SECRET//REL TO USA, FVEY



Explanation of investigation.

Sworn, Privacy Act Statement, Recording.

No objections.

(LD)(B), (b)(6)hat was shared with you that caused some concern?

(DTG). (b) (6) thing in-particular was shared. Some of the folks that you already spoke to expressed a little bit of concern as far as the questions that were asked of them, they didn't get into details because they weren't allowed to, but more of a background of maybe not everyone understanding or beginning at a common reference point with the roles and responsibilities with the predator crew and some of the ROE implementations and the requirements for us to employ.

(60(8), (b)(6) u are going to have to articulate more clearly what the concern was or what was communicated by the type of questions. What was shared with you that caused this concern?

(D)(C), (b)(C)s hard for me to say specifically. It was as the folks came through in my office talking to me about it, and said that some of the questions they got the impression that maybe there wasn't a really good understanding or a common reference point on what their role and responsibility was and again in reference to them vs. DGS vs. the JTAC. Also what is required of us to employ. The other thing was that they got the impression from you guys that in some way some of the questions they were concerned with the impression that maybe they were out to employ weapons no matter what.

(Q)(G), (b)(G)ve you read the internal transcript all 75 pages?

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

(QQ(G), (d)(G) interested in your assessment or why you think it isn't stated in there about 14 times the desire to employ doesn't mean that.

(J)(3), (b)(then you say the desire to employ in what particular do you mean desire to employ?

(G)(s), (b)(e) will get to that and I will go through the multiple times where your sensor operator or pilot in their discussions both the first and second sensor operator their comments, their predisposition their overruling of the assessments of the screener their disbelief of the screener callouts. Which clearly is confusing as it doesn't get translated in the same manner from the screener down to the ground. We have cross-walked all of the chat logs and there is a disconnect in there. It is ok if you are going to tell me that the pilot and sensor operators have the authority to overrule the screener. We are really confused with the duties and responsibilities if in fact the pilot and sensor operator, routinely during this

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

operation made their own assessment and either added or took away from the screener assessment. If you haven't done that kind of rigger, that is ok, but I would recommend you consider doing that for your own internal AAR so you can tighten up your shot group a little bit. We have done that line by line. I just suggest to you and I am interested for you to coach us here and we are going to get it all on tape and it will be a great educational experience for us. I sense something in your phone call as well. That is what we have done to cross walk this dog. Linked with the education you're giving us. I want you to characterize this discussion it is not taken out of context. If you don't have a copy of this in front of you, just trust me that I am not making this up. This starts at 0107Z on the internal chat. MC: Screener said at least one child near SUV. Sensor: Bullshit, where? Sensor: Send me a "blanking" still I don't think they have kids out at this hour, I know they are shady but come on. Pilot: At least one child really? Listing a MAM that means he is guilty. Sensor: Well maybe a teenager but I having seen anything that short, granted they are all group together but come on. MC: They are reviewing. Pilot: Yeah review that "blanking" why didn't he say possible child? Why are so quick to call "blanking" kids but not to call a "blanking" rifle? I get internal discussions and I get crew discussions. I am an infantry guy. I lived on the ground most of my career. I am just giving you one snapshot. As we are reading this in laymen, in this kind of dialogue it permeates the internal chat. It permeates the internal chat when it is in reference to this could be something other than a threat. Whether it's "they are going west to egress" the response is "they are flanking". Whether it is a kid, I get a response like "bullshit". Whether it is an assessment of a woman, I get a response of "bullshit it is a man dressed in women's clothes with earrings. I understand what you just coached us on and that really was helpful and it colors it in for us, but when we are reading this and cross-walking against the mIRC chat and seeing what is being reported down. There is a real disconnect. We have a problem when we are seeing this. Look it is not the colorful language. I am an infantry dude I get it. I got that I got the colorful language. It is not that my sensors are offended, they aren't. What I am bothered by is what came from the screener, what goes to this crew discussion, and the output piece is different. Where in that discussion that I just read you, do you sense that they missed it, the screeners didn't have it, or something? Where in that dialogue, and again I am not taking this out of context, I can keep reading. It is not out of context. What am I missing as I take those three examples as a point of illustration from what you are coaching me on right now?

(b)(3), (b)(6)e only thing I can really say, that I have to say, between you and me, well it's on the record but.... There was some inappropriate language and I know you said you are not offended, but it is not very professional and I have already been talking to my pilot and sensor about this. If you look it is an internal dialogue. Part of it comes from, in the past DGS has a tendency to not commit to certain things. When I say commit to certain things that is both a weapons firing or a military age male or the other way around children. I think it is a frustration you are seeing in the crew with DGS not actually making a final call because we get possible this and possible that.

