

## REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER

Note. Completed forms may contain personally identifiable information and require handling as set forth in AR 340-21.  
For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

### SECTION I - APPOINTMENT

Appointed by Major General William J. Walker, Commanding General, District of Columbia National Guard  
(Appointing authority)  
on 20200603 (Attach enclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)  
(Date)

### SECTION II - TIMELINE

1. The (investigation) commenced at D.C. Armory, District of Columbia National Guard at 1400  
(Place) (Time)  
on 20200603  
(Date)
2. The (investigating officer) finished gathering/hearing evidence a 2359 on 20200610 and completed  
(Time) (Date)  
findings and recommendations at 2359 on 20200610  
(Time) (Date)

### SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES		YES	NO <sup>1/</sup>	NA <sup>2/</sup>
1. Enclosures (para 3-13, AR 15-6)				
Are the following enclosed and numbered consecutively with Roman numerals: (Attached in order listed)				
a.	The memorandum of appointment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	All other written communications to or from the appointing authority?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Privacy Act Statements (Certificate, if statement provided orally)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	Explanation by the investigating officer of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	Any other significant papers (other than evidence) relating to administrative aspects of the investigation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f.	An Executive Summary, Index of Exhibits, Chronology of the Investigation and lists of all persons interviewed and evidence gathered. (Complex, serious and/or high profile cases)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Exhibits (para 3-14, AR 15-6)				
a.	Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Is an index of all exhibits offered to or considered by investigating officer attached before the first exhibit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	Are descriptions or diagrams included of locations visited by the investigating officer (Appendix C-3, AR 15-6)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f.	Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FOOTNOTES: <sup>1/</sup> Explain all negative answers on an attached sheet.

<sup>2/</sup> Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation.

**SECTION IV - FINDINGS (para 3-10, AR 15-6)**

The (investigating officer), having carefully considered the evidence, finds: *[Each paragraph should be one conclusion based on the evidence gathered during the investigation. These findings should provide answers to each question posed by the appointing authority in the appointment memorandum. The evidence that supports each finding must be cited.]*

See Attached Report of Investigation dated 10 June 2020.

---

**SECTION V - RECOMMENDATIONS** (para 3-11, AR 15-6)

In view of the above findings, the *(investigating officer)* recommends: *[Each paragraph should be one recommendation based on the findings in Section IV. Address what actions, if any, should be taken with regard to the individuals involved, the unit leadership, and any steps that can be taken to prevent the occurrence in the future. Recommendations do not need to be adverse or punitive. For example, the investigation results can be used as a training tool.]*

See Attached Report of Investigation dated 10 June 2020.

=====

**SECTION VI - AUTHENTICATION (para 3-15, AR 15-6)**

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE.

(b) (6)

DCANG

(Investigating Officer)

**SECTION VII - ACTION BY APPROVING AUTHORITY (para 2-8, AR 15-6)**

The findings and recommendations of the (investigating officer) are:

a) Approved.

b) Approved with the following modifications:

(1) The following findings of fact are added/deleted:

See attached.

(2) The following findings of fact are modified as follows:

See attached.

(3) The following recommendations are added/deleted:

See attached.

(4) The following recommendations are modified as follows:

See attached.

(5) The action recommended in recommendation \_\_\_\_\_ has been accomplished by \_\_\_\_\_

(6) Recommendation(s) \_\_\_\_\_ is not appropriate for action by this command: however, a copy of this investigation is being furnished to \_\_\_\_\_ for such action as deemed appropriate.

c) Disapproved.

d) The report is (incomplete), (ambiguous), (erroneous) and/or (specify deficiency) with respect to \_\_\_\_\_

It is, therefore, hereby returned to the IO for corrective action as follows \_\_\_\_\_

MEMORANDUM FOR RECORD

SUBJECT: Action by the Appointing Authority - Army Regulation 15-6 Investigation Report Regarding Use of District of Columbia Army National Guard Rotary Wing Assets Flown Within Washington, DC, on 1 June 2020

1. I have conducted a final review of the investigating officer's report, including the report's narrative, findings, recommendations, supporting evidence, and the legal review. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

2. After reviewing the materials noted above, I conclude the following:

a. The findings and recommendations of the investigating officer in the Report of Investigation (ROI) attached to DA Form 1574-1 are approved with the following modifications:

- 1) I disapprove finding a. of the ROI.
- 2) I approve findings b. through e. of the ROI.
- 3) I add findings in Enclosure A.
- 4) I modify recommendation a. in Enclosure A.
- 5) I approve recommendations b. through e. of the ROI.

b. I take the actions specified in Enclosure A.

3. The point of contact for this memorandum is the Staff Judge Advocate, DCNG, (b) (6) (b) (6) @mail.mil.

WALKER.WILLIAM.J  
OSEPH (b) (6)

Digitally signed by  
WALKER.WILLIAM.JOSEPH. (b) (6)  
Date: 2020.06.30 08:49:54 -04'00'

Encl

WILLIAM J. WALKER  
Major General, USA  
Commanding General



**JOINT FORCE HEADQUARTERS**  
DISTRICT OF COLUMBIA NATIONAL GUARD  
OFFICE OF THE COMMANDING GENERAL  
2001 EAST CAPITOL STREET, S.E.  
WASHINGTON, D.C. 20003-1719

**Enclosure A**

1. I add the following findings of fact:

a. I find that a relevant email from (b) (6) to BG Ryan was not included in the investigation and I have added it here as Exhibit 105. In that email, (b) (6) notifies BG Ryan that "we have permission to land/fly into DC Prohibited areas" based on an earlier email from (b) (6) indicating waiver approval by the U.S. Secret Service to fly in P56A and P56B. Exhibit 105 at 1.

b. I find that the Exhibits 106 and 107 should be included in the evidence as they are Performance Planning Cards for the UH-72 and indicate that the aircraft had single-engine fly-away capability at elevations between 0 and 82 feet, depending on the amount of fuel in the aircraft.

