



DoD INSTRUCTION 3000.17

CIVILIAN HARM MITIGATION AND RESPONSE

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| Originating Component: | Office of the Under Secretary of Defense for Policy |
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| Approved by: | Lloyd J. Austin, Secretary of Defense |

Purpose: Consistent with Section 936 of Public Law 115-232, also known and referred to in this issuance as the “John S. McCain National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019”, as amended and codified as a note in Section 134 of Title 10, United States Code (U.S.C.), this issuance:

- Establishes policy, assigns responsibilities, and provides procedures for civilian harm mitigation and response (CHMR).
- Helps implement U.S. Government (USG) policy prescribed in Executive Order 13732.
- Helps implement the August 25, 2022 DoD Civilian Harm Mitigation and Response Action Plan (CHMR-AP).
- Will be implemented through the phased approach established by the CHMR-AP.

TABLE OF CONTENTS

| | |
|--|----|
| SECTION 1: GENERAL ISSUANCE INFORMATION | 4 |
| 1.1. Applicability. | 4 |
| 1.2. Policy. | 4 |
| 1.3. Relationship of this Issuance to Law. | 7 |
| SECTION 2: RESPONSIBILITIES | 8 |
| 2.1. Under Secretary of Defense for Policy (USD(P))..... | 8 |
| 2.2. Director, Defense Security Cooperation Agency (DSCA). | 10 |
| 2.3. Director, Defense Technology Security Administration (DTSA). | 11 |
| 2.4. Under Secretary of Defense for Research and Engineering (USD(R&E))..... | 11 |
| 2.5. USD(A&S)..... | 12 |
| 2.6. USD(I&S). | 13 |
| 2.7. USD(P&R)..... | 14 |
| 2.8. USD(C))/CFO. | 15 |
| 2.9. DoD Chief Information Officer. | 15 |
| 2.10. General Counsel of the Department of Defense. | 15 |
| 2.11. Assistant Secretary of Defense for Legislative Affairs..... | 16 |
| 2.12. ATSD(PA). | 16 |
| 2.13. Secretaries of the Military Departments. | 16 |
| 2.14. Secretary of the Army..... | 18 |
| 2.15. CJCS. | 19 |
| 2.16. Commandant of the Marine Corps..... | 21 |
| 2.17. Combatant Commanders (CCDRs), Excluding the Commander, United States Transportation Command. | 21 |
| SECTION 3: MITIGATING CIVILIAN HARM | 25 |
| 3.1. Section Scope..... | 25 |
| 3.2. Planning and Conducting Military Operations. | 25 |
| 3.3. Operations with Allies and Partners. | 27 |
| 3.4. Leveraging Civilian Harm Assessments, Investigations, and Analyses. | 27 |
| SECTION 4: ASSESSING AND INVESTIGATING CIVILIAN HARM | 28 |
| 4.1. Section Scope..... | 28 |
| 4.2. Framework. | 28 |
| 4.3. Receiving and Compiling Information Related to Reports of Civilian Harm. | 31 |
| 4.4. Procedures for Initial Reviews..... | 32 |
| 4.5. Procedures for Civilian Harm Assessments..... | 34 |
| 4.6. Investigations of Civilian Harm..... | 36 |
| 4.7. Aggregating and Leveraging Information. | 37 |
| 4.8. CHACs..... | 39 |
| SECTION 5: RESPONDING TO CIVILIAN HARM | 41 |
| 5.1. Section Scope..... | 41 |
| 5.2. Framework for Responding to Civilian Harm. | 41 |
| 5.3. Publicly Reporting Information about Civilian Harm. | 43 |
| SECTION 6: CIVILIAN PROTECTION CENTER OF EXCELLENCE | 46 |
| GLOSSARY | 48 |

G.1. Acronyms 48
G.2. Definitions..... 49
REFERENCES 51

SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY.

This issuance applies:

a. To OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff (CJCS) and the Joint Staff, the Combatant Commands (CCMDs), the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”).

b. With respect to all military operations (see Glossary) involving the use of force pursuant to standing or other rules of engagement that can result in civilian harm, but excluding:

(1) Detention operations.

(2) Activities subject to DoD Directive (DoDD) 5210.56 that are conducted outside the context of the conduct of hostilities.

1.2. POLICY.

a. The DoD’s approach to CHMR is based on strategic, moral, policy, operational, legal, and other considerations. CHMR efforts reflect U.S. and professional military values, including the importance of protecting and respecting human life and treating civilians with dignity and respect.

b. The protection of civilians and civilian objects is fundamentally consistent with the effective, efficient, and decisive use of force. CHMR supports U.S. national security interests, including by furthering strategic objectives to achieve long-term strategic success, enhancing the effectiveness and legitimacy of military operations, and demonstrating moral leadership.

c. Commanders at all levels have a great responsibility to exercise the leadership necessary to reduce the risk of harm to civilians and civilian objects during military operations involving the use of force. DoD will support commanders with institutional resources, tools, and capabilities to effectively implement law of war protections of civilians and civilian objects, and to enable further steps to protect civilians and civilian objects and to respond appropriately when civilian harm occurs.

d. Consistent with Paragraphs 1.2.a., 1.2.b., and 1.2.c., DoD Components will, as applicable to their respective authorities and functions, and as further specified in this issuance’s responsibilities and procedures:

(1) Develop, implement, and maintain doctrine, policies, tactics, and operational processes that support CHMR objectives.

(2) Identify, through existing processes, intelligence, surveillance, and reconnaissance (ISR) capability needs relevant to CHMR and other capability improvements that, by enabling more accurate battlespace awareness, contribute to the protection of civilians and civilian objects. Develop, acquire, and field such capabilities. Implement information collection and dissemination processes to enhance battlespace awareness of civilian population density, demographics, and dynamics, and of the locations and functions of civilian objects.

(3) Identify through existing processes capability needs for weapons, weapon systems, and other technical systems relevant to CHMR. Develop, acquire, and field such weapons, weapon systems, and other technical systems. Identify relevant potential capability improvements that further enable the discriminate use of force in different operational contexts, including by reducing risk to civilians and civilian objects while enabling the same or superior combat effectiveness.

(4) Develop professional tracks, skill identifiers, and certification requirements for key CHMR personnel and functions. Train and educate DoD personnel, commensurate with their responsibilities, on:

(a) Law of war rules and principles relevant to CHMR, in accordance with DoDD 2311.01.

(b) Policy, doctrine, and other guidance related to the protection of civilians and civilian objects and other aspects of CHMR.

(c) Practices that effectively reduce the likelihood of civilian harm and policies and practices for appropriately and effectively responding to civilian harm.

(5) Incorporate CHMR considerations throughout all steps of the joint planning process and the joint targeting process. Prioritize CHMR when planning and conducting military operations consistent with mission objectives and other practical considerations as detailed in Section 3.

(6) Comply with law of war requirements for the protection of civilians and civilian objects, in accordance with DoDD 2311.01 and the DoD Law of War Manual.

(7) Conduct, document, and archive timely and thorough assessments of civilian harm that may have resulted from U.S. military operations, at a scale appropriate to the operational environment and in accordance with Section 4. This applies to all U.S. military operations as described in Paragraph 1.1.b., regardless of sensitivity or security protections. To facilitate such assessments, collect and archive accurate data regarding U.S. military operations to the greatest extent practicable, and collect relevant information regarding civilian harm from external sources, including public sources.

(8) Conduct investigations that competent authorities deem appropriate, in accordance with applicable law, regulations, or procedures, of incidents in which civilian harm may have resulted from U.S. military operations to determine relevant facts regarding the incident or for other purposes (e.g., identifying measures to mitigate the likelihood of future incidents of civilian harm).

(9) Acknowledge civilian harm resulting from U.S. military operations and respond to individuals and communities affected by U.S. military operations in accordance with Section 5. This includes expressing condolences and helping to address the direct impacts experienced, as the operating environment permits and consistent with strategic objectives, local norms and customs, and applicable law and policy.

(10) Regularly identify, document, and disseminate lessons learned, recommendations, and effective practices related to CHMR. Incorporate and institutionalize such lessons, recommendations, and practices into doctrine; plans; capability requirements; operational processes; training; and tactics, techniques, and procedures to continuously improve DoD ability to mitigate and respond to civilian harm. This includes periodic efforts to analyze and learn from data integrated across disparate assessments and events and to incorporate advancements into DoD operations.

(11) Apply CHMR policies and practices in all phases of multinational operations and operations with non-state armed groups, including through shared guidance and processes where appropriate. Encourage and support U.S. allies and partners, including non-state armed groups, to implement their own CHMR practices (including through information-sharing among ally and partner forces as authorized), combined planning that integrates CHMR, and operational coordination and de-confliction.

(12) Shape and support efforts to help ally and partner forces mitigate the risk of civilian harm and implement other effective CHMR practices. Integrate such efforts into DoD security cooperation and security assistance.

(13) Work with other USG departments and agencies on CHMR, in accordance with existing interagency processes, including to:

(a) Enhance DoD understanding of the presence of civilians and civilian objects in the operational environment and potential risks of civilian harm.

(b) Access information to support DoD assessments of civilian harm.

(c) Inform appropriate responses to civilian harm.

(d) Support USG efforts to encourage and aid ally and partner forces to mitigate and respond to civilian harm.

(14) Maintain channels for engagement with civil society organizations, civilian non-governmental organizations, and civilian international organizations, including those that engage in or support humanitarian activities. The purposes of such engagement may include:

(a) Enhancing DoD understanding of the presence of civilians and civilian objects in the operational environment and potential risks of civilian harm.

(b) Encouraging such organizations to assist in efforts to distinguish between military objectives and civilians, including by appropriately marking protected facilities, vehicles, and

personnel and by providing updated information to the USG on the locations of protected facilities and personnel.

(c) Accessing information to support DoD civilian harm assessments.

(d) Informing appropriate responses to civilian harm.

1.3. RELATIONSHIP OF THIS ISSUANCE TO LAW.

a. This issuance supports the DoD Components' implementation of law of war requirements for the protection of civilians and civilian objects in the conduct of hostilities, in accordance with DoDD 2311.01. This issuance also provides guidance for DoD Components to take steps as a matter of policy that are supplementary to the requirements of the law of war.

(1) The DoD Law of War Manual provides information on the law of war to DoD personnel responsible for implementing the law of war and conducting military operations, including information on obligations related to the protection of civilians and civilian objects and, in accordance with DoDD 2311.01, serves as the authoritative statement on the law of war within the DoD.

(2) The occurrence of civilian harm does not necessarily indicate a violation of the law of war. Nothing in this issuance should be understood to suggest changes to this or other understandings of the law of war.

(3) Nothing in this issuance should be understood to detract from the requirements of the law of war or to authorize non-compliance with applicable law of war requirements.

b. Nothing in this issuance should be understood to provide authorities for the obligation or expenditure of funds beyond those authorized to the DoD under U.S. law.

c. The requirements in this issuance are not intended to reflect an understanding that they are required by treaty or customary international law, and this issuance should not be understood or cited to that effect.

d. This issuance is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States; its departments, agencies, or entities; its officers, employees, or agents; or any other person.

