DEPARTMENT OF THE ARMY
COMMANDING GENERAL, UNITED STATES ARMY FUTURES COMMAND
210 WEST 7TH STREET
AUSTIN, TX 78701

FCCG

MEMORANDUM FOR Commander, U.S. Army Forces Command

SUBJECT: Army Regulation (AR) 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

1. **References.** Required and related publications and prescribed and referenced forms are listed in Enclosure 1.

2. **Background.** On 1 September 2020, GEN Michael X. Garrett, Commanding General of U.S. Army Forces Command (FORSCOM), appointed me as an investigating officer (IO) pursuant to AR 15-6. The purpose of the investigation was to determine the facts and circumstances surrounding Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén, Echo Forward Support Troop (E/FST), Regimental Engineer Squadron (RES), 3rd Cavalry Regiment (3CR), at or near Fort Hood, Texas. The investigation also examined the alleged sexual harassment of SPC Guillén and other specified matters, as detailed below.

3. **Introductory Summary.**

a. **Scope of Investigation.** This report is the result of a comprehensive, multi-disciplinary, and independent administrative investigation into the facts and circumstances associated with the following Lines of Inquiry (LOI):

- LOI 1 - Brief synopses of the military backgrounds of SPC Vanessa Guillén and SPC Aaron Robinson.
- LOI 2 - The command's accountability of personnel.
- LOI 3 - The command's response to SPC Guillén's disappearance.
- LOI 4 - The command's engagement with media, the Guillén family, and non-Department of Defense parties following SPC Guillén's disappearance.

- LOI 5 - Alleged sexual harassment of SPC Guillén and the command's response to the same.

- LOI 6 – 3CR's Sexual Harassment / Assault Response and Prevention (SHARP) program and the climate regarding reporting.

- LOI 7 - The command's procedures for personnel assignments.

- LOI 8 - The command's procedures for arms rooms.

- LOI 9 - The command's response to alleged sexual harassment by SPC Robinson.[1]

The biography of SPC Vanessa Guillén (LOI 1) is provided in paragraph 6. The military background of SPC Robinson (LOI 1) is addressed in paragraph 7.b. The remaining Lines of Inquiry are covered in paragraph 7, the Summary of Relevant & Material Facts, and in their associated Findings and Recommendations in paragraph 8. Recommendations of administrative and/or disciplinary actions regarding specific individuals are in paragraph 9.

b. **Parallel Investigations.** All alleged criminal misconduct connected to the disappearance and death of SPC Guillén is the sole purview of law enforcement agencies, and is thus outside the scope of this AR 15-6 Investigation. This investigation was also conducted separately from the Fort Hood Independent Review Committee (FHIRC) directed by the Secretary and Chief of Staff of the Army.

(1) Criminal Prosecution. All alleged criminal misconduct connected to the disappearance and death of SPC Guillén is being investigated by the Federal Bureau of Investigation, U.S. Army Criminal Investigation Division (CID), and numerous law enforcement agencies under the supervision of the United States Attorney's Office. On 2 July 2020, federal authorities in the United States Attorney's Office for the Western District of Texas filed a criminal complaint against 22-year-old Cecily Aguilar in connection with the disappearance of SPC Vanessa Guillén. The criminal complaint charges Aguilar with one count of conspiracy to tamper with evidence. On 14 July 2020, Ms. Aguilar was further charged by indictment in the United States District Court for the Western District of Texas with one count of conspiracy to tamper with evidence and two counts of tampering with evidence. Based on a press release from the U.S. Attorney's Office on 2 July 2020, it is believed that 20-year-old U.S. Army SPC Aaron Robinson told Aguilar that he killed a female soldier by striking her in the head with a hammer while on Fort Hood on 22 April 2020.

[1]On 22 October 2020, the Appointing Authority expanded the scope of this AR 15-6 investigation into three interrelated areas: (1) alleged sexual harassment of (b)(6), (b)(7)(C) by Specialist Aaron Robinson; (2) the formal or informal complaint by (b)(6), (b)(7)(C), if any, and the command's response; and (3) any reporting to CID.

(2) Fort Hood Independent Review Committee (FHIRC). On 30 July 2020, the Secretary and Chief of Staff of the Army announced that five civilian highly-qualified experts will lead a FHIRC to conduct a review of the command climate and culture assessment at Fort Hood. The Secretary of the Army appointed this committee due to numerous issues that were raised about Fort Hood during the investigation into the disappearance and murder of SPC Vanessa Guillén. Generally, the committee conducted a comprehensive assessment of the Fort Hood command climate and culture and its impact, if any, on the safety, welfare, and readiness of the Soldiers and units. At a minimum, the committee evaluated four specific areas: 1) Whether the relevant commands and units are in compliance with all applicable policies and regulations regarding sexual assault prevention and response, sexual harassment, and equal opportunity; 2) Whether the command climate and atmosphere in these units is conducive to the uninhibited reporting of sexual harassment and assault, or equal opportunity issues; 3) the training, education, and abilities of leaders at all levels to receive and respond appropriately to reports of sexual harassment and assault, or equal opportunity issues; and 4) the effectiveness of the Fort Hood sexual assault prevention and response and equal opportunity programs. The committee was also tasked to assess all of the regulations, policies, and procedures governing the command's response to a report of a missing Soldier.

c. **Summary of Key Findings.**

(1) SPC Guillén was sexually harassed by (b)(6), (b)(7)(C); her Leaders failed to take appropriate action. Specialist Guillén was sexually harassed by her (b) (6), (b) (7)(C). Her (b) (6), (b) (7)(C) created an intimidating, hostile environment. SPC Guillén informed (b) (6), (b) (7)(C) of the harassment, but (b)(6), failed to report the harassment. The (b)(6), (b)(7)(C), consisting of (b) (6), (b) (7)(C) responsible for the supervision of about 100 Soldiers, was informed of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) harassment of SPC Guillén, as well as (b)(6), counterproductive leadership of other Soldiers, and failed to take appropriate action.

(2) SPC Robinson sexually harassed another Soldier (not SPC Guillén). From April to September 2019, SPC Robinson sexually harassed a female Specialist at Fort Hood. During the course of our investigation, we found no credible evidence to conclude SPC Robinson sexually harassed SPC Guillén or that they had any relationship outside of their work setting.

(3) 3CR did not sufficiently emphasize the response and prevention of sexual harassment. Overall, 3CR's command climate did not sufficiently emphasize the response and prevention of sexual assault or sexual harassment. Recovering from long standing deficiencies, the ineffectiveness of Fort Hood's SHARP program compounded 3CR's problem. 3CR's (b)(6), leaders, supervisors, and Chains of Command lacked understanding of their responsibilities. When presented with allegations, SPC Guillén's Chain of Command failed to take appropriate action.

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

(4) The Acting Senior Commander of Fort Hood misjudged the significance of SPC Guillén's disappearance. The Acting Senior Commander of Fort Hood (a 2-star General) and his staff were overly reluctant to engage the media. This reluctance was driven by a firm belief that the command should prioritize the protection of the integrity of the investigation over any command engagement with the media. By taking this cautious stance, the Acting Senior Commander initially misjudged the significance of the disappearance of SPC Guillén as a high profile event and failed to react appropriately to the incident over time. This failure contributed to an inability to inform and educate the public in a timely manner, as well as a failure to maintain transparency with the Guillén family. By the time Fort Hood developed a media communications strategy on 29 June, Fort Hood had lost the trust of the Guillén Family, and critically damaged the trust, confidence, and reputation of Fort Hood and the Army with the surrounding community and the Nation.

(5) The Army was ineffective at engaging in social media. Media, and more specifically social media, played a central role in establishing the negative information environment surrounding Fort Hood's response to the disappearance of SPC Guillén. Fort Hood Public Affairs Office and CID Public Affairs Office were ill-staffed, ill-trained and ill-prepared to effectively address the social media information environment. The Army ceded the social media space, lost the opportunity to inform and educate the public in a timely fashion, and allowed the unhindered growth of damaging narratives about Fort Hood and the Army.

(6) Leaders failed to take corrective actions. SPC Guillén's (b)(6), (b)(7)(C) failed to report or take appropriate action after learning of SPC Guillén's sexual harassment allegations. (b) (6), (b) (7)(C) leadership failed to hold SPC Guillén's (b) (6), (b) (7)(C) accountable. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) knew SPC Guillén's (b) (6), (b) (7)(C) had (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), but chose to move (b) (6), (b) (7)(C) to another unit rather than hold (b) (6), (b) accountable for (b) (6), (b) aggressive and counterproductive leadership. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) knew of (b) (6), (b) (7)(C) aggressive and counterproductive leadership, but took no formal action to stop it. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) also failed to advise (b) (6), (b) (7)(C) to take formal action against this problematic (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) also failed to take appropriate action when presented with credible allegations of counterproductive leadership by this (b) (6), (b) (7)(C).

(7) The search for SPC Guillén was immediate and well-coordinated. The RES and 3CR leadership immediately recognized the unique circumstances of SPC Guillén's disappearance on 22 April and determined that her absence was likely not voluntary. Starting on 23 April, these leaders directed a massive search for SPC Guillén. Also confirming SPC Guillén's unusual disappearance and assisting in the search efforts, CID took over the case from MPI at 1151 on 24 April (around 28 hours after SPC Guillén was reported as missing). Later that day at 1512, CID submitted a Serious

Incident Report Executive Summary to the U.S. Army Operations Center stating that SPC Guillén was a "missing Soldier" whose disappearance occurred under "unusual" circumstances. Unfortunately, these search efforts were all in vain; SPC Robinson is believed to have killed SPC Guillén in the arms room on 22 April and subsequently hid her body outside of Fort Hood.

(8) The Army did not have an appropriate classification of duty status. SPC Guillén's disappearance highlighted gaps and ambiguities in U.S. Army policies regarding the characterization of Soldiers who are missing. It is U.S. Army policy that when a Soldier does not "report" during an accountability formation, that Soldier is considered "Absent Without Leave" (AWOL) after 24 hours, unless there is clear evidence that the absence is involuntary. Accordingly, the Chain of Command changed SPC Guillén's duty status from "Present for Duty" to "AWOL" on 24 April, because they did not have specific, sufficient evidence to prove that her absence was involuntary. The RES and 3CR leadership decided to deviate from additional actions for AWOL Soldiers required by regulations - such as dropping SPC Guillén from rolls and labeling her a deserter - to keep faith with her family, and because they accurately assessed that she was not a voluntary absentee. SPC Guillén's AWOL status was an administrative matter and did not impact 3CR's prioritization of time, effort, and resources dedicated to searching for her. However, the Army's policy requiring an AWOL duty status sent the wrong message and created an inaccurate perception that she had voluntarily abandoned her unit.

(9) Poor communication contributed to SPC Robinson's ability to flee from the RES conference room. On 30 June, SPC Aaron Robinson fled from the RES conference room and ultimately committed suicide while being pursued by CID and other law enforcement agents. Both CID and the RES could have done more to prevent SPC Robinson from fleeing from the RES conference room. CID failed to clearly communicate that SPC Robinson was a Soldier of heightened interest rather than just another Soldier for a follow-up interview, and the RES failed to recognize the change in procedures and subtle indicators from CID that this was more than just another follow-up interview.

d. **Summary of Recommendations.** In view of the above findings, I recommend the following actions be taken on the following personnel:

(1) Appropriate administrative action against the Acting Senior Commander of Fort Hood at the time of SPC Guillén's disappearance for failing to appropriately assess the magnitude of the situation, failing to take reasonable and appropriate action, and failing to effectively communicate with the family, the public, and key stakeholders. These failures contributed to a loss of trust and a lack of transparency.

(2) Appropriate administrative actions against the (b)(6), (b)(7)(C)
(b) (6), (b) (7)(C)

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

(3) Appropriate administrative action against (b)(6), (b)(7)(C)
(b) (6), (b) (7)(C)

(4) Appropriate disciplinary and/or administrative action against SPC Guillén's
(b) (6), (b) (7)(C)

(5) Appropriate administrative action against the (b)(6), (b)(7)(C)
(b) (6), (b) (7)(C)

(6) Appropriate disciplinary and/or administrative action against SPC Guillén's
(b)(6), (b)(7)(C)

(7) I also recommend the Army improve SHARP policy and training efforts. First line leaders, supervisors, and managers at all echelons must understand their obligations for immediate and mandated actions regarding sexual harassment/assault allegations. SHARP training must emphasize leader action in response to sexual harassment and sexual assault reports. New regulations must consolidate and simplify all obligations placed on leaders and supervisors when sexual harassment is reported or suspected.

(8) The Army should revise regulations to provide time and flexibility for command teams to gather evidence and determine the true nature of a Soldier's absence. Current regulations require an AWOL determination 24 hours after a Soldier's absence, unless the command can produce affirmative evidence of involuntary absence. A new duty status, designating a Soldier's absence as "unknown" for a 48-hour period, would align command and law enforcement efforts to leverage all the tools on the installation to locate the absent Soldier, require early notification and interaction with the absent Soldier's family, and provide a clear methodology for commanders to find evidence of voluntary absence. After 48 hours, if a commander lacks evidence of voluntary absence, the Soldier should be designated as "missing" and placed in a Duty Status - Whereabouts Unknown (DUSTWUN) casualty status - thus giving the family early access to casualty assistance and maintaining the missing Soldier's pay and benefits as search and investigation efforts continue.

(9) U.S. Army CID should create a quick reaction capability focused on assisting commanders with missing Soldiers. The specially trained Special Agents can provide law enforcement tools and investigative methods to quickly locate or uncover the true circumstances of missing Soldiers within the first 48-hours. Furthermore, CID should

review and update its policies on properly receiving and referring complaints of sexual harassment, as well as keeping complainants properly informed of the status of the referral. Finally, CID should review its policies on timely information-sharing with commands, regarding CID's suspicion of serious criminal misconduct of Soldiers assigned to those commands, that increase the risk that those Soldiers may become a danger to themselves, others, or become a flight risk.

(10) Public affairs capabilities of U.S. Army commands and garrisons must be proactive and capable of addressing both traditional and social media amplification of negative sentiment. Advanced tools should be employed to anticipate social media flashpoints, support commanders, and protect Soldiers and family members from malicious broadcasting. The U.S. Army Office of the Chief, Public Affairs should consider new policy and training on how to handle incidents similar to those that occurred when Specialist Guillén disappeared on 22 April 2020.

4. **Overview.**

a. Investigative activities commenced on 3 September 2020. Familiarization with the case, initial development of the investigative plan, and coordination for a location began immediately; the investigation deliberately delayed deploying to Fort Hood in order to deconflict with the FHIRC. The complete investigative team consisting of nine Assistant Investigating officers (IOs) and support staff was identified and approved by 14 September 2020. The investigative team occupied the Oveta Culp Hobby Soldier & Family Readiness Center, Fort Hood, 16 September 2020, and began interviewing witnesses on 17 September 2020. Investigative activities concluded on 3 November 2020.

b. No Adverse Impact Due to Witness or Information Unavailability. Every effort was made to interview all available witnesses and review all available materials, policies, and regulations relating to the scope of the investigation. The investigative team interviewed 151 witnesses, took over 188 hours of witness testimony, reviewed 6,138 emails from 398 individuals, and analyzed 11,816 pages of documents provided by III Corps / Fort Hood in response to 189 Requests for Information (RFIs). The investigative team was able to conduct interviews of all necessary and relevant witnesses with one exception: [redacted], was unavailable.

c. It is my opinion that this investigation was not adversely impacted by the unavailability of this witness. Enclosure 2 contains full documentation of the appointing official's instructions and my investigative methodology.

5. **Table of Contents.**

6. **SPC Vanessa Guillén.**

Vanessa Guillén was born to (b)(6) on 30 September 1999, at Ben Taub Hospital in Houston, Texas. (b)(6)

In elementary school, Vanessa tested into the "Gifted and Talented Program." She attended Hartman Middle School before attending César E. Chávez High School, where she took Advanced Placement classes. She is described as a focused student, a "math whiz," and a capable writer. Friends and coaches remember her for dedicating extra effort during school and on the athletic field. Vanessa was a varsity athlete in track, cross country, and soccer, and also enjoyed weight-lifting.[3]

Vanessa's family and friends describe her as quiet, yet joyous and out-going. A hard-working competitor, she was confident and brave, and rarely displayed emotional distress outwardly. Vanessa was a young woman who was meticulous about her appearance, and enjoyed spending time with friends. She teased, challenged, and motivated friends and teammates. On weekends, Vanessa worked at a food stand that sold tacos and tortas at a local flea market, supporting the local community [4]

Vanessa was very family-oriented, regularly helping (b) (6) Vanessa loved children so much that it broke her heart to see children suffering, and shared her dream of traveling to Africa to feed hungry children with her family.[5]

Only weeks after her 18th birthday, Vanessa enlisted in the U.S. Army as a Small Arms / Artillery Repairer (Military Occupational Specialty code 91F), while she was still in high school. She remained in the Delayed Entry Program (DEP) for the remainder of her senior year, and departed for Basic Combat Training (BCT) at Fort Jackson, South Carolina after her high school graduation in June 2018. Friends describe Vanessa's motivation to enlist as a desire "to prove to herself and everyone else that she was capable of anything."[6] (b) (6) recalls that Vanessa had wanted to join the U.S.

---

[2]Banks, G., Tallet, O. P., & Dellinger, H. (2020, July 26) Portrait of a Fallen Soldier: The Vibrant Life of Vanessa Guillén. Retrieved from https://www.houstonchronicle.com/news/houston-texas/houston/article/Portrait-of-fallen-soldier-Vanessa-Guillén-Texas-15431859.php.
[3]Banks et al., 2020.
[4]Banks et al., 2020.
[5]A-163-1, Guillén Family 27OCT20.
[6]Banks et al., 2020.

Army since she was 10 years old, reminiscing that "She dreamed about signing up for the Army, to defend her country, her homeland."[7]

In addition to eleven weeks of Basic Combat Training, Vanessa completed seven weeks of Advanced Individual Training (AIT) at Fort Lee, Virginia, where she learned to be a 91F. Following this training, she was assigned to Echo Forward Support Troop (E/FST), Regimental Engineer Squadron (RES), 3rd Cavalry Regiment (3CR), on Fort Hood, Texas. Vanessa was able to visit her family between 15 and 19 December 2018, enroute to her assigned duty location. Her family described her as a new person, happy with the U.S. Army. "When (b) (6) r returned, she looked lovely, beautiful, she was beaming, happy."[8] (b) (6) stated that, "She was even happier that she was going to be stationed in Texas, close to home."[9]

Vanessa selected a specialty that suits her academic strengths and requires a high-degree of attention to detail. On her Armed Services Vocational Aptitude Battery (ASVAB), Vanessa achieved a General Technical score of 105, well above the threshold of 85. The 91F Military Occupational Specialty is responsible for keeping a wide array of weapons - from small arms to towed artillery - operating properly by performing field and sustainment maintenance.

Vanessa maintained a close relationship with her family, and regularly made the three-hour drive to Houston to visit family on weekends. Both (b) (6) noticed Vanessa's emotional well-being and satisfaction with the U.S. Army decline from July to October 2019.[10] In November 2019, after Vanessa returned from National Training Center (NTC) Rotation 20-02 to Fort Irwin, California, she reluctantly confided in her mother that she had been sexually harassed by (b)(6), (b)(7) , and wanted to leave the Army.[11] Determined to honor her oath of enlistment, she returned to work.[12] By April 2020, her spirits were beginning to rebound. (b) (6) attributed the renewed positivity to Vanessa's relationship with her (b)(6) (b) (6) [13]

Vanessa Guillén was killed on 22 April 2020, and was posthumously promoted to the rank of Specialist by the U.S. Army on 11 June 2020.[14]

Vanessa's disappearance and death are matters of great concern to the Army. The criminal aspects surrounding Vanessa's death are being investigated by various law

[7]Quiñones, J., narrator. (2020, September 12) I Am Vanessa. 20/20. ABC News.
[8]Quiñones, 2020.
[9]Quiñones, 2020.
[10]Media: Houston Chronicle. Vanessa Guillén: Portrait of a slain soldier [Video file]. Retrieved from https://www.houstonchronicle.com/news/houston-texas/houston/article/Portrait-of-fallen-soldier-Vanessa-Guillén-Texas-15431859.php; Quiñones, 2020.
[11]Media: Houston Chronicle, 2020 and Quiñones, 2020.
[12]Media: Houston Chronicle, 2020.
[13]Quiñones, 2020.
[14]B-3-16, DA 4187 -- Promotion to SPC: Date of rank back-dated to 11 June 2020.

enforcement agencies and are not part of this investigation. As described above, this report will focus on the allegations of inappropriate conduct towards Vanessa and other Soldiers in the unit, and additional matters.

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

a. Events Leading Up to, and Following, the Disappearance of SPC Guillén.

Unit of Assignment

SPC Guillén was assigned to the Maintenance Platoon of Echo Forward Support Troop (E/FST), of the Regimental Support Squadron (RSS), of the 3rd Cavalry Regiment (3CR). All FSTs in 3CR are assigned to the Regimental Support Squadron (RSS). E/FST is further attached to the RES to provide forward maintenance and logistical supply support to its self, the RES, and the Regimental Headquarters and Headquarters Troop (HHT).[15] Per the definition of *attached*, unless modified, administrative control (ADCON) responsibility of the attached unit goes through the gaining Army headquarters.[16]

In honor of the U.S. Cavalry heritage, Soldiers are referred to as Troopers. Company-sized elements within 3CR are referred to as troops. Battalion-sized elements within 3CR are referred to as squadrons.

Within the RES, there is a Headquarters and Headquarters Troop (HHT), the FST, and four additional companies / troops: Alpha through Delta. E/FST is also known by the nickname "Tomahawk." A/RES is also known by the nickname "Ares." The RES is also known by the nickname "Pioneer." The RSS is also known by the nickname "Muleskinner."

The extended task organization of 3CR and the RES are provided in Enclosure 3.

Senior Commander and Task Force Phantom Staff

The Commanding General (CG) of Headquarters (HQ), III Corps and Fort Hood is the Senior Commander (SC) of Fort Hood, Texas, mission commander of units attached to III Corps, and exercises discrete responsibilities and authorities as such in accordance with Army regulations.[17]

[15]B-1-1, BSB MTOE Narrative E-Date 18APR19: pg 2.
[16]See References: U.S. Army Field Manual (FM) 6-0: Commander and Staff Organization and Operations (Change 1, 11 May 2015), Appendix B.
[17]B-1-3, FORSCOM COMMAND RELATIONSHIPS IMPLEMENTATION EXORD - Annex A: Tab 9; See References: U.S. Dep't of Army, Reg. 600-20, Army Command Policy (6 November 2014 and 24 July 2020), Para. 2-5.b.(1) and 2-5.b.(4)(a).

3CR is attached to HQ, III Corps for full Administrative Control (ADCON), Army Senior Commander and Mission Authorities, in accordance with U.S. Army Forces Command (FORSCOM) orders.[18]

Upon deployment of LTG Robert P. White, CG of HQ, III Corps and Fort Hood, on 6 September 2019, the Deputy Commanding General-Maneuver (DCG-M) assumed responsibilities and authorities as the Acting Senior Commander (ASC) of Fort Hood, Texas for the duration of HQ, III Corps deployment in support of OPERATION INHERENT RESOLVE or until relieved or released of duties in accordance with AR 600-20.[19] The installation chain of command ran directly from the SC, to the ASC, to the Garrison Commander (GC).[20]

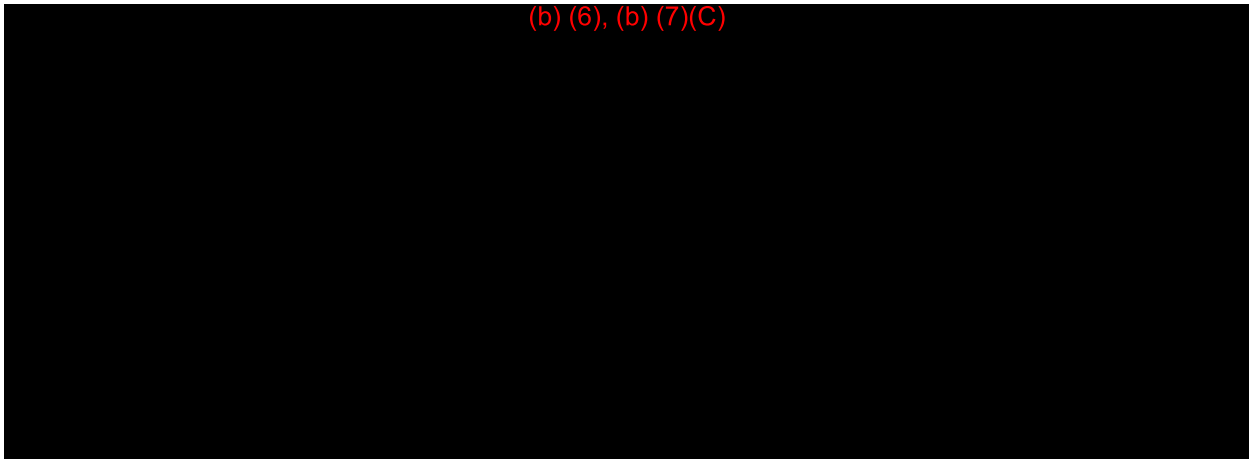
While LTG White and the III Corps staff were deployed, MG Kenneth Kamper assumed responsibility as Fort Hood ASC, effective 6 September 2019.[21] Upon MG Kamper's departure, MG Scott Efflandt, who had been serving as Special Assistant to the Commanding General (SACG), assumed responsibility as Fort Hood ASC, effective 21 February 2020. MG John B. Richardson IV assumed responsibility as Fort Hood ASC on 2 September 2020, and continued to execute these roles and responsibilities until LTG White reassumed command of Fort Hood on 19 October 2020.[22]

Task Force Phantom, consisting of non-deployed III Corps staff, executed staff roles and responsibilities in support of the ASC. The Task Force Phantom CSM fulfilled the home-station / installation responsibilities of the III Corps and Fort Hood CSM.[23]

The III Corps and Fort Hood Terms of Reference (TOR) assigns the DCG-M the responsibility for "mentoring and coaching" 3CR.[24] The III Corps and Fort Hood Chief of Staff directs, supervises, integrates, and synchronizes the III Corps staff with the garrison, subordinate, and tenant units.[25] The GC serves as the CG's senior executive for installation activities and Fort Hood activities, and commands, integrates, and coordinates the work of the Garrison Directors, Installation Support Offices, and other agencies and activities providing installation services.[26]

---

[18]B-1-3, FORSCOM COMMAND RELATIONSHIPS IMPLEMENTATION EXORD - Annex A: Tab 9.
[19]B-1-4, IIIC Deployed Mission Command Plan: pg 1.
[20]B-1-4, IIIC Deployed Mission Command Plan: pg 2.
[21]A-129-1, LTG White: pg 1, When asked when his deployment date was, LTG White stated, "I went out the door on September 6th"." He was subsequently asked who was appointed Acting Senior Commander ("Did you hand it [FHTX] off to Scott or Ken?"), to which he replied, ""Ken Kamper."; LTG White and III Corps deployed from 6 September 2019 to 9 September 2020; LTG White uncased the III Corps colors on 23 October 2020, marking the completion of the mission and return to Fort Hood. (https://forthoodpresscenter.com/iii-corps-completes-successful-mission-uncases-colors/)
[22]B-1-6, FHTX Consolidated Assumption of Command Orders.
[23]B-1-4, IIIC Deployed Mission Command Plan: pg 2.
[24]B-1-5, IIIC Terms of Reference: pg 3.
[25]B-1-5, IIIC Terms of Reference: pg 6.
[26]B-1-5, IIIC Terms of Reference: pg 8.



U.S. Army Garrison Fort Hood

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) [31] Within USAG Fort Hood staff, the Directorate of Plans, Training, Mobilization & Security (DPTMS) directs and coordinates garrison operations and training support activities, and also provides force protection, mobilization and demobilization, reserve component training support, force modernization, operational planning, and emergency operations functions. The DPTMS Plans and Operations Division directs and coordinates garrison current operations and command and control for the installation, and operates the Fort Hood Installation Operations Center (IOC) and, when required, the Emergency Operations Center (EOC).

The IOC, manned by twelve Department of the Army civilian employees, provides a 24-hour, 7-day a week capability to receive and process reporting requirements and maintain situational awareness.[32] The IOC receives reports from III Corps and Fort Hood tenant unit commanders and provides information to III Corps and garrison senior leaders concerning incidents of a serious nature or of command interest. For FORSCOM and Installation Management Command (IMCOM) reporting requirements, the IOC receives Serious Incident Reports (SIR) from subordinate units and forwards them to the Task Force Phantom G3 Deputy Chief of Operations (D/CHOPS) for initial review and recommendation. The D/CHOPS provides the draft SIR to the Chief of Staff for approval prior to submission to FORSCOM; once approved, the D/CHOPS provides

[27] A-90-1, (b) (6), (b) (7)(C) pg 1.
[28] A-125-1, (b) (6), (b) (7)(C) pg 1.
[29] A-125-1, (b) (6), (b) (7)(C) pg 1.
[30] A-36-1, (b) (6), (b) (7)(C): pg 1; A-41-1, (b) (6), (b) (7)(C): pg 1; A-76-1, (b) (6), (b) (7)(C) pg 1.
[31] Fort Hood welcomes new Fort Hood Garrison commander (https://forthoodpresscenter.com/update-fort-hood-welcomes-new-fort-hood-garrison-commander/), 21 May 19.
[32] A-100-2, (b) (6), (b) (7)(C) pg 2.

the final SIR to the IOC for submission to the appropriate headquarters.[33] If the Chief of Staff is unavailable, either the military or civilian DCOS is authorized to approve SIR for submission to FORSCOM.[34]

The USAG Fort Hood Emergency Operations Center (EOC) is the GC's integrated command and control capability to support and sustain garrison emergency operations for 24-hours a day, 7 days a week, and consists of representatives from the Installation Support Directorates (ISD) and Installation Support Offices (ISO). The EOC employs Crisis Action Teams (CAT) with organization, size, and recall time standard based on a progressive, tiered response system. The GC, Deputy Garrison Commander (DGC) or DPTMS is authorized to activate all CAT tiers. A Tier One CAT establishes the EOC, with a Chief, Battle Captain, Operations Specialists, and a Public Affairs officer when directed. Search and rescue operations for a missing person is a situation that could initiate a Tier One CAT response, according to the EOC SOP.[35] Tier Two and Three CATs have more staff capacity to enable response to large-scale crisis events, such as a severe weather incident or natural disaster that displaces a significant number of Soldiers and family members.[36]

Public Affairs Organization

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

The USAG Fort Hood Public Affairs Office was co-located with, but not subordinate to, the Task Force Phantom PAO. The two PAO offices worked together, but had different reporting chains; the garrison office reported to the GC. (b) (6), (b) (7)(C)

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

[33]A-100-2, (b) (6), (b) (7)(C) pg 1-2; A-36-1, (b) (6), (b) (7)(C) pg 3; B-3-50, IP Task 38, Subject: SIR/IR Categories: pg 3.
[34]A-36-1, (b) (6), (b) (7)(C) pg 4; A-41-1, (b) (6), (b) (7)(C) pg 3.
[35]B-3-51, FHTX EOC SOP: pg 7.
[36]B-3-51, FHTX EOC SOP: pg 7-8.
[37]A-66-1, (b) (6), (b) (7)(C) pg 1&37; A-71-1, (b) (6), (b) (7)(C) pg 1.
[38]A-98-1, (b) (6), (b) (7)(C) pg 1.

At 3CR, [redacted]

For U.S. Army Criminal Investigation Division (CID), the battalion on Fort Hood did not have PAO personnel on its staff. [redacted]

Non-Department of Defense (DoD) engagements identified between 22 April and 1 September included the following parties: Congressional visits from Ms. Sylvia Garcia (Representative, TX-29), Mr. John Cornyn (Senator, Texas), Mr. Ted Cruz (Senator, Texas), Mr. John Carter (Representative, TX-31), and Mr. Roger Williams (representative, TX-25); Ms. Natalie Khawam, the Guillén family attorney; the League of United Latin American Citizens (LULAC); Alianza Latina Internacional; Texas EquuSearch; local law enforcement; and the Civilian Assistant to the Secretary of the Army (CASA).[43]

Echo Forward Support Troop (E/FST) Organization

E/FST - "Tomahawk Troop" - consists of a troop headquarters, field feeding section, distribution platoon, maintenance control, and a field maintenance section.[44] In total, the troop is manned by 105 Soldiers. This includes four officers, one warrant officer, 37 non-commissioned officers (NCO), and 63 junior enlisted Soldiers.[45] In April 2020, the [redacted]

[39]A-62-1, [redacted] pg 1; A-83-1, [redacted] pg 6; B-4-1, Text Messages [redacted].
[40]A-117-1, [redacted] pg 3
[41]B-4-1, Text Messages [redacted].
[42]A-47-1, [redacted] pg 1, "There are a total of three employees for CID PAO worldwide. Period [redacted] and handle everything for CID worldwide on a 24/7 basis [redacted] handle media queries on a daily [redacted] for more than — annually — more than 12- to 14,000 felony cases every year. and pg 18. "You know, [redacted] learning daily with social media.".
[43]A-36-1, [redacted] pg 22-23; A-47-1, [redacted] pg 14; A-98-1, [redacted] pg 29.
[44]B-1-1, BSB MTOE Narrative E-Date 18APR19: pg 42-44.
[45]See References: AR 220-1, 15 April 2010, p. 43, "Units are authorized to fill a position with a Soldier two grades below, or one grade above, the authorized rank; so long as they have the correct Military Occupational Specialty (MOS).".
[46]A-5-1, [redacted] pg. 3, [redacted]

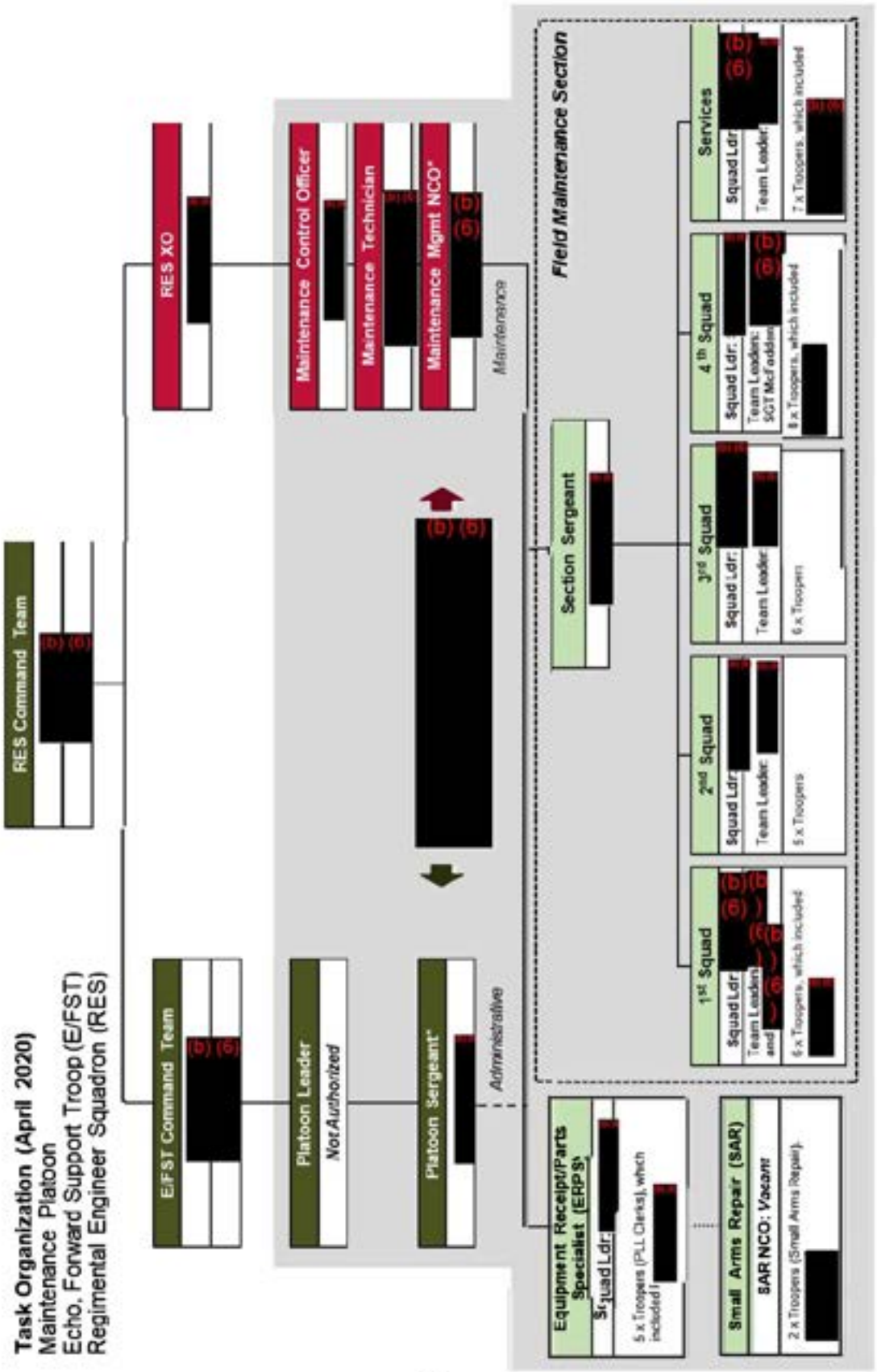


Figure 7-1: Task Organization (April 2020) Maintenance Platoon, E/FST

[redacted]

According to the Modified Table of Organization and Equipment (MTOE), both the maintenance control and field maintenance sections are led by a Maintenance Control Officer in the rank of First Lieutenant, who is assisted by a technical expert, the Engineer Equipment Maintenance Warrant Officer, in the rank of Chief (referred to as the Maintenance Technician hereafter). In April 2020, [redacted]

The maintenance control section is led by a Maintenance Management NCO in the rank of Sergeant First Class. [redacted]

In April 2020, [redacted].[47] Field maintenance specialties include wheeled vehicle mechanics, vehicle recovery, utilities equipment repair, tactical power generation, Stryker systems maintenance, construction equipment repair, and small arms repair. Within small arms repair, one Sergeant Small Arms / Towed Artillery Repairer (Military Occupational Specialty code 91F) leads two junior enlisted Small Arms / Towed Artillery Repairers. In April 2020, SPC Guillén was one of the two Small Arms Repairers, and E/FST did not have an assigned Small Arms / Artillery Repairer NCO to serve as her supervisor.[52]

Regarding the Maintenance Platoon chain of command, the 65 enlisted Soldiers were under the administrative control of [redacted]

---

[47] A-109-1, [redacted] pg 1, [redacted]
[48] B-7-5, [redacted] B-7-7, [redacted]
[49] A-24-1, [redacted] pg 3; A-70-1, [redacted] pg 1, In April 2020, [redacted]
[50] A-11-1, [redacted] pg 1.
[51] A-118-1, [redacted] pg 1, [redacted]
[52] A-77-3, [redacted] pg 3, "At that time we did not have an NCO in armaments. We do now. So [redacted] basically oversees and make sure they were doing the services and getting everything done.".

(b)(6), (b)(7)(C) . The Maintenance Platoon did not have an assigned platoon leader, and (b)(6), (b)(7)(C) (b) (6), (b) (7)(C) [54] For accountability and administrative requirements, in April 2020 the Maintenance Platoon was task organized into six squads, each led by an NCO with additional duty as squad leader. For (b)(6), (b) (b) (6), (b) (7)(C) (b)(6), (b)(7)(C) .[55] On 22 April, (b)(6), (b)(7)(C) squad consisted of seven Soldiers: the five PLL clerks (b)(6), (b)(7)(C) and two Small Arms Repairers, which included SPC Guillén.[56]

Daily maintenance-related duties for the RES were planned and scheduled by Maintenance Control leadership, which consisted of: (b)(6), (b)(7)(C) and managed Equipment Status Report (ESR) maintenance requirements and assignments to team chiefs and squad leaders.[60]

September 2019 and Earlier

Prior to a Regimental Field Training Exercise (R/FTX) in September 2019, (b) (6) (b) solicited her to participate in a sexual act

[53]A-5-1, (b) (6), (b) (7)(C) pg 2, "I wouldn't consider (b) a platoon leader.".
[54]A-109-1, (b) (6), (b) (7)(C) pg 1, (b) (6), (b) (7)(C)
[55]A-75-1, (b) (6), (b) (7)(C) pg 1, (b) (6), (b) (7)(C)
[56]A-11-1, (b) (6), (b) (7)(C) pg 1, "There were five PLL clerks and two personnel in the armament shop.".
[57]A-24-1, (b) (6), (b) (7)(C) pg 12, From E/FST leadership perspective, duties were "driven by the ESR and that was determined by the (b) (6), (b) (7) and (b) (6), (b) (7)(C) "; A-5-1, (b) (6), (b) (7)(C) pg 8, "we go back to the maintenance control team. They knew what equipment needed to be fixed, needed to be serviced."; A-61-1, (b) (6), (b) (7)(C) pg 3, "generally (b) (6), (b) (7)(C) would manage the maintainers and which ones were in."; A-77-3, (b) (6), (b) (7)(C) pg 1, he made sure "everything is kept up with inventory, issuing parts, receiving parts, tracking maintenance" and (b) (6), (b) (7)(C) "manages all of the maintenance.".
[58]A-61-1, (b) (6), (b) (7)(C) pg 2, "as the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) , adding that, pg, 3 "there were concerns with the (b) (6), (b) (7)(C) ability to manage that function to meet the intent and maintenance readiness for the organization.".
[59]A-11-1, (b) (6), (b) (7)(C) pg 2; A-118-1, (b) (6), (b) (7)(C) pg 1; A-77-3, (b) (6), (b) (7)(C) pg 1.
[60]A-118-1, (b) (6), (b) (7)(C) pg 1, (b) (6), (b) (7)(C) different tasks and get ECDs from them and make sure that they are staying on top of their work. .

which she translated from Spanish into English as a "threesome."[61] (b)(6), (b)(7) is reported to have made the comment to SPC Guillén as she retrieved a printed document from the E/FST Orderly Room located above her assigned work area adjacent to the motor pool bays below.[62] No witnesses were present to hear [redacted] unwelcome solicitation.

(6), (b)

Upon returning to her assigned work area, (b)(6), (b)(7)(C) noticed a marked change in SPC Guillén's demeanor. Within approximately an hour, the significant change in behavior prompted (b)(6), (b)(7)(C) (Military Occupational Specialty code 91S), to ask SPC Guillén if everything was okay. In recounting (b)(6), (b)(7)(C) comment made in the orderly room, SPC Guillén told (b)(6), (b)(7)(C) (91F), also near the office,[63] "[redacted] wanted to have a threesome."[64]

[redacted] encouraged SPC Guillén to report (b)(6), (b)(7)(C) sexual harassment to the Sexual Assault Response Coordinator (SARC), Victim Advocate (VA) or her Commander and First Sergeant.[65] Despite (b)(6), (b)(7) informing SPC Guillén "of what she could do,"[66] she told the [redacted] she did not want to self-report.[67] Neither [redacted] took further action to confront [redacted] or inform the chain of command.[68]

---

[61] A-11-2, (b)(6), (b)(7): pg 4, "There was a time that Specialist Guillen said that (b)(6), (b)(7)(C) [redacted] said something and it was in Spanish about it was like referring to a threesome or something like that."; A-11-7, [redacted]; A-133-3, [redacted]: pg 15, "[SPC] Guillen came to me once about—she said that she thought that (b)(6), (b) said something vulgar to her…She said it was something about a threesome."; A-133-5, (b)(6), (b)(7) .: "She said [redacted] told her something in Spanish and she could not really translate it, but if she was right, he asked for a threesome".

[62] A-11-2, [redacted]: pg 25, "She just walked upstairs to the orderly room to print out a copy of a paper, and she just went up there for less than a minute, and came back down, and that's when she said it happened."; A-133-3, [redacted]: pg 15 "Guillen said it happened in the orderly room, while she was walking out.".

[63] A-102-1, [redacted]: pg 7, "No. We was all like, we was Just saying, and we are talking, and we were like "Are you all right?" And then she was like, no…" [redacted] told her in Spanish upstairs that [redacted] wanted to have a threesome with her"; Former (b)(6), (b)(7)(C) [redacted] statements corroborates that (b)(6), (b) was in the room when SPC Guillén reported the threesome incident.

[64] A-102-1, [redacted]: pg 7, "[redacted] wanted to have a threesome."; A-11-2, [redacted]: pg 4, "it was like referring to a threesome"; A-133-3, [redacted]: pg 15, "She said it was something about a threesome.".

[65] A-11-6, [redacted]: pg 1, "I informed her of what she can do, but she said she did not want to report it." And "So, I told her that she can go talk to a SARC, a different SARC because (b)(6), (b)(7)(C) -- (b)(6), (b)(7)(C) , I told her she can go talk to a different SARC"; A-133-3, (b)(6), (b)(7) pg. 15, "Well, what do you want to do? Do you want to make a report?" I said," Do'you want to make a report, then we can do that." I said, "I could take you up there, but I can't go up there without you.".

[66] A-11-6, [redacted]: pg 1, "I informed her of what she can [could] do."; A-133-3 [redacted] S.: pg. 15, ""Well, what do you want to do? Do you want to make a report?" I said, "Do you want to make a report, then we can do that." I said, "I could take you up there, but I can't go up there without you.".

[67] A-11-7, (b)(6), (b)(7); A-133-3, [redacted]: pg 15, "Nah, I'm good. I'm not going to say nothing.".

[68] A-11-2, (b)(6), (b)(7): pg 7, when asked if he felt like he needed to report the incident to the chain of command said, "no"; A-133-3, [redacted] .: pg 16, "So, I couldn't go up to the first sergeant and be like

SPC Guillén also told [redacted] at the time, and [redacted] about the solicitation by [redacted].

A second incident occurred when [redacted] encountered SPC Guillén conducting personal hygiene during the Regimental Field Training Exercise (R/FTX) in September 2019. During a prescribed, nightly perimeter check of his platoon's sector of the E/FST patrol base, [redacted] heard a noise in the wood line and called out. According to [redacted], SPC Guillén identified herself. SPC Guillén was in the wood line performing personal hygiene. [redacted] continued with the perimeter check. After completing the check, [redacted] returned through the same area in which [redacted] first encountered SPC Guillén without deviating to avoid her. SPC Guillén was again engaged in personal hygiene.[70] [redacted] recalled, "So, I continued doing my missions, and then I turned back around. I ended up at the same spot, and she was still there."[71]

The next morning, SPC Guillén told [redacted] about the encounter.[72] [redacted] stated SPC Guillén recalled the glow of a chemlight move across her and stop[73] during [redacted] perimeter check as she was conducting personal hygiene.[74] According to [redacted] SPC Guillén was "uncomfortable[75]" after the encounter, and she "left that area and returned a few minutes later"[76] to resume personal hygiene. SPC Guillén believed [redacted] tried to "watch her wash up"[77] and she was "very adamant about not wanting to get in trouble by telling what happened. She was afraid that she'd

---

that because it's hearsay. I mean, it would be my word against [redacted]. And it's hearsay, especially if Specialist Guillen didn't come forward, and if I go forward with her saying that she doesn't want to go forward, then they are just sitting there saying the big F-U and the Soldier probably won't feel comfortable coming to me ever again.".

[69] A-102-1, [redacted]: pg 8, "she also told [redacted] in the dorm"; A-133-1, [redacted] pg 9, "him saying that [redacted] wanted to have a threesome with her".

[70] A-67-3, [redacted]: pg 1.

[71] A-100-1, [redacted]: pg 49, "All I heard was that somebody was there, and I can see, like, the shadow. And I was, like, "Who's there?" She was, like, "Guillén." So, like, okay. So, I continued doing my missions, and then I turned back around. I ended up at the same spot, and she was still there. And I was, like, "Who's there?" "Still me." I was, like, "Guillén, what are you doing?" "Well, I'm doing hygiene.".

[72] A-67-1, [redacted]: pg 8, "When asked if SPC Guillen told [redacted] personally, [redacted] said, "Like right after it happened, like the next morning."; A-67-3, [redacted]: pg 1, "During the Regimental FTX, PFC Guillen told me the following morning of an incident that happen[ed] the night prior. The incident was that [redacted] tried to watch her wash up in the woods during the Regimental FTX..

[73] A-67-1, [redacted]: pg 9, "When she called out, she said that the person didn't move." And confirmed the chemlight stayed still.

[74] A-67-3, [redacted]: pg 1,"She also stated that when she first [went] into the woods she seen a chemlight move across her and stop.".

[75] A-67-2, [redacted]: pg 1.

[76] A-67-3, [redacted]: pg 1.

[77] A-67-1, [redacted]: pg 8, "She told me that [redacted] was trying to like watch her wash up"; A-67-3, [redacted]: pg 1.

get in trouble – not [redacted]."[78] According to [redacted] was stalking SPC Guillén in the field.[79]

SPC Guillén also told another close peer [redacted] about the encounter. According to [redacted], "she didn't have any clothes on" and [redacted] "shined a light on her or something."[80] SPC Guillén did not believe the encounters were accidental.[81][81]

SPC Guillén also told [redacted] about the R/FTX personal hygiene encounter with [redacted]

In addition to SPC Guillén specifically telling the above-named Soldiers about the personal hygiene incident, many Soldiers in the unit knew of the incident.[83] [redacted] recounted, "I'm pretty sure it got out – [redacted] was talking about it. I remember that it was in the field. I heard [redacted] actually talking about it to higher-ups."[84] Two Soldiers and two NCOs confirmed SPC Guillén was upset / disturbed by these incidents.[85]

The R/FTX concluded approximately 15 September 2019.[86]

A few days after the R/FTX, [redacted] at least one incident of sexual harassment by [redacted] and SPC Guillén's unwillingness to report - decided to act on her behalf. Following counsel on reporting options from then [redacted] [redacted] used [redacted] open-door policy.[88] [redacted] went to [redacted] office,

---

[78] A-67-3, [redacted]: pg 1,[SPC] Guillen was very adamant about not wanting to get in trouble by telling what happened.".

[79] A-55-2, [redacted]: pg. 7, [redacted] was going around saying [redacted] was stalking me,".

[80] A-55-2, [redacted]: pg. 7, "I guess she - something with water. She said [redacted] was walking through the woods, and I guess shined a light on her or something, and walked in on her. Yeah - I guess she didn't have any clothes on. She had an issue with that.".

[81] A-55-2, [redacted]: pg 7, "she didn't think it was accidental"; A-67-1 [redacted]: pg 9, when asked if SPC Guillen felt the encounter was accidental, [redacted] replied, "Nah.".

[82] A-100-1, [redacted]: pg 48 "And then, she brought it up to her [redacted] that she felt a little bit--she felt weird.".

[83] A-100-1, [redacted]: pg 48, When asked about the incident stated, "And then the Commander brought it/her up to my attention." When asked how the commander knew [redacted] said, "some rumors".

[84] A-55-2 [redacted]: pg 21, "I'm pretty sure it got out [redacted] was talking about it. I remember that it was in the field. I heard [redacted] actually talking about it to higher-ups.".

[85] A-102-1, [redacted]: pg 20, "but she was, like, upset"; A-11-2, [redacted]; A-133-1, [redacted] A-55-2, [redacted]; A-67-3 [redacted]: pg 1, "She made it very clear that she didn't wanna be alone with EVER.".

[86] B-7-1, 3CR Training Calander .

[87] Former [redacted]

[88] A-67-1, [redacted]: pg 19, "Well, I asked [redacted] at the time. I was like, "Is it" -- like, "How do we go about this?" and "And then [redacted] was like, "Well, first, you got to," like I said, "talk to the commander.".

and encountered (b) departing the office late in the day.[89] (b)(6), (b)(7) told (b)(6), (b)(7) of (b)(6), (b)(7)(C) harassment by trying to "peek at or startle" SPC Guillén during the R/FTX.[90] (b)(6), (b)(7) recalls (b)(6), (b)(7)(C) "eyes got big" and (b) told (b)(6), (b)(7) that SPC Guillén must report the incident herself.[91] (b)(6), (b)(7) stated no Soldier ever reported on behalf SPC Guillén regarding allegations of sexual assault, sexual harassment, or maltreatment.[92]

Though E/FST Soldiers must be accompanied by an NCO when visiting the orderly room,[93] (b)(6), (b)(7)(C) did not accompany (b)(6), (b)(7) when (b) sought to use the open-door policy.[94] (b)(6), (b)(7)(C) recalls (b)(6), (b)(7) asked for assistance to obtain the name of the RES's SHARP representative to make a complaint on behalf of another Soldier. (b)(6), (b)(7)(C), in turn, contacted (b)(6), (b)(7)(C) to obtain the proper contact information.[95] At the time, neither NCO had knowledge of the origin of the request, only that (b)(6), (b)(7) inquired.[96] (b)(6), (b)(7)(C) request for SHARP information was more consequential in (b)(6), (b)(7)(C) memory, as (b)(6), (b)(7)(C) had direct knowledge of SPC Guillén's animosity towards [redacted] (b) [redacted] inquired about the use of the open-door policy on multiple occasions after getting in trouble. (b)(6), (b)(7)(C) asserts it is possible that one of (b)(6), (b)(7)(C) inquiries may have been made with the intent to address (b) concerns about SPC Guillén.[98] Although characterized as a Soldier who struggled with authority,[99] [redacted] is described by (b)(6), (b)(7)(C) [redacted]

[89] A-67-1, (b)(6), (b) : pg 19, "I caught (b) you know, coming out of the office. I'm pretty sure, if (b) was sitting down talking to somebody, I would wait; but (b) was coming out, so I just was like, "Hey, (b) excuse me. Do you got time to talk for a second"; A-67-5, (b)(6), (b) : "When I told (b)(6), was outside of (b) office because (b) was leaving,,,I don't remember any specific person being upstairs during that time.".
[90] A-67-4, (b)(6), (b) .
[91] A-67-1 (b)(6), (b) : pg 19, "And then I proceeded to tell (b) . And (b) was like, "Well"—(b)—his eyes got bug when I told (b) And "(b) was like, "Whoa." But (b) was like, "At that point in time how," like, "it needs to be reported, she would have to come and like report it herself to," like, you know, "get the proper documentation,".
[92] A-5-2, (b)(6), (b)(7): pg 11, stated "no" when asked if Soldier ever reported on behalf of Specialist Guillen regarding allegations of sexual assault, sexual harassment, or maltreatment.
[93] A-131-2 (b)(6), (b)(7)(C).: pg 57, "Soldiers weren't allowed inthe orderly room without an NCO."; A-92-1, (b)(6), (b) : pg 11, "E-4 and below, turn around without an NCO.".
[94] A-67-1, (b)(6), (b) : pg 19, "She was like, "I'll go up there if you want," but I think she had something to do at that time."; A-67-3, (b)(6), (b) : pg 4, "I used the open door policy to tell our previous c (b)(6), (b)(7)(C) name was (b)(6), (b)(7)(C) .".
[95] A-131-2, (b)(6), (b)(7) : pg 31, (b)(6), (b)(7)(C) told me one time, and asked me about who was the SHARP rep for the squadron." "SO I went to (b)(6), (b)(7)(C) .".
[96] A-131-2, (b)(6), (b)(7) : pg 31, "I learned that afterwards."; A-46-1, (b)(6), (b) : pg 10, "I want to say a little but after I left, or a little bit after I got moved, I want to say.".
[97] A-131-2, (b)(6), (b)(7) .
[98] A-131-2, (b)(6), (b)(7)(C) pg 35, When asked if this [request] was maybe more significant in (b) mind because it had to do with someone (b) cared about, (b)(6), (b)(7) replied, "Right".
[99] A-131-2, (b)(6), (b)(7)(C) pg 33, (b)(6), didn't really get along with a lot of NCO's.".

and others as a Soldier that would not make a false report about SPC Guillén.[100] (b)(6), (b) characterized (b) relationship with SPC Guillén as being like a sister.[101]

October 2019

On (b)(6), (b)(7)(C) told (b)(6), (b)(7)(C) about (b)(6), (b)(7)(C) solicitation of SPC Guillén for a threesome and other (b)(6), (b)(7)(C) stated the meeting occurred on a Friday evening while (b)(6), was performing staff duty. (b)(6), (b)(7)(C) was wearing civilian clothes[104] when (b)(6), (b)(7) asked (b)(6), (b) was the (b)(6), (b), to which (b) answered "yes."[105] (b)(6), (b)(7)(C) then went into (b) office, and (b)(6), (b)(7) recounted what SPC Guillén had told (b) "about the (b)(6), (b)(7)(C) incident. How (b) said (b) wanted to have a threesome."[106] During this meeting with (b)(6), (b)(7)(C)

[redacted][9]

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

[redacted]

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

[redacted]

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

In a closed-door session following the (b)(6), (b)(7)(C) reported (b)(6), (b)(7)(C) solicitation of SPC Guillén for a threesome to (b)(6), (b)(7)(C)[113] (b)(6), (b)(7)(C) acknowledges, after the closed-door session ended, (b)(6), (b)(7) shared that (b) had reported (b) (b)(6), (b) sexual harassment of SPC Guillén and (b)(6), (b)(7)(C) to the E/FST (b)(6), (b)(7)(C)[115] (b)(6), (b)(7) denied any knowledge of incidents or allegations of sexual harassment in (b) troop associated with SPC Guillén.[116]

(b)(6), (b)(7) learned of the R/FTX personal hygiene encounter from rumors, and advised (b)(6), (b)(7).[117] On 15 October (b)(6), (b)(7) directed SPC Guillén and (b) (b)(6), to fall out of Physical Training formation to address the R/FTX personal hygiene encounter with SPC Guillén in front of her (b)(6), (b)(7)(C).[118] In a text to (b)(6), (b)(7)(C) that same day, SPC Guillén recounted how (b)(6), (b)(7) directed her to fall out of

---

[110]A-4-6, (b)(6), (b)(7)(C): pg 3, "I just explained to them, hey, let them read, hey, this is what your Soldier is saying about one of your (b)(6), (b)(7)(C) and the (b)(6), said, hey, I'll look into it and (b)(6), (b)(6), was pretty much like, I'll just speak with (b) about (b)(6), (b).".

[111]A-24-7, (b)(6), (b)(7): pg 4, When asked if anyone else [aside from the IG complaint] ever came to you after that to say (b)(6), (b)(7)(C) them, said "No.".

[112]B-5-7, (b)(6), (b)(7)(C).

[113] A-102-1, (b)(6), (b): pg 30, "I had told them about--basically, what I told the EO. I told them." Early in (b) statement (b recounted what (b) told EO which included telling (b)(6), (b)(7)(C) about the (b)(6), (b) incident and how (b wanted to have a threesome.

[114]A-11-3, (b)(6), (b)(7): pg 9, "sat out at the conference table that's in the orderly room. I think it was about an hour long.".

[115]A-11-3, (b)(6), (b)(7): pg 9, when asked if (b)(6), (b) said anything to (b) when (b came out said, "I want to say that (b did say something about the sexual harassment...but I can't remember." When (b) (b)(6), was asked to put a percentage on it (b said, "60-70%" and when asked if (b) most likely told (b) something about this, (b)(6), (b)(7) said, "Yes.".

[116]A-5-2, (b)(6), (b)(7): pg 11.

[117]A-100-1, (b)(6), (b): pg 47, "and then, the (b)(6), (b)(7)(C) brought her [PFC Guillén] up to my attention", when asked if (b)(6), (b)(7) advised (b)(6), (b) to address the issue with PFC Guillén, (b)(6), (b) answered, "Correct.".

[118]A-11-2, (b)(6), (b)(7): pg 8, said, (b) came--(b)(6), (b)(7)(C) came to me and said, "Can I have a word with you?" And called PFC Guillen over as well, and told me that (b had accidentally walked where she was at while she was showering or cleaning up, and (b wanted to apologize to me and to her face-to-face; A-55-2, (b)(6), (b)(7)(C): pg 7, "This was October 15th…we were kinda talking about it. She said, "We had PT formation this morning, and (b)(6), (b)(7)(C) was looking for me, and pulled me and (b)(6), (b)(7)(C) to the side. He said, Do you remember the field exercise, when I popped out on you[?] and was saying "I wasn't - he told me I wasn't in trouble or anything.".

formation and asked, "Do you remember the field exercise, when I popped out on you?" (b)(6), (b)(7) said she "wasn't in trouble or anything." SPC Guillén replied, "of course I'm not in trouble - maybe you are." (b)(6), (b)(7) asked if she had told anyone about the incident, to which SPC Guillén said she had.[119]

Many of SPC Guillén's friends and work associates reported that SPC Guillén had shared accounts of (b)(6), (b)(7)(C) inappropriate behavior and sexual comments. SPC Guillén told them that (b)(6), (b)(7) made her feel "uncomfortable"[120] and described (b) as "nasty,"[121] an "asshole,"[122] "rude,"[123] "disgusting,"[124] and "a creep."[125] (b)(6), (b)(7) (b)(6), stated SPC Guillén would "try to avoid (b)(6), (b)(7)(C) [126] Whenever (b) (b)(6), would approach as they were talking, SPC Guillén would "scoot or walk away" or "try to find something else to do."[127] (b)(6), (b)(7) recalled SPC Guillén told (b)(6), (b) (b)(6), was "weird" and she was not comfortable around (b) "[128]

During the course of the investigation, no evidence was found that SPC Guillén made a report of any type, to include sexual assault or harassment, to a Chaplain,[129] a healthcare provider,[130] a SARC, or a VA.

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

[redacted]

[119]A-55-2, (b)(6), (b)(7)(C): pg 7, "She said, "I was - of course, I'm not m trouble." She said, 'Maybe you are.' (b) asked if I told anyone, I said yeah, XXX and (b)(6), (b)(7) .".
[120]A-133-2, (b)(6), (b)(7)(C) pg 14; A-67-1 (b)(6), (b) : pg 11; A-67-3, (b)(6), (b) : pg 1.
[121]A-46-1, (b)(6), (b) : pg 10.
[122]A-11-2, (b)(6), (b)(7): pg 15.
[123]A-131-2, (b)(6), (b)(7) : pg 49; A-3-1, (b)(6), (b) : pg 12.
[124]A-133-1, (b)(6), (b)(7)(C) pg 9.
[125]A-55-2, (b)(6), (b)(7)(C): pg 7.
[126]A-92-1, (b)(6), (b) : pg 13.
[127]A-92-1, (b)(6), (b) : pg 13, "I know that she tried avoiding (b) " and every time she was talking to us and (b) would ocme by, she would try to scoot away or walk away and try…to find something else to do.".
[128]A-102-1, (b)(6), (b): pg 16, (b) weird" and pg 7, "she was like uncomfortable.".
[129]A-91-1, (b)(6), (b)(7): pg 5.
[130]B-5-3, MFR - SPC Guillen Medical Record Review: An extensive search of SPC Guillén's medical records found she was screened for abuse/assault/ harassment at 7 of 16 routine medical encounters..
[131]B-7-14, (b)(6), (b)(7)(C) Appointment Orders.

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

In addition to (b)(6), (b)(7)(C) reported (b)(6), (b)(6), "picked on" SPC Guillén. Of the 58 maintainers authorized[134] in the platoon, (b) (b)(6), (b)(7)(C) would often call on SPC Guillén before calling on others. (b)(6), (b)(6), testified (b)(6), (b)(7)(C) "picking on" SPC Guillén was indicative of an unwelcome and intimidating affinity (b) had for her.[135] (b)(6), (b)(7)(C) stated (b)(6), (b)(7) would call SPC Guillén directly on her cell phone as a way keep track of her vice contacting (b) (b)(6), (b)(7)(C) .[136] On one occasion in early October, SPC Guillén texted (b)(6), (b)(7)(C) that she was still at work at 2000 hours because (b)(6), (b)(7) "picked who could go home."[137] It was (b)(6), (b)(7)(C) way of bugging SPC Guillén on purpose because (b) knew SPC Guillén did not like (b) .[138] Finally, according to (b)(6), (b)(7)(C) (b)(6), would often speak to SPC Guillén in Spanish and she told (b)(6), (b)(7) most things (b) would say were inappropriate. One time, SPC Guillén told (b)(6), (b)(7) that (b)(6), (b)(7) , in Spanish, said inappropriate things during in a unit urinalysis.[139]

November 2019 – January 2020

E/FST and 3CR returned from National Training Center (NTC) Rotation 20-02 in mid-November 2019. 3CR conducted administrative recovery operations in the days leading up to Thanksgiving 2019. Upon return from the four-day holiday weekend, 3CR units focused on individual readiness activities thorough the start of holiday block leave on 21 December 2019.[140] SPC Guillén took block leave from 23 December 2019 to 05

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

[134]B-1-1, BSB MTOE Narrative E-Date 18APR19: pg 42-44.

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

[136]A-55-2, (b)(6), (b)(7)(C): pg 27, "That's just what I think because - (b) would call her----Call her, make sure she's always around and stuff.".

[137]A-55-2, (b)(6), (b)(7)(C): pg 28, "One time, she said, "I'm still here. (b)(6), (b)(7)(C) wanted to be an asshole. (b) handpicked who could go home. ….That was 8 o'clock [pm]".

[138]A-55-2, (b)(6), (b)(7)(C): pg 28, "When you know someone doesn't like you, you'd try to bug them on purpose.".

[139]A-67-3, (b)(6), (b) : pg 1.

[140]B-7-1, 3CR Training Calander .

January 2020.[141] During this period of leave, or perhaps over the January 2020 Martin Luther King holiday weekend, SPC Guillén confided in (b) (6), (b) (7)(C) about being sexually harassed.[142]

February – 21 April 2020

Between late February and 21 April 2020, HQDA and FORSCOM issued a high volume of guidance directing Army activities in response to COVID-19. In totality, this guidance established procedures for determining mission essential personnel and executing "shelter in place" orders. For further details and relevant excerpts of COVID-19 related guidance, see paragraph 7.g. of this report.

21 April 2020

On 21 April, both (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), assigned SPC Guillén's duties in the HHT/RES and A/RES Arms Rooms for the following day, Wednesday, 22 April.

