

# NOT ENOUGH EVIDENCE? THAT'S OK, I HAVE ANOTHER WAY."

**Situation:** As the provost marshal in the Republic of Korea, my military police investigators worked diligently to eliminate black market operations in and around our installation. A main suspect of the Black Market Task Force was the manager of the shoppette on post. As they worked to build a solid case against the shoppette manager, suspected black market local nationals, also employed on the installation, threatened one of my investigators' wives. We were able to discern the names of the two men who may have been involved with the threats and brought them in for questioning.

After a lengthy interview, it was clear we were not going to get the information we were looking for. Instead of turning them loose, I contacted the town's Chief of Civilian Police who owed me a favor. I asked him to have his investigators interview the suspects to obtain information; I knew the Koreans use more "effective" interview techniques than I was permitted to use. I handed the suspects over to the civil authorities, even though they had no real jurisdiction for the threats issued on post. Within 48 hours we had the names of the men who made the threats, as well as some much needed black market information. During this same time period we interviewed the shoppette manager and were certain he too was involved in the black market. Unfortunately we could not prove it, so we had to let him go.

In jest, I asked the interpreter working with me during the interview how to get rid of this manager as he was a real pain in the neck. The interpreter offered a solution: handcuff the manager in a public place for all to see. Culturally Korean men cannot lose face, and it is very degrading for a Korean to be placed in handcuffs. Through our continued investigation, we collected more evidence to bring the shoppette manager in for a second round of questioning. I directed my military policemen to apprehend the shoppette manager at the front gate during the morning rush hour. I instructed them to make it as public as possible, to include a wall search, and to place him and hold him in handcuffs for a short period of time before placing him in the patrol car. When he was brought to the station we took his statement and released him. From that point forward, we never saw the two Korean men who issued the threats or the shoppette manager again. The families of my investigators were no longer threatened and the black market operations were held to minimum activity. Did I make the right call in using unethical means to protect my investigators?

## REFLECTION...

I have come to the conclusion that I cannot and should not use illegal means even if it is for the right reason. When I resort to illegal means, I sink to the level that law and order does not necessarily matter and that I am above the law. In addition, what kind of mentorship am I providing for my Soldiers who observed all of the actions? I was acutely aware that I was a hero in their eyes, but is that how our heroes should act? I no longer think so.

The role of the major participants in the scenario: As the provost marshal for the installation, I was responsible for the safety of the personnel who lived and worked on the premises. I took this role very seriously.

Ethical dilemma at the time of the incident: I resorted to illegal means to address a threat to my Soldiers. Ethically, turning the Korean suspects over to civilian authorities to conduct an interrogation using questionable means was wrong. The suspects should have been released and monitored for future illegal acts that we could prove.

Rules/Laws that apply: Uniform Code of Military Justice, Status of Forces Agreement

At what point did you say, "Enough is enough"? As soon as the threat was issued against my investigators and their families, I knew it was time to take any necessary action. Although it was unusual for Koreans to resort to violence, these threats were very real.

Conflict or Tension of the Seven Army Values? How did you resolve those conflicts? My actions were in conflict with the Army Values of integrity and personal courage. I did not do what was right both legally and morally. I faced fear and adversity and did not choose the ethical course of action. I overcame the conflict by focusing on the safety of my investigators and blatantly ignoring established rules.

Consideration of others COAs and the 2nd or 3rd order affects: This really was the only COA possible to deal with the problem. I did not consider the 2nd and 3rd order effects of this COA. Some of those could have been "what would the other investigators do to get the info they needed?"

How did you recognize unethical behavior? How did you process or judge this was an ethical dilemma? I ignored the uneasy feeling in my gut about how seriously Korean nationals view being placed in handcuffs, especially in a public manner. As soon as I recognized my involvement, I knew the outcome would directly impact my life.

How did you get the courage to do the harder right? I did not choose the harder right; I chose the easiest, most effective means to get what I wanted done.