

AETV-FSE

SUBJECT: AR 15-6 Investigation – Corrective Training and Improper Punishment within 2-15 Field Artillery Battalion

a. How do leaders at all levels of command in 2-15 FA Battalion define corrective training and are those definitions consistent with the Army definitions?

(1) AR 600-20, Army Command Policy provides commanders and leaders with a guide to following when it comes to defining corrective training. Corrective training is an effective non-punitive measure when Soldiers demonstrate a need for additional instruction. AR 600-20 specifically states that training given to Soldiers to correct deficiencies must be directly related to the deficiency observed or oriented to improving the Soldier's performance problem area. They should continue only until the deficiency is overcome. Such training should not be oppressive in nature, humiliate the Soldier or present the appearance of punishment. Furthermore, it should not be used to evade the safeguards applied to imposing non-judicial punishment. Commanders must ensure it is used properly. Corrective measure may be conducted during non-duty hours.

(2) In order to determine how leaders defined corrective training I interviewed 43 leaders in the battalion from the Battalion Commander to squad/team leaders to determine how they defined corrective training. The majority of the leaders in the battalion viewed it as a means to improve Soldiers. They basically defined corrective training as training for Soldiers who have demonstrated that they need and would benefit from additional instruction or practice in a particular area.

(3) After the completion of CPT (b)(6)'s AR 15-6, CSM (b)(6), 2-15 FA BN CSM, discovered approximately 50% of the battalion's most experienced Noncommissioned Officers understood the definition while the younger, less experienced NCOs were unsure about corrective training as outline in AR 600-20. SFC (b)(6), a platoon sergeant in the battalion, substantiated this claim with his statement: If a "Soldier does not have a part of his uniform, corrective training could be the Soldier wearing the proper uniform for 1 hour at chow and informing all Soldiers entering the DFAC of the infractions." Since SPC Anderson's death, the battalion has taken appropriate action to address this training deficiency by conducting Noncommissioned Officers Professional Development and sending information papers on corrective training. (Exhibits B, X)

(4) The field grade and senior noncommissioned officers in the rank of Sergeant First Class and above have a good understanding of corrective training with a definition consistent with the Army's definition. They emphasized corrective training must be directly related to the observed deficiency, and oriented toward improving the Soldier's performance in the problem area. ISG (b)(6) of HHB gave this example: a Soldier who shows up to guard duty with a dirty weapon must report 30 minutes early for one week ready to disassemble and describe how to properly maintain his/her weapon. He emphasized the importance of maintaining your arms. Their definition was consistent with Army regulations and guidelines. (Exhibits B, E, F, Y),

(5) Company grade and noncommissioned officers in the rank of Corporal to Staff Sergeant had a good basic knowledge of the definition, but had some difficulties of clearly discerning the legal boundary between corrective training and punishment. They had a propensity to view it as punishment. CPT (b)(6) A/2-15 CDR, defined it as "punishment for an offense that instills purpose for the infractions," giving an example of smoking in a military vehicle and pulling radio watch wearing full gear in that vehicle. (Exhibit C, HHH) 1LT (b)(6) states corrective training is a means of retraining a Soldier due to his/her failure to meet a standard or given order. She believes it is designed to fit the nature of the crime by type and degree of the infraction. (Exhibit DD) 1LT (b)(6) defines corrective training as any training done to correct a negative action. (Exhibit EE) Another CPL stated if a Soldier is late for duty, he should stay an hour later and clean the Battery. If a Soldier wouldn't show up for PT back in the rear [Fort Drum, NY], chances were he was shoveling snow after the work day. (Exhibit WW)

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b. How does the 2-15 FA BN CDR define corrective training, and does he believe the corrective training given to SPC Anderson was appropriate?

LTC (b)(6) 2-15 FA Bn Cdr, defines corrective training as an administrative corrective measure, relating to a specific Soldier deficiency, focused on improving a Soldier's performance in that specific problem area. LTC (b)(6) states filling sandbags and performing exercise at P(B)(2)High was not directly related to the deficiencies for which SPC Anderson was receiving corrective training: sleeping on patrol, wearing inappropriate eyewear, and smoking in a military vehicle (HMMWV). Filling sandbags in this case did not fit within his definition and he deems such orders inappropriate. However, LTC (b)(6) did believe the corrective training SPC Anderson performed at (b)(2)High for failing his room inspection was appropriate. He stated the training was within the spirit of corrective training in view of the fact that it directly related to the uncleanness of SPC Anderson's living area. (Exhibit H)

c. What standards do leaders apply to corrective training, and are those standards consistent with the Army standards?

