

Comprehensive Review of Professionalism and Ethics Programs for Special Operations Forces

Submitted in compliance with Section 1066 of the John S. McCain National
Defense Authorization Act for Fiscal Year 2019.

Preparation of this study/report cost the Department of Defense a total of approximately \$16,000
in Fiscal Year 2019.

Generated on 13 February 2019

Ref ID: D-282C3AE

Introduction

Pursuant to Section 1066 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, the Department of Defense (DoD) has conducted a comprehensive review of the ethics and professionalism programs of the United States Special Operation Command (USSOCOM) and of the military departments (MILDEP) for military personnel serving in Special Operations Forces (SOF).

A review of instances of serious misconduct across SOF indicates that some SOF personnel face a deeper challenge of a disordered view of the team and the individual in the SOF culture. Left unchecked, a value system in disorder threatens to erode the mutual trust among members of SOF and the trust of senior leaders, our allies, and ultimately the American people in SOF. In response to this challenge, SOF senior leaders have engaged in rapid and focused action to identify and address underlying causes, to prevent erosion of trust in the force, and ultimately to produce a more effective special operations force for the nation.

Findings of the Review

This report addresses each element in section 1066(b) in order.

(1) *The professionalism and ethics standards of the United States Special Operations Command and affiliated component commands.* Our review and analysis reveal that USSOCOM and its components are accountable to a wide array of ethical and professional standards. These standards are based upon and are in sync with the individual Service standards of the personnel who comprise SOF, the common mission set, and the requirements necessary to conduct special operations. SOF members are required to adhere to the Constitution, laws, and ethical principles above any considerations for private gain. They are required to disclose waste, fraud, abuse, and corruption to appropriate authorities. They must endeavor to avoid any actions creating even the appearance that they are violating the law or ethical standards.

In keeping with direct guidance from both the former Secretary of Defense James Mattis and Acting Secretary of Defense Patrick Shanahan, SOF standards require that all DoD personnel, which includes SOF, play the ethical midfield, aggressively avoiding the ethical sidelines. The Assistant Secretary of Defense for Special Operation and Low Intensity Conflict (ASD SO/LIC) and the Commander of USSOCOM are committed to enforcing this standard and have articulated that SOF are expected to operate with the highest standards of ethics and honor. They have emphasized that SOF must never give the American people or our allies cause to doubt that SOF will execute at the highest standards of tactical and moral excellence. This commitment was most recently reinforced in the USSOCOM Commanding General's recent "Call to Action" message to the command.

(2) *The ethics programs and professionalism programs of the military departments available for special operations forces.* The MILDEPs are responsible for common ethics and professionalism training and education and managing the professional military education (PME) of all personnel, including SOF, within their respective Services. Each of the MILDEP SOF personnel receives the same common curriculum education as other Service military members in their respective Service through their attendance in PME at the appropriate points in their career, in addition to any SOF-unique education.

(3) *The ethics programs and professionalism programs of the United States Special Operations Command and affiliated component commands.* USSOCOM and its components are full and active participants in the Department of Defense (DOD) ethics program. Pursuant to its statutory authority, the Office of Government Ethics (OGE) sets policy for the executive branch ethics program. The head of each agency is statutorily responsible for leading the program in his or her agency. This responsibility includes creating an ethical culture by demonstrating a personal commitment to ethics and providing the necessary resources to implement a strong and effective Agency ethics program.

The Commander of USSOCOM has directed a 90 day focus period on core values and their role in the SOF culture with the following actions: 1) USSOCOM training and education commands and institutes are reviewing programs of instruction for opportunities to address core values in SOF culture in ways that will impact their formations, to include values-based decision-making and reinforcement of moral courage; 2) USSOCOM is reviewing all command climate survey results within the last year to identify any trends across the force rooted or impacted by SOF culture; 3) Commanders and Senior Enlisted Advisors are conducting personal and direct engagement with their personnel on the SOF cultural climate and reporting their observations up the chain of command; and 4) USSOCOM is pursuing additional research into the connection and correlation between operational trauma and behavioral health.

Regarding professionalism programs, USSOCOM established the Joint Special Operations University (JSOU) to provide the highest quality joint SOF leadership education. Leadership development, professionalism, and ethics education and instruction are cornerstones to all JSOU curriculum and are prominently represented in the Senior Enlisted Academy, Special Operations Continuing Education, and College of Special Operations. Our review reveals that, at a minimum, thirteen programs of instruction specifically address ethics and professionalism in their core curriculum for SOF officers and enlisted personnel.

