



Fay/Jones Report - Closed Items

F/J-018

F/J-019 Detainee Message

(U) RECOMMENDATION/OBSERVATION

- How do we communicate what we were doing to inspire confidence in our soldiers?
- Is the broader message of what happened in the investigations getting out?

(U) CURRENT ASSESSMENT:

- Council needs to address the validity of this recommendation.
- US leadership from the President down (SecDef, CJCS, & Congress) publicly (TV & visits to bases) acknowledge our soldiers contributions and sacrifices.

OPR: OSD(PA)/USD(P)

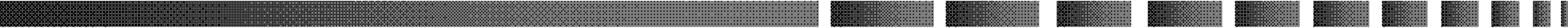
OCR: USD(P)

(U) FIX/ACTION/CHANGE:

Fix: Need to better communicate the changes we have made and the actions taken.

Action: Develop communications plan?

Change:



Schlesinger Panel

14 Findings

S-001 Policy Alignment w/ Geneva

(U) RECOMMENDATION/OBSERVATION

- **Need to further define policy for DoD and other government agencies to align with Geneva Conventions**

~~(U//FOUO)~~ CURRENT ASSESSMENT:

- Report begins with a false premise – that DoD/USG is not in compliance/alignment. DoD in how it fights GWOT is *fully* aligned with GC. To the extent changes in DoDD's needed to be made to reflect GWOT realities - DoDD 2310 now reflects those changes and is in formal staffing with departments/components.
- Schlesinger recommendation essentially asks for DoD to “redefine” policy to adhere to what USG critics assert are our obligations.
- DoD and DoS officials continue to work with the international community on the issues of LOAC and DoD/USG application of it in GWOT.
- Issues of national policy changes are being discussed by the PC and DC committees. ODA has raised the issue with the NSC directly.
- Recommend closure – recommendation is satisfied – DoD policies are GC compliant.

(U) FIX/ACTION/CHANGE:

Fix: Develop DoD Policy or NSPD.

Action: Form team to examine specific policy issues regarding GC and detention operations. Draft DoD Policy, DoDD, and NSPD (along with inter-agency) to address specific issues.

Change: Development of “grand strategy” for detention that is GC compliant and addresses national security objectives.

OPR: USD(P)

OCR: USD(P)

S-002 MI/MP Collaboration

(U) RECOMMENDATION/OBSERVATION:

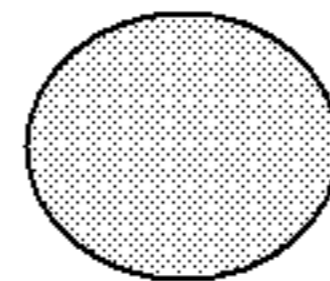
- DOD develop joint doctrine to define appropriate collaboration between MI and MP in a detention facility. Define meaning of guidance with precision.

(U) CURRENT ASSESSMENT:

- Required doctrinal publications currently under revision or development. Challenges center on producing doctrine that complies with evolving policy. Expected earliest completion date for the publications is Fall 05.

OPR: Joint Staff J-7

OCR: Joint Staff J-2 & Army

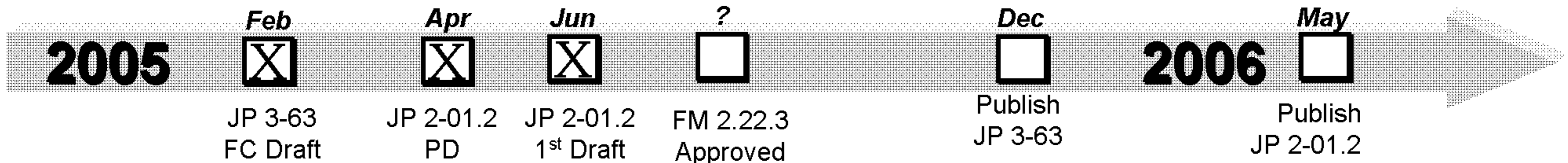


(U) FIX/ACTION/CHANGE:

Fix: Doctrine and Policy review

Action: Clarify doctrine to define the organizational structures, command relationships, and roles and responsibilities of personnel operating internment and interrogation facilities IAW AR 190-8

Change: Policy/Organizations/ Training



S-003 Filling Personnel Requirements

(U) RECOMMENDATION/OBSERVATION

- Need more professional linguists, interrogators, human intelligence, counter-intelligence, corrections police and behavioral scientists

(U) CURRENT ASSESSMENT:

- ODA assisting ASD(HA) in development of hiring program/track for Behavioral scientists.
- Intelligence contracting issues – intel being competitively bid through private sector competing with USG efforts to hire for Army.
- Procurement of personnel being addressed by plans of P&R through services.

