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OFFICE OF THE JUDGE ADVOCATE
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IN REPLY REFER TO:

JAGINST/COMNAVLEG-
SVCCOMINST 5040.1A
002/001IG
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JAGINST/COMNAVLEGSVCSCOMINST 5040.1A

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) DODINST 5010.40
(g) 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 5040.1, JAGINST 5200.25C

3. Scope. This instruction applies to the Office of the Judge Advocate General (OJAG), Naval Legal Service Command (NLSC), Naval Legal Service Offices (NLSO), Region Legal Service Offices (RLSO), non-Commander, Naval Legal Service Command (CNLSC) Staff Judge Advocate (SJA) offices, and the Naval Justice School (NJS). Annual inspection schedules, checklists, special interest items and Management Internal Controls (MIC) will be promulgated by reference (a). This is a complete revision and must be read in its entirety.

4. Background

a. Reference (b) requires that the Judge Advocate General

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(JAG) or senior members of his 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 Management Internal Control (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 CNLSC as a CNO assessable unit. By reference (a) JAG shall promulgate a system of internal controls to assure 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 CNLSC commands are directed to use organizational assessments, evaluations, and other contributing information (performance metrics, external audits and inspections, etc.) as forms of monitoring internal controls.

5. Policy

a. This instruction incorporates the requirements of references (b) and (c) into an inspection and command assessment program that also meets the requirements of reference (d) with regard to activities operating under the cognizance of Office of the Judge Advocate General or Commander, Naval Legal Service Command. An inspection or evaluation made pursuant to this instruction shall be referred to as an "Article 6 Inspection."

b. This instruction requires rigorous self-assessment, frequent on-site inspections and relies on performance metrics obtained through Case Management Tracking Information System (CMTIS), surveys and qualitative assessments from JAG/CNLSC leadership, subject matter experts, client commands, military judges, and command members. In addition to assessing OJAG/CNLSC commands, the JAG shall assess the performance of legal duties by non-CNLSC Staff Judge Advocate (SJA) offices.

c. Article 6 Inspections do not 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

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aligned to complement or reinforce other evaluations (e.g., Financial Improvement Program, Naval Safety Program, performance appraisal processes, etc.).

d. The senior JAG Corps officer at every CNLSC command or SJA office must exercise the best leadership techniques and conduct ongoing self-assessments to ensure the command or SJA office is providing timely legal services of the highest quality. Inspection-level readiness is expected at all times.

6. Objectives. OJAG and CNLSC command and non-CNLSC 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 to independently assess unit leadership.

b. Ensure compliance with established laws, regulations, policies, and procedures (assessment of non-CNLSC 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, or to CNLSC via their respective Chief of Staff (COS) for Region Legal Service Offices and Naval Legal Service Offices, and for OJAG directorates via OJAG Assistant Judge Advocates General (AJAG).

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 as widely as possible throughout the JAG Corps legal community.

7. Action. NLSC commands and the respective COS will receive a report of inspection from CNLSC within 30 days of the completion of the inspection. OJAG activities and non-CNLSC SJA offices will receive a report of inspection from the JAG or DJAG within 30 days of the completion of the inspection.

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8. Responsibilities

a. The JAG, CNLSC shall:

(1) Designate senior officers or civilians to serve as Inspectors General for OJAG and 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 CNLSC activities and non-CNLSC SJA offices.

(3) Review on a regular basis reports of Article 6 Inspections and direct corrective action, as required.

(4) Conduct an annual review of the Article 6 Inspection program.

(5) Issue a JAGC/CNLSC notice, reference (a), annually to promulgate the Article 6 Inspection schedule, inspection checklists, Management Internal Controls, and to designate special interest items for Article 6 Inspection focus.

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

(7) Approve the results of completed Article 6 Inspections and authorize release of best practices to CNLSC commands via the COS for RLSO and NLSO and to OJAG activities via their respective AJAG.

b. The NLSC Inspector General (IG) shall conduct Article 6 Inspections of NLSC activities and will conduct Article 6 Inspections of non-CNLSC SJA offices on behalf of the JAG. The NLSC IG shall prepare the annual program review, JAG/CNLSC Notice and inspection plan by 1 July for approval by JAG/CNLSC. The NLSC IG will provide pre-inspection checklists to commanding officers sixty days prior to the scheduled inspection.

c. The AJAGs will provide subject matter experts to assist the OJAG IG and NLSC IG in preparing for, conducting, and preparing the reports of Article 6 Inspections.

d. The AJAG for Operations and Management shall provide all

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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.

