

## **National Training Center Transformation and Change—A Primer for Brigade Operational Law Teams<sup>1</sup>**

### **Introduction**

The National Training Center (NTC) has transformed from a barren desert used by heavy brigades for high intensity combat maneuvers into a landscape dotted with villages, crossed by roads, and occupied by civilians. The NTC “box” is a 1000 square mile maneuver area located in the California Mojave Desert.<sup>2</sup> Heavy brigade combat teams (BCTs) traditionally deployed to the NTC to test, train, and validate their Mission Essential Task List (METL) for high intensity conflict (HIC). A BCT deploying to the NTC before the summer of 2003 could expect a very structured rotation including a week of reception, staging, onward movement, and integration (RSOI), nine days of force on force battles against the NTC’s world class opposing force (OPFOR), and five days of brigade-level live fire conducted in the northern portion of the training center.

Since the summer of 2003, the NTC dramatically adjusted its training scenario, focusing solely on preparing units to deploy in support of either Operation Enduring Freedom (OEF) or Operation Iraqi Freedom (OIF). This article is intended to familiarize deploying Brigade Operational Law Teams (BOLTs) with the changes in the overall NTC training scenario and highlight issues which BOLTs should address before and during an NTC rotation.<sup>3</sup>

### **In the “Box”—It is Not What You Remember**

Gone are the days when units could mark the passing of their time at the NTC with battle periods, suspension of battlefield effects, and live fire. Units now face up to twenty days of continuous operations with no suspension of battlefield effects. Where BCTs once battled the OPFOR infantry, tanks, artillery, and aircraft, BCTs now fight smaller enemy forces entrenched in towns and caves, which use insurgent and guerrilla tactics to disrupt the BCT’s advance. The NTC spent millions of dollars to construct ten villages in the training area, the largest of which houses a population of up to 500 personnel, has three-story buildings and an underground network of caves and tunnels connecting buildings throughout the town. The NTC also constructed several underground cave complexes, which are used by enemy insurgent role players to harass and interdict supply lines and resupply insurgents in nearby towns.<sup>4</sup> Units conducting Mission Rehearsal Exercises (MREs) now occupy pre-constructed Forward Operating Bases (FOBs). The FOBs have berms and tents constructed for rotational units to occupy during their time in the “box.”

The OPFOR has significantly modified its tactics as well. Most members of the OPFOR—the 11th Armored Cavalry Regiment (11th ACR)—traded desert camouflage uniforms for civilian clothes and occupy one of the ten towns during the rotation. The 11th ACR also fields small cells of insurgents who mingle with the local population during the day and attack the BCT’s critical nodes and supply lines at night. The NTC hired approximately 250 Arab role-players and linguists to serve as religious, business, and local leaders and citizens in each town. They are under the control of the 11th ACR during the rotation.

The OPFOR composition varies based on what training requirements have been set by the senior trainer for each unit. For example, some rotations have six days of force on force, followed by eight days of stability operations and support operations (SOSO). In this case, OPFOR personnel first maneuver tanks and infantry to combat the BCT in an HIC-like environment. Once the MRE portion of the rotation starts, OPFOR personnel transition to role-play the local population.

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<sup>2</sup> See generally National Training Center, [www.irwin.army.mil](http://www.irwin.army.mil) (last visited Apr. 7, 2005).

<sup>3</sup> See generally The Judge Advocate General’s Corps, U.S. Army, Center for Law and Military Operations, [http://www.jagcnet.army.mil/laawsxxi/jagcprofile.nsf/\(JAGCNetDocID\)/CLAMOWebSite](http://www.jagcnet.army.mil/laawsxxi/jagcprofile.nsf/(JAGCNetDocID)/CLAMOWebSite) [hereinafter CLAMO website]. The Center for Law and Military Operations is a resource organization for operational lawyers. Many articles and more detailed information regarding how to prepare a BOLT for an NTC rotation can be found on the CLAMO website within the folder, Combat Training Centers, subfolder, National Training Center. Much of this information, however, is unavailable to the general public.

