



**UNITED STATES MARINE CORPS**  
MARINE CORPS AIR STATION  
BOX 99100  
YUMA, ARIZONA 85369-9100

StaO 5800.1  
SSJA  
3 Dec 09

STATION ORDER 5800.1

From: Commanding Officer  
To: Distribution List

Subj: STANDING OPERATING PROCEDURES (SOP) FOR LEGAL SUPPORT  
ABOARD MARINE CORPS AIR STATION YUMA

Ref: (a) MCM, 2008  
(b) JAGINST 5800.7E (JAGMAN) w/Ch 2  
(c) MCO P5800.16A (LEGADMINMAN)  
(d) MCO P1900.16F Ch. 2 (MARCORSEPMAN)  
(e) JAGINST 5800.9B  
(f) SECNAVINST 5720.42F  
(g) SECNAVINST 5820.8  
(h) OPNAVINST 5580.1A/CH-2  
(i) Chapter 13 of NCIS-3 Manual, Criminal Investigations  
(j) General Counsel memo of April 11, 2008  
(k) StaO 5801.1  
(l) National Defense Authorization Act for FY 2009  
(m) MCO 3300.4 (Marine Corps Law of War Program)  
(n) JAGINST 5890.1A

1. Situation. The Joint Law Center (JLC) at Marine Corps Air Station (MCAS) Yuma operates under the immediate command of the Commanding Officer, MCAS Yuma. The senior judge advocate assigned will be officially designated as the Station Staff Judge Advocate (SSJA) and the JLC Director. The SSJA/Director will be directly responsible for providing command legal advice to the Commanding Officers of MCAS Yuma and Headquarters and Headquarters Squadron, as well as responsible for managing the JLC in providing full legal support to all tenant commands aboard MCAS Yuma.

2. Cancellation. StaO P5800.5B.

3. Mission. To establish policy and procedure for the execution of legal support aboard MCAS Yuma by the Joint Law Center

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. This order is to reestablish policy and present administration of legal support aboard MCAS Yuma.

(2) Concept of Operations.

(a) Military Justice Support

1. The JLC provides military justice support for all commands aboard MCAS Yuma. All Requests for Legal Services (RLS) will be signed by the Special Courts-martial Convening Authority (SPCMCA) for the accused. The RLS will have attached documentary evidence (investigation, witness statements, records, etc.) establishing a sufficient factual basis to support sworn charges. The JLC is responsible for the timely handling of all military justice matters and cases submitted to include handling the prosecution of all cases at General, Special, and Summary Courts-marital. The SSJA will assign at least one Judge Advocate at all times dedicated to providing trial counsel advice and services to all commands aboard MCAS Yuma.

2. All convening authorities should have current convening orders established within thirty days of assuming command. The JLC is responsible for advising and assisting in the proper selection of court-martial members for the standing convening orders for convening authorities aboard MCAS Yuma. Original convening orders will be kept on file with the military justice section in the JLC.

(b) Pre-trial Confinement (PTC). Whenever a Yuma Marine or Sailor is placed in PTC, the JLC will provide direct support to the respective command in ensuring the requirements in R.C.M. 305 of reference (a) are adhered to. Upon learning there is an accused in PTC, the trial counsel will immediately notify the Initial Review Officer (IRO) and ensure the Yuma defense counsel is provided all required documentation to properly represent the accused at the required IRO hearing. The SSJA is responsible for ensuring the IRO hearing occurs within seven days of the imposition of PTC.

(c) Defense Counsel Support

1. The organization of defense counsel in the Marine Corps is controlled by reference (c). Pursuant to that

order, the SSJA will provide such personnel and administrative support as is required to adequately provide for defense functions for all supported commands aboard MCAS Yuma. Responsibility for the proper and timely detailing of defense counsel for Marines and Sailors aboard MCAS Yuma remains at all times with the SSJA.

2. The functions performed by defense counsel include, but are not limited to, advice to, and, when required, representation of, Marines and Sailors in such matters as non-judicial punishment, administrative separation proceedings, pretrial confinement hearings, Article 32 investigations and courts-martial. The SSJA will assign at least one Judge Advocate at all times to perform defense functions. Once assigned as defense counsel, fitness reports will be the responsibility of the West Coast Regional Defense Counsel. The reviewing officer for such reports will be the Chief Defense Counsel of the Marine Corps. The defense counsel will provide weekly hours for non-judicial punishment and administrative separation counseling.

3. All requests for any defense counsel aboard MCAS Yuma to serve as Individual Military Counsel (IMC) pursuant to section 0131 of reference (b) will be forwarded to the SSJA for action.

(d) Post Trial Review Support. The post trial review and processing of special and general courts-martial at R.C.M. 1105 of reference (a) will remain the responsibility of the respective command's Staff Judge Advocate's office. The Yuma SSJA is responsible for the post trial review and processing of all summary courts-martial that occur aboard MCAS Yuma and all Special or General Courts-martial convened by CO, Headquarters and Headquarters Squadron or CO, MCAS Yuma. All post-trial matters and review for General and Special Courts-martial that fall under 3d Marine Aircraft Wing, will be handled by the Joint Law Center aboard MCAS Miramar, CA. All post-trial matters and review for General and Special Courts-martial for CLC-16, MAWTS-1, Medical Clinic and VMFT-401 will be handled by the respective SJA office.