At the weekly maintenance meeting o/a 21 April, (b) (6), (b) (7)(C) directed all troops with inoperable Close Combat Optics (CCO) improperly tagged for code out, to correct deficiencies for turn-in by the end of the week.[143] At (b)(6), (b) direction, PFC (b) (6), (b) (7)(C), contacted SPC Guillén on the morning of 21 April and asked her to mark, or "red-tag," four broken HHT/RES CCOs for turn-in.[144] PFC (b) (6), (b) (7)(C) followed up with (b) (6), (b) (7)(C) via text o/a 0936, notifying him that SPC Guillén would come to the HHT/RES Arms Room at 1000 the following day, 22 April.[145] SPC Guillén notified her (b) (6), (b) (7)(C) of her assigned duties in the HHT/RES Arms Room via text on 21 April.[146]

On the same day, 21 April, (b) (6), (b) (7)(C) directed (b) (6), (b) (7)(C) via text to send SPC Guillén to the A/RES Arms Room on the following day to retrieve the serial number of an M2 .50-caliber machine gun that had not completed annual services.[147] (b) (6), (b) (7)(C) did not inform or coordinate with any other member of SPC Guillén's chain of

[141]B-1-7, SPC Guillén Counseling Packet.
[142]A-163-1, Guillén Family 27OCT20.
[143]A-61-1, (b) (6), (b) (7)(C) pg 5, "at the Tuesday maintenance meeting we had several CCOs that had not been properly red tagged for code out (b) directed all of the Troops that had those issues … that they need to be done by the end of the week.".
[144]A-136-1, (b) (6), (b) (7)(C) pg 1, "I texted my (b) (6), (b) (7)(C) … to have one of our armorers contact [SPC] Guillén to red tag 4 of our broken CCO optics.".
[145]A-136-1, (b) (6), (b) (7)(C) pg 1.
[146]A-11-1, (b)(6), (b)(7) pg 4, "she told (b) the day before that she needed to go there.".
[147]A-109-5, (b) (6), (b) (7)(C) pg 1, (b) (6), (b) (7)(C) clarified, via telephonic interview on 4 NOV 20, that the purpose SPC Guillén's task in the A/RES arms room was to verify the serial number of a weapon that had not completed services; A-11-1, (b) (6), (b) (7)(C) pg 4, the duty in the A/RES arms room was to "close a certain service out" on a "service that was completed the week before.".

command.[148] [redacted] coordinated with SPC Robinson, the A/RES armorer, to open the A/RES Arms Room at 1000 on 22 April.[149]

Regarding SPC Guillén's assigned duties on 22 April, [redacted] recalled approving a request from "two different troop commanders" to work on weapons in the arms room, and described the request as "not abnormal" and "within guidance of approved activities."[150] [redacted] considered SPC Guillén's assigned duties in both the HHT/RES and A/RES Arms Rooms as mission essential, in accordance with regiment and RES guidance.[151] [redacted] did not consider SPC Guillén's duties in the arms room as mission essential; he interpreted the guidance as weapon maintenance requirements conducted by the Ground Support Equipment team in the motor pool.[152] Neither [redacted] nor [redacted] were tracking weapons maintenance as mission essential as of 22 April.[153] [redacted] considered the duties [redacted] assigned to SPC Guillén in the A/RES Arms Room on 22 April as mission essential; however, [redacted] was not aware of SPC Guillén's duties in the HHT/RES Arms Room.[154] According to [redacted] earlier in April SPC Guillén had been performing duties in the RES footprint to complete annual services on weapon systems, which had required her to work 2-3 times a week.[155]

In the case of SPC Guillén's duties on 22 April, [redacted] were not informed by either [redacted] [156] Consequently,

---

[148] A-109-5, [redacted] pg 1, [redacted] clarified, via telephonic interview on 4 NOV 20, tha[redacted] did not inform [redacted] or [redacted] on SPC Guillén's duties on 22 APR 20.
[149] A-11-8, [redacted] pg 1, "I had coordinated with SPC Robinson, the RES Armorer, to have his arms room open for her by 1000 hrs.".
[150] A-43-1, [redacted] pg 2.
[151] A-61-1, [redacted] pg 5, "it was authorized in accordance with the maintenance readiness guidance.".
[152] A-118-1, [redacted] pg 3, "when weapons need parts put on them, we don't go to the arms rooms. We have a GSE section, a shop where they work on the weapons at the motor pool." Reference SPC Guillén's duties in A/RES arms room, "... I don't understand why that couldn't wait or—I am not exactly sure, that is just weird to me honestly" and whether it was mission essential to his understanding, "not exactly, no."
[153] A-24-1, [redacted] pg 13, "I didn't know that weapons were in the priority of equipment they would be working on."; A-77-3, [redacted] pg 4, when asked whether he understood weapons maintenance to be mission essential, "No I was not tracking that at the time.".
[154] A-109-1, [redacted] pg 2-3, Regarding SPC Guillén's duties in the HHT arms room, "I was not involved in that request ...I was not aware of it at the time.".
[155] A-109-1, [redacted] pg 2, "Earlier that month, she was coming in 2 to 3 times a week.".
[156] A-109-5, [redacted] Via telephonic interview on 4 NOV 20, [redacted] confirmed that [redacted] did not inform SPC Guillén's chain of command, other than [redacted] of the A/RES arms room duties on 22 APR 20.; A-118-1, [redacted] pg 4, had no recollection of being informed, when asked if he expected [redacted] to report the duties back through the chain of command responded "no" that [redacted] runs [redacted]."; A-70-1, [redacted] pg 7, When asked if he knew of SPC Guillén's assigned duties on 22 APR 20, [redacted] responded, "Negative,"; A-77-3, [redacted] pg 3, claimed "none" reference involvement in the notification or approval of SPC Guillén's duties on 22 APR 20, and did not know who assigned them.

neither (b) (6), (b) (7)(C) nor (b) (6), (b) (7)(C) approved or were aware of SPC Guillén's duties in the RES footprint on 22 April.[157]

22 April 2020

On the morning of 22 April, o/a 0550, SPC Guillén answered (b)(6), (b)(7)(C) first telephonic "check-in," establishing her status as present for duty.[158] submitted the first E/FST morning accountability report to (b)(6), (b)(7)(C) via group text o/a 0556, confirming SPC Guillén's status as in the "barracks."[159] (b)(6), (b)(7) submitted the second Maintenance Platoon accountability report to (b)(6), (b)(7)(C) via group text o/a 0855, identifying SPC Guillén as in the "barracks."[160] SPC Guillén answered the door of her room for the 0900 barracks check conducted by the E/FST (b)(6), (b)(7)(C); he confirmed her presence but did not enter the room.[161] E/FST reported the daily PERSTAT to the RES S1 prior to 0900, with SPC Guillén annotated as "Present for Duty" based on the 0600 accountability report.[162]

(b) (6), (b) (7)(C) and SPC Guillén exchanged texts, shortly after the 0900 check, while she was enroute to the HHT/RES Arms Room.[163]

(b) (6), (b) (7)(C) opened the HHT/RES Arms Room in building 9420 o/a 0955.[164]
SPC Robinson opened the A/RES Arms Room in building 9421 o/a 1001.[165]

SPC Guillén arrived at the HHT/RES Arms Room o/a 1003, and began tagging the broken CCOs.[166] According to (b) (6), (b) (7)(C) she was wearing civilian clothes.[167] She then told (b) (6), (b) (7)(C) she needed to go to the A/RES Arms Room for a serial number,

---

[157]A-24-1, (b) (6), (b) (7)(C) pg 13, "Afterwards, I found out. Prior to that, I did not know."; A-5-1, (b) (6), (b) (7)(C) pg 9, "I was not tracking that she was working that day.".
[158]A-11-1, (b)(6), (b)(7): pg 3, "At 0600 I called her myself and talked to her so she was accounted for."; Telephonic "check-in" was used to meet COVID-19 guidance. For further details, see paragraph 7.g. of this report.
[159]A-70-1, (b)(6), (b)(7)(C): pg 3, "that day, (b)(6), (b)(7), he sent me the report … saying that she was in the barracks."; B-2-1, screen shot.
[160]A-11-1, (b)(6), (b)(7): pg 3, "At 0900 I talked to her in a messenger" and reported to (b)(6), (b)(7) "through a text message."; A-70-1, (b)(6), (b)(7)(C): pg 3, "I got another one from (b)(6), (b)(7) around 0850 or 0855ish that she was at the barracks."; B-2-2, screen shot.
[161]A-87-1, (b)(6), (b)(7): pg 2, "I knocked on her door, and she was there. She opened the door halfway and I saw her, kind of peeked at the room.".
[162]A-86-1, (b)(6), (b)(7): pg 4, "did not recall" but submitted 22 APR 20 PERSTAT lists SPC Guillén as "PDY.".
[163]A-11-1, (b)(6), (b)(7): pg 5, received o/a 0900 text from (b)(6), (b) that "she was on the way there" to the HHT arms room.
[164]B-8-13, 3CR IDS Logs: pg 17.
[165]B-8-1, Intrusion Detection System (IDS) Log : pg 79.
[166]A-108-5, (b) (6), (b) (7)(C) pg 1.
[167]A-108-5, (b) (6), (b) (7)(C) pg 2, "she was in civies.".

and that she would return.[168] She departed the HHT/RES Arms Room o/a 1015, leaving behind her debit card, Common Access Card (CAC),[169] and keys.[170]

SPC Guillén texted the serial number of the M2 .50-caliber machine gun to (b) (6), (b) (7)(C) o/a 1023; this was the last known contact with her.[171] (b) (6), (b) (7) (C)

A screen shot of the text shows 1123 as the time of this last communication between (b)(6), (b)(7) and SPC Guillén, as does (b)(6), (b)(7)(C) 30 July statement.[172] In subsequent statements, on 11 August and 18 September, (b)(6), (b)(7) estimated the time of the text message as o/a 1020-1030.[173] The CID investigation determined that a text message was sent from SPC Guillén's cell phone to (b)(6), (b)(7) o/a 1023 on 22 April, confirming the weapon serial number.[174]

SPC Robinson closed A/RES Arms Room o/a 1113.[175]

(b)(6), (b)(7)(C) texted SPC Guillén o/a 1105 and again o/a 1206, notifying her that he had to close the arms room, and did not receive a response.[176] Unable to make contact with SPC Guillén, (b)(6), (b)(7)(C) secured her belongings in his office desk drawer.[177] (b)(6), (b)(7)(C) closed HHT/RES Arms Room o/a 1216.[178] (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)) walked to the A/RES Arms Room o/a 1231 to look for SPC Guillén, but the arms room was closed.[179] (b)(6), (b)(7)(C) also texted (b)(6), (b)(7)(C), SPC Guillén's (b)(6), (b), who confirmed that she had not seen SPC Guillén since she left the room earlier that morning.[180] (b)(6), (b)(7)(C) returned to his barracks room o/a 1430.[181]

---

[168]A-108-5, (b)(6), (b)(7): pg 1, "she said she would be back.".
[169]i.e., her military identification card.
[170]A-108-5, (b)(6), (b)(7): pg 1.
[171]A-11-1, (b)(6), (b)(7); B-2-5, MFR - subject: Last text message from SPC Guillén.
[172]A-11-5, (b)(6), (b)(7): pg 1, "My last communication was a text message around 1120 on the 22nd."; B-2-4, screen shot.
[173]A-11-1, (b)(6), (b)(7): pg 5, "It was around 1030, I believe." (b)(6), (b)(7) 11 AUG 20, "my next contact with her was at 1023 hrs. when she texted me the serial number …" and, when asked if he heard from her again that day, responded "no sir.".
[174]B-2-5, MFR - subject: Last text message from SPC Guillén.
[175]B-8-1, Intrusion Detection System (IDS) Log : pg 79.
[176]A-108-5, (b)(6), (b)(7): pg 2, text o/a 1206 "You want to finish tomorrow? Need to close the arms room.".
[177]A-108-5, (b)(6), (b)(7): pg 2 "I took her CAC, keys, and debit card to my office and put them in my desk drawer. I then locked my office door.".
[178]B-8-13, 3CR IDS Logs: pg 18.
[179]A-108-5, (b)(6), (b)(7): pg 2, "This was at about 1231 … the Ares arms room was closed when we arrived.".
[180]A-108-5, (b)(6), (b)(7): pg 2, (b)(6), (b)(7)(C) responded "No. Why? She was here this morning, but she left" and reference her personal items locked in (b)(6), (b)(7) drawer, (b)(6), (b)(7) stated "I'll let her know.".
[181]A-108-5, (b)(6), (b)(7): pg 2.

(b) (6), (b) (7)(C), signed in with (b) (6), (b) (7)(C) in Building 9421 o/a 1550 and began the troop barracks check at 1600.[182] He did not receive an in-brief or verbal instructions, and based on the written tasking memorandum from (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) understood the purpose of the check as an inspection of room cleanliness, not personnel accountability, which was the responsibility of "first line supervisors."[183] He did not see SPC Guillén in her barracks room, only (b) (6), (b) (7)(C) who was present. Upon completion of the barracks check, o/a 1705, (b) (6), (b) (7)(C) submitted a "thumbs up" emoji via text to the (b) (6), (b) (7)(C) which included (b) (6), (b) (7)(C).[184] (b) (6), (b) (7)(C), having received no discrepancies from the barracks check, had already submitted (b) (6), (b) (7)(C) final daily accountability report via text to (b) (6), (b) (7)(C), reporting SPC Guillén as in the "barracks."[185] He did not confirm SPC Guillén's presence in the barracks via visual, audio, or text means prior to submitting the report.[186] Based on the "thumbs up" from (b) (6), (b) (7)(C) and the (b) (6), (b) (7)(C) accountability reports, (b) (6), (b) (7)(C) submitted the platoon's final daily report to (b) (6), (b) (7)(C), assuming SPC Guillén was accounted for in the barracks.[187]

SPC Guillén did not return to her barracks room that evening, so (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) texted (b) (6), (b) (7)(C) o/a 2003 asking if he had been able to make contact with her.[188] (b) (6), (b) (7)(C) responded to the text o/a 2040, then left his room and headed to his office; on the way he met (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) who were also looking for SPC Guillén. They followed him to his office and he gave them her belongings, which she had left in the HHT/RES Arms Room.[189] (b) (6), (b) (7)(C) also called (b) (6), (b) (7)(C) to notify him that SPC Guillén had left multiple personal items in the HHT/RES Arms

---

[182]A-75-1 (b) (6), (b) (7)(C): pg 3, "I arrived at the barracks to the staff duty, it was around 1550,"; B-2-6, Bldg 9421 CQ Log, 220700-230700APR: lists 1550 as (b) (6), (b) (7)(C) sign-in for duty.
[183]A-75-1, (b) (6), (b) (7)(C): pg 3, "My understanding was that we just reported that the barracks were kept, not that we were sending an accountability report … I wasn't taking accountability of personnel because I was just checking their rooms for cleanliness."; A-75-2, (b) (6), (b) (7)(C): pg 1, (b)(6) understood "personnel accountability was done by first line supervisors over the phone around 0600, 1600, and a third time during the middle of the day."; B-2-31, Tomahawk Troop Barracks Check Roster 1-30 APR: pg 2, directs duty NCO to "check every room for the soldiers in Tomahawk Troop. You will check for the cleanliness of the common areas.".
[184]A-70-1, (b) (6), (b) (7)(C): pg 5, received a "thumb's up … on a group text" that included "all the squad leaders,"; A-75-1, (b) (6), (b) (7)(C): pg 4, (b) (6), (b) (7)(C) was present … opened the door … I believe she said SPC Guillén wasn't there.".
[185]B-2-7, screen shot.
[186]A-11-1, (b) (6), (b) (7)(C): pg 3, regarding the 221600APR squad accountability report, (b) (6), (b) (7)(C) stated "the personnel performing the room inspections, if they don't count them out of their room then we know not to look for them" and when about SPC Guillén's status in the 1600 report to (b) (6), (b) (7)(C) stated "yes, when I didn't get a word from the barracks check NCO then we were all good … she was accounted for.".
[187]A-70-1, (b) (6), (b) (7)(C): pg 5, regarding the platoon accountability report to (b) (6), (b) (7)(C), "used the report from (b) (6), (b) (7)(C) … I remember specifically it was at 1600, (b)(6) sent the report saying that SPC Guillén was accounted for."; (b) (6), (b) (7)(C) "thumbs up" emoji was submitted too late, o/a 1705, to meet (b) (6), (b) (7)(C) suspense for a platoon report to the (b)(6), (b)(7).
[188]A-108-5, (b) (6), (b) (7)(C): pg 2, "I got a text from … (b) (6), (b) (7)(C), at 2003 asking if I had seen her.".
[189]A-108-5, (b) (6), (b) (7)(C): pg 2, discussion of actions following text with (b) (6), (b) (7)(C) o/a 2040.

Room earlier that day, and that no one had seen her in hours.[190] (b) (6), (b) (7)(C) estimated the time of the call as o/a 2130; he then drove to the RES area from his on-post residence.[191] (b) (6), (b) (7)(C) then notified the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), and the (b) (6), (b) (7)(C) in person at the staff duty desk, that SPC Guillén was missing o/a 2200.[192] (b) (6), (b) (7)(C) confirmed three Soldiers notified her, but could not remember their names.[193]

The first recorded engagement of the command with the Guillén family was when (b) (6), called (b) (6), (b) (7)(C) (b) (6) recalls calling (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) at approximately 2000 on 22 April.[194] (b) (6), (b) (7)(C) remembers speaking to (b) (6) at approximately 2200 on 22 April.[195] (b) (6), (b) (7)(C) had given (b) (6) (b) (6), (b) (6), (b) (7)(C) phone number, who in turn gave it to (b) (6).[196] (b) (6) decided to call the command on the evening of SPC Guillén's disappearance because (b) (6), had not heard from (b) (6) throughout the day.[197]

(b) (6), (b) (7)(C) called (b) (6), (b) (7)(C) o/a 2208.[198] (b) (6), (b) (7)(C) notified (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C) called (b) (6), (b) (7)(C) shortly thereafter.[199] (b) (6), (b) (7)(C) departed his residence enroute to the RES footprint o/a 2215.[200]

(b)(6), (b)(7)(C) via conference calls o/a 2221 to o/a 2231, and determined that SPC Guillén had not been properly accounted for by her (b)(6), (b)(7)(C) at the afternoon accountability check or the

---

[190] A-11-1, (b) (6), (b) (7)(C) pg 5.
[191] A-11-1, (b) (6), (b) (7)(C) pg 5, "it was like 2130 or 2145 or something.".
[192] A-108-5, (b) (6), (b) (7)(C) pg 2, "we then went to the Staff Duty NCO to report SPC Guillén missing. This was around 2200. After that, (b) (6), (b) (7)(C) started searching the area for SPC Guillén."; A-166-1, (b) (6), (b) (7)(C) was an (b) (6), (b) (7)(C) on 22 April 2020; A-55-1, (b) (6), (b) (7)(C) pg 4, "And then after that, I went upstairs to staff duty and I told her – I told the people on staff duty that Guillén was missing … that time it was already 8 o'clock … (b) (6), (b) (7)(C) was there."; A-63-1, (b) (6), (b) (7)(C) pg 1, (b) (6), (b) (7)(C) memory of o/a 2200 is consistent with (b) (6), (b) (7)(C) recollection, not (b) (6), (b) (7)(C) estimation of the time of staff duty notification as o/a 2000.
[193] A-63-1, (b) (6), (b) (7)(C)
[194] A-163-1, Guillén Family 27OCT20: pg 3, (b) (6) interjected that [She] called (b) (6), (b) (7)(C) at around *pm [on 22 Apr], after hearing nothing from (b) (6) all day.".
[195] A-11-1, (b) (6), (b) (7)(C) … it was around close to 2200. A little bit after 2200.".
[196] A-163-1, Guillén Family 27OCT20: pg 3, "...she stated that she (b)(6), (b)(7)(C) phone from (b) (6), (b) (7)(C) ..got the number from (b) (6), (b) (7)(C)...".
[197] A-11-1, (b)(6), (b)(7): pg 8, "he first phone call she was asking if I had heard from her (b)(6), (b)(7)(C) cause she hasn't and her boyfriend hasn't heard from her.".
[198] A-24-1, (b) (6), (b) (7)(C) pg 11, "It was after 2200. 2210. (b) (6), (b) (7)(C) was calling because she had some Soldiers … looking for [SPC] Guillén."; A-63-1, (b) (6), (b) (7)(C) B-2-9, (b) (6), (b) (7)(C) phone records: show 2208 as time of the call.
[199] A-24-1, (b) (6), (b) (7)(C) pg 14, after calling (b) (6), (b) (7)(C), "I went and notified (b) (6), (b) (7)(C)."; A-63-1, (b) (6), (b) (7)(C) B-2-9, (b) (6), (b) (7)(C) phone records: do not identify a call to (b) (6), (b) (7)(C).
[200] A-132-1, (b) (6), (b) (7)(C) pg 5, "… at 2215 I came in.".

1600 barracks check.[201] According to phone records provided by [redacted], he called [redacted] o/a 2217, and again o/a 2313, to notify him that SPC Guillén was unaccounted for.[202] [redacted] estimated his notification by [redacted] as closer to 2330, but did not remember the exact time.[203] [redacted] through a series of phone conversations with [redacted] and the E/FST NCOs from o/a 2208 to o/a 2330, identified the unique circumstances of SPC Guillén's absence: her performance history and record of service gave no indication of voluntary absence; she had left her car behind, in the parking lot; and she had left multiple personal items behind, to include her debit card, CAC, and keys.[204]

[redacted] notified [redacted] o/a 2300.[205] [redacted] estimated that he notified [redacted] via text o/a 0020, but could not remember the exact time.[206]

From o/a 2215 until o/a 0230, [redacted] conducted a hasty search of the RES footprint for SPC Guillén, to include RES parking lots, barracks, motor pool, and a walk-thru of both HHT and A/RES arms room hallways (the arms rooms remained closed during this search).[207] [redacted] also went to SPC Guillén's [redacted]

---

[201] A-11-1, [redacted] pg 5, "[redacted] called me … a little bit after 2200."; A-24-1, [redacted] pg 14, "before I called [redacted] I talked to [redacted] A-70-1, [redacted] pg 7, "I get a call from [redacted] around 2200 or 2230 or 2220,"; A-75-1, [redacted] pg 4, "Later that night, it …may have been 2200 or 2300. I received a phone call from [redacted] It was him and I believe [redacted] on a three way call."; A-75-1, [redacted] pg. 4, "Later that night, it …may have been 2200 or 2300. I received a phone call from my [redacted] It was him and I believe [redacted] on a three way call."; B-2-9, [redacted] phone records: show conference calls from o/a 2221 to o/a 2231.

[202] A-24-1, [redacted] pg 14, after NCO conference call, contacted [redacted]; B-2-9, [redacted] phone records: contain two calls to [redacted], o/a 2217 and o/a 2313.

[203] A-5-1, [redacted] pg 13, [redacted] called me at about 2330.".

[204] A-24-1, [redacted] pg 14, discussion of his thought process after being informed of SPC Guillén's absence on 22 APR 20; A-5-1, [redacted] pg 14, "This was special … she left all her stuff and plus I took the advice from … [redacted], who said … this doesn't sound good, I've never seen an AWOL like that before, let's report this to higher up.".

[205] A-132-1, [redacted] pg 6, "I called [redacted] around 2330 after I called the MPs. I never woken [redacted] in the middle of the night," but later, when asked if the time of the call was 2300 "Yes. Just told him what was going on, and what I was doing."; A-43-1, [redacted] pg 3, "[redacted] called me at 1100 [pm] at night on the 22d.".

[206] A-5-1, [redacted] pg 12, "I would say probably 0020 or somewhere around there, sir. I would have to look at my phone again. I sent him a text when I told [redacted] that.".

[207] A-11-1, [redacted] pg 5, "I got to the barracks around 2215 or 2220 and linked up with [redacted]." and pg 6, "We walked through the arms rooms but we did not go in. I don' t know if they went in before I got there but when I got there we walked down at the areas but didn't go in."; A-132-3, [redacted] pg 6, identified "about 0230" as the time the search ended for the night; A-55-1, [redacted] pg 5, "basically we checked around the motorpool. It was [redacted] I don't remember [redacted] name. So we all searched the motorpool. By that time, it was probably 9 or going on 10 o'clock."; A-63-1, [redacted]

(b) (6), (b) (7)(C).[208] This search was executed in 2-man teams (b) (6), (b) (7)(C) with the exception of (b) (6), (b) (7)(C) unaccompanied searches.[209] The DA Form 1594: *Staff Duty Journal or Duty Officer's Log* for 0700 on 22 April to 0700 on 23 April does not record notification or search activities conducted by (b)(6), (b)(7)(C) and the other Soldiers.[210]

23 April 2020

(b) (6) drove from the Guillén family's home in Houston, Texas, and arrived at Fort Hood o/a 0300. When (b) (6) arrived, (b) (6) contacted (b) (6), (b) (7)(C), who asked (b) (6) to meet him at the Fort Hood Visitor's Center at 0800 so he could escort them onto Fort Hood and to the 3CR footprint.

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

(b) (6), (b) (7)(C) ceased initial search activities o/a 0230, and instructed those present they would resume searching for SPC Guillén at 0630.[212] Additionally, (b) (6), (b) (7)(C) instincts led him to conduct an off-post mobile search in his privately-owned vehicle of a part of Killeen, Texas, known to have active drug and human trafficking as well as prostitution. (b) (6), (b) (7)(C) had over $300 in cash, and was prepared to recover SPC Guillén if he was able to locate her.[213]

O/a 0708, (b) (6), (b) (7)(C), called the Military Police (MP) Desk to inquire if they had SPC Guillén in custody or had found her in custody during nightly jail check with local Law Enforcement (LE).[214]

---

[208]A-132-3, (b) (6), (b) (7)(C) pg 6, also asked (b) (6), (b) (7)(C) to wake (b) (6), (b) (7)(C) at 0630 "to see if (b) (6), (b) (7)(C) got a text back or anything like that before formation."; A-63-1, (b) (6), (b) (7)(C)

[209]A-11-3, (b) (6), (b) (7)(C) pg 2, "it was around 2200 or so." "We split into teams, it was myself and (b)(6), (b)(7)(C) was by (b)(6), " pg 3, "We finished around 0300 in the morning,".

[210]B-2-6, Bldg 9421 CQ Log, 220700-230700APR.

[211]A-132-1, (b) (6), (b) (7)(C) pg 6, "I called (b) (6), (b) (7)(C) around midnight."; B-3-1, email: 6Ws - RES - SPC Guillén (Missing Trooper): pg 2, "On 23 APR at 0600, (b) (6), (b) (7)(C) notified (b) (6), (b) (7)(C) of the issue.".

[212]A-132-1, (b) (6), (b) (7)(C) pg 6-7, "2230 was my first call and then around 0200 [to MPs]. The search I conducted was just the footprint like in a room. I didn't to in the arms room, I didn't bring in the armorers … I just walked the footprint … 8 or 9 [Soldiers], not a lot."; A-132-3, (b) (6), (b) (7)(C) pg 6, "about 0230" as the time the search ended for the night".

[213]A-132-3, (b) (6), (b) (7)(C) pg 5.

[214] A-135-1, (b) (6), (b) (7)(C) pg 1, "At 0708 on 23 April, (b) (6), (b) (7)(C) … called the MP Desk to ask if we had PFC Guillén in custody … he said that she had last been seen by (b) (6), (b) (7)(C) at 1330 on the 22nd … and that she may be missing."; A-32-1, (b) (6), (b) (7)(C) pg 1, "Around 0700 when I got a call from (b) (6), (b) (7)(C) of 3CR who stated that they possibly had a Soldier missing …I asked when the last time she

(b) (6), (b) (7)(C), claimed to have seen SPC Guillén while smoking outside building 9420 with two of his Soldiers, (b) (6), (b) (7)(C) He reported to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) that she had exited building 9420 looking "upset," and walked toward building 9421 o/a 1330 on 22 April.[215] This time – 1330 – would also be reported as the last known sighting of SPC Guillén in the first Missing Trooper report the RES XO submitted to the (b) later that day.[216] According to (b) (6), (b) (7)(C), he informed (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) on 23 April, but did not remember the exact time.[217] (b) (6), (b) (7)(C) did not know SPC Guillén, and based his report on (b) (6), (b) (7)(C) recognition of SPC Guillén.[218] (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) willingly submitted to CID review of their phone records; it was found (b) (6), (b) (7)(C) had attended a promotion ceremony, and (b) (6), (b) (7)(C) was in the motor pool, o/a 1300 on 22 April. Both Soldiers later revised the estimated time of seeing SPC Guillén to earlier in the day, o/a 1000-1100 on 22 April.[219]

Military Police Investigators (MPI), contacted by (b) (6), (b) (7)(C), declined to ping SPC Guillén's cell phone since it was determined that she wasn't homicidal, suicidal, or pose any threat. (b) (6), (b) (7)(C) instructed (b) (6), (b) (7)(C) that once 24-hours had passed, MPI would be able to look into this matter deeper.[220]

---

was seen, and he said around 1300 the day before, and that she was seen by (b) (6), (b) (7)(C)." (b) (6), (b) (7)(C) do not remember the time that they informed (b) (6), (b) (7)(C) of their sighting on SPC Guillén, only that their notification occurred sometime on 23 APR 20.; A-40-2, (b) (6), (b) (7)(C) pg 2, do not remember the time that they informed (b) (6), (b) (7)(C) of their sighting on SPC Guillén, only that their notification occurred sometime on 23 APR 20.; A-89-1, (b) (6), (b) (7)(C) pg 3, "I received a call from (b) (6), (b) (7)(C) … around 0730 on the 23rd … at that point I made an attempt to contact DES and then MPI after getting information."; A-9-1, (b) (6), (b) (7)(C) pg 4.

[215]A-40-2, (b) (6), (b) (7)(C) pg 3, reference SPC Guillén's demeanor, "No, she wasn't crying. Just her facial expression looked like upset, I want to say grumpy."; A-9-1, (b) (6), (b) (7)(C) pg 3, "She walked past us. I didn't think nothing of it. And then, when she came up missing, that's when my Soldier (b)(6), (b)(7)(C) was like, "Hey, (b) (6), (b) (7)(C), that was her that walked past that day.".

[216]B-3-1, email: 6Ws - RES - SPC Guillén (Missing Trooper).

[217]A-40-2, (b) (6), (b) (7)(C) pg 2, "We told [(b) (6), (b) (7)(C) so he was like go tell (b) (6), (b) (7). So we went to go find (b) (6), (b) (7) and we told him as well. And then like two hours later is when we went to go talk to the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and we told him.".

[218]A-40-2, (b) (6), (b) (7)(C) pg 3, "I recognized her but we didn't talk about her"; A-9-1, (b) (6), (b) (7)(C) pg 3, "I've never had any personal interaction with her … I didn't even know she existed until she came up missing that day.".

[219]A-40-2, (b) (6), (b) (7)(C) pg 3, "at the time when we thought we saw her it felt like in the afternoon, we all agreed that it was 1300. And then when we went to get interviewed by CID, the agent was like, "Can you make sure it was that time?" So then we went over some of my texts, so it turns out I was at the motor pool at 1300 … we cross referenced some texts … that's how we came up with that time [1100-1130]."; A-9-1, (b) (6), (b) (7)(C) pg 4, after CID review of his phone information, said "It was probably 11:00.".

[220]A-32-1, (b) (6), (b) (7)(C) pg 1; A-89-1, (b) (6), (b) (7)(C) pg 4.

(b) (6), (b) (7)(C) notified (b) (6), (b) (7)(C), via phone call, o/a 0730.[221] (b) (6), (b) (7)(C) directed 100% personnel accountability and 100% sensitive items inventory of all arms rooms in 3CR.[222]

Late in the morning, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) for permission to communicate with SPC Guillén's parents. According to (b) (6), (b) (7)(C) assessed it was appropriate for the E/FST Command Team to speak to the family since SPC Guillén's status at the time was AWOL and the command team spoke Spanish.[223]

At approximately 0800, (b) (6), (b) (7)(C) arrived at the Fort Hood Visitor's Center and escorted (b) (6) to the RES area. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) drove his POV with (b) (6) in the front passenger seat, and (b) (6) in the backseat. They arrived at the RES footprint to meet with (b) (6), (b) (7)(C) at approximately 0805.[224] Their meeting lasted for approximately one hour, and then they were escorted to SPC Guillén's barrack's room.

O/a 0800, (b) (6), (b) (7)(C), gathered (b) (6), (b) (7)(C) to "check for possible issues and synchronize specialty areas in the search."[225]

---

[221] A-43-1, (b) (6), (b) (7)(C) pg 3, "I think it was after PT hours, so 0730, give or take."; A-88-1, (b) (6), (b) (7)(C) pg 7, "It was the 23rd. She went missing on the 22nd, so the 23rd, it was right after PT time, so I just got done with PT. It was like 7:30 in the morning. It was (b) (6), (b) (7)(C)."; B-3-1, email: 6Ws - RES - SPC Guillén (Missing Trooper): The 0730 notification time is also included in (b) (6), (b) (7)(C) email.

[222] A-132-1, (b) (6), (b) (7)(C) pg 6, "Yes, around 0630 we were directed to do a 100 percent accountability of weapons and personnel."; A-88-1, (b) (6), (b) (7)(C) pg 7, "I directed a 100 percent accountability of all people, but it was 100 percent accountability of all arms rooms as well. All Troops. Every single arms room." Since (b) (6), (b) (7)(C) was not informed until o/a 0730, and (b) (6), (b) (7)(C) gathered the Regimental staff o/a 0800, it is not likely that (b) (6), (b) (7)(C) directed 100 percent arms room and personnel accountability at 0630.

[223] A-43-1 (b) (6), (b) (7)(C) pg 10, "Yes (He directed (b) (6), (b) (7)(C) to call the Guillén family 23 Apr). Troop chain of command. It's the standard, if someone goes AWOL you reach out to the family. On the DD93, it as (b) (6). We knew we had been talking to the (b) (6), I met with (b) (6) on the 23rd, outside of our headquarters. But I still felt it was important to reach out to (b) (6). The other reason for that, we knew that (b) (6) didn't speak English well and by luck (b) (6), (b) (7)(C) are both native Spanish speakers, so I would have had to use them anyway to translate.".

[224] A-11-3, (b) (6), (b) (7)(C) pg 3-4.

[225] A-127-1, (b) (6), (b) (7)(C) pg 3, "Whenever we had a missing Soldier, or someone presumed to be in danger, we gather the regimental staff. So this includes the chaplain, behavioral health, the regimental surgeon, regimental legal, the regimental S-1, and the PMO. We would pull past legal status, past police records, behavioral health records, medical records, scour the news, and pull the iPERMS data, so that we can bring it together, see if there's any at-risk factors for the Soldier that would lead us to brief the regimental commander to make a decision on what's the best way forward to find or help the trooper."; A-89-1, (b) (6), (b) (7)(C) pg 8, recalled that "about 0907 (b) (6), (b) (7)(C) started the chat on the 23rd of April " it was one of the things (b) (6), (b) (7)(C) would do when we had an incident " we would get in legal, myself, the S1, Chaplain, EBH or Surgeon, and PAO."; B-3-1, email: 6Ws - RES - SPC Guillen (Missing Trooper): identifies the time as 0800.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C), opened A/RES Arms Room to check for SPC Guillén and / or missing sensitive items from o/a 0828 to o/a 0832.[226] (b) (6), (b) (7)(C) again opened the A/RES Arms Room to allow (b) (6), (b) (7)(C), to confirm nothing was amiss from o/a 0836 to o/a 0837.[227]

O/a 0903, (b) (6) were escorted to SPC Guillén's barrack's room by (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) unlocked the barracks room and the party entered. (b) (6) took possession of SPC Guillén's driver's license and debit card from a coin purse in SPC Guillén's top dresser drawer.[228]

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C), opened A/RES Arms Room from o/a 1041 to o/a 1344 to conduct the 100% sensitive item inventory directed by (b) (6), (b) (7)(C).[229]

O/a 1103, the MP Desk submitted a 'Region 6' attempt to locate SPC Guillén through the Texas Crime Information Center (TCIC).[230] The Region 6 attempt notified all law enforcement agencies within its regional boundaries: twelve counties of Northeast Central Texas.[231]

The first recorded time the 3CR command reached out to (b) (6) (b) (6) was approximately 1300 on 23 April. (b) (6), (b) (7)(C) participated in the call. The call was made from (b) (6), (b) (7)(C) cell phone while they were in his POV. Both (b) (6), (b) (7)(C)

---

[226]A-12-1, (b) (6), (b) (7)(C) pg 2, "On the 23rd, very early we came in and were told to, um, all the platoon Sergeants, all the PLs, and all the officers came in to search for the Soldier. So I did not sign out the keys that morning; however, I do believe I was the one that went with (b) (6), (b) (7)(C), on the 22nd, the 23rd. I think (b) (6), (b) (7)(C) was the guy, I did not sign the keys out Sir, because I specifically took the keys down there myself. And I was the (b) (6), (b) (7)(C) that checked the arms room."; A-74-1, (b) (6), (b) (7)(C) pg 4-5, "So the 4 minutes, that's when I walked in with (b) (6), (b) (7)(C)."; B-8-1, Intrusion Detection System (IDS) Log : pg 80.

[227]A-74-1, (b) (6), (b) (7)(C) pg 5, "The 1 minute, that was the walk through with (b) (6), (b) (7)(C)."; B-8-1, Intrusion Detection System (IDS) Log : pg 80.

[228]A-11-3, (b) (6), (b) (7)(C): pg 4; A-24-2, (b) (6), (b) (7)(C) pg 3.

[229]A-34-1, (b) (6), (b) (7)(C) pg 2, "So, we were looking for (b) (6), (b) (7)(C), he said we need to do a 100 percent by serial number in our arms room and that was at 0915"; A-74-1, (b) (6), (b) (7)(C) pg 5; B-8-1, Intrusion Detection System (IDS) Log : pg 80.

[230]A-105-1, DES Rounds: pg 2; A-135-1, (b) (6), (b) (7)(C) pg 2.

[231]The Texas counties covered by Region 6 are: Collin, Dallas, Ellis, Fannin, Grayson, Hill, Hunt, Kaufman, Limestone, McClennan, Navarro, and Rockwall; the Texas Commission on Law Enforcement closely associates Region 8 with Region 6, so the notification eventually, and automatically, was released to an additional twenty-six counties of Northwest Central Texas: Archer, Bell, Bosque, Brown, Clay, Comanche, Cooke, Coryell, Denton, Eastland, Erath, Hamilton, Hood, Jack, Johnson, Lampasas, Mills, Montague, Palo Pinto, Parker, Somervell, Stephens, Tarrant, Wichita, Wise, and Young; https://www.tcole.texas.gov/content/regional-support-field-service-agents.

(b) (6), (b) (7)(C) talked mostly to (b) (6) asking him many questions to help in the search efforts.[232] (b) (6), (b) (7)(C) further contacted the Guillén family on 23, 26, and 27 April. During these engagements, the E/FST Command Team continued to inquire for information. In addition, (b) (6), (b) (7)(C) coordinated gift baskets to give the Guillén family with the intent to help.[233] They did not sense anything wrong in their communication with the family.[234]

O/a 1305, 3CR completed a search of the unit footprint, including all barracks, motor pools, and unit areas. 3CR leaders coordinated with the Fort Hood Directorate of Emergency Services (DES) and MPI for a missing person's report.[235]

(b) (6), (b) (7)(C) developed the initial Serious Incident Report (SIR) and submitted the 6Ws / SIR "Missing Trooper" via email to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) o/a 1324, designating SPC Guillén as a "Missing Trooper" and identifying the time of SPC Guillén's disappearance as 1330 on 22 April.[236]

(b) (6), (b) (7)(C) requested T-Mobile / Sprint Corporate Office ping SPC Guillén's cell phone o/a 1328.[237]

At approximately 1330, MPI reviewed video footage from Access Control Points to see if they could detect SPC Guillén entering or exiting the installation, either in a vehicle or walking.[238]

---

[232]A-24-1, (b) (6), (b) (7)(C) pg 7, "I never spoke with the (b)(6), until the afternoon. When I asked (b) (6), (b) (7)(C) if it would be appropriate to reach out to the (b)(6), "; A-5-1, (b) (6), (b) (7)(C): pg 19, "…on our way there the (b) (6), (b) (7) dialed the (b) (6) phone that was in the DD 93, right. And the (b) (6) picked up the phone and (b) (6) didn't want to talk and (b) gave the phone to the (b) (6) started talking to us."; A-70-1, (b) (6), (b) (7)(C) : pg 9, "I was present when (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) were talking to the (b) (6). … It was around 13 to 1400, after we took a break of going from the MP station… It (phone call) was in (b) (6), (b) (7)(C) truck.".

[233]A-43-1, (b) (6), (b) (7)(C) pg 10, "They wanted to put together a care package and provide assistance, like military families do. We had gathered up some things, a shopping bag or two with snacks and gift cards and toys for the smaller kids. While (b) (6), (b) (7)(C) was trying to coordinate the meeting, my plan was to have the sit down and hand over the care package at the same time. After a few days, it became apparent the family wasn't interested in meeting."; A-5-1, (b) (6), (b) (7)(C): pg 20, "At the squadron level, (b) (6), (b) (7)(C), you know, the military wives and you know, my wife, we made up a little bag with stuff, you know, to give the family."; B-4-3, Letter to Congresswoman Garcia: pg 2-3.

[234]A-24-1, (b) (6), (b) (7)(C) pg 8, "I don't know. He tried. We tried one more day, we tried to use CID to deliver the goods to them because they were talking to them and they turned their back. They said we don't want it."; A-5-1, (b) (6), (b) (7)(C): pg 20, "I would have continued talking with the family but I ceased that because they did not want to do anything.".

[235]B-3-71, 3CR Search Operation Timeline.

[236]B-3-1, email: 6Ws - RES - SPC Guillén (Missing Trooper).

[237]A-32-1, (b) (6), (b) (7)(C) pg 2.

[238]A-135-1, (b) (6), (b) (7)(C) pg 1.

O/a 1330, troop commanders completed (b) (6), (b) (7)(C) directed 100% accountability of weapons.[239]

T-Mobile / Sprint returned a cell phone ping with a latitude and a longitude near the Leon River, in the vicinity of Belton, Texas o/a 1458; the location was an open field next to a new housing development, 1-mile north of where SPC Guillén's remains would later be found. MPI coordinated with the Belton Police Department, who dedicated two vehicles and four detectives to assist in searching the pinged area. Belton Police Department, in turn, coordinated for aerial drone assistance from State Troopers and water craft assistance from the Belton Fire Department. The search of the pinged area yielded no results.[240]

O/a 1504, (b) (6), (b) (7)(C) forwarded the 6Ws / SIR "Missing Trooper" email to MG Efflandt, including (b) (6), (b) (7)(C) .[241] MG Efflandt acknowledged receipt o/a 1700.[242] (b) (6), (b) (7)(C) called MG Efflandt on the afternoon of 23 April as well, but neither he nor MG Efflandt remember the exact time of the call.[243]

(b) (6), (b) (7)(C) , submitted the first digital Serious Incident Report (SIR) from 3CR to the Fort Hood IOC o/a 1850 on 23 April.[244] 3CR submitted the SIR under category 4 (III Corps Information Requirements) item "aa" of the command's SIR policy, which indicated it as "any other incident determined by a Commander to be of immediate concern or possible media concern to the III Corps Commander. This includes incidents not covered above that are a media concern. Decision will be based on the nature, gravity, potential for adverse publicity and consequences as the result of the incident and not reportable under the DES blotter report (Missing Trooper)."[245] In addition, item 10 of the SIR (Publicity Anticipated) was marked "Yes."[246] The SIR identified 1300 on Wednesday, 22 April as the last positive contact with SPC Guillén.[247]

The Fort Hood IOC log lists o/a 2155 on 23 April as the time of receipt for the 3CR SIR, three hours and fifteen minutes after (b) (6), (b) (7)(C) sent it via email.[248] According to

---

[239] (b) (6), (b) (7)(C)
[240] (b) (6), (b) (7)(C)
[241] B-3-2, email: 6Ws (Missing Trooper).
[242] B-3-2, email: 6Ws (Missing Trooper).
[243] A-37-1, MG Efflandt: pg 4, "I believe it was the next day that (b) (6), (b) (7)(C) told me about her absence," when asked if he received a call from (b) (6), (b) (7)(C) on the evening of 23 APR 20, he responded "Right."; A-88-1, (b) (6), (b) (7)(C) : pg 7, on 23 APR 20 "I then called General Efflandt. I can't remember what time I sent a report later that day.".
[244] B-3-3, email: 3rd CR SIR (Cdr Concern Missing Trooper).
[245] B-3-19, SIR Number 200293; B-3-53, Encl 1 to Memorandum for 3d Cavalry Regiment Commanders, Serious Incident Report (SIR) Reporting Procedures: pg 4.
[246] B-3-4, Draft 3CR SIR .
[247] B-3-19, SIR Number 200293.
[248] B-3-5, FHTX IOC Log.

(b) (6), (b) (7)(C) it is likely the IOC took the SIR for action o/a 2155, and a delay of this nature was not out of the ordinary.[249] O/a 2216, via email, the IOC sent the draft SIR to the (b) (6), (b) (7)(C)[250]

According to (b) (6), (b) (7)(C), neither the Task Force Phantom nor installation staff altered operations or increased capacity to enable search operations following receipt of the 3CR SIR.[251] According to (b) (6), (b) (7)(C), CID coordinated outside law enforcement support and there was no need to activate the EOC at that point.[252] According to (b) (6), (b) (7)(C), there was no centralized Task Force Phantom planning team or dedicated planning cell to coordinate staff activity in support of 3CR search operations until he established an engagement-focused Crisis Action Team (CAT) o/a 24 June, 63 days after SPC Guillén's disappearance.[253] (b) (6), (b) (7)(C) also did not recall establishment of a Crisis Action Team within Task Force Phantom to coordinate staff response or search activities for SPC Guillén, assessing "what 3CR was doing at the time seemed to be an appropriate response, and we were again resourcing and providing support where we needed to."[254] (b) (6), (b) (7)(C) characterized the search as a "3CR-led active search," but the overall effort was "two-pronged" with Fort Hood CID leading the investigation, and the two – 3CR and CID – coordinating with each other on a daily basis.[255] According to (b) (6), (b) (7)(C), Task Force Phantom was "always involved in and briefed on those activities," particularly through command channel updates, but there was never a dedicated battle rhythm event established to coordinate or review support to 3CR search operations.[256]

(b) (6), (b) (7)(C) did not recall the establishment of a centralized planning team on Task Force Phantom staff, a CAT, or any other direct tasks to the coordinating staff upon receipt of the draft SIR from 3CR on 23 April.[257] (b) (6), (b) (7)(C) (b) (6), (b) at the time, did not remember being made aware of SPC Guillén's disappearance

[249]A-100-2, (b) (6), (b) (7)(C) pg 3, "They might have had other reports that were, higher priority than this one at the time and that's why, the lag time." When asked, again, if that was normal, (b) (6), (b) (7)(C) responded "Yeah.".
[250]B-3-6, email: Draft IR (0293) CAT 4 Item aa.
[251]A-36-1, (b) (6), (b) (7)(C): pg 5,TF Phantom was "supporting and resourcing the efforts that 3CR was conducting" however, in terms of installation emergency operations, he did not "recall an increase in capacity," and reference establishment of a staff-led crisis action cell, "I don't recall specifically" but "portions of … staff sections" were "supporting … the 3CR OPT," and pg 6, (b) (6), (b) (7)(C) further clarified "it was primarily a 3CR led active search" and "we never to my knowledge took over relief for that [3CR] OPT, or search activities … 3CR seemed to be doing everything that should be done or could be done.".
[252]A-36-1, (b) (6), (b) (7)(C) pg 5, "I don't specifically recall a need to increase the IOC or the EOC at that point.".
[253]A-41-1, (b) (6), (b) (7)(C) pg 7, "I stood up a CAT team after the 23rd,"
[254]A-36-1, (b) (6), (b) (7)(C) pg 5.
[255]A-36-1, (b) (6), (b) (7)(C) pg 6.
[256]A-36-1, (b) (6), (b) (7)(C) pg 6; A-44-1, (b) (6), (b) (7)(C) pg 6, concurred with that assessment of a limited Task Force Phantom G3 role; A-76-1, (b) (6), (b) (7)(C) pg 3, "We never cut an order directing" support to 3CR search operations and characterized coordination as "normal operations.".
[257]A-90-1, (b) (6), (b) (7)(C) pg 2, "I do not; not at the point you're asking, no. Not that I remember.".

until (b) (6), (b) (7)(C) [258] He recalled surging personnel to Current Operations in order to manage COVID-related operations and reporting requirements, but does not recall a specific conversation reference the Task Force Phantom G3's role regarding the response to SPC Guillén's disappearance.[259] (b) (6), (b) (7)(C) recalled establishment of an engagement-focused CAT, but did not remember the date of activation.[260] According to (b)(6), (b)(7)(C) Task Force Phantom G3 Current Operations did not participate in the CAT, which to his knowledge was led by (b) (6), (b) (7)(C)[261] (b) (6), (b) (7)(C) also recalled a decision to not process 3CR reports and updates of ongoing search activities through operations channels, due to the perceived sensitivity of the case, but does not remember how that decision was made or who made it.[262] According to (b) (6), (b) (7)(C), updates "stayed within command channels, and were subsequently exchanged at that level."[263] Task Force Phantom G3 Current Operations did not issue an operations order or play any role in coordinating support to 3CR search operations.[264] (b) (6), (b) (7)(C) remembers receiving a phone call from 3CR requesting assistance to coordinate for air assets to search an area behind Brave Rifles Range on Fort Hood, which he estimates as o/a 23-24 April.[265] However, according to (b) (6), (b) (7)(C), the Task Force Phantom G3 played no role in receiving daily search reports or coordinating the response.[266]

USAG Fort Hood did not activate the EOC to coordinate SPC Guillén search and response activities. According to (b) (6), (b) (7)(C), CID is responsible for a "missing person case," which is different from a search operation for "a Soldier that's training" and goes into "an unaccounted-for status," which "could cause an EOC activation."[267] Regarding the SPC Guillén case, (b) (6), (b) (7)(C) assessed that "based on the initial information, [it] was not clear that it was a missing person…the Soldier could've been AWOL, could've been unaccounted for" and the USAG operations staff was not privy to CID "investigative information."[268] According to (b) (6), (b) (7)(C), the EOC has been activated in situations where a Commander assessed a Soldier was missing, and the EOC assisted

---

[258] A-125-1, (b) (6), (b) (7)(C): pg 1, "it would have been some time after having assumed the position of (b) (6), (b) (7)(C)".
[259] A-125-1, (b) (6), (b) (7)(C): pg 2, "No, not that I remember … we actually surged personnel to CUOPs to handle everything associated with COVID.".
[260] A-76-1, (b) (6), (b) (7)(C) pg 2, "A CAT Team was stood up … they stayed within command channels."; when asked if he remembered when the CAT was established, he replied "No, I don't remember.".
[261] A-76-1, (b) (6), (b) (7)(C) pg 2, "In CUOPS, we did not have any participation in that CAT team.".
[262] A-76-1, (b) (6), (b) (7)(C) pg 2, "these reports were going directly through green tab channels, and that's where they stayed.".
[263] A-76-1, (b) (6), (b) (7)(C): pg 2.
[264] A-76-1, (b) (6), (b) (7)(C) pg 3, "We never cut an order directing" support to 3CR search operations and characterized coordination as "normal operations.".
[265] A-44-1, (b) (6), (b) (7)(C) pg 6, "all I remember was, hey, sir, we got a missing Soldier. We need air assets.".
[266] A-44-1, (b) (6), (b) (7)(C) pg 5, "and that's what I was told. This is in command channels. You do not need to be a part of this.".
[267] A-106-1, (b) (6), (b) (7)(C) pg 6.
[268] A-106-1, (b) (6), (b) (7)(C) pg 6.

with command and control of DES assets and any additional support requirements.[269] In the case of SPC Guillén, (b) (6), (b) (7)(C) does not recall any conversations to potentially activate the EOC, since it was generally viewed as a "criminal investigation."[270] (b) (6), (b) (7)(C) recalled an OPT established to coordinate response to SPC Guillén's disappearance, but the participants were on the "public affairs side."[271]

O/a 2337, DES published a "Be on the Lookout" (BOLO) for SPC Guillén in the National Crime Information Center (NCIC), accessible to law enforcement agencies nationwide. DES Police Intelligence collected information for the BOLO from SPC Guillén's military records, public record, and social media. The BOLO was shared directly with multiple law enforcement agencies.[272]

24 April 2020

O/a 0547 and 0600 on Friday, (b) (6), (b) (7)(C) asked the IOC via email whether they had received an update to the 3CR SIR and if 3CR suspected "foul play."[273] The IOC requested an update from (b) (6), (b) (7)(C), via email o/a 0758.[274]

Between approximately 0900 and 1345, the RES conducted extensive, detailed ground searches of the entire RES Footprint, including barracks, motor pools, and other unit areas.[275] Neighboring units, including the 3d SFAB and 36th Engineer Brigade, executed searches of their respective unit footprints that continued through 25 April.[276]

O/a 1119, (b) (6), (b) (7)(C) changed SPC Guillén's duty status from Present for Duty (PDY) to Absent Without Leave (AWOL) via DA 4187: *Personnel Action*, effective 0630 on 23 April.[277] (b) (6), (b) (7)(C) directed the change in status, determining AWOL to be the appropriate status due to 24-hours of unauthorized absence.[278] The unit updated SPC Guillén's duty status in eMILPO o/a 1137 on 24 April to reflect AWOL status, submitted the DA 4187 to the Department of Emergency Services AWOL and Deserter Section, and suspended pay and promotion.[279]

---

[269]A-106-1, (b) (6), (b) (7)(C): pg 6.
[270]A-106-1, (b) (6), (b) (7)(C) pg 6, "Nobody ever went to (b) (6), (b) (7)(C) and said, "Hey, we need to activate the EOC, all hands on deck" … that conversation, as far as I understand, never happened … arguably, though, it is a criminal investigation.".
[271]A-106-1, (b) (6), (b) (7)(C) pg 7.
[272]A-25-1, (b) (6), (b) (7)(C) pg 2-3; A-78-1, (b) (6), (b) (7)(C): pg 1.
[273]B-3-6, email: Draft IR (0293) CAT 4 Item aa.
[274]B-3-7, email: FW: 3d CR SIR (Cdr Concern Missing Trooper).
[275]B-3-71, 3CR Search Operation Timeline.
[276]A-89-1, (b) (6), (b) (7)(C) pg 35.
[277]B-3-9, DA 4187 -- SPC Guillén to AWOL.DA 4187
[278]A-5-1, (b) (6), (b) (7)(C) pg 15, "I came up to (b) (6), (b) (7)(C) and said, how do we report her … He told me, hey, look, we're just going to report her AWOL. She's not in, so that's how we initiated a 4187 for AWOL status." Further on pg 17, "I would say, yes, sir, I relied on (b) (6), (b) (7)(C), the guidance.".
[279]B-3-29, email: RE: INFO Missing Trooper SITREP 05 MAY 2020 (b) (6), (b) (7)(C); B-3-8, eMILPO transactions: SPC Guillén.

U.S. Army Criminal Investigation Command (CID) assumed responsibility of SPC Guillén's case from MPI, effective 1151, 24 April, and published the first of seven media releases by CID between 24 April and 6 July. This first release was the announcement of SPC Guillén's disappearance and a request for public assistance.[280] Overall, (b) (6), (b) (7)(C), decided to publish three media releases in the first few days, 24-27 April, to seek public assistance in the disappearance. CID established a relationship with (b) (6), and continued almost daily communications with the Guillén family via phone and text messaging through 6 July, when the remains of SPC Guillén were identified. Two special agents spoke Spanish and helped facilitate communications between CID and the family.[281]

As early as 24 April, (b) (6), (b) (7)(C), issued command guidance regarding media engagement, to not publish anything publicly without Task Force Phantom guidance and approval.[282]

(b) (6), (b) (7)(C) submitted a 3CR SIR update "add-on 01" to the IOC via email at 1516, providing additional information on Fort Hood MPI activities to trace SPC Guillén's cell phone and interview SPC Guillén's family members and (b) (6), and noted that CID had "assumed responsibility for the case" earlier in the day.[283] In this SIR update, 3CR reported that it would not share any information regarding the active investigation with media and would refer all inquiries to the Fort Hood Press Center.[284] At 1622, (b) (6), (b) (7)(C) via email, confirmed to MG Efflandt that 3CR had submitted the SIR to the Fort Hood IOC.[285]

At Task Force Phantom, the initial 3CR SIR was reviewed by (b) (6), (b) (7)(C) (b) (6), (b) (7)(C). From Fort Hood, the SIR was reviewed by (b) (6), (b) (7)(C) as well as the (b) (6), (b) (7)(C). All these individuals either did not recall that the SIR stated possible media concerns or did

[280]B-4-4, CID Media Release 24 Apr: pg 1, "Fort Hood officials and Special Agents from the U.S. Army Criminal Investigation Command are asking for the public's assistance in locating Pfc. Vanessa Guillen, a 20- year-old Soldier stationed at Fort Hood, Texas."
[281]A-43-1, (b) (6), (b) (7)(C) pg 10, "But CID had a couple of agents that have been talking with the family and they were still maintaining contact with the family."; A-47-1, (b) (6), (b) (7)(C) pg 4, "We (CID) issued a press release (24 Apr) from my headquarters, a CID worldwide press release… on 25 April asking for the public's assistance to help us find the whereabouts of PFC, at the time, Vanessa Guillén, and then on 27 April, after discussions with the agents, we went ahead and offered a $15,000 reward hoping that that would garner some tips."; A-88-1, (b) (6), (b) (7)(C) pg 10, "CID was talking to them every day so that I can pass communication with CID through to them.".
[282]A-62-1, (b) (6), (b) (7)(C) said not to post anything that wasn't approved by III Corps."; A-83-1, (b) (6), (b) (7)(C) : pg 8, "But basically the guidance I (b) (6), (b) (7)(C) had from (b) (6), (b) (7)(C) is that I did have to receive permission from him.".
[283]B-3-10, email: 20200424 Add on SIR PFC Guillén.
[284]B-3-11, Add-on 3CR SIR (updated).
[285]B-3-12, email: RE: INFO: Missing Trooper Update.

see it but took no action considering it just another missing or AWOL Soldier. Neither the initial nor updated 3CR SIRs triggered immediate media engagements by Task Force Phantom.[286]

MG Efflandt was being advised on media engagements from both (b) (6), (b) (7)(C) (b) (6), (b) (7)(C).[287] Most influential advice came from (b) (6), (b) (7)(C), who strongly advocated for protecting the integrity of the investigation at all costs, for not saying anything "if there was nothing to say," and for not contradicting the Guillén family.[288] (b) (6), (b) (7)(C) worked

[286]A-15-1, (b) (6), (b) (7)(C): pg 1, "I also get the SIRs, significant incident reports". When asked if the SIR trigged any special activity, "It did not. It is a typical missing soldier or missing formation. It could have even been the 24th, but nothing stood out at all on her case."; A-36-1, (b) (6), (b) (7)(C) pg 4, "I don't specifically remember that SIR as I read my emails."; A-41-1, (b) (6), (b) (7)(C): pg 6, "I, you know, it doesn't ring a bell, but that's consistent with the way those kinds of SIRs come up, right, potential for adverse media, and that a search was being conducted by the unit, and I believe MPI, right, and that MPI had been… So those are some of the elements that come to my recollection from the original SIR."; A-57-1, (b) (6), (b) (7)(C) pg 2, "So, in the beginning, it was a missing person case that was being handled by CID and we were in support of… So my sense was that was normal operation. She was considered AWOL at the time. They had no evidence otherwise. So unlike a crisis where we would have launched in 24 hours, we were just taking the normal steps of a missing Soldier; A-66-1, (b) (6), (b) (7)(C) pg 5. "No, but I was--I don't recall it (SIR) saying anything about potential media."; A-90-1, (b) (6), (b) (7)(C) pg 5-6, "I don't (b) (6), (b) (7)(C) does not recall any media indicators on the SIR). If I could look at it maybe I would remember… But it doesn't surprise me that it (SIR) was checked (with potential for media) if that's the question I guess…No (the media on the SIR did not trigger formal guidance or action)."; A-98-1, (b) (6), (b) (7)(C) pg 2.

[287]A-66-1, (b) (6), (b) (7)(C) pg 1, "I was (b) (6), (b) (7)(C). That would have been the Deputy Commanding General of III Corps." And Pg 21. "But I could always--I always had the latitude to go straight to General Efflandt."; A-71-1, (b) (6), (b) (7)(C): pg 1. "I was the (b) (6), (b) (7)(C)."; A-98-1, (b) (6), (b) (7)(C): pg 1, (b) (6), (b) (7)(C).".

[288] A-36-1, (b) (6), (b) (7)(C) pg 11, "Every good officer is always going to listen to their senior noncom to provide input, advice, that sort of thing. So (b) (6), (b) (7)(C) was providing that advice to (b) (6), (b) (7)(C)."; A-41-1, (b) (6), (b) (7)(C) having been there forever, having handled major events like shootings and things like that, was the mentor and made all kinds of sense."; A-47-1, (b) (6), (b) (7)(C) pg 2; (b) (6), (b) (7)(C) pg 5-6, "I think that's the counsel that (b) (6), (b) (7)(C) and the team there at Fort Hood were listening to is, hey, it's under investigation, we've got nothing else to say… I think that just knowing (b) (6), (b) that it was probably him. I think (b) (6), (b) (7)(C) was working as hard as (b) (6), (b) could to get movement, but I think (b) (6), (b) probably got outranked pretty quickly… (b) (6), (b) (7)(C)] and I, you know, sort of argued a bit about this and his perspective was that he was protecting his commander and the investigation."; A-66-1, (b) (6), (b) (7)(C) pg 31-32. "They [MG Efflandt and (b) (6), (b) (7)(C)]interface on a very regular basis…So, the garrison PAO, in some regards, mentors and helps provide a focal point based on everything that's happened previously. (b) (6), (b) (7)(C) has been here (b) (6), (b) (7)(C). So, he knows a lot. He was here, you know, to see a lot of different things happen. So yeah, the commander [MG Efflandt] is very, very familiar with (b) (6), (b) (7).."; A-71-1, (b) (6), (b) (7)(C): pg 3, "I don't think the unit had grasped how big this was going to get yet so it wasn't being treated as a crisis at that point. It was being treated as a missing Soldier. CID who worked the case let CID share information and their determination before we put information out. Part of that guidance was coming from the top who had been there during the 2009 mass shooting, and then again during the 2014 shootings. And the concern was we don't want to put out information that could jeopardize the investigation, or could further, you know, once the investigation is complete could jeopardize the prosecution and conviction of anyone found guilty through that investigation."; A-97-1, (b) (6), (b) (7)(C) pg 5, "So, yeah (b) (6), (b) (7)(C)] was running the show with--

closely with (b) (6), (b) (7)(C) and made all decisions and recommendations on media engagements premised on protecting the investigation at all costs. They both interacted actively with (b) (6), (b) (7)(C) CID, for media engagement decisions and recommendations.[289]

In separate and parallel reporting, CID submitted an SIR Executive Summary (EXSUM) to the U.S. Army Operations Center (AOC) via email o/a 1512 on 24 April. The report identified SPC Guillén as a "missing Soldier" whose disappearance occurred under "unusual" circumstances, with last unit contact at 1330 on 22 April.[290] Replying to the original CID EXSUM email, the Vice Chief of Staff of the Army (VCSA) asked the Commanding General of FORSCOM (CG, FORSCOM) to let him know "if we have any developments on this search" o/a 1549.[291] The CG, FORSCOM forwarded the email exchange to MG Efflandt o/a 1629, asking that he "keep [him] posted on this."[292]

O/a 1735, the IOC sent the draft Fort Hood SIR to (b) (6), (b) (7)(C) for review; (b) (6), (b) (7)(C) forwarded to (b) (6), (b) (7)(C) for approval o/a 1740, including (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C).[293]

(b) (6), (b) (7)(C), (b) (5)

[redacted]

[290]B-3-13, email: FW: EXSUM: Missing Soldier - Fort Hood, TX.
[291]B-3-13, email: FW: EXSUM: Missing Soldier - Fort Hood, TX.
[292]B-3-13, email: FW: EXSUM: Missing Soldier - Fort Hood, TX.
[293]B-3-14, email: DRAFT #3 / SIR (0293) CAT 2 item y.

O/a 1752, MG Efflandt responded to the CG, FORSCOM with a "Will Comply" response, and forwarded the email request and original CID EXSUM from CID to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) adding that they were "a day late w/ SIR."[294] This action did not trigger command guidance for media engagements.[295] MG Efflandt did not recall notifying the Chief of Staff that they were late on the SIR, or anything out of the ordinary regarding processing of the SIR through the Task Force Phantom staff.[296]

(b) (6), (b) (7)(C) approved the Fort Hood SIR o/a 1807 on 24 April.[297]

(b) (6), (b) (7)(C) assessed that the IOC processed the SIR according to standing policy and procedure, that it was a "good report" and not unusual to be late meeting FORSCOM and IMCOM reporting requirements.[298] (b) (6), (b) (7)(C) also noted that it was common practice for CID to submit Law Enforcement Reports to the AOC before command channels had reviewed and approved SIRs for submission through the IOC.[299]

The Fort Hood IOC submitted its first SIR on SPC Guillén's disappearance to the FORSCOM Operations Center Watch o/a 1822 and the IMCOM Operations Center o/a 1827 on 24 April as an AR 190-45 Category 2 reportable serious incident, item (y), "Any other incident that the Commander determines to be of concern to Headquarters, Department of the Army (HQDA) based on the nature, gravity, potential for adverse publicity or potential consequences of the incident."[300] Neither (b) (6), (b) (7)(C) nor (b) (6), (b) (7)(C) remember review of the SIR or the decision to report SPC Guillén's disappearance as a Category 2 incident.[301] The IOC included Fort Hood and Task Force Phantom senior leaders and staff principals on the email distribution.[302]

---

[294]B-3-13, email: FW: EXSUM: Missing Soldier - Fort Hood, TX.
[295]B-3-15, email: EXSUM: Missing Soldier - Fort Hood, TX.
[296]A-37-1, MG Efflandt: pg 7, "I don't remember the report to FORSCOM being a day late … I'm not denying the late report, I just don't remember that being significant.".
[297]B-3-14, email: DRAFT #3 / SIR (0293) CAT 2 item y.
[298]A-100-2, (b) (6), (b) (7)(C) pg 4.
[299]A-100-2, (b) (6), (b) (7)(C) pg 4, regarding CID report prior to command channel SIR, "I don't know how often it happens, but I've seen it several times especially on high profile cases like this.".
[300]B-3-14, email: DRAFT #3 / SIR (0293) CAT 2 item y; B-3-47, FRAGORD 3 to OPORD PW 1904-04-0244 (IIIC CCIR).
[301]A-44-1, (b) (6), (b) (7)(C) pg 5, when asked if he remembered seeing the draft SIR for review and submission to FORSCOM, "no" and "it wasn't until, I want to say, towards the end of June," (however, Email correspondence indicates (b) (6), (b) (7)(C) reviewed and forwarded the draft SIR to (b) (6), (b) (7)(C) for approval on 24 April); A-90-1, (b) (6), (b) (7)(C) pg 2, "I want to say that I did read a report, I don't know the timing of it,".
[302]B-3-18, email: SIR (0293) - CAT 2 item y.

O/a 1940, the FORSCOM Operations Center Watch team published a Spot Report designating an initial incident of concern to HQDA ("Missing Soldier"), and submitted the FORSCOM SIR to the AOC less than an hour later, o/a 2033 on 24 April.[303]

(b) (6), (b) (7)(C), submitted the Law Enforcement Report SIR - the follow-up to the CID EXSUM sent o/a 1512 - to USAG Fort Hood, CID senior leaders, and the AOC o/a 2054, reporting SPC Guillén as a "missing person" and noting the time of report as 2017 on 23 April.[304] The AOC published the SPC Guillén CCIR EXSUM via email o/a 2107, notifying the Army Deputy Chief of Staff (G-3/5/7) and other senior leaders, that a Soldier at Fort Hood was "reported missing after their unit could not locate the Soldier following an extensive search of the unit common areas" and listed the time of the incident as 1400 on 22 April.[305]

O/a 2121 on 24 April, the Director of the Army Staff (DAS) asked the AOC to "keep all updated" and asked the Provost Marshall General to "see what [he] can find out."[306] O/a 2130, the DAS forwarded the message to the Deputy Commanding General (DCG) of FORSCOM, asking him to "keep us updated as you learn more" and that it was "drawing attention."[307]

25 April 2020

(b) (6), (b) (7)(C) notified (b) (6), (b) (7)(C) that E/FST would no longer be part of the search for SPC Guillén. This was (b) (6), (b) (7)(C) decision (rationale was risk of traumatizing troops if SPC Guillén was discovered by her own unit).[308]

O/a 0739, MG Efflandt provided CG, FORSCOM an update on the missing Soldier, highlighting no additional insights.[309]

Between approximately 0900 and 1300, (b) (6), (b) (7)(C) and RES field-grade officers collected statements of 53 Troopers that knew, worked with, or had recently seen SPC Guillén.[310] Concurrently, between 0900 and 1710, 3CR platoon sergeants and above, carrying pictures of SPC Guillén provided by her family, executed a 100% barracks check, and searched the entire 3CR footprint and nearby areas, asking for any information.[311]

---

[303]B-3-20, email: SPOT REPORT #398 - INITIAL - INCIDENT OF CONCERN TO HQDA/MISSING SOLDIER ; B-3-23, email: FW: EXSUM - CCIR 50: INCIDENT OF CONCERN TO HQDA (MISSING SOLDIER) .
[304]B-3-21, email: CID Law Enforcement Report-SIR (CAT 2) Initial-420-2020-CID034-006691.
[305]B-3-23, email: FW: EXSUM - CCIR 50: INCIDENT OF CONCERN TO HQDA (MISSING SOLDIER) .
[306]B-3-23, email: FW: EXSUM - CCIR 50: INCIDENT OF CONCERN TO HQDA (MISSING SOLDIER) .
[307]B-3-23, email: FW: EXSUM - CCIR 50: INCIDENT OF CONCERN TO HQDA (MISSING SOLDIER) .
[308]A-132-1, (b) (6), (b) (7)(C) pg 5; A-24-2, (b) (6), (b) (7)(C) pg 1-2; A-43-1, (b) (6), (b) (7)(C) pg 8.
[309]B-3-24, email: Background missing Brave Rifles trooper, 25 APR 20.
[310]A-43-1, (b) (6), (b) (7)(C) pg 6; A-79-1, (b) (6), (b) (7)(C): pg 13; B-3-71, 3CR Search Operation Timeline.
[311]A-132-3, (b) (6), (b) (7)(C) pg 8; A-43-1, (b) (6), (b) (7)(C): pg 6; B-3-71, 3CR Search Operation Timeline.

CID published the second of seven media releases. This release included a photo of SPC Guillén and another request for public help.[312]

O/a 1210, (b) (6), (b) (7)(C) sent an email update to MG Efflandt, describing the ongoing search as "a Regimental operation that I am leading and we will not stop until we find our Trooper."[313] MG Efflandt forwarded the summary of search operations to the FORSCOM G3, o/a 1227, including both the CG and DCG of FORSCOM, as well as (b) (6), (b) (7)(C), noting that there was "a lot of interest in the Brave Rifles Trooper … for all the right reasons" and that 3CR was treating the search "like a combat op."[314] O/a 1248, DCG, FORSCOM forwarded MG Efflandt's email update to the DAS.[315]

26 April 2020

3CR and the RES developed a comprehensive search plan.[316] (b) (6), (b) (7)(C) designated (b) (6), (b) (7)(C) as the (b)(6), (b)(7)(C).[317] The RES's guiding theory for the search was that SPC Guillén had either been abducted or, as she was an avid runner, may have been hurt on any number of local roads, trails, and ditches.[318] The RES surged search efforts, and developed three concentric rings from her last known location in the vicinity of the RES footprint.[319]

O/a 0900-1700, 3CR coordinated with CID and other law enforcement agencies for K9 searches from Texas Rangers and Game Wardens for the next day.

3CR and RES leadership immediately recognized the unique circumstances of SPC Guillén's disappearance and determined her absence was likely not voluntary, publishing WARNO 1 to OPORD 39-20. WARNO 1 operationalized the search; "Effective immediately, 3d CR conducts search party support to law enforcement teams in and around FHTX [Fort Hood] to aid in the recovery of our missing Trooper."[320]

27 April 2020

O/a approximately 0705 to 2200, 3CR coordinated with the 1st Cavalry Division for aerial searches of the Fort Hood training area by helicopters (HH-60) and Unmanned

[312]B-4-5, CID Media Release 25 Apr.
[313]B-3-24, email: Background missing Brave Rifles trooper, 25 APR 20.
[314]B-3-24, email: Background missing Brave Rifles trooper, 25 APR 20.
[315]B-3-24, email: Background missing Brave Rifles trooper, 25 APR 20.
[316]A-43-1, (b) (6), (b) (7)(C) pg 6&9; A-61-1, (b) (6), (b) (7)(C) pg 10; A-77-1, (b) (6), (b) (7)(C) pg 3.
[317]A-61-1, (b) (6), (b) (7)(C) pg 9; A-88-1, (b) (6), (b) (7)(C) pg 9.
[318]A-43-1, (b) (6), (b) (7)(C) pg 6.
[319]A-77-1, (b) (6), (b) (7)(C) pg 3.
[320]B-3-72, 3CR WARNO 1 to OPORD 39-20 (Missing Trooper Search); B-3-73, 3CR Missing Trooper BUB 29APR20: 3CR Search Operations Timeline.

Aerial Systems (UAS). Initial aerial searches yield no results.[321] MG Broadwater, the CG of the 1st Cavalry Division, contacted (b) (6), (b) (7)(C) and offered, "Hey, tell me what you need. You've got it." The 3CR S3 and (b) (6), (b) (7)(C) , coordinated directly and early for air support.[322]

Based on leads and information/intelligence pointing to a variety of locations on and off of the installation, CID continued to conduct parallel search efforts with local, state, and federal law enforcement agencies. These searches would continue through 2 July. CID effectively coordinated for support with approximately twenty agencies to assist in searches, interviews, and leads.

