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Inspector General

Inspector General

United States
Department of Defense



DEPUTY INSPECTOR GENERAL FOR INTELLIGENCE AND SPECIAL PROGRAMS ASSESSMENTS

**Investigation of a U.S. Central Command Referral;
Non-Compliance with Interrogation Policy (U)**

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INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500

April 11, 2012

MEMORANDUM FOR COMMANDER, U.S. CENTRAL COMMAND

SUBJECT: Investigation of a U.S. Central Command (USCENTCOM) Referral; Non-Compliance with Interrogation Policy (Report No. DODIG-2012-074)

(U//~~FOUO~~) This report responds to your December 7, 2011, request that this office conduct an investigation into allegations that [CENTCOM (b) (7) (E)] in the USCENTCOM area of responsibility violated Federal statute and Department of Defense (DoD) policy and procedures requiring the recording of [CENTCOM (b) (7) (E)] of detainees held at theater level [CENTCOM (b) (7) (E)]. We have found no factual evidence to date that the violations, as described, have occurred and therefore, can not substantiate the allegations.

(U) The Allegations

(U//~~FOUO~~) On November 9, 2011, a Deputy Chief of Staff, G2, U.S. Army (DCS, G2), staff member [herein after referred to as the complainant] and an Office of the Under Secretary of Defense for Intelligence [OUSD(I)] staff member approached senior USCENTCOM J2-X staff regarding their concerns about interrogation operations in Afghanistan. It was alleged that:

(U//~~FOUO~~) Detainees were prepared by [CENTCOM (b) (7) (E)] before the questioning session, and only matters that a detainee was willing to discuss were raised during questioning. Thus, the [CENTCOM (b) (7) (E)] could characterize the questioning session as a *debriefing* and avoid the requirement of Section 1080 of the National Defense Authorization Act (NDAA) for Fiscal Year 2010 that [CENTCOM (b) (7) (E)].

(U//~~FOUO~~) [CENTCOM (b) (7) (E)] had signaled the Science Applications International Corporation (SAIC) contractors who operated the [CENTCOM (b) (7) (E)] recording system to turn off the [CENTCOM (b) (7) (E)] at the point in the [CENTCOM (b) (7) (E)] where the detainee became cooperative, thus characterizing the result as a *debriefing* rather than an [CENTCOM (b) (7) (E)] and again avoiding the recording requirement.

(U//~~FOUO~~) U.S. "personnel with badges and credentials" [law enforcement personnel] might have been avoiding the recording requirement by asserting that they were conducting detainee *interviews* rather than an [CENTCOM (b) (7) (E)] at [CENTCOM (b) (7) (E)] for force protection purposes.

Classified by: Multiple Sources
Declassify on: ~~25X~~ HUMINT

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(U) The Basis for the Allegations

(U//~~FOUO~~) The complainant told us that he became concerned about the recording policies after e-mail exchanges with [CENTCOM (b) (7) (E)]. The contacts were [CENTCOM (b) (7) (E)] who were serving as advisors to the [CENTCOM (b) (7) (E)] government under contract with a [CENTCOM (b) (7) (E)] company. The complainant believed that the contractors did not have direct knowledge of the allegations but had merely relayed things that they had heard.

(U//~~FOUO~~) The complainant visited the [CENTCOM (b) (7) (E)] Intelligence and Security Command (INSCOM), at Fort George G. Meade, MD, on November 2, 2011, to discuss future [CENTCOM (b) (7) (E)] funding and to review recordings of interrogations of a specific detainee by a specific interrogator. During that visit, the DCS, G2, staff member found that the CCP had only 206 recordings from seven detainees on file. This small number of recordings since the program began in October 2010 tended to support what the complainant had heard from his contacts.

(U) The Focus of the Investigation

(U//~~FOUO~~) Based upon the complainant's statement that their information had come from sources in Afghanistan, we elected to focus our efforts on the theater level interrogation facilities located there.

(U) Attempts to Contact the Complainant's [CENTCOM (b) (7) (E)]

(U) The complainant believed that the contract of one of their [CENTCOM (b) (7) (E)] contractor sources had ended, and that the contractor had returned to the U.S. Using an e-mail address provided by the complainant, we attempted to contact the contractor he believed had returned to the U.S. We received no response. We requested that the complainant ask the [CENTCOM (b) (7) (E)] contractors to contact us. Again, we received no response. We were, therefore, unable to contact the sources of the allegations directly.