(e) Funding of Courts-martial. Except for costs associated with cases convened by CO, Headquarters and Headquarters Squadron or CO, MCAS Yuma, all temporary additional duty (TAD) and witness costs associated with courts-martial remain the obligation of the respective convening authority. The JLC will assist to the extent possible processing TAD issues

under the current Defense Travel System in ensuring proper TAD funding is accomplished for court reporters, civilian and military witnesses, and members of any courts-martial.

(f) Criminal Activity, Disciplinary Infractions and Court-martial Reports (QCAR). Pursuant to reference (e), SSJA is responsible for collecting and reporting court-martial and NJP numbers for Headquarters and Headquarters Squadron, MCAS Yuma to Judge Advocate Division (JAM). These quarterly reports are due within 30 days of the close of the period. For tenant commands, the JLC will collect the required information and forward to the respective Staff Judge Advocate for inclusion in their respective QCAR.

(g) Victim Witness Assistance Program (VWAP). VWAP is designed to assist and inform victims/witnesses of their rights (to include pretrial and post trial rights). The Senior Trial Counsel (STC) within the JLC is the designated VWAP officer for MCAS Yuma. The STC will ensure MCAS Yuma and its tenant organizations are in compliance with the VWAP requirements contained in Chapter 6 of reference (c). The STC will coordinate quarterly meetings and conduct the required annual training for HHS and all tenet VWAP coordinators.

(h) Administrative Separations. All requests for support with involuntary administrative separations will be submitted to the JLC via an RLS signed by the SPCMCA for the accused. The RLS will include all the required documentation required pursuant to reference (d) to sufficiently establish the specified basis for the involuntary separation of the accused (notification and acknowledgement of rights, Page-11s, character statements, records, etc.) The JLC will ensure defense counsel is detailed to the respondent in a timely manner. In cases in which an administrative board hearing is required, the JLC is responsible for the timely scheduling and completion of all involuntary administrative separation boards. All convening authorities aboard MCAS Yuma are responsible for the timely convening of boards, to include providing the members of the board itself. The JLC will review all involuntary separations (with or without a board hearing) for legal sufficiency and ensure the packages are routed as expeditiously as possible to the Staff Judge Advocate for the respective separation authority over the case.

(i) Non-judicial Punishment (NJP). The military justice section of the JLC will provide advice as required on the imposition of NJP. All appeals to NJPs will be routed

3 Dec 09

directly to the SSJA for review and a recommendation for action to the next superior commander. The SSJA will coordinate all advice regarding NJP Appeals from 3d Marine Aircraft Wing Commands, with the SJA for 3d Marine Aircraft Wing.

(j) Officer Misconduct. Officer misconduct cases will be tracked and resolved at the Commanding General's level. Therefore, all legal advice and support for officer misconduct cases will initially be provided to the respective SJA. All HHS officer misconduct legal matters and advice will be handled by the Yuma SSJA who is responsible for the proper and timely reporting, handling and processing of HHS officer misconduct cases pursuant to reference (c). If a Board of Inquiry (BOI) is required for any officer assigned at MCAS Yuma, the JLC will provide full support to include the court-room to conduct the BOI and a Recorder. All TAD costs associated with BOIs remain the responsibility of the respective Convening Authority of the BOI.

(k) Criminal Investigations Support. The military justice section of the JLC shall provide advice upon request to local agents of both Naval Criminal Investigative Service (NCIS) and Criminal Investigative Division (CID) regarding pending investigations. Additionally, the SSJA shall provide input and/or authorization to NCIS/CID regarding the destruction of evidence as required pursuant to references (h) and (i).

b. Subordinate Element Missions

(3) Legal Assistance. The SSJA is responsible to ensure legal assistance is provided pursuant to Chapter 14 of reference (c) on a daily basis to all service members, dependants, and retirees living both aboard and around MCAS Yuma. The SSJA will assign at least one Judge Advocate at all times as the Officer in Charge (OIC) Legal Assistance who is responsible for providing legal assistance support and services to eligible clients.

(4) Volunteer Income Tax Assistance (VITA) Center. Pursuant to Chapter 14 of reference (c), the Yuma Legal Assistance Office will staff and manage a local VITA center to provide seasonal tax preparation and electronic filing services to eligible clients. The VITA Center will be staffed by a civilian Tax Preparer and no less than four (4) local Marines under the Fleet Assistance Program (FAP). The Tax Preparer will begin preparations for the tax season (Jan to May) during the

month of November and all FAPs will report to the SSJA for assignment to the Yuma VITA Center no later than 1 December.

