

Policing the Force: A Courtesy Patrol Primer for Judge Advocates

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I. Introduction

Whether it is Crazy D's at Fort Bragg, Crazy Legs at Fort Drum, the Art Café in Vicenza, Italy, or the Henoko District in Japan, each military installation has its own flavor of enticing local entertainment. Despite the well-intentioned Friday afternoon safety briefings they receive, Soldiers, Airmen, Sailors, and Marines often find themselves testing the limits of their surroundings on a weekly basis. One tool commanders may use to limit the negative consequences of such outings is the courtesy patrol. Courtesy patrols are composed of noncommissioned officers (NCOs) and junior officers who are detailed to provide a presence, in uniform, at popular off-post establishments during weekends and training holidays. Courtesy patrols are a reminder to military personnel that good order and discipline are important on and off duty. If executed properly, courtesy patrols can prevent misconduct, improve relations with the local community, and increase safety. If improperly executed, courtesy patrols are a public nuisance, become witnesses at courts-martial, or are perceived to be complicit in military misconduct.¹

The impetus for and emphasis of courtesy patrols varies by installation. Courtesy patrols were implemented at Fort Bliss, Fort Lewis, Fort Campbell, and Fort Hood fairly recently in response to the Army's renewed focus on garrison operations.² At Fort Bliss, courtesy patrols are considered "the eyes and ears of the command."³ The

Marines have used courtesy patrols for years in Japan to develop and maintain positive relationships with the local community.⁴ In 2011, an off-post assault involving five Soldiers led to the reinstatement of courtesy patrols at Fort Benning.⁵ Courtesy patrols at Fort Hood focus on the enforcement of Army standards on post, while most other programs focus their efforts on servicemember conduct outside the installation.⁶ Most communities are happy to have courtesy patrols, though their presence has raised some questions regarding whether they are a permissible use of military forces.⁷

In order to have an effective courtesy patrol program, commanders must be aware of the various legal issues related to courtesy patrols before sending troops to the streets. This article will identify and explore some of these major issues and suggest some best practices. Part II will discuss the purpose of courtesy patrols, the authority for them, and the limitations set by the Posse Comitatus Act. Part III identifies areas of importance and provides an overview of the nuts and bolts of courtesy patrols. Judge advocates must be proactively engaged in the planning and execution of courtesy patrols in order to establish an effective courtesy patrol program.

II. Legal Issues

A. Authority

Courtesy patrols are off-installation operations used to enforce "regulations and orders pertaining to persons subject to their jurisdiction."⁸ The commander's authority to use

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¹ Mark Jacoby, *Does U.S. Abet Korean Sex Trade?*, ST. PETERSBURG TIMES ONLINE (Dec. 9, 2002), http://www.sptimes.com/2002/12/09/Worldandnation/Does_US_abet_Korean_s_; see also INSPECTOR GEN., U.S. DEP'T OF DEF., EVALUATION OF DOD EFFORTS TO COMBAT TRAFFICKING IN PERSONS, REP. NO. IE-2007-002, at 1 (Nov. 21, 2006). Congress demanded an investigation into allegations that the U.S. military leadership in Korea was condoning human trafficking after a Fox news affiliate aired a video of courtesy patrols at brothels outside Camp Casey, Korea.

² Specialist David Hauk, *Courtesy Patrols Watch over Fort Hood; Enforce Regulations, Standards*, FORT HOOD SENTINEL (Jan. 26, 2012), <http://www.forthoodsentinel.com/print.php?id=8401>; Rick Wood, *Courtesy Patrols to Maintain Good Community Relations* (Aug. 27, 2010), http://www.army.mil/article44372/Courtesy_patrols_to_maintain_good_community_relations/; *101st to Resume Courtesy Patrols at 15 Local Businesses on June 11th*, CLARKSVILLE ONLINE (June 11, 2009), <http://www.clarksvilleonline.com/2009/06/11/101st-to-resume-courtesy-patrols-at-15-local-businesses-on-june-11th/>.

³ Sergeant Richard Andrade, *Courtesy Patrol Establishes Community Ties, Keeps Soldiers Safe*, FORT BLISS MONITOR, <http://fbmonitor.com/2012/02/>

01/courtesy-patrol-establishes-community-ties-keeps-soldiers-safe/ (last visited Aug. 12, 2013).

⁴ MARINE CORPS BASES JAPAN/III MARINE EXPEDITIONARY FORCE, ORDER 1050.7A, LIBERTY CAMPAIGN ORDER 5-17 (1 Sept. 2011) [hereinafter MCO 1050.7A].

⁵ Jim Galloway, *Fort Benning Military Begins 'Courtesy Patrols' of Downtown Columbus*, POL. INSIDER (Apr. 25, 2011, 9:37 AM), <http://blogs.ajc.com/political-insider-jim-galloway/2011/04/25/fort-benning-military-begins-courtesy-patrols-of-downtown-columbus>.

⁶ Hauk, *supra* note 2.

⁷ Susanne Posel, *2011 Saw the End of Posse Comitatus*, OCCUPY CORPORATISM (Apr. 5, 2012), <http://occupy corporatism.com/2011-saw-the-end-of-posse-comitatus>.

⁸ U.S. DEP'T OF ARMY, REG. 190-24, ARMED FORCES DISCIPLINARY CONTROL BOARDS AND OFF-INSTALLATION LIAISON AND OPERATIONS para. 3-2(b) (27 July 2006) [hereinafter AR 190-24]. This regulation has also been issued as Air Force Instruction 31.213, *Marine Corps Order 1620.2D*, *Chief of Naval Operations Instruction 1620.2A*, and *(Coast Guard) Commandant Instruction 1620.1E*.

courtesy patrols flows from the commander's responsibility to ensure that military personnel display proper conduct on and off duty.⁹ Commanders are required to be proactive in protecting military personnel from themselves and others who may enable misconduct.¹⁰

Army Regulation 190-24 sets the limits for courtesy patrols.¹¹ Courtesy patrols do not enforce local law and have no police authority. The primary objectives of the patrols are to:

- a. Render assistance and provide information to Service personnel.
- b. Preserve the safety and security of Service personnel.
- c. Preserve good order and discipline among Service personnel and reduce off-installation incidents and offenses.
- d. Maintain effective cooperation with civil authorities and community leaders.¹²

In order to successfully achieve these goals, commanders must develop thorough Standard Operating Procedures (SOPs) and properly educate those selected for courtesy patrol duties.

B. Courtesy Patrols and the Posse Comitatus Act

The presence of uniformed military members on Main Street is disturbing to most Americans, unless the military personnel are participating in a parade. This is not to malign domestic support of the military. It is a historical position

⁹ U.S. DEP'T OF ARMY, REG. 600-20, ARMY COMMAND POLICY para. 4-4 (20 Sept. 2012).

¹⁰

Commanders are authorized to acquire, report, process, and store information concerning persons and organizations, whether or not affiliated with DOD, according to the applicable Service regulations of the sponsoring commander, which—

- (1) Adversely affect the health, safety, morale, welfare, or discipline of Service personnel, regardless of status.
- (2) Describe crime-conducive conditions where there is a direct Service interest.

AR 190-24, *supra* note 8, para. 2-5(a).

¹¹ AR 190-24, *supra* note 8.

¹² *Id.* para. 3-1.

dating back to English common law.¹³ This tradition is reflected both in federal law and Department of Defense (DoD) policy on military cooperation with civilian law enforcement officials.

The Posse Comitatus¹⁴ Act (PCA)¹⁵ is a federal law passed in 1878 in response to the military occupation of the South after the Civil War. The PCA, sponsored by Representative J. Proctor Knott of Kentucky, was an amendment to the Army appropriations bill.¹⁶ It was initiated by Senators from the former Confederacy in response to the frequent mobilization of federal troops to quell domestic disturbances before, during, and after the end of the Civil War.¹⁷ Southern legislators wanted to stop the use of federal troops to protect former slaves and former slave rights after the Civil War.¹⁸

The PCA, in its current form, reads as follows:

Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both.¹⁹

Before 1878, federal troops had functioned as posse comitatus—intervening in riots, strikes, and other civil disturbances at the request of local officials.²⁰ As long as low-level commanders agreed, the troops were used. The

¹³ Kurt Andrew Schlichter, *Locked and Loaded: Taking Aim at the Growing Use of the American Military in Civilian Law Enforcement Operations*, 26 LOY. L.A. L. REV. 1291, 1297 (1993).

¹⁴ Posse comitatus literally means "the power of the county." The term first appeared in English law in 1411 with the passage of a riot act that called for the sheriffs and justice of the peace to work together with the local community to arrest rioters. Lieutenant Colonel James G. Diehl, *The Cop and The Soldier: An Entangling Alliance? The Posse Comitatus Act and the National Security Strategy of Engagement and Enlargement*, STRATEGY RES. PROJECT 1-7 (Apr. 1997).

¹⁵ 18 U.S.C. § 1385 (2006). "The passage of the Posse Comitatus was the beginning of a grim new era for African-Americans in the South, whose lives for most of the next century were ruled by Black Codes, lynch mobs, and Jim Crow until the *Brown* decision and the passage of federal civil rights laws in the 1960s." DANIEL LEVITAS, *THE TERRORIST NEXT DOOR: THE MILITIA MOVEMENT AND THE RADICAL RIGHT* 51 (MacMillan, 2002).

¹⁶ ROBERT W. COAKLEY, *THE ROLE OF FEDERAL MILITARY FORCES IN DOMESTIC DISORDERS, 1789-1878*, at 344 (1996).

¹⁷ *Id.* at 343.

¹⁸ LEVITAS, *supra* note 15, at 50.

¹⁹ 18 U.S.C. § 1385 (2006).

²⁰ Stephen Young, *Features—The Posse Comitatus Act: A Resource Guide*, LLRX.COM (Feb. 17, 2003), <http://www.llrx.com/features/posse.htm>.

