(5) Is adequate parking available? Is there handicapped access?

(6) Are legal assistance spaces clean and well-maintained?

(7) Is there an adequate and safe waiting area for clients?

5. Readiness Legal Assistance

a. Does the command offer a regular program of predeployment briefings and review of personal legal affairs for routinely deploying commands? How often are briefings given?

b. What type of liaison has been established with appropriate type commander or other local staff judge advocates to coordinate predeployment services to avoid last-minute crises?

6. Preventive Law Program

a. Describe the Preventive Law Program in effect.

b. What types of affirmative outreach efforts to educate personnel does the command's preventive law activities include?

c. Describe the committees and programs of other base service organizations, such as those at hospitals and Family Service Centers, that legal assistance attorneys and paralegals participate in.

7. Tax Assistance Program

a. If the command coordinates the VITA (Volunteer Income Tax Assistance) program for the base, is a VITA Coordinator designated and trained? Does the command operate an ELF

(electronic tax filing) program in conjunction with the VITA program?

b. If another command coordinates the VITA and ELF program, has the legal assistance office established liaison with the VITA/ELF coordinator to provide basic tax advice in support of the VITA/ELF program?

c. Is the legal assistance office registered to receive IRS tax materials (TaxWise and the IRS One Disk CD-Rom), and does it hold a set of basic IRS publications?

d. Are resources adequate for ELF? Is local/regional command support adequate?

8. Confidentiality/Conflicts

a. Describe the training for all personnel, including temporary and limited duty assistants, in the necessity of maintaining confidentiality of client information and files?

b. Describe how client files are adequately stored and safeguarded to protect client confidences.

c. Describe the procedures in place to identify parties with conflicting interests.

d. What procedures are in place to guide referrals of conflicted persons to other sources of assistance. What is the command's experience with referring such cases to the TSO?

9. Referrals

a. Has the command identified other sources of free legal assistance (including other-service providers) to which referrals may be made in appropriate cases? What are they?

b. What type of civilian attorney referral system is in effect?

c. What is done to prevent conferring improper preferential treatment in routine cases to a specific attorney or attorneys?

10. Internal Office Management

a. Is there a written legal assistance office SOP? Attach a copy.

b. Does the office hold, and are all personnel familiar with, statutes and regulations governing the legal assistance program (10 U.S. Code 1044, 1044a, and 1044b; JAG Manual Chapters

VII and IX; NAVLEGSVCCOMINST 5800.1[series] (NLSO/TSOMAN), Chapter VII and paragraph 1012; JAGINST 5801.2 (Legal Assistance Manual), JAGINST 5803.1[series] (JAG Professional Conduct), etc.)?

c. Correspondence

(1) Is specific legal assistance office letterhead used for correspondence on behalf of clients? Attach a copy.

(2) Is all correspondence in business format?

(3) Does correspondence contain an appropriate disclaimer, preferably preprinted on letterhead stationary or inserted as a footer at the bottom of the first page?

d. Is there a quality improvement program?

(1) Is there a client satisfaction questionnaire used as part of the quality improvement program? Attach a copy.

(2) How often does the supervisory attorney perform reviews of the legal assistance office operations, correspondence and work product, and client satisfaction questionnaires?

(3) Has the supervisory attorney reviewed the written legal assistance office SOP within the last 12 months?

(4) How does the supervisory attorney ensure that the SOP is followed in practice?

e. Records and Reports

(1) Are adequate records of client contacts maintained?

(2) How are case files maintained, safeguarded and retained?

(3) How are required reports of legal assistance activities submitted (via Time Matters or other specified means)?

(4) Do all personnel exercising notarial authority maintain a notary log, recording, at a minimum, the date, name of client, and document notarized?

11. Detachment and Branch Offices

a. Are all legal assistance office locations sharing information, forms, research, and other matters?

COMNAVLEGSVCCOMINST 5040.1C
30 Jan 01

b. Are there procedures in place such that counsel in detachment and branch offices can interface and seek assistance related to legal assistance matters from more experienced counsel who may be at other locations?

c. Are policies and procedures concerning legal assistance consistent at all office locations? If not, is there a basis for the differences between offices?