SECTION 2: RESPONSIBILITIES

2.1. UNDER SECRETARY OF DEFENSE FOR POLICY (USD(P)).

In addition to the responsibilities in Paragraph 2.a1 of DoDD 5111.01 (pertaining to establishing and overseeing implementation of policy related to the protection of civilians and the designation of a civilian official with related responsibilities), the USD(P):

a. In accordance with the CHMR-AP, co-chairs and serves as the Executive Secretary for the CHMR Steering Committee.

b. Serves as the Principal Staff Assistant to oversee the activities of the Joint Proponent for CHMR on the Secretary of Defense's behalf.

c. Ensures the DoD maintains publicly available means, including an internet-based mechanism, to facilitate the receipt of information from members of the public and other non-DoD entities related to civilian harm, consistent with Section 936 of the NDAA for FY2019, as amended and codified as a note in Section 134 of Title 10, U.S.C.

d. Maintains a public-facing webpage where unclassified and releasable DoD policies, reports, and other information related to civilian harm can be readily accessed. Periodically makes unclassified and releasable information about civilian harm resulting from U.S. military operations available to the public, and coordinates on Assistant to the Secretary of Defense for Public Affairs (ATSD(PA)) provision of public affairs guidance on CHMR to relevant DoD Components.

e. Engages in interagency discussions and coordinates on the DoD's behalf with other USG departments and agencies regarding CHMR policy and practice.

f. Supports USG discussions and engagements on CHMR policy and practice with allies and partners and in international discussions, including multi-national forums.

g. In coordination with the Assistant Secretary of Defense for Legislative Affairs, engages with Congress regarding CHMR-related DoD policies, authorities, and resourcing requirements. Provides to Congress information about civilian harm resulting from U.S. military operations, including in annual reports on civilian casualties submitted to Congress pursuant to Section 1057 of Public Law 115-91, also known as the "NDAA for FY2018," as amended, codified as a note in Section 113 of Title 10, U.S.C.

h. Engages in periodic dialogue and consultations with representatives and experts from civil society organizations, non-governmental organizations, and international organizations regarding CHMR policy and practice. Facilitates dialogue and consultations between such persons and relevant offices within the DoD.

i. Prescribes guidance for acknowledging and otherwise responding to civilian harm that is incident to the use of force, including regulations implementing Section 1213 of Public Law 116-92, also known and referred to in this issuance as the "NDAA for FY2020," as amended and

codified as a note in Section 2731 of Title 10, U.S.C. This guidance will supplement Section 5 of this issuance to provide further detailed policy and procedure that:

(1) Identifies available authorities facilitating responses to civilian harm and provides guidance on how commanders should incorporate any region- or country-specific authorities that may be available.

(2) Provides guidance for commanders on determining whether, how, and when to respond to civilian harm through available authorities.

(3) Provides procedures for consulting with and expressing condolences to those who have been harmed, their next of kin, or representatives who can speak to their interests, when appropriate and practicable.

(4) Provides guidance for the conduct of country-level or regional-level assessments in consultation with the Department of State, in accordance with Section 1213(e) of NDAA for FY2020, as amended, that address, specific to the country or region concerned, the appropriateness of various options available for responding to civilian harm and the preferred mechanisms for engaging with affected civilians (e.g., internet-based mechanisms, DoD personnel based at local embassies, interagency engagement, coordination with host-nation authorities or agencies).

(5) Provides guidance on written records associated with civilian harm responses, including the recording of such information in the data management platform described in Paragraph 2.14.d, once operational.

j. Coordinates on the Under Secretary of Defense (Comptroller)/Chief Financial Officer, Department of Defense (USD(C)/CFO) issuance of financial management guidance for the use of certain authorities to respond to civilian harm, in accordance with Section 5 of this issuance and other applicable law and policy.

k. Considers CHMR when establishing policy for developing and adjusting U.S. military capabilities and resources to align with national- and DoD-level strategy and priorities pursuant to the responsibility in Paragraph 2.y of DoDD 5111.01.

l. Oversees CHMR planning guidance and ensures appropriate inclusion of CHMR in DoD planning efforts.

m. Provides guidance on the roles, responsibilities, and procedures for the DoD to respond to reports of civilian harm by ally or partner forces, including appropriate coordination with other USG departments and agencies.

n. Establishes guidance, including minimum standards and required procedures, for CCMDs to conduct civilian harm baseline assessments of allies and partners (CBAPs). CBAPs will address the ability, willingness, norms, and practices of allies and partners to mitigate and respond to civilian harm, and will incorporate consideration of the ally or partner's record with regard to CHMR, and their programs, mechanisms, and other efforts to implement the law of war and its protections for civilians and civilian objects.

- o. Establishes guidance that addresses the comprehensive incorporation of CHMR as a component in security cooperation programs; applies CBAPs in security cooperation, prioritization, and resourcing decisions; and, as appropriate, develops CHMR objectives as part of relevant capacity-building programs to improve ally and partner CHMR capabilities.
- p. Directs studies and analyses to inform DoD-wide policy and practice on CHMR.
- q. Coordinates with the Under Secretary of Defense for Acquisition and Sustainment (USD(A&S)) to ensure CHMR objectives are fully considered for integration into the DoD non-lethal weapons (NLW) program established by DoDD 3000.03E.

2.2. DIRECTOR, DEFENSE SECURITY COOPERATION AGENCY (DSCA).

Under the authority, direction, and control of the USD(P), the Director, DSCA:

- a. Coordinates integration of CHMR into programs and activities across the security cooperation enterprise, including those developed and implemented by DSCA; CCMDs; Military Departments; and other DoD Components, under the authority provided to DSCA in Section 382(b) of Title 10, U.S.C. This includes:
 - (1) Identifying, developing, and cataloging relevant training and education materials and offerings for allies and partners.
 - (2) Advising on the integration of CHMR into programs across the security cooperation enterprise.
 - (3) Identifying and cataloging effective practices for integrating CHMR throughout security cooperation programs and activities.
 - (4) Analyzing technology, training, and education, and advising on offerings for allies and partners related to CHMR to determine critical needs and improve offerings.
- b. Develops, plans, coordinates, and implements security cooperation and security assistance programming that improves allies and partners' CHMR capabilities.
- c. Identifies arms transfers and activities within U.S. security cooperation and security assistance programs, including the transfer or sale of defense articles and services, that may warrant providing ancillary capabilities to further mitigate civilian harm. In coordination with the USD(P), supports the Department of State in considering the ally or partner's respective willingness and ability, including at the strategic-level and as an institution, to mitigate and respond to civilian harm.
- d. Supports the implementation of the guidance for CBAPs developed in accordance with Paragraph 2.1.n. and ensures additional requirements and processes for DoD security cooperation programs are in place to assess, monitor, and evaluate the ability, willingness, norms, and practices of allies and partners to implement appropriate and effective CHMR practices.

e. Uses the information identified in accordance with Paragraph 2.2.c. and in CBAPs to inform security cooperation and security assistance planning, design, and case development, including whether additional or different support (e.g., training, advising, or other forms of assistance) should be offered in addition to, or in lieu of, initial proposals.

f. Incorporates into ally and partner engagements and defense article and service transfer agreements an understanding that recipients of security cooperation and security assistance will provide pre-transfer assurances that document ally and partner willingness and ability to apply effective civilian harm mitigation practices, including when employing U.S.-origin defense articles and services.

g. Develops, implements, and oversees appropriate CHMR-related training for DoD personnel managing or supporting security cooperation and security assistance programs.

h. Provides, upon USD(P) request, other support to USG efforts to engage with allies and partners on CHMR.

2.3. DIRECTOR, DEFENSE TECHNOLOGY SECURITY ADMINISTRATION (DTSA).

Under the authority, direction, and control of the USD(P), the Director, DTSA:

a. Supports USG efforts to provide capabilities to allies and partners that support their respective CHMR efforts, consistent with DTSA's mission related to maintaining the U.S. warfighter's technological edge and supporting U.S. national security objectives.

b. Consults with the Military Departments and other technology release stakeholders to account for CHMR considerations in technology release policies and processes for international transfers that can improve ally and partner CHMR capabilities.

2.4. UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING (USD(R&E)).

The USD(R&E):

a. Identifies a lead general officer/flag officer or Senior Executive Service (SES) official under USD(R&E) authority, direction, and control to coordinate and oversee efforts that support CHMR within the Office of the USD(R&E) and among activities the USD(R&E) oversees.

b. Pursues research and engineering efforts to improve situational awareness of the operational environment for commanders and their units, including the presence of civilians and civilian objects that may be at risk, such as:

(1) Tools that can aggregate and integrate information from various sources (e.g., ISR feeds and sensors from weapon systems).

(2) Advances in graphical interfaces.

(3) Common graphics that can be shared with allies and partners.

c. Provides technical oversight on research and engineering requirements associated with CHMR objectives and helps identify opportunities for the inclusion of such requirements in NLW technology efforts undertaken in accordance with DoDD 3000.03E.

d. Incorporates CHMR objectives, in coordination with the USD(A&S), into policies, guidance, and processes for system safety, including system safety review standards.

e. Advises the CHMR Steering Committee regarding weapon systems, battlespace awareness, and mission command technologies, including existing and emerging technologies, that can be deployed across the joint force to enhance the DoD's ability to mitigate and respond to civilian harm.

2.5. USD(A&S).

The USD(A&S):

a. Identifies a lead general officer/flag officer or SES official under their authority, direction, and control to coordinate and oversee efforts that support CHMR within the Office of the USD(A&S) and among activities the USD(A&S) oversees.

b. In coordination with the Under Secretary of Defense for Intelligence and Security (USD(I&S)), improves, acquires, sustains, and fields capabilities that improve situational awareness of the operational environment for commanders and their units, including the presence of civilians and civilian objects that may be at risk, such as:

(1) Tools that can aggregate and integrate information from various sources (e.g., ISR feeds and weapon systems).

(2) Advances in graphical interfaces.

(3) Common graphics that can be shared with allies and partners.

c. Supports the joint requirements process in determining requirements and resourcing solutions to support the joint forces' ability to mitigate and respond to civilian harm during military operations.

d. In coordination with the USD(R&E), incorporates CHMR objectives into policies, guidance, and processes for system safety, including system safety review standards.

e. In coordination with the USD(I&S), provides guidance related to the development and fielding of intelligence sensors and other battlespace awareness capabilities to enable enhanced understanding of civilians and civilian objects throughout the joint targeting process.

f. Provides advice to the CHMR Steering Committee regarding options for increasing weapons system safety, including existing weapons systems, to enhance DoD ability to mitigate and respond to civilian harm.

g. Supports the Secretary of the Army's efforts to establish and maintain a DoD-wide data management platform in support of multi-domain operations, as described in Paragraph 2.14.d.

h. In coordination with the USD(P), integrates CHMR objectives, where appropriate, into the DoD NLW program established by DoDD 3000.03E and otherwise supports implementation of CHMR objectives by pursuing acquisition and sustainment of relevant NLW.

2.6. USD(I&S).

The USD(I&S):

a. Identifies a lead general officer/flag officer or SES/Defense Intelligence SES official under their authority, direction, and control to coordinate and oversee efforts that support CHMR within the Office of the USD(I&S) and among activities the USD(I&S) oversees.

b. Establishes priorities for, and provides oversight and guidance of, programs and resources within the Defense Intelligence Enterprise to identify and characterize, in countries or areas of operations where U.S. operations, multinational operations, and operations with non-state armed groups are ongoing or anticipated:

(1) The civilian population, including with information about population density, dynamics, and demographics; patterns of life; and cultural norms and practices, as such information changes during conflict.