OPR: USD (P&R)

OCR: USD(P)

(U) FIX/ACTION/CHANGE:

Fix: Develop action plan to recruit more linguists, intelligence analysts, and other personnel to support detention operations.

Action: Develop action plan for recruiting and retaining people with necessary skill.

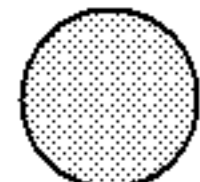
Change: GWOT mission will be better staffed and provide for efficacy in intel and interrogation missions.

S-004 Operational Concept for Detainee Ops

(U) RECOMMENDATION/OBSERVATION:

- JFCOM chair a Joint Service Integrated Process Team to develop new Operational Concept for Detention Operations in the new era of warfare, covering the Global War on Terror.
- Emphasize detention operations during Counter-Insurgency campaigns and Stability Operations where law enforcement has broken down in an occupied or failed state.
- Study idea of a deployable detention facility and implement as appropriate.

(U) CURRENT ASSESSMENT:

 Joint Pub 3-63 (draft) is currently under development. It will not address a deployable detention facility concept. **Recommend closure of this item** – it is not being requested.

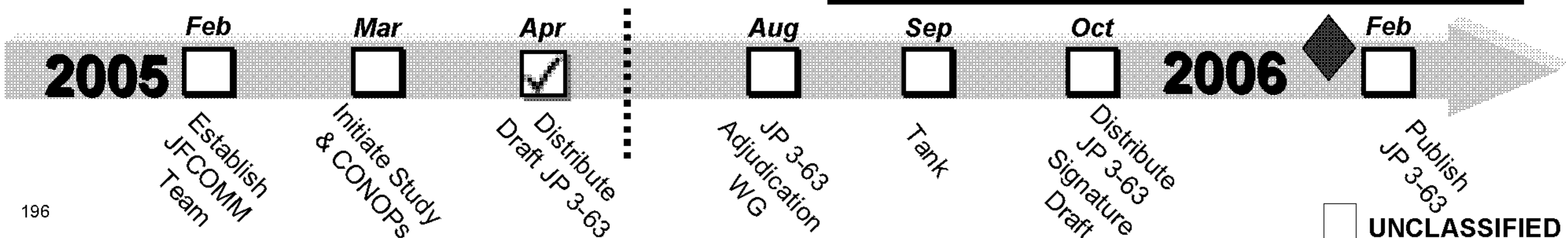
OPR: J-5 / OCR: Joint Staff J-7 & Army

(U) FIX/ACTION/CHANGE:

Fix: (U) Develop detention operations doctrine to provide a template for standardized detention operations worldwide.

Action: (U) Staff Joint Pub 3-63 “Detainee Operations” for CJCS signature and publication. Explore feasibility of deployable detention facilities.

Change: (U) Modern doctrine suitable for the GWOT era will guide detention operations.



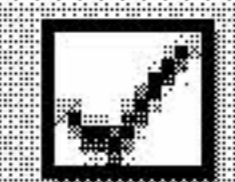
S-005 Force Structure Inadequate for MI and MP



(S) CURRENT ASSESSMENT:

(b)(1),(b)(5)

(b)(1),(b)(5)



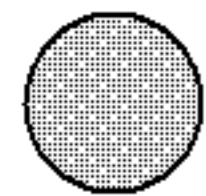
2005

S-006 Interrogation Policy

(U) RECOMMENDATION/OBSERVATION

- Well-documented policy and procedures on approved interrogation techniques

(U) CURRENT ASSESSMENT:



- USD(I) has designated their Policy and Strategy office to develop DoD Interrogation Policy.
- They are currently reviewing all policy for the purposes of identifying gaps and seams. Deadline for such is April 30, 2005.
- USD(I) intends to propose new policy based on this analysis.
- USD(I) is staffing DoDD.

OPR: USD (I)

OCR: USD(P)

(U) FIX/ACTION/CHANGE:

Fix: Issue DOD Interrogation Policy

Action: USD(I) designated their Policy and Strategy office to develop and coordinate DoD Interrogation Policy

Change: USD(I) policy will serve as policy guidance for interrogation – recommendation satisfied in developing “well documented” policy.