PCA narrowed the authority to use federal troops by requiring presidential or congressional action. Though no one has ever been convicted under the PCA, it serves as a statutory limitation on the use of federal troops. The substantive provisions of the PCA were extended to the Air Force and Marine Corps through the enactment of Title 10 U.S.C. § 375:

The Secretary of Defense shall prescribe such regulations as may be necessary to ensure that any activity (including the provision of any equipment or facility or the assignment or detail of any personnel) under this chapter does not include or permit direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search, seizure, arrest, or other similar activity unless participation in such activity by such member is otherwise authorized by law.²¹

The Secretary of Defense fulfilled this mandate with Department of Defense Instruction (DoDI) 3025.21 which reinforces the historic tradition of limiting direct military involvement in civilian law enforcement activities.²² The instruction prohibits military personnel from taking the following actions: interdicting vehicles, doing a search or seizure, making an arrest, apprehension, or stop and frisk, and doing surveillance or intelligence gathering.²³

Courtesy patrols do not violate the PCA or DoDI 3025.21 as long as they do not engage in law enforcement activities. Their authority over individuals derives from their rank and from Article 7 of the Uniform Code of Military Justice (UCMJ).²⁴

Department of Defense policy is “to support civilian law enforcement agencies consistent with the needs of military preparedness of the United States, while recognizing and conforming to the legal limitations on direct DoD involvement in civilian law enforcement activities.”²⁵ Since courtesy patrol members operating in the local community only act to prevent misconduct by military personnel and only engage in order to enforce the UCMJ, courtesy patrols

are considered “permissible direct assistance” to law enforcement under DoDI 3025.21.²⁶

III. Best Practices: Creating and Advising on the Courtesy Patrol Program²⁷

A. Command and Control

The successful courtesy patrol program, like many other activities in the military, requires command commitment. The Provost Marshal Office (PMO) is often tasked with the creation and implementation of courtesy patrol programs.²⁸ This practice is problematic because of the PMO’s limited tasking power and the danger involved in assigning a non-law enforcement role to military police. Courtesy patrols could become agents for the military police in a way that would frustrate the principles of the PCA by blurring the lines between law enforcement and the command’s interest in preserving good order and discipline. Courtesy patrols are operational in nature. They are in fact a function of command rather than a military police detail.

Accordingly, the best practice is for the commanding general to implement the courtesy patrol program through the G3.²⁹ The G3 usually has sufficient tasking power to properly resource the mission through operation orders. The commanding general should approve the courtesy patrol Standard Operating Procedures (SOP) and stress the importance of the program to command and staff. The power of that mandate hopefully results in better support and accountability for the program. Command and control at the division or corps level also prevents individual units from running ad hoc courtesy patrol programs that may not include proper practices. In addition, a high visibility courtesy patrol program gives senior leaders better awareness of potential discipline issues in the community.

The benefit of implementing the courtesy program through the G3 is proper staffing procedures. The Chief of Staff can ensure that the courtesy patrol program is vetted through each staff section. The G3 verifies training requirements; G4 ensures patrols are resourced properly; G6

²¹ 10 U.S.C. § 375 (2006).

²² U.S. DEP’T OF DEF., INSTR. 3025.21, DEFENSE SUPPORT OF CIVILIAN LAW ENFORCEMENT AGENCIES (27 Feb. 2013) [hereinafter DoDI 3025.21].

²³ *Id.* para. E4.1.3.

²⁴ Article 7(c) gives officers and noncommissioned officers (NCOs) the right to “quell quarrels, frays, and disorders” among persons subject to the Uniform Code of Military Justice (UCMJ), and to apprehend persons who engage in them. 10 U.S.C. § 807(c).

²⁵ DoDI 3025.21, *supra* note 22, enclosure 3, at 15.

²⁶ *Id.* at 15.

²⁷ Appendix A contains a model courtesy patrol SOP with a focus on discipline and accountability. It is largely based upon the Fort Riley Courtesy Patrol Program. Appendix B is a sample SOP with a focus on safety and assistance. Appendix B is largely based upon the U.S. Army Alaska Courtesy Patrol Program.

²⁸ 1ST INFANTRY DIV., STANDARD OPERATING PROCEDURES (SOP) FOR FORT RILEY COURTESY PATROL PROGRAM (14 Jan. 2012) [hereinafter FORT RILEY CP SOP]; First Lieutenant Jason A. Bennett, Courtesy Patrol Officer-In-Charge, 4th Infantry Div. Provost Marshal Office, Courtesy Patrol Legal Training Power Point Presentation (Dec. 2012) [hereinafter Fort Carson PP Training] (on file with author).

²⁹ See Appendix B, para. 3b.

provides appropriate communication assets; the Staff Judge Advocate (SJA) provides legal training and support; the Public Affairs Officer (PAO) liaises with the local community and press to publicize the program; and subordinate units provide personnel. The courtesy patrol SOP should provide clear guidance as to staff responsibilities.³⁰ The more specific the guidance, the more responsive staff and subordinate units will be.

B. The Role of the Judge Advocate

Regardless of how the courtesy patrol program is staffed, the legal office should be heavily involved in its planning and execution. This is as much a regulatory requirement as a practical one. "Off-installation operations will be coordinated with the local installation commander through the SJA, or higher authority, and appropriate civilian law enforcement agencies."³¹

Much of the success of the courtesy patrol mission depends on the proper training and education of the personnel involved. Since the legal office is expected to be the subject matter expert in both the PCA and local law, attorneys must proactively engage commanders at all levels to create adequate training programs. In addition, the final courtesy program plan, the SOP, and all training materials should be reviewed by multiple attorneys. Though administratively burdensome in some cases, such coordination avoids confusion and results in the best legal advice and training.

C. Nuts and Bolts of the Courtesy Patrol Program

Judge advocates should consider the following areas when assisting in the implementation of a courtesy patrol. The sample SOPs in Appendices A and B may help the reader envision a courtesy patrol program and the different components discussed below. Appendix A describes a courtesy patrol program designed to deliver justice and accountability. Appendix B is a program aimed at keeping military personnel safe.

1. Purpose

The first step necessary to establish a courtesy patrol program is to identify the purpose. Though the courtesy patrol mission is defined by regulation, the commander must choose what part of that mission is most important. The commander's intent will dictate what courtesy patrol members report, where they go, and what they say. Judge advocates must fully understand the purpose of the patrols before advising commanders or training courtesy patrol personnel.

For example, the U.S. Army Alaska (USARAK) Courtesy Patrol Program is "a 'Soldiers helping Soldiers' program, not a 'gotcha' program for reporting Soldiers to Commanders."³² Thus, USARAK courtesy patrol members are specifically prohibited from reporting personal identifying information (PII) on the courtesy patrol duty log provided by courtesy patrol personnel at the end of their shift.³³ The USARAK commander is more interested in disciplinary trends, Soldier support, and identifying locations that pose a risk to Soldiers than imposing punishment.

In a courtesy patrol program, commanders of Airmen and Marines in Japan want to maintain accountability and discipline to foster good will with the host nation. "Commanding Officers at all levels will be held accountable for the actions of their Marines and Sailors."³⁴ Joint courtesy patrol members in Japan are thus encouraged to record the name and unit of Marines, Airmen, and Sailors who fail to conduct themselves appropriately off base. They are also advised to record the PII of business owners who they deem uncooperative. Armed with this information, commanders can identify any areas that threaten good order and discipline and reach out to local authorities for assistance.

2. Community Relations

In order to properly establish the courtesy patrol program, representatives from the command or installation must meet with local officials and business owners to identify the nature of the proposed courtesy patrols and their area of operation. Depending on the level of command, the Deputy SJA, Chief of Justice, Trial Counsel, or Brigade Judge Advocate (BJA) will benefit from attending such planning meetings or consulting with those who do. As in

³⁰ AR 190-24, *supra* note 8, para. 3-2e ("The constraints on the authority of Soldiers . . . to act off-installation . . . and the specific scope of off-installation operations will be clearly delineated in all authorizations for off-installation operations."). See Appendices A and B for sample SOPs.

³¹ AR 190-24, *supra* note 8, para. 3-2e.

³² U.S. ARMY ALASKA, COURTESY PATROL STANDARD OPERATING PROCEDURES (15 Feb. 2013) [hereinafter USARAK CP SOP].

³³ *Id.* at 4.

³⁴ MCO 1050.7A, *supra* note 4, para. 4(a)(3).

any other operational endeavor, it is imperative that the legal advisor be present from the beginning.³⁵

Topics to discuss with local leaders include: whether the courtesy patrols will enter bars and clubs, what support local law enforcement will give to the patrols, and the rules of engagement for courtesy patrols. As a general rule, courtesy patrols should avoid entering bars and clubs.³⁶ The presence of a uniformed military member in a bar or club may provoke unappreciated attention or attack. Should disruptive military personnel require escort out of a bar or club, the best practice is to get local business owners to agree to bring the individuals outside where the courtesy patrol can then assess and respond to the situation.

Cooperation with local law enforcement is also important in defining the area of operations. Courtesy patrols require a great deal of support from local police. If a military member becomes overly belligerent or drives drunk despite the best efforts of the courtesy patrol to stop him, local police will be called to respond to the situation. In addition, courtesy patrol members are unarmed. Local law enforcement personnel may serve as protection for them. Courtesy patrols require local law enforcement support to be effective.

The good will of the local community is a critical component of courtesy patrol success. Discontent or lack of participation from local law enforcement or business owners will severely undermine the effectiveness of the courtesy patrol.³⁷ If there is healthy communication between the installation and local law enforcement agencies, cases will be disposed of quickly and fairly. Business owners are a great source of information, evidence, and support.³⁸ If they do not cooperate with the courtesy patrol program, or resent it, the program will suffer.