(2) Civilian objects, in particular those upon which civilian life depends, which are anticipated to be in the vicinity of military operations.

c. Designates a responsible producer for analysis of civilians and civilian objects within the Defense Intelligence Enterprise through the Defense Intelligence Analysis Program to:

(1) Produce tactical to operational foundational products for given areas that identify and characterize the civilian population and civilian objects.

(2) Incorporate foreign force CHMR capability analysis into relevant product lines and mission sets, and support DoD Components and other USG departments and agencies, as appropriate, by responding to requests for information regarding the ability, willingness, norms, and practices of foreign forces relevant to CHMR.

d. Ensures processes are in place to receive from available sources, validate, consolidate, and archive in accordance with DoD Instruction (DoDI) 5015.02, information regarding the operational environment including with respect to civilian population density, dynamics, and demographics, patterns of life, cultural norms and practices, and civilian objects. Sources of this information include:

- (1) CCMDs.
 - (2) Defense Intelligence Components, including those Defense intelligence agencies designated as combat support agencies.
 - (3) Other USG departments and agencies, including those in the U.S. Intelligence Community.
 - (4) Allies and partners.
 - (5) Information provided to the USG by civil society organizations, non-governmental organizations, and international organizations.
 - (6) Other public sources.
- e. Ensures information about civilians and civilian objects is integrated into foundational military intelligence repositories to enable detailed planning, analysis, and joint targeting support to priority operational and contingency plans and across the intelligence enterprise to support CHMR.
- f. Ensures processes are in place to disseminate information related to the civilian population (including population density, dynamics, demographics, and patterns of life) and civilian objects to support the military operations of:
- (1) CCMDs.
 - (2) Subordinate operational commands.
 - (3) Allies and partners, as authorized in accordance with foreign disclosure guidance and release processes.
- g. In coordination with the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), works with the DoD Components to develop intelligence career tracks and skill identifiers, as appropriate, to support CHMR-related intelligence-related training and personnel requirements.
- h. Supports enhancements to the systems and information displayed within a common intelligence picture that provide commanders and their units, including those at the tactical level, with information regarding the civilian population, structures, and infrastructure, to the extent practicable.

2.7. USD(P&R).

The USD(P&R):

- a. Provides DoD-wide policy for military training and military education in accordance with DoDD 1322.18 and DoDI 1322.35, respectively, that supports incorporating CHMR into training and education.

b. Coordinates with the USD(P), CJCS, and the Secretaries of the Military Departments to oversee CHMR-related personnel and readiness.

2.8. USD(C)/CFO.

The USD(C)/CFO:

a. In accordance with the CHMR-AP, co-chairs the CHMR Steering Committee.

b. As required to support the use of certain authorities to respond to civilian harm in accordance with Section 5 and in coordination with the USD(P), prescribes financial management guidance for the use of such authorities.

2.9. DOD CHIEF INFORMATION OFFICER.

The DoD Chief Information Officer:

a. Provides technical guidance and support to the Secretary of the Army's establishment and maintenance of an enterprise-wide data management platform, as described in Paragraph 2.14.d.

b. Develops, maintains, and facilitates the implementation of a sound, secure, and integrated DoD information technology architecture that supports CHMR requirements.

2.10. GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE.

The General Counsel of the Department of Defense:

a. Supports DoD compliance with law of war requirements for the protection of civilians and civilian objects in accordance with DoDD 2311.01.

b. Provides guidance on, and coordination of, significant legal issues related to CHMR, including those arising in:

(1) Establishment of policy or guidance on CHMR.

(2) Mitigation of civilian harm.

(3) Investigations related to civilian harm.

(4) Acknowledgements and other responses to civilian harm.

(5) Accountability for civilian harm.

c. Provides legal advice and coordination in support of USD(P) efforts to establish DoD policy related to the protection of civilians.

d. Provides legal advice and other support to USG engagement efforts in international discussions and negotiations related to the protection of civilians in armed conflict.

2.11. ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS.

The Assistant Secretary of Defense for Legislative Affairs provides relevant DoD Components with guidance on engagements with Congress regarding CHMR-related matters.

2.12. ATSD(PA).

The ATSD(PA):

a. In coordination with the USD(P), provides relevant DoD Components with public affairs guidance on CHMR that:

- (1) Emphasizes the proactive release of information relating to civilian harm.
 - (2) Is tailorable to different circumstances.
 - (3) Demonstrates respect for civilians and civilian communities that are harmed by military operations.
 - (4) Provides transparency regarding:
 - (a) DoD policies and processes for mitigating and responding to civilian harm.
 - (b) DoD efforts to mitigate and respond to civilian harm in particular circumstances.
- b. Advises on DoD release of information to the public and on DoD responses to media inquiries related to civilian harm, in accordance with Section 5.

2.13. SECRETARIES OF THE MILITARY DEPARTMENTS.

The Secretaries of the Military Departments:

a. Identify a lead general officer/flag officer from each of the Service components under their authority, direction, and control to coordinate their respective Military Departments' CHMR-related efforts.

b. Organize, man, train, equip, and sustain forces within their respective Military Departments; track military forces' readiness; and update, develop, and maintain doctrine, policies, and operating concepts to help mitigate and respond to civilian harm resulting from U.S. military operations.

c. Ensure exercises for units and personnel within their respective Military Departments incorporate clear end-state objectives with respect to the protection of civilians and civilian

objects as part of overall mission objectives, and processes and practices relevant to mitigating and responding to civilian harm, including those discussed in Sections 3, 4, and 5.

d. Update and provide training and professional military education for units and personnel within their respective Military Departments to ensure the incorporation of CHMR-related learning and training objectives, including those discussed in Sections 3, 4, and 5. Develop career tracks and skill identifiers, as appropriate, to support CHMR-related training and personnel requirements.

e. Identify resourcing, capabilities, research and development, and other solutions to support operational requirements related to mitigating and responding to civilian harm.

f. Develop or acquire capabilities to improve situational awareness of the operational environment, including with respect to the presence of civilians and civilian objects that may be at risk, including:

(1) Tools that can aggregate and integrate information from various sources (e.g., ISR feeds, weapon systems).

(2) Advances in graphical interfaces.

(3) Common graphics that can be shared with allies and partner forces.

g. Provide to the Joint Technical Coordinating Group for Munitions Effectiveness weapons characterization data (e.g., net explosive weights, z-data fragmentation files, weapon delivery accuracy parameters) to enable weapons effectiveness, risk estimate distances, and the joint collateral damage estimation methodology, in accordance with CJCS Instructions (CJCSIs) 3160.01, 3162.02, and 3370.01.

h. Conduct studies and analyses periodically to inform their respective Military Departments' CHMR-related efforts.

i. Provide information to the Civilian Protection Center of Excellence regarding implementation of lessons learned and recommendations from civilian harm assessments, investigations, related analyses, and other efforts to advance their respective Military Departments' ability to mitigate and respond to civilian harm.

j. Participate in the CHMR Steering Committee as well as working groups and other CHMR efforts convened by the Civilian Protection Center of Excellence.

k. In coordination with the Director, DSCA and relevant CCMDRs, support the incorporation of CHMR considerations into the development, planning, coordination, and implementation of security assistance and security cooperation programs, including through efforts to build allies and partners' capabilities and capacity to mitigate and respond to civilian harm.

1. When making technology release policies and decisions, consider potential opportunities to share capabilities with allies and partners that would improve their efforts to mitigate and respond to civilian harm.

2.14. SECRETARY OF THE ARMY.

In addition to the responsibilities in Paragraph 2.13., the Secretary of the Army:

- a. Serves as DoD's Joint Proponent for CHMR.
- b. Serves as the resource sponsor for enterprise-wide CHMR functions including, but not limited to:
 - (1) DoD-wide manpower requirements.
 - (2) The Civilian Protection Center of Excellence described Section 6.
 - (3) The data management platform and red team training organization described in Paragraphs 2.14.d. and 2.14.f.
 - (4) DoD payment authorities for responding to civilian harm.
 - (5) Other resource requirements anticipated by the CHMR-AP or identified by the CHMR Steering Committee.
- c. Exercises authority, direction, and control over the Civilian Protection Center of Excellence described in Section 6.
- d. Establishes and maintains an enterprise-wide data management platform in support of U.S. operations, multinational operations, and operations with non-state armed groups, which:
 - (1) Supports the collection, aggregation, maintenance, and analysis of CHMR-related information, using standardized data formats where practicable, including, but not limited to:
 - (a) Civilian harm assessments and investigations, including:
 1. Data from military operations relevant to determining whether or how civilian harm occurred.
 2. Information indicating civilian harm may have occurred, including information from combat assessments; open-source and other publicly available information, as appropriate; and other USG and non-governmental sources.
 3. Completed reports from civilian harm assessments and investigations.
 4. Data regarding the results of completed civilian harm assessments and investigations.

(b) Data regarding acknowledgments and responses offered or executed in response to civilian harm, including whether such offers were accepted.

(c) Lessons learned, historical data, and reports.

(2) Includes a mechanism for members of the public and other non-DoD entities to submit information regarding civilian harm for consideration.

(3) Incorporates appropriate data-sharing with existing DoD data management platforms.

(4) Accounts for special handling of certain data based on security classification or compartmentalization.

e. In coordination with the other Secretaries of the Military Departments, the Director, Civilian Protection Center of Excellence, and the General Counsel of the Department of Defense, leads the development of and updates to a multi-Service issuance providing supplemental guidance for conducting command-directed investigations related to incidents of civilian harm that includes, at a minimum:

(1) Qualification requirements for investigating officers.

(2) Procedures for developing investigative plans.

(3) Procedures for conducting investigations, including methods and capabilities for conducting remote investigations in non-permissive or hostile environments.

(4) Minimum-required investigation questions.

(5) Categories of information sources to be considered, including non-U.S. sources, open-source information, information obtained from interviews, and information obtained from site visits.

(6) Records management processes, in accordance with DoDI 5015.02.

(7) Reporting processes in support of CHMR.

f. Establishes, supports, and maintains a school to serve as the DoD's primary red team training organization.

2.15. CJCS.

The CJCS:

a. Identifies a lead general officer/flag officer under their authority, direction, and control to coordinate CHMR efforts across the joint force.

b. In accordance with the CHMR-AP, designates the Vice Chairman of the Joint Chiefs of Staff as co-chair of the CHMR Steering Committee.

c. Prioritizes and integrates capability requirements submitted by CCMDs, the Military Departments, and other relevant DoD Components to support forces' ability to mitigate and respond to civilian harm.

d. Incorporates CHMR learning and training objectives in joint education, training, and exercises controlled by the Joint Staff, and supports the Military Departments and CCMDs in incorporating CHMR learning and training objectives into their joint education, training, and exercises.

e. Ensures Joint Staff-controlled exercises incorporate:

(1) Clear end-state objectives with respect to the protection of civilians and civilian objects as part of overall mission objectives.

