

EQUAL JUSTICE UNDER THE LAW?
AN EXPERIMENT ON RACIAL BIAS IN THE MILITARY JUSTICE SYSTEM

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degree

MASTER OF MILITARY ART AND SCIENCE
General Studies

by

JODIE L. GRIMM, MAJOR, US ARMY
LLM, The U.S. Army Judge Advocate General's Legal Center and School,
Charlottesville, VA, 2018
JD, Benjamin N. Cardozo School of Law, New York, NY, 2008
MA, John Jay College of Criminal Justice, New York, NY, 2004
BA, Lehigh University, Bethlehem, PA, 2003

Fort Leavenworth, Kansas
2022

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Name of Candidate: Jodie L. Grimm

Thesis Title: Equal Justice Under the Law? An Experiment on Racial Bias in the
Military Justice System

Approved by:

_____, Thesis Committee Chair
Kenneth E. Long, D.M.

_____, Member
Alice J. Garven, Ph.D.

_____, Member
Dwayne K. Wagner, M.A.

_____, Member
LTC Timothy D. Litka, LL.M.

Accepted this 10th day of June 2022 by:

_____, Assistant Dean of Academics for
Dale F. Spurlin, Ph.D. Degree Programs and Research

The opinions and conclusions expressed herein are those of the student author and do not necessarily represent the views of the U.S. Army Command and General Staff College or any other governmental agency. (References to this study should include the foregoing statement.)

ABSTRACT

EQUAL JUSTICE UNDER THE LAW? AN EXPERIMENT ON RACIAL BIAS IN THE MILITARY JUSTICE SYSTEM, by Jodie L. Grimm, 116 pages.

Reports show that Black service members disproportionately face military justice actions compared to White service members. Research in civilian justice systems has shown the effects of racial bias at all discretionary points in the system. In the Army, leaders' discretion as to how to dispose of misconduct is similarly susceptible to racial bias. In this study, the researcher investigated whether the race of a soldier affects the decision points where a first sergeant makes a recommendation, and a company-level commander decides how to dispose of a soldier's misconduct. The researcher collected data from 88 CGSOC and 21 SGM-A students through a computerized survey in which they read four legal packets, randomized as to whether they received the Black or White soldier version of each. Results showed that race of the soldier subject did not affect the participants' decisions. This suggests that racial bias at other points in the system, as well as other potentially non-bias factors, are more likely to be significant contributing factors to the racial disparities identified in the military justice system.

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CHAPTER 1

INTRODUCTION

Background

“The purpose of military law is to promote justice, to assist in maintaining good order and discipline in the armed forces, to promote efficiency and effectiveness in the military establishment, and thereby to strengthen the national security of the United States.”¹ The military justice system is based on “a single overarching principle based on more than 225 years of experience: a system of military law can only achieve and maintain a highly disciplined force if it is fair and just, and is recognized as such both by members of the armed forces and by the American public.”² While the fairness and justness of the system has been an issue since desegregation of the military in 1948,³ nationwide activism against racism and injustice in the past several years has brought renewed attention to the issue.

¹ United States, *Manual for Courts-Martial United States* (Washington, DC: U.S. Government Publishing Office, 2019), part 1, para. 3.

² Military Justice Review Group, *Report of the Military Justice Review Group, Part I: UCMJ Recommendations* (Arlington, VA: Department of Defense, December 22, 2015), 16, <https://jsc.defense.gov/Portals/99/MJRG%20Part%201.pdf>.

³ The 1972 Task Force on the Administration of Military Justice in the Armed Forces concluded there was systemic racial and ethnic discrimination against service members. Task Force on the Administration of Military Justice in the Armed Forces, *Report of the Task Force on the Administration of Military Justice in the Armed Forces*, vol. 1 (Washington, DC: Office of the Assistant Secretary of Defense, November 30, 1972), 2, <https://ctveteranslegal.org/wp-content/uploads/2013/03/DoD-Task-Force-on-the-Administration-of-Military-Justice-in-the-Armed-Forces-v1.pdf>.

In response to the Protect Our Defenders⁴ June 2017 report showing widespread racial disparities in the military justice system, Congress, through the National Defense Authorization Act for Fiscal Year 2018, directed the Government Accountability Office (GAO) to report on the military’s collection of race and gender data in the military justice system and to provide analysis on whether racial disparities exist.⁵ On June 16, 2020, the House Armed Services Subcommittee on Military Personnel held a hearing entitled, *Racial Disparities in the Military Justice System: How to Fix the Culture*.⁶ The GAO presented its May 2019 report of a study covering data from fiscal years 2013-2017 that revealed, among other findings, that Black service members were more likely than White service members to be subjects of military criminal investigations, to be tried by courts-martial, and to receive nonjudicial punishment.⁷ The military services did not consistently

⁴ Protect Our Defenders is a private organization focused on addressing human rights issues in the military. “About Us,” Protect Our Defenders, accessed October 17, 2021, <https://www.protectourdefenders.com/about/>.

⁵ *Subcommittee on Military Personnel Hearing: “Racial Disparity in the Military Justice System—How to Fix the Culture,”* (Washington, DC, June 16, 2020), <https://armedservices.house.gov/hearings?ID=A4D378D4-906F-4D61-B504-CAED54EAE38E>; “Fiscal Year 2018 National Defense Authorization Act Summary,” (House Armed Services Democrats, Washington, DC), accessed October 17, 2021, https://armedservices.house.gov/_cache/files/7/d/7db44df8-43f1-4f3d-8a9f-e998f83eabce/0DD16C5944BA274AD9A241F201F652CF.fy18-ndaa-bill-summary---democrats.pdf.

⁶ *Subcommittee on Military Personnel Hearing.*

⁷ US Government Accountability Office (GAO), GAO-19-344, *Military Justice: DOD and the Coast Guard Need to Improve Their Capabilities to Assess Racial and Gender Disparities* (Washington, DC: GAO, May 2019), 37-38, <https://www.gao.gov/products/gao-19-344>.

report demographic data that would provide fuller visibility of the disparities.⁸ The GAO noted that neither the Department of Defense (DOD) nor the military services have comprehensively evaluated the extent or causes of any disparities in the military justice system.⁹

In December 2020, the Department of the Air Force released a report of its Independent Racial Disparity Review, focused on the discipline and opportunity of Black service members.¹⁰ The Air Force Inspector General found that racial disparity exists in law enforcement apprehensions, criminal investigations, military justice, administrative separations, job placements, promotions, professional military education, and leadership opportunities.¹¹ A twenty-year analysis of Air Force military justice data revealed that Black service members were 74% more likely than White service members to receive non-judicial punishment, 60% more likely to face courts-martial,¹² 1.64 times more likely to be suspects in military law enforcement investigations, and twice as likely to be apprehended.¹³ For every single year between 1999 and 2019, Black service members were more likely to receive non-judicial punishment and to face courts-martial than

⁸ GAO, GAO-19-344, 34.

⁹ Ibid., 39.

¹⁰ The SAF/IGS IRDR Team, *Report of Inquiry (S8918P): Independent Racial Disparity Review* (Arlington, VA: The Inspector General, Department of the Air Force, December 2020), 1, <https://www.af.mil/Portals/1/documents/ig/IRDR.pdf>.

¹¹ Ibid., 2-3.

¹² Ibid., 6.

¹³ Ibid., 3.

White service members.¹⁴ Neither the GAO nor the Air Force Inspector General identified the root causes of the racial disparities.¹⁵

As part of its May 2019 report, GAO made eleven recommendations, to include that the services start collecting consistent demographic information in military justice actions and evaluate the causes of the disparities in the military justice system.¹⁶ At the June 16, 2020, hearing before the House Armed Services Subcommittee on Military Personnel, GAO's Director of Defense Capabilities and Management testified that there have not been any DOD-wide or service-specific reviews of military justice disparities since 1995.¹⁷ DOD and the military services acknowledged that they do not know the cause of the racial disparities because they have not conducted a comprehensive evaluation.¹⁸ On August 30, 2021, the GAO issued a report summarizing its assessment

¹⁴ The SAF/IGS IRDR Team, *Report of Inquiry (S8918P)*, 8.

¹⁵ *Ibid.*, 2; GAO, GAO-19-344, 6.

¹⁶ GAO, GAO-19-344, 68-70.

¹⁷ US Government Accountability Office (GAO), GAO-20-648T, *Military Justice: DOD and the Coast Guard Need to Improve Their Capabilities to Assess Racial Disparities*, Testimony Before the Subcommittee on Military Personnel, Committee on Armed Services, House of Representatives. Statement of Brenda S. Farrell, Director Defense Capabilities and Management (Washington, DC: GAO, June 2020), 28, <https://docs.house.gov/meetings/AS/AS02/20200616/110802/HHRG-116-AS02-Wstate-FarrellB-20200616.PDF>. GAO's April 1995 report on DOD Studies on Discrimination in the Military included limited studies on discipline. While studies in the 1970s and 1980s did not show disparities, studies in the 1990s showed Black service members overrepresented in non-judicial and judicial punishment actions. US General Accounting Office (GAO), GAO/NSIAD-95-103, *Equal Opportunity: DOD Studies on Discrimination in the Military*, Report to the Ranking Minority Member, Committee on National Security, House of Representatives (Washington, DC: GAO, April 1995), 5, 42, 43, <https://www.gao.gov/assets/nsiad-95-103.pdf>.

¹⁸ GAO, GAO-20-648T, 28.

of the actions DOD and the military services have taken to implement recommendations from the May 2019 report.¹⁹ While the military services implemented most of the recommendations aimed at improving data collection and reporting of demographic data, DOD still had not studied the causes of, or contributing factors to, disparities in the military justice system.²⁰ It is imperative that the DOD and military services study the causes of, or factors contributing to, the racial disparities and take steps to address them in order to strive for a fair and just military justice system that instills confidence in its service members as well as the American public.

Problem Statement

The recent findings of racial disparity in the military justice system are largely consistent with extensive research on the civilian justice system. Research on civilian justice systems strongly suggests racial bias impacts every discretionary point in the legal system, to include police stops and searches, arrests, charging, plea bargaining, and sentencing. While racial bias at any one or multiple points in the military justice system seems a likely cause of the recent racial disparity findings, there have not been any studies to investigate the causes of the racial disparity in military justice actions. Is racial bias in legal decision-making a contributing cause of the racial disparities found in the military justice system?

¹⁹ US Government Accountability Office (GAO), GAO-21-105000, *Military Justice: DOD and Coast Guard Improved Collection and Reporting of Demographic and Nonjudicial Punishment Data, but Need to Study Causes of Disparities* (Washington, DC: GAO, August 30, 2021), 2, <https://www.gao.gov/assets/gao-21-105000.pdf>.

²⁰ Ibid., 4.

Purpose of the Study

The researcher conducted a quantitative study to identify whether racial bias affects the decision points in the military justice system where company-level commanders and senior enlisted advisers make decisions and recommendations about how to dispose of soldiers' misconduct. If the study revealed effects of racial bias, the researcher planned to propose strategies to reduce the effects of racial bias at this point in the military justice system and offer suggestions for further study on other points in the military justice system. If the study did not reveal effects of racial bias at these points in the system, the researcher planned to suggest reasons for these findings, discuss potential initiatives to proactively target racial bias, and propose further study into other points in the military justice system to investigate the causes of the racial disparities.

Research Questions

The primary research question was the following: Does the race of the soldier subject affect the decision point in the military justice system where a company commander makes a decision as to how to dispose of a soldier's misconduct? The secondary research questions were as follows: Does the race of the soldier subject affect a senior enlisted adviser's recommendation to the commander? Does the race or gender of the leader affect the decision/recommendation?

Hypotheses

The researcher's hypothesis was that the officer and senior non-commissioned officer participants would make harsher decisions on the legal packets that present the soldier as Black rather than White. The researcher predicted that Black and female

participants would make less harsh decisions on the Black soldier legal packets compared to White and male participants.

Assumptions

First, an assumption of this study was that participants would provide candid responses to each scenario, i.e., they would choose the legal action they would actually take if they were in the position of a company commander or first sergeant and presented with the scenario at their unit. Second, an assumption was that participants in the study would truthfully answer the screening criteria that they have in fact been company commanders or first sergeants. Third, an assumption was that a company commander or first sergeant's personal knowledge of a soldier in a real unit environment is closely associated enough with what is presented in a legal packet about the soldier. Fourth, an assumption was that participants who complete the study would follow directions to not discuss the study with anyone else for the duration of the time the survey was open to participants. Fifth, an assumption was that none of the participants would infer that racial bias was the subject of the research and therefore think about their decisions differently than they would in the real context. Due to ethical concerns with using photos of actual soldiers in the legal packets, the researcher used photos from Chicago Face Database, which could have looked suspicious to participants because a real-life legal packet would more likely contain a photo reflecting the soldier subject in uniform, if a photo were included at all. A final assumption was that the researcher effectively controlled for potentially confounding variables in the photos, e.g., weight, expression, or other appearance considerations.

Definition of Terms

Racial disparity: instances in which a racial group is overrepresented in a population.

Racial prejudices: “Opinions, beliefs, attitudes, or assumptions about racialized groups based on stereotypes and often without firsthand experience”²¹

Racial bias: “Unfairly over- or undervaluing specific racialized groups on the basis of racial prejudices”²²

Racial discrimination: “Differential treatment of a person or group of people based on prejudices of their presumed racial group”²³

Implicit racial bias: “associations and reactions that emerge automatically and often without awareness upon encountering a relevant stimulus”²⁴

Explicit racial bias: preferences, beliefs, and attitudes of which people are generally consciously aware and can, when willing, identify and communicate to others.”²⁵

²¹ Angela M. Haeny, Samantha C. Holmes, and Monnica T. Williams, “The Need for Shared Nomenclature on Racism and Related Terminology in Psychology,” *Perspectives on Psychological Science* 16, no. 5 (2021): 887.

²² Ibid.

²³ Ibid.

²⁴ Natalie M. Daumeyer, Ivuoma N. Onyeador, Xanni Brown, and Jennifer A. Richeson, “Consequences of Attributing Discrimination to Implicit vs. Explicit Bias,” *Journal of Experimental Social Psychology* 84 (September 2019): 1.

²⁵ Ibid.

Scope

While the race of the soldier subject may influence a wide range of points in the military justice system, this study focused on the legal decision-making that happens at the company level. The researcher focused on evaluating the effects of racial bias against Black soldiers at the points in the military justice system where the first sergeant makes a recommendation to the company commander that he take a particular legal action against a soldier, and where the company commander decides what action to take. The factors the researcher used to present a soldier as either Black or White were the soldier's name, photo, and race identified on the Enlisted Record Brief and police report, if applicable. Other factors that could suggest a Black soldier and generate effects of bias, e.g., home of record, school name, were presented as the same for Black and White soldiers.

Limitations and Delimitations

A limitation in the study was that the researcher presented the legal scenarios to participants in a condition different than what they face at a unit. They were not able to discuss the issues with other leaders or a legal adviser. They were not able to draw on their personal knowledge of the soldier. However, while those interactions certainly may shape a commander's or first sergeant's way forward on a legal packet, and even alleviate effects of bias coming from one or more of the leaders involved, this study was still helpful to potentially identify the existence of racial bias a leader may start from when faced with a situation involving alleged misconduct of a soldier.

Another limitation in the study was that there were no means to determine whether any resulting racially disparate treatment of the legal packets was a result of implicit or explicit racial bias. To incorporate measures of implicit and explicit bias into

the study would have required substantially more time than participants would likely be willing to give, and also more time than the researcher had available to complete this study. This may impact the strength of potential strategies to reduce any bias, but still could provide valuable information to military leaders about the potential effect of racial bias at one point in the military justice system. It was reasonable for the researcher to focus on implicit racial bias since explicit racial attitudes have been declining at a much faster rate than implicit racial attitudes²⁶ and it appears to have a stronger ability to impact decisions in the military justice system.

Another limitation was that the limited time available for the study and institutional rules impacted the number of participants who could be recruited. Because the researcher only had nine months to complete the thesis and needed to ensure there was a sufficient number of participants to produce statistically significant results, there was not a no-race control group. A no-race control group would also have been obviously artificial since racial demographic data is always included in legal packets and would generally be known to the company commander and first sergeant even if not provided in the legal packet.

Another limitation involved the population of students who elected to participate. Students who elected to participate in the study chose to use their spare time with no tangible reward for the benefit of the researcher and/or the study. Therefore, the participants may represent a population of people who are inclined to spend more time

²⁶ Tessa E.S. Charlesworth and Mahzarin R. Banaji, "Patterns of Implicit and Explicit Attitudes: I. Long-Term Change and Stability From 2007 to 2016," *Psychological Science* 30, no. 2 (2019): 182.

than peer leaders with their decision-making on legal actions. Since expressions of racial stereotypes often result from quick judgments or associations, people who spend more time considering actions may be less susceptible to implicit bias affecting their decisions.

A final limitation in the study was the self-selection of participants who elected to withdraw at the end of the survey after being informed of the full purpose of the study. The Collaborative Academic Institutional Review Board did not permit the researcher to obtain the number of withdrawals, but there could be some common characteristic of these participants, potentially related to bias.

A delimitation was the choice to focus on examining decision-making in cases of Black soldiers. Since data shows the widest racial disparity in the military justice system is between White and Black soldiers, the researcher chose to focus on that for this initial study. Another delimitation was the choice to limit collection and analysis of participants' demographical data to race and gender only. Other demographics of participants, e.g., age and branch, and other races of soldier subjects would be valuable to study in the future, but in light of the limits on time and participants, the researcher started small.

A final delimitation was the choice to use the U.S. Army Command and General Staff Officers' Course (CGSOC) and Sergeants Major Academy (SGM-A) students as the sample populations to generalize to the target populations of company-level commanders and first sergeants, respectively. While these students are not current company-level commanders and first sergeants, they are similar enough to those populations to support some generalizations, with acknowledgement of the differences. The mean age of U.S.

Army active-duty captains is 31.9,²⁷ just about three years younger than the mean age of U.S. active-duty students in the CGSOC Class 2022.²⁸ The mean age of U.S. Army active-duty master sergeants/first sergeants is 39.9,²⁹ just about the same mean age of students in the SGM-A's Class #21-001.³⁰ The U.S. Army active-duty captain population is 10% Black and overall 30% minority races,³¹ a little higher than the 8% of active-duty CGSOC students who are Black and overall 21% active-duty minority racial population at CGSOC.³² The U.S. Army active-duty master sergeant/first sergeant population is 19% Black and overall 44% minority races,³³ similar to the approximately 21% of active-duty SGM-A students who are Black and overall approximately 31% minority racial population at SGM-A.³⁴ The U.S. Army active-duty captain population is 21% female,³⁵

²⁷ Major Talena Fletcher, Operations Research/System Analyst, DAPE-PRS, Office Strength and Forecasting, Pentagon, e-mail to author, April 29, 2022.

²⁸ Ms. Jennifer A. Brooks, Registrar, U.S. Army Command and General Staff College, CGSOC Class 2022–Start Data, e-mail attachment to author, March 31, 2022.

²⁹ Fletcher e-mail.

³⁰ Ms. Jennifer A. Brooks, Registrar, U.S. Army Command and General Staff College, Sergeants Major Course Class #21-001(72), e-mail attachment to author, April 8, 2022.

³¹ Major Talena Fletcher, Operations Research/System Analyst, DAPE-PRS, Office Strength and Forecasting, Pentagon, Active Component Demographic Report March 2022, e-mail attachment to author, May 9, 2022.

³² Calculated from Brooks, CGSOC Class 2022–Start Data.

³³ Fletcher, Active Component Demographic Report March 2022.

³⁴ Calculated from Ms. Jennifer A. Brooks, Registrar, U.S. Army Command and General Staff College, e-mail to author, May 26, 2022.

³⁵ Fletcher, Active Component Demographic Report March 2022.

a little higher than the 16% active-duty female population at CGSOC.³⁶ The U.S. Army active-duty master sergeant/first sergeant population is 13% female,³⁷ around the same as the 12% female population at SGM-A.³⁸

Students at CGSOC are a few years senior to company-level commanders, but in general, have served in those positions in the past few years.³⁹ Additionally, active-duty Army students at CGSOC and SGM-A represent a high-excelling subgroup of recent company-level leaders, as the Army selects its top 50% of promotable captains for the resident CGSOC course⁴⁰ and approximately 15% of eligible master sergeants/first sergeants for SGM-A.⁴¹ While CGSOC and SGM-A students represent a more experienced and successful population than the greater company-level leader population, there is no research available that suggests that more professionally experienced and successful Army leaders may show more or less racial bias in decision-making than less experienced and successful Army leaders. There are obviously some differences between the sample and target populations, but the populations are similar enough to support

³⁶ Calculated from Brooks, CGSOC Class 2022–Start Data.

