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DEPARTMENT OF THE NAVY
COMMANDER, DESTROYER SQUADRON FIFTY
PSC 851 BOX 190, FPO AE 09834-0002

5830
Ser N00/034
28 Feb 16

~~SECRET~~//NOT RELEASABLE TO FOREIGN NATIONALS - Unclassified upon removal of enclosure (1)

From: [redacted], USN
To: Commander, U.S. Naval Forces Central Command

Subj: COMMAND INVESTIGATION TO INQUIRE INTO INCIDENT IN THE VICINITY OF FARSI ISLAND INVOLVING TWO RIVERINE COMMAND BOATS (RCB 802 AND RCB 805) ON OR ABOUT 12 JANUARY 2016

Ref: (a) COMUSNAVCENT Appointing Order to [redacted] of 13 Jan 16
(b) COMUSNAVCENT Appointing Order to [redacted] of 18 Jan 16
(c) COMUSNAVCENT Appointing Order to [redacted] of 21 Jan 16
(d) COMUSNAVCENT Extension Approval to [redacted] of 7 Feb 16

Encl: (1) Final Investigation Report

1. Reference (a) directed that I lead a comprehensive investigation into the facts and circumstances surrounding the incident in the vicinity of Farsi Island involving two Riverine Command Boats (RCB 802 and RCB 805), on or about 12 January 2016. References (b), (c) and (d) supplemented reference (a) and presented additional matters and factors to be addressed as well as provided additional time to complete the investigation. Enclosure (1) is the required report.

2. The investigation reviewed execution and compliance with the programs, plans, and procedures in effect within U.S. FIFTH Fleet on or about 12 January 2016. The Investigation Team conducted site visits, program and instruction reviews, panel discussions, and interviews. During the course of the investigation, the Team received outstanding support from all organizations involved.

[redacted]

[redacted]

REPORT OF THE INVESTIGATION TO INQUIRE INTO INCIDENT IN THE VICINITY OF FARSI ISLAND INVOLVING TWO RIVERINE COMMAND BOATS (RCB 802 AND RCB 805) ON OR ABOUT 12 JANUARY 2016

28 FEBRUARY 2016

Table of Contents

List of Acronyms

Executive Summary

Chapter I - Introduction

A. Scope of Investigation

B. Methodology

C. Organization

Chapter II - Coastal Riverine Squadron Three Readiness

A. Maritime Expeditionary Force and Riverine Force Merge to Form Coastal Riverine Force

B. Detachment Yorktown Moves From Yorktown to San Diego

C. Detachment Yorktown's Disestablishment

D. Pre-Deployment Training Responsibilities

E. Deployment Training Cycle - Individual Training

F. Deployment Training Cycle - Unit Level Training

G. Deployment Training Cycle - Unit Level Training Readiness Assessment (ULTRA)

H. Deployment Training Cycle - Final Evaluation Problem (FEP)

I. Operation Center's Watchstander Training

J. Training Cycle Wrap-Up

K. Deployment Training vs Deployment Missions

Chapter III - Coastal Riverine Squadron Three Deployment

A. Coastal Riverine Squadron Three's Assumption of CTG-56.7 Duties

B. CTF-56 and Coastal Riverine Operations

C. Staff and Subordinate Perspectives

D. (b)(1) E.O. 13526 1.4(A) [redacted]

E. The RCB Re-location to Kuwait

F. Northern Arabian Gulf Operations

G. Transit Planning from Kuwait to Bahrain

Chapter IV - Events of 11-13 January 2016

A. The Mission

B. The Preparation

C. The RCB Crews

D. Procedural Compliance

E. Getting Underway

F. The Crew Observes Farsi Island

G. RCB 802 Engine Casualty

H. Iranian Interaction

I. Movement to Farsi Island

J. Release and Recovery

K. Search and Rescue

L. Iranian Interrogators

Chapter V - Code of Conduct

A. Code of Conduct, Implementing Guidance and Applicability Across the Range of Seizure and Farsi Island Detention

B. Specific Code of Conduct Articles and Guidance Pertinent to Farsi Island Incident on 12 January 2016

C. Code of Conduct Training

Chapter VI - Opinions and Recommendations

A. Opinions on Pre-Deployment Readiness

B. Opinions on CRS-3 Deployment

C. Opinions on Events of 11-13 January 2016- RCB 802 RCB 805 Transit From Kuwait to Bahrain

D. Opinions on The Iranian Interactions

E. Opinions on CTF-56/CTG-56.7 Responses

F. Opinions on The Code of Conduct

G. Opinions on Surrender

H. Opinions on Interrogations and Other Statements in Detention

I. Opinions on Innocence v. Apologies

J. Opinions on RCB 802 Boat Captain's Conduct

K. Recommendations - Accountability

L. Recommendations - Immediate

M. Recommendations - Training and Readiness

N. Recommendations - Policies, Programs, and Procedures

O. Recommendations - Lessons Learned

P. Special Recognition

APPENDIX A - List of Enclosures

APPENDIX B - List of References

APPENDIX C - Comprehensive Timeline

APPENDIX D - Training

APPENDIX E - Code of Conduct Comparative Analysis

APPENDIX F - Investigation Team

LIST OF ACRONYMS

3-M	Material, Maintenance, and Management
AAR	After Action Review
AC	Active Component
AD	Active Duty
ADCON	Administrative Control
AMD	Activity Manning Document
AOR	Area of Operations
ASM	Advanced Skills Management
AT/FP	Antiterrorism/Force Protection
ATO	Antiterrorism Officer
AWC	Army Watercraft
BMF	Boat Maintenance Facility
C2PC	Command and Control Personal Computer
C3F	Commander, THIRD Fleet
C5F	Commander, FIFTH Fleet
CART	Commanders Assessment of Readiness and Training
CCDR	Combatant Commander
CENTCOM	U.S. Central Command
CIN	Course Identification Number
CNETC	Commander, Naval Education and Training Command
CNO	Chief of Naval Operations
CO	Commanding Officer
COGENT	Common Geospatial Navigation Toolkit
COI	Course of Instruction
COMNECC	Commander, Navy Expeditionary Combat Command
COMNECCPAC	Commander, Navy Expeditionary Combat Command Pacific
COMPACFLT	Commander, Pacific Fleet
COMPTUEX	Composite Training Unit Exercise
CONOPS	Concept of Operations
CONPLAN	Contingency Plan
CONUS	Continental United States
COP	Common Operational Picture
CRATE	Commanders Readiness Assessment and Training Evaluation
CRF	Coastal Riverine Force
CRS	Coastal Riverine Squadron
CTF	Commander, Task Force
CTG	Commander, Task Group
CTU	Commander, Task Unit
CTO	Command Training Officer
CTT	Command Training Team
CTU	Commander Task Unit
CWC	Composite Warfare Commander

DAGR	Defense Advanced GPS Receiver
DoD	Department of Defense
DoN	Department of the Navy
DRRS	Defense Readiness Reporting System
DRRS-N	Defense Readiness Reporting System-Navy
ECG	Exercise Control Group
ECS	Expeditionary Combat Skills
EDG	Event Drill Guide
EO	Enabling Objective
EOD	Explosive Ordnance Disposal
EOF	Escalation of Force
ESR	Emergency Surge Ready
EST	Embarked Security Team
ETG	Expeditionary Training Group
ETJ	Electronic Training Jacket
EWTGLANT/PAC	Expeditionary Warfare Training Group Atlantic/Pacific
EXW	Expeditionary Warfare
FATS	Firearms Training System
FDNF	Forward Deployed Naval Forces
FEP	Final Evaluation Problem
FTN	Force Tracking Number
IEX	Integrated Exercise
IRN	Republic of Iran Navy
ISIC	Immediate Superior in Command
JQR	Job Qualification Requirement
KNB	Kuwait Naval Base
LRTP	Long-Range Training Plan
MIO	Maritime Interception Operations
MOC	Maritime Operations Center
MOCWO	Maritime Operations Center Watch Officer
MOE	Measure of Effectiveness
MOP	Measure of Performance
MSO	Maritime Security Operations
MSO-R	Maritime Security Operations Ready
MSEL	Master Scenario Event List
NAVCENT	U.S. Naval Forces Central Command
NAVEDTRA	Navy Education and Training
NCC	Navy Component Commander
NDP	Naval Doctrine Publication
NEC	Navy Enlisted Classification
NECC	Navy Expeditionary Combat Command
NECCPAC	Navy Expeditionary Combat Command Pacific
NECE	Navy Expeditionary Combat Enterprise
NIEX	NECC Integrated Exercise Assessment
NMCB	Naval Mobile Construction Battalion

NMET	Navy Mission Essential Task
NMETL	Navy Mission Essential Task List
NMT	Navy Military Training
NOBC	Navy Officer Billet Code
NSA	Naval Support Activity
OPNAV	Office of the Chief of Naval Operations
OPTEMPO	Operating Tempo
ORM	Operational Risk Management
OSC	On-Scene Commander
OSC	Operational Stress Control
PBFT	Planning Board for Training
PDB	Post Deployment Brief
PERSTEMPO	Personnel Tempo
PESTONI	Personnel, Equipment, Supply, Training, Ordnance, Network, Infrastructure
PMAP	Protective Measures Assessment Protocol
POA&M	Plan of Action and Milestones
POM	Pre-Overseas Movement/Projected Operating Memorandum
POSREP	Position Report
PQS	Personnel Qualification Standards
PTDO	Prepare to Deploy Order
RAC	Risk Assessment Code
RCB	Riverine Command Boat
RCRP	Readiness and Cost Reporting Program
RFF	Request for Forces
RFS	Request for Service
RFM	Ready for Mobilization
RIP/TOA	Remain in Place/Turnover of Authority
ROE	Rules of Engagement
ROC/POE	Required Operational Capability/Projected Operational Environment
SERE	Survival, Evasion, Resistance and Escape
SOF	Special Operations Forces
SOP	Standard Operating Procedures
SRTP	Short-Range Training Plan
TAD	Temporary Additional Duty
TEU	Training and Evaluation Unit
T-FOM	Training Figure of Merit
TO	Training Officer
TOC	Tactical Operations Center
TRAMAN	Training Manual
TSC	Theater Security Cooperation
TTGL	Tactical Training Group Atlantic
TTGP	Tactical Training Group Pacific
TTP	Tactics, Techniques, and Procedures

UAS	Unmanned Aerial System
UAV	Unmanned Aerial Vehicle
UIC	Unit Identification Code
ULT	Unit Level Training
ULTRA	Unit Level Training and Readiness Assessment
USCGC	U.S. Coast Guard Cutter
USFF	United States Fleet Forces Command
WEBSKED	Web Enabled Scheduling System

Executive Summary

Times listed in the written report will be local time (+3C for Bahrain and Kuwait) unless otherwise specified (e.g. +4D for Jebel Ali). However, there are figures inserted in the report that capture screenshots of various ships' electronic displays in GMT (3 hours earlier).

(U) On the afternoon of 12 January 2016, two U.S. Navy Riverine Command Boats (RCB 802 and 805) - administratively assigned to Coastal Riverine Squadron THREE (CRS-3) and operationally assigned to Commander Task Force FIVE SIX (CTF-56) – began an estimated 250 nautical mile transit from Kuwait to Bahrain in order to support an upcoming exercise in the Central Arabian Gulf. This RCB transit was the longest ever conducted by CRS-3. Because of various engine issues, the two RCBs launched nearly five hours after their scheduled departure time, without positive satellite communications with the Kuwait, Bahrain, or Jebel Ali Tactical Operations Centers (TOC). The RCB crewmembers lacked navigational awareness, proper communication with higher authority, and appreciation of the threat environment throughout the transit.

(U) Ten crewmembers manned the two RCBs (nine enlisted and one officer). The roles/responsibilities within and among the RCBs was unclear and utilized confusing and poorly understood lexicon (e.g. "Boat Captain" and "Patrol Leader") that did not translate into effective command and control. From the moment RCB 802 and RCB 805 got underway, RCB 802 altered course from the Plan of Intended Movement (PIM) to expedite meeting with USCGC MONOMOY to refuel before sunset, and did so without giving notice or receiving permission.

(U) For each RCB, two of the five weapons were mounted but not manned. (b)(1) E.O. 13526 1.4(A) [redacted] (b)(1) E.O. 13526 1.4(A) [redacted] (b)(1) E.O. 13526 1.4(A) [redacted] (b)(1) E.O. 13526 1.4(A) [redacted] Seven nautical miles into the transit, RCB 805 established satellite communications with the Bahrain TOC controlled by Commander Task Unit (CTU) 56.7.4. RCB 802 lacked satellite communications with higher authority throughout the entire transit. The two RCBs transited in a two-ship column. RCB 802 led, closely followed by RCB 805.

(U) At 1527, RCB 802 and 805 unknowingly entered Saudi Arabian territorial seas without coordination with Saudi Arabia or communication to higher authority. At 1546, RCB 802 and 805 unknowingly entered Iranian territorial seas surrounding Farsi

Island. USCGC MONOMOY notified CTG-56.7 that the RCBs appeared to be inside Iranian territorial seas.

(U) The RCB crews did not identify the land mass as Farsi Island and were unaware that they had entered Iranian territorial seas. Despite entering both Saudi Arabian and Iranian territorial seas, RCB 802 and 805 were exercising their right of innocent passage in accordance with customary international law.

(U) While conducting innocent passage, RCB 802 developed indications of loss of lube oil pressure in the starboard engine (1 of 2). This occurred at 1611, roughly 1.5 nautical miles south of Farsi Island. As a precautionary measure, the RCB 802 Boat Coxswain went "all-stop" on both engines. RCB 802 remained dead-in-the water and began troubleshooting the engine casualty; RCB 805 remained nearby. Between five to fifteen minutes later, the RCB crewmembers visually sighted two small boats coming towards them from Farsi Island.

(U) RCB 805 provided a status update to the Bahrain Tactical Operations Center and advised that they were in the middle of an interaction with two Iranian small boats. RCB 805 attempted to make contact with the small boats via VHF radio communications, but was ultimately unsuccessful.

(U) As the Iranian small boats approached, the Iranians uncovered their crew mounted weapons and pointed them at the RCBs. As the RCB 802 Boat Captain was not aware of their location in Iranian water or the overall threat environment, he initially believed that the small boats were fishing vessels that meant no ill-intent. While some 802 and 805 crewmembers had manned their crew mounted weapons, the RCB 802 Boat Captain ordered that they back off their weapons so they did not seem intimidating. (b)(1) E.O. 13526 1.4(A) [redacted]
(b)(1) E.O. 13526 1.4(A) [redacted]

(U) The RCB 802 Boat Coxswain repaired 802's engine. RCB 802 attempted to come up in speed and the two Iranian boats maneuvered in front of the RCB, "racked their weapons," and pointed AK-47s and crew mounted weapons at RCB 802's crew. The RCB 802 Boat Captain ordered the RCB 802 Boat Coxswain to accelerate through the Iranian vessels. The 802 Boat Coxswain disregarded this order and refused to accelerate through the Iranians. The Iranian boats surrounded RCB 802 and continued to point .50 caliber guns and AK-47 machine guns at the RCB crews.

The RCB 802 Boat Captain ordered the RCB gunners to step away from the weapon mounts.

(U) The 802 Boat Captain attempted to verbally establish communications with the Iranians, but none of the Iranians spoke English well. The RCB 802 Boat Captain believed that the Iranians were retrieving a translator from Farsi Island. This did not occur.

(U) Moments later, two additional Iranian boats came from Farsi Island with upward of fifteen additional armed crewmembers. They aggressively approached the two RCBs. The Iranians motioned for the RCB crewmembers to step away from their weapons and for RCB 805 to come alongside and "nest" with RCB 802.

(U) At 1700, the CTF-56 Maritime Operations Center logged, "RCB's reporting 2 Iranian vessels are attempting to push RCB's to an unknown island with weapons trained." This was the last transmission from the RCBs.

(U) Once RCB 805 was alongside RCB 802, the Iranians boarded, removed the U.S. flag, replaced it with the Iranian Revolutionary Guard Corps Navy (IRGCN) flag, and instructed both RCB crews to board and assemble on the aft part of RCB 802 with their hands behind their heads. The Iranians searched the RCB crewmembers, confiscated their possessions, blindfolded them, and tied their hands together with pieces of ripped Iranian flags. With the Iranians onboard, the two RCBs (driven by U.S. crewmembers whose blindfolds were temporarily removed) were directed to Farsi Island. Upon arrival at Farsi Island, the crewmembers, still blindfolded, were escorted to a holding area and then escorted to a carpeted room where the Iranians removed their blindfolds and freed their hands.

(U) Throughout the evening, the Iranians began interrogating each crewmember in a separate room, while the other crewmembers were able to sleep and eat. Because all communication had been lost with the RCBs, at 1810 the U.S. FIFTH Fleet Maritime Operations Center (MOC) began search and rescue operations, and directing USS ANZIO and USCGC MONOMOY into Iranian territorial seas. The MOC directed airborne assets (to include USAF B-1, F-15, USN F/A-18, E-2, and P-3 aircraft) to begin airborne search and rescue inside Iranian territorial seas and overhead Farsi Island. A USN E-2 from the USS HARRY S. TRUMAN established communications with the Iranians, and a U.S. P-3 positively identified the two RCBs pier side at Farsi Island.

(U) Communications were eventually established with the Iranians who advised that the crewmembers were in Iranian custody. Later that evening, the RCB 802 Boat Captain established communications with USS ANZIO and reiterated that the crewmembers were safe. The Iranians requested that USS ANZIO leave Iranian territorial seas and allow higher authorities to work out the release. Communications from USS ANZIO to the Iranians continued in an attempt to establish the time for release of the crews. On the morning of 13 January 2016, USS ANZIO was notified that the crewmembers would be released at 1200.

(U) Prior to their release, an Iranian video crew interviewed the RCB 802 Boat Captain. The Iranians demanded that he recite words to the effect that "we were sorry that we entered into Iranian territorial waters and that we were treated well" as a condition for the crewmembers' release. After multiple attempts and coaxing by the Iranians, the RCB 802 Boat Captain ultimately recited the words as demanded. The RCB crewmembers were then blindfolded and escorted single file (hands on each other's shoulders) to the piers where the RCBs were located and boarded the boats. Their blindfolds were taken off, which revealed both RCBs ransacked and equipment wires cut.

(U) The RCBs got underway from the Farsi Island pier and proceeded to meet USS ANZIO under escort by four armed Iranian Patrol Boats. At 1255, RCB 802 and 805 left Iranian territorial seas and came alongside USS ANZIO.

(U) On 13 January 2016, Commander, U.S. Naval Forces Central Command appointed the Investigating Officer to conduct a comprehensive investigation into the incident surrounding the events that led to the seizure of the two RCBs and their crewmembers. On 21 January 2016, Commander, U.S. Naval Forces Central Command directed the Investigating Officer to investigate additional factors that related to training, readiness, and the applicable command and control at the time of the incident. The investigative efforts were organized into four main areas, with Chapters II-III addressing <u>how</u> this occurred and Chapter IV addressing <u>what</u> occurred:

- Investigation Scope and Methodology. (Chapter I)
- The RCB Crew Readiness that led to the 2015 deployment for Coastal Riverine Squadron THREE. (Chapter II)

- The deployment of Coastal Riverine Squadron THREE, starting in July 2015 and leading up to 11 January 2016. (Chapter III)

- The sequence of events to include the timeframe when the mission was ordered by CTF-56 on 11 January 2016 to the transit preparation, transit on 12 January 2016, and the seizure, detention, and subsequent release on 13 January 2016. (Chapter IV)

- Analysis of the Code of Conduct and the RCB crewmembers' rights and obligations while in Iranian detention. (Chapter V)

- Specific opinions as to the adequacy of applicable DoD, DoN, NECC, CRF, and C5F programs, policies and procedures as applied to this incident. This includes accountability recommendations, other issues identified during the course of the investigation, and lessons learned. (Chapter VI)

Opinions and Recommendations

(U) This incident was caused by series of mistakes that culminated in the seizure of RCB 802 and RCB 805. These mistakes included, but were not limited to: inadequate manning; insufficient basic, advanced and sustainment training; poor communication up and down the chain of command; ineffective maintenance procedures; lack of navigational experience and oversight; and poor leadership and judgment.

(U) Where appropriate, this Command Investigation recommends that Commander, FIFTH Fleet take appropriate administrative action against certain personnel. Many personnel have left the FIFTH Fleet operational chain of command. Accordingly, this Command Investigation should be forwarded to the appropriate Commander(s) who have jurisdiction over these personnel for appropriate action.

CHAPTER I
INTRODUCTION

I.A. Scope of Investigation

I.A.1. (U) On 13 January 2016, Commander, U.S. Naval Forces Central Command (NAVCENT) directed a comprehensive investigation into the facts and circumstances surrounding the incident in the vicinity of Farsi Island involving two Riverine Command Boats (RCB 802 and RCB 805), on 12 January 2016. Commander, U.S. Naval Forces Central Command also directed on 21 January 2016, that the report include, but not be limited to, the following potential contributing factors:

a. Crew pre-deployment and sustainment training and readiness
b. Weapons posture
c. AT/FP training and posture
d. Tactics, techniques and procedures
e. Mission planning and approval
f. Intelligence briefs
g. Higher headquarters oversight
h. Mission execution
i. Communications plan
j. Contingency planning
k. Information flow between RCB's and higher headquarters
l. Guidance from higher headquarters

I.A.2. (b)(1) E.O. 13526 1.4(A); (b)(7)(A)

(b)(1) E.O. 13526 1.4(A); (b)(7)(A)

- Joint Personnel Recovery Agency Reintegration Process (JPRA) Materials. The crewmembers were debriefed in the reintegration process. During one of the interviews by the Investigating Officer, a crewmember stated that she took videos using her smartphone of portions of the Iranian interaction. She stated that she relinquished the smartphone to the reintegration team (b)(1) E.O. 13526 1.4(A); (b)(7)(A). In an effort to gather, record, and analyze all relevant information, the Investigating Officer formally requested the videos and any debriefing materials from the Joint Personnel Recovery Agency. To date, the JPRA has not provided any requested materials.

- Legal Issues Identified, but Beyond the Scope of the Investigation. The investigation focused on the contributing factors (as outlined in reference (d)) that led to the Farsi Island incident. However, the investigation revealed several complex and wide-ranging legal issues, such as, but not limited to: (1) the legal status and rights of the RCB crewmembers while in Iranian detention[1] and application of international human rights law; (2) the corresponding legal status and responsibilities of the Iranians; and (3) the legal status of some Iranians who were not in uniform during the initial encounter. This JAGMAN was not the appropriate medium to provide the thorough and coordinated interagency analysis that these important legal issues require and it was not necessary to resolve these issues to fully examine the contributing factors as directed by reference (d).

I.B. Methodology

I.B.1. (U) The Investigation Team consisted of three investigators and 21 support personnel. The Team consisted of a

[1] Chapter V of the JAGMAN discusses the Code of Conduct and uses the terms "detainee" and "detention" in order to remain consistent with terminology in Department of Defense Instruction 1300.21 (Code of Conduct Policy). Use of those terms in Chapter V should not be construed as a finding or opinion on the legal status of the RCB crewmembers under international law.

range of subject matter experts, to include personnel with extensive experience in Coastal Riverine Force, NAVCENT AOR operations, small boat operations, navigation, materiel and maintenance management, administrative, and operational law. A majority of the investigators have extensive experience in conducting administrative inquiries and audits. A complete roster of Team members is included in Appendix E.

I.B.2. (U) As initially directed, the Investigation Team focused on the timeline of events and actions that were a result of the planning and execution of the RCB transit conducted on 12 January 2016. (b)(1) E.O. 13526 1.4 (A) [redacted] (b)(1) E.O. 13526 1.4(A) [redacted] (b)(1) E.O. 13526 1.4(A) [redacted] (b)(1) E.O. 13526 1.4(A) [redacted] (b)(1) E.O. 13526 1.4(A) [redacted] (b)(1) E.O. 13526 1.4(A) [redacted] (b)(1) E.O. 13526 1.4(A) [redacted].

I.B.3. (U) The Investigation Team reviewed documents, interviewed witnesses, and conducted inspections onboard RCB 802 and 805. An initial discussion occurred in a panel forum with the Executive Officer of CTG-56.7, his staff, and subordinate units and staffs. This panel discussion took place prior to any interviews while the Investigation Team was collecting initial documents and acclimating to its mission and organization. Significantly, the Farsi Island incident occurred one week before the CTG-56.7 RIP/TOA (Remain in Place/Transfer of Authority) turnover between CRS-3 and CRS-2.

I.B.4. (U) On 25 January 2016, the Investigation Team was informed that the crewmembers had completed the Reintegration Process. Select members of the Investigation Team immediately traveled to San Diego to begin interviews on 27 January 2016. Due to the short notice and location of the ten crewmembers, the dispersed nature of CTG-56.7 staff and subordinate units, and their impending return to San Diego after turnover of deployment duties, the Investigation Team conducted all of the interviews for CRS-3 (formerly CTG-56.7), and Coastal Riverine Group ONE.

I.B.5. (U) Additionally, the Investigating Officer discussed the purpose and scope of the investigation and solicited subject matter expertise and any relevant information to the investigation from Chief of Staff Navy Expeditionary Combat Command (NECC), and various staff N-codes (to include Manpower, Material Readiness, and Training), Chief of Staff Navy Expeditionary Combat Command Pacific, and Coastal Riverine Group

ONE and TWO Commodores and staffs. This dialogue continued throughout the investigation.

I.B.6. (U) The Investigating Officer briefed interim findings and observations with Commander, U.S. FIFTH Fleet on 29 January 2016 to ensure that CTG-56.7 was fully prepared to operate with current tasking in theater. Based on that conversation, Commander, U.S. FIFTH Fleet mandated that CTF-56 conduct an Operational Training and Readiness stand down to provide an internal assessment of training. This stand down addressed Code of Conduct, FIFTH Fleet area of operations (AOR) specific guidance and intent messages, and included a peer review to assess CTF-56 command and control and watch station setup.

I.B.7. (U) The Reintegration Process and Additional Factors Bearing on Crewmember Accounts/Interviews. Chapter IV is the focus of this Investigation. It provides Findings of Fact concerning the RCBs' transit, eventual interaction with Iranian forces, and detention of the RCB crews. The Findings of Fact are based largely upon statements and interviews of the ten RCB crewmembers conducted during this investigation. Although generally consistent, RCB crewmember accounts at times diverged, and even appeared disjointed or contradictory on key points or timelines. This may be due to various factors:

- (U) First, for over two weeks following their recovery, the RCB crewmembers underwent a series of debriefings during a formal reintegration process as required by various Department of Defense and implementing regulations. As required by these regulations, the Investigation Team could not access the crewmembers for interviews. Following the reintegration process, the crewmembers were interviewed by the Investigating Officer from 27-31 January 2016.

- (U) Second, some of the reintegration debriefings were conducted in group settings in which crewmembers collectively recounted their experiences to reintegration team members. This may have had some bearing on subsequent individual recounts during subsequent interviews by the Investigating Officer. Also, as part of the reintegration process, crewmembers were allowed to view footage and media reports concerning the incident to prepare them for the potential publicity upon returning home.

- (U) Lastly, this JAGMAN utilized logbooks, documents, and data from the RCBs' navigation system and other sources to corroborate, reconcile, or highlight potential discrepancies in the accounts.

I.B.8. (U) RCB Crewmember Statements and Interview Methodology. Each crewmember was afforded an opportunity to make a preliminary written statement recounting the incident. This allowed crewmembers to tell his or her unabridged story in his or her own words. Next, the Investigating Officer conducted follow-on interviews with individual crewmembers in San Diego, CA, a summary of which follows each preliminary statement. Each crewmember was provided the opportunity to review his or her statement and interview summary, and the opportunity to make corrections, clarifications, or additions.

BACKGROUND

RCB Navigable Waterways:

- **RIVERINE (BROWN WATER) NAVIGATION**

"Brown water" will be defined as the inland waters that are typically non-tidal, but where the water level can rise and fall the same as in tidal areas and harbor/ports. The following are the major types of Brown Water environments CRF units will operate:

  - Type I. Consists of minor rivers, usually not navigable by medium or deep draft craft, but are too deep to be forded without difficulty. These waterways are generally considered to be obstacles as opposed to lines of communications.
  - Type II. Consists of one or more major rivers with branches of numerous smaller streams, canals, or paddles that permit operational use of watercraft. These waterways may present serious obstacles, but are useful as a line of communications.
  - Type III. Consists of several major waterways in addition to an extensive network of small rivers, canals, or irrigation ditches. The environment accommodates all sizes of watercraft from small craft to amphibious craft and other support vessels, including medium or deep-draft craft.

- **COASTAL (GREEN WATER) NAVIGATION**

"Green water" is defined as the coastal zone including the beaches, estuaries, the adjacent harbor and bays, and the offshore waters, usually out to the edge of the continental shelf.

- **COASTAL (BLUE WATER) NAVIGATION**

"Blue water" is defined as territorial seas (within twelve nautical miles of shore) and Economic Exclusion Zones (out to 200 nautical miles) around foreign nations.

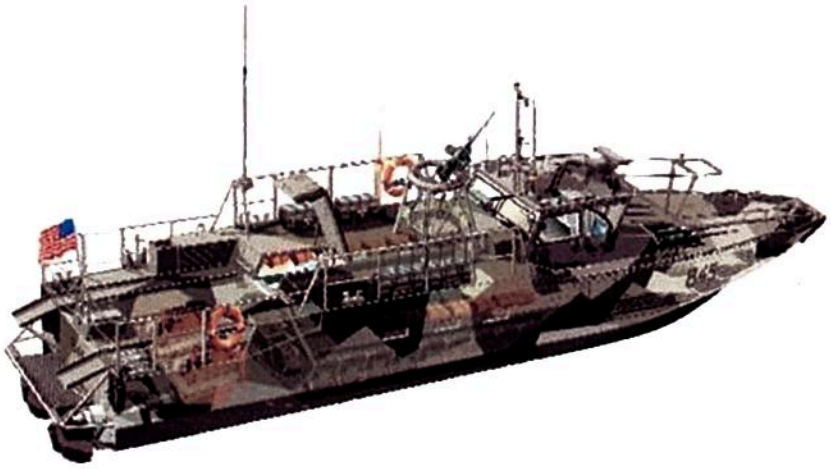
Common Geospatial Navigation Toolkit (COGENT)

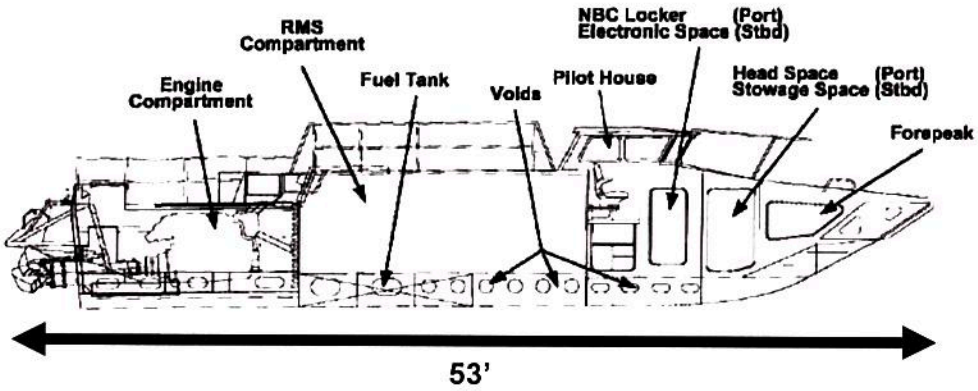
COGENT is an electronic toolkit to support safe navigation by providing a soft real-time graphical display of ownship position and surrounding area. COGENT also provides an integrated, layered tool set to support various mission areas in harmony with the primary navigation operations.

RCB Overview

1 x Stabilized Gun Mount (on top of pilot house)
1 x Remote Operated Stabilized Small Arms Mount (ROSAM)
  can support any of the below
4 x Fixed Gun Mounts
MK 19 (40mm grenade)
M2 (.50 cal)
Mk44 GAU-17 (7.62mm mini-gun)
M240 (7.62mm)
M249 SAW (5.56mm)

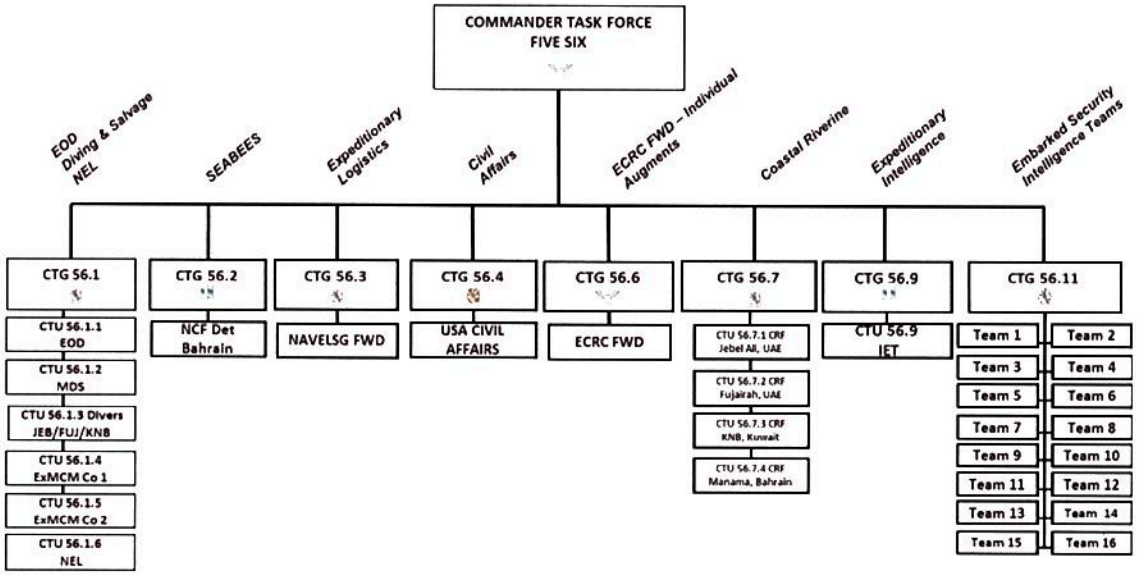
Characteristic	RCB
Hull Type	Ballistic protection: 7.62mm
Length	53 ft
Beam	12.5 ft
Draft	3 ft
Crew	7
Passengers	15
Twin Diesels w/Water Jets	Yes
Top Speed: full load	30 knots - cruise 40 knots - sprint
Range	250nm
Fuel Capacity	580 gallons
Combat Load	51,000 lbs.
Trailer Weight	17,000 lbs.
Bow Door/Ramp	Yes
Weapons Mounts / ROSAM	M2 / GAU-17 / M240
Power Requirements	110/115/220 (220 Preferred)



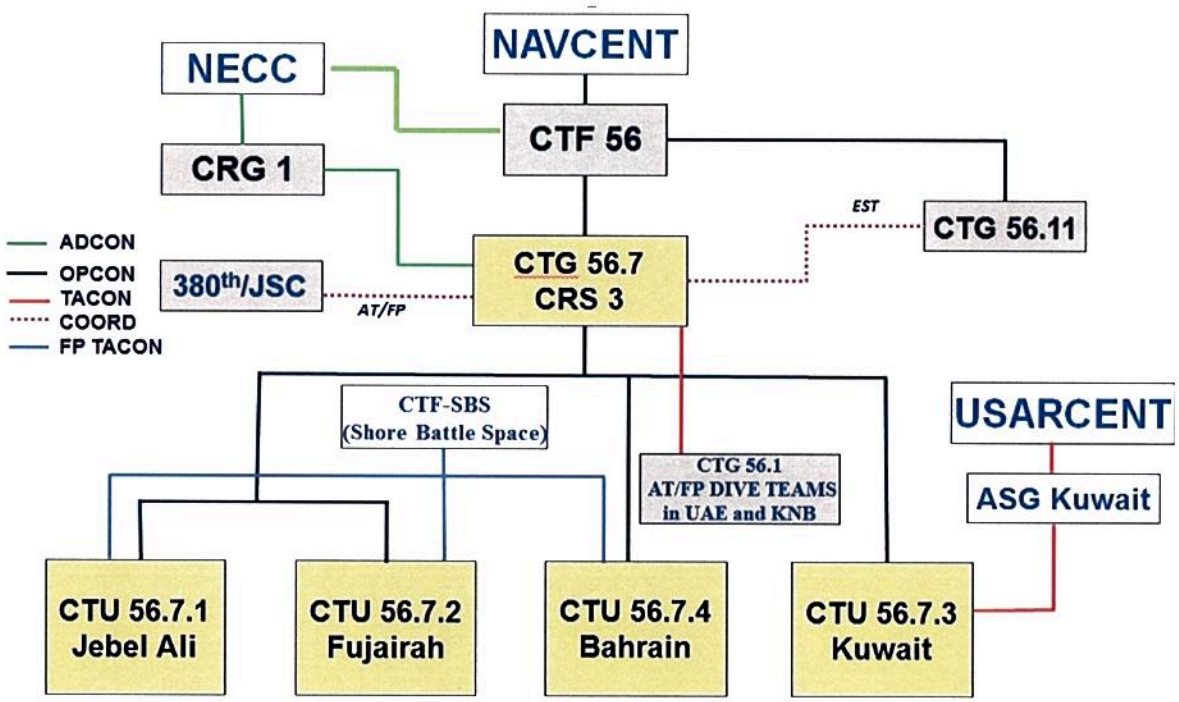


(U) Figure 1.1

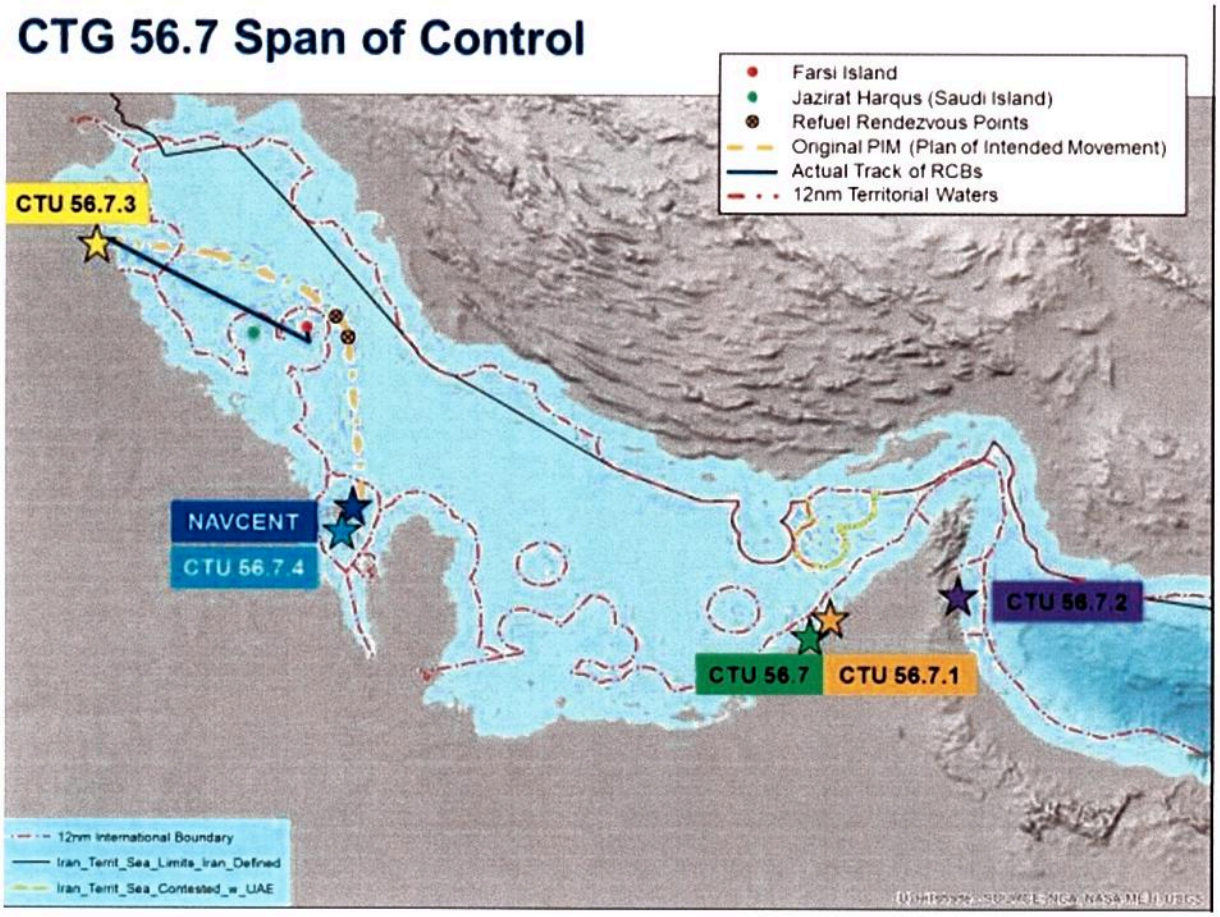
Pertinent Organizations



(U) Figure 1.2



(U) Figure 1.3


CTG 56.7 Span of Control
Farsi Island
Jazirat Harqus (Saudi Island)
Refuel Rendezvous Points
Original PIM (Plan of Intended Movement)
Actual Track of RCBs
12nm Territorial Waters
CTU 56.7.3
NAVCENT
CTU 56.7.4
CTU 56.7.2
CTU 56.7
CTU 56.7.1
12nm International Boundary
Iran_Territ_Sea_Limits_Iran_Defined
Iran_Territ_Sea_Contested_w_UAE

(U) Figure 1.4

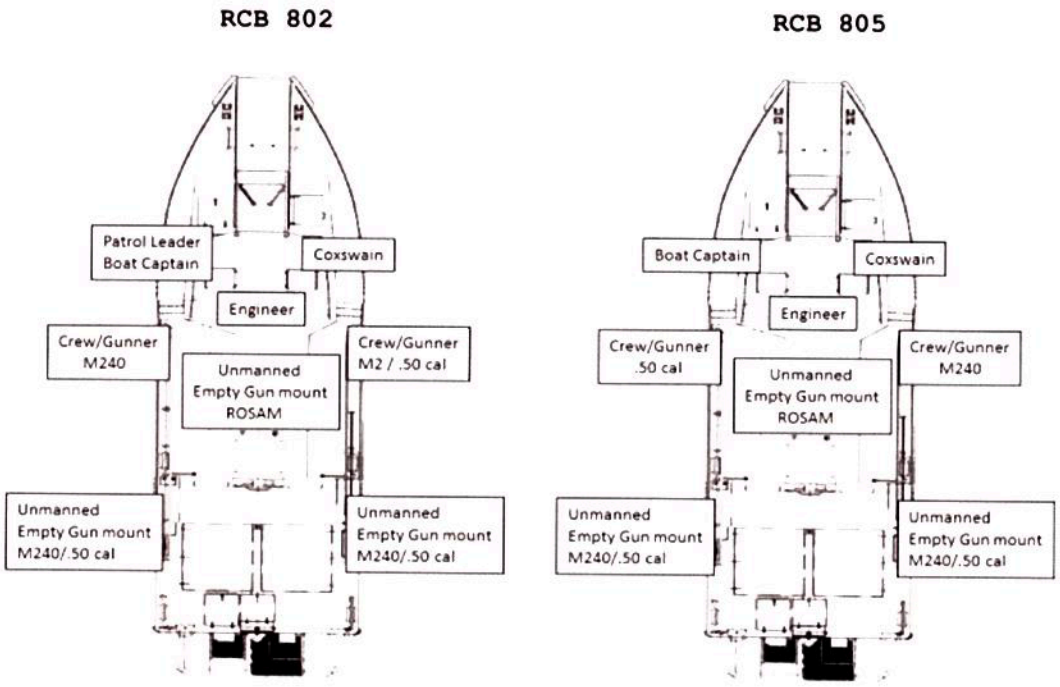
~~(S)~~ Farsi Island Overview

- (b)(1) E.O. 13526 1.4(A)
- (b)(1) E.O. 13526 1.4(A)
  (b)(1) E.O. 13526 1.4(A)

(b)(1) E.O. 13526 1.4(A)

(b)(1) E.O. 13526 1.4(A)

RCB 802/805 Crew and Weapons Layout



RCB 805 (call sign DEMON LEAD)

Patrol Leader/Boat Captain RCB 805: (b)(3) 10 U.S. Code § 130b; (b)(6)
Coxswain: (b)(3) 10 U.S. Code § 130b; (b)(6)
Engineer(s): (b)(3) 10 U.S. Code § 130b; (b)(6)
Gunner #1/Crewman #1: (b)(3) 10 U.S. Code § 130b; (b)(6)
Gunner #2/Crewman #2 (b)(3) 10 U.S. Code § 130b; (b)(6)

