

October 30, 2009

Russell G. Leavitt
Office of the General Counsel
United States Department of Defense
1600 Defense Pentagon, Room 3B688
Washington, DC 20301-1600

VIA E-mail

Jameel Jaffer
ACLU Foundation
Legal Department
125 Broad Street
18th Floor
New York, NY 10004-24000

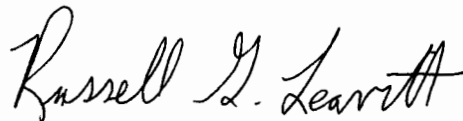
Re: American Civil Liberties Union v. Department of Defense, et al., No. 1:08-cv-01003-RJL

Dear Mr. Jaffer,

Attached, please find two documents referred to the Department of Defense by the Federal Bureau of Investigation, in connection with the above-referenced Freedom of Information Act (FOIA) litigation. The first document, which consists of six pages, was reviewed by the Department of Defense Criminal Investigation Task Force. It includes a 5-page e-mail string and a 1-page memorandum. The portions redacted from these documents were withheld to protect classified information, sensitive internal agency rules and practices, information protected by the deliberative process, attorney work product, and attorney-client privileges, and personally identifying information. Such information is exempted from disclosure by 5 U.S.C., §§ 552(b)(1), (b)(2), (b)(3), (b)(5), (b)(6), and (b)(7)(c).

The second document, consisting of 9 pages, is the same document described as “pages 7 through 15,” in the U.S. Army Criminal Investigation Command’s August 30, 2009, letter to you. It was reviewed by the Joint Task Force, Guantanamo, and the redacted portions were withheld to protect sensitive internal agency rules and practices. Such information is exempt from disclosure, pursuant to 5 U.S.C. § 552(b)(2).

Sincerely,



Russell G. Leavitt
Associate Deputy General Counsel (Legal Counsel)

Attachments:
As stated

(b)(3), 10 USC 130b; (b)(6);
(b)(7)(c)

(b)(2); (b)(3), 10 USC 130b; (b)(6); (b)(7)(c)

From:
Sent:
To:
Cc:
Subject:

Friday, November 22, 2002 8:21 AM

(b)(2); (b)(3), 10 USC 130b; (b)(6);
(b)(7)(c)

FW: POC for Physical Pressures (b)(3), 10 USC 130b; (b)(6); (b)(7)(c)

fyi

R/ (b)(3), 10 USC 130b;
(b)(6); (b)(7)(c)
Deputy Commander
Criminal Investigation Task Force
(b)(2)

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

From: (b)(2); (b)(3), 10 USC 130b; (b)(6); (b)(7)(c) (H) (b)(2); (b)(3), 10 USC 130b; (b)(6); (b)(7)(c)
Sent: Thursday, November 21, 2002 6:21 PM
To: (b)(2); (b)(3), 10 USC 130b; (b)(6); (b)(7)(c)
Cc: (b)(2); (b)(3), 10 USC 130b; (b)(6); (b)(7)(c) (H); SA
(b)(2); (b)(3), 10 USC 130b; (b)(6); (b)(7)(c)

b6
b7C Per FBI

Subject: POC for Physical Pressures (b)(3), 10 USC 130b; (b)(6); (b)(7)(c)
RE: POC for Physical Pressures (b)(3), 10 USC 130b; (b)(6); (b)(7)(c)

(b)(2); (b)(3), 10 USC 130b; (b)(5); (b)(6); (b)(7)(c)

(b)(1); (b)(2); (b)(5); (b)(3), 10 USC 130b; (b)(6); (b)(7)(c)

(b)(2); (b)(5); (b)(3), 10 USC 130b; (b)(6); (b)(7)(c)

b6
b7C Per FBI

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(b)(3), 10 USC 130b;
(b)(6); (b)(7)(c) (H)

From:
To:
Cc:

(b)(3), 10 USC 130b; (b)
(6); (b)(7)(c) (H)
Thursday, November 14, 2002 5:58 PM
(b)(2); (b)(3), 10 USC 130b; (b)(6); (b)(7)(c)

Subject:

FW: Interrogation (b)(3), 10 USC
130b; (b)(6); (b)
(7)(c)

(b)(1); (b)(2); (b)(5); (b)(3), 10 USC 130b; (b)(6); (b)(7)(c)



**DEPARTMENT OF DEFENSE
CRIMINAL INVESTIGATION TASK FORCE
FORT BELVOIR, VIRGINIA 22060-5506**

REPLY TO
ATTENTION OF

CITF-G/JA

22 Nov 02

MEMORANDUM FOR RECORD

SUBJECT: (b)(5)

