

AFZB-IG

15 SEP 03

MEMORANDUM FOR CDR, 101st ABN DIV (AASLT)

SUBJECT: Assessment of Division and Forward Collection Points

1. **PURPOSE.** To evaluate the process of detainee operations in the Division to ensure compliance with appropriate regulations and laws.
2. **SCOPE.** The Inspector General (IG) inspected the Division Central Collection Point (DCCP) as well as all three of the Brigade Combat Teams' Forward Collection Points (FCP). The IG also assessed the process for the tracking, reporting, and disposition of detainees in the Division.
3. **FOCUS.** Special Inspection.
4. **REFERENCES.**
 - a. AR 190-8, *Enemy Prisoner of War, Retained Personnel, Civilian Internees, and Other Detainees*, 1 OCT 97.
 - b. FM 3-19.40, *Military Police Internment/Resettlement Operations*, AUG 2001.
 - c. FM 27-10, *The Law of Land Warfare*, JUL 1956, with Change 1, JUL 1976.
 - d. FM 21-10, *Field Hygiene and Sanitation*, JUN 2000.
 - e. FM 4-25.12, *Unit Field Sanitation Team*, JAN 2002.
 - f. FRAGOs 209, 234, 415, and 519 to CJTF-7 OPORD 03-036.
 - g. FRAGOs 091, 129, 162, 200 to 101st ABN DIV OPORD 20-04 (Eagle Victory).
5. **OBJECTIVE #1.** Determine if handling and treatment of EPWs/detainees is reasonably adequate for up to 21 days of detention (or maximum amount of days the detainees are held in a particular facility). Sub-Objectives:
 - 1.1. Assess medical and sanitation conditions for the collection facilities.
 - 1.2. Assess facilities for sufficient protection from the elements.
 - 1.3. Assess accommodations for religious practices.
 - 1.4. Assess response plans for family inquiries.
 - 1.5. Assess treatment of detainees.

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SUBJECT: Assessment of Division and Forward Collection Points

4. **OBJECTIVE #2.** Determine if protection and security is sufficient for a Division Central Collection Point (DCCP) or Forward Collection Point (FCP) IAW FM 3-19.40. Sub-Objectives:

- 2.1. Assess security measures.
- 2.2. Assess segregation of detainees.
- 2.3. Assess safeguarding of detainees.
- 2.3. Assess training of guard forces.

5. **OBJECTIVE #3.** Determine the efficiency of the accountability, reporting, tracking and disposition of EPW/detainees. Sub-Objectives:

- 3.1. Assess initial processing and reporting of detainees.
- 3.2. Assess decision support criteria for disposition of detainees.

6. **OVERALL ASSESSMENT.** The DCCP and the three FCP's are accomplishing their mission and providing at least the minimum requirements for humanitarian care and treatment in accordance with Army regulations and policies and international treaties and conventions. However, we need more emphasis on medical and sanitation considerations in the collection points, and in some cases we need to reduce the time detainees are held in the collection points. **The detailed findings and recommendations are enclosed.**

7. POC is the undersigned at DNVT (b)(6)-2 & (b)(7)(C)-2

8. Air Assault!

Encl

(b)(7)(C)
MAJ, IG
Inspector General

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Results of IG Assessment of DCCP/FCP Operations

1. PREFACE.

a. FM 3-19.40, Chapter 3, describes Collection Points (CP) as *temporary areas designed to hold captives until they are removed from the battlefield. Forward CPs [FCP] are positioned as far forward as possible to accept captives from maneuver elements. Central CPs [or DCCP] accept captives from forward CP's and local units.*

b. (b)(3) [REDACTED]
(b)(3) [REDACTED]

(b)(3) [REDACTED] During our consultation with SJA experts on the Laws of Land Warfare we determined that [REDACTED]

b(5)-3

The most applicable standard we can find for DCCP/FCP operation is in AR 190-8, where it describes the overarching U.S. policy that, "all persons captured, detained, interned, or otherwise held in U.S. Armed Forces custody during the course of a conflict will be given humanitarian care and treatment from the moment they fall into the hands of U.S. forces until final release or repatriation".

c. With the above standard as our primary reference, we focused our IG assessment with two guiding questions in mind:

(1) What are reasonable standards for humanitarian care and treatment of detainees based on the maximum amount of time we could expect to hold them in a collection point?

