



JUSTICE CHRONICLES

Region Legal Service Office Southwest

Command Services DH: (619) 556-2789

Command Services LCPO: (619) 556-0839

Trial Department: (619) 556-9293

NB San Diego SJA: (619) 556-5533 – DSN 526

NB Coronado SJA: (619) 545-8143 – DSN 735

NB Point Loma SJA: (619) 553-7190 – DSN 553

CNRSW SJA: (619) 532-1418 – DSN 522

NAS Lemoore SJA: (559) 998-3889/3352 – DSN 949

NB Ventura SJA: (805) 989-1706/8929/8891 – DSN 351

NAS Fallon SJA: (775) 426-2854 – DSN 890

NAWS China Lake SJA: (760) 939-6065 – DSN 437

NSA Monterey SJA: (831) 656-2506 – DSN 756

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MILITARY NATURALIZATION CEREMONY ONBOARD THE USS MIDWAY MUSEUM

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On 1 July 2011, 185 service members from over forty countries took their Oath of Allegiance to become U.S. citizens, on the flight deck of the USS MIDWAY Museum, at the largest military naturalization ceremony of the year. U.S. District Court Chief Judge Irma Gonzalez presided over the naturalization ceremony. Department of Homeland Security Rafael Borrás and Rear Admiral William French, Commander Navy Region Southwest, addressed the new citizens and guests with inspiring remarks. Congressional Medal of Honor Recipient Colonel Robert J. Modrzejewski, Ret., USMC, and war veterans were special guests. Ceremony highlights also included the naturalization of 9 Sailors from USS PRINCETON, making the ship's crew all U.S. citizens, and naturalization of 12 Sailors from USS CARL VINSON who recently returned from deployment. Region Legal Service Office Southwest (RLSO SW) Naturalization Team assisted most of the new citizen Sailors with applying for citizenship.

Two additional military naturalization ceremonies are scheduled this year for service members in San Diego and Imperial County areas:

MCB Camp Pendleton on 28 September 2011
 USS MIDWAY Museum on 9 November 2011

A service member whose U.S. citizenship application is pending with U.S. Citizenship and Immigration Services (USCIS) may request inclusion in either ceremony. If a service member submits a citizenship application to USCIS no later than 8 August 2011, it is possible for the service member to attend the naturalization ceremony on 9 November 2011.

For further information on becoming a Command Citizenship Representative or applying for U.S. citizenship, please call the RLSO SW Naturalization Team at (619) 556-6322.

Victim and Witness Assistance Program

VICTIM AND WITNESS ASSISTANCE PROGRAM

OPNAVINST 5800.7A requires every command to appoint a Victim Witness Assistance Coordinator (VWAC) in writing and ensure command personnel are educated on the rights of crime victims and witnesses. Please note that the VWAP program is a separate program from SAPR and FAP, with distinct requirements. RLSO SW provides monthly training for new VWACs.

Upcoming trainings:

29 August 2011

26 September 2011

Time: 1300

Location: Fleet and Family Support Center, NBSD, Bldg 259, Classroom 1

RSVP and/or Questions: Nya Ayala, (619) 556-0237, nya.ayala@navy.mil

Protected Personal Information (PII)

PROTECTED PERSONAL INFORMATION (PII)

Protected Personal Information (PPI) is controlled by the Privacy Act, 5 U.S.C. § 552a (as implemented within the DoD by DoD 5400.11-R and with the DON by SECNAVINST 5211.5E). The transmission of the PPI is addressed at paragraph 18b and provides, in relevant part: "In those instances where transmittal of PPI is necessary, the originator must take every step to properly mark the correspondence so that the receiver of the information is apprised of the need to properly protect the information. For example, when transmitting PPI in a paper document, fax, or e-mail, it may be appropriate to mark it "FOR OFFICIAL USE ONLY (FOUO) -- PRIVACY SENSITIVE." Any misuse or unauthorized disclosure may result in both civil and criminal penalties."

Sex Offenders and Installation Access Restrictions

SEX OFFENDERS AND INSTALLATION ACCESS RESTRICTIONS

CNIC INSTRUCTION 1752.1, signed 7 February 2011 directs Navy-wide policy on tracking, assignment, and installation access restrictions. In short, to the maximum extent possible, sex offenders are to be prohibited from entering Navy installations and living in Navy owned, leased, or PPV housing. It is essential for commands who discover or are made aware of a sex offender working for or with them to notify their cognizant base Staff Judge Advocate or Command Services JAG. Two processes to follow will include mandatory processing for administrative separation and/or mandatory barment or restricted access.

Positive Urinalysis Results

POSITIVE URINALYSIS RESULTS

Received a positive urinalysis result? COs should call NCIS immediately! NCIS will often investigate drug related offenses. It's important to keep positive results "For CO/XO's eyes only" until the investigation is complete. Contact NCIS POCs immediately upon receipt of positive results for assistance and more information.

NCIS POCs:

Special Agent Michael Soriano: (619) 572-3809, michael.soriano1@navy.mil

Special Agent Michael Vinzinski: (619) 571-7695, michael.vinzinski@navy.mil

RESULTS OF TRIAL

Navy E-3 with 2 years and 5 months of service, sentenced to bad conduct discharge, 30 days of confinement, and reduction in rank to E-1 for wrongfully engaging in a sexual act. This court was held on 18 March 2011.

Navy E-2 with 2 years and 5 months of service, sentenced to forfeitures of \$978 for 2 months, reduction in rank to E-1, and 90 days hard labor without confinement for wrongfully endeavoring to impede an investigation. This court was held on 30 March 2011.