c. I find that Exhibits 108-110 should be included in the evidence as they are the (b) (6), (b) (7)(C) a sworn statement from (b) (6), and the (b) (6), (b) (7)(C)

d. I find that (b) (6) (b) (6), (b) (7)(C) the JTF Commander, BG Ryan, on the aviation assets at his disposal notwithstanding the statement in Exhibit 21 at 5. The investigation identified two air ambulance helicopters that were on this mission that have not been properly marked in accordance with AR 40-3. ROI at Table 1. (b) (6), (b) (7)(C)

e. I find that BG Ryan did not direct the use of his aviation assets for the purposes of crowd dispersal or low hovers over crowds. Exhibit 9 at 7-11; Exhibit 108 at 3-4; Exhibit 109 at 1. In addition, (b) (6), (b) (7)(C)

f. I find that (b) (6) misunderstood or modified the commander's mission intent to include orbiting around crowds and dispersing crowds and conveyed those mission taskings to subordinates. Exhibit 21 at 3-4, 6-7. This is also supported by, for example, the statement of one of (b) (6). Exhibit 14 at 6.

g. I find that (b) (6) was not present during the mission briefing, take-off, mission execution, or landing of the aviation assets on the evening of 1 June and morning of 2 June. Exhibit 21 at 8.

h. I find that (b) (6) should have been aware of the regulatory requirement to seek approval from DAMO-AV for the use of air ambulance aircraft for other than in support of the aeromedical or humanitarian

**Enclosure A**

relief missions. Exhibit 36 at 1 and AR 95-1, para. 3-3.n.(4) as cited in the ROI at 16-17 and responsibilities listed in NG Supplement to AR 95-1.

i. I find that (b)(6), (b)(7)(C)

This is contradicted by the statement of (b) (6) "The Pamphlet provides **guidance** on the authorized missions... [and] is not regulatory in nature.... It is important that users verify the accuracy of the NG PAM before following any of the procedures described," and "The use of MEDEVAC in immediate response should only be within the confines of the MEDEVAC missions set." Exhibit 36 at 1. It is also contradicted by the statement of (b) (6) "For the execution phase, our team could not find evidence of an authorized exception to utilize the air ambulance aircraft for other than in support of the aeromedical or humanitarian relief missions" as required by AR 95-1. Exhibit 17 at 2.

j. I find that (b) (6), (b) (7)(C)

This is contradicted by (b) (6) (b) (6) "The use of MEDEVAC in immediate response should only be within the confines of the MEDEVAC mission set." Exhibit 36 at 1. There is no evidence in this investigation that the low hover that is the subject of this investigation was intended to take immediate action to save life, mitigate property damage, or alleviate human suffering. See, e.g., Exhibit 14 at 9-10; Exhibit 27 at 7-9.

k. I find that (b) (6) failure to follow the regulatory requirement to seek approval for the use of air ambulance aircraft for other than in support of the aeromedical or humanitarian relief missions resulted in the JTF Commander believing that all aviation assets could be used in accordance with his mission intent. Exhibit 9 at 9; Exhibit 108 at 3-4.

l. I find that BG Ryan was not aware of the regulatory requirement to seek approval for the use of air ambulance for other than in support of the aeromedical or humanitarian relief missions. Exhibit 9 at 9; Exhibit 108 at 3 and 5.

m. I find that the statements of (b)(6) as well as the two Performance Planning Cards for the UH-72 aircraft indicate that the UH-72 pilots could have performed an emergency landing without undue hazard to persons or property on the surface if a power unit fails as required by 14 CFR 91.119(a). Exhibit 17 at 2; Exhibit 35 at 2; Exhibits 106 and 107.

n. I find that the pilots operated the helicopters in a manner consistent with U.S. Secret Service approval and with FAA oversight of flight operations in accordance with 14 CFR 91.119(d). Exhibit 104 at 1-2; see Exhibits 85-103 for FAA oversight.

**Enclosure A**

2. I modify recommendation a. to read:

a. I recommend that the DCARNG develop processes to prevent such a recurrence.

3. I intend to take the following actions:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6)



10 June 2020

---

**Army Regulation 15-6 Investigation Report Regarding Use of  
District of Columbia Army National Guard Rotary Wing Assets  
Flown Within Washington, DC on 1 June 2020**

---

**Executive Summary.** Based on a preponderance of the evidence (b) (5)

(b) (5)

evening of 1 June 2020. I believe that all aircrew members acted in good faith attempting to carry out the mission set as they understood it. I also find that the District of Columbia Army National Guard did not comply with Army Regulation (AR) 95-1 Flight Regulations in its use of air ambulance aircraft that evening.

**Background.** On 3 June 2020, Major General William J. Walker, Commanding General, District of Columbia National Guard, appointed me to conduct an administrative investigation into the facts and circumstances surrounding the employment of District of Columbia Army National Guard (DCARNG) rotary wing assets over the District of Columbia on the evening of 1 June 2020 in support of District of Columbia National Guard (DCNG) civil disturbance response operations. Specifically, I was tasked to ascertain the following:

(1) Identify general information regarding the aircraft, personnel operating the aircraft, to include training certifications, and indicate if there were any other passengers on the aircraft and specify their purpose for being on the aircraft. Provide the specifications of the aircraft, maintenance compliance, air worthiness, and any other matters you determine relevant and appropriate.

(2) What was the mission execution (purpose, nature and scope of the operation) on 1 June 2020, during rotary wing flight maneuvers?

(3) Determine the approvals and authorities the flight crew were operating under?

(4) If specific flight maneuvers were directed, who directed and approved those flight maneuvers?

(5) What are the circumstances that authorize aircraft to operate at low altitude; were circumstances present to safely allow operating the aircraft at a lower altitude; and was the pilot trained, and/or did the pilot seek authorization to fly at a lower altitude?

(6) Was a risk assessment completed for operating the aircraft at lower altitudes, and conducting the flight maneuvers?

(7) Was there an improper use of the Red Cross insignia?

(8) You may obtain any text, email, other written communication, audio, video recordings, photographs, from any source, to include social media and open source media reporting relevant to this investigation. Consult with your legal advisor regarding appropriate requests to obtain copies.

(9) During the course of interviews, and the gathering of evidence you may encounter information not specifically addressed above. If you encounter such information consult with your legal advisor to ensure the information is relevant to this investigation. Further, your report should indicate and determine if there are any other policies or laws that may have been violated.

**Overview.** The Commanding General ordered this AR 15-6 Investigation on 3 June 2020. On that date, I reviewed the appointment memorandum and consulted with (b) (6) (b) (6) a technical Subject Matter Expert (SME). On 4 June, I met with my legal advisor and that day we started gathering documents and interviewing witnesses. On 5 June, additional SMEs were added to assist. No irregularities to report. I have been unable to obtain all the information desired. For example, most members of the (b) (6), (b) (7)(C) However, I have obtained sufficient information to support the findings and recommendation set forth below and do not believe additional time to gather more witness statements is necessary. See also attached timeline.

