



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY FIRES CENTER OF EXCELLENCE AND FORT SILL
455 MCNAIR AVENUE, SUITE 100
FORT SILL, OKLAHOMA 73503

ATZR-C

OCT 13 2023

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CG Policy Memorandum #6D, Use or Possession of Prohibited Items

1. References:

- a. Uniform Code of Military Justice (UCMJ) (M.C.M. 2019)
- b. Army Regulation 190-45, Law Enforcement Reporting, 27 September 2016
- c. AR 600-85, The Army Substance Abuse Program, 23 July 2020
- d. DoD Instruction 1010.04, Problematic Substance Use by DoD Personnel, 20 February 2014 incorporating Change 1 effective 6 May 2020
- e. Oklahoma Stat. tit. 63, Section 2-405 (Unlawful Possession/Use of Drug Paraphernalia)
- f. United States Code, tit. 21, Section 812 (Schedules of controlled substances)
- g. United States Code, tit. 21, Section 844 (Penalties for simple possession)
- h. United States Code, tit. 21, Section 863 (Drug paraphernalia)

2. Applicability. This policy applies to all active duty and reserve component Service Members permanently or temporarily assigned to, attached to, or otherwise present on Fort Sill, Oklahoma, including Service Members assigned to tenant units located on Fort Sill, Oklahoma; to all Civilians physically present within the limits of the Fort Sill military reservation; and to all Service Members assigned to any other location over which this Headquarters has control/jurisdiction.

3. General.

a. This command policy constitutes a lawful order. Violations may result in punitive action against Service Members under Article 92 of the Uniform Code of Military Justice (UCMJ) and adverse administrative actions.

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b. This command policy serves two purposes: first, to prohibit the use, possession, and sale of drug paraphernalia; and second, to prohibit the use and possession of drug masking agents and drug masking paraphernalia.

4. Policy and procedures.

a. It is Fort Sill's policy to prevent and eliminate drug abuse and dependence. Such abuse and dependence is incompatible with readiness, the maintenance of high standards of performance, and military discipline. It also negatively affects the community and Families. Prohibiting drug paraphernalia will support this command's drug abuse prevention efforts by identifying suppliers, dealers, and users of dangerous drugs and by removing the equipment used to facilitate illegal drug use. Additionally, prohibiting the use and possession of drug masking agents and drug masking paraphernalia will support this command's drug abuse prevention efforts by ensuring the stability, reliability, and integrity of the U.S. Army's drug detection program.

b. Commanders and leaders at all levels will ensure that Soldiers will not possess, gift, purchase, offer or attempt to purchase, transfer, export, manufacture, accept shipment of, attempt to ship or distribute any item listed in paragraph 4(c).

c. Prohibited Items:

(1) Kits used, intended for use, or designed for use in the planting, propagating, cultivating, growing, or harvesting of any controlled or prohibited substances.

(2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing any controlled or prohibited substances.

(3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any controlled or prohibited substances.

(4) Testing equipment used, intended for use, or designed for use in identifying or analyzing the strength, effectiveness, or purity of any controlled or prohibited substances.

(5) Scales and balances used, intended for use, or designed for use in the weighing or measuring of any controlled or prohibited substances.

(6) Diluting agents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting any controlled or prohibited substances.

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(7) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.

(8) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding any controlled or prohibited substances.

(9) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of any controlled or prohibited substances.

(10) Containers and other objects used, intended for use, or designed for use in storing or concealing any controlled or prohibited substances.

(11) Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in injecting any controlled or prohibited substances into the human body.

(12) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, hashish oil, or other controlled or prohibited substances into the human body, such as: metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls, water pipes, carburetion tubes and devices, smoking and carburetion masks, roach clips (e.g. objects used to hold burning material, such as marijuana cigarettes, that has become too small or too short to be held in the hand), miniature cocaine spoons and cocaine vials, chamber pipes, carburetor pipes, electric pipes, air-driven pipes, chillums, bongs, ice pipes, or chillers.

(13) Drug masking agents, including but not limited to any compounds that are taken with the purpose of hiding or "masking" the presence of controlled or prohibited substances that are screened during urinalysis testing.

(14) Drug masking paraphernalia, including but not limited to synthetic urine, synthetic or prosthetic genitalia, or any device or substance whose primary purpose is to mislead urinalysis observers or otherwise to alter, replace, or affect the drug testing procedures used by the U.S. Army.

5. Exceptions. This policy does not prohibit the following:

a. The use of controlled substances by any person for whom they have been lawfully prescribed in accordance with applicable state and federal law, so long as such substances are used in a manner consistent with their intended medical purpose and the instructions of the prescribing physician. However, federal law does not recognize the lawful prescription of marijuana or products containing THC for medical purposes. Marijuana remains illegal under federal law.

