



JAGINST 1150.3
Code 18
JUN 05 2018

JAG INSTRUCTION 1150.3

From: Judge Advocate General of the Navy

Subj: LEGAL SUPPORT TO THE INFORMATION WARFARE COMMUNITY

Ref: (a) SECNAVINST 5430.27D
(b) NAVPERS 15839I of January 2018

Encl: (1) Assignments with Cyber or Intelligence Law Portfolios
(2) Cyber and Intelligence Law Practitioner Development Overview
(3) Sample Additional Qualification Designation (AQD) Request

1. Purpose. The Judge Advocate General's Corps (JAGC) requires a robust capability of cyber and intelligence law expertise practitioners to meet the operational demands of the Fleet and the Joint Force. This instruction serves as guidance to current and future practitioners supporting the information warfare community, and facilitates development and maintenance of cyber law and intelligence law practitioners within the JAGC.

2. Scope. This instruction addresses general training, assignments, and qualifications that foster the development of cyber and intelligence law practitioners.

3. Responsibilities. Office of the Judge Advocate General (OJAG) Cyber, Information Operations, and Intelligence Law Division (Code 18) will maintain and update this guidance, as required.

4. Background

a. With the advent of the Cyber Domain and an increased Navy and joint focus on information warfare capabilities, a significant background in cyber and intelligence law is becoming critical for the operational law practitioner. In particular, combatant commands and senior joint judge advocate billets are requiring greater familiarity with the highly specialized legal aspects of information warfare to meet the demands of day-to-day operations.

b. Reference (a) requires the Judge Advocate General (JAG) to supervise the provision of legal services and advice related to cyber, information operations, and intelligence law. This guidance supports the requirements stated in reference (a) by facilitating development of capable cyber and intelligence law practitioners focused on the evolving needs of the Fleet and the Joint Force. To that end, enclosure (1) identifies specific JAGC assignments that afford and/or require experience in cyber, information operations, and intelligence law. Assignment consideration will be crucial to developing knowledge and experience in this area of law. Enclosure (2) provides additional information for officers who wish to pursue this expertise by providing a career

progression timeline. Lastly, for officers who attain the requisite experience and training, this guidance delineates a process for attaining the National Security (Cyber Law) and National Security (Intelligence Law) AQD. Enclosure (3) provides a sample AQD request.

5. Policy. It is the policy of the JAG to develop a sustainable force of active-duty and Reserve judge advocates with cyber and intelligence law proficiency. Relevant considerations that will inform this development include the volume, diversity, and complexity of current and anticipated billets requiring the practice of cyber or intelligence law as well as the skill, training, experience, and pay grade of current active-duty practitioners. Additional considerations are the need and ability of officers to progress within the cyber and intelligence law field and related practice areas, including international and operational law, and the need to ensure a variety of perspectives and backgrounds within the same.

6. Career Progression. Enclosure (2), the practitioner development overview, demonstrates where specific assignments from enclosure (1) can fit into a career timeline and build to/from other assignments.

a. Expertise Development. Though specific billets are generally classified by rank, a categorization of the billets into “tiers” more aptly illustrates the gradual increase of billet complexity and requisite expertise. The practitioner with cyber and intelligence law expertise will have ideally served in one or more delineated billets from each tier during their career. Each tier has recommended prerequisites and goals to be achieved during that tier. Since an officer will not be detailed to a core cyber or intelligence law billet every detailing cycle, additional billets are included to identify complementary experiences in operational or international law, and leadership within Naval Legal Service Command (NLSC) and OJAG. As all billets are detailed in accordance with the overarching needs of the Navy and officers concerned, it is understood that officers detailed to billets delineated in enclosure (1) may have diverse professional backgrounds and areas of prior experience and expertise. As shown in enclosure (2), each tier can be described as follows:

(1) Tier Four – The initial introduction into the information warfare community. These billets will normally be filled by a judge advocate within their first four years of service as core counsel in the JAGC. Staff Judge Advocates (SJA) providing support to commands with cyber or intelligence missions can gain exposure to cyber and/or intelligence law practice, even as they primarily support traditional SJA practice areas. Successful completion of these tours may result in experience requisite for a relevant AQD (see paragraph 7, below).¹

Note: At all stages of career development, prospective cyber and intelligence law practitioners should coordinate with the Naval Justice School and Code 18 in seeking relevant training opportunities.

(2) Tier Three – These billets provide a more immersive experience and are optimal for a lieutenant commander who has held a Tier Four billet previously. Upon completion of a Tier

¹ Individual augmentee assignments and other temporary additional duties may also afford the experience associated with a Tier Four billet depending on the specific assignment.

