



# 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.
- 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.**

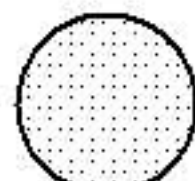
OPR: USD(P)

OCR: USD(P)



**S-002**

**OPR: J-7**

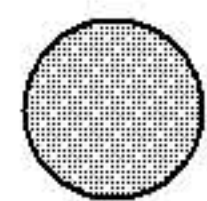
*Status on 27 Jan 05:* 

## *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.**

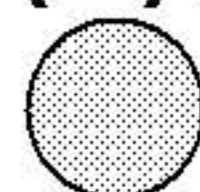


## *S-004 Operational Concept for Detainee Ops*

### **(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. Requesting JFCOM study deployable detention facility concept.

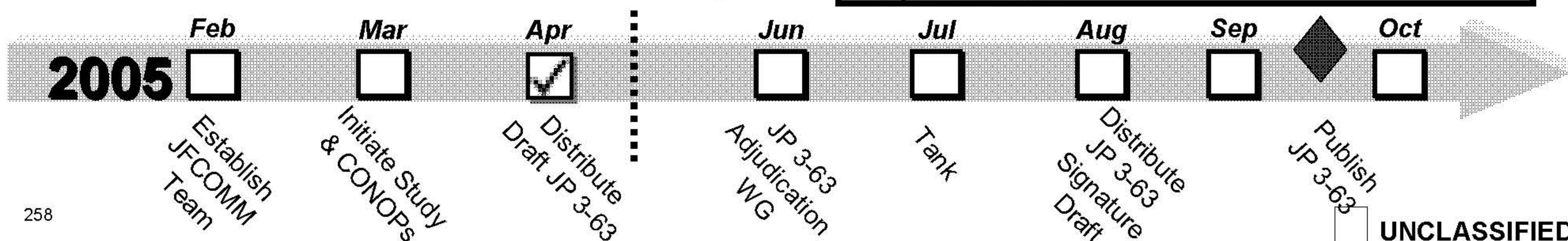
OPR: J-5 / OCR: Joint Staff J-7 & Army

### **(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 (Air Force - MI)***

### **(U) RECOMMENDATION/OBSERVATION**

- There should be an active and reserve component mix of units for both **military intelligence** and military police. Other forces besides the Army are also in need of force structure improvements. Those forces have not been addressed adequately in reports reviewed by the Panel, and we recommend that the secretaries of the Navy and Air Force undertake force structure reviews of their own to improve the performance of their Services in detention operations.

### **(U) CURRENT ASSESSMENT:**

**Air Force:** Not seen by the Air Force as a core competency. Air Force manning /force structures do not exist to meet detainee operations for GWOT. No plan to integrate reserve component members with AC members unless volunteers.

**OPR: J-8**

**(U) Fix:** Ensuring capability to conduct MI missions including detainee operations as GWOT continues, with correct AC/RC mix.

**(U) Action:** Short term pull resources out of planned AEF rotations. Currently 47 intelligence personnel and 28 interrogators who will begin training with the Army this summer to support detainee operations.

**(U) Change:** Short term MI is augmenting USA detainee ops. No change planned on mixing identifying RC augments. No long term change to force structure, AC/RC mix viewed as necessary.



## *S-005 Force Structure inadequate for MI and MP*

### *(Air Force - MP)*

#### **(U) RECOMMENDATION/OBSERVATION**

- There should be an active and reserve component mix of units for both military intelligence and **military police**. Other forces besides the Army are also in need of force structure improvements. Those forces have not been addressed adequately in reports reviewed by the Panel, and we recommend that the secretaries of the Navy and Air Force undertake force structure reviews of their own to improve the performance of their Services in detention operations.

#### **(U) CURRENT ASSESSMENT:**

**Air Force:** Not seen by the Air Force as a core competency. Air Force manning /force structures do not exist to meet detainee operations for GWOT.

**OPR: J-8**

**(U) Fix:** Ensuring capability to conduct MP missions including detainee operations as GWOT continues, with correct AC/RC mix.

**(U) Action:** 381 AC Security Force personnel. Short term adjustments to force structure to meet USA detainee operations shortfalls. Short term pull resources out of planned AEF rotations. Training conducted by Army.

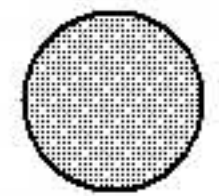
**(U) Change:** Short term USAF MPs to augment USA detainee ops. Service Secretary not reviewing structure as it is not a normal Air Force mission or task.



## *S-005 Force Structure inadequate for MI and MP (Marines - MI)*

### (U) RECOMMENDATION/OBSERVATION

- There should be an active and reserve component mix of units for both **military intelligence** and military police. Other forces besides the Army are also in need of force structure improvements. Those forces have not been addressed adequately in reports reviewed by the Panel, and we recommend that the secretaries of the Navy and Air Force undertake force structure reviews of their own to improve the performance of their Services in detention operations.



