COURT-MARTIAL RECORD

NAME FREDERICK, IVAN L., II SSG

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VOL IV **OF** VIII **VOL(S)**

ARMY 20041129

20041129

JALS-CC FORM 24, 1 OCTOBER 2000

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VOL ~~III~~ IV of VII
ORIGINAL COPY

VERBATIM[1]
RECORD OF TRIAL[2]
(and accompanying papers)

OF

(b)(6)2;(b)(7)(C)-2

FREDERICK, Ivan L., II	[redacted]	Staff Sergeant
(NAME: Last, First Middle Initial)	(Social Security Number)	(Rank)
HHC, 16th MP Bde (ABN) III Corps	US Army	Victory Base, Iraq
(unit/Command Name)	(Branch of Service)	(Station or Ship)

BY
GENERAL COURT-MARTIAL

CONVENED BY COMMANDING GENERAL
(Title of Convening Authority)

Headquarters, III Corps
(Unit/Command of Convening Authority)

TRIED AT

Baghdad and Victory Base, Iraq	ON	19 May, 21-22 Jun; 24 Aug; 20-21 Oct 04
(Place or Places of Trial)		(Date or Dates of Trial)

COMPANION CASES:
SPC AMBUHL, Megan M., [redacted]
SGT DAVIS, Javal S., [redacted]
SPC GRANER, Charles A., Jr., [redacted]
SPC HARMAN, Sabrina D., [redacted]
SPC SIVITS, Jeremy C., [redacted]
SPC CRUZ, Arman J., [redacted]
PFC ENGLAND, Lynndie R., [redacted]

(b)(6)2;(b)(7)(C)-2

Transcript R.490 through prosecution exhibits

2005 SEP 20 A 9:19
US ARMY JUDICIARY

[1] Insert "verbatim" or summarized" as appropriate. (This form will be used by the Army and Navy for verbatim records of trial only.)
[2] See inside back cover for instructions as to preparation and arrangement.

DD FORM 490, OCT 84 *Previous editions are obsolete.* FRONT COVER

not very fruitful. When we forwarded that information up to Brigade, we got, in not so many terms, we were told that we weren't getting the intelligence that they expected, and therefore, we must not be conducting interrogations--enough interrogations to get the intelligence.

Q. Is it fair to say based upon your observations that there was significant pressure placed upon the 205th and yourself to get information of an intelligence nature out of Abu Ghraib?

A. I'm sorry, I didn't hear the question, sir.

Q. I'm sorry, I'll try to restate it. Based upon your own observations, was there significant pressure placed upon your battalion and the 205th to obtain intelligence information out of Abu Ghraib?

A. Yes, sir.

Q. Now, did there come a time when you received in August of 2003 an email out of CJTF which spoke to this, "The gloves are coming off, gentlemen, regarding these detainees. Colonel [redacted] has made it clear that we want these individuals broken." Did there come a time when you received that?

(b)(6);(b)(6)-2

A. Yes, sir.

Q. Could you tell the court what your reaction to that document was?

A. Sir, if I may have a chance to review the document.

Q. Yes, we have it for you. I thought you had it. I believe the document is available for you right there. [Document was provided to the witness.] And if you'll turn to page two.

ATC: Just for the record, we're looking at Defense Exhibit D, is that correct?

CDC: Yes, I'm sorry, Defense Exhibit D.

WIT: Okay, sir, can you restate the question?

Q. Okay, have you read it now?

A. Yes, I have.

Q. Firstly, let me ask you, did you take this message seriously?

A. Sir, it was my opinion that CJTF didn't understand how interrogations were conducted because many of the people that were in CJTF-7 J2X staff had no HUMINT experience. I believe that they were not aware of the Geneva Convention rules and may not understand what the legal ramifications were for how we did interrogations. It was my opinion that they were attempting to get us to be more aggressive in the interrogations, sir. Therefore, I took their request as--I took their request, or that email as an indication that they wanted us to do more in the booth, sir.

Q. I'm sorry, I couldn't hear you. Could you say those last two words?

A. I was saying that they wanted us to be more aggressive in the booth, a literal translation of [inaudible].

Q. And do you have any sense of the number of persons who received this document?

A. Without reviewing it, I know that the distro was primarily members of the 205th MI Brigade, the 519th MI Battalion, Alpha Company, 519th MI Battalion, as well as some members of the Divisions and their G2.

Q. Your impression was what? What did they want out of this document

ATC: Objection, Your Honor.

MJ: Grounds?

ATC: Calls for speculation.

MJ: Sustained. Don't answer that question. Next question.

Q. How did you interpret----

MJ: Mr. [redacted] what difference does it make how he interpreted it? (b)(6)-4, (b)(6)-4

CDC: I believe it does make a difference.

MJ: Well, that's what I'm asking.

CDC: But I'll go on. How he interprets the document suggests how he'll conduct himself.

MJ: I mean, I've given you a great deal of leeway on the subject. But I'm just trying to figure out, he's up at Camp Speicher, and is it somehow how he interprets the document up at Camp Speicher influence----

CDC: I think so.

MJ: Well, I know you think so, because you're asking the question.

CDC: Yes.

MJ: But help me to understand how this----

CDC: Let me rephrase this so we'll end up with a better question. Is that fair enough?

MJ: Fair enough.

Questions by the defense [continued]:

Q. Was there chatter within the MI community about this communication?

ATC: Objection, calls for hearsay.

MJ: Overruled.

A. I shared emails with....

Q. With whom?

(b)(6)2-(b)(7)(C)-2

A. I shared emails with Captain [redacted] and CW2 [redacted], who was almost in shock because we couldn't believe that....

Q. You'll have to say that again.

A. ...the violation of the Geneva Convention.

MJ: Ask him to repeat that.

Q. Could you repeat the answer?

(b)(6)-2; (b)(7)(C)(2).

A. I sent an email to Captain [redacted] and to CW2 [redacted] and basically on my email, I was shocked that they were alluding to the fact it would be a violation of the Geneva Convention.

DC: I have nothing further, Judge. Thank you.

MJ: Trial counsel?

CROSS-EXAMINATION

(b)(6)2-(b)(7)(C)-2

Questions by the assistant trial counsel [Captain [redacted]

Q. Chief [redacted] I just have a few questions for you. How many times have you actually been to Abu Ghraib?

A. Two times, sir.

Q. And over those two visits, how many hours did you actually spend there?

A. Probably a total of about 8 hours, sir.

Q. Did you ever speak to any of the military police located at Abu Ghraib about interrogation practices?

A. No, sir.

Q. On that distro list of the email, if you could please take a look at Defense Exhibit Delta again, the email. Do you see any military police on the distribution list of that email?

A. Sir, not by name. There's a [redacted] (b)(6)-3;(b)(7)(C)-3 I don't know who that person is.

Q. And when was your role curtailed, as far as the mission at Abu Ghraib is concerned?

A. Can you restate the question, sir?

Q. When was your role, in particular, curtailed concerning the mission at Abu Ghraib?

A. Sir, it was some time in mid to late September when the 205th MI Brigade assumed control over Alpha Company, 519th operations at the brigade, 519th--my shop no longer had control over intelligence or tactical control over the operations....

Q. So as of mid to late September, you had no role whatsoever in the interrogation practices at Abu Ghraib?

A. Correct, sir.

ATC: Thank you. No further questions.

CDC: No questions, Your Honor.

MJ: Excuse the witness and call the next witness.

[The witness was excused.]

(b)(6)-4, (b)(7)(C)4

[redacted], **civilian, was called as a witness for the defense, was sworn, and testified as follows:**

DIRECT EXAMINATION

(b)(6)2, (b)(7)(C)-2

Questions by the trial counsel [Captain [redacted]

Q. Mr. [redacted] can you please state your full name for the record, please?

(b)(6)-4, (b)(7)(C), 4

A. [redacted]

Q. And can you please give the city and state of your residence for the record, as well?

A. Buckingham County, Virginia.

ATC: Thank you. Mr. [redacted] has some questions for you, Mr. [redacted]

(b)(6)4 -(b)(7)(C)-4

Questions by the defense [Mr. [redacted]

Q. Good morning, Warden, how are you?

A. Fine, how are you this morning?

Q. Warden, I would like firstly to tell you that the judge has before him your CV, but I would like for you to describe your background in corrections, if you would.

A. Yes, I started in corrections as a corrections officer in July of 1974 at James River Correctional Center. I was later promoted through the ranks of sergeant and then was promoted to lieutenant. I went to Buckingham Correctional Center, Department of

Corrections for 2 years and I went to work...and I was...1987 as a lieutenant back at Bedford Correctional Center. I was later promoted to Major, Chief of Security at Deep Meadow Correctional Center, and then was the Assistant Warden at Deep Meadow Corrections.

Q. Are you now the warden?

A. ...of 2000 [VTC connection continues to break up].

MJ: You know, I didn't get that last answer.

Q. Warden, can you hear me?

A. Sir?

Q. Can you hear me?

A. Yes.

Q. Are you now the warden at Buckingham Correctional Institution?

A. Yes, I am. I have been since November of 2000.

Q. Is it fair to say that you have devoted virtually your adult life to corrections?

A. Yes, it is.

Q. And you have occupied virtually every position possible in that field?

A. Yes, just about every field from the rank of officer up to warden.

CDC: Your Honor, at this point, I would like to offer Warden [redacted] as an expert in the field of corrections.

MJ: I'll just note for the record that nearly half of his experience was lost in transmission, but I'm assuming it's repeated in his CV?

CDC: That's correct.

MJ: So Mr. [redacted] rather than repeating it, can I rely on the CV?

CDC: I thought that was the better course.

MJ: Okay, but I'm saying, I'm giving you the option for him to repeat it.

CDC: Oh no, I think we lost nothing.

MJ: Any objection?

ATC: No, Your Honor.

MJ: He'll be accepted as such an expert. Go ahead, Mr. [redacted]

Q. Warden [redacted] I would like you to describe for me the principal foundation pillars upon which a prison is built. What would you suggest to me are the things that are most important to take into account when one is running a prison?

A. Well, our most important thing is number one, for us to protect the public and also to protect the staff as well as the

inmates, to maintain control and to keep those in confinement that's entrusted to our care through the court system.

Q. Let me talk to you about control, first of all. In a normal prison, how do you control contraband from coming into your prison? What techniques do you employ?

A. Well, there's several techniques that we employ. For one, we search every person, everyone, all equipment and material that enter our facility on a day-to-day basis, and I'll give you an example. Even though I'm the warden at my facility, every time I have to enter and reenter the facility, I go through a pat search, I go through a metal detector, and that's every time I enter the facility. But we do that for everyone that's in our facility, including visitors, and we search all materials that enter and exit our facility, as well.

Q. And the purpose of doing it with that detail is what?

A. I'm sorry, I didn't hear the first part of your question.

Q. I said, the purpose of doing that is what?

A. Is to control contraband and to make this a safe work environment.

Q. Would you say that is a normal and typical SOP for prisons throughout the United States?

A. I can't really speak for other prisons throughout the United States, but it's certainly normal for Virginia Department of Corrections and other correction facilities that I've had the opportunity to visit.

Q. Would you conclude that it would be a deficiency in a prison not to do that?

A. Absolutely.

Q. Now tell me about leadership within your prison. I assume you're a prison 24 hours a day. How do you handle leadership at night?

A. Well, yes, our prison is operational 24 hours a day, 7 days a week, 365 days a year. At night, we have--at all shifts, we have a watch commander and usually an assistant watch commander, but the watch commander at nightshift would be a lieutenant, not less than a rank of a lieutenant. And we would have sergeants and senior officers and in some cases, we also had captains sometimes assigned to the nightshift.

Q. And why would you have no one lesser than a lieutenant handling that responsibility?

A. That's correct, no one less than the rank of lieutenant for responsibility as a watch commander.

Q. And why do you choose to do that? Why that rank?

A. Well, you know, we want to make sure that we maintain an adequate level of supervision for all shifts in a manner of consistency in our operations, even during the nightshifts and shifts that the administrative staff may not be there. Even though we have a lieutenant on our night shifts, we have a system of having administrative duty officers where myself and my other administrative staff are on call 24 hours a day and we work a duty rotation so to make sure that we have consistent operations and the required supervision that's there to ensure that we have a consistent operation.

Q. Let me ask you about rules and regulations. Does your facility and do facilities generally provide written rules and regulations for their employees so that they know exactly what is allowed and not allowed?

A. Yes, we do. We have written rules and regulations for our employees, our operating procedures, if you would. We have specific institutional operating procedures and we have department operating procedures. And we also have rules and regulations for our inmates to follow, as well.

Q. If an inmate in your institution and others has a complaint, have you developed a methodology for complaints to be heard by you?

A. Yes. We have a system in place where inmates have an opportunity to address their complaints in formal resolution attempt. And if that does not--if it's not resolved, then inmates also have a formal grievance procedure that can be followed to air any grievances or complaints that they might have.

Q. And is this used as a deterrent as well as a means of filing a grievance? By that, I mean a deterrent from your employees doing something untoward?

A. I'm sorry, I missed the last part of your question.

Q. All right, is it used also as a deterrent to your employees from doing something improper?

A. Yes, it is. It's a mechanism in which, if there are rule violations or the inmates perceive there's a rule violation, that's their method of bringing those types of violations to someone in higher rank to their attention. It's kind of--they're that step beyond the officer that may directly work there, but it's a tool that we use also to track the officer's, I guess, how they're performing their job responsibilities, their job duties and how they're applying our policies and procedures as well as addressing the inmates' issues and resolving them at the lowest possible level.

Q. You have never been a warden in a military prison in a combat zone, have you?

A. No, I have not.

Q. Based upon the knowledge that you have of how to run prisons, however, with respect to these very basic things that we've talked about, were you to advise the military on how to run such a prison, would you advise them to employ the techniques you've just described here?

A. I'm sorry, I didn't quite--advise them to avoid?

Q. No, to employ.

A. ...the techniques, is that your question?

Q. Yes.

A. The things that I just mentioned I think should be paramount and it should be normal procedure for any corrections facility. Again, I've never worked in a facility, in a wartime facility, but I think it should be standard procedure for any corrections facility.

CDC: Nothing further, thank you very much.

MJ: Captain [redacted] do you have any questions?

(b)(6),(b)(7)(C)-2 **[END OF PAGE.]**

CROSS-EXAMINATION

Questions by the trial counsel [Captain [redacted]: (b)(6)2;(b)(7)(C)-2

Q. Hello, Warden, my name is Captain [redacted] I'm one of the prosecutors in this case. I just have a few questions for you.

MJ: Defense, have you seen this exhibit?

CDC: I have, Your Honor.

MJ: Okay, go ahead.

Q. Can you please explain the type of training that each new correctional officer receives upon being hired at your facility?

A. Well, correctional officers go through 7 weeks of basic training, and it covers a lot of different areas. They go through 3 weeks of institutional training, and then they go through 4 weeks of basic correctional officer training, which covers a myriad of areas that deals with our operations within the prison.

Q. Are they trained in the use of force?

A. Yes.

Q. And are they trained in cultural diversity training?

A. Well, not every--we offer cultural diversity training in some of our programs, but I'm not aware that every correctional officer would receive that training in their basic correctional officer training. But we change our curriculum from time to time and that could have or it could be part of the training for new officers.

Q. And every so often, even after their initial training, every few years, correctional officers are offered refresher training, correct?

A. Yes, well, now that's every year. We've recently changed and we're under ACA standards that require that every officer go through in-service training every year as opposed to every other year as it had been approximately 3 years ago, or 2 years ago.

Q. And that in-service training includes such topics as crisis management, use of force and cultural diversity?

A. Yes.

Q. Now, in addition to that type of training, a person selected for the Strike Team at your institution also receives additional training, as well, correct?

A. Yes, that is correct. They receive 40 hours of initial Strike Force training, and they're required to have 40 hours annual training, which consists of 10 hours quarterly.

Q. Ivan Frederick is a member of this Strike Team at your institution. Is that correct?

A. Yes, that is correct.

Q. And he was chosen because he demonstrated an ability to deal with stressful conditions. Isn't that correct?

A. Well, he was chosen, yes, that would be a part of it, but just because we have employees that have demonstrated to be able to deal with stressful conditions does not necessarily mean that they would be qualified or would be recommended to be a part of the Strike Force. They would also have to be recommended, recommendations submitted by their immediate supervisor as well as Chief of Security, and there are other things that are taken into account, as well, not just--it also would depend on the individual's performance, attendance, and overall evaluation.

Q. So in order for Ivan Frederick to be a member of your Strike Team, his supervisors must have recommended him, evaluated the traits that he had and found him to be an excellent correctional officer. Is that correct?

A. Well, he would have to, first of all, he would have to submit an application and request to be on the Strike Force, and then we'd go through those steps that you just mentioned.

Q. Now, in your institution, is the rule that you don't put your hands on an inmate unless you absolutely have to, is that the rule for use of physical force?

A. Yes. We only use the force necessary to control an inmate, and yes, only when it's absolutely necessary would you physically put your hands on an inmate.

Q. And in the last few years in the time that you've been the warden there, has there been any instance of a prisoner being punched, slapped or kicked by any one of your correctional officers?

A. No, there has not been any since I've been there. Now, there have been incidents where we've had to use force, obviously, when we have to control inmates. And again, we only use the force necessary to control the situation, but that does not include kicking or punching inmates. It entails using the force or the training that they've received in handling or techniques in defensive tactics and how they move inmates.

(b)(6)-4,(b)(7)(C)-4

Q. Warden [redacted], I'd like you to take a look at the Code of Conduct that you have there. If I can have Chief [redacted] hand you the Code of Conduct paperwork that we have there for you.

(b)(6)2,(b)(7)(C)-2

MJ: For the record, that's Prosecution Exhibit 6 for identification.

Q. Do you recognize this piece of paper, Warden [redacted]

(b)(6)4,(b)(7)(C)-2

A. Yes, I do.

Q. And what is it?

A. This is the Buckingham Correctional Center's Code of Conduct.

Q. And where is this posted in your institution?

A. It is posted in various locations throughout the institution, areas that staff have access to. In fact, I have a copy posted in my office, as well as right by the doorway as people enter and leave my office.

Q. And are your correctional officers reminded of this on a very regular basis?

A. Well, they're reminded of it, I mean, I don't know what you consider a regular basis. They are aware of it and know that it exists. But again, it's posted throughout the facility and they do have access to it.

Q. Now as the warden, you expect your correctional officers to treat all people with respect, fairness, honesty and dignity?

A. Yes, I do.

Q. And as the warden, you foster a climate of being able to report inappropriate actions or misconduct by other correctional officers by the correctional officers themselves. Is that correct?

A. Yes, that is correct.

ATC: The government would offer Prosecution Exhibit 6 into evidence, Your Honor.

CDC: No objection.

MJ: Prosecution Exhibit 6 is admitted.

(b)(6)2,b)(2)(C)-2

Do you have any further questions, Captain [redacted]

ATC: Yes, Your Honor.

Q. Now, if there is some misconduct by one of your correctional officers, is there a way that the other correctional officers are made aware of that situation and any penalties that come from that situation?

A. Well, we have a disciplinary process and disciplinary procedures. Now, that is considered a personnel management, so that is not necessarily public knowledge. We address the issue with the individual, and again, that's considered confidential and a personnel matter. However, if we do have situations, we would address those or our staff through our musters, which we have a shift briefing and address the general issues. We also, if we have situations that we have to deal with under the employee standards of conduct, we address those issues with the supervisor to make sure that the staff follow the rules and regulations and perform to an acceptable level.

Q. And would you expect it as normal behavior that your correctional officers would report misconduct by fellow correctional officers if they saw it?

A. Yes, that would be expected if a correctional officer sees or is aware that there has been a violation of policy, then we would expect them to report that.

ATC: Thank you. I have no further questions.

Bates pages 18682-18691 are nonresponsive based on application of the Judge's specific and applied rulings.

[Court was called to order at 0900, 21 October 2004.]

MJ: Court is called to order. All parties are again present that were present when the court recessed.

Defense Exhibit Lima for identification is admitted into evidence. Also, I'm going to mark the regulation, Army Regulation 190-8 as Defense Exhibit Mike for identification, and there was no objection to it, correct, trial counsel?

ATC: That's correct, Your Honor.

MJ: It is also admitted. (b)(6)4-, (b)(7)(C)-4

I'm sorry, Mr. [redacted], do you have a question about an exhibit?

CDC: No, Your Honor, just an inquiry to co-counsel as to the Miller exhibit, whether that's been admitted.

MJ: Yes, in fact every defense proffered exhibit has been admitted.

CDC: Very well. Thank you.

MJ: Defense, proceed.

CDC: Thank you very much. We call as our first witness Dr. [redacted] (b)(6)-4, (b)(7)(C)-4

[END OF PAGE.]

(b)(6)-4;(b)(7)(C)-4

Dr. [redacted] civilian, was called as a witness for the defense, was sworn, and testified via video teleconference as follows:

DIRECT EXAMINATION

Questions by the trial counsel [Captain [redacted] (b)(6)2;(b)(7)(C)-2

Q. Please state your full name for the record.

A. [redacted] (b)(6)4;(b)(7)(C)4

Q. And where do you reside, Mr. [redacted]

A. In Krickenbach, Germany.

Questions by the defense [redacted] (b)(6)-4;(b)(7)(C)-4

Q. Dr. [redacted], this is [redacted], nice to see you. Doctor, you have some documents in front of you. Could you describe to the court what those documents are?

A. Yes, I have a copy of my report I submitted to Dr. (b)(6)-4;(b)(7)(C)-4 [redacted]. I have a copy of the results of the test that Sergeant Frederick completed.

CDC: Also Defense Exhibit G. Is that satisfactory to the prosecution?

ATC: Yes. (b)(6)-4;(b)(7)(C)-4

Q. Dr. [redacted] I would like to begin, and advise the court that I'm referring now to Defense Exhibit I. I'd like to begin with a discussion of your background and history. Would you be kind enough to provide the court with your educational background?

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A. Yes, I have a Bachelor's degree in psychology from East Carolina University, a Master's degree in psychology from East Carolina University, and a Doctorate in psychology from Texas Christian University. I did my fellowship in clinical psychology at the University of Arizona.

Q. And where are you licensed to practice?

A. I completed a clinical residence and training program at Wright Patterson Air Force Base.

Q. Where are you licensed to practice psychology?

A. North Carolina.

Q. Now, could you provide us with your professional experience, beginning with the most recent in some detail, and working backwards with the description being more brief as time progresses backwardly.

A. I'm currently employed as a civilian clinical psychologist at Landstuhl Regional Medical Center. My primary duties here are to provide the psychological assessment of the inpatient psychiatric unit, the outgoing treatment facility, the outpatient clinic, and I provide neuropsychological evaluations to the same clinic.

Q. And how long have you been doing that?

A. I've been here about a year and a half.

Q. How long have you been employed by the United States government?

A. I've been employed by the government as a civilian and as an active duty Air Force member for approximately 17 years.

Q. And did you act in the capacity of a psychologist during your Air Force career?

A. Yes, I did.

Q. And is your specialty clinical psychology?

A. I was the Chief of Psychology Services...at Barksdale and at Davis-Monthan Air Force Base.

Q. Did your responsibilities include psychological testing?

A. Yes, it did.

Q. And did it include interpretation of psychological testing?

A. Yes, it did.

(b)(6)4,(b)(7)(C)-4

CDC: I would offer Dr. [redacted] as an expert in the field of clinical psychology.

MJ: Any objection?

ATC: No objection.

MJ: He's so accepted.

(b)(6)4,(b)(7)(C)-4

CDC: Thank you.

Q. Dr. [redacted], you've now been accepted as an expert in the field of clinical psychology, and I would like to turn now to the

questions associated with the examination of the accused in this case. Did you have an opportunity to personally meet and examine the accused?

A. Yes, I did.

Q. When and for how long?

A. I met with Sergeant Frederick on the 31st of August and the 2d of September 2004.

Q. And did you engage in a personal----

A. I think our interviews lasted about 2 to 2 1/2 hours.

Q. And after the interview, did you administer certain psychological testing? And if so, what testing?

A. Yes, the psychological tests were administered on the same date that I interviewed him. We administered the Minnesota Multiphase Personality Inventory, Second Edition and the Millon Clinical Multiaxial Inventory, the Third Edition, and the Wechsler Abbreviated Intelligence Scale.

Q. I would firstly like to talk about the Wechsler Intelligence scale. Can you tell the military judge what that test is and what it is meant to demonstrate?

A. It's a general measure of intellectual ability, and it includes two parts. One part examines nonverbal reasoning ability, and the other involves verbal reasoning ability.

Q. And has the accuracy of this test been----

A. And we did what we call a verbal IQ and a performance IQ and a full-scale IQ.

Q. Very well. And the validity of this test, Doctor, can you comment on the validity of this testing technique?

A. It's a rather extensive validity for the test, and it correlates very highly with other accepted measures of intelligence.

Q. In this circumstance when you tested Staff Sergeant Frederick, what results did you find and how did you interpret those results?

A. We found that he had a full-scale IQ of 96, and that indicates that his nonverbal and verbal reasoning abilities are above approximately 39 percent of the general population. It would be considered in the average range.

Q. So his IQ scores placed him in the 39th percentile?

A. That's correct.

Q. Now I'm going to turn to the MMPI, the Minnesota Multi Phasing testing [sic], and I would like you to describe to the judge what this test does and what it is about.

A. The MMPI-2 is a broad band test that has ten clinical scales that measures different aspects of personalities and emotional functioning. It also has several validity scales that help us

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understand how the patient approached the test, that is whether the patient attempted to put themselves in an overly positive or overly negative light.

Q. I would like you to turn, if you would, to the test, itself. And Your Honor, that would be MMPI-2, these are the test results. [To the witness] If you can turn to the page which reflects the test results, Doctor. Do you have them before you?

A. Yes.

Q. Very well. I'd like you to explain to the judge what the left-hand column is on this test. There are three data points on the left-hand column. Could you explain to the military judge what those data points reflect?

A. These are the validity scales for the test, and as I just mentioned, they tell us something about how the person attempted to present themselves on the test.

Q. Is there anything in these test----

A. Sergeant Frederick....I'm sorry, could you repeat your question?

Q. I said, is there anything in the testing which would reflect an invalid test result based upon these validity scores?

A. No.

Q. And what do the validity scores show?

A. The validity scale that's labeled "L" is just the patient, Sergeant Frederick, presented himself as a morally virtual person. The middle scale, the F scale is in the average range. It suggests that Sergeant Frederick did not attempt to put himself in an overly negative light with respect to psychological functioning. And the final scale, the K scale is a general measure of psychological adjustment. And this is also in the average range, and it suggests that he did not attempt to present himself in an overly positive light with respect to psychological adjustment.

Q. Is it fair to say, therefore, that you have confidence in the personality test results?

A. Yes, they seem to be a valid representation of his psychological functioning at the time he took the test.

Q. And tell us, if you would, about the validity of the overall MMPI testing system. Has it been around for a while? Has it been verified thoroughly?

A. Yes, the MMPI is the most widely used psychological testing in the world. It was developed in the late 30s, early 40s, and underwent a revision in the late 80s. There's probably over 10,000 research articles addressing the validity of the MMPI-2.

Q. I'd like to turn now to the testing itself, which is on the right-hand side of the test results, for the military judge's

benefit. I note that there are multiple columns. Could you tell us what each column represents, beginning with the left-hand column and working your way to the right-hand column?

A. Yes, each scale represents a different aspect of the personality or emotional functioning. And we refer to each scale by the number. If you look at the very bottom, you'll see the numbers one through zero; one, two, three, four, five through zero or ten. In the first scale is a rough measure of psychological--I'm sorry, physiological symptoms that a patient may be reporting. It's often related to somatic over concern, but it also has items related to anxiety and the physiological manifestations of anxiety like gastrointestinal problems, excessive sweating and those kinds of...[VTC is breaking up]. The second scale is a measure of depression. The third scale is a measure, similar to the first scale, but it also includes what we call a measure of repression or denial. And when these two, the physiological symptoms and the repression or denial that we start looking at things like hysterical conversion disorders or the like. The fourth scale represents individual levels of anger and difficulties with authority and rules and regulations. As that scale increases it tends to get into antisocial personality.

Q. The lower the reading, the less one is likely to have an antisocial personality?

A. That's correct.

Q. That would be referred to commonly in common parlance as sociopathic tendencies?

A. Could you repeat that?

Q. I said, would that be common parlance for sociopathic tendencies?

A. That would be correct.

Q. The next scale?

A. The scale five consists of a general measure to indicate whether the person has interests that are more typically masculine or more typically feminine. At that scale level, it would suggest the person has more interests in things that we would stereotypically think of as feminine, such as gardening, theater and those kinds of things. The sixth scale represents a measure of trust and resentment and suspiciousness. The third scale--I'm sorry, the seventh scale is kind of a general measure of anxiety, worry and rumination. Scale eight basically relates to whether this level of psychosis or disorganization that the person is experiencing. And scale nine is the measure of energy. The higher that scale goes, the more likely this person might be manic or hypo-manic. And the last scale is a

measure of social introversion and extroversion. The higher that scale goes, the more likely the person is uncomfortable in social situations, especially new and unfamiliar situations.

Q. Now, I'm going to ask a question now. Based upon the test results which you have obtained in the case of Staff Sergeant Frederick, is there anything in this testing that would cause concern with regard to social interaction that would be antisocial or sadistic or morally corrupt?

A. No, there's nothing in this test that would suggest an antisocial personality, sociopathic personality, sadistic personality.

Q. What do the test results demonstrate in Staff Sergeant Frederick's case?

A. The MMPI indicates that if you look at scale seven, which is high on point, it suggests that he made--he was experiencing a significant level of anxiety and worry at the time of this evaluation. The elevation on scale six probably reflects his feelings that he was being targeted or mistreated at the time. And the elevation on scale one probably relates to some anxiety symptoms that he was experiencing related to the situational stress.

Q. The other scales are all depressed, are they not?

A. That's correct.

Q. And what does that tell you?

A. That tells us that looking at scale two, that he's not reporting symptoms of depression, or a significant level of depression. The scale three doesn't suggest that he's over concerned with his somatic or physiological functioning. Scale four is in the average range with respect to levels of anger and antisocial practices, his ability to conform to rules and regulations. Scale five suggests that his interests are typical of the average male. And scale eight, again in the average range. It doesn't suggest he's psychotic. And scale nine doesn't suggest he has an excessively high level of energy. And the final scale suggests that he tends to be perhaps somewhat introverted.

Q. Introverted. Doctor?

A. Yes.

Q. I'm now going to turn to the MCMI test results. And why if we have done MMPI do we now do MCMI? Why is that an analytical tool that's important in psychological testing?

A. The MCMI-3, the primary focus of this scale is to diagnose personality disorders.

Q. To diagnose personality disorders. Go ahead.

A. Yes, it's to diagnose personality disorders. It does have other scales that measure anxiety and depression and other aspects of

emotional functioning, but the strength of the test relies on the ability to diagnose personality disorders.

Q. And what is a personality disorder?

A. A personality disorder is basically...let me put it in another way. We can put people on a continuum with respect to different traits. For example, levels of suspiciousness may be a trait. On one end, we have people who are very, very trusting. And on the other end, we may have people who are extremely distrusting of other people. When those traits become extreme and create distress or interpersonal occupational problems for the patient, then we define that as a disorder.

Q. So this test measures in various areas whether an individual has a personality that causes him in some way to be non-normative in society.

A. Yes, and it tells us whether the individual has traits of such a degree that would create problems for their day-to-day functioning or create significant distress for them.

Q. Or, is it not true, to create problems for others?

A. That's correct, in some cases.

Q. Now, does this testing system also have validity scales?

A. Yes, it does.

Q. And in the tests that you provided to Staff Sergeant Frederick, how did those validity scales come out in terms of whether or not this was a valid test?

A. The test results suggest the patient was forthright and did not attempt to put themselves in an overly negative or overly positive light.

Q. With respect to this test, generally the validity of the test, is it also a highly examined test in the scientific community?

A. Yes, it is.

Q. And is it considered a valid expression of psychological standing with respect to personality disorders?

A. Yes, it is.

Q. Now, I'd like to take a look at the test results themselves, and I wonder, there are many here and I don't know that you need to describe each of them. But I do notice the following, that on this scale that you have provided to us, very low numbers are associated with antisocial and sadistic. What does that mean?

A. That's correct.

Q. What does that mean?

A. That would suggest that there's a low probability that he has an antisocial or sadistic personality.

Q. And I note that there's an elevated scale for dependence. What does that mean?

A. Let me just...if you look at the top of the--if you see where it says "profile of BR scores"....

Q. Yes.

A. And you see the one with the BR, a line labeled "75"....

Q. Right.

A. And then a line labeled "85"....

Q. Right.

A. And one labeled "115".

Q. Right, we see this.

A. Now, as these lines approach 115, then the higher the probably the patient meets the criteria for that type of personality disorder. A score between 75 to 85 usually suggests the patient has traits and doesn't meet full criteria for the personality disorder. Scores between 85 and 115 tend to suggest the person meets the criteria and there's a high probability that the patient could be diagnosed by that particular scale.

Q. In this case, Staff Sergeant Frederick hit 85 in the dependent area. So he's at the maximum of traits of personality disorder for dependent personality type.

A. Correct, he's right on the borderline.

Q. Now, what kind of person is it who has significant dependent personality traits?

A. People with dependent personality traits or disorder are people who need a lot of support and nurture from other people. They tend to be rather obliging and placating people in order to--and this is designed to obtain the support and to avoid rejection by other people. And generally, these people try to avoid conflict and try to please others in order to obtain their support, attention.

Q. Could I ask you again----

A. They will also have a strong need for attachment with others.

Q. Are these people, and I'm going to try to be simplistic here, but I need to flesh this out. Are highly dependent people good leaders or good followers?

A. They tend to be followers rather than leaders.

Q. And when faced with conflict, what is their typical response?

A. To give in.

Q. If faced with a stronger personality, what is their response?

A. Again, they will probably attempt to avoid conflict and to give in and to go along with whatever the other person wants.

018707

Q. Now, is it fair to say that such a person would attempt to placate rather than to create a problem?

A. Yes, I think the dependent personality would generally tend to avoid all conflict and to placate, as you said.

Q. Is there any indication that this man, Staff Sergeant Frederick, is a sadist?

A. There's nothing in either the MMPI or MCMI that suggests this.

Q. If you were looking at this man and advising the command on how he should be employed, would you advise the command to put him in charge of a highly stressful situation?

A. Could you repeat that question?

Q. Of course. It's in the nature of a hypothetical, and if you need more particulars, please let me know. If you were the psychologist advising the command as to how to employ Staff Sergeant Frederick, given what you know about his personality, would you recommend placing him in a highly stressful environment?

A. Probably not. If you look at the MMPI-2, the scale, the PT scale, the scale seven that's elevated, it suggests these people do not have a good stress tolerance and that they tend to anticipate problems before they happen and keep themselves keyed up.

018708

Q. Would individuals...this is another hypothetical, Doctor, with his personality, if he observed some form of wrongdoing, would he be likely to report the wrongdoing or to stop it?

A. That's a difficult question. I think he would probably attempt to report it because I would think he would want--based on the L scale, I think he would want the right thing to be done.

Q. If I add to that that it might cause a conflict with those around him, would that change your opinion?

A. He might be more reticent in that regard.

Q. Could you say that again? Please say that again.

A. I said he might be more reticent in that situation.

Q. Is there anything in the testing you've done which suggests to you that there is anything inherently inherent, morally corrupt about this person?

A. No, there's nothing in the testing that would suggest that.

CDC: Your Honor, I have nothing further of the witness.

MJ: Trial counsel?

CROSS-EXAMINATION

Questions by the trial counsel [Captain [redacted] (b)(6)-2, (b)(7)(C)-2

Q. Hello, Dr, [redacted] (b)(6)-4; (7)(C)-4 this is Captain [redacted]e. I just have a few questions for you. On the MMPI test, column number seven, the

high anxiety, this test was administered at the end of August. Is that correct?

A. Yes.

Q. And at that time, Staff Sergeant Frederick was undergoing court-martial proceedings and a high level of publicity surrounding the actions he took back at Abu Ghraib last year. Is that correct?

A. Correct. (b)(6)-4 (b)(7)C-4

Q. And just a follow-up on Mr. [redacted] question. From your testing, Staff Sergeant Frederick has basically tested as a normal, average person, correct?

A. I'm sorry, could you repeat that?

Q. Staff Sergeant Frederick has essentially tested as a normal, average person would test on these tests. Is that correct?

A. In some areas, he's well above average, like on scale seven and scale six and scale one.

Q. But in the sense of knowing between right and wrong, he scores with an average person, knowing how to follow rules and what rules there are to be followed?

A. Yes, there was some indication that he had the ability of distinguishing between right and wrong.

Q. Excuse me, can you repeat that, Doctor? Could you repeat your last answer? What was your last answer concerning the--between

Staff Sergeant Frederick knowing the difference between right and wrong?

A. There's nothing in the test that would suggest he was unable to distinguish between right and wrong.

ATC: Thank you, no further questions.

(b)(6)4; (b)(7)(C)-4

MJ: Mr. [redacted] any further questions?

CDC: No, nothing further, Judge, thank you.

[The witness was excused.]

MJ: Understand----

CDC: I regret to report, Your Honor, but we need to take a recess for Dr. [redacted]

(b)(6)4; (b)(7)(C)-4

MJ: Okay, and the plan is to reconvene with Dr. [redacted] at 1300 hours?

CDC: Yes, Your Honor.

TC: Yes, Your Honor, and that----

MJ: Is there any other matter to take up beforehand?

TC: I just wanted to say, sir, that the VTC time is limited to 2 hours this afternoon, so if we could begin right at 1300. And sir, we'll do our part with that, sir.

MJ: Major [redacted] I'm always on time.

TC: Yes, sir, you are.

(b)62; (b)(7)(C)2

MJ: It's the people who aren't on time that I'm looking at right now.

TC: Yes, Your Honor.

MJ: I'll be here at 1300.

CDC: Or not at all.

TC: And to add that if additional time is needed with this witness beyond the 2 hours, which I don't expect would occur, we have a telephonic backup, just so the court's aware.

MJ: Is this 2 hours with Dr. [redacted] (b)(6)-4;(b)(7)(C)-4

TC: Yes, sir.

MJ: And I understand there's another witness from Washington----

TC: Sir, that witness is no longer needed.

MJ: So Dr. [redacted] (b)-6-4;(b)(7)(C)-4 will be the last witness?

CDC: Exactly, Your Honor.

MJ: The court's in recess.

[Court recessed at 0938, 21 October 2004, and reconvened at 1311, 21 October 2004.]

MJ: Court is called to order. All parties are again present that were present when the court recessed. I will note for the record the reason we're 10 minutes late is not because of counsel, but because of the technology.

Captain [redacted] (b)(6)2,(b)(7)(C)-2

Dr. [redacted], civilian, was called as a witness for the defense, (b)(6)4,(b)(7)(C)-4
was sworn, and testified via video teleconference as follows:

DIRECT EXAMINATION

Questions by the trial counsel [Captain [redacted]: (b)(6)2,(b)(7)(C)-2

Q. Can you please state your full name for the record?

A. My name is [redacted]

Q. And what city and state do you live in?

A. I live in San Francisco, California. (b)(6)4,(b)(7)C-4

Questions by the defense [redacted]:

Q. Dr. [redacted] here. Doctor, I would first like to go over your background and history and credentials. I wonder if you wouldn't mind telling the military judge your educational background.

A. Yes. I graduated first from Brooklyn College with honors in psychology, sociology and anthropology. I got my Master's degree and PhD at Yale University. I have taught at Yale University, New York University, Columbia University, and Stanford University since 1968.

Q. Doctor, could you describe your area of expertise in terms of what field of study you concentrated on?

A. I'm a generalist psychologist. I write introductory textbooks that cover psychology. But my specific area of expertise is social psychology and in particular, I'm...[VTC is breaking up] the past 40 years trying to understand the conditions under which ordinary people, you might say average people, begin to behave in abnormal ways, abusive ways. And in that context, I've studied cults and prisons and created experimental studies in which we explore how ordinary people become perpetrators of evil.

Q. There's no need for you necessarily to break up the words that slowly. We are hearing you quite nicely, actually.

A. We were getting delayed feedback.

Q. Oh, I see, very well. Well then, we're fine here. Do whatever you feel is appropriate on your end.

You mentioned that you have done studies with respect to abuse. I believe that you have done a study at Stanford that gained significant scientific recognition. Could you describe to the military judge what that study was?

A. This was the study conducted 32 years ago in which I created a prison-like environment at the university in which we put ordinary young men, college students from all over the United States who were in the San Francisco area that summer. We made half of them be guards and half prisoners based on a random assignment that we

employed. And before putting them in those two conditions, we gave a battery of psychological tests and interviews because at the beginning of the study, we wanted to be sure that every one of those young men, whether they were guard or prisoner, were normal healthy young men. The study then followed the psychology of imprisonment to create in that prison-like setting similar psychological phenomena that occurred in those prisons that I had studied in depth. What happened was surprising to us because the study was supposed to go for 2 weeks and I had to end it after only 6 days because the guards got out of control. They were abusing the prisoners verbally and physically. They began to abuse the prisoners in sexual ways, stripping them naked, putting bags over their head, putting them in solitary confinement for extended periods of time, depriving them of food and other foods, so that I, as the superintendent of the prison, I no longer had control over the guards.

Q. Now, were you able to identify any causative factors which made these normal, average people do the abhorrent things that they did?

A. Yes, we did, that because we observed day and night throughout the experiment the change in the behavior of these young men who at the beginning were ordinary, average citizens to the point at the end where they were behaving in these abusive, sadistic ways.

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Let me point out several basic prophecies in that situation. Many of these are described in the Schlesinger report in Appendix G, that I'll just summarize very briefly. The first is something called "de-individuation," that if you make people feel anonymous, that nobody really knows who they are, nobody really cares, that sense of anonymity along with their feelings of being responsible, their feelings of behaving in a way that they are accountable to anyone else. And this is one of the things that happened with our guards. The second process is called dehumanization, where you begin to think of the other people, in this case, the prisoners, as not comparable to you, as not morally equal. That is, you begin to think in the extreme as animals and you begin to treat them that way.

The third thing is related, the third process called moral disengagement where ordinarily moral people disengage their sense of morality for a short period of time in order to dominate control other people in the situation or in order to do sometimes illegal, slightly immoral things. Other things like groupthink that the guards begin to think in similar ways. Social facilitation where one guard behaving in an extreme way began to influence other guards to do the same thing. And then, there were also new standards that emergent, called emergent norms, that in that setting, abusing the prisoners became acceptable. And in fact, on each day of the study,

or in fact, the worst things happened each night of the study, that became a platform for escalating abuse from day to day to day.

Q. Now, let me----

MJ: I have a question.

CDC: I'm sorry.

MJ: Doctor, this is the military judge.

WIT: Yes.

MJ: On your prison, these college students, did they have any training whatsoever in being a prison guard before they got that job?

WIT: No, not at all. There was no training.

MJ: But are you trying to extrapolate that study with every prison situation in the United States?

WIT: In some ways, yes. In fact, the most prisons that I have studied, there's minimal training, certainly psychological training for prison guards. In some cases, at most an hour or two, and in the particular case at the Abu Ghraib Prison, as far as I know, there was almost no training of any of the guards in the Abu Ghraib Prison, certainly not in Tier 1A, much like in our own study.

MJ: My question goes back to you at the civilian prisons you've studied. Are you saying that the inherent nature of the prison/guard relationship that regardless of training or lack thereof, that the guards are going to abuse the prisoners on a wholesale basis?

WIT: No, I'm not saying that, sir. What I'm saying is that because guards, because of the nature of the relationship between guards and prisoners is based on power, unless the situation, unless the training, unless there is oversight that constrains or limits the use of that power, there is the potential for the guards abusing it. It doesn't happen all the time, but there's abuse in many prisons, in many police departments, both in civilian and military prisons.

Questions by the defense [continued]:

Q. So is it fair to say, Doctor, that one of the pivotal inquiries that one must make when examining a setting such as the one that you dealt with, is the level and quality of the supervision of the guards?

