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ACTION MEMO

GENERAL COUNSEL

December 27, 2001, 10:00 AM

FOR: SECRETARY OF DEFENSE DepSec Action _____

FROM: William J. Haynes II, General Counsel

SUBJECT: Detention Facilities in the Continental United States

253

- The President's November 13, 2001 Military Order provides for many things, including detention and **trial** by military commission of those the President determines to be subject to his order.
- **In** the event the President determines that an individual already in the United States should be transferred to **your** control from the Department of Justice, you will need to detain him somewhere.
- Your decision on long-term detention for persons detained in Afghanistan is different from this decision for a number of reasons, including that any such individual is **already** in the U.S. (Certain constitutional rights likely would attach to such an individual merely by being here.)
- **The matrix at TAB A** provides information regarding the suitability of **specific** military detention facilities in the U.S. for persons who may be transferred to **Department of Defense** control under the President's Military Order.
- **I recommend** the Charleston facility because it has ample space for appropriate **segregation of** these detainees from one another and from routine prisoners, **it provides the** necessary security, and it is reasonably accessible by various means of **transportation** while sufficiently remote from civilian and military population centers.

RECOMMENDATION: That you approve the use of the Naval Consolidated **Brig** at Charleston, SC, for persons transferred to Department of Defense control.

APPROVED DR - OK Subject to approval by P.W. & P.P.

DISAPPROVED _____

OTHER _____

COORDINATION: TAB B

Attachments:



Prepared By: Robert E. Reed, ODGC(P&HP) 695-1055

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Facility	Capacity	Segregation	Staffing	Security	Miscellaneous	Additional Attributes	Issues
Naval Consolidated Brig (Charleston, SC) (4 th Judicial Circuit)	400 cells (but not currently authorized more than 284 detainees) Currently houses 260 military detainees No cells are reserved for female detainees, as none are authorized to be detained there +70 beds unused	36 (Two areas with 18 cells each)	132 (Joint Service Staff) Need 30 for +70 beds	New, "State of Art" with maximum security available	Remote area of Naval Weapons Station	<ul style="list-style-type: none"> - New & advanced security measures - Joint service staffing - Remote location within military installation - Detainee segregation possible 	<ul style="list-style-type: none"> - Additional staffing required to open additional cells - Although remote location on base, still near city and harbor of Charleston - Limited on-site legal facilities, but near Charleston AFB for support
Naval Brig Norfolk Norfolk Naval Base, VA) (4 th Judicial Circuit)	145 (120 males and 25 females) Currently houses 115 male and 8 female detainees +70 beds unused	42 cells (Three separate areas; one area small, but a few can be handled)	129 Need 30 for +70 beds	Adequate Fire safe, but old and inefficient facility	Located on Navy property with its own airfield, but outside the main naval base	<ul style="list-style-type: none"> - Located on military installation - Substantial legal and judicial resources available on-site - Detainee segregation possible 	<ul style="list-style-type: none"> - Additional staffing required to open additional cells/areas - Security enhancements needed: not modern facility; non-secured base with many entrances and public access; near operating base and military housing area - Fleet concentration area and largest Navy support facility
Camp LeJeune Base Brig (Camp LeJeune, IC) (4 th Judicial Circuit)	289; currently housing 210 military detainees No cells are reserved for female detainees, as none are authorized to be detained at the brig	44 max. security; 16 cells for disciplinary segregation	Fully staffed	Sufficient to house prisoners serving 7-10 year sentences	Within warehouse area of USMC base; 6 miles from base gates; airport and interstate highway near	<ul style="list-style-type: none"> - Located on one of largest Marine Corps bases; enables security augmentation - Experience and legal resources in handling high-profile situations - Detainee segregation possible 	<ul style="list-style-type: none"> - Maximum security capacity may be limited to 20 due to current military detainees - Additional dormitory space does not exist for expansion purposes



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 DETENTION FACILITIES IN THE CONTINENTAL UNITED STATES

Facility	Capacity	Segregation	Staffing	Security	Miscellaneous	Additional Attributes	Issues
Quantico Base Brig (Quantico, VA) (4 th Judicial Circuit)	119; currently houses 43 military detainees No cells are reserved for female detainees, as none are authorized at the brig	10 maximum security cells 18 cells additional as discipline or admin use Room for 36 in 2 dormitories	Staffed for only 50 to be detained	Maximum security capable, but planned renovation project	Within USMC base, 6 miles from entrances Close to Washington D.C.; airports, train station, and interstate highway	<ul style="list-style-type: none"> - Located on USMC base for added security and augmentation - Near, but not too close to major city and transportation centers - Legal services resources available - Detainee segregation possible with additional staffing 	<ul style="list-style-type: none"> - Additional staffing needed to increase detainee population - Small civilian town located within base boundaries - Located only 1 mile from airfield supporting Presidential Helicopter Squadron - Located behind Officer Candidate School - \$3.4 million brig renovation project scheduled to be advertised
United States Disciplinary Barracks Ft. Leavenworth, KS) (10 th Judicial Circuit)	1700 beds maximum: 1183 "castle" cells 367 dorm beds within walls; 150 beds outside walls 8 wings: 4 wings with 240 cells each; 4 wings used for admin & support Currently housing 447 male military detainees Female detainees were relocated elsewhere	2 areas to segregate detainees: 23 cells for protective custody and 80 cells for maximum security	600 military and civilian	Largest, long-term detention facility Maximum security Death row facility	facility being replaced due to disrepair 30 miles from Kansas City New facility (July 2002) will house only 55 1	<ul style="list-style-type: none"> - Large, experienced staff - Near, but not too close to city and transportation centers - Legal services resources available - Available maximum security and segregation capabilities 	<ul style="list-style-type: none"> - facility in disrepair and largely unused due to new facility being built - Security problems at new facility will take 6 months to fix - Large military population co-located, even though segregation of detainees is possible



COORDINATION

Secretary of the Army	Mr. Avon Williams, Principal Deputy General Counsel, 12/28/01
Secretary of the Navy	Mr. Dionel Aviles, Acting Secretary of the Navy, 12/28/01
Secretary of the Air Force	Colonel Phil Breedlove, Senior Military Assistant to the Secretary of the Air Force, 12/28/01
Chairman of the Joint Chiefs of Staff	Lieutenant General John P. Abizaid, Director of the Joint Staff, 12/30/01
Under Secretary of Defense for Policy	Dr. Stephen A. Cambone, Principal Deputy Under Secretary of Defense for Policy, 12/27/01
Assistant Secretary of Defense for Legislative Affairs	Mr. Powell A. Moore, ASD(LA), 12/28/01
Assistant Secretary of Defense for Public Affairs	Ms. Torie Clarke, ASD(PA), 12/27/01



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