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CHAIRMAN OF THE JOINT CHIEFS OF STAFF INSTRUCTION



J-5
DISTRIBUTION: A, B, C, S

CJCSI 5840.01
31 July 2024

CIVILIAN HARM MITIGATION AND RESPONSE

References:

See Enclosure B

1. Purpose. This instruction implements the requirements assigned to the Chairman of the Joint Chiefs of Staff (CJCS) in reference (a).
2. Superseded/Cancellation. None. This is a new instruction.
3. Applicability. This instruction applies to all personnel assigned or attached to the Joint Staff and Combatant Commands (CCMDs) (and their assigned or attached subordinate units), including civilians, contractors, and subcontractors assigned to or accompanying the force.
4. Policy. See reference (a).
5. Definitions. See glossary.
6. Responsibilities. See Enclosure A.
7. Summary of Changes. None. This is a new instruction.
8. Releasability. UNRESTRICTED. This directive is approved for public release; distribution is unlimited on the Non-classified Internet Protocol Router Network (NIPRNET). Department of Defense (DoD) Components (to include the CCMDs), other Federal agencies, and the public may obtain copies of this directive through the Internet from the CJCS Directives Electronic Library at <<http://www.jcs.mil/library>>. Joint Staff activities may also obtain access via the SECRET Internet Protocol Router Network (SIPRNET) directives Electronic Library web sites.

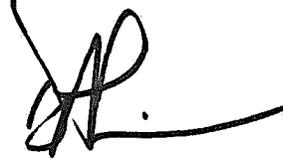
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CJCSI 5840.01
31 July 2024

9. Effective Date. This INSTRUCTION is effective upon signature.

For the Chairman of the Joint Chiefs of Staff:

A handwritten signature in black ink, appearing to be 'D.A. Sims, II', written over a horizontal line.

DOUGLAS A. SIMS, II, LTG, USA
Director, Joint Staff

Enclosures

- A – Responsibilities
- B – References

UNCLASSIFIED

CJCSI 5840.01
31 July 2024

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UNCLASSIFIED

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CJCSI 5840.01
31 July 2024

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UNCLASSIFIED

CJCSI 5840.01
31 July 2024

ENCLOSURE A

RESPONSIBILITIES

1. Office of the Chairman of the Joint Chiefs of Staff

a. The Vice Chairman of the Joint Chiefs of Staff will co-chair the civilian harm mitigation and response (CHMR) Steering Committee to provide executive-level direction, guidance, and oversight of CHMR policy across the joint force.

b. The Special Assistant for Public Affairs, in coordination with Assistant to the Secretary of Defense for Public Affairs, will develop public affairs guidance on CHMR that:

(1) Supports CCMD efforts to acknowledge and respond to civilian harm in accordance with reference (a).

(2) Emphasizes the proactive release of information relating to civilian harm.

(3) Is tailorable to different circumstances.

(4) Demonstrates respect for civilians and civilian communities that are harmed resulting from U.S. military operations or when U.S. military forces are operating with allies and partners (A&P).

c. The Office of the Chairman of the Joint Chiefs of Staff (OCJCS) Legislative Assistant (LA) will, in coordination with Joint Staff Directorate for Strategy, Plans, and Policy, J-5, support the joint force's CHMR congressional reporting requirements and, as necessary, coordinate engagements with Congress on behalf of the CJCS.

d. The OCJCS Legal Counsel (LC) will:

(1) Coordinate with joint force stakeholders on legal issues related to CHMR.

(2) Provide legal support and coordination to Joint Staff J-5 in the development of guidance for uniform policies and procedures on CCMD reporting of information about civilian harm that may have resulted from military operations.

UNCLASSIFIED

CJCSI 5840.01
31 July 2024

(3) Designate primary and alternate personnel to serve as OCJCS/LC representatives to the Joint Staff CHMR Working Group.

2. Joint Staff

a. The Joint Staff Director for Personnel, J-1 will:

(1) Assist Joint Staff Directorate (J-Dir) Military Secretariats in maintaining CHMR manpower requirements in the Fourth Estate Manpower Tracking System under the appropriate program element code.

(2) As appropriate, support the Military Departments in developing and maintaining career tracks and skill identifiers to support CHMR-related training and personnel requirements.

