INTERROGATION BEST PRACTICES

HIGH-VALUE DETAINEE INTERROGATION GROUP

AUGUST 26, 2016

I. Introduction

The National Defense Authorization Act for Fiscal Year 2016 requires the High-Value Detainee Interrogation Group (HIG) to submit a report on best practices for interrogation.[1] This report, which includes (1) a brief overview of the HIG, (2) the methodology used to select the interrogation best practices contained herein, (3) interrogation best practices, and (4) concluding comments, fulfills the aforementioned requirement. The best practices, which are grounded in science, may be used to inform changes to Army Field Manual 2-22.3.

This report does not provide a comprehensive review of the science related to best practices. A report which details the relevant scientific research is currently under review.

II. Overview of the HIG

In January 2009, Executive Order 13491 established a task force to review the US Government's interrogation and transfer policies. In August 2009, that task force recommended the creation of the HIG to improve the US Government's ability to interrogate the most dangerous terrorists.[2] Shortly thereafter, the HIG was formally established "to deploy the nation's best available interrogation resources against terrorism detainees identified as having access to information with the greatest potential to prevent terrorist attacks against the United States and its allies…[and to] serve as the locus for interrogation best practices, lessons learned, and research for the federal government."[3]

The HIG Research Program has conducted a comprehensive review of existing research on behavioral and social sciences and has commissioned numerous scientific studies on an array of topics related to interrogation. The HIG's research program adheres to applicable US Government guidelines for scientific experimentation and the protection of human detainees in scientific research. *See, e.g.,* 45 C.F.R. Part 46 (subpart A) (Department of Health and Human Services regulations setting forth the "Common Rule" which has been adopted by numerous federal agencies that conduct or support research), 32 C.F.R. Part 219 (Department of Defense); 28 C.F.R. Part 46 (Department of Justice), and Executive Order 12333 ¶ 2.10 (Intelligence Community agencies).

III. Methodology

The HIG continuously strives to identify interrogation best practices via a dynamic process wherein research informs training, training informs practice, and practice informs research. HIG researchers and practitioners have applied generally broad-based science to interrogation to identify best practices. These practices are continuously assessed. Appendix B provides further reading.

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[1] See Appendix A for the full text.
[2] See https://www.justice.gov/opa/pr/special-task-force-interrogations-and-transfer-policies-issues-its-recommendations-president for additional information.
[3] "Charter for Operations of Interagency High-Value Detainee Interrogation Group" April 2010, page 1.

IV. Interrogation Best Practices

While there is no agreed upon definition of "interrogation," most definitions reflect that it is a formal process that includes mostly accusatory questioning designed to obtain information a detainee views as personal or secret. In contrast, the HIG assumes that the purpose of an interrogation is to obtain valuable intelligence. The selected best practices listed below, which are described in the order that they <u>may</u> occur in an interrogation, reveal that an effective interrogation requires an individualized, flexible, rapport-based, and information-gathering approach.

The interrogation is a team effort.

- The composition of an interrogation team varies based on the unique circumstances surrounding each interrogation. Ideally, the team consists of a team leader, interrogator, and trained observers. One or two interrogators interact with the detainee, and the other members of the team observe and provide feedback on the interaction based on the specific criteria listed below.

- Members of the team, regardless of their roles, receive standard training with respect to the concepts discussed herein. Such training allows for a shared vocabulary that captures the nuances of interrogators' interactions with detainees and enhances the overall efficiency of interrogations.

- Members of the team observe and analyze multiple aspects of the interrogation and provide relevant feedback to the interrogator in a timely manner so he or she can make needed adjustments. Specifically, observers are focused on the words used by the interrogator and detainee as well as on the interpersonal dynamic between the two. The team uses observations to help make interactions more productive.

The interrogation team prepares for an interrogation by systematically organizing, and making visually available, facts, intelligence, and inferences regarding the detainee and his or her needs and motivations.