SECTION III: FOR TRIAL SERVICE OFFICES

I. TRIAL/COMMAND SERVICES DEPARTMENTS

1. Training and Administration

a. Does the senior trial counsel have adequate experience to fulfill his/her duties?

b. Does the CO/XO and senior TC instruct, advise, and assist junior counsel?

c. How often does the CO/XO and senior TC observe and critique the courtroom performance of junior counsel?

d. Does the senior TC maintain adequate form memoranda and pleadings to respond efficiently to repetitive, routine matters?

e. Are the TC utilizing checklists to facilitate case-handling?

f. Is the confidentiality of the TC work product adequately protected?

g. What procedures are in place for arranging witness travel and issuing travel orders to witnesses? Is it standardized and clearly understood by paralegal personnel?

h. What tracking system does the senior TC use to ensure timely processing of cases?

i. Are there adequate procedures and facilities in place for custody/storage of evidence?

j. Are procedures adequate to ensure that records of trial are properly prepared and assembled?

k. Are TC using the required post-trial check lists as required by JAG/CNLSCINST 5814.1?

l. When a TC transfers out of the TSO, are adequate procedures in place to ensure the case files of the transferring TC's, relative to cases still under appellate review, are maintained/stored by the TSO?

m. Does retention of court reporters' notes and tape recordings comply with the requirements of JAGMAN 0150(b)?

n. What post-trial case tracking system is in place to ensure that post-trial processing and actions proceed in a timely fashion? How timely is authentication of the record of

trial? How are SJA Reviews and CA actions monitored for completion and timeliness?

o. Do adequate post-trial tracking procedures exist to track receipt of the record of trial by NAMARA?

p. Are the appropriate number of copies of the record of trial being forwarded to NAMARA?

q. Do adequate post-trial tracking procedure exist to ensure that when final appellate review is complete, relative to a particular court-martial case, the appropriate personnel in the TSO are advised?

r. Does the senior TC maintain a turnover file for the trial division? Attach a copy.

s. Is court reporting equipment adequate for accomplishment of mission?

t. Upon advisement of the TSO of final appellate review of a particular court-martial case, are procedures in place to ensure appropriate action is taken relative to potential reuse/destruction of audio tapes, release of physical evidence, and related action?

2. Victim & Witness Assistance and Protection Program

a. How are TC notifying victims of their rights? (OPNAVINST 5800.7[series])

b. Are TC consulting with victims concerning:

(1) Pre-trial release of the accused?

(2) Dismissal of charges?

(3) Pre-trial agreements/sentencing recommendations?

(4) Restitution?

(5) Notification of court proceedings?

c. Are TC providing victims with information concerning:

(1) Social services?

(2) Counseling or support groups?

(3) State crime compensation programs?

d. Are TC providing victim certifications to briggs?

e. Is the command providing CNLSC with the data required by OPNAVINST 5800.7[series]?

3. Community Relations

a. Do trial counsel and command services officers maintain effective liaison with convening authorities and their SJAs for military justice matters?

b. Does the command maintain open lines of communication and encourage feedback from convening authorities and their SJAs?

4. Command Services

a. Is the command liaison function active and adequate for community requirements with regard to assistance in:

(1) Investigations?

(2) Drafting charges?

(3) Command advice?

(4) Post-trial review?

b. Are appropriate procedures in place to ensure the TSO is advised when a command desires to place, or has already placed, a servicemember in pretrial confinement?

c. Is training being offered for non-lawyer command legal officers? How often is such training conducted?

d. Is training being offered to local security and investigative agencies? How often is such training conducted?

e. Is there a pre-deployment program in place to ensure that units are in a "clean decks" state when they deploy?

