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From: Naval Inspector General
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Subj: COMMAND INSPECTION OF NAVAL LEGAL SERVICE COMMAND

Ref: (a) SECNAVINST 5040.3A
(b) SECNAVINST 5430.57G

1. The Office of the Naval Inspector General (NAVINSGEN) conducts command inspections of echelon II commands to provide the Secretary of the Navy and the Chief of Naval Operations with a firsthand assessment of departmental risks and major issues relevant to policy, management, and direction as directed by reference (a). Reference (b) tasks NAVINSGEN with conducting inspections and surveys, making appropriate evaluations and recommendations concerning operating forces afloat and ashore, Department of the Navy components and functions, and Navy programs that impact readiness or quality of life for military and civilian naval personnel.

2. NAVINSGEN conducted a Command Inspection of Naval Legal Service Command (NLSC) from 1 to 12 December 2016. This report documents our observations and findings.

3. During our visit, we assessed NLSC's overall mission readiness in the execution of its echelon II responsibilities; functions and tasks as assigned in or defined by OPNAVINST 5450.189C, Mission, Functions, and Tasks of Naval Legal Service Command; and other laws, policy, and regulations. We assessed administrative programs, facilities, safety and environmental compliance, security programs, and Sailor programs. Additionally, we conducted surveys and focus group discussions to assess the quality of life for Navy military and civilian personnel.

4. Our overall assessment is that NLSC is executing its mission to provide legal services worldwide to support fleet and shore readiness, and NLSC is well positioned to implement the Chief of Naval Operations' *Design for Maintaining Maritime Superiority*. By all accounts, this was an above-average inspection. Prior to our visit, we queried regional commanders about the support they receive from the Region Legal Service Offices; and, despite a few comments about manning and support to remote locations, their feedback was largely positive. Although fleet Staff Judge Advocates are not part of the NLSC structure, we also queried fleet and strike group commanders, soliciting input about the performance of their SJAs. Their feedback was overwhelmingly favorable, especially regarding ethics advice.

5. The NLSC staff structure is different from other echelon II commands. Since the 1970s, the staff has been a blend of NLSC personnel combined with staff from the Office of the Judge Advocate General (OJAG) with purposely shared areas of responsibility.

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While this structure achieves economy of resources due to the smaller staff size, it also introduces risks to mission execution and the completion of command functions. We recommend Commander, NLSC continue to pay close attention to this construct.

6. We identified 42 deficiencies that require NLSC's corrective action, relating to mission performance, security, safety and occupational health, prevention and response programs, and the command sponsor program. Additionally, we have seven recommendations for consideration, relating to security and facilities management. Three issues papers will also be submitted to recommend OPNAV consider policy adjustments specific to NLSC. Specific details regarding the deficiencies and recommendations will be forwarded to NLSC under separate correspondence. Additionally, we will provide NLSC with a summary of survey and focus group data.

7. My point of contact is (b) (7)(C) Director of Inspections. (b) (7)(C)
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**NAVAL INSPECTOR GENERAL COMMAND INSPECTION OF
NAVAL LEGAL SERVICE COMMAND
01-12 December 2016**

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Background

The Naval Inspector General (NAVINSGEN) conducted a command inspection of Naval Legal Service Command (NLSC) from 01-12 December 2016. The last inspection of NLSC was conducted in 2011. The inspection team was augmented with subject matter experts, including personnel from the Deputy Under Secretary of the Navy for Policy (DUSN(P)); Naval Safety Center (NAVSAFECEN); Naval Criminal Investigative Service (NCIS); and Department of the Navy Assistant for Administration (DONAA).

Prior to the inspection, we queried regional commanders about the support they receive from the Region Legal Service Offices (RLSO); and, despite a few comments about Judge Advocate General (JAG) manning and support to remote locations, their feedback was largely positive. Although Staff Judge Advocates (SJA) are not part of the NLSC structure, we also queried fleet and strike group commanders, soliciting input about the performance of their SJAs. Their feedback was overwhelmingly positive, especially regarding the provision of ethics advice.

We inspected NLSC’s execution of its echelon 2 missions, functions, and tasks as specified in OPNAVINST 5450.189C, Mission, Functions, and Tasks of the Naval Legal Service Command. We also inspected security programs, facilities, safety and environmental compliance, resource management programs, and Sailor programs. Additionally, we conducted pre-inspection anonymous surveys and on-site focus groups to assess the quality of work life (QOWL) and home life (QOHL) for Navy military, civilian personnel, and their families. A detailed listing of all areas inspected is provided below.