RCB 802 (call sign DEMON 02)

Boat Captain RCB 802: (b)(3) 10 U.S. Code § 130b; (b)(6)
Coxswain 802: (b)(3) 10 U.S. Code § 130b; (b)(6)
Engineer 802: (b)(3) 10 U.S. Code § 130b; (b)(6)
Gunner #1/Crewman #1: (b)(3) 10 U.S. Code § 130b; (b)(6)
Gunner #2/Medic/Crewman #2: (b)(3) 10 U.S. Code § 130b; (b)(6)

(U) Figure 1.7

CHAPTER II

COASTAL RIVERINE SQUADRON THREE READINESS

Findings of Fact

II.A. Maritime Expeditionary Security Force and Riverine Force Merge to Form the Coastal Riverine Force

II.A.1. (U) In January 2006, the Chief of Naval Operations established Navy Expeditionary Combat Command (NECC) to provide combat-ready expeditionary forces to Numbered Fleet Commanders and Combatant Commanders. [Ref (c)]

II.A.2. (U) Navy Expeditionary Combat Command's Maritime Expeditionary Security Force was comprised of Maritime Expeditionary Security Groups. [Encl (155)]

II.A.3. (U) Maritime Expeditionary Security Groups were divided into Maritime Expeditionary Security Squadrons that conducted missions focused on High Value Asset (HVA) defense and security of designated maritime infrastructure. [Encl (155)]

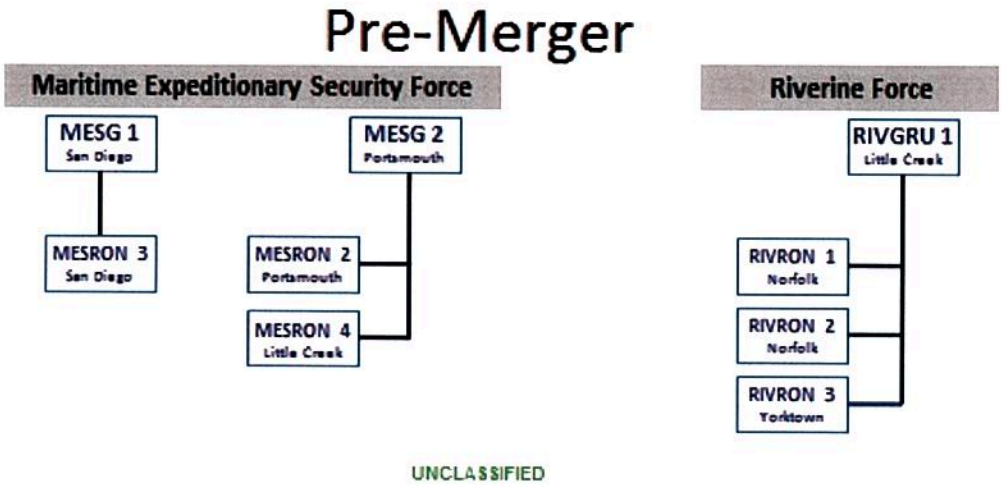
II.A.4. (U) Maritime Expeditionary Squadron THREE was the only squadron located on the west coast. [Encl (155)]

II.A.5. (U) Navy Expeditionary Combat Command's Riverine Force was composed of Riverine Group ONE that was divided into Riverine Squadrons that conducted missions focused on brown water operations including inland waters that are typically non-tidal such as inland waterways, rivers, estuaries and deltas. [Encl (155)]

II.A.6. (U) All three Riverine Squadrons were homeported in the Hampton Roads, Virginia area. [Encl 155]

II.A.7. (U) In late 2011, as a part of the Navy's Program Objective Memorandum (POM)-12 Efficiency Review, Navy Expeditionary Combat Command began executing a phased plan to realign and merge Maritime Expeditionary Squadrons and Riverine Squadrons. [Encl (106)]

II.A.8. (U) The Chief of Naval Operations ordered these organizational change actions due to the Program Objective Memorandum (POM)-13 cut of forces due to budget reductions. [Encl (108)]



(U) Figure 2.1, Pre-Merger Organization of Active Component Squadrons

II.A.9. (U) Navy Expeditionary Combat Command formed the Coastal Riverine Force on 1 October 2012 by merging the Maritime Expeditionary Force and Riverine Force. [Encls (93), (155)]

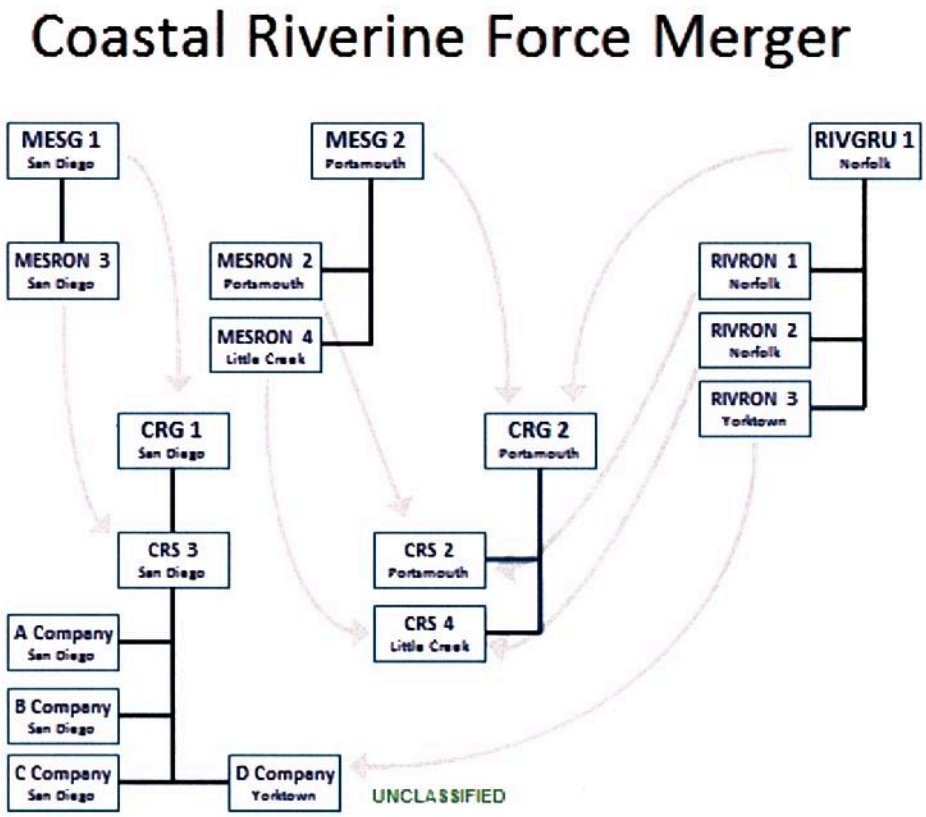
II.A.10. (U) The Coastal Riverine Force mission statement is to "Defend designated high value assets against a determined enemy and, when ordered, conduct offensive combat operations throughout the challenging green water and brown water environment." [Encl (155)]

II.A.11. (U) The merger established Coastal Riverine Groups ONE and TWO; the immediate superiors in command for the Coastal Riverine Squadrons. [Encl (155)]

II.A.12. (U) Maritime Expeditionary Group ONE, located in San Diego, CA, was renamed Coastal Riverine Group ONE. [Encl (155)]

II.A.13. (U) In June 2012, Maritime Expeditionary Group TWO and Riverine Group ONE (Hampton Roads, VA) were merged to form Coastal Riverine Group TWO. [Encl (155)]

II.A.14. (U) Three Coastal Riverine Squadrons were established under Coastal Riverine Group ONE and Coastal Riverine Group TWO. [Encls (106), (155)]



(U) Figure 2.2, Merger Flow of Active Component Squadrons

II.A.15. (U) On 2 January 2013, Maritime Expeditionary Security Squadron THREE (San Diego) merged with Riverine Squadron THREE (Yorktown) to form Coastal Riverine Squadron THREE (CRS-3), headquartered in San Diego with detachments in San Diego and Yorktown. [Encl (106)]

II.A.16. (U) CRS-3, including Detachment Yorktown (Delta Company), deployed in December 2013 to the FIFTH Fleet Area of Operations. [Encls (62), (72)]

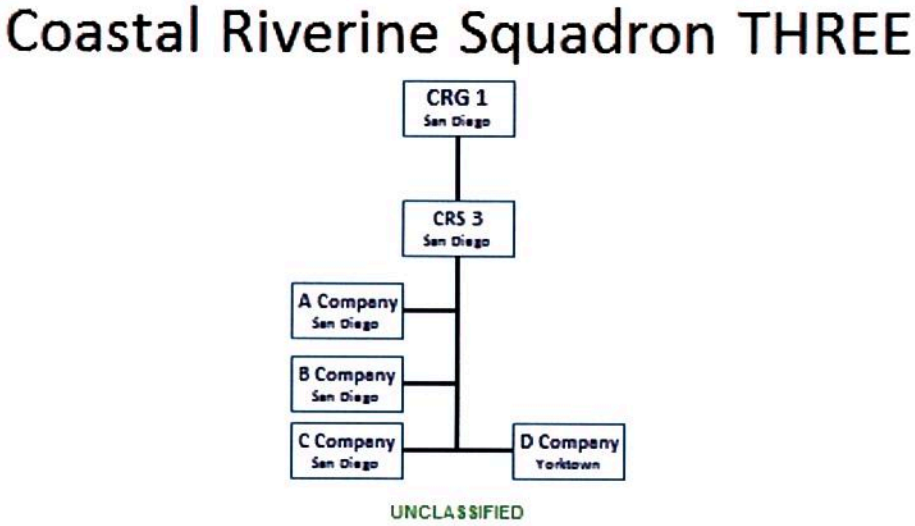
II.A.17. (U) Within CRS-3, Detachment Yorktown (Delta Company) was the only detachment that was manned, trained, equipped and certified to conduct Riverine missions, including RCB operations, on deployment. [Encls (62), (93)]

II.B. Detachment Yorktown Moves from Yorktown to San Diego

II.B.1. (U) Detachment Yorktown's billets, resources and equipment were scheduled to transfer from Detachment Yorktown and join the rest of CRS-3 in San Diego in September 2014. [Encls (106), (62), (72)]

II.B.2. (U) In April 2014, Detachment Yorktown's billets (vice personnel) were transferred to CRS-3 in San Diego, six months ahead of schedule. [Encls (72), (106)]

II.B.3. (U) While Detachment Yorktown was deployed on their 2014 deployment to the FIFTH Fleet Area of Operations, CRS-3 received new Sailors into the Delta Company billets in San Diego. [Encl (72)]



(U) Figure 2.3, Coastal Riverine Squadron THREE Organization

II.B.4. (U) While Detachment Yorktown was deployed, the incoming Delta Company Sailors received limited Riverine training in San Diego. [Encl (93)]

II.B.5. (U) In July 2014, Delta Company returned from deployment and began to transfer personnel, resources and equipment from Delta Company in Yorktown to San Diego. [Encls (62), (72), (106)]

II.B.6. (U) Out of approximately 100 personnel, only 18 people from CRS-3 Delta Company received Permanent Change of Station orders to CRS-3 in San Diego. [Encls (62), (72), (106)]

II.B.7. (U) Of those 18 personnel, only six had experience or qualifications on RCBs as of July 2014; four of whom were crewmembers of RCB 802 and RCB 805. [Encls (6), (9), (12), (13), (61), (82)]

II.C. Detachment Yorktown's Disestablishment

II.C.1. (U) CRS-3 Detachment Yorktown unit identification code was disestablished[2] on 30 September 2014. [Ref (i); Encls (108), (62), (72)]

II.C.2. (U) The disestablishment did not constitute a "homeport shift"[3] for CRS-3 Detachment Yorktown. [Ref (i)]

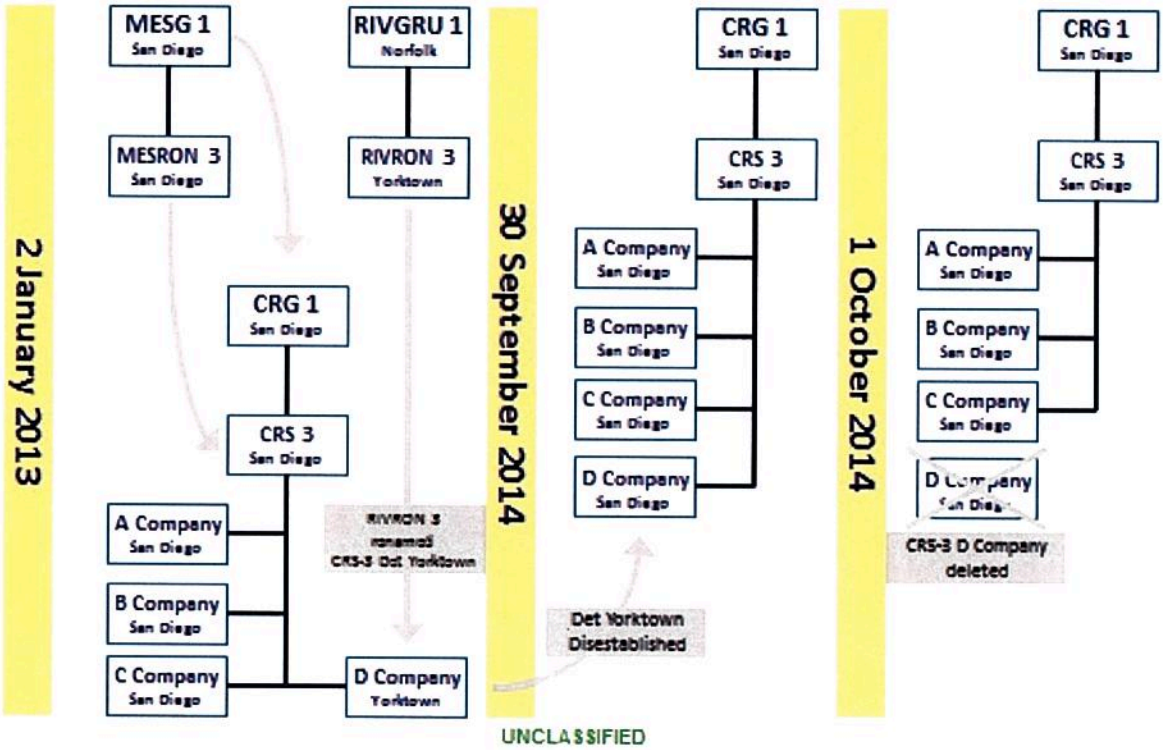
II.C.3. (U) Effective 1 October 2014, POM-13 reductions removed one Coastal Riverine Company (143 billets) and 40 Headquarters billets from each Coastal Riverine Squadron. [Encls (62), (72), (164), (155)]

II.C.4. (U) Although the Company and corresponding billets were removed, the actual personnel remained. [Encls (62), (72)]

[2] (U) When a unit is disestablished, the reassignment of personnel is conducted through the normal detailing process outlined in reference (i), Article 1306-101.

[3] (U) Homeport shifts are governed by reference (i), Article 1320-322. Members assigned to the command with greater than 12 months remaining onboard at the time of the homeport shift promulgation message travel with the command to the new homeport.

Coastal Riverine Squadron THREE



(U) Figure 2.4, Coastal Riverine Squadron THREE Evolution Jan 2013 - Oct 2014

II.C.5. (U) With the reduction of a Company, yet retention of personnel, CRS-3 manning became 97% "FIT", meaning 97% of the personnel assigned were the specified rating and paygrade of his or her billet. [Encl (72)]

II.C.6. (U) With the reduction of a Company, CRS-3 manning became 104% "FILL"; meaning the total number of personnel exceeded the number of billets, or "over-manned" by 4%. [Encl (72)]

II.C.7. (U) While those personnel were of the appropriate rate for the billet, many did not possess the required qualifications. [Encl (72)]

II.C.8. (U) Navy Expeditionary Combat Command recommended to both Coastal Riverine Groups to mitigate the manning issue with on-the-job training, schools and the pre-deployment training cycle in order to achieve the desired qualifications. [Encl (72)]

II.C.9. (U) CRS-3, in conjunction with Coastal Riverine Group ONE, attempted to gain additional personnel into recently filled billets due to training and qualification requirements. [Encls (72), (103)]

II.C.10. (U) In August 2014, both Coastal Riverine Groups submitted a joint request, endorsed by Navy Expeditionary Combat Command, for Priority Three Manning[4] for specific rates. [Encls (72), (103)]

II.C.11. (U) In April 2015, U.S. Fleet Forces Command denied this request on the grounds that Priority Three Manning was given to commands that better aligned with the Commander's Fleet priority missions. [Encls (72), (105)]

II.C.12. (U) Navy Expeditionary Combat Command noted in Program Objective Memorandum (POM)-17 and POM-18 that deployable staffs and units lacked the force structure to execute the Required Operational Capabilities in the Projected Operational Environments and lacked the force structure to perform day-to-day operational, administrative, financial and training requirements. [Ref (p); Encls (165), (166)]

II.C.13. (U) This 25% reduction in Coastal Riverine Squadron capacity was not matched by any reduction of Combatant Commander requirements. [Encl (165)]

[4] (U) Priority Three Manning: Activities which require special manning consideration for a set period of time in order to execute a specific mission. Priority Three designations will be utilized by the Manning Control Authorities (U.S. Fleet Forces) to aid in detailing prioritization. (OPNAVINST 1000.16L 24 Jun 2015)

II.C.14. (U) Combatant Commander Requirements have increased[5] while Navy Expeditionary Combat Command forces have decreased since 2006. [Encls (165), (166)]

II.C.15. (U) Navy Expeditionary Combat Command previously identified that current training plans do not support emerging requirements for the force. [Encls (165), (166)]

II.C.16. (U) Navy Expeditionary Combat Command POM-17 and POM-18 Strategies both identified that their forces are unable to meet Combatant Commander requirements. [Encls (165), (166)]

II.C.17. (U) Concurrently, Navy Expeditionary Combat Command identified that training plans did not support emerging requirements for the force. [Encls (165), (166)]

II.C.18. (U) After the Fleet Manpower Document[6] took effect on 12 June 2015, CRS-3 fit/fill changed from 92%/94% to 77%/94% where it remained until CRS-3 deployed in August 2015. [Encls (72), (211)]

II.C.19. (U) The loss of billets over several POM cycles degraded the ability to properly manage operational and administrative support to deployable forces. [Encl (166)]

II.D. Pre-Deployment Training Responsibilities

II.D.1. (U) Both Coastal Riverine Groups are responsible for developing and training the Coastal Riverine Squadrons for deployment. [Refs (c), (d); Encl (93)]

II.D.2. (U) Both Coastal Riverine Groups use the Navy Expeditionary Combat Command Training Readiness Manual, to

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[5] (U) Coastal Riverine Squadron THREE supported the following Combatant Commanders on their August 2015 - January 2016 deployment:

- (b)(1) E.O. 13526 1.4(A) [redacted]
- [redacted]
- [redacted]

[6] (U) Fleet Manpower Document (FMD): Displays quantitative and qualitative manpower positions of a sea duty activity or a sea duty activity with shore duty component(s) that are operationally dependent upon one another and include operational units other than ships or squadrons. Positions are predicted on a required operational capabilities statement under a projected operational environment, specified operational profile, computed workload and established doctrinal constraints. [Ref (o)]

implement the Fleet Response Plan, which manages force generation through a sustainable cycle of maintenance, training and operations. [Ref (c)]

II.D.3. (U) The Fleet Response Training Plan, derived from the Fleet Response Plan, is a structured cycle designed to accomplish individual and unit level skills required to perform primary required operational capabilities. [Ref (c)]

II.D.4. (U) Individual units' Fleet Response Training Plans consist of four phases: Maintenance, Basic, Advanced and Sustainment. [Ref (c)]

II.D.5. (U) Within a Coastal Riverine Group, the organic Training and Evaluation Units (TEU) provide unit level training and assessment with the assistance of Coastal Riverine Squadron Command Training Teams. [Ref (f)]

II.D.6. (U) Each Coastal Riverine Group contains its own respective Training and Evaluation Unit. [Ref (f); Encls (84), (93)]

II.D.7. (U) In preparation for the CRS-3's 2014-2015 Fleet Readiness Training Plan, Coastal Riverine Group ONE Training and Evaluation Unit unsuccessfully tried to recruit/add Riverine personnel to its training unit. [Encls (72), (84), (93)]

II.D.8. (U) Coastal Riverine Group ONE Training and Evaluation Unit was undermanned from the beginning to the end of the training cycle. On 1 July 2014, Coastal Riverine Group ONE Training and Evaluation Unit manning snapshot reported FIT/FILL of 76%/90% and by 1 January 2015, FIT/FILL fell to 69%/72%. [Encl (72)]

II.D.9. (U) Because of the above circumstances, Coastal Riverine Group ONE Training and Evaluation Unit sent three Sailors through the Riverine schools pipeline; however, none of the Riverine schools teach RCB operations. [Encls (21), (84), (93), (257)-(260)]

II.D.10. (U) The Coastal Riverine Group ONE Training and Evaluation Unit Officer in Charge requested support from the Coastal Riverine Group TWO Training and Evaluation Unit in

training RCB crews during the Basic phase. However, Coastal Riverine Group TWO Training and Evaluation Unit no longer trained and certified RCB crews (b)(1) E.O. 13526 1.4(A) (b)(1) E.O. 13526 1.4(A) (b)(1) E.O. 13526 1.4(A). [Encls (84), (93)]

II.D.11. (U) Despite the future addition of the Mk VI Patrol Boat and the lack of RCB-specific training opportunities, CRS-3 was still required to operate RCBs on its 2015 deployment to the FIFTH Fleet Area of Operations. [Encls (84), (93), (148)]

II.E. Deployment Training Cycle: Individual Training

II.E.1. (U) CRS-3 entered the Basic Phase of their training cycle on or about September 2014. [Encls (62), (220)]

II.E.2. (U) The Basic Phase is comprised of Individual Skills, Unit Level Training, Unit Level Training Readiness Assessment, and a Final Evaluation Problem. [Ref (f)]

II.E.3. (U) Individual skills training is the focus of the beginning of the training cycle. [Ref (f); Encl (84)]

II.E.4. (U) From September through December 2014, CRS-3 supported real-world mission tasking from Commander, THIRD Fleet, interrupting and impacting the ability to conduct individual skills training. [Encls (62), (93), (220)]

II.E.5. (U) Until January 2015, CRS-3 conducted training without RCBs because there were not any RCBs assigned to CRS-3. [Encls (39), (62), (75), (80), (84)]

II.E.6. (U) From 5 to 23 January 2015, Safe Boats International provided RCB training through the use of contracted instructors; however, the course involved only training on maintenance and basic operations and not tactics. [Encls (11), (13), (21), (39) (84), (90), (221)]

II.E.7. (U) The RCB 802 Boat Captain did not participate in the Safe Boats International training because he was attending Riverine Combat Skills school from 5 January through 6 February 2015. [Encls (7), (247)]

II.E.8. (U) Three other crewmembers did not participate in the Safe Boats International training because they were assigned other duties at the time. [Encls (5), (8), (14)]

II.F. Deployment Training Cycle: Unit Level Training

II.F.1. (U) During the Basic Phase, Coastal Riverine Group ONE Training and Evaluation Unit provided seven weeks of Unit Level Training to each respective Company. [Encls (75), (84), (90), (222), (223)]

II.F.2. (U) Charlie Company (including some crewmembers of RCB 802 and RCB 805) began Unit Level Training on 2 February 15 and completed Unit Level Training on 20 March 15. [Encls (84), (222)-(227)]

II.F.3. (U) Each individual is required to be qualified in his or her respective watchstations prior to beginning Unit Level Training. [Ref (f)]

II.F.4. (U) None of the RCB 802 or RCB 805 crewmembers were qualified in their respective watchstations prior to beginning Unit Level Training. However, seven of them received interim qualification letters from the CRS-3 Commanding Officer. [Encls (241)-(250)]

II.F.5. (U) The Coastal Riverine Group ONE Training and Evaluation Unit did not possess a written training plan specific to RCB operations. [Encls (6), (11), (12), (21), (39), (56), (75), (90), (222), (223)]

II.F.6. (U) The Coastal Riverine Group ONE Training and Evaluation Unit relied on the individuals they were training to support the RCB training plan. [Encls (75), (84), (93)]

II.F.7. (U) It did not appear to RCB 802 or RCB 805 crewmembers that there was a comprehensive plan for assessing the RCB crews. [Encls (6), (9), (11), (13)]

II.F.8. (U) During Unit Level Training, the crewmembers received approximately two hours of familiarization training on the Common Geospatial Navigation Toolkit (COGENT). [Encls (11), (223)]

II.F.9. (U) During Unit Level Training, the RCB 802 and RCB 805 crewmembers did not train on RCBs, but instead trained on 34-foot Patrol Boats. [Encls (13), (39), (84), (100), (223)-(227)]

II.F.10. (U) None of the RCB 802 and RCB 805 crews trained as a whole crew during the Unit Level Training phase. [Encls (224)-(226)]

II.F.11. (U) The RCB 802 Boat Captain did not participate in Unit Level Training with the other RCB 802 or RCB 805 crewmembers because he was attending the Riverine Unit Level Leader Course. [Encls (6), (7), (247)]

II.F.12. (U) Coastal Riverine Group ONE Training and Evaluation Unit provided ten training days of RCB-specific training to RCB 802 and RCB 805 crewmembers from 30 March 2015 through 10 April 2015 using actual RCBs. [Encls (39) (84), (90), (93), (100)]

II.F.13. (U) This training consisted of navigation (short and long range), reconnaissance, unmanned aerial systems operations, reaction to contact, high value asset escort, and towing training and drills. [Encls (84), (90)]

II.F.14. (U) Due to incomplete training records, it is unclear how many of the RCB 802 and RCB 805 crewmembers participated in the RCB-specific Unit Level Training. [Encls (5)-(14), (90), (241)-(250)]

II.F.15. (U) The Coastal Riverine Force Navigation Policy delineates the differences between Riverine (brown water) and Coastal (green and blue water) Navigation, but does not specifically define the term "long range." [Ref (g)]

II.F.16. (U) green water consists of beaches, estuaries, harbors, bays, and offshore waters out to the continental shelf, while blue water is Territorial Seas and out to 200 nautical miles. [Ref (g)]

II.G. Deployment Training Cycle: Unit Level Training

II.G.1. (U) CRS-3 conducted Unit Level Training Readiness Assessment (ULTRA)[7] from 27 Apr 15 through 1 May 15 using RCBs. [Encls (84), (90), (228)]

II.G.2. (U) Eight of the ten crewmembers from RCB 802 and RCB 805 participated in Unit Level Training Readiness Assessment. [Encl (200)]

II.G.3. (U) The RCB 802 Boat Captain only participated as an "observer" in Unit Level Training Readiness Assessment. [Encls (7), (200)]

II.G.4. (U) Six of the ten RCB 802 and RCB 805 crewmembers were on the same RCB crew during the Unit Level Training and Readiness Assessment. [Encl (200)]

II.G.5. (U) The only long range navigation drill that the RCB 802 and RCB 805 crew participated in was a four hour (approximately 50 nautical miles) round trip voyage from San Diego to Mission Bay. [Encls (12), (84), (90), (228)]

II.G.6. (U) For the long-range navigation drill, the crew had to plan the mission and conduct the chart work to prepare for execution as specified in the Coastal Riverine Force Navigation Policy. [Ref (g); Encls (6), (229)]

II.G.7. (U) Updated and signed charts were aboard the RCBs for the long range navigation drill during Unit Level Training Readiness Assessment. [Encl (90)]

II.G.8. (U) Common Geospatial Navigation Toolkit was used for the long range navigation drill during Unit Level Training Readiness Assessment. [Encls (6), (90)]

II.G.9. (U) Seven of the RCB 802 and RCB 805 crewmembers participated in a single underway live fire exercise during Unit Level Training Readiness Assessment from RCBs. [Encls (7), (230)]

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[7] (U) Unit Level Training Readiness Assessment (ULTRA): Training and Evaluation Units (TEU) validate a unit's operational capability and certify the Squadron Command Training Team through a performance-based evaluation of readiness in each required capability. During ULTRA, a unit will be assessed in all core, common, and unique capability areas. [Ref (c)]

II.H. Deployment Training Cycle: The Final Evaluation Problem (FEP)[8]

II.H.1. (U) CRS-3 conducted the Final Evaluation Problem from 11-15 May 2015. [Encls (84), (90)]

II.H.2. (U) A Final Evaluation Problem consists of similar evolutions found within the Unit Level and Training Assessment. [Encls (84), (90)]

II.H.3. (U) CRS-3 satisfactorily completed the Final Evaluation Problem on 15 May 2015. [Encls (84), (90), (131)]

II.H.4. (U) However, due to inconsistent RCB 802 and RCB 805 crewmember statements and lack of documentation of the Final Evaluation Problem it is unclear what, if anything, the RCB 802 and RCB 805 crewmembers participated in during the Final Evaluation Problem. [Encls (5)-(14), (39), (75), (84), (90), (100), (228)]

II.H.5. (U) By the end of the Training Cycle, six RCB 802 and RCB 805 crewmembers, and twelve other CRS-3 members interviewed commented that the RCB crews were only able to rely on themselves for training and not Coastal Riverine Group ONE Training and Evaluation Unit. [Encls (6), (7), (9), (11)-(13), (15), (21), (39), (45), (56), (61), (65), (75), (76), (80), (100)]

II.I. Operation Center Watchstanding Training

II.I.1. (U) During the Unit Level Training Readiness Assessment, CRS-3 was assessed on Tactical Operations Center (TOC) and Maritime Operations Center (MOC)[9] processes. [Encls (20), (35), (228)]

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[8] (U) Final Evaluation Problem (FEP): A scenario-driven, performance-based evaluation of the unit's ability to demonstrate tactical proficiency and warfare readiness. The FEP marks completion of the Basic Phase. [Ref (c)]

[9] (U) A Tactical Operations Center (TOC) is setup for missions to provide continuous operational control and to maintain a central location for administrative, logistical, operational, and tactical command and control. All Tactical Operations Centers report to a Maritime Operations Center (MOC). The Tactical Operations Centers work for the Maritime Operations Center. They have the same function. [Ref (h), Encl (178)]

II.I.2. (U) Both the MOC Watch Officer and MOC Watch Supervisor on watch on 12 January 2016 participated in the Unit Level Training Readiness Assessment. [Encls (20), (35)]

II.I.3. (U) The Unit Level Training and Readiness Assessment is the first time the Headquarters Element's Maritime Operations is integrated with the Companies' operations. [Encl (35)]

II.I.4. (U) During CRS-3's Basic Phase training cycle, the Tactical and Maritime Operations Center watchstanders received little to no formal training. [Encls (23), (33), (35)]

II.I.5. (U) CRS-3 HQ Element successfully completed its Navy Expeditionary Combat Command Integrated Exercise on 15 June 2015 and was assessed by the Expeditionary Training Group to be "at standards." [Encl (131)]

II.J. Training Cycle Wrap-Up

II.J.1. (U) When operating RCBs through the training cycle, the RCBs were typically manned with six or seven crewmembers, and the Coastal Riverine Force Training Instruction specifies seven crewmembers. Previous deployment experience cited using seven or eight crewmembers. [Ref (f); Encls (6), (9), (13), (200)]

II.J.2. (U) At no time throughout the training cycle was the Remote Operated Small Arms Mount (ROSAM) weapon system employed in a live fire exercises. [Encls (5)-(14), (84), (221), (223), (227), (228), (230)]

II.J.3 (U) Based on training records provided by Coastal Riverine Group ONE and CRS-3 Training Departments, there are numerous discrepancies between the individual training records and RCB 802 and RCB 805 crew statements[10]. [Encls (5)-(14), (241)-(250)]

II.J.4. (U) For example, RCB 802 Boat Captain received a "Riverine Command Boat Captain" designation letter from the CRS-3 Commanding Officer, but the training record does not reflect the corresponding qualifications. [Encl (247)]

[10] (U) For a full examination of the qualifications of RCB 802 and RCB 805 crewmembers, see Appendix D.

II.J.5. (U) RCB 805 Boat Captain/Patrol Leader received a "Riverine Command Boat Coxswain" and a "Tactical Craft Patrol Leader" designation letters, but the training record does not reflect the corresponding qualifications. [Encl (243)]

II.J.6. (U) The Coastal Riverine Force is required by Navy Expeditionary Combat Command to use Advanced Skills Management program to track all individual qualifications, certifications, and licenses. [Ref (c)]

II.J.7. (U) Coastal Riverine Group Training Departments are required to identify the applicable qualifications for watch team positions and ensure that those watch team positions are current in the Advanced Skills Management program. [Refs (e), (f)]

II.J.8. (U) Within Advanced Skills Management, watch team positions are referred to as "Qualified Professional Technician" and contain all the qualifications, certifications, licenses, and required schools; individuals must be assigned a watchstation in Advanced Skills Management in order to track their watchstation progress. [Ref (e)]

II.J.9. (U) Some crewmembers of RCB 802 and RCB 805 were assigned "Riverine" watchstations, others were assigned "Riverine Command Boat" watchstations, and others were assigned "Tactical Craft Operations" watchstations. [Encls (241)-(250)]

II.J.10. (U) Per reference (e) and the Advanced Skills Management program, "Tactical Craft Operations" qualifications applied to force protection and security operations, while it is unclear whether "Riverine" or "Riverine Command Boat" job qualification requirements applied to RCB watchstations. [Ref (e); Encls (12), (84)]

II.J.11. (U) Several crewmembers of RCB 802 and RCB 805 had completed the individual Personnel Qualification Standards or Job Qualification Requirements for their watchstations, but their training records did not reflect them as Qualified Professional Technicians in these watchstations. [Encls (241)-(250)]

II.J.12. (U) On 13 July 2015, the following personnel passed a Coastal Riverine Group ONE "Rules of Engagement/Law of Armed Conflict Exam:" RCB 802 Boat Captain, RCB 802 Coxswain, RCB 802 Engineer, RCB 805 Boat Captain, RCB 805 Gunner #1, and RCB 805 Gunner #2. Coastal Riverine Group ONE did not provide test results for the following people: RCB 802 Gunner #1, RCB 802 Gunner #2, RCB 805 Coxswain, and RCB 805 Engineer. [Encls (251)-(256)]

II.J.13. (U) Successful completion of the exam reflected that RCB 802 Boat Captain, RCB 802 Coxswain, RCB 802 Engineer, RCB 805 Boat Captain, RCB 805 Gunner #1, and RCB 805 Gunner #2 all understood: [Encls (251)-(256)]

- Under the Standing Rules of Engagement you are always authorized to defend your unit and other U.S. forces in the vicinity.
- When determining hostile intent, you should consider the degree of opportunity available to the potential threat to cause harm, the weapon's capability of the potential threat, and your perceived intent of the potential threat to cause harm.

II.K. Deployment Training vs. Deployment Missions

II.K.1. (U) On 15 July 2015, Coastal Riverine Group ONE recommended CRS-3 for deployment certification to Commander, Navy Expeditionary Combat Command Pacific. [Encl (131)]

II.K.2. (U) The certification recommendation message outlined CRS-3 had completed training and has satisfactorily completed an assessment of the requirements in U.S. Fleet Forces approved Navy Mission Essential Task List capabilities. [Encl (131)]

II.K.3. (U) On 16 July 2015, Coastal Riverine Group ONE issued a Deployment Order to CRS-3 to deploy in support of operations in the FOURTH, FIFTH, and SIXTH Fleet Areas of Operation. [Encl (130)]

II.K.4. (U) On 18 July 2015, Commander Task Force FIVE SIX (CTF-56) sent CRS-3 a Pre-deployment Order. [Encl (142)]

II.K.5. (U) The mission statement in the pre-deployment order, was to provide Command and Control, protect High Value Assets (HVA), provide sustained security for designated maritime infrastructure, (b)(1) E.O. 13526 1.4(A) [redacted], improving stability and security within U.S. Naval Forces Central Command Area of Operations. [Encl (142)]

II.K.6. (U) On 6 August 2015, Commander, THIRD Fleet sent the CRS-3 deployment certification message. [Encl (133)]

II.K.7. (U) The message certified CRS-3 for deployment in the following capability/mission areas: [Encl (133)]

- (b)(1) E.O. 13526 1.4(A) [redacted] Battlespace Awareness
- Building Partnerships Standards
- Force Application
- Joint Logistics
- Net-Centric
- Protection

II.K.8. (U) There were multiple views within CRS-3 and Coastal Riverine Group ONE leadership as to the exact training requirements and how to prepare for deployment. [Encls (23), (62), (80), (84), (93)]

II.K.9. (U) The deployment certification message does not reflect the mission sets described in the Force Tracking Numbers. [Encls (130), (133), (142), (146)-(148)]

II.K.10. (U) The Force Tracking Numbers were interpreted differently by Coastal Riverine Group ONE, CRS-3, and CTF-56. [Encls (23), (62), (80), (84), (93), (130), (142), (146)-(148)]

II.K.11. (U) The number of personnel Coastal Riverine Group ONE ordered CRS-3 to deploy with and the numbers in the Force Tracking Numbers did not agree. [Encls (130), (146)-(148)]

CHAPTER III

COASTAL RIVERINE SQUADRON THREE DEPLOYMENT

Findings of Fact

III.A. CRS-3'S Assumption of CTG-56.7 Duties

III.A.1. (b)(1) E.O. 13526 1.4(A) According to the COMCORIVGRU Deployment Certification Recommendation message, CRS-3 was scheduled to deploy an advance party on 22 July 2015 to all FIFTH Fleet Area of Operations. [Encl (131)]

III.A.2. (b)(1) E.O. 13526 1.4(A) Additionally CRS-3 Relief-In-Place/Turnover-of-Authority (RIP/TOA) was scheduled to take place on 20-31 July 2015 in support of (b)(1) E.O. 13526 1.4(A) [Encl (131)]

III.A.3. (U) Relief-In-Place/Turnover-of-Authority is approximately a 2-week process comprising the turning over of equipment and maintenance programs, peer-to-peer training on area and mission familiarization, and training for the Maritime Operations Center and Tactical Operations Center watch standers in all locations. [Encls (61), (80)]

III.A.4. (b)(1) E.O. 13526 1.4(A) The recommendation message goes on to say that the main body of CRS-3 was to deploy to all locations 2-5 August 2015. [Encl (131)]

III.A.5. (b)(1) E.O. 13526 1.4(A) On or about 8 August 2015, CRS-3 main body deployed to the FIFTH Fleet Area of Operations. [Encl (130)]

III.A.6 (U) The crews of RCB 802 and 805 did not initially deploy with CRS-3 and instead deployed to Indonesia for an exercise in June. [Encls (7), (11)]

III.A.7. (b)(1) E.O. 13526 1.4(A) Upon arrival, CRS-3 main body continued the Relief-In-Place/Turnover-of-Authority process with CRS-4 in multiple locations (b)(1) E.O. 13526 1.4(A) throughout the FIFTH Fleet Area of Operations. [Encl (130)]

III.A.8. (U) The Commander Task Force 56 (CTF-56) Chief Staff Officer presided over the Relief-in-Place/Transfer-of-Authority Change of Command ceremony. [Encl (47)]

III.A.9. (b)(1) E.O. 13526 1.4(A) On 12 August 2015, the CRS-3 Commanding Officer assumed duties as the Commander Task Group 56.7 (CTG-56.7),

located in (b)(1) E.O. 13526 1.4(A) reporting directly to Commander, CTF-56 located in Manama, Bahrain in. [Encls (47), (130), (141)]

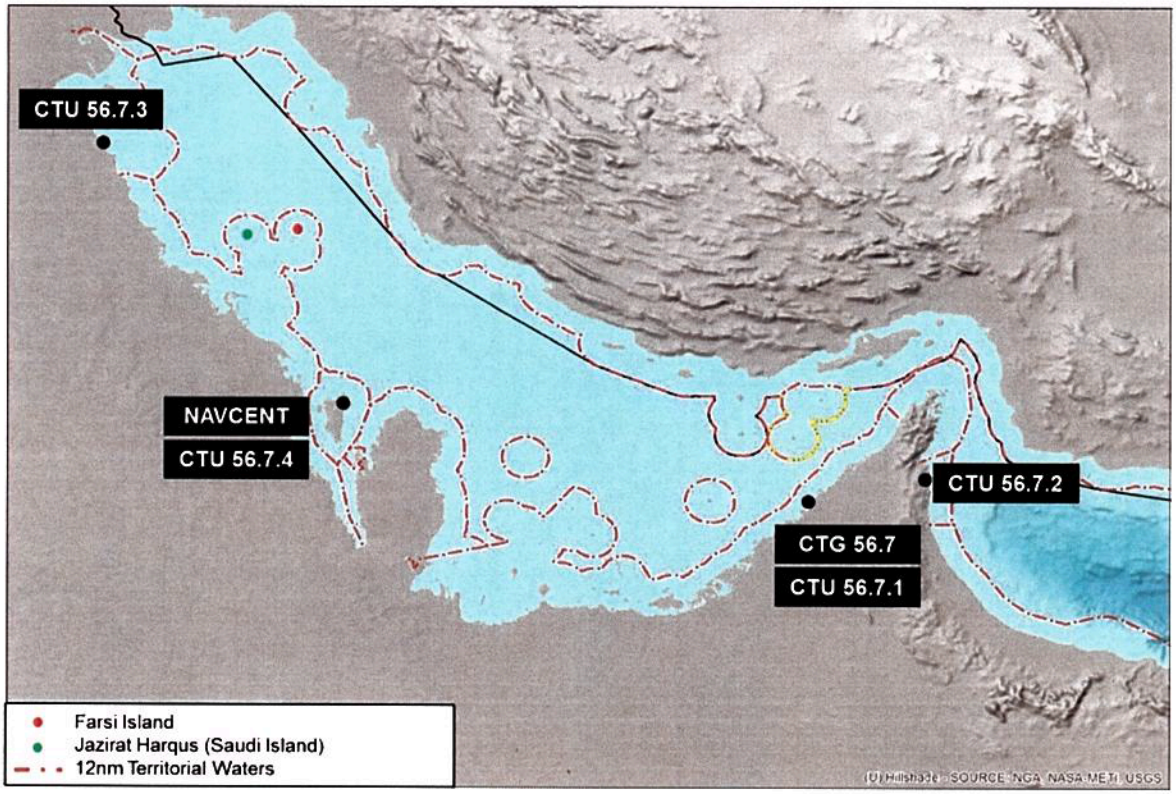
III.A.10. (U) The following Task Units formed under CTG-56.7 and were located at the following locations:

a. (b)(1) E.O. 13526 1.4(A) CTU-56.7.1 was comprised of ten 34' Patrol Boat (PB) Crews, approx. 159 personnel, and deployed to (b)(1) E.O. 13526 1.4(A) [Encl (130)]

b. (b)(1) E.O. 13526 1.4(A) CTU-56.7.2 was comprised of eight 34' PB Crews and 2x unmanned aerial vehicle (UAV) teams, approx. 100 personnel, and deployed to Fujairah, UAE. [Encl (130)]

c. (b)(1) E.O. 13526 1.4(A) CTU-56.7.3 was comprised of one 34' PB Crew, approx. 10 personnel, and deployed to (b)(1) E.O. 13526 1.4(A) [Encl (130)]

d. (b)(1) E.O. 13526 1.4(A) CTU-56.7.4 was comprised of four 34' PB Crew, 4x RCB Crew, 3x CCB crews and 2x UAV teams, approx. 82 personnel, and deployed to Bahrain. [Encl (130)]



(U) Figure 3.1 Map showing all locations of the CTG-56.7

III.A.11. (b)(1) E.O. 13526 1.4(A) The CTF-56 leadership expected that CRS-3 was prepared to execute all assigned missions tasked to CTG-56.7

upon arrival in theater per the Coastal Riverine Group ONE Deployment Certification message. [Encls (47), (67), (131)]

III.A.12. (U) CTF-56 did not provide theater specific indoctrination or training validation for CRS-3. [Encls (8), (9), (47), (50), (47), (61), (67)]

III.A.13. (U) On 17 August 2015, the Crews of RCB 802 and 805 arrived in Bahrain to join Commander Task Unit 56.7.4 (CTU-56.7.4). [Encl (45)]

III.A.14. (U) The RCB 802 and RCB 805 boat crews conducted no FIFTH Fleet specific indoctrination or training despite missing Relief-in-Place/Transfer-of-Authority. [Encl (7)]

