



Company Command

Building Combat-Ready Teams



To: Company Commanders
From: Company Commanders

Considerations on Releasing a Detainee

If we command land-owning units in Iraq or Afghanistan, it is likely that a detainee will be released into our area of operations over the course of a deployment. Sometimes our unit will have detained the individual; sometimes a different unit will have. Some people in our AO will undoubtedly be thrilled that the person is being released; others may be terrified. Although we at the

company level may not have the authority to determine who is released, we do have the ability to shape the conditions around a detainee's release in our AO. By being proactive, we can increase the likelihood that the detainee's release will support our mission. Listen in as some experienced commanders discuss their considerations on releasing a detainee.

Lucas Yoho

A/1-27 IN (SBCT)

Detainee release is often an emotional time for local-national leaders and the family of the detainee. Some community leaders are eager to receive detainees back into the community; others are not. Regardless of the temperament of the community leadership, I always release the detainee to the local authorities and allow them to execute the release to family members. Here are some of the things I do.

- I determine what village or area the detainee is from. Just because he was detained in my AO does not mean that he lives there or has family there. I take his biological data and picture from his packet before the release and use that information to track down his family through community leadership. I also try to get a consensus of whether or not he should be released. Once I determine that he is from the area and that the community leadership is willing to ac-

cept him back into the community, I coordinate the release with the local police or other local authority.

- I instruct the local authorities on how to properly release the detainee back to the family. I encourage the local leader to take credit for the release and to provide a stern warning to the newly released detainee about his expectations. I make them take pictures and take down contact information. I usually have the local government leaders present as well, to build credibility with the population.

- I determine where the detainee will be living and who will be responsible for him. I usually hold a *nahia* member or other local official accountable. I have the company IST



CPT Lucas Yoho greets Sheik Abid at Joint Security Station Al Awad in 2008. CPT Yoho says that the relationships between the company commander and community leaders are crucial to the unit's acceptance into the community and ultimately to its success. Sheik Abid was a prominent supporter of Iraqi and Coalition forces. He was assassinated this year.

talk to the detainee to build a relationship for future source operations. This is crucial because the detainees will most likely have contact with nefarious individuals upon their release. We will often make them come back in and “check in” with us as well. We have ended up rearresting several detainees because they did not learn their lesson the first time. The local leadership quickly gave up locations when we advised them that the person they were vouching for was executing attacks.

- I usually do not get involved with the actual ceremony. I always want there to be a “local face” on the release ceremony.

- If the local leadership is not enthusiastic about a detainee’s release, I usually defuse the issue by letting them know that the detainee will be watched and that the local authorities will also be watching this detainee.

- If no one knows this detainee and the command is insisting that he be released into my AO, I will have the detainee call his family after his arrival and then work backwards to ensure local leadership is involved. This may take some time, but it ensures I have a link to the detainee.

- I usually have someone take pictures of the ceremony and then publish the story in the local paper or use it to produce handbills, etc.

Update: As we were leaving, all Coalition DHAs were being shut down and everything was strictly Iraqi run. Obviously there were still some detainees that needed to be re-

leased through us, but for the most part, it was an Iraqi operation. The same principles applied to an Iraqi operation. I don’t think ISF were keeping very good track of where particularly dangerous detainees were being released, nor were they interested in getting community leader support. They did not want to integrate IO/PSYOP into their releases. There was usually a big rift between community leaders and the ISF, and I was usually in the middle, trying to bring the two groups together. It is all about “teach, coach and mentor” with the ISF at this point. When it’s all said and done, though, their “OK” way of doing things was better than our “great” way of doing things.

Brian Sweigart

A & HHC/1-27 IN (SBCT)

The possible implications of a detainee’s release are numerous and endless, depending on the individual being released. That being said, the most important factor to me was always whether or not he will upset security in the area through direct or indirect means.

Upsetting security by direct means, of course, is if he takes up arms again or goes back to leading/funding/recruiting for a local cell. By *indirect means*, I refer to whether or not the detainee is controversial among different groups in the area. By the individual being released, one group may feel that justice is not being served or that improper favor is being afforded to one tribe over another. Controversy of this nature could easily disrupt security even more than a detainee who simply goes back to planting IEDs.

To mitigate this as much as possible, there are two to three groups that you need to influence and engage ahead of time—local tribal sheiks, local security forces (NP/ISF) and Sol (if you have them). We typically had the detainee-release list a month before the individual would be freed. We would review the packet to see what the detainee was into, and then we would go engage the different power brokers listed above. While engaging the sheiks, we would identify the detainee’s specific tribal sheik and ask the sheik if he would vouch for/guarantee the detainee. If the sheik agreed to vouch for the detainee, he would sign a pact to keep the detainee out of trouble.

If no one would guarantee or vouch for an individual and we still had to release him, then we would release him through the local police station to ensure that the local IP chief had visibility on this “person of interest” moving back into the village/area.

