

Supporting the Restoration of Civil Authority: The Business of Prisons

**A Monograph
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Abstract

Supporting the Restoration of Civil Authority: The Business of Prisons, by Colonel Mark S. Inch, United States Army, 59 pages.

A key requirement of military forces following major hostilities is to reestablish security. Lasting security can only be achieved with the restoration of civil authority, the reestablishment of the rule of law, and the institutions that uphold the rule of law. The three primary institutions that uphold the rule of law are the police, judiciary, and penal system. The author answers the question as to whether the Department of Defense (DoD) should develop the capability to not only conduct detention operations more proficiently, but also reestablish or improve a host nation's penal system as part of the broader restoration of civil authority?

To restore a failed or failing penal system, the intervening force needs corrections (i.e., prison) specialists, managers, and engineers to deploy in a timely manner and who will expand prison capacity, conduct cadre recruitment and training, provide system oversight and safeguards to ensure adherence to international standards of confinement and corrections (i.e., monitoring and mentoring), and ensure the timely transition to the host nation government. Though such experts exist, they are not easily identified, recruited, and deployed to assume control from the intervening military force. The most recent performance of the United Nations in Afghanistan and the U.S. civilian agencies in Iraq demonstrated that even with the full effort of the U.S. Government, there is still a deployment gap between the introduction of U.S. military forces and follow on civilian agencies.

Though military leaders and planners may feel that they get “stuck” with rebuilding a host nation's law enforcement and penal systems, doctrine recognizes the requirement, and the deployment gap with civilian police and prison advisors establishes the default need. It is up to the military to decide whether it will ignore the requirement, attempt to merely mitigate the requirement, or focus concerted effort on the penal system as an integral part of rebuilding the institutions that uphold the rule of law, that serve to restore civil authority. Unfortunately, the current DoD corrections force structure is not structured to deploy in support of the restoration of civil authority, nor do the number of available personnel provide operational depth. Further, DoD does not have the resident executive-level skill-set to advise on national level penal issues.

As the Army currently expands its force structure and specialized capability to conduct detention operations in response to lessons learned in Afghanistan, Cuba and Iraq, the Headquarters, Department of the Army Staff responded just three years ago to a proposal to outsource Army corrections, based on a contention that running prisons was not an Army core competency. By October 2003, the 800th Military Police Brigade and various maneuver units ran or supported over forty internment facilities, prisons and jails in Iraq, demonstrating in practice the complete absurdity of the contention that running prisons was not related to an Army core competency.

The author recommends maintaining the DoD corrections system as the environment necessary to develop the unique skill-set of the corrections specialist, but also recommends restructuring the system into a Joint Corrections Command, with a subordinate Army Corrections Brigade. He endorses ongoing force structure expansion in the corrections field, but recommends improving the professional development model for officers, and increasing professional collaboration with the civilian field of corrections. Finally, he recommends consolidating all of the Services' corrections institutional training at the United States Army Military Police School and definite adjustments to Army doctrine to integrate corrections specialists into future detention operations.

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Introduction

The Army will get out of the business of running prisons. This is not a core competency of the Army. [U.S. Military] Prisoners will be sent to the Federal Bureau of Prisons and/or private facilities.

C. Richard Whiston, Special Assistant to the Secretary of the Army (Business Transformation), March 2002¹

While the Army currently expands its force structure and specialized capability to conduct detention operations in response to lessons learned in support of Operations Enduring Freedom (OEF) in Afghanistan and Cuba, and Operation Iraqi Freedom (OIF), the Headquarters, Department of the Army (HQDA) Staff responded just three years ago to a proposal to outsource Army Corrections. The proposal submitted by the Special Assistant to the Secretary of the Army for Business Transformation (SASA-BT), C. Richard Whiston, to the Army Business Initiative Council (ABIC) had initial appeal and prior to coordination across the Army Staff, was endorsed by the former Secretary of the Army, the Honorable Thomas White. Upon subsequent analysis that demonstrated that the proposal was built on faulty assumptions, the majority of Army Staff representatives to the ABIC recommended against the proposal. Though the ABIC did not address it further within its process, Mr. White continued to support prison outsourcing and shared the concept with the Secretary of Defense (SECDEF) and the other Service Secretaries. He contended that this proposal was a clear example of a business initiative that could result in the efficient reallocation of personnel and resources to higher priority efforts.

Concurrently, members of Congress, the Office of the Secretary of Defense (OSD), and the other Services, voiced objections to the proposal for a variety of leadership, justice, budgetary, and operational reasons. In September 2002, the incoming HQDA G-3, Lieutenant General Richard Cody, vigorously argued that Army Military Police (MP) Corrections Soldiers

¹ The author was the Chief, Corrections and Internment Branch (HQDA) from July 2002 to June 2004. All references to the outsourcing proposal are drawn from personal recollection and working papers.

(Military Occupational Specialty 31E, formerly MOS 95C) possessed a unique skill-set that met a required capability for combatant commanders conducting detention operations. He demonstrated that corrections specialists in fact supported three of six Army Core Competencies.² LTG Cody further contended that the Corrections Soldiers could only develop their unique skill-set by working daily in a prison environment.³

The revelations of detainee abuse in January 2004, which had occurred in Iraq in the latter months of 2003, served to validate the position taken by the Army G-3 representatives to the ABIC in March 2002 and subsequently advocated by the new Army G-3 later that same year. Since his appointment in September 2003, the Provost Marshal General (PMG) of the Army, Major General Donald J. Ryder, also endorsed the G-3 position. MG Ryder has worked with the Army G-3 to place corrections specialists from the United States Disciplinary Barracks (USDB), the three Regional Corrections Facilities (RCFs) at Fort Lewis, Fort Sill, and Fort Knox, the two overseas confinement facilities in Germany and Korea, and the corrections Soldiers in the Reserve Components with units conducting detention operations in Iraq, Afghanistan, and Cuba. More importantly, he has supported force structure changes to create deployable military police units consisting of corrections specialists. The first active duty battalion headquarters and MP company consisting, predominantly, of corrections specialists began forming at Guantanamo Bay (GTMO), Cuba in October 2004, only ten months after the first allegation of detainee abuse at the Abu Ghurayb prison complex. This unit was activated as the 525th MP Battalion in March 2005.⁴

² Corrections Specialist meet required capabilities necessary for Sustained Land Dominance, Shape the Security Environment, and Support Civil Authority. The remaining three Army Core competencies are Prompt Response, Mobilize the Army, and Forcible Entry Operations. HQDA, *FM 1: The Army* (June 2001), 22.

³ The proposal to outsource had strong support with key members of the Army and OSD staff, and continued to progress until the lessons learned from detention operations in Afghanistan, Cuba, and Iraq clearly demonstrated the need for corrections specialists in theater and invalidated the premise of the proposal. Congressional resistance came from Senator Pat Roberts and Representative Jim Ryun of Kansas. For a complete review of the proposal to outsource Army prisons and the status as of May 2004, see Katherine N. Miller, *Questioning the Relevancy of Military Corrections-Should the Department of Defense be in the Prison Business?* (Washington DC: National Defense University, 2004).

⁴ Kathleen T. Rhem, American Forces Press Service, "New MP battalion focuses on detainees," *The Leavenworth Lamp*, March 24, 2005, 3.

CHAPTER ONE

Inculcating the Rule of Law

I request a team of subject matter experts to assess, and make specific recommendations concerning, detention and corrections operations in Iraq....[to] provide expertise and assistance in the....integration of military detention and corrections with CPA [Coalition Provisional Authority], and adequacy of plans for transition to an Iraqi-run system.

Lieutenant General Ricardo S. Sanchez, Commander, Combined Joint Task Force Seven (CJTF-7), August 2003⁵

The revelation of detainee abuse served to highlight a central challenge inherent to stability operations and support operations—the complexity of effort necessary to restore civil authority and rebuild the host nation’s institutions that uphold the rule of law. Coalition Forces detained Iraqi and foreign national civilians, in addition to the uniformed enemy prisoners of war (EPW) captured during the major combat phase. The nonmilitary Iraqi and foreign nationals (i.e., civilian internees) had either committed insurgent-type actions against Coalition Forces (or at least were suspected of supporting insurgent activities) or criminal acts against Iraqi citizens. As the number of enemy combatants and criminal detainees increased following the end of major combat operations and the transition of authority to the Coalition Provisional Authority (CPA) and CJTF-7, the complexity of this detention mission increased. In fact and in fairness, detention operations were a source of major concern and effort to both the leadership of the CPA and CJTF-7 well before the reported abuses. Their challenge and frustration lay more in the organization and capability of the units and personnel available to the Command to conduct these complex detention operations.⁶

⁵ Memorandum to the Commander, United States Central Command, Subject: Detention and Corrections Operations – Request for Assistance, dated 11 August 2003, which resulted in the deployment to Iraq in October/November 2003 of a multidisciplinary team of corrections, legal and medical subject matter experts under Major General Donald J. Ryder, the Army PMG. In significant part, the team focused on bridging mechanisms between the ongoing military detention operation and the Coalition Provisional Authority (CPA) Ministry of Justice efforts to reestablish the Iraqi Penal system.

⁶ The author conducted numerous interviews with members of CJTF-7 and the 800th MP Bde staff as a member of the PMG assistance team and during a previous visit to Iraq in July/August 2003. The observations and conclusions of detention operations in Iraq, unless otherwise stated, are his own.

Prior to OIF, the Iraqi penal system experienced a complete collapse. In October 2002, Saddam Hussein released the vast majority of the Nation's inmates and allowed the existing prison infrastructure to greatly deteriorate.⁷ Therefore, once Coalition Forces defeated the Iraqi military and occupied the country, they found few functioning facilities suitable for detaining Iraqi criminals, let alone security internees.⁸ Military police supporting Divisions and Brigades detained Iraqi criminals for periods of time well beyond doctrinal EPW-templates (i.e., 24 to 72 hours) that specify the normal time limits for the rearward movement of captured EPWs to Corps holding areas and theater internment facilities.⁹ Some units established local jails and regional prisons in their areas of operation, eventually hiring and training Iraqi correctional officers to work with them. In June 2003, the 800th Military Police Brigade, a theater support unit organized and trained to operate internment facilities, assumed primary responsibility for running detention facilities throughout Iraq. By October 2003, the 800th MP Bde and various units ran or supported over forty internment facilities, prisons and jails, showing in practice the complete absurdity of the SASA-BT contention that running prisons was not related to an Army core competency.¹⁰

Unfortunately, the MP units were not well prepared for the mission to detain Iraqi criminals, let alone the long-term detention of undisciplined and disruptive enemy combatants and security internees. The leadership of the 800th MP Bde, one of two theater support military police brigades specifically designed and trained to conduct Internment/Resettlement (I/R)

⁷ On 15 May 2003, a U.S. Department of Justice (DOJ) assessment team conducted a 30-day inspection of the current state of the Iraqi correctional system after the fall of the Saddam Hussein Regime, so as to provide "recommendations for the re-establishment of a professional, secure and humane correctional system to support the future Iraq criminal justice system." Their report, *Prisons and Detention Centers in Iraq: An Assessment and Recommendations For Prisons in a Free Society* (June 15, 2003) was the start point for the organization and initial efforts of the CPA Ministry of Justice Prison Division.

⁸ Iraqi and foreign nationals that committed acts against Coalition Provisional Authority personnel or CPA interests were categorized as Security Internees and held by Coalition forces, while those that committed acts against Iraqi citizens were categorized as Criminal Detainees. Ideally, criminal detainees would be transferred to Iraqi control as soon as capacity was built into the Iraqi prison system.

⁹ For an exhaustive assessment of detention operations during OEF and OIF as it relates to established Army doctrine, see the Report of the Department of the Army Inspector General, Detainee Operations Inspection, 21 July 2004.

¹⁰ The PMG assistance team visited thirty-two of these facilities as far north as Dahuk and Irbil, as far south as Basra and Umm Qasr, and throughout central Iraq (to include the Abu Ghurayb complex).

operations (formerly categorized as EPW operations), contended that their training and skill-set did not prepare them to conduct criminal detention or support the restoration of the Iraqi prison system.¹¹ The unit was trained to run internment facilities of fairly compliant and disciplined uniformed EPWs, in the relative security of the theater rear. But when confronted with the challenge of detaining criminals and unruly enemy combatants, it could only partially mitigate their shortcoming by drawing on the expertise of a small percentage of its personnel who had previously worked in civilian correctional facilities.¹² Unfortunately, their civilian corrections skills did not precisely transfer into the operational environment. Further, active duty MP units were at an even greater disadvantage. Due to the significant reduction of military corrections facilities in the 1990s to just four correctional facilities in the United States, and two facilities in Germany and Korea, the remaining 1000 active duty corrections specialists were tied to those facilities and practically non-deployable. In earlier operations, deploying MP units could draw augmentation from the once wide array of corrections specialists assigned to twelve Installation Detention Facilities or the two large correctional facilities at Fort Riley and Fort Leavenworth.¹³

Therefore, given the United States experience in Iraq and elsewhere, questions arise: should the Department of Defense (DoD) develop the capability to not only conduct detention operations more proficiently, but also to reestablish or improve a host nation's (HN) penal system as part of the broader restoration of civil authority? Furthermore, is the support or reestablishment of a host nation's penal system a legitimate component of stability operations and support operations?

¹¹ A consistent comment made by commanders and staff of the 800th MP Bde during the PMG assistance visit and reinforced in several follow-on investigations. It is beyond the scope of this monograph to comment on the unit shortcomings that may have contributed to the criminal behavior at Abu Ghurayb.

¹² Donald J. Ryder, "Military and Civilian Corrections: The Professional Bond," *Corrections Today* (December 2003): 8, and Mark S. Inch, "Twice the Citizen," 78-80.

¹³ It was common practice to augment deploying MP units with corrections specialists from Installation Detention Facilities (IDFs). For example, the 720th MP Battalion took seven corrections specialists from the Fort Hood IDF to assist in detention operations in Mogadishu during Operation Restore Hope. Augmentation typically consisted of mid-grade NCOs that would assist in facility design, writing procedures, and supervising the MP guards. For a description of the draw down of the Army Corrections System during the 1990s, see the *Report of The Army Corrections Study Panel* (May 2000), 17-20.