³⁷ Fletcher, Active Component Demographic Report March 2022.

³⁸ Calculated from Brooke, Sergeants Major Course Class #21-001(72).

³⁹ See Headquarters, Department of the Army, Department of the Army Pamphlet 600-3, *Officer Professional Development and Career Management* (Washington, DC: Army Publishing Directorate, April 2019), ch. 3-5.

⁴⁰ U.S. Army Human Resources Command Branch Manager (Field Artillery), text to friend of author, May 9, 2022.

⁴¹ MSG Vickery and SFC Roberson, “2020 Infantry Sergeants Major Training and Selection Board,” September 16, 2020, <https://www.benning.army.mil/infantry/ocoi/content/pdf/FY20%20SGM%20Board%20Analysis.pdf>.

potential conclusions generalizing from sample to target populations, while noting the distinct differences.

Significance of the Study

Department of Defense and military leaders should benefit from this study because it provides examination of a factor potentially contributing to the racial disparity identified in the military justice system. The GAO, DOD, and the military services have all identified and acknowledged the racial disparities, and there are now processes in place for the services to better identify disparities moving forward. However, there has been no evaluation of the causes of the disparity. Even when DOD and the Services get to the point where they analyze military justice data to investigate the causes of the disparities, this study offers a valuable contribution because of the experimental nature of it. In analysis of military justice data over time, there will always be a multitude of variables that may be used to distinguish why any one case was treated differently than a similar case. The unique value of this experimental study was that everything was controlled for; there was nothing distinguishing each pair of cases except the race-associated name, photo, and statement of race on the Enlisted Record Brief and police report, if applicable.

Identification of the factors contributing to the racial disparity should help military leaders better address the disparities and the most effective steps for eliminating them. If the study were to identify effects of racial bias at the company decision-making level, the Army then would have a precise target for training and programs to eliminate the effects of racial bias. If the study were not to identify effects of racial bias at the company decision-making level, the Army then would have good reason to focus on what

is causing racial disparities before a disciplinary action reaches a first sergeant or company commander.

Summary

Reports show that Black service members disproportionately face disciplinary actions in the military justice system compared to White service members. Racial bias at various points in the military justice system is a likely cause of, or contributing factor to, the racial disparity. The purpose of this study was to examine how the race of a soldier pending company-level legal decision-making contributes to the racial disparities found in the military justice system. The research questions addressed whether the race of the soldier subject affects the decision point in the military justice system where a company commander makes a decision as to how to dispose of a soldier's misconduct; whether the race of the soldier subject affects a senior enlisted adviser's recommendation to the commander; and whether the company-level leader's race or gender affects the decision/recommendation. The results of this study should provide focus to military leaders on where and how to target efforts to eliminate racial disparities from the military justice system. This study is an important step in enabling the military to more clearly define its problem, to effectively tailor correction strategies, and to strive for a fair and just military justice system.

CHAPTER 2

LITERATURE REVIEW

Introduction

This literature review first discusses research that suggests that racial bias—with particular emphasis on implicit racial bias—causes racial disparities at all discretionary points in criminal justice systems. This research is important in showing why racial bias at various points in the military justice system is a likely cause of the racial disparities. Next, the literature review discusses empirical research examining racial bias in hiring practices. This is an area in which researchers have been able to conduct a significant number of field experiments over time, providing valuable data and conclusions as to the effects of racial bias in decision-making. Next, the literature review discusses empirical research examining racial bias in legal decision-making. Studies examining the role of bias with potential juries and judges are helpful in identifying parallels to the potential role of bias with company commanders and first sergeants.

Both the hiring practice and legal decision-making studies provide a background on how racial bias has been found to affect certain types of discretionary situations and help provide a framework for evaluating the effects of racial bias in my study. While none of the research was conducted on military populations specifically, racial bias—especially implicit racial bias—is so pervasive and a part of human consciousness⁴² in

⁴² Cheryl Staats, Kelly Capatosto, Robin A. Wright, and Victoria W. Jackson, *State of the Science: Implicit Bias Review 2016* (Columbus, OH: Kirwan Institute for the Study of Race and Ethnicity, The Ohio State University, 2016), <https://culturalq.com/wp-content/uploads/2019/03/Kirwan-Institute-Implicit-Bias-2016-Report.pdf>.

general, that it is reasonable to conclude that the military population is subject to the same bias influences as the U.S. population in general. Next, the literature review discusses research on how racial bias may vary by race or gender. This helps inform the secondary research questions as to whether race or gender of the leader affects the decision or recommendation on a legal packet.

Implicit Racial Bias as a Cause of Racial Disparity

Across the country, there are documented racial disparities through all phases of the criminal justice system, from routine police stops to long-term imprisonment⁴³ to the death penalty.⁴⁴ Research shows that the vast majority of White people believe the criminal justice system is not biased against Black people, and the main explanation for these statistics is that Black people in fact commit more crime.⁴⁵ High arrest, conviction, and punishment rates of Black people play into the widespread bias, but “bias-revealing statistics”—examining the realities of criminal conduct—show that Black people do not

⁴³ Rebecca C. Hetey and Jennifer L. Eberhardt, “The Numbers Don’t Speak for Themselves: Racial Disparities and the Persistence of Inequality in the Criminal Justice System,” *Current Directions in Psychological Science* 27, no. 3 (2018): 183, <https://bit.ly/2UmE4Fz>; Margaret Bull Kovera, “Racial Disparities in the Criminal Justice System: Prevalence, Causes, and a Search for Solutions,” *Journal of Social Issues* 75, no. 11 (2019): 1139, https://www.researchgate.net/publication/336949548_Racial_Disparities_in_the_Criminal_Justice_System_Prevalence_Causes_and_a_Search_for_Solutions.

⁴⁴ Sam Scott, “A Hard Look at How We See Race,” *Stanford Magazine*, September/October 2015), <https://bit.ly/3hMgrz6>.

⁴⁵ Jelani Jefferson Exum, “Sentencing Disparities and the Dangerous Perpetuation of Racial Bias,” *Washington and Lee Journal of Civil and Social Justice* 26, no. 2 (2020): 508-509, <https://bit.ly/3Bh50XR>.

commit more crime, but rather are targeted more by decision-makers in the criminal justice system.⁴⁶

There has been extensive research examining racial disparities in the civilian criminal justice systems, with a focus on the role of implicit racial bias. Implicit racial bias is generally defined “as a set of negative beliefs or associations about a particular racial group that is held without awareness and would not be consciously endorsed but results in discriminatory behavior.”⁴⁷ Conversely, explicit racial bias entails conscious beliefs that different racial groups should be treated differently.⁴⁸ Research has shown that implicit racial bias is one contributing factor to the racial disparities in the civilian criminal justice systems.⁴⁹

Research over many years has shown that White people quickly associate Black faces with negative characteristics.⁵⁰ In Sagar and Schofield’s 1980 seminal work, the researchers demonstrated that, when presented with drawings of people performing ambiguous actions, participants judged the same action as more aggressive when performed by a Black person rather than a White person.⁵¹ Race-based stereotypes

⁴⁶ Exum, “Sentencing Disparities and the Dangerous Perpetuation of Racial Bias,” 510.

⁴⁷ Kovera, “Racial Disparities in the Criminal Justice System,” 1151.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Luca Guido Valla, Francesco Bossi, Rossana Cali, Verity Fox, Samrah Imtiaz Ali, and Davide Rivolta, “Not Only Whites: Racial Priming Effect for Black Faces in Black People,” *Basic and Applied Social Psychology* 40, no. 4 (2018): 196.

⁵¹ Ibid., 195.

associate criminality and violent behavior with Black people—resulting in implicit racial bias that has been found underlying the actions of police, judges, juries, and attorneys.⁵² However, there are other causes of racial disparities in criminal justice systems. Other causes may be explicit racial bias, e.g., intentional policies focusing policing on crimes disproportionately committed by Black people; and differences in behavior, e.g., while Black people are no more likely to use marijuana than White people, they are more likely to purchase it outdoors and from a stranger, putting them at greater risk of being observed by police.⁵³

Despite the potential influence of other causes, implicit racial bias remains a strong concern and likely contributor to racial disparities in the civilian criminal justice system, as well as the military justice system. Researchers using the Implicit Association Test⁵⁴ have found that the majority of Americans tested carry implicit negative attitudes towards Black people and associate Black people with negative stereotypes.⁵⁵ The stereotype of Black people as violent and criminal and its effect on various types of actions has been documented by social psychologists for nearly seventy-five years.⁵⁶ At

⁵² Valla et al., “Not Only Whites,” 195; Kovera, “Racial Disparities in the Criminal Justice System,” 1151-1153.

⁵³ Kovera, “Racial Disparities in the Criminal Justice System,” 1152.

⁵⁴ Harvard University, “Preliminary Information,” Project Implicit, November 7, 2021, <https://implicit.harvard.edu/implicit/takeatest.html>.

⁵⁵ Exum, “Sentencing Disparities and the Dangerous Perpetuation of Racial Bias,” 501.

⁵⁶ See Jennifer L. Eberhardt, Phillip Atiba Goff, Valerie J. Purdie, and Paul G. Davies, “Seeing Black: Race, Crime, and Visual Processing,” *Journal of Personality & Social Psychology* 87, no. 6 (2004): 876, <https://bit.ly/3xJyPOF>.

any discretionary point in the criminal justice system, this implicit bias may work to the disadvantage of Black people. The wide latitude available to commanders in determining how to dispose of their soldiers' misconduct is similarly susceptible to the influence of implicit racial bias.

Racial Bias in Hiring

Research has consistently shown that racial bias negatively influences employers' evaluations of Black individuals in hiring and promotion decisions. A field experiment is one type of study commonly conducted to investigate whether employers treat individuals differently based on race. Typically, researchers send resumes in response to help-wanted ads and measure callbacks for interviews. Researcher experimentally manipulate race via the name⁵⁷ of the fictitious job applicant. For example, between 2001 and 2002, Bertrand and Mullainathan (2004) sent fictitious resumes in response to help-wanted ads in Boston and Chicago newspapers, randomly assigning Black (e.g., Jamal and Lakeisha)—or White (e.g., Emily and Greg)—sounding names.⁵⁸ They found that applicants with White names received fifty percent more callbacks than applicants with Black names, and this racial gap was consistent across occupation and industry

⁵⁷ Bertrand and Mullainathan used name frequency data calculated from birth certificates of all babies born in Massachusetts between 1974 and 1979 to determine which names are uniquely African-American and which are uniquely white, and confirmed with a survey asking respondents to identify each name as "White," "African-American," "Other," or "Cannot Tell." Marianne Bertrand and Sendhil Mullainathan, "Are Emily and Greg More Employable Than Lakisha and Jamal? A Field Experiment on Labor Market Discrimination," *The American Economic Review* 94, no. 4 (September 2004): 995.

⁵⁸ Bertrand and Mullainathan, "Are Emily and Greg More Employable Than Lakisha and Jamal?" 991, 996.

categories.⁵⁹ Almost twenty years later, Howard and Borgella replicated these results.⁶⁰ Quillian, Pager, Hexel, and Midtboen (2017) conducted a meta-analysis of every available field experiment of hiring discrimination from 1989 to 2015.⁶¹ In examining all published and unpublished studies, together representing 54,318 applications submitted for 25,517 positions, researchers found that on average, White applicants received 36% more callbacks than equally qualified Black applicants.⁶² There was no change in the rate of discrimination over the twenty-five year period.⁶³

Research on racial bias in hiring practices suggests that much of the racial disparity between the evaluation of White and Black applicants is due to implicit racial bias. Pager and Western (2012) conducted two field experiments using an in-person audit approach to study racial and ethnic discrimination in Milwaukee and New York City.⁶⁴ Young men, hired to play the role of job applicants, were matched on the basis of physical appearance, verbal skills, and interactional styles, were assigned resumes, and

⁵⁹ Bertrand and Mullainathan, “Are Emily and Greg More Employable Than Lakisha and Jamal?” 992.

⁶⁰ Simon Howard and Alex M. Borgella, “Are Adewale and Ngochi More Employable than Jamal and Lakeisha? The Influence of Nationality and Ethnicity Cues on Employment-related Evaluations of Blacks in the United States,” *Journal of Social Psychology* 160, no. 4 (2020): 514.

⁶¹ Lincoln Quillian, Devah Pager, Ole Hexel, and Arnfinn H. Midtboen, “Meta-analysis of Field Experiments Shows No Change in Racial Discrimination in Hiring Over Time,” *PNAS* 114, no. 41 (October 10, 2017): 10871.

⁶² *Ibid.*

⁶³ *Ibid.*

⁶⁴ Devah Pager and Bruce Western, “Identifying Discrimination at Work: The Use of Field Experiments,” *Journal of Social Issues* 68, no. 2 (2012): 221-237.

trained to ensure uniform behavior on job interviews.⁶⁵ Results across the two cities were highly consistent, with White applicants receiving a callback or job offer at roughly twice the rate of equally qualified Black applicants.⁶⁶ Based on analysis of the applicants' interactions with employers, it appeared that overall employers were genuinely interested in evaluating the qualifications of each candidate, irrespective of race.⁶⁷ However, researchers observed a pattern in which employers appeared to perceive skill or experience differences among applicants despite identical qualifications.⁶⁸ The researchers attributed the shifting standards to a subtle conceptualization of racism fueled by unconscious (implicit) bias.⁶⁹

Racial Bias in Legal Decision-Making

Research has shown the existence of racial bias in various legal decision-making contexts. Research “on the phenomena of priming[] has demonstrated that the human mind responds quickly and automatically to racially stereotypic information, and that these automatic cognitive responses can have harmful effects on decision-making.”⁷⁰ When people are subjected to cues that implicate racial stereotypes, such as a clip of

⁶⁵ Pager and Bruce Western, “Identifying Discrimination at Work,” 225.

⁶⁶ *Ibid.*, 226.

⁶⁷ *Ibid.*, 230.

⁶⁸ *Ibid.*, 231.

⁶⁹ *Ibid.*, 231.

⁷⁰ Justin D. Levinson and Danielle Young, “Different Shades of Bias: Skin Tone, Implicit Racial Bias, and Judgments of Ambiguous Evidence,” *West Virginia Law Review* 112, no. 2 (2010): 309.

violent rap music, or a black face, they subsequently judge people in racially stereotyped ways.⁷¹

In a study investigating how priming stereotypes affect judgments, Devine (1989) primed participants by flashing words such as “poor,” “athletic,” and “Black,” and then asked them to read a paragraph in which a person behaved in an ambiguously hostile way, e.g., a person who demands his money back from a store clerk and refuses to pay his rent until his apartment is painted.⁷² Devine found that participants who were primed with the more stereotyped words judged the person’s behavior as more hostile than participants who were primed with fewer stereotyped words.⁷³

Racial bias affects people’s judgments of evidence. Levinson and Young (2010) introduced the Biased Evidence Hypothesis, positing that racial stereotypes lead jurors to automatically and unintentionally evaluate ambiguous evidence in racially biased ways.⁷⁴ In an empirical study, the researchers showed half of the participants a security camera photo of a dark-skinned perpetrator and the other half of participants an otherwise identical photo of a lighter-skinned perpetrator.⁷⁵ The results of the study supported their hypothesis and indicated that those participants who viewed the photos with the dark-

⁷¹ Levinson and Young, “Different Shades of Bias,” 328.

⁷² Patricia G. Devine, “Stereotypes and Prejudice: Their Automatic and Controlled Components,” *Journal of Personality & Social Psychology* 56, no. 1 (1989): 10.

⁷³ *Ibid.*, 10-11.

⁷⁴ Levinson and Young, “Different Shades of Bias,” 309.

⁷⁵ *Ibid.*, 310.

skinner perpetrator judged subsequent evidence as more supportive of a guilty verdict than those participants who viewed the lighter-skinner perpetrator.⁷⁶

Eberhardt et al. (2004) investigated whether the association between Blacks and crime affected people's perceptions of crime-related objects.⁷⁷ Researchers subliminally primed White male participants with Black faces, White faces, or no faces, and then in another task, presented them with crime-relevant (guns or knives) or crime-irrelevant objects (e.g., book, key, camera) on a screen that were initially severely degraded and gradually became less degraded.⁷⁸ As expected, the Black face primes led to participants more quickly identifying crime objects, and there were no significant effects of the primes on crime-irrelevant objects.⁷⁹ Researchers asked participants to push a button as soon as they were able to identify the object on the screen and then write down whatever they thought the object was.⁸⁰ Compared to the White face primes condition (as well as the no-primes condition), participants who had been exposed to Black face primes detected crime-relevant objects in a dramatically fewer number of frames.⁸¹ In contrast, participants exposed to White face primes took significantly longer to detect crime-

⁷⁶ Levinson and Young, "Different Shades of Bias," 310.

⁷⁷ Eberhardt et al., "Seeing Black," 878.

⁷⁸ Ibid.

⁷⁹ Ibid., 880.

⁸⁰ Ibid., 878.

⁸¹ Ibid., 880.

relevant objects compared to the no-prime condition.⁸² Highlighting the potential strong effects of implicit bias, the researchers' analysis of explicit bias measures indicated no reliable relationship between participants' explicit racial attitudes and the number of frames it took for them to recognize the objects.⁸³

Research has also shown that people may misremember facts of a case in racially biased ways.⁸⁴ In one study, the researcher presented stories of a fight to participants, then distracted them briefly, and then tested their recall of the stories.⁸⁵ Results indicated that participants who read about a Black actor remembered his aggressive actions better than participants who read about a White or Native Hawaiian actor.⁸⁶ By analyzing explicit bias tests, researchers found that the evidence-based racial cues identified in the study were likely implicit in nature.⁸⁷

Racial Bias by Race and Gender

Are there certain demographics that tend to have less racial bias than others? Perhaps Black individuals, by virtue of experiencing the world as a Black person and by sharing the racial experience with other Black individuals, tend to be less racially biased than White individuals? Are Black leaders less racially biased in their disciplinary actions

⁸² Eberhardt et al., "Seeing Black," 880.

⁸³ Ibid.

⁸⁴ Levinson and Young, "Different Shades of Bias," 319.

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Ibid., 339.

than White leaders? Or do they show similar bias? Are Black leaders harder on Black soldiers compared to White soldiers, perhaps in recognition that Black people must generally work harder and do better than their White peers if they want to succeed?

Research shows that Black people do show racial bias toward other Black people.⁸⁸ A 2018 racial priming study expanded on previous evidence of White people's implicit biases toward Black people by demonstrating that Black people also show racial bias toward other Black people.⁸⁹ Results of the Implicit Association Test consistently show that members of stigmatized groups, e.g., Black people, tend to have more positive implicit attitudes toward others in their group than do people outside the group, but there is still a moderate preference for the more socially valued group, e.g., White people.⁹⁰ This is likely because Black people form associations about their group from their cultural environments, but also have positive associations by nature of their own group membership.⁹¹ As one writer explained this dynamic, "Too often, racism is seen as a social phenomenon that happens *to* black people. But it happens *through* black people as well. That is, the negative associations thrust upon black people and black culture can color how we black people view each other."⁹²

⁸⁸ Valla et al., "Not Only Whites," 199.

⁸⁹ Ibid., 198-199.

⁹⁰ Harvard University, "Frequently Asked Questions," Project Implicit, accessed November 7, 2021, <https://implicit.harvard.edu/implicit/faqs.html#faq9>.

⁹¹ Ibid.

⁹² Theodore R. Johnson, "Black-on-Black Racism: The Hazards of Implicit Bias," *The Atlantic*, December 26, 2014, <https://www.theatlantic.com/politics/archive/2014/12/black-on-black-racism-the-hazards-of-implicit-bias/384028/>.