### **Summary of Relevant & Material Facts.**

#### **The Scene: Washington, DC, on 1 June 2020**

Monday 1 June 2020 dawned with The Washington Post above-the-fold A1 headline: *U.S. at a precipice as demonstrations intensify.*<sup>1</sup> The top picture<sup>2</sup> under the headline showed a crowd around a fire with the caption: "A fire burns Sunday night near the White House as demonstrations continued nationwide over the death of George Floyd and police treatment of African Americans." The above-the-fold right column began: "26 STATES CALL IN NATIONAL GUARD. 2 dozen cities impose sweeping curfews."<sup>3</sup> The article related that protesters had taken to the streets for a sixth night, noting anger, a "violent and chaotic weekend," and Secret Service clashing for a second day with demonstrators outside the White House. The reporters wrote, "The events put the country at a precipice. And the question ... was whether the events of the weekend ... would mark the climax of the unrest, or its onset."

United States Attorney General William P. Barr wrote to Washington, DC Mayor Muriel Bowser:

Starting on Friday, May 29, the District experienced days of violent rioting and looting that caused widespread damage, injured dozens of federal and MPD law enforcement officers, breached the Treasury Department annex and threatened federal operations around the White House complex. This violence culminated Sunday—reportedly the most violent day of civil unrest in the District in 30 years—when rioters unearthed pavers from Lafayette Park to throw as projectiles against federal law

<sup>1</sup> Ex 5, The Washington Post, p. A1, June 1, 2020.

<sup>2</sup> Ex 5, photo credited to Evelyn Hockstein for the Washington Post.

<sup>3</sup> Ex 5, by Isaac Stanley-Becker, Felicia Sonmez and Katie Mettler.

enforcement agents, burned down a structure on federal property in Lafayette Park, and caused a fire in the basement of historic St. John's Church. As the rioters dispersed from the park, the violence continued, with rioters breaking into stores and looting small businesses throughout the city. The television footage of these events—viewed by people across the Nation and around the world—conveyed the impression that the United States was on the brink of losing control of its capital city.

Faced with the prospect of things continuing to get out of hand, the President requested that we immediately expand the resources available to operate in the District—including by working with the District of Columbia National Guard (“DCNG”) and with State officials to make their National Guard personnel available.... Our objectives were to ensure that the rioting would end, that federal government functions would continue, and that law and order in the Nation's capital would be restored.<sup>4</sup>

On 1 June 2020, a number of senior Department of the Army leaders gathered at The District of Columbia National Guard Armory to discuss the evolving crisis, as they had in days prior. These leaders included the Secretary of the Army, the Chief of Staff of the Army, the Army Provost Marshal General, the Commanding General and Adjutant General of the District of Columbia National Guard and others.<sup>5</sup>

Less than 20 miles away, at Davison Army Airfield (DAAF), the DCARNG had eight aircraft at its Army Aviation Support Facility (AASF). The operations officer for that unit summarized:

I sat on several conference calls and the topic had come out earlier in the day that Army National Guard Soldiers were going to be armed carrying weapons with ammunition.... [Y]ou have armed Soldiers in an escalated tense situation. There were discussions of whether or not we would (b) (5) (b) (5) and a statement by the JTF commander on one of the conference calls that if we failed to deter unlawful activity on the National Mall, that the 82nd would deter the activity, the 82nd would be on the streets. And used the term that this is the National Guard's D-Day. I think that perhaps framed the mission from there on.<sup>6</sup>

One of the officers who served as pilot in command of a UH-72 aircraft later that evening was present for a call between the JTF-CD Commander and the Task Force-Aviation Commander/State Army Aviation Officer (SAAO) at around 1500 hours:

Monday night was going to be a large ramp up of National Guard troops in the city and that was where the urgency was palpable about the need to

---

<sup>4</sup> Ex 6, June 9, 2020, letter from US Attorney General William P. Barr to D.C. Mayor Muriel Bowser and Attorney General Karl A. Racine.

<sup>5</sup> Ex 9, Ryan transcript at 3.

<sup>6</sup> (b) (6) transcript at 22.

protect the city, protect the monuments.... The urgency of that call was an experience that I have not had before about the need for success in protecting the city and that if we didn't do it the 82nd Airborne was going to take over for us and lock down the city. So the clear message that I understood was that it was very, very important that the DC Guard be able to protect the city.<sup>7</sup>

Mayor Bowser ordered a 1900 curfew for the evening of 1 June 2020. In a news conference, she explained:

I have spent this morning walking around the city to assess damage, and there is significant damage in the downtown areas, especially in the blocks immediately around Lafayette Square.... And I want to be very clear about something, as the nation's capital: We are frequent hosts to First Amendment demonstrations, and we applaud the American spirit of protest, and especially protest to the federal government. However, we do not and we will not allow the continued destruction of our hometown by people who are coming here to protest or by D.C. residents.... [S]mashed windows and looting are becoming a bigger story than the broken systems that got us here.<sup>8</sup>

D.C. Metropolitan Police Department (MPD) Police Chief Peter Newsham announced: "If you are not a member of the media or you do not have an essential function, you can anticipate that local police and federal police will take you into custody" if the curfew were violated.<sup>9</sup>

Violence and looting broke out again that evening at various points throughout Washington. The following day's Washington Post Metro section reported: "D.C. shops tally losses. Vandalism and looting leave marks downtown and in neighborhoods."<sup>10</sup>

The 1900 curfew had been in effect for well more than an hour on 1 June 2020 before the JTF-CD Commander, BG Ryan, deployed all available DCARNG rotary wing air assets. Beginning at approximately 2030 hours, five DCARNG helicopters were ordered to downtown Washington, DC. One of the helicopters was a Security and Support configured UH-72 Lakota aircraft. One was an air ambulance configured UH-72 which bore a Red Cross marking. Three were air ambulance configured UH-60 Blackhawks, one of which was marked with a Red Cross.

<sup>7</sup> (b) (6) transcript at 17.