(2) Processes and practices relevant to mitigating and responding to civilian harm, including those discussed in Sections 3, 4, and 5.

f. Incorporates CHMR requirements into force structure analyses, wargames, and assessments of warfighting capabilities.

g. In collaboration with the Joint Technical Coordinating Group for Munitions Effectiveness, leads efforts to periodically review and improve the joint collateral damage estimation methodology, and to develop improvements or new features for additional categories of weapons and use in different operational contexts.

h. Incorporates across joint doctrine a clear definition of the "civilian environment" as a component of the operational environment. Incorporates CHMR considerations, practices, lessons learned, and recommendations when developing, updating, and publishing policy, doctrine, and guidance, including as relates to:

(1) Joint planning.

(2) Joint operations.

(3) Joint intelligence.

(4) Joint targeting, including deliberate targeting, dynamic targeting, and combat assessments.

(5) Joint personnel.

(6) Security cooperation, security assistance, and multinational operations.

i. Develops and maintains a CJCSI on CHMR to provide further guidance across the joint force.

j. Ensures efforts to mitigate civilian harm are considered when planning military operations, including such efforts described in Section 3, when:

(1) Developing and reviewing plans and orders within the Joint Staff's purview.

(2) Communicating guidance related to operations.

k. Supports the Military Departments in developing and maintaining career tracks and skill identifiers, as appropriate, to support CHMR-related training and personnel requirements.

l. Publishes or updates joint doctrine to standardize the terminology used to communicate levels of certainty across joint operations and intelligence doctrine in order to:

(1) Improve decision-making in the targeting process.

(2) Mitigate the risks of target misidentification.

m. Supports CCMD efforts to acknowledge and respond to civilian harm in accordance with Section 5, including implementation of the authority provided in Section 1213 of the NDAA for FY2020, as amended, as well as other applicable law and policy.

n. Provides guidance for reporting information about civilian harm resulting from military operations, including reporting procedures in CJCS Manual 3150.05, in the Chairman's Critical Information Requirements Reporting Matrix, and for the National Military Command Center.

o. In coordination with the Secretaries of the Military Departments, ensures minimum requirements for partner-information sharing networks for use in future planning and operations to incorporate CHMR requirements.

2.16. COMMANDANT OF THE MARINE CORPS.

Under the authority, direction, and control of the Secretary of the Navy, and in the Commandant's capacity as the DoD Executive Agent for NLW as designated in DoDD 3000.03E, the Commandant of the Marine Corps coordinates with the Director, Civilian Protection Center of Excellence on matters related to the use of NLW in support of CHMR objectives.

2.17. COMBATANT COMMANDERS (CCDRS), EXCLUDING THE COMMANDER, UNITED STATES TRANSPORTATION COMMAND.

The CCDRs, excluding the Commander, United States Transportation Command:

a. Identify a lead general officer/flag officer under the CCDR's authority, direction, and control to coordinate their respective CCMD's CHMR efforts.

b. Designate in preparation for crisis or conflict at the CCMD-level and, as appropriate, other operational commands, a senior official to serve as the Civilian Harm Assessment and Investigation Coordinator with the roles specified in Paragraph 4.2.g.(1).

c. Identify and integrate approaches to mitigating and responding to civilian harm across all levels of command into plans, operations, exercises, and training, including by incorporating clear end-state objectives with respect to the protection of civilians and civilian objects as part of overall mission objectives when:

(1) Developing and refining global campaign plans, operation plans, theater security cooperation plans, and other relevant plans.

(2) Conducting operations.

(3) Conducting training, engagements, and exercises.

d. Identify capability requirements for mitigating and responding to civilian harm when developing integrated priority lists, including capabilities that improve commanders' and their units' situational awareness of the operational environment with respect to the presence of civilians and civilian objects.

e. Ensure to the greatest extent practicable that relevant data on joint fires and other types of U.S. military operations are reported and archived on a timeline and in a manner that can support civilian harm assessments and investigations related to CHMR during military operations.

f. Establish processes to consider, approve, and implement lessons learned, recommendations, and practices related to mitigating and responding to civilian harm, including those derived from civilian harm assessments and investigations and analysis related to CHMR. Participate in the CHMR Steering Committee as well as working groups and other CHMR efforts convened by the Civilian Protection Center of Excellence.

g. When developing integrated priority lists, consider capability requirements necessary for the CCMD to support ally and partner forces in their efforts to improve their capabilities to mitigate and respond to civilian harm.

h. Coordinate with allies and partners to establish appropriate guidance, information capabilities, and processes to support CHMR when conducting multinational operations and operations with non-state armed groups, including by leveraging information available in CBAPs.

i. Encourage and support allies and partners' efforts to implement CHMR-related actions, including through appropriate information sharing and support to U.S. security cooperation and security assistance programs, including by leveraging information available in CBAPs.

j. Incorporate CHMR objectives into theater security cooperation strategies, CCMD campaign plans, coalition campaign plans, country campaign plans, and other similar planning documents to improve ally and partner forces' ability to protect civilians, including by leveraging information available in CBAPs.

k. Maintain dialogue and conduct consultations related to CHMR with civil society organizations, non-governmental organizations, and international organizations to the extent appropriate.

l. Establish and maintain requirements for the forces under their command to ensure supported commanders are notified of significant incidents of civilian harm occurring within their respective area of responsibility and to support civilian harm assessments.

m. Establish or maintain civilian harm assessment cells (CHACs) at the CCMD-level or, as appropriate, at subordinate operational commands (e.g., joint task force headquarters) in preparation for and throughout the duration of crisis or conflict. Details regarding the responsibilities and composition of CHACs are described in Paragraph 4.8.

n. Establish guidance that will be applied to specific operations and that may be tailored to the operations in question, for conducting civilian harm assessments and investigations in accordance with Section 4 and consistent with applicable Military Department guidance (e.g., Army Regulation 15-6, Navy Judge Advocate General Instruction 5700.7G, or Department of the Air Force Manual 1-101) and any supplemental guidance established pursuant to Paragraph 2.14.e. This CDR guidance will, at a minimum, include:

(1) Guidance to initiate civilian harm assessments as required by Paragraph 4.2.b. (pertaining to information indicating that civilian casualties may have resulted from U.S. military operations), and criteria for initiating civilian harm assessments in response to information that indicates that damage to or destruction of civilian objects may have resulted from U.S. military operations.

(2) Requirements for reporting to CHACs information indicating that damage to or destruction of civilian objects may have resulted from U.S. military operations.

(3) Guidance for the appropriate scale at which civilian harm assessments should be conducted given the purposes of civilian harm assessments, mission requirements, the availability of resources, and other operational factors.

(4) Any timelines required for civilian harm assessments.

o. Ensure processes are in place to receive information that indicates civilian harm may have resulted from military operations, including from civil society organizations, non-governmental organizations, and international organizations, and consider that information as part of civilian harm assessments and investigations related to CHMR, in accordance with Section 4. As part of this, establish and maintain publicly available means appropriate to the specific regional circumstances to facilitate the receipt of information related to civilian harm from the public, including an internet-based mechanism, consistent with Section 936 of the NDAA for FY2019, as amended.

p. Maintain reports of civilian harm assessments and investigations in accordance with applicable records management policies and regulations and maintain data regarding the results of civilian harm assessments and investigations to the extent practicable, as described in Paragraph 4.7.b. Once the data management platform described in Paragraph 2.14.d. is operational, employ it to collect and archive this data in a standardized manner.

q. Provide relevant information to appropriate DoD Components, including:

(1) To the USD(P), through the Joint Staff, information related to civilian harm assessments and investigations related to CHMR to be incorporated into DoD tracking of civilian harm resulting from U.S. military operations, including for the purpose of preparing reports to Congress, as required by law.

(2) To the Civilian Protection Center of Excellence and other relevant DoD Components, data, lessons learned, and recommendations related to civilian harm identified in civilian harm assessments and investigations related to CHMR, as well as updates on progress to implement lessons learned and recommendations.

r. Make unclassified and releasable information about civilian harm resulting from U.S. military operations publicly available to the maximum extent operationally practicable.

s. Incorporate into operational and contingency plans and provide appropriate command-level guidance or procedures for acknowledging and responding to civilian harm, in accordance with Section 5.

t. Provide guidance for subordinate commanders and their staffs that address the range of potential accountability measures and corrective actions that, where appropriate, can be taken to address matters related to civilian harm incidents.

SECTION 3: MITIGATING CIVILIAN HARM

3.1. SECTION SCOPE.

The procedures in this section apply to all U.S. military operations regardless of whether U.S. military forces are operating alone or in coordination with allies and partners.

3.2. PLANNING AND CONDUCTING MILITARY OPERATIONS.

a. DoD Components involved in planning military operations will incorporate CHMR considerations throughout all steps of the joint planning process for such operations, including:

- (1) Planning initiation.
- (2) Mission analysis.
- (3) Course of action (COA) development.
- (4) COA analysis and wargaming.
- (5) COA comparison.
- (6) COA approval.
- (7) Plan or order development.

b. DoD Components that engage in military operations will comply with law of war requirements for the protection of civilians and civilian objects, in accordance with DoDD 2311.01 and the DoD Law of War Manual, including by taking feasible precautions in planning and conducting attacks as well as outside the context of conducting attacks. Commanders should take additional protective measures not required by the law of war as they deem appropriate to the circumstances when planning and conducting military operations, such as:

- (1) Considering other possible alternatives to an attack against a military objective that poses risks of civilian harm, even when the attack would be lawful;
- (2) Issuing standards for the identification of targets above what the law of war requires;
- (3) Selecting for employment weapon systems or munitions that may help mitigate civilian harm (e.g., precision-guided munitions, non-lethal effects, non-kinetic effects, and systems that incorporate features such as render safe, pre-planned post-launch abort, and scalable yields) when employment of weapon systems or munitions without such features or effects would be lawful; or
- (4) Taking other precautions not required by the law of war.

c. As part of efforts taken in accordance with Paragraphs 3.2.a. and 3.2.b., relevant DoD Components will ensure:

(1) Strategic guidance, goals and objectives, and mission orders clearly incorporate end-state objectives with respect to the protection of civilians and civilian objects as part of overall mission objectives.

(2) COA evaluation criteria reflect CHMR considerations.

(3) Information regarding civilians (including civilian population density, dynamics, demographics, and patterns of life) and civilian objects is incorporated, where relevant and to the extent practicable, into assessments of the operational environment throughout all steps of planning and phases of military operations.

(4) Forces and capabilities that can help accomplish CHMR objectives are reflected in force analysis, planning, generation, and employment.

(5) Appropriate guidance and processes are clearly established by CCMDs and their relevant subordinate commands, in accordance with joint doctrine, to mitigate civilian harm while conducting deliberate and dynamic targeting, including as relates to:

(a) Target planning and engagement, including positive identification criteria that address sources of identification and appropriate levels of certainty of geo-location and functional characterization.

(b) Establishment, maintenance, appropriate dissemination, and employment of no-strike lists, including processes that inform nominations of no-strike entities from intelligence collections, civil affairs, other USG departments and agencies, allies and partners, civil society organizations, non-government organizations, and international organizations, such as humanitarian notification systems.

(c) Collateral damage estimation methodology, including estimations of weapons effects on civilians and civilian objects. Target development for targets reasonably expected to contain chemical, biological, radiological, and nuclear materials, weapons-associated materials, and other industrial hazards should include an analysis of the anticipated effects and be informed by relevant experts (e.g., from the Defense Threat Reduction Agency).