S-007 Professional Ethics Training

(U) RECOMMENDATION/OBSERVATION:

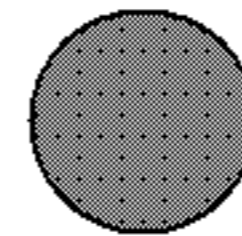
- All personnel who may be engaged in detention operations, from point of capture to final disposition, should participate in a professional ethics program to equip them with a sharp moral compass for guidance in situations often rife with conflicting moral obligations.
- Development of a values-oriented ethics program should be the responsibility of the Services assisted by the JCS.

(U) CURRENT ASSESSMENT:

- All services have established PME courses on Professional Military Ethics targeting Officer and senior NCOs.
- Junior enlisted personnel are trained to abide by Service core values and the Laws of War
- Recommend intention met (blue)

OPR: Joint Staff J-7

OCR: Services, JFCOM



(U) FIX/ACTION/CHANGE:

Fix: Provide ethics training to all military personnel.

Action: Review Service core training programs to ensure ethics are included.

Change: Policy/Training/Leaders.

2005



Obtain training plans from Services



Review Plans to determine adequacy



Update training if required

S-008 DOD/OGA Guidelines

(U) RECOMMENDATION/OBSERVATION

- Clearer guidelines for the interaction of OGA's with the Department of Defense in detention and interrogation operations must be defined

(U) CURRENT ASSESSMENT:

- • USD(I) is reviewing in development of the DoD policy.
- Promulgation of interrogation policy under development. Policy will address relationships of OGA's and DOD directorates and agents.

OPR: USD (I)
OCR: USD(P)

(U) FIX/ACTION/CHANGE:

Fix: Issue DOD Interrogation Policy

Action: USD(I) will promulgate policy that defines relationships between OGA's and DOD agents.

Change: Ambiguity resolved.

S-009 Customary International Law

(U) RECOMMENDATION/OBSERVATION

- USG needs to redefine its approach to customary and treaty international humanitarian law....

(U) CURRENT ASSESSMENT:

- NSC has established a PCC/Working Group on “public diplomacy” to address the “gap” between USG positions on LOAC and international community.
- 2310 Draft recognizes non-traditional combatants and describes treatment.
- NSC/DoD/WH not in favor of “renegotiating” Geneva Conventions or adopting Protocols – seen as adequate.
- Issue is being actively discussed by the DC and PC’s with respect to changing policies.
- Rejected in part – satisfied in part.

(U) FIX/ACTION/CHANGE:

None to date.

OPR: USD (I)
OCR: USD(P)



Schlesinger Panel - Closed Items

S-010 to S-011

S-012 Impartial Rapid Reporting to the Sec Def

(U) RECOMMENDATION/OBSERVATION

- The Secretary of Defense should ensure the effective functioning of rapid reporting channels for communicating bad news to senior Department of Defense leadership

(U) CURRENT ASSESSMENT:

- Proposal to fast-track information to the Secretary was approved 13 Dec 04.
- In addition – detainee affairs provides metric to key officials monthly.
- Routine briefings by ODA/DASD as required/appropriate.

OPR: USD (P&R)

OCR: USD (P)

(U) FIX/ACTION/CHANGE:

Fix: Joint adaptation of procedures such as the Air Force special notification process.

Action: Office to fast-track has been “stood up” – headed by Richard McGraw; still working space and employment/resource issues, but, office is functioning.

Change: No change from last meeting

S-013 Medical Personnel Training to Report/Assess

(U) RECOMMENDATION/OBSERVATION:

- Fay investigation cited medical personnel for failure to report detainee abuse.
- Training should include obligation to report any detainee abuse.
- Panel notes Army IG found shortfalls in training and force structure for field sanitation, preventive medicine and medical treatment for detainees.
- Address need for medical personnel to screen/monitor the health of detention personnel and detainees.