Some research suggests that women may be less racially biased than men. Gender socialization that teaches girls and women to be warm, nurturing, and concerned with social relationships may affect racial attitudes in women versus men.⁹³ Research with community samples and high school students has found that White women report more positive racial attitudes and being more personally motivated to avoid prejudice than White men.⁹⁴ There is research suggesting that White women are viewed as less racist than White men. In a study of an ethnically diverse group of college students asked to list the first adjectives that came to mind for White men and women, the list of traits they most commonly applied to White men included “racist,” while this term was not used for White women.⁹⁵ Other research has found very small gender differences between White men and women in racial attitudes, supporting an “idea that because White women and men experience their racial position in much the same way, they hold very similar racial attitudes.”⁹⁶

⁹³ Johnson, “Black-on-Black Racism.”

⁹⁴ Ibid.; Monica Kirkpatrick Johnson and Margaret Mooney Marini, “Bridging the Racial Divide in the United States: The Effect of Gender,” *Social Psychology Quarterly* 61, no. 3 (September 1998): 247.

⁹⁵ Laura G. Babbitt, “An Intersectional Approach to Black/White Interracial Interactions: The Roles of Gender and Sexual Orientation,” *Sex Roles* 68, no. 11-12 (2013): 791-802.

⁹⁶ Michael Hughes and Steven A. Tuch, “Gender Differences in Whites’ Racial Attitudes: Are Women’s Attitudes Really More Favorable?” *Social Psychology Quarterly* 66, no. 4 (December 2003): 395.

Theoretical Lens

Implicit and Explicit Racial Bias

“Implicit biases are associations and reactions that emerge automatically and often without awareness upon encountering a relevant stimulus.”⁹⁷ Explicit biases are beliefs and attitudes, of which people are generally consciously aware.⁹⁸ Both explicit and implicit biases affect the judgments and decisions people make.⁹⁹ Although in the wake of the U.S. Civil Rights Movement, many explicitly discriminatory laws were struck down, and much of the population embraced egalitarian values, racial discrimination persisted.¹⁰⁰ Researchers began focusing on implicit bias, to investigate how “despite good intentions and/or egalitarian values, implicit beliefs and/or associations often result in biased thinking, information processing, and actions nonetheless.”¹⁰¹ “Anti-Black implicit bias has been found to emerge early in childhood and to exist on average across every age, gender, racial, and national group that has been studied, with the exception of Black people themselves.”¹⁰²

⁹⁷ Daumeyer et al., “Consequences of Attributing Discrimination to Implicit vs. Explicit Bias.”

⁹⁸ Ibid.

⁹⁹ Ibid.

¹⁰⁰ Natalie M. Daumeyer, Julian M. Rucker, and Jennifer A. Richeson, “Thinking Structurally About Implicit Bias: Some Peril, Lots of Promise,” *Psychological Inquiry* 28, no. 4 (2017): 258.

¹⁰¹ Ibid.

¹⁰² Jeremy Sawyer and Anup Gampa, “Implicit and Explicit Racial Attitudes Changed During Black Lives Matter,” *Personality and Social Psychology Bulletin* 44, no. 7 (2018): 1040.

Traditional Theories of Understanding Bias

Dual-process theory and single-process theory offer differing frameworks on how implicit and explicit biases cognitively work. Dual-process theory, which has largely shaped implicit bias research for the past twenty-five years, is based on the idea that human cognition is based on two basic processes: one that is largely unconscious and automatic, and one that is largely conscious and deliberate.¹⁰³ Dual-process theory views racial bias as resulting from two distinct cognitive processes: explicit bias is acquired, activated, and expressed through deliberate cognitive processes, while implicit bias is acquired, activated, and expressed through non-deliberate cognitive processes that one is either unaware of or unable to control.¹⁰⁴

Single-process theory, which has increasingly challenged dual-process interpretations over the past ten years, views both explicit and implicit racial bias as “acquired, stored, activated, and expressed through a single process which varies in the extent to which is implicit/automatic or explicit/effortful.”¹⁰⁵ Single-process theory views both explicit and implicit biases as propositional in nature, meaning that they reflect beliefs regarding *how* concepts are related, e.g., men *are* violent, rather than simply

¹⁰³ Bertram Gawronski, Jan De Houwer, and Jeffrey W. Sherman, “Twenty-five Years of Research Using Implicit Measures,” *Social Cognition* 38 Supplement (2020): S6; Moa Bursell and Filip Olsson, “Do We Need Dual-Process Theory to Understand Implicit Bias? A Study of the Nature of Implicit Bias Against Muslims,” *Poetics* 87 (2021): 1.

¹⁰⁴ Bursell and Olsson, “Do We Need Dual-Process Theory to Understand Implicit Bias?” 3.

¹⁰⁵ *Ibid.*, 4.

associating men with violence.¹⁰⁶ Evidence of external influences on implicit bias, e.g., providing information about the relationship between two concepts, has supported the theory that implicit biases may be propositional and therefore subject to reasoning.¹⁰⁷

A Social Construct Theory of Implicit Bias

The newer bias-of-crowds model offers a different approach to implicit bias, as it reconciles three paradoxical findings found throughout racial bias research: first, how can implicit biases be highly stable on average, yet highly unstable over just a few weeks at the individual level; second, if implicit biases are highly unstable over just a few weeks, how can they be so stable over decades; and third, how can aggregate scores of implicit bias at the regional level show strong associations with aggregate levels of racial disparities, given that associations between implicit bias and discriminatory behavior at the individual level have been relatively weak.¹⁰⁸ The bias-of-crowds model theorizes that it is the environment rather than individual dispositions that drives implicit bias.¹⁰⁹ It suggests that individuals' implicit biases are largely transient and can vary at any moment depending on a variety of factors, to include recent media exposures and fleeting

¹⁰⁶ Bursell and Olsson, "Do We Need Dual-Process Theory to Understand Implicit Bias?" 4.

¹⁰⁷ Ibid.; Gawronski et al., "Twenty-five Years of Research Using Implicit Measures," S7.

¹⁰⁸ Gawronski, De Houwer, and Sherman, "Twenty-five Years of Research Using Implicit Measures," S8; Heidi A. Vuletich and B. Keith Payne, "Stability and Change in Implicit Bias," *Psychological Science* 30, no. 6 (2019): 855.

¹⁰⁹ Vuletich and Payne, "Stability and Change in Implicit Bias," 855.

thoughts.¹¹⁰ “When individual measures of implicit bias are aggregated, the randomly distributed transient influences will be averaged away, whereas shared environmental influences will be sharpened.”¹¹¹ Thus, the average level of implicit bias in an environment reflects the level of cultural stereotypes and structural inequalities in the environment.¹¹²

In reanalyzing implicit bias data that had been collected from students across eighteen university campuses at three different times, Vuletich and Payne (2019) offered the bias-of-crowds model to suggest an alternative to the initial researchers’ conclusion that the lack of lasting bias intervention effects reflected the rigidity of implicit biases.¹¹³ Vuletich and Payne measured displays of structural inequality on each campus, e.g., Confederate monuments and faculty diversity.¹¹⁴ In analyzing individual and aggregate campus levels of bias across the three tests, they found that individual levels of bias changed a lot, but not systematically, and aggregate campus scores returned to their original pre-intervention levels of bias.¹¹⁵ “The pre-existing level of implicit bias, in turn, was associated with measures of structural inequality.”¹¹⁶ In general, the bias-of-crowds

¹¹⁰ Vuletich and Payne, “Stability and Change in Implicit Bias,” 855.

¹¹¹ *Ibid.*

¹¹² *Ibid.*

¹¹³ *Ibid.*

¹¹⁴ *Ibid.*, 856.

¹¹⁵ *Ibid.*, 856-858.

¹¹⁶ *Ibid.*, 858.

theory suggests that individual implicit bias is not as rigid as many have believed, and is subject to change based on the social environment.¹¹⁷

Summary

Research in civilian criminal justice systems has shown the effects of racial bias at all discretionary points. In the Army, the wide latitude available to leaders in determining how to dispose of their soldiers' misconduct is similarly susceptible to the influence of racial bias. Empirical research in hiring practices and simulated legal contexts provides strong support for the influence of implicit racial bias in key decision-making contexts. Experimental research has consistently shown that racial bias negatively influences employers' evaluations of Black individuals in hiring decisions. Research has consistently shown the effects of racial bias in legal decision-making contexts, for example, in experiments where participants view and judge evidence, and consistently associate Black individuals with crime more strongly than White individuals. There is research that also suggests that individuals of certain demographics—Black people and women—may show less racial bias compared to White people and men.

Dual-process theory, single-process theory, and the bias-of-crowds model offer different frameworks for understanding the cognitive processes responsible for bias. Dual-process theory views explicit and implicit racial bias as resulting from two distinct cognitive processes, one deliberate and one non-deliberate. Single-process theory views both explicit and implicit racial bias as subject to reasoning and resulting from one process which varies in the extent to which it is automatic or effortful. The bias-of-

¹¹⁷ Vuletich and Payne, "Stability and Change in Implicit Bias," 859.

crowds model views implicit biases as driven by the environmental context rather than an individual.

The racial bias studies of civilian criminal justice systems, hiring practices, and legal decision-making contexts provided an academic foundation for the researcher to build from as she tested for the effects of racial bias at a designated point in time when company-level leaders decide how to handle soldier misconduct. The research on demographics as they relate to bias helped inform the additional hypotheses related to the race and gender of the study participants. Finally, the theories for understanding bias provided context to any revealed bias and foundations for bias reduction interventions.

CHAPTER 3

RESEARCH METHODOLOGY

Introduction

This chapter first discusses the research method chosen to use to investigate the research questions of whether racial bias affects the decision points in the military justice system where company-level leaders make disciplinary disposition decisions. It then discusses the data collection plan, data analysis plan, and how the researcher complied with the ethical principles that govern research with human subjects.

Method

This study utilized a quantitative approach in order to investigate relationships between the race of soldier subjects and the level of legal disposition. The researcher wanted to be able to generalize results to the larger Army population of company-level commanders and first sergeants. Leaders' racial biases could be implicit or explicit, and potentially unrealized to the participant, or actively hidden. Interviews of leaders or surveys directly asking about racial attitudes would most likely not have revealed biases that are unconscious to the leader, or that the leader actively tries to hide. In order to investigate company-level leaders' racial bias as a suspected contributor to the racial disparities, the researcher needed to control for everything besides race at that stage in the military justice process and conduct the study in a manner that did not inform participants that the purpose was to study racial bias. A quantitative approach was best suited for these goals.

Data Collection

Through an email coordinated with the U.S. Army Command and General Staff College (CGSC) Quality Assurance Office (QAO), and in accordance with a CGSC rule permitting solicitation of three times one's minimum sample size, the researcher recruited 450 U.S. Army officers currently attending the U.S. Army Command and General Staff Officer Course (CGSOC) and 300 senior non-commissioned officers currently attending the U.S. Army Sergeants Major Academy (SGM-A). Of those recruited, 88 CGSOC students and 21 SGM-A students both completed the survey and consented to their data being used in this study. The students were samples of convenience from CGSOC and SGM-A. CGSOC and SGM-A students have generally been company-level commanders and first sergeants, respectively, within a few years of their current school attendance and have similar demographics as the Army's company-level commander and first sergeant populations so their data may be appropriate for generalizing to the larger U.S. Army company-level leader population if supported by statistical analysis. There were no specific demographic requirements, but CGSOC's Class 2022 active-duty U.S. student population has an average age of 35 years old and is 84% male.¹¹⁸ The SGM-A's Class 2022 overall student population has an average age of 40 years old and is 88% male.¹¹⁹

Power Analysis

The researcher used the G*Power program to conduct a power analysis to determine the smallest number of participants needed in order to detect medium ($w = 0.3$)

¹¹⁸ Brooks, CGSOC Class 2022–Start Data.

¹¹⁹ Brooks, Sergeants Major Course Class #21-001 (72).

effects if all hypothesis testing is done at the .05 significance level. In statistical research, the significance level is conventionally set at .05, which means that if the associated significance value from analysis falls below that, then the researcher can conclude that the results represent the characteristics of the population as opposed to chance. Effect size is used to determine if an observed difference is not only statistically significant but also important or meaningful. Most social scientists use 0.3 as a guide to determine a medium effect. In statistical research, the desired power level is typically .80, which means there is 80% probability the researcher will not commit a type II error, i.e., failure to reject a false null hypothesis. The researcher's null hypothesis was that disciplinary decisions and race are independent, i.e., unrelated. The alternative hypothesis was that disciplinary decisions are dependent on race.

To calculate the minimum sample size in G*Power, the researcher used the Goodness-of-Fit Test, an extension of the chi-squared test, and followed Goodness-of-Fit Test directions in G*Power, selecting χ^2 as the test family, .05 for significance level, .80 for power, and calculated the degrees of freedom for 2x5 contingency tables (2 conditions: Black and White, and 5 options for responses): $(2-1)(5-1) = 4$. Inputting these numbers into G*Power resulted in a minimum sample size of 133. Since at the beginning of the survey, the researcher would screen out from the sample population any CGSOC and SGM-A students who had not been company-level commanders or first sergeants, the researcher needed to round up the minimum sample size. An additional reason to round up was that she planned to conduct multiple tests on the data to not only analyze whether there was a difference in how participants made decisions with Black vs. White soldiers, but also analyze differences depending on whether a participant was male or female and

of what race. Therefore, the researcher rounded up the minimum sample size to 250, to include 150 CGSOC students and 100 SGM-A students. The population of CGSOC students, compared to SGM-A students, was likely to generate more participants who have not been company-level leaders.

Presentation of Legal Packets

The researcher used a within-subject design for the participants, so that each participant was assigned two legal packets of each condition: Black soldier and White soldier, for a total of four packets/decisions per participant. There were eight total legal packets for the experiment based on the four scenarios. For the four different scenarios, half of the participants received the Black soldier version of the scenario, and the other half of the participants received the White soldier version of the same scenario. Due to the anticipated limited number of volunteers, and the importance of having a substantial number of participants in experimental conditions, there was not a no-race control condition.

The researcher developed the packets from nonjudicial punishment, administrative separation, and court-martial scenario-based training materials obtained from the U.S. Army Judge Advocate General Corps' enlisted paralegal Advanced Individual Training. Four packets contained an Enlisted Record Brief with a photo of a Black individual attached, race stated as Black, and supporting documentation reflected an individual with a stereotypically Black name. Four packets contained the same documentation except that the soldier's name was a stereotypically White name and the Enlisted Record Brief will had a photo of a White individual and race stated as White.

The researcher randomly assigned one Black and one White soldier photo to each of the four scenarios. One half of participants received the scenario with a White soldier and the other half of participants received the same scenario, except with a Black soldier photo. This was the case for each of the four scenarios, so that in total, each participant viewed four scenarios, two with Black soldier photos and two with White soldier photos. There were two different emails for the CGSOC sample. One email went to half of the CGSOC sample that linked to a survey reflecting the following: Scenario 1-White photo1; Scenario 2-Black photo1; Scenario 3-White photo2; Scenario 4-Black photo2. One email went to the other half of the CGSOC sample that linked to a survey reflecting the following: Scenario 1-Black photo1; Scenario2-White photo1; Scenario3-Black photo2; and Scenario 4-White photo2. There were corresponding emails for the SGM-A sample.

The researcher obtained the photos from the Chicago Face Database, a database of images of individuals intended to be used in scientific research.¹²⁰ The stereotypically Black and White names came from the validated list of names used in Bertrand and Mullainathan's study investigating racial bias in hiring practices.¹²¹

Through the CGSC QAO, the researcher emailed the potential participants—active-duty U.S. Army officer students at CGSOC and active-duty U.S. Army senior non-

¹²⁰ Debbie S. Ma, Joshua Correll, and Bernd Wittenbrink, "The Chicago Face Database: A Free Stimulus Set of Faces and Norming Data." *Behavior Research Methods* 47, no. 4 (December 2015): 1122-1135. <https://doi.org/10.3758/s13428-014-0532-5>. <https://www.chicagofaces.org/>.

¹²¹ Bertrand and Mullainathan, "Are Emily and Greg More Employable Than Lakisha and Jamal?" 995, Appendix Table A1.

commissioned officer students at SGM-A—requesting their participation in a study investigating decision-making in the military justice system. After reviewing initial information about the survey and agreeing to participate, volunteers were directed to a link to the survey on the QAO’s licensed Verint survey system where they could participate in the study. The officer participants received a prompt instructing them to put themselves in the position that they were a company commander reviewing a packet that a subordinate leader has submitted with a recommendation for adverse action. It was randomized whether the participant got a packet with a Black or White soldier first, and the participant had to answer the questions following each packet in order to move on to the next packet. Once a participant moved on to the next packet, he could not return to a previous one.

They were to review the file and elect what action they would take in each case: no action; counsel or return to subordinate leader to counsel; initiate company-grade Article 15; submit to higher commander with recommendation for field-grade Article 15; or prefer charges. There were also questions as to how confident they were in their decision and how confident they were in the soldier’s guilt. The senior non-commissioned officers received similar instructions, that they were to review the file and elect what action they would take in each case: no action; counsel or return to subordinate leader to counsel; recommend company-grade Article 15; recommend field-grade Article 15; or recommend preferral of charges, and how confident they were in their decision and the soldier’s guilt.

In measuring the severity of the participants’ selected decisions in the paired Black and White soldier packets, all of these questions supported the research questions

of whether the race of the soldier subject affects the decision point in the military justice system where a company commander makes a decision/senior enlisted adviser make a recommendation as to how to dispose of a soldier's misconduct. The prompt also provided a review for the leader describing what each of these options entail. Participants reviewed each of the four legal packets, making a decision on each one before moving to the next packet. Upon completion of all questions, the questionnaire prompted participants to provide race and gender demographical data. These questions supported the secondary research questions regarding the potential relationship of race and gender of the participant to the potential level of bias indicated through decisions on legal packets.

Data Analysis

The researcher used the chi-square test of independence to analyze the data supporting her first two research questions of whether the race of the soldier subject affects the decision points where a company commander decides how to dispose of a soldier's misconduct and the senior enlisted adviser makes a disposition recommendation to the commander. The chi-square test of independence is appropriate to use when one has data from two categorical variables, as the researcher did in this study. It was appropriate to use this test to analyze the categorical data from the independent variable: the race of the soldier in the legal packet, and the categorical data from the dependent variable: the disposition decision. The chi-square test of independence allowed the researcher to determine whether there was a statistically significant race difference in legal disposition decisions. If race and legal disposition decision were independent of one another, one would expect to not see differences in the proportion of each race in each

legal disposition category. If Black soldiers were overrepresented in the harsher legal disposition categories, then race and legal disposition were not independent; that would reflect disposition decisions contingent upon race, indicating racial bias.

The researcher used the independent samples *t*-test to analyze the data regarding the participants' confidence in their disposition decisions and confidence in the soldiers' guilt. An independent samples *t*-test is appropriate to use to compare the means of the sample on a single dependent variable. It was appropriate to use this test in this study to compare the confidence decisions in legal packets presenting a Black soldier compared to the paired legal packet presenting a White soldier.

Ethical Considerations

The lack of full disclosure/passive deception in this study was within the norms of social science research and was required for this type of study. The American Psychological Association (APA) defines passive deception as “the withholding of certain information from research participants, such as not informing them of the true focus of the study.”¹²² When participants receive a debriefing at the end of their participation, this approach is generally acceptable because initial full disclosure of the purpose of the study could lead participants to consciously or unconsciously adjust their behavior.¹²³

¹²² American Psychological Association, “Passive Deception,” APA Dictionary of Psychology, accessed May 30, 2022, <https://dictionary.apa.org/passive-deception>.

¹²³ Ibid.

The vast majority of social science studies investigating implicit racial bias use a level of deception because if researchers were to tell participants they were investigating race, participants would think about that specifically, altering their behavior, interfering with researchers' ability to capture the effects of bias, and harming the study's validity. The APA rules of conduct provide that deceptive techniques are justified if a study has significant prospective scientific, educational, or applied value, and nondeceptive alternative procedures are not feasible.¹²⁴ In light of the racial disparity problem in the military justice system and the lack of any research into the causes of the disparity, this study into company-level legal decision-making offered significant value to the Army. While one can assume that racial bias in some form and in some variety of contexts contributes to the racial disparities identified over the past few years, this study had the potential to offer empirically-based findings that racial bias affects or does not affect legal decision-making at this level.