On release day, all prisoners would be reenrolled into BAT and HIIDE to ensure that we had them in our local database with current pictures and data. We also would have the

CPT Brian Sweigart discusses improvements made to a compact water treatment unit in the East Anbar Province, northwest of Baghdad. U.S. soldiers repaired and rebuilt the unit after a terrorist attack left more than 10,000 residents without potable drinking water.



SGT Brad Willeford/U.S. Army

CPT Pete Exline reunites with his wife, Jessica, after a 15-month deployment to Iraq, during which he led detainee operations at Camp Bucca. CPT Exline's unit made "every effort—including top-notch medical and dental care—to make the detainees better off than when they came in."

sheiks and security forces at the release ceremony to let everyone see what was going on.

Pete Exline
66th FSC, 3-13 FA

This is a very interesting discussion for me, as my unit is doing "in-lieu-of" MP/detainee operations at Camp Bucca, Iraq. While I cannot add much to the discussion on how to handle things "outside the wire," I can give some insight on what we are doing "inside the wire" to prepare detainees for release—and maybe get feedback from those outside on what they'd like to see done.

We have multiple programs that are COIN efforts aimed at furthering a detainee's education (65 percent of the adults arrive here illiterate) or teaching him a trade skill like carpentry or agriculture. The education programs are widely available and well attended; the skill programs are smaller in scope. But we make every effort (including top-notch medical and dental care) to make the detainees better off than when they came in. We're trying to give them a productive alternative—to make an honest living and have the ability to read and form their own opinions and participate in their country. We are trying to set conditions for those of you on the outside to have the best chance of success reintegrating these folks, but our system is not perfect.

Also, detainees at Camp Bucca are allowed "visitation" from family members. Their families are reimbursed to travel here, and they bring news (quite often good news) about what is going on in your AOs. They also bring rumors and bad news with them as well. These bits of news spread like wildfire through the camp, often regardless of veracity. One of the biggest rumors of late has been that "detainees who are released are immediately rearrested by the Iraqi government or have to pay off bribes to truly be set free." While I know this is generally not true (the GoI approves the releases well in advance), this is the mind-set your detainee will likely arrive at your AO with, despite our assurances.

The techniques outlined by Lucas seem to be an excellent approach. I especially like how he strives to get Iraqi ownership of the situation and to put an Iraqi "face" on the actual release. This builds legitimacy for the detainee and the process. The media products are great, too—local Iraqi DVs mentioned their effectiveness to me very recently and asked for more materials written by the detainees still here!



They want their citizens to see that not all of these detainees are cold-blooded murderers.

That being said, some of the detainees are very dangerous, and despite our best efforts to vet them, inevitably some will slip through the cracks. Keeping track of their reintegration and contacts is a very good idea.

Michael Kuhn
HHD/19th MP BN & 66th MP CO

Working at Task Force 134, the Detainee Operations headquarters for Iraq, gave me a unique perspective on detention in a COIN environment. During my year there, we had to plan for the release of some detainees in accordance with the expiration of UNSCR 1790 and the implementation of the new security agreement, while continuing to hold others in anticipation of prosecution by the government of Iraq. Detainee operations in Iraq are estimated to have touched upwards of 2 million Iraqis, based on numbers that show almost 90,000 Iraqis have been detained at some level since the beginning of the war. When taken in this context, it is easier to see the impact that detainee operations, from point of capture to release, can have on the population and our mission as a whole.

The release of detainees back into an AO presents a unique problem set for local commanders. Even if security gains have been made and support for the host-nation government has increased, the failure to reintegrate a former detainee could potentially destabilize an area. On the other hand, recidivism rates in Iraq were less than 1 percent in 2008–09, contrary to the perception held by some of a direct correlation with increased violence. The employment of basic COIN principles can help mitigate the security risk and could actually increase support for counterinsurgents through the building of trust. Guarantor programs and local initiatives for employment can go a long way to-

Company Command Glossary

AO—area of operations.

BAT/HIIDE—biometrics automated toolset/handheld inter-agency identity detection equipment.

BCT—brigade combat team.

COIN—counterinsurgency.

DHA—detainee holding area.

DV—distinguished visitor.

GoI—government of Iraq.

IED—improvised explosive device.

Intel—intelligence.

IO/PSYOP—information operations/psychological operations.

IP—Iraqi police.

ISF—Iraqi security forces.

IST—intelligence support team.

METT-TC—mission, enemy, terrain and weather, troops and support available, time available, civil considerations.

MP—military police.

NP—national police.

S-2/S-3/XO—intelligence officer/operations officer/executive officer.

SoI—Sons of Iraq.

TSE—tactical site exploitation.