- The team lays out the facts (i.e., what is definitively known) and intelligence (i.e., what is believed about the detainee) based on available information; the facts and intelligence are then used to make logical inferences about the detainee's motivations, how the detainee will respond to different approaches, and what the detainee likely knows.

- The team uses information gaps, intelligence requirements, and the aforementioned information to develop objectives and to design a questioning plan to achieve those objectives.

- As the interrogation progresses, facts, intelligence, and inferences are updated, and the team adjusts its objectives as needed.

- The team is more likely to obtain information from the detainee using methods that draw out what the detainee knows as opposed to only focusing on the intelligence the team would like to obtain.

The interrogation team carefully plans for and manages first impressions.

- First impressions play a central role in determining the nature of a relationship.

- To form a positive first impression, the team assesses the type of person the detainee is most likely to respond to and develops a "brand" for the interrogator that is consistent with this inference. The interrogator's brand should be genuine and align with the perceived needs and motivations of the detainee, adjusted as needed throughout the interrogation.

- The first lines spoken by the interrogator are carefully constructed since they communicate the interrogator's brand and the purpose and potential outcomes of the interrogation. Those lines set the tone for the rest of the interaction(s).

- As part of the planning effort, the interrogation team works to fashion an environment conducive to a productive interaction. The team uses the physical setting, the appearance of the interrogator, and/or specific language to positively affect the detainee's perception of the situation.

The interrogation team uses models to build and gauge rapport.

- Building rapport is generally accepted as the most important component of a successful interrogation. Rapport building begins with the interrogator developing a common understanding with the detainee of the purpose and scope of the interrogation. Rapport building occurs throughout the interrogation as the interrogator notes the detainee's needs and motivations and allows the detainee a sense of agency within the interaction

- The interrogator facilitates a relationship with the detainee wherein the detainee feels a greater sense of control, increasing his or her motivation to provide information. This is accomplished by the interrogator:

  - Allowing the detainee to develop a sense of autonomy, making him or her less likely to feel coerced and more likely to cooperate.

  - Rather than judging the detainee, accepting that whatever he or she has done is only a part of who the detainee is.

  - Rather than rigidly adhering to a questioning plan, providing the detainee space to discuss topics he or she would like to discuss. Although the detainee can discuss other topics as a counter-interrogation technique, the interrogator can use paraphrasing to get the detainee back on track.

  - Demonstrating empathy by understanding the detainee's perspective and recognizing that the detainee's motivations are valid to him or her.

- o   Using skillful conversation to evoke the motivations and beliefs of the detainee. Interrogators can present the detainee with discrepant facts and statements and ask that he or she explain any inconsistencies.

- Individuals observing the interrogation are generally more effective at monitoring the interrogator's behavior than the interrogator. Observers ensure the interrogator's behavior with the detainee allows for the detainee's autonomy, remains adaptive and empathetic, and draws out the detainee's motivations and beliefs.

- Using the model provided in Appendix C, observers can identify specific adaptive and maladaptive behaviors by the detainee and interrogator and make recommendations to the interrogator on how best to adjust the interaction.

- The team ensures the interrogator and detainee are in-sync with respect to how they are communicating. The model described in Appendix D assists the team in doing so. When two people share a common orientation and motivational frame, they are in-sync with each other, and communication is productive; when they are out-of-sync, they talk past each other, and communication is not productive.

The interrogation team employs strategies to encourage conversation and to target specific objectives.

- Active listening skills are central to obtaining information and are employed to the greatest extent possible to ensure the detainee, rather than the interrogator, is doing most of the talking. Active listening skills include the use of encouragers, paraphrasing and summarizing, mirroring and reflecting, emotion labeling, and silence.

- The team designs an interrogation plan based on the funnel method of questioning, which starts with open-ended questions or statements that generally begin with instructions to the detainee to "tell," "explain," or "describe" something about the topic; follows with more open probes; and gradually narrows the scope of the discussion towards the objective, inserting appropriate clarifying questions where needed while not interrupting the flow of the interrogation. With the funnel method, the observers track what points need further clarification, which can be relayed to the interrogator. As the conversation naturally approaches the objective, it becomes more difficult for the detainee to avoid the objective since a seemingly natural conversation has progressed towards it. Once the objective is achieved, the interrogator gradually moves away from the issue and transitions to a new topic so the importance of that issue is not highlighted.