While the experimental environment obviously had some limitations that make it differ from the real environment, the study still could provide valuable information as to potential baseline racial bias at/near the company level, that may be mitigated or aggravated depending on the individual leaders involved in any particular situation. These findings could better guide the Army's efforts to resolve the racial disparities, for example, providing leaders concrete evidence of how racial bias may be undermining the purpose of military law and compromising good order and discipline of the force,

¹²⁴ American Psychological Association, "Section 8: Research and Publication; 8.07 Deception in Research," *Ethical Principles of Psychologists and Code of Conduct*, January 1, 2017. <https://www.apa.org/ethics/code>.

supporting a need for focused implicit racial bias training for specific-level leaders, working to identify other ways to lessen the detrimental effects of bias at this level, and/or supporting a need to test for racial bias at other legal decision-making levels.

At the conclusion of the survey, participants were debriefed on the full purpose of the study. Each participant was directed to a final page in the survey system where the researcher informed them that the goal of the research was to explore the impact of the race of the soldier pending legal action on the decisions the participants were asked to make. The researcher advised participants that she did not want to alert them to the fact that race was part of the study and possibly influence their decisions. She advised participants that their names were not saved and that the data was anonymous. The researcher provided participants the option to withdraw as well as her contact information should they want to ask questions about the study or be notified of the results. Participants answered a final question as to whether they agreed to allow the researcher to use their data or not. If they clicked the button indicating they did not wish the researcher to use their data, their survey data was not saved.

Summary

This study used a quantitative approach in order to investigate relationships between race of soldier subjects and degree of legal disposition. The researcher collected data from 88 CGSOC students and 21 SGM-A students through a computerized survey in which they read legal packets and elected a disposition option. The researcher analyzed data using the chi-square test of independence and independent samples *t*-test. At the end of the survey, the researcher informed participants of the purpose of the study, assured

them of anonymity, and provided the opportunity to withdraw, as well as information for follow-up.

CHAPTER 4

ANALYSIS

Analysis of Study Results

Since in this study, everything in the paired legal packets was the same except for the race-associated soldier name, photo, and race data, it offered a unique opportunity to identify if there are any effects of race at the points in time when a senior enlisted adviser makes a recommendation to his commander about how to dispose of soldier misconduct, and when the commander makes a disposition decision. Since the study did not incorporate psychological measures aimed at distinguishing between implicit and explicit bias, any statistically significant differences in how participants disposed of the Black versus White soldier packets could be an indicator of racial bias, which could include both implicit and explicit biases.

Of the 88 CGSOC officer participants, approximately 90% were male and 10% were female. Approximately 7% of officer participants identified as Black, and an overall 14% of officer participants identified as a non-White race. Of the 21 SGM-A NCO participants, 100% were male. Eighteen percent of NCO participants identified as Black, and an overall 27% of NCO participants identified as a non-White race. While the researcher was unable to obtain her minimum sample size (133 by Goodness-of-Fit test rounded up to 250 to account for screened out participants and the planned secondary research question analysis), the sample was large enough, and the Black v. White soldier data so visibly similar to each other to still justify moderate-strength conclusions.

CGSOC Officer Decisions on Black Soldier v. White Soldier Legal Packets

A chi-square test of independence was performed to examine the relationship between race of the soldier subjects and CGSOC officer's legal disposition decision. The relationship between these variables was not significant, $\chi^2 (4, N = 350) = 3.27, p = .51$. Note that there were 88 officer participants in the study who each reviewed four scenarios, resulting in 350 responses and two non-responses. The N reflects that total number of observations. There was no significant difference in officers' disposition decisions for Black soldiers compared to White soldiers.

Since there were no significant differences in the officers' disposition decisions for the soldiers, the researcher did not conduct further analysis to examine the relationships between race and gender of the CGSOC officers and the officers' legal disposition decisions for Black soldiers.

SGM-A NCO Decisions on Black Soldier v. White Soldier Legal Packets

A chi-square test of independence was performed to examine the relationship between race of the soldier subject and SGM-A NCOs' legal disposition recommendation. The relationship between these variables was not significant, $\chi^2 (4, N = 84) = 2.18, p = .70$. Note that there were 21 NCO participants in the study who each reviewed four scenarios, leading to 84 responses. The N reflects that total number of observations. There was no significant difference in NCOs' disposition decisions for Black soldiers compared to White soldiers.

Since there were no significant differences in the NCOs' disposition decisions for the soldiers, the researcher did not conduct further analysis to examine the relationships

between race and gender of the NCOs and the NCOs' legal disposition decisions for Black soldiers.

Officer Confidence in Decisions on Black Soldier v. White Soldier Legal Packets

An independent samples *t*-test was performed to compare CGSOC officers' level of confidence in their decisions for Black soldiers and White soldiers. There was not a significant difference in the confidence levels for the Black soldier conditions ($M = 3.44$, $SD = .66$) and the White soldier conditions ($M = 3.34$, $SD = .72$); $t(350) = -1.47$, $p = .143$. There was no significant difference in CGSOC officers' level of confidence in their decisions for Black and White soldiers.

NCO Confidence in Decisions on Black Soldier v. White Soldier Legal Packets

An independent samples *t*-test was performed to compare SGM-A NCOs' level of confidence in their recommendations for Black soldiers and White soldiers. There was not a significant difference in the confidence levels for the Black soldier conditions ($M = 3.64$, $SD = .62$) and the White soldier conditions ($M = 3.67$, $SD = .61$); $t(82) = .18$, $p = .86$. There was no significant difference in NCOs' level of confidence in their decisions for Black and White soldiers.

Officer Confidence in Guilt of Black Soldiers v. White Soldiers

An independent samples *t*-test was performed to compare CGSOC officers' level of confidence in the guilt of Black soldiers and White soldiers. There was not a significant difference in the confidence levels for the Black soldier conditions ($M = 3.44$, $SD = .77$) and the White soldier conditions ($M = 3.38$, $SD = .832$); $t(350) = -.73$, $p = .465$.

There was no significant difference in officers' level of confidence in the guilt of Black and White soldiers.

NCO Confidence in Guilt of Black Soldiers v. White Soldiers

An independent samples *t*-test was performed to compare SGM-A NCOs' level of confidence in the guilt of Black soldiers and White soldiers. There was not a significant difference in the confidence levels for the Black soldier conditions ($M = 3.71$, $SD = .596$) and the White soldier conditions ($M = 3.83$, $SD = .437$); $t(82) = 1.04$, $p = .300$. There was no significant difference in NCOs' level of confidence in the guilt of Black and White soldiers.

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

Study Conclusions

Analysis of the study results shows that the race of the soldier subject did not affect the officers' and NCOs' legal disposition decisions. Additionally, the participants were no more confident in their disposition decisions or guilt of the soldiers for the Black or White soldier conditions. While recognizing the assumptions and limitations of this study, especially the characteristics of the convenience sample population and artificial decision-making environment, these results suggest that company-level leader decision-making is not significantly impacted by company-level leader racial bias. This suggests that racial bias at other points in the military justice system, or the military environment in general, as well as other potentially non-bias factors, are more likely to be significant contributing factors to the racial disparities identified in the military justice system.

Recommendations to Address Racial Disparity

Education and Training

Army Efforts Targeting Racial Bias

The large breadth of research on implicit racial bias in civilian criminal justice systems suggests that implicit racial bias plays a contributing role in racially disparate legal outcomes. Despite not knowing conclusively at what points or how severely it impacts the military justice system, it is certainly worth implementing validated training geared toward reducing racial bias and its role in causing racially disparate legal outcomes. Implementation now, even without specific findings showing the extent of a

racial bias problem, shows an active commitment to tackling the racial disparity problem without delay. Social science research shows a persistence of racial inequalities despite improving racial attitudes, and theorists explain this as due to the powerful and unconscious force of implicit bias.¹²⁵ In consideration of the research showing the effects of racial bias on civilian criminal justice systems in conjunction with the results of this study showing no significant impact of racial bias on the participants' decision-making, it is possible that many Army leaders possess racial bias, but successfully guard against it in their legal decision-making. The Army certainly has an interest in developing its efforts to train leaders to be aware of potential racial biases, to work to eliminate those biases, and to continually act to guard against their biases from impacting military justice decision-making.

Current Army Diversity, Equity, and Inclusion (DEI) initiatives targeting biases may be too general and unstandardized to effect significant change. The Army People Strategy DEI Annex states that DEI "training should center on building trust, developing leaders who value differences, treating diverse individuals equitably, helping Soldiers and Civilians understand their potential biases, and creating shared understanding through open, two-way communication."¹²⁶ "Project Inclusion," an effort announced in June 2020

¹²⁵ Patricia D. Devine, Patrick S. Forscher, Anthony J. Austin, and William T.L. Cox, "Long-Term Reduction in Implicit Race Bias: A Prejudice Habit-Breaking Intervention," *Journal of Experimental Social Psychology* 48, no. 6 (2012): 1267, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3603687/>.

¹²⁶ Assistant Secretary of the Army (Manpower and Reserve Affairs) (ASA (M&RA), *Army People Strategy: Diversity, Equity, and Inclusion Annex* (Washington, DC: Department of the Army, September 1, 2020), 11.

intended to operationalize the Army People Strategy DEI Annex,¹²⁷ involved a series of “Your Voice Matters” listening sessions and updated DEI training aimed “to increase deliberate thinking and shift attention from the visual construct and focus on the value that diversity brings.”¹²⁸ It has been fewer than two years since publication of the new DEI Annex and Project Inclusion, and certainly new bias-related efforts are still under development, but there has been no force-wide implementation of any new education or training addressing racial bias.¹²⁹ In the Defense Secretary’s listening sessions following the murder of George Floyd, service members tended to suggest a desire for more open discussion about racial issues rather than formal training and policy.¹³⁰ But social psychologist-designed bias-breaking initiatives likely offer much more promise than updated general DEI training and conversations. Of course, open, honest conversations about race should help illuminate race issues for White soldiers, but considering the difficulties in reducing implicit biases long-term,¹³¹ scientifically-validated bias-focused

¹²⁷ ASA (M&RA), *Army People Strategy: Diversity, Equity, and Inclusion Annex*, 6.

¹²⁸ U.S. Army, “Army Project Inclusion - FAQs,” June 26, 2020, https://www.army.mil/article/236797/army_project_inclusion_faqs.

¹²⁹ In the author’s personal experience, the only Army-associated bias-related training she has received in the past several years was by one psychologist-led Leader Professional Development session focused on explaining types of biases for legal staff, and one tactics instructor-led module focused on critical thinking at the US Army Command and General Staff College.

¹³⁰ Meghann Myers, “The Services Have Work To Do When It Comes To Unconscious Bias, SECDEF Says,” *Military Times*, September 2, 2020, <https://www.militarytimes.com/news/your-military/2020/09/02/the-services-have-work-to-do-when-it-comes-to-unconscious-bias-secdef-says/>.

¹³¹ Devine, et al., “Long-Term Reduction in Implicit Race Bias,” 1267-1268.

training is likely the best option for generating more immediate and lasting decreases in implicit racial bias. These research-driven targeted interventions are also better at achieving measurable effects than generic and/or unstandardized updates to broad training briefings.

Empowerment-Based Confrontation

Dr. Patricia Devine's Prejudice Habit-Breaking Intervention is an empowerment-based confrontation approach that motivates people to "break the habit" of implicit bias by "learning about the contexts that activate the bias and how to replace the biased responses with responses that reflect one's nonprejudiced goals."¹³² It is the only intervention that has been experimentally shown to have long-term effectiveness at reducing bias, with effects lasting at least two to three years.¹³³ The intervention is a semi-interactive presentation that can be conducted in person by the experts, or even better for the Army, via the experts' computer presentation.¹³⁴ The intervention approach emphasizes five key components: (1) sincere personal values that oppose bias, (2) awareness of one's vulnerability to unintentional bias, (3) concern about the

¹³² Devine, et al., "Long-Term Reduction in Implicit Race Bias," 1267.

¹³³ University of Wisconsin-Madison Department of Psychology, "The Prejudice Habit Breaking Intervention," Prejudice and Intergroup Relations Lab, accessed May 12, 2022, <https://devinelab.psych.wisc.edu/the-prejudice-habit-breaking-intervention/>.

¹³⁴ William T.L. Cox and Patricia G. Devine, "The Prejudice Habit-breaking Intervention: An Empowerment-based Confrontation Approach," in *Confronting Prejudice and Discrimination: The Science of Changing Minds and Behaviors*, ed. Robyn K. Mallett and Margo J. Monteith (Cambridge, MA: Academic Press, 2019), 254.

consequences of unintentional biases, (4) learning effective bias reduction strategies,¹³⁵ and (5) self-sustained effort over time to reduce the influence of unintentional biases.¹³⁶ In addition to the encouraging results of producing long-lasting reductions in implicit bias, the intervention increases participants' concern about biases and discrimination,¹³⁷ and there is some indication that intervention participants "become agents of change in the social contexts in which they live and work."¹³⁸

Dr. Devine's Prejudice Habit-Breaking Intervention is an empirically-tested promising intervention that the Army could implement with large populations via the experts' computer-based presentation. First priority implementation should include significant legal decision-makers, i.e., company, battalion, brigade, and division-level commanders, military judges, court-martial panel members, as well as military police, investigators, and special agents. Other top priority populations should include Army leaders assigned to sit on selection and promotion boards. The senior Army lawyers who advise these decision-makers should also be a high priority.

¹³⁵ The intervention teaches and empowers participants with a toolkit of everyday strategies to reduce bias: the stereotype replacement strategy; counter-stereotypic imaging strategy; perspective-taking strategy; individuation strategy; increased intergroup contact strategy; situational strategy; environment modification strategy; commitment to credentials strategy. Cox and Devine, "The Prejudice Habit-breaking Intervention," 259-260. "Overall, the strategies fit a general theme of helping people to slow down their thinking and rely less on 'gut' reactions, which are often influenced by stereotypes and biases." Cox and Devine, "The Prejudice Habit-breaking Intervention," 258.

¹³⁶ Cox and Devine, "The Prejudice Habit-breaking Intervention," 254-255.

¹³⁷ Devine et al., "Long-term Reduction in Implicit Race Bias," 1271.

¹³⁸ Cox and Devine, "The Prejudice Habit-breaking Intervention," 263.

Policy and Mindset Intervention Strategies

Okonofua, Perez, and Darling-Hammond's (2020) perspective-taking and growth mindset-based intervention targeting the effects of racial bias in schools offers adaptable strategies for the Army. Experimental research in elementary schools has shown that teachers' racial bias against Black students can contribute to the significant racial disparity identified in exclusionary (school suspensions) discipline.¹³⁹ Recognizing the failures of many bias-reducing approaches to produce sustained real-world benefits, Okonofua et al. instead focused on mitigating the negative consequences of racial bias—effects on perception and decision-making—as opposed to mitigating the bias itself.¹⁴⁰ Building off of research that showed that teachers were more likely to view Black students as misbehaving troublemakers and therefore respond with harsher discipline, the researchers developed intervention strategies that disrupted the process by which teachers' racial bias contributed to the disparities in discipline: getting perspective from students, believing students' behavior can improve, and believing relationships can improve.¹⁴¹ Testing these strategies, separately and together, the researchers found that integration of the strategies—empowering teachers to engage with and get perspective from students and to act from a belief that student-teacher relationships can improve—

¹³⁹ Jason A. Okonofua, Amanda D. Perez, and Sean Darling-Hammond, "When Policy and Psychology Meet: Mitigating the Consequences of Bias in Schools," *Science Advances* 6, no. 42 (2020): 1, <https://www.science.org/doi/10.1126/sciadv.aba9479>.

¹⁴⁰ *Ibid.*, 2.

¹⁴¹ *Ibid.*, 2-3.

can thwart the process by which teacher biases contribute to racially disparate discipline decisions.¹⁴²

The Army could benefit from adapting these strategies, which involve a more empathetic and less punitive mindset toward discipline. Similar to the teacher intervention described above, the Army should teach leaders at all levels about using perspective-taking to strengthen soldier-leader relationships, and by adopting a growth mindset centered around soldiers' potential to grow and develop, and leaders' potential to develop and improve relationships with soldiers. This growth mindset-centered approach aligns with the Army Leadership Requirements Model, centered on leader attributes and competencies. "Every educational, operational, and self-development event is an opportunity for observation, feedback, and reflection."¹⁴³ In legal practice, these perspective-taking and growth mindset strategies involve leaders making a fuller review of the whole soldier and their background before recommending or imposing disciplinary action, thinking about a leader's own blind spots, and asking more hard questions about the soldier, the circumstances surrounding alleged misconduct, and the most appropriate manner to dispose of a potential disciplinary situation.

¹⁴² Okonofua, Perez, and Darling-Hammond, "When Policy and Psychology Meet," 4.

¹⁴³ Headquarters, Department of the Army, Army Doctrine Publication 6-22, *Army Leadership and the Profession* (Washington, DC: Army Publishing Directorate, November 2019), 1-15.

Elimination of Confederate Symbols

The continued effort to rename Confederate-associated military assets seems likely to help in the efforts to reduce racial disparity throughout the military. The Naming Commission, appointed by Congress to provide naming, renaming, and removal recommendations for all DOD assets (installation names, monuments, range signs, road signs, etc.¹⁴⁴) that commemorate the Confederacy, is removing prominent displays of historic racism on military installations.¹⁴⁵ In considering how this may effect positive change in the military, it is useful to look through the lens of Vuletich and Payne's (2019) bias-of-crowds model of implicit bias that suggests that individual attitudes may be highly malleable, but constrained by the stability of structural inequality in social environments.¹⁴⁶

As Vuletich and Payne found in studying longitudinal data from eighteen university campuses, individual levels of implicit bias are not rigid and can change as often as the context of their social environment changes.¹⁴⁷ While individual levels of implicit bias may change immediately following an intervention, it appears that changes to the overall environment may be most effective at generating long-term changes in

¹⁴⁴ "DOD Inventory List," The Naming Commission, last modified March 31, 2022, <https://www.thenamingcommission.gov/inventory>.

¹⁴⁵ "Our Mission," The Naming Commission, accessed May 11, 2022, <https://www.thenamingcommission.gov/home>.

¹⁴⁶ Vuletich and Payne, "Stability and Change in Implicit Bias," 855.

¹⁴⁷ *Ibid.*, 859.

racial bias.¹⁴⁸ Based on the bias-of-crowds model, the DOD’s changes—removing the Confederate symbols and names from our military environment, symbols of racism and structural inequality in the social environment—have strong potential to ultimately trigger sustained decreases in implicit bias at the individual level of service members.

Diversity in Leadership Positions

An increase of Black and other minority soldiers in leadership positions also has the strong potential to decrease the effects of racial bias in military justice decision-making. Similar to the racial disparity identified in the military justice system, research in schools has shown that Black students are 3.8 times more likely than White students to be suspended from school, and that racial bias can contribute to this disparity in discipline.¹⁴⁹ Research shows that increasing racial diversity in the teaching force leads to less punitive responses to Black students’ misbehavior.¹⁵⁰ Researchers studying elementary schools in North Carolina found consistent evidence that Black students were significantly less likely to be subjected to suspension and expulsion when taught by Black teachers.¹⁵¹ While the reasons behind this correlation are not known, it is still compelling evidence to prioritize increasing racial diversity in military units. More Black

¹⁴⁸ Vuletich and Payne, “Stability and Change in Implicit Bias,” 860.

¹⁴⁹ Ibid., 1.

¹⁵⁰ Okonofua, Perez, and Darling-Hammond, “When Policy and Psychology Meet,” 5.

¹⁵¹ Constance A. Lindsay and Cassandra M.D. Hart, “Teacher Race and School Discipline: Are students Suspended Less Often When They Have a Teacher of the Same Race?” *Education Next* 17, no. 1 (2017): 72-78, <https://www.educationnext.org/teacher-race-and-school-discipline-suspensions-research/>.

leadership impacting legal decision-making may help lessen the racial disparity in the military justice system. Black soldiers should have the benefit of Black leaders, and soldiers in general would benefit from the variety and depth of perspective, experience, and expertise that comes with diversity in leadership.