(5) Command Investigations Support. The JLC is responsible for providing legal guidance to all MCAS Yuma Investigating Officers (IO). All Yuma IOs should be encouraged to report to the JLC Civil Law Attorney prior to doing any investigation. The JLC will conduct a legal sufficiency review of all JAGMAN investigations presented. The purpose of the legal sufficiency review is to validate the information presented in the investigation report itself, recommend any changes to the investigation, determine if further investigation is needed by the IO, and to determine if any requirements exist regarding the forwarding of the investigation to a higher authority. All legal support on major investigations will be coordinated with the Convening Authorities' respective Staff Judge Advocate.

(6) Government Ethics

(a) Command Ethics Advice. Pursuant to reference (j), the Deputy Designated Agency Ethics Official (DAEO) for MCAS Yuma is the Yuma SSJA. However, the Yuma SSJA is only the DAEO for the Commanding Officer, MCAS Yuma and Headquarters and Headquarters Squadron. Therefore, all responses to ethics questions from tenant commands must be vetted through the respective command's SJA. All requests for government ethics opinions should be in writing and directed to the Yuma SSJA for initial review. Unless directed otherwise by the respective SJA, the JLC will research and prepare legal opinions for fundraising, gifts, conflict of interest issues, outside government employment, political activities, use of government resources, and activities with non-federal entities.

(b) Financial Disclosure Forms OGE 450. The SSJA will ensure Marine officers and civilians required to file an annual financial disclosure report comply with the requirements set for in reference (b). All filers will receive annual ethics training. Every three years, personnel should attend verbal training. The JLC will conduct the training. The SSJA is required to collect and review all annual financial disclosure reports for those service members and civilian employees assigned to MCAS Yuma. NLT 15 February, the SSJA must report to CMC (JAR) that all reports are filed. A final status report on the OGE Form 450 filings must be sent to CMC (JAR) by 1 March.

(7) Service of Process

(a) Pursuant to reference (k), the JLC has the responsibility of coordinating matters relating to warrants of arrest for civilian or military personnel to civil authorities and the service of subpoenas and civil process aboard MCAS Yuma. All attempts by Federal, State, or local authorities to arrest or effect service of process on military or civilian personnel aboard MCAS Yuma will immediately be directed to the Station Civil Processing Representative, Joint Law Center, at phone number (928) 269-3576. Under no circumstances should custody of any military or civilian personnel be surrendered to civilian control, or any service of process permitted without prior coordination with the Station Civil Processing Representative. Additionally, under no circumstances will delivery of any military or civilian personnel be denied or service of process refused without prior approval of the Station Staff Judge Advocate, MCAS Yuma.

(b) Military Protective Orders (MPOs). The Station Civil Processing Representative has the responsibility of collecting, tracking, and notifying local civil authorities of MPOs issued to personnel aboard this installation. Pursuant to reference (l), notification will be made to local civil authorities on all cases where an MPO is issued to any service member assigned to any command located aboard this installation, and regardless of whether the service member resides on or off base. Civil authorities will also be notified when the MPO is altered in any way or terminated by competent authority.

(8) Release of Official Information. The JLC is responsible for processing all requests for information under the Freedom of Information Act, the Privacy Act, as well as all requests for information that relates to litigation matters. All requests for official information from agencies outside the Department of the Navy shall be immediately forwarded to the SSJA. The JLC is responsible for processing all requests pursuant to references (b), (f), and (g) as required. If it is a request for a contract, civilian employee information, or concerns environmental information, the SSJA shall contact the Yuma, Office of Counsel for assistance.

(9) Operational Law Support. The JLC will support all requests from Yuma commands to present briefs and training on operational law. All training will be conducted in accordance with reference (m). The SSJA is responsible for ensuring the JLC maintains the most recent briefs approved by Marine Armed

3 Dec 09

Forces Pacific (MARFORPAC) that cover the Law of War, Standing Rules of Engagement, and Detainee Operations.

(10) Claims Against the Government. The JLC is responsible for the initial administrative processing of claims against the United States Government for personal injury, death, or property damage caused by the negligent or wrongful act or omission of an employee of the Government acting within the scope of employment. All claims against the Government should be immediately forwarded to the JLC for processing under reference (n). However, the command responsible for the activity which forms the basis for any claim against the Government remains responsible for the convening and timely completion of any investigations required.

(11) Annual Yuma Commanders Legal Brief. At least once a year, the JLC will prepare and present a legal brief to all the Commanders aboard MCAS Yuma. The purpose of this brief is to familiarize the new Yuma leadership with how legal support is provided by the JLC, and to present information regarding the most important legal issues presently facing Marine Corps commanders.

(12) Unit Legal Officer. Each unit receiving legal services support from the JLC will appoint an officer as their unit legal officer to act as liaison between the command and the JLC. The units will advise the JLC of the name and phone number of their legal officers.

5. Administration and Logistics. Directives issued by MCAS Yuma are published and distributed electronically at <https://intranet.mciwest.usmc.mil/yuma/default.aspx>.

6. Command and Signal

a. Command. This order is applicable to all commands, organizations, units and activities located aboard MCAS Yuma.

b. Signal. This order is effective the date signed.

M. A. WERTH

DISTRIBUTION: B