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13 (1)  
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52. (U) The RAP EST [REDACTED] watchstanding routine consisted of the two senior TACSUP qualified personnel ([REDACTED] and [REDACTED]) standing 12 hour shifts on the bridge with 2 four person teams on watch for 12 hours per shift. The two four person teams would alternate between manning two M2HB .50 cal mounts (one person forward and one aft), with the other two members remaining inside the ship, in communications with the mount operators, prepared to react. This construct was required because of the heat endured by standing watch outside the ship. [Encl (3), (18), (20)]

53. (C/~~REL~~-CMFC) OPTASK OVM prescribes an EST Escalation of Force continuum and references its consistency with CJCS ROE. Significant passages include: [Encl (44)]

a. (C/~~REL~~-CMFC) Escalation of Force philosophy and intent is provided as follows: "ESTS SHALL COMMUNICATE WITH INBOUND UNKNOWN SMALL BOAT CONTACTS AS EARLY AS POSSIBLE TO ENSURE HOSTILE INTENT IS DETERMINED WHEN CONTACT IS SUFFICIENTLY FAR ENOUGH AWAY FROM HVA IN ORDER TO ENABLE EST PERSONNEL TO EMPLOY PPRS DESIGNED TO DETER ATTACK, AND IF DETERRENCE FAILS, TO ENGAGE THREAT EARLY ENOUGH TO MINIMIZE RISK TO SHIP AND PERSONNEL. ESTS SHALL USE LEVEL I AND II QUERIES, FLARES, AND, IN AN EXTREME CASE, WARNING SHOTS AS INCREASINGLY AGGRESSIVE AND FIRM MEANS OF COMMUNICATION TO WARN UNKNOWN SMALL BOAT CONTACT IN QUESTION TO TURN AWAY. WEAPONS SHALL BE EMPLOYED AGAINST AN UNKNOWN SMALL BOAT CONTACT ONCE HOSTILE INTENT HAS BEEN ESTABLISHED." [Encl (44)]

b. (C/~~REL~~-CMFC) OPTASK OVM also explicitly states that: "EST PERSONNEL SHALL UTILIZE THEIR PRE-PLANNED RESPONSES (PPRS). PPRS ARE GUIDELINES TO HELP WATCHSTANDERS DETECT, DETER, DEFEND AGAINST, AND MITIGATE THREATS TO THE HVA. **THEY ARE TO BE EXECUTED AS TIME AND SITUATION PERMITS. STEPS MAY BE SKIPPED AS NECESSARY TO APPROPRIATELY RESPOND TO AND DEFEND AGAINST THREATS TO THE HVA.**" (Emphasis added). [Encl (44)]

c. (C/~~REL~~-CMFC) OPTASK OVM addresses possible Hostile Intent indications, including: "HOSTILE INTENT IS SITUATIONAL AND BASED ON THE FACTS AND CIRCUMSTANCES. EXAMPLES OF HOSTILE INTENT MAY INCLUDE, BUT ARE NOT LIMITED TO FOLLOWING: FAILURE BY SMALL BOAT OR FAC/FIAC CONTACT TO

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STOP, TURN AWAY, OR OTHERWISE YIELD TO WARNING SHOTS."  
[Encl (44)]

d. (C/REL-CMFC) Escalation of Force Level I measures include use of Bridge to Bridge Radio, 5 or more short blasts on the ships whistle, or audible warnings on the LRAD. Continuum of force Level II warnings includes Bridge to Bridge Radio warnings and the use of Flares or LASER DAZZLER. Continuum of Force level III is the use of warning shots. Continuum of Force Level IV is destructive fire against a contact which has demonstrated hostile intent. [Encl (44)]

54. (U) The ship did not attempt to communicate with or warn the boat on the radio. [REDACTED] explained there was not sufficient time for flares or bridge to bridge communications to be effective, and that most small boats either did not seem to have radios, could not hear them over the sound of their outboard motors, or could not speak English, limiting the value of attempts to call small boats on VHF Bridge to Bridge. [Encl (18)]

55. (E) RAP's aft ship's whistle was out of commission. The ship's forward whistle, located on the bow, was operational. [Encl (46)]

