



INTELLIGENCE

**UNDER SECRETARY OF DEFENSE
5000 DEFENSE PENTAGON
WASHINGTON, DC 20301-5000**

September 6, 2019

MEMORANDUM FOR CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF
DEFENSE

SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
CHIEF OF THE NATIONAL GUARD BUREAU
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, COST ASSESSMENT AND PROGRAM
EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF
DEFENSE
ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE
AFFAIRS
ASSISTANT TO THE SECRETARY OF DEFENSE FOR PUBLIC
AFFAIRS
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Directive-type Memorandum (DTM) 19-010 – “Interim Policy for DoD
Intelligence Interrogations, Detainee Debriefings (I2D2), and Tactical Questioning
(TQ)”

References: See Attachment 1.

Purpose.

- Pursuant to the authority in DoD Directive (DoDD) 5143.01, this DTM establishes interim policy on I2D2 and TQ in accordance with DoDD 3115.09. Specifically, this DTM:
 - Establishes policy on the oversight, management, and execution of I2D2 and TQ in accordance with DoDD S-5200.37.
 - Establishes policy on the arming of personnel participating in I2D2 or TQ.

- Establishes policy on when DoD intelligence interrogators, detainee debriefers, and support personnel may be utilized to guard, transport, or otherwise process detainees.
- Establishes policy on the conduct of I2D2 of individuals in foreign custody.
- This DTM is effective September 6, 2019; it must be incorporated into existing DoD policy such as DoDD 3115.09 as appropriate. This DTM will expire effective September 6, 2020.

Applicability. This DTM applies to:

- OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (referred to collectively in this DTM as the “DoD Components”).
- DoD military personnel, DoD civilian employees, and DoD contractor personnel to the extent incorporated in their contracts, who conduct or support I2D2 or TQ (referred to collectively in this DTM as “DoD personnel”).
- Non-DoD personnel who agree to comply with the terms of this DTM as a condition of DoD permitting them access to or to accompany DoD personnel to conduct I2D2 or other forms of questioning of persons detained either by the DoD or by a foreign partner.

Definitions. See Glossary.

Policy. It is DoD policy that:

- I2D2 are a subset of human intelligence (HUMINT) activities and are conducted under the authority of the defense HUMINT executor (DHE) in accordance with DoDD S-5200.37.
 - Coordination and deconfliction of I2D2 activities will occur at the lowest possible level.
 - I2D2 activities will be coordinated with the appropriate Combatant Command.
 - HUMINT source operational proposals, HUMINT source administration, and HUMINT source validation requirements do not apply to I2D2 activities.
 - All individuals who have been issued an internment serial number and are the subject of I2D2 activities that result in intelligence reporting will

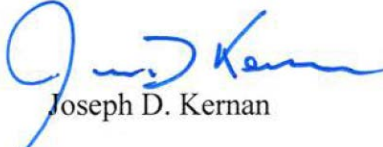
be registered in a DoD Component source registry compatible with the Integrated Defense Source Registry System.

- DoD personnel may be required to conduct or support (e.g., serve as linguists, interpreters, analysts, report writers, or information technology technicians) the I2D2 of individuals in U.S. or foreign custody and TQ of individuals at or near the point of capture before being placed in a detention facility in areas without adequate security. While conducting or supporting I2D2 or TQ, these personnel may be armed for their personal protection in connection with the performance of their official duties as authorized by the geographic Combatant Commander, or his or her designee, in whose area of responsibility they are operating in accordance with DoDD 5210.56.
- DoD intelligence interrogators, detainee debriefers, and associated support personnel will not guard, transport, process, or assume custodial responsibilities for detainees unless in an extraordinary circumstance no one else is available to perform these duties.

Responsibilities. See Attachment 2.

Procedures. See Attachments 3, 4, 5, and 6.

Releasability. Cleared for public release. Available on the Directives Division Website at <https://www.esd.whs.mil/DD/>.



