

were getting ready to do biometrics. (b)(1)1.4(a) is moving, I got ASG checkpoint engaging people to the south, and we still have movement all over the objective area. Seeing the situation is getting critical

MG: Where is it getting bad?

CPT: On my objective area. I see that this is envelopment. I determine that this is envelopment, and I determine that it is an aggressive in nature force heading in my direction that has the intent to destroy coalition forces. That is what I determined, but I continued to assess it.

MG: it is daylight now how do you determine that.

CPT: Just the movement of women and children, it is historical that they will leave the area when an impending attack is going to happen. The continued (b)(1)1.4(a) and (b)(1)1.4c passing the reports. Basically everything I have on the ground.

(S) (b) (6) Before you continue on, where are the (b)(1)1.4(a) at this time?

CPT: They are still at (b)(1)1.4(a)

(S) (b) (6) Who is your contact to control these (b)(1)1.4(a)?

CPT: We have direct communications with them.

(S) (b) (6) Even though they are out of the area of operation?

CPT: Yes, even when we had broken communication (b)(1)1.4(a) was relaying through (b)(1)1.4(a)

(S) (b) (6) It standard operating procedure within you ODB and SOTF that when the fixed wing or rotary wing asset departs the site that the GFC retains C2 over the helicopters, specifically the span of control in the area of which you are operating.

CPT: I have seen nothing written.

(S) (b) (6) Did anyone from a higher headquarters take control of those aircraft to facilitate their refueling?

CPT: No. I maintain C2 and positive control of all of the elements and I maintain situational awareness with all of the elements with the information that I have on the ground.

(S) (b) (6) (b)(1)1.4c is following the vehicles. Do you have an ISR watching the (b)(1)1.4(a) ?

CPT: No. There was reference to another ISR platform to be pushed out there, but we never received it. We didn't receive any additional ISR platforms until after the engagement. They continued to move and once they were south of (b)(1)1.4(a) . This area is populated by a lot of (b)(1)1.4(a) there are a lot of farmers and a lot of herders. Maintaining that it was an imminent threat and I was to engage it at any period of time, I would not do it here.

(S) (b) (6) But if I heard you right, you said that you weren't going to engage them here.

CPT: That is correct; this would not be the best area to do so.

(b)(3), (b)(6) That is really not as interesting right now; you had made the decision that you were still going to assess this.

CPT: (b)(1)1.4a,c (b)(1)1.4a, (b)(1)1.4c . Once they began to come down this road based on the assessment and the information that I had from (b)(1)1.4c direct communications, and based on the ground truth that I saw and the threat to my forces I made the decision to bring (b)(1)1.4(a) up and engage the vehicles. Correction I requested them to come up. At 0838 (b)(1)1.4c confirms PID of men, weapons, and equipment with L (b)(1)1.4(a) response time is about (b)(1)1.4(a) . They move up to the vicinity of (b)(1)1.4(a) they do a battle hand shake with (b)(1)1.4(a)

(b)(3), (b)(6) Were you aware of how they did this hand off with the (b)(1)1.4(a)?

CPT: (b)(1)1.4(a) relayed to me that they had confirmed PID. We will lose communications with (b)(1)1.4(a) from time to time because they are above the terrain.

(b)(3), (b)(6) What are the procedures to conduct a battle handover of a target?

CPT: Once we requested they were to go up and get SA on what the target is meaning PID demographics and they were to confirm PID.

(b)(3), (b)(6) How did (b)(1)1.4(a) on your behalf confirm that the target was properly handed off between the predator and (b)(1)1.4(a) ?

CPT: (b)(1)1.4(a) relayed that they had received PID to (b)(1)1.4(a) Once (b)(1)1.4(a) told me that I told him that they were..... I don't want to play with words. (b)(1)1.4(a) I went up and did a battle handshake and they received all of the proper information about the enemy.

(b)(3), (b)(6) Where the road goes south, is the where you made the decision to engage? Not where you were going to engage but where you made the decision to engage?

CPT: Do you see the 1750 on the map? Just west of that on the road. Within that area was the last area I was given.

(b)(3), (b)(6) When we originally talked to you what did you tell us was the reason you decided to fire?

CPT: I believe you are talking about the reference to HVI.

(b)(3), (b)(6) What activity was the HVI doing?

CPT: Could you clarify.

(b)(3), (b)(6) Where they maneuvering or egressing out of the AO?

CPT: Originally what was conveyed to the panel was that it was possibly a PSD.

(b)(3), (b)(6) What was the activity that it was doing?

CPT: We believed it was egressing.

(b)(3), (b)(6) You believed that right because the (b)(1)1.4 didn't agree with you on that one. So you told us when you briefed us that it was egressing with an HVI and PSD leaving the battlefield. You just now told us that it was repositioning and flanking. You need to reconcile this very clearly because this is a significant issue as it relates to judgment and understanding the ROE.

CPT: Under the ROE I understand that an HVI is above my authority, at no time did I determine one hundred percent that it was an HVI. I can assess it, but I ruled it out. I could always make some sort of assumptions but I could never confirm it so it was ruled out. I confirmed and made the determination that it was a flanking maneuvering element that was moving towards my location and basically closing in the box.

(b)(3), (b)(6) When did you make that determination or when did you come to that conclusion?

CPT: On the ground.

(b)(3), (b)(6) You shared with us at the first briefing that that was not your position, then (b)(1)1.4(a) shared with us the position of repositioning, and you elaborated on what you thought. Now that was just eight days ago. I need you to reconcile how you communicated that to this panel.

CPT: During that brief to the panel there was so much information that we passed. We tried to give the panel as much as we could and some of the thought processes and courses of action development that we were doing on the ground. It was assessed that they could be a PSD, it was assessed that they could be an HVI, but it was not determined that they were. It was assessed, I had to maintain flexibility there was a lot going on, on the battlefield, and there was a lot going on the day that I briefed this panel. We gave the panel as much information as we could at that time.

(b)(3), (b)(6) I want to stay on this a bit longer here. If I recount the dialogue correctly, and if I don't characterize this right, correct me. You represented HVI and egressing off of the battlefield; both LTC (b)(3), (b)(6) and I want you to clarify that. The (b)(1)1.4(a) came on and said that wasn't his position and that he disagreed. The (b)(1)1.4(a) further shared that he gave his assessment and you gave yours. I need to know on the ground, because what you represented to us until now is that it was egressing HVI with a PSD. Why does (b)(1)1.4(a) think your position was egressing HVI?

CPT: Basically we started to war-game it. We put out multiple courses of action, and kept asking what this could be maneuvering towards us. We knew it was an imminent threat I just needed to know what it was.

(b)(3), (b)(6) Three significant disconnects. I got the first time going up explaining this. Why in that original representation did you not share the rest of the dialogue when we asked you a few times what your

thought process was and why and you relayed to us twice HVI and egressing? Why did you leave the rest of the rational out?

CPT: There was no intention to leave anything out it was a long period of time from when we executed the target and when we briefed you. A lot was going through our minds. There was no time to assess everything that ... we wanted to give the panel the most information as possible to make a determination.

(b)(3), (b)(6) you were doing that I am not sure why you left this out.

CPT: To clarify at the time we wanted give the panel as much information as possible and as many courses of action as possible that was going through our head.

(b)(3), (b)(6) this is one of the causes to the effect that we had. We have to get inside the head of the GFC to figure out why he did it, where he did, and when he did it. You provided us one answer 10-11 days ago and now today you are giving us a different answer. So now you can see the disconnect, that we have in understanding this. I need you to try to link this together one more time because I am slow.

CPT: Based on the available information that I had, which was only what was on the ground, I spun every possible situation I could through my mind, every possible scenario, every chance for that convoy not to do what they did. Every situation that I could run through my mind, and I understand the sticking point was the mention of an HVI, and I understand that an HVI is above my authority.

(b)(3), (b)(6) are you allowed to strike a target as it is egresses out of the area of operation?

CPT: If it is an imminent threat then I do not know that it is egressing.

(b)(3), (b)(6) am asking a question based on what you told us last time. Are you allowed to strike a target that is taking itself out of the fight and leaving the battlefield to your knowledge?

CPT: To the best of my knowledge, no.

(b)(3), (b)(6) at any point during this process when you were going to fire or decided to fire did you communicate with (b)(1)1.4(a)?

CPT: Yes.

(b)(3), (b)(6) (b)(1)1.4(a) know that you were going to fire on this target?

CPT: Yes.

(b)(3), (b)(6) how did you communicate this to?

CPT: The BTL CPT.

(b)(3), (b)(6) when did you communicate that? Do you have notes to help us understand?

CPT: Prior to the engagement, unfortunately there is no SALT report for it because we could only get the reports from roughly 0600 and before, but it was passed up. The (b)(1)1.4(a) knew the intent because there is a reference in the MIRC chat that at 0615.

(b)(3), (b)(6) Remember you had opened an AIRTIC and were racking and stacking assets by your own definition. In fairness to SOTF they could not have known when and where or if you were going to strike because this is a procedure that CJSOTF uses to provide ODAs assets in the operational environment.

CPT: Two forms of communication were down with (b)(1)1.4(a) they received (b)(1)1.4(a) that we were going to engage from (b)(1)1.4(a). They also should have battle tracked the.....

(b)(3), (b)(6) That is different; I am looking for hard communication from you or (b)(1)1.4(a)

CPT: A SALT report was sent up to (b)(1)1.4(a) that we were going to utilize the (b)(1)1.4(a) to engage the target.

(b)(3), (b)(6) About when in the timeline did that happen?

CPT: Sometime between 0820 and 0830, because they engaged at 0840.

(b)(3), (b)(6) During that timeframe did anybody to include the commander at any level reach out to contact you or (b)(1)1.4(a) to get clarity of the actions that were occurring on the ground?

CPT: No.

(b)(3), (b)(6) Did not tell you that he was instructed to get you up on the net to talk to the commander?

CPT: No. The first time that I talked to the SOTF Commander was post strike. He was on the OPCENT floor and when I called the (b)(1)1.4(a) that goes directly to the BTL CPT, the Commander answered.

(b)(3), (b)(6) Reading from first interview with that being said, what did they do just south of (b)(1)1.4(a) that convinced you.....

CPT: it was the whole picture. (Referring to the map) This is the area they were traveling and this is the area I assessed that they were going to take. That is approximately 15 from completing the envelopment of my force.

(b)(3), (b)(6) Was there any action they took that made it appear that you're..... that, that course of action was more likely than the other course of action that you described as being an HVI?

CPT: The angle of approach is the best route; it is the best route to get from that area to my forces.

(b)(3), (b)(6) Had it been an HVI where would you have expected him to egress the area?

CPT: If you are asking me to speculate I will speculate.



(b)(3), (b)(6) Did you have in your mind some course of action that would have said that this was an HVI egressing?

CPT: I threw everything on the table I assessed everything. I assessed that if it were an HVI moving south that they could continue to move south, but it was not my determination that it was an HVI. (Referring to the map) This map doesn't show it very well, but there are numerous come backs down by the village of (b)(1)1.4(a) which they could come over another pass. At any time they could have cut back.

(b)(3), (b)(6) Even when you struck you still thought there were two possibilities, and one of them was that they would quickly come back and attack your forces?

CPT: That is right, and when you say two possibilities are you referring to the possibility of an HVI?

(b)(3), (b)(6) Yes.

CPT: There could always be a possibility of an HVI, but that was not my determination.

(b)(3), (b)(6) there wasn't any point along this route that you said this is no longer an HVI and therefore I will engage. There wasn't a point that you ruled out HVI.

CPT: My determination in (b)(1)1.4(a) was that they were going to turn and egress into my element and they were going to block my force to the west.

(b)(3), (b)(6) You made a decision (b)(1)1.4(a) that you decided you were going to pop them?

CPT: That I was going to neutralize them.

(b)(3), (b)(6) When you look at this tactically because you said this was the best scheme of maneuver to get to you right?

CPT: Yes.

(b)(3), (b)(6) you are going to look at this tactically and you know the terrain, so where is the most constrictive terrain on this map? From here to here, where is the most tactically smart place to hit them?

CPT: If I was going to give a textbook answer it would be here.

(b)(3), (b)(6) what battlefield activity did you see south of (b)(1)1.4(a) that made you want to strike them instead of waiting until this turn which you just depicted would be the best place to engage? I am using your analysis of the terrain and your comfort level with this geography. Just walk us through that.

