



DEPARTMENT OF THE NAVY
NAVAL LEGAL SERVICE COMMAND
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IN REPLY REFER TO

COMNAVLEGSVCCOMINST 5800.1E
JAG 63
19 Feb 02

COMNAVLEGSVCCOM INSTRUCTION 5800.1E

From: Commander, Naval Legal Service Command

Subj: NAVAL LEGAL SERVICE COMMAND (NLSC) MANUAL

1. Purpose. To issue policy for the operation of Naval Legal Service Offices, Trial Service Offices, the Naval Justice School, and their respective detachments, branch offices, and satellite offices.
2. Cancellation. COMNAVLEGSVCCOMINST 5800.1D.
3. Background. This publication provides guidance and Naval Legal Service Command (NLSC) policy for the operation and administration of Naval Legal Service Offices (NLSOs), Trial Service Offices (TSOs), the Naval Justice School (NJS), and their respective detachments, branch offices, and satellite offices. This instruction confers no individual rights for which there is an enforceable remedy.
4. Discussion. There have been a number of significant changes in Navy and NLSC policy since COMNAVLEGSVCCOMINST 5800.1D was issued. These include changes in reporting requirements, training, the Naval Reserve Law Program, courts-martial costs, legal assistance, and security matters. Additionally, this instruction now applies to the NJS except for those sections specifically dealing with departments and missions of NLSOs and TSOs. It should be considered a complete revision of the Naval Legal service Office and Trial Service Office Manual and read in its entirety.
5. Action. Commanding officers and officers-in-charge shall comply with this instruction as operational demands, organizational needs, and local conditions permit. As needed to address local circumstances, commanding officers and officers-in-charge may promulgate internal local command policies, operating procedures, regulations, and organizational structures consistent with this instruction by formal written instructions.

COMNAVLEGSVCCOMINST 5800.1E
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The point of contact for policy questions pertaining to local operations is the Vice-Commander, Naval Legal Service Command.



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E1D (NAVCIVLAWSUPPACT)
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FO (Shore Activities under the command of the
Commander, Naval Legal Service Command as delegated
by the CNO)

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CHAPTER 1

NAVAL LEGAL SERVICE COMMAND STRUCTURE AND GOALS

0100 COMMANDER, NAVAL LEGAL SERVICE COMMAND

The Deputy Judge Advocate General of the Navy is assigned additional duty to the Chief of Naval Operations (CNO) as Commander, Naval Legal Service Command (CNLSC), and is responsible for providing and overseeing Navy-wide legal services and related taskings.

0101 NAVAL LEGAL SERVICE COMMAND

The Naval Legal Service Command (NLSC), an Echelon 2 command, is responsible for the administration of legal services, providing direction for all NLSC activities and resources assigned, and performing such other tasks and functions as directed by CNO. The NLSC chain of command is detailed in Appendix A. The Vice Commander, NLSC (OJAG Code 06) is the central point of contact on the CNLSC staff responsible for coordinating headquarters support and management of NLSC activities. In the absence of the Vice Commander, NLSC, the Deputy Vice Commander OJAG Code 63) shall serve as the central point of contact on the OJAG/NLSC staff.

0102 NLSC FIELD ORGANIZATION

a. The NLSC field organization is comprised of Naval Legal Service Offices (NLSOs), Trial Service Offices (TSOs), the Naval Justice School (NJS), and their subordinate activities. Chapters 1 through 9 of this manual apply to all NLSC activities. Chapters 10, 12, 14, and 15 apply to TSOs. Chapters 10 through 13 apply to NLSOs. NLSOs, TSOs, NJS, and their subordinate activities are referred to in this manual as "NLSC activities." Each NLSO and TSO is assigned primary responsibility for the provision of certain legal services in a specific geographic area of responsibility (AOR), pursuant to COMNAVLEGSVCCOMINST 5450.1[series] (Subj: Mission and Functions of Naval Legal Service Offices and Trial Service Offices). Commanding officers (COs) shall work together and with client commands to resolve any question regarding which servicing office is responsible for providing services to a unit in

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transit from one geographic area to another. Unresolved issues will be referred to Vice Commander, NLSC, for resolution.

b. The primary mission of NLSC is to provide legal services in support of fleet operational readiness. Accordingly, the highest priority will be given to fleet and operational units, particularly those deployed or preparing to deploy.

c. Personnel assigned to NLSC activities are not in the "chain of command" of local line commanders and, therefore, do not report to regional commanders nor do commanding officers receive "ADDU" fitness reports. NLSC activities are subject, however, to the "area coordination authority" of local area and regional commanders.

d. Financial responsibility for costs incurred in support of courts-martial services will be allocated in accordance with Section 0145 of JAGINST 5800.7[series] (Subj: Manual of the Judge Advocate General) [hereinafter JAGMAN]. When other legal services are involved, travel and per diem expenses, including those for legal assistance trips out of the local area, will be paid by the requesting command.

0103 SERVICE GOALS

a. It shall be the goal of each individual attached to NLSC activities to provide the highest quality legal services to commands and all other eligible personnel. In meeting the needs of the client, all personnel shall strive to deliver prompt, courteous, and professional legal services.

b. The division of field activities into NLSOs and TSOs fosters a healthy adversarial climate between commands as counsel seek to zealously represent their clients' legal interests. All NLSC personnel are governed by the Rules of Professional Responsibility (JAGINST 5803.1[series], Subj: Professional Conduct of Attorneys Practicing under the Supervision of the Judge Advocate General) and shall strive to uphold the highest standards of their profession, and the Judge Advocate General's Corps (JAGC), giving special emphasis to courtesy and respect for each other.

0104 PRIORITIZATION OF SERVICES RENDERED

a. NLSOs. When, in the opinion of the CO, legal service demand exceeds resource availability, NLSOs and their detachments and branch offices will provide legal services in the following priority (in descending order):

(1) Military justice;

(2) Personal representation, including administrative discharge proceedings;

(3) Legal assistance and Personnel Claims;

(4) Other claims and civil litigation.

b. TSOs. When, in the opinion of the CO, legal service demand exceeds resource availability, TSOs and their detachments and branch offices will provide legal services in the following priority (in descending order):

(1) Military justice:

(2) Command advice;

(3) Standards of conduct advice;

(4) Legal assistance (when provided under paragraph 1217 of this manual).

c. NLSO/TSO COs shall report anticipated curtailment or denial of any listed services for longer than three consecutive working days to the Vice Commander, NLSC.

CHAPTER 2
NAVAL LEGAL SERVICE COMMAND POLICIES AND PROCEDURES

0200 CHAIN OF COMMAND

a. The two-way chain of command is the preferred channel for official communication. Occasionally, it may be necessary to deviate from the normal chain, but the subordinate or senior who bypasses an intermediate should apprise that person as soon as practicable. However, this policy does not restrict a person's right to communicate with a Member of Congress, inspector general, or other official in accordance with the protections afforded under 10 U.S.C. § 1034, as implemented by DOD Directive 7050.6, or other applicable whistleblower protection statutes. COs should be freely accessible to all personnel, but intermediates in the chain of command should ordinarily be consulted first as to any matters of official interest to them.

b. Under normal circumstances, NLSC COs will be the point of contact with CNLSC for official matters affecting his or her command. Delegation of authority to the CO's staff to initiate informal communications with CNLSC is a matter within the discretion of the CO.

0201 KEEPING THE COMMANDING OFFICER INFORMED

Personnel are expected to inform the commanding officer promptly of events warranting attention. Cases which could attract the attention of higher headquarters or the media; significant incidents involving officers, senior enlisted, or local officials; and any other high visibility cases should be brought immediately to the attention of the CO. The CO will determine whether to apprise CNLSC, Vice Commander, or other NLSC or OJAG Codes. See paragraphs 0208d(4) and 0224.

0202 FAIRNESS AND IMPARTIALITY

A fundamental element of NLSC's mission is to assist line and staff commands in maintaining good order and discipline. In matters involving military justice, NLSC is committed to ensuring every accused receives due process of law. This involves the right to a prompt, fair hearing, before an

impartial decision-maker, with the effective assistance of loyal and zealous counsel. NLSC is dedicated to the goal that all clients are treated with dignity and fairness.

0203 UNIFORMS

The Navy regional commander prescribes the authorized uniform of the day. The detailed military judge prescribes the authorized uniform for courts-martial.

0204 PROFESSIONAL PERFORMANCE OF DUTY AND MILITARY APPEARANCE

NLSC personnel represent both the legal and military professions and must set the best possible examples of ethical, moral, and responsible conduct on and off duty. They should project an exemplary military bearing in their daily demeanor, appearance, and observance of Naval customs and traditions.

0205 PHYSICAL READINESS

NLSC personnel are required to meet the physical readiness standards in OPNAVINST 6110.1[series] (Subj: Physical Readiness Program). Personnel of other services will comply with the physical readiness standards of their own service. COs will actively support the goal of attaining and maintaining physical fitness by requiring Naval personnel to participate in a minimum of three aerobic exercise periods per week when mission and operational requirements permit. An officer or enlisted member (E-7 or above), who is certified in cardiopulmonary resuscitation, a non-tobacco user, and has an overall PRT score of "excellent-low" or better will be assigned collateral duty as Command Fitness Leader (CFL). The CFL will assist individuals in complying with physical readiness requirements and advise the CO on the state of command physical readiness.

0206 EQUAL OPPORTUNITY AND COMMAND MANAGED EQUAL OPPORTUNITY PROGRAM

a. All Department of the Navy (DON) personnel shall be free from illegal discrimination, including unlawful distinctions based on race, sex, color, age, religion, or national origin. Differences based on rank, grade, seniority, official position, authority, superior abilities or performance, or other lawful factors are not necessarily inconsistent with this policy.

b. COs shall ensure a Command Managed Equal Opportunity (CMEO) program is established at their commands in accordance with the requirements of OPNAVINST 5354.1[series] (Subj: Navy Equal Opportunity Manual) and OPNAVINST 5354.5[series] (Subj: Command Managed Equal Opportunity) and that the Navy Equal Opportunity policy is an integral part of their day-to-day personnel management. To that end, COs shall issue their personal Equal Opportunity (EO) policy statement to the command and conduct an EO command assessment within six months of taking command and at least annually thereafter. The results of the most recent assessment will be included in the CO's turnover.

c. Command personnel shall review and implement the CMEO program in their everyday working relationships.

d. All Navy personnel will receive annual training in EO, human relations, and prevention of discrimination and sexual harassment. The annual training requirement may be satisfied through GMT conducted in accordance with NAVADMIN 313/99.

0207 FRATERNIZATION PROHIBITED

Fraternization is prohibited by U.S. Navy Regulations, 1990, Article 1165. Additional guidance is contained in OPNAVINST 5370.2[series] (Subj: Navy Fraternalization Policy). COs will ensure command practices are consistent with the prohibitions contained therein and annual training is conducted to reinforce permissible conduct. The annual training requirement may be satisfied through GMT conducted in accordance with NAVADMIN 313/99.

0208 PREVENTION OF SEXUAL HARASSMENT

a. Policy. As defined by SECNAVINST 5300.26[series] (Subj: Department of the Navy Policy on Sexual Harassment), sexual harassment is wrong and will not be condoned or tolerated. It is unprofessional and adversely affects morale, discipline, productivity, and ultimately, the mission of the command. Violation of the prohibition on sexual harassment will result in appropriate administrative or disciplinary action. Supervisors and managers must take affirmative measures to prevent sexual harassment.

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b. Additional Guidance. See U.S. Navy Regulations, 1990, Article 1166; SECNAVINST 5300.26[series] (Department of the Navy Policy on Sexual Harassment); section IV of OPNAVINST 5354.1[series] (Navy Equal Opportunity Manual); Commander's Handbook for Prevention of Sexual Harassment; NAVPERS 15620 (Resolving Conflict...Following the Light of Personal Behavior); and Appendix B.

c. Responsibilities. COs, Executive Officers (XOs), Officers in Charge (OICs), and department heads are responsible for ensuring persons under their authority receive training on identification, prevention, resolution, and elimination of sexual harassment. All supervisors and managers will adhere strictly to, and enforce, DON policy on preventing and eliminating sexual harassment. The Navy Affirmative Action Plan, OPNAVINST 5354.3[series], will be reviewed and implemented. COs will ensure required reports, consolidating information from detachments and branch offices, are provided to CNLSC (OJAG Code 63). Consult NAVADMIN 080/98 for specific reporting requirements for sexual harassment cases. Newly reporting COs shall issue a clear statement prohibiting sexual harassment and are encouraged to include this statement in the EO policy statement required by paragraph 0206.

d. Procedures

(1) The preferred method to resolve most sexual harassment issues is to inform the offender his or her behavior is inappropriate and attempt to resolve the issue at the lowest possible level.

(2) Ordinarily, personnel who experience sexual harassment should tell the offender such behavior is unwelcome, offensive, and against DON policy. Although informing an offender his or her behavior is inappropriate is a recommended course of action, doing so is not required.

(3) Personnel who experience sexual harassment may file a complaint of discrimination or an administrative grievance, request the JAG Inspector General to review the matter, or use other formal remedies available to them.

(4) Personnel in command or supervisory positions who receive reports or complaints of sexual harassment shall take

immediate action to investigate the matter, and, if the complaint is substantiated, take appropriate administrative or disciplinary action. Supervisory personnel must always report such matters to the CO, regardless of the resolution or recommended disposition. COs shall report all complaints to CNLSC and advise of any administrative or disciplinary action imposed.

0209 SEXUAL ASSAULT PREVENTION

a. A DON goal is to eliminate sexual assault incidents that impact DON personnel and dependents or are perpetrated by DON personnel. To achieve this goal, SECNAVINST 1752.4[series] (Subj: Sexual Assault Prevention and Response) establishes a standardized and effective sexual assault prevention and victim assistance program at the command level which mandates reporting requirements for all such offenses against persons who are over 18 years of age and not married to their alleged perpetrators. (Sexual assaults against children and those occurring within a marital relationship are reported under the Family Advocacy Program (FAP)). See paragraph 0210. The program also establishes education requirements for Naval members and their families on socially responsible standards of behavior and factors contributing to victimization.

b. NLSC personnel may be called upon to provide advice, instruction, and assistance regarding the Sexual Assault Prevention and Response Program. COs will ensure command personnel receive regular training (at least annually) in the various legal issues of the program, including those relating to victim privacy, victim support services, command climate that encourages reporting of incidents, and military justice support.

c. See OPNAVINST 1752.1[series] (Subj: Rape Prevention and Victim Assistance).

0210 FAMILY ADVOCACY PROGRAM

a. SECNAVINST 1752.3[series] (Subj: Family Advocacy Program) as implemented by OPNAVINST 1752.2[series] (Subj: Family Advocacy Program) establishes the DON Family Advocacy Program (FAP) and addresses the prevention, intervention, treatment, follow-up, and reporting of child and spouse abuse, sexual assault, and rape. Child and spouse abuse are serious

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behavioral, social, and community problems which require a comprehensive, community-based response.

b. Case Review Committees (CRCs) evaluate the merits of all reported instances of spouse abuse, child abuse, and child sexual abuse. OPNAVINST 1752.2[series] details the procedures for alleged offenders and victims in seeking review of adverse CRC determinations. Once a CRC determination is made, the CRC prepares separate letters for the alleged offender, the victim, and the military member's CO, outlining the procedures and grounds for seeking review of an adverse decision. Responsibility for assisting alleged offenders and victims in seeking this review is shared by NLSOs and TSOs, as follows:

(1) NLSO personnel may assist active duty, U.S. civilian personnel and their dependents eligible for legal assistance under JAGMAN 0706 who are alleged offenders, in all aspects of seeking review of an adverse CRC determination. If workload does not permit or where conflicts of interest exist, the NLSO will attempt to refer a case to another NLSO activity or attempt to make other appropriate arrangements.

(2) Other alleged offenders are not eligible for assistance. In general, SJAs or local command representatives provide information outlining procedures for obtaining relevant CRC records under the Privacy Act and Freedom of Information Act. DON PA notice N-01752-1, Family Advocacy Program System, provides information on the categories of individuals who may request such records.

(3) TSO personnel may assist alleged victims, in the categories listed in paragraph (1) above, in all aspects of seeking review of an unsubstantiated CRC determination. If workload does not permit or where conflicts of interest exist, the TSO will endeavor to refer the case to another judge advocate for assistance.

(4) The CO of the alleged offender or victim, or the CO of the sponsor of the alleged offender or victim may request review of a CRC determination. TSOs may assist these commands in obtaining advice from SJAs or other legal resources.

c. COs will ensure command personnel receive annual training in family violence risk factors and abuse dynamics;

basic community information and referral; safety planning and appropriate responses, which may include screening procedures, identification, assessment, and sensitive interviewing of suspected victims; notification and reporting procedures to military and civilian authorities; evidence collection procedures; case management procedures; victim/witness assistance program; transitional compensation; and specialized discharge planning as appropriate. See also paragraphs 1103g and 1404.

0211 VICTIM AND WITNESS ASSISTANCE PROGRAM

The Victim and Witness Assistance Program is of paramount importance to the Navy and the JAG Corps. SECNAVINST 5800.11[series] (Subj: Victim and Witness Assistance Program) and OPNAVINST 5800.7[series] (Subj: Victim and Witness Assistance Program), prescribes procedures to implement the Victim and Witness Assistance Program in the Department of Defense (DOD) and the Department of the Navy (DON). NLSOs and TSOs are instrumental in the implementation and success of this program. NLSOs may provide services in the form of legal assistance and claims for victims of crime. TSOs are responsible for keeping victims and witnesses informed during the court-martial process and are specifically tasked in OPNAVINST 5800.7 with helping to ensure the rights of victims and witnesses are fully observed. In addition, every NLSO and TSO is required to appoint a Victim and Witness Assistance Coordinator to assist personnel assigned to the command. Although TSOs have the primary role in implementing the program within NLSC, NLSO personnel may have limited involvement and should be aware of the program and the methods for administration. See paragraphs 1205b and 1405.

0212 DOD/NAVY HOTLINE PROGRAM AND PROTECTION AGAINST REPRISAL

a. The DOD/Navy Hotline is designed to strengthen and focus efforts to combat fraud, waste, and mismanagement throughout the DOD and DON. SECNAVINST 5370.5[series] (Subj: DOD/Navy Hotline Program) establishes the procedures for timely and thorough examination of hotline allegations.

b. SECNAVINST 5370.7[series], (Subj: Military Whistleblower Protection) prohibits the taking of or threatening to take an unfavorable personnel action, or withholding or threatening to

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withhold a favorable personnel action, in reprisal for making or preparing a lawful communication to a Member of Congress, an Inspector General or a member of a DOD audit, inspection, investigation, or law enforcement organization. COs will take specific action (e.g., plan of the week, posters) to publicize the contents of these directives. See also SECNAVINST 5370.8/NAVINSGEN 01B[series] (Subj: Military Reprisal Investigations) for guidance on policies and procedures for investigating complaints of reprisal.

c. The DOD/Navy Hotline and Whistleblower Protection programs also provide important enforcement mechanisms for EO, the fraternization prohibition, prevention of sexual harassment, standards of conduct, and resource management. In this regard, see paragraphs 0206 through 0208, 0221, and 0223.

0213 POSTING OF MISSING CHILDREN NOTICES

Per Assistant Secretary of Defense, Force Management and Policy memorandum of 23 April 1999, NLSC activities shall permit posting of notices concerning missing persons or children in command public areas, when and where space is reasonably available.

0214 FAMILY SUPPORT PROGRAMS

a. The Assistant Chief of Naval Personnel for Personal Readiness and Community Support (Pers-6) and CNLSC entered into a Memorandum of Understanding (MOU) to encourage a multi-disciplinary and coordinated approach for meeting the crisis needs of Navy families.

b. To meet CNLSC's obligations under the MOU, NLSO/TSO COs, as appropriate, will:

(1) Encourage personnel to familiarize themselves with local Navy Family Support Center (NFSC) programs, and to explore areas for partnerships on a local level, such as joint NLSC/NFSC educational/legal assistance classes for divorcing parents. Goals of these programs could include: provide information regarding legal processes and options, help parents and children cope with divorce, reduce parental conflict, facilitate divorce adjustment, teach co-parenting techniques, and educate parents regarding the impact of divorce on children.

(2) Encourage personnel to receive NFSC-sponsored in-service training for staff as available and appropriate.

(3) Encourage personnel to make NLSC-sponsored in-service training available to NFSC staff as available and appropriate.

(4) Encourage joint NLSC/NFSC efforts to establish mediation programs where the need for such services is identified as a high priority and resources are available to develop such a program.

c. Navy Family Care Plans. Service members are responsible for ensuring their dependents are adequately cared for at all times. To ensure this, OPNAVINST 1740.4[series] (Subj: U.S. Navy Family Care Policy) requires a family care plan for single parent service members, dual military couples with custody of children under 19 years of age, and other service members who are solely responsible for the care of and provision for another person. The plan, which utilizes NAVPERS Forms 1740/6 and 7, outlines the means of financial, medical, and logistical support to be provided to dependents during the absence of the member due to military duty. NLSC COs shall ensure all command personnel who are subject to these support obligations complete a family care plan within 60 days of either arriving at the command or experiencing a material change in circumstances affecting an existing plan. COs will also designate a collateral duty Family Care Plan Coordinator to assist service members affected by this policy.

0215 HUMAN IMMUNODEFICIENCY VIRUS/ACQUIRED IMMUNE DEFICIENCY SYNDROME (HIV/AIDS) TRAINING REQUIREMENT

HIV is the virus that causes AIDS, a deadly disease. Individuals primarily contract HIV by risk-related behaviors, not because of race, gender, occupation, age, education, or rank. While HIV/AIDS can infect anyone, it is also preventable. SECNAVNOTE 5300 (Subj: Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome (HIV/AIDS) Training Requirement of 12 Mar 96) states: "It is the responsibility of each command to educate all personnel about HIV/AIDS to prevent the spread of this disease, dispel myths, and reduce deaths." Accordingly, all NLSC COs shall ensure all personnel receive a minimum of one

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hour HIV/AIDS prevention education annually. Emphasis will be placed on the modes of transmission and methods of prevention of HIV infection.

0216 SUICIDE PREVENTION

a. Policy. As defined by MILPERSMAN 1770-010, suicide is an intentional, self-induced death. Prevention of suicide is an integral part of the Navy Health Promotions Program. See OPNAVINST 6100.2[series] (Subj: Health Promotion Program Elements). All supervisors and managers must be alert for the warning signs exhibited by personnel at risk for suicide, including not only members of their commands but also those personnel served by their command.

b. Additional Guidance. See Article 1159 U.S.NAVREGs, 1990, JAGMAN chapter 2; SECNAVINST 1754.1[series] (Subj: Department of the Navy Family Service Center Program); SECNAVINST 6320.24[series] (Subj: Mental Health Evaluations of Members of the Armed Forces); OPNAVINST 5350.4[series] (Subj: Alcohol and Drug Abuse Prevention and Control); MILPERSMAN 1600-040 (Subj: Command Response to UA); MILPERSMAN 1700-010 (Subj: Suicide Reporting); NAVMEDCOMINST 6520.1[series] (Subj: Evaluation and Disposition of Patients Presenting with Suicidal Ideation or Behavior). The coordinator for the Navy's Suicide Prevention Program and the point of contact for suicide prevention information and training quotas is the Commander, Naval Personnel Command (Pers 601B), 5720 Integrity Drive, Millington, TN 38055-6010, telephone Commercial: (901) 874-4256 or DSN: 882-4256.

c. Responsibilities. COs, XOs, OICs, and department heads are responsible for ensuring persons under their authority receive training on identification of suicide warning signs, preventive measures to minimize risk, and the administrative procedures to be followed in appropriate cases.

d. Procedures

(1) Personnel who encounter individuals who exhibit any of the characteristics associated with heightened suicide risk shall report their observations to the appropriate chain of command.

(2) Suicide prevention requires a multi-disciplinary approach. COs shall ensure there is adequate coordination and interaction on suicide prevention between their NLSC activity and medical treatment facilities, Family Service Centers, chaplains, Casualty Assistance Calls Office/Officers, command personnel, and concerned dependents.

0217 TRAINING AND EDUCATIONAL RESPONSIBILITIES

a. A primary duty of COs is to train subordinates. COs will take an active, personal leadership role in this tasking. An officer will be assigned collateral duty as training coordinator. Regularly scheduled professional development training programs (PDTP), will be conducted utilizing the NJS Professional Development Program (PDP). See JAGINST 1500.1[series] (Subj: Professional Development Program). An emphasis will be placed on the continuous improvement of advocacy skills, including those necessary to effectively prosecute and defend national security cases, and other potentially capital charges. Chapters 7 and 10 contain more specific guidance on training related to classified information and national security cases. Every practicable effort will be made to ensure command personnel participate in training courses (Navy or civilian), subject to budget availability. In addition, COs have a special responsibility to ensure junior personnel are familiar with Naval traditions and operations.

b. NLSC COs will comply with JAGINST 1500.4[series] (Subj: JAG Corps Training Program) [hereinafter JAG Corps Training Program], including the responsibilities to:

(1) Establish and implement regional training plans which supplement the core programs developed at NJS, consistent with the JAG Corps Training Program;

(2) Emphasize to all hands the importance of continued training in the provision of quality legal services and ensure maximum participation in the training program;

(3) Administer training funds in accordance with the requirements of the JAG Corps Training Program;

c. NLSC is responsible for developing the abilities of personnel to perform a wide range of legal and paralegal duties.

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This is necessary to effectively advise client commands and individuals concerning legal and regulatory requirements and procedures and to prepare personnel for assignments in SJA and independent duty billets. Command liaison officers, trial counsel, claims attorneys, department heads, and others who act as liaison with other commands should be alert for opportunities to improve such command's awareness and appreciation of laws and regulations affecting their operations. COs shall develop preventive legal assistance programs responsive to the general needs of the local community. In order to become familiar with Naval operations and needs, judge advocates will visit shore commands, go on board ship or to sea for short periods, and take operational aircraft flights whenever practicable.

d. JAGC accessions assigned to NLSC activities must be given orientation on the command, its mission, and its area of operations as soon as practicable after they report for duty. The orientation should, at a minimum, include the following categories:

- (1) Watch standing at the gaining command;
- (2) Base or facility orientation, including CDO functions, security and communications;
- (3) Correspondence and messaging procedures and protocols unique to the command;
- (4) Understanding operational and administrative chains of command for the area of responsibility within which the gaining command operates;
- (5) Any other aspects of operations that are unique to the gaining command and its mission.

Additionally, in recognition that JAGC accessions are still new to the Navy, gaining commands should assign each accession a more experienced service member as a mentor for the first 12 months. JAGC accessions should also be encouraged to complete the Naval Orientation correspondence course within 12 months following graduation from NJS.

Additionally, gaining commands should assign each accession a more experienced service member as a mentor pursuant to the command mentoring program established in accordance with section 0303. JAGC accessions should also be encouraged to complete the Naval Orientation correspondence course within 12 months following graduation from NJS.

0218 PERSONNEL ASSIGNMENTS

a. COs are responsible for personnel assignments within their units. Junior judge advocates should normally be rotated through the various functional law sections to receive maximum exposure to the many facets of military and civil law. However, COs must also balance the goal of maximum exposure with a need to leave some individuals in a single functional area for sufficient time to achieve maximum levels of professional competency and productivity for the benefit of the command.

b. "Cross-decking" of personnel (i.e. transferring before completion of a full tour) between co-located NLSOs and TSOs can be a useful tool for maximizing individual experience levels. When cost effective arrangements can be established between COs and the Deputy Assistant Judge Advocate General (Military Personnel) (OJAG Code 61), and such action would be beneficial to the individual and not detrimental to the commands involved, cross-decking is permitted.

c. Collateral duties will be assigned as necessary. When appropriate, collateral duties may be shared by NLSOs and TSOs, as discussed in paragraph 0219.

0219 MEMORANDA OF UNDERSTANDING

COs of NLSOs and TSOs with overlapping geographic areas of responsibility or common facilities (including detachments and branch offices) should use memoranda of understanding (MOUs) to divide and share collateral duty responsibilities common to both, and share collateral duty responsibilities common to both, such as watch standing, building security, the maintenance of the law library, utilization of technical service representatives (TSRs), as well as other duties, assets, benefits, or responsibilities of mutual interest. A copy of any

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Regulation (JER)), JAGINST 5803.1[series] (Subj: Professional Conduct of Attorneys Practicing under the Supervision of the Judge Advocate General), and MILPERSMAN 5370-010. NLSC COs are responsible for ensuring compliance with these directives.

0221 ETHICS AND STANDARDS OF CONDUCT/PROFESSIONAL RESPONSIBILITY

a. All judge advocates, other attorneys when practicing under the supervision of JAG, and, when appropriate, nonlawyer assistants are subject to JAGINST 5803.1[series] (Subj: Professional Conduct of Judge Advocates Practicing Under the Supervision of the Judge Advocate General) with regard to professional and ethical conduct.

b. NLSC personnel have a special obligation to be familiar and comply with DOD 5500.7R, Joint Ethics Regulation (JER) and the Office of Government Ethics (OGE) Standards of Ethical Conduct for Employees of the Executive Branch (5 C.F.R. Part 2635). Standards of conduct training will be included in each NLSC activity's training program annually. Judge advocates should be prepared to advise commands and individuals on the standards at all times.

0222 MEDIA AND RELEASE OF INFORMATION

a. The media play an important role in a democratic society and, while courts-martial are generally open forums, COs should be vigilant to protect the rights of service members and the dignity of the courtroom and other command spaces. COs will ensure R.C.M. 806, JAGMAN 0142 and 0143, and Rule 3.6 of JAGINST 5803.1[series] (Subj: Professional Conduct of Attorneys Practicing Under the Supervision of the Judge Advocate General) are followed. Guidance and assistance must be obtained from the local Public Affairs Office (PAO) before information about legal services being performed by NLSC personnel is disseminated. If a PAO contacts NLSC personnel for information or comments about official or legal matters, the PAO should be directed to the CO. See Appendix C for further guidance.

b. COs will notify CNLSC (OJAG Code 06 and OJAG PAO) and OJAG Code 20 by the most expeditious means when an incident/event occurs having potential high visibility or media

interest or when a NLSC activity (e.g., the conduct of a high-visibility court-martial) generates media interest.

c. The Privacy Act, 5 U.S.C. 552a (1988), and SECNAVINST 5211.5D, prohibit the unauthorized release of information maintained in a Privacy Act system of. In releasing any information, NLSC personnel will adhere to the requirements of the Privacy Act and will coordinate all releases of information, including interviews and publications, with the CO.

