

[H.A.S.C. No. 110-66]

**REVIEW OF THE POLICIES AND PROCEDURES REGARDING THE NOTIFICATION OF NEXT-OF-KIN OF WOUNDED AND DECEASED SERVICE MEMBERS**

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HEARING

BEFORE THE

MILITARY PERSONNEL SUBCOMMITTEE

OF THE

COMMITTEE ON ARMED SERVICES  
HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

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HEARING HELD

JUNE 27, 2007



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### WEDNESDAY, JUNE 27, 2007

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**REVIEW OF THE POLICIES AND PROCEDURES REGARDING THE NOTIFICATION OF NEXT-OF-KIN OF WOUNDED AND DECEASED SERVICE MEMBERS**

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
MILITARY PERSONNEL SUBCOMMITTEE,  
*Washington, DC, Wednesday, June 27, 2007.*

The subcommittee met, pursuant to call, at 10:07 a.m., in room 2118, Rayburn House Office Building, Hon. Vic Snyder (chairman of the subcommittee) presiding.

**OPENING STATEMENT OF HON. VIC SNYDER, A REPRESENTATIVE FROM ARKANSAS, CHAIRMAN, MILITARY PERSONNEL SUBCOMMITTEE**

Dr. SNYDER. The committee will come to order.

Have a seat, gentlemen.

I am pleased to hold this hearing today to discuss the policies and procedures regarding the notification of next of kin of our wounded and deceased service members.

There have been a number of cases over the past few years that have raised some major concerns over the notification process, its accuracy and even, at least at times, its honesty.

Some of these cases have involved inaccurate or incorrect information being reported or given to family members. Other cases have involved family members not given information and not being informed as to the circumstances of their loved one's death or injury, or not being provided additional information when it was discovered.

Family members have also complained that when they wanted additional information, sometimes they had to go through cumbersome processes, such as the Freedom of Information Act, to get it.

No matter what the reason, it is important that our service members and their families get the most accurate and up-to-date information in a timely fashion. And I know all of us agree with that goal.

The intent for today's hearing is to discuss the notification procedures of each service, what problems there have been regarding this process, what changes any of the services have made with regard to the notification procedures, and where we currently stand with regard to this process, to ensure accurate and timely notification to service members and their families.

Our service members continue to make huge sacrifices for our country, and we owe them and their families the most accurate and

up-to-date information, especially when they make the ultimate sacrifice to this country.

I know that all of the witnesses that are testifying before our committee today are strong supporters of our troops, and I welcome their input into this process.

And before I introduce this fine panel, let me give Congressman John McHugh an opportunity for any opening remarks he might want to make.

[The prepared statement of Dr. Snyder can be found in the Appendix on page 43.]

**STATEMENT OF HON. JOHN M. MCHUGH, A REPRESENTATIVE FROM NEW YORK, RANKING MEMBER, MILITARY PERSONNEL SUBCOMMITTEE**

Mr. MCHUGH. Thank you, Mr. Chairman.

Let me begin by saying, as a housekeeping note from yesterday, I had made the miscalculation of assuming yesterday would be your last hearing of this subcommittee as its chairman. I forgot about today, not that it is an unimportant hearing, but 24 hours in advance apparently was beyond my capabilities yesterday. [Laughter.]

Dr. SNYDER. But I think you should continue to say really effusive things. [Laughter.]

Mr. MCHUGH. Well, that was going to be my point, Mr. Chairman. Rather than repeat all the wonderful things that I attempted to say about you, I would just refer everybody to yesterday's transcript. [Laughter.]

But let me just say that we wish you all the best, and, of course, look forward to the designated Chair coming on, the gentlelady from California, Ms. Davis. But thank you for all you have done.

And let me add my words of welcome to our distinguished panelists.

As you noted, Mr. Chairman, this is a very important hearing. And obviously, we are all in agreement that operating an effective, timely, and accurate wartime casualty notification system that is sensitive to the needs and desires of the survivors and, of course, respectful of the sacrifice of service members in general is an immensely difficult challenge. And we shouldn't really underestimate it.

It is a challenge that this Nation and each of the military services has wrestled with in each of the wars that we have fought over many, many years.

I would note that, following Desert Storm, House initiatives in the 1993 Defense Authorization Act gave survivors access to the military investigative reports on the service members' deaths, and it directed the secretary of defense to conduct a review of combat casualty notification procedures, including those involving friendly fire incidents.

More recently, again, both the House and Senate adopted a range of measures, as you know, Mr. Chairman, to improve the casualty notification and survivor assistance programs that became both parts of the 2006 and 2007 Defense Authorization Acts.

Today in Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF) challenges remain, as the chairman noted. And we

are all aware of the significant shortcomings that the Department of Defense (DOD) inspector general (IG) has found in the casualty notification process in friendly fire investigations related to the death of Army Corporal Pat Tillman, in particular.

And we await the findings and recommendations of General Wallace, the commander of the Army's Training and Doctrine Command, regarding who should be held accountable for the mistakes made in that tragic case.

And while I am fairly certain we will in some form discuss the Tillman case today, as well as others where the notification investigation process has not gone well, we are also very much interested in how each of the services has changed notification investigation requirements and procedures based on the lessons learned from OIF and OEF experiences.

With that, Mr. Chairman, I would ask that the rest of my statement be entered in its entirety into the record—

Dr. SNYDER. Without objection.

Mr. MCHUGH [continuing]. So that we can get to today's distinguished guests.

But, again, thanks to you. Best wishes to you.

And thanks for our distinguished panelists for being here.

I yield back.

[The prepared statement of Mr. McHugh can be found in the Appendix on page 48.]

Dr. SNYDER. Thank you, Mr. McHugh. Your statement will be included in the record.

I just want to make the comment, we had actually been wanting to do this hearing for some time because it is a topic that—you know, this subcommittee has responsibility for both oversight and any legislation in this area.

We had postponed it several weeks in anticipation of General Wallace having his final report released. It is not clear to us why it hasn't been released. We have been assured more than once that it would be forthcoming, because it may well be helpful in terms of shaping anything as we move forward.

But we still haven't had that, and we just made a decision to go ahead and do this hearing.

I want to give Congresswoman Davis, who is the incoming chairperson of this subcommittee, an opportunity to make any comments she would like to make.

Mrs. DAVIS OF CALIFORNIA. Thank you, Mr. Chairman. Once again, I want to commend you and thank you for your leadership on this subcommittee.

And also, to Mr. McHugh, who has been on the subcommittee for many, many years, and I look to work with very closely. And I look forward to that, sincerely.

And thank you all for being here. These are issues that go to the heart of our families and certainly represent some very difficult times that we know they have all been through. And hearing from you, hearing how we can relate to this process in a way that certainly is open for families and is in their best interest, as well as the best interest of the service, is something that we are looking forward to today.

Thank you, Dr. Snyder, for holding this hearing.

I know that we have other members who are not on the Armed Services Committee who had an interest, and they might also be joining us as well because they have heard from their constituents and would be very interested in knowing all that you have to share today.

Thank you very much.

Dr. SNYDER. Thank you, Ms. Davis.

Let me introduce the panel. We have representatives of each of the services today: Brigadier General Reuben D. Jones, the adjutant general of the Army; Mr. Patrick McLaughlin, the acting assistant deputy chief of naval operations for manpower, personnel, training and education; Major General Anthony Przybyslawski, for the U.S. Air Force, the commander of the Air Force Personnel Center at Randolph Air Force Base in Texas; and Brigadier General Michael Downs, United States Marine Corps (USMC), retired, the director of the Personnel and Family Readiness Division. Those are our four witnesses.

I think if we would start with you, General Przybyslawski, and let's just move down the line with your opening statements.

General Przybyslawski.

**STATEMENT OF MAJ. GEN. ANTHONY F. PRZYBYSLAWSKI,  
COMMANDER, AIR FORCE PERSONNEL CENTER, U.S. AIR  
FORCE**

General PRZYBYSLAWSKI. Mr. Chairman, distinguished committee members, thank you for the opportunity to testify in front of you today to talk with you about policies and procedures regarding the notification of next of kin of wounded and deceased service members.

Our airmen have been continually deployed and globally engaged in combat missions for more than 16 straight years. Today, airmen are fully engaged in the interdependent joint fight and stand prepared for rapid response in conflict around the globe.

Sixteen years of combat operations has taken its toll, and many fine American airmen have paid the ultimate sacrifice.

I would like to correct my written testimony for the record. Due to a recent casualty, the Air Force has now suffered 367 combat-related injuries requiring next-of-kin notification and 36 combat-related deaths requiring next-of-kin notification since September 11, 2001.

Upon the death of an airman, no greater charge is upon us than to notify the next of kin in a timely and accurate manner with dignity, compassion, and honor equal to their sacrifice.

Policies and procedures for notifying next of kin are detailed in our Air Force instructions. This is zero-defect business. Rest assured the Air Force takes this charge with the utmost seriousness.

To highlight the emphasis we place on casualty services, we employ 83 full-time, fully trained casualty assistance representatives assigned to every major installation worldwide.

Our notification process is equally efficient. In the last 12 months, the Air Force had 289 next-of-kin notifications, 93 percent of which were notified within 4 hours of the confirmed casualty determination, as required by our Air Force instructions. Of the seven



percent, when notifications took longer than the four hours, these delays were due to circumstances beyond our control.

Overall casualty management is an integral function of command. Commanders at all levels are charged to give the casualty services program their utmost personal attention. Prompt, accurate reporting, dignified and humane notification, and efficient, thorough, and compassionate assistance to the next of kin are the program's primary goals.

Current policies and procedures regarding individuals wounded or killed by friendly fire followed the same strict guidelines for any notification.

If an airman is deceased, the airman's commander, or a designated representative, will lead the notification team to personally notify the next of kin as soon as possible.

The next of kin are provided as much information as is known on cause and manner of death, during the initial notification. If the manner of death is suspect, next of kin will be so advised.

The member's commander provides a letter of circumstances to the next of kin within five days following initial notification, to clarify circumstances and advise of any ongoing or pending investigations.

If the commander made the notification in person to the next of kin and there is no question regarding cause and manner of death, then a letter of circumstance is optional.

The commander will continue to keep the family informed about any investigations until complete.

For wounded personnel, notification to the family normally occurs telephonically by the service member, if able; or the service member's commander or attending medical physician.

The service member, or member's next of kin if member is incapacitated, will be kept informed about any investigation results until the case is closed.

The Air Force Office of Special Investigations initiates death investigations based on a service member's possible manner of death. In these instances, the Air Force Office of Special Investigation initiates death investigations any time an individual's manner of death is potentially homicide, potentially suicide, or initially undetermined.

The Air Force is required to follow strict protocol when a friendly fire incident occurs and when it is suspected. During a casualty notification, the member's commander or designated representative will notify the next of kin and provide the known facts at that time and will keep the next of kin informed through a letter of circumstance on any changes to what was previously communicated and upon updates of any pending investigations.

The Air Force Office of Special Investigations would initiate an investigation into such an event to determine the facts and circumstances surrounding the incident and to assist in determining whether the actions leading to the event, fatal or not, were the result of negligence or the result of intentional criminal conduct.

In 2005, the governing directive, Air Force Instruction 36-2002, was substantially revised to include more detailed procedural guidance. The previous edition was dated 1994. This included updating and clarifying roles and responsibilities, clarifying guidance on cir-

cumstance, providing instructions and format for condolence letters, and updating training responsibilities.

Today's airmen are performing at the high standards that have made our hallmark for as long as there have been American airmen. Our airmen are fully prepared and engaged to ensure today's air, space and cyberspace dominance.

When an airmen makes the ultimate sacrifice, prompt, accurate reporting, dignified and humane notification, and efficient, thorough, and compassionate assistance to the next of kin are the hallmark of the Air Force's program.

Commanders' personal attention to the casualty services program ensures your Air Force remains the most respected air and space force in the world

We appreciate your unfailing support to the men and women of our Air Force.

You have my written testimony for the record, and I look forward to your questions.

[The prepared statement of General Przybyslawski can be found in the Appendix on page 65.]

Dr. SNYDER. All the written statements will be made a part of the record. Thank you, General Przybyslawski.

General Jones.

**STATEMENT OF BRIG. GEN. REUBEN D. JONES, ADJUTANT  
GENERAL OF THE ARMY, U.S. ARMY**

General JONES. Chairman Snyder, Representative McHugh, distinguished members of the subcommittee, thank you for this opportunity to meet with you on behalf of America's Army.

The Army, over 1,000,000 strong, serves proudly around the globe. Your continued support to our Army is critical, and we thank you.

There is no greater act of heroism than serving this great country in uniform at a time of war. For more than two centuries, American men and women have given their lives to gain and defend the freedoms we enjoy today. In return for that bravery, we owe them the deepest gratitude.

The soldier remains the center of our formation. Honoring the sacrifice of the soldier and their family is the mission of the Army Casualty and Memorial Affairs Operations Center. We take seriously our obligation to our fallen warriors to support their families during their time of grief and sorrow.

Our warrior ethos states that will never leave a fallen comrade. We have the same covenant with the families of our fallen warriors.

We are committed to providing the families with accurate and timely information as soon as it is known and verified. Our goal is to have a system that is 100 percent correct out of respect and memory of our fallen warriors and to provide solace to their families.

The Army leadership expects those families who suffered a loss of a warrior to receive the fullest possible accounting of the circumstances that led to that soldier's death.

As I speak to you today, we have provided casualty notification to over 22,000 soldiers who have been killed or wounded since the start of the global war on terror.

Since the death of Corporal Tillman in April 2004, we have conducted over 2,200 official casualty notifications. Of these, 16 were initially reported as possible friendly fire and later confirmed. In addition, 15 cases initially reported as hostile, renotifications were made when we learned of possible friendly fire.

The Army is a very complex but caring organization. We continue to strive to improve our procedures and processes, including the notification process for deaths caused by friendly fire. Casualty notification of families of our fallen soldiers depend on timely receipt of accurate information from theater commanders on the ground.

The Army has made numerous changes following our review of the notification process in friendly fire cases, including Corporal Tillman's death. My written statement outlines in much more detail the changes that we have made to the notification system. However, I would like to focus on a few and probably perhaps the most significant ones.

First, the Army now requires to conduct a comprehensive investigation on any hostile death. The Army Criminal Investigation Command and unit commanders are required to notify the operations center of any ongoing death investigation and provide copies upon completion.

The operations center then cross-references these investigations with casualty circumstances to ensure there are no discrepancies.

Probably the most enduring change requires the casualty assistance centers to certify casualty notification officers, and casualty assistance officers are trained for duty prior to an assignment.

To assist in this training effort, we have produced a training video and made training materials available online.

When friendly fire incidents are suspected, we require units to immediately call the operations center. If the event a suspected friendly fire is confirmed, the unit must immediately submit a casualty report to update or correct information already provided. Families are notified that the incident is under investigation.

As soon as a friendly fire determination is made, based on investigation, the reporting unit submits a supplemental report.

Once the combatant commander approves the investigation for the release to families, the operations center contacts the casualty assistance officers and offers a family presentation to the next of kin. Normally, a colonel from the soldier's chain of command conducts the presentation outlining the facts and findings of the soldier's death.

The Army has recently implemented additional measures to further improve our process.

We have established a long-term management branch that provides long-term support to family members. This office will meet the needs of surviving family members 24 hours a day, 7 days a week.

Finally, we developed a single-source training aid that clearly explains all actions that commanders must accomplish when friendly fire is suspected. The Army will distribute this training aid to commanders around the world within the next few days.

In conclusion, the Army recognizes and deeply regrets the pain and suffering caused when we fail to meet the standards of casualty notification. We believe the changes that we have made and the procedures now under way ensure that families of our fallen warriors receive timely and accurate information.

Thank you, and I look forward to your questions.

[The prepared statement of General Jones can be found in the Appendix on page 51.]

Dr. SNYDER. Thank you, General Jones.

Mr. McLaughlin.

**STATEMENT OF PATRICK M. MCLAUGHLIN, ASSISTANT DEPUTY CHIEF OF NAVAL OPERATIONS, AND CHIEF OPERATING OFFICER (MANPOWER, PERSONNEL, TRAINING & EDUCATION)**

Mr. MCLAUGHLIN. Chairman Snyder, Ranking Member McHugh and distinguished members of the Military Personnel Subcommittee, thank you for the opportunity to appear today and discuss Navy's casualty assistance program, and in particular our next-of-kin notification process and procedures.

Our commitment to support and assist sailors and their families, especially in times of crisis, is a sacred trust. When our men and women go into harm's way, they must do so confident in the knowledge that Navy will sustain their loved ones should tragedy befall them.

Our three-tiered casualty assistance program consists of a 25-member staff in Millington, Tennessee, which can be augmented on a short-term notice by trained and capable 30-member reserve unit.

Additionally, we have regional casualty coordinating staffs throughout the United States and others around the world.

Headquarters and regional staffs provide training, guidance, support and oversight for some 2,000 casualty assistance call officers, or CACOs, who provide direct and very personalized assistance to families of our casualties.

When headquarters receives the personnel casualty report from a commanding officer advising of the death of a sailor or involuntary absence of a sailor whose fate cannot be determined, our worldwide network immediately responds by dispatching trained CACOs to notify next of kin in a prompt and compassionate manner.

Regardless of where the casualty occurs or whether it results from an accident, hostile or non-hostile action or perhaps friendly fire, the CACO informs the family of the fatal circumstances surrounding the incident as provided in the casualty report and in an honest and forthright manner. Next of kin are notified that additional details will be provided as soon as they become available and whether investigations are to be conducted.

If investigations are conducted, during subsequent visits the CACO assists the next of kin in requesting copies of the completed investigations.

The notification visit is just the initial contact in what often becomes a very close, emotional and lengthy interaction between the CACO and next of kin, often continuing for many months as the

family comes to grips with the devastating news and seemingly insurmountable grief.

The CACOs remain with the next of kin as they must initiate timely funeral arrangements and apply for survivor benefits, or perhaps faces a prolonged and anxious waiting period in the hope of an absent loved one's return home.

In what is often considered the toughest job in the Navy, assigned CACOs make frequent visits with next of kin to guide them through the processes, provide a constant source of comfort, and support and ensure that their needs during these most difficult of times.

We view as solemn obligation our inherent responsibility to take care of Navy members and their families faced with such trying circumstances.

We constantly evaluate our program to identify any weaknesses and to initiate timely and effective improvements. We remain committed to provide the most compassionate and empathetic support possible. Our sailors and families deserve nothing less.

This concludes my opening statement. I have a written statement for the record.

[The prepared statement of Mr. McLaughlin can be found in the Appendix on page 58.]

Dr. SNYDER. Thanks, Mr. McLaughlin.  
General Downs.

**STATEMENT OF BRIG. GEN. MICHAEL P. DOWNS, (RET.), DIRECTOR, PERSONAL AND FAMILY READINESS DIVISION, MANPOWER AND RESERVE AFFAIRS DEPARTMENT, HEADQUARTERS, U.S. MARINE CORPS**

General DOWNS. Thank you, Mr. Chairman, Representative McHugh, other subcommittee members, for this opportunity to testify on Marine Corps casualty notification policies and procedures.

Every Marine Corps casualty is of serious concern to the Corps. Our ethos, culture and policies require that we compassionately and respectfully notify the next of kin of deceased Marines, and in cases of injured casualties, to ensure appropriate tracking and high quality care are provided by all agencies involved.

There is no standard casualty. Marines and families react and grieve in different ways. And all Marine Corps casualty procedures, from notification to long-term care, are specifically tailored to appropriately consider the human elements involved.