<sup>8</sup> Ex 15, <https://wtop.com/dc/2020/06/sad-and-angry-after-destruction-mayhem-in-dc-during-protests/>

<sup>9</sup> Ex 15, <https://wtop.com/dc/2020/06/sad-and-angry-after-destruction-mayhem-in-dc-during-protests/>

<sup>10</sup> Ex 16, Paul Schwartzman, Hannah Natanson, Nick Anderson, "D.C. shops tally losses," The Washington Post, Metro Section B1, June 2, 2020. Notably, due to the timing of print media articles, much of the article dealt with looting on the early morning hours of June 1.

Other helicopters were already in the Washington, DC airspace. The five responding DCARNG helicopters that circulated throughout the downtown area that evening were requested by civilian law enforcement to report to specific locations, such as intersections in the city, where law enforcement personnel on the ground requested air assistance. In one known instance, caught by a number of cell phone cameras and posted to social media and in the news, a DCARNG UH-72 helicopter descended below 100 feet above a crowd. A DCARNG UH-60 helicopter had been the first to report to the location but did not descend further out of the crew's concerns that the rotor wash from the UH-60 would be unsafe for people on the ground. The UH-60 pilot noted some use of lasers and fireworks from the crowd. Once the UH-72 arrived, there were no noted additional uses of lasers or fireworks.

The aircraft returned to DAAF between approximately 2330 that evening and 0100 the next morning.

**1. General information regarding the aircraft and personnel operating the aircraft**

On the evening of 1 June 2020, DCARNG launched five helicopters that operated within the Washington, DC airspace. Three were UH-60L Blackhawk airframes (tail numbers 84-23961, 85-24748, 89-26133) and two were UH-72 Lakotas (tail numbers 1172212, 0872054).<sup>11</sup> All aircrew members were Readiness Level 1 qualified and current in the assigned aircraft.<sup>12</sup> All aircraft were current in maintenance, with the last maintenance action on 1 June 2020.<sup>13</sup>

Tail #	Callsign	MDS	Air Ambulance (AA) or Security & Support (S&S)
84-23961	Sentry 7	UH-60	AA (No RED CROSS Markings)
85-24748	Sentry 6	UH-60	AA (No RED CROSS Markings)
89-26133	Sentry 6-1	UH-60	AA (w/ RED CROSS)
0872054	Sentry 1	UH-72	AA (w/ RED CROSS)
1172212	Sentry 2	UH-72	S&S (Equipped with Mission Equipment Package (MEP))

Table 1: Aviation Assets

<sup>11</sup> Ex 18, Aircraft Maintenance memorandum dtd 4 June 2020, statement of (b) (6)

<sup>12</sup> Ex 19, (b) (6) Memorandum re readiness.

<sup>13</sup> Ex 18, Aircraft Maintenance memorandum dtd 4 June 2020, statement of (b) (6)

Four of the aircraft contained a crew of three: a pilot in command, a pilot and one other crew member. One aircraft, UH-60, 85-24748 contained a crew of four: a pilot in command, a pilot, a crew chief and a medic.

Tail #	Callsign	Pilot in Command	Pilot	Crewchief (CE)/ Medic (MO)
84-23961	Sentry 7	(b) (6)		
85-24748	Sentry 6			
89-26133	Sentry 6-1			
0872054	Sentry 1			
1172212	Sentry 2			

Table 2: Aircrew Personnel

Four of the five aircraft are air ambulance assets. As noted above, two of the air ambulances were correctly marked with Red Cross insignia. The other two air ambulance aircraft were not marked with Red Cross insignia, as required. The fifth aircraft, UH-72 1172212 is a designated Security and Support (S&S) aircraft equipped with a Mission Equipment Package (MEP) and a high-intensity searchlight known as a "SX-16 Nightsun."

The only non-crew passenger that evening was (b) (7)(E) (b) (7)(E) deposited where and as requested by civil authorities.

## 2. Mission Execution (Purpose, Nature and Scope)

The mission as understood by JTF-CD Commander, Brigadier General Ryan.

Brigadier General Robert Ryan is the Land Component Commander, DC National Guard. On 1 June 2020, he served as the Commander, JTF-CD and Joint Task Force COVID (JTF-COVID).

BG Ryan testified:

On [1 June 2020], I was surprised to learn that the Secretary of the Army was back in the Armory for a third day in a row and I was summoned over to the office of the Commanding General. And I was taken back to see the Chief of Staff of the Army was with him and that was at 11:30 on Monday morning. They were here for four hours. While they were here, I know the Chief of Staff of the Army, General McConville, received a phone call from the Chairman of the Joint Chiefs of Staff and I understand that the Secretary of the Army received a phone call from the Secretary of Defense. And over the course of the four hours they made their intent very clear. And at the end of that four hours Secretary McCarthy directed us that we would, and it's codified in a fragmentary order that we

published. *But for all intents and purposes, flood the box with everything we have. And that was the federal enclave in downtown Washington.*

...

The Chief of Staff of the Army stated--made the utterance and it was a spontaneous utterance--that, "The White House will not burn while I am Chief of Staff of the Army."<sup>14</sup>

So the intent was very clear. It was ... rather shocking. By all means necessary, immediate response authority. You will deploy the DC National Guard by all means necessary, armed, out in support of civil authority in the District of Columbia in the existing joint operations area we had; to include massive presence and ... so we executed. So just continuing to the best of my recollection, that afternoon it was in effect. Everyone O-8 and below was to be out by all means necessary.<sup>15</sup>

Never before had BG Ryan seen this level of mobilizing all DC Guard forces.<sup>16</sup> Notably, however, during the above discussion with those senior leaders, BG Ryan recalls no discussion of air assets.<sup>17</sup>

On the evening of 1 June 2020, BG Ryan made the decision to launch all available DCARNG aircraft to "show a military presence" and "do observation and command and control [and] inter-agency support."<sup>18</sup> BG Ryan testifies that he made the decision when the (b)(6) advised him that he had available assets cleared to fly in Washington.<sup>19</sup> As will be noted below, the (b)(6) said it was BG Ryan who called him. In any case, both agree BG Ryan made the decision, as it was his authority. And although BG Ryan acknowledges he was aware of the assets, there was no discussion specific to the aircraft being air ambulances.

What did he relay to the SAAO and Commander, Task Force-Aviation? "I knew the intent to flood the box ... whatever capability we had to flood the box.... So we had an aviation capability, five aircraft. Yes, put the aircraft up."<sup>20</sup>

The mission as understood by the SAAO and TF-Aviation Commander.