Three billet, cyber and intelligence law practitioners are encouraged to complete Joint Professional Military Education (JPME) Phase One, if not already completed. Additionally, by the twelve-year point in their career,² a judge advocate pursuing cyber or intelligence law expertise will normally have earned an AQD (see paragraph 6, below) and achieved a 1203 S or P code via experience in international/operational law billets or post-graduate education.

(3) Tier Two – These billets are generally filled by a commander during the period between their twelfth and eighteenth year of service. In these positions, practitioners may be afforded the opportunity to earn the 1203 Q or R³ code.

(4) Tier One – Best suited for senior officers with over 18 years of service, these billets require significant experience in cyber and intelligence law. In most cases practitioners serving in Tier One billets will have completed JPME Phase One and attained 1203 Q or R codes.

b. Assignment Considerations. Successful completion of cyber and intelligence law related billets will enhance consideration of a judge advocate for assignment to billets involving increased responsibility and complexity in these practice areas. Code 18 will coordinate with PERS-4416 on matters of significance to the cyber and intelligence law community of practice. This coordination will ensure PERS-4416 awareness of current and anticipated portfolios associated with each assignment listed in enclosure (1). Code 18 should coordinate with PERS-4416 to facilitate timely initiation of DoDCAF security clearance investigations for officers detailed to billets requiring Top Secret / Sensitive Compartmented Information (TS/SCI) clearances. This includes the regular evaluation of billets by Code 18 and subsequent communication to PERS-4416 for any recommended Q-code⁴ additions or deletions. PERS-4416 will in turn make every effort to identify officers for these Q-coded billets during the detailing process to support timely submissions of security clearance applications.

7. Cyber and Intelligence Law AQDs. The AQDs listed below were created to better identify those judge advocates with significant experience and training in the areas of cyber and intelligence law. These AQDs allow the JAGC to more effectively assess the bench pf expertise in these areas of law and to meet the increasing demand from Fleet and joint clients for judge advocates with this specialized expertise.

a. AQD Application Procedure. Judge advocates shall submit applications to the Deputy Assistant Judge Advocate General, Cyber, Information Operations, and Intelligence Law (Code 18) via their supervisor.⁵ Applications shall include supporting documentation such as fitness

² Timing may vary for judge advocates who have had previous military service (e.g., Law Education Program or In-service Procurement Proqram).

³ 1203 Q-code is awarded to 1203P-coded officers who have completed a 1203-coded 18-month or greater tour, demonstrating proven expertise. R-code is awarded to S-coded officers after they complete a subsequent 18-month or more 1203-coded tour. See reference (c), part B at B-11.

⁴ Q-coded billets are those billets requiring TS/SCI access, to be distinguished from billets requiring subspecialty code 1203Q (proven international law expertise).

⁵ In the case of judge advocates assigned to NLSC commands or OJAG Divisions, the endorsing officer shall be the Commanding Officer or Division Director.

reports, awards, certificates of course completion, or other documents necessary to establish one or more of the factors included below in paragraph 7.c.

b. Interview. In some instances, Code 18 will conduct an in-person or telephonic interview with the applicant to receive amplification for qualifying criteria. In every such instance, the discussion will be limited by classification and need-to-know considerations.

c. AOD Approval Factors. A determination by the Code 18 Director that the following criteria have been fulfilled is a prerequisite for Navy Personnel Command (NPC) approval of an AOD application.

(1) National Security (Cyber Law) 4NS candidates are required to complete one or more of the below:

(a) Perform at least 12 consecutive months in an assignment in which the primary duties include cyber law or policy;

(b) Perform at least 24 months in an assignment in which a significant portion of an officer's duties include cyber law or policy;

(c) Complete a Master of Laws (LL.M.) program in which the officer completed a curriculum that included significant coursework in cyber law; or

(d) Hold a 1203 S or P code and have completed a graduate certificate program focused on cyber, information or network security law or policy and which was approved by the JAG or earned from an accredited Department of Defense institute of higher education.⁶

(2) National Security (Intelligence Law) 4NI candidates are required to complete one or more of the below:

(a) Perform at least 12 consecutive months in an assignment in which the primary duties include intelligence law or policy;

(b) Perform at least 24 months in an assignment in which a significant portion of an officer's duties include intelligence law or policy;

(c) Complete a Master of Laws (LL.M.) program in which the officer completed a curriculum that included significant coursework in intelligence law; or

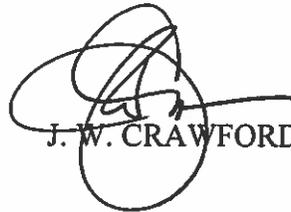
(d) Hold a 1203 S or P code and have completed a graduate certificate program focused on intelligence law or policy and which was approved by the JAG or earned from an accredited Department of Defense institute of higher education.