We know that accurate and timely information are vital and endeavor always to ensure our Marines and their families are informed and supported to the best of our ability.

I am proud of the way the Marine Corps looks after our wounded Marines and their families and the families of our fallen Marines. I can assure you the Marine Corps will never lose sight of the importance of proper casualty notification and care.

That is it, sir.

[The prepared statement of General Downs can be found in the Appendix on page 72.]

Dr. SNYDER. That is fine, General Downs. Thank you.

We will begin our questions. Mr. McHugh and I will put ourselves on the five-minute clock, which means we may go around—I actually expect we will go around a second time, but we will see.

I wanted to begin by saying years ago, Mr. McHugh, in the olden days, when I was a young man and spent time in the Marine Corps, General Downs, I was in Vietnam. I was not a grunt in Vietnam, but I worked in the adjutant's office for the 1st Marine Division. That was about 12 miles north of Da Nang.

And I always remember this one case. In fact, coincidentally, I was involved with what we called in those days well reps and I think it was cong reps. You know, welfare reports, like a family member saying, "I haven't heard from"—you know, "Johnny hasn't written home," or they were congressional inquiries about something had occurred.

But one of mine, this very, very sad case, I remember because it was from a town in northern California where my mother graduated from high school. And a family just out of the blue got a call from a local funeral home that the casket had arrived with their son and when were they going to come down and make arrangements for the funeral.

They had received no notification from anyone in the military or in the government. Just a terrible tragedy. And, of course, they were hoping, hoping, hoping that it had been a mistake and that was not their son, but it turned out to be.

I have always remembered that case when some of us in Congress get frustrated with the incredible details of the process and the steps that you all have to make sure that your men and women go through in terms of family notification, because that is one of the worst things that can happen. I think that probably the only thing worse would be if a family was notified of someone having been killed that turned out not to have been that family.

But these are terrible, terrible tragedies for families. So I appreciate some of the complexity and the detail and the attentiveness.

The second point I want to make is I think there sometimes is a—maybe it comes from more movies than from real life, that somehow we may—there may be some of our men and women in uniform that think they may be helping families by changing the facts around some when something happens to one of our soldiers.

And the reality is, sooner or later the truth does come out and then for that family, they have to go through not only the grieving process the first time but it is like a second kind of grieving as they have to deal with the second facts situation.

So that is why this Congress and the American people and you all have been so concerned when we see these stories that have come out that have turned out to be terrible inaccuracies and flat-out falsehoods on some of these more public cases.

So the committee's interest, as is yours, is being sure that the process is one that, as close as it can be to 100 percent right every time, the better off we are as a Nation and the better off these families are.

I wanted to ask a first question, General Jones.

As I made a comment about General Wallace's report, what is the reason that that report has not been released, or his conclusions haven't been released? We were under the impression that

the investigation was done. What is the status? When can we anticipate seeing the final results of the Tillman case?

General JONES. Sir, the review on that case is ongoing. And it would be inappropriate for me to comment on it at this time.

Dr. SNYDER. I am not asking you to comment on any details about what is in the report. I don't want you to. That would be inappropriate.

I am asking you, when can we anticipate, or do you have an idea when we can anticipate when it will be made public what the results are?

General JONES. Sir, I will take that from the record, since it is out of my lane. And we will get you an answer to that question.

[The information referred to can be found in the Appendix beginning on page 83.]

Dr. SNYDER. All right.

The second question I want to ask is—and I need to understand, I think, from each one of you—and, Kevin, I spent some time yesterday having a friendly discussion in my office about, if I were somebody out there in the field and had lost one of my personnel, how would I react if there was a different level of certainty about what happened.

Several of you have used the phrase, in your written statements, “suspected friendly fire incident.” I define that—and my staff disagrees with me a little bit—I define that to mean, more likely than not, “suspected friendly fire incident”—more likely than not that triggers a certain investigation.

One of you in there, in your written statement, referred to a “potentially friendly fire incident.” I saw the phrase by one of you, “the possibility of friendly fire.”

Now, does the level of certainty about what occurred in an incident trigger a different response from the system as you all have described?

General Jones, let's start with you, and then we will go to General Przybyslawski and Mr. McLaughlin, General Downs.

General JONES. Sir, we use the term “suspected” because we want to make sure that as we start this process that we have the most accurate information possible. If that is the fact that it is unknown or suspected, we want to tell that family that as soon as possible as we get that information from commanders on the ground. And then we will follow up with that family once we confirm that information.

Dr. SNYDER. So if there is a possibility of a friendly fire incident but the folks on the ground were to say, “You know, probably when we are all done with this it is going to turn out not to have been a friendly fire incident, but there is a possibility, we have got an investigation going on,” are the families informed of that the same way as if the commander were to conclude, “It probably is going to turn out to be a friendly fire incident”?

General JONES. Yes, sir.

Dr. SNYDER. My time has expired, but if anyone wants to make, General Przybyslawski or Mr. McLaughlin or General Downs, any comments or response to my question.

Mr. McLAUGHLIN. The only comment I would make, sir, is if there is uncertainty around the circumstances of the death, we will

do a Judge Advocate General Manual (JAGMAN) investigation. What we will notify the families is the facts of the case and that an investigation is under way. So that would be how we communicate that to the family member.

Dr. SNYDER. General Downs.

Mr. McLAUGHLIN. And then when the investigation is done, have somebody come out and walk them through the results of that investigation.

Dr. SNYDER. General Downs.

General DOWNS. Of course, immediately you have to rely on the units in contact to make that judgment. When the judgment of that initial commander is that this is a suspected friendly fire, then that information would trigger an investigation.

When the investigation reaches the division commander level and has been judged to be a friendly fire, then if the original personnel casualty report did not indicate friendly fire, a supplemental casualty report is submitted that does so.

As soon as a casualty report has that information, that information is passed to the family through the CACO or the individual command if, in fact, it is an injured Marine.

Dr. SNYDER. General Przybyslawski.

General PRZYBYSLAWSKI. Yes, sir. I wouldn't have too much to add to that, because it is the same throughout the services.

If it is questionable, undetermined cause, then that will open up a whole different avenue of investigation for the Air Force through the Office of Special Investigations (OSI). A parallel: Even a case of suicide is investigated to ensure that there was no malfeasance associated with that suicide.

Dr. SNYDER. Mr. McHugh.

Mr. MCHUGH. Thank you, Mr. Chairman. I am going to continue along those same lines, because I think it is an important issue.

General Jones, when I read about the new Army policy to investigate all what you describe and what the policy describes as hostile deaths, the immediate reaction is, "It sounds like a good idea." And I am not suggesting it isn't.

But as I thought about it a bit more, I think it begs the question: What is a hostile death? Is that any death in the combat zone? Any death that occurs in engagement with an enemy force? How do you define hostile death?

General JONES. Sir, we define that as any death that is incurred when in contact with the enemy or a combatant or enemy projecting force. So along those lines that you stated are the guidelines that we use, sir.

Mr. MCHUGH. So am I safe in assuming that, particularly as a follow-up to the discussion the chairman just had with each of you, the questions of possible enemy, friendly fire, suspected friendly fire, whatever word you want to put in there, that that is the motivator for the Army going to that official policy?

Why parse words? If there is a question, you investigate it. Am I correct in that assumption?

General JONES. Yes, sir.

Mr. MCHUGH. I would say to the rest of the panel members, as I listened to your response, it rather sounded as though that is



what your procedure is in practice, although you don't really state that.

Have I missed something in your statements? Do you also have a policy, although unstated, that if it is a hostile death, a death that occurs under any kind of circumstance, you investigate? Or is there only when you have some little suspicion?

How do you proceed on that, General Przybyslawski?

General PRZYBYSLAWSKI. "In action" I guess is the characterization, sir. If we consider this an act of terrorism or the member is engaged in a combat situation, that is considered a hostile event.

We, the Air Force, most recently July of last year, had someone in the area of responsibility in Iraq who was killed by his roommate—accidental firing of a weapon. That was not characterized as a hostile event, even though it was in the war front.

So it is engagement with the enemy.

Mr. MCHUGH. I am sorry. I am not making my question clear. I understand you don't only investigate hostile deaths. I mean, there are other suspicious circumstances.

But do you have a policy, as the Army now does, that you investigate all hostile deaths? Or must there be a predetermined suspicion of friendly fire?

General PRZYBYSLAWSKI. I would still go back to the fact that if it is undetermined, the cause of the death, then it is investigated.

Mr. MCHUGH. How can you determine what the cause is if you don't investigate?

General PRZYBYSLAWSKI. We rely on the commanders in the field to make that call.

Mr. MCHUGH. Okay. All right. That is fine. Appreciate it.

General.

General DOWNS. Sir, the Marine Corps does not have a policy to investigate all hostile deaths. We only investigate those deaths when there are, in the view of the engaged commanders or their superiors, some suspicion or uncertainty as to the cause.

Mr. MCHUGH. Mr. McLaughlin.

Mr. MCLAUGHLIN. Sir, the Navy has the same policy.

Mr. MCHUGH. As whom? I can guess, but I don't want to guess.

Mr. MCLAUGHLIN. As the Marine Corps.

Mr. MCHUGH. As the Marine Corps.

Mr. MCLAUGHLIN. That we only investigate those that are uncertain. And we rely on the commander, and in many cases the fleet Marine Corps who our sailors are deployed with, to make that determination.

Mr. MCHUGH. I have got a couple other more broadly based questions. I have more time for this perhaps the next round. So let me just ask another, I hope brief, question, Mr. Chairman.

General Jones, we have had some back and forth in preparation for this testimony, where you clarified that the 15 cases that are in your testimony relate to post-April 2004, 15 cases of hostile fire that was actually caused by friendly fire.

What is the figure for the total Army since what we define as the beginning of the global war on terror, September 11, 2001?

General JONES. Sir, I—

Mr. MCHUGH. I want to redefine so you understand. How many cases originally reported as hostile fire in that entire period actually turned out to be friendly fire?

General JONES. Sir, I don't have that number with me today. But I will take it for the record and get it for you.

[The information referred to can be found in the Appendix beginning on page 83.]

Mr. MCHUGH. All right. Thank you.

Thank you, Mr. Chairman.

Dr. SNYDER. Ms. Davis.

Mrs. DAVIS OF CALIFORNIA. Thank you, Mr. Chairman.

I wanted to turn to you, General Downs, for a moment, and just try and understand a little bit better, of the personal casualty reports for friendly fire that the Marine Corps has done—and you mention, I believe, 19. Is that correct?

General DOWNS. Nineteen of the number of casualties, Ms. Davis.

Mrs. DAVIS OF CALIFORNIA. And—

General DOWNS. Two incidents.

Mrs. DAVIS OF CALIFORNIA. And how many friendly fire investigations have there been for both wounded and killed, then? The ones you mention, the 19, only were fatalities; is that right?

General DOWNS. The two incidents that are referenced in the statement—one, the first, involving 18 Marines were deceased. The second incident involved one Marine, and that Marine was wounded. He remains alive.

Mrs. DAVIS OF CALIFORNIA. Okay.

General DOWNS. Those are the only two incidents since the beginning of OEF/OIF, as queried through the Defense Casualty Information Processing System just this week, in which friendly fire was indicated as circumstance surrounding the casualty.

Mrs. DAVIS OF CALIFORNIA. Are there updated reports, though?

General DOWNS. This includes all updated reports, Ms. Davis. The Casualty Information Processing System includes the original personnel casualty report and any supplements that have been issued. So the information is updated as each Personnel Casualty Report (PCR) is received.

Mrs. DAVIS OF CALIFORNIA. Do you have incidents where you are doing a certain number of investigations of friendly fire but that doesn't necessarily match?

General DOWNS. While I could only speculate, the mandate for investigations for determined friendly fires is that this would be the responsibility of the combatant commander, in this case Central Command (CENTCOM).

And to my knowledge, there are only two investigations, the two incidents that I have mentioned here, that were in fact a receipt of that level of investigation.

To the point of whether or not the infantry company commander or the engaged company commander or battalion commander had a preliminary inquiry and looked into a circumstance, I would expect that that would go on on a regular basis, and that they wouldn't raise to the level of being an investigative report.

Mrs. DAVIS OF CALIFORNIA. Has the Navy or Marines looked at, I guess, the process really that the Army is going through now of

greater investigations? You are investigating all deaths now. Has that been raised to the level of trying to expand that to the Marines and Navy? Do you not feel that that is necessary?

General DOWNS. That would be my judgment, Ms. Davis, that it is not necessary, that we have to rely on the individual commanders to make those judgments.

Quite frankly, a number of the casualties that are received primarily through improvised explosive devices (IED), there is no question as to what in fact occurred and to burden folks with formal investigations would be not warranted.

Mrs. DAVIS OF CALIFORNIA. So just so I can understand for sure, the personnel casualty reports that were issued based on the reports coming to the commander, are there any discrepancies of those reports and the number of actual incidents of friendly fire, to your knowledge?

General DOWNS. The policies regarding personnel casualty reports mandates that if there is any determination of friendly fire or any other circumstances that lend information that would be the types of information that we would be compelled to or desirous of making certain that the family is aware of all circumstances are in the report.

So what I am saying is there are no personnel casualty reports, either in the primary or supplemental reports, submitted other than the two incidents that I mentioned in which friendly fire is mentioned as a factor.

Mrs. DAVIS OF CALIFORNIA. Thank you.

My other question that we might get to is how you integrate the information when it involves more than one service. And one example of the National Guard perhaps having seen somebody in a house and the Army is there, the National Guard comes by. There are other services that are involved. How do those incidents differ from when it is one service per se? And perhaps we will get into that at a later point.

How do you integrate those processes, since there are some investigations with the Army but not necessarily for the Marines? Who makes those decisions, when you have joint services that are involved in an incident?

Thank you very much.

Dr. SNYDER. Thank you, Ms. Davis.

Mr. Jones.

Mr. JONES OF NORTH CAROLINA. Mr. Chairman, thank you very much.

And, General Downs, since you are a general in the Marine Corps and I have Camp Lejeune in the district—I will ask each one of you—I want to talk about, briefly, the condolences, the condolence letters.

I know that the President writes the family. Does the secretary of the Navy, Air Force, Army, does he or she write also a letter? Or does that come from the Department of Defense, the Secretary of Defense, Mr. Gates?

General DOWNS. In the Marine Corps, both the secretary of the Navy and the commandant of the Marine Corps send a letter to the next of kin of all casualties, all deceased.

Mr. JONES OF NORTH CAROLINA. I assume that is true for all the services.

General JONES. Yes, sir.

Mr. JONES OF NORTH CAROLINA. We dealt with this, and there has been no problem since. But I remember in 2003—and I do want to ask this question. At one time we held a full committee hearing on the fact that, particularly in the beginning of the Iraq war, the coordination between the Department of Defense, or maybe it was the different services, in notifying the family, and then there would be some type of press release about the death of the soldier or the Marine or the airman. I think that has been corrected.

Will you tell me how that process—and anyone can speak to this—does the family notify the papers that the loved one has been killed in action, or does the service do it themselves?

General DOWNS. Sir, one of the things that we do once all family members are notified, we post that information to the Defenselink, which is a Department of Defense Web site which is, of course, available to all media outlets.

And based on practice, I note that local funeral homes also release that information to the media as well.

Mr. JONES OF NORTH CAROLINA. Okay.

General Downs, just one other question. And I read your comments and glanced through everybody's comments. But for the family, the week after the funeral, and let's say the two weeks after the funeral, there is an officer assigned to that family. Let's say that this is a corporal, a young, married corporal with a child, and they haven't had the experiences of the world that we have at this age of life.

Does the officer that is assigned, I assume, for a period of time—would one of you speak to that—after the funeral, for that family that is in the military, does each service assign an individual, I don't mean to be there 24 hours a day, but to communicate, to help deal with the requests of the loved one, the will, if they had a will, and that type of thing?

Can you give me some idea of how that process works? You did have it in your testimony. I think I understand. But would you explain to the committee how the week after the death or the funeral—how long do you still have an ongoing relationship? Obviously, over a period of time it won't be as much as it is the first two or three weeks.

General DOWNS. The casualty assistance calls officers—which would be either an officer, commissioned officer or a staff non-commissioned officer—once assigned, are assigned as long as needed. And so there is no cutoff.

In fact, the period of time that you are speaking to, Congressman Jones, I would think would be the most active time of interaction between the casualty assistance calls officer.

As you would imagine, these trained officers are not familiar with specific details of each and every benefit. But they are specifically trained to be the link for the next of kin to those agencies and to facilitate that work.

Additionally, now for injured Marines, as of 1 April, the commandant of the Marine Corps established the Wounded Warrior

Regiment and they are integrally connected with the family members in addition to any assigned CACO if there was one for an injured.

Mr. JONES OF NORTH CAROLINA. I am sure each service works about the same way.

Mr. McLAUGHLIN. Yes, sir.

General JONES. Yes, sir.

General PRZYBYSLAWSKI. Yes, sir.

Mr. JONES OF NORTH CAROLINA. Thank you.

Mr. Chairman, my time is about up, so I will yield back.

Dr. SNYDER. Thank you, Mr. Jones.

Ms. Boyda.

Mrs. BOYDA. Thank you, Mr. Chairman.

I just had a series of questions to try to understand how everything is working.

My governor asked if I would follow up on a question. She had received a letter from the governor of Ohio saying to be on alert that they had one of those really kind of difficult but unique situations where a single parent, a father, was killed in action and the next of kin was a baby. And they went through a series of just very difficult experiences with trying to move things forward, because the next of kin in fact was a baby. And she asked me if I would just follow up on that and find out what the procedures are.

And if I could ask for that just today, I would appreciate it. But I would appreciate a follow-up in writing, what happens when we have a single parent and, you know, an infant or a minor is considered the next of kin, what do you do in that situation?

[The information referred to can be found in the Appendix beginning on page 85.]

General DOWNS. I mean, first and foremost, the single parent has a mandate to have had arrangements made prior to deployment to ensure that the child or children are taken care of during that deployment. So there is an official arrangement that this individual has made.

I recognize that in some cases over time those circumstances change, but, as indicated earlier, no casualty call is a standard one, and this one would require very special care. And we would try to bring in those kinds of support agencies that were necessary to see to it that this child was appropriately taken care of and whoever was assigned as the guardian to act for them.

I believe the issue, again, was just in getting funds flowing as quickly as possible to take care of that young child.

Mrs. BOYDA. So am I assuming that you all would stay with that child on that child's behalf and expedite in any way you could those funds? Is that part of your mandate?

What I am trying to figure out is—and certainly if we were to find out about it, we would jump in and help expedite that process in any way possible.

General DOWNS. Absolutely. I mean, we would stay in contact with that child and whoever was assigned to act for them, dependent on the age of the child. In most cases, if not all, we are speaking to children who are not of majority age and would have to have somebody to be acting on their behalf, either through personal arrangements or court decree.

Mrs. BOYDA. Just, again, a specific request to watch out for those kinds of incidents and recognize how delicate and sensitive they are. And thank you. I am sure that you are aware of them.

I had a question about notification of our offices. And we get notification of men and women who have been killed in action. And I am not quite sure where that comes from, but thank you for that.

I was just wondering if it would make sense for us to get notification of those—you had said that there were 367 combat injuries notifications. Is there a way that Members of Congress should be notified for those serious types of injuries when your procedures come into play? Does that mean that we should be notified, or what do you think about that? Or is that—

General PRZYBYSLAWSKI. Ma'am, I would say that first and foremost, what is important, is what does that casualty want to have happen? And we really leave that up to their discretion. But we do not publish a list of casualties for the media by cases. So it is up to that individual, again, to keep their privacy.