56. (U) The ship did not sound 5 or more short blasts on the ship's whistle. Statements from [REDACTED], Captain and [REDACTED] indicate the Captain gave the order to prepare to sound the ship's whistle. The Captain initially hesitated because he was unsure if the boat would be able to hear the forward whistle based on its location. The forward whistle is on the bow and points forward, and the contact was on the starboard beam. He stated he was going to sound the whistle when he heard warning shots, which he thought would eliminate the need for the ship's whistle. [Encl 18], (20), (26)]

57. (U) [REDACTED] did give the order to employ the LRAD, because of its location on the foc'sle. It took [REDACTED] some time to move the LRAD into position, and the LRAD was not actually employed. [Encl (18), (19), (22), (23), (24), (25)]

58. (U) [REDACTED] ordered employment of the Laser Dazzler, a Continuum of Force level II PPR. [Encl (18), (19), (20), (21), (24), (25)]

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59. (U) [REDACTED] did employ the Laser Dazzler. [Encl (20), (21), (31)]

60. (U) The Laser Dazzler was functioning properly when demonstrated to the Investigating Officer on 21 July. [Encl (20)]

61. (U) [REDACTED] ordered employment of warning shots, the Continuum of Force level III PPR. [Encl (18), (19), (20), (21), (24), (25)]

62. (U) [REDACTED] did employ warning shots. [Encl (18), (19), (20), (21), (24), (25), (26), (27), (28), (29), (31), (32), (33), (34)]

63. (U) There was some pause between the employment of warning shots and the use of destructive fire. [Encl (18), (19), (20), (21), (24), (25), (26), (27), (28), (29), (31), (32), (33), (34)]

Training and Equipping

64. (U) Paragraph 1.b of enclosure A of Encl [41] requires that unit commanders at all levels shall ensure that individuals within their respective units understand and are trained on when and how to use force in self-defense. [Encl (41)]

65. (U) Maritime Expeditionary Security Force Instruction 3502.1B of 8 Feb 2011 established the Training and Certification requirements for mobilized deploying Maritime Security Squadrons, including requirements for Embarked Security Teams. [Encl (48)]

66. (C) Commander, Navy Expeditionary Combat Command (COMNECC) reported MSRON 11 had completed USFF approved Navy Mission Essential Task Lists and requested deployment certification for MSRON 11. Capabilities listed include "Provide Embarked Security", and the COMNECC msg dtg 151737 May 12 also states "Three 10 man embarked security teams will deploy to [REDACTED] to provide afloat Anti-Terrorism / Force Protection of designated High Value Asset vessels." [Encl (49)]

67. (U) The members of MSRON 11 who would form the Embarked Security Team on RAP arrived in Bahrain about 5 May. [Encl (18), (20), (22)]

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68. (U) Upon arrival in Bahrain on or about 5 May, the staff at Task Group 56.11 conducted a training assessment of the ESTs and determined that additional training with the CTG 56.11 staff in Bahrain was required before they embarked for their first mission. The EST members concurred, and reported that they found the additional training in Bahrain extremely valuable. [Encl (50), (18), (20), (22)]

69. (U) Between 8 and 23 May, the EST members attended a series of classroom lectures and simulator training provided by CTG 56.11. Topics included Rules of Engagement, Pre-Planned Responses, Threats, Bridge Operations Equipment, Crew Served Weapons employment, Military Sealift Command orientation, TACSUP duties and Command and Control, Employment of the Laser Dazzler and Warning Shots among others. Training records also show training was conducted in the CTF 56 simulator on 6, 7, 10, 13, 14, 15, 16, 17, and 20 May. [Encl (18), (20), (22), (50), (51), (52)]

70. (U) The ROE brief provided by CTG 56.11 accurately describes CJCS ROE, in particular self defense ROE and the determination of Hostile intent. [Encl (52)]

a. (U) Of note in the ROE brief, as reflected in the PPRs contained in OPTASK OVM and on slide 37, the point is specifically made that "Time may not permit going through each individual step." [Encl (52)]

b. (U) Also of note in the ROE brief, slides 17 and 26 through 29 deal specifically with the attack on USS COLE. [Encl (52)]