III.A.15. (U) On 18 August 2015, the day after their arrival in theater, the RCB 802 and 805 boat crews were tasked to conduct a "high value asset" escort mission in Bahrain without an acclimatization period. Normally the crew would get a period of time to make the adjustment to the climate and new environment [Encls (6), (11), (45)]

III.A.16. (U) During the escort, a crewmember from RCB 805 succumbed to a heat casualty, in which his core temperature reached 103 degrees. [Encls (11), (45)]

III.A.17. (U) Throughout CRS-3's deployment in the FIFTH Fleet Area of Operations, CRS-3 did not conduct sustainment training. [Encls (6), (7), (23), (45), (75), (80), (81)]

III.A.18. (U) Throughout CRS-3's deployment in the FIFTH Fleet Area of Operations, CRS-3 did not fire any weapons from the RCBs. [Encls (7), (13), (11), (75)]

III.B. CTF-56 and Coastal Riverine Operations

III.B.1. (U) CTF-56[11] reports to Commander, U.S. Naval Central Command operationally and is comprised of various expeditionary combat forces including explosive ordnance disposal, naval

[11] (b)(1) E.O. 13526 1.4(A) CTF-56 is Commander Naval Expeditionary Combat Forces Central. CTF-56 coordinates missions of Navy Expeditionary Forces to include Explosive Ordnance Disposal, Mobile Dive and Salvage, Seabees, Navy Expeditionary Logistics Support Group, Coastal Riverine Forces, (b)(1) E.O. 13526 1.4(A) (b)(1) E.O. 13526 1.4(A) and Combat Camera. [Ref (z)].

coastal warfare, Seabees, Expeditionary Logistics Support Forces, and Coastal Riverines. [Encl (194)]

III.B.2. (U) Coastal Riverines comprise approximately 75% of the operational forces that fall under CTF-56. [Encl (47)]

III.B.3. (U) Only one member of the CTF-56 staff had prior operational experience with Coastal Riverine units. [Encls (47), (50)]

III.B.4. (U) Due to minimal Coastal Riverine experience on staff, CTF-56 relied on the expertise of CRS-3 to provide guidance on Coastal Riverine operations. [Encls (23), (78)]

III.B.5. (b)(1) E.O. 13526 1.4(A) On 12 March 2013, Commander, U.S. Navy Central Command published the Combined Task Force 56 Operational Tasking Riverine Command Boat (OPTASK RCB) message. [Encl (152)]

III.B.6. (b)(1) E.O. 13526 1.4(A) OPTASK RCB establishes procedures and Guidance for the conduct of RCB operations in the Naval Forces Central Command area of responsibility. [Encl (152)]

III.C. Staff and Subordinate Perspectives

III.C.1. (U) Multiple officers within the CTF-56 Maritime Operations Center believed that the command climate was poor. [Encls (47), (50), (77), (78)]

III.C.2. (U) The CTF-56 Commodore conducted a command climate survey in December 2015. One officer stated that, "across the board, the officers hated the command and their jobs." [Encls (50), (77), (78)]

III.C.3. (U) As a result of the survey, the CTF-56 Commodore and Chief Staff Officer held a meeting with the officers to discuss the results. [Encls (50), (77)]

III.C.4. (U) In the opinion of the CTF-56 Maritime Operations Center Director, the discussion was neither productive nor consistent with feedback from prior command climate surveys. [Encl (77)]

III.C.5. (U) The CTF-56 Chief Staff Officer acknowledged that, prior to the survey, he was "a dictator in nature to them." [Encl (47)]

III.C.6. (U) The CTF-56 Commodore stated that many of the Commanding Officers he receives from the Coastal Riverine Squadrons are not "hot runners" within the Surface Warfare Officer community. [Encl (67)]

III.C.7. (U) In the opinion of certain CRS-3 staff members, the CTF-56 Commodore treated the CRS-3 Commanding Officer more like a Department Head than a Task Group Commander. [Encl (74)]

III.C.8. (U) The CTF-56 Commodore believed that the CRS-3 Commanding Officer was "overly cautious" and operated in a "We can't do that" manner. [Encl (67)]

III.C.9. (U) On numerous occasions, the CTG-56.7 Commander voiced concerns to the CTF-56 Commodore about the employment of the RCB, with the CTG-56.7 Commander eventually conceding to the Commodore's position. [Encl (50)]

III.C.10. (U) In the opinion of the CTF-56 Commodore, the CTG-56.7 Commander was unable to articulate his concerns and would operate more on emotion than logic. [Encl (67)]

III.C.11. (U) The CTG-56.7 Commander chose a Junior Officer with no operational experience to be his liaison officer with CTF-56 Staff. [Encls (23), (50)]

III.C.12. (U) The responsibility of the CTG-56.7 Liaison Naval Officer (LNO) at the CTF-56 staff is to work closely with the CTG-56.7 Operations Officer and provide subject matter expertise on the CRF capabilities and limitations. [Encl (23)]

III.C.13. (U) The CTG-56.7 LNO felt that he was not properly utilized as a liaison officer. [Encl (23)]

III.C.14. (U) On Kuwait Naval Base, the CTG-56.7 personnel were worn out. One crewmember stated, "we were getting extended and we were tired of continuously going on missions." [Encl (13)]

III.C.15. (U) Morale from the perspective of the crew relocating to Kuwait was hurting due to sailors losing out on financial

benefits of deployment such as per diem. [Encls (5), (9), (11), (61)]

III.C.16. (U) In addition, crew fatigue from the constant mission and variable sea state took its physical toll with one crewmember not participating in underway RCB operations for a month due to a back injury. [Encl (12)]

III.C.17. (U) The CRS-3 Command Master Chief completed turnover on 11 January 2016. The morale at the command was a concern to him. [Encl (89)]

III.C.18. (U) The Kuwait Task Unit Officer-in-Charge stated, "I have never been at a command that my opinion meant so little." [Encl (81)]

III.C.19. (U) The CRS-3 Maintenance Officer stated, "I do not feel that when I have concerns that the upper chain of command will listen. Everything is a crisis at this command." [Encl (15)]

III.D. (b)(1) E.O. 13526 1.4(A) [redacted]

III.D.1. (b)(1) E.O. 13526 1.4(A) [redacted] [Encls (204)-(206)]

III.D.2. (b)(1) E.O. 13526 1.4(A) [redacted] [Encls (145), (204)-(206)]

III.D.3. (b)(1) E.O. 13526 1.4(A) [redacted] [Encls (156), (212), (213)]

III.D.4. (b)(1) E.O. 13526 1.4(A) [redacted] [Encls (47), (67), (162)]

III.D.5. (U) The CTF-56 Commodore thought that blue water operations were the future of Navy Expeditionary Combat Command. [Encl (67)]

III.D.6. (U) The CTF-56 Commodore believed that the CTG-56.7 Commander was not utilizing the RCBs in a manner for which they were designed. [Encl (67)]

III.D.7. (U) In order to support the presence operations, CTF-56 proposed that CTG-56.7 relocate RCB 701, RCB 802 and RCB 805 from Bahrain to Kuwait Naval Base. [Encl (162)]

III.D.8. (U) The CTG-56.7 Commander initially pushed back on the plan to relocate 3 RCBs to Kuwait because he believed the RCBs were not made for blue water operations. [Encl (77)]

III.E. The RCB Relocation to Kuwait

III.E.1. (U) The CTF-56 Chief Staff Officer highlighted to the CTF-56 Maritime Operation Center Director that, "doctrinally," the RCBs could conduct the transit from Kuwait to Bahrain. [Ref (p); Encl (47)]

III.E.2. (U) The CTG-56.7 Commander expressed his concerns with to the CTF-56 Chief Staff Officer with respect to weather and fuel for the transit from Bahrain to Kuwait. [Encl (47)]

III.E.3. (U) The CTG-56.7 Commander stated he was not comfortable with any course of action discussion that had the RCBs transiting open waters, but that did not mean they were not capable of making the transit to Kuwait. [Encl (61)]

III.E.4. (U) Additionally, the CTG-56.7 Commander was "concerned" that there was not a proper Boat Maintenance Facility in Kuwait. Although there is a maintenance facility in Kuwait, it was not properly manned to support the additional RCBs. [Encl (61)]

III.E.5. (U) The use of Army Watercraft was the CTG-56.7 Commander's preferred method for long range movement of the RCBs from Bahrain to Kuwait due to weather and crew endurance. [Encls (45), (61), (77), (80)]

III.E.6. (U) CTF-56 and CTG-56.7 arranged for transport of RCBs by Army Watercraft. This transport was to take place on 11 - 12 October 2015. [Encls (47), (61), (67), (162)]

III.E.7. (U) The CTG-56.7 Commander, with the knowledge of the CTF-56 Chief Staff Officer, authorized the premature pull of RCB 701 from maintenance so it would not miss the Army Watercraft's transit to Kuwait. [Encls (15), (47), (61), (80)]

III.E.8. (b)(1) E.O. 13526 1.4(A) On 12 October 2015, control of RCB 701, RCB 802 and RCB 805 shifted from the Bahrain Naval Base Officer-in-Charge (CTU-56.7.4) to the Kuwait Naval Base Officer-in-Charge (CTU-56.7.3). [Encls (45), (162), (209)]

III.E.9. (U) The Kuwait Naval Base Officer-in-Charge had no prior Coastal Riverine, RCB, or surface warfare experience, and did not read the Operational Tasking RCB message. [Encls (23), (61), (80), (81), (152), (210)]

III.E.10. (U) According to the statement provided by the CTG-56.7 Executive Officer, the CTG-56.7 leadership did not set the Sailors up in Kuwait for success. [Encl (80)]

III.E.11. (U) After the arrival of RCB 701, RCB 802 and RCB 805, the Kuwait Naval Base Officer-in-Charge's responsibilities and scope of mission increased from historically one mission per quarter to frequent presence operations in the Northern Arabian Gulf. He received no additional training or guidance beyond the one day seminar led by the CTG-56.7 Commander. [Encls (61), (80), (81), (162), (210)]

III.E.12. (U) Kuwait Naval Base did not have a Boat Maintenance Facility that was manned for the three additional RCBs. [Encls (13), (15), (61), (82)]

III.E.13. (U) Kuwait Naval Base only had one Sailor responsible for the RCB boat maintenance, which included all the preventative and corrective maintenance during the time the boats were in Kuwait. [Encl (82)]

III.E.14. (U) The Boat Maintenance Facility in Bahrain was supported by seven Sailors; however, the Boat Maintenance Facility in Kuwait was manned with only the three RCB crews (RCB

701, RCB 802, and RCB 805) and one additional Sailor. [Encls (13), (15), (61), (82)]

III.E.15. (U) The RCB crews did not have all of the items required for maintenance of the craft when the RCBs arrived in Kuwait, to include the Pack-up-Kit (PUK). A PUK contains spare parts. [Encls (15), (45)]

III.E.16. (U) In Bahrain, there were two CONEX boxes full of spare RCB parts, which were requested by the Bahrain Officer-in-Charge to be shipped to Kuwait. The request was originally denied by CRS chain of command. [Encl (45)]

III.E.17. (U) However, on approximately 9 January 2016, eighty-nine days after the RCBs left Bahrain, the spare RCB parts were shipped to Kuwait Naval Base. [Encl (45)]

III.F. Northern Arabian Gulf Presence Operations

III.F.1. (U) From October 2015 to January 2015, RCB 701, RCB 802 and RCB 805 conducted long range patrols of approximately 110 nautical miles round trip (50-60 nautical miles from Kuwait Naval Base). [Encls (12), (80)]

III.F.2. (U) These patrols typically lasted two to six hours. [Encls (8), (61), (80)]

III.F.3. (U) As the RCB 802 and RCB 805 boat crews continued to operate from Kuwait Naval Base, they ceased conducting required patrol briefs that would lay out the Mission Brief, Safety and Rules of Engagement. [Encls (5)-(7), (10), (14)]

III.F.4. (U) The primary maintenance systems (OMMS-NG and SKED) used by RCB personnel for tracking, scheduling and ordering parts were not available at Kuwait Naval Base and instead remained in Bahrain. [Encls (45), (68)]

III.F.5. (U) Completion of preventive and corrective maintenance and tracking of that maintenance was a challenge due to the geographic separation of systems and personnel. [Encls (15), (45), (68)]

III.F.6. (U) An administrative review covering thirteen weeks of maintenance reports, 2 November 2016 through 24 January 2016,

found the Maintenance Material Management (3M) program for the RCB was "ineffective". [Encls (91), (94), (96)]

III.F.7. (U) Originally the RCB mission in Kuwait was supposed to be (b)(1) E.O. 13526 1.4(A) [redacted] until 13 December 2015, but it was extended by the CTF-56 Commodore with the stated intent of keeping up the mission profiles until the Mk VI Patrol Boats were to arrive in theater around February to April 2016. [Encls (45), (50), (61)]

III.F.8. (b)(1) E.O. 13526 1.4(A) [redacted] On 17 December 2015, Commander, U.S. Naval Forces Central Command disseminated new guidance to all of FIFTH Fleet (b)(1) E.O. 13526 1.4(A) [redacted] addressed interactions with Iranian forces.[12] [Encl (132)]

III.F.9. (U) The CTF-56 Chief Staff Officer disseminated the 17 December 2015 guidance to all subordinate Task Group Commanders, including the CTG-56.7 Commander. [Encls (47), (121)]

III.F.10. (U) The CTG-56.7 Commander stated that he was not sure if he forwarded the above 17 December 2015 guidance to all subordinates. [Encls (61), (80)]

III.F.11. (U) All RCB 802 and RCB 805 crewmembers, to include the Boat Captains, stated they were unaware of the 17 December 2015 message. [Encls (5)-(7), (11)]

III.G. The Transit Plan from Kuwait to Bahrain

III.G.1. (U) On 6 January 2016, Commander, U.S. FIFTH Fleet, approved the utilization of CTF-56's Coastal Command Boat, A sixty-five ft. prototype vessel which deployed in February 2014

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[12] (b)(1) E.O. 13526 1.4(A) [redacted] Commander, U.S. Naval Central Command provided specific guidance on interacting with Iranian Revolutionary Guard Naval forces, (b)(1) E.O. 13526 1.4(A) [redacted] (b)(1) E.O. 13526 1.4(A) [redacted] (b)(1) E.O. 13526 1.4(A) [redacted] Commander, U.S. Naval Central Command directed commanders to conduct training events with live fire, show their subordinates video of Revolutionary Guard Naval forces and to train to those video encounters in order to develop techniques, tactics and procedures. The message highlights that escalation of force measures do not require U.S. forces to "absorb the first round" in order to act in defense of one's unit. [Encl (132)]

to the Arabian Gulf for an operation that was scheduled to take place on 8 January 2016[13]. [Encl (161)]

III.G.2. (U) On or about 6 January 2016, the Coastal Command Boat suffered an engine casualty making it unable to support the upcoming mission. [Encls (21), (47), (50)]

III.G.3. (U) On 7 January 2016, the CTF-56 Chief Staff Officer directed the CTF-56 Staff to work with CTG-56.7 Staff on the feasibility of moving RCBs from Kuwait Naval Base back to Bahrain in order to substitute for the Coastal Command Boat. [Encl (47)]

III.G.4. (U) The CTF-56 Chief Staff Officer spoke with the FIFTH Fleet Future Operations Director about the engineering problems of the CCB and discussed the possibility of utilizing the RCBs to conduct the mission the following week on 15 January 2016. [Encls (47), (117)]

III.G.5. (U) Both the CTG-56.7 Operations Officer and CTF-56 Maritime Operations Center Director recommended postponement of the operation until the Coastal Command Boat was repaired. [Encl (23), (77)]

III.G.6. (U) At the time the plan for the RCBs was proposed, the CTF-56 Chief Staff Officer stated that he was unaware that two RCBs were not mission-capable and the other RCB was partially mission capable due to maintenance issues. [Encl (47)]

III.G.7. (U) The CTF-56 Chief Staff Officer chairs a weekly "PB4M" (Planning Board for Maintenance) meeting that goes over all CTF-56 maintenance issues. [Encl (47)]

III.G.8. (U) The CTF-56 Chief Staff Officer said in his statement "I am able to attend once a month. I was not aware of how CTG-56.7 conducted maintenance. However, the casualty reports CTG-56.7 provided never indicated that they could not

13 (b)(1) E.O. 13526 1.4(A)

(A)

meet mission requirements. I did not get into granularity regarding maintenance." [Encl (47)]

III.G.9. (U) CTF-56 wanted to move forward and execute the mission on 15 January 2016; the CTF-56 Future Operations Director required a decision on whether to transit the RCBs from Kuwait to Bahrain by 1600L on 11 January 2016.[14] [Encls (23), (50)]

III.G.10. (U) The CTF-56 staff did not engage the CTG-56.7 staff concerning the RCB transit until 10 January for the transit operation on 12 January 2016. [Encl (47)]

III.G.11. (U) Because of the short notice of the tasking, CTG-56.7 was unable to schedule a transit for the RCBs through the use of Army Watercraft. [Encl (50)]

III.G.12. (b)(1) E.O. 13526 1.4(A) According to the CTG-56.7 Commander, the required lead time to schedule the Army Watercraft is 21 days. [Encl (61)]

III.G.13. (U) CTG-56.7 notified CTF-56 on 10 January 2016 that RCB 701 and 802 were not mission capable and RCB 805 was partially mission capable. The CTG-56.7 Commander did express concerns on an engineering issue but was confident the boats would be Full Mission Capable (FMC) to complete the transit. [Encls (47), (61), (97)]

III.G.14. (U) The CTF-56 Current and Future Operations Directors expressed their concern about the short-fuse planning for this transit to the CTF-56 Maritime Operations Director. [Encls (77), (78)]

III.G.15. (U) The CTF-56 Maritime Operations Director took these concerns to the CTF-56 Chief Staff Officer. [Encl (77)]

III.G.16. (U) The CTF-56 Maritime Operations Director indicated that he eventually acquiesced to the Chief Staff Officer based on the expectation that the CTF-56 Commodore and Chief Staff

[14] (b)(1) E.O. 13526 1.4(A)
(b)(1) E.O. 13526 1.4(A)
(b)(1) E.O. 13526 1.4(A)
(b)(1) E.O. 13526 1.4(A)

Officer would refuse to take "no" for an answer. [Encls (50), (77), (78)]

III.G.17. (U) On 11 January 2016, during the CTF-56 Operations and Intelligence Brief, the CTG-56.7 Commander was verbally tasked by the CTF-56 Commodore to relocate the RCBs located in Kuwait back to Bahrain. [Encl (61)]

III.G.18. (U) Later in the day of 11 January 2016, the CTG-56.7 Commander presented a quad slide to the CTF-56 Commodore for the RCB transit from Kuwait Naval Base to Bahrain. [Encl (123)]

III.G.19. (U) The CTG-56.7 Commander expressed concerns about the transit to the CTF-56 Commodore, specifically addressing sea state and refueling. [Encls (47), (61)]

III.G.20. (U) The CTF-56 Commodore replied that the RCB crews had proven themselves capable of conducting blue water operations over the past months and they were certified to conduct this transit. [Encls (61, 67)]

III.G.21. (U) No crewmember of RCB 802 or RCB 805 had ever conducted a transit of this length before. [Encls (6), (7), (11), (12), (14), (80)]

III.G.22. (U) In the CTF-56 Commodore's opinion, "navigation is navigation," and that the RCBs should be able to make the transit between Kuwait and Bahrain. [Encls (67), (77), (78)]

III.G.23. (U) After the fact, the CTF-56 Commodore described the transit to the Investigating Officer as "no big deal" and that the RCBs could make the transit with force protection and communications. [Encl (67)]

III.G.24. (U) Neither surface nor air over watch was arranged for the RCB transit. [Encls (47), (78)]

III.G.25. (U) However, the CTF-56 Commodore approved the transit of 2 RCBs from Kuwait Naval Base to Bahrain in order to substitute the operational support that was to be previously provided by the Coastal Command Boat. [Encl (67)]

CHAPTER IV

EVENTS OF 11-13 JANUARY 2016

Findings of Fact

IV.A. The Mission

IV.A.1. (U) On 11 January 2016, the Coastal Riverine Squadron Three (CRS-3) Commanding Officer (CO) served as Commander Task Group (CTG) 56.7 located in Jebel Ali, United Arab Emirates. [Encl (62)]

IV.A.2. (U) On the afternoon of 11 January 2016, the Commander Task Force (CTF) 56 Commodore directed CTG-56.7 to plan for an approximate 250 nautical mile transit of two Riverine Command Boats (RCBs) from Kuwait Naval Base to Bahrain. [Encls (50), (62), (67)]

IV.A.3. (U) In the late afternoon of 11 January 2016, the CTG-56.7 Commander directed the RCB 802 Boat Captain to execute the plan for an early morning transit of two RCBs from Kuwait Naval Base to Bahrain on 12 January 2016. [Encls (7), (11), (23), (62), (80)]

IV.A.4. (U) According to the plan, once in Bahrain, the two RCBs would support a follow-on operation in the Central Arabian Gulf on or about 15 January 2016. [Encls (7), (47), (62), (67), (80)]

IV.A.5. (U) According to the governing operational capability instruction, OPNAVINST 3501.363B for RCBs, the RCB has "limited" capability to navigate under all conditions of geographic location, weather and visibility.[15] [Ref (o)]

IV.A.6. (U) However, no one currently assigned within CTG-56.7 had ever conducted a transit of this length before onboard an RCB. [Encls (7), (11), (62), (80)]

IV.A.7. (U) The RCB crewmembers received word of the planned transit though various means in the late afternoon/early evening of 11 January 2016. [Encls (6), (7), (9), (11), (12), (14)]

IV.A.8. (U) Individuals throughout both CTF-56 and CTG-56.7 voiced their concerns, or heard others voice their concerns (to include the Force Navigator), about this nearly 250 nautical

[15] (U) For discussion on the training and certification of CRS-3, see Chapter III.

mile transit to their respective leadership.[16] [Encls (7), (11), (45), (47), (50), (62), (77), (78), (80), (81)]

IV.A.9. (b)(1) E.O. 13526 1.4 (A) The CTF-56 Commodore believed that the RCBs could make the transit based upon Commander, FIFTH Fleet Operational Tasking message for RCBs provided that there were adequate force protection measures and communications in place. [Encls (67), (152)]

IV.A.10. (U) The CTF-56 Commodore believed that "navigation is navigation" whether the transit for the RCB was short or long because the RCBs had conducted long range patrols in the Northern Arabian Gulf for over two months. [Encls (7), (67)]

IV.A.11. (U) The CTG-56.7 Commander expressed his concerns to the CTF-56 Commodore about transiting the two RCBs from Kuwait to Bahrain; however, the CTF-56 Commodore responded that he did not know why this was a concern "because the RCB is a boat and a boat floats." [Encls (40), (62), (67)]

IV.A.12. (U) Despite his concerns, the CTG-56.7 Commander said the Kuwait to Bahrain transit was supportable.[17] [Encls (23), (47), (62), (67)]

IV.A.13. (U) At approximately 1600 on 11 January 2016, the RCB 802 Boat Captain received the order to execute the plan. [Encl (7)]

IV.A.14. (U) The RCB 802 Boat Captain stated his concerns to the CTG-56.7 Commander but the RCB 802 Boat Captain told the CTG-56.7 Commander that "the mission was still possible and my sailors and I could accomplish it". [Encl (7)]

IV.A.15. (U) The RCB 802 Boat Captain was concerned that there were no boat trailers to pull the RCBs out of the water if they required maintenance, that they were going to be operating at the farthest range that the crews had ever taken these boats, and that they had never conducted a refueling at sea after sunset. [Encl (7)]

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[16] (U) For further discussion on the planning of the 12 January 2016 transit, see Chapter III.

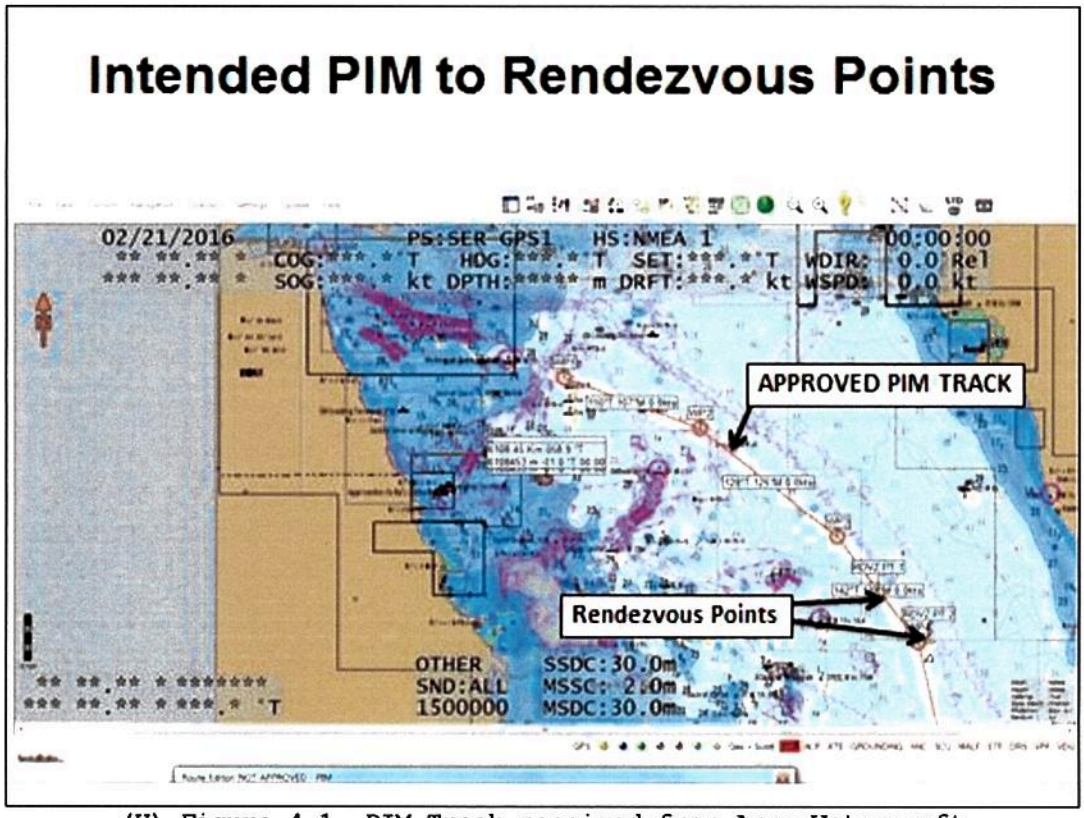
[17] (U) For further Findings of Fact regarding the relationship between the CTF-56 Commodore and Coastal Riverine Squadron-3 Commanding Officer, see Chapter III.

IV.A.16. (U) After receiving the order to execute the plan from CTG-56.7 Commander, the RCB 802 Boat Captain went aboard an Army Watercraft that was pier side at Kuwait Naval Base and requested a Plan of Intended Movement (PIM) navigational track down to Bahrain. [Encls (7), (11), (62), (81)]

IV.A.17. (U) The RCB 802 Boat Captain approached Army personnel because the Army Watercraft crew routinely used a proven track that took the Army Watercraft from Kuwait Naval Base to Bahrain and the CTG-56.7 Commander was comfortable knowing it was a proven track. [Encls (7), (62), (81)]

IV.A.18. (U) The RCB 802 Boat Captain received the coordinate "waypoints" (latitudes and longitudes) via email from the Army and entered the waypoints into the Common Geospatial Navigation Toolkit (COGENT) laptop to develop a visual PIM track; see Figure 4.1. [Encls (7), (62), (81)]

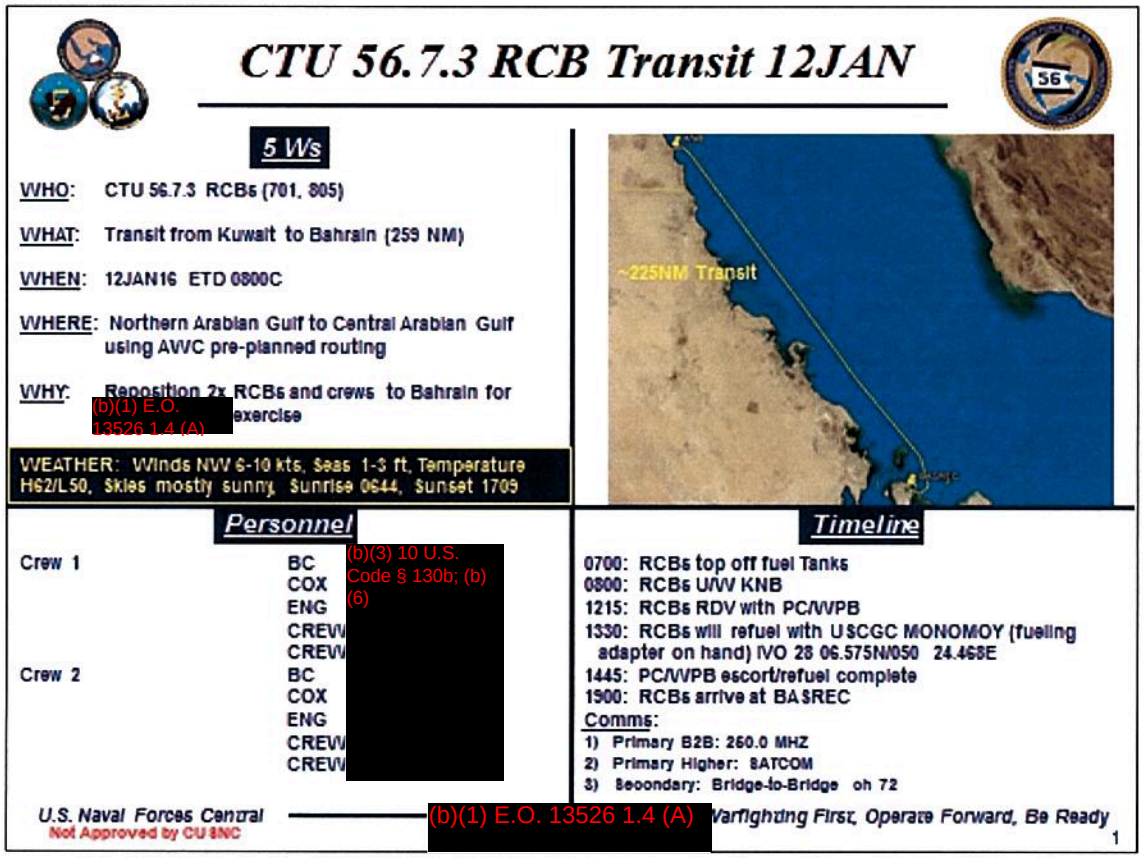
IV.A.19. (U) COGENT is the primary means of navigation for an RCB. [Ref (f); Encls (7), (11)]



(U) Figure 4.1, PIM Track received from Army Watercraft

IV.A.20. (U) The actual PIM track received from the Army was not part of the Concept of Operations (CONOPs) "quad slide" that was briefed to the CTF-56 Commodore, but the Army PIM track was "agreed" to by the Task Unit Officer-in-Charge[18] at Kuwait Naval Base on 11 January 2016. [Encls (7), (23), (62), (80), (81)]

IV.A.21. (U) At the direction of the CTG-56.7 Operations Officer in Jebel Ali, the RCB 802 Boat Captain created a "quad slide" (see Figure 4.2) generally describing how the two RCBs would transit from Kuwait Naval Base to Bahrain. The quad slide presented a "track"; however, that track was not the PIM track taken from the Army Watercraft but was instead a straight line from Kuwait Naval Base to Bahrain. [Encls (7), (23), (163)]



(U) Figure 4.2, RCB Quad Slide for Transit from Kuwait to Bahrain

IV.A.22. (U) The "quad slide" depicts the following discrepancies:

a) The PIM track depicted is not the actual PIM

[18] (U) The Kuwait Naval Base Task Unit Officer-in-Charge served as the Commander Task Unit (CTU) 56.7.3. [Encl (178)]

track
b) Farsi Island is not shown
c) The wrong RCB is listed ("701")
d) 1 of the 10 crewmembers is incorrect
e) It lists a Patrol Coastal ship as well as a Coast Guard ship
f) It lists both 225NM and 259NM as the transit distance
[Encls (7), (23), (62), (81)]

IV.A.23. (U) A quad slide traditionally provides the Commander who is briefed a one slide general overview of the Mission. Following the "quad slide" should be an accompanying Patrol Brief which, at a minimum, provides the Commander operational, navigation, and operational risk management information in the five paragraph format: Situation, Mission, Execution, Administration and Command (SMEAC). [Ref (f)]

IV.A.24. (U) According to CTG-56.7 Operations Officer, CTF-56 did not require a "quad slide" for this mission. CTF-56 Commodore and CTG-56.7 Commander both saw the quad slide. [Encls (23), (62), (67)]

IV.A.25. (U) During the evening of 11 January 2016, the CTG-56.7 Commander emailed the CTF-56 Commodore the baseline "quad slide", which depicted the incorrect navigation "waypoints" for the RCB's movement to Bahrain and a planned departure time of 0800L on 12 January 2016. [Encls (62), (112), (163)]

IV.A.26. (U) The RCB Boat Captains, CTG-56.7 Commander, CTG-56.7 Executive Officer, CTG-56.7 Battle Watch Captain, and the CTF-56 Chief Staff Officer were not aware of the PIM track in relation to Farsi Island. [Encls (7), (11), (47), (62), (77), (78), (80)]

IV.A.27. (U) PIM approval was delegated down to the Kuwait Task Unit Officer-in-Charge at Kuwait Naval Base. [Ref (g); Encls (62), (80)]

IV.A.28. (U) The Kuwait Task Unit Officer-in-Charge was a Naval Aviator and had limited surface navigation experience. He stated he was "not familiar with ocean navigation and would have to defer any of their (CTG-56.7 staff) questions" to the RCB 802 Boat Captain. [Encls (62), (80), (81)]

IV.A.29. (U) CTG-56.7 Operations Officer forwarded the PIM track to CTF-56 Maritime Operations Center Director. [Encl (122)]

IV.A.30. (U) The Kuwait Task Unit Officer-in-Charge briefly reviewed the PIM track on (COGENT); however, the RCB 805 Boat Captain, the CTG-56.7 Commander, the CTG-56.7 Maritime Operations Center Watch Officer, and the CTF-56 Battle Watch Captain never reviewed the PIM track on either an electronic or paper navigational chart. [Encls (11), (35), (78), (81), (62)]

IV.A.31. (U) As a Surface Warfare Officer, the RCB 802 Boat Captain was trained and qualified to plot the PIM coordinates on a paper navigational chart. [Encls (7), (62)]

IV.A.32. (U) Although required by CORIVFORINST 3530.1, the RCB 802 Boat Captain never looked at or plotted the PIM coordinates on a paper navigational chart nor did he fill in an approved PIM sheet. [Ref (g); Encl (7)]

IV.A.33. (U) In the almost three years since being assigned to CRS-3, the RCB 805 Boat Captain only had a total of two hours of training on the COGENT system. [Encl (11)]

IV.A.34. (U) The RCB 802 Boat Captain did not believe he had sufficient training in the COGENT system either. [Encl (7)]

IV.A.35. (U) The RCB 802 Boat Captain stated he had only received limited training, much of which he had arranged for himself when a COGENT representative had visited CRS-3 prior to deployment. [Encl (7)]

IV.A.36. (U) The RCB 802 Boat Captain did not believe he or the RCB crews had received enough training in COGENT, but felt comfortable that they had enough knowledge to make basic use the system. [Encl (7)]

IV.A.37. (U) The RCB 805 Boat Captain never entered the PIM track into RCB 805's COGENT. [Ref (g); Encls (7), (11)]

IV.A.38. (U) Although required by CORIVFORINST 3530.1, the RCB 805 Boat Captain did not have a hard copy of the PIM track onboard his RCB. [Encl (11)]

IV.A.39. (U) The RCB 805 Boat Captain did not plot a PIM track on a paper navigational chart. [Encls (11), (191)]

IV.A.40. (U) COGENT was not up to date; the latest Notice to Mariners update available for COGENT was 52/15; however, the COGENT update on RCB 802's COGENT laptop was 44/15. [Encl (102)]

IV.A.41. (U) CORIVFORINST 3530.1 requires that Coastal Riverine Force team members (Patrol Leader, Boat Captain, Coxswain) to take a navigation "Rules of the Road" exam every quarter consisting of fifty questions with a minimum passing score of 90 percent. [Ref (g)]

IV.A.42. (U) The Patrol Leader/RCB 805 Boat Captain failed his most recent navigation "Rules of the Road" exam and had not taken an exam since February 2015. [Encls (124)]

IV.A.43. (U) Based on the qualification and training documentation provided to the inspection team by the Coastal Riverine Group, the RCB 802 Boat Captain had never taken a navigation "Rules of the Road" exam while stationed at Coastal Riverine Squadron Three [Encl (124)]

IV.A.44. (U) The RCB 805 Coxswain failed his most recent navigation "Rules of the Road" exam and had not taken an exam since February 2015. [Encl (124)]

IV.A.45. (U) The RCB 802 Coxswain failed his most recent navigation "Rules of the Road" exam and had not taken an exam since February 2015. [Encl (124)]

IV.A.46. (U) Although required by CTG-56.7INST 3120.32, the RCB 802 and 805 Boat Captains never looked at a paper navigational chart prior to getting underway on 12 January 2016. [Ref (i); Encls (7), (11)]

IV.A.47. (U) The CTG-56 Commander never looked at an actual chart or the PIM; he just saw the numbers associated with the PIM on a spreadsheet. [Encl (62)]

IV.A.48. (U) Although required by the Coastal Riverine Squadron THREE standing orders, the RCB 802 and 805 crews failed to correct all charts and mark all hazards to navigation. [Ref (i); Encls (7), (102)]

IV.A.49. (U) The RCB 805 Boat Captain stated that he was assigned as the Patrol Leader and thought he was in charge of the patrol; however, the CTG-56.7 Commander thought the 802 Boat

Captain was in charge of the patrol because he was a commissioned officer. [Encls (7), (11), (62)]

IV.A.50. (U) The CTG-56.7 Commander stated that there is a "Patrol Leader" qualification that is associated with the gray boats and there is also a "Patrol Officer" qualification, which is a Riverine qualification. The CTG-56.7 Commander stated he "never had time" to qualify anyone for that qualification. [Encl (62)]

IV.A.51. (U) The CTG-56.7 Commander went on to state: "to my understanding" RCB 802 was an officer "and he would be the one in charge of the mission". [Encl (62)]

IV.A.52. (U) The RCB 805 Boat Captain stated he was the Patrol Leader but stated: "It's a little more complex with me and him (RCB 802 Boat Captain) because he is a LT (Lieutenant) so there's times when I'll defer to him" for navigation. [Encl (11)]

IV.A.53. (U) The RCB 802 Boat Captain stated: "Basically he (RCB 805 Boat Captain) was "acting" as the Patrol Leader, and told me I was going to execute what I had planned. I was Lead Boat, not the Patrol Lead. [Encl (7)]

IV.A.54. (U) As depicted in Figure 4.1, the planned PIM track left Kuwait Naval Base on a easterly course into the Arabian Gulf and then turned southeasterly, which would have taken the RCBs around the northeast side of Farsi Island,[19] outside the island's territorial seas, and then on south to Bahrain. [Encls (7), (81), (219)]

[19] (U) The United States recognizes that Farsi Island is Iranian territory. *See* DoD 2005.1-M, "Maritime Claims Reference Manual", available at http://www.jag.navy.mil/organization/code_10_mcrm.htm. Pursuant to customary international law as reflected in the United Nations Convention on the Law of the Sea (UNCLOS), an "island is a naturally formed area of land, surrounded by water, which is above water at high tide." (Article 121). The United States recognizes Iran's claim that Farsi Island enjoys a territorial sea, which may be up to 12 nautical miles measured from Farsi Island's baseline (Article 3). The normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on a large-scale charts officially recognized by the Coastal State (Article 5). Additionally, the United States has not ratified UNCLOS; *see* "Law of the Sea Convention," available at http://www.state.gov/e/oes/lawofthesea/.

