



SECRETARY OF THE ARMY
WASHINGTON

FEB 01 2008

MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY
(MANPOWER AND RESERVE AFFAIRS)

SUBJECT: Delegation of Authority Under Title 5, Sections 1213 (c) and (d)

In accordance with Title 10, United States Code, section 3013(f), I hereby delegate to you certain authority conferred upon me as agency head under Title 5, United States Code, section 1213. Specifically you are authorized to review, sign and submit written reports of investigations of information and related matters transmitted to the Department of the Army by The Special Counsel, in accordance with Title 5, United States Code, sections 1213(c) and (d). The authority delegated herein may not be further delegated.

This delegation shall remain in effect for three years from the date of its execution, unless earlier rescinded in writing by me.

A handwritten signature in black ink, appearing to read "Pete Geren", is positioned above the printed name.

Pete Geren

CF: General Counsel

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U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
202-254-3600

July 9, 2009

The Honorable Pete Geren
Secretary of the Army
1400 Defense Pentagon
Washington, D.C. 20301-1400

Re: OSC File No. DI-09-1816

Dear Mr. Secretary:

Pursuant to my responsibilities as Associate Special Counsel, I am referring to you a whistleblower disclosure alleging that employees at the Department of the Army, Tobyhanna Army Depot, Tobyhanna, Pennsylvania, have violated Army regulations regarding the carrying of firearms by security personnel. Patrick Wall, a Police Sergeant at Tobyhanna Army Depot, discloses that employees have engaged in conduct that constitutes a violation of law, rule, or regulation, and a substantial and specific danger to public safety. Accordingly, I am referring this information to you for an investigation of the allegations described below and a report of your findings within 60 days of your receipt of this letter. 5 U.S.C. § 1213(c).

The U.S. Office of Special Counsel (OSC) is authorized by law to receive disclosures of information from federal employees alleging violations of law, rule, or regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety. 5 U.S.C. § 1213(a) and (b). If OSC finds, on the basis of the information disclosed, that there is a substantial likelihood that one of these conditions exists, we are required to advise the appropriate agency head of our findings, and the agency head is required to conduct an investigation of the allegations and prepare a report. 5 U.S.C. § 1213(c) and (g).

Mr. Wall, who consented to the release of his name, was hired as a Police Officer in July 2003, by the Tobyhanna Army Depot. He was promoted to Police Sergeant in October 2006. Mr. Wall is also the Assistant Firearms Officer and is responsible for training and proficiency testing of employees who carry firearms. According to Mr. Wall, Chief the Chief of Security at Tobyhanna Army Depot and also Mr. Wall's second-level supervisor, and Operations Officer, a Security Specialist, carry firearms while on duty without the proper certification. Mr. Wall also asserts that Chief and Operations Officer do not return their firearms and ammunition to the arms room at the end of the workday. The arms room is where all firearms and ammunition are stored when not being used by security personnel. Mr. Wall maintains that these actions violate Army Regulation (AR) 190-56.

Mr. Wall has advised OSC that pursuant to AR 190-56, Army Security Personnel are required to obtain an initial certification to carry a loaded firearm while on duty, and must be

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re-certified annually. AR 190-56 also requires firearms to be returned to a secure area at the end of each employee's shift, and prohibits employees from leaving their duty stations with firearms or ammunition.

AR 190-56 states that Army civilian police and security guards will be provided with weapons, ammunition, and safety equipment needed to perform their assigned duties and that government-owned firearms will be turned in at the end of the duty period to a designated control point for storage and accountability. The regulation further provides that Army civilian police and security guards are not permitted to retain firearms or ammunition after completing their normal tour of duty. Annual in-service training and proficiency testing are required to ensure that personnel carrying firearms have maintained proficiency in their law enforcement and guard skills and remain current in state-of-the-art doctrine. The Firearms Officer is required to record training and proficiency testing results for security/law enforcement personnel issued firearms. The yearly in-service training must consist of briefing on individual responsibilities, use of deadly force, and instructions for the particular firearm being carried. The proficiency testing requires qualification firing according to army quality standards for the type of weapon used.

Mr. Wall and ^{Police Supervisor 1}, Firearms Officer, and Mr. Wall's first-level supervisor, conduct the yearly training and proficiency testing during a single week each year. If an employee is hired sometime prior to the yearly training, the employee is required to undergo a separate initial certification consisting of training and firearms proficiency testing. After these requirements are completed, a qualification sheet is completed for each employee and placed in the employee's training folder. Chief then authorizes each officer to carry a firearm by signing the back of the employee's Department of the Army (DA) Form 3749 (weapons card) based on his and ^{Police Supervisor 1} report to him that each officer has qualified. Mr. Wall states that the failure to have a current certification to carry a loaded firearm is a substantial and specific danger to public safety because employees without a current certification have not been trained in any new rules or guidance regarding individual responsibilities, use of deadly force, or new instructions for the employee's firearm. Moreover, the lack of proficiency testing indicates that the employee has not demonstrated his ability to use his firearm according to Army quality standards.

Mr. Wall alleges that Chief has not been re-certified in 2008 or 2009, and that Operations Officer, who began working at the Tobyhanna Army Depot on October 12, 2008, has not obtained an initial certification or any re-certifications. Mr. Wall alleges that Chief signed a DA Form 3749 for ^{Operations Officer} allowing him to check out a firearm and ammunition even though ^{Operations Officer} ck has neither received training nor passed the proficiency test for the firearm he carries. Moreover, Mr. Wall asserts that Chief's firearm and twenty six rounds of ammunition have not been returned to the arms room for several months, and that Operations Officer periodically checks out his firearm and ammunition, but does not return them at the end of his shift as required. Mr. Wall has informed ^{Police Supervisor 1} about this situation, but claims that ^{Police Supervisor 1} has not attempted to remedy these violations because he is concerned about retaliation.

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The Honorable Pete Geren
Page 3

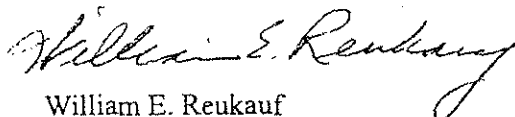
Given Mr. Wall's apparent expertise in this area, and his first-hand knowledge of these events, we have concluded that there is a substantial likelihood that the information he provided discloses a violation of law, rule or regulation, and a substantial and specific danger to public safety. Thus, I am referring this information to you for an investigation of the whistleblower's allegations and a report of your findings within 60 days of your receipt of this letter. By law, the report must be reviewed and signed by you personally. Should you nevertheless delegate your authority to review and sign the report to the Inspector General, or any other official, the delegation must be specifically stated and must include the authority to take the actions necessary under 5 U.S.C. § 1213(d)(5). Without this information, the report may be found deficient. The requirements of the report are set forth at 5 U.S.C. 1213(c) and (d). A summary of § 1213(d) is enclosed. As a matter of policy, OSC also requires that your investigators interview the whistleblower as part of the agency investigation.

In the event it is not possible to report on the matter within the 60-day time limit under the statute, you may request in writing an extension of time not to exceed 60 days. Please be advised that an extension of time is normally not granted automatically, but only upon a showing of good cause. Accordingly, in the written request for an extension of time, please state specifically the reasons the additional time is needed.

After making the determinations required by 5 U.S.C. § 1213(e)(2), copies of the report, along with any comments on the report from the person making the disclosure and any comments or recommendations by this office will be sent to the President and the appropriate oversight committees in the Senate and House of Representatives. 5 U.S.C. § 1213(e)(3). Unless classified or prohibited from release by law or by Executive Order requiring that information be kept secret in the interest of the national defense or the conduct of foreign affairs, a copy of the report and any comments will be placed in a public file in accordance with 5 U.S.C. § 1219(a).

Please refer to our file number in any correspondence on this matter. If you need further information, please contact Catherine A. McMullen, Chief, Disclosure Unit, at (202) 254-3604. I am also available for any questions you may have.

Sincerely,



William E. Reukauf
Associate Special Counsel

Enclosure

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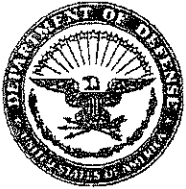
Requirements of 5 U.S.C. § 1213(d)

Any report required under subsection (c) shall be reviewed and signed by the head of the agency¹ and shall include:

- (1) a summary of the information with respect to which the investigation was initiated;
- (2) a description of the conduct of the investigation;
- (3) a summary of any evidence obtained from the investigation;
- (4) a listing of any violation or apparent violation of law, rule or regulation; and
- (5) a description of any action taken or planned as a result of the investigation, such as:
 - (A) changes in agency rules, regulations or practices;
 - (B) the restoration of any aggrieved employee;
 - (C) disciplinary action against any employee; and
 - (D) referral to the Attorney General of any evidence of criminal violation.

In addition, we are interested in learning of any dollar savings, or projected savings, and management initiatives that may result from this review.

¹ Should you decide to delegate authority to another official to review and sign the report, your delegation must be specifically stated.



SECRETARY OF THE ARMY
WASHINGTON
JUL 31 2009

MEMORANDUM FOR Commander, U.S. Army Materiel Command, 9301 Chapek Road, Fort Belvoir, Virginia 22060

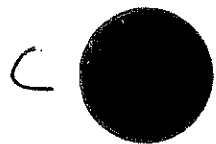
SUBJECT: Whistleblower Investigation—Tobyhanna Army Depot, Tobyhanna, Pennsylvania – (Office of Special Counsel File Number DI-09-1816)

Enclosed for your review and action is a July 9, 2009 letter from the Office of Special Counsel (OSC) (Enclosure 1), referring to me a whistleblower disclosure, in response to which I am required by Title 5, United States Code §1213(c) and (g) to investigate the allegations and to submit to OSC a written report setting forth my findings.

The referral letter reflects OSC's conclusion that information provided by Mr. Patrick Wall, a Police Sergeant at Tobyhanna Army Depot (TAD), establishes a substantial likelihood that employees at the TAD have violated Army regulations governing the issuance of firearms to, and the use of firearms by, security personnel. Mr. Wall has alleged that since 2008, Mr. Chief [REDACTED], the Chief of Security at TAD and Mr. Wall's second line supervisor, and Operations Officer, a Security Specialist, have routinely carried firearms while on official duty, despite their lack of proper certification; and that both employees often fail to return their government-issued firearms and ammunition to the arms room at the end of their workdays. The OSC concluded that there is a substantial likelihood that the actions of Chief [REDACTED] and Operations Officer [REDACTED] constitute a violation of law, rule, or regulation, and a substantial and specific danger to public safety.

You are hereby directed to initiate an investigation into these allegations. Your investigation must include an interview of the whistleblower, Mr. Wall. Upon completion of your investigation, ensure that you initiate appropriate corrective action, if any, as warranted by the facts and prepare a draft report containing all of the information required by Title 5, United States Code, § 1213(d) (Enclosure 2). Forward your draft, with all enclosures and exhibits, to the Office of the Army General Counsel (OGC) (Attention: [REDACTED]), as soon as possible, but not later than August 21, 2009. Your completed investigation must be attached as an exhibit to your draft report. Given the nature of the OSC process, we recommend that you establish the U.S. Army Materiel Command Office of the Command Counsel as your primary point of contact with OGC.

I have delegated to the Assistant Secretary of the Army (Manpower and Reserve Affairs) (ASA (M&RA)) the authority to review and approve your report and to submit it to OSC on my behalf. Upon receipt of the report, OSC will refer it to the whistleblower for comment. The final report, together with OSC's analysis thereof, and the whistleblower's comments will be forwarded to the President of the United States and to the defense committees of jurisdiction in the Senate and in the House of Representatives.



In addition, your final report will be made available for public review and inspection on the OSC web-site and in its reading room. Only classified information or other information, the release of which is prohibited from release by law or Executive Order will be redacted from the final public copy. Accordingly, please structure your report so as to ensure that no restrictions or limitations are placed on its dissemination or on the disclosure of the information upon which it relies. Because your investigation and report on this matter will directly impact perceptions of the Army as an institution, it is imperative that the final report be prepared in a manner intended to facilitate public understanding of the allegations and Army's response to those allegations.

By statute, the Army has only sixty (60) days from receipt of the OSC referral to investigate the allegations referred and to submit the final report to OSC. Accordingly, I urge you to begin your investigation immediately and to apply the appropriate resources to its timely completion. As soon as it becomes apparent that you may require an extension of time to complete your investigation or to prepare the draft submission of the Army's final report to the OSC, please provide a written summary of the actions you have taken in the case to date, together with your justification for extension of the suspense to [REDACTED] in OGC. Ms. [REDACTED] will petition the OSC for an extension.

I have charged my General Counsel to review in detail each draft report submitted in response to an OSC referral and to ensure that the draft meets the high standards mandated for submission to, and approval by, OSC, the President, and the Congress. Once you complete your draft report and forward it to OGC, that office will require time to review, staff, and finalize the report, and to secure the ASA(M&RA)'s approval and signature prior to forwarding the report to OSC.

I expect a full and fair investigation and a detailed report that meets OSC requirements. Guidelines and instructions related to the conduct of your investigation and the content of your draft report are at Enclosure 3. Should you have any questions about this matter, please contact [REDACTED] immediately at [REDACTED] or by email at [REDACTED]



Pete Geren

Enclosures

CF:

Inspector General of the Department of Defense (Mr. Thomas Gimble)
Department of the Army Inspector General (COL [REDACTED])
Command Counsel, U.S. Army Materiel Command (Mr. Vince Faggioli)
Office of the Judge Advocate General, Labor and Employment Law Division (Ms. Diane Nugent)
Executive Correspondence Control (Ms. [REDACTED])

**SUPPLEMENTAL INSTRUCTIONS FOR THE APPOINTING AUTHORITY
RELATED TO THE INVESTIGATION OF OSC-REFERRED ALLEGATIONS AND
THE PREPARATION OF A DRAFT OSC REPORT**

1. Conducting Your Investigation and Preparing the Draft OSC Report.

a. OSC-referred allegations should be investigated under the provisions of AR 15-6. Should you wish to elect a different investigative methodology, or if you believe the allegations reflect evidence of a crime, please contact [REDACTED] Office of the Army General Counsel, [REDACTED] immediately.

b. Please coordinate with [REDACTED] prior to finalizing the memorandum of appointment for the designated investigating officer. It is imperative that the appointment memorandum direct investigation of each of the allegations detailed in the OSC referral memorandum and any collateral documents submitted by OSC. The appointment memorandum should identify a legal advisor for the investigating officer, and if subject matter experts are required to provide technical assistance to the investigating officer, they also should be identified in the appointment memorandum.

c. As with any investigation conducted pursuant to AR 15-6, the investigating officer must gather all relevant facts, and based upon those facts, make appropriate findings and recommendations, set forth in and fully justified by, a completed and approved Report of Investigation (ROI). When interviewing witnesses, the investigating officer should capture testimony in a signed sworn statement whenever possible. If that is not possible, the investigating officer should prepare a detailed memorandum for record to be included in the ROI. All follow up questions should be pursued. If pre-planned questions that require a "yes" or "no" answer are provided to a witness, the investigating officer must ensure that the resulting testimony or statement is full and complete and that any collateral issues raised by the witness's answers are explored and addressed, as appropriate. Please note that the whistleblower must be interviewed and afforded a meaningful opportunity provide his or her oral testimony and to provide written documentation, if any, in support of his or her allegations. Copies of all materials relevant to the investigation, as well as any documentary evidence collected, must be attached to the ROI as exhibits. If you approve findings and recommendations that logically require follow-on action, you should timely initiate and fully document those corrective, disciplinary, or other actions you may deem appropriate.

d. If any additional allegation not specified in the OSC referral comes to your attention, either in your review of the OSC-referred materials, or in the context of your AR 15-6 investigation, you must investigate those allegations, take appropriate corrective, disciplinary, or other action, if any, and discuss them in both the AR 15-6 ROI and in the draft OSC report you forward to OGC for submission to OSC. Please contact [REDACTED] as soon as any ancillary issue is identified for guidance on how to best to address the matter.

e. By statute, the Army has only sixty (60) days from receipt of the OSC referral to investigate the allegations referred and to submit the final report to OSC. As soon as it becomes apparent that you may require an extension of time to complete your investigation or to prepare the draft submission of the Army's final report to the OSC, please provide a written summary of the actions you have taken in the case to date, together with your justification for extension of the suspense to [REDACTED] who will petition the OSC for an extension. The grant of an extension from OSC is never guaranteed, so we strongly recommend that you begin your investigation immediately and employ the appropriate resources to ensure its timely completion.

f. [REDACTED] is available to consult with the investigating officer or legal advisor at any time during the conduct of the investigation. Weekly teleconferences between [REDACTED], the investigating officer, and the legal advisor are an effective way to ensure a timely, quality investigation. A draft of the AR 15-6 ROI should be submitted to [REDACTED] for review prior to your approval of the investigation.

g. The potential use of your AR 15-6 report to support disciplinary actions against individuals based on documented misconduct, if any, should also be considered in the conduct of your AR 15-6 investigation and the preparation of the AR 15-6 ROI.

h. Be aware that the AR 15-6 ROI and the draft OSC report are two SEPARATE AND DISTINCT REPORTS. You are ultimately responsible for completing and submitting both reports. The AR 15-6 investigation must be conducted, completed, and documented in a ROI as set forth in AR 15-6. The OSC report is usually more comprehensive than an AR 15-6 ROI because an OSC report must include all of the information set forth at Title 5, United States Code § 1213(d). An example of a satisfactory OSC report is attached, next under. The complete AR 15-6 ROI must be attached as an exhibit to your OSC report. Other exhibits not a part of the AR 15-6 ROI may be attached to your draft OSC report, as appropriate.

i. In conducting your investigation of the OSC-referred allegations, please ensure that the methods and processes you use are compatible with engaging in a fair and open "dialogue" with OSC and that there are no restrictions or limitations placed on the use or disclosure of the information gathered, included in, or relied upon to support, the draft OSC report.

2. Forwarding the Completed Report to OGC.

a. Should you encounter any difficulty with your AR 15-6 investigation, the preparation of your AR 15-6 ROI, or preparation of the draft OSC report, please contact [REDACTED] immediately to ensure that she is advised of the issue and to seek assistance in its resolution.

b. Forward two hard copies of the complete draft OSC report, to include all exhibits and attachments, and any back-up and supporting documents, to [REDACTED] by the suspense date. Your AR 15-6 ROI must be attached as an exhibit to your draft OSC report. Because both your AR 15-6 ROI and the draft OSC report will be further reproduced by OGC, please ensure that any text or page/tab reference is affixed or placed so that it will not be "cut off" in the copying process.

c. In addition to the mailing mentioned above, provide [REDACTED] with an electronic copy of your draft OSC report in a word document via email at [REDACTED]. This electronic copy of the draft OSC report should include an electronic version of the table of contents or index to the tabs/attachments accompanying the draft OSC report. This table of contents or index should identify the type of document listed (*e.g.*, email, memorandum, photograph, etc), and the author, subject, and date of each document. It is not necessary to forward electronically the actual exhibits, attachments, or other back-up or supporting documents. Forwarding an electronic version of your draft OSC report will facilitate OGC's review of your draft, approval of the draft by the ASA(M&RA), and finalization and submission of the final OSC report on behalf of the Secretary of the Army.

d. An example of a satisfactory OSC report is attached, next under. The draft OSC report you submit must be patterned on this sample in format, approach, content, and level of detail. Only [REDACTED] may authorize deviation from the sample. If you follow this sample in compiling your draft OSC report for forwarding to OGC, you can be guaranteed that your draft will comply with Title 5, United States Code, § 1213(d).



U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
202-254-3600

July 9, 2009

The Honorable Pete Geren
Secretary of the Army
1400 Defense Pentagon
Washington, D.C. 20301-1400

Re: OSC File No. DI-09-1816

Dear Mr. Secretary:

Pursuant to my responsibilities as Associate Special Counsel, I am referring to you a whistleblower disclosure alleging that employees at the Department of the Army, Tobyhanna Army Depot, Tobyhanna, Pennsylvania, have violated Army regulations regarding the carrying of firearms by security personnel. Patrick Wall, a Police Sergeant at Tobyhanna Army Depot, discloses that employees have engaged in conduct that constitutes a violation of law, rule, or regulation, and a substantial and specific danger to public safety. Accordingly, I am referring this information to you for an investigation of the allegations described below and a report of your findings within 60 days of your receipt of this letter. 5 U.S.C. § 1213(c).

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Mr. Wall, who consented to the release of his name, was hired as a Police Officer in July 2003, by the Tobyhanna Army Depot. He was promoted to Police Sergeant in October 2006. Mr. Wall is also the Assistant Firearms Officer and is responsible for training and proficiency testing of employees who carry firearms. According to Mr. Wall, Chief the Chief of Security at Tobyhanna Army Depot and also Mr. Wall's second-level supervisor, and Operations Officer, a Security Specialist, carry firearms while on duty without the proper certification. Mr. Wall also asserts that Chief and Operations Officer do not return their firearms and ammunition to the arms room at the end of the workday. The arms room is where all firearms and ammunition are stored when not being used by security personnel. Mr. Wall maintains that these actions violate Army Regulation (AR) 190-56.

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re-certified annually. AR 190-56 also requires firearms to be returned to a secure area at the end of each employee's shift, and prohibits employees from leaving their duty stations with firearms or ammunition.

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Mr. Wall and ^{Police Supervisor 1}, Firearms Officer, and Mr. Wall's first-level supervisor, conduct the yearly training and proficiency testing during a single week each year. If an employee is hired sometime prior to the yearly training, the employee is required to undergo a separate initial certification consisting of training and firearms proficiency testing. After these requirements are completed, a qualification sheet is completed for each employee and placed in the employee's training folder. Chief then authorizes each officer to carry a firearm by signing the back of the employee's Department of the Army (DA) Form 3749 (weapons card) based on his and ^{Police Supervisor 1} report to him that each officer has qualified. Mr. Wall states that the failure to have a current certification to carry a loaded firearm is a substantial and specific danger to public safety because employees without a current certification have not been trained in any new rules or guidance regarding individual responsibilities, use of deadly force, or new instructions for the employee's firearm. Moreover, the lack of proficiency testing indicates that the employee has not demonstrated his ability to use his firearm according to Army quality standards.

Mr. Wall alleges that Chief has not been re-certified in 2008 or 2009, and that Operations Officer, who began working at the Tobyhanna Army Depot on October 12, 2008, has not obtained an initial certification or any re-certifications. Mr. Wall alleges that Chief signed a DA Form 3749 for ^{Operations Officer} allowing him to check out a firearm and ammunition even though ^{Operations Officer} ck has neither received training nor passed the proficiency test for the firearm he carries. Moreover, Mr. Wall asserts that Chief's firearm and twenty six rounds of ammunition have not been returned to the arms room for several months, and that Operations Officer periodically checks out his firearm and ammunition, but does not return them at the end of his shift as required. Mr. Wall has informed ^{Police Supervisor 1} about this situation, but claims that ^{Police Supervisor 1} has not attempted to remedy these violations because he is concerned about retaliation.

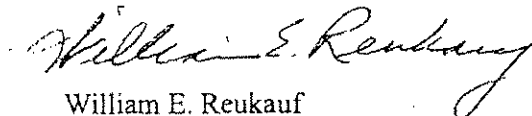
Given Mr. Wall's apparent expertise in this area, and his first-hand knowledge of these events, we have concluded that there is a substantial likelihood that the information he provided discloses a violation of law, rule or regulation, and a substantial and specific danger to public safety. Thus, I am referring this information to you for an investigation of the whistleblower's allegations and a report of your findings within 60 days of your receipt of this letter. By law, the report must be reviewed and signed by you personally. Should you nevertheless delegate your authority to review and sign the report to the Inspector General, or any other official, the delegation must be specifically stated and must include the authority to take the actions necessary under 5 U.S.C. § 1213(d)(5). Without this information, the report may be found deficient. The requirements of the report are set forth at 5 U.S.C. 1213(c) and (d). A summary of § 1213(d) is enclosed. As a matter of policy, OSC also requires that your investigators interview the whistleblower as part of the agency investigation.

In the event it is not possible to report on the matter within the 60-day time limit under the statute, you may request in writing an extension of time not to exceed 60 days. Please be advised that an extension of time is normally not granted automatically, but only upon a showing of good cause. Accordingly, in the written request for an extension of time, please state specifically the reasons the additional time is needed.

After making the determinations required by 5 U.S.C. § 1213(e)(2), copies of the report, along with any comments on the report from the person making the disclosure and any comments or recommendations by this office will be sent to the President and the appropriate oversight committees in the Senate and House of Representatives. 5 U.S.C. § 1213(e)(3). Unless classified or prohibited from release by law or by Executive Order requiring that information be kept secret in the interest of the national defense or the conduct of foreign affairs, a copy of the report and any comments will be placed in a public file in accordance with 5 U.S.C. § 1219(a).

Please refer to our file number in any correspondence on this matter. If you need further information, please contact Catherine A. McMullen, Chief, Disclosure Unit, at (202) 254-3604. I am also available for any questions you may have.

Sincerely,



William E. Reukauf
Associate Special Counsel

Enclosure

Requirements of 5 U.S.C. § 1213(d)

Any report required under subsection (c) shall be reviewed and signed by the head of the agency¹ and shall include:

- (1) a summary of the information with respect to which the investigation was initiated;
- (2) a description of the conduct of the investigation;
- (3) a summary of any evidence obtained from the investigation;
- (4) a listing of any violation or apparent violation of law, rule or regulation; and
- (5) a description of any action taken or planned as a result of the investigation, such as:
 - (A) changes in agency rules, regulations or practices;
 - (B) the restoration of any aggrieved employee;
 - (C) disciplinary action against any employee; and
 - (D) referral to the Attorney General of any evidence of criminal violation.

In addition, we are interested in learning of any dollar savings, or projected savings, and management initiatives that may result from this review.

¹ Should you decide to delegate authority to another official to review and sign the report, your delegation must be specifically stated.

Army Regulation 190-56

Military Police

The Army Civilian Police and Security Guard Program

Headquarters
Department of the Army
Washington, DC
27 September 2006.

UNCLASSIFIED



SUMMARY of CHANGE

AR 190-56

The Army Civilian Police and Security Guard Program

This major revision dated 27 September 2006--

- o Establishes the Provost Marshal General as the principal Army staff officer responsible for the overall effectiveness of the Department of the Army Civilian Police and Security Guard (DACP/SG) Program. The Chief, Operations Division, Office of the Provost Marshal (DAPM-OPS), is delegated as the principal Army staff officer responsible for efforts to enhance program effectiveness (para 1-4a).
- o Requires that DACP/SGs meet Office of Personnel Management qualification standards for the 083/085 series, and conditions of employment in appendix B (para 2-2a).
- o Requires diagnostic physical agility testing for all employed DACP/SGs and for new hires within 30 days of being medically cleared (para 2-2c).
- o Requires the Lautenberg Amendment to the Gun Control Act of 1968 as part of the pre-employment screening for applicants (para 2-3c).
- o Establishes medical evaluation procedures and evaluation guidelines policy (para 2-3g).
- o Establishes Army Regulation 380-67, appendix I, as the authority for the disqualifying factors for DACP/SG duties (para 3-5a).
- o Does not permit an individual disqualified under IRP to carry a weapon and/or perform any law enforcement/security duties (para 3-7b).
- o Requires civilian police to successfully graduate from an accredited law enforcement academy (para 4-2).
- o Requires DACP/SG to successfully graduate from a USAMPS accredited academy (para 4-2a).
- o Provides conditions and processes for waiver of new hires and exceptions for current 083/085s for completion of the USAMPS accredited academy (para 4-2a).
- o Establishes initial and in-service training requirements while authorizing additional training to meet specific local training requirements (para 4-3).
- o Requires semi-annual weapon qualification (para 4-3c).
- o Requires issuance of designated civilian police identification cards throughout the publication (para 5-2).
- o Authorizes DACP to carry only standardized credentials with authority limits (para 5-2e).

