

- G3 OPS EOC Org Account

all (b)(6) z

From: [REDACTED] MAJ 3/2 Infantry Brigade Provost
Sent: Friday, March 05, 2004 10:10 PM
To: [REDACTED] LTC 3/2 Infantry Brigade XO
Subject: FW: Questions on Detainees

Sir,
This is what I was trying to say about the jail, but didn't want to bring out all the details.

MAJ [REDACTED]
MP Planner, 3/2 SBCT
521 [REDACTED]
[REDACTED]@sbct1.army.smil.mil

-----Original Message-----

From: [REDACTED] MAJ 503 MP
Sent: Saturday, March 06, 2004 7:42 AM
To: [REDACTED] 1LT 503 MP LNO; [REDACTED] MAJ 3/2 Infantry Brigade Provost; [REDACTED] CPT 503 MP
Cc: [REDACTED] LTC (MNB-N) Provost Marshal; [REDACTED] MAJ 503 MP
Subject: RE: Questions on Detainees

ALL,
I typing for MAJ [REDACTED] The Trans Jail is full, the station cells are also full and the judicial system is not effeciently processing people through. For example, a person will linger in jail for months upon months without going go jail - ie. theft. The individual will sit in jail for 6 months for a small theft before the trial, then they will go to MRCF for one month to serve their sentence. The individual gets no credit for time already served. The judges have moved out of the Trans Jail and judges in the pecincts discourage the use of the Trans Jail, preferring 33 jail concept over 1 (Trans Jail). The judicial system is BROKEN, there is NO Centralized records with a centralized court docket being produced - it's helter skelter. Heck the judges won't even authorize the police to investigate a crime without their permission.

If a military prisoner has deemed to have committed a crime and he is turned over to the IPs -- the IPs will have to conduct an investigation. Sounds Easy but the police have to get permission to investigate this person, again sounds easy except the judges will throw out the case because the police did not have permission to detain the person from the start. Prisoner is released. Paperwork to accompany him would be the charge and any criminal statements.

Thanks,
MAJ [REDACTED]
MAJ [REDACTED]

[REDACTED]
MAJ, MP
XO, 503d MP BN (Abn)
DSN: 302-[REDACTED]

*Tribal Logic,
"When I am weak - how can I compromise?
When I am strong - why should I compromise!"*

-----Original Message-----

From: [REDACTED] 1LT 503 MP LNO
Sent: Friday, March 05, 2004 9:15 PM
To: [REDACTED] MAJ 3/2 Infantry Brigade Provost; [REDACTED] CPT 503 MP
Cc: [REDACTED] (MNB-N) Provost Marshal; [REDACTED] MAJ (MNB-N) 503 MP XO1
Subject: RE: Questions on Detainees

Ma'am,
If we hand over a detainee to the IZPD it should be because they have also broken an Iraqi law. This violation should be written in the detaining units DA Form 2823. The packet should be broken down to bare facts of the crime

committed. There is no reason to give more intel than that. If we don't provide solid findings of a crime being committed, then we leave the police no choice but to release the detainee. Also, the first two courts should recognize the DA 2823 however, we have been fighting this for awhile. When the criminal pushes the case to the highest court, they will only honor witnesses that are present, which would require US forces appearing. The need for our attendance has been sketchy as well. A few times in the past, we have been notified when the soldiers on the ground need to go to court, but it again is a fight. If the case goes before the highest court with only a DA 2823, the judge may dismiss the case for lack of evidence. This is a problem that we faced as the 101st left. So, YES, we need to provide some sort of paperwork to the police. NO, we shouldn't give them the entire packet with our intel in it.

ATW!

[REDACTED]
[REDACTED]
1LT(P), MP
503d MP BN (ABN) LNO

"someone said something interesting once"

-----Original Message-----

From: [REDACTED] MAJ 3/2 Infantry Brigade Provost
Sent: Friday, March 05, 2004 4:18 PM
To: [REDACTED] CPT 503 MP
Cc: [REDACTED] 1LT 503 MP LNO; [REDACTED] LTC (MNB-N) Provost Marshal; [REDACTED] MAJ (MNB-N) 503 MP XO1
Subject: Questions on Detainees

We had a command and staff meeting today and I discussed detainee processing. There were a few questions that came up:

When we turn detainees over to the Iraqi Police, what happens to their packets (whether the police keep them or not)? Do we turn them over to the police? If we do, what about the classification of the documents? Their packets are secret and may have info we don't want to provide to the police. This was a good point that I hadn't considered in the past.

Also, it's my understanding that if we pick an Iraqi up and don't intend on turning him over to cage, we turn him into 1W or a local police station. COL [REDACTED] wants us to turn them over to the transportation jail. I can see some problems with that, but not sure what your policy has been - can you help?

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