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Attachments:
As stated

ATTACHMENT 1

REFERENCES

- DIA Counterintelligence and Human Intelligence Enterprise Manual 3301.002, Volume II, “Defense Counterintelligence and Human Intelligence Enterprise Manual: Human Intelligence Collection Operations (U),” June 22, 2015¹
- DoD Directive 2310.01E, “DoD Detainee Program,” August 19, 2014, as amended
- DoD Directive 3115.09, “DoD Intelligence Interrogations, Detainee Debriefings, and Tactical Questioning,” October 11, 2012, as amended
- DoD Directive 5143.01, “Under Secretary of Defense for Intelligence (USD(I)),” October 24, 2014, as amended
- DoD Directive S-5200.37, “Management and Execution of Defense Human Intelligence (HUMINT) (U),” February 9, 2009, as amended
- DoD Directive 5210.56, “Arming and the Use of Force,” November 18, 2016
- DoD Instruction 3305.12, “Intelligence and Counterintelligence (I&CI) Training of Non-U.S. Persons,” October 14, 2016, as amended
- DoD Instruction S-5105.63, “Implementation of DoD Cover and Cover Support Activities (U),” June 20, 2013
- DoD Instruction 5240.04, “Counterintelligence (CI) Investigations,” April 1, 2016, as amended
- DoD Instruction 5505.03, “Initiation of Investigations by Defense Criminal Investigative Organizations,” March 24, 2011, as amended
- Public Law 111-84, “The National Defense Authorization Act for Fiscal Year 2010,” October 28, 2009
- U.S. Army Field Manual 2-22.3, “Human Intelligence Collector Operations,” September 6, 2006

¹ Available on the Secret Internet Protocol Router Network at <http://dchc.dia.smil.mil/Policy/>

ATTACHMENT 2

RESPONSIBILITIES

1. DIRECTOR, DEFENSE INTELLIGENCE AGENCY. Under the authority, direction, and control of the Under Secretary of Defense for Intelligence (USD(I)) and in addition to the responsibilities in Paragraph 2 of this attachment, the Director, Defense Intelligence Agency, as the Defense HUMINT Manager, will develop a centrally maintained and searchable DoD database for I2D2 technical, administrative, and operational reports that can be linked to published intelligence reports.

2. DoD COMPONENT HEADS. The DoD Component heads who conduct or support I2D2 or TQ will:

a. Provide guidance on the arming of DoD personnel participating I2D2 or TQ in I2D2 or TQ plans, policies, orders, directives, training, doctrine, and tactics, techniques, and procedures.

b. Train appropriate personnel in the conduct of TQ in accordance with DoDD 3115.09, DoDD 2310.01E, and Attachment 6 of this DTM.

ATTACHMENT 3

DHE

DoD Component heads with the mission to conduct HUMINT activities each have a DHE who approves I2D2 activities in accordance with DoDD S-5200.37. The DHE may delegate the authority to approve I2D2 activities to any subordinate military personnel or civilian employees who are assigned or attached to an organization with the mission to conduct I2D2 activities and staffed with intelligence interrogators and/or detainee debriefers who are trained and certified by a DIA-established certification program in accordance with DoDD 3115.09. The DHE or his or her delegate will:

a. Plan, execute, and oversee I2D2 activities in accordance with DoDD 3115.09 and this DTM, ensuring these activities are incorporated into the planning and execution of all phases of an operation.

b. Provide the USD(I) with a monthly summary of all I2D2 activities.

c. Ensure non-DoD personnel who accompany DoD personnel to conduct I2D2 or other forms of questioning of persons detained either by the DoD or by a foreign partner comply with DoDD 3115.09 and this DTM.

d. Ensure support personnel who interact with a detainee are assigned a unique identifying number and that their true name, unit, Military Service or government agency, and contact information is recorded in a searchable, permanent archive. These unique identifying numbers must not be used to sign documents related to the detention, release, repatriation, medical care, or death of persons detained by the U.S. Government.

e. Coordinate and deconflict I2D2 activities in accordance with DoDD S-5200.37.