Chapter 1 General

1-1. Purpose

This regulation establishes the Department of the Army Civilian Police and Security Guard (DACP/SG) Program. This regulation applies to all DA civilian personnel in career series 0083 and 0085. It also assigns responsibilities and establishes policy, standards, and procedures for the effective implementation of the program.

1-2. Reference

Required and related publications and prescribed and referenced forms are listed in appendix A.

1-3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are explained in the glossary.

1-4. Responsibilities

a. The Provost Marshal General (PMG) will develop policies, standards, and procedures to enhance the overall effectiveness of the DACP/SG Program. Under the direction of the PMG, the Chief, Operations Division (DAPM-MPD), will act as the principal Army staff officer responsible for efforts to enhance program effectiveness. The DAPM-MPD will designate a Physical Security Branch (DAPM-MPD-PS) Program Manager to oversee and manage the DACP/SG Program. The Program Manager will be the principal point of contact (POC) within the Army on all program matters.

b. The Deputy Chief of Staff, G-1 (DCS, G-1)—

(1) *Chief, Policy and Program Development Division.* Ensure civilian personnel management policies support a skilled and professional civilian police and security guard work force. These policies include recruitment and placement; reassignment and termination; job evaluation; classification; pay administration; development of model job descriptions and pay grades in coordination with Office of the Provost Marshal General (OPMG); incentives; employee relations and morale; uniform allowances; performance appraisal; training; and career development. The DCS, G-1 will act as the principal POC with the Office of Personnel Management (OPM) concerning civilian personnel management matters affecting civilian police and security guards.

(2) *Chief, Leader Policy Division, Directorate of Human Resources Development.* Determine policies relating to DACP/SG participation in the Army Civilian Employee Drug Testing Program. Such policies will be coordinated with the Office of Labor and Employee Relations, DCS G-1.

(3) *Commanding General, U.S. Army Human Resources Command.* Implement policies affecting DACP/SGs assigned to nuclear, biological, and chemical surety or nuclear reactor positions.

c. The Deputy Chief of Staff, G-4 (DCS, G-4) will accomplish actions pertaining to issuance of special clothing and equipment for civilian police and security guards.

d. The Deputy Chief of Staff, G-2 (DCS, G-2) will ensure personnel security policies and procedures are supportive of the DACP/SG Program.

e. Heads of other Army Staff agencies will—

(1) Determine policies within their assigned functional areas.

(2) Designate a single organizational element as a sole POC responsible for coordination of DACP/SG matters within their respective agency.

(3) Coordinate such matters with the DAPM-MPD-PS Program Manager.

f. The Commanding General, US Army Training and Doctrine Command (TRADOC), will provide training development, training, and training support activities for the DACP/SG Program.

g. The Commanding General, US Army Medical Command (MEDCOM), will provide Occupational Health services in accordance with Army Regulation (AR) 40-5, and will establish guidelines for medical evaluation of DACP/SG to ensure they are able to safely perform the essential job functions.

h. Installation/activity owning commands will—

(1) Provide guidance and staff assistance to subordinate commands, installations, and activities to ensure compliance with the intent and requirements of this regulation.

(2) Effect necessary planning, programming, budgeting, and accounting actions to meet command-wide training needs for DACP/SG personnel.

(3) Designate a representative to oversee and manage the DACP/SG Program.

(4) Closely monitor the installation, activities, and Government-owned, contractor-operated (GOCO) facilities under their command to ensure compliance with applicable regulatory guidance.

(5) Approve requests to deviate from prescribed uniform standards and/or approve mission unique uniforms (for example, a bicycle-patrol uniform).

i. Installation and activity owning commanders and commanders of tenant activities or subordinate units employing DACP/SGs (for example, airfields) will—

- (1) Implement and ensure compliance with this regulation in a manner appropriate for their activities.
- (2) Ensure only individuals who are qualified, physically fit, emotionally stable, reliable, and trustworthy are employed in DACP/SG positions.
- (3) Identify training needs and allocate necessary resources to meet their needs.
- (4) Ensure contracts under the Logistics Civil Augmentation Program provide for use of contract and contract security guard services in support of U.S. Forces.

j. Provost Marshals (PM), or the Director of Emergency Services (DES) on installations/activities where there is no PM, or designated command security/law enforcement representatives will—

(1) Ensure DACP/SG personnel are adequately trained and certified to perform assigned duties and to react to terrorist incidents, natural disasters, and other threats.

(2) In coordination with local Civilian Personnel Advisory Center (CPAC), Civilian Personnel Operations Center, PM/designated command security/law enforcement representative, the selecting official will accomplish the following:

- (a) Ensure personnel employed in DACP/SG positions are qualified, capable, reliable, and trustworthy.
- (b) Ensure appropriate reliability investigations are conducted on Army employees before they are assigned to DACP/SG duties.

(c) Develop training plans to ensure the local training needs of DACP/SG are met.

(3) Ensure hiring and recruiting actions are in accordance with job descriptions.

k. Local CPAC's will, with advice from the servicing legal advisor and heads of supporting intelligence activities, provide technical assistance and coordinate all employment matters affecting the DACP/SG Program with the appropriate PM/designated command security/law enforcement representative.

l. Managers and or supervisors at all levels will implement internal controls per AR 11-2 to ensure adherence to this regulation and ensure the DACP/SG Program is managed efficiently and effectively.

1-5. Objectives

The objectives of the DACP/SG Program are to—

a. Provide centralized and cohesive direction to the program, while reinforcing the commander's responsibility to manage local assets.

b. Enhance the professionalism, quality, and effectiveness of civilian police and security guards.

c. Facilitate the overall security of Army installations and activities by employing civilian personnel to perform security and law enforcement services.

Chapter 2

Personnel Qualification and Selection

2-1. Basic character traits

Basic character traits of honesty, courtesy, tact, cooperation, personal appearance, and bearing are important factors required of civilian police and security guards. Personal qualities of good conduct and character, integrity, dependability, and good mental and physical fitness also are required of such personnel.

2-2. Qualification standards

a. DACP/SG will be required to meet the OPM qualification standards for police or guard positions and conditions of employment found in appendix B, figure B-1. The OPM qualification standards for the police and guards (TS 224, February 1988, or later versions that may be approved by OPM including separate and approved Army standards) and conditions of employment contain qualification requirements for DACP/SG positions. Job-related functions, such as strenuous activity, physical exertion, physical ability, and levels of stress as they pertain to a specific job will be considered for both normal and emergency operations. Physical requirements will be per OPM qualification standards, conditions of employment, and the command's job analyses and will be standardized at each installation or activity. Positions requiring more stringent physical demands, that is, Special Reaction Team (SRT), will be supported by OPMG approved valid job analyses and written performance plans. In preparing job analyses, careful consideration must be given to whether or not waivers of physical demands can be considered. For those positions requiring more stringent physical demands, meeting the physical requirements is a condition to retain that pay level.

b. Medical evaluation for DACP/SG applicants and current employees will be conducted in accordance with prescribed OPM medical evaluation standards, appendix C, and MEDCOM cardiovascular evaluation guidelines. These medical standards and evaluation guidelines are designed to ensure the applicants for a guard or police position and current employees are physically capable of performing the required duties without creating a direct threat to the health or safety of themselves or others.

(1) The original DA Form 5557 will be filed in the individual's official personnel folder, and a copy will be retained in the files of the certifying official.

(2) A copy will be forwarded to the screening medical activity and retained in the individual's medical records where it will serve to identify the individual as a member of the IRP so medical personnel can carry out their responsibilities of this regulation.

3-11. Continuing evaluation

a. The IRP is a commander's program that he must be aware of, and concerned with, the personal status of their personnel at all times. In order for the IRP to work, total team effort and interaction is necessary. Supervisors at all levels have an inherent responsibility to inform the commander of all cases of erratic performance and poor judgment by personnel on or off duty that could affect on-the-job reliability. All personnel are responsible for reporting to their immediate supervisor any behavior that might affect their co-workers' reliability.

b. Continuing evaluation of IRP personnel is essential. Any incident or problem that might be cause for temporary or permanent removal from IRP duty must be promptly reported to the certifying official, IRP personnel, supervisors, associates, personnel officers. Those who provide medical care and maintain medical records are required to report any incident or allegation as to an individual's suitability under the IRP. Oral or telephone notice will be confirmed in writing.

c. To ensure certifying officials are aware of patterns of behavior that may indicate unreliability, installation/activities should establish systems to incorporate reference counseling of employees in both supervisor and employee records. These records will be periodically reviewed by certifying officials.

d. If the commander becomes aware of behavior that may reflect adversely on an employee's loyalty, as outlined in AR 380-67, DA Form 5248-R (Report of Unfavorable Information for Security Determination) will be forwarded to the Commander, U.S. Army Central Personnel Security Clearance Facility, ATTN: PCCF-M, Fort Meade, MD 20755-5250.

e. Under the IRP, the employee has a continuous responsibility to report all medical treatment and medication to the competent medical authority as it occurs, regardless of whether the treatment was provided through the Federal Health System or by a private health care provider. The supervising physician will make a recommendation to the certifying official as to the potential impact of the condition, treatment, or medication on reliability.

3-12. Temporary medical restriction

When performance of duty may be impaired by the use of prescribed medication or short-term medical condition (including stress), the person will be immediately restricted from duties he or she cannot safely perform or would exacerbate the medical condition. The employee will be assigned duties that do not conflict with this condition or, if no such duties are available within the work unit, management will coordinate with CPAC to find other suitable duties.

3-13. Contractor requirements

a. The requirements of this chapter will be incorporated in all contracts for security guard contracts or SOW/PWS for contract security guard services. Contracts will be updated as needed to comply with substantive changes to this regulation.

b. The contract will require that contract employees performing security guard duties meet the reliability standards of the IRP. Contractors will—

(1) Instruct contract personnel on the purpose, standards, and procedures of the IRP and physical fitness and agility standards.

(2) Instruct each employee that assignment to a security guard position is subject to the standards and procedures of the IRP.

(3) Ensure employees assigned or to be assigned to a security guard position have the required medical examinations and evaluations.

(4) Provide for sufficient observation by contract security personnel of employees assigned to security guard positions.

(5) Give the results of a medical evaluation of any contract employees assigned or to be assigned to a security guard position to the certifying official. Promptly report any data concerning employees that is relevant to assignment, retention, or disqualification under the IRP.

(6) Assign to security guard positions only those employees who are found by the certifying official to be eligible.

(7) On notice of information that is or appears to be reason for disqualification, promptly temporarily remove an employee from a security guard position, and inform the certifying official promptly of the action and the reason.

(8) Promptly inform the proper activities (within 24 hours) so that entry control and access lists are updated to bar removed or disqualified personnel.

(9) Immediately suspend an employee from a security guard position when the certifying official informs the contractor the employee has been temporarily removed from the IRP.

(10) Remove the employee when informed he or she is unacceptable because of failure to meet reliability standards and has been permanently disqualified.

Chapter 4 Training

4-1. General

The effectiveness and professionalism of the DACP/SG are directly related to the training program. Effective training depends on leadership, innovative planning, and efficient use of resources.

4-2. Initial training and certification policy

a. The PM/DES/designated command security/law enforcement representative will ensure all DACP/SG have graduated from a U.S. Army Military Police School (USAMPS) accredited academy or completed the waiver process and have completed the Field Training Officer (FTO) program prior to assignment of duties. The DACP/SG also must accomplish an in-service training program to maintain certification.

b. The DACP/SG—

(1) Must successfully complete a training academy accredited by USAMPS. USAMPS will publish and maintain a list of accredited academies. USAMPS will coordinate with OPMG prior to identification and actual accrediting of regional academies.

(a) The proponent for DACP/SG training and training doctrine is USAMPS. The standards for training accreditation will be established by USAMPS.

(b) Appendix E identifies USAMPS policy for waiver of initial academy attendance for new hires and exceptions to training of existing DACP/SG.

(2) Programming for and funding of initial and in-service training requirements are the responsibility of the installation/activity commander.

(3) Will not be assigned duties requiring the carrying of weapons until required use of force training and weapons qualification have been successfully completed.

(4) Will ensure individuals have one year from the date of this regulation to request an initial training waiver.

c. Probationary officer training and training waivers. PM/DES/designated command security/law enforcement representative will institute a Field Training Program (FTP) to ensure DACP/SGs are capable of individually performing required mission tasks. Each DACP/SG will successfully complete an FTP specific to their career series (083/085) upon successful graduation from, or waiver of, accredited basic academy training. The FTP will assist local PM/DES/designated command security/law enforcement representative to train, monitor, and evaluate individual DACP/SG in a structured program. Senior personnel will be assigned as an FTO with probationary officers (PO) in the same series (083/085) to train, observe, and document the progress of the PO in a prescribed system allowing the FTO, FTP staff, and the PM/DES/designated command security/law enforcement representative to monitor and correct issues in the PO's training.

d. Requirements—

(1) DA Civilian Police POs (083) will be required to successfully complete a 264-hour program with five separate phases which allow the FTO and the PM/DES/designated command security/law enforcement representative to determine if the PO is satisfactorily progressing and able to apply those skills, knowledge, and abilities required for the installation's mission before proceeding to the next phase. During each phase the FTO is documenting proficiency and deficiencies and applying corrective training as needed. At the end of the FTP, if appropriate, the PM/DES/designated command security/law enforcement representative certifies the PO as qualified to perform assigned duties.

(2) DA Civilian Guard POs (085) will be required to successfully complete an 80-hour FTP structured as above specifically tailored to the guard mission.

(3) DACP/SGs who have been otherwise trained in their career field and have been waived by USAMPS from basic accredited academy attendance also will be required to successfully complete their career field specific FTP and have any Army or location specific training (not found in their training history) required for mission success conducted and evaluated in a mentored, structured environment.

(4) PM/DES/designated command security/law enforcement representative will appoint FTOs based on training, education, professional reputation, and experience as well as their documented ability to perform the required job skills. PM/DES/designated command security/law enforcement representative also should consider the FTOs motivation and enthusiasm to participate in mentoring and training, as well as the FTOs ability to effectively evaluate and train POs.

(5) USAMPS will produce FTO and PO manuals, with career series specific programs.

e. Army security guards (series 085) that have been performing law enforcement duties and are being considered for

reclassification under the 083 series will be required to meet the conditions of paragraph 4-2a of this regulation. A waiver for initial training at a USAMPS accredited academy can be requested per appendix E.

4-3. In-service training and documentation requirements

The PM/DES/designated command security/law enforcement representative will record training and certification for each DACP/SG. Documentation will be readily available for review and inspection.

a. Annual in-service training will be conducted at each installation/activity to ensure DACP/SGs maintain proficiency in their law enforcement and guard skills and remain current in state-of-the-art doctrine. The annual training requirement will be identified by OPMG based on recommendations from USAMPS and the OPMG working groups.

b. USAMPS will publish annual in-service Training Support Packages (TSP) through the OPMG NLT 1 December of each calendar year.

c. Weapons training, with qualification, will be conducted semi-annually and follow the in-service TSP guidance. The physical range requirements established by TRADOC for weapons qualification and familiarization are preferred. Where, because of temporary safety or resource constraints, such ranges do not exist, the responsible PM/DES/designated command security/law enforcement representative may permit deviations. Alternate range configurations approved by recognized Federal, state or local law enforcement agencies (for examples, International Association of Chiefs of Police, state police academies) may be utilized for qualification/familiarization purposes. PM/DES/designated command security/law enforcement representative will document any approved deviations. For safety or resource constraints that last more than two years, installation/activity owning commands will approve deviations.

d. Installation/activity owning commands, and local installation/activities may establish specific local training programs, in addition to the annual in-service requirement, to identify and address local security/law enforcement issues (such as specific response to local priority resources, unique physical security issues, and so forth.). These additional training requirements will be determined by specific assigned duties. Lesson plans for these training requirements will be written and approved annually by the PM/DES/designated command security/law enforcement representative and must contain measurable standards for training success. These local training requirements will be documented and maintained by the installation/activity and made available for inspection.

4-4. Contract security guards

Security guard services contracts or contractor statements of work/performance-based work statements will include training and qualification requirements appropriate to assigned job tasks or duties per guidance and local requirements. Documentation for the training and qualifications of each individual will be made available to the responsible provost marshal for review and approval prior to assignment of the contract security guard. Contractor training courses and supporting material will be available for the provost marshal's review.

Chapter 5 Authority of Army Civilian Police and Security Guards

5-1. General

This chapter prescribes the authority of DACP/SGs performing law enforcement or security functions on Army installation/activities.

5-2. Authority

a. DACP/SGs performing law enforcement and security duties authorized by the installation/activity commander may apprehend any persons found on the installation/activity for offenses committed on post that are felonies, misdemeanors, breaches of the peace, a threat to property or welfare, or detrimental to good order and discipline. Such apprehension authority is limited to issuing citations and turning the subject over to the appropriate civilian or military authorities.

b. DACP/SG personnel while on duty are considered part of the Department of the Army and, therefore, are subject to the restrictions on aid to civilian law enforcement imposed by section 1385, title 18, United States Code (18 USC 1385), commonly known as the Posse Comitatus Act. Accordingly, any proposed aid to civilian law enforcement must be reviewed by the servicing SJA.

c. Army security guard authority and jurisdiction to perform force protection tasks on their installation/activity are valid while performing these duties during their work hours only. An on-post apprehension conducted by an Army security guard in an off-duty status is a detention by a private citizen. Army security guards will not carry Army weapons while off-duty. Army weapons are not permitted for carrying on a stand-by basis. Army security guards while on duty will not carry privately-owned weapons or privately-owned ammunition. The carrying of privately-owned weapons on post, by off-duty DACP/SGs, will be in accordance with policy established by the installation/activity commander.

d. Army civilian police authority and jurisdiction to perform law enforcement tasks are valid while performing these

duties during their work hours only. An on-post apprehension conducted by Army civilian police in an off-duty status is a detention by a private citizen. Army civilian police will not carry Army weapons while off duty. Army weapons are not permitted for carrying on a stand-by basis. Army civilian police while on duty will not carry privately-owned weapons or privately-owned ammunition. The carrying of privately-owned weapons on post by off-duty Army civilian police will be in accordance with policy established by the installation/activity commander.

e. Contract security guards will not carry Army weapons while off duty. Contract security guards while on duty will not carry privately-owned weapons or privately-owned ammunition. The carrying of privately-owned weapons on post by off-duty CSGs will be in accordance with policy established by the installation/activity commander.

f. DACP are authorized and will be issued standardized credentials/identification cards DA Form 7599 (Department of the Army Police Officer Credential) (see fig 5-1). The duty uniform and badge may only be worn while on duty or while traveling to and from work as determined by PM/designated command security/law enforcement representative. While wearing the duty uniform and badge, civilian police officers may intervene to perform law enforcement tasks on their installation/activity. The credentials/identification card will have the limits of authority clearly showing the authority is only valid while on the military installation, and the credentials/identification card will not be kept in the same holder as the badge.

g. The authority and liability of civilian security guards overseas depends on applicable international agreements, Status of Forces Agreement, and local law. Seek the advice of OCONUS SJA regarding the status of such personnel.

5-3. Written instructions

a. The installation/activity commander, in conjunction with the SJA and PM/designated command security/law enforcement representative, will document their specific delegation of authority for DACP/SGs within their respective jurisdiction (see app F). Collective delegations by functional groupings (that is, police officers, Job Series 0083; security guards, Job Series 0085) or by position title (for example, desk officer, lead police officer, police officer, guard, lead guard, and so forth) may be made. In addition, procedures must be established to ensure each DACP/SG acknowledges in writing, a clear understanding of their authority and jurisdiction. Written instructions will be reviewed at least once a year and updated, if necessary.

b. Because of potential conflicts of interest and Posse Comitatus Act issues, DACP/SGs while wearing the duty uniform and/or badge, may not be deputized or exercise any additional authority and jurisdiction other than given by the installation/activity commander as specified in paragraph 5-3a, above, while on duty.

bottom, may be worn as determined by the installation/activity owning command. No more than three pins may be worn (to include the service stars), and skill identifier pins will be worn centered on the right breast pocket flap.

6-14. Protective clothing and equipment

Under the provisions of AR 670-10, Army civilian police and security guards may be issued, at local expense, special items of equipment based on locally dictated requirements. Normally, such items will be related to local environmental considerations, such as extreme cold weather gear or safety requirements. These items will be hand receipted to users, and will be returned to the U.S. Government when no longer needed or unserviceable. Policy and procedures for providing protective clothing and equipment against biological, chemical, environmental, or physical hazards are contained in AR 385-10.

6-15. Weapons, ammunition, and security equipment

a. Army civilian police and security guards will be provided with the weapons, ammunition, and security equipment needed to perform their assigned duties. Contract guards will use equipment furnished by the contractor, unless the contract explicitly obligates the U.S. Government to furnish equipment. Privately-owned (individually-owned) equipment, except for uniform items, will not be permitted.

b. The use of privately-owned firearms and or ammunition by Federally employed Army civilian police and security guards is strictly prohibited.

(1) Government-owned firearms will be turned in at the end of duty; Federally employed Army civilian police and security guards are not permitted to retain firearms or ammunition after completing their normal tour of duty (that is, standby at residence).

(2) AR 190-11 outlines arms and ammunition storage and accountability procedures.

c. CTA 50-909 provides the basis of issue that may be used to acquire ammunition to support training and mission requirements for DACP/SG's.

Appendix A References

Section I Required Publications

AR 40-5

Preventive Medicine. (Cited in para 1-4g.)

AR 190-27

Army Participation in Criminal Justice Information Systems, Federal Investigation Bureau. (Cited in para 2-3c.)

AR 190-30

Military Police Investigations. (Cited in paras 2-3c, 3-5, 3-6, 3-10, 3-11.)

AR 380-67

The Department of the Army Personnel Security Program. (Cited in para 2-3e.)

AR 600-85

Army Substance Abuse Program (ASAP). (Cited in paras 2-4, 3-5.)

Section II Related Publications

A related publication is a source of additional information. The user does not have to read it to understand the publication.

AR 5-20

Competitive Sourcing Program.

AR 11-2

Management Control.

AR 25-55

The Department of the Army Freedom of Information Act Program.

AR 25-400-2

The Army Records Information Management System (ARIMS)

AR 27-40

Litigation.

AR 50-5

Nuclear Surety.

AR 50-6

Chemical Surety.

AR 190-11

Physical Security of Arms, Ammunition, and Explosives.

AR 190-14

Carrying of Firearms and Use of Force for Law Enforcement and Security Duties.

AR 190-54

Security of Nuclear Reactors and Special Nuclear Materials.

AR 340-21

The Army Privacy Program.

Army Regulation 190-14

Military Police

Carrying of Firearms and Use of Force for Law Enforcement and Security Duties

Headquarters
Department of the Army
Washington, DC
12 March 1993

Unclassified



SUMMARY of CHANGE

AR 190-14

Carrying of Firearms and Use of Force for Law Enforcement and Security Duties

This revision--

- o Implements applicable portions of Department of Defense Directive 5210.56.
- o Clearly establishes minimum qualification requirements for military police and Department of the Army law enforcement and security personnel (para 2-3).
- o Expands authorization documentation options for authorizing officials (para 2-4).
- o Limits and controls the carrying of firearms by Department of the Army military and civilian personnel (para 2-6).
- o Prohibits the carrying of non-Government owned or issued weapons or ammunition (para 2-6).
- o Prohibits carrying of firearms by persons taking prescription drugs or other medication that may cause drowsiness or impair reaction or judgment (para 2-7).
- o Prohibits consumption of alcohol within 8 hours of carrying firearm or flying in aircraft (paras 2-7 and 4-3).
- o Requires the use of deadly force with firearms be applied equally to personnel using a weapon or equipment which, when properly employed in their intended application, would exert deadly force (para 3-2).

Effective 12 April 1993

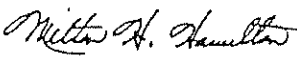
Military Police

Carrying of Firearms and Use of Force for Law Enforcement and Security Duties

By Order of the Secretary of the Army:

GORDON R. SULLIVAN
General, United States Army
Chief of Staff

Official:


MILTON H. HAMILTON
Administrative Assistant to the
Secretary of the Army

History. This UPDATE printing publishes a revision of this publication. Because the publication has been extensively revised, the changed portions have not been highlighted.

Summary. This revision provides guidance on the carrying of firearms and the use of force by personnel engaged in law enforcement and security duties. It implements Department of Defense policy to limit and control the carrying of firearms by Department of the Army military and civilian personnel. It establishes criteria for compliance with its provisions by contract security personnel. This revision requires that the use of deadly force with firearms be applied equally

to personnel using a weapon or equipment which, when properly employed, would exert deadly force. Authorizing officials are given additional authorization document options and qualification requirements are also clarified. It fully implements applicable portions of DOD Directive 5210.56 (app B).

Applicability. This regulation applies to the Active Army, the U.S. Army Reserve, the Department of the Army civilian police and security guard activities, contracted or contractor security force operations and activities, and the Army National Guard only when called or ordered to active duty in a Federal status under the provisions of title 10, United States Code.

Proponent and exception authority. The proponent of this regulation is the Deputy Chief of Staff for Operations and Plans. The Deputy Chief of Staff for Operations and Plans has the authority to approve exceptions to this regulation which are consistent with controlling law in writing to a division chief within the proponent agency in the grade of colonel or the civilian equivalent.

Army management control process. This regulation is subject to the requirements of AR 11-2. It contains internal control provisions but does not contain checklists for conducting internal control reviews. These

checklists are being developed and will be published at a later date.

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from HQDA (DAMO-ODL), WASH DC 20310-0440.

Interim changes. Interim changes to this regulation are not official unless they are authenticated by the Administrative Assistant to the Secretary of the Army. Users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA (DAMO-ODL), WASH DC 20310-0440.

Distribution. Distribution of this regulation is made in accordance with the requirements on DA Form 12-09-E, block number 3169, intended for command levels A, B, C, D, and E for Active Army and A for Army National Guard and U.S. Army Reserve.

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Glossary

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Chapter 1 Introduction

1-1. Purpose

This regulation prescribes policies and procedures for authorizing, carrying, and using firearms in connection with law enforcement and security duties. It establishes uniform policy for the use of force by law enforcement and security personnel.

1-2. References

Required and related publications and prescribed and referenced forms are listed in appendix A.

1-3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are explained in the glossary.

1-4. Responsibilities

a. The Deputy Chief of Staff for Operations and Plans will establish policy covering the carrying of firearms and the use of force by personnel performing law enforcement and security duties.

b. Commanders at all levels will exercise sufficient control over operations and authorizations involving the carrying of firearms, and will ensure—

(1) When use of force is required, only minimum force necessary is applied. (Coordinate with legal counsel, as appropriate, for legal sufficiency for the use of deadly force implementing guidance.)

(2) Individuals being issued a firearm have written authorization in effect before the actual issuance of the weapon.

(3) Personnel permitted to perform law enforcement or security duties or duties guarding U.S. military prisoners—

(a) Receive instruction on use of force for the particular duty or post to which assigned.

(b) Demonstrate knowledge and skill in use of unarmed defense techniques, the military police (MP) club, chemical aerosol irritant projectors, and assigned firearms. Requirements concerning use of the MP club and chemical aerosol projectors apply only when these items are issued and carried on duty.

(c) Are qualified and trained, to include safety functions, on the use of all firearms authorized to be carried according to this regulation (and host nation requirements, overseas).

(d) Are briefed on administrative and safety requirements regarding the carrying of firearms aboard aircraft.

(e) Develop criteria consistent with this regulation and local law, for the carrying of firearms and for the use of force by contract security forces.

