

ATTP 3-37.31

Civilian Casualty Mitigation

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Contents

	Page
	PREFACE.....iii
Chapter 1	FOUNDATIONS OF CIVILIAN CASUALTY MITIGATION..... 1-1
	Purpose and Definitions 1-1
	Legal Authorities 1-1
	Significance of Protecting Civilians From Armed Conflict 1-5
	Mission Command and Civilian Casualty Mitigation 1-7
	Considerations for Mission Analysis..... 1-8
Chapter 2	CIVILIAN CASUALTY MITIGATION CYCLE 2-1
	Integration of the Civilian Casualty Mitigation Cycle 2-1
	The Prepare Step 2-2
	The Plan Step..... 2-6
	The Employ Step..... 2-9
	The Assess Step 2-14
	The Respond Step..... 2-17
	The Learn Step..... 2-23
Appendix A	NONLETHAL CAPABILITIESA-1
Appendix B	REPORTS AND INVESTIGATIONSB-1
	GLOSSARY Glossary-1
	REFERENCESReferences-1
	INDEX..... Index-1

Figures

Figure 2-1. Civilian casualty mitigation cycle.....	2-2
Figure 2-2. Smart card example.....	2-3

Tables

Table 1-1. Summary of legal authorities related to protection of civilians	1-4
Table 2-1. Examples of civilian casualty incident data categories.....	2-16

Preface

Army Tactics, Techniques, and Procedures (ATTP) 3-37.31 is the Army's doctrinal publication for mitigating civilian casualties (CIVCASs). The purpose is to provide doctrinal guidance for minimizing CIVCAS incidents and managing their consequences. The focus is on guiding Army leaders conducting operations involving armed conflict.

This ATTP is organized into two chapters and two appendixes. Chapter 1 discusses the foundations of CIVCAS mitigation, including its purpose, key definitions, legal authorities, the significance of protecting civilians from armed conflict, application of the mission command philosophy to CIVCAS mitigation, and considerations for mission analysis. Chapter 2 expands on the Army's integrated approach to CIVCAS mitigation by introducing a CIVCAS mitigation cycle—prepare, plan, employ, assess, respond, and learn—that integrates with other Army processes and ensures effective mitigation. Appendix A discusses nonlethal capabilities. Appendix B provides detailed guidance for preparing reports and conducting investigations.

The proponent has made every effort to ensure Army CIVCAS mitigation doctrine is consistent with appropriate laws, policies, regulations, and directives of the federal government, Department of Defense, and Department of the Army. In any case where Army doctrine differs, the laws, policies, regulations, and directives take precedence. This manual provides doctrinal guidance only and does not substitute for authoritative legal counsel. Army units should consult a staff judge advocate when conducting operations.

ATTP 3-37.31 applies to the Active Army, Army National Guard/Army National Guard of the United States, and United States Army Reserve unless otherwise stated.

Headquarters, United States Army Training and Doctrine Command is the proponent for this publication. The preparing agency is the Combined Arms Doctrine Directorate, United States Army Combined Arms Center. Send written comments and recommendations on a DA Form 2028, *Recommended Changes to Publications and Blank Forms*, directly to Commander, United States Army Combined Arms Center and Fort Leavenworth, ATTN: ATZL-MCK-D (ATTP 3-37.31), 300 McPherson Avenue (Building 463), Fort Leavenworth, KS 66027-2337; or by e-mail to usarmy.leavenworth.mccoe.mbx.cadd-org-mailbox@mail.mil; or submit an electronic DA Form 2028.

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Chapter 1

Foundations of Civilian Casualty Mitigation

This chapter begins by explaining the purpose of civilian casualty mitigation and defining key terms. Next, it outlines legal authorities that form the basis for civilian casualty mitigation. Then it discusses the significance of protecting civilians from armed conflict. A discussion of mission command in relation to civilian casualty mitigation follows. The chapter concludes with civilian casualty mitigation considerations for mission analysis.

PURPOSE AND DEFINITIONS

1-1. Protection of civilians is at the heart of the profession of arms. It is founded in law and in principles of humanity. In addition, protection of civilians supports strategic and operational objectives. Army units are expected to uphold the highest standards of conduct regarding protection of civilians; adherence to the law of armed conflict is the minimum standard.

1-2. During armed conflict, Army forces protect civilians through civilian casualty (CIVCAS) mitigation. CIVCAS mitigation is all measures to avoid or minimize CIVCASs and reduce the adverse impact of those that occur. In the context of CIVCAS mitigation, a civilian is any person who is not a combatant. In other words, a civilian is a person not engaged in hostilities during an armed conflict, regardless of the groups or organizations to which the person belongs. If there is any doubt, Army forces consider a person to be a civilian. In the context of CIVCAS mitigation, a CIVCAS refers to any civilian wounded or dead as a result of armed conflict.

1-3. This publication focuses on mitigating CIVCASs resulting from operations involving combat conducted by Army units and their partners. In most cases, CIVCASs are a type of *collateral damage*—unintentional or incidental injury or damage to persons or objects that would not be lawful military targets in the circumstances ruling at the time. Such damage is not unlawful so long as it is not excessive in light of the overall military advantage anticipated from the attack (JP 3-60). Military forces conduct operations among civilian populations; CIVCASs have always been a tragic consequence of armed conflict. In some instances, civilians are deliberately targeted by various actors. To mitigate CIVCASs, Army activities include a range of protection efforts for civilians, as appropriate for the operational environment and the mission. CIVCAS mitigation efforts from command to squad level contribute to the success of any mission. Army units seek to mitigate CIVCASs in all missions. Protecting civilians sometimes *is* the objective of a mission.

LEGAL AUTHORITIES

- 1-4. International law upon which CIVCAS mitigation is based includes—
- The law of armed conflict.
 - International human rights law.
 - Customary international law.

LAW OF ARMED CONFLICT

1-5. The law of armed conflict is also referred to as the law (or laws) of war or the law of land warfare, and sometimes as international human rights law. The law of armed conflict refers to primary governing documents that include the four Geneva Conventions (1949) and three additional protocols (known as the law of Geneva). Additionally, two of the fifteen Hague Conventions (known as the law of The Hague) are directly applicable to the law of armed conflict.

1-6. In the conduct of operations, constant care must be taken to spare civilians from harm. Civilians and civilian objects enjoy legal protection unless and for such time as they directly participate in hostilities. It is unlawful to direct attacks against civilians or civilian objects. It is unlawful to conduct an attack that may be expected to cause collateral damage excessive in relation to the concrete and direct military advantage anticipated. Army units and their security partners must take all feasible precautions to avoid, and in any event to minimize, incidental harm to civilians and civilian objects. Commanders and leaders are responsible for ensuring their subordinates abide by the law of armed conflict. Under the legal doctrine of command responsibility, commanders may be held criminally responsible for war crimes committed by personnel within their unit if directed by a commander, or if a commander knew that war crimes were occurring and failed to prevent them or investigate and hold accountable those perpetrating the offenses. (For more information on the law of armed conflict, see FM 27-10.)

1-7. The law of armed conflict, as implemented through the Department of Defense's law of war training program, is the primary instrument by which the Army trains and socializes the importance of CIVCAS mitigation in Army operations. Army forces account for and adhere to four basic principles of the law of armed conflict—

- The principle of military necessity.
- The principle of distinction.
- The principle of proportionality.
- The principle of humanity.

The Principle of Military Necessity

1-8. Military necessity requires combat forces to engage in only those acts necessary to accomplish a legitimate military objective. Attacks shall be limited strictly to military objectives. In applying military necessity to targeting, the principle generally means U.S. military forces may target those facilities, equipment, and forces which, if destroyed, would lead as quickly as possible to the enemy's partial or complete submission.

The Principle of Distinction

1-9. Distinction refers to discriminating between lawful combatant targets and noncombatant targets such as civilians, civilian property, prisoners of war, and wounded personnel who are out of combat. The central idea of the principle of distinction is to engage only valid military targets. An indiscriminate attack is one that strikes military objectives and civilians or civilian objects without distinction. Distinction requires defenders to separate military objects from civilian objects to the maximum extent feasible.

The Principle of Proportionality

1-10. Proportionality compares the military advantage gained to the harm inflicted while gaining this advantage. Proportionality requires a balancing test between the concrete and direct military advantage anticipated by attacking a legitimate military target and the expected incidental civilian injury or damage. Under this balancing test, excessive incidental losses are prohibited. Proportionality seeks to prevent an attack in situations where CIVCASs would clearly outweigh military gains. This principle encourages combat forces to minimize collateral damage.

The Principle of Humanity

1-11. The principle of humanity requires a military force to minimize unnecessary suffering. This principle applies to the lethality of weapons and ammunition as well as to the method in which weapons and ammunition are used.

INTERNATIONAL HUMAN RIGHTS LAW

1-12. The United States recognizes the body of international human rights law, which consists of treaties and agreements, as applicable to situations other than extraterritorial armed conflict. Examples of international human rights law include the following United Nations treaties:

- Universal Declaration of Human Rights (1948).
- Convention on the Prevention and Punishment of the Crime of Genocide (1948).
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984).
- International Covenant on Civil and Political Rights (1966).
- Convention on the Rights of the Child (1989).

Human rights instruments have been adopted at both the international and regional levels.

CUSTOMARY INTERNATIONAL LAW

1-13. Customary international law is one of the two primary sources of international law, the other being treaty-based law. Customary international law results from general and consistent practices states follow from a sense of legal obligation. Customary international law is composed of peremptory norms, which are principles of international law so fundamental that no nation may ignore them or attempt to contract out of them through treaties. Examples of peremptory norms include prohibitions of slavery, torture, genocide, or crimes against humanity. Accepted customary principles also include non-refoulement (protection of refugees from being returned to places where their lives or freedoms could be threatened) and immunity of visiting foreign heads of state.

1-14. The nations of numerous unified action partners are signatories to the Rome Statute of the International Criminal Court. The United States has not ratified this treaty.

OTHER LEGAL AUTHORITIES

1-15. Depending on the nature and location of the operation as well as other factors, other legal authorities that could affect Army operations and the conduct of Army personnel include—

- The Uniform Code of Military Justice.
- Status-of-forces agreements (SOFAs).
- Host-nation laws.
- Rules of engagement.
- Department of Defense directives and Service regulations.

1-16. In most cases, the law of armed conflict, the Uniform Code of Military Justice, and rules of engagement are the main authorities for Army units. On legal issues, commanders and their staffs should always seek legal guidance from their staff judge advocate. Table 1-1, page 1-4, shows a summary of relevant legal instruments and their application to the protection of civilians.

Table 1-1. Summary of legal authorities related to protection of civilians

Legal instrument	Description	Application to protection of civilians
Law of armed conflict	This law includes the law of Geneva and the law of The Hague, which establish rights and obligations of belligerents conducting military operations.	Requirements are binding on Soldiers. Principles are— <ul style="list-style-type: none"> • Military necessity. • Distinction. • Proportionality. • Humanity. Examples of included rules are— <ul style="list-style-type: none"> • Treatment of prisoners. • Protected targets. Consequences of breaching this law are prosecution under the UCMJ or for war crimes.
International human rights law	This law is based on treaties, customs, and accepted principles that establish expected treatment of individuals and groups.	U.S. policy states that the law of armed conflict (not international human rights law) applies to Army units in combat. This law prohibits crimes such as genocide, torture, sexual exploitation, discrimination, and abuse of children.
Customary international law	This law is derived from general state practice and the international community's belief that such practice is lawfully required, independent of treaty law; a component of <i>jus in bello</i> (referring to limits on acceptable wartime conduct).	Army units conform to this law by applying the law of armed conflict, which is partially based in customary international law.
Rome Statute of the International Criminal Court	This law binds signatory nations (not the United States) and provides for the International Criminal Court to adjudicate law of war violations.	The United States has not ratified the Rome Statute, which has over 100 signatories that include many unified action partners.
UCMJ	This law is the foundation for U.S. military law. It describes jurisdiction, procedures, and punitive articles.	The UCMJ requires members of the U.S. Armed Forces to obey lawful orders and regulations and includes punitive articles related to civilian casualties.
SOFAs	SOFAs are legal agreements between the United States Government and host nations to establish privileges, immunities, and exemptions for U.S. military units (see glossary for definition).	SOFAs may oblige commanders to take certain actions in case of harm to civilians and sometimes grant jurisdiction to a host nation.
Host-nation laws	Host-nation laws apply to persons in a host nation, including foreigners not covered by SOFAs.	Soldiers comply with host-nation laws that are consistent with international human rights law and customary international law. Host-nation laws may apply to partners such as host-nation security forces, contractors, and multinational forces.
Rules of engagement	Rules of engagement direct and guide the use of force and address self-defense, protection of civilians, detention, and restraint.	Rules of engagement are lawful orders to Soldiers. Rules of engagement protect Army units and support their missions while minimizing the risk of civilian casualties.
DOD directives and Service regulations	Examples of DOD directives include DODD 2311.01E, <i>DOD Law of War Program</i> .	Commanders consult their staff judge advocate regarding applicable DOD directives and Service regulations.
<i>Legend:</i>		
DOD	Department of Defense	SOFA status-of-forces agreement UCMJ Uniform Code of Military Justice

SIGNIFICANCE OF PROTECTING CIVILIANS FROM ARMED CONFLICT

1-17. Army units conduct unified land operations in complex and populous environments. To the extent possible, civilians (including those loyal to the enemy) must be protected from the effects of combat. In addition to legal and humanitarian reasons, Army units must mitigate CIVCASs because they create lasting repercussions that impair post-conflict reconstruction and reconciliation. CIVCASs lead to ill will among the host-nation population and political pressure that can limit freedom of action of military forces. If Army units fail to protect civilians, for whatever reason, the legitimacy of U.S. operations is likely to be questioned by the host nation and other partners. CIVCAS mitigation is critical to ensure that Army units uphold Army values and comply with legal authorities while conducting operations.

1-18. Focused attention on CIVCAS mitigation is an important investment to maintain legitimacy and ensure eventual success. Failure to prevent CIVCASs will undermine national policy objectives as well as the mission of Army units, while assisting adversaries. Adversaries will exploit CIVCAS incidents. CIVCASs are likely to incite increased opposition to Army units. Army units face particular challenges when civilians take part in hostilities, such as the farmer by day and fighter by night. An Army leader must balance the need to defeat an ill-defined enemy with the need to protect civilians and minimize their casualties, while at the same time preserving the force. Persons engaging in hostilities during armed conflict lose their legal status as protected civilians even if they are not members of a nation's armed forces, and Army units do conduct operations against such persons. However, protecting civilians and resolving the underlying drivers of conflict may have higher priority.

OVERCOMING CIVILIAN CASUALTY MITIGATION CHALLENGES IN MAJOR OPERATIONS

1-19. Civilians are vulnerable to the direct effects of combat as well as the indirect effects of having their lifestyles, livelihoods, and infrastructure disrupted. During major operations, often characterized by military-on-military combat, Army units operate against enemy forces that are legitimate targets. The law of armed conflict, particularly the principles of proportionality and distinction, directs units not to target civilians and other noncombatants. However, because enemies may be located among civilians and may even attempt to use civilians as shields, it may be appropriate to modify or delay operations when civilians are at risk and the expected CIVCASs or damage would be excessive in relation to the concrete and direct military advantage anticipated.

1-20. Units sometimes must contend with large numbers of dislocated civilians, and enemy combatants sometimes attempt to blend into these groups. This complicates matters if displaced civilians seek security, shelter, or sustainment from Army units. Whenever possible, units set aside specific routes and control measures for civilian movement and avoid contact between civilians and maneuver units. Tactical military information support operations (MISO) units use broadcast media and loudspeakers to inform civilians of these measures and traffic control points that guide civilians away from expected combat. In some cases, "stay put" messages may be effective in keeping civilians out of the way of maneuver units, especially if humanitarian assistance can be delivered to civilian locations.

1-21. During irregular warfare, it is especially difficult to distinguish enemy combatants from civilians, and enemies often use civilian noncombatants as human shields or occupy their places of worship, homes, and other civilian structures. The population's support for counterinsurgency operations is often a center of gravity, and CIVCASs potentially jeopardize such support if civilians conclude that Army units and their partners (such as host-nation security forces or security contractors) are their greatest threats. Army units may be limited in their ability to influence the behavior of partners, and increasing this influence may be critical. Even unavoidable and lawful CIVCASs will be publicized by the news media and critically viewed by the American people, the local population, and the international community.

1-22. During irregular warfare, enemies will avoid attacking well-defended targets, preferring instead to strike weakly defended objectives. One motivation for such attacks is to demonstrate that U.S. and partner forces are incapable of providing security and are, therefore, illegitimate. Another purpose may be to cause Army units to respond disproportionately, causing CIVCASs and thus eroding their support from the people. Insurgents may attempt to gain genuine popular support for their efforts or use violence against the population to intimidate them into cooperating.

