

(b)(2)

(b)(2)

(b)(2)

XXXII. (U) Amount of Light Available for Night Observation by Guards
9 June 2006

(b)(2)

2. (FOUO) Findings of fact regarding the illumination inside Alpha Block on the night of 9/10 June 2006 include:

(b)(2)

5. (FOUO) MA3 (b)(3):10 stated that (b)(2)

(b)(2)

6. (FOUO) COL (b)(3):10 stated that "To the best of my recollection, the lights on the South side of Alpha [Block], the side

²⁷⁶ NCIS Exhibit 115 (TAB K4).

²⁷⁷ NCIS Exhibit 115, Enclosure D8, D24, D25, D42, D45 (TAB K4)

²⁷⁸ NCIS Exhibit 115, Enclosure E7, E10, E13, E15 (TAB K4)

²⁷⁹ NCIS (b)(3):10 USC §130b,(b)(6),(b)(7)(C) 6/14/2006 (TAB B5.a).

(b)(2)

7. (FOUO) [redacted]

8. (FOUO) COL. (b)(3):10 USC stated that (b)(2)
(b)(2)

9. (FOUO) MA3 (b)(3):1 stated that it was (b)(2)
(b)(2)

10. (FOUO) The (b)(3) Block NCO, MA1 (b)(3) stated that
(b)(2),(b)(3):10 USC §130b,(b)(6),(b)(7)(C)

(b)(2)

12. (FOUO) MA3 (b)(3):1 said (b)(2)
(b)(2)

13. (FOUO) MA1 (b)(3) stated that (b)(2)
(b)(2)

(b)(2)

(b)(2)

(b)(2)

389	(b)(3):10 USC	17/2006 (TAB D1)
391	§130b,(b)(6),(b)(7	17/2006 (TAB D1)
392	(C)	006 (TAB B5.a)
393		06 (TAB B2.a)
394		006 (TAB B5.a)
395		06 (TAB B2.a)
396		ty of Interview 060821

(b)(2)

11. (FOUO) **Conclusion #1 regarding SOP ¶8-6f:** On 9 June 2006, an unknown member of the Alpha Block guard team falsely reported at 2350 the completion of a random headcount. The report is false because no member of the Alpha Block guard team responded to the directive to conduct a random headcount by walking the tier, examining every cell, and sighting (b)(2) or (b)(2) for every detainee. The violation is insignificant because by the time DOC ordered a random headcount at 2335, the medical examiners' opinion is that the detainees already had been hanging for about an hour or more. Consequently, compliance with SOP ¶8-6f would not have prevented the suicides, and failure to comply could not have facilitated the suicides.

(b)(2)

13. (FOUO) The following SOP violations potentially but not demonstrably contributed to the suicides:

(b)(2)

17. (FOUO) **Conclusion regarding SOP ¶8-6c, 8-8g, and 8-5b:** The suicides of ISNs 093, 588, and 693 could have succeeded even if the Alpha Block guards complied in full with all (b)(2)

According to the expert medical opinion of Dr. (b)(3):10 USC (Tab I-3), the §1306 (b)(6) (b) "typical jail house hanging" achieves fatality within four minutes, and when a person committing suicide deliberately blocks his own airway and suspends himself fully by the neck, death occurs faster. A guard following the SOP needs to see a detainee's (b)(2) and a guard making a circuit up one side of the tier and down the other would be in front of any given cell (b)(2). Even an interval of (b)(2) between observations appears too long to prevent a determined suicide: if a detainee waited for a guard to pass and then openly hanged himself in the front of his cell, the detainee still could achieve death before the guard returned close enough to see into the cell. Except for the nooses, the elaborate preparations of the detainees in advance of their deaths only served to shrink the already small chance that doctors could revive them.

XXXIV. (U) Culpability

1. (FOUO) I consider it likely but impossible to prove that the detainees committed suicide shortly after 2230, during the tier watch of MASN (b)(3):10 USC [REDACTED]
2. (FOUO) MASN (b)(3):10 USC [REDACTED] statement to NCIS includes a number of remarks that suggest he is not being completely forthcoming.³⁹⁰
3. (FOUO) MASN (b)(3):10 [REDACTED] described how while walking the tier between 2230 and 2300, his attention was drawn to cell (b)([REDACTED]
4. (FOUO) MASN (b)(3):10 [REDACTED] also described how he did not investigate further, and did not inspect cells A8 and A5; these cells subsequently proved also to hold detainees who committed suicide.
5. (FOUO) In the course of his NCIS statement, MASN (b)(3):10 [REDACTED] asserted several times a lower level of professionalism for the Alpha Block guard team than other sources indicate. I interpreted these statements as attempts to spread the blame around while obliquely denying he had anything to do with the deaths.
6. (FOUO) MASN (b)(3):1 [REDACTED] also confessed to several lesser offenses against rules and procedures, to include reading a magazine in the guard shack, sending food to the guard shack, and failing to walk his post in a military manner. I interpreted these statements as attempts to distract attention from whether he should have spotted the detainees who committed suicide.
7. (FOUO) MASN (b)(3):10 [REDACTED] appeared deceptive when I interviewed him.
8. (FOUO) According to the medical examiners, it is probable that the detainee in cell A12, ISN 588, committed suicide at least two hours before his body was discovered at about 0035 on 10 June 2006.
9. (FOUO) MASN (b)(3):10 USC [REDACTED] s 2230—2300 stint on the tier represents the latest tier watch consistent with the two hour estimate.
10. (FOUO) MA (b)(3):10 USC [REDACTED] conducted the 2200—2230 tier watch before MASN (b)(3):10 USC [REDACTED] s shift.