Inspected Areas/Programs

Mission, Functions, and Tasks

- Defense and Trial Counsel Services
- Worldwide Legal Services
- Non-Judicial Punishment Advice
- Legal Support for Administrative Separations
- Ethics Counseling Services
- JAG Manual Investigations
- Foreign Criminal Jurisdiction Advice
- General Legal Advice to Commands
- U.S. Attorneys’ Office Support
- Law Enforcement Liaison
- General Legal Advice to Individuals
- OCONUS Personnel Legal Assistance
- Citizenship and Immigration Legal Support
- Regional Tax Assistance Centers
- Short Notice Mobile JAG Teams

Headquarters Functions

- Command Managed Equal Opportunity
- Continuity of Operations Plan

- Equal Employment Opportunity
- Human Resources
- Manning/Manpower
- Training
- Records Management
- Strategic Communication
- Strategic Planning

Security Programs

- Information Security
- Personnel Security
- Antiterrorism/Force Protection (ATFP) and Physical Security
- Operations Security (OPSEC)
- Counterintelligence (CI) Training and Support
- Personally Identifiable Information (PII)
- Insider Threat

Facilities, Environmental, and Safety

- Facilities Management
- Energy Conservation
- Environmental

- Safety & Occupational Health
- Resource Management**
- Financial Management/Comptroller
 - Government Commercial Purchase Card
 - Government Travel Credit Card
 - Personal Property Management

Prevention and Response Programs

- Casualty Assistance Calls Program
- Navy Alcohol and Drug Abuse Prevention
- Overseas Screening
- Sexual Assault Prevention and Response (SAPR)
- Suicide Prevention
- Victim Witness Assistance Program

Command Oversight Programs

- Command Individual Augmentee Coordinator
- Deployment Health Assessment
- IG Functions
- Individual Medical Readiness
- Legal/Ethics/FOIA
- Manager's Internal Control
- Physical Readiness
- Voting Assistance

Sailor Programs

- Command Sponsorship
- Command Indoctrination
- Career Development
- Sailor Recognition
- CPO 365
- Transition GPS

Observations and Findings

Overall, this was an above-average inspection. We observed the NLSC staff to be a group of hard-working people dedicated to the mission. Prior to the inspection, NLSC invested time in a detailed self-assessment process, and we believe these efforts had a direct positive impact on their success. The self-assessment was started months in advance of the inspection, went through several cycles, and had leadership involvement. NLSC critically reviewed their programs, and many showed improvement over time. In most program areas, our inspection findings validated the NLSC Commander's self-assessment.

MISSION, FUNCTIONS, AND TASKS

In accordance with OPNAVINST 5450.189C dated 15 May 2012, NLSC's mission is to provide legal services worldwide to support the fleet, and we believe NLSC is effectively executing that mission. The legal landscape is different today than it was ten years ago, largely due to statutory changes surrounding SAPR and the increased complexity of other special victim cases. We believe NLSC has evolved to meet that changing landscape, to include creation of the Victims' Legal Counsel Program, but are concerned with the unintended consequences of this shift. Nearly all of the deficiencies from the previous inspection have been corrected; and the newly-created JAG Consolidated Business Office (JCAB) in Bremerton came as a direct result of the last inspection.

The NLSC staff structure is different from other echelon 2 commands. Since the 1970s, the staff has been a blend of personnel from NLSC and the Office of the JAG (OJAG) with purposely-shared areas of responsibility. While this structure achieves economy of resources due to the smaller staff size, it also introduces risks to mission execution, unity of effort, and completion of command functions. We recommend Commander, NLSC continue to pay close attention to this dynamic.

Alignment with Design for Maintaining Maritime Superiority

Based on our observations and the vision outlined in the Navy JAG 2025.1 Strategic Planning document, we believe NLSC is well aligned with Chief of Naval Operations' (CNO) *Design for Maintaining Maritime Superiority*. Furthermore, we believe NLSC is a learning organization, fully embracing CNO's second line

of effort, *Achieve High Velocity Learning at Every Level*. NLSC has evolved to meet changing demands of SAPR cases, improved the training of First Tour Judge Advocates, established Trial Counsel Assistance Program (TCAP) and Defense Counsel Assistance Program (DCAP) to address the increased complexity of cases, and improved the data-management and delivery of ethics advice. Further, NLSC created the JCAB as a result of deficiencies cited during the previous command inspection. Based on our assessment, JCAB is now a high-performing team with positive climate ratings and compliant programs.

Court-Martial (Trial and Defense) Services

NLSC separates the provision of court-martial counsel services through RLSOs and Defense Service Offices (DSO), which provide trial and defense services respectively. The nine RLSOs and four DSOs are echelon 3 commands reporting directly to Commander, NLSC. Daily coordination is handled through separate chiefs of staff. The NLSC headquarters staff employs effective oversight of these subordinate commands, and we were especially impressed with the detailed tracking of high-profile court cases throughout the Navy.