3. Personnel

Commanders must be cautious in choosing courtesy patrol members. Courtesy patrols are generally composed of

two to four military members.³⁹ They are typically staffed by a commissioned officer and a senior NCO at a minimum.⁴⁰ Rank and maturity are important criteria since the mission requires both. However, appointing only senior members to courtesy patrols has a potential chilling effect on the efficacy of the patrol. A junior military member is unlikely to approach an officer or senior NCO for help in a compromising moment out of intimidation or fear of punishment.

Occasionally, courtesy patrol programs require that at least one member of each courtesy patrol be a commander or first sergeant.⁴¹ This practice is not recommended. Although a good deterrent, command teams on patrol can hamper the military justice process. Leaders on patrol potentially forfeit their ability to act impartially on non-judicial punishment and negative administrative actions by witnessing misconduct.

Military occupational specialty (MOS) may also be a consideration in courtesy patrol assignments. For instance, many courtesy patrol SOPs prohibit military police, special forces Soldiers, and paralegals from serving on courtesy patrols.⁴² Since courtesy patrols are designed to have a positive effect on the community's perception of the military, commanders may request Soldiers who meet height and weight standards and are not on profile.⁴³ Given the nature of the duty, a logical requirement might be that courtesy patrol members have no pending or past adverse legal or administrative actions. On the other hand, some commanders may want to use courtesy patrols as a mentoring tool for young leaders who make mistakes.⁴⁴ Judge advocates should help commanders identify clear program goals in order to best identify the right criteria for selection. The criteria should be clearly stated in the courtesy patrol SOP and verified by the chain of command.⁴⁵

³⁹ 10TH MOUNTAIN DIV. COURTESY PATROL STANDARD OPERATING PROCEDURE 2 (Nov. 21, 2011) [hereinafter 10TH MOUNTAIN CP SOP].

⁴⁰ U.S. DEP'T OF ARMY IN EUROPE, REG. 190-62, POLICE AND INVESTIGATIVE SERVICES: EMPLOYMENT AND AUTHORITY OF MILITARY POLICE, UNIT POLICE, AND COURTESY PATROLS sec. V (7 July 2005) [hereinafter AER 190-62].

⁴¹ Fort Carson PP Training, *supra* note 28.

⁴² FORT RILEY CP SOP, *supra* note 32, at 4; USARAK CP SOP, *supra* note 32, at 3.

⁴³ See Appendix B.

⁴⁴ The Fort Benning Chief of Justice was impressed by courtesy patrol testimonials from Soldiers who were "scared straight" by their courtesy patrol duties. These testimonials were submitted to the commanding general in hopes he would locally file a pending general officer memorandum of reprimand (GOMOR). Telephone Interview with Major Evan Seamone, Chief of Justice, Fort Benning Office of the Staff Judge Advocate (Jan. 22, 2013) [hereinafter Seamone Telephone Interview].

⁴⁵ The sample Courtesy Patrol SOP at Appendix A suggests a battalion commander provide written verification that unit Soldiers fit the criteria for courtesy patrol. The commander also certifies their training.

³⁵ Judge advocates can help commanders by advising them on memoranda of understanding with local agencies. Identifying and documenting lines of support and division of labor avoids confusion later on.

³⁶ See Part III.C.8, *infra*.

³⁷ Fort Riley enjoys an extremely strong relationship with local law enforcement in Manhattan, Kansas. The program was not accepted by Junction City, Kansas, and, as a result, is only focused on the Aggiesville section of Manhattan. Telephone Interview with Major Irvin Drummond, Chief of Justice, Fort Riley Office of the Staff Judge Advocate (Jan. 23, 2013).

³⁸ Local business owners can become critical to gaining access to crime scenes and witnesses for courts-martial. They can also be helpful in protecting military members who run into trouble.

At some installations, a local law enforcement officer also joins the patrols. Fort Riley patrols are three-man teams: a commissioned officer, an E-6 or above, and a Riley County Police Officer.⁴⁶ It is important to note that even when patrolling with local police, courtesy patrols are never subject to police orders.⁴⁷ If military personnel were subject to the orders of the law enforcement officer on patrol, it would be a violation of the PCA. Courtesy patrol members are not police and should never appear to be.

Joint courtesy patrols feature representatives from all relevant services, depending on the installation. As servicemembers are told at the 18th Wing Joint Courtesy Patrol briefing in Kadena, Japan, multi-service courtesy patrols can improve the appearance of fairness. “A multi-service patrol will mitigate the misperceptions that we are ‘covering for our people’.”⁴⁸ The example given is an all-Marine patrol that comes upon a Marine who was simply at the wrong place at the wrong time. The Marine is completely innocent, but if an all-Marine patrol comes to that conclusion it may be perceived as a cover-up.⁴⁹ Multi-service patrols are helpful in preventing this perception. Commanders should be advised to establish memoranda of understanding (MOUs) with other services to encourage and streamline cooperation.

4. Uniform

Courtesy patrols are to be positive representatives of the military in the local community.⁵⁰ Uniform is key to their mission. Commanders should consider local culture when choosing which uniform to require for courtesy patrols. In Korea, a formal dress uniform may make the best local impression. Inhabitants of Fayetteville, North Carolina, on the other hand, are accustomed to Soldiers in the Army Combat Uniform (ACU). The uniform itself sends a message.

Military culture also plays a role. Joint courtesy patrols under the auspices of the Air Force wear the duty uniform common to that service.⁵¹ Whatever the choice, uniform is an important part of the courtesy patrol mission, which is to project a “visual representation of responsible ambassadors of the U.S. military.”⁵² Courtesy patrols in uniform are

supposed to be a symbol to the local community that the military is a good neighbor.

Uniforms also serve as a reminder to military members celebrating a night out that their conduct during periods of liberty or leave can affect their careers. Many patrols are given distinctive brassards to highlight their role. The courtesy patrol program SOP and pre-patrol checklist should specifically address uniform requirements.⁵³

Commanders should work with military police and local law enforcement to identify risks and make sure courtesy patrols are properly equipped for their area of operation. The equipment afforded courtesy patrols should be as conservative as possible to avoid offending the sensibilities of the local community. Courtesy patrol members should not carry weapons. Providing weapons creates the impression that the courtesy patrol is on an enforcement mission. Most courtesy patrols are unarmed for this reason. However, there is a degree of danger in courtesy patrol duty and, if possible, courtesy patrol members should have protection.⁵⁴

5. Training

Courtesy patrols are in a very difficult position. Unarmed, they head out at night on weekends to perhaps encounter intoxicated servicemembers not afraid to challenge authority. Courtesy patrol members are not to touch those they encounter unless they are an imminent threat to themselves or others.⁵⁵ Self-defense is a last resort and de-escalation is emphasized.⁵⁶ Essentially, courtesy patrol can be hazardous duty, and there is little the members can do about the hazards. Judge advocates are essential to arming courtesy patrol members with the only weapon they have: effective training.

Regulatory guidance provides some direction on the legal training courtesy patrols require. “The constraints on the authority of Soldiers . . . to act off-installation in CONUS [Continental United States] and United States—host nation agreements in OCONUS [Outside Continental United States] areas, and the specific scope of off-installation operations will be clearly delineated in all authorizations for off-installation operations.”⁵⁷ It is up to

⁴⁶ FORT RILEY CP SOP, *supra* note 28, at 4.

⁴⁷ AR 190-24, *supra* note 8, para. 3-2(c).

⁴⁸ 18TH WING JOINT COURTESY PATROL, STANDARD OPERATING PROCEDURES FOR COURTESY PATROL (n.d.) [hereinafter JOINT COURTESY PATROL SOP] (on file with author).

⁴⁹ 18th Wing Joint Courtesy Patrol Briefing (n.d.) (on file with author).

⁵⁰ MCO 1050.7A, *supra* note 4, at 5-1.

⁵¹ JOINT COURTESY PATROL SOP, *supra* note 48.

⁵² MCO 1050.7A, *supra* note 4, at 5-17.

⁵³ See Appendices A and B.

⁵⁴ Fort Riley issues courtesy patrols ballistic vests to wear for extra protection. The vests issued to courtesy patrols were already part of the PMO inventory. None of the vests were purchased specifically for courtesy patrol use. Telephone Interview with Major Irvin Drummond, Chief of Justice, Fort Riley Office of the Staff Judge Advocate (Jan. 23, 2013).

⁵⁵ Fort Carson PP Training, *supra* note 28.

⁵⁶ 10TH MOUNTAIN CP SOP, *supra* note 39, at 4.

⁵⁷ AR 190-24, *supra* note 8, para. 3-2(e).

legal advisors to clearly communicate the left and right legal limits for courtesy patrols.

Training should be multi-disciplinary and frequent. Ideally, military police, judge advocates, and command representatives should present training together. At a minimum, all those conducting the training should review all of the training materials to make sure the necessary issues are addressed. Brigade judge advocates should provide the training to their personnel. At the division level, the chief of justice or a trial counsel should train other staff elements participating in the program. It is imperative, however, that judge advocates discuss legal issues in advance with each other and with trainers from other sections to avoid conflicting advice.

6. Rules of Conduct

Proper training begins with proper terms. Courtesy patrols do not follow “rules of engagement” or “rules for the use of force” since they are not engaged in combat or law enforcement. Such material and language is better left to pre-deployment briefings and guard mounts. The principles to communicate to courtesy patrol members are better described as rules of *conduct*. In the courtesy patrol context, force is a last resort. The rules for courtesy patrols focus on properly identifying military personnel, verbal orders, and de-escalation.

First, courtesy patrols only have authority or jurisdiction over military personnel. Before engaging a person, the patrol member must positively identify him as a military member. This may be as easy as a haircut or personal knowledge on the part of the patrol members. Patrol members must follow-up by asking for military identification. If the individual refuses or denies being a military member, the courtesy patrol must treat the person as a civilian. Per the PCA, military personnel cannot exercise any control or authority over civilians. The engagement should simply be recorded on the courtesy patrol log for potential follow-up in case a servicemember is inappropriately claiming to be a civilian.

