AMERICAN PSYCHOLOGICAL ASSOCIATION
750 First Street, NE
Washington, DC 20002-4242

Statement of the
**American Psychological Association**

Submitted to the
United States Senate
Select Committee on Intelligence
The Honorable John D. Rockefeller, IV, Chairman

# Psychology and Interrogations

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For more than two years the American Psychological Association (APA), a scientific and professional organization of more than 150,000 psychologists and affiliates, has examined in depth the ethical aspects of psychologists' involvement in interrogation settings. Members of the APA and outside groups with an interest in this issue have discussed and debated the appropriate role for psychologists in eliciting information in both domestic and foreign non-treatment related contexts.

*The APA has drawn three central conclusions from its work on this complex and challenging issue:*

- *First, psychologists have important contributions to make in eliciting information that can be used to prevent violence and protect our nation's security;*
- *second, there must be clear ethical guidelines governing processes by which information is elicited from an individual who may not be willing to provide the desired information;*
- *third, further research on all aspects of information-educing processes is critical.*

## Psychologists' Contributions to Eliciting Information

Conducting an interrogation is inherently a *psychological* endeavor. Forming a relationship and building rapport have proven to be effective means of eliciting information. Psychology is central to this process because an understanding of an individual's belief systems, desires, motivations, culture and religion likely will

be essential in assessing how best to form a connection and facilitate educing accurate, reliable and actionable intelligence. Psychologists have expertise in human behavior, motivations and relationships. The background, training, and experience offered in psychology are therefore highly relevant to the process of creating and nurturing conditions that will maximize the likelihood of obtaining good and useful information. Psychologists have valuable contributions to make toward the goals of preventing violence and protecting our nation's security through interrogation processes.

**Need for Strict Ethical Guidelines within Interrogation Policy**

The process of eliciting information from an unwilling individual must be governed by strict ethical guidelines. The APA has issued three statements in the past three years that speak directly to the ethics of psychologists' involvement in information-eliciting processes. The central message of these texts, taken individually and as a group, is that there is no room for abuse in forming the kind of relationship that will result in gathering useful information and that respecting the individual's dignity is essential in all aspects of these endeavors.

The first of the three APA statements was issued in 2005, The ***Report of the Task Force on Psychological Ethics and National Security***. This task force report contained twelve statements that formed the initial position for APA on psychologists' involvement in interrogation settings:

> *1. Psychologists do not engage in, direct, support, facilitate, or offer training in torture or other cruel, inhuman, or degrading treatment.*
>
> *2. Psychologists are alert to acts of torture and other cruel, inhuman, or degrading treatment and have an ethical responsibility to report these acts to the appropriate authorities.*
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> *3. Psychologists who serve in the role of supporting an interrogation do not use health care related information from an individual's medical record to the detriment of the individual's safety and well-being.*
>
> *4. Psychologists do not engage in behaviors that violate the laws of the United States, although psychologists may refuse for ethical reasons to follow laws or orders that are unjust or that violate basic principles of human rights.*
>
> *5. Psychologists are aware of and clarify their role in situations where the nature of their professional identity and professional function may be ambiguous.*
>
> *6. Psychologists are sensitive to the problems inherent in mixing potentially inconsistent roles such as health care provider and consultant*

*to an interrogation, and refrain from engaging in such multiple relationships.*

*7. Psychologists may serve in various national security-related roles, such as a consultant to an interrogation, in a manner that is consistent with the Ethics Code, and when doing so psychologists are mindful of factors unique to these roles and contexts that require special ethical consideration.*

*8. Psychologists who consult on interrogation techniques are mindful that the individual being interrogated may not have engaged in untoward behavior and may not have information of interest to the interrogator.*

*9. Psychologists make clear the limits of confidentiality.*

*10. Psychologists are aware of and do not act beyond their competencies, except in unusual circumstances, such as set forth in the Ethics Code.*

*11. Psychologists clarify for themselves the identity of their client and retain ethical obligations to individuals who are not their clients.*

*12. Psychologists consult when they are facing difficult ethical dilemmas.*

Central ethical issues that govern psychologists' involvement in interrogations emerge from these twelve statements of the ***Task Force Report on Psychological Ethics and National Security*:**

- *Psychologists must never engage in, promote, or facilitate torture or cruel, inhuman, or degrading treatment or punishment;*
- *Psychologists who become aware that torture or cruel, inhuman, or degrading treatment or punishment is being perpetrated have an ethical responsibility to report such abuse to appropriate authorities;*
- *Psychologists must keep separate their roles as healthcare providers from their non-healthcare provider roles; and*
- *Psychologists must stay within the bounds of their competence.*

The following year, the APA's governing body, the Council of Representatives, adopted the ***2006 Resolution Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment***. This resolution elaborated upon key elements of the 2005 task force report. The 2006 resolution reemphasized the absolute prohibition against torture in several clauses:

*BE IT RESOLVED that regardless of their roles, psychologists shall not knowingly engage in, tolerate, direct, support, advise, or offer training in*

> *torture or other cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment;*
>
> *BE IT RESOLVED that psychologists shall not provide knowingly any research, instruments, or knowledge that facilitates the practice of torture or other forms of cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment;*
>
> *BE IT RESOLVED that psychologists shall not knowingly participate in any procedure in which torture or other forms of cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment is used or threatened…;*