(b)(5)

CITF-G/JA (Updated: 12/1/2002) Page 1 of 3
ATTORNEY WORK PRODUCT - CLOSE HOLD/FOUO

3266



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
160TH MILITARY POLICE BATTALION (E (C))
JTF-160
GUANTANAMO BAY, CUBA

Army

SOP Memo (001)

16 November 2002

MEMORANDUM FOR CDR JTF-GTMO

SUBJECT: Request For Approval For Positive Behavior Reward Program SOP

1. The subject SOP was created, reviewed and revised based upon procedures conducted in support of Detainee Operations and is submitted for review and approval.
2. For additional information contact the undersigned at (b)(2).

(b)(3), 10 U.S.C. 130b
(b)(6)

JDOG Operations Officer

(Approved)

(Approved w/Comments)

(Disapproved w/Comments)

(Date)

GEOFFREY D. MILLER
Major General
Commander JTF-GTMO:

(b)(2)



DEPARTMENT OF THE ARMY
JTF-GTMO
GUANTANAMO BAY, CUBA

**POSITIVE BEHAVIOR REWARD PROGRAM
AND DETAINEE CLASSIFICATION
STANDARD OPERATING PROCEDURE**

APPLICABILITY. This procedure applies to all military and civilian personnel assigned to or working at Camp Delta.

Rev 14Nov02

1. **Reference:**
 - a. AR 190-47
2. **PURPOSE:** The purpose of this SOP is to establish a positive behavior reward program and administrative classification of Detainees being housed at RRDF.
3. **RESPONSIBILITY.** All military and civilian personnel working in Camp Delta will be familiar with and conform to the procedure prescribed by this policy. Unit leaders and shift OICs/NCICs are responsible for ensuring that their personnel are familiar with and comply with this procedure. Personnel may be held accountable under the UCMJ for failing to follow the guidelines set forth under this SOP.
4. **EXECUTION:** The Positive Behavior Reward Program will permit Detainees behavior to determine the privileges they are allowed. As the Detainee adapts to the rules of the camp, his conduct will earn him more privileges. This program is a 5-tiered program. Authorized Items and Activities for Detainees are listed at TAB-A, and TAB-B. Detainees qualified for Level-1 may be eligible for additional Items and Activities not listed at TAB's A and B.
 - a. **Level 1—Reward Plus 1—**Detainees receive a higher level of privileges than Level 2, based on having no qualifying disciplinary record, and having spent at least 30 days at Level 2.
 - b. **Level 2—Reward Plus 2—**Select candidates for this level based on having only one qualifying disciplinary record, and having spent at least 30 days at Level 3.
 - c. **Level 3—Primary Level—**All Detainees start at this level. This level includes Detainees who are on discipline measures not including MSU. Detainees must serve at least 30 days at this level to qualify for Level 2.

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d. Level 4—Reward Minus Level—Detainees located in MSU. Detainees in this status will have their classification re-evaluated by the Detainee Classification Review Board (DCRB) every 30 days.

- (1) MSU for discipline reasons.
- (2) Segregated due to being a repeat discipline offender/high risk.
- (3) Segregation due to being suicidal.

e. Level 5—Intel Level—Intelligence Directed Segregation. Segregated at the direction of JIG. This includes MSU intel segregation.

- (1) Housed in a group on an Intel block.
- (2) Housed in MSU block for Intel purposes.
- (3) Receive Level 1, Level 2 or Level 3 privileges as recommended by JIG.

f. A block will be identified for the use of medical personnel for the housing of Detainees requiring a higher level of medical or psychological monitoring. This will be staffed by medical and guard personnel.

g.

[REDACTED]

- (1) [REDACTED]
- (2) [REDACTED]
- (3) [REDACTED]
- (4) [REDACTED]
- (5) [REDACTED]

h. A qualifying disciplinary event is defined as a disciplinary event that has not expired and dropped off their disciplinary record FOR THE PURPOSES OF THIS PROGRAM ONLY. These offenses will remain on their disciplinary records for the purpose of disciplinary actions.