³⁹⁰ NCIS (b)(3): 6/14/2006 (TAB B6.a)

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11. (FOUO) The shifts of MASN (b)(3):10 USC §130b (b)(6) (b)(7)(C) are the only shifts consistent with the two hour estimate that also were during the period of (b)(2)

12. (FOUO) I consider it unlikely that the detainees committed suicide before the (b)(2)

13. (FOUO) The three detainees who committed suicide took several precautions against an early discovery, so it would have been consistent for them to wait to (b)(2)

(b)(2)

15. (FOUO) ISN 093 in particular made elaborate arrangements that he could not prudently have done in brighter light.

16. (FOUO) In addition to the guard force, HN (b)(3):1 USC stated he was on Alpha Block for the purpose of delivering medication "during roughly the time frame 2137 to 2149."³⁹¹

17. (FOUO) I consider it unlikely that the detainees committed suicide during the tier watch of MA3 (b)(3):10 USC §130b (b)(6) (b)(7)(C)

18. (FOUO) MA3 (b)(3):1 USC was an experienced no-nonsense brig MA with a reputation for holding detainees to the rules.

19. (FOUO) MA3 (b)(3):1 USC §130b (b)(6) had a history of confrontation with ISN 093, so it is unlikely that MA3 (b)(3):1 USC would ignore ISN 093's cell.³⁹²

20. (FOUO) MA3 (b)(3):1 USC was the guard who first recognized that something was amiss in ISN 093's cell.

21. (FOUO) No evidence suggests that MA3 (b)(3):1 USC was a careless watch stander.

22. (FOUO) I consider it likely that the detainees were waiting for MASN (b)(3):10 USC §130b (b)(6) (b)(7)(C) tier watch, because of the strong likelihood that they had correctly identified him as the least observant member of the Alpha Block guard team.

23. (FOUO) When asked to assess MASN (b)(3):10 USC §130b (b)(6) (b)(7)(C) stated that "I counseled him twice for being late to work. He's not energetic, not enthusiastic, and basically not a good Sailor."³⁹³

391 (b)(3):10 USC §130b (b)(6) (b)(7)(C) 6/16/2006 (TAB F6)
392 (b)(3):10 USC §130b (b)(6) (b)(7)(C) 6/16/2006 reinterview (TAB B5.5)
393 (b)(3):10 USC §130b (b)(6) (b)(7)(C) sent 8/14/2006

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Recommendations

XXXV. (U) Disciplinary Action

1. As noted above, I surmise that the detainees committed suicide during MASN (b)(3):10 2230--2300 tier watch, but I do not believe that this can be proved. Consequently, I cannot recommend disciplinary action against MASN (b)(3):10
2. No disciplinary action appears to be justifiable against guards who failed to see (b)(2) in Alpha Block cells. I conclude this because the SOP authorized no response if guards were uncertain about a sleeping detainee's condition.
3. I am providing information separately to your judge advocate general regarding a possible false official statement.

XXXVI. (U) Commendations

1. Some of the guard force personnel who behaved very well during the emergency period following the discovery of the suicides merit your attention.
2. In the Alpha Block guard team, the following persons deserve your recognition:
 3. MA2 (b)(3):10 USC raised the original alarm once the deception was discovered in cell A8. He retrieved the (b)(2) sheers, entered the cell, and cut down ISN 093, after which he and other guards secured ISN 093 to a backboard and carried him to the clinic at a run. When the guards returned to Alpha Block, the second and third suicides were discovered. MA2 (b)(3) called for assistance, entered cell A5 with other guards, and discovered the body of ISN 693; again he cut down the detainee. In accordance with SOP, MA2 (b)(3) shackled ISN 693's legs and helped secure the detainee to a backboard. Subsequently he walked the tier making detainees remove items from cell walls until ordered outside to take a breather. MA2 (b)(3) stated that "I tried to hold it together and be a leader but the whole ordeal seemed like a nightmare."³⁹⁴ Regardless of his mental state, MA2 (b)(3) kept making sound decisions and taking effective action.
 4. MA3 (b)(3):10 USC was a ubiquitous presence in the emergency. When MA2 (b)(3) raised the alarm she opened the (b)(2) kit, gave (b)(3) the sheers, and brought other essential (b)(2) equipment to cell A8. When the deceptively arranged bedding was discovered, MA3 (b)(3):10 USC opened the empty adjoining cell, A7, and along with MA3 (b)(3):10 USC was able to see that ISN 093 was hanging. She jumped back onto the tier, unlocked A8, and once other guards cut down ISN 093, she helped carry the detainee out onto the tier, where she (b)(2) MA3 (b)(3):10 then was part of the