0223 MANAGEMENT CONTROL PROGRAM

a. Management control is an operational check and balance system, which reduces the potential for misuse and loss of government resources (personnel, information, capital) due to fraud, waste, abuse, and mismanagement. The Federal Managers Financial Integrity Act (31 U.S.C. § 3512) requires each agency to evaluate annually its system of internal accounting and administrative control under guidelines established by the Director of the Office of Management and Budget. Additionally, annual statements are to be submitted by agency heads to the President and Congress on the status of the agency's system of management controls. Evaluations may be based on, among other things, command inspections, audits, flag visits, productivity reports and, where warranted, vulnerability assessments.

b. The governing management control instruction is SECNAVINST 5200.35[series] (Subj: Department of the Navy Management Control Program). To empower commanding officers and in recognition that many times management control reviews duplicate what other tools such as audits, inspections and knowledge gained from daily operations of programs and functions have already determined, the requirement to perform formally documented vulnerability assessments or to conduct management control reviews on any schedule is eliminated. Instead, commanding officers are to consider their particular situation and use the management tools most suitable for their activity to meet the requirement for an effective system of controls.

0224 OCCUPATIONAL SAFETY AND HEALTH

It is Navy policy to provide a safe and healthful workplace for all personnel. COs should establish an aggressive program to promote occupational safety through:

- a. Compliance with the standards outlined in OPNAVINST 5100.23D[series] (Subj: Navy Occupational Safety and Health (NAVOSH) Program Manual);
- b. Periodic inspections of the workplace;
- c. Immediate abatement of identified hazards;
- d. Adoption of procedures ensuring personnel may report all suspected hazards without fear of reprisal;
- e. Appropriate training for personnel consistent with the workplace environment;
- f. Review of construction designs to maximize safety; and
- g. Prompt investigations of mishaps.

0225 LIBRARIES

a. COs shall ensure law libraries are current and well maintained. A library officer will be assigned to ensure the library meets the needs of the command. The library officer shall act as liaison with the OJAG field librarian. Semi-annual surveys will be conducted to monitor library assets. COs, at their discretion, may grant access to NLSC law libraries to non-NLSC personnel. This access must not interfere with the performance of NLSC duties, must not result in additional expense to the United States, or confer any preferential treatment to any private organization or individual.

b. JAGINST 5070.1[series] (Subj: Field Law Library Program) governs existing field law libraries and the establishment of new libraries.

0226 SECURITY

a. Physical Security. All personnel are assigned responsibility for the physical security of command, detachment, and branch office spaces. COs are responsible for ensuring spaces and government property are protected and used only for authorized purposes. Command property must be inventoried and marked in accordance with Volume 3 of the NAVCOMPTMAN and

COMNAVLEGSVCCOMINST 7321.1[series] (Subj: Management of Class 3 Plant and Minor Property). Each NLSC activity will assign a command physical security officer. OPNAVINST 5530.14[series], (Subj: Physical Security and Loss Prevention), contains information on the duties of command physical security officers.

b. Sensitive and Classified Information. Each NLSO and TSO department should have available at least one locking cabinet for overnight security of service records, investigation reports, trial tapes, computer diskettes, or other sensitive material. Classified material must be stored in a General Services Administration (GSA)-approved security container and maintained pursuant to SECNAVINST 5510.36 [series] (Subj: Department of the Navy Information Security Program (ISP) Regulation). All files containing personal information should be safeguarded. See paragraph 1403, with reference to security of physical evidence for trial.

c. Information Security. In addition to the physical security of equipment, all personnel should be aware of the information requirements associated with the documents and computer media they use. Privacy Act, Freedom of Information Act, and Automated Data Processing (ADP) security directives must be obeyed. COs will appoint a command information security manager to manage the information and personnel security program and to ensure the command information security program conforms with COMNAVLEGSVCCOMINST 5239.1[series] (Subj: Information Systems Security) and SECNAVINST 5510.36 [series] (Subj: Department of the Navy (DON) Information Security Program (ISP) Regulation). See also paragraph 0307b(1) and Chapter 7.

0227 ANTITERRORISM/FORCE PROTECTION TRAINING

OPNAVINST 3300.55[series] (Subj: Navy Combating Terrorism Program Standards) is designed to ensure antiterrorism/force protection awareness throughout the Navy. Navy activities must implement OPNAVINST 3300.55[series] through individual training, training certification, and assignment of unit antiterrorism training officers (ATTOs). All NLSC activities shall comply with this instruction and local implementing directives of major Naval commanders. Activities shall also ensure service record certification (p. 13 entry) of annual training of all service members and service record/travel orders certification of pre-deployment/travel training for members (including dependents of

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PCS transferees) traveling overseas. The training for overseas travel must be conducted within six months of departure. NLSC activities shall assign an ATTO as a collateral duty to ensure compliance with installation programs and certification of personnel training. The Deputy Vice Commander, NLSC (OJAG Code 63), is the NLSC Force Protection/Antiterrorism Training Officer and is available to assist with NLSC activity compliance with governing instructions, including providing training, information, and references. See also DOD 2000.12[series] (Subj: DOD Combating Terrorism Program).

0228 MANAGEMENT INFORMATION SYSTEMS

Each NLSO and TSO shall have adequate systems in place to manage conflict of interest avoidance, trial docketing, legal assistance, and personnel utilization.

0229 COMPUTER PROCUREMENT AND APPLICATIONS DEVELOPMENT

a. OJAG Code 08, Information Resources, is responsible for providing office automation (OA) and information resource (IR) technical support to NLSC activities. This technical support exists to:

(1) Ensure procurement, use, and safeguarding of OA and IR hardware, software, and data complies with current instructions and is consistent with JAG/NLSC policy;

(2) Establish hardware and software standards and direction;

(3) Provide OA and IR training and assist activities in developing OA and IR training plans;

(4) Assist end-users in the analysis, design, and development of automated applications with appropriate documentation; and

(5) Provide technical assistance for requirements analyses, hardware and software upgrades, and related problems.

b. The following procedures are established to accomplish the foregoing responsibilities and to ensure the effective and efficient use of resources:

(1) Office Automation Procurement. Activities desiring office automation resources (e.g., microcomputers, storage devices, printers, modems, software) shall complete an Abbreviated System Decision Paper (ASDP) per SECNAVINST 5231.1[series] (Subj: Life Cycle Management Policy and Approval Requirements for Information Systems Projects) and forward it to OJAG Code 06 via OJAG Code 08. An equipment request should be in the form outlined in Appendix D in as much detail as possible. This request and approval process is separate from a determination of funding availability. Procurement of OA or IR equipment or software without specific approval violates SECNAVINST 5231.1[series].

(2) Applications Development. Activities desiring to automate a function shall forward an Applications Development Request (Appendix E) to OJAG Code 08. End-user development of applications is encouraged. Provide a copy of any system or program developed at a NLSC activity to OJAG Code 08 for technical review and possible dissemination.

(3) Requirements Analysis, Training, and Technical Assistance. Activities desiring a review of office automation needs, training, or other related technical assistance shall submit a memorandum request to OJAG Code 08 identifying the requested assistance.

(4) Expedited Procedures. Periodically, Code 08 will publish expedited procurement procedures for automated office equipment. Such procedures will permit commands to purchase pre-approved hardware and software from local command funds with reduced headquarters coordination.

0230 INFORMATION RESOURCE MANAGEMENT ASSIST (IRMA) PROGRAM

a. Information Resource Management Assistance (IRMA) visits provide an opportunity for the computer technicians and management personnel from OJAG Code 08 to visit NLSOs/TSOs, detachments, and branch offices to assist their efforts to increase the systematic integration of JAGC standard ADP resources into the work environment. These visits are not inspections. The only formal report prepared will be a brief for the CO at the end of the visit.

b. IRMA visits are scheduled, with the consent of the CO, after preliminary discussions concerning the command's particular requirements. Decisions concerning team members and visit length are made in light of those requirements. Whenever possible, IRMA visits shall precede scheduled Inspector General (IG) inspections to enable commands to raise and resolve ADP concerns before formal inspections.

0231 USE OF ELECTRONIC EQUIPMENT

a. NLSC computer equipment, electronic mail and Internet capabilities are Federal Government property and, as such, are for official use and authorized purposes only. Exceptions may be allowed for emergencies or other uses which are of reasonable duration and frequency, and create no significant additional cost to the Navy. However, NLSC computer equipment and communications systems may not be used in a manner that:

(1) Diminishes the quality or efficiency of work performed by NLSC personnel; or

(2) Reflects adversely on NLSC. Adverse reflection will likely result from viewing, downloading, or storing pornographic, racist, bigoted, or anti-Semitic material (except under official and authorized circumstances, such as for military justice research or investigation); participating in chain letters; engaging in commercial activities or unofficial advertising, soliciting, or selling; violating statutes or regulations; mishandling classified information; and other activities which are incompatible with public service.

b. Personnel will also refrain from actions that would overburden NLSC computer equipment or communications systems (such as may be the case with group mailings or storage of significant amounts of outdated E-Mail and personal matter on NLSC computers).

c. See the Joint Ethics Regulation, DOD 5500.7-R, at section 2-301, for further details. See also paragraph 0604 of this instruction.

d. E-Mail is another method for communicating information that otherwise may be sent by letter, message, facsimile, telephone, or in person. E-Mail should be transmitted

consistent with applicable chain-of-command, protocol, Naval message and correspondence manual requirements. E-Mail "global distribution lists," which are similar to Naval message Address Indicating Groups (AIGs), have been centrally created to expedite widespread dissemination of information without the necessity of entry of individual addresses. For example, the "Everyone" global distribution list is intended for transmission of official information of official interest to all recipients. Global distribution lists shall only be utilized by JAG, DJAG/CNLSC, AJAGs, Director of Operations, Division Directors, Special Assistants, COs, XOs, and other senior officials within OJAG or NLSC who would normally be expected to communicate a message of official interest to all recipients of the specific global distribution list selected. Additionally, the content of E-Mail messages must be considered with care, including:

(1) Security and privacy. The Internet is not a secure medium. The use of E-Mail is limited to unclassified materials except as authorized over secure networks protected to the highest level of classified information being sent. Do not send classified information of any kind to or from a <jag.navy.mil> address. Guidance for E-Mail procedures on secure networks is set forth in SECNAVINST 5239.2 [series] (Subj: DON Automated Information Systems (AIS) Security Program (NOTAL)). Guidance on "For Official Use Only" (FOUO) information, is contained in DOD 5400.7-R, DOD Freedom of Information Act Program. For information governed by the Privacy Act, see SECNAVINST 5211.5D [series] (Subj: Department of the Navy Privacy Act (PA) Program).

(2) Confidential information. Personnel shall take reasonable measures to prevent the inadvertent disclosure of confidential information through the use of electronic equipment and communications, including those via E-Mail, facsimile, and telephone. See also paragraph 0228 of this instruction. E-Mail

0232 SUPPORT OF NAVY-MARINE CORPS TRIAL JUDICIARY

a. Support for the judiciary is a responsibility held by NLSOs and TSOs jointly. NLSOs/TSOs, detachments, and branch offices hosting permanent military judges who lack clerical support shall provide a clerk of court as required by SECNAVINST 5813.6[series] (Subj: Navy-Marine Corps Trial Judiciary; Mission, Organization, Functions and Support).

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NAVMARTRIJUDICINST 5810.4[series] (Subj: Duties of Clerks of Courts) also directs that "... when practicable, the clerks of court shall perform duties in support of the TSO ... (including duty as a court reporter)." NLSO and TSO COs and the Circuit Military Judge will jointly determine the extent of clerk of court support actually required. Problems that cannot be resolved locally should be referred to CNLSC for resolution.

b. NLSOs/TSOs, detachments, and branch offices shall provide appropriate office space, equipment, furniture, stationary, office supplies, telephone, and other communication services to the resident military judge. SECNAVINST 5813.6[series] (Subj: Navy-Marine Corps Trial Judiciary; Mission, Organization, Functions and Support).

c. NLSOs/TSOs, detachments, and branch offices shall provide official vehicles for official judiciary travel whenever feasible.

d. NLSOs/TSOs, detachments, and branch offices, to the extent consistent with the maintenance of the independence and impartiality of the trial judiciary, are encouraged to involve military judges in career planning, development and training, regional planning of legal services, speaking, and social engagements.

e. NAVMARTRIJUDICINST 5500.1[series] (Subj: Navy and Marine Corps Trial Judiciary Classified Information and Personnel Security Program) recommends the use of security servicing agreements to meet the classified security needs of Navy-Marine Corps Trial Judiciary personnel. See enclosure (3) of that instruction which provides guidance for use in negotiating security servicing agreements with NLSOs/TSOs.

0233 COMMAND INSPECTION PROGRAM

Inspections are an inherent function of command and are required to ensure proper and efficient accomplishment of assigned missions. CNLSC will exercise an effective command inspection program as implemented by COMNAVLEGSVCCOMINST 5040.1[series] (Subj: Command Inspections). Inspections of NLSOs, TSOs, NJS, and their respective detachments and branch offices as appropriate, will generally be conducted every three years.

0234 CRIMINAL ACTIVITY, DISCIPLINARY INFRACTIONS, AND COURT-MARTIAL REPORT

JAGINST 5800.9[series] (Subj: Criminal Activity, Disciplinary Infractions and Court-martial Report (QCAR)) requires Naval activities to submit military justice statistics to Officers Exercising General Court-Martial Jurisdiction (OEGCMJ) on a quarterly basis. All NLSC activities shall submit this quarterly report to CNLSC (Code 63) on the 8TH day of January, April, July, and October. Negative reports are required.

0235 DRUG AND ALCOHOL PROGRAM

COs will implement the Navy's alcohol and drug abuse policies and programs. A command Drug and Alcohol Program Advisor (DAPA) will be appointed and trained in accordance with OPNAVINST 5350.4[series] (Subj: Substance Abuse Prevention and Control).

0236 RECRUITING

Recruiting law students and attorneys is a mission of all NLSO and TSO. To further enhance the overall effectiveness of our Corps recruiting program, a Recruiting Officer will be identified at each NLSO and TSO headquarters, branch office and detachment. Suggested duties for Recruiting Officers include:

- a. Liaison and coordination with JAGC Accessions and Recruiting Detailer (P4416E);
- b. Receiving current information and recruiting materials from P4416E;
- c. Assisting the command in preparing a recruiting plan for each law school semester for submission to P4416E. The plan will attempt to visit all ABA-certified schools within the AOR at least once annually;
- d. Scheduling on-campus law school information briefs and appraisals, command visits by law students and command participation in law school events (i.e. serving as Moot Court judges and guest speakers) within the AOR;

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- e. Ensuring adequate funding is requested via P4416E when recruiting cannot be done at no-cost;
- f. Coordinating a recruiting team for the AOR, consisting of CO, XO, Recruiting Officer, command JAGC and local SJA;
- g. Participating in recruiting activities on campuses and direct contact with law students in the AOR; and
- h. Filing After-Action Reports for recruiting activities to P4416E.

CHAPTER 3
ORGANIZATION, AUTHORITY, AND RESPONSIBILITIES

0300 NLSO FUNCTIONAL AREAS

NLSOs will be organized to most efficiently and effectively provide legal services and mission functions in the following areas:

- a. Court-martial defense;
- b. Personal representation;
- c. Legal Assistance and Personnel Claims (where applicable);
- d. Other claims and civil litigation; and
- e. Command administration.

0301 TSO FUNCTIONAL AREAS

TSOs will be organized to most efficiently and effectively provide legal services and mission functions in the following areas:

- a. Trial counsel services;
- b. Command services/Administrative law;
- c. Court reporting;
- d. International law (overseas TSOs);
- e. Ethics counseling;
- f. Command administration; and

TSOs may be called on to provide legal assistance and/or claims services where necessary to meet the needs of the Navy.

0302 COMMAND ORGANIZATIONAL STRUCTURE

a. Each NLSC command shall be organized to best meet the needs of its clients and customers, consistent with personnel, fiscal, physical resources, and geographical location. See Appendix F for sample tables of organization.

b. Local conditions may require variations in organizational structure. Furthermore, because NLSC activities cover large areas of responsibility, non-traditional organizational structures may be appropriate. For example, department heads may, in some commands, be best located in a detachment vice the parent command. Such organizational innovation is permitted and encouraged when it promotes efficiency and the overall mission. OJAG Code 63 should be notified when modified command structures are used. Also, functions may be combined within a department at the discretion of the CO. In some commands, it will be necessary for personnel to serve in multiple capacities.

c. Command, detachments and branch offices will be established or disestablished by CNLSC as needed. Authorization will be requested through OJAG Code 63 to ensure procedural requirements are satisfied.

0303 COMMANDING OFFICERS/OFFICERS IN CHARGE

a. The duties and responsibilities of COs and OICs are set forth in Chapter 8 of U.S. NAVREGS, 1990.

b. COs and OICs shall expeditiously process all requests for military justice services. See Chapter 10. At times, a NLSC activity may experience a sudden increase in service needs, exceeding the capacity of permanently assigned resources. In these situations, COs and OICs are expected to seek assistance from the chain of command. Conversely, NLSC activities should keep NLSC apprised when command resources can be shared, even if on a temporary basis. OJAG Code 63 is assigned oversight responsibility in this regard.

c. COs and OICs shall establish a command-wide mentoring program. This program shall provide career guidance and leadership advice by partnering senior personnel with junior personnel. COs and OICs shall also create a formal structure to pass relevant information and guidance from senior to junior personnel.

d. A CO's general duties and responsibilities are further defined in U.S. NAVREGS, 1990 and throughout this manual. Specific NLSO mission areas are discussed in Chapters 9 through 13, and NLSO COs are responsible for meeting those objectives. Likewise, specific TSO mission areas are discussed in Chapters 9, 10, 14, and 15, and TSO COs are responsible for meeting those objectives.

e. To maintain necessary leadership, either the CO or XO should be present during regular working hours. If the CO will be absent for longer than two days, the CO will notify CNLSC and to Vice Commander (OJAG Code 06). OICs will coordinate leave or other lengthy absences with the CO.

f. Detaching Letter Report

(1) Upon detaching, each CO will forward to CNLSC's personal attention a detaching letter report which analyzes and evaluates his or her former command's accomplishments and deficiencies, if any. See Article 0807, U.S. NAVREGS, 1990. This letter report will be a frank expression of the CO's evaluation of progress made by the command as well as the status of any unaccomplished goals or objectives. This report shall discuss the support provided to the NLSC command, both locally and at the CNLSC/OJAG level. COs shall request similar reports from detaching OICs.

(2) To the extent possible, these reports will be treated as sensitive communications to be reviewed only at the highest appropriated level. Each CO is expected to be candid and provide a critical analysis of their activity, any co-located NLSC activity, and NLSC headquarters.

(3) A copy of this report will be placed in the CO's turnover file.

(4) The relieving CO will comment on any deficiencies noted in the detaching letter report or otherwise in a relief-of-command report to be sent to CNLSC's personal attention, as required by Article 0807, U.S. NAVREGS, 1990.

g. Limitations on advice. COs, XOs, and OICs must be careful not to render advice to a command, governmental agency, or an individual that would place himself or herself in an adverse position relative to the advice a subordinate judge advocate gave to his or her (the subordinate's) client in an attorney/client relationship. See paragraph 1106. COs, XOs, and OICs must avoid any action which could create professional

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conflicts of interest or, at the very least, perceptions of such conflicts. See JAGINST 5803.1[series] (Subj: Professional Conduct of Attorneys Practicing under the Supervision of the Judge Advocate General).

0304 EXECUTIVE OFFICERS

The XO is, under U. S. NAVREGS, 1990, the direct representative of the CO, and all orders issued by the XO have the same effect as though issued by the CO. The XO conforms to and executes the policies and orders of the CO and keeps the CO informed on all significant matters pertaining to the command. Under the CO, the XO is primarily responsible for the organization, performance of duties, good order and discipline of the entire command, and generally for those matters prescribed in Articles 0803, 0805, 0806, 1005, 1039, 1061, and 1077 of U. S. NAVREGS, 1990. Official communications from subordinates to the CO normally are transmitted through the XO; however, the XO will recognize the right and duty of department heads, assistants to the CO, and command liaison officers to confer directly with the CO, at the CO's discretion, on matters relating to their assigned areas of responsibility. The XO is expected to execute the responsibilities of the CO when the CO is not reasonably available. The XO succeeds to command in the CO's absence.

0305 DEPARTMENT HEADS

a. Department heads represent the CO in their respective departments. All persons assigned to a department are subordinate to and shall obey the orders of the department head, subject to the requirement for defense counsel independence in the course of assigned representation.

b. Department heads will:

(1) Be responsible for the effectiveness of their departments. To that end, they will organize the department; prescribe the duties of personnel assigned; plan, direct, and supervise the work and training of personnel; ensure work assigned to civilian employees of the department conforms to position descriptions; ensure compliance with policies, procedures, and regulations prescribed by the CO and higher authorities; and take necessary action to correct any deficiencies;

(2) Keep the CO and XO informed of the status of workload and personnel within the department, the existence of any condition or circumstance that may adversely affect the operation of the department, and noteworthy accomplishments of the department or assigned personnel;

(3) Initiate timely officer fitness report work sheets, enlisted evaluations, and civilian performance appraisals, thoroughly and accurately describing the duties performed and the character of performance by all persons assigned to the department, including persons assigned for temporary or reserve training duty;

(4) Ensure economy in the use of public money and supplies; be responsible for the proper utilization, care, preservation and maintenance of assigned equipment and facilities;

(5) Be responsible for the maintenance of records and turnover files and submit timely and accurate monthly reports, including productivity reports;

(6) Anticipate the personnel and material needs of the department and submit timely requests to fulfill requirements; and

(7) Inform and educate area commands concerning legal matters under the cognizance of the department.

c. Turnover files will be maintained by each NLSC activity department. It is the responsibility of each department head to ensure currency and efficacy. Up-to-date information concerning operations, points of contact, forms, and pending caseloads will ensure a smooth transition without diminution of service. At a minimum, a turnover file will contain the following:

(1) Short statement of functions performed;

(2) Source of work;

(3) Department organizational chart and current staff roles;

(4) Brief description of files, correspondence and reference materials;

(5) Regulations pertinent to department or division operation;

(6) Instructions, notices and other resource material needed for basic understanding of department or division operation;

(7) Required reports (nature, source requiring or prescribing, when due);

(8) Current productivity reports; and

(9) Problem areas and conflicts, if any.

0306 COMMAND MASTER CHIEF/SENIOR CHIEF/CHIEF

Normally, the senior enlisted member of the command shall be appointed as the Command Master Chief/Senior Chief/Chief per OPNAVINST 5400.37[series] (Subj: Fleet, Force and Command Master Chief Program). This individual will serve as the principal advisor to the CO on matters affecting enlisted personnel. The Command Master Chief/Senior Chief/Chief will perform the duties prescribed in OPNAVINST 3120.32[series] (Subj: Standard Organization and Regulations of the U.S. Navy) and such other duties as may be prescribed by the CO. The Command Master Chief/Senior Chief/Chief reports directly to the CO, but will keep the XO and department heads advised on matters under their cognizance.

0307 TECHNICAL SUPPORT REPRESENTATIVES

a. COs shall appoint a Command Technical Support Representative (CTSR), who shall serve as the primary point of contact for all Information Resource (IR) issues. In locations where NLSOs and TSOs (or their subordinate detachments or branch offices) are co-located, a single CTSR, generally appointed by the host command, will support both commands. In these circumstances, the CTSR will be primarily responsible to the host CO. However, in accordance with paragraph 0219, MOUs will be used to ensure both commands have equal access to technical support. Additionally, site Technical Support Representatives

(TSRs) shall be appointed for outlying locations. Site TSRs will refer any unresolved IR problems to the CTSR.

b. CTSRs and site TSRs are vital to the command's Information Systems (ISs). TSRs maintain the ISs and train personnel in the use of standard automated tools. The CTSR is responsible to the CO for the following functions:

(1) ADP Security. Provide the command the information and services it needs to conform to OPNAV/JAG/CNLSC ADP security instructions.

(2) End User Support. Train command members on standard hardware and software, troubleshoot hardware and software problems and provide solutions, and be competent in the use of, the current management information system(s) in use within NLSC, and the Budget Entry Tracking System (BETS).

(3) Local Area Network Administration. Provide support and maintenance for any personal computer local area networks at the site.

(4) Database Administration. Perform any necessary maintenance in any installed databases, and, in conjunction with the command's regular training program, ensure end users are trained to, and perform, regular system backups and upgrades.

(5) Electronic Communications. In conjunction with the command's regular training program, ensure end users are trained to properly use applicable electronic mail programs and software and the Internet.

(6) Configuration Management. Ensure JAG/CNLSC standards are in place.

(7) Technical Librarian. Maintain current hardware and software manuals. Assist command members in their use.

c. COs should ensure the above requirements are included in the position description of any civilian employee hired to serve as CTSR. Additionally, the position description must provide for travel to remote command sites as necessary to resolve IR problems. COs can maximize the utility of the TSR program by selecting site TSR candidates who are enthusiastic, have a

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desire to receive training and complete the minimum training requirements, and are capable and motivated to implement and maintain the command's overall ADP program. To ensure the command receives maximum benefits from training, active duty TSR candidates should have a minimum of 18 months remaining on their current tour when selected for training.

CHAPTER 4
PERSONNEL

0400 WORKING HOURS

Working hours will normally coincide with those of local line activities. The CO may set different hours to comply with local policy, but normally no workday should be shortened to less than 8 hours nor any workweek shortened to less than 40 hours (except for holidays, special liberty, emergencies, etc.).

0401 LEAVE AND LIBERTY

Leave, liberty, and administrative absence of military personnel shall be administered in accordance with the MILPERSMAN and appropriate Marine Corps orders. Unauthorized absences of officers shall be reported to the Vice Commander, NLSC (OJAG Code 06).

0402 LEAVE, ABSENCES, AND OVERTIME OF CIVILIAN PERSONNEL

Leave and absences shall be administered in accordance with Department of the Navy policy, local Human Resources Office (HRO) directives, and union agreements, when applicable. Flex hours, telecommuting, or other unconventional working arrangements for any NLSC employee requires the approval of CNLSC. Paid overtime must be authorized in advance by the CO or XO. Before authorizing paid overtime, COs or XOs must first verify the availability of funds with OJAG Code 64.

0403 PERSONNEL PERFORMANCE EVALUATIONS

a. Officer fitness reports, enlisted performance evaluations, and civilian performance appraisals affect the career, promotion, and duty-assignment opportunities of the persons concerned and have a direct effect on the efficiency and morale of the command. An individual has a right to expect performance to be accurately and timely reflected in the next required fitness report, evaluation, or appraisal. Succinct, honest appraisals best serve all parties and the Navy.

b. Navy officer fitness reports and enlisted evaluations will be prepared and submitted in accordance with BUPERSINST

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1610.10 (Subj: Navy Performance Evaluation and Counseling System) [hereinafter BUPERSINST 1610.10].

c. Marine Corps officer reports will be prepared and submitted in accordance with Marine Corps Order P1610.7[series]. Marine Corps Officer reports which require CNLSC endorsement as reviewing officer will be expeditiously forwarded with a proposed endorsement.

d. Civilian performance appraisals will be prepared and submitted in accordance with SECNAVINST 12430.1[series] (Subj: Department of the Navy Basic Performance Appraisal Program.)

e. Required mid-term performance counseling is a major focus of the fitness and evaluation reporting system. Such counseling should be a frank, open discussion of individual performance with reference to the performance traits noted in the appropriate form. The purpose of the mid-term counseling is to enhance professional growth, encourage personal development, and improve communications, both personally and professionally, among all members within the command. Documentation of this counseling is a requirement.

f. Although mid-term counseling and annual/semi-annual written evaluations are required, personnel evaluation is a continuous process. Supervisors are expected to observe their personnel continuously and ensure written evaluations accurately describe performance during the entire reporting period. Further, mid-term counseling and annual/semi-annual evaluations are not the sole means of apprising personnel of their performance. Sound leadership dictates continuous counseling throughout the evaluation period so that personnel may always know if they are meeting, exceeding, or falling short of expectations. Documentation of substandard performance, with appropriate written acknowledgment by the counseled person is important to this process.

g. Additional guidance is provided as follows:

(1) Officer Fitness Reports. COs should solicit input from each officer being evaluated and consider the officer's individual input in preparing the fitness report. The input should set forth duties, accomplishments, special projects, TAD, collateral duties, CLE courses, educational achievements,

awards, citations, and off-duty activities worthy of note during the reporting period. Although the CO is the reporting senior for all assigned officers, department heads under whom an officer serves during a reporting period should participate in evaluating an officer's performance and traits by submitting separate fitness report work sheets to the XO. With the exception of information from an OIC or branch head senior officer, COs shall neither solicit nor consider any input on an officer assigned to a branch office from any other officer assigned to the same branch office. Individual and department head input should be submitted not later than 15 working days before the due date. Additionally, a department head should submit such a work sheet on each officer of the department at the following times: upon being relieved as the department head; on an officer at the time the officer is reassigned from the department; and on a drilling Reserve officer at the end of an active-duty period;

(a) COs will adhere strictly to Article 37(b), UCMJ, and not give a less favorable rating or evaluation to any judge advocate because of the zeal with which counsel represented an accused before a court-martial or administrative proceeding;

(b) Fitness reports for OICs. The general rule in BUPERSINST 1610.10 is to rank all officers of the same grade, designator, promotion status, same ending date of report, and same reporting senior together. Normally that would include OICs ranked with comparable-grade officers, typically department heads, at the command headquarters. COs have the option, though, of ranking OICs "of remote or deploying detachments" in a separate, approved billet subcategory. All OICs should be summarized together. See chart at page A-5 of enclosure (1) to BUPERSINST 1610.10;

(c) Fitness reports of officers in detachments. A CO normally may submit properly authorized fitness reports on any individual, regardless of rank, who has reported to that officer for permanent, temporary or additional duty under competent written orders. However, OICs are reporting seniors in their own right if in charge of commissioned or established activities (i.e., those listed in the Standard Navy Distribution List) and detailed to a billet designated in the master billet file as an OIC billet (presently within NLSC only select 0-4 and above billets). OICs in those billets may sign fitness reports

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on officers assigned to their detachments and branch offices that report to that detachment OIC. COs having subordinate officers in charge shall ensure their reporting authority is clearly and correctly defined.

(d) Officers who do not report to an OIC under the preceding paragraph will be evaluated with other officers of the same grade by their CO.

(2) Enlisted Performance Evaluations. Input from each service member should be solicited and considered in the preparation of the evaluation. The input should set forth duties, accomplishments, special projects, TAD, collateral duties, training courses, educational achievements, awards, citations, and off-duty activities worthy of note during the reporting period. The immediate supervisor (e.g., leading petty officer) should submit a draft evaluation on subordinates through the chain of command to the department head.

(a) Per Annex B of enclosure (2) to BUPERSINST 1610.10, enlisted evaluations for E-6 and below must be signed by a rater and senior rater.

(b) OICs, as defined above in this section, may sign evaluations and fitness reports of personnel assigned to their detachment or branch office. COs having subordinate OICs shall ensure their reporting authority is clearly and correctly defined.

(3) Comments on Performance. Comments must be verifiable. Such comments should describe the individual and distinguish the person from others. In describing the individual's accomplishments, be specific.