(3) Designate primary and alternate personnel to serve as J-1 Representatives to the Joint Staff CHMR Working Group.

b. The Joint Staff Director for Intelligence, J-2 will:

(1) Incorporate CHMR considerations, practices, lessons learned, and recommendations when developing, updating, and publishing supporting guidance, including the *Joint Guide for Joint Intelligence Preparation of the Operational Environment*, to ensure that the process includes a holistic analysis of the civilian environment.

(2) Develop federated and reach-back support through the Defense Intelligence Enterprise to provide CHMR-related information and expertise to inform joint targeting, analysis, and joint intelligence planning.

(3) In collaboration with the Joint Technical Coordinating Group for Munitions Effectiveness, lead periodic reviews of and improvements to the joint collateral damage estimation (CDE) and collateral damage methodology (CDM). Develop improvements or new features for additional categories of weapons for use in different operational contexts.

(4) As applicable, capture changes to CDE, CDM, and related information resulting from periodic reviews of and improvement to the joint CDM in reference (b).

(5) Designate primary and alternate personnel to serve as J-2 Representatives to the Joint Staff CHMR Working Group.

UNCLASSIFIED

CJCSI 5840.01
31 July 2024

(6) As applicable, in coordination with the Joint Staff Directorate for Force Structure, Resources, and Assessment, J-8, support the prioritization and integration of DoD Component capability requirements within J-Dir purview that support CHMR.

(7) As appropriate, provide intelligence support to CCMDs in CHMR operational and contingency planning.

c. The Joint Staff Director for Operations, J-3 will:

(1) As applicable, support the prioritization and integration of DoD Component capability requirements within J-Dir purview that support CHMR.

(2) Update and maintain the Chairman's Critical Information Requirements Reporting Matrix and reporting procedures in reference (h), to include guidance for operational reporting of civilian harm resulting from U.S. military operations or when U.S. military forces are operating with A&P.

(3) Provide guidance to the National Military Command Center regarding reporting of civilian harm resulting from U.S. military operations or when U.S. military forces are operating with A&P.

(4) Designate and maintain primary and alternate responsible officials to serve as J-Dir CHMR Representatives, responsible for actioning CHMR efforts on behalf of the J-Dir and attending the Joint Staff CHMR Working Group.

d. The Joint Staff Director for Logistics, J-4 will designate primary and alternate personnel to serve as J-4 CHMR representatives to the Joint Staff CHMR Working Group.

e. The DJ-5 will:

(1) Appoint a general or flag officer to coordinate, integrate, and implement CHMR efforts across the joint force.

(2) Appoint a Civilian Harm Mitigation and Response Officer (CHMRO) to lead coordination and integration of CHMR policies within the Joint Staff.

(3) Appoint an A&P CHMRO to facilitate CHMR integration into security cooperation policies, programs, and activities, and operations with A&P and, as applicable, nongovernmental organizations and personnel.

UNCLASSIFIED

CJCSI 5840.01
31 July 2024

(4) In coordination with OCJCS/LA, support the joint force's CHMR congressional reporting requirements and, as necessary, coordinate engagements with Congress on behalf of the CJCS.

(5) Consider CHMR policy, practices, lessons learned, recommendations, and partner information-sharing network capabilities when developing or reviewing plans within the Joint Staff's purview. At a minimum, plans should include:

(a) An assessment of the civilian environment as part of the operational environment (including, e.g., an assessment of potential risks to civilians).

(b) Anticipated impact of operations on the civilian environment.

(6) Incorporate CHMR policy, practices, lessons learned, and recommendations into Joint Staff security cooperation and security assistance activities.

(7) Maintain CJCS directive guidance on CHMR and develop supplemental guidance, as appropriate, to standardize policies, processes, practices, and procedures across the joint force.

(a) Supplemental guidance may also address specific policies and procedures for the receipt and processing of reports of civilian harm, to include integration of the data management platform into reporting processes.

(b) Supplemental guidance should address the roles and functions of civilian harm assessment cells across the joint force, to include minimum standards for conducting civilian harm assessments. This guidance should be developed in coordination with OCJCS/LC, J-2, the Joint Staff Director for Command, Control, Communications, and Computers/Cyber, J-6, and the Office of the Under Secretary of Defense for Policy (OUSD(P)) CHMR Policy Directorate to provide a framework for analyzing information used to develop civilian harm assessments and supporting CHMR investigations.