II. INVESTIGATIONS

Reference: JAGMAN

1. Is the JAG Manual current?
2. Is AJAG (Civil Law) memo of 20 December 1997 pertaining to maintenance and release of JAGMAN investigations available?
3. Are Trial Service Office command services and training programs for command legal officers developed or designed to ensure:
 - a. That commands are aware of the prescribed time limits for completion, forwarding and review of JAGMAN investigations;
 - b. That commands are familiar with the proper use of Privacy Act statements and that Privacy Act matters are protected and processed properly;
 - c. That commands are forwarding advance copies of death investigations to the cognizant Echelon II Commander in a timely manner;
 - d. That commands are correctly analyzing command options involving convening, endorsing and forwarding JAGMAN investigations;
 - e. That commands are properly giving Article 31, UCMJ, warnings to persons who are suspected of an offense, misconduct, or an improper performance of duty;
 - f. That commands are aware of the circumstances when line of duty/misconduct determinations are required; (JAGMAN 0221)
 - g. That commands are aware of how line of duty/misconduct determinations are recorded;
 - h. That commands are aware of the special requirements in death case investigations;
 - i. That commands are aware of the procedures to follow when there is a claim or potential claim for or against the government;
 - j. That commands are aware of the special routing requirements for investigations that are convened to inquire into the loss, compromise, or possible compromise of classified information;

k. That commands are familiar with the forwarding responsibilities when requests for certain types of information or reports are received;

l. That commands are familiar with the requirements for, and restrictions on, release of official records outside of the Department of the Navy without a court order; and

m. That commands are familiar with the requirements regarding the DoD Homosexual Conduct policy and investigations conducted pursuant to that policy?

III. DELIVERY OF PERSONNEL; SERVICE OF PROCESS; LITIGATION

Reference: JAGMAN

1. Delivery of Personnel

a. Is a procedure established to provide, and are personnel trained to provide, advice to commands that have received requests from federal, state, or foreign authorities for delivery of personnel?

b. What records are kept on requests for advice, and advice given, regarding delivery of personnel?

c. Does advice given include reasons for refusing delivery? Are these reasons legally sufficient?

d. Does advice include requirement to obtain a delivery agreement from non-federal authorities?

e. When the authority requesting delivery is a foreign government, who is consulted?

f. If delivery has ever been refused, who is advised?

2. Personnel Released by Civil Authorities on Bail or on Their Recognizance

a. Are commands aware that no Navy official may obtain a service member's release from confinement or in effect post bail by promising that the Navy will ensure that the service member will be available for trial? Are client commands advised of that fact? (Note: different rules may apply overseas depending on SOFA and other factors.)

b. Are commands advised that members shall be permitted to appear at trial, unless this would have a serious negative impact on the command? Where liberty or leave is not granted to permit attendance, is a judge advocate assigned to act as a court liaison?

3. Request for Personnel Serving a Sentence of Confinement at Hard Labor

a. Is the TSO organized to advise client commands in emergencies on requests for delivery of personnel serving sentences to confinement?

b. Are client commands advised to obtain delivery agreements in all but federal cases?

c. Is Code 14 notified of such requests and their advice obtained?

4. Service of Process

a. Are client commands advised that:

(1) Commanding officers cannot promise to "serve process," but can only make individuals available for proper service?

(2) When the command is located outside the jurisdiction of the issuing court, there is no requirement for a service member or civilian employee to accept service?

(3) When process applies to official duties, the command must notify the appropriate division at OJAG or OGC?

(4) Process issuing from foreign courts must be handled under the status of forces agreement, if one is in force? Is Code 10 notified in cases of attempted service of process of a foreign court?

(5) Personnel served with process are to be granted leave or liberty to attend proceedings, as necessary, unless their absence would have significant adverse impact on command's operations?

5. Personnel Subpoenaed as Witnesses

a. Are client commands advised that:

(1) Personnel subpoenaed as witnesses in cases in their private capacity should be granted leave or liberty to attend proceedings, unless their absence would have a significant adverse impact on the command's operations?

(2) Personnel subpoenaed in their official capacity, in cases in which the United States is not a party, should be issued no-cost orders to attend proceedings?

(3) Subpoenas for personnel in their official capacity, in cases in which the United States is a party, must be referred to Code 11, 14, 15, or OGC?

(4) Fees tendered to witnesses on leave may be retained by the witness? Fees tendered to witnesses on orders may not be retained, but must be turned over to the Navy; witnesses on leave or permissive/no cost orders may retain mileage and expenses?

