

CLAMO Report

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The Judge Advocate General's School, U.S. Army

Preparation Tips for the Deployment of a Brigade Operational Law Team (BOLT)

This is the third in a series of CLAMO Notes discussing tactics, techniques, and procedures (TTP) for a Brigade Operational Law Team preparing to deploy to the Joint Readiness Training Center (JRTC). These TTPs are based on the observations and experiences of Operational Law (OPLAW) Observer/Controllers (O/Cs) at the JRTC. The JRTC OPLAW O/C Team suggests a four-stage "battle-focused training" approach to BOLT preparation for a JRTC rotation. This training first prepares the individual BOLT member, transitions to prepare the BOLT as a whole, then prepares the brigade staff, and finally focuses on the entire brigade task force. These training steps should prove useful to BOLTs in achieving success at the JRTC.

Preparing the Brigade Staff

The brigade staff makes the organization, analysis, and presentation of vast amounts of information manageable for the commander.¹ As today's military operations are legally complex, judge advocates (JAs) and legal specialists enjoy an increasingly critical role in the staff function. The OPLAW team must balance its garrison responsibilities to the division or installation Office of the Staff Judge Advocate (OSJA) with its duties as a brigade staff element—duties emphasized under recent doctrine.²

Traditionally, the chief of the brigade OPLAW team is the brigade trial counsel. Primarily responsible for military justice in garrison, the brigade trial counsel knows his commanders and perhaps the brigade executive officer (XO) and adjutant (S-1), but often has no real interaction with the rest of the staff.³ Moreover, the officers and NCOs on the brigade staff are often unaccustomed to working with a JA.⁴ The brigade staff may not understand the JA's role in targeting meetings and mission analysis, or why the JA needs to know when a Red Cross official is asking to inspect the Enemy Prisoner of War facility. In short,

the staff does not know what information the JA needs, why he needs it, or how his analysis and advice impacts operations.

As a result, the first several days of a JA's deployment to the JRTC are characterized by improving staff integration by reducing the friction between the JA's attempts to manage legally relevant information and the staff's limited understanding of the JA's role. While not a "magic bullet," this article offers some TTPs to help JAs improve integration with the brigade staff in garrison and set the conditions for success before JRTC deployment.

Staff Integration in Garrison

Trial counsel are generally busy by nature, and often don't find the time to leave their computers, telephones, and witness lists to go down to the brigade to interact with the staff. As a staff member co-located with the brigade, however, the trial counsel should make every attempt to join the staff whenever possible⁵—attending command and staff meetings, the commander's professional development classes, staff physical training, and social events. Due to the trial counsel's special duties and sometime-separate location, he may not be able to make every meeting or event, but frequent attendance (and input when appropriate) distinguishes the useful staff officer from the "oxygen thief" who shows up only during the actual deployment.

Even for the JA convinced he has no time for anything other than military justice in garrison, good staff relationships can prove valuable. Access to the brigade's training calendar lets the JA know when his potential witnesses will be available for trial. When the JA really needs a battalion commander's endorsement on the court-martial packet, a copy of the brigade's Operations Order (OPORD) and training area map will help the JA find the commander in the "battalion CP at the NE corner of Sukchon DZ." If that's too far to drive, the Tactical Standing Operating Procedure (TACSOP) and OPORD will tell the JA how to raise the commander, "Bulldog 6," on the radio to get a *voco* endorsement. All of these products are readily

1. U.S. DEP'T OF ARMY, FIELD MANUAL 101-5, STAFF ORGANIZATION AND OPERATIONS 1-3 (31 May 1997) [hereinafter FM 101-5].

2. *Id.* at 4-29, 4-32; U.S. DEP'T OF ARMY, FIELD MANUAL 27-100, LEGAL SUPPORT TO OPERATIONS 5-22 to 5-24 (1 Mar. 2000) [hereinafter FM 27-100]; JOINT CHIEFS OF STAFF, JOINT PUB. 5-00.2, JOINT TASK FORCE PLANNING GUIDANCE AND PROCEDURES II-16 (13 Jan. 1999).

