
Assessing the Criminal Dimension of Complex Environments

By Lieutenant Colonel Al Bazzinotti and Lieutenant Colonel Mike Thomas

More than a decade ago, Army force developers recognized that as an instrument of national power, the military may be used more frequently in complex environments characterized by high urban or rural population densities, developed infrastructures, cultural sensitivities, the rule of law (ROL), and proficient information capabilities. The Army, which is maneuver-centric and typically averse to nation-building or constabulary operations, was without many formal references for operations in these environments. Because the manner in which military forces conduct sustained operations in complex environments may be fundamentally different from war-fighting elsewhere, the Army responded with a host of tools designed to assist military leaders in the planning and execution of operations in complex environments. “Civil considerations” was added to the hasty planning term of METT-T—resulting in mission, enemy, terrain and weather, troops and support available, time available, and civil considerations (METT-TC); and new manuals were drafted on domestic-support operations, peace operations, force protection, and other non-standard activities that may be conducted in complex environments.

Military experiences in the Balkans and the War on Terrorism have prompted a number of changes to joint and Army doctrine to better prepare military forces for success in complex environments. One of the most significant doctrinal changes still under scrutiny is an effects-based approach to operations planning and execution which capitalizes on the integration of several joint planning and execution systems and models with established Army processes. This holistic approach drives military leaders to consider military operations and their relationship to numerous other factors, activities, and outcomes occurring simultaneously in the area of operations and at various levels. Several Army proponents have recently developed planning tools, or constructs, to better focus the “civil considerations” planning effort for conducting operations in complex environments so that it includes activities across all

elements of national power—diplomatic, information, military, and economic (DIME).

For example, to support an effects-based approach that examines the strategic environment, joint planners developed a political, military, economic, social, infrastructure, and information (PMESII) construct (Figure 1). Like METT-TC, PMESII provides a context for the assessment of complex environments. This tool helps military leaders develop lines of operations—formulating measures of performance (MOP) and measures of effectiveness (MOE) to ensure that military operations are nested, integrated, deconflicted, and complementary to other environmental activities designed to reach the strategic end state.

The civil affairs community recently developed the areas, structures, capabilities, organizations, people, and events (ASCOPE) construct—another construct designed to assess the civil dimension (Figure 2). According to Field Manual (FM) 3-06, “To help analyze civil considerations in any environment, commanders and staffs can consider many characteristics such as [ASCOPE].” ASCOPE, which is divided into more than thirty subcategories to provide structure to the civilian dimension assessment, further supports the development and management of MOP and MOE. It can be nested with PMESII.

Based on experiences in Afghanistan and Iraq, the Army engineer community recently developed a planning construct for sewer, water, electricity, academics, and trash (SWEAT) systems, which adds fidelity to some of the components of ASCOPE. SWEAT focuses on basic systems that immediately affect the quality of life, which can serve as measurements of a deteriorating society, and it can be nested with ASCOPE.

Military operations in support of the War on Terrorism have resulted in the capture of terrorists and criminals who threaten the safety and security of our Nation and national interests. Information obtained by interrogating these individuals has proven essential

to the disruption of threat and terrorist networks and activities. The Army intelligence community has responded to the challenge of interrogating detainees and criminals while still maintaining the American value of treating prisoners humanely by adopting a philosophy of “THINK.”

- Treat all detainees with the same standard.
- Humane treatment is that standard.
- Interrogators interrogate.
- Need to report abuses.
- Know the approved interrogation technique and approval authority.

The THINK philosophy reflects the understanding that Soldier conduct that is inconsistent with American values resonates quickly throughout the civilian dimension and can hamper local, national, and international support.

The nature of most U.S. military operations in the last two decades signals a change from the Great War or Cold War paradigm to military operations in complex environments characterized by considerable civilian considerations. This is evidenced by the aforementioned constructs put forth by various Army proponents. Historically, military forces transition from combat operations to maintaining order and ensuring a safe, secure, and stable environment. Operations generally become constabulary in nature; major combat operations subside; and activities proceed under ROL, a framework for peace, or a mandate. This transition does not necessarily signal the end of a threat, but may indicate the changing nature of the threat and a change in the response mechanisms and methodologies required to defeat the threat.