(U) CURRENT ASSESSMENT:

- on 3 Jun 05, ASD for medical affairs issued principles & procedures for protection & treatment of detainees to medical personnel
- Services have incorporated detainee operations into medical training programs
- Quality and professionalism of medical personnel dealing with detainees noted by ASD "Their professionalism, if you could only see it, would make all Americans proud."
- Recommend close (green)

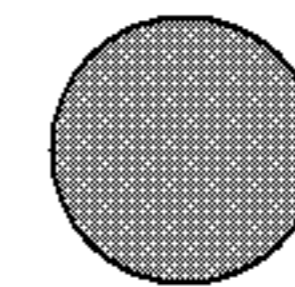
OPR: Joint Staff J-7 OCR: Services, JFCOM

(U) FIX/ACTION/CHANGE:

Fix: Incorporate detainee operation requirements into medical training programs

Action: Review Service medical training programs relating to detainee operation

Change: Policy/Training/Leaders



S-014 Additional Training of Medical Personnel

(U) RECOMMENDATION/OBSERVATION

- Need training for medical personnel on reporting abuse. Medical personnel need to be trained with better field treatment techniques

(U) CURRENT ASSESSMENT:

- Medical ethics policy in final stages of promulgation. Directly addresses reporting violations.
- Currently discussing with ASD(HA) development tracks regarding treatment and non-treatment medical ops. (ODA/USD(I)/OGC/HA)

OPR: USD (HA)
OCR: USD (P)

(x) FIX/ACTION/CHANGE:

Fix: Provide structured training to Medical Personnel on Detainees matters

Action: USD(P) working with ASD(HA) in development of medical training policy.

Change: Detainees are given excellent medical care and doctors have clear methods for carrying out their obligations.



Jacoby Report

32 Findings



Jacoby Report – Closed Items

J-001 to J-002



*Issue Title (Cat II Int.):
J-003 JACOBY REPORT Section VI, Item c, pg 13*

(U) RECOMMENDATION / OBSERVATION:

Additional Level III Counter-intelligence personnel, Category II Interpreters, 35F Clandestine Case Officers, and 97E Interrogators are needed throughout Afghanistan. When these specialties are not available, units tend to try to replace them with the next best thing (for example, an MI officer for a certified interrogator) or simply do without. This prevents the unit from maximizing the benefit that can be obtained from detaining an individual and results in more individuals being detained for longer periods than are necessary to obtain the desired information.

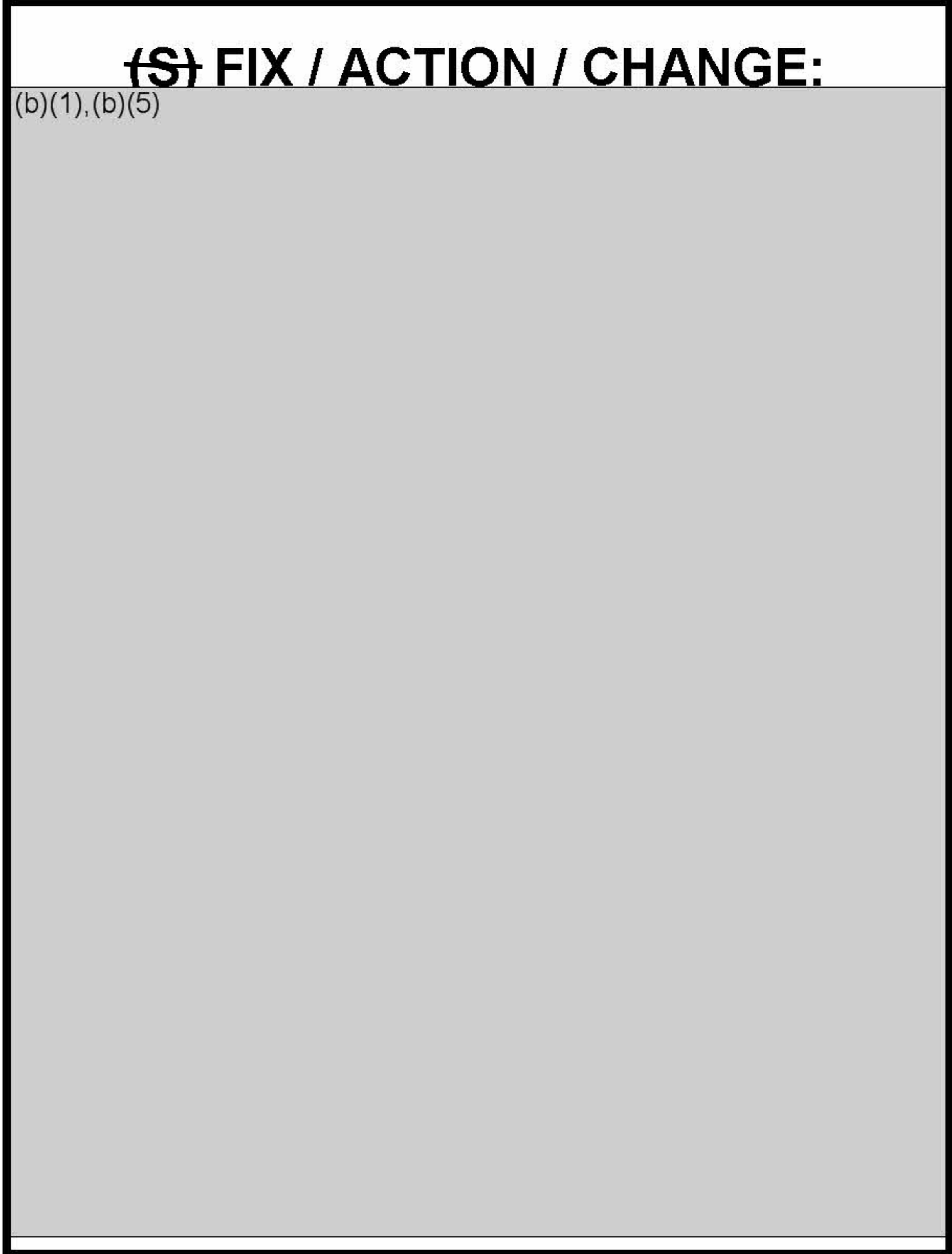
(U) CURRENT ASSESSMENT:

● Working action. Pending fill of 97E for CFC-A.

OPR: CENTCOM
OCR:

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)





Jacoby Report – Closed Items

J-004 to J-005

J-006 / TSP & Doctrine Revisions

(x) RECOMMENDATION/OBSERVATION

- Particularly for units new to theater, cordon and search operations can have a tendency to replace the careful, deliberate development of intelligence. This is the result of a lack of experience and appropriate intelligence gathering assets at the small unit level. Large, unspecific cordon and search operations more often than not result in a large number of local nationals being temporarily displaced from their homes, but a relatively small number of individuals actually being detained. The general lack of pre-operation intelligence also leads to more persons being detained than is necessary, as some units play it safe and detain an individual rather than release an individual who might be hostile. This can clearly have a negative effect on the local populace. Whenever possible, participation and support of Afghan military or police forces and government officials should be sought. Additional detention training, to include profiling training, is required to maximize the effectiveness of cordon and search operations.
- HQDA DODOIP Task: D3, T13, T14

Fix: Improve doctrinal techniques, intelligence analysis and detainee profiling ISO C/S's.

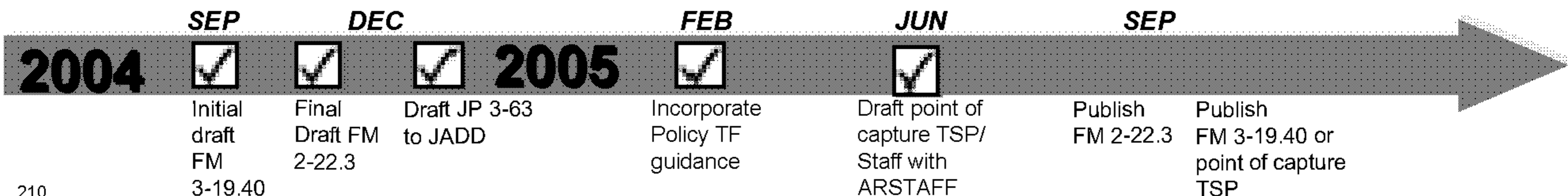
Action: Analyze Lessons Learned (TTPs) & update doctrine for Intel support to C/S operations—specifically intelligence analysis, profiling, and HN coordination. Incorporate doctrine thru specific training requirements.

Change: Improve Training Support Packages to enhance TTPs and Soldier/leader knowledge.