(2) What efficiency improvements do we need to minimize detainee processing time in our collection points?

d. We began this assessment with a clear understanding that, as with the life support of our U.S. and coalition forces, there is always an evolution process to establishing detainment facilities. During our inspections we found documentary evidence of significant improvements in the collection point facilities since their inception, and several statements of work and supply requisitions to further improve living conditions. The IG findings and recommendations in this report serve to achieve and sustain reasonable standards within the next 30-90 days, based on our current level of progress.

2. OBJECTIVE #1. Determine if handling and treatment of detainees is reasonably adequate for up to 21 days of detention (or maximum amount of days the detainees are held in a particular facility).

a. Sub-Objective 1.1. Assess medical and sanitation conditions for the collection facilities.

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(1) **Finding.** We need more emphasis on the health and hygiene standards for detainees.

(2) **Standards.**

(a) FM 3-19.40 chapter 3 states that *wounded and sick captives receive medical treatment, and captives who require lifesaving medical attention are evacuated to the nearest medical facility... Prevent captives from incurring disease and nonbattle injuries (DNBI) (heat and cold injuries or communicable disease) while in captivity. Isolate captives who exhibit obvious signs of disease (diarrhea, vomiting, or fever) until medical personnel make an evaluation. If a large number of captives appear ill, notify medical and command channels for immediate action/treatment... The U.S. provides the same medical care for wounded and sick captives as it does for its own forces and allied soldiers. The degree of medical care, not status (such as EPW or CI), determines the disposition of wounded soldiers.*

(b) FM 21-10, chapter 3, states that *the commanders plans for personal hygiene include providing shower/bathing facilities in the field. All personnel must bathe at least once a week and have a clean change of clothing to reduce the health hazard associated with body lice.*

(3) **Results.**

(a) **Medical Screening.** We found the DCCP and all three FCPs the guards and or medical personnel are screening the detainees for obvious illness, disease, or injury during their in processing to the facility. For example, on the day we visited the DCCP the Sergeant of the Guard was aware of four detainees who had potentially serious illnesses (diabetes, asthma, tuberculosis, and heart disease). Medical personnel had screened these four detainees and the guards were administering their prescription medications at the appropriate time and dosage. We did have difficulty determining what, if any, medical screening questions are asked during the initial processing into the facilities, because we found no standard screening checklists or questionnaires at any of the four collection points.

(b) **Field Sanitation.** In some cases, the health and field sanitation standards are not at a level commensurate to our present standards for coalition forces during this phase of the operation. The following are some of the issues relating health and hygiene at the collection points:

- Two facilities that have record of keeping detainees for up to 21 days do not have a means for the detainees to take a shower or wash/change their clothing.
- One facility provides a water spigot for a wash point, but there is no soakage pit or drainage system to absorb the significant amount of standing "gray" water.
- One facility had no hand wash point for detainees to wash their hands after using the latrine and to perform daily personal hygiene.
- None of the facilities offered toothbrush and toothpaste for daily oral hygiene.

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- Other than water sampling, there had been little in terms of Preventive Medicine or Field Sanitation Team inspections on the DCCP following two inspections by the International Committee of the Red Cross (ICRC). (NOTE: The IG requested the DMOC to conduct a preventive medicine inspection of the DCCP, which they completed on 6 SEP).

(c) Clothing. To reduce the risk of health hazards, additional clothing or uniforms for the detainees is a worthy consideration, especially at facilities where they are held for more than a week. Even if detainees are given the soap and water to wash their own clothes, they have nothing to change into during the process. At the DCCP we heard vignettes where previously injured detainees get released from the CSH wearing only the paper, hospital over-garments because their bloodied clothing had to be destroyed. The DCCP does not have any clothing/uniforms or footwear to provide detainees in these circumstances.

(4) Recommendations.

