

## Why GAO Did This Study

Since 2002, the United States has operated military detention facilities at its Naval Station in Guantánamo Bay, Cuba, to hold individuals detained during overseas counterterrorism operations. In 2009 the President directed the closure of these facilities within 1 year. Since then, a number of statutes have prohibited the transfer of Guantánamo Bay detainees to the United States. GAO was asked to review existing U.S. facilities and identify factors to be considered in the event that restrictions were lifted and Guantánamo Bay detainees were transferred to the United States. This report describes the (1) current Guantánamo Bay detention facilities and infrastructure, (2) DOD corrections facilities and factors to be considered if these facilities were used to hold the detainees, and (3) DOJ facilities holding individuals charged with or convicted of terrorism-related crimes, and factors to be considered if these facilities were used to hold the detainees.

To conduct its work, GAO reviewed relevant laws and policies on detention operations; visited several facilities at Guantánamo Bay and DOD and DOJ sites in the United States selected for their range of housing configurations; and interviewed officials at both agencies. GAO's review is descriptive and did not include an evaluation of whether specific U.S. facilities would be suitable for holding Guantánamo Bay detainees, nor did GAO address legal factors that are still being adjudicated. GAO is not making any recommendations in this report. In commenting on this report, DOJ stated that it has no plans to transfer detainees to the United States. This report is an unclassified version of a classified report issued in November 2012.

View [GAO-13-31](#). For more information, contact Brian J. Lepore at (202) 512-4523 or [leporeb@gao.gov](mailto:leporeb@gao.gov) or David C. Maurer at (202) 512-9627 or [maurerd@gao.gov](mailto:maurerd@gao.gov).

## GUANTÁNAMO BAY DETAINEES

### Facilities and Factors for Consideration If Detainees Were Brought to the United States

## What GAO Found

As of November 2012, the Department of Defense (DOD) held 166 detainees in five separate facilities in conditions ranging from communal living to maximum-security segregated cells that limit detainee interaction. In addition, DOD maintains facilities and infrastructure dedicated to detention support operations. For example, DOD operates an extensive information-technology infrastructure, conducts operations to support the protection of military personnel, and performs other missions at Guantánamo Bay such as securing two courthouses used for military commissions.

Within the United States, DOD operates six corrections facilities that are equipped to confine servicemembers for more than 1 year. On average, as of August 2012, these facilities were operating at about 48 percent capacity, but this varies across different facilities and housing units. GAO identified from interviews with DOD officials and analysis of detention operations documents several factors that would need to be considered in the event that the Guantánamo Bay detainees were transferred to one of DOD's U.S. facilities. The following four factors, among others such as legal and cost considerations, would have to be considered: (1) ensuring compliance with international law and U.S. laws and policies; (2) ensuring the continued safety and security of DOD personnel and the detainees, as well as the general public; (3) collecting intelligence information from the detainees; and (4) maintaining current missions and services provided by the corrections facilities and associated installations. For example, DOD's current ability to minimize risks to the public is attributable to Guantánamo Bay's remote location and limited access, whereas DOD corrections facilities in the United States are generally located on active military installations in close proximity to the general public. Additionally, DOD officials indicated that locating detention operations on an active military installation could present risk to the installation's core operations such as administrative and training operations.

The Department of Justice (DOJ), through its Bureau of Prisons and Marshals Service, uses over 2,000 facilities to hold about 280,000 individuals charged with or convicted of federal crimes. Facilities range from low to high security and provide various conditions of confinement. GAO identified from interviews with DOJ officials and analysis of detention operations documents several factors that would need to be considered in the event that the Guantánamo Bay detainees were transferred to one of DOJ's U.S. facilities. The following three factors, among others such as legal and cost considerations, would have to be considered: (1) formulation of policies and practices for housing the detainees; (2) ensuring the safety of facility personnel, the detainees, and the general public; and (3) identifying adequate space for housing the detainees and maintaining separation of detainees from the current inmate population. For example, according to DOJ officials, existing facilities would need to be modified or current inmates relocated because the Bureau of Prisons and Marshals Service would segregate Guantánamo Bay detainees from the inmate population for security purposes. Also, as of August 2012, system-wide Bureau of Prisons facilities were about 38 percent overcrowded, and holding Guantánamo Bay detainees could require triple bunking of inmates or expansion of facility capacity in order to maintain security for personnel, inmates, and detainees.