Navy E-5 with 11 years and 7 months, sentenced to bad conduct discharge, 45 days of confinement, reduction in rank to E-3, and forfeitures of \$1,300 for 2 months for attempting to steal funds, wrongfully using identification of another person, and wrongfully impersonating an officer. This court was held on 7 April 2011.

Navy E-5 with 5 years and 3 months, sentenced to 6 months of confinement, forfeitures of \$1,000 per month for 6 months, and reduction in rank to E-3 for wrongfully committing indecent conduct. This court was held on 13 April 2011.

Navy E-5 with 10 years and 1 month of service, sentenced to 2 months confinement, \$1300 for 2 months, and reduction in rank to E-3 for wrongful appropriation of military property and larceny of less than \$500 of a military member. This court was held on 27 April 2011.

Navy E-3 with 2 years and 2 months of service, sentenced to bad conduct discharge, 18 months of confinement, total forfeitures, and reduction in rank to E-1 for violation of lawful general regulation and wrongfully using Lysergic Acid Diethylamide, and wrongfully distributing a controlled substance, spice. This court was held on 5 May 2011.

Navy E-1 with 3 years and 8 months of service, sentenced to bad conduct discharge, 30 months of confinement, and forfeiture of all pay and allowances for 30 months for unauthorized absence, missing movement, violating a lawful general regulation, physically controlling a vehicle while drunk, engaging in sexual conduct, drunk and disorderly, and wrongfully communicating indecent language. This court was held on 19 May 2011.

Navy E-7 with 15 years and 7 months of service, sentenced to 90 days of confinement, forfeiture of \$1900 for 3 months, and reduction in rank to E-5 for 9 month for unauthorized absence. This court was held on 6 June 2011.

OFFICER BOARD OF INQUIRY RESULTS

Navy O-3 was ordered to show cause for retention due to misconduct and substandard performance of duty: three felony counts of forcibly committing lewd acts upon a child under the age of 14; one felony count of committing a lewd act upon a child under the age of 14; three felony counts of sexual battery

of restraint; and three misdemeanor counts of committing corporal injury upon a child and failure to conform to prescribed standards of military department. Board members recommended separation with an other than honorable characterization. The Board of Inquiry was held on 4 March 2011.

Navy O-5 was ordered to show cause for retention due to misconduct and substandard performance of duty: failure to obey order or regulation, conduct unbecoming an officer and gentleman, indecent exposure and failure to demonstrate acceptable qualities of leadership required of an officer in the member's grade. Board members recommended retention. The Board of Inquiry was held on 24 and 25 March 2011.

Navy O-2 was ordered to show cause for retention due to misconduct and substandard performance of duty: gross vehicular manslaughter while intoxicated; driving under the influence and causing gross bodily injury; and driving under the influence while having a .08 percent or more of alcohol and causing bodily injury; and failure to conform to prescribed standards of military department. Board members recommended separation with an other than honorable characterization. The Board of Inquiry was held on 14 April 2011.

Navy O-4 was ordered to show cause for retention due to misconduct and substandard performance of duty: failure to obey an order or regulation, false official statements, failure to properly discharge duties expected of officers of the member's grade and experience and failure to conform to prescribed standards of military department. Board members recommended retention. The Board of Inquiry was held on 28 April 2011.

Navy O-4 was ordered to show cause for retention due to misconduct and substandard performance of duty: conduct unbecoming an officer and a gentleman, failure to demonstrate acceptable qualities of leadership required of an officer in the member's grade and failure to conform to prescribed standards of military department. Board members recommended retention. The Board of Inquiry was held on 29 April 2011.

WATERFRONT TRAINING OUTREACH

Waterfront Training Outreach

Come join us at our Monthly Legal Officer Brown Bag Lunch/Discussion!
Hosted by COMNAVSURFOR Legal and RLSO SW Command Services.

When: The last Thursday of every month:
Thursday, July 28, 1200-1300
Thursday, August 25, 1200-1300

Where: NBSD (wet side), Waterfront Recreation Center (near Pier 2,
across the street from the Base Theater). Blue and Gold room.

What: The HOTTEST legal topics of the day!

Plus JAGS will be available to answer any and all legal questions.

Frequently Asked Legal Questions

Tell us what issues you are facing so we can train on your specific topic. RSVP is appreciated but not required. Thank you for your support.

RSVP to LT Mario Correa at mario.correa@navy.mil.

FREQUENTLY ASKED QUESTIONS

How do I obtain a police report from a civilian police department?

Call your base SJA (listed above). Base SJAs work closely with CNRSW police liaisons to obtain reports. Most police departments will refuse to release reports directly to commands. Make sure you are contacting your base SJA if you need information from civilian police departments.

Can a CO use a police report from California for NJP?

Yes. The more complex question is whether or when cases should be brought to Mast. Call Command Services to discuss the details of the particular case to determine whether NJP is appropriate.

How do I obtain incident reports from base security?

Again, contact your base SJA. Your base SJA will liaison with base security to obtain the information you need.

What if I have an incident that NCIS declines to investigate but may seem to be beyond the scope of a command appointed investigator?

Call CID. CNRSW's Criminal Investigative Division assists command with investigations such as BAH fraud and spice. Call (619) 767-1396 for more information.

TOPICS FOR FUTURE ISSUES

If you have a topic you'd like to see discussed in the next newsletter, please forward your request to Nya Ayala at nya.ayala@navy.mil.