<sup>4</sup> *Id.*

## NTC Transformation—What It Means to a Deploying BOLT

As the NTC landscape and scenario transformed from a purely HIC to a HIC/SOSO model, demands on judge advocate's (JAs) time and participation significantly increased. The impact of this change is further amplified as the Army transforms from legacy to modular BCTs. Modular BCTs are designed to conduct operations more independently from their headquarters than legacy BCTs. This means legal support once provided by division-level JAs is now provided at the BCT-level. The following highlights the most significant scenario changes and their impact on BOLT operations.<sup>5</sup>

### Rules of Engagement (ROE) Issues

Two years ago, the NTC fielded roughly fifteen contractors and a handful of military intelligence personnel to replicate civilians on the battlefield (COBs) each rotation. Currently, the 11th ACR and Titan Corporation contractors field up to 2000 personnel to replicate COBs throughout the BCT's area of operations (AO). This increase in COBs translates into an increased number of ROE issues that JAs must address. From publishing Annex E (including an ROE card)<sup>6</sup> in the BCT operations order (OPORD) to conducting ROE training for all BCT soldiers, ROE remains a pivotal practice of BOLTs at the NTC.

Judge advocates can ensure the BCT is prepared for an NTC rotation by dealing with ROE issues before they arrive. At a minimum, BOLT JAs should complete the following:

1. Publish Annex E. The 52d Infantry Division (52ID)<sup>7</sup> publishes a deployment order (DEPOD) to incoming BCTs approximately two to three months prior to the start of each rotation. This order almost always includes an ROE annex along with an ROE card. Judge advocates may simply publish the 52ID Annex E and ROE card, or send requests for changes to 52ID. Common requests for changes concern the following issues: warning shots, levels at which various fires can be approved, and varying the ROE based on the ROE used in the unit's projected AO in theater. The NTC currently uses an ROE developed by the Center for Law and Military Operations (CLAMO) in coordination with the combat training centers (CTCs) and based on the current ROE in theater which addresses most of the BCT-level ROE issues units will encounter when they deploy. Because the NTC rarely conducts classified rotations, it is not yet possible to use the exact, classified ROE units will encounter in theater. However, this should not lessen the ROE training of the unit, because at the Soldier level, where the most difficult ROE issues are addressed, the ROE principles developed by CLAMO are the same as in theater.<sup>8</sup> Rules of Engagement cards should also be printed and distributed to each Soldier in the BCT.<sup>9</sup>

2. Train ROE. Publishing Annex E and an ROE card will not help the BCT unless it is trained properly. Emphasis on ROE training must come from the BCT and Battalion (BN) commanders and work its way down to the BCT and BN S3s.<sup>10</sup> Only commanders and S3s can direct that time on unit training schedules be dedicated to ROE training. The training should also include the most recent vignettes from the theater where a unit will be deploying. The CLAMO maintains recent ROE vignettes (classified and unclassified) on its non-secure internet protocol router network (NIPR) and secure internet protocol router network (SIPR) websites.<sup>11</sup> Accessing a deployed unit's SIPR site can also reveal important vignette examples.

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<sup>5</sup> See *id.*

<sup>6</sup> U.S. DEP'T OF ARMY, FIELD MANUAL 5-0, ARMY PLANNING AND ORDERS PRODUCTION app. G-15 (Jan. 2005) [hereinafter FM 5-0].

<sup>7</sup> The 52d Infantry Division (52ID) is the notional division headquarters for the rotating unit. The NTC provides full-time personnel to staff the 52ID Tactical Operations Center (TOC) during each NTC rotation. For example, the senior legal O/C serves as the 52ID SJA. All orders, guidance, procedures, etc., originate from 52ID.

<sup>8</sup> See, e.g., CHAIRMAN, JOINT CHIEFS OF STAFF, INSTR. 3121.01A, STANDING RULES OF ENGAGEMENT FOR US FORCES encl. A, para. 5.g-h (15 Jan. 2000) (defining hostile act and hostile intent). Both ROEs are trained extensively at the NTC. Various other classified elements (such as the CENTCOM collateral damage assessments), however, cannot be used because of their classified nature. Even so, BOLTs are encouraged to practice these principles in the BCT tactical operations center (TOC).

<sup>9</sup> The current 52ID ROE Card is identical to that used in OIF. Units can reproduce and distribute this ROE card for an NTC rotation knowing it will be the same used in theater.

<sup>10</sup> All Army staff organizations at corps through battalion levels use a basic model to begin the organization of their staffs. A unit commanded by a general officer has a G staff. A unit commanded by a colonel or below has an S staff. The different sections are identified by a number: personnel (1); intelligence (2); operations and training (3); supply or logistics (4); civil-military operations (5); information management (6); information operations (7); and comptroller or resource management (8). See News release, U.S. Army Europe Public Affairs, USAREUR Headquarters Staff to Transition to "G" Designations (Jan. 15, 2003), [http://www.hqusaer.army.mil/htmlinks/Press\\_Releases/2003/Jan2003/15Jan2003-03.htm](http://www.hqusaer.army.mil/htmlinks/Press_Releases/2003/Jan2003/15Jan2003-03.htm). For example, the brigade operations and training section is S3.