The 2006 resolution reiterated that psychologists have an ethical responsibility to report acts of abuse:

> *BE IT RESOLVED that psychologists shall be alert to acts of torture and other cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment and have an ethical responsibility to report these acts to the appropriate authorities;*

In addition, the 2006 resolution drew from international human rights instruments by adopting the definition of torture set forth in the ***UN Convention Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment***, and by stating that psychologists must work in according with human rights instruments relevant to their roles:

> *BE IT RESOLVED that, in accordance with Article l of the United Nations Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, [T]he term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted upon a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official [e.g., governmental, religious, political, organizational] capacity. It does not include pain or suffering arising only from, inherent in, or incidental to lawful sanctions [in accordance with both domestic and international law];*
>
> *BE IT RESOLVED that based upon the APA's long-standing commitment to basic human rights including its position against torture, psychologists shall work in accordance with international human rights instruments relevant to their roles;*

The 2006 Resolution thus emphasizes and elaborates upon key aspects of the 2005 ***Task Force Report on Psychological Ethics and National Security*.**

In 2007, the APA issued a third resolution titled ***Reaffirmation of the American Psychological Association Position Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and Its Application to Individuals Defined in the United States Code as "Enemy Combatants."***
The APA's 2007 resolution elaborates upon several elements central to the 2006 resolution and the 2005 task force report. The 2007 resolution identifies techniques that fall under the definition of "torture" and other "cruel, inhuman, and degrading treatment," thus adding specificity to the concepts of torture and abuse:

> *BE IT RESOLVED that this unequivocal condemnation includes all techniques defined as torture or cruel, inhuman or degrading treatment under the 2006 Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, the United Nations Convention Against Torture, and the Geneva Convention. This unequivocal condemnation includes, but is by no means limited to, an absolute prohibition for psychologists against direct or indirect participation in interrogations or in any other detainee-related operations in mock executions, water-boarding or any other form of simulated drowning or suffocation, sexual humiliation, rape, cultural or religious humiliation, exploitation of phobias or psychopathology, induced hypothermia, the use of psychotropic drugs or mind-altering substances used for the purpose of eliciting information; as well as the following used for the purposes of eliciting information in an interrogation process: hooding, forced nakedness, stress positions, the use of dogs to threaten or intimidate, physical assault including slapping or shaking, exposure to extreme heat or cold, threats of harm or death; and isolation, sensory deprivation and over-stimulation and/or sleep deprivation used in a manner that represents significant pain or suffering or in a manner that a reasonable person would judge to cause lasting harm; or the threatened use of any of the above techniques to the individual or to members of the individual's family;*

In addition, the 2007 resolution further elaborates the ethical responsibility of psychologists to cooperate with oversight activities:

> *BE IT RESOLVED that the American Psychological Association asserts that all psychologists with information relevant to the use of any method of interrogation constituting torture or cruel, inhuman, or degrading treatment or punishment have an ethical responsibility to inform their superiors of such knowledge, to inform the relevant office of inspector generals when appropriate, and to cooperate fully with all oversight activities, including hearings by the United States Congress and all branches of the United States government, to examine the perpetration of torture and cruel,*

> *inhuman, or degrading treatment or punishment against individuals in United States custody, for the purpose of ensuring that no individual in the custody of the United States is subjected to torture or cruel, inhuman, or degrading treatment or punishment;*

The 2007 resolution also calls upon U.S. legal systems to reject testimony that results from torture or cruel, inhuman, or degrading treatment or punishment

> *BE IT RESOLVED that the American Psychological Association, in order to protect against torture and cruel, inhuman, or degrading treatment or punishment, and in order to mitigate against the likelihood that unreliable and/or inaccurate information is entered into legal proceedings, calls upon United States legal systems to reject testimony that results from torture or cruel, inhuman, or degrading treatment or punishment.*

Central to the APA's analysis of these issues in the 2005 task force report and the 2006 and 2007 resolutions is that the appropriate question is not *whether* psychologists may contribute to eliciting information to prevent acts of violence and protect our nation's security, but rather *how* they may do so in an ethical manner.

**Need for Relevant Research**

The third and final conclusion that the APA has drawn from its work in this area is that essential research is lacking. Creating a research agenda is critical and cannot wait. A cursory review of the issues yields questions that are central to the process of eliciting information but that have little basis in extant research. Five examples are:

- What is the most effective means of eliciting information from a recalcitrant subject?
- What indicia may be used to differentiate when a subject is providing accurate and actionable intelligence from when a subject is intentionally providing false or useless information?
- How may culture, ethnicity, religion and gender facilitate, or hinder, the process of eliciting information?
- What characteristics make an individual a more—or less—effective interrogator?
- What background and training best prepares interrogators for their task?

These are a very few of the myriad questions for which research is necessary. In line with the November 2006 ***Intelligence Science Board Study Report on Educing Information***, APA recommends that this Committee authorize

development and funding of a research “center of excellence” on educing information under the Director of National Intelligence. Five and ten years from now we should not be forced to rely on anecdotal accounts of what is or is not effective interrogation. The APA has been actively engaged in examining the ethical role of psychologists in interrogation settings. Research will be critical for psychologists to move our understanding of these processes to a deeper and more effective level.

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For more information please contact:
Stephen Behnke, JD, PhD
Director, Ethics Office
American Psychological Association
202.336.6006 or sbehnke@apa.org