Impacts of SAPR

The legal landscape is different today than it was ten years ago, largely due to statutory changes surrounding SAPR and the increased complexity of other special victim cases. We believe NLSC has evolved to meet that changing landscape, to include creation of the fully compliant Victims' Legal Counsel Program, but we are concerned with the unintended consequences of this shift. Senior NLSC staff self-reported that 60-70% of the current caseload involves SAPR, which begs the questions: *how are Commanders handling disciplinary cases previously handled at court-martial prior to the increase in SAPR cases? What are the impacts to mission readiness and/or good order and discipline if these cases aren't being handled at court-martial?* During the course of the inspection, we were unable to collect data to answer these questions, and it remains an area for further exploration.

Trial Counsel and Defense Counsel Assistance Programs

NLSC implemented the TCAP and DCAP programs to mitigate the effects of increased complexity in court-martial cases and to provide better legal service to the Fleet. The increase in complexity is due to numerous factors, such as modern forensic science, computer crimes, cell phone and internet evidence, etc. TCAP/DCAP personnel are experienced litigators who support the prosecution and defense of complex and high-visibility cases. TCAP litigators may even be assigned "second chair" to the assigned counsel in select cases.

First-Tour Judge Advocate Training

As the legal field grew more complex and specialized, NLSC developed the First-Tour Judge Advocate (FTJA) training program to ensure new JAG Corps attorneys were receiving proper training and exposure in multiple areas of practice. This training program exposes each first tour JAG to the four main legal practice areas: command services, prosecution, legal assistance, and defense. Each JAG completes a six month rotation in each specialty area. RLSO commanding officers assign FTJAs as recorders for administrative boards and other administrative proceedings as part of their development. These additional training opportunities provide a diverse background for the JAGs and give them a strong foundation to continue their development.

NLSC self-reported they no longer perform one of their functions specified in their Mission, Functions and Tasks (MFT) instruction: to provide legal assistance for physical evaluation boards. This function is

now performed by personnel from OJAG. This transfer of authority should be codified in the revised NLSC MFT.

HEADQUARTERS FUNCTIONS

The following three programs and functions are compliant with governing directives: Command Managed Equal Opportunity (CMEO), Strategic Communication, and Strategic Planning.

Human Resources

Human Resources is not fully compliant due to a lack of annual performance plan reviews and appraisals within the prescribed timelines. Additionally, Individual Development Plans (IDP) are not completed for all civilian employees.

Equal Employment Opportunity

NLSC's Equal Employment Opportunity (EEO) program is not fully compliant because civilian employees were not completing federally-mandated EEO training in previous years; however, since 01 October 2016, the program has been compliant.

Training

Military and civilian training is not fully compliant. While military training is being completed and documented, civilian training is neither being completed nor documented at the same rate as the military training. Additionally, while historical military training records were kept for the previous two fiscal years, historical civilian records were not being kept as required. NLSC has implemented new procedures to ensure civilian training is completed and tracked for FY17 and future FYs.

Manning

Military billets are 73% filled (16 of 22 billets authorized) and civilian billets are 79% filled (27 of 34 billets authorized). These levels are significantly lower than Navy-wide shore command averages (82% military officer, and 96% civil service), and may be a root cause(s) of the deficiencies in several programs. Additionally, this data corroborates one of the NLSC Commander's top concerns, and confirms the numerous comments expressing frustration about deficient manning levels in the survey and focus groups.

Records Management

NLSC's Records Management program is not fully compliant with governing directives. NLSC has not conducted required annual inventories or triannual self-assessments, and the command does not have a process to inform senior leaders of their records management responsibilities during check-in/check-out. In October 2017, NLSC hired a new civilian employee focused exclusively on records management.

Continuity of Operations Plan

The NLSC Continuity of Operations Plan (COOP) was not fully compliant. The COOP instruction is out of date, there are no written agreements with the organizations at the relocation sites, and essential records that are kept in the relocation sites are out of date.

SECURITY

NLSC security personnel support the headquarters staff and provide oversight of subordinate echelon commands. While these personnel are dedicated to the mission, several factors introduce risks to this

important mission. Security personnel are also assigned duties in multiple OJAG codes (Code 67 and Code 60), which makes mission prioritization and unity of effort more challenging. Prior to the inspection, NLSC requested a security assist visit, and we believe this was beneficial in improving several security programs. However, our inspection findings were more critical than the NLSC self-assessment.