IV.A.55. (U) Due to RCB limited fuel capacity, plan required that while proceeding south along PIM, the RCBs would rendezvous with U.S. Coast Guard Cutter (USCGC) MONOMOY to conduct an underway refueling. [Encls (7), (11), (23), (67), (80), (111)]

IV.A.56. (U) The CTG-56.7 Commander expressed concern to the CTF-56 Commodore that a vessel to assist the RCBs if required (referred to as an "overwatch" ship) had not been assigned to respond in the event of a "catastrophic RCB casualty" and that he preferred to have another vessel assigned to mitigate the risk of an open ocean transit but would execute the mission regardless. [Encls (62), (67), (112)]

IV.A.57. (U) The CTF-56 Commodore's response was that the USCGC MONOMOY (the refueling ship) would respond in such event. [Encl (120)]

IV.A.58. (U) Ultimately, CTF-56 never followed through with coordination with respect to assigning an overwatch ship or aircraft for the RCBs; additionally, the CTF-56 Chief Staff Officer stated it was not required. [Encls (47), (78)]

IV.B. The Preparation

IV.B.1. (U) At the time the order came in to plan for the nearly 250 nautical mile transit, three RCBs were located at Kuwait Naval Base; RCBs 701, 802 and 805. [Encls (11), (202)]

IV.B.2. (U) RCB 701 was not mission capable due to a faulty shaft seal. [Encls (7), (11), (13), (14), (62), (202)]

IV.B.3. (U) RCB 802 was not mission capable due to a faulty raw water pump flange on her starboard engine. [Encls (6), (13), (82), (202)]

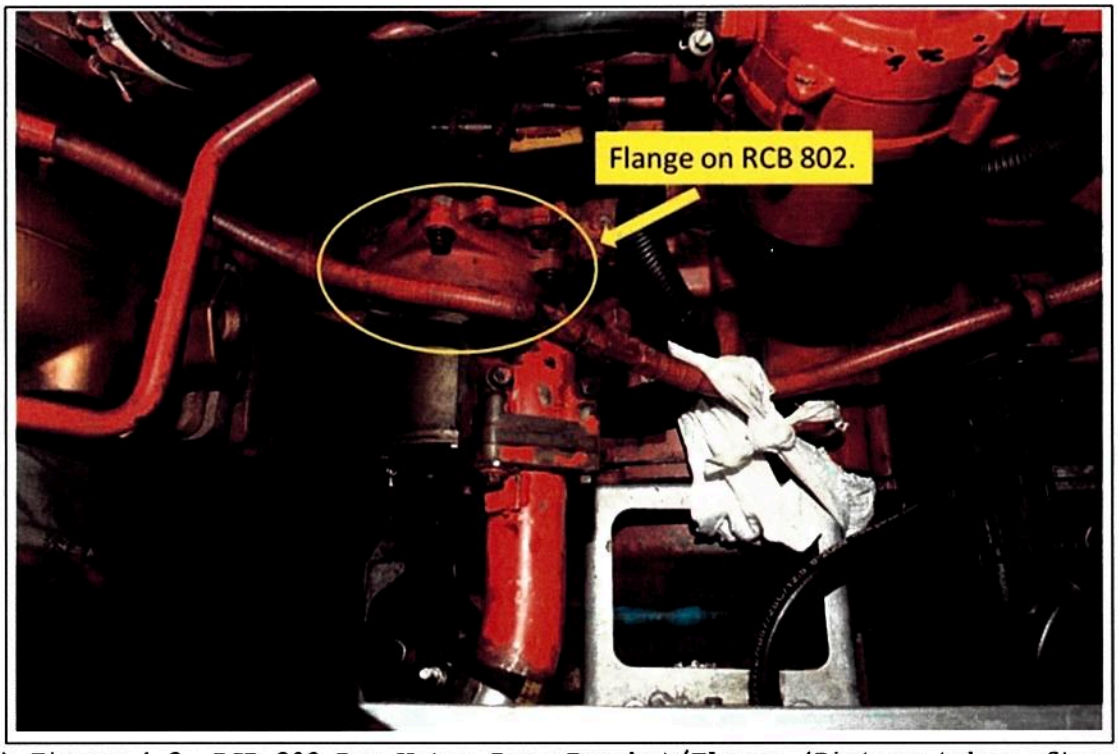
IV.B.4. (U) RCB 805 was partially mission capable due to her kickstand being out of commission. [Encls (7), (11), (13) (14), (62), (202)]

IV.B.5. (b)(1) E.O. 13526 1.4 (A) [redacted]. [Encl (62), (152)]

IV.B.6. (b)(1) E.O. 13526 1.4 [redacted] Because two RCB's were not mission capable, one RCB had to be repaired so that two RCBs could make the transit. [Encls (6), (7), (11), (82), (152)]

IV.B.7. (U) In order to transit on 12 January 2016, parts from one RCB (701) had to be "cannibalized" to use as replacement parts for RCB 802, specifically a water pump bracket/flange (see Figure 4.3). [Encls (6), (7), (11), (118), (119), (136), (135)]

IV.B.8. (U) Cannibalization is a process by which a part is removed from one piece of equipment and installed on another in order to make the other operational. Cannibalization is generally prohibited by various Navy instructions unless approved by the appropriate authority. [Ref (b)]



(U) Figure 4.3, RCB 802 Raw Water Pump Bracket/Flange (Picture taken after 12 JAN 16)

IV.B.9. (U) The CTG-56.7 N43 maintenance personnel verbally received permission from Coastal Riverine Group Two N43 office to cannibalize RCB 701 in order to repair RCB 802. [Encls (7), (9), (12), (62), (65), (136)]

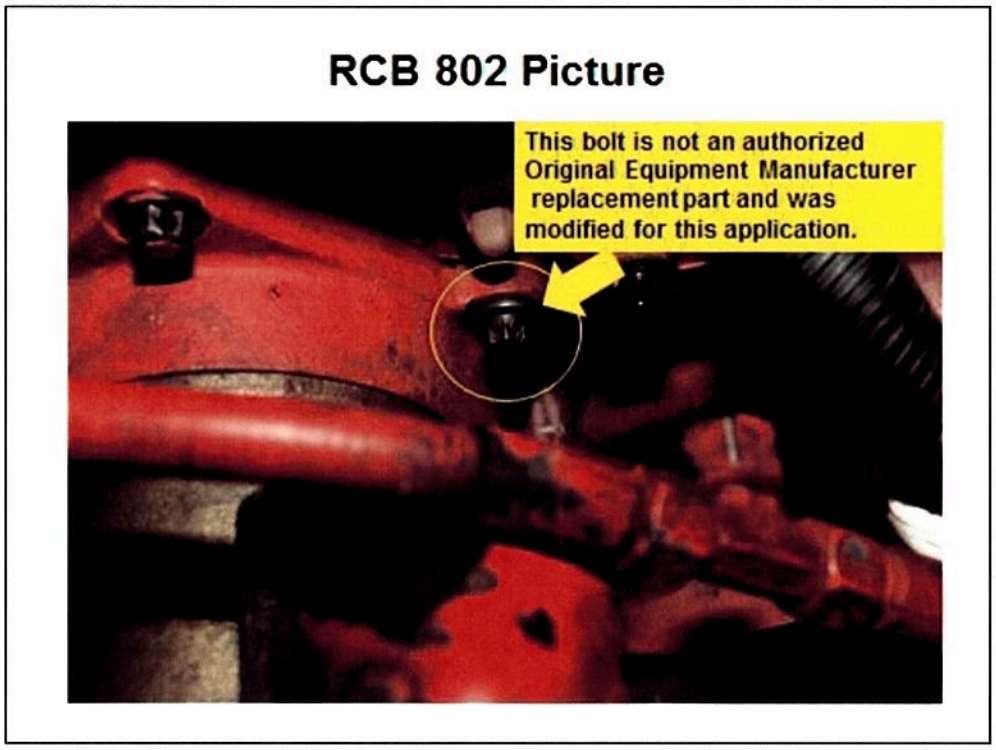
IV.B.10. (U) CTG-56.7 sent a Cannibalization request email to Navy Expeditionary Combat Command N43 and CTG-56.7 received a verbal approval back from them. [Encl (61), (65)]

IV.B.11. (U) When cannibalizing the part from RCB 701, a civilian contractor for RCB maintenance at Kuwait Naval Base

discovered that the raw water pump flange on RCB 802 had been modified by someone in the past and that improper corrective maintenance had been performed. [Encls (13), (118), (119)]

IV.B.12. (U) The raw water pump flange on RCB 802 did not have a correct bolt installed. [Encls (13), (118), (119)]

IV.B.13. (U) The hole on the raw water pump bracket/flange was drilled larger so that a bolt that was on hand could be used. [Encls (13), (118), (119)]



(U) Figure 4.4, Incorrect Bolt holding Flange on RCB 802 (Picture taken after 12 Jan 16)

IV.B.14. (U) A Departure From Specification (DFS) was not submitted for the incorrect bolt or unapproved modification. [Encl (62)]

IV.B.15. (U) Specifications are engineering requirements such as material, dimensional clearances, and physical arrangements, by which ship components are installed, tested and maintained. [Ref (b)]

IV.B.16. (U) A Departure From Specification is a lack of compliance with an authoritative document plan, procedure, or instruction. [Ref (b)]

IV.B.17. (U) There was no Quality Assurance program in place for corrective maintenance at CRS-3. [Encls (6), (13), (65), (82)]

IV.B.18. (U) RCB crewmembers, in conjunction with the contractor, worked late into the night of 11 January 2016 and in the morning of 12 January 16 to prepare and repair the two RCBs for a nearly 250 nautical mile transit in open ocean. [Encls (11), (12), (118), (119)]

IV.B.19. (U) Pursuant to Coastal River Force Instruction 4590.1B, the Task Unit Commander is required to monitor the RCB crews to ensure they receive the proper amount of rest; in this case it was the Kuwait Task Unit Officer-in-Charge. [Ref (h)].

IV.B.20. (U) For a boat greater than 40 feet and traveling in seas less than 4 feet high for a period of 10 hours, crewmembers require 8 hours of rest. [Ref (h)]

IV.B.21. (U) The RCB 805 Boat Captain/Patrol Leader did not sleep the night before the 12 January 2016 transit. [Encl (11)]

IV.B.22. (b)(1) E.O. 13526 1.4(A) In the evening of 11 January 2016, CTF-56 released a Fragmentary Order via Naval message to deploy two RCBs to Bahrain no later than 13 January 2016. [Encl (134)]

IV.B.23. (U) The CTG-56.7 Night Orders for 11 January 2016 made no mention of the transit of RCB 802 and RCB 805 on the morning of 12 January 2016. [Encl (202)]

IV.B.24. (U) On 12 January 2016, the Commander, U.S. FIFTH Fleet directed CTF-56, via his Daily Intentions and Order Message, to maintain three RCBs and associated crews at Kuwait Naval Base to support presence operations. [Encl (143)]

IV.B.25. (U) Although an email was sent by the CTF-56 Current Operations Officer to the Fleet Watch Officer at Naval Forces Central Command (NAVCENT) requesting for NAVCENT to add the move of the RCBs from KNB to Bahrain to the 13 January 2016 Daily Intention and Orders Message, the move would have already occurred when the message was released. The request was never placed in the message. [Encls (67), (114), (143)]

IV.B.26. (U) On 12 January 2016, during the FIFTH Fleet fire side meeting, the CTF-56 Commodore informed the Commander FIFTH Fleet that he was moving RCBs to Bahrain in support of an operation taking place on 15 January in support of an exercise. [Encl (67)]

IV.C. The RCB Crews

IV.C.1. (b)(1) E.O. 13526 1.4(A) On 12 January 2016, the assigned crews were:

RCB 805 (call sign DEMON LEAD)
Patrol Leader/Boat Captain RCB 805: (b)(3) 10 U.S. Code § 130b; (b)(6)
Coxswain: (b)(3) 10 U.S. Code § 130b; (b)(6)
Engineer(s): (b)(3) 10 U.S. Code § 130b; (b)(6)
Gunner #1/Crewman #1: (b)(3) 10 U.S. Code § 130b; (b)(6)
Gunner #2/Crewman #2 (b)(3) 10 U.S. Code § 130b; (b)(6)

RCB 802 (call sign DEMON 02)
Boat Captain RCB 802: (b)(3) 10 U.S. Code § 130b; (b)(6)
Coxswain 802: (b)(3) 10 U.S. Code § 130b; (b)(6)
Engineer 802: (b)(3) 10 U.S. Code § 130b; (b)(6)
Gunner #1/Crewman #1: (b)(3) 10 U.S. Code § 130b; (b)(6)
Gunner #2/Medic/Crewman #2: (b)(3) 10 U.S. Code § 130b; (b)(6)
[Encl (11), (152)]

IV.C.2. (b)(1) E.O. 13526 1.4(A) In accordance with Operational Tasking Message RCB, the "Patrol Leader" is responsible for mission execution, directing boat crews in all aspects of boat operations, directing Pre-Planned Responses (PPRs)/escalation of force measures, (b)(1) E.O. 13526 1.4 (A) (b)(1) E.O. 13526 1.4 (A) and is qualified by the Coastal Riverine Squadron Three. [Encl (152)]

IV.C.3. (b)(1) E.O. 13526 1.4(A) In accordance with Operational Tasking Message RCB, the Boat Captain is responsible for directing the RCB and crewmen under his/her charge, (b)(1) E.O. 13526 1.4 (A) (b)(1) E.O. 13526 1.4 (A) (b)(1) E.O. 13526 1.4 (A) is qualified by the Coastal Riverine Squadron Three Commanding Officer, and assumes all the same navigation-related responsibilities of a Patrol Leader. [Ref (d); Encl (152)]

IV.C.4. (U) The RCB 805 Boat Captain was not designated in writing as a Boat Captain. [Encl (243)]

IV.C.5. (U) The RCB 802 Boat Captain was designated in writing as a Boat Captain. [Encl (7), (247)]

IV.C.6. (U) In accordance with COMNECC/COMNECCPACINST 3534.1, the RCB Coxswain is responsible to the Boat Captain for the safe navigation of the RCB and the direction of crewmembers. [Ref (d)]

IV.D. Procedures or Requirements Not Followed Prior to Getting Underway

IV.D.1. (U) Pre-operational checklists for RCB 805 were not logged in the Deck Log as completed as required by CORIVFORINST 4590.1B. [Encl (169)]

IV.D.2. (U) The RCB 802 and RCB 805 Boat Captains did not conduct a Patrol Brief prior to getting underway as required by CORIVFORINST 4590.1B. [Ref (g), (h); Encls (7), (11) (b)(1) E.O. 13526 1.4 (A) (14), (81)]

IV.D.3. (U) The RCB 802 and 805 Boat Captains did not verify each waypoint for accuracy. [Ref (g); Encls (7), (11)]

IV.D.4. (U) RCB 805 did not have the PIM track loaded in COGENT when they got underway from Kuwait on 12 January 2016. [Encls (11), (102)]

IV.D.5. (U) RCB 805 did not have an approved PIM track in the Electronic Charting System on 12 January 2016 as required by CORIVFORINST 3530.1 [Ref (g); Encl (102)]

IV.D.6. (U) RCB 802 and RCB 805 did not have magnetic deviation cards onboard as required by CORIVFORINST 3530.1. [Ref (g); Encl (7)]

IV.D.7. (U) RCB 802's and RCB 805's Defense Advance GPS Receivers were not loaded with crypto as required by NECFCINT 3530.1. [Ref (m); Encls (7), (11)]

IV.D.8. (U) Both RCB Boat Captains were unaware that the Defense Advance GPS Receiver was required to be loaded with crypto. [Ref (m); Encls (7), (11)]

IV.D.9. (U) Crew serve weapons were not mounted in accordance with the CTG-56.7 Commander's Standing Orders (only 2 of 5 weapons mounted). [Ref (i); Encls (7), (11), (14)]

IV.D.10. (U) On 12 January 2016, there were no Deck Log entries recorded after 0930L onboard RCB 802 as required by CORIVFORINST 4590.1B. [Encl (168)]

IV.E. Getting Underway

IV.E.1. (U) At approximately 0600L 12 January 2016, RCB 802 was launched from a trailer in order to operationally test the repairs conducted on the raw water pump. [Encls (6), (11), (14)]

IV.E.2. (U) Upon starting up RCB 802, it was identified that the crew did not tighten the oil cap and over-pressurization blew the cap off, spraying oil throughout the engine compartment. After cleaning and placing the cap back on, RCB 802 was assessed to be mechanically sound. [Encls (6), (10), (11)]

IV.E.3. (U) On the morning of 12 January 2016, RCB 805 was already in the water and pier-side at Kuwait Naval Base. [Encls (11), (14)]

IV.E.4. (U) The RCBs did not get underway at 0800L as briefed per the "quad slide", they provided to the CTG-56.7 Commander due to the inability to establish satellite communications. [Encls (7), (11), (13), (163)]

IV.E.5. (b)(1) E.O. 13526 1.4 (A) According to the Operational Tasking Communication message, all RCBs are required to have working encrypted satellite communications (Radio Telephone) with CTF-56 prior to a patrol. [Encl (153)]

IV.E.6. (U) A Coastal Riverine Force craft becomes "not mission capable" when mitigation measures cannot be effectively employed to communicate via marine band and encrypted Very High Frequency (VHF)/Ultra High Frequency (UHF) satellite Radio Telephone with the Patrol Leader and the mission-designated Tactical Operations Center Watch/Maritime Operations Center Watch Officer. [Ref (g)]

IV.E.7. (b)(1) E.O. 13526 1.4 (A) The CTG-56.7 Commander Standing Orders fail to mention the communication requirements for two-boat operations; the Standing Orders only mention single boat operations. [Ref (i)]

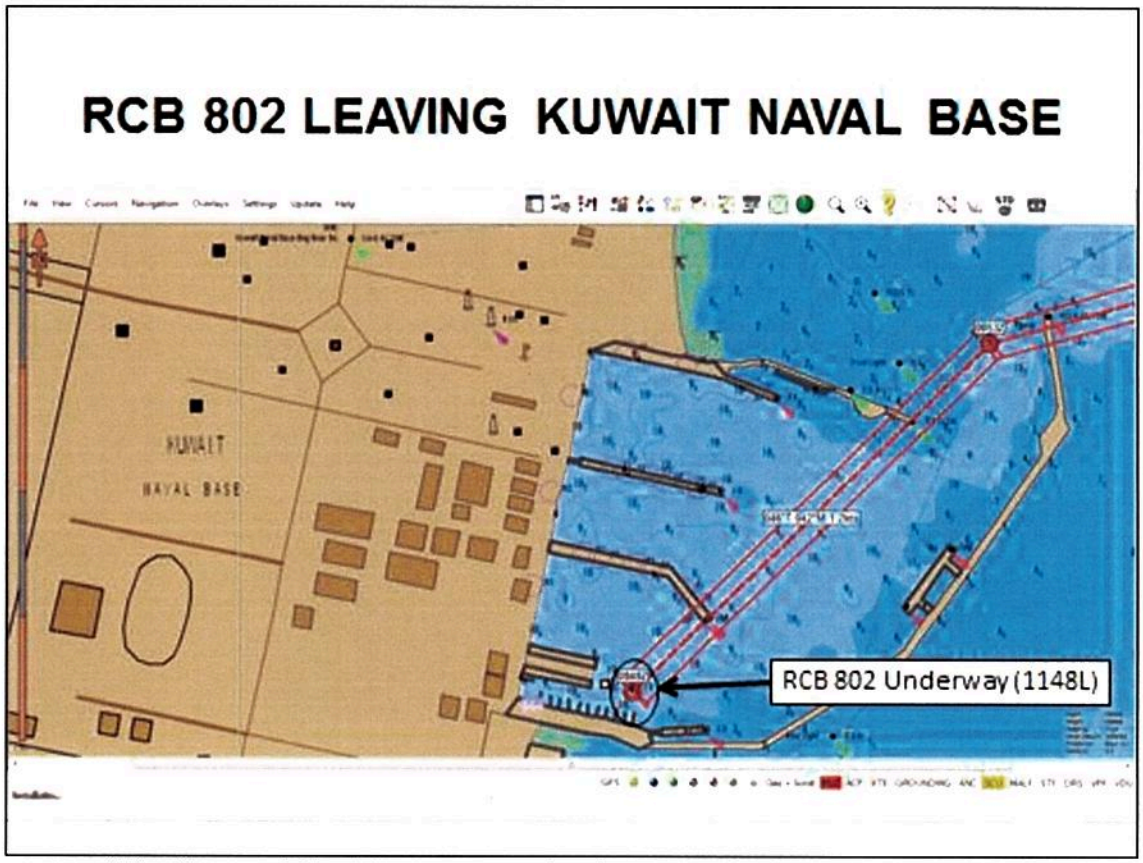
IV.E.8. (U) At 1141L, RCB 805 achieved satisfactory encrypted satellite communications via Radio Telephone with the Tactical Operations Center in Bahrain. [Encl (169)]

IV.E.9. (U) Between 1141L and 1145L, RCB 805 lost encrypted satellite communications via Radio Telephone with the Tactical Operations Center in Bahrain. [Encls (169), (171)]

IV.E.10. (b)(1) E.O. 13526 1.4 (A) At 1145L, RCB 802 obtained satisfactory High Frequency radio communications with the Tactical Operations Center in Kuwait, but had unsatisfactory encrypted satellite communications via Radio Telephone with Kuwait as required by Operational Tasking RCB message. [Encls (152), (153), (177)]

IV.E.11. (b)(1) E.O. 13526 1.4 (A) At 1145L, RCB 805 had both unsatisfactory High Frequency Radio Telephone and unsatisfactory encrypted satellite communications via Radio Telephone as required by Operational Tasking RCB message. [Encls (152), (153), (177)]

IV.E.12. (U) At 1148L, COGENT data shows both RCBs underway and 0making way. At this time, winds were out of the Northwest at less than 10 knots and, seas from the Northwest at 0-1 feet. [Encl (158)]



(U) Figure 4.5, COGENT Data Showing RCBs Underway from Kuwait

IV.E.13. (U) Between 1148L and 1150L, the CTG-56.7 Commander gave RCB 802 and RCB 805 permission to get underway. (Encl (177)]

IV.E.14. (U) Due to missing or conflicting Deck Log entries and statements, it is unclear whether this permission to get underway is strictly for communication operational testing or for the actual mission. [Encls (7), (11), (171), (177)]

IV.E.15. (U) Several crew statements state RCB 802 and RCB 805 got underway approximately 1200L to exit the Kuwait Naval Base basin to test communications. [Encls (6), (7), (13), (158)]

IV.E.16. (U) The underway times are approximated because both CTG-56.7 and CTF-56 Maritime Operations Center Logs provide conflicting underway times. [Encls (173), (171)]

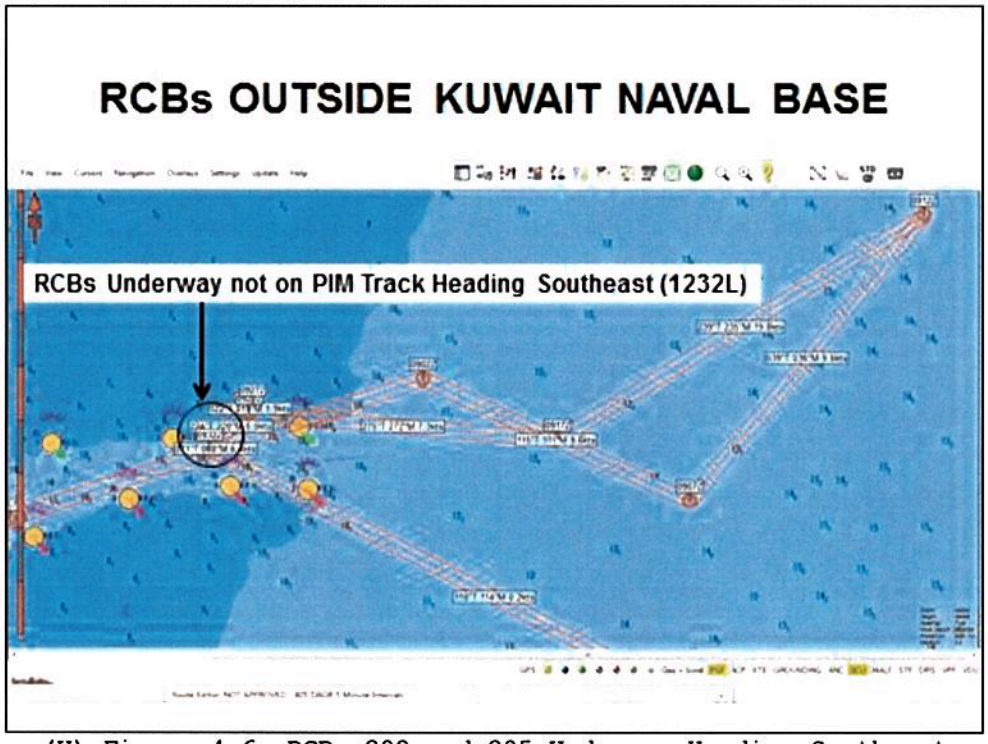
IV.E.17. (U) The RCB 802 and RCB 805 Deck Logs do not provide an underway time. [Encls (168), (169)]

IV.E.18. (U) The RCB 802 Boat Captain stated he decided to get underway and test encrypted satellite communications (Radio Telephone) further out to sea and away from the shore due to the satellite "Look Angle" while in port pier side; in addition, he stated that he also tested the unencrypted Iridium satellite telephones. Both tested unsatisfactorily. [Encls (7), (118), (119)]

IV.E.19. (b)(1) E.O. 13526 1.4 (A) Unencrypted satellite communications with an Iridium phone does not meet mission communication requirements. [Encls (152), (153)]

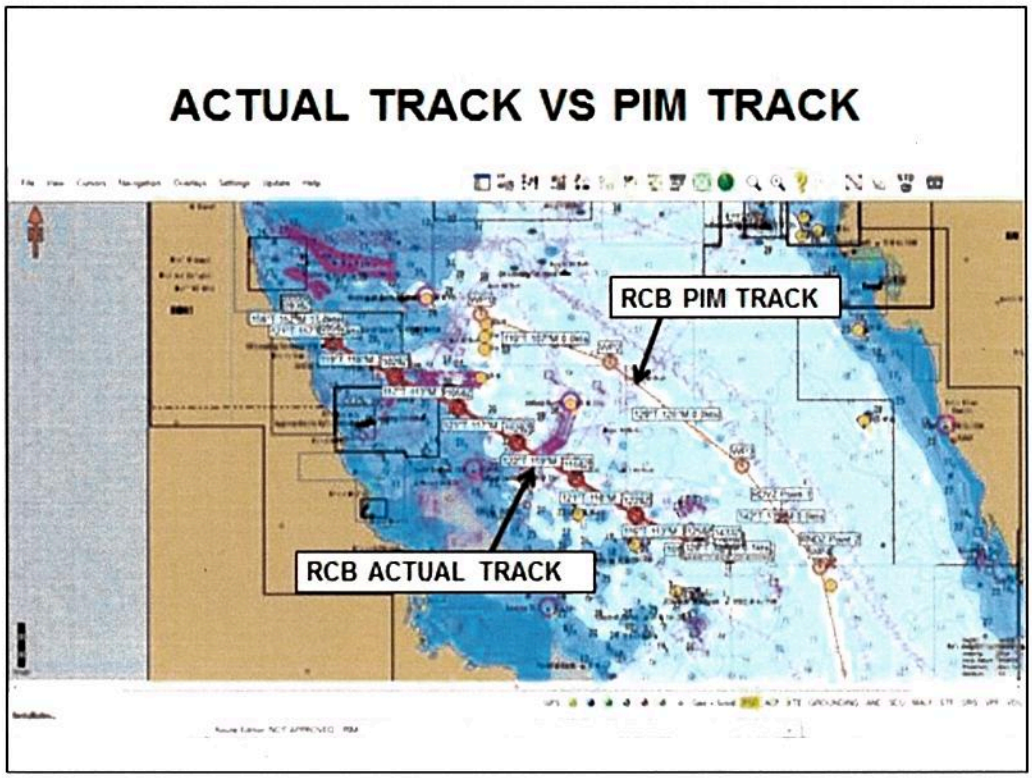
IV.E.20. (U) Between 1148L and 1235L, RCB 802 and RCB 805 continued to troubleshoot High Frequency and encrypted satellite communications while underway in the vicinity of Kuwait Naval Base. [Encls (7), (158), (159), (177)]

IV.E.21. (b)(1) E.O. 13526 1.4 (A) At 1232L, both RCBs deviated from PIM and proceeded southeast without encrypted satellite communications required by Operational Tasking Communications and RCB. [Encls (152), (153), (158), (159)]



(U) Figure 4.6, RCBs 802 and 805 Underway Heading Southeast

IV.E.22. (U) At no point after 1232L, did RCB 802 and RCB 805 follow the approved PIM track. [Encls (201, (158)-(160)]



(U) Figure 4.7, Actual Track (Red), PIM Track (Orange)

IV.E.23. (U) Because RCB 802 and RCB 805 were underway late, the Patrol Leader/RCB 805 Boat Captain supported taking a different heading to the next leg of PIM. [Encl (11)]

IV.E.24. (U) At 1235L, both RCB 802 and RCB 805 are logged as turning back towards Kuwait Naval Base to trouble shoot communications issues; but they didn't. [Encl (171)]

IV.E.25. (U) The RCB 802 Boat Captain stated that, after talking with the CTG-56.7 Commander multiple times via Iridium satellite phone, he was told that if the RCBs could not get requisite communications, the RCBs were to return to base. [Encl (7)]

IV.E.26. (U) At 1240L, already 8 minutes on the southeasterly course, the RCB 802 Boat Captain had a successful unencrypted Iridium satellite telephone call to CTG-56.7 Commander and told the Commander that the RCBs could still make the rendezvous point at 1615L. [Encls (7), (62)]

IV.E.27. (U) At approximately 1240L, the CTG-56.7 Commander gave permission for the RCB 802 Boat Captain to proceed on the mission. [Encl (7)]

IV.E.28. (U) Approximately 10 minutes prior to this decision, a Video Telephone Conference (VTC) was held between CTF-56 Commodore and CTG-56.7 Commander. [Encls (40), (62)]

IV.E.29. (U) During this VTC, concerns were raised by CTG-56.7 Commander regarding the status of communication capabilities of the RCBs. However, CTF-56 Commodore raised a greater concern for forthcoming inclement weather if delayed, and decided to proceed as planned. [Encl (62)]

IV.E.30. (U) It was noted after this decision that CTG-56.7 Commander was visibly upset with the decision. [Encl (40)]

IV.E.31. (b)(1) E.O. 13526 1.4 (A) The RCB 802 Boat Captain stated that the CTG-56.7 Commander was going to allow RCB 802 and 805 to transit from Kuwait to Bahrain with only an unencrypted Iridium satellite telephone (b)(1) E.O. 13526 1.4 (A) [redacted]. [Encls (7), (152), (153)]

IV.E.32. (U) Approximately 15 minutes into the transit, RCB 805 came up on encrypted satellite communication via Radio Telephone with the Tactical Operations Center in Bahrain. [Encl (7)]

IV.E.33. (U) RCB 802 never established satisfactory secure satellite communications via encrypted Radio Telephone with the Maritime Operations Center in Bahrain; however, RCB 805 did. See Table 4.1. [Encls (7), (11)]

Time	Underway Status	Approval	802 HF	802 SATCOM	805 HF	805 SATCOM
1141	Inport	N/A				
1141-1145	Inport	N/A				
1145	Underway	N/A				
1240	Underway	Approval from CTG 56.7				
~15 mins into transit	Underway	Approval to continue				

Satisfactory

Unsatisfactory

Unencrypted - Does Not Meet Mission Requirements

(U) Table 4.1, RCB Communication status prior to mission commencement

IV.E.34. (U) Upon getting underway, (b)(1) E.O. 13526 1.4 (A) (b)(1) E.O. 13526 1.4 (A) (b)(1) E.O. 13526 1.4 (A) (b)(1) E.O. 13526 1.4 (A) [Ref (h); Encl (11)]

IV.E.35. (U) (b)(1) E.O. 13526 1.4 (A) (b)(1) E.O. 13526 1.4 (A). [Ref (m)]

IV.E.36. (U) Once underway from Kuwait Naval Base, both RCB 802 and RCB 805 violated the CTG-56.7 Commander's Standing Orders by improperly configuring their standard crew served weapons by (b)(1) E.O. 13526 1.4 (A) (b)(1) E.O. 13526 1.4 (A). [(Ref (h); Encls (6), (7), (11), (12)]

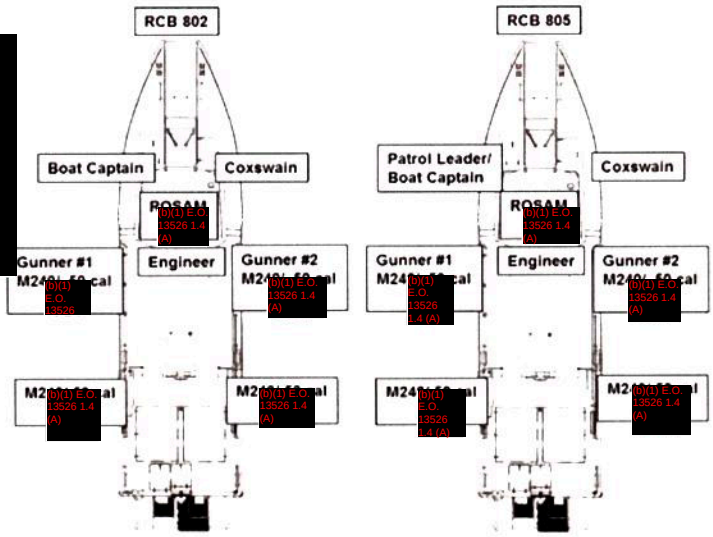
IV.E.37. (U) Upon getting underway, (b)(1) E.O. 13526 1.4 (A) (b)(1) E.O. 13526 1.4(A) [Ref (h); Encl (6), (7)]

IV.E.38. (U) (b)(1) E.O. 13526 1.4 (A). [Ref (m)]

IV.E.39. (U) The RCB 805 Patrol Leader was unaware that RCB 802 was in a (b)(1) E.O. 13526 1.4 (A) weapons status. [Encls (7), (11)]

RCB (b)(1) E.O. 13526 1.4 (A)

(b)(1) E.O. 13526 1.4 (A)



(U) Figure 4.8, RCB (b)(1) E.O. 13526 1.4 (A)

IV.E.40. (U) According to the RCB 805 Deck Log, at the top and bottom of every hour until 1600L, RCB 805 passed position reports to the Tactical Operations Center in Bahrain. [Encl (169)]

IV.E.41. (U) A CTG-56.7 Tactical Operations Center is setup for missions to provide continuous operational control and to maintain a central location for administrative, logistical, operational and tactical, command and control. [Ref (h)]

IV.E.42. (U) RCB 802 and RCB 805 failed to make latitude and longitude logbook entries and RCB 802 recorded no position reports as required by CORIVFORINST 3530.1. [Ref (f); Encls (168), (169)]

IV.E.43. (U) At 1441L on 12 January 2016, the Kuwait Tactical Operations Center "closed down" because the Bahrain Tactical Operations Center assumed control of the RCBs. [Encl (177)]

IV.E.44. (U) Despite this, the Bahrain Tactical Operations Center Deck Log never acknowledged that it assumed control of the two RCBs. [Encl (174)]

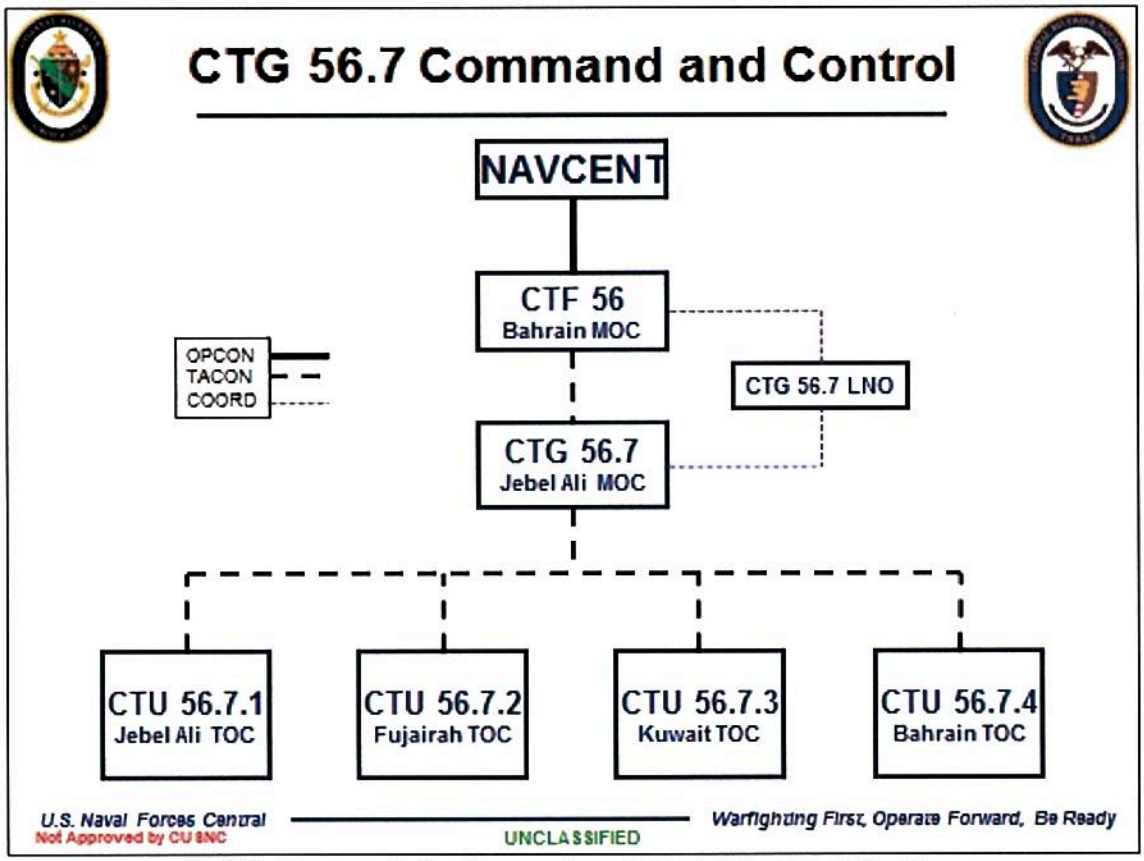
IV.E.45. (U) Between approximately 1413 and 1435, USCGC MONOMOY changed the rendezvous position with the RCBs due to time constraints against day light. [Encl (159), (173), (174), (176), (181)]

IV.E.46. (U) Between 1202L and 1600L, RCB 805 made nine position reports, not along PIM, to the Commander Task Unit 56.7.4 Tactical Operations Center located in Bahrain. [Encl (169)]

IV.E.47. (U) Between 1202L and 1600L, the RCB 802 Deck Log does not reflect any position reports made to the Tactical Operations Center located in Bahrain. [Encl (168)]

IV.E.48. (U) Only four of the nine RCB position reports from RCB 805 were passed from the Tactical Operations Center in Bahrain to the CTF-56 Maritime Operations Center in Bahrain, and only six of nine position reports were passed from the Tactical Operations Center in Bahrain to the Maritime Operations Center in Jebel Ali. [Encls (171), (174), (176)]

IV.E.49. (U) All Tactical Operations Centers[20] report to a Maritime Operations Center. The Tactical Operations Centers work for the Maritime Operations Center. They have the same function. [Encl (178)]



(U) Figure 4.9, Command and Control for CTF-56

IV.E.50. (U) At no time did the CTF-56 Maritime Operations Center in Bahrain or the Maritime or Tactical Operations Centers in Jebel Ali, UAE plot PIM or position reports on either an electronic or paper navigational chart. [Encls (35), (77), (80)]

IV.E.51. (U) The Maritime and Tactical Operations Centers in Jebel Ali did not have Global Command and Control System-Joint (GCCS-J) that would have displayed territorial seas overlays. [Encls (35), (62)]

[20] (U) A Tactical Operations Center is setup for missions to provide continuous operational control and to maintain a central location for administrative, logistical, operational and tactical, command and control. [Ref (h)]

IV.E.52. (U) The Maritime and Tactical Operations Centers in Jebel Ali had no territorial sea overlays in Agile Client and was unaware of the RCBs position in relation to either Saudi Arabian or Iranian territorial seas. [Encls (35), (62)]

IV.E.53. (U) Agile Client is a navigational software application. [Encl (195)]

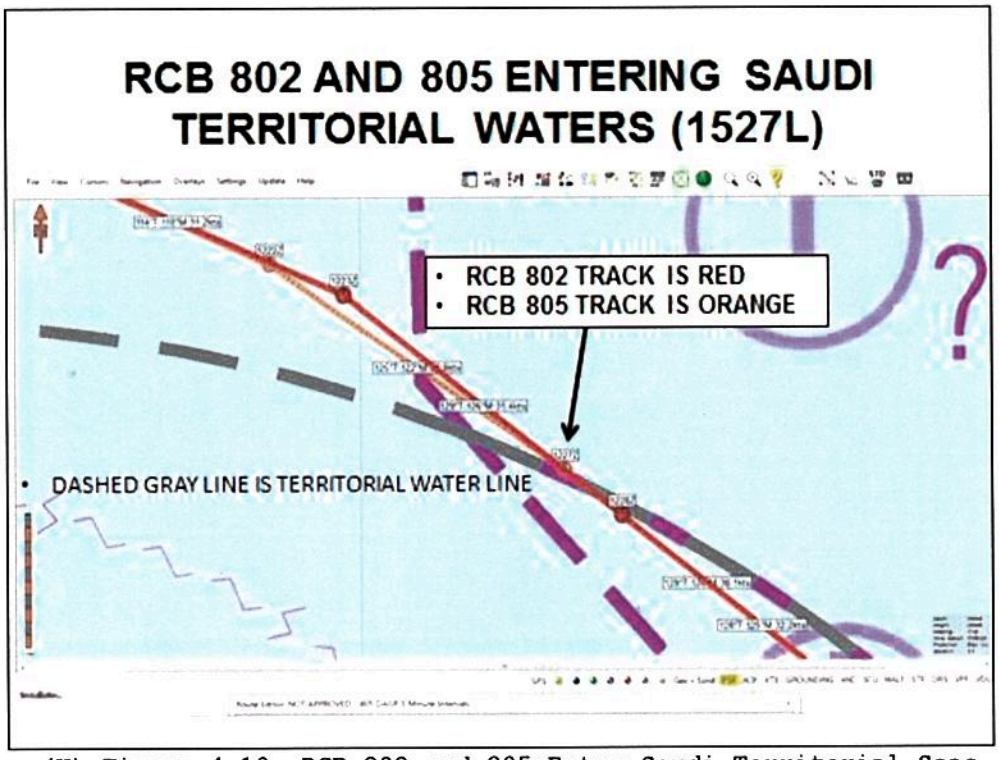
IV.E.54. (U) The Maritime Operations Center in Bahrain was unaware of the RCBs position in relation to either Saudi Arabian or Iranian territorial seas. [Encls (50), (78)]

IV.E.55. (U) At no time did the CTF-56 Maritime Operations Center plot PIM or position reports on either an electronic or paper navigation chart. [Encls (50), (77), (78)]

IV.E.56. (U) The CTF-56 Maritime Operations Center does not utilize Global Command and Control System-Joint (GCCS-J). [Encl (78)]

IV.E.57. (U) At approximately 1527L, RCB 802 and RCB 805 entered Saudi territorial seas and exercised the right of innocent passage under customary international law.[21] [Ref (p); Encl (158), (159)]

[21] (U) Pursuant to customary international law as reflected in UNCLOS, ships of all States, whether coastal or land-locked, enjoy the right of innocent passage through the territorial sea. (Art. 17, UNCLOS). For purpose of this transit, passage meant navigation through the territorial sea for the purpose of traversing that sea without entering internal waters or calling at a roadstead or port facility.

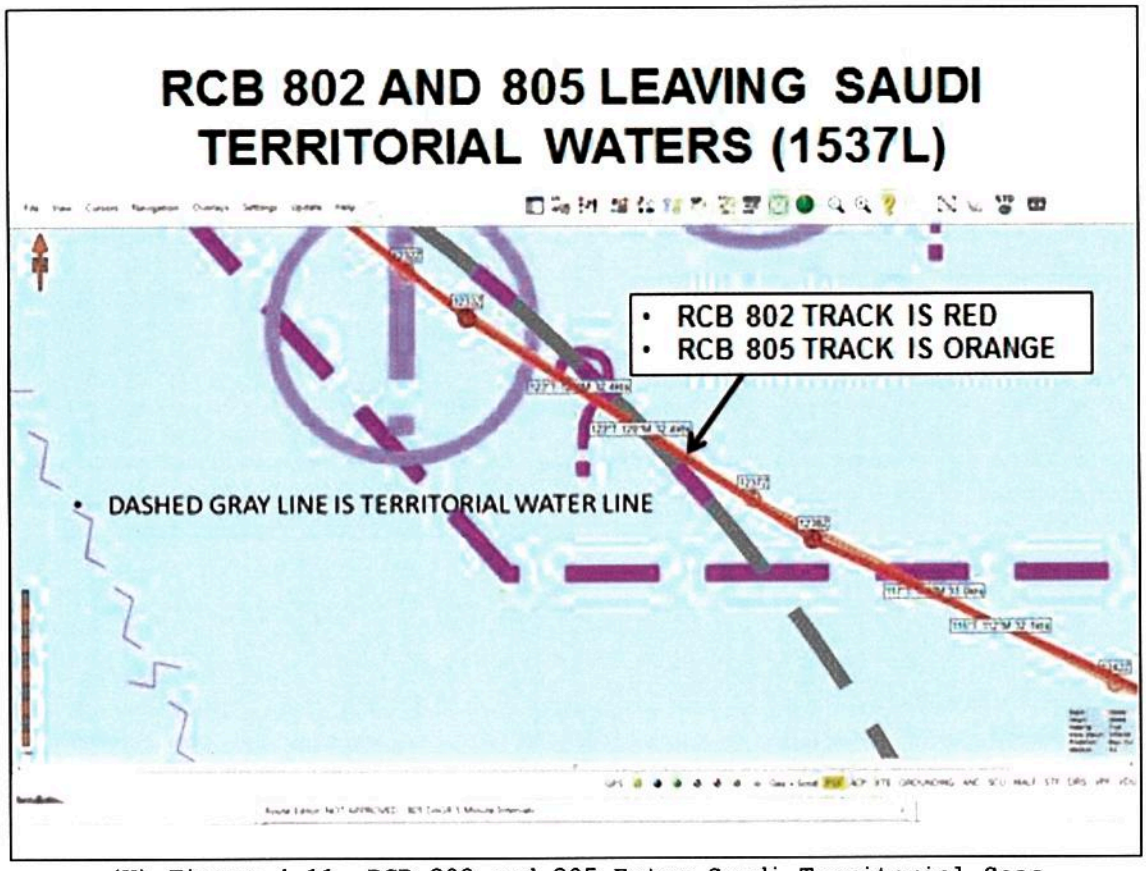


(U) Figure 4.10, RCB 802 and 805 Enter Saudi Territorial Seas

IV.E.58. (U) Both RCB Boat Captains were unaware[22] they entered Saudi Arabian territorial seas. [Encls (7), (11)]

IV.E.59. (U) At approximately 1537L RCB 802 and RCB 805 exited Saudi Arabian territorial seas. [Encls (158), (159)]

[22] (U) Knowledge/intent is not a prerequisite for a ship to exercise the right of innocent passage. (Art. 19, UNCLOS)



(U) Figure 4.11, RCB 802 and 805 Enter Saudi Territorial Seas

IV.E.60. (U) In accordance with customary international law, the RCB 802 and RCB 805 transit through Saudi Arabian territorial seas was innocent as well as continuous and expeditious.[23] [Ref (r)]

IV.E.61. (U) COGENT data shows that at approximately 1546C RCB 805 entered Iranian territorial seas surrounding Farsi Island, exercising the right of innocent passage under customary international law[24]. [Encls (158), (159)]

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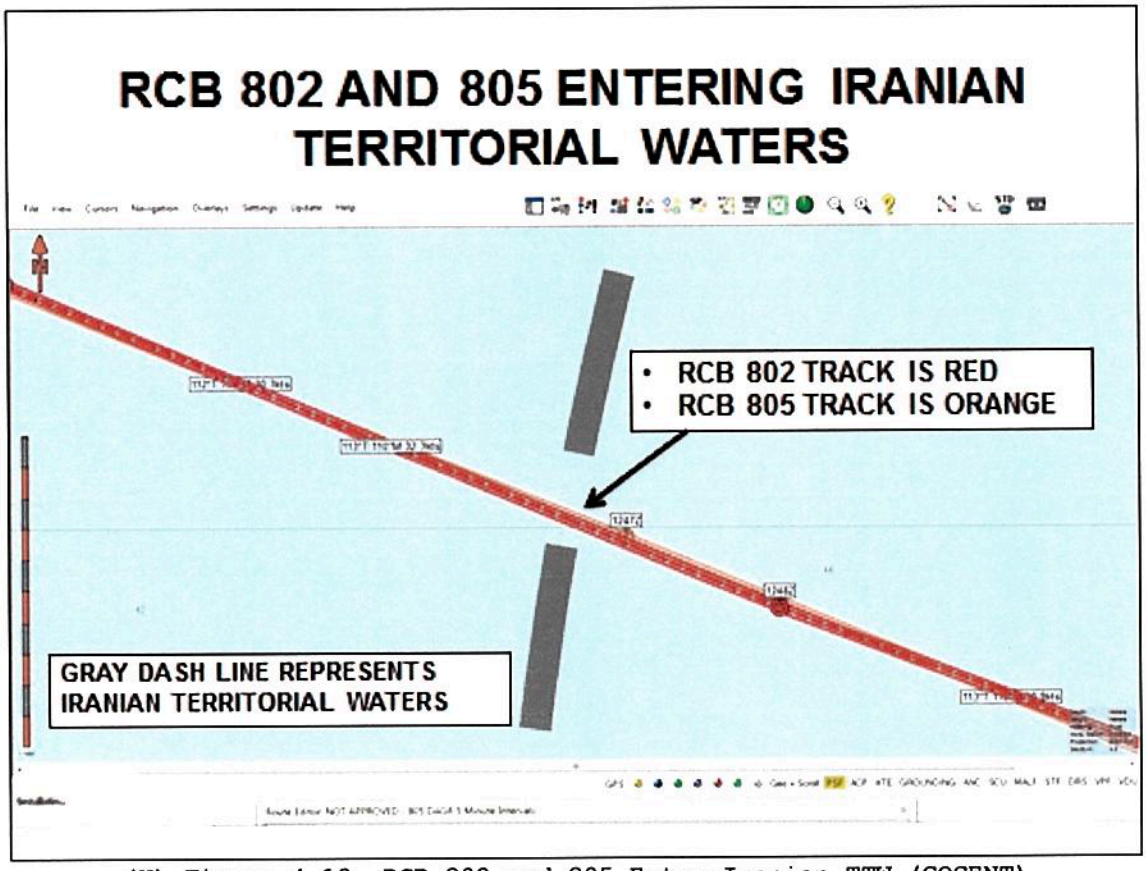
[23] (U) Pursuant to customary international law as reflected in UNCLOS, passage was innocent because it was not prejudicial to the peace, good order or security of the Kingdom of Saudi Arabia. (Art. 19, UNCLOS)

[24] (U) Iran requires prior permission for warships/submarines, nuclear-powered ships and any ship carrying nuclear or other dangerous or noxious substances to exercise innocent passage. The United States does not recognize this claim. DoD 2005.1-M, "Maritime Claims Reference Manual", available at http://www.jag.navy.mil/organization/code_10_mcrm.htm. Under customary international law, a warship is a "ship belonging to the armed forces of a State bearing the external marks distinguishing such ships of its nationality, under the command of an officer duly commissioned by the



(U) Figure 4.12, RCB 802 and 805 Enter Iranian TTW (COGENT)

IV.E.62. (b)(1) E.O. 13526 1.4 (A) While both RCB 802 and RCB 805 had the right under customary international law to exercise innocent passage in Iranian territorial seas, (b)(1) E.O. 13526 1.4 (A) [redacted]

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government of the State and whose name appears in the appropriate service list or its equivalent, and manned by a crew which is under regular armed forces discipline. (Art. 29, UNCLOS). While the RCB is not a warship, it is a vessel entitled to sovereign immunity because it is owned and operated by a State. Chief of Naval Operations "Vessel Sovereign Immunity and Crew List Policy," of 10 November 2005.