Areas for Future Study

Other Decision-Maker Populations

Company-level commanders and first sergeants were a natural starting point for this type of research since they are the first point in the military justice system where formal adverse action is initiated against a soldier. Acknowledging the differences between the sample and target populations in this study, it may be useful to test currently serving company-level commanders and first sergeants to see whether there are any significant differences in the impact of racial bias compared to the more senior schoolhouse populations. It would be useful to explore the potential impact of racial bias on decision-makers at other points in the system as well. For example, how might racial bias impact the military justice decision-making of battalion and brigade-level commanders and command sergeants major? In light of the pervasiveness of racial bias in the society at large, it would be helpful to study the potential impact of racial bias on the more informal decision-makers as well. For example, how might racial bias impact platoon-level leaders' judgments of soldier misconduct and their decisions on whether or not to elevate issues for adverse action? How might racial bias impact squad leaders' assessments of alleged soldier misconduct? Judge advocates play a significant role in the military justice system by advising commanders on appropriate legal action in any given case. How might racial bias affect judge advocates' legal assessments and advice? Since

racial bias likely impacts decisions across the whole span of the military justice system, it would be useful for future training and racial bias mitigation efforts to gather data that illuminates the extent of the problem at different points in the system.

Other Decision-Maker and Soldier Subject Variables

What other decision-maker variables might affect the impact of racial bias on decisions in the military justice system? This study intended to analyze whether decision-makers' race or gender was related to the potential impact of racial bias on their decisions. Age and career branch would be other illuminating variables to consider.

There is some research suggesting that younger generations may be less racially biased, or at least are decreasing their biases more quickly than older generations. Charlesworth and Banaji (2021) analyzed ten years of data from Project Implicit, yielding more than 2.5 million Implicit Association Tests.¹⁵² Among their findings from analyzing population-level change across a decade of tests, the researchers found that younger respondents decreased both their explicit and implicit racial biases faster over time than older respondents, suggesting that they may be more susceptible or receptive to social forces driving attitude changes.¹⁵³ There may be an encouraging trend of younger leaders showing less racial bias in their decision-making compared to older leaders, suggesting a more promising future of lesser racial disparity in the military justice system as our younger generation leaders move into positions of greater responsibility. This trend

¹⁵² Tessa E.S. Charlesworth and Mahzarin R. Banaji, "Patterns of Implicit and Explicit Attitudes II. Long-term Change and Stability, Regardless of Group Membership," *American Psychologist* 76, no. 6 (2021): 851.

¹⁵³ *Ibid.*, 860.

supports the importance of targeting racial bias intervention efforts on soldiers starting from their earliest days in the Army.

Another question is whether decision-makers from different career branches show significant racial bias differences. For example, are combat arms leaders more or less affected by racial bias in their legal decision-making compared to combat support leaders? Of course, there are significant race and gender differences between the branches, so that adds complication to the analysis. However, different branches may attract or condition certain personal characteristics in its leaders that may be related to levels of racial bias and tendencies to actively check racial biases. For example, are combat arms leaders more likely to skim and act quickly and decisively on legal packets, compared to a combat support leader who may take more time to think about the situation, the overall soldier, and potential biases at play? A study comparing career branches that reveals the relative gravity of the problem in different Army subgroups would be useful for identifying focus areas for racial bias mitigation efforts.

This study examined the potential impact of racial bias on company-level decision-making involving Black soldier subjects, as reports have revealed the most significant levels of racial disparity with Black soldiers compared to White soldiers. However, it would be useful to study the potential impact of racial bias on soldiers of other minority races. In particular, the May 2019 GAO report indicated that Hispanic servicemembers are also more likely than White servicemembers to be subjects of criminal investigation and to be tried in courts-martial.¹⁵⁴ By more fully understanding

¹⁵⁴ GAO, GAO-19-344, 40.

the causes and extent of the racial disparity problems, DOD and the military services can initiate more focused efforts tackling racial bias.

APPENDIX A

DESCRIPTIVE STATISTICS

Table 1

Counts and Percentages of the Disposition Decisions on Legal Packets							
Soldier Packet	N (# responses)	No Action	Counsel	Company Grade Art. 15	Field Grade Art. 15	Court-martial	No Response
<i>CGSOC Officers</i>							
Black	176	1 (.6%)	11(6.3%)	43 (24.4%)	58 (33%)	62 (35.2%)	1 (.6%)
White	176	5 (2.8%)	9 (5.1%)	45 (25.6%)	52 (29.5%)	64 (36.4%)	1 (.6%)
<i>SGM-A NCOs</i>							
Black	42	0	4 (9.5%)	14 (33.3%)	11 (26.2%)	13 (31%)	0
White	42	0	2 (4.8%)	10 (23.8%)	12 (28.6%)	18 (42.9%)	0

Table 2

Confidence in Disposition Decisions					
Soldier Packet	N (# responses)	Min.	Max.	Mean	SD
<i>CGSOC Officers</i>					
Black	176	1	4	3.44	.66
White	176	1	4	3.34	.72
<i>SGM-A NCOs</i>					
Black	42	1	4	3.64	.62
White	42	1	4	3.67	.61

Table 3

Confidence in Guilt					
Soldier Packet	N (# responses)	Min.	Max	Mean	SD
<i>CGSOC Officers</i>					
Black	176	1	4	3.44	.77
White	176	1	4	3.38	.83
<i>SGM-A NCOs</i>					
Black	42	1	4	3.71	.60
White	42	1	4	3.83	.44

Source: Created by author.

APPENDIX B:

MILITARY JUSTICE DECISION-MAKING SURVEY

(One of the four survey variations)

Military Justice Decision-Making Survey

Dear Student,

I am a U.S. Army officer currently attending the U.S. Army Command and General Staff Officer Course at Fort Leavenworth. I request your participation in my research studying decision-making in the military justice system.

You will be presented with four legal packets describing various types and levels of offenses. You will be asked to imagine that you are a company commander. In this role, you will be asked to decide what action you will take for each packet and how confident you are in your decisions.

Participation in this study is voluntary. It will take approximately twenty minutes. If at any time during the survey, you decide not to take part for any reason, just close the survey. No data will be saved unless you finish the survey and agree that I may use your data for my research. At the end of the survey, you will receive information on how to request the results and ask any questions.

If you have any questions or concerns about this study and would like to talk to someone other than the researcher, you may contact Dr. David Culkin, Chair, Collaborative Academic Institutional Review Board, at david.t.culkin.civ@army.mil or (913) 758-3204.

If you are willing to take part, please click the link below to show you understand your rights and agree to participate in this study.

Jodie L. Grimm
MAJ,JA
Student, CGSOC
Fort Leavenworth, KS

Screening Criteria

Please answer the following two questions to determine whether you meet the screening criteria for this study.

Are you an active-duty U.S. Army officer?

- ☐ Yes
- ☐ No

Have you served as a company-level commander?

- ☐ Yes
- ☐ No

This Program Analysis Survey has been reviewed by the CGSC Quality Assurance Office

The Survey Control Number: 22-05-086

SURVEY APPROVAL AUTHORITY
U.S.ARMY RECORDS MANAGEMENT DIRECTORATE
SURVEY CONTROL NUMBER: AAHS-RMC-22-121(EX)
AGENCY IDENTIFIER: CAC
Expiration Date: 05/18/23

Instructions

The researcher is studying leaders' decision-making within the military justice system, specifically how leaders judge the severity of various types of misconduct and determine appropriate corrective and/or punitive action. For the purpose of this study, pretend you are a company-level commander. You will be presented with four different "Request for Legal Action" packets that subordinate leaders have submitted for review and action. Review each soldier legal packet as you would if you were the soldier's company commander. After reviewing each packet, please answer each of the three questions regarding your intended action.

A review of the relevant disciplinary and legal actions is provided below.
Nonpunitive measures, such as counseling or extra training, "are the primary tools for teaching proper standards of conduct and performance and do not constitute punishment, nor are they required as a first step toward NJP." AR 27-10, para 3-3a.

Nonjudicial punishment ("NJP" or "Article 15") "is proper in all cases involving minor offenses in which nonpunitive measures are considered inadequate or inappropriate." AR 27-10, para 3-2. "NJP is imposed to correct misconduct in violation of the UCMJ." AR 27-10, para 3-3a. "If a commander determines that the commander's authority pursuant to UCMJ, Art. 15 is insufficient to impose a proper punishment, the case may be referred to an appropriate superior." AR 27-10, para 3-5b.

Upon consultation with a judge advocate, preferral of charges may be appropriate for more serious offenses when the interests of justice and good order and discipline are served by trial by court-martial. Manual for Courts-Martial, United States, App. 2.1, para 2.1 (2019 ed).

Scenario 1

Request for Legal Action

For Company Commander review

Soldier: PFC Todd Sullivan

For TRAINING PURPOSES Only

ENLISTED RECORD BRIEF

BRIEF DATE 2/02/2012		NAME SULLIVAN, TODD, C		RANK - DOR PFC		PMOS 19 D		SSN XXX-XX-0865		COMPONENT REGULAR					
SECTION I - Assignment Information				SECTION II - Security Data				SECTION III - Service Data				SECTION IV - Personal/Family Data			
OS/Deployment Combat Duty				PSI Status SECRET Fd Det PS Stat none				BASD 20200920 PERD 20200920 BESO 20200920				Date of Birth 199 06111			
Start-End Date CT MO/YS/TT				PSI Invest INIT				ETS 20240921 DIEMS 20200910 Reenl Elig/Pos/Nb				Country of Citz US			
I # I M				PSI Invest Compl				# Days Lost 3 DAYS AGCM DI AGCM DI AGCM DI				No of Dependent Adults/Children			
C. A. 0				SECTION V - Foreign Language				PVT PVT2 PFC SPC - CPL				Religion			
O. A. 0				Language Read Listen Speak				DOR 2020 0920 202 0920 202 0920				Marital Status			
R. A. 0								DOR SGT SSG SFC MSG - 1SG				SINGLE			
TOT: 0								DOR SGM - CSM				PULHES 111111 Height/Weight			
Overall Time								SECTION VII - CIVILIAN Education				MRC2 111111 66/207			
Start								Level Completed 000				EFMP DI			
Month - Days								DESIG High School Diploma Yr 19				#Cmd Sponsored			
Date Dependents Arrived OS				DIAR				Institution				Physical Category			
PMOS 19D				SECTION VI - Military Education				Discipline				A			
SMOS				MELMES				Discipline				Last Physical Exam			
Bonus MOS				Courses				Number Of Semester Hours Completed				MWRB Results/Dt			
Bonus Entry Elig DI				COMBAT LIFE SAVERS CRS				Technical Certification				Home of Record			
Promotion Points NYRMO				ACR Year 2020				Course Name				DAWSON, ME			
Prev Promotion Points NYRMO								DI Certified				Mailing Address 31 BALLARD ST. DAWSON, ME			
Promotion MOS								DI Expires				22416-4666			
Prom Select DI								SECTION VIII - Awards and Decorations				Mil Spouse SSN/MPC			
ASVAB								NO AM 1				Sve Comp / DoD			
GT 100 ELEC 97								AWTSM 1				Emergency Data Verified Date 20200921			
ADMIN 99 FA 92												SECTION X - Remarks			
CMBT 104 MECH 112												NYRMO			
MAINT 119												RCMT AFL			
Delay Separation Reason												Date Last Photo			
AEA / DI												RECMOS CPOSCB TRCUAD FYCAL			
Flag Code															
Flag Start Dt															
Flag Expiration Dt															
Date of Loss				Date of Last PCS				Date of Last NOCER							
SECTION IX - Assignment Information															
ASGT FROM MO UNIT NO ORGANIZATION STATION LOC COMD DUTY TITLE DMOS AS LANG															
PROJ															
Current 2021 07 01															
1st Prev 2021 03 15															
2nd Prev 2020 09 20															
3rd Prev															
4th Prev															
5th Prev															
6th Prev															
7th Prev															
8th Prev															
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21st Prev															
22nd Prev															
23rd Prev															
24th Prev															

TRAINING PURPOSES ONLY

DEVELOPMENTAL COUNSELING FORM <i>For use of this form, see ATP 6-22.1; the proponent agency is TRADOC.</i>		
DATA REQUIRED BY THE PRIVACY ACT OF 1974		
AUTHORITY:	5 USC 301, Departmental Regulations; 10 USC 3013, Secretary of the Army.	
PRINCIPAL PURPOSE:	To assist leaders in conducting and recording counseling data pertaining to subordinates.	
ROUTINE USES:	The DoD Blanket Routine Uses set forth at the beginning of the Army's compilation of systems or records notices also apply to this system.	
DISCLOSURE:	Disclosure is voluntary.	
PART I - ADMINISTRATIVE DATA		
Name (Last, First, MI)	Sullivan, Todd, C.	Rank/Grade PFC
Date of Counseling	18 October 2021	
Organization Co B, 3d Bn, 3d AR	Name and Title of Counselor SSG Johnnie C. Quest, Section Sergeant	
PART II - BACKGROUND INFORMATION		
<i>Purpose of Counseling: (Leader states the reason for the counseling. e.g. Performance/Professional or Event-Oriented counseling, and includes the leader's facts and observations prior to the counseling.)</i> Event-Oriented Counseling		
PART III - SUMMARY OF COUNSELING		
Complete this section during or immediately subsequent to counseling.		
Key Points of Discussion: This morning, 18 Oct 21 you failed to show up for accountability formation on time. Formation today was at 0600 and you did not arrive until 0615. It is of the utmost importance that you arrive to formation on time. Timeliness is vital in this unit especially when we are in a rapid deployment status. Being even 15 minutes late could cause you to be charged for a violation of the uniform code of military justice. I expect you to correct this action and continue to arrive on time as you have in the past.		
This counseling is in accordance with paragraph 1-16 of AR 635-200. This counseling statement has been furnished to you, not as a punitive measure under the provisions of Article 15, UCMJ, but as an administrative measure to stress that continued behavior of the same or a similar nature may result in initiation of action eliminating you from the U.S. Army for (Involuntary Separation Due To Parenthood)(Personality Disorder)(Entry Level Performance and Conduct)(Unsatisfactory Performance)(Misconduct or Minor Disciplinary Infractions) under the provisions of Chapter (5) (8) (11) (13) (14), AR 635-200. Such action may result in the issuance of either an Honorable Discharge, General Discharge, or an Other Than Honorable (OTH) Discharge. If you receive a General or an OTH Discharge, this could result in the possible loss of some or all Veterans Benefits and substantial prejudice in obtaining civilian employment. In addition, if you have contributed money to the Montgomery G.I. Bill and you are released from active duty with a less than Honorable Discharge, you will not be eligible to receive money for educational purposes and any money already contributed for educational purposes is nonrefundable and may be forfeited.		
OTHER INSTRUCTIONS		

Plan of Action: (Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specified time line for implementation and assessment (Part IV below).
PMS Will report to formation at least 10 minutes prior.

Session Closing: (The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate.)

Individual counseled: ☒ I agree ☐ disagree with the information above.
Individual counseled remarks:

Signature of Individual Counseled: Todd Sullivan Date: 15 Oct 21

Leader Responsibilities: (Leader's responsibilities in implementing the plan of action.)
Ensure that the Soldier reports at least 10 minutes prior to all formations.

Signature of Counselor: [Signature] Date: 15 Oct 21

PART IV - ASSESSMENT OF THE PLAN OF ACTION

Assessment: (Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling.)

Soldier has been late numerous times and has had several ~~late~~ corrective training actions which seem to have corrected the deficiency.

Counselor: [Signature] Individual Counseled: Todd Sullivan Date: 15 Nov 21

Note: Both the counselor and the individual counseled should retain a record of the counseling.

DEVELOPMENTAL COUNSELING FORM For use of this form, see ATP 6-22.1; the proponent agency is TRADOC.		
DATA REQUIRED BY THE PRIVACY ACT OF 1974		
AUTHORITY:	5 USC 301, Departmental Regulations; 10 USC 3013, Secretary of the Army.	
PRINCIPAL PURPOSE:	To assist leaders in conducting and recording counseling data pertaining to subordinates.	
ROUTINE USES:	The DoD Blanket Routine Uses set forth at the beginning of the Army's compilation of systems or records notices also apply to this system.	
DISCLOSURE:	Disclosure is voluntary.	
PART I - ADMINISTRATIVE DATA		
Name (Last, First, MI)	Sullivan, Todd, C.	Rank/Grade PFC
Date of Counseling		25 October 2021
Organization Co B, 3d Bn, 3d AR	Name and Title of Counselor SSG Johnnie C. Quest, Section Sergeant	
PART II - BACKGROUND INFORMATION		
Purpose of Counseling: (Leader states the reason for the counseling, e.g. Performance/Professional or Event-Oriented counseling, and includes the leader's facts and observations prior to the counseling.) Event-Oriented Counseling		
PART III - SUMMARY OF COUNSELING Complete this section during or immediately subsequent to counseling.		
Key Points of Discussion: This morning, 25 Oct 21, you failed to show up for work in the Motor Pool. The duty day started at 0830. This morning, you did not arrive to work until 1100 hours. When asked where you had been, you indicated that you were in bed recovering from a hangover. Although you were not intoxicated when you arrived to work you were still late to formation. As a Soldier you are expected to stop drinking at a reasonable hour to ensure you are ready for work the next day. You never informed anyone in your section that you were running late. This is not your first incident of this nature. I am not recommending you for nonjudicial punishment for this incident, but I can and will recommend it if this behavior continues.		
This counseling is in accordance to paragraph 1-16 of AR 635-200. This counseling statement has been furnished to you, not as a punitive measure under the provisions of Article 15, UCMJ, but as an administrative measure to stress that continued behavior of the same or a similar nature may result in initiation of action eliminating you from the U.S. Army for (Involuntary Separation) (Due To Parenthood) (Personality Disorder) (Entry Level Performance and Conduct) (Unsatisfactory Performance) (Misconduct or Minor Disciplinary Infractions) under the provisions of Chapter (5) (8) (11) (13) (14), AR 635-200. Such action may result in the issuance of either an Honorable Discharge, General Discharge, or an Other Than Honorable (OTH) Discharge. If you receive a General or an OTH Discharge, this could result in the possible loss of some or all Veterans Benefits and substantial prejudice in obtaining civilian employment. In addition, if you have contributed money to the Montgomery G.I. Bill and you are released from active duty with a less than Honorable Discharge, you will not be eligible to receive money for educational purposes and any money already contributed for educational purposes is non-refundable and may be forfeited.		
OTHER INSTRUCTIONS		
This form will be destroyed upon: reassignment (other than rehabilitative transfers), separation at ETS, or upon retirement. For separation requirements and notification of loss of benefits/consequences see local directives and AR 635-200.		

Plan of Action: (Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specified time line for implementation and assessment (Part IV below).
Will report to formation at least 15 minutes prior.

Session Closing: (The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate.)

Individual counseled: ☒ I agree ☐ disagree with the information above.

Individual counseled remarks:

Signature of Individual Counseled: Todd Sullivan Date: 25 Oct 21

Leader Responsibilities: (Leader's responsibilities in implementing the plan of action.)

Ensure that the Soldier reports at least 15 minutes prior to all formations.

Signature of Counselor: [Signature] Date: 25 Oct 21

PART IV - ASSESSMENT OF THE PLAN OF ACTION

Assessment: (Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling.)

corrected his behavior

Counselor: [Signature] Individual Counseled: Todd Sullivan Date of Assessment: 23 Nov 21

Note: Both the counselor and the individual counseled should retain a record of the counseling.

Plan of Action (Outline actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specified time line for implementation and assessment (Part IV below).
445 Complete an essay on the importance of respect in the military that is 5000 words in length by COB next Friday

Session Closing: (The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees or disagrees and provides remarks if appropriate.)

Individual counseled: ☒ I agree ☐ disagree with the information above.
Individual counseled remarks:

Signature of Individual Counseled: Todd Sullivan Date: 15 Dec 21

Leader Responsibilities: (Leader's responsibilities in implementing the plan of action.)
Ensure that the Soldier completes his essay and reads it to the entire section.

Signature of Counselor: Jon C. Quest Date: 15 Dec 21

PART IV - ASSESSMENT OF THE PLAN OF ACTION

Assessment: (Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling.)

Soldier completed his assigned task on time however ~~has~~ ^{has} continued to fail to arrive on time.

Counselor: Jon C. Quest Individual Counseled: Todd Sullivan Date of Assessment: 29 Dec 21

Note: Both the counselor and the individual counseled should retain a record of the counseling.