If the person confirms he is a servicemember and provides proper identification, the courtesy patrol has authority over him.⁵⁸ He is subject to the UCMJ and any lawful orders he receives from patrol members. If he is intoxicated, the courtesy patrol members should ensure he has a plan to avoid driving drunk or putting himself in danger. If he is belligerent, the courtesy patrol must de-escalate the situation verbally. If unsuccessful, local police must be called to arrest the servicemember or take other action.

⁵⁸ Uniform Code of Military Justice, Article 7(c) authorizes commissioned officers, warrant officers and NCOs to “to quell quarrels, frays and disorders among persons subject to this chapter and to apprehend persons subject to this chapter who take part therein.” UCMJ art. 7(c) (2012).

Most courtesy patrol programs employ vignettes to teach courtesy patrol members how to stay within legal limits.⁵⁹ Vignettes are an effective way of applying legal nuances to real world situations. Military bearing and interpersonal skills should be emphasized in order to provide patrol members the appropriate tools for the mission. In order to provide the most authentic training scenarios possible, judge advocates may consider joining a courtesy patrol on duty to get a better perspective of the situations they encounter on the street.

7. International Agreements

Judge advocates advising OCONUS commanders must understand and apply the various international agreements that may impact how off-post operations are conducted. Failure to properly coordinate with local authorities and respect international agreements invites political disaster.⁶⁰ For this reason, forces operating in foreign countries must be highly sensitive to local preferences.⁶¹ An overly aggressive or undirected courtesy patrol could unwittingly create an international incident. While the incident may not produce an unfavorable headline, it may result in increased taxes or more traffic tickets for servicemembers. Host nations can be creative when responding to perceived affronts from U.S. forces. Commanders therefore cannot take the approach that their authority over military personnel and their dependents is unfettered when operating in foreign countries.

In addition, judge advocates should be aware of the complexity of international agreements when advising OCONUS commanders. Despite some common provisions, international agreements differ widely. For example, Germany and Italy have very different approaches to courtesy patrols. Article VII of the North Atlantic Treaty Organization Status of Forces Agreement (NATO SOFA) contains the following language:

- a. Regularly constituted military units or formations of a force shall have the right to police any camps, establishment or other premises which they occupy as the result of an agreement with the receiving State. The military police of the force may

⁵⁹ Fort Carson PP Training, *supra* note 28.

⁶⁰ MCO 1050.7A, *supra* note 4, para. 5. Commanders coordinated with the Okinawa Prefectural Government (OPG), Okinawa Prefectural Police (OPP), Okinawa Defense Bureau (ODB) and the Ministry of Foreign Affairs (MOFA) to implement patrols in Japan.

⁶¹ U.S. FORCES KOREA, REG. 1-44, CRIMINAL JURISDICTION UNDER ARTICLE XXII, STATUS OF FORCES AGREEMENT app. B-10 (1 Mar. 2010). Pursuant to the Korean Status of Forces Agreement, Air Force courtesy patrols at Osan Air Base are accompanied by Korean National Police whenever possible. This practice may lead to better relations since forces work together for their mutual benefit.

take all appropriate measures to ensure the maintenance of order and security on such premises.

b. Outside these premises, such military police shall be employed only subject to arrangements with the authorities of the receiving State and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among the members of the force.⁶²

A plain reading of this language requires the legal advisor to refer to the arrangements or agreements with the receiving State.⁶³ This language does not explicitly reference courtesy patrols, and different practices have arisen in different countries. In Germany, Army in Europe Regulation 190-62 allows courtesy patrols to augment and assist military police patrols.⁶⁴ In Italy, “disciplinary patrols” are prohibited by agreement with the host nation. Judge advocates operating OCONUS must be prepared to thoroughly analyze the relevant agreements and advise accordingly. Such work cannot be left to the Provost Marshal or unit representatives. Judge advocates should approach the courtesy patrol as they would any operation and seek to work closely with the command and staff in order to add value at all critical decision points.

8. Resourcing the Courtesy Patrol: Practical and Ethical Concerns

Courtesy patrol members are authorized to use government vehicles, phones, and additional military equipment to conduct their mission.⁶⁵ An officer or NCO on courtesy patrol is likely responsible for government property, and constantly engages with business owners off-post. This reality requires an analysis of potential fiscal law and ethics issues. Unless the installation is surrounded by bars and clubs, the courtesy patrol will likely travel in a government vehicle. Army Regulation 58-1 provides that “the use of Army-owned or controlled nontactical vehicles is restricted to official purposes only.”⁶⁶ The regulation specifically forbids the use of nontactical vehicles for

personal errands or visits to commercial entities.⁶⁷ Thus, the patrol may not use the vehicle for personal business or to take Soldiers to private establishments while “out on the town.”

Many times the courtesy patrol mission becomes a taxi service solely engaged in the transportation of intoxicated Soldiers back to base to avoid driving under the influence (DUI). Although there is nothing inherently illegal about courtesy patrols using government vehicles, courtesy patrol members must always be aware of public perception. Military personnel assigned to courtesy patrols are in uniform on official duty using the vehicles for an official purpose: to deter misconduct. Sending courtesy patrols to bars and clubs to transport intoxicated servicemembers back to post puts the command at risk for the perception that the unit is abusing government resources in order to cover for their Soldiers, Sailors, Marines, or Airmen.

To avoid this perception, intoxicated military personnel should first be encouraged to call a taxi or a friend to pick them up. Courtesy patrol members should have taxi contact information on hand for this purpose. Alternatively, the unit should be called to pick the person up. This approach enables the courtesy patrol to continue their mission without driving back to post. The absolute last resort should be to transport the intoxicated Soldier back to the unit headquarters in the courtesy patrol vehicle.

An ethical challenge arises from the fact that courtesy patrols are constantly engaged with the local community. Courtesy patrol members must be wary of accepting gifts or seemingly well-intentioned offers of food or drink from local business owners. Though accepting a modest, non-alcoholic beverage or snack may not violate any rules, it may create the perception that the military is supporting certain bars or clubs. The courtesy patrol SOP should affirmatively address this issue to protect courtesy patrol members from unwittingly putting themselves in an improper position.

IV. Conclusion

As our war-weary commanders refocus their energy toward the garrison, the courtesy patrol program is becoming an increasingly popular tool to prevent misconduct. The complexity of the mission should not be underestimated. As they would in any other operation, judge advocates must engage the command and staff early and often to develop the proper program. Despite their limitations, courtesy patrols can decrease misconduct and increase public confidence in the military if personnel understand the mission.

⁶² Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, U.S.-Ger., art. VII, para. 10b, June 19, 1951, available at http://www.nato.int/cps/en/natolive/official_texts_17265.htm.

⁶³ The receiving state is the country hosting U.S. forces.

⁶⁴ AER 190-62, *supra* note 40, para. 21.

⁶⁵ FORT RILEY CP SOP, *supra* note 28, para. 5-2.

⁶⁶ U.S. DEP’T OF ARMY, REG. 58-1, MANAGEMENT, ACQUISITION AND USE OF MOTOR VEHICLES para. 2-3 (10 Aug. 2004).

⁶⁷ *Id.* para. 2-4.

Per regulation, judge advocates are responsible for adequately preparing the NCOs and officers who become the face of the command in the community. Judge advocates must master applicable local law, international agreements, and regulatory guidance in order to provide the best possible

advice. They must also fully consider how to tailor the program to best fit the command and local community.

Appendix A
Sample Courtesy Patrol Program SOP

1. REFERENCES.

- a. DoDI. 3025.21, Defense Support of Civilian Law Enforcement Agencies, dated 27 February 2013
- b. AR (MSR) 190-24 Armed Forces Disciplinary Control Boards and Off-installation Liaison and Operations, dated 27 July 2006
- c. Title 18, U.S. Code, Section 1385, Posse Comitatus Act

2. PURPOSE.

- a. To provide standing operating procedures (SOP) for xxx units with regard to the performance of courtesy patrols within the city limits of xxxxxx. The intent of the program is to provide command representatives the opportunity to engage Soldiers who are acting in an unsafe or inappropriate manner and to provide a command presence in the local communities to help deter misconduct by Fort xxxx Soldiers.
- b. Safeguard the Soldiers and Family members of xxxxx while providing a service to the community that supports the installation.
- c. Ensure compliance with Title 18, U.S.Code, Section 1385, Posse Comitatus Act.
- d. Reduce off-post incidents which may have a negative impact on the welfare and safety of our Soldiers.
- e. Improve public perception of Fort xxxx Soldiers within the surrounding communities.
- f. Provide units with visibility / flexibility to enhance unit discipline and educate leaders regarding Soldiers off post conduct.

3. APPLICABILITY. This SOP applies to all xxxxx units.

4. RESPONSIBILITIES.

- a. PMO: Will develop and implement the courtesy Patrol program and associated staff products and standing operating procedures. Any significant future changes to the program structure or responsibilities will be determined and coordinated through the PMO in conjunction with CG's guidance.
- b. G-3: Is responsible for the oversight of the Fort xxx Courtesy Patrol Program. They will maintain SOP's and incorporate unit taskings into DTOs. Units will be tasked NLT 14 days prior to the start of unit Courtesy Patrol responsibilities.
- c. Garrison / DES: Will coordinate with the Downtown partnership and local law enforcement authorities ensuring understanding and support of the program. DES will provide courtesy patrols with a brief update on current local police intelligence. DES will also distribute and maintain CP equipment sets to be hand-receipted to individuals as they report for duty. In the event that a unit has no shows, the DES will notify the G-3. The mission will not be stopped or scratched due to no shows.
- d. G-4: Will acquire all equipment as required to include but not limited to CP brassards prior to implementation of CP Program.
- e. G-6: Will acquire (cell phones or radios) for CP communications prior to implementation of CP Program.
- f. PAO: Will coordinate and conduct media action plan. PAO will also develop media relations training for Courtesy Patrols and provide training and media cards.
- g. SJA: Will maintain legal oversight of CP Program and evaluate any proposed changes to the SOP. SJA will also develop legal training for CPs, to include no less than Posse Comitatus Act and its relations to CP operations, limitations on

detention of Soldiers by CP's and Rules for the Use of Force. Training must be geared to SSG or above to include scenario based exercises. SJA, through Brigade legal teams are responsible for training the courtesy patrol teams of their respective Brigades using training packets provided by SJA. Separate Battalions need to coordinate with SJA for training if they have no organic legal team.