Almost a decade ago, the military police community responded to constabulary operations by developing the police intelligence operations function, which is a means of responding to threats that are more criminal than conventional in nature. In these environments, it is not uncommon for enemy combatants, insurgents, or other belligerents to use or mimic established criminal enterprises to move contraband, raise funds, or otherwise further their goals. Assessing the impact of criminal activity on military operations and deconflicting that activity can be essential to mission success. The police

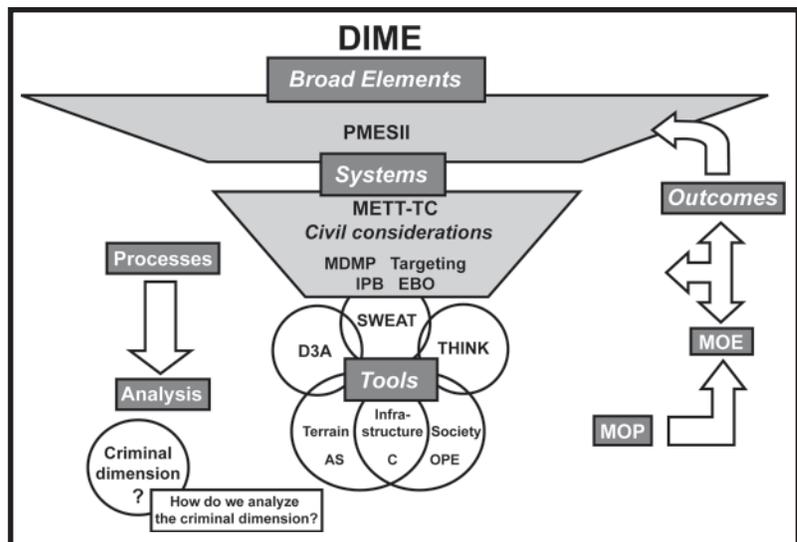


Figure 1. PMESII construct

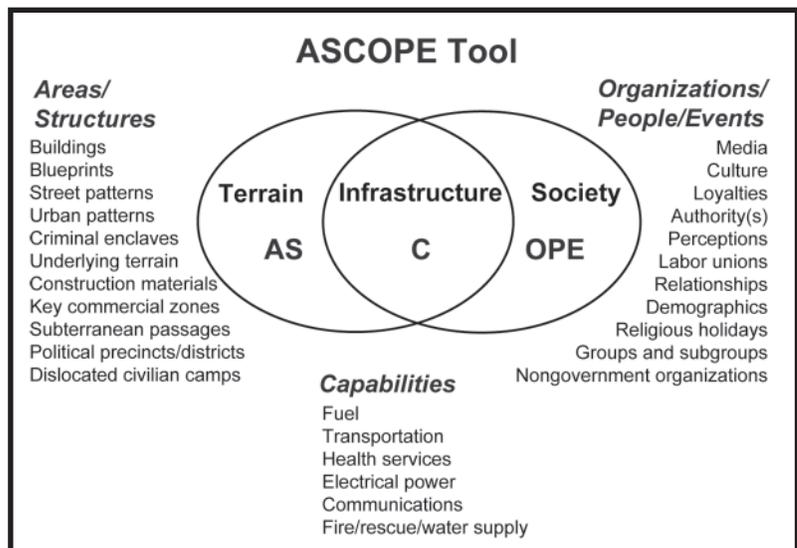


Figure 2. ASCOPE construct

intelligence operations function is an integrating military police function that capitalizes on military police and U.S. Army Criminal Investigation Command capabilities to—

- Analyze criminal information and intelligence through the integration and employment of military police assets and police organizations.
- Enhance the commander’s situational awareness.
- Identify vulnerabilities.
- Exploit opportunities.

It ultimately assists the commander in focusing and applying combat power. The development of this function is a work in progress; however, it is more applicable today than ever before because the criminal

or police dimension of any operational environment must eventually be influenced to provide an enduring, safe, secure environment for the average citizen.

The National Security Strategy of the United States of America directs transformation national intelligence systems to better communicate with defense and law enforcement systems. However, the potential contribution and capability of law enforcement methodologies needed to help integrate information cannot be leveraged without a systematic method of analyzing the operational environment with regard to police and criminal considerations and their effects on operations.

