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14. ABSTRACT
The ability to obtain accurate information from criminals and terrorists has been a challenge for military and law enforcement interrogators throughout history. There are four major interrogation methods that have been used to include enhanced interrogations, the Reid Technique, the PEACE model, and the Federal Bureau of Investigation's High-Value Detainee Interrogation Group (HIG) method. After analyzing these four interrogation methods the interrogation process developed by the HIG comes closest to providing a rapport-based, empathy-driven, and non-coercive interrogation. The HIG model for interrogations is a proven tool to ensure the most accurate Human Intelligence is obtained.

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TITLE: Gaining Actionable Human Intelligence: A Military and Law Enforcement Approach to Interrogations Utilizing a Rapport-based, Empathy-driven, and Non-Coercive Method

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Executive Summary

Title: Gaining Actionable Human Intelligence for Military and Law Enforcement: A Rapport-based, Empathy-driven, and Non-Coercive Interrogation Approach

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Thesis: A rapport based empathy-driven and non-coercive interview and interrogation in comparison to enhanced interrogation technique provides the military and law enforcement a much more effective approach in obtaining accurate and actionable human intelligence in the fight against terrorism.

Discussion: The ability to obtain accurate information from criminals and terrorists has been a challenge for military and law enforcement interrogators throughout history. There are four main interrogation methods that have been used to include enhanced interrogations, the Reid Technique, the British PEACE model, and the High-Value Detainee Interrogation Group (HIG) method. Each of these four methods will be analyzed and compared to its ability to ensure the United States fully maximizes its national power through the intelligence component of DIME (diplomacy, intelligence, military, economic). Additionally, the United States must be a leader in the world, to include the ethical treatment of all people. Some interrogation methods utilize some form of torture or coercive techniques. The most effective interrogation technique requires the use of a rapport based empathy-driven and non-coercive method.

Conclusion: After analysis of the four major interrogation methods used by military and law enforcement interrogators the method developed by the Federal Bureau of Investigation's High-Value Detainee Interrogation Group (HIG) comes closest to providing a rapport based empathy-driven and non-coercive interrogation. The HIG model for interrogations is a proven tool to ensure the most accurate Human Intelligence is obtained from the interviewee. Additionally, the HIG model maintains the United States' moral standing in the world as a leader in the ethical treatment of all people.

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Preface

I have served in the military and law enforcement for over twenty-five years with the last twenty years as a Special Agent in the Federal Bureau of Investigation (FBI). I have worked primarily white collar investigations and have had the opportunity to interview and interrogate hundreds, if not thousands, of people ranging across all demographics. My investigations have spanned the United States and the far reaches of the globe. I have had the opportunity to work with numerous law enforcement agencies, intelligence partners, and foreign agencies. My most recent assignment has been the FBI Academy Training Division, located in Quantico, Virginia, where I teach interviewing and interrogation techniques to the New Agent and Analyst Trainees. The ability to talk to people and obtain actionable intelligence, whether for a criminal or terrorist investigation, is paramount to the success of the FBI. It is my hope this paper will be utilized to ensure the correct interrogation methods are used within the law enforcement community, especially within the Training Division's curriculum at the FBI Academy.

My career and this paper would not be possible without the support and dedication of my wife and son. They have made great sacrifices to ensure I could have a successful career as an FBI Special Agent. Thank you to my wife JoAnn for your support and dedication; you have been my inspiration and motivation as I move my career forward. I would also like to thank my son Patrick for always making me proud and for being major reason to write this paper as you start your career in law enforcement.

I would like to thank Dr. John Gordon for his guidance and assistance in writing this paper. Additionally, I would like to thank SSA Colton Seal, SSA Frank Runles (retired), SSA Michael Vanmeter and SSA Derrel Martin for help with the research and for providing source documents and input as subject matter experts in the area of interviewing and interrogation.

Introduction

The United States' ability to fully maximize its national power by applying all the elements of DIME (Diplomatic, Intelligence, Military, Economic) is paramount to winning the war on terrorism. One key facet of DIME is the Intelligence piece, which includes the ability to obtain information from individuals. This paper examines four different processes as it relates to the technique of interviewing and interrogating individuals who may possess actionable terrorist information. When military and law enforcement investigators interview these individuals the use of enhanced interrogation techniques --- that is the use of the Central Intelligence Agency (CIA) program of coercive techniques of psychological abuse¹ --- is a process some senior US officials believe provides useful information. Besides the moral question, one must examine whether the information obtained from an enhanced interrogation is more valuable than using a rapport based empathy-driven and non-coercive interrogation. Recent history has shown that coercive interrogation techniques have not been effective and are not in consonance with our values. Rapport based, empathy-driven, and non-coercive interrogation utilized by the High Value Detainee Interrogation Group in comparison to so-called enhanced (or harsh) interrogation techniques and other law enforcement methods provide more accurate and actionable human intelligence in the fight against terrorism.

Defining Interrogations

The ability of a military or law enforcement officer to interview an individual in order to obtain accurate and actionable human intelligence is paramount to the success of a criminal or terrorist investigation. Most individuals understand the process of an interview, especially if one has been part of the workforce and has been subjected to a job interview. The interviewer asks a series of questions, which after each question the interviewee has an opportunity to respond.

Sometimes during the interview process, there is a connection between the interviewee and the interviewer and other times the interviewee wants the interview to end because of its unpleasant nature. Law enforcement and military interrogators when interviewing an interviewee will go through a similar process by asking a series of questions. But what happens when the interrogator believes the interviewee is withholding information? This is when the interrogator may switch from an interview into an interrogation. As described in “Understanding Interrogation” by Federal Bureau of Investigation Special Agents Brian Boetig and Arnold Bellmer, the following is a definition of interrogation: “from a legal perspective, interrogation is questioning, or the functional equivalent, likely to produce incriminating statements.”² Some interrogation manuals define an interrogation as an attempt to elicit a confession from the interviewee; however, there is no doctrinal definition but can be more accurately defined as the interrogator trying to obtain the truth from the interviewee.

There are many manuals providing techniques to approach an interrogation but the four most utilized methods are Enhanced Interrogations, the “Reid Technique,” the “British PEACE Model,” and the model utilized by the High-Value Detainee Interrogation Group (HIG). Enhanced Interrogations are based on the CIA’s program of coercive techniques of psychological abuse employed on detainees. The Reid Technique is a well-known law enforcement interrogation method utilizing a questioning phase to determine deception followed by a distinct interrogation phase. The interrogation phase starts with the interviewer directly accusing the interviewee of a crime or not being truthful and does not end until the interviewee confesses or stops the interrogation. The British PEACE Model is a non-accusatory information gathering approach to an interview and interrogation designed by British law enforcement and psychologists. The HIG method to interrogation is specifically designed for each interviewee,

flexible, rapport based, and with the goal of obtaining as much information as possible. The HIG methods key to success is the ability to build rapport (a connection between the interviewer and interviewee), empathy (the interviewee feels they are understood), and a non-coercive environment (an atmosphere where the interviewee feels they can talk).

With the advancement of social media outlets and the scrutiny of the media, interrogators must closely examine their approach to interrogations. As described in “Ethical Intelligence,” the media coverage routinely identifies unethical behavior by interrogators in the United States intelligence communities.³ Additionally, interrogators should not want to violate an individual’s human rights and would not want to see someone go to prison for a crime that person did not commit.

Enhanced Interrogations

The interrogation method that has received the most media attention is an Enhanced Interrogation as it raises serious moral convictions as to the use of psychological and physical coercion. According to the Congressional Research Service’s *Perspectives on Enhanced Interrogation Techniques* in January 2003 then Director of Central Intelligence George Tenet authorized enhanced interrogation techniques, which incorporated significant physical or psychological pressure. These techniques included the attention grasp, walling technique, facial hold, insult slap, cramped confinement (small box two hours and a large box up to 18 hours), insects, wall standing, stress positions, sleep deprivation (not to exceed 11 days at a time), and the waterboard technique.⁴ Additionally, there is also the human element that entered into the realm of enhanced interrogations, which can bring even greater embarrassment upon their organization. For example, in 2004 it was discovered the interrogation and treatment of detainees in military detention centers in Iraq and elsewhere disregarded or misinterpreted

guidance on the use of the military's interrogation techniques.⁵ Images of the maltreatment of prisoners in Abu Ghraib soon surfaced, and there was overwhelming outrage worldwide.

