

Incorporating Law Enforcement Interrogation Techniques on the Battlefield

By Gretchen Peters

THERE IS CONTINUED dispute whether the “enhanced interrogation techniques” approved by the Bush administration succeeded in extracting reliable information from detainees in Afghanistan and Iraq. Many active and retired military intelligence officers, however, are quietly hoping that Washington and the Pentagon will pursue what they consider to be a far more pressing issue: revamping the human intelligence (HUMINT) system to better equip U.S. troops facing a new and complex enemy. Military interrogators who have worked in detention centers in Iraq and Afghanistan say Cold War interrogation techniques are often ineffective when dealing with an enemy such as al-Qa`ida or the Taliban.¹ Instead, they argue that the puzzle faced by U.S. military units deployed to Afghanistan closely parallels the challenges confronting U.S. law enforcement officers combating organized crime and street gangs in the United States. The day-to-day operations of the Taliban and al-Qa`ida in the lawless border areas between Pakistan and Afghanistan more closely resemble those of the mafia than a traditional military force. This suggests that more actionable information can be acquired by applying law enforcement techniques to the counterinsurgency setting.

This article will identify some of these interrogation techniques, and also explain how infantry units can improve on street interviews to gather more intelligence about the Taliban

insurgency, criminal gangs operating in the border areas as well as terrorist groups such as al-Qa`ida. The article also argues the importance of using disconnected pieces of intelligence to develop an organizational attack strategy that will eventually help authorities apprehend top insurgent and criminal leaders.

Law Enforcement and COIN Parallels

On the operational level, there are clear analogies between law enforcement and counterinsurgency strategy during street patrols and in the interview room, both places where valuable information and intelligence can be gathered.²

A “beat cop” patrolling the streets of an American city who encounters a young man engaged in suspicious activity—perhaps he appears to be selling drugs or stealing a car—faces a similar situation to a NATO foot patrol that comes across a young man planting an improvised explosive device (IED). In both cases, the uniformed security provider probably knows nothing about the individual, and will need to quickly establish the suspect’s affiliation. It is possible the suspect is just a hired hand, contracted for a one-time job, or he may be a core member of the target group.

In another example, consider the complexity faced by a police detective sitting in an interview room with a suspected member of an organized crime ring. On occasions when the officer has little or no proof of that suspect’s membership in organized crime, a successful line of questioning needs to simultaneously establish the suspect’s relationship to the target group, and also flush out details about the specific crime or crimes for which the suspect was detained. A military intelligence officer questioning a detainee captured on the battlefield in Afghanistan might face a similar set of circumstances: the detainee’s affiliation may not be clear, and it will be imperative to establish his role and relationship in the wider insurgency.

Building Rapport and Establishing Justification

Although law enforcement interrogation techniques should be increasingly incorporated on the battlefield, there are still valuable lessons to be learned from the army interrogation manual. It contains methods that can be successfully applied to an insurgent or terrorist detainee. “A lot of the techniques laid out in the army manual are not very far from what we teach,” said Joseph Buckley, president of John E. Reid and Associates, a Chicago firm that trains law enforcement officers and military personnel in effective interrogation techniques. “It’s all primarily based on an emotional and psychological appeal, and building rapport, as opposed to threats and deprivation that just alienate the subject.”³

According to interrogation professionals, before interviews begin it is important that the military personnel stress that all the information gathered is confidential. The interviewer should not mislead, make false promises or lie to the individual. To get started, law enforcement interviewers recommend asking the subject about their background. Some suspects may have little actionable intelligence, but could offer a wealth of useful historical data. Either way, it is vitally important to record and corroborate such information. This may be especially important in cases where the subject is not a detainee but a member of the community who has come forward, allegedly with important information. “It is dangerous to take what an informant says as gospel and not establish his motive for telling you,” said Richard Fiano, the former director of operations at the Drug Enforcement Administration (DEA). “It could result in faulty information, faulty allies and in the worst cases, dead members of your team.”⁴

Even if the subject’s information is questionable, there could be small details offered that may be helpful to disrupting the activity of the insurgency. In other words, law enforcement officers state that it is critical to keep a file of what

1 During the Cold War, U.S. intelligence officers could offer resettlement in the West as a trade for information from captured Soviets. That ploy does not resonate with religiously motivated al-Qa`ida and Taliban extremists. Other Cold War techniques that played on a detainee’s love of country or concern for his fellow soldiers also fall flat against a transnational and often stateless fighter such as the typical Taliban foot soldier or al-Qa`ida operative; their greatest ambition is often to martyr themselves on the battlefield.

