

# Sound Judgment: Commanders, Command Authority, and Good Decisions

by

Colonel Paul R. Norwood  
United States Army



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USAWC STRATEGY RESEARCH PROJECT

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Colonel Paul R. Norwood  
United States Army

Colonel Jeffrey W. French  
Department of Command, Leadership, and Management  
Project Adviser

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U.S. Army War College  
CARLISLE BARRACKS, PENNSYLVANIA 17013



## **Abstract**

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## **Sound Judgment: Commanders, Command Authority, and Good Decisions**

. . . But we do have to be reasonable and make appropriate judgments based on the evidence that's placed before us, and that's a human endeavor and there's no formula by which you can perfectly construct it.

—John McHugh<sup>1</sup>

Secretary of the Army John McHugh strikes to the heart of a dilemma commanders throughout the Army face daily. How do commanders arrive at a decision which is just, promotes good order and discipline, and promotes the efficiency and effectiveness of their unit when exercising command authority related to justice?<sup>2</sup> Even the senior most strategic leaders in the Army, such as the Secretary of the Army and the Army Vice Chief of Staff have something in common with the newest tactical leader in company command. They all must make good decisions while appreciating the wider context in which their actions take place, while being prepared for scrutiny of their decisions.<sup>3</sup>

The Army prepares commanders via a mix of experience, mentoring, schools, on the job training, and local training courses. However, there is room for improvement in the manner in which the Army assesses, selects, trains, certifies, and employs commanders. Specifically, this paper contends the Army can better train commanders in building a personal, decision making framework that assists in exercising justice related command authorities. This training can also provide an opportunity for commanders to dialogue with their senior commanders on how to make sound judgments and what a good decision looks like. Ultimately, the Army must train commanders to make sound, justice-related decisions while minimizing the potential for unlawful command influence<sup>4</sup> impacting a specific case.

Decisions that involve the exercise of command authorities are central to generating and maintaining trust within units and maintaining the trust of Congress and other civilian leaders who empower commanders with authority and responsibility. This authority is fundamental to command. As such, it is an element of command which requires diligent attention as people are fallible and do not always live up to professional and legal standards, in ways large and small.

Today's world remains complex and the strategic environment seems ever more ambiguous, presenting multiple layers of complexity and competing actors. In most projections of the future environment, complexity, velocity of human interaction, swift information flow, and rapid change all place increased demands on leaders.<sup>5</sup> Multiple views agree on the basic elements of the future and the requirement for "agile, adaptive, and ethical leaders who improve and thrive in uncertainty."<sup>6</sup> These documents offer an outward looking view identifying global trends<sup>7</sup> and external strategic environments.<sup>8</sup> The Combined Arms Center looked both within and external to the Army and identified elements of the human dimension required to operate in these possible environments. It is this anticipated environment that drives the requirement to train commanders of large and small units alike to employ fully developed judgment which lead to good decisions and outcomes.<sup>9</sup>

As professionals, leaders prepare the Army to prevent, shape, and win in an uncertain and volatile future.<sup>10</sup> Similarly, leaders must prepare to command in an equally complex environment where traits of these future operating environments impact both soldiers and society. The human dimension is critical to future success and the

commander's role is equally important to successfully operating in the anticipated environment.

The Army has many stakeholders in its success. Key among these stakeholders are the American people and their elected representatives in Congress. Another set of stakeholders are the people who volunteer to join the Army and serve their nation. As stated in Army Doctrinal Reference Publication (ADRP) 1, *The Army Profession*, "Trust is the bedrock of the Army's relationship with the American people." The ADRP further states the nation depends on trust between soldiers and between soldiers and leaders.<sup>11</sup> Therefore, it is significant when Senator Kirsten E. Gillibrand states during Congressional hearings on her proposed legislation to remove a commander's authority related to serious crimes, "You have lost the trust of the men and women who rely on you that you will actually bring justice in these cases."<sup>12</sup> Her statement calls into question the commander's judgment and ability to make sound decisions while fulfilling their role in maintaining good order and discipline. This strikes at the heart of command authority and the commander's central role for ensuring mission readiness and good order and discipline within units.<sup>13</sup> Ultimately, if Army leaders, and more specifically, commanders, lose the trust of the American people (and their representatives), the Army's status as a profession is jeopardized. It is worth exploring how commanders exercise their authorities while preserving the Army profession and all that entails.

How does any commander or leader invested with institutional authority make sound judgments related to justice and other command authorities? A commander's decision to establish accountability through an array of disciplinary tools (ranging from light to severe), directly impacts the perception of organizational justice within the unit.

This in turn directly supports or detracts from the trust between leader and led, and the cohesion and discipline of the unit.

This paper will provide a detailed analysis of an illustrative justice-related decision framework and explore how the Army trains and develops leaders to exercise their command authority and responsibility.<sup>14</sup> As commanders do not make decisions in isolation, this paper will account for the environment commanders operate within, considering both internal (e.g., Army reductions, zero defect mentality/risk avoidance, doctrine) and external factors (i.e., Congressional oversight). It will review what other ethical decision making models exist that may be of use to commanders, what is being taught to commanders and when it is taught. It will consider the impacts of a loss in confidence in commanders to make these decisions and the potential outcome of a loss of authority due to poor command performance. Ultimately, this paper will recommend an illustrative decision making framework which commanders may find helpful in developing their sound judgment related to justice matters. Then, training together with senior commanders, they may use their personal framework to practice making sound judgments with an eye better attuned to what makes a decision good.

#### Environment

US Air Force Lieutenant General Craig Franklin's decision to overturn a sexual assault conviction of a commissioned officer helped energize debate surrounding the commander's central role in the military justice system.<sup>15</sup> One of several important results of this debate have been changes mandated in the 2014 National Defense Authorization Act, altering the authority of commanders who are also convening authorities.<sup>16</sup> During the same period of time, other events called into question the judgment of senior commanders and leaders. Two of the more serious and highly

publicized were the court-martial of Army Brigadier General Jeffrey Sinclair and the relief for cause of the former commander of the elite Navy Blue Angels flying demonstration team.<sup>17</sup> These and other high visibility crises of confidence in commanders have spurred a vigorous debate in Congress on the role of the commander within the military justice system.<sup>18</sup>

Professor Elizabeth Hillman, a “Role of the Commander” Subcommittee member, stated “giving commanders authority over criminal prosecution and an extensive “quasi-judicial” role, in addition to their many other mission-related responsibilities, exacerbates the impact of inevitable failures of command.”<sup>19</sup> Other critics outside of government highlight “flawed judgment” of commanders. The opinions of a cross section of stakeholders indicates general doubt that individuals selected for command are appropriately trained prior to assuming their central role in maintaining good order and discipline via military justice and other administrative means. In short, the military commander’s preparation, judgment, and decisions are all being called into question.