(x) CURRENT ASSESSMENT:

OPR: Army

OCR: J7/CENTCOM



J-007 / Exportable TNG

(x) RECOMMENDATION/OBSERVATION

- Troops in contact (TIC) is an event of high stress and emotion that may result in the detention of individuals. If a TIC results in detention, an opportunity for abuse arises as a result of the stress and emotion. There is a need for additional individual and collective pre-mobilization training that emphasizes doctrine, the 5 S's (search, silence, segregate, safeguard and speed to the rear), and cultural sensitivity. This will allow those who come into initial contact with detainees to respond in accordance with their training vice emotion and stress. Leadership and supervision, in addition to training, are the keys to success in detainee handling at the point of capture.
- HQDA DODOIP Task: T5/5.1/T5.3

(x) FIX/ACTION/CHANGE:

Fix: Pre and Post Mobilization training using standard DO doctrine

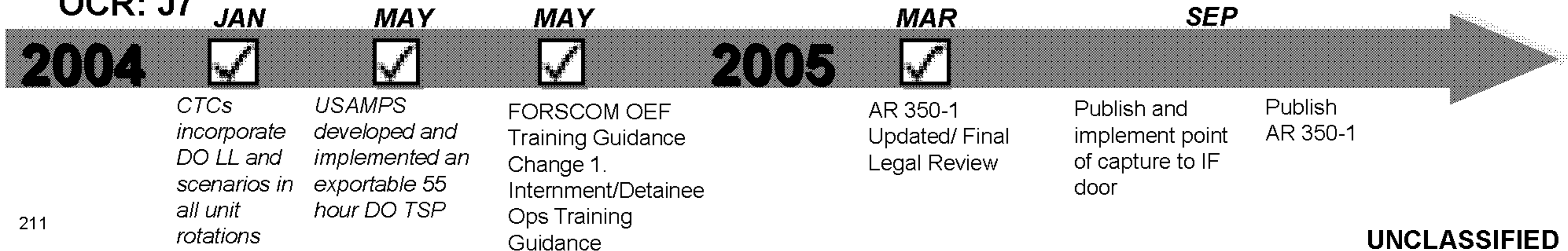
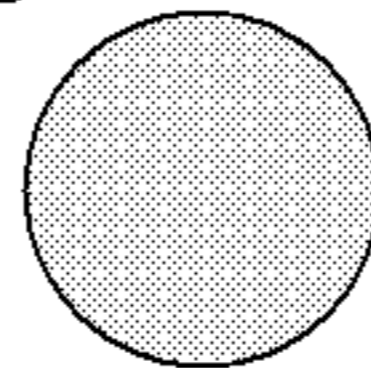
Action: Integrate a standardized detainee operations training package as part of pre-and post mobilization training for all soldiers

Change: Training support packages to pre and post mob stations

(x) CURRENT ASSESSMENT:

OPR: Army

OCR: J7





*Issue Title (Interrogation Training):
J-008 JACOBY REPORT Section VI, Item h, pg 15*

(U) RECOMMENDATION / OBSERVATION:

Improved interrogation training leading to the certification of all interrogators will improve intelligence gathering and dissemination of actionable intelligence as well as improve the detainee screening process. Interrogators need training on Afghan culture, traditions and history to be able to get the most intelligence from detainees. Additionally, combat commanders at all levels need training on interrogation and detainee chain of custody to ensure that unit actions do not interfere with or negatively affect the interrogation of detainees. Recommend that each commander's right seat ride include case studies on the interrogation process and how the capturing unit can best facilitate and positively impact the process.

(b)(5)

OPR: CENTCOM
OCR: DA

~~(S)~~ FIX / ACTION / CHANGE:

(b)(1),(b)(5)

Jacoby -009: Age Determination Methods

(b)(1),(b)(5)

~~(S)~~ FIX/ACTION/CHANGE:

(b)(1),(b)(5)

(U) CURRENT ASSESSMENT:

Familiarization training to units detaining individuals claiming to be youths is best supported by including CENTCOM inputs into Annex A/Global Screening Criteria. The guidelines provide objective data to include dental x-rays and wrist x-rays. Recommend closure.

OPR:J-4

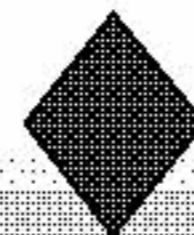
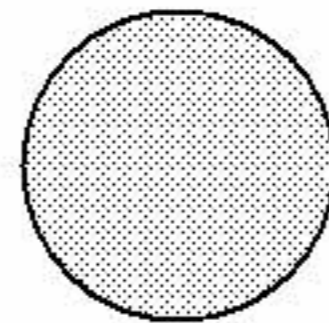
OCR:

2005

Apr
 Annex A
staffed for
comments

May
 OSD-HA
Lead

Policy
Letter





Jacoby Report – Closed Items

J-010