(4) Civilian performance appraisals. The identities of employees' supervisors for performance appraisals are determined by reference to their position descriptions. The CO or OIC is the reviewing official for civilian personnel, using the forms provided by HRO.

h. Commanding Officer Fitness Report Inputs. COs shall submit to CNLSC (OJAG Code 06) fitness report input, including accomplishments and other information pertaining to the reporting period. These summaries must be received by CNLSC at

least 15 days before the last day of the reporting period ("regular" or "detaching").

0404 AWARDS

a. Recognition of noteworthy performance is essential for motivation and retention. Depending on the accomplishment, the appropriate recognition might be: verbal praise/comment in the enlisted evaluation, civilian performance appraisal, or fitness report; a CO's letter of appreciation or commendation; a recommendation for a personal decoration; or nomination for sailor of the month or year, or legalman of the year. See Federal Incentive Awards Program--A Handbook and Guide and comply with its policies and procedures for civilian personnel. See also paragraph 0817.

b. Consistent with the requirements articulated in SECNAVINST 3590.4[series] (Subj: Awards of Trophies and Similar Devices in Recognition of Accomplishments), appropriated funds may be used to purchase trophies, plaques, and other awards under the following conditions:

(1) The awards program must be officially established and announced;

(2) Generally, the award must be of a continuing nature (e.g., sailor of the month);

(3) Where the awards are made on a one-time basis, the accomplishments must be unique and clearly contribute to increased effectiveness or efficiency of the activity or service (i.e., awards for community service are not included under this authorization);

(4) Cash awards are excluded from this authorization.

c. Consistent with DoD 1400.25-M, Subchapter 451 (DOD Civilian Personal Manual-Awards), COs may use appropriated funds for monetary, and non-monetary awards and may grant time-off awards to civilian employees.

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0405 LEGAL SERVICE DUTY OFFICER WATCH

a. COs will designate a duty judge advocate as Legal Service Duty Officer (LSDO), Trial Service Duty Officer (TSDO), or Command Duty Officer (CDO), as appropriate, during non-working hours and holidays. In the discretion of the CO, JAG Corps Limited Duty Officers (LDO), Legalman Master Chiefs, Legalman Senior Chiefs, or Legalman Chiefs (CPOs) may be designated as CDOs, LSDOs, or TSDOs. In addition, some duty officer responsibilities may be shared by NLSOs and TSOs in accordance with an MOU. See paragraph 0219. COs shall direct publication of lists specifying the location and availability of the command watch officer and, as appropriate, location and availability of command judge advocates. Small detachments may be exempted from this requirement by the CO, but in such cases local commands should have points of contact for after hours service.

b. The LSDO, TSDO, or CDO watch may be a telephone watch and will be maintained for the purpose of providing legal advice on urgent problems arising outside of normal working hours. Such availability will include conferring personally with a requesting command, or providing a referral, as appropriate. In the event an LDO or CPO is serving as the CDO, LSDO, or TSDO; there will also be designated judge advocates available to provide emergency legal advice requiring an attorney. The LSDO, TSDO and CDO are the representatives of the CO or OIC during the period of the watch and will inform that officer (or the XO) of significant problems. The LSDO/TSDO or CDO may be assigned traditional responsibilities incident to any command watch (e.g., security, personnel, weather bills and after-hours courts-martial support). The LSDO/TSDO or CDO shall maintain a duty log.

c. COs will promulgate an enlisted watch bill to support the LSDO/TSDO or CDO.

d. On working days, the NLSOs/TSOs should normally be staffed by the watch or other personnel for a reasonable time (30 to 60 minutes) before and after normal working hours. Telephone equipment and call routing must function correctly so calls are answered promptly.

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0406 SPONSORS FOR NEWLY-DETAILED PERSONNEL

COs are responsible for maintaining an effective sponsor program to help relocate military members and their families. See OPNAVINST 1740.3[series] (Subj: Navy Sponsor Program).

CHAPTER 5
ADMINISTRATIVE DEPARTMENT

0500 MISSION

The mission of the administrative department is to provide administrative, fiscal, and supply services, including routing correspondence, preparing administrative reports, accounting, purchasing, contracting procurement, supplies, storage, filing, control of classified matter, mail, facility maintenance, property management, and physical security. Information and personnel security matters are addressed in Chapter 7, below. The administrative department will, to the maximum extent practicable, provide administrative functions and services for detachments and branch offices in the chain of command.

0501 DUTIES AND RESPONSIBILITIES

a. The administrative officer shall:

(1) Ensure letters, messages, memoranda, and other written correspondence for transmittal outside the command conform with Navy correspondence control directives, including CNLSC requirements with respect to correspondence unique to military law;

(2) Route and control official incoming correspondence to ensure appropriate personnel have cognizance of relevant data, and exercise specific control with suspense dates on matters requiring a response;

(3) Maintain a tickler file on reports required to be submitted by the command (recurring NLSC reports are listed at Appendix G);

(4) Ordinarily assigned as Command Security Manager with the responsibility to control and account for classified material in accordance with SECNAVINST 5510.30[series] (Subj: Department of the Navy Personnel Security Program), and other applicable internal and external directives, maintaining classified items as discussed in Chapter 7;

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(5) Ordinarily assigned as Command Physical Security Officer, with the responsibility to maintain the physical security of the facility, equipment, furnishings and supplies for which responsibility is not otherwise assigned. See also paragraph 0226a;

(6) Ensure Navy directives and manuals required for the efficient operation of the command are available and current;

(7) Provide the CO with direct support in financial management, fiscal policy, management control functions, administration of funds, command financial advice and assistance;

(8) Support the information resources needs of the command; and

(9) Perform other administrative duties assigned by the CO or XO.

b. Files normally maintained include copies of administrative correspondence generated by the command or received from other commands; copies of DON instructions and notices distributed to the command; and instructions and notices local commands have deemed appropriate for distribution.

CHAPTER 6
COMMUNICATIONS AND CORRESPONDENCE

0600 TELEPHONE USAGE

a. Telephone courtesy shall be practiced, monitored, and emphasized.

b. Personnel will not accept charges for collect long-distance telephone calls unless the call is clearly official and necessary; document accepted calls immediately.

c. The use of official telephones shall be limited to the conduct of official business. Such official business may include emergency calls. Personal calls (such as calls to speak to spouse/minor children or to arrange for emergency repairs to residence or automobile) may be made if such use of official telephones does not adversely interfere with the performance of duties, is of reasonable duration and frequency, and could not reasonably have been made at another time, or are provided for in an applicable collective bargaining agreement. Long-distance calls are authorized if charged to one's home telephone number or other non-Government number; made to a toll-free number; charged to the called party if a non-Government number; or charged to a personal credit card. Personnel will guard against unauthorized use of official telephones.

d. To minimize costs, NLSC activities should observe the following requirements when telephoning outside a local dialing area:

(1) The call must relate to official government business;

(2) The call will be made through the Defense Switched Network (DSN), Federal Telecommunication System, or other official long-distance telephone system, if possible; and

(3) COs shall establish appropriate management controls for usage of telephones.

e. See paragraph 0711 regarding telephone calls discussing classified information.

0601 INCOMING NAVAL MESSAGES

Incoming naval messages will be routed and controlled in the manner prescribed by the CO, XO, or OIC. An action officer who is designated to prepare a response to a message will ensure it is drafted, staffed, reviewed, and presented to the CO or OIC for release in advance of the date the response is required.

0602 AUTHORITY TO RELEASE MESSAGES

Naval messages normally should be released only by the CO or OIC. If warranted by local conditions, release authority may be delegated. However, whenever possible, the CO or XO should review all outgoing message traffic prior to release.

0603 RESPONSIBILITIES FOR MESSAGE PREPARATION

a. Naval messages are prepared in accordance with the Telecommunications Users Manual (NTP 3) and supplemental local communications center instructions.

b. Naval messages will be of "routine" precedence, unless higher precedence is warranted by operational conditions. Unless a Naval message is required, other methods of communication, such as telecommunication, are encouraged. See paragraph 0604.

c. All personnel will comply with OPNAVINST 3100.6[series] (Subj: Special Incident Reporting Procedures) and OPNAVINST 5102.1[series] (Subj: Mishap Investigation and Reporting) concerning timeliness and content of reports to the chain of command, as well as the proper voice format, message text format, and time limits for OPREP-3 reports, unit SITREPS, and mishap reports. These reporting procedures will be included in the command training plan.

0604 TELECOMMUNICATION

a. The use of computers equipped with Internet or LAN access facilitates telecommunication and is encouraged as a means to expedite and enhance communications. Although electronic-mail telecommunication is not a substitute for traditional forms of correspondence when authenticity may be

critical, it should be used to the maximum extent possible to speed communication.

b. The following forms of telecommunication are available to NLSC activities:

(1) Wide Area Network (WAN). A Headquarters-maintained frame-relay system is the backbone for the JAG WAN. The WAN supports electronic mail (E-Mail), Internet access, and connectivity to centralized databases such as BETS. Because this means of communication is most directly within the control of NLSC, its use is strongly encouraged for unclassified correspondence.

(2) The Knowledge and Information Services Office (OJAG Code 08/001KM) has established an Internet Web site to facilitate the publication of notices and other information. The multi-functional site hosts sub-sites for NLSC activities, which are encouraged to publish mission-related information useful to local constituencies. The Uniform Resource Locator (URL) of the Web site is <http://www.jag.navy.mil>. NLSC activities are encouraged to monitor the site regularly and ensure that sub-site information is kept up to date.

(3) E-Mail through the Navy Headquarters Information System (NHIS). The use of NHIS E-Mail is another telecommunications option, and is effective for transmitting official correspondence to NLSC activities and other addressees.

c. E-Mail may be used as a transmission method for official correspondence within NLSC. Correspondence containing the characters "/s/" will be considered to have been signed by the person whose name appears below those characters. COs must establish processes to ensure that only E-Mail properly released by the appropriate authority contains the "/s/" designation.

d. Use of the Internet through the JAG WAN shall be for official use and authorized purposes only, as outlined in paragraph 0231. Any materials downloaded from sources outside the WAN must be immediately scanned for computer viruses.

0605 INCOMING CORRESPONDENCE

Incoming mail is routed and controlled in a manner prescribed by the CO or OIC. Incoming correspondence requiring action or reply shall be given prompt attention, regardless of the due date. When there may be delays in answering correspondence, send an interim reply as soon as possible, indicating the anticipated date of a substantive reply. Classified material received in the mail should be handled per paragraph 0702.

0606 COMMAND CORRESPONDENCE DEFINED

a. Command correspondence consists of any letter or memorandum sent to an addressee outside the activity concerning a matter within the cognizance or official interest of the activity, with the exception of:

(1) Legal assistance correspondence (See paragraph 0611);

(2) Routine memoranda from command liaison officers, in their capacities as command legal advisors, to their client commands;

(3) Correspondence from trial or defense counsel, in their representative capacities, or to convening authorities and other persons concerning specific cases (See paragraph 0612);

(4) Advice rendered to a staff judge advocate in connection with the review of investigations and military justice matters; and

(5) Responses to surveys or questionnaires requesting information from personnel in confidence.

b. Command correspondence may consist of any one of the following formats: standard letters, which are normally used when writing officially to addressees within the Department of Defense; less formal memoranda, which are sometimes used when writing officially to individuals within Department of Defense; standard-form reports addressed to other commands or authorities; and business letters, which are normally used when writing officially to addressees outside the Department of Defense.

0607 SIGNATURE AUTHORITY AND PROCEDURE

a. Only the CO, or in the CO's absence, the XO, shall sign actions, opinions, directives, or other command correspondence which:

- (1) Establish policy;
- (2) Deviate from established policy;
- (3) Exercise the CO's or XO's discretion;
- (4) Deny a request for services;
- (5) Are non-routine and addressed to higher authority;
- (6) Commit command resources or personnel to perform functions not routinely performed by the command;
- (7) Reply to a Congressional inquiry;
- (8) Reply to a complaint;
- (9) Criticize an individual or organization; or
- (10) Involve controversial issues or matters likely to receive attention from higher authority.

b. "By direction" authority should be limited to routine documents and correspondence pertaining to specific areas of responsibility.

c. Standard letters signed "By direction" will follow the format and guidance set forth in the Department of the Navy Correspondence Manual. An example follows:

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Standard Letter	Business Correspondence
A. A. LAWYER By direction	A. A. LAWYER Lieutenant Judge Advocate General's Corps U.S. Naval Reserve Senior Trial Counsel By direction of the Commanding Officer

(See also SECNAVINST 5216.5[series] (Subj: Department of the Navy Correspondence Manual), regarding signature authority.) The "By direction" line may be omitted on a routine business letter that neither makes a commitment nor takes an official stand.

0608 QUALITY OF COMMAND CORRESPONDENCE

a. The substance of correspondence must be clear, succinct, and accurate in fact and law. The composition, form, and appearance of correspondence must reflect professionalism. The appearance of a letter or memorandum may affect the weight an addressee will give to the content. All NLSC commands and activities must strive for the highest professional standards for all command correspondence. Word processing equipment will be configured to use the best quality printer practicable within the command for any command correspondence. Laser printers should be used for this correspondence.

b. NLSC correspondence must comply with SECNAVINST 5216.5[series] (Subj: Department of the Navy Correspondence Manual). Matters of style (e.g., word division, punctuation, capitalization, and abbreviation) are governed by SECNAVINST 5216.5[series] and the U.S. Government Printing Office Style Manual. Use the Standard Navy Distribution List (OPNAV P09B2-105 and P09B2-107) for the mailing addresses of naval activities.

c. Use pre-printed form letters only with the CO's prior approval. Approval should be given only for the most routine communications.

0609 CLASSIFIED CORRESPONDENCE

Classified mail, messages, and documents shall be handled and safeguarded as prescribed in SECNAVINST 5510.30[series] (Subj: Department of the Navy Personnel Security Program). Ensure any created documents are properly marked in accordance with that instruction.

0610 "FOR OFFICIAL USE ONLY" DESIGNATION

Official correspondence should be designated as being "For Official Use Only" (FOUO) if it contains matters exempt from compulsory public disclosure under the Freedom of Information Act or must be protected from release to the general public or indiscriminate handling because of significant governmental concerns. The FOUO marking serves to advise the addressee and others the correspondence contains exempt matters requiring special handling. SECNAVINST 5720.42[series] (Subj: Availability to the Public of Department of the Navy Records) pertains.

0611 LEGAL ASSISTANCE CORRESPONDENCE

Legal assistance officers must ensure their correspondence does not imply U.S. Navy or command sponsorship, because such correspondence is a private matter arising from the attorney-client relationship. Legal assistance correspondence will be prepared on distinctive legal assistance office letterhead, in business form, regardless of the identity of the addressee. All outgoing correspondence shall include disclaimer language, either pre-printed on the legal assistance stationary, in a "footer" printed at the bottom of the page, or included in the text: "This letter is written by a legal assistance attorney on behalf of an individual client, and does not represent an official position of the Navy or the United States Government."

Such correspondence will be signed by a Legal Assistance Attorney. The term "by direction" or similar terminology will not be used. It will be filed separately from other command correspondence to safeguard confidentiality. Mailing envelopes will bear a distinctive Legal Assistance Office return address.

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0612 TRIAL/DEFENSE COUNSEL CORRESPONDENCE

To avoid possible implications of command sponsorship, command letterhead will not be used for correspondence from trial counsel, defense counsel, or counsel for respondents, to convening or reviewing authorities concerning court-martial, administrative discharge, or disciplinary cases. Correspondence is to be prepared in standard naval letter format on plain letter-sized paper, with the "from" line as follows: "From: LT _____, JAGC, USNR, Defense Counsel, Naval Legal Service Office, _____." The creation and use of department or individual letterhead is prohibited.

CHAPTER 7
CLASSIFIED INFORMATION AND PERSONNEL SECURITY

0700 PURPOSE

An effective security program requires the constant attention of all personnel. SECNAVINST 5510.30A [series] (Subj: Department of the Navy Personnel Security Program) and SECNAVINST 5510.36 [series] (Subj: Department of the Navy (DON) Information Security Program (ISP) Regulation) establish strict regulations and guidance for classifying and safeguarding classified information and for maintaining personnel security.

0701 PROGRAM MANAGEMENT

The security organization within NLSC is as follows:

a. Command security manager. The command security manager serves as advisor to the commanding officer on Information Security Program and Personnel Security Program policies and is responsible for the management, formulation, implementation, and enforcement of security policies and procedures for the protection of classified information within the command. Each NLSC commanding officer will appoint an individual in writing to serve as security manager. The security manager:

(1) Coordinates with the CO on information and personnel security matters, as appropriate;

(2) Ensures compliance with Chapter 2, SECNAVINST 5510.30[series] and SECNAVINST 5510.36[series] pertaining to the effective management of a command security program;

(3) Conducts an annual review of the command information security program's and personnel security program's effectiveness and reports to the CO; and

(4) Revises the local information and personnel security program as required by paragraph a(3) above;

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b. Top Secret Control Officers (TSCOs). NLSC COs will designate a TSCO in writing. The TSCOs will perform duties as outlined in SECNAVINST 5510.30[series] and SECNAVINST 5510.36[series] and distribute and control the following:

- (1) All COSMIC material;
- (2) Material transferred by the Armed Forces Courier Service; and
- (3) Other sensitive material handled through top secret channels.

c. Security Manager/TSCO Relationship. The same individual may hold both positions. If they are held by different persons, then the TSCO reports to the security manager, and the security manager is ultimately responsible to the CO for the command security program.

d. Classified Material Control Center. To limit the potential for unauthorized disclosure of classified information, the command should centralize the receipt, storage, and control of classified information under the security manager.

0702 ORIGINATION, RECEIPT, TRANSMISSION, AND HANDLING OF CLASSIFIED MATERIAL

Accountability for top secret material will be centrally recorded and managed "from cradle to grave" by the security manager/TSCO in accordance with SECNAVINST 5510.36[series]. Records for materials classified Secret and below should be centrally maintained by the command security manager. In order to substantially diminish the possibility of compromise, classified material should be held for the shortest time period necessary.

a. Origination. Materials originated within the command shall be properly classified and marked in accordance with SECNAVINST 5510.36[series] and other guiding directives. The original classification authority, as well as downgrading, and declassification information shall be printed on the first page of each classified document.

(1) On the "Derived From" line, cite the security classification guide or source document. See example below.

(2) On the "Declassify On" line, state the date or event (which must be 10 years or less from the origination date of the document) for declassification or state the 10-year automatic declassification exemption category(ies).

Example:

Derived From: OPNAVINST S5510.6D-11
Declassify On: 31 JAN 2003

Example:

Derived From: JAG (17) ltr Ser 6S123456 of 20 Jan 96
Declassify On: Upon completion of Project BIG FOOT

Example:

Derived From: JAG (17) Report 7-97 "Operation BIG FOOT"
Declassify On: X1, X4

Example:

Derived From: Multiple Sources
Declassify On: X1, X3, X5

(3) If a document contains both classified and unclassified information then individual paragraphs should be marked to reflect the highest classification contained within each paragraphs. The entire document must be marked according to the highest classification contained therein.

(4) Classified materials may be created only on word processors or typewriters designated and approved by the security manager. TEMPEST requirements must be met. Classified materials SHALL NOT BE prepared, modified, or reviewed, except on designated computers. If classified materials are saved, even inadvertently, the security manager shall be notified in order that appropriate action can be taken (Note: Deleting or erasing a document does not prevent its later recovery, and therefore does not generally provide adequate security for the information concerned). Further, when typing classified documents on PC's, any automatic back-up function MUST BE DISABLED while working on such documents. Classified diskettes will be marked and controlled as provided below.

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b. Re-marking downgraded or declassified documents. See SECNAVINST 5510.36[series] for re-marking instructions.

c. Hand carrying of classified materials. When classified material is being carried within the command or its immediate environs (your building) as part of normal duties, place a cover sheet over the material to prevent inadvertent disclosure. Classified material may be carried outside the command only by authorized couriers who are in possession of a courier card issued by the security manager.

d. Use of U.S. Mail

(1) Procedures governing the use of U.S. Mail for the transmission of classified materials are detailed in SECNAVINST 5510.36[series] and shall be strictly observed. Special rules apply for mailing of classified materials. See SNDL, Part 2, lists C5 through C7A, for mailing/addressing requirements when mailing classified documents to addressees (such as defense attaché offices (DAOs) or military assistance advisory groups (MAAGs)) which use the State Department pouch service.

(2) Mail room procedures. See SECNAVINST 5510.36[series] for proper guidance on all first class, priority, certified, registered, and USPS Express Mail. The use of Federal Express, United Postal Service (UPS), or other private delivery services, for transmittal of classified information is prohibited. Each command must establish their own procedures for opening and distributing mail to guard against inadvertent disclosure of classified material (refer to SECNAVINST 5510.36[series] for guidance).

e. Logging and accountability. The TSCO is responsible for proper handling of Top Secret materials. All Top Secret material will be accounted for and controlled by the TSCO. The TSCO shall:

(1) Maintain a log of all Top Secret/Secret material received. The TSCO shall sign the receipt that accompanied the material and send it back to the originator. Log entries shall be made. Records of receipts and logs are to be kept for two years.

(2) When forwarding Top Secret/Secret material outside of the command, place an acknowledgement receipt in the inner package with a return address. A tickler file should be maintained for all acknowledgement receipts.

(3) Consult SECNAVINST 5510.36[series] regarding proper handling of working papers. Care must be taken to avoid unnecessary reproduction of classified information.

0703 STORAGE OF CLASSIFIED MATERIAL

a. Responsibility. Each command will properly store all classified material in a GSA-approved security container. Personnel must ensure all classified material is secured at the end of the day. Annotate the SF 701 (activity storage checklist) to secure the general spaces. SF 702 (security container check sheet) will be maintained conspicuously on each safe; it will be annotated when safes are opened, closed, and secured at the end of day. Ensure classified ribbons and diskettes are removed from machines and secured. Classified diskettes and computers containing classified information are to be safeguarded in accordance with OPNAVINST 5239.1[series] (Department of the Navy Automatic Data Processing Security Program).

b. Safe combinations. Only those persons whose official duties require access to the safe and are cleared to the highest level of classified material in the safe should know the combination. Combinations shall be changed when: receiving containers or locks; when a person knowing the combinations leaves; when a combination may have been compromised (e.g., when the security container has been unlocked and unattended); and every year. The same combination shall not be used for more than one container. After each change, record combinations on Standard Form 700 (security container information), place in the accompanying envelope, and give to the security manager.

(1) Affix copy 1 of the SF 700 to the inside of the locking drawer of the container. Do not otherwise record combinations, although a local listing may be made when there are a large number of containers in an office.

(2) Listings of safe combinations can be made only when required and approved by the security manager and will be stored

in a container qualified for the highest category of classified information protected by any combination recorded.

c. Handling considerations

(1) Do not store valuables in containers used for storage of classified material.

(2) Keep classified documents under constant surveillance and placed face down or covered when removed from storage for work purposes and when not in immediate use.

(3) Attach brightly colored and marked classified material cover sheets (SF Forms 703, 704, and 705 for Top Secret, Secret, and Confidential material, respectively) to all classified documents.

(4) Classified materials will be properly stamped and marked immediately upon their creation. Diskettes and printer or typewriter ribbons on which classified materials have been produced must likewise be marked with the highest classification of the materials so produced.

(5) Do not leave office spaces unattended when classified material is not secured.

d. Classified diskettes. Classified diskettes shall be accounted for in a separate log and shall be stored usually in a single centralized location. (Top Secret/Secret diskettes shall be handled and accounted for under procedures specific to Top Secret/Secret materials.)

0704 SECURITY INSPECTIONS

The security manager shall conduct an annual security inspection to assess compliance. Results of the inspection will be reported to the CO. A copy will be forwarded to OJAG (Code 17).

0705 DESTRUCTION OF CLASSIFIED MATERIAL

a. Classified material awaiting destruction must be destroyed at least weekly. The CSM must approve destruction of the materials concerned. Proper destruction reports must be executed and retained for at least two years, five years for Top

Secret material. Additionally, two persons, with current security access to the level of the material being destroyed, must witness the destruction of material classified Top Secret and above. See SECNAVINST 5510.36[series].

b. Paper products. Classified paper shall be destroyed in an approved cross-cut shredder or by proper burning. Consult with base/host commands regarding use of burn or shred facilities.

c. Non-paper products. Arrangements should be made with base/host command for destruction.

0706 REPRODUCTION OF CLASSIFIED MATERIAL

Classified material will not be reproduced without prior approval from the security manager. Refer to SECNAVINST 5510.36[series] for specific guidance.

0707 SECURITY EDUCATION

NLSC commands must conduct an effective security education program to ensure personnel are familiar with security requirements. Such an education program must include:

a. Indoctrination Briefing. All newly reporting personnel must attend. Briefing should be short, advising personnel that their security clearance/access to classified information is suspended until reactivated. See Appendix I to this Manual for a basic indoctrination briefing.

b. Orientation Briefing. Personnel requiring security access must acknowledge a written orientation briefing. Standard Form 312, Classified Information Nondisclosure Agreement, will also be executed at that time. See SECNAVINST 5510.30[series], regarding nondisclosure agreements. Appendix I to this Manual contains a basic orientation briefing.

c. Annual refresher. The security manager will provide an annual security refresher briefing for all personnel with security clearances.

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d. Counterespionage briefings. Personnel with at least a Secret clearance must receive a NCIS counterespionage briefing once every two years.

e. Debriefing. The security manager shall ensure all cleared personnel being discharged, separated, or transferred are debriefed per SECNAVINST 5510.30[series].

f. National Security Cases. The Commanding Officers of TSO East and TSO West are responsible for providing government and trial counsel for the processing of any case in which charges containing classified information could result in the preferral of a national security case. The Commanding Officers of NLSO Mid-Atlantic and NLSO West are responsible for providing defense counsel to represent those accused of such charges. The commanding officers will ensure that there is at least one counsel at each of these commands who is designated in writing as the primary national security case counsel. Those officers must have the requisite combination of training and experience to effectively discharge the duties of representing the United States, and the accused, in national security cases. Training and other information related to the processing of national security cases should be obtained through frequent liaison with OJAG Code 17. Code 17 should be notified immediately by TSO East or West when charges containing classified information are being considered by a convening authority.

0708 SECURITY CLASSIFICATION, DOWNGRADING, DECLASSIFICATION AND MARKINGS

SECNAVINST 5510.36[series] provides detailed guidance for classification, downgrading, declassifying, and marking material, especially limitations on classifying information and improper reasons for classifying.

0709 PERSONNEL SECURITY CLEARANCE AND ACCESS

All personnel are required to check-in with the security manager. Personnel reporting aboard do not have a clearance. A security clearance must be requested from the Department of the Navy Central Adjudication Facility (DON CAF) prior to giving access to classified material. The security manager will notify personnel upon receiving approval from DON CAF. Clearances will

be granted on a "need to know" basis. The level of access is determined by billet requirements.

a. Number of clearances. The number of persons assigned duties involving access to classified material will be kept to a minimum. The security manager periodically reviews the allocation of clearances and makes recommendations to the CO for warranted changes.

b. Eligibility for access. No person will have access to classified information solely because of office, position or security clearance. Access is granted only when official duties require knowledge or possession. The "need to know" principle will be strictly followed.

c. Investigative requirements for clearance. SECNAVINST 5510.30[series] specifies minimum investigative requirements for granting a security clearance. The requesting command prepares required forms and forwards them for review and adjudication to the appropriate investigative agency.

d. Issuance of security clearance. Military and civilian personnel clearances are adjudicated and granted by DON CAF. The security manager may grant up to two-weeks temporary access to qualified personnel in exigent circumstances. See SECNAVINST 5510.30[series], regarding temporary accesses. The certificate of personnel security investigation, clearance and access (OPNAV Form 5520/20) is a permanent part of a military member's service record on which all clearance and access actions should be recorded.

e. Continuous evaluation of eligibility. Each security manager will initiate a program for continuous evaluation of the eligibility of personnel for continued access to classified information. When information, adverse or otherwise (for example, security violations, suspicion of criminal conduct, drug use, etc.), reflects an individual's unsuitability for access, the information should immediately be forwarded to the security manager. The security manager will assess the circumstances, immediately suspend security access as necessary, notify the CO, and if appropriate, immediately report to DON CAF for evaluation or further investigation. Restore security access when directed by the CO, or upon DON CAF's approval. See SECNAVINST 5510.30[series] for additional guidance.

f. Access to classified information by visitors, including TAD, TDY, and Reserve personnel. The following requirements apply to visitor access:

(1) Clearance of the visitor. The security manager shall ensure the visitor is cleared for the classified material to be discussed. Normally, visitors' clearances are confirmed by a visit request (OPNAV Form 5521/27) or message originated by the visitor's CO or security manager. Other than executive branch visitors with whom regular working relationships have been established (and for whom, therefore, clearances are confidently known), prospective visitors should submit requests directly to the security manager. The security manager will verify the visitor's need-to-know.

(2) Identification. Personnel intending to divulge classified information must make a positive identification of the visitor. Check identification card or driver's license containing the visitor's recognizable photograph, name, and social security number.

g. National Security Cases. The Commanding Officers of NLSOs Mid-Atlantic and Southwest, and TSOs East and West shall coordinate with the OJAG Security Specialist (OJAG Code 17.11) to establish one TS/SCI billet at each of these commands. These commanding officers will also ensure there is at least one counsel at each of these commands, designated in writing to fill these billets. Those officers shall hold a TS/SCI clearance and otherwise be authorized to be "read in" to SCI material. Furthermore, in consultation with Vice Commander, NLSC (OJAG Code 06), OJAG Code 17, and the OJAG Security Specialist (OJAG Code 17.11), these commanding officers shall ensure a sufficient number of counsel have completed the requisite clearance process to be expeditiously granted access to TS/SCI material, should the need arise. In addition to maintaining clearances for this pool of officers, the Commanding Officers will coordinate with OJAG Code 17 and the NJS to ensure that these officers receive training in litigating National Security and other complex cases.

0710 PUBLIC MEDIA

Do not disclose classified information in any publication or presentation open to the general public. Coordinate proposed public releases of unclassified information with the security manager and public affairs officer. SECNAVINST 5720.44[series] (Subj: Department of the Navy Public Affairs Policy and Regulations) establishes requirements and procedures for the prepublication review of certain professional and personal writings. In large part, this will affect persons who write on matters regarding which they have had classified access or which have classified aspects. This reference must be consulted before any public release, including the submission of such writings to prospective publishers for any purpose, however limited. Consultation with OJAG (Codes 13) is encouraged. For matters related to classified information or potential national security cases, consult OJAG Code 17.

0711 TELEPHONE CONVERSATIONS

Do not discuss classified material over non-secure telephones. Do not use practices intended to hide information such as private code words or "talking around" classified information. Use of government telephones constitutes consent to communications security monitoring. STU-III secure voice telephones must be used if classified information will be discussed.

