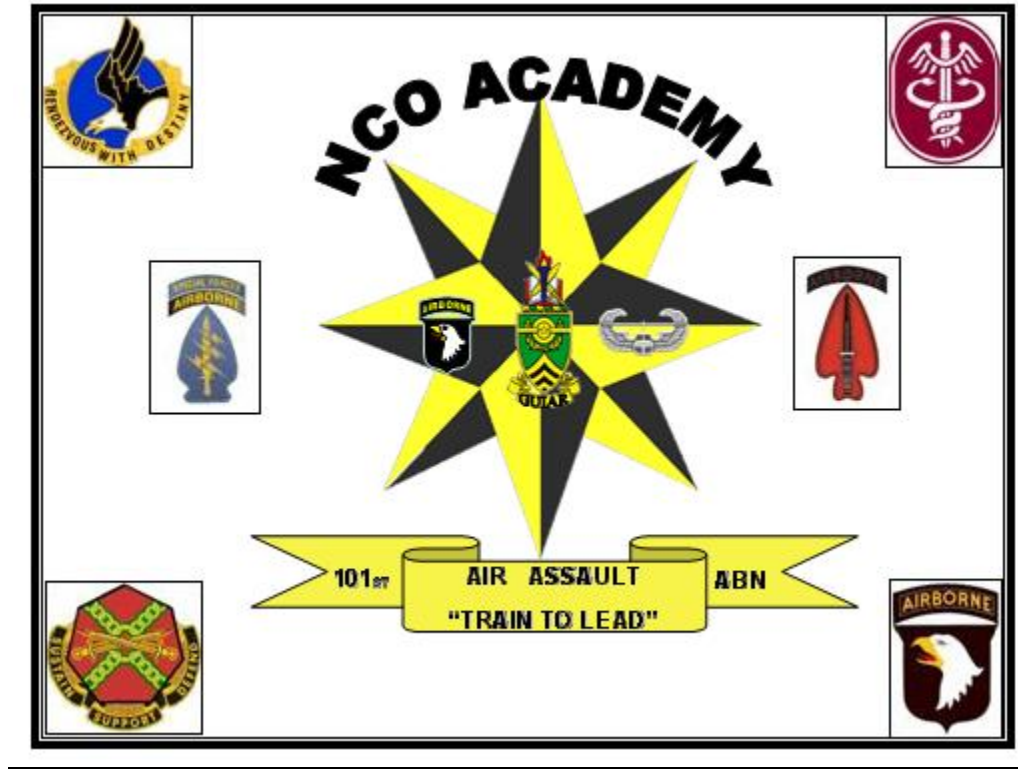


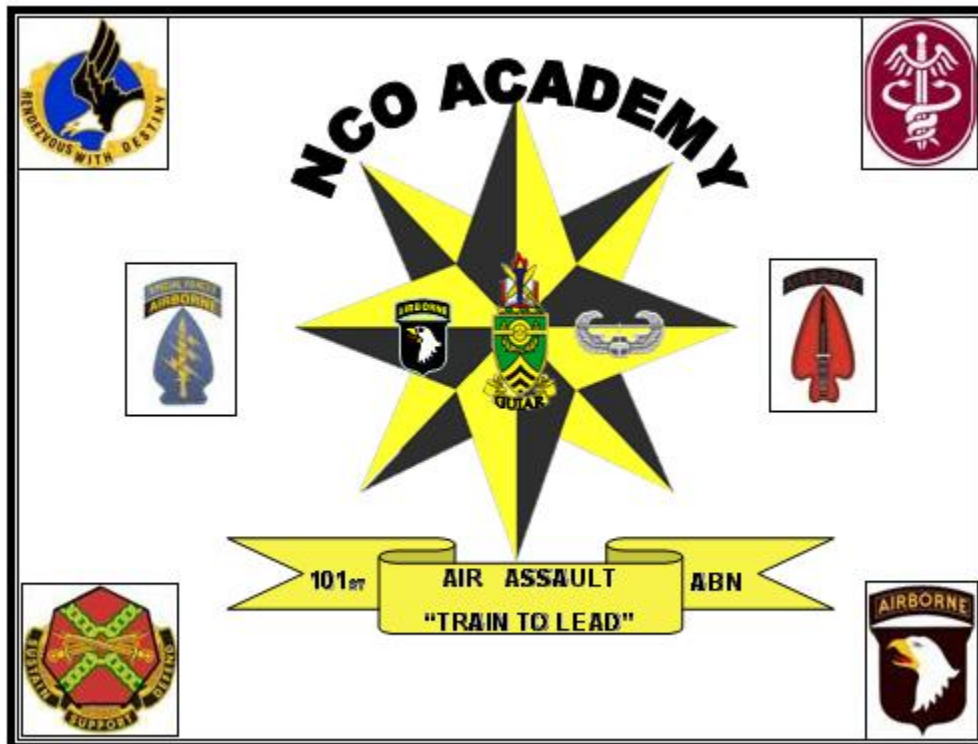
HOME WORK ASSIGNMENTS FOR THE WARRIOR LEADER COURSE



It is the responsibility of every student to learn to perform the lesson learning objectives of this training. This includes completing the home assignments.

L223

Read Student Handout 1, Appendix D, for reading and study assignments. • Study the two Army Leadership evaluations in Student Handout 1. During class--• Participate in group discussion and practical exercises.



HANDOUTS FOR LESSON 1: L223 version 6

This appendix contains the items listed in this table--

Title / Synopsis	Page(s)
SH-1, Advance Sheet	SH-1-1 thru SH-1-6
SH-2, Deleted	SH-2-1
SH-3, Deleted	SH-3-1
SH-4, Extracted Material from STP 21-24-SMCT, 158-H-1281, Solve Problems Using the Military Problem Solving Process	SH-4-1 thru SH-4-18
SH-5, Extracted Material from STP 21-24-SMCT and 158-L-7015, Develop an Effective Team	SH-5-1 thru SH-5-30
SH-6, Extracted Material from 158-L-7015, Develop an Effective Team	SH-6-1 thru SH-6-5

Student Handout 1

Advance Sheet

Lesson Hours This lesson consists of seven hours of small group instruction.

Overview During this lesson you will review the basic concepts, principles, and practices of Army leadership. You will learn the basis of Army leadership, the attributes that make up the Army leader, and how to provide competency-based leadership. You will also learn the leader skill of problem solving and how to develop an effective team--something leaders do every day.

Learning Objective Terminal Learning Objective (TLO).

Action:	Apply the Army's leadership principles and practices.
Conditions:	As a leader of a squad/team, in the classroom and during a situational training exercise, given the instruction in this lesson.
Standards:	Apply the Army's leadership principles and practices by-- <ul style="list-style-type: none">• Receiving a GO on an end of module examination by scoring a minimum of 70 percent,• Describing the Army leader,• Solving problems using the military problem solving process,• Reviewing team development techniques,• Achieving a GO on the Demonstrated Leadership (Nontactical) Performance Evaluation, and• Achieving a GO on the Demonstrated Leadership (Tactical) Performance Evaluation.

ELO A Describe the Army leader.

ELO B Solve problems using the military problem solving process.

ELO C Review team development techniques to enhance unit performance.

Assignment The student assignments for this lesson are:

- Review FM 6-22, Appendix A.
 - Review tasks 158-100-7015, and 158-100-8006 in STP 21-24-SMCT. (See SH-4 and SH-5.)
 - Review the Army Leadership scoring rubric on pages SH-1-3 through SH-1-6 of this student handout.
-

Additional Subject Area Resources

Although not a requirement for this lesson, the General Dennis J. Reimer Training and Doctrine Digital Library found at <http://www.train.army.mil> has many learning resources for Army leadership. Log in the library and use the keyword "leadership."

Bring to Class

You must bring the following materials to class:

- All reference material received including the Army Leadership scoring rubric found on pages SH-1-3 thru SH-1-6 of this student handout.
- Student Handout 6, Extracted Material from 158-L-7015 (Team Building Check on Learning).
- Pen or pencil and writing paper.
- Any materials required by the NCOA's SOP.

Note to Students

It is your responsibility to do the homework prior to class. We expect you to come to class prepared. You will participate in small group discussion. We expect you to participate in the discussion by providing information you learned from your study and your personal and observed experiences. Failure to study and read the assignments above will result in your inability to participate with the rest of the group. Not having your input affects the group's ability to discuss the information fully.

ARMY LEADERSHIP 1

(Garrison)

STUDENT: (Rank, Last, First, MI)	SGL: (Rank, Last, First, MI)	DATE
PERFORMANCE STEPS	GO	NO GO
TROOP LEADING PROCEDURES		
1. Receive the Mission (Acknowledge, backbrief, and begin analyzing using METT-TC and commander's intent)		
2. Issue a Warning Order (Mission, task organization, timeline, special instructions, service and support, command and signal)		
3. Make a Tentative Plan (Determine specified, implied, and essential tasks; develop COAs considering PMESII-PT and OAKOC; select the best COA)		
4. Initiate Movement (Movement to an assembly area, battle position, defense or attack position; and movement of reconnaissance elements.)		
5. Conduct Reconnaissance (Walk the ground, map, intelligence, photography, units that have been in the area previously)		
6. Complete the Plan (Review the mission as received to ensure the plan meets the requirements of the mission and stays within the framework of the commander's intent)		
7. Issue the Operation Order (Orally, use five paragraph format to explain exactly what, when, and how to accomplish the mission within intent)		
8. Supervise and Refine (Conduct a confirmation brief, rehearsals, and inspections (PCCs / PCIs, adjust if necessary)		
Comments:		
LEADS		
9. Leads Others (Provides clear intent and purpose; influences/motivates; maintains standards; balances mission requirements and Soldier welfare)		
10. Extends Influence (Understands sphere, means, and limit of influence; builds trust; builds consensus; resolves conflict; builds and maintains alliances)		
11. Leads by Example (Models the Army Values; exemplifies the Warrior Ethos; demonstrates commitment; displays confidence in adverse conditions)		
12. Communicates (Listens actively; ensures shared understanding; presents recommendations; displays sensitivity to cultural factors)		
Comments:		
DEVELOPS		
13. Creates a Positive Environment (Fosters teamwork and loyalty, encourages open / candid communications; shows care for people; accepts reasonable setbacks / failures)		
14. Prepares Self (Maintains mental and physical health; expands knowledge; analyzes and organizes information; maintains relevant cultural and geopolitical awareness)		
15. Develops Others (Fosters job development, challenge, and enrichment; counsels, coaches, and mentors; builds team or group skills and processes)		
Comments:		
ACHIEVES		
16. Gets Results (Prioritizes, organizes, and coordinates tasks; removes work barriers; makes feedback part of the work process; executes plans to accomplish the mission)		
Comments:		

NOTE: If a performance step does not present itself during the evaluation, through no fault of the student, score that performance step a "GO." SGLs may evaluate "unseen" performance steps by noting indicators of performance or by asking the student directly. For example, it is impossible to see someone "visualize a situation." However, if the leader developed a good visualization of the situation, the results will most likely meet or exceed the standard. Or, the SGL might ask the student directly, "How did you visualize the situation?" Additionally, leaders always perform TLPs, even for simple missions. Leaders may not perform the TLPs formally, but in

an abbreviated and mental manner.

ARMY LEADERSHIP 1										
(Garrison)					DATE					
STUDENT NAME					(CONTINUED)					
PERFORMANCE STEPS					GO		NO GO			
ATTRIBUTES										
17. Character (Army Values, empathy, Warrior Ethos)										
18. Presence (Military bearing, physical fitness, confidence, resilience)										
19. Intellect (Mental agility, judgment, innovation, interpersonal tact, domain knowledge)										
Comments:										
BROADLY-SKILLED										
20. Critical and Creative Thinker (Purposeful, self-regulating judgment used to solve problems)										
21. Leader Developer (Builder of leaders and teams)										
22. Resource Manager (Effective and efficient use of available resources)										
23. Culturally Astute Leader (Represents American and Army Values and culture to the world, respectful and understanding of other cultures and values)										
24. Warrior Leader (Accomplished, full spectrum professional Warfighter)										
Comments:										
BATTLE COMMAND										
25. Understand a Situation (Knowledge that has been synthesized and applied or evaluated in the context of a specific situation)										
26. Visualize a Situation (Mentally developing situational understanding, determining a desired end state, and envisioning the broad sequence of events to arrive at that end state)										
27. Describe a Situation (Ability to make others develop and visualize an accurate mental picture of a situation)										
28. Direct and Lead Forces (Motivating others through the use of the leadership competencies of leads, develops, and achieves)										
29. Assess Operations (Determine the value, significance, or extent of operations)										
Comments:										
NOTES										
Evaluation Guidance										
Deduct 3.448 points for each performance measure student executes incorrectly. See the table below to determine the student's final score. If the student fails any step, show the student what was wrong and how to do it correctly. Student must score 70 or above to pass. Students who fail the evaluation must retrain and retest. (Maximum score for retest is 70.)										
FINAL SCORE:										
1	96.552		4	86.208		7	75.864		10	65.520
2	93.104		5	82.760		8	72.416		11	62.072
3	89.656		6	79.312		9	68.986		12	58.624
SGL SIGNATURE:										
STUDENT SIGNATURE:										

NOTE: If a performance step does not present itself during the evaluation, through no fault of the student, score that performance step a "GO." SGLs may evaluate "unseen" performance steps by noting indicators of performance or by asking the student directly. For example, it is impossible to see someone "visualize a situation." However, if the leader developed a good visualization of the situation, the results will most likely meet or exceed the standard. Or, the SGL might ask the student directly, "How did you visualize the situation?" Additionally, leaders always perform TLPs, even for simple missions. Leaders may not perform the TLPs formally, but in an abbreviated and mental manner.

ARMY LEADERSHIP 2

(Tactical)

STUDENT: (Rank, Last, First, MI)	SGL: (Rank, Last, First, MI)	DATE
PERFORMANCE STEPS	GO	NO GO
TROOP LEADING PROCEDURES		
1. Receive the Mission (Acknowledge, backbrief, and begin analyzing using METT-TC and commander's intent)		
2. Issue a Warning Order (Mission, task organization, timeline, special instructions, service and support, command and signal)		
3. Make a Tentative Plan (Determine specified, implied, and essential tasks; develop COAs considering PMESII-PT and OAKOC; select the best COA)		
4. Initiate Movement (Movement to an assembly area, battle position, defense or attack position; and movement of reconnaissance elements.)		
5. Conduct Reconnaissance (Walk the ground, map, intelligence, photography, units that have been in the area previously)		
6. Complete the Plan (Review the mission as received to ensure the plan meets the requirements of the mission and stays within the framework of the commander's intent)		
7. Issue the Operation Order (Orally, use five paragraph format to explain exactly what, when, and how to accomplish the mission within intent)		
8. Supervise and Refine (Conduct a confirmation brief, rehearsals, and inspections (PCCs / PCIs, adjust if necessary)		
Comments:		
LEADS		
9. Leads Others (Provides clear intent and purpose; influences/motivates; maintains standards; balances mission requirements and Soldier welfare)		
10. Extends Influence (Understands sphere, means, and limit of influence; builds trust; builds consensus; resolves conflict; builds and maintains alliances)		
11. Leads by Example (Models the Army Values; exemplifies the Warrior Ethos; demonstrates commitment; displays confidence in adverse conditions)		
12. Communicates (Listens actively; ensures shared understanding; presents recommendations; displays sensitivity to cultural factors)		
Comments:		
DEVELOPS		
13. Creates a Positive Environment (Fosters teamwork and loyalty, encourages open / candid communications; shows care for people; accepts reasonable setbacks / failures)		
14. Prepares Self (Maintains mental and physical health; expands knowledge; analyzes and organizes information; maintains relevant cultural and geopolitical awareness)		
15. Develops Others (Fosters job development, challenge, and enrichment; counsels, coaches, and mentors; builds team or group skills and processes)		
Comments:		
ACHIEVES		
16. Gets Results (Prioritizes, organizes, and coordinates tasks; removes work barriers; makes feedback part of the work process; executes plans to accomplish the mission)		
Comments:		

NOTE: If a performance step does not present itself during the evaluation, through no fault of the student, score that performance step a "GO." SGLs may evaluate "unseen" performance steps by noting indicators of performance or by asking the student directly. For example, it is impossible to see someone "visualize a situation." However, if the leader developed a good visualization of the situation, the results will most likely meet or exceed the standard. Or, the SGL might ask the student directly, "How did you visualize the situation?" Additionally, leaders always perform TLPs, even for simple missions. Leaders may not perform the TLPs formally, but in

an abbreviated and mental manner.

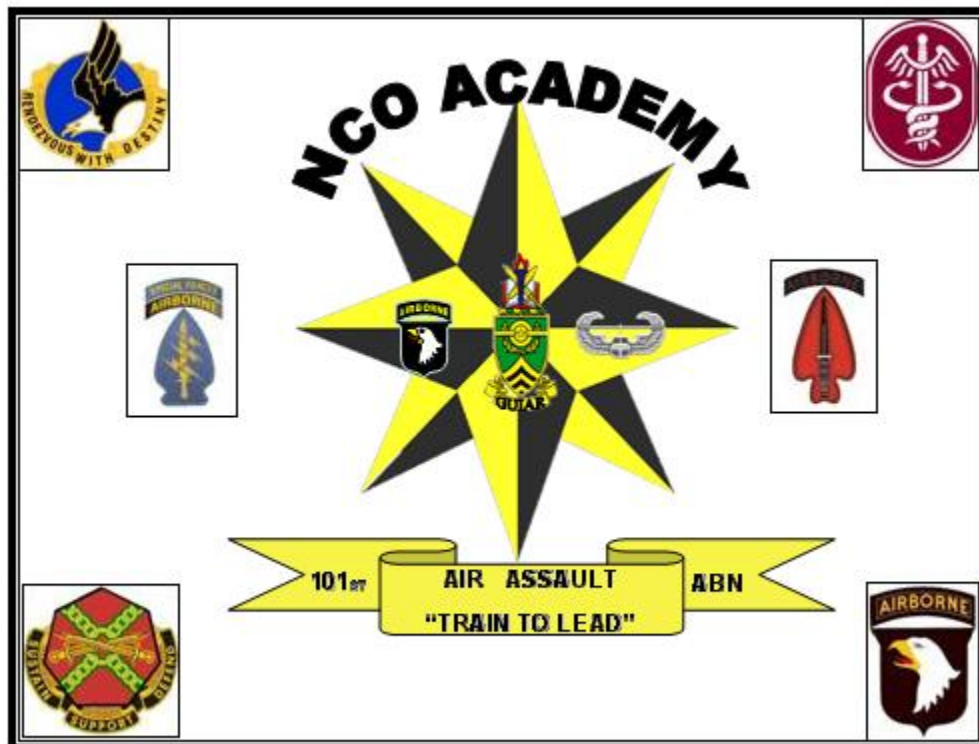
ARMY LEADERSHIP 2										
STUDENT NAME					(Tactical) (CONTINUED)			DATE		
PERFORMANCE STEPS					GO		NO GO			
ATTRIBUTES										
17. Character (Army Values, empathy, Warrior Ethos)										
18. Presence (Military bearing, physical fitness, confidence, resilience)										
19. Intellect (Mental agility, judgment, innovation, interpersonal tact, domain knowledge)										
Comments:										
BROADLY-SKILLED										
20. Critical and Creative Thinker (Purposeful, self-regulating judgment used to solve problems)										
21. Leader Developer (Builder of leaders and teams)										
22. Resource Manager (Effective and efficient use of available resources)										
23. Culturally Astute Leader (Represents American and Army Values and culture to the world, respectful and understanding of other cultures and values)										
24. Warrior Leader (Accomplished, full spectrum professional Warfighter)										
Comments:										
BATTLE COMMAND										
25. Understand a Situation (Knowledge that has been synthesized and applied or evaluated in the context of a specific situation)										
26. Visualize a Situation (Mentally developing situational understanding, determining a desired end state, and envisioning the broad sequence of events to arrive at that end state)										
27. Describe a Situation (Ability to make others develop and visualize an accurate mental picture of a situation)										
28. Direct and Lead Forces (Motivating others through the use of the leadership competencies of leads, develops, and achieves)										
29. Assess Operations (Determine the value, significance, or extent of operations)										
Comments:										
NOTES										
Evaluation Guidance										
Deduct 3.448 points for each performance measure student executes incorrectly. See the table below to determine the student's final score. If the student fails any step, show the student what was wrong and how to do it correctly. Student must score 70 or above to pass. Students who fail the evaluation must retrain and retest. (Maximum score for retest is 70.)										
FINAL SCORE:										
1	96.552		4	86.208		7	75.864		10	65.520
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3	89.656		6	79.312		9	68.986		12	58.624
SGL SIGNATURE:										
STUDENT SIGNATURE:										

NOTE: If a performance step does not present itself during the evaluation, through no fault of the student, score that performance step a "GO." SGLs may evaluate "unseen" performance steps by noting indicators of performance or by asking the student directly. For example, it is impossible to see someone "visualize a situation." However, if the leader developed a good visualization of the situation, the results will most likely meet or exceed the standard. Or, the SGL might ask the student directly, "How did you visualize the situation?" Additionally, leaders always perform TLPs, even for simple missions. Leaders may not perform the TLPs formally, but in an abbreviated and mental manner.

L224

Study Student Handouts 1 and 2. • Review the Interactive Training Products at the U.S Army Combined Arms Center website at <http://usacac.army.mil/cac2/digitalpublications.asp>.

- Review the Army Counseling Online (ACO) at <http://www.armycounselingonline.com/downloads/types-of-counseling-from-fm-6-22/>
- Review the PPT classes at <http://www.pptclasses.com/members/leadership.htm>.



Appendix D

HANDOUTS FOR LESSON 1: L224 version 6

This appendix contains the items listed in this table--

Title/Synopsis	Pages
SH-1, Advance Sheet	SH-1-1 and SH-1-2
SH-2, Extracted Material from FM 6-22, Army Leadership	SH-2-1

Student Handout 1

Advance Sheet

Lesson Hours

This lesson consists of three hours and 5 minutes of group discussion and one hour and 45 minutes of PE.

Overview

To be a successful Army leader, you show respect for your subordinates when you allow them to take responsibility for their own ideas and actions. This training will provide you with the basics of counseling, a skill; you will continue to develop as you grow as a leader.

Learning Objective

Terminal Learning Objective (TLO).

Action:	Conduct Developmental Counseling.
Conditions:	As a leader of a squad/team, in the classroom, and given the instruction in this lesson.
Standards:	Conduct Developmental Counseling by-- <ul style="list-style-type: none">• Achieving a GO on the end of module examination by scoring a minimum of 70 percent,• Explaining the types of developmental counseling,• Explaining the leader as a counselor and the qualities of the counselor,• Discussing the adaptive approaches to counseling and counseling techniques• Interpreting the four-stage counseling process,• Explaining Part I through Part IV on the Developmental Counseling Form (DA Form 4856), and• Constructing a Developmental Counseling Form (DA Form 4856).

ELO A Explain the types of developmental counseling.

ELO B Explain the leader as a counselor and the qualities of the counselor.

ELO C Discuss the adaptive approaches to counseling and counseling techniques.

ELO D Interpret the four-stage counseling process.

ELO E Explain Part I through Part IV on the Developmental Counseling Form (DA Form 4856).

ELO F Construct a Developmental Counseling Form (DA Form 4856).

Assignment

The student assignments for this lesson are:

- Read SH-1 and SH-2.
 - Review the Interactive Training Products at the U.S Army Combined Arms Center website at <http://usacac.army.mil/cac2/digitalpublications.asp>.
 - Review the Army Counseling Online (ACO) at <http://www.armycounselingonline.com/reply-to/army-counseling-news.html?replyto=167--ACO>
 - Review the PPT classes at <http://www.pptclasses.com/members/leadership.htm>.
-

Additional Subject Area Resources

None

Bring to Class

- Practical Exercise 1.
 - SH-1 and SH-2.
 - Pen or pencil and writing paper.
-

Student Handout 2

Extracted Material from FM 6-22, Army Leadership

This student handout contains 20 pages of extracted material from the following publication:

FM 6-22, Army Leadership, 12 October 2006

Appendix B

Pages B-1 thru B-20

Disclaimer: The training developer downloaded the extracted material from the Army Publishing Directorate (USAPA) website. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

Appendix B

Counseling

B-1. Counseling is the process used by leaders to review with a subordinate the subordinate's demonstrated performance and potential (Part Three, Chapter 8).

B-2. Counseling is one of the most important leadership development responsibilities for Army leaders. The Army's future and the legacy of today's Army leaders rests on the shoulders of those they help prepare for greater responsibility.

TYPES OF DEVELOPMENTAL COUNSELING

B-3. Developmental counseling is categorized by the purpose of the session. The three major categories of developmental counseling are—

- Event counseling.
- Performance counseling.
- Professional growth counseling.

EVENT COUNSELING

B-4. Event-oriented counseling involves a specific event or situation. It may precede events such as appearing before a promotion board or attending training. It can also follow events such as noteworthy duty performance, a problem with performance or mission accomplishment, or a personal issue. Examples of event-oriented counseling include—

- Instances of superior or substandard performance.
- Reception and integration counseling.
- Crisis counseling.
- Referral counseling.
- Promotion counseling.
- Separation counseling.

Counseling for Specific Instances

B-5. Sometimes counseling is tied to specific instances of superior or substandard duty performance. The leader uses the counseling session to convey to the subordinate whether or not the performance met the standard and what the subordinate did right or wrong. Successful counseling for specific performance occurs as close to the event as possible. Leaders should counsel subordinates for exceptional as well as substandard duty performance. The key is to strike a balance between the two. To maintain an appropriate balance, leaders keep track of counseling for exceptional versus substandard performance.

B-6. Although good leaders attempt to balance their counseling emphasis, leaders should always counsel subordinates who do not meet the standard. If the Soldier or civilian's performance is unsatisfactory because of a lack of knowledge or ability, leader and subordinate can develop a plan for improvement. Corrective training helps ensure that the subordinate knows and consistently achieves the standard.

B-7. When counseling a subordinate for a specific performance, take the following actions:

- Explain the purpose of the counseling—what was expected, and how the subordinate failed to meet the standard.
- Address the specific unacceptable behavior or action—do not attack the person's character.
- Explain the effect of the behavior, action, or performance on the rest of the organization.

- Actively listen to the subordinate's response.
- Remain neutral.
- Teach the subordinate how to meet the standard.
- Be prepared to do some personal counseling, since a failure to meet the standard may be related to or be the result of an unresolved personal problem.
- Explain to the subordinate how an individual development plan will improve performance and identify specific responsibilities in implementing the plan. Continue to assess and follow up on the subordinate's progress. Adjust the plan as necessary.

Reception and Integration Counseling

B-8. Caring and empathic Army leaders should counsel all new team members when they join the organization. Reception and integration counseling serves two important purposes:

- It identifies and helps alleviate any problems or concerns that new members may have, including any issues resulting from the new duty assignment.
- It familiarizes new team members with the organizational standards and how they fit into the team. It clarifies roles and assignments and sends the message that the chain of command cares.

B-9. Reception and integration counseling should among others include the following discussion points:

- Chain of command familiarization.
- Organizational standards.
- Security and safety issues.
- Noncommissioned officer (NCO) support channel (who is in it and how it is used).
- On- and off-duty conduct.
- Personnel/personal affairs/initial and special clothing issue.
- Organizational history, structure, and mission.
- Soldier programs within the organization, such as Soldier of the Month/Quarter/Year, and educational and training opportunities.
- Off limits and danger areas.
- Functions and locations of support activities.
- On- and off-post recreational, educational, cultural, and historical opportunities.
- Foreign nation or host nation orientation.
- Other areas the individual should be aware of as determined by the leader.

Crisis Counseling

B-10. Crisis counseling includes getting a Soldier or employee through a period of shock after receiving negative news, such as the notification of the death of a loved one. It focuses on the subordinate's immediate short-term needs. Leaders may assist the subordinate by listening and providing appropriate assistance. Assisting can also mean referring the subordinate to a support activity or coordinating for external agency support, such as obtaining emergency funding for a flight ticket or putting them in contact with a chaplain.

Referral Counseling

B-11. Referral counseling helps subordinates work through a personal situation. It may or may not follow crisis counseling. Referral counseling aims at preventing a problem from becoming unmanageable if the empathic Army leader succeeds in identifying the problem in time and involves appropriate resources, such as Army Community Services, a chaplain, or an alcohol and drug counselor. (Figure B-4 lists support activities.)

Promotion Counseling

B-12. Army leaders must conduct promotion counseling for all specialists and sergeants who are eligible for advancement without waivers but not recommended for promotion to the next higher grade. Army regulations require that Soldiers within this category receive initial (event-oriented) counseling when they attain full promotion eligibility and then periodic (performance/personal growth) counseling thereafter.

Adverse Separation Counseling

B-13. Adverse separation counseling may involve informing the Soldier of the administrative actions available to the commander in the event substandard performance continues and of the consequences associated with those administrative actions (see AR 635-200).

B-14. Developmental counseling may not apply when an individual has engaged in serious acts of misconduct. In those situations, leaders should refer the matter to the commander and the servicing staff judge advocate. When rehabilitative efforts fail, counseling with a view towards separation is required. It is an administrative prerequisite to many administrative discharges, while sending a final warning to the Soldier: improve performance or face discharge. In many situations, it is advisable to involve the chain of command as soon as it is determined that adverse separation counseling might be required. A unit first sergeant or the commander should inform the Soldier of the notification requirements outlined in AR 635-200.

PERFORMANCE COUNSELING

B-15. During performance counseling, leaders conduct a review of a subordinate's duty performance over a certain period. Simultaneously, leader and subordinate jointly establish performance objectives and standards for the next period. Rather than dwelling on the past, focus on the future: the subordinate's strengths, areas of improvement, and potential.

B-16. Performance counseling is required under the officer, NCO, and Army civilian evaluation reporting systems. The officer evaluation report (OER) (DA Form 67-9) process requires periodic performance counseling as part of the OER Support Form requirements. Mandatory, face-to-face performance counseling between the rater and the rated NCO is required under the noncommissioned officer evaluation reporting system. (See AR 623-3). Performance evaluation for civilian employees also includes both of these requirements.

B-17. Counseling at the beginning of and during the evaluation period ensures the subordinate's personal involvement in the evaluation process. Performance counseling communicates standards and is an opportunity for leaders to establish and clarify the expected values, attributes, and competencies. The OER support form's coverage of leader attributes and competencies is an excellent tool for leader performance counseling. For lieutenants and junior warrant officers, the major performance objectives on the OER Support Form (DA Form 67-9-1) are used as the basis for determining the developmental tasks on the Developmental Support Form (DA Form 67-9-1A). Quarterly face-to-face performance and developmental counseling is required for these junior officers as outlined in AR 623-3. Army leaders ensure that performance objectives and standards are focused and tied to the organization's objectives and the individual's professional development. They should also echo the objectives on the leader's support form as a team member's performance contributes to mission accomplishment.

PROFESSIONAL GROWTH COUNSELING

B-18. Professional growth counseling includes planning for the accomplishment of individual and professional goals. During the counseling, leader and subordinate conduct a review to identify and discuss the subordinate's strengths and weaknesses and to create an individual development plan that builds upon those strengths and compensates for (or eliminates) weaknesses.

B-19. As part of professional growth counseling, leader and subordinate may choose to develop a "pathway to success" with short- and long-term goals and objectives. The discussion of the pathway includes opportunities for civilian or military schooling, future duty assignments, special programs, and

reenlistment options. An individual development plan is a requirement for all Soldiers and Army civilians as every person's needs and interests are different.

B-20. Career field counseling is required for lieutenants and captains before they are considered for promotion to major. Raters and senior raters in conjunction with the rated officer need to determine where the officer's skills and talents best fit the needs of the Army. The rated officer's preference and abilities (both performance and intellectual) must be considered. The rater and senior rater should discuss career field designation with the officer prior to making a recommendation on the rated officer's OER.

B-21. While these categories can help organize and focus counseling sessions, they should not be viewed as separate or exhaustive. For example, a counseling session that focuses on resolving a problem may also address improving duty performance. A session focused on performance often includes a discussion on opportunities for professional growth. Regardless of the topic of the counseling session, leaders should follow a basic format to prepare for and conduct it. The Developmental Counseling Form, DA Form 4856, discussed at the end of this appendix provides a useful framework to prepare for almost any type of counseling. Use it to help mentally organize the relevant issues to cover during counseling sessions.

THE LEADER AS A COUNSELOR

B-22. To be effective, developmental counseling must be a shared effort. Leaders assist their subordinates in identifying strengths and weaknesses and creating plans of action. Once an individual development plan is agreed upon, they support their Soldiers and civilians throughout the plan implementation and continued assessment. To achieve success, subordinates must be forthright in their commitment to improve and candid in their own assessments and goal setting.

B-23. Army leaders evaluate Army civilians using procedures prescribed under civilian personnel policies. DA Form 4856 is appropriate to counsel Army civilians on professional growth and career goals. DA Form 4856 is not adequate to address civilian counseling concerning Army civilian misconduct or poor performance. The servicing Civilian Personnel Office can provide guidance for such situations.

B-24. Caring and empathic Army leaders conduct counseling to help subordinates become better team members, maintain or improve performance, and prepare for the future. While it is not easy to address every possible counseling situation, leader self-awareness and an adaptable counseling style focusing on key characteristics will enhance personal effectiveness as a counselor. These key characteristics include—

- **Purpose:** Clearly define the purpose of the counseling.
- **Flexibility:** Fit the counseling style to the character of each subordinate and to the relationship desired.
- **Respect:** View subordinates as unique, complex individuals, each with a distinct set of values, beliefs, and attitudes.
- **Communication:** Establish open, two-way communication with subordinates using spoken language, nonverbal actions, gestures, and body language. Effective counselors listen more than they speak.
- **Support:** Encourage subordinates through actions while guiding them through their problems.

THE QUALITIES OF THE COUNSELOR

B-25. Army leaders must demonstrate certain qualities to be effective counselors. These qualities include respect for subordinates, self-awareness and cultural awareness, empathy, and credibility.

B-26. One challenging aspect of counseling is selecting the proper approach to a specific situation. To counsel effectively, the technique used must fit the situation, leader capabilities, and subordinate expectations. Sometimes, leaders may only need to give information or listen, while in other situations a subordinate's improvement may call for just a brief word of praise. Difficult circumstances may require structured counseling followed by definite actions, such as referrals to outside experts and agencies.

B-27. Self-aware Army leaders consistently develop and improve their own counseling abilities. They do so by studying human behavior, learning the kinds of problems that affect their followers, and developing

their interpersonal skills. The techniques needed to provide effective counseling vary from person to person and session to session. However, general skills that leaders will need in almost every situation include active listening, responding, and questioning.

ACTIVE LISTENING

B-28. Active listening helps communicate reception of the subordinate's message verbally and nonverbally. To capture the message fully, leaders listen to what is said and observe the subordinate's manners. Key elements of active listening include—

- **Eye contact.** Maintaining eye contact without staring helps show sincere interest. Occasional breaks of eye contact are normal and acceptable, while excessive breaks, paper shuffling, and clock-watching may be perceived as a lack of interest or concern.
- **Body posture.** Being relaxed and comfortable will help put the subordinate at ease. However, a too-relaxed position or slouching may be interpreted as a lack of interest.
- **Head nods.** Occasionally head nodding indicates paying attention and encourages the subordinate to continue.
- **Facial expressions.** Keep facial expressions natural and relaxed to signal a sincere interest.
- **Verbal expressions.** Refrain from talking too much and avoid interrupting. Let the subordinate do the talking, while keeping the discussion on the counseling subject.

B-29. Active listening implies listening thoughtfully and deliberately to capture the nuances of the subordinate's language. Stay alert for common themes. A subordinate's opening and closing statements as well as recurring references may indicate his priorities. Inconsistencies and gaps may indicate an avoidance of the real issue. Certain inconsistencies may suggest additional questions by the counselor.

B-30. Pay attention to the subordinate's gestures to understand the complete message. By watching the subordinate's actions, leaders identify the emotions behind the words. Not all actions are proof of a subordinate's feelings but they should be considered. Nonverbal indicators of a subordinate's attitude include—

- **Boredom.** Drumming on the table, doodling, clicking a ballpoint pen, or resting the head in the palm of the hand.
- **Self-confidence.** Standing tall, leaning back with hands behind the head, and maintaining steady eye contact.
- **Defensiveness.** Pushing deeply into a chair, glaring at the leader, and making sarcastic comments as well as crossing or folding arms in front of the chest.
- **Frustration.** Rubbing eyes, pulling on an ear, taking short breaths, wringing the hands, or frequently changing total body position.
- **Interest, friendliness, and openness.** Moving toward the leader while sitting.
- **Anxiety.** Sitting on the edge of the chair with arms uncrossed and hands open.

B-31. Leaders consider each indicator carefully. Although each may reveal something about the subordinate, do not judge too quickly. When unsure look for reinforcing indicators or check with the subordinate to understand the behavior, determine what is underlying it, and allow the subordinate to take responsibility.

RESPONDING

B-32. A leader responds verbally and nonverbally to show understanding of the subordinate. Verbal responses consist of summarizing, interpreting, and clarifying the subordinate's message. Nonverbal responses include eye contact and occasional gestures such as a head nod.

QUESTIONING

B-33. Although focused questioning is an important skill, counselors should use it with caution. Too many questions can aggravate the power differential between a leader and a subordinate and place the

subordinate in a passive mode. The subordinate may also react to excessive questioning as an intrusion of privacy and become defensive. During a leadership development review, ask questions to obtain information or to get the subordinate to think deeper about a particular situation. Questions should evoke more than a yes or no answer. Well-posed questions deepen understanding, encourage further explanation, and help the subordinate perceive the counseling session as a constructive experience.

COUNSELING ERRORS

B-34. Dominating the counseling by talking too much, giving unnecessary or inappropriate advice, not truly listening, and projecting personal likes, dislikes, biases, and prejudices all interfere with effective counseling. Competent leaders avoid rash judgments, stereotyping, losing emotional control, inflexible counseling methods, or improper follow-up.

B-35. To improve leader counseling skills, follow these general guidelines:

- To help resolve the problem or improve performance, determine the subordinate's role in the situation and what the subordinate has done.
- Draw conclusions based on more factors than the subordinate's statement.
- Try to understand what the subordinate says and feels; listen to what is said and how it is said
- Display empathy when discussing the problem.
- When asking questions, be sure the information is needed.
- Keep the conversation open-ended and avoid interrupting.
- Give the subordinate your full attention.
- Be receptive to the subordinate's emotions, without feeling responsible to save the subordinate from hurting.
- Encourage the subordinate to take the initiative and to speak aloud.
- Avoid interrogating.
- Keep personal experiences out of the counseling session, unless you believe your experiences will really help.
- Listen more and talk less.
- Remain objective.
- Avoid confirming a subordinate's prejudices.
- Help the subordinates help themselves.
- Know what information to keep confidential and what to present to the chain of command, if necessary.

ACCEPTING LIMITATIONS

B-36. Army leaders cannot help everyone in every situation. Recognize personal limitations and seek outside assistance, when required. When necessary, refer a subordinate to the agency more qualified to help.

B-37. The agency list in figure B-1 assists in solving problems. Although it is generally in an individual's best interest to begin by seeking help from their first-line leaders, caring leaders should respect an individual's preference to contact any of these agencies on their own.

Activity	Description
Adjutant General	Provides personnel and administrative services support such as orders, ID cards, retirement assistance, deferments, and in- and out-processing.
American Red Cross	Provides communications support between Soldiers and families and assistance during or after emergency or compassionate situations.
Army Community Service	Assists military families through their information and referral services, budget and indebtedness counseling, household item loan closet, and information about other military posts.
Army Substance Abuse Program	Provides alcohol and drug abuse prevention and control programs.
Better Opportunities for Single Soldiers (BOSS)	Serves as a liaison between installation agencies and single Soldiers.
Army Education Center	Provides services for continuing education and individual learning services support.
Army Emergency Relief	Provides financial assistance and personal budget counseling; coordinates student loans through Army Emergency Relief education loan programs.
Career Counselor	Explains reenlistment options and provides current information on prerequisites for reenlistment and selective reenlistment bonuses.
Chaplain	Provides spiritual and humanitarian counseling to Soldiers and Army civilians.
Claims Section, SJA	Handles claims for and against the government, most often those for the loss and damage of household goods.
Legal Assistance Office	Provides legal information or assistance on matters of contracts, citizenship, adoption, marital problems, taxes, wills, and powers of attorney.
Community Counseling Center	Provides alcohol and drug abuse prevention and control programs for Soldiers.
Community Health Nurse	Provides preventive health care services.
Community Mental Health Service	Provides assistance and counseling for mental health problems.
Employee Assistance Program	Provides health nurse, mental health service, and social work services for Army civilians.
Equal Opportunity Staff Office and Equal Employment Opportunity Office	Provides assistance for matters involving discrimination in race, color, national origin, gender, and religion. Provides information on procedures for initiating complaints and resolving complaints informally.
Family Advocacy Officer	Coordinates programs supporting children and families including abuse and neglect investigation, counseling, and educational programs.
Finance and Accounting Office	Handles inquiries for pay, allowances, and allotments.
Housing Referral Office	Provides assistance with housing on and off post.
Inspector General	Renders assistance to Soldiers and Army civilians. Corrects injustices affecting individuals and eliminates conditions determined to be detrimental to the efficiency, economy, morale, and reputation of the Army. Investigates matters involving fraud, waste, and abuse.
Social Work Office	Provides services dealing with social problems to include crisis intervention, family therapy, marital counseling, and parent or child management assistance.

Figure B-1. Support activities

ADAPTIVE APPROACHES TO COUNSELING

B-38. An effective leader approaches each subordinate as an individual. Different people and different situations require different counseling approaches. Three approaches to counseling include nondirective, directive, and combined (see Part Three, Chapter 8 for more). These approaches differ in specific techniques, but all fit the definition of counseling and contribute to its overall purpose. The major difference between the approaches is the degree to which the subordinate participates and interacts during a counseling session. Figure B-2 identifies the advantages and disadvantages of each approach.

	Advantages	Disadvantages
Nondirective	Encourages maturity. Encourages open communication. Develops personal responsibility.	More time-consuming. Requires greatest counselor skills.
Directive	Quickest method. Good for people who need clear, concise direction. Allows counselors to use their experience.	Does not encourage subordinates to be part of the solution. Tends to treat symptoms, not problems. Tends to discourage subordinates from talking freely. Solution is the counselor's, not the subordinate's.
Combined	Moderately quick. Encourages maturity. Encourages open communication. Allows counselors to use their experience.	May take too much time for some situations.

Figure B-2. Counseling approach summary chart

COUNSELING TECHNIQUES

B-39. The Army leader can select from several techniques when counseling subordinates. These techniques may cause subordinates to change behavior and improve upon their performance. Counseling techniques leaders may explore during the nondirective or combined approaches include—

- **Suggesting alternatives.** Discuss alternative actions that the subordinate may take. Leader and subordinate together decide which course of action is most appropriate.
- **Recommending.** Recommend one course of action, but leave the decision to accept it to the subordinate.
- **Persuading.** Persuade the subordinate that a given course of action is best, but leave the final decision to the subordinate. Successful persuasion depends on the leader's credibility, the subordinate's willingness to listen, and mutual trust.
- **Advising.** Advise the subordinate that a given course of action is best. This is the strongest form of influence not involving a command.

B-40. Techniques to use during the directive approach to counseling include—

- **Corrective training.** Teach and assist the subordinate in attaining and maintaining the required standard. A subordinate completes corrective training when the standard is consistently attained.
- **Commanding.** Order the subordinate to take a given course of action in clear, precise words. The subordinate understands the order and will face consequences for failing to carry it out.

THE FOUR-STAGE COUNSELING PROCESS

B-41. Effective Army leaders make use of a four-stage counseling process:

- Identify the need for counseling.
- Prepare for counseling.
- Conduct counseling.
- Follow-up.

STAGE 1: IDENTIFY THE NEED FOR COUNSELING

B-42. Usually organizational policies—such as counseling associated with an evaluation or command directed counseling—focus a counseling session. However, leaders may also conduct developmental counseling whenever the need arises for focused, two-way communication aimed at subordinate's development. Developing subordinates consists of observing the subordinate's performance, comparing it to the standard, and then providing feedback to the subordinate in the form of counseling.

STAGE 2: PREPARE FOR COUNSELING

B-43. Successful counseling requires preparation in the following seven areas:

- Select a suitable place.
- Schedule the time.
- Notify the subordinate well in advance.
- Organize information.
- Outline the counseling session components.
- Plan the counseling strategy.
- Establish the right atmosphere.

Select a Suitable Place

B-44. Conduct the counseling in an environment that minimizes interruptions and is free from distracting sights and sounds.

Schedule the Time

B-45. When possible, counsel a subordinate during the duty day. Counseling after duty hours may be rushed or perceived as unfavorable. Select a time free from competition with other activities. Consider that important events occurring after the session could distract a subordinate from concentrating on the counseling. The scheduled time for counseling should also be appropriate for the complexity of the issue at hand. Generally, counseling sessions should last less than an hour.

Notify the Subordinate Well in Advance

B-46. Counseling is a subordinate-centered, two-person effort for which the subordinate must have adequate time to prepare. The person to be counseled should know why, where, and when the counseling takes place. Counseling tied to a specific event should happen as closely to the event as possible. For performance or professional development counseling, subordinates may need at least a week or more to prepare or review specific documents and resources, including evaluation support forms or counseling records.

Organize Information

B-47. The counselor should review all pertinent information, including the purpose of the counseling, facts, and observations about the person to be counseled, identification of possible problems, and main points of discussion. The counselor can outline a possible plan of action with clear obtainable goals as a basis for the final plan development between counselor and the Soldier or civilian.

Outline the Components of the Counseling Session

B-48. Using the available information, determine the focus and specific topics of the counseling session. Note what prompted the counseling requirement, aims, and counselor role. Identify possible key comments and questions to keep the counseling session subordinate-centered and which can help guide the subordinate through the session's stages. As subordinates may be unpredictable during counseling, a written outline can help keep the session on track and enhances the chance for focused success.

Counseling Outline

Type of counseling: Initial NCOER counseling for SFC Taylor, a recently promoted new arrival to the unit.

Place and time: The platoon office, 1500 hours, 9 October.

Time to notify the subordinate: Notify SFC Taylor one week in advance of the counseling session.

Subordinate preparation: Instruct SFC Taylor to put together a list of goals and objectives he would like to complete over the next 90 to 180 days. Review the values, attributes, and competencies of FM 6-22.

Counselor preparation:

Review the NCO Counseling Checklist/Record

Update or review SFC Taylor's duty description and fill out the rating chain and duty description on the working copy of the NCOER.

Review each of the values and responsibilities in Part IV of the NCOER and the values, attributes, and competencies in FM 6-22. Think of how each applies to SFC Taylor's duties as platoon sergeant.

Review the actions necessary for a success or excellence rating in each value and responsibility.

Make notes in blank spaces on relevant parts of the NCOER to assist in counseling.

Role as a counselor: Help SFC Taylor to understand the expectations and standards associated with the platoon sergeant position. Assist SFC Taylor in developing the values, attributes, and competencies that enable him to achieve his performance objectives consistent with those of the platoon and company. Resolve any aspects of the job that SFC Taylor does not clearly understand.

Session outline: Complete an outline following the counseling session components listed in figure B-4 and based on the draft duty description on the NCOER. This should happen two to three days prior to the actual counseling session.

Figure B-3. Example of a counseling outline

Plan the Counseling Strategy

B-49. There are many different approaches to counseling. The directive, nondirective, and combined approaches offer a variety of options that can suit any subordinates and situation (see figure B-3 and Part Three, Chapter 8).

Establish the Right Atmosphere

B-50. The right atmosphere promotes open, two-way communication between a leader and subordinate. To establish a more relaxed atmosphere, offer the subordinate a seat or a cup of coffee. If appropriate, choose to sit in a chair facing the subordinate since a desk can act as a barrier.

B-51. Some situations require more formal settings. During counseling to correct substandard performance, leaders seated behind a desk may direct the subordinate to remain standing. This reinforces the leader's role and authority and underscores the severity of the situation.

Example Counseling Session

Open the Session

- To establish a relaxed environment for an open exchange, explain to SFC Taylor that the more one discusses and comprehends the importance of the Army Values, leader attributes, and competencies, the easier it is to develop and incorporate them for success into an individual leadership style.
- State the purpose of the counseling session and stress that the initial counseling is based on what SFC Taylor needs to do to be a successful platoon sergeant in the unit. Come to an agreement on the duty description and the specific performance requirements. Discuss related values, competencies, and the standards for success. Explain that subsequent counseling will address his developmental needs as well as how well he is meeting the jointly agreed upon performance objectives. Urge a thorough self-assessment during the next quarter to identify his developmental needs.
- Ensure that SFC Taylor knows the rating chain and resolve any questions he has about his duty position and associated responsibilities. Discuss the close team relationship that must exist between a platoon leader and a platoon sergeant, including the importance of honest, two-way communication.

Discuss the Issue

- Jointly review the duty description as spelled out in the NCOER, including all associated responsibilities, such as maintenance, training, and taking care of Soldiers. Relate the responsibilities to leader competencies, attributes, and values. Revise the duty description, if necessary. Highlight areas of special emphasis and additional duties.
- Clearly discuss the meaning of value and responsibility on the NCOER. Discuss the values, attributes, and competencies as outlined in FM 6-22. Ask focused questions to identify if he relates these items to his role as a platoon sergeant.
- Explain to SFC Taylor that the leader's character, presence, and intellect are the basis for competent leadership and that development of the desired leader attributes requires that Army leaders adopt them through consistent self-awareness and lifelong learning. Emphasize that the plan of action to accomplish major performance objectives must encompass the appropriate values, attributes, and competencies. Underscore that the development of the leader's character can never be separate from the overall plan.

Assist in Developing a Plan of Action (During the Counseling Session)

- Ask SFC Taylor to identify tasks that will facilitate the accomplishment of the agreed-upon performance objectives. Describe each by using the values, responsibilities, and competencies found on the NCOER and in FM 6-22.
- Discuss how each value, responsibility, and competency applies to the platoon sergeant position. Discuss specific examples of success and excellence in each

value and responsibility block. Ask SFC Taylor for suggestions to make the goals objective, specific, and measurable.

- Ensure that SFC Taylor leaves the counseling session with at least one example of a success or excellence bullet statement as well as sample bullet statements for each value and responsibility. Discuss SFC Taylor's promotion goals and ask him what he considers his strengths and weaknesses. Obtain copies of the last two master sergeant selection board results and match his goals and objectives.

Close the Session

- Verify SFC Taylor understands the duty description and performance objectives.
- Stress the importance of teamwork and two-way communication.
- Ensure SFC Taylor understands that you expect him to assist in your development as a platoon leader—both of you have the role of teacher and coach.
- Remind SFC Taylor to perform a self-assessment during the next quarter.
- Set a tentative date during the next quarter for the follow-up counseling.

Notes on Strategy

- Offer to answer any questions SFC Taylor may have.
- Expect SFC Taylor to be uncomfortable with the terms and development process and respond in a way that encourages participation throughout the session

Figure B-4. Example of a counseling session

STAGE 3: CONDUCT THE COUNSELING SESSION

B-52. Caring Army leaders use a balanced mix of formal and informal counseling and learn to take advantage of everyday events to provide subordinates with feedback. Counseling opportunities often appear when leaders encounter subordinates in their daily activities in the field, motor pool, barracks, and wherever else Soldiers and civilians perform their duties. Even during ad-hoc counseling, leaders should address the four basic components of a counseling session:

- Opening the session.
- Discussing the issues.
- Developing a plan of action.
- Recording and closing the session.

Open the Session

B-53. In the session opening, the leader counselor states the purpose and establishes a subordinate-centered setting. The counselor establishes an atmosphere of shared purpose by inviting the subordinate to speak. An appropriate purpose statement might be “SFC Taylor, the purpose of this counseling is to discuss your duty performance over the past month and to create a plan to enhance performance and attain performance goals.” If applicable, start the counseling session by reviewing the status of the current plan of action.

Discuss the Issues

B-54. Leader and counseled individual should attempt to develop a mutual and clear understanding of the counseling issues. Use active listening and invite the subordinate to do most of the talking. Respond and ask questions without dominating the conversation but help the subordinate better understand the subject of the counseling session: duty performance, a problem situation and its impact, or potential areas for growth.

B-55. To reduce the perception of bias or early judgment, both leader and subordinate should provide examples or cite specific observations. When the issue is substandard performance, the leader must be clear why the performance did not meet the standard. During the discussion, the leader must clearly establish what the subordinate must do to meet the standard in the future. It is very important that the leader frames the issue at hand as substandard performance and prevents the subordinate from labeling the issue as an unreasonable standard. An exception would be when the leader considers the current standard as negotiable or is willing to alter the conditions under which the subordinate can meet the standard.

Develop a Plan of Action

B-56. A plan of action identifies a method and pathway for achieving a desired result. It specifies what the subordinate must do to reach agreed-upon goals set during the counseling session. The plan of action must be specific, showing the subordinate how to modify or maintain his or her behavior. Example: “PFC Miller, next week you’ll attend the map reading class with 1st Platoon. After the class, SGT Dixon will personally coach you through the land navigation course. He will help you develop your skills with the compass. After observing you going through the course with SGT Dixon, I will meet with you again to determine if you still need additional training.”

Record and Close the Session

B-57. Although requirements to record counseling sessions vary, a leader always benefits from documenting the main points of a counseling session, even the informal ones. Documentation serves as a ready reference for the agreed-upon plan of action and helps the leader track the subordinate’s accomplishments, improvements, personal preferences, or problems. A good record of counseling enables the leader to make proper recommendations for professional development, schools, promotions, and evaluation reports.

B-58. Army regulations require specific written records of counseling for certain personnel actions, such as barring a Soldier from reenlisting, processing an administrative separation, or placing a Soldier in the overweight program. When a Soldier faces involuntary separation, the leader must maintain accurate counseling records. Documentation of substandard actions often conveys a strong message to subordinates that a further slip in performance or discipline could require more severe action or punishment.

B-59. When closing the counseling session, summarize the key points and ask if the subordinate understands and agrees with the proposed plan of action. With the subordinate present, establish any follow-up measures necessary to support the successful implementation of the plan of action. Follow-up measures may include providing the subordinate with specific resources and time, periodic assessments of the plan, and additional referrals. If possible, schedule future meetings before dismissing the subordinate.

STAGE 4: FOLLOW-UP

Leader Responsibilities

B-60. The counseling process does not end with the initial counseling session. It continues throughout the implementation of the plan of action, consistent with the observed results. Sometimes, the initial plan of action will require modification to meet its goals. Leaders must consistently support their subordinates in implementing the plan of action by teaching, coaching, mentoring, or providing additional time, referrals, and other appropriate resources. Additional measures may include more focused follow-up counseling, informing the chain of command, and taking more severe corrective measures.

Assess the Plan of Action

B-61. During assessment, the leader and the subordinate jointly determine if the desired results were achieved. They should determine the date for their initial assessment during the initial counseling session. The plan of action assessment provides useful information for future follow-up counseling sessions.

SUMMARY—THE COUNSELING PROCESS AT A GLANCE

B-62. Use figure B-5 as a quick reference whenever counseling Soldiers or civilian team members.

<p>Leaders must demonstrate these qualities to counsel effectively:</p> <ul style="list-style-type: none"> ● Respect for subordinates. ● Self and cultural awareness. ● Credibility. ● Empathy. <p>Leaders must possess these counseling skills:</p> <ul style="list-style-type: none"> ● Active listening. ● Responding. ● Questioning. <p>Effective leaders avoid common counseling mistakes. Leaders should avoid—</p> <ul style="list-style-type: none"> ● Personal bias. ● Rash judgments. ● Stereotyping. ● Losing emotional control. ● Inflexible counseling methods. ● Improper follow-up. 	<p>The Counseling Process:</p> <p>Identify the need for counseling.</p> <p>Prepare for counseling:</p> <ul style="list-style-type: none"> ● Select a suitable place. ● Schedule the time. ● Notify the subordinate well in advance. ● Organize information. ● Outline the components of the counseling session. ● Plan counseling strategy. ● Establish the right atmosphere. <p>Conduct the counseling session:</p> <ul style="list-style-type: none"> ● Open the session. ● Discuss the issue. ● Develop a plan of action (to include the leader's responsibilities). ● Record and close the session. <p>Follow up:</p> <ul style="list-style-type: none"> ● Support plan of action implementation. ● Assess the plan of action.
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Figure B-5. A summary of counseling

THE DEVELOPMENTAL COUNSELING FORM

B-63. The Developmental Counseling Form (DA Form 4856) is designed to help Army leaders conduct and record counseling sessions. Figures B-6 and B-7 show a completed DA Form 4856 documenting the counseling of a young Soldier with financial problems. Although derogatory, it is still developmental counseling. Leaders must decide when counseling, additional training, rehabilitation, reassignment, or other developmental options have been exhausted. Figures B-8 and B-9 show a routine performance/professional growth counseling for a unit first sergeant. Figures B-10 and B-11 show a blank form with instructions on how to complete each block.

DEVELOPMENTAL COUNSELING FORM			
For use of this form see FM 6-22; the proponent agency is TRADOC			
DATA REQUIRED BY THE PRIVACY ACT OF 1974			
AUTHORITY:	5 USC 301, Departmental Regulations; 10 USC 3013, Secretary of the Army and E.O. 9397 (SSN)		
PRINCIPAL PURPOSE:	To assist leaders in conducting and recording counseling data pertaining to subordinates.		
ROUTINE USES:	For subordinate leader development IAW FM 6-22. Leaders should use this form as necessary.		
DISCLOSURE:	Disclosure is voluntary.		
PART I - ADMINISTRATIVE DATA			
Name (Last, First, MI)	Rank / Grade	Social Security No.	Date of Counseling
Jones, Andrew	PFC	123-45-6789	28 April 2006
Organization		Name and Title of Counselor	
2nd Platoon, B Battery, 1-1 ADA BN		SGT Mark Levy, Squad Leader	
PART II - BACKGROUND INFORMATION			
Purpose of Counseling: (Leader states the reason for the counseling, e.g. Performance/Professional or Event-Oriented counseling and includes the leaders facts and observations prior to the counseling):			
To inform PFC Jones of his responsibility to manage his financial affairs and the potential consequence of poor management. To help PFC Jones develop a plan of action to resolve his financial problems.			
Facts: The battery commander received reports from the Enlisted Club that PFC Jones had checks returned for insufficient funds. The Enlisted Club cashier has 2 checks for a total of \$200 that were returned by American Bank, NA.			
A total of \$240 is due to the club system for the amount of the checks and fees.			
PART III - SUMMARY OF COUNSELING			
Complete this section during or immediately subsequent to counseling.			
Key Points of Discussion:			
PFC Jones, late payments and bounced checks reflect a lack of responsibility and poor management of financial assets. You should know that passing bad checks is a punishable offence under the UCMJ and local law. The commander has been contacted and has the attention of the battery chain of command. The commander, first sergeant and platoon sergeant have begun to question your ability to manage your personal affairs. I also want to remind you that promotions and awards are based on more than just MOS related duties; Soldiers must act responsibly and professionally in all areas of their lives.			
Per conversation with PFC Jones, the following information was obtained:			
PFC Jones had cashed the checks to purchase food, pay his phone bill and send money home to assist his grandmother with her heating bills. PFC Jones stated he had miscalculated the amount of money in his checking account and will not be able to cover the checks until he gets paid at the end of April 2006. He also stated that warmer weather will reduce any further need to help with his grandmother's utilities. PFC Jones and I went to Army Community Services and they determined the following:			
PFC Jones monthly obligations:			
Car payment: \$330, Car insurance: \$138, Rent and utilities: \$400. Other credit cards/accounts: \$0 Monthly net pay: \$1232.63			
We discussed that the remaining \$364 should cover PFC Jones monthly living expenses. We also discussed that PFC Jones should start a savings account to draw from in emergencies. Although it is not wrong for him to help his grandmother, he needs to make sure that he is not putting his financial stability in jeopardy. He confirmed he wants to get his finances back on track and begin to put money aside in a savings account to prepare for future needs.			
OTHER INSTRUCTIONS			
This form will be destroyed upon: reassignment (<i>other than rehabilitative transfers</i>), separation at ETS, or upon retirement. For separation requirements and notification of loss of benefits/consequences see local directives and AR 635-200.			
DA FORM 4856, MAR 2006		EDITION OF JUN 99 IS OBSOLETE	

Figure B-6. Example of a developmental counseling form—event counseling

<p>Plan of Action: <i>(Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specific time line for implementation and assessment (Part IV below):</i></p> <p>Based on our discussion, PFC Jones will be able to repay the dishonored checks at the Enlisted Club at the end of the month. In the future he will think through his decisions related to his economic needs. PFC Jones has contacted to Enlisted Club and the manager has agreed to give him until 2 May 2006 to redeem the checks. In the future he plans to put money in savings to assist his grandmother if the need arises. His long-term goal is to start a savings account and deposit \$50 a month.</p> <p>PFC Jones is also enrolled in the ACS check cashing and money management classes scheduled for 2 and 9 May 2006.</p> <p>Assessment Date: 28 July 2006</p>
<p>Session Closing: <i>(The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate):</i></p> <p>Individual counseled: <input type="checkbox"/> I agree <input type="checkbox"/> disagree with the information above Individual counseled remarks:</p> <p>Signature of Individual Counseled: <u>Andrew Jones</u> Date: <u>28 April 2006</u></p>
<p>Leader Responsibilities: <i>(Leader's responsibilities in implementing the plan of action):</i></p> <p>PFC Jones will visit the manager of the Enlisted Club and repay the \$240 for his bad checks. He will provide me a receipt showing the bill has been paid in full. PFC Jones will also provide me with a copy of his budget that ACS will help him develop during his financial management classes. PFC Jones financial situation will be a key topic in his May 2006 monthly performance counseling session.</p> <p>Signature of Counselor: <u>Mark Levy</u> Date: <u>28 April 2006</u></p>
<p>PART IV - ASSESSMENT OF THE PLAN OF ACTION</p>
<p>Assessment: <i>(Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling):</i></p> <p>To be completed during the assessment date in the plan of action.</p> <p>Counselor: _____ Individual Counseled: _____ Date of Assessment: _____</p> <p>Note: Both the counselor and the individual counseled should retain a record of the counseling.</p>

REVERSE, DA FORM 4856, MAR 2006

Figure B-7. Example of a developmental counseling form—event counseling (reverse)

DEVELOPMENTAL COUNSELING FORM			
For use of this form see FM 6-22; the proponent agency is TRADOC			
DATA REQUIRED BY THE PRIVACY ACT OF 1974			
AUTHORITY:	5 USC 301, Departmental Regulations; 10 USC 3013, Secretary of the Army and E.O. 9397 (SSN)		
PRINCIPAL PURPOSE:	To assist leaders in conducting and recording counseling data pertaining to subordinates.		
ROUTINE USES:	For subordinate leader development IAW FM 6-22. Leaders should use this form as necessary.		
DISCLOSURE:	Disclosure is voluntary.		
PART I - ADMINISTRATIVE DATA			
Name (Last, First, MI)	Rank / Grade	Social Security No.	Date of Counseling
Donalo, Steven	1SG	333-33-3333	12 June 2006
Organization	Name and Title of Counselor		
D Company, 3-95 th IN BN	CPT Ralph Pedersen, Company Commander		
PART II - BACKGROUND INFORMATION			
Purpose of Counseling: (Leader states the reason for the counseling, e.g. Performance/Professional or Event-Oriented counseling and includes the leaders facts and observations prior to the counseling):			
To discuss duty performance for the period 9 March 2006 to 12 June 2006.			
To discuss short-range professional growth/plan for next year.			
Talk about long-range professional growth (2-5 years) goals.			
PART III - SUMMARY OF COUNSELING			
Complete this section during or immediately subsequent to counseling.			
Key Points of Discussion:			
Performance (sustain):			
<ul style="list-style-type: none"> - Emphasized safety, knowledge of demolitions, and tactical proficiency on the Platoon Live Fire Exercises. - Took charge of company defense during the last major field training exercise; outstanding integration and use of engineers, heavy weapons, and air defense artillery assets in a combined arms environment. Superb defense preparation and execution. - No dropped white-cycle taskings. - Good job coordinating with the battalion adjutant on legal and personnel issues. - Continue to take care of Soldiers; keep the commander abreast of problems. - Focused on subordinate NCO development; putting the right NCO in the right job. 			
Improve:			
<ul style="list-style-type: none"> - Get NCOPDs on the calendar - Hold NCOs to standard on sergeants' time training. 			
OTHER INSTRUCTIONS			
This form will be destroyed upon: reassignment (<i>other than rehabilitative transfers</i>), separation at ETS, or upon retirement. For separation requirements and notification of loss of benefits/consequences see local directives and AR 635-200.			
DA FORM 4856, MAR 2006		EDITION OF JUN 99 IS OBSOLETE	

Figure B-8. Example of a developmental counseling form—performance/professional growth counseling

<p>Plan of Action: <i>(Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specific time line for implementation and assessment (Part IV below):</i></p> <p>Developmental Plan (next year):</p> <ul style="list-style-type: none"> - Develop a year-long plan for NCOPDs; place on the calendar and training schedules. - Resume civilian education and correspondence courses. - Develop a company Soldier of the month competition. - Assist the company XO in the re-design of the supply room to improve efficiency of EDRE load-outs. - Put in place a program to develop Ranger School Candidates <p>Long Range goals (2-5 years):</p> <ul style="list-style-type: none"> - Complete Bachelor's degree program - Attend Sergeant Majors' Academy
<p>Session Closing: <i>(The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate):</i></p> <p>Individual counseled: <input type="checkbox"/> I agree <input type="checkbox"/> disagree with the information above</p> <p>Individual counseled remarks:</p> <p>Signature of Individual Counseled: <u> Steven Donalo </u> Date: <u> 12 June 2006 </u></p>
<p>Leader Responsibilities: <i>(Leader's responsibilities in implementing the plan of action):</i></p> <p>Signature of Counselor: <u> Ralph Pedersen </u> Date: <u> 12 June 2006 </u></p>
<p>PART IV - ASSESSMENT OF THE PLAN OF ACTION</p>
<p>Assessment: <i>(Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling):</i></p> <p>1SG Donalo has enrolled in an associates' degree program at Webster University. The supply room received all GOs on the latest Command Inspection. Five of seven Ranger applicants successfully completed Ranger School, exceeding the overall course completion rate of 39%. Current OPTEMPO has prevented starting a Soldier of the Month board but the company does hold quarterly boards during the white cycle. The Brigade Command Sergeant Major recently commented on the quality of instruction and planning for the last company NCOPD and presented the NCO instructor with a brigade coin.</p> <p>Counselor: _____ Individual Counseled: _____ Date of Assessment: _____</p>
<p>Note: Both the counselor and the individual counseled should retain a record of the counseling.</p>

REVERSE, DA FORM 4856, MAR 2006

Figure B-9. Example of a developmental counseling form—performance/professional growth counseling (reverse)

DEVELOPMENTAL COUNSELING FORM			
For use of this form see FM 6-22; the proponent agency is TRADOC			
DATA REQUIRED BY THE PRIVACY ACT OF 1974			
AUTHORITY:	5 USC 301, Departmental Regulations; 10 USC 3013, Secretary of the Army and E.O. 9397 (SSN)		
PRINCIPAL PURPOSE:	To assist leaders in conducting and recording counseling data pertaining to subordinates.		
ROUTINE USES:	For subordinate leader development IAW FM 6-22. Leaders should use this form as necessary.		
DISCLOSURE:	Disclosure is voluntary.		
PART I - ADMINISTRATIVE DATA			
Name (Last, First, MI)	Rank / Grade	Social Security No.	Date of Counseling
Organization		Name and Title of Counselor	
PART II - BACKGROUND INFORMATION			
<p>Purpose of Counseling: (Leader states the reason for the counseling, e.g. Performance/Professional or Event-Oriented counseling and includes the leaders facts and observations prior to the counseling):</p> <p style="text-align: center;">See Paragraph B-53 Open the Session</p> <p>The leader should annotate pertinent, specific, and objective facts and observations made. If applicable, the leader and subordinate start the counseling session by reviewing the status of the previous plan of action.</p>			
PART III - SUMMARY OF COUNSELING			
Complete this section during or immediately subsequent to counseling.			
<p>Key Points of Discussion:</p> <p style="text-align: center;">See paragraph B-54 and B-55 Discuss the Issues.</p> <p>The leader and subordinate should attempt to develop a mutual understanding of the issues. Both the leader and the subordinate should provide examples or cite specific observations to reduce the perception that either is unnecessarily biased or judgmental.</p>			
OTHER INSTRUCTIONS			
This form will be destroyed upon: reassignment (<i>other than rehabilitative transfers</i>), separation at ETS, or upon retirement. For separation requirements and notification of loss of benefits/consequences see local directives and AR 635-200.			
DA FORM 4856, MAR 2006		EDITION OF JUN 99 IS OBSOLETE	

Figure B-10. Guidelines on completing a developmental counseling form

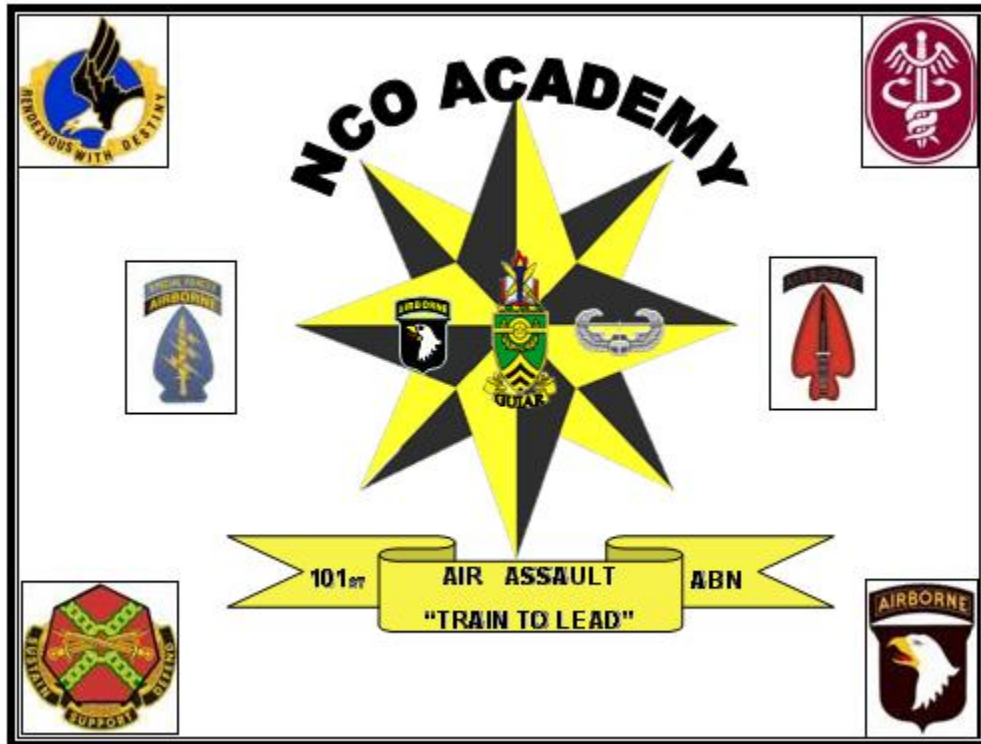
<p>Plan of Action: <i>(Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specific time line for implementation and assessment (Part IV below):</i></p> <p style="text-align: center;">See paragraph B-56 Develop a Plan of Action</p> <p>The plan of action specifies what the subordinate must do to reach the goals set during the counseling session. The plan of action must be specific and should contain the outline, guideline(s), and time line that the subordinate follows. A specific and achievable plan of action sets the stage for successful subordinate development.</p>
<p>Session Closing: <i>(The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate):</i></p> <p>Individual counseled: <input type="checkbox"/> I agree <input type="checkbox"/> disagree with the information above Individual counseled remarks:</p> <p style="text-align: center;">See paragraph B-57 through B-59 Close the Session</p> <p>Signature of Individual Counseled: _____ Date: _____</p>
<p>Leader Responsibilities: <i>(Leader's responsibilities in implementing the plan of action):</i></p> <p style="text-align: center;">See paragraph B-60 Leader's Responsibilities</p> <p>To accomplish the plan of action, the leader must list the resources necessary and commit to providing them to the Soldier.</p> <p>Signature of Counselor: _____ Date: _____</p>
PART IV - ASSESSMENT OF THE PLAN OF ACTION
<p>Assessment: <i>(Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling):</i></p> <p style="text-align: center;">See paragraph B-61 Assess the Plan of Action</p> <p>The assessment of the plan of action provides useful information for future follow-up counseling. This block should be completed prior to the start of a follow-up counseling session. During an event-oriented counseling session, the counseling session is not complete until this block is completed.</p> <p>During performance/professional growth counseling, this block serves as the starting point for future counseling sessions. Leaders must remember to conduct this assessment based on resolution of the situation or the established time line discussed in the plan of action block above.</p> <p>Counselor: _____ Individual Counseled: _____ Date of Assessment: _____</p> <p>Note: Both the counselor and the individual counseled should retain a record of the counseling.</p>

REVERSE, DA FORM 4856, MAR 2006

Figure B-11. Guidelines on completing a developmental counseling form (reverse)

L225

- Read Student Handout 1, Appendix D, for reading and study assignments



HANDOUTS FOR LESSON 1: L225 version 6

This appendix contains the items listed in this table--

Title / Synopsis	Page(s)
SH-1, Advance Sheet	SH-1-1 thru SH-1-4
SH-2, Extracted Material from AR 25-50, Preparing and Managing Army Correspondence	SH-2-1 thru SH-2-20
SH-3, Extracted Material from DA Pam 600-67, Effective Writing for Army Leaders	SH-3-1 thru SH-3-5
SH-4, Extracted Material from AR 600-8-22, Military Awards	SH-4-1 thru SH-4-14
SH-5, Extracted Material from 191-0124, Prepare DA Form 2823 (Sworn Statement)	SH-5-1 thru SH-5-6

Student Handout 1

Advance Sheet

Lesson Hours This lesson consists of two hours of small group instruction and two hours of graded practical exercises (performance). Receiving a GO on these practical exercises is a graduation requirement.

Overview This lesson provides you with a review of the Army writing style and the opportunity to prepare an award recommendation, complete a sworn statement, and write a memorandum. The three practical exercises combine to create the Communicate in Writing evaluation, which is a graduation requirement.

Learning Objective Terminal Learning Objective (TLO).

Action:	Prepare correspondence using the Army writing style.
Conditions:	As a leader of a squad/team, in the classroom, given the instruction in this lesson.
Standards:	Prepare correspondence using the Army writing style by-- <ul style="list-style-type: none">• Achieving a GO on the end of module examination by scoring a minimum of 70 percent,• Reviewing standards for Army writing,• Preparing an award recommendation,• Preparing a Sworn Statement, and• Preparing a memorandum.

ELO A Review the standards for Army writing.

ELO B Prepare an awards recommendation.

ELO C Prepare a Sworn Statement.

ELO D Prepare a memorandum.

Assignment The student assignments for this lesson are:

- Read Student Handout 3.
 - Scan Student Handouts 2, 4, and 5.
-

Additional Subject Area Resources Additional subject area resources for this lesson are available on the Warrior Leader Course webpage in AKO. These resources are available to all military personnel with an AKO account.

Bring to Class You must bring the following materials to class:

- All reference material received.
 - Pen (black ink), pencil, and writing paper.
 - Any materials required by the NCOA's SOP.
-

COMMUNICATE IN WRITING																																															
STUDENT: (Rank, Last, First, MI)	SGL: (Rank, Last, First, MI)	DATE																																													
AWARD RECOMMENDATION																																															
PERFORMANCE STEPS																																															
<p>1. DA Form 638 PART I: Each block (1 thru 13) worth <u>one point</u> (GO or NO GO). Must be legible and contain correct information in the correct format.</p> <p>Comments:</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">GO</td> <td style="text-align: center;">NO GO</td> </tr> <tr><td style="text-align: center;">Block 1</td><td></td><td></td></tr> <tr><td style="text-align: center;">Block 2</td><td></td><td></td></tr> <tr><td style="text-align: center;">Block 3</td><td></td><td></td></tr> <tr><td style="text-align: center;">Block 4</td><td></td><td></td></tr> <tr><td style="text-align: center;">Block 5</td><td></td><td></td></tr> <tr><td style="text-align: center;">Block 6</td><td></td><td></td></tr> <tr><td style="text-align: center;">Block 7</td><td></td><td></td></tr> <tr><td style="text-align: center;">Block 8</td><td></td><td></td></tr> <tr><td style="text-align: center;">Block 9</td><td></td><td></td></tr> <tr><td style="text-align: center;">Block 10</td><td></td><td></td></tr> <tr><td style="text-align: center;">Block 11</td><td></td><td></td></tr> <tr><td style="text-align: center;">Block 12</td><td></td><td></td></tr> <tr><td style="text-align: center;">Block 13</td><td></td><td></td></tr> <tr> <td style="text-align: center;">TOTAL AWARD</td> <td></td> <td></td> </tr> </table>		GO	NO GO	Block 1			Block 2			Block 3			Block 4			Block 5			Block 6			Block 7			Block 8			Block 9			Block 10			Block 11			Block 12			Block 13			TOTAL AWARD		
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13 points maximum																																															
<p>2. DA Form 638 PART II: Each block (14 thru 19) worth <u>two points</u> (GO or NO GO). Must be legible and contain correct information in correct format.</p> <p>Comments:</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">GO</td> <td style="text-align: center;">NO GO</td> </tr> <tr><td style="text-align: center;">Block 14</td><td></td><td></td></tr> <tr><td style="text-align: center;">Block 15</td><td></td><td></td></tr> <tr><td style="text-align: center;">Block 16</td><td></td><td></td></tr> <tr><td style="text-align: center;">Block 17</td><td></td><td></td></tr> <tr><td style="text-align: center;">Block 18</td><td></td><td></td></tr> <tr><td style="text-align: center;">Block 19</td><td></td><td></td></tr> <tr> <td style="text-align: center;">TOTAL AWARD</td> <td></td> <td></td> </tr> </table>		GO	NO GO	Block 14			Block 15			Block 16			Block 17			Block 18			Block 19			TOTAL AWARD																							
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12 points maximum																																															
<p>3. DA Form 638 PART III: Each block (20 and 21) worth <u>five points</u> (GO or NO GO). Must be legible and contain significant events from vignette in sentence format.</p> <p>Comments:</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">GO</td> <td style="text-align: center;">NO GO</td> </tr> <tr><td style="text-align: center;">Block 20</td><td></td><td></td></tr> <tr><td style="text-align: center;">Block 21</td><td></td><td></td></tr> <tr> <td style="text-align: center;">TOTAL AWARD</td> <td></td> <td></td> </tr> </table>		GO	NO GO	Block 20			Block 21			TOTAL AWARD																																			
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10 points maximum																																															
<p>Add items 1, 2, and 3 to determine Award Recommendation Total Points (35 maximum)</p>																																															

NOTE: If a performance step does not present itself during the evaluation, through no fault of the student, score that performance step a "GO."

COMMUNICATE IN WRITING

(continued)

STUDENT: (Rank, Last, First, MI)	SGL: (Rank, Last, First, MI)	DATE	
SWORN STATEMENT			
PERFORMANCE STEPS	Points Awarded		
<p>1. DA Form 2823 HEADING: Each block (1 thru 8) worth <u>one point</u> (GO or NO GO). Must be legible and contain correct information in correct format.</p> <p>Comments:</p> <p style="text-align: right;">8 points maximum</p>	GO	NO GO	
	Block 1		
	Block 2		
	Block 3		
	Block 4		
	Block 5		
	Block 6		
	Block 7		
	Block 8		
	TOTAL AWARD		
<p>2. DA Form 2823 BODY: Block 9 is worth 14 points. Score <u>two points</u> for each element (GO or NO GO): who, what, where, when, how, border to border, and ///END OF STATEMENT///.</p> <p>Comments:</p> <p style="text-align: right;">14 points maximum</p>	GO	NO GO	
	Who		
	What		
	Where		
	When		
	How		
	Borders		
	End		
TOTAL AWARD			
<p>3. DA Form 2823 EXHIBIT: Each block (10, 11, and "pages") worth <u>one point</u> (GO or NO GO). Must be legible and contain correct information in correct format.</p> <p>Comments:</p> <p style="text-align: right;">3 points maximum</p>	GO	NO GO	
	Block 10		
	Block 11		
	Pages		
TOTAL AWARD			
<p>4. DA Form 2823 AFFIDAVIT: Each of five blanks (name, page, signature, initials, and "pages") worth <u>one point</u>.</p> <p>Comments:</p> <p style="text-align: right;">5 points maximum</p>	GO	NO GO	
	Name		
	Page		
	Signature		
	Initials		
	Pages		
TOTAL AWARD			
Add items 1, 2, 3, and 4 to determine the Sworn Statement Total Points (30 maximum)			

COMMUNICATE IN WRITING			
(continued)			
STUDENT: (Rank, Last, First, MI)	SGL: (Rank, Last, First, MI)	DATE	
MEMORANDUM			
PERFORMANCE STEPS NOTE: See AR 25-50, page 26, Figure 2-18 for example.		Points Awarded	
1. HEADING: Score four points (GO or NO GO) for each item below. Line spacing, font, and information must be correct. <ul style="list-style-type: none"> a. Office Symbol. b. Date (day, month, year - example: 15 January 2010 or 15 Jan 10). c. MEMORANDUM FOR line. d. SUBJECT line. Comments:	GO NO GO		
	Office Symbol		
	Date		
	MEMO FOR		
	Subject		
16 Points maximum		TOTAL AWARD	
2. BODY: Score four points (GO or NO GO) for each item below. Line spacing, font, and information must be correct. <ul style="list-style-type: none"> a. Short, clear purpose sentence. b. Information (the main point). c. Point of contact (POC) line. Comments:	GO NO GO		
	Purpose		
	Information		
	POC line		
	12 Points maximum		TOTAL AWARD
3. CLOSING: Score seven points (GO or NO GO) for the signature block. Line spacing, font, and information must be correct. Comments:	GO NO GO		
	Signature Block		
	7 Points maximum		TOTAL AWARD
	Add items 1, 2, and 3 to determine the Memorandum Total Points (35 maximum)		

COMMUNICATE IN WRITING TOTAL SCORE

1. Enter Total Points from AWARD RECOMMENDATION	
2. Enter Total Points from SWORN STATEMENT	
3. Enter Total Points from MEMORANDUM	
4. Add lines 1, 2, and 3 to determine COMMUNICATE IN WRITING Total Score	TOTAL SCORE
NOTE: Maximum score is 100. Enter the appropriate rating in the RATING block as indicated below: 0-69=UNSATISFACTORY 70-89=SATISFACTORY 90-100=SUPERIOR.	RATING
STUDENT SIGNATURE:	Date:
SGL SIGNATURE:	Date:

Student Handout 2

Extracted Material from AR 25-50, Preparing and Managing Army Correspondence

This student handout contains 19 pages of extracted material from the following publication:

AR 25-50, Preparing and Managing Army Correspondence, 3 Jun 2002

Chapter 1	pages 1 thru 7
Chapter 2	pages 8 thru 10, 23, and 26 thru 30
Chapter 6	pages 48 thru 50

Disclaimer: The training developer downloaded the extracted material from the Army Publishing Directorate (USAPA) web site. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

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Chapter 1

Preparing Correspondence

Section I

General

1-1. Purpose

This regulation prescribes Department of the Army (DA) policies, procedures, and standard formats for preparing and processing Army correspondence.

1-2. References

Required and related publications and prescribed and referenced forms are listed in appendix A.

1-3. Explanation of abbreviations and terms

Abbreviations and terms used in this regulation are explained in the glossary.

1-4. Responsibilities

- a. The Administrative Assistant to the Secretary of the Army will—
 - (1) Establish policies and procedures for preparing correspondence on behalf of the Secretary of the Army.
 - (2) Oversee Army correspondence on behalf of the Secretary of the Army.
- b. The Deputy Chief of Staff for Personnel will develop policy and direction of correspondence management for DA.
- c. The Deputy Chief of Staff for Operations and Plans will incorporate effective and efficient Army writing into training policy and will fund any special requirements.
- d. Heads of Headquarters, Department of the Army (HQDA) agencies and commanders of major Army commands (MACOMs), installations, activities, and units will supervise and manage the Correspondence Management Program within their agencies or commands.
- e. Commanders at all levels will actively support effective and efficient Army writing by working to eliminate poor writing in their commands and providing training opportunities for all Army writers.

1-5. Restrictions to this regulation

This regulation has been made as complete as possible to avoid the need to issue additional instructions. The correspondence formats outlined in this regulation take precedence over format instructions outlined in other regulations or directives. Therefore, supplements to this regulation will be restricted to instructions that are unique to an agency or command. Guidance found in DA Memo 25-52, dated 15 September 1996 (Staff Action Process and Correspondence Policies), must be followed when preparing correspondence for signature by the Secretary of Defense; Secretary of the Army; Chief of Staff, Army; Vice Chief of Staff, Army; and the Director of the Army Staff.

1-6. Objectives

The objectives of this regulation are to—

- a. Create a standard of acceptance for written communication in the Army.
- b. Provide clear instructions for the preparation of all correspondence. This should reduce the time needed for training in this area.
- c. Reduce the cost of preparing correspondence.
- d. Standardize the preparation and distribution of correspondence.

Section II

General Correspondence Guidance

1-7. Methods of communication

- a. *Personal or telephone contact.* Whenever possible and appropriate, conduct official business by personal contact, local telephone, Defense Switched Network (DSN) or electronic mail (e-mail). A memorandum for record (MFR) should be used to document any decisions or agreements reached during these communications.
- b. *Memorandum.* The memorandum will be used for correspondence within a department or agency, as well as for routine correspondence to Federal Government agencies outside the Department of Defense (DOD). Do not use the memorandum format for corresponding with the families of military personnel or private businesses. See paragraph 2-2 for the proper use of the memorandum.
- c. *Letter.* Letters will be used for correspondence addressed to the President or the Vice President of the United States, members of the White House staff, members of Congress, Justices of the Supreme Court, heads of departments and agencies, State governors, mayors, foreign government officials, and the public. Letters may also be used to

address individuals outside the department or agency when a personal tone is appropriate, such as in letters of commendation or condolence. See paragraph 3–2 for the proper use of the letter.

d. Electronic mail. Electronic mail may be used for unclassified organizational and individual information transfer.

e. Automated Digital Network (AUTODIN) messages. Use electronically transmitted AUTODIN messages or commercial telephone only when other means of transmission will not suffice.

1–8. Direct communications

Send correspondence as directly as possible to the action office concerned. See paragraph 2–4a(4). Include the action officer's name and office symbol when addressing correspondence.

1–9. Routing through channels

a. Routing action correspondence. Route correspondence through commands, agencies, or offices expected to exercise control or to take action.

b. Bypassing intermediate headquarters. Correspondence will not be routed through a headquarters that has no interest or concern in the matter or action. However, a copy of the communication and the referral action will be sent to the command, agency, or office that was bypassed. Routine correspondence may bypass intermediate headquarters when—

(1) It is apparent that the intermediate headquarters is not concerned.

(2) No action is required.

(3) No controls need to be exercised.

c. Routing directly to the addressee. When there is not enough time to route a communication through channels and still meet a suspense date, send it directly to the addressee. This is an exception to 1–9a. At the same time, send a copy of the communication and referral action to the organizations that were bypassed.

d. Using technical channels. Use technical channels to route correspondence that deals with technical matters. This includes technical reports, instructions, or requests for information that do not involve command matters. Before using technical channels, ensure that the action is not one that should be sent through command channels. Do not use FOR THE COMMANDER on the authority line of technical channel correspondence.

1–10. Quality of writing

Department of the Army writing will be clear, concise, and effective. Army correspondence must aid effective and efficient communication and decision making. Writing that is effective and efficient can be understood in a single rapid reading and is generally free of errors in grammar, mechanics, and usage. Refer to paragraphs 1–43 through 1–46 of chapter 1 and appendix B of this regulation and to DA Pamphlet (Pam) 600–67, *Effective Writing for Army Leaders*, for more information on effective and efficient Army writing. The standards contained in these references are the mandated Army style.

1–11. Rewriting, retyping, and drafts

a. Correspondence and mission accomplishment. Correspondence helps the Army accomplish its mission. Information clarity and efficient mission accomplishment are the most important aspects of correspondence.

b. Rewriting. Excessive revisions to create a perfect product are a waste of time. The objectives of good correspondence are clarity and brevity. Do not rewrite internal DA correspondence unless it is clearly inadequate for the intended purpose. Do not rewrite to correct minor errors in format, arrangement, and phraseology unless the correspondence is going outside DA or to the general public.

c. Retyping. Do not retype DA correspondence to correct typographical errors, word omissions, or other minor errors unless the changes are so numerous that the end result looks sloppy. Make corrections neatly and legibly with pen and ink.

d. Drafts. When correspondence must be prepared for the approval or concurrence of another office, submit it in draft form (unless it is known that it will not be changed). The approving or reviewing official will approve and return the draft. Prepare the final correspondence for signature and attach the draft to the record copy.

1–12. Review of outgoing correspondence

Keep the number of times outgoing correspondence is reviewed to a minimum. Normally, make one review for grammar, format, and content. When available, use electronic spell check. The senior secretary or administrative officer of an organization should provide a final review of all the correspondence prepared for the signature of the signing official.

1–13. Form letters

The term “form letter” is a generic term and encompasses memorandums and letters. Form letters save time and money and often provide a higher level of quality than composed letters.

a. Economy. The form letter, when designed and used properly, is the most economical of all correspondence media.

- b. Appropriateness.* Use a form letter to convey information about impersonal or routine matters.
- c. Flexibility.* Form letters that are well designed provide flexibility and can be adapted to serve almost all the needs for which a form letter is economical and appropriate.
- d. Forms approval and control.* See AR 25–30, The Army Publishing and Printing Program, for information on approval procedures and forms control.

1–14. Exclusive For correspondence

- a. Use.* Use Exclusive For correspondence for matters of a sensitive or privileged nature. Keep its use to a minimum to avoid delay of action if the named addressee is absent or unavailable to receive and act on the correspondence. Prepare Exclusive For correspondence in either the letter or memorandum format.
- b. Addressing.* Address Exclusive For correspondence to the name and title of the addressee.
- c. Handling.* When preparing Exclusive For correspondence, place it in a sealed envelope. Type and underline the words *Exclusive For* on the envelope. Distribution center and mailroom workers will give this kind of mail to addressees unopened.
- d. Personal For.* The term *Personal For* is not authorized for use on Army correspondence, but it is used in certain electronic message traffic as prescribed in AR 25–11, Record Communications and the Privacy Communications System.

Section III Specific Correspondence Guidance

1–15. Dissemination of command instructions

The acronyms ALARACT (all Army activities) and ARSTAF (Army Staff) are used only in electronically transmitted messages. These acronyms assign responsibility for distribution instructions. Do not use them in Army correspondence.

1–16. Abbreviations and brevity codes

- a. Memorandums.* Use abbreviations and brevity codes authorized in AR 310–50, Authorized Abbreviations and Brevity Codes, for memorandums. Use standard dictionaries for abbreviations not contained in AR 310–50. Prescribing regulations for various technical fields also provide authorized abbreviations, acronyms, and brevity codes. Abbreviated ranks are authorized for memorandums and personal correspondence. General officers will use their full rank on all formal or official correspondence.
- b. Letters.* Use only common abbreviations found in standard dictionaries. Do not use military abbreviations, brevity codes, acronyms, or military jargon in letters addressed to persons outside the Department of Defense. Military personnel will use their full rank (for example, Lieutenant General, Major General, Captain, Sergeant First Class, and so forth) for letters.
- c. Abbreviation guidelines.*
 - (1) Established abbreviations are acceptable in all but the most formal writing. For reading ease, use only well-known abbreviations or those you think would be known by the recipient.
 - (2) When a word or title that is not well known will be used more than once in a document, place the abbreviated form in parentheses after the first time the word or title is used. Thereafter, only the abbreviated form is used. Do not place the abbreviated form of a word or title after the spelled out version of the word or title if the word or title will not be used more than once.
 - (3) Do not place a period after abbreviated words in addresses, for example, St (street), Blvd (Boulevard), and so forth. The word *Fort* can be abbreviated (Ft) when used with a location.

1–17. Acronyms

Use military and civilian acronyms in memorandums, if appropriate. Do not, however, use military acronyms when writing to individuals or organizations who would not be familiar with their use. When an acronym that is used more than once is not well known or is not contained in AR 310–50, spell out the word or title the first time it is used and follow it with the abbreviated form. Thereafter, the acronym may be used. Above all, do not overuse acronyms.

1–18. Letterhead

- a.* Letterhead identifies the originating agency and provides the agency’s complete standardized mailing address. The letterhead does not show the organizational structure of the agency, nor should it do so. Therefore, do not make internal office designations part of the letterhead.
- b.* Computer-generated letterhead will be used for all official correspondence and will conform to the following:
 - (1) Use only the approved letterhead template provided by US Army Publishing Agency at www.usapa.army.mil.
 - (2) No other seal, emblem, decorative device, distinguishing insignia, slogans, or mottos will be used unless approved by the Secretary of the Army.
 - (3) All computer-generated letterhead will be printed on white paper.

(4) Letterhead will be printed with black ink.

1-19. Paper

Paper used for Army correspondence will be the standard 8 ½ - by 11-inch size. Continuing efforts will be made to conserve paper and to minimize the use of high cost premium grade paper by adhering to the following:

a. Original pages. Use computer-generated letterhead for the first page of all formal memorandums and letters except when an approved form is prescribed. Use plain white paper for continuing pages.

b. Copies.

(1) Use photocopies of original pages when sending outside the originating agency.

(2) Use photocopies for record copies if necessary. Type, stamp, or write clearance or coordination ladders only on record copies.

1-20. Type fonts and sizes

When creating official correspondence, use type fonts and sizes that make the correspondence easy to read and understand. The following guidelines will provide the best results:

a. A font with a point size smaller than 12 or larger than 14 should be avoided. When possible, a 12-point size will be used.

b. Preferred type fonts are Times Roman and Times New Roman.

c. Unusual type styles, such as script, should not be used to create official correspondence.

1-21. Ink color

Use black or blue ink to sign communications. Black ink will be used to stamp dates and signature blocks.

1-22. Using one side of paper

Prepare original correspondence using only one side of a sheet of paper; however, correspondence should be reproduced on both sides of the paper.

1-23. Copies

a. Record copy. Make one record or file copy of correspondence after original has been signed and dated. Stamp or write "record copy" or "file copy" along the edge of the right margin. Maintain file copies in accordance with Army recordkeeping system requirements.

b. Reading file copies. If reading files are used, maintain in accordance with Army recordkeeping system requirements.

c. Copies furnished. Use "copies furnished" to keep other than the prime addressee informed of an action. Make copies after original has been signed and dated.

1-24. Classified and special handling correspondence

a. General. Information that requires protection against unauthorized disclosure in the interest of national security shall be classified. Correspondence containing classified information will be safeguarded as prescribed in AR 380-5, Department of the Army Information Security Program. The contents of a classified communication will be revealed only to individuals who have the appropriate security clearance and whose official duties require such information.

b. Marking classified correspondence. See chapter 8 and AR 380-5 for detailed instructions on marking and downgrading instructions.

c. Use of FOR OFFICIAL USE ONLY (FOUO) marking. See AR 25-55, The Department of the Army Freedom of Information Act Program, for the proper use and marking of FOUO material.

1-25. Identification of writer

Normally, when writing any type of correspondence, the writer will be identified by military rank or civilian prefix, name, telephone number, and if appropriate, facsimile number and e-mail address. This information is generally placed in the last paragraph of the correspondence.

1-26. Identification of originating office

a. Office symbols are used to identify the office of origin for memorandums and electronically transmitted messages within the DA. Use the office symbols when addressing or replying to memorandums.

b. Office titles are used to identify the office of origin for letters. See paragraph 3-7a(2)(b).

1-27. Expression of date

a. Dates on memorandums. Express dates on memorandums in only these two ways: 1 January 2000 or 1 Jan 00. The four digits for the year will be used only when the month is spelled out or when date stamps reflect abbreviated months and four-digit year.

b. Dates on letters. Express dates on letters and refer to dates within letters only in this way: January 1, 2000.

c. Separating date elements. Avoid separating any of the three date elements (day, month, and year) from each other, but if it is absolutely necessary, the four-digit year may be carried over to the next line when the month is spelled out.

1–28. Expressing time

Military time will be expressed in a group of four digits, ranging from 0001 to 2400 based on the 24-hour clock system. The first two digits represent the hour after midnight and the last two digits represent the minutes. For example, 1:37 p.m. civilian time is expressed as 1337 military time. The word *hours* will not be used in conjunction with military time. Use civilian time in letters.

1–29. Suspense date

a. Use a suspense date on memorandums when a reply is required by a certain date. (See fig 2–2.) Suspense dates should be reflected in the body text and appear in bold. Do not use suspense dates on letters.

b. Consider the following time factors in setting a suspense date on correspondence:

- (1) Number of days required to transmit the communications.
- (2) Number of days needed to complete the action.
- (3) Number of days required to transmit the reply.

1–30. Addressing

Address correspondence and envelopes as prescribed in AR 25–51, Official Mail and Distribution Management, and chapter 5 of this regulation.

1–31. References

List references in the first paragraph of the correspondence. Enclose copies of references that are not readily available to the addressee. List and number references in the order they appear in the correspondence. When references do not appear in the text of the correspondence, list them in ascending date order (oldest to most recent). Include the following information as a minimum:

a. Publications. When listing publications, include the number, title, and date, for example, AR 25–50, Preparing and Managing Correspondence, 21 Nov 88; and (for a supplement and change) USASC, Suppl 1, 3 Mar 95, to AR 710–2, Inventory Management Supply Policy Below the Wholesale Level, 31 Oct 97; and Change 2, 15 Oct 99, to DA Pam 27–9, Military Judges’ Benchbook, 30 Sep 96.

b. Correspondence. When referencing correspondence, include the type of correspondence, organization of origin, office symbol, date, and the subject of the correspondence, for example, Memorandum, HQ USAMC, AMCIO–F, 20 Feb 88, subject: Training for AMC Personnel; and Message, HQ TRADOC, ATPL–TD–OR, 101623Z Sep 84, subject: Correspondence Management. When referencing e-mail or facsimiles, use the name of the sender and the office symbol (if included), for example, E-mail, HQ TRADOC (ATPL–TD–OR), Mr. Sam Jones, 3 Nov 96, subject: Correspondence Management; and Fax, HQ FORSCOM, Ms. Ella Johns, 25 Feb 97, subject: Copier Management.

c. Referencing classified or unclassified material. (See chap 8 for portion marking.) Use the following guidelines when referencing unclassified material in a classified document or referencing classified material in a classified or unclassified document.

Note. When the reference contains classified information or is required to be placed within a classified document, portion-mark the reference and the subject of the reference with the appropriate classification symbol. See AR 380–5 for guidance.

(1) When referencing a classified document in unclassified correspondence, show the classification of both the referenced material and the subject, for example, Secret message, HQ TRADOC, ATCG, 201623Z Sep 94, subject: Correspondence Management (U).

(2) When referencing unclassified correspondence in a classified document, show the classification of the referenced material and the subject, for example, (U) Unclas message, HQ TRADOC, ATPL–TD–OR, 201623Z Sep 84, subject: Correspondence Management (U).

(3) When referencing a classified document that has a classified subject in classified correspondence, show the classification of both the reference and its subject, for example, (C) Secret message, HQ TRADOC, ATCG, 201623Z Sep 94, subject: Correspondence Management (C).

(4) When drafting an unclassified document and the subject of the reference(s) is classified, the document must show the classification assigned to the referenced subject. The document then becomes classified to the level of the reference cited and must be marked appropriately. (See AR 380–5 and chap 8 for proper marking of classified correspondence.)

(5) When drafting an unclassified piece of correspondence that contains a mixture of classified and unclassified references although all subjects are unclassified, show the classification marking for each reference. Here are examples of references:

- (a) (U) Secret message, HQ TRADOC, ATCG, 201623Z Sep 94, subject: Correspondence Management (U).
- (b) Unclas memorandum, HQ TRADOC, ATCG, 20 Sep 94, subject: Correspondence Management (U).
- (c) (U) Conf message, HQDA, DAPC-ZX, 201624Z Sep 94, subject: Correspondence Management (U).
- (6) When preparing messages or when referencing correspondence on messages within messages, see AR 25-11 for guidance.
- (7) When drafting unclassified correspondence that contains unclassified references, do not mark it to indicate its unclassified status.

d. Paragraphs of regulations or publications.

(1) When citing a regulation or publication, cite its number, name, and date: DA Pam 600-67, Effective Writing for Army Leaders, June 1986.

(2) When referencing a specific paragraph in a regulation or publication, cite the regulation or publication number, name, paragraph, and date, for example, DA Pam 600-67, Effective Writing for Army Leaders, paragraph 3-1a, June 1986. If the regulation has been listed as a reference in the first paragraph of the memorandum, additional references need only include the paragraph number and the number of the regulation, for example, DA Pam 600-67, paragraph 3-1a.

e. Telephone conversations or meetings. When referencing telephone conversations or meetings, first cite the communication, then the individuals' headquarters or office of location, the date, and the subject, if applicable:

(1) Reference telephone conversation between Mr. Smith, this office, and Ms. Jones, TRADOC, 23 Jan 95, subject: Office Copiers.

(2) Reference meeting between Ms. Jones, TRADOC, and Mr. Smith, this office, 23 Jan 95, subject: Office Copiers.

f. Referencing material that has the same subject. The term "subject as above" or the acronym "SAB" may be used in lieu of stating the subject in memorandums. This does not apply to letters.

1-32. Authority lines

Chapter 6 explains in detail the composition and proper use of authority lines.

1-33. Complimentary close

Chapter 3 explains in detail the composition and proper use of complimentary close.

1-34. Signature blocks

Chapter 6, section II, explains in detail the composition and proper use of signature blocks for military and civilian personnel.

1-35. Postscripts

A postscript (P.S.) is an informal technique to add an afterthought to a communication; do not use in official correspondence.

1-36. Page and paragraph numbering

See chapters 2 and 3 for exact guidance on paragraph and page numbering and placement of the page number.

1-37. Underlining, using boldface type, and italicizing for emphasis

Use underlining, boldface type, and italics only to emphasize a specific or important fact. Overuse of these methods for emphasis (like overuse of the exclamation point) defeats its own purpose. In general, substitute more specific or forceful words to gain emphasis.

1-38. Distribution formulas

Develop a distribution formula that is easy to understand and use. Ensure that it is a fast and cost-effective way to distribute information to a great number of addresses. Do not use internal distribution formulas for correspondence external to your command or installation. (See AR 25-51.)

1-39. Identifying and listing enclosures

Use enclosures for memorandums and letters. Number and attach all enclosures in the same order in which they appear in the body of the correspondence. Place the identification of each enclosure in the lower right corner of the first page, in pencil, before making copies. Specify enclosures in the text. See paragraph 4-2 for proper listing of enclosures. Attachments to enclosures are referred to as enclosures to enclosures (for example, enclosure 3 to enclosure 2).

1-40. Nine-digit ZIP Code (ZIP+4 Code)

Use the ZIP+4 Code on all return envelope addresses and on all "FOR" addresses. The ZIP+4 Codes will be used on all letterhead.

1–41. NATO correspondence

Correspondence for NATO purposes is governed by Standardization Agreements. See guidance in appendix F.

1–42. Recordkeeping requirements

This regulation requires the creation, maintenance, and use of the specific record FN 25–50a (Delegation of signature authority), in accordance with AR 25–400–2.

Section IV

Effective Writing and Correspondence: The Army Writing Style

1–43. Goal

The goal of all Army correspondence is effective communication.

1–44. Standards for Army writing

a. Effective Army writing transmits a clear message in a single, rapid reading and is generally free of errors in grammar, mechanics, and usage.

b. Good Army writing is concise, organized, and right to the point. Two essential requirements include putting the main point at the beginning of the correspondence and using the active voice (for example (*main point up front*), “You are entitled to jump pay for the time you spent in training last year”).

c. The standard English sentence order, subject-verb-object, works best. It speeds communication and helps the reader understand the main point.

d. Active writing—

(1) Emphasizes the doer of the action.

(2) Shows who or what does the action in the sentence, or puts the doer before the verb.

(3) Creates shorter sentences. Eliminating the passive voice reduces the number of words in a sentence.

(a) Passive: The PT test was passed by SGT Jones (eight words).

(b) Active: SGT Jones passed the PT test (six words).

e. The passive voice is easy to recognize. A verb in the passive voice uses any form of “to be” plus the past participle of a main verb (for example, am, is, are, was, were, be, being, been), plus a main verb usually ending in “en” or “ed” (for example, were completed, is requested).

1–45. Constructing military correspondence

a. *General techniques.* Focus first on the main point to construct basic military correspondence. Use of the active voice is the basic style of Army writing.

b. *Specific techniques.* Meeting the standards for correspondence requires specific techniques. Use these additional rules of correspondence construction to improve effectiveness.

(1) Use short words. Try not to use more than 15 percent over two syllables long.

(2) Keep sentences short. The average length of a sentence should be about 15 words.

(3) Write paragraphs that, with few exceptions, are no more than 10 lines.

(4) Avoid jargon.

(5) Use correct spelling, grammar, and punctuation.

(6) Use I, you, and we as subjects of sentences instead of this office, this headquarters, this command, all individuals, and so forth.

(7) Write one-page letters and memorandums for most correspondence. Use enclosures for additional information.

(8) Avoid sentences that begin with “It is ...,” “There is ...,” or “There are ...”

1–46. Packaging correspondence

a. *Structure.* The simplified formats in this regulation are specific ways of structuring particular kinds of correspondence. Packaging, however, applies to all Army writing.

b. *Framework.* Packaging is the general framework of military writing style. All formats start with this standard structure and are tailored to each type of correspondence.

c. *Packaging.* Structure correspondence for easy quick reading:

(1) First, open with a short, clear purpose sentence.

(2) Next, put the recommendation, conclusion, or more important information as the main point. (These first two steps can be combined in some correspondence.)

(3) Last, clearly separate each section. Use short paragraph headings or section titles.

Chapter 2

Memorandums—Special Purpose Memorandums

Section I

Memorandums

2-1. General

There are two types of memorandums: formal and informal. Figures 2-1 through 2-18 illustrate examples of usage and general rules.



DEPARTMENT OF THE ARMY
 ORGANIZATIONAL NAME/TITLE
 STANDARDIZED STREET ADDRESS
 CITY, STATE, AND ZIP + 4 CODE

REPLY TO
 ATTENTION OF

1
 2 OFFICE SYMBOL 1 Date
 1
 2
 3 MEMORANDUM FOR Deputy Commandant, US Army Command and General Staff
 College (ATZL-SWD), 1 Reynolds Avenue, Ft Leavenworth, KS 66027-1352
 1
 2 SUBJECT: Using and Preparing a Memorandum
 1
 2
 3 1. Paragraph 2-2 defines the use of a memorandum.

 2. Single-space the text of the memorandum; double-space between paragraphs.

 3. When a memorandum has more than one paragraph, number the paragraphs consecutively.
 When paragraphs are subdivided, designate first subdivisions by the letters of the alphabet and
 indent them as shown below.

 a. When a paragraph is subdivided, there must be at least two subparagraphs.

 b. If there is a subparagraph "a," there must be a "b."

 (1) Designate second subdivisions by numbers in parentheses; for example, (1),
 (2), and (3).

 (2) Do not subdivide beyond the third subdivision.

 (a) However, do not indent any further than the second subdivision.

 (b) This is an example of the proper indentation procedure for a third subdivision.
 1
 2 AUTHORITY LINE:
 1
 2
 3
 4
 5 Encl JOHN W. SMITH
 Colonel, GS
 Deputy Chief of Staff for Operations

 1
 2 CF:
 Director, Tactics Division (w/encl)

Figure 2-1. Using and preparing a memorandum



DEPARTMENT OF THE ARMY
 ORGANIZATIONAL NAME/TITLE
 STANDARDIZED STREET ADDRESS
 CITY, STATE, AND ZIP+4 CODE

REPLY TO
 ATTENTION OF

S: Suspense Date

- 1
 2 OFFICE SYMBOL 1
 1 2 Date
 2
 3 MEMORANDUM FOR Joint Readiness Training Center (AFXX-XX), US Army Forces
 Command, 7330 Mississippi Avenue, Ft Polk, LA 71459-5339
 1
 2 SUBJECT: Preparing a Memorandum
 1
 2
 3 1. This example shows how to prepare a memorandum. Allow one inch for the left, right, top
 and bottom margins, except for top margin on letterhead.
- a. Type the *OFFICE SYMBOL* at the left margin two lines below the seal.
 - b. Stamp or type the *DATE* on the same line as the office symbol, ending at the right margin. If there is a *SUSPENSE DATE*, type it two lines above the office symbol line ending as close as possible to the right margin.
 - c. Type *MEMORANDUM FOR* on the third line below the office symbol. Begin the single address one space following *MEMORANDUM FOR*. If the *MEMORANDUM FOR* address extends more than one line, begin the second line flush with the left margin. Addresses may be in upper and lowercase type or all uppercase type. See the other figures within this chapter for preparing multiple-addressed memorandums.
 - d. Type the *SUBJECT* of the memorandum on the second line below the last line of an address.
 - e. Begin the first paragraph of the *TEXT* at the left margin on the third line below the last line of the subject.
2. When used, type the *AUTHORITY LINE* at the left margin on the second line below the last line of the text.
 3. Type the *SIGNATURE BLOCK* on the fifth line below the authority line or the last line of the text beginning in the center of the page. Identify enclosures, if any, flush with the left margin beginning on the same line as the signature block.
 4. Leave a one-inch margin at the bottom of the first page. (See figure 2-3 for instructions on continuing the memorandum.)

Figure 2-2. Preparing a memorandum

		S: Suspense Date
	1	
	<u>2</u>	Date
1	OFFICE SYMBOL	
2		
<u>3</u>	MEMORANDUM FOR Deputy Chief of Staff for Resource Management (ASRM-MP)	
1		
<u>2</u>	SUBJECT: Using and Preparing an Informal Memorandum	
1		
2		
<u>3</u>	1. Paragraph 2-2 defines the use of an informal memorandum.	
	2. The informal memorandum is used to correspond with organizations, activities, or individuals to whom the author's office symbol is easily identifiable. Normally, informal memorandums will be used only within the author's technical or command chain.	
	3. The format for the informal memorandum is the same as that for the formal memorandum. Prepare the informal memorandum on plain white paper.	
	4. Include a point of contact in the last paragraph of the informal memorandum.	
	5. An authority line may be used if appropriate; it is not mandatory. See paragraph 7-2 for guidance.	
1		
<u>2</u>	AUTHORITY LINE:	
1		
2		
3		
4		
<u>5</u>	Encl	RAMEY J. BRANDON Colonel, GS DCSOPS
1		
<u>2</u>	CF: Provost Marshal (w/encl)	

Figure 2-15. Using and preparing an informal memorandum

OFFICE SYMBOL

Date

1
2
3
1
2
2
3

MEMORANDUM FOR RECORD

SUBJECT: Preparing a Memorandum for Record

1. Type the Memorandum for Record (MFR) on plain white paper. Type the office symbol at the left margin one inch from the top of the paper. Stamp or type the date on the same line, ending at the right margin. (If an abbreviated form is used, type or hand write the MFR on the bottom of all record or file copies.) This procedure saves paper and filing space and ensures that all information about that subject is in one place.
2. Type the words *MEMORANDUM FOR RECORD* in uppercase at the left margin on the third line below the office symbol.
3. Type *SUBJECT:* in uppercase at the left margin on the second line below *MEMORANDUM FOR RECORD*. Type the subject of the MFR beginning two spaces after the colon.
4. Begin the text on the third line below the last line of the subject.
5. Limit the MFR to one page.
6. Mark the paragraphs and subparagraphs of the MFR as for a basic memorandum. Prepare and position all remaining applicable elements (signature block and enclosure listing) as for a memorandum. Do not use an authority line. Anyone may prepare and sign an MFR.
7. Use an abbreviated form when MFRs are placed on the bottom of record or file copies. Begin typing two lines below the last line of the preceding correspondence and abbreviate *MEMORANDUM FOR RECORD* by typing the acronym MFR. Omit the office symbol and subject line. Begin typing the text two lines below MFR.

1
2
3
4
5

Encl

LINDA K. SMITH
MAJ, AG
Chief, Reassignment Branch

Figure 2-18. Preparing a memorandum for record

2-2. Use

a. Formal memorandums. The formal memorandum is used for correspondence that is sent outside the headquarters, the command, the installation, or similarly identifiable organizational elements within the DOD; for routine correspondence to Federal Government agencies outside the DOD; for notification of personnel actions, military or civilian; and for showing appreciation or commendation to DA employees and soldiers.

b. Informal memorandums. The informal memorandum is used for internal correspondence within the same headquarters, same command, or similarly identifiable organizational elements. As a general rule, do not use informal memorandums when corresponding with organizations or individuals not familiar with your office symbol. Informal memorandums may be preprinted and used as form letters.

Note. Refer to DA Memo 25-52, Staff Action Process and Correspondence Policies, for correspondence originating within the Army Staff or Secretariat Agencies.

2-3. General rules

a. Paper. The standard size is 8½ by 11 inches.

b. Original pages.

(1) For formal memorandums use computer-generated letterhead for the first page and plain white paper for continuing pages.

(2) The informal memorandum is typed or printed on plain white paper; do not use letterhead.

c. Copies. Prepare only the number of copies needed. See paragraph 1-23 for more information on record, copy furnished, and reading file copies.

d. Dates. Type or stamp the day, month, and year on the memorandum flush with the right margin.

e. Margins. The standard margin is 1 inch from the left, right, top, and bottom margins. Do not justify right margins.

f. Spacing. See figures 2-1 and 2-2.

g. Abbreviations and brevity codes. See paragraph 1-16.

h. Acronyms. See paragraph 1-17.

i. Signature blocks.

(1) Type the signature block of military officials on three lines with the name (in uppercase) on the first line, rank and branch of Service on the second line, and the title on the third line. If the title requires an extra line, a fourth line is authorized. Indent the beginning of the fourth line so that the first character will be aligned underneath the third character of the third line.

(2) Type the signature block of civilian officials on two lines with the name (in uppercase) on the first line and the title on the second line. If the title requires an extra line, a third line is authorized. Indent the beginning of the third line so that the first character will be aligned underneath the third character of the second line.

(3) Do not use academic degrees, religious orders, or fraternal orders as part of the signature block unless it would benefit the Army for the receiver to know this information, for example, use of a medical degree to show that medical information provided was based on expertise of a member of the medical profession.

(4) Do not use "(P)" (meaning that the signer is promotable) after the rank for personal benefit; use only if it would benefit the Army.

2-4. Format

When writing a memorandum, use the modified block style format. The format has three parts: heading, body, and closing.

a. Heading. The heading has five elements:

(1) *Office symbol.* Type the office symbol on the second line below the seal. The symbol names the writer's office (for example, DAPE-PRR). Do not use computer identification codes or word-processing codes as part of the office symbol. Other information may follow the office symbol when needed and if not part of the subject line. Some examples are the name of an individual, social security number, rank, primary military occupational specialty, contract number, or bill of lading number. Do not crowd the office or reference symbol line. If the additional information is lengthy, write it on a second line, flush with the left margin.

(2) *Date.*

(a) Put the date on the same line as the office symbol.

(b) End the date approximately even with the right margin.

(c) Express the date in this order: day, month, year. Day—Express in numerals. Month—Spell out if the year is not abbreviated; abbreviate if the year is abbreviated (15 January 1999 or 15 Jan 99 but not 15 January 99 or 15 Jan 1999).

Year—Express either with two or four digits, depending on whether the month is abbreviated or spelled out. The only exception to this rule is if the date stamp uses the abbreviated month and the four-digit year.

(d) The date may be typed or stamped.

(3) *Suspense date.* Use a suspense date if a reply is needed by a certain date. Do not impose a suspense date when there is no compelling reason.

(a) *Placement.* Put the suspense date at the right margin on the same line as the *Reply to Attention Of* or two lines above the date of the memorandum.

(b) *Setting of suspense date.* Always consider the time factors involved, for example, transmission time to the reader, time the reader needs to gather the information, and transmission time for the return reply.

(c) *Format of the date.* See paragraph 2-4a(2)(c).

(4) *MEMORANDUM FOR line.* Type *MEMORANDUM FOR* on the third line below the office symbol. Write to the office that is expected to complete the action. Do not simply address an action to a headquarters if it is known which element of that headquarters will receive the action. If the memorandum is sent to someone's attention, place the person's name in parentheses after the office symbol (see fig 2-4). Exception: When used for *Exclusive For* correspondence, appreciation, and commendation, a memorandum will be addressed to name and title of the addressee. When a second line is needed for the address, begin it flush with the left margin, except for multiple-address memorandums, which will begin under the third character of the line above it. Type addresses in either all uppercase or upper- and lowercase type. Be consistent. Do not mix the two type styles.

(a) *Single-address memorandums.* Figures 2-4 and 2-5 give examples of memorandums with a single address. Figure 2-4 gives an example for HQDA, and figure 2-5 gives one for a major command. When using a single address, *MEMORANDUM FOR* and the address are on the same line.

(b) *Multiple-address memorandums.* See figures 2-6 and 2-7 for examples of memorandums for HQDA and figure 2-8 for an example for MACOMs. Note that "multiple-address memorandums" means more than one and less than six. If the address extends more than one line, continue the second as stated in paragraph 2-4a(4). On multiple-address memorandums, prepare one original and make copies for additional addressees after signature. Place a checkmark to the immediate left of each addressee to designate that addressee's copy. This readily identifies the recipient and eliminates the need for reading the entire addressee listing.

(c) *SEE DISTRIBUTION memorandums.* If a memorandum is sent to more than five readers, use the *SEE DISTRIBUTION* format (see fig 2-9) for the addresses. Type the words *SEE DISTRIBUTION* one space after the words *MEMORANDUM FOR*. On the second line below the last line of the signature block or enclosure listing, whichever is lower, type *DISTRIBUTION:* and block the addresses as shown in figure 2-9. The distribution list may be continued on the second page (see fig 2-10). If necessary, the complete distribution list may be typed on a separate page. Prepare one original and make copies for additional addressees after signature. Place a checkmark to the immediate left of each addressee to designate that addressee's copy. This readily identifies the recipient and eliminates the need for reading the entire addressee listing. The envelope for an addressee on a *SEE DISTRIBUTION* list must show the complete address; otherwise, the U.S. Postal Service (USPS) will not be able to deliver it.

(d) *THRU memorandums.* Use a *THRU* memorandum to let others know what is being done and to give them the opportunity to comment, especially if their comment will have an impact on the action. Use this format when an action must be approved by several recipients, in turn. See figure 2-11 for the format for a single *THRU* memorandum. Use the format in figure 2-12 when sending the *THRU* memorandum to more than one reader.

(5) *Subject line.* Type the subject line on the second line below the last line of the address. Use only one subject and write the subject in 10 words or less, if possible. If the subject needs more than 10 words, limit the number of words and use authorized abbreviations. If the subject is more than one line, begin the second line flush with the left margin (see fig 2-13). Type *SUBJECT:* in uppercase letters (see examples).

b. *Body (Text).*

(1) *Beginning.* Begin the text on the third line below the last subject line.

(a) If there are references, list these in the first paragraph. See paragraph 1-31 for instructions on how to list.

(b) Begin the memorandum with a short, clear purpose sentence.

(c) Put the recommendation, conclusion, or most important information (the main point) next. (Some writing combines the purpose and the main point.)

(d) Clearly separate each major section. Use paragraphs, headings, or sections.

(e) When appropriate, a point of contact (POC) line will be the last paragraph of the body of the correspondence.

(2) *Spacing.* Single-space the text with double-spacing between paragraphs and subparagraphs. Single-space one-paragraph memorandums. (See fig 2-13.) On occasion, one-paragraph correspondence requires subparagraphing. The spacing for subparagraphing is the same as that for major paragraphs.

(3) *Indenting.* When paragraphs are subdivided, indent them as shown in figure 2-1.

(4) *Numbering paragraphs.*

(a) Do not number a one-paragraph memorandum.

(b) If the memorandum has more than one paragraph, number the paragraphs as outlined in figure 2-1.

c. *Closing*. Major elements are the authority line, signature block, and enclosure listing. Sub-elements are the DISTRIBUTION listing (if needed) and Copies Furnished (CF).

(1) *Authority line*. See chapter 7 and appendix E. Type the authority line at the left margin in uppercase letters on the second line below the last line of the text. The authority line is used by individuals properly designated as having the authority to sign for the commander or the head of an office.

(2) *Signature block*. See chapter 7 and appendix E for examples.

(a) *Placement*. Begin the signature block in the center of the page on the fifth line below the authority line. If there is no authority line, begin it on the fifth line below the last line of the text.

(b) *Omission*. Omit the signature block if it is not known at the time of writing who will sign. The signature block may be added either by typing or by use of a rubber stamp at the time of signature.

(c) *Format*. See paragraph 2-4.

(3) *Enclosures*. Number and attach enclosures in the same order in which they appear in the memorandum. When there is only one enclosure, do not precede "Encl" with the number "1." Use only "Encl." Begin the enclosure listing at the left margin on the same line as the signature block. (See chap 4.)

(4) *DISTRIBUTION listing (if needed)*. See figures 2-9 and 2-10.

(5) *Copies Furnished*. See figures 2-10 and 2-13 through 2-15. Use the copy furnished line to inform others of the subject only if they have a need to know or an interest in the subject. Type *CF*: on the second line below the last line of the signature block, enclosure listing, or distribution listing, whichever is lower. Show whether or not enclosures are included by adding either "(w/encls)" or "(wo/encls)" at the end of each CF address. If all copies furnished addressees will be provided copies of the enclosures or all will not be provided enclosures, type either "w/encls" or "wo/encls" in parentheses after "CF" rather than type each one separately after each address (for example, CF: (w/encls)).

2-5. Multiple-Page memorandums

Try to limit the memorandum to no more than two pages. Use enclosures for additional information. If a memorandum is longer than one page, see figures 2-2 and 2-3 and follow these rules:

a. Type the office symbol at the left margin 1 inch from the top edge of the paper.

b. Type the subject of the memorandum at the left margin on the next line below the office symbol.

c. Begin the continuation of the text at the left margin on the third line below the subject phrase. When continuing a memorandum on another page—

(1) Do not divide a paragraph of three lines or less between pages. At least two lines of the divided paragraph must appear on each page.

(2) Include at least two words on each page of any sentence divided between pages.

(3) Do not hyphenate a word between pages.

(4) Do not type the authority line and the signature block on the continuation page without at least two lines of the last paragraph. If, however, the last paragraph or subparagraph has only one line, it may be placed alone on the continuation page with the authority line and signature block.

d. Center the page number approximately 1 inch from the bottom of the page.

Section II

Special Purpose Memorandums

2-6. Memorandum of Understanding or Memorandum of Agreement

a. *Uses*. Use a Memorandum of Understanding (MOU) or a Memorandum of Agreement (MOA) to document mutually agreed to statements of—

(1) Prepare the MOU or MOA on the letterhead of the preparing or requesting agency.

(2) Intentions.

(3) Procedures.

(4) Parameters.

(5) Policies of future actions.

(6) Matters of coordination.

Note. Do not substitute an MOA for formal support agreements within one Service or between Services. However, an MOA may be used to document an agreement before writing a more formal one.

b. *Format*. When an MOU or MOA is required, use the format shown in figures 2-16 and 2-17.

(1) *Heading*. Prepare the MOU or MOA on the letterhead of the preparing or requesting agency. This provision may be altered to meet internal or special requirements of the parties involved in the agreement. Center the title *MEMORANDUM OF UNDERSTANDING* or *MEMORANDUM OF AGREEMENT* on the second line below the seal. Type the word *BETWEEN*, also centered, on the line immediately following the title. Center the names of the agreeing agencies on the line immediately following the word *BETWEEN*. The requirement for centering may be altered when there are more than two agreeing agencies or where the agency titles are too lengthy to be typed on one line.

(2) *Subject.* Type the word *SUBJECT:* at the left margin on the second line below the last line of the agreeing agencies' titles.

(3) *Text.* Begin the first line of the text at the left margin on the third line below the last line of the subject. The basic text will contain, but is not limited to, the following six categories

(a) *Reference.* List the references that are directly related to the agreement.

(b) *Purpose.* The paragraph defines or states, in as few words as possible, the purpose of the agreement.

(c) *Problem.* Present a clear, concise statement of the problem, to include a brief background.

(d) *Scope.* Add a short and to the point statement specifying the area of the agreement.

(e) *Understandings, agreements, support, and resources.* List the understandings, agreements, support, and resource needs and responsibilities of and between each of the parties or agencies involved in the agreement.

(f) *Effective date.* Enter the date the agreement will become effective.

(4) *Paragraph numbering.* Paragraph numbering and indentations are the same as for the general use memorandums.

(5) *Signature blocks.* Signature blocks on MOUs and MOAs are unique in that signature blocks of both the agreeing parties appear on the same line. Type signature blocks on the fifth line following the last line of the text. Precede all signature blocks by overscoring as shown on figures 2-16 and 2-17. Include the name, title, and agency for civilians and name, rank, branch, and title for military personnel. Include the date that each official signs. Place the signature of the senior official on the right. When in doubt as to the seniority, use the signature of the official whose organization is the same as the letterhead.

2-7. Memorandum for record

a. *Use.* Use the *memorandum for record* (MFR) to give a summary of preceding correspondence and to show the authority or basis for the action taken. See figure 2-18. The MFR is also used to document informal meetings or telephone conversations in which official business was conducted.

b. *Contents.*

(1) *Summary.* The summary contains the source, office symbol, date, subject, addressee, and action requested or indicated.

(2) *Basis for action.* Show all background information having a direct bearing on the matter. Include the authority and basis for action. This lets reviewing and signing officials know the basis for the action.

(3) *Coordination.* Show the name of the office or agency; the name, title, and telephone number of the person contacted; date of coordination; and indication of concurrence, nonconcurrence, or other action.

c. *Format.* Prepare an MFR on white paper. An abbreviated form of the MFR may be typed or written on the bottom of the record or file copies. This saves paper and filing space and ensures that all information about the subject is in one place.

(1) Type the office symbol at the left margin and 1 inch from the top of the paper. Stamp or type the date on the same line ending approximately at the right margin.

(2) Type the words *MEMORANDUM FOR RECORD* at the left margin on the third line below the reference symbol.

(3) Type *SUBJECT:* at the left margin on the second line below *MEMORANDUM FOR RECORD.*

(4) Begin the text on the third line below the last line of the subject.

(5) Try to limit the MFR to one page. If a second page is needed, prepare it in the same way as the continuation page of a memorandum.

(6) Mark the paragraphs and subparagraphs of the MFR as for a memorandum. Prepare and position all remaining applicable elements (signature block and enclosure listing) as for a memorandum. Do not use an authority line on an MFR.

(7) Anyone who has an official use for this format may prepare and sign it.

Chapter 3 Preparing Letters

3-1. General

This chapter provides instructions for preparing letters. Specific formats and instructions come from the Office of the Secretary of the Army (OSA).

3-2. Use

Letters will be used for correspondence addressed to the President or the Vice President of the United States, members of the White House staff, members of Congress, Justices of the Supreme Court, heads of departments and agencies, State governors, mayors, foreign government officials, and the public. Letters may also be used for correspondence to

Student Handout 3

Extracted Material from DA Pam 600-67, Effective Writing for Army Leaders

This student handout contains four pages. The first portion consists two pages of extracted material from the following publication:

DA Pam 600-67, Effective Writing for Army Leaders, 2 Jun 1986

Chapter 1	page 1
Chapter 2	page 1
Chapter 3	pages 1 and 2
Chapter 4	page 2
Chapter 5	page 2

The second portion consists two pages of self-development aids created by the training developer concerning identifying passive and active voice.

Disclaimer: The training developer downloaded the extracted material from the Army Publishing Directorate (USAPA) web site. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

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Chapter 1 Introduction

1-1. Purpose

This pamphlet is a leader's manual. It –

- a. Provides accessible information on what kind of staff writing to demand and how to have it produced.
- b. Explains in detail what good Army writing is and how to establish uniform Army writing standards.
- c. Describes two quantifiable tools to reinforce better writing.
- d. Provides examples of the new standard for Army writing.

1-2. References

a. *Required publication.* AR 600-70, The Army Writing Program, is a required publication. (Cited in para 2-1d.)

b. *Related publication.* (A related publication is merely a source of additional information. The user does not have to read it to understand the pamphlet.) AR 340-15, Preparing and Managing Correspondence, is a related publication.

1-3. Why there is an Army Writing Program

a. Too much Army writing does not communicate well. It confuses rather than clarifies; it is wordy rather than concise; it hides the main idea rather than getting to the point.

b. We all recognize the particular style described in a above as "Army" writing. The Army has developed this style collectively. That means that, collectively, we can build a better style.

c. Information overload and the complexity of the modern Army demand a more effective style and a new standard for writing.

1-4. Defining the standard

a. According to AR 600-70, the standard for Army writing is writing you can understand in a single rapid reading, and is generally free of errors in grammar, mechanics, and usage.

b. Good Army writing is clear, concise, organized, and right to the point.

Chapter 2 Leadership and Writing

2-1. Why we need a leader writing pamphlet

- a. Leaders lose too much time grappling with poor writing.
- b. Poor writing hinders decisions.
- c. Only leaders can make this new style happen.
- d. Paragraph 2e of AR 600-70 requires all commanders to uphold a common standard.

2-2. A different kind of writing pamphlet

a. This is a leader's manual, not a thick staff officer's guide. This pamphlet provides accessible information on what kind of writing to demand and how to get your staff to produce it.

b. Most significantly, the Army has set a standard for good writing and developed staff writing rules to reach that standard. You'll find those in this pamphlet as well.

2-3. Your role as an Army leader

This pamphlet has three primary sections and will assist you as an Army leader to –

- a. Issue the guidance to establish uniform, effective writing standards.
- b. Be a mentor to your subordinates using specific tools.
- c. Show the new standards using sets of examples.

Chapter 3 Issuing the Guidance

3-1. Style Rules

Take these guidelines and publish them as your office writing rules to establish the new Army writing rules to establish the new Army writing standard. Require all people who write for you–

- a. Put the recommendation, conclusion, or reason for writing—the "bottom line"—in the first or second paragraph, not at the end.
- b. Use the active voice.
- c. Use short sentences (an average of 15 or fewer words).
- d. Use short words (three syllables or fewer). (See the clarity index in paragraph 4-3.)
- e. Write paragraphs that, with few exceptions, are no more than 1 inch deep.
- f. Use correct spelling, grammar, and punctuation.
- g. Use "I," "you" and "we" as subjects of sentences instead of "this office," "this headquarters," "all individuals," and so forth, for most kinds of writing.

3-2. Two essential changes

These new writing guidelines mandate two critical changes that leaders must demand. The first change alters the structure of all Army writing; the second change transforms the style.

a. Structure—main idea first.

(1) Require all staff writing to begin with the main idea. The greatest weakness in ineffective writing is that it doesn't quickly transmit a focused message. Too much Army writing hides the main point. Insist, as business writers do, on the "bottom line" first. Have subordinates start with the information they would keep if they had to get rid of all the rest.

(2) Require specific packaging of all writing. Focusing first on the main point changes the overall construction of Army writing. This restructuring, called packaging, is the framework of the new writing style. Packaging is not format. Formatting begins after packaging to tailor the writing to a specific purpose. To package–

(a) Open with a short, clear purpose sentence.

(b) Put the recommendation, conclusion, or most important information (the main point) next. (Some writing combines the purpose and the main point.)

(c) Clearly separate each major section. Use paragraphs, headings, or section titles.

(d) Use a specific format if one is appropriate.

b. Style – the active voice.

(1) The major style change that makes Army writing clear, direct communication is using the active voice rather than passive voice. Many Army writers overuse the passive voice and create sentences that are indirect and unfocused, and that slow communication. The passive voice hides the doer of the action, blocking communication. Active example: Army beat Navy. Passive example: The Navy has been beaten by Army.

(2) The active voice is direct, natural, and forceful.

(3) The active voice does more than make sentences clearer – it shortens sentences. Eliminating the passive voice reduces a piece of writing by about 20 percent.

(4) The passive voice is actually very easy to recognize: it uses one of the eight forms of to be plus a verb usually ending in –en or –ed. Example: am, is, are, was, were, be, being, been plus the –en, –ed word (is requested, were eaten).

(5) When you see verb constructions like the examples in (4) above, you know the writing is passive. Although sometimes the passive is appropriate, most of the time it is not. Examples: The passive voice is abused in Army writing. When vagueness is wanted, the passive voice is selected by many writers. A direct style, on the other hand, is created by the active voice.

(6) When you see writing in the passive voice, have the writers change it to active voice. Tell your subordinates to put the subject first in sentences and they will become active writers. Example: Army writing abuses the passive voice. Army writers select the

passive voice when they want to be vague. The active voice, on the other hand, creates a direct style.

Chapter 4 Being a mentor

4-1. General

Despite clear staff writing guidelines and focusing on only two essential changes, some of the writing you see won't meet the new standards. Most supervisors have little trouble identifying poor writing. Many, however, have problems knowing how to fix it or counsel someone else on how to fix it. Use the tools discussed in paragraphs 4-2 and 4-3 to give your subordinates specific, quantifiable feedback.

4-2. The quick-screen edit

This editing tool identifies major violations of the Army standard for writing. To use the quick-screen edit, simply do the following:

- a. use a highlighter, pencil or pen.
- b. In a single, rapid reading highlight, circle, or underline—
 - (1) The “bottom line,” the purpose of the piece of writing.
 - (2) Any forms of the verb to be used with a past participle (a verb ending in “-en” or “-ed”). This identifies the passive voice.
 - (3) Any unnecessary long words or jargon.
 - (4) Spelling, punctuation, or grammar mistakes.
- c. Have your people revise the four targeted areas. In the revision—
 - (1) Move the “bottom line” to the beginning of the writing if it is not there already.
 - (2) Change only the other highlighted problems.
 - (3) Check the writing for packaging.
- d. See figure 4-1 for an example of highlighting, using the quick-screen edit. (The reverse type in fig 4-1 represents use of highlighting.) Figure 4-2 shows the revised example.
- e. This quick-screen edit is a quick, effective screen. It's quick because you only read it once. It's effective because you highlight specific errors. It's a screen because you highlight only those errors that are distracting.
- f. With this technique, you show subordinates exactly what to revise without requiring a complete rewrite.

4-3. The clarity index

Some writing problems do not lend themselves to a quick-screen edit. A second tool, the clarity index, pinpoints two other major reasons why writing that arrives on the desk is often confusing and difficult to read.

- a. Long words and long sentences make writing difficult to read. Such writing does not meet the new standards of Army writing. The clarity index provides a yardstick to measure how readable writing is. If you suspect that writing is not effective, this yardstick is helpful to quantify the problem.
- b. The clarity index is based on word and sentence length. Selecting a sample of 200 words or less, use the formula below. (For graphic representation of the formula, see fig 4-3.)
 - (1) Count the number of sentences.
 - (2) Count the number of words.
 - (3) Divide the number of words by the number of sentences to

get the average sentence length. (The target average is 15 words per sentence.

- (4) Count the number of words that have three syllables or more.
 - (5) Divide the number of long words by the total of words to determine the percentage of long words. (The target is 15 percent.)
 - (6) Add the average sentence length to the percentage of long words.
 - (7) The sum is the clarity index. (The target is 30.)
- c. If a writer eliminates long words and long sentences without changing meaning, writing becomes clearer. The writer is not producing simplistic papers or insulting the reader's intelligence. Instead, time-savings and understanding increase.
 - d. Use the clarity index once to quantify the density of a piece of writing for subordinates. Then have them periodically monitor their own writing. See figures 4-4 and 4-5 for examples of how to compute a clarity index.
 - e. Use the following Rules of thumb for the clarity index:
 - (1) Below 20, writing is too abrupt.
 - (2) Over 40, writing is difficult to understand.
 - (3) Aim for an index of 30.

Chapter 5 Showing the New Standards

5-1. Establishing the guidelines

- a. The two essential changes – packaging and active writing – and the seven style techniques create a new standard for Army writing.
- b. The quick-screen edit and the clarity index help enforce the new standard.

5-2. Setting the examples

- a. The examples in figures 5-1 through 5-6 demonstrate the results of applying the leadership guidelines in this pamphlet to Army writing. Read and compare the examples. Do not accept writing like that labeled “poor writing.” Only accept writing like that labeled “good writing.” Use figures 5-1 through 5-6 as examples for your subordinates.
- b. The memorandum at figure 5-1 has a clarity index of 42. That's too high. The paper is far too long, is filled with jargon, the passive voice, and is not focused. Packaging in figure 5-2 brings the recommendation to the top and eliminates unnecessary verbiage. The example in figure 5-2 has a clarity index of 23.
- c. Much of figure 5-3 is error-riddled or Army jargon. It's an attempt to sound “serious” and military. Writing like this slows communication and sends the wrong message about the writer. Note the difference in figure 5-4.
- d. The other examples of standards in this pamphlet reflect the dramatic difference brevity makes to bring about more effective writing. Although the example at figure 5-5 is short, it has a more basic problem – packaging. Notice that figure 5-6 does not look markedly shorter, although it is. This document's legal nature does mean some things cannot be cut out. It's much improved, however, because the “bottom line” is up front and the paragraphs are short. Packaging speeds communication.

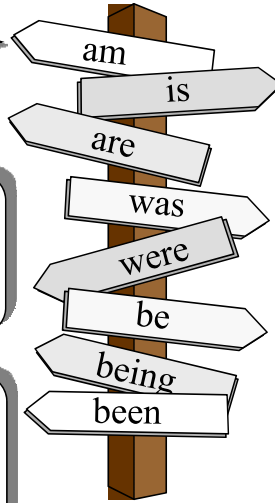
A microcomputer can help this office speed up actions which is very important to getting all missions accomplished. By using the data base software, we can keep track of all training and not allow repetitive training. We can use the work processor to do our administrative actions and speed up our ability to do work. We need such an instrument at this time.

Figure 3-1. Example of writing without packaging

PASSIVE VOICE

VERB FORMS THAT MAKE UP PASSIVE VOICE--

- Some form of the auxiliary verb to be: →
- Past participle form of main verb (usually ending in (e)d, (e)n, or t), e.g., given, seen, done, written, opened, and sent.



We can usually apply three “cures” to correct passive voice:

1. Put the “doer” before the verb.
2. Drop part of the verb.
3. Change the verb.

Examples

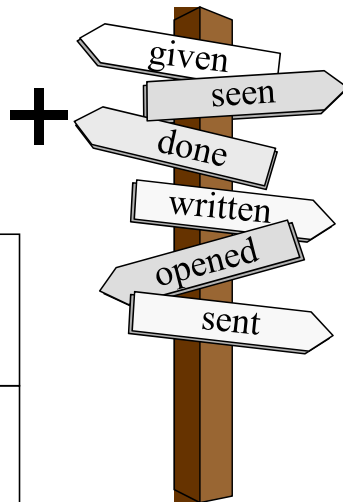
<p><i>(with passive voice)</i> “The meeting will be conducted at 18:30.” <i>(put doer first)</i> “We will conduct the meeting at 18:30.”</p>	<p><i>(delete part)</i> “The meeting will be at 18:30.” <i>(change verb)</i> “The meeting will take place at 18:30.”</p>
---	---

PASSIVE VOICE (cont)

**- A FORM OF
THE VERB “BE”**

AM, IS, ARE, WAS,
WERE, BE, BEING, BEEN

- PAST PARTICIPLE



**P
A
S
S
I
V
E

V
O
I
C
E**

The new recreation area will be opened by the commander in a few days.

Change to:

The commander will open the new recreation area in a few days.

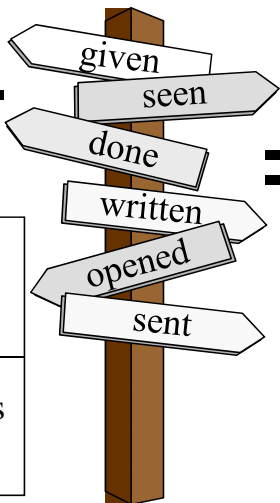
PASSIVE VOICE (cont)

- PAST PARTICIPLE

- VERBS

HAVE, HAS

+



=

PRESENT
PERFECT
TENSE
(ACTIVE
VOICE):

Civilians have replaced
soldiers in many non-
military specialties.

(Not passive voice--requires
no correction)

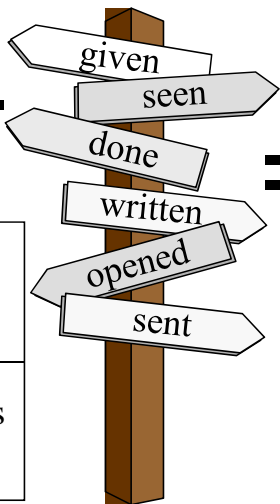
PASSIVE VOICE (cont)

- PAST PARTICIPLE

- VERB

HAD

+



=

PAST
PERFECT
TENSE
(ACTIVE
VOICE):

The new motor pool had
opened to all the units
before the FTX.

(Not passive voice--requires
no correction)

Student Handout 4

Extracted Material from AR 600-8-22, Military Awards

This student handout contains 13 pages of extracted material from the following publication:

AR 600-8-22, Military Awards, 11 Dec 2006

Chapter 1	pages 2 thru 4
Chapter 3	pages 36, 37, and 42 thru 49

Disclaimer: The training developer downloaded the extracted material from the Army Publishing Directorate (USAPA) web site. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

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d. Support the Army's personnel life-cycle function of sustainment.

1-9. Standards of service

a. Awards and decorations are—

- (1) A wartime and peacetime military personnel function.
- (2) Defined in the tables of organization and equipment (TOE) (for example, the G1/AG) for the tactical force.
- (3) Deployed with the tactical force.
- (4) The functional responsibility of the Personnel Operations Work Center (and its tactical counterpart).

b. Recommended decorations will be expeditiously processed, and recorded in military orders and certificates by the final approving authority within 60 days.

c. Typed recommendations will be the norm during peacetime. Handwritten printed recommendations are acceptable during wartime conditions.

d. A final record of each recommendation and the resulting decision will be maintained for historical purposes.

e. Recipients of awards should receive at presentation, award emblems and the elements (medal, certificate, and orders) before leaving an assignment or transition from active duty.

f. Award authorities may use Award and Decoration Boards to advise them on appropriate levels of recognition. Use of these boards is optional.

Section IV

Manpower

1-10. Manpower resources

Manpower Staffing Standards System (MS3) recognizes the awards function as being the functional responsibility of the Awards Work Center of the Personnel Service Company (PSC). Manpower officials will use the workload factors (obtained from MS3) to determine the manpower authorizations.

1-11. Levels of work

a. Most personnel work in the field is performed at three primary levels: unit, battalion, and installation (or some equivalent in the tactical force). The focus of the guidance in this regulation is on those levels.

(1) Unit- and battalion-level work is straightforward as to where it is performed.

(2) Installation-level work is subdivided into work centers. This regulation identifies the work center required to perform the work for manpower purposes.

b. This regulation will typically address the following levels of work:

(1) *Soldiers*. This level of work begins with a Soldier.

(2) *Unit*. This level of work is executed at unit level.

(3) *Battalion*. This level of work is executed at battalion level.

(4) *Command and Staff (C&S)*. This level of work is executed in the chain of command (other than battalion). The specific C&S work center covered by this regulation is Personnel Plans and Actions (PPA).

(5) *Personnel support (PS)*. This level of work is executed in a personnel support organization. The specific PS work centers covered by this regulation are Officer Records (ORs), Enlisted and Flagged Records, and Personnel Actions Branch (PAB).

Section V

Policy, Precedence, and Information

1-12. Objective and implementation

a. The objective of the Department of the Army Military Awards Program is to provide tangible recognition for acts of valor, exceptional service or achievement, special skills or qualifications, and acts of heroism not involving actual combat.

b. Implementation of the provisions of this regulation is a command responsibility. Administrative procedures will ensure the prompt recognition of deserving Soldiers.

1-13. Categories of individual awards

Individual awards are grouped into the following categories: Decorations, Good Conduct Medal, campaign and service medals, service ribbons, badges and tabs, and certificates and letters.

1-14. Time limitation

a. Except for the provisions of Section 1130, Title 10, United States Code (10 USC 1130), outlined below and paragraph 1-15 (Lost recommendations), each recommendation for an award of a military decoration must be entered administratively into military channels within 2 years of the act, achievement, or service to be honored. Submission

into military channels is defined as “signed by the initiating official and endorsed by a higher official in the chain of command.” However, pursuant to 10 USC 1130, a Member of Congress can request consideration of a proposal for the award or presentation of decoration (or the upgrading of a decoration), either for an individual or unit, that is not otherwise authorized to be presented or awarded due to limitations established by law or policy. Based upon such review, the Secretary of the Army will make a determination as to the merits of approving the award or presentation of the decoration and other determinations necessary to comply with congressional reporting under 10 USC 1130.

b. To be fully effective, an award must be timely. Undue delay in submitting a recommendation may preclude its consideration. It is highly desirable that a recommendation be placed in military channels and acted upon as quickly as possible. If circumstances preclude submission of a completely documented recommendation, it is best to submit it as soon as possible and note that additional data will be submitted later. However, to ensure prompt recognition, interim awards should be considered and are encouraged as indicated in paragraph 1–20.

c. No military decoration, except the Purple Heart, will be awarded more than 3 years after the act or period of service to be honored. The Purple Heart differs from all other decorations in that an individual is not “recommended” for the decoration; rather he or she is entitled to it upon meeting specific criteria. Exceptions to the time limit include decorations approved under 10 USC 1130 and the provisions in subparagraphs *d* and *e* below.

d. These time limitations do not apply to retroactive and conversion awards made in confirmation of recognition of previously issued orders, letters, or certificates or in exchange of decorations hereinafter authorized.

e. In cases where it can be conclusively proven that formal submission of a recommendation for award was not made within the time limitations indicated in *c* above, because either the person recommending or the person being recommended was in a prisoner of war (POW), missing in action (MIA) or in a medically incapacitated status, award of the Silver Star or lesser decorations may be approved without regard to elapsed time since the act, achievement, or service occurred, that is to be honored.

f. Recommendations for award of U.S. Army decorations forwarded through command channels to Commander, USA HRC, ATTN: AHRC–PDO–PA, Alexandria VA 22332–0471, for final action will be initiated sufficiently in advance to arrive in USA HRC not less than 60 days before the desired presentation date.

1–15. Lost recommendations

If the Secretary of the Army determines that a statement setting forth the distinguished act, achievement, or service, and a recommendation for official recognition was made and supported by sufficient evidence within 2 years after the distinguished service, and that no award was made because the statement was lost, or through inadvertence the recommendation was not acted upon; he or she may, within 2 years after the date of the determination, award any appropriate military decoration, Numeral, or Oak Leaf Cluster in lieu thereof, to the person concerned (10 USC 3744). In each case, the proponent for an award provides the following to Commander, USA HRC, ATTN: (AHRC–PDO–PA), Alexandria, VA 22332–0471:

a. Conclusive evidence of the formal submission of the recommendation into military channels.

b. Conclusive evidence of the loss of the recommendation or the failure to act on the recommendation through inadvertence.

c. A copy of the original recommendation, or its substantive equivalent. As a minimum, the recommendation should be accompanied by statements, certificates, or affidavits corroborating the events or services involved. It is emphasized that the proponent must provide Commander, USA HRC, ATTN: AHRC–PDO–PA, Alexandria, VA 22332–0471, with adequate information for Secretarial evaluation of the deed or service to determine if an award is to be made. The person signing a reconstructed award recommendation must be identified clearly in terms of his or her official relationship to the intended recipient at the time of the act or during the period of service to be recognized.

1–16. Reconsideration/Appeal of disapproved or downgraded award recommendations

a. A request for reconsideration or the appeal of a disapproved or downgraded award recommendation must be placed in official channels within 1 year from the date of the awarding authority’s decision. One time reconsideration by the award approval authority will be conclusive. However, pursuant to 10 USC 1130, a member of Congress can request a review of a proposal for the award or presentation of a decoration (or the upgrading of a decoration) that is not authorized to be presented or awarded due to time limitations established by law or policy for timely submission of a recommendation.

b. Recommendations are submitted for reconsideration or appeal only if new, substantive and material information is furnished and the time limits specified in paragraph 1–14 above do not prevent such action. Requests for reconsideration or appeal must be forwarded through the same official channels as the original recommendation. The additional justification for reconsideration or appeal must be in letter format, not to exceed two single-spaced typewritten pages. A copy of the original recommendation, with all endorsements, and the citation must be attached. If the original recommendation is not available, a new/reconstructed recommendation should be submitted.

c. If the reconsideration or appeal is approved and when a lesser decoration has already been approved, action is taken by the awarding authority to revoke the lesser awarded decoration.

d. Other options for reconsideration or appeal include the Army Board for Correction of Military Records (ABCMR)

and the Inspector General. A DD Form 149 (Application for Correction of Military Record) is required for review by the ABCMR.

1-17. Character of service

a. Personal decorations. A medal will not be awarded or presented to any individual whose entire service subsequent to the time of the distinguished act, achievement, or service has not been honorable. The determination of "honorable" will be based on such honest and faithful service according the standards of conduct, courage, and duty required by law and customs of the service of a member of the grade to whom the standard is applied. Commanders will ensure that—

(1) Individuals on whom favorable personnel actions have been suspended neither are recommended for nor receive awards during the period of the suspension. Exceptions to the above are Soldiers who are flagged for APFT failure, in accordance with AR 600-8-2, paragraph 1-15.

(2) Other-than-honorable service subsequent to submission of the recommendation for an award is promptly reported to the awards approving authority with a recommendation for appropriate action.

b. Waiver for overweight. As an exception to subparagraph a(1), above, a Soldier who is flagged for overweight may be recommended for and presented an award based on valor, heroism, or for length of service retirement. A waiver of the overweight flag must be processed to the first general officer in the Soldier's chain of command for approval or disapproval. A waiver for overweight is not required for award of the Purple Heart. Approval or disapproval authority is delegated to the first general officer in the chain of command. Waivers will be processed as separate and distinct actions from the award recommendation, and should be submitted and adjudicated prior to submission of the award recommendation. Approved waivers will accompany the award recommendation once submitted.

c. Badges. A badge will not be awarded to any person who, subsequent to qualification therefore, has been dismissed, dishonorably discharged, or convicted of desertion by court-martial.

1-18. Period of award

a. For meritorious service awards, the cited period is limited to the period of service during which the individual served under the recommending command, except in the case of retirement awards. (See para 1-22.) Meritorious service is characterized by distinguished service and performance above that normally expected, over a sustained period.

b. For meritorious achievement awards, the length of time is not a primary consideration; however, the act or achievement should have a clearly discernible beginning and ending date. Also, the speed of accomplishment of a time sensitive task could be an important factor in determining the value of the achievement or act.

c. For valor and heroism awards, the cited period is governed by the same standards stated in b above, the only difference is the manner and circumstances involved during the act.

1-19. Duplication of awards

a. Only one decoration will be awarded to an individual or unit for the same act, achievement, or period of meritorious service.

b. The award of a decoration in recognition of a single act of heroism or meritorious achievement does not preclude an award for meritorious service at the termination of an assignment. Recommendations for award of a decoration for meritorious service will not refer to acts of heroism or meritorious achievements which have been previously recognized by award of a decoration.

c. Continuation of the same or similar type service already recognized by an award for meritorious service or achievement will not be the basis for a second award. If appropriate, an award may be made to include the extended period of service by superseding the earlier award, or the award previously made may be amended to incorporate the extended period of service.

d. Awards authorities may not recommend a duplicate award for the same act or service from another service component. That is, if a Soldier is assigned to a joint command, he or she may not receive a joint award and a Service award for the same period; moreover, a Soldier who is retiring may only be recommended for a Service or Defense retirement award, but not both.

1-20. Interim awards and awards of a lesser decoration

a. To ensure that a deserving act, achievement, or service receives recognition, the appropriate authority may promptly award a suitable lesser military decoration pending final action on a recommendation for a higher award, except for retiring U.S. Army general officers. When a higher award is approved, the approving authority will revoke the interim award using a separate Permanent Order in accordance with AR 600-8-105. The decoration will be returned by the recipient, unless the higher award is approved posthumously, in which case the next of kin will be permitted to retain both awards.

Table 2–6
Steps for processing a recommendation for award of the Military Outstanding Volunteer Service Medal

Step	Work Center	Required Action
1	Recommender	Complete blocks 1, 2, 3, and Part I (blocks 4 through 11 and 13) of DA Form 638. Complete Part II (blocks 14 and 19). A signature is required for block 19. Complete Part III. Block 20 will be used to list Soldier's volunteer service. One or all blocks may be used Complete block 21. The proposed citation will be used when the award is presented to Soldier. The proposed citation will be limited to six lines Forward recommendation through Soldier's immediate supervisor, unit commander, or staff officer.
3	Company Commander, OIC, or Supervisor	Forwards recommendation to PSC for verification of eligibility (flagging) data.
4	PSC or Admin Clerk	Checks to see if Soldier is flagged. If flagged, check AR 600–8–2 for award eligibility. If ineligible, return action through Company Commander, OIC or supervisor to recommender. If eligible, certify by signature and date on separate memorandum and return to Soldier's immediate supervisor or unit commander.
5	Company Commander, OIC, or Supervisor	Complete block 23 indicating approval or disapproval of award and forwards to next higher commander, supervisor, headquarters.
6	Immediate authority	Complete blocks 24 and 25, as applicable. If the chain is such that more blocks are required, additional endorsements will be completed on 8 1/2 by 11 -inch bond paper and enclosed as an addendum to the form. Forward to award approval authority.
7	Award approval authority	Final award approval authority will complete block 26 indicating approval or disapproval, and return original form through the intermediate commander to the BN S1.
8	PAC/Admin Clerk	If award is disapproved, make copies of the DA Form 638 for PSC records and return the original through intermediate commander (if any) to BN S1. The PAC will make copies for recommender, individual and BN (unit) files. The BN S1 will update the ORB or ERB showing award of the MOVSM and return original DA Form 638 to recommender.
9	Recommender	Arrange and conduct presentation ceremony.

Chapter 3

U.S. Army Individual Decorations

Section I

Overview

3–1. Intent

a. U.S. Army military decorations are awarded in recognition of heroism, meritorious achievement, or meritorious service.

b. In peacetime, U.S. Army military decorations recognize achievements which have significantly contributed to the readiness or effectiveness of a unit or organization, or have made notable contributions to the morale or esprit de corps of units or organizations. Exceptional command or leadership of a crew, team, section, squad, or similar unit may be considered meritorious achievement or service. Recommendations for awards must be based on specific achievement.

c. The decision to award an individual a decoration and the decision as to which award is appropriate are both subjective decisions made by the commander having award approval authority. Awards for meritorious achievement or

service will not be based upon the grade of the intended recipient. Rather, the award should reflect both the individual's level of responsibility and his or her manner of performance. The degree to which an individual's achievement or service enhanced the readiness or effectiveness of his or her organization will be the predominant factor.

d. No individual is automatically entitled to an award upon departure from an assignment. Awards presented in conjunction with a permanent change of station will be limited to exceptional cases. Certificates of Achievement and Letters of Commendation or Appreciation are appropriate means to recognize departing personnel.

e. No preconditions for an award may be established such as, for example, when Soldiers are informed in advance that attainment of specific goals will result in the automatic award of a given decoration. Military decorations will not be used as prizes in contests.

f. Limiting awards to a specific number per unit is not authorized.

3-2. Decorations authorized and order of precedence

a. The U.S. Army decorations authorized and the order of precedence are as follows:

- (1) Medal of Honor.
- (2) Distinguished Service Cross.
- (3) Distinguished Service Medal.
- (4) Silver Star.
- (5) Legion of Merit.
- (6) Distinguished Flying Cross.
- (7) Soldier's Medal.
- (8) Bronze Star Medal.
- (9) Meritorious Service Medal.
- (10) Air Medal.
- (11) Army Commendation Medal.
- (12) Army Achievement Medal.

b. The above awards are outlined in table 3-4 at the end of this chapter.

3-3. Personnel eligible

Decorations are awarded primarily to military personnel for services performed while in active Federal military service. However, established criteria for some decorations authorizes awards to personnel in other categories. The following additional instructions apply:

a. The Secretary of the Army may award specific decorations to members of the Reserve Components of the Army not in active Federal service. This would be to recognize exceptionally meritorious service or singular acts of heroism or achievement directly related to performance of duty as a member of such Reserve Components. The Secretary may also at his or her discretion award an appropriate decoration during occasional periods of active military service. To qualify, these acts, achievements, or services must not be related directly to membership in the Reserve Component. They must clearly be of significant benefit to the mission accomplishment of the Army.

b. Specific decorations may be awarded to U.S. citizen civilian personnel who are determined to be "serving with" the U.S. Army in a combat zone. (See table 3-6.)

c. Specific decorations may be awarded to foreign personnel for acts or services deemed to be beneficial to the U.S. Government. (See para 1-38.)

d. Awards of medals may be made following the death of the person being honored.

3-4. Who may recommend

It is the responsibility of any individual having personal knowledge of an act, achievement, or service believed to warrant the award of a decoration, to submit a formal recommendation into military command channels for consideration. The Army does not condone self-recognition; therefore, a Soldier may not recommend himself/herself for award of a decoration.

3-5. Peacetime award approval authority

a. Awards for peacetime service are made by the President, the Secretary of Defense, and the Secretary of the Army. When peacetime criteria apply, authority to award decorations is automatically delegated as shown in table 3-5 at the end of this chapter.

b. Approval authorities must be in command or serving as head of a principal HQDA agency. Authority is extended to include those individuals occupying vacant positions of approval authorities listed in table 3-5, regardless of grade. For example, a LTC assigned on orders as a Brigade Commander (an authorized Colonel position) is authorized to act on recommendations for award of the Army Commendation Medal. This authority may not be delegated to subordinate officials (that is, executive officer, chief of staff, deputy commander, and so forth). In instances where the incumbent

regular and frequent participation in aerial flight for a period of at least 6 months. In this regard, accumulation of a specified number of hours and missions will not serve as the basis for award of the Air Medal. Criteria in paragraph *c*, above, concerning conditions of conflict are applicable to award of the Air Medal for meritorious service.

f. Award of the Air Medal is primarily intended to recognize those personnel who are on current crewmember or noncrewmember flying status which requires them to participate in aerial flight on a regular and frequent basis in the performance of their primary duties. However, it may also be awarded to certain other individuals whose combat duties require regular and frequent flying in other than a passenger status, or individuals who perform a particularly noteworthy act while performing the function of a crewmember, but who are not on flying status as prescribed in AR 600–106. These individuals must make a discernible contribution to the operational land combat mission or to the mission of the aircraft in flight. Examples of personnel whose combat duties require them to fly include those in the attack elements of units involved in air-land assaults against an armed enemy and those directly involved in airborne command and control of combat operations. Involvement in such activities, normally at the brigade/group level and below, serves only to establish eligibility for award of the Air Medal; the degree of heroism, meritorious achievement or exemplary service determines who should receive the award. Awards will not be made to individuals who use air transportation solely for the purpose of moving from point to point in a combat zone.

g. Numerals, starting with 2 will be used to denote second and subsequent awards of the Air Medal. (See para 6–4.)

3–17. Army Commendation Medal

a. The Army Commendation Medal (ARCOM) was established by War Department Circular 377, 18 December 1945 (amended in DA General Orders 10, 31 March 1960).

b. The ARCOM is awarded to any member of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, distinguishes himself or herself by heroism, meritorious achievement or meritorious service. Award may be made to a member of the Armed Forces of a friendly foreign nation who, after 1 June 1962, distinguishes himself or herself by an act of heroism, extraordinary achievement, or meritorious service which has been of mutual benefit to a friendly nation and the United States.

c. Awards of the ARCOM may be made for acts of valor performed under circumstances described above which are of lesser degree than required for award of the Bronze Star Medal. These acts may involve aerial flight.

d. The ARCOM may be awarded for acts of noncombatant-related heroism which does not meet the requirements for an award of the Soldier's Medal.

e. The ARCOM will not be awarded to general officers.

f. Awards of the ARCOM may be made to any individual commended after 6 December 1941 and before 1 January 1946 in a letter, certificate, or order of commendation, as distinguished from letter of appreciation, signed by an officer in the grade or position of a major general or higher. Veterans and retirees may submit letter applications to the National Personnel Records Center, 9700 Page Avenue, St. Louis, MO 63132–5100. Soldiers who retired or were discharged after 1 October 2002 will send their letter application to the Commander, U.S. Army Human Resources Command, ATTN: AHRC–CC–B, 1 Reserve Way, St. Louis, MO 63132–5200. Awards of the Army Commendation Ribbon and of the Commendation Ribbon with Metal Pendant were redesignated by DA General Orders 10, 31 March 1960, as awards of the Army Commendation Medal, without amendment of orders previously issued.

3–18. Army Achievement Medal

a. The Army Achievement Medal (AAM) was established by the Secretary of the Army, 10 April 1981, as announced in Department of the Army General Order 15, 1990.

b. The AAM is awarded to any member of the Armed Forces of the United States, or to any member of the Armed Forces of a friendly foreign nation, who distinguished himself or herself by meritorious service or achievement of a lesser degree than required for award of the Army Commendation Medal.

c. The AAM will not be awarded to general officers.