(d) The effect of U.S. military operations on civilians and civilian objects, including in the context of courses of action from other actors, both friendly and adversary.

(e) Efforts, such as red teaming, to reduce the likelihood of target misidentification including from cognitive bias.

(f) Information sharing between all elements, nodes, and cells responsible for the joint targeting process.

(6) Appropriate adjustments are made to ongoing operations in response to relevant information relating to civilians and civilian objects to the extent practicable.

3.3. OPERATIONS WITH ALLIES AND PARTNERS.

When U.S. military forces are operating with ally and partner forces, DoD Components will take steps to incorporate CHMR considerations into planning and operations by:

a. Coordinating with ally and partner forces, intelligence organizations, and other USG and foreign government elements to synchronize and de-conflict operations; share intelligence, as appropriate and authorized; and develop plans and processes that incorporate CHMR considerations.

b. Incorporating CHMR considerations into operational and contingency plans, CCMD campaign plans, coalition campaign plans, and other similar planning documents, as well as exercises and engagements, including but not limited to:

(1) Clear articulations of desired outcomes with respect to the protection of civilians and civilian objects as part of overall mission objectives.

(2) Information collection and sharing processes that facilitate shared awareness about civilians and civilian objects.

(3) Processes for developing a shared assessment of and responsibilities for responding to civilian harm.

(4) Clear delineation of command authorities and relationships, including to support appropriate information sharing and reduce risk of civilian harm.

c. Accounting for the risks of U.S. military forces causing or contributing to civilian harm while conducting operations in support of ally or partner forces.

d. Prioritizing information sharing among ally and partner forces regarding civilians and civilian objects subject to classification, applicable intelligence sharing guidance and policies, and foreign disclosure review.

e. Supporting allied and partner forces' efforts to mitigate and respond to civilian harm, including establishing shared guidance and processes where appropriate.

3.4. LEVERAGING CIVILIAN HARM ASSESSMENTS, INVESTIGATIONS, AND ANALYSES.

Efforts to mitigate civilian harm will be informed by actions taken in response to civilian harm, including civilian harm assessments, investigations, and associated analyses, and implementation of recommendations and lessons learned. Further guidance for assessing and investigating civilian harm is included in Section 4.

SECTION 4: ASSESSING AND INVESTIGATING CIVILIAN HARM

4.1. SECTION SCOPE.

The procedures in this section apply to all U.S. military operations regardless of sensitivity or security protections and regardless of whether U.S. military forces are operating alone or in coordination with allies and partners.

4.2. FRAMEWORK.

a. The DoD conducts civilian harm assessments to:

- (1) Assess whether civilian harm resulted from U.S. military operations.
- (2) Identify and document the causes of civilian harm.
- (3) Enable learning that improves DoD operational and institutional capability, capacity, and readiness to mitigate and respond to civilian harm.
- (4) Support information requirements of military and civilian leadership, including to inform planning and decision-making in ongoing operations and to fulfill external reporting requirements.
- (5) Enable acknowledgements and other appropriate responses to civilians harmed by U.S. military operations.
- (6) Enable timely responses to reports from outside the DoD that civilian harm may have resulted from U.S. military operations.

b. CCMDs will promptly initiate assessments when information is identified or received that indicates civilian casualties may have resulted from U.S. military operations, unless an appropriate command official directs that an investigation be initiated instead.

c. To further establish an understanding of U.S. military operations' effects on the civilian population, civilian harm assessments may also be initiated regarding, or expanded to include, an assessment of damage to or destruction of civilian objects when information is identified or received that indicates damage to or destruction of civilian objects may have resulted from U.S. military operations, consistent with CCDR guidance established pursuant to Paragraph 2.17.n.

(1) In many operational contexts, it may not be appropriate or practicable to conduct civilian harm assessments in response to all information indicating damage to or destruction of civilian objects may have occurred. Instead, CCDRs will provide guidance specifying the criteria under which they expect civilian harm assessments to be conducted for civilian objects.

(2) For example, CCDRs may determine that civilian harm assessments should be conducted in response to information indicating that damage to or destruction of a Category 1 or

certain Category 2 no-strike entities (as described in CJCSI 3160.01) may have resulted from U.S. military operations.

d. Civilian harm assessments will be conducted at the most detailed scale practicable given mission requirements, the availability of resources, and other operational factors, consistent with CCDR guidance established pursuant to Paragraph 2.17.n. For example, civilian harm assessments may be conducted for:

- (1) An individual operation (e.g., an air-to-ground strike against a single target).
- (2) A set of connected operations (e.g., a large-scale raid or assault that involves the use of fire and maneuver).
- (3) A sequence of operations conducted in a given area of operations.
- (4) A still broader series of operations occurring over a longer timeframe.

e. Civilian harm assessments will be promptly initiated, thorough, and completed in a timely manner. As stated in Paragraph 2.17.n., CCDRs may provide guidance regarding specific timelines associated with assessments.

f. The results of civilian harm assessments will be consistent with the following criteria:

- (1) The assessment's results will indicate what operations were assessed.
- (2) The assessment's results will indicate whether, based upon the information available at the time of the assessment and depending on the scope of the assessment, civilian casualties or damage to or destruction of civilian objects more likely than not resulted from U.S. military operations.
 - (a) The "more likely than not" standard reflects the importance of assessing the facts as objectively as possible. An assessment of "more likely than not" reflects the command's best understanding based on the information available at the time of the assessment.
 - (b) The "more likely than not" standard also reflects the reality that information during military operations, including with respect to the outcomes of operations, is often lacking or incomplete. For example, examining imagery is not necessary to meet the "more likely than not" standard.
 - (c) If there is reason to believe that civilians were injured or killed—or, when the scope of a civilian harm assessment includes damage or destruction of civilian objects, that civilian objects were damaged or destroyed—and that such harm resulted from U.S. military operations, and if other available information does not provide greater reason to believe that civilians were not killed or injured as a result of U.S. military operations, then the "more likely than not" standard would be met.

(d) Consistent with Paragraph 1.3.a.(2), an assessment that civilian harm more likely than not resulted from U.S. military operations does not in itself indicate the occurrence of a violation of the law of war, criminal activity, or other misconduct.

(3) If civilian casualties are assessed more likely than not to have resulted from U.S. military operations, the assessment's results will include, to the extent practicable:

(a) The assessed number of civilian casualties that more likely than not occurred and information about how such harm more likely than not resulted.

(b) A differentiation between civilians injured and killed.

(c) An estimated number of civilian casualties with an upper and a lower bound, if there is insufficient information available to assess a particular number of civilian casualties. Alternatively, the upper bound estimate may be reported.

(4) When the scope of a civilian harm assessment includes an assessment of damage to or destruction of civilian objects, the results of the assessment will include whether damage to or destruction of civilian objects more likely than not resulted, as well as information about how such harm more likely than not resulted.

g. In preparation for crisis or conflict, CCMDs and, as appropriate, other operational commands will have a Civilian Harm Assessment and Investigation Coordinator in place in accordance with Paragraph 2.17.b.

(1) Civilian Harm Assessment and Investigation Coordinators:

(a) Oversee civilian harm assessment and investigation processes.

(b) Are responsible to the relevant commander for civilian harm assessments conducted under their purview.

(c) Monitor assessments and investigations related to civilian harm.

(d) Ensure recommendations of civilian harm assessments and investigations feed back into command learning processes.

(e) Ensure deadlines associated with civilian harm assessments, investigations, and required reporting are met.

(2) CCDRs:

(a) Always retain the ultimate authority and accountability for operations conducted under their purview.

(b) May delegate their authority to initiate and approve civilian harm assessments to the Civilian Harm Assessment and Investigation Coordinator or another designee under their command.

h. In preparation for crisis or conflict, CCDRs establish CHACs in accordance with Paragraph 2.17.m., responsible for carrying out the duties outlined in Paragraph 4.8.

i. In cases where civilian harm may have resulted from operations that involve more than one CCMD, the supported commander will initiate and oversee civilian harm assessments and related activities described in this section. The supporting commander(s) will continue to support the supported commander throughout the civilian harm assessment process.

4.3. RECEIVING AND COMPILING INFORMATION RELATED TO REPORTS OF CIVILIAN HARM.

a. CHACs will receive and compile information related to civilian harm, including information from combat assessments and information from other DoD and non-DoD sources, that is relevant and necessary for conducting assessments as soon as the operational environment permits.

b. In accordance with CJCSI 3162.02, CCMDs conduct combat assessments following combat engagements involving forces under their command or task subordinate forces to conduct combat assessments.

(1) If forces conducting a combat assessment identify information indicating civilian casualties may have resulted from U.S. military operations, they will report this information to the CHAC as soon as practicable.

(2) If forces conducting a combat assessment identify information that indicates damage to or destruction of civilian objects may have resulted from U.S. military operations, consistent with CCDR guidance established pursuant to Paragraph 2.17.n., they will report this information to the CHAC as soon as practicable.

c. All units operating under the command of, or in support of, a CCMD will report information indicating that civilian casualties may have resulted from U.S. military operations to the CHAC as soon as practicable to inform civilian harm assessments and will provide additional information if requested by the CHAC. In reporting information, units will endeavor to include the necessary baseline information described in Paragraph 4.3.f.

d. In accordance with the CCDR guidance established pursuant to Paragraph 2.17.n., all units operating under the command of, or in support of, a CCMD will report information indicating damage to or destruction of civilian objects may have resulted from U.S. military operations to the CHAC as soon as practicable to inform civilian harm assessments and to provide additional information if requested by the CHAC. In reporting information, units will endeavor to include the necessary baseline information described in Paragraph 4.3.f.

e. CHACs will also consider additional relevant information necessary for conducting assessments of civilian harm from a wide variety of sources, including:

(1) Other U.S. military sources (e.g., units or individuals who observed operations, intelligence reports, civil affairs personnel, and operational data).

(2) Other USG sources (e.g., intelligence organizations, the Department of State, and the U.S. Agency for International Development).

(3) Sources external to the USG (e.g., allies and partners, civil society organizations, non-governmental organizations, international organizations, traditional and social media, local sources, and the public).

f. When receiving information indicating civilian harm may have occurred, CHACs will review the information and, if the necessary baseline information to conduct a civilian harm assessment is not provided, seek additional information by, as appropriate and practicable, communicating with the source of the original information. Necessary baseline information includes information that indicates:

(1) The date, time, and specific location of the incident.

(2) Whether injuries, deaths, damage, or destruction may have occurred.

(3) Whether such injuries, deaths, damage, or destruction may have resulted from U.S. military operations.

g. To the extent reasonably practicable, CHACs should pursue other sources of information necessary to inform civilian harm assessments (e.g., information available from intelligence reports, interviews with witnesses or information documented from on-site, traditional, and social media, and publicly available reports).

h. When reviewing reports of civilian harm, CHACs will consider the reliability of information, including to mitigate risks associated with adversarial or otherwise malicious use of disinformation, and, under the guidance of the commander, take appropriate actions should evidence of adversarial or otherwise malicious use of disinformation emerge.

4.4. PROCEDURES FOR INITIAL REVIEWS.

a. The first step of initiating a civilian harm assessment is to conduct an initial review to correlate information related to the reported civilian harm with:

(1) Other information related to civilian harm to identify whether duplicative reports exist and identify whether they may provide further details on whether and how civilian harm may have resulted from U.S. military operations.