Mrs. BOYDA. Okay. Do you offer that as something, again, to say, "Would you like for me to contact your representative?" Is that even something that is offered?

Again, I am not even suggesting that it should be. I am just trying to figure out what does happen.

General JONES. Ma'am, in the Army, based on recent incidents at Walter Reed and other cases that we have worked, there is an effort ongoing in the Army whereby we ask a soldier what their preferences are, just like the Air Force had a concern with the release of the soldier's information.

So we do have an ongoing effort to get the soldier's desires; sort of like a living will, but not exactly.

Mrs. BOYDA. And, again, is one of your questions, "Would you like for me to contact your congressional representative?"

General JONES. Absolutely.

Mrs. BOYDA. Okay. That is all. And then I did have a question about another one, but my time is up.

Thank you, Mr. Chairman.

Dr. SNYDER. Mr. Murphy.

Mr. MURPHY. Thank you, Mr. Chairman.

And, gentlemen, thank you for being here today. We appreciate your service to our country.

After 9/11, I was actually trained as a casualty assistance officer, as an additional assigned duty. And when I was deployed to Iraq, I obviously was cognizant of some friendly fire incidents and deaths.

Probably this is most directed to General Jones. Now, I know it has changed in 2006. They have a two-man team, which is different than when I was trained, that goes and notifies their family, and one, hopefully, a chaplain, unless circumstances don't allow that.

What is the training for the casualty assistance officer as it is, say, practically speaking? Is it a video? Is it some training with the chaplain? Can you describe that in detail, sir?

General JONES. Yes, sir.

Sir, based on us reviewing the multitude of casualties, as well as information that we receive from general officers who attend funerals, as well as information communicated back to us by the cas-

ualty assistance officers, we have developed a very robust training program that we have.

And this program has two digital video disks (DVDs). It is done by professional actors, vignettted by real soldiers who have performed this mission. And it is very compelling. It conveys a sense of honor and duty to perform this mission for a family, for a fallen warrior.

And we also have a mobile training team that travels around our casualty assistance centers and conduct training to ensure that the procedures in this book, to ensure that the procedures that we have online, to ensure that all of the other media materials that we have are being followed.

So it is a very robust program in addition to the friendly fire pamphlet that we are releasing as well.

Mr. MURPHY. Is there also, like, a lessons learned for these new soldiers that are being trained, you know, the bad things that have happened in the past? Is there, as I mentioned, a lessons learned from the past, things that didn't go so well?

General JONES. Sir, you are still on target. We get all the information—I wish the casualty system was a perfect system but, in that it goes into a human dimension, we get information and we change it when we find it.

Mr. MURPHY. No, roger, sir. I guess my question is, though, are we letting our soldiers—captains and above usually—are we letting them know, “Hey, this is what happened, that didn't go so hot, that didn't go right, don't do the same mistake”?

General JONES. Yes, sir. We have an information net for the personnel in units. We also conduct training with deploying units. We have what we call the S1 Net, which is a personnel net that we electronically send out lessons learned when we find them.

So we have a system whereby we do communicate our lessons learned.

Mr. MURPHY. But that is only to the adjutant general for the S1 shops? I mean, I wasn't an adjutant, but that was my additional assigned duty.

Does it get to the field—I won't say the tip of the spear—but that folk on the ground, those troops that actually go knock on that door on behalf of a grateful Nation, do those folks get the lesson learned that is on that S1 that you are referring to?

General JONES. Yes, sir.

In addition to that level, our leaders attend pre-command courses at both the brigade and battalion level. Each division commander that deploys has a session with my office as well. So we communicate that to the leaders, all of the lessons learned that we find.

Mr. MURPHY. Now this one is generally to the board itself.

Gentlemen, it would seem that each service has a different handling of instances of friendly fire. I understand that each service is structured differently, but there seems to be that the process for death notifications, particularly in the cases of friendly fire incidents, could be streamlined.

I would like your opinion on three things.

One, would it be helpful for the services to have a DOD-wide set of guidelines for policy and processes in these cases?

Two, why should notification processes be different for friendly and hostile fire incidents?

And three, you know, I know that in the Army specifically AR-15-6 investigations, there is a presentation to the families. That third question that I am asking, though, besides a presentation, do they get a copy of a redacted 15-6 investigation in all these type of cases?

So I am clear, I want to repeat, one, would it be helpful to have a DOD-wide set of policies in these cases? Two, why should notification processes be different for friendly and hostile fire incidents? And, three, do the families get a redacted 15-6 investigation?

I would appreciate your comments. Thank you.

Hopefully now. [Laughter.]

General PRZYBYSLAWSKI. Sure. Yes, sir.

I don't think that the Air Force needs any more DOD guidance on how the notification process should work in this. We are very successful—"successful" is probably the wrong word to be using to characterize what this business is about. But the way we handle this is, I think, fine for our Air Force.

We don't treat it as different. Again, if there is a questionable cause or undetermined, that is how we handle this with the family: by assigning a special point of contact from the investigating officer to the family to have the interaction and updates on the results of the case and the status of the case.

That most recent case I talked about that occurred in July of 2006, you know, in a matter of 6 months, that member was with the family at least 15 times to make sure that the parents were up to speed on what was going on. So it is not treated differently until the facts are determined.

And then for the family members getting the results of the case, I still believe that the Air Force or I think the DOD standard is still the Freedom of Information Act to get the redacted report. But I can clarify that for the record as a follow-up.

[The information referred to can be found in the Appendix beginning on page 85.]

General DOWNS. DOD policy already mandates that the combatant commander conduct a legal investigation on all known friendly fire incidents. So that policy exists.

And the redacted report, or the report thus later redacted, that emanates from this investigations must go through the Freedom of Information Act. But our CACO facilitates and actually submits that. In both cases, the investigative report was personally briefed to the families involved.

Mr. MURPHY. Did they get a copy of that, sir, DOD-wide?

General DOWNS. A copy of?

Mr. MURPHY. Of the redacted 15-6 investigation.

General DOWNS. I would have to check with who is the owner of the redacted report. I don't see any reason why not, but it would be through staff judge advocate (SJA), I suppose.

General JONES. Sir, we do in fact, immediately following the internment, we provide the family with the form and we ask them for documents they would like for us to get for them. And we hand-carry it through the initial phase of the process so that they can get that information.



We have been working on many of the changes that I have spoken of today for about a year, some a little longer. We think that the policies that we have right now are working. And we continue to improve them once we find out a lesson.

Mr. McLAUGHLIN. We certainly believe there is sufficient DOD guidelines and that the services are consistent in the notification process. We constantly look at how we do the notification, how our CACOs are trained and make improvements there.

As far as the notification to the next of kin, again, we are limited to factual data when it becomes available. And in the Navy's case, we haven't had the situation recently—we had one case. And so, in that case, we would treat that in the way that each CACO treats each circumstance differently.

We do assist the family in getting copies of investigations. That is part of the CACO's responsibility.

Dr. SNYDER. Ms. Sanchez.

Ms. SANCHEZ. Thank you, Mr. Chairman.

And thank you, gentlemen, for being before us. I know that this is a very difficult topic for all of us.

But I would like to ask General Jones, what assurances can you give us that the Army will not have a Tillman episode happen again? And by that, I mean lies, cover-up, press opportunities.

General JONES. Ma'am, I think, first of all, any information that is not conveyed properly and timely to the family is a regrettable incident. And we have learned these lessons before.

Ms. SANCHEZ. Before what, before Tillman or after Tillman?

General JONES. Over time we learn information about misinformation that has been passed to families.

In every instance we want to make sure we get it right. The procedures that we put in place we think will help prevent those things from happening again.

The sensitivity that the Army leadership has placed on this I think has ensured that it has gotten the proper focus within the Army. And I think that those procedures are working right now.

Ms. SANCHEZ. How long did we know that friendly fire had hit Tillman before you talked to the family and told them the truth?

General JONES. Ma'am, again, on any casualty, we want to make sure that we get it there as soon as possible.

As far as the Tillman case, ma'am, let me see if I have a specific note for you.

Ma'am, I don't have the specific note as to the entire timeframe, but I do know that—

Ms. SANCHEZ. But we did know that Tillman had been killed by friendly fire way before the family was told?

General JONES. Ma'am, I will have to go back to my initial statement that I made to the chairman that I think it inappropriate (sic) with the review ongoing concerning the Tillman case that I not discuss those details until a decision has been made and that information released.

Ms. SANCHEZ. Might I suggest to the chairman that we will have to hold another hearing, because I would like to know this information?

I mean, I knew that Tillman had been hit by friendly fire before the family even buried him, which means you knew way ahead of

time. So I am very interested on when this whole report will come out and when we will get this information straight.

Okay, gentlemen, what three areas do you think your respective service branch could improve on in notifying the next of kin for both wounded service members and fatalities?

And maybe we will start with the Air Force here.

General PRZYBYSLAWSKI. Making sure that the individual understands their personal responsibilities when they fill out the form. The data they provide us, the update of that data, the fact that family situations change over time, and making sure that the Air Force system fully understands—I don't know if that could be legislated, but it is a constant business of the commander in the field, making sure every time an airman deploys, before they go, they review that data.

But if they don't correct it, we don't give up, as a result of that. A situation where the mother is ill, suddenly: "Don't notify my mother." Those kinds of situations is a constant battle for us, as the service, to continually have that debate.

And I think that is probably our biggest challenge. And I can't think of numbers two and three, right now, but the constant rock in our shoe is having that member take some personal responsibility in this role, because, "It is never going to happen to you," that is the attitude, many a times, our young airmen think.

Ms. SANCHEZ. Thank you, General.

General Jones.

General JONES. Ma'am, we have a similar process. Pre-deployment, the soldiers are given the opportunity to update their emergency record forms. In addition, we have ongoing annual reviews, where soldiers are required to check their records. Any time a soldier changes a duty station, they are also required to update those records. That is where we catch them in our process, in order to keep those records updated.

But at the end of the day, the soldier must let us know when those circumstances or beneficiaries change.

Ms. SANCHEZ. Any other changes, or any other improvements you can make to the process?

General JONES. Ma'am, we always continue to look at our procedures. One of the things that I spoke of a little bit earlier was that we are looking at adding additional information, or requesting additional information, as it concerns notification of my congressman if I get an award, if I become a casualty, if I am hospitalized.

We are looking for improvements. And the record of emergency data is currently under review at the Department of Defense, and we are playing in that process.

Ms. SANCHEZ. Mr. McLaughlin.

Mr. McLAUGHLIN. Well, we have a similar issue with making sure that the contact information is accurate for the members.

Our situation is somewhat unique with the Navy. We normally have deployments that are expected and routine. Many of the people that we are deploying to theater that are not part of the fleet marine force are individual augmentees that go to support Army or Air Force units. And so going through that process of making sure that that information is updated and the whole family readiness

piece is done is something that we have made significant improvements on.

We do surveys of every family after we have had an experience with CACOs. We capture that data. We use that to improve our delivery of both notification and of the services that we provide to the family.

The couple of examples where we have seen that we had to make improvement in our training is—understanding grief and grief recovery is one area that we have put some additional training, and then just more focus for the CACOs on the specific help as far as benefits, applying for benefits, tax implications and those kind of things that we want to provide adequate support to the family on those issues.

Ms. SANCHEZ. Thank you.

General DOWNS. Ms. Sanchez, we have found the procedures that have been in place for many years to be good ones.

The problem with casualty notification is almost always a human issue, not a procedural issue. And the need for continuous training and education of not only the combat units that are originating reports but also for the CACOs who are delivering the information to the next of kin is under a continual review. And whenever we learn of something that might have a wider application beyond that specific case, we communicate that information in our training programs.

We brief every organization as they prepare to go to the next deployment. We will go down there and brief right down to the battalion and S1 level that each unit is going to be deployed and to make sure that their responsibilities relative to casualty reporting are well-known and understood.

Ms. SANCHEZ. Thank you.

Thank you, Mr. Chairman, for the time.

Dr. SNYDER. Thank you, Ms. Sanchez.

General Jones, before I go to Mr. Hinchey, I am a little confused by your answer to Ms. Sanchez about the Tillman case.

We are being deferential to you today because General Wallace has not come out with his final decisions. But the facts of the case are very clear. I mean, here is the published redacted inspector general published report March 26 of 2007 for the Department of Defense. The IG has testified.

Ms. Sanchez asked, “Why was there a delay.” I mean, surely you could have referred to this report and just read conclusions: “Failed to initiate through the chain of command timely notification of the Army Safety Center CENTCOM suspected friendly fire in Corporal Tillman’s death.”

I mean, this obfuscation today when you have a published report—you could just refer the committee to the report.

My understanding is the only thing that is left from General Wallace is, are individuals going to be disciplined or some administrative actions taken?

The facts of the case are very clear now because your IG has published this report. And, I mean, it is a matter of public record.

So I think that you could have been more forthcoming with Ms. Sanchez’s question.

And what it leads to is what she suggested. I won't be the chairman, but we may well need to have another hearing specifically on that case if that is going to be the attitude.

This committee is not about sensationalizing these cases. We want to get it right, like you do. But that was not a very forthcoming answer.

We have been joined by Mr. Hinchey, who is not a member of the House Armed Services Committee. He has asked to participate in this hearing if he might, because he has a constituent who he may describe for us. And I would ask unanimous consent that Mr. Hinchey be allowed to participate.

Mr. Hinchey, we follow the five-minute rule here. You need to understand this.

So he will be recognized for five minutes. But we are going to go around again.

Mr. Hinchey.

Mr. HINCHEY. I have been observing how strict you are to the five-minute rule, Mr. Chairman. [Laughter.]

Thank you very, very much.

And I appreciate the opportunity to be here because I think it is a very important issue that—

Dr. SNYDER. Maurice, if you turn your mike on there, it has the button—

Mr. HINCHEY. Yes. It is on.

Dr. SNYDER. And then pull it right up close to you.

Mr. HINCHEY. Okay.

Dr. SNYDER. We have, kind of, an archaic sound system.

Mr. HINCHEY. Gentlemen, I want to thank you very much for being here. And I very much appreciate the opportunity to be part of this committee operation today, and to have the opportunity to engage with you in this discussion.

I would like to ask you if I could focus attention on a specific issue involving a very specific military person. He is a sergeant in the Marine Corps—and I think my question should be addressed to General Downs—sergeant in the Marine Corps.

Sergeant Eddie Ryan, does that name mean anything to you?

General DOWNS. It certainly does.

Mr. HINCHEY. The situation that we are confronting here is—well, let me just give it to you in the base of my experience over the course of the last several years.

On April 13th of 2005, Sergeant Ryan was wounded, shot in the head twice. And I believe it was machine-gun fire at the time. His family was notified immediately. That same day, they were notified that he had been wounded.

Over a period of time, his family went to Germany, when he was there receiving medical aid. Then he came to Bethesda. Then he was shipped to Richmond, and then up to Helen Hayes Hospital in New York. The quality of the treatment varied from place to place quite remarkably. Now he is home.

But the major issues, initially, were the ways in which the family was notified of the circumstances. After he was wounded, and some period of time went by, the family contacted my office and asked why it was that he did not receive the Purple Heart because of his wound.

And after a period of inquiry which went on for some time, it was finally revealed on September 13th of 2005, 119 days after he was first shot, that it was the result of friendly fire, and that there was some question as to whether or not the Purple Heart would be awarded. It eventually was awarded, interestingly.

But my initial question is, is that typical? Why was it so long? Why did it take so long for the family to be notified of the exact circumstances, when initially it was indicated that it was a hostile action but about a month later, based upon the information that we received later on, a month later there was a determination that it was not hostile fire, it was friendly fire? But the family wasn't notified until five months later.

Can you give us some information as to how that process evolved, General?

General DOWNS. I think I can, Mr. Congressman.

As you indicated, the incident involving Sergeant Ryan was on the 13th of April. The unit suspected that this was a friendly fire incident and an investigation was initiated either the 13th or the 14th of April.

That investigation was completed at the unit level and forwarded to the division commander, who made a determination and validated the recommendation or the judgment of the investigation that this in fact was a friendly fire incident. And that took place on 16th of May. On the 17th of May, a supplemental personnel casualty report was submitted.

Regrettably, the information relative to the friendly fire was in a remarks element of the PCR and not in the appropriate spot. That is not an excuse, it is just a fact.

There is no question that both the chain of command and our casualty section at Headquarters Marine Corps should have been readily aware on that particular day, the 17th of May, that this had been changed from an enemy action to friendly fire. And the family should have been notified on that date.

That wasn't observed or wasn't picked up at the casualty section. And, in fact, as you indicated, the first that the CACO came to know that this in fact was a friendly fire incident was when he queried the promotion board relative to the Purple Heart.

The dates are a little bit different. That was on the 27th of July, according to our records, and on that date Chief Warrant Officer Smulta, who was the CACO in this case, informed the family. On the 4th of August, according to our record, Chief Warrant Officer Smulta delivered the May 17th supplemental personnel casualty report to the family.

The investigation then went through its process and is not releasable until approved by the Central Command. And that was sometime later. And it wasn't until February of 2006 when officers personally visited the Ryan family and discussed the redacted investigation report with them.

So what is the problem for us is the delay between the 17th of May and the 27th of July. And that is a human error problem. It should not have occurred, and it certainly wasn't anything to deprive the family of the most updated information that they deserve.

The unit itself initiated the investigation on the day of or the day after the incident. So certainly there was acknowledgement at the

local command level that this was very likely a friendly fire versus hostile action.

Dr. SNYDER. Mr. Hinchey, I am next up. We will start the clock again, and I will yield my time to you. So continue.

Mr. HINCHEY. Thank you, Mr. Chairman.

Well, I fully appreciate the different circumstances that the military has to operate there. Engaged in a military occupation like this is a very awkward and very difficult set of circumstances. So I don't place any blame on anybody, and I can understand how things like this can happen.

But the information that we have varies, and I would ask if you would kindly look into this with a little more detail. Because our close analysis of this—in fact, I was with the family on Monday of this week and visited with Eddie Ryan, spent some time with him on Monday morning of this week. So we have paid a lot of attention to this.

The information we have that the family never received anything on August 14th, that it was not until September 13th that they finally received the information.

And I would just ask if you would kindly look into that and see what the real numbers are here, when it all took place. Because there is a lot of ambiguity attached to the situation, which I think is not useful and not good and it can be straightened out.

There is a whole host of other things involved here, and I think that perhaps what I would like to do is communicate these to you in writing and ask if you would kindly look into them.

What they are involves the whole situation there, where this incident took place, the fact that you didn't have the Kevlar helmets on and we are told that that is unusual. On the other hand, we are told by people who are actively involved in this sniper situation that wearing the Kevlar helmets is not something that they do when they are out there engaged in these kinds of practices.

There are questions about the information as to where this particular operation was under Sergeant Ryan at that particular time. We have information indicating that the headquarters or the leaders thought that they were four blocks away.

A whole host of things like that causes a great deal of concern with regard to the potential, perhaps even the likelihood, of these kinds of friendly fire incidents occurring more often. And we certainly don't want that to happen.

So, if you don't mind, I will communicate with you and ask if you would look into this in some detail, as to how this situation evolved, what the exact set of facts and circumstances were.

Because there is a whole host of things on which there is conflicting information coming back and forth. And that conflicting information is based upon the reports received and the actual experience of the Marines involved, not just Eddie Ryan, particularly him, but others who were involved with him, and of course his family and the family of others.

