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OFFICE OF THE JUDGE ADVOCATE GENERAL  
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WASHINGTON DC 20374-5066

IN REPLY REFER TO

JAG/CNLSCINST 5040.1B  
001IG  
MAY 17 2013

JAG/CNLSCINST 5040.1B

From: Judge Advocate General  
Commander, Naval Legal Service Command

Subj: COMMAND EVALUATION, ARTICLE 6 LEGAL OFFICE ASSESSMENTS,  
AND MANAGEMENT INTERNAL CONTROLS

Ref: (a) JAG/CNLSC Notice 5040 (series)  
(b) 10 U.S.C. 806  
(c) SECNAVINST 5040.3A  
(d) SECNAVINST 5200.35E  
(e) OPNAVINST 5200.25D  
(f) 10 U.S.C. 1044(b)  
(g) DODINST 5010.40  
(h) SECNAVINST 5430.57G

Encl: (1) Post-Article 6 Inspection Plan of Action and  
Milestones (POA&M) Report Template

1. Purpose. To promulgate policy, assign responsibilities, and establish procedures to inspect and assess legal offices staffed by Navy Judge Advocate General's Corps (JAGC) legal community personnel.

2. Cancellation. JAGINST/COMNAVLEGSVCCOMINST 5040.1A.

3. Scope. This instruction applies to the Office of the Judge Advocate General (OJAG); Naval Legal Service Command (NLSC), including Defense Service Offices (DSO), Region Legal Service Offices (RLSO), and the Naval Justice School (NJS); and non-CNLSC Staff Judge Advocate (SJA) offices. Annual inspection schedules, checklists, special interest items, and Management Internal Controls (MIC) will be promulgated by reference (a). This revision reflects the organizational changes to NLSC, effective 1 October 2012.

4. Background

a. Reference (b) requires that the Judge Advocate General (JAG) or senior members of the JAG's staff "make frequent

inspection in the field in supervision of the administration of military justice." Reference (c) charges the JAG with ensuring the operational and material readiness, effectiveness and efficiency of JAGC commands and assigned legal community personnel.

b. As a separate matter, reference (d) establishes the Department of the Navy (DON) MIC Program. It is DON policy that commands establish MIC programs to evaluate and report on the effectiveness of internal controls throughout their organizations and make corrections when necessary. Reference (e) designates NLSC as a CNO assessable unit. By reference (a), JAG and CNLSC will promulgate a system of internal controls to ensure the following objectives are met: (1) effectiveness and efficiency of operation; (2) reliability of financial reporting; and (3) compliance with applicable laws and regulations. OJAG activities and NLSC commands are directed to use organizational assessments, evaluations, and other contributing information (e.g., performance metrics, external audits, and inspections) as forms of monitoring internal controls.

## 5. Policy

a. This instruction incorporates the requirements of references (b), (c), and (f) into an inspection and command assessment program that also meets the requirements of reference (d) with regard to activities operating under the cognizance of the JAG or CNLSC. An inspection or evaluation made per this instruction shall be referred to as an "Article 6 Inspection."

b. This instruction requires rigorous self-assessment and on-site inspections. The Article 6 inspection program also relies on performance metrics obtained through the Case Management Tracking Information System (CMTIS) and other case tracking systems, surveys and qualitative assessments from JAG/CNLSC leadership, subject matter experts, client commands, military judges, and command members. In addition to assessing OJAG/NLSC commands, the JAG shall assess the performance of legal duties by non-NLSC SJA offices.

c. Article 6 Inspections are not a substitute for assessments or evaluations that may be required by other DoD or DON directives with specific reporting requirements; however, to the extent practicable and advisable, Article 6 Inspections shall be aligned to complement or reinforce other evaluations

(e.g., Financial Improvement Program, Naval Safety Program, and civilian performance appraisal processes).

d. The senior JAGC officer at every NLSC command or SJA office must exercise the best leadership techniques and conduct ongoing self-assessments to ensure the command or SJA office is providing superb legal services. Inspection level readiness is expected at all times.