(a) The IG recommends the G3 publish a FRAGO that directs the following for the DCCP and FCP facilities in the Division:

- BSA/DSA Commanders ensure Preventive Medicine Teams conduct health and sanitation surveys of the DCCP/FCPs facilities at least monthly and assist Facility Commanders with resolving any health and sanitation issues.
- The collection points should be equipped to manage the health and hygiene needs of the detainees commensurate with the maximum amount of time they are held captive. Minimum equipment standards for detainment **up to 6 days** include a shelter that provides adequate protection from the elements, a latrine facility, a hand wash point, and appropriate materials for daily personal hygiene (i.e., soap, toothbrush, toothpaste). Minimum equipment standards for detainment of **7 or more days** also include access to a shower facility and access to a wash point for detainees to launder their clothing.

(b) The IG recommends the G4, in coordination with the DPMO, procure detainee uniforms (or suitable clothing items) for issue to the detainees to the numbers required by each of the DCCP/FCP commanders.

b. Sub-Objective 1.2. Assess facilities for sufficient protection from the elements.

(1) **Finding.** Facilities are currently adequate for protection from the elements, however two of the three Brigade FCPs require a winterization plan.

(2) **Standard.** FM 3-19.40, Chapter 3, states that *a FCP is usually a guarded, roped-off area (concertina or razor tape) or a secure fixed facility. The capture rate and the captive categories determine the size of the FCP. If possible use existing structure (vacant schools, apartments, and warehouses) to conserve resources and provide protection for captives. When*

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selecting a location consider the following: security, medical support, food, and potable water, field sanitation (latrine facilities), shelter, cover, and access routes... Like a FCP, a division central CP is seldom located near the indigenous population. Use existing structures, when available, to conserve resources. If structures are unavailable, construct the DCCP from similar material as FCP. However, a DCCP is larger and must contain some type of tentage or shelter to protect captives from the elements.

(3) Results.

a. Sun protection. We found that all four facilities we inspected provide a sufficient amount of protection from the sun. The DCCP and one of the FCPs uses pole barns to provide shade and still allow a breeze. One of the FCPs is within a concrete building and another brigade uses existing bunkers on the airfield to protect the detainees.

b. Space. With the capture rates and average number of days the facilities hold detainees, we determined that all the Division's collection facilities are "about right" in terms of sufficient space for detainees.

c. Winterization Plans. The DCCP has both short and long term plans for winterization. In the short term they have work orders to build walls and windows on the existing pole barn facility so they can install stoves or heaters. The DCCPs long-term plan involves building a concrete, environmentally controlled structure on the opposite side of the airfield designed specifically for holding detainees. The design and contract is approved for groundbreaking to begin SEP 03, with expected completion in NOV 03. With two of the FCPs we could not find current plans for winterization. With the cold weather expected as early as late October to early November, is not too early to begin preparing the facilities for winter weather.

(4) Recommendation. The IG recommends facility commanders for the FCPs develop viable winterization plans and BSA Commanders/Mayors expedite required facility and equipment improvements for completion prior to 1 NOV 04.

c. Sub-Objective 1.3. Assess accommodations for religious practices.

(1) Finding. There were no issues regarding religious practices.

(2) Standard. AR 190-8, Chapter 1, states that *EPW and Retained Personnel (RP) will enjoy latitude in the exercise of their religious practices, including attendance at the service of their faith, on condition that they comply with the disciplinary routine prescribed by the military authorities.*

(3) Results. Sensing sessions conducted with detainees revealed no issues at all four collection points. Detainees are allowed to keep copies of the Koran and other religious materials (within reason). Detainees are allowed to pray at their own discretion. Our interviews

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with a Muslim Chaplain in the Division, who often visits the DCCP, revealed no issues with the detainees and he said they have not requested religious services.

(4) **Recommendations.** Continue the command emphasis in the support of religious practices.

d. Sub-Objective 1.4. Assess plans for response to family member inquiries.

(1) **Finding.** The DCCP and all 3 FCPs have viable plans for responses to family member inquiries.

