

INFORMATION PAPER

14 November 2013

SUBJECT: Legal Guidance for 11D and Fort Riley Community Outreach

1. **BACKGROUND.** The purpose of community outreach is to increase public awareness of the 11D and Army mission, and to foster good relations with the local community.

2. **PURPOSE.** The purpose of this paper is to provide general legal guidance and advice on the conduct of community outreach programs. Specific legal guidance and advice should be obtained from unit legal advisors or the 11D and Fort Riley Office of the Staff Judge Advocate.

3. REFERENCES.

- a. AR 360-1, The Army Public Affairs Program.
- b. AR 601-2, Army Promotional Recruiting Support Programs.
- c. DoD 5500.07-R, Joint Ethics Regulation.
- d. DoDD 5410.18, Public Affairs Community Relations Policy.
- e. DoDI 5410.19, Public Affairs Community Relations Policy Implementation.
- f. 5 CFR 2635, Standards of Ethical Conduct for Employees of the Executive Branch.

4. BASIC PRINCIPLES.

a. Most community outreach events entail providing support (e.g., Soldiers to march in a parade, a color guard to open a ceremony, a speaker at a luncheon, etc.) to an event sponsored by a non-federal entity (NFE) such as a school, town, or civic organization. IAW the Joint Ethics Regulation (JER), section 3-211, support may be provided to a non-federal entity sponsored event if:

(1) The support does not interfere with the performance of official duties and would in no way detract from readiness;

(2) DoD community relations with the immediate community and/or other legitimate DoD public affairs or military training interests are served by the support;

(3) It is appropriate to associate DoD with the event;

(4) The event is of interest and benefit to the local civilian community, the Army or the 11D, or any other part of DoD;

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(5) The 1ID is able and willing to provide the same support to comparable events that meet these criteria and are sponsored by other similar non-Federal entities (no preferential treatment);

(6) Does not violate federal law or regulations;

(7) Does not charge an additional fee specifically to observe military participation.

b. Endorsement of a non-Federal entity, event, product, service, or enterprise may be neither stated nor implied by DoD or DoD employees in their official capacities and titles, positions, or organization names may not be used to suggest official endorsement or preferential treatment of any non-Federal entity (JER 3-209).

c. DoD employees shall not officially endorse or appear to endorse membership drives or fundraising for any non-Federal entity (exceptions exist such as CFC, AER, and other specific service related organizations) (JER 3-210).

d. Official support must not selectively benefit (or appear to benefit) any person, group, or corporation. Support may be provided to events sponsored by organizations with a narrow membership base (for example, a religious group or minority organization) when it is clear the support primarily benefits the community at large and/or the Army as opposed to benefitting the sponsoring organization. Also, the unit must be willing to provide similar support to similarly situated organizations.

5. **SPECIFIC PROHIBITIONS.** AR 360-1, paragraph 3-2i, states Army personnel may not be used: as ushers, bag handlers, guards (or for crowd control), escorts at beauty pageants or similar events, messengers, attendants for parking lots, or in similar capacities as above during public events conducted off military installations, or in demeaning or inappropriate capacities to support unofficial programs conducted off military installations.

6. **GEOGRAPHICAL LIMITS.** IAW Office of the Chief of Public Affairs (OCPA) guidance, community outreach programs are limited to the local commuting area as defined by the Joint Federal Travel Regulation (JFTR). While the JFTR does not provide a specific mileage range, it states the local area is within TDY limits and is an area in which the commuting public travels during normal business hours on a daily basis. DOD/DA and OCPA guidance states that a unit cannot expend TDY funds to conduct community outreach. Therefore, units must be able to safely travel to, conduct the outreach program, and return to Fort Riley within 12 hours. Specifically, the Chief of Staff of the Army has designated the metropolitan areas of Kansas City, MO/KS; Wichita, KS; and Omaha, NE as communities in which units should engage for community outreach purposes. Units in doubt as to the geographical limits or locations of community outreach activities should seek guidance from their higher commander.