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b. The possession of otherwise lawful devices and substances intended for use for their intended lawful purpose (i.e., in a manner that does not violate the provisions of AR 600-85, paragraph 4-2(p)).

6. This command policy will remain in effect until superseded or rescinded.

7. The point of contact for this memorandum is the Office of the Staff Judge Advocate, Chief, Military Justice, (580) 442-3900.



WINSTON P. BROOKS
Major General, USA
Commanding

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MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CG Policy Memorandum #6E, Trust, Teamwork and Cohesion - Leader Off-Duty Visits and Checks

1. Purpose. As great teammates, we need to know our people and show them that we care. In our profession, we have a bedrock of trust that extends beyond the confines of typical duty hours. We must get to know each other, along with our families, and ensure that all teammates have a safe and healthy home environment. Going the extra mile to check on our teammates shows them that their leaders truly care about them, which improves morale and helps reinforce good order and discipline. This ultimately builds the trust, teamwork and cohesion that are required for our units to fight and win.

2. Policy. Get to know your people. Brigade-level Commanders will ensure that subordinate leaders establish a deliberate system to conduct leader visits in accordance with the below directed guidelines. Any issues discovered during visits will be immediately brought to command attention and every effort will be made to rectify as quickly and thoroughly as possible. Leaders will conduct:

a. Courtesy Checks within the first 30 days of a Soldier either arriving to the unit or moving to a new residence.


b. Courtesy Checks with all personnel regularly, on a semi-annual basis.

c. Health and Welfare Inspections or Leader In-Home Visits as often as they deem necessary.

3. This command policy will remain in effect until superseded or rescinded.

4. The point of contact for this memorandum is the Office of the Staff Judge Advocate, Chief, Military Justice, (580) 442-3900.

2 Encls
1. Definitions
2. Protocols


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Enclosure 1

Definitions

Courtesy Checks: Leaders should be proactively engaged with their teammates. Courtesy Checks at Soldier's residences are intended to allow leaders to get to know their teammates, assess their morale and welfare, or to inquire about a specific concern (like the health of a sick or injured Family member). All leaders are encouraged to liberally use this tool as the first and easiest method by which to learn about their Soldiers' off-duty concerns or challenges. The primary intent of the visit is not to enter the home, but **to check on the Soldier and/or Family and see how they are doing**. This does not preclude entrance into the home if invited.

Leader In-Home Visit: A visit at the family residence that is more formal than a Courtesy Check. The intent is to enter the home **with the express purpose of increasing command visibility of current, past, or potential health, safety, and welfare concerns inside the residence**. While such visits are an incident of command, and a part of sustaining stewardship of our community, such engagements are wholly voluntary on the part of the military Family in order to assure respect for their privacy.

Health and Welfare Inspection: An examination, under the direction and control of a commander, of the whole or part of a unit, organization, or installation conducted as an incident of command. The primary purpose of such an inspection is **to determine whether the health and welfare of Soldiers is affected by the security, military fitness, and good order and discipline of that unit, organization, or installation**. An inspection may include an assessment of the command's state of readiness, functionality, sanitation, and cleanliness. Generally, an inspection applies only to persons and property under military control.

Consent: An agreement (usually verbal) by a person to submit to a search, review, inspection, or inventory of part or all of their person or property. Consent is given voluntarily and based on an informed understanding of the intent and scope of the search, review, inspection, or inventory. Consent can be limited in its scope (time, place, property), and can be withdrawn at any time. Voluntary consent is not necessary for examining military property or areas under military control, such as barracks, motor pools, on-post parking lots, or offices, for Health and Welfare Inspections or administrative inventories. Voluntary consent is required for examining persons or property when there is a reasonable expectation of privacy under the circumstances.

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Reasonable Expectation of Privacy: Whether a person has a “reasonable expectation of privacy” in certain physical areas (like inside a home, or inside a barracks room) or while doing certain things (like standing outside talking on a cell phone, or sitting inside a car) is a case-by-case issue. Because neither the Courtesy Check, Health and Welfare Inspection, nor Leader In-Home Visit are intended to investigate potential crime or search for evidence, leaders should assume that a generic expectation of privacy exists inside a home, and inside certain areas of barracks rooms and personally-owned vehicles whose purpose is to store personal private property.