A sampling of other ethics and professionalism programs provided to SOF members identified programs of instruction on both compliance and values-based ethics. SOF members receive training on the Joint Ethics Regulations and Standards of Ethical Conduct for Executive Branch Employees (5 C.F.R. Part 2635). In addition, instruction includes Applying Moral

Processing, Leader Development Doctrine, Ethical Reasoning, Ethical Problem Solving, SOF Ethics, Cyber Ethics, and Analyzing Variables to Create a Positive and Ethical Climate.

Officer and enlisted candidates for special operations training and assignments undergo assessment and selection processes imbued with the values, ethics, and special operations culture of their respective Service. These assessment and selection processes are designed to test the heart and desire of these candidates while building a foundation of ethical understanding, professionalism, and accountability.

As training progresses for SOF members, so too does the complexity of the ethical decision-making instruction that they encounter. Future SOF leaders are presented with real-world examples illustrating ethical themes. In pedagogical evolutions, future leaders dissect the moral and professional implication of difficult decisions taken by SOF leaders in the real world. The Service components of USSOCOM employ multiple and varied approaches to develop and reinforce ethical character, professionalism, and a culture of accountability. These efforts are designed to ensure the leader entrusted with the lives of his or her subordinates is prepared to make the right and best decision at the point of impact, be it on the battlefield, the home front, or other more ambiguous environments in which SOF must operate.

(4) The roles and responsibilities of the military departments and the United States Special Operations Command and affiliated component commands in administering, overseeing, managing, and ensuring compliance and participation of special operations forces in ethics programs and professionalism programs. The Secretaries of the MILDEPs are required to train their forces and promulgate policies and programs for their respective Departments. This includes promulgation of Service-related ethics and professionalism programs, as well as ensuring Service component adherence, compliance, and participation in DOD-wide ethics and professionalism programs.

The role of USSOCOM and its components is to promulgate and ensure participation in and compliance with SOF-unique ethics and professionalism programs provided by the Services, Commands that are SOF-specific, and to ensure compliance of joint components of USSOCOM (e.g., theater special operations commands (TSOC)) with DoD-wide ethics and professionalism programs. Additionally, leaders of these organizations have the role of providing additional specific ethical or professional guidance and leadership based on unit-specific or mission-specific requirements or issues.

(4)(A) Any gaps in the administration, oversight, and management of such programs and in ensuring the compliance and participation in such programs. The review conducted in response to section 1066 did not identify any gaps in the administration, oversight, or management of ethics programs or professionalism programs.

(4)(B) *Any additional guidance that may be required for a systematic, integrated approach in administering, overseeing, and managing such programs and in ensuring compliance with and participation in such programs in order to address issues and improve adherence to professionalism and ethics standards.* The review conducted in response to section 1066 did not identify any gaps in the guidance for administration, oversight, or management of ethics programs or professionalism programs.

(5) *The adequacy of the existing management and oversight framework for ensuring that all ethics programs and professionalism programs available to special operations forces meet Department standards.* Although actions have been implemented, and are presently underway, to improve the effectiveness of ethics and professionalism standards and programs within SOF, our review has determined the current management and oversight framework exceeds that which is required to meet departmental standards. The Service components and their programs are subject to compliance inspections by their respective Services reporting and inspection requirements programs. They are also subject to reporting and compliance inspections by USSOCOM. The TSOCs are subject to compliance inspections by USSOCOM and any additional inspections that may be required by the Geographical Combatant Command exercising operational control of the TSOC. Headquarters USSOCOM is subject to compliance inspections by the Joint Staff (JS) Inspector General (IG) and the OSD Standards of Conduct Office (SOCO). Given the regular reporting requirements and inspection or staff assistance visits by external organizations, we are confident the current management and oversight framework is sufficient to meet the standards of the Department.

(6) *Tools and metrics for identifying and assessing individual and organizational ethics and professionalism issues with respect to special operations forces.* Our review and analysis have identified numerous tools available for identifying and assessing ethics and professionalism issues and programs with respect to SOF. Of special note, the United States Army Special Operation Command (USASOC) has instituted a neurocognitive baselining initiative. In an effort to identify the linkage between operational trauma and behavioral health, USASOC began neurocognitive baseline testing for a portion of their operational force. Since 2011, the Matthew Gfeller Sports-Related Traumatic Brain Injury Research Center at the University of North Carolina, Chapel Hill and the National Football League have supported this effort contractually. Current research indicates a potential correlation between brain trauma and decision making. USASOC is continuing to invest in this initiative to maintain the health of their force.