71. (U) On 21 May 12, CTG 56.11 conducted an evaluation of the EST which would embark on RAP. The scenario was designed to assess personnel on the Tactics, Techniques, and Procedures they had been training to as outlined in OPTASK OVM. [Encl (53)]

a. (U) Of note, organization names and titles are in the process of changing and are sometimes used interchangeably in these documents. The detachment in Bahrain was formerly administratively named Maritime Expeditionary Security Group 1 - Detachment Bahrain. Because of changes in the ADCON alignment in CONUS, the name Coastal Riverine Group 2 Det Bahrain also appears. These are in fact the same group, whose operational title and role under COMUSNAVCENT is Commander, Task Group 56.11. [Encl (53)]

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72. (U) The team was evaluated as satisfactory with no significant areas of concern. [Encl (54)]

a. (U) The team is listed on various documents as either MSRON 11 Reserve Team 2 or MSRON 11 Team A. Enclosures 52 and 54 clearly indicate that it was the team which included [REDACTED], [REDACTED], [REDACTED], etc which completed the evaluation on 21 May. [Encl ((52), (54))]

73. (U) There is no requirement for the additional training or assessment conducted between 8 and 21 May. The lectures, simulations, and assessments were scheduled by the CTG 56.11 staff after evaluating the ESTs upon their arrival from CONUS. The ESTs concurred that they needed the additional mission specific training. [Encl (48), (49), 50], (18), (20), (22)]

74. (U) [REDACTED] was designated as an Embarked Security Team Tactical Supervisor. [Encl (55)]

75. (U) Contrary to the requirement of Enclosures 44 and 45, [REDACTED] was not specifically designated in writing as the Mission Commander. However, based on all correspondence between [REDACTED] and CTG 56.11 as well as his interaction with the rest of the EST and Captain and crew of RAP, it was clear [REDACTED] was the Mission Commander. [Encl (18), (44), (45)]

76. (U) [REDACTED] and [REDACTED] were designated as Embarked Security Team Chiefs of the Guard. [Encl (56), (57)]

77. (U) [REDACTED] was PQS Qualified as an M2HB Heavy Machine Gun operator, as LA9-P Laser Dazzler Operator, and had completed the JQR training on Warning shots. [Encl (58)]

78. (U) [REDACTED] was qualified as an M2HB Heavy Machine Gun operator. [Encl (59)]

79. (C/REL CMFC) In addition to cameras, night vision devices, and binoculars, the EST was equipped with the following weapons and ammunition: [Encl (60)]

- a. [REDACTED] M2HB .50 cal, [REDACTED] A576 .50 cal link,
- b. [REDACTED] M240 weapons, [REDACTED] A131 7.62 link,
- c. [REDACTED] M203 Grenade launchers, [REDACTED] B535/6 40mm white star shells,
- d. [REDACTED] M4 weapons, [REDACTED] 5.56mm ball,
- e. [REDACTED] M500 shotguns, [REDACTED] A011 00 Buck,

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- f. [REDACTED] M9 pistols, [REDACTED] A363 9mm ball,
- h. [REDACTED] LRAD, and
- i. [REDACTED] LA-9/P Laser Dazzlers.

80. (~~C/REL-CMFC~~) This list essentially matches the equipment requirements of OPTASK [REDACTED]

[REDACTED]. OPTASK OVM discusses the LRAD and Laser Dazzler, but does not specify a quantity of either. OPTASK OVM also does not specify ammunition requirements. [Encl (44), (60)]

81. (~~C/REL-CMFC~~) Appendix D of MSRON3INST 3100.3C is listed as "Mission Load Out Lists" in the table of contents, however the copy of 3100.3C provided did not have an Appendix D. There is however a Weapon and Ammunition Load Out List in Appendix C of that instruction (Ship's Master Brief Template). [Encl (45), (60)]

a. (~~C/REL-CMFC~~) Appendix C lists the weapons without specifying quantities. It does not specify LRAD or Laser Dazzler. The ammunition listed in the Appendix C also lists [REDACTED] LA51 and LA52 Joint Non Lethal 12 GA Unambiguous Warning Rounds. [Encl (45)]

b. (U) The EST on RAP did was not equipped with LA 51 or 52 12 Gage Warning Rounds. These are "flash bang" shotgun warning rounds, the LA51 is a 100 meter round, and the LA52 is a 200 meter round. [Encl (60)]