ATTACHMENT 4

DOD I2D2 OF INDIVIDUALS IN FOREIGN CUSTODY

1. DoD ACCESS TO INDIVIDUALS IN FOREIGN CUSTODY. The DHEs, or their delegates, may authorize appropriately trained and certified DoD personnel to conduct I2D2 of individuals in foreign custody, or to debrief foreign partners for information gained from interrogations or other questioning of individuals in foreign custody, to satisfy DoD intelligence collection requirements. The foreign partner is responsible for the health, welfare, and security of individuals within its custody. DoD personnel will report reportable incidents allegedly committed by DoD, non-DoD U.S., or foreign personnel in accordance with Enclosure 3 of DoDD 3115.09.

a. Only trained and certified DoD intelligence interrogators will conduct unilateral, joint, or combined intelligence interrogations of individuals in foreign custody using only those intelligence interrogation approaches and technique that are authorized by and listed in U.S. Army Field Manual 2-22.3. During combined intelligence interrogation operations, in addition to questioning a detainee in foreign custody, DoD intelligence interrogators may:

- (1) Accompany foreign partners during foreign interrogation sessions or other questioning.
- (2) Question foreign partners on their interrogation sessions or other questioning.
- (3) Monitor or observe foreign interrogations or other questioning.
- (4) Advise foreign partners on lines of questioning and approach strategies.
- (5) Review foreign partners' performance during interrogations or other questioning.
- (6) Provide source-directed requirements to foreign partners.
- (7) Provide analysis of the foreign partners' interrogations to the foreign partners.

b. The above DoD interactions with foreign partners during combined I2D2 do not constitute intelligence training and are not subject to the requirements of DoD Instruction 3305.12.

c. DoD unilateral or combined detainee debriefings of individuals in foreign custody will be conducted in accordance with Enclosure 4 of DoDD 3115.09.

2. AUDIO-VIDEO RECORDING OF DoD INTELLIGENCE INTERROGATIONS IN FOREIGN FACILITIES. Subsection 1080(a) of Public Law 111-84 does not require the audio-video recording of any DoD intelligence interrogations conducted in a host nation or foreign entity facility if the detainee is not in the custody or under the effective control of the DoD.

3. JOINT AND COMBINED I2D2 OF INDIVIDUALS IN FOREIGN CUSTODY. Non-DoD U.S. Government personnel may provide support to I2D2 or conduct joint or combined I2D2 with DoD personnel of individuals in foreign custody. Support includes face-to-face or remote access to the individual in foreign custody for the purposes of providing analytical support or subject-matter expert support to I2D2. When the DoD facilitates access to the individual in foreign custody, all personnel participating in the I2D2 on behalf of the DoD must comply with DoDD 3115.09, this DTM, and any other applicable DoD policies and procedures subject to the following additional requirements:

a. Non-DoD U.S. Government and third-party foreign personnel supporting DoD I2D2 of individuals in foreign custody will sign a written agreement to comply with DoDD 3115.09, this DTM, and any other applicable DoD policies and procedures before being allowed access.

b. Foreign facility personnel supporting DoD I2D2 of individuals in their custody will comply with DoDD 3115.09, this DTM, and any other applicable DoD policies and procedures.

c. All non-DoD U.S. Government and foreign personnel gaining DoD-facilitated access to conduct I2D2 of an individual in foreign custody must be monitored by a trained and certified DoD intelligence interrogator or detainee debriefer, as appropriate, at all times.

4. VIOLATIONS OF DoD POLICY AND PROCEDURES DURING JOINT AND COMBINED I2D2 OF INDIVIDUALS IN FOREIGN CUSTODY. If any party involved in a DoD-facilitated joint or combined I2D2 of an individual in foreign custody commits a reportable incident, DoD personnel will immediately terminate their involvement and report the incident in accordance with Enclosure 3 of DoDD 3115.09. When a reportable incident involves the staff of a foreign facility, the appropriate DoD Component head, or his or her designee, will determine whether to allow continued DoD intelligence activities at the foreign facility.