(2) **Standard.** FRAGO 209 CJTF-7 OPOD 03-036 3.G.1.A states that *units will direct family members of detainees seeking information on detained relatives to the nearest Civil Affairs Operations Center (CMOC), HOC, or HACC.*

(3) **Results.** One brigade does not keep detainees beyond 24 hours in their FCP and, therefore, gets few if any inquiries. One brigade posts a list of detainees and their status each day at the front gate of the camp and at each battalion headquarters. One brigade sends the consolidated status report to their battalions in case of family inquiries. Families who inquire at the DREAR gate or call the Division Hotline are referred to Division CMOC where the Ministry of Justice Office (MOJO) JAG representative responds to the inquiries.

(4) **Recommendations.** Facility Commanders continue with viable and innovative ways, appropriate to their AO, to inform the family members that the detainees are safe and well.

e. Sub-Objective 1.5. Assess treatment of detainees.

(1) **Finding.** The detainees had no major issues with their treatment, however they want food that is more in line with their cultural tastes and want the guards to provide them cigarettes.

(2) **Standards.**

a. AR 190-8, Chapter 1, states that *all persons captured, detained, interned, or otherwise held in U.S. Armed Forces custody during the course of conflict will be given humanitarian care and treatment from the moment they fall into the hands of U.S. forces until final release or repatriation.*

b. FM 3-19.40, Chapter 3, states that *to safeguard captives according to the Geneva Conventions and U.S. policy...provide food and water. These supplies must be commensurate to those for U.S. and allied forces.*

(3) **Results.** During our sensing session with detainees at two of the collections points (two of the FCPs were not holding any detainees during our inspection), the captives all expressed that they had been treated well by the guard forces. They did complain the guards

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would not buy or provide them cigarettes (unless they had some on their person when captured) and they do not like the Meals Ready to Eat (MRE). Unlike internec facilities, collection points are not designed, or intended, to provide canteen items like tobacco products. At this stage of the operation, Facility Commanders should consider offering better quality of food, or food that is better suited the detainees' cultural tastes, such as the Dhabiha Halal Meals (MREs for strict Muslim diet).

(4) **Recommendations.** The IG recommends the DCCP/FCP Commanders provide rations commensurate to those being served to U.S. and allied forces and/or they provide Halal meals in lieu of the regular MRE.

3. OBJECTIVE #2. Determine if protection and security is sufficient for a Division Central Collection Point (DCP) or Forward Collection Point (FCP).

a. Sub-Objective 2.1. Assess security measures.

(1) **Finding.** All collection points have adequate security measures to limit the possibility of escape.

(2) **Standards.** FM 3-19.40, Chapter 2, states that *the [facility] commander establishes security measures that effectively control the housed personnel with minimal use of force... The physical construction of the facility and the presence of guard personnel create the most obvious means of providing internal and external security.*

(3) **Results.** All facilities have adequate barrier material and concertina wire or use existing facilities such as a hardened building or concrete bunkers to secure the facility. 2 of 4 facilities use MPs to secure their detainees and the other two facilities use the MPs in a close advisory role on security measures and training. All sites appear to have the right ratio of guards to the number of detainees. We found no issues with observation and lighting of the facilities. When we asked guards questions to determine their level of proficiency in searches, rules of engagement/use of force, and handling disturbances, they responded with quick, accurate answers. We found that only one of the three FCPs have a written SOP that covers the security and guard force procedures.

(4) **Recommendation.** The IG recommends the DPMO distribute a collection point SOP that covers standard procedures for searching, segregating, and safeguarding detainees that the FCPs can adapt to their own collection point operations. Also recommend Facility Commanders continue to assess and improve security measures as needed.

b. Sub-Objective 2.2. Assess segregation of detainees.

(1) **Finding.** Although there were not enough designated areas for each possible category of captive, there were ad hoc plans at each of the collection points to accommodate further segregation of detainees.

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(2) Standards.