0712 SECURITY VIOLATIONS

SECNAVINST 5510.36[series] provides detailed policy and guidance for the preliminary inquiry and investigation of security violations and the compromise of classified information. Promptly inform the security manager of any security violations. SECNAVINST 5510.30[series] outlines matters required to be referred to NCIS.

a. Preliminary inquiries. The security manager conducts preliminary inquiries into security violations. Alternatively, COs may appoint a Preliminary Inquiry Officer (PIO) to prepare a preliminary inquiry report. The security manager will report to NCIS all cases of loss or possible compromise. If the CO concludes, based on the preliminary inquiry report, a compromise or possible compromise occurred, an endorsement to the report

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will be prepared and forwarded to CNLSC via the NLSC security specialist (OJAG Code 17.11) for action. Preliminary inquiries are informal and should be completed and forwarded within 72 hours. Further investigation can follow such report.

b. JAG Manual investigations. The security manager, after reviewing the preliminary inquiry report, will advise the CO whether a JAG Manual investigation is needed. Security violation JAG Manual investigations within NLSC will be forwarded to Chief of Naval Operations (N09N2) via Commander, NLSC (Attn: Code 17.11).

c. Disciplinary action. The circumstances of any violation of a security regulation and the degree of culpability should be considered in determining whether administrative or disciplinary action is appropriate. The violation may be reflected in officer fitness reports, enlisted evaluations, or civilian performance appraisals. In the case of civilian employees, process the incident under the standard schedule of disciplinary offenses. For civilian employees, refer to Chapter 751 of the Federal Personnel Manual. Prosecution under Title 18, United States Code, as amended, or other federal statutes, may be appropriate. If considering such a prosecution, consult OJAG Code 17.

CHAPTER 8
NAVAL RESERVE LAW PROGRAM

0800 BACKGROUND

This chapter provides orientation on the Naval Reserve structure to emphasize CNLSC's commitment to the Naval Reserve Law Program (NRLP) and to promote the full integration of Reserves into NLSC. Many Reserves have expertise invaluable to the active forces. It is important for COs to foster close liaison with their Reserve counterparts and maintain local programs that benefit both the active and Reserve components.

0801 ASSISTANT DEPUTY JUDGE ADVOCATE GENERAL

The Assistant Deputy Judge Advocate General (ADJAG) is a flag grade Reserve judge advocate assigned to Commander, Naval Reserve Force (COMNAVRESFOR), with additional duty to the JAG. As JAG's primary advisor concerning Reserve affairs, the ADJAG closely monitors and leads the Reserve Law Program, recommending specific objectives, plans, policies, and initiatives for the program's maximum effectiveness and future development. The ADJAG also is assigned additional duty to NLSC as Deputy Commander, exercises JAG's UCMJ, Article 6 billet assignment authority for Reserve billet assignments, frequently serves as President of Reserve judge advocate selection boards, oversees the NR JAG Corps Awards Program, and in the event of war or other national emergency, mobilizes as Director of Operations, with additional duty as Vice Commander, Naval Legal Service Command.

0802 COMMANDER, NAVAL RESERVE FORCE

The Naval Reserve is under the command of COMNAVRESFOR, who reports to the CNO. The Naval Reserve Force consists of the Ready Reserve, the Standby Reserve, and the Retired Reserve. The Ready Reserve is made up of the Selected Reserve Personnel (SELRES) and Individual Ready Reserve (IRR) personnel. The SELRES is the Navy's primary source of immediate mobilization manpower and represents those Reservists who are paid to perform weekend drills. The Naval Reserve Force is divided into two major commands, Commander, Naval Air Reserve Force

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(COMNAVAIRRESFOR) and Commander, Naval Surface Reserve Force (COMNAVSURFRESFOR).

0803 COMMANDER, NAVAL SURFACE RESERVE FORCE

The Naval Reserve Law Program (NRLP) is one of many specialized programs within COMNAVSURFRESFOR. The NRLP chain of command is detailed in Appendix J. COMNAVSURFRESFOR writes and funds orders for active duty for Annual Training (AT) and Additional Duty Training (ADT).

0804 NAVAL RESERVE LAW PROGRAM 36 (NRLP 36)

a. NRLP 36, under the cognizance of Commander, Naval Surface Reserve Force (COMNAVSURFRESFOR), oversees and is responsible for the Reserve programs that support OJAG and NLSC. Reserve judge advocates and legalmen assigned to NRLP 36 billets are members of the Selected Reserve (SELRES). All Naval Reserve Legal Service Offices (NR LSOs), Trial Service Offices (NR TSOs), Naval Justice School (NR NJS), Civil Law Support Activities (NR CIVLAWSUPACTs) and Navy JAG (NR NAVJAG) units, as well as the Readiness Command Staff Judge Advocates, are included within NRLP 36.

b. Reserve judge advocates not assigned to SELRES billets may be assigned to non-pay billets in one of the Law Voluntary Training Units [VTU(Law)], where one is available, or in a General VTU, where no VTU(Law) is available.

c. There are a number of SELRES judge advocates and legalmen assigned to billets outside of NRLP 36. These SELRES billets are not within the JAG/CNLSC manpower structure.

d. An active duty judge advocate, often a recalled SELRES, serves on the staff of COMNAVSURFRESFOR as the Force Judge Advocate and Reserve Law Program Manager (RLPM).

0805 NAVAL RESERVE LAW PROGRAM MANAGER (RLPM)

The RLPM serves on the staff of COMNAVSURFRESFOR (Code N00J/N55), and is directly responsible for the management of the NRLP. The RLPM works closely with the Deputy Assistant Judge Advocate General, Reserve and Retired Personnel Programs (Code 62), to ensure the prompt and effective provision of Reserve

judge advocates and Legalmen assets to train with and support active duty forces. The RLPM assigns/coordinates quotas for Reserve judge advocates and Legalmen and is a permanent member of the NR judge advocate billet assignment screening board and the NR JAGC awards board.

**0806 DEPUTY ASSISTANT JUDGE ADVOCATE GENERAL, RESERVE
AND RETIRED PERSONNEL PROGRAMS (CODE 62)**

Code 62 performs additional duty as the NRLP technical manager's representative and serves as the OJAG/NLSC primary active duty advisor concerning the mobilization readiness, contributory support training/productivity, and professional training of Reserve judge advocates and legalmen. Code 62 is also a permanent member of the NR Judge Advocate Billet Assignment Screening Board and the NR JAGC Awards Board and provides administrative assistance to the Assistant Deputy Judge Advocate General.

0807 NAVAL RESERVE READINESS COMMANDS (REDCOMs)

a. The U.S. is currently divided into nine Readiness Commands (REDCOMs), each commanded by a SELRES flag or senior TAR officer. Each Readiness Commander reports to COMNAVSURFRESFOR. Naval Reserve LSO (NR LSO), TSO (NR TSO), and NJS (NR NJS) units, commanded by Reserve judge advocates, are located within and report (via assigned Reserve centers) to the REDCOMs. These units are co-located with the gaining or training NLSC command in many areas and are assigned support functions. As Flexible Drilling Units (FDUs), COs of SELRES units are assigned ADDU to their respective NLSC gaining command for operational and training purposes and report to their respective REDCOM via the cognizant Reserve Center for administrative purposes. VTU(Law) COs report to their respective REDCOM via the cognizant Reserve Center.

b. Orders for individual members to Reserve units and for Inactive Duty Training Travel (IDTT) are currently written and funded by the appropriate Reserve Center.

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0808 REDCOM STAFF JUDGE ADVOCATES

The REDCOM SJA is a SELRES who also acts as the local NRLP manager and can be a valuable local problem solver.

0809 NAVAL RESERVE LEGAL SERVICE AND TRIAL SERVICE OFFICES

The NR LSO and TSO FDUs contain the largest concentration of SELRES judge advocates. These units are designated to augment NLSOs/TSOs upon mobilization. Each NR LSO/TSO FDU is assigned to train at and consequently provide contributory support to its gaining command (usually a designated NLSO/TSO) when co-located, or to another NLSO/TSO or activity (training command) when geographically more practical. Most Reserve judge advocates have served on active duty as judge advocates. While the Navy Reserve continues to train its personnel for mobilization, the emphasis of the Naval Reserve has shifted to providing maximum peacetime support, thus allowing the active duty to concentrate scarce resources on critical missions. Therefore, productively using Reserve assets and providing training should be the principal focus of the NLSO-TSO contributory support/training program.

0810 NR LSO/TSO/NJS ORGANIZATION

The organization of the NR LSO FDUs and NR TSO FDUs generally mirror the organization of the gaining command. The CO of the gaining NLSC activity shall assign an active duty counterpart to maintain liaison with and to coordinate the activities of the supporting Reserve unit.

0811 THE RESERVE TRAINING SYSTEM

a. The mission of the Naval Reserve Force is to provide mission capable units and individuals to the Navy/Marine Corps team. NRLP units should be assigned missions by their gaining or training command which are designed to prepare them for mobilization. Such training is beneficial to both the active forces and Reserves by providing "real world" experience. NRLP units are authorized to flex drill to permit flexibility of Reserve response to the needs of the active duty gaining command and to help prepare them for mobilization. See JAG/COMNAVLEGSVCCOMINST 1000.1[series] (Subj: Promulgation of Flexible Drilling Policies and Procedures for the Judge Advocate

General and Commander Naval Legal Service Command Claimancy-Wide Naval Reserve Program), which adopts "flexible drilling" as the most effective method for fully integrating the Reserve force into all active duty operations.

b. Training in the NR LSO/TSO/NJS is designed to be standardized for each billet. Uniformity of training and the training requirements for each NR LSO/TSO/NJS billet are governed by the Reserve Individual Training Plan (ITP). The ITP is essentially a training guide that documents the steps each Reserve judge advocate and Legalman must take in order to become fully qualified for the billet held. The utilization of Reserve personnel should be consistent with the training established by the ITP for the individual involved. A copy of the ITP for each NR LSO/TSO/NJS billet assigned in support of the NLSC commands should be on file with the command Reserve coordinator.

c. Reserve training for mobilization, crisis response, and contributory support on a unit or individual basis can be obtained through any of the following methods:

(1) Annual Training (AT). Unless waived, every member of the SELRES must perform 12 days of AT annually. It is JAG and COMNAVSURFRESFOR policy that AT be performed at the gaining or training command unless superseded by another required training (e.g., Reserve judge advocates are required to attend the Reserve refresher course at the NJS every six years). This policy may be waived by the gaining or training command on a case-by-case basis if equivalent training is to be performed elsewhere. VTU personnel, while not required to perform AT, may be available for AT on a non-pay basis. Travel and per diem may be paid by the command at which the VTU member performs AT out of that command's OPTAR. Commands desiring to bring VTU members to the command for active duty should contact Code 62 to determine possible funding for a status other than AT. See paragraph (4).

(2) Inactive Duty Training (IDT). Reserve personnel are required to perform 48 inactive duty training (IDT) drills each fiscal year. A drill is 4 hours of duty. The scheduling of the drills of Reservists at the gaining command will be based on the requirements of the gaining command and the availability of the individual Reservist.

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(3) Inactive Duty Training - Travel (IDTT). NR LSO/TSO/NJS personnel not located geographically near their assigned gaining command are funded for travel to the NLSO/TSO/NJS and per diem within fiscal year COMNAVSURFRESFOR budget constraints. NR LSO/TSO/NJS personnel are encouraged to utilize IDTT funding to expand training (including participation in Military Continuing Legal Education/Law Update Workshops), as well as crisis response training and peacetime contributory support by providing legal services to remote active duty commands when requested or approved by the gaining NLSO/TSO/NJS.

(4) Other training. Other Reserve support can be provided through Active Duty Training (ADT) for short-term projects and Active Duty for Special Work (ADSW) for needs of a longer duration.

(5) Informal assistance. NLSO/TSO/NJS attorneys can often obtain valuable support informally from local Reserve judge advocates through their NR LSO/TSO/NJS/VTU(Law) COs. These officers, depending on the exigencies of their private employment, may be able to provide telephonic assistance, research, and support, both at their offices and at their gaining command, as well as immediate local referral services. Such services may be provided and accepted so long as it is expressly understood by all parties concerned that, outside of authorized flex drill credit, such services are without pay or other entitlements and cannot in the future be compensated for in any way by the U.S. Government.

(6) O&M,N funding for Reserve Support. NLSC commands may fund Reserve support [either SELRES or VTU(Law)] for periods of less than 20 weeks with O&M,N funds. Costs are limited to travel, per diem, and other related expenses.

d. The Professional Development Program (PDP) applies with equal force to Reservists, under JAGINST 1500.1[series] (Subj: Professional Development Program) and JAGINST 1500.4[series] (Subj: JAG Corps Training Program). NLSO/TSO/NJS COs are tasked with establishing and implementing regional PDPs, which expressly include Reservists, who will be invited to participate in local training evolutions.

0812 CONTRIBUTORY SUPPORT OPPORTUNITIES

a. Goals. Reserve assets are expected to be used for contributory support. Every effort must be made, however, to ensure Reservists are trained in all areas of military practice. While it is desirable that individual assignments should not be limited to one area for extended periods, such assignments will be made based upon the requirements of the NLSO/TSO/NJS so as to achieve maximum peacetime contributory support. Training opportunities should, whenever practicable, include the most difficult and complex areas of military practice as well as leadership roles such as department head and executive officer.

b. Military Justice. Every Reserve judge advocate must be certified as a trial and defense counsel under Article 27(b), UCMJ. A primary training mission of NRLP and NLSC activities must be to increase proficiency as trial and defense counsel. Priority shall be given to ensure Reserves obtain military justice training and experience during IDT and AT. Ordinarily, using Reserve judge advocates as trial or assistant trial counsel is more desirable (and flexible) than assignment as defense counsel. This is due to the difficulties of terminating the defense counsel/client relationship following a short period of training.

c. Command Services. Reserve judge advocates can often provide knowledgeable insight as well as a different perspective in aid of the Command Services/Administrative Law program. They can assist in court-martial review, prepare charges and specifications, conduct JAGMAN and other investigations, and provide basic command advice. Particular emphasis should be placed on those judge advocates who served on active duty in SJA billets. Reserve judge advocates can also serve as Article 32 investigating officers and summary court-martial officers. Gaining or training commands should monitor Reserve assignments and training to ensure future successful tasking in a command services or SJA role upon mobilization.

d. Administrative Support. NR LSO/TSO/NJS units have administration requirements that are unique to the Reserve establishment. Many times these units do not have legalmen support personnel. When Reserve legalmen are part of a unit they are of considerable assistance in providing administrative support to their unit's gaining or training command while

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receiving realistic courtroom and paralegal training in return. Emphasis shall be placed on the need for a wide variety of legalmen training rather than specialization, including appropriate classroom or correspondence instruction.

e. Claims. Reserve judge advocates and legalmen should be provided training in all types of claims and litigation matters processed by the NLSO. Reserve judge advocates are often particularly skilled in local tort law and may be ideally suited to assist in the more complex cases. They are also adept at assisting in preparing JAGMAN investigations involving potential claims and should be given the opportunity to review both MCRA and FTCA cases.

f. Legal assistance. Every Reserve judge advocate assigned to legal assistance must be fully qualified and competent to practice. They may be ideally suited for this role by virtue of their local bar memberships and in-depth knowledge of local law. They may be called upon to provide legal assistance and to train other legal assistance attorneys. Liaison should be maintained between active duty legal assistance attorneys and their Reserve counterparts. Effective use of Reserve judge advocates in the Expanded Legal Assistance Program (ELAP) ensures their availability for training in and assignment to all NLSC activities. See paragraph 1213. Finally, Reserve judge advocates can assist isolated commands in the absence of local NLSC resources.

0813 PERSONNEL ASSIGNMENTS

BUPERSINST 1001.39[series] (Subj: Administrative Procedures for Naval Reservists on Inactive Duty) and COMNAVRESFORINST 1001.5[series] (Subj: Administrative Procedures for the Selected Reserve (SELRES) and Participating Members of the Individual Ready Reserve (IRR)) require periodic rotation between units. For most 0-6 and 0-5 officers, the rotation is two years. For 0-3 and 0-4 personnel, the rotation is based upon needs and requirements for career enhancement. Regular rotation of judge advocates and legalmen ensures Reservists are fully trained for recall, increases morale, and enhances both career planning and efficiency.

**0814 PROFESSIONAL CONDUCT AND ETHICS OF RESERVE JUDGE ADVOCATES
AND OTHER RESERVE PERSONNEL**

a. Reserve judge advocates are subject to the Rules of Professional Conduct as promulgated by JAGINST 5803.1[series] (Subj: Professional Conduct of Attorneys Practicing Under the Supervision of the Judge Advocate General) while on active duty, extended active duty, active duty for training, inactive duty for training, or when performing duties subject to the supervision of the JAG.

b. The potential for a conflict of interest always exists for Reserve judge advocates engaged in private practice. Both the individual Reservist and cognizant gaining or training commands shall take all necessary precautions to avoid even an appearance of impropriety. All Reservists on AT, ADT, IDT, or IDTT are subject to the DOD Joint Ethics Regulations (DOD 5500.7-R), the Office of Government Ethics (OGE) Standards of Conduct of Ethical Conduct for Employees of the Executive Branch (5 C.F.R. Part 2635), and the Professional Conduct of Attorneys Practicing Under the Supervision of the Judge Advocate General (JAGINST 5803.1[series]).

c. In this regard, COs must ensure Reservists detailed to perform duties in their organizations are assigned duties that will minimize the possibility of obtaining information used to gain an unfair advantage over the Government, their competitors, otherwise further a private financial interest, or place the Reservist in an actual or apparent conflict of interest. For example, assigning a Reservist whose civilian firm engages in tort litigation against the United States to the claims division may expose the Reservist to tactics and strategies of the government, and privileged information.

d. When performing duties subject to the supervision of JAG, Reserve judge advocates shall not accept any salary, fee, compensation, or other payments or benefits, directly or indirectly, other than government compensation, for services provided in the course of the Reserve judge advocate's government duties or employment. Unless authorized by JAG, a Reserve judge advocate, whether or not serving on extended active duty, who has initially represented or interviewed a client or prospective client concerning a matter as part of official duties shall not accept any salary or other payments as

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compensation for services rendered to that client in a private capacity concerning the same general matter for which the client was seen in an official capacity.

e. Additionally, Reserve judge advocates on active duty for more than 30 consecutive days must obtain approval from JAG before engaging in the outside practice of law. See paragraph 0221.

0815 FITNESS REPORTS AND ENLISTED EVALUATIONS

NLSC COs are responsible for the timely submission of fitness reports and enlisted evaluations on persons assigned to their commands. COs concurrently report on the fitness of assigned NR LSO/TSO/NJS COs. Reserves (officer and enlisted) on annual training for more than 10 and less than 90 days will be given an ungraded (NOB) fitness report with full comments on the nature and quality of the member's performance. Performance Information Memoranda (PIMs) are not required or desired.

0816 AWARDS

Naval Reserve judge advocates are eligible for Navy Awards through the NLSC and COMNAVSURFRESFOR chains of command, as well as the Assistant Deputy Judge Advocate General's Awards Program. NLSC COs are encouraged to fully use awards programs to reward superior performance and to motivate staff to excel.

CHAPTER 9
FISCAL MATTERS

0900 GENERAL

a. This chapter provides guidance on budget preparation and execution for NLSC activities. Operating budgets are designed to provide a fiscal plan that is used to measure cost against performance, analyze program variances, and provide a means to make adjustments necessary to manage effectively. Operating budgets are prepared differently for each of the four Department of the Navy "budget activities." All NLSC activities are in Budget Activity 4, "Administration and Other Service-Wide Activities" with the exception of Naval Justice School, which is in Budget Activity 3, "Training and Recruiting."

b. COs and others involved in budget planning and decisions should be familiar with the Financial Management Guidebook for commanding officers, NAVSO P-3582 (October 1995). This publication is an excellent introduction to financial management responsibilities, concepts, and procedures.

0901 REFERENCES

The guidance in this chapter is based on the following references: Office of Management and Budget Circular No. A-11 (Revised)(Preparation and Submission of Budget Estimates); Department of Defense Budget Guidance Manual (DOD 7110-1-M); NAVCOMPTINST 7102.2[series] (Subj: Instructions for the Preparation of Appropriation Budget Submissions); FLDSUPPACTINST 7110.4[series] (Subj: Instructions for the Preparation and Submission of Annual O&M,N Budget Material); NAVSO P-3006, Financial Management of Resources (Department and Field Activities); NAVSO P-3006-1, Financial Management of Resources (Shore Activities); and the annual CNLSC Financial Consolidation Guide.

0902 TERMINOLOGY

a. Activity group. The primary classification of financial data used in the programming, budgeting, management and accounting for obligations and expenses. A sub-activity group (SAG) represents a finer functional break down within an

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activity group (AG). AG and SAG codes represent the principal functional areas desired by Navy major claimants for the administration of operation and management, Navy (O&M,N) funds.

b. Budget. The financial expression of approved plans and programs.

c. Budget formulation. The process of developing fund estimates to support plans and programs. It begins with a date approximately 1½ years before the beginning of the budget year and ends with the Congressional enactment of the authorization and appropriation bills.

d. Budget execution. The development and maintenance of operating budgets at all organizations down to and including field activities. It includes the preparation and processing of apportionment requests; execution of programs and operating budgets; the allocation and allotment of funds authorizations; the obligation and expenditure of appropriated funds; and the related fiscal and progress reporting.

e. Commitment. A commitment is a reservation of funds, based upon procurement directives, orders, requisitions, authorizations to issue travel orders, or requests which authorize the recipient to create obligations without further recourse to the official responsible for certifying the availability of funds.

f. Obligation. An obligation is incurred when an order is placed, a contract is awarded, a service is received, orders are issued directing travel, or similar transactions are entered into. Unobligated balances of quarterly allotments may be carried forward to succeeding quarters of the fiscal year. When an appropriation expires, authorizations will remain available for disbursement to cover the liquidation of outstanding obligations, but the unobligated balance will revert to the grantor.

g. Unfilled Order. Any document, meeting the criteria of an obligation, issued for an item or service that has not as yet been received.

h. Expense. Any document representing material or services received.

i. Expense Element. The classification of financial data used to represent the major purposes for which O&M,N funds are obligated and expended (e.g., travel or civilian personnel).

j. Resource Authorization (NAVCOMPT Form 2168-1). The financial authority issued in obligation terms to an organizational element to execute an approved operating budget. Quarterly limitations are imposed as well as other administrative and statutory limitations.

k. Resource Management System (RMS). A system implemented by Financial Management of Resources (Departmental and Field Activities), NAVSO P-3006, in which the financing of an activity is related to the total cost of operation of that activity in terms of total resources consumed or applied.

0903 CENTRALIZED FINANCIAL MANAGEMENT

a. General. Centralizing certain financial management functions more efficiently uses resources by reducing administrative overhead. The goal of centralized financial management (CFM) is to reduce local financial management to only those core functions most efficiently done locally. Tasks to be done centrally by NLSC Fiscal and Resource Services Support Division (Code 64) include payroll accounting, current and most prior fiscal year accounting, and Authorized Accounting Activity (AAA) functions. Tasks that are not centrally managed will remain the responsibility of the NLSC command. Code 64 will provide financial consolidation policy and training, provide specific financial guidance annually, and manage civilian personnel costs.

b. Management of Funds. CFM does not reduce COs' responsibility or limit their discretion. COs will continue to be authorized funds to manage for the use and benefit of their commands. The purpose of CFM is to reduce the administrative overhead associated with managing those funds, not to limit local management's discretion or responsibility.

c. Budget/Administrative Officer. While the Budget/Administrative Officer position no longer requires specialized financial management and accounting knowledge, the CO should ensure the Budget/Administrative Officer remains in the position

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for as long as possible (e.g., for the length of their tour for military personnel). Training new individuals requires significant Code 64 resources, and experience has shown the individual will be more effective the longer he or she does the job.

d. Claims Responsibilities. Code 64 will continue to provide funds directly to those commands and detachments presently adjudicating claims, unless requested to do otherwise by the cognizant NLSO CO. Those activities may request additional funds directly from Code 64.

e. Budget Execution and Tracking System. NLSOs/TSOs will use the Budget Execution and Tracking System (BETS) software to manage their operating budgets. All command/detachments/branch offices adjudicating claims will use BETS for their Claims Budget execution. NLSOs/TSOs will use the BETS monthly reports to manage their operating budgets.

f. Prior Year Accounting. Code 64 is responsible for all prior year accounting.

0904 BUDGETING

a. The development of a local operating budget is a process of determining funding requirements for that activity and summarizing those requirements for the entire command. The expense element is the basic building block for development of an operating budget. Because the expense elements also relate to functional categories, a summarization by expense elements and aggregations thereof at the command level permits portrayal of its overall operating budget in terms of functional categories. Budget classification codes are used to align subsequent accounting with budgeting and to identify segments of operating budgets in the departmental budget for the O&M,N appropriation and distribution.

b. NLSC activity budgets are reviewed, consolidated, and presented by CNLSC to the major claimant, Chief of Naval Operations (N09BF), and ultimately become part of the appropriation law. The Appropriation Act as it becomes law determines the amount of funds the Navy will be given to operate its programs, including NLSC.

c. The budgeting phase of the DON's Planning Programming and Budgeting System (PPBS) is on a 2-year budget cycle.

0905 BUDGET REPORTING REQUIREMENTS, PLANNING FIGURES, AND SUBMISSION DATES

a. NLSC requires activities to submit an annual consolidated mid-year review budget, and Program Objectives Memorandum (POM) submission in early April. NLSC commands will report budget control totals, the program basis for those estimates, and key assumptions and will provide any necessary supporting material.

b. For purposes of this consolidated submission, NLSC commands should report any unfunded or under-funded midyear and budget requirements including any need to hire additional civilian employees. If midyear and budget requirements are over-funded, that should also be reported.

c. Although a specific format for submitting POM issues is not required, the following information should be provided:

(1) Issue. Statement describing the issue.

(2) Background. Brief description of the facts surrounding the issue.

(3) Options. Describe possible solutions and discuss the effect of accepting that solution. Commands should justify their preferred solution.

(4) Resources. Identify the resources required for each option (e.g., additional manpower requirements by quality and quantity). Do not indicate funds required for the billets. Please be succinct, yet sufficiently detailed so that Code 64 can understand and defend your requirements to our resource sponsors.

d. Additionally, the following activities must complete the budget exhibit for activities in foreign countries (contained in Appendix K): NLSO and TSO Europe and Southwest Asia (separate exhibits for activities in Italy, Spain, United Kingdom and Bahrain), and NLSO and TSO Pacific.

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e. Code 64 will provide the due date for input and further clarifying instructions by direct correspondence with NLSC commands.

0906 BUDGET EXECUTION

a. NLSC must have fiscal controls to prevent over-obligations within the command and to provide a tracking capability that permits re-evaluation of budget estimates during the fiscal year. The responsibility for these requirements rests not only with NLSC, but also with each CO. Our accounting software, BETS, was designed to satisfy these requirements at both the headquarters and the activity levels.

b. Each CO should make effective use of the operating budget to plan, control, and evaluate program performance. Operating budgets become increasingly important to managers as they are faced with increased workloads, reduced resources, and constantly increasing costs. The NLSC activity budget manager must review budget execution in synchronization with the accounting system. Job order reconciliation with the accounting activity is one of the principal ingredients of effective fiscal control.

c. COs may re-program funds within activity groups (AGs) so long as the assigned target for the AG in question is not exceeded. COs cannot, however, re-program funds between AGs without OJAG Code 64's prior approval (for example, reprogramming from Maintenance of Real Property (MRP) to Mission is not permitted without prior approval).

d. Office accounting procedures and office budgeting procedures must be consistent. If an item is budgeted under one expense element in the financial plan, it must be entered into the accounting system using the same expense element. Restrictions on the budget execution plan shall be followed. For example, if there is no target for MRP, obligations should not be incurred for MRP.

e. Every effort should be made to ensure official accounting reports accurately report obligations. This is critical at the time of mid-year submission and at the end of the fiscal year. The lowest possible unobligated balance should be realized to allow maximum use of funds.

0907 ACCOUNTING

a. The DON accounting system was designed to provide management at all levels with a means to report and assess information relative to financial operations. Applicable principles and procedures are designed to accomplish the following accounting and budget-control objectives:

(1) To minimize the number of authorizations required to finance assigned missions;

(2) To allow accounting for reimbursement for work or services at the activity level;

(3) To provide a double-entry bookkeeping system for fund accountability;

(4) To ensure adequate control over commitments and related obligations and expenditures; and

(5) To provide a method of reporting financial information to fund grantors and other levels of management.

b. As a general rule, all shore activities must have accounting services for control of funds; maintenance of fund ledgers; control and reconciliation of accounts receivable; preparation of civilian payrolls; usage of material, utilities, and other services; cost distribution of all charges and credits; a plant property account; and the value of materials for which inventory accountability is required. In the interests of using the best-qualified personnel and of economy, DON has followed the policy of concentrating official accounting operations for smaller activities in a central activity. When another activity assumes accounting responsibility for another, it is called the Financial Information Processing Center (FIPC) or Authorization Accounting Activity (AAA), and the activity for which the accounting is being performed is called Dependent Activity. See NAVCOMPTMAN 025301 and 031100. Designation of an FIPC/AAA requires the official approval of the Defense Accounting and Finance Service (DFAS). Correspondence through the chain of command from the activity to DFAS must include the types of accounting functions required, See NAVCOMPTMAN 025004 and NAVSO P-3006.

c. The accounting relationship that exists between the FIPC/AAA and the NLSC activity is the same as if the FIPC/AAA were a component of the dependent activity, except that command and administrative channels inherent in each of the two activities must be observed. The responsibility of accounting for the assigned dependent activities is, moreover, limited to accounting and related disbursing, and is not to be extended to the performance of other comptroller functions for such dependent activities. It is imperative, however, that an atmosphere of understanding and close cooperation be established and maintained between the accounting activity and the NLSC activity, and it is essential all transactions be recorded promptly by the FIPC/AAA.

0908 SCOPE OF ACCOUNTING RESPONSIBILITY OF THE FIPC/AAA

a. Official records required to account for fund resources will be maintained by the FIPC/AAA or NLSC, whichever has the responsibility of accounting for the NLSC activity to which fund authorizations are issued. The fiscal office is responsible for the recording of commitments, obligations, and expenditures.

b. The functions of official accounting responsibility include, but are not limited to general and cost accounting, plant property accounting, and payroll accounting. See NAVCOMPTMAN 031502

c. It is the responsibility of accounting activities to comply with accounting instructions issued by appropriate authority. Accounting activities are also expected to comply with all reasonable requests of dependent activities for further accounting and for the furnishing of reports.

d. Activities accounting for operating budgets will develop a job-order structure to provide for the accumulation of accrued costs. The term "job-order structure" will include any assignment of codes for accumulating and posting accounting information. NLSC activities that are supported by AAAs for accounting services will be governed by instructions issued by the AAAs pertaining to job-order structure, coding, data-submission schedules, and other factors requiring standardization for mechanized systems and effective operations.