A. Oh, absolutely, both in supervision, but the training and preparation of the individual to play in this very difficult role. It's a very difficult role to be a corrections officer.

Q. And is it your conclusion that the absence of supervision would lead to the kind of result that your study found?

A. The absence of supervision or oversight similarly creates one of the conditions that make it possible for abuse to occur.

Q. Now, have you examined documents and have you interviewed Staff Sergeant Frederick?

A. Yes, I have done so extensively.

Q. Could you tell us about your interview with Staff Sergeant Frederick and could you tell us about your examination of documents, identifying the documents you've examined?

A. Yes. I spent a day in San Francisco with Sergeant Frederick and his wife, [redacted] (b)(6)-4;(b)(7)(C)-4 And of that 8 hours, 4 hours was intensive, in depth interview with Sergeant Frederick in the absence of his wife. In addition, to prepare for this trial, I have read all three reports that were provided to me, the Fay report, the Jones report, the Williams report, the Taguba report, the Schlesinger report, Article 15-6 of the military investigation. I've looked at all of the images on the CD and categorized them. I've reviewed the psychological assessment by the clinical psychologist for the Army, [redacted] (b)(6)-4;(b)(7)(C)-4 who did an assessment of his intelligence as well as the psychological background. I had the material independently evaluated by my expert on testing, Dr. [redacted] (b)(6)-3;(b)(7)(C)-3. I also administered a condition for the interview something called the MPI. It's a measure of stress and job burnout to Sergeant Frederick, and I had that evaluated by an expert, Dr. [redacted] (b)(6)-3;(b)(7)(C)3 from Canada. In addition, I relied on other research I have done on policeman in Brazil that became torturers. I relied on research that I did on the techniques of interrogation in American police stations. So, this the general material that I bring to bear on, you know, trying to understand why

this soldier did the terrible, abhorrent behavior that he has stipulated to.

Q. The next question that I have for you is, having examined all of those materials, did you find elements within those materials that would have fostered the kinds of results that you found from your study?

A. Well, there's no question. My study was a benign setting compared to what took place every single night at Abu Ghraib Prison, according not only to Sergeant Frederick's statement, but virtually all the statements from the five independent military investigations.

Q. Can you identify with some specificity what those elements were?

A. Well, my sense was that the military created inhumane conditions, working conditions for the guards who worked in that prison, specifically, high level of exhaustion. Sergeant Frederick worked 12-hour shifts, from 4 p.m. to 4 a.m. 7 days a week with not a single break for 40 days. That's unheard of in any occupation. He got a day off and worked 12 days before another break. When he was off, when he was not in Tier 1A, he slept in a small cell, 6 by 9 with no toilet, in a different part of the prison. And he missed breakfast and lunch regularly, so he was--some level of food deprivation. He didn't sleep well because, in addition, there was a

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great fear that the prison was under mortar and grenade attacks. Several soldiers died. Many Iraqi prisoners died. There was enormous stress. The other thing was, it was a situation of total chaos. When he got there in October, there were only 400 prisoners there. Within 2 months, it had escalated to more than 1,000. Any setting that escalates in size that much without tight controls, tight discipline, will be chaotic. It was filthy; the water was bad. The food was bad. Prisoners were rioting. In addition, he was supposed to be in charge not only of the 1,000 inmates and a number of guards, but the Iraqi police, many of whom were smuggling in weapons and doing other kinds of illegal things.

The other thing that was terrible about the situation was that he really violated basic Army principles. They had children as well as adults mixed together, boys as young as 10 years old. They had people with tuberculosis as well as mental illness all in the same population, which created an impossible situation for Sergeant Frederick who was supposed to be in charge of that.

In addition, there was some confusion as to the relationship of the military police Army Reservists to the civilian contractors doing interrogation, to the military intelligence and to the general system of interrogation in which they were encouraged to prepare prisoners--detainees for interrogation. And again, in all

the reports, I'm not saying this, but each of the reports I had mentioned indicated that there was confusion, lack of coordination between each of these units. There was approval of what could be called soft torture, stress deprivation--stress positions, use of dogs, use of nakedness, use of sleep deprivation. So, you had a level of acceptance of what was is often called soft torture that Sergeant Frederick and his other colleagues were encouraged to continue as part of the general interrogation program.

Q. Let me ask you about a circumstance that existed with Staff Sergeant Frederick. When he came to Abu Ghraib, in the first instance he discovered prolonged nudity by the detainees, men with women's underwear on their heads and men nude handcuffed to cells. Within 2 weeks of being at Abu Ghraib, he observed two military policeman causing detainees to adopt sexual postures. Within 3 weeks of being at Abu Ghraib, he discovered that other government agencies had killed an individual and then surreptitiously spirited that individual's body out of the prison. Is that the sort of escalation you're talking about which could lead to his conducting himself in a similar fashion?

A. Exactly. Yeah, the Fay report begins by saying, "Behavior does not occur in a vacuum," that when we list all of the acts that Sergeant Frederick stipulated to, the terrible acts, sadistic acts,

clearly abhorrent behavior, that the question is, what is the context in which those behaviors occurred? And I want to argue that the things you just mentioned, essentially create a scaffolding on which his behavior was played out, was amplified, was supported, so that he was in a setting where there was chaos, confusion, and he saw a social model. He saw these terrible things happening. He didn't make the prisoners naked. He didn't make the dogs frighten the prisoners. He didn't have the prisoners put women's underwear over their heads. He didn't have prisoners chain themselves for long periods of time. This is what he found. Some of this was with the 72d Battalion that setting was continued. And so this was the foundation on which he had to somehow maintain discipline. One of the interesting things is that on one hand you say, "Well, he was a corrections officer in civilian life so he had some training." I think paradoxically his experience made it even worse because he had been in a setting where he had control, there was low stress, no fear. And in this situation, he really had almost no control. Things were out of control. Everything was filthy. Things were chaotic, and his psychological report, one of the main factors in his personality, is he's somebody who is obsessive about order, about cleanliness, about discipline. And so, when he went out of control,

I want to argue that it was because he was put in a situation that was totally out of control.

Q. Talk to me a little bit about the significant dependent personality traits that were discovered by Dr. [redacted] and the impact of that upon this circumstance. (b)(6)-4 (b)(7)C-4

A. Yes, what's important in the report by Dr. [redacted] and it was repeated by Dr. [redacted] an independent expert assessment, was that there was no psychopathology inherent in Sergeant Frederick, that there was no evidence from any of his tests, from any of the interviews they did, that this was a young man who brought into that prison any pathology. The only weakness that emerged from the testing is that there is a tendency for him to be dependent on others. It's important for him that other people like him, and so in some cases, he will defer to others, and in some cases, he's too willing to cooperate with other people so they'll like him. Dr. [redacted] (b)(6)4 (b)(7)(C)-4 indicated to me that this could've shown up in his willingness to follow the directives of the civilian contractors. It could also have been his willingness to follow the model of some of the move abusive guards.

Q. When you look at the totality of the circumstances that were created at Abu Ghraib by those individuals superior in rank to Staff Sergeant Frederick, now I'm not talking about some ethereal

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responsibility for the Secretary of Defense, I'm not going there. Where I'm going to is people at levels who could have provided compliance with army regulations who could have provided personnel who were trained to guard prisons. When you look at the failings of that group, do you conclude that part of the responsibility for what Sergeant Frederick did can be laid at the corporate feet of those individuals?

A. Yes. It's a very unusual case because in all the research I have done, we create an entity from abnormal behavior, abhorrent behavior, violent behavior. I've also studied terrorism, terrorist behavior. We try to understand how much is it, called disposition. How much comes from within the person, sadistic personality traits, paranoia, things of that kind. And how much does the situation, the kinds of things I described, the dogs and the fear, wanting revenge, stress, the anonymity. But in this case, there's a third level of analysis that has to be included, and that's the systemic, that is, that situation in Tier 1A. We have to include all the failures of leadership. In every single report that I read, the (b)(6);(b)(7)(C)- [redacted] report, the Taguba report, the Fay report all point to that there was a failure of leadership, the lack of leadership, no oversight, no accountability, no training, inadequate resources, that my sense is that Sergeant Frederick is guilty of the acts that he stipulated to,

but he is not responsible for it. The responsibility clearly has to be shared by all of those in the chain of command slightly above him. And you know, at least one report lists who those people are starting from the sergeant above him all the way up to Captains and Colonels and Generals, that they are equally responsible for creating the condition that enabled this behavior to occur and let it perpetuate. These abuses were going on for months and months. The pictures, the horrible pictures that horrified this world, almost everyone had known about these for months. These had been circulating on people's screensavers, Internet cafes. So none of this was new. The other thing that we have to include is, it was clear that a number of people observed this happening. There were doctors. There was medical personnel, many other soldiers, officers observed a number of these abuses and did not intervene, a cycle of evil of inaction that you give silent, passive approval for immoral and illegal behavior to continue if the people doing this observe that they're looking and you don't challenge, and you don't intervene. So my sense is, those are systemic influences on Sergeant Frederick which go in addition to the particular mental stress and particular exhaustion, the de-individuation, the other psychological factors that I talked about.

Q. I wonder if you could point out to the military judge your role that you have played and continue to play, significant roles with the Department of Defense.

A. I should say that...I'm sorry, I'm getting this delayed feedback...that my research has been supported by the Office of the Naval research. And when we completed the research, I was at conferences and gave lectures on ways to improve military corrections, especially in the Navy. Right now, a DVD of my prison study that we just made is being used in training of many military personnel. In fact, as far as I know, Colonel [redacted]a (b)(6);(b)(7)(C) psychologist colleague of mine who is in Abu Ghraib trying to correct the abuses, is using my work and the DVD I provided free to the Army for that training.

In addition, I'm the senior fellow in the Department of Homeland Security's program that trains people in the psychology of terrorism. We've trained people at different levels of the same government, and they do this Naval post-graduate school in Monterrey. And lastly, I've help found and I'm one of the directors of the National Center for Psychology of Terrorism in California where we studied the psychology of terrorism and tried to improve things like the terrorist alarm system, the way in which officials communicate to the public, how to manage fear and things of that kind. So, I have

been--I think of myself as a patriotic American citizen that has been against the Vietnam War, against the Iraq war, a critic of the administration's program which I think wronged people unnecessarily. But despite being on the defensive, I think of myself as a patriotic American citizen who has worked hard to improve the quality of life in our country all of my entire career.

Q. Doctor, I'm going to ask you, perhaps my last question. But if the United States Army had come to you in August of 2003 and said, "Here's what we plan to do with Abu Ghraib. Here's how we plan to staff it, and here's how we plan to run it," what would you have told the Army about the prospect of their prison guards surviving the circumstance that they contemplated?

A. Well, that's a tough question. But, the first problem is this facility for interrogations should not have been at Abu Ghraib because of its symbolic value of that prison as Saddam Hussein's torture center, was really too important for the American image. So, the last thing we needed was for something to go wrong. The other thing is, it's in the heart of the city, so it's open to mortar attacks and grenade attacks. It also had to be a clear separation between detainees who had any potential information and others who were just criminals who were picked up in random searches. Certainly, a boy of 10 years old or old men 60 years old are unlikely

to have any information, certainly not after months and months in captivity.

The other problem was, as far as I know, many of the contract interrogators were not really well trained in the psychology of interrogation and the cultural nonverbal aspect of the people they were going to interrogate. And then you know, there would have to be a very explicit, clear demarcation of the interrogation process and military intelligence process, the detention process, all of which were mixed. It seems also you can't just have civilians giving orders or encouragement to military. That's just not part of the military procedure. So I would have suggested or recommended very clear oversight, very clear supervision, making it kind of a standard operating procedure for each detainee that comes in, whether they have interrogation potential or not. But most important is to have an officer in charge of the nightshift, an officer in charge of the dayshift who is responsible to the next level chain of command.

And then also, you need sufficient resources. I mean, obviously this was poorly planned. At the very least, you don't put somebody in charge of this complex prison, a superintendent, who had no prior experience running a prison. I mean, that's unheard of.

Q. You know, you raised something that I do want to ask you about. Can you differentiate for me in your own studies and for

circumstances at Abu Ghraib night versus dayshift? You found some interesting things, didn't you?

A. It was really eerie. I mean, my study is a little experiment done many years ago. The parallels between my study at the Stanford University basement and Abu Ghraib are eerily eerie. Most of the abuse in my study took place on the nightshift, just as at Abu Ghraib. Our guards stripped prisoners naked for any reason to humiliate them. Our guards put bags over prisoners' heads to confuse them. Our guards, the escalation of abuse went from cleaning toilet bowls out with their bare hands to simulating sexual behavior among the prisoners. That was just in 5 days, and so we saw this still study, microcosm of what could have happened had we kept our study going to months at a time or had we had guards at high levels of stress. So all I mean to say is that, and actually, the Schlesinger report says that research should have been a fourth warning to the military about the importance of adequate training, adequate preparation to all the people in a prison of that kind that had such value, symbolic value as well as true informational value.

Q. Why do you think the nightshift was the repository for the principal levels of problems?

A. Absolutely. I mean, partly is the different mentality of the nightshift, especially on our nightshift that when I went to

sleep, that again, as with this nightshift at Abu Ghraib, there was no extensive--nobody was clearly in charge. And the guards really just trying to see how far they could go, what they could get away with. And what happens is over time, I wasn't told this, but it became fun and games. I mean, the de-individuation state means you stop thinking about the future, you just live in the expanded presence. The thing that is remarkable is that these soldiers took pictures of themselves doing this legal, immoral behavior. And one of the reasons they did this, when they were doing it, they no longer thought about it as a legal or immoral. They didn't think about somebody in the future is going to look at these and use them to determine their culpability. So that again, that nightshift gives a sense of total de-individuation, totally being immersed in the present hedonistic state.

Q. Would you suggest, Doctor, that given all the factors that you know of with respect to this sort of circumstance and given the actual circumstances that existed at Abu Ghraib, that irrespective of who occupied the role of nightshift guard, that there was a certain inevitably to abuse, given all the factors that existed?

A. Yeah, I guess I would be drawn to that, is that not every single individual in a setting like that gets out of control. What we have found not only in my prison study, but many other studies, is

that the majority, that the typical reaction of someone in that study is to give in to the situational forces. And it's the exceptional person, the heroic person who can somehow resist. But it's impossible to do so when you're encouraged to soften up the detainees for interrogation. As far as I know from my interview with Chip Frederick, when he complained about mixing prisoners of different ages and of different mental states and of different physical condition, he was reprimanded. He complained--so when he was trying to do his job as officer in charge, he never got support by higher ups. In fact, he said he often was reprimanded. So he stopped trying to improve conditions. He just went along with the flow.

The other thing I would like to mention, if I could, is my impression of this young man outside of Abu Ghraib, that what I was surprised when meeting him because I had expected someone who did these beastly acts to somehow have a distorted personality. But Chip Frederick is really an all-American boy. He's the son of a coalminer in Virginia, a homemaker mother. They go to church. They're Baptist. They go to church on Sunday. He flies the American flag in his back yard every day and he gives the American flag as a gift to people. He tears up when they play the Star Spangled Banner. He hunts. He fishes. He plays softball. He has lots of good close friends. He has a wonderful relationship with his wife and two

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stepdaughters. So before he comes to Abu Ghraib, this is almost an American icon. He actually gave me an image of an all-American young man, this young man. And he was in corrections. There's no history of any kind of physical health problems, mental health problems. He was a good corrections officer for a number of years. And also, when he first went to Iraq, I guess he was at a place called Al Hillah that he shared with pride. He worked with the children. He learned the culture. He enjoyed the service he was doing. So even when he was in Iraq on an ordinary mission, he [inaudible]. And suddenly, goes to Abu Ghraib and gets transformed. He goes from Dr. Jekyll to Mr. Hyde. So the question is, you know, did he bring some pathology into the situation, or did that situation bring out pathology in this good, young American soldier who I would be willing to have him take care of my kids at any time. Because in the experience that I had with him, he is a wonderful young man who did these horrible things.

CDC: Doctor, I want to take a moment to thank you for taking your time out to do this by VTC from Italy while you were on holiday. It's very much appreciated. I'm sure the government will have some questions for you.

[END OF PAGE.]

CROSS-EXAMINATION

Questions by the trial counsel [Captain [redacted]

Q. Dr. [redacted], you subscribe to a situationist perspective in understanding abhorrent behavior, correct?

A. Say that again, please? I'm sorry.

Q. You describe to a situationist perspective in understanding abhorrent behavior. Is that correct?

A. Yes.

Q. And not being a psychologist, if I could be so bold as to attempt to summarize that line of thinking in just a few sentences. When clearly evil behavior is committed by an otherwise psychologically normal person, you must look to the situational circumstances surrounding the event rather than those of the personal choice, character or free will to explain the conduct, right?

A. No. That's too simple an explanation. People always have free choice. Ultimately, individuals are always responsible for their actions. A situations approach simply says that when trying to understand any behavior, we have to take into account various factors in the situation. It's not enough to simply do a psychiatric analysis to say what is wrong with the person. So a situations analysis doesn't excuse a wrong behavior. It does not excuse sadistic behavior. It simply tries to say, how can we understand the

human factor by the influences within any situation on his or her actions.

Q. I apologize. I might have misunderstood some of your previous testimony then. You've testified before Congress before, correct?

A. Yes.

Q. And when you testified before Congress, did you say the following, "Individual behavior is largely under the control of social forces and environmental contingencies, things that occur, rather than some vague notions of personality traits, character, willpower or other empirically invalidated constructs," correct, you said that?

A. Correct, yes.

Q. And then you went on to say, "We create an illusion of freedom by attributing more internal control to ourselves to the individual than what actually exists." Did you say that, as well?

A. Yes, I did.

Q. And then you went on one more time further and said, "We put too much stock in some notions of character, free will or personality traits to which there's no evidence psychologically that they even exist." You said that, as well?

A. Yes.

Q. So given that position that you took before Congress, is it your testimony today that Staff Sergeant Ivan Frederick, because of the situation the he found himself in Abu Ghraib last fall was essentially guaranteed to commit the heinous crimes?

A. You said, "guaranteed"? I just didn't hear the word.

Q. Essentially, that there's no such thing as free will, character, that these are constructs that we have fallen back on to explain situational circumstances. Wouldn't that necessarily mean that a person who doesn't have those constructs faced with an impossible situation wouldn't necessarily commit the wrongdoing?

A. Again, you're misconstruing what I said in my position. I didn't say people do not have free will. I said, those are vague constructs, that we use them in a vague sense. You don't measure free will. You don't measure character. It doesn't mean they don't exist, but they are vague constructs in comparison to the very specific things of, we can measure the level of exhaustion. We can measure the level of stress. We can measure specific event situations. So, I don't want you to--it sounds to me like you're trying to twist my position, that he had free will to act in the way he did or not, but that free will got undercut, that free will gets distorted the more situational factors you have that pushed behavior in this negative direction.

Q. I didn't mean to misconstrue it, but you did say that "There's no evidence psychologically that character or free will or personality traits exist," and that was your testimony before Congress, right?

A. There's no evidence that it exists. It doesn't say that it doesn't exist in the individual. There's no evidence at a quantitative level that can measure my character versus your character, your level of free will versus. Those are vague concepts. They've always been vague in philosophy as well as in psychology.

Q. And you went on when you were testifying before Congress when you said, this is a quote, "No one here I think can assert that they could not be either capable of this brutal or powerless--" I'm sorry, let me step back. Your quote was, "No one here I think can assert that they could not be either brutal or powerless when they are put in that situation, meaning a situation where they are powerless themselves." And you said that, correct, that no one can assert that?

A. That no one can assert in advance of being in a novel, unusual situation like my prison study or Abu Ghraib, that they would not have done that. You cannot assert with 100 percent certainty that you would not have behaved as Sergeant Frederick behaved. Yes, I said that.

Q. Now, one of the situational circumstances you point to is extreme power differentials, correct?

A. Can you say that again?

Q. I'm sorry, one of the situational circumstances that you point to in what occurred at Abu Ghraib is that there were extreme power differentials, correct?

A. Yes. One of the circumstances in all prisons are extreme power differentials between guards and prisoners. And in this setting, it was even more extreme because of the nature of that situation.

Q. And you said that exists in every prison environment. Is that correct?

A. Yes, that's what prisons are about. Guards have power; prisoners have no power.

Q. And it was your testimony before Congress once again that a prison any situation in which one person's freedom and liberty are denied by virtue of the arbitrary power exercised by another person or group, right?

A. Correct.

Q. And that you also stated the mere act of assigning labels to people, such as prisoners and guards and putting them into a

situation where those labels acquire validity and meaning is sufficient to elicit pathological behavior, correct?

A. Yes.

Q. So it wasn't the unusual power differential found exclusively at Abu Ghraib that you're pointing to, but rather power differentials that are inherent in all prisons.

A. Yes, except Abu Ghraib was a special case because of the high level of stress, the fear, being under attack, the fact that there were not enough jumpsuits and prisoners were naked most of the time. They spoke a different language. There were a thousand prisoners, they only showered once a week. They were filthy. And so in that setting, those prisoners were like animals. They were treated like animals by the guards because they smelled like animals. They looked like animals. And so, that is a unique setting. You don't have that setting in San Quentin Prison. You don't have that setting in Attica and other prisons that I've studied. So it's more extreme on this dimension of power of guards and lack of power of prisoners.

Q. Now, you stated that you read Major General Taguba's report concerning Abu Ghraib. Is that correct?

A. Yes, I did.

Q. And not every guard at Abu Ghraib treated the prisoners like animals. Isn't that correct?

A. Not every guard treated the prisoners like animals, correct.

Q. In fact, the dayshift treated the detainees very well.

A. We don't know they treated them very well. We know there was not this level of abuse. That's all we know.

Q. Now, you also stated that there was inadequate training for the guards at Abu Ghraib. Now, you're aware that Staff Sergeant Frederick is a correctional officer in his civilian capacity, correct?

A. Yes, I'm aware of that.

Q. And that he received 112 hours of in-house training at the confinement facility he worked at in Virginia before he started working there as a correctional officer?

A. Yes, I'm aware of that.

Q. And that he attended 160 hours of training in the basic officer's course before he started working at that same institution?

A. Yes, I'm aware of that.

Q. And that this training consisted of a block of instruction in the proper use of force, crisis management and cultural diversity?

A. The cultural diversity part, as far as I remember from my interview with Sergeant Frederick, was a very brief, very brief part and it was cultural diversity within the United States. So, it would be most likely dealing with black or Hispanic prisoners, not with Arabs from a different religion and totally different culture.

Q. Would it surprise you that on three different occasions, he received cultural diversity training that included cultural diversity training in the religion of Islam and the way Muslims practice their religion?

A. Yes.

Q. And were you aware that the training he received during his basic officer's course included recognizing differences in social and culture and religious lifestyles that each inmate that would practice and that this particular course actually referenced your Stanford prison experiment?

A. No, I was not aware of that.

Q. And were you aware that he received 24 hours of mental health training through his civilian employer in his role as a correctional officer?

A. No, I was not aware of that.

Q. Were you aware that Staff Sergeant Frederick had 4 weeks worth of leadership training from the United States Army before he became a noncommissioned officer?

A. Yes, I think I was aware of that.

Q. And were you aware that these 4 weeks of training included blocks of instruction on how to lead in stressful situations, how to encourage moral behavior from subordinates and ethical decision making?

A. No, I didn't know the specifics of his training.

Q. Now, you listed a number of ways that you believe the situation at Abu Ghraib paralleled the experiment you conducted at Stanford. Is that correct?

A. Yes, I did.

Q. Hooding of inmates?

A. Say that again, please?

Q. One of those parallels would be hooding and the chaining and sexual humiliation, is that correct?

A. Yes, it is.

Q. Now, the guards in your experiment were young college students, right?

A. Yes, they were all between 18 and 23 or 4.

Q. And they had no experience or training whatsoever in being prison guards.

A. Correct.

Q. And Staff Sergeant Frederick is 38 years old, right?

A. Correct, yes.

Q. With 7 years of experience as a correctional officer?

A. Yes.

Q. Now, the hooding of the inmates in your experiment, that was not the idea of the guards, but that was actually yours and your staff's, right?

A. With the hooding, say that again.

Q. With the hooding of the inmates in your experiment, that was not the idea of the guards. That was actually yours and your staff's idea, correct?

A. Yes. It was our idea when the prisoners left the yard to go to the toilet, the guards then escalated using the hoods on their own to increase the confusion of the prisoners at various other times.

Q. Now likewise, it was not the guards who originally chained the inmates in your experiments, right? That was once again your and your staff's idea.

A. No, the idea of chaining the prisoners to each other was the guard's idea. The idea of wearing a chain on one's foot as a symbol of your powerlessness, that was part of the psychology of imprisonment we were studying.

Q. Now, you also mentioned the sexual humiliation part. It was yours and your staff who picked out what the inmates would wear during your experiment, correct?

A. Say that again, please.

Q. It was yours and your staff's idea of what the inmates would wear during your experiment, correct?

A. Correct.

Q. And it was yours and your staff who picked smocks and insisted that the inmates not wear any underclothes in order to sexually humiliate and emasculate them, correct?

A. Correct.

Q. So the parallels you see between Abu Ghraib and your experiment, specifically hooding and chaining and sexual humiliating were not abuse that your guards originally came up with, but were actually research controls of your own experiment.

A. No, not completely, because what the guards did was use the prisoners as playthings. They had prisoners bend over and had other prisoners simulate sodomy. That's not anything that we encouraged,

anything that we allowed. All we did was put prisoners in smocks because we wanted to emasculate them, essentially, so you would want to minimize their masculinity. And this is what happens in many, many prisons. But the guards went way beyond that simple fact of having prisoners would leapfrog over one another so their testicles would bang on their other prisoner's heads, to have them, again, simulate sodomy. That has nothing to do with me or the staff. This was the invention of the guards on the nightshift.

Q. So when the guards did start taking the sexual humiliation that was built into the experiment to a new level, that was on the nightshift. Is that correct?

A. Yes, it was on the nightshift.

Q. And that's because they didn't believe anybody was watching them at that time.

A. Correct.

Q. And that's because they knew their conduct was wrong...excuse me, go ahead.

A. Say that again?

Q. And they did it during the nightshift because they knew their conduct was wrong and they didn't want to be caught doing it if you were watching them. Isn't that correct?

A. It's not clear that they thought it was wrong. I would typically intervene if a guard was being abusive. The next day I would call the guard and say, you know, "You're being physically abusive. If you touch a prisoner with your Billy club, it's equivalent to hitting them." So I was seen as the liberal administrator who was really protecting the prisoners. And so the guard, who thought the prisoners were danger, I mean, in this little experiment, wanted to get around or circumvent my intervention as superintendent of the prison.

Q. So they knew it was wrong, and they didn't want you to see it, correct?

A. I don't know if they thought it was wrong. I can't read into their minds. All I knew was, even in that setting, they didn't want me to intervene.

ATC: Thank you, I have no further questions.

WIT: Again----

MJ: You may go ahead and finish.

(b)(6)-4 (b)(7)(C)-4

Does he have anything to add, Mr. [redacted] You can feel free to add, because his last answer was kind of cut off.

[END OF PAGE.]

REDIRECT EXAMINATION

Questions by the defense counsel [Mr. [redacted] (b)(6)-4, (b)(7)(C)-4

Q. Doctor, [redacted] again, just a few attempts to--not to oversimplify this problem as the government has tried to do with you. The simple reality is that, is it not, that training is helpful in identifying potential problem areas, but if the training does not extend to the exact circumstances that existed at Abu Ghraib, it may have only marginal efficacious effect. Is that not correct?

A. Yes, not only is that correct, but several of the reports say that the leadership is faulted because there was not mission specific training. What the [inaudible] has just said was, "Sergeant Frederick has got a lot of training and has to run a prison in Maryland," very little of that training is applicable in the mission specific site in Abu Ghraib in Tier 1A. I mean, there's really no comparability between at a low security prison in Maryland and being in this high security chaotic prison in Abu Ghraib. There's no parallel.

Q. Secondly, are you of the view that what Staff Sergeant Frederick has done here is criminal?

A. I don't know what you mean by "criminal"?

Q. Is it a violation of law?

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A. Yes, it's clearly a violation of the law. I mean, people were abused. People were hurt, so it is a violation of the law. There's no question about that.

Q. I mean, you're not here to excuse his conduct, are you?

A. Oh, I don't excuse his conduct. Again, the situational approach is not excuseology. It's not saying, oh, we're going to blame the situation and take the person off the hook. It simply says in trying to understand why Sergeant Frederick suddenly did these terrible things to which he has nothing in his history, nothing in his personal background, nothing in any psychological test that would have predicted that he did these terrible things, that what we have to put on trial is both the situation and also the system of--on trial has to be all of the officers who should have prevented it, all the officers who should have given adequate training for him and the other soldiers, who should have given adequate oversight that would have prevented this. Again, the Fay report, the Taguba report, that this could have been prevented, had the military put in any of the resources or any of the concern that they're putting into these trials, Abu Ghraib never would have happened. But Abu Ghraib was treated with indifference. It had no priority, the same low priority in security the archaeological museum in Baghdad. These are both low priority items, and this one happened to [inaudible] with these

unfortunate circumstances. So I think that the military is on trial, particularly all of the officers who are above Sergeant Frederick who should have knew what was going on, should have prevented it, should have stopped it, should have challenged it. They are the ones who should be on trial. Or if Sergeant Frederick is responsible to some extent, whatever his sentence is has to be, I think, mitigated by the responsibility of the whole chain of command.

CDC: I have nothing further. Thank you very much.

ATC: No questions, Your Honor.

MJ: Thank you, Doctor, you're excused.

Do you have anything further, defense?

CDC: I do not, Your Honor, we rest.

MJ: Government, do you have any rebuttal?

TC: No, Your Honor, we do not.

MJ: I'm sorry?

TC: We no not have any rebuttal, Your Honor.

MJ: Oh, I thought you said you probably do not.

TC: Sir, we definitely do not have any rebuttal. We do need a few minutes.

MJ: You need a few minutes, okay. We'll be in recess for 10 minutes. The court is in recess.

[Court recessed at 1414, 21 October 2004, and reconvened at 1430, 21 October 2004.]

MJ: Court is called to order. All parties are again present that were present when the court recessed.

Trial counsel?

TC: Yes, Your Honor....

MJ: I'm sorry?

TC: Sir, there appears to be a technical problem for the overflow room. Do you wish for me to start or shall I wait?

MJ: The court will be in recess.

[Court recessed at 1431, 21 October 2004, and reconvened at 1435, 21 October 2004.]

MJ: Court is called to order. All parties are again present that were present when the court recessed.

Major [redacted]

TC: Sir----

(b)(6)2;(b)(7)(C)-2

MJ: Major [redacted] just for the record, is that I want all your pictures that you're putting in here that have not been previously introduced, will there be any in your presentation that have not----

TC: Sir, the only photos that are attached to the presentation are part of the stipulation of fact, and I will provide a copy of the argument, as well, to the court reporter.

MJ: Okay, proceed.

TC: Sir, this is wrong [while showing photo]. Every man and woman in this courtroom knows this is wrong. Although in the last couple days, even that question has been obscured somewhat. I would like to take a little of your time to discuss what we've seen in the last few days and then try to clarify some issues that have been somewhat clouded. I have three points that I would like to make to the court today, and this is the first. This is old, old ground and ground I thought had been covered but apparently needs to be recovered again.

I'd like to start, sir, with the three general theories of punishment, and frankly, to tell you why two are inapplicable to this case. Sir, there's a theory of punishment, as you well know, that involves the rehabilitation of the offender, and the idea is that we should treat the offender or punish the offender in such a way that he is made whole again. The problem with that, sir, is that it treats the offense as a pathology and requires experts to determine how long that treatment should occur. And frankly, no disrespect intended, sir, under this theory of punishment, jurists are not as necessary as experts, that it's physicians that determine what a sentence should be and it's independent of the offense. It's focused

on the offender, what he or she may need. That's an inappropriate means to think about this case.

The second point or second theory, sir, is deterrence, and deterrence is an important social policy in the sense that we certainly want others to think before they take an act, "What will occur to me if I do this act?" The problem with this theory, sir, is that it really is independent of the act, itself. The question is, is the deterrent effective, not is it just? So, some small measure of punishment might be appropriate to deter others. On the other hand, a large measure of punishment may be necessary to deter others from taking that act. Again, it's not the act, itself, that's the focus, but it's what is necessary and what is effective. It's not a question of justice, but of efficacy.

And that brings us to the social retribution theory, which is the traditional theory of punishment, which has somehow gotten lost even in the last 2 days. And essentially, this says there is a moral wrong, and that's codified in law, that there is some repercussion for that violation of the moral law, that a price must be paid. And it really, essentially, asks this. What punishment is warranted based on the act of the individual? And of course, by "warranted" we mean, what is deserved? And deserved assumes, of course, that there was a wrong, that that is recognized.

Now, there is a competing theory, and I think it was captured somewhat by Dr. [redacted] theory and some other points that had been made. And essentially what Dr. [redacted] tried to capture in the government, at least through his testimony, was that simply this, that this prison environment is a unique environment and it compels certain behavior in individuals that would not otherwise arise. And since those circumstances are external and it is compulsion, there's not full responsibility. And because Sergeant Frederick was in this environment, he therefore isn't fully responsible----

CDC: Your Honor, I hate to object during closing argument, but-- facts not in evidence. That's not what [redacted] said.

MJ: Mr. [redacted] I believe it's a fair inference that one could take what Dr. [redacted] said. Your objection is overruled. Proceed, Major [redacted].

TC: Yes, sir.

MJ: And understand, I'm not saying I agree. I'm simply saying is that counsel is----

CDC: I just felt compelled to make the objection, Your Honor, which I don't normally do.

MJ: I understand.

CDC: I apologize for the interruption.

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MJ: No, don't apologize. What I'm simply saying is that that's the government's inference from his testimony, and it would appear to the court that that is one inference one could take.

Go ahead, Major [redacted] (b)(6)2,(b)(7)(C)-2

TC: Yes, sir, and I will tread lightly over this ground and quickly, but that is really the question asked of you today, is are we responsible for our actions, or are we not? And in the abstract, that is a difficult question to answer and the philosophers have obviously studied for some time. But I would just ask you to consider that, that if we are truly compelled by our circumstances and that we are not responsible for the good or the evil that we do, and that even the heroes among us, when they act, it is because of some outside compulsion and not their own innate sense of goodness or nobility. And under this theory, I think that men and women are robbed of the dignity which makes us men and women.

But I want to talk about the specific in this case, Sergeant Frederick and his ability to choose, and I would like to begin with age and experience. Of course, Your Honor, you've heard that the accused is 38 years old, married, has had several jobs. In short, he's an adult capable of making decisions. He's of average intelligence, and he's capable, as we learned, of determining right from wrong. And let me give you an example of that, and it's a

bizarre example, Your Honor. But the accused said that on the night of November the 7th, a number of events occurred. One, Sergeant Javal Davis began leaping onto detainees lying on the ground. And this, apparently, didn't disturb Sergeant Frederick enough to take action. And then he, himself, struck a detainee and Corporal Graner struck a detainee forcefully. And then Sergeant Frederick used his hand to stimulate, or to force, rather, detainees to begin to masturbate. And this didn't offend his sense of right or wrong. And then detainees were placed in a pyramid and photographed with writing on them, naked. This didn't offend his sense of right or wrong, apparently, either. But yet, he says he left for a time and came back and he saw that the detainees were forced into simulated fellatio, and suddenly, this outraged him. He couldn't take that. That was too much. I suppose we are fortunate that he has some standards. But he made the decision, "This is wrong and I'm going to stop this," if you believe his testimony.

I'd like to talk a little about training, as well, sir, and this has been subject to some intense discussion. I would say that it's extensive, methodical, disciplined, trained--and training in the corrections profession. There's an emphasis on the ethics of that profession, and from the records introduced and the soldier's 2-1, we know that there were 112 hours of initial in-house training at the

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Buckingham Correctional Facility, that he attended 160 hours of training at basic officer's course with proper use of force, crisis management, cultural diversity, training on the Strike Force, as well. Sir, within the packet you've been given, I'd ask you if you could just look at this, of course, in deliberations. There was a test that Sergeant Frederick was given, a performance evaluation. And a question was asked of him about the use of force, and it was a complete fill in the blank-type question, and it involved a detainee--or a prisoner, rather, in a situation and a guard that takes action. And Sergeant Frederick wrote in that response to this performance evaluation, it says, "Trainee Jones should not have used his radio as a weapon. Inmate Blant did not have a weapon and did not pose a threat. Trainee Jones should have tried to push him out of the way." He has made some thoughtful applications of skills to various situations. He is trained by both the civilian sector and the military.

In the military, he's received fairly extensive training. At PLDC, he received ethics and leadership training. And there's been a constant reiteration in his life, in both the military and the civilian sector of this need to treat people with dignity and respect. Now in prison, he says he essentially forgot his training. What's ironic is that that's not quite true. He remembered how to

apply pressure points to a detainee to cause intense pain. He could recall that aspect of his training. It was only the other parts about treating people with dignity and respect that he apparently forgot.

And sir, maybe he wasn't trained specifically for an I and R mission. The nature of the Army is that we adapt to the situation posed to us. That is true of every soldier in every combat situation and non-combat situation. This particular accused though, was a military police, somebody we would generally expect to know how to secure detainees. EPW mission is a mission that we commonly understand military police to have some knowledge of. But more than that, again, he was a highly trained corrections officer. But really, in the end, this is a red herring, absolutely a red herring. Sergeant Frederick laments that if only he had the right doctrine, if he had had 190-8, things would have been different. But how much training do you need to have to know you don't punch a man who's defenseless and not resisting, punch him when he's got a hood over his head in the chest as hard as you can? How much training do you need to know that it's wrong to force a man to masturbate? You don't need training. A 5-year old knows that that's wrong.

Regarding his positional authority, we know that he's essentially an average NCO, maybe not a great leader. But he was a

leader. He had the stripes. He had the chevrons, and he was suited, best suited, perhaps, to stop this situation. Now maybe Graner is a deviant sadist in this site, no doubt that's true. And maybe there were other factors that impinged on this situation, but Frederick clearly could've stopped this at any time. He was that guy at night when no one else was looking, the staff sergeant, the NCOIC that could've said, "That's enough, fellas, this is crazy. That's enough." He didn't do that. So when no one else was looking, he joined it. And I'd like to show you a snapshot, something you've seen already, but just again, a very close look--or a short look, rather, at what happened on the night of November 7th. [To his paralegal] Sergeant [redacted] Sir, I'd just need a little assistance here. (b)(6)2,(b)(7)(C)-2

MJ: Is this the DVD introduced into evidence?

TC: Yes, sir.

MJ: Go ahead.

[The DVD begins to play with no picture.]

TC: One moment, sir. If you would bear with me, it will just take a second. [Pause.] Well, Your Honor, I apologize. I apologize, Your Honor. I won't take any more time. I would ask you to take a look at that DVD, and Sergeant [redacted] (b)(6)2,(b)(7)C-2 would you replace that. I can certainly describe the events as you have seen them.

What you have, of course, is Sergeant Frederick with arms in the traditional leadership position, arms out crossed across his chest and the detainee scared and naked against the wall. Corporal Graner clearly slapping the detainee on the side of the head, and Sergeant Frederick not at all concerned but watching, and steps back and appears to raise his hands above his hands. I'm not sure if he's flexing his muscles, but he makes this motion. And he's, again, not at all concerned. And then, as you see, as you look at that MPEG attachment, you'll see that Corporal Graner drags a man naked across the floor and begins to place him in a pyramid, takes the bag off his head and positions him so that he can build this human pyramid.

Sergeant Frederick is right there, sir. That's just a quick glance. He's right there and he knows exactly what he's doing and he does exactly what he wants. And so, I think based on these factors that we know about Sergeant Frederick, we draw these conclusions that, first, generally, we know there's a difference between right and wrong. We know the accused could choose that difference. He chose the wrong, and then what does justice require, if that's the case. And then, of course, there's this issue about justice and mercy and I would like to just talk very briefly about mercy, generally, because it is certainly part of justice.

First of all, I'd like to ask you to think about the motivations of the accused. There were three incidents you talked to him about, sir. One involved this incident with Agent [redacted], a CID agent, apparently. And the accused told you that Agent [redacted] made some comments to him and that based on those comments and for other reasons, his own foremost, he abused a detainee by placing him on a box with a hood over his head and a blanket over him and then attached wires to his fingers and wires were attached to his man's penis so that he would be led to believe that if he fell off, he would be electrocuted. How horrifying must that have been? What's odd though, sir, is that that's the accused's own self-serving version of events. If you believe that that was the case that he really wanted to help Agent [redacted] in this situation, it's odd that he took time to take photographs and be captured in a photograph, a photograph that's attached to the stipulation of fact, and that he left soon after. He didn't stay to keep this detainee awake or do anything else.

Similarly, on November 8th, we know that there was a report of a riot, that's true. But then the accused tells us, well, he heard that one particular individual threw a rock and hit a military policeman in the face, and he adds, a female military policeman. He didn't mention ever who told him that, sir. He didn't attempt to

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validate that or corroborate that in any way. Isn't that odd that he would say, "I heard this," but he didn't say who told him that? That would be certainly relevant. He didn't even bother to name anyone, much less ask that they corroborate his testimony. So that is truly self-serving.

The other thing about it, sir, is that he says, essentially, "I was angry. I was angry at what happened." But what you hear is that he went down there with detainees and then Sergeant Javal Davis started this whole mess by running and jumping on the pile, not that Sergeant Frederick ever intended to do anything. But somehow, suddenly, that got him in the right mode and he picked up Mr. (b)(6),(b)(7)(C)-4 and punched him, because he was angry at that detainee. And again, we don't know other than he says so, that that was a man who had done anything other than be involved in a riot.

The other part of this is, when you look at those photographs and you hear the testimony, nobody appears to be angry. Nobody appears to be angry. In fact, there's laughter in the background that these detainees--it's a game, sir. They're writing "rapist" on the leg of a detainee. They're forcing them to masturbate. They're piling them into a pyramid. That's a game. They could care less what happened at Ganci.

And then, sir, on November 28th, he told you a story. Do you remember, sir, he told you a story about this Iraqi Houdini who was clearly mentally unstable, clearly had problems in that regard. He told you a story. But think about the story. He said, "You know, we couldn't secure him, so we tried this, made this attempt to do this with litters." Quite possibly, that's true. Now, it's clear that they didn't intend to keep him that way, but they were going to create this, essentially, exhibit to give to the command, right? "We'll put him in this situation. We'll photograph that and we'll give it to the command so they'll know how bad the situation is." Did he ever say that he gave it to the command, photograph with him on the litter or not? No. Now he says that was the purpose, and whatever he wants to say certainly can be weighed. But it doesn't really make sense. It's absolutely self-serving. There's no reason that you should believe that that was the case. It is a convenient story.

Sir, another motivation or basis for mercy or for the court to dispense mercy is this issue of forgiveness. And forgiveness is certainly an important part of who we are as a people and of the justice system. But I'll tell you, sir, first you have to ask for that forgiveness and you ought to say you're sorry, and he never said he's sorry and I never heard him say that he was sorry to the

victims, to the United States Army or to anyone else. So before we grant forgiveness, let's have him ask for it in the appropriate way. I'm not even certain that he's remorseful. He's remorseful that he's in this situation, in my opinion. And of course, the court weighs that.

(b)(6)(2);(b)(7)(C)-2

MJ: Major [redacted] avoid personal opinions.

TC: Yes, sir, I'm sorry. I apologize.

Sir, let's reason together about his family then. When you hear that an accused has a family, the human response is to have empathy and naturally empathize with his situation. The problem with that is, if you base the sentence on an emotional foundation, that is a fickle foundation. It is unstable, because you think, well, why wouldn't we have empathy then for the victims and for the victims' families as well? I mean, they, arguably, should be extended the same empathy. More importantly though, maybe his family is a victim, that Sergeant Frederick's family is the victim, but he's certainly not a victim of this process, sir. They're victims of the accused's conduct. Now, the accused wants us to think of his wife and his children now. He should have thought of them at the time. It's too late. And maybe even more rationally approaching the situation, if the accused were single, would he receive less punishment, or less punishment simply because he has a family? Is that fair to the man

without a family? That just doesn't--I don't know how that would weigh into the equation of this mercy question.