Section III

Task: Process DA Form 638, Recommendation for Award

3–19. Rules for processing DA Form 638, Recommendation for Award

a. The DA Form 638 will be used to initiate, process, and approve award recommendations of all U.S. Army individual decorations, to include valor and heroism decorations.

b. Statutory and regulatory time limits for processing valorous awards are in paragraphs 1–14 and 1–15.

c. Criteria for the various valor awards are as shown in this chapter under the respective decoration.

d. Approval authorities may make award decisions without referral to a local awards board. Awards boards are optional and are at the discretion of the approval authority.

e. Permanent award orders are an authorized part of the DA Form 638. Permanent award orders authority may be delegated to award approval authorities who would not normally publish permanent orders. This delegation should be in writing. Permanent orders filing will include a master set filed at the issuing headquarters; see AR 600–8–105,

formats 320, 700, and 705. Approved awards of the Medal of Honor and Distinguished Service Cross will be confirmed in Department of the Army General Orders.

f. Amendments, rescissions, or revocation of permanent award orders will be prepared on a separate order (See 600–8–105, formats 700 and 705 and paragraphs 1–28 through 1–30 of this regulation). Award orders issued/announced on the DA Form 638 will be amended or revoked using a separate Permanent Order in accordance with AR 600–8–105 (Format 700 or 705).

g. Approval authorities for individual decorations are in tables 3–5 and 3–6 at the end of this chapter.

h. Commanders may disapprove (to include downgrade) the next higher award normally associated with their grade, provided such authority has been delegated to them. This delegation must be in writing. Refer to paragraph 3–5d (above).

i. Orders publication authority for awards may be delegated by Meritorious Service Medal approval authorities (BG and above) to commanders exercising lower award approval authority. Such delegation will allow those commanders (COL or LTC) with Army Commendation Medal or Army Achievement Medal approval authority to issue award orders once the award is approved. The documentation and control requirements in AR 600–8–105, paragraph 1–22, must be established by the commander before publishing award orders.

j. Each headquarters will have procedures established to ensure that every recommendation is processed with a minimum of delay. Recommendations requiring action by HQ, USA HRC or higher authority should arrive no later than 60 days prior to the desired presentation date. All other recommendations should be approved or disapproved within command channels within 60 days of initiation.

k. When an award recommendation contains classified information, no classified information will be entered on the DA Form 638. Supporting and allied documents will bear a security classification and/or protective markings. The packet will be prepared, processed and protected according to AR 380–5. Proposed and approved citations will be prepared so as to contain no classified information.

l. A separate recommendation will be submitted for each proposed award of a decoration and only one proposed awardee will be named in a single recommendation.

m. The recommender will, to the extent possible, verify data on the DA Form 638 concerning the awardee from official Army personnel documents.

n. Recommendations submitted to HQ, USA HRC (AHRC–PDO–PA) will be submitted with the original and three copies of all documents.

o. Premature disclosure of information to the public, or to the individual being recommended for an award is a potential source of embarrassment to recommending officials and should be strongly discouraged. Prior disclosure of approved awards should also be discouraged since it would diminish the impact of ceremonies when the award is ultimately presented.

p. All recommendations placed in official channels must be forwarded through command channels to the designated commander authorized to approve or disapprove the award. Where appropriate, intermediate endorsing officials or commanders may recommend disapproval or comment on the propriety of lesser or higher awards if they do not favor the requested decoration. Each intermediate commander/supervisor will recommend approval or disapproval, and cite specific reasons whenever disapproval is recommended. Placement in official channels is defined as “signed by the initiating official and endorsed by a higher official in the chain of command.”

q. Typing the recommendation is not required. Recommendations may be handwritten or hand-printed, but must be clearly legible. Use only black ink for machine readability (copier, fax, or microfiche). If the form is typed, the limited resources of the PAC should not be used for this purpose.

r. Narrative description of meritorious service or achievement for awards of the MSM, ARCOM, and AAM will be limited to bullet format in the space allowed on the DA Form 638. Narratives are required for all other awards and will be added as an addendum to the recommendation. Narrative should be prepared on 8 1/2 by 11-inch bond paper and is limited to one double spaced typewritten page except for recommendations of the Distinguished Service Medal and above. Narratives for valor must contain a description of the following elements: terrain and weather of the area in which the action took place; enemy conditions, to include morale, proximity, firepower, casualties and situation prior to, during and after the act; the effect of the act on the enemy; the action of comrades in the immediate vicinity of the act and the degree of their participation in the act; if the act occurred in aerial flight, the type and position of the aircraft and the individual’s crew position; the degree to which the act was voluntary; the degree to which the act was outstanding and exceeded what was normally expected of the individual; all unusual circumstances; and overall effects or results of the act.

s. Heroism award recommendations will contain statements of eyewitnesses, preferably in the form of certificates, affidavits, or sworn statements; extracts from official records; sketches; maps; diagrams; photographs; and so forth, which support and amplify stated facts for the heroism award.

t. All Medal of Honor recommendations must be referred to HQ, USA HRC for action, regardless of the recommendations by field and intermediate level commanders. Medal of Honor recommendations will be processed on a priority basis and will not be interrupted before they are referred to Commander, USA HRC (AHRC–PDO–PA). Medal of Honor recommendations will be processed and controlled as "For Official Use Only" material. Premature disclosure of

Medal of Honor action is not authorized. Medal of Honor recommendations will contain, when appropriate, the endorsement of the subordinate unified commander; commander, joint task force; unified or specified commander involved; and a recommendation from the JCS. After JCS recommendation is received, HQ, USA HRC (AHRC-PDO-PA) will continue the final processing.

u. Properly constituted award recommendations will include the following:

- (1) DA Form 638.
- (2) Narrative justification as explained above.
- (3) Proposed citation.
- (4) Support documents. (Optional)
- (5) Eyewitness statements in the form of certificates, affidavits, or sworn statements. (Optional for Silver Star and lesser awards.)
- (6) Records, extracts, sketches, maps, diagrams, and photographs which support and amplify the award of heroism. (Optional for Silver Star and lesser awards.)
- (7) Recommendations from all intermediate level commanders.

v. Posthumous valor awards must always reflect accurately the actual events and circumstances for which the award is being presented. Effective 18 April 2006, prior to taking any action on a posthumous valor award recommendation, the award approval authority must review the completed AR 15-6 collateral investigation, to ensure the accuracy of the awards process. The approval authority must also indicate on in block 26i, DA Form 638 that the completed AR 15-6 investigation was reviewed.

w. For historical purposes, both the DA Form 638 indicating disapproval/downgrading and the certificate for the approved award should be forwarded for filing the OMPF.

x. See table 3-3, for steps for preparing Army awards certificates.

RECOMMENDATION FOR AWARD			
For use of this form, see AR 600-8-22; the proponent agency is DCS, G-1.			
For valor/heroism/wartime and all awards higher than MSM, refer to special instructions in Chapter 3, AR 600-8-22.			
1. TO Commander, 82d Airborne Division, Ft Bragg, NC 28310		2. FROM Commander, HHD, 27th Main Support Bn, 1st Cavalry Division, Ft. Hood, TX 76544	
3. DATE (YYYYMMDD) 20060710			
PART I - SOLDIER DATA			
4. NAME (Last, First, Middle Initial) DOE, JOHN B Sr.		5. RANK SSG	
		6. SSN 000-11-2222	
7. ORGANIZATION HHD, 27th Main Support Bn, 1st Cavalry Division, Ft. Hood, TX 76544		8. PREVIOUS AWARDS AAM-4, ARCOM-2, MSM-1, BSM-1	
9. BRANCH OF SERVICE		10. RECOMMENDED AWARD MSM IOLC	
		11. PERIOD OF AWARD a. FROM 20020401 b. TO 20061009	
PART II - RECOMMENDER DATA			
12. REASON FOR AWARD		13. PROPOSED PRESENTATION DATE (YYYYMMDD)	
12a. INDICATE REASON PCS		12b. INTERIM AWARD IF YES, STATE AWARD GIVEN	
		12c. POSTHUMOUS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
		20061212	
14. NAME (Last, First, Middle Initial) JONES, YOLANDA A.		15. ADDRESS HHD, 27th Main Support Bn Ft. Hood, TX 76544	
16. TITLE/POSITION Platoon Sergeant		17. RANK SFC	
18. RELATIONSHIP TO AWARDEE Platoon Sergeant		19. SIGNATURE //SIGNED//	
PART III - JUSTIFICATION AND CITATION DATA (Use specific bullet examples of meritorious acts or service)			
20. ACHIEVEMENTS			
ACHIEVEMENT #1 SSG Doe was responsible for all logistics matters pertaining to the unit. He reviewed internal logistical status reports and provided daily logistical information to the higher headquarters.			
ACHIEVEMENT #2 SSG Doe maintained the current status of the commander's critical list. He was responsible for coordinating transportation requests for the administrative moves.			
ACHIEVEMENT #3 SSG Doe was responsible for ensuring highway clearances were submitted and supervised over internal supply and maintenance procedures. He provided support to all battalion-level command, staff personnel, and battalion food service personnel.			
ACHIEVEMENT #4 SSG Doe provided support to the units Forward Support Battalions and the Aviation Support Battalion.			
21. PROPOSED CITATION For exceptionally meritorious service while assigned as Noncommissioned Officer in Charge of the Support Operations Section. Staff Sergeant Doe's leadership and selfless devotion to duty enhanced operational support and ensured mission accomplishment. His professionalism reflects great credit upon himself, the 1st Cavalry Division, and the United States Army.			

DA FORM 638, APR 2006

REPLACES DA FORM 638-1.
PREVIOUS EDITIONS OF DA FORM 638 ARE OBSOLETE.Page 1 of 3
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Figure 3-1. Sample of a completed DA Form 638

NAME (Last, First, Middle Initial) DOE, JOHN B Sr.		SSN 000-11-2222	
PART IV - RECOMMENDATIONS/APPROVAL/DISAPPROVAL			
22. I certify that this individual is eligible for an award in accordance with AR 600-8-22, and that the information contained in Part I is correct.		22a. SIGNATURE //SIGNED//	22b. DATE (YYYYMMDD) 20060812
23. INTERMEDIATE AUTHORITY	a. TO 27TH MSB FT. Hood, TX 76544	b. FROM HHD, 27TH MSB FT. Hood, TX 76544	c. DATE (YYYYMMDD) 20060826
d. RECOMMEND: <input checked="" type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL <input type="checkbox"/> UPGRADE TO: <input type="checkbox"/> DOWNGRADE TO:			
e. NAME (Last, First, Middle Initial) SMITH, SEAN W.		f. RANK CPT	
g. TITLE/POSITION COMPANY COMMANDER		h. SIGNATURE //SIGNED//	
i. COMMENTS Great Soldier!!			
24. INTERMEDIATE AUTHORITY	a. TO 1ST CAV DIV SPT BDE FT. Hood, TX 76544	b. FROM 27TH MSB FT. Hood, TX 76544	c. DATE (YYYYMMDD) 20060915
d. RECOMMEND: <input checked="" type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL <input type="checkbox"/> UPGRADE TO: <input type="checkbox"/> DOWNGRADE TO:			
e. NAME (Last, First, Middle Initial) BIRDEES, CARL A.		f. RANK LTC	
g. TITLE/POSITION BATTALION COMMANDER		h. SIGNATURE //SIGNED//	
i. COMMENTS Outstanding and motivated Soldier!!! Well deserving of this award.			
25. INTERMEDIATE AUTHORITY	a. TO 1ST CAV DIV Ft. Hood, TX 76544	b. FROM 1ST CAV DIV SPT BDE Ft. Hood, TX 76544	c. DATE (YYYYMMDD) 20060919
d. RECOMMEND: <input checked="" type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL <input type="checkbox"/> UPGRADE TO: <input type="checkbox"/> DOWNGRADE TO:			
e. NAME (Last, First, Middle Initial) HURLEY, MATTHEW S.		f. RANK COL	
g. TITLE/POSITION BRIGADE COMMANDER		h. SIGNATURE //SIGNED//	
i. COMMENTS Outstanding NCO and trooper. Lives the Warrior Ethos!!			
26. APPROVAL AUTHORITY	a. TO ORDERS ISSUING AUTHORITY	b. FROM 1ST CAV DIV FT. Hood, TX 76544	c. DATE (YYYYMMDD) 20060928
d. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED <input type="checkbox"/> RECOMMEND UPGRADE TO: <input type="checkbox"/> DOWNGRADE TO:			
e. NAME (Last, First, Middle Initial) CHASE, PETER W.		f. RANK BG	
g. TITLE/POSITION DIVISION COMMANDER		h. SIGNATURE //SIGNED//	
i. COMMENTS			
PART V - ORDERS DATA			
27a. ORDERS ISSUING HQ HQ, 1ST CAVALRY DIVISION FT. HOOD, TX 76544		27b. PERMANENT ORDER NO. 334-01	31. DISTRIBUTION 1-File 1-OMPF 1-Unit 3-Individual
28a. NAME OF ORDERS APPROVAL AUTHORITY NEPOLIAN, MARIE S.		28b. RANK CPT	
28c. TITLE/POSITION ADJUTANT		29. APPROVED AWARD MSM 1OLC	
28d. SIGNATURE //SIGNED//		30. DATE (YYYYMMDD) 20061130	

DA FORM 638, APR 2006

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Figure 3-1. Sample of a completed DA Form 638 - continued

NAME DOE, JOHN B Sr.		SSN 000-11-2222	
ADDENDUM - INTERMEDIATE AUTHORITY			
25-A1. INTERMEDIATE AUTHORITY	a. TO	b. FROM	c. DATE (YYYYMMDD)
d. RECOMMEND: <input type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL <input type="checkbox"/> UPGRADE TO: <input type="checkbox"/> DOWNGRADE TO:			
e. NAME (Last, First, Middle Initial)		f. RANK	
g. TITLE/POSITION		h. SIGNATURE	
i. COMMENTS			
25-A2. INTERMEDIATE AUTHORITY	a. TO	b. FROM	c. DATE (YYYYMMDD)
d. RECOMMEND: <input type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL <input type="checkbox"/> UPGRADE TO: <input type="checkbox"/> DOWNGRADE TO:			
e. NAME (Last, First, Middle Initial)		f. RANK	
g. TITLE/POSITION		h. SIGNATURE	
i. COMMENTS			
25-A3. INTERMEDIATE AUTHORITY	a. TO	b. FROM	c. DATE (YYYYMMDD)
d. RECOMMEND: <input type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL <input type="checkbox"/> UPGRADE TO: <input type="checkbox"/> DOWNGRADE TO:			
e. NAME (Last, First, Middle Initial)		f. RANK	
g. TITLE/POSITION		h. SIGNATURE	
i. COMMENTS			
25-A4. INTERMEDIATE AUTHORITY	a. TO	b. FROM	c. DATE (YYYYMMDD)
d. RECOMMEND: <input type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL <input type="checkbox"/> UPGRADE TO: <input type="checkbox"/> DOWNGRADE TO:			
e. NAME (Last, First, Middle Initial)		f. RANK	
g. TITLE/POSITION		h. SIGNATURE	
i. COMMENTS			
25-A5. INTERMEDIATE AUTHORITY	a. TO	b. FROM	c. DATE (YYYYMMDD)
d. RECOMMEND: <input type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL <input type="checkbox"/> UPGRADE TO: <input type="checkbox"/> DOWNGRADE TO:			
e. NAME (Last, First, Middle Initial)		f. RANK	
g. TITLE/POSITION		h. SIGNATURE	
i. COMMENTS			

DA FORM 638, APR 2006

Page 3 of 3
APD PE v2.01ES

Figure 3-1. Sample of a completed DA Form 638 - continued

3–20. Steps for preparing and processing awards using the DA Form 638, Recommendation for Award

The steps for preparing and processing awards using the DA Form 638 are in table 3–2.

STEPS	WORK CENTER	REQUIRED ACTION
1		Soldier performs a valorous or heroic act, meritorious achievement or meritorious service.
2	Recommender	Completes parts I, II, and III of DA Form 638.
3	Recommender	Enter the address of the final approval authority in block 1.
4	Recommender	Enter the address of the Soldier's immediate commander in block 2.
5	Recommender	Enter date in block 3. This field is automatically completed once the user signs block 19.
6	Recommender	Click the SET NAME button in block 4 and enter Soldier's complete name. Then click SAVE NAME.
7	Recommender	Enter Soldier's rank in block 5 or click the drop down menu and select a rank.
8	Recommender	Enter Soldier's social security number and unit in blocks 6 and 7, respectively.
9	Recommender	List all previous individual decorations to include oak leaf clusters or numerals in block 8 (for examples, AAM-2OLC). If no award, state "NO AWDS." The user will click on the PREVIOUS AWARDS button to complete.
10	Recommender	Use block 9 for recommendations for award to member of other U.S. Armed Forces and foreign military personnel. For members of the other U.S. Armed Forces, enter the Service (for example, U.S. Air Force). For foreign military personnel enter the country (for example, Federal Republic of Germany).
11	Recommender	Enter recommended award, to include oak leaf cluster or number of award (in case of the Air Medal) in block 10.
12	Recommender	Enter the period covered by proposed award in block 11. The date format is YYYYMMDD. Also, the user will click on SET DATE button to complete the field.
13	Recommender	Enter reasons for the recommended award in block 12. Specify if the award is for valor, heroism, meritorious achievement or meritorious service. If interim award was made, state award given. See glossary for definitions of valor, heroism, meritorious achievement and meritorious service.
14	Recommender	Check yes or no in block 12c for posthumous award.
15	Recommender	Enter the proposed presentation date in block 13. The date format is YYYYMMDD. Also, the user will click on SET DATE button to complete the field.

Table 3-2
Steps for preparing and processing awards using the DA Form 638, Recommendation for Award—Continued

16	Recommender	Recommender will complete blocks 14 through 19. (Block 18 serves to clarify the status of the recommender particularly in cases where someone outside the chain of command is making a recommendation.) For historical purposes it is imperative that the recommender sign the original DA Form 638 in block 19. The user cannot digitally sign this field until the first page is completed (includes blocks 20 and 21).
17	Recommender	Block 20—for awards of the MSM, ARCOM, and AAM, use bullet statements to list the individual's meritorious achievements or service. This block allows for up to 4 separate achievements to be listed. A maximum of 4 lines may be completed. For awards of the LM and above, a narrative or bullet justification (not to exceed one page) is required and will be added as an addendum (enclosure) to the DA Form 638. See paragraph 3-19 for specific requirements for heroism and valor awards.
18	Recommender	Complete the proposed citation in block 21. Citation for awards of the MSM, ARCOM, & AAM are limited to six lines and will be restricted to the space allowed on the DA Form 638. All other awards are limited to nine lines and may be submitted on 8 1/2 by 11-inch bond paper. Awards of the DSM and above may be up to 19 lines.
19	Recommender	Submit the proposed award to the individual's immediate commander/supervisor for further action.
20	Commander/Supervisor	Forward the DA Form 638 to PAC for verification of eligibility (flagging) data.
21	PAC/Admin Clerk	Check to see if Soldier is flagged. If flagged, check AR 600-8-22 for award eligibility. If eligible, certify by signature in block 22 and return to Cdr/Supv. If ineligible, return the DA Form 638 through Cdr/Supv to recommender.
22	Commander/Supervisor	Complete block 23 of the DA Form 638 to either approve, disapprove, upgrade or downgrade the award recommendation. One block must be checked. If recommending downgrade/upgrade, ensure to indicate which award next to the appropriate block. Take final action and complete block 26 if authorized to do so or forward to next higher commander, supervisor, or headquarters.
23	Intermediate authority	Complete blocks 24 and 25, as applicable. If the chain is such that more blocks are required, the addendum page to DA Form 638 must be completed.
24	Award approval authority	Final award approval authority will complete block 26. If award is approved, downgraded to a lesser award or upgraded forward the DA Form 638 to orders issuing authority (PAC) for completion of Part V-Orders data. Also, ensure that para 3-19v is reflected (if applicable).

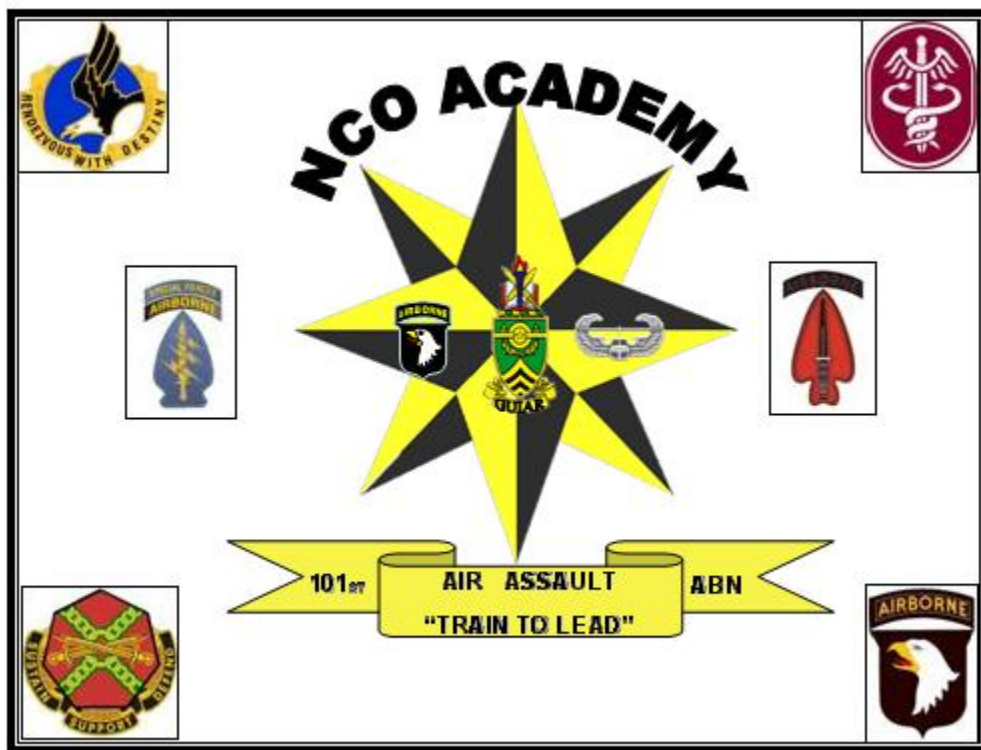
HANDOUTS FOR LESSON 1: L225 version 6

This appendix contains the items listed in this table--

Title / Synopsis	Page(s)
SH-1, Advance Sheet	SH-1-1 thru SH-1-4
SH-2, Extracted Material from AR 25-50, Preparing and Managing Army Correspondence	SH-2-1 thru SH-2-20
SH-3, Extracted Material from DA Pam 600-67, Effective Writing for Army Leaders	SH-3-1 thru SH-3-5
SH-4, Extracted Material from AR 600-8-22, Military Awards	SH-4-1 thru SH-4-14
SH-5, Extracted Material from 191-0124, Prepare DA Form 2823 (Sworn Statement)	SH-5-1 thru SH-5-6

L226

- Read Student Handout 1, Appendix D, for reading and study assignments



HANDOUTS FOR LESSON 1: L226 version 6

This appendix contains the items listed in this table--

Title/Synopsis	Pages
SH-1, Advance Sheet	SH-1-1 and SH-1-2

Student Handout 1

Advance Sheet

Lesson Hours This lesson consists of one hour of small group instruction and three hours of presentation.

Overview During this lesson you will prepare and present a military history brief to the class using the Military Briefing Standards IAW the Oral Military Brief scoresheet.

Learning Objective Terminal Learning Objective (TLO).

Action:	Brief a historical contribution of an NCO or significant Army event.
Conditions:	As a leader of a squad/team, in the classroom, and given the instruction in this lesson.
Standard:	Brief a historical contribution of an NCO or significant Army event by-- <ul style="list-style-type: none">• Receiving a GO on the oral military history performance brief.• Reviewing the Army military brief standards, and• Presenting an oral military history brief.

ELO A Review the Army Military Briefing standards.

ELO B Present a Military Briefing.

Assignment Review page SH-1-2 Oral History Brief scoresheet.

Additional Subject Areas Resources None

Bring to Class You must bring the following materials to class:

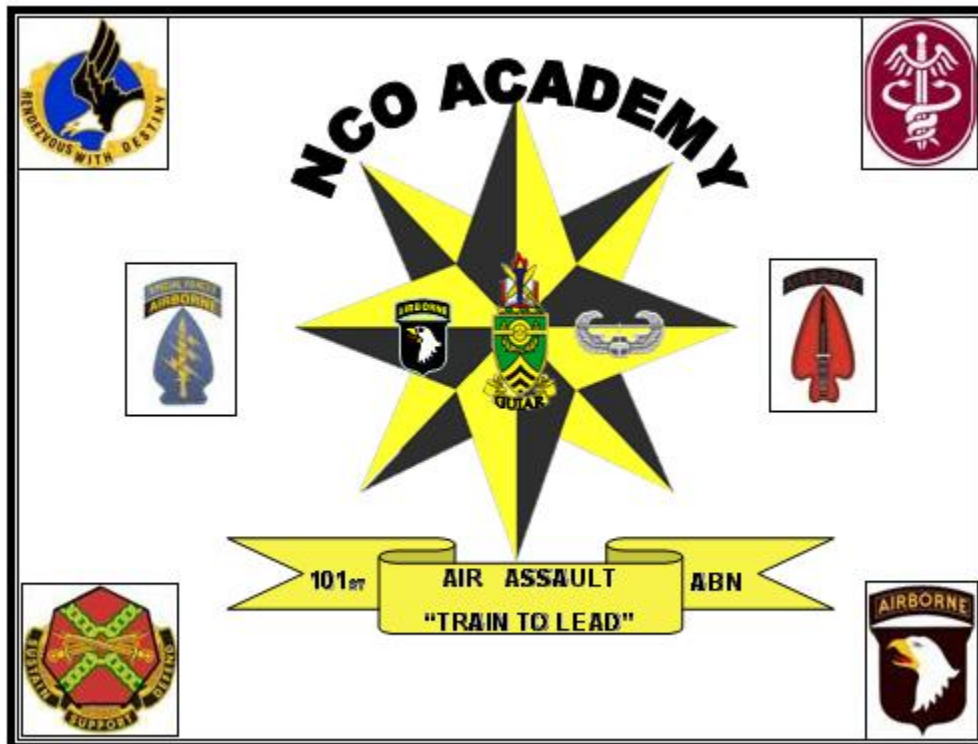
- All reference material received.
 - Pencil or pen and writing paper.
 - Any materials required by the NCOA's SOP.
-

ORAL HISTORY BRIEF			
RANK & NAME: (Last, First, MI)		STU#:	DATE:
SUBJECT:			
KEY COMMUNICATION FACTORS:	COMMENTS	POSS	RCVD
Personal Appearance & Bearing		5 pts	
Voice		5 pts	
Eye Contact		5 pts	
Gestures		5 pts	
Clarity		5 pts	
PRESENTATION:			
Preparation and Planning		5 pts	
Knowledge of Subject		5 pts	
Selection and Use of Training Aids		5 pts	
INTRODUCTION:			
Greeting		5 pts	
Purpose		5 pts	
Methodology/Procedure		5 pts	
BODY:			
Content		5 pts	
Logical Sequence		5 pts	
Effective Transition(s)		5 pts	
CLOSING:			
Summary		5 pts	
Asked Questions		5 pts	
Conclusion		5 pts	
TIME MANAGEMENT:			
Time		5 pts	
ADMINISTRATION:			
Risk Assessment / Safety		5 pts	
Accountability		5 pts	
		RAW SCORE:	100 pts
REMARKS:		POINTS	
		RATING	
NOTE: Maximum score is 100. Score each item from 0 to 5 points. Enter the appropriate rating in the RATING block as follows: 0-69=UNSATISFACTORY 70-89=SATISFACTORY 90-100=SUPERIOR			
SGL SIGNATURE and DATE:			
STU SIGNATURE and DATE:			

NOTE: If a performance step does not present itself during the evaluation, through no fault of the student, score that performance step a "GO."

L227

- Read Student Handout 1, Appendix D, for reading and study assignments



HANDOUTS FOR LESSON 1: L227 version 6

This appendix contains the items listed in this table--

Title / Synopsis	Page(s)
SH-1, Advance Sheet	SH-1-1 thru SH-1-5
SH-2, Extracted Material from AR 623-3, Evaluation Reporting System	SH-2-1 thru SH-2-25
SH-3, Extracted Material from DA Pam 623-3, Evaluation Reporting System	SH-3-1 thru SH-3-20

Student Handout 1

Advance Sheet

Lesson Hours This lesson consists of four hours of small group instruction.

Overview This lesson will provide you with a working knowledge of the regulatory guidelines of the Evaluation Reporting System (ERS) as it relates to the noncommissioned officer. You will also participate in a practical exercise that allows you to complete the rater's portion of the DA Form 2166-8 NCOER from a given situation.

Learning Objective Terminal Learning Objective (TLO).

Action:	Prepare the rater's portion of a Noncommissioned Officer Evaluation Report (NCOER).
Conditions:	As a leader of a squad/team, in the classroom, given the instruction in this lesson, AR 623-3, and DA Pam 623-3.
Standards:	<p>Prepare the rater's portion of an NCOER (DA Form 2166-8) based on information from an NCOER Counseling and Support Form (DA Form 2166-8-1) by--</p> <ul style="list-style-type: none"> • Achieving a GO on the end of module examination by scoring a minimum of 70 percent, • Applying the Evaluation Reporting System (ERS) requirements as they relate to noncommissioned officers, • Identifying the types of reports, and • Entering appropriate data into the rater's portion of the NCOER (DA Form 2166-8).

ELO A Apply the Evaluation Reporting System (ERS) as it relates to noncommissioned officers.

ELO B Identify types of reports.

ELO C Enter appropriate data into the rater's portion of the NCOER (DA Form 2166-8).

Assignment The student assignments for this lesson are:

- Scan the extract from AR 623-3, Evaluation Reporting System (SH-2).
- Scan the extract from DA Pam 623-3, Evaluation Reporting System (SH-3).
- Review pages SH-1-2 through SH-1-5 in this student handout.

Additional Subject Area Resources None

Bring to Class You must bring the following materials to class:

- All reference material received.
- Pen or pencil and writing paper.
- Any materials required by the NCOA's SOP.

NCO EVALUATION REPORT For use of this form, see AR 623-3; the proponent agency is DCS, G-1.						FOR OFFICIAL USE ONLY (FOUO) SEE PRIVACY ACT STATEMENT IN AR 623-3.	
PART I - ADMINISTRATIVE DATA							
a. NAME (Last, First, Middle Initial)			b. SSN		c. RANK	d. DATE OF RANK	e. PMOSC
f.1. UNIT	ORG.	STATION	ZIP CODE OR APO		MAJOR COMMAND	f.2. STATUS CODE	g. REASON FOR SUBMISSION
h. PERIOD COVERED		i. RATED MONTHS	j. NON-RATED CODES	k. NO. OF ENCL	l. RATED NCO'S EMAIL ADDRESS (.gov or .mil)	m. UIC	n. CMD CODE
FROM	THRU						o. PSB CODE
YEAR MONTH DAY	YEAR MONTH DAY						
PART II - AUTHENTICATION							
a. NAME OF RATER (Last, First, Middle Initial)			SSN		SIGNATURE		DATE (YYYYMMDD)
RANK	PMOSC/BRANCH	ORGANIZATION	DUTY ASSIGNMENT		RATER'S AKO EMAIL ADDRESS (.gov or .mil)		
a. NAME OF SENIOR RATER (Last, First, Middle Initial)			SSN		SIGNATURE		DATE (YYYYMMDD)
RANK	PMOSC/BRANCH	ORGANIZATION	DUTY ASSIGNMENT		SENIOR RATER'S AKO EMAIL ADDRESS (.gov or .mil)		
a. NAME OF REVIEWER (Last, First, Middle Initial)			SSN		SIGNATURE		DATE (YYYYMMDD)
RANK	PMOSC/BRANCH	ORGANIZATION	DUTY ASSIGNMENT		REVIEWER'S AKO EMAIL ADDRESS (.gov or .mil)		
d. <input type="checkbox"/> CONCUR WITH RATER AND SENIOR RATER EVALUATIONS <input type="checkbox"/> NONCONCUR WITH RATER AND/OR SENIOR RATER EVAL (See attached Comments)							
e. RATED NCO: I understand my signature does not constitute agreement or disagreement with the evaluations of the rater and senior rater. I further understand my signature verifies that the administrative data in Part I, the rating officials in Part II, the duty description to include the counseling dates in Part III, and the APFT and height/weight entries in Part IVc are correct. I have seen the completed report. I am aware of the appeals process of AR623-3.					SIGNATURE		DATE (YYYYMMDD)
PART III - DUTY DESCRIPTION (Rater)							
a. PRINCIPAL DUTY TITLE					b. DUTY MOSC		
c. DAILY DUTIES AND SCOPE (To include, as appropriate, people, equipment, facilities and dollars)							
d. AREAS OF SPECIAL EMPHASIS							
e. APPOINTED DUTIES							
f. COUNSELING DATES		INITIAL		LATER		LATER	
PART IV - ARMY VALUES/ATTRIBUTES/SKILLS/ACTIONS (Rater)							
a. ARMY VALUES. Check either "YES" or "NO". (Comments are mandatory for "No" entries; optional for "Yes" entries.)						YES	NO
V A L U E S	Loyalty Duty Respect Selfless-Service Honor Integrity Personal Courage	1. LOYALTY: Bears true faith and allegiance to the U.S. Constitution, the Army, the unit, and other soldiers.					
		2. DUTY: Fulfills their obligations.					
		3. RESPECT/EO/EEO: Treats people as they should be treated.					
		4. SELFLESS-SERVICE: Puts the welfare of the nation, the Army, and subordinates before their own.					
		5. HONOR: Lives up to all the Army values.					
		6. INTEGRITY: Does what is right - legally and morally.					
		7. PERSONAL COURAGE: Faces fear, danger, or adversity (physical and moral).					
BULLET COMMENTS							

RATED NCO'S NAME (Last, First, Middle Initial) +		SSN	THRU DATE +
PART IV (Rater) - VALUES/NCO RESPONSIBILITIES		Bullet comments are mandatory. Substantive bullet comments are required for "EXCELLENCE" or "NEEDS IMPROVEMENT."	
b. COMPETENCE o Duty proficiency; MOS Competency o Technical & tactical; knowledge, skills, and abilities o Sound judgment o Seeking self-improvement; always learning o Accomplishing tasks to the fullest capacity; committed to excellence EXCELLENCE SUCCESS NEEDS IMPROVEMENT (Exceeds std) (Meets std) (Some) (Much) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			
c. PHYSICAL FITNESS & MILITARY BEARING o Mental and physical toughness o Endurance and stamina to go the distance o Displaying confidence and enthusiasm: looks like a soldier EXCELLENCE SUCCESS NEEDS IMPROVEMENT (Exceeds std) (Meets std) (Some) (Much) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			
d. LEADERSHIP o Mission first o Genuine concern for soldiers o Instilling the spirit to achieve and win o Setting the example, Be, Know, Do EXCELLENCE SUCCESS NEEDS IMPROVEMENT (Exceeds std) (Meets std) (Some) (Much) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			
e. TRAINING o Individual and team o Mission focused; performance oriented o Teaching soldiers how: common tasks, duty-related skills o Sharing knowledge and experience to fight, survive and win EXCELLENCE SUCCESS NEEDS IMPROVEMENT (Exceeds std) (Meets std) (Some) (Much) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			
f. RESPONSIBILITY & ACCOUNTABILITY o Care and maintenance of equipment and facilities o Soldier and equipment safety o Conservation of supplies and funds o Encouraging soldiers to learn and grow o Responsible for good, bad, right & wrong EXCELLENCE SUCCESS NEEDS IMPROVEMENT (Exceeds std) (Meets std) (Some) (Much) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			
PART V - OVERALL PERFORMANCE AND POTENTIAL			
a. RATER. Overall potential for promotion and/or service in positions of greater responsibility AMONG THE BEST FULLY CAPABLE MARGINAL <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	e. SENIOR RATER BULLET COMMENTS _____ _____ _____		
b. RATER. List three positions in which the rated NCO could best serve the Army at his/her current or next higher grade _____ _____ _____			
c. SENIOR RATER. Overall performance <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 1 2 3 4 5 Successful Fair Poor	d. SENIOR RATER. Overall potential for promotion and/or service in positions of greater responsibility. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 1 2 3 4 5 Superior Fair Poor		
+			

NCOER COUNSELING AND SUPPORT FORM For use of this form, see AR 623-3; the proponent agency is DCS, G-1.				<i>FOR OFFICIAL USE ONLY (FOUO) SEE PRIVACY ACT STATEMENT IN AR 623-3.</i>	
PART I - ADMINISTRATIVE DATA					
a. NAME (Last, First, Middle Initial)		b. SSN	c. RANK	d. DATE OF RANK	e. PMOSC
f. UNIT, ORG., STATION, ZIP CODE OR APO, MAJOR COMMAND		STATUS CODE	i. RATED NCO'S EMAIL ADDRESS (.gov or .mil)		o. PSB CODE
			m. UIC	n. CMD CODE	
PART II - AUTHENTICATION					
a. NAME OF RATER (Last, First, Middle Initial)		SSN	INITIAL	LATER	LATER
				LATER	LATER
RANK, PMOSC/BRANCH, ORGANIZATION, DUTY ASSIGNMENT				RATER'S AKO EMAIL ADDRESS (.gov or .mil)	
b. NAME OF SENIOR RATER (Last, First, Middle Initial)		SSN	INITIAL	LATER	LATER
				LATER	LATER
RANK, PMOSC/BRANCH, ORGANIZATION, DUTY ASSIGNMENT				SENIOR RATER'S AKO EMAIL ADDRESS (.gov or .mil)	
c. NAME OF REVIEWER (Last, First, Middle Initial)		SSN	INITIAL	LATER	LATER
				LATER	LATER
RANK, PMOSC/BRANCH, ORGANIZATION, DUTY ASSIGNMENT				REVIEWER'S AKO EMAIL ADDRESS (.gov or .mil)	
d. RATED NCO'S INITIALS			INITIAL	LATER	LATER
				LATER	LATER
PART III - DUTY DESCRIPTION (Rater)					
a. PRINCIPAL DUTY TITLE			b. DUTY MOSC		
c. DAILY DUTIES AND SCOPE (To include, as appropriate, people, equipment, facilities and dollars)					
d. AREAS OF SPECIAL EMPHASIS					
e. APPOINTED DUTIES					
f. PHYSICAL FITNESS & MILITARY BEARING					
		APFT	APFT DATE	HEIGHT/WEIGHT	
a. ARMY VALUES: PART IV - ARMY VALUES/ATTRIBUTES/SKILLS/ACTIONS (Rater)					
LOYALTY, DUTY, RESPECT/EO/EEO, SELFLESS-SERVICE, HONOR, INTEGRITY, PERSONAL					
TASK/ACTIONS:			PERFORMANCE SUMMARY:		

RATED NCO'S NAME (Last, First, Middle Initial)		SSN
b. COMPETENCE: <ul style="list-style-type: none"> <input type="checkbox"/> Duty proficiency; MOS competency <input type="checkbox"/> Sound judgment <input type="checkbox"/> Accomplishing tasks to the fullest capacity; committed to excellence <input type="checkbox"/> Technical & tactical; knowledge, skills, and abilities <input type="checkbox"/> Seeking self-improvement; always learning 		
TASK/ACTIONS:		PERFORMANCE SUMMARY:
c. PHYSICAL FITNESS & MILITARY BEARING: <ul style="list-style-type: none"> <input type="checkbox"/> Mental and physical toughness <input type="checkbox"/> Displaying confidence and enthusiasm; looks like a soldier <input type="checkbox"/> Endurance and stamina to go the distance 		
TASK/ACTIONS:		PERFORMANCE SUMMARY:
d. LEADERSHIP: <ul style="list-style-type: none"> <input type="checkbox"/> Mission first <input type="checkbox"/> Instilling the spirit to achieve and win <input type="checkbox"/> Genuine concern for soldiers <input type="checkbox"/> Setting the example; Be, Know, Do 		
TASK/ACTIONS:		PERFORMANCE SUMMARY:
e. TRAINING: <ul style="list-style-type: none"> <input type="checkbox"/> Individual and team <input type="checkbox"/> Teaching soldiers how; common tasks, duty-related skills <input type="checkbox"/> Mission focused; performance oriented <input type="checkbox"/> Sharing knowledge and experience to fight, survive and win 		
TASK/ACTIONS:		PERFORMANCE SUMMARY:
f. RESPONSIBILITY & ACCOUNTABILITY: <ul style="list-style-type: none"> <input type="checkbox"/> Care and maintenance of equipment/facilities <input type="checkbox"/> Conservation of supplies and funds <input type="checkbox"/> Responsible for good, bad, right & wrong <input type="checkbox"/> Soldier and equipment safety <input type="checkbox"/> Encouraging soldiers to learn and grow 		
TASK/ACTIONS:		PERFORMANCE SUMMARY:

Student Handout 2

Extracted Material from AR 623-3, Evaluation Reporting System

This student handout contains 26 pages of extracted material from the following publication:

AR 623-3, Evaluation Reporting System, 10 Sep 2007

Chapter 1	pages 2 thru 5
Chapter 2	pages 6 thru 14
Chapter 3	pages 20 thru 23; 29 thru 31; 39 thru 42; and 46 and 47

Disclaimer: The training developer downloaded the extracted material from the Army Publishing Directorate (USAPA) web site. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

RECOVERABLE PUBLICATIONS

YOU RECEIVED THIS DOCUMENT IN A DAMAGE-FREE CONDITION. DAMAGE IN ANY WAY, TO INCLUDE HIGHLIGHTING, PENCIL MARKS, OR MISSING PAGES, WILL SUBJECT YOU TO PECUNIARY LIABILITY (STATEMENT OF CHARGES, CASH COLLECTIONS, ETC.) TO RECOVER THE PRINTING COSTS.

(9) Each rated Soldier is provided a copy of their rater's and senior rater's support forms at the beginning of the rating period and the rated Soldier's completed evaluation report at the end of the rating period.

(10) If applicable, referred reports (OER and AER only) are provided to the rated Soldier for acknowledgment or comment before being sent to Headquarters, Department of the Army (HQDA). This also applies to an OER addendum containing unfavorable information and submitted under the provisions of chapter 3. In such instances, commanders will ensure that the rated officer understands their comments do not constitute an OER appeal or request for Commander's/Commandant's Inquiry.

(11) Each rating official is fully qualified to meet their responsibilities.

(12) Reports are prepared by the rating officials designated in the published rating scheme.

(13) Soldiers have access to or are provided a copy of their completed evaluation report.

(14) Soldiers receive assistance, if requested, in preparing and submitting appeals.

(15) May establish local submission procedures that support the senior raters responsibility to ensure completed OER and NCOER arrive at HQDA no later than 90 calendar days after the THRU date of the report either in electronic or hard copy original (see app F for addresses). The importance of the evaluation report to many personnel actions, especially those involving DA selection boards, requires that this suspense be met.

(16) The duties described in chapter 6 are performed when a report rendered by one of their subordinates appears illegal, unjust, or otherwise in violation of this regulation.

(17) Clarification of policies, exceptions to policies, or new policies are requested from the Commander (CDR), AHRC and his or her attention is brought to situations that—

(a) Are not clearly and adequately covered by this regulation.

(b) Would result in an injustice to an individual or a disservice to the Army if a new policy is not made or an exception not granted.

1-5. Manpower resources

The evaluation function is the responsibility of the Brigade S-1 (BDE S-1), Battalion S-1 (BN S-1), or unit personnel administration office, as well as the rating officials, rated Soldiers and Headquarters, Department of the Army (HQDA). Manpower officials will use the workload factors (obtained in Manpower Staffing Standards Systems) to determine the manpower authorizations.

1-6. Levels of work

a. The focus of this regulation is on the rating chain's adherence to ERS requirements at any level as supported by a human resources manager.

b. Senior raters of OERs and NCOERs, or the senior rater's representative, regardless of component (Active, USAR, or ARNGUS) are required to assure compliance with standards of preparing and forwarding evaluations prescribed by the regulation or DA Pam 623-3.

c. The appropriate authenticating official, commandant, or civilian academic official is required to assure compliance with standards of preparing and forwarding AERs as prescribed by the regulation or DA Pam 623-3.

Section II

Principles and Standards

1-7. Principles of support

The military personnel system will—

a. Evaluate the performance and potential of officers warrant officer 1 (WO1) through major general (MG) in peacetime and wartime.

b. Evaluate the performance and potential of noncommissioned officers (NCOs), sergeant (SGT) through command sergeant major (CSM) in peacetime and wartime.

c. Evaluate the performance and compliance of Soldiers during Department of Defense (DOD), Civilian Educational, Medical or Industrial Institution programs.

d. Support the Army's personnel professional development life-cycle function.

1-8. Standards of service

a. *ERS overview.*

(1) The ERS identifies Soldiers who are best qualified for promotion and assignments to positions of greater responsibility. ERS also identifies Soldiers who will be kept on active duty, be retained in grade, or eliminated from Service.

(2) What and Why: The ERS is a robust entity with major elements of counseling, assessment, documentation, and integration with other personnel functions. The ERS has several formal functions which are explained in subsequent paragraphs in detail.

(a) While the day-to-day execution is not always flexible, the ERS will remain effective and relevant on a larger scale.

(b) It will always meet the needs of the Army, of rating officials, and of rated Soldiers in their current environment.

(c) It will be poised for the future—the ERS will change as that environment changes. But the basic foundation is consistent—evaluate today’s Soldier to select and develop tomorrow’s leaders.

(d) Today, rating officials make assessments of performance and potential against a standard – Army values, the Army’s leadership doctrine framework, the organization’s mission, and a Soldier’s particular set of duties, responsibilities, tasks, and objectives using a series of box checks, narratives, bullet comments, and evaluation rating techniques.

(e) Tomorrow, those standards or techniques may change. However, the ERS will continue to be the most accurate and effective assessment tool and development system possible at this moment. At all times it will remain synchronized with Army doctrine and a multitude of personnel functions (themselves adapting and transforming to new conditions and environments).

(f) The ERS will accomplish its mission. Most importantly, the ERS is not merely a set of forms, requirements, and processes. These words describe the means and methods for execution of what is at the heart of this subject—developing people and leaders.

(g) The ERS must work instilling Army Values, infusing the Warrior Ethos into our labors, and inspiring individual and unit commitment to protect and serve our Nation. The people most affected are Soldiers who receive evaluations, Soldiers and civilians who serve as rating officials, and Soldiers, civilians, contractors, and family members who know, are positively impacted, developed, or otherwise individually benefited by the leadership of a future generation of Soldiers in the evaluation circle and being selected or assigned to positions and ranks of increased responsibility today.

(h) This circle expands to include other members of the Armed Forces, citizens in local communities and in host nations, and federal and nongovernmental organizations and those who know Soldiers by reputation only.

(i) It is easy to speak of “getting an OER” or “giving an NCOER,” but it is hard work to execute the leadership, the involvement, the developmental counseling, and the personal relationships necessary for an effective ERS. Fortunately, the rewards at the end—a Soldier, a unit, a team—serving the Nation in a relevant and ready force make that hard work worth the effort.

(3) Under the ERS, a Soldier is evaluated on his or her performance and potential. In this system, three kinds of evaluations exist:

(a) *Performance evaluations.* The applicable evaluation is either the DA Form 67–9 or DA Form 2166–8.

(b) *School evaluations.* The two AERs are DA Form 1059 for military institutions or DA Form 1059–1 for civilian institutions

Note. Evaluated time reported on academic evaluations is counted as nonrated time on OERs and NCOERs.

(c) *DA evaluations.* Selection boards and personnel management systems will be used for these evaluations. Duty and school evaluations are single time-and-place evaluations which are used when making DA evaluations. DA evaluations cover the Soldier’s entire career and personnel file. DA evaluations will focus on a Soldier’s potential. There are judgments on their ability to perform at current and higher grades, and they are also made to judge whether Soldiers will be retained and given greater responsibility in their present grade. In making DA evaluations, three factors will be considered:

1. *Army requirements for Soldiers.* Army requirements for Soldiers frequently change. At times, the Army has a need for leaders with certain backgrounds, experience, and expertise. The size of the Army leader corps is limited by law in terms of strength by grade, and the Army limits the number of selections and assignments that can be made. Thus, a leader’s potential is partially determined by how they compare with their peers.

2. *Duty performance.* Performance of duty is an extremely important factor in determining a leader’s potential. Duty performance is judged by how well a Soldier performs assigned tasks and how well each meets Army professional values uniquely established for each respective corps.

3. *Leader qualifications.* Qualifications are required to maintain outstanding leaders of troop or technical units, supporting staff managers, and technical specialists. There are different skills and backgrounds required by different specialties. A Soldier’s individual progress through specialized fields to positions of greater responsibility is a consideration, as well as length of service, civil schooling, military schooling, or other unique skills required by the Army.

b. *ERS principles.*

(1) The ERS largely determines the quality of the Soldier, the selection of future Army leaders, and the course of their individual career. It supports many current Army and Joint personnel management programs.

(a) The OER, NCOER, and AER ensure that an individual leader’s specialties are considered along with the specialty requirements of their duty position when they are evaluated.

(b) The emphasis on senior/subordinate communication supports the Army’s “people-oriented programs.” It is intended to focus attention on constructive problem solving and the importance of sound working relationships.

(2) ERS is a multifunctional system with a basic structure that will—

(a) Allow the rater to give shape and direction to the rated Soldier’s performance.

- (b) Provide a chain-of-command or supervision evaluation of an individual Soldier's performance and potential.
- (c) Allow the entire evaluation reporting process to be reviewed.

c. ERS functions.

(1) The primary function of ERS is to provide information to HQDA for use in making personnel management decisions. This information is supplied to HQDA by the rating chain in the Soldier's assigned or attached organization. Components of this information include—

(a) Evaluation reports, which will be accurate and complete to ensure that sound personnel management decisions can be made and that a rated Soldier's potential can be fully developed. Each report will be a thoughtful, fair appraisal of a Soldier's ability and potential. Reports that are incomplete or fail to provide a realistic and objective evaluation will make personnel management decisions difficult.

(b) Strengthening the ability of the Army to meet the professional challenges of the future through the indoctrination of Army values and basic Soldier responsibilities. The continued use of Army values and Soldier responsibilities as evaluation criteria will provide and reinforce a professional focus for the rating chain's view of performance. Over time, this will result in acceptance of the values and Soldier responsibilities, better performance, and stronger Army leaders.

(c) Being part of a "whole file" concept and continuous growth philosophy. A single report will not, by itself, determine a Soldier's Army career. An appraisal philosophy that recognizes continuous professional development and growth (rather than one that demands immediate, uncompromising perfection) will best serve the Army and the rated Soldier.

(d) Ensuring the selection of the best qualified Soldiers to serve in positions of increasing responsibility by providing rating chain view of performance/potential for use in centralized selection, assignment, and other personnel management. The information in evaluation reports, the Army's needs, and the individual Soldier's qualifications will be used together as a basis for such personnel actions as school selection, promotion, assignment, military occupational specialty (MOS) classification, command sergeant major (CSM) designation, and qualitative management.

(2) The secondary function of ERS is to encourage leader professional development and enhance mission accomplishment, to include—

(a) Stressing the importance of sound senior/subordinate relationships. It also stresses the importance of setting standards and giving direction to the performance of subordinate officer and noncommissioned officer leaders. Properly used, ERS can be a powerful leadership and management tool for the rating chain.

(b) Contributing to Army-wide improved performance and professional development by increased emphasis on performance counseling. Evaluation reports will provide the rated Soldier formal recognition for performance of duty, measurement of professional values and personal traits, and along with the required support forms is the basis for performance counseling by rating officials. Senior/subordinate communication is necessary to maintain high professional standards and is key to an effective evaluation system.

(c) Senior/subordinate communication, to make career development information, advice, and guidance readily available to the rated officer or NCO. This is necessary to maintain high professional standards.

d. ERS process.

(1) Officer rating officials will use DA Form 67-9; DA Form 67-9-1; DA Form 67-9-1a (Developmental Support Form (DSF)); and the electronically generated DA Form 67-9-2 (Senior Rater Profile Report).

(2) NCOs and appropriate rating officials use DA Form 2166-8 and DA Form 2166-8-1 (NCOER Counseling and Support Form).

(3) The rating period, development of support forms and counseling will support a final evaluation:

(a) The evaluation process will start before the rating period, when the rated Soldier's rating chain is established. AER rating chains will be established by the appropriate school or unit admin with oversight to ensure adequate evaluation.

(b) The rater will ensure that the rated officer or rated NCO receives a copy of the rater and senior rater's support form. This will provide the rated Soldier essential rating chain direction and focus to aid in developing subsequent support form. A face-to-face discussion of duties, responsibilities, and objectives between the rater and the rated Soldier assists in drafting support form.

e. Counseling. Counseling will be conducted within 30 days after the beginning of the rating period and quarterly thereafter for NCOs, WO1s, chief warrant officers 2 (CW2s), lieutenants (LTs) and captains (CPTs). Quarterly counseling for all other ranks will be on an as-needed basis. It develops a duty description for the Soldier and major performance objectives to accomplish during the rating period. It will also be used to guide the rated leader's performance during the early part of the rating period.

f. Rating chain process. Procedures in DA Pam 623-3 for each form explain what information is requested and how rating officials can complete the process from counseling to HQDA submission. Support forms and evaluations will reflect the rating officials published in the official rating scheme (see para 2-3).

Section III Special Circumstances

1–9. Performance and potential evaluations

a. Army evaluation reports are assessments on how well the rated Soldier met duty requirements and adhered to the professional standards of the Army officer or noncommissioned officer corps. Performance will be evaluated by observing action, demonstrated behavior, and results from the point of view of the values, leadership framework and responsibilities identified on the evaluation forms, counseling forms, and as explained in DA Pam 623–3. Consideration will be given to the following:

- (1) The relative experience of the rated officer or NCO.
- (2) The efforts made by the rated officer or NCO.
- (3) The results that could be reasonably expected given the time and resources available.

b. Potential evaluations will be performance-based assessments of the rated officers or NCOs of the same grade to perform in positions of greater responsibility and/or higher grades. Assessment of potential will apply to all officers and NCOs, regardless of their opportunity to be selected for higher positions or grades and ignores such factors as impending retirement or release from active duty; this assessment is continually changing and is reserved for HQDA.

1–10. Changes to an evaluation report

Except to comply with this regulation and corresponding pamphlet (DA Pam 623–3), no person may require changes be made to an individual's OER, NCOER, or AER. Members of the rating chain, the appropriate administrative personnel office, or HQDA will point out obvious inconsistencies or administrative errors to the appropriate rating officials. After needed corrections are made, the original forms, with authenticated signatures, will be sent to the appropriate HQDA processing office (see appendix F) or State Adjutant General (AG).

1–11. Commander's/Commandant's Inquiry

When it is brought to the attention of a commander or commandant that a report rendered by a subordinate or by a member of a subordinate command may be illegal, unjust, or otherwise in violation of this regulation, that commander will conduct an inquiry into the matter. The commander's inquiry will be confined to matters related to the clarity of the evaluation report, the facts contained in the report, the compliance of the evaluation with policies and procedures established by HQDA, and the conduct of the rated Soldier and members of the rating chain. The official does not have the authority to direct that an evaluation be changed; command influence may not be used to alter the honest evaluation of a rated Soldier by a rating official. The results of the Commander's Inquiry, however, may be provided to the rating chain and the rated Soldier at the appointing official's discretion. The procedures used by the commander or commandant to process such an inquiry are described in chapter 6.

1–12. Access to reports

Access to Army evaluation reports at HQDA is limited to individuals responsible for maintaining the file or authorized to use it for personnel management purposes. Access to reports at the local level is limited to those persons having command, administrative, or rating official responsibility for the individual report.

1–13. Mobilization

Definitions of the categories of mobilization are found in Joint Publication 1–02. Policy changes and implementing instructions because of different stages of mobilization or deployments will be released by HQDA as part of the Personnel Planning Guidance. Examples of such possible policy changes include changes to minimum qualification times for raters, additional options for reports, optional use of support forms, acceptance of handwritten documents, or a delayed extended appeals process.

1–14. Privacy Act statement

a. Authority. The authority for the Privacy Act for evaluations are Section 301, Title 5, United States Code (5 USC 301) and 10 USC 3013.

b. Purpose. Evaluations will serve as the primary source of information for officer and enlisted personnel management decisions and will serve as a guide for the Soldier's performance and development, enhance the accomplishment of the organization mission, and provide additional information to the rating chain.

c. Routine use. Evaluations will be maintained in the rated Soldier's official military personnel file (OMPF). A copy will be either given directly to the rated Soldier or sent to a forwarding address.

d. Disclosure. Disclosure of the rated Soldier's Social Security number (SSN) is voluntary. Failure to verify the SSN may result in a delayed or erroneous processing of the evaluation report.

Chapter 2 The Rating Chain

Section I Managing the Rating Chain

2-1. Overview

This chapter governs the purpose and development of rating chain qualifications and special evaluation requirements.

2-2. Fundamentals

Commanders will establish and file rating chains in accordance with locally developed procedures and Army and DOD regulations. Rating chains will correspond as nearly as practicable to the chain of command and supervision within an organization, regardless of component or geographical location. They will be established by name, given effective dates, published, and distributed manually or electronically to each rated officer, NCO, and civilian member of the rating chain. Any changes to rating chain will also be published and distributed as required. No changes may be retroactive.

2-3. Rating chain information

a. A rating chain is established by commanders or commandants and maintained by rating officials to provide the best evaluation of an individual Soldier's performance and potential. A rating chain also ties rated individual performance to a specific senior and/or subordinate relationship. This allows for proper counseling to develop the rated Soldier accomplish the mission. These functions are best achieved in an organization's chain of command.

b. Generally, the evaluation of Soldiers by persons not involved in the chain of command or supervision is inappropriate.

c. Although battalion S-1 (BN S-1)/brigade S-1 (BDE S-1) or administrative office need not maintain copies of superseded rating schemes, it is recommend to maintain them for a period of 1 to 2 years for historical purposes only.

d. Special rules for designating rating officials have been made to cover the death, relief, or incapacitation of a rating official (see para 2-20). Rating officials who are suspended may not render or receive evaluations until the suspension is cleared, with the exception to a completed report that was delayed arriving to the AHRC before the suspension date.

e. Special rules governing the rating officials for officers under dual supervision, chaplains, Judge Advocate General Counsel (JAGC), Army Medical Department (AMEDD), and professors of military science are addressed in section IV of this chapter.

f. Specific rules by report include—

(1) *Officer rating chains.*

(a) These normally will consist of the rated individual, the rater, and the senior rater. The senior rater will accomplish the final rating chain review. Some officer rating chains will also include an intermediate rater.

(b) An intermediate rater will be designated only when a rated officer has a supervisor who is between the rater and senior rater or requires a technical expert in the chain of command (see table 2-1).

(c) In some cases a rated officer's rating chain may have a qualified rating official/supervisor who serves as both rater and senior rater (see paragraph 2-21).

(d) In other situations, a rated officer's rating chain may consist of dual supervision, when he/she is supervised and assigned different duties by two qualified but separate chains of command or supervision throughout the entire rating period.

(2) *NCO rating chains.* These will consist of the rated NCO, the rater, the senior rater, and the reviewer. The reviewer will be a commissioned officer, warrant officer, CSM, or sergeant major (SGM) in the direct line of supervision and senior in pay grade or date of rank to the senior rater. NCO rating chains will not include an intermediate rater.

(3) *AER rating chains.* These will consist of the authorized academic advisor and authentication official as designated by the commandant or appropriate civilian academic authorities.

2-4. General rules for establishing rating chains

a. The rater will normally be the immediate supervisor of the rated Soldier. The rater will normally be senior by grade or date of rank (DOR) to the rated individual. Commanders will normally rate commanders. Civilian raters for OERs and NCOERs will be designated as official supervisor on the established rating scheme approved by the commander. Civilian raters for NCOERs will be designated and qualified by grade. The minimum grade to be a civilian rater is general schedule (GS) 07.

b. The intermediate rater (OER only) will be senior in grade or date of rank to the rated officer. The intermediate rater will be included when there is a level of supervision between the rater and senior rater unless an exemption

applies. If an intermediate rater is included, they will be senior to the rated officer by grade or date of rank. For chaplains, see appendix C; for JAGC officers, see appendix D; and for AMEDD officers, see appendix E.

c. Senior rater minimum grade requirements for OERs are in table 2–1. Senior Executive Service (SES) members may be senior raters for all grades of rated officers provided they are in the rated officer’s chain of supervision and is at least one level above the intermediate supervision of the rated officer.

d. Senior raters for NCOERs will be U.S. Armed Forces members, senior by grade or date of rank to all rating officials and rated NCOs in the direct line of supervision of the rated NCO. DOD civilian employee minimum qualified grade is GS–09 or equivalent.

e. Specific requirements for rating officials are addressed in subsequent paragraphs.

Table 2–1
Minimum Grade requirements for senior raters of officer OERs

When grade of the rated individual is–	If a military senior rater, The minimum grade of the senior rater is—	If civilian performing senior rater function, the minimum grade of the senior rater is—		
		Merit/general schedule (GS)	Nonappropriated fund	SES (see para 2–4c)
WO/2LT/1LT	04 Major (MAJ)/CPT(P)	General manager (GM)/ general Government (GG)/GS–13	Universally administrative (UA) 13	
1LT(P)/CPT	05 Lieutenant colonel (LTC)/ MAJ(P)	GM/GG/GS–13	UA–13	
CPT(P)/MAJ	06 Colonel (COL)/LTC(P)	GM/GG/GS–15	UA–15	
MAJ(P)/LTC	06 COL/LTC(P)	GM/GG/GS–15	UA–15	
LTC(P)/COL	07 Brigadier general (BG)/ COL(P)	SES (see 2–4c)	UA–16	
COL(P)/BG/MG	Senior to the rater and in- termediate rater	Senior to the rater and in- termediate rater	Senior to the rater and in- termediate rater	

Notes:

¹ Supplementary review required in some cases.

² A promotable officer (signified on report by placing a P next to the rank) is one who is on a promotion list and is currently serving in a position authorized the next higher grade.

³ Civilian ranks are under transition because of National Security Personnel System; as we evolve, these minimum requirements may be changed.

Section II

Rating Chain Development and Maintenance

2–5. Rules for designating a rater

a. *Rater Requirements.* The rater will be the person (immediate supervisor) in the rating chain that directs and is most responsible for the rated Soldier’s performance. The rater will be the immediate supervisor that monitors/observes the day to day performance of the rated individual and directly guides the rated Soldier’s participation in the organization’s mission. The following describe the requirements by form.

(1) *DA Form 67–9 (OER).* A rater will be an officer of the United States or allied armed forces or an employee of a U.S. Government agency (including nonappropriated fund rating officials). The rater will normally be the immediate supervisor for a minimum period of 90 consecutive days.

(2) *DA Form 2166–8 (NCOER).* A rater will be an officer or NCO of the U.S. Armed Forces or an employee of a DOD or U.S. Government agency (including nonappropriated fund rating officials). Members of Allied Forces will not be not authorized to serve as raters. The rater will normally be the immediate supervisor for a minimum period of 90 consecutive days.

(3) *DA Form 1059 and DA Form 1059–1 (AER).* A rater will be the military or civilian course advisor designated by the commandant or dean of the civilian academic institution that supervises and/or monitors the student’s performance and compliance with academic standards.

b. OER rater eligibility. A military rater will be senior to the rated officer, by grade or date of rank. Exceptions to this rule are—

(1) A rater in a command position may rate an officer who is of the same grade but senior in date of rank if the rater has been appointed to command by direction of the President and has command authority over the rated officer. Format and guidance for assumption of command orders are in AR 600–20, figure 2–2. General officers will have approval authority. In such cases, the rater will attach a copy of their appointment-to-command order as an enclosure to the rated officer’s report.

(2) Officers in command positions may rate an officer over whom they have command authority and who are senior in date of rank but ineligible by law or regulation to command troops other than those of their own branch, service, or department. In such cases, the raters will attach a copy of the written assumption of command as an enclosure to the rated officer’s report.

(3) An officer in a joint headquarters or activity may rate an officer who is senior in date of rank provided—

(a) The rater is not a U.S. Army officer.

(b) The senior rater is at least one grade senior to the rated officer.

(c) Each instance is approved in writing by the next senior Army member of the command or activity. A copy of the approval will be sent to HQDA as an enclosure to the evaluation form.

(4) For OERs, a civilian rater has no minimum grade requirement but will be the rated individual’s designated supervisor.

(5) Commanders will normally be rated by the next higher commander. An exception to this rule is allowed when a staff officer or higher level commander is the logical choice as the commander’s immediate supervisor because of functional, geographical, or technical supervision requirements.

(6) Officer who are selected for promotion and who are in authorized positions for the new grade may rate any officer they supervise if, after the rater’s promotion, they will be senior to the rated officer.

(7) A rater who has been selected for promotion and who is in an authorized position for the new grade will be considered to be serving in the new grade. The symbol “P” will be put next to the current grade on the applicable evaluation form.

(8) A rater who has been selected for promotion but is not in a position authorized for the new grade will be considered to be serving in the current grade. The symbol “P” will not be put next to the current grade on the applicable evaluation form.

c. NCOER rater eligibility. The military rater will be a SGT or above and senior to the rated NCO by grade or date of rank (see AR 600–20).

(1) If the NCO is on a recommended list for promotion or frocked to one of the top three NCO grades (first sergeant (1SG), SGM, or CSM) and is serving in an authorized position for the new grade, then he/she will rate any NCO supervised, if after the rater’s promotion he/she will be senior in pay grade or date of rank to the rated NCO.

(2) Commanders may appoint civilian employees of DOD, GS–07 and above, as raters when an immediate military supervisor is not available and when the civilian supervisor is in the best position to accurately evaluate the NCO’s performance. The uniqueness of the other civilian pay scales precludes the establishment of a general Army-wide policy. Therefore, the minimum grade for civilian raters holding other than GS pay grades is determined by local commanders. The civilian rater will be officially designated on the published rating scheme established by the local commander. ARNGUS military technicians (32 USC 709) will also be senior in military grade or, if the same grade, senior in date of rank, to the rated NCO.

(3) CSMs of table of organization and equipment (TOE) and tables of distribution and allowances (TDA) duty assignment units will be rated by the commander, with the following exceptions, provided rater qualifications are met:

(a) Military community or garrison CSMs may be rated by a deputy community commander or deputy garrison commander.

(b) The assistant division commander or the division/installation CSM may rate the Active Army CSMs who are commandants of NCO academies. The Assistant Adjutant General Army or the State CSM may rate ARNGUS NCO academy commandants.

(c) The CG, Division (Institutional Training) will determine the rating chain for USAR NCO Academy CSMs who are commandants.

d. AER rater eligibility. The rater will be senior to the rated Soldier by grade or date of rank. Additional instructions are as follows:

(1) A military academic rater is designated by the commandant and is the person who directly oversees and is most responsible for directing and observing the Soldier’s progress through a military course of instruction that requires a DA Form 1059.

(2) A civilian academic rater is the civilian official designated by the dean or appropriate civilian authority most responsible for directing and observing the Soldier’s progress through a civilian course of instruction that requires a DA Form 1059–1.

2-6. Rules for designating an officer evaluation report intermediate rater

An intermediate rater will be an officer of the United States Armed Forces or allied armed forces or an employee of a U.S. Government agency (including nonappropriated fund employees). In addition, the intermediate rater—

a. Will be senior in grade or date of rank to the rated officer. A civilian intermediate rater has no minimum grade requirement but will be a designated supervisor of the rated officer or rater.

b. Will be a supervisor between the rater and senior rater in the rated officer's rating chain. The use of the intermediate rater is intended to maintain the link between the rater and senior rater in situations where there is a level of supervision between them. Rating chains having no supervisor between the rater and senior rater will not have an intermediate rater.

c. Will usually be the rater's immediate supervisor and may be any supervisor between the rater and senior rater in the rated officer's chain-of-command. This rule is waived when the provisions of paragraph 2-20 or appendix C, D, or E of this regulation apply. In cases of dual supervision, the designated intermediate rater, if from a nonparent unit, may be senior to the senior rater (para 2-21).

d. Normally will serve in that capacity for a minimum of 60 days in order to evaluate the rated officer. Intermediate raters may evaluate the rated officer with fewer than 60 days as an intermediate rater if they have also served in a previously published rating chain and the combined total of time served in the rating chain equals 60 days or more. For example, an officer serves in the rated officer's rating chain as the senior rater for 32 days. Then, because of organizational shifts, becomes the intermediate rater, a new rating chain is published, and a new senior rater is designated. If a report is due 30 days from the time of becoming the intermediate rater, and the combined total time as a member of the rating chain is 62 days, that intermediate rater may evaluate as the intermediate rater.

2-7. Rules for designating a senior rater

The following are senior rater requirements and eligibility by form:

a. DA Form 67-9.

(1) A senior rater will be an officer of the U.S. Armed Forces or an employee of DOD (including nonappropriated fund employees) who is senior to all U.S. Armed Forces and DOD members of the rating chain. Members of allied forces are not authorized to be senior raters.

(2) The senior rater will be a supervisor above all other rating officials in the rated Soldier's chain of command or supervisory chain. The senior rater will be the immediate supervisor of the rater and designated as the rated soldier's senior rater for a minimum period of 60 consecutive days.

(3) Senior raters may evaluate the rated Soldier with fewer than 60 days as a senior rater if they also served as the rated officer's intermediate rater in a previously published chain, and the combined total of time served in the rating chain equals 60 days or more. Other exceptions to this policy are given in sections VII and VIII of chapter 3.

(4) The minimum grade for a military senior rater will be in accordance with table 2-1. A civilian senior rater will be a designated supervisor of the rated officer serving at an appropriate grade level above the rater and meet qualifications summarized in table 2-1.

(5) For chaplains, see appendix C; for JAGC officers, see appendix D; and for AMEDD officers, see appendix E. Appendix E does not apply to ARNGUS.

(6) A senior rater who has been selected for promotion and who is in an authorized position for the new grade will be considered to be serving in the new grade. The symbol "P" will be put next to their current grade on the applicable evaluation form.

(7) Senior raters who have been selected for promotion but are not in a position authorized for the new grade will be considered to be serving in their current grades. The symbol "P" will not be put next to their current grades on the applicable evaluation form.

(8) Senior raters will be senior in grade or date of rank to the rated officer, the rater, and the intermediate rater. An exception to this rule is if they are authorized by paragraph 2-5b(1), (2), or (3) to rate those other members of the rating chain. A senior rater need not be senior in grade or date of rank to a designated intermediate rater from a nonparent unit when a dual supervision exists.

(9) To senior rate officers in the ranks of WO1 through MAJ—

(a) Military senior raters will be at least two grades higher than the rated officer.

(b) Civilian senior raters will be at least GG/GS-13 (or UA equivalent) to senior rate officers in the grades of warrant officer through CPT, and GG/GS-15 to senior rate MAJs.

(10) To senior rate officers in the grades of LTC and COL—

(a) Military senior raters will be at least one grade higher than the rated officer.

(b) Civilian senior raters will be at least GG/GS-15 (or UA equivalent) to senior rate officers in the grade of lieutenant colonel.

(c) Civilian senior raters will be at least SES (or UA equivalent) to senior rate officers in the grade of COL.

(11) To senior rate officers in the grades of BG and MG, the senior rater will be senior in grade or date of rank to the other members of the rating chain.

b. DA Form 2166-8.

(1) A senior rater will be an officer or NCO of the U.S. Armed Forces or an employee of DOD (including non-appropriated fund employees) who is senior to the rater by either pay grade or date of rank. Members of allied forces are not authorized to be senior raters.

(2) A senior rater will be a supervisor over all other rating officials in the rated Soldier's chain of command or supervisory chain. The senior rater will be the immediate supervisor of the rater and designated as the rated Soldier's senior rater for a minimum period of 60 consecutive days (see paras 3-44, 4-4c(2), and 5-11 for exceptions).

(3) Senior raters will be senior to the rater by either pay grade or date of rank. If an NCO is on a recommended list for promotion or frocked to one of the top three NCO grades (1SG, SGM, or CSM) and is serving in an authorized position for the new grade, then they may senior rate any NCO they supervise, if after the rater's promotion they will be senior in pay grade or date of rank to the rated NCO.

(4) Commanders may appoint civilian employees of DOD, GS-09 and above (or equivalent), as senior raters when a military supervisor is not available and when the civilian supervisor is in the best position to accurately evaluate the NCO's performance. The uniqueness of the other civilian pay scales precludes the establishment of a general Army-wide policy. Therefore, the minimum grade for civilian senior raters holding other than GS pay grades is determined by local commanders. The civilian senior rater will be officially designated on the published rating scheme established by the local commander.

2-8. Rules for designating a reviewer

a. OER reviewer eligibility and responsibility. In most instances, the senior rater will accomplish the final rating chain review; exceptions to this provision are in paragraph 2-8b. Supplementary reviews will be conducted in certain situations:

(1) If the senior rater is a U.S. Army officer (other than a general officer) also performing as the rater and there is no other U.S. Army officer in the chain of supervision, an additional review by HQDA will be performed.

(2) If the senior rater is not a U.S. Army officer or Department of Army civilian, a supplementary review will be conducted by the first U.S. Army officer or Department of Army civilian above the senior rater in the chain of command or supervision. This officer will be designated by the commander establishing the rating chain and identified in the published rating scheme. When such a review is conducted, the supplementary reviewer will prepare an enclosure, as described in figure 2-1. If necessary, the reviewer will indicate in the enclosure comments on the accuracy or clarity of the completed OER. The comments will not include evaluative statements about the rated officer and statements that amplify, paraphrase, or endorse the ratings of the other members of the rating chain. If there are no comments, the reviewer will indicate in the enclosure that no added comment is necessary. If no U.S. Army officer or Department of Army civilian is available above the senior rater in the chain of command, the submitter will request a review by HQDA.

b. NCOER reviewer eligibility and responsibility. These will include a reviewer who is in the U.S. Army. The reviewer will be an officer, CSM, or SGM in the direct line of supervision and senior in pay grade or date of rank to the senior rater. Promotable master sergeants may serve as reviewers, provided they are working in an authorized CSM or SGM position.

(1) No minimum time period is required for reviewer qualification.

(2) Commanders may appoint officers of other U.S. military services or civilian employees of DOD, GS-12 and above, or other equivalent civilian pay scales, as reviewers when—

(a) The grade and line-of-supervision requirements are met.

(b) Either the rater or senior rater is a uniformed Army official.

(3) In cases where both the rater and senior rater are other than uniformed Army rating officials and no uniformed Army reviewer is available, either—

(a) The report will be reviewed by a uniformed Army officer in the rated NCO's unit administrative office. As an exception, this officer is not required to be senior to the rater or senior rater.

(b) General/flag rank officers and SES civilians serving with any branch of the U.S. Armed Forces may be appointed as reviewers.

(4) In cases where superseded in above requirements, when the rater or senior rater is a general officer, officer of flag rank, or civilian with SES, Defense Intelligence Senior Level, or equivalent DOD senior civil service rank and precedence, that official will also act as reviewer.

c. AER reviewer eligibility and responsibility. The authorized reviewer for rated Soldiers who achieve course standards on the AER is the individual designated by the military. This individual will be the commandant, academic dean, or an official designated above the evaluating officer or academic official. The Advanced Civil Schooling office is the reviewer for all AR 621-1 and AR 621-7 programs.

2-9. Steps for rating chain development and maintenance

The steps for developing and maintaining a rating chain are found in tables 2-1 and 2-2.

Table 2–2
Rating chain development and maintenance

Step	Work center	Action required
1	BN/BDE S1 or administrative office	By Component, coordinate with commander, establish by-name rating chain for officers or NCOs assigned, attached, on temporary duty (TDY), or on special duty to the unit. Identify all rating officials, to include dual supervisors and/or supplementary reviewers, for each rated Soldier. Include the date on which each rating official was designated.
2	BN/BDE S1 or administrative office	Forward draft copy of rating chain to subordinate units for review and edit.
3	Unit & rating chain	Review for accuracy of information providing suggested corrections/changes as necessary.
4	BN/BDE S1 or administrative office	In coordination with Commander, prepare final rating chain document.
5	Unit commander	Commander authenticates and publishes rating chain showing the effective date; copy is made available to each rated officer and rating official.
6	BN/BDE S1 or Administrative Office	Publish and post the rating chain in accordance with locally established procedures.
7	BN/BDE S1 or administrative office	Annotate changes to rating chain as a result of duty changes, rating official changes, and so on. Publish authenticated revisions, with effective date, as required and made available.

Section III

The Role of Rating Chain Members

2–10. The rated individual

- a. The rated individual is the subject of the evaluation and has considerable responsibility in the evaluation process.
- b. Normally, to be eligible for an evaluation report, a Soldier will complete 90 calendar days in the same position under the same rater. Nonrated periods are not included in this 90-day period (see DA Pam 623–3, tables 2–1 and 3–1).
- c. The rated Soldier will—

- (1) Perform each assigned or implied duty to the best of their ability, always trying to improve on the accomplishment of the organization’s mission. Rated individuals will periodically evaluate their own performances and, when in doubt, seek the advice of their superiors in the rating chain.

- (2) Participate in counseling, assessments and a final evaluation. Discuss the duty description and performance objectives, academic standards and/or course requirements with rater. This will be done within 30 days after the beginning of each new rating period and at least quarterly thereafter.

- (3) Assess (with rater) the validity of the objectives or compliance with academic standards throughout the rating period. This may result in having to revise and update both objectives and duty description as the situation changes. The rated individual may also have to develop new objectives with the rater.

- (4) Describe (with rater) duties, objectives, and significant contributions as applicable on evaluation support forms. Assessment will be conducted with the rating chain throughout and at the end of the rating period. Rated Soldiers have the opportunity to express their own views during the assessment to ensure that they are clear, concise, and accurate. Changes of the entries are allowed when the rated Soldier agrees with the changes.

- d. All rated Soldiers will receive a copy of their evaluations before they depart from a unit of assignment or military/civilian school of instruction.

- e. Unique requirements for OERs include—

- (1) In addition to the responsibilities listed above, officers with the rank of CPT, LT, chief warrant officer 2 (CW2), and WO1 are responsible for—

- (a) Becoming familiar with the DA Form 67–9–1a and preparing to discuss their developmental plans during the initial face-to-face counseling (within first 30 days).

- (b) Assessing the validity of their developmental tasks throughout the rating period. This may result in having to revise and update both objectives and duty description as the situation changes. If changes or updates are required, the rated officer will discuss them with the rater, normally during followup counseling sessions.

- (2) For referred OERs, when the rated officer is geographically dispersed, he/she will respond to a certified letter or an automatic routing e-mail with enclosed report and instructions by the reasonable suspense set by the senior rater.

2–11. Role of the rated officer selected for promotion

The “P” designation rules below do not apply to NCOs.

a. If a rated officer has been selected for promotion and is in an authorized position for a new grade, he/she will be considered to be serving in that grade when determining the rating chain. The designation "P" will be entered next to the current grade on DA Form 67-9 (see DA Pam 623-3, para 2-4). The rules and requirements for the next higher grade apply.

b. If a rated officer has been selected for promotion but is not in an authorized position for their new grade, the rules and requirements for the current grade will apply when preparing the rating chain. The designation "P" will not be used next to the officer's current grade on DA Form 67-9 (see DA Pam 623-3, para 2-4).

2-12. Role of the rater

Raters will—

a. Provide their support forms, along with the senior rater's support forms, to the rated Soldier at the beginning of the rating period.

b. Discuss the scope of the rated Soldier's duty description with the rated Soldier within 30 days after the beginning of the rating period. This counseling will include, as a minimum, the rated Soldier's duty description and the performance objectives to attain. The discussion will also include the relationship of the duty description and objectives with the organization's mission, problems, priorities, and similar matters.

c. Counsel the rated Soldier.

(1) If the rated Soldier is recently assigned to the organization, the rater may use the counseling to outline a duty description and performance objectives. This discussion gives the rated Soldier a guide for performance while learning new duties and responsibilities in the unit of assignment, or requirements in achieving military or civilian academic standards.

(2) If the rater is recently assigned, this first counseling may be used to ask the rated Soldier for an opinion of the duty description and objectives. By doing this, the rater is given a quick assessment of the rated Soldier and the work situation. It will also help the rater develop the best duty description and permanent objectives for the rated Soldier.

d. Use counseling forms.

(1) DA Form 67-9-1 is used throughout the rating period. DA Form 67-9-1a will be used along with the DA Form 67-9-1 for officers in the rank of CPT, LT, CW2, and WO1. DA Form 67-9-1a is optional for other ranks.

(2) DA Form 2166-8-1 will be used for the required initial and quarterly NCO counseling, professional development throughout the rating period, and preparing the final evaluation.

e. Advise the rated Soldier as to changes in their duty description and performance objectives, when needed, during the rating period.

f. Assess the performance of the rated Soldier, using all reasonable means, to include personal contact, records and reports, and the information provided by the rated officer on DA Form 67-9-1 and/or 67-9-1a and on DA Form 2166-8-1.

g. Review the applicable support forms at the end of the rating period and, as appropriate, provide more information about the job description or performance objectives to other rating officials for use in preparing their evaluations.

h. Verify rated individual's Army Physical Fitness Test (APFT) and height and weight data for entry on the evaluation report (DA Form 67-9, Part IVc, and DA Form 2166-8, Part IVc).

i. Provide an objective and comprehensive evaluation of the rated Soldier's performance and potential on the DA Form 67-9, DA Form 2166-8, DA Form 1059, or DA Form 1059-1.

2-13. Additional role for raters

a. The raters of CPTs, LTs, CW2s, and WO1s will ensure DA Form 67-9-1a is initiated at the initial face-to-face counseling. The initial developmental tasks will be established and recorded. The rater will obtain the senior rater's approval and initials. The developmental support form (DSF) will then be used as a working tool throughout the remainder of the rating period.

b. Raters of CPTs, LTs, CW2s, and WO1s will also conduct quarterly followup counseling sessions to discuss performance, update and/or revise developmental tasks as required, and assess developmental progress. Summary/key comments will be recorded on the DA Form 67-9-1a.

2-14. Role of the intermediate rater (DA Form 67-9 only)

a. Intermediate raters will assess the performance of rated officers using all reasonable means, to include—

(1) Personal contact.

(2) Records and reports.

(3) The rater's evaluation of the rated officer given on DA Form 67-9.

(4) The information provided by the rated officer on DA Form 67-9-1.

b. Intermediate raters will render an objective evaluation of a rated officer's performance and potential on DA Form 67-9.

c. Intermediate rater responsibilities do not apply to NCO evaluations.

2-15. Role of the senior rater or authenticating official

a. The senior rater (OER/NCOER) is the senior rating official in the military rating chain or as officially designated by the academic institution (AER). Senior raters use their position and experience to evaluate the rated Soldier from a broad organizational perspective, military program of instruction, or civilian academic course standards. Their evaluation is the link between the day-to-day observation of the rated Soldier and the longer term evaluation of the rated Soldier's potential by HQDA selection boards.

b. Senior raters will—

(1) Ensure support forms are provided to all rated Soldiers they senior rate at the beginning of and throughout the respective rating periods.

(2) Use all reasonable means to become familiar with a rated Soldier's performance. When practical, personal contact, records and reports, and the information provided on the rated Soldier on applicable support forms will be used.

(3) Assess the ability of the rated Soldier. This involves evaluating performance in perspective by considering—

(a) The rated Soldier's experience.

(b) The relative risk associated with the performance.

(c) The difficulty of the organization's mission.

(d) The adequacy of resources.

(e) The overall efficiency of the organization.

(f) When applicable, adherence to established military course or academic standards established by the civilian educational, medical or industrial institution.

(4) Ensure that rating officials counsel the rated Soldier individually and throughout the rating period on meeting their objectives and complying with the professional standards of the Army.

(5) Consider the information on the applicable support forms when evaluating the rated individual.

(6) Evaluate the rated Soldier's potential relative to their contemporaries.

(7) Ensure that all reports, which the senior rater and subordinates write, are complete and provide a realistic evaluation in compliance with procedures established in DA Pam 623-3.

(8) When possible, have the rated Soldier manually or electronically approve the report after it has been completed by the senior rater. The rated Soldier's signature verifies that administrative data, to include height/weight/APFT data, on the form are correct and confirms that the rated Soldier has seen the completed report.

(9) When using electronic approvals (and when this regulation has been supplemented by an organization on this topic), the senior rater will ensure that the particular methods of electronic approval used by each of the rating officials and rated Soldier meet the organization's requirements and standards.

(10) Will ensure all rated Soldiers receive copies of their evaluations before the rated Soldiers or rating officials depart from a unit of assignment or military/civilian school of instruction.

(11) Ensure reports are submitted in a timely manner and process at HQDA to final completion in the Soldier's OMPF in the desired sequence.

c. To address unique responsibilities for OERs and NCOERs, senior raters—

(1) Will meet the minimum senior rater rank and grade requirements in table 2-1.

(2) In addition to evaluating rated officers, normally will perform the final rating chain review. NCO evaluation reviews are conducted by a separate qualified reviewer (see para 2-17).

(3) Will review and initial the first DA Form 2166-8-1 and review the final DA Form 2166-8-1 in use in the evaluation.

(4) For a referred DA Form 67-9, Part IId, only, will ensure the rated officer is provided an opportunity to provide individual comments before authentication and departure of the rated individual (see procedures in DA Pam 623-3, para 2-12).

d. For AERs, the qualification to serve as the authenticating official is determined by the standards of the military course of instruction and/or civilian institution. Military authenticating officials will meet the minimum senior rater rank and grade requirements in table 2-1.

2-16. Additional roles for senior raters

Senior raters of CPTs, LTs, CW2s, and W01s will approve all DA Form 67-9-1a developmental action plans and initial on the form. Senior raters will also ensure compliance with the requirements of the DA Form 67-9-1a and that the command climate fosters open, two-way communication between raters and officers and warrant officers in applicable ranks.

Section IV Evaluation Reviews

2-17. Review of noncommissioned officer reports

a. Every NCOER will be reviewed by the first sergeant, CSM, or SGM and signed by an official who meets the reviewer requirements of paragraph 2-8*b*. The reviewer is responsible for rating safeguard overwatch and will—

- (1) Ensure that the proper rater and senior rater complete the report.
- (2) Examine the evaluations rendered by the rater and senior rater to ensure they are clear, consistent, and just, in accordance with known facts. Special care will be taken to ensure the specific bullet comments support the appropriate excellence, success, or needs improvement ratings in Part IV*b-f* (see DA Pam 623-3, table 3-5, for definitions).

b. The senior rater will comment only when in disagreement with the rater and/or senior rater. The reviewer indicates concurrence or nonconcurrence with rater and/or senior rater by annotating the appropriate box with a typewritten or handwritten “X “ in Part II and adding an enclosure (not to exceed one page, fig 2-1). For specific instructions, see DA Pam 623-3, table 3-2.

(1) When the reviewer determines that the rater and or senior rater have not evaluated the rated NCO in a clear, consistent or just manner based on known facts, the reviewer’s first responsibility will be to consult with one or both rating officials to determine the basis for the apparent discrepancy.

(2) If the rater and/or senior rater acknowledge the discrepancy and revise the NCOER so that the reviewer agrees with the evaluation, the reviewer will check the concur box in Part II.

(3) If the rater and/or senior rater fail to acknowledge a discrepancy and indicate that the evaluation is their honest opinion, the reviewer will check the nonconcur box in Part II. The reviewer then will add an enclosure that clarifies the situation and renders his/her opinion regarding the rated NCO’s performance and potential.

(4) The reviewer may not direct that the rater and/or senior rater change an evaluation believed to be honest.

(5) In cases where neither the rater nor the senior rater is an NCO, the reviewer will get additional informal input from the senior NCO subordinate to the reviewer.

(6) The reviewer’s enclosure will be submitted along with the completed DA Form 2166-8 and is limited to one page. In the format shown at figure 2-1, the reviewer will notify the rating chain and rated NCO of nonconcurrence with the report. This will ensure that the rating chain and the rated NCO are informed of the completed report and may allow for a possible request for a Commander’s Inquiry or appeal if desired.

(7) The reviewer’s enclosure will not be used as a third, reworded agreement with evaluations by the rater and senior rater.

c. The reviewer will complete and authenticate the NCOER in accordance with options in DA Pam 623-3, chapter 3.

d. The senior rater will forward the NCOER to HQDA and nonconcurrence memorandum (if any) to—

- (1) For Active Duty, AHRC-Indianapolis (see appendix F).
- (2) For USAR and AGR, AHRC-St. Louis (see appendix F)
- (3) For ARNGUS, State or National Guard Bureau (NGB) Readiness Center (see appendix F).

2-23. Professors of military science

Professors of military science are responsible to both a DOD chain of command and a non-DOD supervisory chain (the academic institution). In these cases, the rater, intermediate rater, and senior rater will be selected from the DOD chain of command.

2-24. Special requirements

- a.* Special evaluation requirements for warrant officers are in appendix B.
- b.* Special evaluation requirements for chaplains are in appendix C.
- c.* Special evaluation requirements for JAGC officers are in appendix D.
- d.* Special evaluation requirements for Army Medical Department officers are in appendix E.

Chapter 3

Army Evaluation Principles

Section I

Evaluation Overview

3-1. Introduction

This chapter governs evaluation principles. Specific instructions for preparation and submission of evaluation forms are addressed in DA Pam 623-3. Special requirements for USAR and ARNG evaluations can be found in chapters 4 and 5 in this regulation.

3-2. Evaluation requirements

- a.* Reports will not be submitted unless authorized by this regulation or directed by HQDA.
- b.* Reports will be submitted for—
 - (1) All officers through the grade of MG, except for the Dean of Academic Board, the Registrar, and permanent professors of the U.S. Military Academy who have completed 30 years commissioned service.
 - (2) All warrant officers through the grade of CW5. Reports are not required, but are optional, for CW5s serving in three- and four-star nominative positions, except for Relief-for-Cause reports. When CW5s serving in three- and four-star nominative positions are reassigned to other duties and no other report has been submitted, that time will be considered nonrated and will appear on the next report submitted upon reassignment for those duties.
 - (3) All NCOs in the grade of SGT through CSM. Reports are optional for CSMs serving in three- and four-star nominative positions, except for Relief-for-Cause reports. When CSMs serving in three- and four-star nominative positions are reassigned to other duties and no other report has been submitted, that time will be considered nonrated and will appear on the next report submitted upon reassignment for those duties.
- c.* There are two types of reports: mandatory and optional. These are further divided into a 90-calendar-day minimum rating period and an other-than-a-90-day requirement. To determine if Soldier meets the minimum calendar-day requirements set by this chapter, nonrated periods occurring during the rating period will be deducted from the total number of days served in the same position under the same rater during the rating period.
- d.* Rating officials greatly affect a rated Soldier's performance and professional development. Thus, these officials will ensure that the rated individual thoroughly understands the organization, its mission, their role in support of the mission, and all of the military and/or academic standards by which their performance will be evaluated. The DA Form 67-9-1 processes outlined in DA Pam 623-3, chapter 2, and the DA Form 2166-8-1 processes outlined in DA Pam 623-3, chapter 3, are designed specifically to assist in this rating chain responsibility.
- e.* To render an objective evaluation, rating officials will use all opportunities to observe and gather information on the rated Soldier's individual performance.
- f.* Rating officials will prepare reports that are accurate and as complete as possible within the space limitations of the form. This responsibility is vital to the long-range success of the Army's mission. With due regard for the rated individual's current grade, experience, and military schooling, evaluations will cover failures as well as achievements. Evaluations will normally not be based on a few isolated minor incidents.
- g.* Requirements for retirement reports include the following:
 - (1) All Soldiers will receive a report within 12 months before the first day of transition leave. For more information specifically on retirement reports see paragraph 3-47*b* for officers and paragraph 3-44*f* for noncommissioned officers.
 - (2) Retirees recalled to Active Duty will not receive evaluations that are processed by HQDA because they no longer compete for promotion (see para 3-33). At the option of the rating chain, all aspects of the ERS program may be utilized as a communication tool at the local or unit level, but a final report will not be submitted to HQDA for processing nor will the individual officer, if eligible, be considered as part of the Senior Rater profile population.
- h.* A newly commissioned officer or newly appointed warrant officer will not be rated on an OER under any

provisions of this regulation prior to completion of an officer basic course, except for relief for cause reports or provisions of paragraph 3–54 for AMEDD officers. The period prior to attending the basic course will be nonrated and will be accounted for in the initial evaluation report.

i. Rating officials have a responsibility to balance their obligations to the rated individual with their obligations to the Army. Rating officials will make honest and fair evaluations of Soldiers under their supervision. On the one hand, this evaluation will give full credit to the rated individual for their achievements and potential. On the other hand, rating officials are obligated to the Army to be discriminating in their evaluations so that Army leaders, DA selection boards and career managers can make intelligent decisions.

j. The evaluation purpose and process for DA Form 1059 and DA Form 1059–1 are outlined in Chapter 4, DA Pam 623–3. Academic performance counseling and evaluations for military schools will be conducted in accordance with procedures established at the local level by the Commandant of the school and Commander, Training and Doctrine Command. Academic performance counseling and evaluations for military personnel attending civilian educational, medical or industrial institution will be conducted in accordance with procedures established at the local level by the Dean of the institution or appropriate civilian official.

Section II

Evaluation support forms

3–3. Evaluation forms

Specific instructions for preparation and submission of evaluation forms are addressed in DA Pam 623–3 as follows:

- a.* Chapter 2, OER support and evaluation forms
- b.* Chapter 3, NCOER support and evaluation forms
- c.* Chapter 4, AER evaluation forms.

3–4. The support form communication process

a. The support form communication process is characterized by initial and followup face-to-face counseling between the rater and the rated Soldier throughout the rating period. This process is used to achieve the purposes of DA Forms 67–9–1 and 2166–8–1. The initial face-to-face counseling assists in developing the elements of the rated individual's duty description, responsibilities and performance objectives. The followup counseling enhances mission-related planning, assessment, and performance development. Discussion and procedures on counseling is found in DA Pam 623–3, appendix C, and in Army Leadership doctrine.

b. Through the communication process, rated individuals are made aware of the specifics of their duties and may influence the decision on what is to be accomplished. Thus the rated Soldier is better able to—

- (1) Direct and develop their subordinates.
- (2) Plan for accomplishing the mission.
- (3) Gain valuable information about the organization.
- (4) Find better ways to accomplish the mission.

c. Using performance objectives as the basis for leadership communication enables the rater and the rated Soldier to identify the rated individual's most important tasks, priorities, and major areas of concern and responsibility. Many categories of objectives exist; the following examples are alternatives for consideration:

(1) *Routine objectives* deal with repetitive duties. These duties do not ordinarily produce visible results, but if they are not properly done, serious consequences could occur. (Example: Process administrative discharge within a 45-day period; carry out a program that ensures on time responses to suspense items.)

(2) *Problem solving* objectives deal with problem situations. These objectives will allow time for dealing with problems without disrupting other objectives. (Example: Prepare for logistical support to activate a battalion; reduce the sudden reduction in vehicle maintenance readiness.)

(3) *Innovative* objectives create new or improved methods of operation. These may involve a degree of risk because they are untried ideas. (Example: Create and or carry out a new property accountability system; develop and test a new maintenance program.)

(4) *Personal development* objectives further the professional growth of the rated officer, NCO or their subordinates. These objectives will be oriented toward skills that will help either the Soldier in their careers or job performance. These may be in any assigned specialty. (Examples: Complete a correspondence course or additional civilian education; improve a subordinate's knowledge in their area of responsibility by developing a study program of Army publications.)

(5) Special items of interest (Army Performance Objectives) objectives have been identified as Armywide areas of special interest and are listed below.

(a) Rated individuals will include this information in the development of their DA Form 67–9–1 or DA Form 2166–8–1.

(b) When applicable, rating officials will include rated Soldier performance associated with these special interest

items in their overall assessment of performance on the evaluation form. AR 600–20 includes additional clarification of some of these issues.

(c) Regarding individual derogatory information, and in accordance with applicable Army guidance, rating officials for individuals with substantiated issues or incidents involving these items of special interest during the rating period will include this information on final evaluation forms. The items below and those mentioned in paragraph 3–29 will be considered.

(d) This list is not all inclusive; commanders may establish their own special interest items and performance objectives:

1. Civilian position management: see AR 690–500.
2. Internal control systems: see AR 11–2.
3. Safety: see AR 385–10. All officers and NCOs will have a safety-related objective/task developed as part of their support form/counseling requirements.
4. Contracting and acquisition: see DOD 5000.52–M.
5. Information Security Program: see AR 380–5. The rating officials will consider and may evaluate the rated individual's discharge of any assigned security responsibilities. Rating officials are to comment on any action, behavior or condition that would constitute a reportable matter under Army security regulations and indicate if an appropriate report has been made.
6. Natural resources management: see AR 200–3. Officers assigned to civil works activities will refer to ER 1130–2–400.
7. Property accountability: see AR 735–5.
8. Command inspections: see AR 1–201.
9. Personnel management responsibilities for Army civilian employees: see AR 614–200.
10. Performance of contracting officers in their ability to increase contract awards to small disadvantaged business concerns, historically black colleges and universities, and minority institutions.
11. A leader's execution of training on prevention of sexual harassment or training on avoidance of sexual misconduct will be included in counseling.

d. The fact that the rated Soldier or rater initiates a support form at the beginning of the rating period provides impetus for the communication process. Discussion of duties and major performance objectives at the beginning of a rating period resolves misunderstandings and ambiguities before they can adversely affect performance and mission accomplishment. Throughout the rating period the working copy of the DA Form 67–9–1 or DA Form 2166–8–1 focuses followup face-to-face counseling on mission requirements and performance. This provides consistency and centers leadership communication and development from the beginning of the rating period until the end.

e. If the communication process has been properly executed, DA Form 67–9–1 and DA Form 2166–8–1 will assist the rating chain in completing the OER or NCOER, because the support forms are forwarded through the rating chain as evaluations are rendered.

(1) To emphasize the importance of this form in the evaluation process, the rated Soldier and rater will verify initial and followup face-to-face counseling by initialing the support form.

(2) For the OER only, when the support form accompanies the rater's evaluation of the rated officer when forwarded to the senior rater, the support form will provide significant information from the rated officer's point of view to the entire rating chain.

(3) For the NCOER only, when the support form accompanies the rater's evaluation of the NCO when forwarded to the senior rater, the support form will provide significant information from the rater's point of view to the entire rating chain.

f. DA Form 67–9–1 and DA Form 2166–8–1 provide an opportunity for the rated individual, rater, intermediate rater (if applicable) and senior rater to communicate. The rater will use the support form for input on the evaluation and forward the support form to the next person in the rating chain (senior rater or intermediate rater if applicable). The intermediate rater, if applicable, will use the support form to complete an evaluation of the rated individual and forward the support form and evaluation to the senior rater. The senior rater will use the support form to complete an evaluation of the rated individual and forward the completed evaluation and support form to the reviewer, if applicable, and then back to the rated individual.

g. Although the support form is an official document covered by regulation, it will not be part of an official file used by selection boards or career managers. Failure to comply with any or all support form requirements will not constitute the sole grounds for appeal of an evaluation report. The senior rater will ensure that a completed DA Form 67–9–1 or DA Form 2166–8–1, as applicable, is returned to the rated individual when the evaluation is forwarded to HQDA.

3–5. Role of the rated individual

- a. Shortly after assuming duties, the rater will provide the rated Soldier with copies of the support form and the

senior rater's support form with the unit's mission, rating chain individual goals, and objectives. Within the first 30 days of the evaluation period—

(1) A rated officer will draft their support form, using the rater/senior rater support forms provided as input, in preparation for the initial face-to-face counseling with the rater.

(2) A rated NCO will discuss and fully understand or adjust goals and objectives discussed with the rater during the initial counseling session. The rater will initiate DA Form 2166-8-1.

b. Correspondence and telephone conversations may be used as alternatives because of geographic separation, followed by face-to-face discussions between the rated individuals and the rater at the earliest opportunity. Submitting written performance objectives for approval at the beginning of the rating period without a followup face-to-face counseling is an unacceptable shortcut. Rated officers serving under dual supervision will have face-to-face discussions with both supervisors. NCOs will have one chain of command or supervision within a single organization. The rated Soldier will verify the face-to-face discussion by dating and initialing the DA Form 2166-8-1 (see DA Pam 623-3, chapter 2 for DA Form 67-9-1 processes and procedures or chapter 3 for DA Form 2166-8-1 processes and procedures).

c. A rated officer will maintain a working copy of the support form with duties and objectives throughout the rating period. Rated officers will make additions or deletions to their duties and objectives on the working copy as changes and counseling sessions occur and will discuss any changes to the working copy of the support form with raters. Followup face-to-face counseling is the most effective forum for these rater updates. Counseling does not dwell on the past but rather on the future and what needs to be completed or improved.

d. Raters of NCOs will maintain a working copy of DA Form 2166-8-1. Raters use this form to prepare for, conduct, and record results of performance counseling with rated NCOs. Its use is mandatory for counseling all NCOs, corporal (CPL) through CSM. The purpose of DA Form 2166-8-1 is to improve performance counseling by providing structure and discipline to the process.

e. Rated officers—

(1) May express their personal preference for career field and branch and/or functional area recommendations on DA Form 67-9-1 and during professional development counseling sessions with their rating officials.

(2) Serving under dual supervision will develop and maintain separate working copies of their support form.

(3) Who are required to file Standard Form 278 (Executive Branch Personnel, Public Disclosure Report and Schedule A) as a result of their duties will include that requirement on of DA Form 67-9-1, Part IV, Block a. To determine whether they are required to file such forms, officers will consult their command ethics counselor or staff judge advocate.

f. Rated officers will prepare a final DA Form 67-9-1 at the end of the rating period. If necessary and in hardcopy, rated officers will enter the dates of the initial and followup discussions from the working copy of DA Form 67-9-1 and reenter their initials. The final DA Form 67-9-1 will be considered by the rating officials in preparing DA Form 67-9. Rated officers serving under dual supervision will prepare a final DA Form 67-9-1 for both supervisors.

g. If the rated officer refuses to complete DA form 67-9-1, Part IV, on the grounds that the entry is voluntary under the Privacy Act, this statement will be entered: "I do not desire to submit the information requested in this section. I realize that I am willingly surrendering my opportunity to have this information considered in my evaluation and that my OER will be prepared without benefit of this information."

h. The rated NCO will maintain a personal copy of the DA Form 2166-8-1 as it is updated by the rater and feedback provided in counseling sessions by the rater. NCOs will not prepare their own DA Form 2166-8-1 but may provide input to rating officials to assist them with completion of the form. Use of DA Form 2166-8-1 is mandatory for counseling all NCOs, CPL through CSM. The purpose of the DA Form 2166-8-1 is to improve counseling by providing structure and discipline to the process described in DA Pam 623-3, chapter 3.

3-6. Role of the rater

a. Shortly after the rated Soldier assumes duties, the rater will provide copies of the most recent rater and senior rater support forms, mission or objectives. By doing this, the rater ensures the rated Soldier has the necessary input from the chain of command to determine and prioritize responsibilities and performance objectives properly.

b. At the beginning of the rating period, the rater will inform the rated Soldier who is in the complete rating chain and ensure the correct rating chain is recorded on DA Form 67-9-1 or DA Form 2166-8-1, as applicable. The rater will notify the rated Soldier of any applicable changes to the rating chain. The rater will use the official, published rating chain described in paragraph 2-3 and ensure that the rating chain is published and kept up to date.

c. The rater will ensure that a rated officer serving under dual supervision (para 2-22) is notified of the additional chain of supervision. An officer acting as the additional rating official in a dual supervision situation will also assume the appropriate responsibilities of the rater in developing the separate DA Form 67-9-1.

d. The rater will conduct a face-to-face counseling with the rated Soldier within the first 30 days of the rating period. This initial discussion will focus on duties, responsibilities, and performance objectives of the rated individual. Correspondence and telephone conversations may be used as an alternative because of geographic separation, followed by a face-to-face discussion between the rated individual and rater at the earliest opportunity. Simply requiring the

Within this same period, the evidence that a law degree was conferred will also be given to military personnel officers for entry in personnel records.

(2) AMEDD Soldiers attending courses in long-term civilian education programs of more than 12 months under AR 351-3 will receive a DA Form 1059-1 as follows:

(a) The first report will be initiated 12 months after the beginning of the training program.

(b) An additional report will be prepared every 12 months thereafter or upon completion of the training, whichever occurs first.

d. The Installation Education Service officer will initiate and review DA Form 1059-1, if requested by an Active Army Soldier who has participated in a part-time after duty educational degree program. This may be done upon completions of all requirements for the degree. This report will be sent to HQDA for inclusion in the student's OMPF. An official transcript of grades will be attached to the AER before sending the report.

Section VI Restrictions

3-20. Evaluation parameters

a. Each report will be an independent evaluation of the rated Soldier for a specific rating period. It will not refer to prior or subsequent reports. It will not remark on performance or incidents occurring before or after the period covered. The determination of whether an incident occurred during the period covered will be based on the date of the actual incident or performance; it will not be based on the date of any subsequent acts, such as the date of its discovery, a confession, or finding of guilt, or the completion of an investigation. Guidance concerning modification of previously submitted OERS is in paragraph 3-39.

b. Exceptions to this policy are granted only in the following situations:

(1) For Relief-for-Cause reports based on information pertaining to a previous reporting period. Example: A rating official may relieve a Soldier found to be involved in some illegal activity during a previous reporting period. They may refer to the prior rating period to explain the reasons for relief (paras 3-58 and 3-59).

(2) When the most recent APFT performance or profile data occurred prior to the beginning date of the report (within 12 months of the thru date of the report). This exception is allowed in order to comply with APFT requirements (see DA Pam 623-3, tables 2-4 and 3-5).

3-21. Comments

Comments will not exceed the space provided on DA Form 67-9, DA Form 2166-8, DA Form 1059, or DA Form 1059-1. In preparing their comments, rating officials will convey a precise but detailed evaluation to convey a meaningful description of an officer's performance and potential. In this manner, both Army selection boards and career managers are given the needed information on which to base a decision.

3-22. Prohibited narrative

A thorough evaluation of the Soldier is required. The following techniques will, therefore, not be used:

a. Brief, unqualified superlatives or phrases, particularly if they may be considered trite.

b. Too brief comments. These frequently need to be interpreted by the selection board and the career manager. If not correctly interpreted, the best interests of the Army and the rated soldier are not served. Some examples include, excessive use of technical acronyms or phrases not commonly recognized.

c. Bullet comments.

(1) Appropriate bullet comments are required for NCOERs. For example, "outstanding physical and mental toughness, Ranger of the year" or "performs brilliantly under fire and in the most austere conditions."

(2) Bullet comments are not acceptable for the OER or AER.

d. Any technique aimed at making specific words, phrases, or sentences stand out from the rest of the narrative, including, but not limited to the following:

(1) Underlining.

(2) Excessive use of capital letters.

(3) Unnecessary quotation marks.

(4) Wide spacing between selected words, phrases, bullets or sentences to include double spacing within a paragraph or between paragraphs. Senior raters are not authorized any double-spacing between performance and potential comments.

(5) Italics and similar techniques.

(6) Bold or underlined text.

(7) Compressed type face or spacing.

(8) Handwritten comments. An exception is made for DA Form 67-9 OER, Parts Vb, Vc, and VIIc for evaluations

on MGs and CW5s, which may be handwritten in black ink. In order to be processed and placed on the individual's OMPF, reports with handwritten comments must be legible.

(9) Exaggerated margins ("picture framing"). Paragraph indentation (if not excessive) is an acceptable practice if applied as standard convention of English prose (OER only).

(10) Inappropriate references to box checks (OERs). Senior raters may not make references to a profiled box check.

(11) Specific selection board language.

3-23. Unproven derogatory information

a. No reference will be made to an incomplete investigation (formal or informal) concerning a Soldier.

b. References will be made only to actions or investigations that have been processed to completion, adjudicated, and had final action taken before submitting the evaluation to HQDA. If the rated individual is absolved, comments about the incident will not be included in the evaluation.

c. This restriction is intended to prevent unverified derogatory information from being included in evaluation reports. It will also prevent unjustly prejudicial information from being permanently included in a Soldier's OMPF, such as—

(1) Charges that are later dropped.

(2) Charges or incidents of which the rated individual may later be absolved.

d. Any verified derogatory information may be entered on an evaluation. This is true whether the rated Soldier is under investigation, flagged, or awaiting trial. While the fact that a rated individual is under investigation or trial may not be mentioned in an evaluation until the investigation or trial is completed, this does not preclude the rating chain's use of verified derogatory information. For example, when an interim report with verified information is made available to a commander, the verified information may be included in an OER, NCOER, or AER. For all reports, if previously reported information later prove to be incorrect or erroneous, the Soldier will be notified and advised of the right to appeal the report in accordance with chapter 6.

e. Reports will not be delayed to await the outcome of a trial or investigation. Reports will be done when due and contain what information is verified at the time of preparation.

f. For OER, when previously unverified derogatory information is later verified, an addendum will be prepared in accordance with paragraphs 3-41 and 3-42 and forwarded to HQDA. Rating officials will initiate such addendum to report verified misdeeds or professional or character deficiencies unknown or unverified when the OER was submitted. The addendum will ensure that the verified information will be recorded in the Soldier's official records. However, it will not be submitted until completion of the investigation, imposition of punishment, or verification of the information.

3-24. Prohibited comments

a. The use of inappropriate or arbitrary remarks or comments that draws attention to differences relating to race, color, religion, gender, age or national origin is prohibited. Subjective evaluation will not reflect a rating official's personal bias or prejudice (see AR 614-200).

b. When nonjudicial punishment is given and filed on the restricted fiche or locally under AR 27-10, paragraph 3-37, and AR 600-8-104, rating officials may not comment on the fact that such nonjudicial punishment was given to a rated Soldier. This does not preclude mentioning the rated Soldier's underlying misconduct that served as the basis for the nonjudicial punishment.

c. No remarks on an evaluation report will be made on performance or incidents occurring before or after the rating period except—

(1) Relief-for-Cause reports based on information pertaining to a previous reporting period. Example: A rating official may relieve a Soldier found to be involved in some illegal activity during a previous reporting period. They may refer to the prior rating period to explain the reasons for relief (paras 3-58 and 3-59).

(2) The most recent APFT performance or profile data occurred prior to the beginning date of the report. This exception allows the rated individual to comply with APFT and height and weight requirements (see DA Pam 623-3, tables 2-4 and 3-5).

3-25. Comments about marital status and spouse

a. Any evaluation comments, favorable or unfavorable, will not be based solely on a rated Soldier's marital status. For example, statements such as the following will not be permitted: "LTC Doe and his wife make a fine command team" or "As a bachelor, MSG Doe can quickly react to this unit's contingency missions."

b. Evaluation comments will not be made about the employment, educational, or volunteer activities of a rated individual's spouse. For example, statements such as the following will not be permitted: "Mr. Doe's participation in post activities is limited by civilian employment," or "Mrs. Doe has made a significant contribution to Soldier morale by caring sponsorship of the hospital volunteer staff."

c. There are limited circumstances involving actual and demonstrable effect on the rated individual's performance or conduct when comments containing reference to a spouse may be made. These comments will be focused on the rated

Soldier's actions, not those of the spouse. For example, statements such as the following will be permitted: "CPT Doe continued outstanding, selfless service, despite his wife's severe illness," or "COL Doe's intemperate public confrontations with his wife were detrimental to his status as an officer."

3-26. Classified reports

Normally, reports will not contain classified information as defined in AR 380-5. Exceptional cases requiring classification will contain downgrading instructions under AR 380-5. In addition, each section, part, paragraph, subparagraph, or similar portion will be marked to show the level of classification of the information in it. Unclassified sections will be marked unclassified (DDD 5200.2-R). The evaluation report will be marked so that doubt is eliminated as to which parts contain or reveal classified information.

3-27. Prisoners of war

Evaluation reports will not be rendered on rated Soldiers for periods during which they are prisoners of war. The effect, if any, of a rated individual's status as a prisoner of war on other personnel actions, favorable or unfavorable (such as letters of commendation or reprimand), and on actions under the Uniform Code of Military Justice will be governed by the laws and regulations pertaining to the particular action.

3-28. Participation in the Army Substance Abuse Program

A rated Soldier who voluntarily enters the Army Substance Abuse Program (ASAP) for an alcohol or drug abuse problem that has not been detected by the chain of command will not be penalized by mention of ASAP participation in an evaluation report. This would discourage voluntary entry in the ASAP upon self-recognition of the need for help. In those cases where alcohol and drug abuse has resulted in substandard performance and/or disciplinary problems, subsequent voluntary entry in ASAP does not preclude rating officials from recording substandard performance or disciplinary problems on an evaluation report. Rating officials cannot use information derived from ASAP records in their evaluations. Once a Soldier has been identified in an evaluation report as having an alcohol or drug abuse problem based on information obtained independently of the ASAP—

a. Voluntary entry into the ASAP or successful rehabilitation will be mentioned as a factor to the rated Soldier's credit.

b. The rating chain will note status of a rated Soldier's rehabilitation progress or outcome in the current evaluation or in later reports.

3-29. Evaluation of special interest items

a. In addition to the Special Interest Items mentioned in paras 3-4c(5) as a requirement for the counseling and evaluation processes, AR 600-20 allows that the following items to be mentioned in a Soldier's evaluation report, when substantiated by a completed command or other official investigation:

- (1) Involvement in a driving under the influence charge.
- (2) Physical or mental Incapacitation.
- (3) Acts of sexual misconduct, physical, or mental abuse.
- (4) Criminal Acts reported in official military or civil authorities.
- (5) Behavior that is inconsistent or detrimental to the good order, conduct and discipline.
- (6) Adverse equal opportunity investigations.
- (7) Acts of reprisal.
- (8) Activities or behavior otherwise prohibited by AR 600-20.

b. The rated Soldier's participation in an official investigation and/or providing investigating officials information protected under the DOD Whistleblower Act and/or information provided to officials as part of official or unofficial investigations will not be mentioned on Army Evaluation Reports.

3-30. Performance as a member of a court-martial

Duty as a member of a court-martial will not be considered in preparing an OER, NCOER, or AER.

3-31. Performance as counsel

No rating official will give an unfavorable rating or comment regarding a rated Soldier because they zealously represented (as a counsel) any accused or respondent before court-martial or administrative board proceedings.

3-32. Performance as an equal opportunity official

A Soldier serving as an equal opportunity officer, either as a principal or additional duty, will not be given an unfavorable rating—

a. Because of enthusiasm and zeal for implementing the Army's Equal Opportunity Program.

b. In retaliation for criticism of command policies and practices related to that program.

complete their part of an addendum, the commander will so indicate. Specific instructions for referral are detailed in paragraph 3–36.

(2) Submit the addendum to the appropriate processing HQ.

f. If circumstances preclude the reviewing officer from forwarding the addendum directly to the rated student it may be forwarded through AHRC or the State AG.

g. If not a member of the original rating chain the commander's responsibility is only to coordinate the submission of the addendum. The commander may not add comments to the addendum unless a member of the original rating chain.

Section VII

Mandatory Reports

3–43. Basic rules

a. OER reports listed in this section are required if the rated officer has completed at least 90 calendar days in the same position under the same rater during the same rating period. On these reports the rater will complete the evaluation; however, intermediate raters and senior raters will evaluate only if they have the required 60 calendar days in the rating chain. Codes and reasons for submission are addressed in DA Pam 623–3, chapter 2.

b. NCOER reports in this section are required if the rated NCO has completed at least 90 calendar days in the same position under the same rater during the same rating period. On these reports, senior raters will evaluate if they have the required 60 calendar days in the rating chain. No minimum time period is required for reviewer qualification. Codes and reasons for submission are addressed in DA Pam 623–3, chapter 3.

c. Continuous, extended periods of nonrated time on an OER or NCOER require special considerations. When a Soldier has received a report within 90 days of starting a continuous, greater-than-9-months period of nonrated time on an OER or NCOER because of schooling, AER, patient status, or any other reason covered by nonrated code where the Soldier is not performing duties at an assigned unit, the FROM date for the next report will be one day after the THRU date of last OER/NCOER reflected on the file. However, the rated months will be calculated on the basis of the date of arrival under a valid unit rating scheme. Resulting reports can reflect a rating period greater than 12 months (they include the nonevaluated time), but the rated months cannot exceed 12 months of evaluated time. Examples are shown in figure 3–3.

Examples of Evaluations where Soldier had unrated time

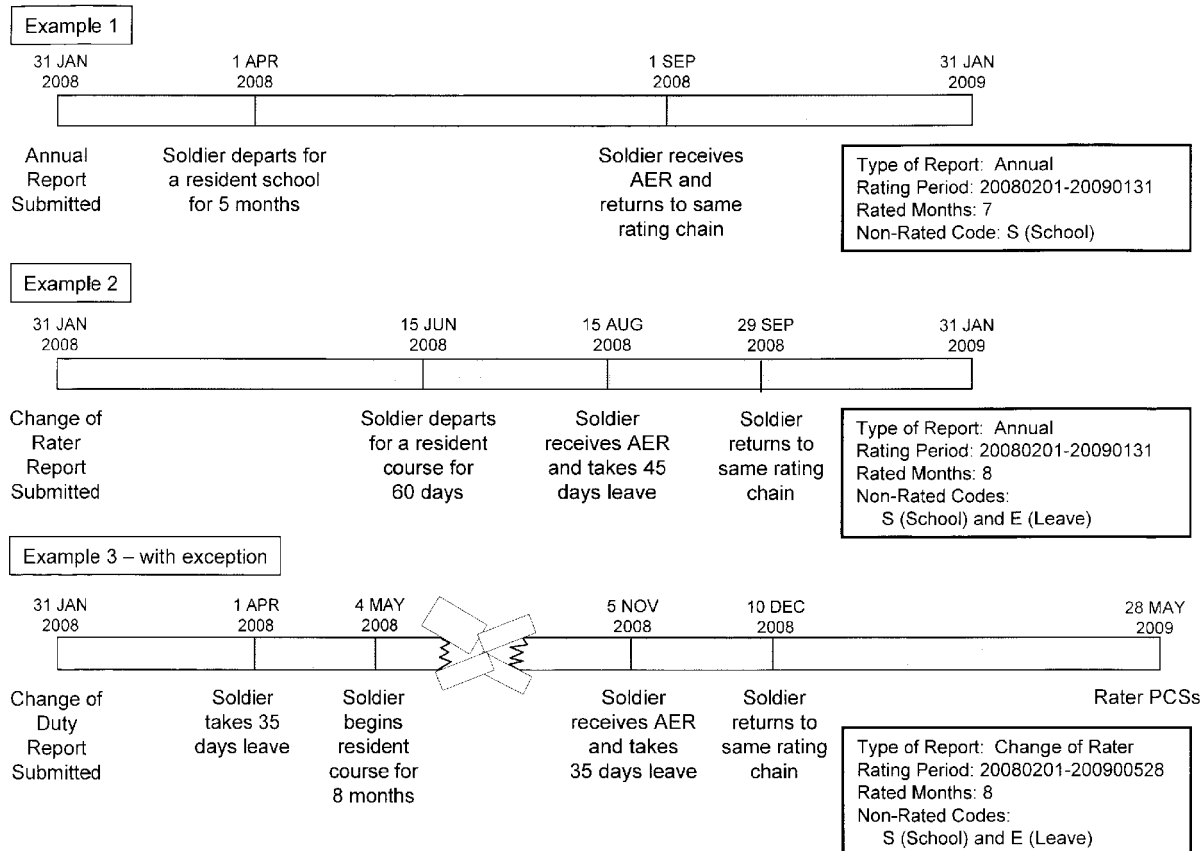


Figure 3-3. Example of nonevaluated time

3-44. Change of rater

a. An OER report is mandatory when the rated officer ceases to serve under the immediate supervision of the rater and minimum rating qualifications have been met.

b. An NCOER report is mandatory when—

(1) The rated NCO ceases to serve under the immediate supervision of the rater and minimum rating qualifications have been met.

(2) A rated NCO is reduced to corporal/specialist or below. Part 1c will contain the reduced rank and part 1d will reflect the effective date of the reduction. Reduction to another NCO grade does not require a report.

(3) The rated NCO is separated from active duty. As an exception, retirement reports of less than 1 year will be rendered at the option of the rater or senior rater or when requested by the rated NCO (see para 3-44f for more information).

c. Officers who experience a permanent change of station (PCS) or REFRAD will use a Change of Duty report (see para 3-47) vice this type of report.

d. A change of rater report will be submitted on a rater's subordinates when there is a loss of a rater as a rating chain member, described in paragraph 2-20. THRU dates on these reports will be date of the incident, when the rater dies, is declared missing, is relieved, or becomes incapacitated to such an extent that the commander with the advice of medical authorities, when necessary, believes the rater is unable to submit an accurate evaluation. Paragraph 2-20 addresses rating chain rules and restrictions.

e. When a rated NCO is declared missing or becomes a prisoner or hostage, a report is required as of the date of the incident. Under these situations, rating chain time minimums do not apply. Evaluations will not be rendered on Soldiers for periods during which they are missing, prisoners of war, or hostages. The effect, if any, of a Soldier's status on

other personnel actions, favorable or unfavorable (such as letters of commendation or reprimand), and on actions under the Uniform Code of Military Justice, will be governed by the laws and regulations pertaining to the particular action.

f. A report is mandatory when the rated noncommissioned officer is separated from active duty. As an exception, retirement reports of less than 1 year will be rendered at the option of the rater or senior rater or when requested by the rated Soldier. If the rated soldier is retiring, or is being released to the USAR after 20 or more years of active duty, the rater will indicate in their comments in DA Form 2166-8, Part IVb, the grade and assignment for which the rated noncommissioned officer will be recalled to active duty in the event of mobilization.

3-45. Annual

a. For OERs and NCOERs, an annual evaluation report is mandatory for a rated Soldier on completion of 1 calendar year of duty following the THRU date of the last OER or NCOER in the Soldier's OMPF.

(1) If 1 year has elapsed and the rated Soldier has not performed the same duty under the same rater for 90 calendar days, an extended annual (para 3-46) will be submitted.

(2) If the rated Soldier has gone TDY to attend a school and the annual report is due, the Depart TDY report (para 3-48) may be prepared and processed before departing to reestablish an annual cycle or an extended annual report (para 3-46) may be prepared upon return to the same rating officials.

(3) An annual report will not be submitted when the provisions for the change of rater (para 3-44) report or change of duty (para 3-47) report also apply.

b. Specific for NCOERs (DA Form 2166-8), an annual report will be submitted—

(1) One calendar year after the effective date of promotion to sergeant.

(2) Upon reversion to NCO status after serving as a commissioned or warrant officer for 12 months or more.

(3) Upon reentry on active duty in a rank of sergeant or above after a break in enlisted service of 12 months or more.

3-46. Extended annual report

There are two types of extended annual reports.

a. An extended annual report will be prepared if 1 year has elapsed and the rated Soldier has not performed the same duty under the same rater for 90 calendar days. This extended annual report will be only 90 evaluated days.

b. An extended annual report can be prepared in cases when mandatory reports (for example, annual, change of duty/rater) come due while Soldiers are attending schooling (AERs counting as nonrated time on an evaluation report). This report may be submitted to alleviate the need for a mandatory report while at school. The total number of evaluated months (rating period minus nonevaluated time) will be no more than 12 months even though the rating period (FROM to THRU dates) may be longer. Also, in these circumstances, when a mandatory report comes due while a Soldier is on TDY to attend a school, a depart TDY report is also an option (para 3-48).

3-47. Change of duty

a. An OER Change-of-Duty report is mandatory when the rated officer has a change of principal duty, even though the rater remains the same. This paragraph is used for all reassignments, including PCS. No report is submitted when organizational changes merely alter the rated officer's principal duty title but do not change the type of work performed (for example, Personnel Management Staff Officer to Assistant G1). A report will be submitted when organizational changes result in a change of rater (see para 3-44).

b. A report is mandatory when the rated officer is separated from active duty. As an exception, retirement reports of less than 1 year will be rendered at the option of the rater or senior rater or when requested by the rated officer. If the rated officer is retiring or is being released to the USAR after 20 or more years of active duty, the rater will indicate in their comments on DA Form 67-9, Part Vc, the grade and assignment for which the rated officer or warrant officer will be recalled to active duty in the event of mobilization (see DA Pam 623-3, table 2-5).

c. When the rated officer is declared missing or becomes a prisoner or hostage, a report is required as of the date of the incident. Under these situations, rating chain time minimums do not apply. Evaluations will not be rendered on officers for periods during which they are missing, prisoners of war, or hostages. The effect, if any of a Soldier's status on other personnel actions, favorable or unfavorable (such as letters of commendation or reprimand), and on actions under the Uniform Code of Military Justice will be governed by the laws and regulations pertaining to the particular action.

d. Provisions of this paragraph do not apply to NCOs.

3-48. Depart temporary duty, special duty, or temporary change of station

An OER or NCOER will be submitted on rated Soldiers by the rating officials in the organization from which the rated Soldiers depart when they depart on temporary duty (TDY), special duty (SD), or temporary change of station (TCS) to perform duties not related to the rated Soldiers' primary functions in their units; and, while on TDY, SD, or TCS, they serve under a different immediate supervisor for a period of 90 or more calendar days. However, this report is not required before departure on TDY for schooling (AER producing or otherwise).

a. In cases where it cannot be determined if such duty-related TDY, SD, or TCS will last for 90 days, a report may be submitted.

b. In cases when mandatory reports (Annual, change of duty/rater) come due while Soldiers are attending schooling (AERs counting as nonrated time on an evaluation report), this report may be submitted to alleviate the need for a mandatory report while at school. Also, in these circumstances an extended annual is an option (para 3-46).

c. A report is not authorized when the rated officer or NCO on TDY, SD, or TCS is still responsible to or receiving guidance or instruction from the chain of command of the parent unit or assigned organization.

d. An individual attached to an organization pending compassionate reassignment remains responsible to the parent unit and will not receive an evaluation report from the attached organization. A memorandum of input from the supervising officials of the attached organization to the Soldier's rating officials is mandatory (see table 3-1).

3-49. Supervisor evaluations for temporary duty, special duty, or temporary change of station

Rated Soldiers on TDY, SD, or TCS who are not responsible to their parent organization will be rated by their TDY, SD, or TCS supervisors according to rating chain requirements (see para 2-3 and 2-4). In these cases, the TDY, SD, or TCS supervisor is responsible for ensuring that a rating chain is published and that a DA Form 67-9-1 is initiated on the rated officer or DA Form 2166-8-1 is initiated on the rated NCO. TDY, SD or TCS supervisors are not authorized to render any type of evaluation report for periods of fewer than 90 calendar days unless otherwise authorized as an exception.

Table 3-1
Temporary duty, special duty and temporary change of station not related to principal duty

Period of TDY, SD or TCS	Required Evaluation	Optional Evaluation	Dispositions
0 to 59 days	None	Letter of input to rater	Note no. 1
60 to 89 days	Letter of input to normal rater	None	Note no. 2
90 days or more		Evaluation report	Note no. 2

Notes:

¹ Letter of input is prepared by the TDY, SD, or TCS Supervisor and sent to the rated officer's normal rater. The normal rater will consider this information when they prepare the rated officer's next OER. The letter of input will not be enclosed with the OER when it is forwarded to HQDA.

² A complete report is prepared as a change-of-duty report by the TDY, SD, or TCS supervisor and forwarded to DA by the senior rater.

³ Periods of TDY or SD to attend school are exempt from the above requirements. Attendance at courses of instruction is evaluated on Academic Evaluation Reports and, as such, is counted as nonrated time on the next OER or NCOER.

3-50. Officer failing selection for promotion

a. An officer who fails to be selected for promotion by an active-duty promotion board will receive an OER report prior to the next promotion board of the same type. The following conditions will be satisfied:

(1) The rated officer has not received an OER since the convene date of the board that did not select the officer for promotion.

(2) The rating period must cover 90 or more calendar days as of the date in a DA message announcing the zone of consideration for the next board that will consider the rated officer. This date will be the same as the date used for a Complete-the-Report (para 3-60).

(3) The minimum time requirements for the rater are satisfied.

b. This requirement does not apply to officers who are not in a regular duty environment with an established rating chain. For example, officers attending school are not eligible for an OER.

c. This requirement does not apply to officers being considered by a DA Selection Board for promotion to the grades of BG or MG.

d. The provisions of this paragraph do not apply to NCOs.

Section VIII

Mandatory reports other than 90-day minimum

3-51. Basic rule

Reports will be prepared on the following occasions. Specific time requirements, if any, are listed with each condition causing a report to be written.

responsibilities, the period of time between the removal and the relief will be nonrated time included in the period of the relief report. The published rating chain at the time of the relief will render the report at the time of the relief; no other report will be due on this officer during this nonrated period.

b. Cases where the rated officer has been suspended from duties pending an investigation will be resolved by the chain of command as expeditiously as possible to reduce the amount of potential non-rated time involved. Every effort will be made to retain the established rating chain, with the officer performing alternate duties under that rating chain, until the investigation is resolved. If the rated officer is suspended and subsequently relieved, the period of suspension is nonrated time. If the rated officer is suspended and subsequently placed back to duty (not relieved), the period of suspension is recorded as evaluated time on the next OER.

c. If Relief-for-Cause is contemplated on the basis of an informal AR 15-6 investigation, referral procedures contained in that regulation will be followed before the act of initiating or directing the relief. This is irrespective of the fact that the resultant report will also be referred to the rated officer as described in paragraph 3-34. This does not preclude a temporary suspension from assigned duties pending application of the procedural safeguards contained in AR 15-6. Action to relieve an officer from any command position will not be taken until after obtaining written approval from the first general officer in the chain of command of the officer being relieved, as required by AR 600-20.

d. See DA Pam 623-3, paragraph 2-13, for specific instructions that apply to completing a Relief-for-Cause report.

e. If, after a relief report has been submitted to HQDA, additional significant information becomes available, the provisions of paragraphs 3-38, 3-39, and 3-40 will apply.

f. A rating official may relieve an officer because of information received about a previous reporting period. For example, a rating official receives information from a completed investigation into a past incident and will relieve the officer from their present position or to process them for elimination. When this occurs, the following provisions apply:

(1) A relief report will be prepared.

(2) The rated officer will be evaluated only on performance during the current rating period, with the exception of the statement clarifying the relief.

(3) Rating restrictions described in DA Pam 623-3, paragraph 2-13*a*, do not apply.

(4) The reason for the relief will be cited in the report.

(5) If necessary, the new information will be forwarded to the previous rating chain when submitting an addendum, as described in paragraphs 3-38, 3-39, and 3-40.

g. The minimum time requirements for rating officials do not apply. All rating officials will evaluate; however, any rating official who has not directed the relief, and does not agree with the relief, may state a nonconcurrence in the proper narrative portion of the report.

3-59. Relief-for-Cause (DA Form 2166-8)

An NCOER report is required when an NCO is relieved for cause regardless of the rating period involved. Relief-for-Cause is defined as the removal of an NCO from a rateable assignment based on a decision by a member of the NCO's chain of command or supervisory chain. A Relief-for-Cause occurs when the NCO's personal or professional characteristics, conduct, behavior, or performance of duty warrants removal in the best interest of the U.S. Army (see AR 600-20, para 2-17). Additional considerations for these reports are described below.

a. If the relief does not occur on the date the NCO is removed from the duty position or responsibilities, the suspended period of time between the removal and the relief will be nonrated time included in the period of the relief report. The published rating chain at the time of the relief will render the report; no other report will be due on the rated NCO during this nonrated period.

b. Cases where the rated NCO has been suspended from duties pending an investigation will be resolved by the chain of command as expeditiously as possible to reduce the amount of non-rated time involved. Every effort will be made to retain the established rating chain, with the NCO performing alternate duties under that rating chain, until the investigation is resolved. If the rated NCO is suspended and subsequently relieved, the period of suspension is nonrated time. If the rated NCO is suspended and subsequently placed back to duty (not relieved), the period of suspension is recorded as evaluated time on the next NCOER.

c. If Relief-for-Cause is contemplated on the basis of an informal AR 15-6 investigation, the referral procedures contained in that regulation will be followed before the act of initiating or directing the relief. This does not preclude a temporary suspension from assigned duties pending application of the procedural safeguards contained in AR 15-6. A Relief-for-Cause will be the final action after all investigations have been completed and a determination made.

d. See DA Pam 623-3, paragraph 3-9, for specific instructions that apply to completing a Relief-for-Cause report.

e. The minimum rater and senior rater qualifications and the minimum rating period are 30 rated days. The fundamental purpose of this restriction is to allow the rated NCO a sufficient period to react to performance counseling during each rating period. Authority to waive this 30-day minimum rating period and rater and senior rater qualification period in cases of misconduct is granted to a general officer in the chain of command or an officer having general court-martial jurisdiction over the relieved NCO. The waiver approval will be in memorandum format and attached as an enclosure to the report (see para 3-38 and fig 3-1).

f. The rating official directing the relief will clearly explain the reason for the relief in his/her portion of the NCOER. If the relief is directed by an official other than the rater or senior rater, the official directing the relief will describe the reasons for the relief in an enclosure to the report (see fig 3-2).

Section IX

Optional Reports

These reports are submitted at the option of rating officials.

3-60. Complete-the-Record reports

Complete-the-Record reports are optional. Therefore, the absence of such a report from the OMPF at the time of the board's review will not be a basis to request standby reconsideration unless the absence is due to administrative error or a delay in processing at HQDA. This paragraph is also applicable to the ARNGUS and USAR Command Sergeant Major Programs and ARNGUS and USAR promotion boards centralized at State or Major United States Army Reserve Command headquarters, NGB, and AHRC-St. Louis.

a. *DA Form 67-9.* A Complete-the-Record report may be submitted on a rated officer who is about to be considered by a DA selection board for promotion, project manager, school, or command (battalion or brigade level) provided the following conditions are met:

- (1) The rated officer will be in or above the zone of consideration for promotion.
- (2) The rated officer will have served for a minimum of 90 calendar days (excluding nonrated periods) in the same position under the same rater as of the Complete the Record date announced in the DA message announcing the zones of consideration.
- (3) All other rating chain time minimums apply.

b. *DA Form 2166-8.* A Complete-the-Record Report may be submitted on a NCO who is about to be considered by a DA centralized board for promotion, school, or CSM selection, provided the following conditions are met:

- (1) The rated NCO will be in the zone of consideration (primary or secondary) for a centralized promotion board or in the zone of consideration for a school or CSM selection board.
- (2) The rated NCO will have been under the same rater for at least 90 rated days as of the ending date established in the message announcing the zones of consideration.
- (3) All other rating chain time minimums apply.
- (4) The rated NCO will not have received a previous report for the current duty position at the current organization.

3-61. Senior rater option reports

a. For DA Form 67-9 and DA Form 2166-8, when a change in senior rater occurs, the senior rater may direct that a report be made on any Soldier whom they senior rate. This will apply only if the following conditions are met:

- (1) The senior rater has served in that position for at least 60 calendar days. In cases where a general officer is serving as both rater and senior rater, the minimum rater requirement will also be 60 days versus the normal 90-day requirement.
- (2) The rater meets the minimum requirements to give a report.
- (3) The Soldier has not received a report in the preceding 90 calendar days.

b. When an evaluation report is due within 60 calendar days of the change in senior rater, the senior rater will submit a senior rater option report to prevent that OER or NCOER being submitted without a senior rater evaluation.

3-62. Sixty-day option reports

When one of the conditions described in paragraphs 3-44 through 3-47 occurs, and there are fewer than 90 calendar days but more than 59 calendar days (excluding nonrated periods) in the rating period, a report on rated Soldiers may be initiated at the option of the rater. However, the following conditions will be met:

a. The rated Soldier will be serving in an overseas designated short tour for a period of 14 months or less (see AR 614-30 and app B for "all others" tour identification by area) or designated in the Personnel Planning Guidance.

b. The senior rater will meet the minimum time-in-position requirements to evaluate (60 days) and will approve or disapprove submission of the report. When the senior rater disapproves the submission of the report, the basis for the disapproval will be stated and the report returned through the rating chain to the rater. The rater will inform the rated individual that the report has been disapproved and destroy the report.

3-63. Rater option reports (DA Form 67-9 only)

When one of the conditions described in paragraphs 3-44 through 3-47 occurs but there are fewer than 90 calendar days (excluding nonrated periods) in the rating period, an OER may be submitted at the option of the rater. However, the rated officer will have served continuously under the same rater in the same position for 90 or more calendar days in the previous rating period. For example: An officer received an annual OER on 31 March. The rated officer departs PCS on 22 May. The rating period is 51 days. If those 51 days were spent in the same duty position under the same

Student Handout 3

Extracted Material from DA Pam 623-3, Evaluation Reporting System

This student handout contains 19 pages of extracted material from the following publication:

DA Pam 623-3, Evaluation Reporting System, 13 Aug 2007

Chapter 3 pages 34 thru 51

Chapter 5 page 61

Disclaimer: The training developer downloaded the extracted material from the Army Publishing Directorate (USAPA) web site. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

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Table 2-10
Command codes within OERS—Continued

TM	U.S. Army Military Entrance Processing Command	MEPCOM
TZ	TRADOC SUBCMD - Active Army Soldiers in support of RES COMP	TRADOC
U1	3D Air Traffic Control Battalion	31 TC BN E
U2	5TH Signal Command	5 SIG CMD
U3	66TH Military Intelligence Brigade	66 MI BDE
U4	53RD Support Group	53D ASG
U5	266TH Theater Finance Center	266 TFC
U6	80TH Support Group	80TH ASG
U7	98TH Support Group	98TH ASG
U8	100TH Support Group	100TH ASG
U9	104TH Support Group	104TH ASG
UA	U.S. Army Europe and 7TH Army	USAREUR7
UB	V Corps Artillery	VCORARTY
UC	1ST Personnel Command	1PERSCOM
UD	3RD Corps Support Command	3 COR SPT C
UE	12TH Aviation Brigade	12 AVN BDE
UF	7TH Signal Brigade	7 SIG BDE
UG	69TH Air Defense Artillery Brigade	69TH ADA BDE
UH	18TH Military Police Brigade	18 MP BDE
UI	22ND Signal Brigade	22 SIG BDE
UJ	1ST Transportation Movement Control Agency	1ST TMCA
UK	U.S. Army Special Forces Detachment	USASFDET
UL	7TH Army Training Command	7TH ATC
UM	U.S. Army Southern European Task Force	SETAF
UN	130TH Engineer Brigade	130 EGR BD
UO	11TH Aviation Group	11 AVN GP
UP	7TH Medical Command	7 MEDCOM
UQ	32ND Army Air Defense Command	32 AADCOM
UR	21ST Theater Area Command and 5TH Tactical Company	21ST TAACOM
US	V Corps (Nondivisional Units)	V CORPS
UT	205TH MI Bridgade	205 MI BDE
UU	1ST Armored Division	1 ARMD DIV
UV	30TH Medical Brigade	30 MED BDE
UW	Special Troops V Corps	SP TRPS VCOR
UX	3ND Infantry Division	3 INF DIV
UZ	Miscellaneous Activities	MISC ACT

Chapter 3

Noncommissioned Officer Evaluation Report Preparation

3-1. Purpose and process - DA Form 2166-8-1 (NCOER Counseling and Support Form)

a. Purpose. Contribute to Army-wide improved performance and professional development by increased emphasis on performance counseling. The rater uses DA Form 2166-8-1 to prepare for, conduct, and record results of performance counseling with the rated NCO. Its use is mandatory for counseling all NCOs, CPL through CSM. The

purpose of the counseling and support form is to improve performance counseling by providing structure and discipline to the process.

b. Process.

(1) Within the first 30 days of the rating period, effective date of lateral appointment to corporal, or promotion to sergeant, the rater will conduct the first counseling session with the rated NCO (except for IRR and IMA NCOs completing more than 11 consecutive days on annual training (AT), active duty for training (ADT), active duty for special work (ADSW), or temporary tour of active duty (TTAD)). This counseling session is somewhat different from later counseling sessions in that the primary focus is on communicating performance standards to the rated NCO. It should specifically let the rated NCO know what is expected during the rating period. The rater shows the rated NCO the rating chain and a complete duty description, discusses the meaning of the values and responsibilities contained on the NCOER, and explains the standards for success. Before the rated NCO departs the counseling session, the rater records key points that were discussed and obtain the rated NCO's initials on the DA Form 2166-8-1.

(2) Counseling sessions will be conducted at least quarterly for Active Army and AGR NCOs and at least semiannually for ARNGUS and USAR NCOs performing IDT. These counseling sessions differ from the first counseling session in that the primary focus is on telling the rated NCO how well they are performing. The rater updates the duty description, and based on observed action and demonstrated behavior and results, discusses what was done well and what could be done better. The guide for this discussion is the success standards established in the previous counseling session. Prior to the conclusion of the counseling session, the rater records key points discussed and obtain the rated NCO's initials on the DA Form 2166-8-1.

(3) The rater will maintain one DA Form 2166-8-1 for each rated NCO until after the NCOER for that period has been approved and submitted to AHRC-Indianapolis; CNGB; State AG; or CDR, AHRC-St. Louis. For corporals, who do not receive a record NCOER, the counseling and support form will be maintained for one year. There is no regulatory requirement to keep the DA Form 2166-8-1 beyond this time. However, in some cases keeping it for possible future use to support personnel actions may be appropriate.

c. Samples. See figure 3-1 for a sample of this form.

NCOER COUNSELING AND SUPPORT FORM				FOR OFFICIAL USE ONLY (FOUO) SEE PRIVACY ACT STATEMENT IN AR 623-3		
For use of this Form, see AR 623-3, the proponent agency is DCS, G-1.						
PART I - ADMINISTRATIVE DATA						
a. NAME (Last, First, Middle Initial) BUCK, GEORGE G.	b. SSN 999-99-9999	c. RANK MSG	d. DATE OF RANK 19990501	e. PMOSC 92Y52SG10		
f. UNIT, ORG., STATION, ZIP CODE OR APO HHC, SP TRPS BN, 13th COSCOM, Ft. Hood, TX	STATUS CODE	i. RATED NCO'S AKA EMAIL ADDRESS (.gov or .mil) george.g.buck007@us.army.mil		m. UIC W6ED24	n. CMD CODE UZ	o. PSB CODE UA01
PART II - AUTHENTICATION						
a. NAME OF RATER (Last, First, Middle Initial) SCOTT, THOMAS D.	SSN 123-45-6789	INITIAL	LATER	LATER	LATER	
RANK, PMOSC/BRANCH, ORGANIZATION, DUTY ASSIGNMENT LTC, AC, Army Contracting Agency, BN Commander				RATER'S AKA EMAIL ADDRESS (.gov or .mil) thomas.d.scott123@us.army.mil		
b. NAME OF SENIOR RATER (Last, First, Middle Initial) JONES, WILLIAM A.	SSN 234-56-7890	INITIAL	LATER	LATER	LATER	
RANK, PMOSC/BRANCH, ORGANIZATION, DUTY ASSIGNMENT GS15, Army Contracting Agency, Acting Director				SENIOR RATER'S AKA EMAIL ADDRESS (.gov or .mil) bill.jones100@us.army.mil		
c. NAME OF REVIEWER (Last, First, Middle Initial) SMITH, VIRGINIA	SSN 456-78-9123	INITIAL	LATER	LATER	LATER	
RANK, PMOSC/BRANCH, ORGANIZATION, DUTY ASSIGNMENT COI, AG, Army Contracting Agency, BDE Commander				REVIEWER'S AKA EMAIL ADDRESS (.gov or .mil) virginia.smith58@us.army.mil		
d. RATED NCO'S INITIALS		INITIAL	LATER	LATER	LATER	
PART III - DUTY DESCRIPTION (Rater)						
a. PRINCIPAL DUTY TITLE Contracting Command NCOIC	b. DUTY MOSC 92Y50G1					
c. DAILY DUTIES AND SCOPE (To include, as appropriate, people, equipment, facilities and dollars) (SEE DA PAM AR 623-3, PARA 3-1)						
d. AREAS OF SPECIAL EMPHASIS (SEE DA PAM AR 623-3, PARA 3-1)						
e. APPOINTED DUTIES (SEE DA PAM AR 623-3, PARA 3-1)						
f. PHYSICAL FITNESS & MILITARY BEARING APFT PASS APFT DATE 20031215 HEIGHT/WEIGHT 70 168 Yes						
PART IV - ARMY VALUES/ATTRIBUTES/SKILLS/ACTIONS (Rater)						
LOYALTY, DUTY, RESPECT/EO/EEO, SELFLESS-SERVICE, HONOR, INTEGRITY, PERSONAL						
TASK/ACTIONS: (SEE DA PAM AR 623-3, PARA 3-1)				PERFORMANCE SUMMARY: (SEE DA PAM AR 623-3, PARA 3-1)		

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Figure 3-1. Sample DA Form 2166-8-1 NCOER Support Form

RATED NCO'S NAME (Last, First, Middle Initial) BUCK, GEORGE G.		SSN 999-99-9999
b. COMPETENCE: <ul style="list-style-type: none"> o Duty proficiency; MOS competency o Sound judgment o Accomplishing tasks to the fullest capacity; committed to excellence o Technical & tactical; knowledge, skills, and abilities o Seeking self-improvement; always learning 		
TASK/ACTIONS: (SEE DA PAM AR 623-3, PARA 3-1)	PERFORMANCE SUMMARY: (SEE DA PAM AR 623-3, PARA 3-1)	
c. PHYSICAL FITNESS & MILITARY BEARING: <ul style="list-style-type: none"> o Mental and physical toughness o Displaying confidence and enthusiasm; looks like a soldier o Endurance and stamina to go the distance 		
TASK/ACTIONS: (SEE DA PAM AR 623-3, PARA 3-1)	PERFORMANCE SUMMARY: (SEE DA PAM AR 623-3, PARA 3-1)	
d. LEADERSHIP: <ul style="list-style-type: none"> o Mission first o Instilling the spirit to achieve and win o Genuine concern for soldiers o Setting the example: Be, Know, Do 		
TASK/ACTIONS: (SEE DA PAM AR 623-3, PARA 3-1)	PERFORMANCE SUMMARY: (SEE DA PAM AR 623-3, PARA 3-1)	
e. TRAINING: <ul style="list-style-type: none"> o Individual and learn o Teaching soldiers how; common tasks; duty-related skills o Mission focused; performance oriented o Sharing knowledge and experience to fight, survive and win 		
TASK/ACTIONS: (SEE DA PAM AR 623-3, PARA 3-1)	PERFORMANCE SUMMARY: (SEE DA PAM AR 623-3, PARA 3-1)	
f. RESPONSIBILITY & ACCOUNTABILITY: <ul style="list-style-type: none"> o Care and maintenance of equipment/facilities o Conservation of supplies and funds o Responsible for good, bad, right & wrong o Soldier and equipment safety o Encouraging soldiers to learn and grow 		
TASK/ACTIONS: (SEE DA PAM AR 623-3, PARA 3-1)	PERFORMANCE SUMMARY: (SEE DA PAM AR 623-3, PARA 3-1)	

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Figure 3-1. Sample DA Form 2166-8-1 NCOER Support Form - Continued

3-2. Purpose and use - DA Form 2166-8 (NCO Evaluation Report)

a. Purpose. Rating chain members use the DA Form 2166-8 (NCOER) to provide DA with performance and potential assessments of each rated NCO. The DA Form 2166-8 also provides evaluation information to ensure that sound personnel management decisions can be made and that an NCO's potential can be fully developed. See appendix B for Human Resource Center Addresses.

b. Sample. See figure 3-3 for a sample of this form.

NCO EVALUATION REPORT						FOR OFFICIAL USE ONLY (FOUO) SEE PRIVACY ACT STATEMENT IN AR 623-3.			
For use of this form, see AR 623-3: the proponent agency is DCS, G-1.									
PART I - ADMINISTRATIVE DATA									
a. NAME (Last, First, Middle Initial) BUCK, GEORGE G			b. SSN 999-99-9999		c. RANK MSG	d. DATE OF RANK 19990501	e. PMOSC 92Y52SG10		
f.1. UNIT ORG STATION ZIP CODE OR APO HHC, Special Troops Battalion, 13th COSCOM, Ft. Hood, TX 76544 FORSCOM				f.2. STATUS CODE		g. REASON FOR SUBMISSION 02/Annual			
h. PERIOD COVERED		i. RATED MONTHS	j. NON-RATED CODES	k. NO. OF ENCL		l. RATED NCO'S AKO EMAIL ADDRESS (.gov or .mil)	m. UIC	n. CMD CODE	o. PSB CODE
FROM	THRU	12			george.g.buck007@us.army.mil	W6ED24	UZ	UA01	
Year Month Day	Year Month Day								
20030701	20040630								
PART II - AUTHENTICATION									
a. NAME OF RATER (Last, First, Middle Initial) SCOTT, THOMAS D			SSN 123-45-6789				DATE		
RANK LTC	PMOSC/BRANCH AC	ORGANIZATION Army Contracting Agency		DUTY ASSIGNMENT BN Commander	RATER'S AKO EMAIL ADDRESS (.gov or .mil) thomas.d.scott123@us.army.mil				
b. NAME OF SENIOR RATER (Last, First, Middle Initial) JONES, WILLIAM A			SSN 234-56-7890				DATE		
RANK GS1S	PMOSC/BRANCH	ORGANIZATION Army Contracting Agency		DUTY ASSIGNMENT Acting Director	SENIOR RATER'S AKO EMAIL ADDRESS (.gov or .mil) bill.jones100@us.army.mil				
c. NAME OF REVIEWER (Last, First, Middle Initial) SMITH, VIRGINIA			SSN 456-78-9123				DATE		
RANK COL	PMOSC/BRANCH AG	ORGANIZATION Army Contracting Agency		DUTY ASSIGNMENT BDE Commander	REVIEWER'S AKO EMAIL ADDRESS (.gov or .mil) virginia.smith58@us.army.mil				
d. <input checked="" type="checkbox"/> CONCUR WITH RATER AND SENIOR RATER EVALUATIONS <input type="checkbox"/> NONCONCUR WITH RATER AND/OR SENIOR RATER EVAL. (See attached comments)									
e. RATED NCO: I understand my signature does not constitute agreement or disagreement with the evaluations of the rater and senior rater. I further understand my signature verifies that the administrative data in Part I, the rating officials in Part II, the duty description to include the counseling dates in Part III, and the APFT and height/weight entries in Part IVc are correct. I have seen the completed report. I am aware of the appeals process of AR 623-X.							DATE		
PART III - DUTY DESCRIPTION (Rater)									
a. PRINCIPAL DUTY TITLE Contracting Command NCOIC				b. DUTY MOSC 92Y50G1					
c. DAILY DUTIES AND SCOPE (To include, as appropriate, people, equipment, facilities and dollars)									
(SEE DA PAM 623-3, PARA 3-6)									
d. AREAS OF SPECIAL EMPHASIS									
(SEE DA PAM 623-3, PARA 3-6)									
e. APPOINTED DUTIES									
(SEE DA PAM 623-3, PARA 3-6)									
f. COUNSELING DATES				INITIAL 20030730	LATER 20031015	LATER 20040101	LATER 20040419		
PART IV - ARMY VALUES/ATTRIBUTES/SKILLS/ACTIONS (Rater)									
a. ARMY VALUES Check either "YES" or "NO" Comments are mandatory for "No" entries, optional for "Yes" entries.							YES	NO	
V A L U E S	Loyalty Duty Respect Selfless-Service Honor Integrity Personal Courage	1. LOYALTY: Bears true faith and allegiance to the U. S. Constitution, the Army, the unit, and other soldiers.					X		
		2. DUTY: Fulfills their obligations.					X		
		3. RESPECT/EO/EEO: Treats people as they should be treated.					X		
		4. SELFLESS-SERVICE: Puts the welfare of the nation, the Army, and subordinates before their own.					X		
		5. HONOR: Lives up to all the Army values.					X		
		6. INTEGRITY: Does what is right - legally and morally.					X		
		7. PERSONAL COURAGE: Faces fear, danger, or adversity (physical and moral).					X		
Bullet comments									
(SEE DA PAM 623-3, PARA 3-7)									

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Figure 3-2. Sample 2166-8 NCOER

RATED NCO'S NAME (Last, First, Middle Initial) + BUCK, GEORGE G		SSN 999-99-9999	THRU DATE 20040630	+
PART IV (Rater) - VALUES/NCO RESPONSIBILITIES <i>Bullet comments are mandatory. Substantive bullet comments are required for "EXCELLENCE" or "NEEDS IMPROVEMENT."</i>				
b. COMPETENCE o Duty proficiency; MOS competency o Technical & tactical; knowledge, skills, and abilities o Sound judgment o Seeking self-improvement; always learning o Accomplishing tasks to the fullest capacity; committed to excellence EXCELLENCE SUCCESS NEEDS IMPROVEMENT <i>(Exceeds std)</i> <i>(Meets std)</i> <i>(Some)</i> <i>(Much)</i> <input checked="" type="checkbox"/>		(SEE DA PAM 623-3, PARA 3-7)		
c. PHYSICAL FITNESS & MILITARY BEARING o Mental and physical toughness o Endurance and stamina to go the distance o Displaying confidence and enthusiasm; looks like a soldier EXCELLENCE SUCCESS NEEDS IMPROVEMENT <i>(Exceeds std)</i> <i>(Meets std)</i> <i>(Some)</i> <i>(Much)</i> <input checked="" type="checkbox"/>		APFT PASS 20031215	HEIGHT/WEIGHT 70 / 168	Yes
		(SEE DA PAM 623-3, PARA 3-7)		
d. LEADERSHIP o Mission first o Genuine concern for soldiers o Instilling the spirit to achieve and win o Setting the example; Be, Know, Do EXCELLENCE SUCCESS NEEDS IMPROVEMENT <i>(Exceeds std)</i> <i>(Meets std)</i> <i>(Some)</i> <i>(Much)</i> <input checked="" type="checkbox"/>		(SEE DA PAM 623-3, PARA 3-7)		
e. TRAINING o Individual and team o Mission focused, performance oriented o Teaching soldiers how; common tasks, duty-related skills o Sharing knowledge and experience to fight, survive and win EXCELLENCE SUCCESS NEEDS IMPROVEMENT <i>(Exceeds std)</i> <i>(Meets std)</i> <i>(Some)</i> <i>(Much)</i> <input checked="" type="checkbox"/>		(SEE DA PAM 623-3, PARA 3-7)		
f. RESPONSIBILITY & ACCOUNTABILITY o Care and maintenance of equipment/facilities o Soldier and equipment safety o Conservation of supplies and funds o Encouraging soldiers to learn and grow o Responsible for good, bad, right & wrong EXCELLENCE SUCCESS NEEDS IMPROVEMENT <i>(Exceeds std)</i> <i>(Meets std)</i> <i>(Some)</i> <i>(Much)</i> <input checked="" type="checkbox"/>		(SEE DA PAM 623-3, PARA 3-7)		
PART V - OVERALL PERFORMANCE AND POTENTIAL				
a. RATER. Overall potential for promotion and/or service in positions of greater responsibility. AMONG THE BEST FULLY CAPABLE MARGINAL <input checked="" type="checkbox"/>		e. SENIOR RATER BULLET COMMENTS (SEE DA PAM 623-3, PARA 3-8)		
b. RATER. List 3 positions in which the rated NCO could best serve the Army at his/her current or next higher grade. (SEE DA PAM 623-3, PARA 3-8) _____ _____ _____				
c. SENIOR RATER. Overall performance <input checked="" type="checkbox"/>		d. SENIOR RATER. Overall potential for promotion and/or service in positions of greater responsibility. <input checked="" type="checkbox"/>		
1 2 3 4 5 Successful Fair Poor		1 2 3 4 5 Superior Fair Poor		

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Figure 3-2. Sample 2166-8 NCOER - Continued

3-3. Evaluation forms

Mandatory forms used in the evaluation process are available on-line at <http://www.usapa.army.mil> "Search Forms". Specific instructions for preparation and submission of evaluation forms are addressed in DA Pam 623-3 as follows:

- a. DA Pam 623-3, chapter 2 - OER support and evaluation forms.
- b. DA Pam 623-3, chapter 3 - NCOER support and evaluation forms.
- c. DA Pam 623-3, chapter 4 - AER evaluation forms.

3-4. Part I, administrative data

Part I is for administrative data, which includes identifying the rated NCO, the period of the report, and the reason for submitting the report. See table 3-1 for administrative data noncommissioned officer evaluation report instructions.

Table 3-1
Administrative data noncommissioned officer evaluation report instructions

NCOER Part : Ia: Name

Action Required: Enter rated NCO's name (LAST, FIRST, MI, SUFFIX) ALL CAPS

Reference: None

NCOER Part : Ib: Social Security Number

Action Required: Enter rated NCO's SSN (9 digit XXX-XX-XXX)

Reference: None

NCOER Part : Ic: Rank

Action Required: Enter the three-letter abbreviation for the NCO's military rank, not pay grade (for example, SSG, SFC). If the rated NCO is frocked to 1SG, SGM, or CSM, enter the rank, date of rank, and PMOSC held prior to the frocking action. In addition to the NCO's rank in Part Ic, enter the appropriate frocked rank in parentheses immediately following the rank entry. The entries are SFC (1SG), MSG(SGM), or MSG(CSM). If the rated NCO was reduced to corporal/specialist or below enter the reduced rank. Reduction to another NCO grade does not require a report.

Reference: AR 600-20

NCOER Part : Id: Date of Rank

Action Required: Enter the rated NCO's date of rank (YYYYMMDD). If the rated NCO is frocked enter the date of rank for the rank held prior to the frocking action. If the rated NCO was reduced to corporal/specialist or below enter the effective date of the reduction.

Reference: None

NCOER Part : Ie: PMOS

Action Required: Enter up to nine digits of the primary military occupational specialty (MOS) code (for example, 19E30, 42A5MA3, and 18Z5PW9LA). If an NCO does not possess an additional skill identifier or language identifier, only a five digit MOS is entered. An alpha or numeric entry may be used to denote the last digit of the skill level (0 or O).

Reference: None

NCOER Part : If: Unit, Org, Station, Zip Code or APO, MACOM, and 1f.2 Status Code

Action Required: — Rated NCO's Unit, Organization, Station, Zip Code or APO, and MACOM.

— Enter data in order listed on form.

— USAR must include the appropriate Major USA Reserve Command/ USAR General Officer Command.

— If USAR or ARNG NCO, enter the status code/complete name in 1f.2 as follows:

IRR: Individual Ready Reserve

IMA: Individual Mobilization Augmentee

DIMA: Drilling Individual Mobilization Augmentee

TPU: Troop Program Unit

EAD: Extended Active Duty

AGR: Active Guard Reserve

MOB: Mobilized Soldier

TTAD: Temporary Tour Active Duty

ADSW: Active Duty for Special Works

M-DAY: Man-Day NG Traditional Soldiers

Reference: None

Table 3-1
Administrative data noncommissioned officer evaluation report instructions—Continued

NCOER Part : Ig: Reason for Submission

Action Required: Enter the appropriate report code in the left-hand portion of the block and the type of report title in the right-hand portion of the block.

Reference: Table 3-6

NCOER Part : Ih: Period Covered

Action Required: — Period Covered is the period extending from the day after the "Thru" date of the last report to the date of the event causing the report to be written. The rating period is that period within the "Period Covered" during which the rated NCO serves in the same position under the same rater who is writing the report. The "Period Covered" and the rating period always end on the same date (the "Thru" date of the report). The beginning date of the rating period may not be the same as that of that of the "Period Covered" (the "From" date). For example, an NCO departs on PCS on 1 July and is given a change-of-rater report with a "Thru" date of 30 June. After 5 days in travel and 20 days on leave, the NCO reports for duty on 26 July. On 1 November the NCO changes duty and is given a change-of-rater report. The "Period Covered" on this report would be 1 July ("From") to 31 Oct ("Thru"); however, the rating period would be from 26 July to 31 October. The "Thru" date on change of rater reports will be the day before the change. For rated NCO signing out on transition leave, the "Thru" date will be the date prior to the date that transition leave begins. Use 4-digit year format (that is, 19971015).

- Reports rendered in the following situations: 1. Active Army. An NCO's first report period begins on the effective date of promotion to sergeant, reversion to NCO status after serving as a commissioned or warrant officer for 12 months or more, reentry on active duty after a break in service of 12 months or more, or the date of the ABCMR memorandum that approves reinstatement of a promotion.; 2. ARNGUS. The initial report period will begin on the effective date of promotion to sergeant or the effective date assigned/attached to a unit, whichever occurs later; 3. USAR-AGR. An NCO's first report period begins on the effective date of promotion to sergeant or the effective date ordered to AGR status, whichever occurs later; 4. USAR TPU. The first report period will begin on the effective date of promotion to sergeant or the effective month assigned/attached to a troop program unit (TPU), whichever occurs later; 5. IRR, IMA, or ING.
- Based on AR 623-3, paragraphs 4-10 and 5-18 report periods will begin with the day that the NCO performs annual training (AT), active duty for training (ADT), active duty for special work (ADSW), full-time National Guard duty (FTNGD), temporary tour of active duty (TTAD), or period of extended active duty (EAD).

Reference: None

NCOER Part : li: Number of Months

Action Required: The number of rated months is computed by dividing the basic rating period by 30. Do not use the "Period Covered" by the report, subtract all nonrated time. If 15 or more days are left after dividing by 30, they will be counted as a whole month. (For example, 130 days is 4 months and 10 days and is entered as 4 months; 140 days is 4 months and 20 days and is entered as 5 months.)

Reference: None

NCOER Part : lj: Non-rated codes

Action Required: Enter the appropriate codes from table 3-7. If there were no non-rated periods, leave blank. Entries in Parts lj are not required for ARNGUS, IRR, and IMA Soldiers not on active duty.

Reference: Table 3-7

NCOER Part : lk: Number of Enclosures

Action Required: Enter number of enclosures. If there are no enclosures, enter 0 or leave blank.