82. (U) Multi-Service Tactics, Techniques, and Procedures for the Employment of Nonlethal Weapons are codified in NTTP 3-07.3.2, published in October 2007. [Encl (61)]

a. (U) The NTTP mentions both a laser dazzler, acoustic hailing device, and flash bang warning munitions, but not in any significant detail. The guidance in the NTTP is consistent with the more detailed and more current PPRs in the OPTASK OVM. [Encl (45), (61)]

83. (U) NAVSEA PMS 480 published an LA-9/P Concept of Employment (CoE) on 3 November 2009. [Encl (62)]

a. (U) The procedures described in the CoE are consistent with the PPRs in OPTASK Vigilant Mariner. The CoE does not specify day versus night use; it does present a Maritime Security Operations vignette describing employment from an

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MSC ship at an inbound small boats at ranges of 500 to 1000 yards.

Opinions

- B(3)  
B(6)
1. (U) Based on the rapid closure rate, apparent collision course, and failure to respond to two attempts to warn the approaching boat, the Mount 53 operator ( ) made a reasonable assessment that the boat represented an imminent threat and was demonstrating Hostile Intent, so the use of deadly force in individual and unit self defense was appropriate in accordance with CJCS ROE. [FOF 11, 12, 13, 14, 15, 19, 21, 22, 25, 26, 27, 36, 37, 49, 53, 62]
  2. (U) Based on the fact that the boat had been warned using the Laser Dazzler and warning shots, and then fired upon by Mount 53, when the Mount 52 Operator ( ) saw the vessel emerge from astern of USNS USNS RAPPAHANNOCK on her port quarter and apparently turn back towards the ship instead of opening away from the ship, he made a reasonable determination that the boat represented a continued threat and was continuing to demonstrate Hostile Intent, so the use of deadly force in individual and unit self defense was appropriate in accordance with CJCS ROE. [FOF 11, 12, 13, 14, 15, 19, 21, 22, 28, 29, 36, 37, 49, 53, 62]
  3. (U) The actions of the EST and Captain of RAP following the use of force were appropriate. After opening away from the vessel to ensure it no longer represented a threat, they did not observe any damage or distress, and saw the boat depart the area under its own power within minutes of the engagement, they therefore focused on reporting the incident vice attempts to contact or assist the vessel as it left the area. [FOF 30, 31, 32, 33, 34]
  4. (U) The timeline for decision making was extremely compressed because of the routine appearance of the small boat at first and the relatively close range and high speed at which it turned inbound and presented what the EST considered a threatening profile. [FOF 13, 14, 15]
  5. (U) The boat appears to have been attempting to overtake RAP on her starboard side and pass in front of her, then turned sharply to port to pass astern of RAP. However, instead of slowing down or making an obvious turn to pass well behind the larger ship, the driver of the small boat apparently decided to

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minimize the distance off his intended track and passed as close as possible astern of the RAP. [FOF 13, 14, 15]

6. (U) The LRAD was not employed because of the compressed timeline and the fact there is only one unit, therefore it was kept amidships on the bow vice being staged and ready for use on either the port or starboard sides. [FOF 14, 15, 16, 17, 50, 51, 57]

7. (U) It is not clear why the boat did not react to either of the two attempts to warn the vessel away. The Laser Dazzler apparently did not present a clear warning, if it was seen, and the warning shots were apparently not seen or not recognized by the individual driving the small boat. [FOF 19, 22, 25, 26]

8. (C) Contrary to OPTASK OVM, [REDACTED]

B(1) [REDACTED] there were in effect only three EST personnel on watch on deck and two on alert inside the ship as RAP commenced her approach to the pilot pickup station. Had all personnel been manned, they may have been able to employ addition warning measures in parallel with the LASER DAZZLER and warning shots. Specifically, a second person on the bow may have been able to get the LRAD set up sooner or have been able to employ a 40mm star shell as warning in parallel with the other methods being employed. [FOF 10, 16, 22, 32, 50, 51, 52]