(a) FM 3-19.40, Chapter 3, states that *the OIC/NCOIC designates segregation procedures and levels to ensure the captives security, health and welfare. Segregate captives into the following categories: Officers, NCOs, and enlisted members (male and female); Civilian Internees and refugees; U.S. military prisoners.*

(b) Eagle Victory FRAGO 91, states that *while U.S. forces will apply the same standards of humanitarian treatment for all detainees, U.S. forces may, for operational and security reasons, classify and segregate detainees based upon the following categories...*

(3) **Results.** In all four collections points the ability to segregate detainees is possible. For example, during the visit to the DCCP there were four detainees who were being segregated from the remainder of the population until tests for tuberculosis were complete. One brigade has two completely separate facilities to segregate the detainees accused of violating sovereign law from the detainees suspected of crimes against the coalition provisional authority. During interviews with facility commanders we could not find procedures for segregation of detainees when necessary (i.e. female captives or captives with infectious diseases). However, each of the facility commanders had viable options and resources to further segregate detainees on a case-by-case basis.

(4) **Recommendation.** (Same recommendation as for 2.1 above).

c. Sub-Objective 2.3. Assess the safeguarding of detainees.

(1) **Finding.** There are no issues with safeguarding of detainees at the DCCP and FCPs.

(2) **Standard.** FM 3-19.40, Chapter 3, states *that to safeguard captives according to the Geneva Conventions and the US policy—*

- *Provide first aid and medical treatment for wounded and sick captives. Evacuate them through medical channels, using the assets available to evacuate U.S. and allied forces.*
- *Provide food and water. These supplies must be commensurate to those for U.S. and allied forces.*
- *Provide firm, humane treatment.*
- *Allow captives to use protective equipment in case of hostile fire or NBC threat.*
- *Protect captives from abuse by other captives and local civilians.*
- *Report acts and allegations of inhumane treatment through MP channels.*
- *Do not locate captives near obvious targets (ammunition sites, fuel facilities, and communications equipment.)*

(3) **Results.** At all four facilities, we found there are adequate measures in place to mitigate risks that interfere with the safety of detainees. We found at all the facilities were located either within berms, buildings or bunkers to protect against hostile fire, as well as

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observation and photography from curiosity-seekers. Ample amounts of food and water are available for consumption. We found competent medical staff is treating sick and wounded captives within a reasonable amount of time. None of the collection points are located near obvious targets.

(4) **Recommendation.** (Same recommendation as for 2.1 above).

d. Sub-Objective 2.4. Assess training of guard forces.

(1) **Finding.** Guard forces have received minimal training for handling of detainees but more can be done in terms of sustainment training and training documentation at the brigade FCP sites.

(2) **Standard.** IAW FM 3-19.40, Chapter 2, states that *personnel assigned or attached to I/R facilities are trained on the care and control of housed personnel. They are fully cognizant of the provisions of the Geneva and UN Conventions and the applicable regulations as they apply to the treatment of housed personnel.*

(3) **Results.**

(a) The DCCP and 1 of 3 FCPs are using military police soldiers for their guard force. The remaining two facilities are guarded by FSB soldiers where commanders provide them additional training on the use of force, searches, cultural customs and habits, and rules of engagement and interaction. We could not find the training proficiency documented at the FCP sites, but there was good working knowledge on the part of those we interviewed. A few of the facility leaders expressed a need for more sustainment training to maintain the guards' proficiency.

(b) The DCCP's SOP covers guard force training and the Platoon Sergeant has documented training on the following topics:

- Use of Force
- Rules of Engagement
- Principles and Laws Of Land Warfare.
- Cultural Customs and Habits.
- Basic Local Language (Basic Commands),
- Minimum Use of Force
- Unarmed Self-Defense Techniques
- Non-Lethal Weapons/Equipment
- Riot Control
- First Aid
- Individual Weapons Training/Qualification
- Display Understanding of The SOP.
- General Orders (FM 22-6)

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(4) **Recommendation.** The IG recommends that the DPMO distribute examples of collection point SOPs and guard force training programs to each of the Brigades' FCPs. Also recommend Facility Commanders create training records for each of the guards and document their training proficiency (i.e. T, P, U assessments).

4. OBJECTIVE #3. Determine the efficiency of the accountability, reporting, and tracking and of detainees.

a. Sub-Objective 3.1. Assess intake procedures and reporting of detainees.

(1) **Finding.** Initial processing of detainees is being accomplished IAW appropriate doctrine found in FM 3-19.40 and appropriate FRAGO's.

(2) Standards.