### ~~(S)~~ CURRENT ASSESSMENT:

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

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

OPR: J-8



## *S-005 Force Structure inadequate for MI and MP (Marines - MP)*

### (U) RECOMMENDATION/OBSERVATION

- There should be an active and reserve component mix of units for both military intelligence and **military police**. Other forces besides the Army are also in need of force structure improvements. Those forces have not been addressed adequately in reports reviewed by the Panel, and we recommend that the secretaries of the Navy and Air Force undertake force structure reviews of their own to improve the performance of their Services in detention operations.

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

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



## *S-005 Force Structure inadequate for MI and MP (Army - MI)*

### (U) RECOMMENDATION/OBSERVATION

- There should be an active and reserve component mix of units for both **military intelligence** and military police. Other forces besides the Army are also in need of force structure improvements. Those forces have not been addressed adequately in reports reviewed by the Panel, and we recommend that the secretaries of the Navy and Air Force undertake force structure reviews of their own to improve the performance of their Services in detention operations.

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

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



2005 355% increase in AC CI, HUINT detainee ops



# *S-005 Force Structure inadequate for MI and MP (Army - MP)*

**(U) RECOMMENDATION/OBSERVATION**

- There should be an active and reserve component mix of units for both military intelligence and **military police**. Other forces besides the Army are also in need of force structure improvements. Those forces have not been addressed adequately in reports reviewed by the Panel, and we recommend that the secretaries of the Navy and Air Force undertake force structure reviews of their own to improve the performance of their Services in detention operations.

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

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

**OPR: J-8**



2005

I/R RC increase 78-2000  
I/R AC increase 826-1100



2008



## ***S-005 Force Structure inadequate for MI and MP (Navy - MI)***

### **(U) RECOMMENDATION/OBSERVATION**

- There should be an active and reserve component mix of units for both **military intelligence** and military police. Other forces besides the Army are also in need of force structure improvements. Those forces have not been addressed adequately in reports reviewed by the Panel, and we recommend that the secretaries of the Navy and Air Force undertake force structure reviews of their own to improve the performance of their Services in detention operations.

### **(U) CURRENT ASSESSMENT:**

**Navy:** Navy reviewing current Force Structure.  
No SECNAV Review

**OPR: J-8**

**(U) Fix:** Ensuring capability to conduct MI missions including detainee operations as GWOT continues, with correct AC/RC mix.

**(U) Action:** Review currently taking place

**(U) Change:** None, status of review unknown



## *S-005 Force Structure inadequate for MI and MP* *(Navy - MP)*

### **(U) RECOMMENDATION/OBSERVATION**

- There should be an active and reserve component mix of units for both military intelligence and **military police**. Other forces besides the Army are also in need of force structure improvements. Those forces have not been addressed adequately in reports reviewed by the Panel, and we recommend that the secretaries of the Navy and Air Force undertake force structure reviews of their own to improve the performance of their Services in detention operations.

### **(U) CURRENT ASSESSMENT:**

**Navy:** Currently reviewing MI and MP Force Structure. Current Security Officer community is at 60% manning level.

**OPR: J-8**

**(U) Fix:** Ensuring capability to conduct MI missions including detainee operations as GWOT continues, with correct AC/RC mix.

**(U) Action:** Navy growing from inventory of 1,500 AC Master at Arms in FY01 to 10,901 in FY05. Current strength at 9,200.

**(U) Change:** Growth in MA should make Navy more capable in Detainee ops missions.

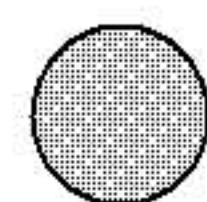


## *S-006 Interrogation Policy*

### **(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.**

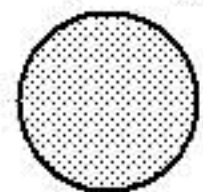


## *S-007 Professional Ethics Training*

### **(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:**



**OPR: Joint Staff J-7**

**OCR: Services, JFCOM**

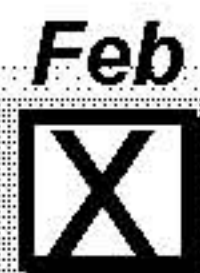
### **(U) FIX/ACTION/CHANGE:**

**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.
- Rejected in part – satisfied in part.

OPR: USD (I)

OCR: USD(P)

### **(U) FIX/ACTION/CHANGE:**

None to date.





# 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:**

- Law of War requires all personnel to report POW/detainee abuse violations
- USA improved quantity and quality of Medical training re: detainee ops

**OPR: Joint Staff J-7**

**OCR: Services, JFCOM**

### **(U) FIX/ACTION/CHANGE:**

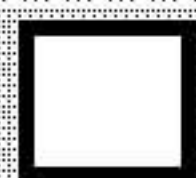
**Fix:** Incorporate detainee operation requirements into medical training programs

**Action:** Review Service medical training programs relating to detainee operation

**Change:** Policy/Training/Leaders

**2005**

*Feb*



Obtain  
training plans  
from Services

*Mar*



Review Plans  
to determine  
adequacy

*Apr*



Update  
training if  
required

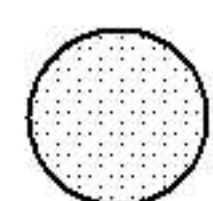


## *S-014 Additional Training of Medical Personnel*

### (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.