There are individuals who believe the use of enhanced interrogation techniques provide useful information and therefore believe that the ends justify the means of their use. In December 2014 former Vice President Cheney was asked by Fox News host Bret Baier if the ends justified the means in the use of enhanced interrogation techniques. Vice President Cheney argued the enhanced interrogation techniques provided actionable intelligence that was "absolutely vital in preventing another attack."⁶ Although the enhanced interrogation techniques provided some valuable information, it has been proved to, at times, be unreliable. For example, in 2003, then US Secretary of State Colin Powell had informed the United Nations there was credible evidence linking Saddam Hussein and al-Qaida. This information was obtained from Ibn al-Shaykh al-Libi, a suspected member of al-Qaida, utilizing enhanced interrogation techniques. Al-Libi made these statements after being kept in a tiny metal box for 17 hours and repeatedly being punched because he thought this information was what his interrogators wanted to hear. This information was later found to be false.⁷

As a result of the use of enhanced interrogation techniques and its ethical implications and adverse impact on human rights, President Barack Obama signed Executive Order 13491 in January 2009. E.O. 13491 restricted the use of interrogation techniques by any US Government agency to those listed in the Army Field Manual and set Common Article 3 of the Geneva Convention as a "minimum baseline." E.O. 13491 required individuals detained to be treated humanely and the detainee shall not be subjected to violence or atrocities to one's personal dignity.⁸ Additionally, E.O. 13491 established a special task force to review interrogation policies. The special task force reviewed the current interrogation procedure and recommended

the creation of the High-Value Detainee Interrogation Group (HIG) made up of experienced interrogators and support personnel from across the Intelligence Community, Department of Defense, and Federal Bureau of Investigation. In April 2010, the HIG was officially established and developed its interrogation process.⁹

The Reid Technique

If the HIG was formed in 2010 and established its own interrogation process, then the question must be asked what were law enforcement agencies utilizing for their interrogations for the past several decades? The most widely used interrogation method utilized by law enforcement is named after the man who invented it, John E. Reid, a former Chicago Police Officer and polygrapher. According to “The Interview” by Douglas Starr, “rather than brutalize suspects, as police often did in those days, he [John Reid] used modern science, combining his polygraphic skills with an understanding of human psychology.”¹⁰ John Reid obtained a law degree from DePaul University and joined the Chicago Police Department in 1936. In 1940, Reid was trained as a polygraph examiner and was assigned to the Chicago Police Scientific Crime Detection Laboratory. In 1947, Reid left the Chicago Police Department in order to form his company, John E. Reid and Associates.¹¹ John E. Reid & Associates trains more interrogators than any other company in the world, to include police forces, private security companies, the military, the Federal Bureau of Investigation, the Central Intelligence Agency, and the United States Secret Service.¹²

John Reid identified three steps to solving a crime, with the third step being the possible use of the Reid Technique for interrogating an interviewee. John Reid identified the first of the three steps to solving a crime as the factual analysis step. The first step represents the

collection and analysis of the information related to the crime scene, the victim, and possible subject. The first step is crucial in order to determine a possible direction the investigation should take and perhaps some insight into the possible offender.¹³ The investigator cannot take shortcuts during this step.

John Reid identified the second of the three steps to solving a crime as the interview of possible subjects. This step is a very highly structured interview, referred to as a Behavior Analysis Interview, consisting of a non-accusatory question and answer session intended to obtain information from the interviewee in a controlled environment. The first part of this step includes obtaining background information from the interviewee. Examples of this type of questioning include: “what is your date of birth?”, “where did you grow up?” “what do you do for employment?” These questions will allow the investigator to evaluate the interviewee’s normal behavior pattern when responding to questions. Also, this will allow the investigator to establish rapport with the interviewee, which is extremely important in assessing the interviewee’s intelligence, communication skills, mental health, and general suitability for the interview. During the remainder of the second step, the investigator will continue asking investigative questions to elicit the interviewee’s actions, motivations to commit the crime, opportunity, access, relationship to the victim, activities on the day of the crime, or possible alibi. Additionally, the investigator will ask behavior provoking questions, which will provide verbal and non-verbal indicators of deception. During the second stage, the investigator must evaluate the evidence of the case in conjunction with the truthfulness of the interviewee and decide if this interview should move into the third step, which is the interrogation.¹⁴

The third step of the Reid process to solving a crime involves nine separate parts within this process known as the Reid Technique for interrogating the interviewee. The first part

of this step is called the positive confrontation. The positive confrontation is used to advise the interviewee that they are without a doubt the person who committed the crime or not being completely truthful with the interviewer. During this part of step three, the investigator can use props or real evidence to substantiate his/her claim. Additionally, the investigator will use proxemics and paralanguage to enhance his/her confident demeanor. This is accomplished by closing the distance between the investigator and interviewee, and the investigator will lower his/her voice. The accusation will avoid descriptive or emotionally charged phraseology.¹⁵ An example of a direct accusation would be, "John, there is no doubt in my mind you are responsible for the missing money from the bank."

The second part of the third step is the development and delivery of interrogation themes. Most of the interrogation occurs during this part and if delivered correctly by the investigator the interviewee may be persuaded to tell the truth. These interrogation themes should build internal anxiety with deception and outweigh the perception of the consequences associated with the crime. Theme development can provide the interviewee with an opportunity to save self-respect, perhaps push the blame elsewhere, or minimize the crime.¹⁶ The investigator will establish themes prior to the interview (step 1), during the interview (step 2), and during the interrogation process (step 3). The investigator must be proficient at active listening and have the ability to be empathetic in his/her delivery of the themes. The investigator provides moral reasons for the person's guilt or lack of being truthful. The investigator will never provide legal justification nor will the investigator provide promises of leniency.

The third part of step three is the investigator's ability to handle denials. During this part of the interrogation, the investigator must be ready to handle any statement or refusal of the interviewee to accept the truthfulness of an allegation.¹⁷ It should be anticipated that both

truthful and guilty individuals will immediately deny the allegation; however, a guilty person will easily stop denying if the investigator handles this part correctly. An innocent person's denials will typically get stronger as the investigator attempts to stop the denials. If the interviewee easily stops his/her denials and begins to listen to the investigator, the investigator should move on with the interrogation.

The final six parts of the Reid Technique are fairly straight forward and if the investigator had applied the entire process correctly and appropriately one should never get to this point of an interrogation if the interviewee was being truthful. The fourth part is overcoming objections, which is a statement proposed by the interviewee as an excuse or reason why the investigator's accusation is incorrect. The fifth part is ensuring the investigator maintains the interviewee's attention. The sixth part is the investigator's ability to handle the interviewee's passive mood.¹⁸ At this point in the interrogation, the interviewee is internalizing if they should be truthful. It is very important that the investigator built rapport with the interviewee and has been empathetic during the third step or the remainder of the steps in the interrogation may not work. The seventh part of the third step is the investigator's ability to provide an alternative question. According to the Reid Technique of Interviewing and Interrogation, "an alternative is a question asked of the suspect, in which the suspect is offered two incriminating choices concerning some aspect of the crime. Accepting either choice represents the first admission of guilt."¹⁹ Everyone likes choices and this allows the interviewee to choose the more palatable choice with a simple nod of the head or "yes." Part eight of the third step is having the interviewee orally relate the details of the offense. The last part of the third step is obtaining a witness to the oral confession or obtaining a written statement from the interviewee.²⁰

The Reid Technique has been the interrogation method most utilized throughout the law enforcement communities for the last several decades. It is a highly effective tool; however, it takes a very skilled investigator to ensure it is utilized properly. Many local, state and federal law enforcement agencies train their investigators to utilize the Reid Technique or a process very similar to the Reid Technique. In 2014, then Attorney General Eric Holder created a new policy that individuals in federal custody, following the person's arrest but prior to their first appearance in court, will be electronically recorded.²¹ There will be an increase in videotaped interrogations appearing in court and the Reid Technique will be closely scrutinized. Currently, many law enforcement training facilities, to include the Federal Bureau of Investigation (FBI) Academy at Quantico, Virginia, provide some type of interrogation training based on the Reid Technique to their new investigators (New Agent Trainees at the FBI Academy). There are many different elements to the Reid Technique and it requires the investigator to clearly understand and implement each step. How will these interrogations stand-up in a court of law?

