

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.

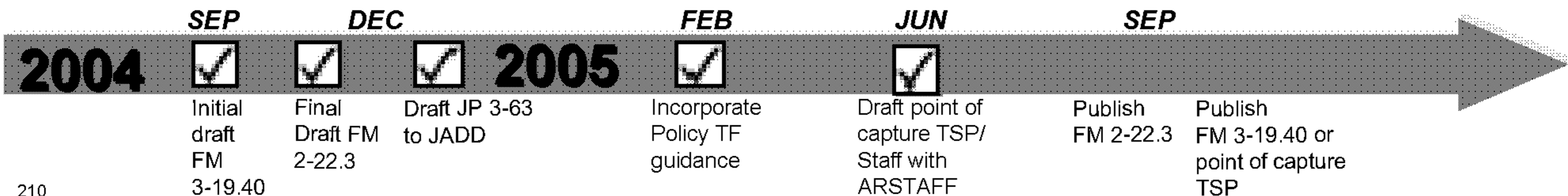
Action: Analyze Lessons Learned (TTPs) & update doctrine for Intel support to C/S operations—specifically intelligence analysis, profiling, and HN coordination. Incorporate doctrine thru specific training requirements.

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

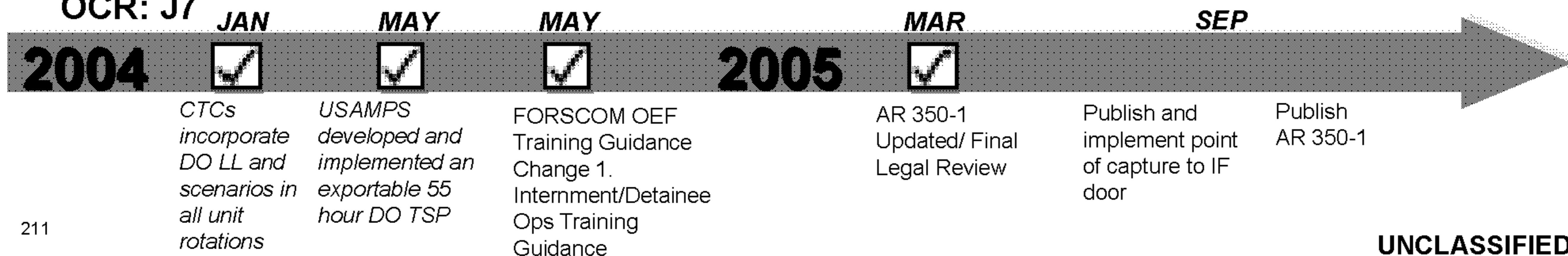
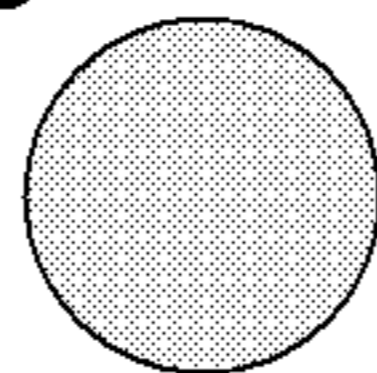
Action: Integrate a standardized detainee operations training package as part of pre-and post mobilization training for all soldiers

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.

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

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

~~(S)~~ CURRENT ASSESSMENT:

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

OPR: CENTCOM
OCR: DA

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

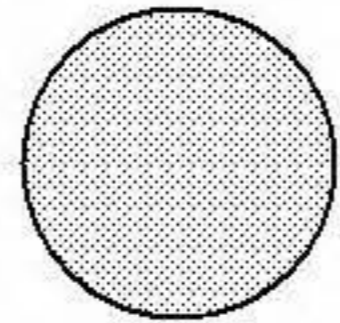
OCR:

2005

Apr
 Annex A
staffed for
comments

May
 OSD-HA
Lead

Policy
Letter





Jacoby Report – Closed Items

J-010



*Issue Title (Improve Communications):
J-011 JACOBY REPORT Section VI, Item k, pg 15*

(U) RECOMMENDATION / OBSERVATION:

Communication capabilities must be improved. Secure network capabilities at each site are critical for the timely transfer of information. Existing communication capabilities do not support the secure electronic transfer of documents or successful dissemination of large amounts of data. This hinders the forwarding of timely, actionable intelligence either forward or to the rear. Real time data transfer will improve the SECDEF criteria analysis conducted at points of capture, thus ensuring only individuals who are likely to meet the criteria are further processed.