1-23. In their efforts to defeat enemies, Army units and their partners must ensure that they are not creating even more adversaries in the process. CIVCASs, whether caused by lethal action such as direct and indirect fires or aggressive security measures, can generate resentment and undermine popular support. Operations against insurgents may have to be postponed or modified if CIVCASs and other collateral damage would undercut mission goals or political support.

OVERCOMING CIVILIAN CASUALTY MITIGATION CHALLENGES IN CRISIS RESPONSE AND LIMITED CONTINGENCY OPERATIONS

1-24. CIVCASs will likely be a consideration during crisis response and limited contingency operations. CIVCAS mitigation may be a subordinate task for some missions, such as removing an adversarial regime, strikes, raids, shows of force, or sanctions enforcement. CIVCAS considerations are closely tied to other missions in which the protection of civilians is the primary objective, such as foreign humanitarian assistance, noncombatant evacuation, consequence management, or mass atrocity response.

1-25. CIVCAS mitigation considerations during limited contingency operations may incorporate many considerations addressed in other operations. Examples include avoiding casualties caused by the actions of Army units; distinguishing between civilians and enemy combatants; and the possibility that a limited intervention will be disruptive to a society and generate conditions such as population dislocation that make civilians more vulnerable to a variety of threats. Army leaders at all levels should be aware that CIVCASs can jeopardize the strategic goals prompting such interventions.

1-26. Peace operations include peacekeeping operations, peace enforcement, peacemaking, peace building, and conflict prevention. With the exception of peace enforcement, these operations normally occur when the main parties to a conflict agree to a peace process, and external forces conduct peace operations to monitor and assist this process. During peace enforcement, some parties do not consent to the peace process and must be influenced to do so. In such cases, many of the CIVCAS mitigation considerations present during major operations could apply.

1-27. Units conducting peace operations should mitigate CIVCAS incidents. Restrictive rules of engagement and weapons control statuses support mitigation efforts. While peace operations may have a restricted mandate related to conflict prevention, in some circumstances Army units must prevent CIVCASs from various threats, including other actors, in order to meet the overall intent of the operation.

PROTECTING CIVILIANS DURING NONCOMBAT OPERATIONS

1-28. Host-nation laws, international human rights law, and the Uniform Code of Military Justice govern the protection of civilians during noncombat operations outside the United States, rather than the law of armed conflict. Harm to civilians in noncombat situations entails a different type of response under the Foreign Claims Act. SOFAs may apply. Because harm to civilians during any operations or activities can have serious repercussions, leaders consider how to protect civilians while conducting tasks that do not involve armed conflict.

1-29. Army units may conduct security cooperation activities such as multinational training events and exercises, security assistance, personnel recovery, arms control, peacekeeping, and counterdrug activities to shape the security environment. Similar circumstances apply to Army units normally stationed outside of the United States. A civilian injury or death during peacetime can have significant strategic implications and be extremely detrimental to U.S. interests. Routine risk assessments should consider the possibility of harm to civilians based upon numerous risks, such as host-nation driving hazards, infrastructure, and population congestion.

1-30. Depending upon any SOFA between the United States and a host nation, an incident may involve host-nation judicial systems. During their contacts with foreign security forces, it is helpful for Army leaders to emphasize the importance of preventing harm to civilians, as well as the general imperative to treat civilian populations with dignity and respect.

1-31. Units conducting defense support of civil authorities tasks determine how to protect civilians from harm due to Army operations. In domestic, noncombat situations, rules for the use of force (rather than rules of engagement) prescribe graduated levels of force used against citizens based on their behavior and threat posture. (See FM 3-28 and JP 3-28 for detailed information on defense support of civil authorities.)

MISSION COMMAND AND CIVILIAN CASUALTY MITIGATION

1-32. The Army's philosophy of command is mission command—the exercise of authority and direction by the commander using mission orders to enable disciplined initiative within the commander's intent. They blend the art of command with the science of control to overcome the challenges of complex and uncertain operational environments. Commanders apply mission command principles to mitigate CIVCASs while accomplishing missions.

1-33. Command emphasis on CIVCAS mitigation is critical to mission success. Effective commanders understand the larger context in which CIVCAS mitigation relates to mission goals. They skillfully balance near-term military needs with long-term mission objectives while being prepared to exploit windows of opportunity. They conceptualize and communicate CIVCAS mitigation priorities, often personally, throughout all aspects of planning, employment of force, and incident response. They ensure their staffs, units, and Soldiers understand CIVCAS mitigation priorities.

1-34. As decisionmakers, commanders apply judgment to weigh military necessity against the risk of harm to forces and civilians. As trainers, they must prepare their units to mitigate CIVCASs with foresight and agility. In directing their subordinates, commanders must communicate their intent and guidance to influence leaders and Soldiers making decisions while in harm's way.

1-35. Commander's guidance and rules of engagement together set parameters for Army units to make appropriate choices regarding the use of force. Commanders provide guidance on the use of force and communicate their guidance regarding CIVCAS mitigation in a number of formal and informal ways, including through daily briefs, battlefield circulation, interactions with host-nation officials, and conversations with Soldiers. The impact of this guidance on the unit's ability to mitigate CIVCASs and carry out their mission should not be underestimated. Army units must balance the necessity of using force with its likely effects. The rules of engagement indicate when the use of force is authorized. However, not all permissible force is necessary in every case, and leaders must consider second-order effects as well. In other words, even if Soldiers or units are permitted to use lethal action, they should not necessarily do so.

1-36. Commanders apply judgment to determine how to accomplish missions while—

- Defeating the enemy.
- Preserving the force.
- Protecting civilians.

These imperatives can require tradeoffs; for example, a high force protection condition may increase the chances of accidental harm to civilians. Commanders prioritize these imperatives based on short- and long-term mission objectives. During mission planning, commanders develop an understanding of the inherent tensions related to CIVCAS mitigation, including the effect of CIVCASs on the mission, risks to units when exercising restraint, and expectations of the population regarding the actions of Army units. With an understanding of the operational environment, including civilian vulnerabilities and the enemy threats, the commander and staff can anticipate potential outcomes of planned military actions and the impact of CIVCASs.

1-37. Commanders must decisively manage the consequences of CIVCASs. They must understand how enemy propaganda can exploit CIVCASs. To address allegations or incidents, commanders and their units must be prepared to conduct investigations, inform and influence audiences, quickly promulgate effective messages, and make amends for harm caused to civilians by Army operations.

1-38. Commanders should work with unified action partners, which can include host-nation security forces, host-nation governmental agencies and local leaders, multinational partners, intergovernmental and international organizations, U.S. government agencies, nongovernmental organizations, the private sector, and the news media. Army commanders seldom have authority over any of these actors. Some may coordinate reluctantly with Army units. They may nevertheless be willing to exchange information related to CIVCAS incidents. Army commanders will need diplomatic skills and may find a civil-military operations center useful for coordinating with some of these actors and the population. Host-nation security forces may require substantial advisory effort from Army commanders to ensure their personnel fully understand the importance of CIVCAS mitigation and act accordingly. Contracted security forces require a similar emphasis, though transgressions may need to be addressed through the United States embassy or other appropriate authorities.

1-39. The commander's guidance regarding CIVCAS is only as effective as its dissemination and reinforcement. CIVCAS mitigation is most effective when leaders at all levels emphasize its importance at appropriate opportunities. This may require particular emphasis in units that have recently suffered casualties. The noncommissioned officer support chain is vital for emphasizing that CIVCAS mitigation is a duty, not an option. Noncommissioned officers must foster the proper climate regarding the protection of civilians. Guidance for small-unit leaders is critical, as they are the Soldiers most challenged by imperatives to preserve the force, defeat the enemy, and protect civilians.

CONSIDERATIONS FOR MISSION ANALYSIS

1-40. CIVCAS mitigation challenges vary within the contexts of different operations. However, in all types of operations, failure to mitigate CIVCASs can jeopardize success. This section highlights important CIVCAS considerations that apply across the range of military operations. During planning, commanders analyze CIVCAS considerations using the operational and mission variables.

OPERATIONAL VARIABLES

1-41. Commanders and staffs use the operational variables—political, military, economic, social, information, infrastructure, physical environment, and time (represented by the acronym PMESII-PT)—as major subject categories for grouping relevant information. They use these variables to develop a comprehensive understanding of the operational environment. Each of these variables can have relevance for CIVCAS mitigation.

Political Considerations

1-42. Military operations are conducted for political objectives, which in most cases include stable conflict resolution on terms favorable to the United States. A desirable political settlement will provide security and human rights for civilians. CIVCAS incidents can undermine political support for the mission in the host nation, internationally, and among the American public and policymakers. These audiences will have high expectations for Army units to use their training, discipline, and technology to avoid CIVCASs and create a secure environment in which civilians are reasonably protected from violence. The host nation's political leadership may experience domestic pressure if CIVCASs are not addressed sufficiently. In short, CIVCASs can undermine the political objectives of the operation and create new political problems if not adequately mitigated. In some cases, militarily sound and legally permitted action should not be taken because of political considerations.

1-43. Personal security usually is the most urgent issue for civilians in a conflict and post-conflict society. It affects early perceptions of a government's legitimacy and thus will almost always be one of the first and most important stability tasks. Any group providing security can lay claim to leadership and gain the support of citizens who see it as the only immediate option for protection—however undemocratic and unaccountable it may be.

1-44. CIVCASs that occur during conflict can become a serious issue in post-conflict societies. Future instability can occur when the citizens or groups demand justice or retribution, and long-term stability may not be possible until grievances are addressed.

Military Considerations

1-45. When conducting combined arms maneuver against an enemy force, the opportunity to take decisive action against the enemy may take precedence over protecting civilians. When Army units are establishing and maintaining wide area security, it may be more important to minimize CIVCASs than to defeat a particular enemy.

1-46. Commanders reduce the risk of CIVCASs by ensuring their units have the necessary capabilities, training, leadership, and attitudes. For example, units must have adequate intelligence and sufficient forces to control an area. Leadership and training are critical to reinforce desired Soldier attitudes towards CIVCASs and shape their actions. Commanders mitigate human factors such as fear, fatigue, risk-aversion, frustration with the mission, apathy toward civilians, the tendency to use overwhelming force against a threat, the desire for revenge, or insufficient attention to extended weapons effects (such the surface danger zones of most direct fire weapons).

1-47. Enemy forces will exploit and exaggerate CIVCAS incidents for their propaganda purposes. Additionally, they will take advantage of Army unit efforts to minimize CIVCASs by intentionally operating among civilians, disguising themselves as civilians, and using civilians as human shields. Multinational forces sometimes adopt extremely restrained measures to avoid CIVCASs, resulting in a larger burden on Army units.

1-48. Army units providing security plan to hand over security duties to host-nation forces eventually. Army units maintain security in the short term while planning for host-nation security forces to manage security in the long term. However, with limited resources, it may be difficult to balance short- and long-term requirements. The need for immediate security may divert resources and energy from long-term stability sector reform.

Economic Considerations

1-49. Armed conflict will disrupt livelihoods and make civilians more vulnerable to deprivation. While this may not be directly related to CIVCASs, it is nonetheless meaningful when operational objectives include providing for the welfare of the population and securing its support. Civilians concerned about their property may choose to remain in conflict areas and resist efforts to remove them. Consequently, Army units should not assume that an operational area is devoid of civilians. Economic disruption could also lead to civilians increasingly becoming targets of other actors, including criminals carrying out kidnapping, theft, looting, extortion, and black marketing.

1-50. Civilians in need of income sometimes present fraudulent claims of CIVCASs. However, if Army units properly implement procedures for *ex gratia* payment (compensation without obligation or liability) after CIVCASs and keep adequate records of incidents and payments made, fraudulent claims can be minimized. (See chapter 2 for more information about making amends.)

Social Considerations

1-51. In addition to the inherent risks from combat, a society disrupted by armed conflict will have other civilian vulnerabilities, particularly if large numbers of civilians lack food, water, shelter, medical care, and security. Disease, starvation, dehydration, and the climate may be more threatening to civilians than casualties from Army operations. Civilians may migrate to Army units to obtain assistance, and in some cases, enemies may attempt to blend in with them. This will pose a challenge to Army units attempting to balance protection measures with the desire to assist the population.

1-52. Ethnic, religious, regional, or other social differences may also generate CIVCASs caused by host-nation actors, particularly during civil wars. Although not directly attributable to Army units, attacks on civilians from any actor could jeopardize mission objectives. Many will expect that Army units should be able to prevent such incidents, particularly if some of the actors causing CIVCASs are viewed as Army partners.

1-53. When social unrest generates civil disturbance, large numbers of angry civilians could quickly become a threat to Army units. This could occur because of long-term political issues or sudden situations, such as when humanitarian assistance is being distributed to a large and desperate crowd. On such occasions, the risk of CIVCASs increases as Soldiers attempt to protect themselves or others, possibly leading to even greater unrest. (For more information on civil disturbance operations, see FM 3-19.15.)

1-54. Cultural norms affect how the local population responds to CIVCASs and, accordingly, the appropriate mitigation measures Army units should adopt. In some cultures, family members may be expected to conduct acts of revenge for the rest of their lives. Revenge may be uncommon in some cultures, provided appropriate amends are made, including apologies, recognition, *ex gratia* payment, or other dignifying gestures (see paragraphs 2-115 to 2-120). In some societies, a one-time token gesture may suffice. Monetary compensation could be expected in some places, while it may be viewed as an insult in others. In some situations it may be expected that family members are contacted directly, while in other cultures such contact would not be advisable. In most cultures, formal recognition of civilian losses and an explanation of what happened are appreciated. Army units should obtain insight regarding appropriate responses from host-nation partners and others knowledgeable about a society. In most cases, key leader engagement will be an important component of CIVCAS mitigation.

Information Considerations

1-55. Military operations are increasingly transparent, and information technology facilitates the instantaneous global impact of news reporting. Around the world, social media also have profound impact. Messages can be widely and rapidly distributed, whether or not they are accurate. Adversaries will use information to discredit U.S. efforts, and CIVCASs are a theme they will attempt to exploit. Their messages will not necessarily be truthful. The side that controls an area can have a decided advantage in promulgating its messages.

1-56. When informing and influencing audiences in the context of CIVCAS mitigation, commanders should consider the audiences, messages, and methods of delivery. Potential audiences include the local population, host-nation leaders, adversaries, the international community, and the U.S. population. Potential messages are that Army units take CIVCASs seriously, intend to protect civilians, use stringent measures to mitigate CIVCASs, and sincerely regret any incidents that do occur. If appropriate, other messages may be that the enemy is responsible for most CIVCASs through intentional action or by being co-located with civilians. Delivery methods may include a range of audio, visual, and audio-visual media; social media; and key leader engagement. Recognizing that they are in a constant information battle with their adversaries regarding CIVCASs and other issues, Army units should maintain a consistent pattern of truthfulness and timeliness. Effective commanders understand that, in ambiguous situations, “We don’t yet know exactly what happened so we will investigate right away,” is a more effective response than quickly denying knowledge or responsibility.

1-57. Commanders must manage local and international expectations regarding the provision of security and protection of civilians. The legitimacy of and commitment to the operation may suffer if expectations are not properly managed. Public information efforts are crucial to ensure that the local population has a realistic understanding of the mission and the capability of Army units.

1-58. Rumors and inaccurate media reports of CIVCASs will pose challenges for Army units. In a vacuum of authoritative information, sensationalist rumors are prone to spread. Army units should be aware of rumors and address them directly with key leader engagements and inform and influence activities, such as MISO and public affairs efforts. An established pattern of accurate and timely inform and influence activities can develop the credibility required to counteract rumors that would undermine the mission.

Infrastructure Considerations

1-59. During operations, it may be desirable to attack key infrastructure targets such as bridges, power plants, and office buildings. The military benefit of should be balanced against the possibility that the targets are occupied by or in close proximity to civilians, that destroying such targets will unduly harm civilians, or that their destruction will create long-term effects such as contaminating the environment (see paragraph 1-10 about the principle of proportionality). Conversely, enemies may attack key infrastructure

in areas controlled by Army units, and the protection of civilians in these areas should be considered in security plans.

1-60. If left unrepaired, damaged infrastructure such as buildings, bridges, and roads increase the risk of CIVCASs. For example, risk increases if a structure could collapse, if contaminated materials such as asbestos or polychlorinated biphenyls might be released, or if accidents more likely. When time and resources permit, clearance and repair of such damage can help prevent CIVCASs.

Physical Environment Considerations

1-61. As with all Army operations, terrain, weather, and illumination affect units' ability to control their areas of operation. Army presence in remote and rugged areas may be sporadic, resulting in tenuous control and limited familiarity with the area and population. This, in turn, could increase the risk of CIVCASs. Therefore, a physical environment consideration is not just the limited familiarity, but also the likely tasks—such as airstrikes and raids—performed in these environments. Terrain and climate affect the vulnerability of civilians, especially dislocated civilians. In many countries, large numbers of civilians live around prominent water sources, and operations in these areas may have to account for this.