The Challenge

Over the past century, and especially during the past fifteen years, the United States has intervened in the affairs of failing states and engaged in regime change of rival states. Inherent to the success of both types of intervention missions is the requirement to quickly reestablish security and set conditions for the restoration of civil authority. At its most basic level, the efforts of an intervening force are to either support the existing state authority or replace it with a more suitable authority that can fulfill the inherent responsibilities of the state. Robert I. Rotberg, in *When States Fail: Causes and Consequences*, wrote:

The state's prime function is to provide that political good of security—to prevent cross-border invasions and infiltrations, and any loss of territory; to eliminate domestic threats to or attacks upon the national order and social structure; to prevent crime and any related dangers to domestic human security; and to enable citizens to resolve their disputes with the state and with their fellow inhabitants without recourse to arms or other forms of physical coercion.¹⁴

Rotberg continued his argument that, “Strong States offer high levels of security from political and criminal violence, ensure political freedom and civil liberties, and create environments conducive to the growth of economic opportunity. The rule of law prevails....overall, strong states are places of enviable peace and order.”¹⁵ Conversely, in weak, failing or failed states, those same characteristics of the strong state are noticeably degraded or absent, and certainly the rule of law does not prevail.

The restoration of civil authority in significant part requires the reestablishment of the rule of law, and the institutions that uphold the rule of law. John Rawls laid out the role of the rule of law in *A Theory of Justice*. He stated that “the conception of formal justice, the regular and impartial administration of public rules, becomes the rule of law when applied to the legal system.....[where] a legal system is a coercive order of public rules addressed to rational persons

¹⁴ Robert I. Rotberg, ed., *State Failure and State Weakness in a Time of Terror* (Washington, DC: Brookings Institution Press, 2003), 3. This book and its companion volume *When States Fail: Causes and Consequences* (Princeton, NJ: Princeton University Press, 2004) draw upon the work of the participants of the Harvard University Failed States Project, sponsored by the World Peace Foundation.

¹⁵ *Ibid.*, 4.

for the purpose of regulating their conduct and providing the framework for social cooperation.¹⁶ Michael Dziedzic of the United States Institute of Peace pointed out that, “The Rule of Law is almost universally acknowledged as a prerequisite for a lasting peace.” Dziedzic and Len Hawley addressed conflict transformation and those considerations necessary to build functioning democratic institutions to inculcate the rule of law. Using Robert Orr’s four pillars of governance and participation, enhanced security capabilities, justice and reconciliation, and social and economic well-being, the authors highlighted the strategies developed in Kosovo, “aimed at moderating political conflict, defeating military extremists, institutionalizing the rule of law, and building an open and inclusive political economy.”¹⁷

Institutionalizing the rule of law as one component of restoring civil authority cannot occur unless the activities of three key institutions are synchronized and integrated into a legitimate and effective justice program. The three primary institutions tasked with providing the coercive order for the rule of law are the judiciary, law enforcement agencies, and penal system. In a workshop hosted by the United States Institute of Peace, the participants agreed that, “Police are only one part of the “judicial triad” of police, courts, and prisons. There is a need to design judicial and penal system “packages” to deploy with CIVPOL [Civilian Police].”¹⁸ Tor Tank Holm and Espen Barth Eide of the Norwegian Institute of International Affairs laid out the logic by stating, “a situation where the police and judiciary are reasonably well-structured but where the penal system is non-existent or ill-developed may either undermine the efficiency of the two former or lead to serious violations of human rights.”¹⁹

¹⁶ John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1999), 206-07.

¹⁷ Interview of Dr. Michael J. Dziedzic, Program Officer, United States Institute of Peace on 8 December 2004 and his draft introduction with Len Hawley for a forthcoming book on building viable peace in the wake of violent internal conflict. The manuscript uses a case study of Kosovo to expand upon the framework introduced in Robert Orr, ed., *Winning the Peace: An American Strategy for Post-Conflict Reconstruction* (Washington, DC: Center for Strategic and International Studies Press, 2004), 305-327.

¹⁸ William Lewis, Edward Marks, and Robert Perito. *Special Report: Enhancing International Civilian Police in Peace Operations*. (Washington, DC: United States Institute of Peace, April 2002), 10.

¹⁹ Tor Tanke Holm and Espen Barth Eide, “Introduction” in *Peacebuilding and Police Reform*. (London: Frank Cass, 2000), 4.

Halvor A. Hartz and Laura Mercean demonstrated this fact in their discussion of inculcating the rule of law in Kosovo. They stated that the July 12, 1999 report dealing with the implementation of UNSCR 1244 specifically cites “administration of courts, prosecution services, and prisons” as core functions of UNMIK’s [United Nations Mission in Kosovo] Judicial Affairs Office.²⁰ Though the original United Nations (UN) mandate to UNMIK only mentioned the establishment of local police forces, UN personnel took an additional mandate to protect and promote human rights to justify actions with the judiciary and penal system. They realized that a professional and competent host nation police force was not viable without an equally effective judiciary and penal system. All three institutions are necessary to create the rule of law, and play a key role in establishing a safe, stable, and secure environment for nation-building. The effort to build these vital institutions serves as an integral component to the broader expectations of a successful stability operation.

Stability Operations and Support Operations

In the past two years, there has been considerable academic and organizational discourse over the challenges and responsibilities involved in addressing post-conflict hostilities and nation building. The images of looting following the fall of Baghdad energized the debate on not only the importance of planning and conducting effective stability operations and support operations, but reopened the discussion on to what extent military forces should participate in efforts to restore civil authority.²¹ Though few would disagree that the Department of Defense (DoD) should take lead on establishing security, especially following a major combat operation, political

²⁰ Halvor A. Hartz and Laura Mercean, with contributions from Paul Mecklenburg and Clint Williamson, *Institutionalizing the Rule of Law*, in a forthcoming book edited by Michael J. Dziedzic. The report cited is the “Report of the Secretary-General on the United Nations Interim Administration in Kosovo,” S/1999/779, July 12, 1999, 12.

²¹ Recent discourse has begun to use the term Intervention, Stabilization, and Transformation (IST) Operations. For this monograph, I will continue to use the established doctrinal terms of Stability Operations and Support Operations. For an example of the use of IST, see Steven Metz and Raymond Millen, “Intervention, Stabilization, and Transformation Operations: The Role of Landpower in the New Strategic Environment.” *Parameters* (Spring 2005): 41-52.

and military leaders seem to be in less agreement regarding whether DoD or the Department of State (DOS) should take the lead for nation-building. Just the mention of nation-building conjures visions of the failed mission in Somalia in some military circles.

U.S. Army doctrine clearly dictates the requirement to establish security and maintain law and order. Field Manual (FM) 3-0, *Operations*, described the general mission parameters stating: “Stability operations promote and protect US national interests by influencing the threat, political, and information dimensions of the operational environment,”²² and “Support operations use Army forces to assist civil authorities, foreign or domestic, as they prepare for or respond to crises and relieve suffering.”²³

More specifically, FM 3-07, *Stability Operations and Support Operations*, stated that:

Operations to restore order are conducted to halt violence and to support, reinstate, or establish civil authorities....They may provide security and assist in training a new police force before transferring the responsibility for long-term security to the UN. When assisting in establishing law and order, PE [Peace Enforcement] forces may support local or international police forces or—in the absence of any civil authority—execute alone. PE forces may be given the authority to detain persons suspected of criminal or unlawful actions.”²⁴

The most current and comprehensive guidance on the interaction of U.S. Armed Forces and indigenous law enforcement elements is in FM-Interim (FMI) 3-07.22, *Counterinsurgency Operations* (i.e., a Stability Operation) under a section on “Organizing for Law Enforcement.”

This FMI emphasized:

A successful counterinsurgency depends ultimately and initially on a legitimate and effective HN [Host Nation] justice program integrating law enforcement, the judiciary, and a penal system. The existing justice program may be limited by capability (leadership and training), resources, or corruption, and require direct or indirect efforts to support or even reestablish police services, courts, and prisons. Such efforts must be

²² HQDA, FM 3-0, *Operations* (June 2001), 9-1. Stability operations “include developmental, cooperative activities during peacetime and coercive actions in response to crisis. Army forces accomplish stability goals through engagement and response. The military activities that support stability operations are diverse, continuous, and often long-term. Their purpose is to promote and sustain regional and global stability.”

²³ Ibid., 10-1. “In support operations, Army forces provide essential support, services, assets, or specialized resources to help civil authorities deal with situations beyond their capabilities. The purpose of support operations is to meet the immediate needs of designated groups for a limited time, until civil authorities can do so without Army assistance.”

²⁴ FM 3-07, *Stability Operations and Support Operations* (HQDA, February 2003), 4-10.

coordinated with the country team and closely synchronized with other civil-military actions.²⁵

In the same section, the FMI correctly warns that, “the responsibility for these efforts may fall initially on US military assets during the initial stages of an operation or when the security situation is untenable for civilian agencies and contract advisors.”

But Robert M. Perito, in his recent book, *Where is the Lone Ranger When We Need Him: America’s Search for a Post Conflict Stability Force*, made a pivotal counter-contention that U.S. military forces in fact avoid such police-related duties.²⁶ Though Perito’s thesis and conclusions draw most directly from lessons learned in Kosovo, the concern of involving U.S. Soldiers in reestablishing and training police was also evident in previous UN/U.S. operations. The early phase of Operation Restore Hope in Somalia was just one clear example. The recollections of the Unified Task Force (UNITAF) Provost Marshal, Lieutenant Colonel Steven Spataro stated, “the United States was walking a very fine line because there was no U.N. mandate to establish police, and U.S. laws required a waiver before military assistance could be provided to foreign police.”

Thomas’ and Spataro’s observation is particularly instructive:

Section 660 of the Foreign Assistance Act of 1961 prohibited U.S. forces from training, equipping, advising, or providing financial support to foreign police, prison, or other law enforcement forces. The law was specifically designed to ensure that the United States not support countries that are using their law enforcement assets as instruments of oppression against legitimate opposition individuals or movements. Section 660 was repealed in an amendment to the Foreign Aid Reduction Act of 1995. Nevertheless, Title X, Section 164, and Title 22, Section 2420, U.S. Code, still limit U.S. military involvement in re-establishing a law enforcement force.²⁷

²⁵ FM-Interim 3-07.22, *Counterinsurgency Operations* (HQDA, October 2004), 3-21. The FMI provides additional detail by stating that, “The division staff judge advocate and provost marshal may require additional technical support from judge advocate and military police assets (for example, administrative and criminal law experts, criminal investigators, and corrections specialists) to support local-, regional-, or national level justice programs, while setting the conditions for transfer of support to other US governmental or international agencies....Support to the penal system may be limited to monitoring conditions and adherence to basic humanitarian standards or require more comprehensive support to reestablish all levels of incarceration and rehabilitative programs.”

²⁶ Robert M. Perito, *Where Is the Lone Ranger When We Need Him? America’s Search for a Post-Conflict Stability Force* (Washington, DC: United States Institute of Peace, 2004), 84.

²⁷ Lynn Thomas and Steven Spataro, *Peacekeeping and Policing in Somalia*, in Robert B. Oakley, Michael J. Dziedzic, and Eliot Goldberg, eds., *Policing the New World Disorder: Peace Operations and Public Security* (Washington, DC: National Defense University Press, 1998), 192. UNITAF in part

Though the preference of military leaders still may be to avoid such missions in the contemporary operational environment, the final legal prohibition mentioned above no longer applies to the U.S. Armed Forces conducting stability operations and support operations. Section 164 (Commanders of combatant commands: assignment; powers and duties) of United States Code (USC) Title 10 (Armed Forces) delineates the general authority of Combatant Commanders without specific prohibition,²⁸ while Section 2420 (Police Training Prohibition) of USC Title 22 (Foreign Relations and Intercourse) now has this very important exception:

Subsection (a) of this section shall not apply—

(6) with respect to assistance provided to reconstitute civilian police authority and capability in the post-conflict restoration of host nation infrastructure for the purposes of supporting a nation emerging from instability, and the provision of professional public safety training, to include training in internationally recognized standards of human rights, the rule of law, anti-corruption, and the promotion of civilian police roles that support democracy.²⁹

The U.S. military involvement in the restoration of the Iraqi police, prisons and judiciary demonstrated the new reality of stability operations. Dziedzic and Hawley correctly concluded that, “If voids exist in the indigenous capacity to maintain public order, enforce the law, and operate the judicial and penal systems, the international community will have to perform these

addressed this concern by hiring former Somali policemen as guards within an Auxiliary Security Force (ASF). In late April 1993, UN officials assumed control of the police program, and following the formal Transition of Authority from UNITAF to the United Nations (UNOSOM II) in May 1993, the 5000 members of the ASF were redesignated as policemen of the Somali National Police. The author was the UNOSOM II Deputy Provost Marshal from late April to early October 1993, and the military officer that supported the UNOSOM II Justice Division and its director, Ms Ann Wright, develop the Somali Police and Prison Program. Based on personal observation, I do not agree with the assertion of the cited work that the Somali Police program did not progress beyond the initial efforts of UNITAF. Though UNOSOM II was severely hampered by the untimely and totally insufficient recruitment of civilian police advisors, UNOSOM II Forces Command did establish a formal pay system, made significant improvements to the central prison in Mogadishu, expanded the police program to Northern Somalia, ensured distribution of supplies and equipment that were still warehoused since before the transition of authority, and ensured the continued neighborhood law enforcement in Mogadishu and other Southern cities during the significantly more challenging periods of the balance of 1993 and into 1994. The efforts of UNOSOM II were evident in the fact that the Police program was one of the few institutions to remain viable—even if not at a desired level of performance—after the withdrawal of U.S. and UN forces.

²⁸ http://assembler.law.cornell.edu/uscode/search/display.html?terms=164&url=/uscode/html/uscode10/usc_sec_10_00000164----000-.html.

