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DEPARTMENT OF DEFENSE
CRIMINAL INVESTIGATION TASK FORCE

ALCITF Memorandum 004-02
16 Dec 02

MEMORANDUM FOR ALL PERSONELL ASSIGNED TO THE DOD CRIMINAL
INVESTIGATION TASK FORCE

SUBJECT: ALCITF Memorandum 004-02, Interrogation Procedures

1. References: (U) Presidential Order Concerning Detention, Treatment and Trial of Certain Non-Citizens in the War Against Terrorism, 13 Nov 01. (U) President's Confidential Memorandum Clarifying the Status of Detained Personnel, 27 Nov 01.
2. Purpose: The purpose of this Memorandum is to provide guidance to Criminal Investigation Task Force (CITF) personnel on the conduct of interrogations of detainees or persons under custody. For the purpose of this memorandum all reference to detainees will also apply to persons under custody.
3. General Guidance: The President's order of 13 Nov 01 states that detainees subject to the order will be treated humanely, without any adverse distinction based on race, color, religion, gender, birth, wealth or similar criteria. These general guidelines are consistent with the criminal investigator's objectives in eliciting information from detained persons during interrogation.
4. Task Force Guidance:
 - a. Humane Treatment Required: Detainees will be treated humanely. Physical torture, corporal punishment and mental torture are not acceptable interrogation tactics and are not allowed under any circumstances. Basic human needs, such as food and water, will not be withheld as a means to obtain information. CITF will not arbitrarily limit the duration of the interrogation as a matter of policy. The interrogator may discontinue interrogation when he deems that continued efforts would be unproductive. However, excessively lengthy interrogations are discouraged.
 - b. Interview Disengagement and Reporting Requirement: CITF personnel will not participate in any interrogation that employs tactics inconsistent with or in direct violation of this policy. When CITF personnel are conducting a joint interrogation

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with another U.S. government agency, and a member of that agency employs tactics that are inhumane, the CITF personnel will immediately disengage from the interrogation, report the incident to their CITF chain of command, and document the incident in a memorandum for record to their Special Agent in Charge (SAC).

c. No Use of Maximum Confinement Facility: The use of the Maximum Confinement Facility (MCF) (isolation) will not be employed as an interrogation tactic; however, on it can be used as an incentive on a case-by-case basis. The SAC must approve any use of the MCF as an incentive and such use will only be used with the consent of the detainee.

d. Deception or Ruse Authorized: The use of deception or ruse may be employed as an interrogation tactic. Examples of deception tactics include but are not limited to the use of false intelligence, false information attributed to other detainees, false identification of physical or forensic evidence and false representations as to the identity of the interrogator. The interrogator may not employ a deception or ruse in any manner that would constitute inhumane treatment of the detainee.

e. Promises without Authority Prohibited: All personnel will refrain from making promises to detainees without authority and pre-approval (e.g. promise of release or transfer, promise to call home, promise for better living conditions, promise for asylum, promise of lesser conviction etc...). Although deception or ruse may be employed to elicit information from the detainee, interviewers must uphold the credibility of the legal process. Experience indicates that promises made without authority have detrimental effect on investigative efforts and are disruptive to long-term rapport building objectives and interagency cooperation contrary.

f. Interview Documentation Requirement: All interrogations will be documented on a CITF Form 40 that will include the ISN of the detainee, time and date of the interrogation, duration of the interrogation and either the identities or organizations of all persons present for the interrogation. Form 40's will be only be drafted and signed by personnel who actively participated in the interview and can serve as a witness to the detainee's statements. All CITF personnel participating in the interview must be documented appropriately in the case file, either in the investigative notes or on the Form 40. Where appropriate, participation by non-CITF personnel in the interview should also be reflected in the Form 40.

g. Photographs/Videos not Required for US Interviews: Photographs and or video recordings of interrogations are not required as a matter of policy; however, they may be generated at the discretion of the agent conducting the interview with the concurrence of the SAC. CITF personnel may consider videotaping the final interview with detainees who are to be released/transferred and will strongly consider videotaping a final interview of any detainee who is being transferred who has possible value as a witness. Exceptions to this policy must be approved by CITF-HQ.

5. Non-Law Enforcement (LE) Techniques Not Authorized: CITF agents will not participate in the use of any non-law enforcement (LE) interrogation techniques for

which they are not trained, or any techniques they feel are questionable, as defined by law, regulation, and as interpreted by the CITF SAC. All CITF agents have the authority to withdraw from any environment or action that he believes is inappropriate. CITF Agents must immediately report any such action to the SAC.

6. Observation, Participation, Support and Advisement on Non-Law Enforcement Techniques not Authorized: CITF agents will not participate in, provide support for, or advise on interviews utilizing non-LE techniques. Additionally, CITF agents will not observe interviews by other agencies where it is known that non-LE techniques will be used. Only the CITF Commander (CO) or Deputy Commander (DCO) may make exceptions to this policy. Exceptions are discouraged, and will only be made on a case-by-case basis after full evaluation of the circumstances and appropriate legal advisement.

7. Other Agency Interview Reports Required. CITF agents or analysts will request and obtain transcripts, reports, and after-action reviews of any and all interviews conducted by other agencies and entities to determine the law enforcement value of the information and the effectiveness of the interrogation strategies employed. All interrogations of detainees will be documented in the CITF case file.

8. Interagency Coordination Required: The CITF SAC, Operations Officer or Legal Advisor will coordinate with JTF-GTMO or any other appropriate command and will represent CITF in all interagency discussions of interrogation strategies and approaches. CITF-G, CITF-A, and any other deployed CITF element will appraise CITF-HQ of issues raised during discussions on interview and interrogation techniques and strategies that have the potential to impact the CITF mission. If the deployed CITF representative disagrees with an approach being considered by JTF-GTMO or any other command, the deployed CITF representative should inform that command of its objection in a professional manner, and simultaneously report the matter to CITF-HQ. Deployed personnel will, however, continue participating in discussions. The obligation of the deployed CITF representative at any discussion/meeting is two-fold: to raise a professional objection as necessary, and to report the issue to the CO/DCO.

9. The POC for this memorandum is CW2 [REDACTED] or [REDACTED] ^{b(6)} ^{b(6)} ^{b(7)(C)-2} ^{b(7)(C)-2}
Policy Division, DSN: [REDACTED]; Commercial: [REDACTED]; Email: [REDACTED] ^{b(6)}
NIPRNET: [REDACTED]
SIPRNET: [REDACTED] ^{b(6)} ^{b(6)}

FOR THE COMMANDER:

[REDACTED] ^{b(7)(C)-2}
LTC, MP
Chief, Plans, Policy,
Liaison and Integration