UNSCR 1790—U.N. Security Council Resolution that authorized Coalition forces to conduct full spectrum operations; it expired at the close of 2008.

wards that goal. Many commanders have found that a dignified release of a detainee in concert with local leaders and security forces goes a long way towards establishing that trust and improving on existing security and discourages former detainees from rejoining the insurgency.

Dan Morgan & Becky Browell

HHC/3-502 IN & HHC/BSTB/4-101 ABN DIV

We know that this point of discussion focuses on the release of a detainee. In counterinsurgency environments, however, each operation is a smaller counterinsurgency in and of itself—and detainee operations are no exception.

You can talk smack about COIN (money, development,

etc.) all you want, but the bottom line is that we have to get the bad dudes off the streets; it's essential to separating the enemy from the population. Capture, however, is only as effective as your detention process. If that process is good, it pays huge dividends in understanding the enemy and even the population, for it is through the detention process that other Soldiers (intel, MP, etc.) are able to wage a counterinsurgency in the prison camp. So it behooves us to get the "detain-or-release" decision right.

At the company level, we control only two aspects of detention: the actual detaining of the individual on an objective, and then his reception and release back into the area after the mandatory time in detention. We control nothing in between. What commanders can do for the in-between portion is ensure that our battalion's intel gurus provide us the information from the tactical questioning and interrogation so we'll have a better understanding of whom we detained upon his release. This enables us to further target the hard-line enemy and his leadership/facilitators and better reintegrate former detainees back into society and use them to further separate the enemy from the people.

Regarding what a commander can control about detention, another important aspect is conducting the best tactical site exploitation that METT-TC allows. We realize that this conversation is about what to do when detainees are released, but the better the "evidence" is against an individual, the more likely it is that the right people will remain detained. During the actual detention process, we must utilize and exploit the technology and capabilities available, whether or not we like them. BAT/HIIDE and gather all the biometric data that you can on the detainee. Al-



MAJ Dan Morgan, shown here on a helicopter reconnaissance of the Korengal Pass, argues that it is "critically important that we treat our detainees humanely and with dignity, despite the stress we feel."

CPT Becky Browell, here flying in a C-130 aircraft, believes that an effective detention process, which requires both home-station and in-country training, "pays huge dividends in understanding the enemy and even the population."

though late in its integration into the war, the database is being built and leading to the right decisions. The odds are that the individual detained knows that if he says nothing for a few days, he will be released. So if you do not set conditions up front with the detention and TSE, then he will just rotate through the process as if in a revolving door, even if he is an actual enemy.

Our Soldiers have to be intimately familiar with what meets detention criteria in whatever theater we're deployed, as well as what the local judicial system considers evidence in that country. Ask your lawyers and battalion S-2/S-3/XO. Demand it from them. If they do not know, go to the battalion commander for resolution. Things like sworn statements from "noninfidels" and photos of contraband items make all the difference in the world.

It's also critically important that we treat our detainees humanely and with dignity, despite the stress we feel. Yes, it's difficult sometimes. But if we fail, it only comes back to haunt us on the battlefield through negative media reports, violations of our principles by our own Soldiers and leaders, and more of the enemy outside our combat outposts. On the other hand, treating detainees with respect helps to separate the "hard-line" enemy from the "reconcilable" in the prison camp, thus promoting the counterinsurgency in the prison camp and ultimately benefiting commanders outside the wire upon the detainees' release.

Despite our 12-month deployments (a relatively short time period in the indigenous cultures), we must look toward achieving effects that will be felt two to three years after our deployments end. Very often, we will not see the true benefits of our detainee-related efforts during our deployment. It takes time. We have had a few instances in which the biometric effort up front paid off for us, when an individual was detained and released but then later recaptured through site exploitation where his biometrics popped hot. We were able to go through the tribal leader to have the individual recaptured. We have also had success in Afghanistan (and Iraq) with handing over some local nationals to the tribal leader. This brought shame to the family and tribe and allowed us to isolate them from any development until they demonstrated better resolve to support not only us, but also the local government and security forces.

What do we recommend to successfully execute detainee operations? First, train the detention process (and the patience and discipline it requires) at home station and reinforce the detention process, ethics and human dignity every 30 days during the deployment. Second, remember history. Future leaders emerge from conflict just as our revolutionary (or insurgent) leaders did against the British Crown in the 1700s. Third, fight like hell to get your battalion and BCT on board with the process and consider a reconciliation team at



the battalion level to help in the identification of so-called reconcilables. Our goal should be unity of effort. Fourth, relentlessly pull information from Higher on every individual you detained and sent higher. The detained will come back to us, and our mission and Soldiers will depend not only on the counterinsurgency in our AOs, but also on the counterinsurgency in the prison camp by other Coalition forces.

We thank Mike Kuhn for starting this important conversation in the CC forum. To engage in this conversation and others like it—all focused on becoming more effective commanders and leading more effective units—get involved at <http://CC.army.mil>.