9. (S) Captain [REDACTED]'s evaluation that with the main ship's whistle inoperative, a small boat on the beam running fast with outboard engines, would unlikely hear the smaller forward ship's whistle located on the ship's bow is probably correct. [FOF 11, 12, 15, 55, 56]

B(3)  
B(6) 10. (U) Sounding 5 or more short blasts would still have been appropriate. The TACSUP on the bridge ([REDACTED]) should have specifically requested and confirmed that 5 short blasts were sounded. However, the failure to sound 5 short is not required prior to use of follow on Continuum of Force warning measures or the use of deadly force. [FOF 12, 26, 36, 49, 53, 56]

B(1)  
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B(6) 11. (U) Had [REDACTED] been set, both TACSUP qualified individuals, [REDACTED] and [REDACTED] would have been on the Bridge, able to better divide the required actions in the short time the boat was inbound. [FOF 32, 50, 51]

12. (U) The presence of escort boats to enforce a stand off area around the RAP would probably have prevented this incident.

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However, a similar situation could easily occur just a few miles further from the port, and so the EST must have sufficient tools available to determine Hostile Intent and act in the absence of escort boats. [FOF 3, 4, 5, 8, 15, 38, 39, 41, 42, 43, 45, 47, 48, 53]

13. (U) The frequent changes to port arrival times and short notice notification of pilot arrivals has resulted in ships waiting for pilot embarkation closer to land than desired or previously planned. Additionally, the charted pilot embarkation point is no longer 12 miles from land, as extensive land reclamation have pushed parts of the coastline almost 4 miles out from the previous coastline. [FOF 6, 7, 15, 43, 45, 46, 47]

14. (U) There was some ambiguity regarding the escort requirements in the Force Protection Plan and OPTASK SSO. These procedures prohibit the ship from commencing inbound transit until the escort boats are on station. At the time of the incident, RAP had not "commenced her inbound transit." The ship was moving to a designated pilot pickup point north of the entrance channel, but closer to the port than the charted pilot rendezvous. The incident occurred approximately 10 miles from the entrance to the port, 3 miles from the pilot rendezvous point / escort start position listed in the OPTASK SSO, and approximately 7 miles from the nearest land (Palm Jebel Ali). [FOF 15, 34, 41, 42, 43, 44, 46, 47, 48]

15. (U) Ships will not actually "commence their inbound transit" until they have a pilot onboard, and the escort boats ensure that they arrive before, or at least in conjunction with, the pilot. However - increasingly busy port operations resulted in shorter notice pilot transfers as well as conducting pilot embarkation closer to the port, increasing the risk of an interaction with small civilian vessels before the arrival of the escort boats. [FOF 34, 41, 42, 43, 44, 46, 47, 48]

16. (U) The procedures in OPTASK OVM are consistent with CJCS ROE, appropriate for the theater, and adequately convey that time and circumstances may preclude accomplishing all pre-planned responses as a checklist before the employment of deadly force. [FOF 36, 37, 49, 53]

17. (U) The EST onboard RAP was adequately trained and qualified for its mission. [FOF 65, 66, 68, 69, 70, 71, 72, 74, 76, 77, 78]

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18. (U) The TACSUP on the Bridge and the watchstanders at Mounts 52 and 53 knew and understood Rules of Engagement and the Escalation of Force Procedures from OPTASK OVM. In the time available, the TACSUP directed three of the Escalation of Force Continuum actions outlined in OPTASK OVM (LRAD, Dazzler, and Warning shots), two of which were completed before deadly force was employed. [FOF 16, 18, 19, 20, 21, 22, 25]

B(1) 19. (U) A 10 person EST is inadequate. Contrary to the watch organization described in the MSRON3 Standard Operating Procedure (SOP) [REDACTED], the high temperatures and humidity have resulted in the 4 Sailors on watch at any given time (in addition to the TACSUP on the bridge) standing half of each 12 hour watch outside at the designated weapon mount, and the other half of the watch inside in the "React room" recovering and preparing to go back out on station. The watchstanders cycle between the Mount and the react room every 2 - 3 hours, but in effect - there is no additional "Chief of the Guard / Rover" to supervise the weapon Mounts. [FOF 22, 32, 50, 52, 57]