- Non concurrence memo
- 30 Day waiver
- Relief for cause for non Army rating officials

Reference: AR 623-3, figures 2-1, 3-2, and 3-3;

NCOER Part : ll: Rated NCO's AKO e-mail address

Action Required: Rated NCO's AKO e-mail address

Reference: None

NCOER Part : lm: Unit Identification Code (UIC)

Action Required: Enter the rated NCO's UIC

Reference: None

NCOER Part : ln: Command Code

Action Required: Enter rated NCO's Command Code (Two digits)

Reference: AR 680-29

NCOER Part : lo: PSB code

Action Required: Enter four character alphanumeric PSB code of the rated NCO's servicing Administrative Office; or for ARNG officers, two digit STATE MILPO CODE.

Reference: AR 680-29

3-5. Part II, authentication

Part II is for authentication by the rated NCO and rating officials after they have completed their portions of the form at the end of the rating period. To facilitate the rated Soldier signing the NCOER after its completion and signature by the rating officials, the NCOER may be signed and dated by each individual in the rating chain up to 14 days prior to the "thru" date of the report; however the report cannot be forwarded to HQDA until the thru date of the report. See table 3-2 for authentication noncommissioned officer evaluation report instructions. The following rules apply:

- a. The reviewer's signature and date cannot be before the rater's or senior rater's.
- b. The senior rater's signature and date cannot be before the rater's.
- c. The rated Soldier may not sign or date the report before the rater, senior rater, or reviewer.

Table 3-2
Authentication noncommissioned officer evaluation report instructions

NCOER Part : IIa - Rater

Action Required: First Line: LAST, FIRST, MI, SUFFIX - ALL CAPS/SSN (9 digit XXX-XX-XXXX)/Signature/Validation

Second line: Rank, PMOS, Branch, Organization, Duty Assignment/AKO e-mail address

All grade entries will be the current (as of the "Thru" date). Rating officials who have been frocked to a higher grade and are serving in an authorized position for which he or she has been frocked will enter the frocked grade. - For rating officials who are members of other services, in addition to their rank, enter their branch of service (that is, USN, USAF, USMC). For example, a US Navy Captain would be entered as CAPT in the rank block and USN in the branch block. Civil service raters will enter the pay grade GS (number). Members of the Senior Executive Service, "SES" will be entered in lieu of a grade.

Reference: None

NCOER Part : IIb - Senior Rater

Action Required: First Line: LAST, FIRST, MI, SUFFIX - ALL CAPS/SSN (9 digit XXX-XX-XXXX)/Signature/Validation

Second line: Rank, PMOS, Branch, Organization, Duty Assignment/AKO e-mail address

All grade entries will be the current (as of the "Thru" date). Rating officials who have been frocked to a higher grade and are serving in an authorized position for which he or she has been frocked will enter the frocked grade. - For rating officials who are members of other services, in addition to their rank, enter their branch of service (that is, USN, USAF, USMC). For example, a U.S. Navy Captain would be entered as CAPT in the rank block and USN in the branch block. Civil service raters will enter the pay grade GS (number). Members of the Senior Executive Service, "SES" will be entered in lieu of a grade.

Reference: None

NCOER Part : IIc - Reviewer

Action Required: First Line: LAST, FIRST, MI, SUFFIX - ALL CAPS/SSN (9 digit XXX-XX-XXXX)/Signature/Validation

Second line: Rank, PMOS, Branch, Organization, Duty Assignment/AKO e-mail address

Reference: None

NCOER Part : IId - Reviewer concur/non-concur

Action Required: Reviewer's concur/non-concur with Rater's and Senior Rater's evaluation:

- The reviewer has overall responsibility for ensuring the timely submission of an accurate DA Form 2166-8 in accordance with controls established by the commander.
- Reviewer places a typewritten or handwritten (in black ink) "X" in the appropriate block, indicating concurrence or non-concurrence. NOTE: Non-concurrence enclosure is mandatory (see para 3-6). Enclosures will not be used to add an additional concurrence to the report. The reviewer will ensure the rated NCO is provided a copy of the non-concurrence enclosure.

Second line: None

Reference: None

NCOER Part : IIe - Rated NCO's signature

Action Required: The rated NCO's signature verifies the following: They seen the completed report, the administrative data (Part I) is correct (except Part I k through o), the rating officials are proper (Part II), the duty description is accurate (Part III) and includes the counseling dates, the APFT and height/weight entries are correct (Part IVc), and that the rated NCO is aware of the appeals process. It is important that rated NCOs and rating officials clearly understand that the rated NCO's signature does not constitute agreement or disagreement with the evaluations of the rater and/or senior rater. NOTE: If the rated Soldier is unavailable, unable, or fails to sign the DA Form 2166-8 for any reason, the senior rater will either resolve the problem or explain why in DA Form 2166-8, Part Ve and the rated Soldier's signature is left blank. The report will not be delayed because it lacks the rated Soldier's signature.

Second line: None

Reference: None

3-6. Part III, duty description

Part III provides for the duty description of the rated NCO. It is the responsibility of the rating officials to ensure the

duty description information is factually correct. This information is entered by the rater and verified with the rated NCO. See table 3–3 for duty description noncommissioned officer evaluation instructions. The duty description—

- a. Is an outline of the normal requirements of the specific duty position.
- b. Should show type of work required rather than frequently changing tasks.
- c. Is essential to performance counseling and evaluation. It is used during the first counseling session to tell the rated NCO what the duties are and what needs to be emphasized.
- d. May be updated during the rating period.
- e. Is used at the end of the rating period to record what was important about the duties.

Table 3–3
Duty description noncommissioned officer evaluation instructions

NCOER Part : IIIa: Principal Duty Title

Action Required: Enter Principal Duty Title (match with unit force management document or principal duty title that most accurately reflects actual duties performed.)

Reference: None

NCOER Part : IIIb: Duty MOSC

Action Required: Enter Duty MOS (five/seven/nine). Enter the enlisted DMOS (at least five characters but no more than nine). In cases where the rated NCO is filling an officer position, enter the enlisted MOS that best matches the officer position.

Reference: None

NCOER Part : IIIc: Daily Duties and Scope

Action Required: These must include a series of phrases, starting with action words and separated by semicolons and ending in a period. This portion should address the most important routine duties and responsibilities. Ideally, this should include the number of people supervised, equipment, facilities, and dollars involved and any other routine duties and responsibilities critical to mission accomplishment. Readiness NCO or training NCO. For ARNGUS AGR Soldiers assigned as readiness NCO or training NCO, enter both the NCO's TOE or TDA assignment and the full-time support titles such as Chief or Firing Battery/Readiness NCO. Include a mix of both the position duties and the full-time support duties in Part IIIc, d, and e.

Reference: None

NCOER Part : III d: Areas of Special Emphasis

Action Required: Enter areas of special emphasis/appointed duties. These must include a list of tasks/duties separated by semicolons and ending with a period. This portion is most likely to change during the rating period. It should include the most important items that applied at any time during the rating period. ARNGUS AGR Soldiers assigned as readiness NCO or training NCO, enter both the NCO's TOE or TDA assignment and the full-time support titles such as Chief or Firing Battery/Readiness NCO. Include a mix of both the position duties and the full-time support duties in Part IIIc, d, and e.

Reference: None

NCOER Part : IIIe: Appointed Duties

Action Required: Include duties appointed that are not normally included in the duty description. Readiness NCO or training NCO. For ARNGUS AGR Soldiers assigned as readiness NCO or training NCO, enter both the NCO's TOE or TDA assignment and the full-time support titles such as Chief or Firing Battery/Readiness NCO. Include a mix of both the position duties and the full-time support duties in Part III, d, and e.

Reference: None.

NCOER Part : III f: Counseling Dates

Action Required: Enter the actual dates of the counseling obtained from the DA Form 2166-8-1 (YYYYMMDD). When counseling dates are omitted, the senior rater will enter a statement in part Ve, explaining why counseling was not accomplished. The absence of counseling will not be used as the sole basis for an appeal. However, the lack of counseling may be used to help support other claims made in an appeal.

Reference: None.

3–7. Part IV, Army values/noncommissioned responsibilities

Army Values/NCO Responsibilities is completed by the rater, including the Army Physical Fitness Test (APFT) performance entry and the height and weight entry in Part IVc. Part IVa contains a listing of the Army values that define professionalism for the Army NCO. They apply across all grades, positions, and MOS. These Army values are needed to maintain public trust and confidence as well as the qualities of leadership and management needed to maintain an effective NCO Corps. These values are listed on the DA Form 2166–8 to emphasize and reinforce professionalism. They will be considered in the evaluation of the performance of all NCOs. See table 3–4 for Army values/attributes/skills/actions - noncommissioned officer evaluation report Instructions

a. *Values and NCO requirements/responsibilities.* Values and NCO requirements/responsibilities are the sole focus for evaluation of performance in part IV of the NCOER. Box marks (typewritten or handwritten X) and bullet comments (rules below) are used throughout the evaluation.

b. Bullet comments. Bullet comments are mandatory regardless of ratings given. Narrative rules for Part IV, bullet comments will—

(1) Be short, concise, to the point. Bullets will not be longer than two lines, preferably one; and no more than one bullet to a line.

(2) Start with action words (verbs) or possessive pronouns (his or her); Personal pronouns he or she may be used; should use 'past' tense when addressing NCO's performance and/or contributions.

(3) Be double-spaced between bullets.

(4) Be preceded by a small letter 'o' to designate the start of the comment. Each bullet comment must start with a small letter unless it's a proper noun that is usually capitalized.

(5) A specific example can be used only once; therefore, the rater must decide under which responsibility the bullet fits best (or is most applicable).

Table 3-4
Army values/attributes/skills/actions - noncommissioned officer evaluation report Instructions

NCOER Part : IVa: Army Values

Action Required: The rater will check either a 'yes' or 'no' in the values block (all check marks must be consistent, that is, they all must be either typewritten, handwritten, or entered with a computer). Mandatory specific bullet comments are required for all 'no' entries. Base each entry on whether the rated NCO 'meets' or 'does not meet' the standard for each particular value. Quantitative and substantiated bullet comments are used to explain any area where rated NCO is particularly strong or needs improvement. A list of the values and their definitions can be found in Specific Bullet Comments para 3-6 (above); FM 6-22.

Reference: Specific Bullet Comments para 3-6 (above); FM 6-22

NCOER Part : IVb-f: Values/NCO Responsibilities

Action Required: *Excellence.* Exceeds standards; demonstrated by specific examples and measurable results; special and unusual; achieved by only a few; clearly better than most others. Examples:

- received physical fitness badge
- qualified entire squad as expert with M-16 and M-60
- awarded the Expert Infantryman Badge

Success. Meets all standards. Majority of ratings are in this category; fully competitive for schooling and promotion. The goal of counseling is to bring all NCOs to this level. Examples:

- shares experiences readily, constantly teach Soldiers
- constantly seeking to improve, completed three sub-courses during rating period
- coached and played on company softball team
- established comprehensive cross-training program for his section
- their platoon had only one tank on deadline report (for 10 days) during last 11 months

Needs improvement. Missed meeting some standard(s). Examples:

- was often unaware of whereabouts of subordinates
- had the highest deadline rate in the company due to apathy
- unprepared to conduct formal training on three occasions

Reference: Specific Bullet Comments para 3-7 (above)

NCOER Part : IVc: APFT

Action Required: — The rater will enter one of the following APFT entries: "PASS" or "FAIL" and the date (YYYYMMDD) of the APFT results. APFT refers to both the PT test for NCOs without profiles consisting of pushups, sit-ups, and the two-mile run; and the alternate PT test as prescribed by health care personnel for NCOs with permanent profiles who have been cleared to take the alternate PT test. If no APFT is taken due to profile, the entry will be: "PROFILE" and the year and month the profile was awarded within a 12 month period. These entries will reflect the NCO's status on the date of the most recent record APFT administered by the unit within the 12-month period prior to the last rated day of supervision. Active Army NCOs take the record APFT twice per year, thus the 12 month period is the exception (that, deployed Soldiers unable to test twice per year). Sample entries are "PASS 20050105", "FAIL 20050105", or "PROFILE 20050105" NCOs who have a permanent profile and are cleared to take the alternate PT test, do not need the statement "profile does, or does not hinder duty performance." The APFT is considered valid as long as it consists of one of the aerobic events (run, walk, bike, swim). "Received APFT badge" may be entered as a bullet comment to justify "excellence." The APFT badge is awarded for scores of 270 and above with at least 90 in each of the three events. Numerical scores will be used to justify "needs improvement" ratings that are based solely on the APFT. It is optional to enter the APFT score for success ratings.

— Rater specific bullet examples are mandatory in Part IVc for the following:

- The rater will explain an APFT entry of "FAIL" or "PROFILE." Comments on "FAIL" entries will address reasons for failure and note any progress toward meeting physical fitness standards (see AR 350-1). Comments on "PROFILE" (both permanent and temporary) will describe the rated NCO's ability to perform assigned duties. Note, however, that if a NCO has appeared before a MOS Medical Retention Board (MMRB) and been determined fit for duty and deployable, rating officials may not state that the profile hinders duty performance.
- If the APFT has not been taken within twelve months of the THRU date of the report, and Soldier is not on any profile, the APFT data entry will be left blank. The rater will explain the absence of an APFT entry in Part IVc.

Table 3-4**Army values/attributes/skills/actions - noncommissioned officer evaluation report Instructions—Continued**

- An APFT entry is not required for Soldiers 60 years of age or older and pregnant NCOs who are exempt from the APFT in accordance with AR 40-501. Pregnant NCOs who have not taken the APFT within the last 12 months due to pregnancy, convalescent leave, and temporary profile, the rater will enter the following statement in part IVc: Exempt from APFT requirement in accordance with AR 40-501. NOTE: When using the electronic version, the APFT and HT/WT statement will be combined.
- As directed by the HQDA proponent for Army Physical Fitness Program (APFT), Deputy Chief of Staff G-3, deployed units unable to administer the APFT due to mission or conditions will annotate NCOERs with the following statement: "Soldier unable to take the APFT during this period due to deployment for combat operations/contingency operations". NOTE: This does not exclude weight requirements.
- Personnel who meet Army minimum standards for APFT, but fail to meet unit standards, will not be given a rating of "needs improvement" for physical fitness and military bearing if such rating is based solely on the failure to meet unit standards.

Reference: AR 350-1; AR 40-501; AR 600-9

NCOER Part : IVc: Height/Weight

Action Required: — Enter the rated NCO's verified height and weight (in inches and pounds) as of the unit's last record weigh-in and an entry of "YES" or "NO" to indicate compliance or noncompliance with the provisions of AR 600-9. If there is no record weigh-in during the period covered by the report, the rater will enter the NCO's height and weight as of the THRU date of the NCOER (no supplemental weigh-in is required). The data will be typed in Part IVc. Example entries are "72/180 YES", or "68/205 NO". Note: The rater enters "YES" for those NCOs who meet the weight for height screening table or are in compliance with the body fat standards of AR 600-9. The statement "within body fat standards of AR 600-9" will not be used on evaluation reports.

— Rater specific bullet examples are mandatory in Part IVc for the following:

- To explain the absence of the height and weight data.
- To explain any entry of "NO", indicating noncompliance with the standards of AR 600-9. These comments will indicate the reason for noncompliance. Medical conditions may be cited for noncompliance; however, the 'NO' entry is still required because medical waivers to weight control standards are not permitted for evaluation report purposes. The progress or lack of progress in a weight control program will be indicated.
- Unless a valid Profile for the current rating period is in effect, the HT/WT standards of AR 600-9 apply at all times, even when the noncommissioned officer is deployed for combat or contingency operations. This entry will not be left blank.
- Pregnant NCOs, the entire entry is left blank. The rater will enter the following bullet in Part IVc: "Exempt from weight control standards of AR 600-9." NOTE: When using the electronic version, the APFT and HT/WT statement will be combined. Additionally, rating officials will not use the word "pregnant", or refer to an NCO's pregnancy in any manner when completing an NCOER.

Reference: Specific Bullet Comments paragraph 3-7 (above); AR 600-9.

3-8. Part V, overall performance and potential

Structured potential rating for overall performance and potential consists of, and includes, rater box marks for promotion/service potential; rater specific positions recommendation; senior rater overall performance and potential; and senior rater choice of alternatives for future performance. See table 3-5 for Part V - Overall performance noncommissioned officer evaluation report instructions.

Table 3-5**Part V - Overall performance noncommissioned officer evaluation report instructions**

NCOER Part : Va: Rater - Overall Potential

Action Required: Rater places a computer generated, typewritten or handwritten (in black ink) "X" in the appropriate box. NCOs receiving one or more "needs improvement" rating in Part IVb-f cannot receive a rating of "among the best." The following definitions will be used when completing Part Va:

- Among the best. NCOs who demonstrated a very good, solid performance and a strong recommendation for promotion and/or service in positions of greater responsibility.
- Fully capable. NCOs who have demonstrated a good performance and strong recommendation for promotion should sufficient allocations be available.
- Marginal. NCOs who demonstrated poor performance and should not be promoted at this time.

Reference: None

NCOER Part : Vb: Rater - 3 Future assignments

Action Required: Rater lists up to three (at least two) different future duty positions (job title) in which the rated NCO could best serve the Army at the current or next grade. When the rated NCO is being reduced to a lower grade, raters may enter duty positions of the lower grade.

Reference: None

Table 3-5

Part V - Overall performance noncommissioned officer evaluation report instructions—Continued

NCOER Part : Vc: Senior Rater - Overall performance

Action Required: Senior rater evaluates overall performance by placing one computer generated, typewritten or handwritten (in black ink) "X" in the appropriate box. (Box marks should be consistent throughout the report, either all typewritten or all handwritten.) The senior rater's box marks are independent of the rater's. There is no specific box mark ratings required of the senior rater based on box marks made by the rater. The following definitions will be used when completing Part Vc:

- Successful/superior. A "1" rating represents the cream of the crop and is a recommendation for immediate promotion. A "2" rating represents a very good, solid performance and is a strong recommendation for promotion. A "3" rating also represents a good performance and, should sufficient allocations be available, is a recommendation for promotion.
- Fair. Represents NCOs who may require additional training/observation and should not be promoted at this time.
- Poor. Represents NCOs who are weak or deficient and, in the opinion of the senior rater, need significant improvement or training in one or more areas. Do not promote and consider for DA imposed bar to reenlistment under the Qualitative Management Program (QMP).

Reference: None

NCOER Part : Vd: Senior Rater - Overall potential for promotion and/or service in positions of greater responsibility

Action Required: Senior rater evaluates overall potential by placing one computer generated, typewritten or handwritten (in black ink) "X" in the appropriate box. (Box marks should be consistent throughout the report, either all typewritten or all handwritten.) The senior rater's box marks are independent of the rater's. There is no specific box mark ratings required of the senior rater based on box marks made by the rater. The following definitions will be used when completing Part Vd:

- Successful/superior. A "1" rating represents the cream of the crop and is a recommendation for immediate promotion. A "2" rating represents a very good, solid performance and is a strong recommendation for promotion. A "3" rating also represents a good performance and, should sufficient allocations be available, is a recommendation for promotion.
- Fair. A "4" rating represents NCOs who may require additional training/observation and should not be promoted at this time.
- Poor. A "5" rating represents NCOs who are weak or deficient and, in the opinion of the senior rater, need significant improvement or training in one or more areas. Do not promote and consider for DA imposed bar to reenlistment under the Qualitative Management Program (QMP).

Reference: None

NCOER Part : Ve: Senior Rater bullet comments

Action Required: When the senior rater does not meet minimum time requirements for evaluation of the rated NCO, they will enter the following statement in Part Ve: "Senior rater does not meet minimum qualifications. " Parts Vc and Vd will not be completed. Otherwise, bullet comments are mandatory.

- The senior rater must address marginal ratings given in Part Va. and fair or poor ratings in Part Vc.
- Bullet comments should focus on potential, and address performance, and/or the evaluation rendered by rater. If the senior rater meets the minimum time qualifications for evaluation, they must make bullet comments on potential and performance.

Reference: None

3-9. Relief for cause noncommissioned officer evaluation report instructions

If a rated noncommissioned officer is officially relieved (see AR 623-3, para 3-59) the following specific instructions apply to completing a relief report:

- a. The rating official directing the relief will clearly explain the reason for relief in part IV, if the relieving official is the rater; if the relieving official is the senior rater, in Part Ve.
- b. If the relief is directed by an official other than the rater or senior rater, the official directing the relief will describe the reasons for the relief in an enclosure (not to exceed one page) to the report.
- c. Regardless of who directs the relief, the rater will enter the bullet, "The rated NCO has been notified of the reason for the relief" in Part IVf.
- d. The minimum rater and senior rater qualifications and the minimum rating period are 30 rated days. The fundamental purpose of this restriction is to allow the rated NCO a sufficient period to react to performance counseling during each rating period. Authority to waive this 30-day minimum rating period and rater and senior rater qualification period in cases of misconduct is granted to a general officer in the chain of command or an officer having general courts-martial jurisdiction over the relieved NCO. The waiver approval will be in memorandum format and attached as an enclosure to the report.
- e. The date of relief determines the "THRU" date of the report. Relief for Cause Reports may be signed at anytime during the closing or following month of the report.
- f. When the rater is relieved, or when the rated NCO and the rater are concurrently relieved, the senior rater will complete the rater and senior rater portions of the report for each of the rater's subordinates. Enter "rater relieved" in Part Ve, and do not identify the relieved rater in Part IIa. (Refer to AR 623-3, para 2-20).
- g. See table 3-6 for codes and reasons for submission and table 3-7 for codes for non-rated time.

**Table 3–6
Codes and reasons for submission**

Codes	Reason	Entered on Report
01	First (Does not apply to Active Army, see AR 623–3)	“First”
02	Annual report	“Annual”
03	Change of Rater	“Change of Rater”
05	Relief for cause	“Relief for cause”
06	Depart Temporary Duty, Temporary Change of Station, Special Duty	“Depart TDY”
07	60 day Option report	“60 day opt”
08	Senior Rater Option	“SR–Option”
09	Complete the Record	“Complete Rec”
10	Extended annual	“Ext annual”
12	Relief from ADT, ADSW, AT, TTAD or CO–TTAD (applies to Reserve Components only)	“REFRAD” Only used for USAR and NGB reports.

**Table 3–7
Reason codes for non-rated time**

Codes	Reason
A	AWOL/Desertion/unsatisfactory participant based on AR 135–91
C	Confinement in military or civilian detention facility, assignment to military personnel control facility or assignment to correctional training facility
D	Temporary disability retirement list (TDRL)
E	Leave in excess of 30 days
F	Under arrest
I	In transit between duty stations, including leave, permissive temporary duty (PTDY), and temporary duty (TDY)
M	Missing in Action
P	Patient (including convalescent leave)
Q	Lack of rater qualification
R	New recruiter program
S	Student at military or civilian school
T	On TDY/Special Duty (SD)/Temporary Change of Station (TCS) less than 90 calendar days
W	Prisoner of War
X	Inactive National Guard or Standby Reserve (inactive list)
Z	None of the above

**Table 3–8
Command codes within NCOERS**

Code	Command	Command Abbreviation
12	78TH Division (Institutional Training)	78TH DIV (IT)
13	80TH Division (Institutional Training)	80TH DIV (IT)
14	98TH Division (Institutional Training)	98TH DIV (IT)
16	310TH Training Support Command	310TH TRNG SPT CMD
19	First Army, State Military Support Office	1ST ARMY, MIL SPT OFC
1C	77TH Regional Support Command	77TH RSC
1H	311TH Corps Support Command	311TH TNG SPT
1K	94TH Regional Support Command	94TH RSC

Table 3-8
Command codes within NCOERS—Continued

1L	3D Medical Command	3D MEDCOM
1U	99TH Regional Support Command	99TH RSC
21	100TH Division (Institutional Training)	100TH DIV (IT)
22	108TH Division (Institutional Training)	108TH DIV (IT)
23	412TH Engineer Command	412TH ENCOM
24	87TH Division Training Support	87TH DIV TRNG SPT
25	65TH Regional Support Command	65TH RSC
27	335TH Signal Command	335TH SIG CMD
29	Second Army, State Military Support Office	2ND ARMY, MIL SPT OFC
2D	143RD Transportation Corps Brigade	143D TRANSCOM
2H	81ST Regional Support Command	81ST RSC
31	311TH Theater Signal Command	311TH TSC
42	84TH Division (Institutional Training)	84TH DIV (IT)
43	85TH Division (Institutional Training)	85TH DIV (IT)
44	425TH Transportation Corps Brigade	425TH TRANSCOM
45	300TH Military Police Command (Prisoner of War)	300TH MP CMD (POW)
46	416TH Engineer Command (Construction)	416TH ENCOM
47	19TH Training Support Command	19TH TRNG SPT CMD
4H	88TH Regional Support Command	88TH RSC
4K	244TH Aviation Brigade	244TH AVN BDE
51	95TH Division (Institutional Training)	95TH DIV (IT)
53	377TH Support Brigade	377TH TSB
56	75TH Division (Exercise)	75TH DIV (EX)
59	Fifth Army, State Military Support Office	5TH ARMY, MIL SPT OFC
5C	89TH Regional Support Command	89TH RSC
5Q	90TH Regional Support Command	90TH RSC
61	91ST Division (Training Support)	91ST DIV TRNG SPT
62	104TH Division (Institutional Training)	104TH DIV (IT)
6B	63RD Regional Support Command	63RD RSC
6C	311TH Support Command (CORPS)	311TH COSCOM
6F	96TH Regional Support Command	96TH RSC
6G	70TH Regional Support Command	70TH RSC
AE	Army Acquisition Executive Support Agency	AAESA
AG	The Adjutant General	TAGO
AP	U.S. Army Reserve Personnel Command	AR-PERSCOM
AR	Army Reserve	ARMY RESERVE
AS	U.S. Army Intel & Sec Command	INSCOM
AU	U.S. Army Audit Agency	USAAA
CB	U.S. Army CI Command	USACIC
CE	U.S. Army Corps of Engineers	COR ENGR
CM	U.S. Army Information Systems Command	ISEC
CS	Army Staff	OCSA
CZ	U.S. Army Information Systems Command	ISEC

**Table 3-8
Command codes within NCOERS—Continued**

D1	Defense Finance and Accounting Service	DFAS
DF	Department of Defense Agencies	DEFAGCY
DJ	U.S. Special Operations Command and Subordinate Commands	JNT SOC
ER	U.S. Army Reserve, Europe	USARE
FC	U.S. Army Force Command	FORSCOM
FS	U.S. Army Signal Command	USASIGCM
FZ	FORSCOM GD Forces	GFRE
GB	Title 10 Soldiers working for Guard Bureau	NATL GRD
HR	COMP01 managed by USARC	HQ USARC
HS	Health Services Command	HSC
J1	U.S. Army Element Supreme HQ Allied Powers Europe	SHAPE
JA	Joint Activities (LESS SHAPE)	JNT ACTS
KR	KOREA	KOREA
MA	U.S. Military Academy	USMA
MB	U.S. Army Dental Activities	DSSADAC
MC	U.S. Army Medical Center and School	MEDCTRSC
MD	The Surgeon General	TSGO
ME	U.S. Army Health Promo and Preventive Medicine	CTRHPPM
MH	U.S. Army MED Command HQ	MEDCOMHQ
ML	U.S. Army Area Dental Laboratories	USADELB
MM	U.S. Army Health Service	HSSAMEDC
MP	U.S. Army Total Army Personnel Command	PERSCOM
MR	U.S. Army Material and Research Command	USAMRMC
MT	Military Traffic Management Command	MTMC
MV	U.S. Army Veterinary Command	USAVETCOM
MW	U.S. Army Military District of Washington	USA MDW
NG	National Guard Soldiers that do not fit into Code GB	NATL GRD
OT	Unilateral Command	UNL CMD
P1	U.S. Army Pacific	USARPAC
P8	8TH U.S. Army	8TH ARMY
P9	U.S. Army, Pacific Reserve Unit IX Corps	IX CORPS
PR	Pacific Reserve Units	PACIFIC RESERVE
S9	U.S. Army Special Operations Command Administrative Office	USASOC
SA	Office, Secretary of Army	OSA
SB	Field Operating Agencies of the Secretariat	OSA FOA
SC	2ND Psychological Operations Group	2ND PSY OPS
SD	5TH Psychological Operations Group	5TH PSY OPS
SE	7TH Psychological Operations Group	7TH PSY OPS
SF	351ST Civil Affairs	351ST CA
SG	352ND Civil Affairs	352ND CA
SH	353RD Civil Affairs	353RD CA
SI	The Army Staff – Intelligence	DAMI
SJ	358TH CA BDE	358TH CA BDE

Table 3-8
Command codes within NCOERS—Continued

SK	361ST CA BDE	361ST CA BDE
SL	The Army Staff – Logistics	DALO
SM	422ND CA BDE	422ND CA BDE
SO	The Army Staff – Operations and Plans	DAMO
SP	U.S. Army Special Operations Command	USASOC
SS	NONDEPT Army MGMT HQ Activity (SSA of the Secretariat)	SSA OF OSA
SU	U.S. Army South	USARSO
SX	The Army Staff – Personnel	ARMY STAFF
SZ	Special Staff	SPEC STF
TA	U.S. Army Recruiting Command	USAREC
TC	U.S. Army Training and Doctrine Command	TRADOC
TM	U.S. Army Military Entrance Processing Command	MEPCOM
TZ	TRADOC SUBCMD - Active Army Soldiers in support of RES COMP	TRADOC
U1	3D Air Traffic Control Battalion	31 TC BN E
U2	5TH Signal Command	5 SIG CMD
U3	66TH Military Intelligence Brigade	66 MI BDE
U4	53RD Support Group	53D ASG
U5	266TH Theater Finance Center	266 TFC
U6	80TH Support Group	80TH ASG
U7	98TH Support Group	98TH ASG
U8	100TH Support Group	100TH ASG
U9	104TH Support Group	104TH ASG
UA	U.S. Army Europe and 7TH Army	USAREUR7
UB	V Corps Artillery	VCORARTY
UC	1ST Personnel Command	1PERSCOM
UD	3RD Corps Support Command	3 COR SPT C
UE	12TH Aviation Brigade	12 AVN BDE
UF	7TH Signal Brigade	7 SIG BDE
UG	69TH Air Defense Artillery Brigade	69TH ADA BDE
UH	18TH Military Police Brigade	18 MP BDE
UI	22ND Signal Brigade	22 SIG BDE
UJ	1ST Transportation Movement Control Agency	1ST TMCA
UK	U.S. Army Special Forces Detachment	USASFDET
UL	7TH Army Training Command	7TH ATC
UM	U.S. Army Southern European Task Force	SETAF
UN	130TH Engineer Brigade	130 EGR BD
UO	11TH Aviation Group	11 AVN GP
UP	7TH Medical Command	7 MEDCOM
UQ	32ND Army Air Defense Command	32 AADCOM
UR	21ST Theater Area Command and 5TH Tactical Company	21ST TAACOM
US	V Corps (Nondivisional Units)	V CORPS
UT	205TH MI Bridgade	205 MI BDE
UU	1ST Armored Division	1 ARMD DIV

Table 4-2
Civilian Academic Evaluation Report Processing—Continued

AER Item: 13 - Reviewer Comments

Action Required: This section will be completed and reviewed by HQDA, Chief, National Guard Bureau, or the Installation Education Services officer prior to inclusion in the student's OMPF. Comments are required concerning the reason for an individual's release from a degree program (that is, approved retirement, resignation from the service, or through no fault of his or her own). The reviewer will date, type name and title and then sign the evaluation.

Reference: None.

AER Item: 14 - Authentication

Action Required: This section will be prepared and signed by the rater and reviewer and the rated Soldier. The commandant or an authorized representative will review and sign the report. The rated Soldier will sign the report prior to school departure but after the rater and reviewer have signed the report. If the Soldier is unavailable for signature or refuses to sign the report, add the following comments "Rated Soldier unavailable for signature" or "Rated Soldier refuses to sign." in Item 14.

Reference: None

Chapter 5

Evaluation Forms Preparation and Forwarding

Section I

Preparing and Forwarding Officers Evaluation Reports and Noncommissioned Evaluation Reports

5-1. Officer evaluation report and noncommissioned evaluation report preparation and copying

a. Processing. If sent in hard copy, DA Forms 67-9 OER and DA Form 2166-8 NCOER will be typed, or printed, using a laser or dot matrix printer, in either pica (10 pitch) or elite (12 pitch) type face or 12 point for computers. The most commonly accepted fonts for electronically generated forms are CG Times or Times New Roman. Bolding and compressed type face or spacing will not be used. A clear original is required so that legible copies of the report can be given to both the rated officer's or noncommissioned officer's Official Military Personnel File (OMPF) at HQDA. The only electronically generated DA Form 67-9 and DA Form 2166-8 series forms authorized are those forms designed and distributed by the Army Publishing Directorate and applications approved by them. Evaluation reports will be printed on one sheet of paper, front and back, and head to head. Good quality paper must be used. Evaluation reports submitted on poor quality and tissue thin paper will be returned. Authorized abbreviations may be used; however, avoid acronyms. Facsimile signatures are not authorized.

b. Copying. Each rated officer or NCO will be given a copy of each OER/NCOER by the senior rater or senior rater's designated representative once it has been completed and processed locally. This copy may be either an electronic or machine-reproduced paper copy of the original OER/NCOER. Rated officers or noncommissioned officers who fail to receive a copy of their evaluation after the close of the reporting period should request a copy from:

- (1) Their senior rater or administrative section.
- (2) Their appropriate Active, Reserve points of contact enumerated in appendix B.
- (3) Official Military Personnel File (OMPF)

(a) Active and Reserve Component available thru *iPERMS (Integrated Personnel Electronic Records Management System)* online at <https://iPERMS.army.mil>.

(b) Army National Guard available thru *iPERMS* at <https://statepermsompf.hoffman.army.mil>. When ARNGUS officer and enlisted military personnel records are filed on *iPERMS*, paper copies should be returned to the Soldier. The *iPERMS* record is the Soldier's Official Military Personnel File (OMPF). The *iPERMS* record should also be used by the Human Resource Office (HRO) as the Soldier's Career Management Information File as AGR management files.

5-2. Officer evaluation report and noncommissioned evaluation report forwarding requirements

a. Tasks. The responsible senior rater, senior rater's designated representative, or unit administrative office will provide the rated officer or noncommissioned officer a copy of the completed OER or NCOER. Confidentiality will be ensured. The unit will mail a copy to the forwarding address or Army Knowledge On-Line address if the rated officer or noncommissioned officer departs the organization before receiving a copy of the completed report. The Battalion/Brigade S-1 or unit administrative office will retain an additional electronic or printed copy in suspense for 120 days for use if the rated individual does not receive a copy. The senior rater, senior rater's designated representative, or unit administrative office will ensure that:

- (1) Reports are complete and administratively correct.

L228

- Read Student Handouts 1 thru 6. • Review the training tools/products at the U.S. Army Sexual Harassment/Assault Response and Prevention (SHARP) website at <http://www.preventsexualassault.army.mil/>



Appendix D
HANDOUTS FOR LESSON 1: L228 version 6

This appendix contains the items listed in this table--

Title/Synopsis	Pages
SH-1, Advance Sheet	SH-1-1 and SH-1-2
SH-2, Extracted Material from TSP 805C-010-0104, Myth vs. Fact	SH-2-1 and SH-2-2
SH-3, Extracted Material from TSP 805C-010-0104, Army's Sexual Prevention and Response Program	SH-3-1 thru SH-3-13
SH-4, Extracted Material from TSP 805C-010-0104, "The Many Faces of Sexual Assault" Video Script	SH-4-1 thru SH-4-14
SH-5, Extracted Material from AR 195-1, Army Criminal Investigation Program	SH-5-1 thru SH-5-2
SH-6, Extracted Material from TSP CJASA104/Version 3, Army's Sexual Prevention and Response Program (New Leader) dated 19 Dec 2005	SH-6-1 thru SH-6-7

Student Handout 1

Advance Sheet

Lesson Hours

This lesson consists of two hours of small group instruction.

Overview

This lesson will provide you with the knowledge, awareness, and prevention techniques that you can apply to your daily activities. The purpose of this class is to stress the seriousness of sexual assault and to ensure that the Army's operating environment is safe and keeps to the highest standards. You must lead by example and always follow the Army Values, Warrior Ethos, and Soldier's Creed.

Learning Objective

Terminal Learning Objective (TLO).

Action:	Identify an understanding of the Army's Sexual Assault Prevention and Response Program.
Conditions:	As a leader of a squad/team, in the classroom, and given the instruction in this lesson.
Standards:	Identify an understanding of the Army's Sexual Assault Prevention and Response Program by-- <ul style="list-style-type: none">• Achieving a GO on the end of module examination by scoring a minimum of 70 percent,• Citing the Army's sexual assault policy,• Characterizing sexual assault,• Analyzing sexual assault trends in the Army environment,• Identifying chain of command responsibilities within the Army's Sexual Assault Prevention and Response Program,• Identifying the rights of the victims and alleged perpetrators,• Identify Soldiers' responsibility within the Army's Sexual Assault Prevention and Response Program,• Identifying procedures for reporting of sexual assault, and• Identifying the resources available to assist victims of sexual assault.

ELO A	Cite the Army's sexual assault policy.
ELO B	Characterize sexual assault.
ELO C	Analyze sexual assault trends in the Army environment.
ELO D	Identify Chain of Command responsibilities within the Army's Sexual Assault Prevention and Response Program.
ELO E	Identify the rights of the victims and alleged perpetrators.
ELO F	Identify Soldiers' responsibility within the Army's Sexual Assault Prevention and Response Program.
ELO G	Identify procedures for reporting of sexual assault.
ELO H	Identify the resources available to assist victims of sexual assault.

Assignments

The student assignments for this lesson are:

- Read Student Handouts 1 thru 6.
 - Review the training tools/products at the U.S. Army Sexual Harassment/Assault Response and Prevention (SHARP) website at <http://www.preventsexualassault.army.mil/>.
-

Additional Subject Area Resources

None

Bring to Class

You must bring the following materials to class:

- All reference material received.
 - Pen or pencil and writing paper.
-

Student Handout 2

Extracted Material from TSP 805C-010-0104, Myth vs. Fact

This student handout contains one page of extracted material from the following publication:

TSP 805C-010-0104, Sexual Assault Prevention and Response Training (New Leader) dated 24 Oct 2004

Student Handout 2

Page SH-2-2

Disclaimer: The training developer extracted the materials from the General Dennis J. Reimer Training and Doctrine Digital library. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

Student Handout 2

Myth vs. Fact

Take a couple of minutes to read each of the following statements and decide if they are False (Myth) or True (Fact). Write the letter **M** for Myth and the letter **F** for Fact.

1.	_____	No person can be sexually assaulted against his/her will.
2.	_____	Victims often provoke sexual assault by their actions, behaviors, or by the way they dress.
3.	_____	Victims who do not fight back have not been raped.
4.	_____	If individuals are not hysterical after they are raped, they are lying.
5.	_____	Sexual assault victims will not suffer any long-term effects unless they are physically harmed.
6.	_____	Most rape victims are raped by someone they know.
7.	_____	Women often say "No" to sex when they really mean "Yes."
8.	_____	If underage Soldiers are drinking or using drugs they should not report the crime because they can get in trouble.
9.	_____	Sexual assault will never happen to me or anyone I know.
10.	_____	Only women can be sexually assaulted.

Student Handout 3

Extracted Material from TSP 805C-010-0104, Sexual Assault Prevention and Response Training (New Leader)

This student handout contains 12 pages of extracted material from the following publication:

TSP 805C-010-0104, Sexual Assault Prevention and Response Training (New Leader) dated 24 Oct 2004

Student Handout 3

Pages SH-3-2 thru SH-3-13

Disclaimer: The training developer extracted the materials from the General Dennis J. Reimer Training and Doctrine Digital library. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

Student Handout 3

Army's Sexual Assault Prevention and Response Program

As a junior leader you will be directly responsible for the Soldiers under your care. The training you have received thus far has prepared you to be a good Soldier and leader. As you are aware, to be an effective leader you must lead by example and follow the Army Values, Warrior Ethos and Soldiers Creed. By doing so, you will reinforce these values within your Soldiers. As a leader you will be confronted with numerous leadership challenges, one of which is sexual assault. The challenge is to be aware of the conditions under which sexual assault may occur, to educate your Soldiers regarding these conditions and how to avoid sexual assault, as well as, how to handle sexual assault in your unit or organization if it occurs.

1. THE ARMY'S SEXUAL ASSAULT POLICY DEFINED.

a. It is important that you understand the Army's policy on preventing and responding to sexual assault in the contemporary operational environment. Your response to these events affects the climate under which you and your Soldiers live and operate. The Sexual Assault Policy states that all victims of sexual assault will be treated with dignity, fairness and respect. Each incident will be treated seriously and all information will be kept confidential. The Secretary of Defense in his memo to commanders of the combatant commands said that the sexual assault problem can only be solved by commanders exercising strong leadership. He further stated that commanders and noncommissioned officers at every organizational level are responsible for success. The Acting Secretary of the Army's Task Force Report on Sexual Assault Policies, dated 27 May 2004, findings reinforced the Task's Force's belief that **"proactive involvement by leaders at all levels** is the key to successfully addressing sexual assault in the Army."

b. The Army Policy on Sexual Assault Memorandum, dated 7 April 2004, documents the Army's Policy on Sexual Assault. The policy states, "Sexual assault is a crime that cannot and will not be tolerated in the United States Army. It has a devastating and often lasting impact on the victim, a fellow Soldier. Moreover, sexual assault tears at the moral fiber of our unit formations, degrading our readiness. Sexual assault has no place in the Army ... we're a values based organization; we take care of our fellow Soldiers ... and treat all Soldiers with dignity and respect."

c. The Army's Sexual Assault Policy states that sexual assault is a criminal offense that is punishable. The policy promotes training, education and awareness to prevent sexual assault; sensitive handling of victims of sexual assault; aggressive, timely and thorough investigations; and accountability of those who commit sexual assault offenses."

d. The Army's Sexual Assault Policy states the Army will treat all victims of sexual assault with dignity, fairness and respect. We want to encourage victims to report sexual assault so they can be given proper medical treatment and support. Sensitive treatment of victims is critical to support this objective.

e. The Army's Sexual Assault Policy states, leaders at every level will create and promote a positive command climate in which victims has confidence in the chain of command and criminal investigators to report these crimes immediately. Leaders are responsible for making the program work.

f. Sexual assaults are **serious!** It is important that proper guidelines be followed by everyone so that victims receive the attention and care that they need. It is important, also, that alleged perpetrators be given due process. These guidelines will help ensure that sexual assaults are handled consistently throughout the Army.

g. The Army's Sexual Assault Policy applies:

- (1) Both on and off post.
- (2) During duty and non-duty hours.

(3) To working, living, and recreational environments.

2. SEXUAL ASSAULT DEFINITIONS.

a. Sexual assault refers to offenses of a sexual nature committed without the lawful consent of the victim. These offenses, which are punishable as crimes under UCMJ, include the following:

- (1) Rape – sexual intercourse by force and without consent.
- (2) Forcible sodomy – oral or anal sex by force and without consent.
- (3) Indecent assault – any non-consensual touching done with the intent to gratify lust or sexual desires.
- (4) Carnal knowledge – sexual intercourse with a minor.

b. Army regulations include several definitions that are important to the topic of sexual assault.

(1) The term “Victim” is defined as “any person who reports the commission of a sexual assault upon himself or herself, or is identified, based upon the report of another person, or other information, as a person who has been subjected to a sexual offense.”

(2) The term “Alleged perpetrator” is defined as “one who has been accused of committing a crime including any report of a crime to police authorities of a known or unknown person.” (i.e., subject).

(3) The term “Perpetrator” is defined as “one who has committed a crime,” (i.e., offender, subject).

c. Case – a formal investigative file that may contain multiple incidents, offenses, victims, and offenders (i.e., perpetrators).

d. Founded Case – a determination made by the Criminal Investigation Division (CID) that a criminal offense has been committed. The determination that a founded offense exists is an investigative decision independent of any judicial opinion or disciplinary action.

e. Unfounded Case – a determination made by the CID that a criminal offense did not occur. This determination must be based on demonstrative evidence. A lack of evidence to support a complaint or questioning of certain elements of a complaint is not sufficient to categorize an incident as unfounded. A finding of insufficient evidence is not a basis for labeling an offense as unfounded.

3. SEXUAL ASSAULT TRENDS.

a. Sexual assault is one of the most serious and fastest growing violent crimes in the United States. The exact number of sexual assault crimes is hard to determine because it is significantly underreported. Sexual assault affects about 1.3 women per minute in the United States. That is, approximately 683,000 women are sexually assaulted each year. An alarming statistic! What is even more alarming is that nearly half of all sexual assault victims never discuss the attack with anyone and only about 16% are reported to the police.

b. The Task Force Report on Sexual Assault Policies dated 27 May 2004 includes an overview of Army data relating to sexual assault. The Task Force reviewed crime statistics from the Army Crime Records Center’s (CRC) database between 1999-2004 with 2002 and 2003 analyzed in greater detail.

c. The CRC stores records of all criminal allegations investigated by CID, offenses that carry six months or more confinement, and cases that are investigated by installation provost marshals. The Task Force examined criminal data that included cases involving Soldiers, family members, civilians, contractors, and members of other services, as well as cases that occurred on and off military installations. Records of criminal allegations include cases determined to be founded, unfounded, or of insufficient evidence.

d. Army sexual trends indicate that most—

- (1) Rape victims knew the perpetrator.
- (2) Incidents occurred in the barracks or victim's home (personal living areas).
- (3) Victims were intoxicated or drug impaired.
- (4) Barracks rooms were unsecured.
- (5) Victims delayed reporting.

e. Alcohol and drug use on the part of the assailant and/or the victim is one of the most common factors that contribute to date or acquaintance rape.

f. Because a single sexual assault case can involve multiple victims and/or perpetrators, the actual number of victims was higher than the number of cases.

g. The overall Soldier victim rate for sexual assault was 0.8 per 1,000 in 2002 and 0.7 in 2003. Because a single sexual assault case can involve multiple victims and/or perpetrators, the actual number of victims is higher than the number of cases. The highest number of victims is concentrated in the junior enlisted ranks. The victim rate for junior enlisted Soldiers was 1.7 per 1,000 in 2002 and 2003, compared with an NCO victim rate of 0.3 and 0.2 per 1,000, respectively, for the same years. Sexual assault victim rates for officers were 0.1 in 2002 and 0.2 in 2003.

h. Perpetrator sexual assault rates also differed by rank, although the difference across rank for perpetrators varied less than the difference across rank for victims. The highest rate of allegations of sexual assaults involved female junior enlisted Soldiers victims.

4. RISK FACTORS.

a. The Task Force examined possible risk factors for sexual assaults including alcohol, drugs, and location. Alcohol was found to be a significant risk factor. Of the 353 cases that involved Soldier victims in 2002, the available data indicated more than half, 57%, involved alcohol. In 2003, available data indicated that the percentage decreased to 52%. Drugs were a far less significant factor; the available data indicated that drugs were involved in only 14 cases (4%) in 2002 and 10 cases (less than 3 %) in 2003.

b. The largest percentage of cases that involved a Soldier victim occurred in barracks in a permanent duty environment. The training environment was the second most common environment in 2002. Sexual assault cases in the CENTCOM Theater of Operations increased from 10 in 2002 to 74 in 2003. During this time, active duty strength in the CENTCOM Theater of Operations increased from 20,284 Soldiers to 165,085 Soldiers.

5. CHAIN OF COMMAND RESPONSIBILITIES WITHIN THE ARMY'S SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.

a. It is up to the leaders to make the Sexual Assault Prevention and Response Program work. As leaders we need to reinforce appropriate and values based attitudes and behaviors related to sexual assault in both verbal and non-verbal spheres of influence. The message to convey is that sexual assault can and be prevented. Leaders WILL act to support any victim should an assault occur.

b. You should act in a manner that helps the victim. You should be supportive, sensitive and compassionate. A supportive environment is critical since the victim may experience feelings of shame, guilt and powerlessness. Be warm and show empathy but don't be overly protective.

c. Foster a supportive environment.

d. The next step is to take immediate action. Reports of misconduct are ordinarily referred to the alleged perpetrator's immediate command. Upon notification that a member of the command has been accused or is suspected of committing such an offense, the immediate commander uses his position to make a preliminary inquiry into the charges or suspected offenses. Rape and other serious offenses **MUST** be reported to CID for investigation. The Staff Judge Advocates normally assist commanders in determining the disposition of serious misconduct cases.

e. Army Regulation 195-1, Para. 6 (a) and (b) require that:

(1) Criminal incidents are reported to military police. These criminal incidents include persons subject to the UCMJ, civilian employees of the DOD in connection with assigned duties and Government property under Army jurisdiction.

(2) All serious crimes/incidents as defined in AR 195-2 are reported to and investigated by CID.

f. DA Form 4833, Commander's Report of Disciplinary or Administrative Action, should be completed and submitted to the appropriate personnel. This allows the Army to maintain an accurate database that will support the Army's Sexual Assault Prevention and Response Program.

g. Leaders who do not report such crimes give their Soldiers the impression that those commanders are "indifferent to sexual assaults."

h. There is no anonymous reporting mechanism in the Army. An anonymous reporting mechanism would be detrimental to maintaining unit effectiveness, morale and safety. The Army must balance the need for a thorough investigation of allegations against the need for victim privacy. However, there are several confidential avenues of communication that Soldiers can use to seek assistance and guidance such as unit chaplains, legal assistance attorneys, psychotherapist, and the Army's One Source (AOS) Program.

i. Protect victim's confidentiality. All Soldiers must fully understand the avenues of confidential and privileged communication available and the responsibilities and limitations of each avenue.

j. Commanders have multiple options at their disposal to protect the victim. Existing legal options include:

(1) Imposition of pretrial confinement or restriction on the alleged perpetrator

(2) Use of Military Protective Order (MPO) – DD Form 2873 – on the alleged perpetrator. The MPO is a "no contact order" that helps to ensure the safety of the victims and witnesses.

(3) Relocation or reassignment of either the alleged perpetrator or the victim.

Temporary relocation lowers the chances of incidental contact prior to resolution of the case. Determine whether the victim desires relocation (transfer to another unit) to avoid subjecting the victim to double victimization that may be perceived through arbitrary transfers.

k. As a leader, you need to ensure the sensitive, confidential, and comprehensive treatment of the victims in order to restore their health and well-being. Your quick action will enable a thorough investigation of the sexual assault. No one wants to be the topic of discussion within the unit or elsewhere, especially if the event is traumatic. You can provide a supportive environment by contacting **ONLY** those who need to know.

l. Be aware of sexual assault risk factors that may impact unit readiness. During unit safety briefings, before high-risk periods, such as pre- and post-deployment, and leisure time (training holidays and holiday weekends), leaders should reiterate correct Soldier behaviors that help to prevent sexual assaults!

(1) Use the buddy system – look out for each other.

- (2) Report inappropriate behavior immediately (both on & off duty) to chain of command.
- (3) Practice Army Values.
- (4) Never leave a fallen comrade.

6. TYPES OF SEXUAL ASSAULT, INFLUENCING FACTORS, THE EFFECTS ON THE VICTIM, THE ALLEGED PERPETRATOR AND THE UNIT, AND TECHNIQUES USED TO PREVENT THE OCCURRENCE OF SEXUAL ASSAULTS.

Sexual assault can take on many forms. Knowing what these forms are and being prepared to prevent them, and if committed, handle them appropriately as leaders, maintains the best climate for organizations to perform their mission.

a. Types of Assault.

(1) Sexual assault includes:

- (a) Rape
- (b) Forcible sodomy.
- (c) Indecent assault.
- (d) Carnal knowledge.

(2) Rape is sexual intercourse by force and without consent. Article 120 of the UCMJ reads “Any person subject to this chapter, who commits an act of sexual intercourse by force and without consent, is guilty of rape” Article 120 of the UCMJ identifies four types of rape:

- (a) Physical force.
- (b) Constructive force.
- (c) Date/Acquaintance rape.
- (d) Marital rape.

(3) Physical force is an act of forced sexual intercourse without consent when the perpetrator is physically stronger than the victim; the perpetrator overcomes the victim with bodily strength; the victim may have physical injuries such as bruises from the force of the perpetrator. Constructive force is the use of threats, intimidation or the abuse of authority, which can cause the victim to believe that death or injury, would occur if he or she resists. Example of constructive force: The perpetrator has a gun or knife and threatens to kill the victim if he/she resists.

(4) Date/Acquaintance rape is an attack by someone the victim knows. Date/Acquaintance Rape accounts for 60 to 80% of all rapes. This type of rape is the most unreported; often the victim assumes blame or is embarrassed to report the incident. Marital rape is intercourse by the victim’s spouse without consent. Some people who are drunk or high get mean – you all probably know someone like that – it could be an uncle or someone your family talked about when you were growing up. These individuals may tend to pick fights when they’re drunk. When they’re sober, they’re as nice as can be. Unfortunately, there are Soldiers who get mean and take it out on their spouses.

(5) Forcible sodomy is oral or anal sex forced upon a person without his or her consent.

(6) Indecent assault is any non-consensual touching done with the intent to gratify lust or sexual desires. This includes same gender sexual assault. Examples of indecent assault: fondling a woman’s breasts or touching genital area.

(7) Carnal knowledge is sex with a minor. In most states, a minor is anyone under the age of 16. There is a perception of young teenagers being sexually active. Consensual sex with a minor is still illegal! You will be prosecuted for having sex with a minor, even if it was consensual.

b. Adverse Effects.

(1) Sexual assault is a traumatic event which can lead to emotional distress, self destructive behavior, interpersonal problems and behavioral disorders. Sexual assault is not tolerated in the Army. A Soldier who has been sexually assaulted may experience short and/or long-term effects. Moreover, sexual assault breaks down the cohesive unit, degrading mission readiness.

-

(2) The Army Policy on Sexual Assault Memorandum, dated 7 Apr 04, is the guidance for dealing with sexual assaults. It states:

- (a) Sexual assault is a crime.
- (b) Has devastating and often lasting impact on the victim.
- (c) Sexual assault has no place in the Army...we're a values-based organization; we take care of our fellow Soldiers...and treat all Soldiers with dignity and respect.

(3) Thus Army Policy on Sexual Assault provides for:

- (a) Awareness and education to prevent sexual assault.
- (b) Sensitive care for sexual assault victims.
- (c) Aggressive, timely, and thorough investigation of all reported sexual assaults and,
- (d) Accountability for those who commit these crimes.

(4) Sexual assault victims experience trauma both physically and emotionally. The emotional trauma can be more harmful than the actual physical assault. Some of the emotional and behavioral effects on the victim include:

- (a) Anxiety
- (b) Powerlessness
- (c) Perseverance
- (d) Disorganization
- (e) Self-blame
- (f) Distorted self-image

(5) Depression is a very common reaction. The attack rips away all feeling of security and safety. It is, in a very real sense, extremely depressing to acknowledge that your safety can be so easily violated. Self-mutilation, or cutting oneself, is common. The following are all symptoms of post-traumatic stress disorder:

- (a) Suicidal thoughts.
- (b) No interest in previously enjoyed activities.
- (c) Frequent crying.
- (d) Fatigue.
- (e) Emotional, dazed, numb, detached.
- (f) Sense of hopelessness.
- (g) Sleep pattern disturbance.

(6) Withdrawal - Victims may avoid conversation with their friends because they think the conversation is embarrassing. In addition, if a dozen friends ask what happened, the victim will feel obligated to repeat the same painful details twelve separate times. Re-telling the assault may progressively deepen the suffering.

(7) Emotional impact may simply be delayed, most common when victim knows assailant. A common misconception assumes the victim is making up the story because the victim appears emotionally unaffected by the event.

(8) Just like the many types of emotional trauma a victim may experience, physical trauma can have an adverse effect on the victim.

- (a) General soreness.
- (b) Bruising from assault.
- (c) Skeletal muscle.
- (d) Gastrointestinal issues.
- (e) Eating pattern disturbances.
- (f) Genitourinary issues. (Genitourinary is defined in Merriam-Webster as, "of or relating to the genital and urinary organs or functions.")

(9) Sexual assault not only affects the victim, but may also affect the unit and the perpetrator. Such effects include:

- (a) Combat readiness suffers
- (b) Unit cohesion and teamwork are destroyed
- (c) Possible physical injury
- (d) Possible disease/infection

c. Sexual Assault Prevention Techniques.

(1) Although it may not be possible to guarantee 100% protection against sexual assault, there are measures that the chain of command can take to help prevent it. While we cover these techniques, think about how they compare to your habits and routines. Are there changes that you can make in your lifestyle or daily routines that can help prevent such a devastating attack? Individual Soldiers and the Army community need to work hand-in-hand to build the best contemporary operational environment that excludes sexual assault. To accomplish this task, the chain of command leads by implementing the Sexual Assault Prevention and Response program that will help Soldiers from becoming victims.

(2) Sexual assault prevention can be addressed in three easy steps.

(a) Step 1: Avoid alcohol and other drugs. In military sexual assault cases, over 50% involve the use of drugs and/or alcohol. Alcohol and other drugs can cloud Soldiers' judgment and impair their ability to respond quickly to the situation. One message to communicate is: If you drink, never leave it unattended. There are many "date rape" drugs being used today that perpetrators slip into their victim's drink to make them incoherent and unable to fight off an assault. Rohypnol and GHB are the most common of these "date rape" drugs.

(b) Step 2: Rely on your instincts and be watchful. Sexual assault, including rape, can happen to anyone. Remember, dark alleys are not the only places where rapes occur. New people and new places can be risky. Use the buddy system. Spend time with someone new while you are with a group of people, before being alone with him or her. Trust your own judgment and intuition.

(c) Step 3: Establish and maintain your limits. Don't be afraid of hurting someone's feelings if you have any doubts about your safety. If someone makes unwanted and inappropriate sexual advances, say "NO" loudly, forcefully and frequently.

(3) The chain of command can augment these preventive steps through the use of an acronym reminder, A.S.A.P.

1. Be Aware-Watch for signs that trouble may be coming. For example:

- (a) The other person won't stop when you say "NO".
- (b) He or she threatens to hurt you.
- (c) He or she physically restrains you.
- (d) The person uses, or threatens to use, a weapon.
- (e) He or she tries to have sex with you when you are too drunk to say "NO".
- (f) The person suggests something bad may happen to you if you don't give in.

2. Be Safe:

- (a) Walk in lighted areas after dark.
- (b) If you feel you may be getting into an uncomfortable situation, get to a safe place as soon as possible.
- (c) Don't drink or use drugs.
- (d) If you do drink, never leave your drink unattended.
- (e) Be careful if anyone in a car asks you for directions. If you answer, keep your distance from the car.
- (f) Have your key ready before you reach the door of your home, barracks, car, or office.

3. Be Assertive:

- (a) If someone is pressuring you to have sex and you don't want to, say "NO" clearly.
- (b) Move away from the person while saying "NO".
- (c) If the person does not listen, say, "Stop! You are raping me!"
- (d) Try to escape. If there are people nearby, make a lot of noise.
- (e) If necessary, fight back, but **ONLY** if you feel you can do so without putting yourself at greater risk.

4. Be Prepared:

- (a) When on a date, drive yourself or bring enough money for a taxi fare.
- (b) Know where a phone is and have the required change if using a pay phone.
- (c) Communicate your sexual limits early and clearly.
- (d) Don't be afraid of hurting the other person's feelings.
- (e) Know your environment. Different settings have different risks. There may be higher risks associated when stationed in different countries with different cultures. Learn the cultures and know the associated risks.

7. RIGHTS OF VICTIMS AND ALLEGED PERPETRATORS

a. Victims' Rights

(1) Until recently, the protection of offenders' rights took precedence over those of the innocent victims of crime. To ensure the fair and sensitive handling of all sexual assault cases, personnel at every level of victim assistance working with sexual assault victims shall, where possible, ensure the following rights are maintained:

- (a) The right to be treated with fairness, dignity, and a respect for privacy.
- (b) The right to be reasonably protected from the accused offender.
- (c) The right to be notified of court proceedings.
- (d) The right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial, or for other good cause.
- (e) The right to confer with legal counsel.
- (f) The right to information regarding conviction, sentencing, imprisonment, and release of the offender from custody.

(2) The Army will put forth its best effort to accommodate victims with these rights while maintaining good order and discipline. Remember, privacy is a victim's right. Keep all information confidential. The victim has the right NOT to discuss the incident with anyone!

b. Protection of Victims and Witnesses

(1) The Staff Judge Advocate (SJA) ensures that victims and witnesses are advised that their interests are protected by administrative and criminal sanctions. In cases where the life, well-being, or safety of a victim or witness is jeopardized by his or her participation in the criminal investigation or prosecution process, the SJA will ensure that appropriate law enforcement agencies are immediately notified.

(2) At courts-martial and investigative proceedings, victims and Government witnesses are given the opportunity to wait in an area separate from the accused or defense witnesses to avoid embarrassment, coercion, or similar emotional distress. A Victim/Witness Liaison may act as an intermediary between a witness and representatives of the Government and the defense for the purpose of arranging witness interviews in preparation for trial.

c. Rights of the Alleged Perpetrator

(1) Military personnel who are alleged to have committed a sexual assault offense may be subject to trial, and if found guilty, punishment by courts-martial. Additionally, such military personnel are subject to being processed for administrative separation.

(2) Like the victim, the alleged perpetrator has certain rights, which include

- (a) A right to legal counsel
- (b) The assumption of innocence until proven guilty, a fundamental principle in the United States legal system
- (c) A right to a fair trial

Remember, privacy is the alleged perpetrator's right. Keep all information confidential. The alleged perpetrator should be protected from false allegations.

d. False Reporting

(1) False reporting of any crime, including sexual offenses, can be a violation under the UCMJ. A false reporting may include a false official statement and or a false sworn statement. A false official statement requires that the person making the statement knows that the statement is false at the time the statement was made, is made in the line of duty (e.g., made to military police authorities or someone in the chain of command) and is given either orally or written.

(2) False swearing only requires that the person making the statement knows that the statement is false. It may be oral or written, but requires that the statement be made under oath.

8. SOLDIER'S RESPONSIBILITY WITHIN THE ARMY'S SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM

(1) Your response to sexual assault events affects the climate under which you and your Soldiers live and operate. The Army's Sexual Assault Policy states that all victims of sexual assault will be treated with dignity, fairness and respect. Each incident will be treated seriously and all information will be kept confidential. So how do you, as an individual Soldier, act when you witness or become aware of a sexual assault? Whether the victim is a friend or battle buddy, these are good guidelines to follow:

- (a) Give support. You should act in a manner that helps the victim. You should be supportive, sensitive, and compassionate. Be warm and show empathy but don't be overly protective.

- (b) Just LISTEN - without judgment, without giving advice, without asking 'why' questions.
- (c) Repeat the message: You are not the blame!
- (d) Encourage official reporting – notify chain of command
- (e) Treat the victims as injured adults, not as children. That means don't make all the decisions!
- (f) Get assistance. As a supportive Warrior, you should never leave the victim alone!

(2) Some of the resources that is available to you: emergency medical facilities, law enforcement (military or civilian), unit chaplains, civilian agencies, hotlines, and family/friends.

(3) Protect victim's confidentiality. No one wants to be the topic of discussion within the unit or elsewhere, especially if the event is traumatic. You can continue to provide support by speaking only to those who need to know. Do not bother the victim for details. Just LISTEN. Use your ears not your mouth!

(4) You have two roles, leader and warrior. Your actions are watched and observed! So how do you project both images successfully and support the Sexual Assault Prevention and Response Program?

- (a) Reinforce value based attitudes/behaviors.
- (b) Avoid the use of alcohol and other drugs.
- (c) Rely on your instincts and be watchful.
- (d) Establish and maintain your limits.
- (e) Practice appropriate verbal/non-verbal influences
- (f) Use the buddy system – look out for each other.
- (g) Report inappropriate behavior immediately (both on & off duty) to chain of command.
- (h) Practice Army Values.
- (i) Support the victim

(5) Statistically you are at risk of being a victim of sexual assault. The proper victim actions are to:

- (a) Go to a safe place.
- (b) Contact the authorities.
- (c) Do not destroy evidence by "cleaning up."
- (d) Seek assistance from a fellow Warrior or appropriate authorities.

9. PROCEDURES FOR TIMELY REPORTING OF SEXUAL ASSAULT

a. Reporting sexual assaults is more than just trying to get justice for the victim. Sexual assault discrimination, drug and alcohol abuse, and other similar behaviors are barriers to good order, discipline, and unit readiness. In order to prevent sexual assaults, the Army needs to know who, what, where, when, and how. The Army needs to know what is working and what isn't. The Army needs to eliminate the climate that hinders reporting. Reporting is the right thing to do!

b. You should not have to be reminded that sexual assault should be reported immediately. Sexual assault is a crime! The assault can be reported by the victim (best case) or by a friend, acquaintance, family member, or fellow Warrior. Report the sexual assault to the chain of command. Communities and units do not want predators in their midst.

c. The quickness of your report will aid in the apprehension of the alleged perpetrator and enhance the investigation of the alleged assault. The following information should be provided:

- (1) Date, time, and location of incident.

(2.) Name of individual making report and relationship to incident (if not victim, friend, spouse or family member).

(3) Victim's name and location.

(4) Victim's injuries and medical needs.

(5) Who, if anyone, is there to assist the victim?

(6) Identity and/or description of the alleged perpetrator.

(7) Location of alleged perpetrator (if known).

d. Privileged and Confidential Avenues

(1) There is no anonymous reporting mechanism in the Army. An anonymous reporting mechanism would be detrimental to maintaining unit effectiveness, morale and safety. The Army must balance the need for a thorough investigation of allegations against the need for victim privacy.

(2) There are several privileged and confidential communication avenues that exist for Soldiers seeking assistance and guidance. Existing avenues include unit chaplains, legal assistance attorneys, medical personnel, and the Army's One Source Program. Each of these avenues has different responsibilities and limitations.

e. Consequences of Not Reporting

(1) There are many consequences of not reporting! Some are very obvious; some are not. Sexual assault is inconsistent with the Army Values, Warrior Ethos and the Soldier's Creed. Some real consequences of not reporting include the:

(a) Inability of authorities to conduct a timely and thorough investigation

(b) Inability of chain of command to appropriately care for victims and discipline perpetrators

(c) Possibility that perpetrator may assault others

(d) Risk of sexually transmitted diseases

(2) Sexual assault is punishable under different articles of the UCMJ. Depending on the actual sexual assault committed, punishments range from confinement to legal or administrative actions. According to AR 195-1 paragraph 6, "Criminal incidents in the Army will be reported to military police.... Serious crimes and incidents as defined by AR 195-2 will be reported and investigated by CID personnel." UCMJ articles 120, Rape or carnal knowledge; 125, Sodomy; and 134, Indecent acts with another, fall under the CID investigative responsibility. Sexual assaults may be associated with other serious crimes but the listed articles focus only on sexual assault crimes.

10. RESOURCES FOR VICTIMS OF SEXUAL ASSAULT

a. The effects of sexual assault on victims can be tremendous. Sexual assault victims need qualified help immediately. Many people hear about various resources available to victims but pay little attention thinking that something like that will never happen to them. It doesn't matter who you are, what sex you are, how old you are, what you look like, where you work, what rank you are, or how you dress; you are a potential victim for sexual assault. Hopefully it will never happen to you, but if it does, it's not only important to know that help is available, but it's also important to know where to find it. Even if you are fortunate enough to never be a sexual assault victim, it might happen to one of your closest friends.

b. Resources available to sexual assault victims exist at the local level. In addition, both military and civilian resources are available to military personnel and their families. You must know what resources are available to protect yourself or help your fellow Soldiers. The following resources are available for victims:

(1) Chain of command.

- (2) Medical or local civilian medical facilities – provide prompt medical care (e.g., evaluation, care of victim, evidence collection, forensics support, and initial and follow-up mental health counseling).
- (3) Staff Judge Advocate (SJA) – appoints Victim/Witness Liaison to help victims and witnesses with the courts martial process.
- (4) Army Community Services (ACS) – provide a victim advocate for victims where a family member is the alleged perpetrator.
- (5) Unit Chaplain – provides counseling and spiritual care services.
- (6) Military Police – can get the investigative process started and refer you to additional resources.
- (7) Local or State Police – should be contacted if the incident happened off post or if the alleged perpetrator is a civilian.
- (8) Call 911
- (9) Army One Source (AOS) – designed to help Soldiers and their families deal with life's issues provides confidential assistance to sexual assault victims 24 hours a day, 7 days a week. Their services are available to active and mobilized Reserve Component (RC) Soldiers, deployed civilians, and their families worldwide. Call 1-800-464-8107 (CONUS)
- (10) DOD Sexual Assault Hotline (1-800-497-6261), supplements AOS with providing confidential assistance to sexual assault victims, 9 a.m. to 9 p.m. EST, Monday through Friday, available to active and mobilized Reserve Component (RC) Soldiers, deployed civilians, and their families worldwide.

Student Handout 4

Extracted Material from TSP 805C-010-0104, "The Many Faces of Sexual Assault" Video Script

This student handout contains 13 pages of extracted material from--

TSP 805C-010-0104, Sexual Assault Prevention and Response Training (New Leader) dated 24 Oct 2004

Student Handout 4

Pages SH-4-2 thru SH-4-14

Disclaimer: The training developer extracted the materials from the General Dennis J. Reimer Training and Doctrine Digital library. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

Student Handout #4

“The Many Faces of Sexual Assault” Video Script

Scene 1-3

NARRATOR

"A person is sexually assaulted in the United States every 45 seconds..."

"78% of sexual assault victims are women, and 22% are men..."

"Only 16% of these attacks are ever reported to police."

NARRATOR

683,000 women are sexually assaulted every year in the U.S.

NARRATOR

And the numbers are rising.

Scene 4-7, Scenario 1

INT - NIGHT – BARRACKS

PVT Jessica Banks is watching television as she starches her shirt. She shakes can of starch, tries to spray, nothing comes out. She tosses the can in the trash and turns to go borrow more from SPC Kate Casey (her squad-mate) in the room next door.

INT - NIGHT - BARRACKS HALLWAY

PVT Banks comes from her room and hears yelling and sounds of a struggle in the next room. She knocks on door.

PVT BANKS

“Kate? It's Jessica...”

When sound is quickly muffled inside the room, PVT Banks flings open the door and sees frightened, disheveled SPC Casey with torn clothes being held against the wall or on the bed or floor with her mouth covered by Staff Sergeant Foley. He immediately gets up and rushes out the door. SPC Casey crumples to the floor and begins to cry, there's blood running from her nose and her clothes are in disarray.

PVT BANKS

“Are you hurt? Talk to me. Tell me what happened!”

SPC CASEY

“I can't talk now. Please, I just need to be alone.”

When PVT Banks hands SPC Casey a tissue and tries to comfort her, she recoils and yells.

PVT BANKS

“Here, you're bleeding.”

SPC CASEY

“I said GO AWAY!!”

PVT Banks backs away. SPC Casey tries to get up, but collapses. Pan to a photo of SPC Casey that has been knocked to the floor and broken during the struggle.

NARRATOR

“It can happen where Soldiers live or work. When they're relaxing in the barracks, celebrating at a club, or working exhausting hours in the field. But even if a sexual assault only lasts a minute, its impact can last for the rest of the victim's life.”

Comment from on-camera interview with SPC Casey sometime after the assault.

Scene 4-7, Scenario 1(Cont)

SPC CASEY

“After it happened, I blamed myself. I felt like I had done something wrong.”

Comment from on-camera interview with PVT Banks sometime after the assault.

PVT BANKS

“He was our squad leader. Kate was afraid of what would happen if she reported him.”

More interview with SPC Casey.

SPC CASEY

“I went over and over it in my mind, trying to figure out what I did to make him attack me like that.”

More interview with PVT Banks.

PVT BANKS

“I couldn’t believe she was blaming herself. All she was doing was studying in her room.”

SPC CASEY

“I remember just wanting to clean up, to wash away the whole experience.”

PVT BANKS

“I should have stopped her from showering and changing clothes. That destroys evidence. I should have insisted she go straight to the emergency room. And I should have called the MPs.”

Comment from on-camera interview with PFC James

PFC JAMES

“I heard rumors about what happened, but when I saw her in the laundry room later, she seemed fine. If she were really assaulted, wouldn’t she have been more upset?”

PVT BANKS

“I was a witness. It was my duty to report it, even if she couldn’t bring herself to turn him in.”

Comment from on-camera interview with MP (Female)

MP

“If they had called, we would have responded and begun an investigation...”

Scene 8-13, Scenario 2

INT - DAY - VENDING MACHINE AREA

Specialist John Reynos gets soda from machine. Specialist Gordon walks up behind him, counting the change in her hand.

NARRATOR

"In the Army, victims of sexual assault are likely to know the alleged perpetrator of the assault."

SPC GORDON

"Can you believe it? I'm ten cents short."

He gives her two nickels.

SPC REYNOS

"Must be your lucky day--I just happen to have ten cents with your name on it."

She puts the money in the machine and a drink comes out.

SPC GORDON

"Thanks."

SPC REYNOS

"We're still on for our date tonight?"

SPC GORDON

"I'll see you at eight... IN my new dress!"

They go separate ways...

EXT - NIGHT - BAR PARKING LOT ESTABLISHER

We can hear the sounds of people laughing and talking, glasses clinking and rap music emanating from a jukebox...

INT - NIGHT - BAR

SPC Gordon and SPC Reynos sit at a table drinking. Both are now wearing civilian clothing.

SPC REYNOS

"...so after she left me for my best friend, I decided to join the Army."

SPC GORDON

"And I am very glad you did. So would you watch my drink while I go to the ladies' room?"

SPC REYNOS

(raising his glass in a mock toast)

"I'll be counting the seconds 'til you return."

Scene 8-13, Scenario 2 (page 2) (Cont)

As soon as SPC Gordon leaves, SPC Reynos takes a capsule from his pocket and drops it into her drink.

Later that evening... tilt down from light fixture or beer sign in bar to reveal SPC Reynos resting her head in her hands. SPC Gordon walks up with more drinks.

SPC REYNOS

“Don't tell me you're fading out on me already!”

SPC GORDON

“All of a sudden, I'm feeling a little sick.”

SPC Gordon stands and has to grab the table to steady herself. SPC Reynos gets up to help.

SPC REYNOS

“Careful there. Maybe I better drive you home...”

INT - NIGHT - BARRACKS ROOM

SPC Reynos swings the semi-conscious SPC Gordon's legs up on the bed as her torso falls back.

SPC REYNOS

“There. That's better. Let's make you a little more comfortable.”

He starts to unbutton her shirt. Camera moves to the darkened window as we hear SPC Gordon mumble...

SPC GORDON

“No... Stop... I just need to sleep. Stop, no...”

INT - DAY - SAME BARRACKS ROOM

Same window, hand opens blind and light floods in showing it is now day. Widen shot to reveal PFC Burrows opening blinds, then picking up SPC Gordon's dress, etc. from the floor.

PFC BURROWS

“Hey, Sleeping Beauty, 1300, rise and shine. You must have been really wasted last night... Janice said your new man pretty much had to carry you in here. And you threw your new dress on the floor... That's not like you at all...”

SPC Gordon raises her groggy face and looks under the covers--realizes she has no clothes on.

SPC GORDON

(upset)

“My dress? I don't remember taking off my clothes... I don't remember coming back here- I don't remember anything except stumbling to the car and feeling drugged.”

Scene 8-13, Scenario 2 (page 3) (Cont)

PFC BURROWS

“Drugged? Please tell me you didn’t leave your drink with your date!”

Comments from on-camera interviews sometime after the assault.

SPC GORDON

“I thought date rape was something some horrible, filthy person would do. John was a nice, smart, funny guy. He is, WAS, a friend. How could he do this to me?”

PFC BURROWS

“She admitted she was drinking. He says the sex was consensual. Who am I supposed to believe?”

SPC GORDON

“The blood tests showed Rohypnol in my system. Do people think that I took it myself? Who else but John would have given me the "date rape" drug?”

Scene 13-16, Scenario 3

EXT - DAY - FIELD EXERCISE AREA

1LT Melton (Male in uniform), and CPT Gray (Female in uniform) come into the tent at the end of long day.

NARRATOR

“Sexual assault doesn’t always involve physical force and injury. It also has a more subtle side.”

CPT GRAY

“What a week. I am so exhausted.”

1LT MELTON

“Me too. I gotta find a way to relax.”

INT - DAY - TENT

Inside of tent as the two enter.

CPT GRAY

“I know a great way to reduce stress...”

1LT MELTON

“Oh yeah?”

CPT GRAY

(softly)

“Yeah...”

She inappropriately grabs him.

1LT MELTON

“Whoa...What are you doing? Ma'am, don't ever do that again. EVER!”

He turns angrily and hurries from the tent.

Comments from on-camera interviews sometime after the assault.

1LT MELTON

“Sure we were close. When you work side-by-side day-after-day, you get close. But I always saw it as a professional relationship. What she did by grabbing me in my genital area really came out of the blue. I couldn’t believe it. Nobody but my wife is allowed to get THAT personal with me.”

CPT GRAY

“It was no big deal. It’s been a long deployment. We were both tired. We were lonely. I thought he would be receptive.”

1LT MELTON

“How can we work as a team, when she does something stupid and demeaning like that?”

CPT GRAY

“He definitely overreacted.”

Scene 17-19, Scenario 4

EXT - NIGHT - SOLDIER'S HOME

A dog barks somewhere down the street as SFC Jamison (Male Soldier, in uniform, husband of victim) comes up the steps, drunk and singing.

NARRATOR

“Soldiers can be victims of sexual assault. They can be witnesses to sexual assault. And they can commit sexual assault themselves; permanently scarring people they claim to love.”

INT - NIGHT - SOLDIER'S HOME

Mrs. Jamison (Wife of Soldier in civilian clothing--nightclothes) comes to the door and opens it to let her drunken husband in.

MRS. JAMISON

“SHHH--Be quiet. You'll wake up the baby!!”

SFC JAMISON

“Forget the baby. How bout a little lovin' for the Daddy...”

MRS. JAMISON

“You're drunk and disgusting, go sleep it off.

He follows her down the hall and pushes her toward the bedroom door. She resists initially, but he overpowers her as he pushes her into the darkened bedroom.”

MRS. JAMISON

“I said NO-NO! Not again . . . You're hurting me.”

Comments from on-camera interviews sometime after the assault.

SFC JAMISON

“How can they call it rape? Wives are supposed to have sex with their husbands. I provide for my wife and kid. I do my duty. Why won't she do hers?”

MRS. JAMISON

“I have a child to consider. He's the breadwinner. He's the one who puts a roof over our heads. If he leaves us, what would we do? How could I face my family?”

SFC JAMISON

“It's a wife's duty to have sex with her husband. I know she enjoyed it.”

MRS. JAMISON

“Even though I was getting hurt, I didn't want to make problems with the military for my husband. My husband's career is our life. I thought saying something would jeopardize our future forever.”

Comment from Counselor (Female in civilian clothing)

DOMESTIC VIOLENCE COUNSELOR

“I counsel a lot of military spouses because they aren't comfortable reporting sexual assault through military channels...It's crucial that the Army create an environment of zero tolerance for sexual assault so spouses will feel that they can come forward.”

MRS. JAMISON

“For a long time, I was afraid to tell anyone what was happening to me. I figured that even if I got the courage to tell, nothing would be done.”

Scene 20-24, Scenario 5

EXT - NIGHT – BARRACKS

NARRATOR

“Statistics show that in most cases, Soldiers who are victims of sexual assault have been drinking at the time of the attack.”

Two Soldiers, Specialist Garcia (Male Enlisted Soldier, not in uniform) and Specialist Selby (Male Enlisted Soldier, not in uniform), get out of car, rowdy and drunk. Driver yells at them, Garcia slams the door.

VOICE OF DRIVER

“Get outta my car, before you puke again!”

SPC SELBY

“Ok, ok, lighten up...”

INT - NIGHT - BARRACKS

SPC Garcia and Selby come into a room in the barracks.

SPC GARCIA

“I thought I was gonna get to go home with that babe in the red dress.”

SPC SELBY

“Yeah, in your dreams...”

When they get to the room, SPC Selby passes out on the bed.

SPC GARCIA

“Hey that's my bed, bud. Get up... c'mon get up. Geez.”

When he can't get SPC Selby up, Garcia falls down on the couch and goes to sleep.

Comment from on-camera interview with SPC Garcia sometime after the assault.

SPC GARCIA

“At first, I thought I was dreaming. Nothing so awful had ever happened to me before...”

INT - NIGHT - BARRACKS HALLWAY

SPC GARCIA

(muffled, from inside room)

“What are you doin', Man? Gross... GET OFF OF ME!!”

SPC Selby hurries out of the room, and passes a Male Enlisted Soldier, not in uniform coming down the hall.

SPC Garcia comes angrily out of the room.

Scene 20-24, Scenario 5 (page 2) (Cont)

SPC GARCIA

“Yeah, you better run, before I kill you!!!”

He hits the wall with his fist.

SOLDIER

(passing by in hall)

“What’s up, Juan?”

SPC GARCIA

“Nothin, man, NOTHIN! Just forget it!”

Comments from on-camera interviews sometime after the assault.

DOMESTIC VIOLENCE COUNSELOR

“Often victims are reluctant to report sexual assault, because of where they were and what they were doing when it happened.”

SPC GARCIA

“I’m only 19. I was afraid if I told anyone, I’d be busted for underage drinking. But then I decided it was more important to keep the same thing from happening to someone else.”

Comment from Leader-Staff Sergeant Henley-(Male NCO, in uniform)

STAFF SERGEANT HENLEY

“When Specialist Garcia called me at three o’clock in the morning, I should have reported it right away. But he told me he didn’t want it reported, and I was afraid of violating his privacy. I didn’t know what to do.”

STAFF SERGEANT HENLEY

“In the back of my mind, I couldn’t help but wonder if it had been consensual. Garcia never had been a model Soldier, so I thought it was just par for the course with him. I also wondered if he had made it all up.”

SPC GARCIA

“I know I can be a screw-up, but it was important to me that people believed my side of the story. I needed help to get over what happened to me...”

Scene 25-28, Scenario 6

INT - DAY - FOOD COURT

NARRATOR

“When someone says NO, they mean NO. But when a minor is involved, YES also means NO.”

SGT McCoy (22-year-old Male, in uniform) and SGT Green (22-year-old Male in uniform) stand with their trays in Food Court looking for a place to sit. There's a pretty young girl (Mariah--Female civilian, family member) at a table. The two guys have seen her there before, and SGT McCoy has expressed interest. SGT Green points her out, urges him to go over, and heads off in another direction to give them some space.

SGT McCoy comes up to Mariah.

SGT MCCOY

“Hey there. Didn't I see you eating here yesterday?”

MARIAH

“Yeah, I noticed you too.”

SGT MCCOY

“Mind if I join you?”

MARIAH

“Thought you'd never ask...”

He sits at the table with her and begins to eat.

SGT MCCOY

“You go to school at the college?”

MARIAH

(laughing)

“Try high school. I'm 15!”

SGT MCCOY

“Darlin', I must say you make 15 look mighty fine...”

EXT - NIGHT - SECLUDED AREA

A car is parked in a darkened spot. SGT McCoy, in civilian clothes, and Mariah are kissing passionately.”

Scene 25-28, Scenario 6 (page 2) (Cont)

SGT MCCOY

“So... you're OK with all of this?”

MARIAH

“I'm OK with all this and a whole lot more, Baby...”

Their heads disappear as they recline back onto the seat.”

Comments from on-camera interviews sometime after the assault.

SGT MCCOY

“Sure she was younger, but she was all over me. She said it was OK. I didn't know I was doing anything wrong.”

Comment from interview with JAG Officer (Male)

JAG OFFICER

“Legally, this girl couldn't give consent. Even though different states have different laws, the Army defines a minor as someone under the age of 16. This was sexual assault, clear and simple.”

SGT GREEN

“I really felt for the guy. I've been in the same situation myself lots of times. What's happening to his career, could just as easily have happened to mine.”

NARRATOR

“Life is full of situations that seem to fall into the gray areas between right and wrong. But when it comes to sexual assault, the Army's Policy is clear and absolute. No matter where it happens, no matter why it happens, no matter how it happens, no matter who it affects, sexual assault is a crime that will not be tolerated in the United States Army. We must find ways to prevent it. Respond to it immediately and sensitively. Investigate it aggressively and thoroughly. Insist on accountability. And create and promote a command climate that supports victims and insures that their rights are upheld.”

Scene 29-30

Interview comments.

PVT BANKS

“By not reporting the assault on my squad mate, I ignored the Warrior Ethos. I truly did “leave a fallen comrade.”

CPT GRAY

“In the Soldier's Creed we promise to “live Army values.” What I did to my fellow Soldier broke that promise. I'm ashamed of what I did.”

SPC GARCIA

“It was a horrible time for me, but the confidentiality and support I found in my chain of command made me all the more proud to be a Soldier.”

INT - DAY - CLASSROOM

Actual classroom with Soldiers raising their hands and asking questions of a senior officer or NCO that's facilitating a session on sexual assault.

NARRATOR

“Now is the time to start a dialog about what constitutes sexual assault. Ask a question. Speak up and express your opinion. It's up to you as a Soldier to report sexual assault. It's up to you as a commander to ensure that victims' rights are protected.”

Student Handout 5

Extracted Material from AR 195-1, Army Criminal Investigation Program

This student handout contains one page of extracted material from the following publication:

AR 195-1, Army Criminal Investigation Program, 12 Aug 1974

Chapter 1

Page 1

Disclaimer: The training developer extracted the materials from the U.S. Army Publishing Directorate (APD) Home Page. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

Student Handout 5

Extract from AR 195-1, Chapter 1, Page 1

1. Purpose

This regulation prescribes responsibilities, mission, objectives, and policies pertaining to the Army Criminal Investigation Program.

2. Scope.

The Army CID Program includes criminal investigation procedures, techniques, resources, training, and those CID communication procedures employed by the United States Army Criminal Investigation Command.

3. Responsibilities.

a. The Commanding General of the United States Army Criminal Investigation Command (USACIDC), a major Army Command, is responsible for exercising command, authority, direction, and control of Army criminal investigative activities worldwide.

b. Within their respective areas of responsibility, major Army commanders and major Army subordinate commanders will insure that known or suspected criminal activity is reported to the military police and, when appropriate, to CID for investigation.

4. Mission of subordinate elements of USA CIDC.

Commanders and supervisors of all elements of USACIDC are assigned the mission of providing criminal investigative services to the US Army on an area basis.

5. Objectives.

The operational procedures of each Army CID element will be directed toward attaining the following objectives:

a. Insuring that known or suspected serious crimes and crimes which may result in damaging the public confidence in the Army are thoroughly and impartially investigated by CID special agents.

b. Participating in the Army crime prevention program by identifying areas which are especially vulnerable to crime and by making recommendations to appropriate authorities for elimination of conditions conducive to criminal activity. This CID effort, in the form of crime surveys, includes the examination of all aspects of management and property and fiscal accountability in which malfeasance and misfeasance may occur, as well as criminal conditions, either engaged in or directed against Army personnel, which may affect troop health, discipline, and welfare both on and off military installations.

c. Promptly informing appropriate authorities of facts uncovered during criminal investigation and crime prevention activities and preparing and submitting required reports in accordance with applicable directives.

6. Policies.

Continuing command emphasis and attention will be given to the application of the following policies:

a. Criminal incidents in the Army will be reported to military police. These criminal incidents include those affecting or involving persons subject to the Uniform Code of Military Justice, civilian employees of the Department of Defense in connection of their assigned duties, and Government property under Army jurisdiction. Criminal incidents occurring at an installation or activity without assigned military police will be reported to the appropriate supporting military police.

b. Serious crimes and incidents as defined in AR 195-2 will be reported to and investigated by CID personnel. The commander of the appropriate CID activity will direct the initiation of an investigation immediately upon the receipt of information that a criminal incident falling within the investigative purview of USACIDC has occurred or is suspected. Once initiated, a criminal investigation will continue until completion.

c. Constant liaison and cooperation will be maintained with civilian and military law enforcement and investigative agencies and military intelligence activities to insure that criminal investigative, or other information of mutual interest, is exchanged or disseminated as prescribed in AR 10-23, AR 195-2, and other applicable regulations.

Student Handout 6

Extracted Material from TSP CJASA104/Version 3, Sexual Assault Prevention and Response Training (New Leader)

This student handout contains six pages of extracted material from the following publication:

TSP CJASA104/Version 3, Sexual Assault Prevention and Response Training (New Leader) dated 19 Dec 2005

Student Handout 6

Pages SH-6-2 thru SH-6-7

Disclaimer: The training developer extracted the materials from the General Dennis J. Reimer Training and Doctrine Digital library. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

Student Handout 6

TSP CJASA104/Version 3

1. Myth: No person can be sexually assaulted against his or her will. This is a myth.

In many cases, some type of force is used, such as choking, beating, roughness, or use of a weapon. Often, the victim is threatened with death if he or she resists. Confronted with the fear of being beaten or killed, many victims do not attempt to fight an attacker. While a victim may not resist an attack due to socialization and fear of violence, this lack of resistance should not be equated with consent for the attack.

2. Myth: Victims provoke sexual assault by their actions, behaviors, or by the way they dress. This is a myth.

No one ever "asks" or deserves to be sexually assaulted. Offenders rationalize their crimes by claiming that victims "asked for it." This notion wrongfully blames the victim for the crime, not the offender.

3. Myth: Victims who do not fight back have not been raped. This is a myth.

You have been raped when you are forced to have sex against your will, whether you fight back or not.

Sexual Assault Defined

There are four types of sexual assault covered under the Army's Sexual Assault Prevention and Response Program: Rape, Nonconsensual Sodomy, Indecent Assault, and attempts to commit these acts. While marital rape and carnal knowledge are types of sexual assault, and are crimes, they are not included in this program, but instead are covered under the Family Advocacy Program.

1. Sexual assault refers to intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim does not or cannot consent; sexual assault can occur without regard to gender, spousal relationship, or age.

2. "Consent" shall not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a perpetrator uses force, threat of force, coercion, or when the victim is asleep, incapacitated, or unconscious.

Types of Sexual Assault

Sexual assault includes:

1. Rape - sexual intercourse by force and without consent. There are four types of rape:

- a. Physical force is an act of forced sexual intercourse without consent.
- b. Constructive force is the use of threats, intimidation, or the abuse of authority.

5. The term "**Victim Advocate**" refers to the individual appointed by the SARC to provide the victim with information, assist the victim with emotional support, and to help the victim navigate available resources.

Victim Responses to Being Assaulted

Victims often recall the event and say, "If I would have only just not gone into that room...not smiled at him when I first met him..." Victims will often shower repeatedly, douche, brush their teeth or gargle because they feel dirty and want to feel clean. This is especially troubling if they wash before reporting the assault, as much forensic evidence goes, literally, down the drain. Smoking, eating, urinating, defecating, inserting or removing a tampon, vomiting, wiping or cleaning the genital area, chewing gum, taking medications or even hair combing can destroy critical evidence. Ideally, victims should report to the emergency room in the same clothes they were attacked in, and

disrobe there for the first time while standing on a large sheet of paper to collect every last bit of forensic evidence.

Victim's Emotional Effects

a. **Myth:** If individuals are not hysterical after they are raped, they are lying. This is a myth.

As we will learn people have different reactions to something as traumatic as sexual assault.

b. **Myth:** Sexual assault victims will not suffer any long-term effects unless they are physically harmed. This is a myth.

Some people will experience long-term emotional distress including, but not limited to depression and anxiety.

Sexual assault is a traumatic event, which can lead to emotional distress, self destructive behavior, interpersonal problems and behavioral disorders. Sexual assault is not tolerated in the Army. Soldiers must be aware of the adverse effects that sexual assault may have on their fellow Soldiers. A Soldier who has been sexually assaulted may experience short and/or long-term effects. Moreover, sexual assault breaks down the cohesive unit, degrading mission readiness. Emotional trauma can affect the victim far more than the physical. The victim needs help to cope with emotional and physical effects of sexual assault. The Army program is designed to provide the necessary support.

It is important to realize that individuals who have been assaulted will have various reactions – some emotional, some physical. Sometimes the emotional trauma can be more harmful than the physical assault itself. Some effects are:

1. Individual reactions vary widely

a. Victim may smile, seem unfazed, calm

b. Other often misinterpreted reactions:

i. Assault didn't affect victim significantly

ii. Assault didn't really occur

c. Emotional impact may simply be delayed; most common when victim knows assailant

2. Anxiety

a. Most common, most debilitating

b. Life feels out of control

Complete reporting may represent a barrier for victims to access services when the victim desires no command or law enforcement involvement, there is a need to provide an option for confidential reporting. As a result, Army policy provides victims with two reporting options, restricted and unrestricted.

Myth: "If underage Soldiers are drinking or using drugs, they should not report they are a victim of sexual assault because they could get in trouble." This is a myth.

It is important that a victim reports the assault. Commanders can delay disciplinary action on any related offenses a victim may have been involved in until after the resolution of the sexual assault investigation. The Army will treat every sexual assault incident seriously, thoroughly investigate the incident, and hold those who commit offenses accountable. If you do not report the assault, the Army cannot investigate the incident or discipline the offender. Your safety and the safety of others in your unit may be affected if you choose not to report the assault.

Report Sexual Assault Immediately

1. Sexual assault should be reported immediately. It is a crime! The assault can be reported by the victim (best case) or by a friend, acquaintance, family member, or fellow Soldier.
2. Victims should report the sexual assault to Victim Advocate, Sexual Assault Response Coordinator, healthcare provider, or chaplain. They will assist the victim in determining options for restricted or unrestricted reporting. Remember, if the victim reports the assault to anyone other than these four, he/she may be electing unrestricted reporting, since commanders are required to investigate incidents of sexual assault that they become aware of. The victim may feel fearful, ashamed, embarrassed, angry, sad, and/or responsible. These are normal reactions. No one asks to be sexually assaulted. The victim is not to blame! Report the assault.
3. Witnesses to a sexual assault should report the sexual assault to the chain of command or a law enforcement agency.
4. Victims should report assaults, even if they committed minor misconduct that may be subject to the UCMJ. Commanders have the discretion to delay action against a victim for his/her alleged minor misconduct (collateral misconduct) related to the sexual assault allegation.
5. If you are a friend, acquaintance, or fellow Soldier, you may feel, "It's not my responsibility;" or "I'm intruding on someone's privacy or betraying a confidence." However, sexual assault is a traumatic event; your friend will need assistance.
6. Soldiers should report any of the following activities immediately to their commander, military police, or another authority:
 - Someone planning to commit a sexual assault
 - Conversations with others about getting another person drunk or stoned to make them less inhibited or easier to force into sexual relations
 - Someone describing or bragging about a situation in which they physically forced another person into sex
 - Conversations where someone brags that their partner didn't want to have sex but they did so anyway
 - Evidence or conversation about the use of date rape drugs.
7. The safety of your fellow Soldiers and their unit may depend on the reporting of these incidents. A Soldier should report any suspicious behavior immediately.
8. Collateral misconduct refers to misconduct by the victim of sexual assault. The commander may delay action, but regulations do not require delaying action. Regardless of the situation the victim should still ALWAYS report the incident.

Reporting Options and Procedures

The promptness of reporting will aid in the apprehension of the alleged perpetrator and enhance the investigation of the alleged assault. All reports should provide the following information:

1. Date, time, and location of incident
2. Name of individual making report and relationship to incident (if not victim, friend, spouse or family member)
3. Victim's name and location
4. Victim's injuries and medical needs
5. Who, if anyone, is there to assist the victim?
6. Identity and/or description of the alleged perpetrator
7. Location of alleged perpetrator (if known)

Restricted Reporting

There are two types of reporting, restricted and unrestricted. Let's take a look at restricted reporting first.

Restricted reporting allows a Soldier who is a sexual assault victim to confidentially disclose details of his/her assault to four specifically identified personnel without triggering an investigative process. To make a restricted report, the victim **MUST** notify one of the following personnel:

1. Victim Advocate (VA)

Each battalion size unit has Unit Victim Advocates (UVAs) and each installation has Installation Victim Advocates (IVAs). VAs provide a wide range of services to victims, including support, assistance, and coordination between agencies. Most importantly, the VA explains the reporting options to victims, so that the victim can make an informed and educated decision before proceeding.

2. Sexual Assault Response Coordinator (SARC)

Each installation has a SARC assigned, who serves as the "center of gravity" for Sexual Assault Prevention and Response and is the key to local coordination and implementation of responses to sexual assault. During deployment, each brigade size unit has a deployable SARC. The SARC has victim advocates assigned to work directly with victims.

3. Healthcare Provider

Medical or local civilian medical facilities – provide prompt medical care (e.g., evaluation, care of victim, evidence collection, forensics support, and initial and follow-up mental health counseling).

4. Chaplain

The chaplain provides counseling and spiritual care services.

Regardless of the type of reporting – restricted or unrestricted, Soldiers should go to the above stated restricted resources first. The above responders will offer the victim the choice of receiving any and/or all of the following services:

- Medical treatment
- A forensic examination. Evidence collected during a forensic exam will be maintained in a secure location for a year. Such evidence will only be processed if the victim decides to change the report from restricted to unrestricted and thus initiate the investigative process.
- Advocacy services
- Referrals for counseling

Reporting sexual assaults to any agency or individual not listed above may result in an unrestricted report.

NOTE: With a restricted report, law enforcement will not be informed nor does the command become involved, thus eliminating the opportunity for offender accountability. The SARC may only inform the senior mission commander that an assault has occurred and restrict information about the assault to non-identifying information, unless an exception to nondisclosure applies.

NOTE: Restricted reporting is only available if the report is made to the above agencies. If a victim reports the assault to or tells anyone other than these four, then it may become an unrestricted report. Restricted reporting avenues of confidentiality do not apply in a case of carnal knowledge or marital rape.

Purpose of Restricted Reporting

Restricted reporting is intended to:

1. Give victims additional time and increased control over the release and management of their personal information
2. Empower victims to seek relevant information and support to make informed decisions about participating in the criminal investigation. A victim who receives appropriate care and treatment, and is provided an opportunity to make an informed decision about a criminal investigation is more likely to develop increased trust that his/her needs are of primary concern to the command and may eventually decide to pursue an investigation.
3. Give senior mission commanders a clearer picture of the sexual assaults within their command.
4. Enhance a commander's ability to provide an environment which is safe and contributes to the well-being and mission-readiness of all its members, since he/she will know an assault occurred, although he/she will not have identifying information about the victim.

NOTE: Under restricted reporting the senior mission commander is notified that an assault occurred, but is only given non-identifying information, such as where it occurred, the type of assault, etc. The commander will not be given identifying information, such as the victim's or alleged perpetrators, name, etc. Based on this report, the commander has a better picture of the amount of sexual assault occurring in the command. This enhances the commander's ability to provide an environment which is safe and contributes to the well-being and mission-readiness of all its members.

Unrestricted Reporting

A Soldier who is sexually assaulted and desires official investigation of his/her allegation should make an unrestricted report. Details regarding the assault will be limited to only those personnel who have a need to know, including the commander, Criminal Investigation Division (CID), Military Police (MP), SARC, VA, chaplain, and healthcare provider.

To make an unrestricted report a victim should notify one of the following agencies:

1. VA/SARC
2. Healthcare Provider
3. Chaplain
4. Chain of Command
5. Military Police (MP)
6. Criminal Investigation Division (CID)
7. Army Community Services (ACS)
8. Staff Judge Advocate (SJA)
9. Local and State Police
10. 911
11. Army One Source (AOS)

The unrestricted report initiates the investigative process and victims are given the choice of receiving any and/or all of the following services:

- Medical treatment for injuries related to the assault
- Forensic examination
- Advocacy services
- Referrals for counseling

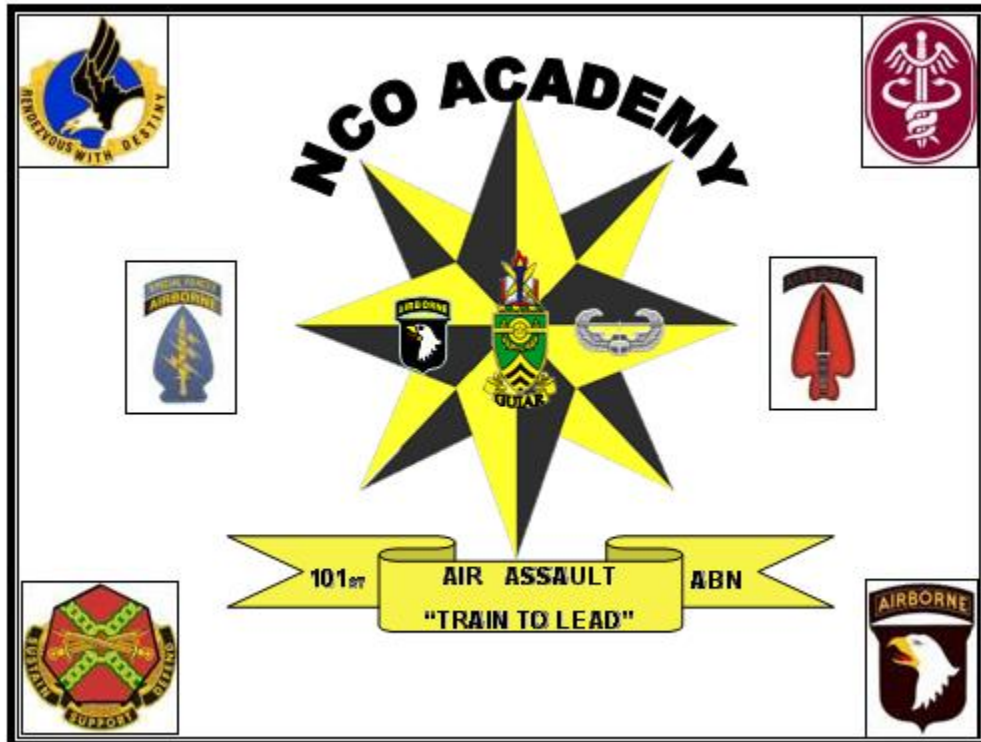
Purpose of Unrestricted Reporting

Unrestricted reporting is intended to:

- a. Ensure the widest range of rights and protections are afforded to the victim.
- b. Provide commander support, such as protective orders, separation from offender (s), etc.
- c. Provide for full investigation, such as crime scene processing, witness interviews, and suspect interrogation, which enhances opportunity to hold offender(s) accountable.
- d. Enhance community and Soldier safety through timely prosecution.

L229

- Study Student Handouts 1 thru 3. • Access PRO-File by logging into Headquarters, DA PR office Web site:
<https://www.g357extranet.army.pentagon.mil/DCSEextranet/damopr/>.



Appendix D

HANDOUTS FOR LESSON 1: L229 version 6

This appendix contains the items listed in this table--

Title/Synopsis	Pages
SH-1, Advance Sheet	SH-1-1 and SH-1-2
SH-2, Extracted Material from No. 09-25, Army Personnel Recovery Handbook - Tactics, Techniques, and Procedures	SH-2-1 thru SH-2-14
SH-3, Extracted Material from FM 3-50.1, Army Personnel Recovery	SH-3-1 and SH-3-2

Student Handout 1

Advance Sheet

Lesson Hours

This lesson consists of one hour of group discussion.

Overview

This training will provide you with the skills and procedures to prepare, avoid becoming, survive and return if you are involved in an isolating event.

Learning Objective

Terminal Learning Objective (TLO).

Action:	Prepare for Personnel Recovery (PR) Operations.
Conditions:	As a leader of a squad/team, in the classroom, and given the instruction in this lesson.
Standards:	Prepare for personnel recovery operations by-- <ul style="list-style-type: none">• Achieving a GO on the end of module examination by scoring a minimum of 70 percent• Discussing pre-deployment preparations,• Explaining some measures to prevent an isolating event during deployment,• Explaining pre-mission preparation and isolated Soldier guidance,• Explaining your actions once you become an isolated personnel., and• Explaining the recover (recovery) and return (reintegration) processes for isolated personnel.

ELO A Discuss pre-deployment preparations.

ELO B Explain some measures to prevent an isolating event during deployment.

ELO C Explain pre-mission preparation and isolated Soldier guidance.

ELO D Explain your actions once you become an isolated personnel.

ELO E Explain the recover (recovery) and return (reintegration) processes for isolated personnel.

Assignment

The student assignments for this lesson are:

- Study Student Handouts 1 thru 3.
 - You can access PRO-File by logging into Access PRO-File by logging into Headquarters, DA PR office Web site:
<https://www.g357extranet.army.pentagon.mil/DCSEextranet/damopr/>.
 - Review SERE 100 at the WLC AKO website:
<https://www.us.army.mil/suite/portal/index.jsp>.
-

**Additional Subject
Area Resources**

None

Bring to Class

- SH-1 thru SH-3.
 - Pen or pencil and writing paper.
-

Student Handout 2

Extracted Material from No 09-25, Army Personnel Recovery Handbook Tactics, Techniques, and Procedures

This student handout contains 13 pages of extracted material from the following publication:

No. 09-25, Army Personnel Recovery Handbook Tactics, Techniques, and Procedures, Feb 09

Chapter 7
Appendix C

Pages 71 thru 80
Pages 95 thru 97

Disclaimer: The training developer downloaded the extracted material from Army Publishing Directorate (USAPA). The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

Chapter 7 Individual Knowledge, Skills, and Preparation

Personnel recovery (PR) is not a separate and distinct skill; it is rather an application of common Soldier skills into a dynamic and complex situation.

The PR focal groups include the individual or group of individuals who may become isolated personnel (IP); the units and forces that will recover the IP or support the recovery operation; and the commanders and staffs who will prepare their units and plan, prepare, execute, and assess the recovery operations. Individuals who may become IP are the focus of this chapter.

There is no single evasion aid; tactic, technique, or procedure; technological tool; or combination of the above that can prevent personnel from becoming isolated. Knowing basic Soldier skills, using common sense, minimizing risks, planning, maintaining vigilance, and never giving up can all contribute to preventing an isolating event or assisting in PR if an isolating event occurs. Throughout the Army's history, thousands of Soldiers have survived isolating events and returned to friendly control.

Vignette: On 8 October 1918, near Chatel-Chehery, France, SGT Alvin York, Company G, 328 Infantry Regiment, 82nd Infantry Division was rushed by a six-man German bayonet charge. When his rifle jammed, SGT York drew his M1911 pistol and shot the German attackers. SGT York then reloaded his rifle and continued his mission. SGT York's immediate action drill—drawing and effectively using his secondary weapon—prevented his death or capture. Although his unit was outmanned and cut-off from friendly lines, SGT York's actions prevented the capture of his men and ensured the capture of a vastly superior enemy force. SGT York then implemented self-recovery by leading his unit and his German captives back to friendly lines.

The Army approach to PR is to recover IP before they become detained or captured. Individuals who become isolated have an inherent responsibility to evade capture and a responsibility to link-up with recovery forces when possible. Information contained in this chapter will help Soldiers:

- Prepare for deployment.
- Minimize their risk of isolation while deployed.
- Become aware of techniques and equipment that may be available to help them if they become isolated.

Prepare for Deployment

In preparation for deployment, units will undergo an extensive predeployment training and activities program. For personnel deploying to Operation Iraqi Freedom (OIF) or Operation Enduring Freedom (OEF), a list of U.S. Army Forces Command's (FORSCOM) deployment training requirements is available at the

Center for Army Lessons Learned (CALL) Web site: <<http://call.army.mil>>. This list of tasks is continually reviewed and updated. All deployment training requirements (including PR-specific training) are listed and linked to appropriate training material.

Once units deploy, commanders will review all applicable PR guidance and formulate mission-specific isolated Soldier guidance (ISG). Soldiers must understand the ISG and execute it when necessary. Soldiers can expect their units to establish appropriate PR standing operating procedures (SOPs). Both ISG and PR SOPs may draw information from a variety of sources. This chapter will help Soldiers understand the PR resources and material available to help IP. Although the resources listed are not all encompassing, they represent typical topics related to PR operations.

Predeployment self-assessment

During predeployment preparation, units will ensure Soldiers accomplish all required tasks. However, as Soldiers begin mental preparation for the tasks ahead, they should ask themselves the following questions:

- What can captors find out about me from gaining possession of my identity card? (A Yahoo or Google search will provide this information.)
- Can that information affect my Family?
- What else can I do before I deploy to help my Family prepare for the “worst case?”

Preparing your Family

You can prepare your Family for the deployment and specifically for actions to be taken in the event you become a captive by taking the following measures:

- Prepare your estate planning documents (i.e., will, power of attorney, insurance policies, etc.). Ensure the beneficiaries of your insurance policies are current.
- Prepare a “just in case letter.” This letter provides instructions and information to your Family if you become isolated during your deployment.
- Decide if you want your Family to speak to the media. If you do, identify someone to be your Family spokesperson. Instruct your Family to avoid saying anything that the enemy could use against you, especially anything about your advanced military training.
- Ensure your Family knows they can rely on the Family assistance team during a captivity event. The Family assistance team is a specially trained team that includes a chaplain, public affairs representative, and psychologist. The psychologist will help your Family members with their concerns and help them understand your needs as an IP or as a captive. There will also be a casualty assistance team from the Department of the Army G1 to assist your Family with benefits. If you become isolated, it is

important for you and your Family to know that the Army will continue all benefits and pay during your captivity.

Individual Soldier tasks

A Soldier's chain of command will ensure he completes at minimum the following actions prior to deployment:

- Survival, evasion, resistance, and escape (SERE) Level B training. There are several methods of satisfying this requirement. The newest method is a computer-based module, SERE 100. SERE 100 can be accessed at the CALL Web site: <<http://call.army.mil>> (FORSCOM [U.S. Army Forces Command] training in support of OEF/OIF).
- Army PR 101, *Fundamentals of Personnel Recovery*, training (see Appendices A and B). PR 101 consists of three courses (A-C) totaling 12 hours of individual instruction. The intended audience consists of all Soldiers (active, reserve, and National Guard) and Department of the Army (DA) civilians and contractors. The course will replace current Level A and B SERE programs required for deployment (two hours in initial entry training plus 16 hours on video) and meets all current and projected theater entry requirements.
- Department of Defense Form 1833, *Isolated Personnel Report*, (ISOPREP) using Pre-OCONUS (outside continental U.S.) Travel File (PRO-File). The ISOPREP is an important part of a Soldier's preparation. The ISOPREP will help recovery forces (especially dedicated recovery forces not from your unit) verify your identity. The ISOPREP contains the information you provide to the recovery forces and the staff that plans your recovery. The authentication data may be used by aircraft to verify your identity before they release bombs or conduct a strafing pass on your behalf. The data may be used by recovery forces to verify who you are in a darkened room. Your identity may be confirmed by the scars and tattoos you describe. When needed, this information must work. The ISOPREP is completed using PRO-File. PRO-File was developed to make it easier to meet the ISOPREP requirement and standardize the format across the force. PRO-File can be accessed by logging into the Headquarters, DA PR office Web site: <<https://www.g357extranet.army.pentagon.mil/DCSEextranet/damopr/>> See Appendix E for detailed instructions.
- Receive theater-oriented training required for the deployment area
- Complete Soldier readiness processing

In addition to completing these actions Soldiers should ensure they are in peak condition physically and psychologically and know as much as possible about the culture, geography, population, and threat. This information will be critical if Soldiers are forced to evade or taken captive.

Personal equipment	Personal preparation
Know what you have	Be physically and psychologically prepared for an isolating event
Know its location	Know the ISG
Know how to use each item	Be familiar with local food
Know when to use each item	Sanitize for the mission
Know each item's value for evasion and survival	Minimize use of your signature
Know the operating tactics, techniques, and procedures (TTP) (the "who, what, when, why, and how")	Eliminate any odors foreign to your area of operations (e.g., perfumes, colognes, and deodorants)

Figure 7-1. Individual pre-mission preparation

Deployment PR Tasks

In previous conventional war situations, the personnel at the highest risk of becoming isolated were aircrews and special operations forces (SOF). These were the personnel operating forward of the fire support coordination line (FSCL). Conventional forces operated on the friendly side of the FSCL.

Today, all Soldiers deployed OCONUS are considered at risk of becoming IP. Today's operational environment (OE) is an asymmetric battlefield with no fixed lines between the enemy and friendly forces. A supply convoy moving from one forward operating base (FOB) to another could be the target of an attack by terrorists. The mail clerk delivering the mail could be the target of an attack. Soldiers in military transition teams can be targeted. This nonlinear battlefield has increased the risk of attack or isolation to all Soldiers, DA civilians, and contractors.

On this asymmetric battlefield, the Army has seen changes in enemy TTP that involve taking captives. In past wars, prisoners of war (POWs) were taken by enemy forces that recognized the Law of Land Warfare, even if enemy forces did not always comply. During World War II and the Korean War, large numbers of American Soldiers were taken prisoner as the enemy attacked to seize key terrain and defeat Allied units. In the current OE, terrorist groups often initiate attacks specifically to take an American hostage; terrorists may be completely unconstrained by international law or norms. All deployed Soldiers are at risk of isolation. Each command will determine the level of risk as it relates to each mission. Commanders and staffs consider this level of risk as they develop ISG. In some cases, based on the commander's mission analysis, personnel may be issued special evasion aids as part of their equipment. Other special equipment may also be issued at a Soldier's request. Appendix D discusses some of those special evasion aids and equipment.

Critical PR skills

Know your weapons. Weapons operation may not seem like a PR skill; however, some Soldiers have been captured or nearly captured because they could not clear their weapons to continue the fight.

Vignette: During an operation in an urban environment in Iraq, a Soldier cleared a stoppage on a machine gun on three different occasions. Initially, the enemy rushed the Soldier while he was clearing the machine gun; the Soldier used his 9mm pistol to break up the assault. After breaking up the assault, the Soldier put the machine gun back into operation and continued to fight. The Soldier prevented himself from becoming captured or becoming a casualty. Weapons proficiency was the key to his success in combat.

Know how to navigate. Knowing how to navigate using a map and compass or a Global Positioning System (GPS) device could keep a Soldier or his unit from becoming isolated on the battlefield.

Know how to call for fire. Knowing how to call for close air support to keep the enemy away from your position may mean the difference between freedom and captivity. Know how to execute the ISG. Soldiers must understand the ISG and know how to use it. The PR concepts presented in this handbook are predicated on this individual PR task. The following measures can prevent an isolating event during deployment:

- Maintain situational awareness. Are the streets empty where they are usually filled with children or adults?
- Keep in contact with your buddies. Do not go off on your own.
- Be familiar with the ISG issued for the mission (conventional forces), evasion plan of action (aviators), and escape and recovery plans (SOF). ISG criteria include the following:
 - When do you go?
 - How do you communicate (signal/report) and to whom?
 - Where do you go? (navigate)
 - What do you do? (preserve life)
 - How do you win? (endure hardship)
- Remember the five PR proficiencies (see Figure 7-2).

Architecture and doctrine	Communicate	Endure hardship	Navigate	Preserve life
<p>Understand the architecture used to report, locate, and recover IP</p> <p>Understand the roles all three PR focal groups play in IP recovery</p>	<p>“Report” is key to “locate”</p> <p>Use all available means to communicate</p> <p>Maintain situational understanding of the current OE</p>	<p>Endure anticipated hardships</p> <p>Psychology during evasion and captivity</p> <p>Defines captivity models of POW, hostage detention, and peacetime government detention</p>	<p>Know your location</p> <p>Know where you have to go</p> <p>Are you able to get there?</p>	<p>Reinforces security</p> <p>Includes first aid (for self and others) including monitoring and sustaining critical aspects of health (e.g., hydration and core body function)</p>

Figure 7-2. PR proficiencies

- Remember the skills from your SERE training. If you are issued any survival or signaling equipment, know how to use it and have it with you at all times.
- Understand how the ISOPREP assists the recovery effort. Remember the information you provided to complete the PRO-File survey.
- Be aggressive in attempting to establish contact and link-up with forces sent to recover you. Continue to evade capture while moving to contact friendly forces.
- Execute ISG that may include the following:
 - Know where you are, where you are going, the route you will take, and rally points.
 - Know the challenge and passwords, far and near recognition signals, and recovery site protocols.
 - Know how you will signal friendly forces during daylight and darkness. You should understand the evasion aids available and how they are used.

Search and rescue dot (SARDOT)

The SARDOT is a geographic location known only to friendly forces that allows IP to pass their location over an unsecured radio net without compromising their location. SARDOT locations and reporting procedures will be extracted from special instructions (SPINS) by the staff and will be included in ISG. The SARDOT is updated and disseminated daily (like challenge and password). The PR SPINS lists SARDOT locations; coordinate format; map datum; and GPS programming procedures, including bearing and distance formats. IP determine their bearing and distance to a SARDOT to determine and report their location.

Prepare for an isolating event

All Army personnel must prepare for isolating events. Preparation begins before any mission and generally consists of a “what if” drill or rehearsal and receipt of the ISG. Soldiers must be prepared to evade capture until they are recovered by friendly forces.

Conducting an equipment inventory prior to a mission is always a good rule and is included in most precombat inspections. Leave behind any items that contain information of personal or military significance such as the following:

- Personal letters, address books, photographs, and military orders or records.
- Jewelry, coins, calling cards, and matchbooks with advertisements.
- Driver’s license and automobile registration.
- Ribbons, badges, or patches (including unit insignia; helmets should be kept free of designs of possible intelligence value).
- Maps and charts that have markings or annotations of possible intelligence value.

Soldiers should also review the following topics before a mission:

- Environmental information, such as personal protection resources, water procurement, and materials available to improve concealment and communication with recovery forces.
- Intelligence reports that provide current situational awareness.
- SERE contingency guides that provide a detailed area study to include ethnology, culture, geography, political and military structure, prisoner treatment, and resistance guidance.
- SERE update messages that provide recent updates to SERE contingency guides and theater-specific SERE information when SERE contingency guides are not available.

- Their legal status. Soldiers should request specific guidance from their chain of command as to how their legal status will influence evasion actions.
- Country studies and unclassified area studies.
- Evasion charts should be used to identify prominent terrain features prior to a mission. Evasion charts are developed to aid evaders isolated in hostile territory. Soldiers must request these special evasion aids. See Appendix D for detailed information about evasion charts.

Actions once a Soldier become isolated

Soldiers must use the ISG to determine if they are in an isolating event. Soldiers should apply the ISG, beginning with the first task in the PR process—report. Soldiers must be prepared to report their situation using any means available. The following list gives a few examples:

- Mayday call
- Survival radio:
 - AN/PRC-90
 - AN/PRC-112 (Search and rescue A/B and Hook)
 - Combat Survivor Evader Locator (line of sight, satellite communications, and low probability of exploitation)
- Troop (tactical command post)/unit radio
- Cell phone:
- Cell phone:
 - Government
 - Military
 - Personal
- Personal locator beacon:
 - Emergency locator transmitter
 - Emergency position indicating radio beacon
- Blue Force Tracker
- FOB/Unit reporting SOP

Once a Soldier becomes isolated, his unit must know his location. IP must do what they can to provide their location to friendly forces:

- Recovery forces will require IP to identify and authenticate themselves and provide information pertinent to the recovery force.
- Avoid capture.
- Appendix C contains a composite list of common signals carried into combat. All Soldiers will not have the range of signal devices listed. ISG will specify which signals and/or devices are required. Each Soldiers should ensure they have those signals and/or devices before the mission.

Prepare for recovery

If contact has been made with the recovery force:

- Stay in or near concealment.
- Allow ground forces to advance to your position.
- Let the area be secured:
 - Execute the ISG.
 - Take a non-threatening posture.

If contact has not been made with the recovery force:

- Cautiously approach ground forces.
- Keep concealment/escape routes near: Do not lose focus.
- Make verbal or visual contact as soon as possible. Positively identify yourself as a friendly/American:
 - Execute the ISG.
 - Take a non-threatening posture.
 - Use extreme caution when approaching.

The most critical aspect of the recovery will be the moment the IP and recovery force initially come together. This moment requires two parties unknown to each other and located in hostile territory to meet without being detected by either enemy forces or elements of the local population and without compromising either party's security.

Once in the custody of the recovery force, IP can expect to be searched and secured pending further confirmation of their identity.

Return of isolated personnel

All recovered military personnel will undergo some form of reintegration. Civilian personnel (Department of Defense, government, or contractor) are encouraged to participate in the reintegration process. The reintegration process includes intelligence and SERE debriefings and medical and psychological evaluations of returned personnel. Reintegration processing also attends to the spiritual needs of the returned personnel and provides assistance in dealing with the media.

Reintegration consists of three phases; however, not all personnel require processing through all three phases. Requirements for reintegration are tailored to meet the needs of each recovered person and depend on the circumstances and duration of each person's isolating event and his physical and mental condition. The following list describes the three phases of reintegration:

- Phase I: Medical/psychological care and intelligence and SERE debriefings
- Phase II: Definitive medical and psychological care; extended debriefings as required
- Phase III: Full-term medical and psychological care; extended debriefing as required.

Appendix C

Army Personnel Recovery Common Signaling Equipment

Recovery forces will require isolated personnel (IP) in accordance with their isolated Soldier guidance (ISG) to identify and authenticate themselves and provide information pertinent to the recovery force. Figure App C-1 is a composite list of common signaling equipment carried into combat. Having and knowing the items in Figure App C-1 can greatly benefit IP in a combined or joint rescue environment.

Electronics	Strobe lights and infrared (IR) signals	Visual
Personal locator beacons	Firefly (IR)	Mirror
Blue Force Tracker	Phoenix (IR)	Flashlight (red lens)
Transceivers	SDU-5/E and MS-2000 strobe (visual: IR, white, and blue)	Red and orange smoke (MK-13/MK-124 for ISG, personnel recovery special instructions, emergency action procedures [EAP], and evasion plan of action [EPA])
Cell phones (U.S. government, military, and civilian)	IR chem light	Gyrojet/pen gun
	Glint tape	Signal panel (VS-17/GVX series)
	Glo-tape	Panel marker, survival, aviation (orange and red for ISG, EAP, and EPA)
		Space blanket
		Ground-to-air signal

Figure AppC-1. Common combat signaling equipment

All Soldiers will not have the range of signal devices listed in Figure AppC-1. This list is not all encompassing. The ISG will specify which signals and/or devices are required. Soldiers should ensure they have the signals and devices specified in the ISG before the mission. If not, Soldiers should ask for them.

Use of combat signaling equipment:

- Soldiers should use vehicle radios or cell phones of any type to alert the recovery force as to where they are and how to identify them.
- Aviators can send distress signals via aircraft radios while still airborne and via survival radios during parachute descent and ground operations.
- IP should:
 - Review sighting instructions for the signal mirror, both with and without the hot spot.
 - Cover the signal mirror during sighting of the flash to avoid random mirror flashes.
 - Review procedures for handling a flare-up when using smoke canisters.
- IP should use the chem light on a string and swing the chem light in a vertical manner between evader and recovery force (when requested). When swung overhead, the signal could be mistaken as ground fire from low-flying aircraft.

At-risk personnel should know where the following types of signals are stored and how to use them:

- Flashlights with colored filters can be used both day and night.
- Strobe lights:
 - The Firefly IR light is available in both flashing and constant versions, runs off a 9-volt battery, and last about 200 hours.
 - The Phoenix IR light is programmable for either flashing or constant. The flashing rate can be programmed for different speeds which cycle every four seconds. The rate can be fast, slow, constant, or intermittent. The Phoenix IR light also runs off a 9-volt battery and lasts about 200 hours.
 - The SDU-5E strobe light provides a bright white or blue visible light; with a filter, the SDU-5E provides an IR light. The SDU-5E strobe light can be directional or omni-directional. The battery life is approximately nine hours. SDU-5E blue light filter is directional. Use in accordance with ISG or when directed. The new version, MS-2000, runs on AA batteries; the battery life of the MS-2000 is unknown. MS-2000 or SDU-5E white strobe should not be used when night-vision devices are in use. This bright white light is for peacetime signaling.
- VS-17/GVX is a brightly colored signal panel; VS-17/GVX is also a durable ground cloth.

- Panel marker, survival, aviation personnel is a small, square, orange parachute panel.
- Red flashlight is a flashlight with a red lens and lenses of other colors (list colors in ISG and EPA).
- IR chemical light (make sure it has not expired).

Student Handout 3

Extracted Material from FM 3-50.1, Army Personnel Recovery

This student handout contains one page of extracted material from the following publication:

FM 3-50.1, Army Personnel Recovery, 10 August 2005

Chapter 5

Page 5-10

Disclaimer: The training developer downloaded the extracted material from Army Publishing Directorate (USAPA). The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

5-53. Location information provided by local observation is often an estimate based on the location of the reporting source. The accuracy depends on the ability of the reporting source to accurately determine their location and the method used to estimate the location of the IMDC event. Possible sources of this type of location information are air, ground, or maritime resources that are on-scene or close by.

5-54. Location information provided by intelligence collection varies with the intelligence method used to determine that location. These locations typically include an estimated position error. Estimated position error information should accompany the location coordinates of the collection. PR cell personnel should not assume that a grid coordinate provided by intelligence collection is absolute. If the estimated position error does not accompany the location, PR cell personnel must ask for the information from the reporting source.

5-55. Location information provided by IMDC personnel, provided they do not indicate they are under duress, should have a high priority. Many times this location is the most accurate if several different locations are provided by different reporting sources.

METHOD OF DETERMINING LOCATION

5-56. Coupling the method of determining a location with the reporting source further enhances confidence in the accuracy of the location. Examples of methods of determining an IMDC location are;

- Extrapolation of IMDC travel from a last known point.
- IMDC uses a GPS to determine their location.
- IMDC estimates their location by comparing their local surroundings with a map.
- IMDC determines bearing and distance to the SARDOT.
- Forces observing the event use distance and bearing relative to their position to estimate the IMDC location.

5-57. A SARDOT is a geographic location known only to friendly forces, which allows an IMDC to pass his or her location over an unsecured radio net without compromising their location. The PR SPINs lists SARDOT locations, coordinate format, map datum, and GPS programming procedures, including bearing and distance formats.

5-58. The SARNEG is a 10-letter code word, with no repeating letters, that corresponds to the numbers 0 through 9. It allows an individual to pass his or her encrypted location over an unsecured radio net without compromising their position. Normal procedures are to pass latitude and longitude without regard for the directional indicators. The PR SPINs or SOP will normally direct coordinate format and SARNEG reporting procedures. An example of a SARNEG is code is shown below.

Table 5-1. SARNEG encoding example

SARNEG	C	O	M	B	A	T	H	E	L	P
To encode use	0	1	2	3	4	5	6	7	8	9

5-59. Using the example in table 5-1, 2630N 01125E would be encoded via the SARNEG “COMBATHELP” and passed as “MHBCCOOMT”. The SARNEG can also be used to pass locations in military grid reference system format.

5-60. Of these examples, an IMDC-provided location using a properly programmed and initialized GPS device is often the most accurate.

CROSS-QUEUE INTELLIGENCE CAPABILITIES AND ALL DISCIPLINES

5-61. Relying on a single intelligence discipline, capability, or agency to provide an accurate location may not provide the fidelity required. If the IMDC location is not known or is considered to be suspect, cross-queuing all intelligence disciplines can result in locations from different sources that can corroborate each other. If several different locations, from different collection capabilities, all plot closely together on a map, the confidence that the IMDC is actually at or very near one of those locations is much higher than, for example, a single SIGINT detection of a radio transmission.

L230

- Read Student Handout 1, Appendix D, for reading and study assignments.



HANDOUTS FOR LESSON 1: L230 version 6

This appendix contains the items listed in this table--

Title / Synopsis	Page(s)
SH-1, Advance Sheet	SH-1-1 and SH-1-2
SH-2, Extracted Material from TSP ISO2007-2, Cultural Awareness PME Level 2	SH-2-1 thru SH-2-19
SH-3, Extracted Material from FM 3-24, Counterinsurgency	SH-3-1 thru SH-3-31
SH-4, Extracted Material from <i>Through the Lens of Cultural Awareness: A Primer for US Armed Forces Deploying to Arab and Middle Eastern Countries</i> and Case Study: Dinner at Abdurrahman Shah's	SH-4-1 thru SH-4-10

Student Handout 1

Advance Sheet

Lesson Hours This lesson consists of two hours of small group instruction.

Overview This lesson will provide you with a review of the concept of culture and an understanding of how culture relates to the contemporary operational environment (COE) in terms of force protection and counterinsurgency (COIN). There will also be a discussion on culture shock: its effects on Soldiers and how to limit those effects.

Learning Objective Terminal Learning Objective (TLO).

Action:	Apply your knowledge of cultural components to positively impact military operations in the contemporary operational environment (COE).
Conditions:	As a leader of a squad/team, in the classroom and during a situational training exercise, given the instruction in this lesson.
Standards:	Apply your knowledge of cultural components to positively impact military operations in the contemporary operational environment (COE) by-- <ul style="list-style-type: none">• Achieving a GO on the end of module examination by scoring a minimum of 70 percent,• Reviewing the components of culture,• Identifying techniques to reduce the effects of culture shock,• Reviewing counterinsurgency principles, and• Identifying how cultural factors affect military operations and force protection.

ELO A Review the components of culture.

ELO B Identify techniques to reduce the effects of culture shock.

ELO C Review counterinsurgency principles.

ELO D Identify how cultural factors affect military operations and force protection.

Assignment The student assignments for this lesson are:

- Read the extract from *Through the Lens of Cultural Awareness: A Primer for US Armed Forces Deploying to Arab and Middle Eastern Countries* (SH-4), pages 43 thru 50.
 - Scan the extract from TSP ISO2007-2, Cultural Awareness PME Level 2 (SH-2).
 - Scan the extract from FM 3-24, Counterinsurgency (SH-3).
-

**Additional
Subject Area
Resources**

Twenty-Eight Articles: Fundamentals of Company-level Counterinsurgency, by David Kilcullen

Through the Lens of Cultural Awareness: A Primer for US Armed Forces Deploying to Arab and Middle Eastern Countries, by William D. Wunderle

The Counterinsurgency Cliff Notes: Techniques for the Conventional Rifle Platoon, in Layman's Terms, by Craig Coppock

NOTE: These resources are available for viewing and download on the Warrior Leader Course webpage in AKO. You must have an active AKO account to access these documents.

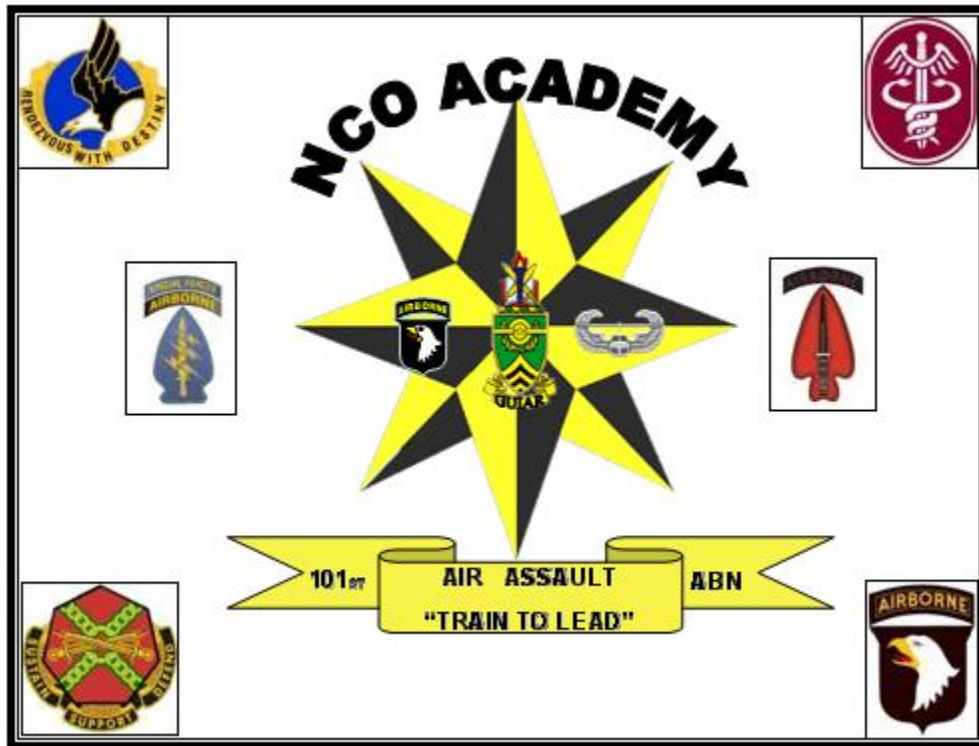
Bring to Class

You must bring the following materials to class:

- All reference material received.
 - Pen or pencil and writing paper.
 - Any materials required by the NCOA's SOP.
-

L231

- Read Student Handout 1, Appendix D, for reading and study assignments



Student Handout 1

Advance Sheet

Lesson Hours This lesson consists of one hour of small group instruction.

Overview During this lesson, you will learn how to build resilience in both you and your Soldiers to enhance performance.

Learning Objective Terminal Learning Objective (TLO).

Action:	Demonstrate an understanding of resilience concepts and skills that enhance Soldier performance.
Conditions:	As a leader of a squad/team, in the classroom and during a situational training exercise, given student handouts, and the instruction in this lesson.
Standards:	Demonstrate an understanding of resilience concepts and skills that enhance Soldier performance by: <ul style="list-style-type: none">• Identifying how operations, application of leadership, and the Comprehensive Soldier Fitness program affect Soldier resilience, and• Identifying the three resilience skills that enhance Soldier performance.

ELO A Identify how operations, application of leadership, and the Comprehensive Soldier Fitness program affect Soldier resilience

ELO B Identify the three resilience skills that enhance Soldier performance

Assignment The student assignment for this lesson is to review Student Handout 2.

Additional Subject Area Resources Although not a requirement for this lesson, new and additional information on resilience can be found at the U.S. Army Medical Department Resilience Training website at the following URL: <https://www.resilience.army.mil/index.html>.

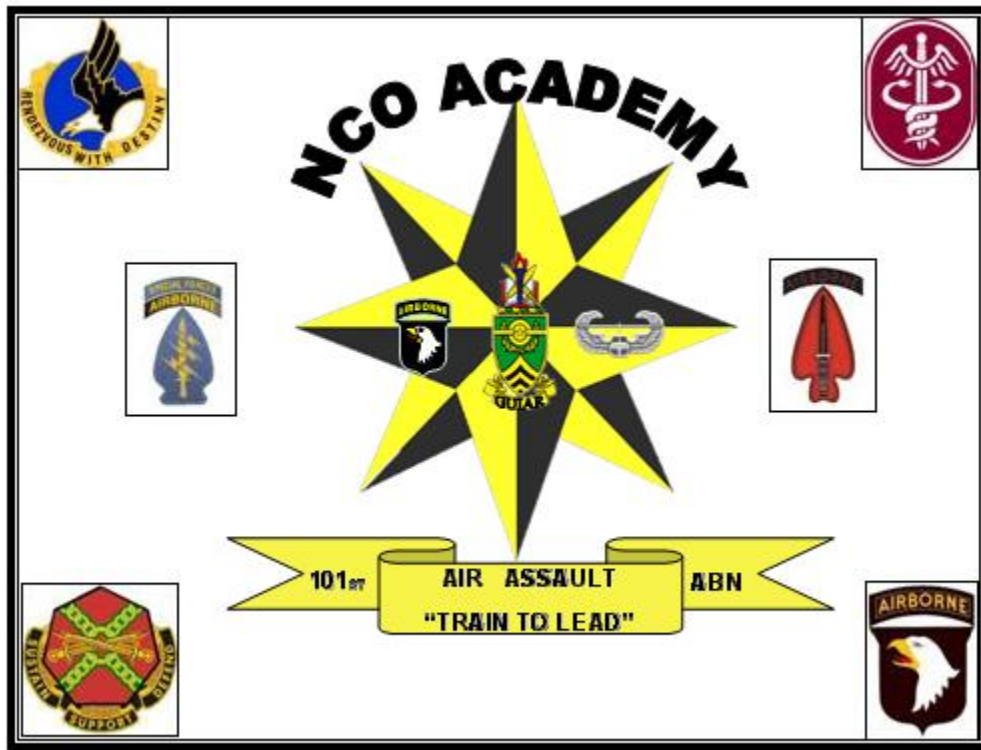
Bring to Class You must bring the following materials to class:

- All reference material received
 - Pen or pencil and writing paper
 - Any materials required by the NCOA's SOP
-

Note to Students It is your responsibility to do the homework prior to class. We expect you to come to class prepared. You will participate in small group discussion. We expect you to participate in the discussion by providing information you learned from your study and your personal and observed experiences. Failure to study and read the assignments above will result in your inability to participate with the rest of the group. Not having your input affects the group's ability to discuss the information fully.

L232

- Read Student Handouts 1 thru 5 for the reading and study assignments.



HANDOUTS FOR LESSON 1: L232 version 6

This appendix contains the items listed in this table--

Title / Synopsis	Page(s)
SH-1, Advance Sheet	SH-1-1 and SH-1-2
SH-2, Extracted Material from AR 600-20, Army Command Policy	SH-2-1 thru SH-2-8
SH-3, Extracted Material from AR 27-10, Military Justice	SH-3-1 thru SH-3-13
SH-4, Extracted Material from 181-M-1001, Employ Military Justice	SH-4-1 thru SH-4-52
SH-5, Extracted Material from FM 27-1, Legal Guide for Commanders	SH-5-1 thru SH-5-20

Student Handout 1

Advance Sheet

Lesson Hours

This lesson consists of two hours of small group instruction.

Overview

During this lesson you will learn the course contents and objectives of the Warrior Leader Course and several topics that have an impact on discipline to include military discipline, building discipline, officer and NCO relationships, search and seizure procedures, and NCO responsibilities and associated duties.

Learning Objective

Terminal Learning Objective (TLO).

Action:	Determine the leader's role in maintaining unit discipline.
Conditions:	As a leader of a squad/team, in the classroom and during a situational training exercise, given the instruction in this lesson.
Standards:	Determine the leader's role in maintaining unit discipline by-- <ul style="list-style-type: none">• Achieving a GO on the end of module examination by scoring a minimum of 70 percent.• Analyzing the concept of command.• Identifying the components of military discipline and order and their specific characteristics.• Discussing relationships between officers, NCOs, and Soldiers of different rank.• Differentiating between nonjudicial punishment and nonpunitive measures.• Identifying the procedures for administrating nonjudicial punishment and processing an appeal.• Identifying search and seizure procedures.• Determining which corrective measures are available that best support your role in maintaining unit discipline.

ELO A Analyze the concept of command.

ELO B Identify the components of military discipline and order and their specific characters.

ELO C Discuss relationships between officers, NCOs, and Soldiers of different ranks.

ELO D Differentiate between nonjudicial punishment and nonpunitive measures.

ELO E Identify the procedures for administrating nonjudicial punishment and processing an appeal.

ELO F Identify search and seizure procedures.

ELO G Determine which corrective measures are available that best support your role in maintaining unit.

Assignments

The student assignments for this lesson are:

- Review SH-2, SH-3, SH-4 and SH-5.

**Additional
Subject Area
Resources**

None

Bring to Class

You must bring the following materials to class:

- All reference material received.
 - Pencil or pen and writing paper.
 - Any items required by the NCOA SOP.
-

Note to Students

It is your responsibility to do the homework prior to class. We expect you to come to class prepared. You will participate in small group discussion. We expect you to participate in the discussion by providing information you learned from your study and your personal and observed experiences. Failure to study and read the assignments above will result in your inability to participate with the rest of the group. Not having your input affects the group's ability to discuss the information fully.

Student Handout 2

Extracted Material from AR 600-20, Army Command Policy

This student handout contains eight pages of extracted material from the following publication:

AR 600-20, Army Command Policy, 18 March 2009

Chapter 1	pages 1 and 2
Chapter 2	pages 16 and 17
Chapter 4	pages 22 and 23
Chapter 4	pages 26 and 27

Disclaimer: The training developer downloaded the material for this student handout from the U.S. Army Publishing Directorate Home Page. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

Chapter 1 Introduction

1-1. Purpose

This regulation prescribes the policies and responsibilities of command, which include the Well-being of the force, military discipline, and conduct, the Army Equal Opportunity Program, and the Army Sexual Assault Victim Program.

1-2. References

Required and related publications and prescribed and referenced forms are listed in appendix A.

1-3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are listed in the glossary.

1-4. Responsibilities

The detailed responsibilities are listed and described in separate chapters under specific programs and command functions. This paragraph outlines general responsibilities.

a. The Deputy Chief of Staff, G-1 (DCS, G-1) will formulate, manage, and evaluate command policies, plans, and programs that relate to:

(1) Chain of command (para 2-1), designation of junior in the same grade to command (para 2-7), and assumption of command by the senior when the commander dies, is disabled, resigns, retires, or is absent (para 2-8).

(2) The Army Well-being concept (para 3-3), architecture (para 3-4), process (para 3-7), and integration of all Army Well-being related programs (para 3-8).

(3) Extremist organizations and activities (para 4-12), relationships between Soldiers of different rank (para 4-14), other prohibited relationships (para 4-15), and homosexual conduct policy (para 4-19).

(4) Political activities (para 5-3), Family Care Plans (para 5-5), accommodation of religious practices (para 5-6), and Human Relations Readiness Training (para 5-13).

(5) The Army Equal Opportunity (EO) Program (para 6-2).

(6) Sexual Assault Prevention and Response Program (para 8-3).

b. The officials listed below have responsibilities for specific groups of personnel concerning awareness of the Army's accommodation of religious practices policies. Every enlisted Soldier (including reenlistment), cadet, warrant officer, and commissioned officer applicant needs to be informed of the Army's accommodation of religious practices policies under this regulation (para 5-6).

(1) *The Judge Advocate General*. All judge advocate officer accessions.

(2) *The Chief of Chaplains*. All chaplain officer accessions. This principal HQDA official will also formulate and disseminate education and training programs regarding religious traditions and practices within the U.S. Army.

(3) *The Superintendent, U. S. Military Academy*. All U.S. Military Academy cadet applicants.

(4) *The CG, U.S. Army Training and Doctrine Command (TRADOC)*. All Reserve Officer Training Corps cadets and all officer and warrant officer candidates.

(5) *The CG, U.S. Army Recruiting Command (USAREC)*. All enlisted and AMEDD officer accessions.

c. Commanders at all levels will implement and enforce the chain of command and Army command policies.

1-5. Command

a. *Privilege to command*. Command is exercised by virtue of office and the special assignment of members of the United States Armed Forces holding military grade who are eligible to exercise command. A commander is, therefore, a commissioned or warrant officer who, by virtue of grade and assignment, exercises primary command authority over a military organization or prescribed territorial area that under pertinent official directives is recognized as a "command." The privilege to command is not limited solely by branch of Service except as indicated in chapter 2. A civilian, other than the President as Commander-in-Chief (or National Command Authority), may not exercise command. However, a civilian may be designated to exercise general supervision over an Army installation or activity (for example, Dugway Proving Ground).

b. *Elements of command*. The key elements of command are authority and responsibility. Formal authority for command is derived from the policies, procedures, and precedents presented in chapters 1 through 3.

c. *Characteristics of command leadership*. The commander is responsible for establishing leadership climate of the unit and developing disciplined and cohesive units. This sets the parameters within which command will be exercised and, therefore, sets the tone for social and duty relationships within the command. Commanders are also responsible for the professional development of their Soldiers. To this end, they encourage self-study, professional development, and continued growth of their subordinates' military careers.

(1) Commanders and other leaders committed to the professional Army ethic promote a positive environment. If leaders show loyalty to their Soldiers, the Army, and the nation, they earn the loyalty of their Soldiers. If leaders

consider their Soldiers' needs and care for their Well-being, and if they demonstrate genuine concern, these leaders build a positive command climate.

(2) Duty is obedient and disciplined performance. Soldiers with a sense of duty accomplish tasks given them, seize opportunities for self-improvement, and accept responsibility from their superiors. Soldiers, leader and led alike, work together to accomplish the mission rather than feed their self-interest.

(3) Integrity is a way of life. Demonstrated integrity is the basis for dependable, consistent information, decisionmaking, and delegation of authority.

(4) Professionally competent leaders will develop respect for their authority by—

(a) Striving to develop, maintain, and use the full range of human potential in their organization. This potential is a critical factor in ensuring that the organization is capable of accomplishing its mission.

(b) Giving troops constructive information on the need for and purpose of military discipline. Articles in the Uniform Code of Military Justice (UCMJ) that require explanation will be presented in such a way to ensure that Soldiers are fully aware of the controls and obligations imposed on them by virtue of their military service (see Art 137, UCMJ).

(c) Properly training their Soldiers and ensuring that both Soldiers and equipment are in the proper state of readiness at all times. Commanders should assess the command climate periodically to analyze the human dimension of combat readiness. Soldiers must be committed to accomplishing the mission through the unit cohesion developed as a result of a healthy leadership climate established by the command. Leaders at all levels promote the individual readiness of their Soldiers by developing competence and confidence in their subordinates. In addition to being mentally, physically, tactically, and technically competent, Soldiers must have confidence in themselves, their equipment, their peers, and their leaders. A leadership climate in which all Soldiers are treated with fairness, justice, and equity will be crucial to development of this confidence within Soldiers. Commanders are responsible for developing disciplined and cohesive units sustained at the highest readiness level possible.

(d) Requirement of Exemplary Conduct (Section 3583, Title 10, United States Code (10 USC 3583)). All commanding officers and others in authority in the Army are required—

1. To show in themselves a good example of virtue, honor, patriotism, and subordination.
2. To be vigilant in inspecting the conduct of all persons who are placed under their command.
3. To guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Army, all persons who are guilty of them.
4. To take all necessary and proper measures, under the laws, regulations, and customs of the Army.
5. To promote and safeguard the morale, the physical Well-being, and the general welfare of the officers and enlisted persons under their command or charge.

d. Assignment and command. Soldiers are assigned to stations or units where their services are required. The commanding officer then assigns appropriate duties. Without orders from proper authority, a Soldier may only assume command when eligible according to chapter 2.

1–6. Military grade and rank

a. Military rank among officers of the same grade or of equivalent grade is determined by comparing dates of rank. An officer whose date of rank is earlier than the date of rank of another officer of the same or equivalent grade is senior to that officer. Grade and precedence of rank confers eligibility to exercise command or authority in the U.S. military within limits prescribed by law (Section 741, Title 10, United States Code (10 USC 741)).

b. Grade is generally held by virtue of office or position in the Army. For example, second lieutenant (2LT), captain (CPT), sergeant first class (SFC), chief warrant officer two (CW2) are grades. Table 1–1 shows the grades in the Army in order of their precedence. It indicates the grouping of grades into classes, pay grades, titles of address, and abbreviations.

c. The pay grade is also an abbreviated numerical device with useful applications in pay management, personnel accounting, automated data organization, and other administrative fields. However, the numerical pay grade will not be used as a form of address or title in place of the proper title of address of grade. A Soldier holding the numerical pay grade of E–5 will be addressed as "Sergeant," not as "E–5" (see table 1–1).

d. All chaplains are addressed as "Chaplain," regardless of military grade or professional title. When a chaplain is addressed in writing, grade is indicated in parentheses; for example, Chaplain (Major) John F. Doe.

e. Conferring honorary titles of military grade upon civilians is prohibited. However, honorary titles already conferred will not be withdrawn.

(2) As an exception, officers of the Medical Service Corps may command troops not part of the AMEDD when authorized by the Secretary of the Army; commanders of ACOMs/ASCCs/DRUs, Army groups, armies, corps, divisions, or comparable units; chiefs of the military Services; or heads of other DA Staff agencies.

c. Chaplains. A chaplain has rank without command (see 10 USC 3581). Although chaplains may not exercise command, they have authority to exercise functions of operational supervision and control.

d. Commanding officer of troops on transports. Military personnel embarking on Military Sealift Command vessels are available for command duty unless otherwise indicated in their travel orders, or by reason of their branch of Service. General officers will be excluded from this requirement. Designation of colonels will be at the discretion of the terminal commander.

e. USAR unit commanders. The authority delegated under paragraph 2–7 will apply in the following cases when it is not practical to assign the senior officer to command—

(1) When the USAR officer selected to command a USAR unit, while in Reserve duty training status, is junior in date of rank (AR 600–8–29) to other officers of the same grade assigned to that unit.

(2) When a USAR unit is ordered to active duty, and the assigned unit commander is junior in date of rank (AR 600–8–29) to other assigned officers of the same grade.

f. Warrant officers. When assigned duties as station, unit, or detachment commander, warrant officers are vested with all power usually exercised by other commissioned officers (see Pam 611–21 for exceptions).

g. Partially disabled officers. Partially disabled officers continued on active duty under AR 635–40, chapter 6, will be assigned to positions in which their special qualifications make them of particular value to the Service. Such officers will not be assigned to command positions unless the assigning authority determines that the person—

(1) Has the medical (physical) career potential to serve in combat situations.

(2) Is able to serve until the age for mandatory retirement.

h. Inspectors general. An officer detailed to duty as an inspector general will not assume command of troops while so detailed. However, an inspector general is not precluded from assuming temporary command of an organization if he or she—

(1) Is the next senior regularly assigned Army officer of the organization.

(2) Is not otherwise ineligible.

(3) Has been relieved from detail as an inspector general during the period of temporary command.

i. Program executive officers. With the exception of the CG, U.S. Army Corps of Engineers and the CG, U.S. Army Space and Missile Defense Command, an officer assigned as a program executive officer (PEO) will not assume command of troops, installations, or activities while so assigned. Requests for exceptions for general officers, other than those specified above, will be submitted to General Officer Management Office, Chief of Staff (DACS–GOM), 200 Army Pentagon, Washington, DC 20310–0200.

j. Professors at the United States Military Academy. Officers appointed as permanent professors at the United States Military Academy (USMA) exercise command only in the academic departments of USMA (Section 4334, Title 10, United States Code (10 USC 4334)).

2–17. Relief for cause

a. When a senior commander loses confidence in a subordinate commander's ability to command due to misconduct, poor judgment, the subordinate's inability to complete assigned duties, or for other similar reasons, the senior commander has the authority to relieve the subordinate commander. Relief is preceded with formal counseling by the commander or supervisor unless such action is not deemed appropriate or practical under the circumstances. Although any commander may temporarily suspend a subordinate from command, final action to relieve an officer from any command position will not be taken until after written approval by the first general officer (to include one frocked to the grade of brigadier general) in the chain of command of the officer being relieved is obtained. Any action purporting to finally relieve an officer from any command position prior to the required written approval will be considered for all purposes as a temporary suspension from assigned duties rather than a final relief from command for cause. If a general officer (to include one frocked to the grade of brigadier general) is the relieving official, no further approval of the relief action is required; however, AR 623–3 concerning administrative review of relief reports remain applicable.

b. If a relief for cause is contemplated on the basis of an informal investigation under AR 15–6, the referral and comment procedures of that regulation must be followed before initiating or directing the relief. This does not preclude a temporary suspension from assigned duties pending completion of the procedural safeguards contained in AR 15–6. Any action purporting to initiate or direct a relief for cause on the basis of an informal investigation under AR 15–6 taken prior to completion of the procedural safeguards of AR 15–6 will be considered for all purposes as a temporary suspension from assigned duties.

2–18. Noncommissioned officer support channel

a. The NCO support channel (leadership chain) parallels and complements the chain of command. It is a channel of communication and supervision from the command sergeant major to first sergeant and then to other NCOs and

enlisted personnel of the units. Commanders will define responsibilities and authority of their NCOs to their staffs and subordinates. This NCO support channel will assist the chain of command in accomplishing the following—

- (1) Transmitting, instilling, and ensuring the efficacy of the professional Army ethic (see FM 22–100 for an explanation of the professional Army ethic).
- (2) Planning and conducting the day-to-day unit operations within prescribed policies and directives.
- (3) Training of enlisted Soldiers in their MOS as well as in the basic skills and attributes of a Soldier.
- (4) Supervising unit physical fitness training and ensuring that unit Soldiers comply with the weight and appearance standards of AR 600–9 and AR 670–1.
- (5) Teaching Soldiers the history of the Army, to include military customs, courtesies, and traditions.
- (6) Caring for individual Soldiers and their Families both on and off duty.
- (7) Teaching Soldiers the mission of the unit and developing individual training programs to support the mission.
- (8) Accounting for and maintaining individual arms and equipment of enlisted Soldiers and unit equipment under their control.
- (9) Administering and monitoring the NCO professional development program, and other unit training programs.
- (10) Achieving and maintaining courage, candor, competence, commitment, and compassion.

b. Pam 611–21 and FM 7–22.7 contain specific information concerning the responsibilities, command functions, and scope of NCO duties.

(1) *Sergeant Major of the Army*. This is the senior sergeant major grade and designates the senior enlisted position of the Army. The sergeant major in this position serves as the senior enlisted adviser and consultant to the Chief of Staff, Army.

(2) *Command sergeant major*. This position title designates the senior NCO of the command at battalion or higher levels. He or she carries out policies and standards, and advises the commander on the performance, training, appearance, and conduct of enlisted Soldiers. The command sergeant major administers the unit Noncommissioned Officer's Development Program (NCODP).

(3) *First sergeant*. The position of first sergeant designates the senior NCO at company level. The first sergeant of a separate company or equivalent level organization administers the unit NCODP.

(4) *Platoon sergeant*. The platoon sergeant is the key assistant and adviser to the platoon leader. In the absence of the platoon leader, the platoon sergeant leads the platoon.

(5) *Section, squad, and team leaders*. These direct leaders are the NCOs responsible at this level.

c. NCO disciplinary policies are shown below:

(1) NCOs are important to maintaining discipline in the Army. The policies prescribed in this subparagraph should be considered together with the provisions of chapter 4 of this regulation, AR 27–10, and the MCM.

(a) NCOs have the authority to apprehend any person subject to trial by court-martial under the MCM (Article 7, UCMJ, and para 302(b), Rules for Courts-Martial (RCM)) and chapter 4 of this regulation.

(b) NCOs may be authorized by their commanders to order enlisted Soldiers of the commanding officer's command or enlisted Soldiers subject to the authority of that commanding officer into arrest or confinement per the MCM (para 304(b), RCM).

(2) NCOs do not have authority to impose nonjudicial punishment on other enlisted Soldiers under the MCM (Article 15, UCMJ). However, the commander may authorize an NCO in the grade of sergeant first class or above, provided such person is senior to the Soldier being notified, to deliver the DA Form 2627 (Record of Proceedings under Article 15, UCMJ) and inform the Soldier of his or her rights. In cases of nonjudicial punishment, the recommendations of NCOs should be sought and considered by the unit commanders.

(3) As enlisted leaders of Soldiers, NCOs are essential to furthering the efficiency of the company, battery, or troop. This function includes preventing incidents that make it necessary to resort to trial by courts-martial or to impose nonjudicial punishment. Thus, NCOs are assistants to commanders in administering minor nonpunitive corrective actions as found in AR 27–10 and Part V, paragraph 1g, of the MCM. "Nonpunitive measures" are not "nonjudicial punishment."

(4) In taking corrective action with regard to subordinates, NCOs will be guided by and observe the principles listed in chapter 4.

d. NCO prerogatives and privileges are shown below. NCOs will—

(1) Function only in supervisory roles on work details and only as NCOs of the guard on guard duty, except when temporary personnel shortages require the NCO to actively participate in the work detail.

(2) Be granted such privileges as organization and installation commanders are capable of granting and consider proper to enhance the prestige of their enlisted troop leaders.

2–19. Precedence of relative grade, enlisted Soldiers

3–8. Responsibilities

a. The Secretary of the Army (SA) and Chief of Staff, Army (CSA) together form the senior Army leadership responsible for the readiness of the force. Accordingly, they ensure the effective and timely implementation of policy, program, and budget decisions necessary to enable Army Well-being.

b. The Vice Chief of Staff, Army (VCSA)—

(1) Supervises the Army Staff in their coordinated efforts to develop an integrated and holistic approach to enabling the Well-being of the force.

(2) Chairs the Army Well-Being General Officer Steering Committee.

(3) Advises the SA and CSA on recommendations from the Well-Being General Officer Steering Committee.

c. The Deputy Chief of Staff, G–1 is the responsible official for Army Well-being and provides strategic oversight of Army Well-being by integrating all Well-being programs, identifying policy changes necessary to achieve the Army's Well-being end-state, and developing a holistic perspective of the human dimension's impact on readiness.

Responsibilities include:

(1) Serving as executive agent for the WB GOSC.

(2) Ensuring disciplined adherence to the Well-being process.

(3) Coordinating the agenda for and conducting meetings of the WB GOSC.

(4) Providing staff and administrative support to the WB GOSC.

(5) Maintaining and updating the tools necessary to ensure a holistic approach to integrated strategic planning for Well-being programs.

(6) Representing the holistic perspective of Army Well-being programs in the planning, programming, budgeting and execution (PPBE).

d. Heads of other HQDA Staff agencies (and FOAs as appropriate) are responsible for Armywide policies, plans and initiatives within their areas of proponentcy. The Deputy Chief of Staff, G–1 and the WB GOSC using the Well-being process will integrate their policies, plans, and initiatives pertaining to Army Well-being into the Army's overall plan to achieve the Army Well-being end-state.

e. Commanders and other leaders at all levels will provide an environment that contributes positively to the physical, material, mental, and spiritual dimensions of the lives of their subordinates and their Families as well as members of the greater, extended Army Family, including veterans, retirees, and DA civilian employees as appropriate. The Wellbeing definition, concept, framework, strategic goals, and end-state described in paragraphs 3–2 through 3–6 apply Armywide. The Well-being architecture provides commanders at all levels an integrated approach for focusing on and assessing functional outcomes. Commanders should adapt the architecture and other Well-being tools listed in paragraph 3–7 in meeting their responsibilities to manage implementation of Army Well-being within their organizations.

Chapter 4

Military Discipline and Conduct

4–1. Military discipline

a. Military discipline is founded upon self-discipline, respect for properly constituted authority, and the embracing of the professional Army ethic with its supporting individual values. Military discipline will be developed by individual and group training to create a mental attitude resulting in proper conduct and prompt obedience to lawful military authority.

b. While military discipline is the result of effective training, it is affected by every feature of military life. It is manifested in individuals and units by cohesion, bonding, and a spirit of teamwork; by smartness of appearance and action; by cleanliness and maintenance of dress, equipment, and quarters; by deference to seniors and mutual respect between senior and subordinate personnel; by the prompt and willing execution of both the letter and the spirit of the legal orders of their lawful commanders; and by fairness, justice, and equity for all Soldiers, regardless of race, religion, color, gender, and national origin.

c. Commanders and other leaders will maintain discipline according to the policies of this chapter, applicable laws and regulations, and the orders of seniors.

4–2. Obedience to orders

All persons in the military service are required to strictly obey and promptly execute the legal orders of their lawful seniors.

4–3. Military courtesy

a. Courtesy among members of the Armed Forces is vital to maintain military discipline. Respect to seniors will be extended at all times (see AR 600–25, chap 4).

b. The actions of military personnel will reflect respect to both the national anthem and the national colors. The

courtesies listed in AR 600–25, appendix A, should be rendered the national colors and national anthem at public events whether the Soldier is off or on duty, whether he or she is in or out of uniform. Intentional disrespect to the national colors or national anthem is conduct prejudicial to good order and discipline and discredits the military service.

4–4. Soldier conduct

a. Ensuring the proper conduct of Soldiers is a function of command. Commanders and leaders in the Army, whether on or off duty or in a leave status, will—

(1) Ensure all military personnel present a neat, soldierly appearance.

(2) Take action consistent with Army regulation in any case where a Soldier's conduct violates good order and military discipline.

b. On public conveyances in the absence of military police, the person in charge of the conveyance will be asked to notify the nearest military police and arrange to have them, if necessary, take custody of military personnel. In serious situations, such as physical assault, the person in charge of the conveyance will be asked to stop at the first opportunity and request local police assistance. In all such cases, the local police will be advised to telephone (collect) the nearest Army post or Army headquarters.

c. When an offense endangering the reputation of the Army is committed elsewhere (not on a public conveyance) and military police are not available, civilian police will be requested to take appropriate action.

d. When military police are not present, the senior officer, WO, or NCO present will obtain the Soldier's name, grade, social security number, organization, and station. The information and a statement of the circumstances will be sent to the Soldier's commanding officer without delay. If the Soldier is turned over to the civilian police, the above information will be sent to the civilian police for transmittal to the proper military authorities.

4–5. Maintenance of order

Army and Marine Corps military police, Air Force security police, and members of the Navy and Coast Guard shore patrols are authorized and directed to apprehend Armed Forces members who commit offenses punishable under the UCMJ. Officers, WOs, NCOs, and petty officers of the Armed Forces are authorized and directed to quell all quarrels, frays, and disorders among persons subject to military law and to apprehend participants. Those exercising this authority should do so with judgment and tact. Personnel so apprehended will be returned to the jurisdiction of their respective Service as soon as practical. Confinement of females will be according to AR 190–47.

4–6. Exercising military authority

a. Military authority is exercised promptly, firmly, courteously and fairly. Commanders should consider administrative corrective measures before deciding to impose nonjudicial punishment. Trial by court-martial is ordinarily inappropriate for minor offenses unless lesser forms of administering discipline would be ineffective (see MCM, Part V, and chap 3, AR 27–10).

b. One of the most effective administrative corrective measures is extra training or instruction (including on-the-spot correction). For example, if Soldiers appear in an improper uniform, they are required to correct it immediately; if they do not maintain their housing area properly, they must correct the deficiency in a timely manner. If Soldiers have training deficiencies, they will be required to take extra training or instruction in subjects directly related to the shortcoming.

(1) The training, instruction, or correction given to a Soldier to correct deficiencies must be directly related to the deficiency. It must be oriented to improving the Soldier's performance in his or her problem area. Corrective measures may be taken after normal duty hours. Such measures assume the nature of training or instruction, not punishment. Corrective training should continue only until the training deficiency is overcome. Authority to use it is part of the inherent powers of command.

(2) Care should be taken at all levels of command to ensure that training and instruction are not used in an oppressive manner to evade the procedural safeguards applying to imposing nonjudicial punishment. Deficiencies satisfactorily corrected by means of training and instruction will not be noted in the official records of the Soldiers concerned.

