DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
WASHINGTON, DC 20380-1775

IN REPLY REFER TO:
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PS/PSL
23 Feb 11

From: Head, Corrections Section, Security Division, HQMC
To: Commander, Marine Corps Base, Quantico, Virginia

Subj: SPECIAL INQUIRY INTO THE ARTICLE 138 COMPLAINT SUBMITTED ON 19 JANUARY 2011 BY PRIVATE FIRST CLASS BRADLEY MANNING, U.S. ARMY

Ref: (a) SECNAVINST 1640.9C, Department of the Navy Corrections Manual

Encl: (1) Special Inquiry Appointment Letter
(2) Prisoner Historical Log ICO PFC Bradley Manning

1. Per enclosure (1), I conducted a special inquiry into the complaint by Private First Class (PFC) Bradley Manning regarding actions and decisions made by Chief Warrant Officer 4 James Averhart, in his role as the Commanding Officer of Marine Corps Base Quantico's pretrial confinement facility (PCF). I have provided specific findings to each of your concerns. I was aided in my review by various documents contained in PFC Manning's detainee file, reference (a), Chief Warrant Officer 4 James Averhart's response to PFC Bradley Manning's request for redress, and enclosure (2).

2. FINDINGS. In accordance with paragraph 2 of enclosure (1), the following findings are submitted.

a. Question 2.a.: Are the conditions of PFC Manning's confinement authorized by applicable Navy and Marine Corps regulations?

Answer: Yes, reference (a) authorizes the current conditions of PFC Manning's confinement.

b. Question 2.b.: Did Chief Warrant Officer 4 Averhart abuse his discretion in classifying PFC Manning as a maximum custody detainee?

Answer: No, reference (a) restricts the Brig Commander to assigning a custody classification of either Maximum Custody or Medium Custody-In to all pre-trial detainees. This is accomplished initially through DD Form 2711, Initial Custody Classification and subsequent reviews through completion of DD Form 2711-1, Custody Reclassification. If the point values used to indicate the custody classification do not result in

Enclosure (2)

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enough points to justify a maximum custody classification, reference (a) authorizes the Brig Commander to consider an objective based override, provided he feels justified after considering all factors and information available to him at the time. In this case, the CO had a variety of supplemental information provided to him and his staff from Manning's command and previous confinement facility that they also considered.

c. Question 2.c.: Did Chief Warrant Officer 4 Averhart abuse his discretion in placing PFC Manning in a prevention of injury status?

Answer: No, reference (a) authorizes the Brig Commander or, in his absence, the duty brig supervisor to place confinees in a prevention of injury status if they display, admit to, or if the staff is made aware of by other means a requirement for additional supervision and attention. This is normally due to risk of suicide, violence, personality disorders, behavior abnormalities, or other questionable character traits.

d. Question 2.d.: Did Chief Warrant Officer 4 Averhart abuse his discretion in placing PFC Manning in a suicide risk status?

Answer: No, reference (a) authorizes the brig staff to place individuals in a "suicide risk" status who have threatened suicide, made a suicidal gesture, or have a history of suicide attempts. Documents contained in PFC Manning's detainee file support a determination that at specific times he should have been considered a threat to himself. It warrants mentioning however, that on two occasions, 6 August 2010 and 18 January 2011, a medical officer determined that suicide risk status was no longer warranted and the brig staff did not immediately take PFC Manning off the suicide risk status. PFC Manning was taken off suicide risk status on 11 August 2010, following the medical officer's recommendation of 6 August 2010. PFC Manning was taken off suicide risk status on 21 January 2011, following the medical officer's recommendation of 18 January 2011. Paragraph 4205.5b of reference (a) states "When prisoners are no longer considered to be suicide risks by a medical officer, they shall be returned to appropriate quarters", in these cases, once the medical officer's evaluation was provided to the brig staff, steps should have been taken to immediately remove him from suicide risk, to a status below that.

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3. RECOMMENDATIONS. After the review of the conditions of PFC Manning's confinement, I recommended the following change. The Quantico Pre-trial Confinement Facility SOP should be updated so that it is in harmony with reference (a). Specifically, the SOP should direct the brig staff to remove confinees from suicide risk immediately upon receiving a medical officer's evaluation.

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