⁶ The National Intelligence University and National Defense University offer programs focused on intelligence and cyber law policy, respectively, which may qualify as such graduate certificate programs.

d. AQD Recommending and Approval Authority. Director, Code 18 will recommend to PERS 4416 whether 4NS and 4NI AQDs should be approved. ADQ approval actions taken by PERS 4416 will be in accordance with NPC AQD policy and will consider the recommendation made by Code 18. All recommendations made by Code 18, whether positive or negative in nature, will be made in writing and include a justification. A copy of this recommendation will be provided to the applicant.

8. Records Management. Records created as a result of this instruction, regardless of media and format, shall be managed per Secretary of the Navy Manual 5210.1 of January 2012.

9. Review and Effective Date. Per OPNAVINST 5215.17A, OJAG, Code 18 will review this instruction annually on the anniversary of its effective date to ensure applicability, currency, and consistency with Federal, Department of Defense, Secretary of the Navy, and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. As the instruction nears its five-year anniversary and it is still required, it will be reissued. Otherwise, if the instruction is no longer required, it will be processed for cancellation as soon as the cancellation is known following the guidance in E.O. 13526.



J. W. CRAWFORD III

Releasability and Distribution:

This instruction is cleared for public release and is available electronically only via the OJAG website, <http://www.jag.navy.mil>.

ASSIGNMENTS WITH CYBER OR INTELLIGENCE LAW PORTFOLIOS

| PAYGRADE | DESCRIPTION | DUTY STATION |
|----------|------------------------|---------------------|
| O-6 | USSOCOM ¹ | Tampa, FL |
| O-6 | OPNAV N2/N6 | Pentagon |
| O-6 | USSTRATCOM | Offutt AFB, NE |
| O-6 | USCYBERCOM | Fort Meade, MD |
| O-6 | USFLTCYBERCOM SJA | Fort Meade, MD |
| O-6 | NSWC | Coronado, CA |
| O-6 | Code 18 DivDir | Pentagon |
| O-5 | USSTRATCOM Oplaw Chief | Offutt AFB, NE |
| O-5 | USFLTCYBERCOM DSJA | Fort Meade, MD |
| O-5 | ONI SJA | Suitland, MD |
| O-5 | USPACOM | Pearl Harbor, HI |
| O-5 | USNORTHCOM | Peterson AFB, CO |
| O-5 | DEVGRU | Virginia Beach, VA |
| O-5 | JCS | Pentagon |
| O-5 | USSOCOM | Tampa, FL |
| O-5 | USFK Oplaw Chief | Seoul, ROK |
| O-5 | SOCCENT SJA | Tampa, FL |
| O-5 | SOCPAC | Pearl Harbor, HI |
| O-5 | DIA | Washington, DC |
| O-5 | USCYBERCOM Oplaw Chief | Fort Meade, MD |
| O-4 | JIATF-W | Pearl Harbor, HI |
| O-4 | JIATF-S | Key West, FL |
| O-4 | NCIS HQ | Quantico, VA |
| O-4 | ONI - CME | Suitland, MD |
| O-4 | Code 18 Dep. Dir. | Pentagon |
| O-4 | DoD OGC (Intelligence) | Pentagon |
| O-4 | SOCCENT ASJA | Tampa, FL |
| O-4 | USCYBERCOM | Fort Meade, MD |
| O-4 | USPACOM | Pearl Harbor, HI |
| O-4 | USSTRATCOM Cyber Law | Offutt AFB, NE |
| O-4 | USFLTCYBERCOM ASJA | Fort Meade, MD |
| O-4 | TJAGLCS Instructor | Charlottesville, VA |
| O-4 | NAVIFOR | Suffolk, VA |
| O-4 | NSWC | Coronado, CA |
| O-4 | NSA | Fort Meade, MD |
| O-4 | NSWG-10 | Norfolk, VA |
| O-4 | JSOC | Fort Bragg, NC |
| O-3/O-4 | DEVGRU | Virginia Beach, VA |
| O-3/O-4 | DEVGRU | Virginia Beach, VA |

¹ Conceivably, all Combatant Command billets will require a familiarity with cyber and intelligence law. Not all such nominative billets are listed here.