(1) LTC (b)(6) refers to AR 600-20 as the primary document for leaders exercising military authority when conducting corrective training. He expects his subordinate leaders to exercise military authority and to abide by and follow the Army standards set forth in this regulation. Back at Fort Drum, he sent the batteries information papers that better defined corrective training by giving both good and bad example to educate and inform leaders. (Exhibits H, ZZ, AA)

(2) LTC (b)(6) states he and CSM (b)(6) both have informally counseled the subordinate chains-of command on training over the past two years (CSM (b)(6) since his arrival in July 2009). In addition, he charges the BN CSM with the responsibility to insure that the corrective training is relevant to the deficiency and meet the intent of AR 600-20. He further explained that leader's have a serious responsibility to determine what is right for their subordinates. If a Soldier demonstrates a deficiency and would benefit from corrective training, then the following actions should occur when applying standards: A Soldier's commander or noncommissioned officer in the chain of command or chain of concern may observe deficient behavior and authorize corrective training. A member of the Soldier's chain of command (or concern) should be present to supervise the corrective training session and ensure the corrective training is executed to standard. (Exhibits B, H, F, M, HH)

(3) Although the battalion does not have a policy memorandum/letter covering corrective training, leaders are applying and adhering to the corrective training standards outlined in the regulations and commander's intent. The exception was the TST squad assigned to A/2-15 under the leadership of SFC (b)(6) and SSG (b)(6). These Soldiers were routinely subjected to improper training in order to instill discipline under the guise of force protection. The sandbag wall named the "wall of discipline" was built for this purpose and not for force protection. Members of the TST squad (SPC (b)(6), SPC (b)(6), PFC (b)(6), and PFC (b)(6)) were seen and/or stated building a wall made of sandbags. (Exhibits G, EE, XX, ZZ, CCC, HHH, III, SSS) On 18 Mar 10, I visited P(B)(2)High to conduct a site survey and to examine the location of the sandbag wall built by SPC Anderson and others. When Soldiers and leaders were asked to describe the purpose of the wall and how it contributed to force protection no one had an answer. I found filled sandbags used to outline tents, a patio and secure electrical box. I found none used for force protection. The standards applied filling sandbags did not adhere to the regulations or the battalion commander guidance for corrective training. (Exhibits EE, XX, CCC, RRR). (Enclosures 3, 4)

d. Is the type of punishment imposed on SPC Anderson reflective of punishment imposed on other Soldiers in A Battery and/or 2-15 FA Bn?

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In Dec 09 to Jan 10, Soldiers assigned to A/2-15 FA were observed performing various types of corrective measures for numerous infractions. Soldiers were routinely seen filling sandbags at PB^{(b)(2)}High by the leaders who visited. The battalion leadership was unaware of it being “corrective training” because it was under the guise of force protection. The Battery chain of command states that filling sandbags was a necessary task needed for force protection measures. The Battery Commander saw filling sandbags as one way to impose corrective training and improve force protection because of the limits PB^{(b)(6)} imposed on corrective training. (Exhibit C)

e. Is improper punishment routinely being administered within 2-15 FA Bn under the guise of corrective training to the exclusion of appropriate UCMJ action (for example, extra duty imposed by nonjudicial punishment)?

(1) The command climate resonating in A/2-15, especially in 2nd Platoon, condoned inappropriate corrective training; having Soldiers fill sandbags for any type of infraction became the norm. 1LT

(b)(6) the 2d Platoon Leader, stated the corrective training performed by SPC Anderson and other Soldiers was consistent with what he observed in his platoon. The TST squad used Soldiers who had lapses in discipline to fill sandbags for corrective training. 1LT (b)(6) described some of these lapses as smoking in the guard truck, inappropriate radio chatter, keeping an unclean room, and lack of personal hygiene. (Exhibit EE)