The criminal dimension of military operations is typically underrepresented in mission planning and analysis. This is often due to the platform-based, maneuver-centric nature of our military; an aversion to constabulary operations in general; and the traditional military police support response. However, it is also due largely to the absence of assessment constructs.

The following paragraphs provide a construct for assessing the criminal and police dimensions of complex environments using the concept of “POLICE:”

- **P**olice and prison structures (organization and nature, jurisdiction).
- **O**rganized crime (scan, analyze, respond, and assess [SARA] process).
- **L**egal system (source of law, criminal justice system, due process).
- **I**vestigations and interviews (transparency, sensitive-site exploitation, law enforcement investigations).
- **C**rime-conducive conditions (resource, location, enforcement gaps).
- **E**nforcement mechanisms and gaps (methods of social control).

Further analysis can be conducted to focus military police efforts as a force-sizing tool, develop analytical tools, determine and measure effects, and identify centers of gravity and spheres of influence.

Police Structures

The type of police structures in a particular region can provide insight into the population control methods that might or might not be successful. For instance, a paramilitary or gendarmerie-like police organization might be successful in maintaining order

and achieving compliance, but ineffective in gathering and developing street level information from the community. Cultural and political factors often influence the image, technique, and professional conduct of uniformed police. Consequently, a visible paramilitary force may be complemented by an unseen security or intelligence-gathering force. Although a paramilitary force may act as a deterrent, it may also cause the organization of sophisticated criminals or drive crime underground.

Because of a familiarity with local personalities and issues and an interaction with the community, a constabulary police force can be effective at gathering information and resolving societal problems. Due to the informality, this police structure may be operated autonomously across several criminal justice system domains and record keeping may be minimal. In many cases, the nature and effectiveness of a regional police force is reflected in the response of the local community.

Many nations have a national police force, and they strive to ease command and control while maintaining uniformity in procedures. The relationship between police organizations and their subunits can be very instructive—particularly if a causal relationship linking effective command and control with criminal or threat activity in a particular area can be identified. An analysis of jurisdictional boundaries should be conducted to determine which organization will contribute to setting the conditions for successful law enforcement or stability operations in an area. Established precincts that delineate police authority help determine the task organization and command and control arrangement of the military police effort. Jurisdictional boundaries may reflect dominant or sensitive cultural realities or “fault lines” that exist in a community. Some police boundaries may also exist to ensure that police capability is commensurate or appropriate to the criminal conditions of an area. For these reasons, military police planners must understand the nature of the policing structures they support, augment, or replace so that commanders can provide relevant guidance, appropriate support, and the proper tone for military police operations.

It is important to understand how a police force provides support to its community. Many police forces respond to the needs of the community in a proactive manner through the use of active patrolling, emergency

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communication conduits, or community outreach programs. Other police forces are more reactive, initiating action only after other methods of problem resolution have failed or when an event reaches a critical threshold. Prior to replicating, supporting, or training a police force, the nature of that force (proactive or reactive) must be identified so that operational goals, manpower requirements, and expectations can be realistically determined. A proactive model was used when rebuilding police organizations such as the Kosovo, Afghanistan, and Iraqi police services.

Prison Structures

In any society, individuals are detained, interned, or imprisoned for a host of reasons. An analysis of prison types, structures, capabilities, and history is necessary to develop and support operations of liberation, resettlement, or incarceration and the subsequent information operations essential to mission success. Many prison systems are organized in a way that differentiates between inmates who have committed serious offenses and those who are guilty of lesser crimes. Political prisoners, war criminals, prisoners of conscience, enemies of the state, and public enemies may also be interned or incarcerated within this structure or separately. Operations involving torture or execution by belligerent forces may accelerate or alter mission planning or necessitate unique information operations, tasks, and objectives. The stability of prisons that contain criminals may initially have a lower priority for operational assets than the liberation and immediate debriefing of political prisoners. However, the operational impact of the wholesale liberation of criminals and other social deviants must also be assessed before degrading enforcement mechanisms designed for their incarceration.