BG Ryan telephoned (b)(6) at some point after approximately 1800 hours on 1 June 2020.<sup>21</sup> According to (b)(6) BG Ryan informed him, "We are activating the force. We have a green light. *I need you to put all of the aircraft up in the air.... I got*

<sup>14</sup> Ex 9, Ryan transcript at 3 (emphasis added).

<sup>15</sup> Ex 9, Ryan transcript at 4-5.

<sup>16</sup> Ex 9, Ryan transcript at 6.

<sup>17</sup> Ex 9, Ryan transcript at 4.

<sup>18</sup> Ex 9, Ryan transcript at 7.

<sup>19</sup> Ex 9, Ryan transcript at 7.

<sup>20</sup> Ex 9, Ryan transcript at 8.

<sup>21</sup> (b)(6) transcript at 2.



*special permissions. I need you to go to the restricted area [near the White House and US Capitol]. I need you to support the task force. I need you to assist all our special agencies and I need you to orbit around the crowds to disperse any type of looting, mayhem, whatsoever, but that full force needs to acknowledge the mission.*"<sup>22</sup>

According to (b) (6) the scope was "establish an aerial dominance and I put as much aircraft out there, five aircraft; provide aerial command and control of Guard personnel, because they had about 1200 troops on that day; if required, provide aeromedical evacuation capabilities, because I had two medical personnel in the back of the aircraft which were medics; show helicopter presence; and then assist with Task Force Monument, the troops on the ground, MPD, FBI, and Secret Service."<sup>23</sup>

(b) (6) then called the (b)(6) to launch the fleet.<sup>24</sup> "I said the tasking that I received was to kinda go over the crowds wherever there was any type of looting and then just try to orbit around the crowds, if there was any looting, and whatever that mission is, but just show a presence there if there is anything kinda crazy going on. That exact words? Probably not, but it was the kinda whole mission that was coming down...."<sup>25</sup>

The mission as understood by the (b)(6)

(b)(6), (b)(7)(C) one of the UH-60 aircraft (89-26133) that night. His understanding of the mission at launch was "to provide support to task force monument over the National Mall the night on June 1st until June 2nd, 2020."<sup>26</sup> "The directive that we got was to *flood the box*, so flood the P-56A, the area of the mall with rotor-wing aircraft to *deter criminal activity, unlawful activity, to defend the monuments from potential damage.*"<sup>27</sup>

The mission as understood by the aircrews.<sup>28</sup>

(b)(6), (b)(7)(C) of UH-60 (84-23961) that night. His understanding of the mission at launch was "to provide support in the city in P-56."<sup>29</sup> Additionally, "to provide support for the law enforcement on the ground.... To help identify crowds and look for any unrest."<sup>30</sup> "I think the point was just

<sup>22</sup> (b) (6) transcript at 3 (emphasis added).

<sup>23</sup> (b) (6) transcript at 8-9.

<sup>24</sup> (b) (6) transcript at 3.

<sup>25</sup> (b) (6) transcript at 6-7.

<sup>26</sup> (b) (6) transcript at 4.

<sup>27</sup> (b) (6) transcript at 5.

<sup>28</sup> The Commanding General directed the Investigating Officer to submit a completed report 7 days from appointment. Upon appointment, the team immediately set to collecting documents and interviewing witnesses, many in formal verbatim sworn interviews attached to this report. The Investigating Officer requested written statements from *all* crew members, (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) The Investigating Officer does not believe that any further statements are necessary and does not deem it necessary to request an extension to attempt to obtain more statements.

<sup>29</sup> (b) (6) transcript at 3.

<sup>30</sup> (b) (6) transcript at 4.

to have the helicopters in the air to provide that presence.”<sup>31</sup> Initially, “it was to go get eyes on and look on our own and then as the groups on the ground needed more specific, to move to their area.”<sup>32</sup> He recalls being called to three or four different intersections, one near Capital One Arena.<sup>33</sup> “There were lots of reports of looting that they wanted us to check out.”<sup>34</sup> Requests for assistance were relayed through (b) (6) located at DAAF, rather than through the Joint Operation Center (JOC) because the aircrews did not have contact with the JOC.<sup>35</sup>

(b)(6), (b)(7)(C) of UH-72 (0872054) (the helicopter later captured on cell phone video at 5<sup>th</sup> and E) on 1 June 2020. His understanding of the mission at launch:

So launch the fleet with specific guidance that were either unruly crowds with looting and crimes being committed moving initially on the area surrounding the African American History Museum. So that was our first point go find them there and provide a constant obvious presence to try to deter criminal activity and prevent injury to people and significant property damage. Fly low, be loud.... Fly low over the crowds.<sup>36</sup>

The purpose, as I understood based on the order I was given, was to immediately launch every aircraft that we have, was to provide a deterrent presence over the mall area and the downtown area.... Fly low, hover, be overhead, helicopters are loud, so it's distracting and annoying when there's a helicopter over you. So that's the purpose....

[I]t was a... night time aviation operation in support of civil authorities to help prevent damage to property and injury to people during rioting and civil unrest.... Scope would be every aircraft we had in the D.C. area, the area immediately surrounding the mall, for as long as we could safely do it. You know run out of duty day, stop doing it or it just becomes obvious that's there's no more crowds, go home. That's the scope. The scope was the fleet our medical aircraft and non-medical aircraft.<sup>37</sup>

(b)(6), (b)(7)(C) of UH-72 (0872054) on 1 June 2020. He understood the mission as: “[W]e're launching five aircraft to show a military presence and to look for rioters looting, to encourage dispersal of crowds if they seemed like they were out of control or getting disorderly, and basically that was it.”<sup>38</sup>

31 (b) (6) transcript at 5.  
32 (b) (6) transcript at 5.  
33 (b) (6) transcript at 5.  
34 (b) (6) transcript at 6.  
35 (b) (6) transcript at 6.  
36 (b) (6) transcript at 6.  
37 (b) (6) transcript at 22-23.  
38 (b) (6) transcript at 5.