(b)(1) E.O. 13526 1.4 (A) [redacted]

IV.E.63. (U) Both RCB Boat Captains, the Bahrain Tactical Operations Center, the Jeb Ali Tactical Operations Center, the Jeb Ali Maritime Operations Center, and the CTF-56 Maritime Operations Center were unaware that the two RCBs entered Iranian territorial seas. [Encls (7), (11) (171), (174)]

IV.E.64. (U) Additionally, The Common Tactical Picture-Maritime manager was unable to monitor RCB movement and positions, "due to conducting a scheduled daily GCCS reboot." [Encl (58)]

IV.E.65. (b)(1) E.O. 13526 1.4 (A) The Common Tactical Picture-Maritime manager is defined as a position assigned by FIFTH Fleet Commander who is responsible for maintaining an accurate Common Operating Picture and current status of hostile, neutral, and friendly tracks/forces that includes data input directly and indirectly from organic and non-organic sensors. [Encl (149)]

IV.E.66. (U) The passage of RCB 802 and RCB 805 through Iranian territorial seas was innocent because there was no threat or use of force against the sovereignty, territorial integrity or political independence of Iran.[26] [Ref (r)]

IV.F. The Crew Observes Farsi Island

IV.F.1. (U) Between approximately 1530L and 1630L, crewmembers from RCBs 802 and 805 visually observed objects or land masses to their port side. [Encls (5)-(14)]

IV.F.2. (U) Crewmembers speculated as to whether these were Saudi Islands, rocks, or oil platforms. [Encls (7), (12)]

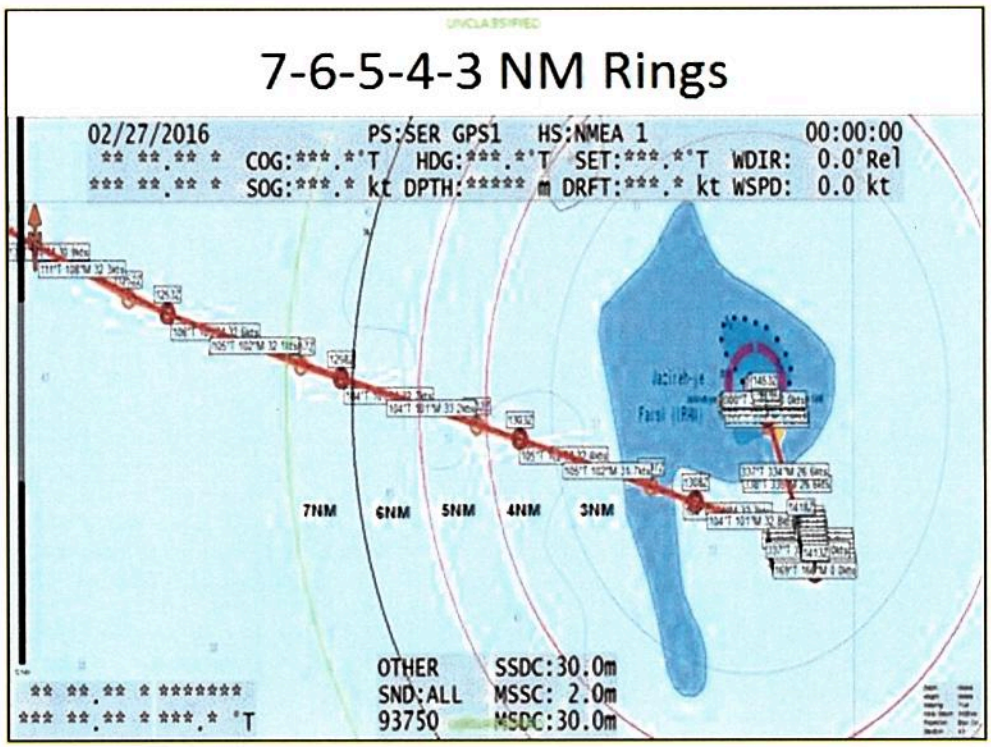
IV.F.3. (U) At this time, none of the crew believed that any of the masses were an Iranian island. [Encls (5)-(14)]

[26] (U) Additionally, passage was innocent because RCB 802 and RCB 805 did not exercise or practice with weapons of any kind; did not collect information to the prejudice of the Iran; did not conduct any act of propaganda aimed at affecting the defense or security of the Iran; did not launch, land or take on board any aircraft/military device; did not conduct any act of willful and serious pollution contrary; did not conduct any fishing activities; did not carry out research or survey activities; did not conduct any activity aimed at interfering with any system of communication or any other facilities or installations of Iran; and did not conduct any activity not having a direct bearing on passage. (Art. 19, UNCLOS)

IV.F.4. (U) At this point, the RCB 802 Boat Captain knew they were in foreign territorial seas; however, he was unaware of which nation. [Encl (7)]

IV.F.5. (U) Eventually, RCB 802 and RCB 805 passed an island to their port side, with a fire burning on it. This island was Farsi Island. [Encls (6), (7), (9) (11), (14) (158), (159)]

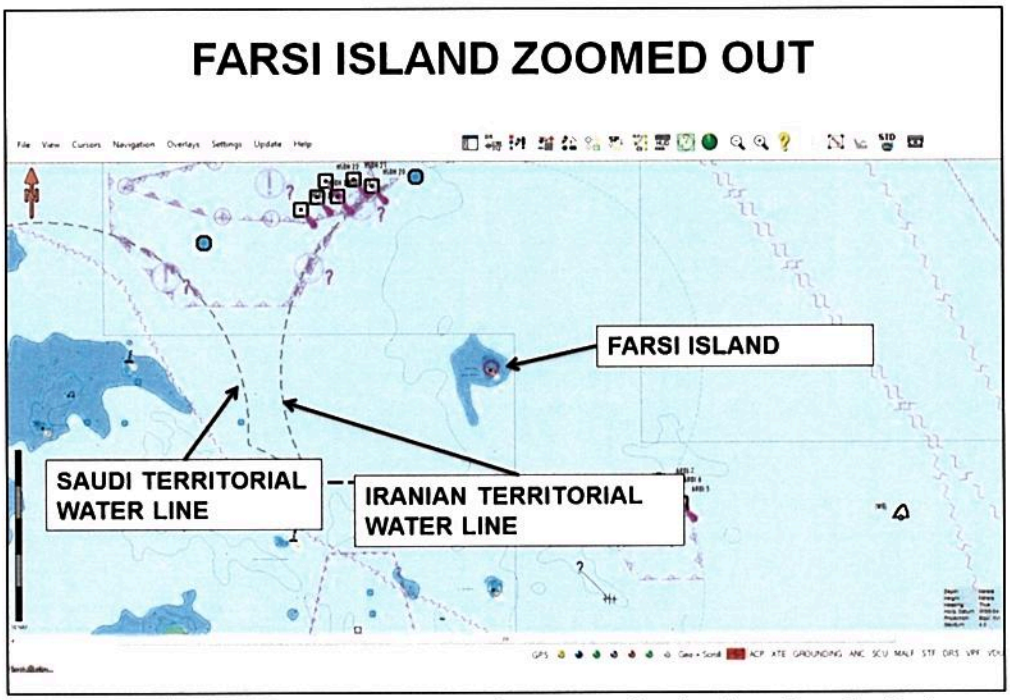
IV.F.6. (U) Crewmember assessments of the distances range from 3-8 nautical miles away. [Encls (7), (11), (14)]



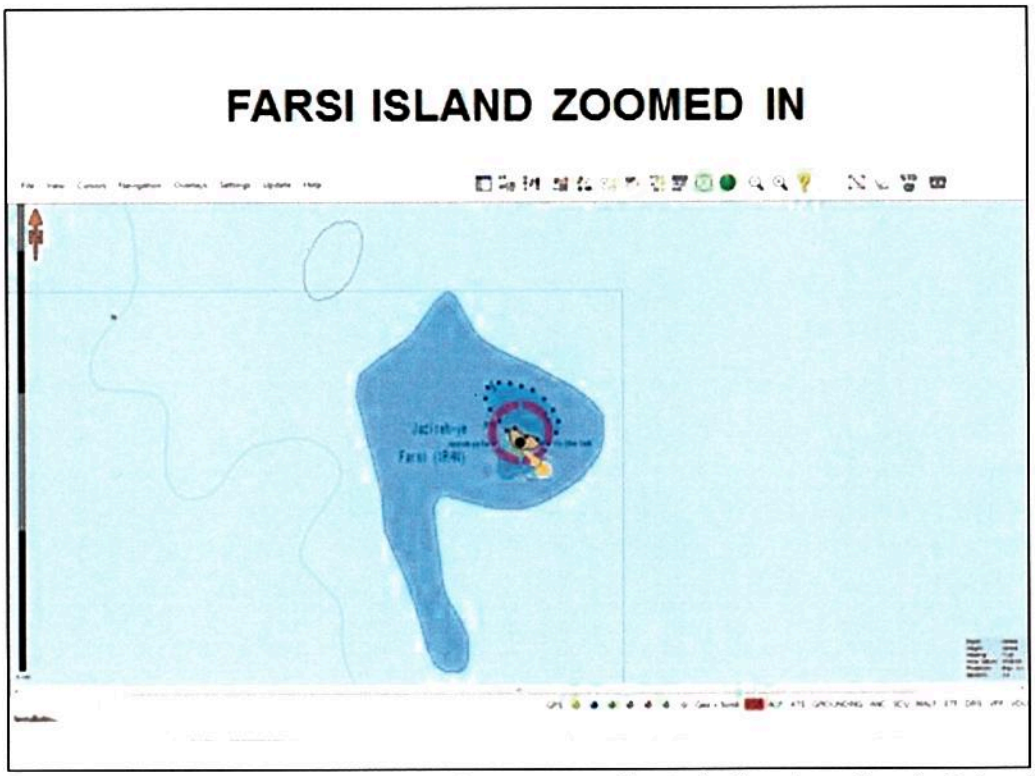
(U) Figure 4.13, Crew Observed Farsi Island - Estimated Distance

IV.F.7. (U) Both RCB 802 and RCB 805 crews utilized their COGENT navigation systems. The system displayed Farsi Island as a small purple dot; however, neither RCB crew was able to determine it was an island because neither crew zoomed in to determine what the purple dot was. [Encls (9), (12)]

IV.F.8. (U) Had any crewmember zoomed into the purple dot, they would have discovered the purple dot was Farsi Island (Iran). [Encl (159)]



(U) Figure 4.14 COGENT Zoomed Out - Displaying Purple Dot



(U) Figure 4.15, COGENT Zoomed In - Purple Dot Showing Farsi Island

IV.F.9. (U) No crewmembers on either RCB utilized a paper navigational chart in order to plot their exact location or to identify the island they had seen, even though the charts were available on the RCBs. [Encls (9), (13), (191)]

IV.F.10. (U) RCB 802 and RCB 805 never logged observing the island in the respective Deck Logs. [Encls (168), (169)]

IV.F.11. (U) At no point did either RCB contact any Tactical or Maritime Operations Center to report sighting Farsi Island. [Encls (168), (169), (171), (176)]

IV.F.12. (U) RCB 802's Engineer searched for and found the island on a 'chart' application on his personal smartphone; the application displayed a "long Arabic name" and no other information about the island. [Encl (9)]

IV.F.13. (U) Crew statements indicate RCB 802 and RCB 805 would need to go around the island to meet USCGC MONOMOY at the amended rendezvous location. [Encls (6), (7)]

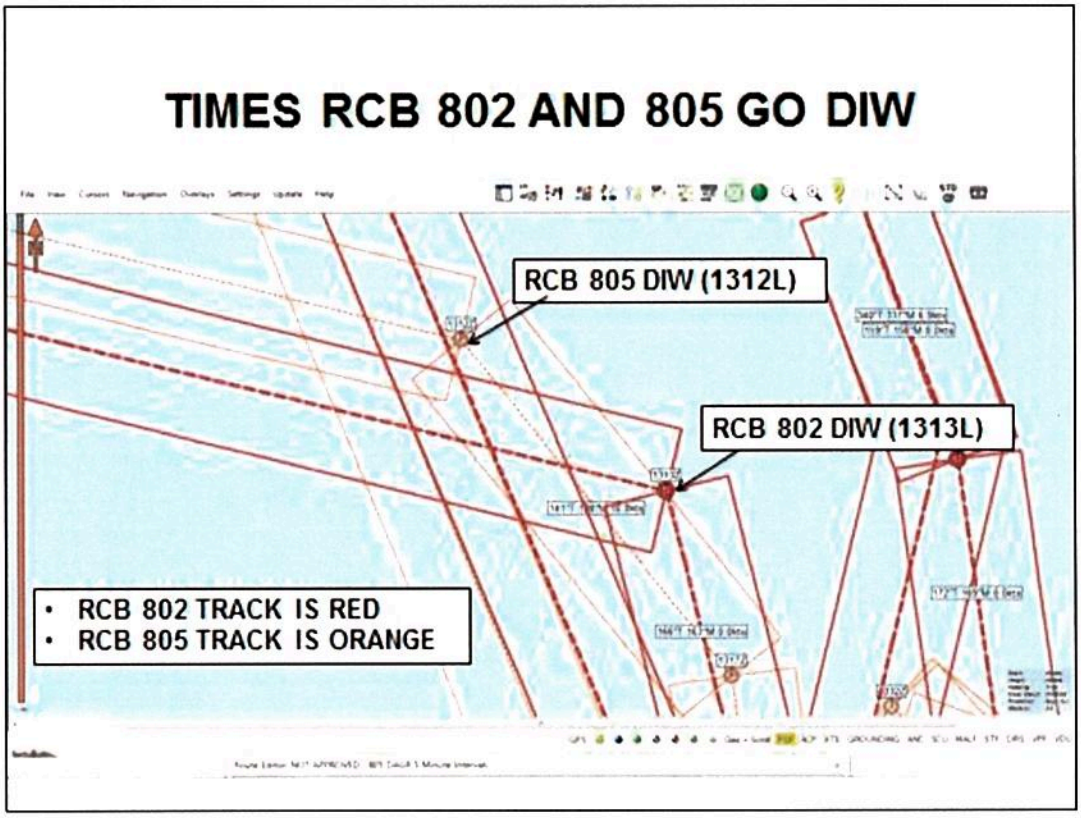
IV.F.14. (U) RCB 802's Coxswain and Boat Captain discussed whether the RCBs should double back and loop around the north side of Farsi Island or continue southwest of Farsi Island and loop back up around the south side of the island. [Encls (6), (7)]

IV.F.15. (U) RCB 802's Boat Captain made the decision to continue south as he was concerned about making the rendezvous point before dark. Accordingly, the RCB 802 Coxswain slightly altered his course to port while continuing to the south of the island. [Encls (6), (7), (159)]

IV.F.16. (U) At this point, no crewmember was aware the island was Farsi Island or that it was Iranian. [Encls (5)-(14)]

IV.G. RCB 802 Sustains Engine Casualty

IV.G.1. (U) Between 1600L and 1615L, RCB 802's engines dropped in speed because the starboard engine sustained a dangerous loss in oil pressure. [Encls (6), (11), (13), (14), (168)]



(U) Figure 4.16, RCBs 802 and 805 Go Dead in the Water (DIW)

IV.G.2. (U) COGENT data shows that the RCBs 802 and 805 went dead-in-the-water at 1612L and 1613L respectively. At this time, winds were out of the Northwest at 8-13 knots, seas from the Northwest at 1-3 feet, and currents from the North at 0.6 knots. [Encl (11), (158), (159)]

IV.G.3. (U) RCB 802's Coxswain notified his Boat Captain that he was coming down in speed and that they needed to come to a stop in order to both avoid the engine overheating and to troubleshoot the problem. [Encls (6), (7)]

IV.G.4. (U) Although RCB 802's crew might have troubleshot while still proceeding along on one engine (at approximately 10 knots), the Coxswain made the decision to shut down both engines as he assessed that it would too difficult to work in the engine compartment while moving. [Encls (6), (7), (9)]

IV.G.5. (U) Unknown to the RCB 802 Coxswain[27], RCB Engineering Operational Casualty Control procedures provide that for "Loss of Oil Pressure or Low Oil Pressure," the RCB is to maneuver to a safe location/launch site using the unaffected engine. [Ref (h); Encl (6)]

IV.G.6. (U) RCB 802 radioed to RCB 805 that RCB 802 sustained an engineering casualty and was shutting down both engines; RCB 805 dropped in speed and came along RCB 802's port side.[28] [Encls (11), (12), (13)]

IV.G.7. (U) The RCB 805 Engineer recounted that he reported to the Bahrain Tactical Operations Center via satellite communications that RCB 802 suffered an engine casualty at 1632L, approximately 20 minutes after RCB 802 went dead in the water. [Encl (13)]

IV.G.8. (U) At the time RCB 802 went dead in the water, crewmembers assessed Farsi Island was approximately was 3-5 nautical miles away. [Encls (5), (8)]

IV.G.9. (U) COGENT data shows the RCBs were approximately 1.6 nautical miles from Farsi Island when RCB 802 went dead in the water. [Encl (159)]

IV.G.10. (U) Under U.S. Navy Regulations 0918:

> "To the extent possible which the situation demands, the senior officer present shall be prepared for action and shall guard against surprise attack. With the means at his or her disposal, he or she shall put into effect such measures as are necessary to minimize the possibility of the undetected approach of hostile air, surface, or submarine forces."

[Ref (y)]

IV.G.11. (U) At this point, neither Boat Captain gave any direction to gunners to put their protective gear (kits) on, to

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[27] (U) The RCB 802 Coxswain asserted in his interview with the Investigating Officer that there was not a Standard Operating Procedure for responding to this type of engine casualty. [Encl (6)]

[28] (U) One of RCB 805's gunners recounted that RCB 805 took up "rear guard." [Encl (14)]

stand lookout, or to man weapons for Force Protection[29]. [Encls (7), (11)]

IV.G.12. (U) RCB 802's Engineer came up from below deck, opened the engine compartment, and noticed oil had surged out behind the raw water pump. [Encls (6), (9)]

IV.G.13. (U) The bolt that held the pump assembly to the engine block had come loose and the assembly had either partially or totally come off. The 11 January 2016 repairs, which included cannibalization, use of the incorrect bolt, and drilling a bigger bore to accommodate the bolt, had failed. [Encls (6), (7), (9)]

IV.G.14. (U) The RCB 802 Coxswain left his seat and the cockpit and went back to the engine compartment because he felt he was the most qualified and experienced engineer. [Encls (6), (7), (9)]

IV.G.15. (U) The RCB 802 Boat Captain acquiesced to the Coxswain leaving his chair. [Encls (6), (7)]

IV.G.16. (U) The RCB 802 Coxswain and RCB 802 Engineer began making repairs to the pump assembly; other crewmembers assisted by obtaining tools. [Encls (6), (8), (9)]

IV.G.17. (U) The RCB 802 Coxswain estimated the repair would take 20 minutes. [Encl (6)]

IV.H. Iranian Interaction

IV.H.1. (U) Approximately 5 to 15 minutes after RCB 802 went dead in the water, crewmembers from both RCBs observed two small boats approaching from Farsi Island. Between 1600 and this time, the direction of currents shifted and started coming from the South, pushing both RCBs Farsi Island. [Encls (5), (7), (8), (11)-(14)]

[29] (U) The RCB 802 Coxswain stated during his interview that at this point, the crews were "relaxed" in their Force Protection. [Encl (6)]

IV.H.2. (U) The RCB 802 Boat Captain first observed the small boats about 2 nautical miles away and initially "did not suspect any ill intent from the boats." [Encl (7)]

IV.H.3. (U) The RCB 802 Boat Captain later observed weapons on the boats between 800-1000 yards, and at the point "still thought these were Saudi Island [sic], so [he] didn't know who these [the small boats] were." [Encl (7)]

IV.H.4. (U) The RCB 805 Boat Captain/Patrol Leader first observed the small boats about 1-2 miles approaching "at speed" and "close and fast" from their harbor. [Encl (11)]

IV.H.5. (U) The RCB 805 Gunner first observed the small boats about 1 nautical mile away and that they were moving "fast." [Encl (14)]

IV.H.6. (U) One of RCB 802's Gunners initially thought the boats were "fishing vessels" and RCB 805's Coxswain thought they were "just people on the boats, nothing in my mind said they were Iranian or anyone like that or military, just normal boats." [Encls (5), (12)]

IV.H.7. (U) RCB 805 crewmember accounts conflict on whether gunners manned their weapons mounts when RCB 802 first went dead in the water, when crewmembers first noticed boats approaching from the island, or when those boats from the island finally neared the RCBs. [Encls (8), (10), (11)]

IV.H.8. (U) The RCB 805 Engineer recounted that upon seeing the boats, they had "kitted up," and that the two RCB 805 gunners headed topside and he observed military aged males on the boats. [Encl (13)]

IV.H.9. (U) However, RCB 805 Gunner #2 was below deck resting and heard the Boat Captain/Patrol Leader order the gunners to jump topside and man their weapons because boats were approaching. [Encl (10)]

IV.H.10. (U) RCB 805 Gunner #2 went topside and manned the starboard crew-served weapon, RCB 805 Gunner #1 was manning the port side weapon and saw two boats "within 100 yards" and "within their warning zone." [Encls (10), (14)]

IV.H.11. (U) As the boats approached, several RCB crewmembers observed that each boat had a covered crew served weapon on the bow. [Encls (5), (7), (8), (12), (14)]

IV.H.12. (U) As the boats neared to approximately 300 yards, several crewmembers observed the Iranians on the small boats remove the covers from their crew served weapons and train/point the weapons at the RCBs. [Encls (5), (7), (8), (12), (14)]

IV.H.13. (U) Prior to this deployment, the Coastal Riverine Group ONE Group Judge Advocate briefed both the RCB 802 and RCB 805 Boat Captains on their obligation to defend their unit. The below figure is an excerpt of what was briefed to both Boat Captains regarding the "Threat Triangle". [Encl (182)]

IV.H.14. (U) Under Article 51 of the Charter of the United Nations, Member States hold the inherent right of self-defense against an armed attack. [Ref (aa)]

IV.H.15. (U) RCB 805's Gunner #1 came topside and started "prepping" his weapon and was "standing by" it in case he had to use it. [Encl (14)]

IV.H.16. (U) The RCB 802's Gunner #2 stated that he loaded his weapon (.50 caliber machine gun) when the boats were 100-300 yards away. [Encl (5)]

IV.H.17. (U) The RCB 805 Boat Captain/Patrol Leader stated that both "systems" on his boat were (b)(1) E.O. 13526 1.4 (A) both weapons held the high-port position. [Encl (11)]

IV.H.18. (U) For this mission, the RCBs were not equipped with functioning non-lethal response capabilities, such as horns, long-range acoustic device, or flares; or if equipped, crewmembers did not employ them. [Encls (11), (13)]

IV.H.19. (b)(1) E.O. 13526 1.4 (A)

(b)(1) E.O. 13526 1.4 (A)

(b)(1) E.O. 13526 1.4(A) (1) (A)

IV.H.20. (b)(1) E.O. 13526 1.4 (A) By commencing the mission and getting underway without the means of collecting visual information, RCB 802 and 805 violated Naval Forces Central Command's Operational Tasking Visual Information directive[32]. [Encl (150)]

IV.H.21. (U) As the boats approached, the RCB 805 Boat Captain/Patrol Leader attempted to reach the approaching boats via handheld marine band radio (MARBAND) on channel 16, but at no point did either RCB establish radio communications with the approaching boats. [Encls (7), (11)]

IV.H.22. (U) The RCB 802 Boat Captain attempted to communicate with the incoming boats, but did not indicate whether these included attempts by radio. [Encl (7)]

IV.H.23. (U) As the Iranians approached, the RCB 805 Boat Captain/Patrol Leader did not know the mechanical/operational status of RCB 802 nor was he able to raise RCB 802's Boat Captain on the radio and "[the] craft were just far enough apart to communicate verbally." [Encl (11)]

IV.H.24. (U) At approximately 500 yards out, the RCB 802 Boat Captain, who had moved back near the engine compartment with the Coxswain, ordered the RCB 802 gunners to back off their weapons so they did not seem intimidating. [Encls (6), (8)]

IV.H.25. (U) Likewise, as RCB 805 Boat Captain/Patrol Leader observed RCB 802 and the incoming Iranian boats, he ordered RCB

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[30] (U) RCB 805 Gunner #2 recounted taking video footage of the interaction with a personal cellphone, which was relinquished to the reintegration team. The Investigating Officer requested that footage from the JPRA, and to date, has not received it. [Encl (10)

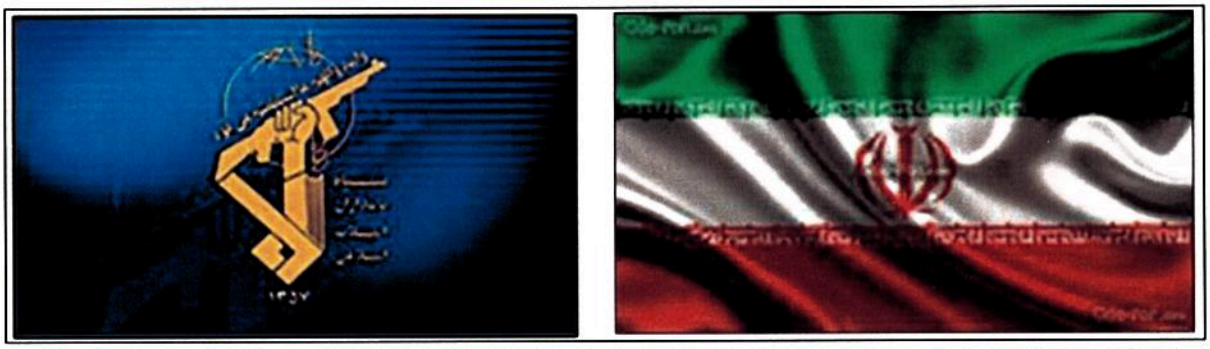
[31] (U) OPTASK Visual Information states, "All C5F units will maintain video and still cameras in a ready status to capture events of interest because an event of significance could occur at any time." [Encl (151)]

[32] (U) OPTASK Visual Information states, "All units shall Collect visual and audio media, day and night, on all events meeting CCIR and PIR criteria, disasters, accidents, other incidents…" Additionally, it states, "Unit unable to comply with [collection of information] will notify the applicable CTF via voice or chat and will provide specific shortfalls and mitigation plan to the CTF. [Encl (151)]

805's Gunners to not go to (b)(1) E.O. 13526 1.4 (A) because he believed that the Iranians had a "jump" on them and did not want to escalate the situation. [Encls (11), (13)]

IV.H.26. (U) As the two small boats neared, RCB crewmembers began to observe a blue flag flying on at least one of the boats. [Encls (5), (10), (12), (14)]

IV.H.27. (U) Some of the crewmembers eventually identified the flag as Iranian or Islamic Revolutionary Guard Corps.[33] [Encl (7)]



(U) Figure 4.17, - Islamic Revolutionary Guard Corps Flag and Iranian Flag

IV.H.28. (U) As the Iranian boats approached, the RCB 805 Coxswain recalled maneuvering RCB 805, "naturally I'm shadowing them [the Iranians], trying to get in between them [the Iranian] and the broken boat [RCB 802]... I was trying to get between them... I couldn't do it, I couldn't stay between both." [Encls (10), (12)]

IV.H.29. (U) However, the RCB 805 Boat Captain/Patrol Leader's account does not indicate whether he directed or gave guidance to the RCB to maneuver into a defensive position in support of RCB 802. [Encl (11)]

IV.H.30. (U) The Iranian boats approached within 100 yards or less of the RCBs. [Encl (10)]

[33] (U) Crewmembers' accounts vary, but RCB 805 Coxswain stated that he was below deck when he first observed the flag, at which he point he looked up the flag in the Reconnaissance Guide and identified it as Iranian, at which he notified RCB 805 Gunner #1 that it was "Iranian." [Encl (12)]

IV.H.31. (U) According to most accounts, one of the boats had two Iranians on board, while the other boat had only one Iranian onboard. [Encls (10), (12)]

IV.H.32. (U) Concerning the boat with one Iranian, crewmembers observed the Iranian "frantically" shifting between driving the boat, manning a weapon, and talking on a radio. [Encl (10), (12), (14)]

IV.H.33. (U) All the Iranians were armed with AK-47s. [Encls (8), (10), (11), (12)]

IV.H.34. (U) At this point, then, RCB crewmembers had clearly observed a crew-served weapon on the bow of each of the small boats as well as an AK-47 on each of the three Iranians. [Encls (8), (10)-(12), (14)]

IV.H.35. (U) As a coastal State, Iran "may take necessary steps in its territorial sea to prevent passage which is not innocent."[34] [Ref (r)]

IV.H.36. (U) Here, the Iranian boats were close enough that multiple RCB crewmembers attempted to communicate to the Iranians that they had broken down and that they were attempting repairs so they could leave. One of RCB 805's Gunners stated that "we were yelling at them, telling our boat was broken." RCB 802 Boat Captain yelled "hey, I'm sorry, this was an accident, we didn't mean to be here, our boat broke down, we're just trying to continue to Bahrain."[35] [Encls (7), (10)]

IV.H.37. (U) At this point, the RCB 802 Boat Captain attempted to explain to the Iranians that his stopping was incidental to his mechanical issues and he was attempting to transit through

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[34] (U) Iran also has the right "to take necessary steps to prevent any breach of the conditions" to which it authorized a ship to enter its *internal* waters and may temporarily suspend the innocent passage of foreign ships, *without discrimination*, specific areas of its territorial seas if such suspension is essential for the protection of its security and "shall take effect only after having been duly published." (Art. 30, UNCLOS (emphasis added))

[35] (U) Under customary international law, "Every State shall require the master of a ship flying its flag, in so far as he can do so without serious danger to the ship, the crew or the passengers: (a) to render assistance to any person found at sea in danger of being lost; (b) to proceed with all possible speed to the rescue of persons in distress, if informed of their need of assistance…" (Art. 98, UNCLOS)

territorial seas to Bahrain, both actions were in accordance with the right of innocent passage under customary international law. At no point did the RCB 802 Boat Captain request assistance. [Ref (r), Encls (7), (10)]

IV.H.38. (U) Under customary international law,[36] Iran was not permitted to hamper the innocent passage of the two RCBs. [Ref (r)]

IV.H.39. (U) RCB 805 Boat Captain/Patrol Leader also observed RCB 802 Boat Captain attempting to communicate with the Iranian boat closest to RCB 802 by holding up a wrench and pointing at the engine compartment. [Encl (11)]

IV.H.40. (U) At some point, RCB 802's Boat Captain also requested the Iranians for a translator. The RCB 802 Boat Captain left the cockpit, came back to the engine compartment, and told the Coxswain to hurry. [Encls (6), (11), (14)]

IV.H.41. (U) Although RCB 802's weapons remained in (b)(1) E.O. 13526 1.4 (A) the two gunners stood at their weapons stations believing they were "ready to react accordingly as needed." [Encl (8)]

IV.H.42. (U) RCB 805's weapons remained in (b)(1) E.O. 13526 1.4 (A) [Encls (7), (11)]

IV.H.43. (U) At some point, RCB 802 Gunner #1 attempted to load his weapon but complied with Iranian direction to stop loading ammo. [Encl (8)]

IV.H.44. (U) The Chairman of the Joint Chiefs of Staff Standing Rules of Engagement were in effect. [Ref (k)]

IV.H.45. (U) Under the Standing Rules of Engagement, "Unit Commanders always retain the inherent right and obligation to exercise self-defense in response to a hostile act or demonstrated hostile intent." Unless the unit commander directs otherwise, "military members may exercise individual self-

[36] (U) "The coastal State shall not hamper the innocent passage of foreign ships through the territorial sea except in accordance with this Convention. … [T]he coastal State shall not: (a) impose requirements on foreign ships which have the practical effect of denying or impairing the right of innocent passage; or (b) discriminate in form or in fact against the ships of any State…" (Art. 24, UNCLOS)

defense in response to a hostile act or demonstrated hostile intent[37]." The RCB 802 Boat Captain ordered his RCB gunners to step away from their crew-served weapons to deescalate[38] the situation; the gunners stepped away from their weapons as directed by the Boat Captain.[39] [Encls (7), (8), Ref (k)]

IV.H.46. (U) The RCB 805 Boat Captain/Patrol Leader also ordered his RCB gunners to step away from their weapons. [Encl (11)]

IV.H.47. (U) Prior to this deployment, the Coastal Riverine Group ONE Group Judge Advocate briefed both the RCB 802 and RCB 805 Boat Captains on their obligation to defend their unit. The below figures are excerpts of what was briefed to both Boat Captains regarding the Standing Rules of Engagement and Self-Defense: [Encl (182)]

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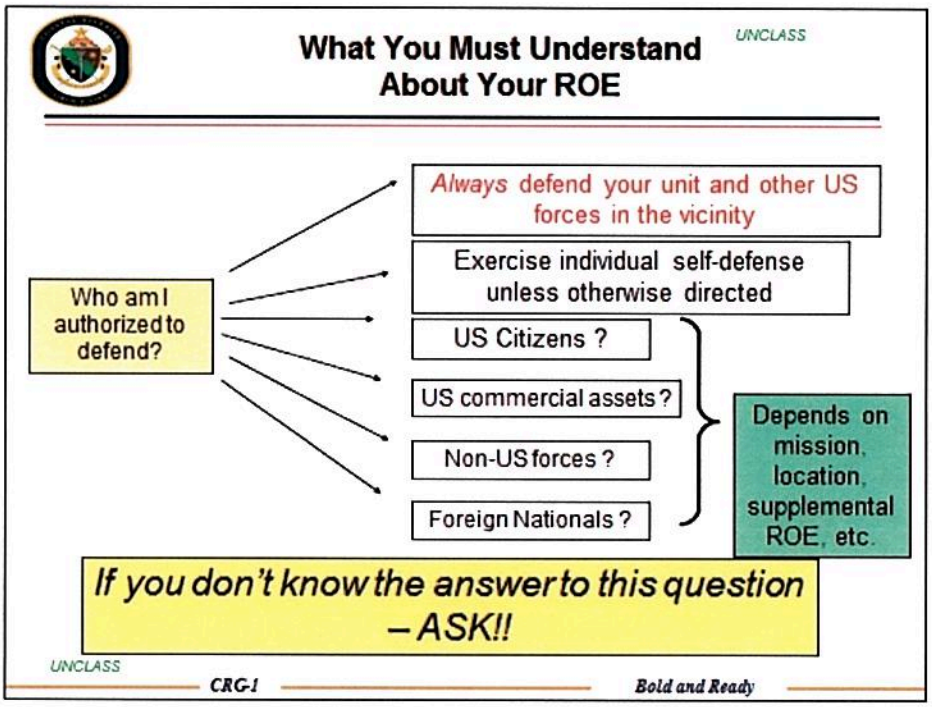
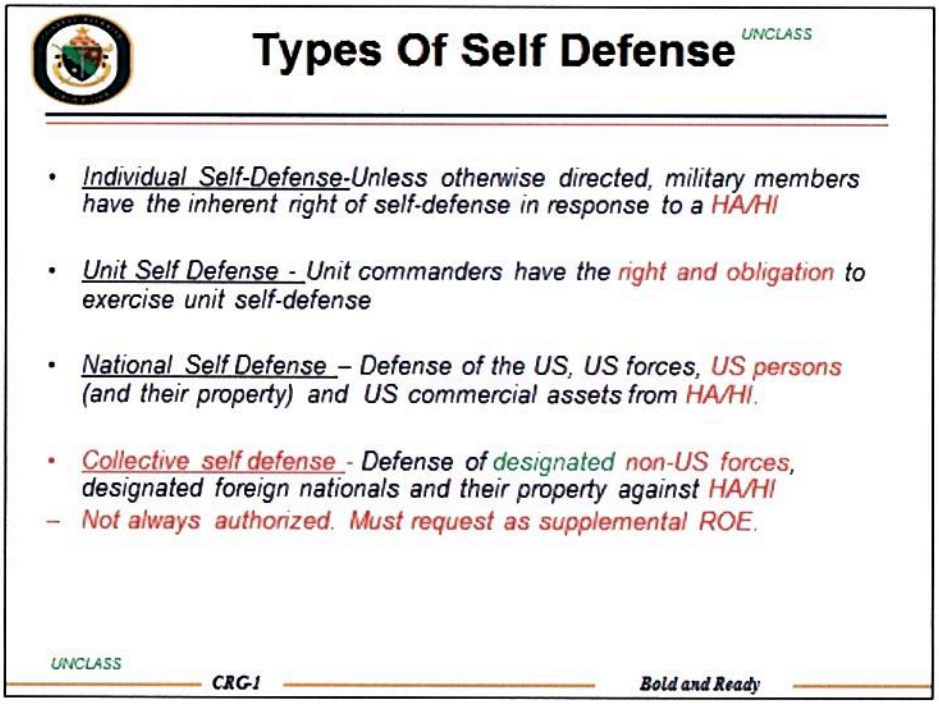
[37] (U) Per the CJCSI 3121.01B, a hostile act is "an attack or other use of force against the United States, US forces or other designated persons or property. It also includes force used directly to preclude or impede the mission and/or duties of US forces, including the recovery of US personnel or vital USG property;" a hostile intent is "the threat of imminent use of force against the United States, US forces or other designated persons or property. It also includes the threat of force to preclude or impede the mission and/or duties of US forces, including the recovery of US personnel or vital USG property."