(b)(b), (b)(c) know what, I do get the unfortunate privilege of having 20/20 vision. So I know for example there were no weapons on the objective. I know for example because of all the other technologies that we have applied to this that it wasn't a threat formation. I know for example that there were 10 men

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and women in the convoy. So when I am at the screeners readiness to confirm and then their factual representation of what they are seeing vs. the embellished target description and the assessment by the predator guys fed to the people on the ground. I can see, because I know what the end state is. I get to see this movie from the end back. Watching it from the end back it becomes pretty clear where we started to create inadvertently based upon past scabs an impression on the ground that doesn't actually exist. Here is another one just to cycle through.

(b) (6), (b) (6) this particular one it is just a quick internal conversation then about a minute later the pilot passes (b)(1)1.42 possible rifle and then two possible children near the SUV. In addition the GFC has the screener saying that two children near the rear of the SUV and nowhere in there does the pilot or the MC discuss any dissenting opinion on that.

(Q(B), (b)(c)hat I am trying to show you right now and you made the comment "intent to shoot". I am going to paint a couple of things for you and if we have it wrong we have no problem being corrected. We are investigating, we don't have a dog in the fight, other than trying to paint this thing. At every point, and you look at this log, and every time there is a representation of something other than a target until after the strike there is push-back.

(b)(G), (b)(G)that push-back with any outside agencies or is it just internal to the pilot, sensor, and MC?

(Q(3), (b)(6)ernal to the pilot and sensors. I am going to give you another example go to 0059 where it says "that is what they have been doing lately they wrap their "blank" up in their man dresses so you can't PID it" Sensor: yeah just like the one a couple of weeks ago, they were on those guys for hours, never saw them like a sling, but the pictures we got them blown up on the ground had all sorts of stuff. I am assuming that is what he meant probably shit or whatever it doesn't matter. Again how does that come into imagery analyst? That's tactical....

(b)(3), (b)(gain they are not doing the imagery analysis; they are not in that discussion with the folks who are doing that imagery analysis. They don't let that cloud their conversations with the outside agencies. What they are discussing right there is that we have seen a history recently where they do hide their weapons and when you say dresses so you can't PID it. That is PID so they can't positively identify the weapon. They saw in a previous instance that they had PIDd something prior, were hiding something, and were called in to strike and they had weapons and explosive and mortar rounds and all that other kind of stuff.

(b)(b), (b)(c) you this is all innocent; this is not a predisposition to do anything?

(b)(3), (b)(6)s not innocent.

((b)(d)n't care about the language I don't. That is not my issue and if you want to work on their language and professionalism that is fine I have no problem with that. That doesn't mean much to me. I am just looking at the themes.

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(5), b)(c)nderstand. It looks like my guys are leaning for a strike, part of that is that they kind of have to in some ways based on the platform they are flying. Very specific, very definitive things have to happen before they can squeeze the trigger and have a missile off the rail.

(Q(B), (b)(6); will come to that. We are blind on that and the comment of proclivity to fire vs. actually firing could be as narrow line or as broad as the Atlantic and you are going to educate us on that. I want you to go to 0111 it says "yeah I saw those two dudes wrestling". Then the next line and you can explain to me this imagery or tactical maneuver because I don't get it. Pilot: They probably are really using "blank blank" human shields here, that is probably what that is, SENSOR: Let's see if the SUV is in toe here. Pilot: (b)(1)1.4c be advised there was a brief scuffle in the bed of the hilux prior to its departure looks to be potential use of human shields; but definite suspicious movement and definite tactical movement. Now I am with you, but this is the second that I am highlighting but the first particular one where.... Walk me through how your pilot can determine potential use of human shields translate that to the GFC and then tell me if you are on the ground what you think that it.

(D)(3), (b)(6)at I cannot answer you right now. The guy who is flying has been doing this a few years now and has been looking at a lot of video feed. I will be honest with you saying that it looks to be potential human shields is not his call.

(40(b), (b)(a) with you and that makes sense to me, that does, but what I am going to ask you to do is tonight over a glass of wine or whatever is to go over this thing. That is not an isolated example. If my count is right there is about 19 entries where it kind of communicated a predisposition or proclivity to make sure that this was confirmed a good target. Then there were about 13 instances where there was either an embellishment or a change up or down of the screener assessment. We are ok with that is that is the pilot or sensors job. We just think that it is probably not their exact lane and for us to put that together we are linking things. You who have done this obviously a heck of a long time who oversees all of it probably can put a finer comb through this and figure out what you can do training wise if in fact those things are accurate.