0909 RESPONSIBILITY OF THE DEPENDENT ACTIVITY

a. Normally, authorizations will be issued to an activity for the performance of its assigned mission. These documents will inform the CO of the total resources available to carry out the activity's mission. The original authorization letter will be forwarded to the CO of the activity. Entries against these resources will then be made by the accounting activity for unfilled orders; expenses (labor performed, material or services received, supplies issued for use or consumed, travel performed, etc.); expenditures (funds expended in payment of public vouchers, payrolls, travel claims; travel advances, etc.); material distribution; civilian labor expenses; military personnel services expenses; contractual services; work requests; travel; transportation requests; and telephone service.

b. COs of NLSC activities are responsible for administering all authorizations of funds allotted to their activities, and for observing all limitations concerning their expenditure. COs are personally responsible for their own acts and for those of subordinates within their activity causing an over-commitment, over-obligation, or over-expenditure of an authorization of funds. Over-expenditure or erroneous expenditure of funds may result in administrative or disciplinary action against the responsible individual. Consequently, extreme care and strict accountability are mandatory.

c. Even though another activity may perform official accounting functions for the NLSC activity, the CO must maintain a separate, current accounting record showing funds received, funds expended, and current balances in each authorization.

0910 FILES AND DOCUMENTS

a. COs shall maintain files for commitments, obligations, and expenditures. NAVCOMPTMAN 022072 and 039101 provide criteria as to whether a particular transaction or form must be recorded as a commitment, obligation, or expenditure.

b. Commitments received in the fiscal office will be recorded and filed until obligated. The fiscal office will review the documents in the unobligated commitments file on a

systematic basis, as well as conducting an audit as of 30 September and at least one other time during the year.

c. Obligations received in the fiscal office will be filed until liquidated by an expenditure. The documents in the unliquidated obligations file will be spot-checked on a periodic basis, and a comprehensive review will be conducted as of 30 September and additionally twice annually to verify the validity of the obligation document.

0911 SUPPORT

a. Support includes provision of material, facilities, and services to NLSC activities.

b. NLSC activities occupy the position of tenant at the activity where located. Appropriate intra-service support agreements (host-tenant agreements) should be executed between NLSC activities and their host activities. The purpose of the host-tenant agreement is twofold: to set forth the support the host will provide to the tenant, and to establish the areas in which the tenant will reimburse the host for support received. Negotiation of host-tenant agreements is the responsibility of the CO of each NLSC activity.

c. Hosts or other area activities may provide the following support on a non-reimbursable basis, if provided by local agreement (in the event cost is involved, such costs must be funded from each NLSC activity operating budget):

- (1) Comptroller and financial accounting functions;
- (2) Disbursing functions;
- (3) Personnel record maintenance, reports, housing, education and accounting function, both military and civilian;
- (4) Communication services (less telephone);
- (5) Recreational facilities;
- (6) Data processing as necessary;
- (7) Medical and dental services and record maintenance;

- (8) Security services and fire protection;
- (9) Office space and maintenance of NLSC activity offices;
- (10) Supply and procurement support;
- (11) Janitorial service; and
- (12) Utilities.

d. Background references for support agreements may be found in NAVCOMPTMAN, volume 7, Chapter 5 and OPNAVINST 4000.84[series] (Subj: Defense Regional Interservice Support (DRIS) Program).

e. Most NLSOs and TSOs are co-located. Cost sharing among these activities is discussed in Appendix L.

0912 REPORTS REQUIRED

a. In accordance with Appendix G, the following reports will be submitted by NLSC activities to CNLSC:

(1) Notification of Personnel Action, SF-50. This report is needed when salary, title, grade, or name changes.

(2) Claims, Navy Flash Report. This is a cumulative report of obligations incurred broken out by type of claim; it is due the fourth working day of each month. Activities participating in centralized financial management are not required to submit this report. See paragraph 1304.

(3) Claims, Carrier Recovery Report. This is a quarterly report of carrier recoveries asserted, collected, status of set-offs, and claims pending; it is due the 8th day following the report quarter. See paragraph 1304.

(4) Civilian Personnel Report. On the second day of each month NLSC commands should submit a consolidated personnel report (including headquarters, detachments, and branch offices) in the format prescribed in Appendix M.

CHAPTER 10
MILITARY JUSTICE GENERAL PROVISIONS

1000 TIMELY PROCESSING OF CASES

The paramount duty of all NLSC military justice personnel is to ensure the impartial, dignified, and professional administration of military justice. COs of NLSOs/TSOs shall establish procedures to promptly process all military justice cases. Expeditious processing of military justice cases, consistent with the rights of the accused, is generally in the best interest of the accused and the Navy.

1001 ASSIGNMENT OF COUNSEL

a. All counsel assignments (courts-martial, Article 32s, pretrial confinement proceedings, administrative boards, personal representation at JAG Manual investigations, etc.) will be promptly made by competent authority, as determined by the CO. For cases in which charges are eligible for capital referral, detailing of trial and defense counsel may not be delegated by commanding officers, unless required to do so by ethical considerations. Assignments in every case shall be of the most qualified available counsel, taking into consideration such matters as necessity for counsel, competence of nominated counsel, including experience and training, counsel caseload, anticipated dates and locations of courts-martial or other proceedings, security clearance, and availability of the nominated counsel, including consideration of nominated counsel's projected rotation date (PRD). Once assigned, any officer's PRD with the potential to significantly impact pending cases must be reported to CNLSC as soon as known, and in the next quarterly SITREP submitted in accordance with CNLSCINST 5800.3[series]. See generally, JAGINST 5803.1[series] (Subj: Professional Conduct of Judge Advocates). Counsel assignment will be given high priority upon receipt of a counsel request.

b. The detailing of counsel is one of the most important responsibilities entrusted to NLSC Commanding officers. Such assignments are an exercise of command authority and discretion for which commanding officers are ultimately accountable. It follows that a CO's responsibility and authority extends to the training, detailing, and supervision of assigned counsel. In

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exercising their discretion, COs must recognize that even seasoned counsel can become overwhelmed with administrative tasks, logistical arrangements, or substantive case preparation, and, yet be reluctant to request assistance. COs must actively monitor, within the bounds of ethical propriety, and aggressively support assigned counsel. If necessary, TSO COs have the authority to replace counsel, in accordance with governing Rules for Courts-Martial and applicable ethical canons. Though more constrained by the nature of the attorney-client relationship and the applicable ethical considerations, NLSO COs also have authority to augment, substitute, or relieve ineffective counsel.

c. As soon as possible after assignment to a military justice case, assigned counsel must identify any factors that could require the assignment of some other counsel and promptly inform supervisors.

d. Defense counsel should not ordinarily be made available to act as counsel in a summary court-martial; however, NLSO COs may elect to make defense counsel available on a case-by-case basis.

e. TSOs shall arrange for appointment of officers by the convening authority to serve as investigating officers in Article 32s. The investigating officer may be a military judge, a staff judge advocate or a Reserve judge advocate or, if none of the foregoing are reasonably available, an O-4 or above, or an officer with legal training. However, their appointment is subject to both availability and the concurrence of the circuit military judge. RCM 405 only prohibits assignment as an investigating officer when the individual has been the accuser, or has acted, or will act in another capacity in the case. Accordingly, officers assigned to a NLSO or TSO may be made available for appointment as investigating officers in the event that other potential Article 32 officers are not readily available. NLSO COs have final decision authority as to whether a NLSO officer can act as investigating officer in a particular case.

f. See paragraph 1005 for provisions related to the detailing of counsel in cases involving classified information.

g. See also paragraphs 1101 - 1103, and 1401 for additional policy regarding assignment of counsel.

1002 TRIAL DATE

Military judges are primarily responsible for docketing and trying courts-martial. TSOs are primarily responsible for expeditious case processing, but all parties have a responsibility to ensure the accused is afforded a speedy trial. TSOs shall coordinate with the convening authority for the timely attendance of the accused, members, bailiff, and witnesses.

1003 PREPARING AND FORWARDING GENERAL AND SPECIAL COURTS-MARTIAL RECORDS OF TRIAL

TSOs are responsible for preparing records of trial. See paragraph 1403. Defense counsels are authorized to examine records before authentication by the military judge, unless such examination will cause unnecessary delay. Records of trial shall be authenticated and forwarded to the convening authority promptly. Trial and defense counsel shall accord high priority to examining records of trial.

1004 RESPONSIBILITIES FOR THE CUSTODY OF DETAINEES AND PRISONERS

Under SECNAVINST 1640.9[series] (Subj: Department of the Navy Corrections Manual), brig personnel are generally accountable for prisoners and detainees during appointments outside the brig. However, there will be occasions during visits to NLSOs/TSOs when prisoners or detainees will be out of the sight and physical custody of brig personnel, such as when they are being counseled in private by defense counsel. On these occasions, NLSO/TSO personnel must ensure brig personnel are at all times in a position to exert positive control over detainees and prisoners. NLSO/TSO COs will prescribe procedures assigning responsibility and accountability for liaison with brig, shore patrol, and other activities, concerning the transport, custody, and delivery of prisoners and detainees.

**1005 ESPIONAGE, NATIONAL SECURITY, AND OTHER CASES INVOLVING
CLASSIFIED MATERIAL**

a. National security cases are discussed in JAGMAN 0126, 0137, 0138, and 0159. All cases involving national security require liaison with CNLSC and OJAG Code 17. As soon as the TSO learns of a potential national security case, CNLSC must be informed through appropriate channels. Vice Commander NLSC, in consultation with OJAG Code 17 and the concerned commanding officers, will determine which of the TSOs and NLSOs designated below will retain cognizance over the matter. As the case progresses, the TSO designated shall keep CNLSC advised.

b. NLSO Mid-Atlantic, NLSO Southwest, TSO East, and TSO West are designated to provide counsel in the case of charges involving espionage, national security, and other cases involving classified information. These designated COs have the responsibility for maintaining counsel with necessary clearance and training in accordance with paragraphs 0217 and 0707, and the personal security provisions of paragraph 0709. Such counsel shall be considered a pool and must be available for worldwide assignment in national security cases, as determined on a case-by-case basis by Vice Commander, NLSC, upon the request of the cognizant commanding officers.

c. In the case of charges involving classified information, the COs shall, when designated as having cognizance over such a case, promptly detail counsel with clearances sufficient to obtain expeditious access to any information at issue. The timing of assignment of counsel is addressed in chapters 10 and 11. COs shall affirmatively and aggressively assist assigned counsel to process requirements to gain clearance and access, and to obtain equipment, facilities, and any other resources needed for effective representation.

d. National security cases, or other cases which may involve classified information, require several immediate actions: Cognizant COs must ensure counsel have the necessary security clearances and access to information at issue; Cognizant TSO COs, through assigned government counsel, trial counsel or the cognizant staff judge advocate, must require any IMC or civilian counsel not holding an adequate current clearance to process clearance and access requests immediately upon being detailed or retained; Cognizant TSO COs must, in

consultation with the cognizant staff judge advocate, advise the convening authority to request a classification review of classified evidence; and COs must ensure their counsel have a working knowledge of Military Rule of Evidence 505. In these and other matters unique to national security cases, the NLSC activity will be assisted by OJAG Code 17.

1006 REQUESTS FOR INDIVIDUAL MILITARY COUNSEL (IMC)

a. Defense counsel shall ensure IMC requests are forwarded per R.C.M. 506(b) and JAGMAN 0131c. All IMC requests will be submitted in writing. IMC requests for courts-martial will be routed via the trial counsel to the convening authority. IMC requests for administrative boards will be routed via the recorder to the officer who convened the board.

b. Unless denied by the convening authority pursuant to JAGMAN 0131c(2), IMC requests will be referred immediately to the CO of the requested counsel for a determination. The XO and other intermediaries in the chain of command of the requested judge advocate will be informed of the request as soon as possible.

c. If the request for IMC is granted, the authority that detailed the original counsel will decide whether detailed counsel is excused pursuant to R.C.M. 506(b)(3). Such decision shall be in writing and shall clearly state whether detailed counsel is excused or is to act as associate counsel.

1007 FINANCIAL RESPONSIBILITY FOR COSTS INCURRED IN SUPPORT OF COURTS-MARTIAL

JAGMAN paragraph 0145 and the Navy Comptroller Manual, volume VII, paragraph 07513, describe financial responsibility for costs incurred in support of courts-martial. The TSO should advise the Convening Authority, as soon as practicable, of the anticipated costs likely to be incurred in a particular case. This is especially important when circumstances require assignment of counsel or other personnel, e.g., court reporting personnel, from NLSC activities other than the one that normally serves or is closest to the command.

CHAPTER 11
DEFENSE DEPARTMENT

1100 MISSION

The primary mission of the Defense Department is to provide effective representation to eligible Armed Forces personnel before general courts-martial (GCMs), special courts-martial (SPCMs), Article 32, UCMJ, pretrial investigations, pretrial confinement proceedings, custodial interrogations, boards of inquiry, administrative boards, and proceedings in which service members have been designated a party pursuant to the JAGMAN. Additionally, defense counsel shall provide counseling for required pre-mast Booker rights, pre-summary court-martial advice, mental health evaluation reports, and administrative boards. Defense counsel may be assigned to assist service members in preparing complaints under Article 138, UCMJ, and Article 1150, U.S. NAVREGS, 1990, consistent with local practice. Further, they may be assigned as counsel to represent service members before Physical Evaluation Boards. At the discretion of the CO, and subject to availability of resources, defense counsel may be made available to advise and assist service members currently under investigation, those wishing to rebut unfavorable investigations or fitness reports/performance evaluations, and those who may be subject to NJP or administrative discharge but not yet so notified by their command. COs may also make defense counsel available to assist service members in other legal and quasi-legal subject areas, if resources allow. Defense counsel may be assigned legal assistance, claims, or other additional duties, as required by the CO or his/her designee.

1101 COMMANDING OFFICERS AND OFFICERS IN CHARGE

a. COs are personally responsible for the insulation of defense counsel from any influences that might be perceived as unlawful or detrimental to counsel's zealous representation of an assigned client. Because some NLSO and TSO offices are co-located, defense counsel office spaces must be separate from TSO offices and must preserve the confidentiality of the attorney-client relationship. Administrative support must be provided in a manner that will preserve the confidentiality of the attorney-client relationship. If defense counsel are

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transferred temporarily or permanently to a TSO, they must be reminded they are not to discuss client confidences with trial counsel. JAGINST 5803.1[series] (Subj: Professional Conduct of Attorneys Practicing Under the Cognizance and Supervision of the Judge Advocate General).

b. The CO and OIC have the primary responsibility for making defense counsel assignments. In cases involving charges that are not eligible for capital referral, this responsibility may be delegated to the executive officer and department heads. Any appointment of defense counsel shall be in writing. Great care must be exercised to ensure assignments are made with full awareness of such factors as expected counsel rotation, current workload, travel needs, counsel experience, and potential conflicts of interest. The following guidelines are provided:

(1) COs shall ensure defense counsel understand those circumstances that create a service member's right to the assistance of counsel, and that when any question arises, defense counsel are encouraged to seek the advice of the CO, OIC, or department head. This applies not only in courts-martial, but also in administrative and nonjudicial punishment (NJP) proceedings, and to settings involving suspects or accused facing custodial interrogation. Specific additional direction relating to defense counseling is contained in paragraph 1103.

(2) Subject to paragraph 1202 and UCMJ Articles 2 and 27, defense counsel services will not be provided to non-active-duty personnel in a matter involving an actual or potential interest adverse to the United States Government.

(3) R.C.M. 505(d)(2) and R.C.M. 506(b)(3) provide the detailing authority with discretion, under certain circumstances, to excuse detailed counsel. Any excusal of defense counsel shall be in writing. COs shall ensure that detailing authorities within the command are familiar with the provisions and application of these rules.

c. COs will make appropriate counsel available to advise personnel who believe they have been the target of reprisal action in accordance with DOD Directive 7050.6 (Subj: Military Whistleblower Protection), as implemented by SECNAVINST 5370.7[series] (Subj: Military Whistleblower Protection).

d. The seriousness and complexity of investigations and courts-martial involving, or potentially involving, classified information and/or capital offenses, requires special consideration on the part of the CO in assigning counsel. The lead defense counsel must possess sufficient combination of experience and training to understand and appreciate the issues and challenges unique to national security or other potentially capital cases. Two defense counsel should be assigned to each potential capital case, both to provide adequate defense resources and to ensure continued training of junior judge advocates in capital litigation. When counsel are assigned to assist or represent service members facing, or potentially facing, court martial for capital offenses, they are to expeditiously enlist the assistance of available capital litigation resources such as the capital expertise at Code 45, or OJAG Code 17, in the case of charges involving classified information.

1102 DUTIES AND RESPONSIBILITIES OF SENIOR DEFENSE COUNSEL

a. Supervise, train, and direct all defense counsel, paralegals, and other military and civilian personnel assigned to the department. Ensure all personnel are aware of the policies stated in paragraphs 1101 and 1103.

b. If authority is delegated by the CO, assign defense counsel for those accused of non-capital eligible charges, including GCMs, SPCMs, Article 32s, and pretrial confinement proceedings as applicable, ensuring an equitable distribution of the caseload and taking into consideration the experience level of counsel and the complexity of each case.

c. Assign defense counsel to represent respondents before administrative boards.

d. Maintain a case log or other means of case tracking or case assignments. Use of whichever management information system is currently authorized by NLSC is encouraged and will be used in accordance with operational directives. See paragraph 0228.

e. Train assigned counsel in trial preparation and courtroom advocacy.

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f. As the senior litigator, assist newly assigned defense counsel in the preparation and handling of their cases.

g. Keep the CO and XO informed of all issues within the department, including professional competence and progress of counsel.

h. Maintain a turnover file containing current forms, questionnaires, sample motions, rules of court, etc., for use by assigned counsel.

i. Provide liaison between the judiciary and junior defense counsel in appropriate matters such as courtroom demeanor, interpretation of court rules, and other areas relating to courtroom procedures, conduct, and advocacy skills.

j. Act as defense liaison with commands, command Staff Judge Advocates, and Trial Service Office(s) concerning defense representation services.

1103 DEFENSE COUNSEL

a. General

(1) The formation of an attorney-client relationship between a judge advocate and a client service member is one of the most important relationships that can be created under military law. It requires the total commitment by the judge advocate to represent the best interests of the client to the fullest extent of the judge advocate's ability, within the bounds of law and ethical responsibilities.

(2) Once assigned, the defense counsel will advise the client that his or her role, and the duration and scope of the attorney-client relationship, can be expected to be no greater than that required to perform the currently assigned duties on behalf of the client (including all reasonable and foreseeable consequences of the case). This is especially important when the client is a transient, or when NJP, investigations, custodial interrogations, or pretrial confinement proceedings are involved.

(3) Counsel must keep in mind that not all service members are entitled to or eligible for defense counsel

services. Defense counsel must first screen prospective clients to determine their eligibility for such services. Only the defense services authorized in this chapter may be provided unless the NLSO CO has authorized assistance for the type of matter raised by the prospective client. If a prospective client seeks assistance on a matter that is not authorized in this chapter or has not been authorized previously by the NLSO CO, the counsel will refrain from assisting that prospective client unless specifically authorized by the NLSO CO or his/her designee. Service members not eligible for defense counsel services should normally be referred back to their chain of command for assistance.

(4) It is CNLSC policy that no legal advice to a prospective defense client may be given over the telephone or through third parties calling on behalf of the prospective client absent exigent circumstances, such as when dealing with clients at remote locations or at sea.

(5) Generally, attorney-client relationships will not be formed with "walk-in" clients (for "Booker advice", etc.), and the client will be so informed. If it appears establishment of an attorney-client relationship is necessary to provide the required service, the attorney involved may request the appropriate authority make him or her available. Ordinarily, the attorney may not establish an attorney-client relationship until made available by the appropriate authority. If exigent circumstances exist requiring defense counsel to form an attorney-client relationship with a walk-in client, the defense counsel's immediate supervisor should be informed as soon as possible.

(6) If the client is more properly a legal assistance client, the defense department will assist in arranging for the client to see a legal assistance attorney. If neither the defense nor legal assistance department agrees to advise the client, the matter must be referred to the appropriate person in the chain of command for resolution. See paragraphs 1101 and 1205, and JAGMAN 0709.

(7) Unless the individual's command has requested and the NLSO CO has approved, defense counsel will not be provided for personnel attached to commands not normally served by the

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NLSO activity. This limitation also applies to transiting units.

(8) All suspects, including transients, who are the subject of custodial interrogation, and who request assistance of a lawyer, are entitled to the assistance of counsel and the counsel's representation. In the case of transients, the NLSO CO (or XO in the CO's absence) shall be informed before defense counsel services are provided.

(9) Particular care should be given to initial interviews with transient accused. All suspects, including transients entitled to Miranda/Tempia counsel because of a custodial interrogation, who request assistance of a lawyer, are entitled to the expert assistance of counsel and the counsel's full representation. Full representation includes discussion of the facts of the case with the client and being present during the interrogation process if requested by the accused.

(10) Counsel should inform the suspects referred to in subparagraph (9) that he or she may not be available to represent them in further proceedings, particularly if conducted at a distant installation.

(a) Counsel providing initial advice should clearly explain to the suspect being counseled that another counsel may be detailed to represent the suspect but that as the current counsel, he or she will continue to actively assist the suspect until another counsel undertakes representation.

(b) Whenever a decision is made that local counsel cannot be made available to assist a transient who is the subject of custodial interrogation, the CO shall contact the NLSO that will likely be responsible for providing defense counsel services to the transient and make suitable arrangements for the transient to talk with a defense counsel who can provide the needed assistance. Such arrangements could include, but are not limited to, telephone conversation between the defense counsel and the transient.

b. Nonjudicial Punishment (NJP) and Summary Courts-Martial (SCM)

(1) Defense counsel will not normally form an attorney-client relationship when advising a service member facing NJP or SCM. The CO or XO shall be consulted before formation of any such relationship.

(2) Defense counsel will not normally be provided to represent service members at NJP or SCM. The Senior Defense Counsel will review such requests. See JAGMAN 0109a.

c. Administrative Separations

(1) Assignment of counsel to represent service members at administrative boards and Boards of Inquiry will be accomplished expeditiously.

(2) Normally, respondents will not receive counseling on their election or waiver of rights unless the command has provided all pertinent documents, including the service record, the notice of administrative separation processing, the election/waiver of rights form, and if necessary, the respondent's medical record. Counsel made available to consult with the respondent shall explain the administrative separation process and inform the respondent of his/her rights in connection therewith. Counsel are authorized to witness the respondent's election/waiver of rights. Additionally, counsel are authorized to discuss fully the facts specific to the respondent's case and to make a recommendation to the respondent regarding the respondent's election or waiver of rights. However, unless the detailing authority has already made the counsel available to represent the respondent at an administrative board, the respondent shall be informed that the consultation does not entitle the respondent to consulting counsel's representation at an administrative board, and that if the respondent elects an administrative board, it is possible another counsel may be appointed to represent the respondent before the board.

d. JAG Manual Investigations

(1) Any member entitled to counseling or representation regarding rights at a JAG Manual investigation shall be referred to a defense counsel specified by the department head.

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(2) Notice of available counsel shall be given within one (1) working day of receipt of a command request for assistance to persons who are designated as parties pursuant to JAGINST 5830.1[series] (Subj: Procedures Applicable to Courts of Inquiry and Administrative Fact-Finding Bodies that Require a Hearing).

e. Initial Review of Pretrial Confinement

(1) Counsel shall be provided, if requested, to a service member before the initial review of confinement under R.C.M. 305.

(2) Unless directed otherwise by the CO or OIC, such assignment is for the limited purpose of representation during the pretrial confinement proceedings before the charges are referred. Assigned counsel is authorized to fully and completely represent the service member for this limited purpose. Assigned counsel will advise the service member of the limited nature of the representation at the earliest opportunity.

(3) Unless the command has already requested defense counsel services, on the tenth day of continuous pretrial confinement at the brig within the servicing NLSOs area of responsibility (AOR), it shall be assumed by the authority detailing defense counsel that the charges upon which the accused was placed in pretrial confinement will be referred to trial by special or general court-martial, and defense counsel shall be detailed to represent the accused for such purposes. Such detailing of defense counsel shall occur whether or not counsel was provided at the service member's request to represent the service member during pretrial confinement proceedings. The detailed counsel may be the same counsel that represented the service member during the pretrial confinement proceedings, but such is not required. The detailed counsel shall meet with the service member as soon as practicable after defense counsel has been detailed. In computing the 10-day period, the day of confinement in the brig shall count as one day and the date of detailing shall also count as one day (for example, if the accused is confined in the brig on 1 May and remains confined, defense counsel shall be detailed to represent the accused on the confining charge(s) on 10 May).

f. When defense counsel believe it to be in the interests of their client, they are encouraged to advise any client allegedly involved in child or spouse abuse that self-referral to the FAP is an option that can help prevent future assaults, end the cycle of escalating abuse, and eliminate other criminal acts that destroy families and careers. See paragraph 0210.

g. Defense counsel may be called upon to assist alleged offenders in seeking review of adverse determinations in child and spouse abuse cases, as outlined in paragraph 0210.

h. Service members or civilian component members overseas who become the focus of a foreign criminal proceeding or investigation may be referred to a defense counsel. Defense counsel shall advise such members of their rights and obligations under applicable Status of Forces or bilateral agreements with the host nation, as well as the requirements of the UCMJ and JAG Manual. Defense counsel shall, as appropriate, provide advice with regard to the Military Extraterritorial Jurisdiction Act of 2000, 18 U.S.C. § 3261 et seq.

1104 DUTIES AND RESPONSIBILITIES OF A DEFENSE PARALEGAL

A Defense Paralegal serves a vital role in a NLSO defense department as a member of the defense team assisting both the defense counsel and the client. As part of the defense team, the paralegal will be made aware of information that is both privileged and confidential. A primary duty of the paralegal is to maintain the confidentiality of such information. Other important duties and responsibilities of the defense paralegal include:

- a. Tracking the location and caseloads of all assigned defense counsel;
- b. Organizing and updating command defense library and resource materials;
- c. Aiding in defense-related legal research;
- d. Screening defense clients;
- e. Maintaining counsel appointment schedules;

- f. Coordinating duty counseling;
- g. Scheduling pretrial detainee counseling and IRO representation;
- h. Collecting defense department reports;
- i. Maintaining the defense department case tracking log;
- j. Maintaining and updating a selection of pre-printed commonly used forms (e.g., appellate rights and BCNR petitions) as well as "shell" documents generated upon request (e.g., pre-trial agreements, request for OTH in lieu of trial, etc.);
- k. Coordinating defense counsel assignments with the TSO and other commands; and
- l. Performing other duties (e.g., inputting management information data) in furtherance of the defense mission as directed by the CO, XO, and Senior Defense Counsel.

1105 MENTAL HEALTH EVALUATIONS

DOD Directive 6490.1[series] (Subj: Mental Health Evaluations of Members of the Armed Forces) and SECNAVINST 6320.4[series] (Subj: Mental Health Evaluations of Members of the Armed Forces) require all NLSOs, detachments, and branch offices to comply and provide counsel for mental health evaluations, as appropriate.

1106 MULTIPLE ACCUSED SITUATIONS

a. Defense counsel will not undertake or be detailed to represent more than one client in cases where two or more persons are potential accuseds arising from closely related factual situations. Requests for multiple representation shall be directed, in writing, to the CO via the Senior Defense Counsel.

b. The assignment of an accused described in the preceding paragraph to a CO, XO, OIC, or department head should be avoided. See paragraph 0303f. If it appears the NLSO and its detachments cannot provide sufficient counsel to represent each accused, the NLSO should attempt to obtain counsel from other NLSOs and keep CNLSC informed. Telephonic contact shall be made

between counsel and the accused as soon as the identity of counsel is known.

c. In situations of multiple representation, great care must be exercised to ensure full independence of each attorney. For example, paralegal administrative support must be organized to accommodate and respect client confidences, strategy, negotiations, and other aspects of case preparation.

CHAPTER 12
LEGAL ASSISTANCE DEPARTMENT

1200 MISSION

The mission of the legal assistance department is to provide prompt, courteous, and high quality legal assistance to active duty members, thereby enhancing morale, welfare, and combat readiness. As resources permit legal assistance will be provided to active duty family members, retirees and their family members, and to other eligible persons listed in JAGMAN 0706 or authorized by the Judge Advocate General. Legal assistance departments shall develop, promote, and execute preventive law programs to educate eligible persons regarding their legal rights, responsibilities, and duties. In addition, legal assistance departments are encouraged to assist local SJAs in maintaining command legal assistance programs within fleet and shore units.

1201 POLICY

Legal assistance is governed by JAGMAN Chapter VII and JAGINST 5801.2[series] (Subj: Legal Assistance Manual) [hereinafter Legal Assistance Manual], which are to be liberally construed to accomplish the mission of the Navy Legal Assistance Program. Any legal assistance attorney may request permission to deviate from the provisions of the manual by sending a request to OJAG via the chain of command. Questions should be referred to the Legal Assistance Division (OJAG Code 16).

1202 SUPERVISORY RESPONSIBILITIES AND RELATIONSHIPS WITH OTHER ORGANIZATIONS

a. COs have broad discretion to administer the provisions of JAGMAN Chapter VII and the Legal Assistance Manual. They shall ensure that the legal assistance practice adheres to the standards of professional competence, responsibility, and ethics made applicable by JAGINST 5803.1[series] (Subj: Professional Conduct of Attorneys Practicing Under the Supervision of the Judge Advocate General), and other applicable laws and regulations.

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b. COs or other supervisors may personally provide direct client services. However, they must be sensitive to the possibility of actual or apparent conflicts of interest with the attorneys they supervise. COs and other supervisors may not personally represent an individual whose interest conflicts with that of another client represented by a subordinate in the chain-of-command.

c. COs should encourage the exchange of information and ideas between legal assistance attorneys and attorneys and organizations in the local community. Items of mutual interest should be discussed and joint training between the legal assistance attorneys and civilian bar is encouraged.

d. COs should maximize the interaction between Reserve and active duty attorneys. Active duty attorneys should train Reserve attorneys on all Navy legal assistance matters. Reserve judge advocates should instruct active duty attorneys on specific areas of local civil law and should, if qualified, augment the department during their Reserve assignments. See paragraph 0812f.

1203 SUPERVISION

a. The department head is responsible for supervising the delivery of legal assistance. Legal assistance attorneys are responsible for their own work and the work of the staff under their direction. Paralegals may supervise the work of clerical personnel, as directed. Detailed information on delegation and supervision is contained in the Legal Assistance Manual.

b. All supervisors shall constantly guard against conflicts of interest and unauthorized disclosure of information.

1204 DUTIES AND RESPONSIBILITIES

a. Legal assistance attorneys shall provide each client with professional and individualized service without any form of compensation (apart from official government compensation). Provisions relating to the duties and responsibilities of legal assistance attorneys are found throughout this Chapter, as well as at JAGMAN Chapter VII, the Legal Assistance Manual, and JAGINST 5803.1[series] (Subj: Professional Conduct of Attorneys Practicing Under the Supervision of the Judge Advocate General).

b. Civilian attorneys may be assigned as legal assistance attorneys and as heads of legal assistance, however, assignments of civilians as department heads requires CNLSC approval. Once assigned, their duties are identical to those of judge advocate legal assistance attorneys unless otherwise directed by the CO or OIC.

c. Overseas NLSC offices may hire or retain foreign civilian attorneys to provide legal assistance. Unless admitted to practice in the highest court of a state, territory, or the District of Columbia, or to a federal court, foreign attorneys will not advise clients in matters involving federal or state law of the United States.