(a) FM 3-19.40 Chapter 3, states that *when a captive arrives at a collection point, he is processed by the STRESS method. The basic principles are search, tag, report, evacuate, segregate, and safeguard.*

(b) 101st FRAGO 129, to OPOD 20-04, states that *capturing units must complete CPA Forces Apprehension Forms before transferring custody of detainees to any other unit or to a detention facility... DA 2823 (sworn statements) may still be a part of this form as enclosures if statements are necessary... Except for murder, rape, kidnapping, carjacking, robbery, arson, assault, burglary, larceny or destruction of property with a value in excess of \$500, or conspiracy, solicitation or acting as an accomplice to one of these offenses, individuals without completed CPA Forces Apprehension Forms will not be processed into the detention facilities. In those cases in which the detention facility accepts detainees without a completed CPA Forces Apprehension Form, the capturing unit must submit a completed CPA Forces Apprehension Form within 24 hours after acceptance.*

(c) 101st FRAGO 200, to OPOD 20-04 states that *all BCTs are responsible to properly fill out and transfer the CPA apprehension form with detained persons. Each BCT is additionally responsible for the initial screening of detained personnel upon arrival at their brigade collection points.*

(3) **Results.** Though we found no written standardized checklists for intake of captives at any of the facilities, we found every facility is processing the detainees using the forms specified in CJTF and Division FRAGO's and appropriate doctrine. Below are the results of by the processing principle of STRESS.

(a) **Search.** All facilities search the detainees upon arrival and have the ability for same gender searches when necessary. We found good knowledge on the part of the guard force on what items can be retained, impounded, or confiscated. The MI interrogators are making the determinations on which confiscated items have intelligence value and process these items for

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further exploitation. Though we only inspected the procedures for property accountability at the DCCP, we found no issues. The captives keep copies of the receipts for all impounded items taken from them.

(b) Tag. All the facilities are checking to ensure the capture tags (DD 2745) for detainees and captured equipment are filled out properly during in processing. Because the capture tag cards wear easily, the DCCP also issues a plastic, zip-lock bracelet to the detainees with their capture tag number inscribed on it.

(c) Report. Each facility NCOIC verifies the information contained in the CPA Apprehension Form as well as the DA Form 2823 (Sworn Statement) for accuracy and completion.

- Upon receipt of detainees at the DCCP, the Sergeant of the Guard (SOG) notifies both the DPMO and the CI Team (co-located with the DCCP). After in processing, the SOG prepares a detainee file with all the appropriate forms and sends it to the DPMO. The DPMO adds the information to the Division's detainee database for tracking and reporting to the MI and G2 channels. Meanwhile, the CI Team to begin the interrogation process and creates the intelligence Screening Report (SR) file. During the interrogation process they will sometimes send up SPOT reports to the HOC in the form of CI Intelligence Reports (CIR) and Intelligence Information Reports (IIR). Once the SR is complete the CI Team sends the report to the HUMINT Operations Center (HOC) at 311th MI where it is further analyzed, entered into a database, and reported to the G2X at the D-Main to review recommendations. The G2 posts their database information to the website on Eagle Web to share with the staff and brigades, and recommends to DPMO to either release, evacuate to Corps, or keep on "Intel Hold" status.
- At the brigade-level FCPs, we found their processes for reporting and tracking are very similar to the Division's. When detainees are captured because they are security risk or suspected of plotting attacks against the coalition, the MI company interrogators send their screening reports to the Brigade S2 who recommends to the BCT Commander (or in one unit's case, the BDE S3) to release, evacuate to the DCCP, or keep on "Intel Hold". We found that only 2 of the 3 BCT's send reports of their detainees to Division PMO and G2, however the DPMO is actively working to get the remaining BCT to report their detainee status because it has recently become a Division Commander requirement for the DPMO to brief it in the Battle Update Briefs.

(d) Evacuation. See Sub-Objective 3.2 for related findings on evacuation.

(e) Segregation. See Sub-Objective 2.2.

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(f) Safeguard. See Sub-Objective 2.3.