3. In matters of military justice, the JA serves the commander in a personal capacity and "[c]ommunicates directly with the commander concerning the administration of military justice." FM 101-5, *supra* note 1, at 4-32. With respect to other legal services, the JA is a special staff officer advising the command and staff on legal issues affecting all staff sections and Battlefield Operating Systems. *Id.*

4. Typically, the brigade is usually the lowest unit echelon with a dedicated JA. FM 27-100, *supra* note 2, at 5-22.

5. See FM 27-100, *supra* note 2, at 3-2 ("OPLAW JAs must proactively develop staff skills and relationships at all times, not merely before deployment.").

available through the brigade S-3 shop. On the other hand, the JA could just burn twelve days of processing time until the commander returns from the field.

Of course, staff participation in garrison pays greater long-term dividends. As a regular member of the brigade staff, the BOLT earns its credibility and the confidence of the commander on a daily basis. Routine participation in garrison staff meetings is an opportunity to educate the staff about the BOLT's role as a full-service legal advisor beyond the military justice realm. Command and staff meetings raise all kinds of administrative law issues: reports of survey completion, family readiness group activities, and private-organization membership drives, to name a few. While the JA and senior legal non-commissioned officer (SLNCO) should not usurp the role of the installation Administrative Law Office, BOLT team involvement can resolve minor issues and speed resolution of routine administrative law matters. In turn, the staff learns to rely on the JA and gets in the habit of forwarding items to the BOLT for review and comment.

Finally, regular participation in garrison staff activities gives the JA the opportunity to influence the brigade's home-station training. The operations section (S-3) manages the training calendar for the brigade, arranging everything from briefings to Situational Training Exercise (STX) lane training to brigade deployments. By participating in training meetings, the JA can ensure that subordinate battalions receive required Rules of Engagement (ROE) briefings and Law of War classes. Additionally, the JA confirms that legal training is integrated into STX lanes or Field Training Exercise (FTX) events.

Staff Integration in the Field

Brigade staffs engage in a significant amount of field training before deploying to the JRTC. The BOLT should be no exception. Regular participation in FTXs and command-post exercises (CPXs) with the brigade staff is an essential component of staff integration.

Throughout the year before the JRTC rotation, the brigade conducts a series of FTXs and CPXs to refine their Standing Operating Procedures (SOPs) and battle drills. These exercises focus the brigade's efforts on maneuver and the integration of combat arms and combat support Battlefield Operating Systems (BOS). These exercises often lack civilians on the battlefield for realism, and they lack traditional scripted legal events such as claims or fiscal law issues. Nevertheless, deployment of, and input from, the BOLT during these exercises reinforces to the staff that the JA and his staff are involved in brigade planning and decision-making above and beyond sustainment (such as contracting) and service-support (such as wills and powers-of-attorney) functions. On a more basic level, BOLT participation in FTXs facilitates establishment of a location and pres-

ence in the Tactical Operations Center (TOC). This participation also provides BOLT members with a chance to learn more about the other BOS. A brigade staff will generally accept and appreciate the JA and NCO who deploy with the brigade on training exercises and work in the TOC. They will not be as tolerant of the team that breezes in solely for a JRTC rotation, expecting others to surrender precious space during the year's most important training event.

Periodically, a BOLT will have the opportunity to participate in Battle Command Training Program (BCTP) division or corps warfighter exercises, or in other large-scale exercises run by Department of Defense (DOD) organizations with JAs on the exercise staff. For the brigade, these exercises are functionally similar to CPXs, except they integrate higher headquarters, sister brigades, and other services into the exercise. As Department of the Army or DOD-level training organizations direct these exercises, they often contain scripted events requiring the brigade to perform legal analysis. These exercises and any associated preparatory events provide an even greater opportunity for the BOLT team to contribute to the staff's success during pre-rotation exercises.

Approximately ninety days before the JRTC rotation, the JRTC hosts a Leader's Training Program (LTP). Attendance at this event is critical for the JA, as it is often the complete staff's first and last CPX before the rotation. Normally, by D-90 the brigade has stabilized its key personnel to ensure that all staff officers present for LTP are in the positions they will occupy during rotation. The LTP is so significant that slice element commanders and staff members are also present, to include Reserve Component leaders from Civil Affairs and Psychological Operations units, and off-post unit leaders such as commanders from mechanized or armored units.

Under the guidance of LTP coaches, the brigade and battalion staff elements review their procedures and SOPs, conduct a complete Military Decision-Making Process (MDMP), and prepare an OPORD for a detailed computer-driven CPX. The coaching, exercise, and subsequent After Action Review examine the full staff's synchronization and integration, enabling the commander to evaluate and fine-tune his SOPs. The end-state of LTP is a final TACSOP revision and a staff that has completed one full MDMP and exercise together, employing every BOS and staff section.