| | | |
|---------|---|--------------------|
| O-3/O-4 | DEVGRU | Virginia Beach, VA |
| O-3/O-4 | DEVGRU | Virginia Beach, VA |
| O-3 | NSWG-10 | Norfolk, VA |
| O-3 | NSWG-10 | Norfolk, VA |
| O-3 | NSWG-10 | Norfolk, VA |
| O-3 | NCIS PAC | San Diego, CA |
| O-3 | NCIS ATL | Quantico, VA |
| O-3 | NIOC-GA | Augusta, GA |
| O-3 | NIOC-HI | Pearl Harbor, HI |
| O-3 | NIOC-MD | Fort Meade, MD |
| O-3 | ONI DSJA | Suitland, MD |
| O-3 | NSA | Fort Meade, MD |
| O-3 | NSA | Fort Meade, MD |
| O-3 | OPNAV N2/N6 | Pentagon |
| O-3 | Center for Information Warfare Training | Pensacola, FL |

CYBER AND INTELLIGENCE LAW PRACTITIONER DEVELOPMENT OVERVIEW

| Years | Core Billets | Complementary Billets | Description |
|--------------------------------------|---------------------------|--|---|
| Lieutenant (Tier 4) | | | |
| 2 to 6 | NIOC | Numbered Fleet, TYCOM or COCOM (build int'l law/oplaw experience for 1203 specialty) | O-3s will normally have 2-3 tours of duty after their first tour. Prospective cyber/intel law practitioners should consider these billets and those LT billets listed in enclosure (1). As stated in this guidance, cyber/intel law practitioners should work towards an AQD, a 1203 (P/Q/R/S) Code, and JMPE Phase 1. Complementary billets can support that effort. |
| | NSA | | |
| | NSWG-10 | NJS instructor (after serving in one of the listed core billets) | |
| | ONI Deputy SJA | | |
| | OPNAV N2/N6 Deputy | | |
| Lieutenant Commander (Tier 3) | | | |
| 6 to 12 | Code 18 Deputy Director | NJS/TJAGLCS instructor | Refer to enclosure (1) for the complete list of intel/cyber LCDR billets. Complementary billets will allow for leadership opportunities, competitive ranking, operational law and/or joint experience. Consider: * 1203 S or P Code * JPME Phase 1 * Intel or Cyber AQD |
| | DoD OGC-I | NWC Student | |
| | FLTCYBERCOM ASJA | NLSC Dep Head or OIC | |
| | NAVIFOR | ESG/CSG, Numbered Fleet | |
| | NSA | TYCOM | |
| | ONI-CME | COCOM | |
| Commander (Tier 2) | | | |
| 12 to 18 | DIA | NLSC XO | Previous experience in tier 3 or 4 billets will enhance the likelihood of being assigned to a tier 2 billet. Complementary positions will allow for leadership opportunities and competitive ranking, and continue to build op law and joint experience. Consider: * 1203 Q or R Code * JPME Phase 2 * Intel and Cyber ADQ |
| | FLTCYBERCOM DSJA | NWC Student | |
| | Joint Staff LC | Numbered Fleet | |
| | ONI SJA | TYCOM | |
| | PACOM | COCOM | |
| | SOCOM | Code 10 | |
| Captain (Tier 1) | | | |
| 18+ | COCOM JA | NLSC CO | Previous experience in tier 2 or 3 billets will enhance likelihood of being assigned to a tier 1 billet. Consider: * 1203 Q or R Code * JPME Phase 2 * Intel and Cyber ADQ |
| | Code 18 Division Director | Numbered Fleet | |
| | FLTCYBERCOM SJA | TYCOM | |
| | OPNAV N2/N6 | Code 10 | |

JAGINST 1150.3
JUN 05 2018

DD Mmm YYYY

From: LCDR I. M. Cyber, JAGC, USN
To: Director, Office of the Judge Advocate General, Cyber, Information Operations, and
Intelligence Law (Code 18)
Via: Commanding Officer or Division Director

Subj: REQUEST FOR ADDITIONAL QUALIFICATION DESIGNATOR CODE

Ref: (a) NAVPERS 15839I of January 2018
(b) JAGINST 1150.3

Encl: (1) Fitness Report of
(2) Fitness Report of
(3) Fitness Report of
(4) Award
(5) Fitness Report of
(6) Award
(7) Transcript
(8) Officer Summary Record

1. I respectfully request Additional Qualification Designators (AQD) assignment in National Security (Intelligence Law) (4NI) and National Security (Cyber Law) (4NS). In accordance with references (a) and (b), I have met the criteria for this AQD, as detailed below. Enclosures (1) through (10) are provided as additional support for this application.

2. Specifically, in support of my request for 4NI:

- a. Job experience with Intelligence Law includes...
- b. Education and training in the area of Intelligence Law includes...
- c. Other

3. Specifically, in support of my request for 4NS:

- a. Job experience with Cyber Law includes...
- b. Education and training in the area of Cyber Law includes...
- c. Other

I. M. CYBER
LCDR, JAGC, USN

Enclosure (3)