 $(\overline{b})(\overline{b$

(60(b), (b)(6)you only look at that you will find the dialogue reference the teenagers, enemy, and MAM you will see the pilot's personal assessment to that, which is different from the screener. There is also a linkage from the screener saying adolescent and your guys tie it to military age capable etc. You can focus on that and you will find two or three off the top of my head where there is an adjustment to that. Our assessment is if you are on the ground and you believe you have enough to designate this as a threat and your eye in the sky is telling you that he thinks he seen the use of human shields. As the guy on the ground that reinforces assessments and assumptions when we are really looking for the predator

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guys to give us facts and pictures and technical assessments. That goes into and contributes to some of the picture making that the GFC was going through. Does that make sense to you?

(b)(G), (b)(G)s I understand where you are going with that. I understand and for the most part agree with you. That's one small piece obviously in a larger picture when it says possible use of human shields. If someone is going to fire based on that then there is a lot more problems that we are looking at here.

(G)(G), (b)(d) solutely, but when you get 19 or so inputs that help paint that picture that add to what I absolutely agree with you the growing but gapped assessment that the GFC makes because he just doesn't have what he needs to have. That is why you guys are there. Then it all starts to come together. It is not the smoking gun don't misunderstand me. It contributes to the picture that the GFC is making.

(b)(6), (b)(6) that I would agree with you. To me there is a certain number of key things here the adolescent vs. child, the weapons that were PIDd from the screeners. My read on this and looking through here the last thing you read to me I will agree with you, it is not the right call on the pilot, he shouldn't have thrown in what he thinks is happening especially if the screener is not saying that. As far as the adolescents are concerned the DGS called out adolescents a couple of times and the pilot passed that to JAG specifically.

(GQ2), (b)(got both of those. The disconnect with that was you had the discussion with)(1)1.4 and the pilot whe (b)(1)1.4 sharing hey we see some teens who are big enough to pick up a weapon and the discussion between the pilot and the screener is the screener confirms adolescent. The screeners assessment of adolescent is 7-13 and person on the grounds assessment of adolescent is 15. The pilot is taking this information and saying yep after(b)(1)1.4 says could be old enough to pick up a weapon the pilot then says yep screener confirmed adolescent. That dialogue if you are only on the ground and you can't see the screener or hear the screener because you don't have mIRC on the ground. You only hear the pilot confirming yep teen, military aged, military capable move out. That is how it gets interpreted because you don't hear the only report that the screener said adolescent. The screener never said combatant, teen, military age, or combat capable. That is dialogue between ground and pilot not ground and screener. That is where that seem comes in, is it a hair kind of, but the screener never said anything other than adolescent.

(b)(G)nderstand.

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(b)(3), (b)(6)5.

693, (b) Gould you educate us on this what is the duty of the sensor operator?

(b) (b)

场场, (b) (b) at is not the sensors responsibility to confirm weapons either way.

(b)(3), (b)(6))t he manipulates the sensor ball right?

(b)(3), (b)(6)5.

(b)(3), (b)(b)pes he use judgment on where to focus that sensor ball.

(b) (b) (b) some circumstances yes. The pilot is really the Mission Commander and is telling the sensor to move that ball up, down, left, right, zoom in, or zoom out. For instance if it is a JTAC on the radio or someone who is in mIRC the bottom line is the GFC owns the sensor so if they are saying zoom in or out that is what they should be doing as well.

(B)(b), (b)(e)ould you expect your pilot to give instructions that tells the sensor "you do whatever you think is right, you put it wherever you think is right you are as experienced as I am"?

(b)(b)(b)(b)now what you are referencing right now. The directions for following the strike and as far as where to look, yes there is a possibility of the pilot saying use your judgment to put the ball where you think it needs to be. He is a fairly experienced sensor operator and he is going to follow whether it is the largest group or he is looking for weapons, he thinks he sees children he will follow the children whatever it is there are times the pilot will say hey make sure you put the sensor where you think it needs to go.

(b)(a), (b)(b)(ck to the question; do you think if you have a sensor operator whose response to a call out of children is "bullshit" do you think that sensor operator when he is using his own judgment is looking for children or are they just looking to confirm that this is a target?

(b)(G), (b)(G) on't think that they are just going to be looking to confirm the target. I think they are going to continue looking to see if there are children or if they think there are children they are going to try to focus on that as well. If you look at the video it is not a one or another thing. The video itself is going to be, depending on how far zoomed in they are, you can do both at the same time. I know that sounds

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like I am being evasive but I am not. It is not just one thing or the other, you don't look for weapons but disregard children and vice versa. Everyone is looking at the feed and doing trend analysis they will be looking at the overall conduct of the mission.