Another issue that we have raised is the issue of a potential awarding of the Bronze Star to the Marines who were with Eddie Ryan when he received those wounds, because the actions that were taken seemed, obviously, to have saved his life. And the way in which those Marines operated, endangering themselves in that

process, may entitle them to get that kind of attention that is provided with the awarding of that Bronze Star.

And I would ask if you would kindly help us, looking into that, if there is some way that you could communicate that and perhaps follow through on it.

And I would be happy to hear anything that you might be willing to say at this point, General.

General DOWNS. I am familiar with correspondence that has transpired between the Marine Corps and the Ryan family, and even some correspondence from the Marine Corps and the secretary of the Navy and you and other Members of Congress.

And, you know, at this stage, all I know is what I read. And, I mean, clearly there is a different view as to whether or not specific medals are warranted for the actions of the individuals who were on the roof with Sergeant Ryan on the 13th of April.

The determination has been made at this state by the commanders involved, who are the ones that initiate award recommendations, that the actions didn't warrant it. That is not to suggest that there haven't been other awards, an award issued to one of those Marines and another one that I understand is still in process that involves their action for a much wider period of time in Iraq, but not specifically associated with the date of 13th of April.

But I would be happy to see exactly what your questions are, Mr. Hinchey, and do our level best to respond to them.

[The information referred to can be found in the Appendix beginning on page 90.]

Mr. HINCHEY. General, is it appropriate for me to ask these questions of you?

General DOWNS. Well, I am representing the Marine Corps today so it is appropriate. And I might not necessarily have the answers directly, but I will try to answer what I can, what I know from my discussions with others within the Marine Corps leadership and what I have read.

I have seen the redacted report. I didn't see the unredacted report. That is the report that really gets to what in fact occurred on that particular day in what area of Iraq. And that report has been forwarded through CENTCOM and decisions have been made on the opinions, findings and recommendations of the report. So that is the official Department of Defense position on what occurred that day.

I know that an officer from Headquarters Marine Corps personally visited with the Ryan family and delivered that report. I clearly wasn't present, so I don't know the interchange of discussion or the relative satisfaction that the family had.

But that is what we would end up going back to, is what does the investigative report say and what were the findings, conclusions and recommendations?

Dr. SNYDER. Mr. Hinchey, we will go to Mr. McHugh, and we will come around again—

Mr. HINCHEY. I thank you very much, gentlemen.

Dr. SNYDER [continuing]. And you as well as other members will have an opportunity to give questions for the record. But we will go around.

Mr. McHugh.

Mr. MCHUGH. Thank you, Mr. Chairman.

Mr. McLaughlin, I believe I heard you state in a response to an earlier question about DOD standards that, in your words, "Notification standards are consistent across the services." Is that accurate? Did I hear you correctly?

Mr. McLAUGHLIN. Yes, sir.

Mr. MCHUGH. Can you help me understand which standards, both in practice and in regulation, are consistent?

Mr. McLAUGHLIN. Sir, I was referring to DOD Instruction 1300.18.

Mr. MCHUGH. And I am assuming along with it—is that the two-point standard that tells you what to investigate and under what circumstances?

Mr. McLAUGHLIN. Sir, those are the standards for notification of next of kin.

Mr. MCHUGH. Well, I don't have those right in front of me. You want to read those to me?

Mr. McLAUGHLIN. I don't have the full instruction in front of me. I can get it to you for the record.

Mr. MCHUGH. Okay. All right. That is fine. We can get those.

Mr. McLAUGHLIN. Yes, sir.

Mr. MCHUGH. General Jones, at what point in the process does the Army notify the family that their notification previously of deceased by hostile fire is now under investigation or has been found to be possible friendly fire?

General JONES. Sir, as soon as that information is made known to us, we redispached the casualty assistance officer—

Mr. MCHUGH. As soon as what information, that it is under investigation or that the investigation has found that or what?

General JONES. Sir, as soon as we get information that the case is under investigation or that the situation is unknown, we will inform the family of that.

Mr. MCHUGH. General Downs, when does the Marine Corps notify that a previous friendly fire report to the family is now suspected hostile fire?

General DOWNS. The timeline on the—

Mr. MCHUGH. You are right. I had it the other way around.

General DOWNS. Yes, sir.

Mr. MCHUGH. Forgive me. I am dyslexic this morning, but I hope you get my drift.

General DOWNS. Yes, sir. Well, the gap on the official report between the initial report of hostile fire on the 13th of April and the determination after investigation conducted at the unit that, in fact, this was friendly fire, was a month and four days.

Mr. MCHUGH. No, I am not speaking of a specific case. I am asking what your policy is.

General DOWNS. The policy is, as soon as a determination is made that it is friendly fire, that a supplemental casualty report be submitted and that the CACO be notified and the family be notified.

Mr. MCHUGH. So, unlike the Army, that the moment they have a suspicion an investigation has begun, you wait until it has concluded.



General DOWNS. We wait until there is a conclusion. This is not for the whole investigation to have taken place.

Now, having said that, in the incident of 2003, that was a long, long process before a determination was made, and we, through the CACOs, did notify families as we went along that there was a strong suspicion that this was a friendly fire incident.

Mr. MCHUGH. General, that is interesting, but I am not talking about that specific case, sir. I am trying to understand what the policy is across the board. I understand people and circumstances change. I am trying to understand what your policy is.

General DOWNS. The policy, sir, is as soon as a personnel causality report is modified to indicate friendly fire, which is as soon as the command in contact has made that determination, then we notify the family.

Mr. MCHUGH. How long does that normally take?

General DOWNS. Well, it took—

Mr. MCHUGH. And I am not talking about that one case. Normally.

General DOWNS. Sir, we only have 2 cases to reference, and the most recent 1, in 2005, took 1 month and 4 days, sir.

Mr. MCHUGH. Which is beyond the legal standard.

My point is we don't really have a consistent policy. I understand there may be a need, whether it is by culture or whether it is by reality of how a particular service is discharging its responsibilities in a particular combat zone. But if you look at how the services do this, there is a great discrepancy as to who conducts investigations, when family notifications occur.

We have in law since 1993 that every family should be notified when the circumstances change from hostile fire to suspected friendly fire, that you had to be notified in 30 days.

I don't see how you can wait until the end of the investigation process normally, and you only have two reported cases.

But 30-day standard just is very difficult to meet in that. And I am curious why we wait so long until that circumstance, rather than letting these families know.

And it may be that, going back now to this specific case of Ryan, that indeed the standard that you employ was a big part of the problem, because it took you so long to do it. Maybe it was necessary to do it. But that is why there was that huge gap.

That is my problem. I am trying to understand if the standards starting at DOD and then they are interpreted down into the services are consistent enough to provide a reliability to families.

I don't know the answer to that. I am not trying to play district attorney here, a prosecuting attorney, but I think we have got to better understand how the services need to work differently and where they don't so we have got a consistent policy so everyone is more clear in a very important circumstance.

With that, Mr. Chairman, my time has expired.

Dr. SNYDER. Thank you, Mr. McHugh. I appreciate your comments and share your concerns.

Ms. Davis.

Mrs. DAVIS OF CALIFORNIA. Thank you, Mr. Chairman.

I wanted to go back to the question that I asked at the last of my time, which was how you integrate the investigations. If there

is a multiple service involvement, where does it start? Does it start with the service in which the individual was serving who was killed? How does that come together?

And if you could share with us, what are some problems that you found in working that investigation? And how have you attempted to solve those?

General PRZYBYSLAWSKI. Ma'am, it still boils down to a service responsibility for the casualty notification, regardless of what the member was engaged in, if it was with other services side by side.

So if there is a casualty across service lines, to include the Reserve and Guard, it still is a service responsibility to manage the notification process. And that is how the Air Force treats it.

So, we see no difference in that, what the situation was with the other members involved in it.

And then, on top of that, the investigation, there will be a single appointed senior officer to investigate the circumstances that would reach into all the other services for that investigation.

Mrs. DAVIS OF CALIFORNIA. Are there some differences when that information is quite fuzzy, at least initially, in terms of who is responsible?

General PRZYBYSLAWSKI. The Air Force has not experienced that.

Mrs. DAVIS OF CALIFORNIA. Can you share with me other instances, General Jones?

General JONES. Ma'am, to get to your integration and review part of it, if I could, quickly, once we get our casualty and our investigation reports back here to Alexandria, we reconcile both an in-depth investigation report and the casualty reports. And if we see differences, there could be need for us to go back and ask for additional information.

But I agree with the Air Force that the commander on the ground leads that charge and the services then take on that notification process.

Mrs. DAVIS OF CALIFORNIA. Any other problems that you have seen? Because it would appear that often there would be some conflict in following up on that information, particularly not even knowing where the fire was coming from.

Not a problem. That is part of the overall investigation process.

General JONES. Yes.

Mrs. DAVIS OF CALIFORNIA. And is there ever a problem, of then, the chain of command, of who notifies, once the investigation is done, then it just goes back through the appropriate service?

General JONES. Yes, ma'am.

Mrs. DAVIS OF CALIFORNIA. Are some those incidents ones where there seems to be this extraordinary delay in the families getting that updated information?

In addition to the Tillman case, of course there are others. The Ryan case was mentioned. There are other cases in which there seems to be this rather extraordinary delay in getting that information. And I am wondering, are those incidences where there is multiple services that are more likely to be involved, that the delay would occur?

General JONES. Ma'am, I am not aware of any delays in our processes of getting information on Army soldiers.

Mrs. DAVIS OF CALIFORNIA. No delays in terms of getting that information to families?

General JONES. Correct, ma'am.

Mrs. DAVIS OF CALIFORNIA. I think that is what we are grappling with here, because there seems to be some significant delays of getting that information from the time that the casualty reports went out, and having that supplementary information.

So that is a concern. And I don't want to go through all the details of those different reports, but it seems that that certainly is a concern that that is out there.

Well, Mr. Chairman, I think that I will just turn it back.

I think that the other issue really is whether you are aware, in any cases, whether there is any other involvement—and that would be a political involvement in any way, whether it is a Member of Congress, whether a member of the executive—that you are aware of that intervenes in trying to get that information.

And whether or not you are aware of that, I am not certain, but are you aware of incidents where there is some involvement in terms of people trying to get that information other than the families, perhaps? And is that dealt with in any different way?

General JONES. Ma'am, in the Army, when we get requests for information that is not the family or the person directed to take care of that soldier's estate, we refer them to our public affairs officer, to where they can get the information that is available and releasable. So we work with all agencies, but we do that part through our public affairs officers.

Mrs. DAVIS OF CALIFORNIA. Would that be true of the executive branch as well?

General JONES. Ma'am, we answer all of our inquiries in an expeditious manner, and we will cross-check all of it. But we do answer concerns fully when we are asked.

Mrs. DAVIS OF CALIFORNIA. Thank you, Mr. Chair.

Dr. SNYDER. Ms. Sanchez.

Ms. SANCHEZ. Thank you, Mr. Chairman.

General Jones, I am going to ask you again: How can Army families be assured that in the future they won't have to wait the 35 to 37 days that it took to notify the Tillman family that friendly fire was suspected?

General JONES. Well, ma'am, I think that by the training that we have invested in this process as a result of this and other incidents, and ensuring that commanders know the seriousness of reporting information accurately, I think we can take a huge step—and we have—at preventing these accidents from occurring again.

Ms. SANCHEZ. General, why would you let the Tillman family bury their son knowing that he had been hit by friendly fire? Why didn't you tell them the truth? Why didn't the Army tell them the truth before the family buried him under other circumstances?

General JONES. Ma'am, on the information that comes through the casualty operations center, we provided the information that we were aware of at that time.

And on the 22nd of June, we got that initial casualty report on Corporal Tillman. So as soon as we got the information that was contained in the report and it was verified, we in fact told the family what we knew at that time.

But since then, as you are aware, ma'am, we have since gone out, we conducted a family briefing to the family on the 16th of June, to tell them new information that had arrived and had come to our knowledge through our casualty operation channels.

Ms. SANCHEZ. So I am getting confused on the timing. So you are saying that you briefed the family before they buried their son, that you knew that he had been hit by friendly fire?

General JONES. No, ma'am. No, ma'am.

Ms. SANCHEZ. But you did know?

General JONES. Ma'am, what was available——

Ms. SANCHEZ. The Army did know——

General JONES. What was available——

Ms. SANCHEZ [continuing]. That Mr. Tillman had been hit by friendly fire?

General JONES. Ma'am, I think it is fair to say that there were individuals who knew that something tragic had occurred. But that information had not been sent, via casualty report, to our operations so that we could properly notify the family of what we knew when.

Ms. SANCHEZ. So what is the process in place now to get that information to family before they bury their son under the wrong circumstances?

General JONES. Ma'am, what we do is, if it is suspected that friendly fire is the resulting force, we will let that family know that right away, when we notify them, that the circumstances are under investigation or they are unknown.

If at any time that that changes, we immediately dispatch the casualty assistance officer back to the family to inform them that information has changed or new evidence has become available to our knowledge. And we do that as quickly as we can contact that officer who is working with the family.

Ms. SANCHEZ. So what is the area or the specialization that contacts them? How close is that?

Let's say somebody reports back from the field 15 days later or something that, you know, in fact, Tillman was killed by friendly fire. Then you are telling me there was this long gap in which somebody buried their son, and after you found out, because the people that notify the family didn't find out until over here, but we knew in the Pentagon way ahead of time that he had been killed by friendly fire.

So what have you done between this gap, this person and this person, to close that gap? That is my question.

General JONES. Ma'am, what we have done is demand the same speed and care for any casualty information, but particularly with friendly fire.

If you suspect it or if there is new information, we want the family to know first. We take great care when dealing with this and all casualty matters that when we know something and then it is verified, ma'am, we do our darndest to get out there as quickly as possible to let the family know so that they do not find out from any other means.

Ms. SANCHEZ. Was that the policy before Mr. Tillman's situation, or is that the new policy since his situation? Be careful how you answer this.

General JONES. Ma'am, the policy at the time was to always notify the family of information that we have as soon as it is verified. So that policy is still intact.

The new sense of urgency, however, is a new policy that I have in this training aid that we now give to all of our leaders to ensure that they are aware of that sensitivity.

Ms. SANCHEZ. And, last, General, would you say that somebody in the Pentagon who knew and who purposely withheld the information on Mr. Tillman to notify his family ahead of his burial would therefore have been going against DOD policy?

General JONES. Ma'am, if there was someone in the Pentagon that had information and they would have provided that verified information to my office, we would have sent out a notification, a renotification to the family as soon as we knew about it.

Ms. SANCHEZ. Let me restate the question again. If somebody who was in the Pentagon knew and purposely withheld that information from your office, even though the policy is to get it to you as soon as possible and get it to the family before they bury their son, would they be subject to some sort of criminal act?

General JONES. Ma'am, I am not certain the areas of the law that would deal with that. But it surely would upset me if I was a parent—and I am a parent of a soldier who has been deployed five times in defense of our country. And if any information on him was withheld from anyone by anyone, I would be truly upset with the Army and those involved.

And this operation, I am truly upset at that, that we don't get information, accurate information, timely to our office so that we can keep that promise to the family that we won't leave them behind.

And that is our obligation, ma'am. And we work pretty hard at getting it right. And families are telling us that they are satisfied and we are getting things right. But in this business, things do occur. The human element gets involved. Policies are there.

But, ma'am, I can assure you that any information that comes into the gates of our office is communicated to the family as quickly as humanly possible.

If we are concerned that it will get there by any other means, we will telephonically call.

Ms. SANCHEZ. Thank you, General.

Thank you, Mr. Chairman.

Dr. SNYDER. General Downs, I had several questions I wanted to ask you.

You have stated both here today and in your written statement that there have been 2 incidents, 1 in which 18 Marines were killed, and the case that Mr. Hinchey and you discussed, in which a man was wounded. So 2 incidents involving a total of 19 people.

How many families have been notified that there were ongoing investigations to determine what occurred that then turned out the final conclusion was that it was not a friendly fire incident?

General DOWNS. I believe none, Mr. Congressman, because we wouldn't tell the family if the command didn't have a strong indication that it was a friendly fire incident, and when they did then they are mandated to modify the personnel casualty report.

That is the document, the official notification document that we use to notify the families so that when the information is provided it is direct information.

Dr. SNYDER. Does the PCR say “strong indication” or does it say “suspected”? This is getting back to this terminology again. You just used the phrase “strong indication.”

General DOWNS. It was nothing magic about my use of words. It was just what came out.

All I can do is recall the one that I have read. And that one specifically stated that the determination was made that this was a friendly fire incident.

Dr. SNYDER. I share Mr. McHugh’s concern about the lack of uniformity and will have some comments when we close about that.

But when you were asked earlier, I think by Mr. McHugh or Ms. Davis, about why you don’t investigate all hostile incidents like the Army currently does, I think your comment was, “Well, it is a waste of time when you know what happened with an IED.”

But two comments about that. That kind of investigation—a vehicle going along, an IED goes off—obviously that would be a very rapidly performed investigation.

I can also give you hypotheticals involving IEDs that probably warrant an investigation in terms of what it might mean for safety. For example, a foot patrol in which there is an IED, and there may be an indication that procedures weren’t followed in which you had a group of young men or young men and women standing around looking at something out of curiosity when in fact they should have followed protocol, which is you get back away from that thing until that is taken care of to minimize the risk of the kind of casualties.

In fact, I have seen video of a young officer going over and looking at one of these because he wanted to see what it looked like. That may be the kind of thing that these men and women have to do in their bravery and courage. It also may be the kind of thing that once you know you have got an IED, you stay the hell away from it to avoid casualties.

So there may be some benefit of following what the Army is doing, investigating all incidents involving hostile fire. So I would not be so quick to be dismissive of saying it somehow is a waste of time. If it is taking too long to do that kind of investigation when it is pretty clear what occurred, then, you know, figure out ways to expedite the investigation. But we may avoid some of these questions.

I wanted to ask you—and I don’t have the answer here, but the staff and I are, and I think other members, are going to pursue this. You have a long history involvement with the military, both in and out of service. Does the fact that there have only been 2 confirmed incidents of friendly fire, 1 a very dramatic 1 involving 18 deaths and then the second 1 involving young Mr. Ryan that was a very serious injury for him, but does the fact that there have been only 2 confirmed incidents of friendly fire, does that cause you, or anyone senior to you, to step back and say that perhaps our system not turning up every incident, given the length of the war, the great involvement of the Marine Corps in some very difficult fighting from the early days of the war, and you only have 2 confirmed incidents of friendly fire?

General DOWNS. Well, in order to respond to that, I would have to question the performance of duty of individuals that knew something to occur or suspected something to occur that didn't follow the mandate to amend personal casualty reports. And I am not prepared to do that. I haven't been over there, and I just wouldn't idly question the integrity or performance of—

Dr. SNYDER. I mean, you are very much aware that the Army went back and reviewed a lot of cases and found incidents in which they have had to adjust those conclusions based on the facts that have come out about other cases.

General DOWNS. I guess also, Mr. Chairman, I found that if somebody is suppressing bad news, they don't get to do it forever. There are too many individuals involved and it sometimes takes time, but bad news surfaces.

And we are not involved in all the operational discussions by a long shot in my office. We are involved in casualty notification and care. And I, until this hearing, hadn't had that issue bubble up.

Dr. SNYDER. The bad news is more likely to surface in a timely fashion if investigations are done. If they are not done, it may not.