Time Considerations

1-62. Commanders and Soldiers often make decisions rapidly, to maintain the initiative, exploit a fleeting opportunity, or protect against a potential threat. When there is little time to analyze information, the risk increases of making mistakes that could lead to harming to civilians. If possible, commanders exercise tactical patience to develop the situation and acquire accurate information. Units and Soldiers should try to create a standoff in time or space to reduce the need for split-second decisions that might lead to unnecessary casualties. CIVCAS mitigation entails an extended cycle (discussed in chapter 2) that addresses much more than the moment a decision is made to engage a target. Unit actions before and after an incident are equally important.

1-63. CIVCASs can be partially mitigated by having good relationships with key host-nation leaders and the host-nation population. Cultivating such relationships requires time, and CIVCAS mitigation efforts can have an important effect on these relationships. Leaders must have a long-term perspective with respect to security in an operational area. Short-term thinking must be avoided because it is likely to lead to behavior that will generate widespread resentment and lead to a more insecure operational area in the future. Over time, units focused entirely on their own protection are likely to adopt a pattern of maneuvering aggressively, firing weapons indiscriminately, threatening civilians, and causing unnecessary CIVCASs.

1-64. Cyclical events such as seasons or holidays may affect whether CIVCASs are more likely. For example, farmers may work their fields at night during the planting and harvesting seasons and may be mistaken as enemies by units not accustomed to seeing civilians at night. Civilians may be more apt to travel during holidays, which could increase their vulnerability. CIVCAS incidents that occur on some holidays may be more inflammatory than at other times.

MISSION VARIABLES

1-65. The mission variables—mission, enemy, terrain, troops and other support available, time, and civil considerations (represented by the acronym METT-TC)—address more detailed considerations that apply to specific missions. Army units should routinely incorporate CIVCAS mitigation when using METT-TC to conduct mission analyses.

The Mission

1-66. A unit's mission may dictate that preventing CIVCASs is a higher priority than securing a particular objective or destroying a particular enemy. This may be the case during counterinsurgency efforts or stability tasks. Moreover, the mission may indicate that Army units should strive to prevent other actors from harming civilians. For example, long-range enemy assets that can strike friendly population centers may be higher-priority targets than those that can be employed against U.S. forces.

The Enemy

1-67. The enemy is usually the most critical variable regarding CIVCASs. The enemy may be an irregular force, its members indistinguishable from civilians. Enemy personnel may in fact be part-time civilians. They may blend in with civilians both for protection and to facilitate their own operations. Additionally, they may attempt to provoke Army units and their partners into overreacting. Conventional enemy forces may also be located among civilians, and some enemies may intentionally use civilians as shields to dissuade attack by U.S. forces. They may attempt to create the appearance that Army units are not able to provide security.

The Terrain

1-68. As discussed earlier, terrain considerations may have CIVCAS implications for mission analysis. Terrain must be covered by the available troops and other support. Inadequate coverage increases the risk of CIVCASs because units will be less familiar with the area and people, and enemy forces will have greater operational freedom. When Army units have limited presence in and access to remote areas, unified action partners may be helpful in CIVCAS mitigation, particularly with respect to engagement with local host-nation leaders and the population.

Time Available

1-69. The time available for an operation will affect the ability to incorporate CIVCAS mitigation during planning and preparation, including the gathering of accurate intelligence that may help prevent CIVCASs. The time available to conduct an operation may determine whether units can use tactical patience to prevent CIVCASs. Units should keep in mind that CIVCAS prevention sometimes is more important than the tactical objective of the operation.

Civil Considerations

1-70. Civil considerations are also critical and include the areas, structures, capabilities, organizations, people, and events (represented by the memory aid ASCOPE) that can be relevant for a specific mission. An Army unit's assessment of areas, structures, capabilities, organizations, people, and events should be influenced by its operational experience, previous CIVCASs, and information that can be gained from other units, host-nation representatives, and other partners.

Chapter 2

Civilian Casualty Mitigation Cycle

This chapter describes integration of civilian casualty mitigation into Army operations. It explains how to apply the six steps of the civilian casualty mitigation cycle: prepare, plan, employ, assess, respond, and learn.

INTEGRATION OF THE CIVILIAN CASUALTY MITIGATION CYCLE

2-1. In any mission, Army commanders apply operational art to balance risk and opportunity to create and maintain the conditions necessary to seize, retain, and exploit the initiative and gain a position of relative advantage while linking tactical actions to reach a strategic objective. They understand their operational environment, strategic objectives, and the capabilities of their force. They use the Army's operations structure to organize efforts rapidly and effectively. The Army operations structure, described in Army Doctrine Publication (ADP) 3-0, includes the operations process, the operational framework, and the warfighting functions. Commanders apply judgment to apply these doctrinal principles as they prioritize civilian casualty (CIVCAS) mitigation alongside other imperatives such as defeating the enemy and preserving the force.

2-2. The Army's comprehensive approach to CIVCAS mitigation integrates the Army values, appropriate legal authorities, and doctrinal principles. Commanders consider the strategic context in which Army forces conduct unified land operations as they determine how to mitigate CIVCASs during specific missions. Within the operations structure described in ADP 3-0, commanders and staffs apply a six-step CIVCAS mitigation cycle to help units avoid or minimize CIVCASs and reduce their adverse impact. The steps of the CIVCAS mitigation cycle are—

- Prepare.
- Plan.
- Employ.
- Assess.
- Respond.
- Learn.

Using this cycle helps units become more adaptable so they can become better prepared to conduct subsequent missions. Figure 2-1 (page 2-2) depicts the steps of the CIVCAS mitigation cycle.

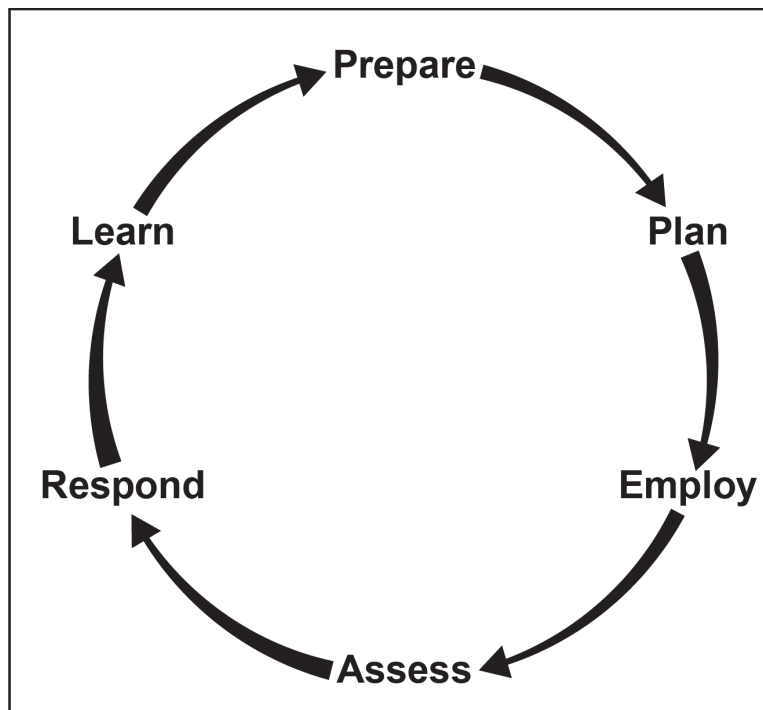


Figure 2-1. Civilian casualty mitigation cycle

2-3. All types of Army organizations can incorporate the CIVCAS mitigation cycle into other methodologies. For example, the CIVCAS mitigation cycle complements staff battle rhythms, the targeting process (decide, detect, deliver, and assess), and other processes used by Army units. This cycle complements the Army force generation cycle, the operations process, the Army design methodology, the military decisionmaking process, and troop leading procedures. Through the mission command warfighting function, commanders integrate the other warfighting functions into a coherent whole. Commanders determine how to integrate CIVCAS mitigation cycle for each of the warfighting functions (mission command, movement and maneuver, intelligence, fires, sustainment, and protection), as appropriate.

THE PREPARE STEP

2-4. In the “prepare” step, leaders ensure Army units are prepared to respond to CIVCAS incidents as effectively as possible. The “prepare” step includes long-term preparation for deployments as well as short-term preparation for missions. Units conduct collective training and develop procedures to minimize the likelihood of CIVCASs.

PREDEPLOYMENT PREPARATION

2-5. Army units include CIVCAS mitigation training as part of predeployment preparation. CIVCAS mitigation training for Soldiers includes the law of armed conflict. CIVCAS mitigation should be incorporated into exercises. This includes the use of the CIVCAS scenarios and the CIVCAS mitigation cycle. Leaders should establish or become familiar with procedures, lessons learned, and any existing databases containing relevant information for their expected operational area. During training and exercises, effective commanders avoid focusing exclusively on fighting against a hostile enemy, as this could reinforce a “shoot first” mentality. Exercises should include civilians who are not hostile, and units should receive training on the rules of engagement and escalation-of-force procedures (see paragraphs 2-46 to 2-53) so that Soldiers know how to engage civilians. Leaders can provide Soldiers a CIVCAS smart card (see example in figure 2-2, page 2-3).

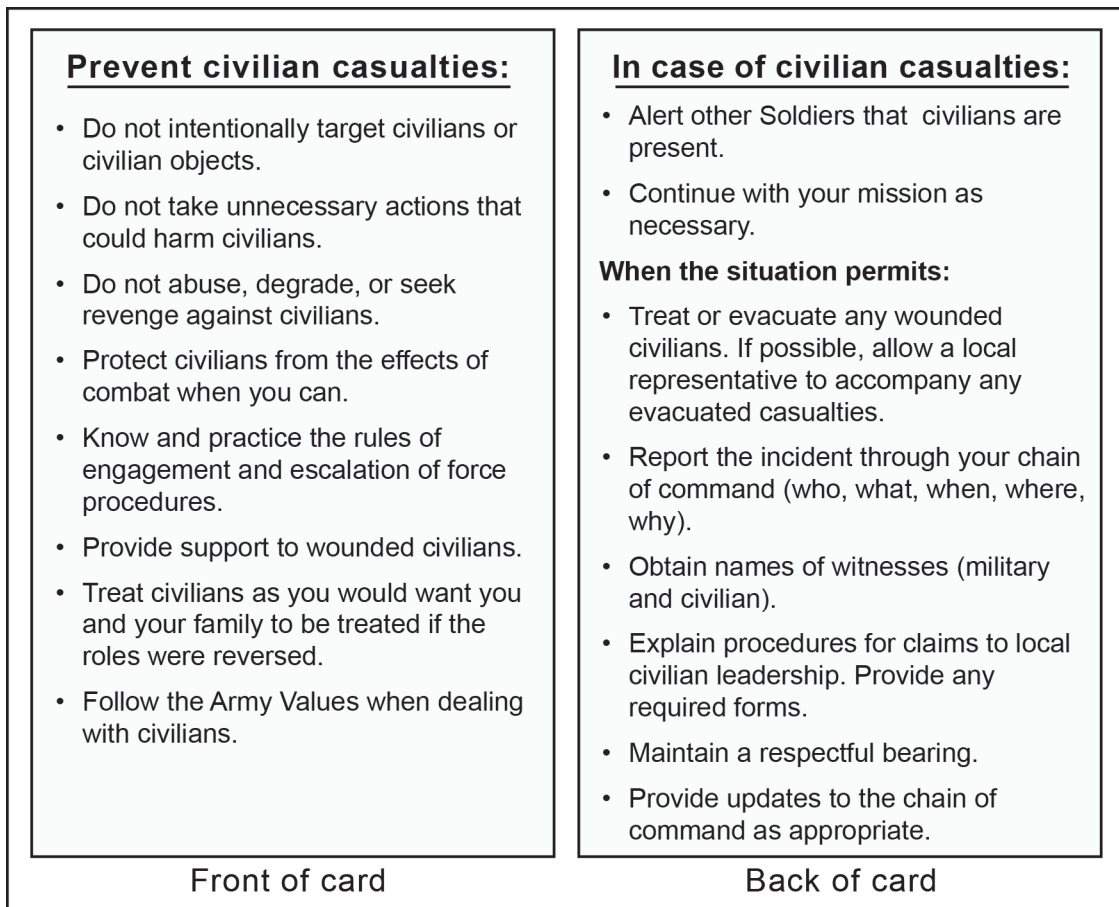


Figure 2-2. Smart card example

2-6. Units can use the CIVCAS mitigation cycle while they are preparing for deployment. During training, units should practice the appropriate response procedures, such as investigations, making amends, and key leader engagements. Commanders and leaders ensure units war-game potential situations, develop unit standard operating procedures (SOPs) and ensure their Soldiers comprehend the importance of CIVCAS mitigation as well as their responsibilities. When preparing for operations not involving armed conflict, units may require training on rules for the use of force.

Cultural Awareness

2-7. Effective predeployment cultural awareness training can help prevent negative attitudes toward host-nation civilians. Negative attitudes, such as perceiving host-nation civilians as inferior, must be avoided because they lead to thinking that CIVCASs are not too regrettable. Leader emphasis on the importance of all human life and cultural respect will help reinforce desired attitudes. For example, Soldiers should not refer to civilians with disparaging slang terms. (See chapter 1 for more on social considerations and civil considerations for mission analysis.)

2-8. Cultural training should address issues such as the forms of violence anticipated in an operational area (such as blood feuds, ethnic conflict, or suicide attacks), the likelihood that civilians carry weapons, the form and level of the rule of law, and whether the host-nation government and security forces deliberately target civilians. The training should also include local customs, particularly those that reinforce CIVCAS mitigation activities.

Command Post Organization

2-9. The commander should assign proponenty for CIVCAS mitigation to a staff section, a functional or integrating cell, or another staff element. Depending on the circumstances, the assistant chief of staff, operations (G-3), or the operations staff officer (S-3) might provide general oversight and control during operations. The assistant chief of staff, civil affairs operations (G-9), or the civil affairs operations staff officer (S-9) could manage aspects such as making amends (see paragraphs 2-115 to 2-120). The proponent should monitor the CIVCAS mitigation cycle in coordination with other relevant staff sections, civil-military operations centers (CMOCs), subordinate units, other commands, and unified action partners (including civilian and host-nation organizations).

2-10. It may be appropriate to establish a CIVCAS mitigation working group to meet periodically, including operations, intelligence, civil affairs, public affairs, military information support operations (MISO), staff judge advocate, and fires representatives. A CIVCAS mitigation working group can collect and analyze data, assist and monitor progress, assess mitigation activities and incorporate lessons learned, monitor amends made, and respond promptly to allegations of harm. The CIVCAS mitigation working group should be established before deployment. Examples of a CIVCAS mitigation working group's responsibilities include—

- Monitor CIVCAS risks in movements and engagements, reported or alleged CIVCAS incidents, investigations and investigation reports, inform and influence activities, and the making of amends.
- Collect, maintain, analyze, and disseminate data related to CIVCASs, including lessons learned.
- Ensure other staff members and subordinate units understand the importance of CIVCAS mitigation and their responsibilities for reporting, investigating, and making amends.
- Provide frequent and accurate assessments to the commander and other key unit personnel.
- Coordinate effectively with higher, lower, and adjacent units and other partners, including the host nation, United States governmental partners, and international organizations and nongovernmental organizations (NGOs).

Specialized Training and Equipment Training

2-11. Predeployment preparations may also include acquiring and training with specialized equipment that can help reduce CIVCASs, such as equipment for signaling and other nonlethal items (see examples in appendix A). At all levels, some unit personnel may receive specialized training to help with CIVCAS mitigation. For example, unit points of contact should be identified for CIVCAS incidents. Appropriate staff members can receive training in preparing reports and conducting investigations. Units may train Soldiers on tasks related to CIVCASs, such as medical evacuation of CIVCASs and training of selected Soldiers as designated marksmen.

2-12. In summary, effective predeployment preparation includes—

- Commander and leader emphasis on CIVCAS mitigation.
- Training on the law of armed conflict and international human rights law.
- Training on the rules of engagement.
- Training on escalation-of-force procedures.
- Training on cultural awareness.
- Selection of and training for unit and staff CIVCAS mitigation subject matter experts.
- Use of civilians in training exercise scenarios.
- Training on CIVCAS mitigation.
- Development, implementation, and training on incident response procedures.

MISSION PREPARATION

2-13. Preparation after deployment may include early engagements with local leaders. Army units establish relationships with local leaders, explain the good intentions of U.S. forces, discuss procedures for handling unfortunate incidents such as CIVCASs, and convey any expectations Army forces have toward the local population. Engagements with other civilians such as NGO representatives may help develop mutual understanding and reduce the risk of harm from Army operations or enemy actions.

2-14. Army leaders continually emphasize the importance of CIVCAS prevention to their subordinates. This can be a challenge if their units have suffered casualties, if it is difficult to distinguish enemies from the general population, or if the population provides support to the enemy.