Staff Integration on Paper

Most brigades have an SOP that governs operations at the brigade level.⁶ The brigade TACSOP contains information such as the TOC layout, unit call signs, and methods of marking brigade obstacles, among other things. The TACSOP standardizes routine tasks for all members of the brigade task force to enhance understanding and teamwork among commanders,

6. See, e.g., U.S. DEP'T OF ARMY, FIELD MANUAL 7-30, THE INFANTRY BRIGADE app. A (3 Oct. 1995).

staffs, and troops; to establish synchronized staff drills and accelerated decision-making processes; and to simplify combat orders to subordinates.⁷ While the TACSOP is often the second-most used document in the field (after the exercise OPORD), it is intended for garrison reading as well, so that all newcomers to the brigade can familiarize themselves with the unit's method of operations.⁸ As such, the TACSOP is also a baseline document for training key leaders within the brigade.

Upon arrival at the unit, the JA should introduce himself to the S-3 and get a copy of the TACSOP. Like all soldiers in the brigade, the BOLT personnel must familiarize themselves with the unit's method of operations, call signs, and other key elements.

As the command legal advisor, the JA ought to conduct a legal review of the TACSOP to identify questionable practices and suggest improvements. For example, one recent TACSOP seen at the JRTC instructed brigade units to employ Riot Control Agents (RCA) to separate combatants from noncombatants and to control "disturbances in rear areas," without further qualifications. A JA reviewing this TACSOP provision would recognize that RCA use is sufficiently sensitive that the higher command may retain control, and the JA would discuss the issues surrounding the use of RCA with the brigade commander.

In addition to providing a legal review, the JA should ensure that the TACSOP captures the BOLT's role in the TOC. The team should be inserted into the TACSOP's TOC layout, call sign list, distribution list, briefing order, and any other area in which it has an interest. The team should be listed in field phone lists. If other staff sections have individual annexes to the OPORD, the JA should draft a legal annex defining the BOLT's role and capabilities, including its Mission Essential Task Lists (METL), critical tasks, and routine procedures. This annex should also address any requirements from the Division TACSOP or OSJA Field SOP affecting legal operations at the brigade level. Finally, the JA should review the reports annex, if any. The TACSOP is an ideal location to establish reporting procedures for serious incidents of legal interest, such as fratricides and law of war violations.

By defining the BOLT's purpose in the TACSOP, the JA educates the staff on the team's role during combat operations.

Secondly, the JA establishes the team's duties, location, procedures, and information requirements in an enduring document. This ensures some continuity for successors and reduces the personality-based struggles common to staff integration. Finally, because the TACSOP is the base document for brigade operations, the brigade regularly incorporates the BOLT's procedures in its training. Company, battalion, and brigade staffs will become accustomed to reporting fratricides, certifying completion of ROE training, and conducting preliminary investigations of serious incidents during every field exercise.

Like the air defense and military intelligence company commanders, the brigade JA maintains a separate office and chain of command in garrison, actively joining the brigade staff only upon commencement of operations. Unlike these other captains, the JA and his team face the daunting task of demonstrating to the combat-arms and combat-support staff members that the BOLT has a legitimate role in combat operations. To the extent that integration is personality driven, the best way to get to know them is to conduct physical training with them, socialize with them, and most importantly, support them during staff meetings in garrison. To earn the brigade's respect, the JA should go to the field and "get dirty" with them, learn what they do, and show them that JAs have a significant job in their world. To improve the brigade, the JA should memorialize his enhanced role in the brigade's SOP so that the doctrinal staff relationship will survive the inevitable annual personnel changes. These steps go a long way to ensure the BOLT will be able to receive, process, and manage for the commander the full range of information affecting legal issues inherent in today's operations.

Having established the BOLT's role with the brigade staff, the team must finally prepare the task force subordinate units and soldiers to prevent legal crises from interfering with the mission and to react properly when legal issues arise. CPT Pete Hayden, JRTC Observer-Controller.

Next month's Note will address TTPs to train the task force as a whole.

For more information on JRTC, or to contact the OCs, see CLAMO's "Combat Training Centers" database at <http://www.jagcnet.army.mil/CLAMO-CTCs>.

7. FM 101-5, *supra* note 1, at H-8.

8. *Id.*