²⁹ http://assembler.law.cornell.edu/uscode/search/display.html?terms=2420&url=/uscode/html/uscode22/usc_sec_22_00002420----000-.html.

functions on an interim basis, perhaps lasting years.”³⁰ Unfortunately, the civilian agencies within the United States Government and the international community that could support the reestablishment or reform of an indigenous penal system appear to lack the ability, or at a minimum the propensity, to rapidly deploy or operate in an unsecured environment that often exists in a failing state or that typically exists following regime change.

Methodology

Given that the reestablishment of the institutions that uphold the rule of law are central to any successful stability operation or support operation, and that an effective penal system is one necessary pillar of an integrated Justice program, Chapter Two addresses the roles and responsibilities of non-DoD agencies that have supported or purport to support penal system restoration. The main focus of Chapter Two is on whether non-DoD agencies have been able to independently support the restoration of a host nations’s penal system in an effective manner. The measures of effectiveness are: timely availability of personnel, capacity building (i.e., facilities), cadre recruitment and training, system oversight and safeguards to insure adherence to international standards of confinement and corrections (i.e., monitoring and mentoring), administration and sustainment, force protection, and timely transition to the HN government. The chapter concludes that there is a deployment, law enforcement, and justice gap between the introduction of military forces or need for assistance, and the arrival of civilian advisors and support personnel in sufficient quantity and capability.

Chapter Three examines whether DoD currently has the capability to mitigate the shortcomings in the International and U.S. civilian corrections communities. The analysis draws on the same measures of effectiveness for civilian agencies, and focuses on whether DoD has the force structure and personnel with the skill-set necessary to reestablish a HN penal system. This chapter also addresses Perito’s contention, cited previously in this chapter, of the apparent

³⁰ Dziedzic and Hawley, *Introduction*, in forthcoming book edited by Dziedzic.

reluctance of DoD to participate in stability operations in general, and the reestablishment of justice programs specifically. Chapter Three identifies a potential for a more active role for DoD to mitigate the shortcomings within the civilian community, to achieve the desired end state of a restored HN penal system.

The final chapter offers recommendations to: address the deployment, law enforcement, and justice gap as it relates to penal system restoration, placing particular emphasis on the development of senior officers with an executive-level corrections skill-set, the improvement in both quality and quantity of mid-grade officers and NCOs with a managerial-level corrections skill-set within the U.S. military, and making those officers and NCOs available to combatant commanders. The chapter concludes with implications of the proposal for future stability operations and support operations, and the DoD corrections system.

CHAPTER TWO

The Deployment Gap: Institutional Idealism Vs Reality

The United Nations was founded, in the words of its Charter, in order "to save succeeding generations from the scourge of war." Meeting this challenge is the most important function of the Organization, and to a very significant degree it is the yardstick with which the Organization is judged by the peoples it exists to serve. Over the last decade, the United Nations has repeatedly failed to meet the challenge, and it can do no better today.

Ambassador Lakhdar Brahimi, Report of the Panel on
United Nations Peace Operations, August 2000³¹

In a perfect world of proper motivation, unlimited resources, and ready organizations standing by with expert corrections personnel, one can imagine such agencies coming to the aid of a nation in need of rebuilding its penal system. Ideally, such organizations would be available in a timely manner, and be able to deploy, sustain, and protect its personnel in an unsecured environment. They would possess a capability to recruit and train a HN's prison cadre, to include national and regional prison directors and specialized administrative and medical staff personnel, while providing proper oversight and safeguards to ensure adherence to international standards of confinement and corrections. They would have the capacity to advise engineers on the construction of prison facilities, and execute construction contracts to build or restore a multi-classification prison system, with acceptable square footage of space per inmate. And most important, these organizations would quickly achieve the ultimate success of transferring the restored penal system to the host nation, confident that the leadership of the new institution would continue to confine prisoners in accordance with internationally accepted standards. Unfortunately, reality is far from perfection, and the idealism and effort of many fine corrections practitioners has failed to compensate for the lack of resources and institutional support from the International community or the U.S. Government to develop such organizations.

³¹ Executive Summary, 1, at http://www.un.org/peace/reports/peace_operations/.

The previous chapter established the need to restore civil authority and the institutions that uphold the rule of law. The Center for Strategic and International Studies, in collaboration with the Association of the United States Army, developed a Post-Conflict Reconstruction Task Framework, identifying focus areas across the spectrum of initial response, transformation, and fostering sustainability.³² The framework identified three primary responsibilities for corrections: incarceration and parole, infrastructure, and training. Incarceration and parole would include determining the status of prisoners held, evaluating releases, reconfiguring probation and parole systems, and eventually transferring penal authority to indigenous authorities while monitoring compliance with internationally accepted corrections standards. Infrastructure would involve, initially, refurbishing prison facilities and providing emergency incarceration, then rebuilding correctional institutions with its inherent administrative and rehabilitative capacities. Finally, the host nation leaders must be inculcated with a professional ethic that ensures continued adherence to international standards and funding of the correctional system. Training begins with recruiting and vetting new corrections officers and training them to meet internationally accepted standards, then establishing an indigenous, sustainable corrections training program. Accomplishing these three responsibilities is very complex and difficult, especially in an unsecured environment.

The United States Institute of Peace, reporting on a session with such notable public servants as Ambassadors Robert Gelbard and Robert Oakley, and General Anthony Zinni, provided an experienced-driven description of the requirements for corrections officers:

Corrections officers are needed to stand up detention facilities, handle the intake and classification of prisoners, and manage prisons. The lack of facilities, particularly those for high-security detainees, has been a significant obstacle to restoring public order and establishing the rule of Law....the corrections element should include specialists with jail/detention backgrounds, those with experience in prison management and community corrections, plus specialists in prison construction.³³

³² Orr, *Winning the Peace*, 305. Corrections can be found under the major heading Justice and Reconciliation, 325.

³³ Robert Perito, Michael Dziedzic, Beth C. DeGrasse. *Special Report: Building Civilian Capacity for U.S. Stability Operation: The Rule of Law Component*. (Washington, DC: United States Institute of Peace, April 2004), 10-11.

The required prison specialists, managers, and engineers must be available in a timely manner to expand prison capacity, conduct cadre recruitment and training, provide system oversight and safeguards to ensure adherence to international standards of confinement and corrections (i.e., monitoring and mentoring), and ensure the timely transition to the HN government.

Unfortunately, there is not a single example where a government or non-governmental agency has met the above measures of merit. A Rand study of America's role in nation-building concluded that, "it can take a year or more to build up and deploy a CIVPOL force once combat has ended."³⁴ Among other factors, the study addressed security in seven restoration case studies (i.e., Germany, Japan, Somalia, Haiti, Bosnia, Kosovo, and Afghanistan), in an effort to address nation-building in Iraq. As one example, the authors pointed out that the deployment of foreign police to Kosovo took until the end of the second year of the operation to reach the desired target level. They correctly observed that, "these delays can create a short-term vacuum of law and order and can increase the pressure on nation-building states to use their military forces, including military police, to maintain internal security." This point was supported by Forman and Pan, as they pointed out that, "The post-Cold War and the global war on terror have underscored a significant capacity gap between U.S. military operations and the civilian operations to which they hand off. It has now become commonplace for the U.S. military to remain in theater performing nonmilitary missions precisely because no civilian agencies are ready or able to deploy."³⁵ The same authors reported on General Anthony Zinni's frustration as the former commander of Central Command (USCENTCOM), that the U.S. military have become the "stuckees," due to the fact that there is no other alternative than the military to fill the emergency gaps. This pattern of a delayed deployment is a major issue of concern for military leaders.

³⁴ James Dobbins, et al. *America's Role in Nation-Building: From Germany to Iraq*. (Santa Monica, CA: RAND, 2003), 151-152.

³⁵ Johanna Mendelson Forman and Michael Pan, "Filling the Gap: Civilian Rapid Response Capacity for Post-Conflict Reconstruction," in Orr, *Winning the Peace*, 116.

Michael Dziedzic, while serving on the faculty of the National Defense University, introduced in *Policing the New World Disorder: Peace Operations and Public Security*, a conceptual model to describe this deployment gap (see Figure 1).³⁶ The model described the deployment, law enforcement, and justice gap in U.S. and UN operations, built on several of the same case studies used in the Rand study. The conceptual framework of the model compared the availability of military resources in comparison with United Nations Civilian Police (UNCIVPOL) and other law enforcement assistance across a situational timeline of disorder—order—law and order—law and order and justice, showing the gaps that exist between deployment and enforcement by UNCIVPOL.

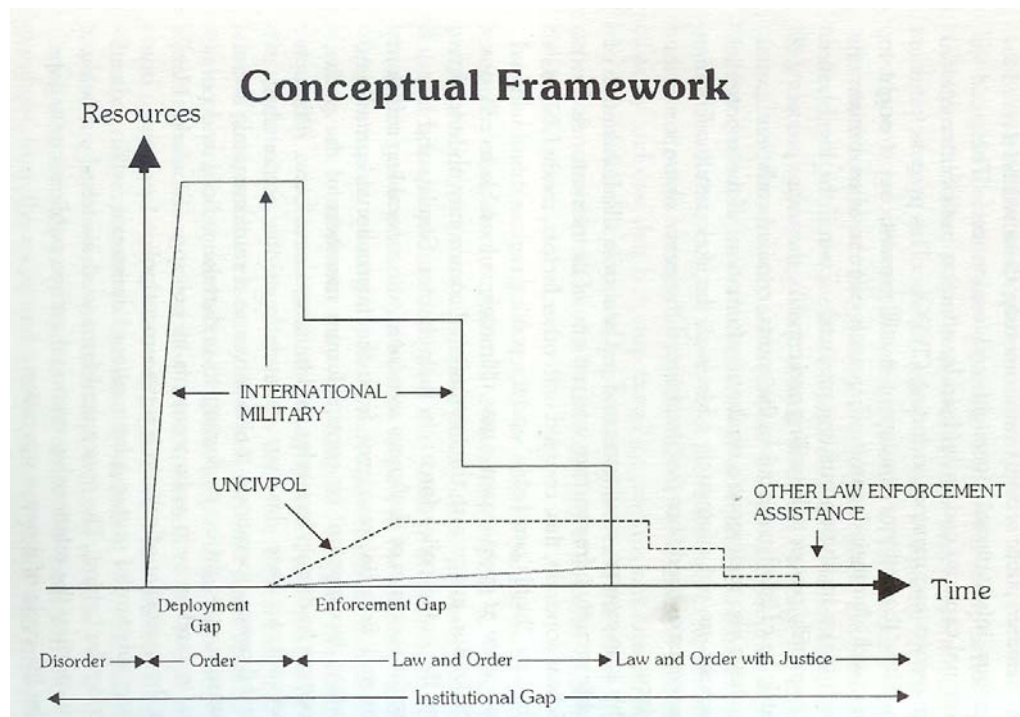


Figure 1: Conceptual Framework

The key question is whether the model, built on historic cases, holds true in the two most current nation-building efforts by the international community in Afghanistan and by the United States in Iraq, and whether non-DoD agencies have the capability to change the given parameters.

³⁶ Michael J. Dziedzic, "Introduction" in Oakley, et al., *Policing the New World Disorder*, 16.

The United Nations and International Community

While the United States Government struggles with the requirements and challenges of post-conflict reconstruction, the United States Institute for Peace and the Center for Strategic Studies held a workshop with noted policymakers, practitioners, and academic experts to analyze the role and capabilities of the UN, and more specifically the UN CIVPOL program.³⁷ Some hold high expectations for the international community to provide weighty support to nation-building, especially as the U.S. routinely provides the balance of military power for international crises. The UN has provided civilian police for over fifteen missions, beginning as early as the 1964 mission to the Congo.³⁸ The demand for civilian police has accelerated since 1992 with the UN authorizing more than a dozen international police missions.

But many have criticized the UN CIVPOL program and its record of performance. Michael Williams pointed out that, “CIVPOL personnel are normally unarmed, and play a largely advisory and monitoring role.”³⁹ As an example of the consequence, he described how the Indonesian police contingent in the suburbs of Sarajevo in the Spring of 1996 were unable to maintain order during the withdrawal of the Serbs. Call and Barnett continued the criticism by identifying three primary deficiencies in the program: that police are harder to recruit for long term missions (especially in countries like the United States and United Kingdom that do not have national police forces), that many are unqualified, and that sometimes the CIVPOL contribute to the lawlessness they are supposed to control.⁴⁰ Flourney and Pan echoed the first observation, adding that the inability to rapidly deploy to meet immediate “emergency justice” needs is in part due to inadequate mechanisms for calling up personnel, a shortage of qualified personnel willing to deploy on short notice, an absence of legal experts, and inadequate materiel

³⁷ Lewis, et al., *Enhancing International Civilian Police*.

³⁸ Halvor Hartz. “CIVPOL: The UN Instrument for Police Reform.” in Tor Tanke Holm and Espen Barth Eide, eds. *Peacebuilding and Police Reform*, (London: Frank Cass, 2000), 27.

³⁹ Michael C. Williams. *Civil-Military Relations and Peacekeeping*. International Institute for Strategic Studies Adelphi Paper 321. (New York: Oxford University Press, 1998), 49.

⁴⁰ Chuck Call and Michael Barnett. “Looking for a Few Good Cops: Peacekeeping, Peacebuilding and CIVPOL,” in Holm and Eide, *Peacebuilding and Police Reform*, 50-51.

and equipment. They contend that the resulting response time is therefore, “chronically slow—often ranging from six months to one year.”⁴¹ In his assessment in 1998, Williams wrote:

Even where civilian police officers have been provided for in mission plans, they always arrive late: most CIVPOL personnel did not reach Cambodia until September 1992, more than six months into the mission. It took four months for the first International Police Task Force (IPTF) personnel to arrive in Bosnia....finally, many officers are often below internationally accepted standards. Many CIVPOL officers in UNTAC [United Nations Transitional Authority in Cambodia] spoke neither English nor French and did not have a driving license.⁴²

This performance should not instill confidence in U.S. government and military planners for the rapid and effective deployment of international civilian police, let alone corrections experts.