Systematic Procedures

2-15. Leaders make every effort to prevent CIVCASs, but they anticipate their occurrence. They establish systematic procedures in advance to respond to CIVCAS incidents. Necessary procedures include reporting, tracking, investigation, and public response. For reporting CIVCAS incidents, unit SOPs must use voice and digital report and message formats from FM 6-99.2. The *Casualty Report (CASREP)* is suitable for initial CIVCAS reporting. Only unit commanders may authorize modifications to standard forms. In addition, procedures should address timelines for investigations and response. Units need reasonably systematic procedures for making culturally appropriate amends to families and communities. Commanders ensure the officers they designate to be in charge of incident response are reasonably senior within the unit and can spend sufficient time on the task. They should also have sufficient operational awareness and ready access to relevant Soldiers and information. Commanders consider designating CIVCAS incidents as a commander's critical information requirement (CCIR). Every Soldier should be trained on what to do in the case of a known or suspected CIVCAS. Leaders ensure Soldiers know exactly what and to whom they should report. Soldiers should receive training on how to advise host nations to bring forward claims or grievances so that all alleged incidents of CIVCASs are treated in the same manner.

2-16. A program of amends is most effective when it operates equitably and fairly across an area of operations. (See paragraphs 2-115 to 2-120 for more on making amends.) Army leaders should streamline CIVCAS response mechanisms so that civilians suffering losses do not see an improvised response they could mistake for political or economic bribery or other deceitful efforts. This requires coordination among commanders in an area of operations, tactical guidance on CIVCAS procedures, appropriate mechanisms to capture and analyze information on CIVCASs, and the rapid sharing of lessons learned.

Relationships With Host-Nation Leaders

2-17. Good personal relationships established in advance with respected host-nation leaders at all levels can be critical in mitigating CIVCASs. Host-nation representatives may include political, religious, or tribal leaders, and possibly members of the business community, academia, women's groups, minority groups, or others. CIVCASs should be included in dialogue with host-nation leaders when appropriate. Army leaders need not wait for a CIVCAS to occur before they address concerns. In their engagements with community leaders, Army personnel should emphasize the importance they assign to avoiding CIVCASs, explain the rationale behind some escalation-of-force procedures, discuss ways to prevent incidents, and mutually develop procedures for responding to incidents or allegations. Army leaders should assure host-nation leaders they will take allegations seriously, investigate them thoroughly, and respond appropriately after investigating.

2-18. CIVCAS mitigation should also be addressed with any host-nation security force partners, who should be encouraged to develop their own procedures. This should be a recurring area of emphasis during any security force assistance efforts. In many situations, host-nation security forces will ultimately assume the lead for civil security, and their approaches to CIVCASs could be decisive. Consequently, CIVCAS mitigation should be an integral part of the training and mentoring provided to host-nation forces.

2-19. Interpreters should be instructed in advance on how to address potential encounters with civilians, direct them from danger, and respond to CIVCASs and subsequent engagements. In some situations, interpreters may be able to provide helpful cultural advice to Soldiers.

Mission Rehearsals

2-20. As part of their mission rehearsals, units should include CIVCAS mitigation scenarios as contingency situations. Such situations could include encounters with civilians who behave in various ways, contacts with enemies in populated areas, and procedures to use after CIVCASs, including incident reporting. Units should be equipped with claim cards to provide civilians in the event of an incident. These cards should clearly spell out in the native language where to go and whom to contact to report damage or loss. All Soldiers at gates should know that civilians may come to present claims; these Soldiers should know exactly whom to contact when they arrive. Civilians should always be treated with respect and kindness.

Communication With Civilians Before Operations

2-21. Inform and influence activities may be helpful to inform the population regarding measures they can take to minimize CIVCASs. If civilians are expected to behave in a certain way when encountering Army units (such as by pulling their vehicles over to the side of the road), units should promulgate this information as thoroughly as possible—accounting for language, literacy, and customs. Units should carefully consider whether expectations are reasonable and support the overall mission. Depending on the situation, inform and influence activities may include radio and television broadcasts, Web sites, leaflets, key leader engagements, or signs that warn people to keep away or slow down. Some signs may be installed permanently at suitable locations; others may be affixed to Army vehicles. Portable signs may be transported to temporary locations. When appropriate, signs should use illustrations. Signs should be in the language or languages of the host nation and the content verified by a native speaker. Units keep in mind that civilians may be illiterate or very minimally educated, and it may be more beneficial to provide portable speakers or other acoustic devices to communicate verbally and at a distance. Inform and influence activities are useful in communicating to the population that Army forces never intend to harm civilians. (See paragraphs 2-121 to 2-124 for communicating with civilians about incidents.)

Sustainment Considerations

2-22. Sustainment considerations for CIVCAS mitigation include the procurement, distribution, and maintenance of nonlethal equipment (discussed in appendix A). Equipment for Soldiers could include signaling devices, items to disable individuals and equipment, and shields, batons, and faceguards for crowd control tasks. Army units may require large quantities of barrier materials for bases and checkpoints to provide security and standoff. Engineering support may be required to assist with these efforts, and infrastructure repairs may help reduce the risks to civilians. For example, hazardous road craters could be repaired to make civilian traffic safer. This would also reduce the ability of the enemy to seed such craters with improvised explosive devices (IEDs). Contracts should be developed with care to ensure that contractor personnel avoid and are accountable for causing CIVCASs. Contract provisions should include reporting, compensation, and punishment if appropriate.

2-23. Even after becoming established in an area of operations, Army units should be adaptive and conduct ongoing preparation as needed. Ongoing preparation includes additional training based on changing situations, new experiences (including those of other units) and lessons learned, new equipment, or new personnel or subordinate organizations. Preparations should incorporate insights derived from the "learn" step of the CIVCAS mitigation cycle.

THE PLAN STEP

2-24. The "plan" step of the CIVCAS mitigation cycle should be an organic part of the military decisionmaking process (MDMP) and troop leading procedures. Planning processes should provide an accurate picture of the operational environment, including civilian concentrations, their vulnerabilities, and implications for Army units in terms of their operations and potential responses to CIVCAS incidents.

INFORMATION AND INTELLIGENCE REQUIREMENTS

2-25. Effective intelligence supports mission analysis by accurately identifying potential threats while supporting understanding of the civilian population in the operational area. This helps prevent CIVCASs.

Information should be obtained and verified from a variety of sources, including military assets as well as host-nation civilian sources. Close working relationships with host-nation intelligence assets can help formulate a comprehensive understanding of the local population and the complexities of the culture. Army units need to understand how well the host-nation population accepts the mission's legitimacy and how resilient the society would be to shocks. In some cases, enemies may be co-located with their family members and other civilians. Army units need to know to what extent the government is accountable to its people. They need to know how regional neighbors and the broader international community support the mission. Analysis also includes the operational environment's social variables (see paragraphs 1-51 to 1-54 and 1-70), such as cultural considerations relevant for CIVCAS mitigation. Commanders develop situational understanding of the operational environment so they can estimate the risk of CIVCASs damaging the legitimacy of the mission or host-nation partners. Soldiers at all levels must have an understanding of their operational environment, as this will help them act with appropriate aggressiveness or restraint.

2-26. In addition to its analysis of operational variables, intelligence preparation of the battlefield (IPB) should identify the extent to which CIVCASs could hinder fostering host-nation ownership and capacity building. Host-nation ownership depends on partnerships with private sector actors and large segments of civil society affected by CIVCASs. The IPB should account for the culturally diverse makeup of some areas and identify the times of the year or events that carry significant meaning, as operations during those times may either increase or decrease the likely repercussions of CIVCASs.

2-27. CIVCASs are more likely when actions are based on information that is inaccurate, incomplete, or overlooked in a large mass of data. Information collected on threats should be cross-checked with other sources to improve confidence in its accuracy. Along with information on threats, information on civilians in proximity should be gathered to support decisionmaking on whether or not to engage a target. Information that can mitigate CIVCASs may be included as a priority intelligence requirement (PIR) to ensure it receives proper attention.

2-28. As discussed previously, CIVCAS mitigation efforts include actions taken before, during, and after a CIVCAS incident, including key leader engagements and engagement with the population. Effective efforts can lead to more cooperation from the population in sharing information that can support better intelligence. Effective interface with host-nation leaders and the local population can also support situational understanding regarding their CIVCASs and other protection concerns. Army units may be expected to protect civilians from a variety of threats, not just their own actions that inadvertently cause CIVCASs.

2-29. Host-nation government officials, leaders in host-nation security forces, local leaders, and NGO personnel can be valuable sources of information regarding the civilian population, including CIVCAS incidents of which Army units may be unaware. Information from host-nation sources should be cross-checked, as some persons may attempt to manipulate Army units into taking actions that would support their own objectives. Information from NGOs must be handled discretely, as their neutral status will be jeopardized if they are seen as intelligence sources for the military.

2-30. (For more information on intelligence, see FM 2-0. See FM 2-01.3 for information on IPB.)

DECISIONMAKING

2-31. The Army design methodology applies critical and creative thinking to help understand, visualize, and describe unfamiliar problems and develop approaches to solving them. Commanders and staffs should consider CIVCASs within this methodology. With an understanding of the operational environment, civilian vulnerabilities, and the enemy (including spoilers who pose a threat to civilians), the commander and staff can describe potential outcomes of planned military actions, including the implications of CIVCASs. Commanders should bear in mind and articulate the long-term objectives and how CIVCAS mitigation during current operations supports those objectives. Commanders and staffs should develop an appreciation of the tensions and tradeoffs related to CIVCAS mitigation, which may include—

- Short-term security versus long-term stability.
- Short-term population expectations versus long-term expectations.
- Protection of Army forces versus protection of the population.

- The risk of CIVCASs versus long-term legitimacy of the operation or host nation.
- The role of Army units in CIVCASs versus other actors.
- Traditional host-nation justice mechanisms versus U.S. or international standards.

2-32. Commanders and staffs use the MDMP during planning. They consider CIVCAS mitigation during the MDMP steps. Commanders can take advantage of the MDMP steps to provide CIVCAS mitigation guidance to the staff. (See paragraphs 2-9 to 2-10 regarding assigning staff responsibility for CIVCAS mitigation to a staff element.)

2-33. Courses of action should account for the possibility of CIVCASs, and mitigation may be one of the decision criteria used to analyze the different options. Depending on the situation, actions against legitimate targets may be deferred if the likelihood of CIVCASs is too great. Commanders at higher levels may want to reserve for themselves the approval authority for operations that have an excessively high risk of CIVCASs. In any case, principles of distinction and proportionality should be incorporated into mission planning (see paragraphs 1-9 to 1-10).

Planning Guidance

2-34. When appropriate, commanders should incorporate CIVCAS mitigation in their planning guidance. Plans may address CIVCAS mitigation as an important shaping effort for a decisive operation. CIVCAS prevention is unlikely to be a decisive operation although the neutralization of CIVCAS risks from hostile threats could be the primary purpose of a mission. Commanders and staffs should be cognizant of previous incidents, and their plans at all echelons should address the potential for CIVCASs and account for prevention and response.

Protection Planning

2-35. During planning, commanders and staffs include CIVCAS mitigation as part of risk management. Risk of CIVCASs increases when Army units and host-nation security forces have limited capacity to secure an area. Risk of CIVCASs may come from direct fires, indirect fires, or traffic accidents; plans should account for these possibilities and include controls to minimize their impact. This requires balancing other risks, including the need for strong force protection measures to protect Army units from threats difficult to distinguish from ordinary civilians. Aggressive measures to protect the force in the short term can place units at greater risk in the future if resulting CIVCAS incidents alienate the population. Comprehensive risk management should also account for the possibility of CIVCASs caused by partners such as host-nation security forces, multinational forces, or security contractors. Host-nation security forces may be unable to protect the civilian population or, even worse, be the major violators. This can complicate Army units' efforts to balance risks and prioritize imperatives to defeat the enemy, preserve the force, and protect civilians.

2-36. CIVCAS mitigation is similar to fratricide avoidance in many respects, in that both are intended to avoid inflicting casualties on an unintended target. CIVCAS mitigation is more challenging when many civilians are in the operational area, or when they are indistinguishable from enemies. Civilians may be in unexpected locations. They may not follow instructions to leave the area. Army units continually consider the possibility of fratricide and take measures to mitigate its risk, and they should adopt a similar mindset regarding CIVCAS mitigation.

2-37. Army units should account for the protection of civilians from other causes of CIVCASs besides their own direct and indirect fires. Particularly in counterinsurgency and stability situations, the population's support may be the center of gravity, so it must be protected.

2-38. Across the entire range of military operations, Army units may be expected to take measures to protect civilians from enemy actions. For example, when preparing to defend against an expected enemy attack, they may be required to arrange for shelter or evacuation of vulnerable civilians. Antiterrorism measures should also account for the protection of civilians, as they are likely to become casualties during deliberate attacks against soft and populated targets.

2-39. It is also important to consider potential CIVCASs indirectly caused by combat and harm to civilians from noncombat activities of Army units. For example, unexploded ordnance and damaged infrastructure

present a residual threat to civilians, and civilians also could become victims of accidents. Army units are prohibited by law from conducting humanitarian demining, but they can dispose of ordnance when there is an operational need to do so (for example, when unexploded ordnance poses a threat to Army units that operate in the area, or if the ordnance could be used by enemy forces to create IEDs). Army units can also train host-nation explosive ordnance disposal capability so that host-nation security forces can take the lead in removing unexploded ordnance that threatens civilians. When conducting activities such as convoys or live-fire exercises, units should include the possibility of CIVCASs in their composite risk management.

2-40. In situations where U.S. forces are working in conjunction with host-nation security forces, partnering can help with CIVCAS mitigation. Local security forces will have a better understanding of the local culture and environment, which can aid in distinguishing lawful combatant targets and responding effectively to CIVCAS incidents. Host-nation security forces should be involved in planning and decisionmaking as much as possible.

THE EMPLOY STEP

2-41. The “employ” step emphasizes that unit actions should be appropriate for the operational area. Commanders and other leaders emphasize that Army units should avoid causing CIVCASs and may have to exercise restraint.

2-42. Actions on contact, or when contact is possible, must be governed by the principles of distinction and proportionality (see paragraphs 1-8 to 1-11). Distinction refers to the ability to direct action solely against an intended legitimate target, and proportionality accounts for the suitability of an action when considering the potential impact on other actors besides the intended target. In addition to these considerations related to the law of armed conflict, leaders should assess how CIVCASs potentially caused by tactical actions can affect mission success.

2-43. Enemies may be co-located with civilians, use them as shields, or accompany civilians such as family members. Although the enemies are still legitimate targets in such circumstances, the civilians retain their right of protection. Distinction and proportionality, as well as other considerations, may dictate that indirect fires, air strikes, or reconnaissance by fire should be restricted or reserved for a high-level approval authority.

2-44. These considerations do not mean that engagements cannot be conducted if civilians will be harmed. Commanders weigh the operational benefit versus the cost. Some targets are of such benefit that commanders determine the risk of collateral damage is warranted by military necessity. Other targets can be engaged because of self-defense considerations.

2-45. Accidents involving Army vehicles and local vehicles or pedestrians are another source of CIVCASs. While casualties tend to be low per event, these can cause resentment with the local population and even become a rallying point for political opposition to U.S. forces. Army forces mitigate accidents by operating vehicles safely at regulated speeds. Military personnel should be trained to document accidents and to provide civilians claim cards and contact information whenever accidents occur.

ESCALATION-OF-FORCE PROCEDURES

2-46. Forces follow escalation-of-force procedures to escalate from military presence to nonlethal or lethal force, using the minimal amount force needed for the situation. Escalation-of-force procedures, which are appropriate throughout the range of military operations when civilians are present, serve two purposes. One is to respond to clear hostile intent with the minimum required force. This is often in the context of situations such as civil disturbance, when an Army unit may be facing a crowd that has shown hostile intent or perhaps committed hostile acts such as throwing stones. The second purpose of escalation-of-force procedures is to determine whether an individual has hostile intent. For example, if the risk of vehicle-borne IEDs is high, forces operating a checkpoint follow escalation-of-force procedures for an approaching car that does not respond to initial warnings.

2-47. Escalation-of-force measures warn or impede approaching civilians, some of whom may be potential threats. Measures vary depending on whether an Army unit is stationary (such as at a checkpoint) or

moving (such as on a patrol). Appropriate measures depend upon the proximity of the civilians, their activities, available response time, and the overall security level of the operational environment.

2-48. When escalation of force aims to determine whether hostile intent is present, it is particularly important to avoid misunderstandings. This implies that the local population should understand instructions from Army personnel so it can comply with them. Appropriate warning and instructional signs should be displayed in local languages and in symbols understood by the local population. MISO, public affairs broadcasts on MISO and local radio stations, and MISO loud-speaker teams should emphasize the need to cooperate with U.S. military forces.