(2) Operational data to identify potential operations that may have resulted in the reported civilian harm. In doing so, CHACs will ensure appropriately sized location and time windows are considered to ensure all U.S. military operations that may have resulted in the reported civilian harm are considered as part of the review process.

b. A commander's CHAC may conduct this initial review, or a commander or their designee may direct that an appropriate subordinate command conduct or supporting command conduct or support this initial review in coordination with the CHAC. Any unit tasked to conduct an initial

review, including any individual tasked that supports an initial review, must not have been directly involved in the event(s) being assessed, must be objective, and must be able to complete the initial review as soon as is practicable and in accordance with any directed timelines, or seek an extension.

(1) The CHAC will provide units tasked to conduct an initial review with all previously obtained information that may be relevant to the review.

(2) The command conducting the initial review should seek additional information, including by, as appropriate and practicable, communicating with the source of the original information, if the necessary baseline information to conduct the initial review is not available.

c. If the unit conducting the review is unable to identify any U.S. military operations that may have resulted in the reported civilian harm in question, then the unit may recommend that the command not proceed with the civilian harm assessment.

d. The unit that conducted the initial review will document it. This documentation will if practicable include:

(1) The results of the review, consistent with the data requirements of Paragraph 4.7.b.

(2) Identification of the sources of information that were considered, with appropriate care taken to protect intelligence sources and maintain operations security.

(3) A description of the information on which the results of the review are based.

(4) A recommendation on whether to proceed with the civilian harm assessment or to initiate an investigation.

e. Initial reviews will be subject to review and approval by the commander or the commander's designee.

(1) Approval of an initial review indicates:

(a) The review was appropriately conducted.

(b) The results of the review are consistent with the information documented.

(c) The approving official concurs with the recommendation on whether to proceed with the civilian harm assessment or initiate an investigation.

(2) The approving official will return to the CHAC or unit that conducted the initial review initial reviews that are not approved with additional guidance from the commander or their designee. Alternatively, the commander or the commander's designee may direct another subordinate command to conduct the initial review, request that a different non-subordinate command conduct the initial review, proceed with the civilian harm assessment, or initiate an investigation.

f. When conducting an initial review, CHACs or the units tasked to conduct the initial review will consider the reliability of information, including to mitigate risks associated with adversarial use or otherwise malicious use of disinformation, and, under the commander's guidance, take appropriate actions should evidence of adversarial or otherwise malicious use of disinformation emerge.

4.5. PROCEDURES FOR CIVILIAN HARM ASSESSMENTS.

a. Following the initial review, a commander's CHAC may conduct the civilian harm assessment, or a commander or the commander's designee may direct that an appropriate subordinate or supporting command conduct or support the civilian harm assessment in coordination with the CHAC. Any unit tasked to conduct a civilian harm assessment, including any individual that supports a civilian harm assessment, must not have been directly involved in the event(s) being assessed, must be objective, and must be able to complete a thorough assessment as soon as practicable and in accordance with any directed timelines (or seek an extension).

(1) In cases where another unit is tasked to lead a civilian harm assessment, the CHAC will:

(a) Provide the unit all previously obtained information that may be relevant to the assessment, including any documentation from initial reviews.

(b) Advise the unit of the specific issues to be considered by the assessment and provide any additional guidance (e.g., information sources, information gathering methods) regarding the assessment.

(2) The unit that conducts the civilian harm assessment will consider all reasonably available information to inform the assessment, including from U.S. military, other USG, and external sources, and compile a thorough report detailing the civilian harm assessment in a timely manner.

b. Reports from civilian harm assessments will, if practicable, include:

(1) The results of the assessment, in accordance with the criteria outlined in Paragraph 4.2.f. and the data requirements of Paragraph 4.7.b.

(2) Identification of the sources of information that were considered, with appropriate care taken to protect intelligence sources and maintain operations security.

(3) A summary of the information on which the assessment was based.

(4) If applicable, a recommendation on whether an investigation should be conducted.

(5) Key observations and lessons learned related to the operation, and recommendations for the mitigation of future civilian harm.

c. Completed reports from civilian harm assessments are subject to review and approval by the commander or the commander's designee.

(1) Approval of a civilian harm assessment indicates:

(a) The assessment was appropriately conducted.

(b) The resultant report meets the criteria outlined in Paragraphs 4.2.f., 4.5.b., and 4.7.b. and any further guidance provided by the commander, the commander's designee, or the CHAC.

(c) The results of the assessment are consistent with the information documented. The approving official will also indicate whether they concur with each of the assessment's recommendations, if applicable.

(2) Approved reports from civilian harm assessments will be retained by the CHAC or forwarded by the CHAC to the appropriate office for retention, as determined by the commander or their designee.

(3) Reports of civilian harm assessments that are not approved will be returned to the CHAC or unit that conducted the assessment with additional guidance from the commander or their designee. Alternatively, the commander or their designee may direct another subordinate command to conduct the civilian harm assessment, request that a different non-subordinate command conduct the civilian harm assessment, or initiate an investigation.

d. A civilian harm assessment will be re-opened or an investigation will be initiated if:

(1) Previously unassessed relevant information becomes available and a review of the new information indicates it could change the previously approved results. Alternatively, if the new information is consistent with the results of the approved assessment, the CHAC will append documentation of the assessment of the new information to the approved assessment.

(2) Other issues emerge that cast significant doubts on the accuracy of the previously approved assessment's results.

e. If, during a civilian harm assessment:

(1) Credible information indicates a violation of the law of war potentially occurred, the CHAC will promptly submit the incident to their commander for reporting and other appropriate action in accordance with DoDD 2311.01. When the CHAC is not conducting the assessment, the unit conducting the assessment will report the incident through their chain of command in accordance with DoDD 2311.01. As noted in Paragraph 1.3.a.(2), the occurrence of civilian harm does not necessarily indicate a violation of the law of war, and the incident must be determined, based on credible information, to involve a potential violation of the law of war or conduct during military operations that would be a war crime if the military operations occurred in the context of an armed conflict, to constitute a reportable incident under DoDD 2311.01.

(2) Credible information indicates that the civilian harm resulted from criminal activity, the civilian harm assessment will be immediately suspended, evidence preserved, and the responsible Military Criminal Investigative Organization or other appropriate authority will be immediately notified in accordance with applicable reporting procedures. The occurrence of civilian harm is not necessarily evidence of criminal activity, and the applicable standards for reporting criminal activity must be met.

(3) Credible information indicates any other crime may have occurred, the CHAC will ensure information is included in the assessment and promptly reported to appropriate law enforcement authorities in accordance with existing reporting procedures.

f. When conducting a civilian harm assessment, CHACs or the units tasked to conduct the civilian harm assessment will consider the reliability of information, including to mitigate risks associated with adversarial or otherwise malicious use of disinformation, and, under the commander's guidance, take appropriate actions should evidence of adversarial or otherwise malicious use of disinformation emerge.

4.6. INVESTIGATIONS OF CIVILIAN HARM.

a. Command investigations of civilian harm may be appropriate in various circumstances, such as:

(1) To answer questions not sufficiently addressed by, or outside the scope of, a civilian harm assessment.

(2) To inquire into potential misconduct not within the purview of a Military Criminal Investigative Organization, or related matters that may have contributed to civilian harm.

(3) To facilitate a more detailed inquiry into matters that a relevant authority deems to be sufficiently complex or significant as to warrant the use of command investigative mechanisms.

b. Investigations of civilian harm will be conducted in accordance with applicable Military Department guidance (e.g., Army Regulation 15-6, Navy Judge Advocate General Instruction 5800.7G, or Department of the Air Force Manual 1-101), and any supplemental guidance established pursuant to Paragraph 2.14.e.

c. Investigations of civilian harm should not include matters unrelated to civilian harm (e.g., the death of a Service member or safety risks to DoD personnel). Such matters should be the subject of separate investigations when such investigation is warranted.

d. Investigations of civilian harm may be conducted instead of or in addition to civilian harm assessments.

e. When investigating civilian harm, the investigating officer will consider the reliability of information, including to mitigate risks associated with adversarial or otherwise malicious use of disinformation, and, under the commander's guidance, take appropriate actions should evidence of adversarial or otherwise malicious use of disinformation emerge.

f. Nothing in this issuance limits the existing authority of commanders to initiate an investigation or other administrative proceedings related to civilian harm or other matters.

4.7. AGGREGATING AND LEVERAGING INFORMATION.

a. CCMDs will protect, retain, and archive reports of initial reviews, civilian harm assessments, and investigations in accordance with DoDI 5015.02 and other applicable records management policies and regulations. All information will be handled in accordance with security classification, storage, release instructions, and other requirements to protect, segregate, and store the information.

b. CCMDs will maintain data regarding the results of initial reviews, civilian harm assessments, and investigations to the extent practicable. CCMDs will aggregate this data on the scale at which it was assessed, in accordance with Paragraph 4.2.d., and will include data required to fulfill congressional reporting requirements as well as additional data to support analyses of civilian harm. Once the data management platform described in Paragraph 2.14.d. is operational, CCMDs will employ it to collect and archive this data in a standardized manner. At a minimum, this data will include:

- (1) The date(s) of the operation(s).
- (2) The location(s) of the operation(s).
- (3) The type(s) of operation(s) conducted.
- (4) Amplifying details about the operation(s) conducted (e.g., direct versus indirect fire, deliberate versus dynamic targeting, munition(s) employed, description of the target(s)).
- (5) Units and platforms participating in the operation(s).
- (6) Results of any reviews, assessments, or investigations regarding the operation, including:
 - (a) An assessment of whether civilian casualties more likely than not resulted.
 - (b) An assessment of the number of civilian casualties that more likely than not resulted from the operation(s), including a differentiation between those injured and killed. If there is insufficient information available to assess a particular number of civilian casualties, an estimate with an upper and a lower bound should be reported to the extent practicable. Alternatively, the upper bound estimate may be reported.
 - (c) When the scope of a civilian harm assessment includes damage to or destruction of civilian objects, an assessment of whether damage to or destruction of civilian objects more likely than not resulted.

(d) When the scope of a civilian harm assessment includes damage to or destruction of civilian objects, an assessment of the damage to or destruction of civilian objects that more likely than not resulted from the operation(s).

(e) Lessons learned.

(f) Actions directed by the commander or their designee in response to recommendations.

c. Information from initial reviews, civilian harm assessments, and investigations will be used and disseminated for multiple purposes, including:

(1) In accordance with Paragraph 2.17.f., CCMDs will have processes in place to implement lessons learned, actions directed by the commander or their designee in response to recommendations, and practices related to mitigating and responding to civilian harm, including those derived from civilian harm assessments and investigations.

(2) As appropriate, CCMDs or appropriate subordinate operational commands will leverage information from civilian harm assessments and investigations to inform acknowledgements and other responses to civilian harm, in accordance with Section 5.

(3) In accordance with Paragraph 2.17.r., Section 5, and other applicable law and policy, CCMDs will make unclassified and releasable information about civilian harm resulting from U.S. military operations publicly available to the maximum extent operationally practicable.

(a) The release of findings, recommendations, and any other outcomes of civilian harm assessments and investigations will be coordinated through public affairs channels.