CID published the third of seven media releases, announcing a $15,000 reward for information.[323]

Via email to (b) (6), (b) (7)(C) recommended changing SPC Guillén's duty status to "missing" based on the circumstances of her disappearance, the ongoing investigation, and his interpretation of AR 638-8.[324] On the same day, (b) (6), (b) (7)(C) engaged (b) (6), (b) (7)(C) at the Fort Hood Casualty Assistance Center (CAC) for guidance, who told him she would need to discuss with the Casualty and Mortuary Affairs Operations Division (CMAOD).[325] CMOAD is a division of Human Resources Command (HRC), located at Fort Knox, Kentucky. (b) (6), (b) (7)(C) had already been in contact with (b) (6), (b) (7)(C) on 24 April to discuss a possible "missing" duty status.[326] According to (b) (6), (b) (7)(C) 3CR leadership "felt a professional obligation" to accurately capture SPC Guillén's status, which they did not believe was AWOL; her past performance lacked evidence that would indicate a voluntary absence.[327] (b) (6), (b) (7)(C) characterized his initial assessment regarding AWOL as "there was never a feeling that was Vanessa … we felt like she had been snatched or something else and missing was the right status."[328] MG Efflandt characterized the factors that drove the chain of command to consider SPC Guillén's absence to be involuntary as her being a "good … above-average Soldier … in a position of trust," who

[321]A-43-1, (b) (6), (b) (7)(C) A-77-1, (b) (6), (b) (7)(C) pg 2-3.
[322]A-77-1, (b) (6), (b) (7)(C).
[323]B-4-6, CID Media Release 27 Apr.
[324]B-3-25, email: Duty Status Recommendation: Missing.email: Duty Status Recommendation: Missing, 27 APR 20
[325]A-115-1, (b) (6), (b) (7)(C) pg 2, regarding her initial interaction with CMAOD, "I explained to him the situation, that Specialist Guillén was missing, her unit was concerned about her, per the (b) (6), (b) (7)(C) that had searched all weekend for her … he just had a feeling that this Soldier had not walked off and was AWOL. He said okay, (b) (6), (b) (7)(C) you've been doing this for a long time, you understand that's not enough, that's not enough to make her missing."; B-3-25, email: Duty Status Recommendation: Missing.
[326]B-3-29, email: RE: INFO Missing Trooper SITREP 05 MAY 2020 ((b) (6), (b) (7)(C)).
[327]A-127-1, (b) (6), (b) (7)(C) pg 4, "we felt a professional obligation to somehow appropriately capture her status, which we didn't think AWOL completely fit it, but we didn't know what else to mark her as because she was not in the formation.".
[328]A-43-1, (b) (6), (b) (7)(C) pg 9 (b) (6), (b) (7)(C) A-32-1, pg. 9.

had uncharacteristically left her wallet behind and had not been in contact with her family.[329]

(b) (6), (b) (7)(C) reached out to the Guillén family to coordinate for the family to meet (b) (6), (b) (7)(C), the RES Commander, at 1500 on 28 April.[330]

3CR continued to coordinate search efforts. From approximately 0900 until 1600, the RES conducted ground searches of small arms ranges and training areas near the 3CR footprint. Troopers from the 1st Squadron of 3CR conducted searches of training areas near Belton Lake.[331] 3CR Soldiers, alongside Texas Rangers and Game Warden K9 units, conducted searches of the unit footprint until approximately 1900.[332]

28 April 2020

CID notified (b) (6), (b) (7)(C) that the Guillén family had cancelled the 1500 meeting, scheduled by (b) (6), (b) (7)(C), and that they did not want to talk to the command anymore.[333] (b) (6), (b) (7)(C) engagements with the Guillén family had been mostly inquisitive, as they had tried to discover information that would help with search efforts.[334] The family found those engagements unwelcome, and decided to communicate only with CID.[335]

---

[329]A-37-1, MG Efflandt: pg 4.MG Efflandt A-29-1, pg. 4.
[330]A-5-1, (b) (6), (b) (7)(C) pg 22, "I offered a meeting with (b) (6), (b) (7)(C) said, 'Yes, I want to talk to (b) (6) So I (b) (6), (b) (7)(C) said, 'Okay.' So we set up that meeting; I think it was 1500."; B-4-3, Letter to Congresswoman Garcia: pg 3.
[331]B-3-71, 3CR Search Operation Timeline.
[332]A-77-1, (b) (6), (b) (7)(C), S.; B-3-71, 3CR Search Operation Timeline.
[333]B-4-3, Letter to Congresswoman Garcia: pg 3.
[334]A-5-1, (b) (6), (b) (7)(C)

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

(b) (6), (b) (7)(C)."; B-4-3, Letter to Congresswoman Garcia: pg 3.

3CR, in conjunction with CID, established a command post to manage the flow of information, consolidate and prepare reports, and conduct "battle tracking" of search efforts. 3CR leadership directed the establishment of routine Operations and Intelligence (O&I) briefs – also referred to as a Battle Update-Brief (BUB) - to synchronize search efforts.[336]

29 April 2020

CID contacted Texas EquuSearch (TXEQ) telephonically, seeking assistance with SPC Guillén search efforts.[337]

As directed by 3CR leadership the day prior, 3CR conducted the first routine O&I brief focused on synchronizing search efforts. These briefs were initially conducted daily. On 5 May 20, O&I frequency was reduced to bi-weekly, conducted on Mondays and Fridays, and was later reduced to weekly updates on the first duty day of the week. This search-focused O&I continued through 2 July 2020.

30 April 2020

During a news conference in the Pentagon Press Briefing Room, the Secretary and Chief of Staff of the Army briefed reporters on the Army's role in Department of Defense COVID-19 efforts. The Secretary of the Army used the first minute of this brief to comment on the disappearance of SPC Guillén, the search efforts, and the Army's commitment to finding SPC Guillén.[338] This Army Senior Leader engagement was the first in-person comment to media on behalf of the U.S. Army since her disappearance, but it did not trigger engagement action by either Task Force Phantom or 3CR.

1 May 2020

3CR continued to conduct repeated searches of the barracks[339] and developed a Missing Trooper Battle Drill.[340]

(b) (6), (b) (7)(C) stated that as early as 1 May, (b) (6), (b) (7)(C) was advising (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), to publish a command message. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C). This advice from the Task Force Phantom PAO conflicted with that from MG

[336]A-77-1, (b) (6), (b) (7)(C) pg 3; B-3-73, 3CR Missing Trooper BUB 29APR20; B-3-74, 3CR Group Leader Chat to Establish Operations and Intelligence (O&I) brief (Screenshot).
[337]A-168-1, (b) (6), (b) (7)(C) pg 2.
[338]B-4-7, Transcript Army Senior Leader: Update on U.S. Army Response to COVID91 30 Apr.
[339]A-43-1, (b) (6), (b) (7)(C); A-77-1, (b) (6), (b) (7)(C) pg 4; B-3-71, 3CR Search Operation Timeline.
[340]B-3-75, 3CR Missing Trooper Battle Drill .

Efflandt, whose intent was to respond to query, rather than actively engage the media, because of the ongoing investigation.[341]

2 May 2020

The RES continued ground searches, expanding to Military Operations on Urban Terrain (MOUT) sites, Improvised Explosive Device (IED) "villages" and training lanes, urban assault courses, sub-terrain training areas, and bridges.[342]

4 May 2020

On Monday, 4 May, via Memorandum for Record (MFR), (b) (6), (b) (7)(C) confirmed a series of determinations and actions regarding SPC Guillén's duty status: he did not intend to send a letter – as required on the tenth day of AWOL IAW AR 630-10 (3 May marked ten days since SPC Guillén's absence) – to the Next of Kin (NOK) informing them that SPC Guillén's absence could result in trial by court-martial, confinement, or bad conduct discharge. Since SPC Guillén's family remained in the local Fort Hood area, in contact with investigators, (b) (6), (b) (7)(C) determined that such a letter "would be insensitive, inappropriate, and could be presented to the media in an attempt to bring discredit to the 3d Cavalry Regiment and the U.S. Army." Regarding duty status, (b) (6), (b) (7)(C) also noted that "PFC Guillén's disappearance remains an active investigation by local and national agencies … as of 4 May 2020, CID, the FBI, local authorities, and my unit have not discovered evidence suggesting her disappearance was voluntary. Furthermore, the (b) (6), (b) (7)(C) stated that her case is being treated as a missing person case, not an AWOL Soldier." Finally, (b) (6), (b) (7)(C) wrote that "in the event that evidence demonstrating that PFC Guillén's absence was voluntary is found, I will properly notify the NOK and complete the AWOL and dropped from rolls (DFR) procedure outlined in AR 630-10."[343]

---

[341]A-37-1, MG Efflandt: pg 14. "So this wasn't a significant media event because we didn't know she was murdered until 2 July, so it was an event that grew. So there wasn't public affairs guidance initially because it wasn't an event, it was a Soldier missing, we're going to find her. Then, we generally responded to query because it's an ongoing investigation."; A-66-1, (b) (6), (b) (7)(C): pg 8, "So on May 1st, I called the 3CR PAO…So I contacted the (b) (6), (b) (7)(C) who had just come back in. (b) was trying to get (b) computer system up. I was like this is the prime opportunity for (b) (6), (b) (7)(C) to address this. You know, go out with something public, say, you know--just acknowledge the fact that the family is here...(b) said that (b)(6), (b)(7)(C) was returning from doing battlefield circulation that day, and she had something prepared for him to look at to possibly release. I told her let me know when you release it, we'll push it out too... And she called me up that evening and said (b) (6), (b) (7)(C) doesn't want to say anything yet."; A-88-1, (b) (6), (b) (7)(C): pg 11, "They would give us guidance on what we could send out.".
[342]B-3-71, 3CR Search Operation Timeline.
[343]B-3-26, SUBJECT: Regulatory Next of Kin Notification for PFC Vanessa Guillén (MFR).SUBJECT: Regulatory Next of Kin Notification for PFC Vanessa Guillén, 04 MAY 20 (MFR).

On the same day, [redacted], changed SPC Guillén's duty status in eMILPO o/a 1111 from AWOL to Missing; he deleted the entry 12 minutes later, returning SPC Guillén's status to AWOL.[344] [redacted] could not remember who directed him to make the change in eMILPO.[345] [redacted], could not remember who directed the change in duty status, and believed it to be the result of confusion.[346] There is no evidence of a signed DA 4187, with a commander or his designated representative authorizing a change in duty status on 4 May.

[redacted]

[redacted]."[351] MG Efflandt informed the CG, DCG, and G3 of FORSCOM on 4 May o/a 1715 that the 3CR S1 would change SPC Guillén's duty status to "missing" in 48-hours (on the fourteenth day of absence), pending any objection or instructions, and that the change would trigger a report to HQDA through casualty assistance.[352]

5 May 2020

[344]B-3-8, eMILPO transactions: SPC Guillén, 4 MAY 20.
[345]A-21-1, [redacted]
[346]A-52-1, [redacted]
[347]A-59-1, [redacted]

[redacted]

[348]A-85-1, [redacted] pg 2, when he asked if 3CR had evidence to indicate involuntary absence, 3CR "... did not.".
[349]B-3-29, email: RE: INFO Missing Trooper SITREP 05 MAY 2020.
[350]B-3-29, email: RE: INFO Missing Trooper SITREP 05 MAY 2020.
[redacted]
[352]B-3-27, email: RE: INFO Missing Trooper SITREP 04 MAY 20.

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

The DCG, FORSCOM concurred, via email, with changing SPC Guillén's duty status to "missing."[353]

6 May 2020

(b) (6), (b) (7)(C) informed MG Efflandt, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) of CMAOD's determination that it was premature to submit a recommendation to change SPC Guillén's status to "missing"; MG Efflandt concurred, and (b) (6), (b) (7)(C) forwarded the correspondence to (b) (6), (b) (7)(C) for his awareness.[354]

Based on CMAOD's guidance, (b) (6), (b) (7)(C) did not submit a DD Form 2812: *Commander's Preliminary Assessment and Recommendation Regarding a Missing Person*, to the Fort Hood CAC, or initiate an AR 15-6 administrative investigation, to initiate a TAG "missing" determination.[355] (b) (6), (b) (7)(C) characterized the "missing" determination process as "an incredible source of frustration for [he] and (b) (6), (b) (7)(C)," particularly the standard of evidence of involuntary absence.[356] (b) (6), (b) (7)(C) also characterized the process as "frustrating," summarizing the CMAOD guidance as "even if we submitted it, they weren't going to process it."[357] (b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

[353]B-3-28, email: RE: INFO Missing Trooper SITREP 04 MAY 20.
[354]B-3-30, email: PFC Guillén; FW: Update (INFO) 3CR Missing Trooper SITREP 05 MAY 2020.
[355]B-3-30, email: PFC Guillén; FW: Update (INFO) 3CR Missing Trooper SITREP 05 MAY 2020.
[356]A-43-1, (b) (6), (b) (7)(C) pg 5 (b) (6), (b) (7)(C) A-32-1, pg. 5.
[357]A-127-1, (b) (6), (b) (7)(C) pg 5, "this was not a missing person designation. You're going to have to figure out how to mark her otherwise. It was a little bit frustrating." Adding, "Even if we submitted it, they weren't going to process it, so we just caveated her duty status without marking her as AWOL or missing.".
[358]A-59-1, (b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

[359]A-23-1, (b) (6), (b) (7)(C) pg 2, "most of the cases that we have that … actually get reported as DUSTWUN, usually I would say most of them last about 48 hours or less."; A-85-1, (b) (6), (b) (7)(C) pg 1, "in the event that we do have a DUSTWUN … the CAC is removed and I go directly to the unit. The reason we do that is so that words don't get twisted and communication is clear and concise.".
[360]A-115-1, (b) (6), (b) (7)(C) pg 3, regarding direct 3CR to CMAOD coordination, "It was not helpful because we [Fort Hood CAC] were kept out of the loop" and referring to the Fort Hood CAC files on the SPC Guillén case, at the time, "if I were to bring in our case files on the Guillén case they are very thin.".

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

19-26 May 2020

On 19 May, MG Efflandt conducted a Facebook Live townhall focused on COVID-19. MG Efflandt had been told by the Task Force Phantom and USAG Fort Hood PAO office that there was a potential for the SPC Guillén case to come up. Some of the live questions asked about SPC Guillén; MG Efflandt chose to answer the questions with statements of care and compassion, and to affirm Fort Hood was searching for Guillén.[362] This was well received. However, the audience of this engagement was primarily Fort Hood soldiers and family members, not the local community. The interaction was reactive.[363]

On Tuesday, 19 May and again on Friday, 22 May, (b) (6), (b) (7)(C), requested updates on a potential AR 15-6 investigation and submission of a DD 2812.[364] On 26 May, (b) (6), (b) (7)(C), informed (b) (6), (b) (7)(C) that "the Regimental Commander is not submitting the DD Form 2812 to report the SM missing. The investigation is still ongoing. Our Regimental JAG will be having a conference call with HRC this week to discuss a way ahead on the action and I will be able to provide another update."[365]

21 May 2020

---

[361]A-127-1, (b) (6), (b) (7)(C): pg 5, "I felt that the general lack of experience hampered the process. The regulations exist, but with any regulation or doctrine that we have, prolonged use of it makes it more common to us.".
[362]Intentionally Blank
[363]A-66-1, (b) (6), (b) (7)(C) pg 23, "The 19th of May. We had a COVID town hall… And the way they do those town halls was it was virtual, they sat kind of where you two are sitting in the conference room, and then it played out live on Facebook… we told--I came up with several sheets saying hey, Sir [MG Efflandt], Vanessa Guillén is probably going to come up… These are some ideas of what you might want to say. He looked over the notes and he says I rather just speak from the heart… But 40 minutes into that, he did a segway because we started seeing repeatedly from a bunch of people #JusticeforVanessa, #where'sVanessa, that kind of stuff…And so he--just all of sudden said look I've seen a lot of stuff in the feed. I want you to know this is very--you know, my heart is breaking for the family, for the Soldiers that work with her. He was very impassionate about it. He said it very straight forward. We want her back. We need to bring her back safely. We want to get her back into the group so she can continue her life, you know. And if you know anything contact these CID agents. And I think he said the 1-800 number. It wasn't a 1-800, but he made it clear, you know, use the BOLO and call the CID agents if you know anything. And then he said so now we're going to get back to the subject at hand. So that was the first time that a public statement had been made."; A-71-1, (b) (6), (b) (7)(C) pg 7, "So he took a podcast from the town hall, and so he was aware of Vanessa being missing, and that it was effective – I don't remember the exact words but that's it's effective as a whole and that he was also concerned for her and that if anybody had any information to please contact CID.".
[364]B-3-31, email: Follow up – DD Form 2812.
[365]B-3-31, email: Follow up – DD Form 2812.

Fort Hood Public Affairs Office published the first of ten media releases between 23 April and 17 July. This release included an update of the search.[366]

The first Task Force Phantom media engagement that was not a repost of a CID media release occurred on 21 May, 29 days after the disappearance. According to [redacted] he assessed a growing social media promotion – especially in Spanish social media – of a rally/protest to take place the following day. [redacted] drafted a command statement and coordinated with [redacted] to engage MG Efflandt for approval of a Fort Hood media release, anticipating the impending rally.[367] According to both [redacted], they recommended the media release come from MG Efflandt. MG Efflandt decided it was appropriate for the release to come from the Garrison PAO.[368] There are statements that affirm MG Efflandt stated he did not want to be "the face" of the Guillén case "yet."[369] The context of MG Efflandt's statement was based on the perceived need to protect the integrity of the investigation, and the belief that the appropriate level of command to engage at that time was at the 3CR level.[370] The intent of the media release was to correct a narrative that the Army was not doing anything to find SPC Guillén. The timing of this release was deliberately tied to the expected protest scheduled the next day.[371]

---

[366]B-4-8, Fort Hood Media Release dated 21 May: Fort Hood Officials provide update on search, first since disappearance 29 days later.

[367]A-66-1, [redacted]: pg 24. "Well, in that same timeline, we discovered through media again--sharing with us that there was a large protest being planned for the 22nd. This was not just the family now...Seeing that they were going to have a protest and nothing had been put out yet, I drafted what would be--what I considered a star note… I consolidated all of that stuff into a letter, sent it up to General Efflandt's office, and this is where I say I went direct… I got word back from [redacted] sent a note and said basically he [MG Efflandt] doesn't want to put this out. So, I grabbed [redacted]r and we went up to talk to him one on one.".

[368]A-66-1, [redacted]: pg 28, "And so I got him to agree to putting out something with the same data… But we attributed the quotes to [redacted] … When I asked him he said I'm not ready to be the face on this yet. I don't know if it was a desire to try and keep it at a lower level or what the motivation was behind that. I was kind of deflated to be honest with you when he said that because--and I explained to him--I was like, Sir, we're at the point where we can't roll this back in. We have to put something out. And people are asking why leadership is not addressing this. It's all over social media. Why is leadership not saying something?".

[369]A-66-1, [redacted]: pg 29, "When I asked him [MG Efflandt] he said I'm not ready to be the face on this yet. I don't know if it was a desire to try and keep it at a lower level or what the motivation was behind that. I was kind of deflated to be honest with you when he said that because--and I explained to him--I was like, Sir, we're at the point where we can't roll this back in. We have to put something out. And people are asking why leadership is not addressing this; A-98-2, [redacted]: pg 1, "That is correct, I heard that [MG Efflandt not ready to be the 'face' of this yet] through the [redacted]. I was not in that meeting. That was the discussion they had coming out of that meeting".

[370]A-98-2, [redacted] pg 1, "Now it was more appropriate that the immediate commander like 3CR commander would make a statement or the PAO himself could, to say for his concern, this is the statement that's made at this time.".

[371] A-47-1, [redacted] pg 17, "Social media. Again, things being put into the media's space that were patently false. The premise that nobody cared; that nobody was doing anything. We didn't combat that well enough, at Army as a whole, we didn't combat that well enough."; A-66-1, [redacted] pg 26. ""The

23 May 2020

(b) (6), (b) (7)(C) first engagement with the Guillén family – specifically, (b) (6) (b) (6) was on 23 May at the 3CR Headquarters. CID also participated in this engagement which (b) (6), (b) (7)(C) used to give (b) (6) a comprehensive update. During this meeting (b) (6), (b) (7)(C) expressed his desire to meet with SPC Guillén's (b)(6), .[372] (b) (6), (b) (7)(C) described that (b) (6) agreed to pass his request to her (b)(6), , but was visibly angry.[373]

Though CID had been communicating almost daily with the Guillén family since 24 April, the last E/FST Command Team contact had been 27 April; 3CR leadership had a gap of 26 days where the command did not communicate with the family.[374]

In the intervening gap (28 April–1 May), the Guillén family leveraged Facebook to bring awareness to SPC Guillén's disappearance on social media. On 1 May, the family – specifically, (b) (6) – came to Fort Hood and participated in a rally outside the East Gate.[375] In addition, the family posted fund-raising announcements to help search efforts (3-9 May), posted press conference videos (21 May), and announced and posted videos of a peaceful protest at Fort Hood (22 May). The family remained active on Facebook, posting 14 out of 26 days with a total of 27 posts. Themes of the Guillén family Facebook posts included requests for assistance, frustration with Fort Hood and the U.S. Army, and mistrust of the same.[376]

21st [May]"Seeing that they were going to have a protest and nothing had been put out yet" And that way it's in the news the day before then they have the protest, they can't say that haven't heard anything.

[372]A-88-1, (b) (6), (b) (7)(C): pg 10, "I said that I would really like to meet with (b) (6) .".

[373]A-88-1, (b) (6), (b) (7)(C): pg 10, "CID was talking to them every day so that I can pass communication with CID through to them. I invited them to meet with me several times and then finally on the 23d of May, (b) (6) met with me in my headquarters. That was really the first time I can give her a comprehensive update --and CID was in there as well. We kind of laid out where we were. Here is what we're searching, this is what we have done. I said that I would really like to meet with (b) (6) … he was receptive, but she was angry."; B-4-29, Email_Example Weekly 3CR to TF Phantom SITREP 3CR Missing Trooper SITREP 29MAY20.

[374]A-43-1, (b) (6), (b) (7)(C) pg 10, "I told CID to pass the family the message that any time they wanted to meet with us, we were available, but would respect their desire not to be contacted... In hindsight looking back, I wish I had reached out personally myself earlier to (b) (6) because (b) (6) spoke English and (b) (6) was the go-between on a lot of stuff and given (b) (6) my phone number and offered whatever (b) (6) needed."; A-47-1, (b) (6), (b) (7)(C) pg 24 "Well, we did advise them (TF Phantom/FT Hood command) that, Hey, these are right and left limits on what you can say and can't say….It's their (TF Phantom/Ft Hood) call... You (TF Phantom/Ft Hood command) just can't get too deep into the investigation"; B-4-3, Letter to Congresswoman Garcia: pg 3-4; B-4-9, PAO Message Visualization.

[375]B-4-10, 1 May News Article; B-4-11, Facebook - @findvanessaGuillén: pg 227-259.

[376]B-4-11, Facebook - @findvanessaGuillén: pg 227-259; B-4-41, Timeline - #IamVanessaGuillen; B-4-42, Ft. Hood Press Summary Slide.

29 May 2020

Texas EquuSearch executed several foot and ATV searches, sonar searches of Belton Lake, sonar searches of 3 smaller lakes on Fort Hood, and aerial searches of the Leon River.[377] These searches would continue through 2 July.

2-5 June 2020

(b)(6), (b)(7) was to transition to retirement o/a 12 June. O/a 2-5 June, (b)(6), (b)(7) assumed the role of Task Force Phantom(b)(6), .[378] There was no clear date for the change in responsibility. (b)(6), (b)(7) continued to work closely with (b)(6), (b)(7)(C) and CID to make decisions on media engagements. (b)(6), (b)(7) was considered inexperienced as (b)(6), (b)(7)(C) was the (b) lead for media engagements and drove recommendations to the Task Force Phantom leadership.[379]

8 June 2020

(b) (6), (b) (7)(C) first engagement with (b) (6) of SPC Guillén occurred o/a 1015 during the video teleconference with Congresswoman Sylvia R. Garcia (TX-29). (b) (6), (b) (7)(C) of SPC Guillén. The executive summary of this family engagement notes that (b) (6) (b) (6) had a "clear lack of trust in the Army's investigation and actions." The outcome of the engagement was a commitment by 3CR for a follow-on virtual meeting on 15 June and a potential visit to Fort Hood by the Guillén family. The gap between the last call to (b) (6) by the E/FST Command Team on 27 April and this engagement by (b) (6), (b) (7)(C) was 42 days.[380]

---

[377]A-168-1, (b) (6), (b) (7)(C) pg 4-5.

[378]A-66-1, (b) (6), (b) (7)(C) pg 37, "And by the second of June, I started SFL tap… And I started pulling back. And by the 12th or 13th, I turned everything over to (b) (6), (b) (7)(C)".

[379]A-36-1, (b) (6), (b) (7)(C): pg 11, "Now that said any (b) (6), (b) (7)(C) listens to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) } was providing that advice to (b) (6), (b) (7)(C)."; A-41-1, (b) (6), (b) (7)(C): pg 9, "So the friction was that because (b) (6), (b) (7)(C) was, you know, kind of out over her skis in this position with all this stuff beginning to kind of close in, (b)(6), (b)(7)(C) having been there forever, having handled major events like shootings and things like that, was the mentor and made all kinds of sense."; A-71-1, (b) (6), (b) (7) (b) (6), (b) (7)(C): pg 4, "I want to say it wasn't a specific date, per se, Sir. It was more of a phased thing where like I said (b) (6), (b) (7)(C) would come in the morning and I would come in the evenings. And then he was slowly transitioning out. He would either call or text. I think it was more of a phase kind of thing rather than go for a specific date… And so I remember I took (b) (6), (b) because (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) (b) (6), (b), and I hadn't really built a relationship with anybody upstairs yet." pg 6, "So we were working with CID to identify some of those that we would see on social media."; A-98-1, (b) (6), (b) (7)(C) : pg 1, "That was the discussion they had coming out of that meeting. Early on (b) (6), (b) (7)(C) was still actively being the Corps (b) at Fort Hood, he and (b) (6), (b) (7)(C) would go into the meetings more so than I. I would sit in a couple of the meetings after (b) (6), (b) (7)(C) had excused himself because of his helping out the (b) (6), (b) (7)(C) young and inexperienced.".

[380]A-37-1, MG Efflandt: pg 16, "I'm not denying it was a high profile event. I didn't recognize the triggering point. We grew into that"' pg 17. "…we can't wait to be first with the truth…have some level of truth and

10 June 2020

Fort Hood Public Affairs Office published the second of ten media releases. This release included an update of the search translated to Spanish.[381]

(b) (6), (b) (7)(C) informed (b) (6), (b) (7)(C), he had spoken to (b) (6), (b) (7)(C), who now concurred with submitting the DD Form 2812 and moving forward with the "missing" designation.[382] However, 3CR did not initiate actions through CAC or directly to CMAOD to begin a "missing" determination process.[383]

(b) (6), (b) (7)(C), (b) (5)

transparency in there, and then you don't exercise these other things, then you create a vacuum that the social media just fed on… They fed on the vacuum, so the scope of things that Fort Hood needs to fix grew beyond what I think was factually grounded… Not early on, no, sir. I'd be first with the truth." pg 30 "We'd respond to the query, we thought that was appropriate and it wasn't adequate."; B-4-12, (b) EXSUM - Congresswoman Garcia 8 Jun: pg 1, "It was clear that (b) (6) has a lack of trust in the Army's investigation and actions up to this point."; B-4-9, PAO Message Visualization.

[381]B-4-13, Fort Hood Media Release dated 10 Jun (English and Spanish): Fort Hood officials provide update on search efforts.

[382]B-3-32, email: SPC Guillén: Draft DD Form 2812, Missing Designation.

[383]A-115-1, (b) (6), (b) (7)(C): pg 3, "through the month of May … I reached out to the unit, and asked, hey, are you going to declare her missing … and he (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) is not going to do that right now, we're doing something else."; A-115-1, (b) (6), (b) (7)(C): pg 3, "through the month of May … I reached out to the unit, and asked, hey, are you going to declare her missing … and he (b) (6), (b) (7)(C) said the command is not going to do that right now, we're doing something else."; A-59-1, (b) (6), (b) (7)(C) pg 2, regarding a 3CR request, "Not to my knowledge. No commander made that decision."; A-85-1, (b) (6), (b) (7)(C): pg 2, "I never received an official request" based on the results of a 15-6 or other commander determination.

[384]A-59-1, (b)(6), (b) : pg 2, "new facts weren't really developed until, you know, very late in the game.".

[385]A-85-1, (b) (6), (b) (7)(C) : pg 4.

[386]A-85-1, (b) (6), (b) (7)(C) : pg 6, "I reached out to the provost marshal's office down there; I reached out to Quantico. I just wanted somebody to tell me, "Hey, her absence is involuntary," and I never got that.".

[387]A-23-1 (b) (6), (b) (7)(C): pg 2, "I believe the unit was providing us with the information that they had … and I don't want to imply that they were withholding information but what they were providing wasn't the type of information that would under the AR 638-8 construct, flip this into a DUSTWUN.".

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

(b) (6), (b) (7)(C), (b) (5)

15 June 2020

CID published the fourth of seven media releases; increasing the reward for information to $25,000.[390]

The Guillén family retained Ms. Natalie Khawam as the family attorney.[391]

16 June 2020

3CR coordinated for Texas EquuSearch to conduct sonar searches of smaller lakes in the area: Tank Wash Lake, Bird Lake, and Bird Bath Lake.[392]

[388]A-59-1, (b) (6), (b) (7)(C), (b) (5) (b) (6), (b) (7)(C), (b) (5).".
[389]A-59-1 (b) (6), (b) (7)(C): pg 2, (b) (6), (b) (7)(C) A-42-1, pg. 2.
[390]B-4-14, CID Media Release 15 Jun: Reward increased: Missing Fort Hood Soldier.
[391]B-4-15, (b) EXSUM - Congresswoman Garcia 16 Jun: pg 1, "Ms. Khawam, introduced herself as an attorney and announced that she now represented the Guillén Family as of 15 JUN 20.".
[392]A-168-1, (b) (6), (b) (7)(C) pg 5; A-89-1, (b) (6), (b) (7)(C) pg 28-30.

18 June 2020

Fort Hood Public Affairs Office published the third and fourth of ten media releases. These releases announced initiation of a 3CR sexual harassment investigation and highlighted the continued aggressive search efforts.[393]

19 and 22 June 2020

3CR learned there were several posts from moderators and others on the #findvanessaguillen social media pages that alleged SPC Guillén was being held in tunnels under Fort Hood. The first mention had been on 02 June 2020.[394] In response to the tunnel allegations, the RES – with 3CR Geospatial Intelligence experts, the Provost Marshal, CID – coordinated with DPW Environmental biology and conservation experts to conduct analysis of natural caves on Fort Hood in order to determine the potential likelihood of a Trooper falling in. The RES, CID, and DPW Environmental conducted a targeted search of eight caves, yielding no results.[395]

21 June 2020

The first planned public engagement focused on SPC Guillén, other than a press release, was a pre-recorded Facebook video by MG Efflandt posted on 21 June, 60 days after the disappearance. The message focused on Fort Hood showing care and compassion.[396]

AR 360-1 requires commands to have a designated spokesperson, though it is not required to be in writing. There was no consensus among (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) as to who was the

[393]B-4-16, FT Hood Media Release 18 Jun SH Investigation: 3CR (b) initiates an investigation; B-4-17, Ft Hood Media Release 18 Jun Aggressive Search: 3CR continues to aggressively search.
[394]A-89-1, (b) (6), (b) (7)(C) pg 41; B-3-77, #FindVanessaGuillén Screenshots (pg. 5): re: allegation's by (b) (6) (b) (7)(C) held in caves/tunnels on FHTX.
[395]A-89-1, (b) (6), (b) (7)(C) pg 39-41.
[396]A-15-1, (b) (6), (b) (7)(C): pg 26. "I remember that [MG Efflandt Public Service Announcement 21 Jun]. That was on Facebook. I recall that… Yeah, I think the discussion was that with all the family attorney and basically bashing us in the family holding these gatherings calling to shut down Fort Hood and we are not doing enough, that prompted that video to show some type of compassion to the family. And we were doing something; A-71-1, (b) (6), (b) (7)(C): pg 5, "And it kind of just developed in a conversation, a group conversation; and that was our final idea, was we needed to put out the video on social media, because the video would do better on social media than still photos... So we decided to do the video. At that point III Corps had been the ones to put out the press release. We decided it would be crucial; and since the headquarters was putting out the press release just to have the DCG headquarters on there to put out the PSA… And I had a conversation with General Efflandt and we posted it that weekend."; A-98-1, (b) (6), (b) (7)(C): pg 25, "He did [recalls MG Efflandt's video]…More in the lane of a command information video of--we put out the words and the video always balances better in social media than a straight up press release document.".

designated spokesperson for Task Force Phantom. There was no spokesman designated in writing.[397]

23 June 2020

Congresswoman Garcia publically stated that the Army "suspected foul play" in the SPC Guillén case.[398]

Fort Hood Public Affairs Office published the fifth of ten media releases. This release announced [Fort Hood was going to provide] an update to the Congressional Delegation and Guillén family.[399]

The first time MG Efflandt met with the Guillén family, (b) (6) (b) (6), respectively, was during the 23 June meeting with Congresswoman Garcia at Fort Hood.[400]

[397]A-117-1, (b) (6), (b) (7)(C) pg 37, "I want to say the short answer is no [was there a spokesman for III Corps?]; A-125-1, (b) (6), (b) (7)(C) pg 5, "…we did not have a designated representative out speaking for the command."; A-66-1, (b) (6), (b) (7)(C) pg 3, "We really didn't have a spokesman per se."; A-71-1 (b) (6), (b) (7)(C): pg 2, "I guess it would've been (b) (6), (b) (7)(C) .[Anything in writing that designated them?] No; A-90-1, (b) (6), (b) (7)(C) pg 7, "No.[does not recall if there was a designated spokesman for III Corps]"; A-98-1, (b) (6), (b) (7)(C) pg 27, "I don't think so [is there a designated spokesperson?]. I think its situational dependent.".

[398]"Houston Rep. Sylvia Garcia: Army suspects foul play in case of missing Fort Hood soldier," https://www.houstonchronicle.com/news/houston-texas/texas/article/sylvia-garcia-fort-hood-soldier-vanessa-guilen-15360765.php, Sig Christenson, 23 JUN 20.

[399]B-4-18, Ft Hood Media Release 23 Jun: FT Hood Leadership update to Congressional delegations.

[400]A-37-1, MG Efflandt: pg 6, "That sounds right. I don't know the exact date, that sounds right because I think we did the briefing to the family on 22 June and CID said "we suspect foul play", they made a declarative statement. There was the first press conference right after that and that took things to a new tier."; B-4-19, Congresswoman Garcia CODEL EXSUM 23 Jun.

24 June 2020

In a presser, (b) (6) alleged (b) (6) was being held in a cave or tunnel complex on Fort Hood.[401] Responding to social media allegations, the RES, CID, and DPW Environmental had already searched eight caves 4-5 days prior.[402]

25 June 2020

(b) (6) informed MG Efflandt of his intent, "pending final coordination and guidance," to "move PFC Vanessa Guillén from AWOL into a DUSTWUN status."[403] (b) (6), (b) (7)(C) added that he would "lead this effort personally" and that he "believe[d] the Regiment's extensive search efforts and CID's determination of the case at this point both support that PFC Guillén's disappearance is an involuntary absence."[404]

26 June 2020

On Friday, 26 June (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), who concurred that the public announcement of suspected foul play was sufficient evidence of involuntary absence, and that the unit should initiate a request to designate SPC Guillén as missing / DUSTWUN "soonest."[405]

Fort Hood Public Affairs Office published the sixth of ten media releases. This release included an update on search efforts translated into Spanish.[406]

29 June 2020

[401] A-89-1, (b) (6), (b) (7)(C) pg 36-42; MSN article (in Spanish), 27 June: https://www.msn.com/es-us/news/other/madre-de-vanessa-guill%C3%A9n-pide-a-autoridades-de-fort-hood-que-busquen-en-t%C3%BAneles-bajo-tierra-de-la-base/ar-BB162lal?li=BBqdrQU&srcref=rss, This article was re-published in 4 major Spanish speaking markets (i.e. Los Angeles, New York,). The article references the emotional press engagement (b) (6) made at the Fort Hood on June 24. Can also be viewed here, starts around minute marker 12:20 and is all in Spanish without real-time translation, https://www.youtube.com/watch?reload=9&v=5-3ZwBn2DUI, Google's translation: "Why don't they close the base and the whole organization goes searching in tunnels…what are they hiding in the tunnels? If they don't hide anything, let that damn base be closed and let people I trust enter the tunnels, the ships, everything, everything; to those buildings with the tunnels below. What are they hiding?".
[402] A-89-1, (b) (6), (b) (7)(C) pg 41.
[403] B-3-38, email: PFC Guillén status update: (b) (6) to MG Efflandt (25 JUN 20).
[404] B-3-38, email: PFC Guillén status update: (b) (6) to MG Efflandt (25 JUN 20).
[405] A-23-1, (b) (6), (b) (7)(C) pg 2, "Sometime around 24 or 25, 26 June … we were included on a larger note, if I remember correctly, (b) (6), (b) (7)(C) said that the investigation was going to cite foul play as the reason for PFC Guillén's absence and that the unit was looking to change her duty status from AWOL to missing."; B-3-34, email: (Info/Action); FW: PFC Guillén; FW: Update (INFO) 3CR Missing Trooper.
[406] B-4-20, Ft Hood Media Release 26 Jun: 3CR leaving no rock unturned in search.

On 29 June, (b) (6), (b) (7)(C) informed Fort Hood and 3CR leaders of his discussion with (b) (6), (b) (7)(C), the requirement to submit an SIR through the Fort Hood CAC, and a requirement to notify the Guillén family within four hours of submission.[407]

30 June 2020

On Tuesday, o/a 1157, the 3CR S1 submitted an updated SIR to the Task Force Phantom G1, Fort Hood CAC, and CMAOD. Fort Hood CAC submitted the DUSTWUN casualty report to CMAOD o/a 1330.[408] CMAOD submitted CCIR #48 (Duty Status Change from AWOL to DUSTWUN) to the TAG o/a 1759. The CCIR informed TAG that "information derived from investigating authorities have indicated that their belief is that PFC Guillén's absence is a result of foul play. Based on this information Regimental Command has updated the family indicating they are changing her accountability status from AWOL to DUSTWUN…a Casualty Assistance Officer has been assigned to be a liaison and provide updates as they occur to the family."[409]

(b) (6), (b) (7)(C) deleted the AWOL entry, via DA 4187, changing SPC Guillén's duty status to "missing as of 1130-1230 22 April 2020 until present."[410] At the direction of (b) (6), (b) (7)(C) changed SPC Guillén's duty status from AWOL to Missing in eMILPO o/a 2054, with an effective date of 23 April.[411] The 3R S1 and Task Force Phantom G1 completed actions to reinstate SPC Guillén's pay effective 23 April, and promotion to SPC effective 11 June.[412]

CID published the fifth of seven media releases. This release announced unidentified remains had been found.[413]

At approximately 1708, (b) (6), (b) (7)(C) was contacted telephonically by CID. (b) (6), (b) (7)(C) requested the RES keep SPC Robinson under guard and not let him out of sight; CID wanted to speak with SPC Robinson at some later point.[414] (b) (6), (b) (7)(C) telephoned (b) (6), (b) (7)(C), o/a 1712, and directed him to have an NCO watch SPC Robinson for the next 24-hours. SPC Robinson was already restricted to the barracks and under quarantine, as a Soldier he worked-out with had been diagnosed

---

[407]B-3-34, email: (Info/Action); FW: PFC Guillén; FW: Update (INFO) 3CR Missing Trooper.
[408]B-3-35, email: FW: PFC Guillén, Vanessa; B-3-41, 652066 Guillén_Vanessa 10768777 Guillén Vanessa Initial DUSTWUN Report.
[409]B-3-36, email: FW: PFC Guillén, Vanessa.
[410]B-3-37, DA 4187 -- SPC Guillén to missing.
[411]A-27-2, (b) (6), (b) (7)(C) pg 4, "We got that from (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) had to sign that, (b) (6), (b) (7)(C). Based on what he was getting from CID, I just had that paperwork."; B-3-8, eMILPO transactions: SPC Guillén: 30 JUN 20, to missing.
[412]A-27-2, (b) (6), (b) (7)(C) pg 4, "spoke directly to the Corps G-1 to help me promote her in the system as well and generate and update the code … (b) (6), (b) (7)(C) assisted with that."; B-3-16, DA 4187 -- Promotion to SPC; B-3-34, email: (Info/Action); FW: PFC Guillén; FW: Update (INFO) 3CR Missing Trooper.
[413]B-4-21, CID Media Release 30 Jun: CID releases new information in search for SPC Vanessa Guillén.
[414]A-132-3, (b) (6), (b) (7)(C) pg 12-13.

with COVID-19.[415] (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) not to notify SPC Robinson he was being restricted for CID, but to tell him it was related to breaking COVID-19 quarantine protocol.[416]

O/a 1720, (b) (6), (b) (7)(C) notified (b)(6), (b)(7)(C), on-duty as the RES Staff Duty (b) until 0700 the next morning, of the impending watch over SPC Robinson that would be in the A/RES Conference Room. He instructed (b)(6), (b) to spot check the watch throughout (b)(6),(b) shift.[417]

(b) (6), (b) (7)(C) telephoned (b) (6), (b) (7)(C), o/a 1729 to see if he could take the first shift watching over SPC Robinson. (b)(6), (b)(7)(C), A/RES, would relieve him in 2-3 hours.[418]

(b) (6), (b) (7)(C) notified SPC Robinson o/a 1730 that he was being restricted for violating COVID-19 quarantine protocols.[419] At approximately 1734, (b) (6), (b) (7)(C) escorted SPC Robinson to the RES Staff Duty area, and instructed (b) (6), (b) (7)(C) to guard Robinson until the first guard from A/RES arrived. (b) (6), (b) (7)(C) was in direct eyesight of Robinson the entire time while SPC Robinson was under Staff Duty watch.[420]

(b) (6), (b) (7)(C) arrived in uniform, unarmed, at the A/RES area between 1745 and 1755, and met with (b) (6), (b) (7)(C) in the (b) (6), (b) (7)(C) office. (b) (6), (b) (7)(C) provided instructions to (b) (6), (b) (7)(C): SPC Robinson was to remain in the conference room, observed at all times. He could go to the bathroom, shower, or his room if needed, but under escort.[421] At approximately 1755, (b) (6), (b) (7)(C) instructed SPC Robinson to go to his room and get a blanket, sleeping bag, and whatever else he would need to spend the night in the conference room. (b) (6), (b) (7)(C) escorted SPC Robinson to his room and returned without incident. SPC Robinson entered the conference room carrying his blanket in a garbage bag.[422]

The conference room door, the only entry/exit point, remained open. SPC Robinson was in civilian clothes, in possession of a cell phone which he was actively on throughout his time under guard, and wearing on-ear headphones. His demeanor was described as relaxed, but upset about having to be under guard.[423]

---

[415]A-111-1, (b) (6), (b) (7)(C): pg 10; A-132-3, (b) (6), (b) (7)(C): pg 14-16; A-81-1, (b) (6), (b) (7)(C): pg 3-4.
[416]A-111-1, (b) (6), (b) (7)(C): pg 10; A-132-3, (b) (6), (b) (7)(C): pg 14-16; A-81-1, (b) (6), (b) (7)(C): pg 3-4.
[417]A-132-3, (b) (6), (b) (7)(C): pg 16-17; A-2-1, (b) (6), (b) (7)(C): pg 3.
[418]A-121-1, (b) (6), (b) (7)(C): pg 1-2.
[419]A-132-3, (b) (6), (b) (7)(C): pg 16; A-2-1, (b) (6), (b) (7)(C): pg 2.
[420]A-2-1, (b) (6), (b) (7)(C): pg 2.
[421]A-121-1, (b) (6), (b) (7)(C): pg 3; A-81-1, (b) (6), (b) (7)(C): pg 3-4.
[422]A-81-1, (b) (6), (b) (7)(C): pg 4.
[423]A-19-1, (b) (6), (b) (7)(C): pg 2&3; A-2-1, (b) (6), (b) (7)(C): pg 2&4; A-81-1, (b) (6), (b) (7)(C): pg 5.

At approximately 1820 – and every 20-25 minutes thereafter, until around 2140 – (b) (6), (b) (7)(C) conducted an unannounced spot check of SPC Robinson. (b) (6), (b) (7) was obvious about observing the conference room as (b) (6), (b) walked by, to reinforce to SPC Robinson that he was being monitored, beyond just (b) (6), (b) (7)(C).[424]

(b) (6), (b) (7)(C) departed the RES area o/a 1829, and would not return until after SPC Robinson fled.[425]

SPC Robinson requested to go to his barracks room and retrieve his Nintendo DS and charger o/a 1832. (b) (6), (b) (7)(C) escorted SPC Robinson to the second floor of Bldg. 9421, and maintained observation of his actions in the room. They returned to conference room without incident.[426]

(b) (6), (b) (7)(C) escorted SPC Robinson to the male latrine adjacent to the conference room and returned without incident o/a 1850.[427]

(b) (6), (b) (7)(C) entered the conference room o/a 1903 to see if they needed anything. (b) (6), (b) (7)(C) was sitting on the couch, SPC Robinson was sitting at the conference room table. Neither made any requests, so (b) (6), (b) (7)(C) departed and returned to the RES Staff Duty desk.[428]

O/a 2045, (b) (6), (b) (7)(C) arrived in uniform, unarmed, to relieve (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) had not returned; therefore, he was not present to in-brief (b) (6), (b) (7)(C) as he assumed guard duty. Outside the conference room – away from SPC Robinson's hearing, but still in sight - (b) (6), (b) (7)(C) conducted a handover brief with (b) (6), (b) (7)(C), passing on (b) (6), (b) (7)(C) instructions: SPC Robinson was to remain in the conference room, observed at all times. He could go to the bathroom, shower, or his room if needed, but under escort.[429]

At approximately 2100, (b) (6), (b) (7)(C) departed the A/RES area.[430] O/a 2103, (b) (6), (b) (7) (b) (6), (b) (7)(C) notified (b) (6), (b) (7)(C) via group text that he had been relieved and (b) (6), (b) (7)(C) was on duty.[431] (b) (6), (b) (7)(C) also notified (b) (6), (b) (7)(C) that the handover between (b) (6), (b) (7)(C) was complete without incident o/a 2105.[432]

---

[424]A-2-1, (b) (6), (b) (7)(C): pg 2.
[425]A-121-1, (b) (6), (b) (7)(C): pg 2&10.
[426]A-121-1, (b) (6), (b) (7)(C): pg 3-4&9.
[427]A-121-1, (b) (6), (b) (7)(C): pg 3-4&9.
[428]A-121-1, (b) (6), (b) (7)(C): pg 9; A-2-1, (b) (6), (b) (7)(C): pg 3-4.
[429]A-121-1, (b) (6), (b) (7)(C): pg 5; A-19-1, (b) (6), (b) (7)(C): pg 2.
[430]A-121-1, (b) (6), (b) (7)(C): pg 5; A-19-1, (b) (6), (b) (7)(C): pg 2.
[431]A-111-1, (b) (6), (b) (7)(C): pg 13.
[432]A-2-1, (b) (6), (b) (7)(C): pg 4.

(b) (6), (b) (7)(C) entered the conference room o/a 2108 to see if they needed anything. (b) (6), (b) (7)(C) was sitting on couch, SPC Robinson was sitting at the conference room table. Neither made any requests, so (b) (6), (b) (7)(C) departed and returned to the RES Staff Duty desk.[433] (b) (6), (b) (7)(C) spot checked SPC Robinson without incident, and returned to the RES Staff Duty desk o/a 2115 and again o/a 2140.[434]

O/a 2150, SPC Robinson requested to use the latrine in his barrack's room. (b) (6), (b) (7)(C) accommodated his request and escorted Robinson to his room. After using the latrine, SPC Robinson spent a couple of minutes looking for something in his room but failed to find it; (b) (6), (b) (7)(C) did not know what he was looking for. SPC Robinson knowingly left the Nintendo DS in his barrack's room.[435]

(b) (6), (b) (7)(C), sent a group text message o/a 2158, "Just got off the phone with the (b) (6), (b) (7)(C). To be clear, if SPC Robinson leaves his new quarantine circumstances, tackle his ass and call the MPs." (b) (6), (b) (7)(C) was not on any of the leadership group chats, and did not receive this message.[436]

Approximately 2200, (b) (6), (b) (7)(C) and SPC Robinson returned to the conference room without incident. Immediately upon returning, (b) (6), (b) (7)(C) sat on the couch and SPC Robinson took a seat at the table. (b) (6), (b) (7)(C) believed SPC Robinson had called his mother, and recalled overhearing SPC Robinson say, "Don't believe what you hear about me."[437] SPC Robinson made or received a call o/a 2201, and was whispering into his phone; (b) (6), (b) (7)(C) could not discern what was being said.[438]

At approximately 2202 to 2204, SPC Robinson moved to the conference room door and began slowly pacing back and forth, occasionally leaning on the door. (b) (6), (b) (7)(C) verbally directed SPC Robinson that he needed to get away from the door and sit down. After a couple more warnings from (b) (6), (b) (7)(C), SPC Robinson sat down.[439]

SPC Robinson fled the conference room, escaping o/a 2205. (b) (6), (b) (7)(C) attempted to pursue, and then notified (b) (6), (b) (7)(C) of SPC Robinson's escape.[440]

(b) (6), (b) (7)(C), sitting at the RES Staff Duty desk, heard a loud bang – like a door slamming – at approximately 2205 to 2208. (b) (6), (b) (7)(C) ran towards the noise and

[433]A-19-1, (b) (6), (b) (7)(C): pg 2&4; A-2-1, (b) (6), (b) (7)(C): pg 4.
[434]A-2-1, (b) (6), (b) (7)(C): pg 2&5.
[435]A-19-1, (b) (6), (b) (7)(C): pg 8-9.
[436]A-111-1, (b) (6), (b) (7)(C): pg 13.
[437]A-19-1, (b) (6), (b) (7)(C): pg 3.
[438]A-19-1, (b) (6), (b) (7)(C): pg 3.
[439]A-19-1, (b) (6), (b) (7)(C): pg 4.
[440]A-19-1, (b) (6), (b) (7)(C): pg 4.

observed a black male in civilian clothes running away from the RES area. Due to the limited visibility (b) (6), (b) (7)(C) could not determine if it was SPC Robinson. (b) (6), (b) (7)(C) ran to the empty conference room, then back outside where she met with (b) (6), (b) (7)(C). He informed her that SPC Robinson has fled. (b) (6), (b) (7)(C) notified (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) of SPC Robinson's escape.[441]

MPs arrived on scene at approximately 2210.[442] Local and national news quickly reported SPC Robinson, a suspect in the disappearance and murder of SPC Guillén, committed suicide.[443]

1 July 2020

CID published the sixth of seven media releases. This release named suspects.[444]

Fort Hood Public Affairs Office published the seventh of ten media releases. This release announced a 2 July press event.[445]

[441]A-2-1, (b) (6), (b) (7)(C) : pg 6.
[442]A-19-1, (b) (6), (b) (7)(C) : pg 4.
[443] Thayer, Rose L. (2020, July 1) Fort Hood soldier suspected in disappearance of Spc. Vanessa Guillen kills himself after human remains found. Retrieved from https://www.stripes.com/news/us/fort-hood-soldier-suspected-in-disappearance-of-spc-vanessa-guillen-kills-himself-after-human-remains-found-1.635883; KHOU 11 Staff. (2020, July 1) Disturbing details reveal what happened to Vanessa Guillen the night she disappeared from Fort Hood: Authorities say 20-year-old Spc. Aaron David Robinson killed himself as officers moved in to arrest him. Retrieved from https://www.khou.com/article/news/local/vanessa-guillen/vanessa-guillen-update-coming-from-fort-hood-on-thursday/285-4fad41df-19e7-4b08-81a5-eb424db9b49b.
[444]B-4-22, CID Media Release 1 Jul: Guillén Investigation Update.
[445]B-4-23, Ft Hood Media Release 1 Jul: Ft Hood Senior Commander hosts press conference.

2 July 2020

Fort Hood Public Affairs Office published the eighth of ten media releases. This release included a Fort Hood senior leader update translated into Spanish.[446]

The first planned live event by Task Force Phantom was a press conference by MG Efflandt and (b) (6), (b) (7)(C) on 2 July, 71 days after the disappearance. They provided an update on the investigation, and discussed the discovery of unidentified remains. This engagement was assessed by OCPA and the FORSCOM, Fort Hood, and CID PAO teams as not well executed. Specifically, it appeared insincere and was executed inconsistently.[447]

3 July 2020

Upon identification of SPC Guillén's remains, the Fort Hood CAC submitted an updated casualty report of "deceased" to CMAOD on 3 July.[448]

6 July 2020

CID published the final of seven media releases. This release confirmed identification of the remains as SPC Guillén.[449]

Fort Hood Public Affairs Office published the ninth of ten media releases. This release confirmed identification of the remains as SPC Guillén, translated into Spanish.[450]

---

[446]B-4-23, Ft Hood Media Release 1 Jul: Ft Hood Senior Leader, CID discuss investigation.
[447]A-117-1, (b) (6), (b) (7)(C): pg 17, "And that's really, and there was a couple of, you know, reporter's questions that got cut off and like that, but that's a very unfortunate tone from an outsider looking in that played into the "Fort Hood is covering this."; A-15-1, (b) (6), (b) (7)(C): pg 26, "Terrible [Assessment of the 2 Jul press conference] because--we couldn't speak a lot because of the investigation. I think it was--you know, he made some mistakes--where General Efflandt made some mistakes is I think he kept calling it Fort Bliss or something. I don't remember what it was. He made a couple of mistakes. And it just wasn't sincere, I think... It did not come across sincere. It was checking a block, I want to say."; A-57-1, (b) (6), (b) (7)(C): pg 12, "No, this is July 2nd. This is when we knew we had human remains and it had not been identified yet and there were issues between the lawyer and the family getting information or not getting information based on what was allowed by law. And the (b) (6), (b) (7)(C), (b) (5) (b) (6), (b) (7)(C), (b) (5) And at that time he didn't have any new facts. And you saw--I mean, if you've watched it, it became a hostile interview that wasn't protected."; A-6-1, (b) (6), (b) (7)(C): pg 14 "I think by that point, it went about as well as it could be expected which is to say it was a train wreck."; A-97-1, (b) (6), (b) (7)(C): pg 23, "Good guy, but I think (b) (6), (b) (7)(C) came out a little aggressive and it didn't come across well."; A-98-1, (b) (6), (b) (7)(C): pg 8, "...was just was it the right time to do it...".
[448]B-3-42, 652066 Guillén_Vanessa 10769735 Guillén Vanessa Initial STACH Report.
[449]B-4-25, CID Media Release 6 Jul: SPC Vanessa Guillén's remains identified.
[450]B-4-26, Ft Hood Media Release 6 Jul: Remains positively identified. English and Spanish.

17 July 2020

Fort Hood Public Affairs Office published the final of ten media releases. This release announced the Memorial Service for SPC Guillén.[451]

The first time MG Efflandt met (b) (6) was the unit memorial service on 17 July.[452]

September 2020

3CR published a revised Missing Trooper Battle Drill.[453]

b. **Facts Pertaining to Family and Media Engagements.**

The command required Spanish translation services to effectively communicate with (b) (6).[454] During 3CR engagements with the Guillén family, the unit used two medics to assist with Spanish translation for the command.[455] A significant inaccurate and erroneous narrative was being promoted by Spanish media outlets. Three of the Fort Hood media releases – on 10 and 26 June, and 2 July – were translated into Spanish. These conditions led Fort Hood to request additional Spanish translation capabilities.[456]

---

[451]B-4-27, Ft Hood Media Release 17 Jul: Brave Rifles mourn SPC Guillén at Memorial Ceremony.
[452]A-37-1, MG Efflandt: pg 13, "..the only deliberate decision on engagement [of the Guillén Family] was at the memorial.".
[453]B-3-75, 3CR Missing Trooper Battle Drill .
[454]A-43-1 (b) (6), (b) (7)(C) pg 10, "…he other reason for that, we knew that (b) (6) didn't speak English well and by luck (b) (6), (b) (7)(C) are both native Spanish speakers, so I would have had to use them anyway to translate.".
[455]A-40-1, (b) (6), (b) (7)(C) pg 1, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) ." And pg 2 "That I was going to serve as a translator for the CG and the (b)(6), A-54-1, (b) (6), (b) (7)(C) pg 1, (b) (6), (b) (7)(C) And pg 2. "They're like hey, (b) (6), (b) (7)(C), we need you as translator for the Guillén case for the family.".
[456]A-36-1, (b) (6), (b) (7)(C): pg 13, "So we wanted to make sure that we didn't let too much information out that could tip off a potential suspect. And again, the families, we didn't want to come out and be adversarial or confrontational to the families, so we were willing to take a couple of shots so to speak in social media in order to protect the family and protect the family's feelings."; A-37-1, MG Efflandt: pg 14, "But when you have the first two events where you don't state the jurisdiction and have some level of truth and transparency in there, and then you don't exercise these other things, then you create a vacuum that the social media just fed on. They fed on the vacuum, so the scope of things that Fort Hood needs to fix grew beyond what I think was factually grounded."; A-71-1, (b) (6), (b) (7)(C): pg 4-5, "It was prior to Salma Hayek tweeting. Although, part of me as a media manager, we kept monitoring it in social media and we were watching it grow as well… There was a lot of misinformation so we wanted to put something out that would hopefully correct some of that information. " pg 6, "There wasn't an engagement plan. At this point we were a bit overwhelmed with just keeping up with information at this point." pg 9, "We initially asked for help with social media, and then I also asked for help with Spanish speakers, because a lot of it was on Spanish media. I just couldn't keep up with it by myself."; A-98-1, (b) (6), (b) (7)(C): pg 5. "That was when we started to see the surge of unit search activities. And part of that was being pushed out in response to

The Guillén family received unit information from one or more Soldiers in the unit.[457] During the 23 June press conference, (b) (6) made several references to "someone important" giving her information about the unit; in her view, this source confirmed the Army was lying to (b) (6) and covering up something.[458] (b) (6) had been able to get (b) (6), (b) (7)(C) phone number from (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), who had received the number from (b) (6), (b) (7)(C) .[459]

Through the first 60 days, no individuals were identified to interact with the media.[460] (b) (6), (b) (7)(C) in coordination with (b) (6), (b) (7)(C), determined that there should not be an in-person media engagement. The first video engagement was a Facebook Live video by MG Efflandt on 21 June expressing care and concern and asking for help finding SPC Guillén.[461]

It took 71 days after SPC Guillén disappeared for the first live public engagement, a press conference that occurred on 2 July, to take place.[462] The 2 July press conference was conducted by both MG Efflandt and (b) (6), (b) (7)(C) .[463] The Task Force Phantom/Garrison PAO office did not support executing this engagement.[464] MG Efflandt recalled that he was getting guidance for the press conference from higher headquarters, but did not recall if it was FORSCOM or HQDA.[465] Based on a statement

---

the social media blitz that the family and others were doing. And the rumors, misinformation at the time that the Army wasn't doing anything. And how do you push back on that? Without directly calling--guidance was given very early on from General Efflandt that family remarks would not be countered, directly.".

[457]A-163-1, Guillén Family 27OCT20: pg 3, (b) (6), (b) (7)(C) gave (b) (6), (b) (7)(C) phone number to (b) (6), (b) (7)(C) who gave it to (b) (6) .

[458]Congresswoman Garcia/Guillén Family Press Conference 23 June Video: https://www.fox7austin.com/video/699283.

[459]A-163-1, Guillén Family 27OCT20: pg 3, (b) (6), (b) (7)(C) gave (b) (6), (b) (7)(C) phone number to (b) (6), (b) (7)(C) who gave it to (b) (6) .

[460]B-4-9, PAO Message Visualization.

[461]See Citation 368 ((b) (6), (b) (7)(C) cite, pg 26 cite).

[462]B-4-9, PAO Message Visualization.

[463]B-4-24, Ft Hood Media Release 2 Jul.

[464]A-57-1, (b) (6), (b) (7)(C) pg 11, "The only thing that occurred that I would not have done is this press conference on the day that it was done…July 2nd."; A-98-1, (b) (6), (b) (7)(C) : pg 15, "The agreement had to be late June, because the press conference I think happened on 1 July was a direct result of that VTC, like you will do this General Efflandt.".

[465]A-37-1, MG Efflandt: pg 15, "Then, the third period up until my lateral movement, I don't know how to characterize it. It was a 'controlled environment' in terms of what we were allowed to message and when. So in our engagements, SITREPs -- and there was a difference of opinions, like tactics, everybody's got an opinion on tactics, and in the engagement SITREPS that we would send up, I would list as decision points. Most of them had to do with events that were going to be tied to public release of information like pursuing disciplinary action, appropriate action, or release of a 15-6. Like, for decision point, I plan to do this on this date, recognizing that there will be media package. During that phase, it was a controlled environment that was synchronized from the Department of the Army on down… One of the AAR comments in my notes was apparently we cut PAO slots from the Corps HQ a while back, maybe we need to relook that... So we were not as sphisticated as we should have been at Fort Hood.".

from BG Hannah, HQDA Chief of Public Affairs, the 2 July press conference was decided on based on consensus between HQDA, OCPA, FORSCOM and CID.[466]

MG Efflandt did not deny the disappearance of SPC Guillén was a high profile event. He did not recognize the trigger point that made the case high profile; the command's realization of the high profile nature of the disappearance grew or evolved over time. In addition, the command created a vacuum by not being first with transparent truth that was filled by a narrative in social media that was not factually grounded. In addition, MG Efflandt felt the media response early on was inadequate.[467]

According to (b) (6), (b) (7)(C), MG Efflandt's guidance early on was for the command to not contradict the Guillén family.[468]

(b) (6), (b) (7)(C) focused on providing social media manager / monitoring capability.[469] (b) (6), (b) (7)(C) work is evident on the PAO slide of the Task Force Phantom Operations and Intelligence (O&I) briefs detailing trends in social media regarding the disappearance of SPC Guillén. The garrison had (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) whose Position Description included management of the command's social media accounts and Fort Hood website. In times of crisis communication, this employee monitored multiple social media platforms and disseminated command-approved products to these platforms.[470]

According to (b) (6), (b) (7)(C), Fort Hood PAO monitored social media through software.[471] According to (b) (6), (b) (7)(C), Task Force Phantom / Fort Hood

---

[466]B-4-30, MFR OCPA.
[467]A-37-1, MG Efflandt: pg 16, "I'm not denying it was a high profile event. I didn't recognize the triggering point. We grew into that"' And pg 17. "…we can't wait to be first with the truth…have some level of truth and transparency in there, and then you don't exercise these other things, then you create a vacuum that the social media just fed on… They fed on the vacuum, so the scope of things that Fort Hood needs to fix grew beyond what I think was factually grounded… Not early on, no, sir. I'd be first with the truth. Pg 30 "We'd respond to the query, we thought that was appropriate and it wasn't adequate".
[468]A-36-1, (b) (6), (b) (7)(C): pg 14, "But I recall that aspect of not confronting the family in social media coming from General Efflandt."; A-98-1, (b) (6), (b) (7)(C): pg 19. "Not--in direct confrontation. If the family said this we were not going to come back and say the family was lying or had misinformation.".
[469]A-71-1, (b) (6), (b) (7)(C) pg 4, "Although, part of me as a media manager, we kept monitoring it in social media and we were watching it grow as well… And then the next conversation was what do we follow-up with; did we want to do another social media post, did we want to do an article, did we want to do a press release… I was tracking it in the Spanish media.".
[470]A-71-1, (b) (6), (b) (7)(C): pg 6, "We only had one social media manager, and between him and (b)(6), kind of split some of the responsibilities."; B-4-31, PD Public Affairs Specialist: pg 2-3, "…management of the command Social Media and internet website… In times of crisis communication, monitors multiple social media platforms and disseminates command approved products to these platforms.".
[471]A-57-1, (b) (6), (b) (7)(C): pg 21, "So there are several media monitoring programs out there. You need a real-time social media across the board monitoring system. There are two that I know of that are actually--that most of the others only cover like the top thousand sites. The one that our office uses is called Zignal Labs."; A-98-1, (b) (6), (b) (7)(C): pg 17, 'So by using our media analysis software that we have, again, they are watching this Spanish speaking Facebook social media sites.".

augmented the Task Force Phantom PAO staff with two additional Soldiers from Fort Bliss to help monitor social media. NCOs were also pulled from separate brigade elements, but their skill sets were not what was needed by Task Force Phantom PAO. Task Force Phantom / Fort Hood PAO also requested support through FORSCOM to OCPA for additional social media and Spanish-translation capabilities.[472] To help with social media capabilities, elements from the Theater Public Affairs Support Element were identified and committed to support Fort Hood, but that capability did not arrive until the first week of October. Fort Hood assessed that this additional capability also did not have the needed social media expertise.[473]

According to (b) (6), (b) (7)(C), social media activity known as doxxing - the public disclosure of private or identifying information of an individual, typically with malicious intent - challenged Task Force Phantom / Fort Hood and presented personal risk to Senior Leaders on Fort Hood. Doxxing negatively impacted three key leaders in particular: (b) (6), (b) (7)(C).[474]

According (b) (6), (b) (7)(C), Task Force Phantom / Fort Hood did not have written standard operating procedures or policy guidance for conducting public affairs functions and operations, to include how to operate during a crisis.[475]

According to MG Efflandt, BG Hannah and Mr. Brady, Deputy Chief of Public Affairs, gave him different advice.[476] This caused MG Efflandt to reach out to LTG White,

---

[472]A-71-1, (b) (6), (b) (7)(C) pg 9, "So we asked for Spanish speakers and we asked for social media assistance from FORSCOM…And so we brought (b) (6), (b) (7)(C) up to the headquarters to help us monitor social media, kind of do a rundown, a summary on what (b)(6), (b) was seeing in Spanish media. And we would ask for help with the social media aspect. And we did get two Soldiers from Fort Bliss who came to help monitor social media. At III Corps we pulled up the NCOs from our brigade separate, but it just wasn't necessarily what we needed. The skill set wasn't what we needed; so we had the people but not the skill set.".

[473]A-125-1, (b) (6), (b) (7)(C) pg 24. "My sense is that the request for actual help meaning like what resources, what additional resources or support you need was late when I came. It wasn't until this week that I just got the final folks of the TPASE (Theater Public Affairs Support Element) actually on the ground. This week. I still don't think we have anybody who is truly social media savvy outside of the folks who we have already pulled in our organization and we have asked for some expertise there on it. I don't think we have received that.".

[474]A-128-1, (b) (6), (b) (7)(C) : pg 5. "And there was a period of time where mv -- I and my family were receiving threats. (b) (6), (b) (7)(C) was receiving threats because, in social media, we were tied to the case, falsely of course…"; B-4-32, Task Force Phantom Analysis PAO 9 Sep: Slide (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

[475]A-71-1, (b) (6), (b) (7)(C) pg 13, "I don't think there was any SOP on how to handle a missing Soldier case."; A-98-2, (b) (6), (b) (7)(C) pg 4, "I have the guys still looking but we don't have a standard SOP. When it comes to a crisis, the standard, you like paper, you like pencils, the organization within our office we don't have SOP that doesn't apply here. This is a crisis, this is the information during a crisis, and this is how we operate during the crisis.".

[476]A-37-1, MG Efflandt: pg 12-13, "FORSCOM was supportive, but not really a voting constituent with its resources. When I talked to OCPA, if I talked to Amy, or talking to the Deputy, I could get two different directions of advice. But different perceptions of what actions should occur in the media space from

forward deployed with HQ, III Corps, and request the redeployment of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), o/a 4 July.[477]

According to (b) (6), (b) (7)(C), FORSCOM PAO was actively engaged with the disappearance of SPC Guillén from an early date. The FORSCOM PAO maintained situational awareness, reported critical information to the FORSCOM CG, and supported Task Force Phantom / Fort Hood PAO. FORSCOM was frustrated with the unwillingness of Fort Hood's PAO team to follow recommendations to actively engage. In addition, FORSCOM created an engagement plan on 16 June that was not fully implemented. [478]

LTG Quintas, FORSCOM DCG, assessed that SPC Guillén's case became a high-profile event in the June 2020 timeframe. Crisis action teams from OCPA, OCLL, PMG, FORSCOM, and Task Force Phantom began meeting regularly to better synchronize actions, with increased frequency as required to address specific events (announcement of identified remains, release of IG Inspection results, etc.). This included events held the 3-star level, led by either LTG Quintas or LTG Piatt (Director, Army Staff). FORSCOM also required increased frequency of reporting and increased detail to promote situational awareness from the brigade to HQDA levels.[479]

The Director of the Army Staff (DAS) directed the standing up of a Crisis Action Team (CAT) to address the disappearance of SPC Vanessa Guillén. The triggers for standing up this CAT were National level media interest and the Selma Hayek social media post. The DAS' guidance for the CAT was to help the unit with messaging. The purpose of the DAS CAT was to define the problem and make recommendations to Army Senior Leaders. There was a total of five (5) actual CAT meetings from 15 June

---

FHTX. To be fair, these differences may have been a function of elapsed time. Sometime during this when talking to LTG White he asked me if I need the Corps PAO to return from theater. Based on previous experience and I told him no but I said, I will the take the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)".

[477]A-117-1, (b) (6), (b) (7)(C): pg 4, "And so I left on July 2nd. I arrived back here at Fort Hood, Texas, July 4th, went into quarantine, and started immediately working on the Guillén case.".

[478]A-47-1, (b) (6), (b) (7)(C) A-6-1, (b) (6), (b) (7)(C): pg 6, "I think that's the counsel that (b) (6), (b) (7)(C) and the team there at Fort Hood were listening to is, hey, it's under investigation, we've got nothing else to say. I think some of the frustration that I felt was, well, you can say that you're looking for her or you can say that you care or you can show that you're not trying to hide things… The obvious frustration, I think (b) (6), (b) (7) at FORSCOM expressed this too and expressed it to (b) (6), (b) (7), if that's the case, what you're doing is not working. Try something else… I know that by this point, (b) (6), (b) (7) at FORSCOM was sharing my frustration in terms of engagement and we were just working on how creatively could we get them to the point where they're out."; A-71-1, (b) (6), (b) (7)(C); A-83-1, (b) (6), (b) (7)(C); A-97-1, (b) (6), (b) (7)(C): pg 1. "We knew fairly early on that CID had a very active role in this and they were taking the lead on the investigation… o, they kept us in the loop. I kept General Garrett--I would push notes to General Garrett as the situation changed to keep him--to keep him engaged." Pg 8. "Good guy, but I think he came out a little aggressive and it didn't come across well. By that point, we were all frustrated by some of the misinformation, rumors and speculation and what not."; B-4-33, FORSCOM Engagement Plan.

[479]A-164-1, LTG Quintas.

through 1 July. By the 2nd or 3rd meeting, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) stated that the CAT had no sense of how Task Force Phantom was handling the problem. The HQDA impression was that (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was engaged but "outgunned". Two tasks that came out of the CAT: 1) Directed FORSCOM and Task Force Phantom to develop a timeline for the disappearance of SPC Guillén, and 2) the CAT had to determine key and critical Army Senior Leader engagements with media and Congress. HQDA stressed that the unit and Task Force Phantom did not understand the magnitude of the event. According to (b) (6), (b) (7)(C), it was apparent to the team that there was a debate between CID and Task Force Phantom/3CR on who owned the information and what could be released. From the CAT lens, it seemed at the time that the unit was doing all they could but it had been brewing for so long that it could not be unraveled. In addition, the CAT was supposed to help with the preparations/questions for the Congresswoman Garcia's visit to Fort Hood. He admitted that the intent was to help arm the unit for the visit but likely created more burden for the unit.[480]

(b) (6), (b) (7)(C), (b) (6), (b) (7)(C) noted that in one of the SVTC (he could not remember exact date) (b) (6), (b) (7)(C) recalled that MG Efflandt made a statement noting that he did not understand why we (the Army) were treating this missing Soldier differently. MG Efflandt explained that his concern came from the precedent it was setting. The DAS responded that we never leave a fallen comrade.[481]

OCLL directly communicated with III Corps and provided guidance on congressional engagements reference the SPC Guillén's disappearance.[482] As commanders, MG Efflandt and (b) (6), (b) (7)(C) made decisions on and engaged with non-DoD parties.[483] (b) (6), (b) (7)(C) made decision on local law enforcement and Texas EquuSearch.[484] It is unclear at this point who made decisions on engaging LULAC and the Alianza Latina Internacional.