Prisons represent the correctional framework and are the continuing enforcement application of the criminal justice system within a civilian or military setting. They are also essential components to stability within any society that strives to modify or eliminate deviant behavior through the incarceration of an offender. Simply put, if policing is viewed as the proactive approach to deterring deviant behavior, then prisons are the reactive approach to changing or correcting deviant behavior. Too often, policing and prisons are viewed as separate functions with no relative connection. However, the two functions may be linked through the sharing of information and intelligence in a way that causes a push-pull information flow, resulting in successful mutual support.

Military police planners review existing prison infrastructures to determine how the criminal justice system is supported at the local, regional, or national level. The first step is to determine the prison model (justice, medical, or restorative) and how the prison is designed or structured. For example, retribution for criminal behavior is sought under a justice model while crime is treated like a disease that may lead to clinical solutions under a medical model. A restorative model makes use of community-based or outreach solutions that may vary from region to region. The socioethnic or cultural beliefs that could result in variations of these three models should be considered.

Military police planners also analyze crime trends and anticipate when and where surges in detainment will occur. They should understand the target society's proactive and reactive responses to crime and the prevailing philosophies that govern the management of criminals. For example, a society may employ the reactive philosophy of "an eye for an eye" to punish criminals. Another culture may advocate a more affirmative process of making an example of offenders.

Custodial and noncustodial systems should be identified in prison structure assessments. Custodial systems include jails, prisons, reform schools, and detention centers. Noncustodial alternatives include release programs, probation, parole, and other community-based programs.

The facility type (juvenile, adult male or female) and physical design should also be considered. An understanding of the prisoner release process and societal reintegration may be essential to supporting any line of operations connected with providing a safe and secure environment.

Organized Crime

During mission analysis, planners assess the impact of crime on military operations and local inhabitants. Crime may be divided into three general areas—low-level or street crime, high-impact crime, and organized crime.

Low-level crime is present anywhere U.S. military forces conduct operations. Local inhabitants are aware of the nature and behavior patterns of this crime and generally know how, when, and where to modify their behavior to reduce the risk to themselves and their property.

High-impact crimes include murder, kidnapping, rape, and arson; and they can have significant

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psychological effects on the population. They threaten the success of operations and require the diversion of military forces to counter them. A responsive military information campaign may be necessary to mitigate or reshape the effects of high-impact crimes. In many cases, local police or constabulary forces must respond and mitigate low-level and high-impact crimes if long-term stability is to be achieved.

Organized crime threatens military operations. Organized criminals, terrorists, and insurgents use violence to control illicit and legitimate activities among political, economic, financial, and informational systems and to accumulate power. Unlike the terrorist who may mimic an organized criminal to seek social change or the insurgent who seeks regime change, the organized criminal is motivated by profit. Therefore, organized crime may be present at the crossroads of lucrative or popular commercial enterprises or where those who cater to human vices assemble. Items that facilitate effectiveness and security (such as structural or cultural, ethnic, or familial unity) are generally at the center of organized crime. Terrorists and insurgent groups may gravitate to organized criminals because of the infrastructure, communications, and transportation capabilities they provide. The structured nature of organized crime often renders association analysis methodologies effective tools for identifying people, patterns, and locations that can be targeted. Successful civil affairs and stability operations may drive organized criminal elements underground, where assessment by conventional means becomes more difficult. In these circumstances, a more focused and collaborative policing effort is necessary.

The SARA process is commonly used by civilian law enforcement agencies to systematically analyze organized criminal activity. Military police have successfully implemented it in the Balkans. The SARA process focuses on the relationship between six environmental factors:

- Suspects, or persons who can be linked to criminal activity on the basis of credible evidence or information.
- Locations, or physical places where environmental factors act as motivating forces to aid or abet criminal activity.
- Victims, or persons who—as a result of a voluntary undertaking—are subjected to a crime.
- Controllers, or persons (clergy, spiritual leaders, teachers, gang and labor leaders) who influence the environment through behavioral changes.
- Managers, or persons (political leaders, councilmen, lawyers, judges, criminal accountants) who

are responsible for the maintenance of environmental factors.

- Caretakers, or persons (store owners, crime watchers, city workers, police, sanitation workers) who are able to change the environment through actions or by creating physical changes.

