

TERMS OF REFERENCE

Department of Defense (DoD) Independent Review Relating to Fort Hood

These Terms of Reference (TOR) cover the objectives of the Secretary of Defense-directed a DoD Independent Review relating to Fort Hood (hereafter referred to as "the Review") related to the November 5, 2009 mass shooting at Fort Hood, Texas. The Review will identify and address possible gaps and/or deficiencies in the DoD's programs, processes, and procedures related to identifying Department employees who could potentially pose credible threats to themselves or others; the sufficiency of DoD's force protection programs; and the sufficiency of the DoD's emergency response to mass casualty situations at DoD facilities and the response to care for victims and Families in the aftermath of a mass casualty situation.; and assess the execution and adequacy of Army programs, policies, and procedures as applied to the alleged perpetrator.

The prime objective of this Review is to determine whether there are programs, policies or procedural weaknesses within DoD that create vulnerabilities to the health and safety of our employees and their families.

The TOR includes background information, objectives and scope, methodology, duration and limitations and deliverables.

Background:

The shooting that occurred on November 5, 2009, at the Soldier Readiness Center of Fort Hood Texas, resulted in the deaths of 12 soldiers and one Army civilian. Thirty others with gunshot wounds were hospitalized.

The President has directed a review of intelligence matters related to the Fort Hood shooting, and a military justice investigation is underway. It is critical to maintain the integrity of these investigations. Therefore, this review should not interfere with either of these activities. It is also important to state that nothing herein should be interpreted as expressing any view on the culpability of any individual for the events of November 5, 2009.

Objectives and Scope:

The Review will identify and address possible gaps and deficiencies in the areas reflected below:

- Programs, processes and procedures related to identifying Department employees who could potentially pose credible threats to others. This includes, but is not limited to:
 - Personal reliability programs;
 - Periodic counseling sessions;

- Reporting and handling of Department employees adverse information procedures;
 - Service Member release and discharge policies and procedures;
 - Medical screening programs to determine
 - Initial suitability prior to specialization
 - Follow-on/ongoing screening once an individual has been selected;
 - Pre and post-deployment health assessment programs.
 - Personnel evaluations.
- Sufficiency of DoD's force protection programs.
 - Sufficiency of the DoD's emergency response to mass casualty situations at DoD facilities and the response to care for victims and Families in the aftermath of a mass casualty situation.
 - Assess the execution and adequacy of Army programs, policies, and procedures as applied to the alleged perpetrator.
 - Assess whether Army and other programs, policies, and procedures functioned properly across the alleged perpetrator's career as a military health care provider, to retain and promote him in the Army Medical Corps.
 - Assess whether Army programs, policies, and procedures governing the release or discharge from the Army of personnel determined not to be fully qualified, or to be unsuitable for, continued military service (without regard to whether the individual is subject to a continuing service obligation), functioned appropriately as applied to the alleged perpetrator.
 - Assess the adequacy of Army programs, policies, and procedures for the support and care of health care providers while involved with the provision of health care directly to beneficiaries suffering from Post Traumatic Stress Disorder or other mental and emotional wounds and injuries.
 - Assess whether the care provided by the alleged perpetrator to patients and former patients met accepted standards.

Methodology:

- Review all DoD directives, instructions, and other issuances with potential impact on subject review.

- Conduct interviews as necessary with appropriate senior officials (health affairs, law enforcement and force protection, first responders, intelligence), peer and subordinate groups, witnesses, and other pertinent individuals.
- Formulate recommendations for correcting problems identified and enhancing internal controls to preclude future incidents/mitigate associated risk.

Duration:

The Review will begin on November 20, 2009. A report with findings and recommendations will be provided to the Secretary of Defense by January 15, 2010. At the conclusion of this Review, the Secretary of Defense will task each Service and pertinent DoD agencies to conduct an in-depth follow-on review, based on the findings of the report. Follow-on issues may be identified during the course of the initial review and pursued, subject to approval.

Deliverables:

- The Independent Review Panel will provide a report to the Secretary of Defense by January 15, 2010 that addresses the areas discussed above.
- The Review will provide actionable recommendations to improve current programs, process and procedures, if warranted.

Support:

- The Under Secretary of Defense (Comptroller)/Chief Financial Officer will provide adequate funding for the Review.
- The Acting DA&M, through Washington Headquarters Services, will coordinate for and provide human resources, office/facilities, and other support, as required, to ensure success of this effort.
- The Review will be able to draw upon the full support of the Military Departments and other DoD Components for support, personnel, information (including but not limited to documents and interviews personnel), and analytical and investigative capacity as determined necessary by the Co-Chairs.