ATTACHMENT 5

REPORTABLE INCIDENTS INVOLVING NON-DOD U.S. OR FOREIGN PERSONNEL
ACCOMPANYING DOD PERSONNEL IN FOREIGN FACILITIES

Reportable incidents allegedly committed by non-DoD U.S. or foreign personnel accompanying DoD personnel in foreign facilities will be reported in accordance with Enclosure 3 of DoDD 3115.09 and referred to proper authorities (e.g., other U.S. Government, allied, coalition, or host nation authorities) for appropriate action.

a. Any additional DoD investigation of such incidents may be conducted at the direction of the appropriate DoD Component head, the Inspector General of the Department of Defense, the USD(I), or higher authority.

b. When DoD personnel facilitate the access of non-DoD U.S. or third-party foreign personnel to an individual in foreign custody, if the non-DoD U.S. or third-party foreign personnel commit a reportable incident, they will be immediately removed from the I2D2. The senior DoD official present will decide whether to continue the I2D2. The appropriate DoD Component head, or his or her delegate, will then determine whether to cease facilitation of the non-DoD U.S. or third-party foreign personnel's access to individuals in foreign custody until the reportable incident has been resolved.

c. Nothing in this policy changes the investigative responsibilities of any Defense Criminal Investigative Organization or Military Department Counterintelligence Organization in accordance with DoD Instruction 5505.03 and DoD Instruction 5240.04.

ATTACHMENT 6

TQ

TQ is limited to direct questioning and is generally performed by members of patrols, but can be done by any appropriately trained DoD personnel. In accordance with this DTM, the DoD Component heads will provide TQ training for DoD personnel who conduct, support, or participate in TQ. These personnel will be trained, at a minimum, in direct questioning techniques, the law of war, and humane treatment standards. DoD intelligence interrogators and detainee debriefers may conduct TQ without any additional training. DoD intelligence interrogators and detainee debriefers who conduct TQ will report any information of intelligence value as appropriate.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

DHE	defense human intelligence executor
DoDD	DoD directive
DTM	directive-type memorandum
HUMINT	human intelligence
I2D2	intelligence interrogation and detainee debriefings
TQ	tactical questioning
USD(I)	Under Secretary of Defense for Intelligence

PART II. DEFINITIONS

Unless otherwise noted, these terms and definitions are for the purpose of this issuance.

combined detainee debriefing. The process of using direct questions to elicit information from a cooperative detainee in which a DoD detainee debriefer or intelligence interrogator works with a foreign government representative to obtain information to satisfy intelligence collection requirements.

combined intelligence interrogation. The process of using interrogation approaches to question a detainee in which a DoD intelligence interrogator works with a foreign government representative to obtain information to satisfy intelligence collection requirements.

DHE. Defined in DoDD S-5200.37.

Defense HUMINT Manager. Defined in DoDD S-5200.37.

debriefing. Defined in DoDD 3115.09. Referred to as “detainee debriefing” in this DTM.

Integrated Defense Source Registry System. Defined in Volume II of DoD Counterintelligence and HUMINT Enterprise Manual 3301.002.

intelligence interrogation. Defined in DoDD 3115.09.

joint detainee debriefing. The process of using direct questions to elicit information from a cooperative detainee in which a DoD detainee debriefer or intelligence interrogator works with another DoD element or U.S. Government department or agency to obtain information to satisfy intelligence collection requirements.

joint intelligence interrogation. The process of using interrogation approaches to question a detainee in which a DoD intelligence interrogator works with another DoD element or U.S. Government department or agency to obtain information to satisfy intelligence collection requirements.

subject-matter expert. A person with significant professional knowledge in specific areas.

support personnel. Personnel who support the intelligence interrogation, detainee debriefing, or other questioning of a detainee, including linguists, interpreters, analysts, report writers, information technology technicians, trainers, and advisers.

true name. Defined in DoD Instruction S-5105.63.

TQ. Defined in DoDD 3115.09.

unilateral intelligence interrogation. Intelligence interrogations performed by only one DoD element.