(b) The ATSD(PA) acts as the sole authority for releasing official DoD information to the media, with the release authority level determined by the ATSD(PA) in accordance with DoDD 5122.05.

(4) In accordance with Paragraph 2.17.q.(1), CCMDs will provide information related to civilian harm assessments and investigations to the USD(P), through the Joint Staff, to be incorporated into DoD tracking of civilian harm resulting from U.S. military operations, including for the purpose of preparing reports to Congress, as required by law.

(5) In accordance with Paragraph 2.17.q.(2), CCMDs will provide to the Civilian Protection Center of Excellence and other relevant DoD Components the data, lessons learned, and actions directed by the commander in response to recommendations identified in civilian harm assessments and investigations, as well as updates on progress implementing lessons learned and directed actions. In providing such information from investigations, care will be taken to omit findings, recommendations, or other information relating to the personal accountability of specific individuals.

4.8. CHACS.

a. The size, structure, and specific responsibilities of CHACs established in Paragraph 2.17.m. may differ depending upon the nature of the command and the types of military operations in which it engages. Generally, these cells will conduct the following tasks subject to the CCDR's guidance and oversight:

(1) Identify, receive, and compile information related to civilian harm resulting from U.S. military operations, including information from:

- (a) Combat assessments.
- (b) Other U.S. military sources.
- (c) Other USG departments and agencies.

(d) Sources external to the USG (e.g., allies and partners, civil society organizations, non-governmental organizations, international organizations, traditional and social media, local sources, and the public).

(2) Coordinate or, as appropriate, conduct initial reviews and civilian harm assessments.

(3) Support the command in:

(a) Taking actions to acknowledge and otherwise respond to civilian harm, in accordance with Section 5.

(b) Coordinating such actions including, as appropriate, with other DoD Components or other USG departments or agencies.

(4) Analyze civilian harm incidents, patterns, trends, and factors that have contributed to civilian harm during the command's operations. Make these analyses available to command staff to inform current operations, and to the Civilian Protection Center of Excellence to inform broader institutional learning.

(5) Document, retain, archive, and disseminate to other DoD Components, as appropriate, information related to civilian harm assessments, investigations, responses, and related analyses in accordance with this issuance and other relevant policies and regulations.

(6) Support the release of information related to civilian harm, including by:

(a) Supporting command review processes for classification and declassification of information relating to civilian harm in accordance with DoD Manual 5200.01, and requesting declassification of information when appropriate.

(b) Providing command public affairs with updated facts and contextual details as they become available to ensure a free flow of information to media and the public, in accordance with DoDD 5122.05.

(c) Supporting command public affairs and Freedom of Information Act offices in efforts to provide timely and accurate responses to public inquiries and requests related to civilian harm, including the results of civilian harm assessments, in accordance with DoD Manual 5400.07 and Part 286 of Title 32, Code of Federal Regulations.

(d) Supporting CCMD efforts to make publicly available unclassified and releasable information about civilian harm resulting from U.S. military operations to the maximum extent operationally practicable.

(7) Support the command's efforts to identify ways to improve CHMR in planning and conducting operations, including by participating in, as determined by the command:

- (a) Joint effects coordination boards;
- (b) Joint targeting coordination boards; or
- (c) Other relevant boards, bureaus, cells, centers, and working groups.

(8) As directed by commanders or their designees, support command engagements with civil society organizations, non-governmental organizations, and international organizations on CHMR topics.

b. CHACs:

(1) Will consist of personnel with expertise in intelligence; joint fires; civil-military relations; and post-strike assessment and analysis.

(2) Will include personnel with an understanding of the language, region, and culture relevant to the area of operations.

(3) Will have access to legal advice from command counsel.

(4) May include representatives from allies and partners, when appropriate.

c. Commanders will ensure individuals assigned to CHACs are familiar with relevant policies, doctrine, and processes.

d. CHAC personnel will receive training and certification from the Civilian Protection Center of Excellence once the relevant programs have been developed.

e. Due to the wide variety of potential combat environments, CCDRs may exercise discretion in how to task-organize CHACs including, if needed, by distributing CHACs across multiple commands and echelons and requesting additional capability via the global force management process.

SECTION 5: RESPONDING TO CIVILIAN HARM

5.1. SECTION SCOPE.

The framework for responding to civilian harm in this section applies to U.S. military operations regardless of whether U.S. military forces are operating alone or in coordination with allies and partners.

5.2. FRAMEWORK FOR RESPONDING TO CIVILIAN HARM.

a. The DoD responds to civilian harm by, as appropriate under the circumstances:

(1) Acknowledging harm suffered by civilians and the U.S. military's role in causing or otherwise contributing to that harm.

(2) Expressing condolences to civilians affected by military operations.

(3) Helping to address the harm suffered by civilians.

b. Responses may be offered publicly or privately and at individual or community levels. Commanders are encouraged to respond rapidly to civilian harm when appropriate and practicable; however, responses may be made after time has passed. Although a completed civilian harm assessment or investigation is not required before responding to civilian harm, commanders will take care to consider the reliability of information, including to mitigate risks associated with adversarial or otherwise malicious use of disinformation.

(1) It may not be appropriate or practicable in all operational contexts to respond individually to each civilian injured or killed and civilian object damaged or destroyed by U.S. military operations.

(2) Community-level responses may be more appropriate when individual-level responses are not practicable.

c. Consistent with available authorities and resources, responses may include and are not limited to:

(1) Written or spoken acknowledgments and condolences.

(2) Condolence payments in accordance with Section 1213 of the NDAA for FY2020, as amended, and applicable regulations implementing that authority.

(3) Medical care in accordance with laws and policies governing eligibility for military medical care, including DoDI 6025.23 or successor guidance.

(4) Repairs to damaged structures and infrastructure if authorities are available for the purpose (noting that such authorities are likely to be limited and consist principally of location-specific statutory authorities or appropriations for reconstruction-type activities).

(5) Ordnance removal, subject to specific legal limitations in Section 407 of Title 10, U.S.C. on the use of U.S. forces for humanitarian demining assistance.

(6) Locally held commemorative events or memorials.

d. Responses should be:

(1) Tailored based on consultations with affected individuals and communities when appropriate and practicable.

(2) Contextually and culturally appropriate.

(3) Aligned with U.S. strategy, values, and applicable law.

e. Commanders will determine whether, how, and when to respond to civilian harm in accordance with applicable policy, authorities, and resources.

(1) CCDRs with a physical area of responsibility, excluding the Commander, United States Space Command, will:

(a) Identify available authorities to respond to civilian harm applicable in their area of responsibility and applicable implementing instructions for those authorities.

(b) Provide command-specific guidance to subordinate commanders on the use of these authorities.

(2) CCDRs will provide guidance to subordinate commanders on ways of responding to harm including, as applicable, those listed in Paragraph 5.2.c.

(3) CCDRs will integrate into their operational and contingency plans consideration of how subordinate commands will respond when civilian harm results from those operations, including:

(a) Anticipated means of responding to harm.

(b) Plans for establishing safe, effective, and predictable mechanisms to interact and consult with affected people and communities when and where appropriate and practicable (e.g., internet-based mechanisms; DoD personnel based at local embassies; coordination with host-nation authorities or agencies).

(c) Country-level and regional-level assessments conducted in consultation with the Department of State, in accordance with Section 1213 of the NDAA for FY2020, as amended.

(d) Resource implications and authorities required.

(4) When appropriate, commanders should consult representatives of other relevant USG departments and agencies (e.g., the local U.S. embassy, the Department of State, and the U.S. Agency for International Development) regarding policy, processes, logistical considerations, and decisions to respond to civilian harm, including to identify and facilitate options for responding to civilian harm and ensuring acknowledgments and responses are consistent with other USG objectives.

f. DoD responses to civilian harm that may generate public or news media attention should be aligned as part of DoD communications synchronization efforts in accordance with DoDIs 5400.14 and 5405.03 and guidance prescribed by the ATSD(PA) in accordance with Paragraph 2.12.a. of this issuance.

5.3. PUBLICLY REPORTING INFORMATION ABOUT CIVILIAN HARM.

a. CCMDs will publish reports at least quarterly on the command's unclassified, publicly accessible website that provide information on the status and results of reviews, assessments, and investigations relating to civilian harm, except as provided in Paragraph 5.3.g. or where withholding publication is warranted by the considerations addressed in Paragraphs 5.3.c. through 5.3.f.

b. Subject to the considerations addressed in Paragraphs 5.3.c. through 5.3.f., these reports will:

(1) Report incidents, newly identified in the preceding quarter, in which civilian casualties may have resulted from U.S. military operations, including based on information received from or through U.S. military, other USG, or external sources. Each incident that is publicly reported will be associated with a unique CCMD-specific tracking number.

(2) List and indicate the status of any reviews, assessments, or investigations that are pending completion. This should include status updates for any reviews, assessments, or investigations re-opened based on the identification or receipt of new information.

(3) List and state the results of civilian harm reviews, assessments, or investigations that have been completed since the latest report, including:

(a) Publicly releasable information about the operation(s) in question, including the date, location, and type of operation, and its general purpose.

(b) Acknowledgement of whether civilian casualties were assessed to have more likely than not resulted from the operation(s).

(c) The assessed number of civilian casualties that more likely than not resulted from the operation(s), including a differentiation between those injured and killed. If it is assessed that civilian casualties more likely than not resulted, but there is insufficient information available to assess a specific number of civilian casualties, an estimate with an upper and a lower bound should be reported to the extent practicable. Alternatively, the upper bound estimate may be reported.

(d) When the scope of a civilian harm review, assessment, or investigation includes damage to or destruction of civilian objects, the assessed damage to or destruction of civilian objects that more likely than not resulted from the operation(s).

(e) A brief explanation of reviews, assessments, or investigations that concluded that incidents more likely than not did not result from U.S. military operations. This may include information on whether it was assessed that the U.S. military did not conduct the operation in question, that casualties did not result from the operation in question, or that the casualties from the operation in question were not civilians.

c. In certain exceptional cases as determined by the CCDR, it may not be appropriate to report an incident or the fact of a civilian harm review, assessment, or investigation publicly (e.g., when it would publicly disclose information that had been provided with an understanding that it would be held in confidence; where public disclosure of an incident might significantly impede a review, assessment, or investigation; or to mitigate risks associated with adversarial or otherwise malicious use of disinformation). In such cases, the CCDR may omit the incident or the fact of a civilian harm review, assessment, or investigation from the public report required by Paragraph 5.3.a. or may appropriately limit the content of information published pursuant to Paragraph 5.3.b.

d. CCDRs should take care to publish only publicly releasable information regarding reviews, assessments, and investigations that pertain to pending criminal matters or other pending investigations, proceedings, or deliberations. CCDRs may withhold, delay, or limit the scope of publication as necessary to protect the integrity of ongoing investigations, legal processes, or the privacy of individuals.

e. CCDRs should take care to consider the reliability of information, including to mitigate risks associated with adversarial or otherwise malicious use of disinformation, and should take appropriate actions if evidence of adversarial or otherwise malicious use of disinformation emerges. CCDRs may withhold, delay, or limit the scope of publication as necessary to avoid amplifying known or suspected disinformation.

f. Before public release of reports, CCMDs should conduct comprehensive operations security reviews pursuant to their respective policies and procedures, with consideration of the risks of data aggregation. Such reviews help minimize the risk of inadvertently revealing classified or sensitive information and the risk that adversaries will be able to recognize the operational pattern of sensitive tactics, techniques, and procedures or develop measures to counter U.S. operations or capabilities. CCDRs may withhold, delay, or limit the scope of publication as necessary to protect classified or sensitive information.

g. In addition to circumstances described in Paragraphs 5.3.c. through 5.3.f., under which certain information may be withheld from a publication under specific circumstances, a CCMD need not publish a periodic report as prescribed in Paragraph 5.3.a. if all the following were true during or at the end of the preceding quarter:

(1) No incidents in which civilian casualties may have resulted from U.S. military operations were newly identified or received.