1205 LIMITATIONS

a. When acting as a legal assistance attorney, neither judge advocates nor civilian attorneys will provide advice with regard to courts-martial, investigations, nonjudicial punishment, other military justice matters, or administrative discharge processes, and will not form an attorney-client relationship concerning these matters. When personnel are limited, a CO may assign defense-related tasks to a legal assistance judge advocate. In such circumstances, however, the judge advocate is acting in two distinct roles and shall observe the differences in responsibility for each. See paragraphs 1101 and 1103, JAGMAN 0709b, and the Legal Assistance Manual.

Legal assistance attorneys may be called upon to provide advice as "service providers," as discussed in OPNAVINST 5800.7[series] (Subj: Victim and Witness Assistance Program). See paragraph 0211. This advice may include general information about VWAP, the Victims' Bill of Rights, programs for counseling or treatment, and federal and state compensation programs. Before giving such advice, legal assistance officers shall determine the status of any ongoing military justice case and avoid establishing an attorney-client relationship as long as members of the same NLSO are involved in the case with trial defense or appellate responsibilities. In such cases, the person seeking assistance may be referred to the trial counsel or other service providers such as Family Service Center personnel, chaplains, health care personnel, and other advocates who assist victims and witnesses of crime.

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c. Legal assistance attorneys may be called upon to participate in the Family Advocacy Program by assisting alleged offenders in seeking review of adverse determinations in child and spouse abuse cases. Limitations on the extent of this assistance are outlined in paragraph 0210.

d. Except as noted in JAGMAN Chapter VII and other regulations, a legal assistance attorney shall not advise, represent, or assist an individual in a matter in which the United States has a direct and substantial interest, whether or not the government's position is adverse to that of the individual, without specific approval of the Judge Advocate General, or his designee. See JAGMAN 0709d, the Legal Assistance Manual, and 18 U.S.C. §§ 203 and 205 (which prohibit Government employees from personally representing or receiving, directly or indirectly, compensation for representing, any person before any Federal agency or court on matters in which the Government is a party or has an interest, other than in the proper discharge of official duties).

e. Legal assistance is for personal legal matters only. It is not authorized for organizations or for business ventures. Exceptions include infrequent business transactions, such as the sale of a personal residence or car, and preparation of Schedule C (Profit and Loss from Business) for Family Home Care Providers certified to provide child care in government quarters pursuant to military regulations. See JAGMAN 0709a and the Legal Assistance Manual.

f. Legal assistance attorneys shall refer questions pertaining to Government standards of conduct or ethics, or to post-Government service or employment restrictions, to the local TSO for ethics advice. See paragraph 1503.

g. In the absence of unusual or compelling circumstances, the initial communication with a client should not be done by telephone or E-Mail. These media make it difficult to determine the client's eligibility for legal assistance and may deny the legal assistance provider an opportunity to view relevant documents. See JAGMAN 0709e and the Legal Assistance Manual.

1206 LEGAL ASSISTANCE PARALEGALS AND CLERICAL PERSONNEL

a. Attorneys may delegate various tasks to support personnel, provided the attorney maintains direct contact with the client, supervises the support personnel in the performance of the delegated work, assumes complete professional responsibility for the work product, and ensures support personnel are not represented as attorneys to the client or to third parties. While commanding officers and OICs are ultimately responsible, department heads are responsible as first-line supervisors for ensuring support personnel are trained, supervised, and properly employed on a daily basis. See the Legal Assistance Manual for a non-exhaustive list of duties that may be assigned to paralegals.

b. Support personnel are prohibited from engaging in the unauthorized practice of law and may not provide any service requiring the professional judgment of a lawyer. Reserve legalmen who are also civilian attorneys are not authorized to serve as Legal Assistance attorneys, but may only function in their legalmen capacity.

c. Support personnel must safeguard client confidences and privileged information, disclosing matters only at the direction of the legal assistance attorney or the client after he or she has discussed the matter with the legal assistance attorney.

d. Paralegal and clerical personnel shall not accept any compensation (apart from official government compensation) for any service provided.

1207 SERVICES

a. All NLSOs, detachments, and branch offices have legal assistance departments or divisions. Standard services are set forth in JAGMAN 0708 and the Legal Assistance Manual.

b. Additional services may be provided in areas of legal assistance attorney competence if the services are not otherwise prohibited. Limitations on services are discussed in paragraph 1205, JAGMAN 0709, and the Legal Assistance Manual.

1208 ELIGIBILITY FOR SERVICES

The persons specified in JAGMAN 0706 are eligible for legal assistance in the indicated priority. Under JAGMAN 0706(b)(9), the Judge Advocate General may extend eligibility to other persons (see the Legal Assistance Manual). Questions relating to an individual's eligibility should be directed to the Legal Assistance Division (OJAG Code 16).

1209 RULES OF PROFESSIONAL RESPONSIBILITY

a. Attorneys are responsible for their own work and for that of their subordinates. Legal assistance attorneys are bound by the Rules of Professional Conduct, promulgated in JAGINST 5803.1[series] (Subj: Professional Conduct of Attorneys Practicing Under the Supervision of the Judge Advocate General) and by the Rules of Professional Conduct of their admitting jurisdiction(s). Legal assistance attorneys practicing in Expanded Legal Assistance Program (ELAP) cases must also adhere to the rules governing the practice in local courts. Problems or questions should be discussed with supervisors. Formal advisory opinions may be requested from the Professional Responsibility Committee. Informal advice may be obtained from supervisory judge advocates or OJAG.

b. Items requiring special attention and caution include: disclosure of confidential or privileged information; matters involving referrals, solicitations, fees and compensation (see JAGMAN 0710b); and professional conflicts of interest, especially in domestic relations cases. Professional conflicts of interest are conflicts that arise out of or are caused by the attorney-client relationship and should not be confused with conflicts of interest as defined and discussed in the Joint Ethics Regulations (JER). Departments must have procedures for identifying and avoiding potential professional conflicts.

c. Supervisors shall ensure competency of the legal assistance providers by providing training commensurate with the type and frequency of legal assistance being provided.

1210 COMMUNICATIONS

a. Legal assistance attorneys may communicate among themselves about cases within their department, unless the

client expressly requests that information remain confined to a particular attorney or attorneys, or another attorney has an actual or apparent conflict of interest with respect to a particular client or case. In those situations, appropriate measures will be taken to shield client confidences and privileged information. Subject to the same limitations, an attorney may communicate with the CO and other supervisors. Attorneys with whom communications are made are bound by the confidences and privileges owed to the client. See JAGINST 5803.1[series] (Subj: Professional Conduct of Attorneys Practicing Under the Supervision of the Judge Advocate General).

b. Legal assistance attorneys may communicate with third parties on behalf of their clients. In doing so, however, they must ensure that their position as advocates for their clients, rather than for the government, is clearly stated in oral discussions and indicated in written communications. Communications made on behalf of the client to non-governmental parties are not official NLSC or DON communications. See paragraph 0611. Officers must not use or threaten to use their official positions for the benefit of clients. Such actions would constitute misuse of an officer's official position for the private benefit of another in violation of the JER and the Standards of Ethical Conduct for the Executive Branch Employees. For example, if a legal assistance attorney is on a base housing board, he/she cannot use or threaten to use the authority of that position against a third party for the benefit of the attorney's client or to the detriment of a third party against whom the client may have a legal cause of action.

1211 REFERRALS

Referral is appropriate whenever a client needs assistance beyond the capability of the legal assistance attorney, beyond the scope of the Navy's Legal Assistance Program, or in conflict of interest situations. Details may be found in the Legal Assistance Manual, DOD 5500.7-R (DOD Joint Ethics Regulation), and Office of Government Ethics (OGE) Standards of Ethical Conduct for Employees of the Executive Branch (5 C.F.R. part 2635).

1212 OFFICE ADMINISTRATION

a. Hours and Appointments

(1) Regular office hours shall be established and maintained. Additional hours may be established for evenings and weekends. Hours should be promulgated by all available means. The preferred office procedure is to maintain scheduled appointments vice walk-in service, although walk-in service may be used for emergency clients and as a supplement to the scheduled appointments.

(2) The use of Reserve judge advocates is encouraged, especially in evening and weekend schedules, provided they are qualified and competent under applicable regulations. See JAGMAN 0704 and the Legal Assistance Manual. See also paragraph 0812.

b. Information on the creation, maintenance, and disposal of records is found in the Legal Assistance Manual, JAGMAN 0707, SECNAVINST 5211.5 [series] (Subj: DON Privacy Act Program), and SECNAVINST 5212.5[series] (Subj: Disposal of Navy and Marine Corps Records).

1213 EXPANDED LEGAL ASSISTANCE PROGRAM (ELAP)

NLSOs are strongly encouraged to initiate and maintain an ELAP as resources and local conditions permit (see JAGMAN 0711 and the Legal Assistance Manual). If an ELAP is not feasible, NLSOs should develop a strong relationship with local courts and bar associations to ensure availability of the highest quality and most economical legal services for eligible persons.

1214 PREVENTIVE LAW PROGRAM

NLSOs shall establish Preventive Law Programs (see the Legal Assistance Manual). Typical activities include pre-deployment briefings, command-assist visits, informational lectures, publication of topical articles in base or local newspapers, and involvement with programs established by other base activities, such as hospitals and Family Service Centers. Initiative, creativity and perseverance are vital ingredients of effective programs, which should be tailored to local needs and conditions.

1215 INCOME TAX ASSISTANCE

NLSOs routinely give tax advice as a legal assistance matter. Where there is no Volunteer Income Tax Assistance and Electronic Tax Filing (VITA/ELF) program under the management of a Family Service Center or Staff Judge Advocate's Office, NLSOs should, resources permitting, assume responsibility for the program at their installation.

1216 INNOVATIVE PROGRAMS

Local needs or conditions may justify unique or innovative programs. NLSOs should informally discuss plans with the Legal Assistance Division (OJAG Code 16), to determine past experience with such programs in other locations, to obtain a perspective based upon a Navy-wide point of view, and to determine whether the program should also be offered at other legal assistance offices.

1217 NLSO/TSO INVOLVEMENT IN LEGAL ASSISTANCE PROGRAM

a. All judge advocates, civilian attorneys, legalmen and paralegals, active and Reserve, shall provide legal assistance to the extent circumstances require and their abilities allow.

b. Within the Naval Legal Service Command, NLSOs are the primary providers of legal assistance. TSOs shall not normally provide legal assistance services. However, COs of NLSOs and TSOs shall establish procedures for referral of clients outside the NLSO when NLSO representation of a client's interests in a particular matter would create an actual conflict with the interests of a preexisting legal assistance office client. Where NLSO and TSO judge advocates are co-located, TSO attorneys shall be the primary alternate providers. Where collocation does not exist, or where other unique local conditions warrant a different arrangement, procedures shall incorporate referral to Reserve judge advocates, staff judge advocates, other military service attorneys, and civilian pro bono services.

CHAPTER 13
CLAIMS DEPARTMENT

1300 MISSION

The mission of the Claims Department is to provide prompt, courteous, and professional legal service in processing administrative claims, for and against the United States, and to assist the cognizant United States Attorney in civil litigation under the federal claims statutes. Included within this broad mission is providing claims investigation advice; legal analysis of claims and defenses (including subject matter jurisdiction, liability, comparative fault, and other statutory and common law defenses or immunity); and liaison with cognizant divisions in OJAG on Navy litigation as well as the Office of General Counsel.

1301 FIDUCIARY RESPONSIBILITIES

The Claims Department mission involves significant financial and public relations responsibilities. COs are personally responsible for implementing procedures to prevent fraud, waste, and abuse in connection with the expenditure or recovery of public funds.

1302 CLAIMS CONSOLIDATION

To maximize processing efficiency, several categories of claims have been centralized in regional offices. As of 1997, Federal Tort Claims Act, Medical Care Recovery Act, and Military Claims Act claims arising in the United States (including Guam) are processed exclusively by NLSOs Mid-Atlantic, Central, and Southwest. See COMNAVLEGSVCCOMINST 5450.1[series] (Subj: Mission and Functions of Naval Legal Service Offices and Trial Service Offices) for the geographical responsibilities assigned to each of these NLSOs. Admiralty claims are processed by the Admiralty Division (OJAG Code 11). See paragraph 1304. All other claims (e.g., those arising under the Personnel Claims Act) are processed locally by the NLSO in accordance with its geographical area of responsibility.

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1303 ORGANIZATION AND DUTIES

a. COs have broad discretion in organizing their claims departments to best use available personnel and to meet claims processing requirements and opportunities unique to their areas of responsibility. Claims personnel must perform their duties in a highly professional, courteous manner. Claims personnel should be knowledgeable, experienced, and articulate. Every attempt should be made to effect a balance between affirmative and defensive claims efforts, and maximum efficiency in both areas should be the goal.

b. The department head supervises all personnel assigned to the department. He or she is responsible for overall planning, implementation of policy, assignment of personnel and final review of their work product. He or she also performs or supervises all attorney functions regarding claims matters, renders legal advice, and oversees liaison with the United States Attorney in civil litigation involving the Navy or Marine Corps.

c. Depending on the availability of personnel and the claims workload, attorneys handling federal tort claims, military claims, affirmative claims and personnel claims should be designated. Their duties, monetary limits of adjudication authority, and claims statutes under which they may adjudicate claims should be delineated. Letters of authority and recision of authority should be issued.

1304 REPORTS

a. General. See paragraph 0912 on requirements for the "Claims, Navy Flash Report," which is due on a monthly basis.

b. Carrier Recovery Claims. See paragraph 0912 on requirements for the "Carrier Recovery Report," which is due on a quarterly basis. For the purpose of this report, carrier recovery claims will also include claims against insurers and contractors, such as non-temporary storage warehousemen and pack-and-crate contractors. NLSC activities that depend on other activities to process carrier recovery claims should consolidate any necessary feeder reports from these activities prior to forwarding their report. Carrier recovery claims

forwarded for set-off will be reported by the office that forwarded them.

c. Admiralty Claims. The Admiralty and Maritime Law Division (OJAG Code 11) of the Office of the Judge Advocate General is responsible for the adjudication of all tort claims within admiralty jurisdiction arising from the operation of U.S. Navy vessels or otherwise involving Naval personnel or property, including Morale, Welfare and Recreation (MWR) personnel and property. The effective handling of admiralty claims depends on immediate notice of any admiralty incident or admiralty claim, however seemingly insignificant, to OJAG (Code 11). Prompt reporting facilitates proper investigation and resolution of admiralty matters, whether the case is settled administratively or results in litigation. JAGMAN section 1203 lists common admiralty incidents that often generate admiralty claims or litigation.

d. Medical Malpractice Claims. Unless transmitted to the NLSO by OJAG, a copy of each claim arising from medical or dental care shall be forwarded to the Claims Investigations and Tort Litigation Division (OJAG Code 15). The claim and supporting documentation must provide the following information: the date and location of the incident, the date the claim was received, the name and address of claimant's counsel, and a brief summary of the alleged negligent act or omission. Commands should also forward documentation to Code 15 showing significant status changes in medical malpractice claims such as payment, denial or the filing of a complaint.

e. Non-appropriated Fund Instrumentality (NAFI) report. When the operations of a NAFI result in personal injury or property damage, immediately notify in writing the appropriate NAFI authority: BUPERS (Code PERS 6531); Navy Exchange Service Command ((Code FT2) Virginia Beach, VA); or Commandant of the Marine Corps (Code MWB). Where the incident giving rise to the personal injury or property damage occurs within admiralty jurisdiction, immediately notify Navy Admiralty Counsel (OJAG Code 11). This requirement is in addition to any other notification required by this paragraph. Each year, normally in September, OJAG Code 15 will solicit information regarding outstanding NAFI claims that have not been forwarded to OJAG Code 15.

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1305 CORRESPONDENCE AND FILES

Correspondence should be temperate, easily understood, and informative. Claims files may be destroyed three years after the files have been closed. Closed files should not be sent to OJAG.

CHAPTER 14
TRIAL DEPARTMENT

1400 MISSION

The mission of the trial department is to provide qualified trial counsel for the prompt, efficient, and professional prosecution of SPCMs and GCMs; government counsel for the conduct of Article 32s; and counsel (recorders) for administrative boards.

1401 DUTIES AND RESPONSIBILITIES OF THE SENIOR TRIAL COUNSEL

a. Supervise, train, and direct all trial counsel, paralegals, and other military and civilian personnel assigned to the department.

b. Except in the case of charges eligible for capital referral, or unless otherwise directed, assign government and trial counsel for all SPCMs, GCMs, and Article 32s, ensuring an equitable distribution of the caseload and taking into consideration the experience level of counsel and the complexity of each case.

c. Assign counsel for administrative boards and investigative bodies, as resources permit. See also paragraphs 1001, 1404, and 1406.

d. Direct military justice and, as appropriate, administrative discharge board case tracking by use of whichever management information system(s) are in use within NLSC.

e. Assist local staff judge advocates with military justice matters.

f. Provide legal advice on criminal investigations to Naval Criminal Investigative Service agents or other Government investigators.

g. Maintain a turnover file containing current forms, questionnaires, sample motions, rules of court, etc., for use by assigned counsel.

- h. Maintain a confinee list and review it to ensure compliance with current speedy trial rules.
- i. As the senior litigator, assist newly assigned trial counsel in the preparation of their cases as needed.
- j. Train assigned counsel in trial preparation and courtroom advocacy.
- k. Ensure assigned counsel promptly and accurately enter case data into the current management information system.
- l. Provide liaison between the judiciary and junior trial counsel in appropriate matters such as courtroom demeanor, interpretation of court rules, and other areas relating to courtroom procedures, conduct, and advocacy skills.
- m. Ensure prompt, accurate transcription and authentication of records of trial and delivery to Convening Authorities.
- n. Keep the CO and XO informed of all issues within the department, including the professional competence and progress of counsel.
- o. Coordinate with Special Assistant U.S. Attorneys on cases involving both military and Federal jurisdiction.

1402 LIAISON WITH CONVENING AUTHORITY

Personal contact by the trial counsel with the convening authority or the designated representative during the entire course of a case disposition is important. Trial counsel should, within five (5) working days of assignment, make initial contact with the convening authority (or the assigned command judge advocate). Throughout the course of litigation, the trial counsel shall keep the convening authority informed as to witness requests and other funding issues, any defense requests for members or enlisted members, and other administrative issues such as the need for bailiffs, brig chasers, etc. At the conclusion of trial, trial counsel shall communicate the results to the convening authority or a representative. In cases of particular importance, interest, or controversy, trial counsel should meet personally with the convening authority to discuss the results of trial. However, the trial counsel for a

particular case shall not also act as the convening authority's staff judge advocate and shall not draft the Staff Judge Advocate's Review. See paragraph 1502.

1403 PHYSICAL EVIDENCE, TRIAL RECORDINGS, AND RECORDS OF TRIAL

a. TSO COs shall establish procedures to provide for the custody, safeguarding, and chain of custody of physical evidence. Specific accountability and record keeping procedures will be prescribed. Disposal of evidence after trial is governed by OPNAVINST 5580.1[series] (Subj: Navy Law Enforcement Manual). The timing of such disposal prior to completion of appellate review is an issue involving considerable judgment and is dependent upon the strength of the case before the appellate review authorities. Trial counsel should consult with the Appellate Government Division (OJAG Code 46) for guidance.

b. Both the trial counsel and the senior court reporter are responsible for monitoring assigned court reporters to ensure the timely completion of all records of trial. See also paragraph 1401m. The CO will be advised of delays. Court reporters' primary duties are to provide the services set forth in R.C.M. 501, 502, and 1103. Requests for additional court reporting services, such as recording and transcribing Article 32 proceedings, depositions, or administrative proceedings, should be directed to the TSO CO. COs may approve these services at their discretion.

c. Under R.C.M. 1103, trial counsel are charged with producing the record of trial for each GCM and SPCM. Trial counsel are required to examine the record to ensure the proceedings are accurately recorded. Defense counsel are authorized to examine the record before authentication by the military judge, unless it will cause an unreasonable delay.

d. Trial counsel will ensure compliance with the post-trial procedures and checklists prescribed in JAG/COMNAVLEGSVCCOMINST 5814.1[series] (Subj: Post-Trial Checklists). They will monitor the completion of required post-trial actions and subsequent forwarding of records of trial by convening authorities to higher authority. They will monitor the status of records until their arrival at the Navy-Marine Corps Appellate Review Activity (NAMARA, OJAG Code 40).

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e. TSO COs will establish their own processes to monitor the status of records of trial in transcription, records awaiting authentication, and records sent to convening authorities. COs will advise OJAG Code 06 and OJAG Code 40 of any delays in processing records of trial.

f. In accordance with JAGMAN 0150, notes and recordings from trial shall be retained by the TSO until review of the case is final. Computer disk copies of records of trial shall be retained for the same period of time. A hard copy of the record of trial shall be retained until confirmation that the original has been received by the appellate review activity. However, a copy of attachments (e.g., appellate exhibits) to the record of trial shall be retained until review of the case is final.

1404 FAMILY ADVOCACY PROGRAM

a. TSO COs will, in consultation with the cognizant staff judge advocate or type commander as appropriate, ensure a judge advocate is made available to act as a recorder for all administrative separation boards and boards of inquiry for child sexual abuse cases absent compelling reasons why one can not be assigned. COs will, in consultation with the cognizant staff judge advocate or type commander as appropriate, assign a judge advocate as a recorder in other types of child and spouse abuse administrative separation hearings when personnel assets are available.

b. General responsibilities for support of the Family Advocacy Program, to include assisting victims in seeking review of adverse CRC determinations in child and spouse abuse cases, are discussed in paragraph 0210. See also paragraph 1505.

1405 VICTIM AND WITNESS ASSISTANCE PROGRAM

DOD Instruction 1030.2[series] (Subj: Victim and Witness Assistance Procedures), as implemented by SECNAVINST 5800.11[series] and OPNAVINST 5800.7[series] (Subj: Victim and Witness Assistance Program), prescribes procedures to implement the Victim and Witness Assistance Program in DOD and DON. Each TSO will have a program in place to ensure victims and witnesses are provided the required information and assistance in accordance with these instructions. Every instance of counseling or assistance provided should be entered into the

management information data base to ensure accurate information is available for future reporting. Each TSO shall appoint an officer to administer the program, ensure coordination within the command, and act as a representative on the regional Victim and Witness Assistance Council. This individual is also responsible for providing data to NLSC in January each year in support of the annual report to the Bureau of Naval Personnel (Pers-06) on the number of DD Forms 2710, 2701, 2703, and 2704 distributed. See paragraphs 0211 and 1205b.

1406 SEPARATION PROCEEDINGS FOR HOMOSEXUAL STATEMENTS OR CONDUCT

a. It is imperative that DON policy relating to the alleged homosexual conduct of service members be implemented properly (see MILPERSMAN 1910-148). For cases in which separation processing is initiated based solely upon a statement or statements by a service member as to his or her homosexuality, and not upon allegations of homosexual acts by the service member, counsel should contact OJAG Code 13 to ensure they have the latest DOD and Navy guidance.

b. TSO COs will, in consultation with the cognizant staff judge advocate or type commander as appropriate, ensure a judge advocate is made available to act as a recorder for all administrative separation boards and Boards of Inquiry wherein the basis for separation processing of the service member is solely an alleged homosexual statement by the service member. TSO COs should ensure that any judge advocate assigned to act as recorder in such proceeding is familiar with current statutes, regulations, and DOD and DON policy regarding homosexual statements.

c. Use of judge advocates as recorders is appropriate and strongly encouraged in any administrative discharge proceeding involving alleged homosexual conduct.

d. Military judges assigned to the Navy-Marine Corps Trial Judiciary are authorized to serve, on an as-available basis, as legal advisors to administrative discharge boards involving homosexual conduct.

1407 DUTIES AND RESPONSIBILITIES OF A TRIAL PARALEGAL

A TC paralegal serves a vital role in a TSO trial department. As part of the prosecution team, the paralegal will be made aware of information that is both privileged and confidential. A primary duty of the paralegal is to maintain the confidentiality of such information. The following are some of the most important duties and responsibilities:

- a. Tracking the location and caseloads of all assigned trial counsel;
- b. Organizing and updating command trial library and resource materials;
- c. Aiding in trial-related legal research;
- d. Maintaining counsel appointment schedules;
- e. Collecting trial department reports;
- f. Maintaining trial department case tracking;
- g. Arranging for production and travel of witnesses;
- h. Assisting the assigned trial counsel with inputting data as required in the management information data base; and
- i. Performing other duties in furtherance of the trial department mission as directed by the CO, XO, and Senior Trial Counsel.

CHAPTER 15
COMMAND SERVICES DEPARTMENT

1500 POLICY

a. The purpose of the NLSC command services liaison program is to provide prompt and effective legal services to commands throughout the Navy sea and shore establishment, emphasizing early identification of potential problems. TSOs will take the initiative in contacting and assisting commands. Every TSO (and detachment with sufficient assets) will have a command services program and designate a command services officer, regardless of whether a separate command services department exists. Every command and activity within a TSO's (or detachment's) area of responsibility will be informed of points of contact for specific legal matters. Local instructions or other means should be used to inform commands of the availability of services and the procedures to obtain them. See also paragraph 1500a.

b. Commands without judge advocates assigned will be given legal advice and support as necessary. If resources are available, TSOs may provide assistance to area command/staff judge advocates that request services.

1501 IMPLEMENTATION

Command services officers serve as the initial points of contact and advisors to assigned commands. A primary focus should be on military justice matters, with emphasis on expeditious processing of nonjudicial punishment and court-martial proceedings. The command services officer must serve as an effective liaison to enable TSO personnel to learn of potential legal issues and to provide appropriate legal support even before a request for services is made. Established processes, especially with regard to a potential court-martial case, must vigorously stress bringing the client command's legal issues to the department for action as soon as possible. Processes or policies that encourage or suggest a court-martial case should not be accepted by the department for action until all collateral paperwork is provided by the client command shall be avoided. In carrying out a command services liaison program, the following procedures apply:

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a. Each preferred charge sheet received by the TSO, usually the Command Services Department, should be considered as a convening authority request for trial and defense counsel and should be accompanied by all supporting documents such as investigation reports, evidence, and witness statements. Immediately upon receipt of preferred charges, the TSO will provide copies of the charge sheet and all discoverable supporting documents provided by the convening authority to the cognizant NLSO for assignment of defense counsel. If the TSO receives preferred charges not accompanied by supporting documentation, a copy of the preferred charge sheet will immediately be provided to the cognizant NLSO. The TSO will immediately notify the convening authority that delivery of supporting documentation is required and may delay assignment of counsel. Each TSO and NLSO will maintain a log or other means of tracking requests for counsel.

b. Brig reports should be monitored to ensure confinees are promptly assigned counsel, if required or if requested by a confinee's command.

c. Command services liaison responsibility continues in a potential court-martial case at least until the assignment of a trial counsel (for SPCMs) or government counsel (Article 32s). Then, the primary responsibility for guidance and assistance usually shifts to the detailed trial or government counsel. At this point, the command services officer shall refer requests concerning the case to the detailed counsel. The command services officer should assist the assigned counsel in turning over responsibility and may be required to provide continuing liaison to client commands.

d. Close coordination with area staff judge advocates is necessary to ensure area commands' policies and procedures are followed. This will also ensure consistency of legal advice.

e. Command services officers shall familiarize themselves with the mission, organization, and operations of client commands and shall become personally acquainted with local COs and other command personnel. Periodic visits and personal contact are required.

f. Area commands often ask for training lectures on legal topics as part of their general military training programs. The

command services or training officer should coordinate all requests and strive to respond favorably to them.

g. A periodic memorandum is useful to disseminate information to area commands to keep them abreast of changes or problems in the law. The command services officer is responsible for soliciting topics from TSO personnel, and for distributing the final product upon approval by the CO. Use of an Internet web site, following coordination with OJAG (Code 08), is encouraged.

h. The command services department shall maintain a complete record of contacts with client commands and services rendered. Commands shall utilize whichever management information system(s) are currently authorized by NLSC for such record keeping.

i. Command services officers shall advise client commands of the full range of services available from NLSO departments, such as legal assistance and claims. Where practicable, command services officers will facilitate customer command access to all NLSO and TSO services.

j. Command services officers will monitor pending administrative discharge boards, ensure customer convening authorities are familiar with processing time guidelines contained in the MILPERSMAN, and advise on appropriate actions to ensure expeditious processing of such proceedings. Command services officers shall advise prospective administrative discharge board recorders as to their duties and responsibilities.

k. Command services officers will assist commands with foreign criminal jurisdiction advice, when required. Foreign criminal jurisdiction practice involves, among other matters, jurisdiction waiver requests, contracting of foreign counsel to represent the accused, trial observation, and prisoner visitation. Although these functions are often within the purview of the cognizant staff judge advocate, the TSO may be called on to assist.

l. After coordination with the regional environmental counsel, command services officers may assist commands with advice on environmental law issues.

1502 POST-TRIAL RESPONSIBILITIES

TSO COs will assist client commands in carrying out their post-trial responsibilities. If personnel resources permit, this assistance includes preparing the staff judge advocate's post-trial recommendation [SJAR] pursuant to R.C.M. 1106(c). Preparation of the SJAR for a convening authority will be done after consultation with the staff judge advocate of the type commander or other staff judge advocate superior in the convening authority's chain of command. Trial counsel who were assigned, formally or otherwise, to the subject court-martial, or who were involved in any pre-trial or trial preparation, investigation, or strategy discussions regarding the court-martial, may not draft, prepare, or sign the SJAR. See also paragraph 1402.

1503 ETHICS ADVICE

In accordance with Deputy JAG ltr (Subj: Designation of Ethics Counselors of 27 Nov 96) TSO COs are Ethics Counselors as defined by DOD 5500.7-R (DOD Joint Ethics Regulation (JER)) and shall provide ethics advice to commands and DOD personnel, as required. Communications received by an attorney acting as an Ethics Counselor capacity are not protected by the attorney-client privilege. Ethics Counselors must advise individuals as to the inapplicability of the privilege prior to any communication from the individual being counseled. See also paragraph 1205f.

1504 INQUIRES RELATING TO HOMOSEXUAL STATEMENTS OR CONDUCT

Command services personnel must be alert to inquiries from client commands with regard to potential investigative, administrative, or disciplinary action directed toward service members for alleged homosexual statements or conduct. Given the complexity, such inquiries and subsequent action if any should be carefully monitored. Coordination with OJAG (Code 13.1), as appropriate, is encouraged. See paragraph 1406.