The United Nations, recognizing its shortcomings in peacekeeping, did form a panel under Ambassador Lakhdar Brahimi to study UN peace operations in March 2000. The “Brahimi Report” recommended a significant doctrinal shift in the use of CIVPOL in peace operations. In section 10 of the report, titled Civilian police personnel, Ambassador Brahimi made the following bold recommendations concerning improvements to CIVPOL in the UN Department of Peacekeeping Operations (DPKO):

- (a) Member States are encouraged to each establish a national pool of civilian police officers that would be ready for deployment to United Nations peace operations on short notice, within the context of the United Nations Standby Arrangements System;
- (b) Member States are encouraged to enter into regional training partnerships for civilian police in the respective national pools, to promote a common level of preparedness in accordance with guidelines, standard operating procedures and performance standards to be promulgated by the United Nations;
- (c) Member States are encouraged to designate a single point of contact within their governmental structures for the provision of civilian police to United Nations peace operations;
- (d) The Panel recommends that a revolving on-call list of about 100 police officers and related experts be created in UNSAS to be available on seven days’ notice with teams trained to create the civilian police component of a new peacekeeping operation, train incoming personnel and give the component greater coherence at an early date;

⁴¹ Michele Flournoy and Michael Pan, “Dealing with Demons: Enhancing Justice and Reconciliation.” in Orr, *Winning the Peace*, 94-95.

⁴² Williams, *Civil-Military Relations and Peacekeeping*, 49.

(e) The Panel recommends that parallel arrangements to recommendations (a), (b) and (c) above be established for judicial, penal, human rights and other relevant specialists, who with specialist civilian police will make up collegial "rule of law" teams.⁴³

The last recommendation is particularly germane to Flournoy and Pan, in that, "to date, international assistance in the justice arena has focused too narrowly on the question of re-establishing a functioning police force to maintain public safety....while this is indeed a critical task, a much more comprehensive approach to justice and reconciliation must....[include] a humane corrections system."⁴⁴ The UN DPKO even added a Penal advisor, Ms Isabel Hight, to its staff.⁴⁵ Unfortunately, even though "the UN maintains a roster of police from member states who are prepared to serve in peace operations....deployment of UN CIVPOL in significant numbers can take 6-9 months from the time the Security Council authorizes a mission."⁴⁶ This delayed deployment of police, and more specialized corrections experts leaves the mission to the initial intervening force, the military.

The most recent operation that has had full United Nations support is in Afghanistan. But three years into the operation, Lewis and Perito reported that, "the international effort to support the justice sector suffers from a lack of strategy and a lack of capacity. Other donors have deferred to Italy to develop a strategy, but no clear strategy has been coordinated among donors and stakeholders." They continued with an assessment on future action based on, "UNAMA [United Nations Assistance Mission to Afghanistan] in early February released a "Proposal for a Long-Term Strategic Framework" that offered its view on priorities for improving the justice system, highlighting the need to strengthen capacity in the permanent institutions; it remains to be seen whether the proposals will be adopted or funded."⁴⁷

⁴³ http://www.un.org/peace/reports/peace_operations/, 21.

⁴⁴ Flournoy and Pan, "Dealing with Demons," in Orr, *Winning the Peace*, 90.

⁴⁵ Ms. Hight provided members of MG Ryder's assistant team advice on how to posture military activities to reestablish the Iraqi penal system to aid in the eventual transition to civilian oversight. She emphasized the basics of custody, accountability, separation (e.g., gender, age, etc.), food and hygiene.

⁴⁶ Robert Perito, Michael Dziedzic, Beth C. DeGrasse. *Special Report: Building Civilian Capacity for U.S. Stability Operation: The Rule of Law Component*. (Washington, DC: United States Institute of Peace, April 2004), 5.

⁴⁷ Miller and Perito, *Establishing the Rule of Law in Afghanistan*, 1.

By May 2004, only one small compound in Afghanistan's main prison complex at Pol-e-Charki had been refurbished, with a second compound nearing completion. These two compounds were completely insufficient for the needs of the State. Though the Italian government had provided some training, the prison leadership and staff considered the training and materiel support totally inadequate.⁴⁸ The shortcomings were in part due to the approach used by the UN. Miller and Perito explained:

Following the U.S.-led military operation that ousted the Taliban regime in the fall of 2001, the starting point for rebuilding Afghanistan was the "Agreement on Provisional Arrangements in Afghanistan Pending Re-establishment of Permanent Institutions"—the Bonn Agreement—signed by representatives of the Afghan people on December 5, 2001....the UN has sought to limit its involvement and to encourage Afghans to assume responsibility for their own political reconciliation and economic reconstruction. As a consequence, the UN mission has limited resources and no operational role with respect to the Afghan police, judicial, or corrections system....Typical for a post-conflict reconstruction situation, the corrections system in Afghanistan is the neglected step-child of justice sector reform. Though corrections nominally falls within Italy's lead, it has paid limited attention to this area and other donors have paid none. Afghan authorities also have applied few resources to address the huge needs of the prison system.⁴⁹

This most recent effort does little to change the conceptual framework introduced by Dziedzic.

The only encouraging move on the international scene was a 2001 announcement by the European Union (EU) that they would create a Police Unit with a "headline goal" of 5,000 civilian police. The EU was taking advantage of the existence of national police forces of several member states (e.g., France, Italy, and Spain). Addressing in part the deployment gap, this unit would include a 1,400 member rapid reaction force on a 30-day notice. As part of this Police Unit, the organization would include 200 judges, lawyers, and corrections officers. Of this number, 60 would be on a 30-day notice. To its credit, the EU Police Unit has established job descriptions, doctrine, and procedures to guide the unit's crisis response. Equally important, it has developed training courses and exercise programs for the police, and were in the process of

⁴⁸ Interviews with Mr. Drury Allen, UNAMA Corrections Advisor, and Afghan Staff at the Pol-e-Charki prison complex (east of Kabul) in May 2004.

⁴⁹ Miller and Perito, *Establishing the Rule of Law in Afghanistan*, 3-4, 12.

developing the same materials for the judges, lawyers, and corrections officials.”⁵⁰ Of course, the deployment of EU assets would be subject to the political will and agenda of the member states and though the EU has deployed some of its police since the creation of the unit, it has not deployed any corrections officers—even to Afghanistan.

Given the track record of the international community, I agree with Perito when he wrote that, “it appears unlikely the United States can depend on its allies to provide the military police, civilian constabulary, civil police, judicial personnel, and corrections officers that will be required....It seems the United States will have to primarily rely upon its own resources to ensure post-conflict stability in Iraq.”⁵¹ Projecting on the ability of the U.S. Government to effectively establish complete coalitions for efforts such as OIF, one can reasonably presume that the same pattern could hold true for future operations. The follow on question then is whether the U.S. Government should rely on its civilian agencies or the Department of Defense.

The United States Government

Recently, Robert Orr observed that, “despite a long and deep history of involvement in post-conflict reconstruction efforts and growing demand over the last decade, the United States has failed to undertake a significant reform of its approach to and capabilities for post-conflict reconstruction. For all its ability to wage war, the U.S. military is unprepared to mount major stability operations and secure a lasting peace. Of even greater concern, U.S. civilian agencies lack the tools to take the job over from the military.”⁵² This observation appears to not only hold true for the U.S. Government’s overall ability to build the institutions that secure a lasting peace, but also holds true for the specific mission of penal system reform. In looking at support requirements necessary for a comprehensive justice program in Iraq, Perito reported: “The

⁵⁰ Perito, et al., *Building Civilian Capacity for U.S. Stability Operation*, 5.

⁵¹ Robert Perito, *Special Report: Establishing the Rule of Law in Iraq* (Washington, DC: United States Institute of Peace, April 2003), 12.

⁵² Robert C. Orr, “The United States as Nation Builder: Facing the Challenge of Post-Conflict Reconstruction,” in Orr, *Winning the Peace*, 14.

United States also lacks an organized cadre of judicial personnel and corrections officers. There is no agency or office in the federal government with the mandate to organize and train judicial teams of American prosecutors, judges, and corrections officers.”⁵³

Prior to the establishment of the Office of the Coordinator for Reconstruction and Stabilization, Forman and Pan reviewed the existing U.S. Government Agencies that could respond to a contingency. They pointed out that in those situations where civilian agencies responded to post-conflict requirements, their deploying organizations were created in an ad hoc fashion, often leaving gaps in either institutional capacity or lacking the resources necessary to perform specified tasks. Their review of agencies not only showed the shortcomings of supporting the HN police and judiciary, but demonstrated an existing gap in corrections:

The Department of Justice currently houses two programs for international police (International Criminal Investigative Training Assistance Program, or ICITAP) and prosecutorial training (Office of Overseas Prosecutorial Development, Assistance, and Training, or OPDAT). The Department of State has expanded its work in policing through the Bureau for International Narcotics and Law Enforcement Affairs (ANL). Both agencies do security-related work without the capacity to respond to the increasing emergency demands that arise from new threats in the post-Cold War environment. The State Department’s Bureau of Democracy, Human Rights, and Labor (DRL) has resources for governance and justice activities. However, these funds are not immediately available for the period of transition from a military to a civilian environment in a post-conflict setting; nor does the bureau have any presence in the field to disburse the resources.⁵⁴

Not surprisingly, the pattern of U.S. Government agency support for the restoration of foreign justice programs is similar to that of the United Nations.

The reported shortcoming was clearly evident in Somalia when it became clear by the fall of 1993 that the UN would not send authorized CIVPOL support in a timely manner (at that point, already six months after the UN had assumed control of the operation), and that it was in the U.S. government’s interest to provide training support to the Somali police, prior to the

⁵³ Perito, *Establishing the Rule of Law in Iraq*, 12.

⁵⁴ Johanna Mendelson Forman and Michael Pan, “Filling the Gap: Civilian Rapid Response Capacity for Post-Conflict Reconstruction,” in Orr, *Winning the Peace*, 118-119. For another detailed report on the organization and capabilities of U.S. Government agencies, see Perito, et al., *Building Civilian Capacity for U.S. Stability Operation*, 3-4 .

withdrawal of U.S. military forces. An interagency team, led by the Director of ICITAP, Mr. David “Kris” Kriscovich, conducted an assessment of the Somali Police Program in November 1993, and following Congressional approval, deployed a small team of trainers to Somalia in February 1994. The team was able to conduct three 21-day “refresher” courses and specialized training courses, but due to the worsening security situation, the team withdrew in June 1994.⁵⁵

ICITAP’s difficulty in support of the Somali Police can be attributed to a number of factors. First, in the past no U.S. Government agency or department was responsible for stability operations and justice program support. Second, because the United States does not have a national police force (e.g., civilian constabulary force), it must rely on commercial contracts to staff its civilian police contingents. Most U.S. participants in CIVPOL are retired police officers from state and local agencies. The situation is equally grim for judicial personnel and corrections officers. Perito stressed that, “there are Americans with relevant experience, but they would have to be recruited by the State or Justice Department, trained, equipped, and maintained once deployed. This would take programs, organization, and funding that currently are not available. The Justice Department does have programs for training indigenous police and prosecutors, but not judges and corrections officers.”⁵⁶ The Clinton administration understood this shortcoming, which presumably led to the issuance of Presidential Decision Directive 71 in February 2000.

PDD 71 was the third in a series of Clinton directives to address U.S. support to international humanitarian contingencies. Hayden wrote that, “the Clinton administration’s Presidential Decision Directive (PDD) 71 sought to address the ‘public security gap,’ created by the lack of a comprehensive justice system package for peace operations.” But he quickly

⁵⁵ Thomas and Spataro. “Peacekeeping and Policing in Somalia,” in Oakley, et al., *Policing the New World Disorder*, 207. The author was a member of the ICITAP assessment team, and was privileged to work with and know Director Kriscovich. Mr. Kriscovich died in 1997, while serving in Bosnia as the Deputy Commissioner for Training and Restructuring, United Nations International Police Task Force. His exemplary public service not only included the missions in Somalia and Bosnia, but also in Panama following the overthrow of the Noriega regime. *Policing the New World Disorder* is appropriately dedicated to his memory and to those that died with him in the helicopter crash.

⁵⁶ Perito, *Establishing the Rule of Law in Iraq*, 11-12.

asserted (in relation to providing U.S. personnel to CIVPOL missions) that, “however, the principal factors that impede the enhancement of CIVPOL as a key tool in U.S. involvement in peace operations is political will and funding.”⁵⁷ In that vein, he appeared to agree with Lewis, Marks and Perito’s conclusion that, “the goals of PDD-71 have not been met due to bureaucratic lethargy, inter-agency competition, transition to a new administration, and the disinclination of National Security Council (NSC) staff to assign priority attention to the issue of CIVPOL reform.”⁵⁸ With the change to the Bush administration, the Clinton administration’s attempt to close the deployment gap, stalled.

Following the change to the Bush administration, the attacks of 9/11, and the challenges experienced in OEF and OIF, one key change occurred in agency organization and support from the previous administration. In July 2004, the Bush administration established within the Department of State, the Office of the Coordinator for Reconstruction and Stabilization (S/CRS), under Ambassador Carlos Pascual. The mission of S/CRS is to “lead, coordinate, and institutionalize U.S. Government civilian capacity to prevent or prepare for post-conflict situations, and to help stabilize and reconstruct societies in transition from in conflict or civil strife so they can reach a sustainable path toward peace, democracy and a market economy.”⁵⁹ The S/CRS has requested a \$100 million budget for FY 2006 for a conflict response fund and to fund the activities of the organization. It is their intent to “coordinate and integrate USG [U.S. Government] civilian stabilization and reconstruction activities undertaken by experts in other offices, agencies, and departments to ensure unity of effort, provide implementers with more effective and rapid response capabilities, identify gaps and remove barriers.” The office hopes to create, “a trained Active Response Corps of State Department officers [that] would deploy as first responders to staff planning teams, augment Embassy staffing, and if necessary deploy with the

⁵⁷ William Hayden. *Special Report #71: American Civilian Police in UN Peace Operations: Lessons Learned and Ideas for the Future*. (Washington, DC: US Institute of Peace, July 2004), 3.