5. PROCEDURES.

a. DES will conduct coordination with local law enforcement authorities, in order to gain a positive reception from off-post officials with regard to the conduct of this mission, and to outline guidelines prescribed herein, which will aid to alleviate confusion as to roles and responsibilities of CPs. DES will provide Level IIIa concealable body armor for CP personnel.

b. Additional coordination will be conducted by on-post units in order to gain increased understanding of roles and responsibilities during the conduct of this mission.

c. Weekly training will be provided by SJA, and PAO in order to impart necessary knowledge of roles and responsibilities pertinent to the conduct of this order. Training will include instruction on Interpersonal Communications (IPC) skills, parameters set forth by Title 18, U.S. Code, Section 1385, and The Posse Comitatus Act. These records will be maintained at the unit level.

d. Those personnel serving in the career management fields of Special Forces (SF), Military Intelligence (MI), Military Police (MP) or SJA Soldiers will not perform duties as Courtesy Patrols.

5-1 Units.

a. Commanders will assure each Soldier working as a member for the Courtesy Patrols has completed all required training no later than one day prior to assumption of duty. Training will include classes on Posse Comitatus Act, limitations on detention of Soldiers, courtesy patrol SOP and media interaction training. These classes will be offered by the SJA and PAO on a weekly basis.

b. Battalion Commanders are the certifying officials for the CP program. Commanders shall ensure every member is properly trained and validated before performing CP duties. CP Soldiers must not be pending disciplinary actions, must possess sound, mature judgment, demonstrate proper military bearing and courtesies, and have no record of courts-martial convictions.

c. The lowest level commander responsible for a CP will maintain training records and conduct a formal risk assessment for each function of an off-installation CP.

d. Units will provide two 12-15 passenger TMP vans with off-post dispatch to each CP for secondary communications between the teams during their Courtesy Patrol shifts.

5-2 Reporting Procedures.

a. Courtesy Patrol shifts will take place between the hours of 2200-0200, on nights prior to non-duty days, to include Federal and Installation holidays. Recommended changes to duty hours based on patrol observations will be made through the Chain of Command to the G-3.

b. Courtesy Patrols will report for duty to the DES, Building xxx NLT 2130hrs for their daily briefing. All Soldiers, while on CP duty, will wear their ACUs with patrol cap, distinctive CP brassards, level IIIa concealable body armor, appropriate inclement weather gear (as needed), and communications equipment at all times during duty.

c. Courtesy Patrols will work in teams of xxxxx in the rank of SSG and above (one officer and one NCO per team is recommended).

d. Upon completion of activities at DES (equipment sign out/briefing), CPs will report to the local police department in order to make contact with, and receive situational updates from police department personnel on shift.

e. CP activities and incidents requiring CP intervention will be annotated on DA Form 1594, Staff Duty Log. Upon completion of each shift, the log will be returned to the DES Desk SGT. The DES will forward the completed 1594's to the PMO for distribution on the first duty day following completion of CP duties.

f. Once CPs check into the DES Desk SGT, they will be considered TACON to the DES for the duration of their shift. All situations and emergency's needing assistance other than from local law enforcement will be directed and routed through the DES Desk SGT. All emergency numbers will be pre-programmed into the issued cell phones.

5-3 Engagements.

a. The primary duty of the CPs is to maintain safety and good order and discipline in the Entertainment Districts of xxxxx. As such, NCOs and Officers serving on CP duty will have the authority to issue lawful orders at their discretion to military personnel in the Entertainment District. Failure of military personnel to obey lawful orders issued by CPs could result in punishment under the Uniform Code of Military Justice (UCMJ).

b. Personnel performing courtesy patrol duty will not carry weapons of any kind, to include clubs, firearms, knives, or any object that could be construed and subsequently utilized as a weapon.

c. Verbal Altercations.

1. Verbal altercations should, and often can, be easily mitigated by the use of Interpersonal Communications (IPC) skills, so as not to allow for escalation into physical conflicts. In the event that a Soldier and civilian become involved in a verbal altercation, CPs will approach the parties involved, attempt to separate the subjects without using physical force, identify all military personnel, and promptly notify the military member(s) staff duty so they can be turned over to unit control.

2. In the event that a verbal altercation occurs amongst military personnel only, those personnel will be identified as such and immediately notify the military member(s) staff duty so they can be turned over to unit control.

d. Physical Altercations, with Injuries.

If a Soldier is involved in a physical altercation and injuries are involved, the CPs will immediately notify xxxxx personnel, and render first aid as needed, until the arrival of qualified emergency medical service personnel. CPs will then notify the military member(s) staff duty so they can be turned over to unit control.

e. Physical Altercations, without Injuries.

If a Soldier becomes involved in a physical altercation with another Soldier, without injuries, those involved will be identified and immediately returned to their unit staff duty officers. If a Soldier becomes involved in a physical altercation with a civilian, CPs on scene will immediately notify local police, who will then determine disposition of the incident.

f. Criminal offenses committed by persons believed to be military personnel, that are witnessed by CPs will immediately be referred to local police for appropriate action and disposition.

g. All incidents involving CP's will be logged in the DA FM 1594.

5-4 Patrol Areas.

a. While on duty, CPs will remain in their respective patrol areas in order to maintain the most appropriate area of coverage with the ability to assist or other CPs in a timely manner.

b. The vans may be parked xxxxxxxxxx.

c. In cases of extreme necessity, the use of public facilities for the purpose of personal relief may be accomplished at an establishment whose primary business interest is not the consumption, distribution, or sale of alcoholic beverages.

d. CP members may accept unsolicited, modest, non-alcoholic refreshments not offered as part of a meal. CP members may not accept gifts to influence the performance of their official duties. It is a better practice to politely reject such gifts or

to pay market value for them. CP members must use sound discretion and judgment, ever mindful of their purpose and mission in civilian off-post businesses.

e. If the CP causes damage to civilian property or is involved in an incident that may cause a claim, the CP will contact OSJA Claims office at xxxx the next duty day. If the incident is significant (will produce media attention or the claim may exceed \$500) the CP will call the DES immediately and give a telephonic report.

f. CP members will not use a cell phone while driving a military vehicle. A cell phone ear piece **WILL NOT** be worn by the courtesy patrol outside of their vehicle.

g. CP members must remember that they represent the Commanding General and Fort xxx. CP actions will be scrutinized by the public. CP members will drive in a courteous manner that reflects well upon the Army. CP members will obey the rules of the road, keep radio volume at a low setting and stop completely for all stop signs.

6. Point of contact for this memorandum is xxxxxxxxxxxxxxxxxxxx

xxxxxxx
Major General, USA
Commanding

DISTRIBUTION:

A

Appendix B

Sample Courtesy Patrol Program SOP

Headquarters
XXXXXXXXXX

XXXXXXXXXX

Standard Operating Procedures

Courtesy Patrol

Reviewed by
OSJA
Approved by
Senior Commander
DISTRIBUTION:

Reviewed by
G3

Summary. This document outlines the Standard Operating Procedures (SOP) for the Courtesy Patrol (CP) program.

Applicability. This document applies to units and personnel assigned to Courtesy Patrol duties at XXXXX, and their surrounding communities.

Interim Changes. Interim changes to this SOP are not official unless they are reviewed by the Office of the Staff Judge Advocate and authenticated by G3.

Suggested Improvements. The proponent of this SOP is the G3. Users may send suggestions to improve this SOP on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to Commander, xxxxx, ATTN: G3.

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Appendix B

1. Purpose:

a. The purpose of this document is to prescribe standard operating procedures for Courtesy Patrol (CP) and the conduct of patrols within our neighboring communities. The contents of this SOP are based on command guidance, legal authorities, and historical information.

b. The CP is a command program that helps prevent inappropriate Soldier activity, supports Soldier welfare, and sustains community relations. A CP is a three-Soldier Team (Team Leader, Assistant Team Leader, and Driver) that patrols locations considered by the command as high-risk areas. The primary objectives of CPs are to:

- (1) Render assistance and provide information to Service personnel.
- (2) Preserve the safety and security of Service personnel.
- (3) Preserve good order and discipline among Service personnel and reduce off-installation incidents and offenses.
- (4) Maintain effective cooperation with civil authorities and community leaders.