1-5. Policy

a. The authorization to carry firearms will be issued only to qualified personnel when there is a reasonable expectation that life or Department of the Army (DA) assets will be jeopardized if firearms are not carried. Evaluation of the necessity to carry a firearm will be made considering this expectation weighed against the possible consequences of accidental or indiscriminate use of firearms.

b. DA personnel regularly engaged in law enforcement or security duties will be armed.

c. DA personnel are authorized to carry firearms while engaged in security duties, protecting personnel and vital Government assets, or guarding prisoners.

d. The terms of official agreements between the United States and the host government and implementing instructions issued by commanders of major Army commands (MACOMs) of overseas areas will govern the arming of Department of Army personnel in foreign countries. The issuance of authorizations to local and other foreign nationals employed by DA will be governed by agreements or arrangements with the host nation.

e. Provisions of this regulation do not apply to DA personnel engaged in military operations and subject to authorized rules of engagement, or assigned to duty in the following areas or situations,

as defined by an Executive Order, a Department of Defense (DOD) Directive, or an Army regulation (AR):

(1) In a combat zone in time of war.

(2) In a designated hostile fire area when rules of engagement apply, or when the combatant commander issues operations orders setting forth different criteria.

(3) When under the operational control of another Federal agency carrying firearms in support of the mission is subject to the approval and requirements of both the Federal agency and DA.

(4) In civil disturbance mission area.

(5) When DA personnel perform training missions.

Chapter 2 Carrying of Firearms by Law Enforcement and Security Personnel

Section I Authorizations

2-1. Authorizing officials

a. Officers of field grade rank or higher, or civilian equivalent of grade General Schedule (GS)-12 or above may authorize the carrying of firearms for law enforcement and security duties described in paragraph 2-2.

b. The carrying of firearms for personal protection will only be approved on a case-by-case basis per paragraph 2-2d.

(1) The Secretary of the Army may authorize the carrying of firearms for personal protection within the continental United States.

(2) Commanders of MACOMs, or their appointed representative, in an overseas area may authorize the carrying of firearms for personal protection outside the continental United States.

2-2. Authority to carry firearms

a. Due to the serious responsibility imposed on persons authorized to bear or use firearms, such persons must be selected with care.

b. Authorization to carry a firearm includes the authority to permit or require the firearm to be loaded. Unless otherwise specified by local policy, authority to carry a loaded firearm will be implied by issuance of ammunition with the firearm.

c. Authorization to carry firearms may be granted to personnel authorized to—

(1) Conduct law enforcement activities including cases or investigations of espionage, sabotage, and other serious crimes in which DA programs, personnel, or property are involved and investigations conducted in hazardous areas or under hazardous circumstances.

(2) Protect classified information, systems, or equipment.

(3) Protect the President of the United States, high ranking Government officials, DOD personnel, or foreign dignitaries.

(4) Protect DOD assets and personnel.

(5) Guard prisoners.

d. DA military and civilian personnel may be authorized to carry firearms for personal protection when the responsible intelligence center identifies a credible and specific threat against DA personnel in that regional area. Firearms will not be issued indiscriminately for that purpose. Before individuals are authorized to carry a firearm for personal protection under this regulation, the authorizing official must evaluate—

(1) The probability of the threat in a particular location.

(2) The adequacy of support by DA or DOD protective personnel.

(3) The adequacy of protection by U.S. or host nation authorities.

(4) The effectiveness of other means to avoid personal attacks.

2-3. Authorization procedures

a. Procedures will be established to ensure that any individual being issued a firearm has a written authorization in effect before actual issuance of the weapon.

b. Except in situations requiring immediate action to protect life

or vital Government assets, all authorizations to carry firearms by personnel will be, in writing, signed by the appropriate authorizing official, and issued only to personnel who are eligible to carry firearms as specified in paragraph 2-5.

c. Personnel traveling from the continental United States to an overseas area in a temporary duty status must obtain advanced authorization from the applicable overseas authorizing official to carry a firearm for personal protection in that overseas area.

2-4. Authorization documentation

a. Written authorization documents will consist of one of the following: DA Form 2818 (Firearms Authorization), memorandum, or amended organizational roster. (DA Form 2818 is available through normal publications supply channels. Instructions for completing this form are self-explanatory.) Procedures will be established to immediately withdraw authorization to carry a firearm when an individual is no longer eligible or qualified to do so.

b. Written authorization does not have to be maintained by the person while the weapon is carried, except as noted in chapter 4 and paragraph 2-7b.

c. DA military and civilian personnel regularly assigned to law enforcement or security duties may be given a continuing authorization (not to exceed 1 year) to carry firearms, provided they pass and maintain eligibility and qualification standards.

d. DA Personnel not regularly assigned to law enforcement or security duties may carry firearms only for the duration of specific assignments dependent on satisfactory completion of mandatory training, proficiency testing, and eligibility, as specified in this regulation.

e. Minimum information to be included in the written authorization is as follows:

(1) Individual's name, rank, social security number, and activity or organization.

(2) The type and serial number of the weapon to be carried.

(3) The inclusive dates of the authorization, statement that the individual is authorized to carry the weapon described in connection with official duties during the period indicated, and whether the weapon is to be carried openly or concealed.

(4) Name, title, rank, and signature of the authorizing official.

f. Personnel assigned firearms for personal protection under the provisions of paragraph 2-2d, will be authorized to carry firearms on a case-by-case basis and written authorization issued only for the duration of specific assignment or threat. Individuals carrying firearms for personal protection must comply with all qualifying requirements specified in this regulation.

g. U.S. Army Criminal Investigation Command (USACIDC) special agents and supervisors may carry weapons while performing official duties based on the written authorization contained in their USACIDC credentials. Procedures will be established to ensure authorization and qualifying criteria for carrying firearms remain valid.

h. Except for USACIDC special agents or supervisors, travel orders must state whether—

(1) Personnel are authorized to carry a firearm while on temporary duty or permanent change of station.

(2) The firearm is to be carried openly or concealed.

Section II

Conditions for Carrying Firearms

2-5. Eligibility requirements

To be considered eligible to carry firearms, personnel must have satisfactorily completed mandatory training and proficiency testing within the preceding 12 months.

a. Mandatory training must include—

(1) A thorough briefing on individual responsibilities.

(2) Use of deadly force training.

(3) Instructions on safety functions, capabilities, limitations, and maintenance procedures for the firearm to be carried.

b. As a minimum, proficiency testing will include annual qualification firing according to Army qualification standards for the type

of weapon being carried. Records of individual qualification results must be retained for as long as the individual possesses a firearm.

(1) Military police, DA civilian investigators, DA civilian police and security guards, and contracted or contractor security forces will qualify annually on the Military Police Firearms Qualification Course as specified in Field Manual 19-10.

(2) In the absence of a qualification standard for a particular type of firearm, successful completion of a familiarization course of fire is acceptable, providing that the familiarization course has been approved by the official authorizing the firearm to be carried.

2-6. Restrictions on carrying firearms

a. Weapons may be carried off an installation by DA personnel engaged in official duties when authorized by officers of field grade rank or higher, or civilian equivalent of grade GS-12 or above.

b. Only Government-owned, and Government-issued weapons and ammunition are authorized to be carried by DA personnel while performing official duties. The Secretary of the Army may authorize an exception to this requirement for Army investigative organizations.

c. Firearms will not be carried within prisoner domicile and work areas, inside closed neuropsychiatric wards, or hospital prison wards. No further restrictions on the carrying of firearms in medical treatment facilities may be imposed on personnel performing law enforcement or security duties.

2-7. Persons prohibited from carrying firearms

a. The following persons are not authorized to carry firearms:

(1) Those exhibiting unsuitable behavior as defined in AR 50-6, AR 190-56, or AR 380-67.

(2) Those with medical conditions, traits or behavioral characteristics are defined as disqualifying factors in AR 50-6, AR 190-56, or AR 380-67.

(3) Those whose security clearance has been revoked or denied under AR 50-6, AR 190-56, or AR 380-67.

(4) Those taking prescription drugs or other medications that may produce drowsiness or impair reaction or judgment.

b. Personnel authorized to carry firearms are prohibited from consuming alcoholic beverages 8 hours prior to carrying a firearm. An officer in the chain of command or supervisory chain in the grade of at least colonel may grant an exception to this provision for USACIDC special agents and supervisors, military police investigators, and DA civilian investigators operating in a covert role.

2-8. Carrying concealed firearms

a. Military or civilian personnel may carry concealed firearms while performing law enforcement or security duties if carrying firearms openly would compromise the mission.

b. Personnel authorized to carry concealed firearms will possess documentation identifying their law enforcement or security duty status and authorization to carry a concealed firearm. During covert operations, field grade commanders or provost marshals may waive the requirement to carry identifying documentation if such could compromise the mission or endanger the person carrying the weapon (requires sufficient control over operations to ensure that authorization and identification can be readily verified if required). A waiver under such situations does not preclude the requirement for written authorization to carry a firearm.

2-9. Safeguarding firearms

a. An individual authorized to carry a firearm is responsible for ensuring proper safeguards to prevent loss, theft, or unauthorized use.

b. Firearms will be returned to a designated control point on completion of the assignment for storage and accountability according to AR 190-11. The Secretary of the Army and the Commander, USACIDC, may authorize exceptions to this requirement for criminal investigators.

Army Regulation 15-6

Boards, Commissions, and Committees

Procedures for Investigating Officers and Boards of Officers

Headquarters
Department of the Army
Washington, DC
2 October 2006

UNCLASSIFIED

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SUMMARY of CHANGE

AR 15-6

Procedures for Investigating Officers and Boards of Officers

This rapid action revision, dated 2 October 2006--

- o Clarifies the distinction between levels of appointing authorities for hostile fire death investigations and friendly fire death investigations (para 2-1a(3)).
- o Permits the general court-martial convening authority to delegate appointing authority to the special court-martial convening authority in hostile fire death investigations (para 2-1a(3)).

This regulation, dated 30 September 1996--

- o Is a complete revision of the earlier regulation dated 24 August 1977.
- o Updates policies and procedures concerning the procedures for investigating officers and boards of officers.


Boards, Commissions, and Committees

Procedures for Investigating Officers and Boards of Officers

By Order of the Secretary of the Army:

PETER J. SCHOOMAKER
General, United States Army
Chief of Staff

Official:


JOYCE E. MORROW
Administrative Assistant to the
Secretary of the Army

History. This publication is a rapid action revision. The portions affected by this rapid action revision are listed in the summary of change.

Summary. This regulation establishes procedures for investigations and boards of officers not specifically authorized by any other directive.

Applicability. This regulation applies to the Active Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve, unless otherwise stated. During mobilization,

chapters and policies contained in this regulation may be modified by the proponent.

Proponent and exception authority.

The proponent of this regulation is The Judge Advocate General. The Judge Advocate General has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The Judge Advocate General may delegate this approval authority, in writing, to a division chief within the proponent agency or its direct reporting unit or field operating agency in the grade of colonel or the civilian equivalent. Activities may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include formal review by the activity's senior legal officer. All waiver requests will be endorsed by the commander or senior leader of the requesting activity and forwarded through higher headquarters to the policy proponent. Refer to AR 25-30 for specific guidance.

Army management control process.

This regulation does not contain management control provisions.

Supplementation. Supplementation of

this regulation and establishment of command and local forms are prohibited without prior approval from HQDA (DAJA-AL), Washington, DC 20310-2212.

Suggested improvements. The proponent agency of this regulation is the Office of The Judge Advocate General. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA (DAJA-AL), Washington, DC 20310-2212.

Distribution. This publication is available in electronic media only and is intended for command level A for the Active Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve.

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Chapter 1 Introduction

1-1. Purpose

This regulation establishes procedures for investigations and boards of officers not specifically authorized by any other directive. This regulation or any part of it may be made applicable to investigations or boards that are authorized by another directive, but only by specific provision in that directive or in the memorandum of appointment. In case of a conflict between the provisions of this regulation, when made applicable, and the provisions of the specific directive authorizing the investigation or board, the latter will govern. Even when not specifically made applicable, this regulation may be used as a general guide for investigations or boards authorized by another directive, but in that case its provisions are not mandatory.

1-2. References

Required and related publications and prescribed and referenced forms are listed in appendix A.

1-3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are explained in the glossary.

1-4. Responsibilities

Responsibilities are listed in chapter 2.

1-5. Types of investigations and boards

a. General. An administrative fact-finding procedure under this regulation may be designated an investigation or a board of officers. The proceedings may be informal (chap 4) or formal (chap 5). Proceedings that involve a single investigating officer using informal procedures are designated investigations. Proceedings that involve more than one investigating officer using formal or informal procedures or a single investigating officer using formal procedures are designated a board of officers.

b. Selection of procedure.

(1) In determining whether to use informal or formal procedures, the appointing authority will consider these among other factors:

- (a) Purpose of the inquiry.
- (b) Seriousness of the subject matter.
- (c) Complexity of issues involved.
- (d) Need for documentation.

(e) Desirability of providing a comprehensive hearing for persons whose conduct or performance of duty is being investigated. (See paras 1-8, 4-3, and 5-4a.)

(2) Regardless of the purpose of the investigation, even if it is to inquire into the conduct or performance of a particular individual, formal procedures are not mandatory unless required by other applicable regulations or directed by higher authority.

(3) Unless formal procedures are expressly required, either by the directive authorizing the board or by the memorandum of appointment, all cases to which this regulation applies will use informal procedures.

(4) In determining which procedures to use, the appointing authority will seek the advice of the servicing judge advocate (JA).

(5) Before opening an investigation involving allegations against general officers or senior executive service civilians, the requirements of Army Regulation (AR) 20-1, subparagraph 8-3i(3) must be met.

c. Preliminary investigations. Even when formal procedures are contemplated, a preliminary informal investigation may be advisable to ascertain the magnitude of the problem, to identify and interview witnesses, and to summarize or record their statements. The formal board may then draw upon the results of the preliminary investigation.

d. Concurrent investigations. An administrative fact finding procedure under this regulation, whether designated as an investigation or a board of officers, may be conducted before, concurrently with, or after an investigation into the same or related matters by another command or agency, consistent with subparagraph *b*(5) above. Appointing authorities, investigating officers, and boards of officers will ensure that procedures under this regulation do not hinder or interfere with a concurrent investigation directed by higher headquarters, a counterintelligence investigation or an investigation being conducted by a criminal investigative. In cases of concurrent or subsequent investigations, coordination with the other command or agency will be made to avoid duplication of investigative effort, where possible.

1-6. Function of investigations and boards

The primary function of any investigation or board of officers is to ascertain facts and to report them to the appointing authority. It is the duty of the investigating officer or board to ascertain and consider the evidence on all sides of each

issue, thoroughly and impartially, and to make findings and recommendations that are warranted by the facts and that comply with the instructions of the appointing authority.

1-7. Interested persons

Appointing authorities have a right to use investigations and boards to obtain information necessary or useful in carrying out their official responsibilities. The fact that an individual may have an interest in the matter under investigation or that the information may reflect adversely on that individual does not require that the proceedings constitute a hearing for that individual.

1-8. Respondents

In formal investigations the appointing authority may designate one or more persons as respondents in the investigation. Such a designation has significant procedural implications. (See chap 5, sec II, in general, and para 5-4a, in particular.) Respondents may not be designated in informal investigations.

1-9. Use of results of investigations in adverse administrative actions

a. This regulation does not require that an investigation be conducted before adverse administrative action, such as relief for cause, can be taken against an individual. However, if an investigation is conducted using the procedures of this regulation, the information obtained, including findings and recommendations, may be used in any administrative action against an individual, whether or not that individual was designated a respondent, and whether formal or informal procedures were used, subject to the limitations of *b* and *c* below.

b. The Office of Personnel Management and Army Regulations establish rules for adverse actions against Army civilian personnel and establish the procedural safeguards. In every case involving contemplated formal disciplinary action against civilian employees, the servicing civilian personnel office and labor counselor will be consulted before the employee is notified of the contemplated adverse action.

c. Except as provided in *d* below, when adverse administrative action is contemplated against an individual (other than a civilian employee, see *b* above), including an individual designated as a respondent, based upon information obtained as a result of an investigation or board conducted pursuant to this regulation, the appropriate military authority must observe the following minimum safeguards before taking final action against the individual:

(1) Notify the person in writing of the proposed adverse action and provide a copy, if not previously provided, of that part of the findings and recommendations of the investigation or board and the supporting evidence on which the proposed adverse action is based.

(2) Give the person a reasonable opportunity to reply in writing and to submit relevant rebuttal material.

(3) Review and evaluate the person's response.

d. There is no requirement to refer the investigation to the individual if the adverse action contemplated is prescribed in regulations or other directives that provide procedural safeguards, such as notice to the individual and opportunity to respond. For example, there is no requirement to refer an investigation conducted under this regulation to a soldier prior to giving the soldier an adverse evaluation report based upon the investigation because the regulations governing evaluation reports provide the necessary procedural safeguards.

e. When the investigation or board is conducted pursuant to this regulation but the contemplated administrative action is prescribed by a different regulation or directive with more stringent procedural safeguards than those in *c* above, the more stringent safeguards must be observed.

Chapter 2 Responsibilities of the Appointing Authority

2-1. Appointment

a. Authority to appoint. The following people may appoint investigations or boards to inquire into matters within their areas of responsibility.

(1) Except as noted in subparagraph 2-1a(3) below, the following individuals may appoint a formal investigation or board (chap 5) after consultation with the servicing judge advocate (JA) or legal advisor (LA):

(a) Any general court-martial (GCM) or special court-martial convening authority, including those who exercise that authority for administrative purposes only.

(b) Any general officer.

(c) Any commander or principal staff officer in the grade of colonel or above at the installation, activity, or unit level.

(d) Any State adjutant general.

(e) A Department of the Army civilian supervisor permanently assigned to a position graded as a general schedule

(GS)/general management, grade 14 or above and who is assigned as the head of an Army agency or activity or as a division or department chief.

(2) Except as noted in subparagraph 2-1a(3), the following individuals may appoint an informal investigation or board (chap 4):

(a) Any officer authorized to appoint a formal board.

(b) A commander at any level.

(c) A principal staff officer or supervisor in the grade of major or above.

(3) Only a general court-martial convening authority may appoint a formal investigation or board (chap 5) or an informal investigation or board (chap 4) for incidents resulting in property damage of \$1,000,000 or more, the loss or destruction of an Army aircraft or missile, an injury and/or illness resulting in, or likely to result in, permanent total disability, the death of one or more persons, and the death of one or more persons by fratricide/friendly fire.

(a) For investigations of a death or deaths involving a deployed force(s), from what is believed to be hostile fire, the general court-martial convening authority may delegate, in writing, appointing/approval authority to a subordinate commander exercising special court-martial convening authority. This authority may not be further delegated.

(b) If evidence is discovered during a hostile fire investigation that indicates that the death(s) may have been the result of fratricide/friendly fire, the investigating officer will immediately suspend the investigation and inform the appointing authority and legal advisor. At this time the general court-martial convening authority will appoint a new investigation into the fratricide/friendly fire incident. Any evidence from the hostile fire investigation may be provided to the investigating officer or board conducting the fratricide/friendly fire investigation.

(4) Appointing authorities who are general officers may delegate the selection of board members to members of their staffs.

(5) When more than one appointing authority has an interest in the matter requiring investigation, a single investigation or board will be conducted whenever practicable. In case of doubt or disagreement as to who will appoint the investigation or board, the first common superior of all organizations concerned will resolve the issue.

(6) Appointing authorities may request, through channels, that persons from outside their organizations serve on boards or conduct investigations under their jurisdictions.

b. Method of appointment. Informal investigations and boards may be appointed orally or in writing. Formal boards will be appointed in writing but, when necessary, may be appointed orally and later confirmed in writing. Any written appointment will be in the form of a memorandum of appointment. (See figs 2-1 through 2-5.) Whether oral or written, the appointment will specify clearly the purpose and scope of the investigation or board and the nature of the findings and recommendations required. If the appointment is made under a specific directive, that directive will be cited. If the procedures of this regulation are intended to apply, the appointment will cite this regulation and, in the case of a board, specify whether it is to be informal or formal. (Refer to chaps 4 and 5.) Any special instructions (for example, requirement for verbatim record or designation of respondents in formal investigations) will be included.

c. Who may be appointed. Investigating officers and board members shall be those persons who, in the opinion of the appointing authority, are best qualified for the duty by reason of their education, training, experience, length of service and temperament.

(1) Except as provided in paragraph 5-1e, only commissioned officers, warrant officers, or Department of the Army civilian employees permanently assigned to a position graded as a GS-13 or above will be appointed as investigating officers or voting members of boards.

(2) Recorders, legal advisors, and persons with special technical knowledge may be appointed to formal boards in a nonvoting capacity. (See para 5-1.)

(3) An investigating officer or voting member of a board will be senior to any person whose conduct or performance of duty may be investigated, or against whom adverse findings or recommendations that may be made, except when the appointing authority determines that it is impracticable because of military exigencies. Inconvenience in obtaining an investigating officer or the unavailability of senior persons within the appointing authority's organization would not normally be considered military exigencies.

(a) The investigating officer or board president will, subject to the approval of the appointing authority, determine the relative seniority of military and civilian personnel. Actual superior/subordinate relationships, relative duty requirements, and other sources may be used as guidance. Except where a material adverse effect on an individual's substantial rights results, the appointing authority's determination of seniority shall be final (see para 2-3c).

(b) An investigating officer or voting member of a board who, during the proceedings, discovers that the completion thereof requires examining the conduct or performance of duty of, or may result in findings or recommendations adverse to, a person senior to him or her will report this fact to the board president or the appointing authority. The appointing authority will then appoint another person, senior to the person affected, who will either replace the investigating officer or member, or conduct a separate inquiry into the matters pertaining to that person. Where necessary, the new investigating officer or board may be furnished any evidence properly considered by the previous investigating officer or board.

(c) If the appointing authority determines that military exigencies make these alternatives impracticable, the appointing authority may direct the investigating officer or member to continue. In formal proceedings, this direction will be

written and will be an enclosure to the report of proceedings. If the appointing authority does not become aware of the problem until the results of the investigation are presented for review and action, the case will be returned for new or supplemental investigation only where specific prejudice is found to exist.

(4) Specific regulations may require that investigating officers or board members be military officers, be professionally certified, or possess an appropriate security clearance.

(Appropriate letterhead)

OFFICE SYMBOL DATE

MEMORANDUM FOR: (President)

SUBJECT: Appointment of Board of Officers

1. A board of officers is hereby appointed pursuant to AR 735-5 and AR 15-6 to investigate the circumstances connected with the loss, damage, or destruction of the property listed on reports of survey referred to the board and to determine responsibility for the loss, damage, or destruction of such property.

2. The following members are appointed to the board:

MAJ Robert A. Jones, HHC, 3d Bn, 1st Inf Bde, 20th Inf Div, Ft Blank, WD 88888 Member (President)

CPT Paul R. Wisniewski, Co A, 2d Bn, 3d Inf Bde, 20th Inf Div, Ft Blank, WD 88888 Member

CPT David B. Braun, Co C, 1st Bn, 3d Inf Bde, 20th Inf Div, Ft Blank, WD 88888 Member

CPT John C. Solomon, HHC, 2d S & T Bn, DISCOM 20th Inf Div, Ft Blank, WD 88888 Alternate member (see AR 15-6, para 5-2c)

1LT Steven T. Jefferson, Co B, 2d Bn, 2d Inf Bde, 20th Inf Div, Ft Blank, WD 88888 Recorder (without vote)

3. The board will meet at the call of the President. It will use the procedures set forth in AR 735-5 and AR 15-6 applicable to formal boards with respondents. Respondents will be referred to the board by separate correspondence.

4. Reports of proceedings will be summarized (the findings and recommendations will be verbatim) and submitted to this headquarters, ATTN: ABCD-AG-PA. Reports will be submitted within 3 working days of the conclusion of each case. The Adjutant General's office will furnish necessary administrative support for the board. Legal advice will be obtained, as needed, from the Staff Judge Advocate's office.

5. The board will serve until further notice.

(Authority Line)

(Signature block)

CF: (Provide copy to board personnel)

Figure 2-1. Sample memorandum for appointment of a standing board of officers using formal procedures

(Appropriate letterhead)

OFFICE SYMBOL DATE

MEMORANDUM FOR: (President of standing board)

SUBJECT: Referral of Respondent

1. Reference memorandum, this headquarters, dated (day-month-year), subject: Appointment of Board of Officers.
2. (Enter rank, name, SSN, and unit) is hereby designated a respondent before the board appointed by the referenced memorandum. The board will consider whether (enter name of respondent) should be held pecuniarily liable for the loss, damage, or destruction of the property listed on the attached report of survey. The correspondence and supporting documentation recommending referral to a board of officers are enclosed.
3. (Enter rank, name, branch, and unit) is designated counsel for (enter name of respondent).
4. For the consideration of this case only, (enter rank, name, and unit) is designated a voting member of the board, vice (enter rank, name, and unit).

(Authority line)

Encl

(Signature block)

CF: (Provide copy to board personnel, counsel, and respondent)

Figure 2-2. Sample memorandum for referral of a respondent to a standing board

(Appropriate letterhead)

OFFICE SYMBOL DATE

MEMORANDUM FOR: (Officer concerned)

SUBJECT: Appointment as a Board of Officers to Investigate Alleged Corruption and Mismanagement

1. You are hereby appointed a board of officers, pursuant to AR 15-6, to investigate allegations of (enter subject matter to be investigated, such as corruption and mismanagement in the office of the Fort Blank Provost Marshal). The scope of your investigation will include (mention specific matters to be investigated, such as whether military police personnel are properly processing traffic tickets, whether supervisory personnel are receiving money or other personal favors from subordinate personnel in return for tolerating the improper processing of traffic tickets, and so forth). Enclosed herewith is a report of proceedings of an earlier informal investigation into alleged improper processing of traffic tickets that was discontinued when it appeared that supervisory personnel may have been involved.
2. As the board, you will use formal procedures under AR 15-6. (Enter duty positions, ranks, and names) are designated respondents. Additional respondents may be designated based on your recommendations during the course of the investigation. Counsel for each respondent, if requested, will be designated by subsequent correspondence.
3. (Enter rank, name, branch, and unit) will serve as legal advisor to you, the board. (Enter rank, name, duty position, and unit), with the concurrence of (his)(her) commander, will serve as an advisory member of the board. The office of the adjutant general, this headquarters, will provide necessary administrative support. The Fort Blank Resident Office, Criminal Investigation Division Command (CIDC), will provide technical support, including preserving physical evidence, if needed.
4. Prepare the report of proceedings on DA Form 1574 and submit it to me within 60 days.

(Signature of appointing authority)

CF: (Provide copy to all parties concerned)

Figure 2-3. Sample memorandum for appointment of a single officer as a board of officers, with legal advisor and advisory member, using formal procedures

(Appropriate letterhead)

OFFICE SYMBOL DATE

MEMORANDUM FOR: (Officer concerned)

SUBJECT: Appointment of Investigating Officer

1. You are hereby appointed an investigating officer pursuant to AR 15-6 and AR 210-7, paragraph 4-3, to conduct an informal investigation into complaints that sales representatives of the Fly-By-Night Sales Company have been conducting door-to-door solicitation in the River Bend family housing area in violation of AR 210-7. Details pertaining to the reported violations are in the enclosed file prepared by the Commercial Solicitation Branch, Office of the Adjutant General, this headquarters (Encl).

2. In your investigation, all witness statements will be sworn. From the evidence, you will make findings whether the Fly-By-Night Sales Company has violated AR 210-7 and recommend whether to initiate a show cause hearing pursuant to AR 210-7, paragraph 4-5, and whether to temporarily suspend the company's or individual agents' solicitation privileges pending completion of the show cause hearing.

3. Submit your findings and recommendations in four copies on DA Form 1574 to this headquarters. ATTN: ABCD-AG, within 7 days.