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7. **FINANCIAL LIMITS.** IAW DOD/DA guidance, community outreach can only be conducted at no cost to the US Government. This restriction does not include normal pay and allowances of participating military members or the costs of ground transportation to the event. Participants must be able to travel to and back from Fort Riley in time to avoid TDY costs. Government resources, including personnel, equipment, and property, may be used for approved community outreach events so long as the use creates no additional cost to the DoD and the criteria outlined in this paper are met.

8. **USE OF TMP VEHICLES.** Official community outreach events are official missions. Therefore, the use of TMP vehicles for official community outreach events is authorized in accordance with AR 58-1.

9. **COMMUNITY PARTNERSHIPS.** Partnership status does not grant any special legal authority and the general guidance of this paper and other restrictions (for example, prohibition against accepting gifts, prohibition against appearing in promotional advertisements or posters for a non-federal entity, limitations on fundraising, etc.) remain applicable. Partnerships simply recognize a special, non-binding reciprocal relationship between the NFE and the unit that enhances the interaction between the 1ID/US Army and the local community. Partnerships with public schools and other public entities are permissible. Partnerships with private schools are only permissible if the 1ID is willing to partner with all private schools who are interested (i.e. cannot partner only with Catholic schools). (Note: Activities with local civilian law enforcement organizations have additional legal restrictions that may limit a unit's ability to work with that entity; accordingly it is always best to contact your legal advisor when interaction with civilian law enforcement organizations is contemplated.) Partnerships with businesses are not allowed.

10. **TRADITIONAL VERSUS NON-TRADITIONAL COMMUNITY OUTREACH.** AR 360-1 and other DOD/DA guidance contemplates certain outreach events wherein maximum effort should be made to satisfy public interest in the Army. Events contemplated by this regulation should be referred to as "traditional" and commanders may order Soldiers to participate in such events. These events include, but are not limited to: civilian-sponsored social, civic, and cultural events, parades, ceremonial events, periodic open houses, static displays, JROTC and ROTC events, and speaking invitations at public events. While school partnerships have existed for some time, there is no specific regulatory guidance that governs this program. Accordingly, these should be referred to as "non-traditional." In the absence of guidance and in consideration of the limitations of the JER and other regulations, participation in these non-traditional community outreach activities must be on a voluntary basis. Non-traditional events include, but are not limited to: mentorship programs, reading programs, and labor-related community service (i.e. raking leaves, painting school yard equipment). (Note: Units interested in organizing school mentorship programs should

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avoid setting conditions where Soldiers will be in a one-on-one setting with a child. Since volunteers for non-traditional outreach events like mentorship programs are not screened or vetted as they would be if they volunteered through an organized program such as Big-Brothers Big Sisters or Boys Club of America, this simple precaution protects both the Soldier and the other individual involved.)

11. **INDIVIDUAL VOLUNTEERISM.** IAW AR 360-1, para. 3-2v, and the JER, section 3-300c, commanders may encourage participation in non-traditional community outreach events and individual volunteerism by allowing a reasonable amount of time during the duty day to support these efforts. Therefore, non-traditional community outreach can be conducted during the duty day. Additionally, Soldiers may always volunteer in their personal capacity while they are off-duty and commanders can encourage Soldiers and family members to do so. Subject to DoD travel restrictions (for example, country travel advisories, mileage pass limits), there is no geographical limit to where individuals may volunteer in their personal capacity.

12. **WEAR OF ARMY UNIFORMS.** Since the purpose of community outreach is public relations, traditional events can and should be conducted in uniform. While there is no prohibition against wearing the uniform to non-traditional events, the ultimate decision rests with the commander. Personal capacity volunteer efforts should be conducted in civilian clothes to avoid the appearance of endorsement. Consult AR 670-1 for more guidance on wearing of the Army uniform.

13. **RECRUITING EVENTS.** AR 601-2, paragraph 1-9, states Commanders will conduct public affairs programs supporting promotional recruiting programs. Community relations activities must consider and take maximum advantage of recruiting potential at events for which military participation has been authorized.

Administrative Law Section
1ID and Fort Riley OSJA
239-3829