4–7. Disciplinary powers of the commanding officer

a. Commanding officers exercise broad disciplinary powers in furtherance of their command responsibilities. Discretion, fairness, and sound judgment are essential ingredients of military justice.

b. Commanders will familiarize themselves with their powers and responsibilities as outlined in MCM, AR 27–10, AR 600–37, AR 635–200, and other authorities. Legal advice is available from supporting judge advocates.

c. Disciplinary measures are tailored to specific offenses and individual offenders. Commanders will neither direct subordinates to take particular disciplinary actions, nor unnecessarily restrict disciplinary authority of subordinates (see articles 37, and 98, UCMJ, and AR 27–10 regarding the proper exercise of authority by commanders).

(1) Educating Soldiers regarding the Army's equal opportunity policy. Commanders will advise Soldiers that extremist organizations' goals are inconsistent with Army goals, beliefs, and values concerning equal opportunity.

(2) Advising Soldiers that any participation in extremist organizations or activities—

(a) Will be taken into consideration when evaluating their overall duty performance, to include appropriate remarks on evaluation reports.

(b) Will be taken into consideration when selections for positions of leadership and responsibility are made.

(c) Will result in removal of security clearances, where appropriate.

(d) Will result in reclassification actions or bar to reenlistment actions as appropriate.

(3) The commander of a military installation or other military controlled facility under the jurisdiction of the United States will prohibit any demonstration or activity on the installation or facility that could result in interference with or prevention of orderly accomplishment of the mission of the installation or facility, or present a clear danger to loyalty, discipline, or morale of the troops. Further, such commanders will deny requests for the use of military controlled facilities by individuals or groups that engage in discriminatory practices or for activities involving such practices.

f. Legal advice and counsel. Commanders should seek the advice and counsel of their legal advisor when taking actions pursuant to this policy.

4-13. Army language policy

English is the operational language of the Army. Soldiers must maintain sufficient proficiency in English to perform their military duties. Their operational communications must be understood by everyone who has an official need to know their content, and, therefore, must normally be in English. However, commanders may not require Soldiers to use English unless such use is clearly necessary and proper for the performance of military functions. Accordingly, commanders may not require the use of English for personal communications that are unrelated to military functions.

4-14. Relationships between Soldiers of different rank

a. The term "officer," as used in this paragraph, includes both commissioned and warrant officers unless otherwise stated. The provisions of this paragraph apply to both relationships between Army personnel (to include dual-status military technicians in the Army Reserve and the Army National Guard) and between Army personnel and personnel of other military services. This policy is effective immediately, except where noted below, and applies to different-gender relationships and same-gender relationships.

b. Relationships between Soldiers of different rank are prohibited if they—

(1) Compromise, or appear to compromise, the integrity of supervisory authority or the chain of command.

(2) Cause actual or perceived partiality or unfairness.

(3) Involve, or appear to involve, the improper use of rank or position for personal gain.

(4) Are, or are perceived to be, exploitative or coercive in nature.

(5) Create an actual or clearly predictable adverse impact on discipline, authority, morale, or the ability of the command to accomplish its mission.

c. Certain types of personal relationships between officers and enlisted personnel are prohibited. Prohibited relationships include—

(1) Ongoing business relationships between officers and enlisted personnel. This prohibition does not apply to landlord/tenant relationships or to one-time transactions such as the sale of an automobile or house, but does apply to borrowing or lending money, commercial solicitation, and any other type of on-going financial or business relationship. Business relationships which exist at the time this policy becomes effective, and that were authorized under previously existing rules and regulations, are exempt until March 1, 2000. In the case of Army National Guard or United States Army Reserve personnel, this prohibition does not apply to relationships that exist due to their civilian occupation or employment.

(2) Dating, shared living accommodations other than those directed by operational requirements, and intimate or sexual relationships between officers and enlisted personnel. This prohibition does not apply to—

(a) Marriages. When evidence of fraternization between an officer and enlisted member prior to their marriage exists, their marriage does not preclude appropriate command action based on the prior fraternization. Commanders have a wide range of responses available including counseling, reprimand, order to cease, reassignment, administrative action or adverse action. Commanders must carefully consider all of the facts and circumstances in reaching a disposition that is appropriate. Generally, the commander should take the minimum action necessary to ensure that the needs of good order and discipline are satisfied.

(b) Situations in which a relationship that complies with this policy would move into non-compliance due to a change in status of one of the members (for instance, a case where two enlisted members are dating and one is subsequently commissioned or selected as a warrant officer). In relationships where one of the enlisted members has entered into a program intended to result in a change in their status from enlisted to officer, the couple must terminate the relationship permanently or marry within either one year of the actual start date of the program, before the change in status occurs, or within one year of the publication date of this regulation, whichever occurs later.

(c) Personal relationships between members of the National Guard or Army Reserve, when the relationship primarily exists due to civilian acquaintanceships, unless the individuals are on active duty (other than annual training), on full-time National Guard duty (other than annual training), or serving as a dual status military technician.

(d) Personal relationships between members of the Regular Army and members of the National Guard or Army Reserve when the relationship primarily exists due to civilian association and the Reserve component member is not on active duty (other than annual training), on full-time National Guard duty (other than annual training), or serving as a dual status military technician.

(e) Prohibited relationships involving dual status military technicians, which were not prohibited under previously existing rules and regulations, are exempt until one year of publication date of this regulation.

(f) Soldiers and leaders share responsibility, however, for ensuring that these relationships do not interfere with good order and discipline. Commanders will ensure that personal relationships that exist between Soldiers of different ranks emanating from their civilian careers will not influence training, readiness, or personnel actions.

(3) Gambling between officers and enlisted personnel.

d. These prohibitions are not intended to preclude normal team building associations that occur in the context of activities such as community organizations, religious activities, Family gatherings, unit-based social functions, or athletic teams or events.

e. All military personnel share the responsibility for maintaining professional relationships. However, in any relationship between Soldiers of different grade or rank, the senior member is generally in the best position to terminate or limit the extent of the relationship. Nevertheless, all members may be held accountable for relationships that violate this policy.

f. Commanders should seek to prevent inappropriate or unprofessional relationships through proper training and leadership by example. Should inappropriate relationships occur, commanders have available a wide range of responses. These responses may include counseling, reprimand, order to cease, reassignment, or adverse action. Potential adverse action may include official reprimand, adverse evaluation report(s), nonjudicial punishment, separation, bar to reenlistment, promotion denial, demotion, and courts martial. Commanders must carefully consider all of the facts and circumstances in reaching a disposition that is warranted, appropriate, and fair.

4–15. Other prohibited relationships

a. *Trainee and Soldier relationships.* Any relationship between permanent party personnel and initial entry training (IET) trainees not required by the training mission is prohibited. This prohibition applies to permanent party personnel without regard to the installation of assignment of the permanent party member or the trainee.

b. *Recruiter and recruit relationships.* Any relationship between permanent party personnel assigned or attached to the United States Army Recruiting Command and potential prospects, applicants, members of the Delayed Entry Program (DEP), or members of the Delayed Training Program (DTP) not required by the recruiting mission is prohibited. This prohibition applies to United States Army Recruiting Command Personnel without regard to the unit of assignment of the permanent party member and the potential prospects, applicants, DEP members, or DTP members.

c. *Training commands.* Training commands (for example, TRADOC and AMEDDC) and the United States Army Recruiting Command are authorized to publish supplemental regulations to paragraph 4–15, which further detail proscribed conduct within their respective commands.

4–16. Fraternization

Violations of paragraphs 4–14b, 4–14c, and 4–15 may be punished under Article 92, UCMJ, as a violation of a lawful general regulation.

4–17. Standards of conduct

Department of the Army personnel must place loyalty to country, ethical principles, and law above private gain and other personal interests. The performance of their duties should be in keeping with the highest tradition of military and civilian service to the U.S. Government.

a. *Guidance.* Minimum standards of conduct required of all Soldiers and Army civilians are prescribed by the Joint Ethics Regulation, DOD 5500.7–R, which provides Army personnel with guidance on a multitude of ethical issues, including the avoidance of conflicts of interests between their commercial/financial interest and their official duties.

b. *Annual training.* Commanders at all levels will ensure that all Army personnel required to file either a public or confidential financial disclosure report, contracting officers, procurement officials, and others identified by an Army ethics counselor, receive face-to-face annual ethics training as prescribed by DOD 5500.7–R.

4–18. Employment and volunteer work of spouse

a. The Army affirms the rights of a spouse of a Soldier to pursue and hold a job, attend school, or perform volunteer services on or off a military installation. No DA official will, directly or indirectly, impede or otherwise interfere with these rights. Moreover, no DA official will use the preferences and requirements of the Army or any other DOD component to influence the employment, educational, or volunteer service decisions of a spouse. Neither will such

Student Handout 3

Extracted Material from AR 27-10, Military Justice

This student handout contains 12 pages of extracted material from the following publication:

AR 27-10, Military Justice, 16 November 2005

Chapter 3 pages 3 thru 11 and 15 thru 17

Disclaimer: The training developer downloaded the material for this student handout from the U.S. Army Publishing Directorate Home Page. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

Division, ATTN: DAJA–CL, Office of The Judge Advocate General, HQDA, 1777 North Kent Street Rosslyn, VA 22209–2194, regarding potential court-martial proceedings in cases that have national security implications. This is in addition to the reporting requirements set forth for cases involving a threat to U.S. national security in which a grant of immunity is being proposed in accordance with paragraph 2–4d, SJAs will also provide a copy of the unclassified executive summary via e-mail to International and Operational Law Division, ATTN: DAJA–IO, Office of The Judge Advocate General, HQDA, 1777 North Kent Street Rosslyn, VA 22209–2194. These cases involve offenses such as—

- (1) Sedition (Articles 82 and 94 UCMJ) when foreign power involvement is suspected.
 - (2) Aiding the enemy by giving intelligence to the enemy (Article 104 element).
 - (3) Spying (Article 106).
 - (4) Espionage (Article 106a).
 - (5) Suspected or actual unauthorized acquisition of military technology, research and development information, or Army acquisition program information, by or on behalf of a foreign power.
 - (6) Violation of rules or statutes concerning classified information, or the foreign relations of the U.S.
 - (7) Sabotage conducted by or on behalf of a foreign power.
 - (8) Subversion, treason, domestic terrorism, and known or suspected unauthorized disclosure of classified information or material.
 - (9) Attempts (Article 80), solicitations (Article 134) or conspiracies (Article 81) to commit (1) through (8), above.
- b. Staff Judge Advocate notification is designed to improve force protection and security while at the same time protecting the accused's right to a fair trial, free from unlawful command influence.

Chapter 3 Nonjudicial Punishment

Section I Applicable Policies (para 1, part V, MCM)

3–1. General

This chapter implements and amplifies Article 15, UCMJ, and part V, MCM. No action should be taken under the authority of Article 15, UCMJ, without referring to the appropriate provisions of the MCM and this chapter. This chapter prescribes requirements, policies, limitations, and procedures for—

- a. Commanders at all levels imposing nonjudicial punishment.
- b. Members on whom this punishment is to be imposed.
- c. Other persons who may take some action with respect to the proceedings.

3–2. Use of nonjudicial punishment

A commander should use nonpunitive measures to the fullest extent to further the efficiency of the command before resorting to nonjudicial punishment (see para 1d(1), part V, MCM). Use of nonjudicial punishment is proper in all cases involving minor offenses in which nonpunitive measures are considered inadequate or inappropriate. If it is clear that nonjudicial punishment will not be sufficient to meet the ends of justice, more stringent measures must be taken. Prompt action is essential for nonjudicial punishment to have the proper corrective effect. Nonjudicial punishment may be imposed to—

- a. Correct, educate, and reform offenders who the imposing commander determines cannot benefit from less stringent measures.
- b. Preserve a Soldier's record of service from unnecessary stigma by record of court-martial conviction.
- c. Further military efficiency by disposing of minor offenses in a manner requiring less time and personnel than trial by court-martial.

3–3. Relationship of nonjudicial punishment to nonpunitive measures (para 1g, part V, MCM)

a. *General.* Nonjudicial punishment is imposed to correct misconduct in violation of the UCMJ. Such conduct may result from intentional disregard of or failure to comply with prescribed standards of military conduct. Nonpunitive measures usually deal with misconduct resulting from simple neglect, forgetfulness, laziness, inattention to instructions, sloppy habits, immaturity, difficulty in adjusting to disciplined military life, and similar deficiencies. These measures are primarily tools for teaching proper standards of conduct and performance and do not constitute punishment. Included among nonpunitive measures are denial of pass or other privileges, counseling, administrative reduction in grade, administrative reprimands and admonitions, extra training (see Army Regulation (AR) 600–20), bar to reenlistment, and military occupational specialty (MOS) reclassification. Certain commanders may administratively reduce enlisted personnel for inefficiency and other reasons. This authority exists apart from any authority to punish misconduct under Article 15. These two separate and distinct kinds of authority should not be confused.

b. Reprimands and admonitions.

(1) Commanding officers have authority to give admonitions or reprimands either as an administrative measure or as nonjudicial punishment. If imposed as a punitive measure under Article 15, the procedure set forth in paragraph 4, part V, MCM, and in section III of this chapter must be followed.

(2) A written administrative admonition or reprimand will contain a statement that it has been imposed as an administrative measure and not as punishment under Article 15 (see AR 600–37). Admonitions and reprimands imposed as punishment under Article 15, whether administered orally or in writing (see para 5c(1), part V, MCM), should state clearly that they were imposed as punishment under that Article.

c. Extra training or instruction. One of the most effective nonpunitive measures available to a commander is extra training or instruction (see AR 600–20). It is used when a Soldier's duty performance has been substandard or deficient; for example, a Soldier who fails to maintain proper attire may be required to attend classes on the wearing of the uniform and stand inspection until the deficiency is corrected. The training or instruction must relate directly to the deficiency observed and must be oriented to correct that particular deficiency. Extra training or instruction may be conducted after duty hours.

3–4. Personal exercise of discretion (para 1d(2), part V, MCM)

a. A commander will personally exercise discretion in the nonjudicial punishment process by—

(1) Evaluating the case to determine whether proceedings under Article 15 should be initiated.

(2) Determining whether the Soldier committed the offense(s) where Article 15 proceedings are initiated and the Soldier does not demand trial by court-martial.

(3) Determining the amount and nature of any punishment, if punishment is appropriate.

b. No superior may direct that a subordinate authority impose punishment under Article 15 or issue regulations, orders, or so-called “guides” that either directly or indirectly suggest to subordinate commanders that—

(1) Certain categories of offenders or offenses should be disposed of by punishment under Article 15.

(2) Predetermined kinds or amounts of punishment should be imposed for certain categories of offenders or offenses.

c. A superior commander may send or return a case to a subordinate for appropriate disposition if necessary and within the jurisdiction of the subordinate. A superior commander may also reserve personally, or to the superior commander's delegate, the right to exercise Article 15 authority over a particular case or over certain categories of offenders or offenses (see para 3–7d).

3–5. Reference to superior

a. (See R.C.M. 306(b)). Nonjudicial punishment should be administered at the lowest level of command commensurate with the needs of discipline, after thoroughly considering—

(1) The nature and circumstances of the offense.

(2) The age, previous record, maturity, and experience of the offender.

b. If a commander determines that the commander's authority under Article 15 is insufficient to impose a proper punishment, the case may be referred to an appropriate superior. The same procedure will be followed if the authority of the commander to exercise Article 15 powers has been withheld or limited (see paras 3–4 and 3–7d). In transmitting a case for action by a superior, no recommendation of the nature or extent of the punishment to be imposed will be made. Transmittal should normally be accomplished by written correspondence using DA Form 5109 (Request to Superior to Exercise Article 15, UCMJ, Jurisdiction).

3–6. Filing determination

a. A commander's decision whether to file a record of nonjudicial punishment on the performance section of a Soldier's Official Military Personnel File (OMPF) is as important as the decision relating to the imposition of nonjudicial punishment itself. In making a filing determination, the imposing commander must weigh carefully the interests of the Soldier's career against those of the Army to produce and advance only the most qualified personnel for positions of leadership, trust, and responsibility. In this regard, the imposing commander should consider the Soldier's age, grade, total service (with particular attention to the Soldier's recent performance and past misconduct), and whether the Soldier has more than one record of nonjudicial punishment directed for filing in the restricted section (see *b*, below). However, the interests of the Army are compelling when the record of nonjudicial punishment reflects unmitigated moral turpitude or lack of integrity, patterns of misconduct, or evidence of serious character deficiency or substantial breach of military discipline. In such cases, the record should be filed in the performance section.

b. If a record of nonjudicial punishment has been designated for filing in a Soldier's restricted section, the Soldier's OMPF will be reviewed to determine if the restricted section contains a previous record of nonjudicial punishment. In those cases in which a previous DA Form 2627 (Record of Proceedings under Article 15, UCMJ), that has not been wholly set aside has been filed in the restricted section and in which prior to that punishment, the Soldier was in the grade of SGT or higher, the present DA Form 2627 will be filed in the performance section. The filing should be

recorded on the present DA Form 2627 in block 11. The Soldier concerned and the imposing commander will be informed of the filing of the DA Form 2627 in the performance section.

c. The filing of a record of nonjudicial punishment imposed upon a member of another armed service will be done in a manner consistent with the governing regulations of that member's parent Service (see Manual of The Judge Advocate General, Navy (JAGMAN) 0101 for Navy and Marine Corps personnel; Air Force Instruction (AFI) 51-201, for Air Force personnel; and U.S. Coast Guard Military Justice Manual (MJM), COMMANDANT INSTRUCTION (COMDTINST) M5810.1D, for Coast Guard personnel).

Section II

Authority (para 2, part V, MCM)

3-7. Who may impose nonjudicial punishment

a. *Commanders.* Unless otherwise specified in this regulation or if authority to impose nonjudicial punishment has been limited or withheld by a superior commander (see d, below), any commander is authorized to exercise the disciplinary powers conferred by Article 15.

(1) The term commander, as used in this chapter, means a commissioned or warrant officer who, by virtue of that officer's grade and assignment, exercises primary command authority over a military organization or prescribed territorial area, that under pertinent official directives is recognized as a command.

(2) The term imposing commander refers to the commander or other officer who actually imposes the nonjudicial punishment.

(3) Commands include the following:

(a) Companies, troops, and batteries.

(b) Numbered units and detachments.

(c) Missions.

(d) Army elements of unified commands and joint task forces.

(e) Service schools.

(f) Area commands.

(4) Commands also include, in general, any other organization of the kind mentioned in (1), above, (for example, a provisional unit designated under AR 220-5), the commander of which is the one looked to by superior authority as the individual chiefly responsible for maintaining discipline in that organization. Thus, an infantry company, whether or not separate or detached (R.C.M. 504(b)(2)), is considered to be a command. However, an infantry platoon that is part of a company and is not separate or detached is not considered to be a command. Although a commissioned or warrant officer exercising command is usually designated as the commander, this position may be designated by various other titles having the same official connotation; for example, commandant, chief of mission, or superintendent. Whether an officer is a commander is determined by the duties he or she performs, not necessarily by the title of the position occupied.

b. *Multi-Service commanders and officers in charge.* A multi-Service commander or officer in charge, to whose command members of the Army are assigned or attached, may impose nonjudicial punishment upon such Soldiers. A multi-Service commander or officer in charge, alternatively, may designate one or more Army units and will for each such Army unit designate an Army commissioned or warrant officer as commanding officer for the administration of discipline under the UCMJ, Article 15. A copy of such designation will be furnished to Criminal Law Division, ATTN: DAJA-CL, Office of The Judge Advocate General, HQDA, 1777 North Kent Street, Rosslyn, VA 22209-2194. A multi-Service commander or officer in charge, when imposing nonjudicial punishment upon a military member of their command, will apply the provisions of this regulation (see para 3-8c).

c. *Delegation.* The authority given to a commander under Article 15 is an attribute of command and, except as provided in this paragraph, may not be delegated. Pursuant to the authority vested in the SA under the provisions of the UCMJ, Article 15(a), the following rules with respect to delegation of powers are announced:

(1) Any commander authorized to exercise GCM jurisdiction or any commanding general may delegate that commander's or commanding general's powers under Article 15 to one commissioned officer actually exercising the function of deputy or assistant commander. A commander may instead of delegating powers under Article 15 to a deputy or assistant commander, delegate such powers to the chief of staff of the command, provided the chief of staff is a general officer, or frocked to a general officer grade. An officer in command who is frocked to the grade of brigadier general is not a general officer in command as defined in para 2c, part V, MCM, and lacks the authority to impose some punishments, including forfeitures and arrest upon commissioned and warrant officers. (See paragraph 5(b)(1)(B), part V, MCM, table 3-1B (Maximum Punishment for Commissioned and Warrant Officers that may be imposed by a general officer in command or GCMCA), and AR 600-8-29, paragraph 6-1a, figure 6-1 (limitations of frocked officers).

(2) Authority delegated under c (1), above, may be exercised only when the delegate is senior in grade to the person punished. A delegate need not, when acting as a superior authority on an appeal, be senior in grade to the imposing commander.

(3) Delegations of authority to exercise Article 15 powers will be made in writing; for example, a memorandum. It will designate the officer on whom the powers are conferred by name and position. Unless limited by the terms of such delegation or by (2), above, an officer to whom this authority is granted may exercise any power that is possessed by the officer who delegated the authority. Unless otherwise specified in the written authorization, a delegation of Article 15 authority will remain effective until—

(a) The officer who delegated the officer's powers ceases to occupy that position, other than because of temporary absence;

(b) The officer to whom these powers have been delegated ceases to occupy the position wherein the officer was delegated such powers, other than because of temporary absence; or

(c) Notification that the delegation has been terminated is made in writing. A delegation does not divest the delegating officer of the right to personally exercise the delegating officer's Article 15 powers in any case in which the delegating officer desires to act. Although an appeal from punishment imposed under a delegation of Article 15 powers will be acted on by the authority next superior to the delegating officer (see para 3–30), the latter may take the action described in paragraph 3–32. (See paras 6 and 7, part V, MCM, and para 3–38 of this regulation.)

d. Limitation of exercise of disciplinary authority by subordinates. Any commander having authority under the UMCJ, Article 15, may limit or withhold the exercise of such authority by subordinate commanders. For example, the powers of subordinate commanders to exercise Article 15 authority over certain categories of military personnel, offenses, or individual cases may be reserved by a superior commander. A superior authority may limit or withhold any power that a subordinate might otherwise have under this paragraph.

3–8. Persons on whom nonjudicial punishment may be imposed

a. Military personnel of a commander's command. Unless such authority is limited or withheld by superior competent authority, a commander may impose punishment under Article 15 on commissioned officers, warrant officers, and other military personnel of a commander's command, except cadets of the U.S. Military Academy (USMA).

(1) For the purpose of Article 15, military personnel are considered to be "of the command" of a commander if they are—

(a) Assigned to an organization commanded by that commander.

(b) Affiliated with the command (by attachment, detail, or otherwise) under conditions, either expressed or implied, that indicate that the commander of the unit to which affiliated and the commander of the unit to which they are assigned are to exercise administrative or disciplinary authority over them.

(2) Under similar circumstances, a commander may be assigned territorial command responsibility so that all or certain military personnel in the area will be considered to be of the command for the purpose of Article 15.

(3) To determine if an individual is of the command of a particular commanding officer, refer first to those written or oral orders or directives that affect the status of the individual. If orders or directives do not expressly confer authority to administer nonjudicial punishment to the commander of the unit with which the Soldier is affiliated or present (as when, for example, they contain no provision attaching the Soldier "for disciplinary purposes"), consider all attendant circumstances, such as—

(a) The phraseology used in the orders.

(b) Where the Soldier slept, ate, was paid, performed duty, the duration of the status, and other similar factors.

(4) If orders or directives include such terms as "attached for administration of military justice," or simply "attached for administration," the individual so attached will be considered to be of the command, of the commander, of the unit of attachment for the purpose of Article 15.

b. Termination of status. Nonjudicial punishment will not be imposed on an individual by a commander after the individual ceases to be of the commander's command, because of transfer or otherwise. However, if Article 15 proceedings have been instituted and punishment has not been imposed prior to the time of the change of assignment, the commander who instituted the proceedings may forward the record of proceedings to the gaining commander for appropriate disposition.

c. Personnel of other armed forces. An Army commander is not prohibited from imposing nonjudicial punishment on a military member of his or her command solely because the member is a member of another armed service. Other provisions of this regulation notwithstanding, an Army commander may impose punishment upon a member of another Service only under the circumstances, and according to the procedures, prescribed by the member's parent Service. (In particular, see JAGMAN 0101 for Navy and Marine Corps personnel; AFI 51–201, for Air Force personnel, and MJM, COMDINST M5810.1D, for Coast Guard personnel.)

3–9. Minor offenses

Generally, the term "minor" includes misconduct not involving any greater degree of criminality than is involved in the average offense tried by summary court-martial (SCM). It does not include misconduct of a type that, if tried by GCM, could be punished by dishonorable discharge or confinement for more than 1 year (see para 1e, part V, MCM). This is not a hard and fast rule; the circumstances of the offense might indicate that action under Article 15 would be

regulations may be minor offenses if the prohibited conduct itself is of a minor nature even though also prohibited by a general order or regulation. Whether an offense is "minor" is a matter within the discretion of the commander imposing nonjudicial punishment. Nonjudicial punishment for an offense other than a minor offense (even though thought by the commander to be minor) is not a bar to subsequent trial by court-martial for the same offense. See R.C.M. 907(b)(2)(D)(iv). However, the accused may show at trial that nonjudicial punishment was imposed, and if the accused does so, this fact must be considered in determining an appropriate sentence. See Article 15(f); R.C.M. 1001(c)(1)(B).

3-10. Double punishment prohibited

When nonjudicial punishment has been imposed for an offense, punishment may not again be imposed for the same offense under Article 15. Once nonjudicial punishment has been imposed, it may not be increased, upon appeal or otherwise. When a commander determines that nonjudicial punishment is appropriate for a particular service member, all known offenses determined to be appropriate for disposition by nonjudicial punishment and ready to be considered at that time, including all offenses arising from a single incident or course of conduct, will ordinarily be considered together and not made the basis for multiple punishments. This provision does not restrict the commander's right to prefer court-martial charges for a non-minor offense previously punished under the provisions of Article 15.

3-11. Restriction on punishment after exercise of jurisdiction by civilian authorities

Chapter 4 covers the limitations on nonjudicial punishment after exercise of jurisdiction by civilian authorities.

3-12. Statute of limitations

Nonjudicial punishment may not be imposed for offenses which were committed more than 2 years before the date of imposition. Computation of this 2-year limitation is in accordance with the Articles 43(c) and (d), UCMJ. The period of limitations does not run when the Soldier concerned is absent without authority; fleeing from justice; outside the territory where the United States has authority to apprehend; in the custody of civil authorities; or, in the hands of the enemy.

Section III

Procedure (para 4, part V, MCM)

3-13. General

The authority to impose nonjudicial punishment charges a commander with the responsibility of exercising the commander's authority in an absolutely fair and judicious manner. See para 1d, part V, MCM.

3-14. Preliminary inquiry

a. The commander of the alleged offender must ensure that the matter is investigated promptly and adequately. The investigation should provide the commander with sufficient information to make an appropriate disposition of the incident. The investigation should cover—

- (1) Whether an offense was committed.
- (2) Whether the Soldier was involved.
- (3) The character and military record of the Soldier.

b. Usually the preliminary investigation is informal and consists of interviews with witnesses and/or review of police or other informative reports. If, after the preliminary inquiry, the commander determines, based on the evidence currently available, that the Soldier probably has committed an offense and that a nonjudicial punishment procedure is appropriate, the commander should (unless the case is to be referred to a superior commander (see para 3-5)) take action as set forth in this section.

3-15. Commander's guide for notification and imposition

In all cases, other than summarized proceedings, commanders should use appendix B of this regulation as a guide in conducting the proceedings.

3-16. Summarized proceedings

a. Preliminary inquiry.

(1) A commander, after a preliminary inquiry into an alleged offense by an enlisted Soldier, may use summarized proceedings if it is determined that should punishment be found to be appropriate, it should not exceed—

- (a) Extra duties for 14 days.
- (b) Restriction for 14 days.
- (c) Oral reprimand or admonition.
- (d) Any combination of the above.

(2) DA Form 2627-1 (Summarized Record of Proceedings Under Article 15, UCMJ), will be used to record the

proceedings. An illustrated example of a completed DA Form 2627-1 is shown at figure 3-2. The rules and limitations concerning punishments in section IV and provisions regarding clemency in section V are applicable.

b. Notification and explanation of rights. If an imposing commander determines that summarized proceedings are appropriate, the designated subordinate officer or noncommissioned officer (NCO) (see para 3-18), or the commander personally, will notify the Soldier of the following:

- (1) The imposing commander's intention to initiate proceedings under the UCMJ, Art. 15.
- (2) The fact that the imposing commander intends to use summarized proceedings and the maximum punishments imposed under these proceedings.
- (3) The right to remain silent.
- (4) Offenses that the Soldier allegedly has committed and the Article(s) of the UCMJ violated.
- (5) The right to demand trial (see para 4a(5), part V, MCM). Soldiers attached to or embarked in a vessel may not demand trial by court-martial in lieu of nonjudicial punishment. Any other Soldier will be advised that the Soldier has a right to demand trial and that the demand for trial must be made at the start of the hearing prior to any consideration, examination, or presentation of evidence. The Soldier's decision not to demand trial is irrevocable. The Soldier will be told that such trial could be by SCM, SPCM, or GCM. The Soldier will also be told that the Soldier may object to trial by SCM and that at SPCM or GCM the Soldier would be entitled to be represented by qualified military counsel, or by civilian counsel obtained at no expense to the Government.
- (6) The right to confront witnesses, examine the evidence, and submit matters in defense, extenuation, and/or mitigation.
- (7) The right to appeal.

c. Decision period. The Soldier will be given the opportunity to—

- (1) Accept the Article 15.
- (2) Request a reasonable time, normally 24 hours, to decide whether to demand trial by court-martial and to gather matters in defense, extenuation, and/or mitigation. Because of the limited nature of the possible punishment, the Soldier has no right to consult with legally qualified counsel.

d. Hearing. Unless the Soldier demands trial by courts-martial within the decision period, the imposing commander may proceed with the hearing (see para 3-18g (1)). The hearing will consist of the following:

- (1) Consideration of evidence, written or oral, against the Soldier.
- (2) Examination of available evidence by the Soldier.
- (3) Presentation by the Soldier of testimony of available witnesses or other matters, in defense, extenuation, and/or mitigation.
- (4) Determination of guilt or innocence by the imposing commander. Before finding a Soldier guilty, the commander must be convinced beyond a reasonable doubt that the Soldier committed the offense(s).
- (5) Imposition of punishment or termination of the proceedings.
- (6) Explanation of right to appeal.

e. Appeal. The appeal and the decision on appeal will be recorded in block 5, DA Form 2627-1. This will be done according to the procedures set forth in paragraph 3-32. The Soldier will be given a reasonable time (normally no more than 5 calendar days) within which to submit an appeal (see para 3-29). The Soldier may, pending submission and decision on the appeal, be required to undergo the punishment imposed, but once submitted, such appeal will be promptly decided. If the appeal is not decided within 3 calendar days, excluding the day of submission, and if the Soldier so requests, further performance of any punishments involving deprivation of liberty will be delayed pending the decision on the appeal (see sec IV, DA Form 2627-1).

f. Recording and filing of DA Form 2627-1. The proceedings will be legibly summarized on DA Form 2627-1, ordinarily with handwritten entries. These forms will be maintained locally in nonjudicial punishment files (file number 27-10f). They will be destroyed at the end of 2 years from the date of imposition of punishment or on the Soldier's transfer from the unit, whichever occurs first. A copy will be provided to the Soldier if a request is submitted during the filing period.

3-17. Formal proceedings (para 4, part V, MCM)

A commander who, after a preliminary inquiry, determines—

- a. That the Soldier alleged to have committed an offense is an officer, or
- b. That punishment, if it should prove to be appropriate, might exceed extra duties for 14 days, restriction for 14 days, oral reprimand or admonition, or any combination thereof, will proceed as set forth below. All entries will be recorded on DA Form 2627 (Record of Proceedings under Article 15, UCMJ). An illustrated example of a completed DA Form 2627 is shown at figure 3-1.

3-18. Notification and explanation of rights

a. General. The imposing commander will ensure that the Soldier is notified of the commander's intention to dispose of the matter under the provisions of Article 15, UCMJ. The Soldier will also be notified of the maximum

punishment that the commander could impose under Article 15, UCMJ. The Soldier will be provided a copy of DA Form 2627 with items 1 and 2 completed, including the date and signature of the imposing commander. The imposing commander may authorize a commissioned officer, warrant officer, or noncommissioned officer (NCO) (sergeant first class (SFC) or above), provided such person is senior to the Soldier being notified, to deliver the DA Form 2627 and inform the Soldier of the Soldier's rights. The NCO performing the notification should ordinarily be the unit first sergeant or the senior NCO of the command concerned. If it is not possible or practical for an officer or NCO senior to the Soldier to deliver the DA Form 2627 and inform the Soldier of his rights, any Judge Advocate may complete the notification process. In such cases, the notifier should follow appendix B as modified. The Soldier will be provided with a copy of DA Form 2627 and supporting documents and statements for use during the proceedings. The Soldier will return the copy to the commander for annotation. It will be given to the Soldier for retention when all proceedings are completed.

b. Right to remain silent. The Soldier will be informed that—

(1) The Soldier is not required to make any statement regarding the offense or offenses of which the Soldier is suspected, and

(2) Any statement made may be used against the Soldier in the Article 15 proceedings or in any other proceedings, including a trial by court-martial.

c. Right to counsel. The Soldier will be informed of the right to consult with counsel and the location of counsel. For the purpose of this chapter, counsel means the following: A judge advocate (JA), a Department of Army (DA) civilian attorney, or an officer who is a member of the bar of a Federal court or of the highest court of a State, provided that counsel within the last two categories are acting under the supervision of either USATDS or a staff or command judge advocate.

d. Right to demand trial. Soldiers attached to or embarked in a vessel may not demand trial by court-martial instead of nonjudicial punishment. Any other Soldier will be advised that the Soldier has a right to demand trial. The demand for trial may be made at any time prior to imposition of punishment. The Soldier will be told that if the Soldier demands trial, trial could be by SCM, SPCM, or GCM. The Soldier will also be told that the Soldier may object to trial by SCM and that at SPCM or GCM the Soldier would be entitled to be represented by qualified military counsel, or by civilian counsel obtained at no Government expense.

e. Other rights. The Soldier will be informed of the right to—

(1) Fully present the Soldier's case in the presence, except in rare circumstances, of the imposing commander (see para 3-18g).

(2) Call witnesses (see para 4c(1)(F), part V, MCM).

(3) Present evidence.

(4) Request that the Soldier be accompanied by a spokesperson (see para 3-18h).

(5) Request an open hearing (see para 3-18g).

(6) Examine available evidence.

f. Decision period.

(1) If the Soldier requests a decision period, the Soldier will be given a reasonable time to consult with counsel, including time off from duty, if necessary, to decide whether or not to demand trial. The decision period will not begin until the Soldier has received actual notice and explanation of rights under Article 15 and has been provided a copy of DA Form 2627 with items 1 and 2 completed (see para 3-18a). The Soldier will be advised that if the Soldier demands a trial, block 3a of DA Form 2627 must be initialed and item 3 must be signed and dated within the decision period; otherwise, the commander will proceed under Article 15. The decision period should be determined after considering factors such as the complexity of the case and the availability of counsel. Normally, 48 hours is a reasonable decision period. If the Soldier does not request a delay, the commander may continue with the proceedings immediately. If the Soldier requests a delay, the Soldier may, but only for good reason, be allowed an additional period, to be determined by the imposing commander, to decide whether to demand trial. If a new imposing commander takes command after a Soldier has been notified of the original imposing commander's intent to impose punishment, the Soldier will be notified of the change. The Soldier will again be given a reasonable decision period in which to consult with counsel. In either case, item 11, DA Form 2627, will contain the following: "Para 3-18f(1), AR 27-10 complied with."

(2) Prior to deciding whether to demand trial, the Soldier is not entitled to be informed of the type or amount of punishment the soldier will receive if nonjudicial punishment ultimately is imposed. The Soldier will be informed of the maximum punishment that may be imposed under Article 15 and, on the Soldier's request, of the maximum punishment that can be adjudged by court-martial on conviction of the offense(s) involved.

(3) If the Soldier demands trial by court-martial on any offense, no further action will be taken to impose nonjudicial punishment for that offense unless the Soldier's demand is voluntarily withdrawn. Whether court-martial charges will be preferred against the Soldier for the remaining offense(s) and the level of court-martial selected will be resolved by the appropriate commander. A Soldier's demand for trial by court-martial will not bar disposition of minor offenses by nonpunitive measures by the appropriate commander.

(4) If the Soldier does not demand trial by court-martial prior to expiration of the decision period, including any extension of time, the imposing commander may continue the proceedings. The imposing commander also may

continue the proceedings if the Soldier, even though demanding trial, refuses to complete or sign item 3, DA Form 2627, within the prescribed time. In such instances, the Soldier will be informed that failure to complete and sign item 3 may be treated as a voluntary withdrawal of any oral demand for trial. If the Soldier persists in the Soldier's refusal, and punishment is imposed, in addition to recording the punishment, the following entry will be made in item 4, DA Form 2627: "Advised of (his) (her) rights, the Soldier (did not demand trial during the decision period) (refused to (complete) (sign) item 3)."

g. Hearing.

(1) In the presence of the commander, the Soldier will be allowed to personally present matters in defense, extenuation, or mitigation in the presence of the imposing commander, except when appearance is prevented by the unavailability of the commander or by extraordinary circumstances (for example, the Soldier is stationed at a geographic location remote from that of the imposing commander and cannot be readily brought before the commander). When personal appearance is requested, but is not granted, the imposing commander will appoint a commissioned officer to conduct the hearing and make a written summary and recommendations. The Soldier will be entitled to appear before the officer designated to conduct the hearing. (See para 4c(1), part V, MCM.) Within the limitations of AR 27-26, JAs may attend Article 15 proceedings and provide advice to clients. Advice should be provided during a recess in the proceedings. When defense counsel, military or civilian, act as spokespersons, they speak on behalf of the accused and do not serve in a representative capacity.

(2) Ordinarily, hearings are open. Article 15 proceedings are not adversary in nature. However, a Soldier may request an open or closed hearing. In all cases, the imposing commander will, after considering all the facts and circumstances, determine whether the hearing will be open or closed. (See para 4c(1)(G), part V, MCM.) An open hearing is a hearing open to the public but does not require the commander to hold the proceeding in a location different from that in which the commander conducts normal business, that is, the commander's office. A closed hearing is one in which the commander decides that members of the public will not attend. The fact that a Soldier requests and is granted a closed hearing does not preclude announcement of punishment as provided in paragraph 3-22 below. The fact that a closed hearing has been granted does not preclude appearance of witnesses. The commander may grant a request for a closed hearing, yet allow the attendance of certain members of the chain of command or others deemed appropriate to the conduct of the proceedings.

h. Spokesperson. The person who may accompany the Soldier to the Article 15 proceeding and who speaks on the Soldier's behalf need not be a lawyer. An offender has no right to legal counsel at the nonjudicial proceedings. The Soldier may retain civilian counsel to act as the Soldier's spokesperson at no cost to the Government. However, the commander need not grant a delay for the appearance of any spokesperson, to include civilian counsel so retained. No travel fees nor any other costs may be incurred at Government expense for the presence of the spokesperson. The spokesperson's presence is voluntary. Because the proceedings are not adversary in nature, neither the Soldier nor spokesperson (including any attorney present on behalf of the Soldier) may examine or cross-examine witnesses, unless permitted by the imposing commander. The Soldier or spokesperson may, however, indicate to the imposing commander relevant issues or questions they wish to explore or ask.

i. Witnesses. The Soldier's request for witnesses in defense, extenuation, or mitigation will be restricted to those witnesses reasonably available as determined by the imposing commander. To determine whether a witness is reasonably available, the imposing commander will consider the fact that neither witness nor transportation fees are authorized. Reasonably available witnesses will ordinarily include only personnel at the installation concerned and others whose attendance will not unnecessarily delay the proceedings.

j. Evidence. The imposing commander is not bound by the formal rules of evidence before courts-martial and may consider any matter, including unsworn statements, the commander reasonably believes to be relevant to the offense.

k. Action terminating proceedings. If, after evaluation of all pertinent matters, the imposing commander determines that nonjudicial punishment is not warranted, the Soldier will be notified that the proceedings have been terminated and all copies of DA Form 2627 will be destroyed.

l. Imposition of punishment. Punishment will not be imposed unless the commander is convinced beyond a reasonable doubt that the Soldier committed the offense(s). If the imposing commander decides to impose punishment, ordinarily the commander will announce the punishment to the Soldier. The commander may, if the commander desires to do so, explain to the Soldier why a particular punishment was imposed.

m. Right to appeal. The appellate rights and procedures that are available to the Soldier will be explained.

Section IV Punishment (para 5, part V, MCM)

3-19. Rules and limitations

a. Whether to impose punishment and the nature of the punishment are the sole decisions of the imposing commander. However, commanders are encouraged to consult with their NCOs on the appropriate type, duration, and limits of punishment to be imposed. Additionally, as NCOs are often in the best position to observe a Soldier

undergoing punishment and evaluate daily performance and attitude, their views on clemency should be given careful consideration.

b. Pursuant to the authority of the Secretary as set forth in paragraph 5a, part V, MCM, the following additional rules and limitations concerning the kinds and amounts of punishment authorized under Article 15, UCMJ apply (see also table 3-1):

(1) *Correctional custody.* Correctional custody may be imposed by any commander unless the authority to impose has been withheld or limited by a superior authority. Before imposing correctional custody the commander will ensure that adequate facilities, as described in AR 190-47, exist to carry out the punishment. The responsibilities, policies, and procedures concerning the operation of correctional custody facilities are contained in AR 190-47. Soldiers in the rank of SPC or CPL or above may not be placed in correctional custody. However, if an unsuspended reduction to the rank of PFC or below is imposed under an Article 15, correctional custody may also be imposed. Time spent in correctional custody does not constitute lost time (10 USC 972).

(2) *Confinement on bread and water or diminished rations.* This punishment may be imposed only on a Soldier in the rank of PFC or below who is attached to or embarked on a vessel.

(3) *Restriction.* Restriction may be imposed with or without suspension from duties. Normally, the limits of the restriction should be announced at the time punishment is imposed. However, the imposing commander, a successor-incommand, and any superior authority may change the specified limits of restriction; for example, if a Soldier is transferred or assigned duties at another location after imposition and before the term of restriction is completed. The limits of restriction, as changed, will be generally no more restrictive (unless required by military exigencies) than the limits originally imposed.

(4) *Arrest in quarters.* A commissioned or warrant officer undergoing this punishment may be required to perform any military duty not involving the exercise of command. During field exercises, an officer's quarters are those normally occupied by officers of a similar grade and duty position. If a commissioned or warrant officer in arrest in quarters is placed on duty involving the exercise of command by an authority having knowledge of the status of arrest in quarters, that status is thereby terminated.

(5) *Extra duties.* Extra duties may be required to be performed at anytime and, within the duration of the punishment, for any length of time. No extra duty may be imposed that—

(a) Constitutes cruel or unusual punishment or a punishment not sanctioned by the customs of the Service; for example, using the offender as a personal servant.

(b) Is a duty normally intended as an honor, such as assignment to a guard of honor.

(c) Is required to be performed in a ridiculous or unnecessarily degrading manner; for example, an order to clean a barracks floor with a toothbrush.

(d) Constitutes a safety or health hazard to the offender, or

(e) Would demean the Soldier's position as a NCO or specialist (SPC) (AR 600-20).

(6) *Reduction in grade.*

(a) *Promotion authority.* The grade from which reduced must be within the promotion authority of the imposing commander or of any officer subordinate to the imposing commander. For the purposes of this regulation, the imposing commander or any subordinate commander has "promotion authority" within the meaning of Article 15(b) if the imposing commander has the general authority to appoint to the grade from which reduced or to any higher grade (AR 600-8-19). AR 140-158 outlines promotion authority for RC Soldiers.

(b) *Date of rank.* When a person is reduced in grade as a result of an unsuspended reduction, the date of rank in the grade to which reduced is the date the punishment of reduction was imposed. If the reduction is suspended either on or after the punishment was imposed, or is set aside or mitigated to forfeiture, the offender's date of rank in the grade held before the punishment was imposed remains unchanged. If a suspension of the reduction is vacated, the offender's date of rank in the grade to which reduced as a result of the vacation action is the date the punishment was originally imposed, regardless of the date the punishment was suspended or vacated.

(c) *Entitlement to pay.* When a Soldier is restored to a higher pay grade because of a suspension or when a reduction is mitigated to a forfeiture, entitlement to pay at the higher grade is effective on the date of the suspension or mitigation. This is true even though an earlier date of rank is assigned. If, however, a reduction is set aside and all rights, privileges, and property are restored, the Soldier concerned will be entitled to pay as though the reduction had never been imposed.

(d) *Void reduction.* Any portion of a reduction under Article 15 beyond the imposing commander's authority to reduce is void and must be set aside. Where a commander reduces a Soldier below a grade to which the commander is authorized to reduce and if the circumstances of the case indicate that the commander was authorized and intended to reduce the Soldier at least one grade, a one-grade reduction may be approved. Also, if a reduction is to a lower specialist grade when reduction should have been to a lower NCO grade (or vice versa), administrative action will be taken to place the offender in the proper rank for the MOS held in the reduced pay grade. All rights, privileges, and property, including pay and allowances, of which a Soldier was deprived by a reduction that has been set aside must be restored.

(e) *Removal from standing promotion lists.* (See AR 600-8-19.)

suspended), it may not, unless the suspension is vacated, be mitigated to an unsuspended punishment. (See para 3–26 for the time period within which reduction ordinarily may be mitigated, if appropriate, to a forfeiture of pay.)

3–27. Remission

This is an action whereby any portion of the unexecuted punishment is canceled. Remission is appropriate under the same circumstances as mitigation. An unsuspended reduction is executed on imposition and thus cannot be remitted, but may be mitigated (see para 3–26) or set aside (see para 3–28). The death, discharge, or separation from the Service of the Soldier punished remits any unexecuted punishment. A Soldier punished under Article 15 will not be held beyond expiration of the Soldier's term of service (ETS) to complete any unexecuted punishment.

3–28. Setting aside and restoration

a. This is an action whereby the punishment or any part or amount, whether executed or unexecuted, is set aside and any rights, privileges, or property affected by the portion of the punishment set aside are restored. Nonjudicial punishment is "wholly set aside" when the commander who imposed the punishment, a successor-in-command, or a superior authority sets aside all punishment imposed upon an individual under Article 15. The basis for any set aside action is a determination that, under all the circumstances of the case, the punishment has resulted in a clear injustice. "Clear injustice" means that there exists an unwaived legal or factual error that clearly and affirmatively injured the substantial rights of the Soldier. An example of clear injustice would be the discovery of new evidence unquestionably exculpating the Soldier. Clear injustice does not include the fact that the Soldier's performance of service has been exemplary subsequent to the punishment or that the punishment may have a future adverse effect on the retention or promotion potential of the Soldier.

b. Normally, the Soldier's uncorroborated sworn statement will not constitute a basis to support the setting aside of punishment.

c. In cases where administrative error results in incorrect entries on DA Form 2627 or DA Form 2627–1 the appropriate remedy generally is an administrative correction of the form and not a setting aside of the punishment.

d. The power to set aside an executed punishment and to mitigate a reduction in grade to a forfeiture of pay, absent unusual circumstances, will be exercised only within 4 months after the punishment has been executed. When a commander sets aside any portion of the punishment, the commander will record the basis for this action according to notes 11 and 12, DA Form 2627; notes 9 and 10, DA Form 2627–1; or DA Form 2627–2 (see para 3–38b). When a commander sets aside any portion of the punishment after 4 months from the date punishment has been executed, a detailed addendum of the unusual circumstances found to exist will be attached to the form containing the set aside action.

Section VI

Appeals (para 7, part V, MCM)

3–29. General

a. Only one appeal is permissible under Article 15 proceedings. Provisions for other administrative relief measures are contained in paragraph 3–43. An appeal not made within a reasonable time may be rejected as untimely by the superior authority. A reasonable time will vary according to the situation; however, an appeal (including all documentary matters) submitted more than 5 calendar days after the punishment is imposed will be presumed to be untimely, unless the superior commander, in the superior commander's sound discretion for good cause shown, determines it to be timely.

b. If, at the time of imposition of punishment, the Soldier indicates a desire not to appeal, the superior authority may reject a subsequent election to appeal, even though it is made within the 5-day period. Although a suspended punishment may be appealed, no appeal is authorized from the vacation of suspended punishment.

3–30. Who may act on an appeal

a. The next superior authority to the commanding officer who imposed the Article 15 will act on an appeal if the Soldier punished is still of the command of that officer at the time of appeal. If the commander has acted under a delegation of authority, the appeal will be acted on by the authority next superior to the delegating officer. If, at the time of appeal, the Soldier is no longer of the imposing commander's command, the authority next superior to the commander of the imposing command (who can impose the same kind and amount of punishment as that imposed or resulting from subsequent modifications) will act on the appeal.

b. The authority "next superior" to an imposing commander is normally the next superior in the chain-of-command, or such other authority as may be designated by competent authority as being next superior for the purposes of Article 15. A superior authority who exercises GCM jurisdiction, or is a general officer in command, may delegate those powers the superior authority has as superior authority under Article 15(e), UCMJ, to a commissioned officer of the superior authority's command subject to the limitations in paragraph 3–7c. Regardless of the grade of the imposing commander, TJAG is delegated the authority next superior for acting on appeals when no intermediate superior

authority is reasonably available. Such appeals will be forwarded to Criminal Law Division, ATTN: DAJA-CL, Office of The Judge Advocate General, HQDA, 1777 North Kent Street, Rosslyn, VA 22209-2194.

c. When forwarding an Article 15 to TJAG for action on appeal, the imposing commander will review the appeal to determine if action is appropriate based on the matters raised. If the imposing commander determines that no additional action is appropriate, the record of punishment will be forwarded directly. Included with the Article 15 should be any evidence considered by the imposing commander. If the appeal raises any new matters, they should be addressed by the commander in the forwarding documentation.

d. When an Army commander imposes nonjudicial punishment on a member of another Service, the authority next superior will be the authority prescribed by the member's parent Service. (See JAGMAN 0101 for Navy and Marine Corps personnel; AFI 51-201 for Air Force personnel; and MJM COMDTINST M5810.1D for Coast Guard personnel.) Other provisions of this regulation notwithstanding, an appeal by such member will be processed according to procedures contained in the governing regulation of the member's parent Service.

e. When a commander of another Service imposes nonjudicial punishment upon a Soldier, the authority next superior need not be an Army officer or warrant officer. However, the next superior commander for purposes of appeals processed under this regulation must have an Army JA assigned to the commander's staff or the staff of the commander's supporting headquarters. When acting on the Soldier's appeal, the Army JA will advise the commander on the appellate procedures prescribed by this regulation and will advise the other than Army commander to ensure compliance with paragraph 3-34 of this regulation.

3-31. Procedure for submitting an appeal

All appeals will be made on DA Form 2627 or DA Form 2627-1 and forwarded through the imposing commander or successor-in-command, when applicable, to the superior authority. The superior authority will act on the appeal unless otherwise directed by competent authority. The Soldier may attach documents to the appeal for consideration. A Soldier is not required to state reasons for the Soldier's appeal; however, the Soldier may do so. For example, the person may state the following in the appeal:

- a. Based on the evidence the Soldier does not believe the Soldier is guilty.
- b. The punishment imposed is excessive, or that a certain punishment should be mitigated or suspended.

3-32. Action by the imposing commander or the successor-in-command

The imposing commander or the successor-in-command may take any action on the appeal with respect to the punishment that the superior authority could take (see para 6, part V, MCM, and see para 3-33 of this regulation). If the imposing commander or a successor-in-command suspends, mitigates, remits, or sets aside any part of the punishment, this action will be recorded according to notes 11 and 12, DA Form 2627, or notes 9 and 10, DA Form 2627-1. The appellant will be advised and asked to state whether, in view of this action, the appellant wishes to withdraw the appeal. Unless the appeal is voluntarily withdrawn, the appeal will be forwarded to the appropriate superior authority. An officer forwarding the appeal may attach any matter in rebuttal of assertions made by the Soldier. When the Soldier desires to appeal, the imposing commander, or the successor-in-command, will make available to the Soldier reasonable assistance in preparing the appeal and will promptly forward the appeal to the appropriate superior authority.

3-33. Action by the superior authority

Action by the superior authority on appeal will be entered in item 9, DA Form 2627, or item 5, DA Form 2627-1. A superior authority will act on the appeal expeditiously. Once the Soldier has submitted an appeal, including all pertinent allied documents, the appeal normally should be decided within 5 calendar days (3 days for summarized proceedings). The superior authority may conduct an independent inquiry into the case, if necessary or desirable. The superior authority may refer an appeal in any case to a JA for consideration and advice before taking action; however, the superior authority must refer an appeal from certain punishments to a JA, whether or not suspended (see note 9, DA Form 2627). In acting on an appeal, the superior authority may exercise the same powers as may be exercised by the imposing commander or the imposing commander's successor-in-command. A timely appeal does not terminate merely because a Soldier is discharged from the Service. It will be processed to completion by the superior authority.

3-34. Action by a judge advocate

- a. When an appeal is referred to a JA, the superior authority will be advised either orally or in writing of the JA's opinion on—
 - (1) The appropriateness of the punishment.
 - (2) Whether the proceedings were conducted under law and regulations.
- b. If the advice is given orally, that fact and the name of the JA who rendered the advice will be recorded in item 8, DA Form 2627.
- c. The JA is not limited to an examination of written matters of the record of proceedings and may make any inquiries that are necessary.

d. The JA rendering the advice should be the JA providing legal advice to the officer taking action on the appeal.

3-35. Action by superior authority regardless of appeal

Any superior authority may exercise the same powers, as may be exercised by the imposing commander, or the imposing commander's successor-in-command, whether or not an appeal has been made from the punishment (see para 7f (1), part V, MCM). "Any superior authority" has the same meaning as that given to the term "authority next superior" in paragraph 3-30, except that it also includes any authority superior to that authority. A Soldier has no right to petition for relief under this paragraph and any petition so made may be summarily denied by the superior authority to whom it is addressed.

Section VII

Records of Punishment, DA Form 2627 (para 8, part V, MCM)

3-36. Records of punishment

All Article 15 actions, including notification, acknowledgement, imposition, filing determinations, appeal, action on appeal, or any other action taken prior to action being taken on an appeal, except summarized proceedings (see sec III and fig 3-1), will be recorded on DA Form 2627. The DA Form 2627 is a record of completed actions and either the DA Form 2627 or a duplicate as defined in Military Rules of Evidence (M.R.E.) 1001(4) may be considered for use at courts-martial or administrative proceedings independently of any written statements or other documentary evidence considered by an imposing commander, a successor, or a superior authority.

3-37. Distribution and filing of DA Form 2627 and allied documents

a. *General.* The original DA Form 2627 will include as allied documents all written statements and other documentary evidence considered by the imposing commander or the next superior authority acting on an appeal (see g, below). Photocopies of DA Form 2627 will be transmitted through the Soldier's Military Personnel Division (MPD) or the Personnel Service Company (PSC) to the Finance and Accounting Office (FAO) maintaining the Soldier's pay account. DA Form 268, Report to Suspend Favorable Personnel Actions, will be submitted per AR 600-8-2. Standard instructions for distribution and filing of forms for commissioned officers, warrant officers, and enlisted Soldiers serving on active duty are set out below.

b. *Original of DA Form 2627.*

(1) *Place of filing.* For Soldiers SPC or CPL and below (prior to punishment) the original will be filed locally in unit nonjudicial punishment or unit personnel files. Such locally filed originals will be destroyed at the end of 2 years from the date of imposition of punishment or on the Soldier's transfer to another GCMCA, whichever occurs first. For these Soldiers, the imposing commander should annotate item 5 of DA Form 2627 as "Not Applicable (N/A)." When the transfer of a Soldier to a new GCM jurisdiction is for the purpose of receiving medical treatment, the Article 15 form will accompany the Soldier to the new GCM. The 2-year rule will apply in this situation.

(a) For all other Soldiers, the original will be sent to the appropriate custodian listed in (2), below, for filing in the OMPF. The decision to file the original DA Form 2627 on the performance section or the restricted section in the OMPF will be made by the imposing commander at the time punishment is imposed. The filing decision of the imposing commander is subject to review by any superior authority. However, the superior authority cannot direct that an Article 15 be filed in the performance section that the imposing commander directed to be filed in the restricted section. The imposing commander's filing decision will be indicated in item 5, DA Form 2627. A change in the filing decision should be recorded in block 9, DA Form 2627. When a commander or any superior authority makes a decision regarding the filing, the commander should consider the following:

1. The performance section is that portion of the OMPF that is routinely used by career managers and selection boards for the purpose of assignment, promotion, and schooling selection.

2. The restricted section is that portion of the OMPF that contains information not normally viewed by career managers or selection boards except as provided in AR 600-8-104 or specified in the SA's written instructions to the selection board.

(b) Records directed for filing in the restricted section will be redirected to the performance section if the Soldier has other records of nonjudicial punishment reflecting misconduct in the grade of SGT or higher that have not been wholly set aside and recorded in the restricted section. (See para 3-6.)

(c) Where the OMPF is electronic, the restricted section and the performance section mean the restricted section and the performance section of Personnel Electronic Management System (PERMS).

(2) *Mailing addresses.* The original DA Form 2627 will be transmitted by the MPD/PSC to one of the following:

(a) For Active Army (AA) commissioned and warrant officers: U.S. Army Human Resources Command, ATTN: AHRC-MSP-S, 200 Stovall Street, Alexandria, VA 22332-0400.

(b) For U.S. Army Reserve (USAR) commissioned and warrant officers: U.S. Army Human Resources Command, ATTN: AHRC-CIS-P, 1 Reserve Way, St. Louis, MO 63132-5200.

Student Handout 4

Extracted Material from 181-M-1001, Employ Military Justice

This student handout contains 51 pages of extracted material from the following publication:

181-M-1001, Employ Military Justice, 15 September 2000

TSP

pages 1 thru 51

Disclaimer: The training developer downloaded the material for this student handout from the U.S. Army Publishing Directorate Home Page. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

TRAINING SUPPORT PACKAGE (TSP)

(Revised 15 September 2000)

TSP Number/ Title	181-M-1001 Employ Military Justice.
Task Number/ Title	181-331-1001 Employ Military Justice.
Effective Date	15 September 2000
Supersedes TSP	81-9080.00-0001, The Military Justice System
TSP User	Use this TSP to train precommissioning training, OBC, WOCS, and BNCOC Courses.
Proponent	The proponent for this training is The Judge Advocate General's School.
Comments/ Recommendations	Send comments and recommendations directly to Commandant, The Judge Advocate General's School, 600 Massie Road, Charlottesville, VA. 22903-1781
Foreign Disclosure Restrictions	This product has been reviewed by the product developers in coordination with The Judge Advocate General's School foreign disclosure authority. This product is releasable to military students from all requesting foreign countries without restrictions.

PREFACE

Purpose

This training support package provides the instructor with a standardized lesson plan for presenting instruction for:

Task Number:	181-331-1001
Task Title:	Employ Military Justice.
Conditions:	You are a leader who has the responsibility for the conduct and discipline of soldiers assigned to your unit.
Standards:	Employ actions to enforce the provisions of UCMJ. <ul style="list-style-type: none"> • Identifies 100% of the key provisions of the UCMJ process.

**This TSP
Contains**

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Employ Military Justice
181-331-1001

SECTION I. ADMINISTRATIVE DATA

All Courses Including this Lesson

Course Number	Course Titles
	<u>Pre-commissioning Training</u>
	<u>OBC</u>
	<u>WOCS</u>
	<u>BNCO</u>

Task Taught or Supported

TASK NUMBER	TASK TITLE
181-331-1001	Employ Military Justice

Reinforced Task

TASK NUMBER	TASK TITLE
<u>NA</u>	<u>NA</u>

Academic Hours

The academic hours required to teach this course are as follows:

	PEACETIME	MOBILIZATION
	HOURS/METHODS	HOURS/METHODS
	180 MIN/CO	180 MIN /CO
Test	30 MIN /TE	30 MIN /TE
<u>Test Review</u>	<u>30 MIN /TR</u>	<u>30 MIN /TR</u>
Total Hours	2 hr 40 MIN	2 hr 40 MIN

Prerequisite Lesson

LESSON NUMBER	LESSON TITLE
<u>NA</u>	<u>NA</u>

Clearance and Access

There are no clearance or access requirements for this lesson.

References

NUMBER	TITLE	DATE	PARA NO.	ADDITIONAL INFORMATION
	Manual for Courts-Martial, United States (1995 ed.)	1995		
AR 27-10	Military Justice	June 1996		
AR 635-200	Enlisted Personnel	Oct 1990		
AR 600-20	Army Command Policy	March 1988		
DA Form 3881	Rights Warning Waiver			

Student Study Assignments No student study assignments are required.

Instructor Requirements None

Additional Personnel Requirements None

Equipment Required for Instruction None

Materials Required INSTRUCTOR MATERIALS: Viewgraph projector, viewgraphs.
STUDENT MATERIALS: Handouts

Classroom, Training Area, and Range Requirements None

Ammunition Requirements None

NOTE: Before presenting this lesson, instructors must thoroughly prepare by studying this lesson and identified reference material.

Instructional Guidance

Proponent Lesson Plan Approvals	NAME	RANK	POSITION	DATE
	GRANT, KENNETH T.	<u>LTC</u>	<u>Director, Nonresident Instruction, Enlisted Training Development and Court Reporter Training</u>	<u>15 Sep 2000</u>
	MERCK, SARAH P.	<u>COL</u>	<u>Deputy Commandant</u>	<u>15 Sep 2000</u>
	LEDERER, CALVIN M.	<u>COL</u>	<u>Commandant</u>	<u>15 Sep 2000</u>

SECTION II.**INTRODUCTION**

Method of instruction CO
Instructor to student ratio is 1:16
Time of instruction 5 minutes
Media used None

Motivator

You must know about the UMCJ, the duties and responsibilities that apply to you and your soldiers because of your status as a soldier and a leader.

NOTE: Inform students of the following terminal learning objective requirements.

Terminal Learning

At the completion of this lesson you will:

Objective

Action:	List actions that employ the administration of military justice at the unit level.
Conditions:	You are a leader who has the responsibility for the conduct and discipline of soldiers assigned to your unit.
Standard:	Employ action to enforce provisions of UCMJ. <ul style="list-style-type: none">• Identify 80% of the key provisions of Uniform Code of Military Justice process.

Safety Requirements

None

Risk Assessment Level

Low

Environmental Considerations

None

Evaluation

Students will be given a 30-minute test at the conclusion of instruction; -to receive a go, each student must satisfactorily complete 80% of the test items.

Instructional Lead-in

The military has a unique judicial process that depends heavily on the independent judgments of commanders. The commander is engaged at every step of the system. As we will soon see, this carries the risk of using that authority improperly – what we call unlawful command influence – but our system is geared to enforce (and reinforce) the good order and discipline of the units you lead *while* enforcing and protecting the rights that soldiers have under the U.S. Constitution and the Uniform Code of Military Justice (UCMJ).

SECTION III.

PRESENTATION

A.

ENABLING LEARNING OBJECTIVE A:

Action:	Identify the key elements of judicial punishment process.
Conditions:	You are a leader who has the responsibility for the conduct and discipline of soldiers assigned to your unit.
Standards:	Employ actions to enforce the provisions of UCMJ. <ul style="list-style-type: none">• Identify 80% of the key provisions of judicial punishment process.

1.

Learning Step/Activity 1-Identifying key elements of the judicial process.

Method of instruction CO
Instructor to student ratio is IAW course policy.
Time of instruction 15 minutes
Media View graphs

The UCMJ defines the crimes for which soldiers can be prosecuted at courts-martial and contains both civilian-type offenses, such as rape, murder and larceny, as well as strictly military offenses, for example desertion, disobedience, and disrespect. Regardless of which type of court-martial the case is referred, the soldier must still be charged with an offense recognized under the Uniform Code of Military Justice. As an administrator of military justice, you must be familiar with the punitive articles of the UCMJ (**Handout 1**).

NOTE: Distribute Handout 1

a. Articles 78 through 132 of the UCMJ are commonly referred to as “the enumerated offenses.” These are offenses which Congress has specifically told the military are criminal and include elements which the government must prove by proof beyond a reasonable doubt in order to obtain a conviction. These “enumerated” offenses include both uniquely military crimes, such as fraudulent enlistment, being absent without leave, failure to obey a lawful general regulation, insubordinate conduct towards officers and noncommissioned officers, missing movement, improper use of a countersign, misbehavior before the enemy, spying, espionage, being drunk on duty, dueling, and malingering, as well as those crimes typically prosecuted in civilian courts, such as rape, sodomy, murder, larceny, robbery, writing bad checks, distributing drugs, destruction of property, larceny, assault and perjury. However, a soldier who commits an act not specifically proscribed as criminal by the UCMJ can still be prosecuted for the misconduct in one of two ways.

NOTE: Show Viewgraph 1

b. First, whenever an officer’s actions or omissions constitute conduct unbecoming an officer and a gentleman, that conduct can be prosecuted as a violation of Article 133, UCMJ. Any conduct that dishonors or disgraces the officer’s character as a gentleman or lady can potentially be a violation of Article 133. Examples include: charging a fellow officer \$2000 for tutoring in platoon leader skills; loaning money to subordinates and charging usurious interest rates; public association with a person known to be a drug smuggler; sexual intercourse with subordinate during duty hours; sexual exploitation of a civilian waitress under an officer’s supervision; consensual sodomy with enlisted members off post; smoking marijuana with soldiers; charging a subordinate to procure a discharge; sending a sexually suggestive letter to a underage girl; and lying to a superior to get a weekend pass.

NOTE: Show Viewgraph 2

c. Second, Article 134, known as the general article, potentially makes punishable all of those acts not specifically proscribed in the other punitive articles of the UCMJ. Article 134 criminalizes “all disorders and neglects to the prejudice of good order and discipline in the armed forces” and “all conduct of a nature to bring discredit upon the armed forces.” However, not every irregular, mischievous or improper act is a court-martial offense. The conduct must either be directly and palpably prejudicial to good order and discipline or have the tendency to bring the military into disrepute or tend to lower it in public esteem. Some of the common offenses alleged under Article 134 include, adultery, drunk and disorderly conduct, failure to pay just debts, false swearing, fraternization, indecent acts with a child, obstructing justice, breaking restriction, communicating a threat and wearing unauthorized decorations, badges, ribbons and insignia. As you can tell, some of these offenses are not obviously criminal on their face. You should make sure your commander always contact the Staff Judge Advocate or brigade trial counsel before initiating court-martial proceedings to obtain advice on how to properly draft charges and specifications alleging violations of both Articles 133 and 134. Remember, regardless of the level of court-martial, a soldier must still be charged with an offense recognized by the UCMJ to be criminal. Are there any questions? OK, let’s move now to the punishment a soldier could potentially receive if convicted.

A criminal offense may be disposed of in the military in any one of several ways. We will talk shortly about the investigative process. After the appropriate investigation, the commander may decide that no further action is necessary and close the case. In many cases he will choose from options that fall well short of formal judicial action such as courts-martial. He may decide to use nonpunitive measures to address the misconduct. Nonpunitive measures may include ordering extra training, issuing an oral counseling statement, writing a letter of reprimand, imposing a bar to reenlistment, withdrawing pass privileges, processing a rehabilitative transfer, or initiating administrative discharge proceedings. He may also decide that nonjudicial punishment, an Article 15, is warranted. Let’s assume, however, that he has have decided the alleged offenses committed by one of his soldiers are serious enough that something more than a letter of reprimand, an administrative discharge, or an Article 15 is appropriate. If he decides that the proper sanction lies in a judicial forum, then he can recommend the case be referred to a court-martial. There are three types of courts-martial: summary, special and general. Let’s discuss some of the similarities and differences between them (Handout 2).

NOTE: Distribute Handout 2

NOTE: Show Viewgraph 3

a. *Summary.* The summary court-martial, normally convened by a battalion commander, provides for the disposition of minor offenses under simplified procedures. For example, this type of court can only try enlisted personnel. In addition, instead of a military judge, the presiding official is a commissioned officer, usually a field grade, who may, but is not required to, be a lawyer. Further, the accused is not entitled to a military defense lawyer to represent him at the summary court but is allowed to consult one before trial for legal advice. A soldier, however, can always hire a civilian defense lawyer to represent him but he would have to pay for it out of his own pocket. Finally, similar to an Article 15, a soldier must consent to disciplinary action under summary court-martial; however, if a soldier does object, the case can then be sent to a higher level court-martial. Remember, a company commander, does not have the authority to convene a summary court-martial. He can, however, send the case to the battalion commander with recommendations as to disposition.

b. *Special.* The intermediate trial court in the military's criminal justice system is called the special court-martial, normally convened by a brigade commander, and can try anyone subject to the UCMJ, enlisted personnel, warrant officers and commissioned officers alike. The special court-martial can take either of two forms. It may consist of a military judge and not less than three members, or a military judge sitting alone. If the accused requests the latter, then the military judge would decide guilt or innocence and, if found guilty, an appropriate punishment. If an enlisted accused requests trial before members, he can request at least one-third be enlisted, although none would be junior in rank to him. Both a trial counsel and defense counsel are detailed to represent the respective interests of the government and the accused. Just like a summary court, the accused can hire a civilian lawyer and pay for it out of his own pocket.

c. *General.* The general court-martial is the highest military trial court and is usually convened by a general officer, typically the commanding general of a division or the installation commander. It requires more formal detailed administrative procedures than either a summary or special court-martial. These procedures include conducting a pretrial investigation into the allegations, commonly referred to as the Article 32 investigation, as well as issuing written advice from the staff judge advocate concerning: (1) whether there is jurisdiction to try the accused, (2) whether each specification alleges an offense under the UCMJ, and (3) whether each specification is warranted by the evidence. The general court-martial consists of a military judge and at least five court members or a military judge alone. The rules regarding composition of the general court and the rights to representation by defense counsel are generally the same as for a special court-martial. Are there any questions regarding the types of courts-martial? If not, let's discuss what offenses may be tried by court-martial.

The maximum punishment, which may be adjudged, depends primarily on which level of court the accused is tried (Handout 3).

NOTE: Distribute Handout 3

a. *Summary.* The maximum punishment which can be imposed at a summary court may not exceed confinement for one month, hard labor without confinement for 45 days, restriction for two months, forfeiture of two-thirds of one month's base pay and reduction to the grade of E-1. Soldiers in the grades of E-5 through E-9, however, may only be reduced one grade and may not be confined or placed in hard labor without confinement.

b. *Special.* The maximum punishment at a special court-martial is forfeiture of two-thirds base pay per month for 6 months, confinement for 6 months and reduction to the grade of E-1. Also, a special court-martial can impose a fine in lieu of a forfeiture, but ordinarily a fine should not be imposed unless the accused has been unjustly enriched as a result of the offenses for which he has been convicted. In addition, if the General Court-Martial Convening Authority convenes the special court-martial and a punitive discharge is specifically authorized, a bad conduct discharge can also be adjudged against an enlisted accused. However, commissioned officers may not be dismissed or confined at a special court-martial.

c. *General.* A general court martial can adjudge any sentence authorized by the President of the United States in the Manual for Courts-Martial, including a dishonorable discharge, dismissal, confinement for life or a lesser period, forfeiture of all pay and allowances and, in some cases, death. Are there any questions concerning the judicial punishment process?

2.

Learning Activity 2 - Identifying the leader's role in the judicial process.

Method of instruction CO

Instructor to student ratio is IAW course policy.

Time of instruction 5 minutes

Media Viewgraph

The leader's role is simply to dispose of an instance of misconduct or to make an **independent** recommendation to a superior officer that he dispose of the misconduct. The company commander is the first person in the military justice system with formal authority to dispose of cases of misconduct. A company commander has the authority to do a number of things. When he has sufficient information on which to make a decision (sometimes as a result of an investigation he has ordered; more often as a result of an inquiry conducted by military law enforcement) he can choose from the range of available options. These choices range from doing nothing, through the range of nonpunitive measures we just talked about, up to administering a company grade Article 15 or recommending court-martial. Your recommendation to the company commander is important and may be considered in determining an appropriate disposition. One such recommendation could result in preferring court-martial charges. We use the term "prefer" for swearing out court-martial charges. Company commanders most commonly accomplish this, but anyone may do so – though no one can ever be ordered to prefer charges against someone. Keep a couple of principles in mind. Foremost is the command in the Manual for Courts-Martial that we dispose of charges at the lowest reasonable level. Clogging the court-martial process for misconduct that can and should be disposed of more efficiently and more fairly at a lower level gains nothing. The other broad consideration is that the command evaluates each case individually on its own merits; there is no template for disposition. Factors to consider, in consultation with the brigade judge advocate, include the following:

NOTE: Distribute Handout 4.

**NOTE: Show Viewgraph 4
Show Viewgraph 5**

- **Character and military service of the accused.** In other words, what kind of soldier is he? This won't always carry a lot of weight – who cares how good a soldier someone has been if he committed rape or murder – but it is often appropriate when evaluating military offenses.
- **The nature and circumstances of the offense and the extent of the harm caused, including effect on morale, health, safety, welfare, and discipline. This reminds you that our justice-based system reinforces your unit's good order and discipline.** Look hard at the real impact of the crime when deciding what disciplinary or corrective option is appropriate.
- **Appropriateness of the authorized punishment to the particular accused or offense.** The Manual for Courts-Martial lists maximum punishments. You should consult them but realize that in many circumstances a lower punishment and therefore a lesser disposition may be appropriate. Kill flies with flyswatters.
- **Possible improper motives of the accuser.** We must carefully protect and consult victims and witnesses of crimes. We must also, however, evaluate their complaints with healthy skepticism so that we treat our soldiers fairly and so that we use judicial resources appropriately.
- **Reluctance of the victim or others to testify.** We must do all we can to make victims comfortable. When making decisions about cases, however, we have to look at likely outcomes. If a victim has recanted or disappeared, perhaps some other disposition, in some cases a chapter 10 discharge or pretrial agreement, may be an option to consider.
- **Cooperation of the accused in apprehension or conviction of others.** We give great credit to true rehabilitation. We also credit cooperation with law enforcement officials – for the self-serving reason that cooperation sends a positive signal to other potential criminals. When your soldier has given real assistance to law enforcement, you and your judge advocate may decide to recommend leniency or clemency.
- **Availability and admissibility of evidence.** As you know, the laws of evidence are complicated and you are free to let the lawyers master them. Your judge advocate should be able to advise you about the evidentiary strength of your case. This is critical to your decision of whether to pursue, for example, court-martial, when there may be serious questions about admissibility of critical evidence. Your judge advocate can also advise you when defense motions to suppress evidence are not likely to succeed, freeing you to pursue the level of disposition you think most appropriate.
- **Jurisdiction over the accused and offenses.** This is rarely an issue, as military jurisdiction has gotten simpler in recent years. There is nearly every an issue with regard to active duty soldiers. Reserve Component soldiers have more complicated rules and overseas jurisdiction is complicated by Status of Forces Agreements that you will learn about if you are stationed overseas. For Active Component soldiers, the military nearly always has jurisdiction over any offense, though there may be agreements with local authorities on primary jurisdiction.

NOTE: Check on learning Questions

1. What is the definition of an enumerated offense? Articles 78 through 132 of the UCMJ are commonly referred to as "the enumerated offenses." These are offenses in which Congress has specifically told the military are criminal and which include elements that the government must prove by proof beyond a reasonable doubt in order to obtain a conviction. (Learning Objective A, page10, paragraph 1, line 1)
2. What are the three types of court-martials? There are three types. They are the summary, special and general courts-martial. (Learning Objective A, pages 12-13, paragraphs 1-3)
3. What are examples of nonpunitive measures? Nonpunitive measures are one option which commanders may use to address the soldier's misconduct. Nonpunitive measures may include ordering extra training, issuing an oral counseling statement, writing a letter of reprimand, imposing a bar to reenlistment, withdrawing pass privileges, processing a rehabilitative transfer, or initiating administrative discharge proceedings. (Learning Objective A, page 11, paragraph 2)
4. What factors should be considered before disposing of an instance of misconduct? The leader's role is simply to dispose of an instance of misconduct or to make an independent recommendation to a superior officer that he dispose of the misconduct. Factors to consider, in consultation with the brigade judge advocate, include character and military service of the accused; the nature and circumstances of the offense and the extent of the harm caused, including effect on morale, health, safety, welfare, and discipline; appropriateness of the authorized punishment to the particular accused or offense; possible improper motives of the accuser; reluctance of the victim or others to testify; cooperation of the accused in apprehension or conviction of others, availability and admissibility of evidence; and jurisdiction over the accused and offenses. (Learning Objective A, pages 15-16, paragraph 1)

Are there any questions about the judicial process or your role in the administration of military justice?

B.

ENABLING LEARNING OBJECTIVE B:

NOTE:

Inform the students of the enabling learning objective requirements.

Action	Identify the inquiry process.
Conditions	You are a leader who has the responsibility for the conduct and discipline of soldiers assigned to your unit.
Standards:	Employ actions to enforce the provisions of UCMJ. <ul style="list-style-type: none">• Identify 80% of the key provisions of the inquiry process.

1.

Learning Step/Activity 1-List the preliminary inquiry process.

Method of instruction CO
Instructor to student ratio is IAW course policy.
Time of instruction 5 minutes
Media None

A commander is required to begin an investigation when he receives information that

a member of the command is:

- a. accused of a crime or
- b. suspected of committing a crime.

The investigation can involve a wide range of activity extending from your making several phone calls to checking regulations to requesting formal law enforcement assistance.

We must follow the preliminary inquiry process to investigate. Such an investigation:

- a. May be conducted by the commander or his designee.
- b. May be conducted by law enforcement or other investigators.
- c. Must still follow Rules involving the rights against self-incrimination and searches.

Learning Activity 2 - List the AR 15-6 process.

Method of instruction CO

Instructor to student ratio is IAW course policy.

Time of instruction 5 minutes

Media None

Army Regulation 15-6 provides the authority to conduct non-criminal investigations. These investigations may be formal or informal. A commander at any level can appoint an informal investigation, in which one investigating officer typically determines what the facts are and makes recommendations for appropriate action.

An AR 15-6 investigating officer must be a commissioned or warrant officer or a Department of the Army civilian in the grade of GS-13 or above. This person is usually selected because he is the best qualified to conduct the investigation and senior to an individual whose conduct is under investigation or against whom adverse findings or recommendations may be made.

Informal investigation proceedings are not open; statements are taken at sessions for which there is no right to be present or to cross examine witnesses, and the rules of evidence do not apply. Where appropriate, however, soldiers will be advised of their rights under Article 31(b), UCMJ, or, for civilians witnesses, the Fifth Amendment right against self-incrimination and right to counsel.

An informal investigating officer must consult with the Office of the Staff Judge Advocate before beginning the investigation. Legal review of the report of the investigation is required in serious or complex cases (such as where the incident being investigated resulted in death or serious bodily injury), or where the findings and recommendations may result in adverse administrative action, or will be relied upon in actions by higher headquarters.

Formal investigations follow a complex process that we will not address here.

3.

Learning Activity 3 - List Article 32, UCMJ process.

Method of instruction CO

Instructor to student ratio is IAW course policy.

Time of instruction 10 minutes

Media Viewgraph

Article 32, UCMJ, and Rules for Courts-Martial 405 provide authority for the conduct of Article 32 investigations. No charge or specification may be referred to a general court-martial, the highest level of court, without first holding an Article 32 investigation. Each charge and specification must be thoroughly and impartially investigated at the Article 32 investigation. The purposes of the Article 32 investigation are to inquire into the truth of the charges, consider the form of the charges, and make recommendations as to their disposition.

While any court-martial convening authority can do it, it is usually the special court-martial convening authority (typically a brigade commander) who directs the investigation.

The appointing authority will appoint the investigating officer who must be a commissioned officer or commissioned warrant officer. There is a preference for field grade officers or officers with some legal training. The investigating officer serves in a judicial capacity and must be impartial. As such, the investigating officer can not receive legal advice from any lawyer directly connected to the case.

NOTE: Show Viewgraph 6

The accused has the right to attend the hearing, present evidence, and cross-examine witnesses. While the accused can certainly hire his own civilian lawyer out-of-pocket, a military defense counsel is provided to the accused free of charge. Although not required by Army regulation of the Manual for Courts-Martial, the trial counsel will usually attend the investigation and represent the Government's interests. The appointing authority details a reporter, who must manually or electronically record testimony and collect physical evidence to create a report of the proceedings.

Except for the rules dealing with privileges and the rule detailing the use of a victim's prior sexual history, the Military Rules of Evidence do not apply at the Article 32 investigation. Except for the accused, witnesses must testify under oath. During a time of war, statements of unavailable witnesses do not require an oath.

After the close of the proceedings, the investigating officer must submit a timely report to the appointing authority. If the accused is in pretrial confinement, the report must be prepared and completed within 8 days after the hearing terminates. The investigating officer uses DA Form 457 to report findings and recommendations and the accused receives a copy.

NOTE: Show Viewgraph 7

The accused has five days to object to errors in the report. The convening authority may take action on the case before the five days have expired. Normally, failure to object to errors waives the issue. The convening authority is not bound by the investigating officer's recommendation. The convening authority may refer the case to a court-martial, dismiss all or some of the charges, or send the case to a subordinate commander for disposition.

NOTE: Check on Learning Questions

1. What is a preliminary inquiry? The process of an initial investigation conducted by a commander when he receives information that a member of his command is accused of a crime or suspected of committing a crime. (Learning Objective B, page 18, paragraph 1)
2. What are the accused’s rights at an Article 32 investigation? The accused has the right to attend the hearing, present evidence, cross-examine witnesses, and be represented by counsel. (Learning Objective B, page 20, paragraph 3)

C.

ENABLING LEARNING OBJECTIVE C:

NOTE:

Inform the students of the enabling learning objective requirements.

Action:	Identify search and seizure procedures.
Conditions:	You are a leader who has the responsibility for the conduct and discipline of soldiers assigned to your unit.
Standard:	Employ actions to enforce the provisions of UCMJ. <ul style="list-style-type: none"> • Identifies 80% of the key provisions of the search and seizure procedures.

1.

Learning Step/Activity 1-List the authority for search and seizure.

Method of instruction CO
 Instructor to student ratio is IAW course policy.
 Time of instruction 10 minutes
 Media Viewgraphs

NOTE: Show Viewgraph 8

A common method for military police and CID to investigate crime is to search for and seize evidence and to apprehend those who commit crimes.

The Fourth Amendment of the U.S. Constitution protects individuals from *unreasonable* searches and seizures, and usually requires that a search or seizure be based on probable cause and a “warrant” (i.e. “authorization” in the Armed Forces).

The Fourth Amendment applies to soldiers; however, its application reflects a balance between a soldier’s privacy interest and the demands of military necessity and national security.

You must know who can authorize a search or apprehension.

Only three individuals may authorize a search or apprehension:

- Commander (and Acting Commander)
- Military Judge and
- Military Magistrate (Judge Advocate).

The power to authorize a search and/or apprehension is given to the commander in the Manual for Courts-Martial, Military Rule of Evidence 315, 316 and Rule for Courts-Martial 302.

As a soldier you may be involved in gathering and evaluating facts and providing that information to a commander who must decide whether to authorize an apprehension or search for evidence of crime. Aside from the military judge or magistrate, only commanders can authorize searches or apprehensions; and this responsibility cannot be delegated. Whenever possible, contact your JA before authorizing any search or apprehension.

It is important to know who controls the place to be searched or the person to be apprehended.

NOTE: Show Viewgraph 9

a. Authority to *search*:

On installations worldwide, the commander with authority over the place to be searched may authorize a search of that place.

Off the installation (CONUS), the commander who controls the military property may authorize a search (i.e., military vehicle or equipment). A commander cannot authorize the search of a soldier's off-post quarters or personal property.

Off the installation (OCONUS), the commander who controls the military property may authorize a search. A commander may also authorize a search of off-post quarters or personal property so long as he has authority over the person by treaty or local agreement permits.

b. Authority to Apprehend

Generally, if there is probable cause to believe a soldier committed an offense, then any commissioned, warrant, petty or noncommissioned officer, or law enforcement official may apprehend the person wherever he may be without need for authorization from a commander, judge or magistrate.

Exception: When apprehension is made in the home, a warrant or authorization is **required**. Apprehension in an on-post "private dwelling" requires authorization from a magistrate or the commander with control over the dwelling, typically the installation or garrison commander. "Private dwellings" include on-post quarters, BOQ, and BEQ. Apprehension in an off-post private dwelling requires a warrant from a civilian magistrate or judge.

2.

Learning Activity 2 - Identify requirements for conducting a search or seizure.

Method of instruction CO

Instructor to student ratio is IAW course policy.

Time of instruction 15 minutes

Media Viewgraph

NOTE: Show Viewgraph 10

1. *Probable Cause.*

When there is a request for a search or apprehension authorization the commander must first determine whether there is **probable cause**.

(a) Probable cause (PC) for apprehension is: a reasonable belief that the

person to be apprehended is committing or has committed a crime.

(b) Probable cause to search is: a reasonable belief that items connected to criminal conduct are located in the place or on the person to be searched.

Whether the belief is reasonable is tested under the *totality of the circumstances*. That is, taken all the information available about the person or items sought, is it reasonable to believe that the person committed the offense or that the items sought will be found in the place to be searched.

The determination should establish:

What is where, and when was it seen (information must be fresh, not stale?)

How do you know the evidence is there?

Why should the informant be believed? (if there is one).

Keep in mind that generally, an anonymous tip does not, by itself amount to probable cause.

2. *Neutral and Detached determination of probable cause.*

When evaluating whether PC exists and in making the decision, the commander must be neutral and detached. When the commander authorizes an apprehension or search, he is acting in a judicial capacity and must therefore be fair and impartial in the decision. The commander must determine whether to authorize the search of a particular place or thing for evidence of a crime. This decision is based on information gathered *for the commander*, not by the commander. If the commander is actively involved in the investigation, even if he makes a legally sufficient probable cause determination, the evidence may be inadmissible. He cannot, by law, act as both investigator and judge.

NOTE: Show Viewgraph 11

(3) Situations meets one of the following circumstances.

a. **Consent.** When you would like to search for evidence of a crime, you may simply ask for the consent of the person exercising control over the area, property or person to be searched. As a result the commander need not authorize the search. Note also that with a consent search, the government also need not have probable cause. Obtaining consent is often attempted when the government realizes it has no probable cause but is still interested in searching the area.

To be lawful, the consent must be voluntary, that is, freely given. This voluntary consent is reviewed under a totality of the circumstances test. Furthermore, the consent may be partial or limited, that is, the search may be restricted to a certain area or thing.

Furthermore, the search may not exceed the scope of the consent and consent may be withdrawn at any time, if this happens the search must stop immediately.

(b) **Incident to apprehension.** Another type of search is a *search incident to apprehension*. Any person who has been properly apprehended may be searched to ensure the safety of the apprehending official and others, and to prevent destruction of evidence. You may search the person himself, any packages or bags he may be carrying, and the area within his arms' reach. If apprehended in an automobile, you may search the entire passenger compartment.

(c) *Exigent circumstances*. One other type of search is called a *search under exigent circumstances*. A search authorization is not required where the delay involved in obtaining the authorization would likely result in the removal, destruction or concealment of the evidence sought. For example, the staff duty officer, who while walking through the barracks smells marijuana smoke coming from beneath a door, may enter the room, apprehend the occupants, search their persons, seize any items in plain view and only then stop and seek authorization to search the rest of the room. What is key to remember in this example is that if the officer or NCO were to wait and get authorization, evidence would be destroyed or lost. When this is the case, no authorization is required. Action to prevent this loss or destruction can be immediately taken.

3.

Learning Activity 3 - Discuss the chain of custody.

Method of instruction CO

Instructor to student ratio is IAW course policy.

Time of instruction 5 minutes

Media None

After the execution of an authorization to search, it is necessary to account for items seized during the search. This is a simple but important process. If the item(s) seized is evidence of a crime, it may be necessary to use the evidence later in a criminal trial. In a criminal trial, before evidence is admitted, it must be shown that the evidence is what you claim it is (drugs seized from PVT Smith's room) and that they are in the same condition as when seized. To do this, we create a Chain of Custody (CofC). A CofC simply lists the item(s) seized, and who is in control of the item until offered at trial. When you seize an item of evidence you should ordinarily deliver the evidence to military police investigators or CID agents who will begin a chain of custody form. If this is not done, you should create a chain of custody yourself using DA Form 4137, Chain of Custody Document.

4.

Learning Activity 4 - Discuss the inspection procedures.

Method of instruction CO

Instructor to student ratio is IAW course policy.

Time of instruction 10 minutes

Media Viewgraph

NOTE: Show Viewgraph 12

The Fourth Amendment does not restrict a commander's authority to order administrative inspections. Neither probable cause nor a search authorization is required to order an inspection. Inspections are not considered "searches" in a legal sense. They are, instead, examinations ordered by a *commander*, the primary purpose of which is to determine and ensure security, military fitness, or good order and discipline of a unit. These are all administrative reasons to inspect. With this in mind, an inspection is, therefore not an examination designed to collect evidence of a crime for which we hope to prosecute. The commander-in-chief has, therefore, given commanders broad powers to inspect soldiers for fitness without probable cause, that is, a commander may inspect and intrude into private areas without probable cause so long as his purpose is administrative - fitness to fight. If, however, the inspection "smells" like a search, that is, the commander's inspection authority is used to mask a search, the commander-in-chief presumes the inspection is really a search and it is

unlawful because it's typically not based on PC.

An inspection "smells" like a search when any one of three things happen:

1) the inspection immediately followed the report that someone had committed an offense and the inspection was not previously scheduled. OR

2) certain individuals in a unit are targeted for inspection. OR

3) soldiers are subjected to substantially different intrusions (some are patted down and some are strip searched.)

If any one of these three triggers is present in an inspection, and a soldier objects based on this ground, then the government must prove

at trial, by clear and convincing evidence, that the commander's primary purpose was, in fact, administrative, and not for purposes of prosecution.

This means the commander must be able to testify truthfully, under oath, that his primary purpose was to ensure his soldiers could drive the tank safely, operate the forklift without a mishap, work on aircraft without danger to pilots, or put rounds downrange on target.

If the government can convince the court that the commander's primary purpose was administrative by clear and convincing evidence, then the evidence is admissible.

Key points to Remember:

1) Articulate what you are doing and why you are doing it, that is, your primary purpose.

2) Tailor the scope of the inspection to your primary purpose; make it no more intrusive than necessary to accomplish the primary purpose.

3) Limit the discretion of the individuals actually conducting the inspection. Clarify what is and is not subject to inspection; ensure all soldiers inspected are treated equally; issue clear procedures to follow in the event contraband is found.

4) Consider scheduled inspections.

NOTE: Check on learning Questions

1. What is probable cause? Probable cause for apprehension is a reasonable belief that the person to be apprehended is committing or has committed a crime. Probable cause to search is a reasonable belief that items connected to criminal misconduct are located in the place or on the person to be searched. (Learning Objective B, page 24, paragraph 1)

2. What does it mean to be neutral and detached? When evaluating whether probable cause exists and in making the decision, the commander must be neutral and detached. When the commander authorizes an apprehension or search, he is acting in a judicial capacity and must therefore be fair and impartial in the decision. (Learning Objective B, page 25, paragraph 1)

3. What is a search incident to apprehension? Any person who has been properly apprehended may be searched to ensure the safety of the apprehending official and others, and to prevent

destruction of evidence. You may search the person himself, any packages or bags he may be carrying, and the area within his arms' reach. If apprehended in an automobile, you may search the entire passenger compartment. (Learning Objective B, page 25, paragraph 5)

D.

ENABLING LEARNING OBJECTIVE D:

NOTE:

Inform the students of the enabling learning objective requirements.

Action:	Identify soldier's rights under Article 31(b), Uniform Code of Military Justice (UCMJ).
Conditions:	You are a leader who has the responsibility for the conduct and discipline of soldiers assigned to your unit.
Standard:	Employ actions to enforce the provisions of UCMJ. <ul style="list-style-type: none">• Identify 80% of the key provisions of the Article 31(b), UCMJ.

1.

Learning Step/Activity 1-Identify the scope of Article 31(b), UCMJ.

Method of instruction CO

Instructor to student ratio is IAW course policy.

Time of instruction 4 minutes

Media Viewgraph

NOTE: Show Viewgraph 13

Article 31 (b) addresses soldier's right, including the rights waiver. You may ask - why do I need to know about rights warnings? There are a variety of situations where you may be required by law to warn an individual about their privilege against self-incrimination. In our military justice system, the commander, or his or her representative plays a key law enforcement role. The commander frequently conducts investigations and regularly interviews people as part of an investigation.

It is important to note, however, that not all evidence provided by a soldier is protected by Article 31, UCMJ. In order to be protected, the evidence must be both incriminating and "testimonial or communicative." Clearly, oral and written statements fit the definition and are protected by the privileges. So are soldier's actions that have a commonly understood meaning, such as nodding his or her head in response to a question.

Other evidence is not protected, even though it is gathered from a suspect, because it does not require the suspect to "communicate" or "testify" against himself or herself.

Physical characteristics such as fingerprints, scars, tattoos, footprints, or trying on clothing are not protected. This evidence may be incriminating, but its value is in its physical characteristics, not in what the suspect tells you about it. For example, the fingerprint of the suspect may have evidentiary value that is separate and apart from anything the subject may choose to say about the crime. Likewise, body fluids such as blood or urine can incriminate a

suspect, but the collection process does not require the suspect to testify or communicate information. The same is true for voice and handwriting samples. The investigator compares the physical aspects of the suspect's handwriting or voiceprints to the physical aspects of the person who committed the crime.

Additionally, identification is not protected even though the soldier provides the information. This is because a person's identity is neutral information that does not tend to prove a crime. Accordingly, a soldier can be required to identify himself and produce his identification card, even though no rights warnings are given.

The rights warnings under Article 31(b), UCMJ consist of the right to be informed:

- 1) of the nature of the accusation;
- 2) of the right to remain silent; and
- 3) that what is said could be used against him or her in a trial by court-martial. Rights warnings should be read verbatim from DA Form 3881, Rights Warning Procedure/Waiver Certificate.

In addition to the above rights under Article 31(b), UCMJ, the soldier also has the right to have a lawyer present during questioning. This right stems from the Supreme Court case of Miranda v. Arizona, which requires police to advise a suspect of his or her right to counsel when facing a custodial interrogation. The right to counsel under Miranda applies to most situations in which Article 31(b), UCMJ warnings are required.

2.

Learning Activity 2 – Identify when you need to inform a soldier to his/her rights.

Method of instruction CO

Instructor to student ratio is IAW course policy.

Time of instruction 4 minutes

NOTE: Show Viewgraph 14

Article 31, UCMJ was created to protect soldiers from the subtle pressures found in the military to respond to questioning by a superior. Generally, Article 31(b), UCMJ warnings are required whenever a person subject to the UCMJ intends to conduct official questioning of a suspect or accused. Remember that simple phrase and you can't go wrong. Let's discuss each element of the phrase in order.

Official Capacity.

The first part of the rule requires rights warnings when the questioner is acting in an official capacity. Law enforcement personnel and commanders are almost always seen as acting in an official capacity. In contrast, when a soldier brags about criminal conduct in response to a friend's question, those statements may be used against the soldier because the friend is not acting in an "official" capacity and is not required to read rights warnings to the soldier. There is one exception to the official questioning rule. Undercover agents are not required to read rights warnings even though they are military police acting in an official capacity. Since the suspect does not realize he or she is dealing with a police officer or government agent, there are neither subtle nor coercive pressures that would justify rights warnings.

Questioning.

Questioning is a broad term and includes any formal or informal words or actions that are designed to elicit an incriminating response. If, the investigator, in his or her official capacity, tries to get the soldier to tell him or her something that could be used against the soldier, then there is questioning. It is questioning, for example, if the investigator brings a soldier

suspected of stealing a rifle into an office and attempts to get a response by showing the soldier the recently recovered stolen weapon. It is not questioning, however, when a soldier volunteers information or spontaneously gives information without any words or actions reasonably likely to elicit an incriminating response from the investigator. If the investigator simply listens to the soldier, there is no requirement to stop the soldier and advise him or her of their rights. If the investigator wants to question the soldier after the volunteered information, then the investigator must give rights warnings.

Suspect or Accused.

In order to properly conduct an investigation, the investigator must talk to the persons involved in the incident. Those persons can be classified as witnesses or suspects. Witnesses are persons who have information about the incident, but did not do anything criminally wrong. The investigator is not required to read rights warnings to witnesses before questioning them. Suspects are those persons you reasonably believe or should believe committed a criminal offense. The investigator cannot avoid rights warnings by simply saying that he or she (personally) did not suspect the soldier being questioned. A soldier may initially be a witness, but during the interview may reveal information that makes the investigator suspect the soldier of involvement in a crime. At that point, the soldier should be treated as a suspect. A soldier is the “accused” after court-martial charges have been preferred against him or her.

In summary, there is official question of a suspect or accused, the suspect or accused must be informed of his or her rights under Article 31(b), UCMJ prior to the questioning. If the investigator re-interviews the suspect, then the investigator should re-advise him or her before beginning the questioning.

NOTE: Check on learning Questions

1. What are the Article 31(b) UCMJ rights warnings? The rights warnings under Article 31(b), UCMJ consist of the right to be informed of the nature of the accusation; the right to remain silent; and that anything you say can be used against you in a trial by court-martial. In addition, the soldier also has the right to have a lawyer present during questioning. (Learning Objective D, page 31, paragraph 2 and 3)
2. May a soldier be required to produce an identification card? Yes. A soldier can be required to identify himself and produce his identification card, even though no rights warnings are given. (Learning Objective D, page 31, paragraph 1)
3. When are Article 31 b, UCMJ warnings required? The rights warnings are required whenever a person subject to the UCMJ intends to conduct official questioning of a suspect or accused. (Learning Objective D, page 31, paragraph 4 and page 32)

3.

Learning Activity 3 – List procedures for advising a soldier of his/her rights.

Method of instruction CO
Instructor to student ratio is IAW course policy.
Time of instruction 3 minutes
Media Viewgraph

NOTE: Show View graph 15

In order to use the suspect's statement in a later court-martial, the trial counsel must prove that the suspect voluntarily waived his or her rights. If the investigator obtained the statement, he or she will likely be called to testify about the rights warnings given and the suspect's waiver of those rights. This may be a long time after the statement was taken. DA Form 3881 should be used when advising a suspect of his or her rights because it provides not only a written record of the rights warning, but also the suspect's signature which indicates the suspect waived his or her rights. Additionally, the investigator should write the date and time of the rights advisement on the form and have the suspect place his or her initials by each of the rights warnings. The investigator may also prepare a written memorandum recording the events of the warning process. Although these steps are not required, they will assist if there is question about what happened during the rights warning process.

After reading the rights warnings to the suspect, the following questions should be asked:

Do you understand your rights? (Yes)

Do you want a lawyer? (No)

Are you willing to make a statement? (Yes)

If the answers in the parentheses are given, the suspect has waived his or her Article 31(b), UCMJ rights and the investigator may proceed with the interview. If the suspect does not understand his or her rights, the investigator must explain them further; if the suspect wants to remain silent or requests a lawyer, the investigator should stop the interview, make a note of the request, and call a judge advocate for assistance.

It is not permissible for the investigator to use trickery to obtain a suspect's waiver of rights, e.g., telling a suspect his accomplice confessed, but laid the blame completely on him; or telling a suspect his fingerprints were found at the crime scene when none were found. If the suspect is tricked or misled into waiving his or her rights, the waiver will be considered involuntary and the statement will be ruled inadmissible at trial.

If an investigator violates the requirements of Article 31(b), UCMJ, any statement obtained from a suspect or accused which might have been used against the suspect at trial is excluded from evidence. Also, any evidence derived from the statement must be excluded. This may not, however, be the end of the government's case. If the trial counsel can prove the case with evidence which is independent of the inadmissible statement, the prosecution may go forward.

NOTE: Check on learning Questions

1. What three questions should be asked after reading the rights warnings to a suspect? After reading the rights warnings to the suspect, the following questions should be asked: 1. Do you understand your rights? 2. Do you want a lawyer? 3. Are you willing to make a statement?

(Learning Objective D, page 34, paragraph 2)

2. What happens to a statement obtained in violation of Article 31(b), UCMJ if an investigator violates the requirements of Article 31(b), UCMJ, any statement obtained from a suspect or accused which might have been used against the suspect at trial is excluded from evidence. Also, any evidence derived from the statement must be excluded. (Learning Objective D, page 35, paragraph 1)

E.

ENABLING LEARNING OBJECTIVE E:

NOTE:

Action:	Identify restriction procedures.
Conditions:	You are a leader who has the responsibility for the conduct and discipline of soldiers assigned to your unit.
Standard:	Employ actions to enforce the provisions of UCMJ. <ul style="list-style-type: none">• Identify 80% of the key provisions of the Uniform Code of Military Justice process.

1.

Learning Step/Activity 1-Identify the types and the authority for restriction.

Method of instruction CO
Instructor to student ratio is IAW course policy.
Time of instruction 2 minutes
Media none

Authority for **Restriction** procedures.

R.C.M. 304 and UCMJ articles 9, 10, and 13 set forth the authority and procedures for imposing pretrial **restriction** upon soldiers.

Restriction is one of four types of pretrial restraint soldiers may be placed under. In descending order of severity the four types of pretrial restraint are: (1) conditions on liberty; (2) **restriction**; (3) arrest; and (4) confinement.

Unlike confinement, which involves physical restraint, **restriction** is the moral restraint of a soldier's movement to a specified area. For example, commanders can restrict soldiers "to the confines of Fort Swampee," or "the battalion area, to wit: the barracks, mess hall, chapel, and place of duty."

The extent of the area to which a commander limits a soldier's movement will depend upon the totality of the circumstances. Factors a commander should take into consideration include the nature of the offense and the personality and behavior of the soldier involved.

Identify both requirements for restriction

Two questions the commander should ask are whether **restriction** is necessary to ensure the presence of the soldier while the investigation or trial is pending, and whether **restriction** is necessary to prevent additional misconduct by the soldier pending the investigation or trial. Commanders must realize that mere inconvenience to the unit does not justify **restriction**.

Unless otherwise indicated, soldiers are expected to perform their regular duties while restricted.

Note: One other option available to the commander is "withdrawal of pass privileges." Although withdrawal of pass privileges may have the same practical effect as restricting a soldier to the confines of the installation, it is *normally* not considered **restriction**.

Who has authority to order **restriction**? It depends on who is being restricted. Pursuant to RCM 304 (b) and (c);

Restriction of an enlisted soldier may be imposed by any commissioned officer. This authority may also be delegated to warrant and non-commissioned officers

under the officer's command. So your company commander may delegate the authority to restrict soldiers to the First Sergeant or some other non-commissioned officer. On the other hand, authority to impose **restriction** might be taken away from the company commander. For example, the battalion commander is authorized to reserve to him or herself the power to restrict all soldiers within the battalion).

Restriction of an officer may only be done pursuant to a personal order issued by a commander to whose authority the officer is subject. In other words, if First Lieutenant X of A Company is suspected of an offense, only the company, battalion, brigade or division commander may impose **restriction**.

Release from pretrial restriction may be ordered by any person authorized to impose restriction in the first place.

2.

Learning Activity 2 - List the procedures.

Method of instruction CO

Instructor to student ratio is IAW course policy.

Time of instruction 2 minutes

Media None

1. Establish Probable Cause

Prior to ordering **restriction** of a soldier, the commander must have probable cause, that is, reasonable belief that an offense triable by court-martial has been committed; that the person to be restrained committed it; and **restriction** is required by the circumstances.

2. Notify Soldier

Restriction is imposed by notifying the soldier orally or in writing that they are under **restriction**. RCM 304(d) requires that the soldier be told of the conditions and limits of the **restriction**. RCM 304(e) requires that soldiers be informed of the offense(s) for which they are being restricted.

The **restriction** order for enlisted soldiers must be delivered personally by the imposing authority or through his or her representative. In other words, the First Sergeant could inform a soldier that the commander has ordered that he or she be restricted to the company area. Officers placed under **restriction** must be notified personally by the imposing commander, or by some other commissioned officer.

3. Make written record

It is advisable for commanders and others ordering **restriction** to make written records setting out the exact terms of the **restriction** for a soldier. Commanders are also encouraged to have soldiers sign an acknowledgment indicating they have received notice of the terms and limits of their **restriction**. However, failure to do so does not violate any rights of a soldier.

Bear in mind that UCMJ, article 13, and RCM 304(f) prohibit the use of **restriction** to punish a soldier prior to trial. Nor should the terms of **restriction** be more rigorous than what is necessary to ensure the soldier's presence or to prevent future misconduct.

There are three important consequences that result when a soldier is placed under **restriction**. First, imposition of **restriction** starts the 120 day speedy trial clock, even

though charges may not yet be preferred. Second, soldiers are likely to receive some type of administrative credit against the adjudged sentence for each day they are **restricted**. Finally, if the terms of **restriction** are so onerous as to constitute **restriction the equivalent of confinement** the restricted soldier may receive additional administrative credit against the adjudged sentence as punishment against the government.

Are there any questions?

NOTE: Check on learning Questions

1. What must the commander do prior to ordering restriction? Prior to ordering restriction of a soldier, the commander must have probable cause , that is, reasonable belief that an offense triable by court-martial has been committed; that the person to be restrained committed it; and restriction is required by the circumstances. (Learning Objective E, page 37, paragraph 5)
2. How must the soldier be notified of restriction? Restriction is imposed by notifying the soldiers orally or in writing that they are under restriction. (Learning Objective E, page 38, paragraph 1)
3. What are the three consequences that result when a soldier is placed under restriction? First, imposition of restriction starts the 120 day speedy trial clock, even though charges may not yet be preferred. Second, soldiers are likely to receive some type of administrative credit against the adjudged sentence for each day they are restricted. Finally, if the terms of restriction are so onerous as to constitute restriction the equivalent of confinement, the restricted soldier may receive additional administrative credit against the adjudged sentence as punishment against the government. (Learning Objective E, page 38, paragraph 5)

F.

ENABLING LEARNING OBJECTIVE F:

NOTE:

Inform the students of the enabling learning objective requirements.

Action:	Discuss unlawful command influence.
Conditions:	You are a leader who has the responsibility for the conduct and discipline of solders assigned to your unit.
Standard:	Employ actions to enforce the provisions of UCMJ. <ul style="list-style-type: none"> • Identify 80% of the key provisions of unlawful command influence

1.

Learning Step/Activity 1-Define unlawful command influence.

Method of instruction CO
 Instructor to student ratio is IAW course policy.
 Time of instruction 10 minutes
 Media None

Unlawful command influence has been called “the mortal enemy of military justice” and it is certainly the scourge of a system that requires commander involvement at

all levels and in every disciplinary action that can be taken against a soldier.

It is defined as the unlawful assertion of authority that interferes with the fair and just administration of military justice under the UCMJ.

Article 37, UCMJ, was written into the Uniform Code of Military Justice to ensure that commanders did not unlawfully influence the disposition of charges or otherwise poison the justice process. It acknowledges that commanders do have a wide range of authority in the military justice arena but requires that they act with discretion and independence when enforcing good order and discipline. Most of all in this area commanders must remember that they are *judicial* authorities and that some of the judgments and practices on which they rely in the operational setting are inappropriate or counter-productive to the fair administration of justice under the UCMJ.

There are three populations that commanders should keep in mind when considering whether their conduct has the potential to unlawfully influence the judicial process: **subordinate commanders, court-martial panel members, and potential witnesses.** Subordinate commanders are required to make *independent* recommendations regarding the disposition of cases or to make the decisions to dispose of them at their levels, as the Manual for Courts-Martial requires that all cases be disposed of at the *lowest* appropriate level.

2.

Learning Activity 2 - List acts that constitute unlawful command influence.

Method of instruction CO
Instructor to student ratio is IAW course policy.
Time of instruction 10 minutes
Media None

NOTE: Have student discuss the 10 Commandments of Unlawful Command Influence (Handout 5)

One way to check one's knowledge in this area is to know the "10 Commandments of Unlawful Command Influence":

THE COMMANDER MAY NOT ORDER A SUBORDINATE TO DISPOSE OF A CASE IN A CERTAIN WAY. The UCMJ, the Rules for Courts-Martial and the traditions of our system require that each commander makes an *independent* decision regarding disposition of charges. This ranges from doing nothing to administering punishment he is empowered to impose, to making recommendations for disposition to superior officers. A senior officer may not require a subordinate to dispose of a case in a certain way. When a senior feels strongly about a case or type of cases, he may withhold or withdraw the subordinate's authority to act in that case. When such action is contemplated, you should consult R.C.M. 306 and 401 and your judge advocate.

THE COMMANDER MUST NOT HAVE AN INFLEXIBLE POLICY ON DISPOSITION OR PUNISHMENT. In the military we don't have the kinds of "sentencing guidelines" that many of our civilian counterparts struggle with. One of the great strengths of our system is the individualized discipline we offer. Commanders should weight the factors listed in the discussion to R.C.M. 306 when determining the appropriate disposition of a case for *this* soldier under *these* circumstances. There can be no templates.

THE COMMANDER, IF ACCUSER, MAY NOT REFER THE CASE. A victim of a crime is generally not the best person to determine how a case will be disposed of – he is too close to the offense and less likely to be objective. If a commander is a victim, unduly close to the victim, or feels so strongly about a case that he is very personally engaged, then he should not refer the case. The UCMJ disqualifies a convening authority who has an "other than official interest" in a case. It is not wrong to have such an interest – it simply means that the commander should disqualify himself and kick the case up to the next level for disposition.

THE COMMANDER MAY NEITHER SELECT NOR REMOVE COURT MEMBERS IN ORDER TO OBTAIN A PARTICULAR RESULT IN A PARTICULAR TRIAL. When choosing panel members (a jury) the commander is required to apply the criteria of Article 25 of the UCMJ and no others. These criteria are: AGE, EDUCATION, EXPERIENCE, TRAINING, LENGTH OF SERVICE and JUDICIAL TEMPERAMENT. Once a convening authority has picked a panel, he may not “un-pick” it or “fire the jury” just because he is unhappy with the results. If a panel member has not affirmatively disqualified himself (*e.g.*, by being arrested for a crime while sitting on a panel), the member should sit until the normal exhaustion of a panel. It is unlawful to replace a panel because of dissatisfaction with the findings or sentence it returns.

NO OUTSIDE PRESSURES MAY BE PLACED ON THE JUDGE OR COURT MEMBERS TO ARRIVE AT A PARTICULAR DECISION. This is a simple absolute. Judges and panel members take oaths to cast their votes based on the evidence they hear. Commanders should not communicate at any time with panel members about anything that transpires in the courtroom. In addition, they should not communicate their views or “philosophy” to members or potential members. Judges are absolutely independent and commanders may not communicate with them on matters that transpire in the courtroom.

WITNESSES MAY NOT BE INTIMIDATED OR DISCOURAGED FROM TESTIFYING. If there is a “most important” area regarding command influence, this is it. Most anything a commander says or does can “influence” his subordinates. There is a wide range of *lawful* influence, including exhorting subordinates to obey the law, noting behavior

that is especially harmful to the mission, and publicizing concluded disciplinary actions. Commanders must, however, be careful when talking about offenses not to characterize offenses or offenders in such a way that witnesses might be intimidated from testifying in favor of a fellow soldier or will “pull their punches” and testify with less force or candor because of a fear that the command will judge or punish them. When planning to make or publish discipline-related remarks commanders should consult their judge advocates to ensure that they are not saying things that might intimidate witnesses – and rely on their judge advocates to help them find a way to communicate the message in an equally forceful but lawful manner.

THE COURT DECIDES PUNISHMENT. AN ACCUSED MAY NOT BE PUNISHED BEFORE TRIAL.

This commandment is an example of how imprecise a term “command influence” is and how “unlawful command control” or “actions that interfere with justice” might be more appropriate. At any rate, a commander may not place sanctions or restrictions on soldiers before trial. This is because (a) our system does not administer punishment without due process in a court of law, and (b) to punish someone before hand – e.g. requiring an apology or berating the individual in front of a formation or before peers – sends a message to the three populations we talked about (potential jurors, potential witnesses) that might “chill” their involvement in a case and produce poor justice.

RECOGNIZE THAT SUBORDINATES AND STAFF MAY “COMMIT” COMMAND INFLUENCE THAT WILL BE ATTRIBUTED TO THE COMMANDER, REGARDLESS OF HIS KNOWLEDGE OR

INTENTIONS. All soldiers must recognize that “command influence is not just for commanders.” If a subordinate *reasonably* perceives that the words of some senior person – especially XOs and senior enlisted soldiers – reflect the intent of the commander, then courts will interpret those words as though the commander spoke

them. This means that commanders must make clear that they alone will be the source of statements on discipline and that subordinates may not “free lance” or address disciplinary issues without their express permission. It also counsels commanders that they may not engineer an “end run” around the command influence problem by allowing others to say or do things that the commander may not say or do – in any event, it will be attributed to the commander.

THE COMMANDER MAY NOT HAVE AN INFLEXIBLE ATTITUDE TOWARDS CLEMENCY. After trial, a commander has absolute authority to approve the findings and sentence as adjudged or to approve any lesser findings or sentence (he may never make findings or sentence harsher, neither may he send a case back to the panel to reconsider its findings or sentence). When doing so, a commander is *required* to consider defense clemency submissions. Each case must be evaluated on its own merits and the commander must not have an absolute rule – again, a template – that predetermines whether or under what circumstances he will grant clemency.

IF A MISTAKE IS MADE, RAISE THE ISSUE IMMEDIATELY. Nothing is truer in this area than the fact that courts understand the commanders make mistakes, often in good faith. When a problem is raised and fixed, before or during trial, the chances are immeasurably greater that on appeal the courts will find that mistakes were made but that the command, in consultation with its judge advocates, took timely, targeted, and appropriate action to “un-do” the command influence and ensure that the proceeding was free from improper influence.

Remember in this area that the rules are designed to ensure that commanders are *more* effective, not to unduly tie their hands and certainly not to hamper their effectiveness. The UCMJ is a justice-based system that depends on the faith of “good soldiers” for its effectiveness. When a system is not only fair but accurately *perceived* to be fair (which might also mean, at times, inefficient and frustrating), it is a more effective instrument of good order and discipline and undergirds a more effective fighting force.

NOTE: Check on learning Question

1. What are the 10 commandments of Unlawful Command Influence?

(Learning Objective E, pages 41-43)

The Commander May Not Order A Subordinate To Dispose Of A case in A Certain Way.

The Commander Must Not Have An Inflexible Policy on Disposition or Punishment.

The Commander, If Accuser, May Not Refer the Case.

The Commander May Neither Select nor Remove Court Members in Order to Obtain a Particular Result in a Particular Trial.

No Outside Pressures May Be Placed on the Judge or Court Members to Arrive at a Particular Decision.

Witnesses May Not Be Intimidated or Discouraged from Testifying.

The Court Decides Punishment. An Accused Cannot Be Punished Before Trial.

Recognize That Subordinates and Staff may "Commit" Command Influence that will be Attributed to the Commander, Regardless of his Knowledge or Intentions.

The Commander May not Have an Inflexible Attitude Towards Clemency.

If a Mistake is Made, Raise the Issue Immediately.

G.

ENABLING LEARNING OBJECTIVE G:

NOTE:

Inform the students of the enabling learning objective requirements.

Action:	Identify your role in the administration of nonjudicial punishment.
Conditions:	You are a leader who has the responsibility for the conduct and discipline of soldiers assigned to your unit.
Standard:	Employ actions to enforce the provisions of UCMJ. <ul style="list-style-type: none">• Identify 80% of the key provisions of the administration of nonjudicial punishment.

1.

Learning Step/Activity 1-Identify when to recommend the imposition of Article 15.

Method of instruction CO

Instructor to student ratio is IAW course policy.

Time of instruction 3 minutes

Media Viewgraph

As a small unit leader, you will recommend imposition of Article 15 punishment. One of the most valuable disciplinary tools available to the commander is the option of imposing nonjudicial punishment under the provisions of Article 15, Uniform Code of Military Justice (UCMJ). The drafters of the UCMJ recognized the importance of a commander's power to impose punishment upon members of the command for minor offenses. The provisions of Article 15 provide a framework for more detailed guidelines located in Part V of the Manual for Courts-Martial, and Chapter 3, Army Regulation 27-10.

Appropriateness of Article 15 Punishment/Preliminary Inquiry.

A commanding officer is encouraged to use nonpunitive measures to the maximum extent possible in furthering the efficiency of the command without resorting to the imposition of nonjudicial punishment. Such nonpunitive measures include administrative counseling, administrative admonition or reprimand, withdrawal of pass privileges, or imposition of a bar to reenlistment. Resort to nonjudicial punishment is proper only in cases in which administrative measures are considered inadequate or inappropriate. When nonpunitive measures are not suitable, commanders may consider imposing nonjudicial punishment to:

Correct, educate and reform offenders who the imposing commander determines will not benefit from less stringent measures.

Preserve a soldier's record of service from the unnecessary stigma of a court-martial.

Further military efficiency by disposing of minor offenses in a manner requiring less time and personnel than trial by court-martial.

NOTE: Show Viewgraph 16

Upon learning that an offense may have been committed, the commander should conduct an informal inquiry into the matter. The investigation should include a review of police reports or other reports and interviews of witnesses. The inquiry should concentrate on the following three issues;

- 1) whether an offense was committed
- 2) whether the soldier was involved, and
- 3) the character and military record of the soldier. In determining whether an offense was committed, the commander may consult Part IV of the Manual for Courts-Martial, wherein are listed the punitive articles of the UCMJ.

You must ensure your recommendation is appropriate to the situation.

The general rule is that Article 15s should be given for minor offenses under the punitive articles of the UCMJ. An offense is considered "minor" if the maximum authorized punishment for the offense does not include a dishonorable discharge or confinement for more than one year. (para. 3-9, AR 27-10). This is only a guideline, however, and the commander must also consider the nature and circumstances of the offense, and the age, previous record, maturity, and experience of the offender. For example, an offense that authorizes more than one year in confinement, such as failure to obey a general regulation or order, may properly be considered a minor offense when the prohibited conduct is itself of a minor nature. Consultation with the brigade trial counsel or command judge advocate is strongly encouraged.

2. Learning Activity 2 – Identify who is authorized to administer nonjudicial punishment and level of disposition

Method of instruction CO
Instructor to student ratio is IAW course policy.
Time of instruction 2 minutes
Media None

Ensure that the person administering the punishment is authorized. The general rule is the any “commander” is authorized to administer nonjudicial punishment under Article 15. The term “commander” means a “commissioned or warrant officer who, by virtue of that officer’s grade and assignment, exercises primary command authority over a military organization or prescribed territorial area, that under pertinent official directives is recognized as a command” (AR 27-10, para. 3-7). A “command” includes the following: companies, troops and batteries; numbered units and detachments; missions; army elements of unified commands and joint task forces; service schools; and area commands. This list is not exhaustive. If there is doubt whether the commander in question has the authority to impose nonjudicial punishment, look to official orders or directives and consult your brigade trial counsel or judge advocate.

The commander’s discretion to impose and Article 15 is personal and must not be hampered by any superior’s “guidelines” or “policies.” Although a superior commander may not tell a subordinate when to impose an Article 15 or what punishment to assess, the superior commander may withhold authority to his or her level of command and impose the Article 15 himself/herself. This may be done through a partial withholding of certain categories of offenses (e.g. all drug offenses), certain categories of personnel (e.g. all officers or all noncommissioned officers), or in individual cases. The commander may also totally withhold Article 15 authority at his or her level.

There are two types of Article 15s: summarized and formal. Summarized proceedings may be used if the soldier is an enlisted member, and it is determined that, should punishment be appropriate, it should not exceed extra duty for 14 days, restriction for 14 days, oral reprimand or admonition, or any combination thereof. Formal proceedings will be used if the soldier alleged to have committed the offense is an officer, or if the punishment, should punishment prove appropriate, might exceed extra duties for 14 days, restriction for 14 days, oral reprimand or admonition, or any combination thereof.

3. Learning Activity 3 - List the procedures for administering nonjudicial punishment and processing an appeal.

Method of instruction CO
Instructor to student ratio is IAW course policy.
Time of instruction 2 minutes
Media Viewgraph

NOTE: Show Viewgraph 17

Ensure that the soldier has had a notification and explanation of rights.

The commander must provide notice to the soldier of his or her intention to impose an Article 15. The notice will include the alleged misconduct and the maximum punishment that may result, should the soldier be found guilty of the offense(s). The soldier should be provided with a copy of DA Form 2627 and the supporting documents and statements for use during the proceedings. The commander may designate an officer or NCO (SFC or above) to deliver the DA Form 2627 and inform the soldier of his rights. The NCO should ordinarily be the unit first sergeant or the senior NCO of the command concerned (para. 3-18, AR 27-10).

Rights of the soldier. The soldier will be notified of the following rights:

1. Right to remain silent.
2. Right to counsel (formal proceedings only).
3. Right to demand trial.

The soldier will be told that if the soldier demands trial, trial could be by summary court-martial, special court-martial (SPCM), or general court-martial (GCM). The soldier will also be told that he or she may object to trial by summary court-martial and that at SPCM or GCM the soldier would be entitled to qualified military counsel, or to civilian counsel obtained at no expense to the government. In addition, the soldier should be advised that the commander is not limited to the Article 15 charges if trial is demanded.

(4) Decision period.

The soldier may request a reasonable time to decide whether to demand a court-martial and to gather matters in defense, extenuation and/or mitigation. The decision period will not begin until the soldier has received actual notice and explanation of rights under Article 15. Normally, formal proceedings require at least a 48 hour decision period. Summarized proceedings normally require a 24 hour decision period.

(5) Right to call witnesses.

Witnesses will be at no expense to the government. If the witness is located at the installation or nearby, he or she is considered available if his/her attendance would not unnecessarily delay the proceedings.

Right to present evidence.

Right to request an open hearing (formal proceedings only).

Right to request a spokesperson (formal proceedings only).

Right to appeal.

(6) The Hearing.

If the soldier elects to proceed under Article 15, a hearing takes place at which the commander determines the guilt or innocence of the soldier. During the hearing, the commander hears and considers all the evidence for and against the soldier, and decides the guilt or innocence of the soldier. The standard the commander must apply is proof of guilt beyond a reasonable doubt. This is the same standard of proof used at a court-martial and in civilian criminal trials. If the commander finds the soldier guilty, the commander will consider evidence of extenuating and/or mitigating factors. The formal rules of evidence do not apply, except those pertaining to privileges. Therefore, the commander may consider any matter, including unsworn statements, he or she considers reasonably relevant to the offense.

(7) The Right to Appeal.

As noted earlier, one of the rights available to a soldier is the right to an appeal. An appeal not made within a reasonable period of time may be rejected by the appellate authority. An appeal made within five days after imposition of the punishment is considered timely. The commander may extend that time for good cause. (para. 3-29, AR 27-10). The decision to file the Article 15 in the restricted or performance fiche is not subject to appeal.

Who acts on appeal and when? The soldier's appeal is routed through the

commander who imposed the punishment, to that commander's "next superior" authority. Once the appeal is submitted the next superior commander will take action expeditiously. The appellate authority normally should make a decision on an appeal within five calendar days (three days for summarized proceedings). (para. 3-33, AR 27-10). In acting on appeal, the appellate authority may never increase the punishment. Options available include suspension of all or part of a punishment; mitigation or reduction in the quality of quantity of punishment; remission or cancellation of any remaining punishment; or a setting aside of the punishment due to a clear injustice.

NOTE: Check on learning questions

1. What should a commander inquire about during an Article 15 proceeding? Upon learning that an offense may have been committed, the commander should conduct an informal inquiry into the matter. The inquiry should concentrate on the following three issues: 1) whether an offense was committed, 2) whether the soldier was involved, and 3) the character and military record of the soldier. (Learning Objective G, page 46, paragraph 4)
2. What are a soldier's rights under Article 15? A soldier's rights under Article 15 are the 1) Right to remain silent; 2) Right to counsel (formal proceedings only); 3) Right to demand trial; 4) 48 hour decision period; 5) Right to call witnesses; 6) Right to a hearing; and 7) The right to appeal. (Learning Objective G, pages 48-50)

H.

ENABLING LEARNING OBJECTIVE H:

NOTE:

Inform the students of the enabling learning objective requirements.

Action:	Identify legal implications of the homosexual policy.
Conditions:	You are a leader who has the responsibility for the conduct and discipline of soldiers assigned to your unit.
Standard:	Employ actions to enforce the provisions of UCMJ. Identify 80% of the key provisions of the homosexual policy

1.

Learning Step/Activity 1-List the key elements of the homosexual conduct policy.

Method of instruction CO
 Instructor to student ratio is IAW course policy.
 Time of instruction 5 minutes
 Media Viewgraphs

NOTE: Viewgraph 18

- a. **Conduct.** The key to understanding DoD policy on homosexual conduct is to remember that it focuses on homosexual **conduct** (what a soldier does or says) not on **sexual orientation** alone (how a soldier feels about himself or herself as a heterosexual (“straight”) or homosexual (“gay” or “lesbian”) or bisexual (sexually attracted to both genders)).
- b. **“SAM.”** The easiest way to remember the key features of the DoD policy on homosexual conduct is to remember the acronym **“SAM.”** “SAM” stands for **Statements – Acts – Marriages**
- c. **Statements.** We’ll take action to separate a soldier who *says* he or she is gay, or a lesbian, or has a homosexual orientation, because the law says it’s reasonable to presume that someone who says he or she has such an orientation will act on that orientation. There’s a special rule about statements that we’ll discuss later.
- d. **Acts.** We’ll take action to separate a soldier who performs a homosexual act.
 - (1) A homosexual act is any bodily contact, actively taken or passively permitted, between members of the same sex, for the purpose of satisfying sexual desire. It does not require any particular form of intercourse or penetration.
 - (2) A homosexual act also includes any bodily contact that a reasonable person would understand to demonstrate a likelihood that the person will engage in homosexual acts. Depending on the circumstances, this could include hand-holding, kissing, or “slow” dancing with a member of the same sex.
- e. **Marriage.** We’ll take action to separate a soldier who marries or attempts to marry a person of the same biological gender (a male soldier who marries or tries to marry another man, or a female soldier who marries or tries to marry another woman).
- f. **Special Rule About Statements.** As previously stated, a soldier who says that he or she is homosexual (i.e., “I’m gay,” or “I’m a lesbian,” or “I have a homosexual orientation,” or similar such language) will be processed for separation, because it’s reasonable to presume that someone who says that he or she has such an orientation will act on the orientation and

engage in a homosexual act. However, such a soldier may attempt to convince the separation board that despite having made a statement that he or she is homosexual, the soldier won't engage in homosexual acts. If the soldier can convince the separation board that he or she won't engage in homosexual acts, the board can choose to recommend the soldier be retained in the Army.

2.

Learning Activity 2 –Homosexual conduct inquiries.

Method of instruction CO

Instructor to student ratio is IAW course policy.

Time of instruction 5 minutes

Media Viewgraphs

NOTE: Show Viewgraph 19

First, leaders need to understand the DoD policy on homosexual conduct. Leaders must remember that the policy is conduct based: it focuses on what a soldier does or says, not on the soldier's orientation alone.

a. Only commanders can initiate fact finding inquiries into homosexual conduct; subordinate leaders should direct questions and report grounds for separation to their commanders.

b. Commanders should inquire concerning any credible evidence of a basis for discharge. The bases for discharge are easy to remember: think, once again, of the acronym "SAM": Statement – Act – Marriage. What's credible evidence? Any information, considering its source and the surrounding circumstances, that supports a reasonable belief that there's a basis for discharge.

c. Commanders should not investigate (or take other action) when there is NO credible evidence of a basis for discharge. Examples of NO credible evidence include.

(1) Mere suspicion of homosexual conduct, without any credible evidence.

(2) Other people's opinions or rumors about a soldier's homosexual orientation, when the opinion or rumor is not based on factual evidence of a basis for discharge.

(3) The fact that a soldier reads a homosexual publication or goes to a homosexual bar.

(4) Statements made by a soldier claiming homosexuality when the evidence available at the time of the statement supports an attempt to avoid duty, or to void an enlistment. The evidence available to make this credibility determination must be known to the commander at the time of the statement, or discovered by the commander during the limited inquiry allowed by the DoD Homosexual Conduct Policy guidelines. If the commander does not have such evidence, he or she cannot decide that the statement made by the service member is not credible information. Commanders should exercise care before determining that such statements do not meet the requirements of "SAM" as outlined in the DoD Homosexual Conduct Policy guidelines.

d. Commanders who have credible evidence of a basis for discharge should consult with their staff judge advocate for guidance in conducting the inquiry.

e. Informal inquiries are preferred. CID or MPI should usually not become involved in an investigation to determine whether homosexual conduct took place.

f. When interviewing a soldier believed to have committed homosexual conduct, the homosexual conduct policy should be explained to the soldier before questioning. The interviewer will begin the interview by informing the soldier of his or her rights under Article 31, UCMJ. If the soldier doesn't want to make a statement, the interviewer will not ask further questions.

g. An interviewer shall not ask, and a soldier shall not be required to reveal, whether a soldier is heterosexual, homosexual, or bisexual (for example, you cannot ask: "Are you homosexual?" or "Are you gay?"). Inquiries should focus on the conduct or statements that gave rise to the inquiry.

h. If the inquiry is only about a statement (e.g., "I am gay") the soldier has admittedly made, and the soldier does not contest separation, in most cases no further investigation is required. If a commander wishes to investigate further to determine whether the statement is credible, i.e. if he suspects the soldier made the statement to avoid a service obligation or deployment, the commander may further investigate in the following manner:

(1) If the soldier is to be interviewed about the statement, he or she must first be read his or her rights under Article 31, UCMJ.

(2) The soldier can then be asked if he or she has committed, or attempted to commit, homosexual acts. The soldier may be asked if he or she intends to commit homosexual acts in the future. The soldier may be asked why he or she made the statement and what the statement meant.

(3) Members of the soldier's supervisory chain-of-command may be questioned. Other persons suggested by the soldier in the interview may also be questioned.

NOTE: Show Viewgraph 20

(4) Any inquiry beyond steps 1 – 3 above is considered a "substantial investigation" requiring approval from DA level. Consult your Staff Judge Advocate for further guidance.

i. Statements made by a soldier to certain individuals (e.g., chaplains, attorneys, spouses) may be considered confidential. Consult your legal advisor for guidance any time you have questions about possible confidential statements.

j. If you, as a small unit leader, take any of the following actions, you have violated the homosexual conduct policy:

(1) Without approval from the soldier's commander, begin an investigation.

(2) Accuse a soldier of violating the homosexual conduct policy based on:

(a) Suspicion without credible evidence;

(b) Rumors;

(c) Observing a soldier with homosexual materials or in certain locations (e.g., gay bars);

(d) Require a soldier to reveal his or her sexual orientation.

3.

Learning Activity 3 – State guidance if a soldier believes he or she is being harassed or threatened because of a perceived sexual orientation.

Method of instruction CO

Instructor to student ratio is IAW course policy.

Time of instruction 5 minutes

Media Viewgraphs

NOTE: Show Viewgraph 21

A soldier who is being threatened or harassed because he or she is perceived to be homosexual should seek out the chain-of-command, or alternatively, the chaplain, IG, or a JAG legal assistance attorney.

- a. **Don't Investigate a Harassed Soldier.** If a soldier is being harassed or threatened because the soldier is said or perceived to be homosexual, the harassment or threat is not enough by itself to justify investigating the harassed/threatened soldier for homosexual conduct. You should investigate the soldiers allegedly harassing others. The restrictions that apply to the harassed soldier do not apply to those soldiers allegedly committing the harassment.

NOTE: Show Viewgraph 22

- b. **There must be credible information apart from harassment.** A commander still needs credible information apart from any threat or harassment to justify an investigation into homosexual conduct.
- c. **When investigating harassment, don't ask about soldier's orientation/conduct.** When investigating a threat or harassment, don't investigate the threatened/harassed soldier's sexual orientation or whether he or she committed homosexual conduct. Focus on the harassment or threat itself.
- d. **If you get credible information that the harassed soldier meets the requirements for homosexual conduct during the investigation, carefully review it.** The information must be credible, apart from the harassment or threat. Receiving this information does not stop the requirement to investigate and take appropriate action against any harasser.

NOTE: Show Viewgraph 23

- e. Soldiers being harassed/threatened should seek out their chain-of-command. **Soldiers who are being harassed or threatened because they are perceived to be homosexual should seek their chain-of-command for assistance. They should understand that reporting harassment or threats does not support an investigation into whether they have committed homosexual conduct. The command cannot make harassment stop if it is not reported. Commanders must adequately address reported instances of harassment, to include initiating commander's inquiries under R.C.M. 303, or**

referring the case to MPI or CID for investigation of the individuals committing the harassment. Soldiers who are being harassed must know that they will not be investigated regarding their sexual orientation as a result of telling the chain of command about the harassment

I.

ENABLING LEARNING OBJECTIVE I:

NOTE:

Inform the students of the enabling learning objective requirements.

Action:	Identify prohibition against membership and participation in extremist organizations.
Conditions:	You are a leader who has the responsibility for the conduct and discipline of soldiers assigned to your unit.
Standard:	Employ actions to enforce the provisions of UCMJ. <ul style="list-style-type: none"> • Identify 80% of the key provisions of the prohibition against membership and participation in extremist organizations

1.

Learning Step/Activity 1-Discuss the key elements of the Army's policy.

Method of instruction CO

Instructor to student ratio is IAW course policy.

Time of instruction 5 minutes

Media Viewgraphs

NOTE: Show **Viewgraph 24**

Participation in extremist organizations or activities is inconsistent with military service and must be rejected by military personnel. Army policy provides equal opportunity and treatment for all soldiers without regard to race, color, religion, sex, or national origin. Enforcement of equal opportunity is vital to unit cohesion and morale and essential to mission accomplishment.

What is extremism? Extremist organizations and activities advocate racial, gender, or ethnic hatred or intolerance; advocate, create, or engage in illegal discrimination based on race, color, sex, religion, or national origin; or advocate the use of or use force or violence or unlawful means to deprive individuals of their constitutional or legal rights.

In addition to activities specifically prohibited by AR 600-20, commanders have the authority to prohibit military personnel from engaging in or participating in activities that the commander determines will adversely affect good order and discipline or morale within the command. This includes the authority to remove symbols, flags, posters, or other displays from barracks, to place areas or activities off-limits, or to order soldiers not to participate in those activities that are contrary to good order and discipline or morale of the unit or pose a threat to health, safety, and security of military personnel or a military installation.

Even if a specific activity is not prohibited, any soldier involvement with or in an extremist organization or activity, such as membership, receipt of literature, or presence at an event, could threaten the good order and discipline of a unit. In these cases, where soldier involvement does not violate a specific prohibition, commanders must take positive action to educate soldiers and put them on notice of the potential adverse effects that their involvement may have on good order and discipline in the unit and on their careers. The actions include:

- a. Educating soldiers on the Army's equal opportunity policy;

- b. Advising soldiers that any participation in extremist organizations or activities will be taken into consideration when evaluating overall performance (to include remarks on evaluation reports) and when selections for positions of leadership and responsibility are made;
- c. Initiating removal of security clearance, where appropriate;
- d. Initiating reclassification or bar to reenlistment, where appropriate.

2. Learning Activity 2 - List acts that violate the Army's policy.

Method of instruction CO
Instructor to student ratio is IAW course policy.
Time of instruction 5 minutes
Media Viewgraphs

NOTE: Show Viewgraph 25

Soldiers are prohibited from the following actions in support of extremist organizations or activities:

- a. Participating in a public demonstration or rally;
- b. Attending a meeting or activity with knowledge that the meeting or activity involves an extremist cause when on duty, when in uniform, when in a foreign country (either on or off duty or in uniform), when it constitutes a breach of law and order, when violence is likely to result, or when in violation of off-limits sanctions or a commander's order;
- c. Fund raising for an extremist organization.
- d. Recruiting or training members (including encouraging other soldiers to join);
- e. Creating, organizing, or taking a visible leadership role in such an organization or activity;
- f. Distributing literature on or off a military installation the primary purpose and content of which concerns advocacy or support of extremist causes, organizations, or activities and it appears that the literature presents a clear danger to the loyalty, discipline, or morale of military personnel or the distribution would materially interfere with the accomplishment of a military mission.

Penalties for violations of these prohibitions include the full range of criminal (UCMJ) and administrative sanctions.

NOTE: Check on learning Questions

1. What is the DoD policy on homosexuality? The key to understanding DoD policy on homosexual conduct is to remember that it focuses on homosexual conduct (what a soldier does or says) not on sexual orientation alone (how a soldier feels about himself or herself as a heterosexual ("straight") or homosexual ("gay" or "lesbian") or bisexual (sexually attracted to both genders)). The easiest way to remember the key features of the DoD policy on homosexual conduct is to remember "SAM." "SAM" stands for Statements-Acts-Marriages. (Learning Objective H, page 51, paragraph 1)

2. What are some of the ways to violate the DoD homosexuality policy? You have violated the DoD policy on homosexuality if: 1) You are not a commander and you initiate an investigation, 2) You accuse a soldier without credible evidence, or 3) You require a soldier to reveal their sexual orientation. (Learning Objective H, pages 54, paragraph 4)

3. What is an extremist organization? Extremists organizations and activities advocate racial, gender, or ethnic hatred or intolerance; advocate, create, or engage in illegal discrimination based on race, color, sex, religion, or national origin; or advocate the use of or use force or violence or unlawful means to deprive individuals of their constitutional or legal rights. (Learning Objective I, page 55, paragraph 2)

4. What are some of the prohibited types of conduct with respect to extremist organizations? Soldiers are prohibited from participating in a public rally or demonstration; attending a meeting in or activity with knowledge that the meeting or activity involves an extremist cause when on duty, when in uniform, when in a foreign country, when it constitutes a breach of law and order, when violence is likely to result, or when in violation of off-limits sanctions or a commander's order; fund raising for an extremist organization; recruiting or training members; creating, organizing, or taking a visible leadership role in such an organization or activity, and distributing literature on or off a military installation. (Learning Objective I, pages 56-57)

J.

ENABLING LEARNING OBJECTIVE J:

NOTE:

Inform the students of the enabling learning objective requirements.

Action:	Identify hazing prohibitions.
Conditions:	You are a leader who has the responsibility for the conduct and discipline of soldiers assigned to your unit.
Standard:	Employ actions to enforce the provisions of UCMJ. <ul style="list-style-type: none"> • Identify 80% of the key provisions of the hazing prohibitions.

1.

Learning Step/Activity 1-Define hazing.

Method of instruction CO
 Instructor to student ratio is IAW course policy.
 Time of instruction 4 minutes
 Media None

NOTE: Show Viewgraph 26

Military law and regulations are designed to create and maintain an environment that encourages personal development and teamwork, while protecting the dignity of individual soldiers. Certain customs, such as initiation ceremonies for new members of a military organization, may be contrary to these goals. In recognition of the destructive tendencies of some initiation ceremonies and other customs, Department of Defense (DoD) policy, local general regulations, and other directives now prohibit hazing. Some forms of hazing may also violate one or more articles of the Uniform Code of Military Justice (UCMJ) and warrant a court-martial or punishment under Article 15.

The prohibition against hazing does not prevent all customary ceremonies in the military

organization. Rather, it serves as a reasonable limit on the kind of activities that are permitted. All events which commemorate and instill customs and traditions of military service should be conducted with the highest degree of professionalism and dignity. You must understand these prohibitions in order to maintain the proper environment within your organization and to take prompt, appropriate action in the event of violations of the policy.

Hazing is broadly defined as any conduct by a service member or members, regardless of rank, that is cruel, abusive, humiliating, oppressive, demeaning or harmful to another service member, regardless of rank. Soliciting, commanding, or coercing another to perpetrate such activity is also considered hazing. Hazing need not involve physical contact; it can be strictly verbal or psychological in nature. Actual or implied consent to acts of hazing is no excuse, although it may serve as a defense to some criminal offenses related to hazing. Hazing is prohibited by DoD policy. This policy is implemented by local regulations. You should contact your SJA office or higher command to determine the scope of local rules. Violations of these regulations and directives may be punishable under Article 92, UCMJ.

In addition to the restrictions contained in hazing regulations, the UCMJ defines a variety of criminal offenses which may occur in a hazing incident. Some of the offenses that may occur in a hazing incident include: disrespect toward a superior commissioned officer (Art. 89); assaulting a superior commissioned officer (Art. 90); disrespect toward a warrant officer or noncommissioned officer (Art. 91); cruelty and maltreatment of a subordinate (Art. 93); assault or battery (Art. 128); and indecent assault (Art. 134). These and other potential offenses are defined in the Manual for Courts-Martial. You should consult your supporting JAG officer if you suspect that a criminal offense has been committed.

2.

Learning Activity 2 - List acts that constitute hazing.

Method of instruction CO

Instructor to student ratio is IAW course policy.

Time of instruction 4 minutes

Media None

NOTE: Show Viewgraph 27

Hazing may take a wide variety of forms and arise in a wide variety of situations. Hazing may include, but is not limited to, the following conduct: abusive or harmful practical jokes; branding; tattooing; shaving; body painting; “blood wings” ceremonies; forced consumption of alcohol or any other substance.

Hazing is typically associated with initiation ceremonies and other “rites of passage.” Such activities, if not cruel or abusive, and if properly supervised and authorized by the chain of command, can be effective leadership methods to instill unit esprit de corps and unit loyalty. Any such activity should be strictly scrutinized by the chain of command to ensure that the dignity and respect of all participants are maintained, while preserving historical customs and traditions. Consult local regulations concerning specific restrictions.

Hazing does not include authorized training or operational activities. Administrative corrective training or instruction, authorized physical training, and other similar command authorized activities are not prohibited by the hazing policy.

As a noncommissioned officer you are responsible for the morale and discipline of all personnel under your supervision. You must ensure that all subordinates comply with the UCMJ and the policy against hazing. This implies two duties. First, you must ensure that your subordinates fully understand the policy concerning hazing.

Second, you must promptly report hazing incidents to the chain of command.

Are there any questions?

SECTION IV. SUMMARY

Review/ Summarize Lesson

During this block of instruction, we have examined many elements of the administration of military justice at the unit level. We began by identifying the key elements of judicial punishment process and the leader's role in the judicial process. Next, we discussed the preliminary inquiry process and the role of the Article 32 and Army Regulation 15-6 in investigating alleged acts of misconduct. We also discussed searches and seizures, inspections, Article 31 (b) rights and the authority of a commander to place a soldier on restriction. We addressed the 10 Commandments of unlawful command influence. We covered your role in the administration of nonjudicial punishment and the rights of a soldier in this proceeding. We identified the legal implications of the DoD homosexual policy, and the prohibitions against membership and participation in extremist organizations. Finally, we covered the definition of hazing and the various acts that constitute hazing.

NOTE: Make sure you repeat the terminal learning objective of the lesson.

NOTE: Determine if students have learned the material presented by soliciting student questions and explanations. Ask the students questions and correct misunderstandings.

SECTION V. STUDENT EVALUATION

NOTE: Describe how the students will be tested to determine if they can perform the TLO to standard. Refer student to Student Evaluation Plan.

Testing Requirements There will be a 30-minute performance test immediately following the practical exercise. In order to receive a Go, each students must satisfactorily complete 80% of the test items.

NOTE: Rapid, immediate feedback is essential to effective learning. Schedule and provide feedback on the evaluation and any information to help answer student's questions about the test. Provide remedial training as needed.

Feedback Requirement If remedial/refresher training is required, students will be trained by peer instructors, the instructor who taught the class, or the instructor for the course. Have students review all material and references covered in the lesson.

APPENDIX D
STUDENT HANDOUTS

HANDOUT 1

UCMJ The Punitive Articles

Article

- 77 - Principals
- 78 - Accessory after the fact
- 79 - Conviction of lesser included offenses
- 80 - Attempts
- 81 - Conspiracy
- 82 - Solicitation
- 83 - Fraudulent appointment, enlistment or separation
- 84 - Effecting unlawful enlistment, appt. or separation
- 85 - Desertion
- 86 - AWOL
- 87 - Missing movement
- 88 - Contempt toward officials
- 89 - Disrespect toward a superior commissioned officer
- 90 - Assault or willful disobey superior commissioned officer
- 91 - Insubordinate conduct toward warrant officer or NCO
- 92 - Failure to obey order or regulation
- 93 - Cruelty and maltreatment
- 94 - Mutiny and sedition
- 95 - Resistance, breach of arrest, and escape
- 96 - Releasing prisoner w/out proper authority
- 97 - Unlawful detention
- 98 - Noncompliance w/procedural rules
- 99 - Misbehavior before the enemy
- 100 - Subordinate compelling surrender
- 101 - Improper use of countersign
- 102 - Forcing a safeguard
- 103 - Captured or abandoned property
- 104 - Aiding the enemy
- 105 - Misconduct as a prisoner
- 106 - Spies
- 106a - Espionage
- 107 - False official statements
- 108 - Military property: sale, loss, damage, etc.
- 109 - Property other than mil. property: waste, destr., etc
- 110 - Improper hazarding of vessel
- 111 - Drunken or reckless driving
- 112 - Drunk on duty
- 112a - Drugs: wrongful use, possession, etc.
- 113 - Misbehavior of sentinel or lookout
- 114 - Dueling
- 115 - Malingering
- 116 - Riot or breach of peace
- 117 - Provoking speeches or gestures
- 118 - Murder
- 119 - Manslaughter
- 120 - Rape and carnal knowledge
- 121 - Larceny and wrongful appropriation
- 122 - Robbery
- 123 - Forgery
- 123a - Making, drawing, or uttering bad checks
- 124 - Maiming
- 125 - Sodomy
- 126 - Arson
- 127 - Extortion
- 128 - Assault
- 129 - Burglary
- 130 - Housebreaking
- 131 - Perjury
- 132 - Frauds against the U.S.
- 133- Conduct unbecoming an officer & gentleman
- 134 - The General Article
 - Abusing public animal
 - Adultery
 - Assault, indecent
 - Assault, w/intent to murder, rape, etc.
 - Bigamy
 - Bribery & graft
 - Burning w/intent to defraud
 - Check, worthless, making & uttering
 - Cohabitation, wrongful
 - Debt, dishonorable failure to pay
 - Disloyal statements
 - Disorderly conduct, drunkenness
 - Drinking liquor w/prisoner
 - Drunk prisoner
 - Drunkenness, incapacitation for duty
 - False or unauthorized pass
 - False pretenses, obtaining services under
 - False swearing
 - Firearm, discharging through negligence
 - Firearm, willfully discharging, endangering life
 - Fleeing scene of accident
 - Fraternalization
 - Gambling w/subordinate
 - Homicide, negligent
 - Impersonating officer, WO, NCO, or official
 - Indecent acts or liberties w/child
 - Indecent exposure
 - Indecent language
 - Indecent acts w/another
 - Jumping from vessel into water
 - Kidnapping
 - Mail: taking, opening, destroying, stealing
 - Mail: depositing obscene matters in
 - Misprision of serious offense
 - Obstructing justice
 - Wrongful interference admin proceeding
 - Pandering & prostitution
 - Perjury, subornation of
 - Public record: altering, destroying, etc.
 - Quarantine: medical, breaking
 - Restriction, breaking
 - Seizure of property: preventing
 - Sentinel or lookout: offenses against or by
 - Soliciting another to commit an offense
 - Stolen property: knowing receipt, etc.
 - Straggling
 - Testify: wrongful refusal
 - Threat or hoax: bomb
 - Threat, communicating
 - Unlawful entry
 - Weapon, concealed carrying
 - Wearing unauthorized insignia, badge, etc.

HANDOUT 2

COURTS-MARTIAL IN THE ARMY

	Summary	Regular Special (SPCM)	Bad-Conduct Discharge (BCD) SPCM	General
Convening Authority	Battalion Cdr	Brigade Cdr	Division/Corps/Major Installation Cdr (GCM CA)	Division/Corps/Major Installation Cdr***
Composition	One Commissioned Officer	Military Judge alone* , or MJ and minimum of 3 court members	Military Judge alone* or MJ and minimum of 3 court members	Military Judge alone* , or MJ and minimum of 5 court members
Counsel	None detailed. Accused may consult with military lawyer prior to trial. May hire civilian lawyer. lawyer.	Trial Counsel (lawyer)** Defense Counsel (lawyer). Accused may request individual military legal counsel or hire civilian lawyer.	Same as SPCM	Same as SPCM (trial counsel must be a lawyer)
Accused's Options	May refuse SCM.	May request enlisted personnel on court (minimum of 1/3 must be enlisted); may request trial by MJ alone.	Same as SPCM	Same as SPCM
Jurisdiction	Only enlisted personnel Noncapital offenses	All personnel Noncapital offenses	All personnel Noncapital offenses	All personnel All offenses
"Reporter"	Legal Specialist	Legal Specialist	Court Reporter	Court Reporter
Record of Trial	Abbreviated	Summarized	Verbatim	Verbatim

*There are provisions for convening a regular special court-martial without a military judge. A military judge must be detailed to a BCD SPCM unless prohibited by physical conditions or military exigencies. In practice, military judges are detailed to all special courts-martial.

**The trial counsel in a special court-martial need not be a lawyer. In practice a lawyer always represents the government.

***A formal investigation under Art. 32, UCMJ and a written pretrial advice by the SJA are prerequisites for referral to a GCM.

HANDOUT 3

MAXIMUM PUNISHMENT CHART

Type	Confinement	Forfeitures	Reduction	Punitive Discharge
Summary	1 Month	2/3 pay per month for 1 month	E5 and above - one grade E4 and below - lowest Enlisted grade	None
Special	6 months ⁱ	2/3 pay per month for 6 months	Lowest Enlisted Grade	None
BCD Special	6 months ³	2/3 pay per month for 6 months	Lowest Enlisted Grade	BCD (enlisted)
General	See Part IV, MCM, 1984 and Maximum Punishment Chart, Appendix 12, MCM	Total forfeitures of pay and allowances	Lowest Enlisted Grade	BCD (enlisted) DD enlisted, warrant officer) Dismissal (officer)

Only enlisted soldiers may be reduced by courts-martial.

A Summary Court-Martial may impose confinement and hard labor without confinement only on soldiers in the grade of E-4 and below.

A Special Court-Martial may impose confinement only on enlisted soldiers.

In order to impose a BCD, A Special Court-Martial must:

- (1) Be convened by a General Court-Martial Convening Authority.
- (2) Have a military judge detailed (Unless a military judge cannot be detailed because of physical conditions or military exigencies).
- (3) Have a defense counsel within the meaning of Article 27(b), U.C.M.J., detailed.
- (4) Have a verbatim record of trial prepared.

A General Court-Martial may impose the death penalty when authorized by Part IV, MCM, 1984, and the conditions in R.C.M. 1004 are met.

HANDOUT OUT 4

- **Character and military service of the accused.** In other words, what kind of soldier is he? This won't always carry a lot of weight – who cares how good a soldier someone has been if he committed rape or murder – but it is often appropriate when evaluating military offenses.
- **The nature and circumstances of the offense and the extent of the harm caused, including effect on morale, health, safety, welfare, and discipline. This reminds you that our justice-based system reinforces your unit's good order and discipline.** Look hard at the real impact of the crime when deciding what disciplinary or corrective option is appropriate.
- **Appropriateness of the authorized punishment to the particular accused or offense.** The Manual for Courts-Martial lists maximum punishments. You should consult them but realize that in many circumstances a lower punishment and therefore a lesser disposition may be appropriate. Kill flies with flyswatters.
- **Possible improper motives of the accuser.** We must carefully protect and consult victims and witnesses of crimes. We must also, however, evaluate their complaints with healthy skepticism so that we treat our soldiers fairly and so that we use judicial resources appropriately.
- **Reluctance of the victim or others to testify.** We must do all we can to make victims comfortable. When making decisions about cases, however, we have to look at likely outcomes. If a victim has recanted or disappeared, perhaps some other disposition, in some cases a chapter 10 discharge or pretrial agreement, may be an option to consider.
- **Cooperation of the accused in apprehension or conviction of others.** We give great credit to true rehabilitation. We also credit cooperation with law enforcement officials – for the self-serving reason that cooperation sends a positive signal to other potential criminals. When your soldier has given real assistance to law enforcement, you and your judge advocate may decide to recommend leniency or clemency.
- **Availability and admissibility of evidence.** As you know, the laws of evidence are complicated and you are free to let the lawyers master them. Your judge advocate should be able to advise you about the evidentiary strength of your case. This is critical to your decision of whether to pursue, for example, court-martial, when there may be serious questions about admissibility of critical evidence. Your judge advocate can also advise you when defense motions to suppress evidence are not likely to succeed, freeing you to pursue the level of disposition you think most appropriate.
- **Jurisdiction over the accused and offenses.** This is rarely an issue, as military jurisdiction has gotten simpler in recent years. There is nearly every an issue with regard to active duty soldiers. Reserve Component soldiers have more complicated rules and overseas jurisdiction is complicated by Status of Forces Agreements that you will learn about if you are stationed overseas. For Active Component soldiers, the military nearly always has jurisdiction over any offense, though there may be agreements with local authorities on primary jurisdiction.

HANDOUT 5

THE 10 COMMANDMENTS OF UNLAWFUL COMMAND INFLUENCE

1. THE COMMANDER MAY NOT ORDER A SUBORDINATE TO DISPOSE OF A CASE IN A CERTAIN WAY.
2. THE COMMANDER MUST NOT HAVE AN INFLEXIBLE POLICY ON DISPOSITION OR PUNISHMENT.
3. THE COMMANDER, IF ACCUSER, MAY NOT REFER THE CASE
4. THE COMMANDER MAY NEITHER SELECT NOR REMOVE COURT MEMBERS IN ORDER TO OBTAIN A PARTICULAR RESULT IN A PARTICULAR TRIAL
5. NO OUTSIDE PRESSURES MAY BE PLACED ON THE JUDGE OR COURT MEMBERS TO ARRIVE AT A PARTICULAR DECISION.
6. WITNESSES MAY NOT BE INTIMIDATED OR DISCOURAGED FROM TESTIFYING.
7. THE COURT DECIDES PUNISHMENT. AN ACCUSED MAY NOT BE PUNISHED BEFORE TRIAL.
8. RECOGNIZE THAT SUBORDINATES AND STAFF MAY “COMMIT” COMMAND INFLUENCE THAT WILL BE ATTRIBUTED TO THE COMMANDER, REGARDLESS OF HIS KNOWLEDGE OR INTENTIONS
9. THE COMMANDER MAY NOT HAVE AN INFLEXIBLE ATTITUDE TOWARDS CLEMENCY.
10. IF A MISTAKE IS MADE, RAISE THE ISSUE IMMEDIATELY

Student Handout 5

Extracted Material from FM 27-1, Legal Guide for Commanders

This student handout contains 19 pages of extracted material from the following publication:

FM 27-1, Legal Guide for Commanders, 13 January 1992

Chapter 3	pages 3-1 to 3-7
Chapter 4	pages 4-0 to 4-4
Chapter 7	pages 7-0 to 7-6

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CHAPTER 3

The Preliminary Investigation

REPORT OF OFFENSE

Anyone may report an offense by a soldier to the local civilian police, the military police, or the unit commander. If the soldier commits an offense off post, the civilian police will usually investigate. Military police normally investigate on-post offenses. If an offense is minor, such as a soldier disobeying an order or being late for unit formation, a unit NCO or officer will report it to the unit commander. As the company commander, you must conduct a preliminary investigation and make the initial decision about how the case should be handled, no matter how the command reviews the information.

You must ensure that all reported offenses are quickly and thoroughly investigated. You may conduct the preliminary inquiry yourself or direct someone else to do so. (See MCM, R.C.M. 303.) In serious or complex criminal cases, you should seek the help of law enforcement personnel. When collecting information that may prove or disprove allegations of misconduct, investigators should ask three primary questions:

- Was an offense committed?
- Was the suspect involved in the offense?
- What is the character and military record of the suspect?

Investigators must always remain impartial. A one-sided investigation may result in an injustice to the accused and an embarrassment to the command.

Preliminary investigations are usually informal, consisting of interviews with witnesses and reviews of police reports. Investigations must provide a thorough, factual foundation for determining what happened and what should be done. Preliminary investigations should not be confused with UCMJ, Article 32 investigations, which require sworn charges. Nor should they be confused with the procedures for administrative investigations addressed in AR 15-6.

Once a preliminary investigation is complete, you must do one of the following:

- Take no action.
- Take nonpunitive disciplinary action.
- Impose nonjudicial punishment under UCMJ, Article 15.
- Prefer court-martial charges against the accused and forward them up the chain of command with a recommendation for appropriate action.

STATEMENTS OF SUSPECTS AND WITNESSES

Investigations may be complicated or simple. Not all cases will require formal statements; in simple cases, you may find sufficient facts without written statements. You must investigate the circumstances of alleged crimes and examine the facts relevant to the case. You should ensure that all witnesses and suspects are interviewed. Interviews should be fair and prompt. Before questioning, you must advise suspects of their rights under UCMJ, Article 31, and of their right to counsel.

A confession or admission by a suspect without a proper rights warning will not be admissible in a court-martial. A court, however, may still convict an accused because of other evidence of guilt that is admissible. **Failure to warn does not mean automatic acquittal; it means that the admission may not be presented to a court-martial.** (See MCM, 305, Military Rule of Evidence.)

After receiving the warning, a suspect may waive the right to remain silent and the right to consult a lawyer. He must waive these rights freely, knowingly, and intelligently. If a suspect indicates that he wishes to consult a lawyer, he should not be questioned until a lawyer is made available. The installation Trial Defense Service office will provide a military lawyer. If the

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suspect indicates that he does not wish to answer questions, no questions should be asked. If he waives his rights, he may then be questioned about the offense.

In any case, your manner should not lead suspects to believe they are being threatened. Neither should it play down the importance of the warning. If you do either of these, a court-martial may determine that the suspect's agreement to answer questions was in response to coercion or improper inducement. The judge would then find the statement not admissible in the trial. You may decide not to question a suspect if other adequate evidence is available.

Rights Warning Statement

You need not give a rights warning to witnesses who are not suspects. During the questioning, you may, however, begin to suspect that a witness was involved in an offense. The witness may appear to have been an accomplice or an accessory to the crime. You should then stop the questioning, inform the witness of the offense of which you now suspect him, and warn him of his rights as previously described. DA Form 3881 provides a convenient format to apprise individuals of their rights, and you should complete it before questioning a suspect.

Written Statement

A sworn statement is the best way to record accurately and completely information obtained in an investigation. UCMJ, Article 136, authorizes investigating officers to administer oaths in conjunction with sworn statements taken in the course of a preliminary investigation.

No special form is required; however, the investigating officer may use DA Form 2823 for a witness's statement. He should use the language of the witness or suspect throughout the statement, even if the language is vulgar. Doing so ensures that the statement is the witness's and not the composition of the investigating officer. The statement may be narrative, questions and answers, or both.

The following is an appropriate oath for administering and completing the sworn statement:

Do you swear that the statements you have made are the truth, the whole truth, and nothing but the truth?

The witness should sign his name, and the officer administering the oath must then sign his own name.

You should request sworn statements primarily from persons who have direct, personal knowledge of the facts. For example, if Sergeant A provided the information to the witness, you should try to get a sworn statement from Sergeant A. Opinions and conclusions without supporting facts, however, reduce the reliability of sworn statements. You should try to get the facts on which opinions are based and encourage witnesses to provide facts rather than opinions. In each case, the witness should sign the written statement and initial it at the beginning and at the end of each page, at each erasure and correction, and at the places otherwise indicated on DA Form 2823. The initials are to avoid any question of tampering.

Oral Statement

When a suspect waives his rights under Article 31 and his right to counsel but refuses to make a written statement, you should record his remarks. Oral statements may be admissible in a trial by court-martial. A suspect may make a statement about his part in an offense to a person not investigating the case, or he may blurt it out to you before he receives the rights warning. The information he provides may be admissible in a trial by court-martial as well.

LAWFUL SEARCHES AND SEIZURES

You may lawfully seize soldiers' property in their units after a legal search, inspection, or inventory. An unlawful search may violate a soldier's rights and result in seized items being inadmissible in a court-martial.

Searches

PROBABLE CAUSE TO SEARCH

You may direct a search of any person or property in a place under your control only if you have probable cause. You may authorize searches in your company areas, but only post commanders may authorize searches or apprehensions in government quarters. (See MCM, 302, Military Rule of Evidence and MCM, R.C.M. 315.) Probable cause to search requires both of the following:

- You have a reasonable belief that evidence of the crime is on the person or at the place you plan to search.
- The information and its source are reliable.

You must have more than a suspicion, but you need not have absolute proof. In other words,

The following examples are situations in which you would have probable cause to search.

Example 1

A reliable person informs you that he saw the suspect earlier that night with hashish. You trust the informant because of his past as sociation with you. You also know the information is accurate because the informant saw the incident himself. You authorize a search of the suspect's person.

This search is lawful. You knew both the informant and his information to be reliable.