There are approximately 7,000 commanders within the Army who play a central role in the exercise of military justice within their commands.<sup>20</sup> All military services prepare leaders selected for command with a mix of formal and informal training, known as “grooming” for command. Specifically, senior Army officers assuming a command position receive training in pre-command courses, as well as specific legal training in the Senior Officer Legal Orientation (SOLO) course.<sup>21</sup> The SOLO course acquaints senior Army officers (officers in the rank of Colonel or Lieutenant Colonel) with the legal responsibilities and issues commonly faced by installation, brigade combat team and battalion commanders, to include their duties as they assume special court-martial

convening authority.<sup>22</sup> Of note, while the SOLO course trains prospective commanders on their legal responsibilities as it relates to military justice, the course does not go into detail on *how* a commander makes a disposition decision. In other words, it does not review or develop a commander's personal decision making framework to improve the soundness of the decision. It merely focuses on the regulatory requirements related to these command decisions.<sup>23</sup>

The significant external attention focused on poor command judgment and highly publicized leadership failures, combined with internal concerns of a downsizing Army set the environment commanders find themselves operating in today. The Army is on a glide path to reduce in size to 450,000 soldiers with a potential future end strength as low as 420,000 soldiers. As a means to reach certain manning targets, the Army is using a variety of force shaping tools. Some of these tools identify soldiers who have poor evaluations, disciplinary or other negative administrative actions in their personnel file. Once identified, many of these soldiers are selected for separation or retirement from service or passed over for promotion. In some instances, these negative records would never have been considered by Army boards, but recent policy changes have made once restricted records visible to boards.<sup>24</sup> This has led to discussions and concerns within the Army about a potential return to the 'zero defects' mentality of the 1990s Army. Two possible consequences of this effort to 'cull' the force is that soldiers will become risk adverse and commanders could be reluctant to use the full range of administrative and legal tools available to them. As an example, a commander could make a decision which will result in a specific, anticipated outcome (achieving his desired effect for good order and discipline). Department of Defense policy changes

could alter the outcome results. Once the commander identifies his intent was not met, he could choose to handle the matter differently in the future.

### Literature

As pointed out previously, “trust is the bedrock of our profession.”<sup>25</sup> Also, Army leadership doctrine and operating concepts are clear on the requirement for agile, adaptive, and ethical leaders.<sup>26</sup> Doctrine, along with senior leader statements make clear the importance of trust between leaders and soldiers, as well as between the Army Profession and its client, the American people. Gen. Martin Dempsey, Chairman of the Joint Chiefs of Staff, testifying to the House Armed Services Committee on the commander’s role in justice within a unit stated “. . . commanders and leaders of every rank must earn that trust and, therefore, to engender trust in their units.”<sup>27</sup> General Raymond Odierno, Chief of Staff of the Army noted “our military profession is built on a bedrock of trust, the trust that must inherently exist among soldiers and between soldiers and their leaders . . .”<sup>28</sup> Our senior military leaders focus on trust because it is vital to the Army as a profession.

ADRP 1, *The Army Profession*, states that the Army is a profession in which certified professionals are competent, lead with character, and are committed to ethically accomplishing their duties.<sup>29</sup> As a professional, an “Army Leader is anyone who by virtue of assumed role or assigned responsibility inspires and influences people to accomplish organizational goals . . . motivate people . . . focus thinking and shape decisions for the greater good of the organization.”<sup>30</sup> Within the category of leader is a uniquely important individual, designated as a *commander*, who lawfully exercises authority over subordinates by virtue of rank or assignment.<sup>31</sup> It is the two-way trust of leader to soldier and soldier to leader, and ultimately leader (commander) to the

American people, which must be maintained in order to ensure the Army remains a profession and is not simply a bureaucracy.<sup>32</sup> A general understanding of leader attributes, specifically the elements of empathy, discipline, mental agility, sound judgment, and expertise, provide the doctrinal foundation for leaders and how leaders make sound decisions.

Army Doctrinal Publication (ADP) 6-22, *Army Leadership*, states the Army leader has the attributes of character, presence, and intellect. Developing and using these attributes and their elements shape how an individual behaves and learns in their environment. The attributes capture the values and identity of a leader (character); the outward appearance, demeanor, actions, and words (presence); and the mental and social faculties the leader applies in the act of leading (intellect).<sup>33</sup>

Table 1. Summary of Leader Attributes and Components<sup>34</sup>

Attributes	Elements
Character	<ul style="list-style-type: none"> <li>• Army Values</li> <li>• <u>Empathy</u><sup>35</sup></li> <li>• Warrior Ethos</li> <li>• <u>Discipline</u><sup>36</sup></li> </ul>
Presence	<ul style="list-style-type: none"> <li>• Military and professional bearing</li> <li>• Fitness</li> <li>• Confidence</li> <li>• Resilience</li> </ul>
Intellect	<ul style="list-style-type: none"> <li>• <u>Mental agility</u><sup>37</sup></li> <li>• <u>Sound judgment</u><sup>38</sup></li> <li>• Innovation</li> <li>• Interpersonal tact</li> <li>• <u>Expertise</u><sup>39</sup></li> </ul>

“In this environment, the quality of a leader’s character, who they are as a person, and thus their ability to make correct and independent discretionary judgments, matters even more than in the past.”<sup>40</sup> Organizations are profoundly shaped by the

personality of their commanders. Therefore, the importance of understanding the attributes that enable a commander to successfully perform their duties is central to understanding how commanders maintain the trust of their soldiers, superior officers, and the American people (Congress). A commander will routinely draw upon all these elements when making decisions and the commander's ability to have empathy, discipline, mental agility, sound judgment, and expertise on the matter at hand is paramount to making good decisions. Providing commanders an opportunity to train and improve these elements will directly support improved decision making related to justice. So, what are sound judgment and good decisions?

ADRP 1, *The Army Profession*, states that a right (good) decision will be both effective and ethical.<sup>41</sup> The ADRP 6-22, *Army Leadership*, makes the link between good decisions and sound judgment, stating "consistent good judgment enables leaders to form sound opinions and make reliable estimates and sensible decisions." It goes on to say that before choosing, leaders consider consequences and may use various sources of information to aid judgment, such as commander's intent, outcomes, laws, regulations, experience, and values.<sup>42</sup> Other literature notes the importance of having an understanding of what is to be achieved and whether the goals were achieved as a measure of sound decisions.<sup>43</sup> While not the focus of this paper, the Army also stresses the importance of critical thinking when arriving at sound judgments and good decisions. It is helpful to review the work of civilian experts on ethical decision making following the discussion of what doctrine says about sound judgments and good decisions. In this ethical decision making review, it is equally useful to understand the ethical dimension of decisions and to understand how these experts visualize making an ethical decision.

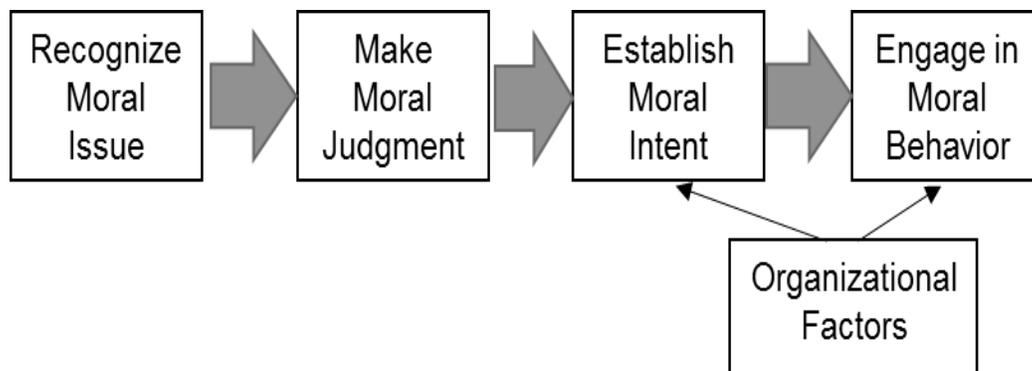
## Experts: Ethical Models

Prominent Moral psychologist James Rest and Mr. Rushworth Kidder, founder of the Institute for Global Ethics, developed separate theoretical models to describe the process of ethical decision making. Rest and Kidder's development of discrete ethical decision making models to assist in arriving at ethical decisions can be adapted to assist in making sound decisions related to justice. A review of their models provides a basis for developing an illustrative decision making framework which, when applied, results in sound judgments and good decisions.