Task Force Phantom / Fort Hood did not initially know that the Guillén family was working League of United Latin American Citizens (LULAC), a Hispanic Organization focused on protecting the rights of Latinos. They realized LULAC was a key non-DoD party involved in the case when they participated in the 23 June Congresswoman Garcia visit to Fort Hood. Once recognized, Fort Hood immediately engaged LULAC specifically their local chapter. Fort Hood included them in their civic and community

[480]A-165-1, (b) (6), (b) (7)(C)
[481]A-165-1, (b) (6), (b) (7)(C)
[482]B-4-35, OCLL Task Force Phantom Email.
[483]A-37-1, MG Efflandt: pg 20, "I said, "okay, let the Corps be the face of that"; with the exception of Rep Garcia--a conversation, we had a dialogue with public affairs engagement we took on at III Corps."; A-88-1, (b) (6), (b) (7)(C) pg 29, "In regards to the family, I think I said I kind of took over comms with the family."; B-4-36, EXSUM REP Garcia CODEL FHTX.
[484]See Facts Page 50 "CID effectively coordinated for support with approximately 20 agencies to assist in searches, interviews and leads."

engagement and grew those engagements to include other non-DoD parties like the NAACP and the local Korean/American organization.[485]

The Task Force Phantom / Fort Hood leadership designated (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) to engage non-DoD parties at Fort Hood. (b) (6), (b) (7)(C) had community relations and congressional engagements in his portfolio.[486]

Between 22 April and 28 June, no PAO engagement plan or any other standard public affairs products were created at the Task Force Phantom / Fort Hood level.[487] On 11 May, (b) (6), (b) (7)(C), returned from Intermediate Level Education to the 3CR Headquarters. (b) (6), (b) (7)(C) assessed the situation and created a 3CR #findvanessaguillen social media plan, a battle drill, and a social media crisis action checklist to guide the response.[488] These guidance documents were not leveraged by 3CR, since verbal and email guidance from the Task Force Phantom / Fort Hood PAO was not to conduct any media engagements to protect the integrity of the investigation at all costs.[489]

In an email originating from the DAS' office, Senior Commander, Fort Hood was tasked, by Army Senior Leaders through FORSCOM, to develop a community engagement plan and provide updates.[490]

On 28 June, MG Efflandt approved an engagement plan to correct "2020 misinformation regarding FHTX." The plan aimed to inform key groups - such as the

---

[485]A-36-1, (b) (6), (b) (7)(C) pg 21, "So we knew that information was getting passed, just we weren't passing it directly. Which again, we learned a lot of lessons in two months. And that's some of the things that we are doing now; we've reached out to the local LULAC chapter and have improved the relationship with her, and including the organization in many more of the engagements that we had."; B-4-37, (b) (6), (b) (7)(C) email regarding events.

[486]A-36-1, (b) (6), (b) (7)(C) pg 1, "Again as the (b) (6), (b) (7)(C), support whatever the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) needs done. A lot of times I will backfill meetings that he can't attend for whatever reason. Normal deputy type duties and responsibilities. In addition to that I also have the portfolio of community relations, as well as Congressional delegations.".

[487]A-37-1, MG Efflandt: pg 14, "So there wasn't public affairs guidance initially because it wasn't an event, it was a Soldier missing, we're going to find her. Then, we generally responded to query because it's an ongoing investigation.".

[488]B-4-40, Email (b) (6), (b) (7)(C) .

[489]A-66-1, (b) (6), (b) (7)(C): pg 9, "(b) (6), (b) said that (b) (6), (b) (7)(C) was returning from doing battlefield circulation that day, and (b) (6), (b) had something prepared for him to look at to possibly release. I told (b) (6), (b) let me know when you release it, we'll push it out too... And (b) (6), (b) called me up that evening and said (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) doesn't want to say anything yet."; A-83-1, (b) (6), (b) (7)(C): pg 8, "But basically the guidance I had from (b) (6), (b) (7)(C) is that I did have to receive permission from him…I was sitting down with him kind of going over what was going on on social media, "Should we share something? What should we share?" But then also working with III Corps because we wouldn't release anything at our level before it was reviewed by CID, PAO, III Corps PAO. So there was never anything coming out of our office.".

[490]B-4-38, Email Tasking SMC Ft Hood: "Key tasks from ASLs: OPR FORSCOM; OCR PMG / CID, OCPA, OCLL, OTJAG, OGC, TIG: Direct Senior Commander, Fort Hood, TX, to develop a community engagement plan and provide weekly updates to ASL. Plan for first weekly ASL update during 8 JUL at 1300 EST – Meeting Invitation to follow.".

Guillén family, assigned Soldiers, civic leaders, and the general public - of the facts associated with SPC Guillén's disappearance, and address concerns expressed by third parties while protecting the integrity of the investigation. This was the first published command guidance to respond to the Guillén family, media, and non-DoD engagements.[491] Eight key actions associated with this plan were to:

1) Establish an Operational Planning Team (OPT) to meet at least twice weekly to brief MG Efflandt and Task Force Phantom CSM as an IPR and for decision. The media Work Group needed to meet daily except weekends. The 1st Cavalry Division Commanding General agreed to support the media work group with representation from his PAO shop.

2) Established Fort Hood CCIR to support the plan; Congressional queries, media narratives, by name attacks, etc.

3) Identified dates of execution against the activities in the plan.

4) Concurrently prepared supporting briefing materials. Designated (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), as the keeper of all products and iteration of the plan.

5) Resource the OPT and WG's to action the plan immediately, move at the speed of war. Identified offensive and defensive sections in the plan.

6) Identified best practices from MG Efflandt's time at Cyber Command that included: go to where the audience is (Instagram, Twitter, SnapChat); Facebook is for old people and they are not giving us a problem; if they needed software, then buy the license (outlined that TRADOC had done this for their COEs); have 1 or more counter # themes; recommended contacting (b) (6), (b) (7)(C), who offered to retransmit Task Force Phantom messages across their social media accounts and sites.

7) Guided that Task Force Phantom responses (especially on social media) must address the breadth of complaints, if not in volume then in scope.

8) Supported DIRLAUTH to OCLL for Congressional engagements. Provided guidance to go back to FORSCOM and ask specifically about engaging the CASA's and LULAC.

[491]B-4-39, Email MG Efflandt Move at the Speed of War.

c. **Facts Pertaining to the 3CR SHARP Program.**

The III Corps SHARP program office exercises oversight of the III Corps/ Fort Hood subordinate units' SHARP programs to include 3CR. Between approximately DEC 2018 until 01 April 2020, the III Corps/ Fort Hood SHARP program reported to the Director of the Fort Hood Ready and Resilient (R2) Program office. In reporting to the R2 program, the III Corps/Fort Hood SHARP program did not have direct, routine access to the III Corps/Fort Hood Commander.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C). "As (b) (6), (b) (7)(C) primary duty is policy enforcement and policy compliance."[492]

Until late 2019 (b) (6), (b) (7)(C) characterized the III Corps/ Fort Hood SHARP program as reactive and ineffective; a five on a scale of one to ten. He now assesses the III Corps/ Fort Hood program as trending positive.[493]

(b) (6), (b) (7)(C) is responsible for the execution of an effective 3CR SHARP Program. (b) (6), (b) (7)(C) published 3CR Policy Letter #3 (a combined policy) - Sexual Harassment/ Assault Response and Prevention (SHARP) and Special Victims Counsel (SVC) dated 06 JAN 20.[494] This policy articulates several main points: does not tolerate sexual harassment or sexual assault within 3CR, informs 3CR Soldiers that the retaliating against, or ostracizing Soldiers who make complaints, is not tolerated in 3CR, and if 3CR Soldiers witness or otherwise know of incidents of sexual harassment, they are obligated to act and mandated his subordinate commanders take prompt action to investigate all complaints of sexual harassment and sexual assault. (b) (6), (b) (7)(C) published 3CR Policy Letter #3 six months after he took command. Prior to publishing 3CR Policy Letter #3, (b) (6), (b) (7)(C) relied on his predecessor's SHARP policy.

The 3CR MTOE authorizes one full-time active duty SARC and one full-time DAC VA to assist in advocating, implementing and executing the 3CR SHARP Program. (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) 3CR SHARP Team also consists of: one Regimental Staff Judge Advocate, one Physician, nine Physicians Assistants, 222 Combat Medics, eight Chaplains, eight Chaplains Assistants and one Sexual Assault Medical Forensic Examiner.[495]

---

[492]A-45-1, (b) (6), (b) (7)(C) pg 18, "As (b) (6), (b) (7)(C), my primary duty is policy enforcement, policy compliance and the recommendations are just that." Enforcement is defined as actions taken to induce/compel compliance. Compliance is defined as conforming with requirements.

[493]A-45-1, (b) (6), (b) (7)(C) pg 20, "Serving in five different chairs, the lack of support for getting after collateral duty SARCS and VAs, lack of support for TEAL, 4833 misfires, I'd have to give it a 5." pg 10 When (b) (6), (b) (7)(C) was asked about recent progress and Major General Richardson" (b) (6), (b) (7)(C) stated, he "very much so" saw it as trending positive.

[494]B-6-14, 3CR Policy #3 SHARP and SVC 6 JAN 20.

[495]B-6-26, 3CR SHARP Enablers Matrix.

Additionally, (b) (6), (b) (7)(C) subordinate commanders and collateral duty SARCs and VAs are involved in the 3CR SHARP Program.

(b) (6), (b) (7)(C) stated he did not immediately have a "seat" at his commander's table from which he could advise (b) (6), (b) (7)(C) and rates (b) (6), (b) (7)(C) participation in the SHARP program as "a strong 5"[496] on a scale of 1 to 10.

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

(b) (6), (b) (7)(C). Subsequently, (b) (6), (b) (7)(C) to fulfill VA duties as a result of (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) retired in October 2020. (b) (6), (b) (7)(C) a trained Pioneer squadron SHARP asset, is currently serving as the (b)(6), (b).

Throughout the 3CR, subordinate commanders, leaders and Soldiers reported 3CR SHARP program information was posted on unit bulletin boards and included sexual assault and sexual harassment policies, victim services, victim's rights; definition of terms, and the names and contact information for unit and Regimental SARCs and VAs.

(b) (6), (b) (7)(C) conveys his intent for SHARP in his "People Line of Effort" in the 3CR Command Plan.[498] When questioned about (b) (6), (b) (7)(C), five of the seven current 3CR Squadron Commanders reported (b) (6), (b) (7)(C) verbally advocated the SHARP program.[499] One Squadron Commander recalled a January 2020 training meeting in which (b) (6), (b) (7)(C) stated, "If we understand one thing, it needs to be SHARP," but then noted "In the first six months of (b) (6), (b) (7)(C) all training was NTC related."[500] Another squadron commander stated, "SHARP was always present, but readiness for training, maintenance and Command Discipline Programs were emphasized more frequently."[501] A third Squadron Commander noted, "Over the last two months (JUN-JUL 2020) the SHARP Program and People have been my Commander's #1 priority. Prior to that maintenance, then training had been higher ranking priorities."[502] A troop commander shared, "People and taking care of Soldiers is

[496]A-60-1, (b) (6), (b) (7)(C) pg 8.
(b) (6), (b) (7)(C)
[498]B-6-27, 3CR Training Guidance 11NOV19.
[499]A-43-1, (b) (6), (b) (7)(C) A-A-11, (b) (6), (b) (7)(C) pg 2, "Emphasis on SHARP was always present, but readiness for training, maintenance and Command Discipline Programs were emphasized more frequently"; A-A-3, (b) (6), (b) (7)(C) pg 2, " (b) (6), (b) (7)(C) placed an emphasis on SHARP from the time (b) (6) arrived and that has increased in recent months."; A-A-7, (b) (6), (b) (7)(C) A-A-8, (b) (6), (b) (7)(C).
[500]A-A-3, (b) (6), (b) (7)(C).
[501]A-A-11, (b) (6), (b) (7)(C)
[502]A-A-8, (b) (6), (b) (7)(C) pg 3.

priority but often times the taskings and upcoming missions seem to overtake what will actually be the priority."[503]

When interviewed, four of the five Squadron Commanders did not recall SHARP being specifically mentioned in their initial counseling with (b) (6), (b) (7)(C), however, one recalled "emphasis being placed on treating other with dignity and respect" during his initial counseling.[504] Another Squadron Commander wrote, "(b) (6), (b) (7)(C) placed an emphasis on SHARP from the time he arrived and that has increased in recent months. It was apparent from the time we arrived in (b) (6), (b) (7)(C) that the Regiment had a problem and (b) (6), (b) (7)(C) provided guidance and prioritization, particularly post-NTC, to invest in "people", which included SHARP."[505] All reported SHARP as a discussion point in subsequent counseling sessions with an increased emphasis in the past 90 days (AUG-OCT 2020).[506] Many of the 14 Troop Commander's echoed these sentiments noting priorities frequently change.

Within 3CR, training on SHARP has been conducted per AR 350-1.[507] Additionally, all 3CR Squadron Commanders interviewed attended the Fort Leavenworth centralized battalion Pre-Command Course.[508] Half of the 3CR Troop Commanders interviewed reported attendance at the Fort Hood Company Commander / First Sergeant Course which includes a block of instruction on SHARP.[509]

Despite PCC attendance, Squadron and Troop commanders interviewed indicated a lack of understanding on how to support Soldiers who make sexual harassment or sexual assault complaints.[510] Troop commanders knew a reprisal plan is required

---

[503]A-A-14, (b) (6), (b) (7)(C) pg 3, "People and taking care of Troopers is priority but often times the taskings and upcoming missions seem to overtake what will actually be the priority.".
[504]A-A-11, (b) (6), (b) (7)(C) pg 2, (b) (6), (b) (7)(C) A-A-3, (b) (6), (b) (7)(C) pg 2, "Not in great detail in my first one"; A-A-7, (b) (6), (b) (7)(C) pg 2, "I do not recall SHARP being specifically mentioned in my initial counselling. Culture of dignity and respect was discussed."; A-A-8, (b)(6), (b)(7) pg 2, "In my first counseling it was not mentioned, FEB2020".
[505]A-A-3, (b) (6), (b) (7)(C) pg 3.
[506]A-A-11, (b) (6), (b) (7)(C) pg 2, "Since the additional attention on sexual assault and harassment in the last 90 days, more pointed discussion occurred during counseling."; A-A-3, (b) (6), (b) (7)(C) pg 2, "Yes. My most recent counseling we talked about it for 10 or 15 minutes." and " The (b) placed an emphasis on SHARP from the time he arrived and that has increased in recent months."; A-A-8 (b) (6), (b) (7)(C) Pg 2, "It was in writing in my most recent, September 2020.".
[507]A-88-1, (b) (6), (b) (7)(C) pg 19; See References: AR 350-1 dated DEC 17, pg 18, CH 2-8 para q, pg 45, CH 2-46 para cc and Table F-1 pg 175.
[508]A-A-3, (b) (6), (b) (7)(C) pg 3, "Beyond unit-led 350-1 training or the SHARP 360, little to none".
[509]A-45-1, (b) (6), (b) (7)(C) pg 36, "the company commanders on the installation need to go through a deliberate block of instruction at a pre-command course. It [has] to be more than an half of an hour." (b)(6) is stating all company grade commander go to a troop school prior to command and he believes more than a half hour of training at the course.
[510]A-A-15, (b) (6), (b) (7)(C) pg 5, "I will report the complaint directly to the SQDN SARC; A-A-5, (b) (6), (b) (7)(C) pg 3, "I do not recall any specific training on how to lead and support Soldiers who make complaints."; A-A-6, (b) (6), (b) (7)(C) pg 6, When asked about actions required for receipt of sexual harassment or sexual

following a Soldier's complaint, yet were not able to articulate specific actions required to support Soldiers who report.[511]

One troop commander noted, "I do not recall any specific training on how to lead and support Soldiers who make complaints."[512]

The 3CR SHARP program was not routinely briefed at the Regimental New Comers brief. (b) (6), (b) (7)(C) also reports he had "to fight" to get SHARP included in the program."[513] (b) (6), (b) (7)(C), reported it was not briefed at the September 2020 Regimental New Comers brief.[514]

(b) (6), (b) (7)(C) is responsible for the RES SHARP program. He published two SHARP policies shortly after assuming command in MAY 2019. His two SHARP policies, RES Policy Letter #6, Sexual Harassment Complaint Procedure and RES Policy Letter #7, SHARP Program are dated 29 May 2019. His policies expressed his commitment to the Army's policy against sexual harassment and sexual assault as well as communicated to his Soldiers sexual harassment and sexual assault would not be tolerated in his formation. RES Policies #6 and #7 prohibits the retaliation against and ostracizing of Soldiers who make complaints. The policies detailed how RES Soldiers can file complaints. The reporting policy for sexual harassment is found in RES policy letter #6 while the sexual assault reporting process is in located in RES policy #7. Assisting (b) (6), (b) (7)(C) and the RES SHARP program is (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) reports "I know for (b) (6), (b) (7)(C) …people really seem to respect the (b) (6), (b) (7)(C) when they talk to him."[515]

III Corps was unable to provide E/FST SHARP policies signed by (b) (6), (b) (7)(C).

assault said, "Notify the VA/SARC to ensure Soldier has an advocate to assist them with resources available to victim.".

[511]A-A-1 thru A-A-19 Interviews with 3CR Squadron & Troop Commanders, : Commanders interviewed did not provide concrete examples of how they encourage Soldiers to make complaints aside from documenting and verbalizing their support in training session.

[512]A-A-5, (b) (6), (b) (7)(C) pg 3, " I do not recall any specific training on how to lead and support Soldiers who make complaints.".

[513]A-60-1, (b) (6), (b) (7)(C) pg 7, "let's start with the newcomers brief. So SHARP and EO wasn't being invited to the newcomer's brief so how do you talk about SHARP without SHARP rep. pg 7-8, "So we actually got to him and said, 'hey, sir, we need to be there' but the problem was not that he did not invite us, it was that (b) (6), (b) (7)(C) wouldn't tell us. So you would have the chaplain there but you wouldn't have the SHARP and EO.".

[514]A-B-4, (b) (6), (b) (7)(C) pg 2, "It was only after that engagement that all of a sudden every SARC/VA in Regiment was required to be at the every Regimental Newcomers Brief.".

[515]A-49-1, (b) (6), (b) (7)(C) pg 9.

Defense Equal Opportunity Management Institute (DEOMI) Organizational Climate Survey (DEOCS) assist commanders in assessing and monitoring many factors in their command. DEOCS are required within 60 days of assuming command.[516]

(b) (6), (b) (7)(C) DEOCS surveys were reviewed. Other 3CR Squadron and Troop DEOCS were not reviewed.

Commanders who complete DEOCS early in command use the initial survey results as a baseline from which to affect change. (b) (6), (b) (7)(C) completed his DEOCS survey in his tenth month of command,[517] 23 April 2020. (b) (6), (b) (7)(C) received his initial DEOCS results consisting of more than 300 pages. 1877 Soldiers of the 3CR's authorized 4400 Soldiers participated in the survey. The 40% participation rate was consistent with DOD averages however the length of the survey results exceeded typical reports. Absent an initial DEOCS prior to 10th month of command, (b) (6), (b) (7)(C) did not have an established baseline required to build his program or inform prevention activities.

Eight climate factors[518] - Inclusion, Discrimination, Sexual Harassment, Sexual Harassment Retaliation, Sexual Assault Prevention, Sexual Assault Reporting Knowledge, Sexual Assault Response, and Sexual Assault Retaliation - are rated by demographic sub-groups and assigned a grade based on the percentage of favorable responses to associated survey questions. The four grades are: Improvement Needed (below 50%), Caution (50-69%), Adequate (70-89%), and Excellent (90% and above).

(b) (6), (b) (7)(C) total responses in aggregate measured across the eight climate factors were: 12.5%, or one, was rated as Improvement Needed, 75%, or six, of the factors were rated as Caution, and 12.5%, or one, were rated as Adequate.[519] The difference in perception between ranks was again reflected in the sub-group ratings. Senior Officers, Junior Officers, and Senior Enlisted rated Inclusion as Adequate while Junior Enlisted rated the same factor as Improvement Needed. Sexual Assault Prevention was rated as Excellent by senior officers, adequate by junior officers and Senior Enlisted, and Caution by Junior Enlisted. Sexual Assault response was rated similar with excellent for senior and junior officers, adequate for senior enlisted and caution for junior Enlisted. Repeating the findings in the Squadron and Troop reports, Junior Enlisted rated Sexual Assault Report Knowledge as Improvement Needed.

---

[516]B-6-21, FORSCOM Supplement 1 to AR 600-20 (19 Jun 2018): pg 5, para 13a; "All Active Army commanders will conduct an initial command climate assessment within 60 days of assuming command, to be followed by a subsequent assessment annually thereafter while retaining command."; B-6-23, AD 2018-07-6 (Prioritizing Efforts-Readiness and Lethality (Update 6)) dated 25MAY2018.
[517]B-6-7 (b) (6), (b) (7)(C) , 21APR20 DEOCS .
[518]Of the 16 factors measured in the DEOCs, these eight factors were selected because they measure respondents' knowledge pertaining to sexual assault and sexual harassment, and leadership factors which influence a Soldier's willingness to report: trust and inclusion.
[519]B-6-7, (b) (6), (b) (7)(C) , 21APR20 DEOCS : pg, 10-11 Score Card.

Soldier comments collected in COL Overland's DEOCS supported the Fort Hood Independent Review Committee (FHIRC) findings as well as statements made by Soldiers interviewed in the course of this investigation. Write-in comments ranged from positive to negative with Soldiers expressing concerns about transparency, command climate, sexual assault, sexual harassment and operational tempo (OPTEMPO).

(b) (6), (b) (7)(C) 21 Apr 20			
Climate Factor	**Rating**	**Other Cavalry Units (% +/-)**	**U.S. Army (% +/-)**
Trust in Leadership	**Caution** (64%)	69% (-5 %)	75% (-11%)
Inclusion at Work	**Caution** (52%)	56% (- 4%)	64 % (-12%)
Sexual Harassment	**Caution** (60%)	68% (-8%)	74% (-14%)
Sexual Assault Prevention Climate	**Caution** (67%)	73% (- 6%)	78% (-11%)
Sexual Assault Reporting Knowledge	**Needs Improvement** (46%)	50% (-4%)	59% (-13%)
Sexual Assault Response Climate	**Adequate** (70%)	76% (-6%)	83% (-13%)
Sexual Assault Retaliation Climate	**Caution** (57%)	63% (-6%)	72% (-15%)
Sexual Harassment Retaliation	**Caution** (61%)	66% (-5%)	75% (-14%)
SUMMARY: 1/16 - Needs Improvement, 14/16 - Caution and 1 /16 - Adequate			

Needs Improvement (Below 50%) | Caution (50-69%) | Adequate (70-89%) | Excellent (90% +)

Figure 7-2: (b) (6), (b) (7)(C) DEOCS (21 April 20

Statements of concern regarding the command climate expressed by Soldiers assigned to the 3CR in the 21 April 2020 3CR Command Climate survey include:

"3CR is the most undisciplined organization I have work[ed] in in my entire career. NCOs are afraid to discipline soldiers because they are constantly being threatened by the [redacted] He is consistently belittling troop leadership in front of soldiers."[520]

[520] B-6-7, 3CR, (b) (6), (b) (7)(C), 21APR20 DEOCS .

"I've tried to make a report before. Absolutely nothing got done about it causing me to lose all faith in our leadership's ability to care for their soldiers. Now as my leadership gets to pretend nothing ever happened to make their lives easier, I deal with this every day."[521]

"Our SHARP program is a joke and we have known predators still coming to work as though they've never done anything. The people who file reports frequently have their lives upended and destroyed due to rank differences."[522]

"When the person accused of any sexual misconduct is a lower enlisted, leaders go above and beyond to punish the soldier while if the person committing the misconduct is high ranking, leadership like to keep it to the lowest level and try their hardest to convince victims and witnesses not to make an official complaint."[523]

"There are many incidents within the unit that soldiers are told not to file or seek criminal investigation for due the position that the accused is in many of the soldiers are given corrective actions for reporting these crimes."[524]

(b) (6), (b) (7)(C) assumed command (b) (6), (b) (7)(C) and received his initial DEOCS results consisting of 69 pages in his fifth month of command. Seven of the eight factors (87.5%) were rated caution and one factor (12.5%) rated adequate. (b) (6), (b) (7)(C) completed his second command climate survey 23 SEP 20. (b) (6), (b) (7)(C) subsequent 2020 DEOCS survey did not indicate marked improvement in the (b) (6), (b) (7)(C) command climate.

Despite the increase of survey participants from 136 in 2019 to 301 in 2020, ratings remained relatively the same. Ratings continued to reflect significant differences in command climate perceptions between ranks. In this report, Officers rated Sexual Assault Response as Excellent (97%) and Enlisted rated it as Caution (66%). This report indicates no significant change in responses to the RES Equal Opportunity / Fair Treatment and SAPR Climate survey ratings from October 2019 to September 2020 and the results are consistent with ratings from the Regiment and Troop level DEOCS Reports.

[521] B-6-7, 3CR, (b) (6), (b) (7)(C), 21APR20 DEOCS .
[522] B-6-7, 3CR, (b) (6), (b) (7)(C), 21APR20 DEOCS .
[523] B-6-7, 3CR, (b) (6), (b) (7)(C), 21APR20 DEOCS .
[524] B-6-7, 3CR, (b) (6), (b) (7)(C), 21APR20 DEOCS .

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

[redacted] Oct 19

Climate Factor	Rating	Other Cavalry Unit (% +/-)	U.S. Army (% +/-)
Trust in leadership	Caution (63%)	72% (-9%)	76% (-13%)
Inclusion at Work	Caution (51%)	59% (-8%)	65% (-14)
Sexual Harassment	Caution (65%)	70% (-5%)	75% (-10%)
Sexual Assault Prevention Climate	Caution (69%)	75% (-6%)	79% (-10%)
Sexual Assault Reporting Knowledge	Caution (56%)	54% (-2%)	61% (-5%)
Sexual Assault Response Climate	Adequate (70%)	79% (-9%)	84% (-14%)
Sexual Assault Retaliation Climate	Caution (64%)	67% (-3%)	74% (-10%)
Sexual Harassment Retaliation	Caution (67%)	70% (-3%)	76% (-9%)
SUMMARY: 2/16 Needs Improvement; 13/16 Caution; 1/16 Adequate			

[redacted] 23 Sep 20 (new DEOCS)

Climate Factor	Rating	Other Cavalry Unit (% +/-)	U.S. Army (% +/-)
Trust in leadership	Caution (68%)	*	*
Inclusion at Work	Caution (53%)	*	*
Sexual Harassment	Caution (60%)	*	*
Sexual Assault Prevention Climate	Caution (67%)	*	*
Sexual Assault Reporting Knowledge	Needs Improvement (44%)	*	*
Sexual Assault Response Climate	Caution (69%)	*	*
Sexual Assault Retaliation Climate	Caution (56%)	*	*
Sexual Harassment Retaliation	Caution (57%)	*	*
SUMMARY: 3/16 Needs Improvement; 13/16 Caution * unavailable due to new forms			

Needs Improvement (Below 50%) | Caution (50-69%) | Adequate (70-89%) | Excellent (90% +)

Figure 7-3 [redacted] DEOCS (1 October 19 and 23 September 20)

Comments from [redacted] combined DEOCs surveys include:

"Males and Females are not always treated equally. Senior leaders like to joke about EO and when an individual takes a stand against it, the one who makes the joke is upset that someone argued with them, though they were in the wrong. This sort of thing happens often at the senior NCO level."[525]

"This organization is unfit to exist. The US Army as a whole has a bad reputation from the current unit, 3CR. Leadership is not fit for duty and favoritism is a major deal. Some of the most senior leaders in this squadron tell inappropriate jokes and stories. But if I did it I'd get in a lot of trouble."[526]

"My 1SG treats Hispanic soldiers better than other races. He repeatedly speaks Spanish with and jokes with them. I also see multiple senior NCOs outside of my Platoon try to speak with or engage in small talk with female junior soldiers in ways they do not with males. It is a topic that has been addressed within my Platoon and Squad but is something that makes my soldiers uncomfortable as well as it"[527]

[redacted] assumed command in [redacted] and received his initial DEOCS results consisting of 44 pages on 23 April 2019. E/FST Enlisted Soldiers rated all eight factors of Equal Opportunity (EO) and Sexual Assault Prevention and Response (SAPR) activities as Improvement Needed or Caution. Three of the eight factors were

[525] B-6-8, RES, [redacted], 01OCT19 DEOCS.
[526] B-6-8, RES, [redacted], 01OCT19 DEOCS.
[527] B-6-8, RES, [redacted], 01OCT19 DEOCS.

rated (37.5%) Improvement Needed and five (62.5%) were rated Caution. The Improvement Needed factors were Inclusion (42%), Discrimination (40%), and Sexual Assault Report Knowledge (38%). There were less than five senior enlisted and officer responses in the unit, thereby data is not displayed for their responses. (b) (6), (b) (7)(C) did not complete a second command climate survey.

(b) (6), (b) (7)(C) 23 Apr 19			
Climate Factor	**Rating**	**Other Cavalry Unit (% +/-)**	**U.S. Army (% +/-)**
Trust in Leadership	**Caution [52%]**	70% [-18%]	75% [-23%]
Inclusion at Work	**Needs Improvement [43%]**	58% [-15%]	65% [-22%]
Sexual Harassment	**Caution [56%]**	68% [-12%]	75% [-19%]
Sexual Assault Prevention Climate	**Caution [55%]**	73% [-18%]	79% [-24%]
Sexual Assault Reporting Knowledge	**Needs Improvement [39%]**	51% [-12%]	60% [-21%]
Sexual Assault Response Climate	**Caution** [60%]	78% [-18%]	83% [-23%]
Sexual Assault Retaliation Climate	**Caution** [52%]	65% [-13%]	73% [-21%]
Sexual Harassment Retaliation	**Caution** [60%]	68% [-8%]	76% [-16%]
SUMMARY: 8/16 Needs Improvement; 8/16 Caution			

Needs Improvement (Below 50%) | Caution (50-69%) | Adequate (70-89%) | Excellent (90% +)

Figure 7-4: (b) (6), (b) (7)(C) DEOCS (23 April 19)

Comments from (b) (6), (b) (7)(C) April 2019 DEOCs surveys include:

"NCO's not encouraging soldiers to go to the promotion board. They [NCOs] barely spend time with them when [the] Soldier [needs] help to study for the board, no mock board. Every time they process finance, they always lose the papers and it

takes almost a year to [process]. Some leader discouraging his Soldier for his/her professional growth."[528]

"Some Soldiers discriminate [against] me because of my race."[529]

"No, they don't correct the individuals that mess up; they let them get away with stuff because they favorites."[530]

Command climate and the implementation of an effective SHARP program are closely linked. A successful SHARP program requires commander's intent, guidance, advocacy, and support.

In making his initial assessment, (b) (6), (b) (7)(C) confirmed he knew the 3CR command climate needed work when (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) said, "(b) (6), (b) (7)(C), you could just feel it—the SIRS were high, the misconduct…We had new Commanders [Squadron]…Everybody was learning their people. Half of the Troop Commanders were new, and at the Regimental level, having some of the SIRS coming in, I felt the velocity…it was too many for me, so we needed to work on standards and discipline. The way I saw I it, the organization was performing well. We performed very well at NTC [2019]. We had a great safety record…Did very well the whole CTC. But the performance of an organization and the health of an organization is the unit and the Soldiers. So I was very cognizant about that. I just felt that we needed more time with people based on the climate surveys. I felt like we were not walking the talk. We needed to work on standards and discipline, and take it to the next level, and I felt like we weren't there."[531]

(b) (6), (b) (7)(C) also commented, "Prior to shelter-in-place [COVID], we were executing training. We were working up to coming out of individual training. Right up until the holidays [2019], we were doing NTC. We completed a (regimental-level) NTC rotation. We did a JRTC rotation with one Squadron going into the holiday period. Coming out of the holidays, we went back into the field in January [2020]….and we were doing individual training during January, February, and March….time for the fundamentals and working at squad level; we really wanted to train and certify leaders, team[s], and squad[s] and have the whole spring period to do squad level training." "We really needed to focus on the people line of effort."[532] (b) (6), (b) (7)(C) stated his "people line of effort" encompasses the 3CR SHARP program.[533]

---

[528]B-6-11, (b) (6), (b) (7)(C), 23APR19, DEOCS.
[529]B-6-11, (b) (6), (b) (7)(C), 23APR19, DEOCS.
[530]B-6-11, (b) (6), (b) (7)(C), 23APR19, DEOCS.
[531]A-88-1, (b) (6), (b) (7)(C): pg 1.
[532]A-88-1, (b) (6), (b) (7)(C) pg 2.
[533]A-88-1, (b) (6), (b) (7)(C): pg 10.

(b) (6), (b) (7)(C) published supplemental guidance for 3CR, codified in his Equal Opportunity Action Plan (EOAP) in response to his April 2020 DEOCS.[534] Many commanders will share their DEOCS results with their SARC to assist with the development of the EOAP. (b) (6), (b) (7)(C) stated he did not have the opportunity to review the DEOCS results nor participate in the development of the EAOP.[535] The July 2020 EOAP identified seven areas of emphasis. Two of the seven areas of emphasis are specific to SHARP. Area #2 Sexual Assault Reporting and Resources and Area of emphasis #3- Sexual Assault and Harassment Bystander Intervention.[536]

This reinforced 3CR Policy Letter #3 and RES Policy Letters #6 and #7, on reporting sexual harassment and sexual assault and prohibiting retaliation against and ostracizing of Soldiers who make complaints. SARCs, VAs, and commanders interviewed believe the 3CR Commander's policy would be enforced; but most indicated they have yet to witness a situation which required it to be enforced.[537] However, the Fort Hood Independent Review Committee interviews and surveys of Soldiers (E-1 to E-4) do not believe the policies would be enforced and this distrust serves as a barrier to reporting.[538]

Soldiers interviewed stated they are hesitant to report allegations of sexual harassment and sexual assault. The majority of lower enlisted interviewed stated they are hesitant to report or would not report.[539] NCOs interviewed also confirmed the lower enlisted's perspective.[540] Soldier's hesitancy to report SHARP complaints were

---

[534]B-6-4, 3CR Command Climate Survey Results and Equal Opportunity Action Plan, dtd 27JUL20.
[535]A-60-1, (b) (6), (b) (7)(C): pg 22, "So this is (b) (6), (b) (7)(C) April 21st 2020 [DEOCS] you are supposed to have access to it, right? A. I don't. Q. You have never seen this? A. No.".
[536]B-6-4, 3CR Command Climate Survey Results and Equal Opportunity Action Plan, dtd 27JUL20.
[537]A-A-15, (b) (6), (b) (7)(C) pg 4; A-A-3, (b) (6), (b) (7)(C): pg 4; A-A-9, (b) (6), (b) (7)(C): pg 4; A-B-7, (b) (6), (b) (7)(C): pg 2.
[538]A-113-1, (b) (6), (b) (7)(C) pg 14, when asked if lack of trust is a barrier to reporting, (b) (6), (b) (7)(C) responded in the affirmative and pg. 7 rates trusts "a 3 or 4" on a scale of one to ten. (b) (6), (b) (7)(C) (pg. 8) (b) (6), (b) (7)(C) SARCs and VA's noted that the lack of predictability, "and telling Soldiers you are going to one thing and then you don't do it, you lose trust."; A-51-1, (b) (6), (b) (7)(C) pg 32, "I think most victims fear retelling their story. Being revictimized. Or and they fear, more often than not on Fort Hood, like 89 percent of our sexual assaults have some kind of collateral misconduct with them. Primarily alcohol."; B-6-22, MFR Fort Hood Independent Review Committee.
[539]A-133-1, (b) (6), (b) (7)(C) .: pg 28, "I don't want to say it is normalized, but it happens so much that when people do it, you don't think of anything. It is just normal. It is just the environment that we are in basically."; A-3-1, (b) (6), (b) (7)(C).
[540] A-B-4, (b) (6), (b) (7)(C): pg 3, stated one barrier to "Fear of reporting you think you will be labeled as a problem child."; A-B-6, (b) (6), (b) (7)(C): pg 3, wrote, " Yes Soldiers are hesitant to report due to them thinking they are too low in rank to speak [out] on a higher ranking Soldier and do not want their name out.".

validated by four Squadron Commanders,[541] fourteen Troop Commanders,[542] ten SARCs and VAs,[543] four command climate surveys and the Independent Review Committee report.

In response to real or perceived barriers to reporting, (b) (6), (b) (7)(C) stated, "There's good people here, it's just that toxic leaders go unchecked and unpunished."[544]

Despite policies prohibiting retaliation and ostracizing, and the belief (b) (6), (b) (7)(C) would enforce his policies, Soldiers still report fear of retaliation/ reprisal and being ostracized as an obstacle to the 3CR SHARP program. Rank and lack of trust in leadership are also barriers to reporting. "The perception from soldiers is they worry about retaliation."[545]

Since April 2020, there seems to be a renewed emphasis on SHARP. "Right around the timeframe when [SPC Guillén] went missing, is when things started picking up...I think the Soldiers just started seeing the news and seeing the climate and they reached a point where they came to the conclusion that it's not okay, this isn't normal. They finally, I believe, started coming out to discuss their issues to try to fix it."[546]

With the renewed emphasis following 22 April 2020 – in the FY21 training guidance, People is key task #1, but does not explicitly address the 3CR SHARP program – most 3CR leaders are well versed in identifying behavior indicative of sexual assault and sexual harassment as well as the reporting types, but are unable to identify the steps to manage reports of sexual assault or sexual harassment.

As of summer 2020, 3CR Soldiers, current Squadron Commanders as well as new Troop Commanders report increased leader involvement in basic SHARP training. (b) (6), (b) (7)

---

[541]A-A-3, (b) (6), (b) (7)(C) pg 4, "Yes. I have had 1x reporting during 18 months of command of sexual assault involving two troopers. I think many Troopers don't report for a number of reasons (fear, understanding, embarrassment) but mathematically it doesn't make sense that I would have so few reports. I have over 680 people of all genders in the formation, the vast majority under 25. Based on that numerical factor, I think there is likely a reporting issue in the Squadron."; A-A-7 (b) (6), (b) (7)(C) pg 4, "Yes for some the same reasons discussed in the SHARP classes- blame self, working through grief, etc. After some listening sessions some Soldiers initial term mostly, hold their SSG or SFC in such high regard that they don't fully understand that the SHARP program is the Commander's program and the confidentiality of a SARC or VA is to assist them, if or when, that I"leader "misuses" their position.".

[542]A-A-10, (b) (6), (b) (7)(C) A-A-9, (b) (6), (b) (7)(C)

[543]A-113-1, (b) (6), (b) (7)(C) A-51-1, (b) (6), (b) (7)(C) A-60-1, (b) (6), (b) (7)(C) pg 6, noted Soldiers are hesitant to make complaints or report assault or harassment to their leaders and find it "easier to report it to a battle buddy than their leaders"…"but most of the time it dies with that battle buddy." he did note "but there are times where their battle buddy comes straight to me or straight to an EO or SARC."; A-8-1, (b) (6), (b) (7)(C) A-B-4, (b) (6), (b) (7)(C) pg 3, said because they know they lose reporting option if they just do to any leader. Another reason is they don't trust, the opinion of a few [Soldiers] I have talked to, Regimental leadership.

[544]A-B-2, (b) (6), (b) (7)(C)

[545]A-B-7, (b) (6), (b) (7)(C)

[546]A-49-1, (b) (6), (b) (7)(C) pg 6.

[redacted] credits [redacted] and [redacted] with implementing solid squadron level SHARP programs.

d. **Facts Pertaining to Reassignment of [redacted].**

[redacted]

NCO Assignment Procedures

On 17 September 2020, [redacted] explained the assignment process for NCOs to 3CR. Basic assignments are initiated at Human Resource Command (HRC) at Fort Knox, Kentucky, to meet demand and need at Distribution Management Sub-Level (DMSL) planning. HRC places personnel on assignment instructions to Fort Hood, then directly to the 3CR DMSL. HRC places enlisted Soldiers in the rank of SGM (E-9) on assignment instructions directly to specific squadrons within 3CR.

3CR assigns NCOs below the rank of SGM (E-9) to subordinate units. This assignment is informed by Unit Status Report (USR) shortages and gains/losses across 3CR, which are briefed weekly during a meeting between the 3CR CSM, squadron CSMs, and unit S1s.[548] With this information, 3CR Personnel Services analyzes current strength, and anticipates gains/losses 90-days out to identify and fill gaps within 3CR. Once the analysis is complete, the 3CR CSM verifies it is correct before being pushed out and added to squadron-level gains rosters.[549] Exceptions to this process may be rehabilitative, talent management, career progression, medical adjustments, and special intra-post transfers conducted by an interview process between the CSMs of gaining and losing organizations.

3CR is attached to HQ, III Corps for full ADCON. The III Corps Officer and Enlisted Assignments section is responsible for verifying positions in the modification table of organization (MTOE).

If enlisted Soldiers need to be reassigned within 3CR, the Squadron CSMs and S1s will be involved in this process. The reassignment of enlisted Soldiers in the rank of SGT (E-5) and below is coordinated between the respective squadron CSMs and First

---

[547] B-7-5, [redacted] 4187 : pg 1-3; B-7-7, [redacted] : pg 1.
[548] A-27-1 [redacted] : pg 4.
[549] A-64-1, [redacted] : pg 1.

Sergeants. The reassignment of enlisted Soldiers in the rank of SSG (E-6) through MSG (E-8) is approved by the 3CR CSM.[550] The reassignment of enlisted Soldiers in the rank of SGM (E-9) is approved by the III Corps CSM.[551]

Rehabilitative Transfers

Intra-post and rehabilitative transfers for performance or leadership of NCOs in units attached to III Corps are conducted at the III Corps-level with three supporting documents: DA Form 4187: *Personnel Action*, a Letter of Acceptance by the gaining organization, and a Letter of Release submitted by the losing organization. The III Corps CSM is the approval authority. It is the responsibility of the gaining and losing CSMs to cross-talk and execute the interview and acceptance process.[552]

Within 3CR, all rehabilitative transfers for performance or leadership of enlisted Soldiers in the rank of MSG (E-8) and below are coordinated between the respective squadron CSMs, the troop-level chains of command, and approved by the 3CR CSM. Rehabilitative transfers for performance or leadership of enlisted Soldiers in the rank of SGM (E-9) are approved by the III Corps CSM. The counseling packet of the transferred individual is provided to the gaining organization, and an exchange of information regarding the individual occurs between the gaining and losing CSMs.

The 3CR CSM, with input from squadron CSMs and the respective first sergeants, approves whether enlisted Soldiers in the rank of SGT (E-5) through MSG (E-8) will be moved to a leadership position.[553] The III Corps CSM approves non-Centralized Selection List (CSL) leadership positions for enlisted Soldiers in the rank of SGM (E-9).[554] HRC approves CSL leadership positions for NCOs in the rank of SGM (E-9) and field-grade officers.

All rehabilitative transfers for company-grade officers, those in the grade of Second Lieutenant to Captain (O-1 to O-3), are approved by the 3CR Commander with input from the respective squadron commanders. Rehabilitative transfers for field-grade officers, those in the grade of Major (O-4) and above, are approved by the III Corps Chief of Staff, who executes the field-grade slate managed by the III Corps G1.[555]

The following timeline conveys events and characterizations concerning (b) (6), (b) (7)(C). The characterizations were made during the investigation, but are placed in time to approximate the respective witnesses' experience with (b) (6), (b) (7)(C).

---

[550]A-27-1, (b) (6), (b) (7)(C) pg 1, "Who in 3CR decides where the need to move leadership assignments" pg 2 "NCO SSG and above".
[551] Exhibit A 37 1 (b) (6), (b) (7)(C) statement dated 14 OCT 20, pg 4 "We weighed in a bit on E8's, but primarily, it was focused on E-9s."
[552]A-93-1, (b) (6), (b) (7)(C) pg 1.
[553]A-27-1, (b) (6), (b) (7)(C) pg 7.
[554]A-53-1, (b) (6), (b) (7)(C) pg 7.
[555]B-1-5, IIIC Terms of Reference.

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

May 2018

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

November 2018

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

August 2019

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

---

[555] A-48-1, (b)(6), (b)(7)(C).
[557] A-48-1, (b)(6), (b)(7)(C): pg 3, 25, 34 (b)(6), (b)(7)(C)
[558] A-120-2, (b)(6), (b)(7)(C): pg 1, (b)(6), (b)(7)(C)
[559] B-7-20, (b)(6), (b)(7)(C).

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

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

September 2019

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

A few days after the R/FTX – approximately between 16 to 18 September 2019 – (b) (6), (b) (7)(C) open-door policy to report (b) (6), (b) (7)(C) harassment by trying to "peek at or startle" SPC Guillén during the R/FTX.[564] For further details, see Paragraph 7.a. *September 2019 and Earlier*.

October 2019

(b) (6), (b) (7)(C) was promoted to (b) (6), (b) (7)(C). This promotion also changed [redacted] Military Occupational Specialty code from (b) (6), (b) (7)(C) creating an MTOE mismatch. [redacted]

[560] A-5-2, (b) (6), (b) (7)(C): pg 3&5; B-7-10, (b) (6), (b) (7)(C): pg 1-2; B-7-2, 21-041 (b) (6), (b) (7)(C): pg 1-4.
[561] A-5-2, (b) (6), (b) (7)(C): pg 3&5; B-7-9 (b) (6), (b) (7)(C): pg 1-2.
[562] A-56-1, (b) (6), (b) (7)(C): pg 6
[563] A-87-1, (b) (6), (b) (7)(C): pg 7, "There was obviously, he had issues with [redacted]. [redacted] had a different mindset with work hours or the tasking that needed to get done, maintenance wise, but [redacted] was also [redacted] and you know, they collided with each other frequently but other than that [redacted] was professional.".
[564] A-67-4, [redacted]; A-67-5, [redacted].

would continue to occupy a [redacted] billet as a [redacted] until [redacted] reassignment on [redacted].

[redacted], needed to move [redacted]. [redacted] stated, "That was a conversation that I had with [redacted]. [redacted] was a [redacted] Because the MTOE changed, our FSTs were no longer authorized [redacted]. They were only authorized [redacted], so that prompted me to move my [redacted] out of the FSTs into my maintenance troop, where they are authorized, and prompted me to move my [redacted] back to the FSTs. Now, I wanted to make this move immediately, but their [redacted] and I discussed it. We decided to move [redacted] after NTC because [redacted] and had systems in place for NTC, so we actually did the move after NTC."[565] Statements by [redacted] consistently refer to [redacted] as over strength and excess on the E/FST MTOE as motivation for the move.[566]

[redacted] reported an [redacted] regarding [redacted].[567] For further details, see Paragraph 7.a. *October 2019*.

On 9 October 2019, in a closed-door session following the [redacted], a [redacted] reported [redacted] and [redacted] solicitation of SPC Guillén for a threesome to [redacted].[568] For further details, see Paragraph 7.a. *October 2019*.

O/a 15 October 2019, [redacted] learned of the R/FTX personal hygiene encounter from rumors, and advised [redacted] to address the issue with SPC Guillén.[569] For further details, see Paragraph 7.a. *October 2019*.

[redacted] stated, "I did talk to [redacted] i.e., [redacted]], I think at NTC, about having to go speak with [redacted]

---

[565]A-29-1, [redacted]: pg 2, "That was a conversation that I had with [redacted] He was a [redacted]. Because the MTOE changed, our FSTs were no longer authorize [redacted]. They were only authorized [redacted], so that prompted me to move my [redacted] out of the FSTs into my maintenance troop where they are authorized and prompted me to move my [redacted] back to the FSTs. Now, I wanted to make this move immediately but their [redacted] and I discussed it. We decided to move him after NTC because [redacted] and had systems in place for NTC, so we actually did the move after NTC.".

[566]A-132-1, [redacted]: pg 2; A-29-1, [redacted]: pg 3.

[567]B-7-4, [redacted]: pg 1.

[568]A-102-1,[redacted]: pg 97, "I told them basically what I told EO." Early in his statement he recounted what he told EO which included [redacted]; A-11-2, [redacted]: pg 4.

[569]A-100-1, [redacted]: pg 47, "and then, [redacted]] brought her [PFC Guillén] up to my attention", when asked [redacted] to address the issue with PFC Guillén, [redacted] answered, "Correct.".

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

[redacted] about what[redacted], I mean we are talking 10 or 11 months ago. I can't remember every word, but about [redacted] because FST was close to the TOC where I was." [570]

November 2019

Shortly after the unit returned from National Training Center (NTC) Rotation 20-02 at Fort Irwin, California, which took place around 18 October to 18 November 2019, [redacted] wanted to move [redacted], based on [redacted]

[redacted]

[redacted]

[570] A-132-2, [redacted]: pg 6, "I did talk to [redacted], I think at NTC, about having to go speak with [redacted] about what [redacted], I mean we are talking 10 or 11 months ago. I can't remember every word, but about his [redacted]. I said, I spoke to [redacted] and I will keep my eye on [redacted] because FST was close to the TOC where I was.".
[571] A-5-2, [redacted]: pg 3, [redacted]
[572] A-107-1, [redacted]: pg 1; A-120-2, [redacted]: pg 1; A-132-1, [redacted]: pg 2; A-38-1, [redacted] pg 1; A-48-1, [redacted] pg 1; A-61-1, [redacted]: pg 12
[573] A-107-1, [redacted]
[574] A-24-4, [redacted]: pg 3, "This lead to [redacted]

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

December 2019

On or about December 2019, [redacted] had conversations with [redacted] and [redacted], separately, about moving [redacted]. [redacted] stated "they approved the move."[575]

[redacted]

January 2020

[redacted]

---

[575] A-5-2, [redacted]: pg 6.
[576] A-61-1, [redacted]
[577] A-61-1, [redacted]
[578] A-107-1, [redacted]

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

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

February 2020

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

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

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

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

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

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

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

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

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

but the reality is a lot of Soldiers do not get counseled. A lot of NCOs do not get counseled."[595]

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

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

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

[595]A-29-1, (b)(6), (b)(7)(C)

[602]A-104-1, [redacted]: pg 12.

e. **Facts Pertaining to Arms Room and Key Control Policies and Procedures.**

The standards for planning, designing, constructing, maintaining, and operating an arms room were derived from multiple documents: DODI 5200.08, DODM 4140.01, DODM 5100.76, DLM 4000.25-2, Army Regulation (AR) 190-11 (2019), AR 190-51 (2019), AR 710-3, and DA Pam 710-2-1. There was no statutory or regulatory requirement found in these references for 3CR or the RES to have a regiment or squadron-level policy/SOP governing arms room operations or daily opening and closing procedures.

III Corps & Fort Hood Reg 190-8 (2011) Chapter 7, Paragraph 7-1: *Arms Room Administration* specified general duties of the armorer and provided guidance on conducting arms room activities. The regulation briefly outlined arms room opening procedures, but the step-by-step instructions on opening and closing procedures were received by the armorer from the Intrusion Detection System (IDS) system administrator at the time the armorer was issued a valid PIN number.

3CR did not have a policy/SOP specifically governing arms room operations or daily opening and closing procedures.[603] 3CR had a Physical Security Plan dated 7 October 2019 that included a paragraph on key control; however, the policy had not been signed.[604]

The RES did not have a policy/SOP governing arms room operations or daily opening and closing procedures.[605] COVID-19 impacts compounded the problem.[606]

---

[603]A-12-1, (b) (6), (b) (7)(C) pg 1, I'm not gonna say that they don't have an SOP, but I have not seen it"; A-124-1, (b) (6), (b) (7)(C) pg 1, regarding 3CR arms room policy, when asked if he saw or was familiar with a regimental arms room policy, he stated "not that I can think of"; A-34-1, (b) (6), (b) (7)(C) pg 1, "…I would imagine they have one in place, but I have never laid my eyes on that"; A-43-1, (b) (6), (b) (7)(C) pg 18 "I know that I have reviewed a book of policy letters, but I don't know, specifically, specifically remember an arms room policy in that book".

[604]B-8-8, 3d Cavalry Regiment Physical Security Plan 7OCT19: pg 24.

[605]A-124-1, (b) (6), (b) (7)(C) pg 1, regarding RES Arms room policy. "I don't know that I remember seeing one. What we had at the troop level was the format essentially from DPS that was updated to reflect where our arms room was. I don't know if there was one."; A-43-1, (b) (6), (b) (7)(C) pg 18, regarding a RES arms room policy, "We have a physical security SOP, but not specifically an arms room policy…I do not recall if I have a separate arms room policy.".

[606]A-108-8, (b) (6), (b) (7)(C) pg 2, regarding changes to arms room procedures due to COVID restrictions, (b) (6), (b) (7)(C) stated, "Along those lines sir, only so many people were required to come in. Once we came in and do what we needed to do, we were out for the day, sir."; A-12-1, (b) (6), (b) (7)(C) pg 2, "…it was difficult due to the COVID environment."; A-124-1, (b) (6), (b) (7)(C) pg 1, "I suppose the only difference with COVID and not COVID for the arms room was how many people would be around."; A-34-1 (b) (6), (b) (7)(C) pg 2, "…then COVID happened and... whether it was us being lackadaisical with the keys or missing things to get someone in the office for an hour or two at a time…"; A-74-1, (b) (6), (b) (7)(C) pg 1, the investigator asked, "Did your duties as (b)(6), change in any way, shape, or form prior to COVID and then during COVID?" (b) (6), (b) (7)(C) responded, "I would say yes."; A-88-1, (b) (6), (b) (7)(C) pg 7, regarding COVID impacts, "It was challenging, sir…Nobody understood COVID, but when you tell 4400 Troopers that they have to stay in their barracks room or stay at home…".

Troops of the Regiment relied on and utilized the DES Arms Room Book and SOP Template.[607] The DES Arms Room Book and SOP Template established the "basic minimum standards," and it was expected that commanders would develop the template further to increase arms room security as necessary.[608] None of the troop-level arms room SOPs had been modified from the DES template by the troop commanders; therefore, none of the troop-level arms room SOPs contained comprehensive opening and closing procedures.[609]

Per AR 190-8, an approved key depository is a lockable container, such as a safe or filing cabinet, or a key depository (made of at least 26–gauge steel, equipped with a tumbler–type or keyed locking device and permanently affixed to a wall) will be used to secure keys. The key depository will be located in a room where it is kept under 24–hour surveillance or in a room that is locked when unoccupied. An electronically-controlled key depository may be used if it is constructed of at least 26–gauge steel, can be affixed to a wall, and produces an inventory report with information equivalent to that contained in the DA Form 5513. If the key depository is designed as a drawer-style system that is positioned on the floor, the system will be secured to an immovable object such as to the floor or to a building support beam unless the empty weight exceeds 500 pounds and is not mounted on rollers.

Arms Room Opening Procedures

The following troop-level procedures were an amalgamation of various requirements scattered across the regulations and policies described above, to include III Corps & Fort Hood Regulation 190-8 and the instructions provided by the IDS system administrator. Armorers learned this opening procedure through practice.

To open the arms room, the Unit Key and Lock Custodian (UKLC) issues the arms room keys from the key depository in the company/troop-level orderly room to the armorer.[610] The UKLC and armorer document the transfer on DA Form 5513: *Key*

---

[607]A-12-1, (b) (6), (b) (7)(C) pg 1, "…we take our guidance from the DES here on Fort Hood. They publish on their AKO for the format that they encourage you to use because it covers most of what they try to cover. Our SOP isn't gonna be any different from the Fort Hood DES SOP. The key control SOP, we have added a thing or two just to ensure more security at the troop level.".; A-34-1, (b) (6), (b) (7)(C) pg 3, regarding development of the troop's arms room SOP, "I believe that it was a policy letter, a policy number, and it was something that was pulled from the company, it was based off the DES or whatever they know.".

[608]B-8-10, DES Arms Room Book and SOP Template : pg 2, "This Arms Room Book was established to help units in the set up and operation of their arms room. The basic minimum standards were applied by the DES Physical Security, in the make up of this book. Commanders are encouraged to add-to this book and all regulations to increase the security of their arms rooms.".

[609]B-8-10, DES Arms Room Book and SOP Template .

[610]A-108-1, (b) (6), (b) (7)(C) pg 1, "We usually have to get the keys from the commander or the unit's key control. We usually have to sign on a DA Form 5515 to sign the keys out. Once you get the keys, you make your way to the arms room."; A-124-1, (b) (6), (b) (7)(C) pg 2, "…to open the arms room you need one of

Control Register and Inventory.[611] Upon reaching the arms room, the armorer initials and documents the date and time of the arms room opening on the exterior Standard Form 702: *Security Container Check Sheet*.[612] After opening the arms room door, the armorer closes and locks the door behind them and inputs their issued IDS PIN number.[613] The armorer then conducts a 100% inventory, to include ammunition and privately owned weapons, documenting the opening inventory on DA Form 2062: *Hand Receipt/Annex Number* as "For Opening Inventory Purposes Only" at the top of the form.[614] The armorer then opens the arms room issuing/receiving window to conduct arms room operations.[615]

---

the unit key control custodians who can go over and withdraw the arms rooms keys [from] Ops."; A-74-1, (b) (6), (b) (7)(C) pg 2, "I would go into the XO's office when he showed up to sign out the arms room key.".

[611] A-108-1, (b) (6), (b) (7)(C) pg 1, "We usually have to sign on a DA Form 5515[3] to sign the keys out."; A-12-1, (b) (6), (b) (7)(C) pg 2, "(b) (6), (b) (7)(C) was the one to issue the keys to Robinson."; A-34-2, (b) (6), (b) (7)(C) : pg 1, "I met with SPC Robinson the morning of 22APR2020 and issued him the keys."; B-8-12, FTH Regulation 190-8: Chapter 7-1 (2) pg 12, "Signs for all keys required for the daily operations of the arms room from the unit key and lock custodian or the unit commander."; See References: AR 190-51 Chapter 7-1, App D-2 pg 57, Maintain a key control register at all times to ensure continuous accountability for keys of locks used to secure government property."; See References: AR 190-51, App D-2 (2-3,5), Make certain that personnel designated to issue, receive, and account for keys in their absence, clearly understand local key control security requirements; (3) Maintain a key control register at all times to ensure continuous accountability for keys of locks used to secure Government property; (5) When a key control custodian or alternate need to sign for a key(s) they will have the other key control custodian sign the key(s) over to them on a key control register.; See References: AR 190-51, App D-3, pg 57, "Keys will be signed out to authorize personnel in person, not digitally on a key control register. The key control register, DA Form 5513 (Key Control Register and Inventory) is approved for use to meet the requirements of this regulation.".

[612] A-108-7, (b) (6), (b) (7)(C) pg 1, "There's a form outside that you have to put your initials on and the time that you opened the arms room."; A-74-1, (b) (6), (b) (7)(C) pg 2, "Once you fill that form out you can stick it back in the sleeve, ... so once you do that just lock it up and then that same form that you filled on the outside."; B-8-12, FTH Regulation 190-8: Chapter 7-1 (4) pg 12, "Annotates the opening of the facility on a SF 702 (Security Container Checksheet)".

[613] A-108-1, (b) (6), (b) (7)(C) pg 2, "You open it and close the door behind yourself, you input your pin, once you input your pin…"; A-124-1, (b) (6), (b) (7)(C) pg 2, "…go down to the arms room, open the door, punch in their pin, does what needs doing in the arms room."; A-74-8, (b) (6), (b) (7)(C) pg 3, "would put my pin in and turn the lights on I will put my keys in my pocket, close the door and deadbolt the door."; B-8-12, FTH Regulation 190-8: Chapter 7-1 (5) pg 12, "Opens the arms room, enters PIN, and locks themselves within the arms room.".

[614] A-108-5, (b) (6), (b) (7)(C) pg 1, "…you can begin the opening inventory…We conduct the open inventory…"; A-74-5, (b) (6), (b) (7)(C) pg 3, "And from there I would open the cages and count the weapons in the arms room… And for the opening and closing it's the same paperwork, it's a 2062"; B-8-12, FTH Regulation 190-8: Chapter 7-1 (6) pg 12, "immediately conducts a visual count of arms and ammunition, including privately owned weapons and ammunition. This inventory will be recorded on DA Form 2062 and marked, 'For Opening Inventory Purposes Only' at the top of the form".

[615] A-108-1, (b) (6), (b) (7)(C) pg 2, "We sign out weapons and we have to sign them out on a 2062 and a Ft Hood Form 550. Sign the weapons out or if we are waiting for someone to bring weapons back we will wait for them as well."; A-74-1, (b) (6), (b) (7)(C) pg 3, "And then I would issue out what this or whatever they needed me to do".

Arms Room Closing Procedures

III Corps & Fort Hood Regulation 190-8 did not describe closing procedures. The following troop-level procedures were an amalgamation of various requirements scattered across the regulations and policies described above, to include III Corps & Fort Hood Regulation 190-8 and the instructions provided by the IDS system administrator, executed in reverse order. Armorers learned this closing procedure through practice.

At the end of arms room operations, the armorer conducts a 100% visual and physical inventory.[616] After the completion of the inventory, the armorer ensures all weapon racks and internal padlocks were locked, and documents the closing inventory on DA Form 2062: *Hand Receipt/Annex Number* as "For Closing Inventory Purposes Only" at the top of the form.[617] The armorer inputs their issued IDS PIN number, exits and closes the arms room door, and locks it with an approved high-security padlock and hasp.[618] The armorer initials and documents the arms rooms closing on the exterior Standard Form 702, and relinquishes the arms room keys to the UKLC The armorer and UKLC sign and date the DA Form 5513.[619] The UKLC then returns the keys to the key depository in the company/troop-level orderly room.

Supplemental Arms Room Opening and Closing Procedures

There were no supplemental regiment, squadron, or troop-level arms room procedures in effect on 22 April 2020. Neither the 3CR Commander nor the A/RES

---

[616]A-108-8, (b) (6), (b) (7)(C) pg 2, "When closing the arms room up you usually can get an NCO or an Officer to come down and do a weapons count and close it out, sir… Once they do the closing inventory, counting everything…; A-124-1, (b) (6), (b) (7)(C) pg 2, "…we have another NCO come in and preform a count before they close it. To close the arms room is the same [opening] process in reverse"; A-74-1, (b) (6), (b) (7)(C) pg 3, "I would secure the arms room, go find my NCO and let them know I need an arms room close out. And then I would bring that NCO down and open the arms room back up, we would inventory everything by number and make sure everything was all there."; A-74-6, (b) (6), (b) (7)(C) pg 3, "And then I would bring that NCO down and open the arms room back up, we would inventory everything by number and make sure everything was all there.".

[617]A-74-4, (b) (6), (b) (7)(C) pg 3, "And for the opening and closing it's the same paperwork it's a 2062 that we just marked down. We would sign that and have accountability of everything and then I would proceed to lock up the cages".

[618]A-108-6, (b) (6), (b) (7)(C) pg 2, "Once they do the closing inventory, counting everything, you make sure all the weapon racks are locked, put your pin in, close the arms room…"; A-74-3, (b) (6), (b) (7)(C) pg 3, "…insert my pin, and close the arm[s room] door…".

[619]See References: AR 190-51, App D-2 (2-3,5), Make certain that personnel designated to issue, receive, and account for keys in their absence, clearly understand local key control security requirements; (3) Maintain a key control register at all times to ensure continuous accountability for keys of locks used to secure Government property; (5) When a key control custodian or alternate need to sign for a key(s) they will have the other key control custodian sign the key(s) over to them on a key control register. App D-3, pg 57, "Keys will be signed out to authorize personnel in person, not digitally on a key control register. The key control register, DA Form 5513 (Key Control Register and Inventory) is approved for use to meet the requirements of this regulation.

Commander prescribed any supplemental procedures or modified any arms rooms opening and closing procedures in April 2020.[620] All relevant A/RES Arms Room personnel, including the A/RES Commander, A/RES XO and Arms Room Officer, UKLCs, and armorers, stated there were no authorized changes to A/RES Arms Room procedures.[621]

3 March 2020

The Fort Hood Department of Emergency Services (DES) Physical Security branch conducted an annual arms room inspection of both HHT/RES and A/RES on 3 March 2020. The HHT Arms Room received a "Not Adequate Rating," and the A/RES Arms Room received an "Adequate Rating."[622] The RES commander was aware that the squadron had previous issues with key control.[623]

DES Physical Security found the following deficiencies regarding HHT/RES key control and arms room. Annotation of the location and quantity of keys was not properly completed on the DA Form 5513: *Key Control Register and Inventory*. The Unit Key and Lock Custodian (UKLC) did not maintain the DES Key Control Sample Book. The UKLC did not have a current DES-approved SOP. HHT/RES did not consistently conduct routine 8-hour checks of the arms storage facility. HHT/RES had not completed a semi-annual key and lock inventory in over a year. HHT/RES stored M249 barrels in the supply room rather than in the Arms Room. The primary UKLC should not have had access to the arms room keys as they did not have a completed and approved DA Form 7708: *Personnel Reliability Screening and Evaluation*, commonly referred to as a local records check or background check. Finally, the UKLC was not maintaining the personal retention keys, and was missing the alternate set of personal retention keys.[624]

The HHT/RES Commander conducted the following corrective actions. The HHT/RES DA Form 5513 was redesigned to match the DES Key Control Sample Book. The unit obtained DES approval of the UKLC/Arms Room SOP. The Staff Duty

---

[620]A-124-1, (b) (6), (b) (7)(C) pg 1, regarding supplemental procedures, "No. So you're asking about arms room opening and closing procedures? We did not change any of those due to COVID.".
[621]A-108-1, (b) (6), (b) (7)(C) pg 2, "No, sir."; A-108-8, (b) (6), (b) (7)(C) pg 1, "I did not authorize deviations to the arms room SOP with respect to COVID-19 sheltering in place"; A-12-1, (b) (6), (b) (7)(C) pg 1, Regarding supplemental procedures, (b) (6), (b) (7)(C) A8-81, "To my knowledge, the commander is the only one who can publish changes to his policy and he did no such thing"; A-124-1, (b) (6), (b) (7)(C) pg 1, regarding supplemental procedures, "No. So you're asking about arms room opening and closing procedures we did not change any of those due to COVID."; A-43-1, (b) (6), (b) (7)(C) pg 18, "I never discussed any changes to arms room procedures. I can't think of any changes we would have made due to COVID. I don't know why that would be appropriate."; A-74-7, (b) (6), (b) (7)(C) pg 1, "To my knowledge there were not any changes".
[622]B-8-11, HHT/RES Physical Security Inspection Report 3Mar20 p.1: pg 124-125.
[623]B-8-9, RES, 3 CR, III Corps, Physical Security Inspection Results (Rollup): the commander was provided an inspection out brief that contained PowerPoint slides that illustrated a 43% (3/7) failure rate of the Squadron's arms rooms.
[624]B-8-11, HHT/RES Physical Security Inspection Report 3Mar20 p.1: pg 124-125.

OIC/NCOIC counseling was changed to reiterate the necessity of routine 8-hour checks of the arms storage facility. The unit moved the M249 barrels to the HHT/RES Arms Room. The local records check was completed for the UKLC, resulting in a completed and approved DA Form 7708. The Commander and UKLC conducted a thorough key and lock inventory, and remedied the key control program as required.[625]

DES Physical Security found minor deficiencies regarding the A/RES Arms Room. A/RES did not consistently conduct routine 8-hour checks of the arms storage facility and used 10 commercial "master locks" to secure racks and containers in the arms room.[626]

22 April 2020

On 22 April 2020, SPC Robinson reported to (b) (6), (b) (7)(C) to get the keys for A/RES arms room.[627] (b) (6), (b) (7)(C) retrieved the arms room keys from the key depository located in the A/RES orderly room and issued the key to SPC Robinson. Neither (b)(6), (b)(7)(C) nor SPC Robinson signed for the arms room keys on DA Form 5513: Key Control Register and Inventory as prescribed by AR 190-51.[628] SPC Robinson left the troop orderly room and arrived at the A/RES arms room on or about 1000. SPC Robinson annotated on the exterior Standard Form 702 that the arms room was opened at 1000 and he input his PIN to disable the IDS alarm system at 1001.[629] There is no evidence that SPC Robinson closed and locked the arms room door behind him, and then conducted an opening inventory.

There is no evidence that SPC Robinson conducted a closing inventory. At 1113, SPC Robinson input his PIN to arm the IDS alarm system, exited, and closed and locked the A/RES arms room door.[630] He documented the arms room closing time on the exterior Standard Form 702 as 1100.[631] After 1113, SPC Robinson returned the arms room keys to (b) (6), (b) (7)(C) returned the keys to the key depository in the A/RES orderly room. Neither SPC Robinson nor (b) (6), (b) (7)(C) annotated the time the keys were returned on the DA Form 5513.[632]

---

[625]B-8-11, HHT/RES Physical Security Inspection Report 3Mar20 p.1: pg 126-128, HHT/RES Arms Room Book; Commander's Report of Action Taken.
[626]B-8-6, A/RES Physical Security Inspection Report 3Mar20: pg 1.
[627]A-34-2, (b) (6), (b) (7)(C): pg 1, "I met with SPC Robinson, the morning of 22APR2020 and issued him the keys"; A-34-2, (b) (6), (b) (7)(C): pg 2, "I was. I was the one who issued the keys. I issued the keys to Robinson.".
[628]A-34-2, (b) (6), (b) (7)(C): pg 1, "I believed he had logged the book in the Ops office, but forgot to check and sign the issue before leaving"; B-8-3, Standard Form 702: Security Container Checksheet.
[629]B-8-1, Intrusion Detection System (IDS) Log : pg 76; B-8-3, Standard Form 702: Security Container Checksheet.
[630]B-8-1, Intrusion Detection System (IDS) Log : pg 79.
[631]B-8-3, Standard Form 702: Security Container Checksheet.
[632]B-8-2, DA Form 5513: Key Register and Inventory: pg 3.

f. **Facts Pertaining to Sexual Harassment by SPC Aaron Robinson.**

SPC Aaron Robinson enlisted in the U.S. Army as a Combat Engineer (Military Occupational Specialty code 12B) on 10 October 2017. He completed Basic Combat Training (BCT) and Advanced Individual Training (AIT) at Fort Leonard Wood, Missouri. Upon graduating AIT, SPC Robinson was assigned to Alpha Troop, Regimental Engineer Squadron (A/RES), 3rd Cavalry Regiment (3CR), Fort Hood, Texas, where he served as a Vehicle Driver for 2 years and 8 months and deployed to Iraq from May 2018 to December 2018. He was assigned the additional duty of troop armorer in October 2019. SPC Robinson died by suicide on 30 June 2020.

March 2019

Approximately March 2019, [redacted] first met, then PFC Robinson at a RES training event on Fort Hood. They both deployed with 3CR to Iraq for approximately 9-months, located at different FOBs. They did not have a professional relationship other than being in the same squadron and they did not have a personal/social relationship.[633]

Approximately from 13 April 2019 to 28 June 2019, SPC Robinson texted [redacted]. It began with small talk, elevated to playful banter, and then increased with unwanted sexual advances. SPC Robinson would send direct texts for [redacted] to come to his room.[634]

At 1219, 28 June 2019, SPC Robinson sent her a text "this is coming from nowhere but want to have sex?" Which [redacted] replied "I should smack you for that nonsense lol."[635] Robinson responds, "I'm joking but if you want to smack me you know where I live." On 29 June 2019 [redacted] blocked him on [redacted] cell phone.[636]

From the point [redacted] blocked his cell phone number, the harassment increased with SPC Robinson approaching [redacted] in person, with incentives of food and attempts to coerce her to come to his room. While [redacted] near the D Troop, Regimental Engineering Squadron (D/RES) CQ [redacted], the sexual harassment intensified. Robinson would noticeably stare at [redacted] and would often follow [redacted] around the unit area, as if stalking [redacted]. He would often stare at [redacted] from the second floor of Bldg. 9421, while [redacted] was on the first floor on [redacted]. On one occasion, while [redacted] was on [redacted] near the CQ area, SPC Robinson approached [redacted] with a pizza and tried to convince [redacted] to accompany him to his room; at night, [redacted] was frightened. This harassment continued until approximately September 2019, a point were Robinson abruptly disengaged.[637]

---

[633]A-28-1, [redacted]: pg 2; A-72-1, [redacted]: pg 2.
[634]A-28-1, [redacted]: pg 2-4; A-72-1, [redacted]: pg 2-3.
[635]B-9-2, [redacted] SPC Robinson Texts.
[636]A-28-1, [redacted]: pg 3; A-72-1 [redacted]: pg 2.
[637]A-28-1, [redacted]: pg 3&11; A-72-1, [redacted]: pg 2&5-6.