- The use of open-ended questions supports the detainee's feeling of autonomy, as it allows him or her freedom in responding to the interrogator's questions. Further, if the questions start broadly and gradually narrow, the team stands a better chance of collecting additional and unexpected information.

The interrogation team uses evidence strategically.

- The interrogation team carefully evaluates all available evidence or intelligence about a particular topic in terms of its *source* and its degree of *specificity.*

- Without revealing the evidence or intelligence, the interrogator asks the detainee to provide a free narrative about a particular topic. The interrogator then asks the detainee to repeat the same narrative and follows up with specific questions in order to make the detainee commit to the exact version of the event as he describes it. Once such details are elicited, the interrogator introduces a piece of evidence or intelligence in terms of a vague source and low specificity. For example, the interrogator may say, "You told me each time that you stayed home that day. But you were seen in town." The interrogator then asks the detainee to explain.

- The interrogator then introduces the evidence or intelligence with a greater precision in terms of source and a higher degree of specificity. For example, the interrogator may say, "We have CCTV footage from that day showing you were at location A." The interrogator again asks the detainee to explain. This process continues until the evidence or intelligence has been exhausted.

- The interrogation team takes note of detainee within-statement and between-statement inconsistencies.

The interrogation team uses memory enhancing interrogation techniques to reveal additional information.

- Asking a series of questions may draw out some, but not all, of a memory.

- With memory enhancing techniques, the interrogator begins the questioning by asking for a narrative account of the event and relies on open-ended questions, ensuring the detainee is not interrupted with additional questions.

- The interrogator further enhances access to memories by guiding the detainee to mentally return to the event in question and to think about what he or she was experiencing with respect to his or her senses, including sight, sound, smell, touch, and taste.

The interrogation team primarily relies on verbal cues for deception detection.

- Relying on non-verbal cues for deception detection is not a statistically reliable method. The team looks for verbal cues, including the presence of quotations, complications, verifiable details, and spontaneous corrections in the detainee's narrative.

- The interrogator may obtain an initial narrative from the detainee and then ask for a second narrative, instructing the detainee to provide more details. The narratives are then compared, and a judgment regarding deception is made primarily using the aforementioned verbal cues.

- If the team believes the detainee is being deceptive, the detainee can be asked to draw a sketch while answering questions. For a truthful detainee, this task draws out more information, and for a deceptive detainee, it makes it more difficult for the detainee to retain a resistant, deceptive stance because simultaneously sketching and answering questions, as well as being deceptive (which is itself cognitively demanding), requires significant cognitive resources.

- Unanticipated questions also aid in the identification of deception. The team analyzes the scenario and predicts what questions the detainee would and would not have anticipated. Process and planning questions and spatial questions typically fall in this category. Cognitive load increases when the detainee is faced with such questions, making it more difficult for him or her to maintain a deceptive posture.

The interrogation team concludes each interrogation session with an intentional, planned strategy.

- The interrogation does not end anti-climactically when the interrogator runs out of topics. Instead, the closing is part of the planning process and the continual feedback process from the observation team as the interrogation progresses.

- In general, the interrogation concludes with a summary of what the detainee has said, providing the detainee the autonomy to correct or expand on what the interrogator heard.

- If additional interrogation sessions are anticipated, the interrogator deliberately can provide the detainee with a roadmap of those future sessions.

- The interrogator focuses on ensuring the detainee is left with a feeling that future contact will be a positive experience.

V. Conclusion

Historically, most interrogation training has been based on what worked for trainers, which may vary dramatically based on training, agency culture, and experience. This practice could result in the propagation of ineffective practices. The HIG has been conducting research, training, and interrogations since its inception, which has allowed it to identify effective practices that are individualized, flexible, rapport-based, and information-seeking, and do not rely on formulaic approaches or techniques.