(2) My findings support CPI (b)(6) s finding that A/2-15 Soldiers were subjected to improper corrective training and that improper punishment was routinely administered under the guise of corrective training, but only in A/2-15. On several occasions, I find it would have been more appropriate to take some type of UCMJ action – affording Soldiers more due process – but the leaders in A Battery opted to impose inappropriate “corrective training” instead. In one instance, 1LT (b)(6) approached CPT (b)(6) to voice his concerns on SPC Anderson’s smoke session in full gear on Christmas morning. 1LT (b)(6) stated, “I noted that SPC Anderson was in full kit doing PT for some corrective training. Because I was unaware of the situation I went inside to see if CPT (b)(6) knew what was going on. When I confronted him, [CPT (b)(6)] acknowledged, stating more or less, ‘I’m a firm believer in disciplining Soldiers.’...I questioned the weight of the ‘punishment’ to the offense and made it know that I did not agree [SPC Anderson] should have to suffer that long for such an easy correction, especially on Christmas morning.” (Exhibits C, G, M, O, CC)

(3) The concept of building a wall of sandbags was conceived by SSG (b)(6) when he held a meeting with his squad to discuss how to handle infractions or acts of indiscipline. The squad apparently decided building a sandbag wall which they dubbed “the wall of discipline,” was the preferred action. SSG (b)(6) stated this was a better alternative than giving a Soldier an Article 15. SSG (b)(6) saw it as a way of taking care of his Soldiers.

(4) I find the wall of sandbags was never used for force protection. Instead the order by A Battery leaders to fill sandbags was used as punishment with the intent of instilling discipline. Although SSG (b)(6) may have had good intentions, he is not authorized to administer any type of punishment. (Exhibit CCC) According to AR 600-20 and the UCMJ, only commanders are authorized to take punitive action, either by nonjudicial punishment or preferring charges for court-martial. Army regulation is clear that authority to take non-punitive measures is part of the inherent powers of command. A commander must take to ensure that training and instruction are not used in an oppressive manner to evade the procedural safeguards. Essentially, a commander must determine when nonjudicial punishment is appropriate when a Soldier is afforded a reasonable time to correct particular deficiencies but continues to commit misconduct. In such cases, nonjudicial punishment is more serious step in an attempt to

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rehabilitate a Soldier before seeking court-martial or administrative separation. (Exhibits HHH, JJJ, RRR, SSS, TTT, UUU)

(5) In comparison to other battalions within 2/10 MTN BCT, the number of Article 15s administered since 2-15 FA's deployment is within the mean. However, every battery in the battalion has imposed nonjudicial punishment through Article 15s with the notable exception of A/2-15 FA. CPT (b)(6) as the Commander of A/2-15, has not administered an Article 15.

(6) I note that SPC Anderson was recommended for three Article 15's on three separate occasions, and did not receive any. The Battery Commander and 1SG both stated that SPC Anderson was never going to get one as his infractions were never serious enough to warrant UCMJ action. Instead SPC Anderson and other Soldiers assigned to A/2-15 were given inappropriate corrective training in lieu of nonjudicial punishment. As stated before, the perception within many in A Battery was that the Soldiers preferred "corrective training" to getting an Article 15. (Exhibits C, G, CCC, III, JJJ, TTT, UUU)

(7) When interviewed, LTC (b)(6) stated instead of SPC Anderson receiving corrective training for sleeping on patrol, somking in a HMMWV, and wearing inappropriate eyewear, SPC Anderson should have received an Article 15 for those infractions. LTC (b)(6) acknowledged that some of the acts committed by SPC Anderson warranted appropriate corrective training, such as cleaning an unsanitary room. However, the Battalion Commander found that filling sandbags was not an appropriate or relevant corrective training measure. (Exhibit H)

f. Does the command climate in A Battery or 2-15 FA Bn contributes to cruelty toward and/or maltreatment of Soldiers?

(1) The Soldiers assigned to A Battery and 2-15 FA have a positive view of the command climate. They are proud to serve in the battalion and strongly believe that the leaders do not tolerate or condone cruelty toward and/or mistreatment of Soldiers. I interviewed 68 Leaders and Soldiers in the battalion and all stated that the leadership, if made aware of any type of act construed as cruelty or mistreatment, would act to stop it. It does not appear that the battalion leadership was aware of the improper corrective training conducted by SPC Anderson and others Soldiers. In one instance, LTC (b)(6) found PV2 (b)(6) in the DFAC repeatedly writing "I will not leave my weapon," on a sheet of paper. When he asked the Soldier what he was doing, PV2 (b)(6) replied that he had to write the sentence 2,000 times by the next morning. LTC (b)(6) found that to be excessive and had CSM (b)(6) intervene and take appropriate action to address the problem. (Exhibits B, H)