Example 2

A person whose reliability is unknown to you informs you that the suspect is a drug pusher. The informant tells you that the accused has told him that he is going to Metropolis to make a "buy," he will return by train at 1900 or thereabouts, he will be carrying a brown suitcase, and he will go to room 213 in the barracks to make his sale. You advise the CID of these facts, and they in turn place the depot under surveillance. At 1900, the suspect steps off a train arriving from Metropolis. He is carrying a brown suitcase. He immediately takes a taxi to the barracks and goes directly to room 213. The CID advises you of these facts, and you authorize a search, which produces a large quantity of drugs.

probable cause lies between suspicion and knowledge. You must conclude on the basis of information presented to you that the contraband or evidence of a crime is at that time likely to be in the possession of the suspect or on the premises to be searched. Your determination that probable cause exists must be reasonable and based on facts. It may not be based solely on others' conclusions. A CID agent's, first sergeant's, or informant's awareness of sufficient facts to provide probable cause is unimportant unless the commander who orders or authorizes the search receives those facts. That commander must believe the person furnishing the information and the information are reliable before probable cause can exist.

The search is lawful. Although you had no prior knowledge of the informant's reliability, so much of the information he supplied proved to be correct, you had good reason to believe that the rest of the information was also reliable.

Military judges and magistrates may also issue warrants to search suspects and property subject to military control, also upon a showing of probable cause. (See MCM, Mil. R. Evid. 315) When time permits, information supporting an authorization should be provided under oath or affirmation and in writing.

Since the law concerning probable cause is often difficult to apply, you should consult a judge advocate before authorizing a search. Doing so will not only help you avoid unlawful searches and protect soldiers' rights, but will also ensure that physical evidence will be admissible in a court-martial. Appendix A shows a completed affidavit requesting authorization to search. Appendix B shows a written search authorization. The military, however, has no requirement that either the request or the authorization be in writing.

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NO PROBABLE CAUSE TO SEARCH

The following paragraphs address searches that do not require probable cause to be lawful.

Searches incident to lawful apprehension. A soldier may be searched when and where he is legally apprehended. (See Apprehensions, page 3-14.) Such a search is to discover weapons and prevent destruction of evidence. The search is limited to the soldier's person and the area within his immediate control. For example, the area within his immediate control might include an open wall locker within reach, but it might not include the entire room. However, a complete search of the passenger compartment of an automobile is permissible, even if the apprehended soldier has been removed from the vehicle and cannot return to it.

Searches of government property. A search of government property does not require probable cause unless the person to whom the property is assigned or issued has a reasonable expectation of privacy. Generally, a person does not have a reasonable expectation of privacy in regard to government property that is not issued for personal use. (See MCM, Mil. R. Evid. 314(d).)

Searches by consent. Probable cause is not necessary when a person freely consents to the search. Because consent is a waiver of the Constitutional right of freedom from unreasonable searches, the government must be able to produce clear and convincing evidence that the consent was voluntary and not a submission to authority. You should have a witness to a soldier's consent to a search. If the consent becomes an issue at a trial, the witness can verify its nature. If the search then uncovers evidence of criminal conduct, the evidence will be admissible at a trial. (See MCM, Mil. R. Evid. 314(e).)

To establish voluntary consent, the suspect should be informed of both of the following:

- The legal right to withhold consent.
- The fact that any evidence found during the search can be used against the suspect.

The following examples are situations lacking probable cause to search.

Example 1

A CID agent calls you and states that he has apprehended one of your soldiers at the railroad station with marijuana on his person. The agent requests authority to search the suspect's living area. Based solely on this information, you authorize a search of the suspect's wall locker, where the agent finds more marijuana.

The search is unlawful. You had no evidence from which to reasonably conclude that the suspect had marijuana in his wall locker, which is located some distance from his place of apprehension. You must have more than mere suspicion.

Example 2

A reliable person informs you that three weeks ago he saw marijuana in the suspect's footlocker. Based solely on this information, you authorize a search of the suspect's footlocker.

This search is unlawful. Since the reported possession was far removed in time, you had no valid reason to believe that the suspect still had any marijuana. Your being told that the suspect was seen with marijuana in his footlocker that same day would constitute probable cause and be a basis for a lawful search.

Example 3

A larceny occurs in the barracks, and \$500 and a dress are reported missing. Three days later, Private Smith, the victim's roommate, buys a stereo from the post exchange for \$350. The victim, suspicious of her roommate, informs you. Based solely upon this information, you authorize a search and discover \$200 and the dress in Private Smith's wall locker.

The search is unlawful. Suspicion alone does not constitute probable cause. You should have continued the investigation until more information was uncovered, such as report that another soldier had seen the victim's dress in the suspect's wall locker.

Seizures

Evidence in open view or in a public area such as a dayroom or an open field may be lawfully seized without probable cause and without consent. (See MCM, Mil. R. Evid. 314(j).)

The Fourth Amendment prohibits unreasonable seizure of the person. An unreasonable seizure may result in the evidence being inadmissible in a court-martial.

CONTACTS AND STOPS

Every contact between an official and soldier is not a detention and therefore subject to the Fourth Amendment. Many contacts do not result from suspicion of criminal activity. Examples of lawful contacts include questioning witnesses to crimes and warning pedestrians that they are entering a dangerous neighborhood. These types of contacts are entirely reasonable, permissible, and within the normal activities of law enforcement personnel and commanders—they are not detentions in any sense.

Officers, NCOs, and MPs may initiate contact with persons in any place they are lawfully situated. It is difficult to define when a person is lawfully situated. Generally, this includes inspecting the barracks, making a walk-through of the barracks or unit area, and presence in any place for a legitimate military purpose.

An officer, NCO, or MP who reasonably suspects that a person has committed, is committing, or is about to commit a crime has the obligation to stop that person. He may stop both pedestrians and vehicle occupants. If the person stopped is a suspect to be questioned, the official should read him or her Article 31 and the counsel warnings. The stop must be based on more than a hunch. The official making the stop should be able to state specific facts to support the decision to stop an individual.

APPREHENSIONS

Any officer, warrant officer, noncommissioned officer, or military policeman may apprehend individuals with probable cause. Probable cause

to apprehend requires the following:

- A reasonable belief that a crime is being committed or has been committed.
- A reasonable belief that the person being apprehended is guilty of a crime.

An example of probable cause to apprehend is when you or another reliable person have seen someone violate UCMJ, such as using marijuana, assaulting someone, breaking another's property, or being drunk and disorderly. Probable cause requires a common sense appraisal of all available facts and circumstances.

You may apprehend a soldier anywhere and anytime; the only limitation is that you must have probable cause. To do so, you should identify yourself as an officer and show your ID card if you're not in uniform. Tell the soldier you are apprehending him and explain the reason, such as disorderly conduct, assault, or possession of marijuana. You may use help. Read the soldier his Article 31 rights, preferably from a rights warning card, as soon as practicable. If the soldier resists apprehension by running away or assaulting you, enlist others to help catch him; he may be prosecuted for resisting apprehension or disobeying an order. You may detain civilians until military or civilian police arrive.

Generally, with probable cause, no arrest warrant is required in the military. There is one important exception, however: **a warrant is required for any apprehension in a private dwelling, such as on-post family quarters, the BOQ or BEQ, or off-post quarters.** The barracks and field encampments are not considered private dwellings; therefore, no special authorization is needed to apprehend someone there.

If the person to be apprehended is in a private dwelling, the apprehending officer must get authorization from a military magistrate or the commander with authority over the private dwelling (usually the installation commander). Also, to apprehend a person at off-post quarters requires coordination with civilian authorities.

INSPECTIONS

Search and seizure requirements do not limit your authority to conduct inspections. The primary purpose of inspections is to ensure the unit's security, military fitness, and order and discipline. Orders for urinalyses are a permissible part of a valid inspection. An inspection can include an examination to locate and confiscate unlawful weapons or contraband as long as the inspection is not a pretext for a search; that is, the primary purpose of an inspection cannot be to obtain evidence for use in a trial or other disciplinary proceeding.

An inspection for weapons or contraband may not be proper if any of the following occurs—

- The inspection immediately follows a report of a specific offense in the unit and was not scheduled before the report.
- Specific individuals are selected for inspection.
- Persons inspected are subjected to substantially different intrusions.

Such an inspection is proper only if the government presents clear and convincing evidence that the primary purpose was to ensure security, military fitness, or order and discipline and not to secure evidence for a trial or disciplinary proceeding. Evidence disclosed during a legitimate inspection may be seized and admitted at a court-martial. (See MCM, Mil. R. Evid. 313.)

INVENTORIES

When a soldier is absent without leave, is about to be confined, or is being detained by civilian authorities, an inventory of that soldier's personal belongings is required. As with an inspection, an inventory may not be a pretext for search. Evidence obtained as a result of a lawful inventory is admissible in a court-martial. (See MCM, Mil. R. Evid. 313.)

COOPERATION WITH POLICE INVESTIGATORS

You should coordinate with military police and CID investigators for several important reasons. The offense may be more serious than you realize. If it is complicated, sophisticated investigative techniques may be necessary.

They may include lineups, fingerprinting, expert interrogation, or laboratory analyses. Also, the offense may be one of a series of crimes currently under investigation.

ARs 190-30 and 195-2 require you to report criminal activity, known or suspected, to the military police for appropriate investigation. This requirement applies to persons subject to the UCMJ, Department of Defense civilian employees in connection with their assigned duties, government property under Army jurisdiction, or incidents occurring in areas under Army jurisdiction.

PRESERVATION OF PHYSICAL EVIDENCE

You must preserve and safeguard in your custody any physical evidence of an offense. As few people as possible should handle it; everyone who touches it may have to appear at the trial. Physical evidence must be carefully marked, to ensure later identification, and recorded on a chain-of-custody document. (See AR 195-5.) The chain-of-custody document, such as DA Form 4137, is a record of everyone who has handled an item from when it was originally identified as evidence until the trial. Physical evidence should then be turned over to professional investigators as soon as possible.

Perishable and unstable evidence requires special attention for preservation. Sometimes professional assistance is necessary, for example, to preserve a fingerprint or a tire track. The military police can usually assist.

The first person to assume custody of the physical evidence marks it immediately. This person may mark the item itself, usually with his initials, the date, and the time. If the evidence cannot be marked, he should place it in a sealed, marked container. The container must be tamper-proof or sealed to show an absence of tampering. When physical evidence is introduced at trial, counsel must show that it is the same item found at the scene of the crime or otherwise connected with the offense and is unaltered.

PRETRIAL CONFINEMENT

While charges are being processed, you may need to confine or restrict the suspect. Pretrial confinement is limited to persons reasonably suspected of a serious offense and in which it is necessary to ensure their presence at trial or to prevent them from committing other offenses. In determining whether confinement is appropriate, you should remember that it deprives the accused of liberty while he is presumed innocent and makes his defense preparations difficult. Your convenience is not enough to justify curtailing a soldier's freedom, and you may not use it as punishment. Also, an accused will receive day-for-day credit for his confinement against the adjudged sentence.

Grounds for pretrial confinement are the accused's foreseeable, serious criminal misconduct or risk of his absence before trial. Serious criminal misconduct includes-

- Intimidation of witnesses.
- Obstruction of justice.
- Obstruction of justice.
- Serious injury to others.
- Serious threats to the safety of the community.

When a soldier is placed in pretrial confinement, he must be informed of-

- The nature of the offenses for which he is confined.
- His right to remain silent and that anything he says maybe used against him.
- His right to request counsel and to retain civilian counsel at no expense to the government.
- The procedures for review of pretrial confinement.

Developments in military decisional law and requirements for magisterial review have made pretrial confinement considerations increasingly complex. If you consider confinement necessary, consult with the staff judge advocate, the chief of military justice, or the trial counsel. (See MCM, AR 27-10, and AR 600-31.)

Types of confinement include—

- **Conditions on liberty.** Under this type of restraint, a soldier may be required to avoid certain activities, places, or people. A speedy trial is not gauged against the imposition of conditions on liberty.
- **Restriction.** Under this type of restraint, the accused is directed to remain within specified limits but ordinarily performs regular duties. Imposition of restriction starts the 120-day limit required for a speedy trial.
- **Arrest.** This type of restraint is much like restriction, but the soldier ordinarily does not perform his regular duties. Arrest starts the 90- day limit required for a speedy trial.
- **Confinement.** Confinement is a full, physical restraint in a confinement facility. It starts the 90-day limit for a speedy trial.

You must review any pretrial confinement within 72 hours and prepare a memorandum justifying it. This normally occurs prior to placing a soldier in confinement. Within 7 days, a neutral reviewing officer (usually a military judge or judge advocate) will review your confinement justification. The accused may present testimony to the reviewing officer and may also ask the military judge to review the confinement at trial. (See MCM, R.C.M. 305.)

CHAPTER 4 NONJUDICIAL PUNISHMENT

PROVISIONS OF UCMJ, - ARTICLE 15

Under the provisions of UCMJ, Article 15, commanding officers may impose nonjudicial punishment upon soldiers who commit minor offenses within their units. These soldiers include commissioned officers, warrant officers, and other soldiers whether attached or assigned. Nonjudicial punishment is not the same as non-punitive disciplinary measures, which Chapter 2 of this manual discusses.

To be punished under an Article 15, soldiers must violate the UCMJ, that is, their conduct must be criminal. However, the crime must be minor in order for nonjudicial punishment to be appropriate. Ordinarily, if the accused is tried by general court-martial, a minor offense does not include misconduct that is punishable by dishonorable discharge or confinement for more than one year. All circumstances surrounding the offense and the personal history of the offender should be considered.

AUTHORITY TO IMPOSE AN ARTICLE 15

Any commanding officer, including a warrant officer in command, may impose an Article 15 unless a superior commander has restricted or withheld the authority to do so. For example, general officers in command often reserve to themselves the authority to impose nonjudicial punishment upon their officers. Only commanding generals and general court-martial convening authorities may delegate Article 15 authority. In no case may noncommissioned officers impose nonjudicial punishment, even on behalf of commanders.

Company grade officers in command may impose nonjudicial punishment as outlined in Table 1, shown on the next page. If a company grade officer does not feel that company grade punishment is adequate for an offense, he should forward the case to the field grade commander with a request that the field commander exercise authority under the provisions of UCMJ, Article 15. The company grade commander may not, however, recommend what punishment the offender should receive.

A field grade officer may return a case to a company grade officer for disposition. In no case may a superior direct that a subordinate commander take action under Article 15, nor may the superior dictate to a subordinate the type of punishment to be administered under Article 15. A field grade officer in command may impose punishment as outlined in Table 1.

CONDUCT OF AN ARTICLE 15

Before taking action under Article 15, you must be satisfied that the misconduct was a UCMJ offense and that an Article 15 is appropriate in view of the soldier's record. To determine if a crime has been committed, consult the subparagraphs under the appropriate punitive article in the MCM, Part IV.

Summarized Proceedings

You may use summarized proceedings when dealing with the misconduct of your enlisted soldiers. Punishment under summarized procedures will not exceed 14 days of restriction, 14 days of extra duty, an oral reprimand or admonition, or any combination of these. An imposing commander or a designated subordinate (officer or noncommissioned officer in the pay grade of E7 or above) will inform the accused—

- Of the nature of the alleged offenses and the UCMJ articles violated.
- Of the intent to use summarized proceedings under UCMJ, Article 15.
- Of the maximum punishment.
- That he has the right to remain silent.
- That he has the right to demand trial.
- Of the consequences of a demand for trial. (See MCM, Part V, paragraph 4a(5) and DA Form 2627-1, note 3.)
- That he has the right to confront witnesses, examine adverse evidence, and submit matters in defense, extenuation, and mitigation.
- That he has the right to appeal.

The accused must have reasonable time (normally 24 hours) to decide whether to demand trial or gather matters for defense, extenuation,

and mitigation. He has no right to consult with legal counsel or to have a spokesperson at the proceedings. He also may not request an open hearing.

Summarized proceedings are legibly recorded on DA Form 2627-1, which will remain in the local unit personnel files for two years or until the soldier transfers out of the unit, whichever occurs first.

Formal Proceedings

Formal proceedings for an Article 15 under UCMJ begin with the initial notification and conclude with the appeals process.

NOTIFICATION

AR 27-10, Appendix B, contains a guide for nonjudicial punishment proceedings. Your first step in conducting an Article 15 is to notify the soldier both orally and in writing. You or your designated subordinate (officer or noncommissioned officer in the grade of E7 or above) must inform the soldier of your intent to initiate the process. The initial notification must include a brief statement of the offense. Describe the offense to the soldier in simple language and then record your discussion in items 1 and 2 of DA Form 2627. Use the model specification forms in MCM, Part IV, to draft item 1 on the form. You must also tell the soldier the maximum punishment that he could receive under Article 15.

TABLE 1. MAXIMUM NONJUDICIAL PUNISHMENTS UNDER ARTICLE 15 (Formal Proceedings)						
Commanding Officer	Admonition or Reprimand	Restriction	Extra Duties	Correctional Custody	Forfeiture of Pay	Reduction in Rank
Company Grade:						
E-5 to E-9	Yes	14 days ¹	14 days ¹	No	7 days	No
E-1 to E-4	Yes	14 days ¹	14 days ¹	7 days ²⁻³ (E-1 to E-3)	7 days	To one grade lower
Field Grade:						
E-5 to E-9	Yes	60 days	45 days	No	½ pay per month for 2 months	To one grade lower if within promotion authority
E-1 to E-4	Yes	60 days	45 days	30 days	½ pay per month for 2 months	To one or more grades lower
¹ Restriction and extra duty may be combined, but in such a case, the total may not exceed the maximum allowed for extra duty. ² Enlisted soldiers with a pay grade of E-4 may not be placed in correctional custody, but if their rank is reduced to a pay grade of E-3, they may be placed in correctional custody as part of the same punishment.				³ Enlisted soldiers with pay grades of E-1 to E-3 may be confined for 3 days on bread and water when attached to or embarked on a vessel. ⁴ The promotion authority for pay grades E-7, E-8, and E-9 rests with Headquarters, Department of the Army; AR 600-200 (paragraph 7-36) prohibits reduction in rank for misconduct of soldiers in these pay grades.		

RIGHTS OF ACCUSED

You or your designated subordinate must advise the accused of his rights as follows:

- **The right to demand trial by court-martial.**

Unless attached to or embarked on a vessel, soldiers have the right to demand court-martial in lieu of an Article 15. You must also inform them of the consequences of their demand for trial. (See MCM, Part V, paragraph 4a(5), and DA Form 2627, Note 3.)

- **Rights under UCMJ, Article 31(b).** You must inform soldiers of their right to remain silent and warn them that anything they say may be used against them.
- **The right to consult with counsel.** You must tell the accused where to find counsel and give him time off to consult with counsel. The accused must have reasonable time to review the evidence with counsel or a personal representative and to make the necessary decisions on such matters as the right to demand court-martial. In determining the period of time, consider such factors as the gravity of the offense and the availability of counsel. Generally, 48 hours is reasonable.
- **The right to an informal public hearing.** You must tell the accused of his right to fully present evidence and to be accompanied by a spokesperson.

ACKNOWLEDGEMENT

The accused must acknowledge notification by completing DA Form 2627, item 3. The subsequent course of the proceeding depends upon the accused’s decisions regarding the following.

Demand for court-martial. If the soldier demands trial by court-martial, you must terminate the Article 15 and decide whether to prefer court-martial charges.

Waiver of court-martial and failure to submit matters or demand a hearing. If the accused chooses this option, you may determine his guilt and immediately impose punishment.

Waiver of court-martial and hearing with submission of matters. If the accused chooses

this option, you must consider the matters before deciding whether to impose punishment. If the matters persuade you that the accused is innocent or that you have a valid reason for not punishing him, simply terminate the Article 15. If, after considering the matters, you are convinced beyond a reasonable doubt that the accused is guilty and nonjudicial punishment is appropriate, you may impose it.

Waiver of court-martial and demand for hearing. In this case, you must arrange for and conduct a hearing before deciding whether to impose nonjudicial punishment.

Often, commanders conduct hearings in their offices. You must personally conduct the hearing except in rare circumstances in which doing so is not practicable. Then, you must appoint another officer to conduct the hearing. Afterwards, the appointed officer should submit a summary and written recommendations to you.

You should initiate the hearing by advising the accused of his rights under UCMJ, Article 31. During the hearing, a spokesperson may represent the accused. That person need not be an attorney, and his participation in the case must be voluntary. The government will not pay travel fees or other costs to ensure the spokesperson’s presence at the hearing.

Neither the accused nor the spokesperson may examine or cross-examine witnesses without your permission; however, the accused or the spokesperson may brief you on the relevant issues and areas of suggested inquiry. You should explore those issues and areas when questioning witnesses.

The accused may indicate which witnesses he prefers at the hearing. If those witnesses are reasonably available, you must arrange for their presence. The government will not pay witness or transportation fees to ensure their presence. Reasonably available witnesses include those on duty at the installation and those whose presence can be arranged without spending government travel funds and whose attendance at the hearing will not materially delay the proceedings.

The accused may waive personal appearance at the hearing and instead submit written matters to you for consideration. You should give such matters due consideration before deciding about the case.

PUNISHMENT

Table 1 outlines the maximum nonjudicial punishments authorized under Article 15. Note that a field grade commander may impose greater punishment than a company grade commander. However, a field grade commander and a company grade commander may not both impose an Article 15 for the same act of misconduct. Nor will a commander ordinarily impose an Article 15 for the same offense over which a civil court has exercised jurisdiction or an offense the commander plans to recommend for a court-martial.

You must also be aware of certain limitations on punishment. You must base any forfeiture of pay upon the grade to which an offender is reduced and not upon his original grade, even if the reduction is suspended. You may combine restriction and extra duties, but only for the maximum time allowed for extra duties alone. In no case may you combine restriction or extra duties with correctional custody. (See AR 27-10, paragraph 3-19b(8).)

You must personally inform the offender of the punishment. At that time, you may explain any factors you considered when you decided on the punishment. You should also inform the offender of his right to appeal and explain how to do so.

According to AR27-10, paragraph 3-6, indicate on the DA Form 2627 where to file the record of nonjudicial punishment.

CLEMENCY POWER

To realize the full effectiveness of Article 15, you should be aware of your power to grant clemency and your duties and responsibilities should an offender decide to appeal. You may delay executing punishment no more than 30 days. Otherwise, unsuspended punishments are effective when you impose them. Under Article 15, you may suspend, mitigate, remit, or

set aside punishment if you conclude that the circumstances of the case warrant it. This power gives you effective means for rehabilitating offenders.

Suspension. Suspension permits offenders to demonstrate good conduct and efficiency. It provides them with an incentive to stay out of trouble. You may suspend the unexecuted portion of any punishment for a reasonable time, not to exceed six months. In fact, the MCM permits you to suspend a reduction in grade or forfeiture of pay any time within four months after you have imposed it, even if you have already executed it. For example, if you reduced a soldier from E3 to E2 in January, and he performs well later, you may suspend the reduction any time before May.

You may consider suspension in all cases, but it is most effective with offenders who have no previous disciplinary problems. You may use suspense to rehabilitate soldiers whose disciplinary problems might otherwise continue. However, no personnel actions favorable to the offender may be taken during his suspension. If during the probation period the offender commits further acts which are considered misconduct under the UCMJ, you may terminate the suspension and put the original punishment into effect. (See AR 27-10, paragraph 3-25.)

Mitigation and remission. Mitigation reduces the punishment's severity and is appropriate when offenders demonstrate subsequent good conduct that merits a decrease in punishment. Mitigation is also warranted when the punishment is disproportionate to the offense. For example, you may reduce 14 days of extra duty to 7 days of extra duty, or you may reduce a forfeiture of pay in amount or duration.

Remission is appropriate under the same circumstances as mitigation.

Set-aside. You may set aside an Article 15 when you are convinced that an injustice has occurred. When you set aside an Article 15, return all rights, privileges, and property. A set-aside would be appropriate, for instance, in a

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case in which new evidence or information proves the accused is innocent.

APPEALS

All soldiers receiving an Article 15 have the right to appeal the punishment. This right does not conflict with an accused soldier's consent to the Article 15 proceeding, because his consent is merely a waiver of the right to demand a trial, not an admission of guilt. Appeals should be handled promptly. After considering an appeal, the next higher commander may approve or reduce the punishment but not increase it.

The accused should submit the appeal through the commander who imposed the punishment. An appeal not submitted within five days of imposition of punishment will be waived unless the soldier can show good cause for the delay. The accused may submit written statements regarding the offense or the appropriateness of the punishment. The commander who imposed the punishment should consider these statements and, if warranted, modify the punishment.

You should treat the appeal as a request for reconsideration. If you suspend, mitigate, or remit the punishment, determine if the accused wishes to voluntarily withdraw his appeal. If the accused refuses or you take no modification action, you must forward the appeal to the next higher commander. If forwarding is necessary,

be sure that the soldier receives any help he needs to prepare the appeal, including preparation of any written statements he wishes the reviewing authority to consider.

If you have not acted on a soldier's appeal within five days of its submission, upon request by the soldier, you will postpone any remaining punishment involving restraint or extra duty until you act on the appeal. (For summarized proceedings, the limit is three calendar days.)

You should complete the necessary portions of DA Form 2627 and make any necessary rebuttals. Then forward the file to your immediate superior, who is then responsible for acting on the appeal. Certain punishments, however, require a judge advocate's review before the superior commander's action on the appeal. (See DA Form 2627, note 9.)

You may announce the disposition of all cases involving nonjudicial punishment, including action taken on previously imposed Articles 15. You may do this orally at a routine unit formation and may also post a completed DA Form 2627 on the unit bulletin board or elsewhere routine notices are placed. Before announcing Article 15 disposition for personnel in pay grades E5 and above, you must consider the impact on unit morale and the possibility of impairment to the soldier's job or leadership effectiveness.

CHAPTER 7 - NONPUNITIVE DISCIPLINARY MEASURES

GUIDELINES FOR CORRECTIVE ACTIONS

Commanders, unit leaders, and noncommissioned officers (NCOs) must deal with a broad spectrum of misconduct. The most serious cases are crimes familiar to a civilian society and serious military offenses, such as homicides, assaults, drug-related offenses, and desertion. Less serious civilian and military offenses are loosely described as minor offenses. The least serious are insignificant acts of misconduct that may not even rise to the level of an offense. These may be addressed without the necessity of punishment.

When a soldier commits an offense, you have a wide variety of options. Each has its attributes and values. Consider some action for each offender, beginning with the least severe, to meet necessary goals. Your choice will depend in part on the nature of the misconduct; it will also depend upon the goal you seek. Punishment generally has one or more of the following goals:

- To protect society against a repetition of the offense.
- To reform the offender so he will not repeat the offense.
- To deter others from considering and committing such an offense.

Minor offenses may justify nonjudicial action under UCMJ, Article 15. These penalties are strictly limited. Your options for less significant misconduct can be loosely collected under the title of adverse administrative actions.

Adverse administrative actions emphasize correction. They recognize that the misconduct does not result from intentional or gross failure to comply with standards of military conduct. Instead, misconduct results from simple neglect, forgetfulness, ignorance, laziness, inattention to instruction, sloppy habits, immaturity, and difficulty in adjusting to the disciplined military life. Implicit in adverse administrative actions is the belief that the offender can, with proper guidance, become an efficient and competent soldier.

In dealing with less significant acts of misconduct, you have an excellent opportunity to

salvage good soldiers and to teach young soldiers the errors of their ways without imposing a penalty that they may never overcome. Many of the procedures available permit you to deal with this type of misconduct without requiring a formal report. You can thus correct soldiers and allow them to return to duty, sometimes without serious blemish to their record as would happen if they were subjected to nonjudicial punishment. In these instances, you primarily teach discipline and standards of conduct; you should be less interested in punishing. This is a fine but crucial line. If you seek to punish, you should consider an Article 15 or court-martial; if you primarily seek to teach, you should consider adverse administrative actions.

Wise use of adverse administrative actions frequently results in the soldier adjusting and improving his conduct so that he does not ultimately become a candidate for judicial action, Article 15 action, or administrative separation or reduction. In some instances, however, judicial or nonjudicial punitive measures are immediately appropriate. One of the tests of a good leader is to determine correctly which measure or combination of measures is appropriate for a particular soldier at a particular time.

TYPES OF ADVERSE ADMINISTRATIVE ACTIONS

In adverse administrative actions, the personality of an offender and his state of mind at the time of his misconduct determine the value of each action. In other words, what might work well with one soldier might be useless for another. The situation might warrant a combination of two or more of the following actions.

Withholding Privileges

You may withhold some privileges, for example, pass privileges, to maintain good order and discipline. (See AR 630-5, Chapter 10.) The privileges revoked should relate directly to the act of misconduct. For example, revoking driving privileges would not be appropriate for an assault offense, but removal of post exchange (PX) privileges might be appropriate for a soldier

Nonpunitive Disciplinary Measures

guilty of disorderly conduct in the PX. You may also withhold a benefit, award, or promotion if a soldier shows a lack of readiness, fitness, or responsibility.

Withholding privileges can be an incentive for improved behavior. Like other corrective actions, the effectiveness of withholding privileges depends on your communicating your intent and determination to the soldier concerned. It also requires that the restriction relate in importance, seriousness, and duration to the transgression and to the desired correction. Too long or disproportionate an action can easily discourage soldiers and hinder correction.

If you have direct control over a privilege, simply inform an offender that you are withholding the privilege. When a higher authority controls the activity, you typically request, through channels, revocation of the privilege.

Admonitions And Reprimands

You may issue admonitions or reprimands, either oral or written, as administrative corrective measures. (See AR 600-37.)

The following individuals may orally admonish or reprimand a soldier, regardless of the soldier's rank:

- Any supervisor in the soldier's chain of supervision.
- Any commander in the soldier's chain of command.
- Any higher ranking soldier.

They may do so where and in the manner they deem most appropriate.

Written admonitions and reprimands may be filed in a soldier's military personnel records jacket (MPRJ). For enlisted soldiers, they are issued and filed by—

- Any commander in their chain of command.
- School commandants.
- Any general officer (including those frocked to the rank brigadier general).
- Officers with general court-martial authority over them.

Immediate supervisors of enlisted soldiers may also issue written reprimands or admonitions, but they may not file them in the soldier's MPRJ unless they also serve in one of the other capacities.

The following individuals may issue admonitions or reprimands to commissioned or warrant officers and file them in their MPRJs:

- Any commander in their chain of command (if the commander is senior in grade or date of rank to the recipient).
- School commandants.
- Their rater, intermediate rater, or senior rater.
- General officers (senior to the recipient).
- Officers with general court-martial convening authority over them.

Regardless of the issuing authority, an admonition or reprimand may be filed in the official military personnel file (OMPF) of an enlisted soldier or officer only upon direction of a general officer (including officers frocked to the rank of brigadier general) or an officer exercising general court-martial convening authority over them.

Since admonitions and reprimands may also be imposed by nonjudicial punishment, you should ensure that written administrative ones include a statement that it is an administrative measure and not punishment under UCMJ, Article 15.

Rehabilitation

You may elect to correct a soldier with counseling or corrective training.

COUNSELING

Sometimes counseling takes the form of discussion or special instruction over a long period. It may be written but is usually oral. You may personally carry it out, or your representative, who may be an NCO, may do it. Sometimes it leads to professional counseling by a chaplain, judge advocate, psychiatrist, debt counselor, or

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Nonpunitive Disciplinary Measures

marriage counselor. A counselor must try to learn—

- What produced the undesirable conduct.
- Why a soldier failed to maintain the desired standards.
- Why a soldier has a poor or unresponsive attitude.

The counselor should provide helpful advice and motivate the soldier to do better, not because he is threatened with unfavorable action if he fails to do so, but because his self-respect demands a better job. Counseling may inspire a soldier to correct his ways so as not to let down comrades, family, or others who have the soldier's loyalty and respect. It may also show the soldier that proper conduct offers more advantages than the hassling, harassment, or difficulties resulting from misconduct or poor performance.

Skill at counseling does not come easily or quickly. Officers and NCOs who study the subject enhance their chances of success. Experience and knowledge of human motivation in general and of the individual personality in particular enhance the counselor's ability to communicate with the soldier. By knowing and using the proper standards, a counselor will more likely succeed in improving the conduct and attitude of the counseled soldier.

You must adequately counsel soldiers before initiating action to separate them for—

- Inability to fulfill military obligations due to parental objections.
- Personality disorders.
- Unsatisfactory entry level performance and conduct.
- Unsatisfactory performance.
- Minor disciplinary infractions.
- A pattern of misconduct.

You must also record the counseling in writing. (See AR 635-200, paragraph 1-18b, for guidance.)

CORRECTIVE TRAINING

Corrective training is for soldiers who have demonstrated that they need and would benefit from additional instruction or practice in a particular area. Take care to give training that has a reasonable relationship to the soldier's deficiency. Extra training and instruction, if timely and appropriate, may correct deficiencies and eliminate the need for formal disciplinary measures in the future. Do not use extra training and instruction as punitive measures. You must distinguish extra training and instruction from punishment or even the appearance of punishment. Soldiers should have extra training or instruction only as long as they need it to correct deficiencies. If they perceive the training or instruction as punishment, all training and instruction will be degraded and their value jeopardized. The following examples illustrate the proper use of training and instruction:

- A soldier appearing in improper uniform may need special instruction in how to wear the uniform properly.
- A soldier in poor physical shape may need to do additional conditioning drills and participate in extra field and road marches.
- A soldier with unclean personal or work equipment may need to devote more time and effort to cleaning the equipment. The soldier may also need special instruction in its maintenance.
- A soldier who executes drills poorly may need additional drill practice.
- A soldier who fails to maintain housing or work areas in proper condition or abuses property may need to do more maintenance to correct the shortcoming.
- A soldier who does not perform assigned duties properly maybe given special formal instruction or more on-the-job training in those duties.
- A soldier who does not respond well to orders may need to participate in additional drink and exercises to improve.

As the company commander, you have the authority to use these measures since they are for training and instruction. Commanders at

Nonpunitive Disciplinary Measures

all levels must ensure that training and instruction are not used in an oppressive manner to evade imposing nonjudicial punishment under UCMJ, Article 15. You should not ordinarily note deficiencies corrected with training and instruction in a soldier's record, and you should consider such deficiencies closed incidents.

Administrative Reductions

Enlisted soldiers may be reduced in rank by one or more pay grades for conviction by a civilian court and by one pay grade for inefficiency. Orders published according to AR 310-10 will announce reductions. AR 600-200, paragraph 6-15, contains further guidance about publishing such orders and the effective date of reduction. It also provides guidance for computing the date of rank.

You should inform soldiers of their right to appeal a reduction. AR 600-200, paragraph 6-10, provides guidance for filing appeals for reductions for inefficiency or civil court convictions. The authority to take final action on appeals cannot be delegated.

The rank of the commander who may approve the reduction depends on the rank of the soldier involved. For example, a company, troop, battery, or separate detachment commander can reduce soldiers in the grade of E-2, E-3, or E-4. Only a commander of an organization authorized a colonel or higher as its commander can reduce a sergeant first class. AR 600-200, paragraph 6-1, outlines reduction authority for each grade.

CONVICTIONS

The civilian court sentence for a convicted soldier (or one adjudged a juvenile offender) determines reduction for civilian conviction. If an enlisted soldier's sentence is death or confinement for 1 year or more and the sentence is not suspended, the soldier will be reduced to private with no right to appeal. If the sentence included one of the following and the soldier is serving in the grade of E-5 or above the case must be referred to a reduction board for consideration:

- Confinement for more than 30 days but less than 1 year if the sentence was not suspended.

- Confinement of 1 year or more if the sentence was suspended.

If the soldier is serving in the grade of E-4 or below, the reduction authority must consider reduction of one or more grades.

A soldier may be considered for reduction with a conviction for less severe offenses or with less severe sentences than those previously mentioned. Consult AR 600-200, Table 6-1, for more detailed conditions for administrative reductions due to civil conviction.

For soldiers below the rank of sergeant, initiate the reduction by—

- Submitting a memorandum through channels to the soldier's personnel section.
- Requesting publication of reduction orders.

A soldier may be reduced in rank for civilian conviction, regardless of any appeal of his civil conviction. In accordance with AR 600-200, paragraph 6-17c, the soldier's grade will be restored upon reversal of the conviction.

INEFFICIENCY

Reduction for inefficiency is limited to one pay grade, and the soldier normally must have served in an assigned position in the same unit for at least 90 days. The one-grade limitation also applies when a soldier is reduced for long-term personal indebtedness that he has not tried to resolve. Do not use reduction for inefficiency—

- For an offense of which the soldier has been acquitted by a court-martial.
- In lieu of UCMJ, Article 15.
- For a single act of misconduct if the soldier's performance is otherwise satisfactory.

If you intend to reduce a soldier for inefficiency, you must notify him in writing of the proposed reduction and the reasons for it. You should base your grounds for reduction on personal knowledge and observation over a reasonable period. The soldier must acknowledge receipt of the notice by endorsement and may submit a rebuttal. You may then request, in writing, through channels, reduction orders or convening of a board.

PROCEDURES

Under the provisions of AR 600-200, paragraphs 6-9 and 6-10, you must furnish soldiers being reduced in rank, by endorsement, copies of the reduction orders and inform them of their right to appeal. A soldier must acknowledge receipt of the orders by endorsement and accept the reduction or state his intent to appeal.

A reduction board is required for sergeants and above except when reduction is mandatory or the board is waived. This board must convene within 30 days of when the Army receives documentation proving that the conditions for reduction exist. A soldier's decision not to appear will be in writing and will signify acceptance of the action.

When a board is required, the convening authority must ensure that it consists of at least three voting members. A majority of the appointed members is a quorum and must be present at all sessions. Enlisted soldiers appointed to such boards must be senior in grade or date of rank to the soldier being considered for reduction. For inefficiency cases only, at least one board member will be knowledgeable of the soldier's MOS.

The board may recommend the following:

- Reduction of one or more grades (except for inefficiency which is limited to one grade).
- Retention of current rank.
- Reassignment within pay grade.
- A combination of any of the above.

It may not recommend lateral appointments from specialist to corporal or vice versa. The convening authority may approve or disapprove any part of the board's recommendation as long as doing so does not increase the severity of the board's recommendation.

Revocation Of Security Clearance

You must ensure that soldiers who receive security clearances are reliable. When you receive information indicating that a soldier should not have a security clearance, you must immediately suspend the soldier's access to classified information.

Conduct that merits revocation or suspension of a security clearance includes-

- Criminal and immoral activities.
- Abuse of drugs and alcohol.
- Excessive indebtedness.
- Repeated AWOL status.

You may also revoke a clearance if you believe the soldier is subject to coercion or undue influence because he has a close relative living in a communist country. (See AR 604-5.)

When derogatory information is forwarded to you or your organization's security officer, review it to ensure that it is complete and to assess its security significance. Then, forward it to the central personnel security clearance facility (CCF), which will determine if it warrants clearance revocation. You may, in the meantime, suspend the soldier's security clearance. (See AR 604-5, Annex A, Appendix C, for procedures.) Soldiers may rebut in writing a proposed revocation; if clearance is revoked, they have a right to appeal to Headquarters, Department of the Army.

Bar To Reenlistment

You may initiate action to bar reenlistment when immediate administrative separation is not warranted but a soldier's desirability for retention is not consistent with the high qualities demanded by the Army. You should not initiate a bar to reenlistment against a soldier who has been assigned to the unit for less than 90 days or who is permanently leaving the unit in 30 days or less (ETS or PCS).

You may bar soldiers from reenlistment for deficiencies of character, conduct, attitude, proficiency, and motivation.

These deficiencies often include—

- Tardiness for formations, details, or duties.
- Being AWOL for 1 to 24 hours.
- Losses of clothing and equipment.
- Substandard personal appearance and hygiene.
- Persistent indebtedness.
- Frequent traffic violations.

- Recurrent punishments under UCMJ, Article 15.
- Use of sick call without medical justification.
- Unwillingness to follow orders.
- Untrainability.
- Inability to adapt to the military.
- Failure to manage personal affairs.
- Frequent difficulties with fellow soldiers.
- Involvement in immoral acts.
- Failure to qualify with weapons.
- Failure to pass Army physical fitness tests.
- Lack of potential for further service.

When initiating such an action, prepare DA Form 4126-R summarizing the grounds for a bar. Include all information supporting your recommendation. Base this information on facts (date, place, and occurrence) and substantiate it with official remarks to ensure that you make an official record of each occurrence. Do not consider the soldier's ETS, reenlistment intent, or any pending judicial or administrative separation action.

Upon receiving DA Form 4126-R, the soldier may submit a statement in his own behalf. You must allow the soldier 7 days to prepare comments and collect documents or other materials. Forward the file, including the soldier's rebuttal, through the chain of command to the approval authority. Anyone in the chain of command may disapprove the action and return it to you.

The approval authority for soldiers with less than 10 years of service at ETS is the first commander in the rank of lieutenant colonel or above or the special court-martial convening authority (SPCMCA), whichever is in the most direct line to the soldier. For soldiers with 10 to 18 years service or with over 20 years of service at ETS, the approval authority is the general court-martial convening authority (GCMCA) or first general officer in the chain of command. For those with 18 to 20 years of service at ETS, the approval authority is at Department of the Army level. Approval authority cannot be delegated.

You must review an approved bar to reenlistment at least every 6 months and 30 days before the soldier's PCS or ETS. After the first 6 month review, if you decide to leave the bar in place, you must inform the soldier that he or she may request voluntary separation under the provisions of paragraph 16-5, AR 635-200. You must also tell the soldier that you will initiate involuntary separation after the second 6 month review unless you should determine that it is appropriate to lift the bar. (See AR 601-280, paragraph 6-5i (6)). The bar may be removed or voided any time the soldier demonstrates his worthiness to be retained in the Army. Make such recommendations through the chain of command. The authority who approved the bar is the authority who can void it. Any commander in the chain of command, however, may disapprove the request to remove the bar to reenlistment and return it to the initiating unit. If the soldier is in a new jurisdiction, the new comparable authority acts on the recommendation.

Mos Reclassification

You must recommend reclassification of an awarded MOS when (See AR 600-200, chapter 2)—

- The award of the MOS was in error.
- Disciplinary actions under the UCMJ adversely affect the soldier's eligibility to perform in his present MOS.
- The soldier does not have the security clearance required for the MOS.
- The soldier is appointed or reduced to the rank of an NCO or specialist that is not in line with or authorized for the MOS.
- The soldier loses the qualifications that enable him to perform in the MOS satisfactorily.
- The soldier is physically unable to perform the required duties. (See AR 600-60.)

You may recommend reclassification of an awarded MOS if the soldier does not efficiently perform the technical, supervisory, or other requirements of the MOS.

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Initiate the action and process it through channels. In requesting reclassification of a soldier's MOS, summarize the grounds and include substantiating facts. The soldier may appear before a reclassification board that will

make recommendations to the appointing authority. According to the soldier's rank and MOS, the appointing authority or another authority up to DA level will take final action.

L235

- Exam Study Hall



L235

- Read Student Handout 1, Appendix D for reading and study assignments. • Complete the interactive multimedia training product “The High Ground” and prepare to discuss your decisions during class.
- You may electronically print your results from the AAR section of the training product to aid you in the discussion.



Student Handout 1

Advance Sheet

Lesson Hours This lesson consists of one hour of small group instruction.

Overview During this lesson, you will learn and apply the four steps of resolving an ethical problem.

Learning Objective Terminal Learning Objective (TLO).

Action:	Resolve an ethical problem.
Conditions:	As a leader of a squad/team, in the classroom and during a situational training exercise, given the training product "The High Ground," FM 6-22, STP 21-24-SMCT, TC 1-05, and the instruction in this lesson.
Standards:	Resolve an ethical problem by: <ul style="list-style-type: none">• Discussing "The High Ground," and• Discussing the four steps to resolve an ethical problem.

ELO A Discuss "The High Ground"

ELO B Discuss the four steps to resolve an ethical problem

Assignment The student assignments for this lesson are the following:

- Complete the interactive multimedia training product "The High Ground" located on your student computer and prepare to discuss your decisions during class. You may electronically print your results from the AAR section of the training product to aid you in the discussion.
 - Review task 158-100-3006 in SH-2.
-

Additional Subject Area Resources Although not a requirement for this lesson, the General Dennis J. Reimer Training and Doctrine Digital Library found at <http://www.train.army.mil> has many learning resources for Army leadership. Log into the library and use the keyword "leadership."

Bring to Class You must bring the following materials to class:

- All reference material received
 - Pen or pencil and writing paper
 - Any materials required by the NCOA's SOP
-

Note to Students It is your responsibility to do the homework prior to class. We expect you to come to class prepared. You will participate in small group discussion. We expect you to participate in the discussion by providing information you learned from your study and your personal and observed experiences. Failure to study and read the assignments above will result in your inability to participate with the rest of the group. Not having your input affects the group's ability to discuss the information fully.

T221

- Read Student Handout 1, Appendix D, for reading and study assignments



HANDOUTS FOR LESSON 1: T221 version 6

This appendix contains the items listed in this table--

Title/Synopsis	Pages
SH-1, Advance Sheet	SH-1-1 thru SH-1-2
SH-2, Extracted Material from FM 5-19, Composite Risk Management	SH-2-1 thru SH-2-16

Student Handout 1

Advance Sheet

Lesson Hours

This lesson consists of one hour and ten minutes of small group instruction and forty minutes of practical exercise.

Overview

In every mission, there is a fight against two enemies. One is the declared enemy (the threat to national security). The other enemy is human error. Human error watches us, and it waits. It singles out individual Soldiers. Soldiering is tough, demanding and risky. It has a high potential for danger and accidents. Soldiering attracts men and women with the "can do" and war-fighting spirit. This means we take risks and don't shrink from responsibility. In this lesson we show you how Composite Risk Management can assist in mission accomplishment.

Terminal Learning Objective

Terminal Learning Objective (TLO).

Action:	Implement the Composite Risk Management (CRM) process in order to minimize the frequency and severity of accidents in the activities you lead.
Conditions:	As a leader of a squad/team, in the classroom and during a situational training exercise, given the instruction in this lesson.
Standards:	Implement the Composite Risk Management (CRM) process in order to minimize the frequency and severity of accidents in the activities you lead by-- <ul style="list-style-type: none">• Receiving a GO on an end of module examination by scoring a minimum of 70 percent,• Reviewing the five steps of the Composite Risk Management process,• Identifying the organization and contents of the online Ground Risk Assessment Tool (GRAT),• Completing the Composite Risk Management Worksheet (Part 1), and• Completing the Composite Risk Management Worksheet (Part 2).

ELO A Review the five steps of the Composite Risk Management process.

ELO B Identify the organization and contents of the online Ground Risk Assessment Tool (GRAT).

ELO C Complete the Composite Risk Management Worksheet (Part 1).

ELO D Complete the Composite Risk Management Worksheet (Part 1).

Assignment

The student assignments for this lesson are:

- Read the Student Handouts.
- Participate in classroom discussion.
- Complete PE-1.
- Turn in recoverable reference materials after the practical exercise for this lesson.

**Additional
Subject Area
Resources**

None

Bring to Class

You must bring the following materials to class:

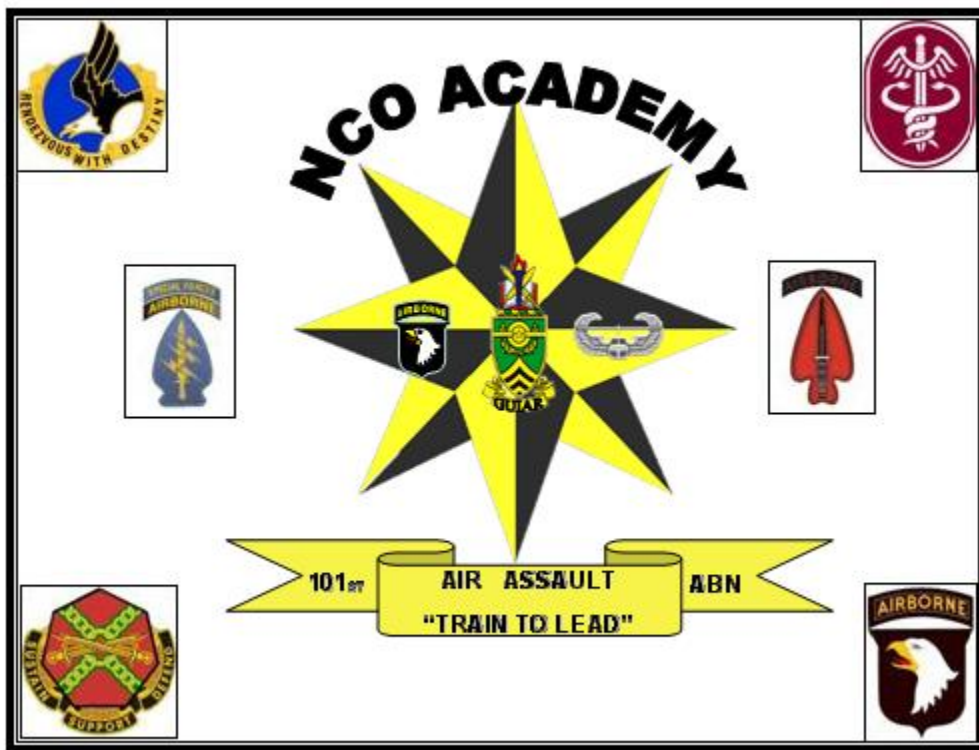
- Pencils and writing paper.
 - Reading material listed on the advance sheet.
-

Note to Students

It is your responsibility to do the homework prior to class. We expect you to come to class prepared. You will participate in small group discussion. We expect you to participate in the discussion by providing information you learned from your study and your personal and observed experiences. Failure to study and read the assignments above will result in your inability to participate with the rest of the group. Not having your input affects the group's ability to discuss the information fully.

T222

- Read Student Handout-1, Advance Sheet. • Read Student Handout-2, Extracts from FM 7-1. • Read Student Handout-3, Extracts from FM 3-0. • Read Student Handout-4, Comparison of a Critique with an AAR.



HANDOUTS FOR LESSON 1: T222 version 6

This appendix contains the items listed in this table--

Title/Synopsis	Pages
SH-1, Advance Sheet	SH-1-1 and SH-1-2
SH-2, Extracted Material from FM 7-1, Battle Focused Training	SH-2-1 thru SH-2-10
SH-3, Extracted Material from FM 3-0, Operations	SH-3-1 thru SH-3-6
SH-4, Comparison of a Critique with an AAR	SH-4-1 and SH-4-2

Student Handout 1

Advance Sheet

Lesson Hours

This lesson consists of fifteen minutes of small group instruction and thirty-five minutes of practical exercise.

Overview

During this lesson you will learn how to use the after action review process as a way to make sure your Soldiers actually learn during their training activities. As an NCO and a leader, you are responsible for training your subordinates. To do this effectively, you must make sure your Soldiers discover for themselves what happened in the training and why. You must also evaluate the training to be sure it meets the established standards. The after action review will help you do this.

Terminal Learning Objective

NOTE: The instructor should inform the students of the following Terminal Learning Objective requirements.

At the completion of this lesson, you [the student] will:

Action:	Conduct an after action review.
Conditions:	As a leader of a squad/team, in the classroom and during a situational training exercise, given the instruction in this lesson.
Standards:	Conduct an after action review by-- <ul style="list-style-type: none">• Receiving a GO on the end of module examination by scoring a minimum of 70 percent,• Reviewing the definition, purpose, types, and techniques of the after action review,• Conducting an after action review of a recent event, and• Conducting an after action review after each evaluation or training event.

ELO A Review the definition, purpose, types, and techniques of the after action review.

ELO B Conduct an after action review of a recent event.

ELO C Conduct an informal after action review after each evaluation or training event.

Assignments

The student assignments for this lesson are:

- Read Student Handout-1, Advance Sheet.
 - Read Student Handout-2, Extracts from FM 7-1.
 - Read Student Handout-3, Extracts from FM 3-0
 - Read Student Handout-4, Comparison of a Critique with an AAR.
 - Participate in classroom discussions.
 - Complete the practical exercise.
 - Turn in recoverable reference materials.
-

Additional Subject Area Resources

None

Bring to Class

You must bring the following materials to class:

- Student Handout-1, Advance Sheet.
- Student Handout-2, Extracts from FM 7-1.
- Student Handout-3, Extract from FM 3-0.
- Student Handout-4, Comparison of a Critique with an AAR.
- Pen or pencil and writing paper.

Note to Students

It is your responsibility to do the homework prior to class. We expect you to come to class prepared. You will participate in small group discussion. We expect you to participate in the discussion by providing information you learned from your study and your personal and observed experiences. Failure to study and read the assignments above will result in your inability to participate with the rest of the group. Not having your input affects the group's ability to discuss the information fully.

Student Handout 2

Extracted Material from FM 7-1, Battle Focused Training

This student handout contains nine pages of extracted materials from the following publication:

FM 7-1, Battle Focused Training, 15 Sep 2003

Appendix C pages C-1 thru C-9

NOTE: The training developer downloaded the extracted materials from the General Dennis Reimer Training and Doctrine Digital Library Home Pages. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

NOTE: This publication contains references to the Battlefield Operating Systems (BOS). The BOS have been replaced in doctrine by the Warfighting Functions.

Appendix C

After Action Review (AAR)

We would be much better served if we could do a better job of accentuating the positive. Pat that young NCO on the back when he does it right. Better yet, have the guts to underwrite NCO mistakes and back up our junior NCOs. Finally, look for solutions and suggest them instead of problems to our commanders.

SMA William A. Connelly

DEFINITION AND PURPOSE OF AFTER ACTION REVIEWS

C-1. After action reviews (AARs) are a professional discussion of an event that enables soldiers and units to discover for themselves what happened, and why. They provide candid insights into strengths and weaknesses from various perspectives, and feedback. They focus directly on the training objectives.

C-2. AARs are a key part of the training process, but they are not cure-alls for unit-training problems. Leaders must still make on-the-spot corrections and take responsibility for training soldiers and units. The goal of the AAR is to improve soldier, leader, and unit performance. The result is a more cohesive and proficient fighting force.

C-3. Because soldiers and leaders participating in an AAR actively discover what happened and why, they learn and remember more than they would from a critique alone. A critique gives only one viewpoint and frequently provides little opportunity for discussion of events by participants. The climate of the critique—focusing only on what is wrong—prevents candid discussion of training events and stifles learning and team building.

C-4. The purpose of the AAR is to provide the feedback essential to correcting training deficiencies. Feedback should be direct and on-the-spot. Each time incorrect performance is observed, it should be noted, and—if it will not interfere with training—corrected. During individual training this is easy to do. In collective training, such as an STX, it may not be possible to interrupt the exercise just to correct a soldier who is performing an individual task improperly. This is why an AAR should be planned at the completion of each mission or phase to provide immediate feedback to the soldiers being trained.

TYPES OF AFTER ACTION REVIEWS

C-5. There are two types of AARs: formal and informal. A formal AAR is resource-intensive and involves the planning, coordination, and preparation of the AAR site; supporting training aids; and support personnel. Informal AARs require less preparation and planning.

FORMAL

C-6. Leaders plan formal AARs at the same time that they finalize the near-term training plan (6 to 8 weeks before execution). Formal AARs require more planning and preparation than informal AARs. They require site reconnaissance and selection, coordination for training aids (terrain models, map blow-ups, etc.), and selection, setup, and maintenance of the AAR site.

C-7. During formal AARs, the AAR facilitator (unit leader or OC) provides an exercise overview, and focuses the discussion of events on the training objectives. At the end, the facilitator reviews key points and issues, and summarizes strengths and weaknesses discussed during the AAR.

INFORMAL

C-8. Leaders and OCs use informal AARs as on-the-spot coaching tools while reviewing soldier and unit performances during training. The informal AAR is extremely important, as all soldiers are involved. For example, after destroying an enemy observation post (OP) during a movement to contact, a squad leader conducts an informal AAR to make corrections and reinforce strengths. Using nothing more than pinecones to represent squad members, the squad leader and squad members discuss the contact from start to finish. The squad quickly—

- Evaluates their performance against the Army standard.
- Identifies their strengths and weaknesses.
- Decides how to improve their performance when training continues.

C-9. Informal AARs provide immediate feedback to soldiers, leaders, and units during training. Ideas and solutions the leader gathers during informal AARs can be immediately put to use as the unit continues its training.

AFTER ACTION REVIEW PLANNING AND EXECUTION SEQUENCE

C-10. To maximize the effectiveness of AARs, formal or informal, leaders must plan and prepare. AAR planning is part of unit near-term planning (6 to 8 weeks out). During planning, commanders assign OC responsibilities and ensure the allocation of time and resources to conduct AARs.

C-11. The amount and level of detail needed during the planning and preparation process depends on the type of AAR to be conducted and available resources. The AAR process has four steps—

- Step 1—Planning.
- Step 2—Preparing.
- Step 3—Conducting.
- Step 4—Following up (using AAR results).

PLANNING THE AFTER ACTION REVIEW

C-12. Commanders are responsible for planning, preparing, executing, and evaluating training. All training is evaluated.

C-13. The AAR plan provides the foundation for successful AARs. Commanders develop an AAR plan for each training event. It contains—

- Who will observe the training and who will conduct the AAR.
- What trainers should evaluate.
- Who attends.
- When and where the AAR will occur.
- What training aids will be used

C-14. OCs use the AAR plan to identify critical places and events they must observe to give the unit a valid evaluation. Examples include unit maintenance collection points, passage points, and unit aid stations. The AAR plan also includes who will observe and control a particular event. The OC is the individual tasked to observe training, provide control for the training, and lead the AAR.

SELECTING AND TRAINING OBSERVER/CONTROLLERS

C-15. When planning an AAR, commanders should select OCs who—

- Can demonstrate proficiency in the tasks to be trained.
- Are knowledgeable of the duties they are to observe.
- Are knowledgeable of current doctrine and TTPs.

C-16. When using external OCs, commanders strive to have OCs who are at least equal in rank to the leader of the unit they will evaluate. If commanders must choose between experience and understanding of current TTPs or rank, they should go with experience. A staff sergeant with experience as a tank platoon sergeant will be a better OC than a sergeant first class that has no platoon sergeant experience.

C-17. Commanders are responsible for training OCs to include training on how to conduct an AAR. Each OC leads AARs for the element the OC observes, and provides input to the OC for the next higher echelon. Ideally, inexperienced OCs should observe properly conducted AARs beforehand.

REVIEWING THE TRAINING AND EVALUATION PLAN

C-18. The commander must specify what the training is intended to accomplish, and be specific on what is to be evaluated. T&EOs provide tasks, conditions, and standards for the unit's training as well as the standard by which leaders measure unit and soldier performance.

C-19. T&EOs are extracted from the ARTEP-MTP or developed from the ARTEP-MTP and appropriate STPs. A copy of the T&EO is given to the senior OC. The senior OC distributes the T&EO to the OC team members who review and use it to focus their observations. Using the evaluation plan, OCs can concentrate on critical places and times to evaluate unit performance.

SCHEDULING STOPPING POINTS

C-20. Commanders schedule time to conduct AARs as an integral part of training events. Commanders plan for an AAR at the end of each critical phase or major training event. For example, a leader plans a stopping point after issuing an OPORD, when the unit arrives at a new position, after consolidation on an objective, etc.

C-21. Commanders should allow approximately 30 to 45 minutes for platoon-level AARs, 1 hour for company-level AARs, and about 2 hours for battalion-level and above. Soldiers will receive better feedback on their performance and remember the lessons longer as result of a quality AAR.

DETERMINING ATTENDANCE

C-22. The AAR plan specifies who attends each AAR. At each echelon, an AAR has a primary set of participants. At squad and platoon levels, all members of the squad and platoon should attend and participate. At company or higher levels, it may not be practical to have everyone attend because of continuing operations or training. In this case, unit and OPFOR commanders, unit leaders, and other key players may be the only participants. OCs may recommend additional participants based on specific observations.

CHOOSING TRAINING AIDS

C-23. Training aids add to an AAR's effectiveness. Training aids should directly support discussion of the training and promote learning. Local training support center (TSC) catalogs list training aids available to each unit. Dry-erase boards, video equipment, terrain models, and enlarged maps are all worthwhile under the right conditions. For example, if reconnaissance reveals there were no sites that provided a view of the exercise area, the AAR facilitator may want to use a terrain table

C-24. Terrain visibility, group size, suitability to task, and availability of electrical power are all things to consider when selecting training aids. The key is planning and coordination. The bottom line: use a training aid only if it makes the AAR better.

C-25. See Appendix G for further discussion of home station TSC support and training aids available within the Army training support system.

REVIEWING THE AAR PLAN

C-26. The AAR plan is only a guide. Commanders and OCs should review it regularly to make sure it is still on track and meets the training needs of the units. The plan may be adjusted as necessary, but changes take preparation and planning time away from subordinate OCs or leaders. The purpose of the AAR plan is to allow OCs and AAR leaders as much time as possible to prepare for the AAR.

PREPARING THE AFTER ACTION REVIEW

C-27. Preparation is the key to the effective execution of any plan. Preparation for an AAR begins before the training and continues until the actual event.

REVIEWING TRAINING OBJECTIVES, ORDERS, AND DOCTRINE

C-28. OCs must review the training objectives before training, and again immediately before the AAR. Training objectives are the basis for observations and the focus of the AAR. OCs review current doctrine, technical information, and applicable unit SOPs to ensure that they have the tools to observe unit and individual performance properly. OCs read

and understand all OPORDs and fragmentary orders (FRAGOs) the unit will issue before and during training in order to understand what is supposed to happen. The detailed knowledge OCs display as a result of these reviews gives added credibility to their evaluations.

IDENTIFYING KEY EVENTS

C-29. OCs identify which events are critical and make sure they are positioned in the right place at the right time to observe the unit's actions. Examples of critical events include—

- Issue of OPORDs and FRAGOs.
- Troop-leading procedures (TLPs).
- Contact with opposing forces.
- Resupply and reconstitution operations.
- Passage of lines.

OBSERVING THE TRAINING AND TAKING NOTES

C-30. OCs must keep an accurate record of what they see and hear, and record events, actions, and observations by time sequence to prevent loss of valuable information and feedback. OCs use any recording system (notebook, prepared forms, 3-by-5 cards) as long as it is reliable, sufficiently detailed (identifying times, places, and names), and consistent.

C-31. OCs include the date-time group (DTG) of each observation so it can be easily integrated with observations of other OCs. This provides a comprehensive and detailed overview of what happened. When the OCs have more time, they review the notes and fill in any details not written down earlier.

C-32. One of the most difficult OC tasks is to determine when and where to observe training. The OC does not always need to stay close to the unit leader. The best location is where one can observe the performance of critical tasks and the overall flow of unit actions. The position cannot be a training distracter—the OC should look and act like a member of the unit (using individual and vehicle camouflage, movement techniques, cover and concealment, etc.). The OC cannot compromise the unit's location or intent by being obvious. The OC should be professional, courteous, and low-key at all times.

SELECTING AAR SITES

C-33. AARs should occur at or near the training exercise site. Leaders should identify and inspect AAR sites and prepare a site diagram showing the placement of training aids and other equipment. Designated AAR sites also allow pre-positioning of training aids and rapid assembly of key personnel, thereby minimizing wasted time.

C-34. The AAR site should allow soldiers to see the terrain where the exercise took place. If this is not possible, the trainer finds a location that allows them to see the terrain where the most critical or significant actions occurred. The OC should have a terrain model or enlarged map or sketch and a copy of the unit's graphics to help everyone relate key events to the actual terrain.

C-35. The OC should make soldiers attending the AAR as comfortable as possible by removing helmets, providing shelter from the elements, having refreshments available (coffee, water), thereby creating an environment where participants can focus on the AAR without distractions. Participants should not face into the sun, and key leaders should have seats up front. Vehicle parking and equipment security areas should be far enough away from the AAR site to prevent distractions.

COLLECTING OBSERVATIONS FROM OTHER OBSERVER/CONTROLLERS

C-36. The senior OC needs a complete picture of what happened during the training to conduct an effective AAR. OCs for subordinate, supporting, and adjacent units provide the senior OC with a comprehensive review of the unit they observed and the impact those units have on the higher unit's mission.

C-37. The senior OC also receives input from OPFOR leaders, players, and OCs. The enemy's perspective is critical in identifying why a unit was or was not successful. During formal AARs, the OPFOR leader briefs the OPFOR plan and intent to set the stage for a discussion of what happened and why.

ORGANIZING THE AAR

C-38. The OC gathers all the information, organizing notes in chronological sequence in order to understand the flow of events. The OC selects and sequences key events in terms of their relevance to training objectives, and identifies key discussion and/or teaching points.

C-39. The purpose of discussion is for participants to discover strengths and weaknesses, propose solutions, and adopt a course of action to correct problems. OCs organize the AAR using one of the following three techniques:

- **Chronological order of events.** This technique is logical, structured, and easy to understand. It follows the flow of training from start to finish. By covering actions in the order they took place, soldiers and leaders are better able to recall what happened.
- **Battlefield operating systems (BOS).** This technique structures the AAR using the BOS. Focusing on each BOS and discussing it across all phases of the training exercise, participants can identify systemic strengths and weaknesses. This technique is useful in training staff sections.
- **Key events/themes/issues.** Key events focus discussion on critical training events that directly support training objectives the chain of command identified before the exercise began. This technique is particularly effective when time is limited.

REHEARSING

C-40. After thorough preparation, the OC reviews the AAR format, and gets ready to conduct the AAR. The OC then announces to unit leaders the AAR start time and location. This allows enough time for the OCs to prepare and rehearse at the AAR site while unit leaders account for

personnel and equipment, perform actions that their unit SOP requires, and move to the AAR site.

CONDUCTING THE AFTER ACTION REVIEW

C-41. The training exercise has reached a stopping point, AAR preparation is complete, and key players are at the designated AAR site. If necessary, the OC reviews the purpose and sequence of the AAR to ensure that everyone present understands why an AAR is conducted. It is now time to conduct the AAR.

INTRODUCTION AND RULES

C-42. The introduction should include the following thoughts:

- An AAR is a dynamic, candid, professional discussion of training that focuses on unit performance against the Army standard. Everyone must participate if they have an insight, observation, or question that will help the unit identify and correct deficiencies or maintain strengths.
- An AAR is not a critique. No one, regardless of rank, position, or strength of personality, has all the information or answers. AARs maximize training benefits by allowing soldiers to learn from each other.
- An AAR does not grade success or failure. There are always weaknesses to improve and strengths to sustain.

C-43. Soldier participation is directly related to the atmosphere created during the introduction. The AAR leader should make a concerted effort to draw in soldiers who seem reluctant to participate. The following techniques can help the OC create an atmosphere conducive to maximum participation. The OC should—

- Reinforce the idea that it is permissible to disagree.
- Focus on learning and encourage people to give honest opinions.
- Use open-ended and leading questions to guide the discussion of soldier, leader, and unit performance.
- Enter the discussion only when necessary.

REVIEW OF OBJECTIVES AND INTENT

C-44. The OC reviews unit training objectives the AAR will cover. The OC then restates the tasks being reviewed, including the conditions and standards for the tasks.

COMMANDER'S MISSION AND INTENT (WHAT WAS SUPPOSED TO HAPPEN)

C-45. Using maps, operational graphics, terrain boards, etc., the commander/leader restates the mission and intent. The OC may guide the discussion to ensure that everyone present understands the plan and the commander's intent. Another technique is to have subordinate leaders restate the mission and discuss the commander's intent.

OPFOR COMMANDER'S MISSION AND INTENT

C-46. In a formal AAR, the OPFOR commander explains the plan to defeat friendly forces. Using the same training aids as the friendly force commander, participants can understand the relationship of both plans.

SUMMARY OF EVENTS (WHAT HAPPENED)

C-47. The OC guides the review using a logical sequence of events to describe and discuss what happened. The OC does not ask “yes” or “no” questions, but encourages participation and guides the discussion by using open-ended and leading questions. An open-ended question allows the person answering to reply based on what was significant to the soldier. Open-ended questions are much less likely to put soldiers on the defensive. Open-ended questions are more effective in finding out what happened. For example, it is better to ask, “SGT Johnson, what happened when your Bradley crested the hill?” than, “SGT Johnson, why didn’t you engage the enemy tanks to your front?”

C-48. As the discussion expands and more soldiers add their perspectives, what really happened becomes clear. The OC does not tell the soldiers or leaders what was good or bad. The OC must ensure that specific issues are revealed, both positive and negative in nature. Skillful guidance of the discussion ensures that the AAR does not gloss over mistakes or unit weaknesses.

CLOSING COMMENTS (SUMMARY)

C-49. During the summary, the OC reviews and summarizes key points identified during the discussion. The OC should end the AAR on a positive note, linking conclusions to future training. The OC then leaves the immediate area to allow unit leaders and soldiers time to discuss the training in private.

BENEFITS OF THE AAR

C-50. AARs are the dynamic link between task performance and execution to standard. They provide commanders a critical assessment tool to plan soldier, leader, and unit training. Through the professional and candid discussion of events, soldiers can compare their performance against the standard and identify specific ways to improve proficiency.

C-51. Leaders should not delay retraining except when absolutely necessary. If the leader delays retraining, the soldiers and unit must understand that they did not perform the task to standard and that retraining will occur later.

C-52. One of the most important benefits of the AAR comes from applying results in developing future training. Leaders can use the information to assess performance and to plan future training to correct deficiencies and sustain demonstrated task proficiency.

C-53. Time or the complexity of the mission may prevent retraining on some tasks during the same exercise. When this happens, leaders must reschedule the mission or training in accordance with FM 7-0 and FM 7-1. As part of this process, leaders must ensure that deficient supporting tasks found during the AAR are also scheduled and retrained.

REVISED STANDING OPERATING PROCEDURES

C-54. AARs may reveal problems with unit SOPs. If so, unit leaders must revise the SOP and ensure that units implement the changes during future training.

SUMMARY

C-55. The AAR process makes the U.S. Army different from all others. The AAR is a key component in giving our nation the best trained Army in the world.

Student Handout 3

Extracted Material from FM 3-0, Operations

This student handout contains 5 pages of extracted materials from the following publication:

FM 3-0, Operations, 27 Feb 2008

Chapter 4

pages 4-3 thru 4-7

NOTE: The training developer downloaded the extracted materials from the Army Publishing Directorate (USAPA). The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

operations, and set the example for courage and competence. They hold their Soldiers to the Army Values and ensure their Soldiers comply with the law of war.

INFORMATION

4-9. Information is a powerful tool in the operational environment. In modern conflict, information has become as important as lethal action in determining the outcome of operations. Every engagement, battle, and major operation requires complementary information operations to both inform a global audience and to influence audiences within the operational area; it is a weapon against enemy command and control and is a means to affect enemy morale. It is both destructive and constructive. Commanders use information to understand, visualize, describe, and direct the warfighting functions. Soldiers constantly use information to persuade and inform target audiences. They also depend on data and information to increase the effectiveness of the warfighting functions.

4-10. Since information shapes the perceptions of the civilian population, it also shapes much of the operational environment. All parties in a conflict use information to convey their message to various audiences. These include enemy forces, adversaries, and neutral and friendly populations. Information is critical in stability operations where the population is a major factor in success. While the five stability tasks are essential for success, without complementary information engagement that explains these actions to the population, success may be unattainable. Information must be proactive as well as reactive. The enemy adeptly manipulates information and combines message and action effectively. Countering enemy messages with factual and effective friendly messages can be as important as the physical actions of Soldiers. The effects of each warfighting function should complement information objectives (the message) while information objectives stay consistent with Soldiers' actions.

4-11. The joint force continues to modernize information systems. These improvements provide leaders with the information necessary to enhance and focus the warfighting functions. Leadership based on relevant information enables the commander to make informed decisions on how best to apply combat power. Ultimately, this creates opportunities to achieve decisive results. The computer-displayed common operational picture is a good example. It provides commanders with improved situational awareness by merging a lot of information into displays that Soldiers can understand at a glance. Information disseminated by information systems allows leaders at all levels to make better decisions quickly. The common operational picture lets Army forces use lethal and nonlethal actions more effectively than the enemy can. For example, accurate intelligence disseminated quickly by information systems allows friendly forces to maneuver around enemy engagement areas while massing the effects of combat power at the decisive place and time. This reduces friendly casualties and may allow a small force to defeat a larger enemy force.

4-12. Commanders use the concept of information superiority (see chapter 7) and its four information-related contributors to understand and visualize the role of information in their operational environment. They use various information capabilities to shape the operational environment.

WARFIGHTING FUNCTIONS

4-13. Commanders use the warfighting functions to help them exercise battle command. **A *warfighting function* is a group of tasks and systems (people, organizations, information, and processes) united by a common purpose that commanders use to accomplish missions and training objectives.** Decisive, shaping, and sustaining operations combine all the warfighting functions to generate combat power. (See paragraphs 5-59 through 5-64.) No warfighting function is exclusively decisive, shaping, or sustaining. The Army's warfighting functions are fundamentally linked to the joint functions. They also parallel those of the Marine Corps.

MOVEMENT AND MANEUVER

4-14. **The *movement and maneuver warfighting function* is the related tasks and systems that move forces to achieve a position of advantage in relation to the enemy. Direct fire is inherent in maneuver, as is close combat.** The function includes tasks associated with force projection related to gaining a

positional advantage over an enemy. One example is moving forces to execute a large-scale air or airborne assault. Another is deploying forces to intermediate staging bases in preparation for an offensive. *Maneuver* is the employment of forces in the operational area through movement in combination with fires to achieve a position of advantage in respect to the enemy in order to accomplish the mission (JP 3-0). Maneuver is the means by which commanders mass the effects of combat power to achieve surprise, shock, and momentum. Effective maneuver requires close coordination with fires. Movement is necessary to disperse and displace the force as a whole or in part when maneuvering. Both tactical and operational maneuver require logistic support. The movement and maneuver warfighting function includes the following tasks:

- Deploy.
- Move.
- Maneuver.
- Employ direct fires.
- Occupy an area.
- Conduct mobility and countermobility operations.
- Employ battlefield obscuration.

The movement and maneuver warfighting function does not include administrative movements of personnel and materiel. These movements fall under the sustainment warfighting function.

4-15. FM 3-90 discusses maneuver and tactical movement. FMI 3-35 and FMs 100-17-1 and 100-17-2 discuss force projection.

INTELLIGENCE

4-16. **The *intelligence warfighting function* is the related tasks and systems that facilitate understanding of the operational environment, enemy, terrain, and civil considerations.** It includes tasks associated with intelligence, surveillance, and reconnaissance (ISR) operations, and is driven by the commander. (See chapter 7.) Intelligence is more than just collection. It is a continuous process that involves analyzing information from all sources and conducting operations to develop the situation. The intelligence warfighting function includes the following tasks:

- Support to force generation.
- Support to situational understanding.
- Conduct ISR.
- Provide intelligence support to targeting and information capabilities.

4-17. FM 2-0 describes the intelligence warfighting function. Several unit-level manuals provide supplemental doctrine on surveillance and reconnaissance.

FIRES

4-18. **The *fires warfighting function* is the related tasks and systems that provide collective and coordinated use of Army indirect fires, joint fires, and command and control warfare, including nonlethal fires, through the targeting process.** It includes tasks associated with integrating and synchronizing the effects of these types of fires and command and control warfare—including nonlethal fires—with the effects of other warfighting functions. These are integrated into the concept of operations during planning and adjusted based on the targeting guidance. Fires normally contribute to the overall effect of maneuver but commanders may use them separately for the decisive operation and shaping operations. The fires warfighting function includes the following tasks:

- Decide surface targets.
- Detect and locate surface targets.
- Provide fire support.
- Assess effectiveness.
- Integrate command and control warfare, including nonlethal fires.

4-19. Paragraphs 7-23 through 7-30 discuss command and control warfare. When revised, FM 3-13 will address command and control warfare.

SUSTAINMENT

4-20. **The *sustainment warfighting function* is the related tasks and systems that provide support and services to ensure freedom of action, extend operational reach, and prolong endurance.** The endurance of Army forces is primarily a function of their sustainment. Sustainment determines the depth and duration of Army operations. It is essential to retaining and exploiting the initiative. Sustainment is the provision of the logistics, personnel services, and health service support necessary to maintain operations until mission accomplishment. Internment, resettlement, and detainee operations fall under the sustainment warfighting function and include elements of all three major subfunctions. FM 4-0 describes the sustainment warfighting function.

Logistics

4-21. *Logistics* is the science of planning and carrying out the movement and maintenance of forces. In its most comprehensive sense, those aspects of military operations that deal with: a. design and development, acquisition, storage, movement, distribution, maintenance, evacuation, and disposition of materiel; b. movement, evacuation, and hospitalization of personnel; c. acquisition or construction, maintenance, operation, and disposition of facilities; and d. acquisition or furnishing of services (JP 1-02). Although joint doctrine defines it as science, logistics involves both military art and science. Knowing when and how to accept risk, prioritizing myriad requirements, and balancing limited resources all require military art. Logistics integrates strategic, operational, and tactical support of deployed forces while scheduling the mobilization and deployment of additional forces and materiel. Logistics includes—

- Maintenance.
- Transportation.
- Supply.
- Field services.
- Distribution.
- Contracting.
- General engineering support.

Personnel Services

4-22. Personnel services are those sustainment functions related to Soldiers' welfare, readiness, and quality of life. Personnel services complement logistics by planning for and coordinating efforts that provide and sustain personnel. Personnel services include—

- Human resources support.
- Financial management.
- Legal support.
- Religious support.
- Band support.

Health Service Support

4-23. Health service support consists of all support and services performed, provided, and arranged by the Army Medical Department. It promotes, improves, conserves, or restores the mental and physical well-being of Soldiers and, as directed, other personnel. This includes casualty care, which involves all Army Medical Department functions, including—

- Organic and area medical support.
- Hospitalization.
- Dental care.

- Behavioral health and neuropsychiatric treatment.
- Clinical laboratory services and treatment of chemical, biological, radiological, and nuclear patients.
- Medical evacuation.
- Medical logistics.

Health service support closely relates to force health protection. (See paragraph 4-28.)

COMMAND AND CONTROL

4-24. The **command and control warfighting function is the related tasks and systems that support commanders in exercising authority and direction**. It includes those tasks associated with acquiring friendly information, managing relevant information, and directing and leading subordinates. Through command and control, commanders integrate all warfighting functions to accomplish the mission. The command and control warfighting function includes the following tasks:

- Execute the operations process (see chapter 5).
- Conduct command post operations.
- Integrate the information superiority contributors—the Army information tasks, ISR, knowledge management, and information management.
- Conduct information engagement.
- Conduct civil affairs activities.
- Integrate airspace command and control.
- Execute command programs.

4-25. The command and control warfighting function is the primary integrator of information tasks associated with information superiority. Army leaders use information tasks to shape the operational environment throughout the operations process. During operations against an enemy, they degrade the enemy's ability to do the same.

4-26. Chapter 5 provides additional discussion of command and control and the operations process. Chapter 7 discusses information superiority. FM 6-0 describes command and control warfighting doctrine.

PROTECTION

4-27. The **protection warfighting function is the related tasks and systems that preserve the force so the commander can apply maximum combat power**. Preserving the force includes protecting personnel (combatants and noncombatants), physical assets, and information of the United States and multinational military and civilian partners. The protection warfighting function facilitates the commander's ability to maintain the force's integrity and combat power. Protection determines the degree to which potential threats can disrupt operations and counters or mitigates those threats. Emphasis on protection increases during preparation and continues throughout execution. Protection is a continuing activity; it integrates all protection capabilities to safeguard bases, secure routes, and protect forces. The protection warfighting function includes the following tasks:

- Air and missile defense.
- Personnel recovery.
- Information protection.
- Fratricide avoidance.
- Operational area security.
- Antiterrorism.
- Survivability.
- Force health protection.
- Chemical, biological, radiological, and nuclear operations.
- Safety.

- Operations security.
- Explosive ordnance disposal.

4-28. The protection warfighting function includes force health protection. Force health protection includes all measures to promote, improve, or conserve the mental and physical well-being of Soldiers. These measures enable a healthy and fit force, prevent injury and illness, and protect the force from health hazards. The measures include the prevention aspects of a number of Army Medical Department functions, including the following:

- Preventive medicine, including—
 - Medical surveillance.
 - Occupational and environmental health surveillance.
- Veterinary services, including—
 - Food inspection.
 - Animal care.
 - Prevention of zoonotic diseases (those transmitted from animals to humans, such as plague or rabies).
- Combat and operational stress control.
- Dental services (preventive dentistry).
- Laboratory services (area medical laboratory support).

4-29. When revised, FM 3-13 will address information protection.

COMBINED ARMS

4-30. Applying combat power depends on combined arms to achieve its full destructive, disruptive, informational, and constructive potential. **Combined arms is the synchronized and simultaneous application of the elements of combat power to achieve an effect greater than if each element of combat power was used separately or sequentially.** Combined arms merges leadership, information, and each of the warfighting functions and their supporting systems. Used destructively, combined arms integrates different capabilities so that counteracting one makes the enemy vulnerable to another. Used constructively, combined arms multiplies the effectiveness and the efficiency of Army capabilities used in stability or civil support.

4-31. Combined arms uses the capabilities of each warfighting function and information in complementary and reinforcing capabilities. *Complementary* capabilities protect the weaknesses of one system or organization with the capabilities of a different warfighting function. For example, commanders use artillery (fires) to suppress an enemy bunker complex pinning down an infantry unit (movement and maneuver). The infantry unit then closes with and destroys the enemy. In this example, the fires warfighting function complements the maneuver warfighting function. *Reinforcing* capabilities combine similar systems or capabilities within the same warfighting function to increase the function's overall capabilities. In urban operations, for example, infantry, aviation, and armor (movement and maneuver) often operate closely together.

This combination reinforces the protection, maneuver, and direct fire capabilities of each. The infantry protects tanks from enemy infantry and antitank systems; tanks provide protection and firepower for the infantry. Attack helicopters maneuver freely above buildings to fire from positions of advantage, while other aircraft help sustain the ground elements. Together, these capabilities form a lethal team built on movement and maneuver. In another example, multiple artillery units routinely mass fires in support of a committed artillery battalion (reinforcement). Joint capabilities, such as close air support and special operations forces, can complement or reinforce Army forces' capabilities.

4-32. Combined arms operations are familiar to Army forces. Unified actions—those integrating the capabilities of joint forces with those of multinational military and civilian organizations—have become typical as well. This integration requires careful preparation. Training and exchange of liaison at every level are necessary for successful unified action.

Student Handout 4

Comparison of a Critique with an AAR

This student handout contains a Comparison of a Critique with an AAR.

Comparison of a Critique with an AAR

This student handout consists of information on the comparison of a critique with an AAR. It does not contain any doctrine or regulatory guidance. This is a take home handout. Use this information to take care of your Soldiers.

Critique

"Can't you people move any faster than that? You'll never be the best section if you can't get a round ready faster than third section. Jones, you've got to get the fuze cut quicker..."

"But SGT..."

"I don't want to hear it. You were too slow. Smith, when you hear the deflection, I want you traversing immediately and not swinging back and forth."

"Chief, the net was in the way."

"Then get someone to hold the net. Jones, when you hear the mission, get the net and hold it out of the way. Now let's get it right this time."

After Action Review

"Okay we were awfully slow that time. What happened?"

"Well SGT, Jones didn't get the fuze set fast enough."

"What happened Jones?"

"I couldn't find the M36 fuze setter, Chief."

"Where was it supposed to be?"

"I don't know."

"What tells you where to put the section equipment?"

"Uh—the load plan?"

"Right. That's why we have one now. Smith, what was the problem in getting on the deflection?"

"I wasn't sure which way to go and the net was in the way, Chief."

"Well, the net we can fix by moving one support. Anybody knows how to help the gunner?"

"Hey SGT, doesn't it go left add, right subtract?"

"Yeah so..." "Well, if the deflection goes up then Smith would have to traverse left wouldn't he?"

"That's right, so let's see what we've learned and try it again."

T223a

- Read Student Handout 1, Appendix D, for reading and study assignments



HANDOUTS FOR LESSON 1: T223a version 6

This appendix contains the items listed in this table--

Title / Synopsis	Page(s)
SH-1, Advance Sheet	SH-1-1 and SH-1-2
SH-2, Extracted Material from FM 7-1, Battle Focused Training	SH-2-1 thru SH-2-83
SH-3, Extracted Material from FM 7-0, Training for Full Spectrum Operations	SH-3-1 thru SH-3-16
SH-4, Extracted Material from Training Management How To	SH-4-1 thru SH-4-10
SH-5, Extracted Material from FM 7-1, Battle Focused Training	SH-5-1 thru SH-5-4

Student Handout 1

Advance Sheet

Lesson Hours This lesson consists of five hours of small group instruction (four hours of conference/discussion and one hour of practical exercise).

Overview As an NCO, one of your primary duties and responsibilities is to conduct standards-based, performance-oriented, battle focused training. This lesson will provide you with the concepts and principles of how Army leaders plan, prepare, execute, and assess training.

Learning Objective Terminal Learning Objective (TLO).

Action:	Demonstrate your understanding of the principles of battle focused training.
Conditions:	As a leader of a squad/team, in the classroom and during a situational training exercise, given the instruction in this lesson.
Standards:	Demonstrate your understanding of the principles of battle focused training by-- <ul style="list-style-type: none">• Receiving a GO on an end of module examination by scoring a minimum of 70 percent,• Describing how the Army Trains,• Describing the concepts of battle focused training,• Describing the mission essential task list (METL) development process,• Describing the training planning process,• Describing the process for executing training, and• Describing how to assess training.

ELO A Describe how the Army trains.

ELO B Describe the concepts of battle focused training.

ELO C Describe the mission essential task list (METL) development process.

ELO D Describe the training planning process.

ELO E Describe the process for executing training.

ELO F Describe how to assess training.

Assignment The student assignments for this lesson are:

- Review Student Handouts 2, 3, and 4.
-

**Additional
Subject Area
Resources**

- Army Training Network (ATN) <https://atn.army.mil>
- Army Training Information Architecture (ATIA) <http://www.train.army.mil>
- Army Publishing Directorate (APD) <http://www.apd.army.mil>

NOTE: These resources are available on the internet. You must have an active AKO account to access these documents.

Bring to Class

You must bring the following materials to class:

- All reference material received.
 - Pen or pencil and writing paper.
 - Any materials required by the NCOA's SOP.
-

T223b

- Read Student Handout 1, Appendix D, for reading and study assignments



HANDOUTS FOR LESSON 1: T223b version 6

This appendix contains the items listed in this table--

Title / Synopsis	Page(s)
SH-1, Advance Sheet	SH-1-1 thru SH-1-3
SH-2, Extracted Material from FM 7-1, Battle Focused Training	SH-2-1 thru SH-2-37
IH-1, Task Training and Evaluation Outlines (T&EO)	IH-1-1 thru IH-1-29

Student Handout 1

Advance Sheet

Lesson Hours This lesson consists of one hour of small group instruction and four hours of evaluation.

Overview This lesson will provide you with the opportunity to apply the battle focused training principles. You will receive an evaluation of your ability to train a task to your squad/team. Receiving a "GO" on this evaluation is a graduation requirement.

Learning Objective Terminal Learning Objective (TLO).

Action:	Conduct individual training.
Conditions:	As a leader of a squad/team, in the classroom and during a situational training exercise, given the instruction in this lesson.
Standards:	Conduct individual training by-- <ul style="list-style-type: none">• Preparing to conduct training,• Conducting the training,• Recovering from the training,• Assessing the training, and• Receiving a GO during the Conduct Individual Training evaluation by scoring a minimum of 70 percent.

ELO A Prepare to conduct training.
ELO B Conduct the training.
ELO C Recover from the training.
ELO D Assess the training.
ELO E Conduct individual training.

Assignment The student assignments for this lesson are:

- Review the Conduct Individual Training score sheet on page SH-1-2.
- Review Student Handout 2.

Additional Subject Area Resources **NOTE:** These resources are available for viewing and download on the Warrior Leader Course webpage in AKO. You must have an active AKO account to access these documents.

Bring to Class You must bring the following materials to class:

- All reference material received.
- Pen or pencil and writing paper.
- Any materials required by the NCOA's SOP.

CONDUCT INDIVIDUAL TRAINING		
STUDENT: (Rank, Last, First, MI)	SGL: (Rank, Last, First MI)	DATE
PERFORMANCE STEPS	GO	NO GO
PREPARATION FOR TRAINING		
1. Select the task		
2. Plan the training		
3. Train the trainers		
4. Recon the site		
5. Conduct Composite Risk Assessment		
6. Issue training plan		
7. Rehearse		
8. Conduct pre-execution checks		
Preparation Total		
CONDUCT OF TRAINING		
9. Conduct pre-combat checks		
10. Supervise / evaluate hazard controls		
11. Implement hazard controls		
12. State task, conditions, and standards from T&EO		
13. Brief Composite Risk Assessment, safety requirements, environmental conditions		
14. Demonstrate each step of task to standard from T&EO		
15. Restate conditions and standards		
16. Evaluate each Soldier's ability to perform task to standard IAW T&EO		
17. Record the results of the training		
Conduct Total		
RECOVERY FROM TRAINING		
18. Conduct After PMCS		
19. Account for equipment		
20. Close out training site		
21. Conduct AAR		
22. Conduct final inspection		
23. Review risk assessment		
Recovery Total		
ASSESSMENT OF TRAINING		
24. Determine squad proficiency for the task (T, P, U)		
25. Report assessment to superior		
TOTAL		
Evaluation Guidance		
Deduct four points for each performance measure student executes incorrectly. Subtract points deducted from 100 to determine the student's final score. If the student fails any step, show the student what was done wrong and how to do it correctly. Student must score 70 or above to pass. Students who fail the evaluation must retrain and retest. (Maximum score for retest is 70.)		
FINAL SCORE: 100 - _____ = _____		
SGL SIGNATURE and DATE:		
STU SIGNATURE and DATE:		

NOTE: If a performance step does not present itself or is not required during the evaluation, through no fault of the student, score that performance step a "GO." Some blocks may not need to be accomplished by the student. SGLs should automatically award points for these blocks (i.e. "Select Task" or "Close out the Training Site") if this occurs. SGLs may evaluate "unseen" performance steps by noting indicators of performance or by asking the student directly. This score sheet provides the student with the correct performance steps for conducting training to standard. This will aid the student in being able to conduct successful training events with subordinates at their unit of assignment.

PEER ASSESSMENT

Student Assessed:

Class:

Group:

Purpose: This form is for use by the assessed student as a tool to further develop his or her leadership ability. This form will be given to the assessed student as part of the Developmental Action Plan (DAP) in the student's end of course counseling package and is not part of the permanent student record.

Instructions: Provide a legible and honest, written assessment of the Soldier's strengths, weaknesses, and any additional comments concerning the indicated performance below. Providing your AKO e-mail address is optional. Submit the assessment to your SGL after each performance evaluation.

Drill and Ceremonies

Date:

Strengths:

Weaknesses:

Comments:

Assessed by:

AKO e-mail address (optional)

Oral History Brief

Date:

Strengths:

Weaknesses:

Comments:

Assessed by:

AKO e-mail address (optional)

Physical Readiness Training

Date:

Strengths:

Weaknesses:

Comments:

Assessed by:

AKO e-mail address (optional)

Conduct Individual Training

Date:

Strengths:

Weaknesses:

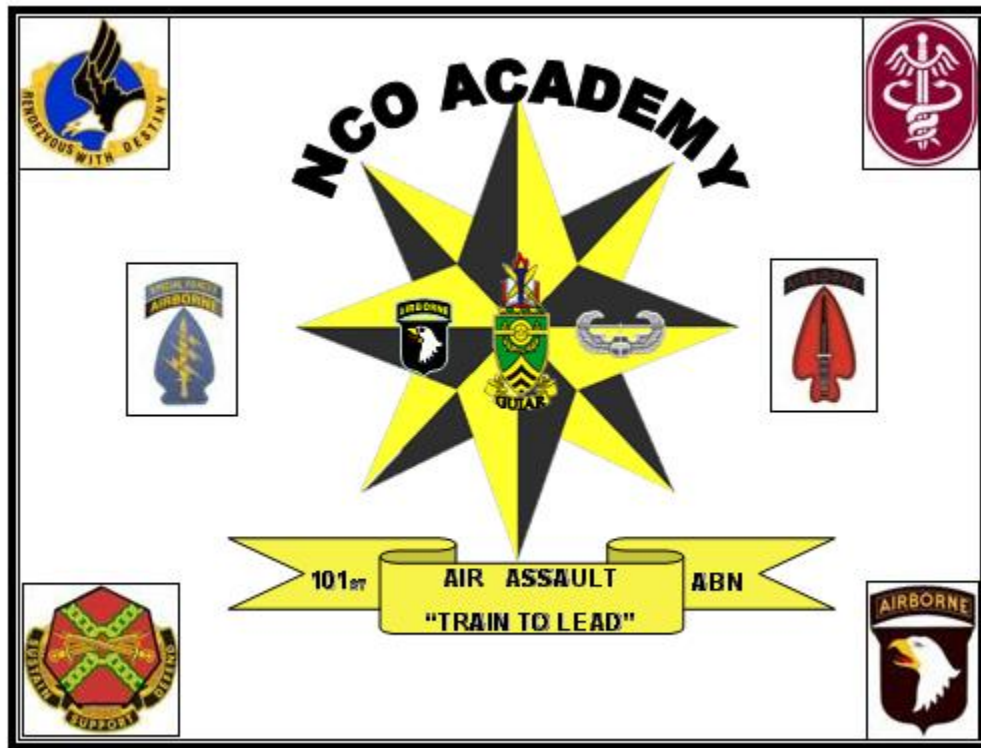
Comments:

Assessed by:

AKO e-mail address (optional)

T224

- Read Student Handout 1, Appendix D, for reading and study assignments



HANDOUTS FOR LESSON 1: T224 version 6

This appendix contains the items listed in this table--

Title / Synopsis	Page(s)
SH-1, Advance Sheet	SH-1-1 thru SH-1-4
SH-2, Extracted Material from TC 3-22.20, Army Physical Readiness Training	SH-2-1 thru SH-2-173
SH-3, Extracted Material from FM 3-25.150, Combatives	SH-3-1 thru SH-3-5
SH-4, Extracted Material from FM 21-10, Field Hygiene and Sanitation	SH-4-1 thru SH-4-41
SH-5, Extracted Material from Hooah 4 Health Web Site	SH-5-1 thru SH-5-24
SH-6, Extracted Material from AR 600-9, The Army Weight Control Program	SH-6-1 thru SH-6-38
SH-7, Extracted Material from Army Wounded Warrior Web Site	SH-7-1 thru SH-7-4
SH-8, Extracted Material from AR 600-85, The Army Substance Abuse Program	SH-8-1 thru SH-8-6
IH-1, Extracted Material from Hooah 4 Health, Spiritual Fitness Transcript	IH-1-1 thru IH-1-5
IH-2, Extracted Material from FM 3-22.20, Army Physical Readiness Training (Draft)	IH-2-1 thru IH-2-5

Student Handout 1

Advance Sheet

Lesson Hours This lesson consists of six hours of small group instruction.

Overview This lesson will provide you with the knowledge and ability to conduct Physical Readiness Training (PRT). You will also learn some concepts that will enable you to improve you and your Soldiers overall well-being (body, mind, and spirit). Lastly, the lesson provides an overview of the Army Wounded Warrior Program (AW2) and the Army Substance Abuse Program (ASAP) and how these programs can assist you as a leader.

Learning Objective Terminal Learning Objective (TLO).

Action:	Conduct team/squad/section physical readiness training.
Conditions:	As a leader of a squad/team, in the classroom and during a situational training exercise, given the instruction in this lesson.
Standards:	Conduct team/squad/section physical readiness training by-- <ul style="list-style-type: none">• Achieving a GO on the end of module examination by scoring a minimum of 70 percent,• Achieving a GO on the Conduct Physical Readiness Training evaluation by scoring a minimum of 70 percent,• Applying components of the Army Physical Readiness Training (PRT) Program,• Identifying elements that promote health and wellness, and• Identifying how the Wounded Warrior Program and the Army Substance Abuse Program support health and wellness.

ELO A Apply components of the Army Physical Readiness Training (PRT) Program.

ELO B Identify elements that promote health and wellness.

ELO C Identify how the Wounded Warrior Program and the Army Substance Abuse Program support health and wellness.

Assignment The student assignment for this lesson is to

- Review Student Handouts 2 through 8.
 - Study Student Handout 2 pages SH-2-47 thru SH-2-128.
 - Review the Conduct Physical Readiness score sheet on page SH-1-3.
-

**Additional
Subject Area
Resources**

NOTE: These resources are available for viewing and download on the Warrior Leader Course webpage in AKO. You must have an active AKO account to access these documents. They are additional subject area resources and not required for instruction.

- GTA 05-08-012, Individual Safety Card
- GTA 08-05-062, Staying Healthy
- Performance, Power, Nutrition Connection (PPNC) Weight Management Brochure
- Eat 5 a Day Savor the Spectrum poster
- National Cancer Society "Eat 5 a Day" PowerPoint Presentation
- Dietary Supplements
- Fluid Intake
- Nutrition and Your Health
- Sleep Disorders
- Volunteering
- Wellness Overview
- U.S. Army Center for Health Promotion and Preventive Medicine (<http://usachppm.apgea.army.mil>)
- Unit Leaders' and Instructors' Risk Management Steps for Preventing Cold Casualties (<http://chppm-www.apgea.army.mil/documents/coldinjury/ColdRiskManual9-22-08-3jr.pdf>)
- Nutrition.Gov (<http://www.nutrition.gov>)
- United States Department of Agriculture Food and Nutrition Information Center (<http://fnic.nal.usda.gov>)
- Physical Fitness School Homepage (<https://www.us.army.mil/suite/page/346316>)

Bring to Class

You must bring the following materials to class:

- All reference material received.
 - Pen or pencil and writing paper.
 - Any materials required by the NCOA's SOP.
-

CONDUCT PHYSICAL READINESS TRAINING		
STUDENT (Rank, Last, First, MI)	SGL (Rank, Last, First MI)	DATE
PERFORMANCE STEPS	GO	NO GO
FORM SQUAD		
1. Briefs Composite Risk Assessment		
2. Squad, ATTENTION		
3. Extend to the left, MARCH		
4. Arms downward, MOVE		
5. Left, FACE		
6. Extend to the left, MARCH		
7. Arms downward, MOVE		
8. Right, FACE		
9. From front to rear, count OFF		
10. Even numbers to the left, UNCOVER		
PREPARATION (FM 3-22.20, pages 8-3 thru 8-12)		
11. Identifies each preparation exercise		
12. Leads group in execution of preparation exercises		
13. Performs five repetitions for each of the 10 preparation exercises		
14. Conducts preparation for approximately 15 minutes		
CALESTHENIC DRILL 1, or 2, or MILITARY MOVEMENT DRILL 1, or 2 (SUSTAINMENT PHASE) (FM 3-22.20, pages 9-36 thru 9-50 and 10-19 thru 10-26)		
15. Conducts activity (CD1, or CD2, or MMD1, or MMD2) in proper sequence		
16. Performs a minimum of five repetitions of each exercise		
17. Uses correct cadence to allow precise execution		
18. Conducts drill with minimum pauses		
RECOVERY (FM 3-22.20, pages 8-15 thru 8-19)		
19. Conducts walking until heart rates return to less than 100 beats per minute and heavy sweating stops		
20. Identifies and leads group in execution of each recovery exercise		
21. Executes each of the five recovery exercises for 20 seconds (silent count)		
22. Conducts recovery for approximately 15 minutes		
END SESSION		
23. Squad, Attention		
24. Assemble to the right, March		
25. Conducts AAR		
Evaluation Guidance Deduct four points for each performance measure student executes incorrectly. Subtract points deducted from 100 to determine the student's final score. If the student fails any step, show the student what was done wrong and how to do it correctly. Student must score 70 or above to pass. Students who fail the evaluation must retrain and retest. (Maximum score for retest is 70.)		
FINAL SCORE: 100 - _____ = _____		
SGL SIGNATURE and DATE:		
STUDENT SIGNATURE and DATE:		

NOTE: If a performance step does not present itself during the evaluation, through no fault of the student, score that performance step a "GO." SGLs may direct the student to perform the next performance step in the sequence in order to facilitate time requirements.

PEER ASSESSMENT

Student Assessed:

Class:

Group:

Purpose: This form is for use by the assessed student as a tool to further develop his or her leadership ability. This form will be given to the assessed student as part of the Developmental Action Plan (DAP) in the student's end of course counseling package and is not part of the permanent student record.

Instructions: Provide a legible and honest, written assessment of the Soldier's strengths, weaknesses, and any additional comments concerning the indicated performance below. Providing your AKO e-mail address is optional. Submit the assessment to your SGL after each performance evaluation.

Drill and Ceremonies

Date:

Strengths:

Weaknesses:

Comments:

Assessed by:
AKO e-mail address (optional)

Oral History Brief

Date:

Strengths:

Weaknesses:

Comments:

Assessed by:
AKO e-mail address (optional)

Physical Readiness Training

Date:

Strengths:

Weaknesses:

Comments:

Assessed by:
AKO e-mail address (optional)

Conduct Individual Training

Date:

Strengths:

Weaknesses:

Comments:

Assessed by:
AKO e-mail address (optional)

T225

- Read Student Handout 1, Appendix D, for reading and study assignments



HANDOUTS FOR LESSON 1: T225 version 6

This appendix contains the items listed in this table--

Title / Synopsis	Page(s)
SH-1, Advance Sheet	SH-1-1 thru SH-1-3
SH-2, Extracted Material from FM 3-21.5, Drill and Ceremonies	SH-2-1 thru SH-2-13

Student Handout 1

Advance Sheet

Lesson Hours This lesson consists of three hours of small group instruction: 10 minutes of conference/discussion, 20 minutes of demonstration, 75 minutes of practical exercise, and 75 minutes of evaluation.

Overview This lesson will provide you with the opportunity to conduct squad drill and the squad leader's inspection as found in FM 3-21.5, Chapters 6 and 7.

Learning Objective Terminal Learning Objective (TLO).

Action:	Lead a squad in squad drill.
Conditions:	As a leader of a squad/team, in the classroom and during a situational training exercise, and given the instruction in this lesson.
Standards:	Lead a squad in squad drill by-- <ul style="list-style-type: none">• Leading a squad in drill movements, and• Conducting squad inspections.

Assignment The student assignment for this lesson is to study Student Handout 2 and the Conduct Squad Drill score sheet on page SH-1-2.

Additional Subject Area Resources None

Bring to Class You must bring the following materials to class:

- All reference material received.
- Pen or pencil and writing paper.
- Any materials required by the NCOA's SOP.

CONDUCT SQUAD DRILL

(Ref: FM 3-21.5, Chapter 6 and Chapter 7 page 7-15)

STUDENT: (Rank, Last, First, MI)	SGL: (Rank, Last, First MI)	DATE
PERFORMANCE STEPS	GO	NO GO
FORM THE SQUAD		
1. Comes to the Position of Attention		
2. Commands " FALL IN "		
3. Commands " Count OFF "		
ALIGN THE SQUAD		
4. Commands " Dress Right, DRESS "		
5. Faces to the <i>Half Left</i> in marching and marches by the most direct route to a position on line with the squad, halts one step from the right flank man, and faces down the line		
6. Verifies the alignment of the squad		
7. Faces to the <i>Half Right</i> in marching, returns to his position (center of the squad), halts perpendicular to the formation, faces to the left		
8. Commands " Ready, FRONT " (Executes "About FACE," facing the SGL)		
INSPECT THE SQUAD (SGL directs squad leader " INSPECT YOUR SQUAD. " Do not exchange salutes. Execute "About, FACE.")		
9. Marches forward and to the left, inclining until at a point 15 inches in front of and centered on first squad member. Remains at a modified <i>Position of Attention</i> moving head and eyes only. After inspecting at the center position, takes a short step forward and left and inspects, returns to the center and steps forward and right and inspects, and returns to the center. Faces to the right as in marching and takes two steps, halts, and faces the next member. (Repeat as necessary)		
10. After inspecting the last Soldier, the squad leader faces to the right as in marching and marches around behind the squad, inclining as necessary. While the squad leader marches back to his post, he inspects the squad from the rear		
11. After resuming his post <u>facing</u> the squad, the squad leader commands " AT EASE " (Execute "About FACE," assume AT EASE.)		
MARCH THE SQUAD (SGL directs squad leader " MARCH THE SQUAD. " Assume Position of Attention. Execute "About, FACE")		
12. Commands " Squad, ATTENTION "		
13. Commands " Right, FACE "		
14. Commands " Forward, MARCH "		
15. Commands " Column Right (and Left), MARCH "		
16. Commands " Column Half-Right (and Left), MARCH "		
17. Commands " Right (and Left) Flank, MARCH "		
18. Commands " Rear, MARCH " (Student may need to reposition or give second " Rear MARCH ")		
19. Commands " Squad, HALT " (Execute "Right, FACE.")		
DISMISS THE SQUAD		
20. Commands " DISMISSED "		
<p>Evaluation Guidance Deduct five points for each performance measure student executes incorrectly. Subtract points deducted from 100 to determine the student's final score. If the student fails any step, show the student what was done wrong and how to do it correctly. Student must score 70 or above to pass. Students who fail the evaluation must retrain and retest. (Maximum score for retest is 70.)</p>		
<p>FINAL SCORE: 100 - _____ = _____</p>		
SGL SIGNATURE and DATE:		
STU SIGNATURE and DATE:		

NOTE: Student must perform all performance steps. If the students forget to conduct a performance step, the SGL will direct the student to perform the appropriate step.

PEER ASSESSMENT

Student Assessed:

Class:

Group:

Purpose: This form is for use by the assessed student as a tool to further develop his or her leadership ability. This form will be given to the assessed student as part of the Developmental Action Plan (DAP) in the student's end of course counseling package and is not part of the permanent student record.

Instructions: Provide a legible and honest, written assessment of the Soldier's strengths, weaknesses, and any additional comments concerning the indicated performance below. Providing your AKO e-mail address is optional. Submit the assessment to your SGL after each performance evaluation.

Drill and Ceremonies

Date:

Strengths:

Weaknesses:

Comments:

Assessed by:

AKO e-mail address (optional)

Oral History Brief

Date:

Strengths:

Weaknesses:

Comments:

Assessed by:

AKO e-mail address (optional)

Physical Readiness Training

Date:

Strengths:

Weaknesses:

Comments:

Assessed by:

AKO e-mail address (optional)

Conduct Individual Training

Date:

Strengths:

Weaknesses:

Comments:

Assessed by:

AKO e-mail address (optional)

Student Handout 2

Extracted Material from FM 3-21.5, Drill and Ceremonies

This student handout contains 12 pages of extracted material from the following publication:

FM 3-21.5, Drill and Ceremonies, 7 Jul 2003 w/C1 12 Apr 2006

Chapter 6	pages 6-1 thru 6-10
Chapter 7	pages 7-15 and 7-16

Disclaimer: The training developer downloaded the extracted material from the Army Publishing Directorate (USAPA) web site. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

RECOVERABLE PUBLICATIONS

YOU RECEIVED THIS DOCUMENT IN A DAMAGE-FREE CONDITION. DAMAGE IN ANY WAY, TO INCLUDE HIGHLIGHTING, PENCIL MARKS, OR MISSING PAGES, WILL SUBJECT YOU TO PECUNIARY LIABILITY (STATEMENT OF CHARGES, CASH COLLECTIONS, ETC.) TO RECOVER THE PRINTING COSTS.

CHAPTER 6

SQUAD DRILL

The [soldiers] must learn to keep their ranks, to obey words of command, and signals by drum and trumpet, and to observe good order, whether they halt, advance, retreat, are upon a march, or engaged with an enemy.

Niccolo Machiavelli: *Arte della Guerra*, 1520

Section I. FORMATIONS AND MOVEMENTS

This section describes the formations and movements of a squad. Individual drill movements and the manual of arms are executed as previously prescribed while performing as a squad member.

6-1. BASIC INFORMATION

The squad has two prescribed formations—line and column. However, the squad may be formed into a column of twos from a column formation. When the squad is in line, squad members are numbered from right to left; when in column, from front to rear. The squad normally marches in column, but for short distances it may march in line.

When the squad drills as a separate unit, the squad leader carries his weapon at *Sling Arms*. When the squad is in a line formation, the squad leader assumes a post three steps in front of and centered on the squad; when in a column or a column of twos, three steps to the left and centered on the squad. When the squad drills as part of a larger unit, the squad leader occupies the number one (base) position of the squad. He carries his weapon in the same manner as prescribed for other riflemen in the squad.

6-2. FORMING THE SQUAD

The squad normally forms in a line formation; however, it may re-form in column when each member can identify his exact position (equipment grounded) in the formation (Figure 6-1, page 6-2).

a. To form at normal interval, the squad leader comes to the *Position of Attention* and commands **FALL IN**. On the command **FALL IN**, the following actions occur simultaneously:

- (1) Each member double-times to his position in the formation.
- (2) The right flank man positions himself so that when the squad is formed it is three steps in front of and centered on the squad leader.
- (3) The right flank man comes to the *Position of Attention* and raises his left arm laterally at shoulder level, elbow locked, fingers and thumb extended and joined, and palm facing down. He ensures that the left arm is in line with the body.
- (4) The man to the immediate left of the right flank man comes to the *Position of Attention*, turns his head and eyes to the right, and raises his left arm in the same manner as the right flank man. He obtains proper alignment by taking short steps forward or backward until he is on line with the right flank man. He then obtains exact interval by taking short steps left or right until his shoulder touches the extended fingertips of the right flank man. As soon as the man to the left has obtained *Normal Interval*, each man

individually lowers his arm to his side, sharply turns his head and eyes to the front, and assumes the *Position of Attention*.

(5) The right flank man then sharply returns to the *Position of Attention*.

(6) All other members of the squad form in the same manner except that the left flank man does not raise his left arm.

NOTE: The right flank man raises his arm and looks straight to the front unless the squad is to align on an element to its right. If he is to align on an element to the right he turns his head and eyes to the right and aligns himself with that element.

b. To form at *Close Interval*, the formation is completed in the manner prescribed for *Normal Interval*, except that the command is **At Close Interval, FALL IN**. Squad members obtain *Close Interval* by placing the heel of the left hand on the left hip even with the waist, fingers and thumb joined and extended downward, and with the elbow in line with the body and touching the arm of the man to the left.

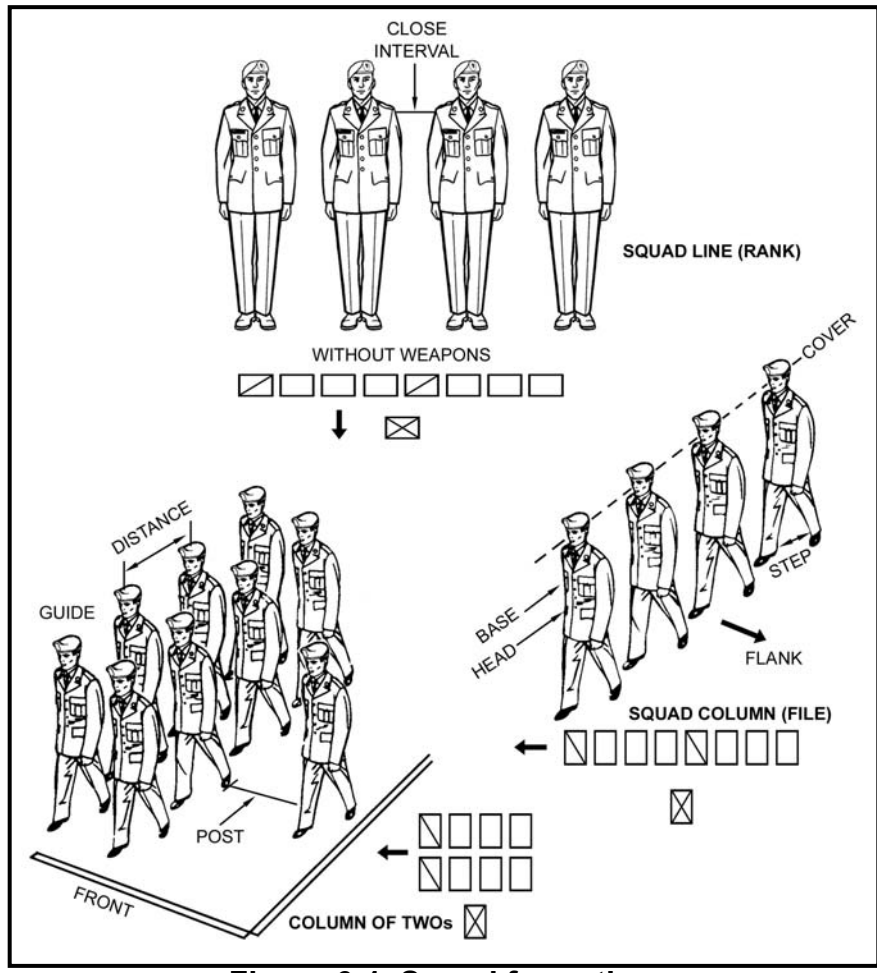


Figure 6-1. Squad formation.

c. To form in column, the squad leader faces the proposed flank of the column and commands ***In Column, FALL IN***. On the command of execution **FALL IN**, squad members double-time to their original positions (grounded equipment) in formation and cover on the man to their front.

NOTE: The correct distance between soldiers in column formation is approximately 36 inches. This distance is one arm's length plus 6 inches

d. When armed, squad members fall in at *Order Arms* or *Sling Arms*. For safety, the commands ***Inspection, ARMS; Ready, Port, ARMS;*** and ***Order (Sling), ARMS*** are commanded at the initial formation of the day or when the last command is **DISMISSED** (Figure 6-1).

6-3. COUNTING OFF

The squad may count off in line or column formation. The command is ***Count, OFF***.

a. When the squad is in a line formation, the counting is executed from right to left. On the command of execution **OFF**, each member, except the right flank man, turns his head and eyes to the right, and the right flank man counts off "**ONE.**" After the man on the right counts off his number, the man to his left counts off with the next higher number and simultaneously turns his head and eyes to the front. All the other members execute count off in the same manner until the entire squad has counted off.

b. When the squad is in column formation, the counting is executed from front to rear. On the command of execution **OFF**, the soldier at the head of the column turns his head and eyes to the right and counts over his shoulder, "**ONE.**" After counting off his number, he immediately comes to the *Position of Attention*. All other members count their numbers in sequence in the same manner as the number one man; the last man in the file does not turn his head and eyes to the right.

6-4. CHANGING INTERVAL WHILE IN LINE

To change interval while in line, use the following procedures:

NOTE: To ensure that each member understands the number of steps to take, the squad leader should command ***Count, OFF*** before giving any commands that cause the squad to change interval. Members do not raise their arms when changing interval.

a. To obtain *Close Interval* from *Normal Interval*, the command is ***Close Interval, MARCH***. On the command of execution **MARCH**, the right flank man (number one man) stands fast. All men to the left of the number one man execute *Right Step March*, take one step less than their number (for example, number five man takes four steps), and *Halt*.

NOTE: The squad leader takes the correct number of steps to maintain his position of three steps in front of and centered on the squad.

b. To obtain *Normal Interval* from *Close Interval*, the command is ***Normal Interval, MARCH***. On the command of execution **MARCH**, the right flank man stands fast. All men to the left of number one man execute *Left Step March*, take one step less than their number (for example, number nine man takes eight steps), and *Halt*.

c. To obtain *Double Interval* from *Normal Interval*, the command is ***Double Interval, MARCH***. On the command of execution **MARCH**, the right flank man stands fast. All men to the left of number one man face to the left as in marching, take one 30-inch step less than their number (for example, number seven man takes six steps), *Halt*, and execute *Right Face*.

d. To obtain *Normal Interval* from *Double Interval*, the command is ***Normal Interval, MARCH***. On the command of execution **MARCH**, the right flank man stands fast. All men to the left of the number one man face to the right as in marching, take one 30-inch step less than their number (for example, number three man takes two steps), *Halt*, and execute *Left Face*.

6-5. ALIGNING THE SQUAD

To align the squad, use the following procedures:

NOTE: The squad leader commands the squad to the appropriate interval before giving the command for alignment.

a. To align the squad at *Normal Interval*, the commands are ***Dress Right, DRESS*** and ***Ready, FRONT***. These commands are given only when armed soldiers are at *Order Arms* or *Sling Arms*. On the command of execution **DRESS**, the right flank man stands fast. Each member, except the right flank man, turns his head and eyes to the right and aligns himself with the man on his right. Each member, except the left flank man, extends his left arm laterally at shoulder level, elbow locked, fingers and thumb extended and joined, palm facing down. He ensures his left arm is in line with his body and positions himself by short steps right or left until his right shoulder touches the fingertips of the man on his right. On the command of execution **FRONT**, each member returns sharply to the *Position of Attention* (Figure 6-2).



Figure 6-2. Alignment (Normal Interval).

NOTE: If the squad leader wants exact alignment, on the command of execution **DRESS**, he faces to the *Half Left* in marching and marches by the most direct route to a position on line with the squad, halts one step from the right flank man, and faces down the line. From his position, he verifies the alignment of the squad, directing the men to move forward or backward, as necessary, calling them by name or number: “*Private Jones, forward 2 inches;*” “*Number eight, backward 4 inches.*” The squad leader remains at attention, taking short steps to the right or left as necessary to see down the squad. Having aligned the squad, he centers himself on the right flank man by taking short steps left or right. He then faces to the *Half Right* in marching, returns to his position (center of the squad), halts perpendicular to the formation, faces to the left, and commands **Ready, FRONT**. These procedures also apply when aligning the squad at close or *Double Interval*.

b. To align the squad at *Close Interval*, the commands are **At Close Interval, Dress Right, DRESS** and **Ready, FRONT**. The movement is executed in the same manner prescribed for alignment at *Normal Interval* except that the squad members obtain *Close Interval* (Figure 6-3, page 6-6).



Figure 6-3. Alignment (Close Interval).

c. To align the squad at *Double Interval*, the commands are *At Double Interval, Dress Right, DRESS* and *Ready, FRONT*. These commands are given only when the troops are unarmed or at *Sling Arms*. On the command of execution **DRESS**, each member (except the right flank man) turns his head and eyes to the right and aligns himself on the man on his right. At the same time, each member (except the right and left flank men) extends both arms and positions himself by short steps right or left until his fingertips are touching the fingertips of the members on his right and left. (The right flank man raises his left arm; the left flank man raises his right arm.)

d. To align the squad in column, the commands are **COVER** and **RECOVER**. On the command **COVER**, each member (except the number one man) raises his left arm to a horizontal position, elbow locked, fingers and thumb extended and joined, palm facing down, and obtains an arm's length plus about 6 inches (from the fingertips) to the back of the man to his front. At the same time, each man aligns himself directly behind the man to his front. To resume the *Position of Attention*, the command **RECOVER** is given. On this command, each member sharply returns to the *Position of Attention*.

6-6. MARCHING THE SQUAD

To march the squad, use the following procedures:

a. For short distances only, the squad may be marched forward while in a line formation.

b. When marching long distances, the squad is marched in column.

c. To form a column formation from a line formation, the command is *Right, FACE*.

d. When a column formation is originated from a line formation at *Close Interval*, the squad may be marched for short distances at the *Half Step* with less than correct distance. To obtain correct distance while marching with less than correct distance, the

command is *Extend, MARCH*. On the command of execution **MARCH**, the number one man takes one more 15-inch step and then steps off with a 30-inch step. Each squad member begins marching with a 30-inch step at the approximate point where the number one man stepped off, or as soon as correct distance has been obtained.

NOTE: See Chapter 4 for more information on marching movements.

6-7. CHANGING THE DIRECTION OF A COLUMN

To change the direction of a column, use the following procedures:

a. From the *Halt*, the command to start the squad in motion and simultaneously change the direction of march 90 or 45 degrees is *Column Right (Left), MARCH* or *Column Half Right (Left), MARCH*. On the command of execution **MARCH**, the lead man faces to the right (left) as in marching by pivoting to the right (left) on the ball of the right foot and steps off in the indicated direction taking a 30-inch step with the left foot and continues to march. The number two man adjusts his step by lengthening or shortening as necessary to reach the approximate pivot point of the lead man. When he reaches the approximate pivot point of the lead man, he pivots to the right (left) on the ball of the lead foot taking a 30-inch step with the trail foot in the new direction. All other members step off with the left foot and continue to march forward taking 30-inch steps and execute in the same manner as the number two man in approximately the same place until the entire squad has executed the column movement.

b. To change the direction of march 90 or 45 degrees when marching, the preparatory command *Column Right (Left)* or *Column Half Right (Half Left)* is given as the foot (in the desired direction) strikes the marching surface. The command of execution **MARCH** is given the next time the foot in the desired direction strikes the marching surface. On the command of execution **MARCH**, the lead man takes one additional step, pivots in the commanded direction as the pivot foot strikes the marching surface, and continues to march in the new direction. Other members continue to march forward and execute the pivot as prescribed from the *Halt*.

c. To avoid an obstacle in the line of march, the squad leader directs, **INCLINE LEFT(RIGHT)**. The lead man inclines left(right) around the obstacle and resumes the original direction. All other members follow the lead man.

6-8. MARCHING TO THE FLANK

The squad may be marched to the flank (for short distances only) when marching in column. The command for this movement is *Right (Left) Flank, MARCH*. The preparatory command is given as the foot in the desired direction strikes the marching surface, and the command of execution is given the next time the foot in the desired direction strikes the marching surface. On the command of execution **MARCH**, all members take one more step, pivot 90 degrees in the commanded direction on the ball of the lead foot, and step off in the new direction with the trailing foot. As the members begin to march in the new direction, they glance out of the corner of the right eye and dress to the right.

6-9. FORMING A COLUMN OF TWOS AND RE-FORMING

To form a column of twos and re-form, use the following procedures:

a. Forming a column of twos from a file is executed only from the *Halt*. The command is ***Column of Twos to the Right (Left), MARCH***. On the preparatory command, the lead team leader commands **STAND FAST**. The trailing team leader commands ***Column Half Right (Left)***. On the command of execution **MARCH**, the trailing team leader executes a *Column Half Right (Left)*, inclines to the left or right when the correct interval is obtained, and commands ***Mark time, MARCH*** and ***Team, HALT*** to *Halt* abreast of the lead team leader.

b. Forming a file from a column of twos is executed only from the *Halt*. The command is ***File from the Left (Right), MARCH***. On the preparatory command, the lead team leader commands **FORWARD**. The trailing team leader commands **STAND FAST**. On the command of execution **MARCH**, the lead team marches forward. The trailing team leader commands ***Column Half Left (Right)*** when the second man from the rear of the lead team is abreast. He gives the command **MARCH** when the last man of the lead team is abreast of him and his right foot strikes the marching surface. He then inclines right or left to follow the lead team at the correct distance.

NOTE: Commands are given over the team leader's right shoulder if the direction of movement is to the right or if the team is following an element to its right. Commands are given over the left shoulder if the direction of movement is to the left or if the team is following an element to its left.

6-10. DISMISSING THE SQUAD

The squad is dismissed with the members at *Attention*. With armed troops, the commands are ***Inspection, ARMS; Ready, Port, ARMS; Order (Sling), ARMS; and DISMISSED***. With unarmed troops, the command is **DISMISSED**.

NOTE: Unless otherwise stated (by the person in charge in his instructions before the command **DISMISSED**), the command **DISMISSED** terminates only the formation, not the duty day (AR 310-25).

Section II. STACK AND TAKE ARMS (M16-SERIES RIFLE)

The squad members execute *Stack Arms* from their positions in line formation (at *Normal Interval*) from *Order Arms*. When in line formation, the squad leader commands ***Count, OFF*** and then designates the stack men by numbers (2-5-8).

- NOTES:**
1. M4-series carbines are not compatible with the M16-series rifles when stacking arms. The two types of weapons must be stacked separately or grounded in a manner that will not damage the sights. (See Appendix D for a detailed explanation of stack arms and take arms for the M4-series carbine.)
 2. When the squad is part of a larger unit, stack arms may be executed in a column formation (when the formation consists of three or more files and the squads are at normal interval). Second or third squad is designated as the stack squad.

6-11. PREPARE SLINGS

After the stack men are designated, the squad leader commands *Prepare, SLINGS*. On the command of execution **SLINGS**, each stack man (or stack squad) grasps the barrel of his rifle with the right hand and raises the rifle vertically. With his left hand, he places the rifle butt on his right hip and cradles the rifle in the crook of his right arm. Using both hands, he adjusts the sling keeper so that a 2-inch loop is formed from the sling keeper to the upper sling swivel. As soon as the loop is prepared, he returns to *Order Arms*.

6-12. STACK ARMS

When all stack men have returned to *Order Arms*, the squad leader commands *Stack, ARMS*.

a. On the command of execution **ARMS**, each stack man grasps the barrel of his rifle with his right hand and places the rifle directly in front of and centered on his body with the sights to the rear. The rifle butt is placed on the marching surface so that the heel of the rifle butt is on line with the toes of his footgear. The stack man bends slightly forward at the waist and grasps his rifle with his left hand at the upper portion of the handguard (keeping the rifle vertical at all times). The first two fingers of the left hand hold the inner part of the loop against the rifle. The stack man reaches across the front of the rifle with his right hand, grasps the outer part of the loop, and holds it open for insertion of other rifles.

b. On the command of execution **ARMS**, the men to the right and left of the stack man perform the following movements simultaneously:

(1) The man on the stack man's right grasps the barrel of his rifle with his right hand and raises and centers his rifle with the magazine well facing to the front, wrist held shoulder high, elbow locked. With his left hand, he then grasps the handguard (midway), releases his right hand, and regrasps the rifle at the small of the stock. He lowers both arms, with elbows locked (holding the rifle in a horizontal position with the muzzle to the left and the magazine well to the front).

(2) The man on the stack man's left grasps the barrel of the rifle with his right hand and raises and centers his rifle with magazine well facing to the front, wrist held shoulder high, elbow locked. Using his left hand, he then grasps the rifle at the small of the stock, releases the right hand, and regrasps the handguard midway. He then lowers both arms, with elbows locked holding the rifle in a horizontal position with the muzzle to the right and magazine well to the front.

c. As soon as the stack man has placed his rifle in position, both men move the foot nearest the stack man half way (*Half Right* or *Half Left*) toward the stack man. The man on the stack man's left inserts the muzzle of his rifle into the loop to a point about halfway between the flash suppressor and the front sight assembly. He holds his rifle in this position until the man on the stack man's right inserts the muzzle of his rifle in a similar manner and above the other rifle muzzle.

d. Without moving the feet, both riflemen swing the butt of their rifles out and then down to the marching surface, making the stack tight with the rifle butts on line and about 2 feet from the base line. When the stack has been completed, all three men resume the *Position of Attention*.

e. Additional rifles are passed to the nearest stack on the right (right or left if stacked in column). The men with additional rifles grasp the rifle barrel with the right

hand and raise the rifle vertically with the magazine well to the front, wrist held shoulder high, elbow locked, and right arm extended to the right front. Throughout the pass, the rifle is held vertical with the magazine well to the front.

(1) The man to the left of the stack man then grasps the rifle midway at the handguard with his left hand. The man passing the additional rifle then releases the rifle and sharply returns to the *Position of Attention*. The man to the left of the stack man then moves the rifle to the right until it is centered on his body, and he grasps the rifle barrel with his right hand, wrist held shoulder high and elbow locked. He then releases the left hand and sharply returns his left hand to the left side as in the *Position of Attention*. He then moves the rifle to his right front.

(2) The stack man receives the rifle and centers it in the same manner as previously described. The man to the left of the stack man sharply returns to the *Position of Attention* after he releases the rifle. Once the stack man has centered the rifle and grasped the barrel with the right hand, he bends forward at the waist and places the rifle in the stack so that it is secure (without damaging the front sight assembly). If there are two additional rifles, the second rifle is passed in the same manner as the first.

NOTE: See Appendix B for a figure showing *Stack Arms* using the M4-series carbine.

6-13. TAKE ARMS

To *Take Arms*, the command is **Take, ARMS**. On the command of execution **ARMS**, the men return the additional rifles in the same manner as the rifles were received. The stack man secures the stack and holds the loop in the same manner as for stacking rifles. The men on the left and right step toward the stack man in the same manner as when stacking arms. Each man reaches down and regrasps his rifle (one hand at the small of the stock and one hand midway of the handguard) and brings it to the horizontal position. The man on the right frees his rifle first and resumes *Order Arms*. The man on the left frees his rifle and resumes *Order Arms*. The stack man cradles his rifle and adjusts the sling and sling keeper to its original position and then resumes *Order Arms*.

7-16. IN-RANKS INSPECTION

To conduct in-ranks inspections, use the following procedures:

a. With the platoon in line formation, the platoon sergeant commands **Count, OFF**. On the command of execution **OFF**, all personnel with the exception of the right flank personnel turn their head and eyes to the right and the right flank personnel count off with “**ONE**.” After the right flank soldiers have counted their number, the soldiers to their left count off with the next higher number and simultaneously turn their head and eyes to the front. All other members of the formation count off in the same manner until the entire formation has counted off.

b. After the platoon has counted off, the platoon sergeant commands **Open Ranks, MARCH**. On the command of execution **MARCH**, the front rank takes two steps forward, the second rank takes one step forward, the third rank stands fast, and the fourth rank takes two steps backward. If additional ranks are present, the fifth rank takes four steps backward, and the sixth rank takes six steps backward.

NOTE: After taking the prescribed number of steps, the men do not raise their arms. If the platoon leader wants exact interval or alignment, he commands **At Close Interval (At Double Interval), Dress Right, DRESS**. (See paragraph 7-6 for more information on aligning the platoon.)

c. At this point, the platoon is ready to be inspected. Typically, the squads are inspected by the squad leaders; however they may be inspected by the platoon sergeant or platoon leader. (See paragraphs 7-17 and 7-18.)

7-17. SQUAD LEADERS' INSPECTION

If the platoon sergeant wants the squad leaders to inspect their squads, he will direct **INSPECT YOUR SQUADS**. *Salutes* are not exchanged.

a. The squad leader marches forward and to the left, inclines as necessary until he is at a point 15 inches in front of and centered on the first man.

NOTE: If the members of the platoon are armed, the squad leaders will sling their weapons diagonally across the back with the muzzle down and to the right. This movement will be executed without command and prior to the squad leader stepping off. (For more information on how to inspect personnel with weapons and how to manipulate the weapon, see paragraph 7-17, c-f.)

b. The squad leader remains at a modified *Position of Attention* moving his head and eyes only. After inspecting at the center position, he takes a short step forward and to the left and inspects, returns to the center and steps forward and to the right and inspects, and returns to the center position.

c. Having inspected the first man, the squad leader faces to the right as in marching and takes one (two if at normal interval) step, halts, and faces the next man at the appropriate distance. The squad leader conducts the inspection for the rest of the soldiers in the squad.

d. After inspecting the last soldier in the squad, the squad leader faces to the right as in marching and marches around behind the squad, inclining as necessary. While the squad leader marches back to his post, he inspects the squad from the rear.

e. After resuming his post, the squad leader turns his head and eyes over his left shoulder and commands his squad to assume *At Ease*.

f. The platoon sergeant remains at his post (inspects the guidon bearer if appropriate). After the last squad has been inspected and is at *At Ease*, the platoon sergeant commands the platoon to *Attention*.

g. After commanding the platoon to *Attention*, the platoon sergeant commands **Close Ranks, MARCH**. On the command of execution **MARCH**, the first rank takes four steps backward, the second rank takes two steps backward, the third rank stands fast, and the fourth rank takes one step forward. On the command of execution **MARCH**, the platoon leader and platoon sergeant take the appropriate number of steps to maintain their posts.

h. If the platoon is being inspected as part of a larger formation and control of the platoon has not been turned over to the platoon sergeant, he faces about, executes *At Ease*, and awaits further instructions from the first sergeant.

7-18. PLATOON SERGEANT'S/PLATOON LEADER'S INSPECTION

If the platoon sergeant is not going to inspect the entire platoon, he directs the squad leaders of the appropriate squads to inspect their squads. All others will be inspected by the platoon sergeant. When armed, the platoon sergeant slings his weapon in the same manner as the squad leaders.

a. The platoon sergeant faces to the *Half Left* as in marching and marches by the most direct route to a point 15 inches in front of and centered on the first squad leader (or the squad leader of the squad to be inspected). As soon as the platoon sergeant halts in front of the squad leader, he commands the other squads to *At Ease* and inspects the squad leader.

b. The platoon sergeant remains at a modified *Position of Attention* moving his head and eyes only. After inspecting at the center position, he takes a short step forward and to the left and inspects, returns to the center and steps forward and to the right and inspects, and returns to the center position.

c. Having inspected the squad leader, the platoon sergeant faces to the right as in marching and takes one (two if at normal interval) steps, halts, and faces the next man at the appropriate distance. After the platoon sergeant steps off, the squad leader takes a half step forward and faces about. When moving from man to man, the squad leader and platoon sergeant move simultaneously.

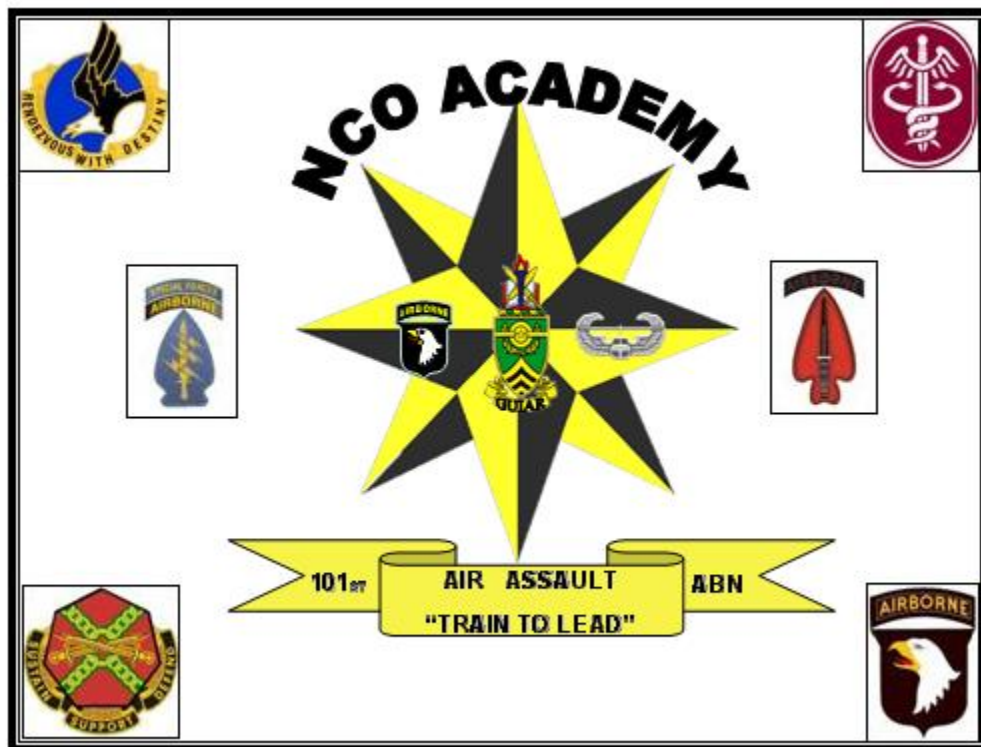
d. Having inspected the last soldier in the squad, the platoon sergeant faces to the right as in marching and marches around behind the squad, inclining as necessary, and inspects the squad from the rear.

e. As the platoon sergeant begins to inspect the first squad from the rear, he commands the next squad to *Attention*. The squad leader returns to his post. After the platoon sergeant arrives in front of the next squad leader, he commands the first squad to *At Ease* over the right shoulder.

f. The platoon sergeant and squad leader execute in the same manner as in inspecting the first squad until the entire platoon has been inspected. After inspecting the

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- Read Student Handouts 1 thru 6. • Review Structured Self-Development Level 1, Supply Activities in a Unit, dated OCT 08, prior to class. •
- Review the training tools/products at the Maintenance Leader Course Daily PMCS website at <http://phoyle.com/army/229/MLC/pmcs/index.htm>.



HANDOUTS FOR LESSON 1: T226 version 6

This appendix contains the items listed in this table--

Title/Synopsis	Pages
SH-1, Advance Sheet	SH-1-1 and SH-1-2
SH-2, Extracted Material from AR 735-5, Policies and Procedures for Property Accountability	SH-2-1 thru SH-2-5
SH-3, Extracted Material from AR 710-2, Supply Policy Below the National Level	SH-3-1 thru SH-3-6
SH-4, Extracted Material from DA PAM 710-2-1, Using Unit Supply System (Manual Procedures)	SH-4-1 thru SH-4-9
SH-5, Extracted Material from Http://phoyle.com/army/229/MLC/pmcs/index.htm , Maintenance Leader Course Daily PMCS	SH-5-1 thru SH-5-20
SH-6, Extracted Material from TM 9-1005-319-10, Rifle, 5.56 MM. M16A2 W/E	SH-6-1 thru 6-3

Student Handout 1

Advance Sheet

Lesson Hours This lesson consists of two hours of group discussion and one hour and fifteen minutes of practical exercises.

Lesson Hours This training will provide you with information and procedures for supply activities at the unit level and higher and in a peacetime or wartime environment.

Learning Objective Terminal Learning Objective (TLO).

Action:	Develop an understanding of supply procedures at the unit level.
Conditions:	As a leader of a squad/team, in the classroom, and given the instruction in this lesson.
Standards:	<p>Develop an understanding of supply procedures at the unit level by--</p> <ul style="list-style-type: none"> • Achieving a GO on the end of module examination by scoring a minimum of 70 percent, • Explaining the Command Supply Discipline Program (CSDP), • Identifying the different types of inventories you should conduct on your military property, • Explaining the DA Form 2062, Hand Receipt, • Preparing an inventory using DA Form 2062, Hand Receipt, • Explaining the DA Form 3161, Request for Issue or Turn In, • Explaining the DA Form 3645, Organizational Clothing and Individual Equipment Record (OCIE), • Explaining the DA Form 5988-E, Equipment Maintenance and Inspection Worksheet, and • Explaining the ten classes of supply.

ELO A Explain the Command Supply Discipline Program (CSDP).

ELO B Identify the different types of inventories you should conduct on your military property.

ELO C Explain the DA Form 2062, Hand Receipt.

ELO D Prepare an inventory using DA Form 2062, Hand Receipt.

ELO E Explain the DA Form 3161, Request for Issue or Turn In.

ELO F Explain the DA Form 3645, Organizational Clothing and Individual Equipment Record (OCIE).

ELO G Explain the DA Form 5988-E, Equipment Maintenance and Inspection Worksheet.

ELO H Explain the ten classes of supply.

Bring to Class

You must bring the following materials to class:

- SH-1 thru SH-6.
- Pen or pencil and writing paper.

Assignments

The student assignments for this lesson are:

- Read Student Handouts 1 thru 6.
- Review Structured Self-Development Level 1, Supply Activities in a Unit, dated OCT 08, prior to class.
- Review the training tools/products at the Maintenance Leader Course Daily PMCS website at <http://phoyle.com/army/229/MLC/pmcs/index.htm>.

Additional Subject Area Resources

None

Bring to Class

You must bring the following materials to class:

- All reference material received.
 - Pen or pencil and writing paper.
-

Student Handout 2

Extracted Material from AR 735-5, Policies and Procedures for Property Accountability

This student handout contains four pages of extracted material from the following publication:

AR 735-5, Policies and Procedures for Property Accountability

Chapter	Page(s)
11	26 thru 29

Disclaimer: The training developer downloaded the extracted material from the Army Publishing Directorate (USAPA) web site. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

standards prescribed in *c* and *d* above. Institutions will be required to furnish the reports and statements necessary to make a proper review.

g. On establishment of an Army ROTC or NDCC unit at an institution which is required, or elects, to maintain accountability and responsibility for supplies and equipment to be issued, the ROTC region commander will—

(1) Obtain two copies of the following:

(*a*) The resolution or bylaw citing the authority of the president or other designated officer to execute the bond on behalf of the institution and designating an institutional representative to be the military property custodian. These copies will be authenticated as true copies by the signature of the secretary and by the corporate seal (where applicable). In the case of high schools, an authenticated attestation by the governing assemblage designating a representative to be military custodian will be obtained.

(*b*) The charter or articles of incorporation, or similar documentary evidence of organization, or a reference to the statute if incorporated by direct legislative action.

(2) Forward one set of the documents to HQDA (AHRC-OPD-C), 200 Stovall Street, Alexandria, VA 22332-0400. The other set will be retained at the ROTC region headquarters.

h. On approval of the establishment of an Army ROTC or NDCC unit at an institution that will maintain accountability and responsibility for Government property, the ROTC region commander will forward to the institution a DA Form 1622 (Bond for Safekeeping of Government Property Issued To Educational Institutions). If necessary, DA Form 1622-1 (Affidavits of Individual Sureties) will also be forwarded to the institution, along with a statement of the approximate value of the Government property authorized for initial issue to the institution. The amount of the bond and requirements for acceptance of a bond without surety thereon also will be provided.

i. The surety on the bond, if required, may be U.S. bonds or notes deposited with the ROTC region commander.

j. The bond or other form of indemnification, when duly executed, will be returned to the ROTC region commander. The commander will retain it and assure the sufficiency of the sureties required. No bond or other form of indemnification will be accepted until it has been examined and approved by the installation or overseas command judge advocate.

k. When a bond presently in effect conforms to the above requirements, no change in the bond is necessary. When a new bond is required, the forms prescribed in *h* above will be used.

l. Where an institution maintains both Army and other Service ROTC or NDCC units, a separate bond will be needed to cover DA property that requires a bond. Provisions of this para apply with respect to such bond.

10-4. Junior ROTC's bonding/insurance

a. Institutions of secondary education hosting a JROTC unit must post a bond, or provide proof of suitable insurance in lieu of posting a bond, for the care and safekeeping of all property as stipulated in their application and agreement for the establishment of a JROTC unit, as recorded on DA Form 3126 (Application and Contract for Establishment of a Junior Reserve Officer's Training Corps Unit) under the provisions of AR 145-2. The amount of the bond or insurance will be a minimum of \$5000. When the amount needed to compensate the U.S. Army for Government property issued to the institution that may become lost, damaged or destroyed is greater than \$5000, the amount of the bond or insurance will be increased to that amount. The bond or insurance policy must name the U.S. Army as the beneficiary for the amount needed to replace the lost, damaged or destroyed Government property. Government property includes all nonexpendable property accounted for under the provisions of AR 710-2, para 2-5a(2), to include uniforms stored by the institution. It does not include uniforms issued to cadets, expendable articles, and supplies expended in operation, maintenance, or instruction.

b. Proof of suitable insurance in lieu of a bond may be an affidavit on school or board of education letterhead with the signature of the principal or similar authority to the effect that all Government property used by the JROTC program is covered by the school's insurance policy.

c. Schools that are self-insured may also provide an affidavit to the effect that the school accepts financial responsibility for all Government property used by the JROTC unit. Schools with a history of causing the Government unrecoverable losses may be required to post a bond, as determined by the ROTC region commander or the Army's major overseas area commander having authorized the army JROTC unit under their jurisdiction.

d. The Secretary of the Army delegates to ROTC region commanders, and Army major overseas area commanders having authorized JROTC units under their jurisdiction, the authority to determine the amount of the bond or insurance required, and the financial responsibility of the institution. All such determinations by these commanders will be made "For the Secretary of the Army" on the basis of the standards in paragraphs *a* through *c* above. Any case not clearly falling within these standards will be forwarded through command channels to HQDA (AHRC-OPD-C), 200 Stovall Street, Alexandria, VA 22332-0400 for action by the Secretary of the Army (exempt report, AR 335-15, para 5-4).

e. ROTC region commanders and Army major overseas area commanders having authorized JROTC units under their jurisdiction will review the bonds and insurance affidavits in force at least once every 3 years to ensure their conformance with the standards prescribed in *a* through *c* above. Institutions will be required to furnish the reports and statements necessary for the ROTC region commanders to make a property review.

Section II Other Accounting Procedures

10-5. Financial inventory accounting

A financial inventory accounting system will be established and maintained for inventories of Army material held on records of accountability within the Army supply system. It will be the formal accounting system used to integrate the required quantitative and monetary accounting of Army property. It will not be used to account for property in the hands of troops, or for fixed assets accounted for under the real property record system. Financial inventory accounting records will be maintained by the servicing FAO based on information provided by the accountable officers. Specific policy and procedures are contained in DFAS-IN Regulation 37-1, chapter 21.

10-6. Summary accounting

a. Summary accounting is a simplified inventory accounting procedure that records only the net result of all transactions that took place during the posting period. It is designed for use at certain retail level issue functions involving low dollar value items and in self-service operations. It can be in terms of items or dollars, but not both. Its purpose is to improve supply and financial operations and reduce the workload in supply management and accounting.

b. Property accounts will be maintained using detail accounting procedures unless specifically exempted by HQDA. Each transaction is recorded on the property record and a running balance is maintained. The use of summary accounting procedures must be specifically authorized in AR 710-2 or other functional regulation. Procedures for implementing summary accounting, when authorized by AR 710-2, are contained in DA Pam 710-2-1, para 10-7.

10-7. Contractor-operated property accounts

Contractor personnel are authorized to act as responsible property officers for Army property accounts when such function is included in the scope of their contracts. Cognizant contracting officers will ensure that the contractor is made responsible for Government-owned property under part 45 of the FAR, and that adequate property accountability and record keeping requirements are included in the formal contract.

Chapter 11 Command Supply Discipline Program (CSDP)

Section I Introduction

11-1. General information

This chapter contains concepts and guidelines for establishing and maintaining the CSDP. The CSDP addresses supervisory/managerial responsibilities within the supply system from the user to the MACOM levels. AR 710-2, app B, outlines the specific requirements for the CSDP.

a. The CSDP is a compilation of existing regulatory requirements brought together for visibility purposes. It is directed at standardizing supply discipline throughout the Army. Also, the CSDP is meant to simplify command, supervisory, and managerial responsibilities. Simplification is accomplished by outlining the various requirements for responsible personnel, by standardizing requirements, and by formalizing follow-up procedures.

b. The CSDP is a commander's program. Commanders will implement the CSDP using existing resources. Examples of existing resources are— Command Logistics Review Program (AR 11-1), Command Inspection Program, Internal Review Office, staff personnel, and so forth. Whichever activity the commander designates to assist with implementing the CSDP, the designated activity will then incorporate the CSDP policy in their evaluation plans and procedures. Also, all existing supply evaluation programs will absorb the CSDP. Additionally, local inspector generals can be used at the commander's discretion to conduct special inspections using the systemic methodology for determining root causes for problems identified through the CSDP. Therefore, commanders should not establish new evaluation teams because of the CSDP.

11-2. CSDP purpose

a. The purpose of the CSDP is to—

- (1) Establish supply discipline as regulatory guidance.
- (2) Standardize supply discipline requirements.
- (3) Provide responsible personnel with a single listing of all existing supply discipline requirements.
- (4) Make the U.S. Army more efficient regarding time spent monitoring subordinates' actions.

b. To achieve the above purpose, the CSDP will—

- (1) Ensure compliance with DA supply policy and procedures.

- (2) Determine the adequacy of established DA supply policy and procedures.
- (3) Identify supply problems to permit timely corrective action within the chain of command.

11-3. Explanation of terms that apply to the CSDP

a. Supervisory personnel. All individuals in a position of responsibility whose job involves them with supply operations within or for the U.S. Army force structure. This applies to officers, warrant officers, NCOs, and civilians.

b. Supply economy. The conservation of material by every individual dealing with Army supplies to ensure that only the proper item in the necessary amount is used to accomplish a task. The term Stewardship of Resources is synonymous with Supply Economy.

c. Supply discipline. The compliance with established DA regulations to effectively administer supply economy. Supply discipline applies to the use of supply funds and to all functions and levels of supply operations, (from contractor through the national and retail level, to the user).

d. The CSDP. A four-fold program addressing—

- (1) Responsibilities of commanders and supervisory personnel to instill supply discipline in their operations.
- (2) Guidance for evaluating supply discipline.
- (3) Feedback through command and technical channels for improving supply policy.
- (4) Follow-up to ensure supply discipline is maintained.

e. Repeat finding. A discrepancy of noncompliance noted from a previous evaluation and unresolved beyond the established suspense date.

f. Requirements listing. A compilation of existing regulatory requirements as a single source listing, organized by level of responsibility or function.

11-4. CSDP responsibilities

a. HQDA, DCS, G-4 will—

- (1) Prescribe overall guidance establishing and monitoring the CSDP.
- (2) Coordinate with the Army Staff and other agencies to develop policy and/or resolve policy problems (that is, ODCS, G-1 assistance to improve personnel aspects of supply management).
- (3) Conduct periodic reviews and updates of the program.
- (4) Provide MACOM coordinators with periodic program updates.

b. Commanders of proponents for schools will—

- (1) Modify present blocks of instruction on supply management to include CSDP. No additional program of instruction (POI) time is authorized.
- (2) Continually improve and update supply training at all levels.

c. Commanding General, USAMC will—

- (1) Establish and implement a CSDP consistent with DA policy addressing the national level of the supply system.
- (2) Conduct periodic reviews and updates of the national portion of the CSDP.
- (3) Coordinate with ODCS, G-4 to resolve policy problems.

d. The Commanding General, U.S. Army Combined Arms Support Command (USACASCOM) will provide for the development and maintenance of retail supply systems that implement retail supply policy. This does not include those retail systems unique to AMC.

e. MACOM and equivalent commanders will establish an aggressive CSDP within their respective commands by—

- (1) Appointing a CSDP coordinator and furnishing a copy of the appointment to Director, U.S. Army Logistics Integration Agency, ATTN: LOIA-AP, 54 M Avenue, Suite 4, New Cumberland, PA 17070-5007.
- (2) Ensuring the CSDP is implemented by all subordinate elements.
- (3) Initiating intraservice support agreements, if desired, as explained in para 11-6e of this regulation.
- (4) Providing recommended changes to the CSDP to HQDA, ATTN: DALO-SMP.
- (5) Adding to the program, when necessary, to account for any uniqueness within their command.

f. Subordinate commanders (excluding company, battery, and troop) will—

(1) Implement an aggressive CSDP by using existing assets (that is, chain of command, organizations, or programs) to avoid duplication or fragmentation of effort. The commanders' designated asset will then incorporate CSDP into their evaluation plans and procedures.

- (2) Provide the necessary emphasis to ensure the success of the CSDP.
- (3) Appoint, in writing, a senior logistician in the headquarters as the CSDP monitor.
- (4) Recognize both superior and inferior performance regarding supply discipline.
- (5) Use the results of the CSDP evaluations to determine candidates for the Army Supply Excellence Award Program. See app G, AR 710-2.

g. Immediate supervisors and company, battery, and troop commanders will—

- (1) Review the Requirements Listing within the CSDP (AR 710–2, appendix B) in order to become familiar with the applicable regulatory requirements.
- (2) Use the listing as a guide in the routine performance of their duties.
- (3) Report to their immediate higher headquarters any applicable requirements within the listing that cannot be completed.

Section II

Program Guidance

11–5. The CSDP’s intent

The purpose of the CSDP is to—

- a. Establish supply discipline as regulatory guidance as follows:
 - (1) Standardize supply discipline requirements.
 - (2) Provide responsible personnel with a single listing of all existing supply discipline requirements.
 - (3) Make the U.S. Army more efficient regarding time spent monitoring subordinates’ actions.
- b. To achieve the above purpose, the CSDP will—
 - (1) Ensure compliance with DA supply policy and procedures.
 - (2) Determine the adequacy of established DA supply policy and procedures.
 - (3) Identify supply problems to permit timely corrective action within the chain of command.

11–6. The CSDP implementation procedures

- a. *Requirements Listing* (AR 710–2, app B).
 - (1) A compilation of existing requirements is established as a Requirements Listing. The present supply-oriented supervisory responsibilities are listed according to level of responsibility.
 - (2) Each level of command will review the Requirements Listing for completeness and make the necessary additions to account for any uniqueness.
- b. *Implementation.*
 - (1) Each commander will provide the personal interest and direction necessary to establish and ensure the success of his or her CSDP.
 - (2) The CSDP will be incorporated into existing resources in the command to avoid redundancy of effort.
 - (3) Each command level above the unit level will appoint a CSDP coordinator to assist the commander with establishing and monitoring the CSDP.
- c. *Evaluations.*
 - (1) The CSDP does not require vertical assessments of subordinate organizations’ activities. Each command level is required to evaluate the next lower level of operations (except for ROTC battalions which will be inspected per AR 710–2, para 1–10). Further evaluations of lower levels are as command directed.
 - (2) The frequency of evaluations is as follows:
 - (a) The frequency of internal evaluations as desired.
 - (b) External evaluations are conducted on a periodic basis as established in AR 710–2, table B–7.
 - (3) The evaluation process is as follows:
 - (a) The purpose of the evaluation is to determine whether or not an organization is complying with regulatory guidance.
 - (b) The Requirements Listing (AR 710–2, app B) establishes the minimum standards. Commands are encouraged to develop command checklists using the Requirements Listing as a baseline.
 - (c) Evaluators will record findings on each applicable Requirements Listing entry. The results of the last evaluation will also be reviewed to determine if past discrepancies were resolved. Resolved and repeat findings will be noted.
 - (d) The organization’s supervisor will be briefed on the evaluation findings at the completion of the evaluation. The supervisor, during the out-briefing, will establish a suspense date (get-well date) for resolution of each discrepancy.
 - (e) The supervisor’s chain of command is authorized to grant extensions to the established suspense date.
 - (f) In the case of a discrepancy due to circumstances beyond the control of the evaluated organization, refer to subparagraph (i) below.
 - (g) In the case of repeat findings, the chain of command will be notified of the problem upon completion of the evaluation in order to reestablish compliance.
 - (h) The evaluated organization/activity will be provided copies of each evaluation made under CSDP. The copies will specify any noncompliance findings along with the respective suspense dates determined by the supervisor. The evaluator will also retain a copy of the evaluation and use it for follow-up on corrective actions during the next periodic evaluation.

(i) If major problems or policy questions are surfaced during a CSDP evaluation, these findings will be elevated up the chain of command to that level capable of resolving the problem.

d. Documentation.

(1) At the user level, no additional record keeping unique to the CSDP is required. The normal recording of inventories, inspections, and so on, is still required.

(2) The level conducting the external evaluation will—

(a) Provide the subordinate organization a copy of the evaluation results.

(b) Establish a file of evaluations conducted. A minimum of two evaluations per organization will be maintained.

(3) The minimum information required in the file of evaluations conducted is—

(a) Date of the evaluation.

(b) Organization evaluated.

(c) Findings and associated suspense dates.

(d) Repeat findings.

e. Intraservice support agreements. In order to make the CSDP a responsive and efficient program, maximum use of intraservice support agreements is encouraged. Numerous tenant units are located at many installations. Chain of command evaluations of these subordinate organizations in accordance with the CSDP frequency requirements may create extensive travel and man-hour support. Therefore, MACOMs are encouraged to enter into intraservice support agreements to authorize installation commanders to conduct evaluations of applicable tenant units. Evaluation results would then be forwarded to the respective MACOM headquarters.

11–7. Monitoring—MACOM and DA levels only

At the MACOM and DA levels, formal visibility of the CSDP is provided through the MACOM Command Logistics Review Program under AR 11–1.

Chapter 12

Methods of Obtaining Relief from Responsibility for Property

12–1. General actions to protect Government property

a. Administrative action. Administrative measures available to commanders to ensure enforcement of property accountability. When property becomes lost, damaged, or destroyed, use one of the adjustment methods discussed in this regulation.

(1) The methods discussed below are designed to protect the right of the U.S. Government to obtain reimbursement for the loss, damage, or destruction (LDD) of Government property caused by negligence or misconduct. These methods:

(a) Are materiel accounting oriented and are not appropriate for, nor intended to be used as corrective action or punishment, when negligence or willful misconduct is known or suspected to have contributed to the LDD of Government property.

(b) Do not constitute a punishment.

(c) Do not and should not preclude the use of adverse administrative or disciplinary measures.

(2) Commanders who determine that the cause of LDD warrants adverse administrative or disciplinary action should take appropriate action. These actions include, but are not limited to—

(a) An oral or written reprimand.

(b) Appropriate remarks in officer's, noncommissioned officer's, and civilian's evaluation reports.

(c) MOS reclassification.

(d) Bar to reenlistment.

(e) Action under the UCMJ. ARNG members who are not in the Federal service are not subject to the UCMJ; they are subject to the military codes of their State.

(f) Adverse actions against civilian personnel as authorized.

b. Reporting requirements.

(1) Persons responsible for Government property will immediately report all losses or damages to their immediate supervisor or commander. The report will state in writing, the circumstances of the loss or damage, and a listing and description of the property involved.

(2) When reporting personal arms and equipment (PA&E) according to AR 190–11, or whenever the loss appears to involve unlawful conduct, submit a report to the military law enforcement authorities for investigation. Personal arms and equipment is a soldier's personal weapon and equipment assigned to them for their use. It includes a soldier's organizational clothing and individual equipment issued to them. A preliminary investigation by the military or security police will assist the commander when taking action according to this regulation.

Student Handout 3

Extracted Material from AR 710-2, Supply Policy Below the National Level

This student handout contains five pages of extracted material from the following publication:

AR 710-2, Supply Policy Below the National Level, 28 March 2008

Chapter	Page(s)
1	6
2	71 thru 74

Disclaimer: The training developer downloaded the extracted material from the Army Publishing Directorate (USAPA) web site. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

1-6. The Uniform Materiel Movement and Issue Priority System

The policies in AR 725-50 regarding the use of the Uniform Materiel Movement and Issue Priority System (UMMIPS) apply to this regulation.

1-7. Requests for clarification or deviation

The U.S. Army Logistics Transformation Agency (USALTA) is tasked by DCS, G-4 to develop, implement, and maintain this regulation and respond to field inquires concerning the regulation.

a. Send requests for clarification through command channels to Director, U.S. Army Logistics Transformation Agency (ATTN: LOIA-AP), 5870 21st Street, Building 212, Fort Belvoir, VA 22060-5941.

b. Deviations from accounting policy in this regulation are only made with prior approval of HQDA (DALO-SMZ). AR 735-5 governs deviations. Send deviation requests through command channels to HQDA (DALO-SMP), Washington, DC 20310-0500.

c. Request for deviation or waiver should explain the need for a waiver, how long will it last, how the waiver will help accomplish the mission, and how the end results will be measured. The request should include an opinion by the ACOM/ASCC/DRU legal officer.

1-8. Waivers

Send requests for waiver of military property accounting requirements per AR 735-5, chapter 8

1-9. Reports of supply constraint (exempt from requirement control symbol under AR 335-15)

Commanders report to the next higher command when they are constrained for any reason from submitting requests or requisitions for items in supply Class 2 (including maps), 3 (packaged), 4, 7, 8 and 9. (Classes of supply are explained in table 1-1 below. Army National Guard and USAR units are not required to submit reports of supply constraint for unfunded requirements if the requirements have already been identified through budget submissions. Submit reports per AR 725-50.

Table 1-1
Classes of supply

Classes of supply	References
Class 1 – Subsistence, including free health and welfare items.	AR 30-22
Class 2 – Clothing, individual equipment, tentage, tool sets and tool kits, hand-tools, administrative, and housekeeping supplies and equipment (including maps). This includes items of equipment, other than major items, prescribed in authorization/allowance tables and items of supply (not including repair parts.	AR 700-84, CTA 50-900, CTA 50-970
Class 3 – POL, petroleum and solid fuels, including bulk and packaged fuels, lubricating oils and lubricants, petroleum specialty products; solid fuels, coal, and related products.	AR 11-27, AR 700-36, AR 710-2, FM 10-13, FM 10-18, FM 10-68, FM 10-69, FM 10-71, SB 710-2, TM 5-675
Class 4 – Construction materials, to include installed equipment, and all fortification/barrier materials	AR 420-17
Class 5 – Ammunition, of all types (including chemical, radiological, and special weapons), bombs, explosives, mines, fuses, detonators, pyrotechnics, missiles, rockets, propellants, and other associated items.	AR 190-59, AR 190-11, AR 190-13, AR 190-51, AR 700-19, AR 710-2, SB 700-2, SB 708-3, FM 9-38, TM 9-1300-206
Class 6 – Personal demand items (nonmilitary sales items).	AR 700-23
Class 7 – Major items: A final combination of end products which is ready for its intended use: (principal item) for example, launchers, tanks, mobile machine shops, vehicles.	AR 710-1, FM 704-28, SB 700-20, Appropriate authorization documents.
Class 8 – Medical material, including medical peculiar repair parts.	AR 40-61, CTA 8-100
Class 9 – Repair parts and components, including kits, assemblies and subassemblies, repairable and nonrepairable, required for maintenance support of all equipment.	AR 710-2, AR 710-1, Appropriate TMs
Class 10 – Material to support nonmilitary programs; such as, agricultural and economic development, not included in classes 1 through 9.	CTA 50-909

from the installation CIF or OCIE Issue Point, the LINs and NIINs and quantities authorized and/or on hand based on the number of personnel in the entity identified for deployment. Each record extract will contain the required data elements identified in chapter 2, this regulation. Build the property page using the derivative UIC as the authorization and download to an electronic data file. This file must be capable of being uploaded and integrated into another command property book database. The gaining command will ensure these databases are uploaded and integrated into its supply support base. This process will be reversed upon completion of the derivative UIC deployment.