Sir, with regard to the conditions, certainly the conditions were difficult. But as you know, soldiers and marines, airmen and sailors, we practice our craft in tough circumstances. It's what the country requires of us. It's what we do. He was working in a hard site. He was sleeping in a hard site. He had electricity. Things were tough, absolutely, but that doesn't justify his decisions. Other soldiers in those circumstances chose to do the right thing, did the right thing.

That brings us to this issue of misconduct of others now. And that's the second major point that I would like to discuss with you, and this is the point that although the wrong in this case is disbursed, it is not diluted, not one drop. In a very real sense, the misconduct of others is irrelevant. If others had committed crimes, if others have committed crimes, then let them be hauled into court kicking and screaming, if necessary, and be held accountable for their own actions. And if they aren't, does that lessen the wrong of the accused? And if they are and if they're punished more harshly, does that impact the punishment the accused should receive? It doesn't, and so in a sense, sir, it's irrelevant. But you have the Fay report now because the accused has given that to you and

asked you to consider it. And so, to look at the greater circumstances and to take a moment to discuss those, because context is important. You've read Fay and you know that it focuses on the MI role. And there were a number of findings. And this very important finding from page 9 of the Fay report, really kind of captures the overall environment. And my question is, how much did the accused's conduct contribute to this environment? It's just as important as the environment's impact on him. I would ask you to think to look at his one last sentence. "A small group of morally corrupt and unsupervised soldiers and civilians," I would remind you of Captain [redacted] testimony, sir. Captain [redacted] said that on a number of occasions he intervened. One occasion, a civilian had a detainee in a sleep management program. The detainee had a panic attack, one of Captain [redacted] soldiers, Sergeant [redacted] an E5 on the nightshift, intervened and that was appropriate and it was expected. More importantly, when Sergeant Davis allegedly abused detainees verbally, Captain [redacted] removed him. There was a Captain [redacted], who Captain [redacted] told you was a good officer, in that facility. There was plenty of scrutiny there. It's just that there's two problems, one is, you have to sleep at some point. There has to be some point where nobody's watching, naturally. And here's the second point,

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that supervision is sitting at this table. Sergeant Frederick was supposed to be that supervision.

Sir, to carry on, General Jones says, since there were two kinds of offenses, those essentially, questions about the rules, and then those like Sergeant Frederick's offenses where knowing the rules, he subverted them, taking advantage of the situation. The defense has introduced two documents, interrogators' notes and emails, and we have discussed at length, of really the relevance of that. And certainly you can weigh that. But I would submit to you that there's a difference between soldiers attempting to do the right thing, not clear about the rules, trying to do what they believe is in the better and higher good. That is a very different thing, not to exonerate those soldiers, but don't let Sergeant Frederick tie himself in with that because he could care less about anything other than what he told you on day one, which is, "I wanted to humiliate those men."

But how do those two things interact? And Your Honor, we talked about the corporate tapestry. Now, there are a number of incidents in which Sergeant Frederick is named in the Fay report, and I want to make clear for the court that Sergeant Frederick, it is the government's absolute position that Sergeant Frederick should only be sentenced for the offenses to which he's pled guilty. But the

defense wants you to understand the greater context of the circumstances. And let me just briefly go through these. Incident number three in the Fay report, of course, involves Sergeant Frederick, and I would just point to you, this is the alleged rapist suspected of raping another detainee and a number of military intelligence soldiers and a number of military police combined together to abuse these detainees. And as the Fay report says, the three detainees were incarcerated for criminal acts and were there for not of intelligence interest. This incident was most likely orchestrated by military police personnel. Now you have the stipulation of fact with Sergeant [redacted] (b)(6);(b)7C-2 that says, "That's not the way it was." Certainly, you can weigh that for the value that it is, knowing that certainly you have no opportunity to weigh the credibility of that witness.

Incident number four involved the beating of a detainee. And let me just read very briefly from this incident. "Detainee number eight claims Corporal Graner and another MP who meets the description of Sergeant Frederick then threw pepper in detainee eight's face and beat him for half an hour. Detainee eight also recalled being beat with a chair until it broke, hit in the chest, kicked and choked until he lost consciousness. On other occasions, detainee eight recalled that Corporal Graner would throw his food in

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the toilet and say 'Go take and eat it.'" In that same incident, sir, you'll see that Sergeant Frederick is linked to this MI soldier, soldier 29, the female soldier. Interestingly, it says, "Sergeant Frederick had a close personal relationship with this soldier." And the inference I would say that we----

CDC: I don't care what he says. That's the second time. I object.

MJ: That objection is sustained.

TC: Your Honor, may I address, just address the point?

MJ: What I'm saying is, is that you're taking an inference from a personal relationship remark, and what I'm saying is, don't.

TC: Yes, sir.

MJ: That's all I'm saying.

TC: Yes, sir.

MJ: Move on, Major [redacted] (b)(6)2;(b)(7)(C)-2

TC: Yes, sir.

MJ: Of course, defense, I would note that you put in the Fay report.

CDC: Oh, there's no question I introduced it, Your Honor.

MJ: Okay, so your objection----

CDC: What his personal opinion is as to...well, it's just inappropriate.

TC: Sir, here's my inference, just very briefly. My inference is that----

MJ: I don't want an inference----

TC: Yes, sir.

MJ: ----on the personal thing. But I don't want a personal opinion from either side.

TC: Yes, sir.

MJ: Go ahead, Major [redacted].

TC: I certainly...yes, sir.

(b)(6)2,(b)(7)C-2

MJ: Go ahead, Major [redacted]

TC: Yes, sir, I will.

Turning to incident ten, this is the incident you know quite a bit about, sir, because this is the placing wires on the fingers and the penis of the accused--or the detainee, rather, by the accused, and we've talked about that at length. And incident 11 is of course, the November 7th and 8th incident. And then incident 15 is something the court should certainly look at closely. This is an incident that the accused talked about himself with Mr. [redacted] a civilian, apparently, at [redacted]--contractor. Incident 15 reads, "At one point, Staff Sergeant Frederick put his hand over the policeman's nose, IP--Iraqi policeman's nose, not allowing him to breathe for several seconds. At one point, Sergeant Frederick used a collapsible

(b)(6)4,(b)(7)C-4

nightstick to push and possibly twist the policeman's arm causing pain."

Incident 43, finally, sir, involves a situation in which Sergeant Frederick takes a detainee away with the expression, "Come with me, piggy." When the MI soldiers find him, when they arrived at the detainee's cell, the report reads, they found him, meaning the detainee, lying on the floor completely naked except for a hood that covered his head from his upper lip, whimpering, but there were no bruises or marks on him. Sergeant Frederick then met soldier 19 and soldier 11, MI soldier, at the cell door. He started yelling at the detainee, "You've been moving, little piggy, you know you shouldn't move," or words to that effect.

And there were a number of other incidents involving, most spectacularly Corporal Graner, the nightshift NCOIC of Tier 1 Alpha, and arguably, the NCOIC of the entire tier, might have some knowledge of that.

That's the corporate tapestry, but specifically, sir, in terms of blame and dispersing blame, the accused did his own share of this, because he, as a staff sergeant in the United States Army, as an NCO, brings other soldiers into the situation while they commit abuses or observe abuses, he does nothing. So when we talk about the senior individual's need for responsibility for this act, well, in

this case, Sergeant Frederick is very much a senior individual and attempting to bring in others in his own sorted scheme.

I think this quote from Shakespeare captures it. "I do the wrong and first begin to brawl. The secret mischiefs that I set abroach I lay unto the grievous charge of others." That is Sergeant Frederick. And that brings me to this final point, a place where perhaps we should've started otherwise, but where we were forced to start--or arrive at here.

Why is this behavior wrong? Sir, first of all, real men suffered. You heard from one victim, and in some ways, he's symbolic of all the victims. There is deep humiliation here, deep and real humiliation. If you'll look at the stipulation of fact, in paragraph 14(j) there's a comment to Specialist [redacted] (b)(6)2,(b)(7)(C)2 that the accused makes that says so much, "Look at what these animals do when you leave them alone for 2 seconds." There is deep pain. And I don't know, sir, and obviously this treatment of anybody would be very serious, and certainly it was of the one gentleman that you heard from, but it's essentially a rape of this man's spirit. There's another quote from Shakespeare I would give you, "My honor is my life, both grow in one. Take honor from me and my life is done." Mr. [redacted] (b)(6)4j (b)(7)(C)4 said he wanted to kill himself and that he thinks of it even now. These are obviously individuals different from us, and it's easy to

stereotype and categorize him. But in the end, they are brothers. And this behavior should not be subjected, imposed upon any human being.

(b)(6)-4;(b)(7)(C)-4

Second, sir, this behavior, or this wrong endangers others. You heard from Officer [redacted] that abusing prisoners endangers others within the prison, including the guards. And Sergeant Frederick told you he assumed that others didn't care. Well, we know

(b)(6)-2;(b)(7)(C)-2

Captain [redacted] and others cared a great deal about what happened to not only the military police in that facility, but the detainees. I would propose to you, it's only Sergeant Frederick who didn't care and that this image has become the icon of this particular engagement of our Army. And I would remind you, sir, that the enemy fights on morale like we do, and this can form a rallying point for our enemies now and in the future. And I would also ask you to think about enemies who might surrender in the future. That's what we ideally want. We want them to be so intimidated by the combat power of the United States Army that they surrender. But if a prisoner--or an enemy, rather, believes that he will be humiliated and subjected to degrading treatment, why wouldn't he continue to fight until last breath? And in fighting, might he not take the lives of soldiers, lives that might not otherwise be spent. This type of behavior has long-term impact including, and lastly, it has the impact on

soldiers, our soldiers and sailors and marines, airman, who may be captured in the future and their treatment, and I'll leave it at that.

Finally, sir, the honor of our United States Army is both precious and perishable. We have a sacred trust in the United States Army, of all armies, but in particular, our Army, is that we bear this great responsibility and power, the power to impose force on others. And the only thing that separates us imposing power unjustly and becoming a rabble, a mob, a group of thugs, is that we have this sense of honor that we do what's right, we follow those orders that are given to us and we do the honorable thing, and this behavior degrades that. And we also, just like any other Army, we need a moral high ground, as well, to rally ourselves. And I can imagine an expression or a conversation a between the accused and his co-conspirators, something like this, "What should we do today?" Sergeant Frederick might have asked. Corporal Graner, for example, Corporal Graner might have replied, "I don't know, let's do something that utterly destroys everything the U.S. has accomplished here in the last few months and makes all these sacrifices worthless."

Sir, those are the three points that I wanted to bring to your attention, and I don't mean to be simply theoretical. I wish that I had the power to capture in words the events that happened

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that night, because now we are--with them, this is a sterile environment. I would ask you to imagine what actually occurred at the hand of the accused, the suffering those men faced, the circumstances that they were in. Based on all those things, based on this great wrong, it's the government's position that Staff Sergeant Frederick should be confined for 11 years, that he should receive a dishonorable discharge, that he should be reduced to the grade of E1, and forfeit all his pay and allowances. Thank you.

MJ: Defense?

CDC: Thank you, Judge.

MJ: One moment, please. Major [redacted] (b)(6)2;(b)(7)(C)-2 make a copy of your slides and include them as Prosecution Exhibit 7 in the record of trial.

TC: Yes, sir.

MJ: Mr. [redacted] (b)(6)-4;(b)(7)(C)-4 are you going to use the overhead?

CDC: No.

Your Honor, I am here today before you not by accident. We made a conscious choice to try this case in front of you. And so, here we are as I knew we would be some day, two men in the twilight of their selected careers with a most serious matter to deal with. You know and I know that it is no accident that that black robe covers your uniform, and there's a reason for that. It's because

we're not here for justice as defined by the Commander in Chief or by the Secretary of Defense or Chairman of the Joint Chiefs. We're here for justice as defined by the American system of justice.

Now, what the government has asked you to do is to impose the maximum available punishment on this man. Somehow, this is supposed to give aid and comfort to those whose political interests perhaps are not aligned immediately with ours. Your Honor, allow me to say this to you. If punishing harshly the least among us is the lesson that we are teaching those individuals in those countries, may I assure you that they already know that lesson. The lesson to be taught here is that American justice takes into account not just vengeance. Now, there is a clearly delineated difference between the position adopted by the government and the position adopted by the defense. The government's position, which has been the government with a capital G from the outset of this matter, is that we are dealing with an individual wrong and that there is no penumbra to the wrong. There is only a core umbra clearly defined with no perturbations on its surface and no shadow beyond it. And therefore, no one else should bear any responsibility for the conduct of this one individual. The defense's position, which is clearly juxtaposed to that position is, that yes, this one individual has committed crimes. But there are essentially aiders and abettors who have

gotten him to that point, who acted in official capacities or failed to act in official capacities, to place him in that posture. Now, we have tried to articulate this in multiple ways, not for the purpose of creating a cloud or confusion or mist, but rather to elucidate the complexities associated with the circumstance such as this.

How do we, Your Honor, take a country boy from Virginia with an IQ that places him in the 39th percentile, who has lived a thoroughly moral life in every particular, how do we, in 6 weeks, turn him into those pictures? How does that happen? The measurements that Western society employs to make these determinations are grounded in psychiatry and psychology, clearly inexact sciences, but clinical psychology has evolved methodologies which at least give us some quantitative insights that have value. And the three that I've provided you today, defense provided you today, the Wechsler Intelligence Test, the MMPI and the MCMI are those methodologies to seek out personality disorders or abhorrent behaviors.

Now, what did we discover about Staff Sergeant Frederick? We discovered that he is normal, that he has no abhorrent tendencies, to include sadism and antisocial behavior. So we must again ask ourselves, how dear God could this have happened, this debasement of these individuals and its attendant, attendant harm to the United

States. How could these things have happened? Looking further, we find that he has an almost dependent personality disorder. He's right on the borderline, which means that when confronted with conflict, he cowers. He is docile. He is not a leader. I say to every Reservist who may be in this room and with all due respect to the Reservists, there is little chance that Staff Sergeant Frederick, Your Honor, would be a staff sergeant in the active Army. These tendencies would simply have been ferreted out. But, they weren't. And here he is in Iraq. And as long as he's doing the things that he's trained for, he's fine.

Then he goes to Abu Ghraib, and what does he find there? What did the Fay report find there? What did Taguba find there? Chaos. One can talk about an ordered Army and sacrifice, and all of those things are true. And thank God for them, and I don't demean them for a moment. And if it appears that I am, then I have not used the language appropriately. But Your Honor, two few men, untrained to do the job, you heard the company commander, "If I were told to do that again, I would refuse the assignment." When was the last time you heard that from a commander?

Now, the government has asked all of the normal stock questions that you have heard and I have heard hundreds of times over. "Well, would you say a soldier who tells someone to masturbate

is a good soldier or a bad soldier?" Like what choice is there for a commander? That question was asked in multiple iterations many different times, as though somehow asking questions with obvious answers penetrated the heart and soul of this case. Now, the heart and soul of this case is, do you, Your Honor, except the notion of collective and corporate responsibility as having a bearing, not upon guilt, but upon the quantum of punishment which this man deserves. And as you think through that, I would remind you that there is a cadre of enlisted men and women sitting around the world waiting for you to speak, who are asking, "Where have all the officers gone?" waiting for you to speak. It is a heavy burden. And although they may be silent because of their station, among themselves, they are not.

Now, the inquiry becomes, what is appropriate punishment? You have heard from Dr. (b)(6)4(b)(7)(c)-4 [redacted], and you may not subscribe to everything he says, but the fundamental point he makes is that you take a normal kid like this, I say "kid," but only because of my age, you take an adult like this and you put him in this environment, and certain expectations can be met and most probably will be met under the circumstances described. Now, I asked Dr. (b)(6)4(b)(7)(c) 4 [redacted], the reason I rose to object was, I asked him, "Has a crime been committed? Has a violation of law been committed?" "Oh, yes," he said, "I'm not

talking about a violation of law. I'm talking about whether there is shared responsibility," he said. I say to you respectfully, that it would be egregious error on your part to treat this problem solely that of Chip Frederick. Punish him, you must. That is understood. The conduct was utterly and totally unacceptable.

But do understand that in the environment he was in, as I referred to previously, the descent into hell, this descent into hell where OGA was killing people on his doorstep, where MI was, in fact, instructing him. And the reason the uncharged misconduct is in there, is I wanted you to know that there were examples of specific orders to do things from MI, and all these observances of what was going on without reporting. If that is the United States Army, we are in trouble. Now, I don't believe that to be the case. But at Abu Ghraib, it was the case. It was the case. Punish him, yes. But, please try to understand that defense's point of view that there is corporate responsibility and that the world will accept that very American concept. Enlisted service members will accept that very American concept. Veterans will accept that very American concept. And by so doing, you will have met the end of American justice, provided the deterrence that is necessary, and told the world that we do not, we do not reserve the harshest punishment for the least among us, irrespective of what pressures may be brought to us.

In the 37 years that I have been doing this, I know of no judge who has been placed in this position, ever. I know that I wanted to be here talking to you, and I believe, since you've taken all these cases, you wanted to be here, also. But it is a monstrous burden that requires thoughtful consideration. I have the confidence you will engage in that and you will come up with a result that is just and fair. Thank you, Your Honor.

MJ: The court is closed.

[Court closed at 1521, 21 October 2004.]

[Court opened at 1610, 21 October 2004.]

MJ: Court is called to order. All parties are again present that were present when the court closed.

Defense counsel, have you advised the accused orally and in writing of his post-trial and appellate rights?

DC: Yes, Your Honor, and a written version is in front of the accused.

MJ: And it is reduced to Appellate Exhibit XXVII.

Sergeant Frederick, is that your signature on this document?

ACC: Yes, Your Honor.

MJ: And Captain [redacted] (b)(6)-2, (b)(7)(C)-2 that's your signature below his?

DC: Yes, Your Honor.

MJ: Sergeant Frederick, did your defense counsel explain these post-trial and appellate rights to you?

ACC: Yes, Yes, Your Honor.

MJ: Do you have any questions about your post-trial and appellate rights?

ACC: No, Your Honor.

MJ: Which counsel will be responsible for post-trial actions in this case, and upon whom should the Staff Judge Advocate's post-trial recommendation be served?

ACC: Both Mr [redacted] (b)(6)-4,(b)(7)(C)-4 and Captain [redacted] (b)(6)2,(b)(7)(C)-2

MJ: Both of them?

ACC: Yes, sir.

MJ: And that's what you guys want to do?

DC: Yes, Your Honor.

MJ: Captain [redacted] (b)(6)2,(b)(7)(C)-2 where are you going to be located?

DC: For the next month, I'll be located at Camp Arifjan, Kuwait.

MJ: I really don't think you'll have the record of trial in the next month.

DC: Fort Wainwright, Alaska, Your Honor.

MJ: Provide a good address for the government to serve it on you.

018781

DC: Yes, Your Honor.

MJ: So just to make it clear, you want both of them provided the post-trial action in this case, right, Sergeant Frederick?

ACC: Yes, Your Honor.

MJ: One moment. [Pause.]

CDC: Your Honor, is there some concern over two names?

MJ: Well, the concern I have, Mr. [redacted] (b)(6)-4 (b)(7)(C)-4 is on post-trial action, now we have basically, normally we're talking about a record of trial plus the post-trial submission under R.C.M. 1105/1106.

CDC: Sure.

MJ: And I've never, quite frankly, had a case where both counsel want it. And the rule, quite really, quite frankly, I don't think envisions two sets of the record of trial going to both counsel.

CDC: Well, I agree, why don't we just make it very simple and have it sent to me and then I will communicate with Captain [redacted] (b)(6)-2, (b)(7)(C)-2 That solves the problem.

MJ: Okay, I'm more thinking of the multi-volume record of trial more than anything.

CDC: I understand, and we'll just solve it that way.

MJ: But understand is that, I'm not in any way infringing on Sergeant Frederick's rights to have both of you assist in it. It's just there should be one POC for post-trial.

CDC: And Captain [redacted] will remain as co-counsel.

MJ: Okay, good. (b)(6) 2, (b)(7)(C)-2

Accused and counsel, please rise. [The accused and his counsel stood.]

Staff Sergeant Ivan L. Frederick, II, this court sentences you:

To be reduced to the grade of Private E1;

To forfeit all pay and allowances;

To be discharged with a dishonorable discharge; and

To be confined for 10 years.

Please be seated. [The accused and his counsel resumed their seats.]

I'm now looking at Appellate Exhibit XXVI, the quantum portion of the pretrial agreement.

The convening authority agreed to disapprove any confinement in excess of 8 years. Since the adjudged confinement exceeded that, the convening authority cannot approve confinement in excess of 8 years, but the convening authority is free to approve the adjudged discharge, reduction and forfeitures.

Is that the understanding of the government?

TC: Yes, sir.

MJ: Is that the understanding of the defense?

DC: Yes, Your Honor.

MJ: And the accused is to receive 20 days pretrial confinement credit off the approved period of confinement. So that would be, not more than 8 years. The convening authority, of course, is always free to go less than that.

Is that the understanding of both parties?

TC: Yes, sir, it is.

DC: Yes, sir, it is.

MJ: Any matters to take up before this court adjourns?

TC: No, Your Honor.

DC: Not from the defense, sir.

MJ: This court is adjourned.

[The court-martial adjourned at 1617, 21 October 2004.]

[END OF PAGE.]

AUTHENTICATION OF RECORD OF TRIAL

IN THE CASE OF (b)(6)2-(b)(7)(C)-2

FREDERICK, Ivan L., II, [redacted], Staff Sergeant

Headquarters and Headquarters Company, 16th Military Police Brigade (Abn)

III Corps, Victory Base, Iraq, APO AE 09342

I received the completed record of trial for review and authentication on 18 April 2005.

[redacted] (b)(6)2-b 7(C) 2

[redacted]
COL, JA
Military Judge
1 May 2005

ACKNOWLEDGEMENT OF RECEIPT AND EXAMINATION

I received the record of trial for review in the foregoing case on _____20_____.

_____ (b)(6)-4 (b)(7)(C)-4

[redacted]
Civilian Defense Counsel

_____2005

The record of trial was served on defense counsel on _____20____. After verifying receipt with defense counsel on _____20____ and conferring with the military judge on review by defense counsel on _____20_____, the record was forwarded for authentication without completion of the defense counsel's review.

_____ (b)(6)2-(b) 7(C) 4

[redacted]
LTC, JA
Chief, Military Justice

018785

ACTION

DEPARTMENT OF THE ARMY
Headquarters, III Corps and Fort Hood
Fort Hood, Texas 76544-5001

(b)(6)&2 ;(b)7(C)2

In the general court-martial of Staff Sergeant Ivan Frederick II, [redacted], U.S. Army, Headquarters and Headquarters Company, 16th Military Police Brigade (Airborne), Fort Bragg, North Carolina 28307, formerly assigned to III Corps in Iraq, only so much of the sentence as provides for reduction to the grade of Private (E-1); forfeiture of all pay and allowances; confinement for ninety months and a dishonorable discharge is approved and, except for the part of the sentence extending to a dishonorable discharge, will be executed. The accused will be credited with 20 days of confinement against the sentence to confinement.

Thomas F. Metz

THOMAS F. METZ
Lieutenant General, USA
Commanding

07 SEP 2005

PROSECUTION EXHIBITS ADMITTED INTO EVIDENCE

UNITED STATES)
)
v.) STIPULATION OF FACT
)
FREDERICK, Ivan L., II)
SSG, U.S. Army, [redacted] (b)(6)-2, (b)(7)(C)-2
Headquarters and Headquarters Company,)
16th Military Police Brigade (Airborne))
III Corps,) 5 August 2004
Victory Base, Iraq, APO AE 09342)

I. NATURE AND USES OF THE STIPULATION:

1. It is agreed between Staff Sergeant Ivan L. Frederick, II, ("the accused"), the Defense Counsel and Trial Counsel, that the following facts are true, susceptible to proof, and admissible in evidence. These facts may be considered by the military judge in determining the providence of the accused's plea of guilty; to establish the elements of all charges and specifications; and they may be considered by the sentencing authority in determining an appropriate sentence. For these purposes, the accused expressly waives any objection that he may have to the admission of these facts, and any referenced attachments, into evidence at trial under any evidentiary rule, applicable case law, or Rule for Courts-Martial that might otherwise make them inadmissible.

II. THE ACCUSED:

ILF 38 MRH 19 OCT 04

2. The accused is ~~37~~ years old and joined the Maryland Army National Guard on 17 February 1984. He attended Combat Engineer Basic (12B) at Fort Leonard Wood. The accused received an Honorable discharge from the Maryland Army National Guard in August 1995 at which time in enlisted in the United States Army Reserve. He changed his MOS to 95B, Military Police, in August 1995. The accused was activated for his current period of service in support of OPERATION ENDURING FREEDOM on 24 February 2003. The accused has over 20 years of service in the United States Army National Guard and Reserves. As a civilian, he works as a corrections officer at a prison in Buckingham, Virginia. He has never been designated or trained as an Internment/Resettlement Specialist (MOS 31E).

3. At the time of the charged offenses, the accused was on active duty in the United States Army. He was originally assigned to the 372d Military Police Company, 320th Military Police Battalion and arrived in Iraq on 13 May 2003.

4. When the unit arrived in Iraq, the accused served as Operations Noncommissioned Officer (NCO) in Al-Hilla, a relatively calm area with rare mortar attacks and a friendly civilian population. The unit's mission was to maintain law and order by patrolling the area and protecting small jails. The accused's primary duties were to man the three radios and two field telephones, and document mission logs. During the time the unit was stationed in Al-Hilla, the accused lived in a tent with Corporal Charles A. Graner, a co-accused, while the rest of the company lived in an adjacent abandoned warehouse.

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PROSECUTION EXHIBIT 1 FID

OFFERED R. 261 ADMITTED R. 267

Everyone in the unit lived in austere conditions with no dining facility, no air conditioning, and no potable running water.

5. The company moved to Baghdad Central Confinement Facility (BCCF) in Abu Ghraib, Iraq, between 1 and 9 October 2003. The company completed a relief in place from 12 to 15 October 2003 for the 72d Military Police Company, an Army National Guard unit out of Las Vegas, Nevada. At that time, the accused assumed duties as the noncommissioned officer in charge of the twelve hour-a-day night shift at the "hard site" of the BCCF.

6. The accused is now assigned to Headquarters and Headquarters Company, 16th Military Police Brigade (Airborne). At all times relevant to the charged offenses, the accused was on active duty in a Title X status. This court has proper jurisdiction over the accused and the charged offenses.

III. THE INITIATION OF THE INVESTIGATION:

(b)(6);(b)(7)(C)-2

7. The accused acknowledges that the investigation began on 13 January 2004 when Specialist [redacted] slid a compact disc (CD) containing images of detainee abuse under the office door of the criminal investigation division (CID) at BCCF. (b)(6);(b)(7)(C)-2 Specialist [redacted] had received two CDs from Corporal Charles A. Graner, another soldier assigned to BCCF, a few days earlier when Specialist [redacted] had asked Corporal Graner if he had any pictures of the hard site. Specialist [redacted] downloaded the images from both discs to his computer without looking at them. After saving the pictures, Specialist [redacted] opened the files that included innocuous pictures of palaces in Iraq and soldiers working at BCCF. The files also included pictures of detainees in a naked human pyramid (Attachments 1, 2), standing against a wall masturbating or attempting to masturbate (Attachment 3), and in forced sexual positions (Attachments 4). Specialist [redacted] returned the two discs to Corporal Graner and then burned the images to a compact disc that he anonymously provided to CID.

8. After CID reviewed the disc, they started questioning suspects. The accused did not provide a statement to CID when questioned. Charges against the accused were preferred on 20 March 2004. The accused has given proffer of expected testimony to the Government to aid in its investigation and the prosecution of other soldiers. He has also agreed to continue his cooperation once his case has concluded.

IV. CHARGE I, SPECIFICATION 2 – Conspiracy to Maltreat Detainees (In violation of Article 81, UCMJ)

9. On or about 8 November 2003, the accused was working as the night shift noncommissioned officer in charge (NCOIC) of the BCCF hard site and as a Military Police officer. While the accused was in the 372d MP Tactical Operations Center (TOC), he was being briefed on seven detainees. Specialist Jeremy C. Sivits, a generator mechanic at the facility, offered to help the accused escort the detainees to wings 1A and 1B and search them. The hard site is a section of BCCF that houses civilian internees, security internees, and criminal detainees in cells much like a normal prison facility. It is a hallway with prison cells lining the walls. The accused told Specialist Sivits that new detainees had arrived. Specialist Sivits agreed to help escort these seven detainees to wings 1A and 1B. Specialist Sivits and the accused went to the hard site where seven detainees were located in a holding cell.

10. The accused and Specialist Sivits escorted the detainees down to Tier 1A. Tier 1A is a section in the hard site where detainees are segregated from one another in individual cells. The accused sat one of the detainees on the floor and rolled him next to a human pile with six other clothed detainees lying on top of one another in the middle of the floor. All of the detainees were initially flex-cuffed with their hands behind their backs and sandbags on their heads. They appeared to be unarmed, restrained, and did not pose any threat whatsoever to the accused or anyone else.

11. The detainees were subject to the orders of the accused and the other co-conspirators. The accused and the other co-conspirators are soldiers in the United States Army. The detainees are subject to the orders of United States soldiers under the Geneva Conventions and under the provisions of AR 190-8.

12. The accused knew that these seven detainees were ordered to be put in isolation in Tier 1A as punishment for rioting earlier that night.

13. Once the accused began to escort the detainees to Tier 1A of the hard site, the accused entered into a nonverbal agreement with Sergeant Javal Davis, Corporal Graner, Specialist Megan Ambuhl, Specialist Sabrina Harman, Specialist Sivits, and Private First Class Lynndie England to engaged in specific acts which served to maltreat the detainees (subordinates), a violation of Article 93 of the Uniform Code of Military Justice. The agreement was based on the presence of personnel in the tier on or about 8 November 2003 and the participation of the accused in the maltreatment. As set forth below, the accused personally engaged in specific acts of maltreating detainees by forcing them to masturbate in front of soldiers and other detainees and physically assaulting one detainee. Beyond his affirmative acts, the accused was the NCOIC of the hard site facility, and had a duty to safeguard detainees under his control and report abuse. Corporal Graner was the NCOIC of 1A tier, Specialist Ambuhl was the NCOIC of the 1B tier, and Sergeant Davis was an NCO at an unrelated tier. The accused, Sergeant Davis, Corporal Graner, Specialist Ambuhl, and Specialist Harman are Military Police officers.

14. While the agreement to maltreat detainees continued to exist on 8 November 2003, and while the accused remained a party to the agreement, the accused, and at least one of his co-conspirators, engaged in specific acts to maltreat the detainees for the purpose of bringing about the object of the conspiracy. In particular, the accused and his co-conspirators committed the following specific acts in furtherance of the conspiracy to maltreat the detainees, and for the purpose of bringing about the object of the conspiracy:

a. After the soldiers piled the detainees on the floor, Sergeant Davis jumped on the detainees. The detainees moaned in pain as he jumped on them. Sergeant Davis also walked around the pile of detainees and deliberately stomped on their hands and feet while he was wearing military combat boots. When he stomped on the detainees' hands and feet, they moaned out in pain.

b. Sergeant Davis then ran across the corridor and jumped on the pile of detainees. When Sergeant Davis jumped on the detainees, he hurt them and they cried out in pain. Sergeant Davis, wearing combat boots, then stomped on the detainees' fingers and bare toes again. During this time, the other co-conspirators removed the flex-cuffs from the detainees.

c. Next, Corporal Graner knelt down by one detainee with a sand bag over his head. Corporal Graner punched the detainee with a closed fist to the temple of his head with so much force that the detainee was knocked unconscious. The detainee was still breathing and Corporal Graner said, "damn that hurt" referring to hurting his hand when he punched the detainee.

d. The accused now knows that Corporal Graner then went to the pile of clothed detainees and kneeled on top of the detainees. At Corporal Graner's request, Specialist Sivits took a photograph of Graner kneeling on the human pile of detainees.

e. The accused and his co-conspirators then started to move the detainees so they could be stripped of their clothing so they could be searched. In this process, the accused struck a detainee in the center of his chest with a closed fist. The accused used so much force that the detainee went to his knees and had difficulty breathing. The detainee made a hand gesture indicating that he needed an inhaler that was brought to him by a medic who treated the detainee. There was no follow-up medical care required.

f. The co-conspirators waited for the medic to leave and then the accused and Corporal Graner ordered the detainees to take off their clothes as part of standard strip search. The accused and Corporal Graner, speaking in Arabic, ordered one detainee at a time to strip.

g. The accused watched as Corporal Graner placed the detainees into the position of a naked human pyramid. Because the detainees did not speak English, they were physically pushed and forced into these positions. The co-conspirators then began photographing and posing for photographs with the detainees. While the accused did

not pose for any photographs, he watched other co-conspirators pose for photographs and took at one photograph of this abuse. Attachments 1, 2.

h. The accused then forced the detainees to masturbate or attempt to masturbate in front of each other, as well as in front of male and female soldiers. The accused initiated the masturbation by going to a naked detainee who was standing with his hands over his genitalia. He moved the detainee's elbow in such a way that the detainee began stroking his own penis. The accused then lifted up the sandbag on the detainee's head and demonstrated to the detainee with an "up and down" hand gesture how he wanted the detainee to masturbate. He went to two other detainees and repeated this demonstration until three detainees were masturbating in a group.

i. The accused and the other soldiers watched as the detainees were masturbating. Corporal Graner and Private First Class England photographed the detainees masturbating. Attachment 3. It was approximately three to four minutes from the time the accused began the masturbation sequence to the time the detainees stopped masturbating. Speaking in Arabic, the accused told the three detainees to stop masturbating. One of the three detainees refused to stop so the accused put him in an isolation cell. The accused left the area to retrieve orange jumpsuits for the seven detainees.

j. Specialist [redacted] another MP assigned to the facility, walked into the hallway and saw the row of nude and masturbating detainees wearing sandbags over their heads. The accused told Specialist [redacted] "Look what these animals do when you leave them alone for two seconds." Private First Class England then said with a smile, "He's getting hard", referring to one of the detainees. Specialist [redacted], a junior enlisted soldier, reported this abuse to one of his NCOs. No adverse action was taken as a result of Specialist [redacted] report. (b)(2);(b)(7)(C)-2

k. The accused was ordered to in-process these detainees and take them to isolation cells. No one directed or encouraged the accused or his co-conspirators to engage in these specific acts of abuse or maltreatment of these detainees.

l. The detainees posed no danger to the accused or the other soldiers that night.

15. While the soldiers engaged in these specific acts of maltreatment, Corporal Graner jokingly told Private First Class England that the line of masturbating detainees were a gift for her birthday. Specialist Harman smiled and wrote, "I'm a rapeist [sic]" on a detainee's leg. While the detainees were being stripped, Private First Class England posed for a picture with three naked detainees and the partially clothed detainee with the word "rapeist [sic]" on his leg. Attachment 5. The accused was present when the picture was taken and saw Private First Class England smiling with a cigarette in her mouth and pointing to the words on the detainee's leg. Similarly, Sergeant Davis watched the masturbating and laughed about it.

16. The agreement between the accused and his co-conspirators to engage in these specific acts of maltreatment as set forth above in furtherance of that conspiracy described herein was wrongful.

17. The accused had no legal justification or excuse for his acts on 8 November 2003. Corporal Graner told Specialist Sivits that "you did not see shit."

V. CHARGE II, THE SPECIFICATION – Dereliction of Duty
(In violation of Article 92, UCMJ)

18. On or about 8 November 2003, the accused was derelict in his duties in that he failed to protect Iraqi detainees from abuse, cruelty and maltreatment. As the NCOIC of BCCF hard site and as a Military Police officer, the accused had a duty to protect prisoners under his watch. The accused had a duty to treat all detainees with dignity and respect and to protect detainees and prisoners in his presence from illegal abuse, cruelty, and maltreatment.

19. The accused knew that engaging in these specific acts of abuse and maltreatment of detainees was morally wrong. The accused failed to protect the detainees in his presence, as was his duty, or report the specific acts of maltreatment to superiors or the chain of command. The accused actively participated in detainee maltreatment, photographed the maltreatment, and forced detainees to simulate masturbation on 8 November 2003. He did not prevent his own misconduct or report the abuse of his co-conspirators in November, December or January.

VI. CHARGE III, SPECIFICATION 1 – Maltreatment of Detainee
(In violation of Article 93, UCMJ)

ILF 4 MSH 19 OCT 04

20. On or about 8 November 2003, Corporal Graner told the accused to keep a detainee, nicknamed "Gilligan", awake as part of a sleep management program. Sleep management normally includes rigorous physical exercise to keep a detainee awake before being interrogated.

21. The accused walked into a shower room where the detainee was holding an MRE (meals ready to eat) box under orders from other soldiers. He wearing a blanket with a hole cut through the center and a sandbag on his head. Attachment 6. In the room, the accused saw Sergeant Davis, Corporal Graner and Specialist Harman. The detainee was ordered to put the MRE box on the floor and stand on it. After the detainee was placed on the box, the accused saw wires hanging from the wall. He attached a wire to the detainee's left hand and then took a digital photograph of the detainee in this degrading position. Attachment 7. The accused was also visible in a picture taken by Specialist Harman of this abuse. Attachment 8.

22. Before the accused left the area, Sergeant Davis put another wire on the detainee's right hand. The accused allowed the detainee to believe he would be electrocuted if he fell off the box. The detainee feared he would receive a high dose of electricity. The accused and his co-conspirators left the detainee on the box and walked away. Before

leaving, Specialist Harman took another picture of the detainee from the side. Attachment 9.

23. The accused took a picture of this incident as a souvenir. He was not directed by anyone to take these pictures and he deliberately did not show the images to his chain of command.

VII. CHARGE III, SPECIFICATION 2 – Maltreatment of Several Detainees (In violation of Article 93, UCMJ)

24. On or about 8 November 2003, the accused maltreated several detainees by the specific acts of taking pictures, and allowing his subordinates to take pictures, of them while they were forced into a naked human pyramid. A digital video of Corporal Graner moving the detainees into the pyramid will be admitted as a prosecution exhibit without objection from the Defense. The detainees were subject to the orders of the accused as previously set forth above. The detainees were escorted to tier 1A of the hard site as described above.

25. The detainees were initially flex-cuffed with their hands behind their backs and had sandbags over their heads. The detainees were naked, unarmed, were not a threat to the guards. The accused had trouble getting the detainees to take off their clothing. However, the detainees complied with the orders given to them by the accused, as the NCOIC of hard site, and Corporal Graner.

VIII. CHARGE III, SPECIFICATION 3 – Maltreatment of Several Detainees (In violation of Article 93, UCMJ)

26. As set forth in more detail below, after the detainees were stripped and placed into a naked pyramid for approximately one minute (Attachments 1, 2), Corporal Graner moved the nude detainees in a row against a wall. Attachment 10.

27. The accused then ordered the nude detainees to masturbate. He took his hand and placed it on the elbow of the detainee and moved the detainee's arm back and forth on the detainee's penis to simulate the motion of masturbating. Staff Sergeant Frederick performed this act on three of the detainees until he had three performing the act of masturbation at the same time. While the detainees were masturbating, the soldiers, including the accused, watched. Corporal Graner and Private First Class England photographed the detainees masturbating. One of the co-conspirators filmed the masturbation as a digital video clip using a digital camera. The clip is approximately 15 seconds long and shows a hooded detainee stroking his penis.

IX. CHARGE III, SPECIFICATION 4 – Maltreatment of Detainee (In violation of Article 93, UCMJ)

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28. On or about 8 November 2003, the accused took a detainee nicknamed "Shitboy" who appeared to have mental health problems into a hallway in the BCCF. In an attempt to restrain this detainee, the accused tied the detainee between two medical litters and padding. After the detainee was tied up and placed on the floor, the accused squatted on top of him and posed for a picture. Enclosure 11. He took the picture for his own personal use and was not directed by anyone to document this maltreatment.

29. The detainee was subject to the orders of the accused. The accused is a soldier in the United States Army. The detainee was subject to the orders of United States soldiers under the Geneva Conventions and under the provisions of AR 190-8. The accused had no legal justification or excuse for squatting on the detainee or for posing for a photograph.

X. CHARGE IV, SPECIFICATION 3 – Assault Consummated by Battery (In violation of Article 128, UCMJ)

30. On or about 8 November 2003, after the accused and Specialist Sivits escorted the riot suspects into the hard site, the detainees were placed in a pile on the floor. The accused struck a detainee in the chest with a closed fist with so much force that the detainee had difficulty breathing. While he was gasping for breath, the medic brought the detainee an inhaler. There was no follow-up medical care required. The accused and his co-conspirators did not disclose that the accused had assaulted the detainee.

31. At the time of the assault, the detainee was not a threat to the accused or anyone else. The victim was wearing a sandbag over his head when the accused punched him in the chest with enough force to cause the detainee to have difficulty breathing.

32. At Specialist Sivits' court-martial, the co-accused testified as follows regarding the assault:

> ACC [Sivits]: Staff Sergeant Frederick walked over and picked up the detainee that I had escorted to the tier and punched that detainee in the chest, Your Honor.
>
> MJ: Had the detainee done anything to him?
>
> ACC: Negative, Your Honor.
>
> MJ: Tried to run away, give him lip, anything?
>
> ACC: No, Your Honor.
>
> MJ: And so Sergeant Frederick punched him in the chest.
>
> ACC: Yes, Your Honor.
>
> MJ: What happened next?

ACC: After that, the detainee went down, and Sergeant Frederick told me, he said, "I think I might have put him in cardiac arrest." I walked over....

MJ: Take your time.

ACC: I walked over and got the detainee's attention and pointed to my eyes for him to watch me. And then I showed him my chest and had him watch how I was breathing so he could try to get his breath back. That continued to work. They yelled up to the top tier and asked Specialist Ambuhl if they had an inhaler, and she said, "Yes, I'll get it." I'm guessing one of the other inmates needed that inhaler. So they brought it down and he took a couple puffs off of that and we kept trying to get him--

MJ: Is this the guy that Sergeant Frederick hit?

ACC: Correct, Your Honor.

XI. CHARGE V, THE SPECIFICATION – Indecent Acts with Another (In violation of Article 134, UCMJ)

33. On or about 8 November 2003, after photographing the naked detainees, the accused turned to forcing the detainees to masturbate or attempt to masturbate in front of each other, as well as in front of the other male and female soldiers. Attachment 3. The accused was the sole instigator of this indecent conduct. The accused backed the naked detainees up against the wall. Then Corporal Graner positioned other naked detainees on top of the ones kneeling on the ground. Attachment 10. The accused then stood one of the naked detainees up and began to move his arm on his penis in a motion simulating masturbation. The accused then stood up another two detainees and forced them to perform the same acts. The masturbation sequence lasted approximately three to four minutes.

34. The accused acknowledges that his actions in directing the detainees to fondle their genitals and masturbate in front of soldiers and other detainees were indecent. Under the circumstances, the conduct of the accused was of a nature to bring discredit upon the armed forces and was prejudicial to good order and discipline.

35. After the accused initiated the masturbation, his co-conspirators took pictures of the detainees. In one image, Private First Class England is standing next to five naked and hooded detainees; she is pointing to the one detainee who is masturbating and pointing at him with a "thumbs up" gesture. Attachment 3. In the background of the picture, two detainees have their hands covering their genitals. Sergeant Davis watched the masturbating detainees and laughed about the maltreatment.

36. These photographs and the other images captured by the accused and his co-conspirators were taken for personal reasons. The images were saved on personal computers and not for official purposes.