(2) The 2/10 MTN BCT Behavior Health went to (b)(2)High at the request of the 2-15 Battalion Commander and conducted a Unit Behavior Health Needs Assessment Survey. The results were published and briefed to the battalion leadership on 8 Feb 10. The majority of Soldiers reported moderate to high personal morale and unit morale. However, they lacked confidence in their unit's ability to perform its mission because they were mostly Artillery Soldiers performing a non-standard maneuvers mission. (ENCLOSURE 2)

(3) With the exception of A Battery, I find that LTC (b)(6) and subordinate commanders have taken active measures to prevent cruelty and maltreatment of Soldiers by conducting command climate surveys, battlefield circulation and establishing open communication.

(4) However, I find the treatment of SPC Anderson and member of the TST between on 25 Dec 10 and 1 Jan 10 inappropriate. Moreover, Soldiers of A/2-15, and SPC Anderson in particular, were treated

in a cruel, abusive, oppressive and harmful manner. SGT (b)(6) viewed the abusive corrective training measures as acceptable behavior because CPT (b)(6) and 1SG (b)(6) were present or otherwise aware when SPC Anderson was given corrective training. CPT (b)(6) has command and disciplinary authority to deal with the inappropriate treatment of Soldiers such as the treatment of SPC Anderson on Christmas Day. This is more evident considering 1LT (b)(6) stepped in to address his concern with the Commander regarding the corrective measures taken against SPC Anderson. Again, 1LT (b)(6) stated, "I noted that SPC Anderson was in full kit doing PT for some corrective training. Because I was unaware of the situation I went inside to see if CPT (b)(6) knew what was going on. When I confronted him, [CPT (b)(6) acknowledged stating, more or less, 'I'm a firm believer in disciplining Soldiers.' ... I questioned the weight of the "punishment" to the offense and make it know that I did not agree he [SPC Anderson] should have to suffer that long for such an easy correction, especially on Christmas morning." (Exhibits C, R, CC, DDD)

(5) As the commander, CPT (b)(6) must always remain cognizant that the second and third order effects of his decisions may have a negative impact on his Soldiers and unit. Actions taken to address misconduct in the short term can sometimes cause unintended harm to Soldiers and the overall command environment. I find CPT (b)(6) acted inappropriately any in many ways failed to act and is responsible for the unacceptable conditions affecting good order and discipline of his unit.

g. Is there evidence of hazing within 2-15 FA Bn, as defined by AR 600-20? If so, is it condoned by any level of leadership?

(1) AR 600-20, para 4-20, defines hazing as any conduct whereby one military member or employee, regardless of service or rank, unnecessarily causes another military member or employee, regardless of service or rank, to suffer or be exposed to an activity that is cruel, abusive, oppressive, or harmful. When authorized by the chain of command and not unnecessarily cruel, abusive, oppressive, or harmful, the following activities do not constitute hazing: (a) the physical and mental hardships associated with operations or operational training; (b) administrative corrective measures, including verbal reprimands and a reasonable number of repetitions of authorized physical exercises; (c) extra military instruction or training; and (d) physical training or remedial physical training.

(2) I find SPC Anderson and others were given inappropriate corrective training by filling sandbags which were designed to unnecessarily cause them to suffer cruel, abusive, and oppressive treatment. I also find that the ordering of SPC Anderson to perform rifle drills and continuous physical training for one hour was also hazing.

(3) Several Soldiers also stated that on one occasion SPC Anderson was made to wear a trash bag while filling sandbags. SPC Anderson was directed to keep a trash bag on him to conduct police call at PB (b)(6) as part of corrective training for failing his room inspection. I find that there is evidence to suggest that SPC Anderson was directed to wear a trash bag to haze him and that some leaders in 2-15 FA condoned this hazing. As evidenced by his statement, 1SG (b)(6) was aware that SPC Anderson was wearing or carrying trash bags with him wherever he went. Several Soldiers also indicated that SPC Anderson was required to wear "a shirt made of trash bags" or made similar statements.

h. What corrective actions did the leadership of A Battery or Battalion take with respect to SFC (b)(6) after a Military Judge found he acted inappropriately and a matter designed to humiliate, punish, and degrade in the case of U.S. v PFC (b)(6) ?

j. Did any leadership in A Battery, 2-15 FA Bn attempt to obstruct justice by having the sandbag “wall of discipline” or “wall of shame” that SPC Anderson was directed to build dismantled shortly after his death?