[38] (U) As a principle of self-defense, de-escalation applies, "When time and circumstances permit, the forces committing hostile acts or demonstrating hostile intent should be *warned* and *given the opportunity to withdraw* or *cease threatening actions*." [Ref (k) (emphasis added)]

[39] (U) The RCB 802 Boat Captain informed the investigating officer, "I didn't want to shoot Iranians," in Iranian territorial seas. [Encl (7)]



(U) Figure 4.18, CRG-1 Group Judge Advocate Brief



(U) Figure 4.19, CRG-1 Group Judge Advocate Brief

IV.H.48. (U) While the Iranians pointed condition 1 weapons at the RCB 802 and RCB 805 crews, no crewmember engaged in self-defense. All crewmembers believed that they could not engage in self-defense unless the Iranians shot at them. [Encls (5)-(14)]

IV.H.49. (b)(1) E.O. 13526 1.4 (A) The crewmembers' beliefs were in direct conflict with the guidance provided by the FIFTH Fleet Commander on 17 December 2015.[40] [Encl (132)]

IV.H.50. (U) However, prior to deployment, the Coastal Riverine Group ONE Group Judge Advocate briefed the crews of RCB 802 and RCB 805 on the following regarding self-defense in response to demonstrated hostile intent: [Encl (182)]

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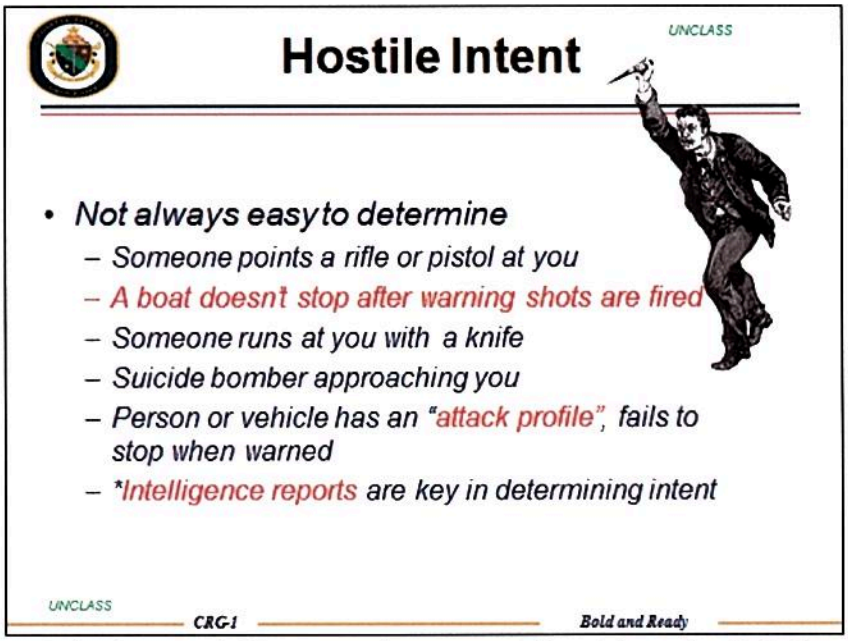
[40] (b)(1) E.O. 13526 1.4 (A) "My intent for your commands during these [Iranian interactions] remains the same, you should use this message for issuing your own clear intent to your forces, have a plan for [Iranian] interactions, and train to your plan. … When we are approaching an [Iranian] interaction, fundamental to your plans should (b)(1) E.O. 13526 1.4 (A) (b)(1) E.O. 13526 1.4(A) (b)(1) E.O. 13526 1.4(A) to determine intent of the Iranian units. … Robust and effective pre-planned reactions are key and I expect you will have trained and rehearsed to be ready to use all the tools in your kit, (b)(1) E.O. 13526 1.4 (A) (b)(1) E.O. 13526 1.4(A) . However, your team should also be ready and practiced in skipping steps if the timeline is compressed due to high closure speed… Lastly, none of the above requires that you must absorb the first round for you to act in defense of your unit." Per the U.S. Standing Rules of Engagement (SROE), U.S. Unit Commanders always retain the inherent and obligation to exercise self-defense in response to a hostile act or demonstrated hostile intent. [Encl (132)(emphasis added)]



(U) Figure 4.20, CRG-1 Group Judge Advocate Brief

IV.H.51. (U) Meanwhile, RCB's 802 Coxswain completed the repairs to RCB 802's engine, replenished the oil, left the engine compartment, and reassumed the Coxswain seat. [Encl (6)]

IV.H.52. (U) The RCB 802 Boat Captain directed the Coxswain to accelerate as he sat into his chair. [Encls (6), (7)]

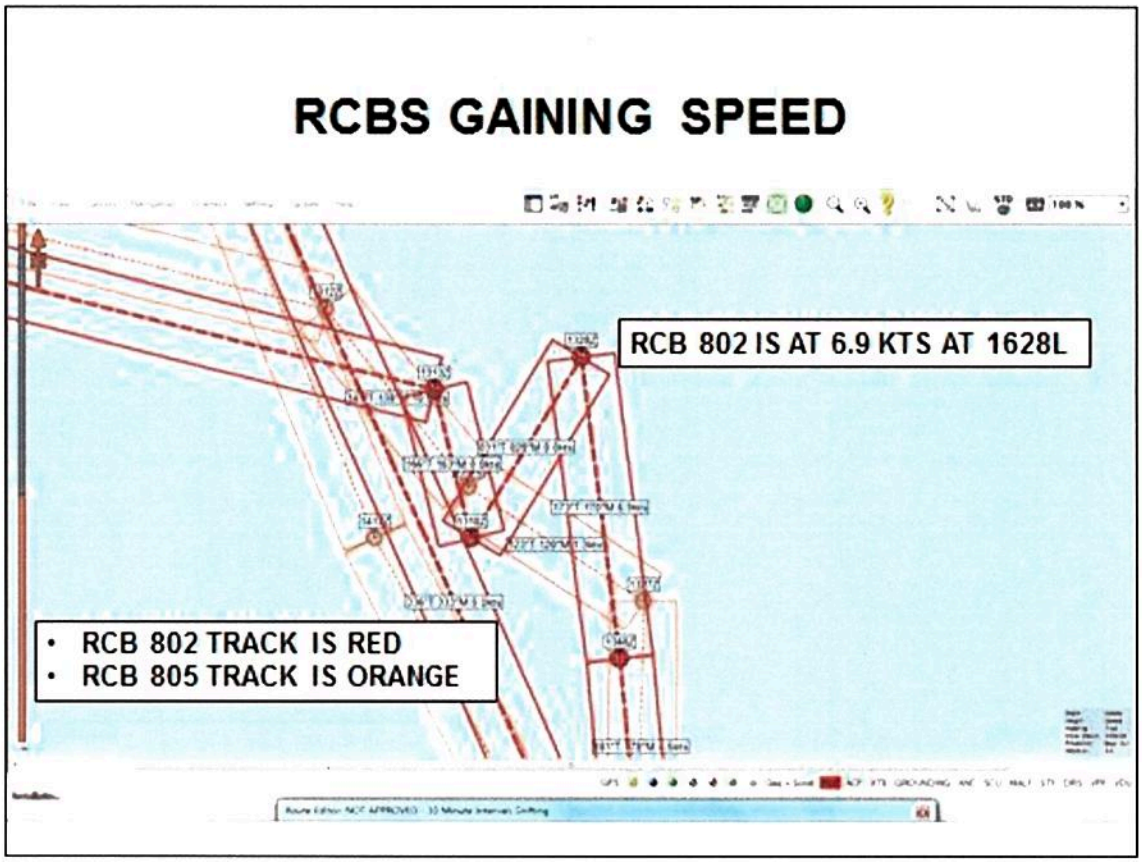
IV.H.53. (U) RCB 802 throttled up in speed and proceeded forward at which point the Coxswain saw that the Iranians were "racking" their weapons, pointing their weapons at the RCBs, and squeezing their triggers. [Encl (6)]

IV.H.54. (U) RCB 802's Coxswain told RCB 805's Boat Captain/Patrol Leader "we are good." [Encl (6)]

IV.H.55. (U) RCB 802's Boat Captain also gave direction to RCB 805 to "go, go, go" via radio. [Encl (12)]

IV.H.56. (U) RCB 805 came up in speed and proceeded forward expecting RCB 802 follow. [Encls (9), (13)]

IV.H.57. (U) COGENT data shows both RCBs came up briefly in speed to between 5.8 and 6.8 knots at 1628L. [Encl (159)]



(U) Figure 4.21, RCBs Gaining Speed

IV.H.58. (U) As RCB 802 attempted to come up in speed and the two Iranian boats maneuvered in front of the RCB, racked their weapons, and pointed AK-47s and crew served weapons at the RCB 802's crew[41]. [Encls (6), (7), (10), (12)]

IV.H.59. (U) The RCB 802 Coxswain saw multiple Iranians pointing AK-47 assault rifles at the RCB Gunner and explained to the investigating officer:

> "…I tell [the RCB 802 Boat Captain] that we are not moving. [The RCB 802 Boat Captain] said that we just got to go and if they shoot through us then whatever. I am having this dumb conversation with him about how I am not going to drive. I am not going to get [the RCB Gunner] killed. … There was nothing

[41] (U) While the RCB is not a warship, it is a sovereign immune vessel. Customary international law provides insight in that a coastal State may require a warship to leave its territorial seas immediately if the warship does not comply with the laws and regulations of the coastal State. (Art. 30, UNCLOS)

> important to me that moving my boat in an effort to attempt to get out of that situation in which I didn't think we were because I felt that we had lost from the beginning, that it wasn't ok for me to let [the RCB 802 Gunner] get shot."
>
> [Encl (6)]

IV.H.60. (U) When the RCB 802 Coxswain refused to accelerate forward, the Boat Captain decided not to engage the Iranian forces and instead, decided to "continue deescalating and try and talk [his] way out." [Encl (7)]

IV.H.61. (U) Under U.S. Navy Regulations, the RCB 802 Boat Captain as the senior officer present, was responsible for the safety and security of both RCBs and was to direct the course to be steered and the disposition to be employed by the RCBs. [Ref (y)]

IV.H.62. (U) At this point, the RCB 802 Boat Captain described his next actions as both a "surrender" and a "capture."[42]

> "So at that point and time if I had decided to start a firefight, I know a lot of my guys would be dead. We might have all been dead at that point in time. … I didn't want to start a war with Iran either. That was also on my mind. I didn't want to start a war that would get people killed. My thought at the end of the day was that no one had to die for a misunderstanding. And that, I guess this was a gamble on my part. I don't want to say gamble because that's not exactly the right word, but in allowing us to be captured - that was my decision and my decision alone, that was not [the RCB 805 Boat Captain/Patrol Leader], that was not any of my guys' decision, that my decision and my decision alone only. I made the gamble that they were not going to kill us. … I made the gamble that they're not going to Tehran and parade us around like prisoners of war. Because they want this nuke deal to go through. I thought ok, what's the commander's intent here, the highest commander's intent, the Commander in Chief would not want me to start a war over a mistake, over a misunderstanding."
>
> [Encl (7)]

[42] (U) For a full analysis on the Code of Conduct, see Chapter V.

IV.H.63. (U) The RCB 802 Boat Captain stated that the above was the calculus "literally going through [his] head at the time this was going down." [Encl (7)]

IV.H.64. (U) RCB 805 received direction from RCB 802 to "stop, stop, stop" via radio. [Encl (12)]

IV.H.65. (U) The RCB 805 Boat Captain/Patrol Leader, noticed that RCB 802 had not followed, and ordered RCB 805 Coxswain to come down and reversed RCB 805's course to point to RCB 802. [Encl (11)]

IV.H.66. (U) At this point, a third, larger Iranian boat had appeared with anywhere from 6-12 more Iranian males armed with AK-47s. [Encls (6), (7), (9), (11), (13), (14)]

IV.H.67. (U) The RCB 802 Boat Captain emerged from the cockpit and attempted to speak English with the Iranians. The Iranians pointed to Farsi Island and said, "other boat, English, coming." [Encl (7)]

IV.H.68. (U) The RCB 802 Boat Captain unsuccessfully attempted to communicate with the Iranian via Marine Band VHF radio as well as deck-to-deck verbal and gestures. [Encls (5), (7)-(14)]

IV.H.69. (U) Eventually a fourth Iranian vessel traveled out from Farsi Island increasing the number of armed Iranians. [Encls (7), (11)]

IV.H.70. (U) The RCB 802 Boat Captain ordered the RCB gunners to step away from weapon mounts and assume a de-escalatory posture. [Encls (7), (8), (13), (14)]

IV.H.71. (U) RCB 805 Engineer made a final "spot report" at 1645L via satellite communications to the Bahrain Tactical Operations Center; (b)(1) E.O. 13526 1.4 (A) [redacted]. [Encls (11), (13)]

IV.H.72. (U) The Iranians ordered[43] both RCB crews to nest the RCBs together.[44] [Encls (5), (6)-(8), (10), (11), (13), (14)]

IV.H.73. (U) While nested, one of RCB 802's gunners recalls hearing the RCB 802 Boat Captain instructing his crew to "do what they tell us." [Encl (10)]

IV.H.74. (U) The Iranians ordered the RCB 805 crewmembers onto RCB 802[45]. [Encls (7), (12), (13)]

IV.H.75. (U) The RCB 805 crewmembers left their weapons on the RCB when transferring to RCB 802. [Encl (13)]

IV.H.76. (U) The Iranians ordered RCB crewmembers to remove their body armor, kneel on deck, and place their hands behind their heads. [Encls (5), (7), (8), (10), (11), (13)]

IV.H.77. (U) The RCB 802 Boat Captain ordered his crew to comply. [Encl (7)]

IV.H.78. (U) The RCB is a State vessel entitled to sovereign immunity. Under customary international law, all vessels owned or operated by a State, and used for the time being only on government noncommercial service are entitled to sovereign immunity. A sovereign immune vessel is immune from arrest or search, whether in national or international waters.[46] [Encl (154)]

IV.H.79. (U) The Iranians came on board[47] the sovereign immune vessels and took video and pictures of the crewmembers while kneeling and without body armor. [Encls (5), (8)]

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[43] (U) Witness statements conflict on whether this was through broken English, gestures, and/or a combination of both.

[44] (U) Prior to detainment, emergency destruction was not ordered nor did it occur. [Ref (i); Encl (11)]

[45] (U) RCB 802 Gunner stated that RCB 802 crew was ordered onto RCB 805.

[46] (U) The Commander's Handbook on the Law of Naval Operations (NWP 1-14M), ed. July 2007, Chapter II.

[47] (U) Although the RCB 802 Boat Captain was not a Commanding Officer, U.S. Navy Regulations 0828 illustrates that "The commanding officer shall not permit a ship under his or her command to be searched on any pretense whatsoever by any person representing a foreign state, nor permit any of the personnel within the confines of his or her command to be removed from the command by any such person, so long as he or she has the capacity to repel such an act."

IV.H.80. (U) The Iranians continued to point weapons at the kneeling crewmembers. [Encls (10)-(12)]

IV.H.81. (U) While on their knees, the crewmembers were searched and then some were blindfolded and their hands bound by the Iranians. [Encls (5), (7), (8), (10), (11), (13), (14)]

IV.H.82. (U) While kneeling and bound, as RCB 802 Gunner #1 was complying with the Iranians' orders, the RCB 802 Gunner #2 activated the emergency position indicating radio beacon (distress signal), which the Iranians saw and confiscated. [Encls (10), (13)]

IV.H.83. (U) Once on board the sovereign immune vessels, the Iranians searched and seized the vessels, searched the crewmembers, and tore down the American flag, replacing it with the flag of the Islamic Revolutionary Guard. [Encls (8), (10), (13), (14)]

IV.H.84. (U) At some point during the boarding, the RCB 802 Boat Captain "identified [himself] as the officer" and the RCB 805 Boat Captain identified himself as the other Boat Captain. [Encls (7), (11)]

IV.H.85. (U) The Iranians forced by gunpoint the RCB 802 Coxswain and the RCB 805 Engineer to drive their respective RCBs towards Farsi Island. [Encls (5), (6), (8), (10)-(13)]

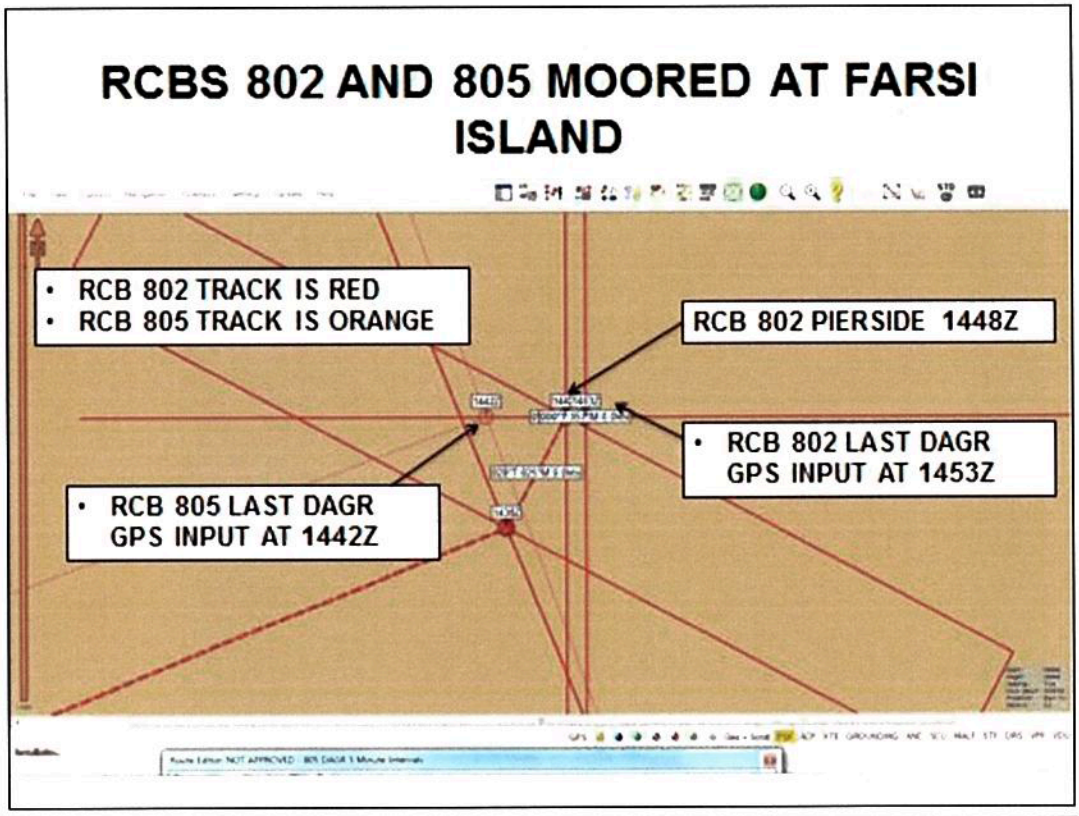
IV.H.86. (U) At approximately 1713L at 1.6 nautical miles from Farsi Island, both RCBs began transiting towards Farsi Island. [Encl (158)]

IV.H.87. (U) The RCBs were escorted by the four Iranian vessels. [Encls (5)-(14)]

IV.I. Movement to Farsi Island

IV.I.1. (U) COGENT data shows both RCBs arrived at Farsi Island and cut power at approximately 1753. [Encl (159)]

(b) (1) (A)



(b)(1) E.O. 13526 1.4 (A)

IV.I.5. (U) They would spend the reminder of the night in this room, (b)(1) E.O. 13526 1.4(A) [redacted] "[48] [Encls (5)-(14)]

IV.I.6. (U) There were armed guards outside the room at various times. [Encls (8), (11)]

IV.I.7. (U) The crewmembers' blindfolds and bindings were removed once inside the room. [Encls (5), (6), (8), (11)]

IV.I.8. (U) The room contained a camera, a TV, a telephone, pillows, and a carpet. [Encl (5), (8), (9), (11), (13), (11)]

IV.I.9. (U) Shortly thereafter, the detainers provided the crewmembers with snacks (fruit) and water. [Encls (5)-(9), (11), (14)]

IV.I.10. (U) The captors filmed the crewmembers eating. [Encls (6), (11), (14)][49]

IV.I.11. (U) The designated RCB Patrol Leader encouraged the crewmembers to eat, though being filmed, because he was not sure when their next opportunity to would be. [Encl (11)]

INITIAL GROUP INTERROGATIONS

IV.I.12. (U) Two men entered the room approximately an hour later, one in a military uniform and one in a suit. [Encls (13), (14)]

IV.I.13. (U) The man in uniform appeared to be a military officer and the man in the suit, who spoke English, appeared to be his translator or possibly an intelligence officer. [Encls (8) (9), (11), (14)]

IV.I.14. (U) These men asked who was in charge and RCB 802's Boat Captain replied that he was. [Encls (9), (13)]

IV.I.15. (U) The men began interrogating RCB 802's Boat Captain, asking what they (the RCBs) were doing, where they were coming

[48] (U) This is the room depicted in video footage of the crew members that appeared in the media. [Encls (11), (239)]
[49] (U) One crewmember recounts that the Iranians had been filming everything since they had first encountered the RCBs. [Encls (6), (239)]

from, and where the "mothership" was. [Encls (8), (9), (11)-(13)]

IV.I.16. (U) RCB 802's Boat Captain repeatedly responded there was no "mothership" and that they were simply transiting from Kuwait to Bahrain. [Encls (9), (12), (13)]

IV.I.17. (U) The interrogators did not believe these answers and were convinced the RCBs were on a secret mission from a "mothership." [Encls (6), (9), (13), (12)]

IV.I.18. (U) RCB 802's Boat Captain and fellow crewmembers recounted that RCB 802's Boat Captain managed to evade most questions, the ones he answered were common knowledge, and he did not really give the interrogators anything. [(5), (7), (12)]

IV.I.19. (U) Eventually the interrogators departed the room. [Encls (5)-(14)]

IV.I.20. (U) During this initial round of interrogation, the interrogators only spoke to RCB 802's Boat Captain, or focused primarily on him, as he was the only officer. [Encls (8), (12), (13)]

IV.I.21. (U) At some point thereafter, however, two men returned to the (b)(1) E.O. 13526 1.4(A) and interrogated the group with similar questions (e.g., what are you doing out here? where are you going? where is your mothership?). [Encls (6), (8), (11), (13), (14)][50]

IV.I.22. (U) The Patrol Leader later recounted that these were two different men, an "obese" officer and armed civilian, and that the "obese" officer remained in charge for the duration of detention. [Encl (11)]

IV.I.23. (U) Several of the crewmembers reiterated that they were transiting from Kuwait to Bahrain and there was no mothership. [Encl (6)]

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[50] (U) At some point during this group interrogation, several witnesses heard aircraft fly overhead, assuming them to be U.S. aircraft. [Encls (8), (10), (11)]

IV.I.24. (U) The captors responded that they did not believe the RCBs were capable of that and that they could not make it that far. [Encl (6)]

IV.I.25. (U) RCB crewmembers laughed in front of the captors and stated, "yeah I wish you could tell my people that because we told them these boats can't do that" or words to that effect. [Encl (6)]

IV.I.26. (U) The interrogators also asked for the crewmembers' name, rank, serial number, date of birth, and position on the boat. [Encls (5), (8), (14)]

IV.I.27. (U) Some crewmembers provided their name, rank, and serial numbers, while others provided date of birth and position on the boat. [Encls (5), (14)]

IV.I.28. (U) At some point during these group interrogations, RCB 802's Boat Captain told the interrogators that the crewmembers were only required to provide name, rank, and service number, and that any other information offered was "conditional" or "of their own free will." [Encls (6)-(9)]

DINNER

IV.I.29. (U) Later that night, the Iranian captors brought the RCB crews dinner. [Encls (5)-(14)]

IV.I.30. (U) The RCB Patrol Leader again instructed the crews to eat, as he was not sure when they could eat again. [Encl (11)]

IV.I.31. (U) The detainers began filming them eating, RCB 802's Boat Captain instructed the detainers to stop that, so they did. [Encls (7)-(9), (11), (13), (14)]

IV.I.32. (U) RCB 802's Boat Captain also recommended the RCB crewmembers to not eat while being filmed but also not to deprive themselves of food and water. [Encl (7)]

IV.I.33. (U) Several RCB crewmembers were reluctant to eat, but eventually began eating the food. [Encls (9), (11), (13)]

IV.I.34. (U) The Iranian man secretly attempted to film again, but RCB 802's Boat Captain again demanded the man stop, which he did. [Encls (6), (9), (11), (13)]

IV.I.35. (U) The Iranians ultimately managed to capture some footage of the crewmembers eating. [Encls (11), (239)]

IV.I.36. (U) Shortly after dinner, the Iranians escorted RCB 802 Boat Captain and RCB 805 Boat Captain out to the RCBs in order to establish bridge-to-bridge communications with the USS ANZIO. [Encls (7), (11)]

INDIVIDUAL INTERROGATIONS

IV.I.37. (U) Shortly after dinner, the detainers brought the crewmembers some blankets so they could lie down. [Encl (14)]

IV.I.38. (U) Several crewmembers managed to sleep, if only intermittently. [Encls (5)-(14)]

IV.I.39. (U) A few hours later, detainers entered the room and started pulling individual crewmembers out for individual interrogations in another room. [Encls (5), (6), (8)-(11)]

IV.I.40. (U) One crewmember recounted specifically that it was two very official looking men wearing gray suits and pistols (holstered) who entered the room. [Encl (13)]

IV.I.41. (U) All crewmembers were individually interrogated except RCB 802's Gunner #1, RCB 805's Engineer, and RCB 805's Gunner #1. [Encl (9), (13)]

IV.I.42. (U) The "obese" officer from earlier in the evening may have been present during individual interrogations. [Encl (11)]

IV.I.43. (U) Interrogations of the first few crewmembers lasted approximately 45-60 minutes apiece, but got progressively shorter, the last one lasting approximately 15-20 minutes. [Encl (13)]

IV.I.44. (U) While individual interrogations were transpiring, crewmembers remaining (b)(1) E.O. 13526 1.4(A) exchanged information about the interrogations amongst themselves, but were eventually told to remain quiet by one of the detainers. [Encls (5), (14)]

IV.I.45. (U) During individual interrogations, the interrogators asked the RCB crewmembers a variety of questions. [Encls (5)-(9)]

IV.I.46. (U) Questions varied by interrogation, but included such things as where the RCBs came from and where they were going; where the "mothership" was; what the mission was; military bases and medical facilities in the region and their commanding officers; about the location of U.S. and coalition ships, including the aircraft carrier; the RCBs' radar and other technical capabilities; about specific items the captors found on the RCBs and in crewmembers' personal effects (e.g., passports, laptops); about why the boats entered Iranian TTW; personal information about education and background; and about crewmembers' specific positions on the boat. [Encls (5)-(9]

IV.I.47. (U) Crewmember response strategies were mixed and their responses varied.[51] [Encls (7), (9)]

IV.I.48. (U) Some RCB crewmembers responded to honestly to some questions while lying or playing stupid in response to other questions to others:

a. For example, RCB 802's Engineer recounts that he provided his name and position on the boat, but lied (b)(1) E.O. 13526 1.4 (A) [redacted] [Encl (9)]

b. RCB 802's Gunner #2 recounts that he "played stupid." [Encl (5)]

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[51] (U) It would be impracticable to detail all of the questions and answers in this report. The RCB crew statements, enclosures (4) through (14), provide greater detail on what types of questions each was asked and what their responses and response strategies were. Further, as noted in Chapter I [or the Executive summary], prior to this JAGMAN investigation, the RCB crew members underwent several SERE and counter-intelligence debriefings during the JPRA reintegration processes in the weeks following their recovery. (b) (7)(A) (b) (7)(A) [redacted] (b) (7)(A) [redacted] While interrogations and responses are an aspect of this JAGMAN, they are not its focus, and therefore the intent here is to provide a general discussion of the interrogation that occurred.

c. RCB 802's Coxswain recounts that he responded to some questions by saying he was not aware and avoiding the questions. [Encl (6)]

IV.I.49. (U) In general, when interrogated, RCB 802's Boat Captain mostly lied or stated he didn't know and feigned cooperation in response to the majority of questions. [Encl (7)]

IV.I.50. (U) However, it is clear that some if not all crewmembers provided at least some information to interrogators beyond name, rank, service number, and date of birth:

a. For example, RCB 805's Coxswain provided that the RCB's approximate top speed and that the RCBs conducted "presence" missions. [Encl (13)]

IV.I.51. (U) Furthermore, interrogators demonstrated knowledge of certain information that suggested another crewmember may have provided that information during a prior interrogation:

a. For example, when an interrogator asked RCB 802's Engineer about the number of RCBs in the AOR, RCB 802's Engineer replied just two, but the interrogator responded that he knew a third, RCB 701 specifically, was in Kuwait. The interrogator also knew what type of engines were on the RCBs, and RCB 802's Engineer believed another crewmember may previously disclosed that information to the interrogators. [Encl (9)]

b. RCB 802's Coxswain interrogator demonstrated detailed knowledge about the RCBs and that he knew RCB 802's Coxswain's specific position on the RCB, and that RCB 802's Coxswain's RCB was lead boat during the transit. [Encl (6)]

c. RCB 805's Coxswain stated during his interrogation that the RCBs conduct "presence" operations, to which the interrogators responded "ah, (b)(1) E.O. 13526 1.4(A) [redacted]." [Encl (13)]

IV.I.52. (U) Some crewmembers declined to admit any culpability when asked about entry into Iranian TTW. [Encl (6), (7), (11)]

a. RCB 802's Engineer recounts that he provided answers that would not admit they had. [Encl (9)]

b. RCB 802's Coxswain recounted that he kept telling the Iranians that he did not believe that these were their waters, and he refused to say anything that would make it seem like their entry was on purpose or an accident because he did not know this it (Farsi) was an Iranian island or that they had entered Iranian waters. [Encl (6)]

c. RCB 805's Gunner #2 recounted that the Iranians kept telling the RCB crews that that they purposely went into Iranian territorial waters, but RCB 805 Gunner #2 did not know where the territorial waters were. [Encl (10)]

d. RCB 805's Boat Captain recounted that he lied or deflected and at no point did he take responsibility for entering Iranian territorial seas. [Encl (11)]

IV.I.53. (U) RCB 802's Boat Captain requested and was allowed to sit in on RCB 805's Gunner #2's interrogation, but then then after 5 minutes the captors changed their mind and removed RCB 802's Boat Captain from the interrogation room. [Encl (7)]

IV.I.54. (U) Individual interrogations lasted through the night, the final one, RCB 805's Gunner #2, concluding the morning of 12 January. [Encls (10), (13)]

IV.I.55. (U) The Iranians searched the RCBs and the crew's personal effects, confiscating, examining, and exploiting such things as cell phones, SIM cards, laptops, passports, and identification cards. [Encls (5), (10), (11)]

IV.I.56. (U) Some crewmembers stated they were only asked and only provided name, rank, and service number. [Encl (8)]

IV.I.57. (U) Some crewmembers provided passwords to their personal phones and laptops. [Encl (9)]

IV.I.58. (U) Multiple crewmembers recount aggressive behavior by interrogators such as an interrogator slapping his hand down on the table, spinning a crewmember's chair around, or threatening to take a crewmember to Iran for lying. [Encls (6), (11)]

IV.I.59. (U) At least one crewmember presented his military identification card to the interrogator. [Encl (5)]

IV.I.60. (U) Several of the RCB crewmembers recounted that they thought about the Code of Conduct while in captivity.

a. For example, RCB 802 Engineer felt that it applied "a little" and thought about how he would answer questions and about he might lie when interrogated. [Encl (9)]

b. RCB 802 Gunner #2 thought about escape, how he would be treated, and wanted to make sure he didn't tell them anything valuable; although he did not think of himself as a prisoner of war because the conditions were too nice. [Encl (8)]

c. RCB 805 Gunner #2 recalled the SERE NKO training when interrogated. [Encl (10)]

d. RCB 805 Coxswain recalled his SERE training when thinking about how he would respond to questions, and knew he wasn't going to tell them any specific information about the boats. [Encl (13)]

e. RCB 802 Boat Captain recounted that the Code of Conduct played in his mind when he was interrogated. [Encl (7)]

f. RCB 805 Engineer states that he and the RCB crewmembers didn't get into a "SERE mindset" until the Iranians nested the boats, and then he started noticing key things and increasing situational awareness (e.g., what people were wearing; location of guard tower). [Encl (12)]

IV.I.61. (U) Other crewmembers did not think about the Code of Conduct or thought it did not apply to their situation, at least initially:

a. RCB 802 Gunner #1 recounted that he didn't really think it applied because the captors were Iranian and the U.S. is not at war with Iran. [Encl (8)]

b. RCB 802 Gunner #2 stated that he didn't even think about it. [Encl (5)]

IV.I.62. (U) Several crewmember recalled very little of their Code of Conduct training. [Encl (6)]

IV.I.63. (U) Some of the RCB members refused to eat the food that the captors provided. [Encls (8), (9)]

IV.I.64. (U) Some members attempted to gather situational awareness by counting steps and scanning their surroundings. [Encls (8), (14)]

IV.I.65. (U) RCB 805's Gunner #2, the only female RCB crewmember, was interrogated on film. [Encls (7), (10) (14)]

IV.I.66. (U) RCB 805's Gunner #2 was only asked if the RCB crews had been treated well, to which the response was, "yes." [Encls (10), (239)]

IV.I.67. (U) One interrogator sarcastically thanked RCB 805's Coxswain for not cooperating. [Encl (13)]

BREAKFAST, NEWS CREW, RELEASE

IV.I.68. (U) On the morning of their release, the RCB crews were provided breakfast, after which they were told by the Iranians that they would be released if they continued to cooperate. [Encl (7)]

IV.I.69. (U) The Iranians flew in a TV camera crew by helicopter, which several of the RCB crewmembers heard. [Encls (7), (11), (14)]

IV.I.70. (U) Around this same time, a detainer (who appeared to be an Iranian military officer) entered the room and instructed the crewmembers that they would be released, but would need to provide an interview for an Iranian news crew. [Encls (11), (13)]

IV.I.71. (U) The detainer told the crewmembers they needed to eat and act happy in order to be released. [Encls (6), (8), (11), (13), (14)]

IV.I.72. (U) The Iranians brought the camera crew, which appeared to be a news crew, to the room where the RCB crewmembers were held. [Encls (5), (7), (10)]

IV.I.73. (U) The Iranians placed food and drink in front of the crewmembers, staging the scene, telling them to act happy and eat and drink. [Encls (5), (7), (10), (11), (14)]

IV.I.74. (U) At some point, RCB 802 Boat Captain instructed the RCB crews to do what the Iranians said so they could be released and that the RCB crewmembers could later disavow the statements and explain the Iranians made them say it. [Encl (7)]

IV.I.75. (U) RCB 802 Boat Captain reasoned to himself that the Iranians had not lied or misled them yet, and would keep their word and let them go; he wanted the most expeditious way off the island; and the longer they remained on the island, the more opportunity existed for things to go wrong. [Encl (7)]

IV.I.76. (U) Unbeknownst to RCB 802 Boat Captain, by this time the U.S. government had successfully negotiated for their unconditional release. [Encl (7)]

IV.I.77. (U) The RCB crewmembers ate and acted happy as instructed, and the Iranians proceeded to film. [Encl (7), (11)]

RCB 802's Boat Captain's Apology

IV.I.78. (U) Then the Iranian film crew repositioned itself over to RCB 802's Boat Captain specifically. [Encl (7)]

IV.I.79. (U) The Iranian interviewer gave RCB 802 Boat Captain a script or prepared statement and instructed him what to say. [Encls (5), (7), (10), (13), (14)]

IV.I.80. (U) The major told RCB 802 Boat Captain that he had to apologize and to say "we went into Iranian waters, it was our fault, and Iran treated us with great hospitality" or words to that effect. [Encls (8), (13)]

IV.I.81. (U) Through several iterations, RCB 802 Boat Captain gave his proposed responses to the major. [Encls (7), (8), (10), (14)]

IV.I.82. (U) Each time RCB 802 Boat Captain reworded his responses, the Iranian major was not satisfied and told RCB 802 Boat Captain he was not answering correctly and needed to give

the desired responses otherwise the film crew would not film and the crewmembers would not be released. [Encls (7), (8), (10), (14)]

IV.I.83. (U) The Iranian detainers told RCB 802 Boat Captain that they would not release the crewmembers until RCB 802 Boat Captain said exactly what the detainers wanted, that RCB 802 Boat Captain needed to cooperate and say what they wanted in order to leave. [Encls (5)-(7), (9)]

IV.I.84. (U) RCB crewmember accounts vary on whether RCB 802 Boat Captain was "coached," "instructed," or "made" to say certain things. [Encls (6), (8)]

IV.I.85. (U) The camera crews then turned the cameras on and filmed while RCB 802 Boat Captain was interrogated and gave the desired responses. [Encls (7), (8), (10)]

IV.I.86. (U) During this videotaped interrogation, when asked about 'penetrating' Iranian territorial waters, RCB 802 Boat Captain stated, "It was a mistake that was our fault, and we apologize for our mistake...it was a misunderstanding, we did not mean to go into Iranian territorial seas." [Encl (239)]

IV.I.87. (U) When asked if his GPS showed or tracked that they had penetrated Iranian territorial waters (or questioning to that effect) RCB 802 Boat Captain stated "I believe so." [Encl (239)]

IV.I.88. (U) When asked how the Iranian boats 'captured' the RCBs, RCB 802 Boat Captain stated, "The Iranian patrol boat came out when we were having engine issues and had weapons drawn, so we tried to talk to them until more boats came out and took us in." [Encl (239)]

IV.I.89. (U) When asked about treatment of the RCBs crews by the Iranian captors, RCB 802 Boat Captain stated, "The Iranian behavior was fantastic while we were here. We thank you very much for your hospitality and your assistance" and "there were no problems". [Encl (239)]

IV.I.90. (U) When asked about where the RCBs were going, RCB 802 Boat Captain stated from Kuwait to Bahrain. [Encls (6), (239)]

IV.I.91. (U) RCB 802 Boat Captain said these because he wanted to get the RCB crews out of Iranian captivity and he did not believe the Iranians had the best history of captivity. [Encl (7)]

IV.I.92. (U) Immediately or shortly after saying these things, the RCB crews were escorted to their boats and released. [Encls (5), (7)-(9)]

IV.I.93. (U) RCB 802 Boat Captain believes he tried his best not to say what he said but was ultimately was forced to. [Encl (7)]

IV.I.94. (U) RCB 802 Boat Captain said that he did not know if at some point the Iranians would start hitting him; he said he did not have reason to believe they would, but also did not have reasons to think they would not either. [Encl (7)]

IV.I.95. (U) RCB 802 Boat Captain was not personally threatened in captivity, but he believed RCB 802 Coxswain was; RCB 802 Boat Captain was not sure if any of the other RCB crewmembers were threatened. [Encl (7)]

IV.I.96. (U) During captivity, RCB 802 Boat Captain also utilized a strategy of being nice to the guards so that they might hesitate before shooting him if they thought to. [Encl (7)]

IV.I.97. (U) There were no weapons pointed at or near RCB 802 Boat Captain at the time. [Encl (12)]

IV.I.98. (U) At least one crewmember recounted that he would have made the statement that RCB 802 Boat Captain did and that RCB 802 Boat Captain did what he had to do to get the boat crews out of there, and that if it was anybody else in charge, the crews might not be here today unharmed. [Encl (12)]

IV.J. Release and Recovery

IV.J.1 (U) At 0008L on 13 January 2016, USS ANZIO received radio transmission from Iranians that all crewmembers were safe. [Encl (180)]

IV.J.2 (U) At 0110L, USS ANZIO once again received radio transmission from Iranians that all crewmembers were safe. [Encl (180)]

IV.J.3. (U) On the morning of 13 January 2016, Islamic Revolutionary Guard Corps Navy personnel set the room with food and water. [Encls (5)-(11), (13) (14)]

IV.J.4. (U) Soon after the room was set with food and water, a news crew entered. The Islamic Revolutionary Guard Corps Navy officer provided the RCB officer with a script and he recited the statement while on camera. [Encls (5)-(14)]

IV.J.5. (U) RCB crewmembers were advised that they would be released if cooperated. [Encls (7), (8), (11)]

IV.J.6. (U) Upon completion of RCB 802 Boat Captain's on-camera statement, all RCB crewmembers were blindfolded and escorted to the RCBs. [Encls (8)-(14)]

IV.J.7. (U) When crewmembers arrived at the RCBs, both RCB 802 and RCB 805 were started and got underway with Islamic Revolutionary Guard Corps Navy personnel aboard. [Encls (7), (10)-(12), (14)]

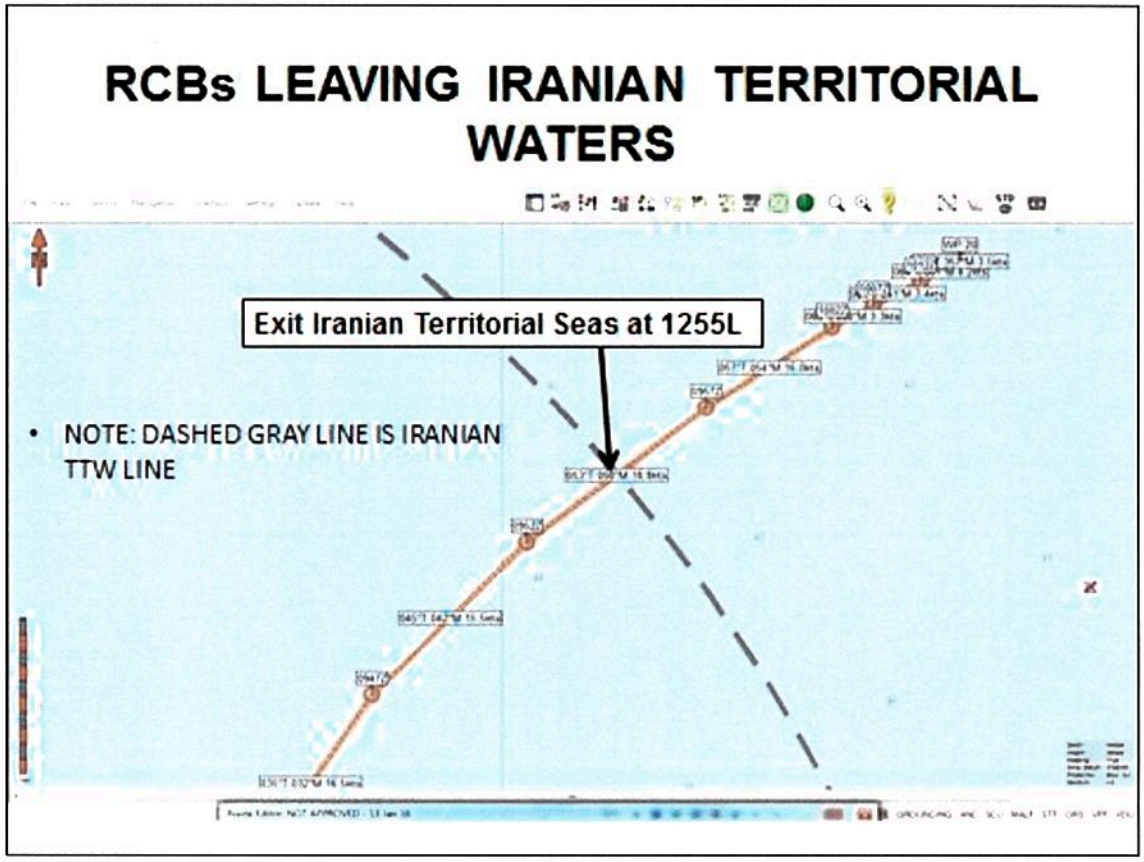
IV.J.8. (U) At 0924L, USS ANZIO established communications with RCBs via VHF radio. [Encls (234), (31)]

IV.J.9. (U) At approximately 1150L, RCBs 802 and 805 departed Farsi Island. [Encl (160)]

IV.J.10. (U) After approximately two nautical miles, two Islamic Revolutionary Guard Corps Navy vessels approached the RCBs and disembarked the Islamic Revolutionary Guard Corps Navy personnel that were on the RCBs. [Encls (6), (10), (11), (14)]

IV.J.11. (U) Three Islamic Revolutionary Guard Corps Navy patrol boats and one Islamic Revolutionary Guard Corps Navy helicopter escorted the RCBs out from Farsi Island. [Encls (6), (8), (11), (13)]

IV.J.12 (U) At 1255L, RCB 802 and RCB 805 exited Iranian territorial seas. [Encl (160)]



(U) Figure 4.23, RCBs exiting Iranian Territorial Seas

IV.J.13. (U) Between 1301L and 1303L on 13 January 2016, RCBs 802 and 805 tied alongside USS ANZIO. [Encls (30), (234)]

IV.J.14. (U) Between 1317L and 1345L on 13 January 2016, crews from RCBs 802 and 805 embarked USS ANZIO and completed initial medical screening. [Encl (30), (234), (185)]

IV.J.15. (U) Between 1345L and 1457L, RCB crews were transferred to USS HARRY S TRUMAN from USS ANZIO via MH-60S helicopters. [Encls (30), (185)]

IV.J.16. (U) Between 1400L and 1457L, RCB crews were transferred to USS HARRY S TRUMAN from USS ANZIO via MH-60S helicopters. [Encl (30)]

IV.J.17. (U) At 1438L, all RCB crewmembers landed on USS HARRY S TRUMAN. [Encl (185)]

IV.J.18. (U) At 1720L, Carrier Onboard Delivery aircraft departed USS HARRY S TRUMAN en route to Al Udeid Air Base in Qatar. [Encl (185)]

IV.J.19. (U) At approximately 1747L, all RCB crewmembers landed in Al Udeid Air Base in Qatar and at the reintegration center. [Encls (30), (31), (175)]

IV.K. Search and Rescue[52]

IV.K.1. (U) At an unknown time, the CTG-56.7 Maritime Operations Center provided USCGC MONOMOY with a position report of RCB 802 and RCB 805 (b)(1) E.O. 13526 1.4(A) chat." (b)(1) E.O. 13526 1.4(A) chat is electronic communication between two units that the other watchstanders within FIFTH Fleet could not (b)(1) E.O. 13526 1.4(A) USCGC MONOMOY plotted this position on a navigational chart and determined that RCB 802 and RCB 805 had deviated from their plan of intended movement track. [Encls (181), (218)]

IV.K.2. (U) USCGC MONOMOY asked the CTG-56.7 Maritime Operations Center whether the RCBs were taking a different track as she was expecting the RCBs to round the North of Farsi Island instead of coming south. The CTG-56.7 Maritime Operations Center responded that they were unable to confirm because, "[they] did not have a chart [at the Maritime Operations Center] to figure out the trackline they are taking." [Encls (181), (218)]

IV.K.3. (U) At **1620L**, the CTG-56.7 Maritime Operations Center provided the CTF-56 Maritime Operations Center with a position report of the RCBs; neither Operations Center plotted these positions. [Encls (35), (78), (171)]

IV.K.4. (U) At **1632L**, approximately 19 minutes after RCB 802 went dead-in-the-water, the CTU 56.7.4 Tactical Operations Center's log recorded receiving a message from the RCBs that Iranians were training Condition 1 weapons on them. This was

[52] (U) This timeline is a compilation of statements and watch logs from individuals and commands that had either a direct or peripheral involvement with the Search and Rescue of the crews from RCB 802 and RCB 805. This timeline does not analyze the actions of FIFTH Fleet assets and is instead, a timeline that highlights the time between when RCB 802 and RCB 805 contacted the CTU-56.7.4 Tactical Operations Center and Commander, U.S. FIFTH Fleet is notified.

the earliest received log entry that indicated an interaction with the Iranians. [Encls (158), (159), (168), (169), (171), (173), (174), (176), (177), (180), (181), (184), (187)-(190)]

IV.K.5. (U) At an unknown time, the CTG-56.7 Maritime Operations Center relayed to USCGC MONOMOY that the RCBs were having an "interaction" with the Iranians. USCGC MONOMOY plotted the RCBs' last known position report and informed the CTG-56.7 Maritime Operations Center via (b)(1) E.O. 13526 1.4(A) that both RCBs were inside Iranian territorial seas. [Encls (92), (181)]