The effectiveness of SARA methodology can be exponential when it is nested with the decide, detect, deliver, and assess (D3A) targeting process often used to focus decisive operations and information operations. SARA may also facilitate information operations and MOP/MOE development and assessment to further support effect-based planning. Thwarting organized crime is a resource-intensive effort. In many cases, the decision to divert combat power or military resources to the eradication of organized crime is based on a demonstrated threat to a particular line of operation or communication, essential task, or democratic institution or value as outlined in the theater engagement or campaign plan.

Legal System

Understanding the legal (or criminal justice) system is essential in analyzing the criminal environment. Most legal systems are comprised of at least three components—a policing or law-enforcing mechanism or body; a judiciary or adjudicating body; and a correctional, penal, or prison system. Failing to assess any component can significantly limit the effectiveness of any prolonged effort to ensure safety and security in a complex environment. Tactical and operational transitions are often well planned and rehearsed in military operations, and their synchronization is often essential for mission success. Functional transitions, like those that comprise a regional legal system, may occur in a way that leaves commanders unprepared. Operation Restore Hope revealed the challenge of increasing the effectiveness of the Haitian policing effort without strengthening judicial capabilities. Lessons learned from Operation Iraqi Freedom indicate that a nation's criminal justice system should not be developed in isolation. Maintaining or developing all major components of a regional legal system in a synchronized manner is the key to success.

Laws reflect norms and values. The way a region or culture defines criminal behavior and deals with criminal offenders can help explain the types and levels of criminal activity in an operational environment. Identifying the source of the law is key to understanding a particular legal system. Many cultures reference a social contract, constitution, or mandate that codifies conduct and serves as a source from which all other laws are derived. Some cultures are tribal in nature and rely on custom, tradition, and social coercion to

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maintain acceptable behavior. For example, the Loya Jirga in Afghanistan is a decision- and law-making body that relies on tradition and tribal participation for consensus.

After the fall of Saddam Hussein in Iraq, it became necessary to determine which version of Iraqi criminal code the interim government would apply. Analyzing the source of the law and the subsequent legal system of an environment reveals the level of due process that the society is accustomed to providing its citizens before placing limitations on their liberty, freedom, time, or property. There is an expectation that coalition military forces will extend some level of due process to the citizens. Determining the amount of due process that military forces will afford citizens—and when they will provide it—is key to synchronizing the components of the legal system and military activities that support it. This is essential in developing and supporting democratic institutions, and it drives the manner in which military operations proceed as the environment becomes more responsive to the ROL. The more due process afforded the citizens, the more complete a case against them must be as it moves through the legal system. Therefore, the degree of due process afforded to and expected of citizens may influence the type, manner, and timing of searches, apprehensions, detentions, and confiscations.

Military commanders are inherently empowered to take all prudent and proportional measures necessary to protect their forces. However, during stability operations, the nature of the threat can often inhibit the ability of friendly forces to differentiate between a hostile act and hostile intent among members of the civilian community. For this reason, military commanders and forces must have the authority to detain civilians and an acceptable framework from which to confine, intern, and eventually release them back into the operational environment. This authority has the most legitimacy when sanctioned by international mandate or when it is bestowed or conveyed from the local or regional governmental power. The initial or baseline authority granted to military forces to use force and detain civilians ultimately determines the status of the persons who are detained. The status of detainees further determines the manner in which they are processed, the degree of due process they are afforded, and whether their offense is considered military or criminal in nature.

Training Soldiers for the myriad of administrative, procedural, and supervisory tasks associated with conducting operations in an environment with a high-degree or gradually increasing level of due process can be overwhelming and time-consuming if unplanned. The process of preparing and issuing warrants, taking detailed statements, gathering evidence, and retaining property must be accomplished in a competent and routine manner for mission success in an ROL environment. Although military police are proficient in these tasks, they may be unable to attend to all activities requiring these skills in an area of operations or during focused operations.

Investigations and Interviews

Commanders use investigative processes and procedures to capture lessons learned, assess critical failures, and demonstrate command responsibility. Military operations in close proximity to civilians, social institutions, and culturally sensitive sites are inherently prone to result in collateral damage or unintended consequences. Belligerents, threat actors, and the inhabitants of complex environments are capable of leveraging information technologies in a way that makes operations more transparent than in the past. This increase in transparency requires an objective investigative process that leads to a significant increase in the number and frequency of internal and external inquiries, investigations, and assessments.

