

# THE EASY WAY TO A BETTER DETAINEE PACKET

**Situation:** Halfway through our deployment, Corps headquarters issued a directive requiring units to forward all detainees to the nearest Detainee Internment Facility (DIF) within 24 hours of the time of detainment. Prior to the directive being issued we could hold detainees for 72 hours. If we detained someone we could hold them in our battalion detention facility for questioning. During this time we interrogated the detainee and the Soldiers who detained the individual prepared their own sworn statements detailing the situation. We would then escort the detainee to the DIF and transfer him into that facility's custody. If Iraqi Security Forces (ISF) originally detained an individual they could question and interrogate him for a longer period of time than US forces. When the ISF finished with the interrogation they could transfer them to US custody for us to question. US policy stated that we detained an individual then that detainee must stay in US custody for the duration of his incarceration or until formally released back into society.

Under the new 24-hour time constraint we barely had enough time to fill out sworn statements or conduct any follow-up tactical questioning after the initial interviews. Once we sent detainees to the DIF we rarely received any feedback on the detainee, the packets, or the derived intelligence as a result of interrogations conducted by higher due to a lack of information. This frustrated us and made it difficult for us to gauge our successes. This limited our ability to determine whether or not we needed to shift the focus of our operations. To keep the detainee locked up for an extended period we had to quickly piece together a thorough detainee packet.

We followed procedure but saw little or no success as a result and grew increasingly frustrated with the process. We learned that the DIF increasingly released insurgents back into our sector. On a number of occasions we detained the same individuals multiple times for the same or similar criminal/insurgent activities. I felt powerless with this new policy. I raised my concerns and frustrations through the chain of command and was told it was nonnegotiable at this point. This was just the way we had to do things for now. I risked my men's lives on patrols and operations to get these insurgents off the streets. We continued to encounter a significant Improvised Explosive Device (IED) threat in our area of operation (AO) while civilian murders and kidnappings rose. I was reaching the point where I could no longer swallow the bitter pill of higher headquarters' detainee policy.

One day a fellow company commander came to me with a solution that took a different approach. He would hand off his detainees to the Iraqi Police (IP) who would beat information out of the detainees. After about 48 hours the IPs would then hand the detainees back with any information gathered during the interrogation and his company would then complete the detainee packet. Any intelligence gained by the IPs, including written confessions, was forwarded as part of the detainee packet with the detainee to the DIF within 24 hours. As a result, it appeared, he was having success in his AO and IED attacks on his own patrols had fallen. He recommended to me that I take the same approach. Could this be the big break my company and I were waiting for to turn the situation around in our area of operations?

## REFLECTION...

After reporting this matter to my BN commander, I immediately gathered my company together as best I could while we continued combat operations, and briefed them on what had just occurred. I wanted them to hear the truth from me, and not some embellished or fictional story, about what had been going on and why I had taken the actions I took. More importantly, I wanted to ensure that they understood that type of behavior was unacceptable conduct for an American Soldier. From that day until the end of our deployment we continued to operate as professionals, but my company's success improved. IED attacks declined, and we had no more casualties. I know some of my men probably disagreed with my decision to report the unethical detainee operations. Others in the battalion changed the way they interacted with me. Regardless, I was proud that I had taken the moral high ground in this situation, and not taken the easy way out.

Ethical Dilemma at the time of the Incident: Expediency versus law.

At What Point Did You Say "Enough is Enough?" When And How Did You Take Action? When my fellow company commander told me what he had been doing, I immediately knew that his method contrasted with the ROE and treatment of detainees. After reporting this matter to my BN commander, I immediately gathered my company together as best I could while we continued combat operations, and briefed them on what had just occurred. I wanted to ensure that they understood that type of behavior was unacceptable conduct for an American Soldier.

Conflict or Tension of the 7 Army Values? How Did You Resolve Those Conflicts? I could have easily done nothing and pretended like I had never spoken with the other company commander but I knew in my heart that what he was doing was wrong. His actions did not represent American values and leadership. Leadership, honor, duty, integrity, and respect for me, my men, and the Iraqi people were all factors in my decision.

Consideration of Other COAs and the 2nd and 3rd Order Effects First, I could pretend as if I never heard any of this or had a conversation with my fellow commander, and continue doing things as I had. Second, I could do what my fellow commander was doing, potentially have success in finally cleaning up my AO and protect my men. Third, I could call out my fellow commander on his unethical behavior, report it and him through my chain of command. The third COA would obviously create many problems and ruin my friendship with my fellow commander. An investigation would almost certainly be conducted and the results could bring negative light on all involved, including my BN commander and the unit. When word of this got out, I stood to gain a reputation in the battalion as a snitch and be ostracized, even by my own men. However, I chose COA 3 and reported this matter to my BN commander. He did not like hearing that something like this had been going on, but appreciated me bringing it to his attention. My fellow company commander was investigated, found negligent, and eventually relieved of command with a negative mark on his career.

How Did You Get The Courage To Do the Harder Right? My faith, ideals and principles of right and wrong, and the good leadership examples I have witnessed throughout my life and military career.