Appendix A – National Defense Authorization Act for Fiscal Year 2016

Section 1045(a)(6)(B) of the National Defense Authorization Act for Fiscal Year 2016, 42 U.S.C. § 2000dd-2(a)(6)(B) (2015), states:

(i) Requirement for report.--Not later than 120 days after the date of the enactment of this Act, the interagency body established pursuant to Executive Order 13491 (commonly known as the High-Value Detainee Interrogation Group) shall submit to the Secretary of Defense, the Director of National Intelligence, the Attorney General, and other appropriate officials a report on best practices for interrogation that do not involve the use of force.

(ii) Recommendations.--The report required by clause (i) may include recommendations for revisions to Army Field Manual 2-22.3 based on the body of research commissioned by the High-Value Detainee Interrogation Group.

(iii) Availability to the public.--Not later than 30 days after the report required by clause (i) is submitted such report shall be made available to the public.

Appendix B – Further Reading

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The interrogation is a team effort.

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Appendix C – Interpersonal Behavior Circle Model
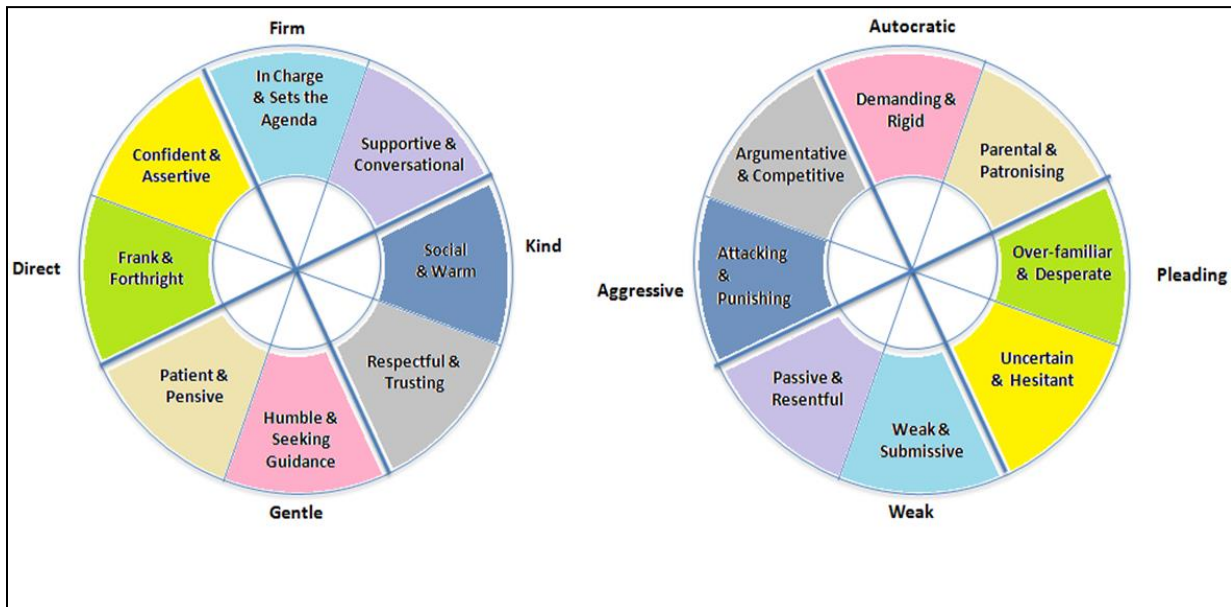
Adaptive (left) and maladaptive (right) Interpersonal Behavior Circles, which have been redrawn and modified from Alison et al., 2013, p. 418.