CPT: The (b)(1)1.4(a) is a waadi only used by the Taliban. It is a rat line, a logistical support line. If I understand you correctly and if I don't please clarify. When you say activity, this is the most remote location, there is the best tactical... I understand what you are saying here, but to engage a three

vehicle convoy with the best terrain that supports the aviators, this area and being the most remote, there is absolutely nothing there. It has a direct line of sight from here to here (referring to the map). That in my decision was the best place to engage them.

(b)(3), (b)(6) Why did you not wait for them to go south and confirm the route that you were the most concerned about?

CPT: At that time I had determined that they were in fact a flanking element, and I made the tactical decision to engage them. I requested (b)(1)1.4(a) to come up from (b)(1)1.4(a) and engage them in this area right here (referring to the map). To clarify it was not because they were an HVI, but because they were an imminent threat to my force and I determined that this was the best course of action. If I didn't engage them then my force would have been subjective and based on self defense that is why I did it.

(b)(3), (b)(6) At the end of this questioning, I want you to think about what you said about only enemy travel this waadi and what we know today. The engagement occurs the vehicles are struck; the (b)(1)1.4(a) do a set of battlefield activities that render this convoy ineffective. About what time is this in your mind?

CPT: It was approximately 0840 plus or minus a few minutes.

(b)(3), (b)(6) When at this point do you first identify or are told that there are women and/or children on the objective?

CPT: When the aircraft came above the terrain and reported that they had possible bright colored clothing.

(b)(3), (b)(6) What when you suspected that there were either women and children or someone other than a combatant on the objective?

CPT: Yes.

(b)(3), (b)(6) What did you do with that information?

CPT: I made sure that there was no reengagement (b)(1)1.4(a) and they had already pulled off target. I immediately got on the Iridium phone and called the BTL CPT, which is when I talked to the SOTF Commander and informed at that time that we had a possible incident. That there were non-combatants on the....

(b)(3), (b)(6) What time was that?

CPT: Approximately 0910. The reason for the distance in time...

(b)(3), (b)(6) Need you to recollect to the best of your ability what you told the SOTF Commander.

CPT: When he answered the phone, which took me by surprise, I told him that we engaged.... I had initially before any information had been passed a SALT report was sent, we did not know there were MAMS...

(b)(3), (b)(6) You didn't mean MAMS you meant something else right?

CPT: Yes. When I talked to the SOTF Commander I told him that we had a possible incident.

MG: What type of possible incident?

CPT: That (b)(1)1.4(a) had identified bright colored clothing and that there was a possibility of women and children on the objective.

MG: I want to be clear on this. So you called around 0910 and the SOTF Commander picked up the phone and that surprised you. Now I want you to be very clear on what you recollect as to what you said to the SOTF Commander.

CPT: I was informed at that time that is was possibly a good target, not to second guess myself.

MG: Just lay it all out there. I would have to say this, when we have conversation like this we remember them well. So I need to know because we are trying to get to the truth here.

CPT: When the SOTF Commander picked up the phone I gave him an overview of the engagement and I told him that we had a possible incident.

MG: What did you mean when you said possible incident?

CPT: That there were possible women and children on the engagement area.

MG: where those words used, possible women and children?

CPT: Yes. At that time I was told that he believed it was a good target and not to second guess myself or words to that effect.

(b)(3), (b)(6) you remember the other words?

CPT: I was told at that time that it was a good target, not to second guess ourselves, these things happen, and we need to have all of the information.

MG: You are having a hard time telling me this, tell my why.

CPT: Loyalty to Command.

MG: What did you feel when you first heard the report of possible women and children on the objective?

CPT: It bothered me.



MG: So you had that part of the dialogue, how long did that conversation last?

CPT: I sat down in the objective area and we had about a 5-10 minute conversation. I was told that a BDA patrol was going to be executed, and that it was not going to be us originally but that it was going to be (b)(1)1.4(a)

(b)(3), (b)(6) Did you explain to him why you thought there were women and children on the objective?

CPT: Yes because of the bright colored clothing.

(b)(3), (b)(6) What was the explanation that you shared with him?

CPT: Yes I said that (b)(1)1.4(a) had possibly identified bright colored clothing, which would be (b)(1)1.4(a) women and children.

MG: I want you to walk us through the entire conversation.

CPT: I got out the (b)(1)1.4(a) and sat down next to my ATV with (b)(1)1.4(a) who had told me that there was possible bright colored clothing on my objective area. This was relayed through the (b)(1)1.4(a) (b)(1)1.4(a), because they had cam above the terrain and stopped the engagement. I said make sure that they are not shooting. After that I called and LT (b)(3), (b)(6) answered the phone. I identified to him that we had a possible incident, I did not say CIVCAS, the reason I did not say CIVCAS is because I did not know at that time. I said there was bright colored clothing identified by the aircraft and at this time I think we have an incident. This is when the dialogue said I believe this is still a good target, don't second guess yourself, we need to work through this and we will figure it out. I think LT (b)(3), (b)(6) knew that I had begun to feel a certain way and I did.

MG: What do you mean feel a certain way?

CPT: That is the chance was that women and children..... I need a minute.....

(Break at the request of CPT (b)(3), (b)(6))

MG: I want to pick up your conversation and I want you to start at the beginning from when you picked up the (b)(1)1.4(a) and you mentioned before that you had a 5-10 minute conversation. That is a lengthy conversation on an iridium phone, and you already stated that you recall the conversation. I need it to the best of your recollection from start to finish so that is what I need you to layout.

CPT: Prior to the conversation (b)(1)1.4(a) had told me that (b)(1)1.4(a) had reported the bright colored clothing. That is when the right thing to do was to call up a SALT report on (b)(1)1.4(a) I called up on the phone and LT (b)(3), (b)(6) answered. IT started out hey what's going on you guys are doing a great job. Then I said we have a possible incident. I told him that (b)(1)1.4(a) has reported that there is bright colored clothing on the engagement area and that we have a possible incident with non-combatants.

(b)(3), (b)(6) Did you say non-combatants or women and children? We are trying to get you to be as specific as possible.

CPT: to the best that I can remember women and children. I told him that there was a possible incident because of the bright colored clothing and that only women dress in those types of clothes.

MG: After you say women and children to LT (b)(3), (b)(6) what did he say?

CPT: If I remember correctly he asked if I was sure. I said based on the reports that we were getting from (b)(1)1.4(a), again in reference to the clothes; bright colored clothing and I believe that we have an incident.

MG: Would you say that this is suspected then, that you suspected women and children on the site?

CPT: I didn't say suspected. I didn't convey that, I only said that we may have a possible incident. I told him what we had which was 18 KIAs and I did pass that information that we got from (b)(1)1.4(a). 18 KIAs, and that we had people to the west sitting and that we had three vehicles destroyed, later that would turn to be inaccurate because not all vehicles were destroyed. I passed that on to him, I was told that it was a good target and not to second guess ourselves, that we can't second guess ourselves at this time and that we will figure it out and that we will get through this. There may have been some minor conversation but it was all in that context. I was upset.

MG: Why were you upset? What were your emotions and feelings and why were you upset?

CPT: If I had hurt women and children that would bother me.

MG: You also said earlier that you were upset because of loyalty can you explain that?

CPT: You asked me why it was hard to say those words to you, and I just feel a deep loyalty to any command that I am part of. It is not that I was trying to have my integrity questioned; it is just to sit there and tell you that a commander... tells you something that might not paint a good picture, then that is not a good thing. You always try to protect the unit.

MG: Go ahead and finish with the conversation.

CPT: It was basically general conversation like that. We talked about the BDA patrol and who was going to execute it. This was not determined by LT (b)(3), (b)(6) himself. I was told that a BDA patrol would be done, and that was the last that I heard about it and that was the end of the conversation.

MG: What was the close out or wrap up? Usually when a leader is talking to a leader there is usually a wrap up, a way ahead, follow up reports. What was the wrap up?

CPT: Continue on with your mission, you need to be focused on your mission and concentrate on where you are right now and don't worry about what is over there that basically is going to be taken care of. Continue to follow on with your mission.

MG: Why would he say don't worry about what is happening over there?

CPT: I believe he was referencing the BDA patrol and that it would be done, but I am speculating.

(b)(3), (b)(6) Where were you when made this call?

CPT: North side of the Bazaar on a hill.

(b)(3), (b)(1)1.4(a) was in close proximity, and I had called my team sergeant down once I got the report, from the support by fire from the north. There were interviews being conducted a little distance away from me. Basically I was sitting over by one of my ATVs.

(b)(3), (b)(6) Was (b)(1)1.4(a) close enough to hear your side of the conversation?

CPT: He was close enough that he should have been able to hear it, but I don't know if he did or not.

(b)(3), (b)(6) the proximity you would have expected him to be able to hear your side.

CPT: He should have been able to hear the general response, and he knew I was on the phone with the SOTF Commander.

(b)(3), (b)(6) And you said you brought down your Team Sergeant?

CPT: Yes, but he wasn't involved in the conversation.

(b)(3), (b)(6) Did you bring him down before, during, or after the conversation?

CPT: I had started to pull certain people down once I realized that we had possible women and children. I knew a BDA patrol was going to have to be done. At first I thought that we were going to be the ones to do it, and I wanted bring my team sergeant in because he would be the one to do the task organization for who is going to do it.

(b)(3), (b)(6) When you were actually speaking with the (b)(1)1.4(a) Commander was your Team Sergeant there?

CPT: No.

MG: What is your Team Sergeants name?

CPT: SFC (b)(3), (b)(6)

(b)(3), (b)(6) (b)(3), (b)(6) stated that he was aware of possible civilians at 0900 which makes sense.

MG: When you got your team around about the same time you were on the phone with your commander.

CPT: I brought my team down after the phone call. I had brought down key individuals and got my guys smart on what was going on.

MG: Tell me what you got your guys smart on.

CPT: That we had a possible incident in the (b)(1)1.4(a) and that we had possible women and children being injured. I told (b)(3), (b)(6) find out exactly what we were going to need if we were going to conduct the BDA, because at this time we didn't know who was conducting the BDA. I told him that I wanted the medics, the EOD team and my dog guy because I didn't know what the threat was out there. I needed some local nationals which were the ANP that I got from the site. That was the first time I communicated with the AOB. MAJ (b)(3), (b)(6) was not there, I was told that he was on the flight line. This is hindsight but if he were on the line with a VI team but I know that two (b)(1)1.4(a) I am not sure if they were the (b)(1)1.4(a) that they use but they were on the ground, and they were the VI team, and that is what I was told.

MG: By whom?

CPT: The OPS SGT, (b)(3), (b)(6)

MG: But this was after the fact?

CPT: This was afterwards correct. Post strike.

MG: At what time post strike when you say post strike? You mentioned to us that you knew the AVI team was on standby.

CPT: I spoke to LT (b)(3), (b)(6) the day after the fact. Nobody ever passed anything about an AVI team or a VI team to me that day.

(b)(3), (b)(6) let me see if I get the time frame straight. You spoke with PLT (b)(3), (b)(6) a the iridium phone, then you contacted the...

CPT: We were getting conflicting reports as to who was going to do the BDA patrol and we were trying to figure it out.

(b)(3), (b)(6) who did you talk to in order, LT (b)(3), (b)(6) first and then...

CPT: I called the AOB. First I was told that (b)(1)1.4(a) was going to handle the BDA.

(b)(3), (b)(6) the only thing you were told at that point about where MAJ (b)(3), (b)(6) was is that he was at the flight line no mention of an AVI team, and that information doesn't come to you until later right?

CPT: That is correct. That information came when I had direct contact with LT (b)(3), (b)(6) the next day.

(b)(3), (b)(6) after your conversation with LT (b)(3), (b)(6) you call in your team and update them. What is your next set of activities that you are doing this is around 0900ish. Where were you at on your objective, in with the strike scene?



CPT: The objective was secured, we had conducted our SSE, we are continuing with biometrics and interrogations. By now I am anticipating a second task to conduct the BDA, even though I was told (b)(1)1.4(a) was the closest asset to do it. I was told (b)(1)1.4(a) was going to do it because they were the closest to the site, then I was told (b)(1)1.4(a) was going to do it. I was going back and forth on the iridium phone with my AOB and (b)(1)1.4(a) and talking to them to see if they had been tasked to do BDA. They hadn't heard anything official yet. So I made the assumption, trying to stay proactive, that it was going to be us. Then I was told the (b)(1)1.4(a) weren't going to do it. (b)(3), (b)(6) contacted the SOTF, and it was eventually approved that we were going to do it. We weren't wheels down until 1219L.