2. References:

- a. DoDI. 3025.21, Defense Support of Civilian Law Enforcement Agencies, dated 27 February 2013
- b. AR (MSR) 190-24 Armed Force Disciplinary Control Boards and Off-Installation Liaison and Operations, dated 27 Jul 06
- c. HQDA (OPMG) Memo for DCG HQ USA FORSCOM CDR: Subject: Change to Army Regulation 190-24, Para. 3-2(d), dated 5 Sep 07
- d. AR 600-20, Army Command Policy, 18 March 2008; RAR Issue Date 20 Sep 12
- e. Title 18, U.S. Code, Section 1385, Posse Comitatus Act
- f. MOU-045, Courtesy Patrol Memorandum of Understanding between xxxx and xxxx Police Department, 4 April 2012

3. Overview:

a. Historically, the tendency for Soldiers to engage in inappropriate conduct in bars or night-clubs in areas throughout xxxxxx are especially prevalent during weekend and holiday periods. Until recently, certain areas have been free of any military command presence during peak times for such inappropriate behavior.

b. Due to the frequency of incidents in these areas, the Commanding General (CG) directed the initiation of a consolidated, CP Program at the division level. This program is the only authorized CP Program for xxxxx units. Units shall not conduct separate CP operations without prior approval of the CG.

c. CPs will normally be conducted during normal (Friday and Saturday) and holiday weekend (Thursday, Friday, Saturday and Sunday, as required) nights, with a tour of duty from 2100 to 0500. A CP Team is a three-Soldier team under the direction of the Field Officer of the Day (FOD). Two CP Teams will be on duty each weekend. Prior to assuming duties, the CP Teams will receive a legal brief from a designated Judge Advocate regarding the limitations of their authority and rules of conduct and a brief from the FOD on their duties and responsibilities.

d. All Brigades are tasked to support CPs. Courtesy Patrols will interact with Soldiers to promote safety and good order and discipline by providing a command presence in off-post establishments and high risk areas. CPs shall not engage in law enforcement activities or provide direct assistance to civilian law enforcement officials. Direct assistance includes, but is not limited to, interdiction, search, seizure, arrest, stop and frisk, surveillance, pursuit, investigation and interrogation (see paragraph 6a for more information). Upon completion of their shifts, CPs will return to the HQ and submit a report on activities conducted on a CP Log to the FOD.

4. Responsibilities:

a. **G3:** Responsible for the oversight of CP Operations. G3 Operations maintains and updates the CP SOP. G3 tasks subordinate units and coordinates equipment and training requirements. G3 tracks recurring issues and provides issues and trends to the Command Group.

b. **G4:** Responsible for coordination and procurement of equipment as required. G4 coordinates for 4x brassards, and 4x Land Mobile Radios (LMR) with instructions.

c. **G6:** Responsible for procurement of 4x dedicated CP cell phones (1x per patrol).

d. **SJA:**

(1) Responsible for maintaining legal oversight of the program and evaluating proposed changes to the SOP. The OSJA establishes a training program on the following topics:

- (a) Posse Comitatus Act and its relationship to CP operations.
- (b) Limits on Detention and Arrest of Soldiers by CPs.
- (c) Use of Force for CPs.
- (d) Applicable Rules of Conduct.
- (e) Media Interactions (Incorporate PAO media engagement training).

(2) The training program must be geared to SFC or above and shall include scenario-based exercises. The OSJA provides updates to training as necessary.

e. **PAO:** Responsible for media awareness training. PAO coordinates with SJA to ensure PAO training is incorporated into SJA training. The PAO develops and maintains PAO plan for release of information to the media explaining the CP program to the local community.

f. **SUBORDINATE UNITS:**

(1) Provide Soldiers for CP duty on a weekly basis. Commanders may not assign Military Police, Military Intelligence, or SJA Soldiers to the CP. In assigning Soldiers to CP duties, Commanders should consider other categories of Soldiers who should not act as CP. Courtesy Patrol members should not be physically limited or create undue risk (e.g. injured or on profile, pregnant, high risk for PTSD including very recent redeployers). Courtesy Patrol members should not negatively impact public perception and media relations. For example, they should meet height/weight standard and maintain a professional appearance at all times. Each Soldier operating as a member of the CP will read the SOP, receive a brief from a legal advisor and the FOD, and sign an acknowledgment statement of their duties, responsibilities, and rules of conduct (Annex A).

(2) Units will conduct appropriate risk analysis and risk mitigation for the CP mission. In particular, units will ensure that CP members are afforded the opportunity to rest prior to assuming duty.

(3) Units will provide internal, Non-tactical Government Owned Vehicles (GOVs) to their CP members.

(4) Units will incorporate into weekly safety briefs the presence of the CP and a Soldier's inherent duty to comply with all orders given by the CP, including their obligation to produce their military identification card and identify their unit upon request.

5. Scope of Duties:

a. Reporting Procedures:

(1) First duty day of the week prior to duty – coordinate with SJA POC IOT receive Legal Brief.

(2) NLT 1200 hours on the last work day before duty – Legal Brief Complete.

(3) 1700 – CP Assumption brief by FOD at HQ (JBER) or Garrison HQ from G3.*

(4) 2000 – Equipment/COMMO checks. FOD coordinates with the Police Department to give notice of the CP presence in assigned areas. CPs will not be directly tasked by the local police.

(5) 2100 – CP departs.

(6) 0400 – CP Redeploys.

(7) 0500 – CP briefs engagements with Soldiers, with civilians, and interaction with police department to the FOD (comments will be annotated in the CP duty log). CP returns all equipment issued after every shift. CP records any AAR comments in the CP duty log.

b. Courtesy Patrol Duty Log (DA Form 1594):

(1) The CP Team maintains a DA Form 1594, Duty Officer's Log, recording the significant events and actions that occur during CP duty. The DA Form 1594 will be legibly hand written in single copy. The CP will turn the log into the FOD at the end of the duty.

(2) Intent of DA Form 1594: The intent of the CP Duty Log is to inform the FOD, G3 CUOPS, and, if needed, the Command Group of the significant events and actions that occurred during the CP tour of duty in order to assist in identifying possible trends of Soldier indiscipline, identifying locations that pose a risk to Soldiers, provide better support to Soldiers, improve community relations, and evaluate the overall effectiveness of the CP program. [Note: This log does not replace unit responsibility to submit applicable SIRs/CCIRs.]

(3) Recording Actions on DA Form 1594: The CP Duty Log is opened with an entry recording when the CP reports to the FOD to begin duty and ends with an entry recording when the CP reports to the FOD for their end of duty out brief. The CP records their actions in a "rolling" format, where the time at the end of one action is the beginning of the next action (example: 2000-2015 – Drove from X Bar to Y Bar; 2015-2100 – Conducted presence patrol at Y Bar). Record the names and units of Soldiers on the DA Form 1594 when appropriate.

(a) Significant Actions: Significant actions are situations that required CP intervention. Significant actions will be recorded in sufficient detail to allow the reader to fully understand the event and the actions taken to mitigate the event. Information recorded should be closely related to the CP's mission of protecting DoD personnel.

i. Good examples of "Significant Action" documentation are as follows:

(A) "Identified several Soldiers drinking alcohol to excess at Buffalo Wild Wings. Ensured they had a buddy who was watching out for them and ensured they had a safe and reliable method of transportation home/to the barracks. Reminded Soldiers to drink in moderation and avoid acts of indiscipline."

(B) "Identified an inebriated Soldier without a safe means of transportation on the corner of 5th and A Streets. Called a taxi for the Soldier and ensured the Soldier entered the taxi to return to his barracks."

(C) "Identified a Soldier who was extremely intoxicated in the parking lot of Crazy Legs. Offered to provide safe transportation for the Soldier but the Soldier refused. Despite efforts, the Soldier entered his vehicle. Called local police, who arrived on scene and took control of the situation."

ii. Poor examples of "Significant Action" documentation are as follows:

(A) "Saw intoxicated Soldiers and told them to not get in trouble."

(B) "Called a taxi for a Soldier."

(C) "Called the Police because a Soldier was about to drive while intoxicated."

c. Courtesy Patrol Team Duties and Responsibilities:

(1) Courtesy Patrol Team Leader: The CP Team Leader is a Soldier in the rank of 2LT (O1) thru CPT (O3) or WO1 through WO3. The Team Leader is responsible for all actions of the CP and is responsible for ensuring successful execution of the CP mission. The CP Team Leader's duties are as follows:

- (a) Ensure identification of Soldiers is accomplished in accordance with the Rules of Conduct section of this SOP.
- (b) Coordinate for CP Team to receive Legal Brief.
- (c) Read and understand the CP SOP. Receive and understand any specific instructions from the FOD during the CP Team In-Brief. Develop a planned patrol route in coordination with the FOD and the other CP Team Leader in the same area of operations.
- (d) Brief the CP Assistant Team Leader and CP Team Driver/RTO on the specifics of the CP team's mission, duties, responsibilities, and any specific instructions relative to the CP Team's tour of duty.
- (e) Maintain positive communications with the FOD and any designated Civilian Law Enforcement Liaison throughout the CP Team's tour of duty.
- (f) Conduct CPs in local communities surrounding xxxxxx as directed by the FOD in order to prevent and mitigate inappropriate Soldier activity, support Soldier welfare, and sustain community relations.
- (g) Take appropriate corrective actions to resolve situations of Soldier disorder, indiscipline, and violent or unsafe situations observed during execution of CPs.
- (h) Record CP significant actions on a DA Form 1594, Duty Officer's Log.
- (i) Render an end-of-duty verbal out-brief to the FOD and turn in the Team's end-of-duty DA Form 1594 Duty log to the FOD.

(2) Courtesy Patrol Assistant Team Leader: The CP Assistant Team Leader is a Soldier in the rank of SFC (E7). The CP Assistant Team Leader is the primary assistant to the CP Team Leader and the supervisor of the CP Team Driver/RTO. The CP Assistant Team Leader's key tasks are as follows:

- (a) Assume duties of the CP Team Leader when the CP Team Leader is unable of performing CP Team Leader duties.
- (b) Ensure coordination of one non-tactical GOV for use as a CP vehicle. The preferred vehicle type is a multi-passenger van.
- (c) Arrive on time for duty and ensure the Driver/RTO does the same.
- (d) Read and understand the CP Team SOP and any specific instructions provided by the CP Team Leader.
- (e) Assist the CP Team Leader in executing the CP Team's mission, duties, responsibilities, specific instructions, and the CP Team Leader's key tasks.
- (f) Ensure the CP Team Driver is properly licensed to drive the CP Team vehicle and ensure the vehicle is properly dispatched, fueled, maintained, and cleaned prior to the CP mission and prior to turn-in.
- (g) Ensure the CP Team Driver/RTO fully understands the CP Team's mission, his specific duties, responsibilities, and any specific instructions or tasks required by the CP Team Leader or CP Assistant Team Leader.
- (h) Sign and account for CP Team equipment from the FOD and report any equipment deficiencies or suggested improvements when turning equipment in.