DEVELOPMENTAL COUNSELING FORM For use of this form, see ATP 6-22.1; the proponent agency is TRADOC.		
DATA REQUIRED BY THE PRIVACY ACT OF 1974		
AUTHORITY:	5 USC 301, Departmental Regulations; 10 USC 3013, Secretary of the Army.	
PRINCIPAL PURPOSE:	To assist leaders in conducting and recording counseling data pertaining to subordinates.	
ROUTINE USES:	The DoD Blanket Routine Uses set forth at the beginning of the Army's compilation of systems or records notices also apply to this system.	
DISCLOSURE:	Disclosure is voluntary.	
PART I - ADMINISTRATIVE DATA		
Name (Last, First, MI)	Sullivan, Todd, C.	Rank/Grade PFC
Date of Counseling	19 Jan 2022	
Organization Co B, 3d Bn, 3d AR	Name and Title of Counselor SSG Johnnie C. Quest, Section Sergeant	
PART II - BACKGROUND INFORMATION		
Purpose of Counseling: (Leader states the reason for the counseling, e.g. Performance/Professional or Event-Oriented counseling, and includes the leader's facts and observations prior to the counseling.) Event-Oriented Counseling		
PART III - SUMMARY OF COUNSELING		
Complete this section during or immediately subsequent to counseling.		
Key Points of Discussion: On 17 Jan 2022, you failed to report at 0630 accountability formation and did not show up again until 1600 on 18 Jan 2022. Numerous individuals from the company tried to locate you without success. You did not contact anyone from the company to tell us where you were. You said you went away to try to get your head straight and decided you just did not want to come back until you realized you might be arrested and sent to jail for being absent without leave. Despite everyone's efforts to correct your deficiencies your behavior continues to degrade. This type of behavior goes against the Army values and the expectations of the unit. I am recommending UCMJ action.		
This counseling is in accordance to paragraph 1-16 of AR 635-200. This counseling statement has been furnished to you, not as a punitive measure under the provisions of Article 15, UCMJ, but as an administrative measure to stress that continued behavior of the same or a similar nature may result in initiation of action eliminating you from the U.S. Army for (Involuntary Separation Due To Parenthood) (Personality Disorder) (Entry Level Performance and Conduct) (Unsatisfactory Performance) (Misconduct or Minor Disciplinary Infractions) under the provisions of Chapter (5) (8) (11) (13) (14), AR 635-200. Such action may result in the issuance of either an Honorable Discharge, General Discharge, or an Other Than Honorable (OTH) Discharge. If you receive a General or an OTH Discharge, this could result in the possible loss of some or all Veterans Benefits and substantial prejudice in obtaining civilian employment. In addition, if you have contributed money to the Montgomery G.I. Bill and you are released from active duty with a less than Honorable Discharge, you will not be eligible to receive money for educational purposes and any money already contributed for educational purposes is non-refundable and may be forfeited.		
OTHER INSTRUCTIONS		
This form will be destroyed upon: reassignment (other than rehabilitative transfers), separation at ETS, or upon retirement. For separation requirements and notification of loss of benefits/consequences see local directives and AR 635-200.		

Plan of Action: (Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specified time line for implementation and assessment (Part IV below). *Until first formation next Monday, Soldier will check in with CQ every evening at 2000 and each weekend morning at 0800. The chain of command will assist in coordinating support with behavioral health, ASAP, and/or chaplain services.*

Session Closing: (The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees or disagrees and provides remarks if appropriate.)

Individual counseled: ☒ I agree ☐ disagree with the information above.

Individual counseled remarks:

Signature of Individual Counseled: Todd Sullivan Date: 19 Jan 22

Leader Responsibilities: (Leader's responsibilities in implementing the plan of action.)

Ensure Soldier checks in as required, IAW Soldier preference, get him linked up with Behavioral Health, ASAP, and/or chaplain this week.

Signature of Counselor: [Signature] Date: 19 Jan 22

PART IV - ASSESSMENT OF THE PLAN OF ACTION

Assessment: (Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling.)

Counselor: _____ Individual Counseled: _____ Date of Assessment: _____

Note: Both the counselor and the individual counseled should retain a record of the counseling.

Please answer the following questions

What action do you take in this case?

- ☐ no action
- ☐ counsel or return to subordinate leader to counsel
- ☐ initiate company-grade Article 15
- ☐ submit to higher commander with recommendation for field-grade Article 15
- ☐ upon consultation with the unit judge advocate, plan to prefer charges with a view toward court-martial

How confident are you in your disposition decision?

- ☐ no confidence
- ☐ slight confidence
- ☐ moderate confidence
- ☐ high confidence

How confident are you in the soldier's guilt?

- ☐ no confidence
- ☐ slight confidence
- ☐ moderate confidence
- ☐ high confidence

Scenario 2

Request for Legal Action

For Company Commander review

Soldier: SGT Leroy Jones

ENLISTED RECORD BRIEF														
BRIEF DATE 2022 02 25		NAME JONES, LEROY, B		RANK-DOR SGT		20211010		PMOS		SSN XXX-XX-9418		COMPONENT REGULAR		
SECTION I - Assignment Information				SECTION II - Security Data				SECTION III - Service Data				SECTION IV - Personal/Family Data		
DS/Deployment Combat Duty				#S - PSI Status #L - PSI Invest INIT				BASD 20181010 ETS 20221010 # DAYS LOST				PEBD 20181010 DIEM Reenl Elig/Prohib		
Start-End Date				CT				IMO				TS		
C				I				M				T		
D				R				TOT						
Dwell Time				DEROS				DROS						
Date Dependents Arrived OS				DLAB				SECTION VI - Military Education				SECTION VII - CIVILIAN Education		
PMOS				SG				SGL				Level Completed		
BMOS				POSM/YRMO				MELMES				ASSOCIATED DEGREE		
Bonus MOS				ASI				Course				2017		
Bonus Enlist Eto Dt				Promotion Points/YRMO				WLC				2021		
Prev Promotion Points/YRMO				Prom Seq#				From Selected Dt				Technical Certification		
Promotion MOS				ASVAB				Test #/DI				DI Certified		
GT				ELEC				121				DI Expires		
ADMINI 120				FA				124				SECTION VIII - Awards and Decorations		
DMET				MECH				102				ARCOM 1		
Delay Separation Reason				HEAD				Flag Start Dt				AAM 1		
Flag Code				Flag Expiration Dt				Correspondence Courses				AGCM 1		
Date of Loss				Date of Last PCS				SECTION IX - Assignment Information				NDSM 1		
ASGT				FROM				MO				UNIT NO		
PROJ				Current				W6W/AA				CO D, 3D BN 3D AR		
1st Prev				W6W/AA				W6W/AA				CO A 266 QM BN		
2nd Prev				W6W/AA				W6W/AA				CO E 26N, 26N TR		
3rd Prev				W6W/AA				W6W/AA				RECEPTEE CO, 120 AG BN		
4th Prev				W6W/AA				W6W/AA				FT ATTENBURY		
5th Prev				W6W/AA				W6W/AA				FT LEE		
6th Prev				W6W/AA				W6W/AA				FT JACKSON		
7th Prev				W6W/AA				W6W/AA				FT JACKSON		
8th Prev				W6W/AA				W6W/AA				US		
9th Prev				W6W/AA				W6W/AA				TC		
10th Prev				W6W/AA				W6W/AA				TC		
11th Prev				W6W/AA				W6W/AA				TC		
12th Prev				W6W/AA				W6W/AA				TC		
13th Prev				W6W/AA				W6W/AA				TC		
14th Prev				W6W/AA				W6W/AA				TC		
15th Prev				W6W/AA				W6W/AA				TC		
16th Prev				W6W/AA				W6W/AA				TC		
17th Prev				W6W/AA				W6W/AA				TC		
18th Prev				W6W/AA				W6W/AA				TC		
19th Prev				W6W/AA				W6W/AA				TC		
20th Prev				W6W/AA				W6W/AA				TC		
21st Prev				W6W/AA				W6W/AA				TC		
22nd Prev				W6W/AA				W6W/AA				TC		
23rd Prev				W6W/AA				W6W/AA				TC		
24th Prev				W6W/AA				W6W/AA				TC		
25th Prev				W6W/AA				W6W/AA				TC		
26th Prev				W6W/AA				W6W/AA				TC		
27th Prev				W6W/AA				W6W/AA				TC		
28th Prev				W6W/AA				W6W/AA				TC		
29th Prev				W6W/AA				W6W/AA				TC		
30th Prev				W6W/AA				W6W/AA				TC		
31st Prev				W6W/AA				W6W/AA				TC		
32nd Prev				W6W/AA				W6W/AA				TC		
33rd Prev				W6W/AA				W6W/AA				TC		
34th Prev				W6W/AA				W6W/AA				TC		
35th Prev				W6W/AA				W6W/AA				TC		
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39th Prev				W6W/AA				W6W/AA				TC		
40th Prev				W6W/AA				W6W/AA				TC		
41st Prev				W6W/AA				W6W/AA				TC		
42nd Prev				W6W/AA				W6W/AA				TC		
43rd Prev				W6W/AA				W6W/AA				TC		
44th Prev				W6W/AA				W6W/AA				TC		
45th Prev				W6W/AA				W6W/AA				TC		
46th Prev				W6W/AA				W6W/AA				TC		
47th Prev				W6W/AA				W6W/AA				TC		
48th Prev				W6W/AA				W6W/AA				TC		
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51st Prev				W6W/AA				W6W/AA				TC		
52nd Prev				W6W/AA				W6W/AA				TC		
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61st Prev				W6W/AA				W6W/AA				TC		
62nd Prev				W6W/AA				W6W/AA				TC		
63rd Prev				W6W/AA				W6W/AA				TC		
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74th Prev				W6W/AA				W6W/AA				TC		
75th Prev				W6W/AA				W6W/AA				TC		
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77th Prev				W6W/AA				W6W/AA				TC		
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152nd Prev				W6W/AA				W6W/AA				TC		
153rd Prev				W6W/AA				W6W/AA				TC		
154th Prev				W6W/AA				W6W/AA				TC		
155th Prev				W6W/AA				W6W/AA				TC		
156th Prev				W6W/AA				W6W/AA				TC		
157th Prev				W6W/AA				W6W/AA				TC		
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159th Prev				W6W/AA				W6W/AA				TC		
160th Prev				W6W/AA				W6W/AA				TC		
161st Prev				W6W/AA				W6W/AA				TC		
162nd Prev				W6W/AA				W6W/AA				TC		
163rd Prev				W6W/AA				W6W/AA				TC		
164th Prev				W6W/AA				W6W/AA				TC		
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166th Prev				W6W/AA				W6W/AA				TC		
167th Prev				W6W/AA				W6W/AA				TC		
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169th Prev				W6W/AA				W6W/AA				TC		
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171st Prev				W6W/AA				W6W/AA				TC		
172nd Prev				W6W/AA				W6W/AA				TC		
173rd Prev				W6W/AA				W6W/AA				TC		
174th Prev				W6W/AA				W6W/AA				TC		
175th Prev				W6W/AA				W6W/AA				TC		
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177th Prev				W6W/AA				W6W/AA				TC		
178th Prev				W6W/AA				W6W/AA				TC		
179th Prev				W6W/AA				W6W/AA				TC		
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182nd Prev				W6W/AA				W6W/AA				TC		
183rd Prev				W6W/AA				W6W/AA				TC		
184th Prev				W6W/AA				W6W/AA				TC		
185th Prev				W6W/AA				W6W/AA				TC		
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187th Prev				W6W/AA				W6W/AA				TC		
188th Prev				W6W/AA				W6W/AA				TC		
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192nd Prev				W6W/AA				W6W/AA				TC		
193rd Prev				W6W/AA				W6W/AA				TC		
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198th Prev				W6W/AA				W6W/AA				TC		
199th Prev				W6W/AA				W6W/AA				TC		
200th Prev				W6W/AA				W6W/AA				TC		
201st Prev				W6W/AA				W6W/AA				TC		
202nd Prev				W6W/AA				W6W/AA				TC		
203rd Prev				W6W/AA				W6W/AA				TC		
204th Prev				W6W/AA				W6W/AA				TC		
205th Prev				W6W/AA				W6W/AA				TC		
206th Prev				W6W/AA				W6W/AA				TC		
207th Prev				W6W/AA				W6W/AA				TC		
208th Prev				W6W/AA				W6W/AA				TC		
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211st Prev				W6W/AA				W6W/AA				TC		
212nd Prev				W6W/AA				W6W/AA				TC		
213rd Prev														

Plan of Action (Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specified time line for implementation and assessment (Part IV below).)

-Attend anger management classes at ACS with an escort

-Maintain proper respect for your superiors.

Session Closing: (The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate.)

Individual counseled: ☒ I agree ☐ disagree with the information above.

Individual counseled remarks:

Signature of Individual Counseled:

C Jones

Date:

6 JAN 22

Leader Responsibilities: (Leader's responsibilities in implementing the plan of action.)

Signature of Counselor:

M Reeder

Date:

6 Jan 22

PART IV - ASSESSMENT OF THE PLAN OF ACTION

Assessment: (Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling.)

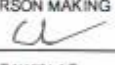
Counselor:

Individual Counseled:

Date of

Assessment:

Note: Both the counselor and the individual counseled should retain a record of the counseling.

SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is PMG.			
PRIVACY ACT STATEMENT AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN). PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents. ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions. DISCLOSURE: Disclosure of your SSN and other information is voluntary.			
1. LOCATION Fort Atterbury, IN	2. DATE (YYYYMMDD) 20220105	3. TIME 1730	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME Lang, Charles E.	6. SSN	7. GRADE/STATUS E7/AD	
8. ORGANIZATION OR ADDRESS D Co, 3d Bn, 3d AR, Fort Atterbury, IN 46124			
9. I, <u>Charles E. Lang</u> , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: On 5 January 2022, I was briefing my platoon about the field training exercise and which squad would take the lead on this. SGT Leroy Jones's squad, which had originally been identified as the lead, was sitting on the front row. When I informed them that second squad would take the lead due to misconduct in the squad, he told me to "cram it." At this time, SGT Jones was sitting directly in front of me. SSG Reeder, his Section Sergeant, walked up from the back when SGT Jones stood up and stabbed me in the arm. The knife was dull and only caused a small cut on my arm. End of Statement			
10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT 		Page 1 of 3
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____" THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.			

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF Charles E. Lang TAKEN AT Fort Atterbury, IN DATED 20220105

INITIALS OF PERSON MAKING STATEMENT CL

CL

Page 2 of 3

STATEMENT OF Charles E. Lang TAKEN AT Fort Atterbury, IN DATED 20220105

AFFIDAVIT

I, Charles E. Lang, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

Charles Lang

(Signature of Person Making Statement)

WITNESSES:

M. Reeder

Mark Reeder, SSG

D Co, 3d Bn, 3d AR, Fort Atterbury IN
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5th day of January, 2022
at Fort Atterbury, IN

JB Engles

(Signature of Person Administering Oath)

JB Engles, CPT

(Typed Name of Person Administering Oath)

Commander, D Co, 3d Bn, 3d AR, Ft. Atterbury IN

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

CL

Page 3 of 3

Please answer the following questions

What action do you take in this case?

- ☐ no action
- ☐ counsel or return to subordinate leader to counsel
- ☐ initiate company-grade Article 15
- ☐ submit to higher commander with recommendation for field-grade Article 15
- ☐ upon consultation with the unit judge advocate, plan to prefer charges with a view toward court-martial

How confident are you in your disposition decision?

- ☐ no confidence
- ☐ slight confidence
- ☐ moderate confidence
- ☐ high confidence

How confident are you in the soldier's guilt?

- ☐ no confidence
- ☐ slight confidence
- ☐ moderate confidence
- ☐ high confidence

Scenario 3

Request for Legal Action

For Company Commander review

Soldier: PFC Brad McCarthy

ENLISTED RECORD BRIEF														
BRIEF DATE 20220130		NAME MCCARTHY, BRAD L			RANK - DOR PFC 20200710			PMOS 92F		SSN xxx-xx-7865		COMPONENT REGULAR		
SECTION I - Assignment Information				SECTION II - Security Data				SECTION III - Service Data				SECTION IV - Personal/Family Data		
OS/Deployment Combat Duty				PSI Status: SECRE Pld Det PS Stat none				BASD 20180810 PEBD 20180810 BESO				Date of Birth: 20000904		
Start-End Date CT MO YR				PSI Invest INIT				ETS 20220810				Country of Citz: US		
C O R				PSI Invest Opmpl				# Days Lost				Sex/Race: MALE/WHITE		
Dwell Time				SECTION V - Foreign Language				DOR 20180810 20190210 20200710				Religion: /		
Month - Days				Language Read Listen Speak				DOR SGT SSG SFC MSG - 1SG				Marital Status: SINGLE		
Date Dependents Arrived OS				DOR SGM - CSM				SECTION VII - CIVILIAN Education				PULHES 111111		
PMOS				DLAR				Level Completed				EFMP Dt		
SMOS				MEL/MES				DESIG HIGH SCHOOL DIPLOMA				Physical Category: A		
Bonus MOS				Course				Institution				Last Physical Exam		
Bonus Enlist Eliq Dt				ACH Year				Discipline				Home of Record		
Promotion Points/YRMO				Correspondence CRS Total # Hrs				Institution				19 Fourth St. Fayetteville, NC 46124-9877		
Prom Seg# Prom Select Dt				SECTION VI - Military Education				Discipline				Mailing Address:		
Promotion MOS				Course				Discipline				MIL Spouse SSN/MPC		
ASVAB Test # / Dt				ASVAB 17				Number Of Semester Hours Completed				Sec Comp / DoD		
GT 102 ELEC 121 FOOD 104 TECH 121				ASVAB 17				SECTION VIII - Awards and Decorations				Emergency Data Verified Date 20201210		
ADMIN 126 FA 124 COMMO 117				ASVAB 17				ASR 1				SECTION X - Remarks		
CMBT 114 MECH 102 MAINT 114				ASVAB 17				MOSM 1				HIV YRMO		
Delay Separation Reason				ASVAB 17				GWTSM 1				RGMT AFL		
AEA / Dt				ASVAB 17								Date Last Photo		
Flag Code				ASVAB 17										
Flag Start Dt				ASVAB 17										
Flag Expiration Dt				ASVAB 17										
BMQ 20190313 27/40				ASVAB 17										
Date of Loss				ASVAB 17										
Date of Last PCS				ASVAB 17										
SECTION IX - Assignment Information														
ASGT	FROM	MO UNIT NO	ORGANIZATION	STATION	LOC	COMO	DUTY TITLE	DMOS	ASI	LANG				
PROJ	190431	WGW7AA	CO D 3D BN 3D AR	FT ATTERBUR	US	TC	FUELER	92F10	00					
Current	181214	W1FT1A	CO A 358 AQ BN SSI TR	FT JACKSO	US	TC	AIT	92F10	00					
2nd Prev	180901	W0GR8E	CO E 2BN 28INF TR	FT JACKSO	US	TC	TRAINEE	92F10	00					
3rd Prev	180810	W0U67A	RECEPTEE CO 120TH AG B	FT JACKSO	US	TC	RECEPTION	92F10	00					
4th Prev														
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MILITARY POLICE REPORT For use of this form, see AR 190-45; the proponent agency is PMG.					
PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified. ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary.					
MILITARY POLICE REPORT NUMBER 202212345112		DATE (YYYYMMDD) 2022/01/12		ORI NUMBER	
THRU Commander 54th Infantry Division (Mechanized)		TO Commander Company D, 3d Battalion, 3d Armor		FROM Commander, Provost Marshals Office	
SECTION I - ADMINISTRATION					
1. REPORT TYPE ☐ Information ☐ Traffic ☐ Military Offense ☐ Criminal ☐ Complaint		3. EVALUATION ☐ Founded ☐ Unfounded 4a. COMPLAINT DATE (YYYYMMDD) 4b. COMPLAINT TIME (24 HR) ☐ Initial ☐ Supplemental ☐ Cdr's Action		4c. COMPLAINT RECEIVED BY ☐ In Person ☐ 911 ☐ CB ☐ Telephone ☐ Mail ☐ Radio ☐ Crime Stoppers ☐ Alarm ☐ OTHER (Specify) ☐ Referral	
		5a. CLEARANCE REASON ☐ A Death of Offender ☐ B Prosecution Declined ☐ C Extradition Declined ☐ D Victim Refused to Cooperate ☐ E Juvenile, No Custody ☐ U Unfounded ☒ X Apprehension		5b. EXCEPTIONAL CLEARANCE DATE (YYYYMMDD) 7. INVOLVEMENT ☐ Hate ☐ Domestic ☐ Death ☐ Gang ☐ Trainee ☐ Extremist	
		6a. MP ACTION ☐ MPI ☐ Civil Authorities ☐ CID ☐ Traffic ☒ X MP ☐ OTHER (Specify)		6b. DATE REFERRED (YYYYMMDD) 	
SECTION II - OFFENSE (For additional offenses, complete DA Form 3975-1)					
1a. OFFENSE NO. 101		1b. SUBJECT NO. INVOLVEMENT I		1c. VICTIM NO. INVOLVEMENT I	
1d. NIBRS LOCATION CODE II		1e. ATTEMPTED ☒ X COMPLETED		1f. SAME OFFENSE DATA FOR ALL OFFENSE CODES ☒ YES ☐ NO See DA Form 3975-1	
1g. OFFENSE CODE(s) 		1h. OFFENSE DESCRIPTION(s) Speeding Communicating a Threat on Law Enforcement		1i. OFFENSE LOCATION ADDRESS Fort Atterbury, Indiana 46124-9000	
2a. BEGIN DATE (YYYYMMDD) 2022/01/12		3. TYPE OF CRIMINAL ACTIVITY (Check up to three) ☐ B Buying/Receiving ☐ C Cultivating/Manufacturing/Publishing ☐ D Distributing/Selling ☐ E Exploiting Children ☒ X O Operating/Promoting/Assisting ☐ P Possessing/Concealing ☐ T Transporting/Importing ☐ U Using/Consuming		4. OFFENSE STATUTORY BASIS ☒ X A UCMJ ☐ B Non-Criminal Fatality ☐ C State ☐ D Local ☐ E Foreign ☒ X F Federal, Non-UCMJ	
2b. BEGIN TIME (24 Hour) 1000		2c. END DATE (YYYYMMDD) 2022/01/12		5. OFFENDER USED (Check up to three) ☐ A Alcohol ☐ C Computer Equipment ☐ D Drug/Narcotics ☒ X N Not Applicable	
2d. END TIME (24 Hour) 1100					
NATIONAL INCIDENT BASED REPORTING SYSTEM (NIBRS) LOCATION CODES (Section II, Block 1d)					
01 Air/Bus/Train Terminal		10 Field/Woods/Training Area		19 Rental/Storage Facility	
02 Bank/Credit Union		11 Government/Public Building		20 Residence/Quarters/Barracks/BEQ/BOQ	
03 Bar/Office/NCO Club		12 Grocery Store/Commissary		21 Restaurant/Dining Facility	
04 Church/Synagogue Temple		13 Highway/Road/Alley/Street		22 School/College	
05 Commercial Office Building		14 Hotel/Motel/VAQ/VEQ/TLQ		23 Service/Gas Station	
06 Construction Site		15 Jail/Prison/Corrections Facility		24 Specialty Store/Concessionaire	
07 Convenience Store/Shoppette		16 Lake/Waterway/Ocean		25 Child Care Facility/Home Day Care	
08 Dept/Discount Store/Exchange		17 Liquor Store/Class VI		27 Training Center/Service School	
09 Drug Store/Hospital/Clinic		18 Motor Pool/Parking Lot/Garage		28 On Board Ship	