[redacted] notified a [redacted], of the Robinson harassment. [redacted] asked [redacted] to stop by to prevent Robinson from pursuing [redacted] this was effective during the times [redacted] was present. [redacted] only shared that Robinson was harassing [redacted] with one other person, [redacted], a Soldier that has since ETS'd from the Army. [redacted] states that [redacted] cannot recall any eye witnesses to these accounts and affirms that Robinson never touched [redacted].[638]

[redacted] did not make a complaint about SPC Robinson's conduct to a supervisor, any member of [redacted] chain of command/responsibility, SARC or SHARP personnel because [redacted] did not believe proper action would be taken by those [redacted] reported it to. [redacted] describes a climate of drunkenness in the barracks, and an unsafe environment. Ultimately, [redacted] felt that the command climate at the troop would not have supported a complaint of sexual harassment against SPC Robinson if [redacted] had made one.[639]

2 July 2020

In the early morning of 2 July 20, [redacted] saw a news clip reporting SPC Robinson had committed suicide, having been the primary suspect in the SPC Guillén disappearance and homicide.[640]

That same day, 02 July 20, [redacted] reported that [redacted] had been sexually harassed by SPC Robinson, as outlined above, to [redacted]. This is the first time anyone from [redacted] learned of the Robinson sexual harassment incident. [redacted] dismissed the complaint, seemingly aggravated by it, as was described as normal for his personality.[641] [redacted]

At 1414, 02 July 2020, [redacted] sent [redacted] a WhatsApp message saying that she is going to contact CID regarding the investigation. No text response from [redacted] but claims to have telephoned [redacted] and told [redacted] to proceed to CID.[643]

On 02 July 20[redacted] called the Fort Hood CID main telephone line (254) 287-2722 and reported the sexual harassment. The male CID representative that answered

---

[638] A-28-1, [redacted]: pg 2-4&17; A-72-1, [redacted]: pg 2.
[639] A-28-1, [redacted]: pg 7.
[640] A-28-1, [redacted]: pg 4&6; A-72-1, [redacted]: pg 3.
[641] A-28-1, [redacted]: pg 4; A-72-1, [redacted]: pg 3.
[642] A-96-1 [redacted]: pg 7.
[643] A-28-1, [redacted]: pg 6; A-96-1, [redacted]: pg 5; B-9-1, [redacted] Texts.

the call transferred (b) to another line (b)(6), (b)(7)(C) where the male CID representative took the complaint. He asked for (b) (6), (b) (7)(C) to screenshot and send the Robinson text messages from [redacted] phone to him, [redacted] complied.[644]

August 2020

(b) (6), (b) (7)(C) had not heard back from CID since 2 July, and called the main telephone number a few times with no answer. [redacted] followed up via telephone to the CID representative whom taken the report; [redacted] alleges he never answered or returned any of [redacted] calls.[645]

On 6 August 2020, (b) (6), (b) (7)(C) submitted an informal complaint for sexual harassment against SPC Robinson to the (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) recalls doing an intake form and other documents and recalls (b) (6), (b) (7)(C) taking notes. (b) (6), (b) (7)(C) is unaware if (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), were aware of the complaint. (b) (6), (b) (7)(C) was aware.[646]

31 August 2020 to 15 September 2020, (b) (6), (b) (7)(C) informed the FHIRC of the alleged sexual harassment while they were conducting their query of Fort Hood.[647]

September 2020

On 29 September 2020, (b)(6), (b)(7) filed a formal complaint of sexual harassment by (b) (6), (b) (7)(C) to the (b) (6), (b) (7)(C) SARC. (b) (6), (b) (7)(C) worked in the (b) (6), (b) (7)(C) [redacted].[648]

October 2020

On 6 October 2020, (b) (6), (b) (7)(C), the (b) (6), (b) (7)(C) for the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), first learned about the Robinson sexual harassment allegation when he conducted his first interview with (b)(6), (b)(7)(C) does not believe the chain of command has been informed of this allegation, but did notify them following his interview on 28 October 2020.[649]

(b) (6), (b) (7)(C) had no knowledge regarding alleged sexual harassment of SPC Guillén by SPC Robinson. They also had no knowledge of SPC Robinson sexually harassing anyone other than (b) (6), (b) (7)(C).[650]

---

[644]A-28-1, (b) (6), (b) (7)(C) pg 6; A-72-1, (b) (6), (b) (7)(C): pg 4; B-9-1, (b) (6), (b) (7)(C) Texts.
[645]A-28-1, (b) (6), (b) (7)(C): pg 5&13; A-72-1, (b) (6), (b) (7)(C): pg 4.
[646]A-28-1, (b) (6), (b) (7)(C) pg 6, 12-14; A-72-1, (b) (6), (b) (7)(C): pg 4.
[647]A-72-1, (b) (6), (b) (7)(C): pg 8.
[648]A-28-1 (b) (6), (b) (7)(C): pg 15.
[649]A-28-1, (b) (6), (b) (7)(C): pg 6, 12-14; A-72-1 (b) (6), (b) (7)(C): pg 8.
[650]A-28-1, (b) (6), (b) (7)(C) pg 17; A-72-1 (b) (6), (b) (7)(C): pg 9; A-96-1, (b) (6), (b) (7)(C): pg 5.

g. **Facts Pertaining to HQDA and FORSCOM COVID-19 Guidance.**

The following is a summary of HQDA and FORSCOM guidance issued between late February and 21 April 2020 directing Army activities in response to COVID-19. The selected excerpts established procedures for determining mission essential personnel and executing "shelter in place" orders.

28 February 2020

HQDA issued Execute Order (EXORD) 144-20 directing Army activities in response to COVID-19.

29 February 2020

FORSCOM issued an EXORD in Response to COVID-19 Outbreak, which included instructions to review and update installation HPCON Frameworks as a key task and directed units to see DoD Force Health Protection (FHP) Supplement 2, which was attached as Annex, F, Appendix 3, Tab E in the EXORD.[651] In addition to referencing DoD FHP Supplement 2, FORSCOM's EXORD directed Corps and Division Senior Commanders to be prepared to maximize a proportion of installation workforce that can perform duties via telework.[652]

DoD FHP Supplement 2, dated 25 February 2020, contained COVID-19 specific recommendations and a risk-based framework to guide installation commanders in planning. This guidance included maximizing telework and limiting installation access as recommended response measures.[653]

4 March 2020

HQDA EXORD 144-20, FRAGO 2 directed all ACOMs, ASCCs, and DRUs to assess units / locations in the USNORTCHCOM AoR where additional prudent measures are required for mission assurance. This FRAGO placed priority on unique capabilities essential to: force projection, decisive action, deterrence, and continuity of operations/support to continuity of government and homeland defense. While FRAGO 2 did not direct implementation of these measures, it included restricting units to a military

[651]See References: FORSCOM EXORD in Response to COVID-19 Outbreak, 29 February 2020, paragraph 3.A.2.D.
[652]See References: FORSCOM EXORD in Response to COVID-19 Outbreak, 29 February 2020, paragraph 3.C.5.
[653]See References: Under Secretary of Defense Memorandum, "Force Health Protection (Supplement 2) – Department of Defense Guidance for Military Installation Commander's Risk-Based Measured Responses to the Novel Coronavirus Outbreak," 25 February 2020.

installation, minimizing in-person attendance at meetings, and maximizing the use of VTCs and teleconferences as potential options.[654]

6-7 March 2020

HQDA EXORD 144-20, FRAGO 3 directed ACOMs, ASCCs, and DRUs to identify all mission essential personnel and prepare and update all telework agreements.[655] FORSCOM FRAGO 1 directed all subordinate commanders to do the same.

9 March 2020

ALARACT 21/2020 included recommended generic talking points for HCPON measures based on the framework established in DoD FHP Supplement 2. These talking points included references to limiting access/closing installations or facilities at HPCON C, cancellation of all non-mission essential activities, and maximizing telework at HPCON D. This ALARACT also included a product from the Army Public Health Center (APHC) depicting HPCON levels for COVID-19 (version 1.1, 4 March 2020), which included measures to limit installation access and implement remote work; and extended periods of restricted movement at HPCON D.

10 March 2020

FORSCOM FRAGO 2 issued the recommended HPCON talking points from ALARACT 21/2020.[656]

12 March 2020

HQDA EXORD 144-20, FRAGO 5 included two memorandums, Annex L1 dated 10 March and Annex L2 dated 12 March, cosigned by the Director of the Army Staff (DAS) and the Administrative Assistant to the Secretary of the Army (AASA). While both memorandums included guidance to prevent the spread of COVID-19, the 12 March memorandum directed HQDA Principal Officials to implement maximum telework, cancel visits by outside personnel, and maximize alternate locations and vacant spaces to increase personal separation. While included as annexes and references, the FRAGO did not direct subordinate units to implement any of the mitigation measures contained in these memorandums.

[654] See References: HQDA EXORD 144-20 (FRAGO 2), 4 March 2020, paragraph 3.B.2.C. to 3.B.2.C.1.G.
[655] See References: HQDA EXORD 144-20 (FRAGO 3), 6 March 2020, paragraph 3.B.2.I. and 3.B.2.J.
[656]See References: FORSCOM EXORD in Response to COVID-19 Outbreak (FRAGO 2), 7 March 2020, Appendix 9 to Annex J.

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

14 March 2020

HQDA EXORD 144-20, FRAGO 7 contained a coordinating instruction to "see" Reference KK, a 13 March memorandum cosigned by the DAS and AASA. The memorandum further clarified restrictions at HQDA facilities though the order did not direct subordinate units to implement similar measures at their level.[657]

HQDA EXORD 144-20, FRAGO 8 issued Annex R which defined Health Protection Measures for HPCON levels 0 through D. The HPCON Framework in Annex R matches the conceptual HPCON Framework from DoDI 6200.03 Figure 8, referenced in the annex. FRAGO 8 did not direct any specific actions relative to the framework in Annex R.

16 March 2020

FORSCOM FRAGO 4 directed installation Senior Commanders to use the Readiness COVID-19 Whiteboard Assessment (Appendix 12 to Annex C) when determining what installation facilities will be affected as they adjust HPCON.[658] This assessment assumed the workforce will telework with only key and essential personnel reporting for duty at HPCON C.

18 March 2020

FORSCOM FRAGO 5 further defined measures by HPCON levels to limit the virus's spread. HPCON C measures included: limiting or cancelling in-person meetings or gathering, sheltering in-place indoors, and enforcing tele-work or shift work.[659]

19 March 2020

FORSCOM FRAGO 6 issued an updated Readiness COVID-19 Whiteboard Assessment (Appendix 13 to Annex C) and directed all FORSCOM installations to go to HPCON B IAW with the measures outlined in the assessment.[660] Additionally, the order specified that commanders may exercise their authority to assign Soldiers an alternate workplace and assign duties to perform remotely.[661]

---

[657] See References: HQDA EXORD 144-20 (FRAGO 7), 14 March 2020, paragraph 3.C.45.
[658]See References: FORSCOM EXORD in Response to COVID-19 Outbreak (FRAGO 4), 16 March 2020, paragraph 3.C.7.S. and Appendix 12 to Annex C.
[659]See References: FORSCOM EXORD in Response to COVID-19 Outbreak (FRAGO 5), 18 March 2020, Appendix 3 to Annex F paragraph 4.A.2.D.4.
[660]See References: FORSCOM EXORD in Response to COVID-19 Outbreak (FRAGO 6), 19 March 2020, paragraph 3.C.21. to 3.C.21.A and Appendix 13 to Annex C.
[661]See References: FORSCOM EXORD in Response to COVID 19 Outbreak (FRAGO 6), 19 March 2020, Appendix 2 to Annex F, paragraph 4.D.3. and 4.D.5.

23 March 2020

HQDA EXORD 144-20, FRAGO 12 was the first instance where HQDA directed Army wide HPCON measures, ordering Army Commands to designate all camps, posts, and installations as HPCON B.[662] FRAGO 12 did not define specific HPCON B measures for commands to implement beyond the guidance already listed in Annex R.

HQDA EXORD 144-20, FRAGO 13 (23 March 20) subsequently issued Annex CC, an Army Public Health Center document which contained additional HPCON guidance, and directed all commands to assume HPCON C for mission essential activities and HPCON D for all personnel not identified as mission essential.[663] According to Annex CC, HPCON C actions include the potential for severely restricted access to military installations and implementation of remote work. Annex CC further states individuals under HPCON D measures could expect to remain at home for extended periods of time.

FRAGO 13 narrowly defined mission essential as those functions in support of COVID-19 operations and life, health, and safety of personnel and installations.[664]

FORSCOM FRAGO 9 directed all FORSCOM installation to assume HPCON C using the baseline measures in the FORCOM Installation HPCON Measures (Appendix 16 to Annex C). FORSCOM HPCON C measures included implementing telework pans and reducing staff to mission essential/critical personnel.[665] This FRAGO also defines mission essential functions as, "those functions in support of COVID-19 operations and life, health, and safety of personnel and installations." This guidance authorized commanders to determine which functions are essential but directs that all personnel not required to continue operation of mission essential functions be placed on tele-work.[666]

26 March 2020

HQDA EXORD 144-20, FRAGO 14 (26 March 20) rescinded FRAGO 13 in its entirety to include the definitions of mission essential and non-mission essential activities and personnel, and Annex CC. However, FRAGO 14 reissued a directive for

[662] See References: HQDA EXORD 144-20 (FRAGO 12), 23 March 2020, paragraph 3.C.65.
[663] See References: HQDA EXORD 144-20 (FRAGO 12), 23 March 2020, paragraph 3.C.65.
[664] See References: HQDA EXORD 144-20 (FRAGO 13), 23 March 2020, paragraphs 3.A.3.C. and 3.B.2.V.
[665]See References: FORSCOM EXORD in Response to COVID 19 Outbreak (FRAGO 9), ?? March 2020, paragraph 3.C.21. to 3.C.21.A. and Appendix 16 to Annex C.
[666]See References: FORSCOM EXORD in Response to COVID 19 Outbreak (FRAGO 9), ?? March 2020, paragraph 3.C.21.B. to 3.C.21.D.

the Army to assume HPCON C.[667] FRAGO 14 did not further specify which HPCON C measures commands should implement. While Annex CC was not reissued as part of an HQDA order, the APHC document and other similar products remain available on the center's website.[668]

27 March 2020

FORSCOM FRAGO 10 issued version 4 of Appendix 16 to Annex C and directed Senior Commanders to use the HPCON C measures as their baseline. The updated appendix did not change previous guidance on telework or staffing.[669]

30 March 2020

FORSCOM FRAGO 12 slightly modified the definition of mission essential tasks and functions and granted Senior Commanders the authority to increase or modify mission essential tasks based on real world or unforeseen requirements. This FRAGO also added that telework, VTC, or other virtual technology should be the primary mode of communications for non-mission essential functions.[670] FRAGO 12 maintained previous guidance that non-mission essential personnel should be placed on telework but added that leaders are still expected to perform daily Soldier checks, either virtual or in person while social distancing.[671]

8 April 2020

HQDA EXORD 144-20, FRAGO 18 directed ACOMs, ASCCs, and DRUs to provide weekly updates to HQDA on any HPCON measure taken above HPCON C and provides specific examples of these measures.[672] This requirement was later rescinded in FRAGO 22 (22 April 2020).

15 April 2020

FORSCOM FRAGO 20 included the requirement for commands to update COVID-19 personnel status through the Army's Disaster Personnel Accountability and Assessment System (ADPAAS) on a daily basis. In addition to tracking whether an individual is affected by COVID-19, the ADPAAS reporting module also requires

---

[667] See References: HQDA EXORD 144-20 (FRAGO 14), 26 March 2020, paragraphs 3.A.4. to 3.A.6.
[668] Army Public Health Center website https://ephc.amedd.army.mil/HIPECatalog/searchResults.aspx?hotlist=88.
[669] See References: FORSCOM EXORD in Response to COVID 19 Outbreak (FRAGO 10), 27 March 2020, paragraph 3.C.21 and Appendix 16 to Annex C v4.
[670] See References: FORSCOM EXORD in Response to COVID 19 Outbreak (FRAGO 12), 30 March 2020, paragraph 3.C.21.B. to 3.C.21.B.3..
[671] See References: FORSCOM EXORD in Response to COVID 19 Outbreak (FRAGO 12), 30 March 2020, paragraph 3.C.21.I.
[672] HQDA EXORD 144-20 (FRAGO 18), 2 April 2020, paragraphs 3.C.81. to 3.C.81.L.

reporting the sponsor's work status i.e. working on site, working off site, or not working.[673]

[673]See References: FORSCOM EXORD in Response to COVID 19 Outbreak (FRAGO 20), 15 April 2020, Appendix 2 to Annex F paragraph 4.J.F. to 4.J.6.F., and Tab 22 and 23.

8. **Findings and Recommendations.**

a. **Findings and Recommendations Pertaining to LOI 2 – Accountability.**

(1) **Standards of Determination.**

Army Regulations

Army Regulation (AR) 600-8-6: *Personnel Accounting and Strength Reporting* (1 April 2015), places responsibility for Soldier accountability on Commanders at all echelons.[674] AR 600-8-6 defines personnel accounting as "the recording and tracking of by-name data on personnel when they arrive, depart, change duty location, change duty status, change assignment eligibility and availability (AEA), or change grade."[675] The Electronic Military Personnel Office (eMILPO) is the personnel accounting system of record for all Regular Army personnel, and is executed "primarily at brigade (BDE) and below."[676] Commanders and Human Resource officers "are directly responsible for the accurate and timely submission of personnel data into eMILPO," and accountability "at all times is essential to facilitating accurate personnel status (PERSTAT) reporting."[677] Unit commanders report all changes in PERSTAT occurring during the reporting period to the S1, each duty day, and S1s ensure changes in PERSTAT are entered into eMILPO.[678]

In accordance with AR 600-20, Army Command Policy (6 November 2014), commanders exercise primary command authority over a military organization, and are responsible for everything their command does or fails to do.[679] The key elements of command are authority and responsibility.[680] In accordance with para 2-1, commanders subdivide responsibility and authority and assign portions of both to various subordinate commanders and staff members. In this way, a proper degree of responsibility becomes inherent in each command echelon. Commanders delegate sufficient authority to Soldiers in the chain of command to accomplish their assigned duties, and commanders may hold these Soldiers responsible for their actions. Commanders who assign responsibility and authority to their subordinates still retain the overall responsibility for the actions of their commands.[681]

The chain of command assists commanders at all levels to achieve their primary function of accomplishing the unit's assigned mission while caring for personnel and property in their charge.[682] A simple and direct chain of command facilitates the transmittal of orders from the highest to the lowest levels in a minimum of time and with the least chance of misinterpretation.[683] Effective communication between senior and

[674]See References: AR 600-8-6, para 1-6.
[675]See References: AR 600-8-6, para 1-6.
[676]See References: AR 600-8-6, para 1-6.
[677]See References: AR 600-8-6, para 1-6.
[678]See References: AR 600-8-6, para 1-6 and para 1-24.
[679]See References: AR 600-20, para 1-5 and para 2-1.
[680]See References: AR 600-20, para 1-5.
[681]See References: AR 600-20, para 2-1.
[682]See References: AR 600-20, para 2-1.
[683]See References: AR 600-20, para 2-1.

subordinate Soldiers within the chain of command is crucial to the proper functioning of all units.[684] The NCO support channel (leadership chain) parallels and complements the chain of command. It is a channel of communication and supervision from the CSM to the 1SG, and then to other NCOs and enlisted personnel of the unit.[685] Commanders define the responsibilities and authority of their NCOs to their staffs and subordinates. Among other duties, the NCO support channel assists the chain of command plan and conduct day-to-day unit operations within prescribed policies and directives.[686]

Fort Hood, 3CR, RES, and E/FST manning guidance in place in April 2020, to include COVID-19 considerations

III Corps and Fort Hood

On 18 March Fort Hood assumed HPCON B.[687] Beginning 23 March and extending into early April, MG Efflandt issued a series of directives and General Orders implementing travel and Shelter-in-Place restrictions for all Fort Hood tenant units. The first, a Travel Restriction Order published on 23 March, restricted Soldiers from traveling outside of a 40-mile radius from the installation.[688] The next day, on 24 March, MG Efflandt, via memorandum, directed all Fort Hood commanders and leaders to shift to "Mission Essential Manning" effective 1400, further directing that all personnel determined as "non-mission essential" by their leadership "shelter in place".[689] On 25 March, via operations order, Task Force Phantom directed all commanders to assume Health Protection Condition (HPCON) C for mission essential activities, defined as COVID-19 response; Defense Support of Civil Authorities (DSCA) missions; operations; life, health, and safety of personnel; Supply Support Activity (SSA) and Shop Stock List (SSL) Activity to include unit pickups; services and non-mission capable maintenance on Equipment Readiness Category (ERC) A and pacing items; and all required aviation maintenance to include phase maintenance.[690] There is no evidence that Task Force Phantom issued an accountability standard via order; however, FRAGORD 11 on 25 March directed mission essential military personnel to continue to perform duties, and, "when not at work performing mission essential duties, military personnel follow all published guidance from their chains of command or supervisor."[691]

---

[684]See References: AR 600-20, para 2-1.
[685]See References: AR 600-20, para 2-18.
[686]See References: AR 600-20, para 2-18.
[687]B-2-10, FRAGORD 07 to PW 20-02-0079: pg 1, paragraph 3.A., "Effective immediately this FRAGORD elevates the Fort Hood HPCON posture to Bravo." and pg 12, para 3.C.15, "Fort Hood is HPCON level B as of 18 1200 MAR 2020.".
[688]B-2-11, Memorandum for See Distribution, Commanding General's Travel Restriction Order Due to COVID-19.
[689]B-2-12, Fort Hood Transition to Mission Essential Manning Guidance. Memorandum.
[690]B-2-13, FRAGORD 11 to PW 20-02-0079: pg 10, para 3.B.59, 25 MAR 20.
[691]B-2-13, FRAGORD 11 to PW 20-02-0079: pg 10, para 3.B.61.a, 25 MAR 20.

On 27 March, MG Efflandt issued a "shelter in place" General Order that superseded the 23 March travel restrictions, authorizing mission essential functions as directed in FRAGORD 11 to PW 20-02-0079. The General Order, which was punitive in nature, also imposed a 2200 to 0530 curfew for all Soldiers residing on and off-post, maintained the 40-mile travel restriction, and limited additional Soldier travel to "support mission essential functions or the activities of daily living," such as healthcare, grocery shopping, or other designated activities.[692] Finally, on 3 April, MG Efflandt issued a revision to the General Order that removed hunting and fishing as authorized activities of daily living. These restrictions were in effect on 22 April 2020.[693]

3rd Cavalry Regiment (3CR)

On 24 March, (b) (6), (b) (7)(C) initiated reduced manning in support and Bell County orders and implementation of HPCON B+ (minimal manning) on Fort Hood. 3CR transitioned the "posture of our force" to execution of "Mission Essential operations."[694] FRAGORD 7 to 3CR's COVID-19 response order directed squadrons to "man and execute missions" designated as mission essential and that "readiness essential activities" would be "nominated for approval by the (b) during the daily COVID Battle Update Brief (BUB) (Monday -Thursday 1600 CST) update prior to execution."[695] 3CR executed a confirmation brief by squadron command teams on 24 March, and a back brief on 25 March.[696] FRAGORD 7 established the key task of "Maintain Readiness: Continue priority maintenance, maintain ongoing planning efforts for upcoming operations, and sustain systems of record across all lines of effort" and provided the following definitions: The order further defined Mission Essential personnel as "a key leader or Trooper, by echelon, whose non-delegable function is deemed essential to the successful completion of the mission" and clarified that Readiness Essential personnel included those required to "continue priority maintenance: GLDS/Deadline Parts maintenance/SSA Operations."[697]

On 26 March, (b) (6), (b) (7)(C) issued guidance to squadron command teams (via email) to "ensure all understand mission essential personnel and mission essential functions. We all need to know who is working, when, where, and whether their duty fits within intent for reduced manning / reduced exposure and necessity;" the email further defined mission essential to include "critical supply and maintenance operations to include: SSA operations, parts / supply pickup, Non-Mission Capable (NMC) maintenance on PACERS and aviation maintenance. To be clear – services and routine

[692]B-2-14, GENERAL ORDER: Shelter in Place Order for Personnel under the Authority of the Senior Commander.
[693]B-2-15, GENERAL ORDER: Shelter in Place Order for Personnel under the Authority of the Senior Commander.
[694]B-2-16, 3CR FRAGORD 7, OPORD 33-20: pg 1, para 2, 24 MAR 20.
[695]B-2-17, 3d CR Mission R6 Intent Guidance HPCONB+(FRAGO 7)_Rifles 6_24MAR20.
[696]B-2-17, 3d CR Mission R6 Intent Guidance HPCONB+(FRAGO 7)_Rifles 6_24MAR20.
[697]B-2-18, 3CR FRAGORD 8, OPORD 33-20: pg 2, para 3.a.ii, and pg 18, para d.x, 25 MAR 20.

maintenance generally do not fit in the mission essential category unless for Crisis Reaction Battalion (CRB) operations or aviation maintenance."[698] On the same day, the Regiment issued FRAGORD 9, implementing reduced manning in support of HPCON C (mission essential manning).[699] The order further specified that 3CR would resume collective training NET 1 June 20, and all training "not directly related to mission essential activities" would cease unless approved by MG Efflandt.[700] On 21 April 20, o/a 1300, (b) (6), (b) (7)(C) further clarified mission essential guidance to squadron command teams via email, included the following maintenance operations as "mission essential" – "Equipment services (priority: PACERS; Weapons; critical legacy fleet to include Wreckers, Fuelers, Command and Control (C2) platforms, Field Feeding Equipment; Commo Equipment)"[701] There is no evidence that regiment directed squadrons to report the exact number of Soldiers conducting mission essential duties in the footprint on a daily basis.[702]

Regimental Engineer Squadron (RES)

On 24 March, (b) (6), (b) (7)(C) ordered all RES Soldiers to "remain in their primary residence from 24 MAR 20 until 03 APR 20, or until recalled by the chain of command."[703] The (b) directed all Soldiers to "remain in their residence at all times except for "essential activities (getting food or other essential household items and / or seeking medical treatment)" and if they "left their residence, they were to notify the chain of command / NCO support channel."[704] Regarding mission essential duties, the squadron designated "Medics, Food Service Troopers, select Mechanics, and select supply clerks" as "mission essential in order to maintain readiness" and directed command teams to "notify these Troopers of their work requirements and report the number of Troopers, by essential task, daily to Squadron."[705] On 26 March, (b) (6), (b) (7)(C) forwarded (b) (6), (b) (7)(C) email to Troop Command Teams, defining mission essential functions and instructing command teams to "ensure all understand mission essential personnel and mission essential functions. We all need to know who is working, when, where, and whether their duty fits within intent for reduced manning / reduced exposure

[698]B-2-19, Email, (b) (6), (b) (7)(C), "Mission Essential Functions and Personnel.
[699]B-2-20, 3CR FRAGORD 9, OPORD 33-20: pg 1, para 2, 26 MAR 20.
[700]B-2-20, 3CR FRAGORD 9, OPORD 33-20: pg 19, para d.x.3, 26 MAR 20.
[701]B-2-22, Email: 211300APR 20; (b) (6), (b) (7)(C), "Guidance: Maintenance and Inventories.
[702]A-127-1, (b) (6), (b) (7)(C) pg 2, "when the COVID-19 response started, no. And I don't remember the exact date, but eventually, that became a reportable item to the regiment, and eventually, to Corps. I don't remember exactly when that started." No records of these reports were provided or are known to exist; A-27-2, (b) (6), (b) (7)(C) pg 2, regarding a specific report on names/numbers of personnel conducting mission essential duties, "No, sir. There were mission essential personnel that were named in the back brief before we went to shelter-in-place. There were mission essential personnel that had to go to work every day.".
[703]B-2-24, Memorandum, (b) (6), (b) (7)(C), "COVID-19 Place of Duty".
[704]B-2-24, Memorandum, (b) (6), (b) (7)(C), "COVID-19 Place of Duty".
[705]B-2-24, Memorandum, (b) (6), (b) (7)(C), "COVID-19 Place of Duty".

and necessity."[706] On 21 April, o/a 1523, (b) (6), (b) (7)(C) forwarded the (b)(6), email clarifying mission essential functions, and adding "weapons" as a maintenance priority, to the Troop Command Teams to include (b) (6), (b) (7)(C) .[707] (b) (6), (b) (7)(C) directed the XO and Maintenance Control Team to "draft a plan for my approval, to get back to the maintenance operations" noting that "the Squadron will work quickly to refine guidance at our level so we can start executing all of the activities outlined on this list."[708] (b) (6), (b) (7)(C) characterized the maintenance guidance in effect in April 2020 as "mission essential vehicle services, which would only include PACERs" and "normal services" and repairs "regarding the readiness of NVGs, weapons, CBRN" equipment could still be processed.[709]

The squadron's 25 March back brief to the (b)(6), IAW 3CR FRAGO 7, established an HPCON B+ mission essential footprint of 18 leaders and Soldiers, with another three on call for Unit Status Report (USR) duty.[710] Squadron leadership (4) worked daily, 0900-1700, within the footprint (Commander, Command Sergeant Major, Executive Officer, S3). The Staff Duty Officer and Non-Commissioned Officer, Runner, and two Charge of Quarters accounted for five personnel daily with 24-hour coverage. The Physician's Assistant and two medics manned the Medical Clinic on a daily basis, augmented by two additional medics for sick call and quarantine support each morning from 0800-1000. Four cooks per shift operated the Dining Facility. And the Squadron S1, S2, and S4 reported for duty in the footprint for USR as required.[711] The squadron also identified an additional 21 Soldiers to perform mission and readiness essential activities as required, which would be reviewed for avoidance at HPCON C, which Fort Hood instituted on 25 March.[712] Two Soldiers provided Human Resource support from 0900-1000 on work days. Two Soldiers provided Signal support, and an additional seven Soldiers provided Supply support for approximately two hours a day. Finally, 10 Soldiers were authorized to support maintenance operations from 0900-1600 during work days, which included leadership, to perform "overdue services, SSA pickup, deadline repairs, as needed, drivers / TCs."[713] According to the (b) (6), (b) (7)(C) issued additional verbal guidance to further restrict the number of Soldiers in the motor pool, with no more than 10 mechanics on duty and no more than 10 personnel from other Troops in the motor pool at any given time, limited to two Troops per day with offset work locations.[714]

---

[706]B-2-27, Email: (b) (6), (b) (7)(C), FW: Subject: Mission Essential Functions and Personnel.
[707]B-2-22, Email: 211300APR 20; (b) (6), (b) (7)(C), "Guidance: Maintenance and Inventories.
[708]B-2-22, Email: 211300APR 20; (b) (6), (b) (7)(C), "Guidance: Maintenance and Inventories.
[709]A-61-1, (b) (6), (b) (7)(C) pg 2.
[710]B-2-26, Pioneer slide 25 MAR 20 FRAGORD 7 back brief.
[711]B-2-26, Pioneer slide 25 MAR 20 FRAGORD 7 back brief.
[712]B-2-26, Pioneer slide 25 MAR 20 FRAGORD 7 back brief.
[713]B-2-26, Pioneer slide 25 MAR 20 FRAGORD 7 back brief.
[714]A-61-1, (b) (6), (b) (7)(C) pg 2, "we told them that there were only to be 10 mechanics and 10 personnel per troop in a motor pool at any one time … we assigned specific days to troops, so two troops would have a day.".

According to (b) (6), (b) (7)(C), by late March the volume and fluctuations in COVID-19 guidance and reporting requirements shifted focus and energy away from daily, routine practices to COVID-19 requirements.[715] The squadron instituted a daily 1000 Commander's Update Brief (CUB) via Skype or Microsoft Teams, during which Troop Command Teams briefed accountability and daily mission essential duties, IAW (b) (6), (b) (7) 24 March direction on reporting requirements.[716] According to (b) (6), (b) (7)(C), the session typically lasted 15 to 30-minutes each day, and the intent was for troop commanders to brief mission essential requirements, the number of personnel required to conduct mission essential duties in the footprint, and the tasks, 24 to 48-hours out.[717] (b) (6), (b) (7)(C) also recalled denying troop commander requests for Soldiers to perform mission essential duties during this forum.[718] The squadron did not establish a requirement for Troops to submit a written report by-name, or number, of the personnel who would be performing mission or readiness essential duties in the footprint on a daily basis.[719] (b) (6), (b) (7)(C) expected troop commanders to keep track of Soldiers performing mission essential duties in the footprint.[720] Regarding compliance, (b) (6), (b) (7)(C) was unaware of "any issues" and expected troop commanders and first sergeants to report accountability and duties at the daily 1000 CUB.[721]

Echo Forward Support Troop (E/FST)

E/FST written guidance, in place on 22 April, consisted of an event-oriented counseling DA4856 Counseling Statement to Soldiers outlining the Fort Hood General Order.[722] The DA4856 defined mission essential functions as specified by MG Efflandt's 27 March General Order.[723] A sample of maintenance platoon Soldier and NCO

---

[715]A-43-1, (b) (6), (b) (7)(C) pg 1, "There was that level of chaos, on top of the shelter in place," and "we didn't know how long it would last. There was some turmoil in there as well." pg 18, "There was a lot of frustration and fatigue associated with the COVID procedures changing all the processes for everything.".
[716]B-2-24, Memorandum, (b) (6), (b) (7)(C), "COVID-19 Place of Duty" : pg 2, "Troop command teams will continue to update the Squadron by 1000 daily and will attend the 1000 synch virtually via Skype for Business.".
[717]A-43-1, (b) (6), (b) (7)(C): pg 2, "It wasn't that hard to figure out who was mission essential They would brief me 24 to 48 hours out … at the 1000 MS Teams session." pg 1, Length as 15-30 minutes.
[718]A-43-1, (b) (6), (b) (7)(C) pg 2, when asked if he recalled denying requests, stated "absolutely.".
[719]A-43-1, (b) (6), (b) (7)(C) pg 2, "I didn't require a list of people who were at work on a daily basis," and when asked how he verified compliance, "the troop commander and 1SG reported those at our daily meetings."; A-5-1, (b) (6), (b) (7)(C): pg 11, when asked if the Troop Command Team owed a written report with those mission essential numbers or names to squadron, "No, sir."; A-61-1, (b) (6), (b) (7)(C): pg 4, Regarding reports of mission essential personnel, "They were 90% of the time verbal, sir. The only time that they would have been written was if we did not have the meeting for some reason."; A-86-1, (b) (6), (b) (7)(C): pg 3, "Those type of reports, no. The PERSTAT was the one collected. They would also say on MS Teams chat "100% accounted for.".
[720]A-43-1, (b) (6), (b) (7)(C) pg 2, "Troop commanders should have" kept track of who was mission essential each day.
[721]A-43-1 (b) (6), (b) (7)(C) pg 2, "Troop Commander and 1SG reported those at our daily meetings.".
[722]A-24-1, (b) (6), (b) (7)(C): pg 10, "… they all got counseled. DA4856. With the shelter in place restrictions."; B-2-30, Sample signed E/FST DA4856 Shelter in Place RFI 351.
[723]B-2-30, Sample signed E/FST DA4856 Shelter in Place RFI 351.

statements were signed 30-31 March 2020.[724] Soldiers also received the Fort Hood "shelter in place" General Order.[725] The E/FST written guidance did not include the 10-Soldier restriction on personnel authorized in the motor pool; according to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), this guidance was disseminated verbally, to platoon sergeants.[726] (b) (6), (b) (7)(C) recalled the 10-Soldier restriction but do not recall the exact written or verbal source.[727] The 10-Soldier limit did not include Soldiers who had been assigned additional mission or readiness essential duties, which would require short duration presence in the Squadron footprint.[728] (b) (6), (b) (7)(C) managed the 10-Soldier limit as it applied to E/FST Soldiers and their maintenance duties in the motor pool on a daily basis.[729] Soldiers performing duties in the motor pool were required to be in uniform.[730] The E/FST Command Team expected any Soldier reporting for mission essential duties in the footprint to be in uniform, and made spot corrections; however, (b) (6), (b) (7)(C) stated that it would not be unusual for a Soldier to wear civilian clothes for a mission essential duty that required brief presence, such as SPC Guillén's duties on 22 April.[731]

Prior to the 1000 daily CUB with the Squadron Commander, (b) (6), (b) (7)(C) received the overall accountability report from (b) (6), (b) (7)(C), but did not receive a detailed report of E/FST Soldiers and their assigned mission essential duties in the footprint.[732] According to (b) (6), (b) (7)(C), he did not brief specific names or tasks at the 1000 daily CUB, instead that E/FST had "10 people working here in the motor pool and everyone is

---

[724]B-2-30, Sample signed E/FST DA4856 Shelter in Place RFI 351.
[725]A-24-1, (b) (6), (b) (7)(C) pg 10, "Yes, and they all got counseled.".
[726]A-24-1, (b) (6), (b) (7)(C) pg 12, when asked about the 10-Soldier limit on essential personnel, whether guidance or changes was issued in writing, "No."; A-5-1, (b) (6), (b) (7)(C): pg 5, when asked if the procedures and standards were written in a troop SOP or order, responded "No, sir" and although he did not remember if the 10-Soldier limit was issued by the Squadron in an order, he remembered, pg 7, "it was disseminated to the troopers and there was only 10 troopers at the motor pool.".
[727]A-70-1, (b) (6), (b) (7)(C) : pg 6, "I can't remember if it was the 27th or 28th [of March], and it was some guidance put out that we just couldn't have more than 10 or 15 people in the motor pool at all" and regarding the process of determining who had to work, "There was nothing in writing.".
[728]A-118-1, (b) (6), (b) (7)(C): pg 2, "they wanted only 10 people in the motor pool at any given time and those 10 people were working on O2 parts until those parts were installed and then they were released."; A-5-1, (b) (6), (b) (7)(C) pg 10, regarding SPC Guillén's duties outside the motor pool on 22 APR 20, "she wouldn't have been included in that 10 troopers that had to work.".
[729]A-118-1, (b) (6), (b) (7)(C) pg 2, "we would pretty much look at the ESR, figure out what was coming in, what we had in, and then we would say, "all right, how many people do we need to complete this task," and that is how we would bring our people in.".
[730]A-75-1, (b) (6), (b) (7)(C) pg 5, "Uniform. We were going to be working on vehicles.".
[731]A-11-1, (b) (6), (b) (7)(C) pg 7, "For quick missions like Specialist Guillén was doing, it was okay for civilians because she was going to be in and out."; A-5-1, (b) (6), (b) (7)(C) pg 25, "If they have to work and they are a part of that 10-man work schedule, they were supposed to be in uniform."; A-70-1 (b) (6), (b) (7)(C): pg 10, "I can see how just to get a serial number wouldn't require you to stay here all day … if you just needed to go to the orderly room or do something real quick … it really didn't matter. I don't think it was guidance put out per se.".
[732]A-5-1, (b) (6), (b) (7)(C) pg 10, "By name, no, sir. Not by name. We had just a general accountability … (b) (6), (b) (7)(C) would get the reports from … the platoon sergeants and he would tell me … all troopers are accounted for. That's what I would tell (b) (6), (b) (7)(C).".

accounted for, etc." based on (b) (6), (b) (7)(C) accountability report.[733] In April 2020, (b) (6), (b) (7)(C) did not execute a battle rhythm event with the E/FST chain of command and Maintenance Control Team to review mission essential duty requirements, and (b) (6), did not approve mission essential duties on a daily basis.[734] (b) (6), (b) (7)(C) relied on (b) (6), (b) to manage and assign mission essential duties in the motor pool, within the 10-Soldier physical restriction.[735] (b) (6), (b) (7)(C) assumed that (b) (6), (b) (7)(C) attended (b)(6), (b)(7)(C) platoon sergeant meetings, and that (b) (6), (b) (7)(C) informed (b) (6), (b) (7)(C) of Maintenance Platoon duties.[736] However, (b) (6), (b) (7)(C) stated that he did not attend the (b)(6), platoon sergeant meetings, and (b) (6), (b) (7)(C) did not receive daily troop requirements from (b) (6), (b) (7)(C) or squad leaders / team chiefs, and considered it only a "courtesy" if (b) (6), were informed.[737]

According to the (b)(6), (b)(7)(C) managed the mechanics, the wheeled vehicle and engineer fleet maintainers, but did not "specifically task specialty maintainers," such as small arms repair.[738] (b) (6), (b) (7)(C) coordinated and assigned maintenance requirements directly with team chiefs / squad leaders via group chat, which according to (b) (6), (b) (7)(C) recollection included (b) (6), (b) (7)(C) did not typically assign duties that would require a Soldier to report for duty at a location other than the motor pool, such as one of the troop arms rooms.[740] According to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) would normally assigned duties for small arms repair that (b) (6), (b) had coordinated

[733] A-5-1, (b) (6), (b) (7)(C) pg 11.
[734] A-5-1, (b) (6), (b) (7)(C) pg 9, regarding a battle rhythm event to determine the Soldiers who would perform duties, "No, we didn't. Specific people who come in for that day, no, sir.".
[735] A-5-1, (b) (6), (b) (7)(C) pg 8, (b) (6), (b) (7)(C) … would contact the platoon sergeant and say, hey, this is who we need tomorrow.".
[736] A-5-1, (b) (6), (b) (7)(C) pg 9, regarding (b) (6), (b) (7)(C) daily meetings, "(b) (6), (b) (7)(C) would attend, (b) (6), (b) (7) Liceaga would attend, and some (b) (6), (b) (7)(C) in the maintenance sometimes would attend. Mainly SSG (b) (6), (b) (7)(C) would attend those meetings with the first sergeant.".
[737] A-70-1, (b) (6), (b) (7)(C) pg 6, "I would have expected like a courtesy if anyone from either (b) (6), (b) (7)(C) needed something, that they would have told me, but they never told me, per se, or there wasn't a procedure that, I guess, required it."; A-77-3, (b) (6), (b) (7)(C) pg 2, when asked if he attended any of (b) (6), (b) (7)(C) training meetings, responded "No, I do not.".
[738] A-61-1, (b) (6), (b) (7)(C) pg 3.
[739] A-118-1, (b) (6), (b) (7)(C) pg 3, regarding (b) (6), (b) (7)(C), "We were in the same group chat so if I pushed out who was coming in he would see that message."; A-77-3, (b) (6), (b) (7)(C) pg 2, "It would come down to what needed to get done. Sometimes I would make the list if I was on duty, sometimes (b) (6), (b) (7)(C) would make the list" which was distributed "Mostly through text. We basically had a group so that everyone can see it.".
[740] A-118-1, (b) (6), (b) (7)(C) pg 3, when asked if he lacked visibility on duties outside the motor pool, "That is accurate. Usually, when weapons need parts put on them, we don't go to the arms rooms. We have a GSE section, a shop where they work on the weapons at the motor pool."; A-77-3, (b) (6), (b) (7)(C) pg 3, "when we were sheltering in place … the list that we made were the people that were only coming in to the motor pool.".

with the Troop XOs.[741] According to (b) (6), (b) (7)(C), it was not uncommon for (b) (6), (b) (7)(C), to coordinate tasks with the Troops XOs and assign them directly to squad leaders, without informing them, if the task was not an ESR-driven maintenance requirement to be performed in the motor pool.[742] (b) (6), (b) (7)(C) informed (b) (6), (b) (7)(C) of duties he assigned to mechanics in the motor pool on a daily basis, via text during "shelter in place" restrictions.[743] However, according to (b) (6), (b) (7)(C), he did not always receive this information, but he understood that (b) (6), (b) (7)(C) received it from the Maintenance Control Team.[744] According to (b) (6), (b) (7) submitted a daily report of Soldiers present in the motor pool and the maintenance duties they had performed to (b) (6), (b) (7)(C).[745]

3CR (from Regiment to Squad level) accountability policies and procedures in place in April 2020, to include COVID-19 considerations

In late March, 3CR issued a series of accountability procedures following release of the Fort Hood Senior Commander "Shelter in Place" General Order. Effective 24 March, 3CR required "100% accountability each day, 2x a day (1x via phone, 1x via visual, FaceTime, WhatsApp, etc.)" and directed squadron command teams to "organize checks of their footprints daily to maintain accountability and adherence to social distancing standards, good order, and discipline."[746] In the 26 March 20 email to squadron command teams, (b) (6), (b) (7)(C) also directed a "physical (in person) check on all Troopers no less than 3 times a week" and telephonic "voice (not text)" checks on all Troopers "every day including weekends."[747] On 27 March, via order, 3CR clarified that the "intent of in-person checks is, in part, to enforce travel restrictions. Facetime and other digital means are not sufficient."[748] During interview, (b) (6), (b) (7)(C) stated that in his opinion, "everybody was pretty clear on accountability … it is a big deal for me" and, regarding accountability in the barracks, "leaders could go and check the barracks pretty easy" to gain visual accountability of their Soldiers.[749]

---

[741]A-11-1, (b) (6), (b) (7)(C) pg 4, "The armament missions mostly came from (b) (6), (b) (7)(C) because (b) (6), (b) would talk to (b) (6), (b) (7)(C) to find out what needed to happen for day and that's how we established the personnel needed to come in.".
[742]A-118-1, (b) (6), (b) (7)(C) pg 3, "(b) (6), (b) (7)(C) used to do that [task the squad leader for small arms repair]. It wasn't a huge problem to me, it wasn't like a low blow to me. (b) (6), (b) understands the things that I usually have going on at the motor pool are very busy."; A-77-3, (b) (6), (b) (7)(C) pg 3, regarding tasks to armaments, "During that time I wasn't aware of anything that was going on with that side.".
[743]A-77-3, (b) (6), (b) (7)(C) pg 2, "the text of required personnel was "sent up to the first sergeant and the commander so they were tracking who was going to be there.".
[744]A-24-1, (b) (6), (b) (7)(C) pg 12-13, whether he was informed by (b) (6), (b) (7)(C) of mission essential duties, prior to the daily CUB, "No, not me. (b) (6), (b) (7)(C)" and he and (b) (6), (b) (7)(C) were informed, "Not every day. Sometimes they fail to tell us.".
[745]A-109-1, (b) (6), (b) (7)(C) pg 2, "Every day I would send up a report to (b) (6), (b) (7)(C) who was at work that day and what tasks had been completed.".
[746]B-2-17, 3d CR Mission R6 Intent Guidance HPCONB+(FRAGO 7)_Rifles 6_24MAR20.
[747]B-2-19, Email, (b) (6), (b) (7)(C), "Mission Essential Functions and Personnel.
[748]B-2-21, 3CR FRAGORD 10, OPORD 33-20: pg 11, para i.c.vii, 27 MAR 20.
[749]A-88-1, (b) (6), (b) (7)(C) pg 5.

3CR maintained normal PERSTAT reporting throughout the COVID-19 restriction period, and remained the only directed, written accountability report required on a daily basis.[750] Troops reported by-name PERSTAT to the squadron S-1 prior to 0900 daily.[751] These Troop-level reports were vetted by Troop 1SGs, and the first morning accountability check generated each Soldier's reported duty status.[752] Soldiers were reported as Present For Duty (PFD) if they were accounted for on that day, with no differentiation between "shelter in place" in their primary residence or if they would be physically present in the 3CR footprint performing mission essential duties.[753] Squadron S1s submitted PERSTAT to the 3CR S1 before 1030 daily.[754] There was no requirement for 3CR to submit daily PERSTAT to HQ, III Corps.[755]

(b) (6), (b) (7)(C), issued accountability procedures via the 24 March "shelter in place" order, directing the chain of command to conduct twice-daily "check-ins" with all of their Soldiers prior to 0900 and 1700. The memorandum specified that one of the check-ins must be audio or visual "(Facetime, WhatsApp, in-person, etc.)."[756] Soldiers were also directed to "notify your chain of command / NCO support channel" … "if you leave your residence."[757] Troops reported accountability to the squadron S1 daily, prior to 0900, in accordance with standing PERSTAT reporting procedures; there was no requirement for the troops to report the results of the second accountability check at 1700, unless a Soldier was unaccounted for.[758] On 27 March, via email to Troop Command Teams, (b) (6), (b) (7)(C) disseminated the Fort Hood Senior Commander's "Shelter in Place" General Order, requiring command teams to distribute to Soldiers before the next morning's 1000 synch session.[759] The squadron also issued the restrictions via order on 1 April, which included guidance that Facetime and other digital means was insufficient for in-person checks.[760] According to (b) (6), (b) (7)(C), each

[750]A-27-2, (b) (6), (b) (7)(C) pg 1, regarding daily PERSTAT, "accountability is generally through the first sergeant, rolled up to the battalion, then to the Regimental S-1 by 1030 every day.", and pg 2, regarding a specific report on names/numbers of personnel conducting mission essential duties, "No, sir. There were mission essential personnel that were named in the back brief before we went to shelter-in-place.".
[751]A-86-1, (b) (6), (b) (7)(C) pg 2.
[752]A-27-2, (b) (6), (b) (7)(C) pg 1; A-86-1, (b) (6), (b) (7)(C) pg 2; B-2-23, Regimental PERSTAT reporting policy.
[753]A-27-2, (b) (6), (b) (7)(C) pg 1.
[754]A-27-2, (b) (6), (b) (7)(C) pg 1; B-2-23, Regimental PERSTAT reporting policy.
[755]A-13-1, (b) (6), (b) (7)(C) pg 2, whether the III Corps G1 receives daily PERSTAT reports, "No, we do not, it is a weekly or monthly rollup of just raw strength and numbers."; A-27-2, (b) (6), (b) (7)(C) pg 3, regarding PERSTAT, "It does not go up to Corps.".
[756]B-2-24, Memorandum, (b) (6), (b) (7)(C), "COVID-19 Place of Duty" .
[757]B-2-24, Memorandum, (b) (6), (b) (7)(C), "COVID-19 Place of Duty" .
[758]A-24-1, (b) (6), (b) (7)(C) pg 8, "no later than 1800, that's when it was due to us. That one was not required for us to push up, but it was required for us to do. The only one we were required to push was the one in the morning. We conducted the second one … if we were unable to establish accountability, then we needed to report it."; A-86-1, (b) (6), (b) (7)(C) pg 2, "PERSTATs were still submitted" but did not mention another required report when asked.
[759]B-2-28, Email, IIIC General Order, Shelter in Place, 271348MAR.
[760]B-2-29, FRAGORD 2 to OPORD 20-16 (RES COVID-19 Response): pg 7, para 3.f.3.vii, 1 APR 20.

Troop "took the guidance differently … some implemented extra checks, some did two checks per day."[761]

E/FST issued an "event-oriented counseling" DA4856 Counseling Statement to Soldiers outlining the Fort Hood general order.[762] E/FST required platoons to gain accountability twice daily, NLT 0630 and 1830, "via voice telephone communications during the weekday" (0730 and 1830 on weekends)."[763] According to (b) (6), (b) (7)(C), if one daily check was "digital," the second must be visual.[764] (b) (6), (b) (7)(C) expected the "squad leader or team chief" to gain "eyes on" Soldiers on a daily basis.[765] The counseling statement informed Soldiers of the Fort Hood curfew policy, specifying that all Soldiers "living in barracks, on-post family housing, and off-post private residences" were "ordered to be at and remain inside their normal place of residence between the hours of 2200 and 0530" and to inform their first-line supervisor if departing their residence for an authorized activity.[766] In practice, based on verbal instructions, platoon sergeants submitted two daily accountability reports to the first sergeant (NLT 0800 and 1800).[767] In addition to accountability standards, the counseling statement directed Soldiers to conduct Physical Readiness Training in teams of two to three individuals each duty day according to the following criteria: 0630-0730 for mission essential Soldiers reporting to work in the motor pool; 1000-1100 for married Soldiers, to be conducted in the parking lot; 1300-1400 for Soldiers who live in the barracks.[768]

The E/FST DA Form 4856 "event-oriented" "shelter in place" counseling directed "visual inspection of Soldiers living in government quarters" by a "designated NCO."[769] A duty NCO would, according to (b) (6), (b) (7)(C), minimize the number of people in the barracks and avoid overlapping daily checks by multiple members of the chain of command.[770] (b) (6), (b) (7)(C) published a duty roster for the month of April 2020 that

---

[761]A-43-1, (b) (6), (b) (7)(C) pg 2.
[762]A-24-1 (b) (6), (b) (7)(C): pg 10, "… they all got counseled. DA4856. With the shelter in place restrictions."; B-2-30, Sample signed E/FST DA4856 Shelter in Place RFI 351.
[763]B-2-30, Sample signed E/FST DA4856 Shelter in Place RFI 351.
[764]A-24-1, (b) (6), (b) (7)(C) pg 7, "During COVID we had to do one visual means and the other could be other means, phone call, text, or a physical checks," and pg 17, "if one was digital, the other had to be visual, every day.".
[765]A-24-1, (b) (6), (b) (7)(C) pg 8, "Either the squad leader or it could be team leader. On one day, I expected the team chief or squad leader to be there, for eyes on. Then, send that up to the platoon sergeant." this expectation was not written. pg 8, "it came from the commander, from the squadron, through verbal communication.".
[766]B-2-30, Sample signed E/FST DA4856 Shelter in Place RFI 351.
[767]A-24-1, (b) (6), (b) (7)(C): pg 8, "The first report, that's the one we reported up … had to be done before 0800" and the second report "in the evening between 1600 … and no later than 1800, that's when it was due to us.".
[768]B-2-30, Sample signed E/FST DA4856 Shelter in Place RFI 351.
[769]B-2-30, Sample signed E/FST DA4856 Shelter in Place RFI 351.
[770]A-24-1, (b) (6), (b) (7)(C) pg 17, "For the first couple of days, there was confusion. There were people being checked five or six times a day by different people … we can't have this many people circulating around during shelter in place.".

specified a daily tour of duty at 0900 and 1600, and instructed the duty NCO to "check in with the CQ for both buildings and check every room for the soldiers in Tomahawk Troop" and "check for the cleanliness of the common areas."[771] The checks "had to be physical" with the duty NCO's reporting discrepancies to platoon sergeants.[772] According to (b) (6), (b) (7)(C), accountability was the "whole point" of the daily barracks check, and (b) (6), (b) (7)(C) understood that as the purpose when he performed the duty.[773] (b) (6), (b) (7)(C) considered accountability to be the "implied" purpose of the duty NCO barracks check, but could not remember seeing it in writing.[774] (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) did not understand that accountability was the purpose of the barracks check when they performed the duty on 22 April.[775] Duty NCOs did not receive verbal instructions or an in brief from the 1SG or other members of the Troop NCO chain of command upon beginning their tour of duty.[776]

During "shelter in place" restrictions in April 2020, the E/FST Command Team relied on (b) (6), (b) (7)(C) to gain and report daily accountability of Maintenance Platoon Soldiers and ensure that they met administrative requirements.[777] (b) (6), (b) (7)(C) required squad

---

[771]B-2-31, Tomahawk Troop Barracks Check Roster 1-30 APR: pg 2.
[772]A-24-1, (b) (6), (b) (7)(C) pg 10, barracks check "… had to be physical. Twice a day … two NCOs … knocking on doors and eyes on the barracks Soldiers," pg. 8, and "the barracks report I don't get. When the platoon sergeant tells me, all are accounted for … that there was no discrepancy during the barracks check,".
[773]A-24-1, (b) (6), (b) (7)(C) pg11, visual accountability "was the whole point of the barracks checks,"; A-77-3, (b) (6), (b) (7)(C): pg 3, understanding of the purpose of the barracks check was "to check each room and make sure that the Soldiers were living in good living conditions. To make contact with the Soldiers and then if the Soldiers were not in their rooms, you had to call the squad leader and make sure they knew.".
[774]A-70-1, (b) (6), (b) (7)(C): pg 4, "I don't remember seeing it in writing, but it was implied that that was the function. It was to have a physical check … so it was implied … if someone didn't see face-to-face to notify their first line.".
[775]A-75-1, (b) (6), (b) (7)(C): pg 3, "My understanding was that we just reported that the barracks were kept, not that we were sending an accountability report. It wasn't--on the memo that was sent in late March, early April--I don't know the exact day that it was sent, for the list of personnel doing the barracks checks in April. The backside stated that it was a check for cleanliness, not an accountability check sent to the squad leader. You are supposed to do an accountability check at the same time anyway. So when I went through to check the barracks, I wasn't taking accountability of personnel because I was just checking their rooms for cleanliness."; A-87-1, (b) (6), (b) (7)(C): pg 1, "my duty was to ensure the Soldiers were being taken care of … ensure that the barracks were clean … but yes, that's pretty much it. Just ensuring everything's clean, everything's organized, and nothing illegal is going on in the rooms." He added, "I did see all my Soldiers face-to-face. The people that I could not see I would call their first line supervisor.".
[776]A-24-1, (b) (6), (b) (7)(C) pg 8-9, when asked if barracks NCO were told to have eyes on every Soldier, "Yes sir … it was verbal … and it's on the roster," however, pg9, (b) (6), (b) (7)(C) later stated "They just need to go to the desk and sign in. They just need to do it when they start their check," and regarding the two barracks checks per day, "I didn't care if they both went together. I didn't care if one did one check and one did the other." There is no evidence of an in-brief, in-person, explaining the instructions to each NCO as he or she assumed duty.
[777]A-24-1, (b) (6), (b) (7)(C) pg 9, the platoon sergeant was there for "administrative duties, accountability purposes," pg.2 and for instructions to barracks check NCO, "I can't get a hold of this person. Platoon sergeant's phone number is right there to call."; A-5-1, (b) (6), (b) (7)(C) pg 5, "platoon sergeants would go to First Sergeant's office or our offices and then they'd turn and say, this is how it's going to be, 0900 and

leaders to report accountability of their Soldiers three times a day, NLT 0630, 0900, and 1600.[778] One check per day was required to be voice or visual.[779] SPC Guillén's [redacted] established accountability of his Soldiers through a voice call at 0600, with text message sufficient for the second check before 0900.[780] He conducted a 1300-1600 phone or text check-in for non-barracks personnel, and a similar final afternoon accountability check for barracks personnel that enabled a final report to [redacted] at 1600.[781] [redacted] assumed that the duty NCO gained visual accountability of Soldiers at both the 0900 and 1600 barracks checks.[782] For these barracks checks, Soldiers were not required to be present in their room – absence was permitted if Soldiers were conducting authorized activities – but they were expected to inform "their first line supervisor if they leave their residence."[783]

1700 visual checks at the barracks and call the people that are off post for accountability."; A-70-1, [redacted] pg 3, "First Sergeant sat us down, the platoon sergeants, and told us how he wanted accountability done.".

[778]A-70-1, [redacted]: pg 3, "I wanted my numbers before 0630 … I put a measure, another one before 0900," and pg 4, "the next check would be at 1600 for the text that First Sergeant required…".

[779]A-70-1, [redacted]: pg 3, "it was at least one call a day and the other checks could bet a text" and regarding his understanding of the troop's standard, "I don't remember seeing anything in writing … we have to do at least one physical check, one voice check, and one written text.".

[780]A-11-1, [redacted]: pg 2, "At 0600 I would wake up and call everyone to get accountability for the morning, " and for 0900 and 1600 checks; pg 3, "if they were not present they had [to] send, either a text or call, to tell where we were gonna be at the time of the inspection – the face to face.".

[781]A-11-1, [redacted]: pg 2, "At 1600 there was another room inspection, face to face with barracks Soldiers and we would call the married personnel again." For the 1600 check, he reported accountability to [redacted] pg 3, "when I didn't get a word from the barracks check NCO then we were all good.".

[782]A-11-1, [redacted]: pg 2, "at 0900, the personnel in the barracks would get a room inspection to get a face to face accountability," and for the 1600 check, he reported accountability to [redacted] pg 3, "when I didn't get a word from the barracks check NCO then we were all good."; A-70-1, [redacted]: pg 3, "there was barracks checks at 0900 and another barracks check at 1600 to involve a physical check," and for the 0900 platoon check, "in conjunction with that check it was another roster of NCOs that did barracks checks" and pg 4, "so the next check would be 1600 for the text that the Frist Sergeant required and the 1600 barracks checks.".

[783]A-24-1, [redacted] pg 9, "We gave precise guidance on where you were supposed to be, at any given time, you should be in the barracks," pg 10, but Soldiers could be out of their barracks rooms for "basic needs stuff. Any exceptions to that. Usually, when you leave your room, you are supposed to let someone know … if there is a reason the person is not at their place of residence … a text, or anything like that."; B-2-30, Sample signed E/FST DA4856 Shelter in Place: Requirement to inform supervisor of departure from residence.

(2) **Findings.**

Directed Question: What were 3CR (from Regiment to Squad level) accountability policies and procedures in place in April 2020, to include COVID-19 considerations?

1. After careful consideration, I find by a preponderance of the evidence that 3CR required squadrons to conduct accountability checks twice daily, one audio (every day to include weekends) and the other visual (in-person, not less than three times a week) in April 2020. Squadrons submitted one daily accountability report to the 3CR S1 NLT 1030 for daily PERSTAT.[784]

2. After careful consideration, I find by a preponderance of the evidence that the RES required troops to conduct accountability checks twice daily, NLT 0900 and 1700, with one of those checks being audio or visual in April 2020. On 1 April, the squadron clarified that one of the checks had to be visual, conducted in-person. Troops submitted one daily accountability report to the Squadron S1 NLT 0900 for daily PERSTAT.[785]

3. After careful consideration, I find by a preponderance of the evidence that E/FST required platoons to conduct and report accountability checks twice daily, NLT 0630 (0730 on weekends) and 1830, in April 2020. Via verbal instructions, (b) (6), (b) (7)(C) expected one of the checks to be visual, performed by a leader in the Soldiers' chain of command. E/FST also established twice daily (0900 and 1600) duty NCO barracks checks, the purpose of which (cleanliness or accountability) was not clearly understood. Duty NCOs did not report accountability to the Troop Command Team, only discrepancies, to platoon sergeants.[786]

4. After careful consideration, I find by a preponderance of the evidence that the (b) (6), (b) (7)(C), required squad leaders to report three daily accountability checks at 0630, 0900, and 1600, with at least one of those checks audio or visual, in April 2020. In addition, (b) (6), (b) (7)(C) assumed a designated E/FST duty NCO gained visual accountability of all Soldiers in the barracks twice a day, at 0900 and 1600.[787]

5. After careful consideration, I find by a preponderance of the evidence that SPC Guillén's (b) (6), (b) (7)(C) required three daily accountability checks for his

[784]See infra Part 8.a.(1), Standards of Determination, pg. 126 for discussion of Regimental accountability procedures.
[785]See infra Part 8.a.(1), Standards of Determination, pg. 127 for discussion of Squadron accountability procedures.
[786]See infra Part 8.a.(1), Standards of Determination, pg. 128 for discussion of Troop accountability procedures.
[787]See infra Part 8.a.(1), Standards of Determination, pg. 129 for discussion of Platoon accountability procedures.

assigned Soldiers: voice call before 0600; text before 0900; and phone or text prior to 1600, in April 2020. In addition, (b) (6), (b) (7)(C) assumed that a designated E/FST duty NCO gained visual accountability of all Soldiers in the barracks twice a day, at 0900 and 1600.[788]

Derived Question: Did 3CR (from Regiment to Squad level) accountability procedures comply with published standards and procedures?

6. After careful consideration, I find by a preponderance of the evidence that 3CR accountability procedures and standards in effect on 22 April 2020 complied with AR 600-8-6 and Task Force Phantom / Fort Hood guidance.

(a) There is no evidence of Task Force Phantom / Fort Hood "shelter in place" accountability standards for all Fort Hood units, and Task Force Phantom also did not require 3CR or other Fort Hood units to report daily PERSTAT.[789] Via order, Task Force Phantom directed that Soldiers "follow all published guidance from their chains of command … when not at work performing mission essential duties."[790]

(b) 3CR required daily PERSTAT submissions from the Squadron S1s, who in turn received daily, by-name status from their Troops, in accordance with AR 600-8-6.[791]

(c) On 24 March, 3CR directed checks twice a day, one via phone and the other via visual means, and to squadrons to "organize checks of their footprints daily to maintain accountability and adherence to social distancing standards, good order, and discipline."[792] On 26 March, (b) (6), (b) (7)(C) added physical, in-person checks at least three times a week.[793] The next day, 27 March, 3CR issued FRAGORD 10 to OPORD 33-20, further clarifying that "Facetime and other digital means are not sufficient," for in-person checks.[794]

(d) In-person, face-to-face checks are appropriate measures to maintain accountability during "shelter in place" restrictions. Requiring face-to-face checks

[788]See infra Part 8.a.(1), Standards of Determination, pg. 130 for discussion of Squad accountability procedures.
[789]A-13-1, (b) (6), (b) (7)(C) pg 2; For III Corps guidance ref PERSTAT, see infra Part 8.a.(1) pg. 127.
[790]B-2-13, FRAGORD 11 to PW 20-02-0079: pg 10, para 3.B.61.a, 25 MAR 20; For III Corps guidance ref duties, see infra Part 8.a.(1) pg. 119.
[791]For Regimental PERSTAT policy see infra Part 8.a.(1) pg. 127; For Standard per AR 600-8-6, para 1-6, see infra Part 8.a.(1) pg. 118.
[792]B-2-17, 3d CR Mission R6 Intent Guidance HPCONB+(FRAGO 7)_Rifles 6_24MAR20: slide 4, Coordinating Instructions; See infra Part 8.a.(1) pg. 126.
[793]B-2-19, Email, (b) (6), (b) (7)(C), "Mission Essential Functions and Personnel; See infra Part 8.a.(1) pg. 126.
[794]B-2-21, 3CR FRAGORD 10, OPORD 33-20: pg 11, para i.c.vii, 27 MAR 20; See infra Part 8.a.(1) pg. 126.

three times a week is a reasonable approach to limiting personal contact in compliance with "shelter in place" distancing, while still maintaining Leader responsibility to personally account for their Soldiers, which contributed to the confusion of junior leaders.

7. After careful consideration, I find by a preponderance of the evidence that the RES accountability procedures and standards in effect on 22 April 2020 complied with 3CR standards.

(a) (b) (6), (b) (7)(C) 24 March order directed the chain of command to execute twice daily checks NLT 0900 and 1700, in accordance with 3CR guidance, but did not mandate physical or in-person accountability. The order required one of the daily checks to be audio or visual, making no distinction between digital visual ("Facetime, WhatsApp") and "in-person" means.[795]

(b) (b) (6), (b) (7)(C) subsequently clarified, via email to Command Teams and FRAGORD, that digital means were not authorized for in-person checks, in compliance with 3CR's revised 27 March guidance.[796]

(c) In-person, face-to-face checks are appropriate measures to maintain accountability during "shelter in place" restrictions. Requiring face-to-face checks on a daily basis is not a reasonable approach. Daily face-to-face checks create a dilemma for Troop-level leadership, requiring significant daily chain of command presence in conflict with the competing requirement to limit in-person interaction and congregation of Soldiers during "shelter in place" restrictions, which contributed to the confusion of junior leaders.

8. After careful consideration, I find by a preponderance of the evidence that the Forward Support Troop accountability procedures and standards in effect on 22 April 2020 did not comply with published Squadron standards.

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

[redacted]

[795]B-2-24, Memorandum, (b) (6), (b) (7)(C), "COVID-19 Place of Duty" ; See infra Part 8.a.(1) pg. 127.
[796]B-2-28, Email, IIIC General Order, Shelter in Place, 271348MAR; B-2-29, FRAGORD 2 to OPORD 20-16 (RES COVID-19 Response): pg 7, para 3.f.3.vii, 1 APR 20; See infra Part 8.a.(1) pg. 127.

(b) E/FST accountability instructions consisted of a DA4856 counseling statement to all Soldiers and leaders (according to a provided sample, signed by Maintenance Platoon Soldiers 30-31 March 2020) and the Fort Hood "Shelter in Place" General Order.[797] According to (b) (6), (b) (7)(C) these instructions were reinforced, verbally, with the NCO support channel.[798] The E/FST DA4856 established two daily accountability checks and required at least one of those to be audio, via voice telephone call, in accordance with the Squadron standard.[799] The E/FST DA4856 added two additional "visual inspection(s)" of Soldiers in the barracks by a "designated NCO," on a daily basis.[800] There is no evidence of other written instructions, via order or signed policy, directing accountability procedures and standards within E/FST.

(c) The four directed E/FST checks met the twice daily requirement established by the Squadron; however, there is no evidence of E/FST accountability procedures issued in writing that required the chain of command or NCO support channel to gain daily visual accountability.[801] (b) (6), (b) (7)(C) directed Troop chains of command to gain daily accountability, and expected Leaders to see their Soldiers daily.[802] According to (b)(6), (b)(7) , he expected the "squad leader or team chief" to gain "eyes on" Soldiers on a daily basis.[803] Neither (b) (6), (b) (7)(C) direction, nor (b) (6), (b) (7)(C) expectation, are published in the available written guidance issued to E/FST leaders and Soldiers.

(d) E/FST assigned a "designated" NCO the responsibility of visual inspection of Soldiers in the barracks, to minimize the number of NCOs required to be present to conduct in-person checks in the barracks.[804] E/FST duty NCO instructions, in the form of the April 2020 tasking memorandum that is available, did not communicate the purpose of the daily barracks check in a clear manner. (b) (6), (b) (7)(C) described accountability as the "whole point" of the barracks check, and both (b)(6), (b)(7)(C) stated that they understood accountability as the intent.[805] The written instructions required the duty NCO to "check every room

[797]B-2-30, Sample signed E/FST DA4856 Shelter in Place RFI 351; See infra Part 8.a.(1) pg. 128.
[798]A-24-1, (b) (6), (b) (7)(C): pg 8; See infra Part 8.a.(1) pg. 128.
[799]B-2-24, Memorandum (b) (6), (b) (7)(C), "COVID-19 Place of Duty" ; see infra Part 8.a.(1) pg. 127; See infra Part 8.a.(1) pg. 127 for FST procedures.
[800]B-2-30, Sample signed E/FST DA4856 Shelter in Place; See infra Part 8.a.(1) pg. 128.
[801]B-2-30, Sample signed E/FST DA4856 Shelter in Place: the only written instructions to FST leadership, which contains no expectations or responsibilities for the chain of command; See infra Part 8.a.(1) pg. 128.
[802]B-2-14, GENERAL ORDER: Shelter in Place Order for Personnel under the Authority of the Senior Commander; B-2-24, Memorandum (b) (6), (b) (7)(C), "COVID-19 Place of Duty" ; B-2-29, FRAGORD 2 to OPORD 20-16 (RES COVID-19 Response): pg 7, para 3.f.3.vii, 1 APR 20; See infra Part 8.a.(1) pg. 127 for squadron standards.
[803]A-24-1, (b) (6), (b) (7)(C): pg 8.
[804]A-24-1, (b) (6), (b) (7)(C): pg 17; See infra Part 8.a.(1) pg. 128.
[805]A-24-1, (b) (6), (b) (7)(C): pg 11; See infra Part 8.a.(1) pg. 128.

for the Soldiers in Tomahawk Troop" and also "check for the cleanliness of the common areas."[806] If accountability was the true purpose of the check, as explained by (b) (6), (b) (7)(C) and in keeping with the squadron commander's intent, it was not clearly established in the written instructions, and should have been established via verbal orders to NCO's upon assumption of duty.[807]

(e) The published E/FST guidance did not establish a requirement for Soldiers to be physically present or available to their chain of command to enable visual, in-person accountability. The E/FST counseling statement restated the "Shelter in Place" General Order mission essential duties and authorized daily activities (such as grocery shopping, health care, etc.), but established no additional Soldier requirements, such as a mandatory time to be in the barracks for accountability, to ensure compliance (other than a requirement to notify a supervisor if departing the room).[808]

9. After careful consideration, I find by a preponderance of the evidence that the Maintenance Platoon accountability procedures and standards in place in April 2020 did not comply with published Squadron standards.