IV.K.6. (U) The CTG-56.7 Maritime Operations Center only responded with, "Rgr" and took no action. [Encls (35), (181), (218)]

IV.K.7. (U) At **1643L**, the CTG-56.7 Maritime Operations Center logged the position report of the RCBs. [Encl 176)]

IV.K.8. (U) At **1700L**, the CTF-56 Maritime Operations Center logged, "RCB's reporting 2 Iranian vessels are attempting to push RCB's to unknown island with weapons trained. Vessels are attempting to make contact with RCB using interpreter." [Encl (171)]

IV.K.9. (U) At an unknown time, the CTF-56 Maritime Operations Center Watch Officer called the CTF-56 Battle Watch Captain about the RCBs in the vicinity of Farsi Island. The CTF-56 Battlewatch Captain called the CTG-56.7 Tactical Operations Center and indicated that "the Iranians were in Condition 1 and they did not have communication with the RCBs." [Encl (78)]

IV.K.10. (U) The CTF-56 Maritime Operations center did not have an electronic or paper navigational chart on which to plot the last known location of the RCBs. [Encl (78)]

IV.K.11. (U) At an unknown time, the CTF-56 Battlewatch Captain notified the CTF-56 Commodore. [Encl (78)]

IV.K.12. (U) Between **1710L and 1715L**, the CTF-56 Maritime Operations Center notified the FIFTH Fleet Battlewatch Captain of an interaction between the RCBs and the Iranians. [Encls (31), (171), (184)]

IV.K.13. (U) At an unknown time, the CTF-56 Commodore contacted Commander, U.S. FIFTH Fleet to notify him that two RCBs were in Iranian territorial seas. [Encl (31)]

IV.K.14. (U) At approximately **1729L**, the CTF-56 Maritime Operations Center notified the FIFTH Fleet Battlewatch that they are having intermittent communications with the RCBs. [Encl (31)]

IV.K.15. (U) At **1740L**, the CTF-55 Maritime Operations Center logged, "MNY is meeting with RCB, RCB is at Farsi Island. No comms with RCB [bridge-to-bridge]." [Encl (170)]

IV.K.16. (U) At approximately **1745L**, Commander, U.S. FIFTH Fleet called the FIFTH Fleet Maritime Operations Center Director to inquire about RCB 802 and RCB 805. [Encl (31)]

IV.K.17. (U) At approximately **1815L**, CTF-58 directed USS ANZIO to make best speed towards Farsi Island, remaining outside of Iranian territorial seas. [Encl (28)]

IV.K.18. (U) At approximately **1825L**, CTF-58 directed USS ANZIO to form a Surface Action Group with HMS DEFENDER and USCGC MONOMOY. [Encl (28)]

IV.K.19. (b)(1) E.O. 13526 1.4(A) At **1835L**, Commander, U.S. FIFTH Fleet authorized CTF-58 (USS HARRY S TRUMAN Strike Group Commander) to enter Farsi Island territorial seas to conduct a search and rescue mission. [Encls (31), (184)]

IV.K.20. (b)(1) E.O. 13526 1.4(A)

IV.K.21. (b)(1) E.O. 13526 1.4(A) Between **1835L and 2154L**, U.S. FIFTH Fleet assets conducted search and rescue operations in Iranian territorial seas and airspace for RCB 802 and RCB 805. [Encls (184), (187)]

IV.K.22. (b)(1) E.O. 13526 1.4(A) At **2154L**, Commander, U.S. FIFTH Fleet ordered all forces out of Iranian territorial airspace and seas in the vicinity of Farsi Island. [Encl (184)]

IV.K.23. (b)(1) E.O. 13526 1.4(A) At **0110L** 13 January 2016, USS ANZIO spoke with RCB 802 Boat Captain via bridge-to-bridge radio telephone and confirmed the health and safety of RCB crewmembers. [Encl (184)]

IV.K.24. (b)(1) E.O. 13526 1.4(A) At **1100L** 13 January 2016, USS ANZIO made contact with Farsi Island and scheduled a time and location for the return of all RCB sailors. [Encl (184)]

IV.K.25. (b)(1) E.O. 13526 1.4(A) At **1143L** on 13 January 2016, RCB 802 and RCB 805 departed Farsi Island en route to USS ANZIO. [Encl (184)]

IV.L. Iranian Interrogators[53]

IV.L.1. (b)(1) E.O. 13526 1.4(A) When the Iranians were handling the detainees on the RCBs, the Iranians would place their weapons against detainees' heads in order to force compliance. [Encl (240)]

IV.L.2. (b)(1) E.O. 13526 1.4(A) The detainees were questioned by both Iranian (b)(1) E.O. 13526 1.4(A) officers and unidentified officials in civilian clothing. [Encl (240)]

IV.L.3. (b)(1) E.O. 13526 1.4(A) The interrogations were videotaped. [Encl (240)]

IV.L.4. (b)(1) E.O. 13526 1.4(A) The detainees were blindfolded during their interrogations (b)(1) E.O. 13526 1.4(A). [Encl (240)]

IV.L.5. (b)(1) E.O. 13526 1.4(A) When a detainee's response was not satisfactory, the interrogators called the detainee a liar or declared that the interrogators did not believe him or her. [Encl (240)]

IV.L.6. (b)(1) E.O. 13526 1.4(A) During interrogations, interrogators violated the personal space of the male detainees. [Encl (240)]

IV.L.7. The interrogators used the threat of sending detainees from Farsi Island to (b)(1) E.O. 13526 1.4(A) if they refused to cooperate. [Encl (240)]

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[53] (b)(1) E.O. 13526 1.4(A)

IV.L.8. (b)(1) E.O. 13526 1.4(A) The interrogators physically shoved the detainees' chair towards and away from the table in front of the detainee as a form of intimidation. [Encl (240)]

IV.L.9. (b)(1) E.O. 13526 1.4(A) The interrogators openly expressed their frustration to a detainee's perceived inadequate response by banging pistols, hands, and other objects on the desk in front of the detainee. [Encl (240)]

IV.L.10. (b)(1) E.O. 13526 1.4(A) The interrogators would utilize the "We-know-all" interrogation and approach and would repeat questions until the detainee answered them to the interrogators' satisfaction. [Encl (240)]

IV.L.11. (b)(1) E.O. 13526 1.4(A) The interrogators attempted to gain information on the RCB, the Collection of Forces, USS PONCE, Kuwait, and personal information. [Encl (240)]

IV.L.12. (b)(1) E.O. 13526 1.4(A) Seven of the ten detainees were interrogated. The interrogations lasted between 15 minutes to two hours. [Encl (240)]

IV.L.13. (b)(1) E.O. 13526 1.4(A) During meals, the Iranians placed food on the floor in front of the detainees where they were directed to smile while eating and act grateful for Iranian hospitality. The detainees were instructed to eat, laugh, and appear jovial. [Encl (240)]

IV.L.14. (b)(1) E.O. 13526 1.4(A) The detainees were interrogated as individuals for information regarding the specifics of their naval platforms, U.S. and Coalition forces and vessels, U.S. Navy leadership, and personal biographic data. [Encl (240)]

CHAPTER V

CODE OF CONDUCT

Findings of Fact

V.A. Code of Conduct, Implementing Guidance, and Applicability Across the Range of Captivity and Farsi Island Detention[54]

V.A.1. (U) The Code of Conduct was established in 1955 by Executive Order (EO) 10631 (as variously amended) to provide standards of behavior for members of the Armed Forces in combat and captivity. [Refs (s), (t), (x)]

V.A.2. (U) All members of the U.S. Armed Forces are expected to adhere to the standards embodied in the Code of Conduct while in combat or captivity. [Refs (s), (t), (x)]

V.A.3. (U) The Code of Conduct consists of six (6) Articles that set forth standards, expectations, and obligations on matters including escape, surrender, capture, questioning in captivity, resistance, and keeping faith. [Refs (s), (t), (x)]

V.A.4. (U) The Code of Conduct is further implemented by the Department of Defense (DoD), primarily in DoD Instruction 1300.21, which provides additional "explanatory material" on each of the six Articles, and guidance on the Code of Conduct's applicability in various captivity, isolation, and detention situations. [Refs (s), (t)]

V.A.5. (U) DoD Instruction 1300.21 is primarily a training and education instruction - providing guidance for training members of the Armed Forces in support of the Code of Conduct - but also contains substantive guidance on the Code of Conduct and its application. [Ref (t)]

V.A.6. (U) By its terms, the Code of Conduct provides standards for members while "in combat or captivity," and some of the six Code of Conduct Articles (such as Article III) specifically apply to "prisoner of war" situations.[55] [Ref (s)]

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[54] (U) Appendix E contains a comparative summary of the guidance in DoD Instruction 1300.21 and the Level A Code of Conduct Training discussed in this chapter. That appendix was prepared to aide this discussion and is not intended to be used as a source of Code of Conduct guidance. Portions of Appendix E are For Official Use Only (U//FOUO).

[55] (U) EO 10631 does not further define the terms "combat" or "captivity." [Ref (s)]

V.A.7. (U) DoD Instruction 1300.21 provides that, "Although designed for evasion and prisoner of war (POW) situations, the spirit and intent of the CoC are applicable to Service members subjected to other hostile detention, and such Service members should conduct themselves consistently in a manner that avoids discrediting themselves and their country." (emphasis added) [Ref (t)]

V.A.8. (U) Enclosure 2 of DoD Instruction 1300.21 provides Code of Conduct "guidance in support of the CoC for conduct of U.S. military personnel detained by hostile forces." However, the instruction does not define the term "hostile forces." [Ref (t)]

V.A.9. (U) Enclosure 2 restates each of the six Code of Conduct Articles and provides "explanatory material" for each Article. [Ref (t)]

V.A.10. (U) Enclosure 3 of the instruction provides guidance for for conduct of U.S. military personnel "in governmental detention or hostage situations during operations other than war." (emphasis added) [Ref (t)]

V.A.11. (U) More specifically, enclosure 3 provides "special instructions" for "the complex circumstances of detention that are not incident to armed conflict with a foreign power (e.g., governmental detention and terrorist captivity as a result of operations other than war)." [Ref (t)]

V.A.12. (U) Enclosure 3 further explains [Ref (t) (emphasis added)]:

a. (U) "U.S. military personnel, because of their employment in a wide range of circumstances throughout the world, participate in operations other than war that can result in detention by unfriendly governments or captivity by terrorist groups. The guidance in this enclosure [enclosure 3] helps U.S. military personnel survive those situations with honor."

b. (U) "The Code of Conduct is a moral guide designed to assist military personnel in combat or being held as POWs to live up to the ideals in the DoD policy. The guidance in this enclosure [enclosure 3] assists U.S. military personnel who find themselves isolated from U.S. control in operations other than war, or in a situation not related specifically to the Code of Conduct."

c. (U) "This policy [enclosure 3] on the conduct of U.S. military personnel isolated from U.S. control applies at all times. U.S. military personnel finding themselves isolated from U.S. control are required to do everything in their power to survive with honor."

V.A.13. (U) Enclosure 3 of the DoD Instruction does not restate all of the Articles of the Code of Conduct, nor does it explicitly state that all of the Articles and "explanatory material" from enclosure 2 apply to all detention or captivity scenarios covered by enclosure 3; rather, enclosure 3 states that it is "exactly the same as the Code of Conduct in some areas...." [Ref (t) (emphasis added)]

V.A.14. (U) As an example, concerning escape, enclosure 2 discusses Article III and explains that POWs must be prepared to take advantage of escape opportunities whenever they arise, whereas enclosure 3 states that escape attempts from (non-POW) governmental detention are not recommended except under unique or life threatening circumstances as a last resort. [Ref (t) (emphasis added)]

V.A.15. (U//FOUO) Code of Conduct trainings[56] reiterate that although designed for evasion and prisoner of war situations, the spirit and intent of the Code of Conduct apply to Service members subjected to isolation at all times across the range of military operations and in any captivity scenario and that the Code of Conduct describes the moral obligations of U.S. Service members across the range of potential military operations and spectrum of captivity. [Encls (236), (237) (emphasis added)]

V.A.16. (U//FOUO) Level A Code of Conduct training and Moderate Risk of Isolation training lay out three basic captivity environments, and the Level A Code of Conduct Training explains:

[56] (U//FOUO) The two Code of Conduct trainings discussed primarily in this chapter are "SERE 100.1-SERE level A Code of Conduct" training (JKDDC-Leval-A-COCT-100.1-v2) [herein after "Level A Code of Conduct training"] and U.S. Central Command Moderate Risk of Isolation (MRI) Theater Preparation Brief (CEN-2012-001) [hereinafter "Moderate Risk of Isolation training"]. Enclosures (236) and (237) contain excerpts (screenshots) from these trainings. Both are online trainings. The Level A Code of Conduct training is discussed because it was a pre-deployment training requirement that all 10 RCB crewmembers completed as discussed below. The Moderate Risk of Isolation training is also a pre-deployment training requirement and may be completed online or by briefer as discussed below.

"A basic understanding of the three historically-defined captivity environments is essential in determining where an individual falls within the spectrum of captivity. It is imperative that US service members utilize situational awareness in order to determine where they are within the spectrum in order to determine what actions to take in a given situation. The service member held captive must determine who has them, what they want and what they are willing to do to meet their goals. The answers to these questions affect the captive's strategy to resist." [Encls (236), (237), (emphasis added)]

V.A.17. (U//FOUO) The three basic captivity environments are: (1) Prisoner of War (POW); (2) Peacetime Governmental Detention (PGD); and (3) Hostage Detention (HD). [Encls (236), (237)]

V.A.18. (U//FOUO) The Level A Code of Conduct training defines "Peacetime Governmental Detention" (PGD) specifically as:

"[A] situation where a US service member is detained *by the* Armed Forces or national agencies of a foreign government for the purpose of exploitation. Detention by the foreign government can be either legal or illegal based on the manner and circumstances surrounding the detention of the US service member. For example, if while in a foreign nation a US service member violates a law of that nation, then the foreign government can legally detain the individual. However, if the US service member does not violate a specific national law or policy, or the foreign government commits an illegal act in order to detain the US service member, then the US service member's detention can be viewed as illegal." [Encl (236) (emphasis added)]

V.A.19. (U//FOUO) Concerning Peacetime Governmental Detention, the Moderate Risk of Isolation training provides:

"Currently USCENTCOM is not involved in open hostilities with another government which would provide POW protections guaranteed under the Geneva conventions. However, PGD is a possibility in the USCENTCOM AOR. For example, US personnel have been detained in Iran and Pakistan by governmental forces. But the most likely captivity scenario in the AOR is being held captive by terrorists which would create a hostage detention scenario." [Encl (237) (emphasis added)]

V.A.20. (U) Several of the RCB crewmembers stated they did not believe the U.S. is at war with Iran or that they were prisoners of war. [Encls (7), (8)]

V.A.21. (U) The U.S. is not in a declared war or armed conflict with Iran. [Encl (207)]

V.A.22. (U) The U.S. Government does not have regular diplomatic relations with Iran, having broken those relations in 1980 after revolutionary Iranian students seized the U.S. Embassy in Tehran and took 52 Americans hostage. [Encl (207)]

V.A.23. (U) The U.S. has long-standing concerns over Iran's nuclear program, sponsorship of terrorism, and human rights record. [Encl (207)]

V.A.24. (U) The U.S. has built an unprecedented international sanctions regime to hold Iran responsible for failing to meet its international obligations. [Encl (263)]

V.A.25. (U) U.S. Central Command's posture is that the relationship with Iran will remain a challenging one and reflects concern about Iran's "unhelpful behavior in a number of areas." [Encl (208)]

V.A.26. (U) U.S. Central Command priorities and strategies vis-à-vis Iran include countering malign Iranian influence, while reducing and mitigating against the negative impacts of surrogates and proxies; maintaining credible general and specific deterrent capability and capacity to counter Iran; and countering chronic instability, disenfranchised populations, and weak regional governments that provide an environment for Iran and its allies to aggressively undermine U.S. regional goals. [Encl (208)]

V.A.27. (U) U.S. Naval Forces Central Command maintains the same posture towards Iran. [Encl (264)]

V.A.28. (U) For governmental detentions covered by enclosure 3 of DoD Instruction 1300.21, the instruction uses the following terminology: "detainees," "detainers," and "detention."[57] [Ref (t)]

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[57] (U) Compare the DoD Instruction 1300.21 headers at paragraph E3.10 ("detention" by "government" as "detainee"), with E3.11 ("captivity" by "terrorists" as "hostage"). Paragraphs E3.10 et seq. also use the term "detainer." NOTE: Any reference to RCB crewmembers as "detainees" and "detention" is strictly for purposes of Code of Conduct discussion for consistency with the DoD Instruction's terminology. The use of these terms for Code of Conduct purposes should not be construed as a finding of fact or opinion on whether RCB crewmembers were detainees (or held some other legal

V.A.29. (U) DoD Instruction 1300.21 was last issued 8 January 2001. [Ref (t)]

V.B. Specific Code of Conduct Articles and Guidance Pertinent to Farsi Island Incident on 12 January 2016

Surrender v. Capture

V.B.1. (U) Article II of the Code of Conduct provides, "I will never surrender of my own free will. If in command, I will never surrender the members of my command while they still have the means to resist." [Ref (s)]

V.B.2. (U) "Surrender" must be distinguished from "capture." [Ref (t)]

V.B.3. (U) For Code of Conduct purposes, DoD defines "surrender" as "the willful act of members of the Armed Forces turning themselves over to enemy forces when not required by utmost necessity or extremity." [Ref (t)]

V.B.4. (U) Members may never surrender voluntarily; surrender is always dishonorable and never allowed. [Ref (t)]

V.B.5. (U) Even when isolated and no longer able to inflict casualties on the enemy or otherwise defend themselves, it is a member's duty to evade capture and rejoin the nearest friendly force. [Ref (t)]

V.B.6. (U) When there is no chance for meaningful resistance, evasion is impossible, and further fighting would lead to their death with no significant loss to the enemy, members of the Armed Forces should view themselves as 'captured' against their will versus a circumstance that is seen as voluntarily 'surrendering.'" [Ref (t)][58]

V.B.7. (U) Capture is dictated by the futility of the situation and overwhelming enemy strengths. [Ref (t)]

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status) or the Iranians were detainers (or held some other legal status) under any other body of domestic or international law, policy, or regulation.

[58] (U/FOUO) CENTCOM MRI training has a slightly different definition of capture: "capture may occur after you exhaust all reasonable means of resistance or you are overwhelmed and the alternatives are a meaningless death, seriously bodily injury, or actions hindering the achievement of the United States' strategic objectives." [Encl (237) (emphasis added)]

V.B.8. (U) Under those circumstances, capture is not dishonorable. [Ref (t)]

V.B.9. (U) For governmental detention in operations other than war, enclosure 3 to the DoD instruction does not specifically discuss surrender,[59] but instead provides the following guidance: "Lost, isolated or captive Service members must be prepared to assess the dangers associated with being taken into captivity by local authorities. Their assessment of the dangers should dictate what efforts should be taken and what measure of force may be required to avoid capture, resist apprehension, and resist cooperation once captured." [Ref (t)]

V.B.10. (U) Enclosure 3 of DoD Instruction 1300.21 reminds members that they should not forget that they have an inherent right of self-defense. [Ref (t)]

V.B.11 (U//FOUO) Code of Conduct trainings also reiterate that Service Members have the right of self-defense. [Encls (236), (237)]

Statements, Apologies, Propaganda Videos

V.B.12. (U) Article V of the Code of Conduct provides: "When questioned, should I become a prisoner of war, I am required to give name, rank, service number and date of birth. I will evade answering further questions to the utmost of my ability. I will make no oral or written statements disloyal to my country and its allies or harmful to their cause." [Ref (s)]

V.B.13. (U//FOUO) For non-armed conflict governmental detentions, DoD Instruction 1300.21 provides extensive supplemental guidance on statements, confessions, and propaganda videos during other-than war governmental detention.[60] [Refs (s), (t)]

V.B.14. (U) Since the detainers' goals may be maximum political exploitation, detained personnel must be extremely cautious of their captors in everything they say and do. [Ref (t)]

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[59] (U) The only use of the term "surrender" in enclosure 3 is in the context of surrendering passports. [Ref (t) (emphasis added)]

[60] (U//FOUO) Code of Conduct training also provides guidance on these topics for peacetime governmental detention scenarios. [Encls (236), (237)]

V.B.15. (U) In addition to asking for a U.S. representative, detainees should provide name, rank, service number, date of birth, and the innocent circumstances leading to their detention. [Ref (t) (emphasis added)]

V.B.16. (U) Further discussions should be limited to health and welfare matters, conditions of fellow detainees, and going home. [Ref (t)]

V.B.17. (U//FOUO) Detainers may try to exploit members by having them sign confessions, make video or audio tapes, or pose for pictures that could support the detainers' goals or embarrass the U.S. or other Coalition nations. [Encl (236)]

V.B.18. (U//FOUO) Detainers may seek a confession or statement to accuse members of violations of international or local sovereign laws. [Encl (236)]

V.B.19. (U) Members should make every effort to avoid providing propaganda for the detaining government. [Ref (t)]

V.B.20. (U//FOUO) Members must make every attempt to resist the detainers' efforts by avoiding, degrading, or minimizing the value of the propaganda. [Encl (236)]

V.B.21. (U//FOUO) Members must remember they have done nothing wrong and continue to assert their innocence and request to be released. [Encl (236)]

V.B.22. (U) If a member is forced to make a statement or sign documents, the member must provide as little information as possible and then continue to resist to the utmost of his or her ability. [Ref (t) (emphasis added)]

V.B.23. (U) If a member writes or signs anything, such action should be measured against how it reflects on the United States and the individual as a member of the military, or how it could be misused by the detainers to further the detainers' ends. [Ref (t)]

V.B.24. (U//FOUO) The member's goal should be to identify, avoid, or stop the detainers' attempts at propaganda. [Encl (236)]

V.B.25. (U//FOUO) If forced, the member should limit the information disclosed and degrade the propaganda value of the

statement (e.g., appearing forced, looking unhappy, showing evidence of abuse). [Encl (236)]

V.B.26. (U//FOUO) Any special favor, benefit, or release must be without strings that would compromise the member's honor or discredit the member or the United States. [Encl (236)]

V.B.27. (U//FOUO) Detainees are not likely to earn their release by cooperation. [Ref (t)]

V.B.28. (U) Instead, release may be gained by the military member doing his or her best to resist exploitation, thereby reducing his or her value to a detainer, and thus prompting a hostile government to negotiate seriously with the U.S. Government. [Ref (t)]

V.B.29. (U//FOUO) Being videotaped, photographed, or recorded, however, may have benefits. It may provide proof of life, clues to location, information about the member's health and welfare, and the conditions of captivity. After carefully assessing the risk of exploitation, the member may make short, generic written, oral, or videotaped statements that provide this type of information to those working for the member's release or recovery. [Encl (236)]

V.B.30. (U) Detainees should accept release, unless doing so requires them to compromise their honor or cause damage to the U.S. Government or its allies. [Ref (t) (emphasis added)]

V.B.31. (U//FOUO) However, offers of release in exchange for information, apologies, signed statements, or confessions need to be resisted. [Encls (236), (237) (emphasis added)]

V.C. Code of Conduct Training, U.S. Central Command Theater Requirements, and RCB 802/805 Crewmember Compliance

General Code of Conduct Training Framework

V.C.1. (U) All members of the Armed Forces liable to capture must be provided with specific training and instruction in the Code of Conduct. [Ref (s)]

V.C.2. (U) Members at risk of capture must receive Code of Conduct training commensurate with that risk. [Ref (t)]

V.C.3. (U) Combatant Commanders are responsible for designating the required level of Code of Conduct training (Level A, B, or C) that personnel operating in the Central Command area of operation (AOR) must have prior to deployment. [Refs (t), (u)]

V.C.4. (U) Combatant Commanders must precisely identify and communicate theater Code of Conduct training requirements to the Services.[61] [Refs (t), (u)]

V.C.5. (U) The Services,[62] then, must train their personnel to the Combatant Commander's required level prior to deployment. [Refs (t), (u)]

V.C.6. The respective Code of Conduct training levels are [Refs (t), (u)]:

Level A	Level B	Level C
Minimum level of understanding for all members of the Armed Forces, to be imparted during entry training of all personnel.	Minimum level of understanding for Military Service members whose military jobs, specialties, or assignments entail moderate risk of capture and exploitation.[63]	Minimum level of understanding for Military Service members whose military jobs, specialties, or assignments entail a significant or high risk of capture and exploitation.[64]

[61] (U) Combatant Commanders must also determine Code of Conduct continuation training requirements for personnel operating in the area of responsibility. [Ref (t)]

[62] (U) For the Navy's baseline Code of Conduct requirements, look to U.S. Navy Regulations Article 1141 and Secretary of the Navy Instruction 1000.9A. Commanding officers are responsible for instruction of their military personnel in the Code of Conduct, which shall be included in the command's general military training (GMT) program. Commanding officers shall also ensure a copy of the Code of Conduct is conspicuously posted and readily accessible in command spaces. [Refs (x), (y)]

[63] (U) As a minimum, the following categories of personnel shall receive Level B training at least once in their careers: members of ground combat units, security forces for high threat targets, and anyone in the immediate vicinity of the Forward Edge of Battle Area or the Forward Line of Troops. [Ref (t)]

[64] This group of personnel should not be limited to those whose position, rank, seniority, or exposure to Top Secret or higher classified information makes them vulnerable to greater-than-average exploitation efforts by a captor. As a minimum the following categories of personnel shall receive formal Level C training at least once in their careers: combat aircrews, special operations forces (e.g., Navy special warfare combat swimmers and Special Boat Units, Army Special Forces and Rangers, Marine Corps Force Reconnaissance units, Air Force Special Tactics teams, and psychological operations units) and military attaches. [Ref (t)]

V.C.7. (U) Code of Conduct training requirements should be identified not only for wartime requirements, but also for areas considered high risk due to terrorist activities and areas with likely potential for detention by foreign governments for purposes of exploitation. [Ref (t) (emphasis added)]

V.C.8. (U) Combatant Commanders must also determine who is considered at high-risk-of-capture and exploitation and require personnel to receive Code of Conduct training commensurate with that risk prior to deployment. [Ref (t)]

V.C.9. (U) DoD guidance provides that during war and operations other than war, personnel operating beyond the forward line of troops (e.g., aviators, SOF, long-range reconnaissance patrol members) are clearly in more danger than others of becoming prisoners of war. [Ref (t) (emphasis added)]

V.C.10. (U) U.S. Central Command (CENTCOM) reiterates that the Services must ensure deploying units and individuals meet CENTCOM theater training requirements. [Refs (v), (w)[65]]

V.C.11. (U) CENTCOM also reiterates that commanders (of ships, units, or elements) are ultimately responsible for training their units on the Code of Conduct. [Encl (151)]

V.C.12. (U) Service Components (e.g., NAVCENT), in turn, are responsible for verifying that all individuals have completed theater training requirements. [Encl (151)]

V.C.13. (U) CENTCOM's pre-deployment training requirements are defined by fragmentary order or message and periodically updated. [Refs (v), (w); Encl (151)]

V.C.14. (U) At all pertinent times (currently and at time of Costal Riverine Squadron THREE's deployment), CENTCOM required that all personnel operating in the CENTCOM AOR complete, at minimum, Code of Conduct Level A training. [Refs (v), (w); Encl (151)]

[65] (U) U.S. Central Command Regulation 525-33 of 14 February 2014 was in effect when Coastal Riverine Squadron THREE deployed to the CENTCOM area of responsibility. It was reissued on 17 November 2015, roughly halfway through the deployment. The prior version and current version are substantively similar in those areas pertinent to this investigation discussion unless otherwise noted. [Refs (v), (w)]

V.C.15. (U) As one option, the Level A training may be satisfied online via Joint Knowledge Online (JKO) and Navy Knowledge Online (NKO) distance learning. [Refs (v), (w); Encl (236)]

V.C.16. (U) At all pertinent times the online Code of Conduct Level A training was "SERE 100.1-SERE level A Code of Conduct".[66] [Encl (236)]

V.C.17. (U) All ten RCB 802 and 805 crewmembers completed the minimum Level A training online via NKO/Navy e-Learning, most in May or June 2015, shortly prior to deployment and less than nine months prior to the Farsi Island incident. [Encls (241)-(250)]

V.C.18. (U) Coastal Riverine Groups ONE and TWO require, as a pre-deployment training objective, Level B (Bravo) Code of Conduct training. [Ref (f) (pp. J-12, K-2)]

V.C.19. (U) Training jackets reflect that some, but not all, of the RCB crewmembers also completed Level B Code of Conduct Training. [Encls (241)-(250)]

V.C.20. (U) Crewmembers stated that they did not receive any Code of Conduct training during the deployment. [Encls (4)-(14)]

Heightened Code of Conduct Requirements for Higher-Risk Personnel

V.C.21. (U) Per U.S. Central Command regulation, Component Commanders (e.g., U.S. FIFTH Fleet) must ensure their forces have been properly categorized into a risk of isolation and capture ("RI") category. [Ref (u)]

V.C.22. (U) At the time of the Coastal Riverine Squadron THREE's deployment, the two risk-of-isolation categories were "moderate" (MRI)[67] and "high" (HRI).[68] [Ref (v)]

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[66] (U//FOUO) The content of the training is Unclassified/For Official Use Only. The course content includes narrations, key references, interactive exercises, and knowledge checks (quizzes). The interactive exercises focus on captivity in a ground-based scenario (e.g., Afghanistan or Iraq) and the characters are primarily Army personnel. The content is not specifically tailored to naval personnel or at sea scenarios. [Encl (236)]

[67] (U) Under the current CENTCOM Regulation 525-33, MRI categorized personnel include "those who depart secured locations and/or have a reasonable risk of direct contact with hostile forces, or who reside at a secure location but maintain HEI. They may also be individuals employed in a combat or combat support role but not employed forward of the FEBA/FLOT. Examples may include

V.C.23. (U) The current version of CENTCOM Regulation 525-33, reissued on 17 November 2015, added a third category, "low" (LRI), for which there are no additional at-risk briefing requirements. [Refs (v), (w)]

V.C.24. (U) The initial risk of isolation categorization should be indicated in all requests for forces (RFFs). [Refs (v), (w)]

V.C.25. (U) In addition to Code of Conduct training, personnel classified as MRI or HRI must participate in at-risk briefings available online or conducted by a certified live-briefer. [Refs (v), (w)]

V.C.26. (U) Component Commanders must also establish a routine evaluation process to ensure current and future deployed personnel are properly categorized. [Refs (v), (w)]

V.C.27. (U) Training records indicate that the RCB crewmembers completed an "MRI" briefing, although they do not indicate whether it was completed online or by a certified briefer. [Encl (265)]

V.C.28. (U) There is no indication that CTF-56, CTG-56.7, or CTU-56.7.4 ever reevaluated or recommended that the RCB crews be designated as High Risk of Isolation (HRI) or complete a HRI briefing, even after the RCBs were relocated from Bahrain to Kuwait and began conducting operations in the Northern Arabian Gulf. [Encls (4)-(14), (47), (61), (67), (80), (241)-(250)]

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security forces, patient care and medical transport teams, mobility aircrew, and personnel aboard naval vessels." [Ref (w)]

[68] (U) Under the current CENTCOM Regulation 525-33, HRI personnel "typically serve outside of secured locations where there is significant risk of direct contact with hostile forces with limited direct support or forward of the FEBA/FLOT. HRI may also include personnel whose duties make them particularly vulnerable to isolation or exploitation by hostile forces or unfriendly governments, or those who would normally be categorized as MRI but have access to HEI. Examples of HRI categorized personnel include aircrew members including rotary wing, fighter, bomber, and certain reconnaissance units; Special Forces, or units operating in small groups or as advisory teams embedded with host nation or other national governmental organizations." [Ref (w) (emphasis added)]

CHAPTER VI
OPINIONS AND RECOMMENDATIONS

Opinions

VI.A. Pre-Deployment Readiness

VI.A.1. (U) The 2012 re-alignment of Coastal Riverine Forces due to budget constraints and organizational changes (emerging technology and capability) while maintaining a deployment cycle created a cascading negative effect on Coastal Riverine Squadron THREE's disestablishment from Yorktown and their subsequent Fleet Response Training Plan for the 2015 deployment. [FF (II.A.2)-(II.A.9), (II.A.14), (II.A.15), (II.B.6), (II.B.7), (II.C.1), (II.C.2), (II.D.7), (II.F.5), (II.H.5), (II.J.1)]

VI.A.2. (U) The "disestablishment" (UIC change) vice "homeport shift" of personnel caused a negative effect (fit/fill) on the proper manning of CRS-3. [FF (II.A.15), (II.B.1)-(II.B.7), (II.C.1), (II.C.2), (II.C.5)-(II.C.11), (II.C.18)]

VI.A.3. (U) The disestablishment of CRS-3 plus the removal of one company of billets (142) created a false indication of adequate manning to Higher Headquarters on the fit/fill of CRS-3 from the beginning of its training cycle and continuing through the 2015-2016 deployment. [FF (II.A.15), (II.B.1)-(II.B.7), (II.C.1)-(II.C.4), (II.C.5)-(II.C.11), (II.C.18), (II.K.11)]

VI.A.4. (U) The 2014 disestablishment of Yorktown Detachment ("D Company") exacerbated the lack of Coastal Riverine experience within CRS-3 and Coastal Riverine Group ONE, while Coastal Riverine Force missions increased. [FF (II.A.15), (II.B.3), (II.B.4), (II.B.6), (II.B.7), (II.C.1), (II.C.2), II.C.12), (II.C.19), (II.D.7)-(II.D.11)]

VI.A.5. (U) There were not enough properly trained personnel assigned to Coastal Riverine Group ONE Training Evaluation Unit to adequately train and assess the crewmembers of RCB 802 and 805. [FF (II.D.5)-(II.D.11), (II.F.6), (II.F.9)]

VI.A.6. (U) The CRS-3 training program was ineffective for RCB operations, including operations in the FIFTH Fleet AOR. [FF (II.E.4)-(II.E.6), (II.F.4), (II.F.6), (II.F.7), (II.F.9), (II.F.12), (II.F.14), (II.G.5), (II.G.9), (II.H.4), (II.H.5), (II.J.1)-(II.J.3), (II.J.9), (II.J.11), (II.J.12), (II.K.8)]

VI.A.7. (U) During the individual skills training period, operational commitments prohibited crewmembers from RCB 802 and 805 from attending the required schools necessary to begin the unit training phase. [FF (II.E.1), (II.E.3), (II.E.4)]

VI.A.8. (U) Coastal Riverine Group ONE and CRS-3 failed to provide adequate navigation training for the crews of RCB 802 and 805 to meet basic requirements and skills for effective navigation, to include operations in the FIFTH Fleet area of operations. [FF (II.D.1), (II.D.5), (II.F.4), (II.F.5), (II.F.8), (II.F.12)-(II.F.16), (II.G.5)-(II.G.8), (II.H.40), (IV.A.22), (IV.A.25), (IV.A.26), (IV.A.32)-(IV.A.36), (IV.A.4), (IV.C.3), (IV.F.1), (IV.F.7), (IV.F.9)]

VI.A.9. (U) RCB 802 and 805 crewmembers were not prepared to execute the full spectrum of missions expected by CTF-56. [FF (II.F.5)-(II.F.7), (II.F.9), (II.F.12)-(II.F.14), (II.G.1)-(II.G.5), (II.H.2)-(II.H.5), (II.J.1), (II.J.2), (II.J.12), (II.K.4), (II.K.6)-(II.K.10), (III.D.3)-(III.D.8), (III.F.1), (III.F.2), (III.F.7), (III.G.3), (III.G.4), (III.G.17), (III.G.21)]

VI.A.10. (U) The Kuwait Detachment Officer-in-Charge (CTU-56.7.3) was not prepared for the additional missions and presence operations assigned under his cognizance. [FF (II.I.4), (III.D.7), (III.E.8), (III.E.9), (III.E.11), (III.F.1), (III.F.2), (IV.A.20), (IV.A.28), (IV.A.30)]

VI.A.11. (U) There is not an effective process for training the Headquarters Element to command and control Coastal Riverine Squadron THREE blue water and green water operations. [FF (II.I.1)-(II.I.5), (II.G.5), (II.H.2)]

VI.A.12. (U) Navy Expeditionary Combat Command lacked RCB-specific schools similar to riverine brown water operations schools. Navy Expeditionary Combat Command did not re-align its training pipeline to match the Coastal Riverine Force's new mission set following the disestablishment and merger of CRS-3. [FF (II.A.3), (II.A.5), (II.A.10), (II.A.15), (II.A.17), (II.B.4), (II.C.12), (II.C.15), (II.D.9)]

VI.A.13. (U) In part due to CTF-56's late deployment message, CRS-3 lacked adequate time to fully assess, train to, and prepare for the full scope of its mission requirements within the FIFTH Fleet area of responsibility. [FF (II.K.4), (II.K.5), (II.K.8)-(II.K.10)]

VI.A.14. (U) CRS-3 failed to respond to CTF-56's deployment message. Therefore, CTF-56 mistakenly assumed that CRS-3 was prepared to execute all missions assigned. [FF (II.K.1), (II.K.2), (II.K.4)-(II.K.7), (II.K.8)-(II.K.10)]

VI.A.15. (U) CRS-3 lacked a properly functioning Training Department (N7), which resulted in poor oversight over RCB 802 and 805's training qualifications. This was highlighted by the failure to detect numerous training deficiencies within the crews of RCB 802 and 805, to include the RCB 805 Boat Captain/Patrol Leader's failure of his most recent navigation "Rules of the Road" test. [FF (II.E.5)-(II.E.8), (II.F.3), (II.F.4), (II.F.14), (II.H.4), (II.J.3)-(II.J.11), (IV.A.41), (IV.A.42)]

VI.A.16. (U) The CRS-3 Commanding Officer's Interim Qualification letters issued to crewmembers of RCB 802 and 805 were driven by Unit Level Training Readiness Assessment (ULTRA) and Final Evaluation Problem (FEP) requirements and did not reflect the crewmembers' true competencies. [FF (II.B.7), (II.F.3), (II.F.4), (II.F.6), (II.J.3)]

VI.A.17. (U) The use of Interim Qualification letters in the training cycle led Sailors to assume that each had earned final qualification on his or her watch station by satisfactorily completing the training cycle. [FF (II.B.7), (II.F.3), (II.F.4), (II.F.6), (II.H.3), (II.J.3)-(II.J.11), (II.K.1)]

VI.A.18. (U) Commander, U.S. THIRD Fleet's standard for deployment certification of CRS-3 did not adequately meet all the operational requirements for the RCB platform and associated crews in the FIFTH Fleet area of operations. [FF (II.K.5)-(II.K.7), (II.K.9), (II.K.10)]

VI.A.19. (U) FIFTH Fleet/CTF-56 did not communicate all of its real-time operational requirements of the RCB platform and crew to the Navy Expeditionary Combat Command. [FF (II.K.4), (II.K.5)]

VI.A.20. (U) FIFTH Fleet/CTF-56 did not fully understand the true capabilities and limitations of both the RCB platform and its crewmembers vis-a-vis envisioned operations within the FIFTH Fleet area of operations. [FF (III.B.4), (III.C.8), (III.C.12), (III.D.3)-(III.D.8), (III.F.1), (III.F.2), (III.F.7), (III.G.3), (III.G.4), (III.G.17), (III.G.21) (II.K.4)-(II.K.8)]

VI.B. CRS-3 Deployment

VI.B.1. (U) CRS-3 was not fully manned to meet FIFTH Fleet Force Tracking Number (FTN) requirements. [FF (IV.Q.9)-(IV.Q.11)

VI.B.2. (U) Due to competing and overlapping combatant command requirements, the RIP/TOA process failed to prepare the RCB 802

and 805 crews for acclimation to FIFTH Fleet operations. [FF (III.A.3), (III.A.6) (III.A.14), (III.A.16)]

VI.B.3. (U) CTF-56 and CTG-56.7 failed to acclimate the RCB 802 and 805 crews to FIFTH Fleet operations. [FF (III.A.3), (III. A.6), (III.A.13), (III.A.16)]

VI.B.4. (U) CTG-56.7 lacks the ability to perform appropriate oversight due to excessive span of control given the size and geographic dispersion of its operational requirements. [FF (III.A.5), (III.A.7), (III.A.10), (III.A.14)-(III.A.16)]

VI.B.5. (U) CTG-56.7/CRS-3's lack of a sustainment training plan inhibited its ability to assess proficiency levels during deployment. [FF (III.A.17)-(III.A.18)]

VI.B.6. (U) CTG-56.7/CRS-3 and subordinate units' (including RCB 802 and 805 crewmembers) failure to oversee and conduct sustainment training resulted in readiness degradation over the course of the deployment. [FF (III.A.12), (III.A.17)-(III.A.18)]

VI.B.7. (U) CTF-56 was unable to effectively monitor the readiness of the RCB crews due in part to the lack of Coastal Riverine experience on staff and an ineffective CTG-56.7 liaison officer, a Junior Officer who failed to provide forceful back-up for his CTG-56.7 Commander. [FF (III.A.11), (III.B.2)-(III.B.4), (III.B.11)-(III.B.13)]

VI.B.8. (U) CTF-56 fostered a command climate of "can't say no." [FF (III.C.1)-(III.C.2), (III.C.7)-(III.C.9) (III.G.22)-(III.G.23)]

VI.B.9. (U) The Maritime Operations Center/Maritime Headquarters construct was ineffective and created a disconnect between operations and material readiness that contributed to a breakdown in communication in the preparation for the two RCBs' transit from Kuwait to Bahrain. [FF (III.F.5), (IV.A.29)-(IV.A.30), (IV.E.6)]

VI.B.10. (U) The physical location of the CTG-56.7 Commander in Jebel Ali hampered effective communications with the CTF-56 Commander in Bahrain. [FF (III.A-10), (III.C.6)-(III.C.7), (III.C.8)-(III.C.9), (III.C.17), (III.D.5)-(III.C.8), (III.E.3), (III.G.19-20) (III.G.22-23), (III.G.25)]

VI.B.11. (U) Both CTF-56 and CTG-56.7 lacked a sense of ownership over the RCB crews. This lack of ownership trickled

down to the most junior Sailor and manifested itself in the poor execution of the RCB crews' assigned duties. [FF (III.C.1), (III.C.8-9), (III.C.14)-(III.C.16)]

VI.B.12. (U) The RCB 802 Boat Captain in his capacity as RCB Officer-in-Charge failed to conduct required Patrol Briefs, demonstrating his lack of ownership and further exacerbating a climate of indifference and apathy. [FF (III.F.3)

VI.B.13. (U) While there was an approved concept of operations at the operational level for the repositioning of the two RCBs from Bahrain to Kuwait, there was never any execution level planning to support the desired end state of three functioning RCBs in Kuwait to support presence operations in the Northern Arabian Gulf. [FF (III.D.2)-(III.D.4), (III.D.7)-(III.D.8), (III.E.4), (III.E.9)-(III.E.12), (III.E.14)-(III.E.17), (III.F.4)-(III.F.6)]

VI.B.14. (U) Although designated as an Officer-in-Charge by the CRS-3 Commanding Officer, the Kuwait Detachment Officer-in-Charge was not trained nor qualified to approve navigational charts, oversee presence operations in the Northern Arabian Gulf, or handle the increased operational tempo and maintenance of three RCBs. [FF (III.E.9)-(III.E.13)]

VI.B.15. (U) The Kuwait Detachment Officer-in-Charge, the CTG-56.7 Commander, and the CTF-56 Commodore did not fully understand the material condition of the RCBs while in Kuwait. [FF (III.E.7), (III.E.9), (III.E.12)-(III.E.17), (III.F.1)-(III.F.2), (III.F.4)-(III.F.6)]

VI.B.16. (U) The Kuwait Detachment Officer-in-Charge, CTG-56.7 and CTF-56 did not provide oversight, poorly adhered to 3M management practices, and failed to provide a Pack-Up-Kit (PUK) in Kuwait until 6 January 2016, resulting in the poor material condition of the RCBs and additional workload for the RCB crews. [FF (III.E.4), (III.E.9)-(III.E.10), (III.E.12)-(III.E.17), (III.F.4)-(III.F.6), (III.G.7)-(III.G.8)]

VI.B.17. (U) CTF-56 Commodore had a false perception of RCB blue water capability by the mere fact that they were conducting presence operations in the Northern Arabian Gulf from October 2015 to January 2016. This perception created a false sense of capability that resulted in the 12 January 2016 RCB transit from Kuwait to Bahrain occurring without a concept of operations (CONOPS). [FF (III.D.5-6), (III.F.7), (III.F.1), (III.F.2)]