(2) No reviews, assessments, or investigations related to civilian casualties or to damage to or destruction of civilian objects were pending completion.

(3) No reviews, assessments, or investigations related to civilian casualties or to damage to or destruction of civilian objects were newly completed during the preceding quarter.

h. A CCDR may authorize subordinate commanders to publish periodic reports specific to their respective commands on such commands' own unclassified publicly accessible websites, in addition to, or lieu of the publication of that information on the command's unclassified, publicly accessible website required by Paragraph 5.3.a.

i. To promote consistency in DoD communications, the following terms will be used in periodic reports and when providing other information to the public regarding civilian harm:

(1) Characterize the results of civilian harm assessments as an assessment of whether it was "more likely than not" that civilian harm resulted from U.S. military operations.

(2) Avoid characterizing reports about possible civilian harm as "credible," "non-credible," "substantiated," and "unsubstantiated."

(3) Refer to "information" or "reports" about possible civilian harm instead of "allegations" of possible civilian harm.

(4) Refer to "information" about possible civilian harm instead of "evidence" about possible civilian harm.

(5) Refer to "results" of reviews and assessments instead of "findings" of reviews and assessments.

SECTION 6: CIVILIAN PROTECTION CENTER OF EXCELLENCE

DoD's Civilian Protection Center of Excellence:

a. Serves as the hub and facilitator of DoD-wide analysis, learning, and strategic approaches to CHMR, and helps institutionalize effective CHMR practices.

b. Provides direct support to operational commands, including reach-back and deployable expertise, to support efforts of operational commands in preparation for, during, and following their operations to mitigate and respond to civilian harm, including by:

(1) Supporting the development and maintenance of command policies, guidance, standard operating procedures, and tools.

(2) Supporting the commands' operational and contingency planning.

(3) Providing general support to exercises.

(4) Supporting training and certification of key CHMR personnel.

(5) Helping commands identify capability requirements.

(6) Helping commands analyze, document, and disseminate lessons learned and effective practices.

(7) Conducting staff assistance visits to support commands' CHMR efforts.

(8) Supporting policy, doctrine, and force development, including by:

(a) Advising relevant DoD Components on the development, updating, and maintenance of relevant policies, regulations, standards, and doctrine.

(b) Developing training and certification standards for key CHMR personnel, including personnel assigned to CHACs and other personnel who will be tasked to lead civilian harm assessments.

(c) Developing CHMR content for integration into professional military education.

(d) Supporting the establishment of professional tracks and certification for key CHMR personnel and functions.

(e) Developing training, in coordination with the Joint Staff and the Military Departments, for personnel appointed to conduct or to support investigations into incidents of civilian harm.

(f) Integrating CHMR approaches in preparation for strategic competition and future conflicts.

(g) Identifying and promoting the development and use of capabilities and tactics that support effective CHMR.

c. Conducts and oversees CHMR-related research and analysis efforts, including by:

(1) Monitoring and conducting analyses of civilian harm data and advising DoD leaders of critical trends.

(2) Managing an analytic agenda based upon operational priorities.

(3) Serving as a repository of data, lessons learned, and effective practices.

(4) Conducting analyses to inform determinations of the capabilities and processes needed to support CHMR across warfighting domains in future warfighting scenarios, including during U.S. military operations, multinational operations, and operations with non-state armed groups.

(5) Reviewing the implementation of past recommendations and lessons learned.

(6) Documenting and disseminating relevant findings, lessons learned, recommendations, and effective practices, including exportable training packages and information that is releasable to allies and partners.

(7) Convening DoD working groups to advance knowledge, share lessons, and identify areas for further development.

(8) Undertaking efforts to foster interoperability with allies and partners.

GLOSSARY

G.1. ACRONYMS.

| ACRONYM | MEANING |
|------------|--|
| ATSD(PA) | Assistant to the Secretary of Defense for Public Affairs |
| CBAP | civilian harm baseline assessment of allies and partners |
| CCDR | Combatant Commander |
| CCMD | Combatant Command |
| CHAC | civilian harm assessment cell |
| CHMR | civilian harm mitigation and response |
| CHMR-AP | Civilian Harm Mitigation and Response Action Plan |
| CJCS | Chairman of the Joint Chiefs of Staff |
| CJCSI | Chairman of the Joint Chiefs of Staff Instruction |
| COA | course of action |
| DoDD | DoD directive |
| DoDI | DoD instruction |
| DSCA | Defense Security Cooperation Agency |
| DTSA | Defense Technology Security Administration |
| FY | fiscal year |
| ISR | intelligence, surveillance, and reconnaissance |
| NDAA | National Defense Authorization Act |
| NLW | non-lethal weapons |
| SES | Senior Executive Service |
| U.S.C. | United States Code |
| USD(A&S) | Under Secretary of Defense for Acquisition and Sustainment |
| USD(C)/CFO | Under Secretary of Defense (Comptroller)/Chief Financial Officer, Department of Defense |
| USD(I&S) | Under Secretary of Defense for Intelligence and Security |
| USD(P) | Under Secretary of Defense for Policy |
| USD(P&R) | Under Secretary of Defense for Personnel and Readiness |
| USD(R&E) | Under Secretary of Defense for Research and Engineering |
| USG | U. S. Government |

G.2. DEFINITIONS.

These terms and their definitions are for the purpose of this issuance.

| TERM | DEFINITION |
|---------------------------|--|
| civilian casualty | Death or physical injury of civilians who are protected as such, but excluding harm to DoD personnel or contractor personnel supporting U.S. military operations. |
| civilian harm | Civilian casualties and damage to or destruction of civilian objects (which do not constitute military objectives under the law of war) resulting from military operations. As a matter of DoD policy, other adverse effects on the civilian population and the personnel, organizations, resources, infrastructure, essential services, and systems on which civilian life depends resulting from military operations are also considered in CHMR efforts to the extent practicable. These other adverse effects do not include mere inconveniences. |
| CHMR | <p>Activities taken to reduce the risk and severity of civilian harm, and to respond to civilian harm. These activities include, but are not limited to:</p> <ul style="list-style-type: none">Force development efforts that provide DoD operational and institutional ability to mitigate and respond to civilian harm.Efforts when planning and conducting military operations to understand the presence of civilians and civilian objects in the operational environment, analyze the risks of civilian harm, and address these identified risks.Reviews, assessments, and investigations to understand whether, why, and how civilian harm resulted from military operations.Acknowledgements of civilian harm that results from military operations and other responses to affected civilians and civilian communities.Efforts to analyze and learn from military operations to improve DoD operational and institutional ability to mitigate and respond to civilian harm during future military operations. |
| military operation | As used in this instruction, an operation involving the use of force pursuant to standing or other rules of engagement that can result in civilian harm but excluding: (1) detention operations; and (2) |

TERM

DEFINITION

activities that are conducted outside the context of the conduct of hostilities and that are subject to DoDD 5210.56, such as:

Duties related to security of DoD installations, sites, property, and persons, including protection of prisoners or maintaining law and order.

Duties related to criminal investigations, counterintelligence operations, or a DoD mission or activity.

Duties related to the protection of the President of the United States, high-ranking government officials, DoD personnel, foreign dignitaries, and other designated individuals.

Duties related to safeguarding classified information, systems, equipment, and other classified government assets.

Personal protection related to the performance of official duties.

Duties with a defense criminal investigative organization for the performance of official duties in support of a criminal investigation or a counterintelligence operation.

REFERENCES

- Army Regulation 15-6, “Procedures for Administrative Investigations and Boards of Officers,” April 1, 2016
- Chairman of the Joint Chiefs of Staff Instruction 3160.01, “No-Strike and the Collateral Damage Estimation Methodology,” current edition
- Chairman of the Joint Chiefs of Staff Instruction 3162.02, “Methodology for Combat Assessment,” current edition
- Chairman of the Joint Chiefs of Staff Instruction 3370.01, “Target Development Standards,” current edition
- Chairman of the Joint Chiefs of Staff Manual 3150.05, “Joint Reporting System Situation Monitoring Manual,” current edition
- Code of Federal Regulations, Title 32, Part 286
- Civilian Harm Mitigation and Response Action Plan, August 25, 2022
- Department of the Air Force Manual 1-101, “Commander Directed Investigations,” April 9, 2021
- DoD Directive 1322.18, “Military Training,” October 3, 2019
- DoD Directive 2311.01, “DoD Law of War Program,” July 2, 2020
- DoD Directive 3000.03E, “DoD Executive Agent for Non-Lethal Weapons (NLW), and NLW Policy,” April 25, 2013, as amended
- DoD Directive 5122.05, “Assistant to the Secretary of Defense for Public Affairs (ATSD(PA)),” August 7, 2017
- DoD Directive 5210.56, “Arming and the Use of Force,” November 18, 2016, as amended
- DoD Instruction 1322.35, “Military Education: Program Management and Administration,” April 26, 2022
- DoD Instruction 5015.02, “DoD Records Management Program,” February 24, 2015, as amended
- DoD Instruction 5400.14, “Procedures for Joint Public Affairs Operations,” November 3, 2014
- DoD Instruction 5405.03, “Development, Submission, and Approval of Proposed Public Affairs Guidance (PPAG),” February 18, 2016
- DoD Instruction 6025.23, “Health Care Eligibility Under the Secretarial Designee (SECDES) Program and Related Special Authorities,” September 16, 2011, as amended
- DoD Manual 5200.01, “DoD Information Security Program,” February 24, 2012, as amended
- DoD Manual 5400.07, “DoD Freedom of Information Act (FOIA) Program,” January 25, 2017
- Executive Order 13732, “United States Policy on Pre- and Post-Strike Measures To Address Civilian Casualties in U.S. Operations Involving the Use of Force,” July 1, 2016
- Navy Judge Advocate General Instruction 5800.7G, “Manual of the Judge Advocate General,” CH-1, February 14, 2022
- Office of the General Counsel of the Department of Defense, “DoD Law of War Manual,” June 2015, as amended

Public Law 115-91, Section 1057, “National Defense Authorization Act for Fiscal Year 2018,”
December 12, 2017, as amended and codified as a note in Section 113 of Title 10, U.S.C.

Public Law 115-232, Section 936, “John S. McCain National Defense Authorization Act for
Fiscal Year 2019,” August 13, 2018, as amended and codified as a note in Section 134 of
Title 10, U.S.C.

Public Law 116-92, Section 1213, “National Defense Authorization Act for Fiscal Year 2020,”
December 20, 2019, as amended and codified as a note in Section 2731 of Title 10, U.S.C.

United States Code, Title 10