(b)(3), (b)(6) How many times did you engage or were you engaged by the SOTF Commander or CJSOTF Commander of the SOTF TOC from the time that you got the word that you were going to conduct the SSE.

CPT: I had no direct contact with CJSOTF at all. I might have had a conversation with the BTL CPT one more time but other than talking to the AOB and (b)(1)1.4(a) saying that we were doing the SSE and BDA patrol that was the only communication that I had.

(b)(3), (b)(6) Is the collective view that I am looking for so (b)(1)1.4(a) how many conversations and with whom are you aware of that he engaged in with (b)(1)1.4(a)

CPT: None. The only people he was talking to is the aircraft and keeping eyes on the objective.

(b)(3), (b)(6) Can you characterize the one phone call that you had with the BTL CPT at SOTF?

CPT: It was to inquire about the BDA patrol, and I was bouncing back and forth with basically my AOB trying to get something spun up so we could go out and do it.

(b)(3), (b)(6) Did you characterize your concern and assessment with the AOB Commander after being told by the SOTF Commander to not second guess yourself?

CPT: I never talked to MAJ (b)(3), (b)(6) before the BDA patrol.

(b)(3), (b)(6) Did you share that report with anyone in the AOB, the one that you provided to your SOTF Commander? The potential CIVCAS?

CPT: No. All I knew is that there was an incident and I talked to the operations sergeant, but I cannot recollect 100% that I ever said hey we have a possible CIVCAS of women and children, I just said a BDA needed to be done who is doing it, can we do it, and are we doing it? I think it was the second call because I believe someone had went to the flight line to talk to the AOB Commander, and then that is when they pushed to us that we were going to do it.

(b)(3), (b)(6) To your recollection other than the one call to the BTL CPT were there any other discussions with you and (b)(1)1.4(a) together as a team to anyone in the higher chain of command in reference to the potential of CIVCAS prior to getting to the objective?



CPT: No.

(b)(3), (b)(6) When you got to the objective what time was it?

CPT: We were wheels down at 1219L and we were supposed to be dropped off (b)(1)1.4(a) away but we were dropped off about (b)(1)1.4(a) away.

(b)(3), (b)(6) How long did it take you to move to the objective?

CPT: Approximately 15-20 minutes. We were moving quickly at first then we had (b)(1)1.4(a) about the ambush and then we had to start moving deliberately at that point.

(b)(3), (b)(6) About what time did you arrive at the objective site?

CPT: Based on the mIRC chat, and not looking at my watch, it says we arrived right around 1237L it says team is on site.

(b)(3), (b)(6) From 1237L until the MEDEVAC, walk us through the activities that you did, the assessments that you made, and the conversations that you had with the command.

CPT: We arrived on site at 1237, immediately my guidance was one man to a vehicle to conduct a cursory search of the area and to establish security of the area. Once we did that we got on the site, one man per vehicle, the site was horrific it really was horrific. We had women and children to the west and we had carnage on the objective.

MG: What was your assessment of the women and children, and when did you make it?

CPT: After we got the site set up, my medics begin to treat people. I had three women and three children to the west approximately 50 meters off the second vehicle. That was at the initial assessment; those were the only women and children I saw. Were they injured, no sir.

MG: So that's six. Keep going.

CPT: The first place I went to vehicle one. For me that was the best place for me to be. My MPs were pulling security at this time and with the combination, my EOD guys were pulling security, but then they moved into the (b)(1)1.4 portion. Vehicle 1 was a catastrophic kill. I identified 10 to 11 bodies. I found one that was alive, but the only reason I found him was because he was underneath the other vehicle. It was passed to that vehicle 2 had 2 casualties and vehicle 3 there were 3 casualties that was the initial MEDEVACs, on urgent one priority. Originally they were all priority but the urgent went from priority to urgent because he began to go into shock. (b)(1)1.4(a) was passed the Nine Line, I passed him information he relayed it through (b)(1)1.4(a) who passed it on higher. The original Nine Line was 7 MEDEVACs all LN's. If I had my Nine Line I could sit and read you through the lines. The enemy threat was still in the area marked by red smoke. Just standard Nine Lines but it was 7 casualties. The birds landed sometime, at 1302 that's when he passed. Dust off wheels down was 1345, I was told the delay was RC South approval and the medic talked to JAG and said they were on, they were spinning up but they were

awaiting approval to launch. Once launched they were on site within 20 minutes. I physically counted 7 people; three people on stretchers they were all MAMs, 2 people in seats in bird 1, and 2 litters in bird 2. I walked away from the scene to get on the (b)(1)1.4(a) to let them know that MEDEVAC had arrived to let them know basically wheels up and we began to move into your second part of the SCC. My medics determined that everybody that we pulled off the site. The woman in question she had lacerations to her face. My medic assessed her that she possibly, had a compromised airway.

MG: Was she one of those six?

CPT: No sir, when that point was conveyed, I didn't know the extent of the adolescent. I am not a medic. All I knew was he had injuries to his foot. Later I found out it had been amputated.

(b)(3), (b)(6) You said you were on the (b)(1)1.4c and you told them or who actually did you speak to?

CPT: The battle captain.

(b)(3), (b)(6) (b)(1)1.4(a)?

CPT: Yes.

MG: Do you know who that battle captain was? Did you recognize his voice?

CPT: I believe it was CPT (b)(3), (b)(6) sir.

(b)(3), (b)(6) you remember that report, the initial report, now that the boots are on the ground, what was your report?

CPT: I gave them the initial assessment of what we saw on the ground. I reported approximately 15 to 16 KIAs. We did have women of the site. We had three uninjured women and children. We had additional people injured. We had one woman and child that was hurt.

(b)(3), (b)(6) did you passed that?

CPT: It was passed sir.

(b)(3), (b)(6) when was that passed?

CPT: In the initial phone call.

(b)(3), (b)(6) when was that phone call about passed?

CPT: About 1400 to maybe 1410 sir.

MG: Let me just walk you through that. You had that phone call with the battle captain.

CPT: Yes sir.

MG: If you walk through the numbers again that would be very important.

(b)(3), (b)(6) to 16 KIA.

CPT: Yes sir.

MG: 3 uninjured women and children.

CPT: Yes sir.

MG: One woman and child injured.

CPT: One adolescent. And that was the... [DC counseling] I moved offsite away the bird. Because it was taking time to get everyone on the bird. Most of the casualties were in vehicle 3. The birds landed south of vehicle 1. There were two birds. We filled the first then the second bird. My (b)(1)1.4(a) as CPT (b)(3), (b)(6) is saying (b)(1)1.4(a) solid copy of 12 individuals on the bird, I did not have that.

MG: But you had previously reported 7.

CPT: Yes sir. The call for MEDEVAC was 7.

MG: And you when you walked...

CPT: I walked away from the site; I was west of vehicle 2, which would have been the middle vehicle. I was away the bird in order to make the phone call.

MG: Was (b)(1)1.4(a) near you?

CPT: No sir he was controlling and talking to the medic.

MG: Was your COMO guy near you?

CPT: No my COMO guy was did not accompany us.

(b)(3), (b)(6) Did anyone hear your phone call once you walked west of that middle vehicle.

CPT: Sir I don't know it was birds on the ground. We only had 20 people there and the next part of this process is when these locals show up out of the blue.

(b)(3), (b)(6) you can think back to that phone call, reporting to the battle captain, was anyone near you; the interpreter an ANP?

CPT: No. The interpreter was on the site with the ANP. He was physically upset.

(b)(3), (b)(6) try to think of who might have been around you, were you by yourself?

CPT: Sir, I can't speculate to that, the fact of the matter is that I passed the report.

(b)(3), (b)(6) We are just looking to see if there is someone we can talk to that can confirm. If there is anyone you can think of that might have heard. I'm not asking you to rat someone out.

CPT: No sir.

(b)(3), (b)(6) To the best of your knowledge at the other end, at the SOTF was CPT (b)(3), (b)(6) the day battle captain?

CPT: Yes sir.

MG: When you rendered this report what was the dialog? Usually when you gets a detailed report they say I copy, I repeat, I got it.

CPT: No sir that was nothing like that. I passed 7 causalities again unaware that there would 12. I also asked did we contact the Kajiran police. They were going to be moving to the site, and they would take the additional PAX off. I didn't believe the woman was injured to the point of needing MEDEVAC. I thought she would be taken care for locally. My medics, to their credit, deemed that everyone needed to get off the site due to infections and stuff like that, that's why they put everyone on the bird. One of my medics was emotionally affected by this, so his concern was everyone's going so we put 12 individuals on the bird.

(b)(3), (b)(6) Sorry to beat a dead horse. Just trying to get it as specific as possible, you reported to CPT (b)(3), (b)(6) 7 MEDEVAC all MAMs.

CPT: All MAMs, yes sir.

(b)(3), (b)(6) When you gave the additional report of?

CPT: Six women, correction 3 women and children uninjured.

(b)(3), (b)(6) All part of the same report.

CPT: Yes sir.

(b)(3), (b)(6) Specifically as you can remember, in what order. You gave them the injured then the killed?

CPT: No, I gave the KIAs first.

(b)(3), (b)(6) As first then the MEDEVAC?

CPT: Roger sir.

(b)(3), (b)(6) 3 women and children uninjured?

CPT: Yes sir.

(b)(3), (b)(6) 1 woman and adolescent injured?

CPT: Yes sir. Specifically, because everyone asking about the women and children. There was other injured but the additional people I believe were going to be taken offsite by other means other than the MEDEVAC. Those were conveyed to me.

(b)(3), (b)(6) Can you clarify; you said everyone was asking about the women and children, who is everyone?

CPT: They asked when I was on the phone sir.

(b)(3), (b)(6) (b)(3), (b)(6)

CPT: He asked after I reported the 3 women and children. He was like was there any injured. I said there's one woman and adolescent injured.

(b)(3), (b)(6) Did he inquire into her injuries?

CPT: If I passed her injuries sir it would have been she had lacerations to her face.

(b)(3), (b)(6) And what about the adolescent?

CPT: That he had something wrong with his foot. I did not know his foot was amputated or was going to be amputated. I didn't know that it was in that bad of a condition. I'm not a medic sir. My medics did a great job.

(b)(3), (b)(6) I guess I got a little confused here. Was this one phone call or two reports.

CPT: That was the first phone call, and then I was directed to call every 15 to 30 minutes.

(b)(3), (b)(6) That first phone call, there was 7 MAMs, 3 women and children uninjured.

CPT: 7 MAMs sirs.

(b)(3), (b)(6) Evacuated.

DC: On the MEDEVAC.

CPT: Oh, roger sir.

(b)(3), (b)(6) Part of the same report, you said 3 women and children uninjured. Is that what you said?

CPT: It was passed, first was KIA 15-16 KIAs, then the MEDEVAC that was going out, it was 3 women and children uninjured. The additional PAX would be pushed forward with the (b)(1)1.4(a) police.

(b)(3), (b)(6) You didn't that those ones were going on your helicopters.

CPT: Sir I didn't know there were 12 people until I showed up (b)(1)1.4(a)

(b)(3), (b)(6) When's the next time you spoke to either of your higher HQs?



CPT: At 1429 we had approximately two to three vehicles show up out of the blue. (b)(1)1.4(a) told, I believe it was (b)(1)1.4(a), it might have been the (b)(1)1.4(a) think the (b)(1)1.4(a) may have already RTB'd it at this time. I told the (b)(1)1.4(a) that we had contacted the (b)(1)1.4(a). They were to look for and track them as they enter the engagement area. They would have been coming from the northeast. At 1429 we had locals show up. They were not from (b)(1)1.4(a) they were not in ANP uniforms, and they were not in ANP vehicles. They were locals. I don't know where they came from, or how they were informed. But they showed up and were immediately on the site. So I switched from conducting (b)(1)1.4(a) to moving to security poster, because I don't know if these were part of our element and we passed that up. The guidance was to call every 15 to 30 minutes to give a situational update. I was on the (b)(1)1.4(a) so; sometimes it went shorter or longer because I did not have a good signal. I had to move around to get a good signal. All my (b)(1)1.4(a) were on the ATV. I had to bring, I believe, a (b)(1)1.4(a) to do (b)(1)1.4(a).