XII. ADDITIONAL INFORMATION:

37. The accused was interviewed telephonically by Dan Rather of CBS News. The interview was aired on the television program "60 Minutes II" on 6 May 2004. In the interview, the accused said he was going to plead not guilty and said that the chain of command was responsible for problems at the facility: "We had no support, no training whatsoever. And I kept asking my chain of command for certain things, like rules and regulations, and it just--it just wasn't happening." As part of the story, CBS showed approximately one dozen photographs of detainees being abused at BCCF. The news report did not show images of the accused abusing detainees, though it did include video footage of him in the Al-Hilla area smiling with Iraqi citizens.

38. After "60 Minutes II" aired the story, the accused's family set up a website, *www.freechipfrederick.com*, which includes a petition to support the accused. Visitors to the site can purchase t-shirts and "Free Chip Frederick" bumper stickers.

39. The accused now knows that in addition to the CID criminal investigation, the Army initiated other investigations into detainee abuse at BCCF. Following Specialis[redacted] (b)(6)-2/(b)(7)(C)-2 revelation of the abuse of detainees at BCCF, Lieutenant General Ricardo S. Sanchez, Commander, Combined Joint Task Force Seven, appointed Major General Antonio Taguba to conduct an investigation into detainee abuse at the facility. On 11 May 2004, Major General Taguba was called to testify at the Senate Armed Services Committee hearing regarding his investigation. Because of the high level of public interest in this case, the hearing was televised live on several cable news channels. Referring to the photographed misconduct set forth above, Major General Taguba stated, "We did not find any evidence of a policy or a direct order given to these soldiers to conduct what they did."

40. The accused's misconduct has been the focus of intense media coverage around the world. The photograph of the detainee standing on the MRE box with wires attached from the wall placed on the cover of the British magazine *The Economist.* Every major media outlet in the United States has covered the "Abu Ghraib Abuse Scandal".

XIII. STIPULATION TO ADMISSIBILITY OF EVIDENCE:

41. The government and the defense agree that this stipulation of fact and the attached enclosures are admissible at trial and may be considered by the military judge in determining the providence of the accused's pleas and in determining an appropriate sentence.

42. At no time did the accused have any lawful justification or excuse for the offenses described in this stipulation of fact.

[redacted] (b)(6)2-;(b)(7)(C)2

CPT, JA
Defense Counsel

Ivan L. Frederick II
IVAN L. FREDERICK, II
SSG, USA
Accused

(b)(6-2;(b)(7)(C)2 [redacted]

CPT, JA
Trial Counsel

[redacted] (b)(6)4;(b)(7)(C)4

Civilian Defense Counsel

Attachments:
1. Photograph of naked detainees in human pyramid with Corporal Graner and Specialist Harman (from front).
2. Photograph of naked detainees in human pyramid (from back).
3. Photograph of detainees masturbating with PFC England in frame.
4. Photograph of naked detainee simulating fellatio (from side).
5. Photograph of naked detainees and detainee with "I'm a rapeist [sic]" written on leg.
6. Photograph of detainee holding MRE box.
7. Photograph taken by the accused of detainee standing on MRE box with wires attached to his body.
8. Photograph of detainee standing on MRE box with wires attached to his body with the accused in frame.
9. Photograph of detainee standing on MRE box with wires attached to his body (from side).
10. Photograph of Corporal Graner moving detainee by pulling sandbag covering detainee's face with four nude detainees.
11. Photograph of accused squatting on detainee who is wrapped in padding.
12. Photograph of accused sitting next to detainee handcuffed to cell.
13. Video clip of Corporal Graner moving detainees into naked pyramid.

UNITED STATES	)	
	)	
v.	)	STIPULATION
	)	OF
FREDERICK, Ivan L., II (b)(6)-2,(b)(7)(C)-2	)	FACT
SSG, U.S. Army, [redacted]	)	Addendum
Headquarters and Headquarters Company	)	
16th Military Police Brigade (Airborne)	)	20 OCTOBER 2004
III Corps,	)	
Victory Base, Iraq APO AE 09342	)	

It is agreed between Staff Sergeant Ivan L. Frederick, II, ('the accused"), the Defense Counsel and Trial Counsel, that the following facts are true, susceptible to proof, and admissible in evidence. These facts may be considered by the military judge in determining the providence of the accused's plea of guilty; to establish the elements of all charges and specifications; and they may be considered by the sentencing authority in determining an appropriate sentence. For these purposes, the accused expressly waives any objection that he may have to the admission of these facts, and any referenced attachments, into evidence at trial under any evidentiary rule, applicable case law, or Rule for Courts-Martial that might otherwise make them inadmissible. The stipulated facts below shall be included in paragraph 9 of the 5 August 2004 Stipulation of Fact (on page 3) after the sentence, "While the accused was in the 372d MP Tactical Operations Center (TOC), he was briefed on seven detainees."

Stipulated Facts: These seven detainees were from Ganci Camp located at the Baghdad Central Correctional Facility. All seven were believed to have been involved in a riot with other prisoners at the Ganci Camp and were being transferred to wings 1A and 1B.

(b)(6)-2,(b)(7)(C)-2

(b)(6)-2-(b)(7)(C)-2

[redacted]

MAJ, JA
Trial Counsel

I. Frederick II

IVAN L. FREDERICK, II
SSG, U.S. Army
Accused

[redacted]

CPT, JA
Defense Counsel

Bates pages 18800-18812 are photographic exhibits withheld from release based on 5 U.S.C. 552(b)(6), (b)(7)(C), and (b)(7)(F).

SECTION I – IDENTIFICATION DATA (b)(6)-2 (b)(7)(C)-2

1. NAME: FREDERICK IVAN LOWELL II
2. S.S.N.: [redacted]

SECTION II – CLASSIFICATION AND ASSIGNMENT DATA

3) MOS EVALUATION SCORES ☐ CONT

MOSC	YR & MO	SCORE	YR & MO	SCORE	YR & MO	SCORE

4. ASSIGNMENT CONSIDERATIONS ☐ CONT

5. OVERSEA SERVICE ☐ CONT

FROM	THRU	AREA AND COUNTRY	MO	TYPE	NTC	DEPN ARR OS
95	95	Panama	1	TDY	NO	
991015	991105	Cairo Egypt	1	TDY	NO	
030513	041020	Iraq	17	AD		

SECTION II – CLASSIFICATION AND ASSIGNMENT DATA (Continued)

6. MILITARY OCCUPATIONAL SPECIALTIES ☐ CONT

MOSC	TITLE	DATE
(S) 12B30	COMBAT ENGINEER (951219)	841025
(P) 95B30	MILITARY POLICE	981116

7. AVIATION ASI & GUNNERY QUALIFICATION ☐ CONT

AIRCRAFT F/W	AIRCRAFT R/W	INSTR PILOT F/W	INSTR PILOT R/W	GUNNERY SYSTEM TNG	GUNNERY SYSTEM INSTR

8. APTITUDE AREA SCORES ☐ CONT

AREA	SCORE	AREA	SCORE
GT	107		
GM	111		
EL	107		
CL	105		
MM	120		
SC	115		
CO	118		
FA	111		
OF	117		
ST	108		

9. AWARDS, DECORATIONS & CAMPAIGNS ☐ CONT

~~NTL DEF SVC MDL/AR SVC RBN/[illegible]~~
~~NCO PROF DEV RBN(SM)~~ / AAM (1ST)
~~AR RES COMP ACHVMT MDL(3OLC)~~
~~ARMED FORCES RES MDL (1ST)~~
~~AR RES COMP OS TNG RBN (1ST)~~
~~MDARNG MDMSM~~

NOSM / ASR / NPDR-L
RCOTR-2 / ARCOM (880216)
ARCOM-2 (920216) / ARCOM (940216)
ARCOM-3 (960216) / AAM/2 (010105
ARCOM-4 (990216) /
~~AR STR~~ LF

RIFLE M16 (~~EXP~~) QUAL BAD (980716)
PISTOL 9MM (~~EXP~~) QUAL BAD (980716)
HAND GREN (~~EXP~~) QUAL BAD (840821)

11. AMERICAN BOARD CERTIFICATION & LICENSES OR CERTIFICATES HELD ☐ CONT

DATE: 950829
PLACE: PITTSBURGH MEPS

10. OTHER TESTS ☐ CONT

TEST	DATE	SCORE
MDB		
OCT		
DLAT		
OQI-1		
FAST		
OB		
WOCB		

12. LANGUAGE PROFICIENCY

DA FORM 330 SUBMITTED	DATE

PERSONNEL QUALIFICATION RECORD – 1

018813

PROSECUTION EXHIBIT 2 FID
OFFERED R. 398 ADMITTED R. 398

PERSONNEL QUALIFICATION RECORD – PART II

018814

SECTION I – IDENTIFICATION DATA

1. NAME	2. S.S.N.

SECTION II – CLASSIFICATION AND ASSIGNMENT DATA

(3) MOS EVALUATION SCORES ☐ CONT

MOSC	YR & MO	SCORE	YR & MO	SCORE	YR & MO	SCORE

4. ASSIGNMENT CONSIDERATIONS ☐ CONT

5. OVERSEA SERVICE ☐ CONT

FROM	THRU	AREA AND COUNTRY	MO	TYPE	NTC	DEPN ARR OS
030224		SW ASIA (IRAQ)		MOB		

DA FORM 2-1 1 JA[illegible]

SECTION II – CLASSIFICATION AND ASSIGNMENT DATA (Continued)

6. MILITARY OCCUPATIONAL SPECIALTIES ☐ CONT

MOSC	TITLE	DATE

7 AVIATION ASI & GUNNERY QUALIFICATION ☐ CONT

AIRCRAFT		INSTR PILOT		GUNNERY SYSTEM	
F/W	R/W	F/W	R/W	TNG	INSTR

(8) APTITUDE AREA SCORES ☐ CONT

AREA	SCORE	AREA	SCORE

9. AWARDS, DECORATIONS & CAMPAIGNS ☐ CONT

ARMY-SVC-RBN/NTL-DEF-SVC-MDL/NCO-PROF-DEV-RBN(1)/AAM-1/AR-COMP-ACHVMT-MDL (9202)/AR-COMP-ACHVMT-MDL (9302)/AAM-2/AAM-3/AR-COMP-ACHVMT-MDL(9402)/AR-COMP-ACHVMT-MDL(9902)/AR-COMP-ACHVMT-MDL(0002)/NTL-DEFSVC-MDL-2/ARMED-FCS-RES-MDL-1/ARMED-FCS RES MDL/ARCOTR(2)/GWTSM GWTEM

DATE	
PLACE	

10. OTHER TESTS ☐ CONT

TEST	DATE	SCORE
MDB-		
OCT		
DLAT		
OQI-1		
FAST-		
OB		
WOCB		

11. AMERICAN BOARD CERTIFICATION & LICENSES OR CERTIFICATES HELD ☐ CONT

12. LANGUAGE PROFICIENCY

DA FORM 330 SUBMITTED	DATE

SECTION II – CLASSIFICATION AND ASSIGNMENT DATA (Continued)

13 PILOT RATINGS

ORIGINAL	DATE	CURRENT	DATE

14 FLYING STATUS ☐ CONT

INSTRUMENT CERTIFICATION

15 INTERNSHIPS, RESIDENCIES AND FELLOWSHIPS ☐ CONT

HOSPITAL	TYPE OR SERVICE	MONTHS	YEAR

16 HOSPITAL/TEACHING APPOINTMENTS AND PRIVATE PRACTICE ☐ CONT

FROM	THRU	INSTITUTION/LOCATION	TYPE	DURAT

17. CIVILIAN EDUCATION AND MILITARY SCHOOLS ☐ CONT

SCHOOL	MAJOR/COURSE/MOSC	DURAT	COMP	YEAR
ELK GARDEN HS	GENERAL	4 yrs	YES	84
USATC&ftwood	BCT	8 wks	YES	84
USATC&FT WOOD	12B CbtEngr	5 wks	YES	84
2071st USARF Sch	NBC Crse	2 wks	YES	84
Fort Indiantown Gap	PLDC	2 wks	YES	92
USAMPSCH&FT MCCLELLAN	AL 95B Sch	10wks	YES	95
DEPT OF CORRECTIONS	Basic Corr Off Tng	160hrs	YES	97
DEPT OF CORRECTIONS	Institutional Tng	120hrs	YES	97
DeptOfCriminalJustice	Entry Lvl Tng Crs	120hrs	YES	97
DeptOfCriminalJustice	NonLethalImmobDev	120hrs	YES	97
Bausch & Lomb	MngngTotalQuality	40hrs	YES	89
Dept Of Corrections	MentalHealthTng	24hrs	YES	98
3RD MCD BN 166 (NCOA)	BNCOC PHI	2wks	Yes	01
2nd 304TH MP CO QRFT	S.R.T. Basic Curs	30hrs	YES	01

SECTION III – SERVICE, TRAINING AND OTHER DATES

18. APPOINTMENTS AND REDUCTIONS ☐ CONT

GRADE	COMP	EFFECTIVE DATE	DATE OF ELIG./RANK
SGT	USAR	950829	930602
SSG	USAR	981116	981116

19. SPECIALIZED TRAINING ☐ CONT

SUBJECT	DATE
ATP 21-114	840813
Geneva-Hague Conventions	840813
Military Justice	840718
Benefits of Honorable Discharge	840718
STD OF CDT	840718
RACE REL	840803
CDT 8 hrs	840811
OSUT	841025

20. BASIC ENLISTED SERVICE DATE (BESD) 840217

21. TIME LOST *Sec. 972, Title 10, USC)* ☐ CONT

FROM	THRU	DAYS	REASON

SECTION IV – PERSONAL AND FAMILY DATA

22. PHYSICAL STATUS

HEIGHT	WEIGHT	GLASSES
72	195	☒ YES ☐ NO

DATE OF EXAM 020802

23. PLACE OF BIRTH AND CITIZENSHIP

SELF MARYLAND

SPOUSE Washington D.C.,

CITIZENSHIP OF SPOUSE US

24. NUMBER OF DEPENDENTS

ADULT	CHILDREN
1	2

25. HOME OF RECORD/ADDRESS

HOR: MT LAKE PARK, MD

26. CIVILIAN OCCUPATION

JOB TITLE: Correctional officer

DOT CODE	CRITICAL OCCUPATION	NO. MONTHS EMPLOYED	MOSC
	☐ YES ☐ NO		

DUTIES PERFORMED Supervision of inmates

EMPLOYER

Birkingham Correctional Center

01815

27. REMARKS

28. ITEM CONTINUATION

ITEM NO.	DATA

(29) DATE DA FORM 20B PREPARED:

(30) DATE DUPLICATE DA FORM 2-1 SUBMITTED:

31 REPORT OF CHANGES

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46
47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69
70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92

SECTION IX – RESERVE COMPONENT DATA

32a. READY RESERVE OBLIGATION EXPIRATION DATE: TPU: 01 07 21

b. DA FORM 3726 OR 3726-1 AGREEMENT EXPIRATION DATE:

c. SERVICE OBLIGATION EXPIRATION DATE: 980828

d. MANDATORY REMOVAL FROM ACTIVE STATUS:

e. RETIREMENT YEAR ENDING DATE: 0216

33. DATE ILF		34. SIGNATURE
PREPARED	REVIEWED	
971207	021121	Ivan L. Frederick II

018816

35

CURRENT AND PREVIOUS ASSIGNMENTS

RECORD OF ASSIGNMENTS

☐ CONT

EFFECTIVE DATE	DUTY MOSC	PRINCIPAL DUTY	ORGANIZATION AND STATION OR OVERSEA COUNTRY	NON-DUTY DAYS BP YR/MO	NON-RATED DAYS EP YR/MO	TYPE REPORT
MDARNG 8402-9508 138 mos SGT 12B20 CBT ENGR						
950829		ENL USAR		9306	9311	
950830	95B20	TEAM LEADER	372d MP Co (CS) Cumberland, MD			
950922		Ordered to AD(AIT) Orders 174-14 MEPSPA 22AUG05 Reported 22SEP95	372d MP Co (CS) Cumberland, MD	9509	–	
951219		Rel Fr AD Rtn to Res Unit of ASG		–	9511	ANL
951220	95B20	TEAM LEADER (USAR READY)	372d MP Co (CS) Cumberland, MD	9512	–	
961201	95B20	TEAM LEADER (USAR READY)	372d MP Co (CS) Cumberland, MD	–	9611	ANL
971201	95B20	TEAM LEADER (USAR READY)	372d MP Co (CS) Cumberland, MD	9612	9711	ANL
980919	95B30	SQUAD LEADER (USAR Ready)	372d MP Co (CS) Cumberland, MD	9712	9809	Closeout
991101	95B30	SQUAD LEADER (USAR-Ready)	372d MP Co (CS) Cumberland, MD	9809	9916	ANL
~~[illegible]1030~~	~~95B30~~	~~SQUAD LEADER (USAR READY)~~	372d MP Co (CS) Cumberland, MD	9911	0010	ANL
[illegible]01	95B30	SQUAD LEADER (USAR-Ready)	~~372d MP Co (CS) Cumberland, MD~~	~~[illegible]~~	~~[illegible]~~	~~[illegible]~~
001201	95B30	SQUAD LEADER (USAR-Ready)	372d MP Co (CS) Cumberland MD	00/11	00/12	C/R
010930		TRF to 307th MP Co 222d MP	372nd MP Co (CS) Cumberland MD	01/01	01/09	C/R
010930	95B30	SQUAD LEADER (USAR-Ready)	ORD# 273-001 dtd 30 Sept 01			
010920		ORDED to AD ORD# M-273-0024	307 MP Co New Kensington, PA			
011014	95B30	Squad Leader (USAR-Ready)	99th RSC ORD dtd 30 Sept 01			
020820		Rel from AD to rtn to res unit of asg	Carlisle Barracks Barracks, PA			
020821	– –	TRF to 372nd MP Co 99th RSC	ORD# 02-259-00311 dtd 16 Sept 02			
020821	95B30	SQUAD LEADER (USAR-Ready)	372nd MP Co (-) Cumberland, MD			
030101	95B30	operations Team leader (USAR-Ready)	372 MP Co Cumberland, MD			
040205	95B30	Supply	HHC 16 MP BDE (ABN) Baghdad, Iraq			

– Fold Here –

018817

AUTHENTICATION OF
RECORDS OF REGULARLY CONDUCTED ACTIVITY

(b)(6)4 - (b)(7)(C)-4

I, Lieutenant [redacted] am the Training Officer of the Buckingham Correctional Center located at Route 20 N. P. O. Box 430, Dillwyn, VA 23936. I have submitted documents relating to the training received by Correctional Officer-Senior Ivan L. Frederick. These documents were b(6)1; submitted to U.S. Army Military Police Investigator [redacted] from (b)(7)(C)1 3rd Corps in response to his request relating to the case of U.S. v Ivan L. Frederick. These documents are maintained by me as a representative of the Buckingham Correctional Center, in the course of its regularly conducted business activity. It is the regular practice of the Buckingham Correctional Center to create and maintain these records to document and record the training our officers receive to assist them in the performance of their duties.

I can be reached at (434) 391-5980, should you have any further questions relating to these documents.

Signed [redacted]

Date October 14, 2004 (b)(6)4; (b)(7)(C)-4

Notary [redacted]

Comm expires 6/30/06

PROSECUTION EXHIBIT 3 FID

OFFERED R. 399 ADMITTED R. 399

018818

DEPARTMENT OF CORRECTIONS - OFFICIAL TRANSCRIPT

Name: IVAN II FREDERICK
Employee #: [redacted] (b)(6)-2 ; (b)7(C)-2
Title: C/O
Unit: BUCKINGHAM CORR CTR
P. O. BOX 430
DILLWYN, VA 23936
Status: A

I/S Due Date: 12/31/04
I/S Extension Date:
Gen Ins Certification Expires:
Fire Arms Ins Certification Expires:
Def Tactics Ins Certification Expires:
Driver Trng Ins Certification Expires:

COURSE CODE	CLASS NAME	END DATE	STATUS	HOURS	
FLD400	IN-SERVICE DWCC	10/25/2002	Finished	40.00	C
BCS115	STRIKE FORCE TRAINING 4TH QUARTER	10/12/2002	Finished	10.00	C
FLD413	ANNUAL FIREARMS CERTIFICATION BKCC	9/10/2002	Finished	4.00	C
FLD413	ANNUAL FIREARMS CERTIFICATION BKCC	8/14/2001	Finished	4.00	C
CTS007	MENTAL HEALTH MEETING	2/27/2001	Finished	8.00	C
FLD212	ANNUAL BLOODBORNE/PATHOGENS UPDATE	11/30/2000	Finished	1.00	C
FLD413	ANNUAL FIREARMS CERTIFICATION	10/1/2000	Finished	4.00	C
FLD217	QUARTERLY STRIKE FORCE TRNG (BUCC)	7/29/2000	Finished	6.00	C
FLD1009	POLICY, MOTIVATION AND TEAMWORK	5/15/2000	Finished	6.00	C
FLD219	QUARTERLY STRIKE FORCE TRAINING (BUCC)	4/1/2000	Finished	6.00	C
FLD413	ANNUAL FIREARMS CERTIFICATION	1/1/2000	Finished	4.00	C
FLD400	IN-SERVICE BUCC	3/26/1999	Finished	32.00	C
BCS115	STRIKE FORCE TRAINING	3/15/1999	Finished	8.00	C
REG481	MENTAL HEALTH TRAINING	7/29/1998	Finished	24.00	C
FLD896	PHASE IV TESTING	11/30/1997	Finished	0.00	
BCS100	BCO 97-21	3/7/1997	Finished	160.00	60
FLD396	INSTITUTIONAL PHASE I BUCC	1/31/1997	Finished	112.00	C

REGISTRAR _____ DATE _____

BASIC CORRECTIONAL OFFICER TRAINING

USE OF FORCE - DEFENSIVE TACTICS

Training Checklist

PURPOSE: The correctional officer shall know and demonstrate knowledge and skill at applying techniques for empty hand control in confrontations against unarmed and armed assailants or peaceful resistors.

OBJECTIVES: At the end of this block of instruction, the participant will be able to achieve the following in accordance with information received during this instructional period:

40.1 In a class discussion, identify the effects that training has on the psychological and physiological forces that affect a person threatened with danger.

40.2 On a written test, describe the basic principles of defensive tactics.

40.2.1 Through hands-on application, identify the vulnerable areas of the body.

40.2.2 Through hands-on application, identify parts of the body that can be controlled in order to overcome resistance.

40.2.3 Through hands-on application, locate and access nerve points used to distract / control an assailant.

40.3 Demonstrate in a practical exercise proper balance, position, and execution of self-defense techniques (escapes and evade) for the following:

40.3.1 Choking (front and rear) release techniques.

40.3.2 One arm grab/control techniques.

40.3.3 Hug (front and rear) release control techniques.

40.3.4 Escape and evade/safe zones.

HOURS:	12 + Evaluation
INSTRUCTIONAL METHOD:	Lecture / Demonstration / Hands-on application
MATERIALS REQUIRED:	Participant outline, pen / pencil, loose fitting clothing
REFERENCES:	Department of Corrections Division of Field Operations Security Operations Manual. DOP #431, "Use of Less Than Lethal Force," February 1995
	Defensive Tactics Manual. "Model Lesson Plans." Shogo Kuniba Department of Criminal Justice Services
	"Post Vention." Non Violent Crisis Intervention Instructor Manual. Unit X. Wisconsin: National Crisis Prevention, 1987
	Sharpening The Warrior's Edge "The Psychology & Science of Training" Bruce K. Siddle, PPCT Research Publications 1995
PREPARED BY: [redacted]	
DATE:	February 1987
REVISED BY: [redacted]	
DATE:	January 1993
REVISED BY: [redacted]	
DATE:	April 1994
REVISED BY: [redacted]	
DATE:	February 1996
REVISED BY: [redacted]	
DATE:	December 1997

(6)(6) -3; (6) 7(C)-3

BASIC CORRECTIONAL OFFICER TRAINING

USE OF FORCE - DEFENSIVE TACTICS

Trainer Outline

I. Introduction

A. Purpose

B. Objectives

II. Body

A. Use of Less than Lethal Force

1. Definitions-

Less than lethal force - Any use of physical force (hands) or weapon /devices which when used according to the manufacture's design, recommendations and training is likely to produce no injury or only "less than serious injuries"... (DOP 431)

Team Intervention - No less than two and no more than five persons developing a plan to resolve a crisis or hostile situation.

40.1 2. Forces Affecting a Person Threatened with Danger-

Most of an officer's daily life is consumed by the daily routine of making rounds, fielding complaints, getting supplies, etc. When the need to use force arises, most officers are surprised, and therefore unprepared to respond in a thought out manner.

a. Stress - The stress caused by a dangerous encounter can cause the body to produce chemicals: Adrenaline, Epinephrine, Cortisol, etc. Body reacts by causing the following to happen:

Heart and lungs work harder to rush fresh supplies to the body and remove waste.

Liver releases sugar to increase energy. Blood pressure goes up.

Reduction in ability to perform complex motor skills (manipulating with the fingers, etc.).

Visual perception narrows (tunnel vision).

Time distortions, along with a slowing of reaction time.

b. Other Stresses - There are many other things which can cause adversely affect the mental and physical well being of an individual. These things include:

Lack of confidence (officer does not believe that he/she could defend themselves against an inmate's attack).

Lack of experience (officer has no personal experience defending themselves).

Poor physical conditioning.

Personal problems (mind of the officer is not on their work).

40.1 3. How Training Can Affect These Threats

a. Psychological - The Mind
The best way to handle new and unknown situations is for them not to be new and unknown. Training and practice prepares the mind to handle the situation. With enough practice, the participant can prepare in their mind possible responses to crisis situations, significantly speeding their response time and increasing their success ratio.

b. Physiological - The Body

As the participant practices, their body gets conditioned. Consistent training can help improve strength, mobility, flexibility, and stamina. Consistent training helps teach the participant to act without having to think about it, just as most people do not have to think about how to drive a car.

Through training, the participants gain confidence in their ability to protect themselves, defend others, and assisting others in gaining control of hostile situations. Their body is physically better able to assist and not having to worry about their ability goes a long way to reducing stress.

4. Procedure - Defensive Tactics - When deemed necessary to use force to control an inmate, the following procedures should be followed where deemed feasible:

a. The officer in charge or other appropriate staff member may attempt to reason with the disruptive inmate and assess the situation.

b. If feasible, other staff may be called to attempt to reason with the inmate. Other appropriate staff may include medical and/or mental health staff.

c. A show of force may be made where appropriate and feasible and may include the use of a canine.

d. When a reasonable use of less than lethal force is authorized, physical force should be limited to the amount necessary and reasonable in the given situation. (Standard of Care)

e. Chemical agents may be used, where feasible, in accordance with DOP 433.

f. Sufficient numbers of security staff should be employed to subdue and restrain the inmate.

g. The involved inmates and staff will be given medical examinations and treatment, as medical staff deems appropriate and necessary (Standard of care).

(DOP 431)

40.2 B. The Basic Principles of Defensive Tactics

NOTE Before continuing this lesson, the instructor should insure that they are a certified Defensive Tactics Instructor with a current knowledge of the related skills. Please review the Defensive Tactics Instructor's Manual prior to instructing participants. The instructor should also relate to the participants that the following techniques involve the use of pain compliance directives. Participants should have on loose fitting clothing, a minimal amount of jewelry, and be in reasonable physical condition.

1. There are numerous techniques and principals to a sound defensive tactics program. Some selected principles to remember include:

   a Relax

   b Place the attacker on an imaginary "X".

   c Move the body as a unit.

   d Move to the attacker, never away.

   e Work in 45° angles.

   f Order of defense: eyes, body, hands.

   g Bring both feet into the attack, standing natural.

   h Pain dictates direction.

   i Body power is centerline, as is weakness.

   j Power can only be generated toward or away from the body.

   k The thumb side is the weak side of the hand.

   l Control one or more of the eight balance points.

   m Keep elbows down for power.

   n Small circles generate more energy.

   o A grasp only controls the portion grabbed, not the rest of the body.

40.2.1 E. Identification of Vulnerable Areas of the Body

There are many areas of the body that can be accessed to create pain or disrupt the balance of a violator. The participant should always remember to use only the amount of force reasonable and necessary to gain control of the violator.

40.2.3 1. Peripheral Nervous System - Reference Charts

a Nerves of the head

b Nerves of the torso

c Nerves of the upper / lower extremities

40.2.2 2. Balance Points - Weaponless control

While there may be violators who are highly tolerant to pain, there are none that can resist the pull of gravity. By using effective techniques such as the wrist and other joint locks in combination with balance points to remove someone's ability to stand, we can gain control of that person.

a Knees- Forcing the knees to the left, right, or to the rear will disrupt a violator's balance.

b Hips- Twisting the hips of the violator in combination with their shoulders or temples will disrupt a violator's balance.

c Shoulders- Drop one of the shoulders of the violator with a wrist lock or stun will disrupt a violator's balance.

d Temples- A rapid twisting of the temples will disrupt a violator's balance.

3. Stunning Techniques

Stunning techniques are used to temporarily divert a violator's attention from your intended goal. A stun by itself should not normally cause serious injury. There are too many stuns available to the participant to even begin putting them down. A few of the easier ones are as follows:

a A slap to the face can disorient the violator and assist the officer by turning their head away from the intended target.

b Stomping across the bridge of the foot is extremely painful and can be used to cause a violator to bend over, thereby losing some of their balance.

c Kicking or raking the foot down the violator's shins can assist the officer by causing the violator to lower their guard and/or bend over.

d Pinching the sensitive skin on the inner thighs of the violator can be extremely painful and useful if the officer is down or on the floor.

e A strike with the knuckle of one or two fingers to the center of the chest just below the collar can be quite painful.

f Pulling the hair of the violator in a downward, twisting motion can be of great assistance in getting the violator off balance.

40.3 F. Self-defense Techniques

1. Chokes

a From the front

-1 Slight step backward as attack is entering

-2 Cross arms in front of chest, pushing outward on attacker's wrist.

-3 Grab the wrist and cross attacker's arm bringing your arms into a normal straight-out position.

-4 Push attacker's lower arm across elbow.

-5 Step toward attack and grab trapped arm with other hand. Reach between attacker's bent elbow and body to secure trapped hand with both hands.

b From the rear

-1 Turn head toward attacker's elbow and push chin down while grabbing the attacker's elbow and pulling down.

-2 Shift hips and step behind the attacker into a straddle stance.

-3 Straighten upper body, turning toward the attacker, causing them to fall.

2. Arm grabs

a Release from violators grasp

-1 Stabilize the attacker's hand with your other hand.

-2 Move toward the attacker.

-3 Turn the body 90° to the attacker keeping the elbows down and bring wrist up to the center of the chest.

b Controlling a violator
There are any number of control techniques that can be used on the attacker once you have broken their grasp. Refer to the Defensive Tactics Manual for a complete reference.

3. Hugs

a From the front

-1 Utilize stunning techniques while shifting the hips out of the way.

-2 Trap either of the attacker's feet with your foot and press down across the shin at a 45° angle.

b From the rear

-1 Shift your hips to the left or right.

-2 Utilize stunning techniques.

-3 Shift hips and step behind the attacker into a straddle stance.

-4 Straighten upper body, turning toward the attacker, causing them to fall.

4. Escape and evade to a safe zone

a Positioning
Review with the participants the basic concept of avoiding a problem to start with by the use of verbal diffusing skills, team intervention, etc. Stress the importance of recognizing a bad situation and taking a proactive approach to defense.

b Blocking

The high block and low block are generally the most used blocks in a given situation. Demonstrate both of these block and then drill the participants in their actual use. Let one participant slowly throw punches to the head or body as the other participant blocks them using correct technique. The speed and power of the punches can be increased as the participants skill increases.

III. Conclusion

BASIC CORRECTIONAL OFFICER TRAINING

USE OF FORCE - DEFENSIVE TACTICS

Participant Outline

I. Introduction

A. Purpose

B. Objectives

II. Body

A. Use of Less than Lethal Force

1. Definitions

Less than lethal force-

Team Intervention-

40.1 B. Forces Affecting a Person threatened with Danger

1. Stress

2. Lack of confidence

3. Lack of experience

4. Poor physical conditioning

5. Personal problems

C. Effects of Training on Persons Threatened with Danger

1. Psychological effects-

2. Physiological effects-

40.2 D. Basic Principles of Defensive Tactics

a Relax

b Place the attacker on an imaginary "X".

c Move the body as a unit.

d Move to the attacker, never away.

e Work in 45° angles.

f Order of defense: eyes, body, hands.

g Bring both feet into the attack, standing natural.

h Pain dictates direction.

i Body power is centerline, as is weakness.

j Power can only be generated toward or away from the body.

k The thumb side is the weak side of the hand.

l Control one or more of the eight balance points.

m Keep elbows down for power.

n Small circles generate more energy.

o A grasp only controls the portion grabbed, not the rest of the body.

40.2.1 E. Identification of Vulnerable Areas of the Body

There are many areas of the body that can be accessed to create pain or disrupt the balance of a violator.

40.2.3 1. Peripheral Nervous System - Reference Charts

a Nerves of the head

b Nerves of the torso

c Nerves of the upper / lower extremities

40.2.2 2. Balance Points - Weaponless control
While there may be violators who are highly tolerant to pain, there are none that can resist the pull of gravity. By using effective techniques such as the wrist and other joint locks in combination with balance points to remove someone's ability to stand, we can gain control of that person.

a Knees

b Hips

c Shoulders

d Temples

3. Stunning Techniques

a

b

c

d

e

f

40.3 F. Self-defense Techniques

1. Chokes

a From the front

b From the rear

2. Arm grabs

   a Release from violators grasp

   b Controlling a violator

3. Hugs

   a From the front

   b From the rear

4. Escape and evade to a safe zone

   a Positioning

   b Blocking

5. Cell extractions

III. Conclusion

BASIC CORRECTIONAL OFFICER TRAINING

CRISIS PREVENTION - THE INMATE POPULATION
(Social/Cultural Lifestyles)

Training Checklist

PURPOSE: The Correctional Officer shall acquire an understanding of the inmate culture, environment and background and how it impacts inmate behavior, inmate/officer relationships and the prison environment.

OBJECTIVES: At the end of this block of instruction, the participants will be able to achieve the following objectives in accordance with information received during this instructional period:

28.1 In a group discussion, define prison community, inmate culture patterns and background that impact inmate behavior, as well as officer/inmate relationships.

28.2 On a performance test, describe two inmate behavioral patterns and three factors that influence those behaviors.

28.3 Given several scenarios, explain usefulness and limitations of ascribing a behavior "type" to a particular inmate (i.e., stereotyping).

28.4 In a role play situation, recognize behavioral styles in a stressful or emotionally intense situation that will influence the prison environment.

28.5 On a performance test, identify inmate differences in lifestyles, culture, social interaction and language.

28.6 Identify positive ways of supervising inmates with different lifestyles, cultural background and language differences.

28.6.1 Discuss social/cultural lifestyles, cultural diversity and homosexuality.

28.6.2 Identify contemporary examples of common prison slang.

018834

HOURS: 3

INSTRUCTIONAL METHOD: Lecture/Discussion/Role Play

MATERIALS REQUIRED: Participant Outline, Notebook, Pen/Pencil, Flip Chart, Handout

REFERENCES:

Carter, Robert; Glaser, Daniel; and Wilkins, Leslie T., eds. Correctional Institutions. 2nd ed. Philadelphia: Lippincott Publishers, 1977.

Clear, Todd R. and Cole, George F. American Corrections. 3rd ed. Belmount, California: Wadsworth Publishing Co., 1994.

Duffie, David E. Corrections - Policy and Practice. 1st ed. New York: Random House Inc., 1989.

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Williams, Virgil L. and Fish, Mary. Convicts, Codes, and Contraband: The Prison Life of Men and Women. Cambridge, MA: Bollinger Publisher, 1974.

Yochelson, Samenow. The Criminal Personality. 3 Vols. New York: Aronson Publishers, 1976.

Zimbardo, Philip G. and Haney, Craig. Prison Behavior. Office of Naval Research Technical Report Z-14, April, 1975.

PREPARED BY: [redacted]

REVISED: October 1991

REVISED BY: [redacted]

DATE: February 1993

(6)(6)-3

REVISED BY: [redacted]

DATE: February 1994

REVISED BY: [redacted] Sr.

DATE: April 1996

REVIEWED BY: [redacted]

DATE: January, 1998 (b)(6)-3

APPROVED BY: _____

[redacted]
Security School Director

DATE: January, 1998

018836

BASIC CORRECTIONAL OFFICER TRAINING

CRISIS PREVENTION - INMATE POPULATION
(Social/Cultural Lifestyles)

Participant Outline

I. Introduction

A. Purpose - Refer to Training Checklist

B. Objectives - Refer to Training Checklist

II. Body

28.1 A. Prison Community

1. Definition

2. Elements of the Prison Community

28.1 B. Explanations of Inmate/Criminal Behavior

1. Normal vs. Abnormal Behavior

2. Environmental Mandate

3. Differential Association

28.6
28.6.1 4. Factors Influencing Behavior

a. Race

b. Sex

c. Age

d. Social Status

e. Religion

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28.3 5. Stereotyping

28.1 C. Prison Sub-Cultures and Adaptive Behavior
28.4
28.2 1. Thief - Career Criminal
28.5

Adaptive Behavior- "Doing Time"

2. Convict - Institutionalized

Adaptive Behavior - "Jailing"

3. Conventional - Free Society

Adaptive Behavior - "Gleaming"

28.6.1 D. Homosexuality - Sexual desire for other of one's own sex.

28.6.2 a. Passive

1. "Punk" - Unwilling homosexual
2. "Closet Queen"
3. "Queen"

b. Dominant

1. Rapists
2. "Tush Hogs"
3. Pimps

018838

c. Reasons for Homosexuality

1. Creates sense of power (dominace)

2. Means for survival

3. Sexual release without responsibility (pregancy factor)

4. Reinforces macho image

5. Economic gain (sell your punk)

E. Mentally Challenged - "Disorganized Criminal"

1. Low intelligence (psychological or physical disability)

2. Manipulated by other inmates

3. Difficulty functioning in general population

4. Unable to develop role orientation

F. Cultural Factors

1. Secondary Compensation

2. Sub-Rosa Economics

3. Inmate Code

4. Grapevine

5. Prison Argot

III. Conclusion

A. Review

B. Summary

BASIC CORRECTIONAL OFFICER TRAINING

THE ROLE OF THE CORRECTIONAL SYSTEM

Trainer Outline

I. Introduction

A. Purpose

B. Objectives

II. Body

1.1 A. The Role of Prisons in the Community

1. Elements of Prisons

The role of Prisons in the community includes three elements:

a. Protect

b. Control

c. Programs

2. The Department's Mission

NOTE TO TRAINER: *Refer participants to their manual for the Department's Mission.*

Virginia Department of Corrections Mission

The Department enhances public safety by carrying out the sentences given to convicted felons in a humane, cost-efficient manner which is consistent with sound correctional principles and constitutional standards.

Approved by the Board of Corrections

February 14, 1996

a. Protect - Enhances public safety

018840

Keeping violent offenders off the streets

b. Control - Carrying out the sentences (security, custody and control)

Making sure the person does his/her time

c. Programs will be:

1. Humane

Emphasizing human values and concerns through programs that will meet his/her needs and help them in reintegration back into society as a productive citizen

2. Cost-efficient manner

As inexpensive as is possible to prevent waste and abuse of state property

3. Correctional principles and constitutional standards

State law and constitutional rights with their limitations

1.2 B. Elements/Goals of the Criminal Justice System

1.2.1

1.3 1. Law Enforcement

a. Place in Government Structure

Executive Branch of Government

b. Goals

Law Enforcement agencies' general goal is to ensure public order by:

1. Protect the public

2. Crime prevention

3. Investigation

4. Arrest

2. Courts

018841

a. Place in Government Structure

Judicial Branch of Government

b. Goals

The goal of the courts in Virginia is to assure disputes are resolved promptly, justly and economically by:

1. Interpreting law

2. Ensure due process

3. Determine guilty or not guilty

4. Sentence guilty persons

3. Corrections

a. Place in Government Structure

Executive Branch of Government

b. Goals

The primary goals of corrections are to:

1. Carry out the sentences imposed by the courts

2. Provide opportunities (programs) for reintegration back into society

c. Major Functions of Corrections

1. Confinement or Prisons

Confinement refers to a jail (1-12 months) or prison sentence (1 year and up). Currently there are:

a. **23** Major Institutions

b. **19** Field Units

c. **6** Work Centers

018842

d. 3 Work Release Units

NOTE TO TRAINER: *Refer participants to the Virginia State map on the back wall of the classroom.*

2. Probation

Probation is a sentence that permits the offender to remain in the community under certain conditions and restrictions. The primary objectives are to help the offender regain and acquire a sense of self-esteem and personal responsibility and, at the same time, secure adequate safeguards on behalf of the community.

The Department has a program called "Shock Probation" (Boot Camp), which serves as an alternative to Prisons. Participants in this program have been convicted of a non-violent felony (after 01/01/91). The program is deemed as a non-violent voluntary program. Placement in this program is considered a special condition of probation. Offenders in this program are not referred to as inmates, rather probationers.

Currently there are three (4) such facilities:

a. Southampton Boot Camp

b. Southampton Detention Center (2) 1-men & 1-women

c. Nottoway Detention Center

The Boot Camp program is **90** days of intense training, whereas the Detention Centers are a **four to six** month training program. It is less intense than the Boot Camp program, but operated on the same basis.

3. Parole

Parole is a system of selectively releasing offenders from prison and providing them community supervision with certain reporting requirements, personal restrictions and guidance. There are two types of parole releases in Virginia:

018843

a. Discretionary Parole

Discretionary parole allows offenders the opportunity to serve the remainder of their sentence in the community rather than in prison. Offenders sentenced to one year or more are eligible for discretionary parole.

b. Mandatory Parole

Mandatory parole release occurs when an inmate is within six months of completing his/her sentence. Once released, the inmate then receives six months of parole supervision.

2.3 C. How Do Law Enforcement Agencies Assist Corrections?

The Criminal Justice System is made up of Law Enforcement, Courts and Corrections. There are times when Law Enforcement can be of great assistance to Corrections. Can you think of any of those times?

1. State Police

Assist during riots and other emergencies, arrest suspects, supply bomb squad, SWAT, snipers, state vehicle accidents, inmate transportation, background investigations and provide perimeter security.

2. Local Sheriffs

Inmate transportation, court security, serve subpoenas, arrest suspects and provide perimeter security.

3. FBI

Assist during hostage emergencies, investigate on-going crimes, background investigations.

III. Conclusion

A. Summary

B. Questions

018844

BASIC CORRECTIONAL OFFICER TRAINING

CORRECTIONS AS A PROFESSION

Training Checklist

PURPOSE: The Correctional Officer shall understand the definition of a profession and be able to relate in some ways in which corrections does or does not match this definition.

OBJECTIVES: At the end of this block of instruction, the participant will be able to achieve the following in accordance with information received during this instructional period:

3.1 On a written test, list and describe the four principles that define a profession.

3.2 On a written evaluation, list the key points of DOC Procedure #5-22, Rules of Conduct for Employees' Relationships with Inmates, Probationers or Parolees.

3.3 On a written test, explain why Correctional Officers should be of a high order of integrity and initiative.

3.4 On a written evaluation, discuss and list the positive and negative influences of a corrections career upon a Correctional Officer's personal life.

HOURS: 2

INSTRUCTIONAL METHOD: Lecture, discussion

MATERIALS REQUIRED: Participant Outline, Video "Correctional Officers Training: Ethics and Conduct" (20 minutes)

REFERENCES: Correctional Officers Training: Ethics and Conduct. Aims Media, 1987.

Department of Corrections Procedures Manual. Chapter 5, Policy 5-45, "Receipt of Writs, Summons, Subpoenas." July 1991.

018845

Department of Corrections Procedures Manual. Chapter 5, Policy 5-22, "Rules of Conduct Governing Employees' Relationships with Inmates, Probationers, or Parolees." June 1994.

Department of Corrections Procedures Manual. Chapter 5, Policy 5-10, "Standards of Conduct and Performance." November 1992.

Grambling, Lorraine Koeblitz, P.D. An Analysis of the Characteristics of the "Good" Correctional Officer as Rated by Peers, Supervisors, and Residents. The University of Alabama, 1979.