2 Law enforcement experts generally avoid use of the word “interrogation,” preferring the more neutral term “interview.”

3 Personal interview, Joseph Buckley, president of John E. Reid and Associates, July 2, 2009.

4 Personal interview, Richard Fiano, former director of operations at Drug Enforcement Administration, July 7, 2009.

the subject says and corroborate it with other community sources.

During interrogation interviews, the nine-point “Reid Technique” suggests shifting the blame away from the suspect to another person or set of circumstances that prompted the suspect to commit the crime. For example, the young man captured while planting an IED might be offered three possible explanations for his action: he placed the bomb because the Taliban threatened to harm his family if he did not help them; the insurgents offered him money, and his family was desperately poor; or he actually joined the Taliban because he wanted to protect his farmland and hated seeing foreigners in his homeland. Offering the individual a reason to believe his behavior is justified—regardless of how the interviewer privately feels—will encourage the detainee to reveal information. “You need to put yourself in that person’s position,” said Dan Malloy, a specialist on counterterrorist interrogations at Reid. “You are not trying to convince them that you are on their side, but you need to make them think you understand why they did this.”⁵

Malloy categorizes three types of insurgent or terrorist subjects: the accidental warrior—someone who usually carries out a one-time act for a variety of motives; the opportunist—someone who commits the act for money; and the true believer—someone who actually feels strongly about the ideology. The accidental warrior is the most common but will have less actionable intelligence. The opportunist and the true believer will have the most information, but it takes more time to extract it.

Experts say it is important to constantly refine one’s technique. One of the best ways to improve is simply by asking a detainee at the end of an interview what led them to make a confession. Often subjects will remark on a comment that made them think they could trust the interviewer. “There is a whole art to interviewing,” said Fiano. “By the end, the best informants will think they are your friend.”⁶

5 Personal interview, Dan Malloy, John E. Reid and Associates, July 7, 2009.

6 Personal interview, Richard Fiano, former director of

Avoiding Denials and Acquiring Details

During the course of a detainee interview, which may last hours, various themes can be explored or changed until the subject becomes responsive. A successful interrogator will not permit a detainee to outright deny guilt, but will accommodate and be receptive to reasons the individual provides for why they did not commit the crime. Questions should be posed in a manner that makes it difficult to deny involvement.⁷

To close the interview, the interrogator should offer the detainee two justifications for what happened—one more socially acceptable than the other. When the detainee accepts one of these options, guilt is assumed. Using the scenario of the captured IED facilitator, the interrogator should suggest to the detainee that he agreed to plant the bomb in return for money for his family. Another argument would be to suggest to the detainee that he committed the crime because he believed he would be rewarded in the afterlife for killing non-Muslims.

Nevertheless, a criminal investigator will not always expect a full confession. It may be just as useful to extract some worthwhile piece of information that can help further the investigation. Perhaps the young man detained after planting the IED will not admit he is a Taliban member, but will lead authorities to the individual who provided him the explosives and told him where to plant them. In the counterinsurgency environment, the latter result may be more useful than a full confession.

Learning to Work the Streets

In addition to interrogation interviews, significant information can be acquired from the community. Police investigators who work street gangs in U.S. cities say their best intelligence comes not from the interview room, but from the uniformed officers who patrol the streets. Good street officers get to know members of the community and

operations at Drug Enforcement Administration, July 7, 2009.

7 For example, instead of asking, “Was Samir here?” one should ask, “When was the last time Samir was here?” The first question can easily be answered with a “no,” while the second, better question makes it more difficult for the detainee to deny the individual was ever there.

are the first ones on hand when a crime or violent act occurs. “You have to know your community and you have to have the gift of gab,” said a Los Angeles Police Department detective with more than 30 years of experience. “A gang officer gets out of his car and knows the people in his neighborhood. He is a guy who talks to somebody on the street and that person calls him back two weeks later.”⁸ Cultural, linguistic and ethnic divides do not have to be a barrier, but there has to be open dialogue between the security providers and the community.