<sup>11</sup> See CLAMO website, *supra* note 3. The SIPR database can only be accessed by persons with a secret security clearance.

Finally, Soldiers arriving already trained on the ROE can then repetitively exercise their knowledge and adherence to the rules, which will increase their confidence that the ROE will work for them in theater.

### **Detention Operations and Evidence Collection**

Two years ago, BCT training objectives for NTC rotations focused on engaging with and destroying enemy infantry, armor, artillery, and air forces. Current scenarios continue to focus on BCT's individual and collective warfighting skills. Senior trainers, however, are placing greater emphasis on replicating the current operating environment where U.S. forces face insurgent and terrorist threats while supporting a sovereign government. This requires BCTs to cooperate with local police and defense forces as they attempt to capture and detain enemy forces which are attacking coalition forces and undermining the legitimate government. National Training Center scenarios are designed to test a BCT's ability to gather information from local sources, conduct operations based on the analysis of that information, detain wanted persons, and then process them along with the evidence collected at the scene, all with an eye towards prosecution at the local or national level. The entire process requires extensive BOLT involvement.

1. Training Detention Operations. Detention operations in current major theaters of operations are complex. They require specific forms, adherence to specific guidelines, and require BCTs to meet a certain legal burden before continued detention is permitted.<sup>12</sup> If these burdens are not met, detainees (often captured after great effort and sometimes casualties) are released back to the unit's AO. The NTC reflects this reality by requiring units to operate detention facilities and process detainees in accordance with current theater guidelines. Because the process is complicated, it must be trained before deployment to the NTC. Every Soldier in a BCT must understand the process including how to fill out the capture forms and process evidence. The CLAMO maintains multiple training packets developed by units in theater, which can be easily downloaded and used to train BCT Soldiers.<sup>13</sup>

2. Training Evidence Collection Procedures. At the NTC, Observer/Controllers (O/Cs) stress that each detainee should be detained for a valid reason. This typically means a detainee was involved in some sort of attack or unlawful activity directed against BCT forces. Detaining personnel should gather evidence at the point of detention which connects the detainee to the specific act. This evidence, along with the detainee, may ultimately be presented to a mock national-level court that determines what punishment (if any) the detainee should receive for his actions. The NTC scenario requires units to plan for and execute the evidence collection procedures they will use in theater. Judge advocates must train BCT Soldiers to properly document, collect, and store evidence to ensure it remains in custody throughout the process. The CLAMO website contains evidence collection training slides developed in theater that BOLT personnel can use to train BCT Soldiers before an NTC deployment.<sup>14</sup> Finally, BOLT personnel should contact the NTC legal O/Cs for more details on detention operations planned for their rotation.

### **Money as Weapon—Fiscal Operations**

Two years ago, a BCT might hand-receipt for \$10,000 in claim funds to cover an entire rotation. Currently, BCTs hand-receipt for over \$300,000 (in local currency) at the beginning of a rotation and are encouraged to spend every penny. The NTC scenario increasingly tests a BCT's ability to receive, target, spend, and account for large sums of money during its rotation.<sup>15</sup> Current legal doctrine states fiscal law support is mainly provided at the Division level and higher<sup>16</sup> and seemingly does not contemplate JAs at the BCT level providing anything other than legal reviews of most fiscal actions.<sup>17</sup> Modular BCTs, however, are being designed to provide this advice at the BCT level, and at the NTC, BOLTs find themselves active participants in the entire fiscal process, not just the traditional legal review.

The majority of the money spent by units at the NTC comes from the BCT's Commander's Emergency Response Program (CERP) funds, but also includes Operation and Maintenance (O&M) funds, intelligence contingency funds, de

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<sup>12</sup> See *id.* (providing the 3rd Infantry Division Apprehension and Detention standard operating procedures in the OIF folder).

<sup>13</sup> See *id.* (providing example detainees operations training slides in the OEF and OIF folders).

<sup>14</sup> See *id.*

<sup>15</sup> There is no comptroller or resource management (S8) O/C at the NTC, so the JA legal team is responsible for handling this facet of the BCT's operations and serves as the division G8. Inbound JAs should contact the legal O/Cs for additional fiscal information before arriving at the NTC.