(8) Coordinate across J-Dirs to leverage existing international mechanisms and processes to incorporate CHMR considerations in multinational operations, including, but not limited to, incorporation in planning and standup documents, information collection and sharing processes that facilitate shared awareness about the civilian environment, and processes for developing a shared assessment of potential civilian harm, as well as responsibilities for responding to civilian harm that may have been caused

UNCLASSIFIED

UNCLASSIFIED

CJCSI 5840.01
31 July 2024

during military operations by a multinational force that includes the United States.

(9) Coordinate with the CHMR Policy Directorate within OUSD(P) on emerging CHMR policy and support ongoing CHMR policy development and facilitate Joint Staff oversight of CHMR policy across the joint force.

f. The DJ-6 will:

(1) As applicable, support the prioritization and integration of DoD Component capability requirements within J-Dir purview that support CHMR.

(2) Designate primary and alternate personnel to serve as J-6 CHMR representatives to the Joint Staff CHMR Working Group.

g. The Joint Staff Director for Joint Force Development, J-7 will:

(1) Consider CHMR as a Chairman's Special Area of Emphasis for joint professional military education.

(2) Incorporate cognitive bias mitigation into education, training, and exercises.

(3) Support the Military Departments and CCMDs in incorporating CHMR learning and training objectives into their joint training and exercises.

(4) In accordance with references (c) and (i), as required, incorporate CHMR best practices, lessons learned, and doctrinal changes when developing and revising existing joint doctrine.

(5) Provide oversight, development, and management of the DoD Terminology Program in accordance with reference (d) for terminology, to include CHMR-related changes and additions to the *DoD Dictionary* and *DoD Terminology Repository*.

(6) Incorporate into exercises within Joint Staff purview:

(a) Scenarios to allow for participants to mitigate and respond to civilian harm.

(b) Exercise objectives to analyze and understand the civilian environment.

UNCLASSIFIED

CJCSI 5840.01
31 July 2024

(7) Incorporate CHMR-informed requirements into force structure analyses, wargames, and assessments of warfighting capabilities.

(8) Support CCMDs and the Civilian Protection Center of Excellence use of the Joint Lessons Learned Information System for the collection, aggregation, maintenance, and analysis of CHMR policies and processes.

(9) In collaboration with the Joint Staff J-2 and the Joint Technical Coordinating Group for Munitions Effectiveness, support periodic munitions reviews to incorporate improvements.

(10) Designate primary and alternate personnel to serve as J-7 CHMR representatives to the Joint Staff CHMR Working Group.

h. The DJ-8 will:

(1) Prioritize and integrate CHMR capability requirements submitted by CCMDs through the Joint Capabilities Integration and Development System process.

(2) Incorporate CHMR requirements into force structure analyses, wargames, and assessments of warfighting capabilities.

(3) Designate primary and alternate personnel to serve as J-8 CHMR representatives to the Joint Staff CHMR Working Group.

3. The Joint Requirements Oversight Council

a. Prioritize and support the integration of DoD Component capability requirements that support CHMR in accordance with applicable policies.

b. Consider civilian harm in assessments of joint military capability areas to identify areas for improving warfighting effectiveness through CHMR.

4. Combatant Commanders (except for Commander, U.S. Transportation Command)

a. Where intelligence oversight and privacy and civil liberties regulations permit, collect relevant data on U.S. military operations on a timeline and in a manner that supports civilian harm assessments and civilian harm investigations. Maintain this data and civilian harm assessments, investigations, and reports in accordance with records management policies and regulations.

UNCLASSIFIED

CJCSI 5840.01
31 July 2024

b. Establish civilian environment teams at the CCMD level to leverage existing analytical production related to the civilian environment, conduct analyses, and create products that provide comprehensive perspectives on the civilian environment, including potential second- and third-order effects in the operational environment during planning and the joint targeting process.

c. As resourced, establish red team capabilities at the CCMD level and, as appropriate, at subordinate operational commands.

d. Develop red teaming policies and procedures for the CCMD and subordinate operational commands appropriate to relevant operational environments.

e. Incorporate CHMR learning and training objectives into CCMD training and exercises.

f. Establish appropriate guidance and processes at the CCMD level and, as appropriate, at subordinate operational commands to mitigate civilian harm while conducting deliberate and dynamic targeting, including:

(1) Target planning and engagement, including positive identification criteria that address sources of identification, and functional characterization.