⁵⁸ Lewis, et al., *Enhancing International Civilian Police in Peace Operations*, 4.

⁵⁹ <http://www.state.gov/documents/organization/43429.pdf>.

military or multilateral peacekeepers to create the U.S. diplomatic base on the ground.”⁶⁰

Ambassador Pascual has an aggressive vision for the role of this new organization, and has actively engaged agencies and international partners to assess available resources.

Unfortunately, the office has no dedicated funding and exists with only a skeleton crew of thirty-seven staff members drawn from elsewhere in the State Department and other agencies. According to the former Director of the U.S. Agency for International Development, J. Brian Atwood, the new agency is bureaucratically not well positioned within DOS, either to draw in high quality staff or receive necessary support from the Secretary of State. Atwood stated, “The real question is, is Carlos simply going to be an interagency coordinator, or is he going to have all of the personnel and equipment necessary to do the job in his little bureau?” Atwood concluded, “I think it is the former: He’s going to be a coordinator, and he’s going to have to draw on the offices that have the money and the equipment and the personnel.”⁶¹ As an anecdote, the staff in this office only began addressing requirements necessary to restore Justice programs within the last six months, but has discovered the challenge of requirements versus available resources.⁶² As it relates to penal system reform, the S/CRS does not appear to bring any new assets to the U.S. Government, but will only coordinate the activities already resident in the Department of Justice (DOJ) and DoD.

Assessing the most recent performance of DOJ in support of penal system restoration in Iraq, demonstrated the continued deployment gap postulated by Dziedzic. Faleh Abdul-Jabar researched the base scenario well:

Three weeks before U.S. and British forces launched their invasion of Iraq on March 20, 2003, the Office of Reconstruction and Humanitarian Affairs (ORHA) was formed under General Jay Garner. ORHA was tasked with overseeing humanitarian assistance,

⁶⁰ Ibid.

⁶¹ Christopher Lee, “New State Department Office Aimed at Postwar Aid,” *Washington Post* (25 March 2005): 17.

⁶² Interview with a S/CRS staff member in January 2005. The Staff member had just been assigned responsibility to look at justice programs, and was just beginning his research on the requirements for penal systems. Instead of the interview focusing on what actions S/CRS had taken to plan for penal system restoration, it became a discussion on what actions they should be considering.

reconstruction, and civil administration in postconflict Iraq...On June 1, ORHA was replaced by the CPA [Coalition Provisional Authority], following the adoption of UN Security Council Resolution 1483 on May 22, 2003, which recognized the United States and the United Kingdom as the occupying forces of Iraq and authorized the coalition to administer the occupied territories until a native, legitimate, and representative government could be formed...With Garner's plans to transfer power to a combination of exiled and resident leaders failing and public dissatisfaction in Iraq mounting, the CPA was created to prevent the situation from becoming chaotic and to take control of the transition.⁶³

DOJ sent in a criminal justice assessment team to Baghdad in May 2003, one month after the fall of Baghdad. The six member team's assigned objective was:

to provide the Office of Reconstruction and Humanitarian Assistance (ORHA)...a comprehensive assessment of Iraq's criminal justice system. The mission of the corrections assessment team, as defined in the Statement of Work provided by International Criminal Investigative Training Assistance Program (ICITAP) through Science Applications International Corporation (SAIC), is to inspect, evaluate and provide a thorough assessment of the current state of the Iraqi correctional system after the fall of the Saddam Hussein Regime and provide recommendations for the re-establishment of the professional, secure, and humane correctional system to support the future Iraq criminal justice system."⁶⁴

Following the publication of their report (two months after the fall of Baghdad), several members of the team stayed on for an additional 60 days to assist with the formation of the CPA Ministry of Justice (MOJ) Prison Department and published its base order and program memorandum. Unfortunately, they departed Iraq before they could be replaced by additional ICITAP personnel. The published program memorandum (CPA Memo #2: Management of Detention and Prison Facilities) followed closely the "Practical Guidelines for the Establishment of Correctional Services Within United Nations Peace Operations," setting clear standards but perhaps idealistic expectations for the reestablishment of the Iraqi penal system.⁶⁵

⁶³ Faleh Abdul-Jabar, *Special Report: Postconflict Iraq: A Race for Stability, Reconstruction, and Legitimacy* (Washington, DC: United States Institute of Peace, May 2004), 3-4.

⁶⁴ Irvine, et al. *Prisons and Detention Centers in Iraq: An Assessment and Recommendations For Prisons in a Free Society* (Baghdad, Iraq: CPA Ministry of Justice, June 15, 2003), 4.

⁶⁵ CPA Order #10 at http://www.iraqcoalition.org/regulations/20030605_CPAORD10_Management_of_Detention_and_Prison_Facilities.pdf, Memorandum #2 at http://www.iraqcoalition.org/regulations/20030608_CPAMEMO_2_Management_of_Detention_and_Prison_Facilities.pdf, and UN Practical Guidelines at <http://nicic.org/Library/018919>.

The first three dedicated civilian corrections employees deployed to Baghdad in September 2003 (five months after the fall of Baghdad), under Mr. Terry Bartlett, and began a new assessment of the status of the Iraqi Corrections system, and what actions the military had taken to restore the prison system. By October 23, 2003 (six months after the fall of Baghdad), they published a document for “Corrections System Reform in Iraq.” Their 13-page document proposed hiring an initial team of 22 contract personnel to conduct a 17-week phased transfer from the 800th MP Brigade to the CPA MOJ Prison Department. Unfortunately, the CPA experienced a continually widening deployment gap as a result of the budget approval process and the inherent difficulties of recruiting and deploying civilian corrections experts from the public sector. The first partial augmentation personnel did not begin to arrive until February 2004 (ten months after the fall of Baghdad), and even by January 2005 (twenty-one months after the fall of Baghdad), the MOJ had only sufficient personnel to work on national-level program issues and provide oversight for just the prisons in and around Baghdad. Their mission was further compounded by the deterioration of the security situation, the lack of assigned security, and the expectation that they would provide operational oversight before the office was fully manned.⁶⁶

Nearly two years after the fall of the regime, military units were still supervising prisons outside of Baghdad. Clearly, the existence of a deployment gap between military forces and the assumption of authority by subsequent civilian agencies (posited by Dziedzic) continued in this most recent and U.S. Government prioritized operation.

⁶⁶ Interviews in Baghdad with Mr. Larry Dubois (Aug 2003) and Mr. Terry Bartlett, Mr. Charles Ryan, Mr. John Armstrong and Mr. Richard Billings (Nov 2003). Subsequent interviews with Mr. Lane McCotter, Mr. Mark Saunders and Mr. Charles Ryan at the Winter Conference of the American Correctional Association (Jan 2005). Mr. Dubois and Mr. McCotter served as members of the initial ICITAP assessment team. Mr. McCotter is a former Commandant of the United States Disciplinary Barracks and served as a Director of Corrections in three successive States. Mr. Bartlett was the Director for the CPA Ministry of Justice Prison Department and is a former Chief of Staff at the USDB. He also went on to work as a State Corrections Director after retiring from the military. Mr. Saunders, a current Ohio State Warden served as a Warden Advisor for CPA. Mr. Ryan, former Director of Corrections for Arizona was one of Mr. Bartlett’s initial three staff members, along with Mr. John Armstrong of Connecticut and Mr. Richard Billings of Utah. Mr. Saunders and Mr. Ryan presented lessons learned from their experiences working with the CPA and the Iraqi Penal System at the ACA 2005 Winter conference.

Summary

To restore a failed or failing penal system, the intervening force needs corrections (i.e., prison) specialists, managers, and engineers to deploy in a timely manner to expand prison capacity, conduct cadre recruitment and training, provide system oversight and safeguards to ensure adherence to international standards of confinement and corrections (i.e., monitoring and mentoring), and to ensure the timely transition to the HN government. Though such experts exist, they are not easily identified, recruited, and deployed to assume control from the intervening military force. This “deployment gap” is described in Dziedzic’s Conceptual Framework in the introduction to *Policing the New World Disorder*. A review of UN CIVPOL deployments demonstrated that international police, let alone corrections specialists, take six months to greater than a year to form up and deploy. Once deployed, their actual performance and capabilities are often problematic. Even the most recent support to Afghanistan has not changed the premise of Dziedzic’s model.

Unfortunately, the U.S. Government’s ability to deploy civilian police and prison experts has not improved. The Clinton Administration recognized the need to support the UN CIVPOL program and issued PDD 71. But due to bureaucratic lethargy, inter-agency competition, transition to a new administration, and the disinclination of NSC staff to assign priority attention to the issue of CIVPOL reform, it did not achieve its intention. Under the Bush Administration, the Department of State added the Office of the Coordinator for Reconstruction and Stabilization in 2004, but the lack of personnel, funding, and bureaucratic position appears to question whether the organization will bring in any new capabilities, especially in a specialized field such as corrections. The S/CRS will have to depend on other government agencies to do the actual work. DOJ does have an office to coordinate training (i.e., ICITAP), but without a national police force, the United States relies on private contractors to hire predominantly retired State and local police and corrections officers. The performance of ICITAP to deploy sufficient personnel to such a

high priority mission as OIF, demonstrated that even with the full effort of the U.S. Government, there is still a deployment gap between the initial deployment of the U.S. military and the subsequent deployment of civilian corrections personnel.

CHAPTER THREE

DoD in Support of Interagency Success

Winning decisively will require synchronizing and integrating major combat operations, stability operations and significant post-conflict interagency operations to establish conditions of stability and security favorable to the United States...At the operational level, military post-conflict operations will integrate conflict termination objectives with diplomatic, economic, financial, intelligence, law enforcement and information efforts.

The National Military Strategy, 2004⁶⁷

The discussion in the previous two chapters clearly established the existence of a deployment gap between military forces and civilian agencies better suited to address reconstruction, and the reasons behind the deployment gap. Forman and Pan summarized that, “the post-Cold War and the global war on terror have underscored a significant capacity gap between U.S. military operations and the civilian operations to which they hand off. It has now become commonplace for the U.S. military to remain in theater performing nonmilitary missions precisely because no civilian agencies are ready or able to deploy.” They related an observation by General Anthony Zinni, a former commander of USCENTCOM, that the U.S. military have become the “stuckees,” because no other alternative exists to fill the emergency gaps.⁶⁸ But this observation does not mean that the military, itself, is well suited to the task of post-conflict reconstruction. Though many sectors of society (e.g., political, economic, social, etc.) contribute to stability in a post-conflict scenario—and deserve attention in another forum—this monograph focuses only on those capabilities within the military that can affect the restoration of a host nation’s penal system, within an integrated justice program.

Some authors contend—perhaps accurately—that the military has been traditionally reluctant to assume a law-and-order role, but very few would disagree with Williams that “in the absence of an international police force, it [the military] is likely to be increasingly compelled to

⁶⁷ Chairman of the Joint Chiefs of Staff, *The National Military Strategy of the United States of America: A Strategy for Today; A Vision for Tomorrow*. (Washington, D.C.: U.S. Government Printing Office, 2004), 14.

⁶⁸ Forman and Pan, “Filling the Gap,” in Orr, *Winning the Peace*, 116.

do so.⁶⁹ We established in the first chapter that Army doctrine does account for support to law and order within stability operations and support operations. The Army, as the Nation's primary land force, logically takes the lead and provides most of the force structure for post-hostilities restoration efforts. The most recent Army Posture Statement reinforced this understanding:

The Army exists to serve the American people, to protect enduring national interests and to fulfill national military responsibilities. Our mission is enduring: to provide necessary forces and capabilities to the Combatant Commanders in support of the National Security and Defense Strategies. The Army is charged to provide forces able to conduct prompt, sustained combat on land as well as stability and reconstruction operations, when required. Moreover, the Army is charged to provide logistical and other capabilities to enable other Services to accomplish their missions.⁷⁰

The mission to conduct stability and reconstruction operations is important, but does not mean that the Army views itself as the lead agency for nation-building. The primacy of the U.S. Army effort is on deterring war, and if necessary, fighting and winning our Nation's wars.

As the debate between DoD and DOS continues on lead agency responsibility for reconstruction and stability, the U.S. Army is in the position to decide whether to avoid specific mission requirements (at its peril), address those mission requirements with minimum effort (i.e., "kick the can down the road"), or address the mission requirements with such effort that best postures the specific program for eventual assumption by the appropriate civilian agencies, while paying near-term dividends in support of the military operation. In this case, does the Army ignore the incarceration of criminal elements in the host nation; does it attempt to absorb the penal system requirements into its standard I/R operation; or, does it begin to build the framework of the indigenous nation's penal system, to include local jails, regional prisons, a high-security prison, and a national level administrative capability? Does it design the new penal system in accordance with accepted international standards, so that the subsuming civilian agency does not have to "undo" well intentioned, but uninformed policies, procedures and practices?

⁶⁹ Williams, *Civil-Military Relations and Peacekeeping*, 49.

⁷⁰ The Army Posture Statement at <http://www.army.mil/aps/05/>.

In Chapter One, we defined stability operations and support operations, and how such operations nest within the military component of national power. Such operations occur concurrently with decisive operations (i.e., “three-block war”) and certainly continue beyond the decisive phase. One component of support operations is to reestablish critical infrastructure, which can include elements of civil administration (i.e., legislative, administrative, and judicial functions) and vital emergency services (e.g., police, fire, rescue, etc.).⁷¹ Though any force can be tasked to conduct stability operations and support operations (with varying degrees of success), in general falls to Civil Affairs (CA) units to coordinate the activities of military and civilian specialists to reestablish civil administration and emergency services. The CA mission is:

To help military commanders by working with civil authorities and civilian populations in the commander’s area of operations to lessen the impact of military operations on them during peace, contingency operations and declared war. Civil Affairs forces support activities of both conventional and special operations forces, and are capable of assisting and supporting the civil administration in the area of operations.⁷²

The majority of CA units reside in the Army Reserves, and though they are “generalists” by design, many possess valuable skills from their civilian careers, such as engineering and law enforcement. But CA teams are small and only able to coordinate the efforts of specialists from other organizations and units conducting CA missions, and do not themselves supervise specific projects, such as penal system restoration.