Additional tools for identifying and assessing individual and organizational ethics and professionalism issues with respect to special operations forces include the following. Allegations of misconduct by senior leaders (general officer/flag officer/SES) and allegations involving reprisal are required to be reported to the DoD IG. DOD compliance ethics programs

are subject to reporting and reviewable by the DoD Standards of Conduct Office. Command climate surveys of unit personnel provide higher headquarters leadership the awareness of individual and organizational issues. Reports of sexual assault and other serious crimes that are subject to time-driven reporting requirements and processes. Unit compliance inspections and staff assistance visits evaluate component ethics and professionalism programs. Lastly, USSOCOM conducts Commander Round Table events at least three times a year at which USSOCOM senior leaders solicit observations and insights from subordinate leaders concerning ethics and professionalism issues.

(7) Tools and metrics for assessing the effectiveness of existing ethics programs and professionalism programs in improving or addressing individual and organizational ethics related and professionalism issues with respect to special operations forces. Concerning metrics, assessment of individual and organizational value-based ethics and professionalism programs ideally would measure and reflect positive actions taken. However, positive actions are less amenable to systemic measurement than allegations or instances of improper conduct. Negative information is more frequently measured because it better lends itself to measurement. Accordingly, the following metrics are used to assess individual and organizational ethics and professionalism issues within SOF: the number of military justice incidents across units and organizations, military and civilian law enforcement investigation across units, IG complaints and investigations, overall unit readiness reporting, and unit feedback from command climate surveys. Due to the absence of positive quantifiable values-based metrics applicable across DOD, these and similar compliance-based metrics show the effectiveness of programs measured.

(8) Any additional actions that may be required to address or improve individual and organizational ethics and professionalism issues with respect to special operations forces. In cooperation with USSOCOM and MILDEPs, DOD is pursuing several initiatives to improve individual and organizational ethics and professionalism in the SOF community.

First, we are exploring opportunities to improve and expand implementation of values-based decision making (VBDM) program of instruction. VBDM more effectively equips SOF members with the ability to make the best moral choices in all facets of life. VBDM instruction seeks to institutionalize and develop belief structures by uniting people around shared principles. Such instruction arms members with the ability to think critically, resolve issues proactively, and ultimately become more responsible and accountable for their behaviors.

Second, USSOCOM and the Service SOF components are exploring further research on the cumulative effects of operational trauma suffered by Army SOF operators. Further research is required to determine if brain fatigue associated visual cortex anomalies and other typical abnormalities associated with traumatic brain injury (TBI) adversely impact judgment, decision-making, and behavior.

Third, in addition to TBI and Post-Traumatic Stress Disorder (PTSD) research, USSOCOM is undertaking an assessment of the cumulative effects of over seventeen years of continuous combat, including increased support on organizational culture and values.

In pursuing the above, we are mindful that similar challenges may affect the many organizations that provide necessary support to SOF but are not SOF by assignment of command.

(9) *Any additional actions from Congress required at this time.* We are exploring other intra-departmental changes that may be required to improve the oversight and accountability by senior leaders of ethics and professionalism-related issues with respect to special operations forces. Other actions under consideration include adding more ethics, professionalism, and leadership questions to command climate surveys; developing a scenario-based ethics and professionalism toolkit for commanders; use of a moral disengagement questionnaire as part of psychologist support to commanders to identify those who may be at more risk of making unethical choices; and providing greater transparency across the force regarding misconduct and disciplinary actions.

Conclusion

For 32 years, SOF has conducted thousands of missions, operating jointly around the globe. Together, SOF Soldiers, Sailors, Airmen, and Marines conduct the most sensitive missions in defense of our country. DoD leaders acknowledge that the stressors placed upon the SOF community are great as evidenced by the high casualty rate and the number of valor awards. However, the SOF culture requires more than adherence to the minimum standards of compliance with applicable law and policy. SOF personnel who manage violence under the stress and ambiguity of combat require the highest level of individual and organizational discipline. This is more than just adherence to the Uniform Code of Military Justice and ethics regulations. Rather, it is the cornerstone of the values system that trust and faith are built upon at every level within SOF. The Secretary of Defense, ASD(SO/LIC), USSOCOM Commander, and all SOF Component Commanders will endeavor to ensure that our standards are upheld.