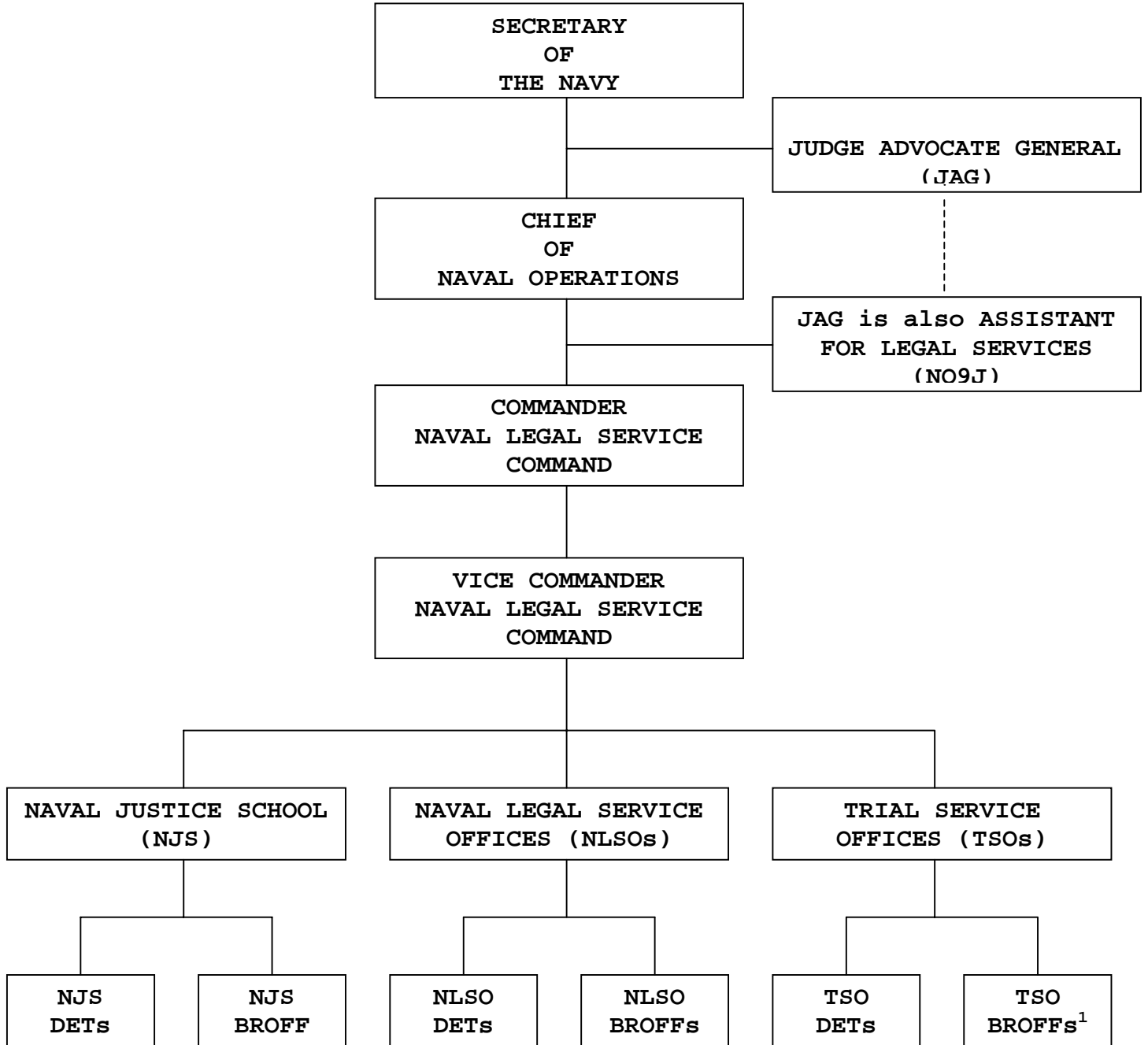
1505 FAMILY ADVOCACY PROGRAM

a. TSO COs will, in consultation with the cognizant staff judge advocate, ensure a judge advocate is assigned to

participate in the installation Family Advocacy Committee (FAC) and Case Review Committee (CRC). When the installation has no staff judge advocate, and after consultation with the type commander, COs will ensure a judge advocate is appointed as an active, permanent member of the installation FAC or CRC.

b. General responsibilities for support of the Family Advocacy Program, including assisting victims in seeking review of adverse CRC determinations in child and spouse abuse cases, are discussed in paragraph 0210. See also paragraph 1404.

APPENDIX A
NLSC CHAIN OF COMMAND



Some branch offices report to a detachment

APPENDIX B
Policy Statement on Sexual Harassment

1. I want you to know how strongly I feel about our leadership role in eliminating sexual harassment from the Naval Service.

2. It is imperative we set the highest standards of personal and professional conduct at all times. Every judge advocate, legalman and civilian employee in Naval Legal Service Command deserves a work environment free from discrimination and harassment. Our command vision statement is clear:

We will cultivate a military and civilian work force environment of equal opportunity that values individual and cultural diversity, encourages personal development in an atmosphere of teamwork and mutual support, and treats every person with trust, respect, and dignity.

3. Commanding officers must fully discharge their responsibilities for:

- a. Providing training on sexual harassment;
- b. Disseminating and publishing command policy against sexual harassment, including the zero tolerance policy;
- c. Ensuring that grievance procedures are known, understood, and complied with;
- d. Initiating prompt investigation and timely action on any complaint of sexual harassment; and
- e. Protecting from reprisal members who make or prepare a complaint of discrimination or sexual harassment.

4. The word must go out unequivocally that sexist remarks and improper behavior will not be tolerated. We must foster an atmosphere of trust, individual worth, and mutual respect for every member of the command. Individual conduct, both in the office and while off-duty, must embody the ideals and demeanor required of personnel in the Naval service. This mandate is not new, and strong principled leadership will ensure the Naval

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Legal Service Command maintains the high morale and superior unit cohesion that is our trademark. I have complete confidence in your ability to make a difference.

MICHAEL F. LOHR
Rear Admiral, JAGC, U.S. Navy
Commander
Naval Legal Service Command

APPENDIX C
MEDIA RELATIONS AND THE NAVY
JUDGE ADVOCATE: A PRIMER

1. Preface. Judge advocates (and other members of the JAG community) may be confronted with press inquiries and media interest regarding the military justice system, in general, and their cases, in particular. The information that follows is designed to provide a primer for practitioners in media relations, discuss ethical considerations, and offer practical tips for those involved in the media interview process.

2. Legal Framework

a. References

(1) NAVREGS (1990), Art. 1121. This section, entitled "Disclosure, Publication and Security of Official Information," prohibits Naval personnel and civilian employees from acting as a news service correspondent, commentator or analyst, unless specifically assigned to public affairs duties or authorized by the Secretary of the Navy.

(2) Manual for Courts-Martial, R.C.M. 806

(a) R.C.M. 806, entitled "Public Trial," applies to spectators at courts-martial. It presumes courts-martial will be open to the public and it acknowledges the military judge's dual role of protecting the accused's right and public's interest in a public trial, while also maintaining the dignity of the proceeding. It also empowers the military judge to "reasonably limit the number of spectators in, and the means of access to, the courtroom, exclude specific persons, i.e., witnesses, from the courtroom, and close a session." The defense has a right to object to the actions of the military judge. See also M.R.E. 505(j)(5).

(b) R.C.M. 806 also strictly prohibits the use of audio-visual recording equipment and photography, unless the military judge determines closed-circuit transmissions are necessary to accommodate an overflow of spectators or when an accused has been excluded from the courtroom pursuant to R.C.M. 804. Compare R.C.M. 1103(j) which permits, under the authority of the Secretary concerned, a general or special court-martial

to videotape, audiotape, or use other means of reproduction, to record a court-martial. Such means of recording may be used in lieu of, or in addition to, recording by a qualified court reporter.

(3) JAGMAN 0142. This section, entitled "Release of Information/Persons Accused," provides extensive policy guidance with regard to releasing information on pending investigations or military justice matters. It does not apply to judge advocates assigned to represent individual clients other than the Government when making statements concerning the subject matter of that representation; they must comply with JAGINST 5803.1[series] (Subj: Professional Conduct of Attorneys Practicing under the Supervision of the Judge Advocate General). The bottom line is simple: "No statements or other information shall be furnished to news media for the purpose of influencing the outcome of an accused's trial, or which could reasonably be expected to have such an effect." Release limitations apply to preliminary investigations, the imposition of NJP, and the court-martial process, i.e., the apprehension of the accused, preferral of charges, or initiation of an investigation. See Section III, "Legal Analysis," below, for a detailed discussion.

(4) JAGMAN 0143. This section, entitled "Spectators at Proceedings," applies to spectators at an Article 32 hearing, court of inquiry, or other hearing directed in accordance with the Manual of the Judge Advocate General (JAGMAN). It permits the Presiding Officer to close all or part of the hearing if inadmissible information might be disseminated and is likely to interfere with the right of an accused to a fair trial.

(5) COMNAVLEGSVCCOMINST 5800.1[series] (Subj: Naval Legal Service and Trial Service Office Manual). Section 0222 of this instruction recognizes the importance of the media's role in a democratic society, but admonishes CO's to protect the rights of service members and to maintain courtroom dignity. It requires guidance from local PAO experts when information about NLSO or TSO services is to be disseminated. It also mandates notice to COMNAVLEGSVCCOM of high visibility/media interest matters.

(6) JAGINST 5803.1[series] (Subj: Professional Conduct of Attorneys Practicing under the Supervision of the Judge Advocate General). Rule 3.6 of this instruction, concerning extra-tribunal statements, sets out specific rules for

practicing judge advocates. See Section III, "Legal Analysis," below, for a detailed discussion.

(7) SECNAVINST 5720.42[series] (Subj: Department of the Navy Freedom of Information Act). This instruction governs requests for government held-information. It imposes no duty to create files or generate information.

(8) SECNAVINST 5211.5[series] (Subj: Department of the Navy Privacy Act Program). This instruction provides individuals with access rights to information held by the government regarding themselves and limits disclosure of sensitive/personal information to third parties.

(9) SECNAVINST 5720.44[series] (Subj: Department of the Navy Public Affairs Policy and Regulation). Sections 0509 and 0510 of this instruction outline Navy public affairs policy concerning military justice matters.

(10) NAVMARTRIJUDACTINST 5810.5[series] (Subj: Navy-Marine Corps Trial Judiciary Uniform Rules of Practice)

(a) Rule 15.5 - Spectators: Precludes court - martial spectators from demonstrating an agreement or disagreement with testimony or other trial procedures and provides expulsion or contempt sanctions for violation of the rule.

(b) Rule 25.1 - Decorum: Prohibits smoking, eating, drinking (except water, by trial participants) during open court sessions. Trial participants are further precluded from chewing gum, tobacco or using snuff.

(c) Rule 25.2 - Recording equipment: Prohibits video or audio recording devices unless specifically authorized by the military judge, except for the equipment required by the court reporter.

(11) Force/Fleet Regulations provide specific guidance for PAO matters and reporting high interest matters to the chain of command - what to report, when, to whom, and how (e.g., OPREP/SITREP).

(12) JAGINST 5400.1[series] (Subj: Office of the Judge Advocate General (OJAG) Organization Manual). Section 213, entitled "Media Interview and Inquiries," provides guidance for judge advocates on release of official information, Freedom of Information Act, Privacy Act requests and information about individual representation.

b. Resources

(1) ABA Standards for Criminal Justice (Volume 2, Chapter 8 - Fair Trial and Free Press).

(2) ABA Model Rules of Professional Conduct (Model Code and Rules).

(3) ABA Code of Judicial Conduct.

(4) U.S. Attorney's Manual (Title 1, Chapter 5 - Department of Justice Guidelines).

(5) "Telling the Navy Story"--A Handbook for the Collateral Duty PAO (March 1992), Office of U.S. Navy, Chief of Information.

3. Legal Analysis

a. JAGMAN 0142

(1) Applicability. This JAGMAN section applies to all DON personnel, with the exception of judge advocates assigned by competent authority to represent an individual client other than the Government. It applies to preliminary investigations, the imposition of NJP, and the court-martial process. Specifically, its application commences with:

(a) The accused's apprehension;

(b) Preferral of charges; or

(c) Initiation of an investigation.

(2) General Provisions. No information should be provided, except pursuant to a specific request. Release should normally be via the cognizant PAO.

(3) Upon specific inquiry, the following information may usually be released:

(a) Accused's name, grade, age, unit, regularly assigned duties, duty station, and sex;

(b) Substance of the alleged offense(s). Include a statement explaining the charge is merely an accusation and the accused is presumed innocent unless proven guilty;

(c) Identity of the victim(s), except victim(s) of sex offenses or juveniles;

(d) Identity of apprehending/investigating agency and accused's counsel;

(e) Time and place of apprehension;

(f) Type and place of custody;

(g) Any information about what transpired during the open sessions of a court-martial, such as: "The accused pled not guilty at his arraignment.";

(h) Scheduling of judicial process; and,

(i) Denial of offense(s) by the accused, with defense counsel approval.

(4) The following information may not be released:

(a) Subjective opinions, observations, or comments about an accused's character, demeanor, or guilt;

(b) Prior criminal record or reputation of the accused;

(c) Existence or contents of confessions, admissions, statements, alibis, if any, or an accused's refusal to make a statement;

(d) Performance of examinations or tests, or the accused's refusal to submit to such examinations or tests;

(e) The identity or nature of physical evidence or identity, testimony, or credibility of possible witnesses;

(f) Anticipated pleas or offers to negotiate pleas;

(g) Reference to confidential sources or investigative techniques; or

(h) Any other matter that would affect the deliberations of the investigative body or court-martial or otherwise prejudice the due administration of military justice either before, during, or after trial.

(5) Exceptional Cases. Prohibited information may, on occasion, be released to aid in apprehending a fugitive, or as required, pursuant to the Freedom of Information Act or Privacy Act.

(6) Sanctions. This section of the JAGMAN does not specifically provide for sanctions or disciplinary action. In fact, language in section 0142(f) indicates these restrictions provide "generally applicable guidelines" and encourages cognizant staff judge advocates or legal service offices to provide assistance in interpreting the instructions.

b. JAGINST 5803.1[series]

(1) Applicability. The Rules of Professional Conduct for Practicing Judge Advocates apply to all judge advocates who are Article 27(b), UCMJ certified, active and Reserve; to NLSC civil service and contracted civilian attorneys; and to civilian attorneys representing individual members of the naval service in matters under the JAG's cognizance. This includes courts-martial, administrative discharge boards, and disability evaluation proceedings. See JAGINST 5803.1[series], para. 4a(5). Consult local Bar rules and the ABA Model Rules of Professional Conduct (1984) when dealing with attorneys outside the JAG's cognizance.

(2) Specific Provisions

(a) Rule 3.5 (Impartiality and Decorum of the Tribunal). A judge advocate shall not:

1. Seek to influence a judge, court member, member of a tribunal, prospective court member or member of a tribunal, or other official by means prohibited by law or regulation;

2. Communicate ex parte with such a person except as permitted by law or regulation; or

3. Engage in conduct intended to disrupt a tribunal.

(b) Rule 3.6 (Extra-Tribunal Statements). The rule establishes lists of permissible and prohibited comments for judge advocates and adopts the "reasonable person" standard to determine if a statement made by a judge advocate would likely be disseminated by the public communications media. If such dissemination is objectively expected, judge advocates are subject to disciplinary action if the judge advocate "knew" or "reasonably should have known" that the extra-tribunal statement had a high probability of materially prejudicing an adjudicative proceeding or official review process. The U.S. Supreme Court discussed the difficulty a trial lawyer has in balancing the right of free expression with protecting the adjudicative process in Gentile v. State Bar of Nevada, 501 U.S. 1030 (1991). The judge advocate should be cautious not to make any statement, even those presumptively permissible, that he or she knows or should know will produce a substantial likelihood of material prejudice to an adjudicative proceeding. Comments to Rule 3.6 acknowledge the rule is derived from the ABA Model Rules of Professional Conduct and the ABA Standards Relating to Fair Trial and Free Press, which should be consulted for additional guidance/analysis.

1. Specific prohibited comments include:

a. The character, credibility, reputation, or criminal record of a party, suspect in a criminal investigation, victim, or witness, or the identity of a victim, or witness, or the identity of a victim or witness, or the expected testimony of a party, suspect, victim, or witness (Rule 3.6(b)(1));

b. The possibility of a plea of guilty to the offense or the existence or contents of any confession,

admission, or statement given by an accused or suspect or that person's refusal or failure to make a statement (Rule 3.6(b)(2));

c. The performance or results of any forensic examination or test or the refusal or failure of a person to submit to an examination or test, or the identity or nature of physical evidence expected to be presented (Rule 3.6(b)(3));

d. Any opinion as to the guilt or innocence of an accused or suspect in a criminal case or other proceeding that could result in incarceration, discharge from the naval service, or other adverse personnel action (Rule 3.6(b)(4));

e. Information the covered attorney knows or reasonably should know is likely to be inadmissible as evidence before a tribunal and would, if disclosed, create a substantial risk of materially prejudicing an impartial proceeding (Rule 3.6(b)(5));

f. The fact that a person has been charged with a crime, unless there is included therein a statement explaining that the charge is merely an accusation and that the accused is presumed innocent until and unless proven guilty (Rule 3.6(b)(6));

g. The credibility, reputation, motives, or character of civilian or military officials of the Department of Defense (Rule 3.6(b)(7)).

2. Notwithstanding the prohibitions listed above, covered attorneys involved in litigation or an investigation may, without elaboration, release the following information:

a. The general nature of the claim, offense, or defense (Rule 3.6(c)(1));

b. The information contained in a public record (Rule 3.6(c) (2));

c. That an investigation of the matter is in progress, including the general scope of the investigation, the offense or claim or defense involved and, except when

prohibited by law or regulation, the identity of the persons involved (Rule 3.6(c)(3));

d. The scheduling or result of any step in litigation (Rule 3.6(c)(4));

e. A request for assistance in obtaining evidence or information (Rule 3.6(c)(5));

f. A warning of danger concerning the behavior of the person involved, when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest (Rule 3.6(c)(6)).

3. In criminal cases, covered attorneys involved in the investigation or litigation may also release the following information (similar to JAGMAN 0142):

a. The identity, duty station, occupation, and family status of the accused (Rule 3.6(c)(7)(a));

b. If the accused has not been apprehended, information necessary to apprehend the accused (Rule 3.6(c)(7)(b));

c. The fact, time, and place of apprehension (Rule 3.6(c)(7)(c)); and

d. The identity of investigating and apprehending officers or agencies and the length of the investigation (Rule 3.6(c)(7)(d)).

(3) Sanctions. The instruction also provides for disciplinary action, removal of Articles 26 and 27(b), UCMJ, certification, and notification of complaint to state bar (JAGINST 5803.1A, paragraph 5, and its enclosure (2)).

4. Media Relations - The Interview Process (excerpts from "Telling the Navy Story")

a. Interview Preparation

(1) Recognize the specific concerns of the media involved, including time and space constraints.

(2) Work with experts (PAO) and conduct mock interview (videotape and critique).

(3) Know media reporter, especially type of questions, bias to be encountered.

(4) Be aware of "late breaking stories."

(5) Prepare two or three points you want to convey during the interview -- use people-oriented examples that illustrate your answers.

(6) Use makeup for televised interviews.

(7) Wear Service Dress Blue (w/o name tags--cuts glare) for studio interviews; otherwise, uniform of the day is appropriate for on-site interviews.

(8) Learn the limits of your authority and competence; i.e., make sure you are authorized to speak to the media before doing so. Additionally, even if the subject is not directly under JAG's cognizance, you should, as a matter of professional courtesy, inform the OJAG Public Affairs Officer or the JAG's Executive Assistant of the pending interview.

b. The Interview

(1) Relax. Be truthful, even if it is painful;

(2) NEVER say "No comment." Explain why you cannot answer completely i.e., pending investigation, classified matter, professional rules of ethics (attorney-client privilege).

(3) If unsure, say so and offer to get an answer.

(4) Avoid military jargon, acronyms, and "legalese."

(5) Answer directly and provide the bottom line first. Keep initial answer to 20 seconds or less and amplify later.

(6) Correct the information, especially if the reporter is inaccurate or confuses the issue (e.g., referring to a Petty Officer as a "Naval Officer" or mere allegations as "charges").

(7) Listen carefully to the question and ask for clarification, if necessary.

(8) Maintain eye contact and be expressive.

(9) Be positive/up beat.

(10) Never speak "off the record" - assume you are always on the air.

(11) Answer the five W's: who, what, when, where, and why (and how).

(12) Be modest and calm--never lose your temper.

(13) Never speculate or comment on matters beyond your competence, cognizance, or responsibility ("foot-in-mouth" syndrome).

c. Post-Interview

(1) Thank the reporter for the opportunity to inform the public.

(2) Clarify any unclear points.

(3) Critique interview with the experts (PAO types).

(4) Notify your superior along with JAG of the date of the interview; name of the interviewer; name of interviewer's employer; subject of the interview; name of the member interviewed; date of the expected publication or broadcast, if known; a brief summary of matters covered; problems anticipated; and whether the interview was recorded.

5. Media Experts - Points of Contact

a. Chief of Naval Information (CHINFO) (Arlington, Virginia): (703) 697-5342, DSN 227-5342.

b. OJAG (001PA): (202) 685-5193, DSN 325-5193.

c. Local contacts: _____

APPENDIX D
ABBREVIATED SYSTEM DECISION PAPER

1. Need. Outline the need for the information system resources as related to specific elements of the activity's mission. Briefly summarize the functional requirement and the information dependent tasks. Describe the current method and evaluate the impact on operations of maintaining the status quo capability.

2. Proposed Solution. Summarize the selected information system solution (including hardware and software) intended to satisfy the information processing need and identify various assumptions and constraints considered in the selection. Indicate milestone schedule of planned events (e.g., target dates for acquiring equipment and implementing various applications).

3. Other Alternatives Considered. Summarize other alternatives considered and explain why each was not selected as a proposed solution to the need for information system resources.

4. Cost and Benefits. Summarize projected costs (personnel, hardware, training, software, and facilities) of each alternative in becoming an operational system and identify the expected benefits (improvements to functional support, cost savings, etc.). Give cost benefit rationale for selecting the recommended alternative.

5. Interface Considerations. Describe planned and potential interface with systems or procedures external and internal to the organization. Indicate anticipated advantages or problems associated with system interfaces.

6. Funding. What are the life cycle costs? Are there funds available to support the life cycle costs of the selected alternative? Identify the proposed source and type of funding.

7. Other Comments. Include any additional information that will facilitate understanding and evaluation of this ASDP. Training, security, privacy, maintenance, mobility, and site preparation requirements may be addressed in this section.

Functional Requirement
Validated:

Requestor (Commanding Officer or
by direction)

Acquisition Approved:

Commander,
Naval Legal Service Command

APPENDIX E
APPLICATIONS DEVELOPMENT REQUEST

Date: _____

From: _____

To: Commander, Naval Legal Service Command (Code 08)

Subj: APPLICATIONS DEVELOPMENT REQUEST

1. Function to be automated: _____.

2. References (if any): _____.

3. Point of contact: _____.

4. Telephone: _____.

5. Purpose: _____

_____.

_____.

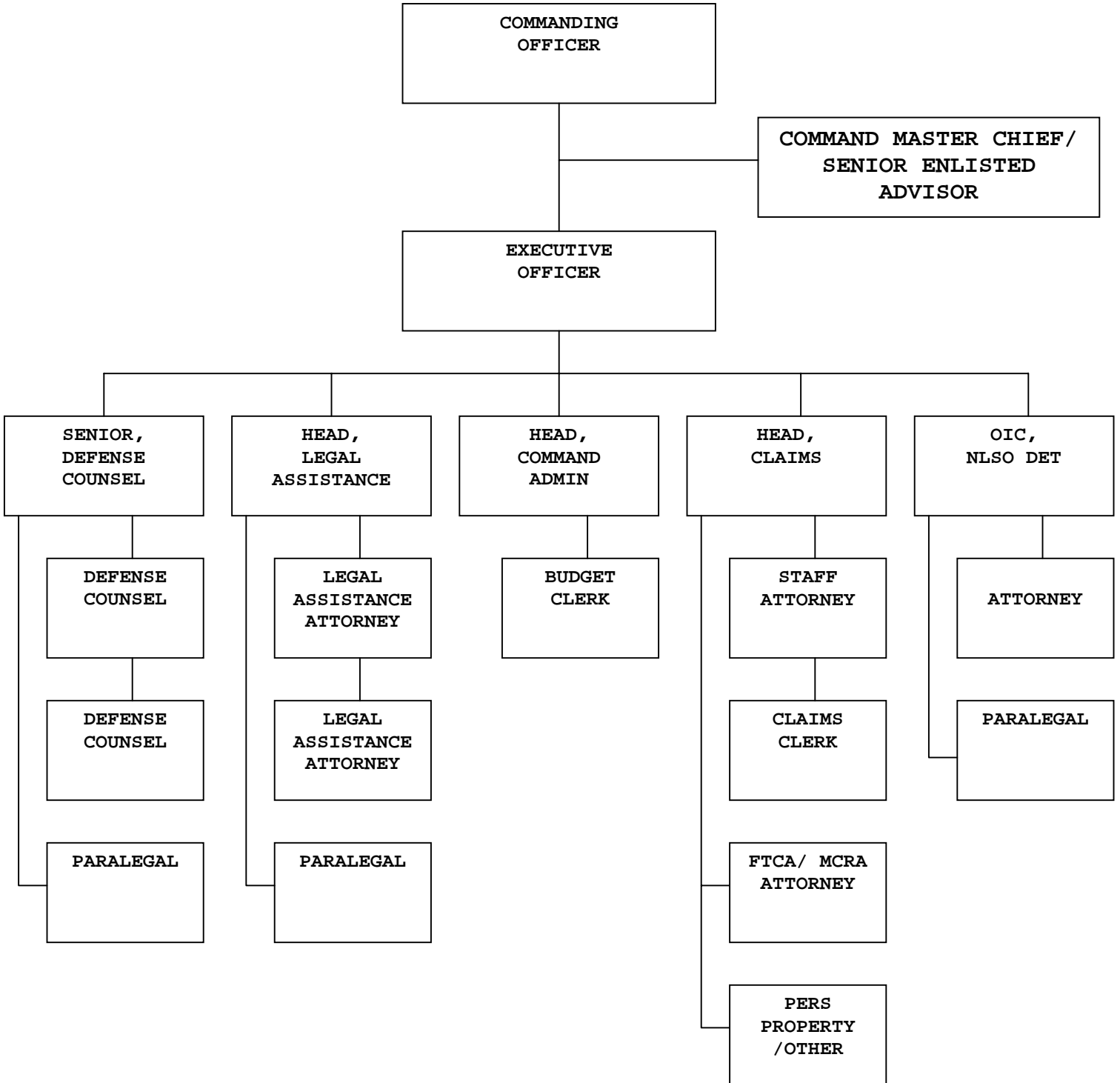
6. Reports required: _____ YES _____ NO (If "yes", attach copies of the reports, current and desired.)

7. Data source: _____.

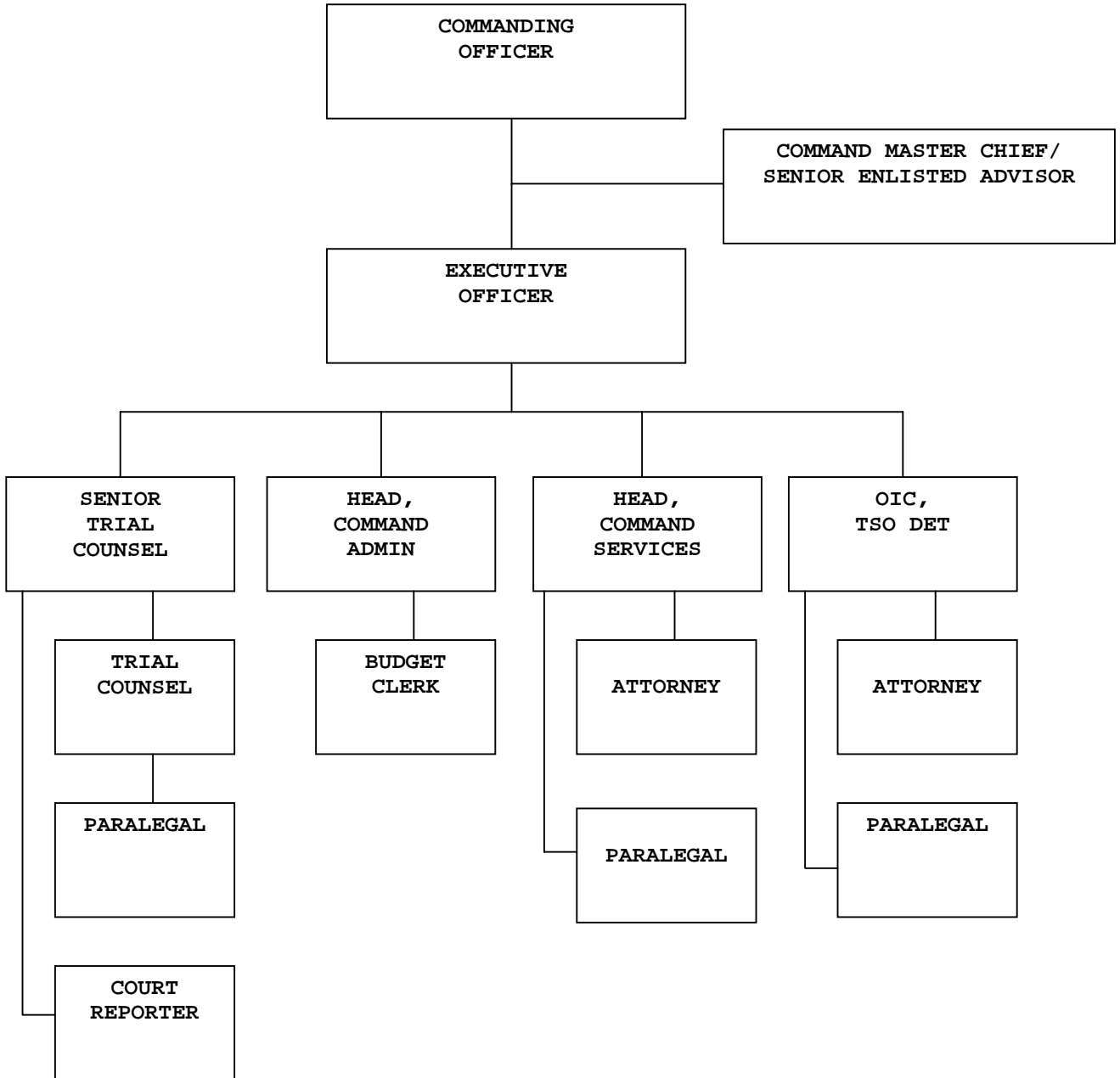
(If data for the present system is derived from a form, attach the appropriate forms.)