(b)(6), (b)(7)(C) on UH-60 (85-24748) on 1 June 2020. He understood the mission to be: "show of force." He explained, "While the exact words are difficult to recall, I remember a clear sense of urgency to launch the aircraft quickly and a request for a 'show of force,' apparently from the highest levels of DC Guard and Army leadership."<sup>39</sup>

(b)(6), (b)(7)(C) UH-60 (84-23961). (b) recalls being briefed that they were cleared into P-56A and that "we were to launch all available aircraft to assist the ground assets with dispersing the crowds out past curfew. We were told to fly low, hover, make noise, and draw attention with the hopes that the crowds would go home."<sup>40</sup>

### 3. Approvals and Authorities Under Which the Flight Crew Operated

Several witnesses pointed to the unique political and social circumstances on 1 June 2020. As BG Ryan testified, on that day, numerous national military leaders gathered at the DC National Guard Armory, including the Secretary of the Army and Chief of Staff of the Army. The Chief of Staff of the Army spoke by phone with the Chairman of the Joint Chiefs of Staff. The Secretary of the Army spoke by phone with the Secretary of Defense.<sup>41</sup> A few days earlier in an interview unrelated to this AR 15-6 Investigation, BG Ryan mentioned that the Secretary of Defense, in turn, was on the phone with the President of the United States.<sup>42</sup> "[T]he intent of the President, SECDEF, SEC Army, Chairman of the Joint Chiefs, and the Chief of Staff of the Army, was very clear to flood the box."<sup>43</sup>

As noted above, when giving the order to employ the air assets, BG Ryan informed (b) (6) (b) (6) "We are activating the force. We have a green light. *I need you to put all of the aircraft up in the air.... I got special permissions.*"<sup>44</sup>

On the night of 1 June 2020, while the helicopters were above Washington, DC, BG Ryan had a text chain with his subordinate commanders. One of the commanders commented: (b)(6) "your helicopters are looking good!!" BG Ryan responded, "OMG! I am out here too. Incredible. *I got special permission to launch. Full authorities.*"<sup>45</sup>

On 2 June 2020, (b) (6) received a call from the Department of the Army Military Operations-Aviation (DAMO-AV) office and reported to BG Ryan via text message that office's concerns about the DCARNG helicopter usage on the evening of 1 June 2020.

<sup>39</sup> (b) (6) statement para. 3.

<sup>40</sup> (b) (6) statement.

<sup>41</sup> Ex 9, Ryan transcript at 3.

<sup>42</sup> Ex 56, Ryan unofficial public affairs interview at 2.

<sup>43</sup> Ex 56, Ryan unofficial public affairs interview at 3.

<sup>44</sup> (b) (6) transcript at 3 (emphasis added).

<sup>45</sup> Ex 29, Text chains (emphasis added).

BG Ryan responded: "Presidential Approval.... Fully vetted."<sup>46</sup>

If by fully vetted, BG Ryan was referring to the meeting involving senior military leaders at the DC Armory on 1 June 2020, there is no evidence that air assets were discussed at all. It is unlikely that anyone above BG Ryan's level knew on 1 June 2020 that air ambulance assets were to be utilized. There is no evidence that BG Ryan specifically told any of the senior military leadership visiting the DC Armory on 1 June 2020. It appears that BG Ryan believed that the fact these assets were air ambulances was irrelevant due to the mission set he was given by the leaders who were giving it under the circumstances as they then existed. BG Ryan also testified he was unaware that a waiver was required to utilize the air ambulances outside their authorized purposes in domestic operations.<sup>47</sup>

Once ordered to deploy the aircraft, should the (b) (6) have reminded BG Ryan that these were air ambulance assets? I believe the answer is a *qualified* yes. Clearly, (b) (6) was the one in the best position to catch the issue. But as noted above, BG Ryan said both when giving him the order to launch and later that night in a text that he had "special permissions." Indeed, BG Ryan either believed himself or at the very least caused others to believe that the order to employ these assets had come all the way from the President.

At the unit level, the approvals and authorities are addressed in an attachment to this report by one of the Subject Matter Experts (SME) appointed to assist in this investigation, (b) (6). All aircraft were authorized by air traffic control (ATC) with the coordination of the National Capital Regional Coordination Center (NCRCC) to operate within the P-56 Airspace.

#### **4. If specific flight maneuvers were directed, who directed and approved those flight maneuvers?**

As noted by (b) (6) the Aircrew Training Program Commander authorized all tasks associated with this mission via the Commander's Task List. (b) (6) notes:

In order for the Pilots in Command (PCs) or (assumed) Air Mission Commander (AMC) to support and meet the ground commander's intent, they had to rely on their best judgement to accomplish the mission in a safe manner while operating outside their normal mission set. The designation of AMC is an assignment of command responsibility and is not an aircrew duty assignment. AMCs are chosen based on recent aviation experience, maturity, judgment, their abilities for mission situational awareness, the understanding of the commander's intent, and not necessarily upon rank or grade. AMCs will participate in the mission approval process and may receive the final mission approval for all crews in the flight.

---

<sup>46</sup> Ex 29, Text chains.

<sup>47</sup> Ex 8, Ryan transcript at 9.

No AMC was designated for this mission or for the flight of 2 x UH-60s. However, based on interviews with the crewmembers, (b) (6) assumed the duties of AMC during the mission.

The PCs in conjunction with the (assumed) AMC were responsible for the safe operation of all aircraft while supporting the ground commander's intent during the mission.

Although no maneuvers were directed, civil law enforcement agencies made requests for aircraft to respond to multiple locations. (b) (6) became the de facto air operations officer on the evening of 1 June 2020. He did not know what the mission was when he arrived and had to piece it together. After his arrival at DAAF, he began to field multiple calls from the MPD and others, including requests to send aircraft to certain areas or intersections.<sup>48</sup> He did not keep specific records of most of the requests, but he and another specialist working at the unit that night jotted down a few notes on note cards, including references to certain intersections and the phone numbers of various agencies, including the Secret Service.<sup>49</sup> A lot of requests were to go to different intersections.<sup>50</sup> (b) (6) was able to maintain contact with the three UH-60 aircraft (b) (6) police radio to facilitate communication.<sup>51</sup> Thus, (b) (6) could relay requests to the UH-60 crews who could in turn relay requests to the UH-72 crews.<sup>52</sup> At one point later in the evening, (b) (6) received a request from MPD to raise the aircrews because their flight altitude was interfering with MPD's ability to communicate and also with the efficacy of CS gas.<sup>53</sup> A 500-foot deck for the UH-72s and 700-foot deck for the UH-60s were then instituted.<sup>54</sup>

As briefly noted above, in one instance, a request was fielded and relayed to pick up an (b) (7)(E) and deposit him in furtherance of his mission.