(b)(3), (b)(6) So you assessed that the group that came was possibly hostile?

CPT: I had to assume that sir.

(b)(3), (b)(6) What did they do when they arrived?

CPT: They immediately integrated themselves with the bodies. Some were emotionally upset. First we tried figuring out where they were from. They said they were from the village these people came from. That was passed once but I couldn't confirm that. I don't know where they came from. The first time they saw them, I was told it was from here it was 2 kilometers. That would have put them up here sir. That was what was passed to (b)(1)1.4(a) that they were seen 2 kilometers out. I don't know where they came from.

(b)(3), (b)(6) Let me ask a quick question if I may. Two things happened at 1405; these times come out of MIRC log. At 1405 MEDEVAC landed with patients (b)(1)1.4(a) but also at 1405, there was a MIRC request from the SOTF south ISR to Kirk 97 have (b)(1)1.4(a) your command post as soon as possible on (b)(1)1.4(a) Do you know what that phone calls about? Cause this would have been after you had made that initial report because the aircraft had already departed base. You made your first phone call, at the aircraft there because you walked away. Now this is the second, do you recall what this was about?

CPT: This sir, I think it was just a situational update that they wanted.

(b)(3), (b)(6) Who did you talk to then?

CPT: I think it was CPT (b)(3), (b)(6) The following questions were about (b)(1)1.4(a) it wasn't about patients anymore. Did you find weapons? CPT (b)(3), (b)(6) I knew I was upset. I was upset but not to the point, though my capacity is the detachment commander, but I was upset physically and emotionally, but I continued with the mission. I had to deal with the onslaught of people that was on the objective but we passed the information that we did a cursor (b)(1)1.4(a) only. At that time we hadn't found any weapons.

(b)(3), (b)(6) When is the next time after that did you actually talked to CO (b)(3), (b)(6)

CPT: (b)(1)1.4(a)

(b)(3), (b)(6) At what time?

CPT: No it was that night. We XFILLED, [DC counseling] 2000 (b)(1)1.4(a) and myself, were directed to stay on the bird and we arrived around 2100-2130 (b)(1)1.4(a) where I met MAJ (b)(3), (b)(6) I talked to both. COL (b)(3), (b)(6) and CO (b)(3), (b)(6) I think I talked to him around midnight, and CO (b)(3), (b)(6) was 9:30, 10:00 being the latest. But I can't give you an exact time sir.

(b)(3), (b)(6) Were there other times during the afternoon though the birds were there 1345 or so, and you had that phone call where you had some situational updates. Were there any discussions of civilian casualties with someone in your chain?

CPT: Other than the initial discussion of those MEDEVAC no sir. Once the MEDEVAC lifted we were not tracking any more information on the people until I got (b)(1)1.4(a) that night.

(b)(3), (b)(6) And when you got (b)(1)1.4(a) you then met with CO (b)(3), (b)(6)

CPT: No sir I talked to him on the phone.

(b)(3), (b)(6) Tell us about that phone call.

CPT: The majority of the subject was about second guessing yourself. Don't, he still believed that it was a good target. He believed it was a good target. Sir to be honest with you, I cannot give you an honest answer about the majority of that conversation.

(b)(3), (b)(6) Were you instructed to not to discuss or report said casualties by anybody?

CPT: No sir.

(b)(3), (b)(6) When you were on the phone with CO (b)(3), (b)(6) did he why you didn't report women and children?

CPT: He asked me about the reports and I told him that I passed what was on the site. The following, CO (b)(3), (b)(6) asked me about that too. But CO (b)(3), (b)(6) asked where did the women and children come from. I said I couldn't tell because I didn't know where they came from. Meaning, I didn't know where they came from in the convoy. I knew what vehicle they came out of but I didn't know how they got in the convoy.

MG: did you ever think in this line of questioning that the women and children came from a location outside of the strike zone?

CPT: No sir, because that one lady was injured.

MG: I'm trying to establish what other people may have thought.

CPT: Were you asking me, if someone asked me if they were from other places other than the convoy?

MG: Yes.

CPT: No sir. Did I ever tell anyone that, no Sir.

(b)(3), (b)(6) best as you can remember, what did CO (b)(3), (b)(6) ask you about that initial report?

CPT: On the phone that night?

(b)(3), (b)(6) that night on the phone (b)(1)1.4(a)

CPT: He asked me the same question, where did I think they came from. What was the condition? I said we had 3 women and children not injured. We had one woman with lacerations to her face, and her condition turned out to be worse. They were specific about the women and children. No one was really concerned about the other individuals.

(b)(3), (b)(6) he asked you and you told him 3 women and children uninjured, one woman and child injured. Did he ask whether you had reported that information at 14 whatever back on the site?

CPT: He asked me, actually there were two, CO (b)(3), (b)(6) asked me about the reporting. And he asked me, and I told him I did report it. In another conversation he asked me if I reported it, and he was pissed at me because he said I didn't report it. And I said I did report it. He said I am proud of what you did and you executed your mission the way you did, but I am upset you about your reporting. At that time you had read me my rights and I couldn't allude to any other questions.

(b)(3), (b)(6) that's when he confronted you about the reporting?

CPT: That was the second time sir.

(b)(3), (b)(6) the first time when you said, I had reported women and children, was there a reaction, was there shock, and was there disbelief?

CPT: The thing CO (b)(3), (b)(6) said Sir; well I still believe it was a good target.

(b)(3), (b)(6) can you characterize the conversation you had with CO (b)(3), (b)(6)

CPT: It was late at night.

(b)(3), (b)(6) as MG McHale said before you should have a good recollection when the brigade commander reaches out.

CPT: Roger that sir. MAJ (b)(3), (b)(6) came and got me I went over to talk to him. It was brief he asked me, how I was doing. How was I feeling and I told him, hey Sir I'm doing as good as to be expected under the circumstances. He asked me about the women and children and where they came from. I told him I didn't know, there was no report from Kirk 97 or any other element that there were women and

children in this convoy. It was reported. And I can't allude to any other conversations he had with any on else. That was the subject matter of the conversation sir.

MG: Let me ask you here, and this is important. When someone asked you where did the women and children come from, is it clear that they were, when the strike happened what?

CPT: His exact question is how did the women and children get there? That was what the question was.

(b)(3), (b)(6) Did he say in the convoy or at the strike site?

CPT: I think he meant in the convoy, but he didn't say sir.

MG: I want to take this line of questioning a little bit deeper, because there is much talk in our interviews that because of the length of time that it took you to get to the site that these women and children could have come to from a nearby village, there is speculation, do you believe that at all?

CPT: No sir.

MG: Do you think there is any way that anyone could have been construed with all the dialog going on that possibility could have happened, do you think?

CPT: With the knowledge I have now sir, no sir. If you look at the MIRC chat it says the women moved out from the site.

(b)(3), (b)(6) Do you remember when you and CPT (b)(3), (b)(6) had this conversation, the first follow-up conversation?

CPT: The one (b)(1)1.4(a).

(b)(3), (b)(6) Was it light out or was it dark?

CPT: It was dark sir because I EXFILLED that night.

(b)(3), (b)(6) Okay do you remember about the time?

CPT: I arrived (b)(1)1.4(b) about 2100, 2130 sometime after that about 10 o'clock sir. Now are you talking about the initial phone call?

(b)(3), (b)(6) No the initial phone call you clearly...

CPT: Not on the actual site (b)(1)1.4(a)

(b)(3), (b)(6) S.

CPT: 2130, 2200, somewhere around that sir.

(b)(3), (b)(6) Okay.

CPT: And we had the follow on conversation the next day.

~~(b)(3), (b)(6)~~ What was that conversation about?

CPT: The conversation that I had with myself ~~(b)(1)1.4(a)~~ TSgt ~~(b)(3), (b)(6)~~ MAJ ~~(b)(3), (b)(6)~~ was there, was just a conversation about the CIVCAS reporting and passed up. The information wasn't passed as far as being passed up to GEN Reeder.

MG: I need you to walk through that conversation. Where was the location of this conversation?

CPT: It was in the conference room, CQ ~~(b)(3), (b)(6)~~ said held the information during the VTC because he wasn't sure about CIVCAS.

MG: So he wasn't sure about CIVCAS, but your testimony earlier a few minutes ago said you reported it to him on the ~~(b)(1)1.4(a)~~

CPT: Roger sir. I guess he had a VTC with GEN Reeder that morning, prior to him coming out British GEN McCarter or somebody. And what he said in that room was that he didn't pass the information during the VTC. And I guess later that was reported to GEN Reeder, I don't know sir I cannot speculate.

~~(b)(3), (b)(6)~~ ~~(b)(3), (b)(6)~~ didn't pass the information?

CPT: No sir.

MG: But in that conversation the day after, explain to me the conversation with your and ~~(b)(1)1.4(a)~~ and MAJ ~~(b)(3), (b)(6)~~ was there?

CPT: Yes sir.

MG: And LT ~~(b)(3), (b)(6)~~ anyone else in the room?

CPT: I'm not sure sir.

MG: And the discussion went like?

CPT: He was just talking about the incident. How we move forward with this. Something about the VTC Sir.

MG: There was a VTC the night before there was some VTCs okay. But what did he say, what were the implications of the discussion?

CPT: He said he withheld the information that he did not pass the information during the VTC?

MG: And why do you think that?

CPT: Because he was unsure of CIVCAS at this time.



MG: But on the objective your first phone call to him, you called him on the ~~(b)(1)1.4(a)~~, he answered?

CPT: No sir.

DC: at the Bazaar.

CPT: Oh on the objective, yes sir.

MG: At the bazaar?

CPT: Yes sir.

MG: That you had told him, possibility. Now you didn't use CIVCAS, you used the term incident?

CPT: Women and children sir.

MG: Well incident.

CPT: I said we have a possible incident, there was bright colored clothing reported from ~~(b)(1)1.4(a)~~ and ~~(b)(1)1.4(a)~~

MG: And then possible women and children, correct?

CPT: Yes sir.

MG: And later on when you were on the engage site, you told him again on the ~~(b)(1)1.4(a)~~.

CPT: I didn't talk to him sir.

MG: You talked to ~~CPT~~ ~~(b)(3), (b)(6)~~ and you said what?

CPT: I went through the dialog of what we had; the MEDEVAC, the KIAs, the three women and children that were uninjured, the injured the woman with the lacerations to the face and the one child with the foot injury.

~~(b)(3), (b)(6)~~ ay. Now that you have had a chance to think through this, where did reporting fail from your perspective as far as civilian casualties?

CPT: Three areas I would identify sir. The first, when the MEDEVAC took off, once they got to their destination the patient split, that was never consolidated. I know I specifically asked between my ODA and further I just want to clarify all of them, think that may have been the first thing. I don't know where the disconnect and breakdown in communication between myself and ~~CO~~ ~~(b)(3), (b)(6)~~ don't know if it wasn't relayed to him through ~~CPT~~ ~~(b)(3), (b)(6)~~ ~~CPT~~ ~~(b)(3), (b)(6)~~ pretty professional, a squared away do, whenever he has had to support me, I don't know where that break in communication came from.

~~(b)(3), (b)(6)~~ ve you read the SALT report that they tracked from your first report there?

CPT: No sir.

DC: we haven't been able to find that sir.

CPT: 15 EKIA's, 6 MAMs, 3 women and children uninjured and it stops there.

DC: on the MIRC chat, do you have that one?

CPT: From the MIRC chat.

(b)(3), (b)(6) will let you read it, it is that highlighted.

[DC counseling]

(b)(3), (b)(6) That's what they posted to the MIRC as you can see.

DC: This is from the MIRC log.

CPT: But that's from SOTF sir, that's not from me.

(b)(3), (b)(6) just showing you.

CPT: Oh, I thought you meant that was something I passed sir, I apologize.

(b)(3), (b)(6) any time did CO (b)(3), (b)(6) bring you and CPT (b)(3), (b)(6) a room and ask how did this happen?

CPT: No sir.

(b)(3), (b)(6) have you guys done an after action review as a collective team, prior to GEN McHale showing up?

CPT: No sir, the only information that has been passed was before I was read my rights of course. I talked to MAJ (b)(3), (b)(6) but it was nothing specific about women and children or reporting, nothing like that.