False Confessions

When an investigator interrogates an individual, the result must be to obtain the truth from this person. There are many issues on the line to get the interrogation right, and the slightest misstep could be catastrophic. For example, if the person falsely confesses there is a strong chance an innocent person may go to jail; the reputation of the investigator and their organization is on the line; and valuable information that could be used to solve a crime or stop a terrorist attack could be missed. It is vital to national security and upholding justice that the method used during interrogations results in actionable intelligence. The information obtained

from enhanced interrogations, and the Reid Technique will be analyzed for the possibility of inducing false confessions.

In 2003, why did Ibn al-Shaykh al-Libi provide evidence while being subjected to enhanced interrogation techniques that proved to be false? Mark Fallon, former chief of counterintelligence operations for Europe and the Middle East in the Naval Criminal Investigative Service (NCIS) described obtaining false confessions from enhanced interrogation techniques as follows: “we think because we torture someone and get a confession that torture works. But that confession might be false – which is much more dangerous than no confession. Torture has made us less safe.”²² The false information provided by al-Libi was one of many key pieces of information used by then Secretary of State Powell to convince the United Nations there was a link between al-Qaida and Saddam Hussein. Ultimately, the United States and a coalition of several other countries invaded Iraq and overthrew Saddam Hussein’s regime. One does not want to look back on monumental moments in history and second guess his/her choices; however, knowing the information al-Libi provided was false tends to have that effect.

In 2004, the *IG Special Review* concluded the CIA Detention and Interrogation (D&I) program, which included enhanced interrogation techniques, was effective in yielding useful information.²³ However, according to the Congressional Research Service “Perspectives on Enhanced Interrogation Techniques,” the *SSCI Study* indicated the claims of effectiveness by the CIA “were inaccurate and not based on credible measures of success.”²⁴ The al-Libi interrogation is an example of obtaining information that was inaccurate. Senator John McCain, a former Vietnam Prisoner of War, provides a first-hand explanation as to why detainees subjected to enhanced interrogations may provide unreliable intelligence:

I know from personal experience that the abuse of prisoners will produce more bad than good intelligence. I know that victims of torture will offer intentionally misleading

information if they think their captors will believe it. I know they will say whatever they think their torturers want them to say if they believe it will stop their suffering.²⁵

Enhanced interrogations have produced actionable human intelligence; however, this method has been proven to produce false or misleading information.

The Reid Technique has been the primary method of law enforcement when interrogating individuals; however, there has been escalating concern with the number of false confessions obtained from this method. According to Starr, a growing number of scientists and legal scholars have raised concerns about the Reid Technique. Starr stated, “of the three hundred and eleven people exonerated through post-conviction DNA testing, more than a quarter had given false confessions...the extent of the problem is unknowable, because there’s no national database on wrongful convictions. But false confessions, which often lead to convictions are not rare, and experts say that Reid-style interrogations can produce them.”²⁶ The Reid Technique is very structured and requires the investigator to thoroughly understand and complete each step. This allows for possible human error and potential inherent biases to factor into the application of the Reid Technique.

The first step in the Reid Technique can be compromised if the investigator or team of investigators fails to adequately address the factual analysis. This includes obtaining as much information as possible. Also, the team of investigators must control their inherent biases and must avoid falling victim to group-think bias. The team must utilize critical thinking skills throughout the investigation.

The second step of the Reid Technique requires the investigator to build rapport with the interviewee. Without adequately building rapport the investigator fails to fully identify the interviewee’s intelligence, communication skills, mental health, and general suitability for the

interview. If the investigator fails to fully address the second step, this may set the stage for a possible false confession. Additionally, if the investigator fails to build rapport and understand the mental capacity of the interviewee, asking behavioral questions to elicit verbal and non-verbal indicators of deception will be worthless. Lastly, in the second step if the investigator did a poor job analyzing the evidence and mistakenly identified the interviewee as being untruthful the investigator may wrongly decide to move into the third step.

The third step of the Reid Technique is most effective if the investigator has properly addressed the first and second steps before moving to the third step. In the third step it is crucial for the investigator to initiate the positive confrontation correctly. For example, when employing proxemics (the use of spatial distance between individuals) never make the interviewee feel they are trapped and have no way out. Also, when delivering the positive confrontation the investigator should never raise his/her voice and never make the process confrontational. The second part of step three requires the investigator to be proficient at active listening so they do not miss the reason the person is not being truthful. Additionally, if the investigator inadvertently provides some type of promise, especially leniency, the interviewee may confess to end the interrogation process. The third part of step three can result in an overly aggressive investigator having difficulty properly handling denials. The investigator becomes aggressive which, depending on the personality of the interviewee, may cause the interrogation process to incorrectly continue. The last parts of the third step are fairly straight forward and if employed correctly will prevent a false confession. It is extremely important that the investigator does not interject leading questions or certain case facts during the interview or interrogation. When obtaining details of the offense a person who has provided a false confession but provides details of the crime may obscure the investigator's ability to detect the false confession. Additionally,

with interrogations being recorded the investigator may skip obtaining a second investigator to witness the confession, and the investigator may forget to obtain a written statement from the interviewee. Failing to bring in a second investigator to witness the confession and not obtaining a written statement from the interviewee are lost opportunities to ensure the investigator does not obtain a false confession.

Additional factors that can adversely impact the interrogation are inherent biases, especially a Reid Technique interrogation, which is a stressful process by its very nature. When one thinks of bias, they tend to equate the term with prejudice. According to Christine Orrey in “What Biases Exist in Police Decision-Making,” biases are unconscious attitudes and beliefs which exist deep within our psyche. Additionally, when under pressure an individual’s cognitive process begins to break down and the person’s subconscious mind plays a greater role in decision making.²⁷ The interrogation room is stressful for both the interviewee and the investigator. If the investigator is not aware of these inherent biases, they may inadvertently rely on these biases to make unfortunate decisions during the interrogation process. For a description of 20 of the most common biases that may affect decision-making see Appendix A.²⁸

The Reid Technique is reliant on the investigator to properly follow all three steps completely; however, if an investigator is inexperienced, poorly trained, not focused, overly stressed, or falls victim to inherent biases the process could be flawed. For example, according to Starr, it was reported that Richard Leo, a law professor at the University of San Francisco had undergone the Reid Technique training and then spent nine months sitting in on nearly two hundred interrogations at the Oakland, Hayward, and Vallejo police departments. Leo found that most of the police officers used key elements of the Reid Technique; however, many failed to perform the initial interview and went straight into the interrogation.²⁹ Additionally, according

to “The Interview,” when the behavioral analysis interview is conducted the investigator becomes focused on the interviewee’s non-verbal behavior. These non-verbal behaviors may indicate the interviewee is being deceptive; however, in reality the interviewee is being truthful. The investigator inadvertently becomes focused on the perceived deception and becomes more aggressive in his/her questions which trigger nervousness in the interviewee. This behavior results in confirmation bias and the investigator inadvertently moves to the interrogation and feels bound to obtain a confession. Psychologists call this cycle the Othello Effect where the tragic escalation of accusation and fear leads Othello to wrongfully kill his wife Desdemona for adultery which she did not commit.³⁰