(2) Establishment, maintenance, appropriate dissemination, and employment of no-strike lists, ensuring that processes that inform nominations of no-strike entities are based on information from intelligence collections, civil affairs reports, other U.S. government departments and agencies, A&P, civil society organizations, non-governmental organizations, and international organizations, including information captured in humanitarian notification systems.

(3) Conduct CDM IAW reference (b) and applicable theater instructions. Include estimations of weapons effects on civilians and civilian objects. Target development for targets reasonably expected to contain chemical, biological, radiological, and nuclear materials, weapons-associated materials, and other industrial hazards should include an analysis of the anticipated effects and be informed by relevant experts (e.g., from the Defense Threat Reduction Agency).

(4) Conduct collateral effects estimates IAW reference (g) and applicable theater instructions. The collateral effects estimation methodology provides an approach designed to account for the unique employment characteristics of cyberspace capability and the nature of effects in and through cyberspace.

UNCLASSIFIED

UNCLASSIFIED

CJCSI 5840.01
31 July 2024

(5) Planning, to understand the impacts of U.S. military operations on the civilian environment, including in the context of how U.S. operations may be impacted by the likely and immediate courses of action from other actors, both friendly and adversary.

(6) Efforts, such as red teaming and intelligence planning, to reduce the likelihood of target misidentification including from cognitive bias.

(7) Information sharing between all elements, nodes, and cells responsible for the joint targeting process.

g. When acting as a supported Combatant Commander (CCDR), assume primary responsibility for mitigating and responding to civilian harm that may have resulted from U.S. military operations or when U.S. military forces are operating with A&P within assigned area of responsibility (AOR). Supported CCDRs will coordinate with supporting CCDRs when civilian harm that may have resulted from U.S. military operations involves supporting CCDR assigned forces that are employed in the supported CCDR's AOR.

UNCLASSIFIED

CJCSI 5840.01
31 July 2024

ENCLOSURE B

REFERENCES

- a. DoD Instruction 3000.17, 21 December 2023, “Civilian Harm Mitigation and Response”
- b. CJCSI 3160.01D, 21 May 2021, “No-Strike and the Collateral Damage Estimation Methodology”
- c. CJCSM 5120.01C, 6 November 2020, “Joint Doctrine Development and Revision Process”
- d. CJCSI 5705.01H, 4 April 2023, “Standardization of Military and Associated Terminology”
- e. CJCSI 5810.01E, 9 August 2023, “Implementation of the DoD Law of War Program”
- f. *Civilian Harm Mitigation Response Action Plan (CHMR-AP)*, 25 August 2022
- g. U.S. Cyber Command Instruction 3609-1, 30 May 2023, “Collateral Effects Estimation Methodology for Cyberspace”
- h. CJCS Manual 3150.05E, 29 August 2022, “Joint Reporting System Situation Monitoring Manual”
- i. CJCSI 5120.02, 31 May 2023, “Joint Doctrine System”

UNCLASSIFIED

CJCSI 5840.01
31 July 2024

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B-2

Enclosure B

UNCLASSIFIED

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CJCSI 5840.01
31 July 2024

GLOSSARY

PART I – ABBREVIATIONS AND ACRONYMS

AOR	area of responsibility
CCDR	Combatant Commander
CCMD	Combatant Command
CDE	collateral damage estimate
CDM	collateral damage methodology
CHAIC	civilian harm assessment and investigation coordinator
CHMR	civilian harm mitigation and response
CHMRO	civilian harm mitigation and response officer
CJCS	Chairman of the Joint Chiefs of Staff
CJCSI	Chairman of the Joint Chiefs of Staff Instruction
DoD	Department of Defense
DoDI	Department of Defense Instruction
JROC	Joint Requirements Oversight Council

UNCLASSIFIED

CJCSI 5840.01
31 July 2024

PART II – DEFINITIONS

civilian environment – The factors within the operational environment that relate to civilians and their communities, including the civilian population and the personnel, organizations, resources, infrastructure, essential services, and systems on which civilian life depends.