VI.C. Events of 11-13 January 2016: The RCB Transit From Kuwait to Bahrain

VI.C.1. (U) The CTG-56.7 Commander should have been more intimately familiar with the mission preparations and briefings since this was the longest transit of an RCB for CRS-3. [FF (IV.A.2), (IV.A.5), (IV.A.6), (IV.A.8), (IV.A.10)-(IV.A.12), (IV.A.14), (IV.A.15), (IV.A.20)-(IV.A.22), (IV.A.25), (IV.A.26), (IV.A.28), (IV.A.30), (IV.A.33), (IV.A.35), (IV.A.37, (IV.A.38), (IV.A.40)-(IV.A.42), (IV.A.45), (IV.A.46), (IV.A.48)-(IV.A.53]

VI.C.2. (U) The RCB 802 Boat Captain, serving as the RCB Officer-in-Charge, failed in his responsibility to conduct a proper Mission and Patrol Brief to the crews of RCB 802 and RCB 805. [FF (IV.D.2)]

VI.C.3. (U) CTF-56 failed to properly plan for any surface and/or air overwatch in support of the longest transit of an RCB for CRS-3. [FF (IV.A.2), (IV.A.8)-(IV.A.10), (IV.A.20), (IV.A.24)-(IV.A.26), (IV.A.30), (IV.A.47), (IV.A.56)-(IV.A.58), (IV.B.22), (IV.B.25)]

VI.C.4. (U) CTF-56 failed to provide CTG-56.7 sufficient notice to thoroughly plan for the transit before execution of the longest transit of an RCB for CRS-3. [FF (IV.A.2), (IV.A.3), (IV.A.13)-(IV.A.16), (IV.A.21), (IV.A.22), (IV.A.25), (IV.A.30), (IV.B.2), (IV.B.6), (IV.B.9)-(IV.B.13), (IV.B.22), (IV.B.25)]

VI.C.5. (U) The CTF-56 Commodore should have been more intimately familiar with the mission preparations and briefings since this was the longest transit of an RCB for CRS-3. [FF (IV.A.5), (IV.A.6), (IV.A.8)-(IV.A.11), (IV.A.14), (IV.A.15), (IV.A.20), (IV.A.22), (IV.A.24), (IV.A.26), (IV.A.28), (IV.A.56), (IV.A.58), (IV.B.2)-(IV.B.4), (IV.B.7), (IV.B.9), (IV.B.10), (IV.B.12), (IV.B.13), (IV.B.18), (IV.B.20), (IV.B.21), (IV.D.2), (IV.E.4), (IV.E.6)]

VI.C.6. (U) As CTF-56 transitioned to blue water operations, the CTF-56 Commodore failed to establish Maritime and Tactical Operations Centers that could support over-the-horizon command and control. [FF (IV.A.30), (IV.E.9), (IV.E.14), (IV.E.16), (IV.E.33), (IV.E.43)-(IV.E.45), (IV.E.48), (IV.E.50)-(IV.E.52), (IV.E.54), (IV.E.56), (IV.E.63)]

VI.C.7. (U) RCB 802 and RCB 805 should never have been materially cleared to get underway on 12 January 2016. [FF (IV.B.2)-(IV.B.7), (IV.B.9)-(IV.B.13), (IV.E.9), (IV.B.17), (IV.B.18), (IV.D.7), (IV.E.2), (IV.E.6), (IV.E.9), (IV.E.10),

(IV.E.20), (IV.E.21), (IV.E.24), (IV.E.26), (IV.E.31), (IV.E.33)]

VI.C.8. (U) The RCB 802 Boat Captain authorized a maintenance action that was a departure from specifications without proper approval. [FF (IV.B.7), (IV.B.9), (IV.B.11)-(IV.B.17)]

VI.C.9. (U) The RCB 802 and 805 Boat Captains failed to meet required navigational standards in order to accomplish the longest transit of an RCB for CRS-3 placing their boats and their crews at risk. [FF (IV.A.21), (IV.A.22), (IV.A.26), (IV.A.30)-(IV.A.40), (IV.A.42)-(IV.A.46), (IV.A.48), (IV.A.52), (IV.D.2)-(IV.D.8)]

VI.C.10. (U) The CTG-56.7 Commander failed to ascertain communication status of the RCBs prior to granting permission for the longest transit of an RCB for CRS-3, placing its boats and its crews at risk. [(IV.E.5)-(IV.E.11), (IV.E.13), (IV.E.18)-(IV.E.21), (IV.E.24), (IV.E.26), (IV.E.27), (IV.E.29)-(IV.E.33)]

VI.C.11. (U) Based upon this investigation and the complexity of events, it is apparent that administrative log-keeping is unsatisfactory within the CTF-56 Maritime Operations Center, the RCBs, and all Maritime and Tactical Operations Centers within CTG-56.7. [FF (IV.D.1), (IV.D.10), (IV.E.14), (IV.E.16), (IV.E.17), (IV.E.24), (IV.E.42), (IV.E.44), (IV.E.47), (IV.F.10), (IV.K.4), (IV.K.7), (IV.K.8)]

VI.C.12. (U) The RCB 802 Boat Captain did not understand the communication requirements for an RCB patrol. [FF (IV.E.6), (IV.E.9)-(IV.E.11), (IV.E.13), (IV.E.15), (IV.E.18)-(IV.E.21), (IV.E.25), (IV.E.26), (IV.E.31), (IV.E.33)]

VI.C.13. (U) No Maritime Operations and Tactical Operations Centers under CTF-56 and CTG-56.7 had situational awareness of the RCBs during the longest transit of an RCB for CRS-3. [FF (IV.A.30), (IV.E.6), (IV.E.9), (IV.E.10), (IV.E.16), (IV.E.33), (IV.E.43), (IV.E.44), (IV.E.46), (IV.E.48), (IV.E.50)-(IV.E.52), (IV.E.54)-(IV.E.56), (IV.E.63)]

VI.C.14. (U) The CTG-56.7 Commander failed to exercise sufficient oversight and direction throughout the longest transit of an RCB for CRS-3. [FF (IV.A.22), (IV.A.25), (IV.A.26) (IV.A.30), (IV.A.49)-(IV.A.51), (IV.B.23), (IV.E.7), (IV.E.13), (IV.E.26), (IV.E.27), (IV.E.31)]

VI.C.15. (U) The CTG-56.7.3 and CTG-56.7.4 Commanders failed to exercise sufficient oversight and direction throughout the RCB transit. [FF (IV.A.27), (IV.A.28), (IV.A.30), (IV.B.19), (IV.B.21), (IV.D.2), (IV.E.6), (IV.E.10), (IV.E.43)]

VI.C.16. (U) The RCB 802 and 805 Boat Captains knowingly and blindly deviated from the Plan of Intended Movement (PIM) track without approval, planning or due regard for safe navigation, placing their boats and their crews at risk. [FF (IV.A.17), (IV.A.18), (IV.A.30), (IV.A.37), (IV.A.54), (IV.D.4), (IV.D.5), (IV.E.21), (IV.E.22), (IV.E.23), (IV.E.46), (IV.E.57)-(IV.E.59), (IV.E.61)]

VI.C.17. (U) The RCB 802 and 805 Boat Captains knowingly did not order an adequate force posture for transit through the Central Arabian Gulf. [FF (IV.D.9), (IV.E.34)-(IV.E.39) (IV.G.11)]

VI.C.18. (U) The CTG-56.7 Commander failed to set the proper Force Protection mindset of the RCB 802 and 805 Boat Captains when he described the longest transit of an RCB for CRS-3, which was through the Central Arabian Gulf, as "just an admin move." [FF (III.A.18), (IV.A.9), (IV.D.9), (IV.E.34), (IV.E.36), (IV.E.37)]

VI.C.19. (U) The RCB 802 Boat Captain failed to order his crew to set their weapons to (b)(1) E.O. 13526 1.4(A) upon getting underway because he believed this transit was merely an "admin move." [FF (IV.D.9), (IV.E.36), (IV.E.37)]

VI.C.20. (U) Had the CTF-56 Maritime Operations Center, CTG-56.7 Maritime Operations Center, or either Tactical Operations Center had any situational awareness of RCB 802 and RCB 805, they would have been able to prevent the entry of both RCBs into Iranian territorial seas. [FF (IV.E.6), (IV.E.8)-(IV.E.10), (IV.E.16) (IV.E.33), (IV.E.43)-(IV.E.46), (IV.E.48), (IV.E.50)-(IV.E.52), (IV.E.54)-(IV.E.56), (IV.E.63)]

VI.C.21. (U) The previous departure from specification maintenance actions performed both by the 11 January 2016 maintenance team and by previous maintenance teams on RCB 802's salt water pump flange assembly directly caused RCB 802's engine failure on 12 January 2016. [FF (IV.B.7), (IV.B.9), (IV.B.11)-(IV.B.14), (IV.B.17), (IV.G.12), (IV.G.13)]

VI.C.22. (U) The absence of a CTG-56.7 quality assurance program at the Kuwait Naval Base Boat Maintenance Facility directly contributed to poor maintenance practices. [FF (IV.B.7), (IV.B.9), (IV.B.11)-(IV.B.14), (IV.B.17), (IV.G.12), (IV.G.13)]

VI.C.23. (U) The RCB 802 Coxswain did not understand the requisite procedures to take during an engineering casualty. [FF [FF (IV.G.1)-(IV.G.6)]

VI.D. The Iranian Interactions

VI.D.1. (U) Prior to 802's engine casualty, RCB 802 and 805 traversed, although unknowingly, Iranian territorial seas in a continuous and expeditious manner to reach its rendezvous point with USCGC MONOMOY. While the crews of RCB 802 and RCB 805 unknowingly entered Iranian territorial seas and were unaware that they were exercising the right of innocent passage under customary international law, the right of innocent passage does not require knowledge or intent for the passage to be innocent. [FF (IV.E.61), (IV.E.62), (IV.E.66)]

VI.D.2. (U) RCB 802 stopped in Iranian territorial seas due to an engine casualty. RCB 802's stoppage was due to distress within the meaning of innocent passage and did not violate Iranian sovereignty. [FF (IV.E.66), (IV.G.1), (IV.G.2-4), (IV.G.6-9), IV.G.13), (IV.G.16), (IV.G.17), (IV.G.36)-(IV.G.39)]

VI.D.3. The crews were not prepared to conduct Visual Information reporting. [FF (IV.H.10), (IV.H.20)]

VI.D.4. (U) RCB 805 had the right under innocent passage to stop in Iranian territorial seas to render assistance to RCB 802 upon its engine casualty. RCB 805's stoppage was in accordance with customary international law because it stopped in the event that RCB 802 requested assistance. FF (IV.G.1), (IV.G.2-4), (IV.G.6-9), IV.G.13), (IV.G.16), (IV.G.17), (IV.G.36-39)]

VI.D.5. (U) RCB 802 and RCB 805 never requested assistance from the Iranians. The crews of both RCB 802 and RCB 805 attempted to explain to the Iranian vessels that RCB 802 had engine trouble through both verbal communication and physical gestures. It is unclear whether the Iranians understood that RCB 802 was actually in distress within the meaning of customary international law. Therefore, the Iranian vessels did not violate the legal duty to render assistance to vessels in distress. [FF (IV.H.21), (IV.H.22), (IV.H.36), (IV.H.37), (IV.H.39), (IV.H.40)]

VI.D.6. (U) When RCB 802 attempted to drive away from Farsi Island and out of Iranian territorial seas, the Iranians prevented RCB 802 from exercising its right of innocent passage. Upon the RCB 802 Coxswain's repair of RCB 802's engine, the RCB 802 Boat Captain attempted to accelerate away from Farsi Island

and out of Iranian territorial seas to continue its passage. The Iranian vessels blocked RCB 802's path, preventing its ability to continuously and expeditiously continue its passage in violation of customary international law. [FF (IV.H.38), (IV.H.51)-(IV.H.53), (IV.H.55)-(IV.H.59)]

VI.D.7. (U) Under Article 51 of the UN Charter and international law, Iran has the inherent right of self-defense against an armed attack. At no point during the encounter between the RCBs and the Iranian vessels did the RCBs engage in an armed attack. [FF (IV.E.66), (IV.H.14)-(IV.H.43), (IV.H.35)-(IV.H.37), (IV.H.39), (IV.H.46), (IV.H.52)-(IV.H.60), (IV.H.66)-(IV.H.77)]

VI.D.8. (U) Iran is permitted under customary international law to take necessary steps in its own territorial seas to prevent non-innocent passage. Had the RCBs failed to comply with the Iran's laws or regulations (no findings of fact illustrate that this occurred), then the Iranians had the right under customary international law to require the RCBs to leave their territorial seas immediately. As such, the Iranian blocking of RCB 802's exercise of innocent passage was a violation of international law. [FF (IV.E.66), (IV.H.38), (IV.H.52)-(IV.H.38)]

VI.D.9. (U) RCB 802 and RCB 805 did not collect visual information as required by Operational Task Visual Information. If the RCB crews had collected visual information while in Iranian territorial seas (they did not), then such an act could be considered non-innocent because any act aimed at collecting information to the prejudice of the defense or security of the coastal nation would be inconsistent with the right of innocent passage. [FF (IV.E.66), (IV.H.19), (IV.H.20)]

VI.D.10. (U) Although not warships, RCB 802 and RCB 805 are sovereign immune vessels entitled to sovereign immunity because they are state owned and operated, and used solely on government non-commercial service. As such, they are immune from arrest or search, even when operating within the territorial seas of another coastal State. Accordingly, the Iranians search and seizure of RCB 802 and 805, their crews, and their possessions was a violation of sovereign immunity under customary international law. [FF (IV.H.78)-(IV.H.87), (IV.I.1), (IV.I.2)]

VI.D.11. (U) The failure to establish clear command and control weakened the ability of the RCBs to fight as a collective unit. The CTG-56.7 Commander failed to establish a command and control structure that both RCB Boat Captains and their crews could understand and execute. Because the command and control

structure was unclear, both the RCB 802 Boat Captain and the RCB 805 Boat Captain failed to command or control the RCBs as a single unit to respond to a threat. [FF (IV.C.1)-(IV.C.5), (IV.D.2), (IV.G.11), (IV.G.14), (IV.G.15), (IV.H.1)-(IV.H.43), (IV.H.52)-(IV.H.77)]

VI.D.12. (U) The Iranians closed the "threat triangle" by displaying the capability, opportunity, and intent to commit either a hostile act or demonstrate hostile intent. [FF (IV.H.5), (IV.H.10)-(IV.H.13), (IV.H.25)-(IV.H.28), (IV.H.30), (IV.H.32)-(IV.H.34), (IV.H.43), (IV.H.48), (IV.H.58), (IV.H.59), (IV.H.62), (IV.H.66), (IV.H.69)]

VI.D.13. (U) The Iranians demonstrated hostile intent to the crews of RCB 802 and RCB 805. [FF (IV.H.5), (IV.H.10)-(IV.H.13), (IV.H.25)-(IV.H.28), (IV.H.30), (IV.H.32)-(IV.H.34), (IV.H.43), (IV.H.45), (IV.H.48), (IV.H.58), (IV.H.59), (IV.H.62), (IV.H.66), (IV.H.69)]

VI.D.14. (U) In accordance with the Chairman of the Joint Chiefs of Staff Standing Rules of Engagement (SROE), both RCB Boat Captains' limited their respective crews' right of individual self-defense when they directed their crews to stand down from their weapons. {FF (IV.H.25), (IV.H.45), (IV. H.70)]

VI.D.15. (U) The CTG-56.7 Commander as a unit commander failed to ensure that the crews of RCB 802 and RCB 805 understood and were trained on when and how to use force in self-defense. [FF (IV.H.5), (IV.H.10)-(IV.H.13), (IV.H.25)-(IV.H.28), (IV.H.30), (IV.H.32)-(IV.H.34), (IV.H.43), (IV.H.45), (IV.H.48), (IV.H.58), (IV.H.59), (IV.H.62), (IV.H.66), (IV.H.69), (IV.H.70)]

VI.D.16. (U) Throughout this investigation, it was readily apparent that both RCB crews lacked a clear command and control structure which bred confusion at a critical moment. [FF (IV.A.49), (IV.A.51-53), (IV.C.2-5), IV.G.10)]

> (U) NOTE: Because the Chairman of the Joint Chiefs of Staff Standing Rules of Engagement does not define "unit commander," the below opinions are developed on my belief that during the RCBs' interaction with the Iranians, the RCB 802 Boat Captain, as the senior officer present in accordance with U.S. Navy Regulations, was the "unit commander" of both RCBs as they operated as a unit together. While the RCB 802 Boat Captain was the unit commander of the collective RCBs as one unit, the RCB 805 Boat Captain was the unit commander for only RCB 805.

VI.D.17. (U) The RCB 802 Boat Captain failed as a unit commander to ensure that the crew of RCB 802 understood and was trained on

when and how to use force in self-defense. [FF (IV.C.1), (IV.C.3), (IV.D.2), (IV.H.47), (IV.H.48), (IV.G.10)]

VI.D.18. (U) The RCB 805 Boat Captain failed as a unit commander to ensure that the crew of RCB 805 understood and was trained on when and how to use force in self-defense. [FF (IV.C.1)-(IV.C.3), (IV.D.2), (IV.H.47), (IV.H.48)]

VI.D.19. (U) The RCB 805 Boat Captain failed in his obligation to exercise unit self-defense when he failed to take appropriate action to defend RCB 805 when the Iranian vessels demonstrated hostile intent. Based upon the RCB 805 Boat Captain's statement and the statements of his crew, the Iranian's use of force against RCB 805 was imminent. [FF (IV.H.5), (IV.H.10)-(IV.H.13), (IV.H.25)-(IV.H.28), (IV.H.30), (IV.H.32)-(IV.H.34), (IV.H.43), (IV.H.45), (IV.H.48), (IV.H.58), (IV.H.59), (IV.H.62), (IV.H.66), (IV.H.69)]

VI.D.20. (U) The RCB 802 Boat Captain failed in his obligation to exercise unit self-defense when he failed to take appropriate action to defend RCB 802 and RCB 805 when the Iranian vessels demonstrated hostile intent. Based upon the RCB 802 Boat Captain's statement and the statements of his crew, the Iranian's use of force against RCB 802 and RCB 805 was imminent. [FF (IV.H.5), (IV.H.10)-(IV.H.13), (IV.H.25)-(IV.H.28), (IV.H.30), (IV.H.32)-(IV.H.34), (IV.H.43), (IV.H.45), (IV.H.48), (IV.H.58), (IV.H.59), (IV.H.62), (IV.H.66), (IV.H.69)]

VI.D.21. (U) The CTF-56 Commodore failed to ensure that his subordinate Commanders understood and trained to Commander, U.S. FIFTH Fleet's 17 December 2015 message as directed. CTF-56 emailed the message to all subordinate Commanders and requested confirmation of receipt. The lack of engagement by the CTF-56 Commodore with his subordinate Commanders on this vital guidance fell far short of the direction by the FIFTH Fleet Commander. [FF (III.F.8)-(III.F.10), (IV.H.48), (IV.H.49)]

VI.D.22. (b)(1) E.O. 13526 1.4(A) [redacted] The failure of the CTG-56.7 Commander to ensure that the crews of RCB 802 and RCB 805 received and understood the guidance and intent provided by Commander, U.S. FIFTH Fleet on 17 December 2015 directly affected the manner in which the crews responded to the Iranians' demonstration of hostile intent. The CTG-56.7 Commander should have briefed and discussed this message with the crews of RCB 802 and 805, and trained to the message as directed. [FF (III.F.8)-(III.F.10), (IV.H.49)]

VI.D.23. (U) Had Commander, U.S. FIFTH Fleet's 17 December 2015 message been discussed with both crews and had they trained accordingly to it, the crews' individual and collective response to the Iranians' demonstration of hostile intent may have been different. [FF (III.F.8)-(III.F.10), (IV.H.49)]

VI.D.24. (U) Both RCB Boat Captains' direction to their respective crews to walk away from their weapons was not a de-escalatory measure within the meaning of the Chairman of the Joint Chiefs of Staff Standing Rules of Engagement (SROE). De-escalation is a principle that affords an individual engaging in a hostile act or demonstrating hostile intent to be warned, given the opportunity to withdraw, or cease threatening actions. [FF (IV.H.24), (IV.H.44), (IV.H.45), (IV.H.70)]

VI.D.25. (U) As the senior officer present, the RCB 802 Boat Captain violated U.S. Navy Regulation 0918 by failing to take appropriate action to prepare RCB 802 and RCB 805 against surprise attack when he did not order the posting of gunners on each RCB when RCB 802's engine suffered a casualty. The RCBs were located in unknown territorial seas approximately 1.5 nautical miles away from an unknown and possibly inhabited island. While the RCB 802 Coxswain began to repair the engine, the RCB 802 Boat Captain failed to order his gunners to take station for force protection and failed to direct RCB 805 to take any kind of position to protect the dead-in-the water RCB. The RCB Boat Captain was passive and unaware of the threat environment when the situation demanded vigilance and a heightened sense of threat awareness. Accordingly, the RCB 802 Boat Captain failed to utilize the means at his disposal and failed to put into effect any measure that would have minimized the possibility of the undetected approach of the Iranians. [FF (IV.G.8)-(IV.G.11), (IV.H.1)-(IV.H.3), (IV.H.6), (IV.H.11), (IV.H.12), (IV.H.30), (IV.H.32)-(IV.H.34), (IV.E.37), (IV.E.38), (IV.H.40)]

VI.D.26. (U) The RCB 802 Boat Captain lawfully ordered the RCB 802 Coxswain to accelerate through the Iranian vessels. [FF (IV.H.52), (IV.H.55), (IV.H.59), (IV.H.62)]

VI.D.27. (U) The RCB 802 Coxswain disobeyed a lawful order of a superior commissioned officer when he refused to obey the RCB 802 Boat Captain's order to accelerate RCB 802 through the Iranian vessels that were attempting to block RCB 802. [FF (IV.H.52), (IV.H.55), (IV.H.59), (IV.H.60), (IV.H.62)]

VI.D.28. (U) When the RCB 802 Coxswain refused to obey his lawful order, the RCB 802 Boat Captain acquiesced to the Coxswain's refusal. Instead of taking action to defend his unit and his sovereign immune vessel, the RCB 802 Boat Captain knowingly surrendered[69] both RCB 802 and RCB 805 to the Iranian vessels. [FF (IV.H.52), (IV.H.53), (IV.H.55)-(IV.H.60), (IV.H.62)-(IV.H.64), (IV.H.70), (IV.H.72), (IV.H.73), (IV.H.75), (IV.H.77), (IV.H.79)]

VI.D.29. (U) Although briefly, the RCB 802 Coxswain took control of RCB 802 without authority. [FF (IV.H.59), (IV.H.60), (IV.H.62)]

VI.E. CTF-56/CTG-56.7 Responses

VI.E.1. (U) If the CTF-56/CTG-56.7 Maritime Operations Centers had utilized territorial seas overlays on AGILE CLIENT, then they would have been able to recognize that both RCB 802 and RCB 805 entered Iranian territorial seas at 1546. [FF (IV.E.52)-(IV.E.54), (IV.E.61), (IV.E.63)]

VI.E.2. (U) If CTF-56/CTG-56.7 had plotted positional reports, then they would have been able to recognize that both RCB 802 and RCB 805 had entered Iranian territorial seas. [FF (IV.E.47), (IV.E.48), (IV.E.61), (IV.E.63)]

VI.E.3. (U) If USCGC MONOMOY had provided its assessment that RCB 802 and RCB 805 were in Iranian territorial seas over "open chat" instead of "whisper chat," then higher headquarters may have been notified earlier and been able to take appropriate response actions. [FF (IV.K.1), (IV.K.2)]

VI.E.4. (U) If RCB 805 had reported RCB 802 being dead-in-the-water immediately, then higher headquarters would have been notified earlier and been able to take appropriate response actions. [FF (IV.E.40), (IV.E.42), (IV.G.1), (IV.G.2), (IV.G.7)]

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[69] (U) The Investigating Officer's use of "surrender" should not be confused with its use regarding the Code of Conduct. For purposes of this opinion, the Investigating Officer utilized "surrender" in an operational context. Joint Publication 1-02, "DoD Dictionary of Military and Associated Terms," dated 8 November 2010 as amended through 15 October 2015, fails to provide a definition for surrender. Accordingly, the Investigating Officer utilized Merriam-Webster's Dictionary for surrender - "to yield to the power, control, or possession of another upon compulsion or demand."

VI.E.5. (U) If the CTG-56.7 Tactical Operations Center had immediately acted upon the RCB 805 communication that they were experiencing an interaction with the Iranians, then higher headquarters would have been notified earlier and been able to take appropriate response actions. [FF (IV.G.7)]

VI.F. CODE OF CONDUCT

VI.F.1. (U) Although designed for evasion and prisoner of war (POW) situations, the spirit and intent of the Code of Conduct applied to the RCB crewmembers during their detention by Iranian forces. [FF (V.A.1)-(V.A.28), (IV.I.60)]

VI.F.2. (U) The RCB crews were bound to conduct themselves consistent with the Code of Conduct and in a manner that avoided discrediting themselves and the U.S. government. [FF (V.A.1)-(V.A.28), (IV.I.60)]

VI.F.3. (U) Because the U.S. is not in an armed conflict with Iran, the detention scenario in this case was most analogous to that covered by the "special instructions" in enclosure 3 of DoD Instruction 1300.21. The instruction lacks clarity, stating variously that enclosure 3 applies to "governmental detention...during operations other than war" or "Military Operations Other Than War (MOOTW)" or "in a situation not related specifically to the Code of Conduct." [FF (V.A.8)-(V.A.12)]

VI.F.4. (U//~~FOUO~~) In terms of the "captivity environments" described in Level A Code of Conduct training and Moderate Risk of Isolation training, the most accurate description is a "Peacetime Governmental Detention" (PGD). [FF (V.A.16)-(V.A.19)]

VI.F.5. (U) For purposes of this Code of Conduct discussion, the RCB crewmembers were "detainees," the Iranians were "detainers," and the scenario was "detention."[70] [FF (V.A.28)]

[70] (U) Compare the DoD Instruction 1300.21 headers at paragraph E3.10 ("detention" by "government" as "detainee"), with E3.11 ("captivity" by "terrorists" as "hostage"). Paragraphs E3.10 et seq. also use the term "detainer." NOTE: The use of the terms "detainee" and "detention" here is strictly for purposes of the Code of Conduct discussion to remain consistent with the terminology in DoD Instruction 1300.21. The use of these terms here should not be construed as an opinion on whether the RCB crewmembers were detainees and the Iranians detainers (or held some other legal status) under any other body of domestic or international law, policy, or regulation.

VI.G. Surrender

VI.G.1. (U) As indicated in an opinion (VI.D.24) and (VI.D.25) above, the RCB 802 Boat Captain surrendered both RCBs. Yet DoD Instruction 1300.21 is unclear on how the Code of Conduct and related guidance in enclosure 2 on "surrender" applies to non-armed conflict scenarios. Instead, enclosure 3 of the DoD Instruction provides that "Lost, isolated or captive Service members must be prepared to assess the dangers associated with being taken into captivity by local authorities. Their assessment of the dangers should dictate what efforts should be taken and what measure of force may be required to avoid capture, resist apprehension, and resist cooperation once captured." For operations other than war, my opinion is that enclosure 3 of the DoD Instruction lacks any guidance on the issue of "surrender"[71] and the guidance in enclosure 2 of the DoD Instruction does not apply to the RCB Boat Captain's surrender. [Encl (21)]

VI.H. Interrogations and Other Statements in Detention

VI.H.1. (U) While detained, consistent with the Code of Conduct, guidance, and training, crewmembers employed a variety of resistance strategies, including efforts to provide their Iranian detainers with as little information as possible, and an especially honorable act by RCB 805's Gunner #2 to activate an emergency beacon even after being bound and guarded at gunpoint. [FF (IV.H.82), (IV.I.16), (IV.I.18), (IV.I.24), (IV.I.27), (IV.I.28), (IV.I.48), (IV.I.49), (IV.I.50), (IV.I.52), (V.B.11)-(V.B.18)]

VI.H.2. (U) However, crewmembers, at times, provided the Iranian (detainers) with some information beyond what the Code of Conduct permits for this detention scenario. For example, some crewmembers provided information concerning the RCB's approximate speed and provided their specific positions on the boat. [FF (IV.I.26), (IV.I.27), (IV.I.46), (IV.I.47), (IV.I.50), (V.B.11)-(V.B.15)]

VI.H.3. (U) While in detention, consistent with the Code of Conduct, crewmembers repeatedly asserted to the Iranians the innocent circumstances of their entry into Iranian territorial

[71] (U) The only use of the term "surrender" in enclosure 3 is in the context of surrendering passports. [Ref (t)]

seas, both prior to and during detention. Crewmembers did not waiver in their assertions despite disbelief from the Iranians. [FF (IV.I.16), (IV.I.23), (V.B.12), (V.B.14), (V.B.16), (V.B.17), (V.B.20)]

VI.H.4. (U) When the Iranians did not believe the RCBs could travel from Kuwait to Bahrain, RCB crewmembers laughed and stated, "yeah I wish you could tell my people that because we told them these boats can't do that." While crewmembers may have believed this statement was a source of camaraderie under difficult circumstances, Code of Conduct guidance and training caution against these types of statements because they can be misused as propaganda. This statement displayed a lack of trust and confidence in the chain of command. Additionally, the crewmembers stated that periodically they were being filmed, which increased risk the statement could be used as propaganda. [FF (IV.I.25), (V.B.16), (V.B.18)]

VI.I. Assertions of Innocence v. Apologies

VI.I.1. (U) Crewmembers told the Iranians that their entry into territorial seas was unintentional and an "accident." Statements like these did not amount to apologies, which would otherwise be contrary to the Code of Conduct. Rather, crewmembers were explaining the innocent circumstances of their entry into territorial seas. [FF (IV.H.36), (V.B.14)]

VI.I.2. (U) Crewmembers lacked an understanding of the right of innocent passage until after their release. Had the crew been armed with a full understanding of this right under international law, they could have used this knowledge as a source of strength and a tool of resistance in their responses under duress and interrogation. [FF (IV.E.60), (IV.E.60), (IV.H.36), (V.B.14), (IV.H.36), (IV.I.52), (IV.I.86), (V.B.14), (V.B.17), (V.B.18)]

VI.J. RCB 802 Boat Captain's Conduct

VI.J.1. (U) At some point during the first few hours of detention, the RCB 802 Boat Captain directed the Iranian detainers not to film the detainees while eating. This was honorable and consistent with the Code of Conduct. [FF (IV.I.31), (IV.I.34)]

VI.J.2. (U) Also consistent with the Code of Conduct, the RCB 802 Boat Captain instructed the Iranians that his crew were only

required to provide name, rank, and service number, and that any other information offered was "conditional" or "of their own free will." The RCB 802 Boat Captain set a tone of resistance in front of the crews and Iranians. [FF (IV.I.28)]

VI.J.3. (U) The RCB 802 Boat Captain's formal apology ("we apologize for our mistake" and "that was our fault") (b)(1) E.O. 13526 1.4(A) (b)(1) E.O. 13526 1.4(A) on Farsi Island, regardless whether it was filmed, was clearly inconsistent with the Code of Conduct, training, and guidance.[72] Though the RCB 802 Boat Captain initially resisted by not saying what the detainers had scripted or demanded, he eventually succumbed and made a formal apology. [FF (IV.I.78)-(IV.I.98), (V.B.13)-(V.B.28)]

VI.J.4. (U) The RCB 802 Boat Captain's apology on camera in front of an Iranian "news crew" was inconsistent with the Code of Conduct, guidance, and training. [FF (IV.I.78)-(IV.I.98), (V.B.13)-(V.B.28)]

VI.J.5. (U) The RCB 802 Boat Captain provided an apology in exchange for release, which is inconsistent with the Code of Conduct, training, and guidance. [FF (IV.I.78)-(IV.I.98), (V.B.29)-(V.B.30)]

[72] (U) Crewmembers indicated that, while still on the RCBs during the initial interaction with the Iranians, the Boat Captain and/or other crewmembers may have said they were sorry when explaining their circumstances. In the opinion of the Investigating Officer, any apologies during the initial interaction on the RCBs, prior to the Iranians boarding, was not inconsistent with the Code of Conduct, guidance, or training. First, the RCB crewmembers were not detainees or clearly isolated at this point, so application of the Code of Conduct at this point is a bit murky. More important, though, under the totality of the circumstances of the initial encounter, saying sorry as part of an initial explanation of the RCBs' presence in Iranian territorial waters and an attempt to diffuse a hostile situation is very distinct from the formal apology made in detention on film. [FF (IV.H.36), (V.B.14)]

Recommendations

VI.K. Accountability

VI.K.1. (U) I recommend Commander, U.S. FIFTH Fleet take appropriate administrative action against the CTF-56 Commodore for his lack of oversight and judgment in the preparation and execution of his duties with respect to the incident on 12 January 2016.

VI.K.2. (U) I recommend Commander, U.S. FIFTH Fleet take appropriate administrative action against the CTF-56 Chief Staff Officer for his lack of oversight and forceful backup to both his subordinates and his Commodore.

VI.K.3. (U) I recommend a copy of this Command Investigation be forwarded to the Commander(s) who has jurisdiction over the Coastal Riverine Squadron THREE Commanding Officer for appropriate action due to his overall poor execution of his duties in command of CRS-3. His lack of involvement and lack of intrusive leadership created an environment of poor training, maintenance, and operational standards.

VI.K.4. (U) I recommend a copy of this Command Investigation be forwarded to the Commander(s) who has jurisdiction over the Coastal Riverine Squadron THREE Executive Officer for his overall poor execution of his duties as Executive Officer of CRS-3. His lack of involvement and lack of intrusive leadership created an environment of poor training, maintenance, and operational standards.

VI.K.5. (U) I recommend a copy of this Command Investigation be forwarded to the Commander(s) who has jurisdiction over the Kuwait Officer-in-Charge for appropriate action for his lack of oversight, his lack of judgment, and his overall lack of competency as an Officer-in-Charge.

VI.K.6. (U) The U.S. Navy Regulations dictate clear responsibilities for and expectations of officers. In U.S. Navy Regulations 0918, there is no distinction between the expectations of an Ensign or that of an Admiral, if they are the senior officer present. However, in formulating my recommendation, I have taken into account the RCB 802 Boat Captain's rank and fleet experience. He was placed in a difficult position, albeit one in which his own actions placed him and nine other sailors in danger. His deployment to the FIFTH Fleet area of operations lacked any form of oversight and

he lacked basic mentorship and development from his entire chain of command. Left to his own devices, he emulated the poor leadership traits he witnessed first-hand within his own chain of command. I recommend that a copy of this Command Investigation be forwarded to the Commander(s) who has jurisdiction over the RCB 802 Boat Captain for appropriate action.

VI.K.7. (U) The RCB 805 Boat Captain/Patrol leader failed to meet the expected standards of a Boat Captain and Patrol Leader. From pre-underway mission preparations to the navigation of his RCB, the RCB 805 Boat Captain/Patrol leader failed to exhibit the leadership inherent in his position. He failed to maneuver his RCB in defense of RCB 802 and failed his obligation to exercise unit self-defense. I recommend a copy of this Command Investigation be forwarded to the Commander(s) who has jurisdiction over the RCB 805 Boat Captain/Patrol Leader for appropriate action.

VI.K.8. (U) The RCB 802 Coxswain's disobeying of his Boat Captain's order while confronting a force that had demonstrated hostile intent and effectively seizing control of the vessel strikes at the heart of our Navy's culture. In the face of adversity, the RCB 802 Coxswain seized control of RCB 802 from his superior commissioned officer. The authority to control a vessel can never be in dispute nor can it be challenged. As such, I recommend that a copy of this investigation be forwarded to the RCB 802 Coxswain's chain of command for appropriate action.

VI.L. Immediate Recommendations

VI.L.1 (U) To be effective in green and blue water operations, specifically in the FIFTH Fleet area of responsibility, I recommended an immediate operational training and readiness stand down to ensure that CTF-56 Coastal Riverine Forces are fully prepared, trained, and ready to operate in the FIFTH Fleet area of responsibility.

VI.L.2 (U) Before conducting any green or blue water operations, I recommend CTF-56 conduct a Navigation stand down for all Mk VI, RCB and CCB Crewmembers, including training on FIFTH Fleet area of operations charts, equipment validation, electronic chart training and practical, "cockpit" resource management to ensure back-up of navigation is well understood by all crewmembers.

VI.L.3. (U) I recommend the CTF-56 Commodore conduct a Navigation "Check-Ride" on all deploying units once they arrive in theater. I recommend this "Check-Ride" be a required turnover item during Remain in Place/Transfer of Authority (RIP/TOA).

VI.L.4. (U) I recommend that CTF-56 immediately initiate monthly live-fire weapons training for all personnel that will be responsible for operating or carrying a weapon.

VI.L.5. (U) I recommend that CTF-56 draft, and provide to Commander, FIFTH Fleet for approval, an Operational Tasking (OPTASK) Coastal Riverine Operations to supersede current OPTASK RCB and account for overwatch requirements for any operations in green and blue water. This OPTASK update should include MK VI operations as well.

VI.L.6. (U) I recommend that CTF-56 draft, and provide to Commander, FIFTH Fleet for approval, an Operational Tasking (OPTASK) "Coastal Riverine Overwatch in Green and Blue Water" so that definitions, capabilities, limitations, and requirements by supporting CTF Commanders are understood.

VI.L.7. (U) I recommend that an independent assessment team immediately conduct a command climate workshop for the CTF-56 staff in order to identify and fix organizational concerns, communication barriers, and how to best manage the excessive span of control for CTG-56.7 given current administrative and operational requirements.

VI.L.8. (U) I recommend that CTF-56 immediately conduct a review and implement standardization policies and procedures for each Maritime and Tactical Operation Center under its control.

VI.M. Training and Readiness Recommendations

VI.M.1. (U) I recommend that Commander, U.S. FIFTH Fleet require CTF-56 to publish deployment orders for incoming units no less than six months in advance, and update with serialized modifications as required.

VI.M.2. (U) I recommend forwarding this command investigation to Naval Expeditionary Combat Command for a deep-dive review into Navigation requirements, training, procedures, and standards as it pertains to green and blue water operations.

VI.M.3. (U) I recommend forwarding this command investigation to Naval Expeditionary Combat Command for a deep-dive review and

readiness kill chain assessment specifically for Coastal Riverine Force platforms.

VI.M.4. (U) I recommend forwarding this command investigation to Navy Expeditionary Combat Command to evaluate the curriculum of the Riverine schools pipeline in order to modify the curriculum to encompass Coastal Riverine operations (support to Maritime Component Commanders) vice exclusively brown water operations (support to Land Component Commanders).

VI.M.5. (U) I recommend forwarding this investigation to Navy Expeditionary Combat Command to implement an Expeditionary Warfare indoctrination and leadership course for all Officers detailed to the Coastal Riverine Force to attend before reporting aboard Coastal Riverine Squadrons.

VI.M.6. (U) I recommend forwarding this investigation to Navy Expeditionary Combat Command to explore the development of a career track tailored specifically for the competitive selection and detailing of Post-Department Head Surface Warfare Officers to Officer-in-Charge billets at the Coastal Riverine Squadrons.

VI.M.7. (U) I recommend forwarding this investigation to Navy Expeditionary Combat Command to explore synthetic scenario training options specific to the Coastal Riverine Force maritime operating environment, similar to Judgment-Based Engagement Training for ground forces or Full Mission "Cockpit" Simulators for surface forces.

VI.M.8. (U) I recommend that CTF-56 update and maintain their Collaboration-at-Sea webpage with all applicable orders, directives, guidance, and area specific information in order to ensure that forces have ready access to all documents while in homeport.

VI.M.9. (U) I recommend that CTF-56 develop an indoctrination and assessment period during RIP/TOA that establishes the foundation of policies and procedures for the FIFTH Fleet area of responsibility.

VI.M.10. (U) I recommend that CTF-56 establish a formal feedback mechanism to the Coastal Riverine Groups, via Navy Expeditionary Combat Command, in order to effectively integrate the most current mission requirements into the training cycle.

VI.M.11. (U) I recommend that CTF-56 publish quarterly or semi-annual briefs/messages to the entire Coastal Riverine Force with

updates on Commander's Intent, FIFTH Fleet Operations, and a future operations outlook.

VI.N. Policies, Programs, and Procedures

VI.N.1. (U) I recommend an update to the U.S. Navy Regulations. Current U.S. Navy Regulation 0828 speaks directly to the responsibilities of a Commanding Officer to his or her ship. Specifically, it requires that a Commanding Officer never permit his or her ship to be searched or any ships personnel to be removed so long as the capacity to repel such an act exists. As the Navy continues to develop increasing numbers of sovereign immune platforms (many of these with sizeable crews) to be operated by individuals who do not hold command, the Navy Regulations must adapt in order to require these individuals places in positions of trust and responsibility to protect both his or her vessel and crew.

VI.N.2. (U) I recommend an update to the Code of Conduct to reflect the modern operational environment.[73]

VI.N.3. (U) I recommend an update to DoD Instruction 1300.21 to reflect the modern operational environment. Enclosure (3) in particular should be revised to provide clarity and guidance for captivity/detentions that are neither during armed conflict nor military operations other than war, particularly on the issues of surrender, capture, and evasion.

VI.N.4. (U) I recommend that the Department of the Navy promulgate an instruction with guidance specifically tailored to maritime operations and captivity/detention scenarios at sea.

VI.N.5. (U) I recommend that Navy Expeditionary Combat Command require the Coastal Riverine boat crews complete in-person Search, Evasion, Resistance, and Escape (SERE) school, making them worldwide deployable.

VI.N.6. (U) I recommend a revision of the online SERE 100.1-SERE level A Code of Conduct to include Code of Conduct guidance for maritime operations, particularly if the Department of the Navy intends to rely on this as an option for Code of Conduct training.

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[73] (U) Similar recommendations to revise the Code of Conduct were made and implemented following the USS PUEBLO court of inquiry to clarify its applicability to other captivity/detention scenarios. See COMUSPACFLT FOURTH ENDORSEMENT 5830 Ser 00/00081 of 10 Jun 69.

VI.N.7. (U) I recommend the revision of U.S. Central Command Moderate Risk of Isolation training to include a discussion of at-sea isolation, captivity, and detention scenarios to reflect current maritime operations. Additional guidance on evasion in non-wartime interactions with unfriendly or hostile governments should be added.[74]

VI.N.8. (U) I recommend that Commander, U.S. FIFTH Fleet designate Coastal Riverine boat crews who will conduct green water or blue water operations in the Central Command area of operations as "High Risk of Isolation" and require those crews complete High Risk of Isolation training prior to deployment.

VI.N.9. (U) I recommend that Commander, U.S. FIFTH Fleet require subordinate Task Forces to conduct periodic risk-of-isolation briefings.

VI.N.10. (U) I recommend the revision of Code of Conduct trainings and DoD Instruction 1300.21 to employ consistent terminology for non-wartime detention scenarios. The trainings and instructions utilize various terminologies, such as "Peacetime governmental detention," "detention during operations other than war," "hostile detention," "detention by a hostile government." DoD Instruction 1300.21 alternates between the terms "detention" and "captivity".

VI.N.11. (U) I recommend the revision of Article 1140 of the U.S. Navy Regulations, which concerns "capture" by an "enemy", to reflect modern detention scenarios.

(b)(1) E.O. 13526 1.4(A)

[redacted]

[74] (U) One slide in the Moderate Risk of Isolation training suggests that, during a peacetime governmental detention scenario in an "unfriendly country," "isolated" sailors should not resist or use force. The slide depicts Iran as an example. This slide fails to provide any additional guidance for at-sea scenarios involving sovereign immune vessels and self-defense and evasion.

(b)(3) 10 U.S. Code § 130b; (b)(6)

[redacted]

(b)(3) 10 U.S. Code § 130b; (b)(6)

[redacted]

VI.P. Special Recognition

VI.P.1. (U) I recommend that 805 Gunner #2 - (b)(3) 10 U.S. Code § 130b; (b)(6) (b)(3) 10 U.S. Code § 130b; - receive proper recognition for her extraordinary courage in activating an emergency beacon while kneeling, bound, and guarded at Iranian gunpoint, at risk to her own safety.

VI.P.2. (U) I recommend that the Commanding Officers and Crews of USS ANZIO and USCGC MONOMOY, respectively, receive special recognition for their conduct on 12 and 13 January 2016.