

## INFORMATION PAPER

SUBJECT: Conducting Unit Health and Welfare Inspections

1. PURPOSE. To provide commanders with information about conducting unit health and welfare inspections.

2 . FACTS.

a. Commanders are responsible for the health, safety, and military readiness of their units. The health and welfare inspection is an effective tool to use in meeting this responsibility. **ONLY A COMMANDER** may order the inspection and the areas inspected must belong to the commander's unit.

b. In accordance with Military Rules of Evidence 313, a command directed inspection is an examination of all or part of a unit, organization, installation, aircraft, or vehicle. Commanders may authorize inspections of barracks and work areas to ensure the safety of those facilities and the welfare of the soldiers working and living in them. Health and welfare inspections may include inspections of POVs if the POVs are parked in the unit parking lot normally under the control of that commander. However, commanders **DO NOT** have authority to conduct inspections or authorize searches in privatized housing or in a soldier's off-post quarters. Therefore, any searches off of the installation must be conducted in conjunction with a valid search warrant.

c. The commander directing the inspection must provide clear guidance to the members of the chain of command conducting the inspection. With regard to barracks rooms in particular, each soldier must be subject to the same level of inspection. Therefore, the commander should tell the inspectors where they may look, what they should look for, and what to do if illegal contraband is discovered. For example, if the stated purpose of the inspection is to inspect for such unregistered or illegal weapons as handguns or knives, no need exists for inspectors to open boxes, envelopes, or packages too small to contain objects the inspection is targeting.

d. A commander may not use the inspection as a substitute for a lawful search based on probable cause when probable cause does not exist. Administrative inspections are not tools for criminal investigations. For example, if a commander suspects that a soldier possesses illegal drugs in his wall locker but does not have probable cause to conduct a search; the commander may not use a health and welfare inspection as a subterfuge for an improper search of an individual soldier.

e. Contraband or other evidence seized as a result of a health and welfare inspection is admissible as evidence in courts-martial if the inspection complies with the following requirements.

(1) The Commander ordered the inspection and the inspected area belonged to the commander's unit;

(2) The inspection was not used as a substitute for a lawful search based on probable cause, and;

(3) There was clear guidance provided to members of the chain of command who conducted the inspection.

f. An inspection may include the following types of examinations:

(1) An order to produce urine.

(2) An examination of property, facilities, or equipment by narcotic detection dogs.

(3) An inspection to ensure the area is free of unlawful weapons or other contraband.

(4) An inspection to determine and ensure the command is properly equipped, maintaining proper standards of readiness, sanitation and cleanliness, and that personnel are present, fit, and ready for duty.

g. In planning an inspection, the commander should prepare a written memorandum regarding the inspection (see enclosure). The memorandum should include language that:

(1) Indicates the inspection was previously scheduled;

(2) States his or her purpose for conducting the inspection;

(3) Establishes objective criteria for selecting the individuals to be inspected;

(4) Prescribes a scope of inspection that clearly relates to the purpose of the inspection, and;

(5) Announces inspection procedures that ensure all individuals will be inspected in the same manner.

3. POC is the Military Law and Ethics Division at 4-7414.

Chief, Military Law and Ethics Division

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(Office Symbol)

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(Date)

MEMORANDUM FOR RECORD

SUBJECT: Unit Health and Welfare Inspection

1. A health and welfare inspection will be conducted at \_\_\_\_\_ hours on \_\_\_\_\_, 20\_\_ . The purpose of the inspection is to determine and ensure the security, military readiness, good order, and discipline of the unit. If during the course of the inspection contraband or evidence of a crime is discovered, it will be seized and properly secured.

2. During the course of the inspection, an examination will be made to determine and ensure that any or all of the following are met:

- a. \_\_\_\_ that the command is properly equipped;
- b. \_\_\_\_ that the command is functioning properly;
- c. \_\_\_\_ that the command is maintaining proper standards of readiness, sanitation and cleanliness;
- d. \_\_\_\_ that the personnel are present, fit, and ready for duty;
- e. \_\_\_\_ others as specified.

3. The following personnel areas will be inspected:

- a. \_\_\_\_ all assigned or attached personnel;
- b. \_\_\_\_ all personnel assigned to platoon;
- c. \_\_\_\_ all motor vehicle operators;
- d. \_\_\_\_ all barracks rooms;
- e. \_\_\_\_ others as specified.

4. The inspection will consist of the following checked items:

- a. \_\_\_\_ urinalysis;
  - b. \_\_\_\_ room and wall locker inspection to ascertain and ensure:
    - (1) \_\_\_\_ accountability and serviceability of military clothing and TA-50;
    - (2) \_\_\_\_ absence of spoiled foods, mildew and dirt;
    - (3) \_\_\_\_ absence of ammunition, pyrotechnics, and fireworks;
    - (4) \_\_\_\_ absence of unlawful weapons;
    - (5) \_\_\_\_ absence of controlled substances.
  - c. \_\_\_\_ TA-50 inspection only; and
  - d. \_\_\_\_ others as specified: \_\_\_\_\_
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