The James Rest theoretical model has four components: Moral Sensitivity, Moral Judgment, Moral Motivation, and Moral Character. While these steps are arranged logically, there is no set order for the use of the model (see figure 1).<sup>44</sup> His conceptualization of ethical decision making is useful in providing a structure for ordering thought, without turning the process into a checklist. It also assists in avoiding a "one size fits all" answer to any situation.

Figure 1. James Rest Ethical Decision Making Model<sup>45</sup>

Moral sensitivity (moral awareness) refers to a person's ability to recognize that a



situation contains a moral issue. This recognition requires the person's awareness that their actions could harm or benefit other people. Moral judgment refers to formulating

and evaluating which possible solutions to the moral issue are morally justified. This is reasoning through the possible courses of action and consequences to determine which are ethically sound. Moral motivation refers to the intention to choose the moral decision over another solution. This is choosing the moral value over other possible choices. Moral courage is linked to the person's behavior, and their determination to follow through with the moral decision.<sup>46</sup>

The Rest four component model assists an individual in conceptualizing their decision making process. Significantly, this means that it is possible to understand, teach, and improve individual ethical decision making.<sup>47</sup> Thus, it is also reasonable to expect that commanders can improve their decision making processes when exercising their command authorities related to justice.

As a helpful addition to the Rest four component model, Thomas Jones developed a construct of six components of moral intensity. Jones conceptualized his variables so that moral intensity might influence each component of the Rest model. Jones believes that moral intensity influences every aspect of moral decision making (see table 1). The dimensions are Magnitude of Consequences, Temporal Immediacy, Social Consensus, Proximity, Probability of Effect, and Concentration of Effect. Of note, in a study by Dr. Sarah Hope Lincoln and Dr. Elizabeth K. Holmes, the findings suggest that the magnitude of consequences and probability of effect impact the most on moral judgment.<sup>48</sup>

Table 2. Thomas Jones, Six Components of Moral Intensity.<sup>49</sup>

Dimension	Definition	Intensity
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Magnitude of Consequences	Degree by which an individual may be harmed or benefit from the action.	Greater degree of harm or benefit increases the intensity.
Temporal Immediacy	Length of time between action and its consequences.	Immediate negative consequences results in greater intensity.
Social Consensus	Degree of agreement of a social group that an action is good or bad.	A strong social consensus that an act is morally wrong increases moral intensity.
Proximity	Nearness of the decision maker to the affected individual.	An increase in proximity increases moral intensity.
Probability of Effect	Likelihood that the predicted consequences and the harm/benefit will occur.	Intensity increases based on predicted harm caused.
Concentration of Effect	Relationship between the number of people affected and the magnitude of harm.	A higher concentration of effect results in higher intensity.

These moral intensity variables affect responses in all stages of the moral and ethical decision making process. Ann-Renee Blais and Megan Thompson helpfully depict this relationship in their research on decision processes in military moral dilemmas (see figure 2).<sup>50</sup> Combining these two concepts into a single model helps one understand the effects of moral intensity on every step of the model. Thus, an individual can methodically step through the model while being conscious of these factors impacting any potential decision. Similarly, this approach towards conceptualizing the ethical decision making model can be useful in application to a commander's personal decision making framework.

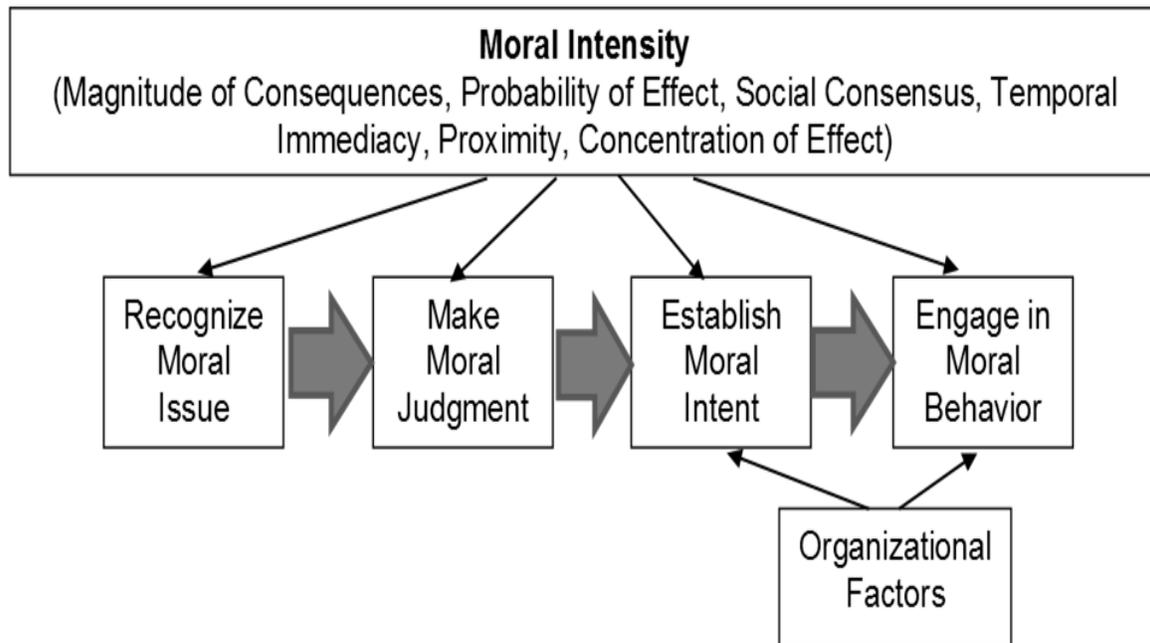


Figure 2. Moral Intensity variables with the Rest Four Component Model<sup>51</sup>

Rushworth Kidder developed another ethical decision making guideline which can assist commanders when making justice related decisions. He argues that there is an underlying structure to the ethical decision making process. Kidder breaks down this structure in nine checkpoints (see table 3).<sup>52</sup>

Table 3. Rushworth Kidder's Nine Checkpoints for Ethical Decision Making.<sup>53</sup>

Checkpoint	Details
1 – Recognize that there is a moral issue.	Determine if there are ethical considerations that demand attention.
2 – Determine the actor.	Decide between involvement and responsibility.
3 – Gather the relevant facts.	Gather important information.
4 – Test for right versus wrong issues.	Legal test (law breaking), stench test (intuition), Front page test (decision becomes public), Mom test (role model opinion).
5 – Test for right versus right paradigms.	Justice vs. mercy; short term vs. long term; truth vs. loyalty.
6 – Apply resolution principles.	Apply ethical perceptions based on steps 4 & 5.
7 – Look for a third way (trilemma)	Identify whether compromise or a new alternative is possible.
8 – Make the decision.	Use moral courage and take action.
9 – Revisit and reflect on the decision.	Once resolved, reflect on lessons learned.

Similar to other decision making models (i.e., military decision making model) this model assists the user in applying the checkpoint in a specific order when making a decision. Kidder also provides specific detail about each checkpoint prior to moving to the next step. For the layman, the consideration of their models will expand the user's perspective when making an ethical decision. The key is understanding that ethical decision making models, and the concept of ordering thought before making a decision, provides a useful foundation in assisting a commander to order their thoughts prior to making a judgment. Both Kidder and Rest proffer that using their models will improve ethical decision making, and research has shown that to be the case.