(Authority line)

Encl

(Signature block)

Figure 2-4. Sample memorandum for appointment of an investigating officer under AR 15-6 and other directives

(Appropriate letterhead)

OFFICE SYMBOL DATE

MEMORANDUM FOR: (Officer concerned)

SUBJECT: Appointment as Investigating Officer

1. You are hereby appointed an investigating officer pursuant to AR 15-6 and AR 380-5, paragraph 10-8, to investigate the circumstances surrounding the discovery of a CONFIDENTIAL document in a trash can in the office of the 3d Battalion S-3 on 31 August 1987. A preliminary inquiry into the incident proved inconclusive (see enclosed report).

2. In your investigation, use informal procedures under AR 15-6. You will make findings as to whether security compromise has occurred, who was responsible for any security violation, and whether existing security procedures are adequate.

3. This incident has no known suspects at this time. If in the course of your investigation you come to suspect that certain people may be responsible for the security violation, you must advise them of their rights under the UCMJ, Article 31, or the Fifth Amendment, as appropriate. In addition, you must provide them a Privacy Act statement before you solicit any (further) personal information. You may obtain assistance with these legal matters from the office of the Staff Judge Advocate.

4. Submit your findings and recommendations on DA Form 1574 to the Brigade S-2 within 10 days.

(Authority line)

(Signature block)

Figure 2-5. Sample memorandum for appointment of an investigating officer in a case with potential Privacy Act implications

2-2. Administrative support

The appointing authority will arrange necessary facilities, clerical assistance, and other administrative support for investigating officers and boards of officers. If not required by another directive, a verbatim transcript of the proceedings may be authorized only by The Judge Advocate General (TJAG) or the GCM convening authority in his or her sole discretion. However, before authorization, the GCM convening authority will consult the staff judge advocate (SJA). A contract reporter may be employed only for a formal board and only if authorized by the specific directive under which the board is appointed. A contract reporter will not be employed if a military or Department of the Army

(DA) civilian employee reporter is reasonably available. The servicing JA will determine the availability of a military or DA civilian employee reporter.

2-3. Action of the appointing authority

a. Basis of decision. Unless otherwise provided by another directive, the appointing authority is neither bound nor limited by the findings or recommendations of an investigation or board. Therefore, the appointing authority may take action less favorable than that recommended with regard to a respondent or other individual, unless the specific directive under which the investigation or board is appointed provides otherwise. The appointing authority may consider any relevant information in making a decision to take adverse action against an individual, even information that was not considered at the investigation or board (see para 1-9c and *d*). In all investigations involving fratricide/friendly fire incidents (see AR 385-40), the appointing authority, after taking action on the investigation, will forward a copy of the completed investigation to the next higher Army headquarters for review.

b. Legal review. Other directives that authorize investigations or boards may require the appointing authority to refer the report of proceedings to the servicing JA for legal review. The appointing authority will also seek legal review of all cases involving serious or complex matters, such as where the incident being investigated has resulted in death or serious bodily injury, or where the findings and recommendations may result in adverse administrative action (see para 1-9), or will be relied upon in actions by higher headquarters. The JA's review will determine—

(1) Whether the proceedings comply with legal requirements.

(2) What effects any errors would have.

(3) Whether sufficient evidence supports the findings of the investigation or board or those substituted or added by the appointing authority (see para 3-10b).

(4) Whether the recommendations are consistent with the findings.

c. Effect of errors. Generally, procedural errors or irregularities in an investigation or board do not invalidate the proceeding or any action based on it.

(1) *Harmless errors.* Harmless errors are defects in the procedures or proceedings that do not have a material adverse effect on an individual's substantial rights. If the appointing authority notes a harmless error, he or she may still take final action on the investigation.

(2) *Appointing errors.* Where an investigation is convened or directed by an official without the authority to do so (see para 2-1a), the proceedings are a nullity, unless an official with the authority to appoint such an investigation or board subsequently ratifies the appointment. Where a formal board is convened by an official authorized to convene an informal investigation or board but not authorized to convene formal investigations, any action not requiring a formal investigation may be taken, consistent with paragraph 1-9 and this paragraph.

(3) *Substantial errors.*

(a) Substantial errors are those that have a material adverse effect on an individual's substantial rights. Examples are the failure to meet requirements as to composition of the board or denial of a respondent's right to counsel.

(b) When such errors can be corrected without substantial prejudice to the individual concerned, the appointing authority may return the case to the same investigating officer or board for corrective action. Individuals or respondents who are affected by such a return will be notified of the error, of the proposed correction, and of their rights to comment on both.

(c) If the error cannot be corrected, or cannot be corrected without substantial prejudice to the individual concerned, the appointing authority may not use the affected part of that investigation or board as the basis for adverse action against that person. However, evidence considered by the investigation or board may be used in connection with any action under the Uniform Code of Military Justice (UCMJ), civilian personnel regulations, AR 600-37, or any other directive that contains its own procedural safeguards.

(d) In case of an error that cannot be corrected otherwise, the appointing authority may set aside all findings and recommendations and refer the entire case to a new investigating officer or board composed entirely of new voting members. Alternatively, the appointing authority may take action on findings and recommendations not affected by the error, set aside the affected findings and recommendations, and refer the affected portion of the case to a new investigating officer or board. In either case, the new investigating officer or board may be furnished any evidence properly considered by the previous one. The new investigating officer or board may also consider additional evidence. If the directive under which a board is appointed provides that the appointing authority may not take less favorable action than the board recommends, the appointing authority's action is limited by the original recommendations even though the case subsequently is referred to a new board which recommends less favorable action.

(4) *Failure to object.* No error is substantial within the meaning of this paragraph if there is a failure to object or otherwise bring the error to the attention of the legal advisor or the president of the board at the appropriate point in the proceedings. Accordingly, errors described in (3) above may be treated as harmless if the respondent fails to point them out.

Chapter 3 General Guidance for Investigating Officers and Boards

Section I Conduct of the Investigation

3-1. Preliminary responsibilities

Before beginning an informal investigation, an investigating officer shall review all written materials provided by the appointing authority and consult with the servicing staff or command judge advocate to obtain appropriate legal guidance.

3-2. Oaths

a. Requirement. Unless required by the specific directive under which appointed, investigating officers or board members need not be sworn. Reporters, interpreters, and witnesses appearing before a formal board will be sworn. Witnesses in an informal investigation or board may be sworn at the discretion of the investigating officer or president. The memorandum of appointment may require the swearing of witnesses or board members.

b. Administering oaths. An investigating officer, recorder (or assistant recorder), or board member is authorized to administer oaths in the performance of such duties, under UCMJ, Art. 136 (for military personnel administering oaths) and Section 303, Title 5, United States Code (5 USC 303) (for civilian personnel administering oaths) (see fig 3-1 for the format for oaths).

3-3. Challenges

Neither an investigating officer nor any member of a board is subject to challenge, except in a formal board as provided in paragraph 5-7. However, any person who is aware of facts indicating a lack of impartiality or other qualification on the part of an investigating officer or board member will present the facts to the appointing authority.

3-4. Counsel

Only a respondent is entitled to be represented by counsel (see para 5-6). Other interested parties may obtain counsel, at no expense to the Government, who may attend but not participate in proceedings of the investigation or board which are open to the public. The proceedings will not be unduly interrupted to allow the person to consult with counsel. When a civilian employee is a member of an appropriate bargaining unit, the exclusive representative of the unit has the right to be present whenever the employee is a respondent or witness during the proceedings if requested by the employee and if the employee reasonably believes that the inquiry could lead to disciplinary action against him or her (see para 3-8).

3-5. Decisions

A board composed of more than one member arrives at findings and recommendations as provided in section II of this chapter. A formal board decides challenges by a respondent as provided in paragraph 5-7. The investigating officer or president decides administrative matters, such as time of sessions, uniform, and recess. The legal advisor or, if none, the investigating officer or president decides evidentiary and procedural matters, such as motions, acceptance of evidence, and continuances. The legal advisor's decisions are final. Unless a voting member objects to the president's decision on an evidentiary or procedural matter at the time of the decision, it too is final. If there is such an objection, a vote will be taken in closed session, and the president's decision may be reversed by a majority vote of the voting members present.

3-6. Presence of the public and recording of proceedings

a. The public. Proceedings of an investigation or board are normally open to the public only if there is a respondent. However, if a question arises, the determination will be made based on the circumstances of the case. It may be appropriate to open proceedings to the public, even when there is no respondent, if the subject matter is of substantial public interest. It may be appropriate to exclude the public from at least some of the proceedings even though there is a respondent, if the subject matter is classified, inflammatory, or otherwise exceptionally sensitive. In any case, the appointing authority may specify whether the proceedings will be open or closed. If the appointing authority does not specify, the investigating officer or the president of the board decides. If there is a respondent, the servicing JA or the legal advisor, if any, will be consulted before deciding to exclude the public from any portion of the proceedings. Any proceedings that are open to the public will also be open to representatives of the news media.

b. Recording. Neither the public nor the news media will record, photograph, broadcast, or televise the board proceedings. A respondent may record proceedings only with the prior approval of the appointing authority.

Preliminary Matters

PRES: This hearing will come to order. This board of officers has been called to determine _____

When RESP is without counsel: _____

PRES: _____, you may, if you desire, obtain civilian counsel at no expense to the Government for this hearing. If you do not obtain civilian counsel, you are entitled to be represented by a military counsel designated by the appointing authority. Do you have counsel?

RESP: No (Yes).

If RESP has counsel, the RCDR should identify that counsel at this point for the record. If RESP does not have counsel, the PRES should ask this question:

PRES: Do you desire to have military counsel?

RESP: Yes (No).

If RESP answers "yes," the PRES should adjourn the hearing and ask the appointing authority to appoint counsel for RESP (see para 5-6b). If counsel is supplied, the RCDR should identify that counsel for the record when the board reconvenes.

A reporter and an interpreter, if used, should be sworn.

RCDR: The reporter will be sworn.

RCDR: Do you swear (or affirm) that you will faithfully perform the duties of reporter to this board, (so help you God)?

REPORTER: I do.

RCDR: The interpreter will be sworn.

RCDR: Do you swear (or affirm) that you will faithfully perform the duties of interpreter in the case now in hearing, (so help you God)?

INTERPRETER: I do.

RCDR: The board is appointed by Memorandum of Appointment, Headquarters, _____, dated _____. Have all members of the board read the memorandum of appointment? (If not, the memorandum of appointment is read aloud by RCDR or silently by any member who has not read it.)

When RESP has been designated by a separate memorandum of appointment, the same procedure applies to that memorandum of appointment.

RCDR: May the memorandum of appointment be attached to these proceedings as Enclosure 1?

PRES: The memorandum of appointment will be attached as requested.

RCDR: The following members of the board are present:

The following members are absent:

RCDR should account for all personnel of the board, including RESP and COUNSEL, if any, as present or absent at each session. RCDR should state the reason for any absence, if known, and whether the absence was authorized by the appointing authority.

PRES: _____, you may challenge any member of the board (or the legal advisor) for lack of impartiality. Do you desire to make a challenge?

Figure 3-1. Suggested procedure for board of officers with respondents

Tab G.

TYAD Regulation No. 10-1, dated May 3, 2010, Organization and Functions (Organization, Mission, and Functions) of the TYAD Security Division **(Note: Distribution is Restricted. Public access to this regulation is restricted because of concerns associated with the protection and security of Army installation)—copy deleted from redacted Army Report version*

WEAPON RESPONSIBILITY

	<u>PARAGRAPH</u>	<u>PAGE</u>
Purpose -----	1	1
Scope -----	2	1
Reference -----	3	1
Policy -----	4	1
Procedure -----	5	1-2

1. Purpose. The purpose of this SOP is to define the responsibilities and procedure for the handling of duty weapons on Tobyhanna Army Depot.

2. Scope. These procedures are applicable to all Security Division personnel.

3. Reference. AR 190-14, FM 23-9, and FM 23-35.

4. Policy.

- a. Duty weapons (9mm Pistol) will be assigned to all personnel performing Security/Law Enforcement duties at TYAD. Security personnel will initially qualify with their basic weapon (9mm Pistol) prior to performing duties.
- b. Weapons will be permanently assigned to each person by use of a DA Form 3749 weapons card.
- c. Assigned weapons will be cleaned weekly. Shift Supervisor will perform a function and cleanliness check weekly on assigned personnel weapons.
- d. Each person is responsible for ensuring that his or her assigned weapon is operational. The need for repair will be reported to their immediate supervisor. The supervisor will ensure the weapon is checked and/or repaired by the armorer.
- e. Security personnel will be armed at all times unless directed otherwise by their supervisor. Privately owned weapons or ammunition are prohibited.
- f. Anyone observing an unsafe act will take immediate action by ordering the person to stop and reporting the incident to the shift supervisor.

5. Procedures. Issuing of duty weapon:

- (1) Shift Supervisor or Desk Sgt. will:

11

- a. Ensure that each Officer legibly sign SDSTO Form 609 (Weapons Control Register), indicating serial number, date/time and number of rounds.
- b. Remove pistol from rack and lock the slide to the rear.
- c. Initial SDSTO Form 609 as issuing supervisor.

(2) Officer will:

- a. Place the unloaded pistol in your holster. 12 ga shotgun or M16 will be carried over the shoulder with the sling.
- b. Receive Forty-five (45) rounds of ammunition for the 9mm, and/or five (5) rounds for the shotgun, and/or 30 rounds for the M16.
- c. Load magazines and secure them in your magazine pouch.
- d. Proceed to weapons clearing barrel.

(3) Shift Supervisor or Desk Sgt. will:

- a. Order the officer to draw his/her 9mm pistol..
- b. Ensure that all chambers are empty and no magazines are in the weapon.
- c. Instruct the officer to perform the weapons function check.
- d. Once check has been successfully performed, instruct the officers to go to the clearing barrel, muzzle in the clearing barrel, let the slide go forward, insert magazine holster it and snap the retainer strap or sling it.

The M-16 and Shotgun will be transported to the gates unloaded, once the officer arrives at their assigned post, they will use the clearing barrel to load the M-16 and shotgun.

At no time will anyone in the Security Division have a "round chambered", unless in accordance with SOP#1 and SOP#2 Use of Force, and Use of Deadly Force.

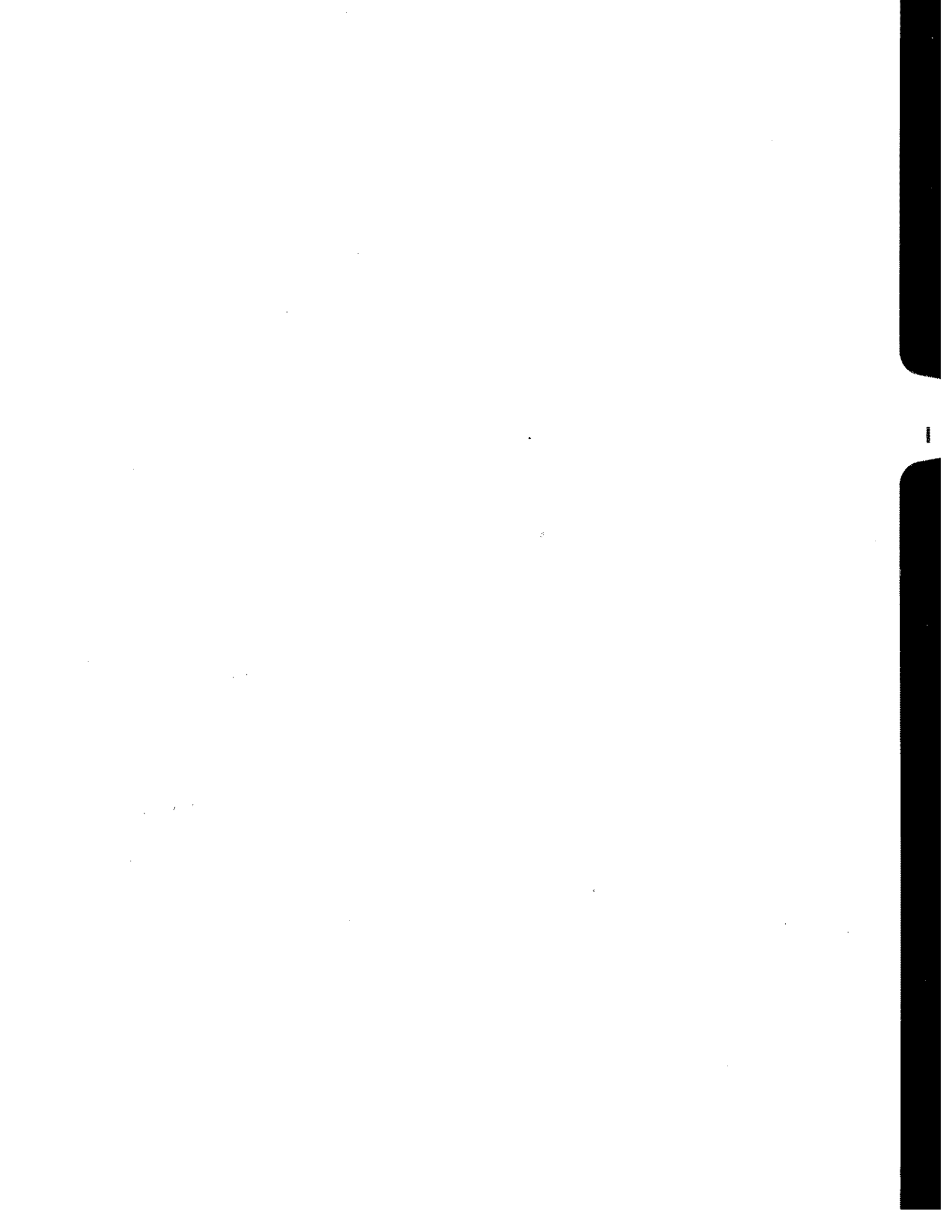
Turn-in of duty weapon:

(1) Officers will:

a. Utilizing the two-person rule, proceed to the clearing barrel and follow the weapons clearing/unloading procedures located at the clearing barrel.

b. Once weapon is cleared/unloaded, the officer will return the weapon to the supervisor or armorer butt first along with all ammunition and sign the 609 indicating return.

c. Shotguns and M-16's will be unloaded utilizing the clearing barrels located at the gates. At no time will a loaded shotgun or M-16 be transported loaded.



Tab I .

AR 190-11, *Military Police – Physical Security of Arms, Ammunition, and Explosives*, dated November 15, 2006, provisions referenced in this report. *(Note: Distribution is Restricted.

**(Note: Distribution is Restricted. Public access to this regulation is restricted because of concerns associated with the protection and security of Army installation)—copy deleted from redacted Army Report version*

FM 19-10

MILITARY POLICE

MILITARY POLICE
LAW AND ORDER
Operations

SEPTEMBER 1987

APPROVED FOR PUBLIC RELEASE, DISTRIBUTION IS UNLIMITED.

J

HEADQUARTERS, DEPARTMENT OF THE ARMY

APPENDIX B

Military Police Firearms Qualification

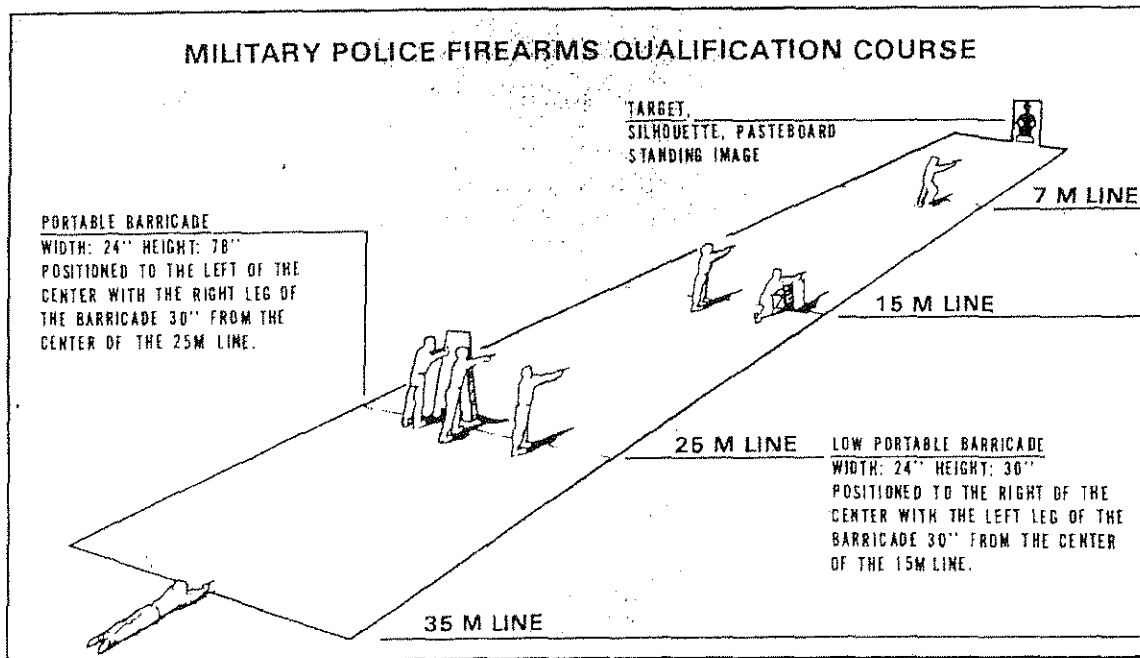
Military police personnel must be trained in the use of the weapon that they carry in the performance of their duties. The weapon may be the M16, the M1911A1 (.45-caliber pistol), the .38-caliber revolver with 4-inch or a 2-inch barrel, or the M9 9-mm parabellum semiautomatic pistol. FM 23-9 provides marksmanship instruction on the M16. USACIDC Regulation 195-19 provides instruction on the .38-caliber 2-inch barrel weapon. The Military Police Firearms Qualification Course (MPFQC) described in this appendix provides marksmanship instruction for the .45-caliber pistol, the .38-caliber revolver with 4-inch barrel, and the 9-mm parabellum semiautomatic pistol.

Commanders at all levels are responsible for ensuring that personnel entrusted with weapons are trained to use the weapons as intended and in a safe manner. AR 190-14 and AR 190-28 establish the requirements for granting authorization to carry firearms and

to conduct training. DA Pamphlet 350-38 authorizes ammunition for MP personnel to qualify yearly with their assigned weapon. Yearly qualification includes protective mask firing. (See DA Pamphlet 350-38 for the protective mask firing requirements.)

The MPFQC is designed to provide realistic and effective police marksmanship training. The MP engages single targets at various ranges using the standard service weapon. The six tables of the MPFQC require the firer to fire from 7, 15, 25, and 35 meters. The firer uses both the strong and weak hands in the standing and kneeling positions, and the strong hand in the prone and crouch positions. The MPFQC standards are—

- Expert, 48 to 50 hits.
- Sharpshooter, 45 to 47 hits.
- Marksman, 35 to 44 hits.
- Unqualified, 34 or fewer hits.



A locally reproduced record of qualification should be used and must be forwarded with departing personnel as proof of weapons qualification at the gaining unit. DA Form 88

(Combat Pistol Qualification Course Scorecard) should not be used for the MPFQC because this course does not provide combat pistol qualification.

MPFQC REQUIREMENTS

TABLE	RANGE	POSITION	NO. ROUNDS	TIME		INSTRUCTIONS
				9-MM/.45-CALIBER	.38-CALIBER	
I	35 m	Prone	10	1 min, 45 sec	2 min	9-mm/.45-caliber—Holster weapon. Draw weapon, pull slide to the rear, chamber a round, and fire five rounds. Change magazines at own speed, and fire five additional rounds.
						.38-caliber—Fire revolver single-action, and reload at own speed.
II	25 m	Standing without support (strong hand)	10	1 min, 45 sec	2 min	9-mm/.45-caliber—Load one 5 round-magazine into the weapon initially. On command draw the weapon, chamber a round, and fire 5 rounds. Change magazines at own speed, and fire five additional rounds. Use the two-handed position. Use the weak hand for support. As an alternative use the weak hand to support the strong hand by grasping the weapon's grip over the strong hand.
						.38-caliber—Fire revolver single-action, and reload at own speed.
III	25 m	Standing with support (left hand)	5	45 sec	45 sec	9-mm/.45-caliber—Load one magazine into the weapon initially. On command draw the weapon, chamber a round, and fire five rounds from the support position behind the left side of the barricade, using the left hand. Then, from behind the barricade, reload the weapon, move to the right side of the barricade, and fire five rounds with the right hand from a supported position.
		Standing with support (right hand)	5	45 sec	45 sec	
						.38-caliber—Fire revolver single-action and reload behind the barricade at own speed.

CONTINUED NEXT PAGE

MPFQC REQUIREMENTS-CONTINUED

TABLE	RANGE	POSITION	NO. ROUNDS	TIME		INSTRUCTIONS
				9-MM/.45-CALIBER	.38-CALIBER	
IV	15 m	Standing without support (strong hand)	5	40 sec	40 sec	9-mm/.45-caliber—On command draw the loaded weapon, chamber a round, and fire from the standing position without support. Use only the strong hand and do not support it with the nonshooting hand.
						.38-caliber—Fire revolver double-action.
V	15 m	Kneeling with support (left hand)	5	40 sec	40 sec	9-mm/.45-caliber—On command draw the loaded weapon, chamber a round while assuming kneeling position, and fire five rounds with the support left hand over the top of the barricade. Reload at own speed before firing five more rounds. Use the right hand and again fire over the top of the barricade.
		Kneeling with support (right hand)	5	40 sec	40 sec	
VI	7 m	Crouch	5	12 sec	12 sec	9-mm/.45-caliber—On command move forward from the 15-meter line with a locked and loaded weapon. On command obtain the crouch position and engage the target with five rounds, using two hands.
						.38-caliber—Fire revolver double-action.

TOTAL	50	7 min, 12 sec	7 min, 42 sec	A summary of the MPFQC.
--------------	-----------	--------------------------	--------------------------	--------------------------------

NOTE: When the revolver is fired, the firer is issued the number of rounds required to fire a specific table. Reloading is done at the firer's own speed during the table. Loading done prior to the beginning of each table is controlled by the range officer or range NCO.

EXAMPLE OF RECORD MPFQC RESULTS

DISPOSITION FORM

For use of this form, see AR 340-15, the proponent agency is TAGO.

REFERENCE OR OFFICE SYMBOL XXXX-XX-X	SUBJECT Record of Military Police Firearms Qualification Course Results
---	--

TO XXXXXX	FROM XXXXXX	DATE XX XXX XX	GMT 1 XXXXXX/XX/XXXX
-----------	-------------	----------------	-------------------------

1. Reference:

- a. DA Pam 350-38, Standards in Weapons Training.
- b. FM 19-10, Military Police Law and Order Operations.

2. The individual listed below completed the Military Police Firearms Qualification Course on 14 Dec 87 at Fort Blank, AL and qualified (Expert/sharpshooter/44/XXXX) with 47 hits out of 50 possible hits.

Name ██████████ Rank Staff Sergeant SSN ██████████

Unit B Company, 952d Military Police Battalion, Fort Blank, AL

3. The individual (did/did not) complete a protective mask fire for record course in accordance with reference 1a.



Company Commander/Range Officer

DA FORM 2496
AUG 80

PREVIOUS EDITIONS WILL BE USED

GPO : 1987 D - 172-426

ENCLOSURE 4

**NOTIFICATION OF RIGHTS AND OBLIGATIONS
PRIVACY ACT STATEMENT
CIVILIAN**

1. Authority: 10 U.S.C. §3012.
2. You are here to be asked questions pertaining to your employment with this agency. The purpose for soliciting this information is to obtain facts and to make recommendations to assist the Appointing Official in determining what action to take.
3. Any information you provide may be disclosed to members of the government officials who have a need for the information in the performance of their duties.
4. You have the option to remain silent, although you may be subject to disciplinary action, up to and including removal from your employment by the agency if you fail to answer material and relevant questions relating to the subject matter of this inquiry that relate to the performance of your duties as an employee.