<sup>16</sup> U.S. DEP'T OF ARMY, FIELD MANUAL 4-0, COMBAT SERVICE SUPPORT para. 12-26 (Aug. 2003) [hereinafter FM 4-0].

<sup>17</sup> U.S. DEP'T OF ARMY, FIELD MANUAL 27-100, LEGAL SUPPORT TO OPERATIONS para. 6.6.6 (Mar. 2001) [hereinafter FM 27-100].

minimis humanitarian assistance funds, claims funds, and various other theater-specific funds. While the JAs are typically not the proponent for all fiscal matters, commanders will look to their JA section in the absence of a strong S4/S8. Further, JAs should have visibility of all major fiscal operations within the BCT to ensure they comply with applicable laws and regulations.<sup>18</sup>

1. Training and Preparing for Fiscal Operations. Army Finance is doctrinally responsible for all aspects of deployed fiscal operations.<sup>19</sup> However, modular BCTs observed at the NTC, operating more independently from division-level support, are increasingly tasked to conduct complicated fiscal operations without the standard finance support. Judge advocates should anticipate the actual “nuts and bolts” of a BCT’s fiscal operations and discuss and coordinate these issues with finance or the BCT S4/S8. Brigade combat teams that have been proactive in this area have reaped significant dividends during their rotation. At the NTC, 52ID will not distribute money to a BCT until the BCT displays the requisite process for conducting fiscal operations. The first step is training and appointing pay agents. Pay agents are the only persons who can sign for, receive, and physically disperse funds.<sup>20</sup> The second step is training and appointing field ordering officers (FOOs). Pay agents cannot disperse funds unless they have been legally obligated by a correctly appointed FOO.<sup>21</sup> Third (if your unit is conducting an Iraq-specific MRE), the BCT must have Project Purchase Officers (PPOs) on orders and trained to handle CERP expenditures.<sup>22</sup> Finally, BCTs should have a safe where hand-receipted cash is properly stored. Enterprising JAs should address all of these issues with the BCT S4/S8 who, at the BCT level, may not anticipate or understand how a BCT conducts fiscal operations.

2. Conducting Fiscal Operations. During HIC rotations, BOLTs typically learn of fiscal issues during the Military Decision Making Process (MDMP). During SOSO/MRE rotations, JAs typically learn of fiscal issues at various working groups and meetings during the BCT effects-oriented battle rhythm. Judge advocates should attend information operations working groups or non-lethal fires working groups, because these groups will address most of the significant issues. If the BCT conducts a single fires and effects coordination cell (FECC) meeting, fiscal issues are also usually addressed during this meeting. At either working group, the BCT effects players (lethal and non-lethal) discuss and plan the BCT targeting agenda, which should include targeting money to certain projects, individuals, areas, or organizations in the BCT AO. As targets are recommended, JAs must ensure planned expenditures are in compliance with applicable laws, regulations, and current division spending guidance. In many BCTs, JAs might also conduct fiscal operations with other BCT elements by paying claims, solatia, or negotiating contracts with the locals. All these events are replicated at the NTC.

### **Do Not Forget About Claims**

In the past, BOLTs conducting an NTC rotation might have encountered a few claims here and there at one village during a rotation. The current scenario includes an unlimited number of claims arising at any of the villages in the BCT AO.<sup>23</sup> While claims are a doctrinally contemplated core JA discipline,<sup>24</sup> CERP has added a new complexity to claims in the

<sup>18</sup> See FM 4-0, *supra* note 16, paras. 12-22 through 12-26; see also FM 27-100, *supra* note 17, para. 3.6.

<sup>19</sup> FM 4-0, *supra* note 16, para. 11-1, states,

[d]uring operations, Army finance units provide real-time, split-based support to individuals and organizations. . . Organizational funding support goes to local procurement of supplies and services, enemy prisoners of war (EPW) pay, legal claims, and the cost of local national employees supporting intelligence elements, CSS unit, military police, the staff judge advocate, civil affairs, unit tactical field exchanges, and other unit commanders.

<sup>20</sup> U.S. DEP’T OF ARMY, FIELD MANUAL 14-100, FINANCIAL MANAGEMENT OPERATIONS app. C (July 1997) [hereinafter FM 14-100] (providing a detailed process by which to appoint pay agents, including sample appointment memos). Judge Advocates should reference this manual if tasked to support these BCT operations.