Individuals observing the interrogation are generally more effective at monitoring the interrogator's behavior than the interrogator; thus, the observers use the Interpersonal Behavior Circles as a model to assess the extent to which the interrogator's interaction with the detainee remains adaptive and productive. The Interpersonal Behavior Circles are based on extensive research and depict adaptive (on the left) and maladaptive (on the right) behaviors. Research shows that the behavior of the interrogator directly influences, both positively and negatively, how the detainee behaves. Observers note the positions on the wheels of the interrogator and the detainee, as the team aims to have both individuals exhibit the adaptive behaviors on the left wheel. If the detainee exhibits maladaptive behaviors on the right wheel, that behavior is noted; the corresponding adaptive behavior is identified and noted; and the interrogator attempts to exhibit that corresponding adaptive behavior. For example, if a detainee is "Passive and Resentful," the interrogator attempts to exhibit behavior that is "Supportive and Conversational."

Appendix D – Sensemaking / Cylinder Model
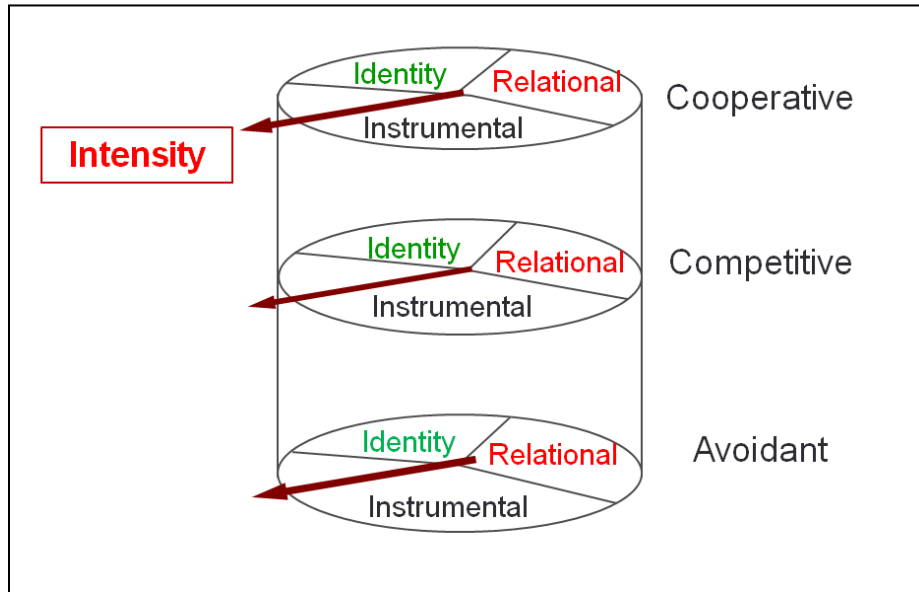
The Sensemaking / Cylinder Model, which has been adapted from Taylor, 2002.

The Sensemaking / Cylinder Model provides a multi-dimensional framework to help interrogators and observers understand the overall orientation and motivational frame of the detainee and then to determine whether the interrogator's orientation and frame are in-sync with those of the detainee. Observers note the position of both the interrogator and the detainee on the model and then work to align the interrogator's behavior with that of the detainee in terms of orientation and frame.

The vertical axis shows the overall orientation of the discussion, which may be (1) avoidant, e.g., the detainee does not want to talk about a particular issue; (2) competitive, e.g., the detainee wants to argue about it; or (3) cooperative, e.g., the detainee is willing to talk about it.

Within each orientation, a detainee approaches an issue from a specific motivational frame. The motivational frames are (1) identity, wherein the focus is on the detainee's or the interrogator's wants, needs or identity; (2) instrumental, wherein the focus is problem solving, as the detainee places little emphasis on himself or herself; and (3) relational, wherein the focus is on the relationship between the detainee and the interrogator and how to establish, maintain, or take advantage of the relationship.

Ideally, the detainee is cooperative. However, at least initially, detainees often are uncooperative or avoidant, as demonstrated by their not talking or talking about topics that are irrelevant to the objectives of the interrogator. The interrogator draws the detainee into a cooperative orientation by building rapport; matching the detainee's use of language; recognizing identity; listening for and addressing values and needs; and engaging in mutual problem solving. All of this is accomplished within the detainee's motivational frame; emphasis is placed on gradually introducing topics of a cooperative nature.