(JG), (b)(know how that sounds. What they are doing is setting a squirter contract which is what happens with us. If there is a strike that happens that takes out a vehicle or building or a raid goes down something like that. Obviously in a dynamic situation things go down quickly. What he is saying that if someone hits the vehicle and you have squirters, make sure you follow what you think makes sense for our follow on contract if we are going to be shooting. I know it ends with us shooting, he is setting himself up to employ weapons if he needs to. I think they are on the assumption of someone else hits the vehicles first that there is a possibility to be asked in a follow on circumstance to be able to continue shooting. That one right there I know what it looks like, but I can tell you right now that is a plan for follow on and there may not be time for the pilot to tell him where to go. He is telling the sensor to follow the group that makes sense in that particular circumstance.

((A)(a), (b)(Quess what we are struggling with is this captain in your command shared with us that he is an expert communicator and his strength is that. As we read through this frankly we believed him until we got the internal chat. What you just described is not in here. What you just described is excellent communication. Clear, I am an infantry guy and I got it. I didn't get any of that from here, none of it, and nor do any of the other eight guys on our team that are looking through this thing. It doesn't even come close to that, what you just described is perfect.

(b)(G) have some concerns with the communication and the professionalism in the way the pilot and sensor communicated back and forth. I am already dealing with that. But you also have two folks who essentially live and breathe with each other and this pilot and sensor have probably spent hundreds of hours sitting in the same seat next to each other so when they say that there have been multiple briefs prior to that on who has what responsibility and how they are going to operate as a crew. These two guys for the last couple of years have been together on shift together they have the same weekends, they cycle through the schedule over and over together. I am not making an excuse for that particular brief that he is giving the sensor, I am just looking at it having sat in the seat before I can read that and know exactly what he is talking about and what he wants him to do. It was not communicated in the correct manner by any means.

BATTERY BREAK

(G)(B), (b)(B) an to us what the safety observer does.

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(b)(3), (b)(6) a kinetic situation where we are going to employ weapons or we asked to buddy laser to guide in a weapon, whether it is a Hell Fire from an Apahce or a GPU12 from an F16, any time we are going to be involved in with a kinetic situation the crew calls out a safety observer. The safety observer is usually an experienced supervisor within the squadron to act as an extra set of eyes and ears while that is going down.

(G)(b), (b)(c) let you know when the safety observer came on in this case, he was able to identify some things that did not appear to be accurate or appear to be what was being developed. I thought it pretty remarkable with the little SA that he had he was able to come in and make some pretty quick analysis and decisions and have some pretty insightful questions.

(b)(3), (b)(3) you have a particular time that you are referring to?

(6)(6), (b)(6) came on board around 0416Z. On the first entry he was putting in some input to assist the pilot or the sensor. Then he started providing his input to the team. That is why I thought the safety observer had a larger part other than just kinetic. I thought he had a responsibility of QCing the team or providing coaching to the team.

LTC: It is mandatory if we are going to employ or guide weapons in. There are times, and we have a pretty inexperienced Squadron right now a lot of Lieutenants right now, they use the safety anytime there is weather in the air or they are trying to make a tricky hand over. There is always someone that you can pick up the phone and say hey I need a little help over here. Now as far as the safety observer getting SA it is my understanding that he comes in right around when rounds start impacting. Then obviously they are doing strange things after the weapons impact. Had the safety observer not been there I believe the sensor operator would have started picking up those sorts of weird things happening, because after seeing a number of us doing the shooting or someone else doing the shooting, there is almost a predictable set of actions that happen t enemy forces after a kinetic strike.

(G)(b), (b)(guess the reason why I wouldn't agree with that is the following: 0423 Safety: Are they wearing burkahs? Sensor: That is what it looks like. Pilot: They were all PIDd as males though no females in the group. Sensor: That guy looks like he is wearing jewelry and stuff like a girl, but he isn't, if he is a girl he is a big one. When you read that don't you think to yourself "my sensor did not notice or could not tell or did not believe his eyes about the burkah and jewelry and for whatever reason he had a predisposition to believe that it was a guy? If he is not able to discern that why would we think he is going to pick up something that is not as obvious?

(b)(G), (b)(d) at is also the sensor saying that is weird, as some of these things are happening.