(b)(3), (b)(6) terms of numbers, I just want to clarify, you identified 3/3 women and children that were uninjured on the objective, were they ever evacuated by the helicopters?

CPT: No sir. I knew they weren't evacuated, they evacuated north.

(b)(3), (b)(6) there were an additional 3 children and one woman evacuated.

CPT: Yes sir.

(b)(3), (b)(6) now we're tracking a total of 10 women and children.

CPT: 10 women and children sir.

(b)(3), (b)(6) The 3/3 moved north, that's six. Then there were 3 children and 1 woman that were MEDEVAC so our count is 10 women and children. What was your count of the total women and children on the objective?

CPT: I'm not sure we are getting 10.

(b)(3), (b)(6) walk you through. Three women and three children you identified did not get on the MEDEVAC they moved north.

MG: The 3 women and children how did they move north?

CPT: They moved with those locals, they left the engagement with other locals sir.

COL S: In additional to that there were a total 4, 3 children and 1 woman MEDEVAC.

CPT: Okay sir.

(b)(3), (b)(6) that 4 plus the 6 equal time. We are trying to identify the women and children on the objective.

CPT: Sir, they only women and children that I'm tracking and that I'm 100% tracking, when we say children I am talking about the one that lost his foot. There was the woman with the lacerations to the face, and the child with the amputated foot, that's the only women and children. Now there was two other adolescents, teenagers, that I believe were MEDEVAC and I believe they are already released so they went to the (b)(1) hospital but my original was seven, so that would have been eleven.

(b)(3), (b)(6) Were those two that were MEDEVAC apart of the three that you reported as uninjured?

CPT: No sir.

DC: I think they are saying you weren't considering those children. I think the disconnect was he wasn't counting those adolescents as that are now counted as children as children. So when you counted the objective numbers he didn't have it. He didn't have the same count.

[DC counseling]

CPT: When I was talking to CP (b)(3), (b)(6) never said that one woman and one child were getting on the MEDEVAC; my medics took it upon themselves to put everyone on the MEDEVAC.

(b)(3), (b)(6) The next day when CQ (b)(3), (b)(6) was talking to you, is he questioning your report up. Did he ask why did you say there were only uninjured women and children?

DC: Which conversation is this, sir?

CPT: The next day.

DC: The morning conversation?

(b)(3), (b)(6) When he brought everyone in.

CPT: CO (b)(3), (b)(6) there is a very distinct way he talks. It's almost like he's asking question. I think we got a problem, but it is still a good target. That was how the conversation went. He never questioned about the reporting. I think he eluded to that there was an issue with the reporting. This is prior to me being read my rights. I said there was no issue; I reported what I saw on the ground. At that time, I told COL (b)(3), (b)(6) and MAJ (b)(3), (b)(6) that night, I did not know there were twelve people evacuated, MAJ (b)(3), (b)(6) did not know there were twelve people evacuated.

(b)(3), (b)(6) When was the first time that you knew that they were tracking zero women and children injured?

CPT: I don't remember.

(b)(3), (b)(6) Post strike in all your discussions with everyone, when did you find out what they reported up was MAMs injured, women and children uninjured?

CPT: Sir I don't remember getting told that, the one conversation I had, CO (b)(3), (b)(6) was at the meeting with you sir. I was (b)(1)1.4(a) and

DC: Was that before you called me.

CPT: No because I talked to LTC (b)(3), (b)(6) that day and he linked you up. We were in his office, and I was kind of situational update, not information on what was going on. He said I think we have an issue, I am proud of what you did. I think you executed your mission well, but I'm pissed because you failed in your reporting. And of course I wasn't going to debate my battalion commander. In fact I couldn't.

(b)(3), (b)(6) Was that after we talked to him?

CPT: Sir I don't know when you talked to him.

(b)(3), (b)(6) What day would this have been?

DC: It was the day you read your rights. You were read your rights on the 26<sup>th</sup>.

CPT: I was (b)(1)1.4(a) couple days.

DC: It was probably the 25<sup>th</sup> or 27<sup>th</sup>. Was it after you talked to the panel or before?

CPT: I was trying to get a hold of you because I had lost your number and the S1 was trying to help be track down the TDS thing. And when I walked into the office CO (b)(3), (b)(6) asked are you here to see me, and I said no sir I am here to fax something. And he said why don't you come in and we'll talk.

DC: Probably the 27<sup>th</sup>, he was read his rights on the 26<sup>th</sup>.

(b)(3), (b)(6) What time on the 27<sup>th</sup> this would have been?

CPT: It was late sir, 1000, or 11 o'clock.

(b)(3), (b)(6) In the evening?

CPT: Yes sir.

(b)(3), (b)(6) When was the first time you learned there was no women and children reported?

CPT: Probably when he said it to me. When he said it was a failure in reporting. I wanted to expound, sir but I couldn't.

[DC counseling]

CPT: I believe that was the next DAY, that was the only time that I knew CPT(b)(3), (b)(6) was (b)(1)1.4(a) the next day, I believe that was with the British General, General Carter.

(b)(3), (b)(6) Has anybody else that we have interviewed talked to you after they had been interviewed to your knowledge?

CPT: To give me knowledge sir?

(b)(3), (b)(6) Talk to you about the incident. Everyone that I have talked to, I've told.

CPT: No, not you sharing, I'm not asking did you share, my question is have anyone else in your organization that we've interviewed have come to you?

DC: Not in a bad way, just in general.

CPT: My interpreter.

(b)(3), (b)(6) He gets a pass. Outside the interpreter, Let me help you out, did the battle captains, the brigade commander outside of the discussion, the brigade commander, did anybody else?

CPT: The only thing I have been told is that we are very proud of you and we stand behind you. MAJ (b)(3), (b)(6) was interviewed and he and I are friends. He has said I am with you and I stand behind you all the way. But nothing like hey MG McHale asked me this.

(b)(3), (b)(6) Can you characterize the discussion one more time that you had with CPT(b)(3), (b)(6) on the 27<sup>th</sup>, what did he say to you?

CPT: That would be the night in his office. I walked in and was trying to track down CPT(b)(3), (b)(6) number because I had lost it. I was with the S1 and she walked in the command section offices and COL (b)(3), (b)(6) asked me are you here to see me, why don't sit down. We walked in we set down. I gave him a situational update, where I was personally but not giving information as far as what they had asked.



That is when he said to me, I'm proud of what you did. I think you did a good job, you executed your mission, but I am pissed with you because you failed in your reporting.

(b)(3), (b)(6) How did you respond?

CPT: I couldn't respond. What could I say sir.

(b)(3), (b)(6) What did he say?

CPT: He didn't go further about it.

(b)(3), (b)(6) Was there any other discussion of the incident, during that conversation?

CPT: No. just general conversation about my situation, but not asking me for information. I said the same thing to him that said to everybody. I have been read my rights, and told not to discuss further. I don't want your integrity to come into question nor mine and he understood. He said I'm not trying to give you any undue command influence or something like that.

(b)(3), (b)(6) Off of reporting, the question are going to ask, I'm asking you to speculate, not asking you what actually happened when you were told adolescents, if you were told adolescents could have been as young as 7 YOA would that have changed your assessment of the target?

CPT: Absolutely sir.

(b)(3), (b)(6) Could you speculate what actions you might have taken if that information had been conveyed to you, that two individuals seven to twelve years old?

CPT: I would have asked for additional assets. There are a lot of things that could have been done. I made a list. We could have executed some sort of patrols, secondary patrol, an AVI team, a show of force to make the vehicle stop. There are other things we could have used to stop that convoy to make sure what it was.

(b)(3), (b)(6) Did you have a count; did anyone ever tell you how many weapons were actually seen in the convoy?

CPT: They just kept PID; they never passed numbers to me.

(b)(3), (b)(6) Prior to you ordering the engagement, if someone came on the net and said we only see three weapons, if you can put yourself back in that situation?

CPT: So there were three weapons in a convoy and forty people, there is nothing they could have done to resolve this.

(b)(3), (b)(6) Obviously would you assume there are more weapons or that was all the weapons in the convoy?

CPT: The one thing I was concerned with was the black sized bag.

(b)(3), (b)(6) if they had said we have only seen three weapons would that have changed your actions?

CPT: Prestrike, yes sir.

(b)(3), (b)(6) other speculation, if they had come on and said we have never seen the occupants in the middle vehicle, would that have changed your assessment and your actions? This is not a quiz of how come you didn't know, but why didn't they pass this information to you?

CPT: If I had any question that there were any non male combatants or MAM on that convoy I would have never struck. With 100% certainty that I say that because it is with me every day.

(b)(3), (b)(6) they didn't say there are women and children in the vehicle, they just said we've seen only MAMs but one of the vehicles we never seen who gets in and out do you not strike at that point?

CPT: Based on the information that they were passing, if they said they didn't know of one vehicle I wouldn't have struck.

(b)(3), (b)(6) have one more, color this last piece in for me. In the MIRC chat that looks like (b)(1)1.4(a) he explains to the guys in the air that you the ground commander wanted the forces to come together.

CPT: Enemy forces, roger sir.

(b)(3), (b)(6) how come you make the decision here then, when they didn't come together with anyone?

CPT: No sir that conversation was let the area develop here. I wanted to develop the situation and see what it turned into. How large was the force going to get.

(b)(3), (b)(6) asking, I' waiting to see the battlefield activity, what it is worth to impose incredible tactical patience up here. That was smart to track, the decision is that you assumed it was imminent threat I get it. The (b)(1)1.4(a) explains multiple times to (b)(1)1.4(a) that the ground commander was waiting for that convoy to link up with the other element. Get the largest bang for the buck. That battlefield activity never occurred. I'm just trying to reconcile what (b)(1)1.4(a) represented (b)(1)1.4(a) versus what never materialized.

CPT: I think I know what you are asking sir. You're asking me I thought eventually they would link up with someone else, is that what you are asking? No sir. I think (b)(1)1.4(a) might have misquoted, I was holding my thing because I wasn't the situation to envelop. I wasn't going after onesies and twosies, because I don't know what onesies and twosies are. But if it were a large enough force that's what I meant. Not down here sir. I never thought they were lining up with someone else.

(b)(3), (b)(6) Did you think that they were going to think up somewhere down in here or closer to the village site?

CPT: No I thought they were going to make that turn and be on me in fifteen to twenty minutes. I never thought they were conducting a linkup there were already thirty plus people.

(b)(3), (b)(6) will take a ten minute break and we will close up our questioning after that.

MCH: CPT (b)(3), (b)(6) just want to get clarification on the engagement discussion in the battalion commander's office when he called you in and talked to you. What I would like to do is verify that date. I'd rather have you guys take the time and let's verify. We have a calendar to help recollect. Today is the 5 March, and I want to verify the date when that transpired.

DC: Sir. Can I ask you a question, do you recall what time, and is it on there? You read him his rights at 1230 and then you started calling me.

(b)(3), (b)(6)

CPT: I don't remember my schedule sir.

(b)(3), (b)(6) No, just take your time; I want to know for sure. I don't care if it takes you 30 minutes. I just need to validate. Take your time and walk through it.

CPT: You were at the firebase what day sir?

(b)(3), (b)(6) as at the FB Monday afternoon on the 22nd, we flew out there.

CPT: That was (b)(1)1.4(a) .

[DC counseling]

CPT: I know it wasn't on the 28<sup>th</sup> because COL (b)(3), (b)(6) called me that night to tell me you were coming in on the first.

DC: Sir you were, I am trying to remember. You flew from (b)(1)1.4(a) with everybody right?

CPT: This isn't it. I didn't talk to MG McHale on the 22nd; I talked to you on the 23nd, correct sir?

(b)(3), (b)(6) yes because I didn't get to (b)(1)1.4(a) until the 23nd.

CPT: And you released us to go back to the ODA.

[DC counseling]

CPT: The 26<sup>th</sup> to the 27<sup>th</sup> what's holding me up sir, because LTC (b)(3), (b)(6) linked me up with CPT (b)(3), (b)(6) And I called you for something that night.

DC: you did you called me on the cell phone that night.

[DC counseling]

CPT: There is no way I would left on the 26<sup>th</sup> and come right back on the 27<sup>th</sup>.

DC: you mean back to (b)(1)1.4(a)

CPT: No because we flew out, when did we fly out.

DC: Fly out where?