e. The AJAGs for Operations and Management, Civil Law, Military Justice and the Chief Judge of the Navy shall ensure that best practices are promulgated and shall be responsible to provide regular policy guidance and field support in their respective areas. The AJAGs are responsible for developing, promulgating, and maintaining policy directives required to ensure effective execution and compliance of all statutory and regulatory requirements in their respective subject matter areas. The NLSC IG, in coordination with the AJAGs, is responsible to the JAG and CNLSC to ensure relevant policy guidance is reviewed by subject matter experts during IG inspections and that any necessary inspection checklists and forms are employed. The NLSC IG shall report any deficiency in this regard to the JAG and DJAG/CNLSC, at a minimum, at the annual IG program review.

f. The COS for RLSO and NLSO shall ensure that best practices are promulgated to their respective commands. Additionally, they 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-

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inspection checklists to the NLSC IG at least 15 days prior to any on-site inspection.

(3) Report any items requiring corrective action as a result of the on-site assessment 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 and SJA offices prepare and submit a Post-Article 6 Inspection POA&M report to the NLSC IG. Enclosure (1) is a template for this POA&M.

g. The OJAG IG shall be responsible for hotline functions and shall conduct OJAG headquarters audits on behalf of the JAG, to include management of the Management Internal Control program as outlined in references (d), (e) and (f). The OJAG IG shall also monitor OJAG compliance in the following areas: mission resourcing, training/education, command security, SCIF security, government purchase cards, government travel cards, property management, financial management, information technology, information assurance, personally identifiable information (PII), physical readiness testing (PRT), ethics program, drug and alcohol awareness, urinalysis, equal opportunity (EO)/command management equal opportunity (CMEO), sexual assault prevention and response (SAPR), physical security, safety, and occupational health.

h. The OJAG IG is responsible for receiving and managing Hotline complaints on behalf of the JAG and CNLSC and for conducting Hotline investigations and/or referring matters that may require investigative or corrective action to the JAG or CNLSC for action as a matter within their cognizance.

i. The OJAG IG and NLSC IG, under the direction of JAG and CNLSC, respectively, are responsible for the development and conduct of the Article 6 Inspection program including Management Internal Controls. The OJAG IG and the NLSC IG shall:

(1) Be qualified, trained and appointed as an Inspector General pursuant to reference (g). The OJAG IG shall report directly to the JAG. The NLSC IG shall report directly to the CNLSC, with additional duty to the Naval Inspector General.

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(2) 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.

(3) Conduct an annual review of the Article 6 Inspection program and provide a brief to JAG/CNLSC by 30 June each year recommending changes, if any, to this instruction and submitting a proposal for AJAG/CNLSC notice with an inspection plan for the following fiscal year that includes the following elements:

(a) Management Internal Controls for OJAG and CNLSC.

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

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

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

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

(f) Revised subject matter expert (SME) pre-inspection checklists approved by the cognizant AJAG.

(g) A draft inspection schedule for the coming fiscal year coordinated with AJAGs/Chiefs of Staff for OJAG and CNLSC activities, respectively.

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

(4) Upon approval, promulgate the JAG/CNLSC Notice, reference (a), to AJAGs, Chiefs of Staff and cognizant SJAs.

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

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(6) Facilitate dissemination and processing of Command Leadership Surveys by Special Assistant for Strategic Planning.

(7) With assistance from the Chiefs of Staff, ensure CNLSC commanding officers complete and submit pre-inspection checklists to the NLSC IG at least 15 days prior to any on-site inspection. Ensure SJAs also complete and submit pre-inspection checklists.

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

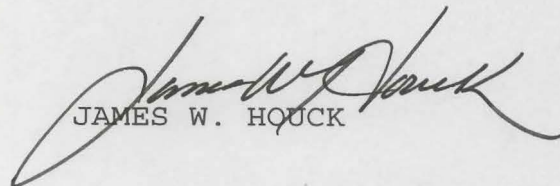
(9) With assistance from Chiefs of Staff, monitor and provide status updates of Post-Article 6 Inspection Plan of Action and Milestones (POA&M) reports to the JAG, CNLSC, and AJAG for Operations and Management. POA&M reports shall be updated every forty-five days until all corrective actions are completed. Enclosure (1) is a template for this POA&M.

(10) Ensure 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.

(11) Maintain an archive of inspection reports.



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Distribution:

Electronic only via Navy Judge Advocate General's website:
<https://www.jag.navy.mil>

POST-ARTICLE 6 PLAN OF ACTION AND MILESTONES

ISSUE	MILESTONE	SUB-TASK	ACTION OFFICER	DUE DATE	STATUS
ACTION ITEM #1:					
ACTION ITEM #2:					
ACTION ITEM #3:					
ACTION ITEM #4:					
ACTION ITEM #5:					

Enclosure (1)