(60(3), (b)(6)you go back it is the safety observer who first says that is weird and plants that term into their head. Because you don't see it until the safety observer comes into the game and then you see that line of thinking. We don't know what you know. We are cross-walking this with a pure eye and just trying to figure this out. It is hard for us not to come to some assessments of our own. A predisposition an

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almost constant rejection of the screeners calls or assessments, not full rejections just challenging that this could be anything other than a threat formation. Almost disregarding just short of that, inputs and feeds that they are getting as this thing is developing and sharing that with the ground force. As we do that I don't know if it is a grey area, we thought that it was a fine line, the screener has a job, the pilot has another, and the sensor has another, but evidently that fine line is a little bit more of a grey area than what we originally thought. We just recommend a review of that.

(60(8), (b)(s) there anything else you would like to coach us on or that we need to know for context?

(b)(d)aybe not necessarily in this case, but understanding the specific ROEs and what is required before we actually shoot. Is there any question on that?

(bQ\$), (b)(6p ahead and give us a quick burst on that.

(JGG), (b)(b)viously all aircrew that are flying in theater has to operate on the SPINS Special Instructions, and under that there are very specific ROEs that you can or cannot do. Obviously whether you are working under ISAF or OEF ROE, those are two different sets of ROE, however all reading to the same thing. The bottom line is for us to shoot in any situation, from the JTAC we are going to have to get which ROE it is whether it is hostile act, hostile intent, or self defense under the normal OEF ROE or if it is ISAF it is going to be 421-424, one of those ROEs. If it is some sort of a time sensitive target or dynamic target in particular if it is an HVI where there is no imminent hostile act or hostile intent, not only do we need the JTACs clearance on that, the GFC will go through the CAOC and we will get what is called the joint targeting method, so it is kind of a duel clearance. Once we are given clearance from the JTAC we still need that very specific 9 line, we have to confirm a couple things on the 9 line and the last thing in the chain is the final clear it hot call from the JTAC. I just wanted to make sure that it was clear and that the crew for them to shoot was still quite a ways away from actually being able to pull the trigger.

(b)(G)ur questions of ROE were to see how well some of the people understood and some understood it better than others.

(b)(b) you are going through here for four hours, they may be talking about attack headings, impact points, where to put the cross hairs and how you are going to attack various targets. The aircraft is moving at 70 knots and there are about 40 checklist steps that you have to go through before you can actually pull the trigger. So all of that is a lot of lead up time for a situation that may unfold quickly and

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

the JTAC wants weapons on the ground very quickly. We are all taught from the top all the way down that you need to continually be in place to take a shot and be prepared to in case it is asked of you. All the talk about attack axis and how they are going to attack and what would be a good shot vs. a bad shot, all that is very normal procedure and it does really represent leaning forward and wanting to shoot necessarily.

(GQb, fb)(b) e only thing I will share with you is that I hear mechanically that you are saying. Remember we have a clear eye when we are looking at this. I don't own anybody in these units, I am not constrained to reading into anything, I am just taking the words that are on the internal and external chat discussion. I got to tell you that it certainly appears to be a proclivity to engage or a climate of engagement and in a COIN environment that is really a 180 out of the effect that we are trying to put on the ground. So one of the comments that was made by one of your guys in the last couple of days was that there is kind of a TOP GUN mentality there. That is more with what were are reading than with what you are teaching us technically. I think what you are doing is right and what you are saying in 100% right, but what we are reading and hearing from others is that there is a proclivity to pull the trigger vs. observe. Those aren't my words I didn't make any of that up. So I just share that with you as you review this and figure out if there is stuff that you need to get after to work on. You are the Commander responsible for it all with the most vested interest to have the most professional and capable force. You have this independent look just providing you some feedback of what they are seeing and recognizing. We are not in your field so there is a degree of ignorance that we do possess.

(b)(B), (b)(B)ppreciate that. The comment about a TOP GUN mentality I would be very curious about. We try really hard to talk to our folks about what is important especially in a COIN fight and what is not. That is concerning to me and something that I will have to look into.

(60(6), (b)(6)) thing that I will have to caution you on is and the JAG here will reiterate this. When I am telling you to look at this, you cannot talk about this investigation while it is ongoing. Once it is complete we will close a ribbon with everyone, and then you guys can get after it and figure it out. What you can do is just using that mIRC log figure out if you see any themes to engage your entire team on, but you cannot mention this discussion, and don't try to walk that fine line because you will only get yourself in trouble and you are too good of a guy and too caring to put yourself in that position.

(b)(G)opy all.

(b)(got nothing else let me turn it over to the JAG, unless you got something else to offer us.

(b)(G), (b)(b)at is it.

(b)(b), (b)(b)anks for your help in all of this.

Warned and excused.

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