British PEACE Model

An alternative solution to the Reid Technique is the British PEACE Model, a non-accusatory information gathering approach to interviews and interrogations. In 1990, Britain was caught up in a flurry of false confessions and decided to move away from the accusatorial-style interrogation. The British government appointed a commission of academics, detectives, and legal experts to develop an interview method that would incorporate present-day psychological research. This commission worked on developing this new method and generated the British PEACE Model. PEACE stands for Preparation and Planning, Engage and Explain, Account, Closure, and Evaluate. According to Starr, by 2001 every police office in England and Wales was trained to use the PEACE model.³¹

In the British PEACE model, investigators are not instructed to obtain a confession but strictly to interview the person to gather information and evidence. The investigator focuses on the details of the information provided by the interviewee and does not rely on nonverbal

behavior. According to “the Interview,” this interview will produce a cognitive load on the interviewee making it difficult to maintain a lie. For example, in January 2008 David Chenery-Wickens was accused of murdering his wife and was questioned using the PEACE Model by Detective Constable Gary Pattison of East Sussex. Detective Pattison was respectful and polite while asking Chenery-Wickens open-ended questions about his wife’s disappearance. Chenery-Wickens was given plenty of time to answer the questions and after an hour and a half the interview ended. A few days later, the interview was reconvened and Chenery-Wickens found it increasingly difficult to recall the details previously given to Detective Pattison. As Detective Pattison asked more questions and showed more evidence to Chenery-Wickens the lies mounted. At no point in the interview did Detective Pattison directly accuse Chenery-Wickens nor did Detective Pattison obtain a confession. Detective Pattison did not need a confession because the accumulation of lies captured in the videotaped interview plus the evidence against Chenery-Wickens was enough to convict Chenery-Wickens of murder. Chenery-Wickens was ultimately sentenced to eighteen years in prison.³²

The British PEACE model provides a solid foundation for a rapport based, empathy-driven, non-coercive environment to conduct an interrogation; however, there are two major limitations when applying this process in the United States. First, in Britain, an interviewee can be advised that if they do not talk with law enforcement their silence will be used against them in court. This is in violation of a US Citizen’s Fifth Amendment right to silence. Second, in Britain, a person can be offered a reduced sentence by up to one-third off their sentence if they agree to plea early in the process. In the United States law enforcement officers are precluded from making any promises; therefore, offering the interviewee time off their sentence if they confess is not an option.

High-Value Detainee Interrogation Group (HIG)

The use of enhanced interrogations, the Reid Technique, and the British PEACE model did not provide a method for the military and law enforcement to obtain the most accurate human intelligence needed in the fight against terrorism. This would change as a result of President Obama signing Executive Order 13491 in January 2009. This order created a task force to review the U.S. Government's interrogation procedures and generate a method, which addressed the shortcomings of enhanced interrogations, the Reid Technique, and the British PEACE model. According to the HIG's "Interrogation Best Practices," the HIG was officially formed "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."³³ The HIG has conducted a comprehensive review of current interrogation methods and existing behavioral and social sciences related to interrogation. The HIG has identified no exact definition of interrogation; however, most definitions state that it is a formal process that includes accusatory questioning attempting to elicit information from a detainee that they believe are personal or secret. The HIG assumes the purpose of the interrogation is to gather valuable intelligence, which requires "an individualized, flexible, rapport-based, and information-gathering approach."³⁴

The HIG interview and interrogation has an operational framework consisting of three main areas: Planning & Analysis, The Interview, and Closing. The first main area is the "Planning & Analysis," which consists of data assessment, objective setting, context management, cultural impact, and predictable dialogue (refer to Appendix B). The "Planning &

Analysis” stage can last years or may only take a few minutes; either way, this stage must be deliberate and thoughtful as the investigative team learns as much about the case and the interviewee prior to conducting the interrogation. The interview team should consider all information and intelligence available and distinguish what is fact, what is believed true but not verified, and what are the assumptions based on the data and beliefs. According to the *HIG Core Interview and Interrogation Skills Course Participant’s Reference Book*, “you should consider what information you need from the subject and weigh this against what the subject is likely to know and what the subject will likely be more or less willing to provide. Taking these things together will help formulate your objectives and approach.”³⁵ The “Planning & Analysis” stage will provide the foundation needed for the investigative team to be successful and it is the cornerstone for an effective interrogation.

Within the “Planning & Analysis” stage the investigative team must consider several key elements. Data assessments will provide the information and intelligence already gathered and assists in formulating objectives and approaches. Objective setting ensures the investigative team meets the goal of the interrogation. Additionally, during this stage, the investigative team must address context management. This includes the set-up of the room, the investigative team’s appearance and behaviors. Next, the investigative team must have an understanding of the interviewee’s culture, as this may have a significant impact on how the interviewee perceives himself/herself or how they view the investigative team. Lastly, the investigative team role plays how the interrogation may play out. This will allow for constructive feedback and address possible barriers to overcome during the actual interrogation.³⁶

The second stage of the HIG process is the interview, which includes the interview and possible interrogation of the interviewee as these are both incorporated and treated as the

same event (see Appendix C).³⁷ The investigative team's collaborative effort continues into the second stage as they carefully assist the investigator in planning for and managing first impressions. As first impressions play a vital role in determining the nature of the interaction, the team assesses the type of person the interviewee is most likely to respond to and develops a brand for the investigator. This investigator's brand must be genuine and align with the interviewee throughout the process as this is needed for an interrogation to be successful. Additionally, the team plans for an environment most conducive to produce a positive interaction with the interviewee. Contributing to the investigator's brand may include the physical setting, the investigator's appearance, and specific language that will be used by the investigator to positively impact the interviewee.³⁸

Prior to the interrogation, the investigative team develops a strategy to build and maintain rapport throughout the interrogation, as rapport is the most important component of a successful interrogation. Rapport begins with the investigator developing a common understanding of the purpose for the interrogation. It is important for the interviewee to have some type of understanding as to why they are meeting with the investigator. Over the course of the interrogation, the investigator continues to note the interviewee's needs and motivations and allows the interviewee to have a sense of autonomy within the interaction.³⁹

As the interrogation process continues, it is particularly important that the investigator demonstrates empathy by understanding the interviewee's perspective and that his/her motivations are valid. This is a difficult process for the investigator as they cannot let his/her true feelings be displayed. The investigator cannot come across as if they are judging the interviewee, only that the investigator is accepting that whatever the interviewee has done is part of who they are. Additionally, the investigator should allow the interviewee to discuss topics

they would like to discuss as this will work towards showing empathy; however, using paraphrasing the investigator can effectively move the line of questions back to the investigation. Lastly, by displaying appropriate empathy for the interviewee the investigator through skillful conversation can evoke the motivations and beliefs of the interviewee.⁴⁰

Once the investigator has developed rapport and demonstrated empathy towards the interviewee, the investigator must employ strategies to encourage conversation and to address the objectives of the interrogation. The investigator must use active listening skills during the interrogation to ensure the interviewee and not the investigator, is doing most of the talking. Active listening helps the interviewee lower his/her emotions, builds more rapport, encourages the interviewee to talk, and allows the investigator to gather information.⁴¹ It should be noted that during an accusatory style interrogation, The Reid Technique, the investigator is doing most of the talking, which will have a negative effect on rapport.