6. Objectives. OJAG and NLSC command and non-NLSC SJA legal office Article 6 Inspections are conducted to:

a. Evaluate, on a frequent and recurring basis, self-assessments of command/legal office performance and independently assess unit leadership;

b. Ensure compliance with established laws, regulations, policies, and procedures (assessment of non-NLSC SJA legal offices shall be limited to matters related to the practice of law under JAG cognizance);

c. Identify, make recommendations, and direct a plan of action and milestones to correct deficiencies and report completion to JAG;

d. Emphasize continuous improvement as the philosophy and standard business practice of the JAGC;

e. Identify, recognize and disseminate best practices, and promulgate efficient/effective processes throughout the JAGC legal community.

7. Action. NLSC commands and the respective Chief of Staff (COS) will receive a report of inspection from CNLSC within 45 days of the completion of the inspection. OJAG activities and non-NLSC SJA offices will receive a report of inspection from the JAG or DJAG within 45 days of the completion of the inspection.

8. Responsibilities

a. The JAG and/or CNLSC shall:

(1) Designate a senior officer or civilian to serve as Inspector General for NLSC, in accordance with reference (c);

(2) Use the Article 6 Inspection process as the primary means to evaluate the effectiveness of OJAG and NLSC activities and non-NLSC SJA offices;

(3) Review reports of Article 6 Inspections and direct corrective action, as required;

(4) Approve the results of completed Article 6 Inspections and authorize release of best practices to NLSC commands via the applicable COS and to OJAG activities via the applicable Assistant Judge Advocate General (AJAG).

(5) Conduct an annual review of the Article 6 Inspection program;

(6) Issue a JAGC/CNLSC notice, reference (a), annually to promulgate the Article 6 Inspection program to include the schedule, inspection checklists, MIC tools, and to designate special interest items for Article 6 Inspection focus; and

(7) Approve the Article 6 Inspection plan for the coming fiscal year by 31 August.

b. The Deputy Judge Advocate General for Reserve Affairs and Operations, when directed, shall nominate subject matter experts to serve as Article 6 field inspectors. If selected as a field inspector, an officer will be detailed to the NLSC IG for field inspections and, when so detailed, the officer's primary duty shall be to participate in field inspections and complete the applicable portion(s) of the inspection report to the NLSC IG.

c. The AJAGs shall:

(1) Formally nominate and provide subject matter experts to assist the NLSC IG in preparing for, conducting, and reporting the results of Article 6 Inspections. If selected as a field inspector by JAG or DJAG, an individual will be detailed to the NLSC IG for field inspections and, when so detailed, inspection duties shall be the individual's primary duty until completion of the field inspection and submission of the applicable portion(s) of the inspection report to the NLSC IG;

(2) Ensure that best practices are promulgated;

(3) Provide regular policy guidance and field support in their respective areas;

(4) Develop, promulgate, and maintain policy directives required to ensure effective execution of and compliance with all statutory and regulatory requirements in their respective subject matter areas.

(5) Identify areas of practice that should be assessed as part of the Article 6 Inspection process.

d. The AJAG for Operations and Management shall provide all necessary support to the NLSC IG for execution of the Article 6 Inspection program. Additionally, The AJAG for Operations and Management shall:

(1) Provide the NLSC IG productivity reports on legal assistance, command services, courts-martial, and personal representation conducted by each NLSC command. These reports shall be provided 45 days prior to the scheduled inspection of a NLSC command and shall be based upon CMTIS and other productivity metric data.

(2) Notify CNLSC and the NLSC IG whenever CMTIS or other metrics data from a NLSC command show a remarkable positive or negative trend.

(3) Keep CNLSC and the NLSC IG apprised of any budget, information assurance, or facility issues that occur at NLSC commands throughout the year.

(4) Conduct OJAG headquarters audits on behalf of the JAG, which shall include management of the MIC program as outlined in references (c), (d), (e) and (g).

(5) Monitor OJAG compliance in the following areas: mission resourcing, training/education, command security, sensitive compartmented information facility, security, government purchase cards, government travel cards, property management, financial management, information technology, information assurance, personally identifiable information, physical fitness assessments, ethics program, drug and alcohol awareness, urinalysis, alcohol detection device program, equal opportunity/command managed equal opportunity, sexual assault prevention and response, physical security, safety, and

occupational health.

e. The COSs for RLSO and DSO shall:

(1) Facilitate dissemination and processing of Command Leadership Surveys in conjunction with the Special Assistant for Strategic Planning;

(2) Ensure commanding officers return completed pre-inspection assessment forms to the NLSC IG at least 15 days prior to an on-site inspection or at a date specified by the NLSC IG for commands not receiving an on-site inspection;