6. TYPE OF WEAPON/FORCE. Check up to three and indicate in the second block next to the item whether: F - Fully Automatic S - Semi-Automatic M - Manual U - Unknown			
11 Firearm (Unk Type) _____ 12 Handgun _____ 13 Rifle _____ 14 Shotgun _____ 40 Personal Weapons _____ 20 Knife/Cutting Instrument _____ 30 Blunt Object _____	35 Motor Vehicle _____ 50 Poison _____ 60 Explosives _____ 65 Fire/Incendiary _____ 70 Narcotics/Drugs _____ 85 Asphyxiation _____ 95 Unknown _____	90 OTHER (Specify) _____ 99 None ☐	
7. NUMBER OF PREMISES ENTERED (For Burglary/Housebreaking only) _____ ☐ Forcible Entry ☐ No Forcible Entry			
8. AGGRAVATED ASSAULT/HOMICIDE CIRCUMSTANCES (Check up to two)		9. ADDITIONAL JUSTIFIABLE HOMICIDE CIRCUMSTANCES	
1 Argument _____ 2 Assault on Law officer _____ 3 Drug Dealing _____ 4 Gangland _____ 5 Juvenile Gang _____ 6 Domestic Quarrel _____ 7 Mercy Killing _____ 8 Other Felony Involved _____		20 Criminal Killed by Private Citizen _____ 21 Criminal Killed by Law Enforcement _____ 30 Child Playing With Weapon _____ 31 Gun Cleaning Accident _____ 32 Hunting Accident _____ 33 Other Negligent Weapon Handling _____ 35 Other Negligent Killings _____	
10. BIAS MOTIVATION (As applicable) ☐ YES ☐ NO ☐ UNKNOWN		A Criminal attacked police officer and that police officer killed the criminal _____ B Criminal attacked police officer and was killed by another police officer _____ C Criminal attacked a civilian _____ D Criminal attempted flight from a crime _____ E Criminal killed in commission of a crime _____ F Criminal resisted arrest _____ G Unable to determine _____	

SECTION III - SUBJECT (For additional subjects complete DA Form 3975-2)			
1a. SUBJECT NO.	1b. NAME (Last, First, Middle, Jr., Sr., III) McCarthy Brad D.	1c. SSN/FIN/ALIEN REG NO xxx-xx-7865	1d. PROTECTED IDENTITY
1e. CATEGORY	1f. DOB (YYYYMMDD) 2000.05.14	1g. POB (City, State, Country) Fayetteville, NC	1h. GRADE E3
☒ A Army ☐ C Coast Guard ☐ F Air Force ☐ H Public Health ☐ M Marine ☐ N Navy ☐ O NOAA ☐ P Family Member ☐ Q Civil Service ☐ R Civilian ☐ S Contractor ☐ T Other Gov Empl ☐ U Foreign Nat Empl ☐ V Other Foreign Nat ☐ W Retired Military	1j. WORK PHONE	1k. NICKNAME/SIALIAS	1i. HOME PHONE 111-111-1111
	1m. COMPONENT ☐ G National Guard ☒ R Regular ☐ V Reserves	1n. DRIVER LICENSE NUMBER K 11-11-1234	1l. CITIZENSHIP ☒ US Resident Alien 1o. IS LICENSE ☐ FR Foreign ☐ IT International
	2a. ORGANIZATION, UIC, AND STREET ADDRESS Co D, 3d Bn, 3d AR, Fort Aterbury, IN 46124-9000	2b. INSTALLATION/CITY Fort Aterbury	2d. ZIP/PAO 46124-9000
	3a. RESIDENCE STREET ADDRESS 111 Able Lane	2c. STATE/COUNTRY IN	2e. UNIT PHONE 111-123-1233
		3b. INSTALLATION/CITY Fort Aterbury	3d. ZIP/PAO 46124-9000
		3c. STATE/COUNTRY IN	
4a. HAIR COLOR ☒ Brown ☐ Blond ☐ Black ☐ Gray ☐ Red ☐ White Other (Specify) _____	4b. EYE COLOR ☒ Brown ☐ Black ☐ Gray ☐ Blue ☐ Green ☐ Hazel ☐ Violet	4c. COMPLEXION ☐ Albino ☐ Black ☐ Dark ☐ Dark Brown ☒ Fair ☐ Light ☐ Light Brown	4d. AGE RANGE (Specify) 21
		4e. HEIGHT 72in	4f. WEIGHT 195
		5. JUVENILE ☒ YES ☐ NO	6. SEX ☒ MALE ☐ FEMALE ☐ UNKNOWN
		7. RACE ☐ A Asian/Pac. Islander ☐ B Black ☐ I American Indian/Alaskan Native ☒ W White ☐ U Unknown	
8. ETHNICITY ☐ H Hispanic ☒ N Not of Hispanic Origin ☐ U Unknown	9. IDENTIFYING MARKS AND LOCATION		
	10. HOW DRESSED AT TIME OF INCIDENT (Clothing, Materials, Colors) Army Combat Uniform		
12. SECURITY CLEARANCE ☐ None ☐ Confidential ☒ Secret ☐ Top Secret Other (Specify) _____	13. MARITAL STATUS ☐ Annulled ☐ Divorced ☐ Divorce Decree, Not Finalized ☐ Legally Separated ☐ Married ☒ Single ☐ Widowed		
	14. SUBJECT ARMED WITH (Check up to two and whether F - Fully Automatic, M - Manual, S - Semi-Automatic, or U - Unknown)		
	11 Unarmed ☐ ☐ 11 Firearm (Unk Type) ☐ ☐ 12 Handgun _____ 13 Rifle _____ 14 Shotgun _____ 16 Lethal Cutting Instrument _____		
	17 Club/Blackjack/Knuckles _____ 15 Other (Specify) _____		

15a. SUBJECT INVOLVEMENT ☐ Accessory ☐ Conspiracy ☐ Principle ☐ Solicit		15b. APPREHENSION TYPE ☒ Military ☐ Surrender ☐ Civil Authorities ☐ Other (Specify)		15c. APPREHENSION DATE (YYYYMMDD) 2022/01/12 15e. DETENTION TYPE ☐ N Non-Uniformed Svc. ☐ U Uniformed Svc.		15d. APPREHENDING PMO (UIC/MPQ) WJF50 15f. HOW DRESSED AT TIME OF APPREHENSION Army Combat Uniform																			
15g. DISPOSITION OF PERSON UNDER 18 YEARS ☐ H Handled Internally ☐ R Referred to Other Authorities (Specify)		15h. FBI FORM 249 SUBMITTED ☐ YES ☒ NO 15i. FBI FORM R-84 SUBMITTED ☐ YES ☒ NO		16a. INVOLVEMENT ☐ Alcohol ☐ Drug ☒ None		16b. ALCOHOL/DRUG TESTING RESULTS																			
16c. ILLNESS/INJURY				16d. ALCOHOL/DRUG INVOLVEMENT REMARKS																					
17a. CHEMICAL TEST TYPE ☐ Blood Test ☐ Breathalyzer ☐ Saliva Test ☐ Urine Test ☐ Other (Specify)		17b. DRUG TYPE <table style="width:100%;"> <tr> <td>☐ A "Crack" Cocaine</td> <td>☐ G Opium</td> <td>☐ M Other stimulants</td> </tr> <tr> <td>☐ B Cocaine</td> <td>☐ H Other Narcotics</td> <td>☐ N Barbiturates</td> </tr> <tr> <td>☐ C Hashish</td> <td>☐ I LSD</td> <td>☐ O Other Depressants</td> </tr> <tr> <td>☐ D Heroin</td> <td>☐ J PCP</td> <td>☐ P Other Drugs</td> </tr> <tr> <td>☐ E Marijuana</td> <td>☐ K Other Hallucinogens</td> <td>☐ Q Steroids</td> </tr> <tr> <td>☐ F Morphine</td> <td>☐ L Amphetamines/Methamphetamines</td> <td>☐ U Unknown Type Drug</td> </tr> </table>						☐ A "Crack" Cocaine	☐ G Opium	☐ M Other stimulants	☐ B Cocaine	☐ H Other Narcotics	☐ N Barbiturates	☐ C Hashish	☐ I LSD	☐ O Other Depressants	☐ D Heroin	☐ J PCP	☐ P Other Drugs	☐ E Marijuana	☐ K Other Hallucinogens	☐ Q Steroids	☐ F Morphine	☐ L Amphetamines/Methamphetamines	☐ U Unknown Type Drug
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☐ D Heroin	☐ J PCP	☐ P Other Drugs																							
☐ E Marijuana	☐ K Other Hallucinogens	☐ Q Steroids																							
☐ F Morphine	☐ L Amphetamines/Methamphetamines	☐ U Unknown Type Drug																							
17c. DRUG TEST AND MEASUREMENT (i.e. parts per million, cubic centimeters, etc.)				17d. DRUG DETECTION BY OTHER LAW ENFORCEMENT MEANS ☐ YES ☐ NO																					

SECTION IV - VICTIM (For additional victims, complete DA Form 3975-3)

1a. VICTIM NO. I		1b. NAME (Last, First, Middle Name, Jr., Sr., III) FRANKS, ROLAND I.		1c. SSN/FN/ALIEN REG NUMBER XXX-XX-5497		1d. PROTECTED IDENTITY SGT	
1e. CATEGORY ☒ A Army ☐ C Coast Guard ☐ F Air Force ☐ H Public Health ☐ M Marine ☐ N Navy ☐ O NOAA ☐ P Family Member ☐ Q Civil Service ☐ R Civilian ☐ S Contractor ☐ T Other Gov. Empl ☐ U Foreign Nat'l Empl ☐ V Other Foreign Nat'l ☐ W Retired Military		1f. DOB (YYYYMMDD) 1985/10/15 1i. HOME PHONE 111-323-2222 1j. CITIZENSHIP ☒ US ☐ Resident Alien ☐ Country (Specify)		1g. POB (City, State, Country) Savana, GA United States 1k. WORK PHONE 343-7400 1l. COMPONENT ☐ G National Guard ☐ R Regular ☐ V Reserves		1h. GRADE GS-5 1m. NICKNAMES/ALIAS NK 1n. DRIVER'S LICENSE NUMBER 111-99-1K09 1o. IS LICENSE ☐ FR Foreign State (Specify) ☐ IT International IN	
2a. ORGANIZATION, UIC, AND STREET ADDRESS PMO, 54th IN Div, 2345 MP St Fort Atterbury, Indiana 46124-9000				2b. INSTALLATION/CITY Fort Atterbury		2d. ZIP/PO 46124-9000	
3a. RESIDENCE STREET ADDRESS				2c. STATE/COUNTRY IN		2e. UNIT PHONE 343-7400	
3b. INSTALLATION/CITY				3d. ZIP/PO		3c. STATE/COUNTRY	

4a. TYPE OF VICTIM ☐ B Business ☐ F Financial ☒ G Government ☒ I Individual		☐ R Religious Org ☐ S Society/Public ☐ Other ☐ Unknown		4b. SEX ☒ Male ☐ Female ☐ Unknown		4c. AGE ☐ Under 24 Hours ☐ 1-6 Days Old ☐ 7-364 Days Old 36 Years Old AGE RANGE (Specify)		4d. RACE ☐ A Asian/Pacific Islander ☐ B Black ☐ I American Indian/Alaskan Native ☒ W White ☐ U Unknown		4e. ETHNICITY ☐ H Hispanic ☐ N Not of Hispanic Origin ☒ U Unknown	
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5. BIAS MOTIVATION ☐ YES ☒ NO (Check applicable bias)

☐ AA Anti-Atheist/Agnostic ☐ AB Anti-Alaskan Native ☐ AC Anti-American Indian ☐ AD Anti-Arab ☐ AE Anti-Asian ☐ AG Anti-Bisexual ☐ AH Anti-Black ☐ AI Anti-Catholic	☐ AK Anti-Female Homosexual ☐ AL Anti-Heterosexual ☐ AM Anti-Hispanic ☐ AN Anti-Islamic (Moslem) ☐ AO Anti-Jewish ☐ AQ Anti-Male Homosexual ☐ AR Anti-Multi-Racial Group ☐ AS Anti-Multi-Religious Group ☐ AT Anti-Pacific Islander	☐ AU Anti-Protestant ☐ AV Anti-White ☐ AW Anti-Homosexual Bias ☐ AY Anti-Other Religions ☐ AZ Anti-Other Ethnicity ☐ BA Anti-Mental Disability ☐ BB Anti-Physical Disability ☐ BC Sexual Harassment ☐ AX Unknown Bias
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SECTION VII - NARRATIVE

On 12 January 2022 I stopped Private First Class Brad McCarthy for exceeding the posted speed limit by over 40 miles per hour. I then confiscated his drivers license which is the typical procedure in a reckless driving situation. I then had him exit the vehicle so that I could hand cuff him and take him to the station to be turned over to his chain of command as excessive speeding over 30 miles per hour is a felony. PFC McCarthy then yelled at me to "give him back his identification or he would slice my throat." I then placed him into my squad car and took him back to the station.

End of Report

1. ENCLOSURES

as

2. DISTRIBUTION

CDR, 54th IN Div (Mech)
CDR, 3d Bde
CDR, 3d Bn, 3d AR
CDR, Co D
SJA
PMO Records

3. NAME

ROLAND FRANKS

4. GRADE

SGT

5. TITLE OF REPORTING OFFICIAL

Military Police Officer

6. SIGNATURE

ROLAND FRANKS

DEVELOPMENTAL COUNSELING FORM For use of this form, see ATP 6-22.1; the proponent agency is TRADOC.		
DATA REQUIRED BY THE PRIVACY ACT OF 1974		
AUTHORITY:	5 USC 301, Departmental Regulations; 10 USC 3013, Secretary of the Army.	
PRINCIPAL PURPOSE:	To assist leaders in conducting and recording counseling data pertaining to subordinates.	
ROUTINE USES:	The DoD Blanket Routine Uses set forth at the beginning of the Army's compilation of systems or records notices also apply to this system.	
DISCLOSURE:	Disclosure is voluntary.	
PART I - ADMINISTRATIVE DATA		
Name (Last, First, MI)	Rank/Grade	Date of Counseling
McCarthy, Brad D.	PFC/E3	12 January 2022
Organization	Name and Title of Counselor	
Co D, 3d Bn, 3d AR, Fort Atterbury, IN 46124-9000	SPC Charles Lang/Platoon Sergeant	
PART II - BACKGROUND INFORMATION		
Purpose of Counseling: (Leader states the reason for the counseling, e.g. Performance/Professional or Event-Oriented counseling, and includes the leader's facts and observations prior to the counseling.) Event Oriented Counseling		
PART III - SUMMARY OF COUNSELING Complete this section during or immediately subsequent to counseling.		
Key Points of Discussion: On 12 January 2022 you were stopped by the Fort Atterbury Military Police for exceeding the posted speed limit. During the stop you yelled at the Military Police Officer and said that "if you don't give me back my identification I am going to slice your throat." This behavior will not be tolerated in this unit. You will correct your behavior immediately.		
I am counseling you for the conduct noted above. If this conduct continues, action may be initiated to separate you from the Army under AR 635-200, Chapters 5, 9, 13, or 14. If you are involuntarily separated, you could receive an Honorable discharge, a General, under honorable conditions, discharge, or an Under Other Than Honorable conditions discharge. An Honorable discharge may be awarded under any provision. A General discharge may be awarded for separation UP Chapters 5, 9, 13, and 14. An Under Other Than Honorable conditions discharge may be awarded for separation UP Chapter 14. If you receive an Honorable discharge, you will be qualified for most benefits resulting from military service. An involuntary Honorable discharge, however, will disqualify you from reenlistment for some period of time and may disqualify you from receiving transitional benefits (e.g., commissary, housing, health benefits) and the Montgomery G.I. Bill. If you receive a General discharge, you will be disqualified from reenlisting in the service for some period of time and you will be ineligible for some benefits including the Montgomery G.I. Bill. If you receive an Under Other Than Honorable conditions discharge, you will be ineligible for reenlistment and for most benefits including payment for accrued leave, transportation of dependents and household goods to home, transitional benefits and the Montgomery G.I. Bill. You may also face difficulty in obtaining civilian employment, as employers have a low regard for the General and Under Other Than Honorable conditions discharges. Although there are agencies to which you may apply to have the character of your discharge changed, it is unlikely that any such applications will be successful.		
OTHER INSTRUCTIONS		
This form will be destroyed upon: reassignment (other than rehabilitative transfers), separation at ETS, or upon retirement. For separation requirements and notification of loss of benefits/consequences see local directives and AR 635-200.		

- Attend your traffic court date

Individual counseled: ☒ I agree ☐ disagree with the information above.
Individual counseled remarks:

Signature of Individual Counseled: Brad McCarthy Date: 12 Jan 22

Leader Responsibilities: *(Leader's responsibilities in implementing the plan of action.)*
Ensure the Soldier attends anger management

Signature of Counselor: CHARLES LANG Date: 12 Jan 22

Assessment: (Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling.)

Counselor: _____ Individual Counseled: _____ Date of Assessment: _____

Note: Both the counselor and the individual counseled should retain a record of the counseling.

22-3. SPEED LIMITS. Operate vehicles, at all times on the installation, at the posted speed limit or as weather conditions permit, whichever is less.

a. Do not exceed the following speeds (except where posted speed limits indicate otherwise.)