2-49. It is also important that Army units understand civilian behavior so they can distinguish normal behavior from potentially threatening behavior, in appropriate contexts. For example, civilians who appear to be approaching too closely may be unaware of the Army unit, distracted by other matters, or simply accustomed to different norms. They may know of the unit and be attempting to contact it for legitimate purposes. Misunderstandings can occur on both sides, especially when civilians travel from an area that is highly secure and stabilized to one that is less so, or when an Army unit or partner moves to a more stable area. Standardized escalation-of-force procedures across unit areas of operation, shared with the civilian population, help reduce misunderstandings. Escalation-of-force procedures and any CIVCASs caused by them should be analyzed routinely to ensure timely capture of lessons learned. Escalation-of-force measures can include—

- Verbal or visual warnings.
- Demonstrations.
- Nonlethal force.
- Warning shots.
- Disabling force.
- Lethal force.

2-50. Warnings can be conveyed by voice, signs, hand and arm signals, or using other visual means such as laser dazzlers or pyrotechnics. Demonstrations include actions such as steering a vehicle in the direction of an oncoming civilian vehicle to get the driver's attention, charging weapons, adopting a defensive posture, or pointing weapons in the general direction of the potential threat.

2-51. When warnings or demonstrations are inadequate, other escalation-of-force measures may be employed to impede the progress of a potential threat. These may include blocking the path with an armored vehicle, executing a pre-planned obstacle, or the use of nonlethal measures such as dazzlers or other means (see examples in appendix A). If warnings, demonstrations, or other nonlethal means fail to achieve the objective, or are not practical, warning shots may be fired in the air or in the vicinity of the target. Warning shots should be used judiciously, considering surroundings, chance of ricochets, or presence of bystanders. They could also inadvertently result in undesired escalation by nearby Soldiers or other actors. In some cases, warning shots should not be authorized. Disabling shots (such as to the tires or engine block of an approaching vehicle) may be required. In some cases, such escalation of force is preferable to lethal force.

2-52. Commanders determine ways to reduce the probability of needing to escalate the use force. For example, positioning a checkpoint at a place of limited visibility compresses timelines for decisionmaking and determination of intent, which can contribute to faulty assumption of hostile intent. Conversely, designing a checkpoint with natural or artificial physical barriers to channel and slow down traffic buys time for decisionmaking and increases the safety of forces. Similarly, a patrol choosing to cross the road and stop traffic can select a crossing point that maximizes visibility and decisionmaking time. Units conducting temporary halts should choose uncongested areas such as a field a few hundred meters from a main road.

2-53. Soldiers should be aware that excessive use of aggressive escalation-of-force measures may generate resentment even if civilians are not harmed. For example, civilians may become more hostile if they feel that Soldiers are too frequently pointing weapons or firing warning shots at them or their families.

RULES OF ENGAGEMENT CONSIDERATIONS

2-54. Some situations require instantaneous decisions about using force. In others, tactical patience is appropriate to develop the situation with due consideration for preventing CIVCASs. Questions for consideration include the following:

- Is action necessary for self-defense, defense of other Soldiers, defense of partners, or defense of civilians?
- Can action be taken without endangering civilians or by minimizing the danger to civilians?
- Is immediate action required, or can it be delayed until conditions improve (such as evacuation of vulnerable civilians from the area)?
- Are other options readily available?
- What are the rules of engagement and SOPs for this situation?
- What action will best support the mission over the long term?

While many urgent situations will preclude a methodical review of these questions, leaders always can consider them during preparation.

MOVEMENT AND MANEUVER CONSIDERATIONS

2-55. Maneuver incorporates the deployment and employment of Army units in addition to efforts to achieve a positional advantage over the enemy. When Army units maneuver or move, civilians must be accounted for, in addition to the enemy and friendly forces.

2-56. Whether decisions are made at higher command levels or by Soldiers in direct observation of a potential enemy, the risk of CIVCASs increases when time is short and information is incomplete or inaccurate. Risk can be mitigated if time can be bought with tactical patience, if Soldiers are afforded standoff that gives them more time to decide if they should engage a target, and if enemies are denied the ability to maneuver. Key questions related to tactical patience include the following:

- How important is the objective?
- How great is the threat to the individual or unit?
- What are the potentially negative consequences of waiting?
- Is the situation likely to improve or become clearer with time?
- What are the potential benefits and costs associated with exercising tactical patience?

2-57. Direct fire, which is inherent in maneuver, can result in CIVCASs as collateral damage during an engagement of the enemy or misidentification—when forces target civilians mistakenly believed to be hostile. Units consider where civilians are likely to be located, as well as surface danger zones and beaten zones, to avoid situations in which direct fire projectiles go through populated areas. When possible, unit maneuvers should attempt to minimize civilian exposure to these fires. Risk of misidentification can be reduced with tactical patience.

Self-Defense Engagements

2-58. Self-defense engagements can be particularly prone to CIVCASs. There are two components to the decision to engage: whether there is a threat, and whether the nature of a threat is immediate, requiring prompt action. Discerning a threat means deciding if there is a hostile act or hostile intent present. The first is usually relatively straightforward. Small arms fire aimed at Army units, incoming artillery, or throwing rocks are examples of apparently hostile acts. The second can be more difficult to discern, as this involves interpreting the behavior of a potential threat, when no hostile act has been committed. U.S. forces can sometimes misunderstand the intent of civilians, such as individuals digging in the ground at night. This behavior could indicate the emplacement of an IED or a local farmer working at night to avoid the heat of the day. In addition, in some societies it is common for citizens to possess weapons for self-defense. In this context, the fact that a person is armed may not be a sufficient indicator of hostile intent. U.S. forces can often use verbal or visual warnings, barriers, and physical standoff to gain more time to determine whether hostile intent is present.

Tactical Patience and Restraint

2-59. CIVCASs can often be avoided by considering alternative tools—lethal and nonlethal—and timing the response. CIVCAS mitigation requires adopting a mindset that incorporates tactical patience and the consideration of alternatives whenever possible. Examples of this mindset include—

- Using Soldiers and weapons that are precise, locally controlled, and limited. For example, using snipers or designated marksmen in some situations is preferable to indirect fires, airstrikes, or permitting all Soldiers in a unit to engage at their discretion.
- Conducting a census or assessment to find a hidden enemy, rather than a raid, while positively engaging the population and partnering with host-nation forces. (For information on census and civil affairs assessments, see FM 3-57.)
- During actions on contact, using fire and maneuver rather than indirect fires and airstrikes as the default response, and raising the authority for fires clearance to higher command levels.
- Developing unit SOPs that facilitate quick distinction between and communication about harmless civilians versus threats. For example, using an expression such as “gun” to communicate quickly that a hostile enemy has been positively identified.
- Employing nonlethal capabilities to warn away civilians and help determine the presence of hostile intent. During periods of limited visibility, using lights or pyrotechnics may be necessary to signal civilians quickly.
- Changing vantage points to observe a suspected target, contacting units with a better view, or using binoculars and magnified individual and vehicle weapon sights, helicopters, or tactical unmanned aerial systems.
- Sharing information between units. For example, coordinating with Army aviation forces to obtain digital communication and video from Army aircraft.

Security Zones

2-60. Army units may consider creating and administering security zones in key areas of potential volatility or civilian vulnerability, such as dislocated civilian camps. Army units may conduct combined patrols with host-nation forces to improve contact with the population and help build the capability of host-nation forces. In some situations, it may be appropriate to integrate host-nation police and civilian elements as well; such composite organizations are sometimes known as joint protection teams.

Administrative Movements

2-61. Army units and their partners who are conducting administrative movements such as convoys also risk causing CIVCASs. If moving through areas they believe are not secure, they may be inclined to fire indiscriminately to suppress potential threats. Actions such as these can undermine long-term security by causing resentment in the population. A greater risk to civilians may come from Soldiers driving military vehicles rapidly and aggressively in congested areas, leading to accidents involving civilian vehicles and pedestrians.

2-62. Convoys that travel long distances may not be familiar with the different areas they pass through. Close coordination with the U.S. or host-nation units responsible for different operational areas, including escort by these local units if appropriate, can avoid some of the CIVCAS risks associated with a unit passing through unfamiliar territory. Depending on the tactical situation, convoys may use signs, advance and trail elements, lights, and pyrotechnics to warn civilians of their presence. Soldiers should not assume that host-nation drivers are alert, skilled at operating their own vehicles safely, or familiar with expected behavior (such as stopping on the side of a road when a military convoy approaches). When possible, Army units should use alternate routes away from civilian populations and, possibly, not use main civilian thoroughfares. While this may be more inconvenient and time consuming, it could lessen the chances of CIVCASs and improve overall relations with the population.

FIRES CONSIDERATIONS

2-63. Indirect and joint fires are vital capabilities. Targeting and assessment processes within the fires warfighting function also contribute to situational understanding and support for other warfighting functions. However, fires are subject to the general challenges of inaccurate and incomplete targeting information. Moreover, indirect and joint fires can be a significant cause of CIVCASs because of lethality, broad effects, and the long distances from which they are delivered. Unexploded munitions can also create a hazard to civilians. Restraining fires can reduce the risk of CIVCASs but limits other capabilities and potentially puts Army units at greater risk.

Targeting

2-64. The likelihood of CIVCASs can be reduced if they are considered along with the enemy and friendly assets during the targeting process. For example, a sensor that detects an enemy target may also be able to confirm or deny the presence of civilians in the vicinity. Calls for fire can alert shooters that the target is dangerously close to civilians or friendly troops. (See FM 3-60 for more information on targeting, including vetting and validation of targets.)

Control of Fires

2-65. The likelihood of CIVCASs can be further reduced by limiting the conditions in which indirect and joint fires may be employed (such as against high-payoff targets or when no civilians are present). Clearance of fires can be reserved for higher-level commanders, or engagements may be restricted to the use of precision-guided munitions. In some situations, units consider using MISO to advise civilians to leave a conflict area. However, Army units should not assume all civilians have abandoned an area after being advised to do so. In addition, units consider whether advising civilians to leave also informs enemies about Army intentions.

Indirect Fires

2-66. Artillery and mortars provide valuable longer-range organic capability for Army units. At the same time, artillery can cause inadvertent CIVCASs under several circumstances. Examples include when fires are unobserved, or when a forward observer is inexperienced, leading to the erroneous targeting of civilians or civilian structures. This can be mitigated by increased command oversight and the effective use of intelligence beforehand to verify enemy and civilian locations. CIVCASs can also be reduced by fine-tuning the accuracy of indirect fires with proper registration, using laser range finders, accounting for altitudes and meteorological data, and conducting target coordinate mensuration to reduce target location error. At night, the initial use of illumination rounds may confirm targeting procedures and provide more capability to observe the target area.

Close Air Support and Close Combat Attack

2-67. Air-to-ground fires, whether from fixed-wing or rotary-wing assets, can result in high numbers of casualties in a single engagement. Close combat attack (CCA) is a method of attack specific to Army rotary wing aircrews. It requires aircrews to have accurate knowledge of the ground scheme of maneuver so they can retain the flexibility to engage as needed by the ground force commander. The ultimate responsibility for close air support (CAS) and CCA missions resides with the ground commander in cooperation and communication with the air mission commander and aircrew. However, all participants in the CAS and CCA employment processes are responsible for their effective and safe planning and execution.

2-68. In an air-to-ground engagement, the ground commander may not be in the best position to identify the potential impact upon civilians. This may be better achieved by other elements of the air-ground team that have different perspectives, such as the joint terminal attack controller, aircraft crew, or remote analysts who can provide real-time exploitation of sensors. Multiple methods exist for assisting positive target identification to ensure timely and accurate aerial fires from rotary and fixed-wing aircraft. Signal panels, laser pointers, infrared strobe lights, smoke, and tracer rounds can designate targets for inbound aircraft.

2-69. CIVCASs from air-to-ground fires can be due to a breakdown in communication within the air-ground team. The chances of miscommunication can be reduced if procedures are worked out and practiced beforehand. All members of the team should remain alert to the possibility of CIVCASs, strive to prevent them, and ensure other team members are aware of the civilian-related information they possess. Establishing SOPs can assist effective air-ground integration. For example, it may be appropriate to routinely include a comment regarding civilian presence or absence as appropriate remarks or restrictions in the nine-line CAS briefing and during the subsequent update and talk-on. (For more information on CAS see JP 3-09.3. For more on CCA, see FM 3-04.126)

INFORM AND INFLUENCE ACTIVITIES

2-70. An important part of mission command, as it relates to CIVCAS mitigation, is inform and influence activities. Effective inform and influence activities can help reduce the likelihood of CIVCASs, mitigate the damage should it occur, and address rumors. Staffs primarily conduct inform and influence activities through key leader engagement, public affairs and MISO support, and routine contacts that units have with the civilian population. Units use MISO to convince enemy forces to surrender or withdraw, reducing the need for armed conflict in populated areas. Tactical patience may be required to enable MISO enough time to take effect. Commanders should have a public information plan.

UNITY OF EFFORT

2-71. CIVCAS mitigation can be enhanced when Army units work with partners, including host-nation security forces, host-nation governmental agencies, local leaders, multinational forces, intergovernmental and international organizations, U.S. governmental agencies, NGOs, the private sector, and the news media. Although many of these actors may be reluctant to cooperate too closely with Army units, they may nevertheless be willing to exchange information related to CIVCAS incidents and mitigation efforts. If these actors share some level of agreement with Army units, such as the importance of preventing CIVCASs, a degree of cooperation may be achievable. To achieve unity of effort in this regard, Army commanders will need diplomatic skills to influence some of these actors.

2-72. A civil-military operations center may be useful to conduct coordination with some of these actors and a place where CIVCAS issues can be resolved with the local population. Host-nation security forces may require substantial and focused advisory efforts to ensure their personnel fully understand the importance of CIVCAS mitigation and act accordingly. Contracted security forces and other armed actors will also likely require attention.

THE ASSESS STEP

2-73. The CIVCAS mitigation cycle places the “assess” step after the “employ” step because it is essential to identify when inform and influence activities should respond promptly to media reports or rumors of an incident. Effective inform and influence activities must respond quickly to local, international, and U.S. news media. They should not wait until after an incident has been fully investigated. Otherwise, the enemy may spread false information about the incident. The first credible story usually has the greatest influence on civilian audiences.

2-74. Consistent with the Army operations process, assessment of CIVCAS mitigation activities occurs continuously and is not limited to a single point in the cycle. CIVCAS assessment includes assessing battle damage and monitoring, analyzing, and recommending action. Assessments include immediate reviews after incidents, as well as in-depth analysis to examine trends over time. Similarly, after initial casualty reports, investigations and analyses lead to thorough reports of findings.

ASSESSING BATTLE DAMAGE

2-75. While CIVCAS mitigation efforts can greatly reduce CIVCASs, it is unreasonable to expect that CIVCASs can be completely eliminated in all instances. When CIVCASs occur, the most important part of the response is to determine the facts of the incident, including the numbers and severity of CIVCASs. All stages in the “respond” step depend on accurate information concerning the event. Lack of accurate information also hinders operational and institutional learning for CIVCAS mitigation.

2-76. Units should conduct and report a battle damage assessment (using a *Battle Damage Assessment Report* (BDAREP PHASE I), from FM 6-99.2). Units inspect the site where the incident took place, to understand what effects an operation had on civilians. Capabilities such as site exploitation, biometrics, or forensics can improve understanding of an incident's circumstances. Intelligence to assess whether casualties had been involved in prior hostile actions, such as emplacing of IEDs, can allow better differentiation between combatants and noncombatants. During investigations, host-nation security forces, which will be more culturally attuned to the population, may be better able to find key evidence at the site. Storyboards based on assessments can be provided through the chain of command and as inform and influence activities to host-nation civilian and military leaders. It can also be helpful for local or provincial leaders to visit the site and help with investigations, thus adding legitimacy to the findings.

2-77. On-site battle damage assessment is not feasible in all circumstances, due to the locations of Army units and threat considerations. When air platforms are involved, video (if available) can substitute. Video or audio recordings can be declassified, if necessary, and used as evidence in an investigation. Aviators do what is known as "talking to the tape," to create a narrative of their decisions and the operational context. This can provide an account of events leading to a CIVCAS incident.

MONITORING CIVILIAN CASUALTY INCIDENTS

2-78. CIVCAS incidents are significant events and should be systematically tracked and analyzed to identify lessons, ensure appropriate follow-up, and pass information on to units that subsequently occupy the area of operations. Commanders identify CIVCAS incidents in appropriate reports (see FM 6-99.2), such as a *Commander's Situation Report* (SITREP), *Operation Report* (OPREP), or *Unit Situation Report* (UNITSITREP), and other routine updates. Information to support monitoring can also be obtained from post-operation debriefs or host-nation persons who witnessed incidents. Items of interest include numbers and types of casualties, circumstances, actions taken, follow-up, and any amends made to the victims or families (see paragraph 2-115). Incidents involving host-nation security forces, security contractors, or the enemy should be monitored. CIVCAS incident information should be aggregated in a standardized database and reported weekly, monthly, or quarterly.