### Organizational Justice

As noted earlier, AR 600-20, *Army Command Policy*, holds commanders responsible for building disciplined, cohesive teams. A unit's perception of injustice can rip at the fabric of trust essential to meeting this requirement. In short, "justice keeps people together whereas injustice can pull them apart."<sup>54</sup> With this in mind, it is useful to understand the concept of organizational justice and its aspects of distributive, procedural, interactional, and informational justice. Overall, organizational justice refers to an employee's, or soldier's, perception of fairness within a company or the Army.<sup>55</sup>

Distributive justice refers to the fairness of the outcomes of a decision making system. Procedural justice refers to the fairness of the processes used to decide those outcomes. Interactional justice refers to the fairness of the interpersonal exchanges that occur during work.<sup>56</sup> Informational justice refers to the explanations given to people about procedures and outcomes.<sup>57</sup> Given these concepts, commanders who articulate, use, and make soldiers aware that they have and use a personal framework for arriving at decisions will increase trust within the unit. Similarly, if soldiers perceive that the

process is opaque, constantly changing, and results in capricious decisions, it is likely soldiers will lose trust in their commander.

### U.S. Army Training

The Army prepares commanders via a mix of prior experience, mentoring, schools, on the job training, and installation training courses. Ideally, this combination results in commanders that are sufficiently prepared to make sound judgments and good decisions. Thus, a review of training opportunities, with particular focus on the audience, content and timing of the training is important to understanding the Army's current effort to develop justice related command judgment.

Company commanders and First Sergeants benefit from installation level training courses. The Company Commander/First Sergeant Course (CCFS) course is locally mandated and the content varies by installation. However, in general, it does not focus on *how* to make a justice related decision and maintaining good order and discipline. Rather, with respect to justice, the focus is on the options available to a commander when using the Uniform Code of Military Justice (UCMJ) and the supporting material required. Completing this CCFS course is normally required prior to assuming company command or being laterally appointed as a First Sergeant. As an example, III Corps and Fort Hood have recently overhauled their CCFS. This new CCFS course will now contain six hours of legal instruction using situational vignettes and an adult learning model. The Staff Judge Advocate, with mentors who are currently in command, will lead this training. While no personal decision framework is used in the course, the free flow of discussion is intended to prepare the prospective commanders and First Sergeants. There is no certification upon conclusion of the CCFS course, nor any requirement for commanders to certify in their quasi-judicial role.

All brigade commanders (and equivalent Colonel level commands) and battalion commanders are the target audience for the SOLO course. Of note, battalion commanders attend if seats are available. The SOLO course provides the foundation for senior Army officers to successfully meet their legal responsibilities with the advice and assistance of their servicing staff judge advocate. The SOLO course authors aim to arm commanders with the latest information they need to know about law and policy when making legal decisions. However, the robust interaction during these sessions (which include scenario training) do not cover any illustrative decision making frameworks. As in the CCFS, there is no certification upon conclusion of the SOLO course, nor any requirement for commanders to certify in their quasi-judicial role.<sup>58</sup>

All Central Selection List battalion and brigade commanders and Command Sergeants Major attend the Pre-Command Course (PCC) at Fort Leavenworth. This course focuses on preparing the attendees in the art of command during phase I. During phases II and III, instruction is tailored depending on the type of unit they will command. Phase IV is the SOLO course described above. The content is varied and focuses on Army leadership doctrine and application at the various levels of command.<sup>59</sup> Illustrative or personal decision making frameworks are not used as a tool to assist instruction related to maintaining good order and discipline within units. Commanders and Command Sergeants Major are required to attend the PCC prior to assuming their responsibilities. There is no specific certification associated with the course.

#### Canadian Armed Forces Training

The Canadian Armed Forces also have training programs dedicated to preparing commanders to exercise their command authorities related to justice. All commanders

must complete the training and certification prior to assuming their role in the Code of Service Discipline (CSD) which is the equivalent to the UCMJ. The training “provides the candidates with the tools necessary to discharge their duties in the administration of the CSD”<sup>60</sup> The Presiding Officer Certification Training (POCT) is also taken by junior officers who may be expected to act as assisting officers during summary trials. This certification is valid for four years with recertification occurring via online training and examination. The candidate is required to attend the POCT course again should they fail the online recertification twice.<sup>61</sup>

The question of training commanders to make sound judgments is much broader than just its association with the maintenance of good order and discipline. This paper posits that more attention should be given to how commanders are trained, and possibly certified, given their quasi-judicial role, and their responsibility for unit operational effectiveness and morale. What follows is an approach to take the best features of ethical models, apply Army leadership doctrine, and offer a way to visualize how to order thoughts and considerations while making a decision related to good order and discipline - in short, visualizing sound decisions.

#### Visualizing Sound Decisions

The 1942 version of the U.S. Naval War College book, *Sound Military Decision*, is informative as it reinforces the long term discussion and importance of understanding the soundness of decisions. The authors state,

Upon the soundness of the decision depends, in great part, the effectiveness of the resulting action. Both are dependent on the possession of a high order of professional judgment, fortified by knowledge and founded on experience. Theoretical knowledge supplements experience, and is the best substitute in its absence. Judgment, the ability to understand the correct relationship between cause and effect, and to apply that knowledge under varying circumstances, is

essential to good leadership. Professional judgment is inherently strengthened by mental exercise in the application of logical processes...<sup>62</sup>

This passage contains several ideas that are helpful in illuminating the elements of a sound decision and provide food for thought as aspiring commander's exercise reflection. First, the soundness of a decision is related to the effectiveness of the result. Second, the passage stresses the importance of professional judgment founded on experience or theoretical knowledge. Third, the author develops a linkage between good leadership and judgment. The passage ends, noting that professional judgment is strengthened by mental exercise. This description of what makes a sound decision could have been written in a recent doctrinal manual. Given the importance of ethics, adding ethical consideration to professional judgment will make a 1940s idea particularly relevant to command today.

Commanders must be attuned to how their application of command authorities are perceived within the unit, and how it impacts the overall climate within the command. It is more than simply arriving at a judgment after following a recipe using the UCMJ or other means. It includes the perception of the unit or individual on the appropriateness of the punishment as the commander uses the full range of options available to maintain good order and discipline. It may be useful to visualize possible decisions of a commander using a 2x2 matrix that combines the perceptions of the

impact based on the weight of punishment (see figure 3).<sup>63</sup> This matrix is useful for contemplation and training among commanders.