(3) Report any items requiring corrective action as a result of an on-site inspection to the JAG or CNLSC;

(4) Monitor and periodically provide status reports of Post-Article 6 Inspection action items to the JAG, CNLSC, NLSC IG and AJAG for Operations and Management;

(5) Ensure inspected NLSC commands prepare and submit a Post-Article 6 Inspection POA&M report. Enclosure (1) is a template for this POA&M;

(6) Monitor progress of any POA&M; and

(7) Promulgate approved best practices to their respective commands.

f. The NLSC IG, under the direction of JAG and CNLSC, is responsible for the development and conduct of the Article 6 Inspection program. The NLSC IG shall:

(1) Report directly to CNLSC, with additional duty to the Naval Inspector General.

(2) Be qualified, trained, and appointed as an Inspector General per reference (h).

(3) Maintain liaison with the Office of Naval Inspector General to keep apprised of inspection items and standards including any SECNAV or OPNAV items of special interest.

(4) Conduct an annual review of the Article 6 Inspection program, provide a brief to JAG/CNLSC by 31 July each year, and

recommend changes, if any, to this instruction.

(5) Not later than 31 July of each year, submit a proposal for a JAG/CNLSC notice with an inspection plan for the following fiscal year that includes the following elements:

(a) MIC for OJAG and NLSC, as coordinated with the AJAG for Operations and Management;

(b) Current items inspected by Naval IG or of special interest to SECNAV or CNO;

(c) Deficiencies or vulnerabilities revealed by Article 6 Inspections or other assessments from the previous or current fiscal year;

(d) Recommended items of JAG/CNLSC interest to be incorporated in the Article 6 Inspection process;

(e) A recommended method of assessment incorporating site visits, subject matter experts, remote interviews, surveys, review of CMTIS data, and other considerations as necessary/advisable;

(f) Revised inspection assessment forms approved by the cognizant AJAGs;

(g) Draft inspection schedule for OJAG, NLSC commands, and non-NLSC SJA offices for the coming fiscal year coordinated with AJAGs and COSs; and

(h) Draft JAG/CNLSC Notice describing the scope of the inspection plan, as provided in this section.

(6) Upon approval, promulgate the JAG/CNLSC Notice, reference (a), to AJAGs, COSs, and the non-NLSC SJA offices affected by the Notice.

(7) Inspect NLSC commands and non-NLSC SJA offices using the guidance in the approved JAG/CNLSC Notice in accordance with all relevant directives.

(8) Assist COSs in ensuring NLSC commanding officers complete and submit pre-inspection self-assessments to the NLSC IG at least 15 days prior to an on-site inspection. Ensure non-

NLSC SJAs complete and submit pre-inspection self-assessments.

(9) Report any items requiring corrective action as a result of the on-site assessments to the JAG or CNLSC.

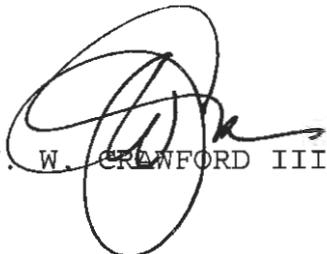
(10) Assist COSs in monitoring and providing status updates of Post-Article 6 Inspection POA&Ms to CNLSC. POA&M reports shall be updated every 45 days until all corrective actions are completed. Enclosure (1) is a template for this POA&M.

(11) Ensure non-NLSC SJA offices prepare and submit Post-Article 6 POA&M reports. POA&M reports shall be updated every 45 days until all corrective actions are completed. Enclosure (1) is a template for this POA&M.

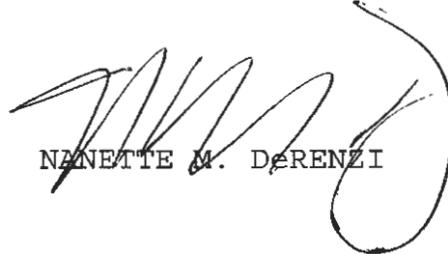
(12) Maintain an archive of inspection reports for three years.

(13) As necessary and directed, assist the AJAG for Operations and Management with the MIC program.

(14) Receive and manage Hotline complaints on behalf of the JAG and CNLSC. Conduct Hotline investigations and/or refer matters that may require investigative or corrective action to the JAG or CNLSC for action as a matter within their cognizance.



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