Table 2-2
Type of inventories and discrepancies

Inventory Type	Requirements	Time Allotted/Frequency
a. Change of PHRH.	a. Incoming and outgoing PHRH will conduct joint inventory of property listed on the primary hand receipt. See paragraph 2-12, this regulation. For USAR and ARNG, jointly inventory unit property not further hand receipted below the PHRH level.	a. Within 30 days before effective date of assumption of duties.
	b. Inventory will be completed before new PHRH assumes duties or outgoing PHRH departs (whichever is first).	b. N/A
	c. When inventory cannot be completed, a written request for extension will be requested from next higher command.	c. Maximum of two extensions (15 days each) may be granted by next higher commander/MUSARC/State AG
	d. In the event an outgoing PHRH cannot be present, the next higher commander/activity chief will ensure the PHRH interests are protected by appointing a disinterested officer who will remain until the incoming PHRH assumes responsibility. The officer appointed to protect the interests of the outgoing PHRH will accept temporary responsibility for the property. An inventory of property by the disinterested officer and incoming PHRH must again be accomplished.	
b. PHRH inventory (includes unaccompanied personnel housing furnishings).	a. Inventory property as directed by the PBO.	Annually or cyclic (monthly, quarterly, or semiannually) as directed by the PBO (USAR every 18 months).
	b. Prepare a signed and dated statement of inventory results. Output from automated systems will satisfy this requirement. Manual systems use procedures in DA Pam 710-2-1. File and distribute inventory results as follows:	
	(1) One copy in the unit.	
	(2) Original copy to PBO.	
	(3) When property books are at using unit level, send copy to next higher commander.	
c. Change of PBO	a. Outgoing PBO will verify all property on hand receipt has been inventoried.	a. Within 30 days before the effective date of the PBO change (USAR 60 days).
	b. Incoming and outgoing PBO will jointly-	b. Same as above.
	(1) Inventory all property that is not on hand receipt.	
	(2) Verify property books and associated files are complete and accurate.	
	c. Commander of the outgoing PBO will ensure-	
	(1) Records are brought to satisfactory condition, if notified (in writing) by incoming PBO of unsatisfactory condition.	

**Table 2-2
Type of inventories and discrepancies—Continued**

Inventory Type	Requirements	Time Allotted/Frequency
	(2) Adequate time is provided to conduct this inventory.	(2) Commander may grant up to two 15-day extensions if requested by either PBO (USAR one 30-day extension).
	d. Incoming PBO becomes accountable on effective date when no extensions are granted.	
d. PBO inventory.	a. Inventory all property not on hand receipt.	Annually
		Note: AMC Property Book inventories will be conducted every 3 years.
	b. Prepare a signed and dated statement of inventory results. Output from automated systems will satisfy this requirement. Manual systems use DA Pam 710-2-1. File and distribute inventory results as follows:	
	(1) One copy in the unit.	
	(2) Original copy to PBO.	
	(3) When property books are at using unit level, send copy to next higher commander.	
	c. Forward copy of inventory memorandum to appointing commander.	
e. Property book inventory action by PBO.	a. Ensure hand receipt holders conduct inventories.	a. Annually or cyclic.
	b. Provide hand receipt holders a schedule with which to complete inventory. See DA Pam 710-2-1.	b. As needed.
	c. Review all inventory memorandums submitted by hand receipt holders for completeness and take corrective action as required.	c. Upon receipt of inventory memorandum.
	d. Verify all property on the property book has been inventoried.	d. Annually.
	e. Update CBS-X/LIDB with changes to RICC 2, A, B, C and Z items on hand.	e. As needed
f. Receipt, turn-in, and issue of property	a. Verify the physical count of material.	a. Per occurrence before signing documents.
	b. Verify and list serial, registration and lot numbers, and dates of manufacture of end items are correct on all documents.	b. Same as above.
g. Change of custody of arms storage facility.	a. Incoming and outgoing custodians will physically count weapons, ammunition and major parts for arms, such as barrels and subassemblies with CIIC 1-4. Record results on a hand receipt.	a. When responsibility for the custody of the arms storage facility keys are transferred.
	b. For consolidated arms storage facilities, verify a physical count has been conducted by each person having access to the weapons and ammunition. Results must be recorded on DA Form 2062 (Hand Receipt/Annex Number). This number does not replace the cyclic weapons serial number inventory.	b. When opening and closing the arms storage facility.
h. Command directed.	a. Commanders will direct inventories be taken when there is	a. Immediately upon discovery of incidence.
	(1) Evidence of forced or unlawful entry.	
	(2) Discovery of open or unattended storage areas.	
	(3) Alleged misappropriation of Government property.	

Table 2-2
Type of inventories and discrepancies—Continued

Inventory Type	Requirements	Time Allotted/Frequency
	b. Commanders ensure inventories are conducted after field exercises to verify OCIE and equipment are on hand and serviceable.	b. Within 15 days after the exercise (30 days for USAR and ARNG).
	c. Upon notification that a HRH will be absent for an extended period of time the commander/activity chief will appoint an interim HRH.	c. Immediately upon notification.
i. Controlled items other than weapons and ammunition.	a. The PHRH ensures physical inventory of sensitive, explosive and hazardous items is conducted. Any hand or subhand receipt holder may conduct this inventory as directed by the commander or PHRH. Inventory items identified by CIIC of "8," "9," "\$," "Q," and "Y" (night vision devices and navigation systems)	Quarterly
	b. Prepare a signed and dated statement of inventory results. Output from automated systems will satisfy this requirement. Manual systems use procedures in DA Pam 710-2-1. File and distribute inventory results as follows;	
	(1) Hand receipt holders retain one copy and forward one copy to PBO.	
	(2) The PBO will inventory all sensitive items not on a hand receipt and submit inventory results to the appointing commander.	
j. Weapons and ammunition.	a. PHRH ensures physical inventories are conducted for items with a CIIC of "1-6," "N" and "R."	
	(1) Weapons by serial number.	Monthly. (USAR, ARNG and AMC R&D activities conduct physical counts monthly and inventory by serial number quarterly.)
	(2) A&E items by quantity, lot number, and serial number.	Monthly
	(3) A&E items rigged or preconfigured for rapid deployment.	Monthly
	b. PHRH may assign an NCO, WO, Officer, or DOD civilian to do the inventory. Unit armorers will not perform this inventory nor will this inventory be conducted by the same individual consecutively.	
	c. CG, USACIDC, will develop procedures for inventory of weapons and ammunition file at a U.S. Army Criminal Investigation Laboratory.	
	d. Training and ammunition being stored in an approved holding area.	Daily
k. Basic and operational loads	Commanders ensure the following inventories are conducted:	
	a. Physical count and serviceability check of classes 1, 2, 3 (packaged), 4 and 8. Maintain a file copy of inventory results.	a. Semiannually
	b. Quantity inventory of Class 3 (bulk).	b. Conducted last workday of each month.
	(1) DA Form 4702-R (Monthly Bulk Petroleum Accounting Summary) closing inventories	(1) Use the inventory results taken the last workday of the month (as of 1800 hours local time) to complete the MBPAS report.
	(2) Submit MPBAS report to next higher commander for approval.	(2) Within 3 workdays after end of the month.
	c. Lot/serial number and serviceability check of Class 5. Record inventory results and forward to the PBO as part of controlled items inventory.	c. Monthly

**Table 2-2
Type of inventories and discrepancies—Continued**

Inventory Type	Requirements	Time Allotted/Frequency
i. PLL	Commanders will ensure the following occurs:	Quarterly for Active Army. Semiannually for USAR and ARNG.
	a. A review to verify authorized stockage levels are on hand or on request.	
	b. An inspection of on hand supplies to ensure items are stored in their designated location and appears to be in serviceable condition.	
m. Organizational Clothing and Individual Equipment (OCIE).	Commanders will ensure—	
	a. Soldiers newly assigned or departing the unit will have OCIE physically counted to ensure items agree with OCIE records.	a. Within 5 workdays after arrival or before departure.
	b. Physical count of OCIE for soldiers placed in an AWOL status, hospitalized, confined to military or civilian correctional facility or emergency leave. Place results on separate DA Form 3645 (Organization Clothing and Individual Equipment Record) and DA Form 3645-1 (Additional Organization Clothing and Individual Equipment Record). Secure soldier's OCIE.	b. Immediately upon notification of status.
	c. Soldier's OCIE is turned in to the issue point. Place a copy of the cleared OCIE record in the soldier's Military Personnel Records Jacket (MPRJ) when—	c. Immediately upon notification of status (30 days for USAR, 45 days for ARNG).
	(1) Dropped from rolls (DFR).	
	(2) Hospitalized over 60 days.	
	(3) PCSs while on emergency leave.	
	d. ARNG unit commanders will ensure OCIE showdown inspections are conducted of all items authorized. Verify items are on hand and serviceable (See paragraph 2-15, this regulation).	
n. CIF Property Book.	The PBO will—	
	a. Physically count the property. A memorandum is prepared recording the results. Send one copy to the appointing official, and file one copy.	a. Annually (Cyclic inventory is optional so long as all property is inventoried every 12 months).
	b. Compute the total dollar value of stockage.	b. Annually. The dollar value will be as of the last day of the first month of the fiscal year.
o. CIF Inventory.	a. Use the computed annual total dollar value for completing inventory adjustment reports (IAR) within each fiscal year.	a. As needed
	b. When discrepancies can be attributed to negligence, process adjustments per AR 735-5, and conduct causative research when—	b. Within 15 days after discovery of the discrepancy.
	(1) Discrepancy exceeds one half of one percent of total dollar value of all issues, temporary loans, laundry or maintenance transactions, and turn-ins for a single line.	
	(2) Adjustments over \$500 in extended line item value.	
	c. Send completed IAR for approval.	c. Within 15 days after completion of an inventory.

Student Handout 4

Extracted Material from DA PAM 710-2-1, Using Unit Supply System (Manual Procedures)

This student handout contains eight pages of extracted material from the following publication:

DA Pam 710-2-1, Using Unit Supply System (Manual Procedures), 31 December 1997

Chapter	Page(s)
5	73, 77, and 80
10	123, 124, 127, 130, and 131

Disclaimer: The training developer downloaded the extracted material from the Army Publishing Directorate (USAPA) web site. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

Legend for Figure 4-24;
Completion instructions by block name for DA Form 4708

- Organization** Enter the reporting unit designation.
UIC Enter the UIC of the property book or accountable record.
Date Enter the 5-digit julian date comprised of the last two digits of the calendar year and the julian day (e.g. 85121).
Description or Substitute Enter the item description.
Authorized LIN Enter the LIN from the authorization document.
Substitute LIN Enter the LIN on the on-hand substitute for the authorized item.
NSN of substitute Enter the NSN of the substitute item on-hand.
New quantity Enter the current balance on-hand of the substitute item.
Name and grade of person completing the form Enter the Self-explanatory.

Chapter 5 Assigning Responsibility for Property

5-1. Overview

a. This chapter gives procedures for assigning responsibility for property. It also includes procedures for managing property by using an inventory list.

b. Various records are used to assign responsibility for property. These records are:

- (1) The property book.
- (2) Hand and subhand receipts.
- (3) Temporary hand receipts.
- (4) Equipment receipts.

c. General requirements for keeping records of responsibility are in (1) through (3) below. Specific instructions for keeping these records are in the rest of this chapter.

(1) Responsibility must be assigned for items accounted for on the property book.

(2) Items coded as durable are not generally accounted for on property books; but responsibility for these items must still be assigned. Individual hand tools classified as durable in the AMDF, or commercial or fabricated items similar to "D" in the AMDF will be assigned responsibility when issued to the hand receipt holder.

(3) Responsibility for expendable items does not need to be assigned, except for sensitive expendable items and tools issued from a toolroom. Expendable items do not need to be entered on and or subhand receipts. However, everyone is responsible for taking care of these items. Expendable components of End Items which require use of a component listing or shortage annex will be listed and identified on the document. Hand receipt holders will assume responsibility for these items upon signing the document. Control sensitive expendable items and tools issued from a toolroom using hand receipt or temporary hand receipt procedures in chapters 5 or 6, as applicable.

5-2. The property book

a. The accountable officer at property book level must acknowledge accepting responsibility for the unit's property. The individual assuming accountability will sign the statement below after change of accountability inventory and the corrective actions required by the inventory that have been taken. See AR 710-2, table 2-1. "By authority of (indicate appointing document or change of command order and date) I hereby assume accountability for the property in the quantity shown on each record of this property book file. I further assume direct responsibility for property not issued on hand receipt."

Note. The accountable officer's signature and date will be affixed above the accountable officer's signature block below the statement.

b. Enter the statement above on a separate DA Form 3328. File it

in the front of the property book. Keep the statement with the property book until the next change of accountable officer inventory is completed. It will then be placed in the inactive file.

c. In the active Army, under normal circumstances, when a PBO is absent from his/her appointed duties for a period in excess of 30 days, a new PBO will be appointed. In the ARNG, when a PBO is absent from appointed duties over 120 days, a new PBO will be appointed. A change of PBO inventory will be conducted within 30 days. Use the methods in paragraph 9-7.

5-3. Hand receipt procedures

The commander having command responsibility appoints primary hand receipt holders (PHRHs). In a TDA organization the Commander or a civilian director has command responsibility or supervisory responsibility, respectively, for property within the organization. They may designate persons to be PHRHs who will have direct responsibility for property authorized by TDA.

a. Hand receipts are required whenever property book or durable items are issued. The hand receipt lists the property that has been issued. The signature of a person on a hand receipt establishes direct responsibility. Prepare separate hand receipts for installation and organization property.

b. Use DA Form 2062 (Hand Receipt/Annex Number) to record the issue of property book and durable items. Prepare the form in two copies. DA Form 2062 may be overprinted. The person who prepares the DA Form 2062 must keep all copies of hand or subhand receipts current.

(1) For hand receipts prepared by the PBO; the original is kept by the PBO. Copy number 2 is provided to the hand receipt holder.

(2) For subhand receipts prepared by the hand receipt holders; the original is kept by the hand receipt holder. Copy number 2 is provided to the subhand receipt holder. There is no restriction on the number of times property can be subhand receipted, but under normal circumstances, should not exceed from the commander, to the supervisor, to the user.

c. Figure 5-1 gives instructions for preparing DA Form 2062 for use as a hand or subhand receipt. A sample DA Form 2062 prepared as a subhand receipt is shown in figure 5-2. File hand and subhand receipts according to AR 25-400-2, as applicable.

d. Keep hand and subhand receipts current. Do this by posting changes as they occur or by using change documents. When change documents are used, the following procedures apply:

(1) Use DA Form 3161 for issue and turn-in transactions between the PBO and the hand receipt holder. The form is also used for issue and turn-in transactions between the hand receipt holder and the subhand receipt holder. Prepare the form in two copies. The original is kept by the person who issues or turns in the item. The person receiving the property keeps the second copy. When an end item issued on a change document has component shortages, prepare a hand receipt annex (para 6-1) to document the missing components. Do not assign an annex number until the change document is posted to the hand or sub hand receipt. Add after the item description (col C) the words "with H/R Annex" for cross-reference purposes. Files copies of change documents with the proper hand or subhand receipt. Figure 5-3 gives instructions for preparing DA Form 3161 as a change document.

(2) Post change documents to hand or subhand receipts:

(a) At least every 6 months. The 6-month period is based on the date of the oldest change document.

(b) Before the change of hand or subhand receipt holders.

Note. When the hand receipt holder is replaced, all property listed on the hand receipt will be inventoried.

The inventory will be accomplished before the new hand receipt holder assumes responsibility for the property. Responsible officer will specify how much time will be allowed to conduct the inventory. When a hand receipt holder leaves the area of his/her primary duties for a period in excess of 30 calendar days e.g., TDY, leave, emergency, hospitalization or extended detached duty, the commander/activity chief will appoint a temporary hand receipt holder. A joint inventory will be conducted upon departure and return of the

Legend for Figure 5-1;

Completion instructions by block or column for DA Form 2062.

(1) Title Line out the words annex number.

(2) From Enter the name of the organization, unit, section, or squad which issues the property. Do not enter a person's name.

(3) To—

1. Enter the name of the unit, section, or squad to which the property is issued.

2. For quarters furniture or property of a personal nature, such as sheets, pillow case, or bed, enter the name and rank of the person receiving the property.

(4) Hand Receipt Number Enter a locally designed number. Use it to post the location of property in the property book. A number is not required when property of a personal nature is issued directly to an individual.

(a) Stock Number—

1. Enter the stock number of the item being described.

2. Line item number (LIN) may be entered for identifying items to be inventoried on a cyclic basis (ink or pencil entry).

(b) Item Description—

1. Enter enough words to identify the item. Include the make or model number if the item has one.

2. Enter the type, number, date, and changes in force of the publication that contains the basic issue items list (BILL), mandatory discretionary components, or other components list (ink or pencil entry). The publication number will normally be an operator's technical manual (-10 series) or supply catalog (SC). This entry will be made above the item description and within the same block.

Note. Use DA PAM 25-30, chapter 12, to research the publication data required.

3. Enter serial/registration numbers when recorded on the property book. Line out serial numbers when the item is turned in.

c - * When used as a hand or subhand receipt, enter the hand receipt annex number for the item (pencil entry). If hand receipt annex is not required, leave blank. Hand receipt for quarters furniture, enter the proper condition code at time of issue (ink or pencil entry). Condition codes are listed below. (Entry required only for family quarters occupants.)

d - SEC Enter the CIIC, formerly, SEC code of the item (pencil, ink, or typewriter entry). This code is in the AMDF.

e - UI Enter the unit of issue (pencil, ink, or typewriter entry).

f - Qty Auth Enter the quantity authorized to be on hand (pencil, ink, or typewriter entry).

(A thru F)

1. Enter the quantity on hand for each item listed. Line out all unused blocks in columns with recorded quantities.

2. Advance all quantities to the next quantity column when quantities change. Quantities must be advanced when changing hand or subhand receipt holders.

3. The person receiving the property will sign, enter his or her rank and date the proper quantity column on the last page (ink entry). The last page is the last numbered page. It may be an odd or even number. The last page may be reserved for signatures only. (The original page will have an original signature; the copy may have a carbon signature.)

(5) Self explanatory.

Condition Codes (For Quarters Furniture Only)

BE--Bent

BR--Broken

BU--Burned

CH--Chipped

D--Dented

F--Faded

G--Gouged

L--Loose

M--Marred

MI--Mildewed

MO--Motheaten

R--Rubbed

RU--Rusted

SC--Scatched

SO--Soiled

T--Torn

W--Badly Worn

Z--Cracked

Note. All entries will be made in ink or typewritten unless otherwise stated. Make corrections of errors in the stock number or item description columns by drawing a single line through the wrong data and writing the correct data above the lined-out error. Correct quantity-column error by entering the correct quantity in the next column, carrying all other quantities forward to the new column, and having the hand receipt holder sign both columns.

Legend for Figure 5-3;
Completion instructions by block or column for DA Form 3161.

Issue Enter "X" when used for an issue.

Turn-In Enter "X" when used for a turn-in.

Sheet No. Number sheets consecutively.

No. Sheets Enter total number of sheets.

(1)—

Send to Enter the name, UIC, and hand or subhand receipt number (if applicable) of the organization, unit, section, squad, receiving the items.

2. For issue of quarters furniture or property of a personal nature, such as sheets, pillowcase, or bed, enter the name and rank of the person receiving the property.

Request From—

1. Enter the name, UIC, and hand or subhand receipt number (if applicable) of the organization, unit, section, squad, which issues or turns in the items.

2. For turn-in of quarters furniture or property of a personal nature, such as sheets, pillowcase, or bed, enter the name and rank of the person who turns in the items.

Request No. Enter "Change Document."

Column 12a Enter the item number, in sequence, for each item issued or turned in.

Column 12b Enter the stock number and LIN (if available), of each item issued or turned in.

Column 12c—

1. Enter a description of the item. Include the make or model if the item has one.

2. Enter serial numbers when recorded on the property book, hand, or subhand receipt.

3. Enter the CIIC code of the item. This code is in the AMDF.

4. Enter the condition code of quarters furniture. Codes are shown in figure 5-1.

Column 12d Enter the unit of issue.

Column 12e Enter the quantity to be issued or turned in.

Column 12f Enter the proper issue or turn-in code. Codes are shown on the form.

Column 12g The person that signs block 15 will enter the quantity received.

Note. Enter "Nothing Follows" below the last item entered on the form. Make this entry in the item description column.

Block 13 The person who issues or turns in will print name, date and sign this block. Include rank.

Block 15 The person receiving the issue or turn-in will print name, date and sign this block. Include rank.

Note. All entries except signatures will be made in ink or typewritten. Signatures will be handwritten in ink.

afford satisfactory military appearance. As a guide only, and where practical for application, these items should possess not less than 50 percent of the life of a new item.

b. *Priority factors.* See TM 10-8400-201-23, paragraph 1-6.4a(2).

c. *Standards.* See TM 10-8400-201-23, paragraph 1-6.2c.

d. *Definitions governing classification by condition code.* See TM 10-8400-201-23, paragraph 1-6.

10-5. OCIE property book procedures

a. Property book pages will be prepared and kept for all nonexpendable OCIE on hand or on request. The procedures in chapter 4 apply to OCIE property book pages, except as follows:

(1) A separate page is required for each LIN authorization. Account for sized items of OCIE on the same page or on a serial number page (DA Form 3328-1). Mark the page as follows:

(a) Enter "SEE REVERSE" or "SEE SERIAL NUMBER PAGE" in the stock number block.

(b) List each NSN and size of the item on the reverse side of the page as shown in figure 10-1. When the number of sizes and volume of transactions make it impractical to use the reverse side of the page, use a serial number page (DA Form 3328-1) to list item NSNs and sizes. Enter the quantity on hand for each NSN in pencil. Change these figures as necessary.

Note. At training installations using manual procedures, where trainee rotation is 10 weeks or less, size management data will be maintained at the discretion of the Property Book Appointing Authority.

(2) The balance recorded on the property book page will show only the quantity on the shelf. Items in laundry or maintenance and bulk issues (hand receipt quantities) are considered to be on the shelf. OCIE possessed by supported soldiers will not be included in the balance. Quantities of OCIE possessed by supported soldiers and mission essential civilians will be recorded in the remarks data element of the property book record. This quantity is updated when determining the stockage quantity and will be added to the on the shelf balance to report asset data required by AR 710-3. Issues to and turn-ins from supported soldiers will be summarized. In the ARNG/USAR, nonrecoverable OCIE issued to support soldiers will be summarized; recoverable OCIE issues will not be summarized or dropped from the property book. Summary procedures are in paragraph 10-7.

(3) Use the reverse side of the property book page to record management data. Record this data as shown in figure 10-1 and explained next.

(a) *Location column.* Enter the current location for items recorded as being on hand. For example, maintenance, laundry, or hand receipt numbers could be listed.

(b) *Quantity on hand column.* Enter the quantity on hand at each location listed.

(c) *Document number column.* Enter the document number for any dues-in.

(d) *Due-in quantity column.* Enter the quantity due-in for each document number listed.

(e) *Remarks block.* Enter the quantity issued to soldiers, the stockage allowance and the recorder point level. Update these entries each time the stockage levels are computed.

b. Organize OCIE property books as follows:

(1) At parent unit level, file the pages within the organization property section or in a separate section. File the pages in the same sequence as the items are listed on DA Forms 3645/3645-1 (Additional Organizational Clothing and Individual Equipment Record) used for summaries.

(2) The CIF will keep a CIF property book. File the pages in the same sequence as the items are listed on DA Forms 3645/3645-1 used for summaries.

10-6. Organizational clothing and equipment records (DA Forms 3645/3645-1)

a. Use DA Forms 3645/3645-1, or computer prepared listings when the CIF is automated, to record the OCIE transactions between the PBO and the soldier. These transactions are issues and

turn-ins. DA Form 3645 contains the majority of OCIE items commonly issued at an OCIE issue point. DA Form 3645-1 is used for other items stocked by the OCIE issue point. Overprinting of DA Form 3645-1 and use as a sole OCIE record is allowed. Prepare the form in three copies. USAR prepare only two copies, one for the MPRJ and one for the soldier receiving the issue. The OCIE issue point keeps copy 1. Copy 2 is sent to the soldier's unit for filing. Both copies are kept by the OCIE issue point when the issue point is at parent unit level. Copy 3 is retained by the individual. Only OCIE issue point personnel are authorized to post DA Forms 3645/3645-1. Instructions for preparing DA Forms 3645/3645-1 are on the form. (A sample copy of DA Form 3645 is in figure 10-2. A sample copy of DA Form 3645-1 is in figure 10-3. The essential elements of data for the OCIE record are in table 10-1.

b. DA Forms 3645 and 3645-1 currently prepared and in use remain in effect until remade by the OCIE issue point.

c. During reception center processing, CTA 50-900 OCIE issued to enlisted soldiers is recorded on DA Form 3078 (Personal Clothing Request). Transfer this OCIE to DA Form 3645, or a computer prepared listing, when the soldier arrives at the first permanent duty station.

d. In the ARNG, DA Forms 3645 and 3645-1 may be used for temporary issues to support Annual Training (AT) or field exercises when OCIE is stored in the armory. When this option is used, the forms will be clearly identified as "temporary issue records." Summary posting procedures will not be used.

e. When a unit deploys, all OCIE records and OCIE will be transferred to the gaining unit property book officer.

Table 10-1
Organizational Clothing and Individual Equipment (OCIE) Record To Assign Responsibility for OCIE*

Use: To Assign Responsibility for OCIE

Preparation: Manual or Automated

Format: As prescribed in manual or automated procedural publications

File: Soldier issue files

Title: Name

Explanation: N/A

Title: Social Security Account No.

Explanation: N/A

Title: Duty MOS

Explanation: N/A

Title: Organizational Clothing and Individual Equipment

Explanation: Items listed in CTA 50-900

Title: Authorized allowance

Explanation: Quantity of each item authorized

Title: Balance

Explanation: Quantity of each item issued

Title: Signature and date

Explanation: N/A

10-7. Summary procedures

a. Nonexpendable issues to, turn-ins from, and cash collections from soldiers are summarized. ARNG/USAR will summarize only nonrecoverable OCIE. Adjustment documents may be summarized. A summary of turn-ins to the issue facility is used to post an increase to the property book balance. Summaries of issues, cash collections, or adjustment documents are used to post a decrease to the property book balance. Post summaries to the property book balance at least monthly. More frequent posting is allowed if desired by the PBO. The summary of issues, turn-ins, cash collections, and adjustment documents must all be posted to the property book at the same time. The essential elements of data for the summary are in table 10-2.

Table 10-8
Organizational Clothing and Individual Equipment (OCIE)
Transaction Summary

Use: To Summarize Individual OCIE Transaction for Posting to the Property Record

Preparation: Manual or Automated

Format: As prescribed in manual or automated procedural publications

File: Property Book Supporting Document File

Title: Type

Explanation: Identifies the type transactions summarized; i.e., issues, turn-ins, cash collections, or adjustment documents.

Use: NA

Preparation: NA

Format: NA

File: NA

Title: Document number

Explanation: N/A

Use: NA

Preparation: NA

Format: NA

File: NA

Title: Organizational clothing and individual equipment

Explanation: Items listed in CTA 50-900

Use: NA

Preparation: NA

Format: NA

File: NA

Title: Balance

Explanation: Quantity of the OCIE item, by transaction, that has been issued, turned in, or processed through cash collection or on an adjustment document

Use: NA

Preparation: NA

Format: NA

File: NA

Title: Total

Explanation: Quantity of the OCIE item to be added or subtracted from the property book. The total of the balance columns

Use: NA

Preparation: NA

Format: NA

File: NA

Title: Name and Social Security Account Number

Explanation: Relates to soldier that was issued or turned in OCIE

Title: Adjustment document number

Explanation: N/A

b. Use DA Forms 3645/3645-1 to summarize the transactions. Record issues, turn-ins, cash collections, and adjustment documents on separate consolidated DA Forms 3645/3645-1. Mark the name block "SUMMARY OF ISSUES/TURN-INS/CASH COLLECTIONS/ADJUSTMENT DOCUMENTS," as applicable.

c. When items are issued or turned-in, enter the quantity in the next open column of the consolidated DA Forms 3645/3645-1. Enter the soldier's name and SSN in the signature and date block of the numbered column in which the issue or turn-in is recorded. There is enough space for 16 transactions. The last column, number 17, is used to total columns 1 through 20. Figure 10-4 shows a DA Form 3645 prepared as a summary of issues.

d. Post cash collections and adjustment documents to the summary as explained in paragraphs 10-10 and 10-13.

e. When the summaries are to be posted to the property book, take the following actions:

(1) If only one DA Form 3645/3645-1 has been used to consolidate issues, turn-ins, cash collections, or adjustment documents, use it to post the property book.

(2) If more than one DA Form 3645/3645-1 has been used to consolidate issues, turn-ins, cash collections, or adjustment documents, total the quantities recorded in column 17 of each form.

Enter these quantities in column 1 on a separate DA Form 3645/3645-1. Mark the name block of this form with "SUMMARY OF ISSUES/TURN-INS/CASH COLLECTIONS/ADJUSTMENT DOCUMENTS (as applicable) FOR THE PERIOD (date) THROUGH (date). THERE ARE (quantity) SUPPORTING DA FORMS 3645/3645-1 ATTACHED." Attach the consolidated DA Forms 3645/3645-1 to this form.

(3) Assign a separate document number to the summary of issues, turn-ins, cash collections, and adjustment documents. Post the quantities recorded on the summary sheet to the property book. Post the summary of turn-ins before posting the summary of issues, cash collections, or adjustment documents. Post the quantities recorded on the summary of turn-ins to the quantity received column of the property book page. Post the quantities recorded on the summary of issues to the quantity turn-in column of the property book page. Post the quantities recorded on the summary of cash collections to the quantity turn-in column of the property book page. Post the quantities recorded on the summary of adjustment documents to the quantity turn-in column of the property book page.

(4) After posting the summaries to the property book, enter the date completed in column m of the document register. Mark the summaries with "posted," the date, and the initials of the posting individual. File the summaries in the supporting document file.

10-8. Issue procedures (inprocessing)

a. Unit actions when the soldier processes into the unit first.

(1) Make sure the soldier has a copy of the unit assignment orders.

(2) Make sure the soldier has an OCIE record.

(a) If the soldier arrives without OCIE records, request a copy from the soldier's previous unit commander.

(b) In the interim, prepare one copy of new DA Forms 3645 and 3645-1. Do not record any quantities at this time. Send the soldier to the OCIE issue point for a complete issue. When the soldier's OCIE records arrive from previous unit, make sure the soldier turns in all items recorded as being previously issued.

(3) If the soldier arrived with OCIE records, make an inventory of the soldier's OCIE. The commander may accept a written statement from personnel in grades E5 and above, in lieu of an OCIE inventory, that all OCIE is on hand and serviceable. The commander may choose an officer, warrant officer, or noncommissioned officer (NCO) to do the inventory. Use the following procedures:

(a) Make sure the soldier has all items recorded. If items are missing or unserviceable (other than FWT), use the procedures for replacing lost, damaged, and destroyed OCIE (see paragraph 10-11).

(b) Use exchange procedures for any unserviceable (FWT) items.

(c) Check the OCIE records to make sure the duty MOS is correct. Items recorded that are not required because of duty MOS change, or any other reason, must be turned in. Make sure the soldier turns in any unauthorized items when reporting to the OCIE issue point.

(4) After actions in (1) through (3) have been completed, have the soldier report to the OCIE issue point, with the following:

(a) OCIE records.

(b) Unit assignment orders.

(c) OCIE to be exchanged or turned in.

(d) Adjustment document for items lost, damaged, or destroyed (other than FWT), if needed.

b. Unit actions when the soldier has already reported to the OCIE issue point are as follows:

(1) Inventory the soldier's OCIE. The commander may accept a written statement from personnel in grades E5 and above, in lieu of an OCIE inventory, that all OCIE is in hand and serviceable. The commander may choose an officer, warrant officer, or NCO to do the inventory. Use the following procedures:

(a) Make sure the soldier has all items recorded on the OCIE records. If items are missing or unserviceable (other than FWT), use procedures for replacing lost, damaged, and destroyed OCIE as explained in paragraph 10-13 or 10-14.

(b) Use exchange procedures for any unserviceable (FWT) items.

(c) Check the OCIE records to make sure the duty MOS is

exchanged at the parent unit if the parent unit has been hand receipted a 5 percent OCIE stock from a CIF. Parent unit commanders may authorize unit supply personnel to receipt for exchange-eligible OCIE from soldiers, make bulk exchanges at the OCIE issue point, and return replacement OCIE to applicable individuals. Items unserviceable due to FWT are exchanged. Wrong sizes are exchanged. Use the following procedures:

a. Unit actions.

(1) Remove the unit copy of soldier's OCIE record from the file and give it to the soldier.

(2) Have the soldier report to the exchange point.

b. Exchange point actions.

(1) Verify that the soldier is an authorized customer.

(2) Check OCIE record. Make sure item to be exchanged was previously issued. If the item was not issued, the OCIE cannot exchange the item. If the exchange point is not the OCIE issue point, turn the item in as found on installation. Turn in the item to the SSA.

(3) If the item was previously issued, make the exchange. Do not record the exchange on the OCIE record. Return the OCIE record to the soldier's unit for filing.

(4) If the item is out of stock, take the following actions.

(a) When the exchange point is not the OCIE issue point, give the soldier a temporary receipt for the unserviceable item. Do not post the soldier's OCIE records. Take the unserviceable item to the OCIE issue point. Make the exchange with the OCIE issue point. Notify the soldier that the serviceable item is available. When the soldier reports to the exchange point, issue the serviceable item. Destroy all copies of the temporary receipt.

(b) When the exchange point is the OCIE issue point, record a turn-in for the item on the unit and OCIE issue point copies of the OCIE record. Establish a due-out for the item using a locally developed method. Record the turn in on the summary of turn-ins. Return the unit copy of the OCIE record to the soldier's unit for filing. Return the OCIE copy to the file. Use the procedures in paragraph 10-11 when the item becomes available.

10-16. Reconciliation of OCIE records with documented personnel losses

This reconciliation is made at least quarterly. It is made to determine if soldiers have departed without clearing the OCIE issue point. Compare DA Forms 3645/3645-1 kept at the OCIE issue point with the list of personnel losses received from the personnel section of supported units. If soldiers have departed without clearing, send copy of the DA Forms 3645/3645-1 to the new unit. The new unit commander will make sure the soldier has all items indicated on these forms.

10-17. OCIE property book inventory

The following inventories are required for OCIE recorded on the property book.

a. Change of PBO Inventory. Use the methods in paragraph 9-7.

b. Semiannual property book inventory. Use the procedures in AR 710-2, table 2-1, to make inventory adjustments. For ARNG annual property book inventory, use methods in paragraph 9-8.

10-18. OCIE record inventory

The following inventories are required for OCIE issued to soldiers/individuals.

a. Upon assignment of a soldier to a unit. Use the methods in paragraph 10-8, issue procedures (inprocessing).

b. Prior to the soldier clearing the installation. Use the methods in paragraph 10-10, turn-in procedures (outprocessing).

c. When a soldier is placed in an absent without leave status, hospitalized while on leave, extended TDY (defined as 30 days or more), or confined in a military or civilian correctional facility OCIE should be inventoried and secured. This inventory is required only when the soldier has not already secured OCIE in unit facilities, authorized on- or off-post bachelor quarters (other than troop billets) or family housing.

Note. A soldier must secure his/her OCIE within a locked container i.e., duffel bag or foot locker before placing in the facility (i.e., supply annex) provided by the unit.

The unit commander will choose an officer, warrant officer, or NCO to make the inventory. The chosen person will:

(1) Make sure the soldier's OCIE is not mixed with OCIE of other soldiers.

(2) Prepare two copies of DA Forms 3645/3645-1. Enter the words "Inventoried according to DA PAM 710-2-1" in the name block of these forms. Record the items and quantities of OCIE on the forms. Sign and date the forms in the signature and date block.

(3) Put the original of DA Forms 3645/3645-1 with the soldier's OCIE. File the copy in the unit absentee files with the soldier's other DA Forms 3645/3645-1.

(4) Secure the inventoried OCIE in unit facilities.

d. When a soldier is returned from AWOL, hospital, or extended TDY. The following procedures will be used when a soldier is returned from AWOL, hospital, or extended TDY:

(1) Have the soldier conduct a joint inventory with the commanders designated supply representative of property secured during his/her absence.

(2) Have the supply representative prepare adjustment documents for any items for which the soldier is financially liable.

(3) Have the soldier sign a release statement posted to the inventory form for items being issued.

(4) Have the soldier go to the OCIE issue point with adjustment documents for reissue of shortages.

e. When a soldier is dropped from the rolls, hospitalized for more than 60 days, ordered PCS while on emergency leave, or confined in a military or civilian facility for more than 60 days. The inventory outlined in paragraph c above should be accomplished if not previously completed, and items turned in to the OCIE issue point or CIF. The commander's designated supply representative will:

(1) Remove the unit copy of the soldiers DA Forms 3645/3645-1 from the file. Compare these forms with the inventory forms. Make a list of any shortages or overages.

(2) Report the results of the inventory to the commander. The commander will ensure the following actions are taken:

(a) Turn-in overages as found on installation property. Account for shortages according to AR 735-5. Document number for the adjustment will be assigned by the OCIE issue point. Turn in the soldiers OCIE to the OCIE issue point or CIF.

(b) The inventory forms and the soldiers DA Forms 3645/3645-1 showing turn-in credit will be placed in the absentee file.

f. Additional information. Additional information concerning the handling of property for individuals in the categories described in paragraphs c and d above can be found in AR 700-84, paragraphs 12-12 through 12-18. DA Pamphlet 600-8, paragraph 9-6 (Procedure 9-3) should also be reviewed.

10-19. Transfer of OCIE to and from CIFs

a. When transfers are made.

(1) Transfer of OCIE from a CIF to a parent unit is made when:

(a) A parent unit supported by a CIF is to deploy; or

(b) A CIF is discontinued.

(2) Transfer of OCIE to a CIF from a parent unit is made when:

(a) A parent unit arrives in an area supported by a CIF; or

(b) A CIF is newly set up.

(3) When a unit supported by a CIF is to be deployed, the deploying unit's commander must notify the CIF PBO of the move as early as possible.

b. What is transferred. The following OCIE and records are transferred:

(1) Transfer of OCIE from a parent unit to a CIF.

(a) Transfer all OCIE in the balance column of the parent unit's property book to the CIF.

(b) Transfer the original OCIE records for each soldier to be supported by the CIF.

(2) Transfer of OCIE from a CIF to a parent unit.

(a) Transfer the parent unit's computed stockage quantity from the CIF.

ORGANIZATIONAL CLOTHING AND INDIVIDUAL EQUIPMENT RECORD

For use of this form, see DA PAM 710-2-1. The proponent agency is USAOMS.

NAME (Last, First, MI) AND SOCIAL SECURITY NUMBER

Rosario, Alexis L. 123-45-6789

DUTY MOS 92A20

INSTRUCTIONS: Overprinting is authorized. Entries in ink (MOS - pencil, Auth ALW - pencil or ink). Enter authorized allowance for each item. Enter the item description of issued items in the Clothing and Equipment block. Enter quantity of each item possessed by individual. Advance All totals to next column on any item changes. Individual's signature and date required on reverse side.

CLOTHING AND EQUIPMENT	AUTH ALW	SIZE	LAST FOUR	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Bag Chemical Equipment				/																
Apron Food Handlers				/																
Body Armor PASGT				/																
Bag Barracks Cotton	2		3692	2																
Bag Duffel	1		8699	1																
Bag Clothing Waterproof	1		6909	1																
Bolt Individual Equipment	1	M	1965	1																
Blanket Bed Wool				/																
Boots Cold Weather				/																
Canteen Water Plastic	1		0026	1																
Carrier Intrenching Tool	1		6474	1																
Case Field First Aid LC-1	1		6814	1																
Case Small Arms Ammo	1		6482	1																
Cover Helmet Camo KEVLAR	1	ML	7515	1																
Cover Water Canteen	1		0256	1																
Coveralls Insulated				/																
Coveralls Cotton				/																
Cup Water Canteen	1		6838	1																
Field Pack LC-1	1		9102	1																
Gloves Barb Wire Handlers				/																
Gloves Work Cream				/																
Goggles S.D.W				/																
Helmet KEVLAR	1	M	7527	1																
Holster Pistol				/																
Hood Extreme Cld Wthr				/																
Insect Bar Nylon				/																
Intrenching Tool Hand	1		5932	1																
Liner Coat Cold Weather	1	M	2888	1																
Liner Parka Ext Cld Wthr				/																
Liner Trousers Cld Wthr	1	M	2926	1																
Mat Sleeping	1		3369	1																
Mitten Inners Wool	1	M	0769	1																
Mitten Shells	1	M	5409	1																
Trousers Wet Weather	1	M	0981	1																
Overshoes Boot Combat	1	10	3381	1																
Pan Mess Kit	1		5110	1																
Parka Ext Cold Weather				/																
Parka Wet Weather:			1549																	

DA FORM 3645, OCT 91

EDITION OF DEC 83 MAY BE USED UNTIL EXHAUSTED

Figure 10-2A. Sample DA Form 3645

Student Handout 5

Extracted Material from [Http://phoyle.com/army/229/MLC/pmcs/index.htm](http://phoyle.com/army/229/MLC/pmcs/index.htm), Maintenance Leader Course Daily PMCS

This student handout contains 19 pages of extracted material from the following publication:

<http://phoyle.com/army/229/MLC/pmcs/index.htm>, Maintenance Leader Course Daily PMCS

Chapter	Page(s)
None	SH-5-2 thru and SH-5-20

Disclaimer: The training developer downloaded the extracted material from the above referenced website. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

Maintenance leader Course Daily PMCS TM -10

All maintenance significant equipment PMCS must be performed according to the operator's manual, or TM -10. As the battalion maintenance officer (BMO), you must be familiar with PMCS procedures in order to evaluate the effectiveness of PMCS conducted in your unit. The following illustrations show an example PMCS checklist from the TM -10 for an M977-series truck. Your unit maintenance personnel will use this type of checklist to perform their daily PMCS.

The equipment operator must conduct the PMCS inspection in a particular sequence. The number under the **ITEM NO.** column gives the PMCS sequence.

ITEM NO.	INTERVAL					ITEM TO BE INSPECTED PROCEDURE: CHECK FOR AND HAVE REPAIRED, FILLED OR ADJUSTED AS NEEDED	EQUIPMENT IS NOT READY/ AVAILABLE IF
	E	D	A	W	M		
1.		●				EXTERIOR OF VEHICLE CHECK CONDITION/OPERATION OF: a. WINDSHIELD WIPER ARMS AND BLADES. b. WINDSHIELD	DRIVER'S SIDE WINDSHIELD CRACKED, OR BROKEN.
2.	●				CHECK HEADLIGHTS, CLEARANCE LAMPS, AND STOPLIGHTS		
3.		●			CHECK CONDITION/OPERATION OF: a. DOORS AND WINDOWS b. MIRRORS c. TOWING AIR HOSE GLAD HANDS (FRONT) d. REFLECTORS e. SPARE TIRE DAVIT AND CARRIER		

The checks and services interval is listed next to each item in the TM -10 PMCS checklist. The intervals are B (before operations), D (during operations), A (after operations), W (weekly), and M (monthly).

PMCS CHECK INTERVAL

ITEM NO.	INTERVAL					ITEM TO BE INSPECTED PROCEDURE: CHECK FOR AND HAVE REPAIRED, FILLED OR ADJUSTED AS NEEDED	EQUIPMENT IS NOT READY/ AVAILABLE IF:
	B	D	A	W	M		
1.	●	●				EXTERIOR OF VEHICLE CHECK CONDITION/OPERATION OF: a. WINDSHIELD WIPER ARMS AND BLADES. b. WINDSHIELD	DRIVER'S SIDE WINDSHIELD CRACKED, OR BROKEN.
2.	●					CHECK HEADLIGHTS, CLEARANCE LAMPS, AND STOPLIGHTS	

A dot adjacent to the item to be inspected indicates the interval at which a check must be made of that item. In this PMCS checklist extract, the operator must check item 1b. the windshield, and item 2 the headlights, clearance lamps, and stoplights before operating the vehicle.

ITEM NO.	INTERVAL					ITEM TO BE INSPECTED PROCEDURE: CHECK FOR AND HAVE REPAIRED, FILLED OR ADJUSTED AS NEEDED	EQUIPMENT IS NOT READY/ AVAILABLE IF:
	B	D	A	W	M		
1.	●	●				EXTERIOR OF VEHICLE CHECK CONDITION/OPERATION OF: a. WINDSHIELD WIPER ARMS AND BLADES. b. WINDSHIELD	DRIVER'S SIDE WINDSHIELD CRACKED, OR BROKEN.
2.	●					CHECK HEADLIGHTS, CLEARANCE LAMPS, AND STOPLIGHTS	

The **ITEM TO BE INSPECTED** column tells the operator what to inspect. The next column explains the condition that must exist on the inspected item to render the equipment not mission capable (NMC).

ITEM NO.	INTERVAL					ITEM TO BE INSPECTED PROCEDURE: CHECK FOR AND HAVE REPAIRED, FILLED OR ADJUSTED AS NEEDED	CONDITIONS FOR NOT MISSION CAPABLE (NMC) STATUS EQUIPMENT'S NOT READY/ AVAILABLE IF:
	B	D	A	W	M		
1.	●	●				EXTERIOR OF VEHICLE CHECK CONDITION/OPERATION OF: a. WINDSHIELD WIPER ARMS AND BLADES. b. WINDSHIELD	DRIVER'S SIDE WINDSHIELD CRACKED, OR BROKEN.
2.	●					CHECK HEADLIGHTS, CLEARANCE LAMPS, AND STOPLIGHTS	

The results of the PMCS inspection are recorded on DA Form 5988-E or DA Form 2404 (Equipment Inspection and Maintenance Worksheet). DA Form 5988-E is an automated form produced by the Unit Level Logistics System-Ground (ULLS-G) and DA Form 2404 is a manual form that may be substituted for DA Form 5988-E. This instruction will focus on DA Form 5988-E because it is the most common form used to record PMCS inspections.

DATE: 05-AUG-96		EQUIPMENT MAINTENANCE AND INSPECTION WORKSHEET			DA FORM 5988-E			
W45U7D		D TROOP, M10 ARMOR						
-----EQUIPMENT DATA-----								
ADMIN NUM: 03		EQUIP SERIAL NUM: MSJ31639MBB			REGISTRATION NUM: MC03MW			
EQUIP MODEL: M113A3		EQUIP NOUN: CARRIER PERSONNEL			TYPE INSPECTION: DAILY			
EQUIP NSN: 3350010654077								
NUMBER		DATE		CHANGE NUMBER				
PUBLICATION: TM 9-1350-361-PMC		04/87		00				
PUBLICATION: TM 9-1350-361-10		07/90		00				
INSPECTORS LIC #:		TIME:		SIGNATURE:		TIME:		
-----PARTS REQUESTED-----								
FAULT	DOC NUM	NIIN	NOUN	QTY DUE / REC	STATUS DATE	DATE COMP	PRI	DLC
0003	6330 0035	005145371	TRANSMITTE	00001 -----		0	03	D
0004	6330 0037	007354063	SWITCH, BEA	00001 -----		0	05	N
0005	6330 0038	012350445	CUSHION, SE	00001 -----		0	13	N
-----MAINTENANCE FAULTS-----								
ITEM NUM	FAULT DATE	FAULT STATUS	FAULT DESCRIPTION	CORRECTIVE ACTION	BR5	OPER LIC #		
0003	05-AUG-96	X	ENGINE TEMP GAGE INOP	-----	---	---		
0003	05-AUG-96	E	BEADLIGHT INOP	-----	---	---		
0004	05-AUG-96	I	BEADLIGHT INOP	-----	---	---		
0005	05-AUG-96	I	PERSON SEAT CUSH TORN	-----	---	---		
---	---	---	---	---	---	---		
---	---	---	---	---	---	---		
---	---	---	---	---	---	---		
---	---	---	---	---	---	---		
---	---	---	---	---	---	---		
---	---	---	---	---	---	---		
---	---	---	---	---	---	---		

The data on DA Form 5988-E is divided into three sections.

EQUIPMENT DATA

The top section of the form gives basic information from the ULLS-G equipment data file and maintenance master data file. The main purpose of this data is to identify the vehicle.

PARTS REQUESTED

This section identifies all parts on order for the vehicle. The document control register in ULLS-G reflects this information also.

MAINTENANCE FAULTS

This section shows a list of vehicle faults from the ULLS-G maintenance fault file. This includes all uncorrected faults for the equipment. This is where the driver also enters any new faults found during PMCS inspection.

DATE: 08-AUG-96	EQUIPMENT MAINTENANCE AND INSPECTION WORKSHEET DTROOP, 1/10 ARMOR	DA FORM 5988-E
W45U7D	-----EQUIPMENT DATA-----	
ADMIN NUM: D2	EQUIP SERIAL NUM: MSJ21639MBB	
EQUIP MODEL: M113A2	REGISTRATION NUM: MC13M4W	
EQUIP NOUN: CARRIER PERSONNEL	TYPE INSPECTION: DAILY	
EQUIP NSN: 2350010684077		
	NUMBER	DATE
	PUBLICATION: TM 9-2350-261-PMC	04/87
	PUBLICATION: TM 9-2350-261-10	07/90
	CHANGE NUMBER	
		00
		00
INSPECTOR \$LIC#:	TIME:	SIGNATURE:
_____	_____	_____
	TIME:	_____

The date in the upper left corner is the **date** the form was printed. Your unit SOP will give an interval for updating the form. If your unit SOP requires the form be updated once a week, then the date must not be older than a week old.

The vehicle crew must know the current status of repair parts requested and previously reported faults. **The most important thing DA Form 5988-E does is to show equipment status**, but to do this, it must be current. An outdated form may not give the current vehicle status. Besides routine updates, update the form immediately when vehicle mission capable status changes.

You should have the battalion equipment numbering system as part of the SOP. For example, if someone told you that D2S is not mission capable, how would you know what part of the system is affected? Per the SOP, the "**S**" means that it is a weapon system; however, if the SOP stated that all M240 machine guns will use the administration number suffix "**S**," then you would also know the weapon subsystem model. The "**S**" is used as an example only; your SOP may use other suffixes.

The DA Form 5988-E is kept in the equipment record folder. There must be a form for each reportable item of equipment in the system. The crew must perform PMCS for each subsystem supporting the equipment's role to shoot, move, and communicate. In most cases, there will be more than one form in the record folder since the crew must prepare a separate form on each subsystem. When the PMCS is done, it is recorded on the DA Form 5988-E with the same administration number as the vehicle. The vehicle administration number is the bumper number.

D2S (Weapon)

D2C (Communication)

DATE: 08-AUG-96	EQUIPMENT MAINTENANCE AND INSPECTION WORKSHEET	DA FORM 5988-E
W45U7D	D TROOP, 1/10 ARMOR	
-----EQUIPMENT DATA-----		
ADMIN NUM: D2 (PRIME SYSTEM)	EQUIP SERIAL NUM: MSJ21639MBB	
EQUIP MODEL: M113A2	REGISTRATION NUM: M033MW	
EQUIP NOUN: CARRIER PERSONNEL	TYPE INSPECTION: DAILY	
EQUIP NSN: 2350010684077		
NUMBER	DATE	CHANGE NUMBER
PUBLICATION: TM 9-2350-261-PMC	04/87	00
PUBLICATION: TM 9-2350-261-10	07/90	00
INSPECTORS LIC # _____	TIME: _____	SIGNATURE: _____
		TIME: _____

DATE: 08-AUG-96	EQUIPMENT MAINTENANCE AND INSPECTION WORKSHEET	DA FORM 5988-E
W45U7D	D TROOP, 1/10 ARMOR	
-----EQUIPMENT DATA-----		
ADMIN NUM: D2	EQUIP SERIAL NUM: MSJ21639MBB	
EQUIP MODEL: M113A2	REGISTRATION NUM: M033MW	
EQUIP NOUN: CARRIER PERSONNEL	TYPE INSPECTION: DAILY	
EQUIP NSN: 2350010684077		
NUMBER	DATE	CHANGE NUMBER
PUBLICATION: TM 9-2350-261-PMC	04/87	00
PUBLICATION: TM 9-2350-261-10	07/90	00
INSPECTORS LIC # _____	TIME _____	SIGNATURE: _____
		TIME: _____

-----PARTS REQUESTED-----							
FAULT	DOC NUM	NIB	NOUN	QTY DUE/REC	STATUS DATE	DATE COMP	FRI DIC
0002	6220 0025	008145271	TRANSMITTE	00001-----		0	02 I
0004	6220 0027	007384063	SWITCH, BEA	00001-----		0	05 N
0005	6220 0028	012380445	CUSHION, SE	00001-----		0	12 N

-----MAINTENANCE FAULTS-----						
ITEM NUM	FAULT DATE	FAULT STATUS	FAULT DESCRIPTION	CORRECTIVE ACTION	HRS	OPER LIC #
0002	08-AUG-96	X	ENGINE TEMP GAGE INOP	_____	_____	_____
0003	08-AUG-96	E	HEADLIGHT INOP	_____	_____	_____
0004	08-AUG-96	/	HEADLIGHT INOP	_____	_____	_____
0005	08-AUG-96	/	PERSON SEAT CUSHION	_____	_____	_____

The lower two sections of the form list repair parts and equipment faults. When an

operator discovers a fault that is not correctable at operator level, it is written on the form just below the last entry. The next several examples will walk you through finding faults, recording them on the DA Form 5988-E, and updating the form when the faults are corrected.

DATE: 07-AUG-96		EQUIPMENT MAINTENANCE AND INSPECTION WORKSHEET			DA FORM 5988-E		
W45U7D		D TROOP, 1A0 ARMOR					
-----EQUIPMENT DATA-----							
ADMIN NUM: D2				EQUIP SERIAL NUM: MSJ21639MBB			
EQUIP MODEL: M113A2				REGISTRATION NUM: MCGMW			
EQUIP NO UN: CARRIER PERSONNEL				TYPE INSPECTION: DAILY			
EQUIP NSN: 235010684077							
	NUMBER	DATE	CHANGE NUMBER				
PUBLICATION:	TM 9-2350-261-PM C	04/87	00				
PUBLICATION:	TM 9-2350-261-10	07/90	00				
INSPECTORS LIC #:	_____	TIME: _____	SIGNATURE: _____	TIME: _____			
-----PARTS REQUESTED-----							
FAULT	DOC NUM	MIN	NOUN	QTY	STATUS	DATE	FRI DLC
				DUE / REC	DATE	COMP	
-----MAINTENANCE FAULTS-----							
ITEM NUM	FAULT DATE	FAULT STATUS	FAULT DESCRIPTION	CORRECTIVE ACTION	HRS	OPER LIC #	
---	---	---	<u>7-AUG-96</u>	---	---	---	---
---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---

Look at this DA Form 5988-E carefully. It represents a perfect vehicle. There are no faults noted so no repair parts are required. You will probably never see a form like this again. Let's assume that during the before-operations PMCS on 7 Aug 96 that no new faults are found. The operator enters the date the before-operations PMCS was completed in the **FAULT DESCRIPTION** column to indicate that a before-operations PMCS was conducted and no faults were found.

DATE: 07-AUG-96		EQUIPMENT MAINTENANCE AND INSPECTION WORKSHEET			DA FORM 5988-E		
W45U7D		D TROOP, 1/10 ARMOR					
-----EQUIPMENT DATA-----							
ADMIN NUM: D2				EQUIP SERIAL NUM: MSJ21639MBB			
EQUIP MODEL: M113A2				REGISTRATION NUM: MC03MW			
EQUIP NOUN: CARRIER PERS ONNEL				TYPE INSPECTION: DAILY			
EQUIP NSN: 2350010684077							
NUMBER		DATE		CHANGE NUMBER			
PUBLICATION: TM 9-2350-261-PMC		04/87		00			
PUBLICATION: TM 9-2350-261-10		07/90		00			
INSPECTORS LIC#: _____		TIME: _____		SIGNATURE: _____		TIME: _____	
-----PARTS REQUESTED-----							
FAULT	DOC NUM	NIN	NOUN	QTY DUE/REC	STATUS DATE	DATE COMP	PRI DLC
-----MAINTENANCE FAULTS-----							
ITEM NUM	FAULT DATE	FAULT STATUS	FAULT DESCRIPTION	CORRECTIVE ACTION		HRS	OPER LIC #
---	---	---	7-AUG-96	---		---	F5294
---	---	---	---	---		---	---
---	---	---	---	---		---	---
---	---	---	---	---		---	---
---	---	---	---	---		---	---
---	---	---	---	---		---	---

After the before-operations PMCS are complete, the operator makes the during-operations PMCS while the vehicle is operated and at halts. At the conclusion of the day's operation, the driver must perform the after-operations PMCS. After the during- and after-operations PMCS are complete, the operator enters his driver license number in the **OPER LIC#** column. This DA Form 5988-E for vehicle D2 indicates that the after-operations PMCS are complete and no new faults were found.

There must be a new entry for each day the vehicle is operated and no new fault is reported. The same form can be used until the form is updated or a new fault is reported.

-----EQUIPMENT DATA-----

ADMIN NUM: D2 EQUIP SERIAL NUM: MSJ31639MBB
EQUIP MODEL: M113A3 REGISTRATION NUM: MC03MW
EQUIP NOUN: CARRIER PERSONNEL TYPE INSPECTION: DAILY
EQUIP NSN: 3350010884077

NUMBER DATE CHANGE NUMBER
PUBLICATION: TM 9-3350-361-PMC 0487 00
PUBLICATION: TM 9-3350-361-10 0790 00

INSPECTORS LIC#: F5294 TIME: _____ SIGNATURE: _____ TIME: _____

-----PARTS REQUESTED-----

FAULT	DOC NUM	NIIN	NOUN	QTY	STATUS	DATE	PRI	DL
				DUE/REC	DATE	COMP		

-----MAINTENANCE FAULTS-----

ITEM NUM	FAULT DATE	FAULT STATUS	FAULT DESCRIPTION	CORRECTIVE ACTION	DPI BRS LIC
			<u>7-AUG-96</u>		<u>F525</u>
<u>2</u>	<u>8-AUG-96</u>	<u>X</u>	<u>ENGINE TEMP GA INOP</u>		
<u>8</u>	<u>8-AUG-96</u>	<u>/</u>	<u>HEADLIGHT INOP</u>		
<u>10</u>	<u>8-AUG-96</u>	<u>/</u>	<u>SEAT CUSH TORN</u>		

On 8 Aug 96, the operator of vehicle D2 discovers new faults and lists them on DA Form 5988-E as indicated on the adjacent form. The driver may enter the new faults at the bottom of the form if the equipment is not going to be dispatched; otherwise, the new faults must be entered on DA Form 2404 or a DA Form 5988-E continuation sheet. The operator discovered the faults during the before- operations PMCS because there is no date in the fault description column to indicate that the before-operations PMCS were completed on 8 Aug 96. After entering the new faults on the form, the operator's driver license number is entered in the **INSPECTORS LIC#** block.

The **ITEM NUM** is the PMCS check number from the TM -10. The numbers will be in ascending order if the driver performed the PMCS in TM sequence.

EQUIPMENT INSPECTION AND MAINTENANCE FORESHOOT						
D 2 For use of the form, see DA Form 2404-1 (12-75) and 2404-2 (12-75); the preparation agency is 030300						
1 ORGANIZATION D Company, 1st Armor			1 NOMENCLATURE AND MODEL CARRIER, PERSONNEL M113A2			
1 DEFECTS - TIME TO CORRECT		2.1 MILITARY UNIT	2.2 UNIT	3.1 DEFECTS - TIME TO CORRECT	3.2 UNIT	3.3 TYPE OF DEFECT
MCO3MWW		1018	185	PIRD	8-AUG-96	PMCS
APPLICABLE REFERENCES						
TM NUMBER TM 9-2320-280-10		TM DATE 06/94		TM NUMBER TM 9-2320-280-10HR		TM DATE 05/88
COLUMN a - Enter TM item number COLUMN b - Enter the applicable condition or code symbol COLUMN c - Enter deficiency and shortening			COLUMN d - Show corrective action for deficiency or shortening listed in Column a COLUMN e - Individual action during crew placed corrective action listed in this column			
J. - Indicates a deficiency in the equipment that places it in an inoperable status CIRCUIT *J.* - Indicates a deficiency, however, the equipment may be operated under special instructions as directed by higher authority or as prescribed locally, until corrective action can be accomplished HORIZONTAL DASH (-) - Indicates that a required inspection, maintenance, flight, or maintenance inspection check, or flight check, but has not been accomplished, or an overdue item has not been accomplished			STATUS SYMBOLS DIAGNOSTIC *J.* - Indicates a material defect other than a deficiency which must be corrected to increase efficiency or to make the item completely serviceable LAST NAME INITIAL IN BLOCKS, BLUE-BLACK INK, OR PENCIL - Indicates that a completely satisfactory condition exists FOR AIRCRAFT - Same as above will be used for the use of the form			
I - INSPECTOR'S NAME, EQUIPMENT CONDITION, DEFECTS, AND TIME TO CORRECT MUST BE DETERMINED IN ACCORDANCE WITH DIAGNOSTIC PROCEDURES AND STANDARDS IN THE TM CITED HEREON						
JAMES B. FRAZIER						
TM ITEM NO	STATUS	DEFICIENCY AND SHORTENING	CORRECTIVE ACTION		INITIALS WHEN CORRECTED	
			7-AUG-96		JBF	
2	X	ENG TEMP GA INOP				
8	/	READ LIGHT INOP				
18	/	SEAT CUSHION TO RY				
DA FORM 2404-1 (07-74)						

This is DA Form 2404. It is a manual form used to report new equipment faults. The main difference between this form and the DA Form 5988-E is that the operator must complete the form heading on the DA Form 2404; otherwise, the form is the same. The operator enters the date in the lower part of the form when the before-operations PMCS are completed and no new faults are found. The operator also initials the right column of the form when no new faults are discovered in during- and after-operations PMCS. When new faults are discovered, the operator enters usage in block 4 and the date in block 5 at the top of the form and signs the form. The operator must give the signed and dated form to his immediate supervisor and start a new form.

DA Form 5988-E Continuation Sheet

ADMINNUM	D2	DATE	DESCRIPTION	M	S	D
2		8-AUG-96	ENG TEMP 3A INOP	--	--	--
8		8-AUG-96	HEADLIGHT INOP	--	--	--
10		8-AUG-96	SEAT CUSH TORN	--	--	--
--				--	--	--
--				--	--	--
--				--	--	--
--				--	--	--
--				--	--	--
--				--	--	--
--				--	--	--
--				--	--	--
--				--	--	--
--				--	--	--

The ULLS-G computer produces the DA Form 5988-E continuation sheet. It may be used to report new faults when the vehicle is dispatched. When the ULLS-G clerk updates DA Form 5988-E, the system will print another DA Form 5988-E continuation sheet if requested. The advantage of this form over the DA Form 2404 is that the driver does not have to prepare the form heading, and the form is always available as long as the unit has a printer.



When the operator must report a fault, a fault status symbol must be assigned to the fault. There are three symbols the operator can use.

- The "X" WITH A CIRCLED **TM** ITEM NUMBER indicates a deficiency that causes the vehicle to be NMC.
- The slash (/) indicates a shortcoming (minor fault).
- The dash (--) indicates the vehicle is overdue a normal modification work order (MWO).



DATE: 07-AUG-96 W45U7D	EQUIPMENT MAINTENANCE AND INSPECTION WORKSHEET D TROOP, 1/10 ARMOR		DA FORM 5988-E					
-----EQUIPMENT DATA-----								
ADMIN NUM: D2 EQUIP MODEL: M113A2 EQUIP NO UN: CARRIER PERSONNEL EQUIP NSN: 235010684077	EQUIP SERIAL NUM: MSJ21639MBB REGISTRATION NUM: MC03MW TYPE INSPECTION: DAILY							
	NUMBER	DATE	CHANGE NUMBER					
PUBLICATION: TM 9-2350-261-PMC		04/87	00					
PUBLICATION: TM 9-2350-261-10		07/90	00					
INSPECTORS LIC #: <u>F5294</u>	TIME: _____	SIGNATURE: _____	TIME: _____					
-----PARTS REQUESTED-----								
FAULT	DOC NUM	MIN	NOUN	QTY	STATUS	DATE	FRI	DLC
				DUE / REC	DATE	COMP		
-----MAINTENANCE FAULTS-----								
ITEM NUM	FAULT DATE	FAULT STATUS	FAULT DESCRIPTION	CORRECTIVE ACTION	OPER HRS	LIC #		
			<u>7-AUG-96</u>			<u>F5294</u>		
<u>2</u>	<u>8-AUG-96</u>	<u>X</u>	<u>ENGINE TEMP GA INOP</u>					
<u>8</u>	<u>8-AUG-96</u>	<u>/</u>	<u>HEADLIGHT INOP</u>					
<u>10</u>	<u>8-AUG-96</u>	<u>/</u>	<u>SEAT CUSH TORN</u>					
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---

Look at the fault recorded for TM item 2. This is a serious fault, called a deficiency, as is indicated by the "X" status symbol. The driver knew to enter an **NMC** status for the TM item number 2 fault because the PMCS checklist **EQUIPMENT IS NOT READY/AVAILABLE IF** (right) column listed the condition **ENGINE TEMP GA INOP** as a not ready/available condition.

AR 385-55, Prevention of Motor Vehicle Accidents, shows the regulatory guidance concerning the administrative or safety deadlining of equipment.

Commanders will:

1. Include safety training in operator qualification.
2. Ensure PMCS is accomplished before, during, and after operations.
3. Ensure that no administratively deadlined vehicle is operated.

Equipment is administratively or safety deadlined for improper function or condition of these components:

Windshield, windshield wipers, steering, lights, horns, signals, mirrors, restraint system, tires, wheel hubs, tie down straps, sharp sheet metal, exhaust systems, reflectors, safety devices.

Equipment is NMC if:

- Any gasoline, Class III oil, diesel, or coolant leak exists.
- Parking/service brakes are inoperable or out of adjustment.

DATE: 07-AUG-96	EQUIPMENT MAINTENANCE AND INSPECTION WORKSHEET		DA FORM 5968-E					
W45U7D	D TROOP, L/10 ARMOR							
-----EQUIPMENT DATA-----								
ADMINNUM: D2	EQUIP SERIAL NUM: MSJ21639MEB							
EQUIP MODEL: M113A2	REGISTRATION NUM: MCG3MW							
EQUIP NOUN: CARRIER PERSONNEL	TYPE INSPECTION: DAILY							
EQUIP NSN: 2350010684077								
	NUMBER	DATE	CHANGENUMBER					
PUBLICATION: TM 9-2380-261-EMC		04/87	00					
PUBLICATION: TM 9-2380-261-10		07/90	00					
INSPECTORS LIC # <u>F5294</u>	TIME: _____	SIGNATURE _____	TIME: _____					
-----PARTS REQUESTED-----								
FAULT	DOC NUM	NIN	NOUN	QTY	STATUS	DATE		
				DUE/ REC	DATE	COMP	FRI	DLC
-----MAINTENANCE FAULTS-----								
ITEM NUM	FAULT DATE	FAULT STATUS	FAULT DESCRIPTION	CORRECTIVE ACTION	OPER HRS	LIC #		
			<u>7-AUG-96</u>			<u>F5294</u>		
<u>2</u>	<u>8-AUG-96</u>	<u>X</u>	<u>ENGINE TEMP GA INOP</u>					
<u>8</u>	<u>8-AUG-96</u>	<u>/</u>	<u>HEADLIGHT INOP</u>					
<u>10</u>	<u>8-AUG-96</u>	<u>/</u>	<u>SEAT CUSH TORN</u>					
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---

AR 385-55 lists lights as a safety deficiency. The vehicle is unsafe to dispatch without lights. Lights, however, do not affect the vehicle's ability to do its combat mission. A / status safety deficiency from AR 385-55 that is not listed in the TM -10 as a **NOT READY/AVAILABLE IF** condition does not count as NMC time. You must make sure that drivers have the information from AR 385-55 to decide if the equipment is safe to operate; the TM -10 does not provide this information.


When the operator finds new faults to report, as in this case, the form is given to the immediate supervisor for review before it goes to unit maintenance.

To this point the operator has completed the PMCS inspection and has given the DA Form 5988-E to the immediate supervisor. The next step is to get the maintenance supervisor to send a mechanic to look at the vehicle.

DATE: 07-AUG-96		EQUIPMENT MAINTENANCE AND INSPECTION WORKSHEET			DA FORM 5988-E		
W45U7D		D TRO OP, L10 ARMOR					
-----EQUIPMENT DATA-----							
ADMINNUM: D2				EQUIP SERIAL NUM: MSJ21639MEB			
EQUIP MODEL: M113A2				REGISTRATION NUM: M C13MW			
EQUIP NOUN: CARRIER PERSONNEL				TYPE INSPECTION: DAILY			
EQUIP NSN: 2350010684077							
PUBLICATION: TM 9-2380-261-EMC		NUMBER	DATE	CHANGENUMBER			
PUBLICATION: TM 9-2380-261-10			04/87	00			
			07/90	00			
INSPECTORS LIC # <u>F5294</u>		TIME: _____	SIGNATURE _____	TIME: _____			
-----PARTS REQUESTED-----							
FAULT	DOC NUM	NIN	NOUN	QTY DUE/ REC	STATUS DATE	DATE COMP	FRI DLC
-----MAINTENANCE FAULTS-----							
ITEM NUM	FAULT DATE	FAULT STATUS	FAULT DESCRIPTION	CORRECTIVE ACTION		OPER HRS	LIC #
			<u>7-AUG-96</u>				<u>F5294</u>
<u>2</u>	<u>8-AUG-96</u>	<u>X</u>	<u>ENGINE TEMP GA INOP</u>				
<u>8</u>	<u>8-AUG-96</u>	<u>/</u>	<u>HEADLIGHT INOP</u>				
<u>10</u>	<u>8-AUG-96</u>	<u>/</u>	<u>SEAT CUSH TORN</u>				

Since the vehicle has an NMC fault, the maintenance supervisor should send a mechanic immediately to diagnose the equipment faults for corrective action. The unit SOP must specify the amount of time allowed from the time an operator reports an NMC fault to the time that unit maintenance takes corrective action. Corrective action is when a repair part has been requested or when a job order has been submitted.

The time between fault identification and the time of correction is a major concern because many units fail to meet unit SOP requirements. This not only lowers the unit readiness rate, but causes operators to lose confidence in the unit maintenance operations. In most units, the SOP requires that corrective action be taken within 24 hours from the fault date for NMC faults.

DATE: 07-AUG-96	EQUIPMENT MAINTENANCE AND INSPECTION WORKSHEET			DA FORM 5980-E				
W45U7D	D TROOP, 1/10 ARMOR							
-----EQUIPMENT DATA-----								
ADMIN NUM: D2	EQUIP SERIAL NUM: MSJ21639MBB		REGISTRATION NUM: MCG3MW					
EQUIP MODEL: M113A2	EQUIP NO UN: CARRIER PERSONNEL		TYPE INSPECTION: DAILY					
EQUIP NSN: 2350010684077								
	NUMBER	DATE	CHANGE NUMBER					
PUBLICATION: TM 9-2380-261-PMC		0487	00					
PUBLICATION: TM 9-2380-261-10		07/90	00					
INSPECTORS LIC #:	<u>F5294</u>	TIME:	SIGNATURE:	TIME:				
-----PARTS REQUESTED-----								
FAULT	DOC NUM	NIN	NOUN	QTY	STATUS	DATE	FRI	DLC
				DUE/REC	DATE	COMP		
-----MAINTENANCE FAULTS-----								
ITEM NUM	FAULT DATE	FAULT STATUS	FAULT DESCRIPTION	CORRECTIVE ACTION	OPER HRS	LIC #		
			<u>7-AUG-96</u>			<u>F5294</u>		
<u>2</u>	<u>8-AUG-96</u>		<u>ENGINE TEMP GA INOP</u>					
<u>8</u>	<u>8-AUG-96</u>	<u>/</u>	<u>HEADLIGHT INOP</u>					
<u>10</u>	<u>8-AUG-96</u>	<u>/</u>	<u>SEAT CUSH TORN</u>					

The mechanic will attempt to repair the faults using the unit's on-hand assets. Let's assume that in this case the mechanic will need to order repair parts to fix the equipment faults. This means that the TM -20P will be used to identify the required parts to repair the reported faults. These two steps, diagnosing the problem and requesting repair parts, must be closely monitored. The maintenance supervisor's first priority is to check the mechanic's work on NMC fault diagnosis and NMC request for parts. As time allows, the maintenance supervisor should also check all other fault diagnoses and corrective actions.

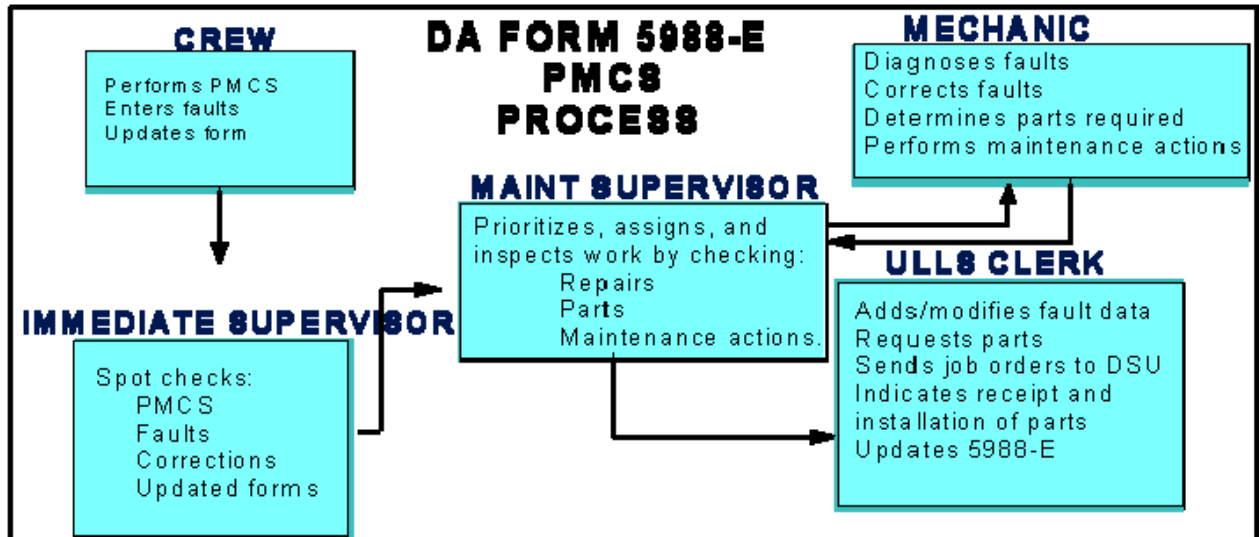
MAINTENANCE FAULTS						
ITEM NUM	FAULT DATE	FAULT STATUS	FAULT DESCRIPTION	CORRECTIVE ACTION	OPER EBS	OPER LIC#
			7-AUG-96			15204
2	8-AUG-96	X	ENGINE TEMP GA INOP			
8	8-AUG-96	/	HEADLIGHT INOP			
10	8-AUG-96	/	SEAT CUSHION			

Since the mechanic cannot fix the faults, the repair part data must be entered in the corrective action column. The mechanic must now use the parts manual to locate the information which must be entered into this column.

Assume that the mechanic has checked the three faults and decided that three parts are needed:

- A transmitter for the temperature gage.
- A high beam switch for the headlights.
- A seat cushion for the driver's seat.

Now the mechanic must locate the national item identification number (NIIN) in the parts TM. Keep in mind that D2 is an M113A2 armored personnel carrier. This information is critical in providing accurate repair parts data.



To this point the operator has completed the PMCS inspection and has given the DA Form 5988-E to the immediate supervisor. The next step is to get the maintenance supervisor to send a mechanic to look at the vehicle.

Since the vehicle has an NMC fault, the maintenance supervisor should send a mechanic immediately to diagnose the equipment faults for corrective action. The unit SOP must specify the amount of time allowed from the time an operator reports an NMC fault to the time that unit maintenance takes corrective action. Corrective action is when a repair part has been requested or when a job order has been submitted.

The time between fault identification and the time of correction is a major concern because many units fail to meet unit SOP requirements. This not only lowers the unit readiness rate, but causes operators to lose confidence in the unit maintenance operations. In most units, the SOP requires that corrective action be taken within 24 hours from the fault date for NMC faults.

DATE: 07-AUG-96
W45U7D

EQUIPMENT MAINTENANCE AND
INSPECTION WORKSHEET
D TROOP, 1/10 ARMOR

DA FORM 5968-E

-----EQUIPMENT DATA-----

ADMIN NUM: D2
EQUIP MODEL: M113A2
EQUIP NOUN: CARRIER PERSONNEL
EQUIP NSN: 2350010684077

EQUIP SERIAL NUM: MSJ21639M8B
REGISTRATION NUM: MCG3MW
TYPE INSPECTION: DAILY

	NUMBER	DATE	CHANGENUMBER
PUBLICATION:	TM 9-2350-261-FMC	04/87	00
PUBLICATION:	TM 9-2350-261-10	07/90	00

INSPECTORS LIC # F5294 TIME: _____ SIGNATURE: _____ TIME: _____

-----PARTS REQUESTED-----

FAULT	DOC NUM	NIN	NOUN	QTY DUE / REC	STATUS DATE	DATE COMP	FRI	DLC
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-----MAINTENANCE FAULTS-----

ITEM NUM	FAULT DATE	FAULT STATUS	FAULT DESCRIPTION	CORRECTIVE ACTION	OPER HRS	LIC #
			<u>7-AUG-96</u>			<u>F5294</u>
<u>2</u>	<u>8-AUG-96</u>	<u>X</u>	<u>ENGINE TEMP GA INOP</u>			
<u>8</u>	<u>8-AUG-96</u>	<u>/</u>	<u>HEADLIGHT INOP</u>			
<u>10</u>	<u>8-AUG-96</u>	<u>/</u>	<u>SEAT CUSH TORN</u>			
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Student Handout 6

Extracted Material from TM 9-1005-319-10, Rifle, 5.56 MM, M16A2 W/E

This student handout contains two pages of extracted material from the following publication:

TM 9-1005-319-10, Rifle, 5.56 MM, M16A2 W/E, August 1986

Chapter	Page(s)
Section III	117 thru 120

Disclaimer: The training developer downloaded the extracted material from the Army Publishing Directorate (USAPA) web site. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

1. SCOPE. This section lists components of end item and basic issue items for the rifle to help you inventory items required for safe and efficient operation.
2. GENERAL. The Components of End Item and Basic Issue Items Lists are divided into the following sections:
 - a. Section II. Components of End Item. This listing is for informational purposes only, and is not authority to requisition replacements. These items are part of the end item, but are removed and separately packaged for transportation or shipment. As part of the end item, these items must be with the end item whenever it is issued or transferred between property accounts. Illustrations are furnished to assist you in identifying the items.
 - b. Section III. Basic Issue Items. These are the minimum essential items required to place the rifle in operation, to operate it, and to perform emergency repairs. Although shipped separately packaged, BII must be with the rifle during operation and whenever it is transferred between property accounts. The illustrations will assist you with hard-to-identify items. This manual is your authority to request/requisition replacement BII, based on TOE/MTOE authorization of the end.
3. EXPLANATION OF COLUMNS. The following provides an tabular explanation of columns found in the listings :
 - a. Column (1) -Illustration Number (Illus Number). This column indicates the number of the illustration in which the item is shown.
 - b. Column (2)-National Stock Number. Indicates the National Stock Number assigned to the item and will be used for requisitioning purposes.
 - c. Column (3) -Description. Indicates the Federal item name and, if required, mum description to identify and locate the item. a mini-The last line for each item indicates the FSCM (in parentheses) followed by the part number.
 - d. Column (4) -Unit of Measure (U/M)Indicates the measure used in performing to be actual operation/maintenance function. This measure is expressed by a two-character alphabetical abbreviation (e.g., ea, in., pr).
 - e. Column (5) -Quantity required (Qty rqr).Indicates the quantity of to be item authorized to be used with/on the equipment.

(ARMY USE ONLY)

Section II. COMPONENTS OF END ITEM (See illustration on page 112).

(1) Illus Number	(2) National Stock Number	(3) Description FSCM and Part Number	Usable On Code	(4) U/M	(5) Qty rqr
1	1005-00-921-5004	MAGAZINE, CARTRIDGE: 30 round (19204) 8448670		EA	1
2	1005-01-083-8113	SLING, SMALL ARMS (19204) 11833432		EA	1

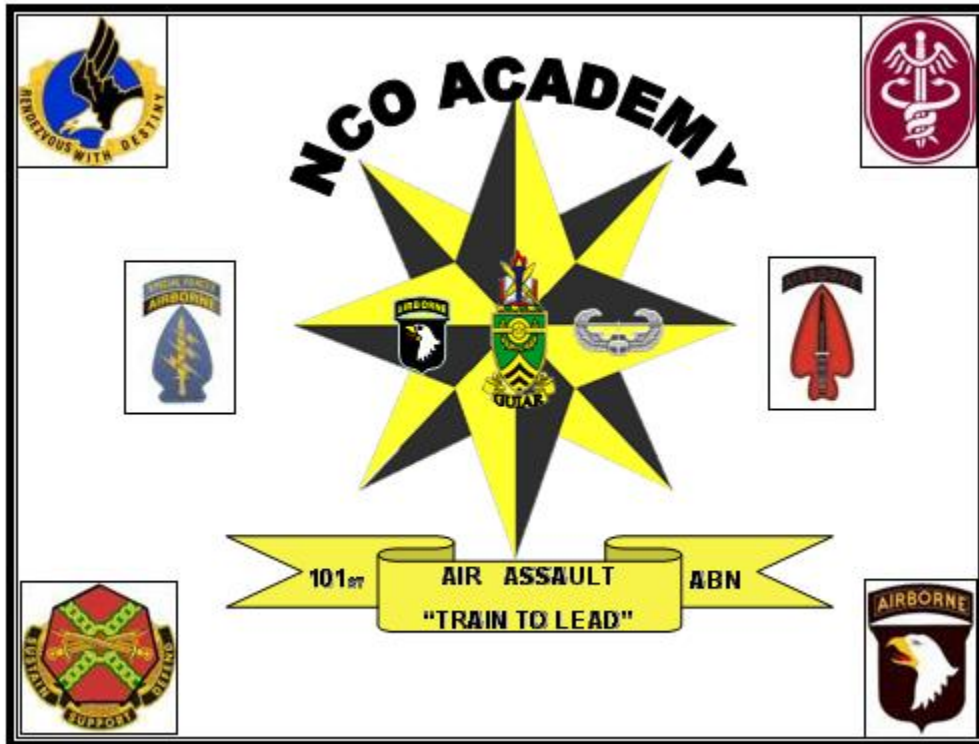
(ARMY USE ONLY)

Section III. BASIC ISSUE ITEMS

(1) Illus Number	(2) National Stock Number	(3) Description FSCM and Part Number	Usable On Code	(4) U/M	(5) Qty req
1		TM 05538C-10/1A/ TM 9-1005-319-10		EA	1

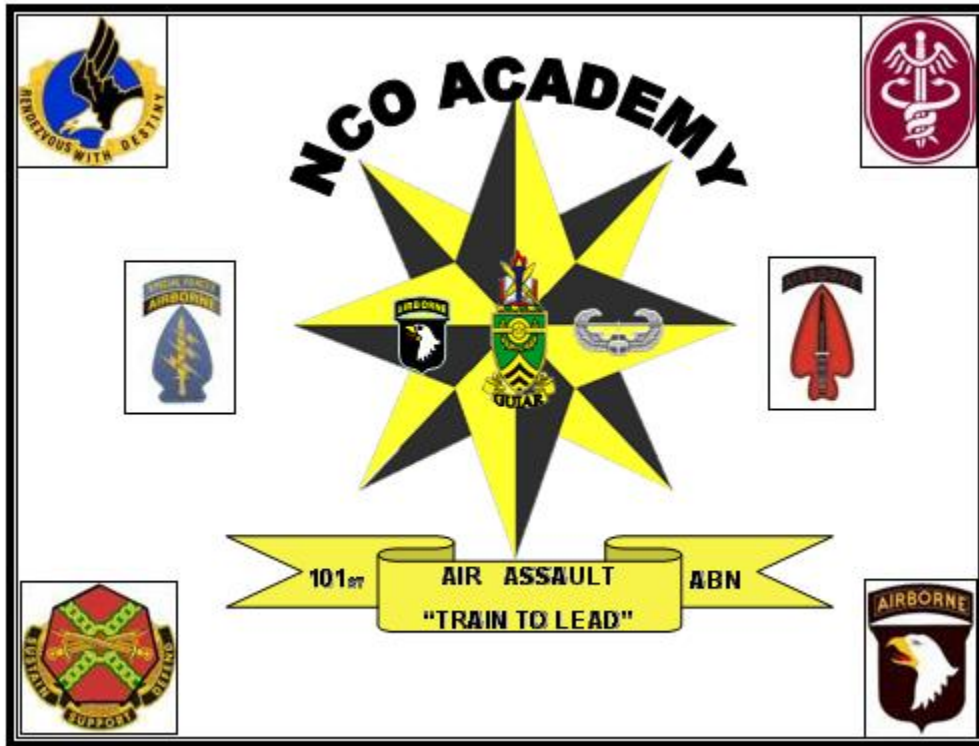
T227

- Exam Study Hall



W221

- Study Student Handouts 1 thru 5.



Student Handout 2

Extracted Material from the Operational Law Handbook

This student handout contains 28 pages of extracted material from the following publication:

Operational Law Handbook, dated 2009

Chapter 2

Pages 9 thru 36

Disclaimer: The training developer downloaded the extracted material from Army leadership. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

CHAPTER 2

THE LAW OF WAR

REFERENCES

1. Hague Convention IV, Respecting the Laws and Customs of War on Land, Oct. 18, 1907, 36 Stat. 2277 [hereinafter Hague IV].
2. Hague Convention IX, Concerning Bombardment by Naval Forces in Time of War, Oct. 18, 1907, 36 Stat. 2314 [hereinafter Hague IX].
3. Hague Convention V, Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land, Oct. 18, 1907 [hereinafter Hague V].
4. Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Aug. 12, 1949, 6 U.S.T. 3114, T.I.A.S. 3362, 75 U.N.T.S. 31 [hereinafter GWS].
5. Geneva Convention for the Amelioration of the Condition of Wounded, Sick, and Shipwrecked Members, Aug. 12, 1949, 6 U.S.T. 3217, T.I.A.S. 3363, 75 U.S.T.S. 85 [hereinafter GWS (Sea)].
6. Geneva Convention Relative to the Treatment of Prisoners of War, Aug. 12, 1949, 6 U.S.T. 3316, T.I.A.S. 3364, 75 U.N.T.S. 135 [hereinafter GPW].
7. Geneva Convention Relative to the Protection of Civilian Persons in Time of War, Aug. 12, 1949, 6 U.S.T. 3516, T.I.A.S. 3365, 75 U.N.T.S. 287 [hereinafter GC].
8. Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), June 8, 1977 [hereinafter AP I](not ratified by the United States);
9. Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), June 8, 1977 [hereinafter AP II](not ratified by the United States);
10. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III), Aug. 12, 2005 [hereinafter AP III].
11. Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, June 17, 1925, 26 U.S.T. 571, 94 L.N.T.S. 65 [hereinafter 1925 Geneva Protocol].
12. Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, Jan. 13, 1993, 32 I.L.M. 800 [hereinafter CWC].
13. 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, May 14, 1954, 249 U.N.T.S. 216 [hereinafter 1954 Cultural Property Convention].
14. Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, Apr. 10, 1972, 26 U.S.T. 583 [hereinafter BWC].
15. Convention on Prohibitions or Restrictions of the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, Oct. 10, 1980, 19 I.L.M. 1523 [hereinafter CCW].
16. U.S. DEP'T OF ARMY, FIELD MANUAL 27-10, THE LAW OF LAND WARFARE (dated 18 July 1956, including change 1 dated 15 July 1976) [hereinafter FM 27-10].
17. U.S DEP'T OF THE NAVY, NAVAL WARFARE PUBLICATION 1-14M/U.S. Marine Corps MCPW 5-2.1, THE COMMANDER'S HANDBOOK ON THE LAW OF NAVAL OPERATIONS (July 2007) [hereinafter NWP 1-14M].
18. U.S. MARINE CORPS, FLEET MARINE FORCES MANUAL 1-10, COMMUNICATIONS (Oct. 1980) [hereinafter FMFM 1-10].
19. U.S. DEP'T OF THE AIR FORCE, AIR FORCE POLICY DIRECTIVE 51-4, COMPLIANCE WITH THE LAW OF ARMED CONFLICT (Apr. 1993) [hereinafter AFPD 51-4].
20. Exec. Order No. 12,333, 3 C.F.R. 200 (1981) [hereinafter E.O. 12333].
21. DEP'T OF DEF. INSTRUCTION 5000.2, OPERATION OF THE DEFENSE ACQUISITION SYSTEM (12 May 2003) [DoDI 5000.2].

22. DEP'T OF DEF. DIRECTIVE 2311.01E, DoD LAW OF WAR PROGRAM (9 May 2006) (canceling DoDD 5100.77, DoD Law of War Program (9 Dec. 1998)) [hereinafter DoDD 2311.01E].
23. CHAIRMAN OF THE JOINT CHIEFS OF STAFF INSTRUCTION 5810.01C, IMPLEMENTATION OF THE DoD LAW OF WAR PROGRAM (31 Jan. 2007) [hereinafter JCSI 5810.01B].
24. Uniform Code of Military Justice, 10 U.S.C. ch. 47 [hereinafter UCMJ].

I. INTRODUCTION

This Chapter will summarize key law of war (LOW) provisions for military personnel and commanders in the conduct of operations in both international and non-international armed conflicts. It will discuss the purposes and basic principles of the LOW, its application in armed conflict, the legal sources of the law, the conduct of hostilities, treatment of protected persons, military occupation of enemy territory, neutrality, and compliance and enforcement measures.

II. DEFINITION

The LOW is defined as “that part of international law that regulates the conduct of armed hostilities.”¹ It is often termed “the law of armed conflict.” The LOW encompasses all international law for the conduct of hostilities binding on the United States or its individual citizens, including treaties and international agreements to which the United States is a party, and applicable customary international law (CIL).²

III. POLICY

U.S. LOW obligations are national obligations, binding upon every Soldier, Sailor, Airman, and Marine. **Department of Defense (DoD) policy is to comply with the LOW “during all armed conflicts, however such conflicts are characterized, and in all other military operations.”**³

IV. PURPOSES OF THE LAW OF WAR

A. The fundamental purposes of the LOW are humanitarian and functional in nature. The humanitarian purposes include:

1. Protecting both combatants and noncombatants from unnecessary suffering;
2. Safeguarding persons who fall into the hands of the enemy; and
3. Facilitating the restoration of peace.

B. The functional purposes include:

1. Ensuring good order and discipline;
2. Fighting in a disciplined manner consistent with national values; and
3. Maintaining domestic and international public support.

V. BASIC PRINCIPLES OF THE LAW OF WAR

A. **Principle of Military Necessity.** The principle of military necessity is explicitly codified in Article 23, paragraph (g) of the Annex to Hague IV, which forbids a belligerent “to destroy or seize the enemy’s property, unless such destruction or seizure be imperatively demanded by the necessities of war.” Other provisions in the LOW acknowledge this principle implicitly.

1. **The principle of military necessity authorizes that use of force required to accomplish the mission. Military necessity does not authorize acts otherwise prohibited by the LOW.** This principle must be applied in conjunction with other LOW principles discussed in this chapter, as well as other, more specific legal constraints set forth in LOW treaties to which the United States is a party.

¹DoDD 2311.01E, para. 3.1.

²*Id.*

³*Id.* para 41.

2. **Military necessity is not a criminal defense.** As stated above, military necessity is not a defense for acts expressly prohibited by law.

a. **Protected Persons.** The LOW prohibits the intentional targeting of protected persons under any circumstances.

b. **Protected Places - The Rendulic Rule.** Civilian objects are generally protected from intentional attack or destruction. However, civilian objects may lose their protections if they are being used for military purposes or if there is military necessity for their destruction or seizure. Civilian objects may, in such circumstances, become military objectives (discussed *infra*). The LOW permits destruction of these objects if military circumstances necessitate such destruction.⁴ **The circumstances justifying destruction of objects are those of military necessity, based upon information reasonably available to the commander at the time of his decision.**⁵ The Nuremberg Tribunal convicted General Lothar Rendulic of other charges, but found him “not guilty” of unlawfully destroying civilian property through employment of a “scorched earth” policy. The court found that “the conditions, as they appeared to the defendant at the time were sufficient upon which he could honestly conclude that urgent military necessity warranted the decision made.”

c. There may be situations where, because of incomplete intelligence or the failure of the enemy to abide by the LOW, civilian casualties occur. Example: Al Firdus Bunker. During the first Persian Gulf War (1991), U.S. military planners identified this Baghdad bunker as an Iraqi military command and control center. Barbed wire surrounded the complex, it was camouflaged, armed sentries guarded its entrance and exit points, and electronic intelligence identified its activation. Unknown to coalition planners, however, some Iraqi civilians used upper levels of the facility as nighttime sleeping quarters. The bunker was bombed, allegedly resulting in 300 civilian casualties. Was there a violation of the LOW? No, at least not by the U.S. forces (there was, however, a clear violation of the principle of distinction and discrimination (discussed *infra*) by Iraqi forces). Based upon information gathered by Coalition planners, the commander made an assessment that the target was a military objective. Although the attack may have resulted in unfortunate civilian deaths, there was no LOW violation because the attackers acted in good faith based upon the information reasonably available at the time the decision to attack was made.⁶

B. Principle of Distinction. Sometimes referred to as the principle of *discrimination*, this principle requires that combatants be distinguished from noncombatants, and that military objectives be distinguished from protected property or protected places. In keeping with this “grandfather” principle of the LOW, **parties to a conflict must direct their operations only against combatants and military objectives.**⁷

1. Additional Protocol I (AP I) prohibits “indiscriminate attacks.” As examples, under Article 51, paragraph 4, these are attacks that:

a. are “not directed against a specific military objective,” (e.g., Iraqi SCUD missile attacks on Israeli and Saudi cities during the Persian Gulf War);

b. “employ a method or means of combat the effects of which cannot be directed at a specified military objective,” (e.g., might prohibit area bombing in certain populous areas, such as a bombardment “which treats as a single military objective a number of clearly separated and distinct military objectives in a city, town, or village . . .”)⁸;
or

c. “employ a method or means of combat the effects of which cannot be limited as required” by the Protocol (e.g., release of dangerous forces⁹ or collateral damage excessive in relation to concrete and direct military advantage)¹⁰; **and**

d. “consequently, in each case are of a nature to strike military objectives and civilians or civilian objects without distinction.”

⁴ FM 27-10, paras. 56, 58.

⁵ See Nuremberg Military Tribunals, TRIALS OF WAR CRIMINALS BEFORE THE NUREMBERG MILITARY TRIBUNALS, IX, 1113 (1950).

⁶ See *supra* note 5.

⁷ AP I, art. 48. As stated above, the United States is not a party to AP I. The United States does, however, adhere to many of AP I’s provisions as a matter of policy and views some of them as CIL. This handbook takes no position on which provisions constitute CIL and which provisions are followed as a matter of policy.

⁸ AP I, art. 51, para. 5(a).

⁹ AP I, art. 56.

¹⁰ AP I, art. 51, para. 5(b).

2. Military objectives are defined in AP I as “objects which by their nature, location, purpose or use, make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.”¹¹ See discussion of Military Objectives *infra*.

3. Distinction requires parties to a conflict to engage only in military operations the effects of which distinguish between the civilian population (or individual civilians not taking part in the hostilities), and combatant forces, directing the application of force solely against the latter. Similarly, military force may be directed only against military objectives, and not against civilian objects. Under the principle of distinction, the civilian population as such, as well as individual civilians, may not be made the object of attack.¹²

C. Principle of Proportionality. According to the principle of proportionality, **the anticipated loss of life and damage to property incidental to attacks must not be excessive in relation to the concrete and direct military advantage expected to be gained.**¹³ Proportionality is not a separate legal standard as such, but provides a means by which military commanders can balance military necessity and unnecessary suffering in circumstances when an attack may cause incidental damage to civilian personnel or property.

1. *Incidental Damage.* Incidental damage consists of unavoidable and unintentional damage to civilian personnel and property incurred while attacking a military objective. **Incidental damage is not a violation of international law.** While no LOW treaty defines this concept, its inherent lawfulness is implicit in treaties referencing the concept. As stated above, AP I, art. 51(5) describes indiscriminate attacks as those causing “*incidental* loss of civilian life . . . excessive . . . to . . . the military advantage anticipated.”

2. *Attacks and Military Advantage.* The term “attack” is not well defined with respect to the principle of proportionality, nor is it clear at what level such decisions are to be made. “Military advantage” is not restricted to tactical gains, but is linked to the full context of one’s war strategy. Balancing between incidental damage to civilian objects and incidental civilian casualties may be done on a target-by-target basis but also may be done in an overall sense against campaign objectives. At the time of its ratification of AP I, the United Kingdom declared that “‘the military advantage anticipated from an attack’ is intended to refer to the advantage anticipated from the attack considered as a whole and not only from isolated or particular parts of the attack.” Proportionality balancing typically involves a variety of considerations, including the security of the attacking force.¹⁴

D. Principle of Unnecessary Suffering. Sometimes referred to as *humanity* or *superfluous injury*, **this principle requires a military force to minimize unnecessary suffering.** “It is especially forbidden . . . to employ arms, projectiles or material calculated to cause unnecessary suffering.”¹⁵ This principle applies to the legality of weapons and ammunitions themselves as well as to the methods by which such weapons and ammunition are employed. Military personnel may not use arms that are per se calculated to cause unnecessary suffering (e.g., projectiles filled with glass, hollow point or soft-point small caliber ammunition, lances with barbed heads) or use otherwise lawful weapons in a manner calculated to cause unnecessary suffering.

1. The prohibition of unnecessary suffering constitutes acknowledgement that *necessary suffering* to combatants is lawful, and may include severe injury or loss of life. **There is no agreed definition for unnecessary suffering.** A weapon or munition would be deemed to cause unnecessary suffering only if it inevitably or in its normal use has a particular effect, and the injury caused is considered by governments as disproportionate to the military necessity for it, that is, the military advantage to be gained from its use. This balancing test cannot be conducted in isolation. A weapon’s or munition’s effects must be weighed in light of comparable, lawful weapons or munitions in use on the modern battlefield.

2. A weapon cannot be declared unlawful merely because it *may* cause severe suffering or injury. The appropriate determination is whether a weapon’s or munition’s employment for its *normal or expected use* would be prohibited under some or all circumstances. The correct criterion is whether the employment of a weapon for its normal or expected use inevitably would cause injury or suffering manifestly disproportionate to its military effectiveness. A State is not required to foresee or anticipate all possible uses or misuses of a weapon, for almost any weapon can be used in ways that might be prohibited.

¹¹ AP I, art. 52, para. 2.

¹² AP I, art. 51, para. 2.

¹³ FM 27-10, para. 41, change 1.

¹⁴ See, e.g., DoD Final Report to Congress, Conduct of the Persian Gulf War (April 1992), p. 611.

¹⁵ Hague IV, art. 23(e).

3. See discussion of the DoD Weapons Review Program, *infra*.

E. **Chivalry.** The concept of chivalry has long been present in the law of war. Based on notions of honor, trust, good faith, justice, and professionalism, chivalry prohibits armed forces from abusing the law of war in order to gain an advantage over their adversaries. Chivalry, therefore, demands a degree of fairness in offense and defense and requires mutual respect and trust between opposing forces. It denounces and forbids resorting to dishonorable means, expedients, or conduct that would constitute a breach of trust.¹⁶ While chivalry is not based on reciprocity, it nevertheless must be applied at all times regardless of enemy forces' action.

1. The concept of chivalry informs the LOW's express prohibition of treachery and perfidy, defined as "bad faith." AP I, Article 37, states, "[i]t is prohibited to kill, injure or capture an adversary by resort to perfidy. Acts inviting the confidence of an adversary to lead him to believe he is entitled to, or is obligated to accord, protection under the rules of international law applicable in armed conflict, with intent to betray that confidence, shall constitute perfidy." Examples of perfidy include feigning surrender in order to draw the enemy closer, and then firing on the enemy at close range, feigning wounded status, misusing protective emblems, such as the red cross, and feigning noncombatant or neutral status. Perfidy, therefore, involves injuring the enemy by his adherence to the LOW. Perfidious behavior degrades the protections and mutual restraints developed in the interest of all Parties, combatants, and civilians.

2. Chivalry does not forbid ruses or deception, which are "admitted as a just and necessary means of hostility, consistent with honorable warfare."¹⁷ See discussion of Ruses and Deception, *infra*.

VI. APPLICATION OF THE LAW OF WAR

A. The LOW applies to all cases of declared war or any other armed conflicts that arise between the United States and other nations, even if the state of war is not recognized by one of them. This threshold is codified in Common Article 2 of the Geneva Conventions. Armed conflicts such as the 1982 Falklands War, the Iran-Iraq War of the 1980s, and the first (1991) and second (2003) U.S.-led coalition wars against Iraq clearly were international armed conflicts to which the LOW applied. AP I expanded this scope of application to include certain wars of "national liberation" for States who are parties to that convention.¹⁸ The United States is not a Party to AP I, though, and is a persistent objector to this provision of AP I. Further, this expanded scope has not been applied since its promulgation.

1. In peace operations, such as those in Somalia, Haiti, and Bosnia, the question frequently arises whether the LOW applies. The issue is less applicability of the LOW as such but complete applicability of particular treaties. Despite the possible inapplicability of the LOW in military operations short of international armed conflict, it has been, nonetheless, the position of the United States, United Nations, and NATO that their forces would apply the LOW in these operations.¹⁹ U.S. forces, by policy, comply with the LOW during all military operations.²⁰ However, the policy directive itself defines the LOW narrowly as "international law . . . binding on the United States or its individual citizens." When facing situations that do not meet the traditional threshold of armed conflict (whether of an international or non-international character) that would trigger the LOW, Judge Advocates (JA) are encouraged to use the technical chain to determine how best to comply with the LOW, bearing in mind historical U.S. practice.

2. Historically, when applying the DoD policy, allowances have been made for the fact that during these operations U.S. forces often do not have the resources to comply with the LOW to the letter. It has been U.S. practice to comply with the LOW to the extent "practicable and feasible" where not directly applicable.²¹ The Soldier's Rules provide useful standards for the individual Soldier in the conduct of operations across the conflict spectrum. In military operations short of international armed conflict, LOW treaties provide an invaluable template for military conduct. It will be the responsibility of the military commander, with the assistance and advice of the JA, to determine those provisions that best fit the mission and situation.

¹⁶ Hague IV, art. 23; FM 27-10 (1940), para. 4(c).

¹⁷ Lieber Code, para. 101.

¹⁸ AP I, art. 1, para. 4.

¹⁹ CJCSI 5810.01C.

²⁰ DoDD 2311.01E.

²¹ See Memorandum of W. Hays Parks to the Judge Advocate General of the Army, 1 October 1990.

VII. SOURCES OF THE LAW OF WAR.

A. **The Law of The Hague.**²² “Hague Law,” which is typically associated with targeting, regulates the “methods and means” of warfare, including: prohibitions against using certain weapons such as poison; humanitarian concerns such as warning the civilian population before a bombardment; and the law of belligerent occupation (particularly with respect to property.) The rules relating to the methods and means of warfare are primarily derived from articles 22 through 41 of the Regulations Respecting the Laws and Customs of War on Land annexed to Hague IV.²³

B. **Geneva Conventions of 1949.**²⁴ “Geneva Law” protects “victims” of war such as wounded and sick, shipwrecked at sea, prisoners of war, and civilians. Geneva law seeks to ensure humane treatment of the “victims;” it aims to “respect and protect.”

C. **1977 Additional Protocols to the Geneva Convention.**²⁵ The Additional Protocols represent a convergence between “Hague Law” and “Geneva Law” as it sought to update and include both traditions in one document. Although the United States has not ratified either AP I or AP II, most nations have. Consequently, U.S. commanders must be aware that many allied forces are under a legal obligation to comply with the Protocols, and that the United States believes some provisions of the Protocols to be CIL.²⁶ This difference in obligation has not proven to be a hindrance to U.S. allied or multinational operations since promulgation of the Protocols in 1977.

D. **Other Treaties.** The following treaties restrict specific aspects of warfare:

1. **Chemical Weapons.**²⁷ The Geneva Protocol of 1925 prohibits use in war of asphyxiating, poisonous, or other gases (and bacteriological weapons; see below). The United States reserved the right to respond with chemical weapons to a chemical or biological weapons attack by the enemy. This reservation became moot when the United States ratified the Chemical Weapons Convention (CWC), which prohibits production, acquisition, stockpiling, retention, and use (even in retaliation). The United States ratified the CWC on 25 April 1997 with declarations. The CWC entered into force on 29 April 1997.

2. **Cultural Property.**²⁸ The 1954 Hague Cultural Property Convention prohibits targeting cultural property, and sets forth conditions when cultural property may be used by a defender or attacked. Although the United States did not ratify the treaty until recently²⁹, it has always regarded the treaty’s provisions as relevant to the targeting process: “United States policy and the conduct of operations are entirely consistent with the Convention’s provisions. In large measure, the practices required by the convention to protect cultural property were based upon the practices of U.S. military forces during World War II.”³⁰

3. **Biological Weapons.**³¹ Biological (bacteriological) weapon use was prohibited by the 1925 Geneva Protocol. It does not prohibit development, production, and stockpiling. The 1972 Biological Weapons Convention (BWC) extended the prohibition contained in the 1925 Geneva Protocol, prohibiting development, production, stockpiling, acquisition, or retention of biological agents or toxins, weapons, equipment or means of delivery designed to use such toxins for hostile purposes or in armed conflict.

4. **Conventional Weapons.**³² The 1980 United Nations Convention on Certain Conventional Weapons (UNCCW) restricts, regulates, or prohibits the use of certain otherwise lawful conventional weapons. The United States ratified the UNCCW in 1995. The UNCCW also contains several Protocols:

²² See Hague IV and Hague IX.

²³ Hague IV, arts. 22-41.

²⁴ See generally GWS; GWS (Sea); GPW; GC.

²⁵ See generally AP I; AP II; AP III.

²⁶ Memorandum from Hays Parks, Chief International Law Branch, to Mr. John H. McNeill, Assistance General Counsel (International), OSD, subject: 1977 Protocols Additional to the Geneva Conventions, Customary International Law Implications (9 May 1986).

²⁷ See generally 1925 Geneva Protocol; CWC.

²⁸ See generally 1954 Cultural Property Convention.

²⁹ The United States Senate received action regarding the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict on 6 January 1999. However, it was not until 25 September 2008 that the Senate ratified the treaty. Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict S. TREATY DOC. NO. 106-1(A)(2008).

³⁰ President William J. Clinton, Message to the Senate Transmitting the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (Jan. 6, 1999).

³¹ See 1925 Geneva Protocol; see generally BWC.

³² See generally CCW.

a. **Protocol I**, which the United States ratified in 1995, prohibits any weapon whose primary effect is to injure by fragments which, when in the human body, escape detection by x-ray.

b. **Protocol II**, which the United States ratified in 1995, regulates use of mines, booby-traps, and other devices, while prohibiting certain types of anti-personnel mines to increase protection for the civilian population. The original Protocol II, however, was replaced in 1996 by an Amended Mines Protocol (Amended Protocol II), which the United States ratified in 1999.

c. **Protocol III** regulates incendiary weapons use to increase protection for the civilian population. The United States ratified Protocol III in 2009 with the following understandings: 1) Incendiary weapons may be used within areas of civilian concentrations if their use will result in fewer civilian casualties. The classic example of this would be where the use of incendiary weapons against a chemical munitions factory in a city would cause fewer incidental civilian casualties; and 2) Tracers and white phosphorous are not incendiaries.

d. **Protocol IV**, which the United States ratified in 2009, prohibits “blinding laser weapons,” defined as laser weapons specifically designed to cause permanent blindness to unenhanced vision.

e. **Protocol V** on explosive remnants of war was adopted in 2003 and ratified by the United States in 2009. It was the first international agreement to require the parties to an armed conflict, where feasible, to clear or assist the host nation or others in clearance of unexploded ordnance or abandoned explosive ordnance after the cessation of active hostilities.

5. **Cluster Bombs or Combined Effects Munitions (CEM)**. CEM constitute effective weapons against a variety of targets, such as air defense radars, armor, artillery, and personnel. However, because the bomblets or submunitions are dispensed over a relatively large area and a small percentage of them typically fail to detonate, there is an unexploded ordnance (UXO) hazard associated with CEM. **Combined Effects Munitions are not mines, are acceptable under the laws of armed conflict, and are not timed to go off as anti-personnel devices.** However, if the submunitions are disturbed or disassembled, they may explode. Unfortunately, these weapons have a high “dud” rate and as a result can cause civilian casualties if disturbed. Consequently, there is a need for early and aggressive EOD clearing efforts.³³

a. The Oslo Process, which produced the **Convention on Cluster Munitions**, concluded in Dublin on 30 May 2008. The Convention on Cluster Munitions prohibits the development, production, stockpiling, retention or transfer of cluster munitions (CM) between signatory States. **The United States is not a party to this treaty**, but many of our closest allies are. The United States obtained an “interoperability” exception that will allow non-signatory states such as the United States to use and stockpile CM while involved in multinational operations. In response to Oslo, the Secretary of Defense signed a DoD Cluster Munitions Policy on 13 June 2008. This policy mandated a reduction of obsolete CM stocks, improvement of CM UXO standards to 1%, and replacement of existing stocks by 2018.

E. **Regulations.** Implementing LOW guidance for U.S. armed forces is found in respective service manuals.³⁴

VIII. THE CONDUCT OF HOSTILITIES

A. Lawful Combatants and Unprivileged Belligerents

1. **Combatants.** Generally, **combatants are military personnel engaging in hostilities in an armed conflict on behalf of a party to the conflict.** Combatants are lawful targets unless “out of combat,” that is, wounded, sick or shipwrecked and no longer resisting, or captured.

a. **Lawful Combatants.** As defined in the LOW, a lawful combatant:

- (1) Is entitled to carry out attacks on enemy military personnel and equipment;
- (2) May be the subject of lawful attack by enemy military personnel;

(3) Bears no criminal responsibility for killing or injuring enemy military personnel or civilians taking an active part in hostilities, or for causing damage or destruction to property, provided his or her acts have been in compliance with the LOW;

³³ See US DoD Report to Congress: Kosovo/Operation Allied Force After Action Report; see also Thomas Herthel, *On the Chopping Block: Cluster Munitions and the Law of War*, 51 A.F.L. Rev. 229 (2001).

³⁴ See FM 27-10; NWP 1-14M; FM 1-10; AFD 51-4.

- (4) May be tried for breaches of the LOW;
- (5) May only be punished for breaches of the LOW as a result of a fair and regular trial;
- (6) If captured, must be treated humanely; and
- (7) If captured, is entitled to prisoner of war (POW) status.

b. **1949 Geneva Conventions Criteria.**³⁵ Combatants include: the regular armed forces of a State Party to the conflict; militia, volunteer corps, and organized resistance movements belonging to a State Party to the conflict that are under responsible command, wear a fixed distinctive sign recognizable at a distance, carry their arms openly, and abide by the laws of war; and members of armed forces of a government not recognized by a detaining authority or occupying power.

c. **Protocol I Definition.** Article 43 states that members of the armed forces of a party to the conflict, except medical personnel and chaplains, are combatants. Article 44(3) of AP I allows a belligerent to attain combatant status by carrying his arms openly during each military engagement and when visible to an adversary while deploying for an attack. Additional Protocol I thus drops the requirement for a fixed recognizable sign. The United States, believing that this provision diminishes the distinction between combatants and civilians, thus undercutting the protections of the LOW, does not view this rule as CIL. Other governments, such as the United Kingdom, through reservations and/or statements of understanding, have narrowly restricted or virtually eliminated application of Article 44, para. 3.

d. **Unprivileged belligerents.** Unprivileged belligerents may include spies, saboteurs, or civilians who are participating in the hostilities or who otherwise engage in unauthorized attacks or other combatant acts. Unprivileged belligerents (a/k/a unlawful combatants) are not entitled to POW status and may be prosecuted under the domestic law of the captor.

2. *Forbidden Conduct with Respect to Enemy Combatants and Nationals*

a. It is especially forbidden to declare that no quarter will be given or to kill or injure enemy personnel who have surrendered.³⁶ It is also forbidden to kill treacherously or wound treacherously individuals belonging to the hostile nation or armed forces.³⁷ Belligerents are likewise prohibited from compelling nationals of the enemy state to take part in hostilities against their own country.³⁸

b. **Assassination.** Hiring assassins, putting a price on the enemy's head, and offering rewards for an enemy "dead or alive" is prohibited.³⁹ Offering rewards for information that may lead to the capture of an individual is not prohibited, and targeting military command and control is not assassination.⁴⁰

3. **Civilians and Noncombatants.** The LOW prohibits intentional attacks on civilians and non-combatants. The civilian population as such is protected from direct attack. An individual civilian is protected from direct attack unless and for such time as he or she takes a direct part in hostilities.

a. Noncombatants include: military medical personnel, chaplains, and those out of combat, including prisoners of war and the wounded, sick, and shipwrecked.

b. Civilians who accompany the armed forces in the field in time of armed conflict are protected from direct attack unless and for such time as they take part in hostilities. Civilians who accompany the armed forces in the field may be at risk of injury or death incidental to lawful enemy attacks on military objectives.

IX. METHODS AND MEANS OF WARFARE/WEAPONS

A. "The right of belligerents to adopt means of injuring the enemy is not unlimited."⁴¹

³⁵ GPW, art. 4; GWS, art. 13.

³⁶ Hague IV, art. 23.

³⁷ *Id.*

³⁸ *Id.*

³⁹ FM 27-10, para 31; E.O. 12333.

⁴⁰ See W. Hays Parks, *Memorandum of Law: Executive Order 12333 and Assassination*, ARMY LAW, Dec. 1989, at 4.

⁴¹ Hauge IV, art. 22.

B. **Legal Review.** All U.S. weapons, weapons systems, and munitions must be reviewed by the service TJAG or DoD General Counsel for legality under the LOW.⁴² This review occurs before the award of the engineering and manufacturing development contract and again before the award of the initial production contract.⁴³ Legal review of new weapons is also required under Article 36 of AP I.

C. **Effect of legal review.** The weapons review process of the United States entitles commanders and all other personnel to assume that any weapon or munition contained in the U.S. military inventory and issued to military personnel is lawful. If there are any doubts, questions may be directed to the International and Operational Law Division (HQDA, DAJA-IO), Office of The Judge Advocate General of the Army.

1. *Weapons may be illegal:*

a. *Per se.* Those weapons calculated to cause unnecessary suffering, determined by the “usage of states.” Examples: lances with barbed heads or projectiles filled with glass.⁴⁴

b. *Improper use.* Any weapon may be used unlawfully; for example, use of an M9 pistol to murder a POW. This may not be a violation of the principle of “unnecessary suffering,” but would most likely violate the principles of necessity and distinction. Again, illegal use of a lawful weapon does not make the weapon unlawful.

c. *By agreement or prohibited by specific treaties.* Example: certain land mines, booby traps, and “blinding laser weapons” are prohibited by Protocols to the UNCCW. None were declared by the States Parties/drafters to cause unnecessary suffering or to be illegal as such. Anti-personnel land mines and booby traps were regulated (and, in some cases, certain types prohibited) in order to provide increased protection for the civilian population.

D. **Specific Weapons.** Certain weapons are the subject of specific treaties or other international law instruments of which JAs need to be aware.

1. **Small Arms Projectiles.** The 1868 Declaration of St. Petersburg prohibits exploding rounds of less than 400 grams. The United States is not a State Party to this declaration, and does not regard it as CIL. **State practice since 1868 has limited this prohibition to projectiles weighing less than 400 grams specifically designed to detonate in the human body.** Expanding military small arms ammunition—that is, so called ‘dum-dum’ projectiles, such as soft-nosed (exposed lead core) or hollow point projectiles—are prohibited by the 1899 Hague Declaration Concerning Expanding Bullets. The United States is not a party to this treaty, but has taken the position that it will adhere to its terms in its military operations in international armed conflict to the extent that its application is consistent with the object and purpose of Article 23(e) of Hague IV. **The prohibition on hollow point/soft-nosed military projectiles does not prohibit full-metal jacketed projectiles that yaw or fragment, or “open tip” rifle projectiles containing a tiny aperture to increase accuracy.**

2. **Hollow point or soft point ammunition.** Hollow point or soft-point ammunition contain projectiles with either a hollow point boring into the lead core, or exposed lead core that flatten easily in the human body, often with skiving, and are designed to expand dramatically upon impact at all ranges. **This ammunition is prohibited for use in international armed conflict against lawful enemy combatants** (see discussion of 1899 Hague Declaration, above). There are situations, however, outside of international armed conflict, where use of this ammunition is lawful because its use will significantly reduce the risk of incidental damage to innocent civilians and friendly force personnel, protected property (during a hostage rescue or for aircraft security), and material containing hazardous materials. Military law enforcement personnel may be authorized to use this ammunition for law enforcement missions outside an active theater of operations. Military units or personnel are not entitled to possess or use small arms ammunition not issued to them or expressly authorized. Private acquisition of small arms ammunition for operational use is prohibited. “Matchking” ammunition (or similar rifle projectiles by other manufacturers) has an open tip, with a tiny aperture not designed to cause expansion. The projectile is designed to enhance accuracy only, and does not function like a hollow or soft point. It is lawful for use across the conflict spectrum, but may not be modified by soldiers (such as through further opening the tiny aperture to increase the possibility of expansion).

⁴² DEP’T OF DEF. DIRECTIVE 5000.1, THE DEFENSE ACQUISITION SYSTEM (23 Oct. 2000) [hereinafter DoDD 5000.1]; U.S. DEP’T OF ARMY, ARMY REGULATION 27-53, REVIEW OF LEGALITY OF WEAPONS UNDER INTERNATIONAL LAW (Jan. 1979) [hereinafter AR 27-53]; U.S. DEP’T OF AIR FORCE, AIR FORCE INSTRUCTION 51-402, WEAPONS REVIEW (May 1994) [hereinafter AFI 51-402]; U.S. DEP’T OF NAVY, SEC’Y OF THE NAVY INSTR. 5000.2D, IMPLEMENTATION AND OPERATION OF THE DEFENSE ACQUISITION SYSTEM AND THE JOINT CAPABILITIES INTEGRATION AND DEVELOPMENT SYSTEM (Oct. 2008).

⁴³ DoDD 5000.1.

⁴⁴ FM 27-10, para. 34.

3. **Land Mines and Booby Traps.** The United States regards land mines (anti-personnel and anti-vehicle) as lawful weapons, subject to the restrictions contained in Amended Protocol II, UNCCW, and national policy. U.S. military doctrine and mine inventory comply with each.

a. **U.S. policy on anti-personnel (APL) and anti-vehicle land mines.** Per a February 2004 U.S. Presidential Memorandum, anti-personnel landmines that do not self-destruct or self-neutralize, (sometimes called “dumb” or “persistent” anti-personnel land mines) are only stockpiled for use by the United States in fulfillment of our treaty obligations to the Republic of Korea. **Outside Korea, U.S. forces may no longer employ persistent APL, and between now and 2010, anti-vehicle landmines that are persistent may only be employed outside the Republic of Korea when authorized by the President.** After 2010, the United States will not employ either persistent APL or persistent anti-vehicle land mines.⁴⁵

4. **Incendiaries.** Napalm, flame-throwers, and thermite/thermate type weapons are incendiary weapons. **Tracer ammunition and white phosphorous are not incendiary weapons.** All are lawful weapons. Protocol III, UNCCW, which the United States ratified with understandings in 2009 (see *supra*), prohibits the use of incendiaries in certain situations, primarily in concentrations of civilians.

5. **Lasers.** In general, laser weapons are lawful. However, Protocol IV, UNCCW, which the United States ratified in 2009, prohibits the use of laser weapons specifically designed to cause permanent blindness to unenhanced vision. Protocol IV does not bar lasers that may cause injury, including permanent blindness, incidental to their legitimate military use (range-finding, targeting, etc.).

6. **Poison.** Poison has been outlawed for thousands of years, and is prohibited by treaty.⁴⁶

7. **Chemical Weapons.** Chemical weapons are governed by the Chemical Weapons Convention.

a. The CWC was ratified by the United States and came into force in April 1997.

b. **Key Provisions.** There are twenty-four articles in the CWC. Article 1 is the most important. It states that Parties agree to never develop, produce, stockpile, transfer, use, or engage in military preparations to use chemical weapons. **It strictly forbids retaliatory (second) use,** which represents a significant departure from 1925 Geneva Protocol. It requires the destruction of chemical stockpiles. **It also forbids the use Riot Control Agents (RCA) as a “method of warfare.”** Article 3 requires parties to declare stocks of chemical weapons and facilities they possess. Articles 4 and 5 provide procedures for destruction and verification, including routine on-site inspections. Article 8 establishes the Organization for the Prohibition of Chemical Weapons (OPWC). Article 9 establishes the procedures for “challenge inspection,” which is a short-notice inspection in response to another party’s allegation of non-compliance.

c. **Riot Control Agents (RCA).** U.S. RCA Policy is found in Executive Order 11850. The policy applies to the use of Riot Control Agents and Herbicides; requiring presidential approval before first use in an international armed conflict.

(1) Executive Order 11850.⁴⁷ The order renounces first use of RCA in international armed conflicts except in defensive military modes to save lives, such as: controlling riots in areas under direct and distinct U.S. military control, to include rioting prisoners of war; dispersing civilians where the enemy uses them to mask or screen an attack; rescue missions for downed pilots/passengers and escaping POWs in remotely isolated areas; and, in our rear echelon areas outside the zone of immediate combat, to protect convoys from civil disturbances, terrorists, and paramilitary organizations.

(2) The CWC prohibits RCA use as a “method of warfare.” “Method of warfare” is undefined. The Senate’s resolution of advice and consent for ratification to the CWC⁴⁸ required that the President must certify that the United States is not restricted by the CWC in its use of riot control agents, including the use against “combatants” in any of the following cases: when the U.S. is not a party to the conflict, in consensual peacekeeping operations, and in Chapter VII (UN Charter) peace enforcement operations.⁴⁹

⁴⁵ U.S. Land Mine Policy can be found at <http://www.state.gov/t/pm/wra/c11735.htm>.

⁴⁶ Hague IV, art. 23(a).

⁴⁷ Exec. Order No. 11850, 3 C.F.R., 1971-1975 Comp, p. 980 (1975).

⁴⁸ U.S. Senate Consent to Ratification of the CWC, S. Exec. Res. 75 sec. (2)(26), 105th Cong. (1997).

⁴⁹ U.N. Charter ch. VI

(3) The implementation section of the Senate resolution requires that the President not modify E.O. 11850.⁵⁰ The President's certification document of 25 April 1997 states that "the United States is not restricted by the convention in its use of riot control agents in various peacetime and peacekeeping operations. These are situations in which the United States is not engaged in the use of force of a scope, duration, and intensity that would trigger the laws of war with respect to U.S. forces."

(4) Oleoresin Capsicum Pepper Spray (OC) a/k/a Cayenne Pepper Spray. The United States classifies OC as a Riot Control Agent.⁵¹

d. **Herbicides.** E.O. 11850 renounces first use in armed conflicts, except for domestic uses and to control vegetation around defensive areas.⁵²

8. **Biological Weapons.** The 1925 Geneva Protocol prohibits bacteriological methods of warfare. The BWC⁵³ supplants the 1925 Geneva Protocol bacteriological weapons provisions, prohibiting the production, stockpiling, and use of biological and toxin weapons. The United States renounced all use of biological and toxin weapons.

9. **Nuclear Weapons.** Nuclear weapons are not prohibited by international law. On 8 July 1996, the International Court of Justice (ICJ) issued an *advisory* opinion that "[t]here is in neither customary nor international law any comprehensive and universal prohibition of the threat or use of nuclear weapons." However, by a split vote, the ICJ also found that "[t]he threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict." The Court stated that it could not definitively conclude whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defense, in which the very survival of the state would be at stake.⁵⁴

X. BOMBARDMENTS, ASSAULTS, AND PROTECTED AREAS AND PROPERTY

A. **Military Objectives.** Military objectives are defined in AP I as "objects which by their nature, location, purpose or use, make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage."⁵⁵

1. State practice has identified the following general categories of military objectives:

- a. Military equipment and personnel, units and bases
- b. Command and control
- c. Economic
 - (1) Power
 - (2) Industry (war supporting manufacturing/export/import)
 - (3) Transportation (equipment/LOC/POL)
- d. Geographic

2. **Determining Military Objectives Using the AP I Definition/Test.** Military personnel, equipment, units, and bases are always military objectives. Other objects not expressly military become military objectives when they satisfy the two-part test provided by AP I, Article 52(2).

a. *Explanation.* *Military objective* is a treaty synonym for a potential *lawful target*. The AP I definition/test sets forth objective, simple criteria establishing when military necessity may exist to consider an object a lawful target that may be seized or attacked. First, the target must by virtue of its nature, location, purpose or use, make an effective contribution to military action. Second, the total or partial destruction, capture or neutralization of the target must, under the circumstances ruling at the time, offer a definite military advantage.

⁵⁰ See *supra* note 44.

⁵¹ See DAJA-IO, Information Paper of 15 August 1996, Use of Oleoresin Capsicum (OC) Pepper Spray and other Riot Control Agents (RCAs); DAJA-IO Memo of 20 September 1994, Subject: Request for Legal Review - Use of Oleoresin Capsicum Pepper Spray for Law Enforcement Purposes; CJCS Memo of 1 July 1994, Subject: Use of Riot Control Agents.

⁵² See *supra* note 45.

⁵³ See BWC.

⁵⁴ See Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, 1996 I.C.J. 226, paras. 90-97 (July 8).

⁵⁵ AP I, art. 52, para. 2.

b. As will be seen in the list of traditional military objectives, a military objective is not limited to military bases, forces, or equipment, but includes other objects that contribute to an opposing state's ability to wage war. The AP I test does not alter the traditional understanding of military necessity contained in the Lieber Code which permits a commander to take "those measures which are indispensable for securing the ends of war" that are not expressly prohibited by the LOW. This may be accomplished through intentional attack of enemy military forces or other military objectives that enable an opposing state and its military forces to wage war.

c. Compared to military objective, the term *military target* is more limited and redundant, and should not be used. In contrast, the term *civilian target* is somewhat of an oxymoron, inasmuch as a *civilian object* is an object that is not a military objective, and therefore is immune from intentional attack. Consequently, the term *civilian target* is inappropriate and should not be used. If military necessity exists (and the above two-part test can be satisfied) for the seizure or destruction of a civilian object (or a civilian person who is directly participating in hostilities) then that object (or person) has ceased to be a civilian object and has become a military objective.

3. *Interpretation.* The AP I military objective definition/test contains various elements that require explanation.

a. If the objective is not enemy military forces and equipment, the second part of the definition/test limits the first. Both parts must apply before an object that is normally a civilian object can be considered a military objective.

b. Attacks on military objectives which may cause incidental damage to civilian objects or incidental injury to civilians not taking a direct part in the hostilities are not prohibited, provided one complies with the principles of the LOW (e.g., proportionality).

c. *Nature* refers to the **type of object**. Examples of enemy military objectives which by their *nature* make an effective contribution to the military action include: combatants, armored fighting vehicles, weapons, fortifications, combat aircraft and helicopters, supply depots of ammunition and petroleum, military transports, command and control centers, communication stations, etc.

d. *Location* includes areas that are militarily important because they must be captured or denied an enemy, or because the enemy must be made to retreat from them. Examples of enemy military objectives which by their *location* make an effective contribution to the military action: a narrow mountain pass through which the enemy formation must pass, a bridge over which the enemy's main supply route (MSR) crosses, a key road intersection through which the enemy's reserve will pass, etc. A town, village, or city may become a military objective even if it does not contain military objectives if its seizure is necessary to protect a vital line of communications or for other legitimate military reasons.

e. *Purpose* means the **future intended or possible use**. Examples of enemy military objectives which by their *purpose* make an effective contribution to the military action: civilian buses or trucks which are being transported to the front to move soldiers from point A to B, a factory which is producing ball bearings for the military, the Autobahn in Germany, etc. While the criterion of *purpose* is concerned with the intended, suspected, or possible future use of an object, the potential dual use of a civilian object, such as a civilian airport, may also make it a military objective because of its future intended or potential military use.

f. *Use* refers to **how an object is presently being used**. Examples of enemy military objectives which by their *use* make an effective contribution to the military action: an enemy headquarters located in a school, an enemy supply dump located in a residence, or a hotel which is used as billets for enemy troops.

4. The connection of some objects to an enemy's war fighting or war-sustaining effort may be direct, indirect, or even discrete. A decision as to classification of an object as a military objective and allocation of resources for its attack is dependent upon its value to an enemy nation's war fighting or war sustaining effort (including its ability to be converted to a more direct connection), and not solely to its overt or present connection or use.

5. The words "nature, location, and purpose or use" allow wide discretion, but are subject to qualifications stated in the definition/test, such as that the object make an "effective contribution to military action" and that its destruction, capture, or neutralization offers a "definite military advantage" under the circumstances. There does not have to be a geographical connection between "effective contribution" and "military advantage." Attacks on military objectives in the enemy rear, or diversionary attacks away from the area of military operations are lawful.

6. *Military action* is used in the ordinary sense of the words, and is not intended to encompass a limited or specific military operation.

7. The phrase “in the circumstances ruling at the time” is important. If, for example, enemy military forces have taken position in a building that otherwise would be regarded as a civilian object, such as a school, retail store, or museum, then the building has become a military objective. The circumstances ruling at the time, that is, the military use of the building, permit its attack if its attack would offer a definite military advantage. If the enemy military forces permanently abandon the building, there has been a change of circumstances that precludes its treatment as a military objective.

B. Warning Requirement.⁵⁶ The general requirement to warn before a bombardment only applies if civilians are present. Exception: if it is an *assault* (any attack where surprise is a key element), no warning need be given. Warnings need not be specific as to time and location of the attack, but can be general and issued through broadcasts, leaflets, etc.

C. Defended Places.⁵⁷ As a general rule, any place the enemy chooses to defend makes it subject to attack. Defended places include: a fort or fortified place; a place occupied by a combatant force or through which a force is passing; and a city or town that is surrounded by defensive positions under circumstances where the city or town is indivisible from the defensive positions.

D. Undefended Places. The attack or bombardment of towns or villages, which are undefended, is prohibited.⁵⁸

1. An inhabited place may be declared an undefended place (and open for occupation) if the following criteria are met:

- a. All combatants and mobile military equipment are removed;
- b. No hostile use is made of fixed military installations or establishments;
- c. No acts of hostilities shall be committed by the authorities or by the population; and
- d. No activities in support of military operations shall be undertaken (the presence of enemy medical units, enemy sick and wounded, and enemy police forces are allowed).⁵⁹

2. While Hague IV, Article 25, also includes undefended “habitations or buildings” as protected from attack, the term was used in the context of intentional bombardment. Given the definition (above) of military objective, such structures would be civilian objects and immune from intentional attack unless (a) they were being used by the enemy for military purposes, and (b) their destruction, capture, or neutralization, in the circumstances ruling at the time, would offer a definite military advantage.

3. To gain protection as an undefended place, a city or town must be open to physical occupation by ground forces of the adverse party.

E. Protected Areas. Hospital or safety zones may be established for the protection of the wounded and sick or civilians.⁶⁰ Such hospital or safety zones require agreement of the Parties to the conflict. Articles 8 and 11 of the 1954 Hague Cultural Property Convention provide that certain cultural sites may be designated in an “International Register of Cultural Property under Special Protections.” The Vatican has qualified for and been registered as “specially protected.” Special Protection status requires strict adherence to avoidance of any military use of the property or the area in its immediate vicinity, such as the movement of military personnel or materiel, even in transit.

F. Protected Individuals and Property.

1. *Civilians.* Individual civilians, the civilian population as such, and civilian objects are protected from intentional attack.⁶¹ A presumption of civilian property attaches to objects traditionally associated with civilian use

⁵⁶ Hague IV, art. 26.

⁵⁷ FM 27-10, paras. 39-40.

⁵⁸ Hague IV, art. 25.

⁵⁹ FM 27-10, para. 39b.

⁶⁰ GWS, art. 23; GC, art. 14.

⁶¹ FM 27-10, para. 246; AP I, art. 51, para. 2.

(dwellings, school, etc).⁶² as contrasted with military objectives. The presence of civilians in a military objective does not alter its status as a military objective.

2. *Protection of Medical Units and Establishments - Hospitals.*⁶³ Fixed or mobile medical units shall be respected and protected. They shall not be intentionally attacked. Protection shall not cease, unless they are used to commit “acts harmful to the enemy.”⁶⁴ A warning is required before attacking a hospital in which individuals are committing “acts harmful to the enemy.” The hospital is given a reasonable time to comply with the warning before an attack.⁶⁵ When receiving fire from a hospital, there is no duty to warn before returning fire in self-defense. Example: Richmond Hills Hospital, Grenada.

3. *Captured Medical Facilities and Supplies of the Armed Forces.*⁶⁶ Fixed facilities should be used for the care of the wounded and sick, but they may be used by captors for other than medical care, in cases of urgent military necessity, provided proper arrangements are made for the wounded and sick who are present. Mobile facilities - Captors may keep mobile medical facilities, provided they are reserved for care of the wounded and sick. Medical supplies may not be destroyed.

4. *Medical Transport.* Transports of the wounded and sick or of medical equipment shall not be attacked.⁶⁷ Under GWS, article 36, medical aircraft are protected from direct attack *only if* they fly in accordance with a previous agreement between the parties as to their route, time, and altitude. Additional Protocol I contains a new regime for protection of medical aircraft.⁶⁸ To date, there is no State practice with respect to implementation of this regime. As the United States is not a State Party to AP I, it continues to apply the criteria for protection contained in Article 36, GWS. The Distinctive Emblem and other devices set forth in the Amended Annex I to AP I are to facilitate identification. They do not establish status as such, however, it is U.S. policy that known medical aircraft shall be respected and protected when performing their humanitarian functions.

5. *Cultural Property.* Cultural property is protected from intentional attack so long as it is not being used for military purposes, or otherwise may be regarded as a military objective. The 1954 Hague Cultural Property Convention protects cultural property, defined as “movable or immovable property of great importance to the cultural heritage of every people.” Cultural property includes *inter alia* buildings dedicated to religion, art, and historic monuments. Misuse will subject such property to attack. While the enemy has a duty to indicate the presence of such buildings with visible and distinctive signs, state adherence to the marking requirement has been limited. U.S. practice has been to rely on its intelligence collection to identify such objects in order to avoid attacking or damaging them.

G. Works and Installations Containing Dangerous Forces.⁶⁹ These rules are not United States law but should be *considered* because of the pervasive international acceptance of AP I and II. Under the Protocol, dams, dikes, and nuclear electrical generating stations shall not be attacked (even if they are military objectives) if the attack will cause the release of dangerous forces and cause “severe losses” among the civilian population. Military objectives that are nearby these potentially dangerous forces are also immune from attack if the attack may cause release of the dangerous forces (parties also have a duty to avoid locating military objectives near such locations). Works and installations containing dangerous forces may be attacked only if they provide “significant and direct support” to military operations and attack is the only feasible way to terminate the support.

H. Objects Indispensable to the Survival of the Civilian Population. Article 54 of AP I prohibits starvation as a method of warfare. It is prohibited to attack, destroy, remove, or render useless objects indispensable for survival of the civilian population, such as foodstuffs, crops, livestock, water installations, and irrigation works.

I. Protective Emblems.⁷⁰ Objects and personnel displaying certain protective emblems are presumed to be protected under the Conventions.⁷¹

⁶² AP I, art. 52(3).

⁶³ FM 27-10, paras. 257- 58; GWS, art. 19.; GC, arts. 18 & 19.

⁶⁴ GWS, art. 21.

⁶⁵ AP I, art. 13.

⁶⁶ FM 27-10, para. 234.

⁶⁷ GWS, art. 35.

⁶⁸ AP I, arts.24-31.

⁶⁹ AP I, art. 56; AP II, art. 15.

⁷⁰ FM 27-10, para. 238.

⁷¹ GWS, art. 38.

1. *Medical and Religious Emblems.* The recognized emblems are the Red Cross, Red Crescent, and the newly added Red Crystal.⁷² The Red Lion and Sun and the Red Star of David were proposed as additional emblems not mentioned in the 1949 Geneva Convention, and, while not officially recognized, were protected as a matter of practice during the periods they were used.

2. *Cultural Property Emblems.* Cultural property is marked with “[a] shield, consisting of a royal blue square, one of the angles of which forms the point of the shield and of a royal blue triangle above the square, the space on either side being taken up by a white triangle.”⁷³

3. *Works and Installations Containing Dangerous Forces.* Such works are marked with three bright orange circles, of similar size, placed on the same axis, the distance between each circle being one radius.⁷⁴

XI. STRATAGEMS AND TACTICS

A. **Ruses.**⁷⁵ A ruse involves injuring the enemy by **legitimate deception**. Examples of ruses include the following:

1. *Land Warfare.* Creation of fictitious units by planting false information, putting up dummy installations, false radio transmissions, using a small force to simulate a large unit, feints, etc.⁷⁶

a. *1991 Gulf War:* Coalition forces, specifically XVIII Airborne Corps and VII Corps, used deception cells to create the impression that they were going to attack near the Kuwaiti boot heel, as opposed to the “left hook” strategy actually implemented. XVIII Airborne Corps set up “Forward Operating Base Weasel” near the boot heel, consisting of a phony network of camps manned by several dozen soldiers. Using portable radio equipment, cued by computers, phony radio messages were passed between fictitious headquarters. In addition, smoke generators and loudspeakers playing tape-recorded tank and truck noises were used, as were inflatable Humvees and helicopters.⁷⁷

2. *Use of Enemy Property.* Enemy property may be used to deceive under the following conditions:

a. *Uniforms.* **Combatants may wear enemy uniforms but cannot fight in them with the intent to deceive.** An escaping POW may wear an enemy uniform or civilian clothing to affect his escape.⁷⁸ Military personnel captured in enemy uniform or civilian clothing risk being treated as spies.⁷⁹

b. *Colors.* The U.S. position regarding the use of enemy flags is consistent with its practice regarding uniforms, i.e., the United States interprets the “improper use” of a national flag⁸⁰ to permit the use of national colors and insignia of the enemy as a ruse as long as they are not employed during actual combat.⁸¹ Note the Protocol I position on this issue below.

c. *Equipment.* Forces must remove all enemy insignia in order to fight with the equipment. Captured supplies may be seized and used if state property. Private transportation, arms, and ammunition may be seized, but must be restored and compensation fixed when peace is made.⁸²

d. *Protocol I.* AP I, Article 39(2), prohibits the use in international armed conflict of enemy flags, emblems, uniforms, or insignia while engaging in attacks or “to shield, favor, protect or impede military operations.” The United States does not consider this article reflective of customary law. This article, however, expressly does not apply to naval warfare.⁸³ The U.S. position is that under the customary international law of naval warfare, it is permissible for a belligerent warship (both surface and subsurface) to fly false colors (including neutral and enemy colors) and display neutral or enemy markings or otherwise disguise its outward appearance in ways to deceive the

⁷² AP III.

⁷³ 1954 Cultural Property Convention, arts. 16, 17.

⁷⁴ AP I, annex I, art. 16.

⁷⁵ FM 27-10, para. 48.

⁷⁶ FM 27-10, para. 51.

⁷⁷ RICK ATKINSON, CRUSADE 331-33 (1993).

⁷⁸ GPW, art. 93.

⁷⁹ FM 27-10, paras. 54, 74; NWP 1-14M, para. 12.5.3; U.S. DEP’T OF THE AIR FORCE, AIR FORCE PAMPHLET 110-31, THE CONDUCT OF ARMED CONFLICT AND AIR OPERATIONS (Nov. 1976), paras. 8-6.

⁸⁰ Hague IV, art. 23(f).

⁸¹ FM 27-10, para. 54; NWP 1-14M, para 12.5.

⁸² Hague IV, art. 53.

⁸³ AP I, art. 39(3).

enemy into believing the warship is of neutral or enemy nationality or is other than a warship. However, a warship must display her true colors prior to an actual armed engagement.⁸⁴

B. Psychological Operations. Psychological operations are lawful. In the 1991 Gulf War, U.S. PSYOP units distributed over 29 million leaflets to Iraqi forces. The themes of the leaflets were the “futility of resistance; inevitability of defeat; surrender; desertion and defection; abandonment of equipment; and blaming the war on Saddam Hussein.” It was estimated that nearly 98% of all Iraqi prisoners acknowledged having seen a leaflet; 88% said they believed the message; and 70% said the leaflets affected their decision to surrender.⁸⁵

C. Treachery and Perfidy. Treachery and perfidy are prohibited under the LOW.⁸⁶ Perfidy involves injuring the enemy by his adherence to the LOW (actions are in bad faith). Perfidy degrades the protections and mutual restraints developed in the interest of all Parties, combatants, and civilians. In practice, combatants find it difficult to respect protected persons and objects if experience causes them to believe or suspect that the adversaries are abusing their claim to protection under the LOW to gain a military advantage.⁸⁷

1. *Feigning and Misuse.* Feigning is treachery that results in killing, wounding, or capture of the enemy. Misuse is an act of treachery resulting in some other advantage to the enemy. According to AP I, Article 37(1), the killing, wounding, or capture via “[a]cts inviting the confidence of an adversary to lead him to believe that he is entitled to, or is obliged to accord, protection under the rules of international law applicable in armed conflict, with intent to betray that confidence [are perfidious, and thus prohibited acts]” as such. An act is perfidious only where the feigning of civilian status or other act is a proximate cause in the killing of enemy combatants. Perfidy was not made a grave breach in AP I, and the prohibition applies only in international armed conflict.

2. *Other prohibited acts include:*

- a. Use of a flag of truce to gain time for retreats or reinforcements.⁸⁸
- b. Feigning incapacitation by wounds/sickness.⁸⁹
- c. Feigning surrender or the intent to negotiate under a flag of truce.⁹⁰
- d. Misuse of the Red Cross, Red Crescent, Red Crystal and cultural property symbols. This provision is designed to reinforce/reaffirm the protections those symbols provide.⁹¹ GWS requires that military wounded and sick, military medical personnel (including chaplains), hospitals, medical vehicles, and in some cases, medical aircraft be respected and protected from intentional attack.

D. Espionage.⁹² Espionage involves clandestine action (under false pretenses) to obtain information for transmission back to one’s own side. Gathering intelligence while in uniform is not espionage. **Espionage is not a LOW violation; there is no protection, however, under the Geneva Conventions, for acts of espionage.** If captured, a spy may be tried under the laws of the capturing nation.⁹³ Reaching friendly lines immunizes the spy for past espionage activities; therefore, upon later capture as a lawful combatant, the alleged “spy” cannot be tried for past espionage.

E. Reprisals. Reprisals are conduct which otherwise would be unlawful, resorted to by one belligerent against enemy personnel or property in response to acts of warfare committed by the other belligerent in violation of the LOW, for the sole purpose of enforcing future compliance with the LOW.⁹⁴ Individual U.S. Soldiers and units do not have the authority to conduct a reprisal. That authority is retained at the national level.

F. War Trophies/Souvenirs. The LOW authorizes the confiscation of enemy military property. War trophies or souvenirs taken from enemy military property are legal under the LOW. War trophy personal retention by an individual

⁸⁴ NWP 1-14M, paras. 12.3.1 & 12.5.1.

⁸⁵ See R. B. Adolph, *PSYOP: The Gulf War Force Multiplier*, Army Magazine 16 (Dec. 1992).

⁸⁶ Hague IV, art. 23(b).

⁸⁷ FM 27-10, para. 50.

⁸⁸ Hague IV, art. 23(f).

⁸⁹ AP I, art. 37(1)(b).

⁹⁰ AP I, art. 37(1)(a).

⁹¹ Hague IV, art. 23(f).

⁹² FM 27-10, para. 75; AP I, art. 46.

⁹³ See UCMJ art. 106.

⁹⁴ FM 27-10, para. 49.

soldier is restricted under U.S. domestic law. Confiscated enemy military property is property of the United States. The property becomes a war trophy, and capable of legal retention by an individual Soldier as a souvenir, only as authorized by higher authority. Pillage, that is, the unauthorized taking of private or personal property for personal gain or use, is expressly prohibited.⁹⁵

1. *War Trophy Policy.* 10 U.S.C. § 2579 requires that all enemy material captured or found abandoned shall be turned in to “appropriate” personnel. The law, which directs the promulgation of an implementing directive and service regulations, contemplates that members of the armed forces may request enemy items as souvenirs. The request would be reviewed by an officer who shall act on the request “consistent with military customs, traditions, and regulations.” The law authorizes the retention of captured weapons as souvenirs if rendered unserviceable and approved jointly by DoD and the Bureau of Alcohol, Tobacco, and Firearms (BATF). Implementing directives have not been promulgated.

2. *Guidance.* USCENTCOM General Order Number 1 is perhaps the classic example of a war trophy order. These regulations and policies, and relevant UCMJ provisions must be made known to U.S. forces prior to combat. War trophy regulations must be emphasized early and often, for even those who are aware of the regulations may be tempted to disregard them if they see others doing so.

a. An 11 February 2004 Deputy Secretary of Defense memorandum establishes interim guidance on the collection of war souvenirs for the duration of OPERATION IRAQI FREEDOM (OIF) and will remain in effect until an updated DoD Directive is implemented. This memorandum provides the following:

(1) War souvenirs shall be permitted by this interim guidance only if they are acquired and retained in accordance with the LOW obligations of the United States. Law of war violations should be prevented and, if committed by U.S. persons, promptly reported, thoroughly investigated, and, where appropriate, remedied by corrective action.

(2) All U.S. military personnel and civilians subject to this policy, operating in the Iraqi theater of operations during OIF shall turn over to officials designated by CDRUSCENTCOM all captured, found abandoned, or otherwise acquired material, and may not, except in accordance with this interim guidance, take from the Iraqi theater of operations as a souvenir any item captured, found abandoned, or otherwise acquired.

(3) An individual who desires to retain as a war souvenir an item acquired in the Iraqi theater of operations shall request to have the item returned to them as a war souvenir at the time it is turned over to persons designated by CDRUSCENTCOM. Such a request shall be in writing, identify the item, and explain how it was acquired.

(4) The guidance defines “War Souvenir” as any item of enemy public or private property utilized as war material (i.e., military accouterments) acquired in the Iraqi area of operations during OIF and authorized to be retained by an individual pursuant to this memorandum. War souvenirs are limited to the following items: (1) helmets and head coverings; (2) uniforms and uniform items such as insignia and patches; (3) canteens, compasses, rucksacks, pouches, and load-bearing equipment; (4) flags (not otherwise prohibited by 10 U.S.C. 4714 and 7216); (5) knives or bayonets, other than those defined as weaponry [in paragraph below]; (6) military training manuals, books, and pamphlets; (7) posters, placards, and photographs; (8) currency of the former regime; or (9) other similar items that clearly pose no safety or health risk, and are not otherwise prohibited by law or regulation. Under this interim guidance, a war souvenir does not include weaponry.

(5) *Acquired.* A war souvenir is acquired if it is captured, found abandoned, or obtained by any other lawful means. “Abandoned” for purposes of this interim guidance means property left behind by the enemy.

(6) *Weaponry.* For this guidance, weaponry includes, but is not limited to: weapons; weapons systems; firearms; ammunition; cartridge casings (“brass”); explosives of any type; switchblade knives; knives with an automatic blade opener including knives in which the blade snaps forth from the grip (a) on pressing a button or lever or on releasing a catch with which the blade can be locked (spring knife), (b) by weight or by swinging motion and is locked automatically (gravity knife), or (c) by any operation, alone or in combination, of gravity or spring mechanism and can be locked; club-type hand weapons (for example, blackjacks, brass knuckles, nunchaku); and blades that are (a) particularly equipped to be collapsed, telescoped or shortened, (b) stripped beyond the normal extent required for hunting or sporting, or (c) concealed in other devices (for example, walking sticks, umbrellas, tubes). This definition

⁹⁵ Hague IV, art. 47; GWS, art. 15; GWS(Sea), art. 18; GC, art. 33.

applies whether an item is, in whole or in part, militarized or demilitarized, standing alone or incorporated into other items (e.g., plaques or frames).

(7) *Prohibited Items.* For the purposes of this interim guidance, prohibited items include weaponry and personal items belonging to enemy combatants or civilians including, but not limited to: letters, family pictures, identification cards, and “dog tags.”

(8) See also MNC-I General Order #1, contained as an appendix to the Criminal Law chapter.

3. The key to a clear and workable war trophy policy is to publicize it before deployment, work it into all exercises and plans, and train with it! When drafting a war trophy policy, consider the “6 Cs”:

- a. COMMON SENSE—does the policy make sense?
- b. CLARITY—can it be understood at the lowest level?
- c. CI—is the word out through all command information means available? (Post on unit bulletin boards, post in mess facilities, put in post newspaper, put in PSA on radio, etc.).
- d. CONSISTENCY—are we applying the policy across all layers and levels of command? (A policy promulgated for an entire Corps is better than diverse policies within subordinate divisions; a policy that is promulgated by the unified command and applies to all of its components is better still).
- e. CUSTOMS—prepare for customs inspections, “courtesy” inspections prior to redeployment, and amnesty procedures.
- f. CAUTION—Remember one of the prime purposes of a war trophy policy: to limit soldiers from exposing themselves to danger (in both Panama and the 1991 Persian Gulf War, soldiers were killed or seriously injured by exploding ordnance encountered when they were looking for souvenirs). Consider prohibitions on unauthorized “bunkering,” “souvenir hunting,” “climbing in or on enemy vehicles and equipment.” A good maxim for areas where unexploded ordnance or booby-traps are problems: “If you didn’t drop it, don’t pick it up.”

XII. PROTECTED PERSONS

A. *Hors de Combat.* Prohibition against attacking enemy personnel who are “*out of combat.*”

B. **Prisoners of War.**⁹⁶

1. *Surrender.* Surrender may be made by any means that communicates the intent to give up. There is no clear-cut rule as to what constitutes surrender. However, most agree surrender constitutes a cessation of resistance and placement of one’s self at the discretion of the captor. The onus is on the person or force surrendering to communicate intent to surrender. Captors must *respect* (not attack) and *protect* (care for) those who surrender—no reprisals. Civilians captured accompanying the force also receive POW status.⁹⁷

2. *Identification and Status.* The initial combat phase will likely result in the capture of a wide array of individuals.⁹⁸ The United States applies a broad interpretation to the term “international armed conflict” set forth in Common Article 2 of the Conventions. Furthermore, DoD Directive 2311.01E, the DoD Law of War Program, states that U.S. forces will comply with the LOW regardless of how the conflict is characterized. Judge Advocates, therefore, should advise commanders that, regardless of the nature of the conflict, **all enemy personnel should initially be accorded the protections of the GPW Convention (GPW)**, at least until their status may be determined. In that regard, recall that “**status**” is a legal term, while “**treatment**” is descriptive. When drafting or reviewing guidance to Soldiers, ensure that the guidance mandates treatment, not status. For example, a TACSOP should state that persons who have fallen into the power of U.S. Forces will be “treated as POWs,” not that such persons “will have the status of POW.” When doubt exists as to whether captured enemy personnel warrant continued POW status, Article 5 (GPW) Tribunals must be convened. It is important that JAs be prepared for such tribunals. During the Vietnam conflict, a

⁹⁶ GPW, art. 4; Hague IV, art. 23(c)-(d).

⁹⁷ GPW, art. 4(a)(4).

⁹⁸ For example, in two days of fighting in Grenada, Army forces captured approximately 450 Cubans and 500 hostile Grenadian. Panama provided large numbers of detainees, both civilian and “PDF” (Panamanian Defense Force/police force) for the Army to sort out. The surrender of almost overwhelming numbers of Iraqi forces in Desert Storm was well publicized.

theater directive established procedures for the conduct of Article 5 Tribunals. The combatant commander (CCDR) or Army component commander may promulgate a comparable directive where appropriate.⁹⁹

3. *Treatment.* There is a legal obligation to provide adequate food, facilities, and medical aid to all POWs. This obligation poses significant logistical problems in fast-moving tactical situations; thus, JAs must be aware of how to meet this obligation while placing a minimum burden on operational assets.¹⁰⁰ POWs must be protected from physical and mental harm. They must be transported from the combat zone as quickly as circumstances permit. Subject to valid security reasons, POWs must be allowed to retain possession of their personal property, protective gear, valuables, and money. These items must not be taken unless properly receipted for and recorded as required by the GPW. In no event can a POW's rank insignia, decorations, personal effects (other than weapons or other weapons that might facilitate escape), or identification cards be taken. These protections continue through all stages of captivity, including interrogation.

C. **Detainees.** Particularly in non-international armed conflict or peacekeeping situations (e.g., Somalia, Haiti, Bosnia, as discussed above), persons who commit hostile acts against U.S. forces or serious criminal acts resulting in their capture would not be entitled to POW protection. This is because these situations do not involve an international armed conflict to which the United States is a Party.¹⁰¹ These persons may be termed "detainees" instead of POWs. The GPW nonetheless provides a useful template for detainee protection and care.¹⁰²

D. **Wounded and Sick in the Field and at Sea.**¹⁰³

1. The first and second Geneva Conventions deal with protections for military wounded and sick, to include military shipwrecked.

a. Members of the armed forces who are wounded or sick and who cease to fight are to be respected and protected, as are shipwrecked members of the armed forces at sea. Shipwrecked persons include those in peril at sea or in other waters as a result of the sinking, grounding, or other damage to a vessel in which they are embarked, or of the downing or distress of an aircraft.¹⁰⁴

b. Respect means to spare, not to attack. Protect means to come to someone's defense; to lend help and support. Each belligerent must treat his fallen adversaries as he would the wounded of his own army.¹⁰⁵ The order of

⁹⁹ No Article 5 Tribunals were conducted in Grenada or Panama, as all captured enemy personnel were repatriated as soon as possible. In the Gulf War, Operation DESERT STORM netted a large number of persons thought to be Enemy Prisoners of War, who were actually displaced civilians. Subsequent interrogations determined that they had taken no hostile action against Coalition Forces. In some cases, they had surrendered to Coalition Forces to receive food and water. Tribunals were conducted to verify the status of the detainees. Upon determination that they were civilians who had taken no part in hostilities, they were transferred to detainment camps. Whether the tribunals were necessary as a matter of law is open to debate -- the civilians had not "committed a belligerent act," nor was their status "in doubt." No Article 5 tribunals were held in Operation Enduring Freedom (OEF) but limited numbers of Article 5 tribunals were held in the opening stages of Operation Iraqi Freedom (OIF). A slight variation of Article 5 tribunals were held at Guantanamo Bay for detainees held pursuant to the Global War on Terrorism (GWOT). The tribunals were called Combatant Status Review Tribunals (CSRTs) and have been the subject of federal litigation in the D.C. circuit.

¹⁰⁰ The following examples are illustrative. When U.S. Forces landed in Grenada, they did not possess the food necessary to feed the large number of POWs and detainees who would come under U.S. control. Thus, we used captured foodstuffs to feed them. Similar situations occurred in Panama. Thus, by using captured food, the U.S. met its obligation under the GPW, and the ground commanders were able to conserve valuable assets. Initially, POW facilities on Grenada, in Panama, and in the Gulf were each inadequate in their own ways. They consisted of dilapidated buildings, with no sanitation facilities or electricity, or were simply non-existent (in the desert). The ground commanders could not afford to use critically needed combat personnel (the personnel necessary to handle POWs were not initially available) to construct POW camps. Because the LOW does not require combatants to use their own assets to construct POW camps, the U.S. used captured property and POWs to construct adequate camps. (In fact, in Grenada the POWs were Cuban construction workers.). Medical assets also tend to be in high demand and short supply during combat. The LOW, however, prohibits the willful denial of needed medical assistance to POWs, and priority of treatment must be based on medical reasons. While the Capturing Party has the obligation to ensure adequate medical care for enemy wounded, the GWS Convention encourages the use of "retained persons" to treat enemy wounded. The U.S. has made use of this provision as well. As these examples indicate, the JA must be familiar with and apply the LOW in a practical manner. In doing so, he enables the commander to comply with legal requirements, without jeopardizing the mission.

¹⁰¹ GPW, art. 2.

¹⁰² See DoDD 2310.01E for current terminology and application of POW/detainee concepts to the GWOT.

¹⁰³ GWS, art. 12; GWS(Sea), art. 12.

¹⁰⁴ NWP 1-14M, para. 11.6.

¹⁰⁵ Pictet's Commentary, GWS, p. 134-137.

treatment is determined solely by urgent medical reasons. No adverse distinctions in treatment may be established because of gender, race, nationality, religion, political opinions, or any other similar criteria.¹⁰⁶ Treatment is accorded using triage principles which provide the greatest medical assets to those with significant injuries who may benefit from treatment, while those wounded who will die no matter what and those whose injuries are not life-threatening are given lesser priority.¹⁰⁷

c. Parties are obligated to search for and collect the wounded, sick, and shipwrecked as conditions permit, and particularly *after* an engagement, in recognition that military operations can make the obligation to search for the fallen impracticable.¹⁰⁸ If compelled to abandon the wounded and sick to the enemy, commanders must leave medical personnel/material to assist in their care, “as far as military considerations permit.”¹⁰⁹

d. Medical units and establishments may not be attacked intentionally.¹¹⁰ However, incidental damage to medical facilities situated near military objectives is not a violation of the LOW. Medical units lose their protection if committing “acts harmful to the enemy,” and, if after a reasonable time, they fail to heed a warning to desist.¹¹¹ A medical unit will not be deprived of protection if unit personnel carry small arms for their own defense and the unit is protected by a picket or sentries. Nor will protection cease if small arms removed from the wounded are present in the unit, or if personnel from the veterinary service are found with the unit, or the unit is providing care to civilian wounded and sick.¹¹²

e. Permanent medical personnel “exclusively engaged” in medical duties,¹¹³ chaplains,¹¹⁴ personnel of national Red Cross Societies, and other recognized relief organizations,¹¹⁵ are considered noncombatants and shall not be intentionally attacked. To enjoy immunity, these noncombatants must abstain from any form of participation – even indirect – in hostile acts.¹¹⁶ In recognition of the necessity of self-defense, however, medical personnel may be armed with small arms for their own defense or for the protection of the wounded and sick under their charge. They may only employ their weapons if attacked in violation of the LOW. They may not employ arms against enemy forces acting in conformity with the LOW and may not use force to prevent the capture of their unit by the enemy (it is, on the other hand, perfectly legitimate for a medical unit to withdraw in the face of the enemy).¹¹⁷ Upon capture they are “retained personnel,” not POWs; however, at a minimum they receive POW protections. They are to perform only medical or religious duties. They are to be retained as long as required to treat the health and spiritual needs of POWs. If not required, they are to be repatriated.¹¹⁸ Personnel of aid societies of neutral countries cannot be retained, and must be returned as soon as possible.

f. Civilian medical care remains the primary responsibility of the civilian authorities. If a civilian is accepted into a military medical facility, care must be offered solely on the basis of medical priority¹¹⁹

g. Parties to the conflict shall prevent the dead from being despoiled and shall ensure that burial of the dead is carried out honorably and individually as far as circumstances permit. Bodies shall not be cremated except for imperative reasons of hygiene or for motives based on the religion of the deceased. Prior to burial or cremation, there shall be a careful examination, if possible a medical examination, to confirm death and establish identity. Graves shall be respected, maintained and marked. Parties to the conflict shall forward to each other information concerning the dead and, in general, all articles of an intrinsic or sentimental value which are found on the dead.¹²⁰

¹⁰⁶ GWS, art. 12.

¹⁰⁷ FM 4-02.6 at para. C-3; FM 8-42 at para. J-3.

¹⁰⁸ GWS, art. 15, GWS(Sea), art. 18.

¹⁰⁹ GWS, art. 12.

¹¹⁰ GWS, art. 19.

¹¹¹ GWS, art. 21.

¹¹² GWS, art. 22.

¹¹³ GWS, art. 24.

¹¹⁴ *Id.*

¹¹⁵ GWS, art. 26.

¹¹⁶ Pictet’s Commentary, GWS, p. 221.

¹¹⁷ FM 4-02.

¹¹⁸ GWS, art. 28.

¹¹⁹ GWS, art. 12; *see also* GC, art. 16; FM 4-02.6, para. A-4.

¹²⁰ GWS, arts. 15-17.

2. *Parachutists and paratroopers.*¹²¹ Descending paratroopers are presumed to be on a military mission and therefore may be targeted. Parachutists are crewmen of a disabled aircraft. They are presumed to be out of combat and may not be targeted unless it is apparent they are engaged on a hostile mission or are taking steps to resist or evade capture while descending. Parachutists “shall be given the opportunity to surrender before being made the object of attack.”¹²²

E. Civilians.

1. *General Rule.* Civilians and civilian property may not be the object of direct (intentional) attack. Generally, under the Geneva Conventions and additional protocols, civilians are those whom are not members of a nation’s armed forces. For purposes of lethal targeting, civilians also include contractors accompanying the force.¹²³ A civilian is protected from direct attack unless and for such time as he or she takes a direct part in hostilities.¹²⁴ The phrase “direct part in hostilities” has not been universally defined, but is widely agreed not to include general participation (such as a factory worker) or support for a nation’s war effort. Commentators have suggested that functions that are of critical or high importance to a war effort constitute direct part in hostilities.

2. *Indiscriminate Attacks.* Additional Protocol I protects the civilian population from “indiscriminate” attacks. Indiscriminate attacks include those where the incidental loss of civilian life, or damage to civilian objects, would be excessive in relation to the concrete and direct military advantage anticipated.¹²⁵

3. *Civilian Medical and Religious Personnel.* Civilian medical and religious personnel shall be respected and protected.¹²⁶ They receive the benefits of the provisions of the Geneva Conventions and the Protocols concerning the protection and identification of medical personnel so long as they do not engage in acts inconsistent with their protected status.

4. *Personnel Engaged in the Protection of Cultural Property.* Article 17 of the 1954 Hague Cultural Property Convention established a duty to respect (not directly attack) persons engaged in the protection of cultural property. The regulations attached to the Convention provide for specific positions as cultural protectors and for their identification. As these individuals in all likelihood would be civilians, they are entitled to protection from intentional attack because of their civilian status.