- (1) All roads (including range roads) – 35 miles per hour.
- (2) Parking lots and alleys – 10 miles per hour.
- (3) Family housing areas (including alleys) – 15 miles per hour.
- (4) School zones, during school hours – 15 miles per hour.
- (5) Passing troops in formation – 10 miles per hour.

b. Military vehicles will not exceed those speed limits specifically prescribed for such vehicles or posted speed limits, whichever is lower.

c. Paragraph 22-3 is punitive in nature. Exceeding the limits listed above may result in punitive action under Article 92, UCMJ.

22-4. PARKING RESTRICTIONS.

a. Park vehicles (when parallel to a curb or shoulder) facing in the direction of the flow of traffic with the side wheels of vehicles within 18 inches of the curb or shoulder.

b. Except in emergency situations, personnel are prohibited from stopping or parking in any of the places listed below.

- (1) Areas prohibited by official signs.
- (2) On a sidewalk.
- (3) In front of a public or private driveway.
- (4) Within an intersection.
- (5) On a crosswalk.
- (6) Within 30 feet of a crosswalk at an intersection.
- (7) Within 50 feet of a railroad crossing.
- (8) Alongside or opposite any street excavation or obstruction when stopping or parking would obstruct traffic.

Please answer the following questions

What action do you take in this case?

- ☐ no action
- ☐ counsel or return to subordinate leader to counsel
- ☐ initiate company-grade Article 15
- ☐ submit to higher commander with recommendation for field-grade Article 15
- ☐ upon consultation with the unit judge advocate, plan to prefer charges with a view toward court-martial

How confident are you in your disposition decision?

- ☐ no confidence
- ☐ slight confidence
- ☐ moderate confidence
- ☐ high confidence

How confident are you in the soldier's guilt?

- ☐ no confidence
- ☐ slight confidence
- ☐ moderate confidence
- ☐ high confidence

Scenario 4

Request for Legal Action

For Company Commander review

Soldier: SPC Jamal Williams

ENLISTED RECORD BRIEF																								
BRIEF DATE 20220225		NAME WILLIAMS, JAMAL A			RANK-DOR SPC			20201010			PMOS 42A		SSN XXX-XX-9001		COMPONENT REGULAR									
SECTION I - Assignment Information					SECTION II - Security Data					SECTION III - Service Data					SECTION IV - Personal/Family Data									
OS/Deployment Combat Duty					#S - PSI Status					BASD 20201010					PEBD 20201010					BESD 20201010				
Start-End Date					CT MO TS TT					# Days Lost					DIEMS					Reent Elig/Prohib				
C					Language					Read					Listen					Speak				
Dwell Time					DEROS					DOR					PVT					PV2				
Start					Month-Days					DROS					SGT					SSG				
Date Dependents Arrived OS					DLAB					DOR					MSG-1SG					MSG-1SG				
PMOS					42A					SQI					SECTION VI - Military Education					Number of Semester Hours Completed				
SMOS					POSIVYRMO					MEL/MES					Technical Certification					Dt Certified				
Bonus MOS					ASI					Course					Year					Course Name				
Bonus Enlist Elig Dt					From Promotion Points/YRMO					From Select Dt					SECTION VIII - Awards and Decorations					NDSM				
ASVAB					Test #/Dt					ASR					1					1				
IGT					106					ELEC					100					FOOD				
ADMIN					110					FA					115					COMMO				
CMBT					96					MECH					99					MAINT				
Delay Separation Reason					HEAD					Flag Code					Flag Start Dt					Flag Expiration Dt				
Date of Loss					Date of Last PCS					SECTION IX - Assignment Information					Date of Last NCOER									
ASGT					FROM					MO					UNIT NO					ORGANIZATION				
PROJ					20210106					0					WERSAA					HHC, 3D BN, 3AR				
Current																				FT ATTERBURY				
1st Prev																				US				
2nd Prev																				TC				
3rd Prev																				HUMAN/RESOURCES SPECIALIST				
4th Prev																				42A10				
5th Prev																				00				
6th Prev																				YY				
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DEVELOPMENTAL COUNSELING FORM		
For use of this form, see ATP 6-22.1; the proponent agency is TRADOC.		
DATA REQUIRED BY THE PRIVACY ACT OF 1974		
AUTHORITY:	5 USC 301, Departmental Regulations; 10 USC 3013, Secretary of the Army.	
PRINCIPAL PURPOSE:	To assist leaders in conducting and recording counseling data pertaining to subordinates.	
ROUTINE USES:	The DoD Blanket Routine Uses set forth at the beginning of the Army's compilation of systems or records notices also apply to this system.	
DISCLOSURE:	Disclosure is voluntary.	
PART I - ADMINISTRATIVE DATA		
Name (Last, First, MI)	Williams, Jamal	Rank/Grade SPC
Organization HHC, 3d BN, 3d AR	Name and Title of Counselor SSG Michaelangelo Johnson, Platoon Sergeant	Date of Counseling 20 January 2022
PART II - BACKGROUND INFORMATION		
Purpose of Counseling: (Leader states the reason for the counseling, e.g. Performance/Professional or Event-Oriented counseling, and includes the leader's facts and observations prior to the counseling.) Event-Oriented Counseling		
PART III - SUMMARY OF COUNSELING		
Complete this section during or immediately subsequent to counseling.		
Key Points of Discussion: On 15 January 2022 you were texting Specialist Johnson about how you slept with Private Alyssa Hollowell that night, but he didn't believe you. You then sent him a video of you and Private Alyssa Hollowell having sexual intercourse. Specialist Johnson sent the video to his girlfriend and friend of Private Hollowell. She immediately notified Private Hollowell. Private Hollowell came to my office today. She told me that she contacted you, told you to delete the video, and to tell whoever you sent it to to do the same thing. You told her no and that it was a good memory. She also told me that she did not know that you were recording her and that the video showed her entire body. I am counseling you for the conduct noted above. If this conduct continues, UCMJ action or adverse administrative action such as a General Officer Memorandum of Reprimand (GOMOR), Bar to Reenlistment, Article 15 or other action may be taken to include action to separate you from the Army. If you are involuntarily separated, you could receive an Honorable Discharge, a General (Under Honorable Conditions) Discharge, or Under Other Than Honorable Conditions Discharge. An Honorable Discharge is a separation with honor based on the quality of service, which meets the standards of acceptable conduct and performance of duty. A General Discharge is a separation under honorable conditions, based on a military record being satisfactory but not sufficiently meritorious to warrant an Honorable Discharge. A discharge Under Other Than Honorable Conditions is based upon a pattern of behavior of one or more acts or omissions that constitutes a significant departure from the conduct expected of a soldier. If you receive an Honorable Discharge, you will be qualified for most benefits resulting from military service. If you receive a General Discharge, you will be disqualified from service for some period of time and you will be ineligible for some military and VA administered benefits, including the Montgomery GI Bill. If you receive a discharge Under Other Than Honorable Conditions, you will be ineligible for further service and for most benefits, including payments of accrued leave, transitional benefits, the Montgomery GI Bill, and possibly transportation of dependents and household goods to home. You may also face difficulty in obtaining civilian employment as employers have a low regard for General and Under Other Than Honorable conditions discharges. Although there are agencies to which you may apply to have your characterization of service changed, it is unlikely that such application will be successful.		
OTHER INSTRUCTIONS		
This form will be destroyed upon: reassignment (other than rehabilitative transfers), separation at ETS, or upon retirement. For separation requirements and notification of loss of benefits/consequences see local directives and AR 635-200.		

Plan of Action (Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specified time line for implementation and assessment (Part IV below)

Recommend UCMJ action

Session Closing: (The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate.)

Individual counseled: ☒ I agree ☐ disagree with the information above.

Individual counseled remarks:

Signature of Individual Counseled:

Jamal Williams

Date:

20 Jan 22

Leader Responsibilities: (Leader's responsibilities in implementing the plan of action.)

Signature of Counselor:

M. Johnson

Date:

20 Jan 22

PART IV - ASSESSMENT OF THE PLAN OF ACTION

Assessment: (Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling.)

Counselor:

Individual Counseled:

Date of

Assessment:

Note: Both the counselor and the individual counseled should retain a record of the counseling.

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE For use of this form, see AR 190-30; the proponent agency is PMG			
DATA REQUIRED BY THE PRIVACY ACT			
AUTHORITY: Title 10, United States Code, Section 3012(g)			
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.			
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.			
DISCLOSURE: Disclosure of your Social Security Number is voluntary.			
1. LOCATION Fort Atterbury CID Office, Bldg 25, Rm 2	2. DATE 20 January 2022	3. TIME 2100	4. FILE NO. 0129-19-CID899-63556
5. NAME (Last, First, MI) Williams, Jamal		6. ORGANIZATION OR ADDRESS HHC, 3d BN, 3d AR Fort Atterbury, IN	
6. SSN XXX-XX-9001	7. GRADE/STATUS E-4		
PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE			
Section A. Rights			
The investigator whose name appears below told me that he/she is with the United States Army CID Office _____ and wanted to question me about the following offense(s) of which I am suspected/accused: <u>broadcasting indecent recording</u> Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights: 1. I do not have to answer any question or say anything. 2. Anything I say or do can be used as evidence against me in a criminal trial. 3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both. - or - (For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins. 4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.			
5. COMMENTS (Continue on reverse side)			
Section B. Waiver			
I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.			
WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE	
1a. NAME (Type or Print)			
b. ORGANIZATION OR ADDRESS AND PHONE			
2a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR	
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR	
		6. ORGANIZATION OF INVESTIGATOR	
Section C. Non-waiver			
1. I do not want to give up my rights ☐ I want a lawyer ☒ I do not want to be questioned or say anything			
2. SIGNATURE OF INTERVIEWEE		<i>Jamal Williams</i>	
ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2825) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED			

DA FORM 3881, NOV 1989

EDITION OF NOV 84 IS OBSOLETE.

AFD LC v2.02ES

PART II - RIGHTS WARNING PROCEDURE	
THE WARNING	
1. WARNING - Inform the suspect/accused of: - Your official position. - Nature of offense(s). - The fact that he/she is a suspect/accused. 2. RIGHTS - Advise the suspect/accused of his/her rights as follows: "Before I ask you any questions, you must understand your rights." "You do not have to answer my questions or say anything." "Anything you say or do can be used as evidence against you in a criminal trial." (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer	can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both." - or - (For civilians not subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins." "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate." Make certain the suspect/accused fully understands his/her rights.
THE WAIVER	
"Do you understand your rights?" (If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.) "Have you ever requested a lawyer after being read your rights?" (If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)	"Do you want a lawyer at this time?" (If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.) "At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)
SPECIAL INSTRUCTIONS	
WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate. IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances. PRIOR INCRIMINATING STATEMENTS: If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.	2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal. NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused. WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")
COMMENTS (Continued)	

SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is PMG.			
PRIVACY ACT STATEMENT AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN). PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents. ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions. DISCLOSURE: Disclosure of your SSN and other information is voluntary.			
1. LOCATION Fort Atterbury CID Office, Bldg 25, Rm 2	2. DATE (YYYYMMDD) 20220120	3. TIME 1700	4. FILE NUMBER 0129-19-CID899-63556
5. LAST NAME, FIRST NAME, MIDDLE NAME Hallowell, Alyssa P.	6. SSN	7. GRADE/STATUS E-1	
8. ORGANIZATION OR ADDRESS HHC, 3d BN, 3d AR			
9. I, <u>Alyssa P. Hallowell</u> , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: On 15 January 2022, I met up with SPC Williams while at a party in the barracks. We were just hanging around with everyone else. I spent most of the time talking and flirting with SPC Williams. I told him that I was getting ready to leave. He said that he would walk with me because his room was just upstairs and he was getting ready to leave himself. After we walked out the room, we continued to talk until we got to my room. I opened the door and asked if he wanted to come in. He said yeah. We walked in the room and started making out on my bed. I stopped and went to the bathroom. When I returned we had sex and then he left. The next day I received a call from my friend PFC Matthews that told me about a video of me having sex with SPC Williams. I was shocked and told her I didn't make a video. She told me her boyfriend showed it to her. I asked her if I could come to her room to see what she was talking about. She said yeah. I went over and saw the video on his phone. I called SPC Williams, asked him how he recorded me and him having sex. I also told him he better delete it. He told me no that it was a good memory. I just hung up on him and then went to talk to the platoon sergeant. I told him everything that just happened. Q. SA Jackson A. PVT Hallowell Q. Which barracks did you go to? A. It was my friend, PFC Matthews room. She lives in the barracks next to mine. Q. How long have you known SPC Williams? A. About five months. He is in the same company as me. Q. Was there alcohol at the party? A. Yes. There was, but SPC Williams and I weren't drinking. I remember because we were laughing about it. Q. How long were you in the bathroom in your room? A. About a few minutes. I just wanted to freshen up a little bit. Q. Did you see his phone or any recording device? A. No. I didn't. Q. When you looked at the video, were you completely nude? A. Yes. The video showed my everything, my breast, buttocks, and private area. I was completely naked. I didn't like it.			
10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <u>AS</u>		PAGE 1 OF <u>2</u> PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____" THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.			

STATEMENT OF _____ TAKEN AT _____ DATED _____

INITIALS OF PERSON MAKING STATEMENT

PAGE ____ OF ____ PAGES

STATEMENT OF <u>PVT Alyssa Hollowell</u>		TAKEN AT <u>Fort Atterbury, IN</u>		DATED <u>2020</u>	
9. STATEMENT (Continued)					
Q. When you talked to SPC Williams on the phone, did he tell you how he got the recording?					
A. No. He said I didn't need to worry about it and that it was a good video. Real hot.					
Q. Who is your platoon sergeant?					
A. SSG Michaelangelo Johnson					
Q. Is there anything else you would like to add?					
A. No. I just want him to delete the video.					
-----Nothing Follows-----					
AFFIDAVIT					
I, <u>Alyssa Hollowell</u> , HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE <u>2</u> . I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.					
WITNESSES: _____ _____ ORGANIZATION OR ADDRESS _____ _____ ORGANIZATION OR ADDRESS		<u>Alyssa Hollowell</u> (Signature of Person Making Statement)			
		Subscribed and sworn to before me, a person authorized by law to administer oaths, this <u>20</u> day of <u>January</u> 2022 at <u>Fort Atterbury CID Office, Fort Atterbury, IN</u>			
		<u>Jill Jackson</u> (Signature of Person Administering Oath)			
		<u>Jill Jackson</u> (Typed Name of Person Administering Oath) <u>Special Agent</u> (Authority To Administer Oaths)			
INITIALS OF PERSON MAKING STATEMENT		PAGE <u>2</u> OF <u>2</u> PAGES			
<u>ah</u>					

SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is PMG.			
PRIVACY ACT STATEMENT			
AUTHORITY:	Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).		
PRINCIPAL PURPOSE:	To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.		
ROUTINE USES:	Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.		
DISCLOSURE:	Disclosure of your SSN and other information is voluntary.		
1. LOCATION Fort Atterbury CID Office, Bldg 25, Rm 2	2. DATE (YYYYMMDD) 20220120	3. TIME 1800	4. FILE NUMBER 0129-19-CID899-63556
5. LAST NAME, FIRST NAME, MIDDLE NAME Johnson, Emmanuel	6. SSN		7. GRADE/STATUS E-4
8. ORGANIZATION OR ADDRESS Co C, 3d BN, 3d AR			
9. I, <u>SPC Emmanuel Johnson</u> , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: On 16 January 2022, SPC Williams called me bragging about how he slept with PVT Hallowell. I told him I didn't believe him, because she didn't seem into him. He said he could prove it, and moments later he sent a video. I was like man. I didn't believe it, the video was very vivid. He bragged for a little bit more and then I got a call from my girlfriend and hung up with him. She told me she was coming to my room, just seeing if I was there. When she got there, I asked her if she knew PVT Hallowell liked SPC Williams. She told me she thought he was cute but didn't like him like that. I then told her about the video. She didn't believe me and asked to see it. I showed her. She called PVT Hallowell and the next thing I know PVT Hallowell was also in my room. She looked upset and asked about the video. I showed her too. She stormed out of the room and that was the last thing I heard of it until today. Q. SA Jackson A. SPC Johnson Q. How do you know SPC Williams? A. He is my friend. We went to AIT together and then the same battalion. He is in HHC though. We hang out a lot. Q. Do you know if SPC Williams have recorded other girls he had sex with? A. I don't. This is the first time he has ever showed me a video like that. Q. Do you still have the video? A. No. I deleted it after talking with my girlfriend. Q. Who is your girlfriend? A. PFC Matthews. Q. Were you at the party that she held? A. Yes. Q. Did you see SPC Williams and PVT Hallowell together? A. Yes. They were laughing and joking around together.			
10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <u>EJ</u>		PAGE 1 OF <u>2</u> PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____" THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.			

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.	
STATEMENT OF _____ TAKEN AT _____ DATED _____	
9. STATEMENT (Continued)	
INITIALS OF PERSON MAKING STATEMENT	PAGE ____ OF ____ PAGES

STATEMENT OF <u>S.P.C. Johnson</u> TAKEN AT <u>Fort Atterbury, IN</u> DATED <u>20220120</u>	
9. STATEMENT (Continued)	
Q. Do you have anything else to add?	
A. No.	
Nothing Follows	
AFFIDAVIT	
I, <u>Emmanuel Johnson</u> , HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE <u>2</u> . I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.	
WITNESSES: _____ _____ ORGANIZATION OR ADDRESS _____ _____ ORGANIZATION OR ADDRESS _____	<u>Emmanuel Johnson</u> (Signature of Person Making Statement) Subscribed and sworn to before me, a person authorized by law to administer oaths, this <u>20</u> day of <u>January</u> 2022 at <u>Fort Atterbury CID Office, Fort Atterbury, IN</u> <u>Jill Jackson</u> (Signature of Person Administering Oath) <u>Jill Jackson</u> (Typed Name of Person Administering Oath) <u>Special Agent</u> (Authority To Administer Oaths)
INITIALS OF PERSON MAKING STATEMENT <u>EJ</u>	PAGE <u>2</u> OF <u>2</u> PAGES

Please answer the following questions

What action do you take in this case?

- ☐ no action
- ☐ counsel or return to subordinate leader to counsel
- ☐ initiate company-grade Article 15
- ☐ submit to higher commander with recommendation for field-grade Article 15
- ☐ upon consultation with the unit judge advocate, plan to prefer charges with a view toward court-martial

How confident are you in your disposition decision?

- ☐ no confidence
- ☐ slight confidence
- ☐ moderate confidence
- ☐ high confidence

How confident are you in the soldier's guilt?

- ☐ no confidence
- ☐ slight confidence
- ☐ moderate confidence
- ☐ high confidence

Thank you for completing this survey.

The goal of this research is to explore the impact of a soldier's race on the legal actions he faces in the military. For each of the packets you reviewed, another group of students reviewed the same packets with only the race of the soldiers changed. The race was varied to see if it may affect students' decisions.

The researcher did not tell you that race was part of the study because that could have affected your decisions. It is common for race to unknowingly affect decision-making, even among the best-intentioned people. The researcher hopes this study will help the military's work to lessen the impact of race in legal decisions. However, now knowing the full purpose of the study, you still may opt out of the study.

All your answers are anonymous and cannot be traced back to you. If you still do not want your data used, you may select "No" below. If you agree to allow the researcher to use your anonymous data, please select "Yes" below.

Please do not discuss any aspect of this study with anyone other than the researcher or Chair of the Collaborative Academic Institutional Review Board (CAIRB) until this survey closes on (date within a week) 2022. If you have any questions about this study or would like to know the results, you may contact the researcher, Major Jodie Grimm, at jodie.i.grimm.mil@army.mil (mailto:). If you would like to speak to someone other than the researcher, you may contact Dr. David Culkin, Chair, CAIRB, at david.t.culkin.civ@army.mil (mailto:) or (913) 758-3204. Thank you for your participation in this study.

DISCLAIMER: This survey is NOT a product of the CGSC-Quality Assurance Office (QAO). The survey was distributed under the CGSC-QAO Verint License System and is used for assistance in student MMAS research. Official CGSC-QAO surveys are NOT deceptive in nature.

Do you agree to allow the researcher to use your anonymous data for the purpose of the study?

- ☐ Yes
☐ No

What is your gender?

- ☐ Male
☐ Female

Are you of Hispanic or Latino?

- ☐ Yes
☐ No

What do you identify as your race/ethnicity?

- ☐ American Indian or Alaska Native
☐ Asian
☐ Black or African American
☐ Native Hawaiian or Other Pacific Islander,
☐ White

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