COMNAVLEGSVCCOMINST 5040.1C
30 Jan 01

(5) Requests by local, state, or federal authorities for prisoners as witnesses in criminal trials will usually be honored; any such requests in civil trials will not be honored, but depositions will be suggested as an alternative?

6. Litigation Against the Department of the Navy

a. Is the appropriate division of OJAG or OGC notified immediately upon discovering a suit has been filed against the DON or a DON official?

b. Who makes the notification?

7. Release of Official Information and Testimony by DON Personnel; Compliance with SECNAVINST 5820.8[series]

a. Does the command have access to a current copy of SECNAVINST 5820.8[series]?

b. Does the command have a current copy of DOD Directive 5405.2[series]?

c. How are requests under these authorities recorded and processed?

d. Does the command provide annual training on SECNAVINST 5820.8[series]?

e. Who is called when there is a question about the applicability of SECNAVINST 5820.8[series]?

f. Who is called when the Navy is, or is likely to be, a party to litigation?

g. Does the command insure that the matter is properly forwarded to the correct determining authority?

h. Are client commands advised that no matter protected by the Privacy Act may be released without a judge-signed subpoena, a court order, or a proper written request?

IV. ADMINISTRATIVE LAW

References: DOD 5500.7[series], Joint Ethics Regulation
JAGINST 1500.4[series]
NAVSO P-1778 (Rev. 4/00), Reference Guide to
Post-Government Service Employment Activities of
Department of the Navy Personnel
JAGINST 5803.1[series]
SECNAVINST 5822.1[series]

1. General

a. Are personnel aware of the availability of advice by telephone from the JAG Administrative Law Division (Code 13)?

b. Is the Federal Magistrates Act implemented locally?

(1) Does the program conform with the requirements of SECNAVINST 5822.1[series]?

(2) Is there effective liaison with the local magistrate(s)?

(3) If a judge advocate is prosecuting cases before the U.S. magistrate, is the judge advocate properly designated to do so by the cognizant U.S. Attorney?

c. Is the command services department, or other department charged with providing command advice, staffed with an attorney who is thoroughly familiar with:

(1) The procedures for the submission, investigation, and forwarding of complaints of wrongs under Article 138, UCMJ/Article 1150, NAVREGS?

(2) The proper handling of FOIA/Privacy Act issues?

(3) Support for local law enforcement (Posse Comitatus)?

(4) Customs, if applicable?

(5) The preparation and forwarding of a request for detachment for cause?

(6) The Family Advocacy Program?

(7) The investigation and proper disposition of sexual harassment complaints?

(8) The proper handling of Fraud, Waste, and Abuse complaints and protection of whistleblowers?

(9) Indebtedness and paternity complaints?

(10) Mental Health Evaluations?

(11) Misconduct reporting (officer misconduct, violent crimes, sexual harassment, OPREPs, etc.)?

(12) Pregnancy issues (administrative separation, deployment, etc.)?

2. Ethics Counseling

a. Does the CO/XO/OIC work with area ethics counselors, including civilian OGC ethics counselors, to assign areas of responsibility for providing advice about standards of conduct, Procurement Integrity Act, post-Government service employment, and training?

b. Is informed standards of conduct advice being provided by the CO/OIC in his or her role as an ethics counselor?

c. Does the CO/OIC maintain an ethics advisor's turnover file, current copies of the above references, an adequate library of ethics advisories and other reference material, and appropriate working files?

d. Are files (including "hard copy", individual floppy/hard disks, and LAN) containing sensitive personal information properly marked "FOUO" and adequately protected from unauthorized disclosure?

e. Is the CO/OIC the only authority who signs post-government service employment opinions?

f. Is the CO/OIC the only authority who signs confidential financial disclosure reports (OGE-450) as the command ethics official? Are possible areas of concern identified and appropriately addressed? Has the CO/OIC timely filed an OGE-450 with COMNAVLEGSVCCOM, if required?

g. Is an adequate supply of the latest revision of NAVSO P-1778 on hand for retirees and service members who are about to retire or leave Government service?

h. Is the TSO/TSO DET providing adequate support to area commands on standards of conduct training, including post-government service employment briefings, and ethics advice?

i. What system does the command have in place to keep data for, and provide timely input to, the annual Office of Government Ethics report?

j. Does the CO/OIC coordinate efforts with other area CO/OICs/SJAs to ensure that individuals under their command who need to file an SF-450 are notified of the requirement?

k. Are copies of all "safe harbor" and post-Government service employment opinions sent to the JAG Administrative Law Division?

l. Does the CO/OIC ensure that local SJAs are aware of newly received Ethics Counselor Advisories?