CPT: From (b)(1)1.4 (b) that was the night that you coordinated for our ride. CPT (b)(3), (b)(6) coordinated for our ride; we ended up staying (b)(1)1.4 (b) because we suppose to fly out.

(b)(3), (b)(6) let's go off the record so you can narrow this down.

(b)(3), (b)(6) are back on the record at 1726. What was the night CO (b)(3), (b)(6) talked to you?

CPT: It was the 26<sup>th</sup> sir.

(b)(3), (b)(6) so we are clear on the record, you did not respond to his remark because you had been read your rights because one you had been read your rights and two, you had been told not to discuss the incident at all.

CPT: Yes sir, and there is a third, I didn't agree with him. Absolutely I didn't agree with him at all.

(b)(3), (b)(6) when you said you didn't agree with him what was it you didn't agree with? CO (b)(3), (b)(6) said he was proud of what you had done except for your reporting.

CPT: Right his words were he was pissed with me.

(b)(3), (b)(6) he was pissed with you why?

CPT: The failure in the reporting.

(b)(3), (b)(6) was he more specific than that, what was wrong with your reporting?

CPT: Failure in reporting up obviously the woman and child and the failure in reporting wasn't straight though he didn't have the proper information.

(b)(3), (b)(6) did he say I am pissed you didn't tell me there was a woman and child injured, you reporting was inaccurate, can you remember specifics?

CPT: I don't want to make an assumption; I don't remember exactly what he said. The words I remember distinctly are I'm pissed with you because you failed to report.

(b)(3), (b)(6) and you said you did not agree with h that.

CPT: Roger, I didn't articulate that tone of course.

(b)(3), (b)(6) understand, but now, tell us what you meant by that?

CPT: I don't agree with him because I did report the one woman and child I did not report the other two as children, but the one woman with the lacerations to her face and the child with the foot injury.

(b)(3), (b)(6) were reported afterwards.

CPT: Yes sir.

MG: Tell me what you think about this whole incident now that you have had time to reflect.

CPT: Personally sir.

MG: Sure. I'm trying to bring context to this. We have a lot facts, this is facts and circumstances surrounding, so I want to understand this.

CPT: At my point sir, I thought I was as deliberate as I could be or thought I was. If I could change it of course I would. I can't. I think I could have taken different course of action, maybe employ some more assets if I had them available. I think this is a huge communication breakdown between myself and SOTF. Unfortunately this wasn't the first time but this obviously the time that is going to count the most. Personally I think that we have an inexperienced SOTF. I never had these issues before. I had an extremely proficient battle captain. If for some reason I was in this situation last rotation that needed to be over analyzed or analyzed, he was smart enough to take that and say hey call me on the phone and we would walk through certain things. This is what I am tracking, why don't you concentrate on this and if this develops I will push it to you. There is no push down of information from where I am sitting. I'm not sure where the breakdown of women and children came from. I simply remember saying to CPT (b)(3), (b)(6) prodding me for information was, right now I am overwhelmed with what I am looking at. So I need some time, but that was after the MEDEVAC sir. I wish I would have detached myself a little more emotionally. For this unit I think we need to help to see an issue but this ain't my level sir. I don't see an issue with CSOTF I see them operating in the capacity that they are. Like being a brigade planner, you have to trust your battalion to facilitate what they need to work the lower level. Unfortunately an ODA is treated more like a company, compared to an infantry company sir. And we have that sort of reporting and responsibility to our SOTF which is our battalion. But I think the way we do business is good, I just don't think we get it well this day.

MG: You said in the past when you hear your SOTF was involved do you mean, you mean what when you say SOTF, commander, battle captain or both?

CPT: Everybody sir. I'll give you one example, I moved the ground patrol, CO (b)(3), (b)(6) and you know the battle captain said you need to call me on the (b)(1)1.4(a), my battalion commander LT (b)(3), (b)(6) as like look, this is the deal; you are moving into a bad area, your risk is not going to outweigh your reward. Turn around. You did what you needed to do today, you need to turn back. That's oversight.

MG: From testimony, there was not whole lot of dialog through the night. You stated on the (b)(1)1.4(a) (b)(1)1.4(a) other than your reports going up, a back and forth dialog, is that safe to say?

CPT: The morning of the 21<sup>st</sup>, yes sir.

MG: Would you say in the past that you have had more dialog on certain missions, when there is an engagement this much (b)(1)1.4(a) This much going on in the operations?



CPT: During this rotation sir?

MG: Yes this rotation.

CPT: No sir.

MG: Kind of quiet on the net, kind of just monitoring?

CPT: There have been many complaints as far as how we've been operating right now. As for as resources and personnel. I don't want to toot my and (b)(1)1.4(a) horn but we have a certain way we do things and how we operate. We are having serious issues operating under the way we are right now. We push a lot of information up with the hope that it will be taken and analyzed, and assessment and guidance. Not that I require guidance but I do require information feedback, if all I do is sent up SALT reports to be taken in and nothing is being done, then I am wasting my time with them.

MG: You've said there have been complaints; can you explain this to me, elaborate?

CPT: We don't do VTCs at TMR. When I say complaints, my warrant officer on my team he was battle staff last rotation. They are very engaged and very hands on. When a team is out on a mission there are people there monitoring the mission the whole time. There are no gaps in communication. If they haven't heard from us in a certain period of time, they engage us. I can go out and never call a check point and no one will call me to check if I am there or not. Since this incident things have changed a little, but I can't be matter of fact because I haven't been operating.

MG: Have you and MAJ (b)(3), (b)(6) talked about this, some of these issues?

CPT: In general conversation, the way we do business. He didn't speculate his opinions and such.

MG: Have you had dialog concerning the way the SOTF is operating in the support role.

CPT: Roger sir, we are directed to try to get everything we can from the AOB. If we can't get something from the AOB, then they will push it out. The AOB is working his ass off to support us so we don't have to go higher.

MG: What's your sensing of the battalion when you are out in the field conducting an operation?

CPT: Uneasy.

MG: And why are you uneasy. I think we are operating...we are operating by ourselves and not with direct support like we are supposed to have. Does that build trust and confidence?

CPT: No sir my guys want to go home.

MG: Why is that?

CPT: They don't want to be here because of what's going on. They don't feel we are getting the right support.

MG: We hold Shuras with the Afghans when there are problems. Have we had any kind of discussions with the senior leaders?

CPT: The only thing I know that has been done is that the SOTF has held TIC Drills recently, other than that...

MG: When you say recently, how recently?

CPT: Right after this incident sir.

MG: But never before the incident?

CPT: Not that I know.

MG: What's your confidence in the SOTF battle staff.

CPT: I don't know any of them. The only people I know personally is SGM (b)(3), (b)(6) who is a team member of (b)(1)1.4(a) when I was (b)(1)1.4(a) as an enlisted sir. He is one of the finest NCOs I know. But as far as the battle staff we never integrated ourselves with them. We did permission training we didn't do it with them. We never integrated our systems with them. They do things differently from us. So unfortunately here in the last month we are still trying to adapt to it.

MG: When did you deploy over here?

CPT: Last year we deployed from January to August and then we weren't sure we would come back until late November. We deployed mid January. We started doing operations by the 25<sup>th</sup> of January.

MG: Does the battalion commander, does he travel to your fire base often. What kind of dialog has your team had with the SOTF?

CPT: Other than the support role, no. I know he was scheduled for a visit with Gen Murray. Obviously prior to this incident. Immediately after that was changed. We don't have a lot of dialog. I talk to MAJ (b)(3), (b)(6) daily, at least 2 or 3 times a day.

MG: How many rotations do you have to Afghanistan?

CPT: Three Sir.

MG: The ODBs in your past, have they been a part of the operational fight when you guys leave the wire; tracking, resourcing, reinforcing, and providing the QRF etc?

CPT: Not directly sir. But you brought up QRF, we've used the AOB for QRF, we've used the teams that have been there. I had a great AOB commander last, it was very integrated and out of the wire being

supportive. But it was a logistical support because they don't have that divers staff, they don't have resources from the Air Force, the IO resource, you know that SOTF has.

MG: In the past prior to this rotation and your previous rotations, who controlled the air before it got your area of operation, your target site? Which level of command controlled/bring the air in?

CPT: The SOTF.

MG: In the past which level of command integrated the intelligence that was generated from (b)(1)1.4(a) (b)(1)1.4(a) or the Predator feeds, the different collection mechanisms that it has.

CPT: SOTF would control the assets, the (b)(1)1.4(a) would give us direct feeds, direct information. He would actually push whatever (b)(1)1.4(a) elements, IOs have (b)(1)1.4(a)

MG: Who would bring this listing that the (b)(1)1.4(a) would collect and the visual picture would collect. Whose level of responsibility in the past put that picture together?

CPT: SOTF.

MG: How would the SOTF provide that information?

CPT: If we were in this type of environment we were in on the 21<sup>st</sup>, the S2 would get involved, the battle captain would get involved, possibly BS3 would be in the war game. CPT (b)(3), (b)(6) : was our S2, we had this kind of tracking and stuff he would be pushing his information on what we could expect and who's in the area and what we could see as the situation develop. S3 would probably probe me to see if I wanted to QRF.

MG: You spoke of battle drills, your testimony, you indicated what battle drills. Did you previous SOTFs have battle drills that involved the ODAs on the ground for information sharing?

CPT: Volunteers.

MG: Do you know what a battle drill is?

CPT: Just going through the whole TIC, do the whole scenario sir. No sir because when we did our permission training it was extremely integrated. We went through all scenario based stuff, IED lanes, they were always scenario based.

MG: You are on the ground as an ODA, you declare a TIC that information gets sent up to the SOTF staff. Are you aware of what activities that your SOTF would do when they hear you have declared a TIC, what would action of your previous SOTF staff be?

CPT: Depending which element and staff that it was. They would immediately pull up the CONOPs, they would start digressing it, and you now bring in the two to coincide with the operations side. They would form a fusion cell and push forward and try to develop information.

MG: What would they do with that information that was developed?

CPT: Push it down to us sir.

MG: The reporting requirements does (b)(1)1.4(a) have on you? The required reports you must provide on operations.

CPT: There is no TIC, we just on our operation, we pass up location checkpoints. If we are timeout, if we are conducting KOEs, situational updates, we push them up. When my convoy stops we push them up to them.

(b)(3), (b)(6) quickly, look at the top of the chart there, and the date that on there for the operation. Please put the correct date there. Then go to the bottom, sign and date.

MG: Two last questions, excuse me. Have you read the COMISAF tactical directive?

CPT: Yes sir.

MG: Do you guys train on that at all in SOTF, how do you train and embed that into your culture?

CPT: When we go through back briefs back at (b)(1)1.4(a) sir, we discussed it while we were going through the briefs. CO (b)(3), (b)(6) brought it up. It was required reading before we deployed. Basically everyone that had it had to read and have a basic understanding of the tactical directive, GEN McChrystal's directive.

MG: Did COL (b)(3), (b)(6) T, or MA (b)(3), (b)(6) read a class or really get into a deep discussion trying to put context to it or something like that?

CPT: No sir. 1<sup>st</sup> Group came to our area twice. Once to do the initial meet and greet prior to the pre-deployment site survey and then they showed up again to do our back briefs.

MG: CO (b)(3), (b)(6) that is your actual group commander back in the rear, correct?

CPT: Roger sir.

(b)(3), (b)(6) would you consider it ruthless training with respect to ROE and tactical directive provided from the brigade down to the ODAs, what kind of training would you characterize it, based on quality, and thoroughness of it?

CPT: COL (b)(3), (b)(6) very hands on. And I will cover what we ask. COL (b)(3), (b)(6) very hands on he likes to know what's going on. The minute we got back we started VINGETs. Every month we got together and did VINGETs. We did hot washes about operations. He requires us to be knowledgeable and to understand things I think.

MG: Any last comments do you wish to make on this investigation. I mean, I understand how hard it is to be investigated and read you rights. What do you think about the conduct of this investigation?

CPT: It was thorough and eye-opening experience for me.

MG: And the way it was conducted?

CPT: Professionally sir.

MG: Is there anything you would like to add further. We have asked a lot of questions, heard a lot of things. It is my responsibility to weigh that all, evenhandedly and balancing that. Is there anything that you would like to convey to me as you step back in all that you have explained in these questions? Take a minute if you need to.