2-79. The commander and staff continuously monitor and evaluate the current situation and progress of an operation toward mission accomplishment. The following should be considered regarding CIVCAS mitigation:

- The impact of inform and influence activities.
- Feedback from the local population (including rumors).
- Feedback from NGOs, intergovernmental organizations, and the private sector.
- Acceptance of the presence of Army units in key areas.
- The security of vulnerable sectors, including dislocated civilians.
- The investigation and documentation of incidents, and actions taken by authorities.
- The number of incidents.
- Host-nation policy, will, and capability to respond to CIVCASs.
- The population's access to legal recourse.
- Host-nation claim procedures and effectiveness.
- Freedom of movement of the host-nation population.

A standardized database should include routinely tracked data on CIVCAS incidents, subsequent investigations, and follow-up actions (see examples of data elements in table 2-1, page 2-16). (Appendix B expands on data elements to support CIVCAS incident reporting and investigation.) It is preferable for such a database to be established early at a high echelon and have subordinate units conform to it, rather than to have subordinate units independently develop their own systems. This facilitates standardization of information and procedures and supports institutional memory as units depart from or arrive in an area of operations.

Table 2-1. Examples of civilian casualty incident data categories

<p>Who:</p> <ul style="list-style-type: none"> • Victim or victims of the incident • Unit or personnel involved • Person submitting report • Investigating person or unit • Persons to whom compensation was paid • Unit or persons who paid compensation to victims
<p>What:</p> <ul style="list-style-type: none"> • General type or nature of the incident • Objective circumstances surrounding the incident • Pertinent characteristics • General type or nature of the investigation • Conclusions and recommendations of the investigation • Amount of compensation paid • Remedial actions taken • Other costs or follow-up actions taken
<p>When:</p> <ul style="list-style-type: none"> • Date and time of the incident • Dates and duration of the investigation • Date compensation was paid
<p>Where:</p> <ul style="list-style-type: none"> • Location of the incident • Location of the investigation • Location of compensation payment
<p>Why:</p> <ul style="list-style-type: none"> • Factors contributing to or causing the incident • Reasons or rationale for the investigation • Short-term effects on the operation • Long-term effects on tactical, operational, and strategic objectives

2-80. Army units should avoid becoming complacent when CIVCASs have not occurred. They should also monitor relevant information such as near-misses and escalation-of-force occurrences that did not lead to CIVCASs. This may help prevent future CIVCASs or identify related host-nation concerns and perceptions that should be addressed.

ANALYZING CIVILIAN CASUALTY DATA AND INFORMATION

2-81. Despite the inevitable challenge of incomplete and conflicting information, Army leaders and staffs must analyze data and significant insights from both involved Soldiers and civilians. Pattern analysis can help identify locations where CIVCASs have greater likelihood of occurring as well as the procedures or units that may be prone to cause such incidents. Conversely, analysis might identify useful methods that could be emulated more widely. Analysis of CIVCAS data should be consistently and regularly completed by Soldiers with adequate expertise in spotting trends and identifying possible tactical improvements. A CIVCAS mitigation working group or other entity can facilitate the collection and analysis of data and facilitate the development of insights to be incorporated in the “learn” step.

2-82. Analysis may also provide other important insights. For example, the local population may perceive that CIVCASs are a significant problem, even when Army units do not. These dissimilar viewpoints should then be reconciled. Further analysis may reveal that while Army units may not be involved in CIVCAS incidents, the population may blame them for not preventing CIVCASs by other actors such as host-nation security forces, security contractors, armed militias, criminal gangs, or enemies. Additionally, the population may blame Army units for hardships and decreased human security resulting from a lack of infrastructure or diminished essential services.

IMPLEMENTING IMPROVEMENTS TO CIVILIAN CASUALTY MITIGATION ACTIVITIES

2-83. Army leaders and staffs analyze data and information to evaluate CIVCAS incidents and mitigation activities and identify mitigation measures to apply in the future. Examples include—

- Expanded inform and influence activities to modify perceptions or better inform the population.
- Greater command emphasis on CIVCAS mitigation.
- Increased force levels to provide greater security and permit units to operate more prominently in smaller areas.
- Days off for Soldiers, with local rest and recreation to relieve stress.
- Restrictions on the use of area weapons.
- Closer monitoring of host-nation security forces.

THE RESPOND STEP

2-84. The “respond” step of the CIVCAS mitigation cycle addresses how Army forces respond effectively to CIVCAS incidents. Units anticipate the possibility of CIVCASs and prepare in advance how they will respond.

2-85. Army units take care to understand cultural norms and avoid the negative effects of disregarding them. For example, *ex gratia* compensation is appropriate for making amends in some situations; in others, it could be perceived as an insult. Depending on cultural norms, it may be appropriate to contact the victim’s family directly, while in other situations, this should never be done. Sometimes, an intermediary such as a tribal leader should contact a victim’s family. (See chapter 1 for more on social considerations and civil considerations for mission analysis.)

2-86. In some cultures, female Soldiers and interpreters or female engagement teams are invaluable to interview female witnesses to a CIVCAS incident. These Soldiers should be trained beforehand regarding interview procedures, cultural norms, and CIVCAS mitigation procedures.

2-87. When possible, Army units act in concert with host-nation partners when responding to CIVCAS incidents and associated rumors. The “respond” step normally includes—

- Incident awareness.
- Initial response.
- Investigation.
- Sharing findings.
- Making amends.
- Informing local news media and other communities.

CIVILIAN CASUALTY INCIDENT AWARENESS

2-88. Soldiers or units who witness a CIVCAS incident should always report it through the chain of command, while beginning a battle damage assessment when possible. However, many allegations may be brought to their attention by other witnesses. Allegations may be legitimate, mistaken, or false. Some allegations may be reported indirectly because complainants are reluctant to make contact with U.S. forces. Soldiers or units learning of allegations through any source, including indirect reports, should take them seriously, record the information, and investigate thoroughly.

2-89. Ideally, civilians should be able to report CIVCASs without fear of retribution or harassment. Even if civilians are not afraid to report incidents, their anger and resentment may become compounded by base access procedures perceived as unreasonable or humiliating. Soldiers should treat civilians respectfully and demonstrate they take concerns seriously. They should refrain from appearing rude, impatient, or dismissive. This respectful attitude needs to be command-driven and reflected at all levels. All Soldiers, regardless of rank, must demonstrate appropriate attitudes and take appropriate actions when approached by civilians.

2-90. Army units make every effort to be aware of CIVCAS incidents and the population's perceptions. They regularly engage local leaders, intergovernmental and international organizations, and NGOs. They monitor the local media, enemy propaganda, and local rumors. Army leaders' interest in CIVCAS mitigation can improve relations with local leaders, and constructive relationships with these leaders enhance commanders' situational understanding.

INITIAL RESPONSE TO CIVILIAN CASUALTY INCIDENTS

2-91. Initial responses to CIVCASs are critical, both by Soldiers at the site of an incident and by the higher headquarters of the units involved. Soldiers who learn of CIVCASs should alert other Soldiers of the presence of civilians immediately, as this may prevent additional casualties. Unit leaders should—

- Report the incident through the chain of command (who, what, when, where, why) using standardized formats. (See appendix B for additional details on reporting.)
- Treat or evacuate any wounded civilians if possible.
- Obtain names of witnesses (military and civilian) if possible.
- Maintain a respectful bearing.
- Inform survivors how to submit claims for amends or to report misconduct.
- Provide updates to the chain of command as appropriate.

In advance, units explain claims procedures to local civilian leadership. When circumstances permit, the law of armed conflict requires taking all possible measures to search for, collect, and evacuate wounded combatants and civilians. Treatment may be provided as soon Army units discover casualties. If possible, a local representative should be allowed to accompany any evacuated casualties.

2-92. When a command post receives a report of a CIVCAS incident, the following actions should be conducted as an initial response:

- Confirm circumstances with the unit, and update information as available.
- Arrange necessary medical or other support for casualties or the unit(s) involved.
- Document the incident in accordance with procedures and update information as required.
- Report circumstances to higher headquarters and provide updates as appropriate. (See appendix B for details on reporting.)
- Contact local key leaders to express condolences, exchange information, or coordinate subsequent steps.
- Develop public affairs guidance and command message, and disseminate to media and other outlets. Identify and counter enemy propaganda related to the incident.
- Initiate any required investigations or other procedures.

2-93. Effective inform and influence activities, including key leader engagement and public affairs, are critical to maintain credibility, preempt rumors, and minimize the enemy's exploitation of a reported incident for propaganda purposes. It is likely that a response will be needed before all the facts are known. Inform and influence activities should be as credible and responsive as possible. A consistent pattern of accuracy and transparency regarding CIVCASs and other issues will help maintain credibility.

2-94. If it is obvious that an allegation is true, Army units should make amends immediately (see paragraphs 2-115 to 2-120). Conversely, if an allegation is clearly incorrect, leaders should explain the known facts in as much detail as possible. When in any doubt, leaders should investigate the incident before attempting to make amends. Often, conducting a careful investigation helps address local anger and concerns. Leaders and Soldiers never ignore a grievance; ignoring an allegation is always unacceptable and

bound to have negative repercussions. Soldiers should explain the investigation procedures, including the time needed, and identify the assistance and cooperation required. Incident response works best when conducted openly and in frequent contact with victims, survivors, or their community representatives. However, Soldiers anticipate that civilians will not necessarily accept their credibility without question.

2-95. Soldiers always should show empathy and respect to people who claim they have lost relatives or suffered harm as a result of combat, even if they are unsure the claim is genuine. Soldiers should act as they would want to be treated if the roles were reversed. Soldiers should also be prepared for CIVCAS response to be an emotional and intense experience. In the immediate aftermath of an incident, Soldiers should be sensitive to local anger and any cultural norms (such as not touching dead bodies). In some cultures, extensive discussion of important events is expected; Soldiers should be patient during such sessions even if they seem repetitive. While Soldiers should be knowledgeable about cultural norms, they must keep in mind that different people show grief in different ways, even within a culture or a region.

2-96. Civilians may expect to be taken at their word, and some will feel insulted if asked to provide evidence. Soldiers can justify the need for evidence in several ways, such as explaining chain-of-command requirements to back up reports with evidence before releasing *ex gratia* payments. Requiring all claimants to provide sufficient evidence should be weighed against the potential for fostering resentment, especially when a genuine claim lacks evidence for unavoidable reasons.

2-97. Personnel services include financial support and procedures to provide compensation to CIVCAS victims and their families. Army units can anticipate requiring legal support for CIVCAS investigations and any related judicial proceedings. Religious support may be required for Soldiers involved in CIVCAS incidents and, when directed by the commander, for liaison with host-nation religious leaders or family members. Units handling the remains of CIVCAS victims may need forensics capabilities. They also need to coordinate burial information with local authorities to ensure graves are properly registered.

2-98. Health service support may be required for wounded civilians, and Soldiers involved in CIVCAS incidents may need psychiatric treatment. These needs could persist long after the incident occurred.

2-99. Army units may need to assist host-nation security forces and multinational forces with their sustainment requirements related to CIVCASs. Additionally, they may be tasked to facilitate humanitarian assistance to reduce civilian suffering caused by conflict. Intergovernmental organizations, other U.S. government agencies, and NGOs conduct much of the aid work for host-nation civilians, including treatment of casualties. They will be particularly important to provide assistance in rural or remote areas. Army units can support the efforts of these other actors by facilitating their transit through checkpoints, ensuring adequate security, providing emergency transportation, and sharing information.

INVESTIGATION OF CIVILIAN CASUALTY INCIDENTS

2-100. CIVCAS investigations may include commanders' inquiries, investigations under AR 15-6, criminal investigations, and independent investigations by other organizations such as the United Nations, or host-nation agencies.

2-101. Commanders' inquiries are conducted in response to most reports or allegations of CIVCASs. These investigations usually have two goals: to determine the facts of the incident, and to identify lessons for the future. Commanders' inquiries determine if it is reasonably likely that civilians were harmed. Commanders' inquiries should be conducted expeditiously. They are nonpunitive, and conclusions are based on the preponderance of the evidence.

2-102. Investigations in accordance with AR 15-6 are initiated in response to serious and credible CIVCAS reports and allegations. They may require an extended time to complete. As with commander's inquiries, the standard of proof is the preponderance of the evidence. These investigations may result in determinations of fault or misconduct, recommended procedural changes, or appropriate compensation to victims and families. It is desirable that amends be made as soon as it is known that civilians were killed or injured, even if investigations have not been completed. If allegations of U.S. abuse or misconduct are made, care must be taken to ensure that amends such as *ex gratia* payments are not perceived as an attempt to pay off the victims and avoid investigating incidents or disciplining perpetrators. When abuse or misconduct is confirmed, the Foreign Claims Act should be used to compensate victims. Thorough,

comprehensive, and well-documented investigations in accordance with AR 15-6 can also serve to rebut an enemy's false allegations of the cause or nature of a CIVCAS incident.

2-103. If a criminal investigation is warranted, it should be initiated as early as possible and in accordance with the procedures or regulations applicable to the servicing investigative unit or, if charges have been preferred, Article 32 of the Uniform Code of Military Justice. Adherence to due process and protection of the accused's rights will become important considerations for the command. (See AR 20-1 regarding suspected law of war violations.)

2-104. Army investigations should strive for integrity, credibility, and inclusion of external perspectives. They should counter false or misleading information and culminate in prompt mitigation. Reports from the International Committee of the Red Cross may be used to assist Army investigations and actions. To enhance credibility and ensure integrity, commanders sometimes seek independent investigations. However, independent investigations are not always feasible.

2-105. Investigative reports provide information that supports trend analysis and assessments. (See appendix B for recommended CIVCAS data elements for investigations.)

Conducting an Effective Investigation

2-106. Investigators should make effective use of internal military records. They should cross-check allegations with those records. However, they should not dismiss allegations simply because relevant internal records are not found. Investigators should also interview and obtain statements from Soldiers and host-nation security personnel who are potential witnesses.

2-107. Investigations should involve the community; this gives the population an opportunity to tell their story and air grievances. It strengthens the credibility of the investigation's findings by demonstrating that a serious investigation has taken place. Witnesses should be interviewed separately and results checked with other accounts and evidence for consistency. In some cultures, special arrangements should be made to interview female witnesses; this may require female interpreters and interviewers. If possible, injured persons should be interviewed. Interviewers should take into account such factors as education, social and familial ties, and political motivations when assessing credibility.

2-108. Interviewers should ask for evidence such as names and pictures of the dead or wounded and pictures of damaged and destroyed items. Many people in the host nation may have camera phones that can be used to provide pictures. If unable to visit locations personally, interviewers may be able to obtain footage from Soldiers or host-nation personnel who have access to the area. The importance of an investigator taking photos or video footage cannot be overstated. The adage "a picture is worth a thousand words" is especially true when conducting a CIVCAS investigation. Photos and videos preserve important factors that may not be recognized until much later.

2-109. Investigations should be thorough. Establishing a template for CIVCAS investigations in advance helps avoid errors and oversights. (See appendix B for examples of data categories that investigations should address.)

Overcoming Investigation Challenges

2-110. Investigators may receive inaccurate or false claims of CIVCASs, which may be deliberate or due to genuine confusion. For example, witnesses may erroneously attribute any damage to actions by U.S. forces. An enemy may deliberately conduct attacks against civilians and attempt to make it appear that U.S. forces or their partners were at fault. False claims of casualties may be made to discredit U.S. forces, perhaps as a result of intimidation by enemies. Others may be an attempt to profit from compensation payments. Casualties may have occurred from accidents or the actions of partners such as host-nation security forces, but the allegations may be made against Army units. Claimants may not know who caused the harm, or they may not know of any alternative source for making a report. Units mitigate these difficulties by involving trusted local leaders and host-nation partners with whom long-term relationships have been established, when possible. Investigators should be familiar with the areas and population where the CIVCAS claims are made. (See chapter 1 for more on social considerations and civil considerations for mission analysis.)

2-111. Cultural factors can impede investigations. For example, certain societies may not want to involve women or provide photographs of bodies. These situations require sensitive handling, such as providing female investigators and giving assurances regarding the use of evidence. The possibility of making amends for a false claim should be weighed against the potential for fostering resentment by requiring what civilians perceive as too high a standard of proof. It is important to work closely with host-nation partners to help strike the right balance.

2-112. Witnesses may refuse to cooperate because they are afraid of retribution or because the CIVCAS problem is so widespread that an investigation of a particular case is viewed as a token effort that ignores broader issues. Army units should establish systems that handle all CIVCAS incidents within their areas of operations. This necessitates regular coordination and sharing of relevant information between Army units, other U.S. and multinational forces, host-nation security forces, host-nation government agencies, local leaders, and NGOs.

SHARING FINDINGS OF CIVILIAN CASUALTY INVESTIGATIONS

2-113. An investigation's findings should be shared with the affected community, possibly during engagements with local key leaders. Depending on the culture, it may be preferable for family members of victims to be present. Amends can be incorporated into the same forum. Accurate translations will be particularly important during these sessions.