V. INTERNATIONAL LAW

1. Foreign Civil Litigation

a. What procedures have been established for review of service of process in those cases in which the U.S. Government, or one of its agencies or instrumentalities, or an official of the U.S. Government acting within the scope of official duties, is a named defendant, in order to determine whether service should be permitted? (All overseas TSOs and DETs.)

b. What procedures are in place for expeditiously submitting initial and supplemental reports when service of process is received in such cases? (All overseas TSOs and DETs.)

c. What procedures exist for timely notification of such service of process to OJAG Code 10 and the Department of Justice (Office of Foreign Litigation)? (All overseas TSOs and DETs.)

2. Foreign Criminal Jurisdiction

a. What procedures are in place to ensure individuals in "legal hold" status are prevented from a premature transfer from the country? (All overseas TSOs and DETs.)

b. What procedures are in place for submitting initial and follow-on Serious Incident Reports? (All overseas TSOs and DETs.)

c. Review procedures for monitoring pre- and post-trial confinement of individuals subject to foreign criminal jurisdiction. (All overseas TSOs and DETs.)

d. Review information held by the TSO regarding monthly health and welfare visits to those service members confined in foreign prisons. (All overseas TSOs & DETs; TSO West (Mexico), TSO West (Canada), TSO East (West Indies).)

e. Review procedures to obtain waiver of foreign criminal jurisdiction under local SOFA provisions.

3. Other Foreign Jurisdiction Matters

a. Review procedures for requesting foreign authorities to subpoena local citizens to testify in courts-martial.

b. Review procedures for handling press inquiries from American and host country press.

c. Review procedures for liaison with foreign police to ensure proper execution of searches and seizures off base.

VI. LEGAL ASSISTANCE

1. Personnel

a. Attorneys

(1) Are the attorneys providing legal assistance qualified as legal assistance attorneys (JAG Manual 0704; JAGINST 5801.2[series])?

(2) What type of NLSC and CLE training have the legal assistance attorneys received?

(3) Is there an up-to-date attorney turnover file? (Attach a copy of the turnover file.)

(4) Are attorneys aware of the limitations in sections 203 and 205 of title 18 United States Code, on representing a client in certain matters before the Government?

b. Legalmen working in legal assistance

(1) What types of training have the legalmen received?

(2) Is there an up-to-date turnover file? (Attach a copy of the turnover file.)

(3) Are duties of legalmen within the limits of ethical requirements (i.e., not the practice of law) and applicable service regulations (JAGINST 5803.1 [series])?

c. If applicable, legal assistance clerical/other support personnel (including temporary hires and limited duty personnel)

(1) What clerical support is available to legal assistance attorneys and paralegals, and is it adequate?

(2) What are the duties of clerical and other support personnel? Are they within the limits of ethical requirements and applicable service regulations?

(3) Describe the in-house indoctrination and training program for new clerical and other support personnel.

2. Legal assistance services

a. Scope

(1) Are the services offered within the authorized scope of practice?

(2) Are services limited to eligible personnel, and what system is in place to verify the eligibility of clients before they meet with an attorney?

b. Availability of Services

(1) What is the appointment policy (appointments, walk-ins, etc.)?

(2) Are clients able to obtain an appointment within a reasonable time after requesting assistance (goal of three days, per COMNAVLEGSVCCOMINST 5800.1[series])? If not, what procedures are in place to establish priorities by category of beneficiary (JAG Manual 0706), and/or type of service, to reduce the backlog?

(3) What are the guidelines concerning providing legal assistance over the telephone?

(4) After arriving for an appointment, are legal assistance clients seen promptly?

(5) Describe the procedures in effect for handling emergency legal assistance cases?