- (1) Offenses with a Severity Level 7 or less will expire on their 30-day anniversary and will not be counted against a Detainee for the purposes of this program.
- (2) Offenses with a Severity Level 8 or higher will expire on their 60-day anniversary and will not be counted against a Detainee for the purposes of this program.

i. A Detainee will change levels based on his behavior or meeting other criteria for a level. Detainees who do not meet the program based on

discipline behavior, may still participate in the program based on Intel directed requests, but will be segregated on a separate (Intel) cellblock. JIG will determine higher-level privileges on this cellblock. A Detainee who is currently at Level 1 or Level 2 may drop to a Level 3 or Level 4 based on a new occurrence of a discipline problem. If this occurs, the Detainee begins to progress through the system beginning at Level 3 or 4. He does not return to a Level 1 or Level 2 at the completion of his most recent discipline incident. A Detainee must spend at least one-month incident free at his current level to qualify for movement to the next higher level. This is in order to prove his ability to operate at a higher level of privileges.

j. Other than Intel Admin Seg, the Detainee's classification will be decided by a (DCRB) [REDACTED] Level 5 block assignments will be determined by JIG.

k. An Order of Merit List (OML) will be created to form a waiting list for qualified Detainees to get into either a Level 1 block or Level 2 block. The DCRB will develop and monitor this OML. Detainees will be chosen from the OML for movement to a higher-level block. If sufficient Detainees are on the OML, JDOG can direct that a block be converted to a higher-level block.

l. If a Detainee exhibits a behavior over and above that of fellow Detainees, a guard can request the DCRB to move the Detainee higher on the OML. An example would be a Detainee who notifies a guard of a cell door being unlocked or who acts as an interpreter during a critical incident.

m. Example: A Detainee who has 2 prior offenses is classified as a Level 3 Detainee. If the oldest offense is for hoarding food, this offense will not be counted against him beginning on the 30-day anniversary of the offense. At this point, he is qualified for the OML for a Level 2 block. Once sufficient openings on Level 2 blocks have occurred to reach him on the OML, he will be moved to a Level 2 block. Once the appropriate anniversary date for his remaining offense has occurred AND he has spent at least 30 days incident free at Level 2, he is qualified for the OML for Level 1. Once sufficient openings in Level 1 blocks have occurred, he can then move to a Level 1 block. If there are sufficient numbers of Detainees on either OML, an entire new block can be created for either Level 1 or Level 2.

n. GTMO Form 508-1, (TAB-C) will be used as follows:



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(1) By Military Police Guards in conjunction with the Discipline SOP to document that a detainee has been informed of any discipline measures taken against him. (Form will be filed in Detainee's record).

(2) By JIG/interrogators to document any Rewards given or taken away from a Detainee for Intelligence purposes. (Note: When used for Intelligence purposes the original copy of the form will be filed in Detainee's record and a photocopy will be maintained on the block with the detainee's file to show the rewards that a specific detainee is or is not authorized to have.)

o. All Detainees' will be briefed on this program in their own language, IAW TAB-D. Briefing may consist of either written or verbal notification.

5. This Standard Operating Procedure is in effect immediately. Updates and reviews to the procedures will be accomplished every 90 days.

GEOFFREY D. MILLER
MG, USA
Commanding

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TAB-B (Reward Program)					
	LEVEL - 1 Reward-1	LEVEL - 2 Reward-2	LEVEL - 3 Normal	LEVEL - 4 Reward Minus	LEVEL - 5 INTEL Reward
Authorized Activities					Determined By Interrogators
Reading Quran	YES	YES	YES	NO	
Reading Other Authorized Material	(5) Pieces	(3) Pieces	(1) Piece	NONE	
Eating at Authorized Meal Times	YES	YES	YES	YES	
Allowed To Store Unopened AFB to Eat Later	YES	NO	NO	NO	
Performing Prayers	YES	YES	YES	YES	
Authorized Cases	YES	YES	YES	NO	
Authorized Games	YES	Limited	NO	NO	
Authorized Soccer Ball in Rec Yard	YES	YES	NO	NO	
Talking With Detainees in Adjacent Cells Without Yelling	YES	YES	YES	YES	
Performing Personal Hygiene With Authorized Issued Items	YES	YES	YES	YES	
Showers Authorized Per Week	4	3	2	2	
Performing Exercise in Cell	YES	YES	YES	YES	
Authorized Exercise in Recreation Yard Per Week	3	2	2	2	
Drying Clothing/Towels by Hanging in Cell. Must Not Block View and Must Be Removed When Dry. (Exception: Detainees May Hang Towel To Block Direct Sunlight Into Cell, but Must Remove When Sunlight is No Longer A Factor)	YES	YES	YES	YES	
Hanging of Towel in Cell to block Sun or Light at Night When Sleeping	YES	NO	NO	NO	
Wear Prayer Cap On Head. Towel May Be Worn On Head if Prayer Cap Not Available. Towel Will Be Removed if Detainee Is Removed From Cell.	YES	YES	YES	NO	
Hanging of Koran in Surgical Mask On Side or Rear of Cell. Detainee Provided a Surgical Mask if Needed.	YES	YES	YES	NO	
Removal of Shirt Due to Heat or Cleansep. Shirt Will Be On When Detainee Is Removed From His Cell.	YES	YES	YES	YES	
Blanket Exchange Monthly	YES	YES	YES	YES	
Mounted Mirror in Shower For Shaving	YES	NO	NO	NO	
Celli Washer (After/During Recreation)	YES	NO	NO	NO	