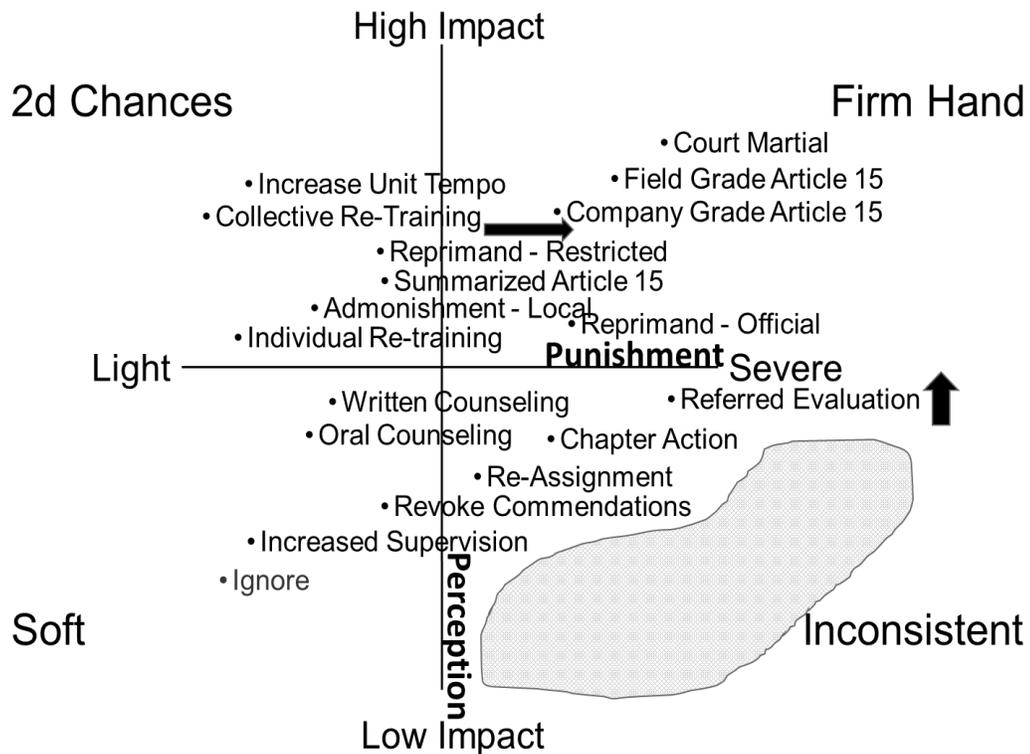


Figure 3. Visualizing Command Decisions<sup>64</sup>

It is worth noting that a commander, over time, will likely make decisions which fall into each quadrant based on the specifics of each case. The two axes are perception and punishment, ranging from low to high impact and light to severe punishment. Each quadrant characterizes a generalized view of the commander, over time, with example decisions placed within the matrix. In the high impact, severe punishment quadrant, the commander is perceived to have a firm hand. In the high impact, light punishment condition, the commander is perceived to provide ample second chances. In the low impact, light punishment condition, the commander could be perceived as soft. Finally, in the low impact, severe punishment condition, the

commander is perceived to be inconsistent or the result of the punishment was not anticipated properly (noted by the shaded area).

The intent is not to blindly make decisions which meet a pre-conceived notion or maintain a specific point of view (i.e. always a firm hand). Rather, commanders using this matrix can consider and discuss how they arrive at sound judgments, considering various options, and the impacts of those decisions (e.g., changing Army policy, commander's intent for the decision, achieving desired outcomes). Senior commanders can also share their matrix results as they deal with more complex issues, given their increased responsibility and authority due to rank and position. Another possible benefit - this matrix can identify any trends that might enlighten the commander as to his internal decision making framework (i.e., a majority of decisions result in second chances). Last, this matrix may be used to develop a sense of the types of decisions a particular commander makes over time. This may prove useful during command climate assessments as soldiers provide feedback on their perception of organizational justice within the command (i.e., the commander is perceived as consistent or inconsistent). As example, Commanders could use this matrix to review a specific type of decision (i.e., soldier failing to follow orders). A review of all similar cases would enable a view of consistency, and identification of any obvious deviations from the commander's decision pattern (i.e., scatter plot). Of note, there may be excellent reasons for deviation based on the individual facts of the case. This matrix would simply identify the inconsistency and assist in reflection.

The primary use of the visualization matrix is to assist in a commander's reflection on the soundness of their decision making related to good order and

discipline. In training, commanders sharing experiences, reviewing outcomes, reflecting on unit feedback of past judgments, and mentally exercising their decision making framework all underpin the mental preparation to make sound decisions. Making sound decisions, just like applying critical thinking skills, is hard work and requires training.

### Commander's Justice Framework

After reflection, commanders can benefit from developing their personal decision making framework, which will assist them in maintaining cohesive, disciplined units. To assist in developing a personal framework, this paper proposes an illustrative decision making framework which incorporates the various ethical decision making frameworks presented earlier. It is not a checklist, but a framework which can be personalized in order to provide a means to arrive at sound judgments, which result in good decisions (see figure 4).

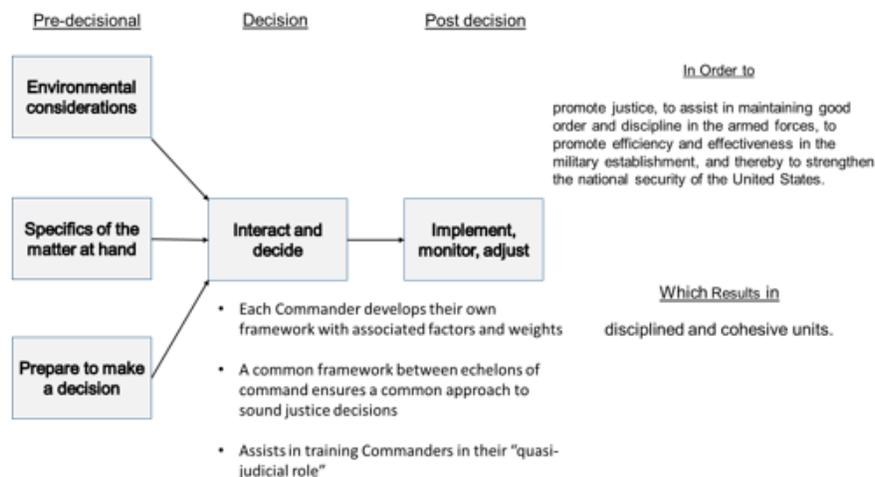


Figure 4. Illustrative Personal Decision Making Framework for Justice<sup>65</sup>

This illustrative framework sets out to provide a means for commanders at any echelon to order their thoughts when considering disciplinary matters, making a decision or providing a recommendation to a higher echelon commander. A commander

can also use it to explain how he arrived at a decision or recommendation. This conceptual framework breaks out discipline related decision making into five components. In the pre-decisional phase, environmental considerations refer to a commander being aware of the wider context in which he will make a decision. Specifics of the matter at hand ensures that the commander has a grasp of essential facts related to the issue under consideration. Prepare to make a decision ensures the commander is prepared to decide (e.g., well rested, managing stress properly, etc.). In the decision phase, the commander interacts with the participants and decides the matter at hand. In the post decision phase, the commander then implements, monitors, and potentially adjusts the decision based upon achieving the desired effect. Understanding this illustrative framework enables a commander to develop their personal framework on how they will approach matters that impact the good order and discipline of their units. In order to provide further context, discussion points are included on the framework which assist in a robust dialogue during training and for individual commanders to fully consider as they assess factors relevant to their own decision (see figure 5).<sup>66</sup>

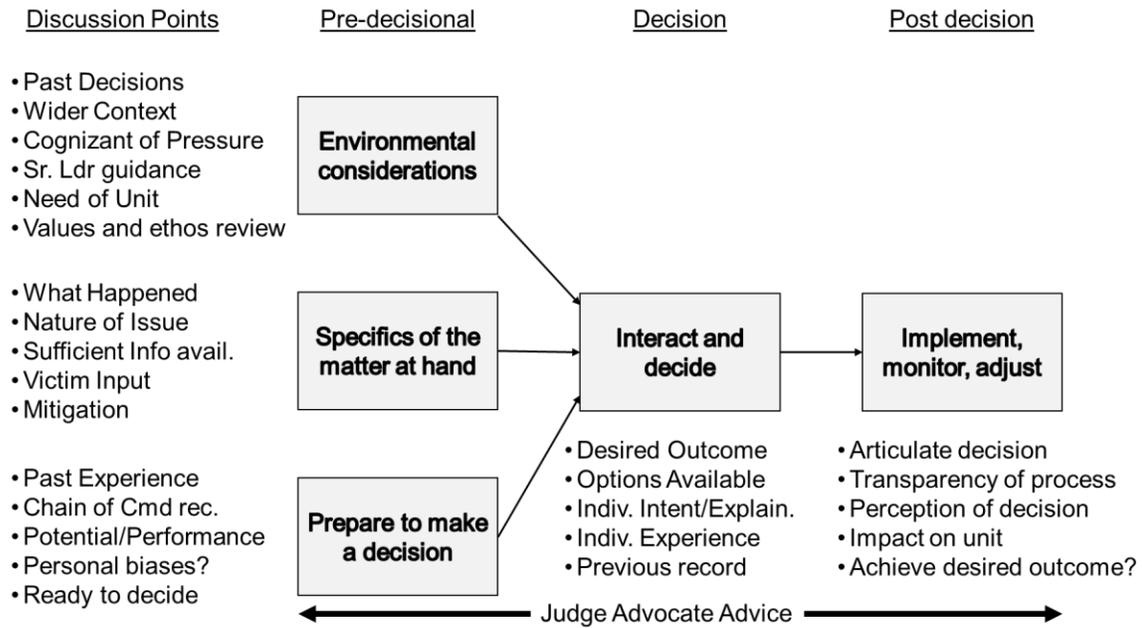


Figure 5. Illustrative Decision Making Framework with Discussion Points<sup>67</sup>

These discussion points are not intended to be an exhaustive list of factors to consider in each step of the framework.<sup>68</sup> They are intended to spur discussion and reflection among commanders and assist the user in determining their own personal factors and framework. Commanders may choose to discuss past decisions they have made, walking their subordinate commanders through this framework. Another way to use this framework is for commanders to discuss an aspect of a previous decision that failed to achieve their desired outcome. This dialogue among commanders encourages learning and will help identify pitfalls when exercising command authorities.

