



Department of Defense **DIRECTIVE**

NUMBER 3115.13

December 9, 2010

Incorporating Change 1, Effective November 15, 2013

USD(I)

SUBJECT: DoD Support to the High-Value Detainee Interrogation Group (HIG)

References: See Enclosure 1

1. **PURPOSE.** This Directive establishes policy and assigns responsibilities for providing DoD support to the HIG in accordance with the National Security Council "Charter for Operations of Interagency High-Value Detainee Interrogation Group" (Reference (a)).

2. **APPLICABILITY.** This Directive 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 (hereafter referred to collectively as the "DoD Components").

3. **DEFINITIONS.** See Glossary

4. **POLICY.** It is DoD policy that:

a. The Department of Defense shall support the HIG, in accordance with applicable U.S. law and policy, including Reference (a), DoD Directive 3115.09 (Reference (b)), U.S. Army Field Manual 2-22.3, (Reference (c)), section 1385 of title 18, United States Code (Reference (d)), DoD Directive 5525.5 (Reference (e)), Directive-Type Memorandum 09-031 (Reference (f)), and DoD 5240.1-R (Reference (g)). All DoD administrative and logistic support to non-DoD elements of the HIG shall be provided in accordance with DoD Instruction 4000.19 (Reference (h)).

b. DoD personnel selected to support the HIG on a permanent or temporary-duty basis shall be assigned or attached to the DoD element of the HIG, as appropriate. DoD personnel assigned or attached to the DoD element of the HIG shall report to and be accountable to the Director of the HIG through the DoD Deputy Director of the HIG. DoD personnel shall remain subject to all

U.S. laws and policies that apply to DoD personnel. DoD personnel may exercise any DoD authorities that have been delegated to them consistent with applicable U.S. law and policy.

c. DoD personnel shall promptly report all reportable incidents through the DoD Deputy Director of the HIG to the Director, ~~Defense Counterintelligence and HUMINT Center (DCHC)~~ *Defense Intelligence Agency (DIA)*, in accordance with Reference (b).

d. Within the United States, DoD personnel assigned or attached to the HIG shall not provide direct assistance to civilian law enforcement authorities in civilian law enforcement activities. Direct assistance includes active participation in civilian law enforcement activities such as arrests, searches, seizures, or interrogations. This prohibition does not apply to DoD personnel who participate in HIG interrogations for the military purpose of collecting foreign intelligence (i.e., information relating to the capabilities, intentions, or activities of foreign governments or elements thereof, foreign organizations, foreign persons, international terrorists, or their agents), nor does it apply to DoD personnel who have been detailed to a civilian law enforcement agency and are not subject to control by a military official.

5. RESPONSIBILITIES. See Enclosure 2.

6. INFORMATION REQUIREMENTS. The reporting requirements in this Directive are exempt from review and approval procedures according to paragraphs C4.4.1., C4.4.7., and C4.4.8. of DoD 8910.1-M (Reference (i)).

7. RELEASABILITY. UNLIMITED. This Directive is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

8. EFFECTIVE DATE. ~~This Directive is effective upon its publication to the DoD Issuances Website. This Directive:~~

a. Is effective December 9, 2010.

b. Must be reissued, cancelled, or certified current within 5 years of its publication to be considered current in accordance with DoD Instruction 5025.01 (Reference (k)).

c. Will expire effective December 9, 2020, and be removed from the DoD Issuances Website if it hasn't been reissued or cancelled in accordance with Reference (k).