Friendly fire incidents, war crimes, detainee issues, rules-of-engagement violations, sexual misconduct, and contractor fraud are all issues that can threaten strategic end states because competitors can exploit them. Developing a framework through which internal and external investigations, inquiries, and assessments are initiated, managed, tracked, and reported is the key to demonstrating responsibility in a transparent environment.

As operations become more framework-oriented and responsive to the ROL, they become more investigative in nature. Episodic threat action requires that Soldiers gather detailed statements from witnesses, victims, and subjects. Event areas must be treated as crime scenes so that forensic evidence can be preserved and collected and threat tactics and culpability can be determined. Some site exploitation operations are also driven by an investigative process, often because of their potential contribution and linkage to strategic

security efforts. They are often characterized by evidence preservation, forensic analysis, and stringent chain-of-custody requirements.

Investigative procedures are methodical and meticulous. Successful investigations restore confidence and protect lives. Assessing the activities that require an investigative approach and planning for their support through training, task organization, or procedures helps commanders and staffs draw more complete and accurate conclusions about critical events and operational environments.

Crime-Conducive Conditions

Crime-conducive conditions lead to criminal activity and may become the basis for other threat activity in a complex environment. They reflect a relationship between three variables—a specific resource, a particular location, and an enforcement gap (Figure 3). Identifying and assessing these variables and their relationships can often lead to predictable and preventable outcomes. Crime-conducive conditions must be reduced, bypassed, and prevented because they ultimately cost commanders combat power and can threaten mission accomplishment at any level of operation. Although crime-conducive conditions can be the result of the tactical outcome of an operation and may be influenced by threat actors, they may also develop within environments controlled and dominated by friendly forces such as encampments, assembly areas, and base camps.

Military police leaders must analyze all phases of tactical operations to identify crime-conducive conditions and their potential impact on operations. Crime-conducive conditions at points of embarkation and debarkation can enable the pilferage or diversion of critical logistical resources. If crime-conducive

conditions lead to crimes against persons (assault, robbery, rape) in reception and staging areas or base camps, they can degrade the fighting spirit of Soldiers. They may threaten lines of communication or maneuver operations and may be articulated in a commander's bypass criteria. Crime-conducive conditions in the post-conflict phase may be temporarily mitigated by the continued presence of troops and curfews, but real improvement requires a more deliberate and holistic strategy encompassing all PMESII and ASCOPE factors.

Crime-conducive conditions may be reduced or mitigated by acting upon the valuable resource, specific location, or enforcement gap central to the condition. For example, a material resource can be relocated, dispersed, camouflaged, or packaged in a manner that reduces the probability of pilferage, damage, or diversion. Human resources can be influenced through a host of internal and external conduits to include psychological and information operations, civil affairs efforts, and established local organizations and agencies. A particular location contributing to a crime-conducive condition may be acted upon in a number of ways. Obstacles and barriers may be introduced at the location to limit or deny access to an area or resource. Lighting, watchtowers, or technological surveillance or intrusion detection systems can also be introduced, but unless planned, may not be immediately available. The strengthening of existing enforcement mechanisms or the introduction of new ones may offer the most immediate and effective solution to reducing crime-conducive conditions in the short term but may be difficult to maintain during high operational tempos or prolonged operations.

Enforcement Mechanisms and Gaps

Maneuver commanders conduct intelligence, surveillance, and reconnaissance operations to seek information necessary for option acceleration and accurate decision making. Priority intelligence requirements are designed to fill gaps in knowledge about a particular threat or the operational environment, thereby enhancing situational awareness. Reconnaissance operations are conducted to identify surfaces or strong-points to be avoided and gaps or opportunities through which friendly forces can obtain tactical advantage and ultimate success. In a similar manner, identifying enforcement mechanisms and gaps in the civil dimension of complex environments is also essential to protecting the force, preventing crime-conducive