Mr. McHUGH, do you have further questions? Go ahead.

Mr. MCHUGH. Yes, I rather offhandedly threw out a legal requirement, and I am just curious. This is not under Title 10. It is part of the 1993 Defense Authorization bill, which is law. It is signed by the President.

And it was done in response, as I noted in my opening statement, to similar circumstances that were being demonstrated after the first Iraq war.

And I want to read this Section 1072 requirement: "The secretary of each military department shall ensure that fatality reports and records pertaining to any member of the armed forces who dies in the line of duty shall be made available to family members of the service members in accordance with this subsection.

"Number two, information be provided after notification of death. Within a reasonable period of time after family members of the service member are notified of the member's death, but not more than 30 days after the date of notification, the secretary concerned shall ensure that the family members"—and there is a list of things, but the first one is "in any case in which the cause or circumstances surrounding the death are under investigation are informed of that fact, of the names of the agencies within the Department of Defense conducting the investigations and of the existence of any reports by such agencies that have been or will be issued as a result of the investigations."

That is current law.

I want to go right down the line. General, are you aware of that law? And, if so, how do you comport with it?

General PRZYBYSLAWSKI. Sir, I totally agree with that.

One of the things I misspoke about earlier is that since 2004 and we instituted that policy, the OSI, our investigative arm, does investigate every hostile incident that results in death. So that is true. We do do that.

Mr. MCHUGH. So when it goes from a potential hostile fire to friendly fire, you notify and report to those families?

General PRZYBYSLAWSKI. Yes, sir. Our timelines are codified. The letter of circumstance, which is the tool we use to the family members on the opening of investigation is within five days of notification of the incident.

Within 72 hours of the OSI opening up an investigation, a point of contact is assigned from the OSI to the family member to keep them posted on the information of that. So very quick notice.

Mr. MCHUGH. Okay. Thank you.

General JONES.

General JONES. Sir, we are in compliance with that. And we do offer the family those documents immediately following the interment of the soldier. And we walk it through the system to ensure that they get those reports that they need as quickly as possible.

Mr. MCHUGH. Based on your earlier response to my question, you notify the family the minute a suspicion of friendly fire involvement becomes known.

General JONES. Yes, sir.

Mr. MCHUGH. Mr. McLaughlin.

Mr. McLAUGHLIN. Yes, sir. If I could refer back to my opening statement, we notify the family that an investigation is being conducted when we have become aware of that factual information. At the time that the outcome of those investigations are available, we would notify the family and assist them in getting a copy of the investigation.

General DOWNS. Yes, sir. We are aware of Section 1072. In listening to the reading of it that you just made, clearly we need to take a look at the issue of "under investigation" and to ensure that combatant commanders or those involved put in a modified personnel casualty report at an earlier time than waiting for an investigation to be complete.

Mr. MCHUGH. Great. I agree totally. Great answer.

Would it be helpful, gentlemen—you know, we take great pride in the National Defense Authorization Acts that we pass each year, particularly in this Personnel Subcommittee.

But would it be more helpful, more prominent, send a clear message if we were to change it in the Title 10? Does that get a better read? I mean, you are all well-prepared to answer this question. I commend you for that, but that is not my point.

Any thoughts?

General DOWNS. The existence of this particular requirement is well-known. It is an issue of 100 percent adherence, sir.

Mr. MCHUGH. Okay. I don't see any disagreement.

So with that, Mr. Chairman, time is up, and I will yield back. Thank you.

Dr. SNYDER. Ms. Davis.

Mrs. DAVIS OF CALIFORNIA. Thank you, Mr. Chairman.

I know you have all attempted to answer our questions, and I think there will be some follow-up for the record. But within the issues that we just discussed in terms of notice, is there any discretion on the part of the combatant commander that causes concern or is clear enough?

You know, there is some discretion there, I would assume. I mean, there has to be. Is there any part of that that should be



tightened, loosened, changed, to any extent that we ought to follow up on?

General PRZYBYSLAWSKI. Ma'am, I would have to say that the commander has the full responsibility to be able to make the call based on the judgment. And he is accountable to a lot more people than anyone. And if he messes this up, or she messes this up, it becomes very obvious.

Mrs. DAVIS OF CALIFORNIA. Have any commanders ever been held accountable for that, to your knowledge?

General JONES. Ma'am, the combatant commander is ultimately responsible. And he approves, personally approves, the investigation report.

Mrs. DAVIS OF CALIFORNIA. Where there have been some problems, though, have any combatant commanders been held accountable?

General JONES. Ma'am, I am not aware. Since we initiated our new policy, they have all complied.

Mrs. DAVIS OF CALIFORNIA. Okay. Thank you very much. And I hope you understand our questions are to try and understand this so that our constituents have also a clear understanding of the process involved. Thank you very much.

Thank you.

Dr. SNYDER. We appreciate you all being here.

We don't have any further questions, but I have to be candid. This is my last hearing as the subcommittee chair, but despite what Mr. McHugh said, I am not leaving the subcommittee. I am going to be sitting right here next to Ms. Davis.

But I found this an unsatisfactory experience today. And we are going to spend some time with the staff and Ms. Davis to try to figure out why that is. I thought this would be much more crisper and clear cut, more uniform. But I have uneasiness about this process that I hope can be dispelled.

And I am sure members are going to have questions for the record. It may be that we are going to have some briefings. We will bring some folks over to try to clarify where some of us have some uneasiness about this.

Ms. Davis may decide that she wants to have another hearing on this. I may decide, as the chairman of our Oversight Investigations, we need to have another hearing.

But we have got some uneasiness about this, this process which I, frankly, had thought would be dispelled by this hearing today, that we would have learned over the last several years the importance of having a very clear-cut process that can be laid out probably with more uniformity, so the American people can have an expectation that all the families are going to be treated the same way.

And that doesn't seem to be the case. They may all be treated fairly, but they clearly are not all being treated the same way in terms of what information they are getting, because it varies from service to service.

But we appreciate you all being here today.

And the committee is adjourned.

[Whereupon, at 12:13 p.m., the subcommittee was adjourned.]



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**A P P E N D I X**

JUNE 27, 2007

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**PREPARED STATEMENTS SUBMITTED FOR THE RECORD**

JUNE 27, 2007

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**Opening Remarks – Chairman Snyder  
Military Personnel Subcommittee Hearing on the  
Policies and Procedures Regarding the  
Notification of Next of Kin of Wounded and  
Deceased Service Members  
June 27, 2007**

**I am pleased to hold this hearing today to discuss the policies and procedures regarding the notification of next of kin of our wounded and deceased service members. There have been a number of cases over the past few years that have raised some concerns over the notification process.**

**Some of these cases have involved inaccurate or incorrect information being reported and given to family members. Other cases have involved family members not being given information and not being informed as to the**

**circumstances of their loved ones death or injury or not being provided additional information when it was discovered.**

**No matter what the reason it is important that our service members and their families get the most accurate and up to date information in a timely fashion.**

**The intent for today's hearing is to discuss the notification procedures of each service, what problems there have been regarding this process, what changes any of the services have made with regard to notification procedures, and where we currently stand with regard to this process to ensure accurate and timely notification to service members and their families.**



**Our service members continue to make huge sacrifices for our country and we owe them and their families the most accurate and up to date information especially when they make the ultimate sacrifice to this country.**

**I look forward to the discussion we will have here today regarding this issue. I know that all of the witnesses that are testifying before our committee today are strong supporters of our troops and I welcome their input into this process.**

**Before, I introduce our witnesses, let me give Congressman McHugh an opportunity for any opening remarks he might wish to make.**

**Panel Introductions:**

**We have one panel of witnesses today and we would like to give each witness the opportunity to present his or her testimony and each member an opportunity to question the witnesses. I would respectfully ask the witnesses to summarize, to the greatest extent possible, the high points of your written testimony in 3 to 5 minutes. I assure you that your written comments and statements will be made part of the hearing record. The members will be kept to the five minute rule and I expect to be able to get through all of the members so that each member will have a second opportunity to ask questions.**

**Panel :**

**Brigadier General Reuben D. Jones, U.S. Army**

The Adjutant General of the Army

**Mr. Patrick McLaughlin (N1B)**

(Acting) Assistant Deputy Chief of Naval Operations  
Manpower, Personnel, Training and Education  
(MPT&E) Enterprise

**Major General Anthony F. Przybyslawski, (PRIZ-  
BIZ-LAW-SKY), U.S. Air Force**

Commander, Air Force Personnel Center, Randolph  
Air Force Base, Texas

**Brigadier General Michael Downs, USMC (Ret)**  
Director, Personnel and Family Readiness Division

**Opening Remarks – Rep. John M. McHugh  
Military Personnel Subcommittee Hearing  
Casualty Notification Procedures  
June 27, 2007**

**Operating an effective, timely and accurate wartime casualty notification system that is sensitive to the needs and desires of the survivors and respectful of the sacrifice of service members is an immensely difficult challenge—a challenge that this nation and each of the military services has wrestled with in each of the wars that we have fought.**

**I would note that following Desert Storm, House initiatives in the 1993 Defense Authorization Act (Public Law 102-484) gave survivors access to the military investigative reports into service member deaths and directed the Secretary of Defense to conduct a review of combat-casualty notification procedures, including those involving friendly-fire incidents.**

**More recently, both the House and Senate adopted a range of measures to improve the casualty notification and survivor assistance programs that became part of both the 2006 and 2007 Defense Authorization Acts.**

**Today, in Operations Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF), challenges**

**remain. We are all aware of the significant shortcomings that the Department of Defense Inspector General has found in the casualty notification process and friendly-fire investigations related to the death of Army Corporal Pat Tillman. And we await the findings and recommendations of General Wallace, the commander of the Army's Training and Doctrine Command, regarding who should be held accountable for those mistakes.**

**While I am certain we will discuss the Tillman case today, as well as others where the notification and investigation process has not gone well, we are also very much interested in how each of the services has changed notification and investigation requirements and procedures based on the lessons learned from OIF and OEF experiences.**

**I am especially interested in hearing whether changes made by one service are appropriate for the other services to adopt. For example, the Army has decided that it will investigate all hostile fire deaths, not just those suspected of being friendly fire. Should this be a DOD-wide requirement?**

**I would also like to hear whether DOD policy guidance regarding friendly-fire investigations is sufficient and useful to the services.**

**Finally, I want to hear from our witnesses whether existing statutes should be changed or new authorities created to improve the casualty notification process.**

**In addition to welcoming our witnesses today, I want to extend to them my thanks for how well they have stepped up to the tasks that face them. The fact of the matter is that most casualty notifications are carried out effectively and appropriately. But where they are not—where one misinformed loved one or family exists—it is one too many.**

**So, Mr. Chairman, I appreciate your holding this hearing today so that this subcommittee can better understand not only how the casualty notification system works, but also, and most importantly, how it might be improved.**

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UNCLASSIFIED

STATEMENT BY

BRIGADIER GENERAL REUBEN D. JONES  
THE ADJUTANT GENERAL OF THE UNITED STATES ARMY

HOUSE ARMED SERVICES  
SUBCOMMITTEE ON MILITARY PERSONNEL  
UNITED STATES HOUSE OF REPRESENTATIVES

FIRST SESSION, 110<sup>TH</sup> CONGRESS

CASUALTY NOTIFICATION HEARING

27 JUNE 2007

UNCLASSIFIED

Chairman Snyder, Representative McHugh, distinguished members of the Subcommittee, thank you for providing me an opportunity to appear before you today on behalf of America's Army. The Army, over 1 million strong, serves proudly around the globe. Your continued support for our Army is critical and we thank you. There is no greater act of heroism than serving this great country in uniform. For more than two centuries, American men and women have given their lives to gain and defend the freedoms we enjoy today. In return for their bravery, we owe them our deepest gratitude.

Our Soldiers are this generation's heroes. They continue to make history demonstrating to America that our Army is the best. This generation shows that the All-Volunteer Force can be called upon time and time again to persevere in prolonged conflict. We owe our Soldiers and their Families the highest standards of support when they make the greatest sacrifice for their country.

The Soldier remains the centerpiece of our formations. Honoring the sacrifice of Soldiers and their Families is the mission of the Army's Casualty and Mortuary Affairs Operations Center (CMAOC). We take seriously our obligation to our fallen Soldiers to support their Families during their time of grief and sorrow. Our Warrior Ethos states, "[We] will never leave a fallen comrade." We have that same covenant with the Families of our fallen Soldiers. We are committed to providing Families with accurate and timely information as soon as it is known and verified. Our goal is to have the system as close to 100-percent correct as possible out of respect for the memory of our fallen comrades and to provide solace to their Families. The Army leadership expects that those Families who suffer the loss of a Soldier will receive the fullest possible accounting for the circumstances that led up to that Soldier's death, whether under hostile or non-hostile circumstances.

As I speak to you today, we have provided casualty notification to the Families of over 21,848 Soldiers who have been killed or wounded since the start of the Global War on Terrorism. Since April 2004 and the death of Corporal (CPL) Patrick Tillman, we have conducted over 2,100 official casualty notifications. Of these, 16 were initially



reported as possible friendly fire and later confirmed. In 15 additional cases initially reported as hostile, we made re-notifications when we learned of possible friendly fire.

The Army is a very complex organization. We continually strive to improve our procedures and processes, including the notification process for deaths caused by friendly fire. Casualty notification to Families of our fallen Soldiers depends upon timely receipt of accurate reports from theater commanders. Thus, we continue to work with our commanders in the field to ensure they understand the importance of the timeliness and accuracy of the information they provide to us.

#### **The current Army's Casualty Notification Process for Notifying the Families of Deceased and Wounded Soldiers**

The Army's policy is to notify all Family members listed by the Soldier on the Department of the Defense Form 93, Record of Emergency Data, in a professional and respectful manner. Notification is conducted in-person, by a two-Soldier team in Class A uniform, between 6 a.m. and 10 p.m. local, unless special circumstances arise.

The Casualty and Mortuary Affairs Operations Center in Alexandria, Virginia, directs and oversees Army casualty notifications. One of the Casualty Assistance Centers (CAC), located at 27 geographically-dispersed United States and 6 overseas sites, will be directed to execute the casualty notification.

The goal is to notify the primary next of kin, who is the person most closely related to the Soldier, within 4 hours of the CAC receiving the initial casualty report. The primary next of kin is usually the spouse for married Soldiers and the parents for unmarried Soldiers. This procedure is directed by Army Regulation (AR 600-8-1). The only time this procedure would change is if we have exhausted all avenues to locate the primary next of kin. In such cases, we would seek alternatives (local authorities such as hospitals, police agencies, etc.) then, perhaps, neighbors. In cases where the spouse is the primary next of kin, we would complete these actions before contacting the Soldier's parents.

The notification team consists of a notification officer and a Chaplain if available without unduly delaying the notification. The notification officer must be at least of the same rank as the casualty, and be at least a Sergeant First Class, or higher, for enlisted Soldiers; Chief Warrant Officer Two, or higher, for Warrant Officers; and Captain, or higher, for commissioned officers. If a Chaplain is unavailable, another Soldier in the grade of Staff Sergeant or higher, accompanies the notification officer.

After the primary next of kin is notified, the Army notifies the remaining next of kin listed on the DD Form 93 (Emergency Data Card). In the event the notification team cannot locate the primary next of kin, notification to the other Family members can proceed on a case-by-case basis.

For Soldiers who have been wounded or become ill, CMAOC will coordinate with the appropriate CAC and rear detachment commander to conduct telephonic notification for Soldiers (Very Seriously Injured/III (VSI), Seriously Injured/III (SI), Hostile NOT Seriously Injured (Hostile NSI)) within 2 hours of receiving the official report.

The Army has made numerous changes after reviewing our handling of the notification process in friendly fire cases, including CPL Tillman's case. Perhaps most significantly, the Army now requires units to conduct an investigation of any hostile death. As a result of this policy change, Families are receiving more accurate and complete information.

Another Army policy improvement requires a field grade officer to review initial casualty information to verify accuracy based on all the information known at the time. This is critical because it is this initial casualty report on which we base our notifications to the next of kin.

Army Criminal Investigation Command and unit commanders are required to notify the Casualty and Mortuary Affairs Operations Center of on-going death investigations and provide copies upon completion. The Center then cross references

these investigations with the initial casualty circumstances to ensure there are no discrepancies between reports.

Casualty Assistance Centers are now required to certify Casualty Notification Officers and Casualty Assistance Officers as trained for duty prior to an assignment as a notification or assistance officer. We have produced a training DVD, and we have made training materials available online to assist in this process.

We have instituted a two-person casualty notification team consisting of a notifier and chaplain, or mature second Soldier if no chaplain is on hand. Chaplains now participate in almost 75% of our notifications, and this percentage is continually growing.

#### **When Friendly Fire is Suspected**

Reporting units must report all suspected friendly-fire incidents to the CMAOC as soon as evidence leads personnel on the ground to believe that friendly-fire might have caused a casualty incident during hostilities. This action helps ensure that the information provided is timely and accurate. Reporting units will not wait until completion of a formal investigation to provide the information to the CMAOC as happened in some cases in the past.

When a friendly-fire incident is suspected, we require units to place an immediate call to CMAOC followed by an initial or supplemental casualty report. The report must provide detailed facts concerning the incident, and identify whether Allied Forces, U.S. Forces, or Unknown were the cause of the death. If a casualty results from suspected friendly fire, but is unconfirmed, the casualty report will state "Unknown." In the event the suspected friendly fire is discovered after submitting the initial casualty report, the reporting unit must immediately submit a supplemental casualty report to the CMAOC to update or correct the information provided in the initial report. Families are then notified that the incident is under investigation.

When a friendly-fire incident is suspected, unit commanders must alert the combatant commander through their chain of command and initiate an investigation.

As soon as the inflicting force is determined by the investigation, the reporting unit must submit a supplemental casualty report to CMAOC. Once the investigation is approved for release to the Families by the Combatant Commander, CMAOC will contact the Family's Casualty Assistance Officer and offer a Family presentation to the primary next of kin. A Colonel, normally from the Soldier's chain of command, will conduct the Family presentation outlining the facts and findings of the Soldier's death.

#### **Initiatives Being Taken by the Army**

The Army has recently implemented the following additional measures to further improve our processes. On February 16, 2006, the Secretary of the Army directed CMAOC to establish a mechanism to meet the needs of surviving Families members 24 hours a day, 7 days a week. On April 20, 2006, CMAOC established the Long-Term Case Management Branch to provide long term support to family members.

Several recent friendly-fire incidents in Iraq and Afghanistan have highlighted the need to provide a single source document that clearly explains all actions that commanders must accomplish. On April 4, 2007, The Vice Chief of Staff, Army, directed the development of Government Training Aid (GTA) for field commanders to detail all required action when friendly fire is suspected. The Army will distribute the training aid to Commanders serving around the world in the days ahead.

On May 7, 2006, The Secretary of the Army directed a review of all Army accident investigation policies, regulations, and training, to include suspected friendly fire incidents. Additionally, the Secretary of the Army directed a review of all Army casualty reporting policies, regulations, and training, focusing on casualties resulting from friendly fire. He also directed an assessment of the effectiveness of the updated regulatory changes recently implemented. The purpose of the review was to determine if there

were any cases with discrepancies in casualty reporting from before the Secretary of the Army directed policy changes.

**Conclusion**

The Army recognizes and deeply regrets the pain and suffering caused when we fail to meet the standards in casualty notification. We believe that the changes we have made, and the procedures now underway, ensure that the Families of our fallen Soldiers receive timely and accurate information.