Signature

**APPENDIX F
BASIC NLSO ORGANIZATIONAL STRUCTURE, CONUS**



BASIC TSO ORGANIZATIONAL STRUCTURE



**APPENDIX G
RECURRING NLSC REPORTS**

<u>REPORT</u>	<u>DUE</u>
<u>BI-WEEKLY</u>	
Payroll for Personal Services (Yokosuka and Naples only) (Code 64)	Two days after receipt of form from payroll activity
<u>MONTHLY</u>	
Civilian Personnel Report (Code 64)	2 nd
*Claims, Navy Flash (Code 64)	4 th
<u>QUARTERLY</u>	
SITREP/Productivity (Code 63)	15 th JAN/APR/JUL/OCT
Carrier Recovery (Code 64)	14 th JAN/APR/JUL/OCT
Sexual Assault Victim Intervention (SAVI) Report (Code 63)	1 st JAN/APR/JUL/OCT
Criminal Activity, Disciplinary Infraction and Court-martial Report (QCAR) (Code 63)	8 th JAN/APR/JUL/OCT
<u>ANNUAL</u>	
FOIA (Code 13)	15 th JAN
VWAP (Code 63)	15 th JAN

* This report is only required from those activities not receiving accounting services from OPLOC Charleston SC.

COMNAVLEGSVCCOMINST 5800.1E

Privacy Act (Code 13)	1 st FEB
Command History (Director of Naval History - NO9BH) (Copy to Code 63)	1 st MAR
Discrimination/Sexual Harassment Complaint Report (Code 63)	15 th NOV
Consolidated Mid-year Review/Budget/POM (Code 64)	15 th APR
CMTF Annual Training Rep. (NJS)	15 th JUL
Annual Internal Control/Management Control Certification (Code 63)	(As requested)
PERS Claims Sweep-up (Code 64)	25 th SEP (As requested)
Unliquidated (FY) Review (Code 64)	15 th OCT
Annual FY Certified Obligation (Code 64)	15 th OCT
Incentive Awards Program (DD 1609) (Code 64)	25 th OCT
FY Contingency Spending Plan (Code 64)	As requested.
CMEO/Command Assessment (Code 63)	Following assumption of command with follow-up assessment conducted periodically during CO's tenure

APPENDIX H
Security Orientation Brief

1. Whatever security access you had at your former command is removed as of your detachment date.
2. Security access must be requested formally by the security manager after receiving notification from the department head, XO, or CO, that the command needs you to have security access.
3. You won't have security access until the security manager tells you that you do.
4. You may not see classified information or material until you are told that you may.
5. The purpose of security education is:
 - a. To protect classified information and classified material from hostile threat.
 - (1) The hostile threat is espionage.
 - b. Ensure all personnel understand the need to protect classified information and classified material.
 - c. Ensure all personnel know how to safeguard classified information or classified material.
6. These are the personnel who have responsibility for security education:
 - a. Commanding officer, through the security manager, is responsible for security education in his command.
 - b. Commanding officer, through the security manager, is responsible for ensuring appropriate time is dedicated to command security training.
 - c. Supervisors are responsible for identifying to their subordinates security requirements for functions of their departments.

d. Supervisors are responsible for seeing that personnel under their supervision are familiar with and trained for security requirements for their particular department.

7. Security education responsibilities and essentials.

a. On-the-job training is essential;

b. Supervisors should ensure on-the-job training is properly provided and understood by subordinates.

8. Scope of security education:

a. Security education provided to all personnel;

b. More extensive training to those with, or those who will require, security access;

c. Tailored to:

(1) Needs of the command;

(2) Different groups within the command.

9. Program Design:

a. Advise of adverse effect to national security;

b. Define national security. "'National Security' means the national defense and foreign relations of the United States and specifically includes: a military or defense advantage over any foreign nation or group of nations; a favorable foreign relations position; or a military or defense posture capable of successfully resisting hostile or destructive action from within or without, overt or covert." JAGMAN 0159a.

c. Advise of legal, personal responsibility to protect classified material within their knowledge, possession or control. Your responsibility is defined in:

(1) U.S. NAVREGS, 1990;

(2) United States Code, Title 18, sections 793 and 794;

and

(3) SECNAVINST 5510.30A and SECNAVINST 5510.36.

d. Advise of behaviors that could disqualify personnel for continued security access and assignment to sensitive duties or assignment to sensitive positions. See paragraph 17, herein, for a list of those behaviors.

(1) Explain what sensitive duties are. Sensitive duties are those involving handling classified information.

(2) Explain what sensitive position is. A sensitive position is either:

(a) An ADP position; or

(b) A position is identified as noncritical-sensitive (requiring CONFIDENTIAL or SECRET clearance), critical-sensitive (requiring TOP SECRET clearance), or special sensitive (requiring special access program clearances).

e. Advise personnel of obligation to report personnel engaging in suspicious behavior likely to endanger classified information/material. See paragraph 17, herein, for a list of those behaviors.

10. Describe command security organization:

a. Identify security manager by name _____.

11. Explain what classified information is -- levels, etc.

a. Levels of classified information, from the lowest to the highest, are CONFIDENTIAL, SECRET and TOP SECRET.

b. CONFIDENTIAL information is information the loss of which could cause **damage** to the national security.

c. SECRET information is information the loss of which would cause **serious damage** to the national security.

d. TOP SECRET information is information the loss of which could cause **exceptionally grave damage** to the national security.

e. Definitions in Chapter 4 of SECNAVINST 5510.36.

f. See section 9, above, for definition of national security.

12. Explain what security clearance is.

a. A security clearance is a investigation into you, your past, your behaviors, etc., the favorable adjudication of which will allow a command to give you access to classified information.

13. Give sufficient information to make the individual realize he or she is an essential link in the security structure.

14. Advise of gravity: administrative and criminal penalties for failure to exercise care.

15. Tell about any special security precautions.

a. Courier card - to hand carry classified information outside a building.

(1) Courier to deliver classified mail to the security manager or designated official directly after return from runs to other buildings.

b. Do not let guards inspect packages containing classified material.

c. Mail room personnel must deliver all classified mail to the security manager or designated official for logging and redelivery to departments.

d. Mail room personnel must check all express, registered, certified, first class, priority mail, Federal Express, and "postmaster: do not forward" mail for classification markings and deliver mail with classification markings to the security manager or designated official for logging and redelivery.

16. Review individual security responsibilities.

a. Do not leave classified information lying about unattended.

b. If found lying about unattended:

(1) If department head or cleared official is there, report incident to him. He or she will store it securely and report incident to the security manager; or

(2) If department head or cleared official is not there, call the security manager, _____, at _____ (telephone number), and report the incident. The security manager will seize the material;

(3) Be sure to report circumstances, e.g., whose desk, which office, room number, time of day, etc.

c. If you must leave the area, seize the classified material yourself (don't leave it alone) and report the incident with full details (whose desk, which office, room #, time of day, etc.) to the security manager immediately.

d. Do not discuss classified information in non-secure areas.

e. Do not discuss classified information with anyone not known to be cleared.

f. Do not discuss classified information over non-secure telephones or transmit it over an unsecure Internet connection.

g. Do not discuss classified information in a way which might allow access by uncleared or unauthorized persons, e.g., repair persons, delivery persons, USPS, Express Mail, etc.

17. Remind personnel of the requirement for continuous evaluation of security personnel for reliability, etc. That's why personnel must report information that could reflect untrustworthiness in another individual. See Chapter 10 and Appendix F of SECNAVINST 5510.30A. A partial list of factors follows: The violation may be reflected in officer fitness reports, enlisted evaluations, or civilian performance appraisals.

Financial instability	Drug use
Arrests	Child molestation
Theft	Sexual behavior that is criminal or reflects a lack of judgment or discretion
Dishonesty	Criminal conduct
Mental problems	Listed in Appendix F of SECNAVINST 5510.30A

18. Remind cleared individuals to report attempts to gain information.

a. Report:

(1) Any contact with any individual where the individual tries to gain illegal or unauthorized access to classified or other sensitive information; or

(2) Incidents where the individual is concerned that he or she may be the target of exploitation by a foreign entity.

(3) Report such attempts to the commanding officer, activity head, or designee, who will review and evaluate the reported information. Any facts or circumstances of a reported contact with any individual that appear to:

(a) Indicate an attempt or intention to obtain unauthorized access to proprietary, sensitive, or classified information or technology;

(b) Offer a reasonable potential for such; or

(c) Indicate the possibility of continued contact with the individual for such purposes will be immediately reported to your local Naval Criminal Investigative Service Office at (___) ___-___;

(4) Any requests for classified or controlled government information, such as "For Official Use Only" information, by persons not authorized access to such information;

(5) Attempts to bribe or use money to obtain classified or other controlled information;

(6) Coercion by blackmail or

(a) Threats against self or relatives, both in the U.S. and residing in foreign countries; or

(b) Promises to assist relatives residing in foreign countries.

b. The requirement to report is from paragraph 3-3 of SECNAVINST 5510.30A and OPNAVNOTE 5510 Ser 09N2/3U534934 of 14 December 1993, enclosure (1), paragraph 1.

19. Remind cleared individuals, and individuals briefed into SCI, to report any foreign travel to:

a. The command security manager, or

b. NCIS local office, and

c. Special Security Officer (SSO), if the individual is briefed into SCI.

Prior to traveling (about 30 days in advance), if possible, foreign travel briefings and debriefings may be required.

The requirement to report foreign travel is from paragraph 3-7 of SECNAVINST 5510.30A and OPNAVNOTE 5510 Ser 09N2/3U534934 of 14 December 1993, enclosure(1), paragraph 1.

20. Discuss document marking. See Chapter 6 of SECNAVINST 5510.36 for full explanation of document marking requirements.

21. How to challenge classification decisions. See paragraph 4-12 of SECNAVINST 5510.36.

22. Prepublication review and security review. DOD DIR 5230.9 of 2 Apr 82, (Subj: Clearance of DOD Information for Public

Release) and SECNAVINST 5510.25A, (Subj: Security Review of Department of the Navy Information; responsibility for), are the directives directing security review of such things as proposed articles, books, etc, for possible inclusion, presumably inadvertent, of classified information.

23. Familiarize personnel with department security requirements for their particular assignments.

24. Instruct personnel in how to determine if the proposed recipient of classified information has clearance/access.

a. Ask the security manager, _____ (telephone number).

25. Debriefings. See paragraph 4-11 of SECNAVINST 5510.30A.

a. Prior to:

(1) Termination of active military or civilian service;

(2) Temporary separation for 60 days or more;

(3) Sabbatical;

(4) Leave without pay;

b. Other times:

(1) At end of limited access authorization;

(2) When security clearance revoked for cause;

(3) When security clearance administratively withdrawn;

(4) When command member inadvertently gains substantive access to classified information when not eligible.

c. Points to note when debriefing. See 4-11 of (SECNAVINST 5510.30A).

(1) Classified information must be returned;

(2) No longer eligible for access to classified information;

(3) May not divulge classified information to unauthorized person;

(4) May not divulge classified information to unauthorized person in administrative, judicial or quasi-judicial proceedings;

(5) Must report attempt to gain classified information to NCIS or FBI, or, if DOD information, to nearest DOD facility.

d. Security termination statement must be executed. See paragraphs 4-11 and 4-12 of SECNAVINST 5510.30A.

(1) Security termination statements must be executed by flag/general officers, SES and above and equivalent officials, e.g., NLSO and TSO COs. See paragraph 4-12 of SECNAVINST 5510.30A.

**COURIER RESPONSIBILITIES
POINTS TO REMEMBER**

1. You must have your courier card with you while hand carrying classified material within the immediate environs of this command. "Immediate environs" means between or among any buildings in the immediate area, either on base or off base.
2. Your courier card was obtained for you to enable you to hand carry classified material in the conduct of official DON business.
3. For your information, _____ is the security manager.
4. If, at any time, you have any questions regarding hand carrying classified material, you should contact the security manager for assistance. His telephone number is _____.
5. In most cases, courier cards will be retained by the security manager and will be provided to the intended courier only at the occasion of each specific transfer. The security manager maintains a courier log to record each use of a courier card. Report to the security manager before each courier run to provide information required for that log.
6. All packages containing classified material must be double-wrapped.
7. Both inner and outer wrappers of the package containing the classified material must be properly addressed IAW paragraphs 9-8 and 9-9 of SECNAVINST 5510.36. The inner wrapper must be marked with the highest level of classification of the contents of the package. Classification markings must not be visible through the outer wrapper. A locked briefcase may serve as the outer wrapping. Ensure the briefcase is marked or tagged for return to the NLSO/TSO/NJS.
8. TOP SECRET information may be hand carried only with the prior specific approval of the security manager. Contact him or her for details.
9. Ensure all personnel who hand you a package to be hand carried advise you whether or not the package contains

classified material, and, if it does, its level of classification (Couriers have failed sometimes to be so informed, and have erroneously handled and disposed of materials at destination as if unclassified).

10. Hand carry classified packages directly to their specified destinations. Never leave packages unattended or let them out of your control until surrendered to an appropriately cleared person at the destination. Never deliver classified information to anyone at the destination whom you do not know to possess the appropriate security clearance. The security manager can advise you to whom the package should be delivered if you have any doubt about who is a properly cleared recipient.

11. If building guards attempt to inspect packages containing classified material, inform them the package contains classified material and show them your courier card. If the guard seeks confirmation that you are an authorized courier, ask them to call the telephone number printed on the card, or, call the security manager to confirm your authorization to hand carry classified material. Building guards should not be allowed to open the package containing the classified material.

12. When returning with classified material, deliver it to the security manager or the proper designated official. He will ensure proper logging, as necessary, and deliver it to the proper recipient.

13. Receipts. The sender of the classified material will attach a receipt to the inner wrapper. The pre-formatted receipt, OPNAV Form 5511/10, should be used for this purpose. Receipt forms will be unclassified and contain only the information necessary to identify the material being transmitted. Receipts for CONFIDENTIAL material are not required except when transmitted to a foreign government. When you sign for receipt of and are returning with classified material from another command destined for delivery within the NLSO/TSO/NJS, ensure a copy of the receipt remains attached to the classified material. When delivering classified material to another command or activity, return the signed receipt to the individual for whom you hand carried the classified material.

14. All couriers should review and become familiar with the applicable sections of Chapter 9 of SECNAVINST 5510.36 regarding the safeguarding and hand carrying of classified information.

COURIER CARDS LOG

Courier Card Number:			Expiration Date:	
Date/Time Issued	Courier Name	Courier Signature	Date/Time Card Returned to Security Manager	Security Manager Signature

APPENDIX I

**Security Indoctrination Brief for Civilian Employees and
Newly Reporting Navy and Marine Corps Members**

1. Certain information is classified because it is essential to the national security.

a. Define national security. "'National Security' means the national defense and foreign relations of the United States and specifically includes: a military or defense advantage over any foreign nation or group of nations; a favorable foreign relations position; or a military or defense posture capable of successfully resisting hostile or destructive action from within or without, overt or covert." JAGMAN 0159a.

b. Levels of classified information, from the lowest to the highest, are CONFIDENTIAL, SECRET and TOP SECRET.

(1) CONFIDENTIAL information is information the loss of which could cause **damage** to the national security.

(2) SECRET information is information the loss of which would cause **serious damage** to the national security.

(3) TOP SECRET information is information the loss of which could cause **exceptionally grave damage** to the national security.

2. Classified information must be protected from disclosure to unauthorized persons.

a. Unauthorized persons are those:

(1) Who do not have security access; and

(2) Who do not have a need to know that particular classified information.

b. Find out who has security access by asking the security manager.

c. Find out who has a need to know by questioning the person and asking why they need to see that information.

3. Classified information will be marked to show it is classified.

- a. On the front cover or first page;
- b. On the back cover or on the reverse of the last page;
- c. At top and bottom center on each page that contains classified information;
- d. At the beginning of each paragraph that contains classified information;
- e. At end of the subject line;
- f. Should be protected by cover sheet:
 - (1) Blue for CONFIDENTIAL.
 - (2) Red for SECRET.
 - (3) Orange for TOP SECRET.

4. Only personnel specifically authorized security access may see classified information.

- a. Contact the security manager to find out who is **authorized** to see classified information.

5. Classified information must be stored, when not in use, in a GSA-certified safe.

6. Classified information, when in use, must be protected from unauthorized persons (those without security access and those who have no need to know that information).

- a. Either with a cover sheet; or
- b. By turning the sheet upside down on your desk when an unauthorized person enters your area.

7. Classified information must be protected when being mailed or otherwise transferred. Always use a cover sheet when hand carrying classified material within a building. Classified material must be double wrapped if carried outside a building.

There are other requirements depending on the classification of the classified material. This command is committed to strictly following the requirements of chapter 9 of SECNAVINST 5510.36. You should read this chapter before transferring classified material. Ask the command security manager if you have any questions.

8. Any security breaches must be reported to your supervisor who must, in turn, report them to the security manager. If a supervisor is not immediately available, contact the security manager and report a security breach. Security breaches are such things as:

- a. Safe left open and unattended;
- b. Classified information left unattended; or
- c. Classified information discussed on a non-secure telephone or transmitted over an unsecure Internet connection.

9. Remind individuals to report attempts to gain information. (See paragraph 3-3 of SECNAVINST 5510.30A and OPNAVNOTE Ser 09N2/3U534934 of 14 Dec 93, enclosure (1), para. 1). Report to the CO, activity head, or designee:

- a. Any contact with any individual where the individual tries to gain illegal or unauthorized access to classified or other sensitive information; or
- b. Incidents where the individual is concerned that he or she may be the target of exploitation by a foreign entity;
- c. Any facts or circumstances of a reported contact with any individual that appear to:

- (1) Indicate an attempt or intention to obtain unauthorized access to proprietary, sensitive, or classified information or technology;

- (2) Offer a reasonable potential for such; or

- (3) Indicate the possibility of continued contact with the individual for such purposes;

(4) Request classified or controlled government information, such as "For Official Use Only" information, by persons not authorized access to such information;

(5) Attempt to bribe or use money to obtain classified or other controlled information;

(6) Coerce by blackmail;

(7) Use threats against self or relatives, both in U.S. and residing in foreign countries; or

(8) Promise to assist relatives residing in foreign countries.

will be immediately reported to the local Naval Criminal Investigative Service Field Office at(____) ____-____.

10. Describe the command security organization.

a. Identify security manager by name. _____.

11. Describe any special security precautions for certain personnel.

a. Couriers - Couriers must have a courier card to hand carry classified information outside a building. A courier must deliver classified mail to the security manager or another designated official directly after return from runs to other buildings. Couriers shall not let guards inspect packages containing classified material.

b. Mail room personnel must deliver all classified mail to the security manager or designated official for logging and redelivery to departments. They must check all express, registered, certified, first class, priority mail, Federal Express, and "postmaster: do not forward" mail for classification markings.

12. You do not have security access until the security manager tells you or your supervisor that you have security access.

**Security Indoctrination Brief for Longer
Tenured Navy & Marine Corps Members**

1. Whatever security access you had at your former command is removed as of your detachment date.
2. Security access must be requested formally by the security manager after receiving notification from the department head, XO, or CO, that the command needs you to have security access.
3. You won't have security access until the security manager tells you that you do.
4. You may not see classified information or material until you are told that you may.
5. Any security breaches must be reported to your supervisor who must, in turn, report them to the security manager. If your supervisor is not immediately available, contact the security manager and report the security breach.
 - a. Security breaches are such things as:
 - (1) Safe left open and unattended;
 - (2) Classified information left unattended; or
 - (3) Classified information discussed on a non-secure telephone.
6. Remind individuals to report attempts to gain information. (See paragraph 3-3 of SECNAVINST 5510.30A and OPNAVNOTE 5510 Ser 09N2/3U534934 of 14 Dec 93, enclosure (1), para. 1). Report to the CO, activity head, or designee:
 - a. Any contact with any individual where the individual tries to gain illegal or unauthorized access to classified or other sensitive information; or
 - b. Incidents where the individual is concerned that he or she may be the target of exploitation by a foreign entity;
 - c. Any facts or circumstances of a reported contact with any individual that appear to:

(1) Indicate an attempt or intention to obtain unauthorized access to proprietary, sensitive, or classified information or technology;

(2) Offer a reasonable potential for such; or

(3) Indicate the possibility of continued contact with the individual for such purposes;

(4) Request classified or controlled government information, such as "For Official Use Only" information, by persons not authorized access to such information;

(5) Attempt to bribe or use money to obtain classified or other controlled information;

(6) Coerce by blackmail;

(7) Use threats against self or relatives, both in U.S. and residing in foreign countries; or

(8) Promise to assist relatives residing in foreign countries.

7. Describe any special security precautions.

a. Courier card - to hand carry classified information outside a building;

b. Courier to deliver classified mail to the security manager or designated official directly after return from runs to other buildings;

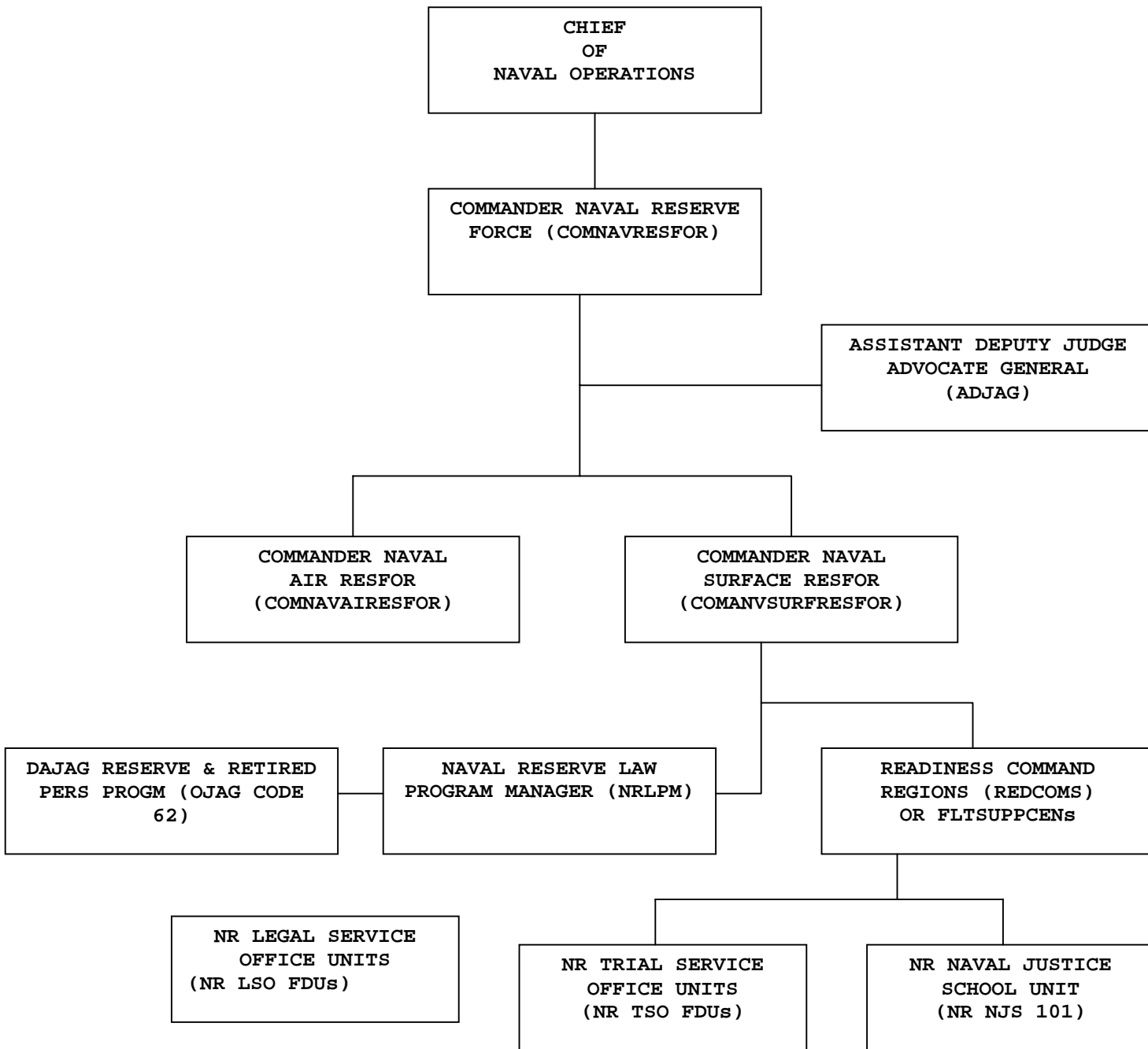
c. Do not let guards inspect packages containing classified material;

d. Mail room personnel must deliver all classified mail to the security manager or designated official for logging and redelivery to departments;

e. Mail room personnel must check all express, registered, certified, first class, priority mail, Federal Express, and "postmaster: do not forward" mail for classification markings and deliver mail with classification marking to the security manager or designated official for logging and redelivery.

8. Describe command security organization: Identify security manager by name: _____.

APPENDIX J
NAVAL RESERVE LAW PROGRAM,
CHAIN OF COMMAND



**APPENDIX K
BUDGET/FISCAL FORMS
BUDGET EXHIBIT FOR ACTIVITIES IN FOREIGN COUNTRIES**

COUNTRY: _____

	PAY RAISE PERCENTAGE(S)	EFFECTIVE DATE(S)
FY 19PY		
FY 20CY		
FY 20BY		

FOREIGN CURRENCY EXCHANGE DATE
FY 19PY ONLY
(DOLLARS IN THOUSANDS)

PAYABLE IN FOREIGN CURRENCY	PAYABLE IN U.S. DOLLARS

Civilian Personnel Compensation

101	GS Basic Salary	XXX	
102	GS Awards and Overtime	XXX	
103	GS Benefits	XXX	
104	Foreign Nat'l Direct Hire(FNDH) Basic Salary		XXX
105	FNDH Awards and Overtime		XXX
106	FNDH Separation Liability		XXX
107	FNDH Benefits		XXX
110	Unemployment Compensation		

Travel

304	Per Diem		
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305	Other Travel Cost		
306	MAC Passenger		

Other Purchases

901	Foreign National Indirect Hire (FNIH)		XXX
902	Separation Liability		XXX
913	Purchased Utilities		
914	Purchased Communications		
915	Rents		
916	Disability Compensation		
918	Equipment: Furniture		
919	Equipment: All Other		
920	Supply & Material (Non-SF)		
921	Printing & Reproduction		
922	Equipment Maintenance by Contract		
923	Facility Maintenance by Contract		
989	Other Contracts		
GRAND TOTAL TO OPERATE OFFICE/DETACHMENT/BRANCH OFFICE			

CARRIER RECOVERY REPORT

Activity: _____

Report for quarter ending: _____

	Number Of Claims	\$ Amount of Claims
New carrier recovery claims asserted during previous quarter		
Carrier recovery claims collected during previous quarter		
Carrier recovery claims pending set-off at NAVMTO, MTMC, etc.		
Carrier recovery claims set-off		
Carrier recovery claims pending locally end of quarter (excludes claims forwarded for set-off)		

APPENDIX L
COST SHARING AMONG CO-LOCATED NLSC ACTIVITIES

1. The host NLSC activity will fund all fixed costs. Fixed costs are non-discretionary costs whose charges are relatively independent of the level of activity/operations. The tenant NLSC activity will receive the same level of services related to fixed costs as the host activity.

2. The tenant NLSC activity will fund only variable costs directly related to their operation. Variable costs are:

a. Travel, per diem, and miscellaneous travel expenses;

b. Local travel (Mileage reimbursement will be the preferred method of funding local travel versus command vehicle);

c. Long distance toll calls and line rental charges;

d. Automated legal research;

e. Centrally-managed training funds for personnel assigned to activity;

f. Supply items/subscriptions not normally procured by the host activity;

g. Materials not normally printed by the host activity (includes costs of courts-martial printed outside of office); and

h. Minor construction.

3. All other costs will be considered fixed costs. Examples of fixed costs are:

a. Base operation support costs except for long distance toll calls and line rental charges;

b. Equipment rental charges including usage-related charges;

c. Equipment maintenance including technical support representative support;

d. Training sponsored by the Regional Training Authority (RTA);

e. Field Law Library operations;

f. Supply items/subscriptions normally procured by the host activity;

g. Materials normally printed by the host activity;
and

h. Maintenance of Real Property.

4. The tenant NLSC activity will receive funding to cover variable costs.

5. The tenant NLSC activity will submit a midyear/budget submission for variable costs. The host NLSC activity will include fixed costs of the tenant activity when preparing midyear review/budget submission.

**APPENDIX M
CIVILIAN PERSONNEL REPORT**

PART I: CIVILIANS ON BOARD

POSITIO N NUMBER	SERIE S	EMPLOYEE NAME	GRAD E STEP	FULL PERF LVL	**** POSITION TYPE ****				
					PT/ FT	DIR/ REIM	GS/ WG/ FN	PERM / TEMP	REIM DOC #
3549301	326	Smith Joseph A	6/3	6	F	D	GS	P	
3549302	335	Hale Mary T	7/4	9	P	R	GS	T	

PART II: CURRENT OR EXPECTED VACANCIES

POSITION NUMBER	START DATE OF VACANCY	ANNT CLOSE DATE	EXPECTED FILL DATE	NEW SERIES	NEW GRADE
3549301	3 Mar 97	4 Mar 97	5 May 97	318	GS-7
3549304	4 Jan 97	8 Feb 97	2 Jun 97	318	GS-6

DESCRIPTION OF COLUMNS**PART I:**

POSITION NUMBER: The position number will be the five digit Unit Identification Code (UIC) of the activity where the individual is employed followed by a two digit sequential number that uniquely identifies the position (e.g., if an activity has seven positions, then the first position number will end in "01" and the last position number will end in "07".) The last sequential number should equal the number of positions currently assigned to the activity (e.g., if the activity is currently allocated 19 positions, then the last number must be "19"). Use the UIC of the detachment or branch office, not the parent command, for personnel employed at that detachment or branch office. JAG Corps student interns or summer hires will be identified by "SPECL" in the first five positions followed

by a sequential number starting with "01". If an individual moves to another position within the organization, that individual will assume the position number of the new position.

SERIES: Current series of individual.

EMPLOYEE NAME: Name of Employee (Last Name, First Name, MI). If a position is vacant, enter "VACANT".

GRADE/STEP: Grade and step of individual.

FULL PERM LVL: Enter the full performance level that is the highest grade at which the position is officially classified (e.g., if the individual is currently a GS-5, but is in a career ladder position that goes to GS-7, report "7" in this column).

POSITION TYPE: Under position type, the following codes should be used:

For "PT/FT", report whether the position is part-time (P) or full-time (F).

For "DIR/REIM", report whether the position is direct hire (D) or Reimbursable (R).

Under "WG/GS/FN", report whether the position is general schedule (GS), wage grade (WG), or foreign national (FN).

For PERM/TEMP, report whether the position is permanent (P) or temporary (T).

REIM DOC#: If the position is reimbursable and currently filled, report the applicable standard document number of the reimbursable order received from the activity that funded the position.

PART II:

POSITION NUMBER: Position number used for the position in Part I.

START DATE OF VACANCY: Date the position became vacant. If a position is not yet vacant, but it is known an individual

is leaving, report the individual's expected departure date. If the position is new, enter "NEW" in this column.

ANNT CLOSE DATE: Date the position announcement closes.

EXPECTED FILL DATE: Date the position is projected to be filled.

NEW SERIES: Series being recruited.

NEW GRADE: Grade