During the interview stage the investigator will conduct a cognitive interview requiring the interviewee to employ all of his/her senses to put themselves back into a given place in order to recall all possible details. The cognitive load placed on the interviewee who is lying will become very evident to the investigator. The interviewee will want to come across as if they are telling the truth; however, when asking them to sketch details, or tell the story in reverse order, or tell the story from another perspective, the cognitive load will be too great and will diminish his/her ability to answer seemingly easy questions.⁴²

At this point in “The Interview” stage, the investigator has developed significant rapport and displayed ample empathy to build trust. As defined in the *HIG Core Interview & Interrogation Skills Course Participant’s Reference Book*, “trust is a psychological state compromising the intention to accept vulnerability based upon positive expectations of the

intentions or behavior of another. You trust someone to know what worries you and believe they will not abuse that knowledge.”⁴³ If the interviewee trusts the investigator they will begin the negotiation process. Trust is fundamental to a negotiation as both the interviewee and investigator must believe what the other is saying. The HIG recommends that the investigator or an observing member of the investigation team keep a log of what the investigator has done and promised, so these are consistent with both parties.⁴⁴ It is at this point in the HIG process the interviewee will begin to provide truthful information.

The third and final stage of the HIG process is “Closing” the interrogation (see Appendix D), which can be overlooked by most investigators during a traditional interrogation; however, this is extremely important for the HIG process to be successful. This final stage is planned ahead by the investigative team and allows the investigator to leave open future contact with the interviewee unlike an accusatorial-style interrogation, which by the nature of the accusatorial environment tends to damage rapport potentially closing the door for future contact. During the “Closing” the investigator will reaffirm rapport, ensure targeted message achieved, and summarizes to the interviewee the information obtained during the interview.⁴⁵ The interrogator ultimately leaves the interviewee with a feeling future contact will be a positive experience.⁴⁶

According to “Interview and Interrogation Methods and Their Effects on True and False Confessions,” results of both accusatory (The Reid Technique) and information-gathering (HIG) methods produced confessions in the field; however, experimental data indicated the information-gathering method “increased the likelihood of true confessions, while reducing the likelihood of false confessions.”⁴⁷ The findings of the Campbell Collaboration Accusatorial versus Information-Gathering study resulted in the following:

Three studies assessed the direct contrast between accusatorial and information-gathering interrogative methods in eliciting true confessions (k=3, N=215) and false confessions (k=3, N=215). A random effects analysis demonstrated that information-gathering methods produced significantly greater frequency of true confessions (g=0.64, z=1.97, p<.05), while significantly reducing the frequency of false confessions (g=-0.77, z=2.19, p<.05), when compared with accusatorial methods. See Appendix B.⁴⁸

In summary, the HIG method requires the investigator to effectively plan and constantly reassess his/her line of questioning throughout the entire process utilizing a team approach. Additionally, the team must be prepared to build rapport prior to the interrogation and throughout the process. Next, the investigator must have an empathetic approach and not come across as judgmental. During the interview the investigator has developed rapport and displayed empathy, which allows the interviewee the correct setting to tell his/her story. If the investigator has maintained rapport and continued empathy there will be an established trust and negotiation period without the need to transition into an accusatory interrogation. Because the process never turns accusatorial the investigator can successfully move to the last step, which is ensuring a good closing in order to have future contact with the interviewee. Once the entire process has been completed the investigator and the investigative team must provide feedback to each other in order to learn from mistakes and ensure positive items are used in future interrogations.

Interrogation Examples

The HIG method formalized its training program in 2012 and it provides the best opportunity to employ a rapport based, empathy driven, and non-coercive interrogation. Based on several interviews of seasoned FBI special agents the HIG method works; however, it is not a new process. The HIG has formalized the process, which will greatly enhance law enforcement's ability to successfully gain valuable information from interviewees and/or

detainees. Since 2012, the HIG has trained almost 2,000 interviewers from more than 40 different Intelligence Community, law enforcement, state and local, and foreign partners. According to Supervisory Special Agent (SSA) Colton Seal, FBI HIG lead trainer, the HIG model has been rapidly growing and has been extremely effective in obtaining accurate information. According to SSA Seal, the program has been so successful the Federal Law Enforcement Training Center (FLETC) has completely revamped its interview and interrogation training based on the HIG model.⁴⁹

SSA Derrel Martin, FBI, served as a Captain in the United States Army, worked 8 years as a police officer with the Nashville Police Department and has been with the FBI for over 20 years. In 2009, SSA Martin assisted the US military during Operation Enduring Freedom at Forward Operating Base Salerno located near the city of Khost, Afghanistan where he was responsible for attempting to obtain information from captured Taliban. During these interviews, SSA Martin was teamed up with US Army personnel and an interpreter who spoke Pashtun. Additionally, there was no background information on the interviewee who was recently captured by US Special Forces. SSA Martin and his team were unable to build rapport, there was no common ground with the interviewee and therefore no empathy established, and the environment was not conducive for one to freely talk. SSA Martin stated, “there was a horrible return on information.”⁵⁰

SSA Martin believed the best use of an interrogation was through the use of very good planning, having a reliable partner, building rapport, ensuring common ground with the interviewee, and establishing a non-coercive environment. SSA Martin recalled a specific investigation which involved a Bank President in Carthage, Tennessee who embezzled \$8 million. SSA Martin worked very closely with an FDIC investigator and they were very well

prepared for this interrogation. SSA Martin and the FDIC investigator spent significant time with the interviewee building rapport. Additionally, since they knew a great deal about the interviewee they were successful in establishing common ground. Lastly, SSA Martin wanted the interviewee to feel he/she could freely talk and welcomed a suggestion for the interview location. The interviewee requested a McDonalds, which had a section that was fairly private. SSA Martin guided the interviewee through the interrogation and at key moments either showed empathy or presented evidence. Based on rapport, empathy, and establishing a non-coercive environment the Bank President provided truthful information about his/her criminal activity.⁵¹ SSA Martin, unbeknownst to him, utilized the same interrogation method developed by the HIG.

SSA Martin never attended training on the Reid Technique; however, he was very familiar with the process. SSA Martin observed several interrogations where a law enforcement official attempted to use the Reid Technique and was unsuccessful in obtaining any useful information. SSA Martin noted as a result of the direct accusation within the Reid Technique, rapport could easily be destroyed. Once rapport was damaged future interviews with the interviewee were nearly impossible.⁵²

SSA Frank Runles, FBI retired, served as a Captain in the United States Army and worked for the FBI for over 20 years. In 2005, SSA Runles spent four months at the Guantanamo Bay detention camp assisting the US military in interviewing detainees. In 2007, SSA Runles spent an additional four months in Iraq assisting the US military with detainee interviews. These interviews were difficult to obtain information as SSA Runles believed the following conditions were the key to a successful interrogation: the interviewer(s) needed to know as much about the case and interviewee as possible; the interview team needed to be a cohesive unit; the interviewer must build rapport with the interviewee; the interviewer must

show empathy to indicate an understanding of the interviewee; and the interviewer must establish an environment where the interviewee feels a level of security in divulging information.⁵³

SSA Runles recalled working a drug investigation while assigned to the Guam Residency Agency where he employed his interrogation methodology. SSA Runles advised the first thing he needed to do prior to interrogating the individual was to learn as much about the case as possible. This included facts, other witness interviews, evidence obtained in the case, and an understanding of the interviewee. After arresting the interviewee SSA Runles decided to conduct the interrogation in a large conference room. SSA Runles felt this would provide a more conducive environment to allow the interviewee to talk freely, which provided a non-coercive environment.

During the interrogation, SSA Runles spent a significant amount of time allowing the interviewee to talk and build his/her story. At this point in the interrogation SSA Runles has developed significant rapport and understanding of the interviewee's situation. Additionally, while the interviewee has been telling his/her story if parts of the story appear to be untruthful SSA Runles can question the information placing significant cognitive load on the interviewee. This process, combined with rapport and empathy, produced truthful statements from the interviewee. At no time during the interrogation did SSA Runles accuse the interviewee of committing the crime; however, the interviewee provided a full confession.⁵⁴ The interrogation process used by SSA Runles, unbeknownst to him, was the same methodology developed by the HIG.