The Army's goal is to be open and honest with the Families of our fallen Soldiers, to care for their well-being, and to keep them informed of developments or changed circumstances. We owe them nothing less. The proper care for our service members, living and deceased, and their Families is our uncompromising goal. It is the least we, as an Army and a nation at war, can do.

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RELEASED BY THE  
HOUSE ARMED  
SERVICES COMMITTEE

**STATEMENT OF**  
**PATRICK M. McLAUGHLIN**  
**ASSISTANT DEPUTY CHIEF OF NAVAL OPERATIONS**  
**AND CHIEF OPERATING OFFICER**  
**(MANPOWER, PERSONNEL, TRAINING & EDUCATION)**  
**BEFORE THE**  
**SUBCOMMITTEE ON MILITARY PERSONNEL**  
**OF THE**  
**HOUSE ARMED SERVICES COMMITTEE**  
**ON**  
**REVIEW OF THE POLICIES AND PROCEDURES REGARDING**  
**THE NOTIFICATION OF NEXT OF KIN OF WOUNDED AND**  
**DECEASED SERVICE MEMBERS**  
**JUNE 27, 2007**

NOT FOR PUBLICATION UNTIL  
RELEASED BY THE  
HOUSE ARMED  
SERVICES COMMITTEE

Chairman Snyder, Ranking Member McHugh, and distinguished members of the Military Personnel Subcommittee, thank you for the opportunity to appear before you today to discuss the Navy Casualty Assistance Program, and in particular, to discuss our next of kin notification policies and procedures.

Our commitment to support and assist Sailors and their families, especially in times of crisis, is a sacred trust. When our men and women go in harm's way, they must do so confident in the knowledge that Navy will sustain their loved ones should tragedy befall them.

When a Sailor is reported Deceased, Duty Status Whereabouts Unknown (DUSTWUN) or seriously ill or injured, our top priority is to initiate prompt and compassionate notification to the next of kin followed by sustained assistance and support. This is accomplished through our dedicated, worldwide, casualty assistance network. We accomplished this very effectively following the bombing of USS COLE, the interception of an EP-3E reconnaissance aircraft by China and subsequent detainment of the crew, and again following the 9/11 attack on the Pentagon. But we also accomplish the same timely and compassionate notification and assistance to families hundreds of times each year in much less visible circumstances. Navy's procedures for casualty reporting, notification and assistance are carried out in a consistent manner regardless of the member's geographic location or whether the casualty occurred as a result of hostile or non-hostile action, or whether friendly fire may have been involved. Our Casualty Assistance Calls Program is designed to ensure timely initial notification to

the member's family, that we provide follow-on information as soon as it becomes available and that we provide comfort, support and assistance as long as it is needed and desired.

Our three-tiered casualty assistance program consists of a 25-member staff at Navy Personnel Command headquarters, in Millington, Tennessee, that can be augmented on short notice by a trained and capable 30-member Reserve unit. Additionally, there are five regional casualty assistance coordinator staffs within the continental United States and others assigned to naval regions around the world. Headquarters and regional staffs provide training, guidance, support and oversight for approximately 2,000 casualty assistance calls officers (CACOs) who provide direct and very personalized assistance to families of our casualties.

When major crises arise, such as mass casualty incidents or the ravages of natural disasters like Hurricane Katrina, casualty assistance efforts are quickly augmented by activating our Emergency Coordination Center (ECC), to respond to the significant volume of incoming phone calls that such a situation inevitably produces. The ECC is staffed by active and reserve military personnel and federal civilian employees who respond on a moment's notice upon the center's activation. Beyond the support our reserve unit provides in Millington, it can also deploy two specially trained three-person teams to bolster efforts at the port mortuary at Dover Air Force Base and to reinforce an affected casualty region, if required.



Reporting, notification and assistance policies and procedures for the Navy Casualty Assistance Calls Program fully comply with Department of Defense (DoD) policy guidance and are promulgated in Navy directives. To supplement detailed publications, each CACO uses a convenient, pocket-sized, handbook that provides a detailed, step-by-step, ready reference to assist them in carrying out their duties.

When a casualty occurs, the Sailor's commanding officer transmits an initial personnel casualty report (PCR) that includes the member's name, rank, casualty status, and the date and time of the casualty, as well as the cause and circumstances, if known. As additional information becomes available, the commanding officer may submit supplemental reports. These reports are simultaneously transmitted via E-mail to all commands and departments involved, including the Casualty Assistance Branch at Navy Personnel Command and appropriate regional casualty assistance coordinators, who provide them to trained CACOs specifically assigned to share this information with the family during the initial casualty notification visit.

Upon receipt of a PCR at the Casualty Assistance Branch, for a deceased or DUSTWUN member, branch personnel verify next of kin information against the member's Record of Emergency Data. Upon verification, the appropriate regional casualty assistance coordinator assigns an officer or senior enlisted CACO and requests a chaplain to accompany them in notifying the next of kin. During the initial visit, the CACO provides, in a concerned and empathetic manner, a forthright account of the details surrounding the incident as described in the PCR. The CACO also renders

whatever immediate assistance the family may require and advises them that more information concerning the cause and circumstances of the casualty will be forthcoming.

When death occurs from other than a previously known medical condition, or due to hostile action, a Line of Duty Determination must be conducted, as required by law, to determine eligibility for a Survivor Benefit Plan (SBP) annuity. The CACO advises the family that they are entitled to a copy of the Line of Duty Investigation and at an appropriate time, typically during a subsequent visit, assists them in preparing a standardized written request, if the family desires the report.

There are circumstances in which a commanding officer, or higher authority, may also direct an investigation into the death of a Sailor. The CACO advises the family that they are also entitled to a copy of this report and assists them with preparing and submitting a request for the completed report. Upon receipt of a request for this report by the appropriate Staff Judge Advocate (SJA), periodic written interim replies are sent to keep the family apprised of the status of the investigation. Advance copies of death investigations will be provided to next of kin, upon request, after completion of the first flag officer review. In cases involving potential adverse findings, Public Law, promulgated in DoD and Navy regulation, requires that the first General Court Martial Convening Authority provide a copy of the report to the family and allow them the opportunity to present information for consideration.

Upon completion of the initial visit with the next of kin, the CACO provides the family with contact information which includes the CACO's name and telephone number as well as the Casualty Assistance Branch toll free telephone number, at the Navy Personnel Command, which is staffed 24 hours a day. After next of kin have been notified, the area coordinator ensures that a message is sent to the member's command and Navy headquarters identifying the assigned CACO and confirming the time and date of notification.

Procedures for casualty notification in the case of seriously ill and injured personnel are somewhat different given the nature of the casualty. Notification for seriously ill or injured Sailors is accomplished by the most rapid means of communication available. So, most often, telephonic notification is accomplished not only to provide the timeliest means of notification, but to assist the family with traveling to the bedside of the ill or injured Sailor when deemed medically necessary for the welfare of the member. We contact family members 24 hours a day, and as required, assign courtesy CACOs to assist them at their point of departure, at intermediate stops and upon arrival in the city of the medical treatment facility in which the member is hospitalized. At the destination, the courtesy CACO coordinates with a Sailor Advocate assigned to Navy's SAFE HARBOR Program, an initiative to provide ongoing non-medical support and assistance to seriously ill or injured Sailors and their family members.

In closing, I would like to reemphasize the solemn and compassionate approach we take toward our inherent casualty assistance responsibilities for our Sailors and their families. We constantly evaluate our program to identify areas upon which we can improve. For example, nearly three years ago we developed and fielded a comprehensive survey for surviving family members to help solicit their ideas, recommendations and concerns about how we could improve our Casualty Assistance Program. This survey has been adopted as the DoD standard and, with some modifications, will soon be used across the uniformed services as a means of further improving support to surviving families. We also developed a similar survey for CACOs to help us understand, through their feedback, how we can better assist them in delivering the best possible support to surviving family members. We are also in the process of enhancing an already extensive casualty assistance training curriculum that we deliver to all commands bearing casualty assistance responsibilities.

The bottom line – our Sailors are placing their lives on the line; in the event of a casualty we owe them and their families honest, complete and straightforward disclosure of circumstances surrounding the casualty incident, coupled with the very best, compassionate and empathetic support and assistance to see them through such difficult circumstances for as long as they may require our help.

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DEPARTMENT OF THE AIR FORCE  
PRESENTATION TO THE SUBCOMMITTEE ON MILITARY PERSONNEL  
COMMITTEE ON ARMED SERVICES  
UNITED STATES HOUSE OF REPRESENTATIVES

SUBJECT: POLICIES AND PROCEDURES REGARDING THE NOTIFICATION OF  
NEXT OF KIN OF WOUNDED AND DECEASED SERVICE MEMBERS

STATEMENT OF: MAJOR GENERAL ANTHONY F. PRZYBYSLAWSKI  
COMMANDER, AIR FORCE PERSONNEL CENTER  
UNITED STATES AIR FORCE

JUNE 27, 2007

NOT FOR PUBLICATION UNTIL RELEASED  
BY THE COMMITTEE ON ARMED SERVICES  
UNITED STATES HOUSE OF REPRESENTATIVES

**Introduction**

Mr. Chairman, distinguished Committee Members, thank you for the opportunity to testify in front of you today. Our Airmen have been continuously deployed and globally engaged in combat missions for more than sixteen straight years. Today, Airmen are fully engaged in the interdependent joint fight and stand prepared for rapid response and conflict across the globe.

Sixteen years of combat operations has taken its toll and many fine American Airmen have paid the ultimate sacrifice with their blood. The Air Force has suffered 366 combat related injuries requiring next of kin notification and 35 combat related deaths requiring next of kin notification since September 11, 2001. Upon the death of an Airman, no greater charge is upon us then to notify the next of kin in a timely and accurate manner with dignity, compassion and honor equal to their sacrifice. Policies and procedures for notifying next of kin are detailed in Air Force instruction. This is zero defect business. Rest assured, the Air Force takes this charge with the utmost seriousness.

To highlight our emphasis on the Casualty Services program, in the last 12 months the Air Force hired 38 new Casualty Assistance Representatives. 100% of them received just-in-time training within 60 days and formal training within 6 months as required by Air Force instruction. Our notification process is equally efficient. In the last 12 months the Air Force had 287 next of kin notifications. 93% of which were notified within 4 hours of a confirmed casualty determination as required by Air Force instruction. All of the remaining 7% were notified longer than 4 hours due to circumstances beyond our control (next of kin not home, outside the notification window, excess drive time).

**Policies and Procedures**

Overall casualty management is an integral function of command. Commanders at all levels are charged to give the Casualty Services Program their utmost personal attention. Prompt, accurate reporting, dignified and humane notification, and efficient, thorough, and compassionate assistance to the next of kin are the program's primary goals.

Current policies and procedures regarding individuals wounded or killed by friendly fire follow the same strict guidelines for any notification. If the Airman is deceased, the Airman's commander, or a designated representative, will lead the notification team to personally notify the next of kin as soon as possible. The next of kin are provided as much information as is known on cause and manner of death during the initial notification. If the manner of death is suspect, next of kin will be so advised. The member's commander provides a letter of circumstances to the next of kin within five days following initial notification to clarify circumstances and advise of any ongoing or pending investigations. If the commander made the notification in person to the next of kin, and there is no question regarding cause and manner of death, then a circumstance letter is optional. The commander will continue to keep the family informed about any investigations until complete. For wounded personnel, notification to the family normally occurs telephonically by the service member (if able) or the service member's commander or attending medical physician. The service member (or member's next of kin if member is incapacitated), will be kept informed about any investigation results until the case is closed.

The Air Force Office of Special Investigations initiates death investigations based on a service member's possible manner of death. In these instances, the Air Force Office of Special

Investigations initiates death investigations any time an individual's manner of death is potentially "homicide," potentially "suicide," or initially "undetermined."

**Friendly Fire Incidents**

The Air Force is required to follow strict protocol when a friendly fire incident occurs or when it is suspected. During a casualty notification, the member's commander or designated representative will notify the next of kin and provide the known facts at that time and will keep the next of kin informed through a letter of circumstance on any changes to what was previously communicated and upon updates of any pending investigations.

The Air Force Office of Special Investigations would initiate an investigation into such an event to determine the facts and circumstances surrounding the incident, and to assist in determining whether the actions leading to the event (fatal or not) were the result of negligence, or the result of intentional criminal conduct.

Air Force instruction provides policy regarding notification to parents or next of kin regarding the update of information and follow on investigations as they are completed, as well as new information as it is discovered, regarding the death or injury of their loved one. The service member's commander informs the next of kin, to include parents, on circumstances surrounding injury or death and any subsequent changes to previously provided information. Additionally, they are updated as more information becomes available, and information is available from any pending or ongoing investigations. The base assisting Casualty Assistance Representative assists the next of kin in obtaining a copy of completed investigations as they become available.



**Open Investigations**

The responsibilities associated with the Air Force Office of Special Investigations' Family Liaison Program are codified in Air Force instruction and are derived from overarching Department of Defense guidance. The Family Liaison program is designed to facilitate effective verbal and written communication with family members of any decedent whose fatality results in the opening of a death investigation. A point of contact for the decedent's family is appointed by the investigating Air Force Office of Special Investigation Detachment's leadership. Once appointed, the point of contact will contact the decedent's next of kin "after" initial notification of the fatality has been made by the servicing Casualty Affairs Officer. The Air Force Office of Special Investigations will contact the decedent's family within 72 hours after the serving Casualty Affairs Officer makes the initial notification. The purpose of the OSI Family Liaison program is to provide the family with a point of contact during the investigation (in the event they have any questions or concerns about the death or corresponding investigation), to ensure the family fully understands the Air Force Office of Special Investigations' role in investigating the death, and to keep the family informed of the investigation (throughout the investigation, with follow-up contact being based on case development or new information). Ultimately, when the investigation is complete, the Family Liaison point of contact will contact the decedent's family and offer a telephonic briefing on the case or, if more appropriate, a face-to-face meeting to discuss the case. The Family Liaison point of contact also provides the decedent's family with a copy of the Freedom of Information Act request letter, and explains how they may obtain a copy of the completed Report of Investigation.

**Caring for Airmen**

Taking care of our seriously wounded, injured or ill Airmen is also a top priority. We continue to expand the Air Force Survivor Assistance and Palace HART (Helping Airmen Recover Together) Programs in an effort to provide the best possible individual service to these Airmen and their families. The heart of the Survivor Assistance Program is the Family Liaison Officer who is assigned to each patient for the duration of their need. This Family Liaison Officer is different from the OSI Family Liaison point of contact. The Family Liaison Officer serves as a single point of contact between the Airmen and the numerous helping agencies. Our Family Liaison Officers provide a critical resource to deal with the unfamiliar routine of the recovery process and prevents the Airman from being lost in the bureaucracy.

Similarly, the Palace HART Program assigns a Community Readiness Coordinator when a service member casualty notification is made. The Community Readiness Coordinator works closely with the Family Liaison Officer to ensure the combat related injured or ill service member and their family receives complete information and entitlements. Later, if the member is not returned to active duty, the Palace HART Program assists with federal employment, entitlements and benefits information, financial resources, family support, and more. The member is tracked monthly for five years after separation or retirement.

**Recent Changes**

In 2005 the governing directive (Air Force Instruction 36-3002, Casualty Services) was substantially revised to include more detailed procedural guidance; the previous edition was dated 1994. This included updating and clarifying roles and responsibilities, clarifying guidance on circumstance, providing instructions and format for condolence letters, and updating training responsibilities.

**Conclusion**

Today's Airmen are performing at the high standards that have been our hallmark for as long as there have been American Airmen. Our Airmen are fully prepared and engaged to ensure today's air, space, and cyberspace dominance. When an Airman makes the ultimate sacrifice, prompt, accurate reporting, dignified and humane notification and efficient, thorough, and compassionate assistance to the next of kin are the hallmarks of the Air Force's program. Commanders' personal attention to the Casualty Services Program ensures your Air Force remains the most respected air and space force in the world.

We appreciate your unfailing support to the men and women of our Air Force, and I look forward to your questions.

NOT FOR PUBLICATION  
UNTIL RELEASED BY  
THE HOUSE ARMED  
SERVICES COMMITTEE

STATEMENT OF  
MICHAEL P. DOWNS  
DIRECTOR

PERSONAL AND FAMILY READINESS DIVISION  
MANPOWER AND RESERVE AFFAIRS DEPARTMENT  
HEADQUARTERS, UNITED STATES MARINE CORPS

BEFORE THE  
MILITARY PERSONNEL SUBCOMMITTEE  
OF THE  
HOUSE ARMED SERVICES COMMITTEE

NOT FOR PUBLICATION  
UNTIL RELEASED BY  
THE HOUSE ARMED  
SERVICES COMMITTEE



**Michael P. Downs**  
**Director, Personal and Family Readiness Division**

Michael P. Downs entered the U. S. Marine Corps via the Naval Reserve Officers Training Course, and was commissioned a second lieutenant in June 1961. In April 1962, he completed The Basic School in Quantico, VA, and was assigned to a transplacement battalion where he served as a platoon commander, company commander, and assistant operations officer at Camp Pendleton, CA, and the Far East until December 1964. His next assignment took him to Marine Barracks, Yorktown, VA, where he served until February 1967. He was promoted to first lieutenant in December 1962, and captain in September 1965.



Upon completing the Amphibious Warfare School in Quantico in September 1967, he was transferred to the Republic of Vietnam where he served with the 1st Marine Division as Commanding Officer for Company F, 2nd Battalion, 5th Marines; Assistant Operations Officer for the 5th Marine Regiment; and Operations Officer for the 3d Battalion, 5th Marines. While serving as Company Commander of F/2/5, he was awarded the Silver Star Medal for heroic actions during Operation Hue City in February 1968.

He returned to the United States in October 1968, and was sent to Quantico where he was assigned to the Development Center, and to The Basic School, and then to Marine Barracks, Washington, D.C. He was promoted to major in November 1968. After his tour in the National Capital Area, he attended the U.S. Army Command and General Staff College Fort Leavenworth, KS, and upon graduation in July 1975 was assigned to Okinawa, Japan, where he served as Executive Officer, 1st Battalion, 9th Marines, 3d Marine Division.

Follow on assignments included Headquarters Marine Corps, Washington, D.C., where he was Administrative Assistant to the Deputy Chief of Staff, Operations and Training , and then monitor for Ground Lieutenant Colonels; student at the National War College, Washington, D.C.; Plans Officer at Headquarters, Allied Forces Central Europe, Brunssum, The Netherlands; Director of Operations and Training , and Commanding Officer, 27th Marines, 7th Marine Amphibious Brigade, Marine Corps Air Ground Combat Center, Twentynine Palms, CA; and Deputy for Marine Corps Matters, Office of Program Appraisal, Department of the Navy, Washington, D.C. He was promoted to lieutenant colonel in November 1977 and to colonel in November 1982, and was selected for promotion to brigadier general in December 1986.

In March 1987, he was assigned as the Director, Facilities and Services Division, Headquarters Marine Corps, where he remained for more than two years. In July 1989, he was transferred to Camp Lejeune, NC, where he served first as Commanding General, 6th Marine Expeditionary Brigade, and then as Commanding General, Marine Corps Base. He retired from the Marine Corps in August 1992 after more than 31 years on active duty.

After his retirement from the Marine Corps, he was a consultant to the U.S. House of Representatives, House Appropriations Committee, and to Textron Inc. He became Director, Personal and Family Readiness Division, Manpower and Reserve Affairs Department, Headquarters Marine Corps, on May 1, 2000.