On 1 June 2020 (b) (6) were serving as JTF-CD liaison officers with MPD. They received and relayed two specific location requests to TF-Aviation: one regarding looting in the area of 10<sup>th</sup> and H Streets near Washington, DC, City Center, and another regarding reports of Molotov cocktails near 19<sup>th</sup> and R Streets. They also relayed MPD's request for the helicopters to go higher.<sup>55</sup>

(b) (6) recalls "radio traffic from flight operations which requested air support for various taskings." He does not recall which specific agencies requested air support

<sup>48</sup> (b) (6) transcript at 3.

<sup>49</sup> (b) (6) transcript at 5.

<sup>50</sup> (b) (6) transcript at 7.

<sup>51</sup> (b) (6) transcript at 8-9.

<sup>52</sup> (b) (6) transcript at 9.

<sup>53</sup> (b) (6) transcript at 10.

<sup>54</sup> (b) (6) transcript at 10. (b) (6) also discussed setting the level. (b) (6)

transcript at 6.

<sup>55</sup> (b) (6) Statement of (b) (6) See also (b) (6) Statement of (b) (6)

other than the (b) (7)(E) [redacted] He describes the primary activity as flying "racetrack patterns" around the National Mall, but did receive specific requests to fly over different parts of the city, including Georgetown, Capitol Hill, Dupont Circle and Adams Morgan.<sup>56</sup>

(b) (6) [redacted] recalled requests "to position aircraft over certain intersections because of reports of some type of unlawful activity."<sup>57</sup> This involved hovering over crowds.<sup>58</sup> (b) (6) [redacted] aircraft was not tasked with any such request, but he did hear radio transmissions of such requests.<sup>59</sup>

(b) (6) [redacted] recalls two or three instances of getting requests relayed from the UH-60s.<sup>60</sup> Regarding what flight maneuvers were directed, he responded they were to "look for rioting and looting and military presence which included hovers, so that would be a directed maneuver I guess if you wanted to say that."<sup>61</sup>

(b) (6) [redacted] neither received nor relayed a request for any aircraft to go lower.<sup>62</sup>

**5. What are the circumstances that authorize aircraft to operate at low altitude; were circumstances present to safely allow operating the aircraft at a lower altitude; and was the pilot trained, and/or did the pilot seek authorization to fly at a lower altitude?**

At the outset, it is important to note that District of Columbia airspace flying rules are unique. Indeed, the flying events on the night of 1 June 2020 center in what is known as P-56A, a prohibited airspace perimeter around the White House, U.S. Capitol and National Mall. As (b) (6) [redacted] put it, "D.C. requires you fly ... lower ... just by the nature of D.C.'s air space."<sup>63</sup> The airspace is governed by *maximum* altitudes, rather than minimum altitudes as non-aviators may expect. For example, flying over the Potomac River near P-56A imposes a *maximum* altitude of 200 feet above mean sea level (MSL) due to its proximity to Reagan National Airport to allow for safe separation of helicopter traffic from airline traffic. The maximum altitude in P-56A is 700 feet MSL.<sup>64</sup>

The Investigating Officer learned of one instance where two aircraft in turn hovered over a crowd, 5<sup>th</sup> and E Streets,<sup>65</sup> the second hover was captured on cell phone video and reported in the media. The first to arrive was the UH-60 (b) (6) [redacted] He

<sup>56</sup> (b) (6) [redacted] statement at para. 6.

<sup>57</sup> (b) (6) [redacted] transcript at 17.

<sup>58</sup> (b) (6) [redacted] transcript at 17.

<sup>59</sup> (b) (6) [redacted] transcript at 16-17.

<sup>60</sup> (b) (6) [redacted] transcript at 10.

<sup>61</sup> (b) (6) [redacted] transcript at 18.

<sup>62</sup> (b) (6) [redacted] transcript at 11.

<sup>63</sup> (b) (6) [redacted] transcript at 13.

<sup>64</sup> Ex 103, Washington Helicopter Route Chart.

<sup>65</sup> Due to conflicting reports, the Investigating Officer asked questions specifically about a hover in Chinatown. The witnesses testified about a hover but did not place the incident in Chinatown. The hover captured was actually at 5<sup>th</sup> and E Streets, NW.

hovered at around 150 feet and did not believe he should descend lower due to the "rotor wash of a Blackhawk."<sup>66</sup> He called in the UH-72 (b) (6) "to get a better look at things."<sup>67</sup>

(b) (6) the UH-72 that arrived. (b) (6) recalls that the UH-60 pilot said there was "a large group gathering and there was talk of looting and rioting."<sup>68</sup>

(b) (6) acknowledges descending below 100 feet. As to why he descended, "we were told to find the crowds, fly low over them, provide that constant obvious presence as hopefully a deterrent and we came down you know briefly below 100 feet and then picked it up and moved on."<sup>69</sup> He thinks the word "hover" may have been used when he was initially briefed about his mission set.<sup>70</sup> (b) (6) aircraft was used instead of the earlier arriving UH-60 because, "You know a Lakota at 80 feet doesn't produce the kind of wind effect or rotor wash that a Blackhawk does, but it makes some wind."<sup>71</sup>

SME (b) (6) opines that the aircraft had sufficient power to perform the tasks described by eye witnesses and as seen in recorded video, including sufficient power at the estimated hover heights to either safely fly away or make a safe landing in the event of a single engine failure.<sup>72</sup>

SME (b) (6) serves as one of the technical advisors to the Investigating Officer. Regarding the crews "flooding the box," (b) (6) opines:

With the tasking of "Flood the Box" these crews in my opinion demonstrated tremendous tactical initiative and great prudence in judgement to both complete their assigned mission and maintain aircraft control while limiting to the maximum any type of collateral damage (personal/property).

This judgement was best demonstrated by the restraint that the Pilot in Command (PC) of Sentry 07 determined when trying to best observe the above events in the vicinity of 5<sup>th</sup> and E [Street NW]. He maintained the discipline to not descend his UH-60 Blackhawk any lower because he calculated that with a nearly 54' rotor disc and an Out of Ground Effect (OGE) hover, it would most likely create damage or injury to the structures or people below. He then recommended that Sentry 01 replace him in that location because the UH-72 is a significantly smaller helicopter with only a 36' rotor disc. Even at an OGE hover, the smaller helicopter would be

<sup>66</sup> (b) (6) transcript at 10.