William J. Lynn III
Deputy Secretary of Defense

Enclosures

1. References
2. Responsibilities

Glossary

ENCLOSURE 1

REFERENCES

- (a) National Security Council, "Charter for Operations of Interagency High-Value Detainee Interrogation Group," April 19, 2010¹
- (b) DoD Directive 3115.09, "DoD Intelligence Interrogations, Detainee Debriefings, and Tactical Questioning," October ~~9, 2008-11~~, 2012
- (c) U.S. Army Field Manual 2-22.3, "Human Intelligence Collector Operations," September 6, 2006
- (d) Section 1385 of title 18, United States Code (also known as "The Posse Comitatus Act")
- (e) DoD Directive 5525.5, "DoD Cooperation with Civilian Law Enforcement Officials," January 15, 1986
- (f) Directive-Type Memorandum 09-031, "Videotaping or Otherwise Electronically Recording Strategic Intelligence Interrogations of Persons in the Custody of the Department of Defense," May 10, 2010
- (g) DoD 5240.1-R, "Procedures Governing the Activities of DoD Intelligence Components That Affect United States Persons," December 1982
- (h) DoD Instruction 4000.19, "Interservice and Intragovernmental Support," August 9, 1995
- (i) DoD 8910.1-M, "Department of Defense Procedures for Management of Information Requirements," June 30, 1998
- (j) DoD Instruction S-5200.42, "Defense Human Intelligence and Related Intelligence Activities," December 8, 2009
- (k) *DoD Instruction 5025.01, "DoD Directives Program," September 26, 2012, as amended*

¹ Copies are available to authorized users on SIPRNET. Contact OUSD(I).

ENCLOSURE 2

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE (USD(I)). The USD(I) shall:

- a. Develop, coordinate, and oversee the implementation of DoD policy for DoD support to the HIG.
- b. Serve as the DoD resource advocate for DoD support to the HIG.
- c. In consultation with the Heads of the DoD Components, determine the level of administrative and logistic support, including personnel, that the Heads of the DoD Components shall provide to the DoD element of the HIG to enable it to perform its mission effectively.
- d. Immediately notify the Secretary of Defense of all decisions to employ an MIT to interrogate a high-value detainee.
- e. Monitor and assess the effectiveness of DoD support to the HIG and recommend changes to DoD policy, doctrine, organization, training, materiel, leadership and education, personnel, and facilities (DOTMLPF), as appropriate.

2. DIRECTOR, DEFENSE INTELLIGENCE AGENCY (DIA). In addition to the responsibilities in section 87 of this enclosure, the Director, DIA, under the authority, direction, and control of the USD(I), shall:

- a. Establish the DoD element of the HIG to which all DoD personnel who support the HIG shall be assigned or attached, as appropriate.
- b. Manage DoD support to the HIG.
- c. Select and assign a senior executive-level official to serve as the DoD Deputy Director of the HIG in accordance with Reference (a).
- d. Together with the Director or designated deputy-level officials of the Federal Bureau of Investigation and the Central Intelligence Agency, determine whether to employ a mobile interrogation team (MIT) to interrogate a high-value detainee in accordance with Reference (a).
- e. Communicate directly with the Heads of the DoD Components and U.S. Government (USG) agencies, or their designees, as necessary to carry out responsibilities assigned in this Directive.

f. Enter into interservice and intragovernmental support agreements with the Heads of the DoD Components and USG agencies in accordance with Reference (h) as necessary to carry out responsibilities assigned in this Directive.

g. Monitor and assess the effectiveness of DoD support to the HIG and recommend changes to DoD policy and DOTMLPF, as appropriate.

h. As General Defense Intelligence Program (GDIP) Manager:

(1) Plan, program, and budget to fund all administrative and logistic support, including personnel, provided to the DoD element of the HIG pursuant to section 1.c. of this Enclosure.

(2) Coordinate all resource requests with the USD(I) and the Director of National Intelligence, as appropriate, throughout all planning, programming, budgeting, and execution phases and processes.

(3) In consultation with the Secretaries of the Military Departments, realign existing GDIP billets to meet the needs of the HIG.

~~3. GENERAL COUNSEL OF DIA. The General Counsel of DIA, in consultation with the General Counsels of the DoD Components that provide support to the HIG, shall provide legal advice to the DoD Deputy Director of the HIG on all matters related to DoD support to the HIG.~~

~~4. DIRECTOR, DCHC. The Director, DCHC, under the authority, direction, and control of the Director, DIA, shall:~~

~~ai.~~ In collaboration with the Defense Human Intelligence (HUMINT) Executors, coordinate the training of DoD personnel to meet HIG training requirements.