(U) Relevant Guidance

(U) On September 6, 2006, following allegations of detainee abuse in Iraq and Guantanamo Bay, Cuba, the U.S. Army published Field Manual (FM) 2-22.3, *Human Intelligence Collector Operations*. This widely coordinated FM discussed the types of questioning which might be used with a detainee: [CENTCOM (b) (7) (E)]. The FM stated that [CENTCOM (b) (7) (E)] might be conducted at all echelons in all operational environments, but did not break down interrogations into types based upon the echelon at which they were conducted. The FM also defined debriefing as "the process of questioning cooperating [CENTCOM (b) (7) (E)] to satisfy intelligence requirements....The source usually is not in custody and usually is willing to cooperate." [emphasis added]

(U) On October 28, 2009, Congress passed Section 1080, which introduced the term [CENTCOM (b) (7) (E)] a term which had not been previously used in DoD interrogation doctrine. [CENTCOM (b) (7) (E)] was defined as the [CENTCOM (b) (7) (E)] "of a person who is in the custody or under the effective control of DoD or under detention in a DoD theater-level

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~~(S//NF)~~ CENTCOM (b) (7) (E) The statute required that such CENTCOM (b) (7) (E) or otherwise recorded. Members of the Armed Forces engaged in direct combat operations and tactical questioning were specifically excluded from the recording requirement. The statute did not address screening or debriefing, nor did it establish time or event limitations.

(U) On May 10, 2010, the Deputy Secretary of Defense (DEPSECDEF) signed Directive-Type Memorandum (DTM) 09-031, *Videotaping or Otherwise Electronically Recording Strategic Intelligence Interrogations of Persons in the Custody of the DoD*. This DTM implemented the provisions of Section 1080 within DoD. The Secretary of the Army was directed to select and purchase the recording equipment, develop standard operating procedures for operation of the recording equipment and for the equipment operators, and develop procedures for archiving the resulting recordings. The DTM identified four theater level detention facilities: the Detention Facility at Parwan, Afghanistan; the Taji Theater Internment Facility Reconciliation Center and the Remembrance Theater Internment Facility, Iraq; and the Detention Facility at the U.S. Naval Base, Guantanamo Bay, Cuba. Debriefing was not mentioned in the DTM except in the title of a reference document.

~~(S//NF)~~ CENTCOM (b) (1), 1.4(c), OSD JS (b) (1), 1.4(b), 1.4(c)

~~(S)~~ CENTCOM (b) (1), 1.4(c), OSD JS (b) (1), 1.4(b), 1.4(c)

(U) On November 16, 2010, DCS, G2, issued the final version of their *Procedures for Videotaping or Otherwise Electronically Recording Strategic Intelligence Interrogations of Persons in the Custody of the DoD*. These procedures established CENTCOM (b) (7) (E) as the vehicle for implementing the recording requirement of Section 1080. The procedures required that recording would be initiated prior to the detainee entering the CENTCOM (b) (7) (E) and would continue until the detainee departed the CENTCOM (b) (7) (E) at the end of the CENTCOM (b) (7) (E). Recording would continue through any breaks in the session. Any instances of recording interruptions, such as equipment failures, would be documented in writing and filed in the detainee's permanent interrogation file.

~~(S//NF)~~ CENTCOM (b) (1), 1.4(c), OSD JS (b) (1), 1.4(b), 1.4(c)

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CENTCOM (b) (1), 1.4(c), OSD JS (b) (1), 1.4(b), 1.4(c)

(U//~~FOUO~~) On June 26, 2011, JTF 435 issued *Strategic Debriefing Center Standing Operating Procedures* which provided further guidance regarding CENTCOM (b) (7) (E). The SOP stated that since DTM 09-031 specifically addressed CENTCOM (b) (7) (E)

This authorization was discretionary, however, and lay with the facility director or his designee.

(U) What We Found

(U) The CENTCOM (b) (7) (E)

(S//NF) CENTCOM (b) (1), 1.4(c), OSD JS (b) (1), 1.4(b), 1.4(c)

(U//~~FOUO~~) The complainant said that after their November 2, 2011, visit to the CCP a number of CENTCOM (b) (7) (E) recordings were received from the field. Recordings from a CENTCOM (b) (7) (E) site were shipped to the CCP on a 1.2 terabyte CENTCOM (b) (7) (E), and unbeknown to the complainant their predecessor had directed that a CENTCOM (b) (7) (E), as required in DCS, G2, CENTCOM (b) (7) (E) procedures. The complainant also learned later that technical problems with CENTCOM (b) (7) (E) affected the number of recordings held by the CCP. The off-the-shelf equipment, while highly secure, had been designed to operate in a clean, well air-conditioned environment. None of the CENTCOM (b) (7) (E) field locations were clean or well air-conditioned. Consequently, the CENTCOM (b) (7) (E) operators had experienced equipment failures loading data from CENTCOM (b) (7) (E). This also slowed the shipment of the tapes to the CCP. The recordings were still safely contained in the memories of the field CENTCOM (b) (7) (E) units, and DCS.G2, was exploring new loading technology.