SSA Michael Vanmeter, FBI, served as a Lieutenant Commander, in the United States Navy, worked 3 years as a police officer with the Washington, DC, Metropolitan Police

Department and has been with the FBI for over 18 years. SSA Vanmeter worked investigative cases that involved “sovereign citizens,” groups of US citizens who believe the US government is illegitimate. SSA Vanmeter described these interrogations as very challenging because at the very onset of the process the interviewer represents the government, which makes it very challenging to get the interviewee to talk. To overcome this challenge SSA Vanmeter indicated the interviewer must be prepared for this reaction and have a complete understanding of the case and interviewee. Additionally, the interviewer must actively listen to the interviewee, which will assist in building rapport. Next, the interviewer must find common ground with the interviewee and display an understanding as this will show empathy. Lastly, the interrogation must take place in an environment where the interviewee does not feel threatened and has a sense of freedom in discussing what he/she may know. SSA Vanmeter stated, “I couldn’t believe how many times one of the sovereign citizens would say, ‘you’re the nicest person to ever arrest me.’”⁵⁵ SSA Vanmeter described the process developed by the HIG.

Conclusion

The three most important elements to an interrogation are the interrogators’ ability to 1) build rapport, 2) show empathy, and 3) provide a non-coercive environment. FBI Special Agents have been successfully employing this technique for many years, which has now been formalized by the HIG. Rapport is the essential element to ensure the interviewee is in sync with the interrogator providing an environment supportive of conversation. Empathy is the ability for the interrogator to understand and effectively convey the interviewee’s perspective. Lastly, there must be a non-coercive environment generated by the interrogator. It has been proven the human brain can be coerced into situations that under normal circumstances do not occur, such as confessing to a crime that interviewee did not commit.

The HIG has developed an approach to interrogations that incorporates all three of these elements and has been shown to be very effective. As law enforcement agencies continue to struggle with their image in the wake of anti-police protests fueled by groups such as Black Lives Matter the adoption of the HIG approach to interrogations would be a step in the right direction. Additionally, in a world with terrorism on the rise with such recent events as the Boston Marathon Bombing, San Bernardino, and the Orlando Nightclub shootings, we need interrogators who can obtain the most accurate and actionable human intelligence from the interviewees. It may prevent the next 9/11 or possibly something much worse.

APPENDIX A

20 COGNITIVE BIASES THAT AFFECT DECISION MAKING

1. Anchoring bias.

People are **over-reliant** on the first piece of information they hear. In a salary negotiation, whoever makes the first offer establishes a range of reasonable possibilities in each person's mind.



2. Availability heuristic.

People **overestimate the importance** of information that is available to them. A person might argue that smoking is not unhealthy because they know someone who lived to 100 and smoked three packs a day.



3. Bandwagon effect.

The probability of one person adopting a belief increases based on the number of people who hold that belief. This is a powerful form of **groupthink** and is reason why meetings are often unproductive.



4. Blind-spot bias.

Failing to recognize your own cognitive biases is a bias in itself. People notice cognitive and motivational biases much more in others than in themselves.



5. Choice-supportive bias.

When you choose something, you tend to feel positive about it, even if that **choice has flaws**. Like how you think your dog is awesome — even if it bites people every once in a while.



6. Clustering illusion.

This is the tendency to **see patterns in random events**. It is key to various gambling fallacies, like the idea that red is more or less likely to turn up on a roulette table after a string of reds.



7. Confirmation bias.

We tend to listen only to information that confirms our **preconceptions** — one of the many reasons it's so hard to have an intelligent conversation about climate change.



8. Conservatism bias.

Where people favor **prior evidence over new evidence** or information that has emerged. People were **slow to accept** that the Earth was round because they maintained their earlier understanding that the planet was flat.



9. Information bias.

The tendency to **seek information when it does not affect action**. More information is not always better. With less information, people can often make more accurate predictions.



10. Ostrich effect.

The decision to **ignore dangerous or negative information** by "burying" one's head in the sand, like an ostrich. Research suggests that investors check the value of their holdings significantly less often during bad markets.



11. Outcome bias.

Judging a decision based on the **outcome** — rather than how exactly the decision was made in the moment. Just because you won a lot in Vegas doesn't mean gambling your money was a smart decision.



12. Overconfidence.

Some of us are **too confident about our abilities**, and this causes us to take greater risks in our daily lives. Experts are more prone to this bias than laypeople, since they are more convinced that they are right.



13. Placebo effect.

When **simply believing** that something will have a certain effect on you causes it to have that effect. In medicine, people given fake pills often experience the same physiological effects as people given the real thing.



14. Pro-innovation bias.

When a proponent of an innovation tends to **overvalue its usefulness** and undervalue its limitations. Sound familiar, Silicon Valley?



15. Recency.

The tendency to weigh the **latest information** more heavily than older data. Investors often think the market will always look the way it looks today and make unwise decisions.



16. Salience.

Our tendency to focus on the **most easily recognizable features** of a person or concept. When you think about dying, you might worry about being mauled by a lion, as opposed to what is statistically more likely, like dying in a car accident.



17. Selective perception.

Allowing our expectations to **influence how we perceive** the world. An experiment involving a football game between students from two universities showed that one team saw the opposing team commit more infractions.



18. Stereotyping.

Expecting a group or person to have certain qualities without having real information about the person. It allows us to quickly identify strangers as friends or enemies, but people tend to **overuse and abuse** it.



19. Survivorship bias.

An error that comes from focusing only on surviving examples, causing us to **misjudge a situation**. For instance, we might think that being an entrepreneur is easy because we haven't heard of all those who failed.



20. Zero-risk bias.

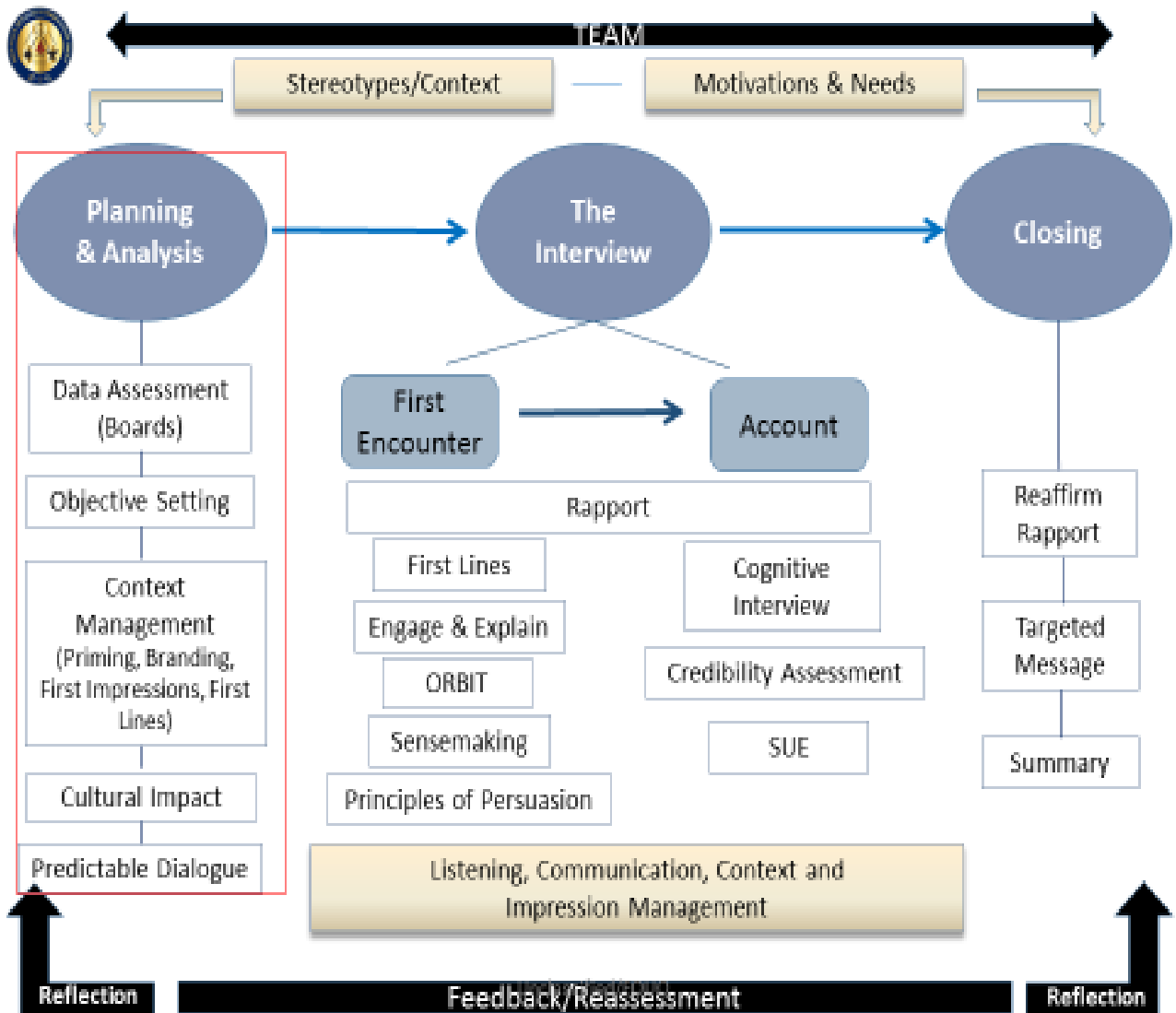
Sociologists have found that **we love certainty** — even if it's counterproductive. Eliminating risk entirely means there is no chance of harm being caused.