2-114. Findings that civilians were harmed need not entail findings of fault nor always be presented as such. The local community may not be satisfied with the findings even when incidents were scrupulously investigated and protection efforts were reasonable. If leaders anticipate findings will not be well received, they explain the evidence and the reasoning of the investigation with extra care. It may be possible to "agree to disagree," but a face-saving compromise should be sought. Army leaders should be concerned about maintaining a reputation for credibility, which is enhanced by acknowledging incidents and convincingly refuting false allegations.

MAKING AMENDS FOR HARM OR LOSS

2-115. Whenever it is likely that civilians were harmed or their property damaged, Army leaders should make appropriate amends. Amends may include apologies, *ex gratia* monetary payments (that is, paid without obligation or liability), other tangible dignifying gestures, or explanations of any resulting changes such as new guidelines or policies. Making amends does not imply legal liability and is separate from other military systems of accountability. Amends may be directed toward individual families, the wider community, or both (such as a community project in the memory of the victims). Depending on the culture, it may be appropriate to offer *ex gratia* payments or tangible assistance through a local leader, perhaps in a public setting. In some cultures, monuments or memorials are helpful in achieving reconciliation. Apologies should take into account cultural expectations. Army leaders should determine if their attendance at funerals would be appropriate or counterproductive.

2-116. Communities are likely to be concerned with accountability. If the facts warrant, it may help to explain that detailed investigations are continuing. Military systems of accountability and due process may not align with local expectations of accountability, and it may be necessary to explain why these processes are inevitably slow. Sharing the outcomes from formal investigations, even when completed months or years after an incident, can have a positive impact. This should always be considered as a public relations action.

2-117. The harming of civilians can cause considerable economic hardship, especially when a wage-earner is killed or wounded. Federal law prohibits reimbursing claims directly for collateral damage, such as death, personal injury, or property damage, incurred incidental to combat. However, *ex gratia* payments are a goodwill gesture, as part of making of amends and demonstrating concern. Providing *ex gratia* payments also supports stability efforts. CIVCAS compensation should be clearly distinguished from development or humanitarian assistance. Payments could come from the United States Government, host-nation government, or Army forces. While not intended as a means for CIVCAS compensation unless guidelines permit it, a commander's discretionary fund can sponsor projects as a means to facilitate

community-wide reconciliation. If no such payment mechanism is in place, it should be requested through the chain of command.

2-118. Procedures for determining *ex gratia* payments must strike a balance between not being excessively bureaucratic and not becoming viewed as an opportunity for local populations or leaders to make a quick profit. Payments should be governed by a principle of fairness. They should be equal in amount and accessibility for all those harmed. Amounts and means of payment should be linked to local tradition when possible. Bargaining and ill-will can be avoided by using standardized payment guidelines, conducting credible investigations, and sharing the guidelines and investigation results with the communities. *Ex gratia* payments are meant to be token amounts as recognition for loss rather than strict compensation and should be explained as such to avoid anger and resentment. Guidance on amounts should be established at the beginning of an operation based upon input from area and cultural experts. Estimates can be given in ranges so the commander maintains some discretion to suit the situation. Payment ranges should be similar across the area of operations and should be reviewed periodically to ensure they are still appropriate in the context of economic shifts such as inflation or changes in the operational environment.

2-119. Units and their servicing judge advocates or other designated responsible personnel should judiciously track payments made in an area of operations to ensure standardization and avoid double payments. They should designate points of contact who are culturally sensitive, possess connections with the local community, and can develop mutual trust between their units and the community. All members of a unit should know who the point of contact is and how to refer cases for amends.

2-120. In addition to cash payments, amends may also include programs to help rebuild livelihoods after CIVCAS incidents. This is particularly important as widows and orphans may have no support in some societies. These programs may best be developed by governmental agencies or NGOs. Commanders should coordinate with partners so that programs follow soon after commanders express condolences.

INFORMING NEWS MEDIA AND COMMUNITIES ABOUT CIVCAS INCIDENTS

2-121. Army units, often through their public affairs officers, should respond promptly to any allegations even if they simply state that allegations will be investigated. These announcements should provide an anticipated timeline for the findings. If facts are already known, it may be appropriate to deny some aspects of an allegation while promising to investigate the rest. Immediate and broad denial of reports without complete and accurate information in hand can undermine credibility, especially if the investigation finds reports were correct.

2-122. Local news media representatives may not have the professional standards, investigative skills, corroboration requirements, English capability, or experience of many international journalists. Units should attempt to cultivate relationships with local journalists and opinion leaders and provide them updates regularly by cell phone or face-to-face meetings.

2-123. Centralized public affairs activities may not be adequate, and public affairs officers may need to be assigned at lower echelons than normal. In some situations, a publicly accessible Web site may be useful. All messages should be translated, carefully tailored to local environments, and vetted with advisors who can confirm the translation's accuracy and gauge the message's suitability and probable impact. Messages may need to be reinforced in public settings and meetings with local leaders and should address rumors as well as actual events.

2-124. The enemy will likely go to great lengths to tailor messages for their intended audiences. They may use local folklore, religious and historical allusions, and language to great effect. They are also apt to cultivate relations with local news media or seek to intimidate them. Commanders must anticipate these measures and attempt to disrupt them while implementing sophisticated inform and influence activities. Inform and influence activities can include official reporting, radio, television, and communicating through local community or government leaders.

THE LEARN STEP

2-125. The “learn” step helps Army units adapt quickly and continuously. The “prepare” step and the “learn” step are complementary and synergistic. A prepared force is better able to adapt in precise and measured ways, instead of having to devise new approaches from the ground up. At the same time, a force that is well prepared for a specific environment but is unable to learn and adapt to changes could become less capable over time. Effective preparation, learning, and adaptation are integral in making an effective force. Collection, analysis, and dissemination of CIVCAS information horizontally and vertically are critical for CIVCAS mitigation.

GAINING INSIGHTS TO ENHANCE LEARNING

2-126. Insights can be obtained from—

- Assessments of unit experiences.
- Cross-talk with other units.
- Data management and analysis.
- Results of investigations.
- Focused efforts to gather lessons from host-nation partners, U.S. government agencies, NGOs, and other actors.

The “learn” step is most effective when the chain of command continues to emphasize CIVCAS mitigation at appropriate opportunities. Within units, CIVCAS mitigation lessons can be absorbed with training sessions, mission briefings, rehearsals, noncommissioned officer calls, and officer calls. These sessions can discuss engagements, rules of engagement changes, and other topics using resources such as storyboards, gun tapes, and reports.

2-127. Army units should avoid tendencies to become tied to established routines and instead seek to improve each step of the CIVCAS mitigation cycle through the use of after action reviews (AARs) and debriefs. Learning can be achieved more deliberately by being attuned to lessons learned, professional literature, social networking Web sites, and doctrine.

FOSTERING AN APPROPRIATE ORGANIZATIONAL CLIMATE

2-128. Army leaders should foster an appropriate organizational climate that balances trust, transparency, and accountability. When a CIVCAS incident occurs, leaders should avoid creating an overly punitive environment where the focus is on finding someone to blame for an incident. Sometimes, CIVCASs are unavoidable. Commanders avoid a purely punitive approach that would motivate subordinates to suppress information and cover up incidents, keep valuable lessons in legal channels, and limit initiative and learning. Instead, leaders should first mentor units and individuals to help them to refine their approaches and overcome challenges. Monitoring of CIVCASs at all echelons can aid leaders in deciding when mentoring is needed and what kind of mentoring is appropriate.

COLLECTING, ANALYZING, AND SHARING CIVILIAN CASUALTY INCIDENT DATA

2-129. Investigations for CIVCAS incidents often contain valuable lessons but are too restricted to disseminate widely. This can be overcome by the investigation team producing a summary of key lessons that can be distributed separately from the investigation itself. Investigations of CIVCAS incidents vary according to the situation. However, certain data elements (see appendix B) should be considered by any investigation team.

2-130. Collection, analysis, and dissemination of CIVCAS data is vital. Units should maintain an accessible, historical CIVCAS database that includes the “who, what, when, where, and why” of incidents (see appendix B). It can also include information regarding the operational environment, such as local customs and key points of contact. Such information should be used as an archive of lessons learned and response actions such as amends. It should be retained as a resource for units that rotate into the operational area. This database should be updated as a case progresses.

2-131. Lessons learned do not come solely from CIVCAS incidents, but also from occasions in which there was a high risk of CIVCASs but they were avoided. “Near misses” can offer valuable lessons and illustrate best practices. Leaders should ensure that these incidents are also used for training, mentoring, and learning purposes. Lessons learned that result in a change in CIVCAS procedures should be shared across the entire area of operations and implemented wherever appropriate, to maximize the benefit and minimize the tendency to create ad hoc or disparate procedures.

Appendix A

Nonlethal Capabilities

This appendix discusses Department of Defense nonlethal weapons policy, types of nonlethal equipment used by Army forces, and considerations for their employment.

DEPARTMENT OF DEFENSE NONLETHAL WEAPONS POLICY

A-1. Department of Defense policy for nonlethal weapons is established in DODD 3000.3. Per DODD 3000.3, nonlethal weapons are explicitly designed and primarily employed to incapacitate personnel or materiel, while minimizing fatalities, permanent injury to personnel, and undesired damage to property and the environment. (See DODD 3000.3 for more information on policy for nonlethal weapons.)

A-2. Army forces use nonlethal weapons, munitions, devices, and other equipment and methods for a range of purposes, including to warn, dissuade, or disable a threat to Army units. Nonlethal weapons employ means other than gross physical destruction to prevent their target from functioning. They are intended to have relatively reversible effects on persons or material.

NONLETHAL EQUIPMENT

A-3. A wide variety of established and emerging technologies have been developed that can provide nonlethal capabilities to Army units. These include the following:

- Nonlethal munitions can be used with shotguns and grenade launchers, including rubber, plastic, foam, sponge, and electro-shock rounds. Airburst dazzling rounds for grenade launchers and stun grenades can also be used to disable a target's vision temporarily.
- Vehicles may be disabled by physical means such as spike strips, caltrops, and portable arresting devices. Electric and radio-frequency vehicle stoppers may be used to stop suspicious vehicles at a safe distance from Soldiers.
- Some nonlethal capabilities have long been used by security forces, including laser dazzlers, water cannons, riot control agents, electroshock devices such as stun guns, pyrotechnics used as warning devices, acoustic devices, and working dogs. These nonlethal weapons are applicable to military operations.
- Other new and emerging technologies include directed-energy weapons, improvements to existing technologies to increase range and effectiveness, and laser-induced plasma channels. (For more information on nonlethal capabilities, see FM 3-22.40 and the *United States Department of Defense Non-Lethal Weapons Program* Web site at <<http://jnlwp.defense.gov/>>.)

A-4. Army nonlethal capability sets for brigade combat teams (BCTs) include modules for checkpoints, crowd and detainee control, convoys, and dismounted operations. They include government and commercial off-the-shelf nonlethal capabilities that can be tailored to support a variety of missions. When nonlethal capability sets are fielded, a new equipment training team should instruct leaders and staffs on employment considerations for each piece of equipment.

NONLETHAL WEAPONS CONSIDERATIONS

A-5. Nonlethal weapons should not be used in a situation where lethal force is necessary for self-protection or the protection of others. Using deadly force remains an inherent right of Service members in instances when they, their fellow Service members, or personnel in their charge are threatened with death or serious bodily harm. Using nonlethal weapons in such situations may place individuals in a position of unacceptable risk.

A-6. At long ranges, signs and acoustic devices can warn individuals and give them directions. In the case of compliant personnel, they may heed such warnings and no further escalation of force may be necessary. Written signs are only effective when the target audience is literate. Acoustic device use presupposes that friendly forces are able to communicate in a language understood by the target audience. Another long-range technology is ocular interruption, such as dazzling lasers or high-intensity white light that can suppress enemies without harming civilians. If persons do not comply with hails and warnings, more aggressive nonlethal weapons may be required, such as warning munitions fired from hand-held devices or launched from vehicle-mounted systems.

A-7. Nonlethal weapons are designed not to kill or seriously injure; however, they can often create pain and extreme discomfort. If hailing and warning technologies have failed to achieve friendly objectives, and time and distance allow, other nonlethal weapons can be employed. The pain and physical discomfort caused by nonlethal weapons can help friendly forces to evaluate whether targets are exhibiting hostile intent.

A-8. In all cases, a number of factors must be considered. Nonlethal weapons, particularly those that create a direct physical effect upon a target, may have different effects on the very young or the elderly. Climate, time of day, environment, and many other factors may impact the utility of some nonlethal weapons. For example, lasers are more effective at night, while acoustic devices and blunt impact munitions are less effective or accurate in windy conditions.

A-9. Nonlethal weapons employment enables the tactical commander to use proportional force when facing an uncertain threat and friendly forces are not in imminent danger. Nonlethal weapons can enhance security and extend escalation-of-force reaction time, allowing Soldiers to mitigate civilian casualty (CIVCAS) incidents. When planning for missions, leaders should determine the anticipated threat and determine what lethal and nonlethal capability mix is necessary. Both lethal and nonlethal means should be incorporated into mission planning. Secondary effects must be weighed, and tactics may be adjusted during execution to optimize results. Leaders should ensure that Soldiers train and rehearse with nonlethal weapons and that nonlethal capabilities are adequately maintained and inspected.

Appendix B

Reports and Investigations

This appendix discusses data for civilian casualty incident reporting and civilian casualty investigations.

CIVILIAN CASUALTY INCIDENT REPORT DATA

B-1. Army units use standardized report and message formats from FM 6-99.2 to report civilian casualty (CIVCAS) incidents during operations. Report formats applicable to CIVCAS reporting include but are not limited to—

- *Casualty Report (CASREP).*
- *Battle Damage Assessment Report (BDAREP PHASE I).*
- *Commander's Situation Report (SITREP).*
- *Unit Situation Report (UNITSITREP).*
- *Operation Report (OPREP).*

Reports include known facts about who, what, when, where, and why.

B-2. In addition, units develop procedures to ensure follow-up reports are thorough, accurate, and sufficiently standardized to support organizational learning. Leaders ensure follow-up reports are disseminated as appropriate, horizontally and vertically. Reports should include data in the following categories:

- The incident.
- The reporting unit.
- The reporting unit's mission.
- The engagement that led to the incident.
- Responsibility handover and battle damage assessment.
- Mitigation efforts.

These categories and the examples provided in this appendix are intended as guidance only; they are not intended to be restrictive or prescriptive. Units apply judgment in determining the data required for each situation.

GENERAL INCIDENT DATA FOR INCIDENT REPORTS

B-3. Examples of general incident data include—

- Date and time of the incident.
- Location of the incident (grid reference as well as village, province, address, or other identifying information).
- Number of civilians confirmed killed.
- Number of civilians confirmed wounded.
- Number of civilians suspected killed.
- Number of civilians suspected wounded.
- List name, age, gender, and type of injury for all casualties.
- Previous incidents at or near this location.

REPORTING UNIT DATA FOR INCIDENT REPORTS

B-4. Examples of reporting unit data include—

- The unit's name (including parent organizations up to brigade level). Names are given using standard numerical identification and formal organization names (not nicknames such as Task Force X).
- The time the reporting unit or individual has been in theater on current deployment.
- The unit's authorized, assigned, or available strength.
- Whether the unit was trained on the rules of engagement and, if so, when the training occurred.
- If and when the unit was trained on escalation-of-force procedures.
- Casualties the unit experienced in the previous 30 days, if any, and a summary of previous casualty incidents.

MISSION DATA FOR INCIDENT REPORTS

B-5. Examples of data specific to a unit's mission include—

- Type of mission (such as convoy, checkpoint, raid, base security, or reconnaissance patrol).
- Time and duration of the operation.
- Weather conditions.
- Facts and circumstances that led to the engagement or engagements.
- Involvement and role of host-nation security units.

ENGAGEMENT DATA FOR INCIDENT REPORTS

B-6. Units record data for each engagement that resulted in CIVCASs. Examples of engagement data include—

- Shooter information, such as—
 - Unit or nationality.
 - Time in the theater of operations during this deployment.
 - Number of previous deployments.
 - Shooter location (grid reference and description).
- Target information, such as intended target (with grid reference and description).
- Range from the shooter to the intended target.
- How the target identification was acquired (such as hostile act, hostile intent, or deliberate targeting).
- The rules of engagement used.
- Whether target identification was maintained throughout the entire engagement.
- The weapon system used.
- The ammunition used.
- The platform from which the weapon was fired (type of vehicle, tank, or aircraft).
- Effective enemy fire at the time of the engagement.
- A description of any rounds fired by Army units, including whether they hit their intended target or had other effects.
- A description of any weapons malfunction that affected the engagement.
- A description of any obscuration that affected the shooter's ability to engage the target.
- Number of confirmed and suspected civilians wounded or killed during the engagement.
- Whether the CIVCASs were caused as a primary effect (such as primary munitions hitting civilians) or a secondary effect (such as falling debris hitting civilians).
- If engagement was an escalation-of-force incident, whether the rounds that caused CIVCASs were intended to be warning, disabling, or killing shots.