I acknowledge that I have been given the above Notification of Rights and Obligations at the beginning of the interview being held on this date.

PS 1
Printed Name

PS 1

Signature

7 AUG 09
Date

K

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).
PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.
ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.
DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION: Bldg 20 Tobyhanna Army Depot; 2. DATE (YYYYMMDD): 2009/08/07; 3. TIME: 2325; 4. FILE NUMBER; 5. LAST NAME, FIRST NAME, MIDDLE NAME: PS 1; 6. SSN: PS 1; 7. GRADE/STATUS: YN-01

8. ORGANIZATION OR ADDRESS: Security Dic Dir/IRM

9. I, PS 1, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the morning of 2009/08/07 I was interviewed by [redacted] concerning complaints that some personnel from our Security Force were carrying weapons without having qualified with them. I was asked if Chief [redacted] and the operations officer Operations Officer, had qualified with these weapons. I answered that I knew that the Chief had qualified for 2008 because I had qualified him. As far as I knew Operations Officer had not qualified with any weapon but he did carry one. I was also asked if anyone kept their weapons out of the weapons vault and I stated that the chief and Opns. officer kept theirs in their office. I was also asked about weapons qualification for for 2009 and stated that I had asked the chief about ordering ammo months ago and he stated that he and Operations Officer would take care of it. I informed him at that time that there was a shortage of ammo on the civilian market and we might have trouble getting ammo. I have asked the status of the ammo a couple times and was told that it was ordered but we had not received any yet. Most of our qualifications expired in June 2009. I turned over copies of our qualification records for 2006, 2007 and 2008.

PS 1

END OF STATEMENT

10. EXHIBIT; 11. INITIALS OF PERSON MAKING STATEMENT: PS 1; PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

~~NOT
USED~~

AFFIDAVIT

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

PS 1
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 07 day of AUG, 2009

at TOBYHANNA ARMY DEPOT

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

CS-06

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PS 1

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2851; E.O. 9397 Social Security Number (SSN).

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

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

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

1. LOCATION TYAD BLDG 4-4	2. DATE (YYYYMMDD) 2009/08/25	3. TIME 0600	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME Operations Officer	6. SSN	7. GRADE/STATUS YN-01	
8. ORGANIZATION OR ADDRESS TYAD, Tobyhanna PA 18466			

9. PS 1 WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the morning of 25 August, 2009 I had a follow-up interview with [REDACTED] the investigating officer. I told Mr [REDACTED] that when I opened my e-mail and saw that you wanted to talk to me again Sgt Wall was sitting right next to me. I told Sgt Wall that I had to see you again and Sgt Wall showed me the complaint that he had filed. The last sentence in the complaint said that I didn't attempt to remedy the situation because of the fear of retaliation. I Told Sgt Wall that I couldn't agree with this part of his complaint. Sgt Wall stated that he assumed that this was the reason that his concerns were not passed up the chain of Command also told him that the chief had qualified with his weapon in 2008. I told Mr [REDACTED] that Sgt Wall Was running some of the men through M16 drills when the chief first came out to the range and I asked the chief if he could come back later in the day when we were set up for handgun shooting again. The chief agreed to come back, which he did. The chiefs Qualification sheet was the one I provided Mr [REDACTED] during our initial meeting. Mr [REDACTED] asked me if I knew of any regulation that required only Firearms training officers to qualify individuals to be eligible to carry weapons. I told him that I didn't know of any but I knew that we had received something from one of our commands that stated that they wanted us to attend formal instructor training told him that I was sent to two NRA instructor courses and once to Ft Mcullem for instructor training and I had not requested to be sent but was sent to meet a requirement by a higher command. Mr [REDACTED] asked me if there was a letter or something to that effect and I said that I did not have anything. Mr. [REDACTED] then asked me that if Chief [REDACTED] told me that he qualified an individual would that be something that would set off bells and whistles with me. I told him that I would be surprised and would ask him were he got ammo but I wouldn't question his word. Mr. [REDACTED] asked me if I had known about the approved storage containers that were purchased to store weapons for Chief [REDACTED], Operations Officer and the two Special Investigators during March of this year. I told him no I didn't know anything about them. Mr [REDACTED] asked me about the evidence container in the in the desk sergeant's area that was being used to store weapons before and after shifts. I told him that I knew about it because that the first time I noticed the Captains weapon missing from the arms room, I came out and asked the other shifts desk Sgt if the captain was working and he said no. When I asked were his weapon was the sgt told me that he and the chief were keeping them in there in case they had to come in at night. I told my shift sgts that I things were getting very sloppy with weapons and ammo so be extra careful when doing inventory. Mr [REDACTED] asked me Operations Officer and Mr [REDACTED] had only removed their weapons from the arms room a couple of times as the records indicated on the weapons control sheet. I told him that I thought that Operations Officer wore his more often because the guys were always making comments about his big badge and shoulder holster. I told him that Mr [REDACTED] probably didn't wear his very much because I remember being told that upstairs frowned at them wearing a gun in plain sight when in plain cloths. Mr [REDACTED] asked me about the discrepancies on the weapons control registers that he observed. He specifically mentioned when a individual did not sign his weapon back in but his title was signed for him, e.g. Chief. I told him that when I asked about this my Sgts said that they were signing their name showing that the weapon was accounted for. Mr. [REDACTED] asked me if the evidence container was still in use in the desk sgts area. I told him that the box had been removed. Mr [REDACTED] asked me if I had ever passed up Sgt Wall [REDACTED]

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>3</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

STATEMENT OF

PS 1

TAKEN AT

TYAD Bldg 4-4

DATED

2009/08/25

B. STATEMENT (Continued)

allegations against Chief and Operations Officer to get them addressed or answered. I told him that I didn't because Mr Wall had not made allegations but had asked me if he could be held liable as a firearms instructor if someone was carrying a weapon without qualifying. I told him that we were not the ones that authorized anyone to carry a weapon, that the chief was the authorizing official. I also told him that if the chief wanted to authorize someone to carry a weapon that the liability would be his. I thought that I had answered Sgt Walls question so I did not take it any further. Sgt Wall and I were both concerned that while we were training some of the new people they told us that they had been discharged from the service and were collecting disability for Post Traumatic Stress Disorder. I did not know if the Chief knew this so I reported this to the Chief. The chief said he knew about it but the doctor had signed off on their medical. I reported this back to Sgt Wall, and told him that we did what we had to and even though it seemed wrong we were not the IRP officer. Mr. [REDACTED] asked me about communication and did I believe there was an appropriate amount on the force in all matters. I told him that information was passed on by the off going shift sgt and supervisor and that the weekly meeting minutes were on the computer but some information was not getting out.

I also re-stated to Mr [REDACTED] that the expiration of weapons qualifications for the majority of the security force was something that was not within the control of Chief [REDACTED]. I told Mr [REDACTED] that the chief had told me months ago that that he and the Captain were getting ammo from the supply system but it had't arrived yet. I also told him that we had a training contract with Starr uniform which included ammo and range time but Starr uniform could not get ammo from his contractor which is Jerrys in Forest City which supplies most of the Police Depts and sporting Good stores in NE Pa. Since then, Starrs was able to get Ammo from someone in Boston and we were able to requalify all but one person whom was on annual leave and he will be going to the range on Thursday, 27 Aug 2009. [REDACTED]

End of Statement

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 2 PAGES

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27 day of AUGUST, 2009

at FOBYHRANA ARMY DEPOT

ORGANIZATION OR ADDRESS

(Type Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

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

1. LOCATION TYAD BLDG 4-4	2. DATE (YYYYMMDD) 2009/09/16	3. TIME 2200	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME PS 1	6. SSN	7. GRADE/STATUS YN-01	
8. ORGANIZATION OR ADDRESS TYAD, Tobyhanna PA 18466			

PS 1

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the night of 15 September, 2009 I had a follow-up interview with Mr. [REDACTED]. [REDACTED] asked me what range did TYAD use when giving weapons qualification testing in 2008. I told him that we used the 423 Range and Starr Uniform. I also told him that the 423 Range is now closed. [REDACTED] asked me why Chief [REDACTED] qualification sheet for 18 Jul, 2008 didn't have any go, no-go status or any classification. I told him that Chief [REDACTED] arrived at the range late that day and that he missed the opportunity to perform the training on the nightfire, shotgun, M-16 and mask/helmet. He then asked why there was no score for the Chief [REDACTED] and he asked me if he qualified. I told him that he was qualified from his score. I also said it was a good score, it would have been an expert rating if we gave ratings. Mr. [REDACTED] asked what shift I worked for the periods Oct through Dec 2008 and 2009. I told him that I had been on 3rd shift for the entire period. Mr. [REDACTED] asked me if I saw Chief [REDACTED], Operations Officer, and Mr. [REDACTED] on a daily basis with their weapon. I told him that I did not because of the difference in shifts. Mr. [REDACTED] asked me how I knew when a weapon wasn't in the arms room. I told him that the weapon was removed and a 3749 card was left in its place with an appropriate weapons control register entry. Mr. [REDACTED] asked me if I could identify by date or event, times when Mr. Chief [REDACTED], Operations Officer, and Mr. [REDACTED] did not return their weapons to the arms room at the end of their duty days. I told him that I couldn't identify by dates or events any specific times when there weapons were not stored in the arms room, but I told him that Chief [REDACTED] weapon wasn't in the arms room now and hasn't been for quite some time. [REDACTED] said that it was in his security container in his office. I told him that we believe it's there. Mr. [REDACTED] then asked about the use of the evidence container in desk sergeant's area that was used to store weapons. He asked if a weapon was missing from the arms room would I check the evidence container to verify if it was there. I told him that my desk sergeants were told by Chief [REDACTED] and Operations Officer that they wanted their weapons held in the evidence containers. After that, I was okay if the desk sergeant said he had their weapon in the evidence container and that it was accounted for. Mr. [REDACTED] then asked me the question which he said I didn't have to answer, if I ever thought that there was a true lack of accountability where the supervisor or the desk sergeant didn't know the whereabouts of Chief [REDACTED], Operations Officer or Mr. [REDACTED] weapon, and that there was a potential threat to public safety because of that lack of accountability. I told him that if I ever thought that there was ever a time when we did not know where a weapon was, I would have been the first one calling that individual to find where it was and then elevating it. I did mention to Mr. [REDACTED] that if he's making recommendations that he needs to address taking Chief [REDACTED] weapon off of the arms room inventory if Chief [REDACTED] is only going to store his weapon in his office [REDACTED].

End of Statement

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>2</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16 day of SEP, 2007

at TOBYHANNA ARMY DEPOT

(Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

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

1. LOCATION TYAD BLDG 4-4	2. DATE (YYYYMMDD) 2009/08/25	3. TIME 0600	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME PS 1	6. SSN	7. GRADE/STATUS YN-01	
8. ORGANIZATION OR ADDRESS TYAD, Tobyhanna PA 18466			

PS 1, I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the morning of 25 August, 2009 I had a follow-up interview with Mr. [REDACTED] the investigating officer. I told Mr. [REDACTED] that when I opened my e-mail and saw that you wanted to talk to me again Sgt Wall was sitting right next to me. I told Sgt Wall that I had to see you again and Sgt Wall showed me the complaint that he had filed. The last sentence in the complaint said that I didn't attempt to remedy the situation because of the fear of retaliation. I told Sgt Wall that I couldn't agree with this part of his complaint. Sgt Wall stated that he assumed that this was the reason that his concerns were not passed up the chain of Command also told him that the chief had qualified with his weapon in 2008. I told Mr. [REDACTED] that Sgt Wall was running some of the men through M16 drills when the chief first came out to the range and I asked the chief if he could come back later in the day when we were set up for handgun shooting again. The chief agreed to come back, which he did. The chief's Qualification sheet was the one I provided Mr. [REDACTED] during our initial meeting. Mr. [REDACTED] asked me if I knew of any regulation that required only Firearms training officers to qualify individuals to be eligible to carry weapons. I told him that I didn't know of any but I knew that we had received something from one of our commands that stated that they wanted us to attend formal instructor training told him that I was sent to two NRA instructor courses and once to Ft Mcullen for instructor training and I had not requested to be sent but was sent to meet a requirement by a higher command. Mr. [REDACTED] asked me if there was a letter or something to that effect and I said that I did not have anything. Mr. [REDACTED] then asked me that if Chief [REDACTED] told me that he qualified an individual would that be something that would set off bells and whistles with me. I told him that I would be surprised and would ask him were he got ammo but I wouldn't question his word. Mr. [REDACTED] asked me if I had known about the approved storage containers that were purchased to store weapons for Mr. Chief Operations Officer and the two Special Investigators during March of this year. I told him no I didn't know anything about them. Mr. [REDACTED] asked me about the evidence container in the desk sergeant's area that was being used to store weapons before and after shifts. I told him that I knew about it because that the first time I noticed the Captains weapon missing from the arms room, I came out and asked the other shifts desk Sgt if the captain was working and he said no. When I asked were his weapon was the sgt told me that he and the chief were keeping them in there in case they had to come in at night. I told my shift sgts that things were getting very sloppy with weapons and ammo so be extra careful when doing inventory. Mr. [REDACTED] asked me if Operations Officer [REDACTED] had only removed their weapons from the arms room a couple of times as the records indicated on the weapons control sheet. I told him that I thought that Operations Officer [REDACTED] wore his more often because the guys were always making comments about his big badge and shoulder holster. I told him that Mr. [REDACTED] probably didn't wear his very much because I remember being told that upstairs frowned at them wearing a gun in plain sight when in plain clothes. Mr. [REDACTED] asked me about the discrepancies on the weapons control registers that he observed. He specifically mentioned when a individual did not sign his weapon back in but his title was signed for him, e.g. Chief. I told him that when I asked about this my Sgts said that they were signing their name showing that the weapon was accounted for. Mr. [REDACTED] asked me if the evidence container was still in use in the desk sgts area. I told him that the box had been removed. Mr. [REDACTED] asked me if I had ever passed up Sgt Wall [REDACTED]

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT SDV	PAGE 1 OF <u>3</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

K-2

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF _____ TAKEN AT TYAD Bldg 4-4 DATED 2009/08/25

9: STATEMENT (Continued)

^{SOV} allegations against Chief and Operations Officer to get them addressed or answered. I told him that I didn't because Mr Wall had not made allegations but had asked me if he could be held liable as a firearms instructor if someone was carrying a weapon without qualifying. I told him that we were not the ones that authorized anyone to carry a weapon, that the chief was the authorizing official. I also told him that if the chief wanted to authorize someone to carry a weapon that the liability would be his. I thought that I had answered Sgt Walls question so I did not take it any further. Sgt Wall and I were both concerned that while we were training some of the new people they told us that they had been discharged from the service and were collecting disability for Post Traumatic Stress Disorder. I did not know if the Chief knew this so I reported this to the Chief. The chief said he knew about it but the doctor had signed off on their medical. I reported this back to Sgt Wall, and told him that we did what we had to and even though it seemed wrong we were not the IRP officer. Mr. [REDACTED] asked me about communication and did I believe there was an appropriate amount on the force in all matters. I told him that information was passed on by the off going shift sgt and supervisor and that the weekly meeting minutes were on the computer but some information was not getting out.

I also re-stated to Mr [REDACTED] that the expiration of weapons qualifications for the majority of the security force was something that was not within the control of Mr Chief. I told [REDACTED] that the chief had told me months ago that that he and the Captain were getting ammo from the supply system but it hadn't arrived yet. I also told him that we had a training contract with Starr uniform which included ammo and range time but Starr uniform could not get ammo from his contractor which is Jerrys in Forest City which supplies most of the Police Depts and sporting Good stores in NE Pa. Since then, Starrs was able to get Ammo from someone in Boston and we were able to requalify all but one person whom was on annual leave and he will be going to the range on Thursday. 27 Aug 2009. *SOV*

End of Statement

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

STATEMENT OF _____ TAKEN AT _____ DATED _____

B. STATEMENT (Continued)

AFFIDAVIT

I, PS 1, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL

PS 1
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27 day of AUGUST, 2009

at TOBYHANNA ARMY DEPOT

[Redacted Signature]
(Signature of Person Administering Oath)

[Redacted Signature]
(Type Name of Person Administering Oath)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PS 1

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).
PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.
ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.
DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION TYAD BLDG 4-4
2. DATE (YYYYMMDD) 2009/09/16
3. TIME 2200
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME PS 1
6. SSN
7. GRADE/STATUS YN-01
8. ORGANIZATION OR ADDRESS TYAD, Tobyhanna PA 18466

PS 1

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the night of 15 September, 2009 I had a follow-up interview with Mr [redacted]. Mr [redacted] asked me what range did TYAD use when giving weapons qualification testing in 2008. I told him that we used the 423 Range and Starr Uniform. I also told him that the 423 Range is now closed. Mr [redacted] asked me why Chief [redacted] qualification sheet for 18 Jul, 2008 didn't have any go, no-go status or any classification. I told him that Chief [redacted] arrived at the range late that day and that he missed the opportunity to perform the training on the nightfire, shotgun, M-16 and mask/helmet. He then asked why there was no score for the Chief [redacted] and he asked me if he qualified. I told him that he was qualified from his score. I also said it was a good score, it would have been an expert rating if we gave ratings. Mr [redacted] asked what shift I worked for the periods Oct through Dec 2008 and 2009. I told him that I had been on 3rd shift for the entire period. Mr [redacted] asked me if I saw Chief [redacted], Operations Officer, and [redacted] on a daily basis with their weapon. I told him that I did not because of the difference in shifts. Mr [redacted] asked me how I knew when a weapon wasn't in the arms room. I told him that the weapon was removed and a 3749 card was left in its place with an appropriate weapons control register entry. Mr [redacted] asked me if I could identify by date or event, times when Mr Chief [redacted] Operations Officer, and Mr [redacted] did not return their weapons to the arms room at the end of their duty days. I told him that I couldn't identify by dates or events any specific times when there weapons were not stored in the arms room, but I told him that Chief [redacted] weapon wasn't in the arms room now and hasn't been for quite some time. Mr [redacted] said that it was in his security container in his office. I told him that we believe it's there. Mr [redacted] then asked about the use of the evidence container in desk sergeant's area that was used to store weapons. He asked if a weapon was missing from the arms room would I check the evidence container to verify if it was there. I told him that my desk sergeants were told by Chief [redacted] and Operations Officer that they wanted their weapons held in the evidence containers. After that, I was okay if the desk sergeant said he had their weapon in the evidence container and that it was accounted for. Mr [redacted] then asked me the question which he said I didn't have to answer, if I ever thought that there was a true lack of accountability where the supervisor or the desk sergeant didn't know the whereabouts of Chief [redacted], Operations Officer or Mr [redacted] weapon, and that there was a potential threat to public safety because of that lack of accountability. I told him that if I ever thought that there was ever a time when we did not know where a weapon was, I would have been the first one calling that individual to find where it was and then elevating it. I did mention to Mr [redacted] that if he's making recommendations that he needs to address taking Chief [redacted] weapon off of the arms room inventory if Chief [redacted] is only going to store his weapon in his office.

End of Statement

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] TAKEN AT [redacted] DATED [redacted]
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

K-3

STATEMENT OF _____ TAKEN AT _____ DATED _____

8. STATEMENT (Continued)

AFFIDAVIT

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

PS 1

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16 day of SEP 2007

at TOBYHANNA ARMY DEPOT

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

ENCLOSURE 4

**NOTIFICATION OF RIGHTS AND OBLIGATIONS
PRIVACY ACT STATEMENT
CIVILIAN**

1. Authority: 10 U.S.C. §3012.
2. You are here to be asked questions pertaining to your employment with this agency. The purpose for soliciting this information is to obtain facts and to make recommendations to assist the Appointing Official in determining what action to take.
3. Any information you provide may be disclosed to members of the government officials who have a need for the information in the performance of their duties.
4. You have the option to remain silent, although you may be subject to disciplinary action, up to and including removal from your employment by the agency if you fail to answer material and relevant questions relating to the subject matter of this inquiry that relate to the performance of your duties as an employee.

I acknowledge that I have been given the above Notification of Rights and Obligations at the beginning of the interview being held on this date.

Chief
Printed Name

Chief
Signature

8/12/09
Date

L-1

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

1. LOCATION TYAD BLDG 4-4	2. DATE (YYYYMMDD) 2009/08/12	3. TIME 1400	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME Chief	6. SSN	7. GRADE/STATUS YC-02	
8. ORGANIZATION OR ADDRESS TYAD, Tobyhanna PA 18466			

9.

I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the afternoon of 12 August 2009, I was interviewed by _____ the Investigating Officer. I was named as a respondent in an investigation regarding having met the proper qualifications for being issued, carrying, and using government owned/issued firearms and ammunition that is required for my position. Also as the Chief, Security Division did I improperly authorize carrying and using of government owned issued firearms and ammunition to Operations Officer , the Operations Officer. Additionally, whether I have observed proper procedures for securing and returning firearms and ammunition at the end of my workday. _____ asked me for a rundown of my Federal and Military Service;

TYAD - Chief, Security Division Sept 2007-Present Required Access to Firearms
 TYAD - Security Specialist (Operations) Sept 2005-Sept 2007 Required Access to Firearms
 TYAD - EOC Specialist Apr 2005-Sep 2005
 Ft Hamilton - Security Manager Sept 2003-Mar 2005
 Ft Hamilton - Military Police Investigator MPI Sept 2000-Sept 2003 Required Access to Firearms
 United States Army - Military Police E-5 Sept 1997-Sept 2000 Required Access to Firearms

_____ asked me what the requirements are for being eligible to carry government owned/issued firearms and ammunition. I agreed that the requirements are as stated in AR 190-14, complete mandatory and proficiency training within the preceding 12 months. _____ asked me for the reason the majority of the security force was out of date with their qualifications to carry weapons according to 190-14 to include both weapons trainers. I explained to _____ itsky the problems we were having with obtaining training ammunition because of the national ammunition shortage and the steps we took through CECOM LCMC and AMC to get a new operational load and permission to fire our current ammunition as training ammunition. I also explained the problem we had with obtaining a range that met our training needs. _____ asked if we had any plans to work through these issues and I explained to him the steps we were taking to modify our training and obtaining an alternate range so the officers can qualify with their assigned sidearms. _____ asked me if Operations Officer was issued a 3749 Weapons Card. I told him yes and that I had signed it. _____ asked me should Operations Officer be issued a weapon based on the fact that he doesn't meet the traditional conditions required to be eligible to carry firearms. I told him that I believed that I had the authorization to allow Operations Officer to carry a weapon according to AR 190-14 as required according to the paragraph that states all qualification requirements will be met "Except in situations requiring immediate action to protect life or vital government property". The only times that Operations Officer has carried his weapon had been determined by me because of a specific situation.

(statement continued on the next page)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF <u>3</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

STATEMENT OF Chief _____ TAKEN AT TYAD Bldg 4-4 DATED 2009/08/12

9. STATEMENT (Continued)

Continued from the previous page

I told him of my decision to have Operations Officer carry a weapon at EAD because of a vulnerability assessment that was conducted. Additionally I told him of my decision to have Operations Officer carry a weapon at a time when we were serving a felony warrant for an individual in base housing whose record included a conviction of attempted murder and a prison sentence of 5 years. [REDACTED] asked me to provide the vulnerability assessment used for EAD and the other incident. I provided him with the VA from EAD and I explained to him that there wasn't time to do a VA on the warrant incident and I conducted a quick risk assessment and decided that more manpower was needed to mitigate the risk of a known felon possibly barricaded in his residence. [REDACTED] asked me Operations Officer was listed on the MAL (Master Authorization List) in the arms vault. I answered yes that he was. Mr [REDACTED] asked me Operations Officer should be on the MAL if he didn't meet the eligibility requirements as per DA 190-14. I explained to [REDACTED] that the MAL is only one step in being issued a government weapon, and the second step is to turn in the DA Form 3749 and that I had instructed Operations Officer he could only carry his weapon in extreme situations where I expressly authorized it. [REDACTED] asked me if I had observed proper procedure for returning my weapon and ammunition at the end of my workday. I answered that I always properly return my weapon and ammunition at the end of the workday. I explained to him that because of the construction that was taking place on building 20 that I had made a decision to purchase approved weapon containers for myself, Operations Officer and the 2 criminal investigators. The security containers arrived in March of 2009 and I had mine secured to my desk to meet physical security requirements as per AR 190-11. [REDACTED] asked for the purchase documents which I provided to him. [REDACTED] asked me if anyone else knew of the containers and I told him that I had sent out an e-mail to the supervisory police officers and desk sergeants to inform them that I was going to store my weapon in my office. Additionally I signed the weapon out on a log in the arms room. [REDACTED] asked if I could produce e-mail and sign-out document. I responded that I would check to see but that I had done a PC Refresh and that I lost a lot of e-mail traffic and that he should already have the sign out roster in the historical logs we had previously provided him. [REDACTED] asked me Operations Officer stored his weapon in his weapon container. I answered that I believe that the only thing Operations Officer stored in the container was his government credit card. I again explained that Operations Officer could only draw his weapon with my permission and to the best of my knowledge he had never attempted to or actually stored his weapon in the security container. [REDACTED] asked me if I ever thought Operations Officer took his government owned/issued weapon and ammunition home at the end of his shift and I responded with a no, Operations Officer had never taken his government issued weapon home at the end of his shift. [REDACTED] asked me about designation letters that I had and I told him that I was the law enforcement representative for the base and a number of other designations in conjunction with Law Enforcement and Criminal Justice for the depot. He ask me to provide those designations which I did. He asked if [REDACTED] was designated as anything to do with security and I told him that I had all the designations. [REDACTED] asked about the condition of the training records and I explained to him that I had made a request through the director to go to the PCC to get a training officer authorized as I had 50 officers/guards assigned to security and that the recording of training was something that we were struggling with. I told him that with the high turnover that we experience it is a struggle to keep up with all the paperwork and expiration dates for the individual officers and that I had relied on my subordinate supervisors to ensure the training records were properly annotated when the training was conducted. I told him that the PCC request was never approved [REDACTED] asked again about Operations Officer and the decision to assign a weapon for him to carry during those specific times. I told him that I felt very comfortable with my decision because I had taken him to the Gouldsboro Range shortly after his arrival back in Oct/Nov 2008. The only reason I couldn't have signed his qualification sheet was the range limitation of 3 bullets in the weapon magazine at a time. I also told him that after I had allowed Operations Officer to carry a weapon on the one assignment to serve an arrest warrant I had called the Provost Marshal from AMC, COL [REDACTED] and explained what I had done to which he remarked that he would have made the same decision for all the same reasons. [REDACTED] asked if there were any specific requirements to become a weapons trainer in the Army and I replied that there were none. The Army way of operating was that any NCO was qualified to run a range and qualify an individual as long as they were knowledgeable in the weapon.