<sup>67</sup> (b) (6) transcript at 8.

<sup>68</sup> (b) (6) transcript at 12.

<sup>69</sup> (b) (6) transcript at 11.

<sup>70</sup> (b) (6) transcript at 12.

<sup>71</sup> (b) (6) transcript at 12.

<sup>72</sup> For more detail, refer to (b) (6) Statement of (b) (6)

able to safely descend lower and still not create damage, producing only a light breeze on the street while having a better vantage point (this is evident on multiple videos). While conducting the hover the Non-Rated Crewmember (NRCM) had the cargo door open to ensure the tail of the aircraft was clear of all obstacles. A short time later, Sentry 02 was able to come on scene and use their "Nightsun", which is a very bright search light that made it possible for all aircraft to operate at a higher altitude and still maintain situational awareness (SA) for the Joint Task Force (JTF) Commander.<sup>73</sup>

No pilot sought authority to fly lower. All believed they had the authority to operate at whatever level deemed necessary. I asked BG Ryan about the video of the aircraft that had circulated in the media. I asked him whether that aircraft hovering low over the crowd was in the authorized mission set. BG Ryan replied "not really," that the mission set was more "to be a presence out there" and not "necessarily for crowd suppression." BG Ryan acknowledged, however, that a low hover over a crowd *could* have been within the mission intent.<sup>74</sup> BG Ryan did not recall giving (b) (6) any restrictions on the mission.<sup>75</sup>

**6. Was a risk assessment completed for operating the aircraft at lower altitudes, and conducting the flight maneuvers?**

Yes. Operation of aircraft at lower altitudes and associated flight tasks are trained and evaluated. The Risk Assessment Value (RAV) associated with these base tasks was assessed as "Low" and approved by the appropriate authority.<sup>76</sup>

**7. Was there an improper use of the Red Cross insignia?**

Four of the DCARNG rotary wing assets were not employed or used in compliance with the restrictions on air ambulance assets. It appears this is due to two misunderstandings. First, the commanders, BG Ryan and in turn (b) (6) believed the highest echelons of military and civil leadership had approved the mission, e.g. BG Ryan's "special approval" comments. Second, (b) (6) and some of the aviators believed that they were within exceptions to policy. This appears to be a breakdown of command and control and a lack of proper training related to the use of air ambulance assets.

Army Regulation 95-1, paragraph 3-3 provides:

(4) Army air ambulance aircraft are dedicated evacuation platforms in support of aeromedical missions described in AR 40-3. All requests to utilize air ambulance aircraft for missions other than in support of the aeromedical or humanitarian relief

<sup>73</sup> (b) (6) Statement of (b) (6)

<sup>74</sup> Ex 9, Ryan transcript at 11.

<sup>75</sup> Ex 9, Ryan transcript at 11.

<sup>76</sup> Exs 54, 61, 62 DD Forms 175 Flights Plans and Risk Assessments; see also (b) (6) Statement of (b) (6) (b) (6) and (b) (6) Statement of (b) (6)



missions defined in this paragraph will be forwarded through ACOM, ASCC, DRU, or ARNG to the Deputy Chief of Staff, G-3/5/7 (DAMO-AV), 400 Army Pentagon, Washington, DC 20310-0400 for approval.

Neither BG Ryan nor (b) (6) requested an exception to approved usage as required by AR 95-1. As noted above, (b) (6) and would generally be expected to do so, but BG Ryan told him he had "special permission" both before and after launch. From his follow-up texts the next day, BG Ryan incorrectly believed the use of the aircraft had been "fully vetted." In the hectic events and pressures on the evening of 1 June 2020, BG Ryan did not ensure the usage had indeed been fully vetted, nor did (b) (6) raise the limitations on the proper use of air ambulance aircraft to BG Ryan's attention.

Unit members pointed to "immediate action" authority as described in NG Pamphlet 95-5.<sup>77</sup> However, AR 95-1 supersedes NG Pam 95-5.<sup>78</sup> The uses of air ambulance aircraft on 1 June 2020 should have been requested in accordance with the process as described in AR 95-1. As noted earlier, no exception was requested.

Additionally, Army Regulation 40-3 Medical, Dental, and Veterinary Care paragraph 16-5.g states: "Clearly mark all aeromedical evacuation aircraft on the nose, lower, upper, and lateral surfaces.... Red Cross markings will not be removed, painted over, or obscured." Two air ambulance UH-60s utilized that night did not bear the required markings.

### Findings.

(b) (5)

- b. All aircrew members acted in good faith and executed all activities within the mission set as they understood it under the pressures of 1 June 2020.
- c. Air ambulance designated aircraft were not used in compliance with AR 95-1. Additionally, two of the UH-60 air ambulance aircraft utilized were not clearly marked as air ambulances with the Red Cross as required by AR 40-3.
- d. There were a number of instances noted in which AASF required documents contained errors and were not in compliance with Army regulations; additionally, the unit did not comply with its own Standard Operating Procedures.<sup>79</sup>
- e. JTF-CD lacked a plan to maintain command and control with TF-Aviation assets for the mission on the night of 1 June 2020.

<sup>77</sup> (b) (6) transcript at 6-11; see also (b) (6) transcript at 13-14.

<sup>78</sup> See generally (b) (6) Statement of (b) (6) Chief, Aviation Standardization, National Guard Bureau.

<sup>79</sup> See (b) (6) Statement of (b) (6)

**Recommendations.** In view of the above findings, I recommend:

(b) (5)

(b)  
(6)

- b. Based on my finding that air ambulance aircraft were not used in compliance with AR 95-1, I recommend that all DCARNG aviation personnel, including their non-aviator commanders, be trained on proper and authorized use of air ambulance aircraft and the process to seek an exception from authorized uses.
- c. Based on the errors noted in required documents during the course of this investigation, I recommend a Directorate of Evaluation and Standardization assessment of the AASF to bring its operations and records management into compliance with Army regulations.
- d. Based on my finding that two air ambulance aircraft were not properly marked with the Red Cross, recommend Red Cross designations be placed in accordance with AR 40-3, as set forth above.
- e. Based on my findings that JTF-CD lacked a plan to maintain command and control with TF-Aviation assets for the mission on the night of 1 June 2020, I recommend the development and implementation of proper command and control procedures, to include dedicated radio frequencies.

(b) (6)

Investigating Officer