"Managing for Organizational Integrity." Harvard Business Review, March-April 1994.

Professionalism. National Institute of Corrections Information Center. Alaska Department of Corrections, 1991.

Stock, Harley V. and Skultety, Stephan. "Wrestling Demons in Our Own Ranks." Corrections Today, February 1994.

PREPARED BY: [redacted]

DATE: March 1994

REVISED BY: [redacted]

DATE: January 1995

REVISED BY: [redacted]

DATE: April 1996

REVIEWED BY: [redacted]

DATE: April, 1997

APPROVED BY: _____

[redacted]
Security School Director

DATE: April 14, 1997

(b)(6)-3

REVIEWED BY: [redacted]

DATE: January 1998 (b)(6)-3

APPROVED BY: _____

[redacted]
Security School Director

DATE: January, 1998

018847

BASIC CORRECTIONAL OFFICER TRAINING

CORRECTIONS AS A PROFESSION

Participant Outline

I. Introduction

A. Purpose

B. Objectives

II. Body

A. Profession and Professionalism

1. Profession

3.1 2. Principles/Characteristics of a Profession

a. Body of Knowledge and Specialized Training

b. Support Groups and Associations

c. Responsibility and Commitment

d. Allegiance and Loyalty to the Rules of Conduct and Standards

3. Professionalism

a. Professional Status

b. Professional Methods

3.3 c. Professional Character

d. Professional Ethics and Standards

3.2 B. Rules of Conduct Governing Employees' Relationships with Inmates, Probationers or Parolees

1. Professional Conduct

018848

a. Abuse of Employment Status

Employees shall not use employment status for personal gain.

b. Alertness

Employees are to be alert to detect and prevent escapes.

c. Appearance

Employees shall maintain appropriate appearance.

d. Confidential Information

Any information pertaining to the record, offense, etc., is for official use only.

e. Courtesy and Respect

Employees should be respectful at all times.

f. Humane Treatment

Inmates, probationers or parolees shall be treated humanely.

2. Improprieties: Non-Professional Association

a. Improprieties

No fraternization

b. Interactions

Limited to those times when performing duties directly related to Department

c. Special Favors

Employees shall not extend or promise special favors or privileges.

d. Visitation

Non-job related visitations shall not be permitted.

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3.4 C. Influences of a Correctional Career

1. Negative Influences

a. Stress

1. Rotating shifts

2. Lack of public support

3. Potential for job injury

4. Role conflicts at work

5. Perception of management being non-supportive

6. Personal problems

7. Differences between Academy and institution

8. Exposure to value systems and lifestyles

b. Substance Abuse

1. Drugs/Alcohol

2. Family abuse/neglect

2. Positive Influences

a. Self-Image

b. Benefits

c. Income

d. Promotional Opportunities

e. Job Security

III. Conclusion

A. Summary

B. Questions

018850

BASIC CORRECTIONAL OFFICER TRAINING

CORRECTIONS AS A PROFESSION

Trainer Outline

I. Introduction

A. Purpose

B. Objectives

II. Body

A. Profession and Professionalism

Let's begin by looking at the words profession and professional and identify ways that corrections may or may not relate to these words.

1. Profession

"An occupation or vocation requiring training in the liberal arts or the sciences and advanced study in a specialized field; the body of qualified persons of one specific field or occupation ..." (American Heritage Dictionary)

3.1 2. Principles/Characteristics of a Profession

a. Body of Knowledge and Specialized Training

Liberal Arts	Firearms/Chemical Agents
(General info)	Def Tac/Baton/Searches
Advanced Study	Baton/Military Drill
(Training-Education)	Riot Control/Restraints
(Study on your own)	CPR/First Aid

b. Support Groups and Associations

SEAS - (State Emp.	NIC - Info Clearing House
Assistance Svcs.)	ACA - Correspondence Courses
Family Crisis	and Videos
Response Team	

018851

c. Responsibility and Commitment

To your job
Professional Demeanor(at all time, on and off the job)

d. Allegiance and Loyalty to the Rules of Conduct and Standards

DOC Procedures Manual, Standards of Conduct and Performance, Policy 5-10, November 1992, **DOP's, IOP's, Security Bulletins, Policies and Memorandums**

3. Professionalism - Continuous Self Development

"Professional status, methods, character, or standards." (American Heritage Dictionary)

a. Professional Status

Title, pay, responsibility

b. Professional Methods

We carry out duties in accordance with DOP's, IOP's, Security Bulletins and memorandums.

3.3 c. Professional Character

As Correctional Officers you are expected to demonstrate a high level of integrity and initiative. **Integrity** is based on the concept of self-government in accordance with a set of guiding principals. **Some core values of integrity include: respect for the rights of others, honesty, fair dealing and obedience to the law.**

Initiative means doing what has to be done without being told to do it. You are expected to role model the behaviors of a professional, both on and off the job.

d. Professional Ethics and Standards

Ethics are the rules or standards that govern the conduct of the members of a profession.

3.2 B. Rules of Conduct Governing Employees' Relationships with Inmates, Probationers or Parolees

018852

The Department of Corrections has established rules of conduct to be observed by employees of the Department when dealing with inmates, probationers or parolees of the Department. This policy is found in the Department of Corrections Procedures Manual, Chapter Five: Employee Relations and Training, Subject: Rules of Conduct Governing Employees' Relationships with Inmates, Probationers, or Parolees, Procedure 5-22, June 1994.

The following are the key points of the policy.

1. Professional Conduct

(The following are key points in Procedure 5-22).

NOTE TO TRAINER: *Use flip chart titled: Key Points, Rules of Conduct Governing Employees' Relationships with Inmates, Probationers or Parolees.*

"Employees of the Department shall exercise a high level of professional conduct when dealing with inmates, probationers, or parolees to ensure the security and integrity of the correctional process."

a. Abuse of Employment Status

Employees shall not use their official status as employees of the Department as a means to establish social interactions or business relationships not directly related to Department business.

b. Alertness

Employees are expected to be alert and to detect and prevent escapes from custody or supervision or violations of Departmental regulations.

c. Appearance

All employees should maintain appropriate appearance and demeanor while in a duty status.

d. Confidential Information

Any information pertaining to the record, offense, personal history or private affairs of inmates, probationers or parolees is for official use only.

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e. Courtesy and Respect

Employees should be respectful, polite and courteous in their contact with inmates, probationers or parolees as well as with citizens and other employees at all times.

f. Humane Treatment

Inmates, probationers or parolees shall be treated humanely. Abuse or any form of corporal punishment is prohibited. No profane, demeaning, indecent or insulting language or words with racial or ethnic connotations shall be directed toward such persons.

2. Improprieties: Non-Professional Association (Wrongful Acts)

a. Improprieties

Fraternization or other non-professional association by and between employees and inmates, probationers or parolees or their families shall be discouraged.

b. Interactions

This is association that is to be limited to those times when the individual employee is performing duties directly relating to matters pertaining to Department interests.

c. Special Favors

Employees shall not extend or promise to an inmate, probationer or parolee special privileges or favors not available to all persons similarly supervised, except as provided for through official channels.

d. Visitation

Non-job related visitations between employees and inmates, probationers or parolees of the Department or their families shall not be permitted without explicit written permission of the Deputy Director in charge of the division involved, or his/her designee and for good cause shown or for professional reasons.

018854

3.4 C. Influences of a Correctional Career

1. Negative Influences

a. Stress

Some of the stressors Corrections Officers may face:

1. Rotating shifts

2. Lack of public support

3. Potential for job injury

4. Role conflicts at work

5. Perception of management being non-supportive

6. Personal problems

7. Differences between the "theory of corrections" taught at the Academy and the reality of the institution

8. Exposure to value systems and lifestyles that are contrary to your own

b. Substance Abuse

1. Drug/Alcohol abuse

2. Family abuse/neglect

2. Positive Influences

a. Self-Image

Feeling that you are doing a useful job for society, doing a job to the best of your ability and having the knowledge that you may have helped an inmate straighten out his/her life may lead to self-satisfaction.

b. Benefits - health insurance, retirement, medical insurance, paid vacation, etc.

c. Income

018855

d. Promotional Opportunities

e. Job Security

III. Conclusion

A. Summary

B. Questions

018856

Performance Evaluation

NAME: LL Frederick II DATE: 17JAN97 SSN: [redacted]

EVALUATOR: [redacted] (6)(6)2

INSTRUCTIONAL TOPIC: INSTITUTIONAL TRAINING

Block 3 Use of Force

Objective #	Performance	Test Pass	Test Fail	Retest Pass	Retest Fail
39.3	After reading the following scenario, determine if the correctional officer could be held liable for unlawful use of force. Trainee J. Jones was assigned to observe a group of ten inmates during their recreation period. Shortly after assuming this post, Trainee Jones heard a loud noise coming from within the building that was located directly behind him. Jones left his post and ran toward the noise. Trainee Jones came upon inmate Jackson and inmate Blant, who were arguing about which one of them was supposed to mop the hall. Trainee Jones ordered both inmates to be quiet, which they did. A second officer arrived at the scene and instructed Trainee Jones to return to his post. As Jones turned to do so, inmate Blant lunged forward and grabbed him. Trainee Jones reached down and grabbed his radio and struck inmate Blant on the knee with it. Inmate Blant then bent over to hold his knee, at which time Jones jumped on his back and choked him from the rear. The second officer came over to assist, and inmate Blant was placed in restraints. Inmate Blant was taken to the clinic, where it was determined that he had suffered a fractured knee cap and a two inch abrasion on his neck. Who, if anyone, could be held liable for the damages suffered by inmate Blant? Circle all correct answers: (A) Trainee Jones for using his radio to protect himself (B) The agency for assigning a trainee to a post without direct supervision. C. The two inmates because they started to argue. D. Nobody is liable because the event was unavoidable. From the above scenario, what should Trainee Jones have done when inmate Blant grabbed him?		✓		

COMMENTS: Trainee Jones should ~~have used his weapon~~ ILF ILF ILF ILF not have used his radio as a weapon. Inmate Blant did not have a weapon and did not pose a threat. Trainee Jones should have tried to push him out of way.

Performance Evaluation

NAME: _____ DATE: _____ SSN: _____

EVALUATOR: RBS

INSTRUCTIONAL TOPIC: INSTITUTIONAL TRAINING

Block 3 Use of Force

Objective #	Performance	Test		Retest	
		Pass	Fail	Pass	Fail
39.1.3	Determine if the correctional officer could be held liable if an inmate escapes under Code of Virginia, Title 18.2-476. Officer B. Bronson was assigned to supervise twelve inmates who were working in the laundry. When the inmates arrived, Bronson noticed that only eleven had come to work. Bronson attempted to call the appropriate living unit to locate inmate Taylor, who was the missing inmate. After calling twice and getting a busy signal both times, Bronson remembered that he had heard the day before that inmate Taylor was excused by the medical department. He could not remember who had told him, but he remembered hearing something about it. Bronson, now being ten minutes late getting the eleven inmates started on their assignments, proceeded to go about his normal routine. Two hours later, the medical department called for inmate Taylor. Taylor could not be found, and it was soon determined that he had escaped. A. Did Officer Bronson negligently suffer inmate Taylor to escape? yes B. If so, how? Officer Bronson should have logged in the log book that ~~he~~ he someone told him about inmate Taylor being excused by medical, and also that he tried to call his housing unit but it was busy.	✓			

COMMENTS:

018858

Performance Evaluation

NAME: _____ DATE: _____ SSN: _____

EVALUATOR: [illegible]

INSTRUCTIONAL TOPIC: INSTITUTIONAL TRAINING

Block 3 Use of Force

Objective #	Performance	Test Pass	Test Fail	Retest Pass	Retest Fail
39.3 39.1.2 39.2	After reading the following scenario, determine if the proper amount and type of force were used: Officer T. Tut has been assigned to the isolation unit at his institution. Upon making one of his routine checks, he observes inmate D. Bigg breaking up his meal tray. Officer Tut knows that he is to protect state property, so he pulls out his CN gas canister and yells at Bigg and orders him to put down the meal tray. Inmate Bigg refuses to do so and tells Officer Tut to unlock his cell and come in and take it. Officer Tut then calls on his radio for assistance, and proceeds to spray Bigg with CN gas. Assistance arrives two minutes later. Three officers then enter the cell and remove inmate Bigg and take him for medical treatment. A. Was the proper amount of force used as dictated by the facts? ~~NO~~ ILF ~~YES~~ ILF NO ~~YES~~ ILF B. How should this situation have been handled? ~~He~~ See below ~~should have waited for assistance to get~~ ILF C. What elements were present for inmate D. Bigg to file a federal civil suit? ~~None~~ ILF They violated the eighth amendment. 39.2 D. What is the maximum amount of force that should have been used in this situation? E. In this situation, what elements should have been present before officer T. Tut used chemical agents? He may have been fighting with the officers.	✓			

COMMENTS: B. ILF ~~He should have~~ he should have tried lesser means of force first.

BLOCK I TEST

Answer Sheet (b)(6)-2

Name Chip Frederick SSN [redacted] Date 14JAN97

1.	A	(B)	C	D
2.	(A)	B	C	D
3.	(A)	B	C	D
4.	(A)	B	C	D
5.	(A)	B	C	D
6.	A	(B)	C	D
7.	(A)	B	C	D
8.	A	(B)	C	D
9.	(A)	B	C	D
10.	(A)	(B) CF	C	D
11.	A	B	C	(D)
12.	A	B	(C)	D
13.	(A)	B	C	D
14.	A	(B)	C	D
15.	(A)	B	C	D
16.	A	(B)	C	D
17.	A	(B)	C	D
18.	(A)	B	C	D
19.	(A)	B	C	D

Failure to correctly answer any four (4) of the above questions will result in failure of Block I testing.

Evaluator's Comments: _____

_____

_____

018860

BLOCK I TEST

1.2 1. A "Court not of Record" can send someone to prison.

A. True B. False

1.2.1 2. The major goals of courts in criminal justice are: to render equal justice, insure due process, trial and protection of society.

A. True B. False

1.2.1 3. The major goal of law enforcement in criminal justice is to enforce all laws by deterrence, investigation and arrest.

A. True B. False

3.1 4. A profession is a calling requiring specialized knowledge and often long and intensive academic preparation.

A. True B. False

3.2 5. All employees should maintain appropriate conduct, appearance and demeanor while in their duty station.

A. True B. False

3.3 6. Employees of the Department shall not exercise a high order of professional conduct when dealing with inmates.

A. True B. False

60.1 7. The DOP tells "what", the IOP tells "how".

A. True B. False

60.3 8. Security DOP'S are available for review only at roll call prior to post assignment.

A. True B. False

60.4 9. DOP'S and policy are to protect correctional staff as well as the inmates.

A. True B. False

1.1 10. The primary purpose of imprisonment is:

A. punishment of offenders
B. protection of society
C. rehabilitation of offenders
D. create more state employees

1.2.1 11. The major goals of corrections in criminal justice are:

A. protection of society & rehabilitation
B. apprehension and trial of offenders
C. punishment and rehabilitation
D. protection of society and reintegration

25.1 12. Characteristics of a Correctional Officer should include:

A. quiet but firm manner when dealing with inmates
B. use of street language when dealing with inmates
C. set professional examples using the badge for authority
D. use of "nicknames" when dealing with staff and inmates

60.2 13. The main difference between security and inmate management guidelines is:

A. restricted information is contained in security guidelines
B. only "A" custody inmates have access to inmate management guidelines
C. only Chief of Security has access to security guidelines.
D. only security staff has access to inmate management guidelines.

1.3 14. Choose from A, B, or C below the proper sequence of the three elements of the criminal justice system.

A. Courts
Law Enforcement
Corrections

B. Law Enforcement
Courts
Corrections

C. Corrections
Courts
Law Enforcement

3.4 From the list below, identify as positive or negative the following aspects of a correctional career, on your personal life.

A = Positive
B = Negative

15. Personal satisfaction
16. Fear
17. Stress
18. Financial security
19. Career advancement

DEPARTMENT POLICY AND PROCEDURE UPDATE

PURPOSE: To provide the employee with a working knowledge of the operations and policy manuals used by the Department of Corrections.

OBJECTIVES: At the end of this block of instruction, the participant will be able to achieve the following based on their knowledge and understanding of departmental operations and policies in accordance with the information received during this instructional period.

1. On a written evaluation the participant will identify the difference between D.O.P.'s and I.O.P.'s.

2. Define professionalism and ethics.

3. In a classroom discussion, identify behaviors that are associated with Sexual Harassment.

4. Identify the Avenues of Relief available to an individual when he/she is the target of sexual harassing behavior.

5. On a written evaluation, describe the proper procedure to follow when an employee fails to report to work due to an illness.

6. In a classroom discussion, identify the difference between Essential Personnel and Non-essential Personnel.

7. On a written evaluation, identify the employees that will be effected by the Urinalysis and Alcohol Testing Policy.

8. Explain the process of selecting individual employees that will be Randomly Drug Tested.

9. In a classroom discussion, identify the importance of being properly dress when entering correctional facilities.

10. On a written evaluation, explain the departments policy on transporting an inmate of the opposite sex.

11. On a written evaluation, identify why it is importance have policies and procedures.

HOURS: 5

INSTRUCTIONAL METHOD: Lecture, Discussion

MATERIALS: Handouts

REFERENCE: Departmental Operating Procedures 213, 402, 403, 406, Institutional Operating Procedures, Department Policy and Procedures Manual 5-10, 5-22, 5-36, 5-45 and 5-55

PREPARED BY: [redacted] (6)(6) -3

DATE: January 1998

REVIEWED BY: [redacted] January, 1999

POLICY AND PROCEDURE UPDATE

Participant Outline

I. Introduction

A. Purpose

B. Objectives

II. Body

A. Important Directives

1. Departmental Operating Procedures

2. Institutional Operating Procedures

3. Policy and Procedures Manual

4. Security Bulletins

B. Policy and Procedure Update

1. Professionalism and Ethics

2. Sexual Harassment

a. Quid Pro Quo

b. Hostile Environment

c. Six levels of Sexual Harassment

d. Avenues of Relief

3. Hours of Work: Annual and Sick Leave (DOP 213)

4. Inclement Weather (Policy 5-36)

5. Employee Appearance (DOP 402)

6. Staff Training (DOP 403)

7. C/O Supervision of the Opposite Sex (DOP 406)

8. Sanitation and Cleanliness

9. Why we need Policies and Procedures

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DEPARTMENT POLICY AND PROCEDURE UPDATE

Instructor Outline

I. Introduction

A. Purpose

B. Objectives

II. Body

In the world of Corrections today we are faced with many difficult situations. The Department is continuing in it's effort to provide employees with sound policies and procedures to effectively and efficiently manage facilities. To operate a safe and secure facility, employees must be knowledgeable in not only Departments Policies but the Institutions Policies as well. Employees that are conscientous and responsible in carrying out his/her duties enhance operations of Corrections Facility

A. Important Directives

1. D.O.P. - A minimum standard of operation consisting of rules and regulation that govern the Division of Adult Institutions. "This Directive informs all Institutions what they must do."

2. I.O.P. - A method of operation explaining how the institution will accomplish what is required by the D.O.P. and also a management tool to meet the needs of the Institution.

3. Policy and Procedure Manual - Designed to give the employee a greater awareness of issues that deal with employee.

4. Security Bulletin - Designed to indicate any changes or addition to existing Security Policy.

B. Policy and Procedure Update

1. Professionalism and Ethics

Professionalism - behavioral projection of methods, character and standards.

Ethics - the rules or standards governing the conduct of members of a profession.

In order to create a greater awareness of what our responsibilities are; let us explore what it is that the Department expects of us as a corrections employee.

5-10 a. Employees shall promote the well-being of everyone in the work place. (Caring for health and safety)

5-4 b. Employees shall maintain a high standard of professional conduct when representing the department.

5-22 c. Employees shall remain alert at all times and perform duties in accordance with the policy to include working overtime.

5-22 d. Employees shall treat everyone with respect to include inmates, visitors and fellow employees.

5-22 e. Employees shall not participate in any unethical dealings with inmates. To include special favors, special priviledges or bringing in unauthorized items.

5-22 f. Employees shall maintain a high level of integrity.

5-22 g. Employees shall maintain confidentiality when dealing with confidential information

5-22 h. Employees should not do anything to embarrass themselves, others or the Department.

5-55 i. Employees should not report to work under the influence of any kind of drugs or alcohol. (refer to policy 5-55)

1) Urinalysis and Alcohol Testing (Policy 5-55)

a) Random Drug Testing will apply to all full and part-time, salaried employees, wage employees and contract employees of the DOC who work in correctional facilities.

b) Random Drug Testing is a process for selection of individual employees to be tested which results in an equal probability that any employee from a group of employees subject to the process will be selected. The Director will determine the percentage of employees who will be randomly tested on a yearly basis.

c) Reasonable suspicion is when management believes that the employee may have used illegal drugs or is under the influence of alcohol based on observance or reliable sources. Testing for alcohol will not be part of the Random Drug Testing Procedure.

d) Post-Accident Alcohol Drug Testing will be conducted following an accident that results in:

(1) Death
(2) Personal Injury requiring immediate medical treatment.
(3) Lost of time from work.
(4) Property damage in excess of $1000.

e) All applicants seeking employment with the DOC shall receive pre-employment drug testing. A positive testing will exclude the applicant for employment consideration or one year.

f) Voluntary Identification of an existing drug or alcohol problem by an employee can be through proper channels.

(1) Referral to an Employee Assistance Service for evaluation and referred for treatment. The employee must successfully complete the treatment program and will be subject to testing regularly for two years.

(2) If an employee is selected for drug testing prior to Voluntary Identification, and receives a positive test result for drugs/alcohol, he/she will be terminated.

(3) Probationary employees, who voluntarily identify thenmselves after the initial 90-day period, will be separated from employment for "unsatisfactory performance during the probationary period".

g. Employees are expected to be of sound mine and have good judgment. This policy will help to insure that we are thinking with a clear head.

j. Employees shall notify their supervisor if they are charged with a law violation.

5-22 k. Do not attempt to use your employment with the Department for personal gain.

l. Employees shall not have non-job related visitation with inmates without prior approval or allow non-professional association between inmates/parolees or their families outside the job to compromise the security of the department (policy 5-22).

5-22 m. Employees shall treat inmates humanely, the use of profane, demeaning, indecent, or insulting language, or words with racial or ethnic connotations shall not be directed toward inmates.

2. Sexual Harassment - Work place conduct consisting of unwelcome sexual advances, request for special favors, and other verbal or physical conduct of a sexual nature when submission or rejection of this conduct explicitly or implicitly affects an individuals employment, unreasonably interferes with an individuals work performance, or creates an intimidating, hostile or offensive work environment.

(Sexual Harassment is a form of discrimination)

Sexual Harassment categories:

a. Quid Pro Quo - Latin term meaning "this for that"

(1) Supervisory correlation - There must be a supervisor/subordinate relationship with the potential for retaliation by the supervisor.

(2) Single incident liability - If the incident is sufficiently severe and pervasive to alter the condition of employment.

(3) Absolute management liability - Dealt with case by case, where management knew or should have known.

(4) Voluntary involvement - The discerning forum must distinguish between a response that signals willingness on the part of the victim to go along because they don't want to create troubles, and one which indicates that the conduct is actually welcome. Note that what starts out as welcome may become "unwelcome" at any given time.

b. Hostile Environment - as it is related to sexual harassment, it must be sufficiently severe or pervasive to alter conditions of employment and create an abusive work environment.

(1) Generally a continuous pattern of offensive conduct, a single incident will not establish liability in a hostile environment claim. The employee must show an extended pattern of harassment.

(2) Employer put on notice of harassment - As a claim under the hostile environment theory can be against coworkers as well as supervisors; generally the employer will have to be put on notice of the conduct to be held liable.

c. Six Levels of Sexual Harassment

(1) Aesthetic Appreciation
(2) Active Mental Groping
(3) Social Touching
(4) Offensive Touching
(5) Sexual Abuse
(6) Ultimate Threat

d. Avenues of Relief

(1) Individual negotiation - The individual may deal with the harasser in an informal manner to prevent from having to file claim.

(2) Report to supervisor - The Supervisor is required by law to take action on reports of sexual harassment. (This is not recommended if your supervisor is the harasser.)

(3) State Grievance Procedure - Grievance must be filed within thirty calendar days of incident. (NOTE: The grievance procedure is not applicable to probationary employees.)

(4) State Employees Relations Unit (EEO) - Claim must be filed within 180 calendars days of last incident. Notification can be made by telephone or you may go by the office. Resolution at this stage is to eliminate situation.

(5) Federal Equal Employment Opportunity Commission - Claim must be filed within 180 days of last incident. Notification can be made by telephone, letter or in person.

(a) In a case involving co-worker harassment they will ordinarily request that you first notify immediate supervisor.

(b) All involved parties and witness will be interviewed.

(c) Resolution is to eliminate the situation.

(6) Criminal Charges - There is no statute of limitation in Virginia on a felony criminal charge. There is a one year limitation on misdemeanors.

(7) Prevention of Sexual Harassment

(a) Be mindful of the fact that borderline harassment behavior can suddenly blow up into a full scale harassment suit. Do not tolerate it!

(b) Never put yourself in a position that may jeopardize your job security.

(c) Be aware of behaviors and situation that may result in sexual harassment. Deal with the situation in a prompt manner.

(8) Documentation of claims of sexual harassment are very important.

X 3. Hours of Work: Annual and Sick Leave

a. It is Department Policy that the rules for leave be consistently applied to all employees.

b. It is the Departments expectation that you report for work daily and to be on time.

c. If you are unable to report for work due to an illness you must personally notify the Institution at least two (2) hours prior to your shift starting. You must also leave a number where you can be reached once your watch commander reports for duty. If you are unable to leave a telephone number, you must call back within two (2) hours.

d. Non-Custodial Staff that are unable to report to work due to an illness must notify their supervisor no later than 30 minutes after the beginning of their normal work day.

e. Employees may use up to three (3) days of unverified sick leave during a calander year (January - December). Part-time employees are allowed unverified leave hours in proportion to their part-time status.

f. All sick leave used in excess of sick leave policy must be verified by a doctors excuse and must be turned in to supervisor by the fourth day of absence.

g. All annual leave must be pre-approved by supervisor.

X 4. Inclement Weather (Policy 5-36)

a. When weather conditions exist that poses a threat to normal operations, the warden or duty officer will provide a recommendation to the Regional Director or Regional Duty Officer as to whether the facility should be closed. (In the Richmond Area, the Governor makes the decision.)

b. It is the Departments policy that essential services are maintained regardless of the weather conditions.

c. The employees that provide those essential services are identified as essential personnel and must report to work during authorized closings.

d. The Warden or Duty Officer will make a decision for each shift at the Institution. His/Her decision will determine how long the authorized closing will last.

e. Essential Personnel scheduled to work prior to the closing are expected to report to work. Failure to report will be dealt with under the Standards of Conduct.

f. Essential Personnel working during the closing will earn compensatory time for the hours worked.

g. Non-essential employees that are working when a decision is made to declare an authorized closing due to inclement weather, may leave and will receive credit for a full work day.

h. Non-essential employees absent due to an authorized closing for the entire shift, will be paid for such absence. Provided they worked the scheduled work day before and after the closing.

i. Institutional Unit Heads have the option of declaring a Liberal Leave Day. This leave policy approves non-essential personnel to use their leave time but must still call their supervisor that they will not be reporting.

6. Employee Appearance (DOP 402)

a. The appearance of the uniformed officer is an essential part of his/her position as a professional. Before we have the opportunity to verbally present ourselves, we are first judged by our appearance. An Officer must take pride in their uniform and wear it in accordance with policy.

(1) The uniform should be clean and worn neat.

(2) Appropriate uniforms for summer or winter should be worn in its entirety.

(3) Personal hygiene and Grooming - hair should be combed and beard shaved.

(4) Shoes should be shined and be of military or police style.

b. Non-Custodial Employees do not have a specific dress code within the DOP. Institutions will sometimes give Department Heads the responsibility of informing their staff of acceptable dress. This leaves a lot to the discretion of the employee.

c. Appropriate Dress for a visitor entering an institution.

(1) No Clothing that exposes breast or genitals.

(2) Hems, slits or splits of dress, skirts, culottes, etc., may not exceed 4" above the knee.

(3) Underwear required. Females must wear bra, panties and slip if dress is worn. Males must wear underpants or undershorts.

(4) No dress or skirt, which requires the full length of the garment to be buttoned, snapped or zipped, either in the front, side or back (to include wrap around).

(5) Dress or skirt can only be fastened from the waist down measuring approximately 6" in length.

(6) No halter-tops, tank tops or tube tops.

If a visitor is found in violation of any of the above dress, they will not be allowed to enter the institution.

X 7. Staff Training

It has proven to be vitally important that all staff receive training to ensure effective operation within the institutions.

a. Security Staff are required to attend 40 hours of In-Service training, including First Aid, every two (2) years. They must also qualify with firearms every year.

b. Non-custodial employees that supervise or work in close contact with inmates are required to attend 20 hours of job related training per calendar year. They must also attend a minimum of 24 hours of Institutional In-Service every two (2) years to include First Aid.

c. Non-custodial employees that do not have close contact with inmates must also attend 20 hours of job related training each year "unless the institution requires them to attend Institutional In-Service".

8. Correctional Officer supervision of the opposite sex.

a. It is the Policy of the Department that duty assignments are not made on the basis of sex. However, Officers will be restricted from post assignments where there is an established BFOQ (Bona Fide Occupational Qualification) in accordance with DOC 5-2.

b. Except where there is clear and direct violation of inmate privacy during shower or toilet use, post assignment shall not be made on the basis of sex. (Housing Unit).

c. Correctional Officers may transport inmates of the opposite sex when accompanied by an Officer of the same sex (Transportation).

d. During emergency situations, post assignments shall not be made or restricted on the basis of sex.

9. Sanitation and Cleanliness

"A clean institution may not be well run, but a well-run institution is always clean."

a. Each employee has his/her role to play in maintaining a high level of cleanliness.

b. Before assuming post duties you must first inspect your area for cleanliness.

c. It is important to demonstrate to the inmates and fellow employees your sincere desire to maintain a clean work environment.

d. The Law requires the DOC to provide inmates with a clean environment under the eighth (8th) Amendment. "Cruel and Unusual Punishment".

10. Why we need policies and Procedures

    a. A Knowledgeable employee is an informed employee that is prepared to make the critical decisions that he/she is confronted with day to day.

    b. When employees consistently enforce institutional rules, we establish a level control with less resistance.

    c. Employees are protected from Law suits when we operate within policy.

    d. To protect the rights of Inmates.

III. Conclusion:

    A: Summary

    B: Review

CONFLICT MANAGEMENT/CRISIS INTERVENTION

Training Checklist

PURPOSE: The participant shall acquire the knowledge, skills and abilities to recognize potential or actual crisis situations and to intervene in a manner that reduces tensions and conflicts.

OBJECTIVES: At the end of this block of instruction, the participant will be able to achieve the following, in accordance with the information received during the instructional period.

Given a scenario depicting a conflict situation describe the factors that contributed to the conflict and explain how application of good conflict management skills could preserve control in the institution.

Identify verbal and non-verbal communications of inmates in the scenario that could be used to prevent the conflict/crisis situation.

Describe actions that would reduce tension and probability of conflict between correctional officers and inmates.

After role play depicting a potential inmate crisis situation, describe appropriate conflict management/crisis intervention techniques which would act to defuse the situation.

Identify at least three available resources and referral services for inmate assistance.

HOURS: 2

INSTRUCTIONAL METHOD: Lecture and Demonstration

REFERENCES: Edwards, Roman. Crisis Intervention and How It Works.

Edwards, Roman. Police Crisis Intervention.

Aguilera and Messick. Crisis Intervention, Theory and Methodology.

Hendricks, William. How to Manage Conflict.

PREPARED BY: [redacted] (b)6-3

DATE: January 30. 1995

Revised by: [redacted] January, 1999

CONFLICT MANAGEMENT/CRISIS INTERVENTION

Trainer Outline

I. Introduction

A. Purpose

B. Objective

II. Body

A. Definitions and Importance

1. Conflict - Two or more opposing forces present in an individual(s)/group(s) life

2. Conflict Management - The process of aiding individual(s)/group(s) to use their own skill in reaching a solution to the conflict. To deal with a situation intelligently where both forces are satisfied.

3. Crisis - Is the crucial and/or decisive turning point. A crisis is a time when everything is on the line. The previous means of coping and managing problems break down in the face of new challenges or threats.

4. Crisis Intervention - Is the process of improving a person's emotional state and situation by involving him/her in the problem solving process.

A. General Aspects of Conflict

1. Basic to all human nature

2. Inevitable in all endeavors involving people

3. Different views between people

4. Conflicts can be from mild to severe

5. Positive when assist in solving the conflict, negative when there is no positive outcome.

B. Types of Conflict

1. Intrapersonal - Internal struggle, which may or not be caused by others, etc., illness such as cancer or feelings of failure.

2. Interpersonal - Struggle between individuals.

3. Intergroup - One group or team against another.

C. Factors That Contribute to Conflict

1. Breakdown in communication.

2. Difference of opinion

3. Conflicting interests

4. Pressure/Stress

5. Difference in expectations

6. Personality conflicts (personal chemistry)

7. Personal problems

NOTE: Relate institutional factors that may contribute to conflicts. Inmate/Inmate, Staff/Inmate, Inmate/Values etc.

D. Symptoms of Conflict

1. Individuals

a. Tension escalates

b. Fights/Disagreements

c. Disagreements go unresolved

d. Blaming of others escalates

e. Reliance on "grapevine" increases

2. Groups

a. Formal communication breaks down

b. Inmate groups avoid each other

c. Institutional grievances increase

d. More people are confined to isolation or or request segregation

E. Identifying the Conflict/Crisis Behavior Levels

1. Conflict is present when there are two or more opposing forces in an individuals life, it is also considered the first disruption of the normal flow of an individual(s) or group(s) "normal" routine.

   Often times this is referred to as the "Hazardous Event" which begins the stages of conflict up to a crisis, if not managed properly.

2. Pre-Crisis Indicators are warning signs in the form of incongruent behavior (not harmonious or not conforming with what is normal for the individual or the group).

   As a correctional officer, you should be able to pick up on pre-crisis indicators such as:

   a. Anxiety - Uneasiness, an observable and unusual change in behavior, or increase in activity. (Example: irrational thinking, talking of suicide, or begins to use alcohol/drugs)

   b. Defensiveness - Less rational thinking. often accompanied by belligerent behavior (hostile or combative) or questioning the officer's authority.

   NOTE: The officer must take special care in this type of situation not to cause the situation to escalate, must take appropriate steps to defuse the situation at this time.

   c. Those inmates in conflict may react in various ways depending on their past experience and ability to handle a conflict.

      - Take no action at all
      - Reality based problem solving techniques
      - Depressive behavior (Grief)
      - Aggressive behavior (Anger)
      - Use of drugs, alcohol, fantasies, abnormal sleeping and eating habits (Evasive Behavior)
      - Carry out a solution (solve, suicide, homicide, or the appropriate/inappropriate steps to eliminate the conflict.

d. Recognizing change in the inmate's behavior from past experiences by using YOUR OBSERVATION SKILLS. The officer should know the inmate's normal routine and behavior.

NOTE: Is the inmate normally loud/quiet and suddenly changes or has there been a change in group affiliation.

e. Evaluate the inmate(s) behavior, once the officer recognized any change, they should talk to the inmate asking questions concerning the change and then assess what is really going on with the inmate.

NOTE: Refer again to observation skills of questioning and evaluation.

f. The officer(s) role after recognizing and evaluating the inmate(s) behavior should then be passed on to the officer(s) supervisor, QMHP, or the appropriate personnel and documented in accordance with DOP/IOP.

3. Precipitating Factors can be those factors or situations that may make the conflict situation worse. It is defined as the final link in a chain of stressors that provokes the inmate to "act out". (Can be referred to as the "straw that broke the camels back").

NOTE: Give several examples as to what may be precipitating factors,

- staff responding to the inmate in an inappropriate manner
- peer pressure
- receiving a charge
- turned down for parole in addition to other conflicts entering their life.

4. Crisis is the breaking point, the crucial and or decisive turning point. The crisis is when everything is on the line. Tension and anxieties have risen to a peak and their existing coping mechanisms are no longer effective. Their behavior at this point is "acting out" (GOING OFF). Acting out means the inmate behaves irrationally, losing control of their behavior. This may be verbal or physical displays of their emotions at the time of the incident.

There are three variables that determine the outcome of a crisis:

a. Severity of the event setting off the crisis

b. Personal resources that the inmate has learned to handle conflicts.

c. Social resources that are available within the the institution. Those resources available within most institutions are:

(1) Psychologists - Refer inmates with obvious or suspected psychological problems or feelings of "being out of control"

(2) Counselor - Refer inmates with institutional social problems or problems with the "system" i.e. parole, transfer, jobs, etc.

(3) Nurse - Refer inmates with medical problems

(4) Psychiatrist - Referrals usually made through the medical department. May prescribe drugs.

(5) Chaplain - Refer inmates with family\social problems if appropriate.

(6) Security Personnel - First resource for all of the inmates problems.

5. Crisis Intervention is the process of improving an inmate's emotional state and situation by involving them in the problem solving process. As an officer you must intervene once the crisis has occurred. The correctional officer's role is very important in preventing the crisis from occurring and from the crisis escalating into a more severe crisis.

F. Approaching a Potentially Explosive Crisis Situation

1. Anticipate - Approach calmly, expect the unexpected. Don't be a "John Wayne".

NOTE: Discuss again the importance of the learned observation skills to prevent a serious incident.

- Position self
- listen to what is going on
- evaluate the situation
- question what is happening before responding.

2. Precautions - Take the necessary steps to insure the safety of all. Check the situation out before jumping into the middle of an explosive situation. Call for back-up and make sure you have the appropriate back-up or assistance before entering the situation.

3. Interpret - Look at all of the facts involved in the situation at hand. What is being said and any nonverbal communication.

   a. Proxemics of the inmates how close to you or where the explosive situation is taking place.

   b. Notice the bystanders, they may or may not be apart of the situation. Ask yourself the following questions.
      - Are the bystanders just observing, are they apart of the situation by agitating the situation?
      - Are they an active part of the situation?

   c. Verbal intensity of the inmates, listen for key words, social or racial slurs, threats and any other remarks being displayed.

4. Positioning- never place yourself in an unsafe position. Size up the situation from a safe area or distance.

Note: Give examples of sizing up the situation

5. Use the officer's mental checklist before entering the potentially explosive situation:

   a. Visually frisk the inmates for weapons

   b. Visually frisk the surrounding area for any potential weapons.

   c. Availability of back-up and communication mechanisms.

   d. Exact location of the problem

   e. Available exits

   f. Any other points that may be appropriate to the situation.

      NOTE: Refer to observation skills.

G. Staff Response to Behavioral Levels During Crisis

1. Anxiety - Show support at this point. Show empathy and understanding towards the inmate. Communicate the fact that you recognize their level of anxiety and would like to assist them in alleviating or deal with the cause of the anxiety.

2. Defensiveness - When the inmate is belligerent or defensive the officer must gain control of the situation as soon as possible. Gain control by giving explicit directions, take control of the situation and set limits. Prevent the situation from escalating.

3. Acting Out - Take the appropriate steps to reduce the potential for harm to yourself, other staff or inmates and the individual acting out. This is done until the individual regains control of their own actions.

NOTE: When an inmate is defensiveness or acting out it may be necessary to take control of the inmate with the appropriate physical restraints and the use of back-up to prevent the situation from escalating.

4. Tension Reduction - Additional support for the individual and an attempt to affect some positive change and growth from the situation.

EXAMPLE:

OK, you've made it through the worst part now; how can we insure that you don't have to go through this again.

H. Defusing Skills\Verbal Interaction During Crisis Intervention

1. Defusing skills are used to bring a situation down to a level where it can be managed.

   a. The ultimate goal is to gain control of the situation as quick as possible. Give the inmate directions and if necessary use physical control, when appropriate.

   b. Limitations - As an officer, you may be limited to what you can do because of your rank and due to the fact that sometimes, the inmates do not want to solve their problem.

c. Modeling - Means modeling the behavior that you want the inmate to follow. EXAMPLE: You do not use profanity or derogatory marks and will not except them from the inmate.

d. Divert - Take the appropriate steps to divert their actions to another thought or subject, soft shock. EXAMPLE: Ask them for a cigarette or speak in a tone that they cannot hear you, which divert their attention to what you are saying rather than what they are saying.

2. Verbal Intervention - During a crisis, an inmate may respond to you or act out in one of the following ways. When responding to them do it rationally but in a fair, firm and friendly manner. Inmates may react in one of the following ways:

NOTE: Use the following examples in a role play situation, ask the question of an officer and have them respond as if they were working with an inmate:

a. Rational Question -"Why must I stand for count?" May be used by the inmate to gain information or it can be used to test or set up the officer.

Officer should give a rational and accurate response to a rational question.

EXAMPLE: "Inmates are instructed to stand for count so we can count you easier and insure us that everyone is alive and well at the time of the count. This is done for your protection and well being"

b. Authority-Challenging Question - "Who gave you the authority to tell me what to do?"

Officer should state the limits and stick to the topic at hand. Do not get into a power/authority struggle, allowing this to happen can cause the situation to escalate.

EXAMPLE: "You know the DOP\IOP governs all of us as far as my authority is concerned. I'm sure that you realize the responsibility that I have in this situation. Now what is your decision as to what I have instructed you to do.

c. Passive Resistance - "I'm not going to stand up right now; you'll have to count me sitting down?"

Officer shall state the limits again and inform the inmate of the course of action that will be taken if they fail to follow your directions.

EXAMPLE: "You must stand for count now. If you are having any problems, I will be willing to discuss your problem later or after count. Presently, you must stand for count or receive an institutional charge."

d. Verbal Acting Out - "You SOB, I won't stand for your MF count and you can go to Hell"

The officer must remain calm and not react to the inmates acting out, pause, letting the inmate calm down. You need to set limits and give them specific directions. Do not get in a shouting match with the inmate.

e. Verbal Intimidation - "If you don't get out of my face right now, you won't be able to walk away from here"

As in the previous remark, remain under control do not let the situation escalate, **call for back-up**, if possible. The situation will need to be handled in such a manner that everyone escapes physical injury.

H. Problem Solving

1. The process of assisting individuals in identifying what is causing them concern and through questioning and evaluating, helping them to seek a solution.

2. The steps to problem solving are:

a. Define the problem

b. Assist in looking at possible solutions

c. Select a solution that is agreeable to all

d. Implement the solution

e. Evaluate the results

III. Conclusion

CONFLICT MANAGEMENT/CRISIS INTERVENTION

PARTICIPANT OUTLINE

I. INTRODUCTION

- A. Purpose
- B. Objective

II. BODY

- A. Definitions
  1. Conflict
  2. Conflict Management
  3. Crisis
  4. Crisis Intervention
- B. General Aspects of Conflict
  1. Basic to all human nature
  2. Inevitable in all endeavors involving people
  3. Different view between people
  4. Conflicts can be from mild to severe
  5. Positive when assist in solving conflict negative when there is no positive outcome
- C. Types of Conflict
  1. Intrapersonal
  2. Interpersonal
  3. Intergroup
- D. Factors that Contribute to Conflict
  1. Breakdown in communication
  2. Difference of opinion
  3. Conflicting interest
  4. Pressure/Stress
  5. Difference in expectations

6. Personality conflicts

7. Personal problems

E. Symptom of Conflict

1. Individual

a. Tension

b. Fights/Disagreements

c. Disagreements go unresolved

d. Blaming others

e. Use of "grapevine" increases

2. Group

a. Communication breaks down

b. Groups avoid each other

c. Grievances increase

d. More people confined to special housing

F. Conflict

1. Definition

G. Conflict Management

1. Definition

H. Pre-Crisis Indicators

1. Definition - Warning signs in the form of incongruent behavior (not harmonious or not conforming with what is normal for the individual or group.