End of statement

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES


STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

not used

AFFIDAVIT

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


(Signature of Person Making Statement)

WITNESSES:

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

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

1. LOCATION TYAD BLDG 20	2. DATE (YYYYMMDD) 2009/09/23	3. TIME 0900	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME Chief	6. SSN	7. GRADE/STATUS YC-02	
8. ORGANIZATION OR ADDRESS TYAD, Tobyhanna PA 18466			

9. I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the afternoon of 18 September 2009, I was re-interviewed by [REDACTED]. [REDACTED] asked, given the difficulty getting range time and ammunition at Star Uniform during the last year, how did Star find the range time and ammunition when the qualification expiration issue was raised in August. I explained that the ammunition shortage let up in August, although the price of ammunition has almost doubled, and that there was never an issue with getting range time at Starr. [REDACTED] asked then why didn't I push the issue to find ammunition to re-familiarize people who were expired on the M-16 and Shotguns. I told him that I have not yet tried to get ammunition because of the problems getting a range. [REDACTED] asked me if these familiarizations could be done at Starr. I said that Shotguns could be done at Starr but not the M-16s. I told him that arrangements are being made to get the officers familiarized with the shotguns at Starr. I told him that the state had just closed the Gouldsboro range because the Fort Dix Six had trained at the Gouldsboro range. I told him that we were looking into the 423 Range to qualify individuals. [REDACTED] then said that PS1, one of the Weapons Training Officers said that the 423 Range was closed. I told him that I hadn't heard that the 423 range was closed as we were looking at the option of the 423 range at a cost of \$250 a day. [REDACTED] asked me why I didn't take Operations Officer to Starr Uniform after he was hired as all new police officers/security guards were. I told him that the agreement we had with Starr was that they had borrowed 7 boxes of ammunition from the city of Scranton for TYAD. These 7 boxes would be used to qualify new hires as they came on board. [REDACTED] asked how many shells were in a box and I said 50. [REDACTED] asked me what was the minimum requirement of shots required for qualification was and I said 50. [REDACTED] asked me how many people we had qualified from the beginning of October and I said around 7. [REDACTED] asked me why I didn't send Operations Officer to Starr Uniform to get his qualification after he was hired. I told him that I wanted the ammunition for new hires police and security guards that were specifically hired for police officer/security guard work. I said that if they didn't get a qualification that they would be sitting around with nothing to do. I then told him that Operations Officer could still do most of the other duties that he was assigned to do with out a weapon. [REDACTED] then asked me why I gave Operations Officer a 3749 weapon card if he didn't have a weapons qualification as per the AR 190-14. I told him that I felt confident in Operations Officer ability to carry a weapon from the range time we had at Gouldsboro after he was hired. [REDACTED] still question this decision on issuing a 3749 weapons card. I said that the requirement was that if anyone was issued a weapon they would need a 3749 weapon card. I further explained that if I had to make a decision that Operations Officer needed to carry a weapon based on the protection of life or property that the time requirement needed to fill out the card could put at risk an individual or property. [REDACTED] asked me if I authorized when Operations Officer could carry a weapon and I said I did. [REDACTED] asked me if that fact was know by the desk sergeants or any supervisors and I said no it wasn't. [REDACTED] asked me if Operations Officer produced his 3749 weapon card to any desk sergeant at any time would he be issued a weapon and I said he would. I then explained the difference between drawing the weapon to clean it, and actually carrying the loaded weapon. [REDACTED] asked me if I understood how the evidence containers were being used to store weapons and ammunition prior to shifts and after shifts by the desk sergeants prior to its removal.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT Chief	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

L-2

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF Chief TAKEN AT TYAD Bldg 4-4 DATED 2009/09/18

9. STATEMENT (Continued)

I answered yes I did, but that the removal of the evidence container from the desk sergeants area was due to the fact that weapons and ammunition was not being signed in/out correctly. The Desk Sgt.'s were properly account and safeguarding the weapons, but were not properly filling out the required paperwork. [REDACTED] asked me, if prior to the evidence container removal, my weapon was stored in the evidence container by the desk sergeants prior to/after my shift. I said that it was, but that it was in accordance with regulations. [REDACTED] asked me if I gave an order to store my weapon in the evidence container and I said no. [REDACTED] asked me how many times I carried my weapon in 2008/2009, and I said it was pretty much daily.

End of statement *ADH*

INITIALS OF PERSON MAKING STATEMENT Chief

PAGE 2 OF 3 PAGES

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

Not used. Chief

AFFIDAVIT

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

Chief
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of September 2009 at Building #20 Tachyline Army Depot

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

Susc Chapter 3 Sec 303b
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

Chief

PAGE 3 OF 3 PAGES

Ms CIV USA AMC

From: Chief D Mr CIV USA AMC
Sent: Tuesday, September 01, 2009 1:15 PM
To: A Ms CIV USA AMC
Cc: Mr CIV USA AMC
Subject: FW: 1-2 Sep TAMIS Class at Redstone Arsenal (UNCLASSIFIED)

Here is the information on TAMIS class ^{Operations CW} and [REDACTED] are attending this week. As you can see, we were taking steps to address the ammunition issues prior to even knowing about the investigation.

TAMIS is new to us, we have never used it to request operational loads, training ammunition. Hopefully Brett and Greg will come back next week with a lot of information that will help us to get ammunition easier and faster.

Below is a link that explains what TAMIS is.

<https://tamis.army.mil/logon/AKO/default.fcc?TYPE=33554433&REALMOID=06-42e5ea80-9282-1084-9eda-832f882fff3d&GUID=&SMAUTHREASON=0&METHOD=GET&SMAGENTNAME=-SM-BFm8Xnzb4URJ%2fCsyUd397qvAy4F1Of9wIGvjkiYN0KHeOs3VMJyhQf33s2zshvj%2b&TARGET=-SM-http%3a%2f%2ftamis%2earmy%2emil%3a443%2f%2c%2f>

The Total Ammunition Management Information System (TAMIS) is the Department of the Army system for managing operational, training and test munitions.

TAMIS calculates training ammunition requirements Calculates Combat and Sustainment Load requirements Prepares training and operational load ammunition forecasts Enables the preparation, validation & routing of electronic requests for ammunition Collects ammunition expenditures & prepares reports TAMIS is sponsored by the Army G-3/5/7 Munitions Management Office. Users of TAMIS include:

Headquarters, Department of the Army
Army Commands (ACOMs), Army Service Component Commands (ASCCs), and Direct Reporting Units (DRUs) worldwide Army Reserve, and the Army National Guard Department of the Navy Department of the Air Force U.S. Marine Corps

Chief
Chief, Security and Police Division
Tobyhanna Army Depot
EFFECTIVE 1 AUG 09
New Office #: [REDACTED]
New Fax #: [REDACTED]

Please take a moment and log on to http://ice.disa.mil/index.cfm?fa=card&service_provider_id=109453&site_id=535&service_category_id=29 and provide feedback and rate my service.

NOTICE: Under the Privacy Act of 1974, you must safeguard all personnel information. Disclosure of information is governed by Title 5, United States Code, Section 552a Public Law 93-579, DoDD 5400.11-R and the applicable service directives.

-----Original Message-----

From: [REDACTED] J CIV USA AMC
Sent: Wednesday, August 05, 2009 1:51 PM
To: Chief Mr CIV USA AMC; [REDACTED] CIV USA AMC
Subject: RE: 1-2 Sep TAMIS Class at Redstone Arsenal (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

10-4. I just responded to CECOM with our intentions to attend.

[REDACTED]
Operations Officer
Security and Police Division
Tobyhanna Army Depot, PA 18466
Comm: [REDACTED]
DSN: [REDACTED]
BB: [REDACTED]
email: [REDACTED]@us.army.mil
SIPR: [REDACTED]@us.army.smil.mil

NOTICE: Under the Privacy Act of 1974, you must safeguard all personnel information. Disclosure of information is governed by Title 5, United States Code, Section 552a Public Law 93-579, DoDD 5400.11-R and the applicable service regulations.

-----Original Message-----

From: Chief D Mr CIV USA AMC
Sent: Wednesday, August 05, 2009 1:50 PM
To: [REDACTED] CIV USA AMC; [REDACTED] P CIV USA AMC
Subject: RE: 1-2 Sep TAMIS Class at Redstone Arsenal (UNCLASSIFIED)

Approved.

You will need to get information on it to fill out your travel requests.

Chief
Chief, Security and Police Division
Tobyhanna Army Depot
EFFECTIVE 1 AUG 09
New Office #: [REDACTED]
New Fax #: [REDACTED]

Please take a moment and log on to http://ice.disa.mil/index.cfm?fa=card&service_provider_id=109453&site_id=535&service_category_id=29 and provide feedback and rate my service.

NOTICE: Under the Privacy Act of 1974, you must safeguard all personnel information. Disclosure of information is governed by Title 5, United States Code, Section 552a Public Law 93-579, DoDD 5400.11-R and the applicable service directives.

-----Original Message-----

From: [REDACTED] CIV USA AMC
Sent: Tuesday, August 04, 2009 2:03 PM
To: Chief Mr CIV USA AMC
Subject: Fw: 1-2 Sep TAMIS Class at Redstone Arsenal (UNCLASSIFIED)

Classification: Unclassified

I'd like to attend, if possible. Thanks.

[REDACTED]
Operations Officer
Security and Police Division
Tobyhanna Army Depot, PA
Comm: ([REDACTED])
BB: [REDACTED]
email: [REDACTED]@us.army.mil
SIPR: [REDACTED]@us.army.smil.mil

----- Original Message -----

From: [REDACTED] CIV USA AMC
To: [REDACTED] CIV USA AMC
Cc: [REDACTED] Mrs CIV USA AMC
Sent: Tue Aug 04 13:27:20 2009
Subject: FW: 1-2 Sep TAMIS Class at Redstone Arsenal (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

[REDACTED] FYI,
[REDACTED]

-----Original Message-----

From: [REDACTED] Mr CIV USA AMC
Sent: Tuesday, August 04, 2009 1:18 PM
To: [REDACTED]

[REDACTED]

Subject: 1-2 Sep TAMIS Class at Redstone Arsenal (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

All -

We still have quite a few openings in our TAMIS class at RSA in September. Right now I only have seven names for this course.

Please identify your proposed attendees and let me know who they are NLT 14 Aug 09.

Thanks,

[REDACTED]
Hqs, AMC G3/5
Strategic Sustainment & Support Div
DSN [REDACTED] / Comm 2 [REDACTED]
[REDACTED]@us.army.mil

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).
PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.
ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.
DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION Building 20, Tobyhanna Army Depot	2. DATE (YYYYMMDD) 2010/02/10	3. TIME 1015	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME Chief	6. SSN Chief	7. GRADE/STATUS YC-02, DAC	
8. ORGANIZATION OR ADDRESS Industrial Risk Management, Security Division			

9. I, Chief, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 This statement is intended to clarify previously provided sworn statements and to provide updated information.
 The Security Division received a call from Pennsylvania State Police Trooper [REDACTED] on 04/16/09 in reference to a resident of Tobyhanna housing area being wanted for felony charges. The "felony warrant" referenced in my previous statement was a commonwealth of Pennsylvania warrant out of Franklin County for one count of aggravated assault, three counts of robbery, and one count of criminal conspiracy/robbery. When the Security Division received the call, the criminal investigator was notified and he attempted to validate the warrant by running a National Crime Information Center(NCIC) inquiry on the individual. The NCIC inquiry revealed the individual had numerous violent arrests and convictions to include a murder charge in 2003 and convictions of possession of a firearm by a convicted felon. Trooper [REDACTED] faxed the signed warrant to our department and requested we locate and detain the individual so they could execute the arrest. Personnel from the Security Division attempted to locate the individual at his housing unit and met with negative contact, a Be On the Look Out (BOLO) was issued to the gates along with a stop and detain order. The individual did not attempt to gain entry to the depot through the weekend of April 18-19th. On April 20th we received a notification from Trooper [REDACTED] that the individual had turned himself into the Pennsylvania State Police.
 To provide an update, we moved from our temporary construction trailers back into building 20 on November 23rd 2009. On that date my weapon was turned back into the armsroom and the GSA approved container I was utilizing to temporary store my weapon during the construction period was no longer utilized.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT TT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF Chief TAKEN AT Building 20 DATED 2010/02/08

STATEMENT (Continued)

AFFIDAVIT

I, Chief _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

Chief
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of February, 2010

at Bldg # 20 Takhama Army Depot

ORGANIZATION OR ADDRESS



(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

5 USC Plaintiff 3 Sec 3036
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

TT

PAGE 2 OF 2 PAGES

ENCLOSURE 4

**NOTIFICATION OF RIGHTS AND OBLIGATIONS
PRIVACY ACT STATEMENT
CIVILIAN**

1. Authority: 10 U.S.C. §3012.
2. You are here to be asked questions pertaining to your employment with this agency. The purpose for soliciting this information is to obtain facts and to make recommendations to assist the Appointing Official in determining what action to take.
3. Any information you provide may be disclosed to members of the government officials who have a need for the information in the performance of their duties.
4. You have the option to remain silent, although you may be subject to disciplinary action, up to and including removal from your employment by the agency if you fail to answer material and relevant questions relating to the subject matter of this inquiry that relate to the performance of your duties as an employee.

I acknowledge that I have been given the above Notification of Rights and Obligations at the beginning of the interview being held on this date.

PS 2

Printed Name

PS 2

Signature

8-14-09

Date

M

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 8387 Social Security Number (SSN).
PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.
ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management.
DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION: TYAD BLDG 4-4
2. DATE (YYYYMMDD): 2009/08/14
3. TIME: 0800
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: PS 2
6. SSN:
7. GRADE/STATUS: YN-01
8. ORGANIZATION OR ADDRESS: TYAD, Tobyhanna PA 18466

PS 2

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the morning of 14 August, 2009, I was interviewed by [redacted] the Investigating Officer. [redacted] asked me what my position was with Security. I told him that I was the 1st Shift Supervisor.
[redacted] asked me if I knew of any issues or where any issues brought to my attention about improper weapons turn-in procedures at the end of shifts for [redacted] or [redacted]. Specifically that the named individuals were not turning back their weapons at the end of their shift or duty day. I said that I did not know of any issues personally or where any brought to my attention by any other individuals. [redacted] was storing his weapon and ammunition in a security container in his office. I told him that proper procedures were being followed for his weapon. I made mention that [redacted] made this known to the supervisors about storing his weapon in his office and had made a sign-out sheet to be used in the arms-vault for this purpose.
[redacted] told me that from the log he saw that [redacted] stopped returning his weapon to the arms vault and that during his investigation he had been shown a purchase request for a weapons security container all in the March 2009 timeframe. I told him that sounded about right when he began to store his weapon outside the vault.
[redacted] asked me if I had any correspondence from [redacted] that would have shown that he did indeed give notification to the supervisors about storing his weapon in his office and I said that I didn't believe I could find any because of computer issues with saved e-mails. He asked me about the sign-in sheet in the arms room but I answered that it had been removed by someone.
[redacted] asked me if I was aware of any of the same issue with [redacted]. I told him no and he asked me how many times [redacted] drew his weapon from the vault. I told him that he only withdrew it a couple of times that I could recall.
[redacted] asked me if I knew of any time that either individual may have took their weapons home and I answered none that I knew of.
[redacted] asked me if I knew of any issues or had heard of any issues with either [redacted] or [redacted] not being qualified to carry a weapon. I answered that I had heard that neither weapons trainers had done an initial qualification on Mr [redacted]. [redacted] asked me if [redacted] had a 3749 weapons card and I said he had.
[redacted] asked me if I knew that the majority of the security force was ineligible to carry a weapon as their weapons qualification had expired. I told him that I knew that and that we were getting ready to start weapons qualifications again. I also mention that the reason that qualifications had expired was because of our inability to schedule a range or get training ammunition.
[redacted] asked me how I would know if qualifications were up to date and I said it would be in their training folder. [redacted] asked me if I would be surprised if I couldn't tell from the training folders as they were not up to date. I said I wouldn't be surprised as the weapons training officers have let that slip.

PS 2

nt

10. EXHIBIT:
11. INITIALS OF STATEMENT: PS 2
PAGE 1 OF 2 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] AT [redacted] DATED [redacted]"
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF **PS 2**

TAKEN AT

TYAD. Bldg. 4-4

DATED

2009/08/14

9. STATEMENT

(Continued)

— Nothing on this page. —

PS 2

AFFIDAVIT

_____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT

WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE

1

I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE

BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE

CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHC
THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE,

PS 2

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to
administer oaths, this

14

day of

August

2007

at

TYAD, Bldg. 4-4

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PS 2

PAGE 2 OF 2 PAGES

ENCLOSURE 4

**NOTIFICATION OF RIGHTS AND OBLIGATIONS
PRIVACY ACT STATEMENT
CIVILIAN**

1. Authority: 10 U.S.C. §3012.
2. You are here to be asked questions pertaining to your employment with this agency. The purpose for soliciting this information is to obtain facts and to make recommendations to assist the Appointing Official in determining what action to take.
3. Any information you provide may be disclosed to members of the government officials who have a need for the information in the performance of their duties.
4. You have the option to remain silent, although you may be subject to disciplinary action, up to and including removal from your employment by the agency if you fail to answer material and relevant questions relating to the subject matter of this inquiry that relate to the performance of your duties as an employee.

I acknowledge that I have been given the above Notification of Rights and Obligations at the beginning of the interview being:

PS 3

Printed Name

17 AUG 09
Date

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9387 Social Security Number (SSN).

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

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

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

1. LOCATION TYAD BLDG 4-4	2. DATE (YYYYMMDD) 2009/08/17	3. TIME 1040	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME PS 3	6. SSN [REDACTED]	7. GRADE/STATUS YN-01	
8. ORGANIZATION OR ADDRESS TYAD, Tobyhanna PA 18466			

9. I, PS 3, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the morning of 17 August, 2009, I was interviewed by [REDACTED], the Investigating Officer. [REDACTED] asked my what my position was with Security. I told him that I was the 2nd Shift Supervisor.

[REDACTED] asked me if I knew of any issues or had heard of any issues with either Chief [REDACTED] or Operations Officer not being qualified to carry a weapon. I answered that I didn't know or hadn't heard of any issues with either individual. I told him that the majority of the Security Force at this time was ineligible to carry a weapon as their weapons qualification had expired and we were in the process of getting them qualified. I told him the reason that the qualifications had expired was because of our inability to schedule a range or get training ammunition.

[REDACTED] asked me if I knew of any issues or there were any issues brought to my attention about improper weapons turn-in procedures at the end of shifts for Chief [REDACTED] or Operations Officer. Specifically, that the named individuals were not turning back their weapons at the end of their shift or duty day. I said that it was common knowledge that Chief [REDACTED] stored his weapon in his office. [REDACTED] asked me if Chief [REDACTED] had put that information out formally in an e-mail and I told him that I didn't remember that but that it was common knowledge and all the desk sergeants and shift supervisors knew it. He asked me if I believed what Chief [REDACTED] did was proper. I told him that I didn't believe that the accountability was as assured as if the weapon was turned back into the arms room. [REDACTED] asked me if I knew that the security containers used to store weapons Chief [REDACTED] and Operations Officer have were approved for weapons storage and I said I did not. He asked me if I knew how many containers there were in security and who had them and I said I did not.

[REDACTED] asked me the same question regarding turning in of weapons for Operations Officer and I said that Operations Officer didn't withdraw his weapon very often.

[REDACTED] asked me if I believed that either Chief [REDACTED] or Operations Officer ever took their weapons home at the end of their duty day and I answered I didn't believe so.

PS 3

End of Statement

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT PS 3	PAGE 1 OF <u>2</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF PS 3 TAKEN AT TYAD Bldg 4-4 DATED 2009/08/17

9. STATEMENT (Continued)

Nothing on this page. PS 3

INITIALS OF PERSON MAKING STATEMENT

PS 3

PAGE 2 OF 2 PAGES



FW Ammo shortage
From: Chief D Mr CIV USA AMC
Sent: Tuesday, September 01, 2009 2:49 PM
To: [REDACTED] MS CIV USA AMC
Cc: [REDACTED] Mr CIV USA AMC
Subject: [REDACTED] FW: Ammo shortage

Here is what I received from Starr uniform when I asked for them to provide documentation on what they had to do to accommodate our new hire employees with ammunition.

Chief
Chief, Security and Police Division
Tobyhanna Army Depot
EFFECTIVE 1 AUG 09
New Office #: [REDACTED]
New Fax #: [REDACTED]

Please take a moment and log on to
http://ice.disa.mil/index.cfm?fa=card&service_provider_id=109453&site_id=535&service_category_id=29 and provide feedback and rate my service.

NOTICE: Under the Privacy Act of 1974, you must safeguard all personnel information.
Disclosure of information is governed by Title 5, United States Code, Section 552a Public Law 93-579, DoDD 5400.11-R and the applicable service directives.

-----Original Message-----

From: pflynn@starruniformcenter.com [mailto:pflynn@starruniformcenter.com]
Sent: Tuesday, September 01, 2009 2:15 PM
To: Chief Mr CIV USA AMC
Subject: Ammo shortage

Dear Chief
Since president obama took office there has been a national shortage of ammunition. This can be easily verified thru contacting any major manufacturers. In order to accomadate you immediately, i was forced to borrow ammunition from the city of Scranton SWAT team.
Thanks
[REDACTED]

[REDACTED]
Starr Uniform Center
207 Center St.
Scranton, PA 18503
1-800-801-0824
Cell - [REDACTED]
Fax - [REDACTED]

FW Ammo shortage
From: Chief D Mr CIV USA AMC
Sent: Tuesday, September 01, 2009 2:49 PM
To: [REDACTED] A MS CIV USA AMC
Cc: [REDACTED] Mr CIV USA AMC
Subject: [REDACTED] FW: Ammo shortage

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Chief
Chief, Security and Police Division
Tobyhanna Army Depot
EFFECTIVE 1 AUG 09
New Office #: [REDACTED]
New Fax #: [REDACTED]

Please take a moment and log on to
http://ice.disa.mil/index.cfm?fa=card&service_provider_id=109453&site_id=535&service_category_id=29 and provide feedback and rate my service.

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Thanks
[REDACTED]

[REDACTED]
Starr Uniform Center
207 Center St.
Scranton, PA 18503
1-800-801-0824
Cell - [REDACTED]
Fax - [REDACTED]

CIV USA AMC

From: [REDACTED] Ms CIV USA AMC
Sent: Tuesday, September 01, 2009 3:22 PM
To: [REDACTED] Ms CIV USA AMC; Chief Mr CIV USA AMC
Cc: [REDACTED] Mr CIV USA AMC
Subject: RE: Ammo shortage (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

I spoke to the author of the email at Starr, telling him that his email could be read by the Secretary of the Army and higher, and asking if he wanted to re-word the first sentence. He declined and stands by his statement. He noted it as a frame of reference in time. I politely suggested he could state: "since Jan 09." He declined to change it, explaining it is not an attack on the President; his sentence reflects what has happened since he took office.

I will not alter a third party (or any other) witness statement.

-----Original Message-----

From: [REDACTED] A Ms CIV USA AMC
Sent: Tuesday, September 01, 2009 3:13 PM
To: Chief Mr CIV USA AMC
Cc: [REDACTED] Mr CIV USA AMC
Subject: RE: Ammo shortage (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Chief

Thanks. I'm going to call [REDACTED].

[REDACTED]

-----Original Message-----

From: Chief D Mr CIV USA AMC
Sent: Tuesday, September 01, 2009 2:49 PM
To: [REDACTED] A Ms CIV USA AMC
Cc: [REDACTED] Mr CIV USA AMC
Subject: FW: Ammo shortage

Here is what I received from Starr uniform when I asked for them to provide documentation on what they had to do to accommodate our new hire employees with ammunition.

Chief
Chief, Security and Police Division
Tobyhanna Army Depot
EFFECTIVE 1 AUG 09

New Office #: [REDACTED]
New Fax #: [REDACTED]

Please take a moment and log on to http://ice.disa.mil/index.cfm?fa=card&service_provider_id=109453&site_id=535&service_category_id=29 and provide feedback and rate my service.

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Subject: Ammo shortage

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[REDACTED]

[REDACTED]
Starr Uniform Center
207 Center St.
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Cell - [REDACTED]
Fax - [REDACTED]
Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE



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Ammo Sales Spike Continues Months After Obama Elected

Thursday, September 24, 2009
Associated Press

Print

NEW ORLEANS — Bullet-makers are working around the clock, seven days a week, and still can't keep up with the nation's demand for ammunition.

Shooting ranges, gun dealers and bullet manufacturers say they have never seen such shortages. Bullets, especially for handguns, have been scarce for months because gun enthusiasts are stocking up on ammo, in part because they fear President Barack Obama and the Democratic-controlled Congress will pass antigun legislation — even though nothing specific has been proposed and the president last month signed a law allowing people to carry loaded guns in national parks.

Gun sales spiked when it became clear Obama would be elected a year ago and purchases continued to rise in his first few months of office. The FBI's National Instant Criminal Background Check System reported that 6.1 million background checks for gun sales were issued from January to May, an increase of 25.8 percent from the same period the year before.

"That is going to cause an upswing in ammunition sales," said Larry Keane, senior vice president of the National Shooting Sports Foundation, a trade association representing about 5,000 members. "Without bullets a gun is just a paper weight."

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The shortage for sportsmen is different than the scarcity of ammo for some police forces earlier this year, a dearth fueled by an increase in ammo use by the military in Iraq and Afghanistan.

"We are working overtime and still can't keep up with the demand," said Al Russo, spokesman for North Carolina-based Remington Arms Company, which makes bullets for rifles, handguns and shotguns. "We've had to add a fourth shift and go 24-7. It's a phenomenon that I have not seen before in my 30 years in the business."

Americans usually buy about 7 billion rounds of ammunition a year, according to the National Rifle Association. In the past year, that figure has jumped to about 9 billion rounds, said NRA spokeswoman Vickie Cieplak.

Jason Gregory, who manages Greline Gun Works just outside of New Orleans, has been building his personal supply of ammunition for months. His goal is to have at least 1,000 rounds for each of his 25 weapons.

"I call it the Obama effect," said Gregory, 37, of Terrytown, La. "It always happens when the Democrats get in office. It happened with Clinton and Obama is even stronger for gun control. Ammunition will be the first step, so I'm stocking up while I can."

So far, the new administration nor Congress has not been markedly antigun. Obama has said he respects Second Amendment rights, but favors "common sense" on gun laws. Still, worries about what could happen persist.

Demand has been so heavy at some Wal-Mart's, a limit was imposed on the amount of ammo customers can buy. The cutoff varies according to caliber and store location, but sometimes as little as one box — or 50 bullets — is allowed.

At Bernwood Arms in Ripon, Calif., sales manager Dallas Jett said some of the shortages have leveled off, but 45-caliber rounds are still hard to find.

"We've been in business for 32 years and I've been here for 10 and we've never seen anything like it," Jett said. "Coming out of Christmas everything started to dry up and it was that way all through the spring and summer."

Nationwide, distributors are scrambling to fill orders from retailers.

"We used to be able to order 50 or 60 cases and get them in three or four days easy, it was never an issue," said Vic Grechniw of Florida Ammo Traders, a distributor in Tampa, Fla. "Now you are really lucky if you can get one case a month. It just isn't there because the demand is way up."

A case contains 500 or 1,000 bullets.

At Jefferson Gun Outlet and Range in Metairie just west of New Orleans, owner Mike Mayer is worried individuals are going to start buying by the case.

"If someone wants to shoot on the weekend you have to worry about having the ammunition for them. And I know some people aren't buying to use it at the range, they're taking it home and hoarding it."

With demand, prices have also risen.


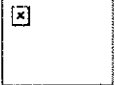




"Used to be gold, but now lead is the most expensive metal," said Donald Richards, 37, who was stocking up at the Jefferson store. "And worth every penny."

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SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2851; E.O. 8387 Social Security Number (SSN).