(1) Although CPT (b)(6) and 1SG (b)(6) ordered the sandbag wall to be taken down, I found no evidence to indicate that the leadership in A/2-15 FA attempted to obstruct justice by dismantle the “wall of discipline.” On 31 Dec 09, CPT (b)(6) saw the “wall of discipline” that he described as approximately 3 to 4 sandbags high and 8 sandbags wide. He informed 1SG (b)(6) that he was “not a proponent of that kind of display,” and to have the wall taken down. (Exhibits C, D). 1SG (b)(6) stated that when he and CPT (b)(6) visited PFC (b)(2) High on or about 30-31 December he saw the sign. 1SG (b)(6) then told the platoon sergeant [SFC (b)(6)] to take it down. (Exhibits M, O, FFF)

(2) Several Soldiers assigned to the TST squad also stated that they decided to take down the sandbags nicknamed “the wall of discipline” after SPC Anderson’s death because it reminded them of their battle buddy. SPC (b)(6) stated that he and other members took the wall down shortly after Anderson’s death. PFC (b)(6) stated that initially, sandbags were filled to line the patio and later it became an alternate way of performing corrective training and that SPC (b)(6) built the sign and wrote the words “Wall of Discipline” as a joke. After SPC Anderson shot himself, they (TST squad) took it down because “we lost a battle buddy and though it was the right thing to do.” (Exhibits III, UUU, HHHH)

5. ADDITIONAL FINDINGS.

a. Specifically, I find that SFC (b)(6) created an unhealthy climate in his platoon that contributed to improper corrective training. Much of the corrective training imposed by this senior NCO was not in accordance with the standard set forth in Army regulations and field manuals. I find he imposed inappropriate and abusive punishment on Soldiers under his direct supervision. I find that the punishment he imposed, particularly requiring SPC Anderson to fill sandbags were given under the guise of force protection and position improvement. Leader’s have a serious responsibility to ensure what is proper for their subordinates and to take care of their well being for both good and bad Soldiers. SFC (b)(6) was directly responsible for Soldiers well being and duty bond to foster a health environment to maximize their potential. He created an unhealthy environment of maltreatment and abuse when he allowed unauthorized punitive actions to be imposed.

b. CPT (b)(6) fostered a command climate where improper punishment was being imposed and Soldiers normalized it as corrective training. CPT (b)(6) was aware of Soldiers, including SPC Anderson, filling sand bags and supported this type of action as a means to instill discipline. When 1LT (b)(6) made CPT (b)(6) aware of the activities, CPT (b)(6) deemed these actions appropriate and necessary. It is the commander’s responsibility to distinguish extra training and instructions from punishment or even the appearance of punishment. CPT (b)(6) acts were inappropriate and jeopardize the well being of all his Soldiers.

c. CPT (b)(6) ’s actions fostered a climate that contributed to abuse and maltreatment of Soldiers as he allowed subordinates to build a wall of sandbags to instill discipline in lieu of non-judicial punishment. He had firsthand knowledge of the improper corrective measures taken when he observed and supervised Soldiers performing imposed corrective action. Instead of intervening and taking preventive measure he stood idle. The Army requires leaders to possess the moral courage stand up against inappropriate acts. It is a leader’s duty and moral obligation to act and intervene to prevent the maltreatment and abuse of Soldiers.

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d. 1SG (b)(6) on several occasions, observed improper corrective training such as SPC Anderson's smoke session in full gear and filling sandbags, and did not further investigate when he first was made aware of the sandbag wall Soldiers were made to build at PB(2)High. He left it to the discretion of SFC (b)(6), SSG (b)(6) and SFC (b)(6) subjected junior Soldiers especially the TST squad to improper corrective training. I find this was punishment under the guise of force protection. Soldiers were routinely seen filling sandbags and performing excessive physical training. Although non-judicial punishment was recommended, none was administered in the Battery.

6. RECOMMENDATIONS.

(b)(5); (b)(6)

(b)(6)

COL, FA
Investigating Officer