(3) CP Team Driver/RTO: The CP Team Driver/RTO is a Soldier who is currently in good standing with his or her unit and who possesses a valid driver's license. The CP Team Driver/RTO cannot be a Soldier who is currently flagged

for any adverse action and should be selected based on maturity, ability to act professionally, and even temperament. The CP Team Driver/RTO key tasks are:

(a) Read and understand the CP Team SOP and any specific instructions provided by the CP Team Leader and CP Assistant Team Leader.

(b) Familiarize themselves with the area map and specific area maps of the CPs focus areas. Obtain specific maps as requested by the Team Leader or Assistant Team Leader.

(c) Assist the CP Team Leader and Assistant Team Leader in their duties.

(d) Arrive on time for duty.

(e) Possess a valid driver's license for the CP Team vehicle.

(f) Ensure the CP Team vehicle is properly dispatched for the CP Team's tour of duty.

(g) Ensure the CP Team vehicle is properly fueled, maintained, and cleaned prior to the CP tour of duty and prior to turn in.

(h) Safely drive the CP Team Leader and CP Assistant Team Leader in the execution of their duties.

d. Field Officer of the Day (FOD): The FOD is identified in accordance with FOD SOP.

(1) The FOD briefs each CP at 1700 hours prior to duty. Using the CP Briefing Sheet in Annex B, the FOD will verify that each member of the CP meets necessary training, equipment, uniform, and appearance standards to assume CP duty.

(2) The FOD briefs the CPs on the CP Rules of Conduct and ensures each CP member reads and signs the Acknowledgement of Rules of Conduct (Annex A).

(3) Upon return of CP, the FOD will receive the CP debrief and CP duty log. The FOD will annotate the following significant actions for the CoS/G3:

(a) CP orders a person positively identified as a Soldier back to unit control.

(b) Soldier is engaged in or is about to engage in an activity that is likely to result in harm to him/her self or others.

(c) CP stops a quarrel, fray, or other disorderly conduct.

(d) CP observes or learns of any incident that seriously threatens the health and welfare of a Soldier.

(e) CP transports a Soldier back to the Installation.

(f) CP observes local authorities apprehend a Soldier.

(g) CP has a negative incident with law enforcement or an establishment owner or manager.

(h) Any other incident determined by the FOD to be of immediate concern to the Commander. This decision will be based on the nature of the incident, its potential to cause adverse publicity for the command, and its possible consequences.

e. Items in CP possession/Uniform and Equipment:

(1) Duty uniform is ACUs with head gear, CP Brassard, Rules of Conduct Card, and pen and note pad.

(2) Equipment required: DA Form 1594 (staff duty log), Government cell phone, list of contact numbers, CP SOP, Government Vehicle with flashlights and first aid kit. CPs should keep cleaning supplies and sickness bag in CP vans. If a

Soldier soils a CP van through vomiting, urination, or any other means, the CP may ask the Soldier to clean the vehicle out unless the Soldier is physically unable.

6. Rules of Conduct:

a. Courtesy Patrols do not perform law enforcement functions: The purpose of CPs is to ensure Soldiers act safely and responsibly in order to avoid harm to themselves, harm to others and legal issues. The Posse Comitatus Act prohibits members of the Army from acting in law enforcement capacities. As a result, CP Team members must ensure they do not act in a law enforcement capacity. Courtesy Patrol Team members are not police officers and may not conduct or assist the police in conducting law enforcement duties, such as traffic or other vehicular stops, arrests, searches, stop and frisks, seizures, interrogation, surveillance, or acting as an investigator or informant. CPs may not apprehend a civilian.

b. CPs cannot interfere with the actions of civilians: At no time will a CP Team member attempt to exercise control of any type over any civilian to include government employees, dependents of Soldiers, or spouses of Soldiers.

c. Identifying a Soldier: Because **the CP only has authority over Soldiers**, the CP must positively identify an individual as a Soldier before issuing that person any orders. The following subsection outlines the proper steps that the CP Team will use to positively identify Soldiers. **[Note: Regardless of the steps below, if a CP is not 100% sure of an individual's identity, that person MUST be treated as a civilian.]**

(1) Methods to positively identify a Soldier:

(a) **Verbal Confirmation with Military ID:** If the CP strongly believes a person in question to be a Soldier, they may directly ask the person, "Are you an active duty Soldier?" If the individual confirms that they are a Soldier, the CP should ask to see the person's military ID. If the individual displays a current (not expired) military identification card with a photo that reasonably matches the individual's appearance, this constitutes positive identification as a Soldier. If the individual in question denies they are a Soldier, assume they are a civilian and treat them accordingly. Also, treat Reserve and National Guard Soldiers who are not on Title 10 Active Duty Status as civilians.

(b) **Verbal Confirmation without Military ID:** If the CP strongly believes a person in question is a Soldier, they may directly ask the person "Are you an active duty Soldier?" If the individual confirms they are in the Army, but they do not have a military identification card, the CP may ask for the individual's full name and unit of assignment. If time permits, the CP should call the unit's Battalion Staff Duty desk and have them check the individual's name against the "Alpha Roster." If the individual's name is on their "Alpha Roster," this constitutes positive identification of a Soldier. If the CP is unable to call the proper Staff Duty in order to check the "Alpha Roster" (not enough time, do not have correct telephone number, etc), or if the individual's name is not on the "Alpha Roster," assume the individual is a civilian and treat them accordingly.

(c) **Positive Identification by a Credible Source:** If one or more credible Soldiers, who the CP has positively identified as Soldiers (this includes CP Team members), positively identifies the individual in question as being a Soldier, this information constitutes positive identification as a Soldier. The credible individuals must be sober and personally know the potential Soldier they are identifying. Based on this identification by a credible source, CP Team members may ask the Soldier for his or her identification. If the Soldier produces a valid military ID, follow the steps in paragraph 6c(1)(a) of this SOP. If the Soldier does not have a valid military ID, follow the steps in paragraph 6c(1)(b) of this SOP. If there is any doubt about the military identity of the person in question, the CP must treat them as a civilian.

(2) What to do if an Individual cannot be Positively Identified as a Soldier: If a suspected Soldier cannot be positively identified by one of the methods above, the person **MUST** be treated as a civilian – even if the CP Team has a strong belief that the individual is a Soldier. If a suspected Soldier refuses to provide identification or denies they are a member of the Army, they must be treated as a civilian.

(3) How to respond to civilians: In the event that the CP Team approaches an individual and is unable to positively identify them as a Soldier, the CP Team should briefly explain who they are and their role (a member of the CP whose mission is to ensure Soldier safety), apologize for bothering the individual, politely thank them for their time, and render an appropriate salutation ("have a good evening," "enjoy the concert," etc). If a CP Team is approached by a civilian, they should respectfully explain who they are (a representative of the CP Team), what they do (provide a positive Command influence to the community and ensure the safety and well being of Soldiers), and why they are in the location (because it is an area frequented by Soldiers in their off duty hours). CP Team members should politely disengage themselves from conversations with civilians as soon as reasonably possible in order to continue their mission as CP Team members ("I

appreciate you coming to chat with me and thank you for your support. We have a really busy night ahead of us so we need to keep moving. Thanks again!") Under no circumstances should CP Team members enter into an altercation (verbal or otherwise) with civilians.

d. Interaction with Soldiers: When meeting with any Soldier, the CP Team should follow these guidelines:

(1) Interaction with Soldiers (generally):

- (a) Positively confirm that the individual is a Soldier.
- (b) Explain the purpose of the CP ("We're here to make sure everyone has fun by staying safe and staying out of trouble").
- (c) Inquire about the Soldier's plans for the evening; ensure they have a responsible, well thought-out plan (sober "buddy" watching out for them, identifiable designated driver, encourage restrained alcohol consumption, etc).
- (d) Don't make the CP Team a "pest" – ensure everyone is acting safely and move on. Tell everyone to have a safe and fun evening.

(2) Interaction with an intoxicated Soldier: When interacting with an intoxicated Soldier, the CP Team should follow these guidelines:

- (a) Positively confirm that the individual is a Soldier.
- (b) Ask the Soldier how he or she is planning to get home/travel to his or her next destination.
- (c) If the Soldier is not a danger to themselves or others (has an identifiable, designated driver; is within reasonable walking distance from home and is not overly intoxicated; etc) give the Soldier advice and direction as necessary and leave the situation alone.
- (d) If the Soldier is a danger to themselves or others, first, assist the Soldier by calling the Soldier a designated driver or by calling the Soldier a cab. If this proves impossible/impracticable, then as a last resort, the Soldier may ride in the CP Team during a regularly scheduled return to post. CPs will only transport Soldiers to a Military Installation (unit headquarters) – they will not transport Soldiers to off-installation businesses or residences. Modifying the planned route or making a special trip back to the Soldier's unit is not permitted.

(3) Interaction with a violent or disorderly Soldier: When interacting with a disorderly or violent Soldier, the CP Team should follow these guidelines:

- (a) Positively confirm that the individual is a Soldier.
- (b) De-escalate the situation verbally.
- (c) Issue verbal orders to the Soldier to cease their disorderly conduct and/or to return to their unit.
- (d) Call civilian law enforcement.
- (e) Observe civilian law enforcement action; record incident in CP Duty Log.

(4) Apprehension/Use of Force: **The goal of the CP is for civilian police to conduct all apprehensions (when apprehension is necessary).** CP Team Members may temporarily detain a positively identified Soldier in very limited situations provided all the criteria listed below are met.