Commanders may also use the matrix and framework to identify components of organizational justice, such as distributive, procedural, interactional, or informational justice, which need attention within units. This will assist in understanding the overall climate within the command, and can also assist the commander in understanding how the soldiers within the unit perceive the application of justice and its resulting impact on cohesion and discipline.

This training will be valuable to commanders at all echelons. The time and space to learn on the job is decreasing due to operational tempo and an increasingly complex operational environment. Company grade commanders deciding less complex justice actions will benefit from developing their framework with their senior commanders as part of pre-command training in unit Commander/First Sergeant courses. Likewise, battalion and brigade commanders can appreciate the way in which a younger commander makes a decision or recommendation. These same field grade commanders, undergoing training in the SOLO course, can enjoy a candid discussion among themselves on how they arrive at sound judgments. The SOLO training venue is important, as our senior leaders routinely point to its utility when defending the preparation of our commanders for their “quasi-Judicial role.”<sup>69</sup>

While the potential institutional benefit of implementing this recommendation is significant, the cost to do it is relatively low. Costs are mainly associated with further development of training materials for the visualization matrix and framework. Implementing this training tool requires no additional people, structure, or additional training courses. Placing this training into unit leader development programs, Commander/First Sergeant courses, and the SOLO course would be sufficient to achieve the learning objective and a general benefit to the profession. Commanders training prospective commanders would maximize this approach as part of their leader development. While Judge Advocates are essential to supporting the commanders conducting this training, they are not ideal as the primary trainer. In this commander led training, there is an opportunity to reinforce mission command philosophy using various scenarios (e.g. sexual assault case, theft in the unit area) which become increasingly

complex based on rank and position. This training increases transparency among commanders and helps in determining an appropriate trust level based on judgment and anticipated outcomes.

This paper has focused on a single approach to improve the training and development of Army commanders on the use of their authorities and their effort to arrive at good decisions. However, this single approach will not achieve improvement across the range of commander responsibilities. It is, however, an important part of a larger process of Army assessment, selection, training, certification, and employment of commanders.<sup>70</sup>

The Army may consider whether the current method of assessment, selection, training, certification, and employment of commanders is suitable to the needs of the Army in 2025. A start point for this future study might be a review of how successful corporations hire their leaders and how Allies select their commanders at different echelons to provide original and comparative perspectives to a common human challenge - that of developing judgment and wisdom.

### Conclusion

The Army profession requires trust. Army commanders making unsound judgments which result in poor decisions related to justice are at risk of losing the trust of the American people and the soldiers they lead. Congress, as a key stakeholder, has made it clear that the status quo is unacceptable. General Odierno is equally clear in his position stating "I believe maintaining the central role of commander in our military justice system is absolutely critical to any solution."<sup>71</sup> The Army's approximately 7000 commanders require improved performance when using justice and other tools to

maintain good order and discipline within units. Fortunately, improved command performance can occur as a result of reflection, training, and accountability.

Commanders must understand how they reach a justice related judgment, which enables them to make a decision, which achieves an outcome. When considering ethical dilemmas, James Rest's four component model may assist in making sound judgments and decisions. With respect to justice matters, the illustrative personal decision making framework could be of use. A personal decision making framework enables commanders to logically and consistently consider the various elements of a justice related matter. This is useful whether making a decision or making a disposition recommendation to a higher commander. The time taken to develop a personal justice decision making framework also offers an opportunity for contemplation. Afterwards, training and dialogue can occur between commanders.

Training must begin prior to assumption of command and consideration should be given to Army wide certification requirements related to command justice authorities. Institutional courses, such as the SOLO course, are useful in preparing battalion and brigade commanders for their quasi-judicial role, however not all battalion commanders are required to attend the SOLO course. Company commanders require additional training on how to make sound justice related judgments and decisions. This could include a senior commander led process using the decision making framework and scenario based training. This dialogue between experienced and aspiring commanders enables learning to occur with less risk of unduly influencing a justice decision. It provides an opportunity to learn, and possibly certify, before command, which also improves stakeholder confidence in the Army's ability to train and develop its

commanders for their role. Lastly, accountability is key to a commander's use of their authority.

Commanders should understand how they will be held accountable for their judgments and decisions. A first step in holding commanders accountable is gaining a common way of viewing those judgments and decisions over time. Including details (statistics) of UCMJ and other related decisions in command climate surveys would provide a routine way for commanders to see the nature and impact of their use of command authorities. Additionally, ensuring soldiers are able to provide feedback on their perception of organizational justice within the command would identify challenges and areas for potential training for a commander. The proposed 2x2 matrix is a tool to guide reflection, and using the components of organizational justice could identify specific areas for command improvement in the application of justice.

The 1942 book *Sound Military Decision* concludes that "on a fundamental basis of earnest thought, mental ability, character, knowledge, and experience, finally rests the soundness of decision."<sup>72</sup> This paper advances that it is possible to individually develop a framework which increases the rigor commanders use to reach good judgments and sound decisions related to justice. This paper also posits that training will improve a commander's judgment and ability to make good decisions. This attention to training and possible certification will increase the performance of commanders at all echelons when applying their command authorities. While not addressed in depth, this paper notes that the Army might benefit from a review of how it assesses, selects, trains, certifies, and employs commanders at all echelons, and whether the current method is appropriate to the anticipated operating environment in 2025.

Ultimately, the notion of reflection, developing a decision framework, and training, resulting in a possible command certification would demonstrate the Army's commitment to improving command performance related to justice. This would have the effect of increasing trust between soldiers and commanders and just as importantly, between the Army and the elected representatives of the American people - Congress. The first time this author benefitted from a thoughtful discussion on the application of justice and a decision making framework was during his second year of brigade command. While useful, it was arguably late in his professional development and largely resulted from a coaching relationship with a senior leader that understood and acted upon the need. The Army would benefit from a more even application of this training across the force and also in placing emphasis on training junior commanders before their need is great and their time available is small--namely, in command.

## Endnotes

<sup>1</sup> Michelle Tan, "129 Army Battalion, Brigade Commanders Fired Since 2003," *Military Times Online*, February 15, 2015, <http://www.armytimes.com/story/military/careers/army/officer/2015/02/02/129-army-battalion-brigade-commanders-fired-since-2003/22531897/> (accessed February 4, 2015).