2. Anxiety

3. Defensiveness

4. Use of observation skills in identification

5. Evaluate the behavior

6. Document and pass on any change in behavior

I. Precipitating Factors

1. Definition - Factors or situations that may make the conflict situation worse. The final link in a chain of stressors that provokes the inmate to "act out"

J. Crisis

1. Definition - Breaking point, the crucial and or decisive turning point. Everything is on the line. Tension and anxieties have risen to a peak and their coping mechanisms are no longer effective. Behavior is exhibited by "acting out", irrational, loses control of acceptable behavior

2. Variables that determine the outcome of a crisis

a. Severity of the event setting off crisis

b. Personal resources

c. Social resources

(1) Psychologists

(2) Counselor

(3) Nurse

(4) Psychiatrist

(5) Chaplain

(6) Security Personnel

K. Crisis Intervention

1. Definition - Process of improving an inmate's emotional state and situation by involving them in the problem solving process.

2. Prevention is the key to prevent a crisis

L. Approaching a Potentially Explosive Crisis Situation

1. Anticipate

2. Take precautions

3. Interpret

a. Proxemics

b. Bystanders

c. Verbal intensity

4. Positioning

5. Mental checklist

a. Visually frisk for weapons

b. Visually frisk for potential weapons

c. Availability of backup

d. Exact location of problem

e. Exits

f. Any other appropriate information

M. Staff Response to Behavioral Levels During Crisis

1. Anxiety

2. Defensiveness

3. Acting Out

4. Tension reduction

N. Defusing Skills/Verbal Interaction During Crisis Intervention

1. Defusing skills

a. Ultimate goal is to gain control

b. Limitations

c. Modeling

d. Divert

2. Verbal Intervention

a. Rational question

b. Authority-Challenging

c. Passive Resistance

d. Verbal Acting Out

e. Verbal intimidation

III. Conclusion

Use of Physical Force

Purpose: The correctional officer must have a working knowledge in controlling inmates and ensure a safe institution while staying within the legal bounds of the proper use of force.

Objective: At the conclusion of this block of instructions the participants will be able to acheive the following;

1. On a written test identify the constitutional law that protects the inmate from excessive force.
2. On a written test list the two criteria to determine the proper use of force.
3. On a written test list five times a correctional officer is authorized to use force.
4. In a classroom discussion identify situations to determine the level of force that is authorized.
5. During a classroom discussion identify equipment authorized by the department.
6. During classroom discussions explain the importance of medical follow-up and proper documentation after force have been used.

Time: Two (2) hours

Materials Paper, pencil, training aids

Instructional Method: Lecture, Discussion

References: DOP 431 February 10, 1995, 432, May 15, 1995

433 May 1, 1995, 434 May 1, 1995

Prepared by: [redacted]

Date: October 1995

(b)6-3

Revised by: [redacted] August, 1996

Revised by: [redacted] January, 1998

Reviewed by: [redacted] January, 1999

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Use of Physical Force
Instructor Outline

I. Introduction

A. Purpose: (See academic checklist)

B. Objectives: (See academic checklist)

II. Body

The department of corrections is frequently challenged in the courts concerning issues where physical force is used. The department of corrections must constantly be aware of the legal ramifications surrounding the use of physical force.

A. The law as it pretains to the use of force

1. The eighth amendment of the United States Constitution protects inmates from cruel and unusual punishment. Excessive force on inmates is considered cruel and unusual punishment. The courts review cases filed against the department to determine if the constitutional rights of the inmate have been violated.

B. The Department of Corrections (DOC) definition for the proper use of force

The DOC authorizes the proper use of force using the following criteria;

1. Necessary- There must be a need for force to be used.

2. Reasonable- as determined by a prudent officer of reasonable judgement facing the same circumstances. The force used must be the least amount.

3. Control/Restrain- the goal is to gain control of a situation.

C. DOC authorization for the use of force DOP 431

1. Self Defense- determined by four elements

a) Ability - Does the violator possess the ability to cause death or serious injury?

b) Opportunity - Does the violator have the opportunity to cause death or serious injury?

c) Imminent jeopardy - What level of threat has the violator placed you under?

d) Preclusion - Have you reasonably exhausted all avenues of retreat or escape?

Note: Call for assistance or report your situation at the earliest moment. It is important to get assistance to your area as soon as possible.

2. The Defense of Others

a) If another person is in imminent danger of serious harm.

b) Protecting others includes staff, visitors and inmates.

Note: When responding to the assistance of others be careful to take in the whole picture. Notice how many involve, if there are weapons, hostages, or injuries. Some situations will consist of very difficult circumstances. There are times when it will be hard for an officer to stand firm, but it may be necessary to hang tough in order to save life or prevent serious injury.

It is important to call for assistance and get more officers to assist with difficult situations.

3. Prevent Escape

a) If an inmate make an attempt to bolt from custody while outside the security compound the officer have a duty to protect society and prevent the escape.

b) When inmates make an attempt to penetrate the outer security perimeter from the inside the officer is authorize to use force to prevent the escape.

Note: In most cases of attempts to escape, the level of force that will be use would be firearms. And must be used only to stop the inmate when lesser means do not reasonably appear sufficient.

4. Protection of property

a) When property is being destroyed, force may be used to prevent further destruction.

b) The force used must be reasonable in relationship to the need to protect property.

5. Enforce rules and regulations, policies, and procedures

a) Physical force should be used as a last resort or when other alternatives have failed or appear unsuitable.

Note: (Instructor may give examples)

C. Group Disturbance

In order bring a group disturbance under control and prevent bodily injury to staff and inmates the following procedures are to be implemented where deemed feasible;

1. The warden/superintendant's designee may attempt to reason with the disorderly group. Should the attempt at reasoning fail the designee shall evaluate the situation and report to the warden/ supt. or person in charge.

2. Attempt should be made to determine if anyone is being held hostage. If so emergency response plan 422 should be consulted and reviewed and appropriate actions taken.

3. A show of force may be made if feasible. (Give examples)

4. Patrol canines may be requested for use in bringing the disturbance under control.

5. Chemical agents may be used where feasible and in accordance to procedures outlined in DOP 433.

D. Controlling individual inmate

1. The officer in charge or other appropriate staff member may attempt to reason with the disruptive inmate and assess the situation.

2. If feasible, other staff may be called to attempt to reason with the inmate. Other appropriate staff may include, but not limited to medical staff, mental health staff or counselor.

3. Chemical agents may be used. If possible the medical department should be consulted to determine if there are medical restrictior that may prohibit the use of chemical agents.

4. A show of force may be made and may include canines.

5. A sufficient number of security staff with necessary equipment should be employed to subdue and restrain the inmate.

E. Authorized equipment

The department realizes that maintaining custody, control and securit of inmates athe appropriate use of force when necessary are essential to the operation of a correctional institution. The Department have approved a lis of security equipment that may be used by properly trained security staff.

1. Defense Technology Corp. of America
   a) stinger grenades (#15 rubber pellet)
   b) stinger cartridges (27A, 27B rubber pellets)
   c) 12 guage projectile (#23RP, rubber pellets)
   d) distraction devices (#7000 flash & bang reusable)
   e) aerosol spray OC (pepper spray)

2. Stun Tech inc.
   a) electronic immoblilzation shield
   b) electronic security transport belt
   c) electronic hand held stun devices

3. Tasertron
   a) taser (model #TE-86 with AC-10 probe pack)

4. Ammunition
   a) #8 bird shot (skip shooting)
   b) #4 buck shot
   c) 223 cal. bullets
   d) 38 cal. bullets

5. Lamb Baton

6. Firearms
   a) smith and wesson model 64 38 cal. pistol
   b) remmington 12 ga. pump action shot gun
   c) colt AR-15 rifle
   d) 37 mm gas gun

F. Staff's responsiblilty

1. Staff must be constantly alert to situations where the use of force may be necessary.

2. Staff must report or summons for assistance as soon as such situations are recognized.

3. Remain calm and react quickly to prevent escalation.

4. In all cases where force of any kind has been used medical examination and treatment must be given as soon as practical.

5. Any use of force resulting in injury to staff or inmate that requires medical treatment should be reported to the Internal Affairs Unit.

6. Whenever physical force is used or when an inmate alleges force has been used, the warden/superintendant is responsible for reporting same as per Division Operating Procedure 421 and initiating an immediate institutional investigation into the circumstances of the use of force.

III. Conclusion

A. Summary - The type of force used is decided by the situation. When force is used the force must be comparable to the level of the threat. Physical force will be used to control and maintain security and must never be used to punish inmates. The department will continue to defend its actions in court each staff member must continue to follow the procedures that have been established to protect them when they are faced with a situation requiring the use of force.

B. Questions

Use of Physical Force
Student Outline

I. Introduction

A. Purpose: (See academic checklist)

B. Objectives: (See academic checklist)

II. Body

A. The law as it pertains to the use of force

B. The Department of Corrections definition for the proper use of force.

1. Necessary

2. Reasonable

3. Control/Restrain

C. The department of Corrections authorization for the use of force.

1. Self defense

2. Defense of others

3. Prevent escape

4. Protection of state property

5. Enforce rules and regulations, policies and procedures

D. Group disturbance

E. Controlling individual inmate

F. Authorized equipment

G. Staff's responsibility

III. Conclusion

A. Summary

B. Questions

BUCKINGHAM CORRECTIONAL CENTER
2002 IN-SERVICE AGENDA

CLASS #:_____

DAY I_____ **INSTRUCTOR SIGNATURE:**

8:00-8:30	INTRODUCTION	_____
	PRE TEST	
8:30-10:30	IOP/DOP	_____
10:30-12:00	SEXUAL HARASSMENT	_____
12:00-12:30	LUNCH	
12:30-2:00	BLOODBORNE PATH./ SAFETY	_____
2:00-4:30	GAMES INMATES PLAY	_____

DAY II_____

8:00-12:00	CPR	_____
12:00-12:30	LUNCH	
12:30-4:30	FIRST AID	_____

DAY III_____

8:00-10:00	CULTURAL DIVERSITY	_____
10:00-12:00	IMPROVING YOUR OBSERVATION AND COMMUNICATION SKILLS	_____
12:00-12:30	LUNCH	
12:30-4:30	CONFLICT MANAGEMENT	_____

DAY IV_____

8:00-12:00	EMERGENCY PROCEDURES	_____
12:00-12:30	LUNCH	
12:30-4:30	MENTAL HEALTH	_____

DAY V_____

8:00-12:00	GENERAL INMATE / SECURITY SUPERVISION	_____
12:00-12:30	LUNCH	
12:30-3:30	DEFENSIVE TACTICS	_____
3:30-4:30	POST TEST	

BUCKINGHAM/DILLWYN CORRECTIONAL CENTER

INSERVICE

SEXUAL/WORKPLACE HARASSMENT

TRAINING CHECKLIST

PURPOSE: The purpose of this training is to make employees aware that harassment of a sexual nature is unacceptable in the work place. The desired result of this training is that employees forewarned will strive to maintain an environment that is conducive to the performance of job duties and free from intimidation or coercion in any form.

OBJECTIVES: At the end of this block of instruction the participant will be able to achieve the following in accordance with the information presented.

On a written evaluation, differentiate sexual harassment and workplace harassment

On a written evaluation differentiate between hostile environment and quid pro quo.

On a written evaluation list some available avenues of complaints when faced with sexual or workplace harassment.

Through classroom discussion and trainer demonstration, identify and discuss the alternatives a target may choose in response to an offender's behavior.

HOURS: 1.5

INSTRUCTIONAL METHOD: Lecture, Discussion

MATERIALS REQUIRED: Participant Outline, Flip Chart, Transparencies, Overhead Projector and Markers

APPROVED BY: [redacted] (b)6-3

018902

DATE: May 1997

UPDATED BY: [redacted]
DATE: January 1998

(b)(6)-3

REVISED BY: [redacted]
DATE: November 1999

REVIEWED BY [redacted]
DATE November 2001

UPDATED BY: [redacted]
November 2002

BUCKINGHAM/DILLWYN CORRECTIONAL CENTER
INSERVICE

SEXUAL/WORKPLACE HARASSMENT

PARTICIPANT OUTLINE

I. Introduction

A. Purpose

B. Objectives

II. Body

A. This training is designed to protect employees, both male and female against unsolicited and unwelcome overtures of conduct. The Department prohibits employee misconduct that may upset morale or interfere with an employee's job performance. Employee misconduct of a sexual or harassing nature is a violation of the Equal Employment Opportunity Law.

1. Definition of workplace harassment

2. Definition of sexual harassment

3. Effects of harassment

4. Range of Behaviors

5. Two categories of sexual harassment

a. Hostile environment

b. Quid Pro Quo

6. Six levels of sexual harassment

a. Level 1 – Aesthetic Appreciation

b. Level 2 - Active Mental Groping

c. Level 3 – Social Touching

d. Level 4 – Offensive Touching

e. Level 5 – Sexual Abuse

f. Level 6 – Ultimate Threat

B. Harassment Procedures

C. Avenues of Complaint

1. Informal response

2. Reporting incident to a supervisor

3. Grievance procedure for state employees

4. Department's Employee Relations Unit Equal Opportunity Mgr.

5. Internal Affairs Unit

6. Office of Equal Employment Services of the Dept. of Personnel and Training

7. United States EEOC (Federal Level)

8. Civil Suit

9. Criminal Charges

D. Supervisors Responsibility

III. Conclusion

A. Summary

B. Questions

BUCKINGHAM/DILLWYN CORRECTIONAL CENTER
INSERVICE

SEXUAL & WORKPLACE HARASSMENT

TRAINER OUTLINE

I. Introduction

A. Purpose

B. Objectives

II. Body

A. This training is designed to protect employees, both male and female against unsolicited and unwelcome overtures or conduct. The department prohibits employee misconduct that may upset morale or interfere with an employees job performance. Employee misconduct of a sexual or harassing nature is a violation of the Equal Employment Opportunity Law.

1. Workplace Harassment-Any unwelcome verbal, written or physical conduct that either denigrates (belittles), shows hostility or aversion (extreme dislike) towards a person on the basis of race, color, national origin, age, sex, religion, disability, marital status or pregnancy.

a. When such conduct has the purpose or effect of creating an intimidating, hostile or offensive work environment.

b. When such conduct has the purpose or effect of unreasonably interfering with an employee's work performance;

c. When such conduct affects an employee's employment opportunities or compensations.

2. Sexual Harassment-Any unwanted or non-welcomed advance of a sexual nature whether it is verbal, nonverbal, or physical that a person should not have to endure.

a. Behavior that constitutes sexual harassment, as currently defined in guidelines published by the U. S. Equal Employment Opportunity Commission, includes sexual

advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

b. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment

c. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that individual.

3. Effects of harassment

a. Understand that it is not the intent of the offender that will be taken into consideration when a complaint is filed. It is the effect of their (offender's) behavior on the 'target' that will be taken into consideration.

NOTE: Ask participants: What is "offensive" behavior?

b. We need to understand that the definition of offensive varies from person to person. It is the recipient who determines if behavior is appropriate.

c. Third parties-individuals who are not state employees, but who have business interactions with state employees. Such individuals include, but are not limited to:

- customers
- applicants for state employment or services
- vendors
- contractors, or
- volunteers

4. Range Behaviors

a. Workplace and Sexual harassment covers a wide range of behavior, all of which are illegal.

b. Behaviors which constitutes harassment falls into three main groups:
Note (Have class generate examples for each group).

1) Verbal

2) Nonverbal

3) Physical

c. These are behaviors which depending on the total circumstances may constitute a form of harassment.

5. Two Categories of Sexual Harassment

a. Hostile Environment-a form of sexual harassment when victim is subjected to unwelcome, severe or pervasive repeated comments, innuendoes, touching, or other conduct of a sexual nature which creates an intimidating or offensive place for employees to work an the employee's reasonable comfort level or ability to perform is seriously affected.

1) Some typical situations which may fall under hostile environment would include: lewd jokes or comments, displays or sexually suggestive material, repeated requests for sexual or dating relationship.

2) Offenders may be supervisors, subordinates, coworkers or non-employees

3) Pattern of behavior-with a hostile environment claim the offensive conduct is continuous, frequent, repetitive and part of an overall pattern, rather than one event or even several isolated incidents.

b. Quid Pro Quo -(this for that) a form of sexual harassment when a manager/supervisor or a person of authority gives or withholds a work-related benefit in exchange for sexual favors.

1) In order to successfully claim quid pro quo harassment, the charging party must be able to show money damages (i.e., lost promotion, missed raises, discharge).

2) Single incident liability-with quid pro quo harassment, once is enough if the incident is sufficiently severe and pervasive to alter the conditions of employment. This is known as single incident liability.

6. Six Levels of Sexual Harassment

a. Aesthetic Appreciation

This is the most "innocent" of all harassment. The comments express a non-aggressive appreciation of physical or sexual features. Regardless of how harmless these appreciative comments seem, they are put-downs that lower the group stature of the target. Comments on physical or sexual attributes direct conversation away from the business at hand into personal areas.

b. Active Mental Groping

This is a more aggressive level of borderline sexual harassment. Continual staring (regardless of where on the body), passing by the workspace frequently and constant eye contact, direct verbal harassment, indirect verbal harassment which consists of comments to others within earshot of the target.

c. Social Touching

This is the first of borderline sexual harassment levels that involves physical contact. There is a tangible difference between the friendly hand on the shoulder and the light, caressing hand laid gently on the same spot. The target is left to complain about behavior that seems totally innocent when recounted to a third party. The offender continues to act totally innocent, making the target appear overly sensitive and foolish.

d. Offensive Touching

This is the last level of borderline sexual harassment. Clothing provides a frequent opportunity for borderline touching. If a blouse or shirt button is undone, the person will button it for the target rather than tell him/her about it. Unlike Social Touching, Offensive Touching shows obvious intent by the offender to push the limits of acceptable behavior.

e. Sexual Abuse

This is the first level of outright, socially unacceptable behavior – actions that are completely outside the bounds of decent personal interaction. The entire range of hugging, grabbing, kissing or directly touching unacceptable zones is included. Direct verbal abuse and propositions fit in this category. Unwanted physical contact is literally forced on the target. Often there are no witnesses to the unwelcome physical or verbal actions.

f. Ultimate Threat

The Ultimate Threat refers to the dilemma of the target: "Put out" or suffer harm – physical injury or career and financial losses. This is no bluff. "Do it or else" is the threatened alternative.

NOTE: Yardstick for Evaluating Inappropriate Behavior *(Handout)*

B. Harassment Procedures

1. Employees who engage in such conduct or encourage such behavior by others shall be subject to corrective action.

2. Anyone who allows sexual harassment to continue or fail to take appropriate corrective action shall be considered party to the act.

3. Employees are encouraged to report incidents involving sexual harassment.

4. Managers and supervisors have a duty to investigate and take immediate, appropriate corrective action.

C. Avenues of Complaint

The purpose of this is not to recommend a single method for best handling harassment incidents. There are no such methods or techniques. We will be talking about a wide range of response alternatives which may or may not work for you. We will not be advising you on which alternative will work best for you in any specific incident or situation.

1. Informal Response

- The target specifically describes the offending behavior and tells the offender that he/she wants the behavior to stop. It becomes clear to the offender what will be acceptable behavior in the future.
- Keep it brief and to the point.
- Do not smile or give any non-verbal signals that may send mixed messages to the offender.
- Do not use humor or jokes to make the point.
- Use simple, direct sentences.
- Do not use excuses or apologize when confronting the offender.

NOTE: *There is much disagreement regarding handling sexual harassment situations informally. The Department's view of this debate is "Do what is comfortable for you."*

NOTE: *Offender Defense*

The target response gives the offender a chance to defend the actions found offensive. There may be a reason or alternative meaning not apparent until explained by the accused offender.

2. Reporting to a Supervisor or Other Management Personnel

You are encouraged to report incidents involving sexual harassment to your supervisor, unit head or other management personnel that you feel most comfortable in contacting. In no instance will you be required or forced to report the problem to the alleged offender.

3. Grievance Procedure for State Employees

The most recent procedure states that in cases of discrimination, to include sexual harassment, the grievant has the option of taking the complaint to the second management step rather than the immediate supervisor.

The time frames for using this procedure are within 30 calendar days from the last occurrence or incident.

4. The Department's Employee Relations Unit's Equal Opportunity Manager (Department Level)

This individual handles claims of sexual harassment and other discrimination complaints. Complaints must be filed within 180

calendar days. You may reach this office by phone at (804) 674-3429.

5. Department's Internal Affairs Unit (804) 674-3023

6. Office of Equal Employment Services of the Department of Personnel and Training (State Level)

   In order to file a complaint with this office, you must do it in writing on a form known as the "Discrimination Complaint Form." This form must be filled out and filed within 180 calendar days of the alleged act of discrimination. Forms may be obtained by calling (804)225-2136 or your Human Resource Officer at your institution.

7. United States Equal Employment Opportunity Commission (Federal Level)

   A complaint must be filed within 180 calendar days. The quickest way to file a complaint is to do it in person. There is a Richmond office located at 3600 West Broad Street. Phone 1-800-669-4000

8. Civil Suit

   In Virginia, there is a two year statute of limitations.

9. Criminal Charges

   A target may file criminal charges against the alleged offender. The types of charges most commonly filed in relation to sexual harassment are assault and battery or rape.

   a) Misdemeanor – 1 year

   b) Felony – no statute of limitations

D. Supervisor's Responsibilities

1. Set a Good Example

2. Don't Tolerate Sexual Harassment

3. Watch for Warning Signs

4. Communicate Policy

5. Investigate Complaints

6. Ensure Confidentiality when Complaints are Reported

7. Report Complaints to Warden/Superintendent

8. Document All Information Gathered

III. Conclusion

A. Questions

B. Summary

YARDSTICK FOR EVALUATING INAPPROPRIATE BEHAVIOR

* Would you make the same comment or take the same action where your spouse or significant other was present?

* Would you like your comments or actions reported in the newspaper?

* Would you walk up to a member of either sex and say or demonstrate the same behavior in the same way?

* Did you NEED to say what you said or do what you did?

* What does what you have said or done do to further the organization in its goals?

APPENDIX B:
SELF-ASSESSMENT – HOW MUCH DO I KNOW ABOUT SEXUAL HARASSMENT?

Check you knowledge of sexual harassment by answering the following questions.

1. Which of the following may be sexual harassment?

   a. Teasing on the job
   b. Circulating dirty pictures
   c. Requests for sexual favors
   d. Vulgar language

2. Sexual harassment is a form of discrimination that relates to Title VII of the Civil Rights Act of 1964 and subsequent amendments.

   a. True
   b. False

3. Who may be liable in a sexual harassment case?

   a. Organization
   b. Supervisor
   c. Employees

4. Women who remain in a job where they are sexually harassed enjoy it or in some way like it or they would leave.

   a. True
   b. False

5. Physical contact must be involved to prove sexual harassment.

   a. True
   b. False

6. Telling dirty jokes is not sexual harassment as long as everyone laughs.

   a. True
   b. False

7. Using bad language is not sexual harassment.

   a. True
   b. False

8. If an agency has a written policy prohibiting sexual harassment, which is distributed to all of its employees, it cannot be held liable for sexual harassment actions by its employees.

   a. True
   b. False

9. If you are a victim of sexual harassment, you should not report it, but wait and see if the harasser continues to harass you.

   a. True
   b. False

10. Decide whether each of these examples would be sexual harassment, and circle yes or no after each item.

   a. Bill accidentally bumps into Jane as he turns to leave the copy machine. He apologizes. Yes/No

   b. John pins up a photo of a bikini-clad model from Sports Illustrated on the lunchroom bulletin board. Mary is not offended by the photo and retaliates by pinning up a photo of her favorite actor in shorts next to the other photo. Yes/No

   c. Jim supervises Cathy. He asks her out several times, but she refuses. She is transferred to another department at the same pay level. Yes/No

BUCKINGHAM / DILLWYN CORRECTIONAL CENTERS
IN-SERVICE TRAINING

GAMES INMATES PLAY
TRAINER CHECKLIST

PURPOSE: To increase staff awareness of the manipulative games inmates play and their consequences while providing strategies to prevent victimization.

OBJECTIVES: The participant will be able to:

1. Define professionalism and list characteristics of professional behavior.
2. Recognize inmate techniques used in manipulative/set-ups.
3. Recognize the consequences of inappropriate involvement with inmates.
4. Identify the techniques to prevent a set-up.
5. Demonstrate awareness of one's own personality strengths and weaknesses that could lead to or prevent manipulation.

HOURS: 2.5

INSTRUCTIONAL METHOD: Lecture, discussion, small/large group interaction/role play

MATERIALS REQUIRED: Flip charts, handouts, VHS and markers

REFERENCES: Allen, Bud and Bosta, Diane. **Games Criminals Play**

Samenow, Stanton E. Ph.D. **Inside the Criminal Mind**

Virginia Department of Corrections Procedure 5-22; **Rules of Conduct Governing Employee's Relationships with Inmates, Probationers, or Parolees**

PREPARED BY: Curriculum Committee-7 hours
DATE: (January 1996)

REVISED BY: [redacted] (CIRC/BKCC)
DATE: November 2001

(6)6-3

REVIEWED BY: [redacted] (CIRC/BKCC)
DATE: November 2002

BUCKINGHAM / DILLWYN CORRECTIONAL CENTERS
IN-SERVICE TRAINING

GAMES INMATES PLAY

PARTICIPANT OUTLINE

I. Introduction

- A. Review of Purpose
- B. Review of Objectives
- C. Opening
- D. Professionalism
- E. Susceptibility Traits
  1. Prevention of a set-up
- F. Steps/Techniques of a set-up
  1. The observation step
  2. Selection of a victim
  3. Test of limits and or fish testing
  4. Use employees' own feelings/concerns
- G. Identification of techniques to prevent a set-up
- H. Demonstrate awareness of one's own personality strengths and weaknesses

II. Conclusion

GAMES INMATES PLAY

Trainer Outline

1. **Introduction**

   A. **Review of Purpose (Trainer Checklist)**

   B. **Review of Objectives (Trainer Checklist)**

   C. **Opening**

      1. Due to successful manipulation by inmates, corrections employees may be rendered ineffective in their work. Manipulation may cause stress, poor work performance and burnout. Employees who do not know how the criminal mind thinks can't formulate effective policies, decisions and programs.

      2. The first step in avoiding manipulation is to understand the personality traits of the criminal personality, the manipulation process and the games inmates play. The inmate game can be mastered if you understand the rules. But first, you must be in touch with **SELF.**

   D. **Professionalism:**

      1. **INDIVIDUAL ACTIVITY:** Have each participant write their own definition. Select a few participants to stand and read his/her definition.

         Definition: ***Professionalism refers to communicating and acting in a manner that distinguished a person of skill and knowledge from an amateur.*** **(Allen & Bosta)**

         Professionalism requires daily maximum performance, making an effort to know and understand procedures, always being prepared and alert and NEVER assuming you know it all.

      2. **Characteristics and traits of the professional. SMALL GROUP ACTIVITY:** Ask each group member to contribute at least one characteristic of a professional and explain why that trait is important and how it contributes to professional behavior.

List may include:

a. Believes in self. Exudes self-confidence without brusqueness or conceit.

b. Reliable and emotionally stable/able to accept responsibility and take independent action.

c. Controls their situation.

d. Adheres to rules in a constructive and creative manner.

e. Not anxious to impress or cherish inflated ideas of self importance

f. Displays good manners and speech.

g. Not selfish and touchy

h. Searches for truth/DOESN'T spread rumors or gossip.

i. Neat in appearance - friendly, but not overly familiar.

j. Analyzes their own speech and actions as well as the speech and actions of others.

k. Humble, sympathetic and understanding without divulging their own personal affairs or problems.

l. Not distracted or given to favoritism.

m. Adapts to change, maintain enthusiasm, dispels prejudice and shows allegiance to their employers.

n. Alert, quick to respond, able to make fair and accurate decisions. Concerned with welfare of staff and inmates.

o. Good sense of humor and able to laugh at themselves but also admit that they are human and make mistakes.

p. Able to perform at leas one miracle per week and properly document.

018921

E. **Susceptibility Traits**

INDIVIDUAL ACTIVITY: Pass out the self-test handout "Susceptibility Traits." Complete to evaluate own personality traits. (NOTE): ***May suggest the test should be taken each year, as life situations and work dynamics occur that may create differences in the way you handle events.***

1. Prevention of a set-up happens when a person learns:

    a. To isolate and change personality traits which convey a message of susceptibility to manipulation.

    b. To analyze words and actions in advance of their usage to avoid all possible misinterpretation.

GROUP ACTIVITY/DISCUSSION: Distribute (display on overhead) and discuss the "11 Steps to Coercion" handout. (This item is confiscated contraband which was being circulated at an unnamed correctional facility).

Item(s) for discussion:

* Name some of the reasons you think staff fall victim to games.
* Why do inmates play games?
* How do inmates select their prey?

F. **Steps/Techniques of a set-up:**

1. **<u>The Observation step</u>** –

Body Language
- Movements
- Nervousness/ease
- Manner of dress
- Personal hygiene

Listening
- Places of gathered information
    - Dining hall
    - Phones/radios
    - Hallway/tier
    - Boulevard

018922

EMPLOYEE SUSCEPTIBILITY TRAITS: A SELF TEST

Are you:

- ☐ easily befriended?
- ☐ overly friendly or over-familiar with most people?
- ☐ naive to intentions or hidden messages?
- ☐ gullible to stories?
- ☐ susceptible to the you/me syndrome?
- ☐ so sympathetic to others' problems that rules seem secondary?
- ☐ usually timid?

Do you:

- ☐ not know how to handle compliments in a business-like manner?
- ☐ share personal problems?
- ☐ have a trusting nature?
- ☐ believe what you are told without checking on the validity of the information?
- ☐ have a desire to help the underdog?
- ☐ return favor for favor?
- ☐ have difficulty taking command or control?
- ☐ ignore slightly personal or embarrassing remarks and forget instead of directly and immediately addressing them?
- ☐ have difficulty saying NO?
- ☐ circumvent minor rules?

Can you:

- ☐ be made to feel obligated?
- ☐ be made to look the other way and pretend not to notice if the rule being violated is "no big thing?"

018923

BUCKINGHAM CORRECTIONAL CENTER
IN-SERVICE TRAINING

CULTURAL DIVERSITY AND THE INMATE POPULATION (SOCIAL/CULTURAL LIFESTYLES)

Academic Checklist

PURPOSE: To enlighten correctional staff on the various cultures of inmates incarcerated in the correctional facility and the importance of respecting individuals and their beliefs.

OBJECTIVES: Participants will be able to accomplish the following in accordance with training and information received during this course of instruction.

On a written evaluation, identify which amendment affords inmates their freedom of religion.

Through class discussion, be able to recognize two religious practices allowed inmates in the correctional setting.

List three reasons why correctional centers do not allow inmates to practice all aspects of the different religious beliefs.

Define the word gang and give three reasons why people join gangs.

On a written evaluation describe ways in which gang members differentiate themselves from other gang members.

On a written evaluation list two ways staff can avoid discrimination.

HOURS: 2.5

INSTRUCTIONAL METHOD: Lecture/ Class discussion

MATERIAL REQUIRED: Pen/Pencil, Paper, Chalk/Dry Erase Board, Television, VHS/VCR

REFERENCES: Religious Education Curriculum Guide, COMPARATIVE RELIGIONS volume one; **Learning About Your Faith and the Faith of Others.**

Virginia Gang Investigators Association, P.O. Box 1573, Norfolk, VA 23501.
Second College Edition, The American Heritage Dictionary; Houghton Mifflin Company, Boston copyright 1982, 1985.
"**Understanding other Cultures**" Religious Programs-Oklahoma DOC

PREPARED BY: [redacted]
July 1995 (b)(6) 3

REVISED BY: [redacted]
October 2001

REVIEWED BY: [redacted]
November 2002

BUCKINGHAM / DILLWYN CORRECTIONAL CENTERS
IN-SERVICE TRAINING

CULTURAL DIVERSITY AND THE INMATE POPULATION (SOCIAL/CULTURAL LIFESTYLES)

Participant Outline

I. Introduction

A. Purpose

B. Objectives

II. Body

A. The cultures and social lifestyles of inmates incarcerated in correctional centers consist of a diverse population of race, religion, languages, ideologies, and political loyalties.

B. Prison Community

1. The prison community contains many races of people.

a. Native American (American Indians)

b. European American (White Americans)

c. African American (Black Americans)

d. Asians

e. Hispanics

C. Religious practices of some cultures in our prison population

1. Native American

a. Worships

b. Beliefs

c. Rituals

2. Jews and Judaism

   a. Worships

   b. Who is considered Jewish

   c. Categories of Jewish identification

   d. Ceremonies / Practices

3. Islam (Muslim)

   a. Beliefs

   b. Imam

   c. Holy Book

   d. Prohibitions of the Muslim diet

   e. Requirements for obtaining meat

   f. Ceremonies / Worship

4. Christian / Christianity

   a. Theology

   b. Holy book

   c. Holy days

D. Freedom of religion

   1. Limitations of religious practices

   2. Process of determining religious practice

   3. Allowance of religious head dress

E. Religious beliefs as opposed to gang rhetoric

   1. Definition of the word "gang"

   2. Factors influencing the birth and growth of gangs

3. Ways gangs and their members identify themselves

F. Recognizing our differences

G. Discrimination

1. Discrimination and the DOC

2. Ways to avoid prejudice and discrimination

III. Conclusion

BUCKINGHAM / DILLWYN CORRECTIONAL CENTER
IN-SERVICE TRAINING

CULTURAL DIVERSITY AND THE INMATE POPULATION (SOCIAL/CULTURAL LIFESTYLES)

INSTRUCTOR OUTLINE

I. INTRODUCTION

A. PURPOSE: (SEE ACADEMIC CHECKLIST)

B. OBJECTIVES (SEE ACADEMIC CHECKLIST)

II. BODY

A. The cultures and social lifestyles of inmates incarcerated in Correctional Centers consists of a diverse population of race, religion, languages, ideologies, and political loyalties. As Correctional staff, we work in a multicultural environment in which almost any specific act that may be considered right and/or appropriate in one society may be considered wrong in another society. It is imperative that we as employees understand these cultural and social diversities within our institution. It is then that we can acquire understanding needed to aid and improve our interpersonal relationships and respect the differences of those people we interact with daily.

Class Discussion: "What it feels like to be different".
Discuss how it feels to visit a different country or be in a society where you are viewed as a minority.

B. Prison Community-A prison is a community within a community.

1. This community consists of many races of people
Class Activity: Have students generate a list of some of the different races amongst the inmate population.

a. Native American (American Indians)

b. European American (White Americans)

c. African American (Black Americans)

d. Asian

e. Hispanic

C. Religious practices of some cultures in our population

1. Native Americans-there is no single Native American Indian religion due to the many Nations, Tribes and Communities which have unique tribal religions. There is however common elements of spirituality shared among Native people.

   a. "The Supreme Creator" is worshiped-this creator was manifested in and through the natural world. Everything in nature comes from the Supreme Creator.

   b. They view themselves as part of nature. Things in nature are related to one another.

   c. There are no "masters" or "owners" of the earth

   d. All land, produce, plants, and animals are referred to as "brothers" and "sisters".

   e. Rituals are an important part of Native American history. In absence of written language, Native American history and values are passed down by tribal rituals.

      - Purification-may be done by smoking or smudging with sacred herbs or sage
      - Offerings-offerings of food and herbs
      - Ceremonials-dancing and feasting held in local sacred places are common to nearly all Native rites. Music and singing are integral parts of spirituality, focused on the heartbeat of the **DRUM.**

2. Jews and Judaism-Judaism is the religion practiced by Jews past and present.

   a. Underlying premise of Judaism belief-"There exists One, Indivisible God by whose will the universe and all that is in it was created.

   b. Who is considered Jewish:
      - Someone of ethnic affinity or "belonging to a people". (Parentage)

- ❖ Someone belonging to that religion.

c. Three basic categories of Jewish religious identifications

-1 "Orthodox" identification-
The traditionalist approach based upon the divine origin of the Torah (the body of Jewish literature and oral tradition containing laws, teachings, and divine knowledge of the religion).

-2 "Conservative" identification-
This approach views the basic Jewish theological and ritual concepts as objects of continuing and evolving change.

-3 "Reform" identification-
Views Judaism as a historical religious experience rather than as a divine revelation

d. Ceremonies/Practices

-1 Diet- Jewish ceremonies may require special diet (Kosher Diet)

- ❖ Prohibits the eating of milk products and meat at the same meal
- ❖ Animals considered Kosher are those that chew their cud and have divided hoofs (e.g. cows, goats, sheep etc.)

-2 Passover-During the eight days of Passover, leavened products are not eaten.

- ❖ Products made of flour or grain which have been allowed to ferment.
(bread, cakes, cookies, macaroni, cereal, etc.)

3. Islam (Muslim)-The religion of the Unity of God and the equality and unity of humanity.

a. Muslim belief -based on key belief that Allah is the one and only God and Muhammad is his prophet. The prophet Muhammad is the model for the Muslim lifestyle.

b. Imam-interpreter of the law of Islam through sermons and classes.

c. Holy Book-The Qur'an (Koran)

d. Muslim diet prohibits:

-1 Pork and all it derivatives

-2 Any animal that has died naturally, been killed by a violent blow, killed by a head first fall, or has been killed by another animal.

-3 Intoxicating liquors and harmful drugs

e. Requirements for obtaining wholesome meat:

- The animal should be slaughtered in a manner to allow its blood to flow out freely and completely (with a sharp instrument cutting the main vein in the throat).

f. Ceremonies/Worship

-1 There are a number of holy days observed by the Muslims

-2 Private worship-Prayer five times a day (before sunrise, noon, afternoon, sunset and at night. (Muslims use a small rug to kneel on during the five daily times).

4. Christians/Christianity-Founded on the teachings of Jesus

There are a number of religious practices that come under this heading. The worship services and practices may differ in many ways. Each service will require a variety of programming necessary to fill the needs of all participants.

a. Theology-the awareness of and the conviction of the rightness, justice, and love of the Father Creator, the fullness of who was manifested in the flesh as Jesus the Christ.

b. Holy Book-The Bible

c. Holy Days-For some Christmas and Easter are felt to have deep spiritual significance.

D. Freedom of religion (First Amendment Right)

Many inmates express a desire to honor and practice beliefs and customs of their culture. Religious or cultural beliefs and/or practice may involve articles of clothing, special diets, and rituals.

(Have students generate a list of different religious practices seen within the institution)

1. **There are many reasons correctional facilities struggle with some demands related to religious practices.**

   Some religious activities may be limited, restricted, discontinued, or denied by the Warden/Superintendent based upon legitimate concerns regarding the following:

   a. Costs-some religious practices may require the institution to spend money for supplies.

   b. Space/Time-Normal daily activities such as jobs, educational programs, recreation, etc. may limit the time and space available to hold religious programs.

   c. Staff-staff is not always available to supervise all religious activities.

   d. Some religious activities may not be allowed because they are against policies that govern the institution

   e. Security-some equipment used in religious rituals may be a breach of security or detrimental to the welfare of the institution.

   (All religious items are subject to respectful search).

2. The Warden/Superintendent shall make the final decision if a proposed religious group will meet based on information presented by request from inmate(s). "Facility need" may be determined by the number of inmates making a request although, it will not be the sole decision making criteria.

3. Muslim, Nation of Islam, Moorish Science, and Jews are allowed special head covers only to be worn during services.

E. Religious beliefs as opposed to gang rhetoric

Gangs pose a ever increasing problem within our nation, state, and correctional environment. In corrections we must do our part in recognizing the difference between freedoms of religious expression as opposed to gang expression, which is prohibited in the Department of Corrections.

1. Definition of Gang- (n). A group of criminals or hoodlums who band together for mutual protection and profit. *Second College Edition "**The American Heritage Dictionary**"*

2. Many factors influence the birth and growth of gangs.

   a. Money

   b. Drugs

   c. Protection

   d. Power

   e. Territory

   f. Need to fit in/belong

3. Gangs recognize themselves and/or their group through some of the following means:

   a. Tattoos

   b. Graffiti

   c. Hand gestures

   d. Clothing

   e. Rap Music

   (Class discussion: talk of different observations possibly seen that may represent gang relationships, interactions, and/or grouping within the institution)

F. Recognizing Our Differences-It is mandatory to recognize and respect each individual as being unique.

1. Some of the differences that are present in our correctional centers are:

   a. Age

   b. Race/Nationality

   c. Cultures/Religious beliefs

   d. Lifestyle

   e. Values

   f. Goals

(Discussion: how can the understanding of these differences promote a more positive workplace environment)

G. Discrimination (A result of a particular prejudice)

1. Discrimination is not allowed in the work place. Many groups are protected under anti-discrimination laws

   a. Prejudice-*an adverse judgment or opinion formed beforehand or without knowledge or examination of the facts. Irrational suspicion or hatred of a particular group.*

   b. Many groups are protected under anti discrimination laws.

2. Ways to avoid prejudice and discrimination

   a. Ensure actions with one group is consistent with actions of another group

   b. Ask yourself:

      - Would I like to be treated that way?
      - Would I address my peers, co-workers, and religious leader in the same manner?
      - Would I want my actions to be publicized?
      - Would a 'reasonable person' find my behavior unprofessional?

c. Know policies and procedures

d. Display professional behavior at all times

III. CONCLUSION:

The penal institution reflects the cultural diversity of the country at large. To work in this small community is to respect the differences of each other. There is no dominant culture, no one religion or race; we exist as part of a patchwork of diversity, which makes this country great.

STRIKE FORCE

EMERGENCY RESPONSE TEAM

TRAINING MANUAL

018937

STRIKE FORCE
EMERGENCY RESPONSE TEAM TRAINING

TRAINING MANUAL

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REVISED: JUNE, 1993

REVISED: NOVEMBER, 1994

REVISED: APRIL, 1996

APPROVED: OCTOBER, 1996

REVISED: MARCH, 1997

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STRIKE FORCE
EMERGENCY RESPONSE TEAM TRAINING

AGENDA

Monday

8:00 a.m. - 12:00 p.m.	Use of Force Liability
12:00 p.m. - 1:00 p.m.	*Lunch*
1:00 p.m. - 5:00 p.m.	Military Drill

Tuesday

8:00 a.m. - 12:00 p.m.	Mob and Crowd Control
12:00 p.m. - 1:00 p.m.	*Lunch*
1:00 p.m. - 5:00 p.m.	Use of Force: Chemical Munitions

Wednesday

8:00 a.m. - 12:00 p.m.	Tactical Leadership and Riot Squad Formations
12:00 p.m. - 1:00 p.m.	*Lunch*
1:00 p.m. - 5:00 p.m.	Defensive Tactics/Team Intervention

Thursday

8:00 a.m. - 12:00 p.m.	Defensive Tactics/Team Intervention
12:00 p.m. - 1:00 p.m.	*Lunch*
1:00 p.m. - 5:00 p.m.	Canines Performing Cell Extractions

Friday

8:00 a.m. - 10:00 a.m.	Tactical Response: Building Assault
10:00 a.m. - 12:00 p.m.	Tactical Response Building Assault Practical Exercise
12:00 p.m. - 1:00 p.m.	*Lunch*
1:00 p.m. - 4:00 p.m.	Tactical Response: Building Assault Practical Exercise
4:00 p.m. - 5:00 p.m.	Final Critique

018939

STRIKE FORCE
EMERGENCY RESPONSE TEAM TRAINING

USE OF FORCE LIABILITY

Training Checklist

PURPOSE: To acquaint the participant with current liability issues in the category of "use of force."

OBJECTIVES: At the end of this block of instruction, the participant will be able to achieve the following in accordance with information received during this instructional period:

1. In a classroom discussion, identify the four types of force judicially scrutinized for corrections and law enforcement use of force cases.
2. On a written examination, list in writing the four standards originally applied in an "objective reasonableness" test.
3. On a written examination, list in writing the standard that is no longer applied in an "objective reasonableness" test and the court case that eliminated it.

HOURS: 4

INSTRUCTIONAL METHOD: Lecture, Discussion

MATERIALS REQUIRED: Pen/Pencil, Paper, Participant Outline, Handouts

REFERENCES: Code of Virginia

Virginia Department of Corrections. Division Operating Procedure #431.