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

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

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

OPR: CENTCOM
OCR:

(x) RECOMMENDATION/OBSERVATION

• In addition to the integration of CCTV at the Bagram and Kandahar detention facilities, anti-intrusion devices or a security alarm system would significantly enhance the security posture of existing facilities. Centrally controlled door locks would also greatly enhance the security of the facility

• HQDA DODOIP Task: F1 

(x) CURRENT ASSESSMENT:

OPR: Army

OCR:

(x) FIX/ACTION/CHANGE:

Fix: Facility physical security standards for internment facilities

Action: Develop doctrine to incorporate minimum physical security standards as part of facility design

Change: Publish FMI 3-19.40





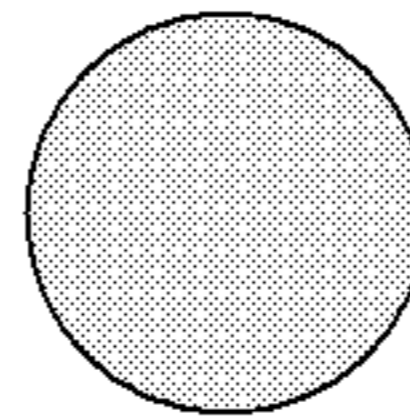
Jacoby Report – Closed Items

J-013 to J-014



J-015

OPR: Policy Working Group





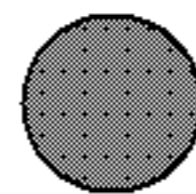
Jacoby Report – Closed Items

J-016 to J-017

J-018 / Detention Facility Minimum Standards**(x) RECOMMENDATION/OBSERVATION**

- The Kandahar detention facility is an outdoor holding area in need of repairs to accommodate its maximum number of detainees. These improvements are already being made and the facility will soon be able to operate at maximum capacity. Additionally, a 78 – person indoor holding area is under construction with a projected completion date of August 04. After a thorough assessment of maximum capacity thresholds; CJTF-7 committed to building another indoor holding facility next to the new indoor 78-person facility. Projected completion date is 1 Sep 2004. Total detention capability after construction will be 178 detainees

- HQDA DODOIP Task: F1

(x) CURRENT ASSESSMENT:

OPR: Army

OCR:

(x) FIX/ACTION/CHANGE:

Fix: Deteriorating infrastructure that impacted on having a clean, safe, and secure working environment for Soldiers and living conditions for detainees

Action: Develop doctrine to incorporate minimum infrastructure standards for adequate facilities to house

Change:

- On-site inspections/assessments
- Publish FMI 3-19.40

2004**2005****SEP**

Publish
FMI 3-19.40



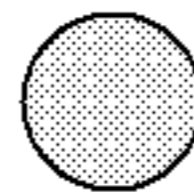
Jacoby Report – Closed Items

J-019 to J-020

J-021 / Detention Facility Minimum Standards**(x) RECOMMENDATION/OBSERVATION**

- As the theater matures, we have an opportunity to create corresponding improvements in our detention facilities and to better provide for the well being of detainees consistent with the principles of Geneva Conventions. Particularly for Low Level Enemy Combatants (LLECs), many of whom have already been detained in the Bagram Collection Point for extensive periods and who have little chance for release in the foreseeable future. Alternative arrangements are worth evaluating. This may be a significant challenge in the short-term given significant detainee population increases. Future construction efforts at Bagram may provide an area separate from other detainee where more space to exercise, take instruction, and even work might be made available. This will better meet the spirit of Geneva without hindering the intelligence gathering function

- HQDA DODOIP Task: F1

(x) CURRENT ASSESSMENT:

OPR: Army

OCR:

(x) FIX/ACTION/CHANGE:

Fix: Deteriorating infrastructure that impacted on having a clean, safe, and secure working environment for Soldiers and living conditions for detainees

Action: Develop doctrine to incorporate minimum infrastructure standards for adequate facilities to house

Change:
On-site inspections/assessments
Publish FMI 3-19.40

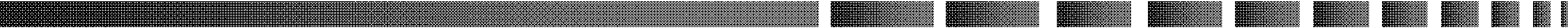
SEP**2004****2005**

Publish
FMI 3-19.40



Jacoby Report – Closed Items

J-022 to J-032



Formica Report

8 Findings



Formica Report – Closed Items

FA-001 to FA-003



FA-004 FORMICA REPORT pg 10; pg 45, VI; pg 60, II; pg 75, IV

(U) RECOMMENDATION / OBSERVATION:

- (S/NF)CJSOTF-AP should publish policy guidance that:
- (U) Clarifies authorized interrogation techniques;
 - (S/NF) Differentiates between tactical question and interrogation
 - (S/NF) Authorizes subordinate Naval Special Warfare Task Unit (NSWTU) and Operational Detachments Alpha (ODAs) to detain as capturing units with the explicit, documented approval of an LTC (O-5) or above and , then only long enough to get detainees to RPC or another suitable Coalition Force (CF) detention facility.
 - (S/NF) Establishes SOP for conduct of detention and interrogation operations and ensures periodic review for compliance with current MNF/MNC-I policies;
 - (S) Ensures all Special Operations Forces (SOF) personnel are trained on the SOP and implementing procedures.