He is married to the former Martha Leigh Puller, of Saluda, VA. They have two sons, Mike Jr., and Burwell.

Chairman Snyder, Congressman McHugh, distinguished Members of the Military Personnel Subcommittee, thank you for this opportunity to testify before you today on Policies and Procedures Regarding the Notification of Next of Kin of Wounded and Deceased Servicemembers. As it should be, this issue is clearly one of great importance to the Marine Corps and our Marines and their families.

To be a Marine is to be part of something that represents the best of our Nation. It is to accept a way of life that embodies selfless service, to defend those who cannot defend themselves, to thrive in the hardship and sacrifice expected of an elite warrior class, to march to the sound of the guns, and to ably shoulder the heritage created by those who have gone before us. Only a few Americans choose the dangerous and necessary work of fighting our Nation's enemies. As a consequence of that selfless choice, some have paid the ultimate price, and some have sustained wounds they will carry with them throughout life. We acknowledge their allegiance through various means and integrated Marine Corps support mechanisms.

For our fallen Marines, indeed a tragic loss to their survivors and the Corps, we endeavor to honor their sacrifices with sincerity and commitment. Our Casualty Assistance Calls Officers (CACOs) are trained to treat next of kin and other family members as they would their own family. Providing casualty assistance always begins with the basic rule that there is no standard casualty call; each case is distinct and families grieve in different ways. Assistance to families is carefully measured to facilitate

their transition through the stages of grief and the completion of the casualty process.

Our nation also has an enduring commitment to her Marines long after they return from the battle, particularly if they are physically or mentally scarred. Our moral imperative is to ensure this support is seamless, even as Marines leave our uniform ranks. We have recognized gaps in attention and care. As such, care for our wounded Marines continues to evolve and is a top priority of the Commandant. He directed the establishment of the Wounded Warrior Regiment (WWR), which was stood up on 1 April 2007. The mission of the WWR is to provide and facilitate assistance to wounded, ill and injured Marines and their families throughout the phases of their recovery. Although taking care of our own is certainly not a new concept, we have been doing so since 1775, the establishment of the WWR marks the first time the Marine Corps has given oversight in tracking wounded Marines to a single command, supported by a data base and tracking system which will streamline the transition process and help Marines cut through red tape. The WWR will support these injured warriors as they navigate through medical and physical evaluation boards, assist in the processing of traumatic life insurance claims, act as a clearinghouse for charitable donations, work to ensure accountability and non-medical case management during recovery, ensure the same level of medical care regardless of geographical location, and oversee the transition from the Defense Department care to the care of the Department of Veterans Affairs. The service provided by the WWR does not end at separation. "Once a Marine always a Marine." The Regiment supports medically retired Marines in the same manner as those on active duty.



**Casualty Notification**

For the Marine Corps, the dissemination of factual and timely information to Servicemember-designated family members is paramount and mandated by Marine Corps Order. Our casualty reporting policies and procedures are rooted in Marine Corps Order P3040.4E, the Marine Corps Casualty Procedures Manual. These policies and procedures are standardized for all Marines and there is no distinction between casualties occurring in Operation Enduring Freedom/Operation Iraqi Freedom (OEF/OIF) and those occurring outside the theater of operations.

When a reportable casualty occurs, it is the responsibility of the casualty's command or the first Marine Corps activity learning of the casualty incident to notify those involved in the notification and assistance process. They are required to immediately submit a voice report to the Marine Corps Operations Center (MCOC) and the Headquarters Marine Corps Casualty Section (MRPC). They must then generate a Personnel Casualty Report (PCR) and distribute it to MRPC as required by the Marine Corps Casualty Procedures Manual. The PCR reports casualty information and is used by the casualty's command and/or the CACO to inform the casualty's next of kin (NOK) of the details surrounding the incident. A casualty incident must be reported as soon as possible, but not later than one hour after learning of an incident. It is vital that all information reported is complete and verified. Close liaisons must be maintained between all concerned organizations and agencies involved to ensure accuracy.

Upon learning of the death of a Marine, primary and secondary NOK are notified in person by a trained CACO, generally within four hours after the release of the PCR. The Marine Corps recently changed the hours of notification for OEF/OIF casualties from 24-hours a day to between 0500 and 2400. The change reflects concerns that notification in the middle of the night limits the availability of immediate support for the NOK through assistance provided by family, friends and local support organizations.

For wounded, ill, and injured cases, notification to the NOK is telephonic and is conducted by the parent command, also between the hours of 0500 and 2400. Thereafter, the parent command is responsible for providing updates to the NOK regarding the Marine's condition, location and also coordinates with MRPC to facilitate travel to bedside via Invitational Travel Orders. The Invitational Travel Order program is governed by the Joint Federal Travel Regulation. Ordinarily, up to three family members may be provided roundtrip travel and per diem to be at the bedside of a seriously injured or ill Marine. In extenuating circumstances, additional family members may be authorized roundtrip travel and per diem as well. Family members of Marines who are not seriously injured, but were injured in a combat operation or zone and are hospitalized inside the United States, may also be eligible for Invitational Travel Orders. However, the per diem authorization is limited to thirty days. In cases where a Marine is very seriously injured or ill (VSI), a CACO may be assigned to the NOK upon request of the parent command or if MRPC directs the assignment.

#### Friendly Fire Incidents

During OEF/OIF, a total of 19 Marine Corps casualties involving friendly fire have been reported. When a Marine is known or suspected of being killed or wounded as a result of friendly fire, this information must be stated in the PCR, with as many details as possible. Actions taken to impede the disclosure of this information are not tolerated. As MCO P3040.4E mandates the timely reporting of all casualties, irrespective of their cause, special procedures are not indicated for friendly fire incidents.

All information contained in the PCR is provided to the families at initial notification, or as may be warranted with the issuance of supplemental PCR updates. It is vitally important that PCRs be stringently reviewed as they are received. Significant circumstances may become embedded within the report leading to potential for human error. We are taking appropriate steps to make sure NOK, especially of the injured, are promptly made aware of supplemental PCRs and the information contained therein. We have a renewed emphasis on attention to the details of these PCRs, and are working to ensure the chain of command, as well as MRPC, thoroughly examine these documents for the appropriate level of scrutiny and information dissemination.

In closing, your Marines are honored to be serving during such an important time in our Nation's history. They are truly a special breed of patriots and the Marine Corps appreciates your dedication to their wellbeing and that of their families. Your continued support and advocacy makes a measurable difference and we thank you for it.



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**QUESTIONS AND ANSWERS SUBMITTED FOR THE  
RECORD**

JUNE 27, 2007

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#### **QUESTIONS SUBMITTED BY DR. SNYDER**

Dr. SNYDER. When can we anticipate seeing the final results of the Tillman case? I am not asking you to comment on any details about what is in the report. I am asking you, when can we anticipate, or do you have an idea when we can anticipate when it will be made public what the results are?

General JONES. The results of the General Wallace's review of the evidence supporting the Department of Defense Inspector General's Report were released to the public on July 31, 2007.

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#### **QUESTIONS SUBMITTED BY MR. MCHUGH**

Mr. MCHUGH. What is the figure for the total Army since what we define as the beginning of the global war on terror, September 11, 2001?

I want to redefine so you understand. How many cases originally reported as hostile fire in that entire period actually turned out to be friendly fire?

General JONES. The Army classifies friendly fire incidents as hostile incidents because they occur either while the friendly force is in contact with the enemy, or believes itself to be in contact with the enemy. The key distinction with friendly fire incidents is in the identification of the inflicting force. For hostile incidents, the casualty report requires the reporting unit to identify the inflicting force either as "enemy," "U.S.," "allied," or "unknown." Whenever the inflicting force reported as anything other than "enemy," the Family is notified that the death is a possible or suspected friendly fire and that an investigation has been initiated to determine the cause. These investigations will provide detailed circumstances concerning their loved one's death.

Since September 11, 2001, the Army has identified 38 friendly fire deaths involving 30 separate incidents. Of that number, 19 deaths involving 14 incidents were reported as suspected friendly fire in the initial casualty report. For the remaining 19 deaths involving the other 16 incidents, the initial casualty report reflected the inflicting force as "enemy." In those 19 cases, information obtained from the unit investigation that is required by Army regulations or information obtained from the Armed Forces Medical Examiners' forensic investigation was the catalyst for units to submit a supplemental casualty report changing the inflicting force to "U.S.," "allied," or "unknown."

Mr. MCHUGH. Notification standards are consistent across the services. Can you help me understand which standards, both in practice and in regulation, are consistent?

I am assuming along with it—is that the two-point standard that tells you what to investigate and under what circumstances?

Mr. MCCLAUGHLIN. Department of Defense Instruction (DODINST) 1300.18, entitled "Military Personnel Casualty Matters, Policies, and Procedures" establishes uniform personnel policies and procedures, applicable to each of the military services, for notifying and assisting next of kin (NOK) whenever casualties are sustained by active duty military personnel.

In the case of deceased, missing, and duty status whereabouts unknown (DUSTWUN) members, initial notification(s) shall be made in person to the primary NOK by a uniformed representative of the Military Service concerned, unless unusual circumstances prevent such procedures. Whenever a casualty occurs as the result of either a hostile action or terrorist activity, initial notification(s) shall also be made in person to parents who are the secondary NOK by a uniformed representative of the Military Service concerned, unless unusual circumstances prevent such procedures. When appropriate, a military chaplain shall accompany the uniformed representative on all initial notifications. If required, chaplain assistance from another branch of the Military Service may be requested to provide timely and proper pastoral care. All facts and circumstances on the casualty incident, known at the time of the initial notification, shall be provided to the NOK. Care should be taken to ensure that no information that is offensive to the NOK, such as burial details and monetary provisions in a death case, be included in the initial notification. Whenever someone other than the member's commander or designated representa-

tive makes initial notification, an official notification confirmation to the NOK shall be made by telegraphic or written communication.

In all cases involving deceased or missing casualties, the Military Service concerned shall appoint a casualty assistance representative who will contact the NOK within 24 hours following initial notification. The purpose of this contact is to establish a time to meet with the NOK that considers the needs of the family and honors the family's period of mourning to the extent possible in the best interest of the family. The representative, to the extent the NOK desires, shall provide guidance and assistance for such matters as military pay, allowances and benefits, veteran benefits, social security benefits, and income tax refunds or exclusions whenever Section 692 of 26 U.S.C. (the Internal Revenue Code) applies to the particular case. Individuals serving in a casualty assistance role must be trained properly to ensure that every aspect of the case is treated in a sensitive and timely manner. The representative shall provide points of contact or information regarding autopsy reports, reports of inquiry or investigation, as applicable and other governmental or non-DoD Agencies that may be involved in a particular case. The representative shall maintain contact with the NOK to keep them informed regularly and currently on all matters relating to the case until the case has been resolved and all entitlements and benefits are received.

In all casualty cases, the NOK shall be provided the circumstances surrounding the incident as best known to the Military Service concerned. In addition to preliminary information provided at the time of the initial notification, as additional information becomes available, the Military Service concerned shall inform the NOK. In cases involving a deceased or missing casualty, the member's commanding officer should provide an appropriate letter of sympathy, condolence, or circumstance to the NOK not later than five days after the initial notification, unless circumstances surrounding the incident indicate discretion is more appropriate. In the event a casualty occurs during a classified operation, all information of an unclassified nature shall be provided. Every effort shall be made to declassify information, particularly in those incidents in which a member is declared deceased or missing.

Mr. MCHUGH. The House version of the National Defense Authorization Act for Fiscal Year 2008 mandates ratios for case managers, service member advocates and PEBLO personnel to service members undergoing outpatient treatment. How many additional personnel would the Army require for the Warrior Transition Units if the conference report includes the ratios in the House version?

General CODY, General POLLOCK, General SCHOOMAKER. The House version of the National Defense Authorization Act for fiscal Year 2008, HR 1585 would set the ratio of case managers to Wounded Warriors at 1:17. The Army Medical Action Plan (AMAP) calls for nurse case managers at a ratio of 1:18 Warriors in Transition (WTs) at Army Medical Centers where the acuity of care required is high and to 1:36 at those Army treatment centers where the acuity is much lower. HR 1585 calls for service member advocates at a ratio of 1:30 WTs. The AMAP establishes that ratio at 1 ombudsman for every 200 WTs. The House version would establish the ratio for PEBLOs at 1:20, while the AMAP sets this ratio at 1:30. The difference in requirements between these two approaches is presented in Table 1 below.

Table 1 summarizes these differences which are based on a current WT population of 3,903 undergoing a Medical Evaluation Board (MEB) to calculate the PEBLO requirement, 7,189 WTs currently in WTUs to determine the ombudsman requirement, and a projected total capacity of approximately 8,000 WTs to project the case manager/nurse case manager requirements.

**TABLE 1**

Position	HR 1585 Requirement	AMAP Requirement	Delta
Case Manager/Nurse Case Manager	500	345	155
PEBLO	195	130	65
Advocate/Ombudsman	240	55	185
TOTAL	935	530	405

It should be noted that these numbers do not include the command and support positions required to staff all WTUs. The U.S. Army Medical Command established



the number of medical unit personnel required according to the Army Medical Action Plan at 2408. It should be noted that this does not include the requirement to staff Community Based Health Care Organizations (CBHCOs) with nurse case managers (48) or other required CBHCO personnel.

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**QUESTIONS SUBMITTED BY MRS. BOYDA**

Mrs. BOYDA. What happens when we have a single parent and, you know, an infant or a minor is considered the next of kin, what do you do in that situation?

General DOWNS. In accordance with both Department of Defense and Marine Corps policy, an assigned Casualty Assistance Calls Officer (CACO) notifies primary and secondary Next of Kin in person of the death. In situations where a minor child is involved, significant care and consideration is exercised to determine the exact situation of guardianship and making notification within that support structure. Should the child be the Primary Next of Kin, the designated legal guardian exercises the child's rights. In the past, there have been occasional cases where, because of State guardianship provisions, it was cumbersome for the legal guardian to access funds to support the minor child. New statutory provisions allow the Service member to designate portions of the Death Gratuity to other than the Primary Next of Kin have helped mitigate that issue.

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**QUESTIONS SUBMITTED BY MR. MURPHY**

Mr. MURPHY. Would it be helpful for the services to have a DOD-wide set of guidelines for policy and processes in these cases?

Why should notification processes be different for friendly and hostile fire incidents?

Do they get a copy of a redacted 15-6 investigation in all these type of cases?

General PRZYBYSLAWSKI. Air Force Instruction 36-3002 provides Air Force policy guidance and procedures for notification to next of kin on any ongoing investigations in accordance with DoD Instruction 1300.18, the governing DoD casualty instruction. The service member's commander informs the next of kin, to include parents, on circumstances surrounding the injury or death and any changes to previously provided information. Additionally, the next of kin are updated as more information becomes available. The base casualty assistance representative (CAR) providing assistance to the next of kin will request documentation by message from the appropriate agency. The CAR closest to the installation where the incident took place is responsible for obtaining and distributing the information. The family's CAR informs the family of their right to request a copy of all case documentation. In addition to the Airman's commander and the CAR, the Air Force Office of Special Investigations (OSI) has a Family Liaison Program designed to facilitate effective verbal and written communication with family members of any decedent whose fatality results in an OSI investigation. The Air Force OSI Detachment investigating the incident appoints a point of contact for the family. Within 72 hours of the family's initial notification of a casualty, the OSI liaison contacts the family to ensure they fully understand the Air Force OSI's role in the investigation of the death. The family is kept informed throughout the investigation on case development and new information. At the conclusion of the investigation, the OSI liaison will contact the Airman's family to set up a meeting to discuss the case. At this point the OSI liaison provides the family with a copy of the Freedom of Information Act request letter and explains how they may obtain a copy of the completed investigation report. The investigative case file must be closed and in the AFOSI file repository office before it can be processed in accordance with FOIA requirements.

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**QUESTIONS SUBMITTED BY MS. SANCHEZ**

Ms. SANCHEZ. General Jones, How can the United States Army assure soldiers' families that they will not have to wait 35-37 days, like the Tillman family did, to receive notification that friendly fire is suspected in the death of their loved one?

General JONES. In the Corporal Tillman case, members of the unit responsible for reporting the suspected friendly fire and initiating the collateral investigation did not follow existing published Army policy and regulatory guidance. Since then, based on the results of subsequent investigations into the handling of this case, appropriate administrative actions have been taken against those involved in the failure to follow published Army policy.

In the aftermath of the Corporal Tillman case, the Army has instituted several additional requirements involving casualty reporting and investigation procedures to further ensure that commanders know of their responsibility to accurately report the circumstances surrounding a casualty incident and to provide updated reports as soon as new information comes to light:

These procedures are as follows:

First, the battalion commander, or his battalion-level field grade designee, must verify the accuracy of the casualty circumstances and the inflicting force as well as sign the report before submitting the initial or supplemental casualty report through higher headquarters to the Army's Casualty and Mortuary Affairs Operations Center (CMAOC). As before, in those cases where the battalion commander identifies the inflicting force as "U.S.," "allied," or "unknown" on the casualty report, CMAOC will direct the casualty notification team to inform the Family that their Soldier was killed by possible or suspected friendly fire and that the unit has initiated an investigation to determine the facts surrounding the death. The Family is also informed that they will receive a copy of the final report of investigation.

Second, the Army now requires commanders to investigate all hostile deaths under the provisions of Army Regulation 15-6 and to report initiation of that investigation through casualty reporting channels so the Family can be informed that an investigation is underway.

Third, all Army units or agencies that conduct a death investigation must now provide a copy of the completed report to CMAOC. CMAOC then compares the results of the unit's investigation and any other completed investigation to the latest circumstances reported through casualty channels to ensure all information sources are consistent and that the Family has been provided with up-to-date information concerning the circumstances of their loved one's death.

Finally, the Army's leadership communicates regularly—both formally and informally—with commanders in theater to ensure they understand that it is both published policy and their obligation as commanders to report a suspected friendly fire incident through both casualty and operational channels at the moment they first suspect it and not wait for completion of the investigation to submit updated information concerning the circumstances of such incidents.

Ms. SANCHEZ. General Jones, what specific policy changes has the United States Army made—since the Tillman incident—to ensure that families receive accurate, timely information in cases where friendly fire is suspected? How are these changes different from the Army's policy before the Tillman incident?

General JONES. The Army has a longstanding published policy in place that requires us to provide the Family timely and accurate information about the circumstances surrounding a casualty incident, to include updates when circumstances are revised via supplemental reports based on receipt of new information. Army policy requiring units to immediately report any suspected friendly fire incident through casualty and other reporting channels as well as to initiate both a collateral investigation and an accident investigation are also longstanding published policies that pre-date the Army's entry into current conflicts in Afghanistan and Iraq. Likewise, Army regulations both then and now require units to inform the Army Combat Readiness Center and the Criminal Investigation Division of a suspected friendly fire incident so those agencies can review the incident and determine if an Army-level accident and/or criminal investigation is warranted. Once the unit's investigation(s) has been completed and if the approval authority concludes that the incident did involve friendly fire, Army policy in place both then and now require that we offer the Soldier's primary next of kin an in-person presentation of the collateral investigation's findings and a redacted copy of the collateral investigation report. If the Family desires to obtain other completed reports such as the Criminal Investigation Division Report, the Army will assist in obtaining these reports for the Family.