<sup>21</sup> U.S. DEP’T OF ARMY, FEDERAL ACQUISITION, REG. MANUAL NO. 2, CONTINGENCY CONTRACTING (Nov. 1997) (containing specific guidance on how field ordering officers (FOOs) are appointed and placed on orders and delineates specific duties and responsibilities for FOOs). This manual also describes in detail the forms, processes and procedures a FOO (and BCT) must follow when obligating funds. Judge advocates should reference this manual for questions regarding FOOs.

<sup>22</sup> The NTC scenario uses the most recent fiscal information from theater, but as this quickly changes in each area of operation (AO), units are encouraged to focus on developing and executing fiscal processes that can be adapted quickly in theater. See, e.g., HEADQUARTERS, MULTI-NATIONAL CORPS-IRAQ, FRAGMENTARY ORDER 092 to OPOD 05-02 (1 June 2005) (listing the requirement for each BCT to have a PPO for CERP projects). This document and other related FRAGOs concerning CERP expenditures and PPOs can be found on the CLAMO website, *supra* note 3.

<sup>23</sup> Over the past twenty months, the number of claims handled by BCT JAs in MRE scenarios varied greatly. Some have paid over fifty, others processed significantly less. A number of factors seem to impact claim operations. First is security. If the BCT cannot secure a village from the insurgents, claim missions cannot be conducted. Second, if JAs do not coordinate with the BCT S3 for requisite security at the BCT and battalion level, claim missions cannot depart the FOB. Third, JAs arriving at villages are often not familiar with the paperwork, and are not prepared to pay claims on the spot, thus losing the training value of paying multiple claims in one day. Finally, JAs fail to get claim missions on the target synchronization matrix (targeting a certain town for a claim mission) and therefore claims are never properly planned or resourced.

form of solatia-like payments. The NTC scenario exercises a BOLT's understanding of the traditional claims practice involving the Foreign Claims Act<sup>25</sup> and battle-damage claims now associated with CERP solatia payments. Further, BOLTs may encounter other types of claims when personnel property is damaged coming to and from the NTC.

To be successful at the NTC, BOLTs first need to consider how to execute the BCT claim mission. This may be driven by how claims operations will be conducted in the BCT's projected AO for a deployment. Two processes have been observed at the NTC. Some BCTs establish and operate a claim intake point in conjunction with the BCT's Civil-Military Operations Center (CMOC) (or some type of intake point where civilians can contact the BCT with questions, grievances, etc.). There, BOLT personnel intake claims, determine whether they should be paid, and either pay on the spot or have the claimants return later after the claim is reviewed. Other BCTs conduct "roving CMOCs"<sup>26</sup> in different villages where Civil Affairs (CA) personnel advertise the mission in advance and rent space, and battalion elements are tasked to provide security for the operation. Brigade operational law team personnel pay claims during these missions. Doctors, dentists, Psychological Operations (PSYOP) personnel, preventative medicine personnel, and others also participate in roving CMOCs as part of the larger mission operation.

Due to the large size of the training area, and because very few of the COBs have vehicles, claim intake points operated at FOBs have traditionally not been successful. Further, convoying to different villages permits BOLTs to practice convoy operations, which they may not have done otherwise.<sup>27</sup>

Second, JAs should have the commander appoint unit claims officers (UCOs). Unit claims officers can identify and investigate claims at the company level and forward information to the BCT single-person Foreign Claims Commission (FCC). The UCOs investigation assists the FCC in identifying potential claimants without having to personally investigate every claim.

Brigade operational law teams should also prepare claim packets with the necessary forms before they arrive at the NTC. The CLAMO has examples of claims packets specific to the Iraq theater of operation—many of them already translated into the local language.<sup>28</sup> Finally, JAs must determine which JA will serve as the FCC, and which paralegal will serve as the pay agent, for purposes of making claim or solatia payments.

## Investigations

In the past, rotational BOLTs tracked mainly blue on blue fratricide incidents as mandated by the NTC exercise operating procedures (EXOP).<sup>29</sup> The current NTC EXOP does not contain this requirement. Mandatory investigation requirements are outlined in the 52ID operations order. The 52ID generally requires investigations for the following incidents: class A accidents, friendly fire incidents (blue on blue), blue on green incidents, green on blue<sup>30</sup> incidents, non-combat deaths or serious injuries of foreign nationals, potential law of war violations (in particular civilian or detainees), losses of sensitive items, negligent discharges (other than in clearing barrels), and ROE violations (known or suspected).<sup>31</sup> The BOLT JAs may encounter commanders who balk at these requirements. The requirements mirror investigation requirements in theater. In fact, there are actually fewer requirements at the NTC than, for example, a BCT deployed to

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<sup>24</sup> FM 4-0, *supra* note 16, para. 12-30; FM 27-100, *supra* note 17, at viii.