CPT: The only thing I would say, I don't want to appear as a direct reflection on my ODA. Not me personally, my ODA, or my company, or my AOB. They are all professionals I have full confidence in them, I have full confidence in the (b)(1)1.4(a). I think that they did what they designed to do. My thing is, I made a decision. It's not my decision, its how I got to my decision that concerned me, and because of the information we did or did not have. But in no means is this a direct reflection as to how (b)(1)1.4(a) operates. We do not operate as a rouge unit. The officers and NCOs are professional. On a personal note I had a great TDS, thank you LTC (b)(3), (b)(6)

MG: Thank you for your testimony, thank you for service and what you are doing here in Afghanistan. That will be all for today. Because of some of the things you brought up today. We will need to talk to some more people. The (b)(1)1.4(a) needs to stay around a little longer, I understand the impact. Where is he at now?

CPT: He is (b)(1)1.4(a).

MG: We have to do some more questioning of people. Avoid any discussions regarding this investigation. Of course that does not apply to discussions with your counselor.

(Excused)



STATEMENT OF (b)(3), (b)(6) TAKEN AT \_\_\_\_\_ DATED 2010/03/05

STATEMENT (Continued)

AFFIDAVIT

I, (b)(3), (b)(6) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 69 I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

\_\_\_\_\_  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_  
(Signature of Person Administering Oath)

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

\_\_\_\_\_  
(Authority To Administer Oaths)

\_\_\_\_\_  
ORGANIZATION OR ADDRESS

\_\_\_\_\_  
ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 69 OF 69 PAGES

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: The solicitation of personal information in conjunction with this investigation is authorized under Title 10 USC 3012.

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to the 21 Feb 2010 CIVCAS incident

ROUTINE USES: Information obtained during the course of this investigation will be used to document relevant facts regarding the matters investigated. It will be used to determine the facts leading up to the matters investigated, establish individual responsibilities, negligence, and to make recommendations for corrective actions and/or appropriate administrative actions. Any information you provide may be disclosed to members of the Department of Defense who have a need for it in the performance of their duties.

DISCLOSURE MANDATORY OR VOLUNTARY AND THE EFFECT OF NOT PROVIDING INFORMATION: The private information you furnish is voluntary. There will be no adverse effect on you for not furnishing private information, other than that certain facts or information might not be otherwise available to the Commander for his decision in this matter. The other information you furnish is mandatory. Failure to provide the requested information could result in disciplinary or other adverse action against you under Article 134, UCMJ.

Having been advised of the provisions of the Privacy Act, I hereby agree to provide information concerning this investigation.

(b)(3), (b)(6)	(b)(3), (b)(6)	28 Feb 10
_____ Printed Name/Rank	_____ Signature	_____ Date

SWORN STATEMENT

For use of this form, see AR 190-45, the proponent agency is PMG.

PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION	2. DATE (YYYYMMDD) 2010/02/28	3. TIME	4. FILE NUMBER
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5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS MAJOR
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8. ORGANIZATION OR ADDRESS

9. I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

INITIAL STATEMENT WAS TAKEN 28 FEB 2010.

ADDITIONAL QUESTIONING OF MAJ(b)(3), (b)(6) OCCURED ON 8 MAR 2010 AND IS INCLUDED.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 46 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

Battalion S3

14<sup>th</sup> year in Army OCS Prior enlisted Combat Engineer Infantry branch PL and XO in Korea, PL and XO Fort Polk, Captains career course and Infantry Advance course, then walked ranger students for two years, then the Q course graduate in (b)(1)1.4(a), 10<sup>th</sup> SF in Carson. I have had this assignment for around two years. The BC has been in office about the same amount of time. This is my first OEF rotation. I believe this is the BC's first OEF. MAJ(b)(3), (b)(6) is the BN XO. I understand that the vehicles had been on surveillance by a predator for about 4 hours with our night crew. I understand that (b)(1)1.4(a) and other sensors that were providing information to CP(b)(3), (b)(6) that the vehicles were converging on his ODA and placing them in threat. I also understand that the BC just prior to the strike was attempting to push an air vehicle intervention team out to block and interdict the vehicle and then the first vehicle was hit. I was in my hooch when this occurred. Wake up criteria that we use is for complex engagements or TICs. The BTL CPT and NCO did not feel that we were in the position that they hadn't reached the criteria to wake me up. CPT(b)(1)1.4(a) woke the JAG to get his feel about where they would fall if munitions were used in reference to ROE and the tactical directives. My personal battle rhythm is on the floor around 0800 and to bed around 0200. I have meetings at 0900, at 0930, 1330, and one before I leave the floor to check if the night Battle Captains have any issues that I need to tend to before I hit the rack.

I was never briefed by any of my seniors on the floor, upon coming in, on any aspects of the situation that had transpired that day. I was on the floor approximately 3 hours before I knew the real hard facts

The Predator had to move out of the area because of weather so we could not follow the BDA or keep eyes on the area after the attack. I would say from what I was told and what I observed is that the feed was down for about 3 or 4 hours. I would be really surprised if the Predator was still over the area and us not know it.

We were told not to report the required first impression report by because they had already sent one up. We didn't send the report because we were told by CJSOTF that (b)(1)1.4(a) had already sent up and that they didn't want another one sent up so they didn't want to confuse anyone.

I was told the BC got a call from the Brigade Commander in reference to what we were going to do with the vehicles and that the Brigade Commander wanted to know why we had not yet destroyed the vehicles. I was also told that the BC was on the phone with someone just before the first vehicle was hit attempting to get an AVI in route to the location. When I came in the BC was on the phone with

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PID means the positive identification of something, whether it is weapons, MAMS, or vehicles. Imminent threat means the ability to declare a TIC. Hostile intent means troops are being shot at. A TIC is when troops are exchanging fire with an enemy force and an air TIC is something we use to bring aircraft, whether fixed wing or fast movers on site. I think that based on the TTPs that have developed over time that the aircrews do not reduce their preparation based on an air TIC.

We first learned of the possibility of women and children on the objective during the engagement based on a call from someone but not in time to stop the subsequent missiles. Our next report came over the

radio when (b)(1)1.4(a) was on the radio conducting BDA. He was coming in broken and we could not tell what he was saying. All we got was that there were three women and children but it sounded like they were all OK.

We were sent a story board to amend with the information that we had. We made our corrections and added the women and children still based on the possibility that there were women and children present at the site. We were told to remove the women and children from the Story board by MAJ (b)(3), (b)(6) ? from CJSOTF for what I understand to be the reason of not having that exact information. I informed LT (b)(3), (b)(6) that CJSOTF instructed us to remove references to the women and children from the story board. We sent up the amended the information to the report when we got word of women and children.

COL (b)(3), (b)(6)?

My battalion commander's battle rhythm is roughly the same as mine, he comes in a little earlier than I do between 0730 and 0800 and leaves a little earlier at night usually by 0100. The XO's battle rhythm is the same as mine, from about 0800-0200 or there about.

Time in which majority of activity goes on is 0200-0600. I should probably be on the floor at that time but I believed that the wake up criteria was set in place, and understood enough that I would have been awake if the situation required it. CPT (b)(3), (b)(6) the day battle CPT is a former ODA commander and is very experienced with service in Iraq. His battle buddy is the OPCEN Sergeant Major a very experienced NCO. We also have a Master Sergeant on duty at that time. The night shift battle captain is CPT (b)(3), (b)(6) who is just out of the Q course and his skills are rudimentary at best. His battle buddy is SFC (b)(3), (b)(6) who is very experienced. I trust him, we worked together in the Philippines. I intentionally put him on instead of the MSG because I have never worked with him and I believe that he will grow to the potential of SFC (b)(3), (b)(6) and that is why I trust SFC (b)(3), (b)(6) more because I have worked with him before and as I feel it he is the most qualified NCO, other than the SGM on the floor at anytime of the day or night. I did not worry about the lack of experience at night as I sleep right next to the OPCEN floor and have well established wake-up criteria.

The wake up criteria was met in this instance but I was not woken up. The engagement probably would have gone differently had I or the Battalion Commander been woken up.

I never did an actual review with CPT (b)(3), (b)(6) of his duties before he assumed duty as the night time Battle Captain. I had on an occasion or two found myself on the floor during his shift and observed him at that point but I never actually sat down with him to ensure he knew what was expected or to let him know what I expected of him in that position. I felt as if the left seat right seat with Chief was enough and I was given the thumbs up that he understood all of the procedures of the night shift Battle Captain and understood his role in that position.

Shift change in the morning is 0745 but I don't arrive until at least 0800. No one supervises the shift change. I have a 0900 meeting to receive an update on what happened over night. I should be on the floor during the morning and evening shift changes to do a proper hand off with my battle captains.



**QUESTIONING WAS RESUMED ON 8 MARCH 2010**

(Sworn in by LTC (b)(3), (b)(6))

(b)(3), (b)(6)

MG: You've been the S3 of the BN here for almost 3 years?

MAJ: This is the start of my 2<sup>ND</sup> year sir. I was moved into that job in April 2009, so this is the beginning of my 2<sup>ND</sup> year.

MG: So you're coming up on a year now.

MAJ: Yes sir.

(b)(3), (b)(6) We are going to talk a little bit about background again, a little bit about the training and CONOPS 3 pieces to that, and moving forward reporting in the event itself. Then I'm going to turn it back over to boss for just a rap up. If there's something LTC (b)(3), (b)(6) wants to add on he will also. Last time we met you thought PID was the Identification of anything, so what is PID?

MAJ: PID is the reasonable conclusion that what you're looking at is a valid Military target that is the definition of PID.

(b)(1), (b)(6) That's important because when we talk about training in the event and Battle Drills, PID, when you're asking about the identification of a target versus anything the density of that Battle Field will be executed a heck of a lot less. What's Imminent Threat?

MAJ: Imminent Threat is the conclusion based on the circumstances surrounding a target on whether or not the assessment is made that a threat has a potential of attacking the U.S Forces or delaying the mission.

(b)(1), (b)(6) What is Air Tic?

MAJ: We use the term Air Tic when an ODA or a Unit is receiving (b)(1)1.4(a) or other indications other than receiving fire threat. We use the word Air Tic to resource air providers and Escalation of Force measure or provide CCA to the attachment or the element that forward to give them support by air. It a resourcing...

(b)(1), (b)(6) That a formal term or an informal CJ-SOTF talk?

MAJ: Informal sir

(b)(1), (b)(6) We talked a little bit about the application of this, what are the thoughts now that you cycled through this using Air tic in the theater?

MAJ: Perhaps the conclusion of our 1<sup>ST</sup> interview we had another situation where we wanted to ramp up Escalation of Force to service another target and we went through the process of attempting to resource air without formally calling it an Air Tic so that we could do a fly over or fly by...etc... I actually prohibited the detachment from calling it a Tic in that particular circumstance. We continued to work with the various staffs in particular RC-S staff to find other mechanisms by which we can get air to units without formally calling it a Tic in place.

(b)(1), (b)(6) Okay good... I appreciate that you guys did your homework on those terms because that's the connection of link through every level across formations.

MAJ: Yes sir

(b)(1), (b)(6) Now were going to talk about training and TOC Operations. Some of these questions I asked you last time and it's not an I got you, it's so you can set the foundation as we get to the 3 or 4 theme's or seams that we are trying to clean up. Walk me through the training that you guys did as an operations center prior to getting here.

MAJ: We did was called I think (b)(1)1.4(b) think that's the acronym for that; it was an element that came out of (b)(1)1.4(a) Typically that element trains the CJ-SOTF or the group HHC of the operations of an operations center. We were unfortunate enough to have them come out to (b)(1)1.4(a) and walk us through our Battle Drills using the various communication systems like MIRC Chat at the radio traffic,

kind of a crawl, walk, and run aspect. It was over a weeklong event, before that we did a two week training.

(b)(3), (b)(6) about when was this?

MAJ: Sir that would've been April/May time frame when they came out to (b)(1)1.4(a) Again we walked through all our Battle Drills and we started off with one or two scenarios a day. Then we advanced to 4-5 scenarios a day by the end of that training. We built are PMT for the BN to walk through individual collective detachment tasks and company level tasks. Finally concluding with collective BN Level tasks when we did the Junior JRTC deployment in late July early August, same year.

(b)(3), (b)(6) how long was the JRTC deployment, the MRE?

MAJ: I think the MRE portion was two weeks and it was the last two weeks of the exercise. The first two weeks were the live fire events and the detachment level training events.