³⁹⁴ NCIS (b)(3) 6/15/2006 (TAB B3 a)

team that carried ISN 093 to the clinic at a run. She advised the medical personnel that there was (b)(2) that the guards were unable to remove, and then on orders from MA1 (b)(3) ran back to Alpha Block. MA3 (b)(3):10 arrived on the tier just as guards were getting suspicious about cell A12, so she unlocked that cell, and when guards discovered the suspended body of ISN 588, she cut his cord. Once ISN 588 was lowered to the deck, MA3 (b)(3):10 and another MA (b)(2) around ISN 588's head. She went back onto the tier to check on other detainees, and heard the alarm at cell A5. She opened that cell to admit a team of escort guards, and when she couldn't find the shears, she ran to (b)(2) Block for another pair. Upon returning, she found that ISN 693 had been cut down and prepared for transport to the clinic, so she resumed walking the tier, checking on cells, waking up detainees, and ordering them to remove all hanging items from the walls. MA3 (b)(3):10 USC kept her head in the crisis, made sound decisions, and kept turning up at the right place and right time.

5. MA3 (b)(3):10 USC §130b,(b)(6),(b)(7)(C) was walking the Alpha Block tier when he became suspicious of cell A8. In the initial effort to understand what was happening, MA3 (b)(3):10 USC entered the empty adjoining cell (b)(2) along with MA3 (b)(3):10 and was able to see that ISN 093 was hanging. MA3 (b)(3):10 entered A8 with other guards and helped cut down the detainee, and upon seeing that the detainee had a (b)(2) MA3 (b)(3):10 USC tried unsuccessfully to remove the obstruction from the airway. After securing ISN 093 to a backboard, MA3 (b)(3):10 and the other guards carried the detainee to the clinic at a run. After delivering ISN 093, MA3 (b)(3):10 heard a second (b)(2) alarm and so carried a back board from the clinic to Alpha Block, where he helped secure ISN 693 for transportation. MA3 (b)(3):10 did not remember having done so, but he then helped carry ISN 693 to the clinic. Throughout the emergency, MA3 (b)(3):10 kept making sound decisions and kept up the physically demanding work involved in cutting down two detainees, preparing them for transport to the clinic, and then carrying those detainees to the clinic at a run.

6. Other members of the Camp 1 guard team who deserve your recognition include:

7. MASN (b)(3):10 USC §130b,(b)(6),(b)(7)(C) were sent to Alpha Block by the (b)(2) Block NCO after the first (b)(2) was called for ISN 093. When they arrived, the Alpha Block guards were leaving the block with ISN 093. The Sergeant of the Guard was standing outside the block, as was MASN (b)(3):10 USC §130b,(b)(6),(b)(7)(C) went on the tier and began examining detainees and cells. They detected a problem in cell A12 and sent MASN (b)(3):10 USC to look in the window. After MASN (b)(3):10 USC discovered ISN 588 hanging, (b)(3):10 USC §130b,(b)(6),(b)(7)(C) into cell A12, uncovered ISN 588's body, cut him down, and (b)(2) (b)(3):10 and (b)(3):10 USC helped secure ISN 588 to a backboard and helped carry him as far as the sally, where other guards took over as stretcher bearers. (b)(3):10 and

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(b)(3):10 USC returned to Alpha Block, where they ranged up and down the tier ordering detainees to take down all items hanging on cell walls. They remained at this duty until properly relieved. They are especially notable for having made sound decisions and taken decisive action in the absence of senior leadership.

8. (b)(3):10 USC §130b,(b)(6),(b)(7)(C) was a member of the escort team who rode in the ambulance taking ISN 093 to the hospital. He assisted the corpsman administering CPR by holding ISN 093's head and neck in place and compressing the air mask in time with the corpsman's chest compressions. In the course of this task a thick orange blood-like substance spewed out of ISN 093's mouth and over MA3 (b)(3):10 hands. As (b)(3):10 put it, "I pulled back, but the corpsman said to keep going," so (b)(3):10 did, for the remainder of a rough ride to the hospital.