~~bj.~~ Supervise the DoD Deputy Director of the HIG.

~~ek.~~ Immediately notify the Chairman of the Joint Chiefs of Staff and the USD(I) of all decisions to employ an MIT to interrogate a high-value detainee.

~~d. Communicate directly with the Heads of the DoD Components and USG agencies, or their designees, as necessary to carry out responsibilities assigned in this Directive.~~

~~e. Monitor and assess the effectiveness of DoD support to the HIG and recommend changes to DoD policy and DOTMLPF, as appropriate.~~

~~fl.~~ Identify, integrate, and validate HIG requirements in support of National Intelligence Program planning, programming, and budgeting processes.

3. GENERAL COUNSEL OF DIA. The General Counsel of DIA, in consultation with the General Counsels of the DoD Components that provide support to the HIG, shall provide legal advice to the DoD Deputy Director of the HIG on all matters related to DoD support to the HIG.

54. DoD DEPUTY DIRECTOR OF THE HIG. The DoD Deputy Director of the HIG, under the authority, direction, and control of the Director, ~~DCHC~~*DIA*, shall:

- a. Identify HIG training requirements for DoD personnel and provide these to the Director, ~~DCHC~~*DIA or designee*.
- b. Supervise DoD personnel assigned or attached to the DoD element of the HIG.
- c. Ensure that DoD personnel assigned or attached to the DoD element of the HIG comply with applicable U.S. law and policy.
- d. Communicate directly with the Heads of the DoD Components and USG agencies, or their designees, as necessary to carry out responsibilities assigned in this Directive.
- e. Keep ~~the Director, DCHC~~, the Director, DIA, the Joint Staff ~~Deputy~~ Director for Intelligence (J-2), and the USD(I) informed of significant HIG activities.
- f. Receive all requests for DoD support to the HIG, including permanent and temporary personnel support. Process these requests in accordance with guidance issued by the Director, DIA.
- g. Establish a process to ensure that relevant DoD intelligence requirements and target nominations are provided to the HIG.
- h. Disseminate intelligence information derived from MIT interrogations to the DoD Components in a timely manner and at the lowest appropriate classification level in accordance with DoD Instruction S-5200.42 (Reference (j)).
- i. Request, through the Chairman of the Joint Chiefs of Staff, the approval of the geographic Combatant Commander before the HIG employs an MIT to interrogate a high-value detainee in DoD custody within the geographic Combatant Commander's area of responsibility (AOR).
- j. Notify the Chairman of the Joint Chiefs of Staff of impending MIT travel into a geographic Combatant Commander's AOR and provide operational updates, as appropriate.
- k. Notify the Chairman of the Joint Chiefs of Staff of the team composition of an MIT preparing to travel into a geographic Combatant Commander's AOR for Service notification purposes.
- l. Coordinate MIT employments with the Senior Defense Official/Defense Attaché in the country where the MIT will be employed.

m. Consult the DIA General Counsel for legal advice on all matters related to DoD support to the HIG, as required.

n. Monitor and assess the effectiveness of DoD support to the HIG and recommend changes to DoD policy and DOTMLPF, as appropriate.

65. GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE (GC, DoD). The GC, DoD, shall provide legal advice to the Secretary and Deputy Secretary of Defense, the OSD Component Heads, and, as appropriate, the Heads of the other DoD Components on all matters related to DoD support to the HIG.

76. ASSISTANT TO THE SECRETARY OF DEFENSE FOR INTELLIGENCE OVERSIGHT (ATSD(IO)). The ATSD(IO) shall conduct staff assistance visits and inspections of the DoD element of the HIG to verify that personnel are familiar and in compliance with U.S. law and policies governing the conduct of intelligence and intelligence-related activities.