<sup>2</sup> Command is the authority that a commander in the armed forces lawfully exercises over subordinates by virtue of rank or assignment. It also includes responsibility for health, welfare, morale, and discipline of assigned personnel. See U.S. Department of the Army, *Army Leadership*, Army Doctrinal Publication 6-22 (Washington DC: U.S. Department of the Army, August 1, 2012), 4; Authority is the delegated power to judge, act, or command. See U.S. Department of the Army, *Military Terms*, Army Doctrinal Reference Publication 1-02 (Washington DC: U.S. Department of the Army, September 24), 2013, 1-5; 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. See U.S. Department of Defense, *Manual for Courts-Martial United States (2012 Edition)* (Washington, DC: Department of Defense, 2012), I-1.

<sup>3</sup> ADRP 1, *The Army Profession*, states that "As Army professionals, our duty is to make sound decisions and to take appropriate action. A right decision will be both effective and ethical." ADRP 6-22, *Army Leadership*, notes that "Consistent good judgment enables leaders

to form sound opinions and make reliable estimates and sensible decisions.” It goes on to state “Good judgment informs the best decision for the situation...before choosing, leaders consider the consequences. Some sources that aid judgment are senior leaders’ intents, desired outcomes, laws, regulations, experience, and values.” Other literature indicates having an understanding of what is to be achieved and measuring whether the goal was achieved is a measure of sound decision-making. Robert B. Brown, *The Human Dimension White Paper, A Framework for Optimizing Human Performance* (Fort Leavenworth, KS: U.S. Department of the Army, October 9, 2014), 7.

<sup>4</sup> Unlawful Command Influence is the improper use, or perception of use, of a superior authority to interfere with the court-martial process. Commanders should use caution when coaching and mentoring subordinates about the military justice system. See U.S. Department of the Army, *Commander’s Legal Handbook* (Charlottesville, VA: June 2013), 17-20.

<sup>5</sup> U.S. Department of the Army, *Operational Environments to 2028: The Strategic Environment for Unified Land Operations* (Fort Eustis, VA: Training and Doctrine Command, August 2012), 13.

<sup>6</sup> Brown, *The Human Dimension White Paper*, 10.

<sup>7</sup> National Intelligence Council, *Global Trends 2030: Alternate Worlds* (Washington, DC: November 2008), Cover Memorandum.

<sup>8</sup> U.S. Department of the Army, *Operational Environments to 2028: The Strategic Environment for Unified Land Operations*.

<sup>9</sup> Brown, *The Human Dimension White Paper*; Ann-Renee Blais and Megan M. Thompson, *Decision Processes in Military Moral Dilemmas: The Role of Moral Intensity and Moral Judgement*, Technical Report (Toronto, Canada: Defence R&D Canada, December 2008), 1.

<sup>10</sup> U.S. Department of the Army, *The U.S. Army Operating Concept, Win in a Complex World*, TRADOC Pamphlet 525-3-1 (Fort Eustis, VA: October 7, 2014), i, iii.

<sup>11</sup> U.S. Department of the Army, *The Army Profession*, Army Doctrinal Reference Publication 1 (Washington, DC: U.S. Department of the Army, June 14, 2013), 1-5.

<sup>12</sup> Senator Gillibrand sponsored legislation to remove certain Uniform Code of Military Justice command authorities from military commanders in favor of an independent prosecutor. While many of the proposals were not enacted, the 2014 National Defense Authorization Act changed a convening authority (i.e. commander) ability to modify, set aside, or reduce sentencing for certain crimes. See U.S. Congress, Senate, Committee on Armed Services, *Pending Legislation Regarding Sexual Assault in the Military*, 113<sup>th</sup> Cong., 1st sess., June 4, 2013, 90-91; David Vergun, “New Law Brings Changes to Uniform Code of Military Justice,” January 8, 2014, <http://www.defense.gov/news/newsarticle.aspx?id=121444> (accessed February 7, 2014).

<sup>13</sup> Response Systems to Adult Sexual Assault Crimes Panel, Subcommittee on the Role of the Commander, *Report of the Role of the Commander Subcommittee to the Response Systems to Adult Sexual Assault Crimes Panel* (Washington, DC: Response Systems to Adult Sexual Assault Crimes Panel, May 2014), 2,

[http://responsesystemspanel.whs.mil/Public/docs/Reports/02\\_RoC/ROC\\_Report\\_Final.pdf](http://responsesystemspanel.whs.mil/Public/docs/Reports/02_RoC/ROC_Report_Final.pdf) (accessed February 13, 2014).

<sup>14</sup> U.S. Department of the Army, *Army Command Policy*, Army Regulation 600-20 (Washington, DC: U.S. Department of the Army, November 6, 2014), 1-2.

<sup>15</sup> Craig Whitlock, "Air Force General to Retire after Criticism for Handling of Sexual-Assault Case," *Air Force Times Online*, January 8, 2014, <http://archive.airforcetimes.com/article/20131218/NEWS/312180013/General-who-overturned-sex-assault-conviction-loses-authority-over-new-sex-assault-case> (accessed February 13, 2014).

<sup>16</sup> *National Defense Authorization Act for Fiscal Year 2014*, Public Law 113-66, 113<sup>th</sup> Cong., 1<sup>st</sup> sess. (December 2013), <http://www.gpo.gov/fdsys/pkg/CPRT-113HPRT86280/pdf/CPRT-113HPRT86280.pdf> (accessed February 13, 2014).

<sup>17</sup> Response Systems to Adult Sexual Assault Crimes Panel, Subcommittee on the Role of the Commander, *Report of the Role of the Commander Subcommittee to the Response Systems to Adult Sexual Assault Crimes Panel*, 130.

<sup>18</sup> William "Kip" Ward was forced to retire as a Lieutenant General following an investigation which substantiated travel and expense misconduct. See <http://usnews.nbcnews.com/news/2012/11/13/15141602-4-star-gen-william-kip-ward-former-head-of-africa-command-demoted-over-lavish-spending-allegations> for details. Major General Michael T. Harrison was relieved of command following an investigation which substantiated Harrison mishandled a sexual assault complaint and allegations of misconduct by his subordinates. See <http://apps.washingtonpost.com/g/page/world/report-of-investigation-by-the-army-inspector-general-into-maj-gen-michael-t-harrison-sr/961/> for details. Brigadier General Bryan Roberts was relieved of command following an investigation which substantiated misconduct related to adultery and a physical altercation. See [http://www.huffingtonpost.com/2013/07/11/bryan-roberts-fort-jackson\\_n\\_3582576.html](http://www.huffingtonpost.com/2013/07/11/bryan-roberts-fort-jackson_n_3582576.html) for details.

<sup>19</sup> Response Systems to Adult Sexual Assault Crimes Panel, Subcommittee on the Role of the Commander, *Report of the Role of the Commander Subcommittee to the Response Systems to Adult Sexual Assault Crimes Panel*, 134.

<sup>20</sup> *Ibid.*, 23.

<sup>21</sup> In response to a question from SEN Donnelly about commander specific training related to military justice, Gen. Odierno responded that "We require commanders to go through legal orientation courses before they take command." He goes on to say "They go through that course to specifically outline for them what their responsibilities are." See U.S. Congress, Senate, Committee on Armed Services, *Pending Legislation Regarding Sexual Assault in the Military*, 111-112.

<sup>22</sup> Richard P. DiMeglio, "Training Army Judge Advocates to Advise Commanders as Operational Law Attorneys," *Boston College Law Review* 54, no. 3 (May 2013): 1201.

<sup>23</sup> Matthew A. Calarco, Chair, Criminal Law Department, The Judge Advocate General's Legal Center and School, email message to author, February 6, 2014.

<sup>24</sup> Jim Tice, "New Policy: Boards Will See Junior Officer Black Marks," *The Army Times Online*, February 2, 2015, <http://www.armytimes.com/story/military/careers/army/2015/02/02/-army-evaluations-masked-rule-change/22739073/> (accessed March 22, 2015).

<sup>25</sup> U.S. Department of the Army, *Army Leadership*, foreword.