9. (b)(3):10 USC §130b,(b)(6),(b)(7)(C) led other MAs into cell A5, where he uncovered the hanging body of ISN 693. MA (b)(3):10 USC held the body up while another MA cut the cord. (b)(3):10 and others lowered ISN 693 to the ground, shackled him according to SOP, secured him to a backboard, and carried him to the Camp Delta medical clinic. Once in the clinic, MA1 (b)(3):10 heard someone in a different room with ISN 093 call for a combat camera, for which he is qualified, so he volunteered to run the video camera for approximately two minutes until instructed by COL (b)(3):10 to stop videotaping the event. He then directed two junior MAs in collecting and sorting the various materials that had come in with the detainees.

10. MA2 (b)(3):10 USC §130b,(b)(6),(b)(7)(C) was a guard on Sally Port 4. When she heard that a detainee was attempting to hang himself, she yelled an order to another sailor on Sally Port 3 to prepare for the arrival of medical personnel. Acting on orders from MAC (b)(3):10 she ran to the clinic for another backboard, which she brought to cell A5. She assisted in preparing ISN 693 for transportation, and then helped carry him out of the block and to the medical clinic. While running backwards, she held ISN 693's head to prevent its uncontrolled motion. After delivering ISN 693 to the clinic, she returned to her post at Sally Port 4.

11. MA2 (b)(3):10 USC §130b,(b)(6),(b)(7)(C) was on the escort team. She ran from the escort control room to Alpha Block in response to a (b)(2) brevity code, and was one of the first people to enter cell A5. She helped cut ISN 693 down, and once he was on the floor removed the (b)(2). She and other guards secured ISN 693 to a backboard and carried him to the clinic. Inside the clinic, she responded to a call from help in an adjoining room, and began to assist a corpsman conducting CPR on ISN 588. First she stabilized the corpsman, who was balanced on the table with ISN 588, and then held the oxygen mask over the detainee's mouth. After ISN 588 was pronounced dead, MA2 (b)(3):10 drove with two other escort guards to the

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Naval Hospital, but found that ISN 093 was also dead. The guards then returned to Camp Delta.

12. (b)(3):10 USC §1305(b)(6), (b)(7)(C) was a (b)(2) Block guard who was visiting Alpha Block when guards there first were recognizing something was wrong in cell A8. While the guards were assembling outside A8 in preparation to enter, MA3 (b)(3):1 thought to run outside, open the shutter, and check on ISN 093's status. When he saw that ISN 093 was hanging, he shouted to the rest of the guards to enter, and then ran around to rejoin the others. MA3 (b)(3):1 helped secure ISN 093 to a backboard and carry him to the clinic. Upon returning to Alpha Block, MA3 (b)(3):1 found that two more suicides had been discovered; he was one of the first guards to enter cell A5, and he pulled aside the concealing blanket to reveal ISN 693. After helping cut down ISN 693, MA3 (b)(3):1 retrieved restraints for use in accordance with SOP, and then went to cell A12, where he joined the team that carried ISN 588 to the clinic. After that, he returned to his own block and resumed his duties there.

XXXVII. (U) Recommendations Regarding Development of Junior Leaders

1. Develop explicit training for staff NCOs and junior officers to help them resist detainee wheedling, intimidation, or other manipulative behavior designed to persuade camp and JDG leaders to relax standards. It is especially important that the incoming members of the Naval Expeditionary Guard Battalion get a demonstration of firm enforcement during their training period—clearly detainees exploited the turnover last year.
2. Ensure that performance reviews are neither positively nor negatively tied to the frequency of disciplinary actions, detainee complaints, or riots—COL (b)(3):10 alluded to this practice in his statement to NCIS.
3. Redirect the focus of shift supervisors and junior officers who bartered for relative detainee quiescence at the expense of guard credibility. Two junior officers in particular, ENS (b)(3):10 USC §1305(b)(6), (b)(7)(C) are named by an array of sources as failing to back up sailors in the firm enforcement of Camp 1 rules. Guard morale took a beating as a result. Of all the personnel in Camp 1, junior petty officers and seamen represent the greatest proportion of pro-enforcement sentiment, and they expressed strongly positive feelings about their job when they are working for Sergeants of the Guard and Platoon Leaders who back them up. This positive attitude helps them shrug off detainee bad behavior.

XXXVIII. (U) Confirmation of Command Philosophy

1. A surreal pair of Camp 1 Sergeant of the Guard Log entries from 27 April 06 (night) demonstrate something of the extent to which JDG command philosophy and detainee mindset were misaligned in Camp 1 last spring: "If detainees (b)(2) (b)(2) per MAC (b)(3):10 USC §1305(b)(6), (b)(7)(C) (S3)" and "No (b)(2)