5. *Journalists.* Protected as “civilians” provided they take no action inconsistent with their status.¹²⁷ Although this provision cannot be said to have attained the status of customary law, it is one the United States has supported historically. If captured while accompanying military forces in the field, a journalist or war correspondent is entitled to POW status.¹²⁸

XIII. MILITARY OCCUPATION

A. **The Nature of Military Occupation.** Territory is considered occupied when it is actually placed under the authority of the hostile armed forces. The occupation extends only to territory where such authority has been established and can effectively be exercised.¹²⁹ Thus, occupation is a question of fact based on the invader's ability to render the invaded government incapable of exercising public authority. Simply put, occupation must be both actual and effective.¹³⁰ However, military occupation (also termed belligerent occupation) is not conquest; it does not involve a transfer of sovereignty to the occupying force. Indeed, it is unlawful for a belligerent occupant to annex occupied territory or to create a new state therein while hostilities are still in progress.¹³¹ It is also forbidden to compel the

¹²¹ FM 27-10, para. 30.

¹²² AP I, art. 42.

¹²³ API, art. 50 (1) defines civilians as those persons not belonging to one of the categories of persons referred to in Third Geneva Convention, article 4(A)(1), (2), (3) and (6), and Article 43 of API.

¹²⁴ AP I, art. 50, 51, para. 3.

¹²⁵ AP I, art. 51(4).

¹²⁶ GC, art. 20; AP I, art.15.

¹²⁷ AP I, art. 79.

¹²⁸ GPW, art. 4(a)(4).

¹²⁹ Hague IV, art. 42.

¹³⁰ FM 27-10, para. 352.

¹³¹ See GC, art. 47.

inhabitants of occupied territory to swear allegiance to the hostile occupying power.¹³² Occupation is thus provisional in nature, and is terminated if the occupying power is driven out.

B. Administration of Occupied Territory. Occupied territory is administered by military government, due to the inability of the legitimate government to exercise its functions, or the undesirability of allowing it to do so. The occupying power therefore bears a legal duty to restore and maintain public order and safety, while respecting, "unless absolutely prevented," the laws of the occupied nation.¹³³ The occupying power may allow the local authorities to exercise some or all of their normal governmental functions, subject to the paramount authority of the occupant. The source of the occupant's authority is its imposition of government by force, and the legality of its actions is determined by the LOW.¹³⁴

1. In restoring public order and safety, the occupant is required to continue in force the normal civil and criminal laws of the occupied nation, unless they would jeopardize the security of the occupying force or create obstacles to application of the GC.¹³⁵ However, the military and civilian personnel of the occupying power remain immune from the jurisdiction of local law enforcement.

2. Articles 46-63 of the GC establish important fundamental protections and benefits for the civilian population in occupied territory. Family honor, life, property, and religious convictions must be respected. Individual or mass forcible deportations of protected persons from the occupied territory to the territory of the occupying power or to a third state are prohibited.¹³⁶ The occupying power has the duty of ensuring that the population is provided with adequate food, medical supplies and treatment facilities, hygiene, and public health measures.¹³⁷ In addition, children are subject to special protection and care, particularly with respect to their education, food, medical care, and protection against the effects of war.¹³⁸

3. The occupying power is forbidden from destroying or seizing enemy property unless such action is "imperatively demanded by the necessities of war,"¹³⁹ or "rendered absolutely necessary by military operations."¹⁴⁰ Pillage, that is, the unauthorized taking of private or personal property for personal gain or use, is expressly prohibited.¹⁴¹ However, the occupying power may requisition goods and services from the local populace to sustain the needs of the occupying force "in proportion to the resources of the country, and of such a nature as not to involve the population in the obligation of taking part in operations of the war against their country." The occupying power is obliged to pay cash for such requisitions or provide a receipt and make payment as soon as possible.¹⁴²

4. The occupying power may not compel protected persons to serve in its armed forces, nor may it compel them to work unless they are over eighteen years old, and then only on work that: (1) is necessary for the needs of the occupying force; (2) is necessary for public utility services; or (3) for the feeding, sheltering, clothing, transportation or health of the populace of the occupied country. The occupied country's labor laws regarding such matters as wages, hours, and compensation for occupational accidents and diseases remain applicable to the protected persons assigned to work by the occupant.¹⁴³

5. The occupying power is specifically prohibited from forcing the inhabitants to take part in military operations against their own country, and this precludes requiring their services in work directly promoting the military efforts of the occupying force, such as construction of fortifications, entrenchments, and military airfields.¹⁴⁴ However, the inhabitants may be employed voluntarily in such activities.

¹³² Hague IV, art. 45.

¹³³ Hague IV, art. 43.

¹³⁴ See Elyce Santere, *From Confiscation to Contingency Contracting: Property Acquisition on or Near the Battlefield*, 124 MIL. L. REV. 111 (1989). Confiscation - permanent taking without compensation; Seizure - taking with payment or return after the armed conflict; Requisition - appropriation of private property by occupying force with compensation as soon as possible; Contribution - a form of taxation under occupation law.

¹³⁵ See GC art. 64.

¹³⁶ GC, art. 49.

¹³⁷ GC, art. 55.

¹³⁸ GC, art. 50.

¹³⁹ Hague IV, art. 23.

¹⁴⁰ GC, art. 53.

¹⁴¹ Hague IV, art. 47; GWS, art. 15; GWS (Sea), art. 18; GC, art. 33.

¹⁴² Hague IV, art. 52; FM 27-10, para. 412.

¹⁴³ GC, art. 51.

¹⁴⁴ See GC, art. 51.

C. Security of the Occupying Force: Penal Law and Procedure

1. The occupant is authorized to demand and enforce the populace's obedience as necessary for the security of the occupying forces, the maintenance of law and order, and the proper administration of the country. The inhabitants are obliged to behave peaceably and take no part in hostilities.
2. If the occupant considers it necessary, as a matter of imperative security needs, it may assign protected persons to specific residences or internment camps.¹⁴⁵ Security detainees should not be subjected to "prolonged arbitrary detention."¹⁴⁶ The occupying power may also enact penal law provisions, but these may not come into force until they have been published and otherwise brought to the knowledge of the inhabitants in their own language. Penal provisions shall not have retroactive effect.¹⁴⁷
3. The occupying power's tribunals may not impose sentences for violation of penal laws until after a regular trial. The accused person must be informed in writing in his own language of the charges against him, and is entitled to the assistance of counsel at trial, to present evidence and call witnesses, and to be assisted by an interpreter. The occupying power shall notify the protecting power of all penal proceedings it institutes in occupied territory. Sentences shall be proportionate to the offense committed. The accused, if convicted, shall have a right to appeal under the provisions of the tribunal's procedures or, if no appeal is provided for, he is entitled to petition against his conviction and sentence to the competent authority of the occupying power.¹⁴⁸
4. Under the provisions of the GC, the occupying power may impose the death penalty on a protected person only if found guilty of espionage or serious acts of sabotage directed against the occupying power, or of intentional offenses causing the death of one or more persons, provided that such offenses were punishable by death under the law of the occupied territory in force before the occupation began.¹⁴⁹ However, the United States has reserved the right to impose the death penalty for such offenses resulting in homicide irrespective of whether such offenses were previously capital offenses under the law of the occupied state. In any case, the death penalty may not be imposed by the occupying power on any protected person who was under the age of eighteen years at the time of the offense.¹⁵⁰
5. The occupying power must promptly notify the protecting power of any sentence of death or imprisonment for two years or more, and no death sentence may be carried out until at least six months after such notification.¹⁵¹
6. The occupying power is prohibited from imposing mass (collective) punishments on the populace for the offenses of individuals. That is, "[n]o general penalty, pecuniary or otherwise, shall be inflicted upon the populations on account of the acts of individuals for which they cannot be regarded as jointly and severally responsible."¹⁵²
7. In areas occupied by U.S. forces, military jurisdiction over individuals, other than members of the U.S. armed forces, may be exercised by courts of a military government. Although sometimes designated by other names, these military tribunals are actually military commissions. They preside in and for the occupied territory and thus exercise their jurisdiction on a territorial basis.

XIV. NEUTRALITY

A. Neutrality on the part of a state not a party to an armed conflict consists in refraining from all participation in the conflict, and in preventing, tolerating, and regulating certain acts on its own part, by its nationals, and by the belligerents. In response, it is the duty of the belligerents to respect the territory and rights of neutral states. A primary source of law is Hague V. The degree to which traditional "neutrality" has been modified by the Charter of the United Nations is unclear; it is generally accepted that neutrality law still provides some guidance, particularly regarding collective self-defense actions and *jus ad bellum* analysis. Historically, neutrality rights include the following:

¹⁴⁵ GC, art. 78.

¹⁴⁶ In OIF, for example, the cases of security detainees are reviewed by the Combined Review and Release Board periodically and detainees may be referred to the Central Criminal Court of Iraq for prosecution. Periodic status review procedures were also adopted by multi-national forces in Haiti, Bosnia, and Kosovo.

¹⁴⁷ GC, art. 65.

¹⁴⁸ *Id.* arts. 72, 73.

¹⁴⁹ *Id.* art. 68.

¹⁵⁰ *Id.*

¹⁵¹ *Id.* arts. 74, 75.

¹⁵² Hague, IV, art. 50; GC, art. 33.

1. The territory of the neutral state is inviolable.¹⁵³ This prohibits any unauthorized entry into the territory of the neutral state, its territorial waters, or the airspace over such areas by troops or instrumentalities of war. Thus, belligerents are also specifically prohibited from moving troops or convoys of war munitions or supplies across the territory of a neutral state.¹⁵⁴ In consequence, the efforts of the neutral to resist, even by force, attempts to violate its territory cannot be regarded as hostile acts by the offending belligerents.¹⁵⁵ However, if the neutral is unable, or fails to prevent such violations of its neutrality by the troops of one belligerent, that belligerent's enemy may be justified in attacking those troops in neutral territory.

2. Belligerents are also prohibited from establishing radio communications stations in neutral territory to communicate with their armed forces, or from using such facilities previously established before the outbreak of hostilities for that purpose.¹⁵⁶ However, a neutral state may permit the use of its own communications facilities to transmit messages on behalf of the belligerents, so long as such usage does not lend assistance to the forces of only one side of the conflict. Indeed, the neutral must ensure that the measure it takes in its status as a neutral state is impartial, as applied to all belligerents.¹⁵⁷

3. While a neutral state is under no obligation to allow passage of convoys or aircraft carrying the sick and wounded of belligerents through its territory or airspace, it may do so without forfeiting its neutral status. However, the neutral must exercise necessary control or restrictive measures concerning the convoys or medical aircraft, must ensure that neither personnel nor material other than that necessary for the care of the sick and wounded is carried, and must accord the belligerents impartial treatment.¹⁵⁸ In particular, if the wounded and sick or prisoners of war are brought into neutral territory by their captor, they must be detained and interned by the neutral state so as to prevent them from taking part in further hostilities.¹⁵⁹

4. The nationals of a neutral state are also considered as neutrals.¹⁶⁰ However, if such neutrals reside in occupied territory during the conflict, they are not entitled to claim different treatment, in general, from that accorded the other inhabitants; the law presumes that they will be treated under the law of nations pertaining to foreign visitors, as long as there is an open and functioning diplomatic presence of their State.¹⁶¹ They are likewise obliged to refrain from participation in hostilities, and must observe the rules of the occupying power. Moreover, such neutral residents of occupied territory may be punished by the occupying power for penal offenses to the same extent as nationals of the occupied nation.

5. A national of a neutral state forfeits his neutral status if he commits hostile acts against a belligerent, or commits acts in favor of a belligerent, such as enlisting in its armed forces. However, he is not to be more severely treated by the belligerent against whom he has abandoned his neutrality than would be a national of the enemy state for the same acts.¹⁶²

6. The United States has supplemented the above-described rules of international law concerning neutrality by enacting federal criminal statutes that define offenses and prescribe penalties for violations against U.S. neutrality. Some of these statutes are effective only during a war in which the United States is a declared neutral, while others are in full force and effect at all times.¹⁶³

B. Impact of the United Nations Charter Regime on the Law of Neutrality

1. In the event of any threat to or breach of international peace and security, the United Nations Security Council may call for action under Articles 39 through 42 of the UN Charter. In particular, the Security Council may make recommendations, call for employment of measures short of force, or order forcible action to maintain or restore international peace and security.

¹⁵³ Hague V, art. 1.

¹⁵⁴ *Id.* art. 2.

¹⁵⁵ *Id.* art. 10.

¹⁵⁶ *Id.* art. 3.

¹⁵⁷ *Id.* art. 9.

¹⁵⁸ *Id.* art. 14; *see* GWS, art. 37.

¹⁵⁹ GWS, art. 37.

¹⁶⁰ Hague V, art. 16.

¹⁶¹ *See* GC, art. 4.

¹⁶² Hague V, art. 17.

¹⁶³ *See* 18 U.S.C. 956-68; 22 U.S.C. 441-57, 461-65.

2. For a nation that is a member of the UN, these provisions of the Charter, if implemented, may qualify that member nation's right to remain neutral in a particular conflict. For example, if a member nation is called on by the Security Council, pursuant to Articles 42 and 43 of the Charter, to join in collective military action against an aggressor state, that member nation loses its *right* to remain neutral. However, the member nation would actually lose its neutral status only if it complied with the Security Council mandate and took hostile action against the aggressor.

XV. COMPLIANCE WITH THE LAW OF WAR

A. The Role of Protecting Powers and the ICRC.

1. *The System of Protecting Powers.* Common Articles 8-11 of the Geneva Conventions of 1949¹⁶⁴ provide for application of the Conventions in time of international armed conflict “with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict.” The diplomatic institution of Protecting Powers, which developed over the centuries independent of the LOW, enables a neutral sovereign state, through its designated diplomatic representatives, to safeguard the interests of a second state in the territory of a third state. Such activities in wartime were first given formal recognition in the Geneva Prisoner of War Convention of 1929.

a. Such protecting power activities may be of value when belligerent State Parties have severed diplomatic relations. In particular, the Protecting Power attends to the humanitarian interests of those citizens of the second state who are within the territory and under the control of the third state, such as prisoners of war and civilian detainees.

b. Protecting Power activities reached their zenith during World War II, as the limited number of neutral states acting as protecting powers assumed a role as representatives not merely of particular belligerents, but rather as representatives of the humanitarian interests of the world community. Since that time, the Protecting Power role has been fulfilled by the International Committee of the Red Cross, as authorized by Article 10, GWS, GWS (Sea), and GPW, and Article 11, GC.

B. The Contributions and Role of the International Committee of the Red Cross (ICRC). Founded in 1863, the ICRC is a private, non-governmental organization of Swiss citizens that has played a seminal role in the development and implementation of the LOW relating to the protection of war victims. During World War II, the ICRC supplemented the efforts of the protecting powers, and undertook prodigious efforts on behalf of POWs. Those efforts included the establishment of a Central Prisoner of War Agency with 40 million index cards, the conduct of 11,000 visits to POW camps, and the distribution of 450,000 tons of relief items.

1. The role of the ICRC as an impartial humanitarian organization is formally recognized in common articles 9 – 11 and Articles 125, GPW, and 63, GC, of the Geneva Conventions.¹⁶⁵ Since World War II, the Protecting Power system has not been widely used, and the ICRC has stepped into the breach as a substitute for government Protecting Powers in international armed conflicts, subject to the consent of the Parties to the conflict.

2. With respect to non-international conflicts, Common Article 3 of the Geneva Conventions recognizes the prerogative of the ICRC or other impartial humanitarian organizations to offer its services to the parties to the conflict.

3. Relations between U.S. Military and the ICRC

a. Subject to essential security needs, mission requirements and other legitimate, practical limitations, the ICRC must be permitted to visit POWs and provide them certain types of relief. Typically, the United States will invite the ICRC to observe POW, civilian internee or detainee conditions as soon as circumstances permit. The invitation to the ICRC for its assistance is made by the United States Government (Department of State, in coordination with the Department of Defense), and not by the CCDR. As a consequence, there is SECDEF guidance on reporting of all ICRC contacts, inspections, or meetings through operational channels.¹⁶⁶

b. Given his/her professional qualifications and specialized training in the LOW, the JA should serve as the escort and liaison officer with the ICRC.¹⁶⁷ This role is doctrinal.¹⁶⁸ The JA can quickly identify and resolve many

¹⁶⁴ GC arts. 9-12.

¹⁶⁵ GC arts 10-12.

¹⁶⁶ Memorandum, Sec’y of Def, SUBJECT: Handling of Reports from the International Committee of the Red Cross (14 July 2004).

¹⁶⁷ General Prugh (former TJAG) fulfilled the task of “interfacing” with the ICRC when he was the legal advisor to CDR, MACV in Vietnam. General Prugh relates that during the early stages of Viet Nam, OTJAG concluded that the U.S. was involved in an Art 3,

LOW issues before they become a problem for the commander. For those LOW matters requiring command decision, the JA is best suited to provide advice to the commander and obtain timely responses. These same skills are essential in dealing with ICRC observers. The JA can best serve as the commander's skilled advocate in discussions with the ICRC concerning the LOW.

c. Both the commander and the JA should recognize that the ICRC, as an impartial humanitarian organization, is not a political adversary, eagerly watching for and reporting LOW violations.¹⁶⁹ Rather, it is capable of providing assistance in a variety of ways. In recent conflicts, the ICRC assisted in making arrangements for the transportation of the remains of dead enemy combatants and for repatriating POWs and civilian detainees. By maintaining a close working relationship with ICRC representatives, the JA receives a two-fold benefit. He is assisted in identifying LOW issues before they pose problems to the command, and he has access to additional legal resources that may be used to resolve other LOW matters.

d. The ICRC is also heavily involved in MOOTW, where it may be present in conjunction with numerous other organizations and agencies. In the former Yugoslavia, Somalia, and Rwanda, for example, many international organizations are or were engaged in "humanitarian relief" activities. Among the most significant is the UN High Commissioner for Refugees (UNHCR). The list of private voluntary organizations (PVOs) and Nongovernmental organizations (NGOs) in the field is large; approximately 350 humanitarian relief agencies are registered with the U.S. Agency for International Development (USAID).

XVI. REMEDIES FOR VIOLATIONS OF THE LAW OF WAR

A. U.S. Military and Civilian Criminal Jurisdiction

1. The historic practice of the military services is to charge members of the U.S. military who commit offenses regarded as a "war crime" under existing, enumerated articles of the UCMJ.¹⁷⁰

2. In the case of other persons subject to trial by general courts-martial for violating the laws of war¹⁷¹ the charge shall be "Violation of the Laws of War" rather than a specific UCMJ article.

3. The War Crimes Act of 1997¹⁷² provides federal courts with jurisdiction to prosecute any person inside or outside the U.S. for war crimes where a U.S. national or member of the armed forces is involved as an accused or as a victim.

4. "War Crimes" are defined in the War Crimes Act as: (1) grave breaches as defined in the Geneva Conventions of 1949 and any Protocol thereto to which the U.S. is a party; (2) violations of Articles 23, 25, 27, 28 of the Annex to the Hague Convention IV; (3) violations of Common Article 3 of the Geneva Conventions of 1949 and any Protocol thereto to which the U.S. is a party and deals with a non-international armed conflict; (4) violations of provisions of Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps & Other devices (Protocol II as amended May 1996) when the U.S. is a party to such Protocol and the violator willfully kills or causes serious injury to civilians.

5. U.S. policy on application of the LOW is stated in DoD Directive 2311.01E (9 May 2006): "It is DoD policy that ... [m]embers of the DoD Components [including U.S. civilians and contractors assigned to or accompanying the armed forces] comply with the LOW during all armed conflicts, however such conflicts are characterized, and in all other military operations."

B. Command Responsibility.

not Art 2, conflict. In June '65 the situation had changed, and by Aug '65 a formal announcement was made that Art 2 now applied. Soon, ICRC delegates began to arrive, and it fell upon the judge advocates to meet with the delegates. This role continued in operations in Grenada, Panama, Somalia, Haiti, and during the Gulf War. The development of this liaison role was also apparent in Haiti, particularly in the operation of Joint Detention Facility.

¹⁶⁸ U.S. DEP'T OF ARMY, FIELD MANUAL 71-100-2, INFANTRY DIVISION OPERATIONS TACTICS, TECHNIQUES, AND PROCEDURES, para. 6-28 (1993).

¹⁶⁹ It is essential to understand the neutrality principle of the ICRC. One must stay at arm's length from the delegates so not to risk harming their relationships with the enemy. For example, ICRC personnel will meet with prisoners in private.

¹⁷⁰ FM 27-10, para. 507.

¹⁷¹ UCMJ, art. 18.

¹⁷² 18 U.S.C. § 2441.

1. Commanders are legally responsible for war crimes committed by their subordinates when any one of three circumstances applies:
 - a. The commander ordered the commission of the act;
 - b. The commander knew of the act, either before or during its commission, and did nothing to prevent or stop it; or
 - c. The commander should have known, “through reports received by him or through other means, that troops or other persons subject to his control [were] about to commit or [had] committed a war crime and he fail[ed] to take the necessary and reasonable steps to insure compliance with the LOW or to punish violators thereof.”¹⁷³
2. Judge Advocates must keep their commanders informed of their responsibilities concerning the investigation and prosecution of war crimes. The commander must also be aware of his potential responsibility for war crimes committed by his subordinates. “At all appropriate levels of command and during all stages of operational planning and execution of joint and combined operations, legal advisors will provide advice concerning law of war compliance.”¹⁷⁴ Judge Advocates should also help ensure that LOW investigating and reporting requirements are integrated in to all appropriate policies, directives, and operation and concept plans.
3. *Investigative Assets.* Several assets are available to assist commanders investigating suspected violations of the LOW. The primary responsibility for an investigation of a suspected, alleged, or possible war crime resides in the U.S. Army Criminal Investigation Command or, for other military services, CID Command’s equivalent offices. For minor offenses, investigations can be conducted with organic assets and legal support, using AR 15-6 or RCM 303 commander’s inquiry procedures.¹⁷⁵ (Command regulations, drafted IAW DoD Directive 2311.01E, should prescribe the manner and level of unit investigation.) CID has investigative jurisdiction over suspected war crimes in two instances. The first is when the suspected offense is one of the violations of the UCMJ listed in Appendix B to AR 195-2, Criminal Investigation Activities (generally felony-level offenses). The second is when the investigation is directed by HQDA.¹⁷⁶
4. In addition to CID, and organic assets and legal support, a commander may have Reserve Component JAGSO teams available to assist in the investigation of war crimes committed by the enemy against U.S. forces. JAGSO teams perform JA duties related to international law, including the investigation and reporting of violations of the LOW, the preparation for trials resulting from such investigations, and the provision of legal advice concerning all operational law matters. Other available investigative assets include the military police, counterintelligence personnel, and JAs.

C. Reports. WHEN IN DOUBT, REPORT. Report a “reportable incident” by the fastest means possible, through command channels, to the responsible CCDR. A “reportable incident” is a possible, suspected, or alleged violation of the LOW. The reporting requirement should be stated not only in a “27 series” regulation or legal appendix to an OPLAN or OPORD, but also in the unit TACSOP or FSOP. Normally, an OPREP-3 report established in Joint Pub 1-03.6, JRS, Event/Incident Reports, will be required. Alleged violations of the LOW, whether committed by or against U.S. or enemy personnel, are to be promptly reported, thoroughly investigated, and, where appropriate, remedied by corrective action.

D. Prevention of War Crimes. Commanders must take steps to ensure that members of their commands do not violate the LOW. The two principal means of affecting this goal are to recognize the factors which may lead to the commission of war crimes, and to train subordinate commanders and troops to standard concerning compliance with the LOW and proper responses to orders that violate the LOW.

1. Awareness of the factors that have historically led to the commission of war crimes allows the commander to take preventive action. The following is a list of some of the factors that the commander and the JA should monitor in subordinate units.
 - a. High friendly losses.
 - b. High turnover rate in the chain of command.

¹⁷³ FM 27-10, para. 501.

¹⁷⁴ CJCSI 5801.01C para. 4b.

¹⁷⁵ U.S. DEP’T OF ARMY, ARMY REGULATIONS 15-6, PROCEDURES FOR INVESTIGATING OFFICERS AND BOARDS OF OFFICERS (2006); Rules for Courts Martial (R.C.M.) 303.

¹⁷⁶ U.S. DEP’T OF ARMY, ARMY REGULATIONS 195-2, CRIMINAL INVESTIGATIVE ACTIVITIES para. 3-3a(7) (1985).

- c. Dehumanization of the enemy (derogatory names or epithets).
- d. Poorly trained or inexperienced troops.
- e. The lack of a clearly defined enemy.
- f. Unclear orders.
- g. High frustration level among the troops.

2. Clear, unambiguous orders are a responsibility of good leadership. Soldiers who receive ambiguous orders or who receive orders that clearly violate the LOW must understand how to react to such orders. Accordingly, the JA must ensure that soldiers receive instruction in this area. Troops who receive unclear orders must insist on clarification. Normally, the superior issuing the unclear directive will make it clear, when queried, that it was not his intent to commit a war crime. If the superior insists that his illegal order be obeyed, however, the soldier has an affirmative legal obligation to disobey the order and report the incident to the next superior commander, military police, CID, nearest JAA, or local inspector general.

E. International Criminal Tribunals

Violations of the LOW, as crimes defined by international law, may also be prosecuted under the auspices of international tribunals, such as the Nuremberg, Tokyo, and Manila tribunals established by the Allies to prosecute German and Japanese war criminals after World War II. The formation of the United Nations has also resulted in the exercise of criminal jurisdiction over war crimes by the international community, with the Security Council's creation of the International Tribunal to Adjudicate War Crimes Committed in the Former Yugoslavia.

Student Handout 3

Extracted Material from FM 1-04, Legal Support to the Operational Army

This student handout contains nine pages of extracted material from the following publication:

FM 1-04, Legal Support to the Operational Army, dated April 2009

Appendix A

Pages A-1 thru A-9

Disclaimer: The training developer downloaded the extracted material from Army leadership. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

Appendix A

Rules of Engagement, Rules for the Use of Force, and Targeting

This appendix discusses rules of engagement (ROE), rules for the use of force (RUF), and targeting—three critically important areas for Judge Advocate General's Corps (JAGC) Soldiers assigned to operational units. Because ROE, RUF, and targeting are integral to the conduct of operations, judge advocates and paralegal Soldiers are prepared to offer input, insight, and expertise in these areas.

OVERVIEW

A-1. *Rules of engagement* are directives issued by competent military authority that delineate the circumstances and limitations under which United States forces will initiate and/or continue combat engagement with other forces encountered (JP 1-02).

A-2. ROE are a critically important aspect of military operations. They contribute directly to mission accomplishment, enhance protection, and help ensure compliance with law and policy. While ROE are ultimately commanders' rules for the use of force, JAGC personnel nonetheless remain involved in ROE drafting, dissemination, interpretation, and training.

A-3. ROE help commanders accomplish the mission by regulating the RUF. ROE are implemented to help ensure that force is applied in a disciplined, principled manner that complies with law and policy and minimizes collateral damage while facilitating mission accomplishment.

A-4. ROE are driven by three primary sets of considerations: policy, legal, and operational. An example of a policy-based rule is Executive Order 11850. It prohibits first use of riot control agents and herbicides without Presidential approval (except in specific circumstances). An example of a legally based rule is the law of war provision. It states that hospitals, churches, and shrines will not be engaged except if they are used for military purposes. An example of an operationally based rule is the commonly encountered requirement for direct observation of indirect fires in populated areas.

STANDING RULES OF ENGAGEMENT

A-5. The keystone document in the area of ROE is CJCSI 3121.01B. It provides the baseline ROE, known as the standing rules of engagement (SROE), for U.S. forces responding to attacks within the U.S. or performing military operations outside the U.S., as well as the standing rules for the use of force (SRUF) for U.S. forces in domestic or permissive environments. The SROE establish fundamental policies and procedures governing the action U.S. commanders and their forces take during all military operations and contingencies and during functions assigned under U.S. law occurring outside U.S. territory. U.S. forces will always adhere to the SROE unless they are superseded by other ROE approved by the President or the Secretary of Defense.

A-6. The SROE are divided as follows:

- Enclosure A – SROE. This unclassified enclosure details the general purpose, intent, and scope of the SROE, emphasizing a commander's right and obligation to use force in self-defense. Critical principles are addressed as foundational elements of all ROE, such as unit, national, and collective self-defense; hostile act and intent; and the determination to declare forces hostile.
- Enclosures B through H. These classified enclosures provide general guidance on specific types of operations: maritime, air, land, space, information, and noncombatant evacuation operations, as well as counterdrug support operations outside U.S. territory.
- Enclosure I – Supplemental Measures. Supplemental measures found in this enclosure enable a commander to obtain or grant those additional authorities necessary to accomplish a mission.
- Enclosure J – ROE Process. This enclosure provides guidelines for incorporating ROE development into military planning processes. It introduces the ROE planning cell, which may be utilized during the development process.
- Enclosure K – ROE References.
- Enclosures L through Q – SRUF. Enclosure L sets out the basic self-defense posture under the SRUF. Enclosures M through O provide classified guidance on maritime operations within U.S. territory; land contingency and security-related operations within U.S. territory; and counterdrug support operations within U.S. territory. Enclosures P and Q provide a message process for RUF, as well as RUF references.

A-7. The SROE also contain technical definitions of self-defense:

- Inherent right to self-defense.
- National self-defense.
- Collective self-defense.

A-8. Unit commanders always retain the inherent right and obligation to exercise unit self-defense in response to a hostile act or demonstrated hostile intent. Unless otherwise directed by a unit commander, U.S. forces may exercise individual self-defense in response to a hostile act or a demonstration of hostile intent. When individuals are assigned and acting as part of a unit, individual self-defense should be considered a subset of unit self-defense. As such, unit commanders may limit individual self-defense by members of their unit. Both unit and individual self-defense includes defense of other U.S. military forces in the vicinity.

A-9. National self-defense includes the defense of U.S. forces, and in certain circumstances, U.S. persons and their property, U.S. commercial assets, or both from a hostile act or a demonstration of hostile intent.

A-10. In collective self-defense, U.S. forces defend designated nonmilitary forces, designated foreign nationals and their property, or both from a hostile act or a demonstration of hostile intent. Only the President or Secretary of Defense may authorize collective self-defense.

RULES OF ENGAGEMENT DEVELOPMENT

A-11. As the commander's subject matter expert on domestic and international law, the law of war, and the protection of noncombatants, the judge advocate helps the commander draft effective ROE. This can only be done when the judge advocate understands the commander's intent, the unit's capabilities and limitations, and the type of mission or operation that the unit will be performing. When developing ROE, judge advocates carefully study existing ROE and ensure that the rules they are creating are nested with those promulgated by higher authorities. If the rules they seek to promulgate are not nested in higher authorities, judge advocates request and justify ROE modifications. Similarly, judge advocates work closely with subject matter experts from all relevant staff sections during ROE development.

A-12. ROE evolve with mission requirements and are tailored to mission realities. They are a flexible instrument designed to support the mission through various operational phases. Commanders and judge advocates are prepared to change or modify ROE in response to changing situations and new threats.

RULES OF ENGAGEMENT DRAFTING CONSIDERATIONS

A-13. Operational requirements, policy, and law shape ROE. When drafting or supplementing ROE the emphasis should remain on practical application. It does no good to draft ROE that are so complex that they cannot be understood by Soldiers or applied by Soldiers under pressure.

A-14. Normally ROE impose political, operational, and legal limitations on commanders. Withholding employment of particular classes of weapons or exempting the territory of certain nations from attack both illustrates such limitations. At the tactical level, ROE may extend to criteria for initiating engagements with certain weapons systems, or they may address reaction to attack. ROE always comply with domestic and international laws, including the law of war; however, they should never simply restate the law of war.

A-15. Effective ROE do not assign specific tasks or drive specific tactical solutions; they allow a commander to convey quickly and clearly a desired posture regarding the rules for the use of force to subordinate units. Commanders at all levels continually review the ROE to ensure their effectiveness in light of current and projected conditions in their operational area.

SITUATIONAL CONSIDERATIONS

A-16. In any given operational environment, commanders determine how best to accomplish the mission in light of the conditions, circumstances, and influences that affect a specific operation. At the operational and tactical levels of conflict, commanders and staffs analyze, in detail, all relevant aspects of their operational environment. The most comprehensive framework for this analysis is the eight operational variables: political, military, economic, social, information, infrastructure, physical environment, and time (for which the memory aid is PMESII-PT). Often, during the mission analysis step in the military decisionmaking process, the acronym METT-TC—mission, enemy, terrain and weather, troops and support available, time available, civil considerations—will be used as a checklist or memory aid to help remind planners of the critical factors they must consider.

OPERATION-SPECIFIC VERSUS STANDING RULES OF ENGAGEMENT

A-17. Geographic combatant commanders routinely seek approval to supplement the SROE with ROE tailored to operations in their respective areas of responsibility. As such, most large-scale operations—such as Operation Enduring Freedom or Operation Iraqi Freedom—have their own operation-specific ROE. These ROE will routinely be based, in large measure, on the SROE; however, they will be tailored as necessary to help forces in the geographic combatant commanders' areas of responsibility more effectively accomplish their mission. Operation-specific ROE may include the authorization to engage and destroy a specific enemy force, or they may list specific approval authorities in the chain of command of the units operating in that area of responsibility who can approve certain actions.

SPECIFIC RULES OF ENGAGEMENT PROVISIONS

A-18. Commanders sometimes insert specific rules into ROE that dictate precise terms or restrictions on the use of force. The following types of rules may be included in ROE:

- Hostility criteria.
- Escalation of force or challenging procedures.
- Protection of property and foreign nationals.
- Approval to use weapons systems.
- Observed indirect fires.
- Territorial or geographic constraints.
- Restrictions on point targets and means of warfare.
- Detention criteria.

A-19. Hostility criteria provides Soldiers a set of objective factors to assist in determining whether an individual's conduct constitutes a hostile act or a demonstration of hostile intent.

A-20. Rules for escalation of force or challenging procedures specify graduated measures of force that Soldiers may use, if warranted, in ambiguous situations before resorting to deadly force. Such measures could include giving a verbal warning, using a riot stick, or perhaps firing an aimed warning shot. Commanders ensure that Soldiers understand that escalation-of-force measures do not limit the inherent right of self-defense, nor do they restrict the use of deadly force when necessary to defend against a hostile act or a demonstration of hostile intent.

A-21. Rules for protection of property and foreign nationals detail what and who may be defended with force aside from the lives of U.S. Soldiers and citizens. They include measures that Soldiers and citizens can take to prevent crimes in progress or the fleeing of criminals.

A-22. Rules for approval to use weapons systems designate what level commander must approve use of particular weapons systems. Such rules may prohibit use of a weapon entirely.

A-23. Rules for observed indirect fires require that one or more persons or electronic means observe an indirect fire target.

A-24. Rules for territorial or geographic constraints create geographic areas into which forces may not fire. These rules may designate a territorial—perhaps political—boundary, beyond which forces may neither fire nor enter except perhaps in hot pursuit of an attacking force. They include control measures that coordinate fire and maneuver by means of graphic illustrations on operations map overlays.

A-25. Rules for restrictions on point targets and means of warfare prohibit targeting of certain individuals or facilities. Such facilities and individuals may include those found on a no-strike list or a restricted target list. These rules may restate basic rules of the law of war for situations in which a hostile force is identified and prolonged armed conflict ensues.

A-26. Rules for detention criteria designate what the applicable criteria are for detaining individuals, how they should be treated, and where they should be taken.

INTERPRET-DRAFT-DISSEMINATE-TRAIN METHODOLOGY

A-27. Commanders and staffs at all echelons use the interpret-draft-disseminate-train (I-D-D-T) methodology to incorporate ROE into the conduct of military operations. Judge advocates participate in all four facets of this methodology. Each facet connects with and influences the others. Together the facets describe a process of continuous refinement and revision. The facets of the I-D-D-T methodology are interactive rather than sequential. In joint task force and higher echelons, a ROE planning cell performs the I-D-D-T methodology. The cell consists of the J-2, the J-3, the J-5, and a judge advocate, in addition to other special staff officers as appropriate. The J-3 is responsible for ROE in crisis action planning. The ROE planning cell provides a formal planning structure through which the J-3 can effectively perform this responsibility. At corps and divisions, the I-D-D-T methodology is used in the targeting process. At the brigade combat team (BCT) level, the brigade judge advocates coordinate throughout the military decisionmaking process with the S-3 and with all staff members engaged in targeting to ensure units follow the I-D-D-T methodology.

INTERPRET

A-28. At operational and tactical levels of war, commanders and staffs interpret the ROE issued by higher headquarters. At the theater level, combatant commanders and their staffs interpret the SROE and any mission-specific ROE that may emanate from the Chairman of the Joint Chiefs of Staff or the Secretary of Defense. Interpretation of ROE demands skills that are well honed in the legal profession and specifically cultivated by attorneys. Thus, while commanders ultimately determine what a rule issued by higher headquarters demands of their commands, judge advocates provide expert assistance.

A-29. The interpretive expertise of judge advocates begins from a thorough familiarity with the SROE. It relies upon aggressive research to find all operation plans (OPLANs), operation orders (OPORDs),

messages, standing operating procedures, treaties, coalition documents, directives, and regulations that purport to establish or change the ROE. It demands careful organization of these documents (chronologically by issuing headquarters) to determine which document is authoritative on which point. It requires skill at reconciling two rules that appear to contradict one another. Judge advocates do this by considering broader imperatives contained in the text of the rules or other guidance as well as by applying reasoning from available precedents as to how the contradictory rules have been interpreted in the past. It presumes details knowledge of the military operations and staff organization and procedures to gather information from those who can provide additional needed facts.

A-30. The judge advocate's contribution to the interpretation of ROE sometimes requires more than the skills of textual construction and factual analysis, however. In some situations, the judge advocate is the sole member of the ROE planning cell, the fires cell, or the staff who possesses the necessary law of war training to correctly interpret higher headquarters ROE in light of governing legal constraints. This interpretation requires constant situational awareness. Judge advocates gain this awareness through communication nodes, mobility, and the commander's task organization.

DRAFT

A-31. In some operations, ROE are top-driven. In this case, a higher echelon commander—for instance a combatant commander—establishes ROE that are disseminated verbatim to all lower echelons. The preference of military doctrine, because it preserves lower echelon initiative, is for ROE to be top-fed. In these ROE, a higher echelon commander establishes rules for immediate subordinate echelons. These subordinate echelons in turn disseminate ROE that are consistent with those of higher headquarters but tailored to the particular subordinate unit's mission. These methods may also coexist within a particular operation, as some rules may be top-driven while others may be subject to discretion on the manner of dissemination and, thus, top-fed. When the rules are not top-driven, commanders and staffs from theater of operations to BCT level draft ROE for their commands.

A-32. At theater and joint task force levels, the drafting of ROE results in Appendix 8 (Rules of Engagement) to Annex C (Operations) of the OPLAN or OPORD. At corps, division, and BCT level, the drafting of ROE results in Annex E to the OPLAN or OPORD in accordance with Army doctrine. Army doctrine also calls for the integration of ROE in the coordinating instructions subparagraph of paragraph 3 (Execution) of the body of the OPLAN or OPORD. Army doctrine provides minimal guidance as to the contents and format of these ROE documents. Standing operating procedures (SOPs), which exist in part to enable OPLANS or OPORDs to be brief, frequently provide extensive content and format guidance. This guidance in turn typically draws heavily upon the SROE, incorporating both standing rules and supplemental rules according to a command-specific format that is periodically updated and continuously trained. Appendix E to Enclosure B of the SROE contains a message format by which combatant commanders request and receive supplemental ROE.

A-33. The drafting of ROE in the context of multinational operations presents additional challenges. The SROE state that U.S. forces operational control (OPCON) by a multinational force will follow the ROE of the multinational force unless otherwise directed by the President or Secretary of Defense. The SROE further state that U.S. forces will be assigned and remain OPCON to a multinational force only if the combatant commander and higher authority determine that the ROE for that multinational force are consistent with the policy guidance on unit self-defense and with the rules for individual self-defense contained in this document. When U.S. forces under United States' OPCON operate with a multinational force, reasonable efforts will be made to establish common ROE. If such ROE cannot be established, U.S. forces will exercise the right and obligation of self-defense contained in the SROE while seeking guidance from the appropriate combatant command.

A-34. Participation in multinational operations may be complicated by varying national obligations derived from international agreements. For example, other members in a coalition may not be signatories to treaties that bind the United States, or they may be bound by treaties to which the United States is not a party. U.S. forces still remain bound by U.S. treaty obligations even if the other members in a coalition are not signatories to a treaty and need not adhere to its terms. A multinational partner's domestic law, policy, and social values may also affect planning. Lessons learned from recent multinational exercises and operations

reflect significant differences in how various countries understand and view the application of military force through ROE. Legal advisors in multinational headquarters assess the impact of specific national domestic laws and policies on ROE and operational ability. These factors can severely limit or expand a multinational force commander's ability to use a national contingent's capabilities. Legal advisors at all levels of planning assist in the interpretation and drafting of ROE. The United States places an importance on ROE that other nations may not share, attaches meaning to terms with which other nations' forces may not be familiar, and implements ROE within a context of doctrine that may differ markedly from that of other nations. When operating with forces from non-English-speaking countries, these differences are magnified. Energetic participation by judge advocates in the drafting process helps ensure that final ROE products reflect the legitimate interests of all sides. In such circumstances, U.S. forces benefit by having a completed draft (such as SROE) available as a basis for discussion. When developing ROE with the United Nations, diplomatic or policy constraints occasionally dictate language peculiar to United Nations operations. In these cases, the availability of a complete, preferred alternative (again, the SROE) gives U.S. forces a medium with which to communicate their concerns.

A-35. The sound drafting of ROE adheres to several principles:

- Consider METT-TC.
- Push upward on the drafting process.
- Avoid restating strategy and doctrine.
- Avoid restating the law of war.
- Avoid restating tactics.
- Avoid safety-related restrictions.
- Avoid excessively qualified language.

A-36. Judge advocates consider METT-TC. The mission will drive the ROE, and as an operation unfolds in phases, the mission may trigger significant shifts in the ROE. The existence of enemy forces or other threats will change the ROE from conduct-based rules to status-based rules with respect to those threats that have been declared hostile forces. The terrain will limit the feasibility of certain force options. The capabilities and level of training of friendly troops will determine whether certain ROE need to be spelled out in the OPORD. The amount of time available may dictate both what force options to and what preparations to make to implement a particular rule. The presence or absence of civilians will inevitably raise questions about whom friendly forces can protect under ROE.

A-37. Judge advocates push upward on the drafting process. SROE provides the means to request supplemental ROE. Use such requests. If the METT-TC suggests a ROE that is not contained in the higher headquarters annex, push a suggested rule up to the higher headquarters for approval. Keep in mind, however, that the SROE are permissive.

A-38. Judge advocates avoid restating strategy and doctrine. ROE should not be used as the means to set forth strategy or doctrine. Often, less experienced judge advocates attempt to use the ROE annex to complete a task for which an entire system exists in Army doctrine.

A-39. Judge advocates avoid restating the law of war. ROE should not simply restate the law of war. Commanders may desire to emphasize an aspect of the law of war that is particularly relevant to a specific operation. (See Desert Storm ROE regarding cultural property.) Commanders refrain from including an extensive discussion of The Hague Regulations and Geneva Conventions in ROE.

A-40. Judge advocates avoid restating tactics. Sometimes the purposes of ROE (political, legal, military) are sometimes difficult to discern. To alleviate this problem, a boundary line drawn upon an operations overlay results from a commander's concept of operations while simultaneously transmitting a rule of engagement stemming from political considerations. Still, many phase lines, control points, and other control measures have no meaningful connection to political or legal considerations. These measures belong in other portions of the OPLAN or OPORD, not in the ROE.

A-41. Judge advocates avoid safety-related restrictions. ROE should not address safety-related restrictions. Certain weapons require specific safety-related, pre-operation steps. These should not be detailed in the ROE but may appear in the tactical or field SOPs.

A-42. Judge advocates avoid excessively qualified language. ROE are useful and effective only when understood, remembered, and readily applied under stress. Well-formulated ROE anticipate the circumstances of an operation and provide unambiguous guidance to U.S. forces before confronting a threat.

DISSEMINATE

A-43. The OPLAN or OPORD annex is only the minimum means of disseminating the ROE. The annex at each echelon will build upon the command's SOP, which is the primary, continuous means of disseminating those ROE that tend to appear in successive operations. Various methods effectively capture dissemination across a command. Commanders, S-3 or G-3 staff, and judge advocates develop procedures to disseminate changes quickly and efficiently in the ROE and train staffs and subordinate commanders accordingly. When particular ROE issued by higher headquarters are not anticipated in the tactical SOP, the OPORD annex should state these rules outright, without reference to a ROE menu item. Commanders and staffs also provide mission-specific ROE training for deploying Soldiers. While never a substitute for training, a ROE card often helps Soldiers at the lowest level as a ready reference and is issued to Soldiers in virtually every instance.

TRAIN

A-44. ROE are disseminated throughout the force and reinforced by training and rehearsal. Judge advocates are prepared to assist in this training. Soldiers execute in the manner they train; they will carry out their tasks in compliance with the ROE when trained to do so. Since a single Soldier's action can change not only the tactical, but also the strategic and political setting, commanders and judge advocates must disseminate and train ROE to the lowest levels. All training opportunities should reinforce ROE and teach Soldiers how to apply the basic rules of self-defense. Individual and unit preparation for specific missions incorporate training that challenges Soldiers to apply mission-specific ROE. In crisis-response situations, ROE training may consist of leaders and Soldiers receiving and training on the mission-specific ROE en route to the departure airfield. In that case, the knowledge gained on the basic rules of self-defense and scenario-specific, situational ROE during past scheduled training enables commanders and Soldiers to better understand and adhere to the crisis ROE.

A-45. When preparing for peacekeeping or disaster relief missions, commanders plan for Soldiers to use greater constraint and discipline than in offensive or defensive operations. ROE training should always include situational training. This situational training should challenge Soldiers in employing weapons, levels of force, and other ROE. Situational training focuses on one or a small group of tasks—within a particular mission scenario—and requires that Soldiers practice until they perform the tasks to standard. Trainers refer to these scenarios unofficially as “vignettes,” and to this type of training as “lane training.” To conduct situational training on ROE, a commander, judge advocate, or other trainer places Soldiers in a simulated scenario and then confronts them with an event, such as the crashing of a traffic checkpoint barrier by a speeding vehicle. The trainer evaluates the Soldier's response and afterward discusses alternative responses available within ROE. Situational training brings to life abstract rules contained in written ROE, giving Soldiers concrete terms of reference within which to determine their responses. In this way, Soldiers achieve the balance between initiative and constraint that is so important to success, particularly in stability operations. Judge advocates prepare to provide ROE training, including vignette-driven training.

STANDING RULES FOR THE USE OF FORCE

A-46. SRUF establish fundamental policies and procedures governing the actions U.S. commanders and their forces follow during all civil support operations and routine military department functions occurring in the United States and its territories. SRUF also apply to ground homeland defense missions occurring within U.S. territory and to U.S. forces, civilians, and contractors performing law enforcement and security duties at all Department of Defense (DOD) installations. It also applies to duties off-installation while conducting official DOD security functions, within or outside U.S. territory, unless otherwise directed by the Secretary of Defense. While ROE are used primarily to govern the use of force in a mission, RUF

apply in domestic or permissive foreign environments with a functional civil government. Domestic policy concerns, host-nation laws, and international agreements may limit U.S. forces' means of completing their law enforcement or security duties in these environments.

TARGETING

A-47. Judge advocates play a critically important role in targeting. As subject matter experts on the law of war, ROE, and the protection of noncombatants, they provide commanders with essential input on plans, directives, and decisions related to lethal and nonlethal targeting. Judge advocates are part of targeting cells and their input may be a major factor in decisions. Most commands require an operational law judge advocate to review all lethal targeting packets.

PREDEPLOYMENT

A-48. The judge advocate's understanding of the targeting process and integration into the targeting cell should begin long before deployment. As a first step, judge advocates understand their units' missions and capabilities. Next, they seek out information, training, and doctrine to understand the targeting process thoroughly. Finally, judge advocates understand and internalize how their unit staff conducts targeting. Without a sound working knowledge of these concepts, judge advocates cannot contribute fully to planning and targeting. Judge advocates need to understand the current methodology for estimating collateral damage. See FM 6-20-10 and CJCSM 3160.01B for more information.

A-49. The targeting process uses step-by-step procedures. First, the commander and staff decide what objects to target. Next, they determine the best tactic for locating and pinpointing the targets. Third, they analyze the resources available and choose the best means for striking or affecting the target. Finally, they determine the most effective means to assess or measure the effects that the action has had on the target. This methodology is often referred to as decide, detect, deliver, and assess. FM 6-20-10 discusses each of these steps.

A-50. Judge advocates participate actively in planning from the moment an initial warning order notifies a unit of a potential contingency deployment. Participation in the planning and targeting development process enables judge advocates to prevent the inclusion of legally questionable actions into the operation plan. Judge advocates attend all planning sessions, provide direct input into the decisionmaking processes, and introduce relevant operational law considerations into the targeting processes.

DEPLOYMENT

A-51. Once deployed, judge advocates are included in the targeting cell so they are available to provide timely legal input on key targeting decisions. Typically, the brigade legal section cannot provide a full-time representative to the targeting cell. Accordingly, judge advocates may not be present when impromptu targeting meetings or huddles with the commander are called. Being fully integrated into the staff and the targeting cell is the key to mission success.

A-52. The rapid pace and changing nature of modern warfare, together with the expanded role of military lawyers in war planning, raises unprecedented issues for military lawyers. Several tools exist that judge advocates use to help them walk through the targeting process. The targeting visual model in Figure A-1 may help judge advocates to assess targeting decisions accurately and thoroughly.

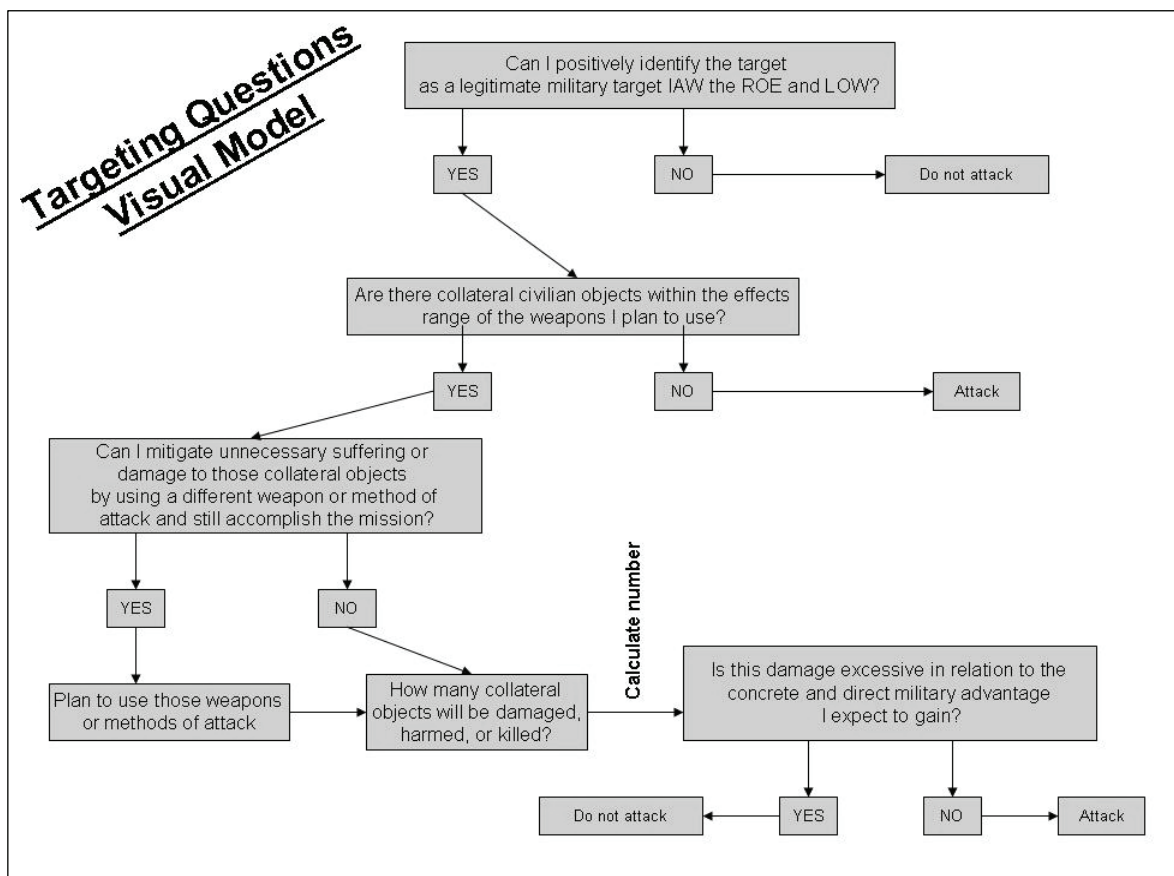


Figure A-1. A sample targeting decision model

Student Handout 4

Extracted Material from Synopsis Report for Individual Task, 171-300-0083, Enforce Rules of Engagement (ROE)

This student handout contains two pages of extracted material from the following publication:

Synopsis Report for Individual Task, 171-300-0083, Enforce Rules of Engagement (ROE), dated 25 FEB 2010

Pages SH-4-2 and SH-4-3

Disclaimer: The training developer downloaded the extracted material from Army leadership. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

Synopsis Report for Individual Task

171-300-0083

Enforce Rules of Engagement (ROE)

Status: Active

Last Changed 25 Feb 2010

Condition: As an element leader you are given current ROE standards and a requirement to enforce them in regards to subordinates.

Standard: Receive the ROE and ensure that all subordinates understand and comply with the ROE in individual and small unit operations.

Performance Steps

NOTE: ROE is driven by national policy and political factors, operations requirements, and law (Geneva Conventions, Uniform Code of Military Justice, international law, etc.). ROE is also theater specific. As such, ROE is constantly in flux. Always be sure to have the most current version of the ROE to manage this state of constant change.

1. Receive ROE.
2. Ensure Soldiers understand the ROE.
 - a. Ensure Soldiers understand what constitutes a hostile act.

NOTE: A hostile act is defined as an attack or use of force against US forces, and in certain circumstances, US nationals and other designated persons and property as well as force used directly to preclude or impede the mission and/or duties of US forces.

- b. Ensure Soldiers understand what constitutes hostile intent.

NOTE: Hostile intent is defined as the threat of imminent use of force against US forces and other designated persons and property.

- c. Ensure Soldiers understand what constitutes a hostile force.

NOTE: A hostile force is defined as any group that the National Command Authority (NCA) designates as "declared hostile". Groups that are "declared hostile" can be engaged at will, unless they are surrendering or incapable of fighting due to wounds.

- d. Ensure Soldiers understand who they can engage.
 - e. Ensure Soldiers understand what equipment and / or locations they can defend.
 - f. Ensure Soldiers understand when they can engage personnel.
 - g. Ensure Soldiers understand where personnel may not be engaged.
 - h. Ensure Soldiers understand why they can detain personnel.

3. Ensure Soldiers comply with the current ROE.

WARNING: Soldiers do not have to go through each step of escalation of force (EOF) if the situation does not safely allow.

- a. Ensure Soldiers understand the unit's standing operating procedure (SOP) for EOF.
 - b. Ensure Soldiers understand the unit's standing operating procedures (SOP) for detainee operations and handling.

4. Ensure Soldiers understand consequence management.

- a. Distribute claims cards to local nationals (LN's).
 - b. Assess collateral damage.
 - c. Implement counter insurgency operations (COIN).
-

Performance Measures

1. Received ROE.
2. Ensured Soldiers understood the ROE.
3. Ensured Soldiers complied with the current ROE.
4. Ensured Soldiers understood consequence management.

GO NO GO

____ ____
____ ____
____ ____
____ ____

Evaluation Guidance: Score the Soldier GO if all steps are passed. Score the Soldier NO-GO if any step is failed. If the Soldier scores a NO-GO, explain what was done wrong and how to do it correctly.

Evaluation Preparation: Set up: Provide the Soldier with the equipment and or materials described in the condition statement.

Brief the Soldier: Tell the Soldier what is expected of him by reviewing the task standards. Stress to the Soldier the importance of observing all cautions and warnings to avoid injury to personnel and, if applicable, damage to equipment.

Student Handout 5

Extracted Material from 07-21, Escalation of Force Handbook

This student handout contains 11 pages of extracted material from the following publication:

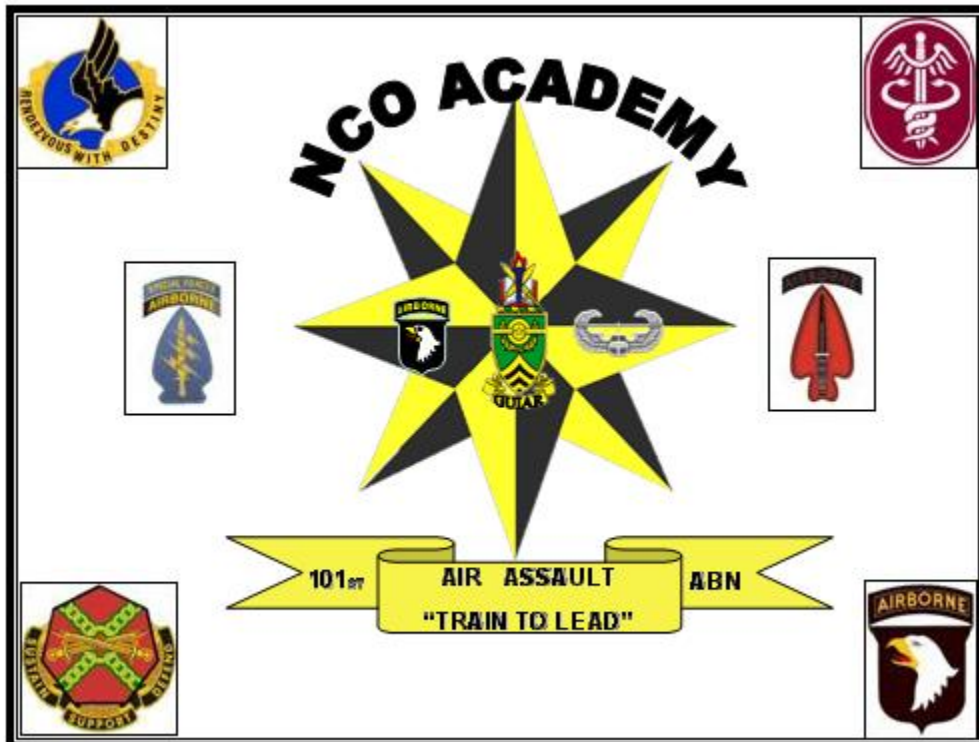
07-21, Escalation of Force Handbook, dated JUL 2007

Introduction	Page 1
Chapter 1	Pages 6 and 7
Chapter 2	Pages 9 thru 16

Disclaimer: The training developer downloaded the extracted material from Army leadership. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

W222

- Read Student Handout 1, Appendix D, for reading and study assignments



HANDOUTS FOR LESSON 1: W222 version 6

This appendix contains the items listed in this table--

Title/Synopsis	Page(s)
SH-1, Advance Sheet	SH-1-1
SH-2, Extracted material from FM 3-0, Operations	SH-2-1 thru SH-2-11
SH-3, DELETED	SH-3-1
SH-4, Extracted material from FM 5-0, Army Planning and Orders Production	SH-4-1 thru SH-4-38
SH-5, Extracted material from STP 21-24-SMCT, Soldiers Manual of Common Tasks Warrior Leader Skills Level 2, 3, and 4	SH-5-1 thru SH-5-5
SH-6, Extracted material from First 100 Days Leader's Handbook	SH-6-1 thru SH-6-6
SH-7, Extracted material from FM 3-21.8, The Infantry Rifle Platoon and Squad	SH-7-1 thru SH-7-3

Student Handout 1

Advance Sheet

Overview

This lesson discusses troop leading procedures and explains three types of combat orders: warning order (WARNO), operation order (OPORD), and fragmentary order (FRAGO). You will also learn the importance of and what you must concern yourself with while conducting pre-combat checks.

Learning Objective

Terminal Learning Objective (TLO)

Action:	Implement a squad level combat order.
Conditions:	As a leader of a squad/team, in the classroom and during a situational training exercise, given the instruction in this lesson.
Standards:	Implement a squad level combat order by-- <ul style="list-style-type: none">• Receiving a GO on the end of module examination by scoring a minimum of 70 percent,• Issuing a warning order (WARNO), an operations order, (OPORD), and a fragmentary order (FRAGO),• Conducting troop-leading procedures (TLPs), and• Conducting pre-combat checks / inspections (PCCs / PCIs). In the correct format and within the allotted time.

ELO A Issue an operation order, a warning order, and a fragmentary order.

ELO B Conduct troop-leading procedures (TLPs).

ELO C Conduct Pre-Combat Checks / Inspections (PPCs / PCIs).

Assignments

The student assignments for this lesson are:

- Read SH-1, Advance Sheet.
- Read SH-2, pages SH-2-6 through SH-2-11.
- Read SH-4, pages SH-4-5 through SH-4-16.
- Scan SH-3, SH-5, SH-6, and SH-7.

Additional Subject Area Resources

None

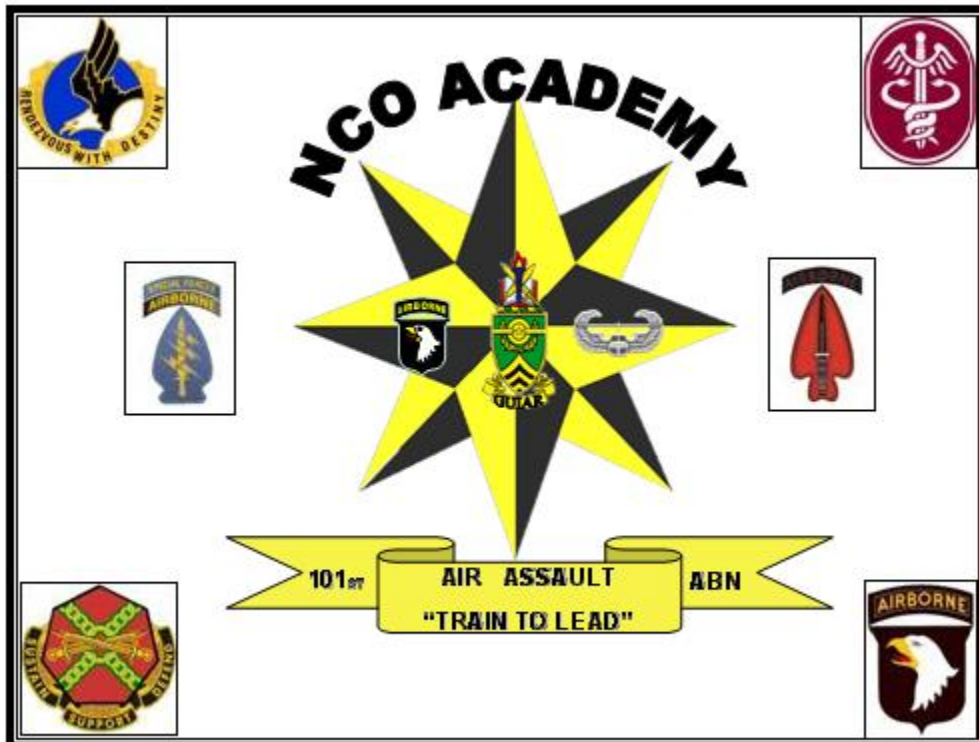
Bring to Class

You must bring the following materials to class:

- Pencil or pen and writing paper.
- All referenced material received for this lesson.

W223

- Read Student Handout 1, Advance Sheet. • The student assignments for this lesson are: - Read Student Handouts, 2, 5, 6 and 7. - Scan Student Handouts 3 and 4.



HANDOUTS FOR LESSON 1: W223 Version 6

This appendix contains the items listed in this table--

Title/Synopsis	Page
SH-1, Advance Sheet	SH-1-1 and SH-1-2
SH-2, Extracted Material from FM 21-25.26, Map Reading and Land Navigation	SH-2-1 thru SH-2-7
SH-3, Extracted Material from FM 3-21.8, The Infantry Rifle Platoon and Squad	SH-3-1 thru SH-3-27
SH-4, Extracted Material from FM 21-60, Visual Signals	SH-4-1 thru SH-4-14
SH-5, Extracted Material from STP 21-1-SMCT, Soldier's Manual of Common Tasks Warrior Skills Level 1	SH-5-1 thru SH-5-9
SH-6, Extracted Material from STP 21-24-SMCT, Soldier's Manual of Common Tasks Warrior Leader Skills Level 2, 3, and 4	SH-6-1 thru SH-6-4
SH-7, Extracted Material from FM 3-06.11, Combined Arms Operations in Urban Terrain	SH-7-1 thru SH-7-8
IH-1, Instructor Handout for Practical Exercises	IH-1-1 thru IH-1-11

Student Handout 1

Advance Sheet

Lesson Hours This lesson consists of 2 hours and 35 minutes of small group instruction, 25 minutes of demonstration, and 3 hours of practical exercises.

Overview During this lesson you will learn some basic techniques and procedures used to employ a squad-sized element in combat. You will learn the basics of moving a squad/team--using arm-and-hand signals and using the appropriate movements techniques in the proper movement formations based on the tactical situation.

Learning Objective Terminal Learning Objective (TLO).

Action:	Lead a team/squad in dismounted movement.
Conditions:	As a leader of a squad/team, in the classroom and during a situational training exercise, given an operation or fragmentary order, a 1:50, 000 scale military map, a compass, and the instruction in this lesson.
Standards:	Lead a team/squad in dismounted movement by-- <ul style="list-style-type: none"> • Receiving a GO on the end of module examination by scoring a minimum of 70 percent, • Selecting a movement route using a map, • Employing basic movement fundamentals, methods, and techniques, • Crossing danger areas, • Employing urban patrol techniques, and • Enforcing detection prevention measures.

ELO A Select a movement route using a map.

ELO B Employ basic movement fundamentals, methods, and techniques.

ELO C Cross a danger area.

ELO D Employ urban patrol techniques.

ELO E Enforce detection prevention measures.

Assignments

The student assignments for this lesson are:

- Read Student Handouts, 2, 5, 6, and 7.
- Scan Student Handouts 3 and 4.

Bring to Class

You must bring the following materials to class:

- All reference material received.
- Pencil or pen and writing paper.
- LCE with two canteens of water.
- Field cap (soft cap).
- Other equipment as directed by NCOA SOP.

Note to Students

It is your responsibility to do the homework prior to class. We expect you to come to class prepared. You will participate in small group discussion. We expect you to also participate in the discussion by providing information you learned from your study and your personal and observed experiences. Failure to study and read the assignments above will result in your inability to participate with the rest of the group. Not having your input affects the group's ability to discuss fully the information.

Student Handout 2

Extracted Material from FM 3-25.26, Map Reading and Land Navigation

This student handout contains six pages of extracted material from the following publication:

FM 3-25.26, Map Reading and Land Navigation, 18 January 2005, with Change 1, 30 August 2006.

Chapter	Page(s)
Chapter 11	11-9 thru 11-14

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Student Handout 3

Extracted Material from FM 3-21.8, The Infantry Rifle Platoon and Squad

This student handout contains 26 pages of extracted material from the following publication:

FM 3-21.8, The Infantry Rifle Platoon and Squad, Mar 07.

Chapter	Page(s)
Chapter 3	3-1 thru 3-12, 3-19 thru 3-23, 3-33 thru 3-37, and 3-44 thru 3-47

NOTE: Pages 3-13 thru 3-18 and 3-24 thru 3-32 were intentionally omitted.

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Chapter 3

Tactical Movement

Tactical movement is the movement of a unit assigned a tactical mission under combat conditions when not in direct ground contact with the enemy. Tactical movement is based on the anticipation of early ground contact with the enemy, either en route or shortly after arrival at the destination. Movement ends when ground contact is made or the unit reaches its destination. Movement is not maneuver. Maneuver happens once a unit has made contact with the enemy. Because tactical movement shares many of the characteristics of an offensive action, the battlefield is organized in a manner similar to other offensive actions. This chapter discusses the basics and formations of tactical movement.

SECTION I — OVERVIEW

3-1. Movement refers to the shifting of forces on the battlefield. The key to moving successfully involves selecting the best combination of movement formations and movement techniques for each situation. Leaders consider the factors of METT-TC in selecting the best route and the appropriate formation and movement technique. The leader's selection must allow the moving platoon to—

- Maintain cohesion.
- Maintain communication.
- Maintain momentum.
- Provide maximum protection.
- Make enemy contact in a manner that allows them to transition smoothly to offensive or defensive action.

3-2. Careless movement usually results in contact with the enemy at a time and place of the enemy's choosing. To avoid this, leaders must understand the constantly-changing interrelationship between unit movement, terrain, and weapon systems within their area of operations. This understanding is the basis for employing movement formations, movement techniques, route selection and navigation, crossing danger areas, and security (Figure 3-1).

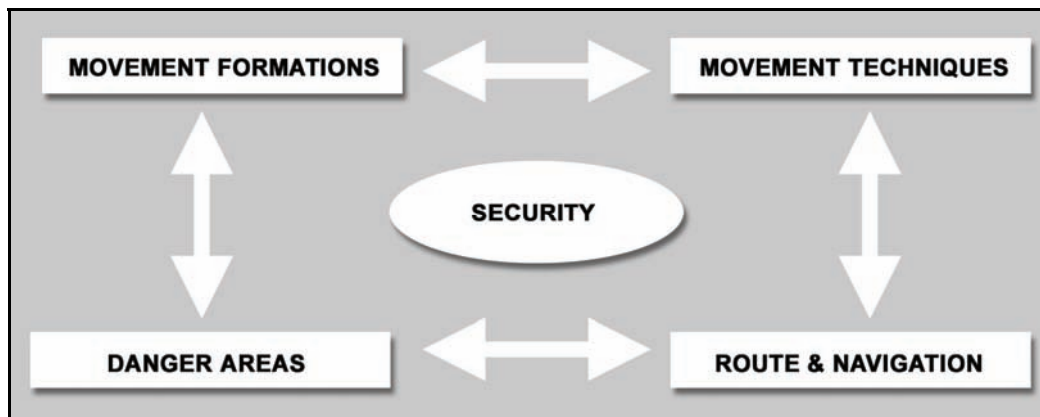


Figure 3-1. Basics of tactical movement.

3-3. Leaders executing tactical movement have three primary goals:

- Avoid surprise by the enemy.
- When necessary, transition quickly to maneuver while minimizing enemy effects.
- Get to the right place, at the right time, ready to fight.

3-4. Units moving behind enemy lines seek to avoid enemy contact. They choose the movement that allows them to retain security and control. To avoid loss of surprise and initiative, casualties, and mission failure, platoons normally—

- Avoid chance enemy contact, if possible.
- Move on covered and concealed routes.
- Avoid likely ambush sites and other danger areas.
- Practice camouflage, noise, and light discipline.
- Maintain 360-degree security.
- Make contact with the smallest element if enemy contact is unavoidable.
- Retain the initiative to attack at the time and place of the unit's choice.
- Take active countermeasures such as using smoke and direct and indirect fire to suppress or obscure suspected enemy positions.

3-5. Infantry platoons primarily move on foot. However, there are circumstances when they will move, and even fight, mounted. Because their units may operate with vehicle support, leaders must be comfortable employing tactical movement with a variety of vehicle platforms.

3-6. In selecting formations and movement techniques, leaders must consider other requirements such as speed and control as well as security. When conducting tactical movement, leaders must be prepared to quickly transition to maneuver and fight while minimizing the effects of the enemy. This requirement calls for the leader to determine which formation or combination of formations best suits the situation.

MOVEMENT FORMATIONS

3-7. Movement formations are the ordered arrangement of forces that describes the general configuration of a unit on the ground. They determine the distance between Soldiers, sectors of fire, and responsibilities for 360-degree security. Movement formations are used in combination with movement techniques (and other security measures), immediate action drills, and enabling tasks. Movement techniques define the level of security one subordinate provides another within a formation. Immediate action drills are those combat actions that enable the unit to quickly transition to maneuver during unexpected enemy contact. Enabling tasks facilitate transitions between other combat tasks. See Section II of this chapter for more on movement formations.

MOVEMENT TECHNIQUES

3-8. Movement techniques describe the position of squads and fire teams in relation to each other during movement. Platoons and squads use three movement techniques: traveling, traveling overwatch, and bounding overwatch.

3-9. Like formations, movement techniques provide varying degrees of control, security, and flexibility. Movement techniques differ from formations in two ways:

- Formations are relatively fixed; movement techniques are not. The distance between moving units or the distance that a squad bounds away from an overwatching squad varies based on factors of METT-TC.
- Formations allow the platoon to weight its maximum firepower in a desired direction; movement techniques allow squads to make contact with the enemy with the smallest element possible. This allows leaders to establish a base of fire, initiate suppressive fires, and attempt to maneuver without first having to disengage or be reinforced.

3-10. Leaders base their selection of a particular movement technique on the likelihood of enemy contact and the requirement for speed. See Section III of this chapter for more on movement techniques.

ROUTE AND NAVIGATION

3-11. Planning and selecting a route is a critical leader skill. One of the keys to successful tactical movement is the ability to develop routes that increase the unit's security, decrease the Soldier's effort, and get the unit to the objective on time in a manner prepared to fight. Good route selection begins with a thorough terrain analysis and ends with superior navigation. Planning and preparation are worthless if a unit cannot find its way to the objective, or worse, stumbles onto it because of poor navigation. See Section IV of this chapter for more on route and navigation.

DANGER AREAS

3-12. When analyzing the terrain (in the METT-TC analysis) during the troop-leading procedures (TLP), the platoon leader may identify danger areas. The term danger area refers to any area on the route where the terrain would expose the platoon to enemy observation, fire, or both. If possible, the platoon leader should plan to avoid danger areas. However, there are times when he cannot. When the unit must cross a danger area, it should do so as quickly and as carefully as possible. See Section V of this chapter for more information on danger areas.

SECURITY

3-13. Security during movement includes the actions that units take to secure themselves and the tasks given to units to provide security for a larger force. Platoons and squads enhance their own security during movement through the use of covered and concealed terrain; the use of the appropriate movement formation and technique; the actions taken to secure danger areas during crossing; the enforcement of noise, light, and radiotelephone discipline; and the use of proper individual camouflage techniques. See Section VII of this chapter for more on security.

3-14. Formations and movement techniques provide security by:

- Positioning each Soldier so he can observe and fire into a specific sector that overlaps with other sectors.
- Placing a small element forward to allow the platoon to make contact with only the lead element and give the remainder of the platoon freedom to maneuver.
- Providing overwatch for a portion of the platoon.

OTHER CONSIDERATIONS

3-15. In planning tactical movement, leaders should also consider the requirements for—

- Terrain.
- Planning.
- Direct fires.
- Fire support.
- Control.

TERRAIN

3-16. The formations and techniques shown in the illustrations in this chapter are examples only. They are generally depicted without terrain considerations (which are usually a critical concern in the selection and execution of a formation). Therefore, in both planning and executing tactical movement, leaders understand that combat formations and movement techniques require modification in execution. Spacing requirements and speed result from a continuous assessment of terrain. Leaders must stay ready to adjust the distance of individuals, fire teams, squads, and individual vehicles and vehicle sections based on terrain, visibility, and other mission requirements.

3-17. While moving, individual Soldiers and vehicles use the terrain to protect themselves during times when enemy contact is possible or expected. They use natural cover and concealment to avoid enemy fires. The following guidelines apply to Soldiers and vehicle crews using terrain for protection:

- Do not silhouette yourself against the skyline.
- Avoid possible kill zones because it is easier to cross difficult terrain than fight the enemy on unfavorable terms.
- Cross open areas quickly.
- Avoid large, open areas, especially when they are dominated by high ground or by terrain that can cover and conceal the enemy.
- Do not move directly forward from a concealed firing position.

PLANNING

3-18. One of the leader's primary duties is to develop a plan that links together route selection and navigation, combat formations, and appropriate security measures with enabling tasks that moves the unit from its current location to its destination. This plan must take into account the enemy situation and control during movement.

DIRECT FIRES

3-19. While moving or when stationary, each Soldier (or vehicle) has a sector to observe and engage enemy soldiers in accordance with the unit's engagement criteria (see Chapter 2). Individual and small unit sectors are the foundation of the unit's area of influence. Pre-assigned sectors are inherent in combat formations. When formations are modified, leaders must reconfirm their subordinates' sectors. Leaders have the added responsibility of ensuring their subordinates' sectors are mutually supporting and employing other security measures that identify the enemy early and allow the leader to shape the fight.

FIRE SUPPORT

3-20. Planning should always include arranging for fire support (mortars, artillery, CAS, attack helicopters, naval gunfire), even if the leader thinks it unnecessary. A fire plan can be a tool to help navigate and gives the leader the following options:

- Suppressing enemy observation posts or sensors.
- Creating a distraction.
- Achieving immediate suppression.
- Covering withdrawal off of an objective.
- Breaking contact.

CONTROL

3-21. Controlling tactical movement is challenging. The leader must be able to start, stop, shift left or right, and control the unit's direction and speed of movement while navigating, assessing the terrain, and preparing for enemy contact. Determining the proper movement formations and techniques during planning is important, but the leader must be able to assess his decision during execution and modify or change his actions based on the actual situation.

3-22. Without adequate procedural and positive control, it is difficult for the leader to make decisions and give orders, lead an effective response to enemy contact, or accurately navigate. Leaders exercise procedural control by unit training and rehearsals in the basics of tactical movement. The better trained and rehearsed subordinates are, the more freedom leaders have to concentrate on the situation, particularly the enemy and the terrain. Leaders exercise positive control by communicating to subordinates. They do so using hand-and-arm signals as a method of communication. They also use the other means of communication (messenger, visual, audio, radio, and digital) when appropriate.

3-23. All available communication is used (consistent with OPSEC and movement security) to assist in maintaining control during movement. March objectives, checkpoints, and phase lines may be used to aid in control. The number of reports is reduced as normally only exception reports are needed. The leader should be well forward in the formation but may move throughout as the situation demands. Communications with security elements are mandatory. Operations security often prevents the use of radios, so connecting files, runners, and visual signals can be used. Detailed planning, briefing, rehearsals, and control are valuable if there is enemy contact. Alternate plans are made to cover all possible situations.

SECTION II — MOVEMENT FORMATIONS

3-24. This section discusses movement formations of Infantry fire teams, squads, and platoons. The platoon leader uses formations for several purposes: to relate one squad to another on the ground; to position firepower to support the direct-fire plan; to establish responsibilities for sector security among squads; or to aid in the execution of battle drills. Just as they do with movement techniques, platoon leaders plan formations based on where they expect enemy contact, and on the company commander's plans to react to contact. The platoon leader evaluates the situation and decides which formation best suits the mission and situation.

3-25. Every squad and Soldier has a standard position. Soldiers can see their team leaders. Fire team leaders can see their squad leaders. Leaders control their units using hand-and-arm signals.

3-26. Formations also provide 360-degree security and allow units to give the weight of their firepower to the flanks or front in anticipation of enemy contact.

3-27. Formations do not demand parade ground precision. Platoons and squads must retain the flexibility needed to vary their formations to the situation. The use of formations allows Soldiers to execute battle drills more quickly and gives them the assurance that their leaders and buddy team members are in the expected positions and performing the right tasks.

3-28. Sometimes platoon and company formations differ due to METT-TC factors. For example, the platoons could move in wedge formations within a company vee. It is not necessary for the platoon formation to be the same as the company formation unless directed by the company commander. However, the platoon leader must coordinate his formation with other elements moving in the main body team's formation. Figure 3-2 illustrates platoon symbols.

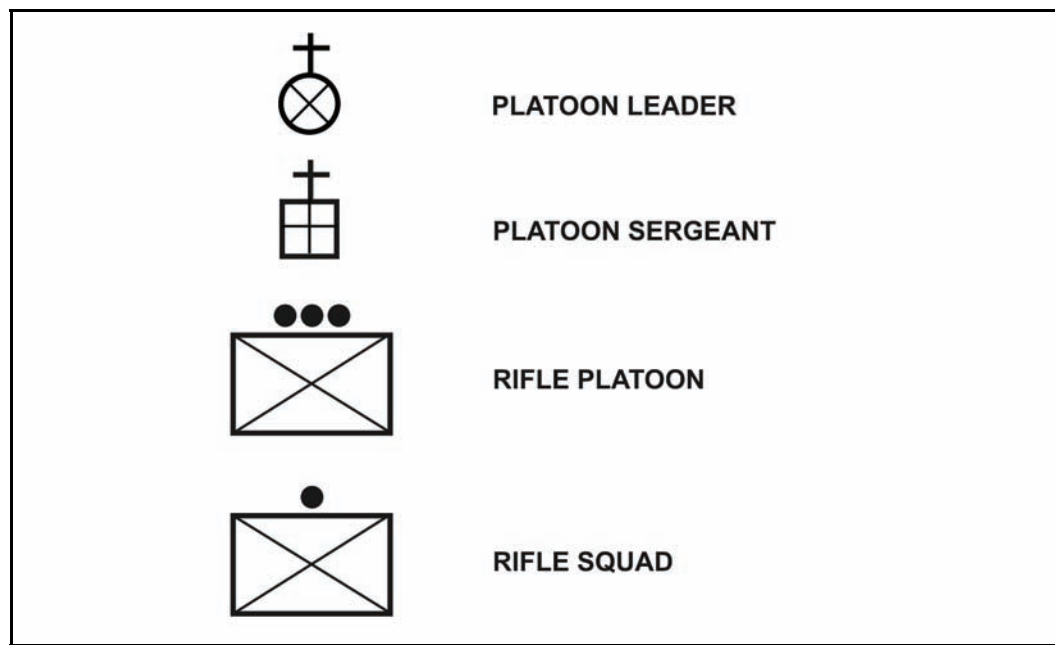


Figure 3-2. Legend of platoon symbols.

NOTE: The formations shown in the illustrations in this chapter are examples only. They generally are depicted without METT-TC considerations, which are always the most crucial element in the selection and execution of a formation. Leaders must be prepared to adapt their choice of formation to the specific situation.


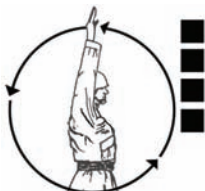





PRIMARY FORMATIONS

3-29. Combat formations are composed of two variables: lateral frontage, represented by the line formation; and depth, represented by the column formation. The advantages attributed to any one of these variables are disadvantages to the other. Leaders combine the elements of lateral frontage and depth to determine the best formation for their situation. In addition to the line and column/file, the other five types of formations—box; vee; wedge; diamond; and echelon—combine these elements into varying degrees. Each does so with different degrees of emphasis that result in unique advantages and disadvantages (Table 3-1).

3-30. The seven formations can be grouped into two categories: formations with one lead element, and formations with more than one lead element. The formations with more than one lead element, as a general rule, are better for achieving fire superiority to the front, but are more difficult to control. Conversely, the formations with only one lead element are easier to control but are not as useful for achieving fire superiority to the front.

3-31. Leaders attempt to maintain flexibility in their formations. Doing so enables them to react when unexpected enemy actions occur. The line, echelon, and column formations are the least flexible of the seven formations. The line mass to the front has vulnerable flanks. The echelon is optimized for a flank threat—something that units want to avoid. The column has difficulty reinforcing an element in contact. Leaders using these formations should consider ways to reduce the risks associated with their general lack of flexibility.

Table 3-1. Primary formations.

Name/Formation/ Signal (if applicable)	Characteristics	Advantages	Disadvantages
<p>Line Formation</p> 	<ul style="list-style-type: none"> - All elements arranged in a row - Majority of observation and direct fires oriented forward; minimal to the flanks - Each subordinate unit on the line must clear its own path forward - One subordinate designated as the base on which the other subordinates cue their movement 	<p>Ability to:</p> <ul style="list-style-type: none"> - Generate fire superiority to the front - Clear a large area - Disperse - Transition to bounding overwatch, base of fire, or assault 	<ul style="list-style-type: none"> - Control difficulty increases during limited visibility and in restrictive or close terrain - Difficult to designate a maneuver element - Vulnerable assailable flanks - Potentially slow - Large signature
<p>Column/File Formation</p> 	<ul style="list-style-type: none"> - One lead element - Majority of observation and direct fires oriented to the flanks; minimal to the front - One route means unit only influenced by obstacles on that one route 	<ul style="list-style-type: none"> - Easiest formation to control (as long as leader can communicate with lead element) - Ability to generate a maneuver element - Secure flanks - Speed 	<ul style="list-style-type: none"> - Reduced ability to achieve fire superiority to the front - Clears a limited area and concentrates the unit - Transitions poorly to bounding overwatch, base of fire, and assault - Column's depth makes it a good target for close air attacks and a machine gun beaten zone
<p>Vee Formation</p> 	<ul style="list-style-type: none"> - Two lead elements - Trail elements move between the two lead elements - Used when contact to the front is expected - "Reverse wedge" - Unit required to two lanes/routes forward 	<p>Ability to:</p> <ul style="list-style-type: none"> - Generate fire superiority to the front - Generate a maneuver element - Secure flanks - Clear a large area - Disperse - Transition to bounding overwatch, base of fire, or assault 	<ul style="list-style-type: none"> - Control difficulty increases during limited visibility and in restrictive or close terrain - Potentially slow
<p>Box Formation</p> 	<ul style="list-style-type: none"> - Two lead elements - Trail elements follow lead elements - All-around security 	<p>See vee formation advantages</p>	<p>See vee formation disadvantages</p>
<p>Wedge Formation</p> 	<ul style="list-style-type: none"> - One lead element - Trail elements paired off abreast of each other on the flanks - Used when the situation is uncertain 	<p>Ability to:</p> <ul style="list-style-type: none"> - Control, even during limited visibility, in restrictive terrain, or in close terrain - Transition trail elements to base of fire or assault - Secure the front and flanks - Transition the line and column 	<ul style="list-style-type: none"> - Trail elements are required to clear their own path forward - Frequent need to transition to column in restrictive, close terrain
<p>Diamond Formation</p> 	<ul style="list-style-type: none"> - Similar to the wedge formation - Fourth element follows the lead element 	<p>See wedge formation advantages</p>	<p>See wedge formation disadvantages</p>
<p>Echelon Formation (Right)</p> 	<ul style="list-style-type: none"> - Elements deployed diagonally left or right - Observation and fire to both the front and one flank - Each subordinate unit on the line clears its own path forward 	<ul style="list-style-type: none"> - Ability to assign sectors that encompass both the front and flank 	<ul style="list-style-type: none"> - Difficult to maintain proper relationship between subordinates - Vulnerable to the opposite flanks

FIRE TEAM FORMATIONS

3-32. The term fire team formation refers to the Soldiers' relative positions within the fire team. Fire team formations include the fire team wedge and the fire team file (Table 3-2). Both formations have advantages and disadvantages. Regardless of which formation the team employs, each Soldier must know his location in the formation relative to the other members of the fire team and the team leader. Each Soldier covers a set sector of responsibility for observation and direct fire as the team is moving. To provide the unit with all-round protection, these sectors must interlock. Team leaders must be constantly aware of their team's sectors and correct them as required.

Table 3-2. Comparison of fire team formations.

Movement Formation	When Most Often Used	CHARACTERISTICS			
		Control	Flexibility	Fire Capabilities and Restrictions	Security
Fire team wedge	Basic fire team formation	Easy	Good	Allows immediate fires in all directions	All-round
Fire team file	Close terrain, dense vegetation, limited visibility conditions	Easiest	Less flexible than wedge	Allows immediate fires to the flanks, masks most fires to the rear	Least

3-33. The team leader adjusts the team's formation as necessary while the team is moving. The distance between men will be determined by the mission, the nature of the threat, the closeness of the terrain, and by the visibility. As a general rule, the unit should be dispersed up to the limit of control. This allows for a wide area to be covered, makes the team's movement difficult to detect, and makes them less vulnerable to enemy ground and air attack. Fire teams rarely act independently. However, in the event that they do, when halted, they use a perimeter defense to ensure all-around security.

FIRE TEAM WEDGE

3-34. The wedge (Figure 3-3) is the basic formation for the fire team. The interval between Soldiers in the wedge formation is normally 10 meters. The wedge expands and contracts depending on the terrain. Fire teams modify the wedge when rough terrain, poor visibility, or other factors make control of the wedge difficult. The normal interval is reduced so all team members can still see their team leader and all team leaders can still see their squad leader. The sides of the wedge can contract to the point where the wedge resembles a single file. Soldiers expand or resume their original positions when moving in less rugged terrain where control is easier.

3-35. In this formation the fire team leader is in the lead position with his men echeloned to the right and left behind him. The positions for all but the leader may vary. This simple formation permits the fire team leader to lead by example. The leader's standing order to his Soldiers is: "Follow me and do as I do." When he moves to the right, his Soldiers should also move to the right. When he fires, his Soldiers also fire. When using the lead-by-example technique, it is essential for all Soldiers to maintain visual contact with the leader.

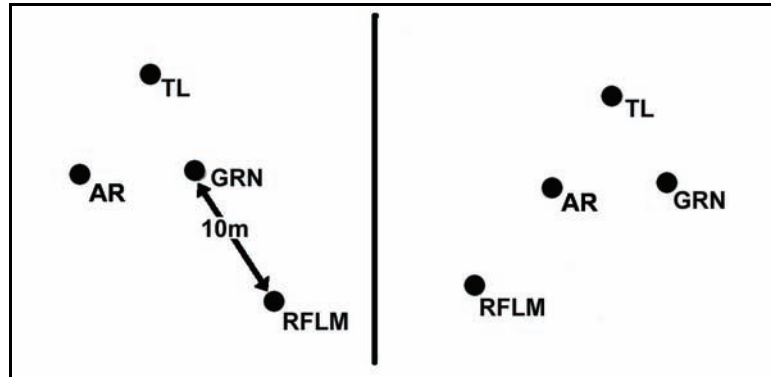


Figure 3-3. Fire team wedge.

FIRE TEAM FILE

3-36. Team leaders use the file when employing the wedge is impractical. This formation is most often used in severely restrictive terrain, like inside a building; dense vegetation; limited visibility; and so forth. The distance between Soldiers in the column changes due to constraints of the situation, particularly when in urban operations (Figure 3-4).

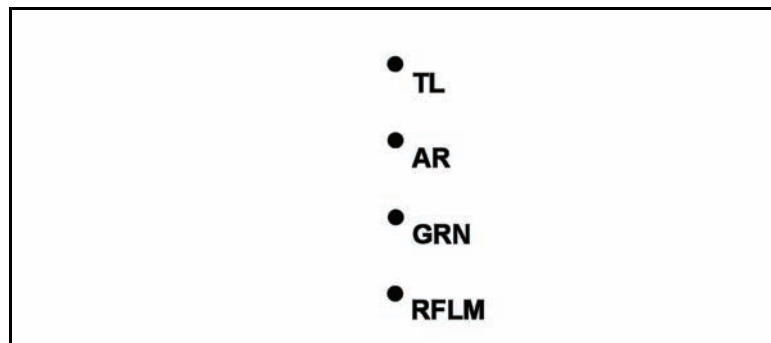


Figure 3-4. Fire team file.

SQUAD FORMATIONS

3-37. The term squad formation refers to the relative locations of the fire teams. Squad formations include the squad column, the squad line, and the squad file. Table 3-3 compares squad formations.

Table 3-3. Comparison of squad formations.

Movement Formation	When Most Often Used	CHARACTERISTICS			
		Control	Flexibility	Fire Capabilities and Restrictions	Security
Squad column	The main squad formation	Good	Aids maneuver, good dispersion laterally and in depth	Allows large volume of fire to the flanks but only limited volume to the front	All-around
Squad line	For maximum firepower to the front	Not as good as squad column	Limited maneuver capability (both fire teams committed)	Allows maximum immediate fire to the front	Good to the front, little to the flank and rear
Squad file	Close terrain, dense vegetation, limited visibility conditions	Easiest	Most difficult formation to maneuver from	Allows immediate fire to the flanks, masks most fire to the front and rear	Least

3-38. The squad leader adjusts the squad's formation as necessary while moving, primarily through the three movement techniques (see Section III). The squad leader exercises command and control primarily through the two team leaders and moves in the formation where he can best achieve this. The squad leader is responsible for 360-degree security, for ensuring the team's sectors of fire are mutually supporting, and for being able to rapidly transition the squad upon contact.

3-39. The squad leader designates one of the fire teams as the base fire team. The squad leader controls the squad's speed and direction of movement through the base fire team while the other team and any attachments cue their movement off of the base fire team. This concept applies when not in contact and when in contact with the enemy.

3-40. Weapons from the weapons squad (a machine gun or a Javelin) may be attached to the squad for the movement or throughout the operation. These high value assets need to be positioned so they are protected and can be quickly brought into the engagement when required. Ideally, these weapons should be positioned so they are between the two fire teams.

SQUAD COLUMN

3-41. The squad column is the squad's main formation for movement unless preparing for an assault (Figure 3-5). It provides good dispersion both laterally and in depth without sacrificing control. It also facilitates maneuver. The lead fire team is the base fire team. Squads can move in either a column wedge or a modified column wedge. Rough terrain, poor visibility, and other factors can require the squad to modify the wedge into a file for control purposes. As the terrain becomes less rugged and control becomes easier, the Soldiers assume their original positions.

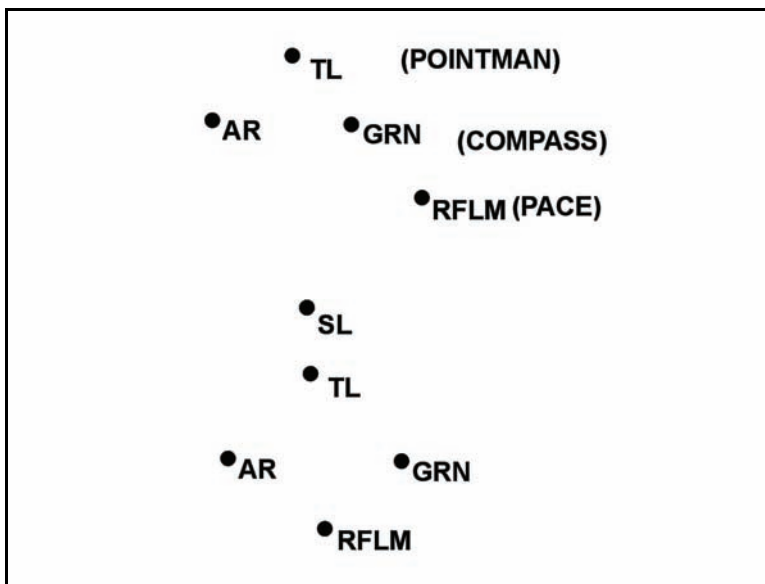


Figure 3-5. Squad column, fire teams in wedge.

SQUAD LINE

3-42. The squad line provides maximum firepower to the front and is used to assault or as a pre-assault formation (Figure 3-6). To execute the squad line, the squad leader designates one of the teams as the base team. The other team cues its movement off of the base team. This applies when the squad is in close combat as well. From this formation, the squad leader can employ any of the three movement techniques or conduct fire and movement (see Section III).

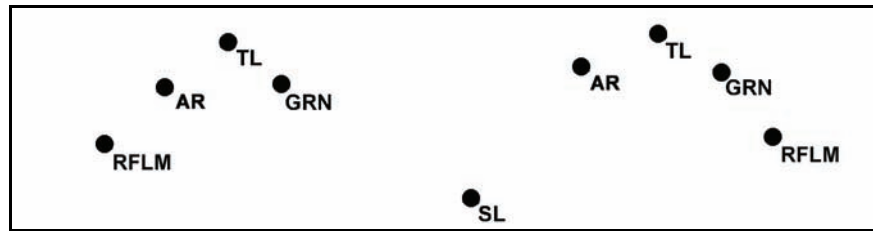


Figure 3-6. Squad line.

SQUAD FILE

3-43. The squad file has the same characteristics as the fire team file (Figure 3-7). In the event that the terrain is severely restrictive or extremely close, teams within the squad file may also be in file. This disposition is not optimal for enemy contact, but does provide the squad leader with maximum control. If the squad leader wishes to increase his control over the formation he moves forward to the first or second position. Moving forward also enables him to exert greater morale presence by leading from the front, and to be immediately available to make key decisions. Moving a team leader to the last position can provide additional control over the rear of the formation.

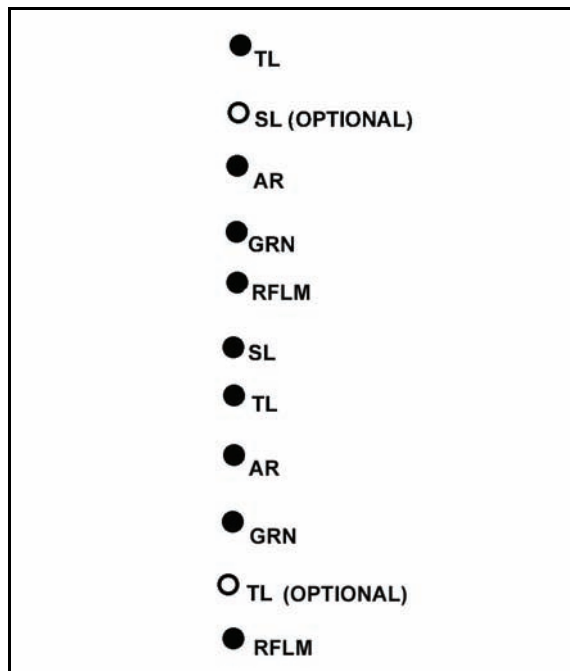


Figure 3-7. Squad file.

WEAPONS SQUAD MOVEMENT FORMATIONS

3-44. The weapons squad is not a rifle squad and should not be treated as such. During tactical movement the platoon leader has one of two options when it comes to positioning the weapons squad. The weapons squad can either travel together as a separate entity, or can be broken up and distributed throughout the formation. The advantage to keeping the weapons squad together is the ability to quickly generate a support by fire and gain fire superiority under the direction of the weapons squad leader. The disadvantage to this approach is the lack of redundancy throughout the formation. The advantage to distributing the weapons squad throughout the rifle squads is the coverage afforded to the entire formation. The disadvantage is losing the weapons squad leader as a single command and control element and the time required to reassemble the weapons squad if needed.

3-45. When the weapons squad travels dispersed, they can either be attached to squads or attached to the key leaders like the platoon leader, platoon sergeant, and weapons squad leader. There is no standard method for their employment. Rather, the platoon leader places the weapons using two criteria: ability to quickly generate fire superiority, and protection for these high value assets.

3-46. Like the rifle squad, the weapons squad, when traveling as a squad, uses either a column or line formation. Within these formations, the two sections can also be in column or line formation.

PLATOON FORMATIONS

3-47. The actual number of useful combinations of squad and fire team combat formations within the platoon combat formations is numerous, creating a significant training requirement for the unit. Add to that the requirement to modify formations with movement techniques, immediate action drills, and other techniques, and it is readily apparent that what the platoon leader needs is a couple of simple, effective strategies. These strategies should be detailed in the unit's SOPs. For a full description of each combat formation and advantages and disadvantages refer again to Table 3-1.

PLATOON LEADER RESPONSIBILITIES

3-48. Like the squad leader, the platoon leader exercises command and control primarily through his subordinates and moves in the formation where he can best achieve this. The squad and team leader execute the combat formations and movement techniques within their capabilities based on the platoon leader's guidance.

3-49. The platoon leader is responsible for 360-degree security, for ensuring that each subordinate unit's sectors of fire are mutually supporting, and for being able to rapidly transition the platoon upon contact. He adjusts the platoon's formation as necessary while moving, primarily through the three movement techniques (see Section III). Like the squad and team, this determination is a result of the task, the nature of the threat, the closeness of terrain, and the visibility.

3-50. The platoon leader is also responsible for ensuring his squads can perform their required actions. He does this through training before combat and rehearsals during combat. Well-trained squads are able to employ combat formations, movement techniques, actions on contact, and stationary formations.

PLATOON HEADQUARTERS

3-51. The platoon leader also has to decide how to disperse the platoon headquarters elements (himself, his RTO, his interpreter, the forward observer, the platoon sergeant, and the medic). These elements do not have a fixed position in the formations. Rather, they should be positioned where they can best accomplish their tasks. The platoon leader's element should be where he conducts actions on contact, where he can supervise navigation, and where he can communicate with higher. The FO's element should be where he can best see the battlefield and where he can communicate with the platoon leader and the battalion fire support officer (FSO). This is normally in close proximity to the platoon leader. The platoon sergeant's element should be wherever the platoon leader is not. Because of the platoon sergeant's experience, he should be given the freedom to assess the situation and advise the platoon leader accordingly. Typically, this means the platoon leader is more toward the front of the formation, while the platoon sergeant is more to the rear of the formation.

BASE SQUAD

3-52. The platoon leader designates one of the squads as the base squad. He controls the platoon's speed and direction of movement through the base squad, while the other squads and any attachments cue their movement off of the base squad.

MOVING AS PART OF A LARGER UNIT

3-53. Infantry platoons often move as part of a larger unit's movement. The next higher commander assigns the platoon a position within the formation. The platoon leader assigns his subordinates an

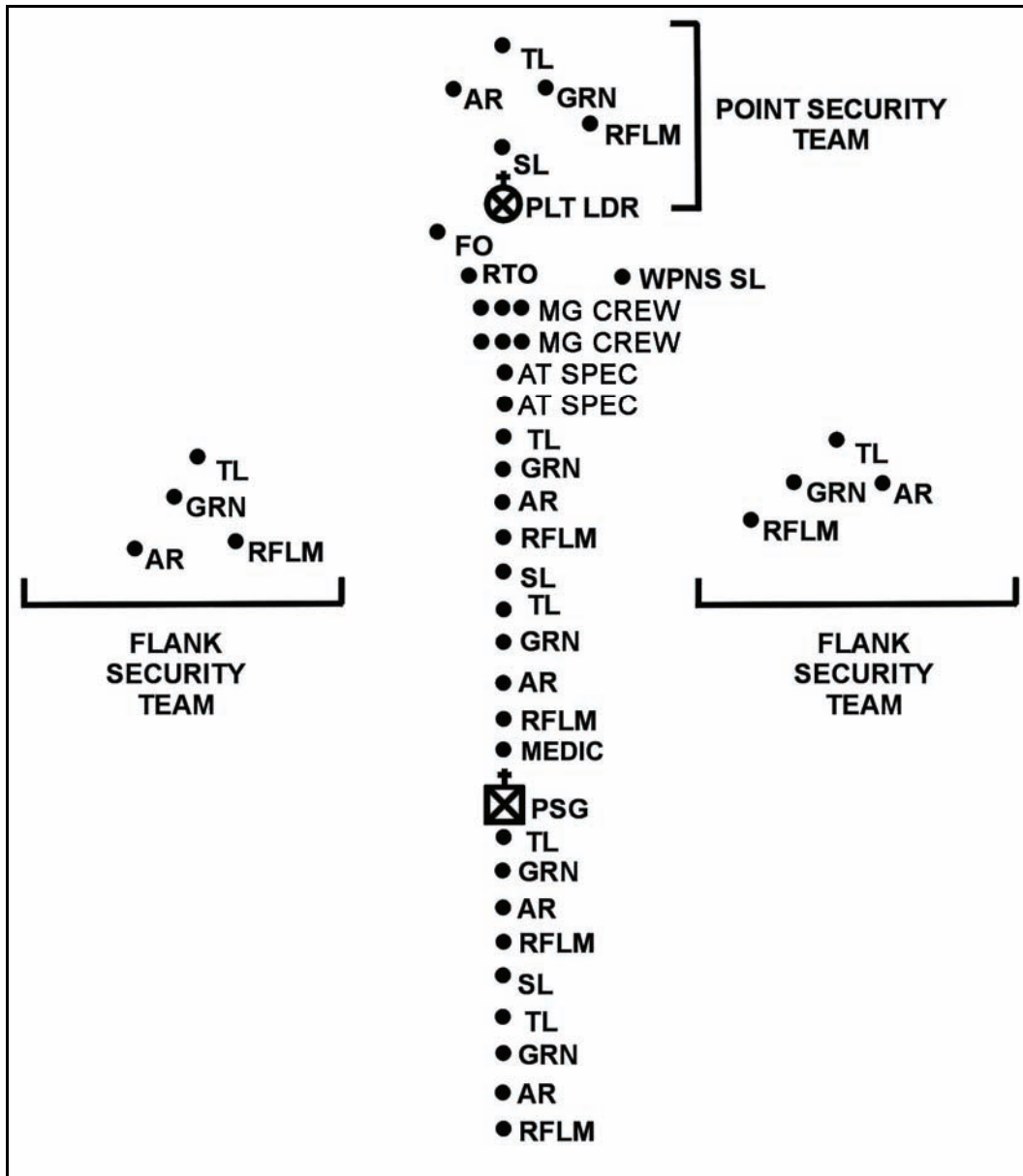


Figure 3-13. Platoon file.

SECTION III — MOVEMENT TECHNIQUES

3-65. Movement techniques are not fixed formations. They refer to the distances between Soldiers, teams, and squads that vary based on mission, enemy, terrain, visibility, and any other factor that affects control. There are three movement techniques: traveling; traveling overwatch; and bounding overwatch. The selection of a movement technique is based on the likelihood of enemy contact and the need for speed. Factors to consider for each technique are control, dispersion, speed, and security (Table 3-5). Individual movement techniques include high and low crawl, and three to five second rushes from one covered position to another (see FM 21-75, *Combat Skills of the Soldier*).

Table 3-5. Movement techniques and characteristics.

Movement Techniques	When Normally Used	CHARACTERISTICS			
		Control	Dispersion	Speed	Security
Traveling	Contact not likely	More	Less	Fastest	Least
Traveling overwatch	Contact possible	Less	More	Slower	More
Bounding overwatch	Contact expected	Most	Most	Slowest	Most

3-66. From these movement techniques, leaders are able to conduct actions on contact, making natural transitions to fire and movement as well as to conducting tactical mission tasks. When analyzing the situation, some enemy positions are known. However, most of the time enemy positions will only be likely (called templated positions). Templated positions are the leader's "best guess" based on analyzing the terrain and his knowledge of the enemy. Throughout the operation, leaders are continuously trying to confirm or deny both the known positions as well as the likely positions.

Methods of Maneuvering Subordinates

3-67. There are two methods of bounding the squads: successive; and alternate bounds. In successive bounds the lead element is always the same; in alternate bounds (called leapfrogging), the lead element changes each time (Figure 3-14).

Successive Bounds

3-68. If the platoon uses successive bounds, the lead squad, covered by the trail squad, advances and occupies a support-by-fire position. The trail squad advances to a support-by-fire position abreast of the lead squad and halts. The lead squad moves to the next position and the move continues. Only one squad moves at a time, and the trail squad avoids advancing beyond the lead squad.

Alternate Bounds

3-69. Covered by the rear squad, the lead squad moves forward, halts, and assumes overwatch positions. The rear squad advances past the lead squad and takes up overwatch positions. The initial lead squad then advances past the initial rear squad and takes up overwatch positions. Only one squad moves at a time. This method is usually more rapid than successive bounds.

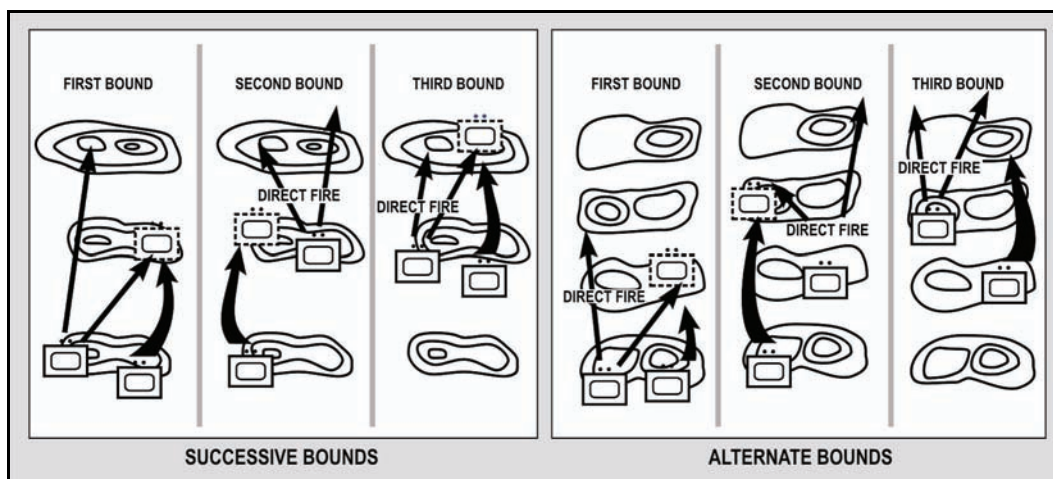


Figure 3-14. Successive and alternate bounds.

SQUAD MOVEMENT TECHNIQUES

3-70. The platoon leader determines and directs which movement technique the squad will use.

SQUAD TRAVELING

3-71. Traveling is used when contact with the enemy is not likely and speed is needed (Figure 3-15).

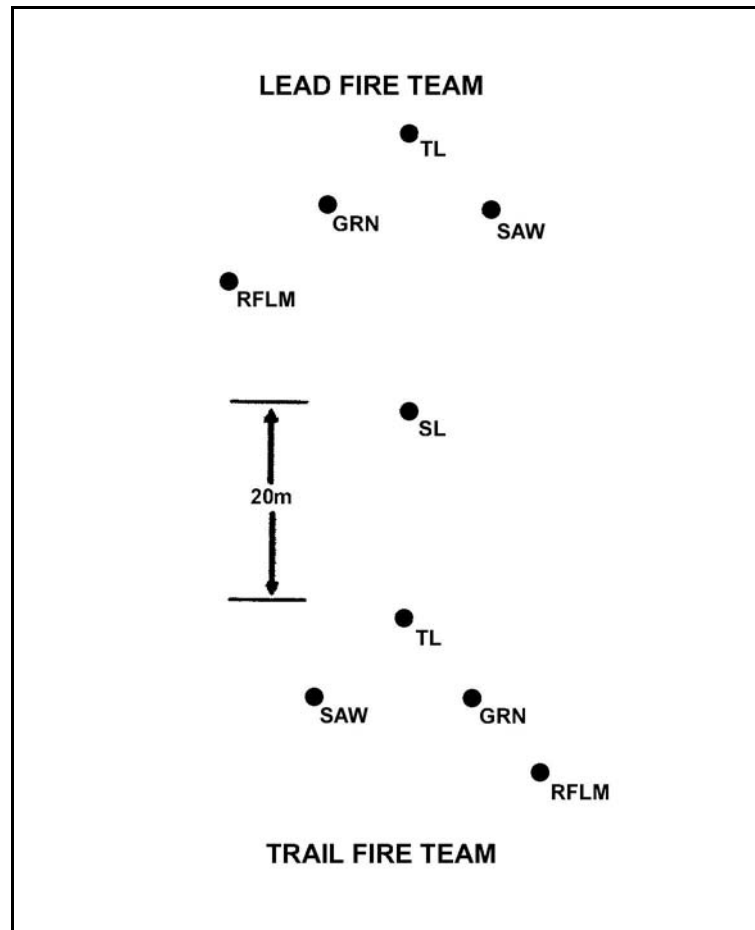


Figure 3-15. Squad traveling.

SQUAD TRAVELING OVERWATCH

3-72. Traveling overwatch is used when contact is possible. Attached weapons move near the squad leader and under his control so he can employ them quickly. Rifle squads normally move in column or wedge formation (Figure 3-16). Ideally, the lead team moves at least 50 meters in front of the rest of the element.

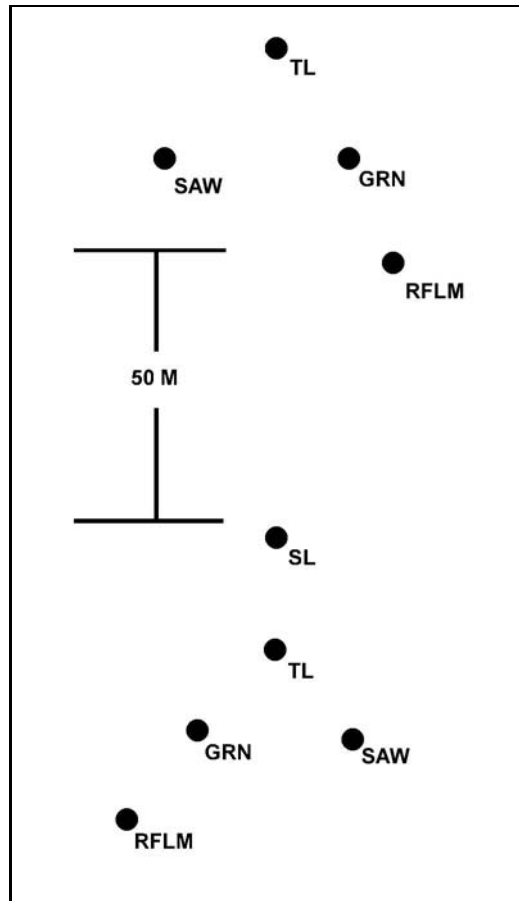


Figure 3-16. Squad traveling overwatch.

SQUAD BOUNDING OVERWATCH

3-73. Bounding overwatch is used when contact is expected, when the squad leader feels the enemy is near (based on movement, noise, reflection, trash, fresh tracks, or even a hunch), or when a large open danger area must be crossed. The lead fire team overwatches first. Soldiers in the overwatch team scan for enemy positions. The squad leader usually stays with the overwatch team. The trail fire team bounds and signals the squad leader when his team completes its bound and is prepared to overwatch the movement of the other team.

3-74. Both team leaders must know which team the squad leader will be with. The overwatching team leader must know the route and destination of the bounding team. The bounding team leader must know his team's destination and route, possible enemy locations, and actions to take when he arrives there. He must also know where the overwatching team will be and how he will receive his instructions (Figure 3-17). The cover and concealment on the bounding team's route dictates how its Soldiers move.

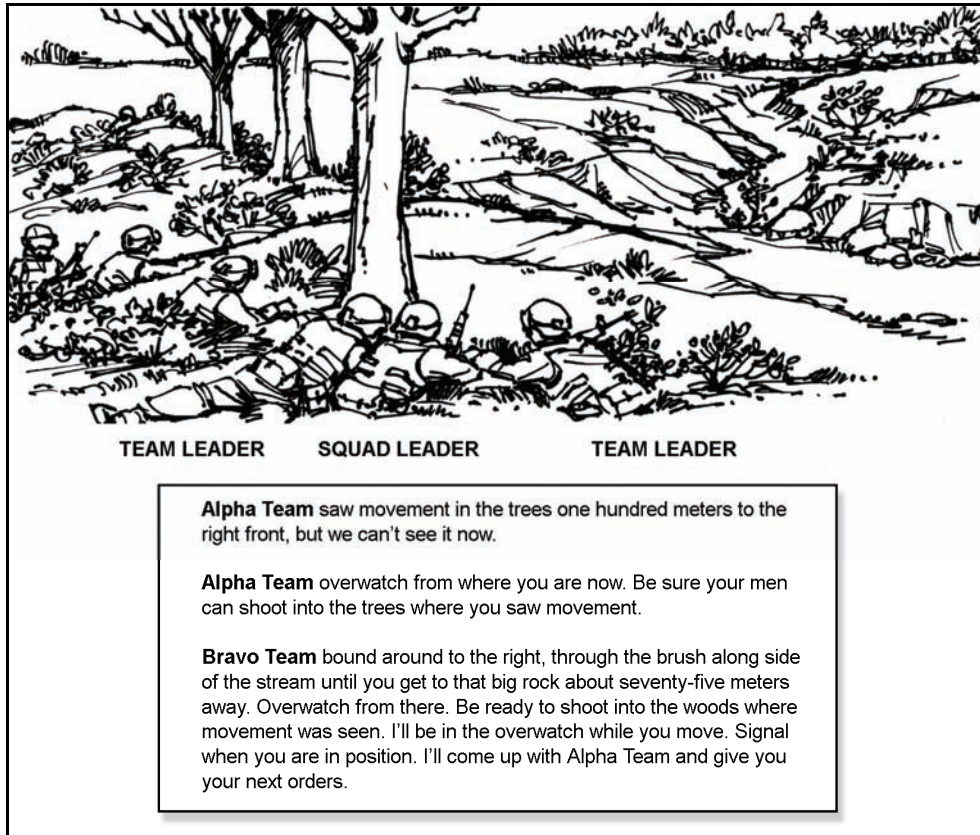


Figure 3-17. Squad bounding overwatch.

3-75. Teams can bound successively or alternately. Successive bounds are easier to control; alternate bounds can be faster (Figure 3-18).

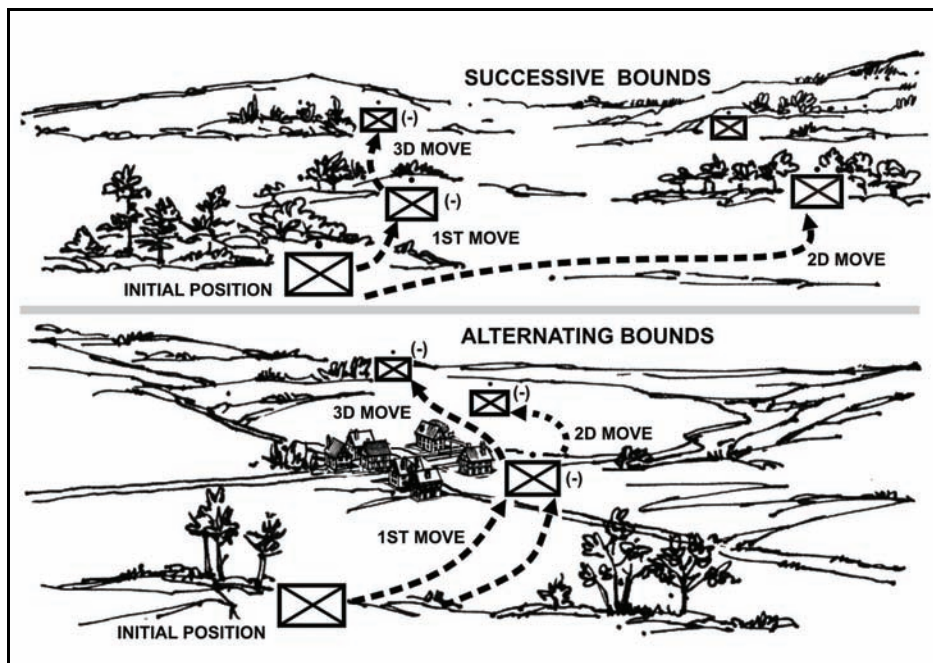


Figure 3-18. Squad successive and alternate bounds.

DESIGNATE RALLY POINTS

3-121. A rally point is a place designated by the leader where the unit moves to reassemble and reorganize if it becomes dispersed. It can also be a place for a temporarily halt to reorganize and prepare for actions at the objective, to depart from friendly lines, or to reenter friendly lines (FM 1-02). Planned and unplanned rally points are common control measures used during tactical movement. Planned rally points include objective rally point(s) (ORP), initial rally point(s) (IRP), and reentry rally point(s) (RRP). Unplanned rally points are enroute rally points, near side rally points, and far side rally points. Despite the different types of rally points, the actions that occur there are generally the same.

3-122. Prior to departing, leaders designate tentative rally points and determine what actions will occur there. When occupying a rally point, leaders use a perimeter defense to ensure all-around security. Those rally points used to reassemble the unit after an event are likely to be chaotic scenes and will require immediate actions by whatever Soldiers happen to arrive. These actions and other considerations are listed in Table 3-6.

Table 3-6. Actions at rally point.

Rally Points	Soldier Actions at an RP	Other Considerations
<p>Select a rally point that—</p> <ul style="list-style-type: none"> • Is easily recognized. • Is large enough for the unit to assemble. • Offers cover and concealment. • Is defensible for a short time. • Is away from normal movement routes and natural lines of drift. <p>Designate a rally point by one of the following three ways:</p> <ul style="list-style-type: none"> • Physically occupy it for a short period. • Use hand-and-arm signals (either pass by at a distance or walk through). • Radio communication. 	<ul style="list-style-type: none"> • Establish security. • Reestablish the chain of command. • Account for personnel and equipment status. • Determine how long to wait until continuing the unit's mission or linkup at a follow-on RP. • Complete last instructions. 	<ul style="list-style-type: none"> • Travel time and distance. • Maneuver room needed. • Adjacent unit coordination requirements. • Line of sight and range requirements for communication equipment. • Trafficability and load bearing capacity of the soil (especially when mounted). • Ability to surprise the enemy. • Ability to prevent being surprised by the enemy. • Energy expenditure of Soldiers and condition they will be in at the end of the movement.

SECTION V — ACTIONS AT DANGER AREAS

3-123. When analyzing the terrain (in the METT-TC analysis) during the TLP, the platoon leader may identify danger areas. When planning the route, the platoon leader marks the danger areas on his overlay. The term *danger area* refers to any area on the route where the terrain could expose the platoon to enemy observation, fire, or both. If possible, the platoon leader plans to avoid danger areas, but sometimes he cannot. When the unit must cross a danger area, it does so as quickly and as carefully as possible. During planning, the leader designates near-side and far-side rally points. If the platoon encounters an unexpected danger area, it uses the en route rally points closest to the danger area as far-side and near-side rally points. Examples of danger areas include—

- **Open Areas.** Conceal the platoon on the near side and observe the area. Post security to give early warning. Send an element across to clear the far side. When cleared, cross the remainder of the platoon at the shortest exposed distance and as quickly as possible.
- **Roads and Trails.** Cross roads or trails at or near a bend, a narrow spot, or on low ground.

- **Villages.** Pass villages on the downwind side and well away from them. Avoid animals, especially dogs, which might reveal the presence of the platoon.
- **Enemy Positions.** Pass on the downwind side (the enemy might have scout dogs). Be alert for trip wires and warning devices.
- **Minefields.** Bypass minefields if at all possible, even if it requires changing the route by a great distance. Clear a path through minefields only if necessary.
- **Streams.** Select a narrow spot in the stream that offers concealment on both banks. Observe the far side carefully. Emplace near- and far-side security for early warning. Clear the far side and then cross rapidly but quietly.
- **Wire Obstacles.** Avoid wire obstacles (the enemy covers obstacles with observation and fire).

CROSSING OF DANGER AREAS

3-124. Regardless of the type of danger area, when the platoon must cross one independently, or as the lead element of a larger force, it must perform the following:

- When the lead team signals "danger area" (relayed throughout the platoon), the platoon halts.
- The platoon leader moves forward, confirms the danger area, and determines what technique the platoon will use to cross. The platoon sergeant also moves forward to the platoon leader.
- The platoon leader informs all squad leaders of the situation and the near-side and far-side rally points.
- The platoon sergeant directs positioning of the near-side security (usually conducted by the trail squad). These two security teams may follow him forward when the platoon halts and a danger area signal is passed back.
- The platoon leader reconnoiters the danger area and selects the crossing point that provides the best cover and concealment.
- Near-side security observes to the flanks and overmatches the crossing.
- When the near-side security is in place, the platoon leader directs the far-side security team to cross the danger area.
- The far-side security team clears the far side.
- The far-side security team leader establishes an observation post forward of the cleared area.
- The far-side security team signals to the squad leader that the area is clear. The squad leader relays the message to the platoon leader.
- The platoon leader selects the method the platoon will use to cross the danger area.
- The platoon quickly and quietly crosses the danger area.
- Once across the danger area, the main body begins moving slowly on the required azimuth.
- The near-side security element, controlled by the platoon sergeant, crosses the danger area where the platoon crossed. They may attempt to cover any tracks left by the platoon.
- The platoon sergeant ensures everyone crosses and sends up the report.
- The platoon leader ensures accountability and resumes movement at normal speed.

NOTE: The same principles stated above are used when crossing a smaller unit (such as a squad) across a danger area.

3-125. The platoon leader or squad leader decides how the unit will cross based on the time he has, size of the unit, size of the danger area, fields of fire into the area, and the amount of security he can post. An Infantry platoon or squad may cross all at once, in buddy teams, or one Soldier at a time. A large unit normally crosses its elements one at a time. As each element crosses, it moves to an overwatch position or to the far-side rally point until told to continue movement.

CROSSING OF LINEAR DANGER AREAS (PLATOON)

3-126. A linear danger area is an area where the platoon's flanks are exposed along a relatively narrow field of fire. Examples include streets, roads, trails, and streams. The platoon crosses a linear danger area in the formation and location specified by the platoon leader (Figure 3-24).

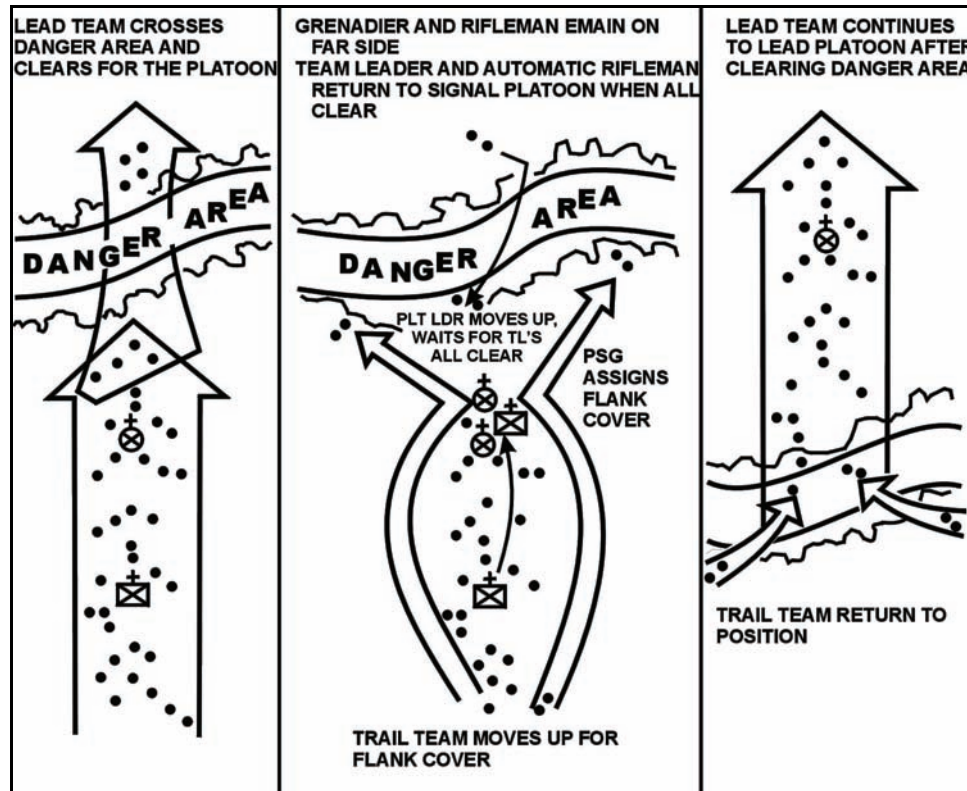


Figure 3-24. Crossing a linear danger area.

CROSSING OF LARGE OPEN AREAS

3-127. If the large open area is so large that the platoon cannot bypass it due to the time needed to accomplish the mission, a combination of traveling overwatch and bounding overwatch is used to cross the large open area (Figure 3-25). The traveling overwatch technique is used to save time. The squad or platoon moves using the bounding overwatch technique at any point in the open area where enemy contact may be expected. The technique may also be used once the squad or platoon comes within range of enemy small-arms fire from the far side (about 250 meters). Once beyond the open area, the squad or platoon re-forms and continues the mission.

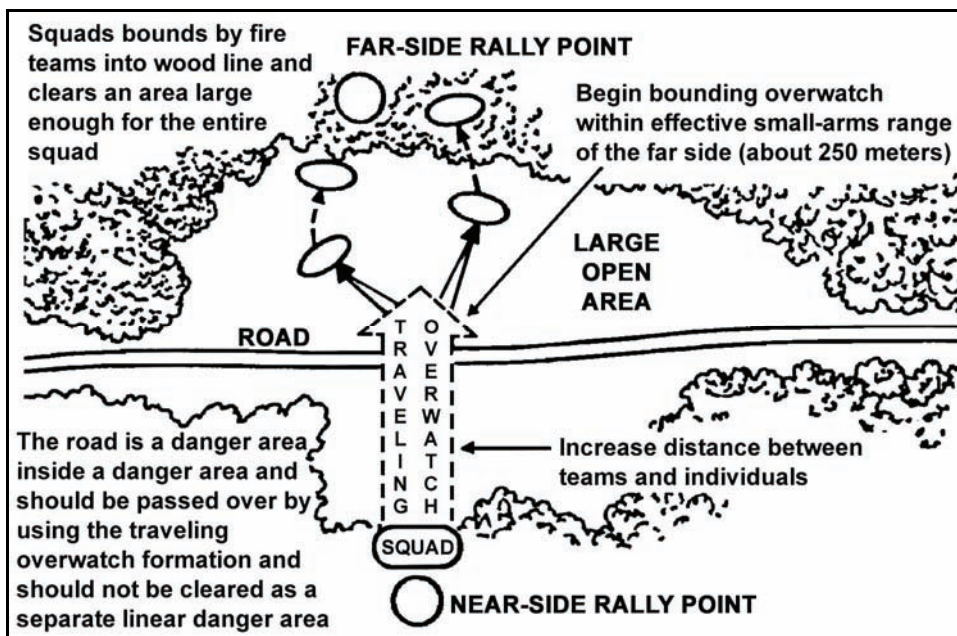


Figure 3-25. Crossing a large open area.

CROSSING OF SMALL OPEN AREAS

3-128. Small open areas are small enough to bypass in the time allowed for the mission. Two techniques can be used (Figure 3-26).

Contouring Around the Open Area

3-129. The leader designates a rally point on the far side with the movement azimuth. He then decides which side of the open area to contour around (after considering the distance, terrain, cover and concealment), and moves around the open area. He uses the wood line and vegetation for cover and concealment. When the squad or platoon arrives at the rally point on the far side, the leader reassumes the azimuth to the objective area and continues the mission (Figure 3-26).

Detour Bypass Method

3-130. The squad or platoon turns 90 degrees to the right or left around the open area and moves in the direction of travel. Once the squad or platoon has passed the danger area, the unit completes the box with another 90-degree turn and arrives at the far-side rally point, then continues the mission. The pace count of the offset and return legs is not added to the distance of the planned route (Figure 3-26).

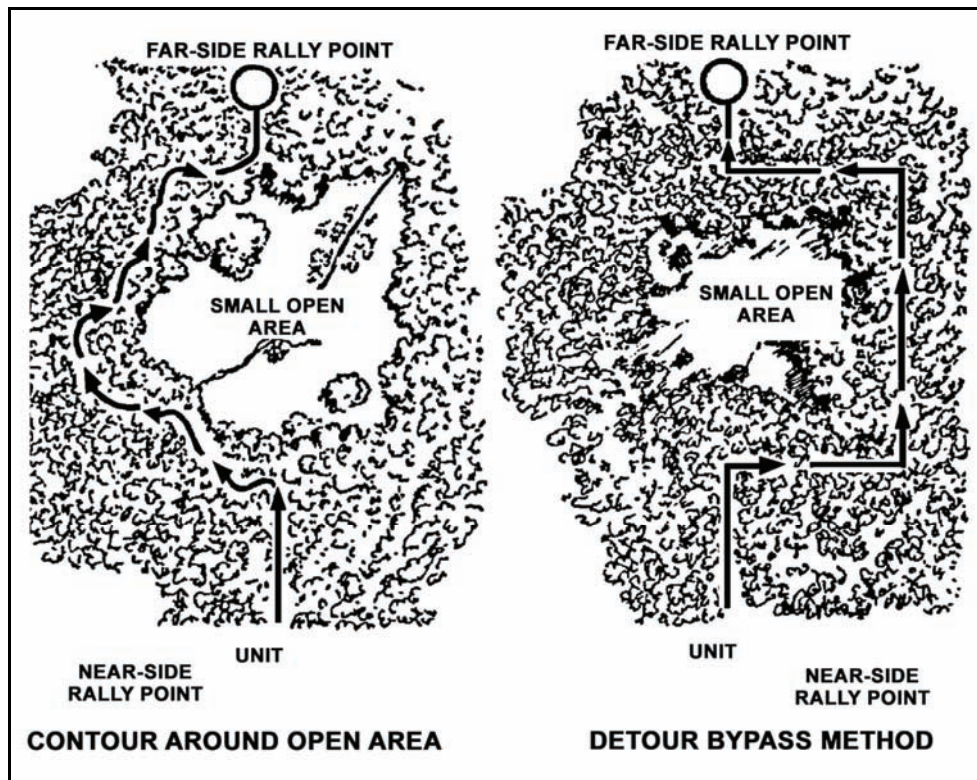


Figure 3-26. Crossing a small open area.

ENEMY CONTACT AT DANGER AREAS

3-131. An increased awareness of the situation helps the platoon leader control the platoon when it makes contact with the enemy. If the platoon makes contact in or near the danger area, it moves to the designated rally points. Based on the direction of enemy contact, the leader still designates the far- or near-side rally point. During limited visibility, he can also use his laser systems to point out the rally points at a distance. If the platoon has a difficult time linking up at the rally point, the first element to arrive should mark the rally point with an infrared light source. This will help direct the rest of the platoon to the location. During movement to the rally point, position updates allow separated elements to identify each other's locations. These updates help them link up at the rally point by identifying friends and foes.

SECTION VI — MOVEMENT WITH COMBAT VEHICLES

3-132. There are several options available to the platoon leader when augmented with vehicles. The platoon leader should employ the vehicles in conjunction with the rifle squads so each complements the other. Some options include—

- Employ them to support the Infantry rifle squads.
- Employ them separately to provide heavy direct fires or antiarmor fires.
- Leave in hide positions.
- Displace them to a secure location.

COMBAT VEHICLE AND INFANTRY SQUAD FORMATIONS

3-133. The principles of METT-TC guide the leader in selecting formations for combat vehicles and Infantry. The same principles for selecting combat formations with Infantrymen apply when selecting combat formations for combat vehicles moving with Infantrymen. The platoon leader can employ a variety



Figure 3-34. Dismounting and clearing the area.

SECTION VII — SECURITY

3-153. Maintaining security is a constant theme of tactical movement. Effective security can prevent enemy surprise. Security therefore requires everyone to concentrate on the enemy. Though this seems simple enough, in practice, it is not. This means that leaders and their Soldiers must be proficient in the basics of tactical movement. Failure to attain proficiency diverts attention away from the enemy, thereby directly reducing the unit's ability to fight.

3-154. Platoons and squads enhance their own security during movement through the use of covered and concealed terrain; the use of the appropriate movement formation and technique; the actions taken to secure danger areas during crossing; the enforcement of noise, light, and radiotelephone discipline; and the use of proper individual camouflage techniques.

3-155. During planning and preparation for movement, leaders analyze the enemy situation, determine known and likely enemy positions, and develop possible enemy courses of action. After first considering the enemy, leaders determine what security measures to emplace during tactical movement.

ENEMY

3-156. Leaders have to decide whether they are going to move aggressively to make contact, or stealthily to avoid contact. Either way, the leader has to anticipate enemy contact throughout. If possible, leaders should avoid routes with obvious danger areas such as built-up areas, roads, trails, and known enemy

positions. If these places cannot be avoided, risk management should be conducted to develop ways to reduce danger to the unit. If stealth is desired, the route should avoid contact with local inhabitants, built-up areas, and natural lines of drift.

3-157. Movement techniques help the leader manage the amount of security his unit has during movement. Traveling is the least secure and used when contact is not likely. Traveling overwatch is used when contact is likely but not imminent. Bounding overwatch is used when contact is imminent. Leaders establish the probable line of deployment (PLD) to indicate where the transition from traveling overwatch to bounding overwatch should occur. When in contact with the enemy, the unit transitions from movement to maneuver (fire and movement) while the leader conducts actions on contact (Figure 3-35).

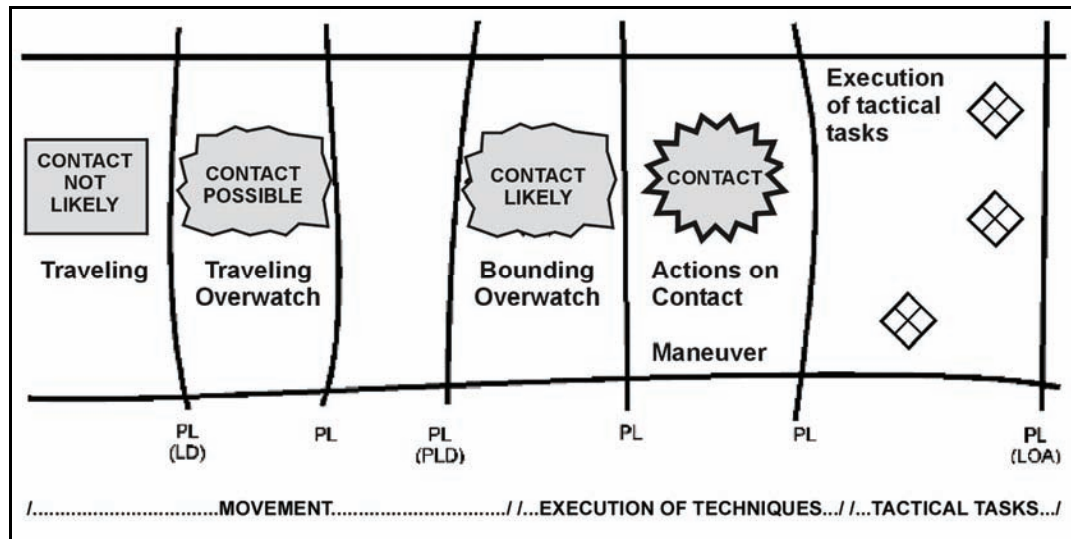


Figure 3-35. Movement to maneuver.

TERRAIN

3-158. When planning movements, the leader must consider how terrain affects security while simultaneously considering the other factors of METT-TC. Some missions may require the unit to move on other than covered and concealed routes. While leaders may not be able to prevent the unit's detection, they can ensure that they move on the battlefield in a time and place for which the enemy is unprepared. Particularly when moving in the open, leaders must avoid predictability and continue to use terrain to their advantage.

CAMOUFLAGE, NOISE, AND LIGHT DISCIPLINE

3-159. Leaders must ensure that camouflage used by their Soldiers is appropriate to the terrain and season. Platoon SOPs specify elements of noise and light discipline.

3-160. If Soldiers need more illumination than an image intensifier can provide in infrared mode during movement, they should use additional infrared light sources. The combination should provide the light needed with the least risk of enemy detection. When using infrared light, leaders must consider the enemy's night vision and infrared capabilities. For instance, an enemy with night vision capability can send infrared light signals, and he can concentrate direct and indirect fire on a platoon that is using infrared light.

SECURITY AT HALTS

3-161. Units conducting tactical movement frequently make temporary halts. These halts range from brief to extended periods of time. For short halts, platoons use a cigar-shaped perimeter intended to protect the

force while maintaining the ability to continue movement. When the platoon leader decides not to immediately resume tactical movement, he transitions the platoon to a perimeter defense. The perimeter defense is used for longer halts or during lulls in combat.

CIGAR-SHAPED PERIMETER

3-162. When the unit halts, if terrain permits, Soldiers should move off the route and face out to cover the same sectors of fire they were assigned while moving, allowing passage through the center of the formation. This results in a cigar-shaped perimeter. Actions by subordinate leaders and their Soldiers occur without an order from the leader. Soldiers are repositioned as necessary to take advantage of the best cover, concealment, and fields of fire.

PERIMETER DEFENSE

3-163. When operating independently, the platoon uses a perimeter defense during extended halts, resupply, and issuing platoon orders or lulls in combat. Normally the unit first occupies a short halt formation. Then after conducting a leader's reconnaissance of the position and establishing security, the unit moves into the perimeter defense.

ACTIONS AT HALTS

3-164. Table 3-7 lists the standard actions taken at halts.

Table 3-7. Actions at halts.

Soldier (or Vehicle) Actions*	Squad Leader (or Section Leader) Actions	Platoon Leader Actions
<ul style="list-style-type: none"> • Moves to as much of a covered and concealed position as available. • Visually inspects and physically clears his immediate surroundings (a roughly 5-25m radius around his position). • Establishes a sector of fire for his assigned weapon (using 12 o'clock as the direction the Soldier is facing, the Soldier's sector of fire ranges from 10 o'clock to 2 o'clock). • Determines his observation and field of fire. Identifies dead space in his field of fire. • Identifies obstacles and determines enemy avenues of approach (both mounted and dismounted). • Identifies the dominant ground in his immediate surroundings. • Coordinates his actions with the Soldiers (or vehicles) on his left and right. <p>(*These actions occur without leader prompting.)</p>	<ul style="list-style-type: none"> • Adjusts his perimeter. <ul style="list-style-type: none"> ▪ If operating independently, the squad leader establishes 360-degree, three-dimensional security. ▪ Attempts to find terrain that anchors his position. ▪ If operating as part of a platoon, the squad leader arrays his teams to best fit into the platoon leader's defensive scheme, based on the platoon leader's guidance. • Visually inspects and physically clears (if required) the squad's immediate surrounding (about 35m, the distance within hand grenade range). • Ensures his squad's individual sectors of fire overlap with each other, creating a seamless perimeter with no gaps of fire coverage. • Identifies his dead space and adjusts his M203 grenadiers accordingly. • Identifies obstacles and the likely enemy avenue of approach (mounted and dismounted). • Identifies the dominant ground in his area of operation. • Coordinates responsibilities and sectors with the units on his left and right. 	<ul style="list-style-type: none"> • Adjusts his perimeter. <ul style="list-style-type: none"> ▪ If operating independently, he establishes 360-degree, three-dimensional security. ▪ If operating as part of another organization, he arrays his squads to best fit into the controlling commander's defensive scheme. ▪ Supervises the emplacement of the weapons squad's weapon systems. • Dispatches an element (usually a fire team) to visually inspect and physically clear the platoon's immediate surrounding (an area out to small arms range, roughly 100-300m depending on terrain). • Ensures his squads' sectors of fire overlap with each other, creating a seamless perimeter with no gaps of fire coverage. • Identifies his dead space not covered and requests indirect fire support to overwatch dead space in the area of operation. • Identifies obstacles and the likely enemy avenue of approach (mounted and dismounted). • Identifies the dominant ground in his area of operation. • Coordinates with the units on his left and right.

SECTION VIII — OTHER MOVEMENT SITUATIONS

3-165. The platoon can use other formations for movement.

ADMINISTRATIVE MOVEMENT

3-166. Administrative movement is normally planned by the S4 as movements in which vehicles and Soldiers are arranged to expedite movement and conserve time and resources. No enemy interference is anticipated when planning administrative movement.

Student Handout 4

Extracted Material from FM 21-60, Visual Signals

This student handout contains 13 pages of extracted material from the following publication:

FM 21-60, Visual Signals, Sep 87.

Chapter	Page(s)
Chapter 2	2-12 thru 2-24

Disclaimer: The training developer downloaded the extracted material from the Army Publishing Directorate (USAPA) Homepage. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

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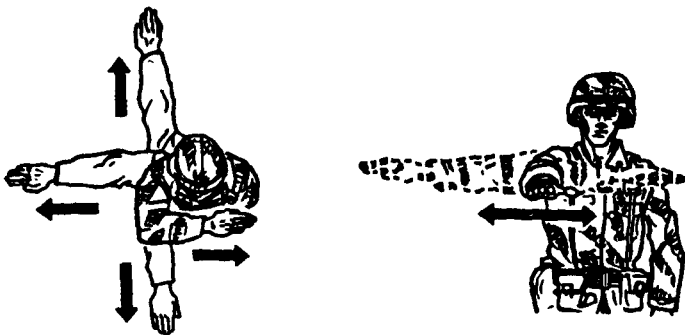
Strike the fist of one hand several times in rapid succession against the palm of the other hand.

Figure 2-28. OUT OF ACTION.

2-4. Signals for Combat Formations and Battle Drills

a. Signals, General (Figures 2-29 through 2-57).

- (1) Leaders of dismounted units use arm-and-hand signals to control the movement of individuals, teams, and squads. These signals are used by infantry and also by combat support and combat service support elements organized for infantry missions (Figures 2-29 through 2-45).
- (2) Leaders of mounted units use arm-and-hand signals to control individual vehicles and platoon movement. When distances between vehicles increase, flags (wrapped and tied) can be used as an extension of the arm to give the signals. From some vehicles (for example, Bradley, M2), the arm-and-hand signals will be distorted (Figures 2-46 through 2-50).
- (3) Signals for drills are illustrated in Figures 2-51 through 2-57.



Extend either arm vertically overhead; wave the arm and hand to the front, left, right, and rear, with the palm toward the direction of each movement.

Figure 2-29. DISPERSE.



Raise the arm vertically overhead, palm to the front, and wave in large, horizontal circles.

NOTE: Signal is normally followed by the signaler pointing to the assembly or rally site.

Figure 2-30. ASSEMBLE or RALLY.



Point toward person(s) or unit(s); beckon by holding the arm horizontally to the front, palm up, and motioning toward the body.

Figure 2-31. JOIN ME, FOLLOW ME, or COME FORWARD.

Simulate the movement of the right hand in removing the bayonet from the scabbard and fixing it on the rifle.



Figure 2-32. FIX BAYONETS.

Raise the fist to the shoulder; thrust the fist upward to the full extent of the arm and back to shoulder level; do this rapidly several times.



Figure 2-33. INCREASE SPEED, DOUBLE TIME, or RUSH.

Extend the arm horizontally sideward, palm to the front, and wave the arm slightly downward several times, keeping the arm straight. Do not move the arm above the horizontal.

NOTE: This is the same signal as SLOW DOWN when directing vehicles (Figure 2-13). The difference in meaning must be understood from the context in which they are used.



Figure 2-34. QUICK TIME.



Hold the rifle in the ready position at shoulder level. Point the rifle in the direction of the enemy.

Figure 2-35. ENEMY IN SIGHT.



Extend the arm at a 45-degree angle from the side, above the horizontal, palm down, and then lower the arm to the side.

Figure 2-36. TAKE COVER.



Extend the arms downward and to the sides at an angle of 45-degrees below the horizontal, palms to the front.

Figure 2-37. WEDGE.

Raise the arms and extend them 45 degrees above the horizontal.



Figure 2-38. VEE.



Extend the arms parallel to the ground.

Figure 2-39. LINE.

Raise one arm above the head and rotate it in a small circle.



Figure 2-40. COIL.



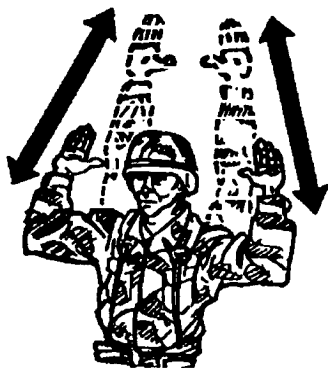
Extend the right arm and raise it 45 degrees above the shoulder. Extend the left arm 45 degrees below the horizontal and point toward the ground.

Figure 2-41. ECHELON LEFT.



Extend the left arm and raise it 45 degrees above the shoulder. Extend the right arm 45 degrees below the horizontal and point toward the ground.

Figure 2-42. ECHELON RIGHT.



Extend the arms so that upper arms are parallel to the ground and the forearms are perpendicular. Raise the arms so they are fully extended above the head. Repeat.

Figure 2-43. STAGGERED COLUMN.

Raise and extend the arm overhead. Move it to the right and left. Continue until the formation is executed.



Figure 2-44. COLUMN.

Extend the arms parallel to ground. Bend the arms until the forearms are perpendicular. Repeat.



Figure 2-45 HERRINGBONE

b. Mechanized Movement Techniques. Signals for movement techniques are used by mechanized units to indicate which manner of traversing terrain will be used by a unit (Figures 2-46 through 2-50).

Extend the arm overhead and swing it in a circle from the shoulder.

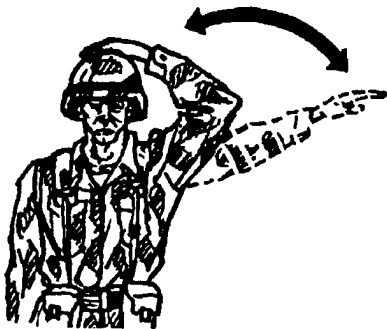


Figure 2-46. TRAVELING.



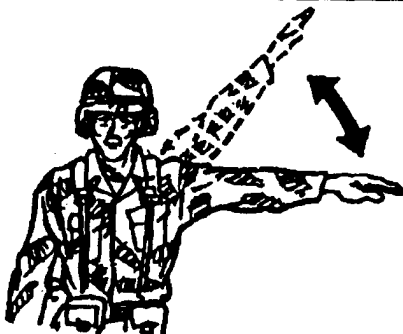
Extend both arms and raise them up and down.

Figure 2-47. TRAVELING OVERWATCH.



Extend one arm to a 45-degree angle. Bend the arm and tap the helmet. Repeat.

Figure 2-48. BOUNDING OVERWATCH. COVER MY MOVE.



Extend the arm to the left and raise it up and down.

Figure 2-49. MOVE TO LEFT.

Extend the arm to the right and raise it up and down.

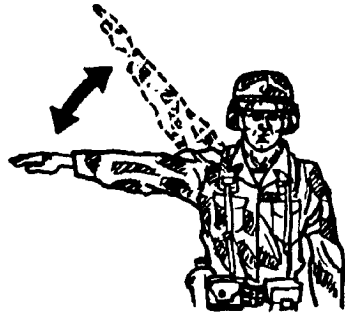


Figure 2-50 MOVE TO RIGHT

- c. **Drills.** Drills are a rapid, reflexive response executed by a small unit. These signals are used to initiate drills (Figures 2-51 through 2-57).

Extend the left arm parallel to the ground. Bend the arm until the forearm is perpendicular. Repeat.

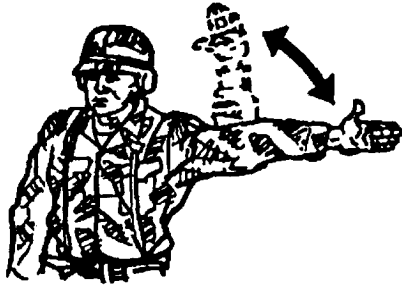


Figure 2-51. CONTACT LEFT.

Extend the right arm parallel to the ground. Bend the arm until the forearm is perpendicular. Repeat.

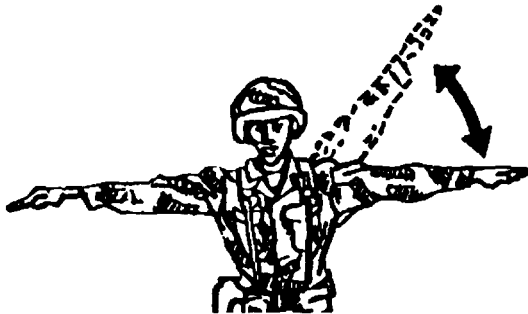


Figure 2-52. CONTACT RIGHT.



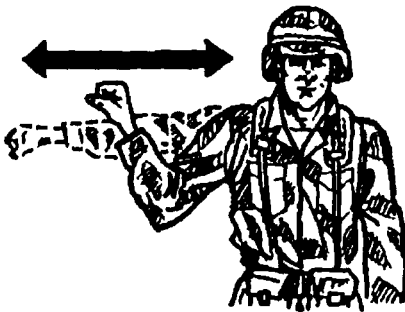
Extend both arms parallel to the ground. Raise the right arm until it is overhead. Repeat.

Figure 2-53. ACTION LEFT.



Extend both arms parallel to the ground. Raise the left arm until it is overhead. Repeat.

Figure 2-54. ACTION RIGHT.



Raise the fist to shoulder level and thrust it several times in the desired direction of action.

Figure 2-55. ACTION FRONT (RIGHT, LEFT or REAR), FIGHT ON FOOT, or ASSAULT FIRE (DISMOUNTED TROOPS).

Bend the arms with forearms at a 45-degree angle. The forearms are crossed. Repeat.

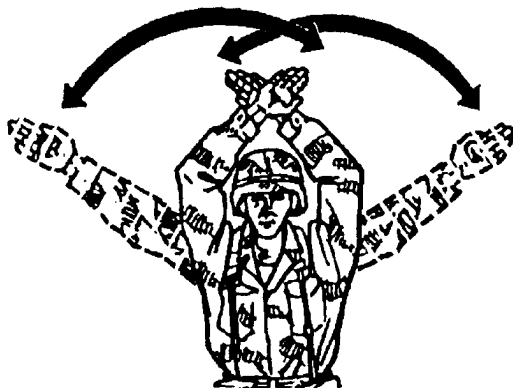


Figure 2-56. AIR ATTACK.



Extend the arms and fists. Bend the arms to the shoulders. Repeat.

Figure 2-57. NUCLEAR, BIOLOGICAL, CHEMICAL ATTACK.

2-5. Patrolling Arm-and-Hand Signals

Patrolling is conducted by many type units. Infantry units patrol in order to conduct combat operations. Other units patrol for reconnaissance and security. Successful patrols require clearly understood communication signals among members of a patrol (Figures 2-58 through 2-63).



Point at the palm of one hand with the index finger of the other hand.

Figure 2-58. MAP CHECK.



Tap the heel of boot repeatedly with an open hand.

Figure 2-59. PACE COUNT.



Raise the hand to the ear with the thumb and little finger extended.

Figure 2-60. RADIOTELEPHONE OPERATOR FORWARD.

Tap the back of the helmet repeatedly with an open hand.



Figure 2-61. HEAD COUNT.

Draw the right hand, palm down, across the neck in a throat-cutting motion from left to right.

NOTE: This movement is the same as Figure 2-17, STOP ENGINES. The difference in meanings is understood from the context in which it is used.



Figure 2-62. DANGER AREA.

Raise the fist to head level.



Figure 2-63. FREEZE.

Student Handout 5

Extracted Material from STP 21-1-SMCT, Soldier's Manual of Common Tasks Warrior Skills Level 1

This student handout contains nine pages extracted material from The following publication:

STP 21-1-SMCT, Soldier's Manual of Common Tasks Warrior Skills Level 1.
18 Jun 2009

Chapter	Page(s)
Chapter 3	3-167 thru 3-172 and 3-606 thru 3-608

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Performance Steps

2. The distances between Soldiers in the formation depend on the terrain, visibility, and control factors. The normal interval in daylight is about 10 meters. Formations should not be held rigid but should vary based on mission, enemy, terrain and weather, troops and support available, time available, civil considerations (METT-TC).
 - a. The interval is increased in open terrain.
 - b. The interval is decreased when underbrush, terrain, darkness, smoke, or dense fog limits visibility.
 - c. The normal interval is resumed as soon as conditions permit.

Evaluation Preparation: *Setup:* Test this task during a platoon or larger tactical exercise. The fully combat-equipped Soldier moves as part of a fire team, operating as part of a platoon conducting a dismounted movement to contact. The Soldier may act in any duty position except team leader.

Brief Soldier: Tell the Soldier that as a member of a fire team moving within the fire team formation, the Soldier must use proper movement techniques within the formation as dictated by terrain and visibility and that the Soldier must follow the team leader's instructions or signals.

Performance Measures	GO	NO GO
1. Kept relative distance within the formation.	_____	_____
2. Maintained visual contact with the team leader.	_____	_____
3. Performed the same action as the team leader while maintaining relative position.	_____	_____
4. Maintained the appropriate interval within the formation based on visibility, terrain, and the team leader's instructions and signals.	_____	_____
5. Assumed the proper position within the formation as the formation changed.	_____	_____

Evaluation Guidance: Refer to chapter 1, paragraph 1-9e, (1) and (2).

References

Required:

Related: FM 3-21.8 (FM 7-8), FM 7-7, and FM 3-21.71

071-326-0502

Move Under Direct Fire

Conditions: As a member of a two-man team, given a tactical situation where you must approach an enemy position from a distance of 250 to 300 meters across varied terrain; an M16A1 rifle or M203 grenade launcher; load-carrying equipment (LCE).

Standards: Move within 100 meters of the enemy position. Use the correct individual tactical fire and movement techniques dictated by terrain features. Coordinate movement with team members and provide covering fire for each member.

SH-5-2

Performance Steps

1. Select an individual movement route within your team, or squad route or axis of advance (figure 071-326-0502-1).

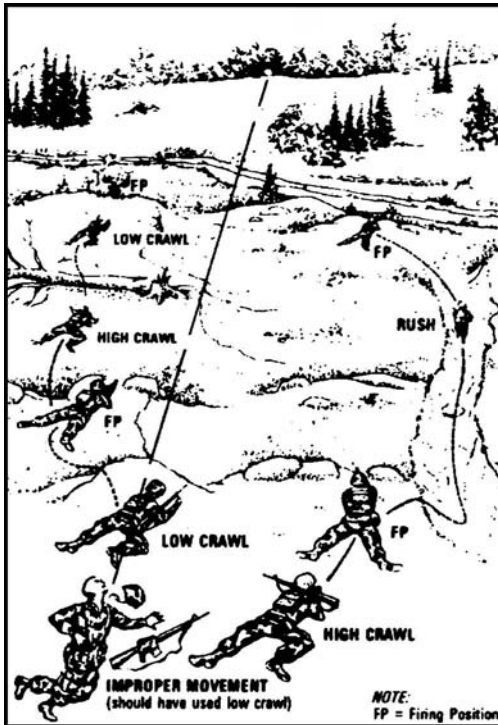


Figure 071-326-0502-1. Individual movement route

- a. Search the terrain to your front for—

- (1) A gully, ravine, ditch, or wall at a slight angle to your direction of movement.

Note: These features provide cover and concealment when using the low or high crawl.

- (2) Hedgerows or a line of thick vegetation.

Note: These features provide concealment only during the low or high crawl.

- (3) Large trees, rocks, stumps, fallen timber, rubble, vehicle hulks, folds, or creases in the ground.

Note: These features provide cover and concealment for use as temporary positions. Use the rush if the area between them has no concealment.

- (4) High grass or weeds.

Note: These features provide only partial concealment. You can use the rush because using the high or low crawl could move vegetation and reveal your location.

Performance Steps

- c. Cradle your weapon in your arms, keeping its muzzle off the ground.
 - d. Keep your knees well behind your buttocks, so your buttocks stays low.
 - e. Move forward by alternately advancing your right elbow and left knee, then your left elbow and right knee.
5. Use the low crawl (figure 071-326-0502-3).

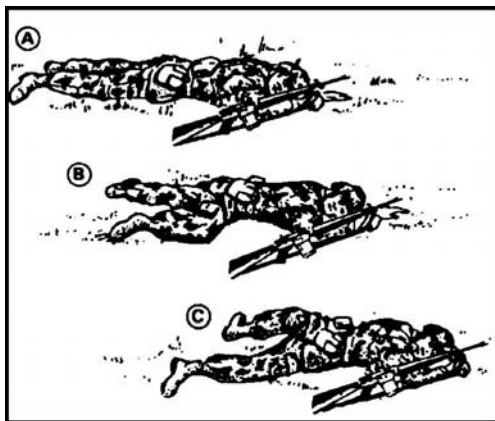


Figure 071-326-0502-3. Low crawl

- a. Keep your body as flat as possible to the ground.
- b. Hold your weapon by grasping the sling at the upper sling swivel and letting the handguard rest on your forearm. Let the butt of the weapon drag on the ground. This will help you keep the muzzle off the ground.
- c. Move forward by—
 - (1) Pushing both arms forward while pulling your right leg forward.
 - (2) Pulling with both arms while pushing with your right leg.
 - (3) Continuing this push-pull movement until you reach your next position, changing your pushing leg frequently to avoid fatigue.

6. When enemy fire allows brief exposure, use the rush to move from one covered position to another (figure 071-326-0502-4).

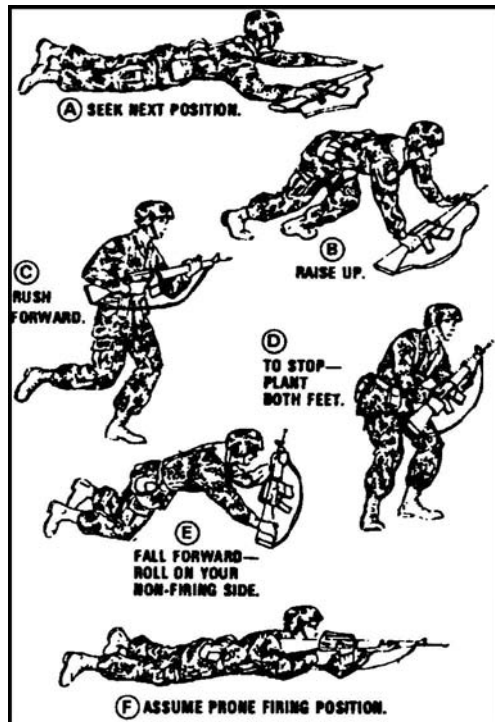


Figure 071-326-0502-4. Rush

- a. Move from your firing position by rolling or crawling.
- b. Start from the prone position.
- c. Slowly raise your head and select your next position.
- d. Lower your head while at the same time drawing your arms into your body, elbows down, and pulling your right leg forward.
- e. Raise your body in one movement by straightening your arms.
- f. Spring to your feet, stepping off with either foot.
- g. Run to the next position—
 - (1) Keep the distance short to avoid accurate enemy fire.
 - (2) Try not to stay up any longer than 3 to 5 seconds so that the enemy does not have time to track you with automatic fire.
- h. Plant both feet just before hitting the ground.
- i. Fall forward by— SH-5-6

Performance Steps

- (1) Sliding your right hand down to the heel of the butt of your weapon.
 - (2) Breaking your fall with the butt of your weapon.
 - j. Assume a firing position.
 - (1) Roll on your side.
 - (2) Place the butt of your weapon in the hollow of your shoulder.
 - (3) Roll or crawl to a covered or concealed firing position.
7. Cover your buddy's movement with fire.