(a) (b) (6), (b) (7)(C) did not take appropriate actions to issue clear verbal or written guidance and implement accountability procedures and standards that required the chain of command to visually account for Soldiers, as directed by published Squadron standards.

(b) (b) (6), (b) (7)(C) required squad leaders to report accountability of their Soldiers three times a day, NLT 0630, 0900, and 1600, with at least one of those checks via visual or audio means, in accordance with E/FST standards.[809] Visual checks, however, were conducted by the Troop duty NCO, in accordance with E/FST published procedures, but not in accordance with Squadron standards.[810]

(c) There is no evidence of a written or verbal order issued to squad leaders directing that they gain visual accountability of their Soldiers in accordance with Squadron standards.[811]

(d) (b) (6), (b) (7)(C) adherence to E/FST accountability standards, which did not comply with published Squadron standards, was reasonable but not appropriate

---

[806]B-2-31, (b) (6), (b) (7)(C) Barracks Check Roster 1-30 APR.
[807]A-75-1, (b) (6), (b) (7)(C): pg 3; A-87-1 (b) (6), (b) (7)(C): pg 1-2, for barracks check purpose as understood on 22 APR 20; See infra Part 8.a.(1) pg. 128, for FST duty NCO standards and procedures.
[808]A-24-1, (b) (6), (b) (7)(C): pg 10; B-2-30, Sample signed E/FST DA4856 Shelter in Place: Requirement to inform supervisor of departure from residence; See infra Part 8.a.(1) pg. 128.
[809]A-70-1, (b) (6), (b) (7)(C): pg 4; See infra Part 8.a.(1) pg. 129.
[810]See infra Part 8.a.(2), Finding 2-8, para (c) pg. 128 regarding (b) (6), (b) (7)(C) lack of compliance with Squadron standards.
[811]See infra Part 8.a.(1) pg. 129, for Maintenance Platoon accountability standards.

to ensure the Maintenance Platoon NCO support channel maintained accountability of their Soldiers.

10. After careful consideration, I find by a preponderance of the evidence that [redacted] accountability procedures and standards in place in April 2020 did not comply with published Squadron standards.

(a) [redacted]

(b) [redacted]

(c) [redacted]

Directed Question: Were the measures followed within the Regimental Engineer Squadron on the date the Squadron last accounted for SPC Guillén? Identify and explain any procedures that diverged from required accountability measures.

11. After careful consideration, I find by a preponderance of the evidence that the execution of the 0600 and 0900 accountability checks and barracks check, and PERSTAT report, on 22 April 2020 complied with published RES accountability procedures and standards.

(a) The E/FST NCO support channel conducted the morning accountability checks in accordance with published standards on 22 April. [redacted] conducted the first, 0600 morning check via voice call, in accordance with E/FST standards, speaking to SPC Guillén, via phone, while she was still in her

[812] A-11-1, [redacted] pg 3; See infra Part 8.a.(1) pg. 130, for squad accountability standards.
[813] A-11-1, [redacted] pg 3; See infra Part 8.a.(1) pg. 130, for squad accountability standards.

barracks room.[814] He reported through [redacted] to [redacted] via text, and this information was then compiled into the E/FST PERSTAT, which the Troop submitted to the Squadron S1 before 0900 in accordance with E/FST and Squadron standards.[815]

(b) In accordance with Maintenance Platoon standards, [redacted] submitted a second accountability report via text to [redacted] o/a 0855. It is not clear whether [redacted] made direct contact with SPC Guillén to confirm her status for this report.[816]

(c) [redacted] conducted the 0900 E/FST duty NCO barracks check, speaking to SPC Guillén and confirming her presence in her barracks room.[817] [redacted] did not understand accountability as the purpose of the check, but did visually confirm his Soldiers and notified supervisors if any other Soldiers were not in their rooms."[818]

12. After careful consideration, I find by a preponderance of the evidence that the execution of the 1600 accountability check and barracks check on 22 April 2020 did not comply with published RES accountability procedures and standards.

(a) [redacted].[821]

---

[814]A-11-1, [redacted] pg 3; See infra Part 7.a, pg. 139, for [redacted] accountability procedures on 22 APR 20.
[815]A-86-1, [redacted]: pg 4, "did not recall" but submitted 22 APR 20 PERSTAT lists SPC Guillén as "PDY"; For PERSTAT standards, see infra Part 8.a.(1) pg. 127; See infra Part 7.a, pg. 30.
[816]A-11-1, [redacted]: pg 3; See infra Part 7.a, pg. 30.
[817]A-87-1, [redacted]: pg 2; See infra Part 7.a, pg. 30.
[818]A-87-1, [redacted]: pg 1-2; See infra Part 7.a, pg. 30; See infra Part 8.a.(1) pg. 128.
[819]A-75-1, [redacted]: pg 3; See infra Part 7.a pg. 32 for conduct of the check on 22 APR 20; See infra Part 8.a.(1) pg. 128 for discussion of FST duty NCO responsibilities.
[820]A-24-1, [redacted]: pg 8-9; See infra Part 7.a pg. 32 for conduct of the check on 22 APR 20; See infra Part 8.a.(1) pg. 128 for discussion of FST duty NCO responsibilities.
[821]A-75-1, [redacted]: pg 3, Directions in the FST Duty NCO roster were to "check every room for the soldiers in Tomahawk Troop. You will check for the cleanliness of the common areas."; B-2-31, Tomahawk Troop Barracks Check Roster 1-30 APR; See infra Part 7.a pg. 32 for conduct of the check on 22 APR 20; See infra Part 8.a.(1) pg. 128 for discussion of FST duty NCO responsibilities.

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

(b)[redacted]

Directed Question: Considering HPCON and pandemic protocols, what personnel from the Regimental Engineer Squadron were present on the date of her disappearance?

13. After careful consideration, I find by a preponderance of the evidence that there is no record of the exact number of personnel present in the Squadron footprint on 22 April, the date of SPC Guillén's disappearance.

(a) [redacted]

(b) (6), (b) (7)(C), (b) (5)

(b) Daily Troop PERSTAT reporting to the Squadron S1 did not specify duty location for Soldiers who were listed as "Present for Duty (PFD);" in other words, a Soldier could be considered "PFD" in their off-post residence, on-post residence or barracks, or in the footprint.[824]

(c) The Squadron did not require or receive written reports of the Troops' mission essential personnel in the footprint on a daily basis.[825] Troop commanders provided verbal updates on mission essential duties at the daily 1000 CUB; however, there is no written record of these reports and the information was not provided by-name with sufficient specificity to determine the exact number of Soldiers present in the footprint.[826]

Directed Question: Did SPC Guillén report for duty on the day that she disappeared? To whom did she report? What duties were assigned to her on that date, and who assigned them?

---

[822] A-11-1, [redacted]: pg 3, for his actions on 22 APR 20; See infra Part 7.a, pg. 30; See infra Part 8.a.(1) pg. 129, for Maintenance Platoon accountability standards.
[823] A-11-1, [redacted]: pg 3; See infra Part 8.a.(1) pg. 130 for Squad accountability procedures.
[824] B-2-23, Regimental PERSTAT reporting policy; See infra Part 8.a.(1) pg. 127 for Regiment and Squadron PERSTAT procedures.
[825] A-43-1, [redacted] pg 2; See infra Part 8.a.(1) pg. 123.
[826] A-43-1, [redacted]: pg 2; A-5-1, [redacted]: pg 11; See infra Part 8.a.(1) pg. 123.

14. After careful consideration, I find by a preponderance of the evidence that SPC Guillén reported for duty to (b) (6), (b) (7)(C), via text, and notified him that she had departed her barracks room and was enroute to HHT to perform her assigned duties shortly after o/a 0900 on 22 April, in accordance with RES standards.

(a) On the morning of 22 April, o/a 0550, SPC Guillén answered (b) (6), (b) (7)(C) first telephonic "check-in," establishing her status as present for duty.[827]

(b) SPC Guillén notified her (b)(6), (b)(7)(C) upon leaving her place of residence in accordance with (b) (6), (b) (7)(C) 24 March COVID-19 place of duty memorandum and E/FST instructions in issued "shelter in place" counseling statements.[828]

(c) SPC Guillén did not report to a supervisor, in-person, in the squadron footprint prior to performing her assigned duties in the HHT arms room o/a 1003 on 22 April.[829] There is no evidence that E/FST issued instructions to Soldiers to report, in-person, to their supervisor if their duties required physical presence in the footprint.

15. After careful consideration, I find by a preponderance of the evidence that (b) (6), (b) (7)(C), assigned SPC Guillén the task of retrieving the serial number of an M2 .50 caliber machine gun that had not completed annual services in the A Troop arms room on 22 April.

(a) On 21 April, (b) (6), (b) (7)(C) notified (b) (6), (b) (7)(C) of SPC Guillén's task in the A Troop arms room.[830] There is no evidence that (b) (6), (b) (7)(C) informed any other member of the Maintenance Control Team or the E/FST chain of command.[831]

(b) (b) (6), (b) (7)(C) coordinated with SPC Robinson, the A Troop armorer, to open the A Troop arms room.[832]

16. After careful consideration, I find by a preponderance of the evidence that (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), assigned SPC Guillén the task of marking, or "red tagging," four non-mission capable Close Combat Optics (CCOs) for turn-in in the HHT Arms room on 22 April.

---

[827]A-11-1, (b) (6), (b) (7)(C): pg 3; See infra Part 7.a, pg. 30.
[828]A-11-1, (b) (6), (b) (7)(C) pg 3; See infra Part 7.a, pg. 30; see infra Part 8.a.(1) pg. 127 for (b) (6), (b) (7)(C) (b) (6), (b) (7)(C); see infra Part 8.a.(1) pg. 128 for (b) (6), (b) (7)(C).
[829]A-11-1, (b) (6), (b) (7)(C): pg 3; See infra Part 7.a, pg. 30.
[830]See infra Part 7.a, pg. 28.
[831]See infra Part 7.a, pg. 28.
[832]A-11-8, (b) (6), (b) (7)(C): pg 1; See infra Part 7.a, pg. 28.

(a) At (b) (6), (b) (7)(C) direction, (b) (6), (b) (7)(C), contacted SPC Guillén on the morning of 21 April and asked her to mark, or "red tag," the CCOs for turn-in.[833]

(b) SPC Guillén informed (b) (6), (b) (7)(C) of her duties in the HHT arms room.[834]

17. After careful consideration, I find by a preponderance of the evidence that SPC Guillén's duties in the HHT and A Troop arms rooms were mission essential in accordance with 3CR guidance.

(a) On 21 April via email to squadron command teams o/a 1300, (b) (6), (b) (7)(C) included "weapons" as a priority mission essential "equipment service."[835] On 21 April, o/a 1523, (b) (6), (b) (7)(C) forwarded (b) (6), (b) (7)(C) email to the Troop Command Teams, including (b) (6), (b) (7)(C).[836]

(b) Prior to 21 April, the standing guidance from the (b)(6), issued on 26 March, was that "services and routine maintenance generally do not fit in the mission essential category unless for Crisis Reaction Battalion (CRB) operations or aviation maintenance."[837] There is no evidence of Regiment or Squadron written guidance, via order or email, establishing weapons maintenance as a mission essential priority prior to 21 April.

(c) SPC Guillén's 22 April arms room duties were assigned on 21 April, the same day that (b) (6), (b) (7)(C) refined mission essential guidance, and (b) (6), (b) (7)(C) forwarded to Troop Command Teams, which included "weapons." Both (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) received the updated guidance email directly from (b) (6), (b) (7)(C) on 21 April.[838]

(d) (b) (6), (b) (7)(C) considered normal services and repairs to maintain the readiness of "NVGs, weapons, CBRN" to be mission essential in April 2020, although that was not consistent with 3CR guidance prior to 21 April.[839] (b) (6), (b) (7)(C), both considered SPC Guillén's assigned duties on 22 April to be mission essential in accordance with guidance.[840] (b) (6), (b) (7)(C)

[833]See infra Part 7.a, pg. 28.
[834]A-11-1, (b) (6), (b) (7)(C): pg 4; See infra Part 7.a, pg. 28.
[835]B-2-22, Email: 211300APR 20; (b) (6), (b) (7)(C), "Guidance: Maintenance and Inventories; See infra Part 8.a.(1) pg. 120 for Regimental mission essential guidance and email: 211300APR 20.
[836]B-2-22, Email: 211300APR 20; (b) (6), (b) (7)(C), "Guidance: Maintenance and Inventories.
[837]B-2-19, Email, (b) (6), (b) (7)(C), "Mission Essential Functions and Personnel: provides standing (b) (6), (b) (7)(C) guidance prior to 21 APR 20; See infra Part 8.a.(1) pg. 120 for Regiment and Squadron guidance regarding mission essential maintenance.
[838]B-2-22, Email: 211300APR 20; (b) (6), (b) (7)(C), "Guidance: Maintenance and Inventories.
[839]A-61-1, (b) (6), (b) (7)(C): pg 2; See infra Part 7.a, pg. 29 for review of SPC Guillén's assigned duties.
[840]A-61-1, (b) (6), (b) (7)(C): pg 5; See infra Part 7.a, pg. 29 for review of SPC Guillén's assigned duties.

[redacted] considered SPC Guillén's duties on 22 April as mission essential, within published guidance at the time.[841]

(e) [redacted] and [redacted] were not aware that "weapons" were considered mission essential maintenance on 22 April.[842] [redacted] considered only weapons maintenance conducted in the motor pool to be mission essential, but he admittedly focused on management of services in the motor pool.[843] However, even before the 21 April guidance clarifying weapons as a maintenance priority, [redacted] was aware that SPC Guillén was working two to three times a week earlier in April, to conduct annual services on weapon systems.[844]

(f) The preponderance of evidence supports [redacted] assessment that SPC Guillén's duties on 22 April were mission essential. However, [redacted] confusion on weapons maintenance as a mission essential activity is reasonable given the changes to guidance on 21 April and the lack of clear approval process for mission essential duties outside the motor pool.[845]

18. After careful consideration, I find by a preponderance of the evidence [redacted]

---

[841] A-43-1, [redacted] pg 2; See infra Part 7.a, pg. 29 for review of SPC Guillén's assigned duties.
[842] A-24-1, [redacted] pg 13; A-77-3, [redacted] pg 3-4; See infra Part 7.a, pg. 29 for review of SPC Guillén's assigned duties.
[843] A-118-1, [redacted] pg 3-4; See infra Part 7.a, pg. 29 for review of SPC Guillén's assigned duties.
[844] A-109-1, [redacted] pg 2; See infra Part 7.a, pg. 29 for review of SPC Guillén's assigned duties.
[845] See infra Part 8.a.(2), Finding 2-21, pg. 124 regarding FST duty review and compliance measures.
[846] A-118-1, [redacted] pg 3; A-70-1, [redacted] pg 7; A-77-3, [redacted] pg 3; See infra Part 7.a, pg. 29.
[847] A-109-1, [redacted] pg 2-3; A-118-1, [redacted] pg 3; A-70-1, [redacted] pg 7; A-77-3, [redacted] pg 3; See infra Part 7.a, pg. 29.
[848] See infra Part 8.a.(2), Finding 2-21, pg. 124 regarding FST duty review and compliance measures.

the E/FST Command Team and verify that her duties complied with "shelter in place" guidance.

Derived Question: Did Command Teams implement procedures to verify compliance with Fort Hood and 3CR COVID-19 "shelter in place" guidance?

19. After careful consideration, I find by a preponderance of the evidence that (b)(6), (b)(7)(C) [redacted]

(a) IAW AR 600-20, commanders are responsible for everything their command does or fails to do. Commanders assign responsibility and authority to their subordinates, but retain overall responsibility for the actions of their commands.[849] The NCO support channel parallels, complements, and assists the chain of command.[850]

(b) (b)(6), (b)(7)(C) 26 March guidance required command teams to "ensure all understand mission essential personnel and mission essential functions. We all need to know who is working, when, where, and whether their duty fits within intent for reduced manning / reduced exposure and necessity."[851]

(c) 3CR required squadrons to submit the routine PERSTAT accountability report on a daily basis (NLT 1030).[852] While 3CR directed squadrons to execute a second daily check, there was no requirement for squadrons to submit a second daily report to confirm accountability and compliance with "shelter in place" restrictions.[853] 3CR did not require squadrons to submit daily reports on the number of Soldiers performing mission essential duties in the footprint.[854]

(d) 3CR accountability procedures in place in April 2020 were not sufficient to verify that squadron command teams were in compliance with the RCO's guidance to know "who is working, where, and whether the duty fits within intent" or that Squadrons were conducting a second daily accountability check.[855]

(e) (b)(6), (b)(7)(C) [redacted]

[849]See References: AR 600-20, para 2-1.
[850]See References: AR 600-20, para 2-18.
[851]B-2-19, Email, (b) (6), (b) (7), "Mission Essential Functions and Personnel.
[852]A-127-1, (b) (6), (b): pg 2; A-27-2, (b) (6), (b): pg 2; See infra Part 8.a.(1) pg. 127.
[853]A-127-1, (b) (6), (b): pg 2; A-27-2, (b) (6), (b): pg 2; See infra Part 8.a.(1) pg. 121.
[854]A-127-1, (b) (6), (b): pg 2; A-27-2, (b) (6), (b): pg 2; See infra Part 8.a.(1) pg. 121.
[855]B-2-19, Email, (b) (6), (b) (7), "Mission Essential Functions and Personnel.

(b) (6), (b) (7)(C), (b) (5)

20. After careful consideration, I find by a preponderance of the evidence that (b)(6), (b)(7)(C)

(a) IAW AR 600-20, commanders are responsible for everything their command does or fails to do. Commanders assign responsibility and authority to their subordinates, but retain overall responsibility for the actions of their commands.[856] The NCO support channel parallels, complements, and assists the chain of command.[857]

(b) (b)(6), (b)(7) directed command teams to "notify [these] Troopers" of mission and readiness essential duties, such as "select Mechanics" and "supply clerks," that would require authorized Soldiers to depart their primary residence and work in the squadron footprint. He also directed Troop Command Teams to report the "number of Troopers, by essential task, daily."[858]

(c) There are no records of approved, by-name roster of Soldiers present in the squadron footprint on a daily basis; nor are there records of the second required daily accountability report to ensure compliance with "shelter in place" restrictions. The squadron did not require Troop Command Teams to submit a written report of Soldiers performing duties in the footprint on a daily basis.[859] The squadron also did not require troops to submit the results of the second, NLT 1700 mandatory accountability check.[860]

(d) (b)(6), (b)(7) relied on the daily 1000 CUB to (verbally) review Troops' accountability and mission essential duties, with the intent to approve 24-28 hours in advance, and recalled disapproving requests.[861] However, in the case of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) recalled approving SPC Guillén's 22 April duties in advance,

[856]See References: AR 600-20, para 2-1.
[857]See References: AR 600-20, para 2-18.
[858]B-2-24, Memorandum, (b) (6), (b) (7)(C), "COVID-19 Place of Duty"; B-2-27, Email: (b) (6), (b) (7)(C), FW: Subject: Mission Essential Functions and Personnel; See infra Part 8.a.(1) pg. 121 for Squadron standards.
[859]A-43-1, (b) (6), (b) (7)(C): pg 2; See infra Part 8.a.(1) pg. 77-78 and pg. 123 for Squadron standards.
[860]A-24-1, (b) (6), (b) (7)(C): pg 8; A-86-1, (b) (6), (b) (7)(C): pg 2; See infra Part 8.a.(1) pg. 123 for Squadron reports.
[861]A-43-1, (b) (6), (b) (7)(C): pg 2; See infra Part 8.a.(1) pg. 123.
[862]A-5-1, (b) (6), (b) (7)(C): pg 9&11; See infra Part 8.a.(1) pg. 124.

at a CUB, with the request being made "by two different troop commanders."[863]

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

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

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

21. After careful consideration, I find by a preponderance of the evidence that

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

(a) In addition to command responsibility as previously described in para 9.b. of this report, AR 600-20 defines the purpose of the chain of command as assisting commanders at all levels achieve their primary function of accomplishing the unit's assigned mission while caring for personnel and property in their charge. A simple and direct chain of command facilitates the transmittal of orders from the highest to the lowest levels.[866] Effective communication between senior and subordinate Soldiers within the chain of command is crucial to the proper functioning of all units. The NCO support channel (leadership chain) parallels and complements the chain of command. It is a channel of communication and

[863]A-43-1, (b) (6), (b) (7)(C) pg 2; See infra Part 7.a, pg. 29.
[864]A-5-1, (b) (6), (b) (7)(C) pg 9, "I was not tracking that she was working that day."; See infra Part 7.a, pg. 29.
[865]B-2-19, Email, (b) (6), (b) (7)(C), "Mission Essential Functions and Personnel; B-2-24, Memorandum, (b) (6), (b) (7)(C) "COVID-19 Place of Duty" ; See infra Part 8.a.(1) pg. 127 for Squadron standards.
[866]See References: AR 600-20, para 2-1.

supervision from the CSM to the 1SG, and then to other NCOs and enlisted personnel of the unit.[867]

(b) As occurred on 22 April, SPC Guillén's tasks could emanate from multiple sources: the E/FST chain of command, the Maintenance Control Team, and other Troop XO's and armorers in the squadron.[868] All of these tasks should have been directed through her chain of command; (b)(6), (b)(7)(C)

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

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

Directed Question: When did SPC Guillén's unit first determine she was missing? How did they determine she was missing?

22. After careful consideration, I find by a preponderance of the evidence that SPC Guillén's troop-level leadership (b)(6), (b)(7)(C) determined she was missing between o/a 2208 and o/a 2330 on 22 April, but not through the implementation of established accountability procedures. Instead, they were informed on the night of 22

---

[867]See References: AR 600-20, para 2-18.
[868]See infra Part 7.a, pg. 19 for review of Maintenance management processes within the Squadron; See infra Part 7.a, pg. 29 for review of SPC Guillén's tasks on 22 APR 20.
[869]See infra Part 8.a.(1) pg. 124 for FST chain of command procedures for review of assigned tasks.
[870]A-24-1, [redacted]: pg 13, "Afterwards, I found out. Prior to that, I did not know."; A-5-1, (b)(6), (b)(7)(C): pg 9, "I was not tracking that she was working that day."; See infra Part 7.a, pg. 29-30.

April through the initiative of her fellow Soldiers who contacted the Staff Duty Officer and her squad leader.

(a) Based on [redacted] on the afternoon of 22 April, [redacted] channel did not learn that SPC Guillén was unaccounted for until [redacted] o/a 2130 phone call to [redacted].[871]

(b) Cross-talk among Soldiers to establish SPC Guillén's whereabouts culminated with [redacted] notifying the [redacted], in person o/a 2200.[872] The Soldiers' notification of [redacted] o/a 2130-2200 was reasonable and appropriate, because they were in possession of SPC Guillén's personal effects and were unable to make contact with her throughout the afternoon of 22 April.

(c) [redacted] notified [redacted] o/a 2208.[873] [redacted] notification of [redacted], and [redacted] actions to question [redacted] and enable the Soldiers to search the motor pool, were appropriate and reasonable.

(d) [redacted] determined SPC Guillén was missing through a series of phone calls and texts from o/a 2208 to o/a 2330. [redacted] contacted [redacted], [redacted] via conference calls o/a 2221 to o/a 2231, and determined that SPC Guillén had not been properly accounted for by her [redacted] at the afternoon accountability check or the 1600 barracks check.[874] According to phone records provided by [redacted], he called [redacted] o/a 2217, and again o/a 2313, to notify him that SPC Guillén was unaccounted for.[875] [redacted] estimated the time of his notification by [redacted] as closer to 2330, but did not remember the exact time.[876]

(e) [redacted] identified the unique circumstances of SPC Guillén's absence – that she left personal effects, including her vehicle, behind and her performance and service record did not indicate likelihood of voluntary absence.[877]

(f) [redacted] determination that SPC Guillén was likely missing between o/a 2208 and o/a 2330 was reasonable, given the evidence available to them and the

---

[redacted]

[872] A-63-1, [redacted]: See infra Part 7.a, pg. 33.
[873] A-24-1, [redacted]: pg 11; A-63-1, [redacted]: See infra Part 7.a, pg. 33.
[874] A-24-1, [redacted]: pg 11, discussion in detail reference conference call; See infra Part 7.a, pg. 32.
[875] A-24-1, [redacted]: pg 14; See infra Part 7.a, pg. 34.
[876] A-5-1, [redacted]: pg 13; See infra Part 7.a, pg. 34.
[877] A-24-1, [redacted]: pg 14; A-5-1 [redacted]: pg 14; See infra Part 7.a, pg. 33.

confusion caused by false accountability reports earlier in the day (o/a 1600-1700).

Derived Question: When did the chain of command last have contact with SPC Guillén?

23. After careful consideration, I find by a preponderance of the evidence that the text [redacted] received from SPC Guillén's phone with the M2 serial number o/a 1023 on 22 April is her last contact with the chain of command or NCO support channel.[878]

(a) CID confirmed o/a 1023 as the time of the last text from SPC Guillén's phone.[879] I find the method employed by CID to be more credible than [redacted] previous testimony. I find the method employed by CID confirms the screen shot of [redacted] phone with "1123" as the time of the text is a delayed transmission.[880]

Directed Question: Were there any false or incomplete accountability reports made regarding SPC Guillén?

24. After careful consideration, I find by a preponderance of the evidence that [redacted] on 22 April.

(a) [redacted] "thumbs up" emoji report to [redacted] o/a 1705 on 22 April did not provide a complete or descriptive report of the barracks inspection that he conducted, and gave the impression to recipients that all E/FST Soldiers in the barracks were accounted for.[881] [redacted] should have provided a detailed report of personnel accountability to E/FST platoon [redacted] but his execution of the inspection was reasonable because he did not understand the scope of his duties and did not receive verbal instructions prior to assuming duty.

[redacted]

[878]A-11-1, [redacted]: pg 5, citing 1030; A-11-8, [redacted] pg 2, accurate statements citing 1023; See infra Part 7.a, pg. 31.
[879]B-2-5, MFR - subject: Last text message from SPC Guillén: pg 1, SAC Neff, 26 OCT 20, verified the accurate time of text as o/a 1023 on 22 APR 20; See infra Part 7.a, pg. 31.
[880]A-11-5, [redacted] pg 1, includes inaccurate statement citing 1123 as time of text; B-2-4, screen shot; See infra Part 7.a, pg. 31.
[881]A-75-1, [redacted]: pg 3; See infra Part 7.a pg. 32 for conduct of the check on 22 APR 20; See infra Part 8.a.(1) pg. 128 for discussion of [redacted] responsibilities.

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

(a) Reinforce current Army Senior Leader efforts – particularly SMA Grinston's "This is My Squad" initiative – to develop squad leaders and focus on building capable leaders at the company-level and below.

i. As SMA Grinston has stated, the squad leader is "directly tied to the successes or failures of our company … and [Junior NCOs] make decisions every day – in garrison or in other units in combat – that can have a direct impact on the company and the mission."

ii. Multiple failures at the Troop level and below by the chain of command and the NCO support channel are likely the result of inadequate training and professional development of junior leaders. These include an over-reliance on text messages to communicate up and down the chain of command; poorly issued and written instructions for duty NCOs; lack of leadership enforcement and standardized methods to ensure Junior Leaders and Soldiers adhere to accountability standards. Clear squad and platoon-level leadership would have provided SPC Guillén a consistent and predictable expectation of duties that had been approved by her chain of command.

iii. Building cohesive teams and a "This is My Squad" approach to small unit leadership is a challenge in units that are not organized in traditional platoon and squad / section formations. However, given the likelihood that inexperienced leaders will lose consistent sight of Soldiers who work in very specific, low density skill sets across multiple formations and locations, the ethos embodied by the SMA's initiative is all the more important.

(b) HQDA G-3/5/7 review the Modified Table of Organization and Equipment (MTOE) of Forward Support Troops / Companies and similarly organized company-level formations (for example, Headquarters and Headquarters Companies) to ensure sufficient leadership positions are authorized to enable execution of chain of command responsibilities in accordance with AR 600-20.

---

[882]A-11-1 [redacted]: pg 3; A-70-1 [redacted]: pg 5; See infra Part 7.a pg. 32 for conduct of the check on 22 APR 20; See infra Part 8.a.(1) pg. 128 for discussion of [redacted] responsibilities and platoon standards.

[883]A-11-1, [redacted]: pg 3; See infra Part 7.a pg. 32 for conduct of the check on 22 APR 20; See infra Part 8.a.(1) pg. 130 for discussion of squad accountability procedures.

i. In Echo Forward Support Troop (E/FST), platoon and below-level leadership positions were assigned as additional duties, creating an ineffective and confusing chain of command. This situation was exacerbated by the inexperience of the NCOs who performed these additional duties without a clearly defined understanding of their responsibilities.

ii. Within E/FST, the Maintenance Platoon was not authorized a platoon leader, and the squadron did not assign an officer to serve in that position. The Maintenance Control Officer was supervised and rated by the squadron executive officer and did not exercise authority and responsibility as a platoon leader. The Maintenance Platoon Sergeant was not an authorized position, performed as an additional duty with only administrative responsibilities, such as accountability. The Maintenance Control Sergeant and the Maintenance Platoon Sergeant did not communicate effectively nor share and clearly delineate leadership responsibilities. Maintenance team chiefs performed the additional duty of squad leader. In the case of (b)(6), (b)(6), he was assigned as the (b)(6), (b)(7) with direct supervision of PLL clerks, but performed the (b)(6), (b)(7)(C), with SPC Guillén, a small arms repair Soldier, included in his squad for administrative purposes.

iii. Clearly identified and authorized leadership positions would enable Troop and Company-level chain of command and NCO support channels to exercise their authority and responsibility. It would also enable a supervision and rating scheme that reinforces Troop and Company-level authority and responsibility. In April 2020, supervision and rating of the Maintenance Control Team was held at squadron-level, inhibiting the E/FST Command Team's ability to supervise the leaders who assigned duties to mechanics and other Soldiers assigned to the Troop. The E/FST Command Team did not exercise their authority and responsibility to approve mission essential duties assigned to E/FST Soldiers, a critical failure in a COVID-19 environment under "shelter in place" restrictions. The squadron's approach was imbalanced and hampered command at the troop-level.

b. **Findings and Recommendations Pertaining to LOI 3 - Command Actions Following SPC Guillén's Disappearance.**

(1) **Standards of Determination.**

Headquarters, Department of the Army (HQDA) CCIR Policy

In May 2019, HQDA revised Senior Leader Commander's Critical Information Requirements for Army Commands, Army Service Component Commands, and Direct Reporting Units to conduct either immediate telephonic or 1-hour email notification to the U.S. Army Operations Center (AOC) based on the urgency of the incident.[884] HQDA organized CCIR into three categories, with the first two categories requiring immediate telephonic notification and the third category requiring only 1-hour email notification.[885] CCIR 50, defined as an incident of concern to HQDA based upon the gravity, nature, and potential for significant adverse publicity, or consequences of the incident; CCIR 50 could be categorized as either Category 1, 2, or 3. CCIR 50 that met the Category 1 and 2 reporting threshold required Army Commands to execute immediate telephonic contact to the AOC upon receipt or first notification, followed by email spot report within 1 hour; 5Ws email within 4 hours; and SIR within 12 hours. If the CCIR was deemed to be Category 3, Army Commands were not required to conduct immediate telephonic notification, but all other reporting requirements remained in effect.[886]

U.S. Army Forces Command (FORSCOM) and U.S. Army Installation Management Command (IMCOM) CCIR and SIR Policy

U.S. Army FORSCOM policy in effect in April 2020 established reporting procedures for Commander's Critical Information Requirements (CCIR), defined as information identified by the Commander as being critical to facilitating timely decision making, and Serious Incident Reports (SIR) derived from AR 190-45.[887] FORSCOM defined SIR as "any incident that might concern HQDA ... based on severity of the incident, as a Category 1, Category 2, or a Category 3" in accordance with AR 190-45.[888] Category 2 SIR required telephonic notification to the FORSCOM Operation Center NLT one hour and a written SIR NLT 24-hours; for CCIR, the written SIR was due NLT 12 hours.[889] FORSCOM also established a CCIR (24) that required Commanders to report any incident "involving FORSCOM Soldiers or units that may generate high media interest and / or international concern."[890] Under the IMCOM policy in effect in April 2020, garrisons were required to report actual or alleged AR 190-45 incidents (Category 1 and 2) to the IMCOM Operations Center. IMCOM CCIR 20, any serious incidents reportable

[884]B-3-43, FRAGORD 4 to HQDA EXORD 222-17, HQDA Senior Leader CCIR: para 1.E.1, 13 MAY 19.
[885]B-3-43, FRAGORD 4 to HQDA EXORD 222-17, HQDA Senior Leader CCIR: Attachment 1, CCIR Reporting Matrix.
[886]B-3-43, FRAGORD 4 to HQDA EXORD 222-17, HQDA Senior Leader CCIR: Attachment 1, CCIR Reporting Matrix.
[887]B-3-44, FORSCOM Enclosure 4, SIR Definitions: pg 1.
[888]B-3-44, FORSCOM Enclosure 4, SIR Definitions: pg 1.
[889]B-3-44, FORSCOM Enclosure 4, SIR Definitions: pg 1.
[890]B-3-45, FORSCOM Commander's Critical Information Requirement List: pg 4.

under AR 190-45, required a garrison email report NLT 1300Z / 0600S the following day.[891]

III Corps and Fort Hood CCIR Policy

III Corps' CCIR guidance in effect on 22 April 2020 established reporting procedures for Fort Hood tenant unit commanders for all AR 190-45 Category 1 and 2 serious incidents.[892] For "immediate" reporting requirements, commanders notified the III Corps commander via email (may call at discretion) within one hour of the initial 5Ws email to the IOC (who, what, where, when, way ahead), copying the Deputy Commanding General, Chief of Staff, and Deputy Chief of Staff.[893] Any incidents determined to meet AR 190-45 Category 2 (y), "incident of concern to HQDA" criteria, as previously defined, required "immediate" reporting, with email notification of the FORSCOM CG, III Corps CG, DCG, COS, and DCOS and a follow-up digital SIR due to the Fort Hood IOC within 8 hours of initial notification; Fort Hood IOC would submit the report to FORSCOM within 12 hours.[894] III Corps also established "Category 4, III Corps Information Requirements" for reportable incidents that do not meet AR 190-45 reporting criteria. Category 4 (aa) defined reporting requirements for "any other incident determined by a Commander to be of immediate concern or possible media concern to the III Corps Commander. This includes incidents not covered above that are a media concern. Decision will be based on the nature, gravity, potential for adverse publicity and consequences as the result of the incident and not reportable under the DES blotter report."[895] For Category 4 (aa) incidents, commanders were required to submit a digital SIR within 24-hours, and did not require commander to commander telephonic or email notification.[896]

U.S. Army Garrison (USAG) Fort Hood's serious incident report policy established "wake-up" criteria for the Garrison Commander (and key staff) and "during duty hours" CCIR requirements consistent with published III Corps guidance. In both cases, the USAG policy includes a requirement to report, "any other incident that the Director / Office Chief determines to be of concern to the Garrison Commander based on the nature, gravity and / or potential for adverse publicity."[897] Incidents that meet "wake-up" criteria require a call to the Garrison Commander and a follow-up 5Ws email to the IOC within one hour; other reportable incidents during duty hours require immediate in-

[891]B-3-46, US Army IMCOM Regulation 190-45-1, U.S. Army IMCOM SIR and CCIR: pg 2, para 8; and pg 5, para 9.3.g.20.
[892]B-3-47, FRAGORD 3 to OPORD PW 1904-04-0244 (IIIC CCIR): pg 1-2, para 3.b.(2), 061030SEP19.
[893]B-3-47, FRAGORD 3 to OPORD PW 1904-04-0244 (IIIC CCIR): pg 1-2, para 3.b.(2), 061030SEP19.
[894]B-3-48, Annex A to FRAGORD 3 to OPORD PW 1904-04-0244: page 2, 061030SEP19.
[895]B-3-48, Annex A to FRAGORD 3 to OPORD PW 1904-04-0244: page 5, 061030SEP19.
[896]B-3-48, Annex A to FRAGORD 3 to OPORD PW 1904-04-0244: page 5, 061030SEP19.
[897]B-3-49, FHTX Garrison Policy DPTMS-01 Serious Incident Reporting: pg 2, para 4.a.(8), 10 JUN 19.

person or telephonic reporting to the Garrison Commander and a follow-up 5Ws email to the IOC, or the next day if during non-duty hours.[898]

3CR SIR Policy

3CR SIR policy and procedures in effect in April 2020 defined serious incident reports as "commander to commander" reporting requirements for the squadrons organized into categories in accordance with AR 190-45 and III Corps and Fort Hood policy.[899] 3CR directed squadrons to submit reports to the "Regimental Commander, Regimental Command Sergeant Major, Regimental Executive Officer, and Regimental Judge Advocate, as well as appropriate coordinating Regimental staff" and assigned the 3CR XO the task of "submitting all SIRs to the III Corps Installation Operations Center."[900] Category 2 reportable incidents, in accordance with AR 190-45, required an immediate Squadron to Regimental Commander telephonic report, followed by a "6Ws SIR email" within an hour.[901] Category 2 SIR required a formatted SIR report "within 4 hours of the telephonic notification," and restated the III Corps and Fort Hood standard of 8 hours to the IOC.[902] 3CR policy included Category 2 (y), "incident of concern to HQDA," requiring immediate notification of commanders, from RCO through FORSCOM CG, with standard "immediate" timeline for formal SIR reporting at 4 hours to Regiment; 8 hours to Fort Hood IOC; and 12 hours to FORSCOM, in accordance with III Corps policy.[903]

Within Category 4, III Corps Information Requirements, 3CR also established a reporting requirement (aa) for "any other incident determined by a Commander to be of immediate concern or possible media concern to the III Corps Commander. This includes incidents not covered above that are a media concern. Decision will be based on the nature, gravity, potential for adverse publicity and consequences as the result of the incident and not reportable under the DES blotter report."[904] Category 4 (aa) incidents required "priority" voice, telephonic notification of the RCO within 8 hours, followed by email 6Ws within an hour following notification. SIR format was due to

[898]B-3-49, FHTX Garrison Policy DPTMS-01 Serious Incident Reporting: pg 1, para 4.a, 10 JUN 19.
[899]B-3-52, Memorandum for 3d Cavalry Regiment Commanders, Serious Incident Report (SIR) Reporting Procedures: pg 1, para 3.
[900]B-3-52, Memorandum for 3d Cavalry Regiment Commanders, Serious Incident Report (SIR) Reporting Procedures: pg 1, para 3, 19 DEC 19.
[901]B-3-52, Memorandum for 3d Cavalry Regiment Commanders, Serious Incident Report (SIR) Reporting Procedures: pg 2, para 4.b., 19 DEC 19.
[902]B-3-52, Memorandum for 3d Cavalry Regiment Commanders, Serious Incident Report (SIR) Reporting Procedures: pg 2, para 4.b., 19 DEC 19.
[903]B-3-53, Encl 1 to Memorandum for 3d Cavalry Regiment Commanders, Serious Incident Report (SIR) Reporting Procedures: pg 2.
[904]B-3-53, Encl 1 to Memorandum for 3d Cavalry Regiment Commanders, Serious Incident Report (SIR) Reporting Procedures: pg 5.

Regiment within 12 hours of telephonic notification, and to IOC within 24-hours, in accordance with III Corps standards.[905]

Regimental Engineer Squadron (RES) Policy

According to (b) (6), (b) (7)(C), the RES did not issue a squadron-level SIR policy in April 2020, and relied on the standards and procedures directed in the 3CR policy.[906] The troop commanders would submit SIRs to the RES XO, copying the Command Sergeant Major; according to (b) (6), (b) (7)(C), "when they hit our inbox, I will either call or text the (b)(6),[907]

Department of Defense Instructions (DODI) and Army Regulations (AR)

Army Regulation (AR) 600-8-6, *Personnel Accounting and Strength Reporting* (1 April 2015), outlines duty statuses for Soldiers. AR 600-8-6 directs commands to execute an eMILPO transaction "any time the duty status of a Soldier changes to meet the definition of another duty status."[908] Unauthorized absences for periods of less than 24-hours are not reported in eMILPO; a DA Form 4187 (Personnel Action) is required to support unauthorized absences in excess of 24-hours, and will be authenticated by the unit commander or designated representative, which include S1s or adjutants.[909] AR 600-8-6 provides 32 duty status codes, defining Absent without leave (AWL) as "Soldiers who are absent from place of duty without permission or authorization for more than 24-hours."[910] All duty status changes must be supported by authorizing documentation, such as a DA Form 4187.[911] There is no definition for "missing" in the current AR 600-8-6. Table 2-1 does not include a "missing" duty status; however, "missing (MIS)" is a duty status option in eMILPO and included in the eMILPO Field User's Guide.[912]

Army Regulation (AR) 190-45, *Law Enforcement Reporting* (27 September 2016), establishes policies and procedures for offense and serious incident reporting within the Army, to include AWOL, desertion, and special category absentee offenses.

In accordance with paragraph 1-4, garrison commanders will ensure that installation provost marshals (PMs) or directors of emergency services (DESs) enter into State

---

[905]B-3-53, Encl 1 to Memorandum for 3d Cavalry Regiment Commanders, Serious Incident Report (SIR) Reporting Procedures: pg 5.
[906]A-43-1, (b) (6), (b) (7)(C) pg 5, "We would just follow the Regimental policy.".
[907]A-43-1, (b) (6), (b) (7)(C) pg 5.
[908]See References: AR 600-8-6, para 2-2.
[909]See References: AR 600-8-6, para 2-3.
[910]See References: AR 600-8-6, pages 9-10, table 2-1.
[911]See References: AR 600-8-6, para 2-2.
[912]See References: AR 600-8-6, pages 9-10, table 2-1; See References: The Electronic Military Personnel Office Field User's Guide, version 4.7.2, The Adjutant General Directorate Field Services Division, page 122, SEP 13.

government user agreements for access to State Law Enforcement telecommunications systems and agencies; and ensure that installation PMs or DESs execute liaison coordination and information exchange with civilian LE authorities within their geographic area of responsibility.[913] Senior commanders will ensure their senior MP commanders, installation PMs or DESs provide oversight and technical assistance for MP-related issues to subordinate garrison and installation staff.[914]

Army Regulation (AR) 190-45, *Law Enforcement Reporting* (27 September 2016), establishes reporting responsibilities for serious incidents. Chapter 8 directs Commanders at all echelons to report "any incident that might concern HQDA as a serious incident" without delaying "due to incomplete information" as well as "in cases of doubt."[915] Incidents are defined according to two broad categories (Category 1, para 8-2 and Category 2, para 8-3), and if "occurring on Army installations and facilities are clearly reportable."[916] Category 2 includes (y), "any other incident that the commander determines to be of concern to HQDA based on the nature, gravity, potential for adverse publicity, or potential consequences of the incident."[917]

AR 190-45, para 4–12, directs installation PM or DES or other LE officials to establish formal memorandums of understanding (MOUs) with their civilian counterparts to establish or improve the flow of information between their agencies, especially in instances involving military personnel.[918] Coordination between military LE personnel and local civilian LE personnel is essential to improve information sharing, especially concerning investigations, arrests, and prosecutions involving military personnel. The MOUs clarify jurisdictional issues for the investigation of incidents, define the mechanism whereby local LE reports involving active-duty Service members will be forwarded to the appropriate installation LE office, encourage the local LE agency to refer victims of domestic violence to the installation Family Advocacy Office or victim advocate, and foster cooperation and collaboration between the installation LE agency and local civilian agencies. Para 4-12 provides the following minimum components of the MOU:

1) A general statement of the purpose of the MOU.

2) An explanation of jurisdictional issues that affect respective responsibilities to—and investigating incidents occurring on and off—the installation. This section should also address jurisdictional issues when a civilian order of protection is violated on military property (see 10 USC 1561a).

[913]See References: AR 190-45, para 1-4.
[914]See References: AR 190-45, para 1-4.
[915]See References: AR 190-45, para 8-1.
[916]See References: AR 190-45, para 8-1.
[917]See References: AR 190-45, para 8-3.
[918]See References: AR 190-45, para 4-12.

3) Procedures for responding to incidents that occur on the installation involving a civilian alleged offender.

4) Procedures for local LE to immediately (within 4 hours) notify the installation LE office of incidents and investigations involving Service members.

5) Procedures for transmitting incident and investigation reports and other LE information involving active-duty Service members from local civilian LE agencies to the installation LE office.

6) Notification of when a Soldier is required to register as a sex offender either through military judicial proceedings or civilian judicial proceedings.

7) Procedures for transmitting civilian protection orders (CPOs) issued by civilian courts or magistrates involving active-duty Service members from local LE agencies to the installation LE office.

8) Designation of the title of the installation LE recipient of such information from the local LE agency.

9) Procedures for transmitting the DD Form 2873 (Military Protective Order) from the installation LE office to the local civilian LE agency with jurisdiction over the area in which the Service member resides.

10) Designation of the title of the local LE agency recipient of domestic violence and CPO information from the installation LE agency.

11) Respective responsibilities for providing information to victims regarding installation resources when either the victim or the alleged offender is an active duty Service member.

12) Sharing of information and facilities during the course of an investigation in accordance with 5 USC 552a (b) (7) (The Privacy Act of 1974).

13) Regular meetings between the local civilian LE agency and the installation LE office to review cases and MOU procedures.

Regarding AWOL personnel, AR 190-45 para 4 also directs commanders to notify the installation PMO or DES of a Soldier's reported absent without leave (AWOL). Upon receipt of an AWOL report, the installation PMO or DES will initiate an LER, and a corresponding information blotter entry.[919]

[919]See References: AR 190-45, para 4-10.

Army Regulation (AR) 190-9, *Absentee Deserter Apprehension Program and Surrender of Military Personnel to Civilian Law Enforcement Agencies* (28 September 2015) describes provost marshal procedures and responsibilities for Soldiers in absentee or deserter status. In accordance with para 2-1, the unit commander notifies the installation PMO / DES desk sergeant within 48-hours after a Soldier has been identified as AWOL. The installation PMO / DES desk sergeant will, upon receipt of an AWOL report, initiate a law enforcement report in DA Form 190-45–SG (Army Law Enforcement Reporting and Tracking System (ALERTS) (system generated form)) according to AR 190–45, and query all law enforcement databases to confirm / deny any high risk caution indicators according to Appendix C.[920]

Army Regulation (AR) 630-10, *Absence Without Leave, Desertion, and Administration of Personnel Involved in Civilian Court Proceedings* (13 January 2006), provides policies and procedures for reporting unauthorized absences and administering absent without leave (AWOL). An "absentee" is a Soldier who has been absent without authority from his unit, organization, or other place of duty for more than 24-hours, but has not been administratively classified as a deserter.[921] In accordance with para 2-2, the unit will report the Soldier absent and take the following actions: conduct an immediate inquiry to determine the Soldier's location and possible reasons for absence; notify the Provost Marshal within 24-hours of the Soldier's absence; record the results of the inquiry on DA Form 4187; and notify the NOK of the Soldier by letter mailed on the 10th day of AWOL.[922] A Soldier is defined as a "deserter" and dropped from the rolls of his or her unit when absent without authority for 30 consecutive days.[923]

DODI 1300.18, *Department of Defense (DoD) Personnel Casualty Matters, Policies, and Procedures* (8 January 2008, incorporating change 14 August 2009) and AR 638-8, *Army Casualty Program* (7 June 2019) describe the Army Casualty Program. AR 638-8 defines a casualty as "any person lost to an organization by reason of having been declared deceased, Duty Status-Whereabouts Unknown (DUSTWUN) or EAWUN, missing, injured, or ill."[924] The casualty report is a management tool used to document and track reportable individuals who become casualties.[925] Casualty reports are required when any active duty Soldier becomes deceased, DUSTWUN, EAWUN, injured, or ill.[926] Timely and accurate casualty reporting is the unit commander's responsibility.[927] Human Resources Command (HRC) Casualty and Mortuary Affairs Operations Division (CMAOD) uses the Duty Status-Whereabouts Unknown (DUSTWUN) casualty code to annotate missing Soldiers. DODI 1300.18 and AR 638-8

[920]See References: AR 190-9, para 2-1.
[921]See References: AR 630-10, Section II Terms, page 29.
[922]See References: AR 630-10, para 2-2.
[923]See References: AR 630-10, Section II Terms, page 29.
[924]See References: AR 638-8, para 2-1.AR 638-8, para 2-1.
[925]See References: AR 638-8, para 2-3.AR 638-8, para 2-3.
[926]See References: AR 638-8, para 2-6.AR 638-8, para 2-6.
[927]See References: AR 638-8, para 2-7.AR 638-8, para 2-7.

define "missing" as "the casualty is not present at his or her duty location due to apparent involuntary reasons and whose location is unknown."[928] DUSTWUN is defined in AR 638-8 as "a transitory or temporary casualty status used when the reason for a member's absence is uncertain and it is possible that the member may be a casualty whose absence is involuntary, but there is not sufficient evidence to make a determination that the member's actual status is missing or deceased."[929]

Commanders are responsible for determining if a Soldier's absence is voluntary or involuntary. Commanders must then submit a request via the servicing Casualty Assistance Center (CAC) to CMAOD before reporting a Soldier as a DUSTWUN casualty. In accordance with AR 638-8 Chapter 11, para 3, if after 24-hours a Soldier's duty status is still unknown, the responsible CAC will contact the CMAOD for guidance regarding whether or not the circumstances warrant submitting a DUSTWUN report.[930] Evidence of involuntary absence is required for CMAOD to approve this initial determination, in accordance with current regulations.[931] A Soldier is normally retained in a DUSTWUN status for a maximum of 10 days. According to (b) (6), (b) (7)(C) , during this 10-day period the unit appoints an investigating officer to conduct an informal investigation under AR 15-6 to determine the nature of the absence, and based on the findings the commander will complete the DD Form 2812 (Commander's Preliminary Assessment and Recommendation Regarding Missing Person).[932] If the involuntary absence still cannot be determined from the facts, the Soldier will be reported as AWOL, in accordance with AR 630-10. If evidence of involuntary absence becomes available, the unit will coordinate with the servicing CAC to develop and submit a CCIR to HRC, and the CAC will immediately submit a supplemental casualty report updating the Soldier's casualty status accordingly. If a Soldier remains in a DUSTWUN status after 10 days, the Adjutant General (TAG) of the Army will appoint an initial board or inquiry (BOI) and collect the DD Form 2812 and AR 15-6 investigation report from the responsible Casualty Assistance Center (CAC). Members of the BOI will gather the facts and supporting information to assess whether sufficient evidence exists to make a determination of Missing, AWOL, Deserter, or Deceased. If classified as Missing, the Soldier's status will remain as such until the BOI is presented evidence that could assist the BOI in making a different determination.[933]

---

[928]See References: AR 638-8, Section II Terms, page 79.
[929]See References: AR 638-8, Section II Terms, page 78.
[930]See References: AR 638-8, para 11-3.
[931]A-85-1, (b) (6), (b) (7)(C) pg 2, "the big ticket with that, if I may, is involuntary absence … when they call up like that, we are going to ask -- "Hey, what evidence do you have that the absence is involuntary?" That's the big ticket right there.".
[932]A-85-1, (b) (6), (b) (7)(C) pg 3, "in the event that they went DUSTWUN on a Soldier, they would initiate an investigating officer and the investigating officer would do a 15-6 to determine, for lack of a better term, "life or death" of the service member, and then those proceedings would submitted to us at HRC, along with the commander's recommendation on the DD 2812.".
[933]See References: AR 638-8, para 11-3 and para 11-6.

Army Doctrinal Publications

Army Doctrinal Publication 6-0, *Mission Command: Command and Control of Army Forces* (31 July 2019) describes the fundamentals of mission command, and how commanders, supported by their staffs, combine the art and science of command and control to understand situations, make decisions, direct actions, and lead forces toward mission accomplishment.[934] Mission command is the Army's approach to command and control that empowers subordinate decision making and decentralized execution appropriate to the situation.[935] Mission command is the Army's approach to command and control.[936] The mission command approach to command and control requires active participation by personnel of all ranks and duty positions. Subordinate officers, noncommissioned officers, and Soldiers all have important roles in the exercise of mission command.[937] Command is the authority that a commander in the armed forces lawfully exercises over subordinates by virtue of rank or assignment (para 1-80). Inherent in command is the authority that a military commander lawfully exercises over subordinates, including the authority to assign tasks and the responsibility for their successful completion.[938] With authority comes responsibility. Commanders are legally and ethically responsible for their decisions and for the actions, accomplishments, and failures of their subordinates. Commanders may delegate authority, but delegation does not absolve commanders of their responsibility to the higher echelon commander. Commanders are always accountable for what happens or fails to happen in their command.[939]

Staffs support commanders in making and implementing decisions and in integrating and synchronizing combat power. Staffs provide timely and relevant information and analysis, make estimates and recommendations, prepare plans and orders, assist in controlling operations, and assess the progress of operations for the commander. Primary responsibilities of any staffs are to support the commander; assist subordinate commanders, staffs, and units; and inform units and organizations outside the headquarters.[940] Staffs support commanders in understanding, visualizing, and describing the operational environment; making and articulating decisions; and directing, leading, and assessing military operations.[941] Staffs make recommendations and prepare plans and orders for their commander.[942] Staffs also prepare and disseminate information to subordinates for execution to assist commanders in controlling operations.[943] Staffs support and advise their commander within their area of

[934]See References: ADP 6-0, Preface, page iii.
[935]See References: ADP 6-0, para 1-14.
[936]See References: ADP 6-0, para 1-74.
[937]See References: ADP 6-0, para 1-70.
[938]See References: ADP 6-0, para 1-81.
[939]See References: ADP 6-0, para 1-82.
[940]See References: ADP 6-0, para 4-17.
[941]See References: ADP 6-0, para 4-18.
[942]See References: ADP 6-0, para 4-18.
[943]See References: ADP 6-0, para 4-19.

expertise. While commanders make key decisions, they are not the only decision makers.[944] Effective staffs establish and maintain a high degree of coordination and cooperation with staffs of higher echelon, lower echelon, supporting, supported, and adjacent units. Staffs help subordinate headquarters understand the larger context of operations. They do this by first understanding their higher echelon headquarters' operations and commander's intent, and nesting their own operations with their higher headquarters. They then actively collaborate with subordinate commanders and staffs to facilitate a shared understanding of the operational environment.[945]

(2) **Findings.**

Directed Question: How and when was SPC Guillén's disappearance reported through the chain of command? When were serious incident reports filed?

25. After careful consideration, I find by a preponderance of the evidence that SPC Guillén's disappearance was reported through the chain of command, to the Acting Senior Commander of III Corps and Fort Hood by 1700 on 23 April; through law enforcement channels by CID, up to the U.S. Army Operations Center (AOC), by 1512 on 23 April; and serious incident reports were filed, up to the AOC, by 2107 on 24 April.

(a) Based on the timing of (b) (6), (b) (7)(C) conference calls with E/FST NCO's (o/a 2221 to o/a 2231 on 22 April), it is more likely than not that (b) (6), (b) (7)(C) was notified that SPC Guillén was missing o/a 2313 on 22 April, via phone call from (b) (6), (b) (7)(C) first recorded phone call to (b) (6), (b) (7)(C) occurred o/a 2217 (lasting approximately five minutes), while he was still conducting conference calls with the E/FST NCO's to gather information on the circumstances of SPC Guillén's absence and failure to account for her during the afternoon accountability checks.[946]

(b) (b) (6), (b) (7)(C), notified (b) (6), (b) (7)(C), of SPC Guillén's absence via text o/a 0020 on 23 April.[947] (b) (6), (b) (7)(C) had already been notified by (b) (6), (b) (7)(C), o/a 2300 on 22 April.[948]

(c) (b) (6), (b) (7)(C) notified (b) (6), (b) (7)(C), via phone call o/a 0730 on 23 April.[949]

[944]See References: ADP 6-0, para 4-20.
[945]See References: ADP 6-0, para 4-21.
[946]A-24-1, (b) (6), (b) (7)(C) pg 14; A-5-1, (b) (6), (b) (7)(C) pg 13, "(b) (6), (b) (7)(C) called me at about 2330."; B-2-9, (b) (6), (b) (7)(C) phone records; See infra Part 7.a, pg. 33.
[947]A-43-1, (b) (6), (b) (7)(C) pg 3; A-5-1, (b) (6), (b) (7)(C) pg 12; See infra Part 7.a, pg. 34.
[948]A-43-1, (b) (6), (b) (7)(C) pg 3; See infra Part 7.a, pg. 34.
[949]A-43-1, (b) (6), (b) (7)(C) pg 3; See infra Part 7.a, pg. 37.

(d) (b) (6), (b) (7)(C), submitted the "6Ws / SIR "Missing Trooper" via email to (b) (6), (b) (7)(C) o/a 1324 on 23 April.[950]

(e) (b) (6), (b) (7)(C) forwarded the 6Ws / SIR "Missing Trooper" email to MG Efflandt o/a 1504 on 23 April; MG Efflandt acknowledged receipt o/a 1700.[951]

(f) (b) (6), (b) (7)(C) notified MG Efflandt via phone call on the afternoon of 23 April, but the evidence is not sufficient to establish the time of the call.[952]

(g) (b) (6), (b) (7)(C), submitted the first digital SIR to the Fort Hood IOC o/a 1850 on 23 April as a Category 4, III Corps information requirement.[953]

(h) CID submitted an SIR EXSUM to the AOC, via email, o/a 1512 on 24 April, identifying SPC Guillén as a "missing Soldier" whose disappearance occurred under "unusual" circumstances.[954]

(i) (b) (6), (b) (7)(C), submitted SIR update "add-on 01" via email to the Fort Hood IOC o/a 1516 on 24 April.[955]

(j) The Fort Hood IOC submitted its first SIR on SPC Guillén's disappearance to FORSCOM Watch and the IMCOM Operations Center, o/a 1822 on 24 April, as an AR 190-45 Category 2 reportable serious incident.[956]

(k) FORSCOM submitted the SIR on SPC Guillén's disappearance to the AOC o/a 2033 on 24 April.[957]

(l) CID submitted Law Enforcement Report SIR, reporting SPC Guillén as a "missing person" under AR 190-45, to the AOC, Fort Hood, and CID senior leaders o/a 2054 on 24 April.[958]

---

[950]B-3-1, email: 6Ws - RES - SPC Guillén (Missing Trooper); See infra Part 7.a, pg. 39.
[951]B-3-2, email: 6Ws (Missing Trooper); See infra Part 7.a, pg. 40.
[952]A-37-1, MG Efflandt: pg 4, "I believe it was the next day that (b) (6), (b) (7)(C) told me about her absence," when asked if he received a call from (b) (6), (b) (7)(C) on the evening of 23 APR 20, he responded "Right."; A-88-1, (b) (6), (b) (7)(C) pg 7, "I then called General Efflandt. I can't remember what time I sent a report later that day."; See infra Part 7.a, pg. 40.
[953]B-3-3, email: 3rd CR SIR (Cdr Concern Missing Trooper); See infra Part 7.a, pg. 40.
[954]B-3-13, email: FW: EXSUM: Missing Soldier - Fort Hood, TX; See infra Part 7.a, pg. 46.
[955]B-3-11, Add-on 3CR SIR (updated); See infra Part 7.a, pg. 44.
[956]B-3-17, B-3-17; B-3-47, FRAGORD 3 to OPORD PW 1904-04-0244 (IIIC CCIR); See infra Part 7.a, pg. 47.
[957]B-3-23, email: FW: EXSUM - CCIR 50: INCIDENT OF CONCERN TO HQDA (MISSING SOLDIER) ; See infra Part 7.a, pg. 48.
[958]B-3-21, email: CID Law Enforcement Report-SIR (CAT 2) Initial-420-2020-CID034-006691; See infra Part 7.a, pg. 48.

(m) The AOC published the CCIR EXSUM that SPC Guillén was "reported missing" via email o/a 2107 on 24 April.[959]

Directed Question: Did SPC Guillén's chain of command follow required protocols for Critical Information Reporting and Serious Incident Reporting following SPC Guillén's disappearance?

26. After careful consideration, I find by a preponderance of the evidence that the RES did not comply with 3CR CCIR / SIR reporting requirements and standards.

(a) For a Category 4 (aa) incident of immediate concern, 3CR required voice / telephonic notification to the RCO within 8 hours, a 6Ws email within an hour after notification, and digital SIR to Regiment within 12 hours.[960]

(b) (b) (6), (b) (7)(C) phone records indicate a call to (b) (6), (b) (7)(C) o/a 2313, and (b) (6), (b) (7)(C) estimated the time of his notification by (b) (6), (b) (7)(C), via phone call, as o/a 2330.[961] (b) (6), (b) (7)(C) recalls notifying (b) (6), (b) (7)(C), via text, o/a 0020 on 23 April 20.[962] It is more likely than not that (b) (6), (b) (7)(C) notified (b) (6), (b) (7)(C) that SPC Guillén was missing within one hour of his notification by (b) (6), (b) (7)(C).

(c) (b) (6), (b) (7)(C) notified (b) (6), (b) (7)(C) via phone call o/a 0730 on 23 April, approximately 7 hours after (b) (6), (b) (7)(C) notified him (o/a 0020) and approximately 8 hours after (b) (6), (b) (7)(C) notification by (b) (6), (b) (7)(C) (o/a 2313). Based on the time of initial commander notification (o/a 2313), it is more likely than not that (b) (6), (b) (7)(C) met the Regimental standard (8 hours) for (b) (6), (b) (7)(C) notification.[963]

(d) (b) (6), (b) (7)(C), submitted the 6Ws email to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) o/a 1324 on 23 April, approximately 6 hours after (b) notification, failing to meet the one hour standard established by 3CR.[964] However, the delay in development of the 6Ws email is not unreasonable given the ongoing development of the situation by the Squadron and Troop chain of command, and

[959]B-3-23, email: FW: EXSUM - CCIR 50: INCIDENT OF CONCERN TO HQDA (MISSING SOLDIER) ; See infra Part 7.a, pg. 48.
[960]B-3-53, Encl 1 to Memorandum for 3d Cavalry Regiment Commanders, Serious Incident Report (SIR) Reporting Procedures: pg 5; See infra Part 8.b.(1), page 153 for Regimental standards.
[961]A-24-1, (b) (6), (b) (7)(C): pg 14; A-5-1, (b) (6), (b) (7)(C) pg 13; See infra Part 7.a, page 33; See infra Part 8.b.(2) Finding 3-24, page 160.
[962]A-43-1, (b) (6), (b) (7)(C) pg 3; A-5-1, (b) (6), (b) (7)(C) pg 12; See infra Part 7.a, page 34; See infra Part 8.b.(2) Finding 3-24, page 160.
[963]A-43-1, (b) (6), (b) (7)(C) pg 3; See infra Part 7.a, page 33; See infra Part 8.b.(1), page 153 for Regimental standards; See infra Part 8.b.(2) Finding 3-24, page 160.
[964]B-3-1, email: 6Ws - RES - SPC Guillén (Missing Trooper); See infra Part 7.a, pg. 39; See infra Part 8.b.(1), page 153 for Regimental standards; See infra Part 8.b.(2) Finding 3-24, page 160.

more likely than not had no impact on the Squadron's adherence to 3CR standards for SIR submission to the RXO.

(e) The timing of the Squadron's submission of the digital SIR to the RXO is not clear. However, (b) (6), (b) (7)(C), submitted the initial 3CR SIR to the Fort Hood IOC o/a 1850 on 23 April, approximately 11.5 hours after (b) telephonic notification. Therefore, it is more likely than not that (b) (6), (b) (7)(C) received the formal SIR from the Squadron within 12 hours of (b) notification, in accordance with 3CR SIR policy.[965]

27. After careful consideration, I find by a preponderance of the evidence that 3rd Cavalry Regiment complied with III Corps and Fort Hood CCIR / SIR reporting requirements and standards.

(a) For Category 4 (aa) incidents of immediate concern, III Corps and Fort Hood required commands to submit a digital SIR to the IOC within 24-hours, and did not require notification through command channels.[966]

(b) (b) (6), (b) (7)(C) called MG Efflandt and sent the 6Ws via email o/a 1504 on 23 April, in accordance with III Corps policy authorizing Commander's discretion when email notification is not directed.[967] (b) (6), (b) (7)(C) email to MG Efflandt is the first confirmed 3CR notification of Task Force Phantom and Fort Hood leadership. Neither MG Efflandt nor (b) (6), (b) (7)(C) remember the exact time of telephonic notification.[968]

(c) (b) (6), (b) (7)(C) submitted the initial SIR to the Fort Hood IOC o/a 1850 on 23 April, approximately 4 hours after (b) (6), (b) (7)(C) notification email to MG Efflandt, in compliance with the III Corps 24-hour standard for Category 4 (aa) incidents.[969]

28. After careful consideration, I find by a preponderance of the evidence that Task Force Phantom leadership and Fort Hood IOC did not comply with either III Corps and Fort Hood CCIR policy or FORSCOM's CCIR / SIR reporting requirements and standards.

---

[965]B-3-3, email: 3rd CR SIR (Cdr Concern Missing Trooper); See infra Part 7.a, pg. 30; See infra Part 8.b.(1), page 153 for Regimental standards; See infra Part 8.b.(2) Finding 3-24, page 160.
[966]B-3-48, Annex A to FRAGORD 3 to OPORD PW 1904-04-0244: pg 5; See infra Part 8.b.(1), pg. 152 for III Corps and Fort Hood standards.
[967]B-3-2, email: 6Ws (Missing Trooper); B-3-48, Annex A to FRAGORD 3 to OPORD PW 1904-04-0244; See infra Part 7.a, pg. 40; See infra Part 8.b.(1), pg. 152 for III Corps and Fort Hood standards.
[968]A-37-1, MG Efflandt: pg 4; A-88-1, (b) (6), (b) (7)(C) pg 7; See infra Part 7.a, pg. 40; See infra Part 8.b.(2) Finding 3-24, page 160.
[969]B-3-3, email: 3rd CR SIR (Cdr Concern Missing Trooper); See infra Part 7.a, pg. 40; See infra part 8.b.(1), pg. 152 for III Corps and Fort Hood standards; See infra part 8.b.(2) Finding 3-24, page 160.

(a) FORSCOM policy regarding Category 2 SIR required telephonic notification within one hour and a written SIR NLT 24-hours.[970]

(b) III Corps and Fort Hood policy regarding Category 2 SIR required immediate notification of the FORSCOM CG, III Corps CG, DCG, COS, and DCOS; and submission of the SIR to FORSCOM within 12 hours of initial notification (SIR from the unit to the IOC within 8 hours, and SIR from the IOC to FORSCOM within the next 4).[971]

(c) 3CR submission of the initial SIR to the IOC o/a 1850 on 23 April met the standard Category 2 SIR standard (8 hours), occurring approximately 4 hours after initial notification.[972]

(d) Fort Hood IOC submitted the first SIR on SPC Guillén's disappearance to FORSCOM Watch o/a 1822 on 24 April, as an AR 190-45 Category 2 (y) reportable serious incident, "any other incident that the Commander determines to be of concern to HQDA based on the nature, gravity, potential for adverse publicity or potential consequences of the incident."[973]

(e) In accordance with the III Corps and Fort Hood standard, the IOC should have submitted the SIR to FORSCOM Watch NLT o/a 0304 on 24 April (12 hours after initial notification, (b) (6), (b) (7)(C) 6Ws email o/a 1504 on 23 April). (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) approved the SIR o/a 1808 on 24 April, and Fort Hood IOC submitted the SIR to FORSCOM and IMCOM o/a 1822, more than 15 hours late according to the III Corps standard. It was 3 hours, 17 minutes late according to the FORSCOM 24-hour standard for SIR submission of Category 2 incidents. According to (b) (6), (b) (7)(C) it was not irregular for Fort Hood IOC SIR submissions to FORSCOM to be late, particularly when considering off-duty hours and time required to refine and gain updates from the reporting unit.[974]

(f) There is no record of immediate notification of the FORSCOM CG by the Fort Hood and Task Force Phantom leadership prior to GEN Garrett's email exchange with the VCSA and MG Efflandt. GEN Garrett, the FORSCOM CG, was notified by the Vice Chief of Staff of the Army (VCSA) o/a 1549 on 24 April, and requested an update from MG Efflandt o/a 1629. It is more likely than not that the FORSCOM CG first learned of SPC Guillén's disappearance on 24 April

[970]B-3-44, FORSCOM Enclosure 4, SIR Definitions; See infra Part 8.b.(1), pg. 151 for FORSCOM standards.
[971]B-3-48, Annex A to FRAGORD 3 to OPORD PW 1904-04-0244: pg 2; See infra Part 8.b.(1), pg. 152 for III Corps and Fort Hood standards.
[972]B-3-3, email: 3rd CR SIR (Cdr Concern Missing Trooper); See infra Part 7.a, pg. 40; See infra Part 8.b.(1), pg. 152 for III Corps and Fort Hood standards; See infra Part 8.b.(2) Finding 3-24, page 160.
[973]B-3-17, email: SIR (0293) - CAT 2 item y (241822APR20); B-3-47, FRAGORD 3 to OPORD PW 1904-04-0244 (IIIC CCIR); See infra Part 7.a, pg. 47.
[974]A-100-2, (b) (6), (b) (7)(C): pg 4, characterized it as a "good report."; See infra Part 7.a, pg. 47.

from the email exchange following the CID report, prior to Fort Hood IOC SIR submission to FORSCOM, and this did not have an impact on the chain of command's response to SPC Guillén's disappearance.

29. After careful consideration, I find by a preponderance of the evidence that U.S. Army Garrison Fort Hood did not comply with IMCOM's CCIR / SIR reporting requirements and standards.

(a) IMCOM policy in effect in April 2020 required garrisons to report any serious incidents under AR 190-45 (CCIR 20) NLT 1300Z / 0600S the following day.[975]

(b) Fort Hood IOC received 3CR's formal SIR o/a 1850 on 23 April.[976]

(c) In accordance with IMCOM policy, Fort Hood IOC should have submitted the SIR to the IMCOM Operations Center NLT 0600 on 24 April. The Fort Hood IOC SIR submission o/a 1822 on 24 April was approximately 12 hours late; however, as (b) (6), (b) (7)(C) mentioned regarding FORSCOM reporting, it was not irregular for SIR submissions to IMCOM to be late.[977]

Directed Question: Was SPC Guillén's status changed from "present for duty"? If so, what were her status(es) and why?