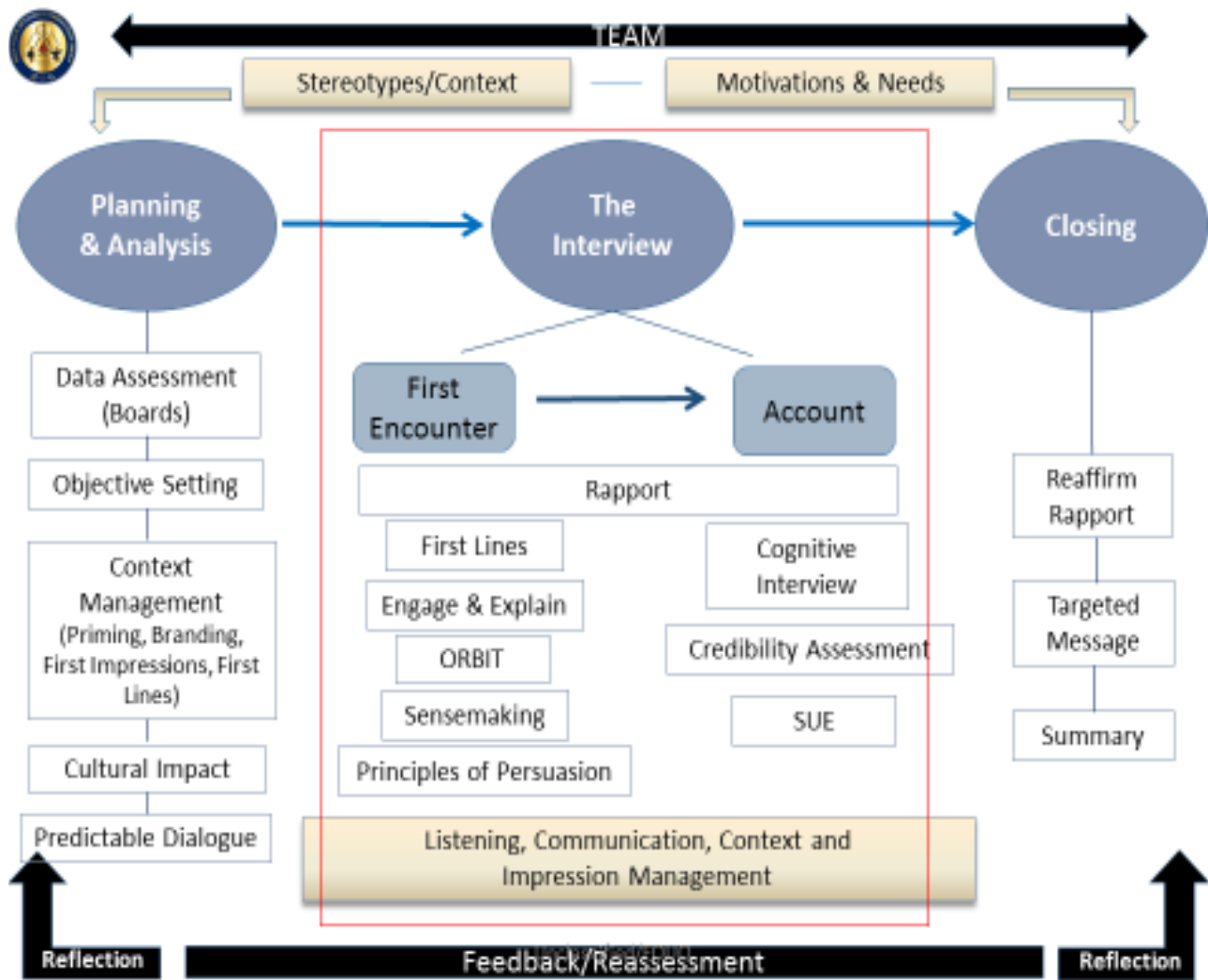
SOURCES: Brain Biases; Ethics Unwrapped; Explorable; Harvard Magazine; HowStuffWorks; LearnVest; Outcome bias in decision evaluation, Journal of Personality and Social Psychology; Psychology Today; The Bias Blind Spot: Perceptions of Bias in Self Versus Others, Personality and Social Psychology Bulletin; The Cognitive Effects of Mass Communication, Theory and Research in Mass Communications; The less-is-more effect: Predictions and tests, Judgment and Decision Making; The New York Times; The Wall Street Journal; Wikipedia; You Are Not So Smart, ZhurnalWiki

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APPENDIX B
 PLANNING & ANALYSIS