The NLSC personnel security program is among the best we have seen, particularly in the maintenance of current investigations and security clearances. PII and cyber security programs are also compliant with governing directives. However, most other security programs require improvement. The commander's critical information list (CIL) is not specific to NLSC. The command lacks required servicing agreements with supporting and supported organizations, and the information security instruction is missing key elements. Building 33 was not surveyed in FY16, (b) (7)(E)

. NLSC has not promulgated a required security plan to echelon 3 commands, and the Insider Threat program lacks required supervisor training. NLSC did not fully exercise its emergency action plan in FY16, as required (b) (7)(E)

(b) (7)(E)

FACILITIES, ENERGY, ENVIRONMENTAL, AND SAFETY AND OCCUPATIONAL HEALTH

Facilities

The NLSC facilities program is compliant, and it enables the command to adapt to changing requirements during a time in which the Navy has significantly cut Commander, Navy Installations Command (CNIC) minor construction funding levels. The program, however, is non-standard and falls outside the governance procedures for Navy facilities projects as established by OPNAVINST 11010.20H. We recommend formalizing NLSC standard operating procedures for the program and identifying it as an assessable unit in the managers' internal controls (MIC) program.

Environmental

NLSC meets the requirements for an exemption from environmental management system audit requirements, but the OPNAV Field Support Activity Budget Submitting Office (BSO 11) has not documented an exemption for NLSC, as required. We intend to submit a separate issue paper recommending OPNAV N45 revise its Environmental Readiness Program Manual to exempt all BSOs that support only administrative functions and therefore pose little risk to the environment.

Safety

The NLSC Safety & Occupational Health program is not compliant. Multiple deficiencies exist in the program, including one repeat finding from the previous inspection – that NLSC does not use qualified inspectors to conduct safety and occupational health management evaluations (SOHME). We assess these deficiencies as being relatively low risk to mission, due to the administrative nature of both the deficiencies and the nature of the work being performed at NLSC and subordinate echelons.

RESOURCE MANAGEMENT PROGRAMS

NAVINGEN assessed four programs and functions, all of which are compliant with governing directives: Financial Management/Comptroller, Government Commercial Purchase Card, Government Travel Credit Card, and Personal Property Management.

To correct deficiencies from their 2011 command inspection, NLSC created JCAB in Bremerton, WA. Personnel assigned to JCAB perform travel and procurement functions at a high level for the headquarters staff and multiple subordinate echelon commands.

PREVENTION AND RESPONSE

The Prevention and Response Team assessed six programs and functions. The following four programs and functions are compliant with governing directives: Casualty Assistance Calls, Navy Alcohol and Drug Abuse Prevention, Overseas Screening, Suicide Prevention, and Victim Witness Assistance.

Sexual Assault Prevention and Response

The NLSC SAPR program is not fully compliant. While NLSC is committed to maintaining an environment free of sexual assault (SA), there are minor deficiencies requiring correction. Senior leadership did not receive the required Sexual Assault Response Coordinator (SARC) brief and Military Rules of Evidence (MRE) 514 brief within 30 days of assuming responsibilities. SAPR training is documented for military members, but there was no evidence of FY15 or FY16 SAPR training completion for civilians. Finally, NLSC did not conduct the required review of Field Code (FC) 91 of the Official Military Personnel Files (OMPF).

COMMAND OVERSIGHT

NAVINGEN assessed the following seven programs and functions, all of which are compliant with governing directives: Deployment Health/Command Individual Augmentee Coordination, Inspector General, Individual Medical Readiness, Legal/Ethics/Freedom of Information Act, Manager's Internal Controls, Physical Readiness, and Voting Assistance.

SAILOR PROGRAMS

NAVINGEN assessed six Sailor programs and functions. The following five programs and functions are compliant with governing directives: Command Indoctrination, Career Development, Sailor Recognition, Chief Petty Officer (CPO) 365, and Transition assistance.

Command Sponsorship

The Command Sponsorship program is not fully compliant. Personnel assigned as sponsors have not completed the required training, and the Command Sponsor Coordinator has not established the required one-year file record to show program effectiveness.

SURVEY AND FOCUS GROUPS

Both QOHL and QOWL ratings at NLSC are higher than the historical echelon 2 command averages. Rated on a 10-point scale, the NLSC QOHL and QOWL are 8.58 and 6.81, respectively; the corresponding echelon 2 command historical averages are 8.04 and 6.68. The most-discussed topics in focus groups and interviews included internet/corporate tools, organizational structure and manning/manpower.

Deficiencies and Recommendations

A comprehensive list of deficiencies and recommendations will be forwarded to the inspected command under separate correspondence. Additionally, three separate Issue Papers address topics that are outside the control of the inspected command, and therefore require additional coordination from the office of the CNO (OPNAV).