30. After careful consideration, I find by a preponderance of the evidence that the RES changed SPC Guillén's duty status on 24 April from "Present for Duty" to "AWOL" after 24-hours of unauthorized absence in accordance with AR 630-10 and AR 600-8-6.

(a) In accordance with AR 630-10, a Soldier is an "absentee" when determined to be absent without authority from the unit for more than 24-hours. (b) (6), (b) (7)(C) determined AWOL to be the appropriate status due to SPC Guillén's unauthorized absence for 24-hours.[978] Without affirmative evidence of involuntary absence, AWOL designation after 24-hours of absence is reasonable and appropriate in accordance with AR 630-10.

(b) The unit took appropriate actions in accordance with AR 630-10 and AR 600-8-6: (b) (6), (b) (7)(C) authorized the change in status to AWOL via DA Form 4187;

[975]B-3-46, US Army IMCOM Regulation 190-45-1, U.S. Army IMCOM SIR and CCIR: pg 2, para 8; and pg 5, para 9.3.g.20; See infra Part 8.b.(1), pg. 151 for IMCOM standards.
[976]B-3-3, email: 3rd CR SIR (Cdr Concern Missing Trooper); See infra Part 7.a, pg. 40; See infra Part 8.b.(1), pg. 152 for III Corps and Fort Hood standards; See infra Part 8.b.(2) Finding 3-24, page 160.
[977]A-100-2, (b) (6), (b) (7)(C) pg 4; See infra Part 7.a, pg. 47.
[978]A-5-1, (b) (6), (b) (7)(C) pg 15 and pg 17; See infra Part 7.a, pg. 34. (b) (6), (b) (7)(C) A-4-1, pg. 43.

the unit provided the signed DA 4187 to the DES; and the RES S1 executed the eMILPO transaction to change SPC Guillén's duty status to AWOL.[979]

(c) The RES changed SPC Guillén's duty status from "AWOL" to "Missing" on 4 May o/a 1111, and changed it back to "AWOL" duty status o/a 1123, o/a 12 minutes later. This action was taken without appropriate commander or designated representative authority, and was an irregular response that deviated from AR 600-8-6.[980]

31. After careful consideration, I find by a preponderance of the evidence that 3CR changed SPC Guillén's duty status to "missing as of 1130-1230 22 April 2020 until present" and deleted the AWOL entry on 30 June in accordance with AR 638-8 and AR 600-8-6.

(a) Public announcement of a "suspicion of foul play" on 23 June 2020 triggered CMAOD determination on 26 June that sufficient evidence of involuntary absence existed to change SPC Guillén's casualty status to DUSTWUN in accordance with AR 638-8.[981]

(b) On 30 June o/a 1157 the RS1 submitted an updated SIR to the Task Force Phantom G1, CMAOD, and CAC. Fort Hood CAC submitted the DUSTWUN casualty report to CMAOD o/a 1330.[982] CMAOD submitted CCIR #48 to the TAG (Duty Status Change from AWOL to DUSTWUN) o/a 1759.[983]

(c) On 30 June, (b) (6), (b) (7)(C) authorized deletion of the AWOL entry, via DA 4187, changing SPC Guillén's duty status to "missing as of 1130-1230 22 April 2020 until present" in accordance with AR 600-8-6 and AR 630-10.[984]

---

[979]B-3-29, email: RE: INFO Missing Trooper SITREP 05 MAY 2020 ((b) (6), (b) (7)(C)); B-3-8, eMILPO transactions: SPC Guillén; See infra Part 7.a, pg. 43. eMILPO transaction;
[980]See infra Part 7.a, pg. 54 for (b) (6), (b) (7)(C) actions; See infra Part 8.b.(1), pg. 154 for AR 600-8-6, para 2-3, standards.
[981]A-23-1, (b) (6), (b) (7)(C) pg 2; B-3-34, email: (Info/Action); FW: PFC Guillén; FW: Update (INFO) 3CR Missing Trooper; "Houston Rep. Sylvia Garcia: Army suspects foul play in case of missing Fort Hood soldier," https://www.houstonchronicle.com/news/houston-texas/texas/article/sylvia-garcia-fort-hood-soldier-vanessa-guilen-15360765.php, Sig Christenson, 23 JUN 20; See infra Part 7.a, pg. 64; See infra Part 8.b.(1), pg. 158 for AR 638-8 para 11-3 and 11-6 standards.
[982]B-3-35, email: FW: PFC Guillén, Vanessa; B-3-41, 652066 Guillén_Vanessa 10768777 Guillén Vanessa Initial DUSTWUN Report; See infra Part 7.a, pg. 66.
[983]B-3-36, email: FW: PFC Guillén, Vanessa; See infra Part 7.a, pg. 66.
[984]B-3-37, DA 4187 -- SPC Guillén to missing; See infra Part 7.a, pg. 66; see infra Part 8.b.(1), pg. 157 for AR 600-8-6; see infra Part 8.b.(1), pg. 154 for AR 630-10 standards.

(d) 3CR changed SPC Guillén's duty status from AWOL to Missing in eMILPO o/a 2054 on 30 June, with an effective date of 23 April, in accordance with AR 600-8-6.[985]

(e) Following CMAOD's determination, 3CR actions, in conjunction with the Fort Hood CAC and Task Force Phantom G1, to change SPC Guillén's casualty status to "DUSTWUN" and updated her duty status to "missing" were reasonable and appropriate, and in accordance with applicable regulations.

Directed Question: How did the search or location efforts evolve and / or intensify up to the date her death was confirmed?

32. After careful consideration, I find by a preponderance of the evidence that 3CR's approach to the search effort for their missing Trooper was with high intensity from the very beginning of the operation, and never let up. Their continuous coordination with CID, local and regional law enforcement as well as coordination with 1st Cavalry Division, led to an immense search for SPC Guillén.

(a) Within the first 24-hours of SPC Guillén's disappearance, the RES initiated and executed a deliberate search of the unit footprint while simultaneously coordinating with the other organizations.[986]

(b) CID conducted parallel search efforts, with local, state and federal law enforcement agencies; coordinated for support with approximately 20 agencies to assist in searches, interviews and leads. Texas EquuSearch conducted multiple searches on foot, ATV, sonar search of lakes on the installation and an aerial recon of the Leon River.[987]

(c) The search evolved slightly when 3CR responded to allegations that SPC Guillén was being held in tunnels or caves on Fort Hood. Having previously exhausted searches of the sub-terrain training areas, the unit executed a deliberate targeted search of natural caves, yielding no results.[988]

(d) The Regiment approached this effort as a sustained, deliberate operation, consistent with the mission and intent—to recover SPC Guillén and return their Trooper to their formation.

Directed Question: Were 3CRs actions directed by the commanders or their staffs in searching for SPC Guillén, reasonable and sufficient?

---

[985] A-27-2, (b) (6), (b) (7)(C) pg 4; B-3-8, eMILPO transactions: SPC Guillén: 30 JUN 20, to missing; B-3-8, eMILPO transactions: SPC Guillén: 30 JUN 20, to missing; See infra Part 7.a, pg. 66; See infra Part 8.b.(1), pg. 154 for AR 600-8-6 standard.
[986] See infra Part 7.a., pg 35.
[987] See infra Part 7.a., pg 77.
[988] See infra Part 7.a., pg 53.

33. After careful consideration, I find by a preponderance of the evidence that 3CR's actions were both reasonable and sufficient in conducting the search for SPC Guillén.

(a) (b) (6), (b) (7)(C) directed an immediate, extensive search for SPC Guillén throughout RES footprint.[989]

(b) (b) (6), (b) (7)(C) ," operationalizing the search and giving it significant importance, and established a routine update that captured where search efforts were conducted and the level of search that was done.[990]

(c) 3CR coordinated with 1CD for air within days and established search patterns and zones of the entire training area.[991]

(d) 3CR's comprehensive search effort exploited multiple resources and multiple sweeps.

(e) The complete search included air fly over, route reconnaissance and Troopers walking the ground through the majority of the training area. Command teams immediately demonstrated a bias for action and sustained it throughout the operation.

Directed Question: Did the command teams report appropriately to and interact effectively with DES / CID and local, state and federal law enforcement agencies?

34. After careful consideration, I find by a preponderance of the evidence that command teams reported appropriately to and interacted effectively with both DES and CID, as well as comprehensive interaction with local, state and federal law enforcement agencies.

(a) 3CR notified MP immediately that SPC Guillén was missing, in compliance with published guidance.[992]

(b) DES submitted a Region 6 search, issued BOLO, and input SPC Guillén into NCIC in compliance with published guidance.[993]

(c) CID and DES long standing relationships with local law enforcement (LE), developed through years of partnership and cooperation and enhanced through

[989] See infra Part 7.a., pg 35.
[990] See infra Part 7.a., pg 49.
[991] See infra Part 7.a., pg 50.
[992] See infra Part 7.a., pg 35.
[993] See infra Part 7.a., pg 43.

routine meetings to share information (e.g. Chiefs of Police Meeting, Region 6 CID meeting), proved effective during this case. However, coordination between military LE personnel and local civilian LE personnel should be codified in a memorandum of understanding (MOU).

Directed Question: Were there any irregularities in the manner in which the command teams handled SPC Guillén's disappearance?

35. After careful consideration, I find by a preponderance of the evidence that the RES deviated from AR 600-8-6 by changing SPC Guillén's duty status from "AWOL" to "Missing" on 4 May o/a 1111 without appropriate commander or designated representative authorization via signed DA 4187. This action was irregular, but also reasonable given chain of command confusion regarding duty and casualty status authorities o/a 4 May, early in the process of coordination with CMAOD.

(a) In accordance with AR 600-8-6, para 2-2, all duty status changes must be supported by authorizing documentation, such as a DA Form 4187.[994]

(b) Neither (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) could remember who directed the change in status on 4 May.[995] (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), could not remember who directed the change in duty status, and believed it to be the result of confusion.[996] (b) (6), (b) (7)(C) deleted the entry 12 minutes later, returning SPC Guillén's status to AWOL.[997]

(c) The Squadron did not provide a signed DA 4187 authorizing a status change on 4 May. More likely than not, neither the RES Commander nor the E/FST Commander, or designated representative such as the S1, authorized this change in duty status. This transaction was not appropriate or authorized; however, it was reasonable given the circumstances on 4 May. The erroneous transaction was more likely than not caused by ongoing confusion regarding authority to make a "missing" determination, and multiple initial lines of communication between squadron, regiment, CMAOD, and Fort Hood leadership, regarding a possible "missing" status for SPC Guillén. On the same day, 4 May, (b)(6), (b)(7) was engaged in direct coordination with CMAOD, and MG Efflandt informed FORSCOM senior leaders that 3CR intended to change SPC Guillén's duty status to missing in 48-hours.[998]

---

[994]See infra Part 8.b.(1), pg. 117 for AR 600-8-6 standard.pg. 154 for AR 600-8-6 standard.

[995]A-21-1, (b) (6), (b) (7)(C); A-52-1, (b) (6), (b) (7)(C) See infra Part 7.a, pg. 54 (b) (6), (b) (7)(C) A-16-1 (MFR); (b) (6), (b) (7)(C) A-107-1 (MFR).

[996]A-52-1, (b) (6), (b) (7)(C); See infra Part 7.a, pg. 54.

[997]A-21-1, (b) (6), (b) (7)(C) B-3-8, eMILPO transactions: SPC Guillén; See infra Part 7.a, pg. 54.

[998]A-59-1, (b)(6), (b) : pg 2; B-3-29, email: RE: INFO Missing Trooper SITREP 05 MAY 2020 ((b) (6) identifies 04 MAY 20 as the initial date of 3CR coordination with CMAOD; See infra Part 7.a, pg. 55.

36. After careful consideration, I find by a preponderance of the evidence that eyewitness accounts of SPC Guillén in the 3CR footprint o/a 1300-1330 were inaccurate, but reasonable for initial chain of command Serious Incident Reports, given the information available to command teams on 23 April.

(a) (b) (6), (b) (7)(C) claimed to have seen SPC Guillén while smoking outside building 9420 with two of his Soldiers ((b)(6), (b)(7)(C)); he reported to (b) (6), (b) (7)(C) that she had exited building 9420 looking "upset," and walked toward building 9421 o/a 1330 on 22 April.[999] (b) (6), (b) (7)(C) did not know SPC Guillén, and based his observation on (b) (6), (b) (7)(C) recognition of SPC Guillén.[1000] According to (b)(6), (b)(7)(C), he informed (b) (6), (b) (7)(C) on 23 April, but did not remember the exact time.[1001]

(b) Based on CID review of (b) (6), (b) (7)(C) phone records, it was found that (b) (6), (b) (7)(C) attended a promotion ceremony, and (b) (6), (b) (7)(C) was in the motor pool, o/a 1300 on 22 April; both later revised the estimated time of seeing SPC Guillén to earlier in the day, o/a 1000 or 1100 on 22 April.[1002]

(c) (b) (6), (b) (7)(C) developed the initial Serious Incident Report and submitted the "6Ws / SIR "Missing Trooper" via email to (b) (6), (b) (7)(C) o/a 1324, designating SPC Guillén as a "Missing Trooper" and identifying the time of SPC Guillén's disappearance as 1330 on 22 April.[1003]

(d) (b) (6), (b) (7)(C) report to (b) (6), (b) (7)(C), more likely than not, formed the basis for the first, inaccurate identification of the last known sighting of SPC Guillén as o/a 1330 on 23 April. (b) (6), (b) (7)(C), more likely than not, used (b) (6), (b) (7)(C) inaccurate report in the 6Ws email to 3CR leadership, and this information was used in the first SIR submitted by 3CR to the Fort Hood IOC o/a 1850 on 23 April.[1004]

(e) (b) (6), (b) (7)(C) actions to report a possible sighting are reasonable given the desire to provide as much information as possible to assist search efforts. The inaccurate time of sighting in their initial report was more likely than not unintentional. (b) (6), (b) (7)(C) use of the initial inaccurate report for

---

[999]A-40-2, (b) (6), (b) (7)(C), D.: pg 3; A-9-1, (b) (6), (b) (7)(C) pg 3; See infra Part 7.a, pg. 36.
[1000]A-40-2, (b) (6), (b) (7)(C), D.: pg 3; A-9-1, (b) (6), (b) (7)(C) pg 3; See infra Part 7.a, pg. 36.
[1001]A-40-2, (b) (6), (b) (7)(C), D.: pg 2; See infra Part 7.a, pg. 37.
[1002]A-40-2, (b) (6), (b) (7)(C) pg 3; A-9-1, (b) (6), (b) (7)(C) pg 4; See infra Part 7.a, pg. 36.
[1003]B-3-1, email: 6Ws - RES - SPC Guillén (Missing Trooper).
[1004]B-3-3, email: 3rd CR SIR (Cdr Concern Missing Trooper); See infra Part 7.a, pg. 40; See infra Part 8.b.(1), pg. 152 for III Corps and Fort Hood standards; See infra Part 8.b.(2) Finding 3-24, page 160.

the first SIR submission to the Fort Hood IOC is reasonable based on the evidence available to him on 23 April.

Directed Question: Did commanders react appropriately to SPC Guillén's disappearance?

37. After careful consideration, I find by a preponderance of the evidence that the RES and 3CR command teams' decision to report SPC Guillén's disappearance as a Category 4 incident of immediate concern to the III Corps Commander was appropriate and reasonable based on the circumstances of her disappearance and evidence available to them on 23 April.

(a) (b) (6), (b) (7)(C) notified (b) (6), (b) (7)(C) via phone call o/a 0730 on 23 April.[1005] (b) (6), (b) (7)(C) notified MG Efflandt via 6Ws email o/a 1504 on 23 April, and called the same day.[1006]

(b) FORSCOM and III Corps and Fort Hood policy in effect in April 2020 did not establish a specific reporting requirement for Soldier absence under unknown circumstances, and Soldiers designated as AWOL after 24-hours were not reportable as either Category 1 or 2 Serious Incidents in accordance with Chapter 8, AR 190-45.[1007]

[1005]A-43-1, (b) (6), (b) (7)(C) pg 3; See infra Part 7.a, page 37; See infra Part 8.b.(2) Finding 3-24, page 160.
[1006]A-37-1, MG Efflandt: pg 4; A-88-1, (b) (6), (b) (7)(C) pg 7; B-3-2, email: 6Ws (Missing Trooper); See infra Part 7.a, pg. 40; See infra Part 8.b.(2) Finding 3-24, page 160.
[1007]B-3-43, FRAGORD 4 to HQDA EXORD 222-17, HQDA Senior Leader CCIR: para 1.E.1, 13 MAY 19; B-3-47, FRAGORD 3 to OPORD PW 1904-04-0244 (IIIC CCIR): pg 1-2, para 3.b.(2), 061030SEP19; See infra Part 8.b.(1), pg. 114, for FORSCOM policy; See infra Part 8.b.(1), pg. 152, for III Corps and Fort Hood policy; See infra Part 8.b.(1), pg. 155 for AR 190-45 standard.

(c) (b) (6), (b) (7)(C) decision to report SPC Guillén's disappearance as an SIR complies with AR 190-45 guidance for commanders to report "in cases of doubt" or when information remains incomplete.[1008] The facts as known on 23 April, to include the unique circumstances of SPC Guillén's disappearance (personal effects left behind); her record of service and lack of evidence to support a voluntary absence; involvement of CID; and search operations that were expanding beyond the 3CR footprint indicated that SPC Guillén's disappearance met the subjective criteria as an incident of immediate concern to the III Corps commander.

38. After careful consideration, I find by a preponderance of the evidence that the Task Force Phantom and Fort Hood leadership decision to report SPC Guillén's disappearance to FORSCOM and IMCOM as a Category 2 incident of immediate concern to HQDA was appropriate and reasonable based on the circumstances of her disappearance and evidence available to them on 24 April.

(a) O/a 1735 on 24 April, the IOC sent a draft Fort Hood SIR on SPC Guillén's disappearance to (b) (6), (b) (7)(C) for review as a Category 2 as an AR 190-45 Category 2 reportable serious incident, item (y), "Any other incident that the Commander determines to be of concern to Headquarters, Department of the Army (HQDA) based on the nature, gravity, potential for adverse publicity or potential consequences of the incident."[1009]

(b) (b) (6), (b) (7)(C) forwarded to (b) (6), (b) (7)(C) for approval o/a 1740, including (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) approved the SIR o/a 1807 on 24 April.[1010] The Fort Hood IOC submitted its first SIR on SPC Guillén's disappearance to FORSCOM Watch o/a 1822 and the IMCOM Operations Center o/a 1827.[1011]

(c) The VCSA, GEN Martin, was informed of SPC Guillén's disappearance through CID reporting on the afternoon of 24 April, prior to Fort Hood IOC's SIR submission to FORSCOM and IMCOM. O/a 1549 GEN Martin asked GEN Garrett to let him know "if we have any developments on this search."[1012] GEN Garrett forwarded the email exchange to MG Efflandt o/a 1629, asking that he "keep [him] posted on this."[1013]

[1008]See infra Part 8.b.(1), pg. 154-155; AR 190-45, para 1-4.pg. 118; AR 190-45, para 1-4.
[1009]B-3-14, email: DRAFT #3 / SIR (0293) CAT 2 item y; See infra Part 7.a, page 47.
[1010]B-3-14, email: DRAFT #3 / SIR (0293) CAT 2 item y; See infra Part 7.a, page 47.
[1011]B-3-17, B-3-17; B-3-47, FRAGORD 3 to OPORD PW 1904-04-0244 (IIIC CCIR); See infra Part 7.a, page 47.
[1012]B-3-13, email: FW: EXSUM: Missing Soldier - Fort Hood, TX; See infra Part 7.a, page 47.
[1013]B-3-13, email: FW: EXSUM: Missing Soldier - Fort Hood, TX; See infra Part 7.a, page 47.

(d) (b) (6), (b) (7)(C) do not remember review or approval of the SIR.[1014] MG Efflandt does not remember discussion with (b) (6), (b) (7)(C) regarding the lateness of Fort Hood's SIR submission to FORSCOM on 24 April.[1015] Given FORSCOM and Army Senior Leader interest in SPC Guillén's disappearance, it was reasonable and appropriate for Fort Hood to report her absence as a Category 2 incident of concern to HQDA; however, no evidence exists regarding the discussion and review process that resulted in that decision by (b) (6), (b) (7)(C) and the Fort Hood IOC.

39. After careful consideration, I find by a preponderance of the evidence that MG Efflandt and the Task Force Phantom and USAG Hood staff did not respond in a reasonable and appropriate manner to notification of SPC Guillén's disappearance on 23 April 2020.

(a) In accordance with ADP 6-0, mission command is the Army's approach to command and control that empowers subordinate decision making and decentralized execution appropriate to the situation.[1016] Staffs support commanders in understanding, visualizing, and describing the operational environment; making and articulating decisions; and directing, leading, and assessing military operations.[1017] Staffs provide timely and relevant information and analysis, make estimates and recommendations, prepare plans and orders, assist in controlling operations, and assess the progress of operations for the commander. Primary responsibilities of any staffs are to support the commander; assist subordinate commanders, staffs, and units; and inform units and organizations outside the headquarters.[1018]

(b) From 23 April through o/a 24 June, there is no evidence of establishment of a Task Force Phantom or Installation-level coordinating staff body or dedicated forum, through either an OPT or CAT, to enable MG Efflandt to gain understanding of the situation, make decisions, and direct action in response to 3CR SIR submission and HQDA / FORSCOM inquiries, and in support of 3CR operations to find SPC Guillén.

(c) Following the VCSA's and GEN Garrett's interest in SPC Guillén's disappearance, MG Efflandt provided a series of updates through 25 April to the

---

[1014]A-44-1, (b) (6), (b) (7)(C): pg 5, when asked if he remembered seeing the draft SIR for review and submission to FORSCOM, "no" and "it wasn't until, I want to say, towards the end of June," pg. 5 (however, email correspondence indicates (b) (6), (b) (7)(C) reviewed and forwarded the draft SIR to (b) (6), (b) (7)(C) for approval on 24 April); A-90-1, (b) (6), (b) (7)(C) pg 2, "I want to say that I did read a report, I don't know the timing of it,"; See infra Part 7.a, page 47.
[1015]A-37-1, MG Efflandt: pg 7, "I don't remember the report to FORSCOM being a day late … I'm not denying the late report, I just don't remember that being significant."; See infra Part 7.a, page 47.
[1016]See References: ADP 6-0, para 1-14.
[1017]See References: ADP 6-0, para 4-18.
[1018]See References: ADP 6-0, para 4-17.

FORSCOM leadership team, who in turn informed the DAS, LTG Piatt. MG Efflandt characterized the search as a 3CR-led "combat" operation. MG Efflandt's 25 April update to MG Richardson included both (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)[1019]

(d) Task Force Phantom senior staff and Fort Hood leadership received the initial SIR on SPC Guillén's disappearance from the IOC o/a 1827 on 24 April.[1020] However, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) do not remember directing or coordinating actions in response to the 3CR SIR or subsequent updates to FORSCOM senior leaders from 23 – 25 April 2020.[1021]

(e) (b) (6), (b) (7)(C) remembered a 3CR XO or S3 phone call requesting assistance to coordinate air assets, but does not remember any specific staff action to coordinate non-3CR unit activity.[1022] (b) (6), (b) (7)(C) remembered a decision to not use operations channels to receive reports or coordinate support, with all information remaining in command channels.[1023] Task Force Phantom did not issue an operations order and the G3 did not play any role in coordinating support to 3CR search operations.[1024]

(f) USAG Fort Hood did not activate the EOC to coordinate SPC Guillén search and response activities. While there was precedent for establishing a Tier One CAT to coordinate search operations for a missing Soldier, (b) (6), (b) (7)(C) recalled no conversation or discussion regarding a potential EOC role regarding search operations to find SPC Guillén, with the prevailing view being that it was primarily a "criminal investigation."[1025]

(g) (b) (6), (b) (7)(C) recalled establishment of a Task Force Phantom staff OPT or CAT, without Task Force Phantom G3 Current Operations participation.[1026] According to (b) (6), (b) (7)(C), the Task Force Phantom staff did not establish a centralized, coordinating OPT or CAT to enable 3CR search operations and response until he activated an engagement-focused CAT o/a 24 June.[1027] (b) (6), (b) (7)(C) does not recall the establishment of a CAT or OPT from within Task Force Phantom staff upon receipt of the initial 3CR SIR, and remembered no specific Task Force Phantom or Installation staff activities to

[1019]B-3-24, email: Background missing Brave Rifles trooper, 25 APR 20; See infra Part 7.a, page 49.
[1020]B-3-18, email: SIR (0293) - CAT 2 item y; See infra Part 7.a, page 48.
[1021]A-125-1, (b) (6), (b) (7)(C): pg 2; A-36-1, (b) (6), (b) (7)(C): pg 5; A-41-1, (b) (6), (b) (7)(C): pg 7; A-76-1, (b) (6), (b) (7)(C) pg 2; A-90-1, (b) (6), (b) (7)(C): pg 2; See infra Part 7.a, page 41.
[1022]A-44-1, (b) (6), (b) (7)(C): pg 6; See infra Part 7.a, page 42.
[1023]A-76-1, (b) (6), (b) (7)(C): pg 2; See infra Part 7.a, page 42.
[1024]A-76-1, (b) (6), (b) (7)(C): pg 3; See infra Part 7.a, page 42.
[1025]A-106-1, (b) (6), (b) (7)(C) pg 6; See infra Part 7.a, page 41.
[1026]A-106-1, (b) (6), (b) (7)(C) pg 7; A-76-1, (b) (6), (b) (7)(C): pg 2; See infra Part 7.a, page 42.
[1027]A-41-1, (b) (6), (b) (7)(C): pg 7; See infra Part 7.a, page 41.

coordinate resources or response to enable SPC Guillén search operations.[1028] According to (b) (6), (b) (7)(C), command channel updates kept the leadership informed, but the staff did not establish a specific battle rhythm or process to review and coordinate support to 3CR.[1029]

40. After careful consideration, I find by a preponderance of the evidence that (b) (6), (b) (7)(C) took reasonable and appropriate action to deviate from AR 630-10 requirements and not send the 10-day letter to SPC Guillén's next of kin o/a 4 May or drop SPC Guillén from rolls after 30 days o/a 24 May.

(a) (b) (6), (b) (7)(C) determined that the 10-day NOK letter "would be insensitive, inappropriate, and could be presented to the media in an attempt to bring discredit to the 3d Cavalry Regiment and the U.S. Army," particularly because SPC Guillén's family remained in the local Fort Hood area, in contact with investigators.[1030]

(b) In the 4 May memorandum, (b) (6), (b) (7)(C) also noted that "PFC Guillén's disappearance remains an active investigation by local and national agencies … as of 04 May 2020, CID, the FBI, local authorities, and my unit have not discovered evidence suggesting her disappearance was voluntary. Furthermore, the CID Special Agent in Charge stated that her case is being treated as a missing person case, not an AWOL Soldier."[1031]

(c) (b) (6), (b) (7)(C) also established his intent to "properly notify the NOK and complete the AWOL and dropped from rolls (DFR) procedure outlined in AR 630-10" when evidence demonstrating voluntary absence was found.[1032]

(d) (b) (6), (b) (7)(C) decision to deviate from AR 630-10 requirements was reasonable and appropriate given ongoing contact between SPC Guillén's family, the unit, and CID; the heightened media interest in SPC Guillén's disappearance; and the scope and intensity of search operations on 4 May.

41. After careful consideration, I find by a preponderance of the evidence that (b)(5) [redacted]

[1028] A-36-1, (b) (6), (b) (7)(C): pg 5; See infra Part 7.a, page 41.
[1029] A-36-1, (b) (6), (b) (7)(C): pg 6; See infra Part 7.a, page 41.
[1030] B-3-26, SUBJECT: Regulatory Next of Kin Notification for PFC Vanessa Guillén (MFR); See infra Part 7.a, page 53.
[1031] B-3-26, SUBJECT: Regulatory Next of Kin Notification for PFC Vanessa Guillén (MFR); See infra Part 7.a, page 53.
[1032] B-3-26, SUBJECT: Regulatory Next of Kin Notification for PFC Vanessa Guillén (MFR); See infra Part 7.a, page 53.

(b) (5)

(a) (b) (6), (b) (7)(C) contacted (b) (6), (b) (7)(C) on 24 April to discuss a possible "missing" duty status.[1033] (b) (6), (b) (7)(C) engaged the Fort Hood CAC on 27 April.[1034] On the same day, (b) (6), (b) (7)(C) recommended changing SPC Guillén's duty status to "missing" based on the circumstances of her disappearance and the ongoing investigation.[1035]

(b) From 23 April through o/a 23 June, 3CR lacked sufficient evidence of involuntary absence to meet the AR 638-8 standard for a DUSTWUN casualty status determination. 3CR maintained routine interaction with CMAOD throughout this period, which was reasonable and appropriate given ongoing search efforts and possibility of new evidence of involuntary absence.[1036] According to CMAOD, while Soldiers being "missing" for extended periods of time is rare, direct interaction between the unit and CMAOD is not unusual in these circumstances.[1037] During this period, 3CR did not submit a DD Form 2812 or initiate an informal administrative investigation IAW AR 15-6 to develop a finding of involuntary absence for review by a TAG board of inquiry.[1038]

(c) Perceived inaction and lack of understanding of the process was a source of frustration to the Squadron Commander and other unit leaders throughout this period.[1039] However, (b) (6), (b) (7)(C) decision not to initiate an informal investigation is reasonable and appropriate given the guidance and feedback provided by CMAOD to (b) (6), (b) (7)(C), that the TAG would not approve a change in

---

[1033]A-115-1, (b) (6), (b) (7)(C) pg 2; B-3-25, email: Duty Status Recommendation: Missing; See infra Part 7.a, page 50-51.
[1034]A-115-1, (b) (6), (b) (7)(C) pg 2; B-3-25, email: Duty Status Recommendation: Missing; See infra Part 7.a, page 50.
[1035]A-115-1, (b) (6), (b) (7)(C) pg 2; B-3-25, email: Duty Status Recommendation: Missing; See infra Part 7.a, page 50.
(b) (6), (b) (6), (b) (7)(C)
[redacted]
[1037]A-23-1, (b) (6), (b) (7)(C) pg 2, "most of the cases that we have that … actually get reported as DUSTWUN, usually I would say most of them last about 48 hours or less."; A-85-1, (b) (6), (b) (7)(C) pg 1, "in the event that we do have a DUSTWUN … the CAC is removed and I go directly to the unit. The reason we do that is so that words don't get twisted and communication is clear and concise."; See infra Part 7.a, page 56; See infra Part 8.b.(1), pages 158 for AR 638-8 standards.
(b) (6), (b) (6), (b) (7)(C)
[redacted]
[1039]A-127-1, (b) (6), (b) (7)(C) pg 5; A-43-1, (b) (6), (b) (7)(C): pg 5; See infra Part 7.a, pages 57.

casualty status absent affirmative evidence of involuntary absence beyond what the unit had already provided.[1040]

42. After careful consideration, I find by a preponderance of the evidence that functions of command teams' response to SPC Guillén's disappearance were sufficient except for commanders' engagements with the family and media (see directed question 4A and 4B). Other exceptions include the search of SPC Guillén's barracks room and the 11th MP BN (CID) Task Force build.

(a) On the morning of 23 April 20, [redacted] escorted [redacted], into SPC Guillén's barracks room. This never should have occurred. At that point in time, SPC Guillén's room was a potential crime scene and it is paramount that physical evidence is not tainted or destroyed. Actions taken at the outset of an investigation at a crime scene can play a pivotal role in the resolution of a case.

(b) 11th MP BN (CID) took appropriate initiative to rapidly resource and coordinate the build of a CID Task Force (TF) in support of the SPC Guillén disappearance case. Designed to solve the Special Agent continuity challenge during a summer PCS season, hand-pick select augmentees—Special Agents with desired skill sets with TF lead buy-in, and adding fluent and relatable Spanish speakers and translators was vital.

(c) However, the build was hurried and lacked deliberate analysis and clearly defined task and purpose. TF members were carrying their caseloads while working the SPC Guillén disappearance case, until approximately mid-June, resulting in existing cases not being worked. Further, there was an abundant need for Agent augmentation to not only continue current case work, but new cases (note: 420-new cases opened on FHTX during the SPC Guillén investigation). There was a significant gap in TF Criminal Analyst capabilities, a critically important component of investigative work, and the TF relied heavily on U.S. Marshals, Texas Rangers and local LE support. TF efforts also suffered from a critical shortage of administrative specialists, resulting in a concerning and substantial backlog of processing documents for countless leads and clerical work which takes valuable time away from Agents actively investigating. There was also a shortage of Digital Media Experts (a meticulous and lengthy process). Considerable impact on Drug Suppression Team (DST) operations and case work due to DST members being pulled to work the SPC Guillén investigation. There was an existing heavy backlog of drug cases already due to the COVID impact.

[redacted]

(d) The entrance of a new (b)(6), (b)(7)(C) is a noteworthy silver lining. (b) (6), (b) (7)(C) took the reins of the 43d MP Detachment (CID) 29 May 20; no stranger to FHTX or this case, (b)(6), (b)(7) instantly addressed TF shortcomings and gaps with the Battalion, Group and USACIDC, requesting additional support needed for TF augmentation. It wasn't until (b) (6), (b) (7)(C) raised the needed support issue with MG Efflandt, that the TF was properly resourced. This augmentation quickly enhanced and increased the TF's investigative capabilities.

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

(a) U.S. Army CID should create a quick reaction capability focused on assisting commanders with missing Soldiers. The specially-trained Special Agents can provide law enforcement tools and investigative methods to quickly locate or uncover the true circumstances of missing Soldiers within the first 48-hours.

(b) HQDA should conduct a review of Army Regulations and Proponent Authorities regarding duty status and casualty status to provide commanders greater flexibility, an understandable process, and clear authorities to ensure a Soldier's duty and casualty status are accurate based on the information available to them.

i. In SPC Guillén's case, the chain of command quickly determined that her absence was likely involuntary, but lacked sufficient evidence of involuntary absence as well as a clear understanding of the process and authorities governing the DUSTWUN casualty status as established by applicable regulations. The command was left with no options but to designate SPC Guillén AWOL after 24-hours of absence, in accordance with applicable regulations, yet deviate from additional required actions (such as notification of consequences to next of kin after the 10th day) in order to maintain faith with SPC Guillén's family and avoid heightened negative public reaction to the U.S. Army.

ii. Army G1 should create an additional duty status (absent-unknown) and revise AR 600-8-6 and supporting guidance documents accordingly. Unit commanders should have the authority to designate a Soldier "absent-unknown" duty status for up to 48-hours following a Soldiers' disappearance or failure to report. The 48-hour period will provide command teams sufficient time to find evidence of voluntary or involuntary absence prior to a determination of duty or casualty status. While a Soldier is "absent-unknown," unit leaders and Army Law Enforcement Officials will make every effort to locate the absent Soldier. After 48-hours, if the commander determines that the absence is likely involuntary, the Soldier will be designated as "missing" duty status and DUSTWUN casualty status. In addition, commanders should execute a sequence of activities (in

accordance with a published checklist) that would include the actions listed in Recommendation (i) below.

iii. Army G1, the proponent for AR 600-8-6, should review and revise the regulation and supporting eMILPO guidance to define authorities and usage regarding the "missing (MIS)" duty status.

iv. Army G1, the proponent for AR 638-8, should review and revise the regulation to incorporate the 48-hour period for initial command determination of voluntary absence, unit commander's authorities and required actions regarding the "absent-unknown" duty status, and revised guidance regarding the "DUSTWUN" casualty status. AR 638-8 should also include the unit commander's checklist for determination of voluntary absence, as well as refined guidance on commander's responsibilities regarding informal investigation and collection of evidence to support a TAG board of inquiry.

v. Army PMG, the proponent for AR 630-10, should review and revise the regulation to incorporate the 48-hour period for initial command determination of voluntary absence.

vi. To ensure command teams understand the policy and procedure, proponents (Army G1 and PMG) should deliver instruction, with vignettes and examples, at all brigade and battalion Pre-Command Courses as well as support instruction at company-level pre-command course at all Army installations.

(c) Concurrent with the above recommendations, ACOMs, ASCCs, and Direct Reporting Units should review and, if necessary, revise Category 3 SIR, in accordance with AR 190-45, to include a requirement for immediate reporting and notification of Soldiers designated as "absent-unknown."

(d) Concurrent with the above recommendations, Army G-3/5/7 should review guidance to ACOMs, ASCCs, and Direct Reporting Units to ensure designation of a Soldier as "absent-unknown" generates a reporting requirement to HQDA as CCIR 50, an incident of concern to HQDA based upon the gravity, nature, and potential for significant adverse publicity, or consequences of the incident in accordance with FRAGORD 4 to HQDA EXORD 222-17, HQDA Senior Leader Commander's Critical Information Requirements (CCIR), 13 MAY 19.

(e) IMCOM should ensure all Installation, Post, Camp, and Stations memorandum of understanding (MOU) between military LE and local civilian LE personnel are codified as is required IAW AR 190-45.

(f) Reference Finding 26, 3CR and RES leadership should review SIR procedures to ensure 6W information development timeline and responsibilities at echelon (troop, squadron, and regiment) and according to delegated authorities (XOs) are well-understood and sufficient to support III Corps and Fort Hood reporting suspenses and timelines.

(g) Reference Findings 28 and 29, III Corps and Fort Hood leadership should review SIR policy and procedure to meet FORSCOM and IMCOM reporting suspenses and timelines to ensure:

i. Fort Hood IOC maintains and updates a distribution for draft SIR for edit, review, awareness and initial staff action that includes appropriate key staff and leadership, based on the category and amplifying information included in the draft SIR.

ii. Policy and procedure clearly identifies responsibility and authority to approve SIR for submission to FORSCOM and / or IMCOM.

iii. Policy and procedure clearly identifies responsibility and authority (in addition to the Senior Commander) to execute immediate notification to FORSCOM and / or IMCOM as required.

(h) Reference Finding 35, 3CR and the RES leadership should review procedures to ensure appropriate authority and responsibility to enter eMILPO transactions and change Soldier duty status at Regiment and Squadron-level are clearly identified IAW AR 600-8-6:

i. Commander or designated representative approves change in status.

ii. DA Form 4187, DA Form 31, or other authoritative document records and authorizes the action.

(i) Checklist of commander actions for Soldier absence due to unknown circumstances, based on Recommendation (b):

1. Report the Soldier's "absent-unknown" status to Army Law Enforcement / Directorate of Emergency Services (DES) within 3 hours of the reported absence. DES will complete a blotter entry, submit a Law Enforcement Report (LER) and a Be-On-The-Lookout (BOLO) into the Army Law Enforcement Reporting and Tracking System (ALERTS), enter this information into the Missing Persons File of the National Crime Information Center (NCIC), and request an Attempt-To-Locate (ATL) from local and civilian law enforcement agencies. The Missing Persons File entry into NCIC notifies civilian law enforcement agencies of the circumstances, enabling them to notify the Army when they come in contact with the Soldier.

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

2. Notify Next of Kin (NOK) within 8-hours; this responsibility should be withheld by commanders, and not authorized to be delegated or assigned to a representative.

3. If the Soldier cannot be located within 48-hours, commanders will make a determination as to whether the absence is voluntary or involuntary, according to clear and understandable examples of evidence and indicators provided in applicable regulations.

a. If the commander determines, by a preponderance of evidence, the Soldier's absence to be voluntary, he or she will designate the Soldier AWOL and complete required actions in accordance with AR 630-10 and AR 600-8-6.

b. If, after 48-hours, there is insufficient evidence of voluntary absence, or if the commander finds credible evidence of involuntary absence, the Soldier will be designated as "missing" duty status.

(1) Soldiers reported as "missing" will also be classified as "DUSTWUN" casualty status in accordance with AR 638-8.

(2) Unit leaders and Army Law Enforcement Officials will continue to make every effort to locate the Soldier.

4. In accordance with AR 638-8, a Soldier is typically retained in DUSTWUN casualty status for a maximum of 10-days. If there is insufficient, or a lack of credible evidence, or the commander is unable to attain a preponderance of evidence to support involuntary absence after 10-days, a board of inquiry will convene to review the evidence and determine the Soldiers status.

5. The command will submit all available evidence of involuntary absence to CMAOD for a TAG determination of status through the board of inquiry process. Based on available evidence the TAG will determine whether the Soldier remains DUSTWUN casualty status; or deceased casualty status; or, if voluntary evidence becomes available, the Soldier is returned to AWOL duty status.

6. In the event a Soldier returns to military control, or the Soldier is determined AWOL after being declared DUSTWUN, the commander will coordinate the status change with the servicing CAC and CMAOD.

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

c. **Findings and Recommendations Pertaining to LOI 4 - Media, Family, and non-DoD Parties Engagement.**

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

(1) **Standards of Determination.**

Army Regulations

Army Regulation 360-1, *The Army Public Affairs Program* (May 2011) states that public affairs (PA) is a personal staff that requires direct access to commanders since PA is a commander's responsibilities and often requires quick decisions to implement effectively *(para 1-10)*. It also prescribes that commanders will develop PA guidance, strategies, plans, and operations and evaluate their effectiveness; designate spokespersons to release information pertaining to their command; release unfavorable news with the same care and speed as favorable news. Be candid when dealing with American people; and take appropriate action to correct erroneous information about the Army that appears in any medium. Commanders also have a task to inform the American people, elected officials, and other external publics of Army activities and initiatives (Chapters 2 and 3). Commanders below HQDA level will inform the OCPA, through command channels as soon as possible, when national news media requests have been received or situations concerning their commands exist that have the potential for national exposure. Local commanders have maximum flexibility in releasing information (para 5-3). In addition, it states that public affairs officers will advise commanders regarding the PA needs of the command; develop PA plans and programs; assist in formulating and releasing command messages; advice the commander on audience attitudes about the perceptions of policies, programs, and information needs (Chapters 2 and 4). Social media platforms are the fastest way to inform and educate the public regarding matters in emerging or breaking news (para 8-5). Policy also defines engagements as meetings or events that communicate with a purpose in order to advance, educate, strengthen, and preserve U.S. Army interest, policies, and objectives.

Army Regulation 638-8, Army Casualty Program (June 2019) states that for criminal investigations, CID will provide the family updates on the investigation (para 3-2b). In addition, CID can withhold any information to protect due process and the integrity of the investigation.

Army Regulation 1-20, Legislative Liaison (July 2013) describes policy for policy, guidance, and procedures for legislative and congressional activities. Army policy encourages contact between Army commanders and members of Congress and congressional staff (para 2-1). OCLL will coordinate Senior Leader contacts and participation in engagement and activities (para 2-3). Visits from Congress and Congressional Staff to Army installation in support of Army activities are also encouraged (para 2-5a). In addition, Army policy is to provide members of the Congress and congressional committees timely information on significant developments involving Army policies, programs, operations, and developments (para 8-1).

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

Relevant Doctrine in FM 3-61: Public Affairs Operations

Para 1-4. Public affairs professionals are responsible for analyzing information in the media and contributing to the information environment through the release of accurate information and imagery. Public information about Army activities may have positive or negative effects in the information environment. Technological advances have made collection and dissemination of information available to broader and more diverse publics faster and on a larger scale. The American public, allies, adversaries, and enemies view military operations in real-time, which results in the increased analysis, critique, and editorial commentary by the media.

Para 1-12. The public affairs officer (PAO) is the commander's principal advisor and counselor on public affairs. As a skilled communicator and member of the commander's personal or special staff, the PAO must be closely and continuously involved in the operations, staff coordination, and communication processes to support mission command.

Para 1-15. Public affairs is the primary capability supporting the commander's task to inform. Public affairs provides the public with facts so they can increase knowledge or make their own decisions. Providing credible, accurate, and timely information serves as the best means to counter misinformation, disinformation, and propaganda. Maintaining trust, transparency, and credibility are critical when providing public information.

Para 2-2. Implicit in a democratic republic is the right of citizens to know about the activities of their elected government; and the government, in return, has an obligation to inform its citizens about its activities. These rights also apply to the activities of the military, established by the Constitution to provide for the common defense and general welfare of the United States.

Para 2-5. Army public affairs activities derive from Title 10, Chapter 303, Section 3014, and United States (U.S.) Code, which requires the Secretary of the Army to designate a single career field to conduct public affairs. Army public affairs is responsible for informing the American people about the Army's mission and goals; it communicates to the public what the Army does. Informing the American people assists the Army in establishing conditions that lead to the public's understanding and support. Effective public affairs generates and enables the sustainment of Army credibility with international, national, and local publics (see discussion beginning in paragraph 4-2).

Para 2-6. Public affairs doctrine and principles apply during unified land operations, at home-station, and in garrison. Public affairs is a command responsibility.

Para 2-16. The public affairs officer (PAO) is the commander's senior advisor on public affairs. This is a key PAO responsibility. The PAO establishes and sustains commander and staff relationships and maintains direct and timely access to the

commander. The more the public affairs community understands the environment in which the commander operates, the more valuable the advice and counsel.

Para 2-17. The PAOs ensure commanders understand implications of their decisions as well as the strength of public perception. Commanders must know their actions and decisions have public affairs implications. With the evolution of the global information environment, public affairs activities have become an increasingly critical element in determining the success of support to strategic end states. Commanders must recognize the strength and influence of public opinion and perception on the morale, confidence, and effectiveness of Soldiers.

Para 2-19. Public affairs professionals assist the commander in understanding the information needs and expectations of Soldiers, family members, the home station community, and all other affected publics. Commanders should consider these expectations when developing their communication strategy. Public affairs professionals should also tailor the public affairs plan to meet the information needs and expectations of the affected publics.

Para 2-28. A commander must know how regional and local publics, the American people, and U.S. civilian leaders perceive a situation, military operations, and the use of military power. The public's perception may impact the overall public affairs plan based on the information needs of the identified publics.

Para 2-99. The release of information should not be withheld or delayed solely to protect the installation, command, or the Army from criticism or embarrassment. Being open and forthcoming enhances the Army's credibility and trustworthiness.

Para 2-100. Public affairs professionals release only accurate information in a timely manner. The long-term success of public affairs activities depends on maintaining the integrity and credibility of officially released information. Deceiving the public undermines trust in the Army. Accurate, balanced, and credible presentation of information leads to public confidence in the Army and the legitimacy of Army operations. Attempting to deny unfavorable information or failing to acknowledge its existence leads to media speculation, the perception of a cover-up, and the of loss public trust. Public affairs professionals should address issues openly and honestly as soon as possible.

Para 2-106. Public affairs professionals must— Exercise a proactive approach to determine second- and third-order effects and develop plans to shape possible outcomes. Comprehend the strategic vision by seeing the big picture and strategic implications of tactical.

(2) **Findings.**

Directed Question: After SPC Guillén disappeared, who first engaged her family? Who decided who would engage her family? Why was this individual / individuals chosen to interact with her family?

43. After careful consideration, I find by a preponderance of the evidence that the unit did not initiate contact with the Guillén family. (b)(6), (b)(7)(C) of SPC Guillén, contacted the unit first. (b) (6) decided to initiate contact because (b) (6) was worried about (b) (6). I further find that this did not violate policy or guidance.

(a) Because (b) (6), had not heard from SPC Guillén, (b) (6), was worried about (b) (6) and decided to call the unit.[1041] (b) (6) obtained (b) (6), (b) (7)(C) number from (b) (6), SPC Guillén's (b) (6) who got the number from (b) (6), (b) (7)(C).[1042] (b) (6) recalls calling (b) (6), (b) (7)(C) at approximately 2000 on 22 April.[1043]

(b) (b) (6), (b) (7)(C) remembers speaking with (b) (6) for the first time on the night of 22 April at approximately 2200 hours. (b) (6), (b) (7)(C) spoke to (b) (6) at least five times between the night of 22 April and morning of 23 April. Those interactions were positive.[1044]

44. After careful consideration, I find by a preponderance of the evidence that the E/FST command team's first engagement with the primary next of kin, (b) (6) (b) (6), was o/a 1300 on 23 April. (b) (6), (b) (7)(C), chose this command team to engage the family because the command team spoke Spanish and (b) (6) felt troop-level command engagement was appropriate. These engagements did not violate policy or guidance.

(a) The Army does not have policy to guide command engagements with families during high profile missing Soldier situations except for criminal investigations. AR 638-8, Army Casualty Program does prescribe that for criminal investigations, CID will provide the family updates on the investigation. CID did establish and maintain frequent contact with the Guillén family in accordance with regulation and beginning on 24 April.[1045]

(b) (b) (6), (b) (7)(C), decided that the E/FST command team was the appropriate command representation because, as (b) stated, it was (b) squadron's standard for the troop-level command team of AWOL soldiers to

[1041] See FACTS page 33 (b) (6), (b) (7)(C)
[1042] See FACTS page 33 Guillén Family Update.
[1043] See FACTS page 33 Guillén Family Update.
[1044] See FACTS page 33 (b) (6), (b) (7)(C).
[1045] See FACTS page 39 Letter to Congresswoman Garcia 19 Jun.

contact the family.[1046] Further, (b) (6), (b) (7)(C) knew that members of the Guillén family did not speak English and the command team spoke Spanish.[1047]

(c) After three phone calls, 23-27 April, from the E/FST command team, the family lost trust and confidence in the unit. (b) (6), (b) (7)(C) did not sense anything wrong in their communication with the family.[1048] According to the Guillén family, (b) (6), (b) (7)(C) family engagements asked too many questions, were insensitive and generally did not provide the family helpful information.[1049] These engagements upset the family and resulted in the family severing ties with the unit; they closed the opportunity for (b) (6), (b) (7)(C) to engage the family on 28 April.[1050]

(d) (b) (6), (b) (7)(C) chose not to reengage the family after 28 April out of respect to the family's wishes, while asking CID to let the family know he was available to them anytime.[1051] In hindsight, (b) (6), (b) (7)(C) admits "…I wish I had reached out personally myself earlier to (b) (6), because (b) (6) spoke English and (b) (6) was the go-between on a lot of stuff, and given (b) (6) my phone number and offered whatever (b) (6) needed."[1052] It was not until 23 May, 26 days after communications ceased, that (b) (6), (b) (7)(C) reestablished command communications with members of the family.[1053]

(e) The Guillén family maintained communications with CID because the family believed it was the only law enforcement agency involved in the investigation, though they did not fully trust CID.[1054] Beginning on 24 April, CID maintained frequent communications with the family almost daily.[1055]

(f) Translation services were critical to communicating and responding to the family and the media.[1056] This supported (b) (6), (b) (7)(C) rationale to select the E/FST Command Team to engage the family.

<u>Directed Question</u>: After SPC Guillén disappeared, who engaged with the media? Who decided who would engage with the media? Why was this individual / individuals chosen to interact with the media?

[1046]See FACTS page 37 (b) (6), (b) (7)(C).
[1047]See FACTS page 37 (b) (6), (b) (7)(C).
[1048]See FACTS page 52 (b) (6), (b) (7)(C).
[1049]See FACTS page 52 Guillén Family Update 27 Oct.
[1050]See FACTS page 51 (b) (6), (b) (7)(C).
[1051]See FACTS pg 59 Letter to Congresswoman Garcia, et al.
[1052]See FACTS page 39 Letter to Congresswoman Garcia, et al.
[1053]See FACTS page 59 (b) (6), (b) (7)(C).
[1054]See FACTS page 52 Guillén Family Update 27 Oct.
[1055]See FACTS page 41 Letter to Congresswoman Garcia 19 Jun.
[1056]See FACTS page 187 (b) (6), (b) (7)(C).

45. After careful consideration, I find by a preponderance of the evidence that Task Force Phantom / Fort Hood and CID engaged with the media. I further find that MG Efflandt and (b) (6), (b) (7)(C), Fort Hood CID, made decisions on who would engage the media and these individuals were chosen based on their position and their knowledge of the investigation.

(a) On 2 July, MG Efflandt engaged the media for the first time during a press conference held to provide information on the disappearance of SPC Guillén. At this press conference MG Efflandt announced the discovery of remains that had yet to be positively identified. Additionally, (b)(6), (b)(7)(C) Fort Hood CID, provided the media an update on the investigation.[1057]

(b) Task Force Phantom / Fort Hood did not designate a spokesperson for the command.[1058] MG Efflandt and (b) (6), (b) (7)(C) served as de facto spokespersons for the command for the limited engagements that occurred. These individuals likely served as spokespersons based on their position.

(c) (b) (6), (b) (7)(C) chose (b) (6), (b) (7)(C) to engage the media for CID. (b) (6), (b) (7)(C) was likely chosen based on his knowledge of the investigation.

<u>Derived Question</u>: Did the command follow policy and regulations in their engagements with the media? Who provided the guidance for these engagements?

46. After careful consideration, I find by a preponderance of the evidence that (b)(5) [redacted]

(a) Task Force Phantom / Fort Hood's command placed protecting the integrity of the investigation and not contradicting the family, over command engagement of the media. AR 360-1 paragraph 2-1.a.(7) states commanders will take appropriate action to correct erroneous information about the Army that appears in any medium. In addition, AR 360-1 paragraph 8.b.(5) states that commanders will actively engage the public through timely and accurate information sharing while maintaining security and privacy.

[1057] See FACTS page 71 Fort Hood Media Release and (b) (6), (b) (7)(C) et al.
[1058] See FACTS page 64 (b) (6), (b) (7)(C) et al.

(b) On 1 May, the Task Force Phantom PAO recommended that (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), engage the media in anticipation of a family rally that was promoting an inaccurate narrative about Fort Hood.[1059] (b) (6), (b) (7)(C) was called by (b) (6), (b) (7)(C) stating (b) (6), (b) (7)(C) did not want to say anything yet.[1060] (b) (6), (b) (7)(C) decided not to engage due to (b) (6), (b understanding from MG Efflandt that Task Force Phantom / Fort Hood was going to respond to query and protect the integrity of the investigation.[1061]

(c) From about 28 April to 21 May, Task Force Phantom / Fort Hood was tracking a growing inaccurate narrative in social media about the command's response to the disappearance of SPC Guillén. Task Force Phantom / Fort Hood took no proactive engagement measures during this time. Although Task Force Phantom / Fort Hood did publish a Media Release on 21 May in anticipation of the planned 22 May protest, it failed to fully address erroneous information revolving around a Fort Hood potential cover-up and the inaccurate narrative of mistrust that had built up about Fort Hood in social media.[1062] Another consideration is that media releases do not meet the definition of engagements in AR 360-1 which require meetings or events that advance, educate, strengthen, and preserve U.S. Army interests, policies, and objectives.

(d) AR 360-1 paragraph 2-1 subparagraph (4) says commanders will provide unclassified information about the Army and its activities to the public with maximum disclosure and minimum delay. Task Force Phantom / Fort Hood took 29 days before posting the first media release, 60 days before posting the first public service announcement (video) to social media, and 71 days before conducting the first press conference.

(e) AR 360-1 paragraph 8b(5) states that corps-equivalent commands (i.e., Task Force Phantom) will develop proposed PA guidance, strategies, plans, and operations. In addition, AR 360-1 paragraph 7-3.a. states that the commander is ultimately responsible for crisis communication. Timeliness is critical during a crisis; commanders should mitigate withholding information and release what is known as soon as possible. Task Force Phantom / Fort Hood did not timely develop PA guidance, strategies, or plans to include: communication plan, holding statement, response to query, themes, messages, or talking points.[1063] Task Force Phantom / Fort Hood failed to be timely and did not have guidance or plans established until 28 June.[1064]

[1059]See FACTS page 53 (b) (6), (b) (7)(C).
[1060]See FACTS page 53 (b) (6), (b) (7)(C)
[1061]See FACTS page 53 MG Efflandt, et al.
[1062]See FACTS page 58 (b) (6), (b) (7)(C), et al.
[1063]See FACTS page 78 MG Efflandt.
[1064]See FACTS page 78 Email MG Efflandt.

(f) AR 360-1 paragraph 7-3 definition of crisis includes unpredictable incident that has the potential to negatively impact the mission, relationships, and reputation with stakeholders, partners, employees, and the public. Task Force Phantom / Fort Hood did not recognize in a timely fashion that the disappearance of SPC Guillén required crisis communications. This failure not only damaged the reputation of Fort Hood but also the Army. In his statement, MG Efflandt recognized that the command, by not being first with transparent truth, created a vacuum that was filled by a negative and erroneous narrative in social media.[1065]

(h) [redacted] when [redacted] transitioned out of the job o/a 2 June. [redacted] was inexperienced as a PAO.[1068] The Task Force Phantom and Fort Hood garrison public affairs offices are collocated and functionally worked together to give advice to MG Efflandt.[1069] This directly contributed to [redacted] leading PAO efforts for media engagements and determining recommendations to both Task Force Phantom and Fort Hood senior leadership.

<u>Directed Question:</u> After SPC Guillén disappeared, who engaged with other non-DoD parties? What non-DoD parties did the command engage with? Who decided to engage with the nonDoD parties? Why was this individual / individuals chosen to interact with the non-DoD parties?

47. After carefully considering the preponderance of the evidence, I find that the command followed current policies for non-DoD engagements. Non-DoD parties were engaged by appropriate agencies. Task Force Phantom / Fort Hood leadership decided who would engage non-DoD parties based on established processes, practices, and relationships.

[1065]See FACTS page 74 MG Efflandt.
[1066]See FACTS page 45 [redacted].
[1067]See FACTS page 46 MG Efflandt.
[1068]See FACTS page 60 [redacted].
[1069]See FACTS page 15 Public Affairs Organization.

(a) (b) (6), (b) (7)(C), was the lead for all congressional engagements. The responsibility for congressional engagements was within the duty description for his position. (b) (6), (b) (7)(C) made decisions regarding LULAC and Alianza Latina Internacional engagements, and conducted some engagements.[1070]

(b) As the lead investigative agency, Fort Hood CID coordinated law enforcement engagements to include Texas EquuSearch, a private company.[1071] (b) (6), (b) (7)(C) made decisions and conducted engagements. (b) (6), (b) (7)(C) also conducted engagements for CID.

(c) MG Efflandt and (b) (6), (b) (7)(C) also conducted non-DoD engagements.[1072] The following non-DoD parties were part of commands engagements: Ms. Sylvia Garcia (Representative, TX-29), Mr. John Cornyn (Senator, Texas), Mr. Ted Cruz (Senator, Texas), Mr. John Carter (Representative, TX-31), and Mr. Roger Williams (representative, TX-25); Ms. Natalie Khawam, the Guillén family attorney; the League of United Latin American Citizens (LULAC); Alianza Latina Internacional; Texas EquuSearch; local law enforcement; and the Civilian Assistant to the Secretary of the Army (CASA).[1073]

Directed Question: Did the command teams engage media, Family, and non-DoD parties appropriately and effectively?

(b)(5)

(b)(5)

[1070]See FACTS page 78 (b) (6), (b) (7)(C).
[1071]See FACTS page 41 (b) (6), (b) (7)(C).
[1072]See FACTS page 77 MG Efflandt et al.
[1073]See FACTS page 16 (b) (6), (b) (7)(C).
[1074]See FACTS pg 52 Guillén Family Update.
[1075]See FACTS pg 51 (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C) chose not to reengage the family after 28 April out of respect to the family's wishes, while asking CID to let the family know he was available to them anytime.[1076] In hindsight, (b) (6), (b) (7)(C) admits "…I wish I had reached out personally myself earlier to (b) (6), because (b) (6) spoke English and (b) (6) was the go-between on a lot of stuff, and given her my phone number and offered whatever she needed."[1077]

(c) (b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

(d) (b) (6), (b) (7)(C), firmly believed that Task Force Phantom / Fort Hood should not engage the media to protect the integrity of the investigation.[1082] However, 3CR PAO, Task Force Phantom PAO, FORSCOM PAO, and OCPA agreed the command should have engaged early to express: care for SPC Guillén and her family; that they were communicating with the family and law enforcement; that the command was conducting intensive search efforts; and that they were committed to continually search for SPC Guillén. These messages would not have compromised the integrity of the investigation or contradicted the Guillén family.[1083]

[1076]See FACTS pg 39 Letter to Congresswoman Garcia, et al.
[1077]See FACTS pg 39 Letter to Congresswoman Garcia, et al.
[1078]See FACTS page 59 (b) (6).
[1079]See FACTS page 60 3CR (b) EXSUM – VTC with Congresswoman Garcia.
[1080]See FACTS page 39 Letter to Congresswoman Garcia, et al.
[1081]See FACTS page 61 3CR (b) EXSUM – VTC with Congresswoman Garcia, et al.
[1082]See FACTS page 46 (b) (6), et al.
[1083]See FACTS page 76 (b) (6), et al.

49. After careful consideration, I find by a preponderance of the evidence that (b) (5)

(a) The SIR from 3CR noted the potential for media attention and affirmed "yes" for expected publicity. However, all leaders in Task Force Phantom who reviewed the SIR, to include various PAO personnel, don't recall seeing the potential media noted by the SIR. SPC Guillén's disappearance was treated by all in the Task Force Phantom headquarters as just another AWOL Soldier, even though AWOL is not a reportable incident to HQ, III Corps.[1084] Additionally, as noted in Finding 3-26, Task Force Phantom / Fort Hood staff did not respond in a reasonable and appropriate manner to notification on 23 April 2020 of SPC Guillén's disappearance. They failed to see this was not a normal AWOL case since the circumstances gave RES and 3CR concerns early on, and CID took over the case within 48-hours of the disappearance.[1085] Additionally, CID submitted a Serious Incident Report Executive Summary to the U.S. Army Operations Center stating that SPC Guillén was a "missing Soldier" whose disappearance occurred under "unusual" circumstances.[1086]

(b) 3CR search efforts were intensive and enduring, also indicating 3CR saw the disappearance as a high-profile event.[1087]

(c) Early interaction by Army Senior Leaders included email traffic from the VCSA, DAS, and FORSCOM CG. Additionally, on 30 April, SECARMY expressed concern for the disappearance of SPC Guillén at a press conference on COVID-19. These interactions further indicated various leaders saw the disappearance as a high-profile event.[1088]

(d) As early as 27 April, an increase in social media activity was noted by 3CR and the Task Force Phantom PAO. Coupled with the Facebook Live media inquiry on 19 May and the family protest / rally, these were all indicators for action.[1089] Separately, (b) (6) advised (b) (6) to issue a media release saying what they were doing for search efforts o/a 1 May. Based on conflicting guidance, 3CR was under the impression Task Force Phantom / Fort Hood did not want to engage; therefore, no action was taken, which

[1084]See FACTS page 45 (b) (6), et al.
[1085]See FACTS page 46 email: FW : EXSUM Missing Soldier.
[1086]See FACTS page 46 email: FW : EXSUM Missing Soldier.
[1087]See FACTS page 49 (b) (6).
[1088]See FACTS page 52 Transcript Army Senior Leader Update.
[1089]See FACTS page 57 (b) (6)

contributed to growing, inaccurate social media narratives.[1090] (b) (6), (b) (7)(C) checked with the (b) (6), (b) (7)(C), who directed no action be taken.[1091] It would have been reasonable and appropriate for Task Force Phantom/Fort Hood and/or the (b) (6), (b) (7)(C) to engage early with the media in an effort to inform and educate the public on the unit's extensive search efforts.

(e) OCPA did not view the media engagements by Task Force Phantom / Fort Hood as appropriate or effective. (b) (6), (b) (7)(C), was "pushing for (b) (6), (b) (7)(C) or somebody there at Fort Hood to do engagement with – on social media, engage traditional media, are you talking to the family…", but were told that protecting the investigation was more important than command engagement.[1092]

(f) The deployment of HQ, III Corps and the retirement of (b) (6), (b) (7)(C) reduced the PAO experience available to Task Force Phantom.[1093] (b) (6), (b) (7)(C) lacked experience. This shortage of experienced PAOs played a significant role in MG Efflandt's reliance on (b)(5), (b)(6), (b)(7)(C) (b) (6), (b) (7)(C), leading to an absence of media engagement.[1094]

50. After careful consideration, I find by a preponderance of the evidence that the command appropriately and effectively engaged non-DoD parties.

(a) (b) (6), (b) (7)(C), prepared an extensive engagement plan for Texas delegation and local community relations. (b) (6), (b) engaged well with the local LULAC chapter, improving the relationship between LULAC and the command.[1095]

(b) MG Efflandt and (b) (6), (b) (7)(C) effectively engaged congressional representatives as well as the Civilian Aide to the Secretary of the Army.[1096]

(c) (b)(6), (b)(7)(C) Fort Hood CID, had very effective engagements and coordination with local, state, and federal law enforcement agencies as well as Texas EquuSearch.[1097]

Derived Question: Did the command have opportunities to appropriately and effectively engage the media without risking the integrity of the investigation?

[1090]See FACTS page 53 (b) (6), (b) (7)(C).
[1091]See FACTS page 53 MG Efflandt, et al.
[1092]See FACTS page 76 (b) (6), (b) (7)(C), et al.
[1093]See FACTS page 15 (b) (6), (b) (7)(C), et al.
[1094]See FACTS page 60 (b) (6), (b) (7)(C), et al.
[1095]See FACTS page 78 (b) (6), (b) (7)(C).
[1096]See FACTS page 16 (b) (6), (b) (7)(C).
[1097]See FACTS page 16 (b) (6), (b) (7)(C).

51. After careful consideration, I find by a preponderance of the evidence that there were numerous opportunities to appropriately and effectively engage media early on the investigation without jeopardizing the integrity of the investigation.

(a) 3CR PAO, Task Force Phantom PAO, FORSCOM PAO, and OCPA agreed the command should have engaged early to express: care for SPC Guillén and her family; that they were communicating with the family and law enforcement; that the command was conducting intensive search efforts; and that they were committed to continually search for SPC Guillén. These messages would not have compromised the integrity of the investigation or contradicted the Guillén family.[1098]

(a) 3CR and Task Force Phantom / Fort Hood had opportunities to invite media to observe the intensive search efforts.[1099] 3CR's intensive daily searches leveraged other Fort Hood capabilities, such as helicopter and unmanned aerial systems from the 1st Cavalry Division.[1100] These efforts were briefed weekly by 3CR to Task Force Phantom leadership.[1101]

(d) 3CR could have used CID to invite the family to see the intensive search efforts being conducted.

Derived Question: What role did social media play with the command's ability to appropriately and effectively message the family and the media?

52. After careful consideration, I find by a preponderance of the evidence that social media presented a unique challenge. Specifically, I find that social media filled a void in command messaging that allowed a negative narrative about Fort Hood and the U.S. Army.

(a) Support on social media for the Guillén family was robust, and it overwhelmed Task Force Phantom / Fort Hood capabilities from the onset.[1102][1102] An analysis of the social media environment conducted in support of this investigation revealed an uncountered social media-driven negative and erroneous narrative of Fort Hood and the U.S. Army that grew exponentially.[1103]

(b) Task Force Phantom / Fort Hood and Fort Hood CID were challenged addressing the erroneous information in social media. Task Force Phantom had

[1098]See FACTS page 76 (b) (6), (b) (7)(C) , et al.
[1099]See FACTS page 49 Transcript Army Senior Leader Update.
[1100]See FACTS page 50 Missing Trooper Search.
[1101]See FACTS page 59 Example of 3CR Weekly SITREP.
[1102]See FACTS page 73 (b) (6), (b) (7)(C).
[1103]See FACTS page 59 (b) (6), (b) (7)(C) and page 74 (b) (6), (b) (7)(C) et al.

very limited capacity with (b) (6), (b) (7)(C) .[1104] Fort Hood requested and received support, but the support was not skilled in social media.[1105] In addition, Fort Hood CID did not have organic subject matter expertise in social media.[1106]

(c) MG Efflandt noted that cuts to HQ, III Corps PAO slots were a factor and should be relooked. He also noted that Fort Hood was not modernized to operate in the information environment.[1107]

Directed Question: Did the command teams have a plan or procedure established to engage family members or the media during a high-profile event (such as disappearance, death, or arrest) involving one of its Solders?

53. After careful consideration, I find by a preponderance of the evidence that 3CR and Task Force Phantom did not initially have plans or procedures to engage family members or media during the high profile event. This changed over time when plans were created to address the evolving nature of the investigation and family / media reactions. These plans did not effectively address the negative and erroneous narrative formed early on as a result of command inaction.

(a) Initially 3CR did not have a plan. O/a 27 April, (b) (6), (b) (7)(C) (b) (6), (b) and established an engagement plan. However, this plan was not followed based on Task Force Phantom / Fort Hood guidance.[1108]

(b) As tasked by the Secretary of the Army on 26 June, MG Efflandt directed the creation of a community engagement plan.[1109] This plan proposed to address risk of a loss of confidence and trust in the Army's ability to be transparent and take care of members of the Latino community.[1110] MG Efflandt approved the PAO engagement plan on 29 June, only a day before the remains of SPC Guillén were found. This plan was too late to impact the negative and erroneous narratives.

(c) FORSCOM PAO developed an engagement plan o/a 16 June, but it was not actioned or followed.[1111]

Directed Question: Would the command teams have benefited from having a plan, or a more thorough plan, to engage family members or the media during a high-profile event? Would it have been beneficial to have had a pre-selected and trained team to engage the media and family members?

[1104]See FACTS page 74 (b) (6), (b) (7)(C).
[1105]See FACTS page 74 (b) (6), (b) (7)(C).
[1106]See FACTS page 16 (b) (6), (b) (7)(C).
[1107]See FACTS page 74 MG Efflandt.
[1108]See FACTS page 78 (b) (6), (b) (7)(C) .
[1109]See FACTS page 77 Email ASL Tasking SMC Ft Hood.
[1110]See FACTS page 77 Email ASL Tasking SMC Ft Hood.
[1111]See FACTS page 76 (b) (6), (b) (7)(C) .

54. After careful consideration, I find by a preponderance of the evidence that having a thorough plan to engage family members and media during high-profile events would have been beneficial. Likewise, it would have been beneficial to have pre-selected and trained teams to engage family members and media.

(a) 3CR PAO, CID PAO, Task Force Phantom PAO, Fort Hood PAO, FORSCOM PAO, and OCPA agree it would have been beneficial to have both a thorough plan / checklist to follow, as well as preselected and trained teams to engage family members and media.[1112]

(b) It would also be strategically beneficial for CID to have greater public affairs capacity. The U.S. Army Criminal Investigation Command (USACIC) has only three PAOs to handle all media query involving Army criminal investigations.[1113] These PAO are expert at traditional media, but lack expertise in social media. This lack of capacity and capability challenged efforts in the SPC Guillén case.[1114] If CID had more trained PAO teams, they would have the ability to place trained spokespersons at installations during high-profile investigations.

Directed Question: Make recommendations for media and family member engagement plans regarding high-profile Soldier events.

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

(a) The Army should consider revising AR 600-20, Army Command Policy, to include policy that holds commanders accountable for protecting the reputation of their units and the Army by actively engaging the public through timely and accurate information-sharing while maintaining security and privacy.

(b) The information environment has become so complex and fast-moving, the Army should reassess public affairs capacity and capability of corps, division, and brigade-level staffs.