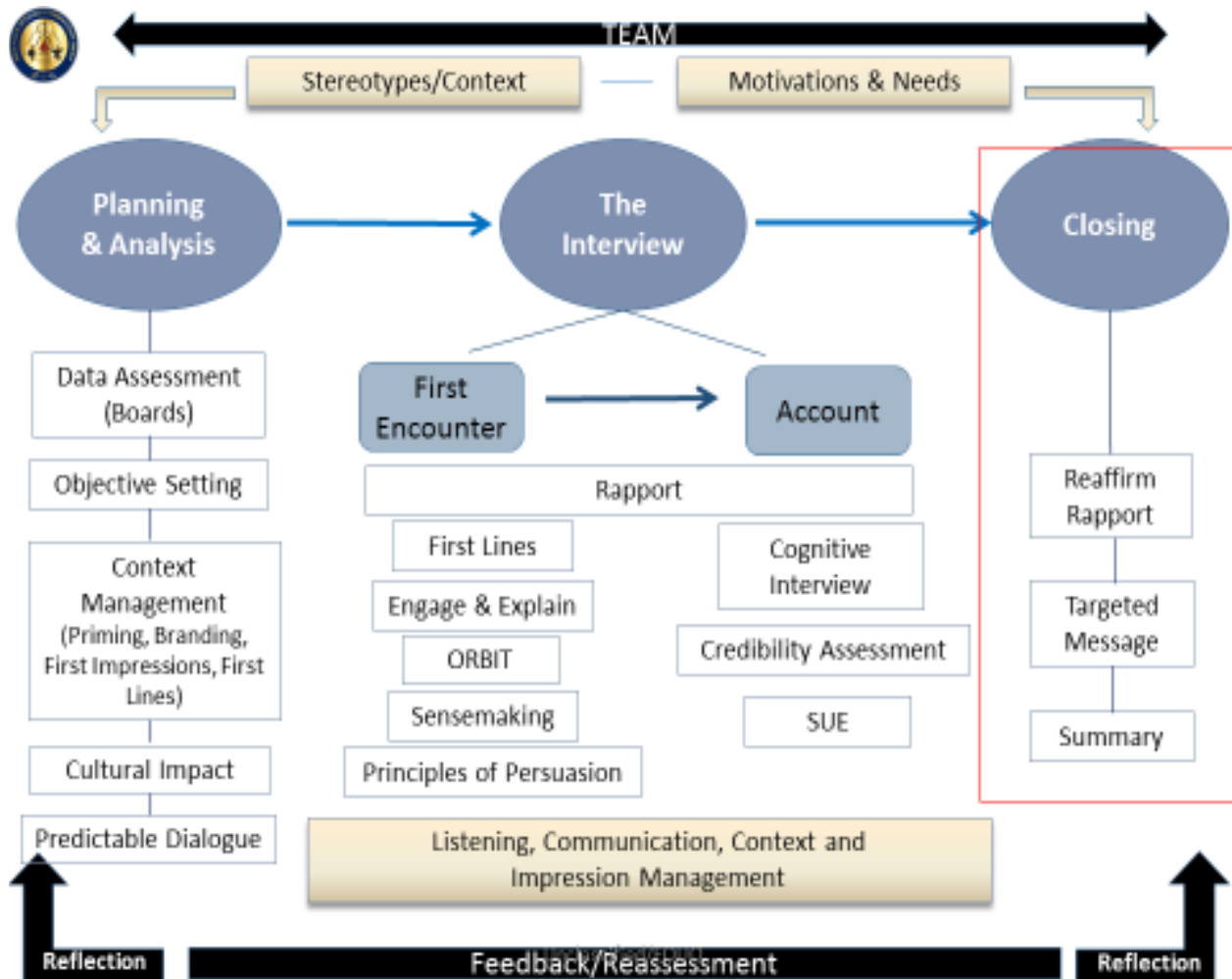


APPENDIX C
THE INTERVIEW



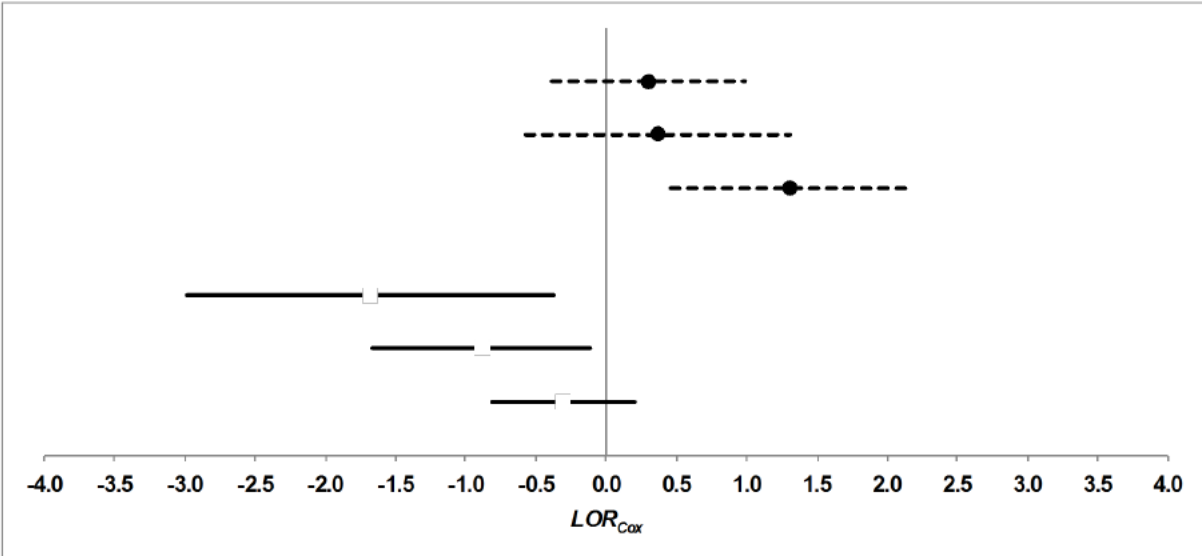
APPENDIX D

CLOSING



APPENDIX E

ACCUSATORIAL VS. INFORMATION GATHERING INTERROGATIVE METHODS



Forest plot of independent samples assessing the influence of accusatorial vs. information-gathering interrogative methods in eliciting true confessions (circular markers with dashed lines) and false confessions (square markers with solid lines) in an experimental context.

NOTES

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- ² Brian Parsi Boetig and Arnold R. Bellmer, "Understanding Interrogation," *FBI Law Enforcement Bulletin*, October 2008, 17.
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- ⁴ Anne Daugherty Miles, "Perspectives on Enhanced Interrogation Techniques," *Congressional Research Service*, January 8, 2016, 22.
- ⁵ *Ibid*, 6
- ⁶ Richard Cheney, interview by Bret Baier, "Cheney defends CIA interrogation techniques, calls Senate report 'deeply flawed,'" *Fox News*, December 11, 2014.
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- ⁹ *Ibid*, 16.
- ¹⁰ Douglas Starr, "The Interview," *The New Yorker* 89, no. 40 (December 2013): n/a.
- ¹¹ *The Reid Technique of Interviewing and Interrogation*, John E. Reid and Associates, Inc., (2012), i.
- ¹² Starr, "The Interview."
- ¹³ "Web page PEACE article," December 22, 2016. www.reid.com/pdfs/peacearticle.pdf.
- ¹⁴ *Ibid*.
- ¹⁵ *The Reid Technique of Interviewing and Interrogation*, John E. Reid and Associates, Inc., (2012), 44,45.
- ¹⁶ *Ibid*, 48.
- ¹⁷ *Ibid*, 61.
- ¹⁸ *Ibid*, 70, 72.
- ¹⁹ *Ibid*, 73.
- ²⁰ *Ibid*, 78, 80.
- ²¹ Department of Justice Office of Public Affairs, "Attorney General Holder Announces Significant Policy Shift Concerning Electronic Recording of Statements," *Justice News*, May 22, 2014.
- ²² Scott, "U.S. Develops New 'Soft' Techniques to End Torture."
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- ²⁴ *Ibid*, 14.
- ²⁵ *Ibid*, 14.
- ²⁶ Starr, "The Interview."
- ²⁷ Christine Orrey, "What Biases Exist in Police Decision-Making?" *Law&Order* 58, no 12 (December 2010): 53-54.
- ²⁸ Samantha Lee and Shana Lebowitz, "20 cognitive biases that screw up your decisions," *Business Insider*, August 26, 2015, <http://www.businessinsider.com/cognitive-biases-that-affect-decisions-2015-8>.
- ²⁹ Starr, "The Interview."
- ³⁰ *Ibid*.
- ³¹ *Ibid*.
- ³² *Ibid*.
- ³³ "Interrogation Best Practices" High-Value Detainee Interrogation Group, August 26, 2016, 1.
- ³⁴ *Ibid*, 1-2
- ³⁵ *HIG Core Interview and Interrogation Skills Course Participant's Reference Book*, High-Value Detainee Interrogation Group, November 23, 2016, 6.
- ³⁶ *Ibid*, 6, 8, 10, 18, 21.
- ³⁷ *Ibid*, 23.
- ³⁸ "Interrogation Best Practices" High-Value Detainee Interrogation Group, 3.
- ³⁹ *Ibid*, 3.
- ⁴⁰ *Ibid*, 4.
- ⁴¹ *HIG Core Interview and Interrogation Skills Course Participant's Reference Book*, High-Value Detainee Interrogation Group, 32.
- ⁴² *Ibid*, 59.

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- ⁴³ Ibid, 65.
- ⁴⁴ Ibid, 65-66.
- ⁴⁵ Ibid, 69.
- ⁴⁶ “Interrogation Best Practices” High-Value Detainee Interrogation Group, 6.
- ⁴⁷ Christian A. Meissner et al., “Interview and interrogation methods and their effects on true and false confessions,” *Campbell Systematic Reviews*. July 2010. 8.
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