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TAB-B

Table A (Reward Program)					
	LEVEL - 1 Reward-1	LEVEL - 2 Reward-2	LEVEL - 3 Normal	LEVEL - 4 Reward Adm. Loss	LEVEL - 5 INTEL Reward
Authorized Items For Detainee Possession (Unless Lost For Cause)			Auth Unless Lost For Discipline	Auth Unless Lost For Discipline	Actual Items TBD by Management
Blanket	2	2	1	1	
Shower	1	1	1	0	
Toiletries	1	1	1	1	
Finger Toothbrush	N/A	1	1	1	
Travel Type of Single Toothbrush	1	0	0	0	
Toilets	2	2	1	1	
Shampoo/Soap	2	1	1	0	
Bar Soap (Small)	N/A	1	1	0	
Bar Soap (Regular) (Keep in Cell)	1	0	0	0	
Prayer Cap	1	1	1	0	
Books	1	1	1	0	
Religious Books	3	2	1	0	
Other Books/Magazines From Detainee Library	3	2	1	0	
INTEL Directed Reading Material	As Required	As Required	As Required	As Required	
IBC Bag	1	1	1	1	
Medicine	1	1	1	0	
Orange Suit	1	1	1	1	
W/ Stone Underwear	1	1	1	1	
T-Shirt	1	0	0	0	
Zip Pliers	1	1	1	1	
Water Bottle (No Soft Top)	N/A	1	0	0	
Water Bottle (Soft Top)	1	0	0	0	
Mail	20	10	12	0	
Mats (Single Type) (Used to Create Keros)	1	1	1	0	
Mats/Chairs	1	1	1	0	
Prayer Books	1	1	1	0	
Camp Refuse	1	1	1	1	
Ball Packer	1	1	1	1	
Trash	1	4	3	2	
Additional Toilet Paper	1	0	0	0	
Additional Toilet Paper	YES	NO	NO	NO	
Shower and Pencil Upon Request (Shower Mat, Document and Collect Before End Of Shift)	YES	NO	NO	NO	
Perfume/OT From Chaplain	2	2	1	0	
Budget For Ampules	1	1	1	1	
Plastic Cards	1	1	0	0	
Other Approved Goods	1	Unlimited	0	0	
Combs In Shower	1	0	0	0	

TAB-D (Reward Program)

Camp Delta is implementing a new Detainee Reward Program. Detainees will receive more privileges based on their behavior and cooperation. Those Detainees who behave and cooperate qualify for more privileges than those who don't behave and cooperate. The levels are divided in the following manner:

Level 1—No serious incidents within 60 days; no minor incidents within 45 days.

Level 2—Only one serious incident within 60 days or one minor incident within 45 days.

Level 3—Detainees who have more disciplinary problems than Level 2.

Level 4—Detainees in the maximum-security block.

A serious incident is something like spitting on a guard, throwing water on a guard, being on hunger strike, being in possession of a weapon (like a sharpened spoon) or hitting a guard. There are other serious incidents than those listed here.

A minor incident is something like hoarding food. There are other minor incidents than those listed here.

A Detainee must spend at least 30 days at his current level to qualify for the next higher level. Once a Detainee qualifies for a higher level, his name is put on a list waiting for openings on a higher-level cellblock. He will be moved to that cellblock when his name is reached on the list and if he continues to behave and cooperate.

Level 1 will have the most privileges available. Level 2 will have more privileges than Level 3 but less than Level 1. Level 3 is the equivalent to what the Detainees currently have.

If a Detainee is in a Level 1 or Level 2 block and commits an infraction that results in disciplinary action, he will be transferred to a Level 3 or Level 4 block and loses some or all privileges available at Level 1 or Level 2. He now has to work his way back up to Level 1 or Level 2 privileges. Once the camp determines exactly what privileges go to each level, you will be told about them. Examples include cold water after recreation, games, mirrors and combs in the showers and storing food in the cell to eat after fasting. These are only examples and not all levels will have all these privileges. In order to gain more privileges, a Detainee must cooperate with interrogators and exhibit positive behavior.

The block you are currently on is a Level _____ Block.

TAB-D

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