Evaluation Preparation: *Setup:* Take Soldiers on a simulated march or field exercise in battle dress with LCE and weapons. Select an area with varying cover types and heights. Select a site about 300 meters away to serve as an enemy position. Point out the site to the Soldiers. Pair up Soldiers being tested.

Brief Soldier: Tell the Soldiers to pretend they are under direct fire. Tell them to move from their present position to within 100 meters of the enemy position and use the buddy system. Tell the Soldiers to use the appropriate movement technique in performance measures 4, 5, and 6, as appropriate for the scenario and terrain. It may not be appropriate for each Soldier to use all three techniques.

Performance Measures	GO	NO GO
1. Selected an individual movement route within your team, or squad route, or axis of advance.	_____	_____
2. Determined the correct individual movement technique.	_____	_____
3. Communicated the movement plan to your buddy or team leader using hand signals, so that the Soldier not moving could cover by fire the other Soldier's movement, if any.	_____	_____
4. Used the high crawl.	_____	_____
5. Used the low crawl.	_____	_____
6. Used the rush to move from one covered position to another.	_____	_____
7. Covered your buddy's movement with fire.	_____	_____

Evaluation Guidance: Refer to chapter 1, paragraph 1-9e, (1) and (2).

References

Required: FM 3-21.75

Related:

071-326-0503

Move Over, Through, or Around Obstacles (Except Minefields)

Conditions: Given an individual weapon, load-carrying equipment (LCE), one smoke grenade, wood or grass mats or chicken wire, a grappling hook, wrapping material, wire cutters (optional) and a buddy. During daylight or darkness, you are at a field location, moving over a route with natural and manmade crossings and obstacles (walls and barbed wire entanglements).

SH-5-7

Performance Steps

- d. Once you receive the correct password, have the rest of the patrol advance one by one and ensure that the leader identifies each person.
- e. Disarm and detain any person(s) who fails to identify himself/herself to the leader's satisfaction. Then, notify your immediate supervisor.

Evaluation Preparation: *Setup:* Simulate a situation in which Soldiers can use the challenge and password. Issue the challenge and password to those who will play the role of friendly troops. Issue both the correct and incorrect passwords to those who will play the roles of unidentified troops. Ask the person playing the intruder(s) to vary his/her responses to challenges.

Brief Soldier: Tell the Soldier to challenge all those who approach the defensive position.

Performance Measures	GO	NO GO
1. Said "Halt" before the person was close enough to pose a threat. <i>Note:</i> The person has halted.	___	___
2. Said "Who is there?" and kept the unknown individual covered. <i>Note:</i> The stranger identified himself/herself.	___	___
3. Said, "Advance to be recognized."	___	___
4. Maintained a concealed position, kept the individual covered, and said, "Halt," when he/she was 2 or 3 meters away.	___	___
5. Issued the challenge. a. Permitted the person to pass if the password was correct. b. Disarmed (if applicable) and detained the person, if the password was not correct. c. If still in doubt, asked for further identification or asked a question only a friendly person would be able to answer.	___	___

Evaluation Guidance: Refer to chapter 1, paragraph 1-9e, (1) and (2).

References

Required:

Related: FM 3-21.75 and FM 22-6

071-331-0815

Practice Noise, Light, and Litter Discipline

Conditions: As a member of an element conducting a tactical mission.

Standards: Ensure that—

1. Noise is kept at a minimum.
2. No light is visible to the enemy.
3. The area is free of litter and other evidence of the unit's presence.

Performance Steps

1. Comply with noise discipline.
 - a. Avoid all unnecessary vehicular and foot movement.
 - b. Secure (with tape or other materials) metal parts, such as weapon slings, canteen cups, and identification tags, to prevent them from making noise during movement.
 - c. Be careful to avoid restricting the movement of the parts of the weapon that must move in order for you to operate it.
 - d. Talk only when necessary to conduct or explain operations.
 - e. Use radios only when necessary; keep the volume low so only you can hear the radio.
2. Comply with light discipline.
 - a. Do not smoke except when concealed from enemy view.

Note: Smoking at night should be restricted, as the enemy can see and smell the smoke.

- b. Conceal flashlights and other light sources so that the light is filtered, for example, under a poncho.
 - c. Cover anything that reflects light, for example, metal surfaces, vehicles, glass.
 - d. Use all available natural concealment.
 - e. Camouflage all vehicles and equipment.
3. Comply with litter discipline.
 - a. Take all litter, such as empty food containers, empty ammunition cans or boxes, and old camouflage, to established collection points when occupying a position.
 - b. Carry all litter with you until you can dispose of it without leaving any trace when moving.

Evaluation Preparation: *Setup:* Schedule this exercise in conjunction with field maneuvers or field exercises, or use defensive positions.

Performance Measures	GO	NO GO
1. Complied with noise discipline requirements.	_____	_____
2. Complied with light discipline requirements.	_____	_____
3. Complied with litter discipline requirements.	_____	_____

Evaluation Guidance: Refer to chapter 1, paragraph 1-9e, (1) and (2).

References

Required: FM 3-21.8 (FM 7-8)

Related:

071-440-0028

Engage Targets During an Urban Operation

Conditions: Given an individual weapon with ammunition and load-bearing equipment in urban terrain, with the enemy location uncertain, and specific rules of engagement (ROE).

Standards: Engage targets to suppress or kill the enemy.

Performance Steps

1. Move with your assigned individual weapon using one of the two weapon-carrying techniques for an urban environment. When moving, hold your weapon with the muzzle pointed in the direction of travel. Place the butt of the rifle or carbine into the pocket of your shoulder. Point the muzzle slightly downward to allow you an unobstructed view. Use your firing hand only to fire; use your nonfiring hand to open things, to signal, or to throw grenades.
2. Shoot while moving toward the point of domination. Take shots as close to the target as 1 or 2 inches. You will shoot while the clearing team members are moving. Therefore, use a "careful hurry." Do not rush in with disregard for any obstructions that might litter the floors, just to get to the points of domination. The most important point is to lead with your weapon, not with your body. Move no faster than you can accurately engage targets.
3. Avoid "flagging," or leading, with the weapon when working around windows, doors, corners, or areas where you must negotiate obstacles. Flagging the weapon warns anyone looking in that direction, making it easier for an enemy to grab your weapon or to react to the clearing team. Control your weapon at all times.
4. When moving in buildings or rooms, use either of two weapon-carrying techniques with the M16A2 or M4. The purpose of using these techniques is to prevent injuries to friendly personnel. These techniques are "low ready" and "high ready."
 - a. Low ready position. Place the butt of the weapon firmly in the pocket of your shoulder, with the barrel pointed downward at a 45-degree angle. This is the safest ready position. Use it while clearing rooms, except when you are actually entering and clearing.

Student Handout 6

Extracted Material from STP 21-24-SMCT, Soldier's Manual of Common Tasks Warrior Leader Skills Level 2, 3, and 4

This student handout contains three pages extracted material from the following publication:

STP 21-24-SMCT, Soldier's Manual Of Common Tasks Warrior Leader Skills Level 2, 3, and 4, 9 Sep 2008.

Chapter	Page(s)
Chapter 3	3-61 thru 3-63

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Performance Steps

CAUTION

Dispose of all belt links and spent brass according to the unit SOP.

Evaluation Preparation: *Setup:* This task should be evaluated during a field training exercise on a live-fire range. Otherwise, assign a defensive position to a fire team and designate team individual sectors of fire. Provide appropriate ammunition for the weapons assigned. Target areas should represent various types of targets, such as an enemy column formation, a line formation, or a linear target with depth.

Brief Soldier: Tell the Soldier to have the team engage the various targets and to use the appropriate weapons on the targets.

Performance Measures	GO	NO GO
1. Assigned individual sectors of fire.	_____	_____
2. Issued a fire command to engage a target.	_____	_____
3. Issued subsequent fire commands as necessary.	_____	_____
4. Gave arm-and-hand signals to control fires.	_____	_____
5. Engaged a target according to the unit SOP. (Graded only if the unit has an SOP for team/squad fire.)	_____	_____
6. Used appropriate weapon(s) on target.	_____	_____

Evaluation Guidance: Refer to chapter 1, paragraph 1-4 b (6).

References

Required:

Related: AR 385-63, FM 3-21.75 (FM 21-75), FM 3-11.3 (FM 3-22/FM 3-3), and FM 3-22.68

SUBJECT AREA 5: NAVIGATE

071-326-0515

Select a Movement Route Using a Map

Conditions: Given an operation or fragmentary order, a 1:50, 000 scale military map, and a compass.

Standards: Select a route with the following characteristics:

1. Take advantage of maximum cover and concealment.
2. Ensure observation and fields of fire for overwatch or fire support elements.
3. Allow positive control of all elements.
4. Accomplish the mission quickly, without unnecessary or prolonged exposure to enemy fire.

Performance Steps

1. Select the route that makes the best use of terrain. Use terrain to your best advantage. Take advantage of the terrain to—
 - a. Cover and conceal the unit during movement.
 - b. Provide maximum effectiveness of the platoon's weapons.
2. Use the military aspects of terrain and apply them to any given situation, whether it is a defense, a delay, or a road march behind the forward edge of the battle area (FEBA). Consider the following essential elements:
 - a. Use cover and concealment for any type of movement on the battlefield.
 - (1) Use cover to shield the unit from the effects of weapon fire, especially direct fire. Take advantage of every ravine or depression in the ground to protect and cover the force, especially if forward of the FEBA. Evaluate the terrain, the capabilities of the enemy's weapons systems, and the position of known or suspected enemy emplacements. Visualize a cross section of the terrain and determine where the enemy cannot place effective direct fire on your proposed route.
 - (2) Conceal or disguise the unit. Consider concealment from both air and ground observation. Consider that exhaust smoke or dust can reveal your unit to the enemy.
 - b. Ensure that your proposed route can be covered by fire from overwatch or fire support positions when moving in an area where contact with the enemy is expected.
 - (1) Consider that direct fire weapons must have good observation to fire at known or suspected enemy positions along the movement route. Control the maneuver of your elements, if they make contact. Consider the effects of smoke and dust from friendly and enemy fire.
 - (2) Select a route that gives your unit the best field of fire. They must be in a position to provide suppressive fires immediately. Use crew-served weapons to overwatch the movement. Ensure the overwatch element is able to observe the moving element and provide fire support all the way to the objective. Select overwatch positions that have unobstructed fields of fire to the next overwatch position.
3. Ensure that the route can be covered by fire from overwatch or fire support positions. Select the route that provides the most favorable tactical advantage and meets the mission requirements. If enemy air is active or enemy ground forces are in the area of the route, take maximum advantage of cover and concealment. If speed of movement is critical, select the route with the most easily negotiable terrain, avoiding difficult obstacles. Choose the route that provides movement from one easily distinguishable terrain feature to another. Check the terrain based on the above considerations, and then select the quickest and safest route.

Performance Steps

4. Use special purpose maps and aerial photographs when a planning a route. If those aids are available, they provide the most current information.
5. Reconnoiter the route if time is available and the tactical situation permits it.

Evaluation Preparation: *Setup:* In a field environment, provide the Soldier with a 1:50,000-scale military map of the area and a compass, and issue the Soldier an oral or written operation order.

Brief Soldier: Tell the Soldier to select a route of movement between two given points (marked on the map) where the likelihood of enemy contact is unknown. The Soldier must select a route that offers the best cover and concealment, ensure the best observation and fields of fire for support elements, allow positive control of elements, and accomplish the mission without unnecessary or prolonged exposure to enemy fire.

Performance Measures	GO	NO GO
1. Conducted a map reconnaissance of the area that you had to move over.	_____	_____
2. Selected a route with the appropriate characteristics.	_____	_____

Evaluation Guidance: Refer to chapter 1, paragraph 1-4 b (6).

References

Required: FM 7-7 and FM 3-21.8 (FM 7-8)

Related:

071-329-1019

Use a Map Overlay

Conditions: Given a military map and a company level map overlay.

Standards: Position overlay correctly on the map. Identify all graphic symbols and information shown on the map overlay.

Performance Steps

1. Obtain the map sheet(s) listed in the margin.
 2. Locate the grid intersections on the map that correspond to the grid register marks in the opposite corners of the overlay.
 3. Place the overlay on the map so that the grid register marks fall exactly on top of the grid intersections (figure 071-329-1019-1).
-

Student Handout 7

Extracted Material from FM 3-06.11, Combined Arms Operations in Urban Terrain

This student handout contains 7 pages of extracted material from the following publication:

FM 3-06.11, Combined Arms Operations in Urban Terrain, 28 February 2002.

Chapter	Page(s)
Chapter 3	3-1 thru 3-7

Disclaimer: The training developer downloaded the extracted material from the Army Publishing Directorate (USAPA) Homepage. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

RECOVERABLE PUBLICATIONS

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CHAPTER 3 URBAN COMBAT SKILLS

Successful combat operations in urban areas depend on the proper employment of the rifle squad. Each member must be skilled in moving, entering buildings, clearing rooms, employing hand grenades, selecting and using fighting positions, navigating in urban areas, and camouflage.

Section I. MOVEMENT

Movement in urban areas is the first fundamental skill the soldier must master. Movement techniques must be practiced until they become habitual. To reduce exposure to enemy fire, the soldier avoids open areas, avoids silhouetting himself, and selects his next covered position before movement.

3-1. CROSSING OPEN AREAS

Open areas, such as streets, alleys, and parks, should be avoided. They are natural kill zones for enemy crew-served weapons or snipers. They can be crossed safely if the individual or small-unit leader applies certain fundamentals including using smoke from hand grenades or smoke pots to conceal movement. When employing smoke as an obscurant, keep in mind that thermal sighting systems can see through smoke. Also, when smoke has been thrown in an open area, the enemy may choose to engage with suppressive fires into the smoke cloud.

- a. Before moving to another position, the soldier makes a visual reconnaissance, selects the position offering the best cover and concealment, and determines the route he takes to get to that position.
- b. The soldier develops a plan for his own movement. He runs the shortest distance between buildings and moves along the far building to the next position, reducing the time he is exposed to enemy fire.

3-2. MOVEMENT PARALLEL TO BUILDINGS

Soldiers and small units may not always be able to use the inside of buildings as routes of advance and must move on the outside of the buildings ([Figure 3-1](#)). Smoke, suppressive fires, and cover and concealment should be used to hide movement. The soldier moves parallel to the side of the building (maintaining at least 12 inches of separation between himself and the wall to avoid *rabbit rounds*, ricochets and rubbing or bumping the wall), stays in the shadow, presents a low silhouette, and moves rapidly to his next position ([Figure 3-2](#)). If an enemy gunner inside the building fires on a soldier, he exposes himself to fire from other squad members providing overwatch. An enemy gunner farther down the street would have difficulty detecting and engaging the soldier.

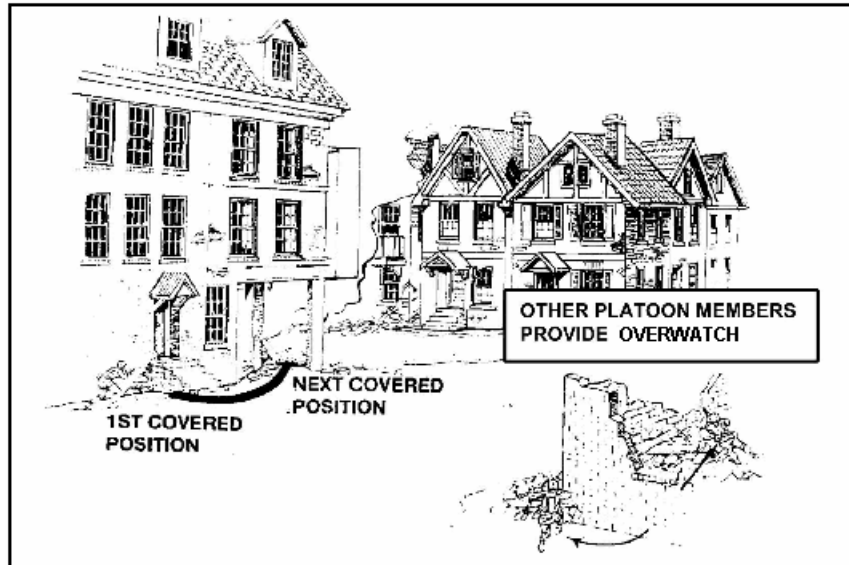


Figure 3-1. Selection of the next position.

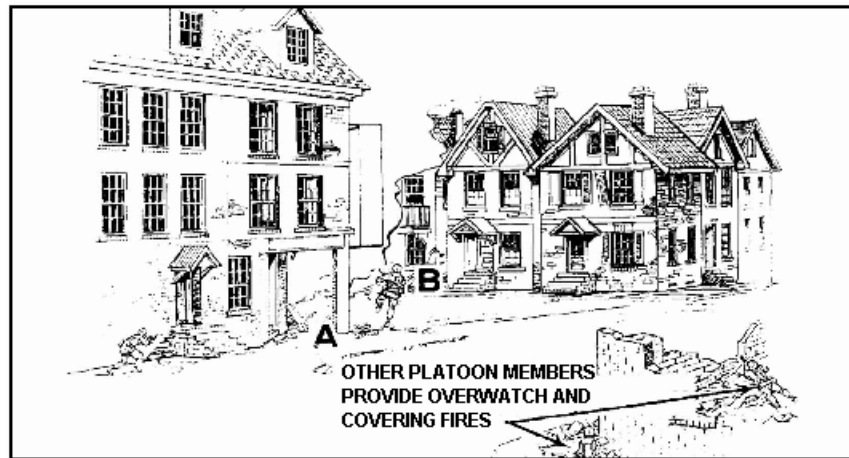


Figure 3-2. Soldier moving outside building.

3-3. MOVEMENT PAST WINDOWS

Windows present another hazard to the soldier. The most common mistakes are exposing the head in a first-floor window and not being aware of basement windows.

a. When using the correct technique for passing a first-floor window, the soldier stays below the window level and near the side of the building (Figure 3-3). He makes sure he does not silhouette himself in the window. An enemy gunner inside the building would have to expose himself to covering fires if he tried to engage the soldier.



Figure 3-3. Soldier moving past windows.

b. The same techniques used in passing first-floor windows are used when passing basement windows. A soldier should not walk or run past a basement window, since he presents a good target to an enemy gunner inside the building. The soldier should stay close to the wall of the building and step or jump past the window without exposing his legs (Figure 3-4).

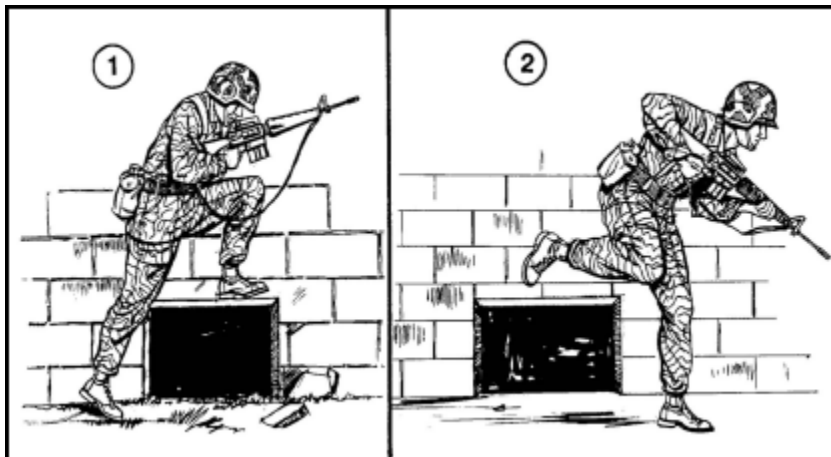


Figure 3-4. Soldier passing basement windows.

3-4. MOVEMENT AROUND CORNERS

The area around a corner must be observed before the soldier moves. The most common mistake a soldier makes at a corner is allowing his weapon to extend beyond the corner exposing his position (this mistake is known as *flagging* your weapon). He should show his head below the height an enemy soldier would expect to see it. The soldier lies flat on the ground and does not extend his weapon beyond the corner of the building. He wears his Kevlar helmet and only exposes his head (at ground level) enough to permit observation ([Figure 3-5](#)). Another corner clearing technique that is used when speed is required is the *pie-ing* method. This procedure is done by aiming the weapon beyond the corner into the direction of travel (without flagging) and side-stepping around the corner in a circular fashion with the muzzle as the pivot point ([Figure 3-6](#)).

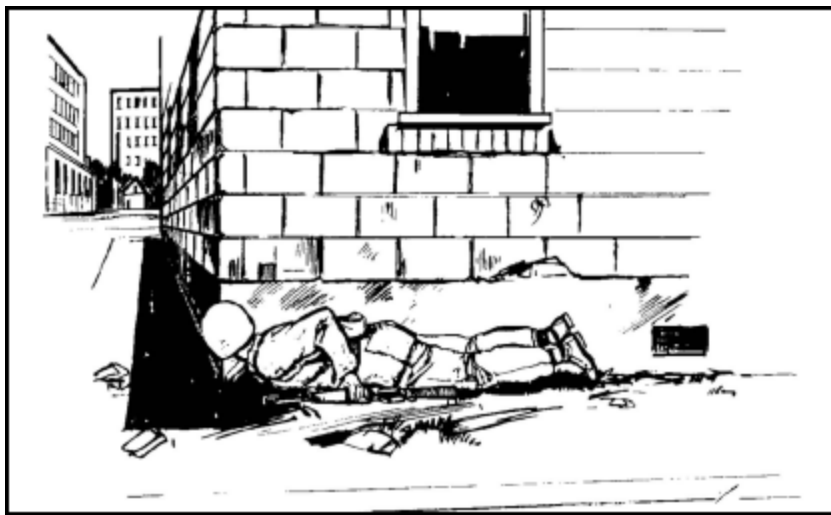


Figure 3-5. Correct technique for looking around a corner.

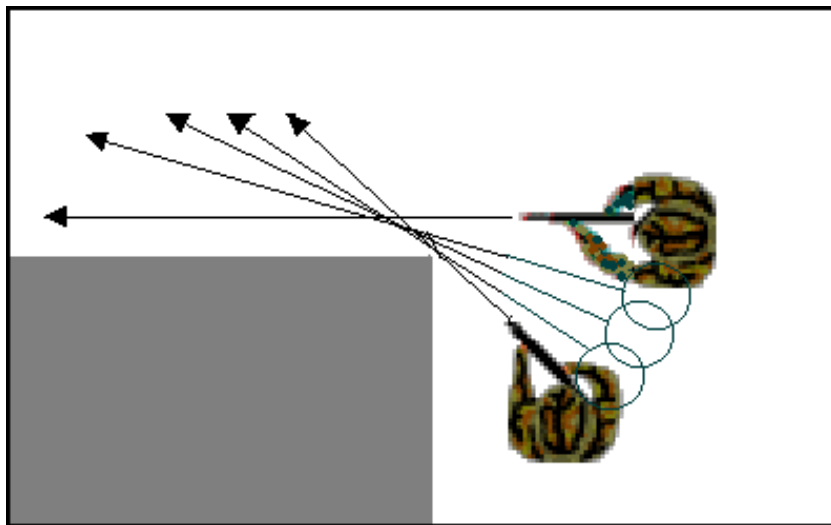


Figure 3-6. *Pie-ing* a corner.

3-5. CROSSING A WALL

Each soldier must learn the correct method of crossing a wall ([Figure 3-7](#)). After he has reconnoitered the other side, he rolls over the wall quickly, keeping a low silhouette. Speed of his move and a low silhouette deny the enemy a good target.



Figure 3-7. Soldier crossing a wall.

3-6. USE OF DOORWAYS

Doorways should not be used as entrances or exits since they are normally covered by enemy fire. If a soldier must use a doorway as an exit, he should move quickly to his next position, staying as low as possible to avoid silhouetting himself ([Figure 3-8](#)). Preselection of positions, speed, a low silhouette, and the use of covering fires must be emphasized in exiting doorways.

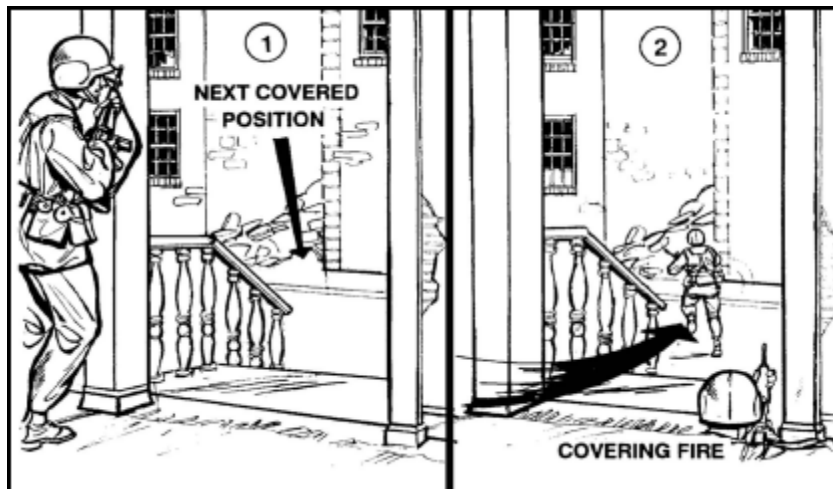


Figure 3-8. Soldier exiting a doorway.

3-7. MOVEMENT BETWEEN POSITIONS

When moving from position to position, each soldier must be careful not to mask his supporting fires. When he reaches his next position, he must be prepared to cover the movement of other members of his fire team or squad. He must use his new position effectively and fire his weapon from either shoulder depending on the position.

a. The most common errors a soldier makes when firing from a position are firing over the top of his cover and silhouetting himself against the building to his rear. Both provide the enemy an easy target. The correct technique for firing from a covered position is to fire around the side of the cover, which reduces exposure to the enemy

([Figure 3-9](#)).

b. Another common error is for a right-handed shooter to fire from the right shoulder around the left corner of a building. Firing left-handed around the left corner of a building takes advantage of the cover afforded by the building ([Figure 3-10](#)). Right-handed and left-handed soldiers should be trained to adapt cover and concealment to fit their manual orientation. Soldiers should be able to fire from the opposite shoulder.

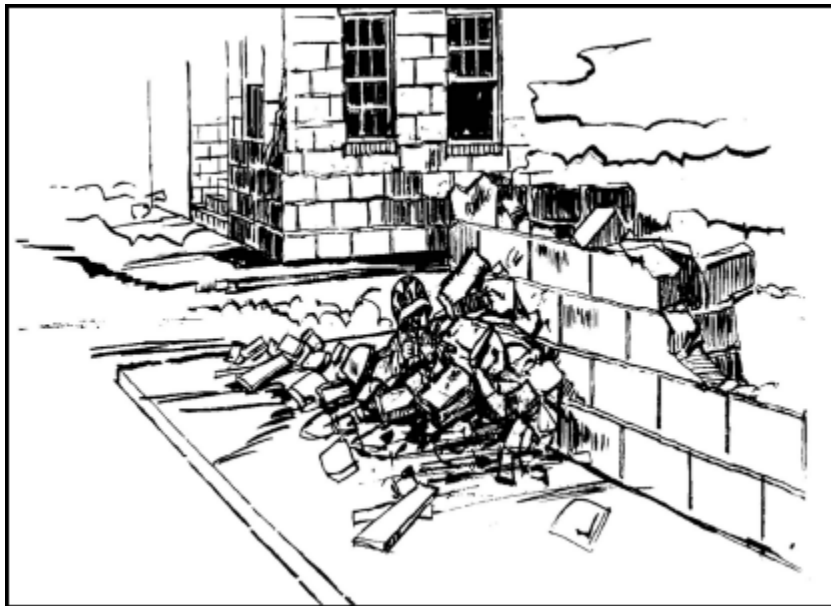


Figure 3-9. Soldier firing from a covered position.



Figure 3-10. Firing left-handed around the corner of a building.

3-8. FIRE TEAM EMPLOYMENT

Moving as a fire team from building to building or between buildings presents a large target for enemy fire ([Figure 3-11](#)). When moving from the corner of one building to another, the fire team should move across the open area in a group. Moving from the side of one building to the side of another presents a similar problem and the technique of movement employed is the same. The fire team uses the building as cover. In moving to an adjacent building ([Figure 3-12](#)) team members should keep a distance of 3 to 5 meters between themselves and, using a planned signal, make an abrupt flanking movement (on line) across the open area to the next building.



Figure 3-11. Fire team movement.

W224

- Study Student Handouts 1 and 2.



Appendix D
HANDOUTS FOR LESSON 1: W224 version 6

This appendix contains the items listed in this table--

Title/Synopsis	Pages
SH-1, Advance Sheet	SH-1-1 and SH-1-2
SH-2, Extracted Material from No 07-26, Tactical Site Exploitation and Cache Search Operations	SH-2-1 thru SH-2-48

Student Handout 1

Advance Sheet for W224

Lesson Hours This lesson consists of two hours of group discussion.

Overview This training will provide you with the skills and procedures to perform TSE, TQ, and building and cache searches.

Learning Objective Terminal Learning Objective (TLO).

Action:	Conduct tactical site exploitation (TSE) and cache search operations.
Conditions:	As a leader of a squad/team, in the classroom, and given the instruction in this lesson.
Standards:	Conduct tactical site exploitation (TSE) and cache search operations by-- <ul style="list-style-type: none">• Achieving a GO on the end of module examination by scoring a minimum of 70 percent,• Define tactical site exploitation (TSE),• Discussing tactical site exploitation TSE planning and teams,• Explaining searching, tactics, techniques, and procedures for TSE,• Discussing intelligence and evidence collection and processing,• Defining tactical questioning (TQ) and• Explaining biometrics.

ELO A Define tactical site exploitation (TSE).

ELO B Explain searching, tactics, techniques, and procedures for TSE.

ELO C Explain pre-mission preparation and isolated Soldier guidance.

ELO D Discuss intelligence and evidence collection and processing.

ELO E Define tactical questioning (TQ).

ELO F Explain biometrics.

Assignment The student assignments for this lesson are:

- Study Student Handouts 1 and 2.
-

**Additional
Subject Area
Resources**

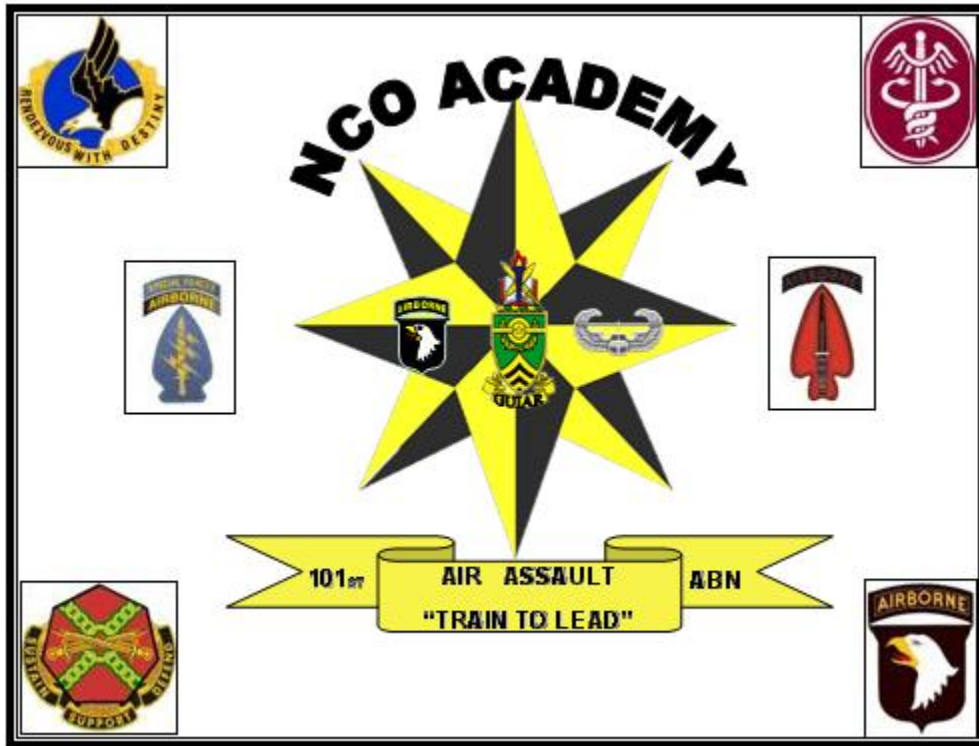
None

Bring to Class

- SH-1 and SH-2.
 - Pen or pencil and writing paper.
-

W225

- Read Student Handout 1, Appendix D, for reading and study assignments



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.....
HANDOUTS FOR LESSON 1: W225 version 6

This appendix contains the items listed on this table--

Title/Synopsis	Pages
SH-1, Advance Sheet	SH-1-1 and SH-1-2
SH-2, Extracted Material from Warrior Battle Drills	SH-2-1 thru SH-2-14
SH-3, Extracted Material from U.S. Army Police School Training Support Package 191-D-0001	SH-3-1 thru SH-3-25
SH-4, Downloaded Material from Detainee Operations Tasks	SH-4-1 thru SH-4-17
SH-5, Extracted Material from the U.S. Army Engineer School Training Support Package 052-CIED-02	SH-5-1 thru SH-5-20
SH-6, Extracted Material from the U.S. Army Engineer School Training Support Package 052-CIED-11	SH-6-1 thru SH-6-16
SH-7, Extracted Material from the U.S. Army Transportation School Training Support Package, Conduct Hasty Vehicle Recovery	SH-7-1 thru SH-7-5

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.....
Student Handout 1

Advance Sheet

Lesson Hours

This lesson consists of 3 hours 5 minutes of small group instruction and 1 hour 55 minutes of practical exercises.

Overview

This lesson provides you with some basic techniques and procedures used in basic combat operations when a team/squad size element comes in contact with the enemy.

Learning Objective

Terminal Learning Objective (TLO)

Action:	Lead a team/squad in basic combat operations.
Conditions:	As a leader of a squad/team, during a situational training exercise, and given the instruction in this lesson.
Standards:	Lead a team/squad in basic combat operations by: <ul style="list-style-type: none">• Reacting to contact,• Breaking contact,• Reacting to an ambush,• Conducting detainee operations at the point of capture,• Identifying visual indicators of an improvised explosive device (IED),• Directing personnel during an improvised explosive device (IED) attack,• Conducting a hasty vehicle recovery and• Receiving a GO on an end of lesson quiz by scoring a minimum of 70 percent.

- ELO A** React to contact
ELO B Break contact
ELO C React to an ambush
ELO D Conduct detainee operations at point of capture
ELO E Identify visual indicators of an improvised explosive device (IED)
ELO F Direct personnel during an improvised explosive device (IED) attack
ELO G Conduct a hasty vehicle recovery

Assignments

The student assignments for this lesson are:

- Read Student Handout 3.
- Review Student Handout 2 and Student Handout 4.

Additional Subject Area Resources

The Center for Army Lessons Learned (CALL) has a multitude of bulletins discussing Counter Improvised Explosive Device (CIED) issues. The training developer recommends reading CIED Bulletin VI, No. 10-50, Jul 10, the third and fourth articles concerning mounted vs. dismounted patrolling and Troop Leading Procedures in an IED environment. This product is available at <http://usacac.army.mil/cac2/call/index.asp>.

.....
.....

Bring to Class

You must bring the following materials to class:

- All reference material for this lesson.
- Pencil or pen and writing paper.
- Bring equipment required for the practical exercise as directed by the SGL.

Note to Students

It is your responsibility to do the homework prior to class. We expect you to come to class prepared. You will participate in a small group discussion process. We expect you to participate in the discussion by providing information you learned from your study and your personal and observed experiences. Failure to study and read the assignments above will result in your inability to participate with the rest of the group. Not having your input affects the group's ability to fully discuss the information.

W226

- Read Student Handouts 1, 2, and 3.



HANDOUTS FOR LESSON 1: W226 version 6

This appendix contains the items listed in this table--

Title/Synopsis	Pages
SH-1, Advance Sheet	SH-1-1 and SH-1-2
SH-2, Extracted material from STP 21-1-SMCT, Soldier's Manual of Common Tasks Warrior Skills Level 1 and proponent developed training material	SH-2-1 thru SH-2-6
SH-3, Extracted material from FM 6-30, Tactics, Techniques, and Procedures for Observed Fire	SH-3-1 thru SH-3-9

Student Handout 1

Advance Sheet

Lesson Hours

This lesson consists of one hour of small group instruction and one hour of practical exercises.

Overview

This lesson provides you with some basic techniques and formats of three reports required during combat operations. These reports can be very valuable to the survival and support of your squad during combat.

Learning Objective

Terminal Learning Objective (TLO).

Action:	Submit tactical operations reports.
Conditions:	As a leader of a squad/team in the classroom and during a situational training exercise, given instructional in this lesson.
Standards:	Submit tactical operations reports by-- <ul style="list-style-type: none">• Receiving a GO on an end of module examination by scoring a minimum of 70 percent.• Reporting intelligence information.• Submitting a Situation Report (SITREP) and a Spot Report (SPOTREP).• Request indirect fire.

ELO A Report Intelligence Information.

ELO B Submitting a Situation Report (SITREP) and a Spot Report (SPOTREP).

ELO C Request indirect fire.

Assignments

The student assignments for this lesson are:

- Study SH-2, extracts from STP 21-1-SMCT and FM 23-10.
 - Study and read SH-3, extracts from FM 6-30.
-

**Additional Subject
Area Resources**

None

Bring to Class

You must bring the following material to class:

- Student Handouts 2 and 3.
 - Pencil or pen and writing paper.
 - Equipment required for the practical exercise as directed by the SGL.
-

Note to Students

It is your responsibility to do the homework prior to class. We expect you to come to class prepared. You will participate in small group discussion. We expect you to participate in the discussion by providing information you learned from your study and your personal and observed experiences. Failure to study and read the assignments above will result in your inability to participate with the rest of the group. Not having your input affects the group's ability to fully discuss the information.

Student Handout 2

Extracted Materials from from STP 21-1-SMCT, Soldier's Manual of Common Tasks Warrior Skills Level 1 and Proponent Developed Material

This student handout contains five pages of extracted material from the following publications:

STP 21-1-SMCT, Soldier's Manual of Common Tasks Warrior Skills Level 1, dated 18 Jun 2009

Chapter 3 pages 3-580 and 3-581

Proponent developed material pages 7-23 thru 7-25

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Performance Measures	GO	NO GO
3. Transmitted the message selecting the best means according to the conditions; for example, radio, wire, cable, or messenger.	_____	_____

Evaluation Guidance: Refer to chapter 1, paragraph 1-9e, (1) and (2).

301-371-1000

Report Intelligence Information

Conditions: You have observed enemy activity and significant terrain and weather features. You must immediately report the activity to your chain of command via radio, wire, cable, or messenger.

Standards: Submit observations in a spot report, using the size, activity, location, unit, time, and equipment observed (SALUTE) format, to your chain of command within 5 minutes of observing enemy activity. Identify in the report the size, activity, location, unit, time, and equipment observed.

Performance Steps

1. Use the SALUTE format to ensure that essential information is reported. If unable to make a determination, report the activity as unknown.
 - a. S—Size. Report the number of personnel, vehicles, aircraft, or size of an object. Make an estimate if necessary.
 - b. A—Activity. Report detailed account of actions (direction of movement, troops digging in, artillery fire, type of attack, CBRN activity, and so forth).
 - c. L—Location. Report where you saw the activity. Include grid coordinates or reference from a known point including the distance and direction from the known point.
 - d. U—Unit. Report the enemy's unit. If the unit is unknown, report any distinctive features, such as uniforms, patches or colored tabs, headgear, vehicle identification markings, etc.
 - e. T—Time. Report the time and date the activity was observed, not the time you report it. Always report local or Zulu time.
 - f. E—Equipment. Report all equipment associated with the activity, such as weapons, vehicles, tools. If unable to identify the equipment, provide as much detail as you can so that higher headquarters can make an identification.
 - g. Remarks. Include any information not included in the SALUTE format.
2. Provide the spot report to the appropriate authority/chain of command using available communication.

Evaluation Preparation: *Setup:* Position two to four personnel (dressed in aggressor uniforms if available) where they are observable with the naked eye (or binoculars if available). Direct the aggressors to perform some type of activity such as setting up camp, cleaning weapons, working on a vehicle, or studying maps. Provide the Soldier with a 1:50,000 scale topographic map of the test area. If you require the Soldier to write the report, provide paper and a pen or pencil. If you require the Soldier to radio the report to someone else, provide two radios and signal operating instructions (SOI).

Performance Measures	GO	NO GO
<p>1. Recorded observations of enemy activity in a spot report which includes—</p> <ul style="list-style-type: none"> a. Size b. Activity c. Location d. Unit e. Time f. Equipment 	_____	_____
<p>2. Reported all information to the appropriate authority/chain of command within 5 minutes of the observation.</p>	_____	_____

Evaluation Guidance: Refer to chapter 1, paragraph 1-9e, (1) and (2).

References

Required: FM 3-21.75

Related:

SAMPLE FORMATS

Timely, accurate information reporting reduces the unknown aspects of the enemy and the area of operations, contributing to the commander's risk assessment and successful application of combat power. This section provides personnel with a means of organized and rapid information delivery through reporting formats.

SPOT REPORT

Army personnel use the SPOTREP to report intelligence information. Each report normally describes a single observed event. When reporting groups of enemy vehicles, personnel report the location of the center of mass or indicate "from-to" coordinates. Higher headquarters sets the SPOTREP format, but the report usually follows the S-A-L-U-T-E format.

LINE 1 The size of the enemy force observed.

LINE 2 What the enemy was doing.

LINE 3 Where the enemy was located.

LINE 4 The unit to which the enemy belongs specified by markings on vehicles, distinctive features on uniforms, or special equipment that may identify the type enemy unit.

LINE 5 Time the enemy was observed.

LINE 6 Equipment the enemy carried, wore, or used.

EXAMPLE:

“C12, THIS IS STRIKER 1, SPOTREP, OVER.”

“STRIKER 1, THIS IS CI2 SEND MESSAGE, OVER.”

“C12, THIS IS STRIKER 1. LINE 1: 3. LINE 2 MOVING IN A WESTERLY DIRECTION. LINE 3: GL024396. LINE 4: UNKNOWN. LINE 5: 2709911437. LINE 6: 1 SVD WITH PSO-1 TELESCOPE. CAMOUFLAGED OVERGARMENT AND RUCKSACK TWO INDIVIDUALS CARRYING AKM-74 RIFLES. 9-MM MAKAROV PISTOLS WITH SHOULDER HOLSTERS AND RUCKSACKS. OUT”

SITUATION REPORT

The sniper team submits the SITREP to higher headquarters to report tactical situations and status. The team submits the report daily (i.e., 0600 hours), after significant events, or as otherwise required by the commander. The sender says, “SITREP,” to alert the receiver of the type of report being sent. The following explains the reporting format according to line number:

LINE 1 Report as of date-time group.

LINE 2 Brief summary of enemy activity, casualties inflicted, prisoners captured.

LINE 3 Your location (encrypted—if not using secure communications).

LINE 4 Combat vehicles, operational.

LINE 5 Defensive obstacles encoded.

- a. Coordinates of mine fields.
- b. Coordinates of demolitions executed.
- c. Coordinates of reserve demolition targets.

LINE 6 Personnel strength.

- a. Green (full strength, 90 percent or better on hand).
- b. Amber (reduced strength, 80 to 89 percent on hand).
- c. Red (reduced strength, 60 to 79 percent on hand, mission-capable).
- d. Black (reduced strength, 59 percent or less on hand).

LINE 7 Class III and V for combat vehicles.

- a. Ammunition—green, amber, red, or black.
- b. Fuel—green, amber, red, or black.

LINE 8 Summary of tactical intentions.

Example:

“RED 1, THIS IS RED 5; BLUE 2. LINE 1: 062230. LINE 2: NEGATIVE CONTACT.
LINE 3: I SET ES, STA NEL. LINE 4: 1. LINE 5: ABATIS, 1 SET XB, RDJ ALT.
LINE 6: GREEN. LINE 7A: GREEN. LINE 7B: AMBER. LINE 8: CONTINUING
MISSION.”

Student Handout 3

Extracted Materials from FM 6-30, Tactics, Techniques, and Procedures for Observed Fire

This student handout contains eight pages of extracted material from the following publications:

FM 6-30, Tactics, Techniques, and Procedures for Observed Fire, 16 Jul 1991

Chapter 4

pages 4-1 thru 4-8

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CHAPTER 4 CALL FOR FIRE

This chapter implements STANAG 2934, Chapters 5 and 6; QSTAG 225; and QSTAG 246.

Section I ELEMENTS OF THE CALL FOR FIRE

4-1. DESCRIPTION

a. A call for fire (CFF) is a concise message prepared by the observer. It contains all information needed by the FDC to determine the method of target attack. It is a request for fire, not an order. It must be sent quickly but clearly enough that it can be understood, recorded, and read back, without error, by the FDC recorder. The observer should tell the RATELO that he has seen a target so the RATELO can start the call for fire while the target location is being determined. Information is sent as it is determined rather than waiting until a complete call for fire has been prepared.

b. Regardless of the method of target location used, the normal call for fire is sent in three parts consisting of six elements. The six elements, in the sequence in which they are transmitted, are discussed in paragraphs 4-2 through 4-7. They are as follows:

- Observer identification.
 - Warning order.
 - Target location.
 - Target description.
 - Method of engagement.
 - Method of fire and control.
- c. The three transmissions in a call for fire are as follows:
- Observer identification and warning order.
 - Target location.
 - Description of target, method of engagement, and method of fire and control.

There is a break after each transmission, and the FDC reads back the data.

d. DA Form 5429-R (Conduct of Fire) is used by the observer in conducting fire missions and recording mission data. The front page, Section I, is organized to help him record his call for fire and subsequent adjustment data. Section II, on the back of the form, is used to record registration data. Portions of DA Form 5429-R are shown with examples throughout this publication. Reproducible copies are at the back of this manual.

4-2. OBSERVER IDENTIFICATION

This element of the call for fire tells the FDC who is calling for fire.

4-3. WARNING ORDER

The warning order clears the net for the fire mission and tells the FDC the type of mission and the type of target location that will be used. The warning order consists of the type of mission, the size of the element to fire for effect, and the method of target location. It is a request for fire unless prior authority has been given to order fire.

a. Type of Mission.

(1) Adjust Fire. When the observer believes that an adjustment must be made (because of questionable target location or lack of registration corrections), he announces **ADJUST FIRE**.

(2) Fire for Effect. The observer should **always** strive for first-round FFE. The accuracy required to fire for effect depends on the accuracy of target location and the ammunition being used. When the observer is certain that

the target location is accurate and that the first volley should have the desired effect on the target so that little or no adjustment is required, he announces **FIRE FOR EFFECT**.

(3) Suppression. To quickly bring fire on a target that is not active, the observer announces **SUPPRESS** (followed by the target identification). Suppression (S) missions are normally fired on preplanned targets, and a duration is associated with the call for fire.

(4) Immediate Suppression and Immediate Smoke. When engaging a planned target or target of opportunity that has taken friendly maneuver or aerial elements under fire, the observer announces **IMMEDIATE SUPPRESSION** or **IMMEDIATE SMOKE** (followed by the target location). Though the grid method of target location is the most common, any method of target location may be used in firing an immediate suppression or immediate smoke mission.

b. Size of Element to Fire for Effect. The observer may request the size of the unit to fire for effect; for example, **BATTALION**. Usually, he does this by announcing the last letter in the battalion FDC's call sign. For example, T6H24 is announced H. The observer should never refer to a battery or other unit in the clear. He should refer to it by call sign. If the observer says nothing about the size of the element to fire, the battalion FDC makes that decision. It is based on the target attack guidance received and the graphical munitions effectiveness table (GMET) or joint munitions effectiveness manual (JMEM) solution.

c. Method of Target Location.

(1) Polar Plot. If the target is located by the polar plot method of target location, the observer announces **POLAR**; for example, **ADJUST FIRE, POLAR, OVER**.

(2) Laser Polar Plot. The FDC needs to know as quickly as possible if the observer is using a laser. Although the data are still polar, the backup computer system (BUCS) uses a different format from the fire mission index. From the initial transmission of the call for fire, the FDC will know which of its four mission formats to display; for example, **ADJUST FIRE, LASER POLAR OVER**.

(3) Shift From a Known Point. If the target is located by the shift from a known point method of target location, the observer announces **SHIFT** (followed by the known point); for example, **ADJUST FIRE, SHIFT KNOWN POINT 1, OVER**.

(4) Grid. If the grid method of target location is being used, the word *grid* is not announced; for example, **ADJUST FIRE, OVER**.

EXAMPLES

The following are examples of observer identification and warning order.

ADJUST FIRE MISSION

Grid method: **A57 THIS IS A71, ADJUST FIRE, OVER.**

FIRE-FOR-EFFECT MISSION

Polar plot method: **A57 THIS IS A71, FIRE FOR EFFECT, S** (battalion call sign is B6S13), **POLAR, OVER.**

Shift from a known point method: **A57 THIS IS A71, FIRE FOR EFFECT, SHIFT KNOWN POINT 3, OVER.**

SUPPRESSION MISSION

F28 THIS IS F72, SUPPRESS AA7749, OVER.

IMMEDIATE SUPPRESSION MISSION

F28 THIS IS F72, IMMEDIATE SUPPRESSION, GRID NK453215, OVER.

4-4. TARGET LOCATION

This element enables the FDC to plot the location of the target to determine firing data.

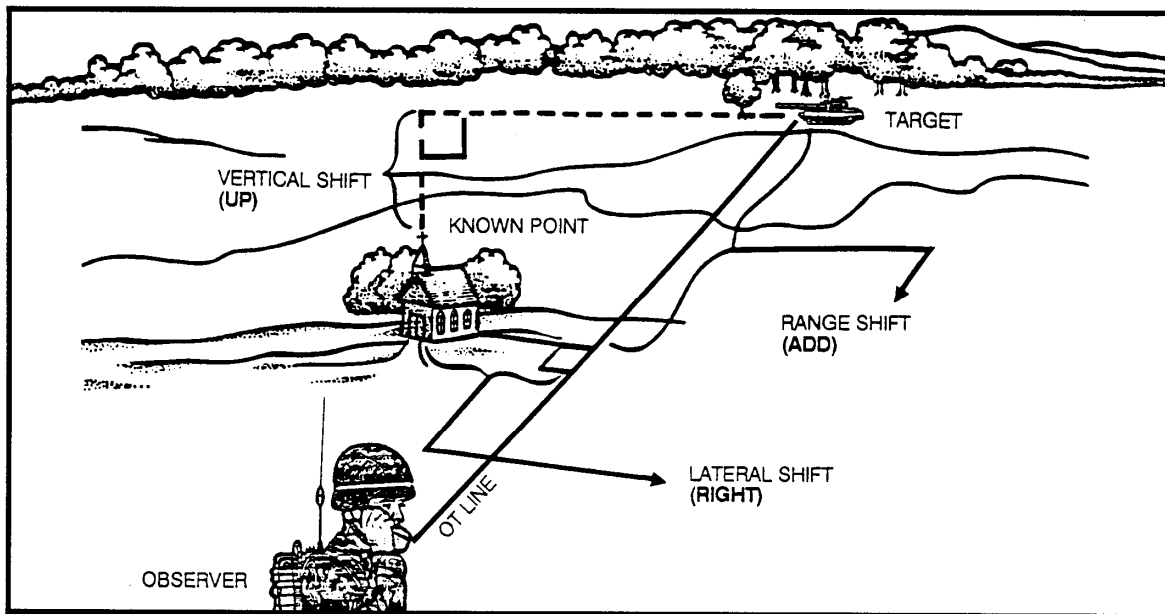
a. In a grid mission, six-place grids normally are sent. Eight-place grids should be sent for registration points or other points for which greater accuracy is required. The OT direction normally will be sent after the entire initial call for fire, since it is not needed by the FDC to locate the target.

NOTE: Direction is expressed to the nearest 10 mils.

b. In a shift from a known point mission (Figure 4-1), the point or target from which the shift will be made is sent in the warning order. The point must be known to both the observer and the FDC. The observer then sends the OT direction. Normally, it is sent in mils. However, the FDC can accept degrees or cardinal directions, whichever is specified by the observer. The corrections are sent next:

- The lateral shift (how far **left** or **right** the target is) from the known point.
- The range shift (how much farther [**ADD**] or closer [**DROP**] the target is in relation to the known point, to the nearest 100 meters).
- The vertical shift (how much the target is above [**UP**] or below [**DOWN**] the altitude of the known point, to the nearest 5 meters). (The vertical shift is ignored unless it exceeds 30 meters.)

Figure 4-1. SHIFT FROM A KNOWN POINT



c. In a **polar plot** mission, the word *polar* in the warning order alerts the FDC that the target will be located with respect to the observer's position. The observer's location must be known to the FDC. The observer then sends the direction and distance. A vertical shift tells the FDC how far, in meters, the target is located above or below the observer's location. Vertical shift may also be described by a vertical angle (VA), in mils, relative to the observer's location.

NOTE: Laser data are sent to the nearest 1 mil and nearest 10 meters.

- The number of elements in the target (squad, platoon, three trucks, six tanks, and so forth).
- The degree of protection (in open, in foxholes, in bunkers with overhead protection, and so forth).
- The target size and shape if these are significant. If the target is rectangular, the length and width (in meters) and the attitude (azimuth of the long axis 0000-3199) to the nearest 100 mils should be given; for example, **400 BY 200, ATTITUDE 2800**. If the target is circular, the radius should be given; for example, **RADIUS 200**. Linear targets may be described by length, width, and attitude.

4-5. TARGET DESCRIPTION

The observer must describe the target in enough detail that the FDC can determine the amount and type of ammunition to use. The FDC selects different ammunition for different types of targets. The observer should be brief but accurate. The description should contain the following:

- What the target is (troops, equipment, supply dump, trucks, and so forth).
- What the target is doing (digging in, in an assembly area, and so forth).

4-6. METHOD OF ENGAGEMENT

The observer may indicate how he wants to attack the target. This element consists of the type of adjustment, trajectory, ammunition, and distribution. **DANGER CLOSE** and **MARK** are included as appropriate.

a. Type of Adjustment. Two types of adjustment may be employed—precision and area. Unless precision fire is specified, area fire will be used.

(1) Precision fire is conducted with one weapon on a point target. It is used either to obtain registration

corrections or to destroy a target. When the mission is a registration, it is initiated by the FDC with a message to observer. If the target is to be destroyed, the observer announces **DESTRUCTION**.

(2) Area fire is used to attack an area target. Since many area targets are mobile, the adjustment should be as quick as possible, consistent with accuracy, to keep the target from escaping. A well-defined point at or near the center of the area to be attacked should be selected and used as an aiming point. This point is called the adjusting point during adjust fire missions. To achieve surprise, fire may be adjusted on an auxiliary adjusting point and, after adjustment is completed, the fire for effect shifted to the target. Normally, adjustment on an area target is conducted with one adjusting weapon.

b. Danger Close. **DANGER CLOSE** is included in the method of engagement when the target is (rounds will impact) within 600 meters of friendly troops for mortar and artillery, 750 meters for naval guns 5-inch and smaller, and 1,000 meters for naval guns larger than 5-inch. For naval 16-inch ICM, danger close is 2,000 meters.

c. Mark. **MARK** is included in the method of engagement to indicate that the observer is going to call for rounds for either of the following reasons:

- To orient himself in his zone of observation.
- To indicate targets to ground troops, aircraft, or fire support.

d. Trajectory. Low-angle fire is standard for field artillery. If high-angle fire is desired, it is requested immediately after the type of engagement. If high angle is not specified, low angle will (normally) be used. If the firing unit determines that high angle must be used to attack a target, the unit must inform the observer that high angle will be used. Mortars fire only high angle.

e. Ammunition. The observer may request any type of ammunition during the adjustment or the FFE phase of his mission. Shell HE with fuze quick is normally used in adjustment. If that is what the observer desires, he need not request it in his call for fire. If the observer does not request a shell-fuze in effect, the fire direction officer (FDO) determines the shell-fuze combination. Unit SOP may designate a standard shell-fuze combination. (See also Section II.)

NOTE: Ammunition standards may vary from unit to unit. The observer must learn these standards upon assignment to a unit.

(1) Projectile. Examples of requests for other than HE projectile are **ILLUMINATION**, **ICM**, and **SMOKE**.

(2) Fuze. Most missions are fired with fuze quick during the adjustment phase. If fuze quick is desired or if a projectile that has only one fuze is requested, fuze is not indicated. Illuminating, ICM, and smoke projectiles are fuzed with time fuzes; therefore, when the observer requests **ILLUMINATION**, **ICM**, or **SMOKE**, he does not announce **TIME**.

(3) Volume of Fire. The observer may request the number of rounds to be fired by the weapons firing in effect. For example, **3 ROUNDS** indicates that the firing unit will fire three volleys.

f. Distribution. The observer may control the pattern of bursts in the target area. This pattern of bursts is called a sheaf. Unless otherwise requested, the battery computer system (BCS) assumes a circular target with a 100-meter radius. The BCS determines individual weapon aiming points to distribute the bursts for best coverage of this type of target. A **converged sheaf** places all rounds on a specific point and is used for small, hard targets. Special sheafs of any length and width may be requested. An **open sheaf** separates the bursts by the maximum effective burst width of the shell fired. If target **length** and **width** are given, attitude also must be given. If target length is equal to or greater than five times the target width, the BCS assumes a linear target. The mortar ballistic computer assumes the target is linear and fires a parallel sheaf unless a special sheaf is requested.

4-7. METHOD OF FIRE AND CONTROL

The method of fire and control element indicates the desired manner of attacking the target, whether the observer wants to control the time of delivery of fire, and whether he can observe the target. Methods of control at my command (AMC) and time on target (TOT) are especially useful in massing fires. The AMC and TOT missions achieve surprise and maximize the effects of the initial volley on a target. When used by the observer, these methods of control can reduce the sporadic engagement of the target, or "popcorn effect," which can be the result of rounds fired when ready. Methods of fire and control are announced by the observer by use of the terms discussed below.

a. Method of Fire. In area fire, the adjustment normally is conducted with one howitzer or with the center gun of a mortar platoon or section. If for any reason the observer determines that **PLATOON RIGHT (LEFT)** will be more appropriate, he may request it. (Adjusting at extreme

distances may be easier with two guns firing.) The normal interval of time between rounds fired by a platoon or battery right (left) is 5 seconds. If the observer wants some other interval, he may so specify.

b. Method of Control.

(1) At My Command. If the observer wishes to control the time of delivery of fire, he includes **AT MY COMMAND** in the method of control. When the pieces are ready to fire, the FDC announces **PLATOON (or BATTERY or BATTALION) IS READY, OVER**. (Call signs are used.) The observer announces **FIRE** when he is ready for the pieces to fire. **AT MY COMMAND** remains in effect throughout the mission until the observer announces **CANCEL AT MY COMMAND, OVER**.

(2) Cannot Observe. **CANNOT OBSERVE** indicates that the observer cannot see the target (because of vegetation, terrain, weather, or smoke); however, he has reason to believe that a target exists at the given location and that it is important enough to justify firing on it without adjustment.

(3) Time on Target. The observer may tell the FDC when he wants the rounds to impact by requesting **TIME ON TARGET (so many) MINUTES FROM...NOW, OVER** or **TIME ON TARGET 0859, OVER**. The FO must conduct a time hack to ensure that 0859 on his watch is 0859 on the FDC's watch.

(4) Continuous Illumination. If no interval is given by the observer, the FDC determines the interval by the burning time of the illuminating ammunition in use. If any other interval is required, it is indicated in seconds.

(5) Coordinated Illumination. The observer may order the interval between illuminating and HE shells, in seconds, to achieve a time of impact of the HE coincident with optimum illumination; or he may use normal **AT MY COMMAND** procedures.

(6) Cease Loading. The command **CEASE LOADING** is used during firing of two or more rounds to indicate the suspension of loading rounds into the gun(s). The gun sections may fire any rounds that have already been loaded.

(7) Check Firing. **CHECK FIRING** is used to cause an immediate halt in firing.

(8) Continuous Fire. In field artillery, mortars, and naval gunfire, continuous fire means loading and firing as rapidly as possible, consistent with accuracy, within the prescribed rate of fire for the equipment. Firing will continue until suspended by the command **CEASE LOADING** or **CHECK FIRING**.

(9) Repeat. **REPEAT** can be given during adjustment or FFE missions.

(a) *During Adjustment.* **REPEAT** means fire another round(s) with the last data and adjust for any change in ammunition if necessary. **REPEAT** is not sent in the initial call for fire.

(b) *During Fire for Effect.* **REPEAT** means fire the same number of rounds using the same method of fire for effect as last fired. Changes in the number of guns, the previous corrections, the interval, or the ammunition may be requested.

(10) Followed By. This is part of a term used to indicate a change in the rate of fire, in the type of ammunition, or in another order for fire for effect; for example, **WP FOLLOWED BY HE**.

4-8. CORRECTIONS OF ERRORS

a. Errors are sometimes made in transmitting data or by the FDC personnel in reading back the data. If the observer realizes that he has made an error in his transmission or that the FDC has made an error in the read back, he announces **CORRECTION** and transmits the correct data.

EXAMPLE

The observer transmitted **SHIFT KNOWN POINT 2, OVER, DIRECTION 4680**. . . . He immediately realizes that he should have sent **DIRECTION 5680**. He announces **CORRECTION, DIRECTION 5680**. After receiving the correct read back, he may continue to send the rest of the call for fire.

b. When an error has been made in a subelement and the correction of that subelement will affect other transmitted data, **CORRECTION** is announced. Then the correct subelement and all affected data are transmitted in the proper sequence.

EXAMPLE

The observer transmitted **LEFT 200, ADD 400, UP 40, OVER**. He then realizes that he should have sent **DROP 400**. To correct this element, he sends **CORRECTION LEFT 200, DROP 400, UP 40, OVER**. The observer must read back the entire subelement, because the **LEFT 200** and **UP 40** will be canceled if they are not included in the corrected transmission.

4-9. CALLS FOR FIRE FROM HEADQUARTERS HIGHER THAN BATTALION

Calls for fire from higher headquarters and from the observer are similar in format. The call for fire from higher headquarters may specify the unit to fire for effect. However, the observer's call for fire can only **request** the firing unit. An example of a call for fire from higher headquarters is shown below.

	EXAMPLE
Warning order:	FIRE FOR EFFECT, B (battalion call sign), OVER.
Target location:	TARGET AA7731 (or GRID NB432789, ALTITUDE 520), OVER.
Method of engagement:	VT, 3 ROUNDS.
Method of control	TIME ON TARGET IS 10 MINUTES FROM...NOW, OVER.

4-10. MESSAGE TO OBSERVER

After the FDC receives the call for fire, it determines how the target will be attacked. That decision is announced to the observer in the form of a message to observer (MTO). The MTO consists of the four items discussed below.

a. Unit(s) to Fire. The battery (or batteries) that will fire the mission is (are) announced. If the battalion is firing in effect with one battery adjusting, the FDC designates the FFE unit (battalion) and the adjusting unit by using the last letter of the call sign.

EXAMPLE
The battalion call sign is A8T36. Battery A is R6G36. Battery A will adjust, and battalion will fire for effect. The MTO would begin T, G.

b. Changes to the Call for Fire. Any change to what the observer requested in the call for fire is announced.

EXAMPLE
The observer requested ICM in effect and the FDO decides to fire VT in effect. The MTO begins T, G, VT IN EFFECT.

c. Number of Rounds. The number of rounds per tube in fire for effect is announced; for example, **T, G, VT IN EFFECT, 4 ROUNDS.**

d. Target Number. A target number is assigned to each mission to facilitate processing of subsequent corrections; for example, **T, G, VT IN EFFECT, 4 ROUNDS, AA7732, OVER.**

NOTE: Messages to observers for registrations are shown in TC 6-40.

4-11. ADDITIONAL INFORMATION

The additional information shown below normally is transmitted separately from the MTO.

a. Probable Error in Range. If probable error in range (PER) is 38 meters or greater during a normal mission, the FDC informs the observer. If PER is 25 meters or greater in a precision registration, the FDC informs the observer.

b. Angle T. Angle T is sent to the observer when it is 500 mils or greater or when requested.

c. Time of Flight. Time of flight is sent to an observer during a moving target mission, during an aerial observer mission, during a high-angle mission, and for shell HE in a coordinated illumination mission when using **BY SHELL AT MY COMMAND**, or when requested.

4-12. AUTHENTICATION

a. When nonsecure communications are used and excluding unique fire support operations (such as suppressive fires posture), challenge and reply authentication is considered a **normal** element of initial requests for indirect fire. The FDC challenges the FO after the last read back of the fire request (see examples in paragraph 4-13). The FO transmits the correct authentication reply to the FDC immediately following the challenge. Authentication replies exceeding 20 seconds are automatically suspect and a basis for rechallenge. Subsequent adjustment of fire or immediate engagement of additional targets by the FO originating the initial fire request normally would not require continued challenge by the FDC. FM 24-35 provides information on authentication procedures.

b. Two methods of authentication are authorized for use: challenge and reply and transmission (which is commonly referred to as self-authentication). The operational distinction between the two is that challenge and reply requires two-way communications, whereas transmission authentication does not. Challenge and reply authentication will be used whenever possible.

Transmission authentication will be used if authentication is required and it is not possible or desirable for the receiving station to reply; for example, imposed radio silence, final protective fire, and immediate suppression.

EXAMPLES

Transmission authentication for final protective fire would be **FIRE THE FPF. AUTHENTICATION IS WHISKEY HOTEL, OVER.**

Transmission authentication for immediate suppression would be **T23 THIS IS T44, IMMEDIATE SUPPRESSION, GRID NK124321, AUTHENTICATION IS TANGO UNIFORM, OVER.**

c. The FO is given a transmission authentication table as per unit standing operating procedures (SOP). The transmission authentication table consists of 40 columns of authenticators with 5 authenticators in each column. For immediate suppression, the FO must use the column assigned to his supporting unit. Authenticators from the numbered columns of the transmission authentication table should be used only once. The first unused authenticator in the assigned column is used, and a line is drawn through that authenticator to preclude its reuse.

4-13. SAMPLE MISSIONS

The following are sample calls for fire and FDC responses for various type missions.

EXAMPLES
FIRE MISSION (GRID)
Initial Fire Request

Observer	FDC
Z57 THIS IS Z71, ADJUST FIRE, OVER.	THIS IS Z57, ADJUST FIRE, OUT.
GRID NK180513, OVER.	GRID NK180513, OUT.
INFANTRY PLATOON IN THE OPEN, ICM IN EFFECT, OVER.	INFANTRY PLATOON IN THE OPEN, ICM IN EFFECT, AUTHENTICATE PAPA BRAVO, OVER.
I AUTHENTICATE CHARLIE, OUT.	

EXAMPLES (Continued)
Message to Observer

Observer	FDC
Z, 2 ROUNDS, TARGET AF1027, OUT.	Z, 2 ROUNDS, TARGET AF1027, OVER.
DIRECTION 1680, OVER.	DIRECTION 1680, OUT.

NOTE: Direction is sent before or with the first subsequent correction.

FIRE MISSION (SHIFT)
Initial Fire Request

Observer	FDC
H66 THIS IS H44, ADJUST FIRE, SHIFT AA7733, OVER.	THIS IS H66, ADJUST FIRE, SHIFT AA7733, OUT.
DIRECTION 5210, LEFT 380, ADD 400, DOWN 35, OVER.	DIRECTION 5210, LEFT 380, ADD 400, DOWN 35, OUT.
COMBAT OP IN OPEN, ICM IN EFFECT, OVER.	COMBAT OP IN OPEN, ICM IN EFFECT, AUTHENTICATE LIMA FOXTROT, OVER.
AUTHENTICATE PAPA, OUT.	

Message to Observer

Observer	FDC
H, 1 ROUND, TARGET AA7742, OUT.	H, 1 ROUND, TARGET AA7742, OVER.
FIRE MISSION (POLAR) Initial Fire Request	
Z56 THIS IS Z31, FIRE FOR EFFECT, POLAR, OVER.	THIS IS Z56, FIRE FOR EFFECT, POLAR, OUT.

EXAMPLES (Continued)

Observer FDC

**DIRECTION 4520,
DISTANCE 2300,
DOWN 35, OVER.**

**DIRECTION 4520,
DISTANCE 2300,
DOWN 35, OUT.**

**INFANTRY COMPANY
IN OPEN, ICM, OVER.**

**INFANTRY COMPANY
IN OPEN, ICM,
AUTHENTICATE TANGO
FOXTROT, OVER.**

**I AUTHENTICATE
ECHO, OUT.**

Message to Observer

**Y, VT, 3 ROUNDS,
TARGET AF2036, OVER.**

**Y, VT, 3 ROUNDS,
TARGET AF2036, OUT.**

FIRE MISSION (SUPPRESSION)

Observer FDC

**H18 THIS IS H24,
SUPPRESS AB3104,
OVER.**

**THIS IS H18, SUPPRESS
AB3104, AUTHENTICATE
DELTA JULIET, OVER.**

**I AUTHENTICATE
DELTA, OUT.**

FIRE MISSION (IMMEDIATE SUPPRESSION)

Observer FDC

**H18 THIS IS H24,
IMMEDIATE
SUPPRESSION,
GRID 211432,
AUTHENTICATION IS
TANGO UNIFORM,
OVER.**

**THIS IS H18, IMMEDIATE
SUPPRESSION,
GRID 211432, OUT.**

NOTE: Immediate suppression missions are normally fired by a two-gun section using two rounds of HE or VT. However, this procedure is addressed in individual unit SOP and may vary between units.

W227

- Study FM 4-25.11 (SH-2), App B. • Read FM 3-21.10 (SH-3), Chapter 11, pages 11-21 thru 11-23. • Read STP 21-24-SMCT (SH-4). • Review AR 600-8-1 (SH-5). • Review FM 4-02.2 (SH-6)



HANDOUTS FOR LESSON 1: W227 version 6

This appendix contains the items listed in this table--

Title/Synopsis	Page(s)
SH-1, Advance Sheet	SH-1-1
SH-2, Extracted Material from FM 4-25.11, First Aid	SH-2-1 thru SH-2-29
SH-3, Extracted Material from FM 3-21.10, The Infantry Rifle Company	SH-3-1 thru SH-3-3
SH-4, Extracted Material from STP 21-24-SMCT, Soldier's Manual of Common Tasks Warrior Leader Skills Level 2, 3, and 4	SH-4-1 thru SH-4-8
SH-5, Extracted Material from AR 600-8-1, Army Casualty Program	SH-5-1 thru SH-5-3
SH-6, Extracted Material from FM 4-02.2, Medical Evacuation	SH-6-1 thru SH-6-6

Student Handout 1

Advance Sheet

Lesson Hours This lesson consists of 1 hour of small group instruction and 40 minutes of practical exercises.

Overview This 3-hour lesson covers the information you will need to conduct casualty evacuations.

Learning Objective Terminal Learning Objective (TLO):

Action:	Perform procedures for casualty evacuation.
Conditions:	As a leader of a squad/team, in the classroom and during a situational training exercise, given the instruction in this lesson.
Standards:	Perform procedures for casualty evacuation by— <ul style="list-style-type: none">• Receiving a GO on the end module examination by scoring a minimum of 70 percent,• Identifying the difference between medical evacuation and casualty evacuation,• Identifying rescue and transportation procedures for casualties, and• Implementing evacuation request procedures and report casualties.

ELO A Identify the difference between medical evacuation and casualty evacuation.

ELO B Identify rescue and transportation procedures for casualties.

ELO C Implement evacuation request procedures.

Assignments The student assignments for this lesson are:

- Study FM 4-25.11 (SH-2), App B.
 - Read FM 3-21.10 (SH-3), Chapter 11, pages 11-22 and 11-23.
 - Read STP 21-24-SMCT (SH-4).
 - Review AR 600-8-1 (SH-5).
 - Review FM 4-02.2 (SH-6)
-

Additional Subject Area Resources None

Bring to class You must bring the following items to class:

- All reference material received for this class.
 - Pencil or pen and writing material.
-

Student Handout 2

Extracted Material from FM 4-25.11, First Aid

This student handout contains 28 pages of extracted material from the following publication:

FM 4-25.11, First Aid, 23 Dec 2002

Appendix B pages B-1 thru B-28

Disclaimer: The training developer downloaded the extracted material from the Army Publishing Directorate (USAPA) web site. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

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YOU RECEIVED THIS DOCUMENT IN A DAMAGE-FREE CONDITION. DAMAGE IN ANY WAY TO INCLUDE HIGHLIGHTING, PENCIL MARKS, OR MISSING PAGES WILL SUBJECT YOU TO PECUNIARY LIABILITY (STATEMENT OF CHARGES, CASH COLLECTIONS ETC.) TO RECOVER PRINTING COSTS.

APPENDIX B

RESCUE AND TRANSPORTATION
PROCEDURES**B-1. General**

A basic principle of first aid is to evaluate the casualty's injuries and administer first aid before moving him. However, adverse situations or conditions may jeopardize the lives of both the rescuer and the casualty if this is done. It may be necessary *first to rescue* the casualty before first aid can be effectively or safely given. The life and/or the well-being of the casualty will depend as much upon the manner in which he is *rescued and transported*, as it will upon the first aid and medical treatment he receives. Rescue actions must be done quickly and safely. Careless or rough handling of the casualty during rescue operations can aggravate his injuries.

B-2. Principles of Rescue Operations

a. When faced with the necessity of rescuing a casualty who is threatened by hostile action, fire, water, or any other immediate hazard, DO NOT take action without first determining the extent of the hazard and your ability to handle the situation. DO NOT become a casualty.

b. The rescuer must evaluate the situation and analyze the factors involved. This evaluation involves three major steps:

- Identify the task.
- Evaluate circumstances of the rescue.
- Plan the action.

B-3. Considerations

a. First determine if a rescue attempt is actually needed. It is a waste of time, equipment, and personnel to rescue someone not in need of rescuing. It is also a waste to look for someone who is not lost or needlessly risk the lives of the rescuer(s). In planning a rescue, attempt to obtain the following information:

• Who, what, where, when, why, and how the situation happened?

injuries?

- How many casualties are involved and the nature of their

casualties?

- What is the tactical situation?
- What are the terrain features and the location of the

casualties?

- Will there be adequate assistance available to aid in the

rescue/evacuation?

- Can first aid and/or medical treatment be provided at the scene; will the casualties require movement to a safer location?

rescue operation?

- What specialized equipment will be required for the

rescue operation?

- Is the rescue area contaminated? Will decontamination equipment and materiel be required for casualties, rescue personnel, and rescue equipment?

- How much time is available?

b. The time element can play a significant role in how the rescue is attempted. If the casualties are in imminent danger of losing their lives (such as near a burning vehicle or in a burning building) the time available will be relatively short and will sometimes cause a rescuer to compromise planning stages and/or the first aid which can be given. However, if the casualty is in a relatively secure area and his physical condition is strong, more deliberate planning can take place. A realistic estimate of time available must be made as quickly as possible to determine action time remaining. The key elements are the casualty's physical and mental condition, the tactical situation, and the environment.

B-4. Plan of Action

a. The casualty's ability to endure is of primary importance in estimating the time available. Age, physical condition, and extent of wounds and/or injuries will differ from casualty to casualty. Therefore, to determine the time available, you will have to consider—

- Endurance time of the casualty.
- Extent of injuries.

- Type of situation.
- Personnel and/or equipment availability.
- Weather.
- Terrain (natural and man-made).
- Environment (contaminated or uncontaminated).

b. In respect to terrain, you must consider altitude and visibility. In some cases, the casualty may be of assistance because he knows more about the particular terrain or situation than you do. Maximum use of secure/reliable trails or roads is essential.

c. When taking weather into account, ensure that blankets and/or rain gear are available. Even a mild rain can complicate a normally simple rescue. In high altitudes and/or extreme cold and gusting winds, the time available is critically shortened. Be prepared to provide shelter and warmth for the casualty as well as the rescuers.

B-5. Proper Handling of Casualties

a. You may have saved the casualty's life through the application of appropriate first aid measures. However, his life can be lost through rough handling or careless transportation procedures. Before you attempt to move the casualty—

- Evaluate the type and extent of his injuries.
- Ensure that dressings over wounds are adequately reinforced.
- Ensure that fractured bones are properly immobilized and supported to prevent them from cutting through muscle, blood vessels, and skin.

b. Based upon your evaluation of the type and extent of the casualty's injury and your knowledge of the various manual carries, you must select the best possible method of manual transportation. If the casualty is conscious, tell him how he is to be transported. This will help allay his fear of movement and gain his cooperation and confidence.

c. Buddy aid for chemical agent casualties includes those actions required to prevent an incapacitated casualty from receiving additional injury

from the effects of chemical hazards. If a casualty is physically unable to decontaminate himself or administer the proper chemical agent antidote, the casualty's buddy assists him and assumes responsibility for his care. Buddy-aid includes—

- Administering the proper chemical agent antidote.
- Decontaminating the incapacitated casualty's exposed skin.
- Ensuring that his protective ensemble remains correctly emplaced.
- Maintaining respiration.
- Controlling bleeding.
- Providing other standard first aid measures
- Transporting the casualty out of the contaminated area.

B-6. Positioning the Casualty

The first step in any manual carry is to position the casualty to be lifted. If he is conscious, he should be told how he is to be positioned and transported. This helps lessen his fear of movement and to gain his cooperation. It may be necessary to roll the casualty onto his abdomen, or his back, depending upon the position in which he is lying and the particular carry to be used.

a. To roll a casualty onto his abdomen, kneel at the casualty's uninjured side.

(1) Place his arms above his head; cross his ankle which is farther from you over the one that is closer to you.

(2) Place your hands on the shoulder which is farther from you; place your other hand in the area of his hip or thigh (Figure B-1).

(3) Roll him gently toward you onto his abdomen (Figure B-2).

b. To roll a casualty onto his back, follow the same procedure described in *a* above, except gently roll the casualty onto his back, rather than onto his abdomen.



Figure B-1. Positioning the casualty.



Figure B-2. Rolling casualty onto his abdomen.

B-7. Medical Evacuation and Transportation of Casualties

a. Medical evacuation of the sick and wounded (with en route medical care) is the responsibility of medical personnel who have been provided special training and equipment. Therefore, unless a good reason for you to transport a casualty arises, wait for some means of medical evacuation to be provided. When the situation is urgent and you are unable to obtain medical assistance or know that no medical evacuation assets are available, you will have to transport the casualty. For this reason, you must know how to transport him without increasing the seriousness of his condition.

b. Transporting a casualty by litter (FM 8-10-6) is safer and more comfortable for him than by manual means; it is also easier for you.

Manual transportation, however, may be the only feasible method because of the terrain or the combat situation; or it may be necessary to save a life. In these situations, the casualty should be transferred to a litter as soon as one can be made available or improvised.

B-8. Manual Carries

Casualties carried by manual means must be carefully and correctly handled, otherwise their injuries may become more serious or possibly fatal. Situation permitting, transport of a casualty should be organized and unhurried. Each movement should be performed as deliberately and gently as possible. Casualties should not be moved before the type and extent of injuries are evaluated and the required first aid is administered. The exception to this occurs when the situation dictates immediate movement for safety purposes (for example, it may be necessary to remove a casualty from a burning vehicle); that is, the situation dictates that the urgency of casualty movement outweighs the need to administer first aid. Manual carries are tiring for the bearers and involve the risk of increasing the severity of the casualty's injury. In some instances, however, they are essential to save the casualty's life. Although manual carries are accomplished by one or two bearers, the two-man carries are used whenever possible. They provide more comfort to the casualty, are less likely to aggravate his injuries, and are also less tiring for the bearers. The distance a casualty can be carried depends on many factors, such as—

- Nature of the casualty's injuries.
- Strength and endurance of the bearer(s).
- Weight of the casualty.
- Obstacles encountered during transport (natural or manmade).
- Type of terrain.

a. *One-man Carries.* These carries should be used when only one bearer is available to transport the casualty.

(1) The *fireman's carry* (Figure B-3) is one of the easiest ways for one individual to carry another. After an unconscious or disabled casualty has been properly positioned, he is raised from the ground, then supported and placed in the carrying position.

(a) After rolling the casualty onto his abdomen, straddle him. Extend your hands under his chest and lock them together.

(b) Lift the casualty to his knees as you move backward.

(c) Continue to move backward, thus straightening the casualty's legs and locking his knees.

(d) Walk forward, bringing the casualty to a standing position; tilt him slightly backward to prevent his knees from buckling.

(e) As you maintain constant support of the casualty with one arm, free your other arm, quickly grasp his wrist, and raise his arm high. Instantly pass your head under his raised arm, releasing it as you pass under it.

(f) Move swiftly to face the casualty and secure your arms around his waist. Immediately place your foot between his feet and spread them apart (approximately 6 to 8 inches).

(g) Grasp the casualty's wrist and raise his arm high over your head.

(h) Bend down and pull the casualty's arm over and down on your shoulder, bringing his body across your shoulders. At the same time, pass your arm between his legs.

(i) Grasp the casualty's wrist with one hand, and place your other hand on your knee for support.

(j) Rise with the casualty positioned correctly. Your other hand is free for use.



Figure B-3. Fireman's carry (Illustrated A—J).

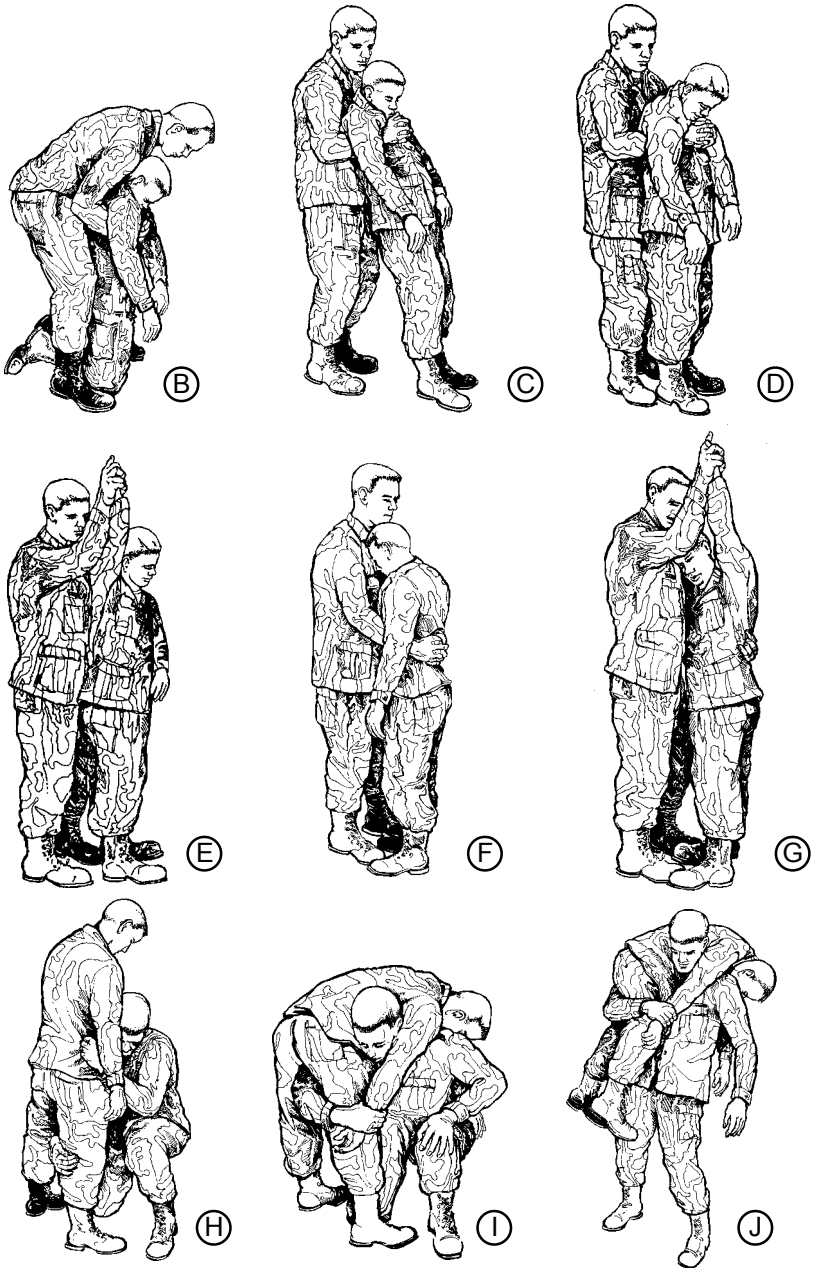


Figure B-3. Fireman's carry (Illustrated A—J) (Continued).

(2) The alternate method of the *fireman's carry* for raising a casualty from the ground is illustrated in Figure B-4; however, it should be used only when the bearer believes it to be safer for the casualty because of the location of his wounds. When the alternate method is used, care must be taken to prevent the casualty's head from snapping back and causing a neck injury. The steps for raising a casualty from the ground for the fireman's carry are also used in other one-man carries.

(a) Kneel on one knee at the casualty's head and face his feet. Extend your hands under his armpits, down his sides, and across his back.

(b) As you rise, lift the casualty to his knees. Then secure a lower hold and raise him to a standing position with his knees locked.

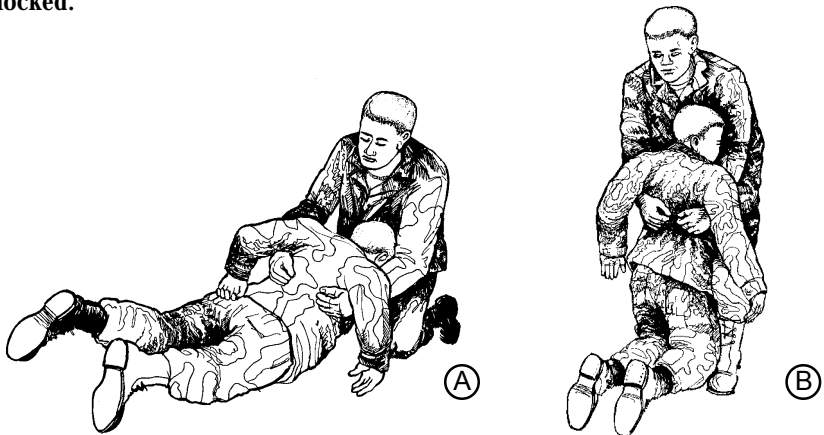


Figure B-4. Fireman's carry (alternate method) for lifting a casualty to a standing position (Illustrated A—B).

(3) In the *supporting carry* (Figure B-5), the casualty must be able to walk or at least hop on one leg, using the bearer as a crutch. This carry can be used to assist him as far as he is able to walk or hop.

(a) Raise the casualty from the ground to a standing position by using the fireman's carry.

(b) Grasp the casualty's wrist and draw his arm around your neck.

(c) Place your arm around his waist. The casualty is now able to walk or hop using you as a support.



Figure B-5. Supporting carry.

(4) The *arms carry* (Figure B-6) is useful in carrying a casualty for a short distance (up to 50 meters) and for placing him on a litter.

(a) Raise or lift the casualty from the ground to a standing position, as in the fireman's carry.

(b) Place one arm under the casualty's knees and your other arm around his back.

(c) Lift the casualty.

(d) Carry the casualty high to lessen fatigue.



Figure B-6. Arms carry.

(5) Only a conscious casualty can be transported by the *saddleback carry* (Figure B-7), because he must be able to hold onto the bearer's neck. To use this technique—

(a) Raise the casualty to an upright position, as in the fireman's carry.

(b) Support the casualty by placing an arm around his waist. Move to the casualty's side. Have the casualty put his arm around your neck and move in front of him with your back to support him.

(c) Have the casualty encircle his arms around your neck

(d) Stoop, raise him on your back and clasp your hands together beneath his thighs, if possible.



Figure B-7. Saddleback carry.

(6) In the *pack-strap carry* (Figure B-8), the casualty's weight rests high on the your back. This makes it easier for you to carry the casualty a moderate distance (50 to 300 meters). To eliminate the possibility of injury to the casualty's arms, you must hold his arms in a palms-down position.

(a) Lift the casualty from the ground to a standing position, as in the fireman's carry.

(b) Support the casualty with your arms around him and grasp his wrist closer to you.

(c) Place his arm over your head and across your shoulders.

(d) Move in front of him while still supporting his weight against your back.

(e) Grasp his other wrist and place this arm over your shoulder.

(f) Bend forward and raise or hoist the casualty as high on your back as possible so that his weight is resting on your back.

NOTE

Once the casualty is positioned on the bearer's back, the bearer remains as erect as possible to prevent straining or injuring his back.



Figure B-8. Pack-strap carry.

(7) The *pistol-belt carry* (Figure B-9) is the best one-man carry for a long distance (over 300 meters). The casualty is securely supported upon your shoulders by a belt. Both your hands and the casualty's (if conscious) are free for carrying a weapon or equipment, or climbing obstacles. With your hands free and the casualty secured in place, you are also able to creep through shrubs and under low-hanging branches.

(a) Link two pistol belts (or three, if necessary) together to form a sling. Place the sling under the casualty's thighs and lower back so that a loop extends from each side.

NOTE

If pistol belts are not available for use, other items such as a rifle sling, two cravat bandages, two litter straps, or any other suitable material, which will not cut or bind the casualty may be used.

(b) Lie face up between the casualty's outstretched legs. Thrust your arms through the loops and grasp his hands and trouser leg on his injured side.

(c) Roll toward the casualty's uninjured side onto your abdomen, bringing him onto your back. Adjust the sling, if necessary.

(d) Rise to a kneeling position. The belt will hold the casualty in place.

(e) Place one hand on your knee for support and rise to an upright position. (The casualty is supported on your shoulders.)

(f) Carry the casualty with your hands free for use in rifle firing, climbing, or surmounting obstacles.

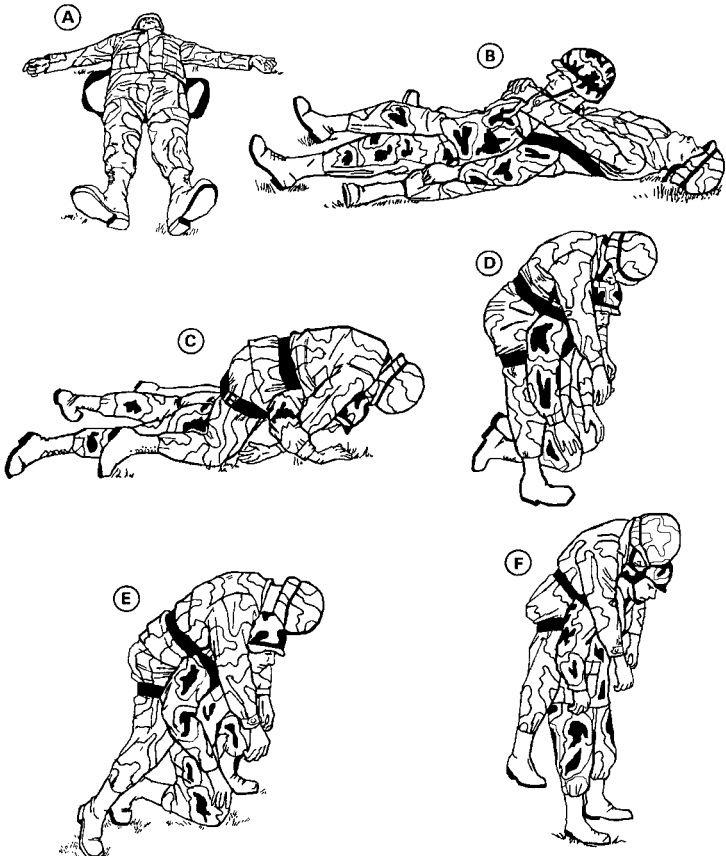


Figure B-9. Pistol-belt carry (Illustrated A—F).

(8) The *pistol-belt drag* (Figure B-10), as well as other drags, is generally used for short distances (up to 50 meters). This drag is useful in combat, since both the bearer and the casualty can remain closer to the ground than in any other drags.

(a) Extend two pistol belts or similar objects to their full length and join them together to make a continuous loop.

(b) Roll the casualty onto his back, as in the fireman's carry.

(c) Pass the loop over the casualty's head, and position it across his chest and under his armpits. Then cross the remaining portion of the loop, thus forming a figure eight. Keep tension on the belts so they do not come unhooked.

(d) Lie on your side facing the casualty.

(e) Slip the loop over your head and turn onto your abdomen. This enables you to drag the casualty as you crawl.



Figure B-10. Pistol-belt drag.

(9) The *neck drag* (Figure B-11) is useful in combat because the bearer can transport the casualty as he creeps behind a low wall or shrubbery, under a vehicle, or through a culvert. If the casualty is unconscious, his head must be protected from the ground. The neck drag cannot be used if the casualty has a broken arm.

NOTE

If the casualty is conscious, he may clasp his hands together around your neck.

(a) Tie the casualty's hands together at the wrists.

(b) Straddle the casualty in a kneeling face-to-face position.

(c) Loop the casualty's tied hands over and around your neck.

(d) Crawl forward dragging the casualty with you.

NOTE

If the casualty is unconscious, protect his head from the ground.



Figure B-11. Neck drag.

(10) The *cradle drop drag* (Figure B-12) is effective in moving a casualty up or down steps.

(a) Kneel at the casualty's head (with him lying on his back). Slide your hands, with palms up, under the casualty's shoulders and get a firm hold under his armpits.

(b) Rise (partially), supporting the casualty's head on one of your forearms. (You may bring your elbows together and let the casualty's head rest on both of your forearms.)

(c) Rise and drag the casualty backward. (The casualty is in a semisitting position.)

(d) Back down the steps, supporting the casualty's head and body and letting his hips and legs drop from step to step.

NOTE

If the casualty needs to be moved up the steps, you should back up the steps, using the same procedure.

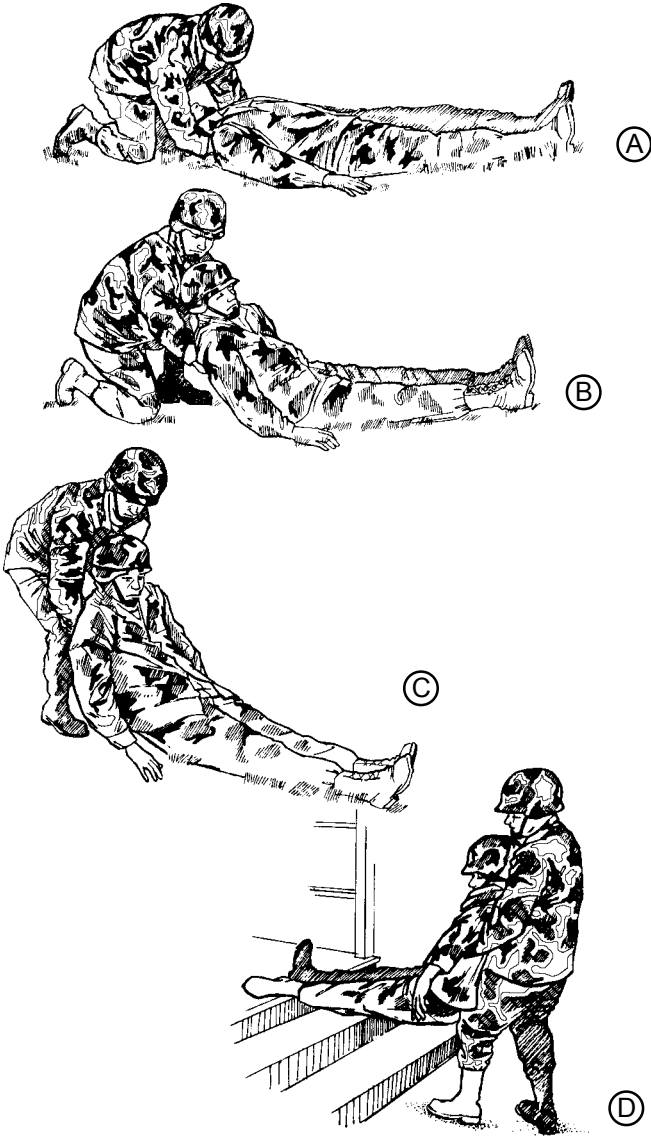


Figure B-12. Cradle-drop drag (Illustrated A–D).

(11) The LBE carry using the bearer's LBE can be used with a conscious casualty (Figure B-13).

- (a) Loosen all suspenders on your LBE.

(b) Have the casualty place one leg into the loop formed by your suspenders and pistol belt.

(c) Squat in front of the standing casualty. Have him place his other leg into the loop, also.

(d) Have the casualty place his arms over your shoulders, lean forward onto your back, and lock his hands together.

(e) Stand up and lean forward into a comfortable position.

(f) Continue the mission.

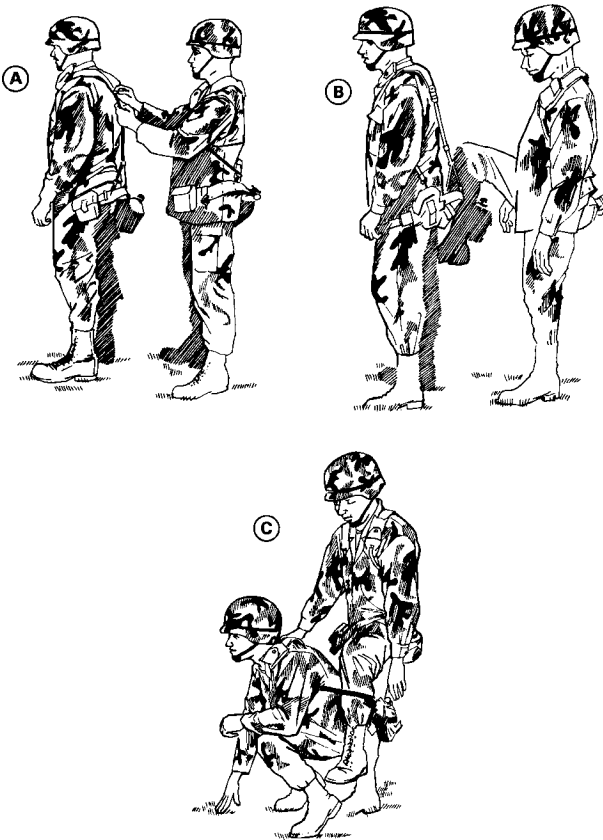


Figure B-13. Load bearing equipment carry using bearer's LBE (conscious casualty) (Illustrated A—F).

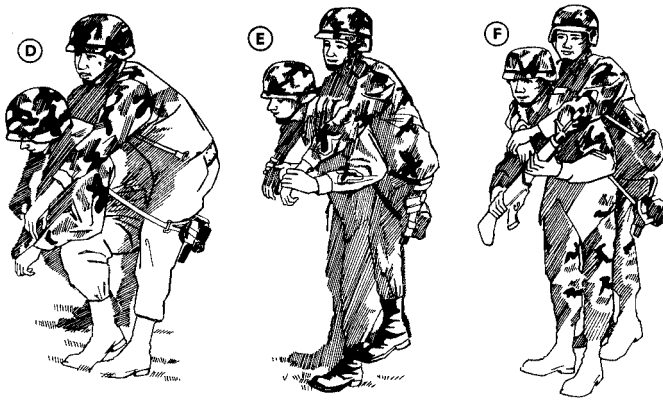


Figure B-13. Load bearing equipment carry using bearer's LBE (conscious casualty) (Illustrated A–F) (Continued).

(12) The *LBE carry using the bearer's LBE* can be used with an unconscious casualty or one who cannot stand (Figure B-14).

- (a) Position the casualty on the flat of his back.
- (b) Remove your LBE and loosen all suspender straps.
- (c) Lift the casualty's leg and place it through the loop formed by your suspenders and pistol belt. Then place the other leg through the same loop. The LBE is moved up until the pistol belt is behind the casualty's thighs.
- (d) Lay between the casualty's legs; work your arms through the LBE suspenders.
- (e) Grasp the casualty's hand (on the injured side), and roll the casualty (on his uninjured side) onto your back.
- (f) Rise to one knee and then push into a standing position.
- (g) Bring the casualty's arms over your shoulders. Grasp his hands and secure them if the casualty is unconscious. If the casualty is conscious, have him lock his hands in front if he is able to do so.
- (h) Lean forward into a comfortable position and continue the mission.

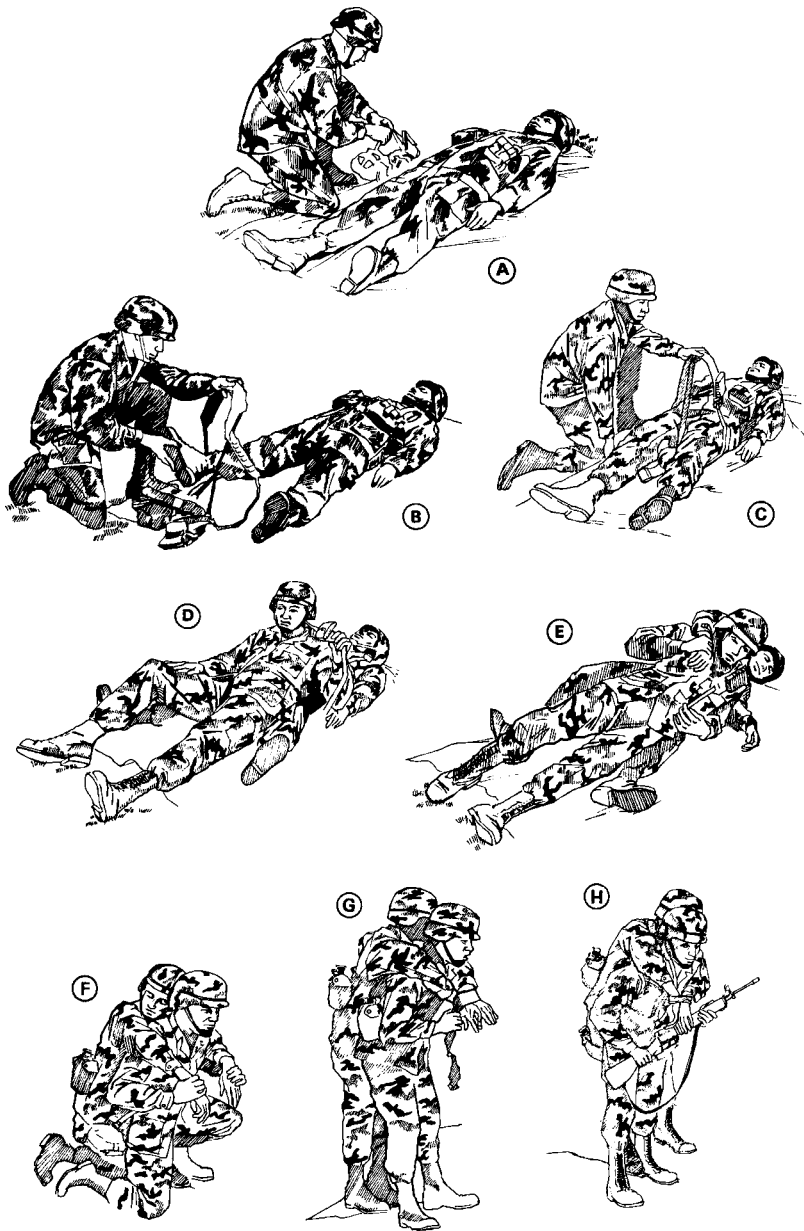


Figure B-14. Load bearing equipment carry using bearer's LBE (unconscious casualty or one that cannot stand) (Illustrated A–H).

(13) The *LBE carry using the casualty's LBE* (Figure B-15) can be used with a conscious or unconscious casualty.

- (a) Position the casualty on his back with his LBE on.
- (b) Loosen the casualty's two front suspenders.
- (c) Position yourself between the casualty's legs, and slip your arms into the casualty's two front suspenders (up to your shoulders).
- (d) Work his arms out of his LBE suspenders.
- (e) Grasp the casualty's hand (on the injured side), and roll him (on his uninjured side) onto your back.
- (f) Rise to one knee, then into a standing position.
- (g) Grasp the casualty's hands and secure them, if the casualty is unconscious. Have the casualty lock his hands in front of you, if he is conscious.
- (h) Lean forward into a comfortable position and continue the mission.



Figure B-15. Load bearing equipment carry using casualty's LBE (Illustrated A—G).

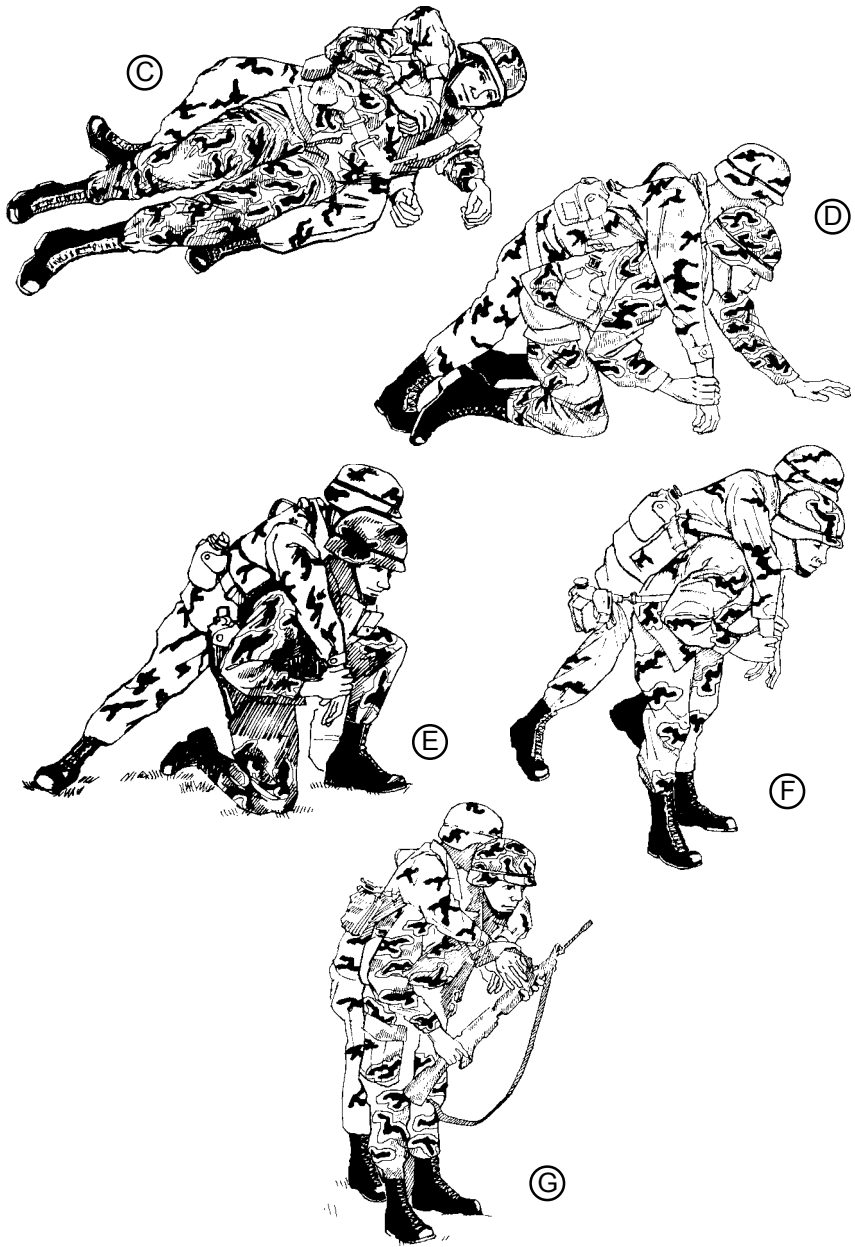


Figure B-15. Load bearing equipment carry using casualty's LBE (Illustrated A—G) (Continued).

b. Two-man Carries. These carries should be used whenever possible. They provide more casualty comfort, are less likely to aggravate injuries, and are less tiring for the bearers. Five different two-man carries can be used.

(1) The *two-man support carry* (Figure B-16) can be used in transporting either conscious or unconscious casualties. If the casualty is taller than the bearers, it may be necessary for the bearers to lift the casualty's legs and let them rest on their forearms. The bearers—

(a) Help the casualty to his feet and support him with their arms around his waist.

(b) Grasp the casualty's wrists and draw his arms around their necks.



Figure B-16. *Two-man supporting carry.*

(2) The *two-man arms carry* (Figure B-17) is useful in carrying a casualty for a moderate distance (50 to 300 meters) and placing him on a litter. To lessen fatigue, the bearers should carry the casualty high and as close to their chests as possible. In extreme emergencies when there is no time to obtain a spine board, this carry is the safest one for transporting a casualty with a back injury. If possible, two additional bearers should be used to keep the casualty's head and legs in alignment with his body. The bearers—

(a) Kneel at one side of the casualty; then they place their arms beneath the casualty's back, waist, hips, and knees.

(b) Lift the casualty while rising to their knees.

(c) Turn the casualty toward their chests, while rising to a standing position. Carry the casualty high to lessen fatigue.

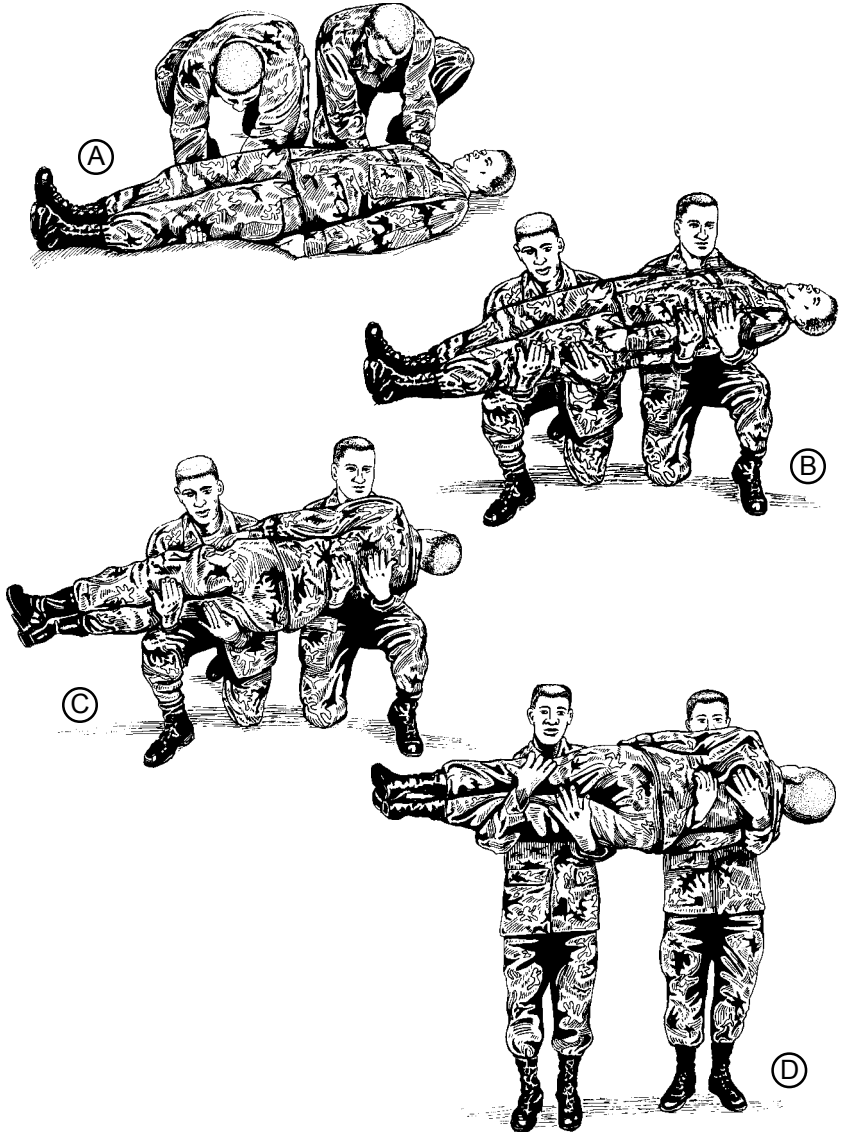


Figure B-17. Two-man arms carry (Illustrated A—D).

(3) The *two-man fore-and aft-carry* (Figure B-18) is a useful *two-man carry* for transporting a casualty for a long distance (over 300 meters). The taller of the two bearers should position himself at the casualty's head. By altering this carry so that both bearers face the casualty, it is useful for placing a casualty on a litter.

(a) The shorter bearer spreads the casualty's legs and kneels between them with his back to the casualty. He positions his hands behind the casualty's knees. The other bearer kneels at the casualty's head, slides his hands under the arms, across the chest, and locks his hands together.

(b) The two bearers rise together, lifting the casualty.



Figure B-18. *Two-man fore-and-aft carry* (Illustrated A—B).

(4) Only a conscious casualty can be transported with the *four-hand seat carry* (Figure B-19) because he must help support himself by placing his arms around the bearers' shoulders. This carry is especially useful in transporting a casualty with a head or foot injury for a moderate distance (50 to 300 meters). It is also useful for placing a casualty on a litter.

(a) Each bearer grasps one of his wrists and one of the other bearer's wrists, thus forming a packsaddle.

(b) The two bearers lower themselves sufficiently for the casualty to sit on the packsaddle; then, they have the casualty place his arms around their shoulders for support. The bearers then rise to an upright position.

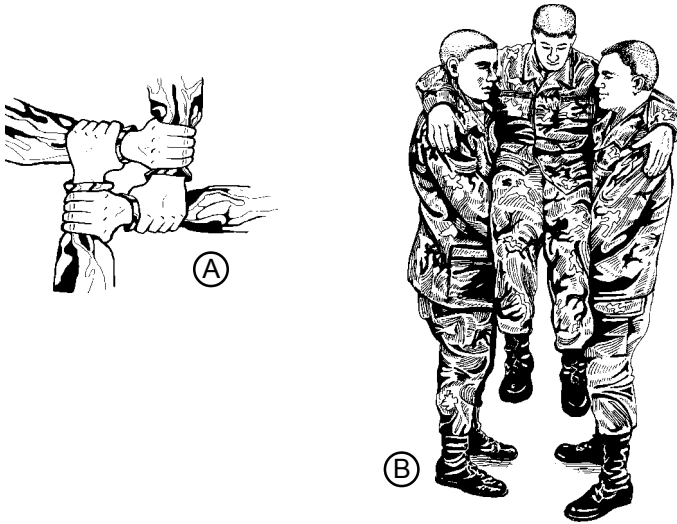


Figure B-19. Four-hand seat carry (Illustrated A—B).

(5) The *two-hand seat carry* (Figure B-20) is used when carrying a casualty for a short distance or for placing him on a litter. With the casualty lying on his back, a bearer kneels on each side of the casualty at his hips. Each bearer passes his arms under the casualty's thighs and back, and grasps the other bearer's wrists. The bearers rise lifting the casualty.

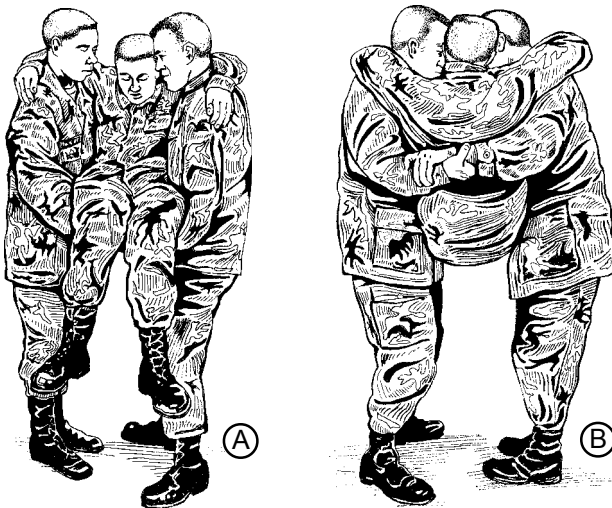


Figure B-20. Two-hand seat carry (Illustrated A—B).

B-9. Improvised Litters

Two men can support or carry a casualty without equipment for only short distances. By using available materials to improvise equipment, the casualty can be transported greater distances by two or more rescuers.

a. There are times when a casualty may have to be moved and a standard litter is not available. The distance may be too great for manual carries or the casualty may have an injury (such as a fractured neck, back, hip, or thigh) that would be aggravated by manual transportation. In these situations, litters can be improvised from materials at hand. Improvised litters must be as well constructed as possible to avoid risk of dropping or further injuring the casualty. Improvised litters are emergency measures and must be replaced by standard litters at the first opportunity.

b. Many different types of litters can be improvised, depending upon the materials available. A satisfactory litter can be made by securing poles inside such items as a blanket, poncho, shelter half, tarpaulin, mattress cover, jacket, shirt, or bed ticks, bags, and sacks (Figure B-18). Poles can be improvised from strong branches, tent supports, skis, lengths of pipe or other objects. If objects for improvising poles are not available, a blanket, poncho, or similar item can be rolled from both sides toward the center so the rolls can be gripped for carrying a patient. Most flat-surface objects of suitable size can be used as litters. Such objects include doors, boards, window shutters, benches, ladders, cots, and chairs. If possible, these objects should be padded for the casualty's comfort.

(1) To improvise a litter using a blanket and poles (Figure B-21), the following steps should be used.

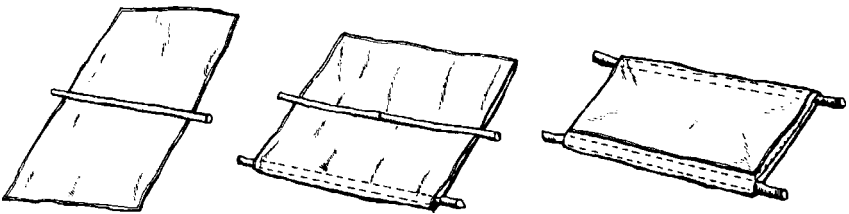


Figure B-21. Litter made with blanket and poles.

(a) Open the blanket and lay one pole lengthwise across the center; then fold the blanket over the pole.

(b) Place the second pole across the center of the folded blanket.

(c) Fold the free edges of the blanket over the second pole and across the first pole.

(2) To improvise a litter using shirts or jackets (Figure B-22), button the shirt or jacket and turn it inside out, leaving the sleeves inside, (more than one shirt or jacket may be required), then pass the pole through the sleeves.

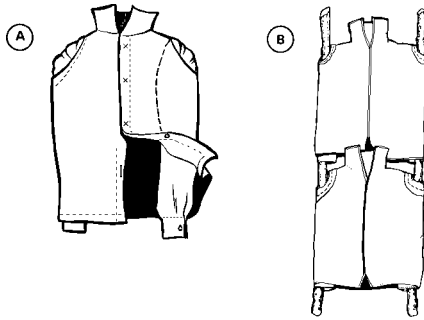


Figure B-22. Litter improvised from jackets and poles (Illustrated A—B).

(3) To improvise a litter from bed sacks and poles (Figure B-23), rip open the corners of bed ticks, bags, or sacks; then pass the poles through them.

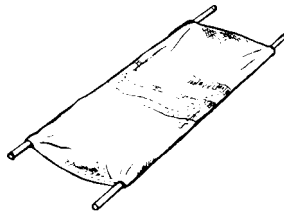


Figure B-23. Litter improvised from bed sacks and poles.

(4) If no poles are available, roll a blanket, shelter half, tarpaulin, or similar item from both sides toward the center (Figure B-24). Grip the rolls to carry the casualty.

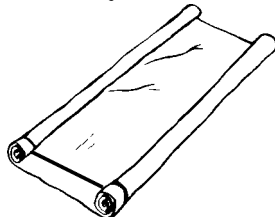


Figure B-24. Rolled blanket used as a litter.

c. Any of the appropriate carries may be used to place a casualty on a litter. These carries are:

- The one-man arms carry (Figure B-6).
- The two-man arms carry (Figure B-17).
- The two-man fore-and-aft carry (Figure B-18).
- The two-hand seat carry (Figure B-20).
- The four-hand seat carry (Figure B-19).

WARNING

Unless there is an immediate life-threatening situation (such as fire, explosion), DO NOT move a casualty with a suspected back or neck injury. Seek medical personnel for guidance on how to transport.

d. Either two or four service members (head/foot) may be used to lift a litter. To lift the litter, follow the procedure below.

- (1) Raise the litter at the same time as the other carriers/bearers.
- (2) Keep the casualty as level as possible.

NOTE

Use caution when transporting on a sloping incline/hill.

Student Handout 3

Extracted Material from FM 3-21.10, The Infantry Rifle Company

This student handout contains three pages of extracted material from the following publication:

FM 3-21.10, The Infantry Rifle Company, 27 Jun 2006

Chapter 11 pages 11-21 thru 11-23

Disclaimer: The training developer downloaded the extracted material from the Army Publishing Directorate (USAPA) web site. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

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PLATOON MEDICAL OR TRAUMA SPECIALIST

11-70. The fact that platoon members commonly address their trauma specialist as "*doc*" or "*medic*" shows his critical role in providing them with competent, life-saving care. During combat planning and preparation he inspects platoon CLS bags, verifies IVs are placed in litters, and fills class VIII shortages. He will determine the location for the platoon CCPs and the SOP for establishing them. He rehearses casualty treatment and litter carries with all platoon members, not only aid and litter teams; and conducts CLS refresher training.

Note: DA Form 1156 is collected at the aid station by designated medical personnel; it is forwarded to the S-1 section for further processing through administrative channels in the battalion field trains.

PLATOON SERGEANT

11-71. Although unit SOP dictates specific responsibilities, the platoon sergeant is typically responsible for ensuring that wounded or injured personnel receive immediate first aid and that the commander is informed of casualties. During critical operations, or when the platoon takes a lot of casualties, the platoon sergeant normally oversees the platoon casualty collection point (CCP). He coordinates with the 1SG and company senior trauma specialist for ground evacuation. He may ensure that the casualty feeder (DA Form 1156) form has been completed and routed to the proper channels. The platoon sergeant carries a laminated quick reference nine-line MEDEVAC card.

FIRST SERGEANT

11-72. The 1SG oversees the operation of the company CCP, particularly in critical operations or when casualties are high. He brings the full measure of his experience and authority to bear in the efficient treatment, collection, preparation, and transport of casualties. Successful casualty evacuation (CASEVAC) depends on his ability to anticipate, plan, and rehearse his CCP operation. METT-TC dictates the CCP site location. It must be accessible by both ground and air transport. The 1SG supervises and coordinates casualty operations, collects witness statements and submits them to the battalion S-1, and submits the battle loss report to the battalion TOC. These duties also relate to another important combat function of the 1SG: managing the company's personnel status. As needed, the 1SG cross-levels personnel to make up for shortages.

COMMANDER

11-73. The company commander has overall responsibility for medical services. His primary task is to position medical personnel at the proper point on the battlefield to treat casualties or to evacuate those casualties properly. The company commander designates the location for the company's CCP and ensures that the location is recorded on the appropriate overlays. He also develops and implements appropriate SOPs for casualty evacuation. Two key planning considerations follow.

11-74. The commander analyzes both fundamental categories of treatment and evacuation to determine if he must accept risk in one or the other and how he may mitigate identified risks. For example, where distances to available MTF are excessive and transportation assets stretched, the commander might request more medics during an operation.

11-75. Sites for casualty treatment and evacuation will vary widely on the noncontiguous battlefield and the commander tries to identify, disseminate, and coordinate with all available MTF accessible to his unit including those outside his organization.

CASUALTY EVACUATION

11-76. MEDEVAC is not the same as so-called "*casualty evacuation*" (CASEVAC).

- Casualty transport, commonly called CASEVAC, is the movement of casualties by nonmedical assets without specialized trauma care. For the purposes of this discussion, casualty transport or CASEVAC will mean that which is done when moving casualties from the point of injury (POI) to the platoon CCP or company CCP.
- MEDEVAC is the movement of casualties using medical assets while providing en route medical care. Ideally, casualties are transferred from a CCP to a MEDEVAC asset.

11-77. The two areas of medical support are treatment and evacuation. Effective CASEVAC has a positive impact on the morale of a unit. Casualties are cared for at the point of injury (or under nearby cover and concealment) and receive self- or buddy aid, advanced first aid from the combat lifesaver, or emergency medical treatment from the trauma specialist (company or platoon medic).

11-78. During the fight, casualties should remain under cover where they received initial treatment (self- or buddy aid). As soon as the situation allows, casualties are moved to the platoon CCP. From the platoon area, casualties are normally evacuated to the company CCP and then back to the BAS. The unit SOP addresses this activity, to include the marking of casualties in limited visibility operations. Small, standard, or IR chemical lights work well for this purpose. Once the casualties are collected, evaluated, and treated, they are prioritized for evacuation back to the company CCP. Once they arrive at the company CCP, the above process is repeated while awaiting their evacuation back to the BAS.

11-79. An effective technique, particularly during an attack, is to task-organize a logistics team under the 1SG. These Soldiers carry additional ammunition forward to the platoons and evacuate casualties to either the company or the battalion CCP. The leader determines the size of the team during his estimate.

11-80. When the company is widely dispersed, the casualties might be evacuated directly from the platoon CCP by vehicle or helicopter. Helicopter evacuation might be restricted due to the threat of enemy ground to air small arms, shoulder fired or other air defense weapons. In some cases, the casualties must be moved to the company CCP before evacuation. If the capacity of the battalion's organic ambulances is exceeded, unit leaders may rerole supply or other vehicles to backhaul or otherwise transport nonurgent casualties to the battalion aid station. In other cases, the platoon sergeant may direct platoon litter teams to carry the casualties to the rear.

11-81. Leaders minimize the number of Soldiers required to evacuate casualties. Casualties with minor wounds can walk or even assist with carrying the more seriously wounded. Soldiers can make field-expedient litters by cutting small trees and putting the poles through the sleeves of buttoned ACU blouses. A travois, or skid, might be used for casualty evacuation. Wounded are strapped on this type of litter, then one person can pull it. It can be made locally from durable, rollable plastic. Tie-down straps are fastened to it. In rough terrain, or on patrols, litter teams can evacuate casualties to the battalion aid station. Then, they are carried with the unit either until transportation can reach them or until they are left at a position for later pickup.

11-82. Unit SOPs and OPORDs address casualty treatment and evacuation in detail. They cover the duties and responsibilities of key personnel, the evacuation of chemically contaminated casualties (on separate routes from noncontaminated casualties), and the priority for operating key weapons and positions. They specify preferred and alternate methods of evacuation and make provisions for retrieving and safeguarding the weapons, ammunition, and equipment of casualties. Slightly wounded personnel are treated and returned to duty by the lowest echelon possible. Platoon aid men, evaluate sick Soldiers, and either treat or evacuate them as necessary. Casualty evacuation is rehearsed like any other critical part of an operation.

11-83. For procedures in the use of the casualty feeder report, DA Form 1156.

Note: Before casualties are evacuated to the CCP or beyond, leaders should remove all key operational or sensitive items and equipment, including COMSEC devices or SOIs, maps, position location devices. Every unit should establish an SOP for handling the weapons and ammunition of its WIAs. Protective masks must stay with the individual.

11-84. At the CCP, the senior trauma specialist conducts triage of all casualties, takes the necessary steps to stabilize their condition, and initiates the process of evacuating them to the rear for further treatment. He helps the 1SG arrange evacuation via ground or air ambulance, or by nonstandard means.

11-85. When possible, the HHC medical platoon ambulances provide evacuation and en route care from the Soldier's point of injury or the company's CCP to the BAS. The ambulance team supporting the company works in coordination with the senior trauma specialist supporting the platoons. In mass casualty situations, nonmedical vehicles might be used to assist in casualty evacuation as directed by the Infantry company commander. Plans for the use of nonmedical vehicles to perform casualty evacuation should be included in the unit SOP. Ground ambulances from the BSMC or supporting corps air ambulances evacuate patients from the BAS back to the BSMC medical treatment facility (MTF) located in the BSA.

Note: During entry operations, air ambulances might be unavailable for the first 96 hours.

SOLDIERS KILLED IN ACTION

11-86. The company commander designates a location for the collection of those KIA. Temporary remains holding areas should be established behind a natural barrier, such as a stand of trees, or shielded from the view of others by using either tents or tarpaulins. All personal effects remain with the body, but equipment and issue items become the responsibility of the squad leader until they can be turned over to the 1SG or supply sergeant. As a rule, human remains should not be transported on the same vehicle as wounded Soldiers. The commander sends a letter of condolence to the Soldier's next of kin, normally within 48 hours of the death.

Section VII. REORGANIZATION AND WEAPONS REPLACEMENT

To maintain effective, consistent combat power, the company must have specific plans and procedures that allow each element to integrate replacement personnel and equipment quickly. Unit SOP defines how Soldiers and equipment are prepared for combat, including areas such as uploading, load plans, PCIs, and in-briefings.

REPLACEMENTS AND CROSS-LEVELING OF PERSONNEL

11-87. Replacements for wounded, killed, or missing personnel are requested through the battalion S-1. Returning or replacement personnel arriving with the LOGPAC should have already been issued all TA-50 equipment, MOPP gear, and other items, including their personal weapons. Within the company, each platoon leader cross-levels personnel among his crews, with the 1SG controlling cross-leveling from platoon to platoon.

11-88. Integrating replacements into a company is important. A new arrival on the battlefield might be scared and disoriented as well as unfamiliar with local SOPs and the theater of operations. The following procedures help integrate new arrivals into a company.

- The company commander meets them and welcomes them to the unit. This is normally a brief interview. The company commander must have an SOP for reception and integration of newly assigned Soldiers.
- The platoon leader and platoon sergeant welcome them to the unit, inform them of unit standards, and introduce them to their squad leaders.
- The squad leader introduces them to the squad and briefs them on duty positions. He also ensures that each replacement has a serviceable, zeroed weapon, as well as ammunition, MOPP gear, and other essential equipment. The in-briefing should cover the squad and platoon's recent and planned activities.
- The new arrival is told about important SOPs and a paper copy should be given to the Soldiers on any special information concerning the area of operations. He might be given a form letter to

Student Handout 4

Extracted Material from STP 21-24-SMCT, Soldier's Manual of Common Tasks Warrior Leader Skills Level 2, 3, and 4

This student handout contains seven pages of extracted material from the following publication:

STP 21-24-SMCT, The Soldier's Manual of Common Tasks, Skill level 2, 3, and 4, 9 Sep 2008

TASK 081-831-0101 (SL2)	pages 3-18 thru 3-21
TASK 805C-PAD-2060 (SL2)	pages 3-87 thru 3-89

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Performance Measures	GO	NO GO
3. Correctly identified five of the seven Army's EO program related elements.	_____	_____
4. Correctly identified three of the five reasons for conducting a climate assessment.	_____	_____
5. Correctly defined the Army's sexual harassment policy.	_____	_____
6. Correctly identified the two types of sexual harassment.	_____	_____

Evaluation Guidance: Refer to chapter 1, paragraph 1-4 b (6).

References

Required: AR 600-20, TC 26-6, AR 670-1, AR 690-12, AR 690-600, and DOD 1350.2.

Related:

SUBJECT AREA 2: FIRST AID

081-831-0101

Request Medical Evacuation

Conditions: You have a casualty requiring medical evacuation (MEDEVAC) and you will need a patient pickup site. You will need operational communications equipment, MEDEVAC request format, a standard scale military map, a grid coordinate scale, and unit signal operation instructions (SOIs).

Standards: Transmit a MEDEVAC request, providing all necessary information within 25 seconds. Transmit, as a minimum, line numbers 1 through 5 during the initial contact with the evacuation unit. Transmit lines 6 through 9 while the aircraft or vehicle is en route, if not included during the initial contact.

Performance Steps

1. Collect all applicable information needed for the MEDEVAC request.
 - a. Determine the grid coordinates for the pickup site. (See STP 21-1-SMCT, task 071-329-1002.)
 - b. Obtain radio frequency, call sign, and suffix.
 - c. Obtain the number of patients and precedence.
 - d. Determine the type of special equipment required.
 - e. Determine the number and type (litter or ambulatory) of patients.
 - f. Determine the security of the pickup site.
 - g. Determine how the pickup site will be marked.
 - h. Determine patient nationality and status.

Performance Steps

i. Obtain pickup site nuclear, biological, and chemical (NBC) contamination information, normally obtained from the senior person or medic.

Note: NBC line 9 information is only included when contamination exists.

2. Record the gathered MEDEVAC information using the authorized brevity codes. (See table 081-831-0101-1.)

Note: Unless the MEDEVAC information is transmitted over secure communication systems, it must be encrypted, except as noted in step 3b(1).

- a. Location of the pickup site (line 1).
- b. Radio frequency, call sign, and suffix (line 2).
- c. Numbers of patients by precedence (line 3).
- d. Special equipment required (line 4).
- e. Number of patients by type (line 5).
- f. Security of the pickup site (line 6).
- g. Method of marking the pickup site (line 7).
- h. Patient nationality and status (line 8).
- i. NBC contamination (line 9).

3. Transmit the MEDEVAC request. (See STP 21-1-SMCT, task 113-571-1022.)

a. Contact the unit that controls the evacuation assets.

(1) Make proper contact with the intended receiver.

(2) Use effective call sign and frequency assignments from the SOI.

(3) Give the following in the clear "I HAVE A MEDEVAC REQUEST;" wait one to three seconds for a response. If no response, repeat the statement.

b. Transmit the MEDEVAC information in the proper sequence.

(1) State all line item numbers in clear text. The call sign and suffix (if needed) in line 2 may be transmitted in the clear.

Note: Line numbers 1 through 5 must always be transmitted during the initial contact with the evacuation unit. Lines 6 through 9 may be transmitted while the aircraft or vehicle is en route.

(2) Follow the procedure provided in the explanation column of the MEDEVAC request format to transmit other required information.

(3) Pronounce letters and numbers according to appropriate radio/telephone procedures.

(4) Take no longer than 25 seconds to transmit.

(5) End the transmission by stating "Over."

(6) Keep the radio on and listen for additional instructions or contact from the evacuation unit.

Performance Steps

Table 081-831-0101-1. MEDEVAC request format

LINE	ITEM	EXPLANATION	WHERE/HOW OBTAINED	WHO NORMALLY PROVIDES	REASON
1	Location of Pickup Site.	Encrypt the grid coordinates of the pickup site. When using the DRYAD Numeral Cipher, the same "SET" line will be used to encrypt the grid zone letters and the coordinates. To preclude misunderstanding, a statement is made that grid zone letters are included in the message (unless unit SOP specifies its use at all times).	From Map	Unit Leader(s)	Required so evacuation vehicle knows where to pick up patient. Also, so that the unit coordinating the evacuation mission can plan the route for the evacuation vehicle (if the evacuation vehicle must pick up from more than one location).
2	Radio Frequency, Call Sign, and Suffix	Encrypt the frequency of the radio at the pickup site, not a relay frequency. The call sign (and suffix if used) of the person to be contacted at the pickup site may be transmitted in the clear.	From SOI	RTO	Required so that the evacuation vehicle can contact the requesting unit while enroute (obtain additional information or change in situation or directions).
3	Number of Patients by Precedence	Report only applicable information and encrypt the brevity codes. A - URGENT. B - URGENT-SURG. C - PRIORITY. D - ROUTINE. E - CONVENIENCE. If two or more categories must be reported in the same request, insert the word "BREAK" between each category.	From Evaluation of Patient(s)	Medic or Senior Person Present	Required by the unit controlling the evacuation vehicles to assist in prioritizing missions.
4	Special Equipment Required	Encrypt the applicable brevity codes. A - None. B - Hoist. C - Extraction equipment. D - Ventilator.	From Evaluation of the Patient/ Situation	Medic or Senior Person Present	Required so that the equipment can be placed on board the evacuation vehicle prior to the start of the mission.
5	Number of Patients by Type	Report only applicable information and encrypt the brevity code. If requesting MEDEVAC for both types, insert the word "BREAK" between the litter entry and ambulatory entry. L + # of Pnt - Litter A + # of Pnt - Ambulatory (sitting)	From Evaluation of Patient(s)	Medic or Senior Person Present	Required so that the appropriate number of evacuation vehicles may be dispatched to the pickup site. They should be configured to carry the patients requiring evacuation.
6	Security of the Pickup Site (Wartime)	N - No enemy troops in the area. P - Possibly enemy troops in the area (approach with caution). E - Enemy troops in the area (approach with caution). X - Enemy troops in the area (armed escort required).	From Evaluation of the Situation	Unit Leader	Required to assist the evacuation crew in assessing the situation and determining if assistance is required. More definitive guidance can be furnished to the evacuation vehicle while it is en route (specific location of the enemy to assist an aircraft in planning its approach).

Performance Steps

Table 081-831-0101-1. MEDEVAC request format (continued)

LINE	ITEM	EXPLANATION	WHERE/HOW OBTAINED	WHO NORMALLY PROVIDES	REASON
6	Number and Type of Wound, Injury, or Illness (Peacetime)	Specific information regarding patient wounds by type (gunshot or shrapnel). Report serious bleeding, along with patient blood type, if known.	From Evaluation of Patient	Medic or Senior Person Present	Required to assist evacuation personnel in determining treatment and special equipment needed.
7	Method of Marking Pickup Site	Encrypt the brevity codes. A - Panels. B - Pyrotechnic signal. C - Smoke signal. D - None. E - Other.	Based on the Situation and Availability of Materials	Medic or Senior Person Present	Required to assist the evacuation crew in identifying the specific location of the pickup. Note that the color of the panels or smoke should not be transmitted until the evacuation vehicle contacts the unit (just prior to its arrival). For security, the crew should identify the color and the unit verify it.
8	Patient Nationality and Status	The number of patients in each category need not be transmitted. Encrypt only the applicable brevity codes. A - US military. B - US civilian. C - Non-US military. D - Non-US civilian. E - EPW	From Evaluation of Patient	Medic or Senior Person Present	Required to assist in planning for destination facilities and need for guards. Unit requesting support should ensure that there is an English-speaking representative at the pickup site.
9	CBRN Contamination (Wartime)	Include this line only when applicable. Encrypt the applicable brevity codes. C - Chemical. B - Biological. R - Radiological. N - Nuclear.	From the Situation	Medic or Senior Person Present	Required to assist in planning for the mission. (Determine which evacuation vehicle will accomplish the mission and when it will be accomplished.)
9	Terrain Description (Peacetime)	Include details of terrain features in and around the proposed landing site. If possible, describe relationship of the site to prominent terrain feature (lake, mountain, tower).	From an Area Survey	Personnel at Site	Required to allow evacuation personnel to assess route/avenue of approach into the area. Of particular importance if hoist operation is required.

Evaluation Preparation: *Setup:* Evaluate this task during a training exercise involving a MEDEVAC aircraft or vehicle, or simulate it by creating a scenario and providing the information as the Soldier requests it. You or an assistant will act as the radio contact at the evacuation unit during "transmission" of the request. Give a copy of the MEDEVAC request format to the Soldier.

Brief Soldier: Tell the Soldier to prepare and transmit a MEDEVAC request. State that the communication net is secure.

Performance Measures	GO	NO GO
1. Collected all information needed for the MEDEVAC request line items 1 through 9.	_____	_____
2. Recorded the information using the authorized brevity codes.	_____	_____
3. Transmitted the MEDEVAC request within 25 seconds.	_____	_____

Performance Measures	GO	NO GO
1. Determined if the Soldier's performance or action merited an award.	—	—
2. Determined the type award merited.	—	—
3. Determined the criteria for submitting an award recommendation.	—	—
a. Identified the time limitations for submitting the award.		
b. Identified the period of the award.		
c. Identified the service, achievement, or heroism.		
d. Identified if duplication of an award.		
e. Identified interim award.		
f. Identified the rules for recognition upon retirement.		
g. Identified the recommendation official.		
h. Identified the approving authorities.		
4. Prepared the award recommendation.	—	—
a. Completed the personal data on the Soldier.		
b. Specified the type and level of award.		
c. Entered the period covered.		
d. Entered the supporting comments in block 20.		
5. Signed DA Form 638 in the appropriate block.	—	—
6. Forwarded DA Form 638 to the individual's chain of command.	—	—

Evaluation Guidance: Refer to chapter 1, paragraph 1-4 b (6).

References

Required: AR 600-8-22 and DA Form 638

Related:

805C-PAD-2060

Report Casualties

Conditions: You are a Soldier deployed in a field environment. Events are occurring that result in Soldier and Department of Defense (DOD) civilian casualties within U.S. and coalition forces. Given a casualty, DA Form 1156 (*Casualty Feeder Card*), a map, and a pen or pencil.

Standards: Legibly and accurately record all known data elements on the DA Form 1156. Submit the completed DA Form 1156 to your chain of command as soon as the tactical situation permits.

Performance Steps

1. Prepare DA Form 1156. Data items with asterisk, addressed below, indicate minimum information required to submit a casualty report. Complete as much of the DA Form 1156 as you can to preserve background information for the unit and family. (Data fields are numbered to align with the DCIPS-FWD.)

(1) Complete item 2 with the casualty type (such as hostile, nonhostile).

(2) Complete item 3 with the casualty's status (such as NSI, KIA, DUSTWUN).

Note: DUSTWUN/missing/captured will include date, time, and place last seen, age, height, weight, eyes, and identifying marks.

(3) Complete item 7 with the personnel type of casualty (such as military, civilian).

(4) Complete item 8 with the casualty's social security number (SSN) (9 digit number).

(5) Complete item 9 with the casualty's name (last, first, middle initial.).

(6) Complete item 13 with the service branch of the casualty.

(7) Complete item 14(a) with the name of the unit that the casualty is assigned to.

(8) Complete item 36 with the incident date/time.

(9) Complete item 37 with the place of the incident.

(10) Complete item 39 with the circumstances (detailed, factual account).

(11) Complete item 40 with the inflicting force and weapons.

(12) Enter other helpful information.

(a) Body armor and physical features.

(b) Identification of remains will include the means of identification: ID tags, name tag, personal recognition, other.

2. Have DA Form 1156 authenticated. Field grade commander (CDR) will authenticate the completed card for accuracy and thoroughness of items 2, 39, and 40 before dispatching the report. An authorized field grade officer may be designated to authenticate for the CDR.

Evaluation Preparation: *Setup:* Provide the Soldier with DA Form 1156, a map, pencil and paper. Give the Soldier a scenario that provides all the information needed to accomplish the performance measures.

Brief Soldier: Tell the Soldier that he/she will be evaluated on his/her ability to report casualties by preparing DA Form 1156.

Performance Measures	GO	NO GO
1. Prepared DA Form 1156.	—	—
a. Completed item 2 with the casualty type.		
b. Completed item 3 with the casualty's status.		

Performance Measures	GO	NO GO
<ul style="list-style-type: none"> c. Completed item 7 with the personnel type of casualty. d. Completed item 8 with the casualty's SSN. e. Completed item 9 with the casualty's name. f. Completed item 13 with the service branch of the casualty. g. Completed item 14(a) with the name of the unit that the casualty is assigned to. h. Completed item 36 with the incident date/time. i. Completed item 37 with the place of the incident. j. Completed item 39 with the circumstances. k. Completed item 40 with the inflicting force and weapons. l. Entered other helpful information. 		
<p>2. Had a field grade CDR authenticate the completed card for accuracy and thoroughness of items 2, 39, and 40 prior to dispatch of report.</p>	_____	_____

Evaluation Guidance: Refer to chapter 1, paragraph 1-4 b (6).

References

Required: DA Form 1156 and FM 3-34.112

Related: AR 600-8-1

805C-PAD-2145

Counsel a Soldier on the Contents of a Noncommissioned Officer Evaluation Report and NCOER Checklist

Conditions: You are a section leader, given noncommissioned officers (NCOs), mission statement or function manual, job descriptions, DA Form 2166-8-1 (*Noncommissioned Officer Counseling and Support Form*), DA Form 2166-8 (*Noncommissioned Officer Evaluation Report*), AR 623-3, DA Pam 623-3, FM 6-22, and FM 7-22.7.

Standards: Conduct initial performance counseling within 30 days of the NCO's assignment. Conduct quarterly performance counseling within specified times thereafter, or as performance warrants. Maintain counseling record on DA Form 2166-8-1.

Student Handout 5

Extracted Material from AR 600-8-1, Army Casualty Program

This student handout contains two pages of extracted material from the following publication:

AR 600-8-1, Army Casualty Program, 28 Feb 2007

DA Form 1156
Chapter 4

Mar 2007
para 4-5

Disclaimer: The training developer downloaded the extracted material from the Army Publishing Directorate (USAPA) web site. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

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*CASUALTY TYPE		CASUALTY FEEDER CARD		* Indicates required fields.	
<input checked="" type="checkbox"/> HOSTILE	<input type="checkbox"/> PENDING	For use of this form, see AR 600-8-1; the proponent agency is DCS, G-1.		<input checked="" type="checkbox"/> MILITARY	
<input type="checkbox"/> NON-HOSTILE		*SSN 111-22-2333	*RANK SP4	<input type="checkbox"/> CONTRACTOR	<input type="checkbox"/> CIVILIAN <input type="checkbox"/> OTHER
*CASUALTY STATUS		*NAME Jones, John J.		*INCIDENT DATE/TIME	
<input type="checkbox"/> NSI	<input type="checkbox"/> DECEASED	*SERVICE U.S. Army		*PLACE OF INCIDENT	
<input type="checkbox"/> SI	<input checked="" type="checkbox"/> DUSTWUN	UIC wawa12		GRID	
<input type="checkbox"/> VSI	<input type="checkbox"/> PENDING	*UNIT		DEATH DATE/TIME 1/1/07 0100	
DUSTWUN/MISSING LAST SEEN (DATE/TIME/PLACE)		*INFLECTING FORCE (hostile)		PLACE OF DEATH Bahgdad, Iraq	
IDENTIFYING MARKS (tatoos, scars)		<input checked="" type="checkbox"/> ENEMY	<input type="checkbox"/> ALLY	<input type="checkbox"/> US (buddy)	<input type="checkbox"/> UNK
REMAINS: VISUAL ID		<input type="checkbox"/> YES	<input type="checkbox"/> NO	PRONOUNCED BY	
ID BY:		MEANS USED:			
*CIRCUMSTANCES While on patrol his vehicle detonated on IED					

DA FORM 1156, MAR 2007

REPLACES DA FORM 1156, MAR 2006. WHICH IS OBSOLETE.

APD V.1.00

BACK OF CARD		INTERCEPTOR BODY ARMOR (IBA)		HOSPITAL	
VEHICLE GROUP/TYPE		<input type="checkbox"/> PASGT	<input type="checkbox"/> OTV	DIED IN _____	
<input checked="" type="checkbox"/> HMMWV	<input type="checkbox"/> STRYKER	<input checked="" type="checkbox"/> NONE	<input type="checkbox"/> OTHER	<input type="checkbox"/> DIED OUTSIDE	
<input type="checkbox"/> APC	<input type="checkbox"/> TRACK	ATTACHMENTS		INVESTIGATION INITIATED	
<input type="checkbox"/> ENG	<input type="checkbox"/> LAV	<input type="checkbox"/> THROAT	<input type="checkbox"/> GROIN	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> PENDING	
<input type="checkbox"/> MTV	<input type="checkbox"/> PLS	<input type="checkbox"/> YOKE/COLLAR	<input type="checkbox"/> DAP	TRAINING DUTY RELATED	
<input type="checkbox"/> ARTILLERY		<input type="checkbox"/> SAPI		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/> HELICOPTER		HELMET		DUTY STATUS _____	
<input type="checkbox"/> OTHER		<input type="checkbox"/> ACH	<input type="checkbox"/> MICH		
UP-ARMORED	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> PASGT	<input type="checkbox"/> CVC		
LEVEL		<input type="checkbox"/> SHELL	<input type="checkbox"/> NO SHELL		
POSITION (aboard) passenger rt front		EYE PROTECTION		WEAPONS	
HOR (if known) Alexandria, VA		<input type="checkbox"/> SWD	<input type="checkbox"/> BLPS	<input type="checkbox"/> IED	<input type="checkbox"/> VBIED
SIGNATURE OF PREPARER John Smith (signature)		<input type="checkbox"/> OAKLEY	<input type="checkbox"/> WILEY	<input type="checkbox"/> SVBIED	<input type="checkbox"/> RPG <input type="checkbox"/> MORTAR
APPROVED BY COMMANDER (Field Grade Officer-Required all Deaths/DUSTWUN/Missing) Richard Smith (signature)		<input type="checkbox"/> OTHER _____	<input type="checkbox"/> ESS	<input type="checkbox"/> SAF	<input type="checkbox"/> GRENADE
		<input type="checkbox"/> NONE		<input type="checkbox"/> OTHER	
		DATE (YYYYMMDD) 20070101			
		DATE (YYYYMMDD) 20070101			

DA FORM 1156, MAR 2007

APD V.1.00

Figure 4-1. DA Form 1156 (Casualty Feeder Card)

4-4. Steps for preparing initial casualty reports

Table 4-2 shows the steps required for preparing an INIT casualty report for non-theater casualties.

Table 4-2
Preparing an initial casualty report

Step	Work Center	Required Actions
1	UNIT/BNS1/MTFA/HOSP/ Provost Marshal Office (PMO)	Receive information concerning a casualty incident.
2	UNIT/BNS1/MTFA/HOSP/ PMO	Pass casualty information to CAC.
3	CAC	Verify facts of the incident; obtain personnel data from records or personnel database.
4	CAC	Telephonically inform CDR and CMOAC of the casualty incident. Provide names and SSNs of individuals involved in incident.
5	CMAOC/CAC/ HSCAC	Immediately transmit DD Form 93, SGLV Form 8285 (Request for Insurance), and SGLV Form 8286 (Servicemembers' Group Life Insurance Election and Certificate) to CDR and CMAOC (AHRC-PEZ). Extract appropriate personnel information from personnel records to prepare INIT casualty report.
6	CAC	Prepare casualty report, review for accuracy and completeness. Transmit within 12 hours in accordance with table 4-1. Establish suspense for SUPP, PROG, STACH reports as needed; dispatch report in accordance with table 4-1.
7	CAC/HSCAC	Prepare for notification and assistance in accordance with chapters 5, 6, and 7.
8	CMAOC	Review and submit casualty report into DCIPS. Transmit report to HSCAC and any supporting CAC. Oversee notification and assistance process.

Notes:

¹ Home station CAC is the permanent duty station for the source of records for the casualty.

² Non-hostile hospitalized injuries are reportable, as transportation and travel order (T&TO), may be extended to family members by the attending physician.

³ Completion of a casualty case is addressed in other areas of this regulation.

4-5. Steps for preparing initial theater casualty reports

a. Using DA Form 1156 for casualty reporting.

(1) Use DA Form 1156 as a casualty checklist to assist creating reports, letters of sympathy, and awards documentation as well as a field casualty report in the event of electronic failure (see fig 4-1).

(2) The 2007 version of DA Form 1156 is also the witness card. Persons having firsthand knowledge of a reportable casualty should prepare the casualty feeder card.

b. Preparing DA Form 1156.

(1) Data fields align with the DCIPS-FWD (see table 4-4).

(2) Data fields marked by an asterisk (*) indicate minimum requirements to send a casualty report forward.

(3) Fill in all required fields (*) and include body armor worn at the time of the incident.

(4) Fill in as much information as available to include weapons causing injury, and vehicle information.

(5) "DUSTWUN/missing/captured." Include date, time, and place last seen, and identifying marks.

(6) "**Investigation required**" refers to all investigations conducted concerning the circumstances of a casualty incident (for example, a nonhostile fatal accident, AR 15-6 collateral investigation). **All hostile deaths require investigation.**

(7) "**Identification of remains.**" Include the means of identification: ID tags, name tag, personal recognition, other.

(8) "**Date/time of death.**" Enter the date and time of death that the medical officer provides, and the name of the medical officer who pronounced the person deceased. Also enter the place of death if outside a medical facility, and the name of the hospital if a medical facility. .

(9) Field grade battalion-level CDR , or field grade designee authenticates the casualty information for accuracy and thoroughness of casualty type, circumstances, and inflicting force for all deceased and DUSTWUN cases prior to submission of the report.

(10) Include the name of the preparer and the officer authenticating in remarks on the casualty report.

c. Table 4-3 shows the steps required to submit an INIT casualty report for theater casualties.

Student Handout 6

Extracted Material from FM 4-02.2, Medical Evacuation

This student handout contains five pages of extracted material from the following publication:

FM 4-02.2, Medical Evacuation, 8 May 2007

Chapter 4	pages 4-1 and 4-2
	pages 4-32 thru 4-34

Disclaimer: The training developer downloaded the extracted material from the Army Publishing Directorate (USAPA) web site. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

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Chapter 4

Army Medical Evacuation

Medical evacuation operations are planned to provide comprehensive, responsive, flexible, and agile support to the tactical commander in conformity with the commander's intent and OPLANs. This chapter discusses the employment of medical evacuation resources and the coordination and synchronization required to effectively execute medical evacuation operations (to include the transfer of patients between MTFs and to staging facilities) by air and ground evacuation assets.

SECTION I — MEDICAL EVACUATION SUPPORT

EVACUATION PRECEDENCE

4-1. Casualties requiring evacuation are prioritized to ensure the most seriously injured or ill receive timely medical intervention consistent with their medical condition. As with medical treatment, medical urgency is the only factor used to determine the medical evacuation precedence. (Appendix A provides an in-depth discussion of the provisions of the Geneva Conventions.)

This paragraph implements STANAG 3204.

4-2. The determination to request medical evacuation and assignment of a precedence is made by the senior military person present or, if available, the senior medical person at the scene. This decision is based on the advice of the senior medical person at the scene (if available), the patient's condition, and the tactical situation. Assignment of a medical evacuation precedence is necessary. The precedence provides the supporting medical unit and controlling headquarters with information that is used in determining priorities for committing their evacuation assets. For this reason, correct assignment of precedence cannot be overemphasized; over classification may result in an increase in evacuation which could burden the HSS system.

4-3. The patient's medical condition is the overriding factor in determining the evacuation platform and destination facility. The AA operates wherever needed on the battlefield, dependent on risk and METT-TC factors. The crew of the AA, assisted by onboard patient monitoring and diagnostic equipment, is trained in aeromedical procedures to provide optimum en route patient care. It is the preferred method of evacuation for most categories of patients. Air ambulances are a low-density, high-demand resource and must be managed accordingly. To conserve these valuable resources, medical planners should plan to use AA to primarily move Priority I, URGENT and Priority IA, URGENT-SURG patients with the other categories on a space-available basis. Health service support planners must plan for a synchronized air and ground evacuation plan. Depending on the length of time required for an AA to be dispatched and arrive at the POI, it may be prudent to evacuate the casualty by ground evacuation assets to a BAS and/or Role 2 MTF for stabilization by a physician. Further evacuation could then be accomplished by AA.

4-4. Patients will be picked up as soon as possible, consistent with available resources and pending missions. Table 4-1 depicts the categories of evacuation precedence and the criteria used to determine the appropriate precedence.

Table 4-1. Categories of evacuation precedence

Priority I—URGENT	Is assigned to emergency cases that should be evacuated as soon as possible and within a maximum of 2 hours in order to save life, limb, or eyesight, to prevent complications of serious illness, or to avoid permanent disability.
Priority IA—URGENT-SURG	Is assigned to patients who must receive far forward surgical intervention to save life and to stabilize them for further evacuation.
Priority II—PRIORITY	Is assigned to sick and wounded personnel requiring prompt medical care. This precedence is used when the individual should be evacuated within 4 hours or his medical condition could deteriorate to such a degree that he will become an URGENT precedence, or whose requirements for special treatment are not available locally, or who will suffer unnecessary pain or disability.
Priority III—ROUTINE	Is assigned to sick and wounded personnel requiring evacuation but whose condition is not expected to deteriorate significantly. The sick and wounded in this category should be evacuated within 24 hours.
Priority IV—CONVENIENCE	Is assigned to patients for whom evacuation by medical platform is a matter of medical convenience rather than necessity.
The NATO STANAG 3204 has deleted the category of Priority IV—CONVENIENCE; however, it will still be included in the US Army evacuation priorities as there is a requirement for it on the battlefield.	

SECTION II — MEDICAL EVACUATION REQUESTS

4-5. This section discusses requests for medical evacuation. Specific procedures, frequencies, and security requirements for transmittal of medical evacuation requests are delineated through the orders process and are made a part of the unit/command SOPs. Each sector based on the METT-TC may be designated with a different method of evacuation as the primary means to effect evacuation. In sectors which have a high ground-to-air or air-to-air threat may rely on ground evacuation assets to move the majority of patients. In other sectors where the ground threat is high and comprised of small arms, improvised explosive devices, and bombs, medical evacuation operations may be more efficiently and effectively executed by AAs. An additional consideration in planning medical evacuation operations is to determine whether armed escorts are required for either the ground or AA mission. Those missions that require armed escort must be thoroughly coordinated and synchronized between the medical assets and force protection assets that will accompany them.

4-6. Medical evacuation requests often are sent from the POI, through intermediaries, such as higher headquarters, who then transmit the request up to the nearest medical evacuation unit. The unit relaying the request must ensure that it relays the exact information originally received. The radio call sign and frequency relayed (Line 2 of the request) should be that of the requesting unit and not that of the relaying unit. However, the intermediaries contact information can be given as additional information if a callback is necessary to clarify details of the mission. Figure 4-1 depicts the communication flow for evacuation requests.

4-7. The necessity for secure communication in transmitting a 9-line request is METT-TC dependent. A technically capable enemy may be able to intercept a nonsecure 9-line request and strike at the pickup zone causing additional harm to the patients and the medical evacuation crew. In combat and when directed by higher headquarters, always use secure communications when requesting medical evacuation.

SECTION XII — MEDICAL EVACUATION REQUEST

4-142. Procedures for requesting medical evacuation support must be institutionalized down to the unit level. Procedural guidance and standardization of request procedures are provided below. The same format used to request aeromedical evacuation is also used for requesting ground evacuation.

Table 4-3. Procedures for information collection and medical evacuation request preparation

<i>Line</i>	<i>Item</i>	<i>Explanation</i>	<i>Where/How Obtained</i>	<i>Who Normally Provides</i>	<i>Reason</i>
1	Location of pickup site	Encrypt the grid coordinates of the pickup site. When using the DRYAD Numeral Cipher, the same "SET" line will be used to encrypt the grid zone letters and the coordinates. To preclude misunderstanding, a statement is made that the grid zone letters are included in the message (unless unit SOP specifies it's use at all times)	From map	Unit leader(s)	Required so evacuation vehicle knows where to pickup patient. Also, so that the unit coordinating the evacuation mission can plan the route for the evacuation vehicle (if the evacuation vehicle must pick up from more than one location).
2	Radio frequency, call sign and suffix	Encrypt the frequency of the radio at the pickup site, not a relay frequency. The call sign (and suffix if used) of person to be contacted at the pickup site may be transmitted in the clear.	From SOI	RTO	Required so that evacuation vehicle can contact requesting unit while enroute (obtain additional information or change in situation or directions).
3	Number of patients by precedence	Report only applicable information and encrypt the brevity codes. A—URGENT B—URGENT-SURG C—PRIORITY D—ROUTINE E—CONVENIENCE If two or more categories must be reported in the same request, insert the word "BREAK" between each category.	From evaluation of patient(s)	Medic or senior person present	Required by unit controlling evacuation vehicles to assist in prioritizing missions.

4	Special equipment required	Encrypt the application brevity codes. A—None B—Hoist C—Extraction equipment D—Ventilator	From evaluation of patient/situation	Medic or senior person present	Required so that the equipment can be placed on board the evacuation vehicle prior to the start of the mission.
5	Number of patients by type	Report only applicable information and encrypt the brevity code. If requesting medical evacuation for both types, insert the word "BREAK" between the litter entry and ambulatory entry. L+# of patients—Litter A+# of patients—Ambulatory (sitting)	From evaluation of patient(s)	Medic or senior person present	Required so that the appropriate number of evacuation vehicles may be dispatched to the pickup site. They should be configured to carry the patients requiring evacuation.
6	Security of pickup site (wartime)	N—No enemy troops in area P—Possibly enemy troops in area (approach with caution). E—Enemy troops in area (approach with caution). X—Enemy troops in area (armed escort required).	From evaluation of situation	Unit leader	Required to assist the evacuation crew in assessing the situation and determining if assistance is required. More definitive guidance can be furnished to the evacuation vehicle while it is enroute (specific location of enemy to assist an aircraft in planning its approach).
6	Number and type of wound, injury or illness (peacetime)	Specific information regarding patient wounds by type (gunshot or shrapnel). Report serious bleeding, along with patient's blood type if known.	From evaluation of patient(s)	Medic or senior person present	Required to assist evacuation personnel in determining treatment and special equipment needed.
7	Method of marking pickup site	Encrypt the brevity codes. A—Panels B—Pyrotechnic signal C—Smoke signal D—None E—Other	Based on situation and availability of materials	Medic or senior person present	Required to assist the evacuation crew in identifying the specific location of the pick up. Note that the color of the panel or smoke should not be transmitted until the evacuation vehicle contacts the unit (just prior to its arrival). For security, the crew should identify the color and the unit verifies it.
8	Patient	The number of patients in each category need not	From evacuation	Medic or	Required to assist in

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	nationality and status	be transmitted. Encrypt only the applicable brevity codes. A—US military B—US citizen C—Non-US military D—Non-US citizen E—enemy prisoner of war (EPW)	of patients	senior person present	planning for destination facilities and need for guards. Unit requesting support should ensure that there is an English speaking representative at the pickup site.
9	CBRN contamination (wartime)	Include this line only when applicable. Encrypt the applicable brevity codes. C—Chemical B—Biological R—Radiological N—Nuclear	From situation	Medic or senior person present	Required to assist in planning for the mission. (Determine which evacuation vehicle will accomplish the mission and when it will be accomplished)
9	Terrain description (peacetime)	Includes details of terrain features in and around proposed landing site. If possible, describe relationship of site to prominent terrain feature (lake, mountain, tower).	From area survey	Personnel present	Required to allow evacuation personnel to assess route/avenue of approach into area. Of particular importance if hoist operation is required.

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- Review all student handouts.