RESPONSIBILITY HANDOVER AND BATTLE DAMAGE ASSESSMENT DATA FOR INCIDENT REPORTS

B-7. Examples of responsibility handover and battle damage assessment data include—

- Whether there was a handover of responsibility for the area of operations after the mission, and if so, to which unit.
- Whether battle damage assessment conducted after the operation focused on identifying CIVCASs, and if so—
 - How soon after the operation it was conducted.
 - How any limiting factors affected the assessment.

MITIGATION DATA FOR INCIDENT REPORTS

B-8. Examples of mitigation data include descriptions of—

- Medical care provided to any CIVCASs.
- Key leader engagements conducted and their results.
- *Ex gratia* payments made: when, to whom, and in what amount.
- Subsequent inform and influence activities.
- Additional mitigation activities.

CIVILIAN CASUALTY INCIDENT INVESTIGATION DATA

B-9. Standardization of data and reporting helps Army forces capture the lessons and identify trends in order to facilitate organizational learning. The following standard data elements are recommended for every CIVCAS incident investigation. Investigation reports should be distributed throughout the chain of command, shared with adjacent units, and provided to replacement units.

B-10. CIVCAS incident investigation reports should include data in the following categories:

- The incident.
- The reporting unit.
- The reporting unit's mission.
- The engagement that led to the incident.
- Close air support.
- Responsibility handover and battle damage assessment.
- Mitigation efforts.

These categories and the examples provided in this appendix are intended as guidance only; they are not intended to be restrictive or prescriptive. Units apply judgment in determining the data required for each situation.

GENERAL INCIDENT DATA FOR INVESTIGATIONS

B-11. Examples of general incident data include—

- Date and time of the incident.
- Location of the incident (grid reference as well as village, province, address, or other identifying information).
- Number of civilians confirmed killed.
- Number of civilians confirmed wounded.
- Number of civilians suspected killed.
- Number of civilians suspected wounded.
- List name, age, gender, and type of injury for all casualties.
- Previous incidents at or near this location.

REPORTING UNIT DATA FOR INVESTIGATIONS

B-12. Examples of reporting unit data include—

- The unit's name (including parent organizations up to brigade level), using standard numerical identification and formal organization names (not nicknames such as Task Force X).
- The time the reporting unit or individual has been in theater on current deployment.
- The unit's authorized, assigned, or available strength.
- Whether the unit was trained on the rules of engagement and, if so, when the training occurred.
- If and when the unit was trained on escalation-of-force procedures.
- Casualties the unit experienced in the previous 30 days, if any, and a summary of previous casualty incidents.

MISSION DATA FOR INVESTIGATIONS

B-13. Examples of data specific to a unit's mission include—

- Type of mission (such as convoy, checkpoint, raid, base security, of reconnaissance patrol).
- Whether the mission was deliberate or hasty.
- The amount of time used for planning the mission.
- Whether the unit had conducted the type of mission before, and if so, how many times.
- Time mission began and duration of the mission.
- Whether the mission was conducted by daylight or in darkness.
- Whether the enemy situation was briefed to the unit in advance.
- Whether the civilian situation was briefed to the unit in advance.
- Weather conditions.
- Whether Army troops were in contact with the enemy.
- Facts and circumstances surrounding the engagement or engagements.
- Involvement and role of host-nation security units.
- A description of civilian leader involvement in mission planning, if any.

ENGAGEMENT DATA FOR INVESTIGATIONS

B-14. Units record data for each engagement that resulted in CIVCASs. Examples of engagement data include—

- Shooter information, such as—
 - Unit or nationality.
 - Time in the theater of operations during this deployment.
 - Number of previous deployments.
 - Shooter location (grid reference and description).
- Target information, such as intended target (with grid reference and description).
- Range from the shooter to the intended target.
- How the target identification was acquired (such as hostile act, hostile intent, or deliberate targeting).
- The rules of engagement used.
- Whether target identification was maintained throughout the entire engagement.
- The weapon system used.
- The ammunition used.
- The platform from which the weapon was fired (type of vehicle, tank, or aircraft).
- Effective enemy fire at the time of the engagement.
- A description of any rounds fired by Army units, including whether they hit their intended target or had other effects.
- A description of any weapons malfunction that affected the engagement.

- A description of any obscuration that affected the shooter's ability to engage the target.
- Number of confirmed and suspected civilians wounded or killed during the engagement.
- Whether the CIVCASs were caused as a primary effect (such as primary munitions hitting civilians) or a secondary effect (such as falling debris hitting civilians).
- If engagement was an escalation-of-force incident, whether the rounds that caused CIVCASs were intended to be warning, disabling, or killing shots.

CLOSE AIR SUPPORT OR CLOSE COMBAT ATTACK DATA FOR INVESTIGATIONS

B-15. Provide data for each engagement with close air support (CAS) or close combat attack (CCA). Examples of CAS or CCA data include—

- Type of call or brief provided: nine-line CAS call or five-line CCA brief.
- Whether the aircraft was under enemy fire.
- Whether the controller or CCA requester was under enemy fire.
- The effect desired by the supported commander's desired effect.
- The person who made the weaponeering decision.
- Whether friendly locations were exchanged between the controller or requester and aircrew.
- Whether civilian locations were exchanged between the controller or requester and aircrew.
- Whether the target location was agreed upon between the controller or requester and aircrew.
- Whether a joint fires observer was involved.
- Whether the target was visible to the controller or requester.
- The range from the controller or requester to the target.
- How positive identification of the target was established.
- How and by whom was a collateral damage estimate was performed.
- The altitude of the aircraft.
- The CAS control type used (1, 2, or 3).

RESPONSIBILITY HANDOVER AND BATTLE DAMAGE ASSESSMENT DATA FOR INVESTIGATIONS

B-16. Examples of responsibility handover and battle damage assessment data include—

- Whether there was a handover of responsibility for the area of operations after the mission, and if so, to which unit.
- Whether the responsibility handover was preplanned or impromptu.
- Whether battle damage assessment conducted after the operation focused on identifying CIVCASs, and if so—
 - How soon after the operation it was conducted.
 - Description of how the battle damage assessment was conducted.
 - Whether the initial battle damage assessment identified all CIVCASs, and if not, how all CIVCASs were identified.
 - How any limiting factors affected the assessment.

MITIGATION DATA FOR INVESTIGATIONS

B-17. Examples of mitigation data include descriptions of—

- Details of medical care provided to any CIVCASs:
 - When provided.
 - Whether CIVCASs were evacuated.
 - Whether and how medical assistance was coordinated with family or tribal or community leaders.
- Key leader engagements conducted and their results:
 - Names and levels of leaders who participated.
 - When conducted.
- *Ex gratia* payments made:
 - When.
 - To whom.
 - In what amount.
- Subsequent inform and influence activities.
 - Military information support operations efforts to rebut enemy propaganda.
 - Public affairs efforts to rebut enemy propaganda.
- Additional mitigation activities.
- A description of the effectiveness of mitigation activities.

Glossary

SECTION I – ACRONYMS AND ABBREVIATIONS

ADP	Army doctrine publication
ADRP	Army doctrine reference publication
ATTP	Army tactics, techniques, and procedures
AR	Army regulation
CAS	close air support
CCA	close combat attack
CIVCAS	civilian casualty
DA	Department of the Army
DOD	Department of Defense
DODD	Department of Defense directive
FM	field manual
IPB	intelligence preparation of the battlefield
IED	improvised explosive device
JP	joint publication
MDMP	military decisionmaking process
MISO	military information support operations
NGO	nongovernmental organization
SOFA	status-of-forces agreement
SOP	standard operating procedure
U.S.	United States

SECTION II – TERMS

battle damage assessment

The estimate of damage composed of physical and functional damage assessment, as well as target system assessment, resulting from the application of lethal or nonlethal military force. (JP 3-0)

collateral damage

Unintentional or incidental injury or damage to persons or objects that would not be lawful military targets in the circumstances ruling at the time. Such damage is not unlawful so long as it is not excessive in light of the overall military advantage anticipated from the attack. (JP 3-60)

commander's critical information requirement

An information requirement identified by the commander as being critical to facilitating timely decisionmaking. (JP 3-0)

conflict prevention

A peace operation employing complementary diplomatic, civil, and, when necessary, military means, to monitor and identify the causes of conflict, and take timely action to prevent the occurrence, escalation, or resumption of hostilities. Activities aimed at conflict prevention are often conducted under Chapter VI of the United Nations Charter. Conflict prevention can include fact-finding missions, consultations, warnings, inspections, and monitoring. (JP 3-07.3)

inform and influence activities

The integration of designated information-related capabilities in order to synchronize themes, messages, and actions with operations to inform United States and global audiences, influence foreign audiences, and affect adversary and enemy decisionmaking. (ADRP 3-0)

nongovernmental organization

A private, self-governing, not-for-profit organization dedicated to alleviating human suffering; and/or promoting education, health care, economic development, environmental protection, human rights, and conflict resolution; and/or encouraging the establishment of democratic institutions and civil society. (JP 3-08)

nonlethal weapon

A weapon that is explicitly designed and primarily employed so as to incapacitate personnel or materiel, while minimizing fatalities, permanent injury to personnel, and undesired damage to property and the environment. (JP 3-28)

peace building

Stability actions, predominately diplomatic and economic, that strengthen and rebuild governmental infrastructure and institutions in order to avoid a relapse into conflict. (JP 3-07.3)

peace enforcement

Application of military force, or the threat of its use, normally pursuant to international authorization, to compel compliance with resolutions or sanctions designed to maintain or restore peace and order. (JP 3-07.3)

peace operations

A broad term that encompasses multiagency and multinational crisis response and limited contingency operations involving all instruments of national power with military missions to contain conflict, redress the peace, and shape the environment to support reconciliation and rebuilding and facilitate the transition to legitimate governance. Peace operations include peacekeeping, peace enforcement, peacemaking, peace building, and conflict prevention efforts. (JP 3-07.3)

peacemaking

The process of diplomacy, mediation, negotiation, or other forms of peaceful settlements that arranges an end to a dispute and resolves issues that led to it. (JP 3-07.3)

priority intelligence requirement

An intelligence requirement, stated as a priority for intelligence support, that the commander and staff need to understand the adversary or the operational environment. (JP 2-0)

rules of engagement

Directives issued by competent military authority that delineate the circumstances and limitations under which United States forces will initiate and/or continue combat engagement with other forces encountered. (JP 1-04)

status-of-forces agreement

An agreement that defines the legal position of a visiting military force deployed in the territory of a friendly state. Agreements delineating the status of visiting military forces may be bilateral or multilateral. Provisions pertaining to the status of visiting forces may be set forth in a separate agreement, or they may form a part of a more comprehensive agreement. These provisions describe how the authorities of a visiting force may control members of that force and the amenability of the force or its members to the local law or to the authority of local officials. (JP 3-16)

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Index

Entries are by paragraph number unless indicated otherwise.

A–B

administrative movements, 2-61–2-62
analyzing CIVCAS data and information, 2-81–2-82
assessing CIVCAS mitigation, 2-10, 2-73–2-83. *See also* battle damage assessment.
battle damage assessment, 2-75–2-77, 2-88, B-1–B-2, B-7, B-10, B-16

C

CIVCAS incident awareness, 2-88–2-90
CIVCAS incident investigation CAS and CCA data categories, B-15
CIVCAS incident investigation engagement data categories, B-14
CIVCAS incident investigation general data categories, B-11
CIVCAS incident investigation mission data categories, B-13
CIVCAS incident investigation mitigation data categories, B-17
CIVCAS incident investigation reporting unit data categories, B-12
CIVCAS incident investigation responsibility handover and battle damage assessment data categories, B-16
CIVCAS incident report engagement data categories, B-6
CIVCAS incident report general data categories, B-3
CIVCAS incident report mission data categories, B-5
CIVCAS incident report responsibility handover and battle damage assessment data categories, B-7
CIVCAS incident report unit data categories, B-4
CIVCAS mitigation challenges, 1-19–1-27

CIVCAS mitigation cycle steps, 2-2–2-3, figure 2-1
CIVCAS mitigation defined, 1-2–1-3
CIVCASs and collateral damage, 1-3, 1-6, 1-10, 1-23, 2-44, 2-57, 2-117
civil considerations variable, the, 1-70. *See also* cultural awareness during predeployment preparation.
civilian defined, 1-2
close air support and close combat attack, 2-67–2-69
collateral damage and CIVCASs, 1-3, 1-6, 1-10, 1-23, 2-44, 2-57, 2-117
collecting, analyzing, and sharing CIVCAS incident data, 2-129–2-131
command post organization, 2-9–2-10
communication with civilians before missions, 2-21
control of fires, 2-65
crisis response and limited contingency operations, overcoming CIVCAS mitigation challenges in, 1-24–1-27
cultural awareness during predeployment preparation, 2-7–2-8. *See also* civil considerations variable; social considerations.
customary international law, 1-13–1-14

D–E

decisionmaking, 2-31–2-40
distinction principle, 1-9, 1-19–1-23, 1-25, 2-33, 2-40, 2-42–2-53, 2-59
economic considerations, 1-49–1-50
enemy variable, the, 1-67
escalation-of-force procedures, 2-5, 2-12, 2-17, 2-46–2-53, 2-80, A-6, A-9

ex gratia payments, 1-50, 1-54, 2-10, 2-85, 2-95, 2-102, 2-115–2-120. *See also* making amends for harm or loss.

F–H

fires considerations, 2-63–2-69
gaining insights to enhance learning, 2-126–2-127
humanity principle, 1-1–1-2, 1-11

I

improving CIVCAS mitigation activities, 2-83
indirect fires, 2-66
inform and influence activities, 1-58, 2-10, 2-21, 2-70, 2-73, 2-76, 2-79, 2-83, 2-93–2-94, 2-124
information and intelligence requirements, 2-25–2-30
information considerations, 1-55–1-58
informing news media and communities about CIVCAS incidents, 2-121–2-124
infrastructure considerations, 1-59–1-60
initial response to CIVCAS incidents, 2-91–2-99
international human rights law, 1-5, 1-12, 1-28, 2-12
investigating CIVCAS incidents, 2-100–2-112, B-9–B-17
investigation challenges, 2-110–2-112
investigation effectiveness, 2-106–2-109

L

law of armed conflict, 1-1, 1-5–1-11, 1-16, 1-19, 2-5, 2-12, 2-91
learning from CIVCAS incidents, 2-125–2-131
legal authorities summarized, table 1-1

M

major operations, overcoming CIVCAS challenges in, 1-19–1-23

making amends for harm or loss, 1-50, 1-54, 2-6, 2-9–2-10, 2-15–2-16, 2-78, 2-85, 2-94, 2-102, 2-111, 2-115–2-120.
See also ex gratia payment.

METT-TC, *See* mission variables.

military considerations, 1-45–1-48

military necessity principle, 1-8

mission preparation, 2-13–2-23

mission rehearsals during mission preparation, 2-20

mission variable, the, 1-66

mission variables (METT-TC) for mission analysis, 1-65–1-70

monitoring CIVCAS incidents, 2-78–2-80

movement and maneuver considerations, 2-55–2-62

N–O

noncombat operations and protecting civilians, 1-28–1-31

nonlethal force, 2-11, 2-22, 2-46, 2-49, 2-51, 2-59, A-1–A-2, A-5–A-9

operational variables (PMESII-PT) for mission analysis, 1-41–1-64

overcoming CIVCAS mitigation challenges,
 in crisis response and limited contingency operations, 1-24–1-27;
 in major operations, 1-19–1-23

P–R

physical environment considerations, 1-61

planning for CIVCAS mitigation, 2-24–2-40

planning guidance for staffs, 2-34

PMESII-PT, *See* operational variables.

political considerations, 1-42–1-44

predeployment preparation, 2-5–2-12

preparing for CIVCAS mitigation, 2-4–2-23

principles of the law of armed conflict, 1-8–1-11

proportionality principle, 1-10, 1-19, 2-33, 2-42–2-45

protecting civilians during noncombat operations, 1-28–1-31

protection planning, 2-35–2-40

relationships with host-nation leaders during mission preparation, 2-17–2-19

reporting CIVCAS incidents, 2-10–2-11, 2-15, 2-20, 2-73–2-78;
 table 2-1, 2-88–2-92, B-1–B-8

responding to CIVCAS incidents, 2-84–2-124

rules of engagement, 1-15–1-16, 1-27, 1-35, 2-5, 2-12, 2-54

S–U

security zones, 2-60

self-defense engagements, 2-58

sharing findings of CIVCAS investigations, 2-113–2-114

social considerations, 1-51–1-54.
See also cultural awareness during predeployment preparation.

specialized training and equipment training, 2-11–2-12

sustainment considerations during mission preparation, 2-22–2-23

systematic procedures established during mission preparation, 2-15–2-16

targeting, 2-64

terrain variable, the, 1-68

time considerations, 1-62–1-64


time variable, the, 1-69

unity of effort, 2-71–2-72

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