Enclosure 2

Protocols

1. **Courtesy Checks:** Leaders should be proactively engaged with their teammates. Courtesy Checks at a residence are a good way to build trust, teamwork and cohesion, if conducted appropriately. Leaders are reminded to remain courteous, use common sense, good judgement, and discretion.
 2. **Health and Welfare Inspection (Barracks and Work Space):** Usually covers 100% of a particular unit (such as a platoon, company/battery, or battalion/squadron). This inspection is intended to assess barracks and government working conditions of Soldiers in areas under direct military authority and control. It may be used to account for personnel, military property and assigned equipment, and their functionality and readiness, within the barracks or work spaces. It may also be used to inspect personally-owned vehicles for functionality and safety. Commanders should not use these inspections to mask a real purpose of discovering evidence of crime. *When in doubt, contact your serving Judge Advocate for legal advice.*
 - a. **Privacy concerns:** The Commander's intended scope of an inspection may drive the extent of that Soldier's expectation of privacy. Soldiers are issued various containers and spaces, like wall and foot lockers, dressers, and medicine cabinets for the express purpose of storing personal clothing and other personal items. Under certain conditions, Soldiers may have a **reasonable expectation of privacy** in certain areas and property and shall not be inspected without first getting the **voluntary consent** of the Soldier. *When in doubt, seek advice from your Judge Advocate.*
 - b. **Scope of Inspection:** Generally, barracks rooms and common spaces may be inspected. Personally-owned vehicles may be inspected under this definition only if they are parked in that unit's parking lot normally under the control of the commander. To use military working dogs in the inspection, Commanders should consult with the servicing Judge Advocate.
 - c. **Best Practice:** Commanders should thoroughly pre-plan prior to conducting Health and Welfare inspections. Commanders do not have to publish or announce the inspection beforehand; *however, these inspections should not be impromptu reactions to the suspicion of misconduct or the suspected presence of contraband.*
- (1) MFR. Prior to the inspection's execution, Commanders should draft a Memorandum for Record. The purpose of the MFR is to capture relevant facts and the commander's intent. It should: (1) state the purpose, scope, date/time of the Inspection, (2) identify who (name and rank) will conduct the inspection, (3) list specific property or equipment subject to the Inspection, and, (4) describe actions to take immediately if contraband or illegal conduct is uncovered during the inspection.

(2) Close out MFR. Upon concluding the inspection, the Commander may choose to draft an MFR identifying specific areas of concern or issues that arose.

3. **Leader In-Home Visit to an On or Off Post Residence:** These visits should encourage open communication between Families and command teams and increase command visibility of current, past, or potential health, safety, and welfare concerns inside the residence. This includes assessing and addressing concerns raised by the Soldier or Family regarding living conditions at their residence, or neighborhood that may affect military readiness or fitness for duty of the Soldier, or to independently and objectively gauge the well-being of Families when their Soldier sponsor is assigned to a restricted tour overseas and the Family remains at Fort Sill.

a. **Privacy concerns:** Families have a reasonable expectation of privacy inside their homes. They neither anticipate, nor expect, military leaders to inspect, review, or evaluate their personal property and living conditions. Even when located on a military installation, the residences are owned and managed by a private firm, Corvias Military Living. As a result, leaders must provide notice of the visit and receive consent of the Soldier and/or family before entering the home.

b. **Scope of Leader In-Home Visit:** The areas and property to be visited should have a reasonable connection to the Soldier's readiness and fitness for duty, Family's safety and welfare, and the adherence to their Resident Occupancy Agreement with Corvias or owner/management firm.

c. **Best Practices:** Leaders are advised to remain sensitive to the family's privacy and be mindful that this is **not** a Health and Welfare Inspection. If after receiving consent to enter a residence, a leader believes that conditions of the home are unsanitary or unsafe, that leader should immediately coordinate their concerns with the Chain-of-Command, Family Advocacy, Army Community Serves, Corvias or the owner/property management firm, or any other appropriate Soldier support organization.

(1) Leaders should ensure that the Soldier/Family to be visited is contacted with a reasonable time to consider the request and its purpose, before receiving consent. The Soldier and/or Family will be present during the visit.

(2) If the Soldier is not present (e.g., deployed, on a restricted overseas tour, attending field training), leaders need not notify the Soldier but the spouse or adult dependent with authority, must provide **consent** and be present during the visit.

(3) Leaders shall not consider refusal to **consent** to such an in-home visit as violation of a lawful order or regulation, and shall not impose or suggest adverse administrative or punitive measures on the Soldier if consent is not provided.

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(4) If illegal contraband or other evidence of criminal activity is identified in plain view during the Leader In-Home Visit, the leader shall immediately notify the Department of Emergency Services/Military Police, and Local Law Enforcement (as applicable). The leader shall not conduct a search of the home for further evidence without a proper search authorization based on probable cause. The leader should contact the servicing Judge Advocate at the earliest available opportunity.

(5) If, during the visit, the leader has good cause to believe that a Family residence is in violation of the safety and sanitary conditions required under the Resident Occupancy or Lease Agreement, Commanders should consult with the servicing Judge Advocate, and counsel the Soldier. For Corvias Fort Sill **on-post housing** contact the Resident Manager (580)581-2115; 5445 Greble Road, Fort Sill). The leader and Corvias should coordinate a joint visit of the residence at the earliest available opportunity, after coordination with the Garrison Commander.