87. HEADS OF THE DoD COMPONENTS. The Heads of the DoD Components shall:

a. Provide administrative and logistic support, including personnel, as funded by the GDIP Manager, to the DoD element of the HIG.

b. In consultation with the DoD Deputy Director of the HIG, identify, select, and assign or attach qualified personnel to the DoD element of the HIG.

c. Monitor and assess the effectiveness of DoD support to the HIG and recommend changes to DoD policy and DOTMLPF, as appropriate.

98. CHAIRMAN OF THE JOINT CHIEFS OF STAFF. In addition to the responsibilities in section **87** of this enclosure, the Chairman of the Joint Chiefs of Staff shall:

a. Coordinate with the geographic Combatant Commander before the HIG employs an MIT to interrogate a high-value detainee in DoD custody within the geographic Combatant Commander's AOR.

b. Notify affected geographic Combatant Commanders of impending MIT travel into their AORs and provide operational updates, as appropriate.

c. Notify the Service Chiefs of the impending travel of their personnel outside the United States.

~~109~~. COMMANDERS OF THE COMBATANT COMMANDS. In addition to the responsibilities in section ~~87~~ of this enclosure, the Commanders of the Combatant Commands shall:

- a. Exercise approval authority over HIG requests to send an MIT to interrogate a high-value detainee in DoD custody within their respective AOR.
- b. Ensure that MIT interrogations of detainees in DoD custody within their respective AOR are conducted in accordance with References (b) and (c).
- c. Notify the DoD Deputy Director of the HIG, through the Chairman of the Joint Chiefs of Staff, when a high-value individual has been detained or when operations are underway to detain such an individual.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

AOR	area of responsibility
ATSD(IO)	Assistant to the Secretary of Defense for Intelligence Oversight
DCHC	Defense Counterintelligence and HUMINT Center
DIA	Defense Intelligence Agency
DOTMLPF	doctrine, organization, training, materiel, leadership and education, personnel, and facilities
GC, DoD	General Counsel of the Department of Defense
GDIP	General Defense Intelligence Program
HIG	High-Value Detainee Interrogation Group
HUMINT	human intelligence
J-2	Joint Staff Directorate for Intelligence
MIT	mobile interrogation team
USD(I)	Under Secretary of Defense for Intelligence
USG	United States Government

PART II. DEFINITIONS

These terms and their definitions are for the purpose of this Directive.

Defense HUMINT Executor. The senior DoD intelligence officials as designated by the Heads of the DoD Components who are authorized to conduct HUMINT and related intelligence activities, i.e., DIA Deputy Director of Human Intelligence and the senior intelligence officials as designated by the Secretaries of the Military Departments for the Army, Navy, Air Force, and Marine Corps, and by the Commanders of the Combatant Commands.

DoD element of the HIG. A subordinate element of the DIA to which all DoD permanent and temporary duty personnel selected to support the HIG are assigned or attached for DoD administration and support.

HIG. The interagency body under the administrative control of the Federal Bureau of Investigation that was established to assemble and dispatch mobile interrogation teams to interrogate high-value detainees.

high-value detainee. A high-value individual who is in U.S. or foreign custody.

high-value individual. An individual who is assessed by the HIG to possess information about: terrorist threats to the United States or its allies; the location of high-value terrorism subjects, particularly the leadership of terrorist groups that pose a threat to the United States or its allies; strategic-level plans or intentions of any terrorist or insurgent entity directing operations against deployed U.S. or allied forces; or strategic level knowledge of the organization, structure, leadership and key operatives, financial support, and communications methods of designated foreign terrorist organizations.

mobile interrogation team. An interagency team of expert interrogators, analysts, subject-matter experts, behavioral science experts, interpreters, and other support personnel that is organized, trained, equipped, and dispatched by the HIG to interrogate high-value detainees.

personnel. A civilian employee or military member from either an Active or Reserve Component.