<sup>25</sup> See generally U.S. DEP'T OF ARMY, REG. 27-20, CLAIMS paras. 10-1 through 10-10 (July 2003).

<sup>26</sup> "Roving CMOC" is not a doctrinal term. Brigade combat teams have also referred to this collection of mobile humanitarian assistance assets as a "consequence management team," "mitigation effects cell," "host nation support team," and "non-lethal support team."

<sup>27</sup> Many BOLTs initially are inclined to set up NTC claim operations based on current in-theater operations. This makes sense from a theoretical perspective. National Training Center O/Cs, however, encourage BOLT leaders to consider all BOLT training objectives to determine if modifying their NTC claim mission to facilitate other training objectives (convoy operations, weapons handling, and other soldier skills) might be a good use of limited training opportunities.

<sup>28</sup> See CLAMO website, *supra* note 3 (providing examples of claim packets in the OEF and OIF folder).

<sup>29</sup> NAT'L TRAINING CENTER EXERCISE, OPERATING PROCEDURES para. 11-4 (2004) [hereinafter NTC SOP] (requiring AR 15-6 investigations only for "blue on blue" fratricide incidents). The 2004 exercise SOP required the unit to initiate, complete, and submit the final, approved investigation within forty-eight hours to the 52ID Division TOC. This document can be requested from the NTC legal O/C team. It has been replaced by the 2005 EXOP which units will receive several months before their rotation.

<sup>30</sup> "Blue on green" and "green on blue" incidents refer to incidents between coalition and Iraqi forces. The NTC scenario requires units to train and conduct operations with local Iraqi police and military forces. Fratricides and other incidents often occur on these operations, requiring investigation.

<sup>31</sup> See NTC SOP *supra* note 29, at annex I(5) (Legal) (providing investigation requirements for NTC rotations). Although this is doctrinally not the best location, due to NTC manning constraints, however, the legal O/Cs provide oversight of this process, and therefore include it in the legal appendix.

Iraq.<sup>32</sup> Judge advocates must brief commanders on these requirements early on and establish a system to efficiently handle investigations as they arise.

The BOLTs should take several steps before an NTC rotation to ensure rotational investigations are completed timely and to standard. First, BOLT personnel should coordinate with the S-1 to complete a Department of the Army (DA) Form 6 specifically for AR 15-6 investigations.<sup>33</sup> This provides an immediate list of names from which commanders can appoint investigating officers when required. Second, BOLTs should pre-position investigation packets with officers on the DA 6 in each battalion (or at a minimum with battalion S-1s). Officers should be briefed in advance on how to complete an investigation because conducting a legal brief to the investigating officer (IO) is sometimes impossible depending on the status of BCT communications. Third, JAs should encourage commanders to clearly delineate what level of command has the authority to initiate investigations for different incidents. Judge advocates often discover serious investigations have been initiated by battalion or even company commanders—after they are completed. Fourth, JAs must carefully explain to BCT commanders that for serious incidents, JAs should draft the appointment memo to ensure clear, concise, and legally sound directives are issued to the IO. This will speed up the entire process by directing IOs to focus on the most important issues from the beginning of each investigation. Finally, BOLT paralegals (after legal review) must have a plan to store and index investigations for reference at a later time. Even at the NTC, investigations often draw general officer attention, and may be requested weeks after the incident occurred.

After investigations are completed, BOLT JAs at the NTC are encouraged to identify trends and corrective measures based on the findings and recommendations of the IO. Most BCTs have multiple incidents of fratricide, civilian deaths, and negligent discharges. After the fourth or fifth incident, clear trends start to emerge. Judge advocates should identify these trends and (after conferring with safety, or operational subject matter experts) coordinate with the S3 to publish these trends via fragmentary order (FRAGO)<sup>34</sup> to BCT elements to mitigate potential similar incidents in the future.<sup>35</sup>