The question is whether the U.S. Army has applied the force structure, funding, and facilities to conduct stability operations and support operations well, both in its general application and more specifically in support of the Justice program. Equally in question is whether current doctrine, training and leader development prepares units to perform this mission. In making his case for a new civilian stability force, Perito argued:

The U.S. military is particularly ill equipped to perform post-conflict duties as it lacks constabulary forces such as Italy’s Carabinieri and France’s Gendarmerie Nationale... U.S. Military Police (MP) might offer a short-term and partial solution. MPs are trained to perform both public order and law enforcement functions. They can also establish and

⁷¹ FM 3-07 *Stability Operations and Support Operations* (HQDA, February 2003), 1-14.

⁷² <http://www.usacapoc.army.mil/>.

run corrections facilities....But directing MPs to take on peacekeeping duties as a primary mission would require a change in U.S. Army doctrine...the number of MPs on active duty is small and these “high demand, low density” units are among the busiest in the military.⁷³

Perito’s assessment of DoD capabilities to address post-conflict constabulary duties, and specifically the comment that stated, “They [MPs] can also establish and run corrections facilities” requires deeper analysis, especially in that corrections specialists constitute only a small fraction of the total MP Soldier career field.

Department of Defense Corrections

For police and prison services, civil affairs units would turn to primarily Army military police units, especially in the six months to a year absence of UN or U.S. civilian police personnel in theater. Typically, a supporting military police brigade or battalion will consist almost exclusively of standard MOS 31B MP Soldiers, with perhaps a small augmentation of criminal investigation agents (MOS 311A warrant officers and 31D NCOs). What is missing from this standard organization and relationship is MOS 31E Corrections Specialists. Prior to the recent activation of the 525th MP Battalion at GTMO, the majority of corrections specialists were assigned to the four Continental United States (CONUS) based correctional facilities in non-deployable units.⁷⁴ The staffing authorizations for these four facilities are based on facility design and inmate capacity, thus providing little flexibility to augment deploying MP units with corrections specialists from those facility authorizations.

⁷³ Perito, *Establishing the Rule of Law in Iraq*, 11. Perito fully develops his argument for the creation of a national-level civilian stability force patterned after the Italian and French national police in *Where Is the Lone Ranger When We Need Him?* Though his contention deserves careful consideration, a key factor in the performance of the Carabinieri and Gendarmerie Nationale is that they practice their police craft in Italy and France. Likewise, U.S. Army MPs make such good peacekeepers in part due to their experience performing law enforcement on military installations. The Nation would have to assess the willingness and legality of whether a National police force could exercise authority within State and Local jurisdictions. Otherwise, a U.S. constabulary force would not have the requisite environment to gain experience in their profession.

⁷⁴ The four facilities are the USDB at Fort Leavenworth, KS (DoD’s only maximum security prison), and the three RCFs at Fort Lewis, WA, Fort Sill, OK, and Fort Knox, KY. There are also OCONUS confinement facilities in Korea and Germany, and currently a temporary field detention facility at Camp Arifjan, Kuwait.

The Army Inspector General, following an assessment of detention operations in support of OEF and OIF in the spring of 2004, reported:

The current Military Police force structure lacks 31E (Internment/Resettlement Specialist) personnel to meet the requirements of manning the current detention facilities and conducting sustained detainee operations in the current and future operating environments, to include control and confinement of high-risk detainees. The 31E is the only Soldier trained to run a detention facility and specifically deals with controlling and confining high value detainees.⁷⁵

At the beginning of OIF, there were less than 1000 MOS 31E corrections Soldiers in the active force, and fewer than 200 in the reserve components. Fortunately the same out-of-cycle inject into the Total Army Analysis 2011 process that created the GTMO MP battalion, will also create new active and reserve component Army MP units of predominantly corrections specialists, increasing the active force allocation by 400 Soldiers by 2007 and the Reserve Components by nearly 2000 corrections Soldiers.

The other military Services experience the same dilemma as the Army, because their current force structure is tied to fixed facilities (though the Marine Corps is testing the assignment of ten corrections specialists to a recently designed test MP battalion to the II Marine Expeditionary Force). In total, the Marine Corps has 20 warrant officers and just over 550 enlisted Marines with a corrections rating, tied to an array of CONUS and OCONUS Brigs.⁷⁶ The Navy and Air Force train personnel to conduct corrections at their facilities as an additional specialty. Following a 20-day course at the Navy Technical Training Center at Lackland Air Force Base, they are assigned to “shore duty” at a Naval Brig.⁷⁷ The Air Force no longer operates long-term corrections facilities, instead sending its medium-term inmates to Navy facilities and long-term inmates to the USDB. The Air Force maintains numerous base detention facilities, typically with less than ten cells, supervised by the Base Security Forces Squadron.

⁷⁵ Inspector General of the Army, *Detainee Operations Report* (Headquarters, Department of the Army, 2004), 64.

⁷⁶ Gregory J. Stroebel and John I. Hawthorne III. “Marine Corps Corrections – Similar But Not Identical to Civilian Corrections,” *Corrections Today*, (December 2003): 63.

⁷⁷ William E. Peck and Timothy E. Purcell. “U.S. Navy Corrections: Confining Sailors Both at Sea and on Land,” *Corrections Today* (December 2003): 70.

The DoD Corrections System is really four separate Service Corrections Systems under the general oversight and policy guidance of the DoD Corrections Council (the council includes OSD and Service representatives). Each Service focuses its efforts on USC Title 10 responsibilities to incarcerate and rehabilitate U.S. military prisoners. The 130-year history of military corrections, coupled with its current reputation in the professional field of corrections, justifies Lieutenant Colonel (Ret) David Haasenritter's conclusion:

The military correctional system is a model system that has evolved over the years since the first meeting of the American Prison Association. It has been forward thinking, developing innovative programs, such as vocational training and prison alternatives (boot camps), which were later adapted in civilian correctional systems. Those released from military prisons under supervision have a lower recidivism rate than the national average. The skills developed in operating military prisons have become critical in operating detention camps throughout the world....The question must be asked, can the military afford to lose this key skill set that is gained through training and experience from operating correctional facilities?⁷⁸

The record of accreditation of military correctional facilities by the American Correctional Association (ACA) further supports Haasenritter's conclusion.⁷⁹ Career corrections Soldiers and Marines, and to a lesser extent, Navy and Air Force personnel that perform single tours of duty in corrections, clearly develop a valuable skill-set to run confinement and correctional facilities. This skill-set is the same specialization sought out by Civil Affairs personnel to establish procedures for new jails or prisons, and train and supervise an existing or newly recruited indigenous cadre. Unfortunately, this skill-set does not extend above the facility level, and does not prepare the Soldier or Marine to design and develop a comprehensive penal system, or effectively advise on the refurbishment or construction of new prison facilities.

One would think that the military officer corps would have the required executive-level skill-set to design and develop a penal system, and to advise during the construction of major

⁷⁸ David K. Haasenritter, "The Military Correctional System: An Overview," *Corrections Today* (December 2003): 61.

⁷⁹ The Standards and Accreditation Department of the ACA and the Commission on Accreditation for Corrections provide a system of verification that correctional agencies/facilities comply with national standards promulgated by the ACA. Accreditation is achieved through a series of reviews, evaluations, audits and hearings. The USDB has the longest continuous accreditation of any military facility, and the U.S. Army Confinement Facility in Mannheim, Germany was the first overseas facility accredited by the ACA. <http://www.aca.org/standards>.

prison projects, but that it is unfortunately not the case. Except for approximately twenty Marine Warrant Officers who run their headquarters section and command the Marine Brigs, there is no system for developing officer specialization in DoD corrections. The Report of the Army Corrections Study Panel stated that, “The Army professional development program for the ACS [Army Corrections System] fails to effectively prepare officer leaders for duty in ACS facilities. Officers continuously encounter an enormous “on the job-learning curve” that significantly hampers them from effectively managing a sensitive and ever changing environment.”⁸⁰ When DoD was tasked to assess the costs of refurbishing a major prison complex in Afghanistan, the team sought out two Federal Bureau of Prison (FBOP) employees to volunteer to provide the needed expertise to complete the task to standard.⁸¹ In this unique case, the combination of their executive-level skill-set, with the military officers’ understanding of stability operations and support operations, was a successful combination.

The Army does train a small number of its mid-grade military police officers in corrections, sending on average one officer a year to graduate school for an advanced degree in criminal justice (i.e., Corrections). On the other hand, the Service has not had a strong record maximizing the benefit of their education by placing those officers in successive corrections positions of increasing responsibility, preferring instead to develop MP officers as “generalists,” instead of “specialists.”⁸² Such officers should have a clear assignment pattern that places them in command of correctional facilities, service as HQDA Corrections Branch Chief, and emphasis on obtaining certification as a Certified Corrections Executive (CCE) or Manager (CCM) by the

⁸⁰ Vick, James E. and Frank B. Ecker. *Report of The Army Corrections Study Panel* (Washington, D.C.: May 2000), 99-100.

⁸¹ The author was a member of the OSD team that traveled to Afghanistan in May 2004. The addition of Mr. Paul Keller, Chief of the FBOP Facilities Management Branch, and Mr. Ramin Zandpour, a 10-year FBOP engineer that had recently transferred to DoD, demonstrated the importance of having personnel with an executive-level skill-set and specialization in prison construction advising military planners. The two men provided exemplary service to our Nation in a notably unsafe environment.

⁸² Peter J. Grande. *A Descriptive Study of Military Police Officer Graduates of the Master of Arts Program of Sam Houston University*. (Sam Houston State University, 1991), v.

ACA.⁸³ No officer currently on active duty has had the opportunity to combine their educational experience and certification, with developmental positions as a RCF commander, Commandant of the USDB, and HQDA Corrections Branch Chief.⁸⁴ Further, due to the fracturing of DoD Corrections, and Army Corrections among four major commands (MACOMs), there is only one Field Grade officer position at HQDA, working corrections policy and budgetary issues. The Army Corrections Study Panel concluded that “the MP Corps must groom officers for increased responsibilities in corrections; therefore, developmental assignments, along with professional schooling is needed to ensure that the MP Corps has sufficient experienced officers available for these assignments.”⁸⁵ The Army personnel system must do a better job of managing those officers that receive advanced degrees in corrections as captains and majors, in order to build a deeper bench of officers with a corrections executive-level skill-set.

⁸³ The Corrections Certification Program is offered through the ACA to provide a national, voluntary method by which individuals can gain recognition as qualified corrections practitioners. The Certified Corrections Executive category includes individuals at the highest level of adult and juvenile corrections who oversee the development and implementation of policies and procedures. Interview with Dr. William Sondervan, CCE, Director, Professional Development, American Correctional Association. See <http://www.aca.org/certification/>

⁸⁴ Only eight officers in the Army approach an executive-level skill-set in Corrections. Currently, only COL Steve Andraschko has both an MS degree in Criminal Justice and commanded both a RCF and the USDB. He is the senior and most experienced corrections officer in DoD—he retires this summer. The current Commandant of the USDB, COL James Harrison, is a CCE, but neither he nor several of his predecessors served as the Corrections Branch Chief or received advanced degrees in Corrections. The current branch chief, LTC Anthony Cruz commanded a RCF, but also does not have an advanced degree in Correction or a CCE. The only officer to have both an advanced degree and a CCE (in fact, the first CCE in DoD) is the Deputy Commandant of the USDB, LTC Peter Grande. LTC Grande began his career as an enlisted corrections specialist and later commanded a RCF and the Mannheim confinement facility. The only other CCE officer in DoD (the author) has served as the Corrections Branch Chief, but does not have an advanced degree in corrections and only commanded an installation level confinement facility and the MP Battalion that supports the USDB. With the previous Commandant of the USDB, COL Colleen McGuire, a previous commander of the MP Battalion at the USDB, COL Dwayne Wagner (who also has an advanced degree in corrections), and LTC Lennie Upshaw (another officer with an advanced degree in corrections that commanded a RCF), these eight officers represent the operational depth of senior officers with measurable Corrections experience. None would likely compare their experience or capabilities with a career FBOP executive or a State Director of Corrections, though officers with similar military experiences have gone on to serve quite successfully as State Directors of Corrections.

⁸⁵ Vick and Ecker. *Report of The Army Corrections Study Panel*, 100.

Corrections Professional Skill-set

When the Executive Office of the HQDA considered the proposal to outsource Army Corrections, then Vice Chief of Staff of the Army, General John M. Keane, met with an officer and two corrections MP Soldiers in December 2002 to better understand the difference between corrections specialists and standard MP Soldiers. General Keane was interested in the Corrections Professional Development Model, differences in training, and the experience gained from working daily in a prison environment.⁸⁶ He was particularly interested in the experiences of the NCO participant, SSG William Ramsey, who had deployed earlier in his career as a MP, then later deployed as a corrections specialist, assisting a MP unit that had difficulty establishing a detention facility in Kosovo. SSG Ramsey acknowledged the importance of his institutional and unit training, but placed greater emphasis on his experience gained working at the USDB and the Mannheim confinement facility. The following summer, General Keane responded to a query from the SECDEF, citing the importance of the corrections specialists and the facilities where they learn their craft, to meeting operational requirements of the Global War on Terrorism.⁸⁷

Corrections specialist attend the same initial institutional training as MPs, but separate from their fellow MPs for three weeks for corrections specific training.⁸⁸ This same pattern holds true at both the Basic and Advanced NCO courses. In each course, the corrections NCOs break away for one week to train on such tasks as Supervise Administrative/Disciplinary Measures, Supervise Discipline and Security at a Prisoner of War Camp, Inspect and Maintain Physical Security at a Confinement Facility, Conduct Facility Emergency Procedures, and Understand the Role of the Senior Corrections Supervisor. Corrections Soldiers can also receive specialized training in investigations, marksmanship, physical security, and intelligence.