(U) *What We Were Told*

(U) In addition to the complainant, we interviewed CENTCOM (b) (7) (E) [REDACTED]
[REDACTED]
[REDACTED]. None of them had
any information that substantiated the allegations.

(U//FOUO) One of the SAIC contractors was the CENTCOM (b) (7)(E) operator at the CCP and had served as a relief operator at all of the field CENTCOM (b) (7)(E) CENTCOM (b) (7)(E). He said that he had seen or heard nothing which supported the allegations. Both of the SAIC personnel we interviewed said that terminating CENTCOM (b) (7)(E) recording based upon direction from an CENTCOM (b) (7)(E) would have been a breach of CENTCOM (b) (7)(E) procedures. It could have resulted in termination of SAIC's CENTCOM (b) (7)(E) contract, and probably would have resulted in termination of the individual operator's employment. The INSCOM CENTCOM (b) (7)(E) system administrator had also visited all of the field DoD OIG (b) (7)(E) sites. He said that he had seen or heard nothing which supported the allegations. He said that even with system administrator privileges, he could not edit or alter a recording once it was made.

(S//NF) CENTCOM (b) (1), 1 4(c), OSD JS (b) (1), 1 4(b), 1 4(c)

(U) *The Interrogations*

(S//NF) CENTCOM. (b) (1), 1.4(c), OSD JS. (b) (1), 1.4(b), 1.4(c)

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(U) If you have any questions or would like to discuss this report, please contact me at (703) 882-

DoD
OIG (b) or DoD OIG (b) (6), (b) (7) (C) @dodig.mil, or DoD OIG (b) (6), (b) (7) (C) at (703) 882-DoD
OIG (b) or
DoD OIG (b) (6), (b) (7) (C) @dodig.mil.

Patricia A. Brannin
Deputy Inspector General
for Intelligence and Special
Program Assessments

Attachments:

1. Statistical Methods (~~S//NF~~)
2. Acronym List (U)

cc:

Under Secretary of Defense for Intelligence
Joint Staff Secretariat
Assistant to the Secretary of Defense for Intelligence Oversight
Deputy Chief of Staff, G2, U.S. Army
Chairman, House Permanent Select Committee on Intelligence
Chairman, Senate Select Committee on Intelligence
Chairman, House Armed Services Committee
Chairman, Senate Armed Service Committee

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(U) Statistical Methods

~~(S//NF)~~ CENTCOM (b) (1), 1.4(c), OSD JS, (b) (1), 1.4(b), 1.4(c)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U) The Quantitative Methods Division (QMD), DoD IG's technical experts in the quantitative area, recommended that we test each population independently to determine if internal control process were in place and being followed. QMD determined statistical control testing was an appropriate test for this purpose and that it was further supported by the Financial Audit Manual section 450 as a valid statistical test to determine if internal controls are in place and functioning. Information from control testing is limited to concluding at a prescribed confidence level that the error rate in a population is either above or below a certain level. QMD developed a sample plan and calculated the sample size using the hypergeometric distribution at 90 percent confidence level, five percent tolerable error and zero deviation (error) in the sample. That is, if one deviation (error) was discovered in the sample you must conclude with 90 percent confidence that the error rate in the population was greater than five percent. QMD drew a simple random sample without replacement of 44 recordings from each population. They used the RAND() function in Excel 2010 to generate a random number for each item and sorted each population in ascending order by the random number. The first 44 items in each population then became the sample.

(U//~~FOUO~~) We reviewed each sample recording from each population – CENTCOM (b) (7) (E) - and found no deviations from DCS, G2, standard procedures. CENTCOM (b) (7) (E)

CENTCOM (b)
(7) (E)

(U) Acronym List

CCP	Central Collection Point
DCS, G2	Deputy Chief of Staff, G2, U.S. Army
DEPSECDEF	Deputy Secretary of Defense
DIVAS	Digital Interrogation Video Archive System
DoD	Department of Defense
DTM	Directive Type Memorandum
FM	Field Manual
INSCOM	Intelligence and Security Command, U.S. Army
JTF	Joint Task Force
NDAA	National Defense Appropriations Act
QMD	Quantitative Methods Division, DoD IG
SAIC	Science Applications International Corporation
SOP	Standard Operating Procedure
TIF	Theater Interrogation Facility
TSF	Temporary Screening Facility
USCENTCOM	U.S. Central Command
USD(I)	Under Secretary of Defense for Intelligence
WORM	Write Once Read Many

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