



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
HEADQUARTERS, 12TH COMBAT AVIATION BRIGADE  
ANSBACH ARMY HELIPORT, GERMANY  
APO AE 09177-8710

AETV-CAB

11 July 2013

MEMORANDUM FOR All 12<sup>th</sup> Combat Aviation Brigade (CAB) Military Personnel

SUBJECT: 12th CAB Command Policy Letter 14, Executing Sentences to Hard Labor without Confinement

1. The Uniform Code of Military Justice allows for hard labor without confinement to be adjudicated as a form of punishment at courts-martial but does not define this punishment.
2. All Soldiers who fall under the Special Court-Martial Convening Authority of 12th Combat Aviation Brigade and are convicted by a court martial and sentenced to serve hard labor as their punishment (or part of their punishment), and who are being processed for administrative separation, will do the following:
  - a. Physical, manual labor in support of operations will be executed 7 days a week, until their punishment is completed. Examples include: filling sand bags, digging ditches, building field fortifications, conducting range road repairs, constructing unit training sites, etc.
  - b. The standard for intensity (number of sandbags filled, depth and length of fortifications, etc.) are determined by the immediate commander and reassessed at least every 48 hours.
  - c. Hours of execution are as follows:

Weekdays	0900 hours to 2100 hours*
Saturdays	0700 hours to 2100 hours*
Sundays	1300 hours to 2100 hours*

\*End time is a no earlier than (NET) time. If the day's mission/task was not completed to standard, the detail's schedule may extend beyond 2100 hours but Soldiers will get a minimum of six hours of rest before the next day of hard labor begins.
  - d. With the exception of those Soldiers identified in paragraph nine below; Soldiers serving hard labor will not participate in normal unit training or activities other than PT.
  - e. Soldiers are allowed 30 minutes for the noon meal and one hour for the evening meal. The MRE is a suitable noontime/evening meal to avoid loss of time due to troop transportation if the work site is more than 15 minutes (driving or walking) from the nearest dining facility (DFAC), or the expected wait at the dining facility is expected to be more than 20 minutes.

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f. The uniform for Soldiers serving hard labor is: canteens, IFAK, ACUs, work gloves, reflective belt, D-handle shovel, and soft cap. Soldiers serving hard labor will report daily in the basic uniform and with their assault pack containing the following items: entrenching tool, ECWS, wet weather gear, overshoes, sun-wind-dust goggles, extra socks, and balaclava. The NCOIC may adjust the uniform, as necessary.

g. Where feasible, Soldiers serving hard labor will be marched to the hard labor site, carrying the implements required to execute the mission and their assault pack.

h. Hard labor details will be supervised by a noncommissioned officer (NCO) and will be that NCO's place of duty.

3. The Brigade Command Sergeant Major (CSM) has overall responsibility for planning and executing hard labor details. Subordinate units will submit recommendations for details to the Brigade CSM for consideration and scheduling. The Brigade CSM will designate units to provide an NCO(s) to supervise the hard labor detail on a rotational basis. The Brigade CSM will direct the Brigade S3 to task subordinate units to provide equipment (*i.e.*, vehicle support) that may be necessary. The NCO(s) supervising the hard labor detail will:

a. Hold the hard labor detail's initial daily formation in front of the Brigade Headquarters IAW the times specified in paragraph 2.

b. Render a morning accountability report and an end of day status report to the Brigade CSM or SDO.

c. Conduct a risk assessment of all details to ensure the health of detailed Soldiers is safeguarded. Consideration must be given to ensure: sufficient water is available and Soldiers remain hydrated; uniforms are adjusted as workload and the temperature/weather varies; a medical support plan is developed so the detail can obtain emergency care, if necessary; and appropriate safety gear (*i.e.*, ACH) is used when tasks merit it.

5. The unit detailed to provide the supervising NCO(s) will provide vehicle, mess and medical support, as required, to execute missions tasked to the detail.

6. The brigade paralegal NCOIC will provide unit commanders and the Brigade CSM the names of Soldiers who are sentenced to serve hard labor and the dates hard labor should begin and end. The Brigade CSM will notify the Soldier's 1SG when hard labor is scheduled to begin. *Only I or the Brigade Command Sergeant Major may excuse a Soldier from a day of hard labor once punishment begins.* Except, upon my determination there is good cause for excusal, excusal from a hard labor detail for a day will result in the Soldier not receiving credit as having served hard labor on that day. The Soldier will execute the number of days of hard labor specified by the court, even if those days are not consecutive.

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7. Soldiers executing hard labor will not be subjected to ridicule, humiliation, hazing, or other forms of degrading treatment.

8. Hard labor is not the same as extra duty allowed as punishment under the various levels of non-judicial punishment (Article 15s).

9. Commanders will make a determination, prior to execution of the sentence to hard labor without confinement, as to whether or not the Soldier will be retained. For those Soldiers who will be retained on active duty once their sentence is complete, their hours will be adjusted by their immediate commander, on a case-by-case basis, to allow for completion of normal unit duties prior to daily completion of hard labor.

WINGS OF VICTORY!



VINCENT H. TORZA  
COL, AV  
Commanding