⁸⁶ Recollection of the meeting and supporting evidence based on working papers of the author.

⁸⁷ Memorandum for SECDEF, Subject: Core Competencies (Prisons), dtd 25 Aug 2003.

⁸⁸ For example, initial training includes classes in Prison Administration, Use of Restraining Devices, Custody and Control Procedures, Unarmed Self-Defense, Confinement Facility Operations, 12-gauge shotgun qualification, followed by a series of Facility Exercises at a mock confinement facility.

More important, is the unit training and experience gained working at the RCFs and the USDB. The prison environment is challenging, challenging not only for the Soldier and first-line supervisor, but for the managerial level staff and leadership. Phillips and McConnell explained:

The singular management challenges of corrections can be distinguished from those of other fields in a number of ways. Prison administrators are asked to protect the public from incarcerated criminals while coping with the problems of institutional crowding in an era of intense fiscal pressures. They must supervise and prevent violence among poorly socialized, aggressive inmates. They are obliged to provide drug treatment and literacy programming to poorly motivated subjects, and to gainfully occupy large numbers of inmates who have minimal or no work experience.⁸⁹

Though the military inmate population is not nearly as trying as in the civilian community, it is always a challenge to manage an environment that restricts the movement and privileges of any group of individuals.⁹⁰

Given the unique nature of the prison environment, the National Institute of Corrections (NIC) defined the skills and abilities of the corrections professional, taking into account that “the nature of the corrections environment has changed significantly in recent years. The technological revolution, globalization, and changing workforce demographics are just a few of the factors impacting and changing corrections organizations. The Core Competency Project is an attempt to define the skills and abilities needed today and in the future by executives and senior-level leaders in corrections.”⁹¹ The effort initially addressed the executive and senior level

⁸⁹ Richard L. Phillips and Charles R. McConnell. *The Effective Corrections Manager: Maximizing Staff Performance in Demanding Times* (Sudbury, Mass: Jones and Bartlett Publishers, 2003), xvi.

⁹⁰ In discussions with company commanders in the 7th ID(L) in 1986, the author used to describe the inmate population at the Area Confinement Facility as the most difficult Soldier in each of their respective companies that they could not handle, now combined together into one unit. He would ask them if they had any NCO that could motivate such a group of Soldiers on a daily basis—31E Corrections Soldiers do it for a living! At the USDB, 86% of the inmates are incarcerated for violent crimes. Coupled with the fact that long-term inmates become very adept at manipulation over time, this is an especially challenging environment for young Soldiers. For a comprehensive look into the world of Corrections, see Sharon J. Rion, ed. *A View from the Trenches: A Manual for Wardens by Wardens*. (Landham, Maryland: North American Association of Wardens and Superintendents, 1999). This book is a compilation of articles by over fifty wardens and corrections practitioners on a variety of aspects of corrections management.

⁹¹ Interview with Mr. Robert M. Brown, Chief, Academy Division, National Institute of Corrections, U.S. Department of Justice. See. Robert M. Brown, et al. *Core Competency Model Project (Draft)* (Washington, D.C.: Department of Justice, National Institute of Corrections, 2004), i.

leader competencies, and then expanded down to include managers and supervisors.⁹² The effective competency models identified the key skills, knowledge, and attributes of effective and successful leaders. The members of the project chose seven competency groupings for the executive and senior levels of corrections leadership (i.e., Self-Awareness, Ethics and Values, Vision and Mission, Strategic Thinking, External Environment, Power and Influence, Collaboration, Team Building).⁹³ According to Mr. Lane McCotter, though he had served as the Commandant of the USDB, he did not feel that he had really developed his executive-level competencies until he had gained additional experience managing a full corrections system, while serving as the Director of Corrections for the State of Texas.⁹⁴

Summary

Though military leaders and planners may feel that they get “stuck” with rebuilding the host nation’s law enforcement and penal systems, Army doctrine recognizes the requirement, and the deployment gap with civilian police and prison advisor counterparts establishes the default need. It is up to the military to decide whether it will ignore, attempt to merely mitigate, or focus effort on the penal system as an integral part of rebuilding the institutions that uphold the rule of law, that serve to restore civil authority. Army civil affairs units do not have corrections specialists, but can coordinate the actions of military corrections specialists with the host nation’s prison officials and subsequently deploying civilian agencies. Unfortunately, the current DoD corrections force structure is not postured to deploy, nor do they have the numbers to provide operational depth.

⁹² Nancy Campbell, Robert M. Brown, Marie Mactavish, Dee Halley and John Eggers. *Core Competency Model Project: Phase Two*. (Washington, D.C.: Department of Justice, National Institute of Corrections, April 2004).

⁹³ Brown, et al. *Core Competency Model Project*, 2-3. The responsibilities and tasks associated with the Executive Profile, as defined by the National Institute of Corrections are listed in Appendix A.

⁹⁴ Interview with Mr. McCotter at the ACA Winter Conference in January 2005.

The DoD corrections system is actually a collection of four separate Service corrections systems. Only the Army and Marine Corps have a career corrections rating for enlisted personnel, based on: institutional training, unit training, and experience working daily in a prison environment. These two Services develop Soldiers and Marines with a unique skill-set to operate jails and prisons. If available, these personnel can adequately advise on the facility operations until the arrival of civilian personnel. But DoD does not have the resident executive-level skill-set to advise on national level penal issues. The Marine Corps has twenty warrant officers that specialize in corrections (they no longer use line officers in corrections), but the Warrants still focus primarily on facility operations. The Army does not specialize its officers in corrections. The Army provides advanced education in corrections to an extremely small number of mid-grade MP officers, but to date has done a poor job managing their professional development to build an executive-level skill-set in corrections. A former Commandant of the USDB attested that he did not fully develop his executive-level capabilities until after he left military service and assumed duties and gained experience as a State Director of Corrections.

CONCLUSION

Because of their experience at RCF/USDB [prison] facilities, they have developed an eye for what works and what doesn't work. Interpersonal communication and people skills, safe and effective procedures with high-risk inmates, and an experienced understanding of how to operate a facility, would undoubtedly ensure greater efficiencies in any type of I/R operation. As with any skill, these operations simply can't be learned from a book. We must recognize that abuse, apathy and gross mistakes come from frustration and a lack of confidence due to inexperience and poor training....an efficient, safe facility comes from Soldiers with confidence, skill and pride. 95Cs [corrections specialists] do it best.

Colonel Colleen McGuire, Commandant, United States Disciplinary Barracks⁹⁵

In the current and future operational environments, DoD will need to support penal systems of failing or failed states as an integral component of establishing security, building the institutions that uphold the rule of law, and the ultimate restoration of civil authority. Initially, a Combined Joint Task Force (CJTF) commander cannot expect to have civilian corrections experts assigned to his staff or available in theater in significant numbers within the first six months to a year of an operation. At best, the Command can draw on a few officers and NCOs experienced in correctional facilities management from the DoD Corrections System (primarily the Army and Marine Corps). But these officers do not possess the full capabilities of an executive-level corrections professional. Further, until the Army builds additional corrections force structure, it will continue to find it difficult to provide correctional facility management advisors and units capable of conducting confinement operations for criminal detainees, to work with units involved in stability operations and support operations and HN correctional facilities, prisons, and jails.

Unfortunately, DoD currently lacks a formal professional development model to produce officers and senior NCOs with the planning and administrative skill-set to support a national-level

⁹⁵ Quotation included in a briefing to the Vice Chief of Staff of the Army, General John M. Keane, on the unique skill-set of the corrections specialist, in response to the SASA-BT prison outsourcing proposal. This briefing occurred one year prior to the abuses reported at Abu Ghurayb. Military corrections specialists were not assigned to the unit conducting detention operations at Abu Ghurayb, but have since deployed to Iraq, Afghanistan, and Cuba to assist units conducting detention operations.

penal system directorate. DoD lacks sufficient depth of officers and NCOs for correctional facility management oversight due to Service peculiarities within respective Military Department correctional programs and authorizations based only on U.S. corrections facility requirements. DoD currently lacks a deployable force structure capable of conducting effective criminal detention (i.e., a critical component in setting the conditions for the reestablishment of a HN's penal system). The establishment of a Joint Corrections System, populated by deployable internment units, coupled with a comprehensive correctional officer development program, would provide DoD with the required capability to reestablish or at least set the conditions for follow on civilian experts to reestablish a fully functioning indigenous penal system.

Recommendations⁹⁶

Combine the four Service Corrections programs into a single DoD Joint Corrections Command, commanded by a General Officer. Build a robust operations staff to provide operational control of all medium- and long-term correctional facilities. Build a robust planning staff to work with Joint Forces Command and Combatant Commands planning detention operations. Establish a research and evaluation section for program review, integrating vocational training across all facilities, and standardizing treatment programs and rehabilitation. Designate HQDA Executive Agent for the Joint Corrections Command.

In the absence of and even concurrent with the creation of a Joint Corrections Command, place all Army CONUS correctional facilities under a single Army Corrections Brigade. Build a robust operations and planning section within the Brigade to work with U.S. Forces Command and Combined Joint Task Forces planning detention operations. Have the Corrections Brigade report directly to the Provost Marshal General of the Army. Expand the Corrections and Internment Branch within the Office of the Provost Marshal General.

⁹⁶ Some of these recommendations overlap with the recommendations of the Army Corrections Study Panel listed in Appendix B. For the original report see Vick and Ecker. *Report of The Army Corrections Study Panel*, 5-7.

Develop a formal Professional Development Model for military police officers that receive advanced civilian education in corrections. Increase the numbers of officers that attend graduate school, and carefully manage their job assignments to include command of regional corrections facilities, OCONUS confinement facilities, operations positions at the USDB and at the future Corrections Brigade and Joint Corrections Command. Consider a corrections warrant officer program for the Army, similar to that of the Marine Corps.

Strengthen Professional Collaboration with civilian corrections agencies. Participate in Federal Bureau of Prisons and National Institute of Corrections executive training programs. Explore officer exchange programs with the FBOP or private corrections corporate offices. Participate in conferences and workshops sponsored by the ACA, the American Jail Association (AJA), and the North American Association of Wardens and Superintendents. Continue ACA facility accreditation and increase participation in their professional certification program.

Continue Force Structure Builds to create operational depth. Place sufficient personnel at CONUS correctional facilities to allow rotational deployment. In the Reserve Components, create training associations with CONUS facilities to provide a training environment and facilitate backfill of deployed active component units. Assess the planned locations of the new reserve corrections units to ensure they are in the vicinity of major concentrations of Federal and State correctional facilities (e.g., Leavenworth, KS, Terra Haute, IN, Pueblo, CO, etc.). Ensure battalion-level MP Internment/Resettlement (I/R) units have a MOS 31E Command Sergeant Major and/or Operations Sergeant Major, and several MOS 31E operations NCOs.

Address and update military police I/R Doctrine to integrate corrections specialist into standard detainee operations. Develop the ability of MP I/R brigades and battalions to support the restoration of a host nation penal systems, concurrent with ongoing detention operations.

Combine all Services' corrections Institutional Training at the United States Military Police School at Fort Leonard Wood, MO. Consider establishing a training relationship with the Federal Law Enforcement Training Center at Glynco, GA.

Final Remarks

The requirement to address the detention of indigenous criminals following decisive operations is tied to two larger issues. First, the appropriate role of military forces in post-conflict security and restoration; and second, the ability of the Armed Forces to train and maintain specialists in the field of corrections. It appears that, based on lessons learned in Afghanistan and Iraq, most commanders and planners now fully appreciate the importance of “winning the peace,” following decisive combat operations. Few would argue that it is not the responsibility of the military to ensure security following an invasion and during the subsequent occupation. It is even reasonable to recognize the advantage of quickly forming an indigenous police force, using military assets to train and equip such a force. Unfortunately, most view the police as just another “force” that fights to ensure security, when it is actually an institution that is integral to upholding the rule of law. Recent literature emphasizes that security is based on the rule of law, and the institutions that uphold the rule of law. Those institutions are not only the police, but also the judiciary and penal systems. The same effort that military forces apply to forming police forces, should also go to the judiciary and prisons.

The introduction to this monograph reference a HQDA staff action to outsource U.S. military prisons to the FBOP or a private contractor. The proposition was that running prisons was not a core competency of the Army, and therefore it should be divested. General Keane responded to this proposal to divest the USDB by stating,

The importance of the incarceration function performed by the Military Police Internment/Resettlement Specialist (MOS 95C) [now MOS 31E] contributions and experience in Iraq, Afghanistan, and Cuba have been invaluable. The new operational requirements in support of the Global War on Terrorism and Operation Iraqi Freedom (i.e., imprisonment of terrorists and war criminals as well as host nation support to Iraqi prison systems vs. traditional enemy prisoner of war missions) were not fully anticipated at the time the Secretary of the Army made this decision. The maximum security facility at Leavenworth currently provides the only similar-type training and experience for these new types of high security missions now required world-wide.⁹⁷

⁹⁷ Memorandum for SECDEF, Subject: Core Competencies (Prisons), dtd 25 Aug 2003.

MOS 31E Corrections specialists clearly possess a unique skill-set that meets a required capability needed by the Army.