<sup>26</sup> Brown, *The Human Dimension White Paper*, 10.

<sup>27</sup> Gen. Martin Dempsey, U.S. Congress, Senate, Committee on Armed Services, *Pending Legislation Regarding Sexual Assault in the Military*, 113<sup>th</sup> Cong., 1st Sess., June 4, 2013, 11.

<sup>28</sup> Odierno, *Pending Legislation Regarding Sexual Assault in the Military*, 12.

<sup>29</sup> The Army Profession is a unique vocation of experts certified in the design, generation, support, and ethical application of land power, serving under civilian authority and entrusted to defend the Constitution and the rights and interests of the American people. See U.S. Department of the Army, *The Army Profession*, 1-2.

<sup>30</sup> U.S. Department of the Army, *Army Leadership*, 1.

<sup>31</sup> *Ibid.*, 4.

<sup>32</sup> U.S. Department of the Army, *The Army Profession*, 1-4.

<sup>33</sup> U.S. Department of the Army, *Army Leadership*, 6, 7.

<sup>34</sup> U.S. Department of the Army, *Army Leadership*, 3-1 to 5-5.

<sup>35</sup> Empathy is the propensity to experience something from another person's point of view. The ability to identify with and enter into another person's feelings and emotions. The desire to care for and take care of Soldiers and others. See ADRP 6-22, 3-5.

<sup>36</sup> Control of one's own behavior according to Army Values; mindset to obey and enforce good orderly practices in administrative, organizational, training, and operational duties. See ADRP 6-22, 3-5.

<sup>37</sup> Mental agility is one's flexibility of mind; the ability to break habitual thought patterns. Anticipating or adapting to uncertain or changing situations; to think through outcomes when current decisions or actions are not producing desired effects. The ability to apply multiple perspectives and approaches. See ADRP 6-22, 5-5.

<sup>38</sup> Sound judgment is the capacity to assess situations shrewdly and draw sound conclusions. The tendency to form sound opinions, make sensible decisions and reliable guesses. The ability to assess strengths and weaknesses of subordinates, peers, and enemy to create appropriate solutions and action. See ADRP 6-22, 5-5.

<sup>39</sup> Expertise means the leader possesses facts, beliefs, logical assumptions and understanding in relevant areas. See ADRP 6-22, 5-5.

<sup>40</sup> Brian M. Michelson, *Character Development of U.S. Army Leaders: A Laissez Faire Approach*, Strategy Research Project (Carlisle Barracks, PA: U.S. Army War College, March 2013), 1.

<sup>41</sup> U.S. Department of the Army, *The Army Profession*, 4-2.

<sup>42</sup> U.S. Department of the Army, *Army Leadership*, 5-2.

<sup>43</sup> United States Naval War College, *Sound Military Decision* (Newport, RI: U.S. Naval War College, 1942), 3.

<sup>44</sup> Sarah Hope Lincoln and Elizabeth K. Holmes, "Ethical Decision Making: A Process Influenced by Moral Intensity," *Journal of Healthcare, Science and the Humanities I*, 2011, 56-57.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid., 57.

<sup>47</sup> Manuel Velasquez, et al., "Can Ethics Be Taught?" <http://www.scu.edu/ethics/practicing/decision/canethicsbetaught.html> (accessed March 21, 2015); see also Craig E. Johnson, *Organizational Ethics, A Practical Approach* (Portland, OR: Ringgold, 2012), 66.

<sup>48</sup> Lincoln and Holmes, "Ethical Decision Making: A Process Influenced by Moral Intensity," 66.

<sup>49</sup> Ibid.

<sup>50</sup> Blais and Thompson, "Decision Processes in Military Moral Dilemmas," 5.

<sup>51</sup> Ibid.

<sup>52</sup> Craig E. Johnson, *Organizational Ethics, A Practical Approach* (Portland, OR: Ringgold, 2012), 73-78.

<sup>53</sup> Ibid.

<sup>54</sup> Robert Folger, and Russell Cropanzano, *Organizational Justice and Human Resource Management* (Thousand Oaks, CA: Sage, 1998), xii.

<sup>55</sup> Deborah Rupp and Meghan Thornton, "Organizational Justice," July 28, 2015, <http://www.oxfordbibliographies.com/view/document/obo-9780199828340/obo-9780199828340-0044.xml?rskey=zAGr5c&result=2&q=organizational+justice#firstMatch> (accessed March 5, 2015).

<sup>56</sup> Jonathan R. Crawshaw, et al., "Organisational Justice: New Insights from Behavioural Ethics," 2013, 4, [http://eprints.aston.ac.uk/19383/1/Insights\\_from\\_behavioural\\_ethics.pdf](http://eprints.aston.ac.uk/19383/1/Insights_from_behavioural_ethics.pdf) (accessed March 22, 2015).

<sup>57</sup> Osama Abdul Karim Hazzi, "Organizational Justice: The Sound Investment in Organizations," *European Journal of Economics, Finance, and Administrative Sciences*, no. 52 (September 2012): 166.

<sup>58</sup> Calarco and Casey Z. Thomas, Associate Dean of Students, The Judge Advocate General's Legal Center and School, email message to the author, March 16, 2015.

<sup>59</sup> Michelle Tan, "Pre-Command Course Extends to 2 Weeks," *Army Times Online*, August 10, 2013, <http://archive.armytimes.com/article/20130810/NEWS/308100002/Pre-command-course-extends-2-weeks> (accessed March 21, 2015); see also *Army Knowledge Online School for Command Preparation Home Page*, <https://www.us.army.mil/suite/designer> (accessed April 1, 2015).

<sup>60</sup> Government of Canada, "Review of Military Justice Education and Training," <http://www.forces.gc.ca/en/about-reports-pubs-military-law-annual-2008-09/ch-5-review-mil-education-training-0809.page#fn1> (accessed March 21, 2015).

<sup>61</sup> *Ibid.*, 2, 3.

<sup>62</sup> United States Naval War College, *Sound Military Decision*, 3.

<sup>63</sup> A caution when using this matrix. Ignore is in red in the matrix as a commander contemplating to ignore misconduct places the entire commander centric nature of our justice system at risk. Commanders should consult their Judge Advocate General before implementing this decision.

<sup>64</sup> Thanks to Professor Stephen (Steve) Gerras, COL Jeff French, and Professor Charles (Chuck) Allen for assistance in developing the 2x2 matrix. Specifically, Professor Allen was instrumental in determining how to label and describe the various quadrants.

<sup>65</sup> The author developed this illustrative personal decision making framework in order to assist commanders in ordering their thoughts prior to making a justice related decision.

<sup>66</sup> The intent of this paper is not to develop an exhaustive list of factors which commanders may use when making sound decisions related to good order and discipline within units. The factors listed are illustrative and designed to initiate dialogue and reflection. The factors chosen are the result of personal experience and input from various former commanders at all echelons of command.

<sup>67</sup> The author builds upon the illustrative personal decision making framework by adding discussion points for use by commanders during training in how to make a sound decision.

<sup>68</sup> Due to space limitations, only a small portion of the factors received from commanders were included in the model at figure 5. Other factors include, impact on higher and adjacent units, speed of outcome, location of incident, outcomes from similar situations, advice of Subject Matter Experts, ability to justify decisions, and impact on unit culture, cohesion, and effectiveness.

<sup>69</sup> Odierno, *Pending Legislation Regarding Sexual Assault in the Military*, 112.

<sup>70</sup> If initiated, this study should include company, battalion, and brigade commanders.

<sup>71</sup> Odierno, *Pending Legislation Regarding Sexual Assault in the Military*, 15.

<sup>72</sup> United States Naval War College, *Sound Military Decision*, 217.