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

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

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

1. LOCATION TYAD Bldg 20	2. DATE (YYYYMMDD) 2009/09/15	3. TIME 1200	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME Operations Officer	6. SSN	7. GRADE/STATUS YA-02	
8. ORGANIZATION OR ADDRESS TYAD, Tobyhanna PA 18466			

9. I, Operations Officer, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.

On the afternoon of 15 September, 2009, I was re-interviewed by [redacted]. [redacted] told me that he needed to ask me additional questions with regards to the investigation. [redacted] asked me why there is no record of weapon issue or return on the 17th of July, 2009 (EAD). He asked if my weapon was signed out by the desk sergeant and held in the evidence container until I arrived for duty and then issued to me. I told him that I had signed out my weapon from the arms room that morning and returned it to the desk sergeant at the end of my duty day. I told him that the desk sergeants didn't hold my weapon for me before my duty shift. [redacted] once again said that there was no entry in the weapons control register that would indicate that my weapon was issued or returned on that day. I again told him that I signed my weapon out from the arms room and returned it to the desk sergeant that same day and I have no further explanation as to why the weapons control register was not there. I do not maintain those registers. [redacted] asked me how often I carried my weapon in Oct through Dec 2008 and I said that I didn't carry it, but signed out for inspection purposes. I told him that I was issued my permanent Sig 11 (B334266) December of 2008. [redacted] asked me how many times I carried my weapon from Jan 2009 and where did I store it. I told him that I didn't carry it often, and that the majority of the time was for cleaning and inspection purposes. It was always turned over to the desk sergeant to be stored in the arms room. [redacted] asked me why I didn't go to Starr for weapons testing when I arrived at TYAD. I again told him that I was under the impression that I was qualified from the time I had spent on the Gouldboro Range with Chief [redacted] when I first arrived. I told him that I had been trying to get range time at Starr so that I could put some rounds through my new Sig 11. I had wanted to put at least 500 rounds through my weapon to break it in but there was no ammunition to schedule the indoor range. He asked me to explain the nationwide shortage of ammunition and how that affected training requirements. I told him that that I was told from Starr that there was a shortage and it had alot to do do with the public anticipating more gun control. I further relayed that he will have to speak with Starr about the reasons for us not to use the range due to the lack of ammo. [redacted] then asked about TYAD's request to CECOM and AMC to change Operational loads to Training loads to alleviate that issue. I relayed to him that I am awaiting a logon from CECOM G4 point of contact in order for us to submit our request for ammunition. Ammunition needs to be procured through the Department of the Army's Total Ammunition Information System (TAMIS) system which is a new program for depots. I told him that [redacted] and myself attended the TAMIS training the week of 30 August, 2009 which teaches users how to calculate training ammunition requirements, how to prepare training and operational load ammunition forecasts, and most importantly how to prepare, validate & route electronic requests for ammunition, and also how to collect ammunition expenditures & prepares reports. [redacted] asked what the process was for being issued a weapon from the arms room. I told him what the procedure was according to the SOP to include signing the Weapons Control Register and turning in your 3749 weapons card. Mr [redacted] asked me what the requirement was to clean your weapon and I told him that according to the SOP the assigned weapon will be cleaned weekly. I told him that was probably more for the guards and police officers that carried their weapons in the elements and that once a month was more than enough. He asked me how long it took to clean a weapon and I told him 15-20 minutes. [redacted] asked me why I didn't pull my weapon to clean it in August 2009 and I told him that it was pulled and cleaned the day I qualified on or about 19 Aug.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT TT	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

P

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF Operations Officer TAKEN AT TYAD Bldg 20 DATED 2009/09/15

9. STATEMENT (Continued)

///Not Used///

INITIALS OF PERSON MAKING STATEMENT

TT

PAGE 2 OF 3 PAGES

STATEMENT OF Operations Officer TAKEN AT Bldg 20 DATED 2009/09/15

STATEMENT (Continued)
Not Used//

AFFIDAVIT

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

Operations Officer
(Signature)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 day of September, 2009
at Building #20, Toluca Ac Dept

ORGANIZATION OR ADDRESS



(Typed Name of Person Administering Oath)

SUSC, Chapter 3 Sec 303b
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

TT

PAGE 3 OF 3 PAGES

ENCLOSURE 4

**NOTIFICATION OF RIGHTS AND OBLIGATIONS
PRIVACY ACT STATEMENT
CIVILIAN**

1. Authority: 10 U.S.C. §3012.
2. You are here to be asked questions pertaining to your employment with this agency. The purpose for soliciting this information is to obtain facts and to make recommendations to assist the Appointing Official in determining what action to take.
3. Any information you provide may be disclosed to members of the government officials who have a need for the information in the performance of their duties.
4. You have the option to remain silent, although you may be subject to disciplinary action, up to and including removal from your employment by the agency if you fail to answer material and relevant questions relating to the subject matter of this inquiry that relate to the performance of your duties as an employee.

I acknowledge that I have been given the above Notification of Rights and Obligations at the beginning of the interview being held on this date.

Operations Officer

Printed Name

Operations Officer

Signature

Date

13 Aug 09

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

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

1. LOCATION TYAD BLDG 4-4	2. DATE (YYYYMMDD) 2009/08/13	3. TIME 0800	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME Operations Officer		6. SSN	7. GRADE/STATUS YA-02
8. ORGANIZATION OR ADDRESS TYAD, Tobyhanna PA 18466			

9. I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the morning of 13 August, 2009 I was interviewed by _____ the Investigating Officer. I was named as a respondent in an investigation regarding having met the proper qualifications for being issued, carrying, and using government owned/issued firearms and ammunition that is required for my position. Additionally, whether I have observed proper procedures for securing and returning firearms and ammunition at the end of my workday.

_____ asked me for a rundown of my Federal and Military Service. It is as follows:

TYAD - Security Specialist (Operations) Oct 2008-Present
 CECOM - Foreign Disclosure Officer Mar-Oct 2008
 TYAD - Security Manager Feb 2006-Feb 2008
 Cannon AFB - Security Specialist Nov 2004-Jan 2006
 Whiteman AFB - Personnel/Information/Industrial Security Specialist, Desk Sergeant/Patrolman/Supervisor Aug 1998-Dec 2002

_____ asked me about weapon qualifications that I held in the USAF;

USAF M-60, M-16, M-4, 249, DM240, and M9

_____ asked me what qualifications I held as a DA Security Specialist at TYAD. I told him that I was under the assumption that I was qualified with the M-11 by Chief _____ when I took the job and conducted a familiarization/refresher training in Oct/Nov 2008 at the Gouldsboro Range. He informed me that there was no "official" qualification card or sheet according to Mr Chief _____ because of the range requirements that doesn't allow more than 3 bullets in the weapon clip.

_____ asked me if I had a DA Form 3749 and when I had received it and I stated that I had one and it was after I had been to the Gouldsboro range with Chief _____. He requested that I make a copy of the front and back for him.

_____ asked me how many times I had pulled my weapon from the Arms Vault since receiving the 3749 and I replied that I only pulled it a couple of times. I remembered two events in particular, when we had a Felony Burglary Suspect that was convicted of numerous offenses including attempted murder and assault on a police officer for which he served a 5 year sentence. The other being and during EAD in particular because Chief _____ didn't have enough officers available to cover the basic crowd security for the event. _____ asked me if I was aware of the fact that according to his review of weapons qualification sheets and training records that the majority of the civilian police and security guards have expired qualifications to be eligible to carry a weapon. I was not aware of the fact that the actual qualifications had expired, but I had a pretty good idea that some of the records were in dismay and was going to be a target of mine in the next few weeks. It was put out verbally about three weeks ago that I was going to an audit on the records in preparation for a vulnerability assessment in Sept, 2009 and training folders would be a critical item. He asked me if I had put that out in writing and I answered that it was verbally at a meeting to Desk Sergeant 1 after our staff meeting. The training records are the responsibility of the supervisors and sergeants and to maintain and report discrepancies to either myself or Chief _____. I have also put out in meetings with the supervisors (Lt.s) that I was in the process of revamping the entire training program, including task specific lists that will be a tool for training officers in a particular post (e.g. gate guard, patrolman, desk sergeant duties etc.)

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

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

STATEMENT OF ^{Operations Officer} _____ TAKEN AT TYAD Bldg 4-4 DATED 2009/08/13

9. STATEMENT (Continued)

((continued from previous page))

I mentioned to [REDACTED] that Chief [REDACTED] had put in a PCC request for a Training Officer but had this request shot down. I also mentioned that I was looking at putting in place an automated training database so as to keep better visibility of these type of qualifications. [REDACTED] asked me about any written correspondence to CECOM or AMC about the unavailability of ammunition to train (initial and re-qualification) at the Depot. I told him that this has been corresponded to higher authority and we have even asked to have the OPLOAD ammunition turned into training ammunition to alleviate the lack of training ammunition. I told him that no approvals have been recieved and he asked for me to fax him all the correspondence related to this effort. He also asked for any correspondence related to Army/Service wide shortages that were effecting readiness/qualifications. [REDACTED] asked me if I had ever failed to turn in my weapon and ammunition at the end of my shift or workday. I answered that I have never failed to turn in my weapon to the arms vault within the same day. He asked me if I had an authorized container for storing my weapon outside the arms room and I answered yes but that I never used it to store my weapon in. He asked me if Chief [REDACTED] had ever taken his weapon home at the end of the workday and I answer that I never knew of that happening. [REDACTED] asked me if I was aware of any correspondence from Chief [REDACTED] to the desk sergeants with regards to his storing his weapon out side of the arms vault in approved containers in his office. I said that I remembered that something was put out but I couldn't remember if it was verbal, e-mail or a memorandum. [REDACTED] asked me if any other civilian police or security guards ever failed to turn in their weapons at the end of their shift and I indicated that it had not happened since I was here. I did mention that once a bullet was misplaced and everything was tore apart until it was found. On a separate note, I produced a valid "Permit to Carry Concealed Firearm" from the state of Pennslyvania to show the fact that I was indeed very knowledgeable with firearms, and safety requirements for them.

///End of Statement///

INITIALS OF PERSON MAKING STATEMENT

TT

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

///Not used/// Operations

AFFIDAVIT

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

Operations Officer

(Signature of Person Making Statement)

WITNESSES:

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

at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

TT

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).
PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.
ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.
DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION Bldg 20	2. DATE (YYYYMMDD) 2009/09/08	3. TIME 1130	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME Operations Officer	6. SSN	7. GRADE/STATUS YA-02	
8. ORGANIZATION OR ADDRESS TYAD, Tobyhanna PA 18466			

I, Operations Officer, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I am providing this statement as a supplement to my sworn statement provided on 13 Aug 2009. My weapon was signed out in addition to previous stated events, for routine cleaning and inspection purposes. I did this monthly since and had the weapon out for less than an hour. I have no knowledge of anyone on my behalf signing my weapon out at any other time.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT TT	PAGE 1 OF <u>3</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF Operations Officer TAKEN AT Bldg 20 DATED 2009/09/08

9. STATEMENT (Continued)

///Not used///

INITIALS OF PERSON MAKING STATEMENT

TT

PAGE 2 OF 3 PAGES

STATEMENT OF Operations Officer TAKEN AT Bldg 20 DATED 2009/09/08

B. STATEMENT (Continued)

///~~Not used~~/// Operation

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

TT

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 8387 Social Security Number (SSN).
PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.
ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecution, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management.
DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION: TYAD Bldg 20
2. DATE: 2009/09/15
3. TIME: 1200
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: Operations Officer
6. SSN
7. GRADE/STATUS: YA-02
8. ORGANIZATION OR ADDRESS: TYAD, Tobyhanna PA 18466

9. I, Operations Officer, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.
On the afternoon of 15 September, 2009, I was re-interviewed by [redacted]. [redacted] told me that he needed to ask me additional questions with regards to the investigation. [redacted] asked me why there is no record of weapon issue or return on the 17th of July, 2009 (EAD). He asked if my weapon was signed out by the desk sergeant and held in the evidence container until I arrived for duty and then issued to me. I told him that I had signed out my weapon from the arms room that morning and returned it to the desk sergeant at the end of my duty day. I told him that the desk sergeants didn't hold my weapon for me before my duty shift. [redacted] once again said that there was no entry in the weapons control register that would indicate that my weapon was issued or returned on that day. I again told him that I signed my weapon out from the arms room and returned it to the desk sergeant that same day and I have no further explanation as to why the weapons control register was not there. I do not maintain those registers. [redacted] asked me how often I carried my weapon in Oct through Dec 2008 and I said that I didn't carry it, but signed out for inspection purposes. I told him that I was issued my permanent Sig 11 (B334266) December of 2008. [redacted] asked me how many times I carried my weapon from Jan 2009 and where did I store it. I told him that I didn't carry it often, and that the majority of the time was for cleaning and inspection purposes. It was always turned over to the desk sergeant to be stored in the arms room. [redacted] asked me why I didn't go to Starr for weapons testing when I arrived at TYAD. I again told him that I was under the impression that I was qualified from the time I had spent on the Gouldboro Range with Chief [redacted] when I first arrived. I told him that I had been trying to get range time at Starr so that I could put some rounds through my new Sig 11. I had wanted to put at least 500 rounds through my weapon to break it in but there was no ammunition to schedule the indoor range. He asked me to explain the nationwide shortage of ammunition and how that affected training requirements. I told him that that I was told from Starr that there was a shortage and it had alot to do with the public anticipating more gun control. I further relayed that he will have to speak with Starr about the reasons for us not to use the range due to the lack of ammo. [redacted] then asked about TYAD's request to CECOM and AMC to change Operational loads to Training loads to alleviate that issue. I relayed to him that I am awaiting a logon from CECOM G4 point of contact in order for us to submit our request for ammunition. Ammunition needs to be procured through the Department of the Army's Total Ammunition Information System (TAMIS) system which is a new program for depots. I told him that [redacted] and myself attended the TAMIS training the week of 30 August, 2009 which teaches users how to calculate training ammunition requirements, how to prepare training and operational load ammunition forecasts, and most importantly how to prepare, validate & route electronic requests for ammunition, and also how to collect ammunition expenditures & prepares reports. [redacted] asked what the process was for being issued a weapon from the arms room. I told him what the procedure was according to the SOP to include signing the Weapons Control Register and turning in your 3749 weapons card. Mr [redacted] asked me what the requirement was to clean your weapon and I told him that according to the SCP the assigned weapon will be cleaned weekly. I told him that was probably more for the guards and police officers that carried their weapons in the elements and that once a month was more than enough. He asked me how long it took to clean a weapon and I told him 15-20 minutes. [redacted] asked me why I didn't pull my weapon to clean it in August 2009 and I told him that it was pulled and cleaned the day I qualified on or about 19 Aug.

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: TT
PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] TAKEN AT [redacted] DATED [redacted]
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF

Operations Officer

TAKEN AT

TYAD Bldg 20

DATED

2009/09/15

B. STATEMENT (Continued)

///Not Used///

INITIALS OF PERSON MAKING STATEMENT

TT

PAGE 2 OF 3 PAGES

STATEMENT OF Operations Officer TAKEN AT Bldg 2D DATED 2009/09/15

STATEMENT (Continued)
Not Used!!!

AFFIDAVIT

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

Operations Officer

(Signature)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 day of September, 2009

at Building #20 Tabukuma Ag. Depot

ORGANIZATION OR ADDRESS



(Typed Name of Person Administering Oath)

SUSA, Chapter 3 Sec 3036
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

TT

PAGE 3 OF 3 PAGES



Q



SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2051; E.O. 9397 Social Security Number (SSN).

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

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

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

1. LOCATION TYAD BLDG 20	2. DATE (YYYYMMDD) 2009/09/20	3. TIME 1200	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME Desk Sergeant 2	6. SSN	7. GRADE/STATUS GS-07	
8. ORGANIZATION OR ADDRESS TYAD, Tobyhanna PA 18466			

9. I, Desk Sergeant 2 WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the afternoon of 15 September, 2009, I was re-interviewed by [REDACTED]. [REDACTED] asked me if I was aware that Mr Operations Officer could not check out his weapon unless authorized by the chief. I told him that I was not aware of it. [REDACTED] asked me about the frequency that Operations Officer drew his weapon from the arms room since he started work in Oct/Nov 2008. I told him that it was about everyday in the beginning and then it was only on occasion after that. [REDACTED] asked me the procedure for removing weapons from the arms room. I told him that the individual would turn over his 3749 weapons card and I would issue him his weapon and place his 3749 card in the weapon slot. Then the individual would make the appropriate log entries on the AMSEL-TY Form 609. [REDACTED] asked me the process that was used to sign out a weapon of Operations Officer or Chief. I told him that prior to the evidence container being removed from the desk area, I would pull their weapons prior to their arrival, sign it out and hold it in the evidence container until their arrival when I would issue it to them. I told him that after the first couple of months Mr Operations Officer didn't require his weapon very often and I would only do it for Chief. [REDACTED] asked me if there was an order to keep Chief and Operations Officer weapon in the evidence container. I told him that I didn't believe that it was an order but more of a request. [REDACTED] asked about how on EAD Operations Officer pulled his weapon from the arms room and returned it without an entry in the log. [REDACTED] asked me if it was possible that the weapon was pulled earlier that morning and put in the evidence container without being recorded. I told him that we didn't do that for Operations Officer by that time and Operations Officer probably forgot to log it out or in. I told him that we have individuals who are not issued weapons very often and they might forget to sign the AMSEL-TY Form 609. [REDACTED] then asked why his logs don't show daily weapon sign out for Chief if he carried his weapon daily. He said that he would have expected to see daily sign-outs of the desk sergeant's signature and then printed "Chief" to signify that the weapon went to him if the weapon was being put into the evidence container. I stated that the chief has a storage container in his office where his weapons were to be stored, and prior to that we would sign his weapon in and out on the log for him as a convenience. I further stated that the weapon would be signed out on a Monday morning prior to the Chief's arrival and held in the evidence locker until the Chief arrived for the day, the Chief would place his weapon in the evidence container at the end of his day, the weapon would remain in the evidence locker until Friday evening when it would be returned to the arms room. The accountability would reflect back to the last time the AMSEL-TY Form 609 was last signed. I also told him that we could look further into this if in fact we had the logs for the entire time frame in question, but the logs were no longer available.

End of Statement

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <small>Desk Ser</small>	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

Q-1

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

I, Desk Sergeant 2, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR USE OF FORCE.

[Redacted Signature]

[Redacted Signature]

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20 day of Sept, 2009 at TYAD BLDG 420

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)
TITLE V USC 303 PUBLIC LAW 89-554
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT _____

PAGE 2 OF 2 PAGES

ENCLOSURE 4

**NOTIFICATION OF RIGHTS AND OBLIGATIONS
PRIVACY ACT STATEMENT
CIVILIAN**

1. Authority: 10 U.S.C. §3012.
2. You are here to be asked questions pertaining to your employment with this agency. The purpose for soliciting this information is to obtain facts and to make recommendations to assist the Appointing Official in determining what action to take.
3. Any information you provide may be disclosed to members of the government officials who have a need for the information in the performance of their duties.
4. You have the option to remain silent, although you may be subject to disciplinary action, up to and including removal from your employment by the agency if you fail to answer material and relevant questions relating to the subject matter of this inquiry that relate to the performance of your duties as an employee.

I acknowledge that I have been given the above Notification of Rights and Obligations at the beginning of the interview being held on this date.

Desk Sergeant 2

8/17/09
Date

Q-2



SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2051; E.O. 9397 Social Security Number (SSN).

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

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

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

1. LOCATION TYAD BLDG 20	2. DATE (YYYYMMDD) 2009/09/20	3. TIME 1200	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME Desk Sergeant 2	6. SSN	7. GRADE/STATUS GS-07	
B. ORGANIZATION OR ADDRESS TYAD, Tobyhanna PA 18466			

9. I, Desk Sergeant 2, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the afternoon of 15 September, 2009, I was re-interviewed by [REDACTED]. [REDACTED] asked me if I was aware that Mr Operations Officer could not check out his weapon unless authorized by the chief. I told him that I was not aware of it. [REDACTED] asked me about the frequency that Operations Officer drew his weapon from the arms room since he started work in Oct/Nov 2008. I told him that it was about everyday in the beginning and then it was only on occasion after that. [REDACTED] asked me the procedure for removing weapons from the arms room. I told him that the individual would turn over his 3749 weapons card and I would issue him his weapon and place his 3749 card in the weapon slot. Then the individual would make the appropriate log entries on the AMSEL-TY Form 609. [REDACTED] asked me the process that was used to sign out a weapon of Operations Officer or Chief.

I told him that prior to the evidence container being removed from the desk area; I would pull their weapons prior to their arrival, sign it out and hold it in the evidence container until their arrival when I would issue it to them. I told him that after the first couple of months Mr Operations Officer didn't require his weapon very often and I would only do it for Chief. [REDACTED] asked me if there was an order to keep Chief and Operations Officer weapon in the evidence container. I told him that I didn't believe that it was an order but more of a request. [REDACTED] asked about how on EAD Operations Officer pulled his weapon from the arms room and returned it without an entry in the log. [REDACTED] asked me if it was possible that the weapon was pulled earlier that morning and put in the evidence container without being recorded. I told him that we didn't do that for Operations Officer by that time and Operations Officer probably forgot to log it out or in. I told him that we have individuals who are not issued weapons very often and they might forget to sign the AMSEL-TY Form 609. [REDACTED] then asked why his logs don't show daily weapon sign out for Chief if he carried his weapon daily. He said that he would have expected to see daily sign-outs of the desk sergeant's signature and then printed "Chief" to signify that the weapon went to him if the weapon was being put into the evidence container. I stated that the chief has a storage container in his office where his weapons were to be stored, and prior to that we would sign his weapon in and out on the log for him as a convenience. I further stated that the weapon would be signed out on a Monday morning prior to the Chief's arrival and held in the evidence locker until the Chief arrived for the day, the Chief would place his weapon in the evidence container at the end of his day, the weapon would remain in the evidence locker until Friday evening when it would be returned to the arms room. The accountability would reflect back to the last time the AMSEL-TY Form 609 was last signed. I also told him that we could look further into this if in fact we had the logs for the entire time frame in question, but the logs were no longer available.

End of Statement

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT Desk Sergeant 2	PAGE 1 OF <u>2</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

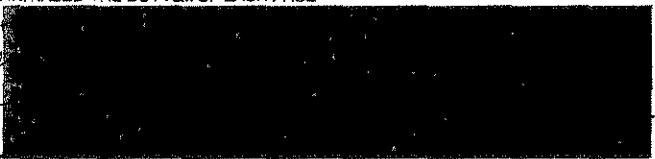
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

I, Desk Sergeant 2, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR U



Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of Sept, 2009 at TYAD BLUE H2C

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

TITLE V USC 303 PUBLIC LAW 89-554

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

1. LOCATION TYAD BLDG 4-4	2. DATE (YYYYMMDD) 2009/08/17 <i>GR</i>	3. TIME 1130 <i>GR</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME Desk Sergeant 2	6. SSN	7. GRADE/STATUS GS-07	
8. ORGANIZATION OR ADDRESS TYAD, Tobyhanna PA 18466			

Desk Sergeant 2

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the morning of 17 August, 2009, I was interviewed by [REDACTED] the Investigating Officer. [REDACTED] asked me what my position was with Security. I told him that I was the Desk Sergeant.

[REDACTED] asked me if I knew of any issues or had heard of any issues with either Chief [REDACTED] or Operations Officer [REDACTED] not being qualified to carry a weapon. I answered that I didn't know or hadn't heard of any issues with Chief [REDACTED] as I believed that he had been qualified locally at one time. I told him that I didn't know if Operations Officer [REDACTED] was ever qualified locally and yes that I had heard about it in some discussions. [REDACTED] asked me if Operations Officer [REDACTED] withdrew his weapon from the arms room with any frequency. I told him that it seemed like he did in the beginning when he first became the Operations Officer but that he doesn't remove it very much anymore. I told him that the last time he removed it was probably EAD.

[REDACTED] asked me if I knew or had heard of issues/concerns about Mr. Operations Officer [REDACTED] and Chief [REDACTED] observing proper procedures for securing/turning-in weapons at the end of their shift of duty/work day. I said that it was common knowledge that Chief [REDACTED] stored his weapon in his office. [REDACTED] asked if something was put out formally, I said that I was sure something was put out formally but I can't remember as I get so many e-mails in any one day. [REDACTED] asked me if I knew how many containers there were in security and who had them and I said I did not, I told him I didn't even know where Chief [REDACTED] was in his office. [REDACTED] asked me for the procedure of signing out and in of a weapon from the arms room and I told him. He asked me if some desk sergeants fill in the signature line of the weapons control register for the individual with the individual's position title if the weapon was still removed from the arms room at the end of the desk sergeant's shift. I told him that some do for a measure of accountability.

I also mention that sometimes the desk sergeant would sometimes sign out the weapon and ammunition for Chief [REDACTED] and Mr. Operations Officer [REDACTED] and store them in the desk safe and give them to them when they arrive at work.

[REDACTED] asked me if I believed that either Chief [REDACTED] or Operations Officer [REDACTED] ever took their weapons home at the end of their duty day and I answer I didn't believe so.

End of Statement

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT Desk Sergeant 2	PAGE 1 OF <u>3</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"

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

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF Desk Sergeant 2 TAKEN AT TYAD Bldg 4-4 DATED 2009/08/17

9. STATEMENT (Continued)

Nothing on this page.

Desk Sergeant 2

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

STATEMENT OF _____

TAKEN AT _____

DATED _____

9. STATEMENT (Continued)

Desk Sergeant 2

Desk Sergeant 2 FIDAVIT

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

Desk Sergeant 2

WITNESSES:

ORGANIZATION OR ADDRESS _____

ORGANIZATION OR ADDRESS _____

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24 day of Aug, 2009 at BLDG #20 TYAD

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

Title II USC 303 Public Law 89-504
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2851; E.O. 8387 Social Security Number (SSN).

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

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

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

1. LOCATION TYAD Security Trailer	2. DATE (YYYYMMDD) 2009/09/17	3. TIME 1000	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME Desk Sergeant 1	6. SSN [REDACTED]	7. GRADE/STATUS GS-07	
8. ORGANIZATION OR ADDRESS TYAD, Tobyhanna PA 18466			

I, Desk Sergeant 1, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the morning of 17 September, 2009, I was interviewed by [REDACTED]. [REDACTED] told me he was the investigating officer in a AR 15-6. [REDACTED] said that allegations were brought up against Chief [REDACTED] and Operations Officer for carrying a weapon without holding the required qualifications. Also that it was alleged that they did not return their weapons to the arms room at the end of their duty day. [REDACTED] asked me if I was the desk sergeant on July 17th, 2009, EAD and if I remembered issuing a weapon to Operations Officer. I told him that I was desk sergeant that day and that I did issue Operations Officer his weapon somewhere between 0730 and 0800 (Best of my Knowledge) from the arms room. [REDACTED] showed me copies of the weapon control register and that there was no entry to show that Operations Officer had either signed his weapon out or in. He asked me if it was possible that I had issued his weapon from the evidence container that day. I answered that it was very busy that day and we were short man power but that I remembered issuing his weapon from the arms room. I said that it was probable that Mr Operations Officer didn't fill out the register and that I didn't sign it. [REDACTED] asked me what shift I worked as a desk sergeant. I told him 1st shift from 0530-1400. [REDACTED] asked me if I was aware that Mr Operations Officer could not check out his weapon unless specifically authorized by Chief [REDACTED]. I told him that I was unaware on any authorization. [REDACTED] asked me how frequently Chief [REDACTED] and Operations Officer removed their weapons from the arms room. I told him that Chief [REDACTED] pretty much carried his weapon everyday. [REDACTED] asked if I knew about Chief [REDACTED] security container in his office. I told him that Chief [REDACTED] told me that he had one and that he was going to store his weapon in it. [REDACTED] asked me if Chief [REDACTED] put that out in a meeting or by e-mail. I told him that he personally told me about the security container and showed me it. I told him that when Operations Officer was hired that he removed his weapon often but not daily (Best of my Knowledge). Now he doesn't remove it very often. [REDACTED] asked me if, prior to this investigation, I was aware that Chief [REDACTED] or Operations Officer weren't returning their weapons or had even heard that they weren't returning their weapons at the end of their duty day and I answered no. [REDACTED] asked me about the use of the evidence container. I told him that the evidence container was used to store weapons prior to a shift and after a shift due to man power issues because the the desk sergeant cannot leave the desk unattended to sign out and turn in weapons throughout the shift, only if there was another sergeant or lieutenant available to cover the desk which there usually wasn't. [REDACTED] asked me if there was ever an order for the desk sergeants to store the weapons in the evidence container for Mr Chief [REDACTED] or Operations Officer. I answered that it was never an order but just more of a request by Chief [REDACTED] to have his weapon in the container when he reported for duty. I never received a request to store Operations Officer weapon in the container. Mr [REDACTED] asked me if I had known or heard that Chief [REDACTED] and Operations Officer were not qualified to be eligible to carry a weapon prior to this investigation. I told him that I had heard that neither one had a weapons qualification, but I have also heard that they were qualified.