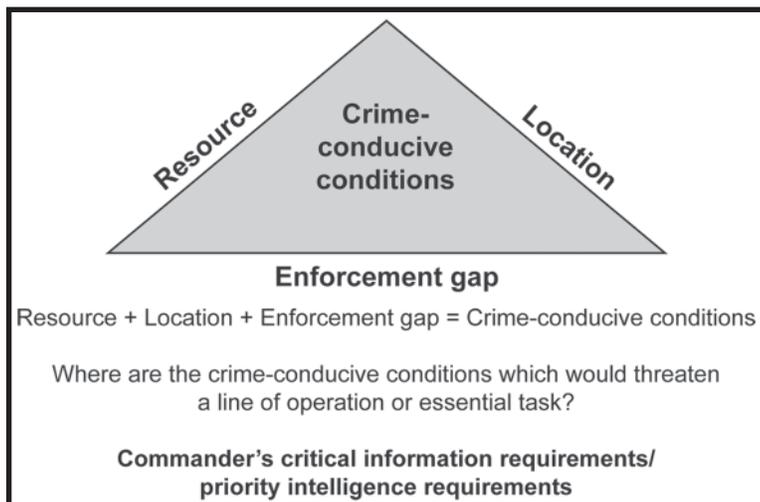


Figure 3. Crime-conducive conditions

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conditions, and mitigating criminal activity that can threaten operations. Emerging full-spectrum doctrine seems to indicate that the military element of power may be used more frequently to counter transnational threats that are more criminal in nature and penetrate the seams in national and international security systems.

Many of the traditional and more obvious enforcement mechanisms present in an operational environment may be assessed during the initial preparation of the battlefield (IPB) process. They may be initially listed as friendly or enemy and could include police and security forces, border control, national guard, or militia organizations. Enforcement mechanisms might also include structured religious, ethnic, or family influences and organized criminal elements. Deliberately eliminating or degrading enforcement mechanisms identified as threat forces in mission planning can result in the creation of enforcement gaps unless other enforcement mechanisms are present or deliberately introduced into the environment. When an enforcement gap is created in physical proximity to valuable resources or a geographically significant location, it may result in crime-conducive conditions and destabilization of the area. Replacing or replicating an enforcement mechanism can be very manpower-intensive and culturally sensitive. Therefore, the process of assessing enforcement mechanisms and gaps should be carefully considered for every phase of an operation to determine which mechanisms require strengthening over elimination or transformation. Gaining the support of local enforcement mechanisms (clergy, school officials, militia) may require a focused and sustained civil affairs and information engagement operations effort early in the process.

Enforcement gaps also exist in areas controlled or dominated by friendly forces. The inherent legal authority of commanders is generally the most apparent and dominant enforcement mechanism over friendly forces in a tactical setting. The authority of individual commanders and subordinate leaders may not be a sufficient enforcement mechanism in base camp and quasi-garrison, or semitactical, environments where many disparate commands and nonmilitary organizations share mutual terrain. In these situations, commanders must be supported with complementary enforcement mechanisms that unify the efforts of

disparate commands and help enforce policy common to all organizations. For example, joint expeditionary forces established a lodgment at Kandahar Airport, Afghanistan, during the early days of Operation Enduring Freedom and quickly received critical classes of supplies before ground lines of communications could be established. Although the joint forces operating from that location had several mutual responsibilities, the failure to recognize the enforcement gap on the airhead and to introduce guidelines and corresponding enforcement mechanisms to protect critical supplies being off-loaded there led to the pilferage and unauthorized diversion of many classes of supplies.

Given the overwhelming capability of U.S. military forces in high-intensity maneuver operations, it is difficult to envision another major military offensive operation not immediately followed by a stability operation. Current experiences in Southwest Asia have demonstrated that the conditions for success in the postconflict phase must be identified, resourced, and set earlier in the operational process—even while combat operations continue. Assessing the criminal dimension of complex environments and the influence it has on tactical operations and strategic end states is essential. The POLICE assessment tool provides a context in which to examine the criminal dimension. It nests with other constructs intended to assess civil considerations (PMESII, ASCOPE). Its explanation and demonstration in this article are not ends, but are the continuation of a dialogue to help Army leaders succeed in the operational environments that we are most likely to face.

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