In the aftermath of the Corporal Tillman case, the Army has instituted several additional requirements involving casualty reporting and investigation procedures to further ensure that commanders know of their responsibility to accurately report the circumstances surrounding a casualty incident and to provide updated reports as soon as new information comes to light:

First, the battalion commander, or his battalion-level field grade designee, must verify the accuracy of the casualty circumstances and the inflicting force as well as sign the report before submitting the initial or supplemental casualty report through higher headquarters to the Army's Casualty and Mortuary Affairs Operations Center (CMAOC). As before, in those cases where the battalion commander identifies the inflicting force as "U.S.," "allied," or "unknown" on the casualty report, CMAOC will direct the casualty notification team to inform the Family that their Soldier was killed by possible or suspected friendly fire and that the unit has initi-

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Finally, the Army's leadership communicates regularly—both formally and informally—with commanders in theater to ensure they understand that it is both published policy and their obligation as commanders to report a suspected friendly fire incident through both casualty and operational channels at the moment they first suspect it and not wait for completion of the investigation to submit updated information concerning the circumstances of such incidents.

Ms. SANCHEZ. General Jones, who in the United States knew that friendly fire was suspected in the death of Corporal Tillman, at the time that Corporal Tillman's family buried him? If an individual at the Pentagon knew that friendly fire was suspected in the death of Corporal Tillman at the time that Corporal Tillman was buried and withheld that information from the family, should that individual at the Pentagon be subject to criminal charges? Should that individual be subject to any disciplinary action? If so, what types of disciplinary action is that individual subject to?

General JONES. The Information for Members of Congress below, which was provided to all Members of Congress on July 31, 2007, details specific information responsive to the question of who was aware that friendly fire was suspected at the time of the memorial service, and details specific answers regarding the steps taken by Secretary of the Army Pete Geren and disciplinary actions taken by General William Wallace with regard to the Tillman case.

## **DEPARTMENT OF THE ARMY**

WASHINGTON, DC

July 31, 2007

INFORMATION FOR MEMBERS OF CONGRESS

SUBJECT: Army Announces Results of Further Review of Reports Related to the Death of Corporal Patrick Tillman

The U.S. Army announced today steps taken by Secretary of the Army Pete Geren, and the results of a review by the commanding general of the U.S. Army Training and Doctrine Command of the March 26, 2007, DoD Inspector General's report into matters related to the 2004 friendly fire death of Army Ranger Cpl. Patrick Tillman.

As a result of his independent review of the evidence supporting the DoD Inspector General's report, Gen. William S. Wallace, a veteran battlefield senior commander and General Court-Martial Convening Authority, took action against six of nine Army officers identified in the DoD Inspector General's report.

Gen. Wallace sanctioned Lt. Gen. (Ret.) Philip Kensinger, one of the general officers mentioned in the DoD Inspector General's conclusion, for lying in follow-on investigations conducted seven months after Cpl. Tillman's death. After reviewing Gen. Wallace's actions, the Secretary of the Army took further action to censure Lt. Gen. (Ret.) Kensinger and to refer his case to an Army Grade Determination Review Board.

It is important to note that, consistent with the DoD Inspector General's report, Gen. Wallace found no evidence that anyone in the chain of command sought to cover up the fact that Cpl. Tillman had died by friendly fire. Rather, Gen. Wallace determined that the delay in notifying the Tillman family of the on-going friendly fire investigation resulted from a well-meaning, but misguided intent to wait until all investigations were complete.

"We made a number of mistakes—in fact, I cannot imagine that this situation could have been more poorly handled—but at no time did the Army try to cover up the truth or deceive the American public about how Cpl. Tillman died," Mr. Geren said. "Cpl. Tillman was killed on the evening of April 22, 2004, and by the very next

morning the system was working its way toward the truth: that he was killed by friendly fire. Along the way, the Army violated its own regulations and policies regarding casualty notification and friendly fire investigations, and appropriate action has been taken. But in seven investigations into this tragedy, not one has found evidence of a conspiracy by the Army to fabricate a hero, deceive the public, or mislead the Tillman Family about the circumstances of Cpl. Tillman's death."

#### **Background**

On April 22, 2004, in the vicinity of Magarah, Afghanistan, U.S. Army Soldiers of the 2nd Platoon, Company A, 2nd Battalion, 75th Ranger Regiment were moving through a remote canyon when a portion of the convoy was ambushed and engaged in a running gun battle with the enemy. Because of difficulties caused by an inoperable tactical vehicle, and the mission to achieve an established objective by nightfall, the platoon ground assault convoy—consisting of 41 Army Rangers, four Afghan Military Forces soldiers, and 12 vehicles—split into two groups or "serials."

In a 14-minute period of confusion that ensued, the first serial of the convoy was not aware of the other's location; ultimately the second serial fired on Cpl. Tillman's position.

Initial unit investigations determined that the Rangers misidentified Cpl. Tillman, an Afghan soldier, and one other Ranger as enemy. Based on these initial investigations, seven Soldiers of the 75th Ranger Regiment received some type of disciplinary action, ranging from Article 15s to reprimands, to removal from the Ranger Regiment.

#### **Latest Actions**

Exercising independent discretion as a commander to address and resolve disciplinary concerns, Gen. Wallace reviewed evidence, made findings, and took the following actions involving the general officers:

**Lt. Gen. (Ret.) Philip Kensinger**, then commanding general of U.S. Army Special Operations Command: written reprimand; written censure; request for Army Grade Determination Review Board

- Findings and Actions by Gen. Wallace:
  - Lt. Gen. (Ret.) Kensinger made three false statements in follow-on investigations.
  - He failed to properly notify the Tillman family of the fratricide investigation.
  - He failed to notify then-Acting Secretary of the Army Les Brownlee of the friendly fire investigation.
  - He did not initiate a timely Army safety board investigation as required by Army regulation.
  - Gen. Wallace issued a written reprimand to Lt. Gen. (Ret.) Kensinger.
- Findings and Actions by Secretary Geren: On July 30, 2007, Secretary Geren issued a written censure to Lt. Gen. (Ret.) Kensinger that addressed his knowing submission of a false report to the Secretary of the Army on a matter of grave importance to the Army. The Secretary also cited Lt. Gen. Kensinger's failure of leadership as the senior officer in the administrative chain of command of the Ranger Regiment. The Secretary has directed that an Army Grade Determination Review Board evaluate the highest grade in which Lt. Gen. (Ret.) Kensinger served satisfactorily on active duty for retirement purposes.

**Lt. Gen. Stanley McChrystal**, then Joint Task Force commanding general: No Action Warranted. Gen. Wallace determined that as a Joint Task Force Commander in combat, Lt. Gen. McChrystal reasonably and appropriately presumed the Silver Star award packet presented to him for signature was accurate. In addition, Gen. Wallace also determined that Lt. Gen. McChrystal acted reasonably and quickly when he alerted his higher headquarters through use of a "Personal For" (P4) message about the expectation that the outcome of the ongoing investigation would determine Cpl. Tillman died from friendly fire.

**Brig. Gen. James Nixon**, then commander of 75th Ranger Regiment: written memorandum of concern. Gen. Wallace found then-Col. Nixon's well-intentioned but fundamentally incorrect decision to keep information close-hold within his staff about the ongoing fratricide investigation deprived him of the advice he needed to make an informed decision on casualty notification. Gen. Wallace did find that then-Col. Nixon kept his chain of command fully informed.

**Brig. Gen. (Ret.) Gary Jones**, then commander of U.S. Army Special Forces Command and one of the Army Regulation 15-6 investigating officers in the case: written memorandum of concern.

- Gen. Wallace found Brig. Gen. Jones should have interviewed an additional witness about Lt. Gen. Kensinger's statement as to when he was informed about the Tillman fratricide, in order to complete his review.
- Gen. Wallace also found that Brig. Gen. Jones incorrectly characterized the basis for Cpl. Tillman's actions in his explanation of why Tillman's actions merited the Silver Star.

#### **Remaining Officers Identified in DoD IG Report**

Gen. Wallace also reviewed the actions of five other officers, all below the rank of a General Officer. Based on his independent review of the evidence, Gen. Wallace elected to take action on three of these five officers, and took no action on the remaining two officers in this group of five. Consistent with the Freedom of Information Act, the Privacy Act, and longstanding Army policy and procedures, the names of these non-senior officials will not be publicly released.

#### **Findings in Regard to the Silver Star**

Gen. Wallace found that each of the three Commanders who signed the recommendation for a Silver Star for Cpl. Tillman acted reasonably given the information that was available for him to consider at the time. Each was aware that it was likely that Cpl. Tillman died from friendly fire. Gen. Wallace also took into account that at that time, unlike now, there was no regulatory prohibition preventing the processing of a posthumous valor award while a suspected fratricide investigation was on-going. He specifically found that the basis for the Silver Star was for Cpl. Tillman's acts of gallantry up until the point that he died by friendly fire.

On March 17, 2007, an Army Senior Decorations Board reviewed the posthumous award of the Silver Star to Cpl. Tillman. On March 26, 2007, the Army announced that it was implementing the Board's recommendations affirming the Silver Star but modifying the citation to more accurately reflect the circumstances and Cpl. Tillman's actions.

#### **Background and Evidence Considerations**

Gen. Wallace independently reviewed the facts and evidence regarding the Army officers named in the DoD Inspector General's report. Gen. Wallace was not bound by the conclusions or recommendations outlined in the DoD report or limited to the evidence it considered.

The evidence reviewed by Gen. Wallace included sworn testimony, interviews, and documentary evidence collected during all of the various investigations, and any statements or matters submitted by the officers. In addition to the evidence, where appropriate Gen. Wallace also considered each officer's age, rank, education, military record, intent, motives, training, experience, and length of service. He also considered, existing pressures, constraints, and resource limitations each officer faced while operating on the battlefield.

With regard to all of the officers under his review, Gen. Wallace chose the disciplinary or leadership tool he deemed best to serve justice, good order, and discipline. In some cases that tool was a Memorandum of Concern, which is not punishment, but is often used by a commander to coach, teach, educate, train and mentor when matters involve mistakes or misjudgment.

#### **Army Improvements: 2004 to Present**

Since October 2001, more than 3,640 service men and women have made the ultimate sacrifice in Iraq, and more than 400 have been killed in Afghanistan, all in service to our Nation in the war against terrorism. The Army grieves the death of every one of these Service Members and shares the grief of every bereaved military Family. Timely and accurate Family notification is a duty based on core Army values.

Over the past five years, the Army has incorporated lessons learned and new procedures to ensure timely, accurate notification of Families as well as to improve casualty-assistance procedures. These new procedures include:

- Revising Army Regulation 600-8-1, "Army Casualty Program," to require commanders of deployed forces to initiate an Army Regulation 15-6 investigation into all hostile deaths. The policy applies the regulation's thorough investigating techniques to initial casualty circumstances to ensure Families receive accurate information.
- Directing a field-grade officer review initial casualty reports to verify their accuracy based on all of the information known at the time.
- Requiring the Army's Criminal Investigation Command and unit commanders to notify the U.S. Army Human Resources Command's Casualty and Mortuary Affairs Operations Center of on-going death investigations and provide copies

of investigative reports upon completion. The Center then cross-references these investigations with the initial casualty circumstances to ensure they match.

- Incorporating additional training about casualty procedures and dealing correctly with battlefield deaths into Army education, such as pre-command courses, career courses and officer basic courses.
- Establishing a new valorous awards policy, requiring that prior to taking any action on a posthumous valorous award recommendation, the designated approval authority must review the completed Army Regulation 15-6 collateral investigation. The narrative presented in the award must not materially conflict with the findings of the investigation.

Ms. SANCHEZ. General Jones, how does the information that friendly fire is suspected in the death of a soldier get from theater to the soldier's family? How long does this process take?

General JONES. Army casualty reporting policy requires that the commander in theater dispatch the initial casualty report to the Army's Casualty and Mortuary Affairs Operations Center (CMAOC) within 12 hours of the incident. The battalion commander or his battalion-level field grade designee must verify the accuracy of the casualty circumstances and the inflicting force before submitting the initial casualty report. Whenever the battalion commander identifies the inflicting force as "U.S.," "allied," or "unknown" on the initial casualty report, CMAOC will direct the casualty notification team to inform the Family that their Soldier was killed by possible or suspected friendly fire and that the unit has initiated an investigation to determine the facts surrounding the death. The Family is also informed that they will receive a redacted copy of the final report of investigation and will receive an in-person formal presentation of the report if the investigation concludes that the incident involved friendly fire.

Upon receipt of the initial casualty report from the unit, CMAOC reviews it for completeness and to ensure a field grade officer verified the casualty circumstances and the inflicting force information contained in the report. CMAOC then passes the casualty report to one of the Army's 33 regional Casualty Assistance Centers (CAC). The CAC assembles a notification team, consisting of a notification officer and a second Soldier, preferably a chaplain, to locate and notify all the Family members listed on the Soldier's Record of Emergency Data. The goal is to notify the Soldier's primary next of kin within four hours of the CAC receiving the initial casualty report. In most cases, the Army is able to notify all Family members within 24 hours of the incident. There are times, however, where this may take longer, especially if the Family member is not home when the notification team arrives, or if he or she has relocated.

If the initial suspicion of friendly fire does not emerge until the subsequent investigation of a hostile death uncovers evidence of a possible friendly fire, the commander is then required to submit an immediate supplemental casualty report, with the same field grade review requirement, to update information previously reported concerning the circumstances and inflicting force identification. This may occur hours, days or weeks after initial notification to the Family based upon evidence that surfaces during the investigation. Nevertheless, it must be accomplished as soon as the suspicion of friendly fire comes to light. Once CMAOC receives and reviews that report, CMAOC will coordinate with the CAC to have the Family's assigned Casualty Assistance Officer(s) make immediate follow-on notification of the suspected friendly fire to the Family and advise them that they will be offered an in-person formal presentation of the report if it concludes that friendly fire was involved.

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#### QUESTIONS SUBMITTED BY MR. HINCHEY

Mr. HINCHEY. When was Sgt. Eddie Ryan's family officially notified that their son had been wounded by friendly fire?

Mr. DOWNS. Sgt. Ryan's family was officially notified of the friendly fire incident on 27 July 2005 telephonically by their CACO. The CACO had contacted the Marine Corps Awards Branch on behalf of the Ryan family that same day to determine the status of Sgt. Ryan's Purple Heart. At that time, he learned Sgt. Ryan was wounded by friendly fire and that the information was imbedded in a supplemental PCR released on 17 May 2005 that had been unfortunately overlooked. On 4 Aug. 05, the CACO delivered the 17 May 2005 supplemental PCR to the family. MARADMIN 592/07 (cited above) established specific formatting for reporting of any investigation to preclude this type of information from being overlooked in the future. The MARADMIN also ensures that the Marine Corps will go beyond what is currently

required by Sec. 1072 of P.L. 102-484 by ensuring that the family of any incapacitated Marine will also be informed of any investigation into the cause/circumstances of injury.

Mr. HINCHEY. How many friendly fire investigations are being conducted by the Marine Corps as of July 3, 2007?

Mr. DOWNS. The Staff Judge Advocate (SJA), U.S. Marine Corps Forces, Central Command (MARCENT) is the records custodian for friendly-fire investigations conducted by U.S. Marine Corps Forces in the Central Command (CENTCOM) Area of Operations. The MARCENT Command Operations Center notifies essential personnel, to include the SJA, when a possible friendly-fire incident occurs. The force Staff Judge Advocates, for example, the Staff Judge Advocate for Multi-National Forces—West (MNF–W), notify the MARCENT SJA upon completion of the investigation. MNF–W was the only MARCENT force conducting friendly-fire investigations on July 3, 2007. As of July 3, 2007, MNF–W was conducting a total of five (5) friendly-fire investigations.

Mr. HINCHEY. How many times, and for what durations of time, were each of the other service members on Sgt. Ryan's sniper team interviewed about the friendly fire incident on April 13, 2005?

Mr. DOWNS. After reviewing the investigation and contacting the Investigating Officer, there were a total of three snipers in addition to Sergeant (then Corporal) Ryan. The chief scout sniper was interviewed 2–3 times, in addition to the time he spent with the investigating officer providing his written statement. The other two members were also interviewed 2–3 times, both alone and together, in addition to the time each spent with the investigating officer providing their respective written statements. Of the respective 2–3 formal interviews, the investigation officer estimates each lasted at least 30 minutes but less than an hour. Because both the investigating officer and these snipers occupied the same firm base, there were also “snippets” of conversation between them at various times regarding this incident. Although not snipers, the investigating officer also interviewed the sniper's platoon commander and platoon sergeant with similar frequency and duration to document trained and expected tactics, techniques and procedures for snipers and adjacent units under these circumstances. The investigative report contains 25 witness statements or interview summaries.

Mr. HINCHEY. What is the average period of time that passes between the determination of a friendly fire incident and the notification of the affected family?

Mr. DOWNS. To respond, we rely on the findings of the Inspector General of the Marine Corps (IGMC) Assessment of Casualty Reporting and Notification of 11 Oct. 2007. After a Congressional Hearing (27 June 2007) and subsequent briefings revealed serious deficiencies in our reporting and notification processes, the Commandant directed the IGMC to do a top-to-bottom assessment of our process. That process revealed disconnects in our reporting and tracking systems that do not allow us to determine an accurate average time between the initiation of a friendly fire investigation and the notification of that fact to the affected family. That inability is unacceptable. Through the Congressional hearing process and the subsequent IGMC assessment, we have identified remedies to streamline the casualty reporting and notification process, improve timeliness, and rectify accuracy problems. Upon conclusion of the IGMC assessment, immediate action was initiated in the form of a White Letter (direct communications between the Commandant and all Commanding Officers and Officers in Charge) and MARADMIN 592/07 (issued 11 October 2007) reemphasizing reporting, investigation, and notification requirements. This remedial action includes: rigorous and documented pre-deployment training on casualty reporting and investigation procedures, issuance of monthly supplemental PCRs to report on the status of ongoing investigations, issuance of a PCR within 24 hours of completion of an investigation noting the completion date and findings—all information from these PCRs being immediately provided to the families directly by the Casualty Assistance Calls Officer (CACO) assigned to support that family, and the implementation of an inspection process within our mandatory Inspector General Automated Inspection Reporting System to ensure compliance with casualty procedures.

Mr. HINCHEY. What is the official Marine Corps policy regarding sniper team usage of radio in combat or stakeout situations? Are sniper teams expected to have their radios open, or live, during these situations, or are they generally expected to have their radios on standby?

Mr. DOWNS. There is no Marine Corps policy regarding usage of radios by sniper teams during missions. While there is no service policy, unit Standard Operating Procedures most commonly dictate that all units maintain their radios in the “on” position, that is they continuously monitor their priority nets. This is done to support rapid transmission of information (updates to the common operational picture).

Generally, small units operating on the battlefield, to include sniper teams, only transmit on their radios when necessary/required. Only in an extremis situation would a small unit place their radios in “standby” mode (e.g. necessity to conserve battery life) due to the fact that in the “standby” mode a unit’s radios are receiving incoming radio transmissions.

Mr. HINCHEY. Are sniper teams expected to report their specific whereabouts in a stakeout location back to higher headquarters over the radio? For example, if a team is directed to take up a position at a specific building site, are the teams required to let higher headquarters know that they are positioned on the roof of that building?

Mr. DOWNS. Yes. Snipers, like all small units, are required to report their location to their higher headquarters. This is done to maintain the common operational picture that is a common awareness of where all friendly units are located on the battlefield. A common operational picture reduces the risk of fratricide and facilitates rapid responses to changing conditions on the battlefield. This position reporting is almost exclusively via radio.