(4) **Recommendation.** The IG recommends the DPMO, in coordination with G2, SJA and DIV SURGEON, develop standardized intake procedures for collection points and distribute checklists to the DCCP/FCP to include as an annex to their SOP.

c. Sub-Objective 3.2. Assess decision support criteria for processing of detainees.

(1) **Finding.** Without a formal review process during the early days of captivity, detainees may be spending unnecessary time in captivity.

(2) **Standard.** FM 3-19.40, Chapter 2, states, *move captives from the combat zone as quickly as possible. The intent is to move them from the division CPs to an I/R facility. The goal is for higher echelons to go forward to lower echelons and evacuate captives to the rear... Captives should not remain at the central CP more than 24 hours before being evacuated to the Corps Holding Area (CHA).*

(3) **Results.** Because of the time it takes to vet detainees and arrange logistical movements to the CJTF-7 Internment Facility in Baghdad, the 24 hour standard in FM 3-19.40 is not realistic in many cases. However, when we looked at cases where detainees are held in a FCP/DCCP for more than 72 hours, we found that most of their time spent in captivity has less to do with vetting, evidence gathering, or arranging transportation as it does with the time it takes to make a decision on where to send the detainees. Eagle Victory FRAGO 91 states, "Initial detention we be automatically terminated at 21 days, unless a review is conducted by military magistrate or competent legal authority as designated by V Corps or Division Staff Judge Advocate." Because 21 days is the first target for review of probable cause for continued detainment, the current system lacks stimulus to process detainees sooner.

a. To analyze the efficiency of the process, on 4 SEP 03 we pulled the captured tag numbers from seven of the detainees located in the FCCP who had been detained in the facility since 26 AUG (10 days). During our interviews with the counter-intelligence (CI) staff at the DCCP, we examined the intelligence screening reports (SR) on these same seven captives and found the following:

- [REDACTED] was detained for association to Baath Party. Remarks on SR state, "Detainee does not appear to be of further intel value". The last entry on the SR was 29 AUG 03 (6 days). CI does not plan to conduct further interrogations.
- [REDACTED] was detained for possible connection to FRL. He is a university professor and his father was a former ambassador. Remarks on the SR state, "Detainee is of no further intel value." Date of last entry on the SR was 29 AUG 03 (6 days).
- [REDACTED] was detained for intelligence on an attack against coalition forces. Date of last entry on the SR report was 29 AUG 03 (6 days). Remarks on the SR state, "Detainee of no further intel value at this time."

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13

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b(6)-4

- [REDACTED] were relatives of a member on the Division Black List. The remarks on the SR recommended "further exploitation of intelligence". The last entry for all three SRs was on 30 AUG 03 (5 days), but when we talked to the CI team or the HOC, it was not clear as to who would conduct the further exploitation and when.

b(6)-4

- [REDACTED] was detained for association to Baath Party. The date of last modification to the SR was 30 AUG 03 (5 days). The remarks on the SR state, "Detainee may be of intel value at the brigade level."

b. During our interviews with the DPMO, HOC, and G2X we could not find consistent explanations on how the above detainees will be processed and when. There appears to be no standard procedure for how intelligence recommendations become decisions and how quickly these decisions should happen.

c. The chart below (FIG. 1) is an excerpt from the DPMO's SOP on the detainee process for the Division. One FCP and the DCCP have records of detainees for up to 21 days. When we examined the detainee process at brigade and division levels, it is very difficult to find a good reason for a detainee to be held captive in a collection facility for that long. The intelligence officers and NCOs we interviewed told us that more often than not, they know within the first 24-48 hours if a detainee should get released or sent to CJTF-7. The JAG experts

[REDACTED]

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d. There is a "Draft" FRAGO published by CJTF-7 for staffing among the MSCs that states, "All civilian internees shall have a review of their detention NLT 72 hours from apprehension by the servicing Judge Advocate/Legal Officer of the detaining unit... Security internees may be held longer than 72 hours for intelligence gathering purposes, however the unit shall complete a review of the grounds for detention within 72 hours of apprehension." If published, this provision would improve the efficiency of the process and ensure we do not keep detainees in our facilities longer than necessary.