The challenge for DoD is how to make corrections soldiers available to combatant commanders conducting detention operations and post-hostilities reconstruction of penal systems. The first step is to protect the DoD corrections system and the environment that develops the unique skill-set of these corrections Soldiers. Repeatedly throughout the history of military corrections, the prison system has been the target of budget cutting measures. Twice, the USDB at Fort Leavenworth has been transferred to the FBOP (1895-1906 and 1929-1940), only to return to military control. The most recent attempt underscores the surface appeal of divesting military corrections, without recognizing the significant benefits of the system. Besides developing Soldiers with the skill-set needed by units conducting detention operations, especially of high-risk inmates, the DoD corrections system best ensures public safety (i.e., low rates of escape, fights, riots, recidivism, and parole revocations), supports good order and discipline as an integral part of the military justice system, and facilitates credible authority of military leaders. The DoD corrections system, consisting of both punitive justice and corrective justice, provides a mechanism for a Return to Duty program and assures legitimate rehabilitation programs. The DoD corrections system meets all USC Title 10 responsibilities directed to the Service Secretaries, and the Army Corrections System meets all Army Executive Agent Responsibilities (i.e., long-term incarceration and the capability to execute a military death sentence).⁹⁸

The second step is ongoing, that is, to increase the force structure at the CONUS-based correctional facilities to allow a rotational deployment of the Soldiers that work at these facilities. As the Army transforms into a capabilities-based force to meet the Defense Planning Guidance, the Army must have the capability to confine high-risk detainees for extended periods of time,

⁹⁸ The inception of the Army Corrections system, following Congressional Hearings in 1872, was values-based. The system was built on four basic principles of standardizing treatment of soldier-prisoners, deterring desertion, preparing Soldiers for return to duty, and reducing the commingling of hard core civilian criminals with novice Soldier criminals.

and support the restoration of an indigenous penal system. This is a paradigm shift from the World War II, and even Operations Desert Storm, model of standard EPW operations, in which fairly compliant EPWs simply wait out until the end of the war in secure internment camps. The internment facilities in Iraq, and the detention facility at Guantanamo Bay, more resemble the institutional culture of a maximum security prison in the United States. Committed Iraqi insurgents and Islamic extremists, mingle with lesser committed, but equally less disciplined common criminals, results in a very challenging confinement environment. The USDB continues to be the best environment to prepare our Soldiers to meet the requirements of the paradigm shift in detention operations.

The last step is to aggressively expand and improve the executive-level skill-set of senior officers and NCOs to better serve on Regional Combatant Command planning staffs or an in-theater CJTF staff. HQDA routinely responded to requests from GTMO, Afghanistan and Iraq to assist ongoing detention operations. The list of qualified officers and senior NCOs available for these assistance visits was quite short, with several personnel volunteering for repeated trips.⁹⁹ The Army must maximize its advance civilian education program with very close management of successive developmental assignments for these selected officers. The disparate DoD corrections system should be combined into a single Joint Corrections Command, vastly improving the efficiency and performance of each Service Corrections system, but also creating a headquarters environment similar to a State Corrections Department that would provide for the necessary developmental assignments to fully prepare military officers to serve at the executive level of the corrections profession.

⁹⁹ As the HQDA officer responsible for recruiting assistance teams for two years, I would especially like to commend the significant and often repeated services of COL Steven Andraschko, COL Colleen McGuire, LTC Peter Grande, LTC Thomas Schmitt, LTC Timothy Weathersbee, LTC (Ret) David Haasenritter, MAJ Jeffrey Creed (USAR), Mr. Michael Shannon, CSM (Ret) Izel Rhym, MSG (Ret) Gerald Patterson, MSG Michael Jones, and MSG Edward Baldwin. Their personal sacrifice and devotion to duty made an immeasurable contribution to the improvement of detention operations in Cuba, Afghanistan and Iraq.

Appendix A: Corrections Executive Profile¹⁰⁰

1. Establish the agency vision and mission.
 - a. Create and communicate a shared, compelling, and inspiring vision and sense of organizational purpose.
 - b. Ensure the development of short and long-range plans that meet the agency's goals.
 - c. Identify future trends in the field and/or in the external environment that might affect the agency.
2. Set clear goals and objectives to align and/or develop the organizational and administrative systems to support the agency mission. Evaluate progress toward desired outcomes.
 - a. Provide an effective organizational structure that clearly defines lines of authority, responsibility, and communication.
 - b. Ensure the development of policies, practices, and procedures that result in an organizational structure that promotes the coordination, cooperation, and integration between divisions and units needed to achieve desired outcomes.
 - c. Ensure the development and maintenance of internal and external communication systems that foster clarity and develop supportive relations.
 - d. Ensure that the systems for monitoring and evaluating outcomes provide feedback regarding progress toward goal attainment and ways to improve systems.
 - e. Ensure the development and maintenance of strategies for understanding best practices in the subject area(s).
3. Build an organizational culture that supports the attainment of desired outcomes.
 - a. Build an organizational culture that ensures the organization is mission driven.
 - b. Create a culture that facilitates the adoption of strategies and practices that continuously respond to changing markets and environments.
 - c. Create a culture that responds to identified customers needs.
 - d. Create a culture that supports and rewards both individual and team efforts.
 - e. Create a culture that values fair and equitable treatment of offenders, staff, and other stakeholders.
4. Secure the resources needed for successful implementation of the agency mission and ensure the agency's resources are managed effectively and efficiently.
 - a. Assure resources are expended in ways that support the implementation of vision, mission, and goals.
 - b. Place the agency's funding needs and requests within the context of the elected official/body's priorities.
 - c. Understand the resources needed for operation and capital expenses and the possible options for securing funding for these needs.
 - d. Develop the relationships needed to engender trust and confidence in both the estimate of need and the use of resources.
 - e. Demonstrate accountability with funding resources
5. Manage the external environment including relations with other departments, agencies, organizations, community, and other stakeholders.

¹⁰⁰ Robert M. Brown, et al. *Core Competency Model Project (Draft)* (Washington, D.C.: Department of Justice, National Institute of Corrections), 8-9. The cited document provides a detailed chapter on each competency section, providing useful insights and tools to develop the capability.

- a. Establish and maintain effective working relationships with other government and non-profit organizations, community interest groups, and stakeholders.
 - b. Establish agency policy regarding public and media relations.
 - c. Communicate the vision, mission, and goals of the agency to a broad range of audiences.
6. Influence and develop public policy that supports the agency mission.
- a. Develop and maintain effective legislative/political relationships.
 - b. Encourage understanding and cooperation of policy makers and those who influence them.
 - c. Assist senior agency staff in understanding how the corrections agency agenda fits into the context of other public policy issues.
 - d. Use the most current and accurate research to support policy directions.
7. Develop a competent and diverse senior staff that can ensure that the agency's vision, mission, and goals are achieved.
- a. Attract and retain a mix of styles, skills, and abilities among senior staff that results in a high performing team.
 - b. Create a culture of continuous learning and improvement that supports responsible risk-taking and growth for senior staff.
 - c. Reward achievement and recognize the importance of all levels of contribution.
 - d. Celebrate accomplishments.

Appendix B: Recommendations of the Army Corrections Study Panel¹⁰¹

1. The Army should accept the existence of a corrections mission as a “cost” of military operations and commit to retaining a corrections capability at both the long-term and short-term level. The debate should instead focus on how to tailor the corrections function to be as flexible as possible to meet army needs as circumstances and resources change. As a long-term issue, the Army should study the value of re-establishing Level I facilities, or post stockades/IDFs, at selected Army installations.
2. The Army should continue its traditional emphasis on rehabilitation, reclamation and treatment rather than “warehousing,” and favors expansion of programs to treat social pathologies where possible and appropriate.
3. That there be a manpower (desk) audit of the corrections function within DCSOPS (DAMO-ODL) to determine an appropriate staffing level for the efficient and effective execution of this mission.
4. The panel recommends that the ACS be restructured and reorganized. The new system should be streamlined to eliminate the current splintering of command and control occasioned by vesting its management between four MACOMS. This current arrangement is cumbersome, impedes coordination and unity of effort and purpose and unnecessarily encourages duplication of effort.
5. Eliminate the system whereby sentence length is the only criteria used to designate in which facility to confine an inmate. Analyze the suggested option in this report and test the proposed designation instrument.
6. Identify one ACS facility at a location possessing sufficient staffing and resources to be able to operate a small return to duty (RTD) program. In this regard, consider the practicality of operating the RTD program at a training installation where drill cadre may be usable for staffing needs. Additionally, recommend that the program be initiated by giving deserters convicted by court martial the option of serving standard prison time or participation in a RTD program. As an alternative to establishing an Army specific RTD program, consider a consolidation with the current Air Force program.
7. The Army should thoughtfully, but aggressively pursue appropriate joint service operation of selected correctional facilities at all levels to leverage cost sharing opportunities while capturing economies of scale in staffing, programs and treatment, and area coverage.
8. As circumstances permit, the Secretary of the Army should seek relief from the SECDEF on the requirement that it bear the full cost of Level III incarceration of all DoD military prisoners. In the interim, the panel believes that the Army should aggressively pursue cost sharing arrangements with its sister services in all areas of military corrections in an effort to lessen the overall burden the designation places upon the Army in operating its portion of the military correctional system.
9. Retention of MOS 95C [now, 31E] for all positions involving direct contact with prisoners.
10. The Army needs to establish a system to develop officers with corrections qualifications.
11. USDB should continue its efforts to train and reestablish the Human Use committee. This should be accomplished with the active assistance of the Army Surgeon General’s Office and

¹⁰¹ Vick and Ecker. *Report of The Army Corrections Study Panel*, 5-7.

HQDA)DAMO-ODL). Once established, the USDB Human Use Committee should review the suspended Violence and Head injury Project and Dr. Letourneau's study of arousal patterns in military sexual offenders, which has also been suspended, and assist in restarting those projects. Once necessary adjustments to the protocols and design of those projects are completed, the Human Use Committee should facilitate approval of the studies and assist in bring them to completion. DAMO-ODL should continue coordination with the FBI to conduct annual recidivism studies as well as participating in other mutually beneficial penological research.

12. Recommend a concise contingency plan be developed with precise implementation steps defined to accommodate dramatic prisoner population increase, which can occur during times of significant military mobilization or protracted conflict. A major portion of that plan should consider immediate expansion of the New DB's capacity to house prisoners by approving added construction. In addition to providing needed surge expansion capacity, construction of an additional Bow Tie will also immediately address the developing problem of increasing bed space pressures being placed on the ACS as the fill rate continues to increase.

13. The Army should encourage, conduct and disseminate corrections research to assist in making more efficient use of available resources, execution of classification decisions, and determining which programs should be eliminated, modified, or initiated. This research should also seek to determine how to justify needs for additional resources.

14. The Army needs to standardize support positions at its correctional facilities and ensure the facilities have the proper staffing to meet the basic programs required by regulation.

15. The Army should seriously examine the feasibility of establishing a warrant officer program for the corrections MOS. This will assist in fielding some of the officer requirements and provide upward mobility for the enlisted soldier.

16. Continue the ACA accreditation process and association with ACA so that the Army can fully tap into ACA resources to include grants for specialized training and technical assistance programs.

17. The Army should take steps, to include regulatory and fiscal policy changes to allow and encourage RCF Commanders to expand vocational-technical training programs to include more skill producing training. This is particularly important given developments in the ACS operations that will require the Level II RCFs to house longer-term prisoners.

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Web-based Resources and Organizations

American Correctional Association www.aca.org

Centre of Criminology Library, University of Toronto www.criminology.utoronto.ca/library

Correctional Service of Canada www.csc-scc.gc.ca

Criminal Justice Institute (CJI) www.cji.net

Danish Centre for Human Rights www.humanrights.dk

European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment www.cpt.coe.int

HM Chief Inspector for Prisons for England and Wales www.homeoffice.gov.uk/hmipris

Human Security Network www.humansecuritynetwork.org

International Centre for Prison Studies www.kcl.ac.uk/depsta/rel/icps/home.htm

International Civilian Police <http://www.civpol.org/>

International Committee of the Red Cross <http://www.icrc.org/>

International Community Corrections Association <http://www.iccaweb.org/>

International Corrections and Prisons Association for the Advancement of Professional Corrections www.icpa.ca and Guidelines for the Establishment of Correctional Services within United Nations Peace Operations <http://www.icpa.ca/new/guidelines.html>

International Prison Policy Development Instrument (International Centre for Criminal Law Reform and Criminal Justice Policy) <http://www.icclr.law.ubc.ca/Site Map/Publications Page/Corrections.htm>

Pearson Peacekeeping Centre www.peaceoperations.org

Penal Reform International (PRI) www.penalreform.org and Making Standards Work: An International Handbook on Good Prison Practices, *Penal Reform International, The Hague, March, 1995* www.penalreform.org/english/MSW.pdf

Penal Lexicon <http://www.penlex.org.uk/>

Raoul Wallenberg Institute of Human Rights and Humanitarian Law www.ldc.lu.se/raoul

Technical Assistance and Cooperation in Sentencing and Corrections - Needs Assessment Questionnaire: *International Centre for Criminal Law Reform and Criminal Justice Policy* www.icclr.law.ubc.ca

Towards Improved Corrections: A Strategic Framework, *International Centre for Criminal Law Reform and Criminal Justice Policy and Correctional Service of Canada, 1994* www.icclr.law.ubc.ca/Publications/Reports/Strategic.pdf

United Nations Blue Book (for Civilian Police in UN Peace Operations) <http://www.uncjin.org/Documents/BlueBook/BlueBook/>

United Nations Main Site www.un.org , Department of Peacekeeping Operations www.un.org/Depts/dpko/dpko/index.asp, Office of Crime and Drugs www.unodc.org/unodc/index.html, Crime and Justice Information Network www.uncjin.org, Office of the United Nations High Commissioner for Human Rights (OHCHR) <http://www.unhchr.ch/html/hchr.htm>, Standard Minimum Rules for the Treatment of Prisoners www.uncjin.org/Standards/Rules/r01/r01.html

US Agency for International Development www.usaid.gov

United States Department of Defense www.defenselink.mil, United States Army www.army.mil

United States Department of Justice www.usdoj.gov, Bureau of Prisons www.bop.gov, National Institute of Corrections Information Center (NIC) www.nicic.org/, and International Criminal Investigative Training and Assistance Program (ICITAP) www.usdoj.gov/criminal/icitap

United States Department of State www.state.gov and Office of the Coordinator for Reconstruction and Stabilization www.state.gov/s/crs/

United States Institute for Peace www.usip.org

World Criminal Justice Library Network andromeda.rutgers.edu/~wcjlen/WCJ/

World Factbook of Criminal Justice Systems www.ojp.usdoj.gov/bjs/abstract/wfcj.htm

World Justice Information Network www.wjin.net