(6) Have legal assistance services been suspended for a period of more than seven continuous days at any time and, if so, was CNLSC notified?

c. Practice Standards (JAGINST 5801.2[series])

(1) Are all legal assistance services provided by or under the supervision of a legal assistance attorney? Except for cases of services that are specifically authorized without an attorney-client meeting, are all clients personally interviewed by an attorney?

(2) Describe the will execution process if the office provides wills. Are mass will executions avoided? What personnel are used as witnesses? Are wills routinely prepared using the DL Wills software?

(3) What services are provided for divorce/separation cases? If more than limited service is offered, are such services provided under the supervision of an attorney with training and experience in domestic relation cases? Do non-support clients meet with an attorney to discuss options for obtaining payment of or seeking relief from spousal or child support obligations?

(4) Are basic powers of attorney routinely prepared using HotDocs? Do powers of attorney include the Military Power of

Attorney prefatory language specified by 10 U.S. Code § 1044b?
Do clients seeking springing or conditional powers of attorney,
or durable health care powers of attorney, meet with an attorney
to discuss their cases before preparation of such powers?

3. Legal assistance library and field support

a. Are centrally distributed legal assistance materials on
board and up to date?

(1) Does the office maintain or have reasonable access to
all legal assistance field law library materials?

(2) Does the office have or have access to all current
legal assistance publications of the Naval Justice School, Army
JAG School, Air Force JAG School, and Navy JAG Legal Assistance
Division?

(3) Are automated legal research services made available
to legal assistance attorneys?

b. Do legal assistance attorneys receive e-mail materials
generated by the Legal Assistance Division (e.g., Legal
Assistance Practice Advisories (LAPAs), Tax Information
Memoranda, ELFINS, etc.)?

4. Equipment/Facilities

a. Is adequate word processing/ADP equipment, including a
laser or other letter quality printer, dedicated for legal
assistance use?

b. Software

(1) If applicable, how many computers, including all PC's
and laptops, have the DL Wills software installed on them? How
many licenses does the command own?

(2) Is the HotDocs Program installed on all legal
assistance computers? How many licenses does the command own?

c. Facilities

(1) Are individual private offices provided for legal
assistance attorneys?

(2) Is the location of the legal assistance office
convenient for clients?

(3) Is the legal assistance office easy to find and well-marked?

(4) Is there an adequate waiting area for clients?

5. Confidentiality/Conflicts

a. Describe the training for all personnel, including temporary and limited duty assistants, in the necessity of maintaining confidentiality of client information and files?

b. Describe how client files are adequately stored and safeguarded to protect client confidences.

c. Describe the procedures in place to identify parties with conflicting interests.

6. Referrals

a. Has the command identified other sources of free legal assistance (including other-service providers) to which referrals may be made in appropriate cases? What are they?

b. What type of civilian attorney referral system is in effect?

c. What is done to prevent conferring improper preferential treatment in routine cases to a specific attorney or attorneys?

7. Internal Office Management

a. Is there a written legal assistance office SOP? Attach a copy.

b. Does the office hold, and are all personnel familiar with, statutes and regulations governing the legal assistance program (10 U.S. Code §§ 1044, 1044a, and 1044b; JAG Manual Chapters VII and IX; NAVLEGSVCCOMINST 5800.1[series], NLSO/TSOMAN), Chapter VII and paragraph 1012; JAGINST 5801.2[series], Legal Assistance Manual; JAGINST 5803.1[series], Professional Conduct of Attorneys Practicing Under the Cognizance and Supervision of the Judge Advocate General; etc.)?

c. Correspondence

(1) Is specific legal assistance office letterhead used for correspondence on behalf of clients? Attach a copy.

(2) Is all correspondence in business format?

(3) Does correspondence contain an appropriate disclaimer, preferably preprinted on letterhead stationary or inserted as a footer at the bottom of the first page?

d. Records and Reports

(1) Are adequate records of client contacts maintained?

(2) Are case files maintained, safeguarded, and retained to protect client confidentiality?

(3) Are required reports of legal assistance activities submitted (via Time Matters or other specified means)?

(4) Do all personnel exercising notarial authority maintain a notary log, recording, at a minimum, the date, name of client, and document notarized?