(b)(3), (b)(6) who in the current TOC that fills your war fighting functions was not at that training?

MAJ: Sir, I wasn't part of that training. I was diagnosed with a tumor in my spine during that time, and had to go through surgery. I personally did not attend that training but the people that made that training were just about...

(b)(3), (b)(6) who didn't make it?

MAJ: I did not make it and the night Battle CPT (b)(3), (b)(6) which we received shortly before our deployment to Afghanistan.

(b)(3), (b)(6) Did your ISR manager get to participate in that training, the airman?

MAJ: No sir, I can't validate his training because we fell under him as part of the staffing that we would receive when we got here. I can't speak to that, I'm not sure what kind of training he went through I'm sure there was some PMT that he went through.

(b)(3), (b)(6) when did you rejoin the team?

MAJ: I rejoined the team shortly after they got back from JRTC, (b)(6) was just before the JRTC and I did a recoup during that JRTC piece then I joined the BN back.

(b)(3), (b)(6) you know the organization, you know the people? So let me ask that again. Who in your TOC did not participate in JRTC?

MAJ: Of the organic elements CPT (b)(3), (b)(6) did not go to the training, MSG (b)(3), (b)(6) wouldn't have gone to that training...uhhh...I'm trying to think of the other people. We have a MAJ that's assigned to the as TAC Border LNO to TF Leatherneck he would've been involved in our unit but we pushed him as an LNO through to (b)(1)1.4(a) He did not attend that training; he wasn't assigned to the BN yet. As far as the organic folks that might be it.

(b)(3), (b)(6) How about the non-organic folks that didn't participate and do the JRTC training?

MAJ: We have the SWO the weather officer; we fell on him and some of these other enablers when we came into theater, I can't vouch for them and his training. The ISR manager there similar we fell under him when we came here. Our fires NCO and our fires officer (b)(3), (b)(6), SGT (b)(3), (b)(6) went SGM (b)(3), (b)(6) MAJ (b)(3), (b)(6) our 3's spot plan went, our ASTs and the LNOs from the companies run essentially to receive a CONOP from the Company HHC that went. The only ones I can't vouch for is the CO elements who we fell in on and then we actually worked assigned a Company from 3<sup>rd</sup> Forces group prior to us coming in, they did not go to our training. When we were first organized it was our 2 organic companies, a 3<sup>rd</sup> company was in Iraq, we PMT'd with a company from our 3<sup>rd</sup> BN that company is out west with the MAR-SOTF, and then we received a Company from 3<sup>RD</sup> SF group who did not go through PMT with us.

(b)(3), (b)(6) Think I asked you this last time, I just have a little difficulty remembering. When you put this composite team together what training did you do in theater?

MAJ: in theater after we arrived sir?

(b)(3), (b)(6) Yes

MAJ: We reviewed Battle Drills. We had a left seat right seat with the outgoing unit that I thought was pretty robust since I came in on the 4<sup>th</sup> of January. Did not assume the role of OPCENT Director until 25 January, so we did have some delays in personnel as they were INFILLED do to the weather and aircraft but roughly I would say at least 2 weeks of left seat right seat riding with the previous unit.

(b)(3), (b)(6) When did that get rerouted?

MAJ: 25 January and we had some remaining packs to help us as they were delayed for whatever reason, error or what not.

(b)(3), (b)(6) From August to January what training did you guys do as a battle staff?

MAJ: We organized our BN HHC into an OPCENT configuration which typically you wouldn't see BNs doing. We had all our Battle Drills, all our enablers are C pop computers were stood up; we organized ourselves into a fire cell a JOC floor is how we organized the 3 shop back home. We would routinely look at Battle Drills and reporting requirements through the time that we concluded JRTC until the time we...

(b)(3), (b)(6) What does routinely look at mean?

MAJ: well routinely look at means we would take a Battle Drill and we would routinely exercise it, I don't mean simply looking at a piece of paper sir we actually exercise it.

(b)(3), (b)(6) When I asked you how many Battle Drills you had you told me you didn't know, help me out with this?

MAJ: what we failed to do sir before the interview was not just train out here but to continue training. So for instance when you asked me what the CCIR were last time I was looking for the CCIR made up of

PIR and FIR. I did not know that you were referring to information requirements which are requirements for TIC and what not.

~~(S)~~, ~~(b)(6)~~, I was asking you what was the CCIR and when you couldn't answer that, that's when I went to other things to help jog your memory so we could get into a dialog. So I go back to the same question when you indicated that you did Battle Drill training you kept referring to it, well how many Battle Drills and what are they? You said you couldn't you didn't know and didn't have them handy. So I'm struggling with this as a season 3. So I'll ask the question again, how many Battle Drills you have in the SOTF TOC.

MAJ: We have 12 reporting requirements. The reporting requirements are generally set around battle Drills so we have a TIC Battle Drill. We have a Battle Drill for injured CJ\_SOTF personnel, or injured ISAF personnel, we have a Battle Drill for CIVCAS reporting. So we have 12 Battle Drills, I guess perhaps I was a little bit nervous and befuddled earlier.

~~(S)~~, ~~(b)(6)~~ you have 12 reporting requirements that I do agree with but your reporting requirements are not all generated around Battle Drills.

MAJ: no sir not all of them are

~~(S)~~, ~~(b)(6)~~ let me ask this again, and if the answer is I don't know I'm okay with that. How many Battle Drills are there?

MAJ: I believe we have 8, but I can't tell you off the top of my head how many there are, I think it's 8.

~~(S)~~, ~~(b)(6)~~ are you nervous now?

MAJ: I am a little nervous

~~(S)~~, ~~(b)(6)~~ okay well breath. Look were trying to figure out the genesis of some of these problems and you're the experienced 3, you're the guy that runs that TOC. I'm asking you, I don't think a complicated question, how many Battle Drills and you're guessing. So it's a concern

MAJ: we do have a Battle Drill book that I refer to.

~~(S)~~, ~~(b)(6)~~ what was the training program... were going to use the night Battle CPT as an example. He arrived to you guys what you say in November and he said October which is around the same time, he showed up, what was the training program for him...not what should've been, but what was the training program for (b)(1)1.4(a)?

MAJ: Prior to getting into theater sir?

~~(S)~~, ~~(b)(6)~~ from when he showed up to when he became the night Battle CPT, or whenever you determined that he was going to be the night Battle CPT. Walk us through that if you could.

MAJ: If I remember correctly, by the time that he showed up which was late October early November we had already started doing our PDSS missions and it was going into Christmas and those kind of Holiday's so I wasn't necessarily trying to put him in the night Battle CPT job. I had a MAJ whose name



was (b)(3), (b)(6) who would have assumed the night Battle CPT Job as we previously planned. So I had a day Battle CPT and MAJ (b)(3), (b)(6) going to assume the Night Battle CPT job so we ended up programming (b)(3), (b)(6) into the Night Battle CPT job early so it really was integrating him into the Unit at large and getting him his family settled and that kind of stuff that was foremost in my mind. In theater when MARJA planning required some additional support to 1220 our AOB who is essentially responsible for our operations in (b)(1)1.4(a) The AOB Commander asked if we could plus up his staff with an additional planner, because of the scope and the complexity of the situation we pushed a MAJ down to support his operations and that was MAJ (b)(3), (b)(6) that point we had to look for within resources another Battle CPT within the staff; originally we had Chief (b)(3), (b)(6) don't think (b)(3), (b)(6) was in theater at this time I think he was still in route. We had Chief (b)(3), (b)(6) who was a 3<sup>rd</sup> group augmentee to our staff and we pushed him down to the night Battle CPT job, he was familiar to the job and understanding with the work requirements etc. When (b)(3), (b)(6) came in Chief (b)(3), (b)(6) originally wasn't intended to be the night Battle CPT, the 3<sup>rd</sup> Group staff intended him to essentially kind of see and get updated on operations and then back fill invite wave information what we were currently doing. So I wanted him to operate in the 3/5 plan shop. But I needed also some overlapped time between Chief (b)(3), (b)(6) to get the night Battle CPT aware of the requirements responsibility so we just didn't throw them into the jobs, so there was a period of time were Chief (b)(3), (b)(6) were overlapped.

(b)(3), (b)(6) you told us it was 2 weeks (b)(3), (b)(6) told us it was a few days. That's not the real concern but I just want to get the timing right so when did (b)(3), (b)(6) arrive to your best recollection?

MAJ: I think it was after TOWA, because I don't remember him being before the TOWA. So it would have been either late January or maybe the 1<sup>ST</sup> week of February

(b)(3), (b)(6) when did he go into the night Battle CPT Job.

MAJ: It probably would have been in the middle of February.

(b)(3), (b)(6) he thinks it was about a week after he arrived.

MAJ: I remember that I was asking if he was ready to and I was asking my SGM and day Battle CPT if he was ready to assume the role of the night Battle CPT and the answer I got was not yet. So we kept them a little longer than we really scheduled, I think it was longer than a week... or maybe like 14 days... maybe two weeks, I'm pretty sure of that... he maybe recollecting something shorter.

MG: Do you recall the last time we talked. I asked you, what were CPT (b)(3), (b)(6)'s skills set?

MAJ: I said they were minimal

MG: You used another term, do you recall rudimentary?

MAJ: Yes sir I remember rudimentary

MG: If he had rudimentary skills how would you asses that as being the Night Battle CPT.

MAJ: I'm only assessing that after observation of (b)(3), (b)(6) so for instance he should be ready to assume the role of the detachment Commander out of the Q course. That's the assumption I would have of him coming into a SF BN, which I think is even more complicated than the roles of night Battle

CPT. The problem with the Night Battle CPT and him in particular is the training or the right seat, left seat, right seat ride didn't seem to be enough for him in particular. So, we changed NCOs to give him NCOs that I felt was the stronger of the two, even though he's less in rank than SF(b)(3), (b)(6) put the night NCO in with the night Battle CPT to give it a little bit more robustness. I also put the CRG detachment Commander to help (b)(3), (b)(6) with the night Battle CPT Job because (b)(3), (b)(6) wasn't learning as fast as another person would be learning. It wasn't a matter of him being dumb or incapable but I think it was a lack of confidence in himself. In order to build that confidence up and to give him a little bit more mobility to understand the systems we gave them some additional capability in a terms of another CPT and who I... not that MS(b)(3), (b)(6) not a quality NCO but somebody that I went to thru PMT with, that's why I put SF(b)(3), (b)(6) there.

MG: Who's responsible for training CPT(b)(3), (b)(6)?

MAJ: Sir I'm responsible for training CPT(b)(3), (b)(6)

MG: Okay, did you ever sit down with CP(b)(3), (b)(6) when you saw that he had rudimentary skills that he didn't have confidence in himself.

MAJ: I did on a number of occasions and also I think one of the questions last time was did I formally walk him through the steps and the answer that I gave you was no, but I did observe him in the course of a couple of missions that occurred over night. For the missions that occurred over night I usually stay up in fact I always stay up at least until the infill and see how it's going and to see if there are any requirements...

(b)(3), (b)(6) let me give you an example, I've never done an investigation before and what MG McHale quickly realized was that I've never done an investigation before. So he sat us down and for painful hours walked us through soup to nuts through an investigation, so I would know what right looks like and I would know what's expected of me, I would know how to frame the problem. It wasn't a reflexibly comfortable thing for me to do. Then over a period of time he checked rolled all of us from start to finish as were doing each of our duties from start to finish if we done something. Whether it's question techniques or whatever. So, when MG McHale is asking you did you set down with him what he's asking you is did you take an entire shift from him, from soup to nuts on the shift and his duties to walk him through that. It's not repetitive because if it's repetitive that means you need a new guy. But did you ever take him through a shift watch from soup to nuts?

MAJ: I observed him on shift watch; I got feedback from the people that were working with him. But did I personally do it sir, no, I didn't personally do that, but that's again why I put people with him and you're right.

COL: But you see that's mitigation, and you mitigated the risk to the team. The question is what did you do to develop the player? I clearly understand by putting SF(b)(3), (b)(6) there in your mind that created a bridge for the team. So I go back to you, what was the input into the Battle CPT to develop his skill set?

MAJ: Again I... thought I front loaded him with the guys who would most provide him with the best knowledge on the requirements of the night Battle CPT to include having the day Battle CPT also provide me feedback on what the training requirements...