Virginia Department of Corrections. Division Operating Procedure #433 and Security Bulletins.

PREPARED BY: [redacted] (b)(6)-3

DATE: July 1, 1990

REVISED BY: [redacted]

DATE: June 22, 1993

REVISED BY: [redacted]

DATE: March 18, 1994

REVIEWED BY: [redacted]

DATE: November 8, 1994

REVIEWED BY: [redacted]

DATE: April 23, 1996

(b)(6) -3

STRIKE FORCE
EMERGENCY RESPONSE TEAM TRAINING

USE OF FORCE LIABILITY

Participant Outline

I. Introduction

A. Purpose

B. Objectives

II. Body

A. Liability Issues

1. Types of Force

a. Privileged

b. Excessive

c. Non-Deadly

d. Deadly

2. The Need for Force

a. Burden of Proof

1. Ability

2. Opportunity

3. Intent

b. Controlling Factual Elements

1. Avenues of Escape

2. Comparative Size

3. Weapons

4. Mental State

5. Number of Assailants

6. Color of Law

3. Case Law Development

a. Johnson vs. Glick

b. Graham vs. Conner

c. Slaken vs. Porter

d. Harris vs. City of Canton, Ohio

e. Sherrod vs. Berry

III. Conclusion

A. Review

B. Questions

STRIKE FORCE
EMERGENCY RESPONSE TEAM TRAINING

USE OF FORCE LIABILITY

Trainer Outline

I. Introduction

A. Purpose

B. Objectives

II. Body

A. Liability Issues

1. Types of Force: The types of force discussed in this section are types that are recognized and defined by the Courts. All of the given types are applicable to officers, and each type holds a judicially scrutinized culpability on its user.

a. Privileged: As officers, you must supervise and regulate the behavior of convicted felons. The responsibilities of supervision entail enforcement of rules. The courts have recognized that controlling an offender's behavior sometimes requires the use of force, and that force is "privileged" or "legally permissible." Force that is recognized as "privileged" for law enforcement must occur in the following situations:

1. Self-defense

2. Defense of third persons

3. Effecting an arrest (enforcing rules)

4. Prevent escape

5. Prevent the commission of a crime

b. Excessive: As force may be used only in certain situations, the courts have set up certain "boundaries" over official actions to control government authority and prevent an abuse of government

powers. As long as the officer is acting within these boundaries, he/she has the "privilege" to legally use force when necessary. However, if he/she exceeds these boundaries, then the force used may well be considered by the courts as excessive.

When determining whether or not the amount of force used was reasonable or excessive, the courts originally applied a four-part test. (Johnson vs. Glick 481 F.2d 1028, 1973)

1. The need for the application of force.

2. The relationship between that need and the amount of force used.

3. The extent of the injury inflicted.

4. Whether the force was applied in a good faith effort to maintain and restore discipline or maliciously and sadistically for the purpose of causing harm.

This four-part test became known as the "Objective Reasonableness" standard. The United States Supreme Court in 1989 eliminated the fourth part of this standard (in Graham vs. Conner 109 S.Ct. 1865, 1989)

c. Non-Deadly: By definition is that force that would cause neither death nor serious bodily injury. This is the type of force being taught in this course. Be mindful of the fact that even non-deadly force may, under certain circumstances, be considered excessive. For example, unlawfully striking someone without cause or justification.

d. Deadly: By definition is that force which would normally cause death or serious bodily injury. The courts will examine the situation"... in light of the facts and circumstances ..."

This statement implies that even though the officer may believe the force to be non-deadly, the circumstances may dictate otherwise; i.e., throwing a person on the ground may be non-deadly. The same throw on a concrete sidewalk may prove fatal if the person hits their head.

2. The Need for Force

The following section will address the liability incurred when force is used:

a. Burden of Proof: Should an officer use force while acting in official capacity, he/she may be challenged in court by the person(s) on the receiving end of such force. The court will require the officer to meet the "burden of proof" standard which will consist of two parts:

#1 - The burden of production

#2 - The burden of persuasion

In order to ***persuade*** (#2) a judge or jury that his/her actions were justifiable, they must first ***produce*** (#1) evidence to substantiate their claim.

To meet that burden of production in a use of force claim, the officer must prove that the assailant met three legal criteria:

1. Ability: The officer must show that the assailant was capable of fully carrying out the alleged act.

2. Opportunity: The officer must show that the assailant had full opportunity to accomplish the alleged act. For instance, a 90 lb. officer could easily establish the ***ability*** of a 300 lb. assailant, but they must also show that there was nothing to inhibit the assailant's action. If the assailant is on the other side of a locked door, then the opportunity is negated.

3. Intent: The officer will have to show that the assailant not only had the ability and opportunity, but also demonstrated the intent to carry out the act.

   The code of Virginia makes reference to "... reasonably apprehending that his assailant will do him bodily harm ..." "Reasonably apprehending" implies that a normally prudent individual, under the same circumstances, given the same set of facts, would have reason to believe that the assailant has the ability, opportunity and intent to carry out the act.

b. Controlling Factual Elements: There are several factors a court will examine to determine whether the officer has met the ability, opportunity and intent standard. The following list of examples is not all inclusive.

1. Avenues of Escape: One of the things the court will consider is the possibility of retreat.

Officers may wish to consider the possibility of leaving whenever it is practical, giving the person an opportunity to calm down.

2. Comparative Size: It might be hard for a 300 lb. officer to establish the ability requirement against a 90 lb. client.

3. Weapons: Does either party possess a weapon? Possession of a weapon will often create the intent standard, which could be used against the officer or the assailant if he/she is in possession of weapon(s). Additionally, if the officer has a weapon, the court will require the officer to show authorization to carry/use the weapon in the performance of his/her duties and to show proof of training in the proper use of such weapons.

4. Mental State: One of the defenses that an assailant may use is an insanity defense.

5. Number of Assailants: This is always a consideration in the escalation of force when the officer is facing more than one assailant, all other facets being applicable.

6. Color of Law: Basically the court is looking to see if the officer's action(s) were taking under the authority granted by the state.

NOTE: These are only a few of the elements a court will consider in determining whether an officer's actions were justifiable under the circumstances presented.

3. Case Law Development

a. Johnson vs. Glick: Established an "Objective Reasonableness" standard consisting of four components: Was there an actual need for force? What injuries occurred? What is the relationship between the amount of force used and the injuries sustained? (Did the officer use a cannon when a pop-gun would have sufficed?) What were the officer's intentions?

b. Graham vs. Conner: Eliminated the fourth standard saying, in use of force cases, an officer's intentions are totally subjective and are not a court consideration. Thus, the courts today will only examine the need of force, the injuries and the relationship between the two.

c. Slaken vs. Porter: This case placed liability in the lap of management for assuring that there are policies and procedures governing use of force front-line personnel.

d. Harris vs. City of Canton, Ohio: This case, which has not been mentioned until now, is possibly the strongest justification for the training you are here for. It is the U.S. Supreme Court's opinion of "Why you need training." The standard set by this decision is known as the "deliberate indifference" standard. Here the court is saying that the plaintiff would have to show that the training (or lack of training) was deliberately indifferent to a specific need. The court cited the 1987 case of Spell vs. McDaniel (NOTE: Refer to Appendix) which stated, "... the specific deficiency or deficiencies (in training) must be such as to make the specific violation almost bound to happen in the long run ..." In common parlance, train staff for the probabilities, not the possibilities. Obviously, officers who continue employment in their field will probably, sooner or later, find themselves face to face with a use of force situation. This training will hopefully help you make the right decision when that officer is you.

III. Conclusion

A. Review

B. Questions

USE OF FORCE LIABILITY

APPENDIX

"[t]he factors to be considered when the excessive use of force gives rise to a cause of action under 1983": (1) the need for the application of force; (2) the relationship between the need and the amount of force that was used; (3) the extent of the injury inflicted; and (4) "[w]hether the force was applied in a good faith effort to maintain and restore discipline or maliciously and sadistically for the very purpose of causing harm." 644 F.Supp. 246. 248 (WDNC 1986).

[5] As in other Fourth Amendment contexts, however, the "reasonableness" inquire in an excessive force case is an objective one: the question is whether the officers' actions are "objectively reasonable" in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. See Scott vs. United States. 436 U.S. 128, 137-139, 98 S.Ct. 1717, 1723-1724, 56 L.Ed.2d, 168 (1978); see also Terry v. Ohio, supra, 392 U.S., at 21, 88 S.Ct., at 1879 (in analyzing the reasonableness of a particular search or seizure, "It is imperative that the facts be judged against an objective standard."

An officer's evil intentions will not make a Fourth Amendment violation out of an objectively reasonable use of force; nor will an officer's good intentions make an objectively unreasonable use of force constitutional. See Scott v. United States, supra, 436 U.S., at 138, 98 S.Ct. at 1723, citing United States v. Robinson, 414 U.S. 218, 94 S.Ct. 467, 38 L.Ed.2d 427 (1973).

Unlike the question of whether a municipality's failure to train employees can ever be a basis for liability -- on which the Courts of Appeals have agreed, see n.6. supra, as follows: 6. In addition to the Sixth Circuit decisions discussed, n.3. supra, most of the other Courts of Appeals have held that a failure to train can create a liability under s 1983. See; e.g., Spell v. McDaniel, 824 F.2d 1380, 1389-1391 (CA4 1987)

We hold today that the inadequacy of police training may serve as the basis for s 1983 liability only where the failure to train amounts to deliberate indifference to the rights of persons with whom the police come into contact.

Sherrod v. Berry: Thus absent a constitutional violation, appellate judges would be well advised not to second-guess an officer's split-second reasonable judgment to protect himself and those around him through the use of deadly force; rather, courts and juries must determine the propriety of the officer's actions based upon a thorough review of the knowledge, facts and circumstances known to the officer at the time he exercised his split-second judgment as to whether the use of deadly force was warranted.

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA]
] SS:
COUNTY OF LEBANON]

Before me, the undersigned notary public, this day personally appeared [redacted], [redacted] BNCOC Senior Small Group Leader for the 3/166th Regiment, known to me, who being duly sworn according to law, deposes and says: that the attached documents are original documents of course materials as indicated in the attached memo.

(6)(6-2)
(6)7 (C)-2

[redacted]
Signature of affiant

Sworn and subscribed to before me
This 15th day of October, 2004.

[redacted]
Notary Public

(6)(6)-3
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COMMONWEALTH OF PENNSYLVANIA
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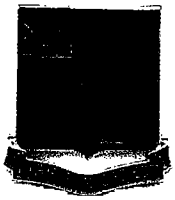
PENNSYLVANIA ARMY NATIONAL GUARD
HEADQUARTERS 166TH REGIMENT
(COMBAT ARMS)
FORT INDIANTOWN GAP
ANNVILLE, PENNSYLVANIA 17003-5002



166-REGT(CA)

~~26 November 2002~~
15 OCTOBER 2004 (JM)

AUTHENTICATION OF
RECORDS OF REGULARLY CONDUCTED ACTIVITY

(b)(6)-2; (b)(7)(C)-2
I, SFC [redacted] am a Senior Small Group leader of the Basic Non-Commissioned Officer's Course at Fort Indiantown Gap, PA. I have submitted documents relating to the BNCOC and PLDC courses that are taught at Fort Indiantown Gap by the 3rd Bn, 166th Regiment, NCO Academy. These documents were submitted to U.S. Army Military Police Investigator [redacted] from 3rd Corps in response to his request relating to the case of U.S. v Ivan L. Frederick. These documents are maintained by me as a representative of the NCO Academy, in the course of its regularly conducted business activity. It is the regular practice of the 3rd Bn, 166th Regiment NCO Academy to create and maintain these records to monitor what course material has been covered and to assist in preparing future course material.

(b)(6)-1; (b)(7)(C)-1

(b)(6)-2; (b)(7)(C)-2
I can be reached at [redacted]5, should you have any further questions relating to these documents.

(b)(6)-2; (b)(7)(C)-2
Signed [redacted]

Date 15OCT04

COMMONWEALTH OF PENNSYLVANIA
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[redacted], Notary Public
Union Twp., Lebanon County
My Commission Expires Aug. 30, 2008
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PENNSYLVANIA NATIONAL GUARD
MILITARY ACADEMY
FORT INDIANTOWN GAP
ANNVILLE, PENNSYLVANIA 17003-5002

TRAINING SCHEDULE PRIMARY LEADERSHIP DEVELOPMENT COURSE - RESERVE COMPONENTS - (PLDC)

1. This Training Schedule conforms with the Program Of Instruction for the Primary Leadership Development Course Reserve Componments as developed by the United State Sergeant Major Academy and approved by HQ, TRADOC, April 1990.

2. The Following is a Recapitulation:

SUBJECT - POI	HOURS
Leadership	17.0
Communication Skills	6.0
Professional Skills	6.0
Maintenance	10.0
Training	38.0
Military Studies	54.0
Examinations	9.0
Study Hall	8.0
TOTAL	148.0

ALL MEMBERS OF THIS COURSE ARE HEREBY ORDERED TO ATTEND THE PERIOD OF TRAINING PER TRAINING SCHEDULE.

PREPARED BY:

[redacted]

MAJ, IN, PAARNG
Training Officer

PREPARED: 03 Nov 91

REVIEWED BY:

[redacted]

LTC, IN, PAARNG
Asst Commandant

(b)6 2; (b)7(C)-2

APPROVED BY:

[redacted]

COL, IN, PAARNG
Commandant

018952

PENNSYLVANIA NATIONAL MILITARY ACADEMY

UNIFORM ANNEX

NO.	UNIFORM	HEADGEAR	OUTERWEAR	EQUIPMENT
U-1	Utility (OG-507 or BDU)	Soft Cap	As required	NA
U-2	Utility (OG-507 or BDU)	Helmet Liner	As required	NA
U-3	Utility (OG-507 or BDU)	Soft Cap	As required	Belt indiv Equip, Suspenders Field Pack, Canteen, Case First Aid, & Poncho
U-4	Utility (OG-507 or BDU)	Soft Cap	As required	Belt indiv Equip, Suspenders Field Pack, Canteen, Case First Aid, Poncho, & Indiv Weapon
U-5	Army Green w/coat AG-344	Garrison Cap	As required	With all authorized awards and decorations NOTE: Graduation Uniform for OCS & NCOES
U-6	Utility (OG-507 or BDU)	Helmet Combat	As required	Belt Indiv Equip, Suspenders Field Pack, Canteen, Case SA Ammo, Case First Aid, & Poncho
U-7	Utility (OG-507 or BDU)	Helmet Combat	As required	Belt Indiv Equip, Suspenders Field Pack, Canteen, Field Pack, Pan Mess, Case SA Ammo, Case First Aid, Intrenching Tool, & Indiv Weapon
U-8	Physical Training	NA	NA	Athletic Uniform: Running shoes, Jogging shorts, T-shirt, & socks.
U-9	Formal Mess Dress	As required	As required	Army Dress Blue or Army Green w/coat AG-344, white shirt, & bow tie. With all authorized awards and decorations

The prescribed uniform applies to all students, staff/faculty, and assigned personnel.

The removel of utility shirts, rolling of sleeves, unblousing of trousers, and other uniform adjustments due to heat will be authorized by the Commandant and published in the Academy Daily Bulletin.

The prescribed uniforms will be worn clean, in good repair, and properly fitted in accordance with AR 670-1.

APPROVED:

[redacted]

COL, IN, PAARNG
Commandant

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WHEN	WHAT	WHERE	TRAINER	REFERENCE	REMARKS/UNIFORM
DAY 1 SATURDAY					
0800-0950	Inprocessing	TBA	Admin NCO	PLDC POI/PNGMA SOP	U-5
1000-1050	Commandant's Orientation	TBA	Commandant	C-200-RC	U-1
1100-1150	Introduction To PLDC	LC	Trainer	C-201-RC	
1200-1250	Lunch	DF	DF Mgr	DF SOP	
1300-1350	Introduction To PLDC	LC	Trainer	C-201-RC	
1400-1450	Airland Battle	LC	Trainer	M-201-RC	
1500-1550	Physical Training	LC	Trainer	P-201-RC	
1600-1650	Introduction To Military Leadership	LC	Trainer	L-201-RC	
1700-1750	Dinner	DF	DF Mgr	DF SOP	
1800-1850	Introduction To Military Leadership	LC	Trainer	L-201-RC	
1900-1950	Study Hall	LC	Trainer	S-201-RC	

018954

WHEN	WHAT	WHERE	TRAINER	REFERENCE	REMARKS/UNIFORM
DAY 2 SUNDAY					
0530-0615	Physical Training (PE)	PT Area	Trainer	P-201-RC	PT Uniforn
0630-0720	Breakfast	DF	DF Mgr	DF SOP	U-1
0730-1120	Duties,Responsibilities And Authority Of The NCO	LC	Trainer	L-202-RC	
1130-1220	Lunch	DF	DF Mgr	DF SOP	
1230-1520	Effective Communications	LC	Trainer	C-202-RC	
1530-1600	Study Hall	LC	Trainer	S-201-RC	

018955

WHEN	WHAT	WHERE	TRAINER	REFERENCE	REMARKS/UNIFORM
DAY 3 SATURDAY					
0800-0820	Sign-In	TBA	Admin NCO	PNGMA SOP	U-1
0830-1020	Leadership Styles	LC	Trainer	L-203-RC	
1030-1120	Human Behavior And Motivation	LC	Trainer	L-204-RC	
1130-1220	Lunch	DF	DF Mgr	DF SOP	
1230-1420	Human Behavior And Motivation	LC	Trainer	L-204-RC	
1430-1550	Examination 1 And AAR	LC	Trainer	E-201-RC	
1600-1650	Study Hall	LC	Trainer	S-201-RC	
1700-1750	Dinner	DF	DF Mgr	DF SOP	
1800-1850	Counseling	LC	Trainer	L-206-RC	

018956

WHEN	WHAT	WHERE	TRAINER	REFERENCE	REMARKS/UNIFORM
DAY 4 SUNDAY					
0530-0615	Physical Training (PE)	PT Area	Trainer	P-201-RC	PT Uniform
0630-0720	Breakfast	DF	DF Mgr	DF SOP	U-1
0730-0920	Counseling	LC	Trainer	L-206-RC	
0930-1020	Problem Solving, Decision Making And Planning	LC	Trainer	L-205-RC	
1030-1120	Maintaining Discipline	LC	Trainer	L-207-RC	
1130-1220	Lunch	DF	DF Mgr	DF SOP	
1230-1420	Conducting Maintenance	LC	Trainer	R-201-RC	
1430-1520	The Army Training Systems	LC	Trainer	T-201-RC	
1530-1600	Study Hall	LC	Trainer	S-201-RC	

018957

WHEN	WHAT	WHERE	TRAINER	REFERENCE	REMARKS/UNIFORM
DAY 5 SATURDAY					
0800-0820	Sign-In	TBA	Trainer	PNGMA SOP	U-1
0830-0920	After Action Review	LC	Trainer	T-203-RC	
0930-1120	Conduct Training	LC	Trainer	T-202-RC	
1130-1220	Lunch	DF	DF Mgr	DF SOP	
1230-1620	Conduct Training	LC	Trainer	T-202-RC	
1630-1650	Study Hall	LC	Trainer	S-201-RC	
1700-1750	Dinner	DF	DF Mgr	DF SOP	
1800-1850	Conduct Training (D)	LC	Trainer	T-202-RC	

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WHEN	WHAT	WHERE	TRAINER	REFERENCE	REMARKS/UNIFORM
DAY 6 SUNDAY					
0530-0615	Physical Training (PE)	PT Area	Trainer	P-201-RC	PT Uniform
0630-0720	Breakfast	DF	DF Mgr	DF SOP	U-1
0730-1020	Combat Orders	LC	Trainer	M-202-RC	
1030-1120	Map Reading	LC	Trainer	M-203-RC	
1130-1220	Lunch	DF	DF Mgr	DF SOP	
1230-1520	Map Reading	LC	Trainer	M-203-RC	
1530-1600	Study Hall	LC	Trainer	S-201-RC	

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WHEN	WHAT	WHERE	TRAINER	REFERENCE	REMARKS/UNIFORM
DAY 7 SATURDAY					
0800-0820	Sign-In	TBA	Trainer	PNGMA SOP	U-1
0830-0950	Examination 2 And AAR	LC	Trainer	E-202-RC	
1000-1120	Map Reading	LC	Trainer	M-203-RC	
1130-1220	Lunch	DF	DF Mgr	DF SOP	
1230-1650	Map Reading	LC	Trainer	M-203-RC	
1700-1750	Dinner	DF	DF Mgr	DF SOP	
1800-1850	Study Hall	LC	Trainer	S-201-RC	

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WHEN	WHAT	WHERE	TRAINER	REFERENCE	REMARKS/UNIFORM
DAY 8 SUNDAY					
0530-0615	Physical Training (PE)	PT Area	Trainer	P-201-RC	PT Uniform
0630-0720	Breakfast	DF	DF Mgr	DF SOP	U-1
0700-1120	Conduct Training	LC	Trainer	T-202-RC	
1130-1220	Lunch	DF	DF Mgr	DF SOP	
1230-1600	Conduct Training	LC	Trainer	T-202-RC	

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WHEN	WHAT	WHERE	TRAINER	REFERENCE	REMARKS/UNIFORM
DAY 9					
0800-0820	Sign-In/Draw MRE	TBA	Trainer	PNGMA SOP	U-1
0830-0850	Move To Training Area	Enroute	Sr Trainer	PNGMA SOP	U-3
0900-1650	Land Navigation	Training	Trainer	M-204-RC	Lunch (MRE) Concurrent With Training
1700-1720	Move Contonment Area	Enroute	Sr Trainer	PNGMA SOP	
1730-1820	Dinner	DF	DF Mgr	DF SOP	
1830-1920	Study Hall (Optional)	LC	Trainer	S-201-RC	

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WHEN	WHAT	WHERE	TRAINER	REFERENCE	REMARKS/UNIFORM
DAY 10					
0630-0720	Breakfast/DRAW MRE	DF	DF Mgr	DF SOP	U-1
0730-0920	Examination 3 And AAR	LC	Trainer	E-203-RC	
0930-0950	Weapons Draw	Supply	Supply NCO	PNGMA SOP	U-7
1000-1020	Move To Training Area	Enroute	Sr Trainer	PNGMA SOP	
1030-1420	Small Unit Tactics	Tng Area	Trainer	M-205-RC	Lunch Concurrent With Training
1430-1650	Conduct Training (PE)	Tng Area	Trainer	T-203-RC	
1700-1720	Move Contonment Area	Enroute	Sr Trainer	PNGMA SOP	
1730-1820	Dinner	DF	DF Mgr	DF SOP	
1830-1920	Study Hall (Optional)	LC	Trainer	S-201-RC	

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WHEN	WHAT	WHERE	TRAINER	REFERENCE	REMARKS/UNIFORM
DAY 11					
0630-0720	Breakfast/DRAW MRE	DF	DF Mgr	DF SOP	U-1
0730-0750	Weapons Draw	Supply	Supply NCO	PNGMA SOP	U-7
0800-0820	Move To Training Area	Enroute	Sr Trainer	PNGMA SOP	Lunch Concurrent With Training
0830-1220	Land Navigation Performance Examination	Training	Trainer	M-204-RC	
1230-1650	Conduct Training (PE)	Tng Area	Trainer	T-202-RC	
1700-1720	Move Contonment Area	Enroute	Sr Trainer	PNGMA SOP	
1730-1820	Dinner	DF	DF Mgr	DF SOP	
1830-1850	Move To Training Area	Enroute	Sr Trainer	PNGMA SOP	
1900-2250	Night Land Navigation	Tng Area	Trainer	M-204-RC	
2300-2320	Move Contonment Area	Enroute	Sr Trainer	PNGMA SOP	

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WHEN	WHAT	WHERE	TRAINER	REFERENCE	REMARKS/UNIFORM
DAY 12					
0630-0720	Breakfast/DRAW MRE	DF	DF Mgr	DF SOP	U-1
0730-0750	Weapons Draw	Supply	Supply NCO	PNGMA SOP	U-7
0800-0820	Move To Training Area	Enroute	Sr Trainer	PNGMA SOP	Lunch Concurrent With Training
0830-2220	Conduct Training (PE)	Tng Area	Trainer	T-202-RC	
2230-2400	Field Training Exercise	Tng Area	Trainer	F-201-RC	
1700-1750	Dinner (A-Ration)	Field Site	DF Mgr	DF SOP	

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WHEN	WHAT	WHERE	TRAINER	REFERENCE	REMARKS/UNIFORM
DAY 13					
0001-2400	Field Training Exercise	Tng Area	Trainer	F-201-RC	U-7
2230-2250	Move To Contonment Area	Enroute	Sr Trainer	PNGMA SOP	
0700-0750	Breakfast/DRAW MRE	Field Site	DF Mgr	DF SOP	Lunch Concurrent With Training
1700-1750	Dinner (A-Ration)	Field	DF Mgr	DF SOP	

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WHEN	WHAT	WHERE	TRAINER	REFERENCE	REMARKS/UNIFORM
DAY 14					
0630-0720	Breakfast	DF	DF Mgr	DF SOP	U-1
0730-1120	Conducting Maintenance (PE)	School	Trainer	R-201-RC	
1130-1220	Lunch	DF	DF Mgr	DF SOP	
1230-1620	Conducting Maintenance (PE)	School	Trainer	R-201-RC	
1630-1720	Dinner	DF	DF Mgr	DF SOP	

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WHEN	WHAT	WHERE	TRAINER	REFERENCE	REMARKS/UNIFORM
DAY 15					
0630-0720	Breakfast	DF	DF Mgr	DF SOP	U-1
0730-0950	Maintenance And Turn-In	School Area	Trainer	PNGMA SOP	
1000-1120	Graduation Rehearsal	School Area	Sr Trainer	PNGMA SOP	
1130-1220	Lunch	DF	DF Mgr	DF SOP	
1230-1250	Move To Graduation	Enroute	Sr Trainer	PNGMA SOP	
1300-1400	Graduation	TBA	Commandant	PNGMA SOP	

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US ARMY SERGEANTS MAJOR ACADEMY (PLDC-RC)

L204-RC OCT 90

HUMAN BEHAVIOR AND MOTIVATION

SUPPLEMENTAL READING 1

FM 22-100 (EXTRACT), 30 JUNE 89

HUMAN BEHAVIOR AND MOTIVATION

018970

THE BATTLEFIELD CHALLENGE

In battle, you must inspire your soldiers to do things against their natural will--possibly to risk their lives--to carry out missions for the greater good of the unit, the Army, and the country. To lead soldiers in peace and in war, there are certain things you must BE, KNOW AND DO.

Although some people seem to have a natural ability to lead others, most leadership skills do not come naturally. They are learned through hard work and study. Studying and discussing this manual and then putting the ideas into practice can help you meet the challenge.

To make good decisions and take the right actions under the stress of battle, you must understand the demands that will be placed on you, your superiors, and your subordinates. Once you have a clear picture of the battlefield challenges, you can set goals for yourself, your subordinates, and your unit to prepare for combat. Without actually being in combat, you must get a realistic picture of what battle is like. Studying military history can give you insight into what combat has been like for past leaders and troops and help you relate the leadership challenges of the past to those of today.

The armies of some of our potential enemies outnumber us. They possess large numbers of excellent tanks, personnel carriers, artillery pieces, airplanes, and chemical and nuclear weapons. Our Army needs competent and confident leaders who are bold, innovative, and willing to take well-calculated risks within the commander's intent. Human nature has not changed since man first engaged in war; leaders and soldiers in future battles will experience the same fears and emotions felt in past battles. Leadership will continue to be the most essential element of combat power, providing the key to mission accomplishment, winning battles, and protecting the ideals of our nation.

To help you understand the demands of battle, this manual presents some actual cases of soldiers in combat. These cases illustrate what you must strive to BE, KNOW, and DO to lead soldiers successfully in battle.

PART TWO

LEADERSHIP IN ACTION

CHAPTER 3

THE FACE OF BATTLE AND THE LEADER

> The practical value of history is to throw the film of the past through the material projector of the present onto the screen of the future.
>
> --B. H. Liddell Hart (1895-1970)
> English Military Writer and Strategist

You can learn about the human dimension of warfighting by studying past battles. To lead in combat, you must be competent and courageous, demonstrate initiative, understand human nature, consistently set the example, and inspire others. This chapter provides examples of effective combat leaders who demonstrated these characteristics.

PAST BATTLES

The following selected accounts of history illustrate the human side of warfighting by describing how leaders led their subordinates during combat engagements. As you read each account, think about answers to these questions:

- How did the leader accomplish the mission?
- How did the leader in each case inspire soldiers to willingly face the stress and danger of battle?
- What was the key factor that led to victory?
- What did the leader do prior to battle to prepare himself and his soldiers?
- How do the actions of these leaders demonstrate the leadership factors and principles discussed in Chapter 2?

The Battle of Gettysburg

> The fight at Little Round Top on 2 July 1863, between the 20th Maine Regiment and two Alabama regiments--the 15th and the 47th--provides a case study of leadership and unit cohesion in battle. It gives a picture of leadership in one of the most significant small-unit actions in the Civil War.

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The 20th Main soldiers marched more than 100 miles in the five days before the fight. On the evening of 1 July, when they stopped to bivouac, an order cam to continue the march. A decisive battle had just begun that day between General Lee's invading Confederate Army and the Union Army at Gettysburg, Pennsylvania. All Union Army units were badly needed by the next day.

At about 0200, they stopped to sleep. At 0400--again without food--they continued their march, reaching Gettyburg around noon.

The 20th Maine was one of four regiments in the brigade commanded by Colonel Strong Vincent. At about 1600, as the 20th Maine was moving to its assigned defensive position, an officer rode up and spoke excitedly to Colonel Vincent. There was much gesturing toward a rocky hill called Little Round Top. The soldiers of the 20th Maine did not know it then, but because of a series of mistakes, this key terrain was unprotected.

General Buford's two cavalry brigades had been defending it, but since they had taken heavy casualties in another fight and were out of rations, they were allowed to withdraw. The Army commander incorrectly assumed that another cavalry unit was available to replace Buford's unit. Wrong assumptions, failure to communicate clearly, and failure to check had left Little Round Top unguarded.

At about 1545, General Warren, the Army's chief engineer, climbed to the top of Little Round Top to observe enemy movements. He saw its importance to the battle and, to his horror, realized it was unguarded. General Warren sent for help and Colonel Vincent volunteered his brigade to defend Little Round Top.

During the 15 minutes remaining before the Confederates attacked, Colonel Vincent did an outstanding job of reconnaissance and selected defensive positions. His brigade followed him up Little Round Top.

Colonel Vincent led the 20th Maine to its position and gave the commander, Colonel Chamberlain, his mission: "This is the left of the Union line. You understand. You are to hold this ground at all costs!"[1]

Chamberlain quickly gathered his company commanders and stressed the importance of their mission. He ordered them to move their units into a defensive line with the right flank company firmly anchored on the 83d Pennsylvania Regiment and the left flank on a large boulder that he pointed to. He showed them the trace of ground he wanted defended. He ordered them to move by using a battle drill maneuver to form a defensive line two ranks deep. This ensured that all companies were tied in on their flanks and that a soldier was ready to fight the moment he was in position.

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[1] John J. Pullen, The Twentieth Maine, p 111.

After placing his regiment, Chamberlain's thoughts turned to his exposed left flank. The soldiers saw him gazing intently at Big Round Top. They remembered past battles where he had shown a skill common to all good combat leaders. He could imagine the possible dangers and take actions in advance to guard against them.

He realized the disaster that would occur if the enemy got around his weak left flank. So he ordered Captain Morrill to take B Company 100 or 200 meters toward Big Round Top, screen the left flank, and take appropriate actions. Captain Morrill positioned his company behind a stone wall at the base of Big Round Top. They were soon joined by 14 US sharpshooters who had been driven back from their earlier positions by General Hood's attacking division.

The 20th Maine's defensive line was barely in position when it was fiercely attacked along its entire front. An officer reported to Chamberlain that he had seen a large body of troops moving behind the attacking Confederates. Climbing up on a rock, Chamberlain saw the force moving to attack his exposed left flank. B Company would not be able to stop this large force.

Chamberlain had to think fast and creatively. Nothing in the tactical manuals covered this type of situation. Quickly analyzing the situation, he ordered his company commanders to extend left and back to block the flank attack. Pointing to the large boulder at the left end of the line, he ordered the new line to be formed there--at right angles to the existing line. This meant that each company would cover twice the normal defensive frontage. Their defense would be thin--one rank deep. To deceive the enemy, Chamberlain directed that the maneuver be achieved while continuing the same volume of fire to the front.

The noise of heavy fire made normal voice control impossible. Still, the regiment performed this difficult, unpracticed tactic with remarkable speed and coordination. Each soldier and squad moved together, keeping up the fire and avoiding gaps in the defense. After the battle, the survivors of the 20th Maine would always marvel at how well and how quickly they accomplished that maneuver under fire.[2] It was a unique combination of tactical battle drills--created in the mind of Colonel Chamberlain to fit the particular situation on that day.

Minutes after the new line was formed, it was attacked by the battle-hardened soldiers of the 15th Alabama Regiment. (This regiment and the 47th Alabama Regiment were under the command of Colonel Oates.) Oates' soldiers were tired and thirsty. They had marched all night and day and were unable to wait for a lost watering party sent out just prior to the attack. Even so, they attacked with great courage and violence.

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[2] Pullen, p 118.

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From this point on, the battle was so fierce that none of the participants were able to describe exactly what happened. For the soldiers involved, the battle took on the quality of a dream. Chamberlain saw that a cross fire had demolished the center of his line. The color bearer and a single comrade were gallantly defending the entire center. Chamberlain sent his brother and an orderly to fill the gap.

The Alabama Regiments charged at least six times. Chamberlain said that at times there were more of the enemy around him than of his own soldiers. Squads of attacking Confederate soldiers bayoneted their way through the defenses, but somehow the determined Maine men threw the Rebels back. Many soldiers on both sides were killed or wounded during this phase of the battle. Chamberlain was wounded in the foot by a flying shell fragment, and his thigh was severely bruised where a bullet struck his sword scabbard.

A lull in the battle came after the sixth violent charge. Chamberlain knew that he was outnumbered and that each of his soldiers had only one or two rounds of ammunition remaining. He learned the Confederates were forming for another charge and knew his unit, out of ammunition, would be overpowered by the superior numbers and firepower of another Confederate assault. To withdraw would cause the defeat of the Union Army.

He analyzed the situation and chose the course of action he believed had the best chance of success. He ordered his soldiers to fix bayonets and charge--not for heroics, but because that was their best chance for success. He reasoned his unit would have the advantage of attacking downhill. Furthermore, the surprise and violence of the attack might take the initiative from the enemy and give the 20th Maine the psychological advantage.

That decision left Chamberlain with a tactical problem the field manuals did not address. He had to keep the two halves of his regiment together. He quickly developed a plan in his mind and ordered the left flank to charge first, anchoring its right flank company in place.

When the left half of the regiment was abreast of the right half, the entire regiment was to charge down and to the right--like a great swinging door--the right flank company firmly hinged on the 83d Pennsylvania Regiment.

After Chamberlain gave the order, young Lieutenant Melcher leaped in front of his company, sword flashing in the sun. Already under attack, the left half of the regiment charged, driving the Confederates before them. When the left half of the regiment was abreast of the right, Chamberlain quickly moved forward, leading his men down and to the right. The regiment was a raging body, charging toward the Alabama soldiers 30 yards away. Before the Alabamians could fire, the 20th Maine was upon them. At point-blank range, a

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Confederate officer fired his pistol at Chamberlain and missed. With Chamberlain's sword at his throat, he surrendered.

The Confederates were stunned. They fell back to the position of the 4th and 5th Texas Regiments. There the 20th Maine charge might have failed if not for a great stroke of surprise--that powerful weapon of war that explodes in the mind, destroys reason, and incites panic. Captain Morrill's B Company and the US sharpshooters were hiding behind a wall at the base of Big Round Top. They had not been able to see the 15th Alabama moving to attack Chamberlain's left flank. After the 20th Maine's charge, however, the retreating Alabamians came into view. Captain Morrill's force started firing into the flank and rear of the Confederates.

According to Colonel Oates, it was the devastating surprise fire of B Company that caused panic in his soldiers. They though a large force of Union cavalry was attacking their rear--even though there was no Union cavalry in the battle. Colonel Oates and his company commanders though they were surrounded. He ordered a retreat--each man to break out as best he could. At that point the two Alabama regiments panicked and ran. They did not realize that one more attack could have started the entire Union line tumbling like a house of cards.

Colonel Oates later said General Lee was never so close to victory as that day on Little Round Top. He also said he never knew a greater regiment than the 20th Maine, or a greater leader than their gallant colonel.

The 20th Maine swept their brigade's entire front. They wanted to keep attacking General Lee's whole army. Some were yelling that they were "on the road to Richmond."[3] Colonel Chamberlain's ability to stop them is a tribute to the discipline of the unit. They had captured about 400 prisoners from four different Confederate regiments. The slopes of Little Round Top were littered with hundreds of dead bodies--blue and gray. The 20th Maine started the battle with 358 riflemen; they suffered 90 casualties. Forty were killed or died of wounds.

For a few moments, the fate of an Army and a nation rested on the shoulders of 358 farmers, woodsmen, and fishermen from Maine. They were led by a colonel who was a seminary graduate and who had been a professor of languages less than a year before the battle.

Colonel Chamberlain's example at Little Round Top demonstrates the kind of bold, innovative leadership needed at all levels to succeed on the modern battlefield.

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[3] Willard M. Wallace, Soul of the Lion, p 103.

018976

Combat in Korea

The regiment planned the patrol action on 28 March (1952), and named Lieutenant John Chandler patrol leader. His mission was to conduct a combat patrol to Noname Ridge to dill or capture any enemy encountered. For the job, he was to take a force consisting of two reinforced rifle squads.

Chandler received the patrol plans on the afternoon of 2 April. He selected two squads from his 3d Platoon and several men from the other squads in order to have a total of 20, including himself. The next afternoon (3 April), he took his 19 men to a high point overlooking the planned route and briefed them on the patrol scheduled for that night. He pointed out the objective, one of the enemy construction sites on Noname Ridge, and explained that he hoped to surprise an enemy working party while it was digging and unarmed. If possible, the patrol would capture one or more North Koreans, or kill them if capture was impossible.

Using available maps, Chandler constructed a sand model outlining the most prominent terrain features and the patrol objective. The model was good enough to plan the routes of advance and withdrawal and to show the known characteristics of the objective area.

Finally Chandler reminded the men of the battalion's rule concerning casualties. "Casualties, dead or wounded," he said "are never left by the rest of the patrol. If any man is left on the field, the entire unit will return to find him and bring him back."

When the patrol assembled after supper, Chandler divided the men into two sections: an assault squad of 8 men and himself, and a fire support squad of the other 11 men.

After satisfying himself that all details of his patrol were in order, Lieutenant Chandler--a man both careful and thorough--waved his men forward. The patrol crossed the main line of resistance at 2100. As Chandler led his men forward, the 105-millimeter howitzers of the 64th Field Artillery Battalion fired their usual harassing and interdiction missions. In planning the patrol, the regimental staff had timed the departure to coincide with this evening's fire, hoping the fire would keep the enemy under cover until the patrol was in defilade.

About three and a half hours later, the patrol reached the objective. Chandler reported to his battalion commander, Colonel Walker, that the patrol had neither made contact with the enemy nor found any indications that there were enemy soldiers in the area. Walker instructed Chandler to continue with his original mission.

"Get a prisoner if you can," Walker told the patrol leader. "If you can't, shoot 'em up. Decide upon the route you are going to take to make contact, move forward a hundred yards, then report again."

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Chandler made his decision and relayed it to Walker who continued to plot the patrol's course. After the patrol moved forward without incident, Walker told Chandler to go another hundred yards and report again.

After the second move, the patrol members saw and heard movement in the direction of the enemy's main defensive line. It appeared that enemy soldiers, still some distance away, were coming down toward Noname Ridge. Chandler called for artillery. In a few minutes, thirty-six 105-millimeter shells fell on the enemy movement. The movement stopped, but Chandler and his men could still hear voices from the vicinity of the impact area.

Though the patrol had made contact, it had not captured a prisoner. Cautiously, Chandler led his men another hundred yards to a point about fifty yards from the very top of the ridge. He called back over the radio to Company C's observation post. "We're going on radio silence from here on, so there won't be any chance that the radio will give us away before we're ready." Then he spent some time trying to determine the outline and construction of the enemy's position.

From the patrol's location below the crest of the ridge, the men could see a large bunker that would be a little to the left of the patrol's route of approach. Smaller bunkers were on each side.

Lieutenant Chandler formed the patrol into two lines facing the enemy's position. There was an automatic rifleman and a man with a carbine on each flank of the assault squad. The other men were close together in the center. Chandler and his South Korean interpreter, Corporal Kim Bae, were out in front. The fire support squad stayed about fifty yards behind the assault squad.

The patrol moved quietly ahead. As it neared the enemy's position, a soldier stepped on a booby-trapped concussion grenade. Although was not seriously injured, the patrol waited several minutes to make certain the North Koreans had ignored the noise. Then Lieutenant Chandler and the assault crew crept forward. As Chandler and Kim Bae approached the large bunker in the center, they came upon a communication trench that joined at least five bunkers. Chandler and Kim Bae jumped into the trench; only a few feet away, a North Korean came out of the big bunker and muttered a few words. Kim Bae answered in Korean. Apparently suspicious, the North Korean raised his gun to the ready position and fired. Several men from the assault squad opened fire at the same time.

Six North Koreans came streaming out of the big bunker. The ass ult squad killed the first five with carbine and automatic rifle fire; the sixth ducked back into the bunker. One of Chandler's men threw two grenades into the big bunker. While no one came out, Chandler's men heard yelling and screaming for several minutes.

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North Koreans from other bunkers on each side of the large one soon appeared in the communication trench. The riflemen on the flanks either killed them or drove them back into protected positions. Maintaining a heavy rate of fire, the squad managed to hold the initiative.

Two North Koreans from the left bunkers attempted to work their way along the communication trench. A rifleman at that end of the line killed them. Chandler's men tossed several grenades into the trench and toward the bunkers. After a few minutes, another of Chandler's men killed three North Koreans trying to get around the right flank.

The North Koreans relied mainly on grenades. They preferred to remain in defilade beyond the crest of the hill or around the edge and throw grenades into the patrol. The assault squad was so close to the enemy's position in the trench that most of the grenades the enemy threw passed over the assault squad, falling in the space between the two squads.

Still, early in the action, concussion grenades wounded both radio operators and put their radios out of commission. Two others in the fire support squad were also wounded by grenades; of the four casualties, only one was unable to walk.

At about 0245, Chandler decided to withdraw. When he asked the radio operators to notify battalion headquarters, he discovered the casualties and damaged radios. He ordered the assault squad and the casualties to start moving toward the rallying point at the foot of the hill in front of friendly front lines. Several men improvised a litter to carry the seriously wounded soldier on.

Throughout the firefight, Chandler's men had shouted and yelled. When they started to withdraw, however, the decrease of this noise and the noise of firing was noticed by men watching the action from Company C's observation post on the main line of resistance. The observers could see the firefight moving toward them and realized the patrol was withdrawing. They relayed this information to Colonel Walker.

Walker immediately called for artillery and mortar concentrations in the vicinity of Noname Ridge. As Chandler moved back, the commander of Company C gave Colonel Walker the patrol's position, determining it by observing the small-arms fire from the patrol toward the enemy. By the same method, he traced the enemy's location as they pursued the patrol. From this information, battalion headquarters plotted both friendly and enemy positions on a map showing all artillery and mortar concentrations.

As the engagement moved toward the main line of resistance, Walker personally shifted the mortar and artillery concentrations to keep the impact area as close as possible to the patrol. He would not shift the responsibility to his subordinate officers for directing the fires since they had no communications with the patrol they were supporting.