### **Targeting / Fires and Effects / Information Operations / Effect Based Operations<sup>36</sup>**

In the past, BCTs at the NTC planned using mainly the MDMP. One pre-battle MDMP cycle traditionally took up to three days with a battle period following. Current NTC scenarios are more fluid and BCTs conducting MREs generally conduct daily targeting meetings resulting in a FRAGO being issued every twenty-four hours which drives missions up to seventy-two hours out. Unless a JA has Stryker brigade combat team (SBCT) or recently deployment experience, most are not familiar with the FECC, information operations, or other aspects of effects based operations.<sup>37</sup> The BOLTs should familiarize themselves with current doctrine on information operations, fires and effects, and targeting.<sup>38</sup> Savvy JAs could

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<sup>32</sup> Judge Advocates looking to encourage commanders to plan for conducting investigations should provide them with the pertinent portions of U.S. DEP'T OF DEFENSE, DIR. 5100.77, DOD LAW OF WAR PROGRAM para. 6 (9 Dec. 1998) and U.S. DEP'T OF ARMY, PAM. 385-40, ARMY ACCIDENT INVESTIGATION AND REPORTING (Nov. 1994). See also Information Paper, Headquarters, Multinational Force Iraq, subject: Friendly Fire Incident Investigations (7 Sept. 2003); Information Paper, Multinational Force Iraq, subject: Investigations of Non-combat Related Deaths and Serious Injuries (27 Oct. 2004); Information Paper, Multinational Force Iraq, subject: Overview of Command Investigations in the Iraq Theater (21 Sept. 2004). These documents set out mandatory investigation requirements. The information papers are located on the CLAMO website under OIF and provide information detailing investigations required in Iraq. They could be used to impress on commanders the importance of having a plan for conducting investigations, and giving it a test run at the NTC.

<sup>33</sup> U.S. Dep't of Army, DA Form 6, Duty Roster (July 1974). Department of Army Form 6 is the standard form Army units use to maintain a list of names of personnel available for a specific duty. The form lists personnel grades, names, and nature of duty. The S1 should have a separate list of officers who are available to conduct AR 15-6 investigations. Many units already have DA Form 6s completed for reports of survey, and can use the same for other investigations. However, JAs should carefully scrub the list with the XO to ensure listed officers are capable of conducting a proper investigation as many incidents are high-profile and may result in UCMJ actions, media interest, or even congressional scrutiny.

<sup>34</sup> A FRAGO is a supplement or change to an original OPORD.

<sup>35</sup> This is another non-doctrinal task. Because BCT JAs see every AR 15-6 investigation, they are in the best position to identify trends for the commander. Judge advocates, however, should always coordinate the FRAGO with the subject matter expert (often safety).

<sup>36</sup> "Effects Based Operations" is a non-doctrinal term developed at the Joint Readiness Training Center. Information Operations is a doctrinal Army term and practice. See generally U.S. DEP'T OF ARMY, FIELD MANUAL 3-13, INFORMATION OPERATIONS: DOCTRINE, TACTICS, TECHNIQUES, AND PROCEDURES (Nov. 2003) [hereinafter FM 3-13]. Information operations are based largely on the Army targeting process of decide, detect, deliver, and assess (D3A). See generally FM 5-0, *supra* note 6, app. H. Because "Effects Based Operations" is not a doctrinal term, the NTC uses the terms "targeting" and "information operations" to describe the "effects based" planning process and mission execution. All three, however, follow the same process.

<sup>37</sup> U.S. DEP'T OF ARMY, FIELD MANUAL 3-21.31, THE STRYKER BRIGADE COMBAT TEAM (Mar. 2003) [hereinafter FM 3-21.31], provides the most doctrinal example of "fires and effects" and how information operations fit into this process. In an SBCT, the JA is located in the FECC. New modular BCTs are not staffed exactly like SBCTs—but some have formed a FECC (or FECC-like) group by the end of an NTC rotation to plan and synchronize BCT "effects."

<sup>38</sup> See U.S. DEP'T OF ARMY, FIELD MANUAL 3-0, OPERATIONS ch. 11 (Mar. 2003) [hereinafter FM 3-0]; FM 5-0, *supra* note 6, app. H; FM 3-13, *supra* note 36; FM 3-21.31, *supra* note 37; and, U.S. DEP'T OF ARMY, FIELD MANUAL 6-20-10, TACTICS, TECHNIQUES, AND PROCEDURES FOR THE TARGETING PROCESS paras. 2-1 to 2-14. (May 1996) [hereinafter FM 6-20-10].

phrase almost all of their doctrinal operational law tasks in terms of “effects” and “targeting.”<sup>39</sup> This is a language commanders understand. Therefore, they will be more likely to support requested BOLT missions if expressed in this familiar language.<sup>40</sup> For example, claims missions can almost always be tied to the doctrinal information operations effect of “influence” as they influence the local populace to support the BCT mission.<sup>41</sup> Judge advocates requesting claims missions could discuss the requirement during the FECC, get the intended “target” placed on the target synchronization matrix under the category of “influence,” and have the mission published in the daily FRAGO with requisite support directed of subordinate units.