End of Statement

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <small>Desk Sergeant 1</small>	PAGE 1 OF <u>3</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

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USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF Desk Sergeant 1 TAKEN AT TYAD Security DATED 2009/09/17

9. STATEMENT *(Continued)*

Nothing on this page.

INITIALS OF PERSON MAKING STATEMENT
Desk Sergeant 1

PAGE 2 OF 3 PAGES

STATEMENT OF _____

TAKEN AT _____

DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

I, Desk Sergeant 1, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL

WITNESSES:

(Handwritten mark)

administer oaths, this 17 day of September, 2009

at the Security Trailers, TYAD

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

USC Title 5 sec 503 Public Law 89-554
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT
Desk Sergeant 1

PAGE 3 OF 3 PAGES


ENCLOSURE 4

**NOTIFICATION OF RIGHTS AND OBLIGATIONS
PRIVACY ACT STATEMENT
CIVILIAN**


1. Authority: 10 U.S.C. §3012.
2. You are here to be asked questions pertaining to your employment with this agency. The purpose for soliciting this information is to obtain facts and to make recommendations to assist the Appointing Official in determining what action to take.
3. Any information you provide may be disclosed to members of the government officials who have a need for the information in the performance of their duties.
4. You have the option to remain silent, although you may be subject to disciplinary action, up to and including removal from your employment by the agency if you fail to answer material and relevant questions relating to the subject matter of this inquiry that relate to the performance of your duties as an employee.

I acknowledge that I have been given the above Notification of Rights and Obligations at the beginning of the interview being held on this date.

Sgt. Patrick Wall
Printed Name


Signature

8/07/09
Date

S-1 

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).
PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.
ROUTINE USES: information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management.
DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION: Bldg # 4 Bay 4
2. DATE (YYYYMMDD): 20090807
3. TIME: 1200
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: Wall, Patrick T
6. SSN: [REDACTED]
7. GRADE/STATUS: GS 07
8. ORGANIZATION OR ADDRESS: D/PRM Security Division

I, Patrick Wall, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On August 7th 2009 at 11:00 AM I was present for an appointment with [REDACTED] regarding a complaint he was tasked with investigating.

[REDACTED] stated this was an informal meeting to gather facts regarding a complaint about weapons qualifications and the storage of firearms within the TYAD Security Division.

[REDACTED] asked if I was aware of when Chief last performed his Annual Qualification. I advised that to the best of my knowledge Chief has not completed an annual qualification in the past year.

[REDACTED] asked if I was aware of whether or not Operations Officer has received any firearms training or qualification since being employed as operations officer for TYAD

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: [Signature]
PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

Security Division. I advised that to the best of my knowledge Operations Officer _____ has not attended any firearms training nor has he qualified with his assigned firearm since he ~~has~~ been hired.


_____ Asked if I was aware of how, or where Chief and _____ Operations Officer store their firearms when not on duty. I advised that I am not aware of where the arms are stored when not on duty but I know they are not stored in the arms room as they should be per 190-56 and 191-11. I also advised that the arms were not turned into the arms room in several months.

I also advised that there has been an occasion or two where _____ was removed from the arms room for days if not weeks at a time.

/// END of statement - ///


8/07/09

INITIALS OF PERSON MAKING STATEMENT



PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

Not used

AFFIDAVIT

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

[Handwritten Signature]
(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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

at _____

[Handwritten Signature]
(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

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

1. LOCATION TYAD BLDG 4-4	2. DATE (YYYYMMDD) 2009/08/20	3. TIME 0630	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]		6. SSN	7. GRADE/STATUS GS-07
8. ORGANIZATION OR ADDRESS TYAD, Tobyhanna PA 18466			

I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the morning of 20 August, 2009, I was re-interviewed by [REDACTED] the Investigating Officer. [REDACTED] asked me if the evidence box that was at the desk sergeant's desk was ever used to store weapons and ammunition. I answered that it was used to keep a weapon and ammunition on certain occasions until the desk sergeant could get time to go back to store them in the arms room. I pointed out that these occasions were when personnel were released from overtime and the Desk Sgt. was too busy to immediately open the arms room. The weapons were returned to the arms room once the sergeant was available to do so. The weapons were secured in the lock boxes and were a few feet behind the ARMED desk Sergeant. He asked if on certain occasions that desk sergeants pulled the weapon and ammunition prior to a shift for certain individuals and stored it in the evidence container, then would issue the weapon when that individual arrived for the day of duty. I answered yes that it did happen when there was a short time between the sergeant closing the arms room and the officer reporting for duty. I advised that this was initially how Chief and Operations Officer received their weapons. Then the arms stopped being returned to the arms room and the evidence containers. The arms were not seen by the inventorying sergeant for weeks at a time. [REDACTED] then showed me the Weapon Control Register for 16 April, 2009 in which [REDACTED] had his weapon and ammunition issued without a signature and that it was never turned back in according to the register. He asked me if it was possible that a desk sergeant checked out a weapon for [REDACTED] on the 16th of April but [REDACTED] never took possession of the weapon that day and that it remained in the evidence container. I answered that I was not aware because I never saw an entry like this one occur. He then asked me if it was possible that weapons and ammunition could have been store in the evidence containers for multiple days and I answered that this was not the case in the times that Chief [REDACTED] weapon was not in the arms room. [REDACTED] asked me if I knew of any security containers that were authorized to store weapons that were available to Chief [REDACTED] and I replied no. [REDACTED] said that Chief [REDACTED] had purchased 4 GSA approved security containers for weapon storage back in March 2009 and that he installed one in his office mounted to his desk. He asked me if I knew about any of these containers, and specifically the one in Mr Chief [REDACTED] office. I told him no and he then showed me photos of the one in Chief [REDACTED] office and said that [REDACTED] and Mr [REDACTED] from Physical Security verified that they meet the requirements for storage of weapons and ammunition. He ask me if any word was put out formally or informally that Chief [REDACTED] was going to be storing his weapon in his office in his security container. I answered no, that I did not get any word about this. He asked me if the desk sergeants still had the evidence container available to them and I said that it had been removed. [REDACTED] said that the evidence container did not meet the regulations to store weapons under AR 190-11 as it could be easily removed. [REDACTED] asked me how something that he was told was common knowledge didn't make it to the 3rd shift and I said that lack of communication was an big issue within the Security Division. I also advised him that extremely important information doesn't get passed from shift to shift. I advised him that I don't spend time in the Chief's, Captain's, or Investigator's offices because of the different working hours and was not aware of the items contained in these offices. I also pointed out that the lock boxes that were purchased in March of 2009 were purchased after this complaint was filed and the purchase of such equipment was not during the timeframe of the allegations.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF <u>2</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

STATEMENT OF _____

TAKEN AT _____

DATED _____

9. STATEMENT (Continued)

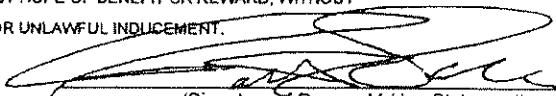
_____ advised me that the arms room documents only go back to April of 2009 and the allegations prior could not be researched.

I was given an opportunity to ask Mr. _____ questions. I asked why my name was released to my 1st line supervisor namely Chief _____ as the person filing this complaint. He advised me that the complaint paperwork he received stated I consented to the release of my name. I informed Mr. _____ that the disclosure agreement I provided CSC specifically stated " my name could be release only if absolutely necessary to investigate these allegations". I also advised him that there hasn't been a need to release my name and such release will have a negative impact on my career working under those who have been accused. I expressed my dissatisfaction with the unnecessary release of my name and the processes used during this investigation.

/// END OF STATEMENT ///

AFFIDAVIT

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


(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS _____

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS _____

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT _____

PAGE 2 OF 2 PAGES

Mr CIV USA AMC

From: Wall, Patrick T CIV USA AMC
Sent: Sunday, August 23, 2009 9:50 PM
To: Mr CIV USA AMC
Subject: RE: Statement (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Thank you.

-----Original Message-----

From: Mr CIV USA AMC
Sent: Friday, August 21, 2009 6:58 AM
To: Wall, Patrick T CIV USA AMC
Subject: Statement (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Patrick,

I will file a statement to go along with your statement to point out two things. The first, the arms room weapon control register goes back to Jan 09, not April of 2009, I did point that out to you , the only record that I showed you was from April of 2009. I will also state that I had acknowledged your concern about releasing your name during the interview and that I told you that this was considered a whistleblower investigation and that any negative impacts that you felt are being held against you because of this investigation would be considered retaliation and you would be urged to seek appropriate counsel for recourse.

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

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

1. LOCATION TYAD BLDG 4-4	2. DATE (YYYYMMDD) 2009/09/15	3. TIME 0830	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME Wall, Patrick T.	6. SSN	7. GRADE/STATUS GS-07	
8. ORGANIZATION OR ADDRESS TYAD, Tobyhanna PA 18466			

9. Patrick Wall . WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the morning of 15 September, 2009, I was re-interviewed by [REDACTED]. [REDACTED] told me that he needed to ask me additional questions with regards to the investigation. He asked what shift I worked from Oct to Dec 2008 and also what shift I worked in 2009. I answered that I was on 3rd shift up until the 30th of August, 2009 when I was moved to 1st shift. He then asked me how often I saw Chief [REDACTED], Operations Officer or [REDACTED] during that period with their weapons. I answered that I didn't know because of the difference in shifts. [REDACTED] then asked me for any dates when Chief [REDACTED], Operations Officer, or Mr. [REDACTED] failed to return their weapons to the arms rooms. Once again I told him that I couldn't tell him any dates but that Mr. Chief [REDACTED] had not returned his weapon for probably the last six months. He then said that corresponded to the time when Chief [REDACTED] had a security container installed in his office. He then asked if I could remember specific dates of the events where the weapons were not returned to the arms room and were not in the temporary storage located at the desk. I told him that because the arms room paperwork prior to January 2009 was no longer on file, I couldn't provide specific dates but did provide a time frame between Oct. 26 2008 (when Operations Officer was hired) and January of 2009 that there were several occasions where Chief [REDACTED] and Mr. Operations Officer [REDACTED] did not return their weapons and the whereabouts of them wasn't known. I also indicated that there was at least one time where [REDACTED] firearm was not seen for several weeks. [REDACTED] then asked me what my process was when I saw a weapon missing from the arms room. I told him that I would check with the off-going desk sergeant/supervisor. [REDACTED] asked me if I would check the evidence container as part of my process. I told him that I would check that daily prior to entering the arms room. [REDACTED] asked me what happened if I didn't find the weapon in the evidence container. I told him that the off-going shift desk sergeant/supervisor always accounted for the weapon by saying the chief/captain had theirs. I told him that it was happening more and more frequently and that I was worried that the off-going shift's response was just an assumption and not something they were sure of. [REDACTED] then asked me if I ever called the person who's weapon was missing to find out where their weapon was. I told him that I didn't feel that I was in a position to question the actions of my superiors by calling the Captain or the Chief to inquire about their weapons. [REDACTED] asked me about several entries in the weapons control register that showed me as the person who signed out Chief [REDACTED]'s weapon prior to Chief [REDACTED] shift. I pointed out that when Chief [REDACTED] and Operations Officer [REDACTED] first started drawing their firearms the desk sergeant would put the weapon in the temporary storage safe and the weapon would not be signed out and the ammunition was not accounted for. I told him that I started to document the drawing of the firearms and ammunition for him and other personnel as a way to ensure that they were accounted for. I further explained that other personnel didn't always fill out the log. I also advised [REDACTED] that the weapons were hardly ever signed back in. I pointed out that the weapons sign out sheet in the arms room was the only way of accounting for issued ammunition.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <i>m</i>	PAGE 1 OF <u>3</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

STATEMENT OF Patrick T Wall TAKEN AT TYAD Bldg 4-4 DATED 2009/09/15

9. STATEMENT (Continued)

I told him that I was worried about accounting for all the ammunition and firearms and that was why I did it. [redacted] asked me if I felt comfortable using the evidence container in this manner and I responded that I did. I said that the evidence container was in a secured area that was manned by an armed sergeant. I also stated that due to the irregular shifts of some personnel and the duties of the desk sergeant it was at times a necessity. I pointed out that the security containers being used by the Chief in his office were more for his convenience. [redacted] asked me how the process was now for issuing and returning weapons. I told him that since the evidence container was removed from the desk sergeants area the desk sergeant now has to call someone to man the office while he check's-in/out weapons to/from the arms room. [redacted] asked me if he should talk to anyone else who could collaborate my allegations about the failure of Chief [redacted], Mr. Operations Officer and [redacted] to return their weapons to the arms room. I told him that he should talk to the other desk sergeants/supervisors. [redacted] said that he had, and that no one else had voiced this concern. [redacted] asked me about my concern about liability in issuing weapons to an individual that wasn't qualified. He asked me if I had the same concerns about liability after July 2009 when 70% of the security force were ineligible to carry a weapon. I told him that I was and that I had talked to the Office of Special Council about that concern about 2 weeks prior to that expiration date. I told him that I was told that since it didn't happen yet that it couldn't be added to the list of charges. After returning to my work area I inquired with the other sergeants on duty if they were interviewed by [redacted]. I learned that there were several sergeants that were not spoken to. I also was advised by other sergeants that they indicated the events did indeed occur when they were asked by [redacted].

/// End of statement ///

(M)

INITIALS OF PERSON MAKING STATEMENT

M

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

not used

AFFIDAVIT

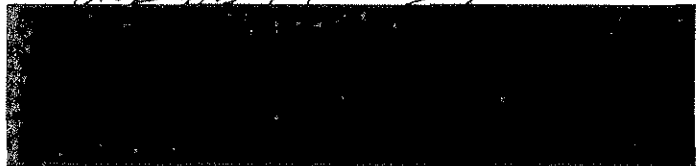
I, Patrick Wall, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[Handwritten Signature]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15th day of September, 2009 at Bldg 4 BAY 4

ORGANIZATION OR ADDRESS



ORGANIZATION OR ADDRESS

T.H.C.V. USC 303 Public Law 89-554
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[Handwritten Initials]

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

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

1. LOCATION TYAD BLDG 4-4	2. DATE (YYYYMMDD) 2009/09/15	3. TIME 0830	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME Wall, Patrick T.	6. SSN	7. GRADE/STATUS GS-07	
8. ORGANIZATION OR ADDRESS TYAD, Tobyhanna PA 18466			

9. Patrick Wall, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the morning of 15 September, 2009, I was re-interviewed by [REDACTED]. [REDACTED] told me that he needed to ask me additional questions with regards to the investigation. He asked what shift I worked from Oct to Dec 2008 and also what shift I worked in 2009. I answered that I was on 3rd shift up until the 30th of August, 2009 when I was moved to 1st shift. He then asked me how often I saw Chief [REDACTED], Operations Officer or [REDACTED] during that period with their weapons. I answered that I didn't know because of the difference in shifts. [REDACTED] then asked me for any dates when Chief [REDACTED], Operations Officer, or Mr. [REDACTED] failed to return their weapons to the arms rooms. Once again I told him that I couldn't tell him any dates but that Mr. Chief [REDACTED] had not returned his weapon for probably the last six months. He then said that corresponded to the time when Chief [REDACTED] had a security container installed in his office. He then asked if I could remember specific dates of the events where the weapons were not returned to the arms room and were not in the temporary storage located at the desk. I told him that because the arms room paperwork prior to January 2009 was no longer on file, I couldn't provide specific dates but did provide a time frame between Oct. 26 2008 (when Operations Officer [REDACTED] was hired) and January of 2009 that there were several occasions where Chief [REDACTED] and Mr. Operations Officer [REDACTED] did not return their weapons and the whereabouts of them wasn't known. I also indicated that there was at least one time where [REDACTED] firearm was not seen for several weeks. [REDACTED] then asked me what my process was when I saw a weapon missing from the arms room. I told him that I would check with the off-going desk sergeant/supervisor. [REDACTED] asked me if I would check the evidence container as part of my process. I told him that I would check that daily prior to entering the arms room. [REDACTED] asked me what happened if I didn't find the weapon in the evidence container. I told him that the off-going shift desk sergeant/supervisor always accounted for the weapon by saying the chief/captain had theirs. I told him that it was happening more and more frequently and that I was worried that the off-going shift's response was just an assumption and not something they were sure of. [REDACTED] then asked me if I ever called the person who's weapon was missing to find out where their weapon was. I told him that I didn't feel that I was in a position to question the actions of my superiors by calling the Captain or the Chief to inquire about their weapons. [REDACTED] asked me about several entries in the weapons control register that showed me as the person who signed out Chief [REDACTED] weapon prior to Chief [REDACTED] shift. I pointed out that when Chief [REDACTED] and Operations Officer [REDACTED] first started drawing their firearms the desk sergeant would put the weapon in the temporary storage safe and the weapon would not be signed out and the ammunition was not accounted for. I told him that I started to document the drawing of the firearms and ammunition for him and other personnel as a way to ensure that they were accounted for. I further explained that other personnel didn't always fill out the log. I also advised [REDACTED] that the weapons were hardly ever signed back in. I pointed out that the weapons sign out sheet in the arms room was the only way of accounting for issued ammunition.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <i>mw</i>	PAGE 1 OF <u>3</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

S-2

STATEMENT OF Patrick T Wall TAKEN AT TYAD Bldg 4-4 DATED 2009/09/15

9. STATEMENT (Continued)

I told him that I was worried about accounting for all the ammunition and firearms and that was why I did it. [redacted] asked me if I felt comfortable using the evidence container in this manner and I responded that I did. I said that the evidence container was in a secured area that was manned by an armed sergeant. I also stated that due to the irregular shifts of some personnel and the duties of the desk sergeant it was at times a necessity. I pointed out that the security containers being used by the Chief in his office were more for his convenience. [redacted] asked me how the process was now for issuing and returning weapons. I told him that since the evidence container was removed from the desk sergeants area the desk sergeant now has to call someone to man the office while he check's-in/out weapons to/from the arms room. [redacted] asked me if he should talk to anyone else who could corroborate my allegations about the failure of Chief [redacted], Mr. Operations Officer and [redacted] to return their weapons to the arms room. I told him that he should talk to the other desk sergeants/supervisors. [redacted] said that he had, and that no one else had voiced this concern. [redacted] asked me about my concern about liability in issuing weapons to an individual that wasn't qualified. He asked me if I had the same concerns about liability after July 2009 when 70% of the security force were ineligible to carry a weapon. I told him that I was and that I had talked to the Office of Special Council about that concern about 2 weeks prior to that expiration date. I told him that I was told that since it didn't happen yet that it couldn't be added to the list of charges. After returning to my work area I inquired with the other sergeants on duty if they were interviewed by [redacted]. I learned that there were several sergeants that were not spoken to. I also was advised by other sergeants that they indicated the events did indeed occur when they were asked by [redacted].

/// End of statement ///
(M)

INITIALS OF PERSON MAKING STATEMENT

W

PAGE 2 OF 3 PAGES

STATEMENT OF

TAKEN AT

DATED

9. STATEMENT (Continued)

not used

AFFIDAVIT

I, Patrick Wall, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[Handwritten Signature]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15th day of September, 2009 at Bldg 4 BAY 4

ORGANIZATION OR ADDRESS



ORGANIZATION OR ADDRESS

T:HC V. USC 303 Public Law 89-554
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[Handwritten Initials]

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).
PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.
ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.
DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION: TYAD BLDG 4-4
2. DATE: 2010/07/13
3. TIME: 0720
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: Wall, Patrick T.
6. SSN
7. GRADE/STATUS: GS-07
8. ORGANIZATION OR ADDRESS: TYAD, Tobyhanna PA 18466

9. Patrick Wall, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On the morning of 13 July, 2010, I was re-interviewed by [redacted]. [redacted] told me that he needed to ask me additional questions with regards to the ongoing investigation. [redacted] showed me copies of 3 different TYAD's Weapons Control Registers for Feb 18, 19, and 20 Feb, 2009 with signature blocks with CAPTAIN and CHIEF. [redacted] asked if the entries were mine with my initials. I acknowledged that the entries and initials were mine as I was trying to assure the accountability for the ammo assigned to those individuals. [redacted] asked me about the accountability for the weapon with it's associated serial number and I told him that 3749 weapons card provided accountability for the weapon.
[redacted] also asked me about an incident on the morning of the 20th of May 2010, when [redacted] indicated that I provided him his weapon and ammunition from my desk drawer in the Desk Sgt area which was not in accordance with the ARMS ROOM SOP. I mentioned that I remember this because this was right before the time when it was determined that [redacted] and Captain [redacted] would no longer be carrying weapons. I informed [redacted] that on that morning that I went to the Chief's office, investigator's office, and the Captain's office and advised them that I was turning in third shift's (overtime personnel) weapons and to report to the arms room if they wanted to draw their weapons. The Chief was not in his office at the time. I turned in 3rd shift and issued to those mentioned above that responded. I continued to wait for [redacted]. After several minutes Haynes came in the back door to building # 20. I took the Chief's weapon, ammunition, and the Weapons Control Register outside the vault and into the hallway (right outside the arms room) and asked him if he wanted his weapon and ammunition. I had his weapon and ammunition in my hands at the time and [redacted] indicated that he didn't want them as he was going off post for a meeting. I then immediately returned the weapon and ammo to the arms room. At no time did the weapon leave my physical possession. Mr [redacted] once again asked me to verify that the incident with [redacted]'s took place within the ARMS ROOM Vault and not in the Desk Sgt area. I explained once again that I was standing right outside the ARMS ROOM door in the hallway just down from [redacted] office when I offered his weapon and ammunition to [redacted].
After returning to my work area I reviewed the above mentioned Arms Room SOP. The sop does not address where the exchange of arms and ammunition MUST occur nor does it prevent the issuing person from carrying a weapon to the person it is being issued to instead of them responding to the Arms Room.
///END OF STATEMENT///

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: [Signature]
PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADINGS STATEMENT OF [redacted] TAKEN AT [redacted] DATED [redacted]
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

5-3

STATEMENT OF

TAKEN AT

DATED

9. STATEMENT (Continued)

NOT use

AFFIDAVIT

Patrick Wall

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

[Signature] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14th day of July, 2010

at Bldg. 201 [Redacted]

ORGANIZATION OR ADDRESS

[Redacted Signature] (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Title V, sec 303 Public Law 89-554 (Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[Initials]

PAGE 2 OF 2 PAGES

Mr CIV USA AMC

From: Wall, Patrick T CIV USA AMC
Sent: Sunday, August 23, 2009 9:50 PM
To: Mr CIV USA AMC
Subject: RE: Statement (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Thank you.

-----Original Message-----

From: Mr CIV USA AMC
Sent: Friday, August 21, 2009 6:58 AM
To: Wall, Patrick T CIV USA AMC
Subject: Statement (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Patrick,

I will file a statement to go along with your statement to point out two things. The first, the arms room weapon control register goes back to Jan 09, not April of 2009, I did point that out to you , the only record that I showed you was from April of 2009. I will also state that I had acknowledged your concern about releasing your name during the interview and that I told you that this was considered a whistleblower investigation and that any negative impacts that you felt are being held against you because of this investigation would be considered retaliation and you would be urged to seek appropriate counsel for recourse.

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

S-4

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).
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DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION TYAD BLDG 4-4
2. DATE (YYYYMMDD) 2009/08/20
3. TIME 0630
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS GS-07
8. ORGANIZATION OR ADDRESS TYAD, Tobyhanna PA 18466

I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On the morning of 20 August, 2009, I was re-interviewed by _____ the Investigating Officer. _____ asked me if the evidence box that was at the desk sergeant's desk was ever used to store weapons and ammunition. I answered that it was used to keep a weapon and ammunition on certain occasions until the desk sergeant could get time to go back to store them in the arms room. I pointed out that these occasions were when personnel were released from overtime and the Desk Sgt. was too busy to immediately open the arms room. The weapons were returned to the arms room once the sergeant was available to do so. The weapons were secured in the lock boxes and were a few feet behind the ARMED desk Sergeant. He asked if on certain occasions that desk sergeants pulled the weapon and ammunition prior to a shift for certain individuals and stored it in the evidence container, then would issue the weapon when that individual arrived for the day of duty. I answered yes that it did happen when there was a short time between the sergeant closing the arms room and the officer reporting for duty. I advised that this was initially how Chief and Operations Officer received their weapons. Then the arms stopped being returned to the arms room and the evidence containers. The arms were not seen by the inventorying sergeant for weeks at a time. _____ then showed me the Weapon Control Register for 16 April, 2009 in which _____ had his weapon and ammunition issued without a signature and that it was never turned back in according to the register. He asked me if it was possible that a desk sergeant checked out a weapon for _____ on the 16th of April but _____ never took possession of the weapon that day and that it remained in the evidence container. I answered that I was not aware because I never saw an entry like this one occur. He then asked me if it was possible that weapons and ammunition could have been store in the evidence containers for multiple days and I answered that this was not the case in the times that Chief _____ weapon was not in the arms room. _____ asked me if I knew of any security containers that were authorized to store weapons that were available to Chief _____ and I replied no. _____ said that Chief _____ had purchased 4 GSA approved security containers for weapon storage back in March 2009 and that he installed one in his office mounted to his desk. He asked me if I knew about any of these containers, and specifically the one in Mr Chief _____ office. I told him no and he then showed me photos of the one in Chief _____ office and said that _____ and Mr _____ from Physical Security verified that they meet the requirements for storage of weapons and ammunition. He ask me if any word was put out formally or informally that Chief _____ was going to be storing his weapon in his office in his security container. I answered no, that I did not get any word about this. He asked me if the desk sergeants still had the evidence container available to them and I said that it had been removed. _____ said that the evidence container did not meet the regulations to store weapons under AR 190-11 as it could be easily removed. _____ asked me how something that he was told was common knowledge didn't make it to the 3rd shift and I said that lack of communication was an big issue within the Security Division. I also advised him that extremely important information doesn't get passed from shift to shift. I advised him that I don't spend time in the Chiefs, Captain's, or Investigator's offices because of the different working hours and was not aware of the items contained in these offices. I also pointed out that the lock boxes that were purchased in March of 2009 were purchased after this complaint was filed and the purchase of such equipment was not during the timeframe of the allegations.

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

S-5

9. STATEMENT (Continued)

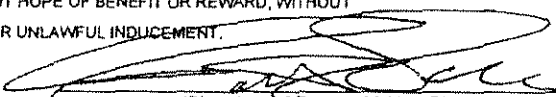
_____ advised me that the arms room documents only go back to April of 2009 and the allegations prior could not be researched.

I was given an opportunity to ask Mr. _____ questions. I asked why my name was released to my 1st line supervisor namely Chief _____ as the person filing this complaint. He advised me that the complaint paperwork he received stated I consented to the release of my name. I informed Mr. _____ that the disclosure agreement I provided CSC specifically stated " my name could be release only if absolutely necessary to investigate these allegations". I also advised him that there hasn't been a need to release my name and such release will have a negative impact on my career working under those who have been accused. I expressed my dissatisfaction with the unnecessary release of my name and the processes used during this investigation.

/// END OF STATEMENT ///

AFFIDAVIT

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


(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

Tab T

Witness Listing for Army Report --DI-09-1816—*copy only in unredacted Army Report version*