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Just before the patrol reached the rallying point at the foot of the hill, Lieutenant Chandler sent two men ahead to bring back litters and bearers from Company C. On the slippery, snowy slope of the ridge, it took them more than an hour to reach the main line. Once there, they learned that a relief squad was ready to return with them. As the two men led the squad down the ridge, an enemy mortar landed in the group, wounding four men of Company C. Chandler's two men helped take these wounded men back and waited for another relief squad. They finally rejoined the patrol at about 0530.

Meantime, after forming a defensive perimeter at the rallying point, Chandler threw an illuminating grenade in the direction of the enemy to guide the supporting mortars. Colonel Walker shifted the mortar fire to protect the patrol from the North Koreans who were following with considerable determination. Besides the artillery fire, several tanks on the main line fired cannon and heavy machine guns.

By this time, it was light enough for the enemy on Noname Ridge to see the patrol perimeter. Lieutenant Chandler, using the radio the relief squad had brought down from Company C, called for smoke. The smoke was effective and protected the patrol from enemy observation.

The men returned to friendly lines despite the enemy's attempt to keep them pinned down.[4]

Fight at Ia Drang, Vietnam

The mission of the 1st Battalion, 7th Cavalry, 1st Cavalry Division, was to conduct a search and destroy mission in the Pleiku area of the Republic of Vietnam, for a North Vietnamese Regiment which had been reported in the area. The following actions took place commencing on 14 November 1965.

Company B, under the command of Captain John Herren, had been designated the first unit to airmobile into a battalion landing zone. Having secured the LZ without making enemy contact, the battalion commander directed B Company to commence search operations while A Company, which had been inserted earlier, assumed the LZ security mission. The B Company commander moved out with two platoons abreast and one platoon in reserve.

Initial contact with North Vietnamese forces was made by 1st Platoon. Lieutenant Herrick, 2d Platoon leader, was directed to maneuver toward the 1st Platoon to provide assistance. While moving toward the 1st Platoon, Herrick's platoon received a blistering volley of enemy fire from the right flank, killing the grenadier and pinning down the rest of the squad.

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[4] Condensed from Combat Actions in Korea by Russell A. Gugeler, pp 236-45.

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Deploying his two M-60 machine guns toward the enemy force, Herrick yelled to the 3d Squad leader, Staff Sergeant Clyde Savage, to pull back under covering fire of the machine guns. As the gunners moved into firing position, Herrick radioed a situation report to his company commander and formed a hasty 25-meter perimeter. In the meantime, under the cover of the M-60s, Savage, carrying the dead grenadier's weapon, managed to withdraw his squad toward the platoon. Amid increasingly heavy fire, including mortars and rockets, Savage's squad reached the main body of the platoon and joined with other men.

The North Vietnamese laced the small perimeter with fire so low to the ground that few of Herrick's men were able to employ their entrenching tools to provide themselves cover. Through it all, the men returned the fire, taking a heavy toll of the enemy. Sergeant Savage hit twelve of the enemy with his M-16 during the afternoon. In midafternoon, Herrick was hit by a bullet which entered his hip, coursed through his body, and exited through his right shoulder. Although fatally wounded, he continued to direct his perimeter defense. He gave his signal operation instructions book to Staff Sergeant Palmer, his platoon sergeant, with orders to burn it if capture seemed imminent. He told Palmer to redistribute the ammunition, to call in artillery fire, and, at the first opportunity, to try to make a break for it. Palmer, already slightly wounded, had no sooner taken command than he too was killed.

The 2d Squad leader took charge. He rose on his hands and knees and mumbled that he was going to get the platoon out of danger. He had just finished the sentence when a bullet smashed into his head. Killed in the same hail of bullets was the forward observer for the 81-millimeter mortar. The artillery reconnaissance sergeant traveling with the platoon was shot in the neck. Seriously wounded, he became delirious and the men had difficulty keeping him quiet.

Sergeant Savage, the 3d Squad leader, took command. Snatching the artilleryman's radio, he began calling in and adjusting field artillery fire. Within minutes he had ringed the perimeter with well-placed concentrations, some as close to the position as 20 meters. The indirect fire did much to discourage enemy attempts to overrun the perimeter, but the platoon was still in danger. Of the 27 men in the platoon, 8 had been killed and 12 wounded.

Meanwhile, the enemy attacked the remnants of Savage's platoon with at least a reinforced platoon. Each time, it was turned back by the artillery and the small-arms fire of the men in the perimeter, which included those who were wounded. Specialist 5 Lose, the medical aidman, moved about the perimeter, exposed to fire while he administered to the wounded. His diligence and ingenuity throughout the day and following night saved at least six lives; having run out of first-aid packets as well as bandages from his own bag, he used C-ration toilet tissue packets to help stop bleeding. Calm, sure, and thoroughly professional, he brought reassurance to the men.

Before the second attack, which came at 0345, enemy bugle calls were heard around the entire perimeter. Some sounds seemed to come from within 200 to 400 meters. Sergeant Savage could even hear enemy soldiers muttering softly to one another. He called down a 15-minute artillery barrage to saturate the area and followed it with a tactical air strike on the high ground near his position. Executed under flareship illumination, the two strikes in combination broke up the attack.

A third and final enemy attack came over an hour later and was as unsuccessful as the previous two. Savage and his men, isolated but still holding throughout the night, could hear and sometimes see the enemy dragging off his dead and wounded.

When the relief force arrived the next morning, each man still had adequate ammunition to continue to fight.[5]

Operation White Wing, Republic of Vietnam

During Operation White Wing near Bong Son, Binh Dinh Province, in February 1966, the 2d Battalion, 5th Cavalry, 1st Cavalry Division, was operating in extremely rugged mountainous terrain against a determined enemy. On 17 February, the battalion reserve force commander was tasked with protecting the battalion command post and conducting local security operations.

Captain Tom Fincher, A Company commander, elected to accomplish the assigned mission by employing 3d Platoon and the weapons platoon within the battalion perimeter to protect the battalion CP and to use 1st and 2d Platoons for conducting local patrols. Meanwhile, B Company searched out enemy forces 2,500 meters to the northwest, while C Company did the same due north of the battalion base some 4,200 meters distant.

Within an hour of departing the battalion base camp with the platoons conducting local security, Fincher monitored a B Company report of receiving enemy fire from the surrounding hills. After alerting his platoons, Fincher continued patrolling the area around the base camp. Fifteen minutes later, B Company's situation worsened. Heavy enemy fire had caused significant casualties including the artillery forward observer. The high volume of fire precluded a maneuver against the foe, the B Company commander reported.

Anticipating a change of mission to support B Company, Fincher alerted the two platoons back at the battalion base, and directed them to move on order to a rendezvous point 1,500 meters north of the perimeter. He told the weapons platoon to orient its 81-millimeter mortars in B

[5] Condensed from "Fight at Ia Drang" by John A. Cash in Seven Firefights by John Albright, et al, pp 3-40.

Company's direction if a call for help should come. Finally, he directed the two platoons with him to maneuver north toward the same rendezvous point.

Fincher's reaction proved sound, for within twenty minutes, the battalion commander directed him to aid B Company. It took an hour traveling over rocky terrain for the A Company elements to assemble at the selected rendezvous point. If he had not anticipated his commander's forthcoming directive, the time required could have been significantly increased.

The site selected for the rendezvous was approximately 1,000 meters from B Company and placed the enemy force on a hill between the two American companies. In short order, Fincher deployed three platoons on line at the bottom of the enemy-held hill and ordered an assault. Maneuvering aggressively, preceded by mortar fires, Fincher's troops were able to defeat the enemy and relieve their hard-pressed sister company.[6]

SUMMARY

Colonel Chamberlain, Lieutenant Chandler, Staff Sergeant Savage, and Captain Fincher understood the human dimension of warfighting. Each demonstrated his tactical and technical proficiency and used initiative to exploit opportunities for success by taking well-calculated risks within his commander's intent. The orders these men issued were effectively communicated and influenced their subordinates to accomplish the mission by providing purpose, direction, and motivation.

The historical records are full of combat actions that cite examples of superb leadership and soldiers rising well above the normal call of duty to accomplish the assigned mission. In each of the accounts selected for this chapter, the leader led by example from the front, not by coercion and fear. We need leaders like the ones who were highlighted and we can develop them in our schools and units. You can become leaders like those discussed, and you can train your subordinates in similar fashion. This is your challenge and responsibility.

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[6] Condensed from Infantry in Vietnam: Small Unit Action in the Early Days: 1965-66, edited by Albert N. Garland, pp 306-9.

These accounts of history should have raised many questions in your mind about the human dimension of warfighting. How can you develop yourself as a leader? Why do soldiers fight? What builds cohesion and discipline and motivates soldiers to fight bravely against great odds? What beliefs, values, character, knowledge, and skills must you have to lead soldiers successfully in combat?

CHAPTER 4

WHAT A LEADER MUST BE

> The American people rightly look to their military leaders not only to be skilled in the technical aspects of the profession of arms, but to be men of integrity.
>
> --General Joseph Lawton Colins (1896-1987)
> Division and Corps Commander, WW II

As a leader, you are responsible for understanding and directly transmitting the Army's values to your soldiers. These values are the foundation for service to the nation. Since the Army's purpose is to protect the nation and its values, the Army's ethic must be consistent with national will and values. The oath you took pledged you "to support and defend the Constitution of the United States." Taken without reservation and regardless of personal sacrifice, this oath is formal and public recognition of your commitment to a professional ethic.

This chapter describes what a leader must BE by discussing beliefs, values, and norms; character; and the professional Army ethic. It also discusses ethical responsibilities and an ethical decision-making process.

BELIEFS, VALUES, AND NORMS

BELIEFS

Beliefs are assumptions or convictions you hold as true about some thing, concept, or person. They can range from the very deep-seated beliefs you hold concerning such things as religion and the fundamentals upon which this country was established to recent experiences which have affected your perception of a

particular person, concept, or thing. One soldier may believe that duty simply means putting in time from "8 to 5." Another may believe that duty is selflessly serving your country, your unit, and the soldiers of your unit.

You have beliefs about human nature--what makes people tick. We usually cannot prove our beliefs, but we think and feel that they are true. For example, some people believe that a car is simply a means of transportation. Others believe a car is a status symbol. There are leaders who believe that rewards and punishment are the only way to motivate soldiers. In contrast, other leaders believe that rewards and punishment should be used only in exceptional cases.

The important point to recognize is that people generally behave in accord with their beliefs. The beliefs of a leader impact directly on the leadership climate, cohesion, discipline, training, and combat effectiveness of a unit.

VALUES

Values are attitudes about the worth or importance of people, concepts, or things. Values influence your behavior because you use them to decide between alternatives. For example, you may place value on such things as truth, money, friendships, justice, human rights, or selflessness.

Your values will influence your priorities. Strong values are what you put first, defend most, and want least to give up. Individual values can and will conflict at times. If you incorrectly reported a patrol checkpoint, do you have the moral courage to correct the report even if you know your leader will never discover you sent the incorrect report? In this situation, your values on truth and self-interest will collide. What you value the most will guide your actions. In this example, the proper course of action is obvious. There are times, however, when the right course of action is not so clear.

The four individual values that all soldiers (leaders and led) are expected to possess are courage, candor, competence, and commitment. These four values are considered essential for building the trust which must exist for a unit to operate at peak efficiency.

Courage comes in two forms. Physical courage is overcoming fears of bodily harm and doing your duty.

Moral courage is overcoming fears of other than bodily harm while doing what ought to be done. It is the courage to stand firm on your values, your moral principles, and your convictions. You show moral courage when you do something based on one of your values or moral principles, knowing that the action may not be in your best interest. It takes special courage to support unpopular decisions and to make it difficult for others to do the wrong thing. Others may encourage you to embrace a "slightly" unethical solution as the easiest or most convenient method. Do not ease the way for others to do wrong; stand up for your beliefs and what you know is right. Do not compromise your professional ethic or your individual values and moral principles. Moral courage is as important as physical courage. If you believe you are right after sober and considered judgment, hold your position.

Candor is being frank, open, honest, and sincere with your soldiers, seniors, and peers. It is an expression of personal integrity. If handled properly, disagreeing with others and presenting your point of view are not wrong. Remember these three important points: (1) select the right time and place to offer your criticism or advice; (2) do not criticize a plan without giving a constructive alternative; (3) recognize that when your leader had made the final decision, you must end your discussion and support legal and proper orders even if you do not personally agree with them. There is often no time in combat to verify reports or to question the accuracy of information. Consequences are too important, and time is too short to communicate anything but the truth. Candor is equally important in peacetime. Demand it from your subordinates and expect it from your peers and superiors. Candor expresses personal integrity.

Competence is proficiency in required professional knowledge, judgment, and skills. Each leader must have it to train and to develop a cohesive, disciplined unit with all the required individual and collective skills to win on the battlefield. Competence builds confidence in one's self and one's unit; both are crucial elements of morale, courage, and, ultimately, success on the battlefield.

Commitment means the dedication to carry out all unit missions and to serve the values of the country, the Army, and the unit. This is shown by doing your best to contribute to the Army, to train and develop your unit, and to help your soldiers develop professionally and personally.

NORMS

Norms are the rules or laws normally based on agreed-upon beliefs and valued that members of a group follow to live in harmony. Norms can fall into one of two categories.

Formal norms are official standards or laws that govern behavior. Traffic signals, the Uniform Code of Military Justice, and the Geneva Conventions are formal norms that direct the behavior of American soldiers. They dictate what actions are required or forbidden. Uniform regulations, safety codes, and unit SOPs are also formal norms.

Informal norms are unwritten rules or standards that govern the behavior of group members. In the Korean Combat Patrol account, Lieutenant Chandler stressed the informal norm that casualties were never left by the rest of the patrol. At the root of this norm was a shared value about the importance of caring for each other. Soldiers find comfort in knowing they will be cared for in the event they become casualties.

IMPORTANCE OF BELIEFS, VALUES, AND NORMS

Beliefs, values, and norms guide the actions of individuals and groups. They are like a traffic control system; they are signals giving direction, meaning, and purpose to our lives.

Examples abound of soldiers throughout history who sacrificed their lives to save friends or help their unit accomplish a mission. These brave, selfless actions include blocking exploding grenades, personally taking out enemy fighting positions, and manning key positions to protect a withdrawal. Beliefs and values motivate this kind of heroic self-sacrifice. The motivating force

may be the soldier's belief in the importance of retaining his personal honor, of saving a buddy, of helping the unit, of serving a cause, or a combination of these.

Your soldiers will fight for you if they believe that the best chance for survival for themselves and their buddies is to do their job as part of a team. They will be more effective if they believe in themselves, in the unit, in you, and in the cause they are fighting for.

Individual values, beliefs, and attitudes are shaped by past experiences involving such things as family, school, work, and social relationships. Leaders must understand the importance of nurturing and shaping beliefs and values in their subordinates because they are fundamental motivating factors.

INFLUENCING BELIEFS, VALUES, AND NORMS

As a leader, you have the power to influence the beliefs and values of your soldiers by setting the example; by recognizing behavior that supports professional beliefs, values, and norms; and by planning, executing, and assessing tough, realistic individual and collective training.

Tough training does not mean training in which leaders haze or yell at troops in an effort to cause artificial stress. This merely creates an antagonistic atmosphere of "us against them." This kind of leadership does not succeed in combat, so why practice bad habits. Tough training occurs when leaders and soldiers mutually experience realistic, exhausting conditions that prepare both, as a team, for the stress of combat.

Captain Herren, B Company Commander, was concerned about the operation in the Ia Drang Valley because his men had gone without sleep the night before while performing another mission. He could only trust that the training his unit had received would enable them to overcome the lack of rest and that their fatigue would have little effect on their fighting ability. Training that simulates such conditions is tough.

During a field exercise, you could plan for an all night road march, a few hours rest, then a simulated battle that is demanding on leaders and soldiers. This kind of training builds cohesion--positive respect and trust among soldiers and between leaders and soldiers. It builds a feeling of shared hardships and teamwork. It contributes to the respect and comradeship that help you influence beliefs and values of soldiers.

Tough training conducted to standards will teach your soldiers to do things as individuals and as a team that they did not believe possible. It will give your soldiers confidence in themselves, in each other, and in you. If properly explained, it will help each soldier understand the linkage and the importance of his ability to perform individual tasks properly in support of the unit's collective mission.

As a leader, you must respect your soldiers and must earn their respect if you are to influence their beliefs and values. Subordinates will always respect your rank, but they will base their genuine respect on your demonstrated character, knowledge, and professional skills.

Once your soldiers respect you and want your approval, you can guide them to demonstrate unselfish concern for the unit and for other soldiers. They will become concerned with excellence in everything that relates to combat readiness if this is the value you demonstrate. If your soldiers respect and admire you, they want to be like you, and they naturally tend to adopt your professional beliefs and values as their own. You can reinforce this behavior with positive feedback and by praising them for things they do that support duty, cohesiveness, discipline, good training, and good maintenance. Praise, however, can be cheapened, either by overuse or when it is not sincere.

CHARACTER

Character describes a person's inner strength and is the link between values and behaviors. A soldier of character does what he believes right, regardless of the danger or circumstances. A soldier's behavior shows his character. In

tough situations, leadership takes self-discipline, determination, initiative, compassion, and courage.

There is no simple formula for success in all the situations you may face. The key is to remain flexible and attempt to gather as many facts as the circumstances will allow before you must make a decision. Remember too, when dealing with others, every situation has two sides; listen to both. The way you handle problems depends on the interaction of the factors of leadership (the led, the leader, the situation, and communications).

Character can be strong or weak. A person with strong character recognizes what he wants and has the drive, energy, self-discipline, willpower, and courage to get it. A person with weak character does not know what is needed and lacks purpose, willpower, self-discipline, and courage.

A person who can admit when he is wrong is exhibiting strong character. Some believe that apologizing is a sign of weakness and causes a leader to lose power. Quite the contrary, admitting when you have made a mistake takes humility and moral courage. We are all human and make mistakes. Although placing blame on someone or something else when a mistake is made may be tempting, it indicates weak character, which your soldiers will readily recognize.

We need leaders of strong and honorable character who support the values of loyalty to the nation, the Army, and the unit; duty; selfless service; and integrity. In this manual a soldier of character means a person with strong and honorable character.

IMPORTANCE OF CHARACTER

Your soldiers assess your character as they watch your day-to-day actions. They know if you are open and honest with them. They see whether you are indecisive, lazy, or selfish. They will quickly determine whether you know and enforce the Amy standards. Your soldiers' perceptions of your actions combine to form a continuing assessment of your character.

Soldiers want to be led by leaders who provide strength, inspiration, and guidance and will help them become winners. Whether or not they are willing to trust their lives to a leader depends on their assessment of that leader's courage, competence, and commitment.

Future wars will be won by leaders with strong and honorable character. When mentally preparing for the stress of combat, it is good to know that ordinary people in past wars have shown that kind of character. An inspiring example of such a soldier follows.

Sergeant York

Alvin C. York was born to a poor family in the mountains of Tennessee. As a youth, York was known as a wild hellraiser with a particular hankering for alcohol, fighting, and gambling until he fell in love with a church-going girl who refused to date him unless he changed his ways. He started reading the Bible and adopted its fundamental teachings as his values. He changed his beliefs, values, and behavior and even became a respected leader in his church.

When he was 30, World War I broke out. He was inducted into the Army and assigned to Captain Danforth's Company G, 328th Infantry Regiment, at Camp Gordon, Georgia. York told Danforth that he would do his duty, but that he did not want to fight and did not believe in killing enemy soldiers.

Captain Danforth was troubled by York's beliefs and feelings. As training progressed, he could see that York was potentially the best soldier in the company. York's mountain life had made him a tough, hard-muscled, clear-thinking man. His body and mid were conditioned by years of hunting, plowing, and blacksmithing. He had been an expert shot since boyhood. Captain Danforth would have made York a sergeant except for his reservations about killing.

Captain Danforth tried to convince York that killing enemy soldiers in a just war is not against the Word of God. York wouldn't budge. Captain Danforth then discussed York with the battalion commander, Major Buxton, a deeply religious man who knew the Bible as well as York. After talking to York, Major Buxton sent him home on leave. "To York he said, 'That will give you time to do some thinking and praying. If you can then find it in your heart to return with a free conscience, we will take you with us. If you cannot . . . I will see that you are let out.'"[1]

[1] Jacobs, p 67.

York went home for two weeks. Finally, on the last day of his leave, after searching the deepest regions of his mind and soul, he decided that for him, the highest moral good was to go to war with Company G.

"He rejoined his company and told Captain Danforth that he had become convinced that he could fight for his country without violating the precepts of his faith. From that day on York marched in the ranks with a light heart and clear mind."[2] York changed his own belief about the "moral rightness" of war. Respected leaders can influence the beliefs, values, and character of subordinates.

York's decision had great consequences when he accomplished an almost unbelievable exploit that displayed his courage and initiative.

"The essence of Alvin York's life was compressed into four hours of October 8, 1918, in the mud and blood of the Argonne Forest [in France] . . .. At 6:10 a.m., York's Company was ordered to . . . seize a German-held rail point. Hidden in woods overlooking a valley, a German machine-gun battalion opened up on the company, killed most of its forward ranks."[3]

"York, the only surviving noncom, was left in command. He called for the others to move forward. They advanced and succeeded in overcoming the first machine gun nest and taking its crew prisoner. York told someone to see to getting the prisoners to the rear; then he moved out in advance of his tiny command to see what lay ahead of them. He had gone forward only a few yards when a line of 35 machine guns opened up and pinned him down.

"The Tennessean found himself trapped and under fire within 25 yards of the enemy's machine gun pits . . .. He began firing into the nearest enemy position, aware that the Germans would have to expose themselves to get an aimed shot at him. And every time a German head showed over the parapet, York drilled a bullet into it!

"After he had shot down more than a dozen enemy gunners in this fashion, he was charged by six German soldiers who came at him with fixed bayonets.

"York . . . drew a bead on the sixth man, and then on the fifth. He worked his way down the line, and practically before he knew it, the first man in line was charging the eagleeyed American sharpshooter all by himself. York dropped him with a dead-center shot.

"York again turned his attention on the machine gun pits. Every time he fired, another enemy soldier fell. . . . In between shots York called for the Germans to surrender. At first it may have seemed funny to the well-entrenched enemy; but the joke had become rather

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2 Jacobs, p 67.
3 "Heroes: One Day's Work," p 26.

undependable and irresponsible; he lacks self-discipline. Can this soldier change? What is your responsibility to this soldier?

You must understand human nature. There is good and bad in everyone. A leader must bring out the good in each soldier. You may be able to eliminate counterproductive beliefs, values, and behaviors and help a soldier develop character if he wants to change. Many soldiers want to improve, but they need discipline, organization, a good role model, and a positive set of beliefs, values, and habits to pattern themselves after. You, as a leader, must both demonstrate by example and assist in establishing the conditions for that individual which will encourage the change.

You will not be able to influence the beliefs, values, and character of all your soldiers, but you can influence most soldiers. Your job is to make good soldiers out of all the people in your unit, even the problem soldiers.

Gaining the respect of soldiers is important. A respected leader influences soldiers by teaching, coaching, counseling, training, disciplining, and setting a good example. If a soldier does not adopt soldierly values and behavior after you and the rest of the chain of command have done your best, eliminate him from the Army so that he cannot disrupt discipline and cohesion in your unit. Respected and successful leaders create a leadership climate that causes most soldiers to develop the right professional values and character. Leaders can often change soldiers' motivation from self-interest to selfless service to their unit and nation.

You have another major responsibility in developing character. You must give your soldiers confidence that they can develop their character. Convince your soldiers that you are on their side, helping them. Their belief that you sincerely care about them and want them to develop the correct values and behavior (because that is right for them) helps give them confidence to become able soldiers with strong and honorable character.

REWARDS AND PUNISHMENT

The hope of reward and the fear of punishment greatly affect soldiers' behavior. If you have been rewarded with a pat on the back for doing something well or punished with a reprimand for unsatisfactory performance, you know how it felt and how it changed your future behavior. Rewards and punishments have different purposes. Rewards promote desired behavior; punishments reduce undesired behavior. If used properly, rewards and punishments can change the behavior of your soldiers.

Praise, recognition, a medal, a certificate, or a letter of commendation means a great deal to a soldier. Napoleon marveled at the motivational power of a small piece of ribbon. He once said that if he had enough ribbon, he could conquer the world. Rewards are visible evidence to the soldier that his leader, his unit, and his country appreciate his courage or hard work. Well-chosen rewards normally increase motivation to keep working for more recognition.

Here are some ideas on applying this principle:

o Obtain recommendations from the chain of command and NCO support channel on rewards, awards, and schooling.

o Choose a reward valued by the person receiving it.

o Use the established awards system of certificates, medals, letters of commendation, driver and mechanic badges, and safety awards.

o Choose rewards that appeal to a soldier's personal pride; they will have the most motivational power. Praise before peers is often more powerful than a three-day pass.

o Present awards at an appropriate unit ceremony so that others can see hard work is rewarded.

o Reward promptly the desired behavior of an individual or group.

o Stand up for your good soldiers when they need help.

o Give lots of verbal praise. If a soldier is trying to learn the right values, character, knowledge, and skills, encourage him--even if he is still falling short. Do not reward his failure, but reward his honest diligent effort to do the right thing. That recognition will reinforce his efforts and motivate

him to do even better. Be aware, however, that giving too much praise, or giving it when undeserved, cheapens it motivating value.

o Develop awards and ways of recognizing good performance that motivate the large group of average people who make up the majority of your unit. There is nothing wrong with rewarding the majority of your soldiers if they exceed a standard.

o Promote people who work and study hard, influence others to achieve unit standards, and show the capability for increased responsibility.

o Recognize soldiers who meet standards and improve their performance. Every soldier does not have the ability to be the "soldier of the quarter" or earn a perfect score on the APFT.

At the same time, you must also punish soldiers who just do not try or intentionally fail to meet your standards or follow your guidance. You do this because you want to change behavior and show others what they can expect if they choose to perform in a similar manner. Soldiers learn from the results of others' mistakes. Seeing what happens to a person who is unwilling or unmotivated to meet standards can have the same influence on behavior as firsthand experience.

Here are some principles you should understand about punishing:

o Let the soldier know you are upset about the behavior and not about him. Let him know you care about him as a person but expect more from him.

o Make sure your soldiers know you will tell them how they are doing.

o Do not punish soldiers who are unable to perform a task. Punish those unwilling or unmotivated to succeed.

o Punish in private as soon as possible after the undesirable behavior. Do not humiliate a soldier in front of others.

o Ensure that soldiers being punished understand exactly what behavior led to the punishment.

o Ensure that punishment is neither excessive nor unreasonable. It is not only the severity of punishment that restrains soldiers but also the certainty of it.

o Do not hold a grudge after punishing. When a punishment is over...it is over.

o Never lose control of your temper.

PART THREE

LEADERSHIP IN BATTLE

CHAPTER 8

STRESS IN COMBAT

> All men are frightened. The more intelligent they are, the more they are frightened. The courageous man is the man who forces himself, in spite of his fear, to carry on.
>
> --General George S. Patton, Jr. (1885-1945)
> Corps and Army Commander, WW II

The intensity of war is so demanding that stress in combat requires special attention. This chapter will tell you about stress in combat--how it affects you and your soldiers and what you can do to prepare for and treat it.

THE HUMAN SIDE OF WARFIGHTING

In World War II and Korea, the average casualty ratio was one battle fatigue victim for every four or five WIA. In extremely difficult battles, the ratio commonly reached 1 to 3 and occasionally 1 to 2. At battalion and company levels, units in desperate situations have had as many casualties from battle fatigue as from enemy weapons. Stress in Army operations is so critical the FM 26-2 is devoted entirely to this subject.

The old saying "everybody is afraid in combat" seems obvious, but the concept is worth considering. Here is one past leader's descriptions of the human side of warfighting.

A Leader's Account

> I was psychologically and morally ill-prepared to lead my platoon in the great Seventh Army attack of March 15, 1945. But lead it I did . . . . Before that day was over I was sprayed with the contents of a soldier's torso when I was lying behind him and he knelt to fire at a

machine gun holding us up; he was struck in the heart, and out of the holes in the back of his field jacket flew little clouds of tissue, blood, and powdered cloth. Near him another man raised himself to fire, but the machine gun caught him in the mouth, and as he fell he looked back at me with surprise, blood and teeth dribbling out into the leaves. He was one to whom early on I had given the Silver Star for heroism, and he didn't want to let me down.

After clearing a woods full of Germans cleverly dug in, my platoon was raked by shells . . . and I was hit in the back and leg by shell fragments. They felt like red-hot knives going in, but I was interested in the few quiet moans . . . of my thirty-seven-year-old platoon sergeant . . . killed instantly by the same shell . . .. My platoon was virtually wiped away. I was in disgrace, I was hurt . . ..

I bore up all right while being removed from "the field" and passed back through the first-aid stations. But when I got to the evacuation hospital 30 miles behind the lines and was coming out from the anesthetic from my first operation, all my affectations of control collapsed, and I did what I'd wanted to do for months, I cried, noisily and publicly, and for hours. . . . I must have cried because I felt that there, out of "combat," tears were licensed. I was crying because I was ashamed and because I'd let my men be killed and because my sergeant had been killed and because I recognized as never before that he might have been me and that statistically if in no other way he was me, and that I had been killed too. But ironically I had saved my life by almost losing it.[1]

Here is another combat veteran's account of the intensity of combat.

Another's Account

Early in the morning I was awakened by the thunderous sound of aircraft engines. As I crept out from under my tank I saw the first bomber waves approaching. From this moment on, our concentration area was subject to air bombardment which lasted for two and a half hours without interruption. . . . It was like hell and I am still astonished that I ever survived it. I was unconscious for a while after a bomb had exploded just in front of my tank almost burying me alive. I could see that another tank about 30 meters away had received a direct hit which had set it on fire instantly. A third tank was turned upside down by the blast, and when I tell you that the tanks weighed 58 tons and were tossed aside like playing cards you will see just what a hell we found ourselves in. It was next to impossible to see anything as so much dirt had been stirred up by the explosions. It was like being in a very thick fog. It was impossible to hear anything because of the unceasing crashing of explosives

[1] Paul Fussell, The Boy Scout Handbook and Other Observations, pp 261-62.

around us. . . . It was so nerve-shattering that we could not even think.

All one could say to oneself was "Will there never be an end to these explosions?". After two and a half hours the air bombardment stopped suddenly and the following silence was uncanny. . . . All the tanks were completely covered with earth. . . . Fifty men of the Company were dead, two soldiers had committed suicide during the bombardment, and another had to be sent to a mental hospital for observation. The psychological shock of these terrible experiences remained with us for a long time.[2]

STRESS IN BATTLE

Stress is the body's response to a demand placed on it. The demands may be physical (cold, injury, disease) or mental (fear, conflict, pressure). Stress also occurs when soldiers think they cannot meet the demands they expect to face. Sometimes soldiers overestimate the difficulty of a task or mission and sometimes they underestimate their abilities. Use your experience and influence to give your subordinates a better appreciation of the mission requirements and confidence in their actual abilities.

Stress is usually thought of as a destructive force that harms performance. this is only partially correct. If the level of stress is not too high, it can be positive and enhance performance. It can actually help soldiers meet and overcome unpleasant or painful situations. It can also be the positive force that motivates soldiers to act selflessly and heroically in combat.

Stress can reduce soldier performance, however, if its intensity is great enough. For you, stress is only a problem when it adversely affects performance. High stress reduces combat strength by lowering soldier performance and increasing battlefield stress casualties.

It is just as normal for leaders to experience fear as it is for younger soldiers, so do not feel you must hide it from your subordinates. Tell your subordinates that you also experience fear when you think about what you may see

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[2] P. Abraham, "Training for Battleshock," (text of presentation at the USAREUR and Seventh Army Medical Surgical Conference, Garmisch, Germany, 18 May 1981).

or have to do, but do not let fear keep you from performing your leadership duties. You must discipline yourself and be the example of what to do when one is afraid. Leaders who cannot control themselves or become indecisive cause their soldiers to lose confidence. Your soldiers who lack confidence in their leaders are reluctant to respond promptly and appropriately to orders. Loss of trust is devastating to morale, reducing performance on the battlefield and further increasing stress.

BATTLE FATIGUE

Battle fatigue is a psychoneurotic reaction that can develop in an individual from stress in a combat environment. Every individual has a different capacity to cope personally with traumatic stress whether it is a result of an external physical factor such as an enemy threat or an internal factor such as guilt. Mental and physical fitness helps soldiers endure stress, but fear and other unpleasant feelings will naturally be present before, during, and after combat. It is impossible for you as a leader to determine in advance either your personal resistance or that of your soldiers to succumb to battle fatigue. There are indicators of battle fatigue that you as a leader must recognize.

INDICATORS OF BATTLE FATIGUE

Indicators of battle fatigue may differ from soldier to soldier. You must constantly watch for these indicators and take steps to help individuals before they become ineffective. Recognize that while most soldiers exhibit some of these signs during periods of extreme stress, they can remain effective. The indicators of battle fatigue include--

- o Tension: aches, pains, trembling, and fidgeting.
- o Jumpiness at sudden sounds or movement.
- o Cold sweat: dry mouth, pale skin, eyes hard to focus.
- o Pounding heart: may feel dizzy or light-headed.
- o Feeling out of breath.
- o Upset stomach: may throw up.
- o Diarrhea or constipation: frequent urination.

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- o Fatigue: feel tired, drained; takes an effort to move.
- o Distant, haunted ("1000-yard") stare.
- o Anxiety: keyed up, worrying, expecting the worst.
- o Irritability: swearing, complaining, easily bothered.
- o Difficulty paying attention, remembering details.
- o Difficulty thinking, speaking, communicating.
- o Trouble sleeping, awakened by bad dreams.
- o Grief: tearful, crying for dead or wounded buddies.
- o Feeling bad about mistakes or what had to be done.
- o Anger: feeling let down by leaders or others in unit.
- o Beginning to lose confidence in self and unit.

PROTECTION FROM BATTLE FATIGUE

There are actions you can take to protect you and your soldiers from battle fatigue. Ensure your soldiers know what they are capable of doing. Tough, demanding, realistic training will increase their confidence in self, the unit, their leadership, and equipment. Keep your subordinates informed on the situation and do not allow your soldiers to exaggerate the enemy's capabilities or the difficulty of upcoming missions. Use the after-action review process after every mission to learn things that will help the unit in the future and to keep your soldiers informed and involved. Help your soldiers talk through their problems when things are tough at home or in the unit. Develop and enforce a sleep plan to provide each individual opportunity to rest. Remember that leaders too need sleep so that they can make sound, timely decisions.

The sustained stress of fighting and waiting to fight wears soldiers down mentally and physically; it can lead to battle fatigue. Though less visible, but equally dangerous, soldiers' ethical sensitivities may degenerate. Past war crimes are a frightening reminder of the need for our soldiers to sustain the ethical norms of our society. "Stand downs," such as moving a unit to an area of lower risk or resting the unit for about 48 hours, can significantly reduce the most serious effects of sustained stress. Although you may lack the authority to decide when your unit will stand down, you have amoral responsibility to advise your leader when your unit needs this rest.

Casualties will be sustained during combat operations which will require replacement soldiers. You must welcome new members into your unit and get to know them quickly. New soldiers have the added stress of being unfamiliar with you as a leader and the other soldiers in the unit. It is your responsibility to teach them as quickly as possible how the unit operates and to help them feel a part of the team.

TREATING BATTLE FATIGUE

Perhaps the most powerful thing you can do for your soldiers in tough situations is to look calm and in control. Your soldiers will key on your behavior and focus on the unit's immediate mission. Your soldiers should expect to continue their duties. Have them focus on a well-learned task or drill and follow the SOP. Think of yourselves succeeding; talk about it. Take a deep breath and shrug your shoulders to reduce tension; have your soldiers do the same.

Remember that battle fatigue is normal. Talk about it; make sure your soldiers understand it and are able to recognize it in themselves and others. Stay in touch with your soldiers; keep talking to them. When there are rumors, get the facts; do not jump to conclusions. Reduce your soldiers' anxiety and increase their peace of mind by keeping them informed.

When the tactical situation and safety permit, ensure you and your soldiers--

- o Sleep.
- o Drink plenty of fluids.
- o Continue to eat normal portions of food.
- o Continue to conduct training.
- o Clean up (wash, shave, change).
- o Talk about what happened; put things in perspective; clear up misunderstandings; talk about lessons learned.
- o Share grief; talk out personal worries; talk with the chaplain.
- o Keep busy when not resting (do recreational activities, equipment maintenance, et cetera).

If you have a soldier whose battle fatigue signs do not improve after resting, tell your leader or medic.

Sometimes you may have to send a soldier to the rear or to a medical unit to get more rest. If this happens, let the soldier know the team is counting on him to come back quickly. Do not let him feel ashamed about his need for rest or time to recover from battle fatigue. Welcome him back and expect him to do his full share when he returns.

Don't be surprised or worried if some battle fatigue signs (as jumpiness and bad dreams) continue a while after soldiers come out of combat. Help your soldiers understand this is normal behavior.

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US ARMY SERGEANTS MAJOR ACADEMY (PLDC-RC)

L204-RC OCT 90

HUMAN BEHAVIOR AND MOTIVATION

SUMMARY SHEET

1. GENERAL. As a leader, and a noncommissioned officer, you must understand the human dimension of war. You may have to motivate or influence people to gain their support and accomplish missions. Knowing the basic behavioral concepts and principles that influence human behavior helps do that.

2. BASIC HUMAN NEEDS AFFECTING BEHAVIOR. You must meet these needs to some extent before you can attempt to motivate.

a. Physical. Survival needs such as air, food, water, clothing, and shelter.

b. Safety. Security needs such a living area safe and secure from fire and theft, and a safe and secure area to perform daily duties.

c. Social. The need for love, affection, and a sense of belonging to a group.

d. Esteem. The need for self-respect or that inner feeling of worth.

e. Self-Fulfillment. The need to reach one's full potential.

3. BELIEFS, VALUES, AND NORMS AFFECTING BEHAVIOR.

a. Beliefs. Assumptions or convictions you hold as true about some thing, concept, or person. People behave according to their beliefs. What a leader believes impacts on the leadership climate, cohesion, discipline, training and combat effectiveness. Wrong beliefs lead to undesirable character, thinking and behavior.

b. Values. Attitudes about the worth or importance of people, concepts, or things. Values influence priorities. People use values to decide between alternatives. Preferred values are Courage, Candor, Competence, and Commitment.

c. Norms. The rules or laws based on agreed-upon beliefs and values that members of a group follow to live in harmony.

(1) Formal Norms. Official standards or laws that govern behavior, such as traffic signals, Uniform Code of Military Justice, The Geneva Convention, uniform regulations, safety codes, and unit SOPs. Formal norms dictate what actions are required or forbidden.

(2) Informal Norms. Unwritten rules or standards that govern the behavior of group members. Leaders must strive to establish positive informal norms.

SUPERSEDES SUMMARY SHEET, LHR-02, DATED JUL 84.

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4. CHARACTER. Links values to the way we behave and describes a person's inner strength. Character determines how a person responds to certain challenges. Leaders must bring out the good in each soldier by setting the example.

5. STRESS. The body's response to a demand placed on it. Stress occurs when a soldier thinks he cannot meet the demands he expects to face. Stress reduces performance, and causes battle fatigue in a combat environment.

6. PROVIDING MOTIVATION. Motivation is the cause of action, and gives soldiers the will to do what you know must be done to accomplish the mission.

a. Be the ethical standard bearer. Set the example and be decent and honorable.

b. Develop cohesive soldier teams. Care for your soldiers and make soldiering meaningful to your soldiers. Properly teach, coach, counsel, and train soldiers to create the bonds that lead to cohesion, trust, and mutual respect.

c. Reward and punish soldiers. Rewards promote desired behavior while punishment reduces undesired behavior.

7. REPRISALS. Retaliation for actions taken. Every soldier has a duty to report unethical behavior to the chain of command. The Army does not tolerate reprisals or actions taken against soldiers for doing their duty.

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AR 15-6 Investigation of the Abu Ghraib Detention Facility and 205th MI Brigade
LTG Anthony R. Jones
(Unclassified excerpts from the report)

Page 3, (U) Background and Operational Environment
(1) (U) The events at Abu Ghraib cannot be understood in a vacuum. Three interrelated aspects of the operational environment played important roles in the abuses that occurred at Abu Ghraib. First, from the time V Corps transitioned to become CJTF-7, and throughout the period under investigation, it was not resourced adequately to accomplish the missions of the CJTF: stability and support operations (SASO) and support to the Coalition Provisional Authority (CPA). The CJTF-7 headquarters lacked adequate personnel and equipment. In addition, the military police and military intelligence units at Abu Ghraib were severely under-resourced. Second, providing support to the Coalition Provisional Authority (CPA) required greater resources than envisioned in operational plans. Third, operational plans envisioned that CJTF-7 would execute SASO and provide support to the CPA in a relatively non-hostile environment. In fact, opposition was robust and hostilities continued throughout the period under investigation. Therefore, CJTF-7 had to conduct tactical counter-insurgency operations, while also executing its planned missions.

Page 4, (U) Abuse at Abu Ghraib
(1) (U) Clearly abuses occurred at the prison at Abu Ghraib. For purposes of this report, I defined abuse as treatment of detainees that violated U.S. criminal law or international law or treatment that was inhumane or coercive without lawful justification. Whether the Soldier or contractor knew, at the time of the acts, that the conduct violated any law or standard, is not an element of the definition. MG Fay's portion of this report describes the particular abuses in detail.

(2) (U) I found that no single, or simple, explanation exists for why some of the Abu Ghraib abuses occurred. For clarity of analysis, my assessment divides abuses at Abu Ghraib into two different types of improper conduct: First, intentional violent or sexual abuses and, second, actions taken based on misinterpretations of or confusion about law or policy.

(3) (U) Intentional violent or sexual abuses include acts causing bodily harm using unlawful force as well as sexual offenses including, but not limited to rape, sodomy and indecent assault. No Soldier or contractor believed that these abuses were permitted by any policy or guidance. If proven, these actions would be criminal acts. The primary causes of the violent and sexual abuses were relatively straight-forward – individual criminal misconduct, clearly in violation of law, policy, and doctrine and contrary to Army values.

(4) (U) Incidents in the second category resulted from misinterpretations of law or policy or resulted from confusion about what interrogation techniques were permitted. These latter abuses include some cases of clothing removal (without any touching) and some uses of dogs in interrogations (uses without physical contact or extreme fear). Some of these incidents may have violated international law. At the time the Soldiers or contractors committed the acts, however, some of them may have honestly believed the techniques were condoned.

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PROSECUTION EXHIBIT 5 FID
OFFERED R. 399 ADMITTED R. 399

PROSECUTION EXHIBIT 6 FID
OFFERED R. 508 ADMITTED R. 508

CODE OF CONDUCT

DEPARTMENT OF CORRECTIONS

I BELIEVE THAT:

PUBLIC TRUST IS ENHANCED WHEN I ABIDE BY THE LAWS AND PRACTICE THE HIGHEST LEVEL OF ETHICAL AND MORAL BEHAVIOR;

I SHOULD ALWAYS STRIVE FOR EXCELLENCE;

I SHOULD TREAT ALL PEOPLE WITH RESPECT, FAIRNESS, HONESTY, AND DIGNITY;

I SHOULD ALWAYS PERFORM MY JOB IN A RESPONSIBLE MANNER.

MY ACTIONS AFFECT THE SAFETY AND SECURITY OF EVERYONE;

I HAVE THE RESPONSIBILITY TO REPORT INAPPROPRIATE ACTIONS OR MISCONDUCT OF MY PEERS TO APPROPRIATE PERSONNEL AND THEY MUST DO THE SAME SHOULD I FALTER;

I LOOK FOR THE SIMILARITIES BUT ALSO ACCEPT AND RESPECT THE DIFFERENCES IN PEOPLE;

MY PEERS AND I ARE MOST EFFECTIVE WHEN WE COMMUNICATE OPENLY WITH EACH OTHER;

MY ABILITY TO CONTINUE TO PROVIDE THE BEST SERVICE TO THE DEPARTMENT AND THE PUBLIC IS INCUMBENT ON MY CONTINUED