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

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

~~(S)~~ CURRENT ASSESSMENT:

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

OPR: CENTCOM
OCR:



FA-005 FORMICA REPORT pg 55, VI; pg 62, 1,2

(U) RECOMMENDATION / OBSERVATION:

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

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

OPR: CENTCOM

OCR:

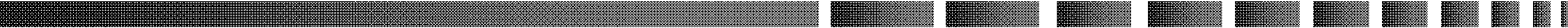
UNCLASSIFIED

JS GHOST DOCS 652



Formica Report – Closed Items

FA-006 to FA-008



Gaps and Seams

17 Findings

GS-001 Law of War Treaties

(U) RECOMMENDATION/OBSERVATION

- Harmonizing policies and treaties with allies

(U) CURRENT ASSESSMENT:

- ODA's assessment is that no policy is in conflict with our international or treaty obligations. All policies that have been issued since the beginning of GWOT were thoroughly examined by the DoDGC, the Justice Department, and the White House Council before issuance.
- International perceptions and analysis of the choices made at the SECDEF and POTUS level have created disagreements where the law is silent or has contradictory guidance.
- NSC has developed PCC on "public diplomacy" to address gaps in understanding about applicability of LOAC to GWOT.

OPR: USD (P)

OCR: USD (P)

(U) FIX/ACTION/CHANGE:

Fix: Review all current policies and regulations w/ regard to allies

Action: ODA is currently revising all DoDD and policies and will assist ARMY in the revisions of AR 190-8 and other documents as requested.

Change: Revision of Detainee Operations Policy as well as issuance of larger "covering" policies will demonstrate how DoD operations satisfy international treaty obligations.



Gaps and Seams – Closed Items

GS-002

GS-003 Coalition Doctrine for Detainee Ops

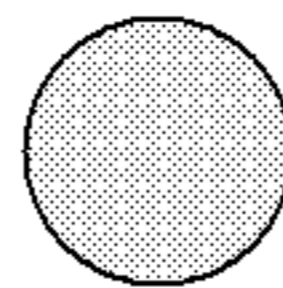
(U) RECOMMENDATION/OBSERVATION:

- Need to develop doctrine for coalition operations

(U) CURRENT ASSESSMENT:

- Allied Joint Pub 2.5 addresses Detainee Ops in the NATO coalition and is often used as a model in other coalitions. A coalition formed quickly for the purpose of executing a specific campaign will not produce doctrine, a long process used for enduring coalitions, but will coordinate and issue orders under the authority of the coalition force commander establishing guidance for coalition activities such as Detainee Ops.

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

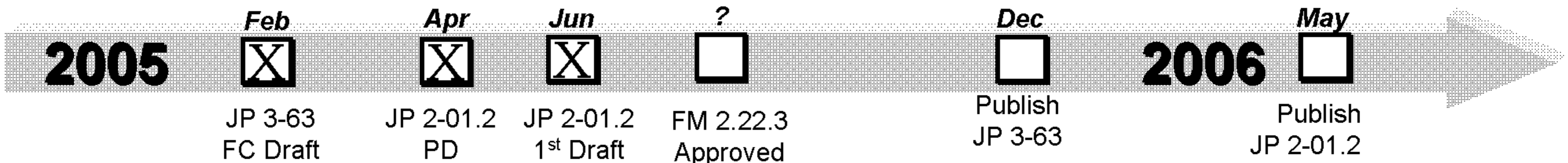


(U) FIX/ACTION/CHANGE:

Fix: Develop means to establish and ensure coalition compliance with US standards

Action: Include specific and detailed detainee ops guidance in theater ROE

Change:





Gaps and Seams – Closed Items

GS-004

GS-005 Service/COCOM Responsibility under Goldwater-Nichols

(U) RECOMMENDATION/OBSERVATION

- Review COCOM responsibility regarding detention operations to include investigation and prosecution of alleged abuses

(U) CURRENT ASSESSMENT:

- In response to SF 1005, proposed Accountability Study Group will evaluate existing processes and procedures and submit proposed solutions to CJCS/SD

OPR: JS-LC & OSD GC

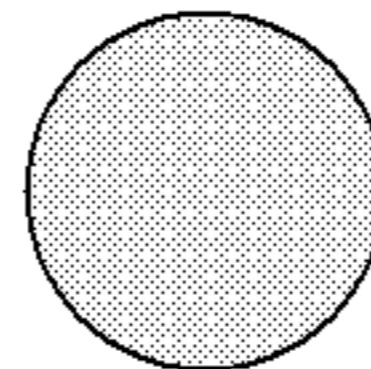
OCR: CENTCOM & SOUTHCOM

(U) FIX/ACTION/CHANGE:

Fix: Accountability Study Group members nominated

Action: Terms of Reference completed

Change: Waiting approval by SD





GS-006

OPR: OSD