At the NTC, JAs are encouraged to attend all the FECC working groups and actively participate in the targeting process. Modular BCTs should be staffed with an S7 (information operations officer) who more often than not will coordinate all non-lethal effects. Modular BCTs also have organic CA and PSYOP detachments. These elements are often self-supported and sometimes willing to assist JAs with their missions, as many BOLT missions further CA or PSYOP objectives as well. Therefore, JAs should coordinate closely with both elements as they can greatly assist the BOLTs when convoys, personnel, and equipment are needed.

### Soldier Skills

Much has already been written about the need for basic Soldier preparation before a CTC rotation, but this is not the focus of this article.<sup>42</sup> Planning for and arriving with HMMWV driver’s licenses, radios, night vision goggles, weapons, field equipment, etc., all remain important tasks—primarily for the BOLT Non-Commissioned Officer in Charge (NCOIC).

One change at the NTC, which affects basic Soldier preparation, is worth mentioning. Conducting convoy operations is now a primary training objective for most units at the NTC. The NTC constructed and operates two to three (depending on the rotation requirements) convoy force on force, and live fire lanes. One lane includes a mock-up village with buildings as high as three stories. Other lanes include reacting to an ambush, an improvised explosive device, a vehicle born improvised explosive device, and a mortar attack. This new focus on convoy operations directly impacts BOLTs, who once relaxed during the BCT live-fire, because each member of the BCT must spend one day participating in the convoy live fire. This means BOLT members must qualify on an M-16, squad automatic weapon, or other weapon system within six months of their rotation.<sup>43</sup>

### Conclusion

The NTC transformation has been rapid, and is continuing to change the face of the desert training area. Brigade operational law teams should learn about and prepare for the impact these changes have on legal operations. At the same time, while the NTC may appear facially different, many of the old BOLT tactics, techniques and procedures (TTPs) remain relevant and should not be cast aside. Before an NTC rotation, BOLTs should focus on the new developing areas, including detention and evidence collection operations, fiscal operations, effects-based planning (or planning in general), and other new nuances to the time-tested tenets of ROE, claims, investigations, and basic Soldier skills. Preparing for the issues addressed above will significantly increase the chances of a successful BOLT deployment to the NTC.

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<sup>39</sup> FM 27-100, *supra* note 17, ch. 3 (listing OPLAW, military justice, international law, administrative law, civil law (contract, fiscal, and environmental), claims, and legal assistance as the “core legal disciplines”).

<sup>40</sup> Rotational unit battle staffs all attend a week-long “Leader Training Program” at the NTC several months before the rotation. This program is designed to introduce BCTs to the NTC, including an orientation to the maneuver area. It also requires the BCT to conduct several MDMP or target planning sessions. This is generally the first opportunity a JA has to integrate with the staff and BN commanders, and an is excellent time to stress training requirements while the staff is focused on preparing for the rotation. Judge advocates will also spend time with the legal O/C team where they receive critical data for their rotation. The Leader Training Program is a must attend event for JAs.

<sup>41</sup> FM 3-0, *supra* note 38, paras. 11-49 through 11-69 (detailing the IO elements and their related activities). “Influence” is the doctrinal term to which most JA activities can be associated.

<sup>42</sup> Center for Law & Military Operations Report, *Legal Team Trends at Combat Training Centers*, ARMY LAW., Feb. 2005, at 14.

<sup>43</sup> See NTC 2005 EXERCISE OPERATING PROCEDURES ch. 13 (2005). National Training Center planners publish the *NTC EXOP* to rotational units at least three months in advance of each rotation. The *NTC EXOP* covers all aspects of the upcoming rotation. For example, the EXOP details requirements for personnel participating in live-fire, the rules for outfitting, wearing, and adjudicating the Multiple Integrated Laser Engagement System (MILES), enemy prisoner of war events and handling, fratricide investigations, close air support, minefields, civil military operations, interactions with local civilians, media on the battlefield, and emergency procedures (among others). Judge advocates, however, should not mistake this document for the actual exercise ROE, which is covered separately in Annex E of the DEPORD.