In Afghanistan, U.S. Marines deployed to Helmand Province appear to have already put these techniques to the test. A July 3, 2009 dispatch from Agence France-Presse described Marine Brigadier General Larry Nicholson walking through the streets of Garmser, where he bargained for a melon at the local bazaar and asked residents to share their needs and concerns. The article noted that “some people in the bazaar turned away from the brigadier general.”⁹ In fact, they should have been the individuals who Nicholson and his team pursued and questioned most vigorously. According to law enforcement experts, it is not only important to investigate suspicious behavior, but also to win over those who trust the coalition the least.

There are no clear instructions to be an effective street interviewer, but experts say it is often a good idea to begin conversations with a few baited questions to determine whether the person is generally telling the truth. Patrols should be cognizant of non-verbal indicators, such as jumpy, nervous behavior or subjects who avoid eye contact. Soldiers on patrol can collect a wealth of information about a local community. These include but are not limited to:

- How and where local residents—who will inevitably include insurgents—access telecommunications and the internet.

- How and where the insurgents source

8 Personal interview, anonymous police detective, Los Angeles Police Department, July 3, 2009.

9 Ben Sheppard, “US Marine Commander Out Shopping in Afghanistan,” Agence France-Presse, July 4, 2009.

their supplies, including components for IEDs, food, medical supplies and fuel.

- How and in collaboration with whom the insurgents fund themselves. Since members of the local community will inevitably be victimized by this criminal activity—whether it is opium smuggling, kidnapping or extortion—showing concern about this problem could help win public support.

Developing an Organizational Attack Strategy

Information gathered from the community and from detainee interviews can be compiled into an organizational attack strategy. Law enforcement officers with years of experience building intelligence on gangs and organized crime groups, including drug trafficking organizations, say the trick is starting at the ground level of the target group and working up to the top.

A retired police officer advising U.S. military units operating in Iraq and Afghanistan said he has watched U.S. troops capture a low-level foot soldier and then begin to question the detainee about the location of high value targets, such as Usama bin Ladin and Mullah Omar in Afghanistan or the late Abu Mus`ab al-Zarqawi in Iraq. Yet this technique is dysfunctional, he said. A Taliban foot soldier is unlikely to know where Mullah Omar is hiding any more than a dealer selling cocaine on the streets of New York knows how to find the Mexican kingpin Joaquin “El Chapo” Guzman. Yet that cocaine dealer can lead authorities to the person who supplies him his narcotics, just as the Taliban foot soldier can help international troops locate his commander. In addition, he will almost certainly have details about how his unit is funded—whether it is through the opium trade or other criminal activity—and he may know where they source their weapons and explosives.

Over time, gathering such threads of information will help a military intelligence unit establish a clear picture of how the insurgents operate in each district. Once these district-level sketches are folded into a nationwide portrait, a clearer image of the wider insurgency will emerge for senior military intelligence officials, including weak points in the command structure,

and ways to disrupt the group and target its leadership.

Conclusion

Law enforcement experts say the model for attacking organizations such as the Taliban and al-Qa`ida is no different than the method used to bring down drug cartels and organized crime groups. The bigger challenge is changing the military mindset to accept that there is wartime value to “good old-fashioned police work.”

An increase in interrogation training would help to equip infantry troops in Afghanistan to gather intelligence that would simultaneously increase force protection and disrupt both insurgent activity and funding. There are currently about 150 former law enforcement officers working as private contract advisers to U.S. Marines and Army regiments deployed to Afghanistan, according to one of the advisers. The DEA is also undergoing the largest “plus-up” in the agency’s history, increasing the number of agents in Afghanistan from about 12 to nearly 80, reportedly to support interdiction efforts against major smuggling cartels.¹⁰ These steps should help improve intelligence gathering in Afghanistan.

“Soldiers don’t join the military because they want to become cops. I understand that,” said one law enforcement adviser. “But this model works. We need to retrain our troops for this model and lose the mentality that they are some day going to be landing on Omaha Beach.”¹¹

Gretchen Peters is the author of Seeds of Terror (St. Martin’s Press), a book released in May 2009 that traces the role the opium trade has played in three decades of conflict in Afghanistan. She covered Pakistan and Afghanistan for more than a decade, first for the Associated Press and later as an award-winning reporter for ABC News. In fall 2009, she will enter the Josef Korbel School of International Studies for a graduate degree combining Homeland Securities and Criminal Justice.

¹⁰ “U.S. Launches New Fight Against Drug Trade,” Associated Press, March 30, 2009.

¹¹ Personal interview, law enforcement adviser to the U.S. military, June 29, 2009.