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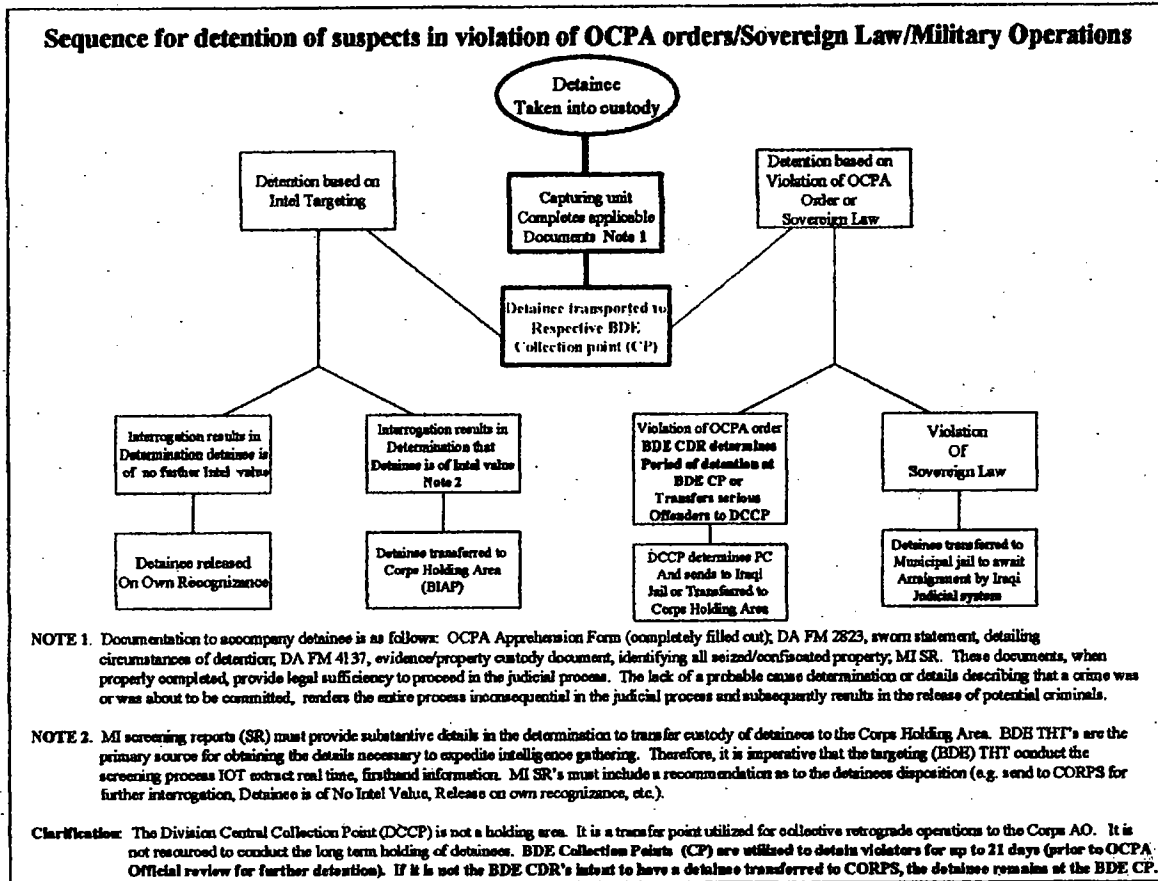


FIGURE 1. Excerpt from 101st DCCP SOP

(4) **Recommendation.** The IG recommends the Division incorporate a process where detainees have a review of their detention NLT 72 hours from apprehension as follows.

a. Recommend the review officials for the detainees in the DCCP include representatives from DPMO, G2, and SJA. The review officials for detainees in the FCP should include the Brigade S2 and SJA.

b. Recommend the review officials determine one the following decisions: 1) release on own recognizance; 2) transfer to CJTF-7 Holding Area; 3) transfer to municipal jail for arraignment by Iraqi judicial system; 4) hold for another 72 hours in the collection point for further intelligence exploitation.

c. Recommend the approval authority for the above decisions be one of the Assistant Division Commanders for the DCCP detainees, and the BCT Commander for the FCPs.

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