20. (U) The basic pre-deployment training and certification for this Embarked Security Team was completed, including weapons qualifications and basic watch station PQS. However, detailed training for FIFTH FLEET EST operations was insufficient to properly prepare the teams for immediate operations upon arrival in 5<sup>th</sup> Fleet. This was also the opinion of the EST and of the CTG 56.11 staff in Bahrain and resulted in a three week training program being put in place after arrival. Training provided to the teams after arrival in Bahrain was seen as excellent by the EST, and both CTG 56.11 and the team felt well prepared for the mission following three weeks of dedicated training in Bahrain. However, CTG 56.11 is not effectively manned nor mandated to train or certify. [FOF 65, 66, 67, 68, 69, 71, 72, 73]

B(3)  
B(6) 21. (C) The LA-9 Laser Dazzler is authorized as part of the Escalation of Force continuum described in OPTASK OVM. Higher Navy Doctrine and Tactics, Techniques, and Procedures are still in the process of being updated to reflect the employment of the Dazzler. The Dazzler was functioning and was used by [REDACTED] in accordance with PPRs and procedures, but it was either not seen or not effective as an unambiguous warning to the small boat. The LA-9 Dazzler is probably not an effective warning / hostile intent indicator during the day. [FOF 19, 49, 53, 59, 60, 69, 79, 80, 81, 82, 83]

Recommendations

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1. (U) COMUSNAVCENT should engage through the U.S. Embassy in UAE to the port of Jebel Ali, informing them that U.S. ships will now remain further off shore and request more advance notification regarding pilot embarkation location and time. Additionally, NAVCENT should engage through the U.S. Embassy in UAE to find the best method to inform local mariners of the danger inherent in high speed, close maneuvers around U.S. Navy and Military Sealift Command vessels.
2. (C) COMUSNAVCENT should update OPTASK OVM to reflect use of the LA9 Laser Dazzler as an Escalation of Force Continuum PPR at night only and to reflect preferential use of shotgun or 40mm nonlethal warning rounds (if available) and/or star shells as escalation of force level II measures during the day.
3. (C) COMUSNAVCENT should update all Task Forces on the potential limitations of the LA-9 during daylight and work with the Type Commanders to have all ships equipped with the LA 51 and 52 shotgun warning rounds as well as the BA 24, 25, and 26 40mm warning rounds (if authorized).

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4. (C) COMUSNAVCENT Force Protection should direct all CTFs to review Force Protection Plans and update them based on the preferred employment of the Laser Dazzler as primarily a night time PPR as well as incorporating nonlethal warning rounds into PPRs if they are available.
5. (U) CTF 56, working with Commander Navy Expeditionary Combat Command and COMUSNAVCENT, should evaluate what role, if any, CTF 56 or CTG 56.11 have in formally assessing the readiness of deploying forces and conducting additional training upon arrival in theater. These responsibilities and the process should be codified and CTF 56 should evaluate if they and/or CTG 56.11 are adequately manned to accomplish that assessment and training.
6. (C) CTF 56 should equip ESTs with the LA51 and 52 warning rounds as described in MSRON3 SOP and should consider designating these as the preferred Continuum of Force level II option for daytime use.
7. (C) CTF 56 should equip each MSC ship with 2 LRADs, which should be set up to immediately provide 360 degree coverage under all conditions.

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8. (E) CTF 56 should consider equipping ESTs with BA 24, BA 25, and BA 26 40mm "flash bang" nonlethal warning rounds.

B(1) [REDACTED]

B(3)  
B(6) 9. (U) Recommend no punitive or administrative action against the [REDACTED] or [REDACTED].

10. (C) [REDACTED]

B(5)

11. (U) [REDACTED]

B(5)

12. (U) [REDACTED]

B(5)

13. (U) [REDACTED]

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[REDACTED]

14. (U) [REDACTED]

15. (U) [REDACTED]

16. (U) [REDACTED]

17. (C) [REDACTED]

B(s)

[REDACTED]