- (a) The individual must be a positively identified Soldier.
- (b) Law enforcement must not be readily available.
- (c) It must be necessary to detain the Soldier immediately in order to prevent an activity that is likely to result in serious harm to the Soldier or others; and

(d) The Soldier must be detained in a safe manner with minimal risk to CP Team Members.

(e) During an apprehension, CP Team Members are authorized to use minimum non-striking, physical force to detain a Soldier. This force includes holding a Soldier's arm, "bear hugging" the Soldier to prevent movement, or similar techniques. CP Team members are not authorized to strike, "take down," trip, or otherwise cause injury to a Soldier in the course of apprehension. In the event a Soldier escalates the use of force beyond that allowed for apprehension, (e.g. punches a CP Team member) the CP Team may respond only in self defense, should attempt to disengage themselves from the situation, and should call civilian law enforcement.

e. Medical Care of Soldiers: In the event that a Soldier accompanying the CP needs emergency medical care (e.g. significant bleeding; difficulty breathing; loss of consciousness; etc) the CP Team will immediately call 911. The CP Team will notify the FOD of the situation as soon as possible. In the event a Soldier accompanying the CP needs urgent medical treatment (e.g. bleeding requiring stitches, minor broken bones, etc), the CP may transport the Soldier to an on-post medical treatment facility.

f. Access to Off Post Establishments: Once off a Military Installation, CP Team Members have the same rights to enter a private establishment as a civilian; they do not have any special privileges or rights to enter off-post establishments.

(1) Requirement to vacate premise: Certain business owners/managers may choose to deny CP Team Members admission to their establishment or may ask CP Team Members to leave their establishment. If either of these situations takes place, CP Team Members should promptly and politely comply; the interaction should be logged on the CP Duty Log.

(2) Cover Charges: A location may attempt to charge CP Team Members a "cover charge" in order to enter their establishment. In the event this takes place, CP Team Members should politely decline and leave the venue. CP Team Members may not solicit free admission to a private venue for the purposes of conducting CP duties. However, if a private venue offers free admission to CP Team Members, they may accept this admission as a gift provided the admission amount is of a *de minimis* value (less than \$20 per person).

g. Use of Government Owned Vehicle (GOV):

(1) Use of Government Owned Vehicles is only authorized for limited situations. GOVs may be used to patrol regularly planned routes in execution of CP Team duties. **GOVs may NOT be utilized as a "free taxi service"** for transporting Soldiers from off-post establishments to their unit areas or barracks. Subject to the rules of paragraph 6d(2)d of this SOP, CPs may only transport Soldiers back to a Military Installation in the course of a planned CP return to the installation as a last resort.

(2) Accidents and Property Damage:

(a) Motor Vehicle Accidents: CP personnel involved in Motor vehicle accidents should comply with the instructions for reporting an accident in the issued GOV.

(b) Other Personal or Property Damage: CP personnel involved in any incidents that result in personal harm or property damage will obtain witness information at the scene and report the incident to their Commander and FOD. CP Teams should utilize a DA Form 2823 Sworn Statement, or any other document at their disposal that captures a witness' recollection of events, his/her name, and his or her contact information.

(c) CP Team members should avoid discussing the incident or making statements without first consulting with the Claims Office. This instruction does not prohibit CP Team members from providing basic, factual statements to law enforcement officers investigating the incident.

(d) Commanders and the FOD shall notify the Claims Office at (xxx) xxx-xxxx of any property damage incident involving CP personnel.

(e) Vandalism: In the event that a GOV is vandalized in the course of CP Team duty, the CP Team should immediately contact local law enforcement in order to document the vandalism. The CP Team Leader is responsible for obtaining a copy of the completed police report and submitting it to his or her chain of command as soon as possible.

(3) Parking fees/tickets: CP Team members are only authorized to park in free parking areas. CP Teams are not authorized to pay parking fees via personal or government funds; CP Team members will not be reimbursed for parking fees

paid with personal funds. Any tickets received by CP Team Members will be the personal responsibility of the CP Team member who authorized parking in an unauthorized location.

h. Interaction with Media: Any requests for interviews should be directed to the Public Affairs Office. Any interaction with media should be recorded on the CP Duty Log.

i. Assistance to SMs from other Services: Although the CP Team's primary responsibility and purpose is to ensure the safety of Soldiers, CP Teams may assist active duty SMs of other Armed Services (Air Force, Navy, or Marines) should they be encountered during the course of normal CP Team duties.

j. Taxi Cab fares for Soldiers: CP Team Members are not responsible for providing funding for Soldiers to return to their place of residence (i.e. taxi fares) and will not be reimbursed for paying for Soldier's taxi fees. Commanders cannot use unit funds to pay for taxi services. A variety of free transportation services are available and are listed in the phone contact roster (Annex D).

k. Transporting Dependents or Civilian Friends of Soldiers:

(1) Dependents: A CP will not separate a Soldier from an accompanying spouse or other dependent. All efforts will be made to get the Soldier and dependent home by taxi or via friends of the Soldier. In the event there is no other safe, feasible method of transportation, the CP may transport a dependent to the installation in a GOV provided the CP is on a regularly scheduled return to the installation, the dependent is directly accompanied by their sponsor, and the dependent voluntarily agrees to the transportation.

(2) Civilian Friends of Soldiers: CP Teams members will not transport civilians (including civilian friends of Soldiers) in GOVs.

l. Planned Routes/Designated Patrol Areas: Prior to conducting CPs, the CP Team Leader will coordinate a planned route with the FOD and any other CP Teams who may be operating in the same general location as the CP Team. The FOD and CP Team Leaders will ensure routes are planned in a manner to maximize coverage and avoid "double coverage" of the same location. In order to determine areas of special interest for CP Team coverage, FODs will consult the previous three weeks CP Duty Logs. Specific business or locations (commercial city blocks, streets in commercial districts, etc) may be listed as areas of special interest on a CP Team's route. Specific private homes or residences and primarily residential locations (residential city blocks or streets) may not be listed as areas of special interest areas for CP Team coverage. **These routes can and should include return trips to the Installation** throughout the tour of duty in order to monitor Soldier behavior on post.

m. Acceptance of Gifts: CP members may accept unsolicited, modest, non-alcoholic refreshments not offered as part of a meal. CP members may not accept gifts so often that acceptance interferes with their duties or creates an appearance of impropriety. CP members may not accept gifts to influence the performance of their official duties. It is always appropriate to politely reject such gifts or to pay fair market value for them. CP members must use sound discretion and judgment and be ever mindful of their purpose and mission in civilian, off-post businesses.

n. Off Limits Establishments: CPs will not enter establishments designated off limits by the Commanding General or the Garrison Commander unless given specific instructions to enter from the Command Group or Garrison Commander.

o. Prohibited Items/Activities:

(1) CP members are prohibited from possessing weapons during CP duty. Weapons include, but are not limited to the following: Firearms (to include black powder firearms, air powered firearms) and firearms that have a non-metal projectile (e.g. "Airsoft" and paintball guns); knives (or other edged tools) to include multi-tools (Gerbers, Leathermans, etc); blunt weapons such as bats, clubs or saps; brass knuckles; tazers; pepper spray or mace; anything that is designed or intended to be used as an offensive or defense weapon; and replicas of weapons.

(2) CP members will not consume alcohol while on duty.

(3) Courtesy Patrol members should expect and plan to remain active during their duty hours. CP members will not bring computers, DVD players, electronic game systems, or other entertainment devices with them during CP duties. At the discretion of the CP Team Leader, personal cell phones are allowed to the extent that their use does not interfere with CP duties; however, CP members are only allowed to use them for communication – playing electronic games and excessive text messaging is prohibited. Communications will be of a limited duration (no more than five minutes per hour) unless directly related to CP duties.

ANNEX A: RULES OF CONDUCT ACKNOWLEDGEMENT

Courtesy Patrol Acknowledgement of Rules of Conduct

ACKNOWLEDGEMENT: I _____ have read and understand the Courtesy Patrol SOP and Rules of Conduct, and I understand my duties as the Courtesy Patrol _____ (insert Team position). I agree to comply with the Courtesy Patrol SOP and Rules of Conduct in the course of my duties.

_____ Signature	_____ Date
_____ Name and Rank	_____ Unit

ANNEX B: FOD CP BRIEFING SHEET
COURTESY PATROL BRIEFING SHEET

GENERAL

DTG:

CP Team Members Names:

Unit(s):

Duty/off duty phone:

Vehicle Information

Make:

Model:

License Number:

Equipment Check/Issued (initial)

____ CP Brassard

____ Critical Phone numbers (MSC SDNCO, FOD, Local Police Desk Sergeant)

____ Rules of Conduct Card

____ DA Form 1594

____ Radio

____ Government cell phone

____ Non-Tactical Government Owned Vehicle (Van preferred).

Training (initial)

____ Received Legal Brief

____ Received FOD In Brief

____ Reviewed CP SOP

____ Reviewed Media interaction

____ Sign Acknowledgement of Rules of Conduct

Note:

1. Remind CP Team to submit close-out report to FOD upon completion of shift.
2. Include any AAR comments in your close-out report.

_____	_____
FOD Signature	Date
_____	_____
Name and Rank	Unit
_____	_____
CP Team Leader Signature	Date
_____	_____
Name and Rank	Unit

ANNEX D: PHONE ROSTER

IOC	XXX-XXXX
CP #1	TBP
CP #2	TBP
CP #1	TBP
CP #2	TBP
Police Department	
Police Department	
DES	XXX-XXXX
FOD	XXX-XXXX
Medical Emergency	911

UNIT	PHONE NUMBER	BLDG #	LOCATION (STREET INTERSECTION)
List BDE Staff Duty			
Followed by Subordinate BNs			