(c) The Army should consider re-inserting public affairs training back into PME at all levels. Include policy guidance (AR 360-1) and doctrine (FM 3-61) updates to address communication approaches regarding high profile soldier events. Additionally, require spokespersons to be identified by commanders in writing (policy letter) and require spokespersons to receive adequate and routine training. Professional military education from captain to general officer is almost completely void of any basic public affairs training. The pre-command course has a one hour briefing by the Chief of Public Affairs. Senior Service Colleges have no required training. Over the past 15+ years, public affairs training has been

[1112]See FACTS page 76 (b) (6), (b) (7)(C) , et al.
[1113]See FACTS page 16 (b) (6), (b) (7)(C).
[1114]See FACTS page 16 (b) (6), (b) (7)(C).

stripped from PME and the Army now has senior leaders who have had virtually no formal public affairs training.

(d) Army should use this investigation as a case study for senior commanders and public affairs professionals.

(e) The U.S. Army should assess and establish policy for family engagements to guide unit commander's interaction with family members during crisis communications beyond interaction during investigations as prescribed in Army Regulation 638-8, Army Casualty Program. Policy should consider the following:

i. Stress the vital importance of appropriate and effective communications with family members at all levels.

ii. Describe the role of the commander to ensure positive and effective communications. It should also address implications resulting from family engagements that guide the need for further command action.

iii. Reconsider and determine training and certification requirements, if any, for commanders at echelon.

(f) The Army should revise Army Regulation 360-1, *The Army Public Affairs Program,* to assess commander's responsibilities in sensing potential media indicators. This revision should include providing guidance on the importance of taking timely action and potential risk of inaction. Currently, FM 3-61, Public Affairs Operations has good doctrinal guidance but there is a gap between doctrine and policy.

(g) The Army should conduct a deliberate assessment of Army capability and capacity to respond to social media misinformation, disinformation, and other information operations. The assessment should use lessons learned from this case and should at a minimum determine:

i. What is the social media operating environment?

ii. What capabilities does the Army have to respond effectively to this operating environment?

iii. What gaps exists?

iv. Make recommendations on how to close these gaps across DOTMLPF in order to modernize Army capabilities in the Information domain.

(h) The Army should consider increasing CID capability and capacity by creating additional PAO structure with heavy training and expertise in social media

information operations. The key is to include this PAO expertise in the CID Quick Reaction capability for missing Soldiers, as recommended in Paragraph 8.b.(3)(a).

d. **Findings and Recommendations Pertaining to LOI 5 - Alleged Sexual Harassment of SPC Guillén.**

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

(1) **Standards of Determination.**

AR 600-20 chapter 7 outlines how commanders and supervisors carry out their responsibilities regarding the prevention of sexual harassment. Specifically, para 7-2(c) states that commanders and supervisors will: "Continually assess and be aware of the climate of command regarding sexual harassment. Identify problems or potential problems. Take prompt, decisive action to investigate all complaints of sexual harassment. Either resolve the problem at the lowest possible level or, if necessary, take formal disciplinary or administrative action. Do not allow Soldiers to be retaliated against for filing complaints. Continually monitor the unit and assess sexual harassment prevention policies and programs at all levels within area of responsibility. Ensure all leaders understand that if they witness or otherwise know of incidents of sexual harassment, they are obligated to act."

Paragraphs 7-4a(3) and 7-4b, AR 600-20 published in 2014 and in effect when harassment was alleged, states sexual harassment is a form of gender discrimination that involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature between the same or opposite genders when— Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

AR 600-20 para 7-6(c) defines hostile environment as an environment when Soldiers or civilians are subjected to offensive, unwanted and unsolicited comments, or behaviors of a sexual nature. If these behaviors unreasonably interfere with their performance, regardless of whether the harasser and the victim are in the same workplace, then the environment is classified as hostile. A hostile environment brings the topic of sex or gender differences into the workplace in any one of a number of forms.

In addition to the requirements of AR 600-20, a further explanation of sexual harassment includes the victim's perception. DODI 1020.03 states, "There is no requirement for concrete psychological harm to the complainant for behavior to constitute sexual harassment. Behavior is sufficient to constitute sexual harassment if it is so severe or pervasive that a reasonable person would perceive, and the complainant does perceive, the environment as hostile or offensive.

According to HQDA SHARP Program Annual Refresher Training, based on the Prevention of Sexual Harassment and Sexual Assault Annex of the Army People Strategy, sexual harassment / sexual assault directly affects the "Readiness" of the Army. Left unchecked it degrades readiness and effectiveness if preventative measures are not taken. Attitudes within the operational environment that allow, or enable, forms of harassment may foster more egregious behaviors. The behaviors associated with sexual harassment fall within a continuum of intolerable, unprofessional behaviors which may increase the likelihood of sexual assault. As negative, counterproductive behavior escalates and increases in severity, so does the risk for sexual harassment

and sexual assault within a unit. Early warning signs are: a counterproductive atmosphere; inappropriate jokes / comments; excessive flirting; disparaging comments on social media; and sexual harassment. Continuous leadership engagement and intervention is required to maintain a healthy environment and to stop inappropriate behavior before it can negatively impact the unit. Leaders are expected to conduct engagement and intervene throughout to ensure a professional work environment. [1115]

(2) **Findings.**

Directed Question: Did SPC Guillén ever make a statement or report of any type to anyone in or outside her unit that she was sexually assaulted, sexually harassed, or maltreated? If so, when and to whom, and what did she report?

55. After careful consideration, I find by preponderance of the evidence (b) (b) (7)(C), (b) (5), (b) (6)

(a) Prior to the September 2019 R/FTX, SPC Guillén reported to (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), had - as she retrieved a document from the E/FST orderly room printer - solicited her in Spanish to participate in a sexual act which she translated as a "threesome." [1116]

(b) SPC Guillén also told (b) (6), (b) (7)(C) about the threesome solicitation. (b) (6), (b) (7)(C) was nearby and heard SPC Guillén first-hand when she reported the threesome solicitation to (b) (6), (b) (7)(C). SPC Guillén later told (b) (6), (b) (7)(C) at the time of the incident, about the threesome solicitation and her disdain for (b) (6), (b) (7)(C). [1117]

(c) SPC Guillén told (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C), had – while conducting a perimeter check of his (b) (6), (b) (7)(C) of the E/FST patrol base during the R/FTX – illuminated her with a light and observed SPC Guillén engaged in personal hygiene. Completing the

[1115]B-5-2, SHARP-SH_SA Continuum Slide.
[1116]A-11-2, (b) (6), (b) (7)(C): pg 4, "There was a time that Specialist Guillen said that (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) said something and it was in Spanish about it was like referring to a threesome or something like that."; A-11-7, (b) (6), (b) (7)(C): pg 1; A-133-3, (b) (6), (b) (7)(C): pg 15, "[SPC] Guillen came to me once about—she said that she thought that (b) (6), (b) (7)(C) said something vulgar to her…She said it was something about a threesome."; A-133-5, (b) (6), (b) (7)(C).: pg 1, "She said (b) (6), (b) (7)(C) told her something in Spanish and she could not really translate it, but if she was right, he asked for a threesome".
[1117]A-102-1, (b) (6), (b) (7)(C): pg 7, "No. We was all like, we was Just saying, and we are talking, and we were like "Are you all alright?" And then she was like, no…"he told her in Spanish upstairs that he wanted to have a threesome with her."; A-133-1, (b) (6), (b) (7)(C).: pg 9, "him saying that him and his (b) Wanted to have a threesome with her.".

perimeter check, (b) (6), (b) (7)(C) returned through the same area in which he first encountered SPC Guillén.[1118] SPC Guillén was again engaged in personal hygiene. She did not feel the encounters were accidental.[1119]

56. During the course of the investigation, no evidence was found that SPC Guillén made a report of any type, to include sexual assault or harassment, to a Chaplain,[1120] a healthcare provider,[1121] a SARC, or a VA.

Directed Question: If SPC Guillén did report any sexual assault, sexual harassment, or maltreatment, what actions did the person or people receiving the report take?

57. After careful consideration, I find by preponderance of the evidence (b)(6), (b)(5). (b)(6), (b)(7)(C)

(a) (b)(6), (b)(7)(C) received SPC Guillén's report of sexual harassment by (b)(6), (b)(7) . The NCOs jointly informed (b)(6), (b)(7) of her reporting options. SPC Guillén declined to make a report. (b)(6), (b)(7)(C) [1122]

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

[1118] (b) (6), (b) (7)(C) A-100-1, pg 49, "All I heard was that somebody was there, and I can see, like, the shadow. And I was, like, "Who's there?" She was, like, "Guillén." So, like, okay. So, I continued doing my missions, and then I turned back around. I ended up at the same spot, and she was still there. And I was, like, "Who's there?" "Still me." I was, like, "Guillén, what are you doing?" "Well, I'm doing hygiene."
[1119] A-55-2, (b) (6), (b) (7)(C) : pg 7, I'm thinking it was not accidental"; A-67-1, (b) (6), (b) (7)(C) : pg 9, when asked if SPC Guillen felt the encounter was accidental, (b) (6), (b) (7)(C) replied, "Nah.".
[1120] A-91-1, (b) (6), (b) (7)(C) pg 5.
[1121] B-6-3, MFR - SPC Guillen Medical Record Review 16NOV20: An extensive search of SPC Guillén's medical records found she was (b)(6)
[1122] A-11-2, (b) (6), (b) (7)(C) : pg 7, when asked if he felt like he needed to report the incident to the chain of command said, "no" and (b) (6), (b) (7)(C) , A-11-6, when asked if he reported the incident, (b) (6), (b) (7)(C) said, "No. I told [SPC] Guillen what she wanted to do with it, I informed her of what she can do, but she said she did not want to report it."; A-133-3, (b) (6), (b) (7)(C) pg 16, "So, I couldn't go up to the (b) (6), (b) and be like that because it's hearsay. I mean, it would be my word against (b) (6), (b) (7)(C) . And it's hearsay, especially if Specialist Guillen didn't come forward, and if I go forward with her saying that she doesn't want to go forward, then they are just sitting there saying the big F-U and the Soldier probably won't feel comfortable coming to me ever again.".

58. After careful consideration, I find by a preponderance of the evidence that (b) (6), (b) (7)(C) informed the chain of command after receiving reports of alleged sexual harassment or maltreatment.

(a) (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), about (b) (6), (b) (7)(C), had solicited SPC Guillén in Spanish to participate in a sexual act which she translated as a "threesome" prior to the September R/FTX. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) were present during the reading of (b) (6), (b) (7)(C), but were instructed to wait outside the closed-door session in which (b) (6), (b) (7)(C) informed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Following the closed-door session, (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) informed the command team of (b) (6), (b) (7)(C) sexual harassment. (b) (6), (b) (7)(C) corroborated (b)(6), (b)(7)(C) account, despite (b) (6), (b) (7)(C) not recalling if (b) (6), (b) (7)(C) told them about the sexual harassment, although the closed-door session lasted "about an hour."[1123] I find the statements of (b) (6), (b) (7) (b) (6), (b) (7)(C) to be more credible than (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) inability to recall or lack of memory. While other findings raise questions regarding (b) (6), (b) (7)(C) competency, his conduct throughout the investigation demonstrated integrity. (b) (6), (b) (7)(C) was out of the military by the time of the investigation, had no reason to lie, and provided consistent, corroborated statements throughout.

(b) (b) (6), (b) (7)(C) open-door policy to inform him about (b) (6), (b) (7) (b) (6), (b) (7)(C) sexual harassment of SPC Guillén; specifically, that (b) (6), (b) (7)(C) had – while checking his platoon's sector of the E/FST patrol base during the R/FTX – "peek[ed] at or startle[d]" SPC Guillén engaged in personal hygiene. (b) (6), (b) (7)(C) does not recall this report by (b) (6), (b) (7)(C).[1124] I find the statement by (b) (6), (b) (7)(C) to be more credible. (b) (6), (b) (7)(C) described in detail the encounter with (b) (6), (b) (7) (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) approached him at the end of the duty day, as (b) (6), (b) (7)(C) was leaving the office, because (b) (6), (b) (7)(C) did not have an NCO escort; Soldiers were not permitted in the E/FST orderly room without an NCO escort.[1125] (b) (6), (b) (7) (b) (6), (b) (7)(C) corroborates (b) (6), (b) (7)(C) statement stating he asked for (b) (6), (b) guidance, asked (b) (6), (b) (7) to escort him, and asked (b) (6), (b) about contacts for reporting sexual harassment. (b) (6), (b) (7)(C) was credible when discussing actions taken on behalf of SPC Guillén.

[1123] A-11-3, (b) (6), (b) (7)(C): pg 9, "sat out at the conference table that's in the orderly room. I think it was about an hour long.".
[1124] A-5-2, (b) (6), (b) (7)(C): pg 11, stated "no" when asked if Soldier ever reported on behalf of Specialist Guillen regarding allegations of sexual assault, sexual harassment, or maltreatment; A-67-4, (b) (6), (b) (7)(C).
[1125] A-92-1, SPC Pham: pg 11, "E-4 and below, turn around without an (b) (6), (b) (7)(C)

59. After careful consideration, I find by a preponderance of the evidence that (b) (7)(C), (b) (5), (b) (6)

(a) On 9 October 19, (b)(6), (b)(7) informed (b)(6), (b)(7)(C) solicited SPC Guillén in Spanish to participate in a sexual act which she translated as a "threesome" prior to the September R/FTX. Based on (b)(6), (b)(7)(C) notification to his leadership, IAW AR 600-20, 3CR Policy Letter #3 and RES Policy Letter #7 the (b)(6), (b)(7)(C) was obligated to investigate the incident and report the complaint to the 3CR SARC and RJA.

(b) (b)(6), (b)(7) informed (b)(6), (b)(7)(C) through his open-door policy about (b)(6), (b)(6), (b) sexual harassment of SPC Guillén during the R/FTX. Based on PFC Landy's notification of (b)(6), (b)(7)(C) was obligated IAW AR 600-20, 3CR Policy Letter #3 and RES Policy Letter #7 to investigate the incident and report the complaint to the 3CR SARC and RJA.

Directed Question: Did anyone in SPC Guillén's unit, or any Soldier, sexually assault, harass or maltreat SPC Guillén? If so, explain in detail.

60. After careful consideration, I find by preponderance of the evidence that (b) (7)(C), (b) (6) SPC Guillén's (b) (7)(C), (b) (6), sexually harassed SPC Guillén, creating an intimidating, hostile, environment.

(a) As SPC Guillén retrieved a document from the E/FST orderly room printer prior to the R/FTX, (b) (7)(C), (b) (6) solicited her, in Spanish, to participate in a sexual act which she translated as a threesome. This incident was reported by SPC Guillén to (b) (7)(C), (b) (6).[1128]

i. It is clear SPC Guillén found the comment to be an unwelcome sexual advance. Upon her return, the (b) (7)(C), (b) (6) noticed the sudden change in her mood, prompting them to ask if she was okay. She expressed her anger with (b) (7)(C) comment.[1129]

[1126]See References: AR 600-20 para 7-2 requires commanders and supervisors to take prompt, decisive action to investigate all complaints of sexual harassment.
[1127]B-6-14, 3CR SHARP and SVC Policy #3 (6 JAN 20): pg 3, required all informal complaints of sexual harassment will be reported as soon as possible to the Regimental SARC and Regimental Judge Advocate; B-6-16, RES SHARP Policy #7 (29 May 2019): pg 3, states SHARP issues will be taken directly to the Squadron level or Regimental SARC.
[1128]A-100-1, (b) (7)(C), (b) (6): pg 48, "And then, she brought it up to (b) (7)(C), (b) (6)], that she felt a little bit--she felt weird."; A-102-1, (b) (7)(C), (b) (6); A-11-2, (b) (7)(C), (b) (6): pg 4; A-133-3, (b) (7)(C), (b) (6).: pg 15.
[1129]A-102-1, (b) (7)(C), (b) (6) pg 7.

ii. In addition, she told her friends and peers about being uncomfortable around [redacted] [redacted][1130]; it is clear her initial discomfort was linked to [redacted] solicitation to participate in a threesome, which a reasonable person of 19-years of age and similar experience would find to be sexual harassment.

iii. The solicitation for a threesome by [redacted] was a significant source of stress for SPC Guillén such that she went from being a first term Soldier vocalizing and posting about re-enlistment, to fantasizing about the expiration of her term of service (ETS).[1131]

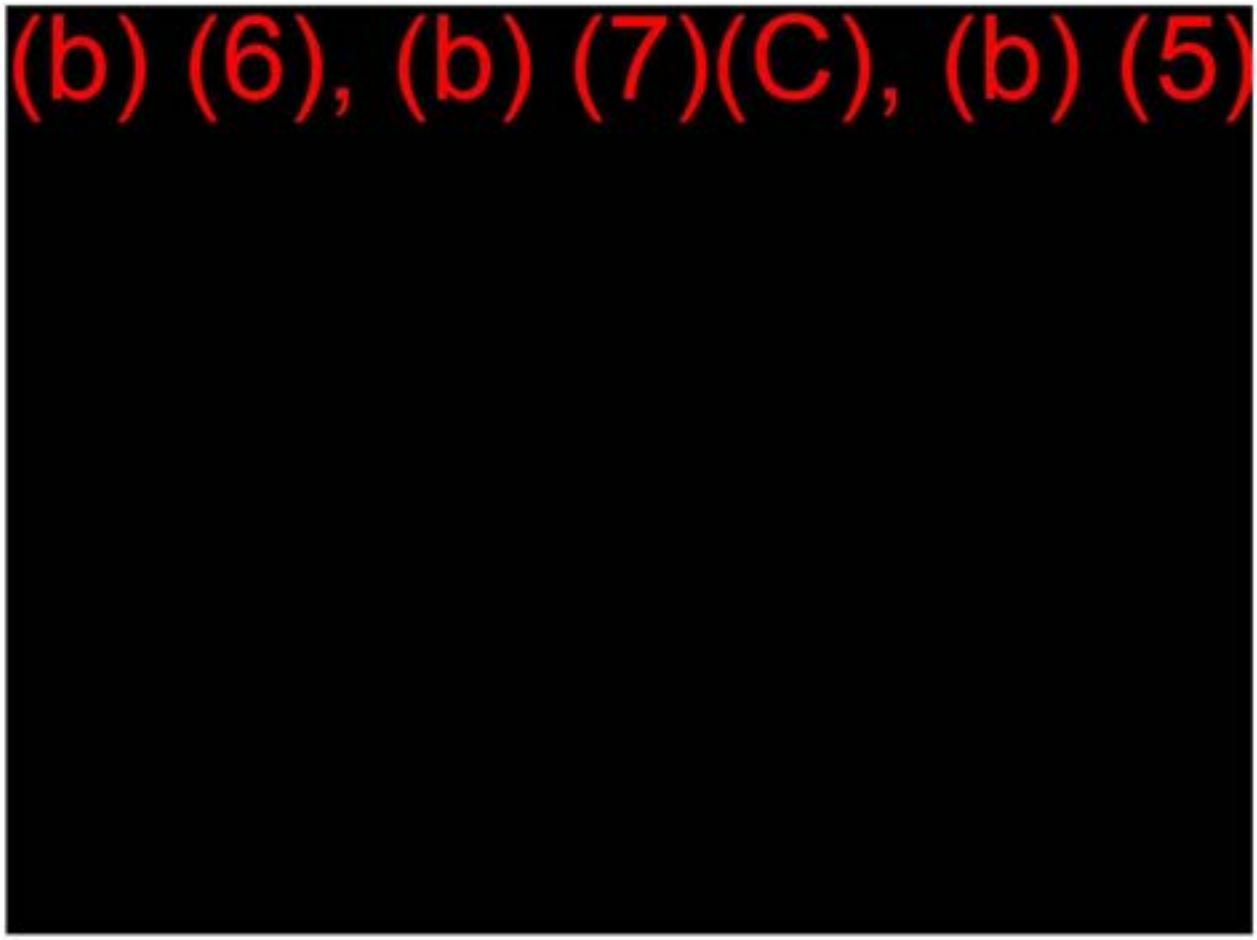
Directed Question: Did any member of SPC Guillén's chain of command, unit, or anyone outside the unit fail to properly report any allegation of sexual assault, sexual harassment, or maltreatment of SPC Guillén?

61. After careful consideration, I find by preponderance of the evidence that [redacted]

[redacted]

[1130]A-102-1, [redacted]: pg 16, "he's weird" and pg 7, "she was like uncomfortable."; A-133-1, [redacted], T.: pg 14, "Basically that she was uncomfortable and that [redacted] would say things he shouldn't be saying.".
[1131]A-11-2, [redacted]: pg 27, "I know she wanted to reenlist and go somewhere else…. After a while she didn't want too.".
[1132]B-6-16, RES SHARP Policy #7 (29 May 2019).
[1133] B-7-4, [redacted] Informal EO Complaint, 04OCT19.

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.



Directed Question: **Did any member of SPC Guillén's chain of command fail to properly act after receiving any allegation of sexual assault, sexual harassment, or maltreatment of SPC Guillén?**

62. After careful consideration, I find by preponderance of the evidence that [redacted] (b)(7)(C), (b)(5), (b)(6).

[1134]A-102-1, [redacted] (b) (7)(C), (b) (5), (b) (6)

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

(b) (7)(C), (b) (6) .[1140] The allegations made by were truthful and not made with the intent to discredit a senior NCO.[1141]

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

(c) (b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

(d) (b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

(3) **Additional Findings.**

[1139] A-102-1, pg 23, When asked if he felt like he would be discredited because they [leadership] would say you thought he (b) (6), (b) (7)(C) ? Said, "Yeah. Probably."; A-24-3, (b) (6), (b) (7)(C): pg 2, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) .

[1140] A-4-6, (b) (6), (b) (7)(C): pg 3, " (b) (6), (b) (7)(C) in person… I just explained to them, hey, let them read, hey, this is what your Soldier is saying about one of your (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) said, hey, I'll look into it and was pretty much like, I'll just speak with him about his behavior.".

[1141] A-67-1, : pg 35, "I mean, like I said, the trust wasn't there, but like we never be like -- discredit anybody.".

63. After careful consideration, I find by preponderance of the evidence that [redacted] created an unhealthy SHARP environment by being a counterproductive leader,[1142] thereby falling below the acceptable standard for a professional work environment.

(a) Early warning signs of an unhealthy SHARP environment is a toxic atmosphere.[1143] [redacted] created this toxic atmosphere by being a counterproductive leader exhibiting behaviors that adversely effected SPC Guillén and others. [redacted] "dictator style"[1144] of leadership prevented the establishment of a positive climate.

i. During the Regimental FTX in September 2019, while conducting a prescribed, nightly perimeter check of his platoon's sector of the E/FST patrol base, [redacted] heard a noise in the wood line and called out. SPC Guillén identified herself, as she was in the wood line performing personal hygiene. [redacted] continued with the perimeter check, and returned through the same area upon completion of his perimeter check.[1145] SPC Guillén was again engaged in personal hygiene. SPC Guillén reported this incident to [redacted].[1146] This incident, occurring only weeks after the threesome solicitation, and within the context of [redacted] targeting of SPC Guillén, contribute to making SPC Guillén's life uncomfortable, unbearable and unsafe.

[1142]See References: AR 600-100, dated 5 April 2017, para 1-11(d) defines counterproductive leadership as combination of self-centered attitudes, motivations, and behaviors that have adverse effects on subordinates, the organization, and mission performance. To be classified as toxic, the counterproductive behaviors must be recurrent and have a deleterious impact on the organization's performance or the welfare of subordinates. An exacerbating factor may be if the behaviors demonstrate selfish reasons such as elevating one's own status, grabbing power, or otherwise obtaining personal gain. Counterproductive leadership behaviors prevent the establishment of a positive organizational climate, preclude other leaders from fulfilling their requirements, and may prevent the unit from achieving its mission.

[1143]B-6-6, SH-SA Continuum of Harm Slide (19 OCT 19).

[1144]A-48-1, [redacted]

[1145] A-100-1, [redacted]

[1146]A-55-2, [redacted]: pg 7, "This was October 15th…we were kinda talking about it. She said, "We had PT formation this morning, and [redacted] was looking for me, and pulled me and [redacted] to the side. He said, Do you remember the field exercise, when I popped out on you?"; A-67-3, [redacted]: pg 1, "During the Regimental FTX, PFC Guillen told me the following morning of an incident that happe[ed] the night prior. The incident was that [redacted] tried to watch her wash up in the woods during the Regimental FTX.

ii. SPC Guillén reported to (b) (7)(C), (b) (6) that (b) (7)(C), (b) (6) was "nasty,"[1147] "disgusting,"[1148] and "a creep."[1149] In addition SPC Guillén would "try to avoid him" and every time when she was talking to a peer and (b)(6), (b) (7)(C), (b) (6) would come she would "scoot or walk away" or "try to find something else to do."[1150] (b) (7)(C), (b) (6) recalled that SPC Guillén told him that (b) (7)(C), (b) (6) was "weird" and she was not comfortable around him."[1151]

iii. (b) (7)(C), (b) (6) unnecessary picking on SPC Guillén was indicative of an unwelcome and intimidating affinity he had for her.[1152] (b) (7)(C), (b) (6) also called SPC Guillén's cell phone, bypassing her Squad Leader, to keep track of her, and on at least one occasion held SPC Guillén at work past 2000 because (b) (7)(C), (b) (6) "picked who could go home" as a way of "bugging" her because he knew SPC Guillén did not like him.[1153][1153]Such actions show (b) (7)(C), (b) (6) counterproductive behaviors and the unhealthy environment SPC Guillén endured.

(b) Multiple Soldiers in the E/FST Maintenance Platoon report low trust, very low morale due to (b) (7)(C), (b) (6) "one way" conversation with subordinates and threats.[1154][1154] (b) (7)(C), (b) (6) constant yelling, belittled, threatened Soldiers with counseling, delayed promotion, denial of leave / pass privileges and long hours solidify that (b) (7)(C), (b) (6) behaviors were recurrent and had a deleterious impact on the welfare of subordinates.[1155]

(c) Soldiers characterize (b) (7)(C), (b) (6) as counterproductive indicating he had "favorites" and permitted the routine use of Spanish in the workplace leaving non-

[1147]A-46-1, (b) (7)(C), (b) (6): pg 10.
[1148]A-133-1, (b) (7)(C), (b) (6).: pg 9.
[1149]A-55-2, (b) (7)(C), (b) (6): pg 7, "She told me he was a creep and she did not like him" and "She knew he was being a creep in the woods." and "She didn't really like him in the first place and then that happened, and made it worse.".
[1150]A-92-1, (b) (7)(C), (b) (6): pg 13, "I know that she tried avoiding him" and every time she was talking to us and he would come by, she would try to scoot away or walk away and try…to find something else to do.".
[1151]A-102-1, (b) (7)(C), (b) (6): pg 16, "he's weird" and pg. 7, "she was like uncomfortable.".
[1152]A-102-1, (b) (7)(C), (b) (6): pg 8, "Well, like, it was like that and then it was, like, constant. Like, kind of like we would see it, but it was kind of like hazing. Constantly kind of like, poking--…so, it would be, like, little stuff he would say to her. Like, sneaky stuff.".
[1153]A-55-2, (b) (7)(C), (b) (6): pg 28, "When you know someone doesn't like you, you'd try to bug them on purpose.".
[1154]A-102-1, (b) (7)(C), (b) (6); A-133-1, (b) (7)(C), (b) (6).; A-48-1, (b) (7)(C), (b) (6): pg 13, "it was a one way conversation with all of (b) (7)(C), (b) (6)."; A-55-2, (b) (7)(C), (b) (6).
[1155]A-48-1, (b) (7)(C), (b) (6): pg 13, "he was very demanding" "It was always, do this, this, and this and if you don't do this, you're going to get counseled or I'm not sending you to the promotion board, I'm not going to select you for promotion.".

Spanish speakers uncertain of what was being said.[1156] (b) (7)(C), (b) (6) confirmed cliques within the platoon. (b) (7)(C), (b) (6) unchecked behavior directly impacted the performance of multiple Soldiers and readiness functions within E/FST. Rather than focusing on their assigned tasks, many young Soldiers sought to avoid (b) (7)(C), (b) (6) counterproductive behavior.[1157] Likewise, the failure to act by the chain of command, cemented the severely diminished lack of trust in leadership.

64. After careful consideration, I find by preponderance of the evidence that (b)(6), (b) (7)(C)

(b) (7)(C), (b) (5), (b) (6)

[redacted]

[1156] A-102-1, (b) (7)(C), (b) (6): pg 27, " (b) (7)(C), (b) (6) and all (b) (7)(C), (b) (6), they would favor the Spanish; A-131-2, (b) (7)(C), (b) (6) pg 7, When asked if (b) (7)(C), (b) (6) exhibit favoritism?, replied "yeah."; A-133-1, (b) (7)(C), (b) (6) pg 36, "Like favoritism? If you mess up and an NCO doesn't like you, they are not going to like you."; A-133-3, (b) (7)(C), (b) (6) pg 27,when asked Spanish in the work place said, "When (b) (7)(C), (b) (6) was there, he was very big on Spanish being spoken in the workplace. He even had a whole -- he had a whole like, class -- not even a class, but made everybody come up to the orderly room to show them and get their attention to show them that you can speak Spanish at the workplace….[he taught it to] maintenance. And (b) (7)(C), (b) (6) rated the occurrences of favoritism as a "7 or 8."; A-55-2 (b) (7)(C), (b) (6) pg 18, "A lot of people noticed there was a favoritism with (b) (7)(C), (b) (6) A-67-1 (b) (7)(C), (b) (6): pg 10, "and it was kind of brought to most of our attention that he might have not favored anybody African American in the Troop.".

[1157] A-55-2, (b) (7)(C), (b) (6): pg 8, "I'd kind of avoid it. I'd try to look busy.".

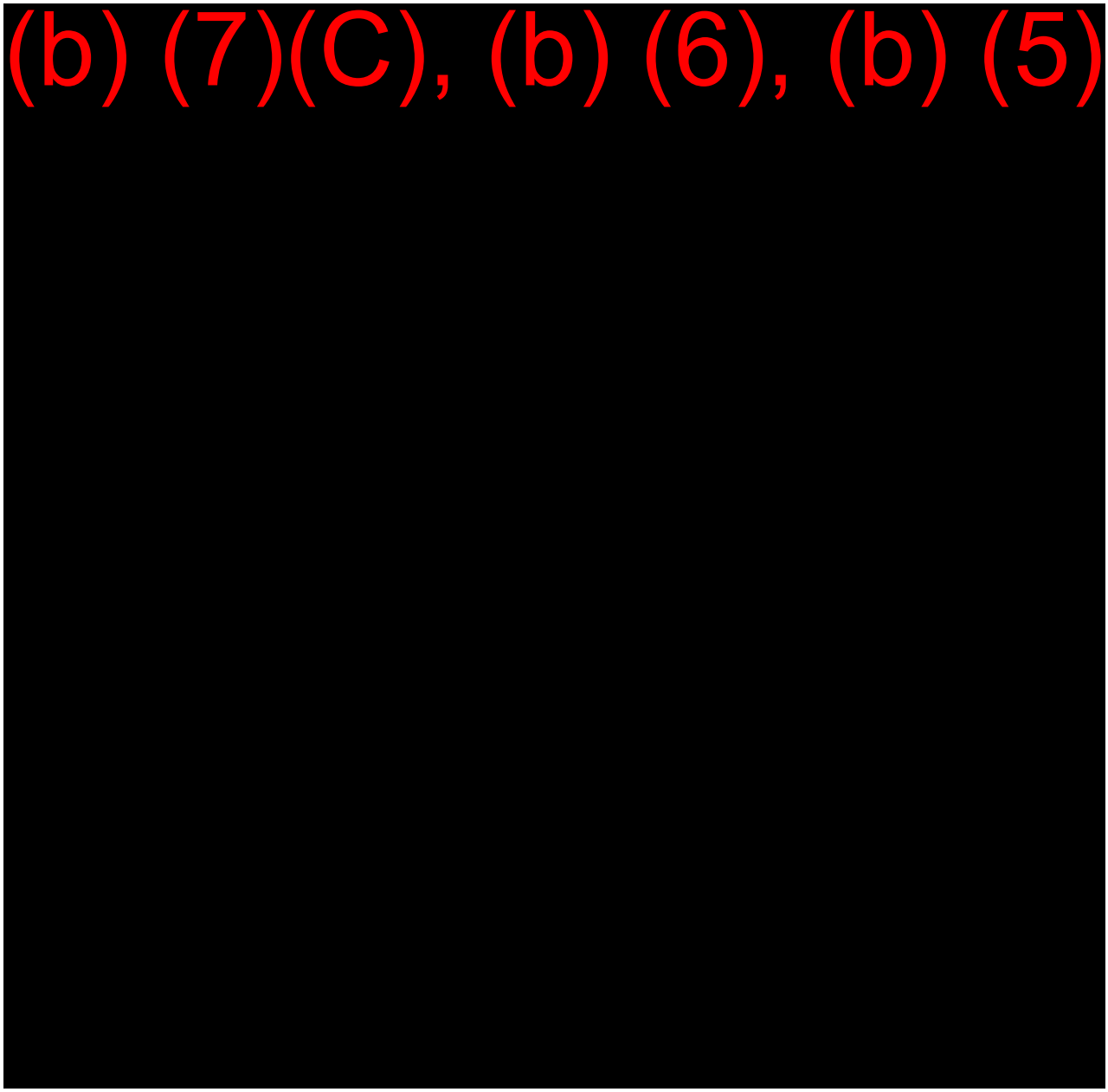
[1158] A-5-2, (b) (7)(C), (b) (6) pg 11, stated "no" when asked if Soldier ever reported on behalf of Specialist Guillen regarding allegations of sexual assault, sexual harassment, or maltreatment.

[1159] No documented counseling exists.

[1160] A-24-3, (b) (7)(C), (b) (6): pg 4, When asked if anyone else [aside from the IG complaint] ever came to you after that to say that (b) (7)(C), (b) (6)] was mistreating them, said "No.".

[1161] B-7-20, (b) (7)(C), (b) (6) 20191126 NCOER.

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.



[1162]A-100-1, (b)(6), (b) : pg 48 When asked about the incident stated, "And then the Commander brought it/her up to my attention." When asked how the commander knew, (b) (6), (b) said, "some rumors".
[1163]A-48-1, (b)(6), (b)(7) : pg 4, when asked about pulling (b)(6), (b) aside weekly because there. would be some incident [he] heard of, or personally witnessed that made [him] feel like [he] needed to talk to (b)(6), (b)(7) despite (b)(6), (b)(7) being a (b)(6), (b) which required him to address behavior said, right "Right." and then said never put any of the discussions on paper, in counseling.
[1164]See References: ADP 6-22; See References: AR 600-100; See References: NCO Creed.
[1165]A-4-6, (b)(6), (b)(7)(C): pg 5, when asked why he didn't recognize that (b)(6), (b) was an appointed (b) in the 3CR and why is was not a red flag to him and asked if there was there was anything else he wanted to add said, "No I don't want to add anything, it is what it is.".
[1166]A-4-6, (b)(6), (b)(7)(C); B-7-4, EO Informal Complaint by (b) (6), (b) .

iii. (b) (7)(C), (b) (6) received an informal report of sexual harassment and inappropriate actions by [redacted] and only informed (b) (7)(C), (b) (6) [redacted] of the inappropriate behavior of (b) (7)(C), (b) (6), not the sexual harassment. (b) (7)(C), (b) (6) did not follow-up and did not interview other possible witnesses, including SPC Guillén.[1167] (b)(6), (b)(7)(C) [redacted]

iv. (b)(6), (b)(7)(C) [redacted] on two occasions IAW Appendix C-1, para 4, AR 600-20, dtd 14 NOV 14: 1) Prior to discussing (b)(6), (b)(7)(C), informal complaint with the E/FST Chain of Command. (b)(6), (b)(7)(C) [redacted] 2) (b)(6), (b)(7)(C) [redacted]

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

(a) Rescind outdated SHARP policies, guidance, and ARs; consolidate into a singular SHARP policy and write at a level company grade officers and NCOs can understand and implement. Clearly articulate all leaders have a responsibility to act. Incorporate Soldiers, company grade NCOs and company grade officers into the policy development process.

(b) Include 360 leadership assessments at Advanced Leaders Course (ALC) and / or Seniors Leaders Course (SLC) to assist NCOs in understanding their leadership style and identify areas for improvement prior to assuming leadership roles of increased responsibility. Such assessments could also identify counterproductive / toxic leaders prior to assignment in leadership roles.

(c) Ensure SHARP Hotlines can send / receive text or chat messages to provide victims a way to reach out without speaking which aids in privacy or in unsafe situations.

(d) Develop and publish, or if it already exists, widely advertise leader level SHARP training support package to assist leaders in understanding leader specific regulatory requirements above and beyond knowing definitions, types of reports and individuals able to accept reports.

[1167] A-4-6, (b)(6), (b)(7)(C) [redacted]

(e) Incorporate Soldiers into the process of re-vamping the basic SHARP training support package.

(f) Resource installations to develop SHARP 360 facilities Army-wide; incorporate Soldiers in scenario development ICW SHARP Academy.

(g) Include SHARP Soldier / Leader training at AIT / BOLC / CCC / ALC / SLC / PCC to facilitate knowledge and demonstrate emphasis, assist leaders in understanding leader requirements; incorporate Soldiers into the training development process.

(h) Develop a complementary SHARP care continuum to provide guidance on what to do if a Soldier reports allegations of SA / SH. The care continuum would focus on the victim (CARE) Cease – Accompany – Report – Evaluate.

e. **Findings and Recommendations Pertaining to LOI 6 - Sexual Harassment Program in 3CR.**

(1) **Standards of Determination.**

AR 600-20 chapters 7, 8, and appendix C outline numerous commander and leader responsibilities including:

1) Continually assess and be aware of the climate of command regarding sexual harassment. Identify problems or potential problems. Take prompt, decisive action to investigate all complaints of sexual harassment. Either resolve the problem at the lowest possible level or, if necessary, take formal disciplinary or administrative action. Do not allow Soldiers to be retaliated against for filing complaints. Continually monitor the unit and assess sexual harassment prevention policies and programs at all levels within area of responsibility. Ensure all leaders understand if they witness or otherwise know of incidents of sexual harassment, they are obligated to act.[1168]

2) Training at the unit level or professional development training for junior officers, NCOs, and civilian supervisors will reinforce lower level training, which focuses on defining sexual harassment, gender discrimination, sanctions used to punish harassers, techniques for Soldiers to deal with harassment, and methods of filing a complaint. In addition, emphasis should be placed on promoting a healthy work environment within the section or unit as well as on techniques for receiving, handling and resolving complaints. Training on the EO complaint system must include leader responsibilities in processing informal and formal complaints. It must emphasize the prevention of reprisal actions against complainants.[1169]

3) Training at unit level for senior NCOs, WOs, officers, civilian managers and senior executive service personnel will focus on fostering a healthy command climate and using appropriate means for determining a healthy command climate. This training will also focus on sanctions for offenders. In addition, it will reinforce the elements of training they receive at a more junior level.[1170]

4) Continually assess the command climate through various methods (for example, focus groups, surveys, talking with Soldiers).[1171]

The Secretary and Chief of Staff of the Army tasked the Fort Hood Independent Review Committee (FHIRC) to assess the climate and culture of units at Fort Hood including 3CR. The assessment included determining whether the atmosphere in 3CR was conducive to reporting sexual harassment and whether leaders were appropriately educated and trained to receive and respond to reports of sexual harassment. Due to the overlap of the FHIRC task and the scope this line of inquiry, the FHIRC shared relevant data pertaining to 3CR.

[1168]See References: AR 600-20 para. 7-2(c) (dated 6 NOV 2014).
[1169]See References: AR 600-20 para 7-8(c) (dated 6 Nov 2014).
[1170]See References: AR 600-20 para7-8(d) (dated 6 Nov 2014).
[1171]See References: AR 600-20 para. 8-5o(35) (dated 6 Nov 2014).

(2) **Findings.**

Directed Question: Are the Regimental and Squadron commanders and leadership teams sufficiently involved in the 3CR SHARP program? What is their involvement in training junior leaders how to manage sexual assault and sexual harassment complaints, and how to lead and support Soldiers who make complaints?

65. After careful consideration; I find by a preponderance of the evidence that

(b) (7)(C), (b) (5), (b) (6)

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

i. (b)(6), (b)(7)(C)

[redacted][1174]

[1172]B-6-23, AD 2018-07-6 (Prioritizing Efforts-Readiness and Lethality (Update 6)) dated 25MAY2018; See References: AR 600-20 Supplement; See References: AR 600-20, dated 2014.

[redacted]

[1174]Of the 16 factors measured in the DEOCs, these eight factors were selected because they measure respondents' knowledge pertaining to sexual assault and sexual harassment, and leadership factors which influence a Soldier's willingness to report: trust and inclusion.

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

(b) (7)(C), (b) (6) 21 Apr 20			
Climate Factor	**Rating**	**Other Cavalry Units (% +/-)**	**U.S. Army (% +/-)**
Trust in Leadership	**Caution** (64%)	69% (-5 %)	75% (-11%)
Inclusion at Work	**Caution** (52%)	56% (- 4%)	64 % (-12%)
Sexual Harassment	**Caution** (60%)	68% (-8%)	74% (-14%)
Sexual Assault Prevention Climate	**Caution** (67%)	73% (- 6%)	78% (-11%)
Sexual Assault Reporting Knowledge	**Needs Improvement** (46%)	50% (-4%)	59% (-13%)
Sexual Assault Response Climate	**Adequate** (70%)	76% (-6%)	83% (-13%)
Sexual Assault Retaliation Climate	**Caution** (57%)	63% (-6%)	72% (-15%)
Sexual Harassment Retaliation	**Caution** (61%)	66% (-5%)	75% (-14%)
SUMMARY: 1/16 - Needs Improvement, 14/16 - Caution and 1 /16 - Adequate			

Needs Improvement (Below 50%) | Caution (50-69%) | Adequate (70-89%) | Excellent (90% +)

Figure 8-1 (b) (7)(C), (b) (6) DEOCS (21 April 20)

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

[redacted]

[1175]B-6-2 [redacted] 12FEB20.
[1176]A-113-1, [redacted].

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

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

v. Four Squadron commanders indicated SHARP was not emphasized in their initial counseling. Two reported SHARP not being addressed during their initial counseling, one recalled it was not addressed in great detail, and one said SHARP was not discussed but there was a discussion on dignity and respect.[1180]

vi. (b) (7)(C), (b) (6) 3CR (b) (7)(C), (b) (6), stated he had to "fight to get SHARP included in the Commander's New Comer's Brief,"[1181] an engagement in which [redacted] introduces all new Soldiers to the unit and [redacted] Command priorities."[1182] [redacted] actions pertaining to SHARP were characterized as reactive vice proactive."[1183]

vii. (b) (7)(C), (b) (6) took appropriate action by publishing an EOAP in July 2020 to address trends identified in his APRIL 2020 DEOCS.[1184]

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

viii. (b) (7)(C), (b) (6) is credited for quickly reacting to a Squadron Commanders needs pertaining to significant SHARP related incidents.[1185]

(b) (b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

ii. (b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

iii. (b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

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

i. (b)(6), (b)(7)(C)

ii. (b)(6), (b)(7)(C)

Spanish or platoon sergeant trying to talk to a Soldier"; B-6-8, RES, (b)(6), (b), 01OCT19 DEOCS: pg 65, "Soldiers are not allowed to do anything for their careers that doesn't benefit the unit directly. We have two prior service Marines in my platoon and they are treated far worse than any of the other soldiers. If you didn't deploy with this company then you are not treated as an equal. It is like a high school clique. If you think differently than the leadership then you are automatically treated poorly/unfairly." Another Soldier's comments indicated some people who speak Spanish are treated better.

[1188]B-6-13, III CORPS Commanding General's Policy #3 (5 Jun 19): pg 3.

[1189]B-6-14, 3CR SHARP and SVC Policy #3 (6 JAN 20): pg 3, require all informal complaints of sexual harassment will be reported as soon as possible to the Regimental SARC and Regimental Judge Advocate; B-6-16, RES SHARP Policy #7 (29 May 2019): pg 3, states that SHARP issues will be taken directly to the Squadron level or Regimental SARC.

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

(b) (7)(C), (b) (6) 23 Apr 19			
Climate Factor	**Rating**	**Other Cavalry Unit (% +/-)**	**U.S. Army (% +/-)**
Trust in Leadership	**Caution [52%]**	70% [-18%]	75% [-23%]
Inclusion at Work	**Needs Improvement [43%]**	58% [-15%]	65% [-22%]
Sexual Harassment	**Caution [56%]**	68% [-12%]	75% [-19%]
Sexual Assault Prevention Climate	**Caution [55%]**	73% [-18%]	79% [-24%]
Sexual Assault Reporting Knowledge	**Needs Improvement [39%]**	51% [-12%]	60% [-21%]
Sexual Assault Response Climate	**Caution** [60%]	78% [-18%]	83% [-23%]
Sexual Assault Retaliation Climate	**Caution** [52%]	65% [-13%]	73% [-21%]
Sexual Harassment Retaliation	**Caution** [60%]	68% [-8%]	76% [-16%]
SUMMARY: 8/16 Needs Improvement; 8/16 Caution			

Needs Improvement (Below 50%) | Caution (50-69%) | Adequate (70-89%) | Excellent (90% +)

Figure 8-3: (b) (7)(C), (b) (6) DEOCS (23 April 19)

iii. (b) (7)(C), (b) (6) signed E/FST SHARP policies were requested from III Corps. III Corps was unable to provide E/FST SHARP policies signed by [redacted] It is likely they do not exist.

66. After careful consideration, I find by a preponderance of the evidence SPC Guillén's (b) (7)(C), (b) (6)) met minimum standards in training junior leaders how to manage sexual assault and sexual harassment complaints and how to lead and support Soldiers who make complaints.

(a) (b) (7)(C), (b) (6) met minimum standards for SHARP compliance IAW AR 350-1 requirements.[1190]

[1190] A-133-1, (b) (7)(C), (b) (6): pg 30, could not name [redacted] SARC but knew the SARC was viable resource; A-16-1, (b) (7)(C), (b) (6): pg 4, said "I do not. I just keep the SHARP phone number from the class that we had because they say you don't specifically have to go to your unit's SARC or whoever, which I probably

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

i. Interviews with 3CR Squadron and Troop Commanders revealed they were well versed in identifying behavior indicative of sexual assault and sexual harassment as well as the reporting types and the requirement for reprisal plans.[1191] When asked how to manage sexual assault and sexual harassment complaints and how to lead and support Soldiers who make complaints all indicated they would contact their collateral duty SARC,[1192] but did not identify leader specific steps to manage reports of sexual assault or sexual harassment.[1193] One troop commander noted, "I do not recall any specific training on how to lead and support Soldiers who make complaints."[1194]

ii. Interviews with eleven 3CR SARCs and VAs[1195] confirmed leaders at all levels engaged SHARP professionals after receiving reports of sexual harassment and sexual assault.

---

wouldn't anyways sol could get it from an outside point of view."; A-67-1, [redacted]: was not able to identify the SARC; See References: AR 350-1 directs leaders to refer AR 600-20 which mandates leaders use the HQDA published training support package.) The approved and posted HQDA training support package does not include specific material aimed at training junior leaders how to manage sexual assault and sexual harassment complaints and how to lead and support Soldiers who make complaints. Exhibit (Most recent training support package available for download at: https://atn.army.mil/sexual-harassment-assault-response-and-prevention/sharp-training, dated OCT 19. Soldiers could define sexual assault and sexual harassment as well as identify the SARC as a trusted resource; however, most could not name their SARC. This lack of knowledge was mitigated by Soldiers reporting they knew where to locate contact information.

[1191]A-A-2 [redacted]: pg 4, "Contact the SARC / VA and CID. Inform my chain of command. Employ a MPO if necessary."; A-A-4, [redacted]: pg 3&4, One critical factor is to ensure the identity of victim is protected." Actions required "Support the victim, inform them of choices he/she has, send CCIR, protect the victim, and follow the guidelines of the SARC and legal."; A-A-8, [redacted]: pg 4&5, "After events, [redacted] has always supported unit transfers of personnel, MPOs have always been put in place." "In the case of an assault, immediately contact CID for an investigation. For harassment, get the victim help through the unit SHARP Rep and victim advocate. Safety of the victim is the #1 priority.".

[1192]A-A-1 [redacted]: pg 4, "To immediately report it, I inform CID, a VA, and my HHQ about the incident."; A-A-[redacted]: pg 5, "I will report the complaint directly to the SQDN SARC. He and I have built an incredible relationship."; A-A-3, [redacted] pg 3, Beyond unit-led 350-1 training or the SHARP 360, little to none." It is not addressed during PME nor is it covered in PCC."; A-A-6, [redacted]: pg 6, When asked about actions required for receipt of sexual harassment or sexual assault said, "Notify the VA/SARC to ensure Soldier has an advocate to assist them with resources available to victim."; A-A-9, [redacted] pg 5, "If I receive the report, it immediately becomes unrestricted. I get the information fom the victim and refer them to the Squadron VA.".

[1193]A-A-15, [redacted] pg 5, "I will report the complaint directly to the SQDN SARC. He and I have built an incredible relationship."; A-A-16, [redacted]: pg 5, "Contact unit SHARP rep / victim advocate."; A-A-17, [redacted]: pg 5, "My first action is to speak with the Soldier and then to report it to the SARC/vicitm advocate and then to my Commander.".

[1194]A-A-5, [redacted]: pg 3, " I do not recall any specific training on how to lead and support Soldiers who make complaints.".

[1195]A-113-3 [redacted]

[redacted] (b) (7)(C), (b) (6)

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

Directed Question: Are prohibitions on retaliation and ostracizing Soldiers who do make complaints established and enforced in 3CR? How are the provisions enforced? Do Soldiers believe the Commander's policy is enforced?

67. After careful consideration, I find by a preponderance of the evidence that the (b) (6), (b) (7)(C), have established policies[1196] prohibiting retaliation and ostracizing of Soldiers who do make complaints. These policies outline the proper reporting procedures and explain how Soldiers will be protected from reprisal.

68. After careful consideration, I found no evidence during the course of this investigation documenting (b) (7)(C), (b) (6) had a signed E/FST SHARP policy.

69. After careful consideration, I find by a preponderance of the evidence that 3CR Commanders completed required reprisal plans.[1197]

70. After careful consideration, I find by a preponderance of the evidence that interviewed 3CR subordinate commanders, SARCs, and VAs believe the 3CR Commander's policy would be enforced;[1198] but most indicated they have yet to witness a situation of reprisal which required enforcement.

71. After careful consideration, I find by a preponderance of the evidence that 3CR Soldiers (E-1 through E-4) perceive the commander's policies were not enforced.

(a) SARCs/ VAs statements reveal Soldiers do not trust, or believe in, the SHARP program due to lack of first line leader advocacy,[1199] fear of

---

[1196]B-6-14, 3CR SHARP and SVC Policy #3 (6 JAN 20): states commanders will protect individual who file complaints from the presence or perception of intimidation, harassment, or reprisal; B-6-28, (b) (6), (b) (7)(C) EO Policy Letter 5: pg 5, Equal Opportunity Action Plan, Policy Letter #5, states the commander will not tolerate intimidation, harassment, retaliation, or any other form of reprisal against those exercising their lawful right to address their concerns.

[1197]B-6-19, MFR - 3CR SH Reprisal Plan Review: A review of 3CR sexual harassment complaint records show required reprisal plans addressed retaliation and were completed as needed. MFR.

[1198]A-46-1, (b) (6), (b) (7)(C); A-49-1, (b) (6), (b) (7)(C) A-60-1, (b) (6), (b) (7)(C) A-68-1, (b) (6), (b) (7)(C) A-A-1 thru A-A-19, Interviews with 3CR Squadron & Troop Commanders; A-B-1 thru A-B-7, Interviews with 3CR SARCs & VAs.

[1199]A-A-11, (b) (6), (b) (7)(C) pg 6, has not have any complaints in this squadron and believes "the (b) would ensure Troopers who come forward with complaints are not retaliated against."; A-A-15, (b) (7)(C), (b) (6): pg 4, When asked if HHQ has and would enforce prohibitions on retaliation and ostracizing said, "Yes, There is a current investigation on the mistreatment of Soldiers by a NCO who has retaliated / harassed a junior enlisted Soldier because of them coming forward. The (b) does not condone that type of behavior and takes care of it immediately; A-A-3, (b) (6), (b) (7)(C) pg 4, When asked if HHQ has and would enforce prohibitions on retaliation and ostracizing said, "Yes, (though I have never seen a situation that required enforcement."; A-A-9, (b) (6), (b) (7)(C) pg 4, The SCO's policy explicitly prohibits retaliation and ostracization, but I have never been witness to him having to enforce this policy. pg 4, The SCO's policy explicitly prohibits retaliation and ostracization, but I have never been witness to him having to enforce this policy;

retaliation,[1200] not believing the unit takes complaints serious,[1201] and the lengthy timeline for adjudication.[1202]

(b) After reviewing ten statements by 3CR SARC/VAs, it was noted junior enlisted Soldiers in 3CR perceive several barriers prohibit them from reporting sexual harassment and associated retaliatory behaviors. The Soldiers do not believe in the program,[1203] Soldiers do not trust in the legal process,[1204] have low morale,[1205] shame in telling their story,[1206] and report poorly vetted SARCs and VA erode trust.[1207] One Soldier stated, "Of course, it boils down to lack of trust in leadership and fear of not being 'one of the guys.'"[1208]

A-B-6, (b) (6), (b) (7)(C) pg 5, "There needs to be a better system, program or class. Soldiers Leadership and Command need to attend about the SHARP program, and make it mandatory that they need to pass. So they understand the program and how to take care of themselves and their Soldiers."; A-B-7, (b) (7)(C), (b) (6), (b) (7)(C), (b) (6): pg 2, has no firsthand knowledge of retaliation and has not heard of anyone witnessing it.

[1200]A-B-4, (b) (6), (b) (7)(C) pg 3, stated "Fear of reporting you think you will be labeled as a problem child.".

[1201]A-B-4, (b) (6), (b) (7)(C) pg 3, stated "Absolutely one being if were aware of an accusation against a superior, and no investigation was launch[ed] and no findings ever found.".

[1202]A-A-7, (b) (6), (b) (7)(C): pg 5, "The timeliness in the legal process are unacceptable and erode trust in the process."; A-B-7, (b) (6), (b) (7)(C) wrote, "The perception from soldiers is they worry about retaliation but, I have not heard them say witness any.".

[1203]A-60-1, (b) (6), (b) (7)(C) pg 19, When asked if Soldiers in the 3CR have confidence in the commander's program said, "I would say it is wavering." And (b) (6), (b) (7)(C) when asked if Soldiers in the 3CR have confidence in the commander's program said, "No, ma'am."; A-8-1, (b) (6), (b) (7)(C) pg 4, I get really passionate about this stuff because I see the stuff that goes on and I 'll admit to you all that when I talked to the independent review committee they asked me a number of questions, such as, do you feel that EO cases or Soldiers are under reporting? I said, we would be naive to think any differently. We would be naive to think that. We would be even more naive to think that this is going to change tomorrow. This is a process, this is not an okay, here's 20 dollars for your program, fix it. It's not like that, this is a heart issue, ma'am; A-B-6, (b) (6), (b) (7)(C) "Soldiers within the unit that believe sexual assault and harassment is not a real thing and how much it actually affects".

[1204]A-B-2, (b) (6), (b) (7)(C) pg 5, "The process of moving alleged sexual assaulters takes so long, soldiers lose hope."; A-B-6, (b) (6), (b) (7)(C) "The process of the investigation should be handled by a special unit. It is always the case where a brand new officer that is just available to conduct the investigation and they have no idea on what they are doing.".

[1205], B-6-7: pg 285, "I have been sexually harassed by 2 individuals in This Squadron. The first time I told my commander, 1SG, and XO and they didn't say anything, just made it disappear. then, they made him my immediate supervisor. I was scared to get raped for months. The second time I didn't tell anyone since I knew they wouldn't believe me anyways;" pg 288, "I've tried to make a report before. Absolutely nothing got done about it causing me to lose all faith in our leadership's ability to care for their soldiers. Now as my leadership gets to pretend nothing ever happened to make their lives easier, I deal with this every day" pg 273, "(b) need to attend sharp classes specially the NCOs. There have been some harassment cases that in the troop got ignored by senior leaders. Very upsetting to see how they deal more aggressively to other problems but this one. Now there is an ongoing harassment happening in the DFAC.".

[1206]A-51-1, (b) (6), (b) (7)(C) pg 33, says victims fear the shame and fear being not being believed. She also said, "I've been a brigade SARC. So, I wouldn't say a fear of being made fun of, just the shame. There is a lot of association of shame associated with being a victim of sexual assault."; A-B-4, (b) (6), (b) (7)(C).

[1207]A-B-2, (b) (6), (b) (7)(C) pg 3, "We had untrustworthy VAs… who ruined the program.".

[1208]A-B-5, (b) (6), (b) (7)(C) pg 3, "Of course. And it boils down to lack of trust in leadership and the fear of not being, 'one of the guys.'".

(c) Soldiers[1209] interviewed fear reprisal and/or retaliation. Soldiers do not "want a target on their back."[1210] Solders fear being ostracized after watching others file complaint. A RES Soldier stated she feared being ostracized because "I've seen it happen...a peer [filed] a complaint and everybody was like "You need to stay away, she's going to "SHARP" you."[1211]

(d) Data shared by the FHIRC and reviewed by this investigation showed Soldiers were underreporting due to fear of reprisal/retaliation or that nothing will be done. The general consensus for the 3CR E-1 thru E-4 male population was Fort Hood did not have a healthy environment with regards to sexual assault and harassment. This population felt like higher ranking NCOs get away with sexual misconduct, which affects morale and the environment. The major concerns for this population were lack of trust in leadership, lack of confidentiality, and that retaliation was a deterrent to reporting.[1212]

Directed Question: Are Soldiers in 3CR and specifically the RES, hesitant to make SHARP complaints or report allegations of assault or harassment to their leaders? Are Soldiers encouraged to make complaints if they have been assaulted or harassed?

72. After careful consideration, I find by a preponderance of the evidence that 3CR Soldiers, to include RES Soldiers are hesitant to make SHARP complaints or report allegations of sexual assault or sexual harassment to their leaders.

(a) Data shared by the FHIRC and reviewed by this investigation found a lack of trust as a reason Soldiers did not report sexual harassment. 3CR female Soldiers who were sexually harassed or sexually assaulted reported a lack of trust in leadership. If a Soldier told leadership sensitive information, it was not kept confidential. Leadership mistreated and degraded Soldiers. The same group fear a lack of punishment for perpetrators, which led female Soldiers to not want to report incidents of sexual harassment and sexual assault.[1213]

[1209]Soldiers interviewed consisted of 10 E/FST Soldiers, 5 RES Soldiers, as well as, 2 other 3CR Soldiers.
[1210]A-67-1, (b) (7)(C), (b) (6) pg 21, "I told Guillén that -- I was like, (b) (7)(C), (b) (6) said that you need to report this incident if you want it to like go up the chain" and then she was like, "Nah," she didn't want like a target on her back.".
[1211]A-3-1, (b) (6), (b) (7)(C) pg 20, said in referring to about someone being made to feel different "Yes. I've seen it happen. Everybody was like, "You need to stay away from (b) because she's going to SHARP you.".
[1212]B-6-22, MFR Fort Hood Independent Review Committee.
[1213]B-6-22, MFR Fort Hood Independent Review Committee: Examples of the fear of a lack of punishment include: Soldiers being told not to report because they will "ruin a good Soldier's career" or the offender was needed by the unit; Soldiers receiving insincere apologies from offenders; a Soldier reporting incident and being ostracized by the unit; Soldiers reporting incidents and nothing being done by leaders; and

(b) Statements from the ten 3CR SARCS and VAs support the FHIRC findings in regards to the lack of trust. The current 3CR (b)(6), (b)(7)(C) agreed, not a lot of service members trust in leadership, they do not feel like they're being targeted but it's more or less a loss of trust and confidence in the leadership.[1214] 3CR SARCs and VAs also believe Soldiers are hesitant to make complaints due to fear[1215] and a reliance on battle buddies.[1216]

(c) Soldiers[1217] interviewed stated they would not report.[1218] The same group of Soldiers reported low trust in their platoon and troop leadership. Soldiers are hesitant to make SHARP complaints because they do not trust their leaders. There is also hesitancy to report due to a lack of trust in command and low morale across all 3CR echelons.[1219]

(d) Soldiers are hesitant to report SHARP complaints because Soldiers do not trust their leaders to best act on their behalf, fear they will not be believed, and Soldiers also fear punishment for associated collateral misconduct. [1220]

Soldiers (perpetrators) receiving what is perceived as minor punishment, but being able to continue serving and being promoted.

[1214]A-68-1, (b) (6), (b) (7)(C) when asked about a climate where people feel like they are targeted, said "I wouldn't say targeted but the Soldiers, some of the Soldiers, I think they've lost confidence in the leadership." And agreed to the summarization of not a lot of service members trusting in leadership, [and] when asked, you said that you don't feel like they feel like they're being targeted but it's a loss of--more or less a functional loss in trust the leadership.

[1215]A-46-1, (b) (6), (b) (7)(C) , stated, "The only word that comes to mind is fear. Fear of not being believed. Fear of more retaliation--or more of the assault or whatever is happening to them. Fear of not being protected if they do say something." When asked further, the same VA reported collateral misconduct is a barrier to reporting. When asked further, the same VA reported collateral misconduct is a barrier to reporting.

[1216]A-60-1, (b) (6), (b) (7)(C) pg 6, noted Soldiers are hesitant to make complaints or report assault or harassment to their leaders and find it "easier to report it to a battle buddy than their leaders"..."but most of the time it dies with that battle buddy." he did note "but there are times where their battle buddy comes straight to me or straight to an EO or SARC."

[1217]There were seven E/FST and three RES Soldiers interviewed out of a total of 17.

[1218]A-133-1, (b) (6), (b) (7)(C); A-133-2, (b) (6), (b) (7)(C); A-169-1, (b) (6), (b) (7)(C) ; A-170-1, (b) (6), (b) (7)(C) ; A-17-1, (b) (6), (b) (7)(C); A-171-1, (b) (6), (b) (7)(C); A-20-1, (b) (6), (b) (7)(C) : pg 23; A-28-1, (b) (6), (b) (7)(C); A-3-1, (b) (7)(C), (b) (6) A-3-2, (b) (6), (b) (7)(C); A-55-2, (b) (6), (b) (7)(C) ; A-92-1, (b) (6), (b) (7)(C).

[1219]A-46-1, (b) (6), (b) (7)(C) pg 12, "Morale was ugly."; A-49-1, (b) (6), (b) (7)(C): pg 3, "and them not trusting that their leaders are actually going to take action."; A-51-1, (b) (6), (b) (7)(C); A-60-1, (b) (6), (b) (7)(C); A-68-1, (b) (6), (b) (7) pg 6, said "I think they've lost confidence in the leadership.".

[1220]A-113-1, (b) (6), (b) (7)(C): pg 20, when asked if Soldiers feel like the chain of command looks out for their best interests replied, "Not always.".

(e) The perception from Soldiers is that leaders do not take appropriate action,[1221] the legal process takes too long,[1222] leaders fail to follow up with victims,[1223] and the system lacks transparency.[1224] 3CR commanders acknowledge the reluctance to report is the result of perceived inactions.[1225]

73. After careful consideration, I find by a preponderance of the evidence 3CR leaders encourage reporting through their policies. The 3CR and RES commanders have policies committing to environments free from sexual harassment. In addition, both policies state sexual harassment allegations will be taken seriously.[1226]

Directed Question: Determine if there is a need for a command climate survey or other type of higher headquarter involvement into sexual harassment and/or sexual harassment reporting within the Regimental Engineer Squadron, 3CR.

74. After careful consideration, I find by preponderance of the evidence that another command climate survey is not required nor recommended.

75. After careful consideration, I find by preponderance of the evidence that higher headquarters involvement from 3CR is required to ensure compliance regarding RES sexual harassment and/or sexual harassment reporting. Commanders and leadership within 3CR need to adhere to current SHARP policies and increase command emphasis on known deficiencies.

76. After careful consideration, I find by preponderance of the evidence that since the summer of 2020 some commanders within 3CR are implementing successful SHARP Programs.

(a) As of summer 2020, 3CR Soldiers, current Squadron Commanders as well as new Troop Commanders report increased leader involvement in SHARP training.

[1221]A-A-11, (b) (6), (b) (7)(C) p. 5, believes one impediment to the SHARP program is the "Program is appropriately victim based. A disadvantage is what happens is not transparent to others in the unit, that leaders are taking action and the army is taking action [it is just not visible to all].
[1222]A-A-7, (b) (6), (b) (7)(C): pg 5, "The timelines in the legal process are unacceptable and continue to erode any trust in the process. While action is occurring in CID and legal channels and updates are not given to victims, a unit may have a subject remaining in the formation for over a year, if not longer."; A-A-9 (b) (7)(C), (b) (6), (b) (7)(C), pg 4, believes "The time it takes to conduct legal action on Fort Hood or investigations through CID with a legal review is exceptionally long.".
[1223]A-A-7, (b) (6), (b) (7)(C)
[1224]A-A-10, (b) (6), (b) (7)(C); A-A-11, (b) (6), (b) (7)(C); A-A-7, (b) (6), (b) (7)(C); A-A-9, (b) (6), (b) (7)(C).
[1225]A-A-1 thru A-A-19, Interviews with 3CR Squadron & Troop Commanders.
[1226]A-A-1 thru A-A-19, Interviews with 3CR Squadron & Troop Commanders: Commanders interviewed did not provide concrete examples of how they encourage Soldiers to make complaints aside from documenting and verbalizing their support in training session; B-6-14, 3CR Policy #3; B-6-15, RES SHARP Policy #6.

(b) (6), (b) (7)(C) credits (b) (6), (b) (7)(C) with implementing model squadron level SHARP programs.[1227]

(b) (b) (6) Squadron dedicated the collateral duty SARC to train full time until training deficiencies were addressed and used field time to address troops about SHARP. The impromptu session was well received by Troopers and fostered candid conversation.[1228]

(c) Most Troop Commanders who assumed command in summer of 2020 report there has been a positive SHARP culture.

Directed Question: Describe and assess all actions taken by SPC Guillén's command in response to her communications or complaints of sexual harassment.

For a thorough discussion of actions by SPC Guillén's chain of command, see Finding 62, above.

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

(a) (HQDA) The Army needs to provide leaders with succinct, consolidated SHARP policy including improved training and prevention measures. HQDA should review and rescind outdated SHARP policies, guidance, ARs and consolidate into a singular SHARP policy that is written at a level that company grade officers and NCOs can easily understand and implement. Re-evaluate whether SHARP training within professional military education curriculums are meeting the needs of intended audiences.

(b) (HQDA) Army SHARP policy must emphasize that Soldiers and leaders at all echelons should take immediate action when addressing allegations of sexual assault and sexual harassment - especially mandated actions. Policy must clearly define leader and Soldier obligations.

(c) (HQDA) Army SHARP training must emphasize that Soldiers and leaders at all echelons should take immediate action when addressing allegations of sexual assault and sexual harassment - specifically mandated actions. Training must clearly walk-thru leader and Soldier obligations.

(d) (HQDA) Recognize units with healthy and innovative SHARP programs through a highly visible, Army-level awards program, in addition to current annual SARC and VA recognition.

[1227] A-60-1, (b) (6), (b) (7)(C).
[1228] A-B-7, (b) (6), (b) (7)(C).

(e) (HQDA) Assess the value of a SHARP career path similar to Career Counselors (79S) to improve the continuity and stability of Military SARCS and VAs, as well as reduce the burdens of the long credentialing process and insufficient school slots.

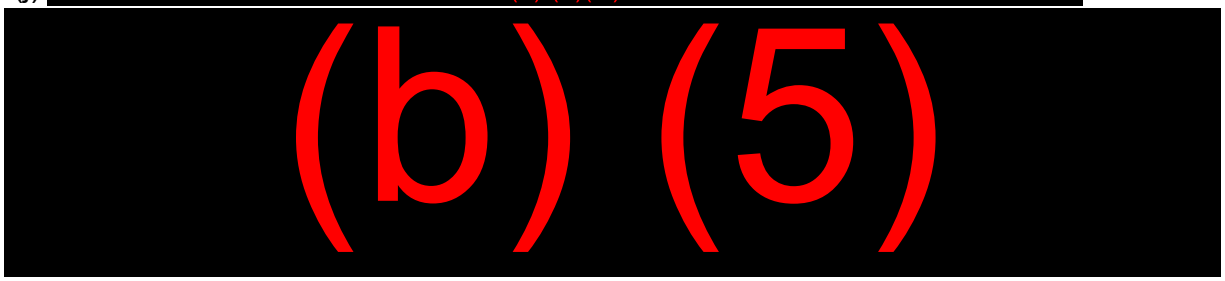
(f) (HQDA) Codify the rating chain for SARCs and VAs in a manner similar to EOAs.

(g) (HQDA) Consider the use of a database to track formal, substantiated sexual harassment offenders in the Army. Consider review of the sexual assault database, CATCH, as a model.

(h) (Installation-level) Senior Commanders should evaluate available SHARP resources on their installations to ensure efforts are synchronized and balanced. Some units and organizations will naturally have higher SHARP utilization rate than others. Senior Commanders should have a pulse on over- and under-utilization of programs and the authority to adjust SHARP assets as necessary.

(i) (Installation-level) Discourage the selection of initial entry Judge Advocates as Special Victims Counsel.

(j) (b) (7)(C)



(k) (Unit-level) To reduce re-victimization and ensure victim privacy, encourage unit commanders to use a cohesive SHARP team (SARC/VA/CHAP/JA/Medical) when responding to Soldier reports of sexual assault and harassment. Officially identify response team members and ensure all are properly trained using a victim centered response model.

(l) (Unit-level) Timely publish, visibly post, and discuss Teal# messages to increase Soldier awareness of justice served in Sexual Assault and Sexual Harassment cases.

f. **Findings and Recommendations Pertaining to LOI 7 - Personnel Assignments in 3CR.**

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

(1) **Standards of Determination.**

Army Regulations

AR 614-200, *Enlisted Assignments and Utilization Management* (25 January 2019), establishes guidance for the assignment, utilization, and transfer of enlisted Soldiers.

Paragraph 3-2 b. stipulates Soldiers being assigned to a life cycle management (LCM) unit must have at least 36 months of retainability upon arrival at the unit. Paragraph 3-2 l. mandates Enlisted Soldiers will be assigned to positions in accordance with applicable Department of the Army and Department of Defense policy.

AR 614-200, dated 25 JAN 2019 Enlisted distribution target model, Paragraph 3-5.

a. The Enlisted Distribution Target Model (EDTM) is an automated system that creates enlisted distribution targets by MOS, grade, and unit identification code (UIC). The model fills each UIC reflected in the personnel manning authorization document with projected available inventory from the MOS Level System according to the DCS, G–1 distribution policy.

b. The EDTM constrains the assignment process to coincide with the projected operating strength targets. It represents assets the Army realistically expects to be available for distribution. The model targets each UIC for fill according to the DCS, G–1 enlisted distribution policy. Therefore, the possibility exists (depending on the fill priority and projected inventory) for a unit to be targeted at less than authorized strength.

AR 614-100, dated 3 DEC 2019 Requisition of officers Paragraph 7-1 a. OPMD distributes officers by grade, skill, or specialty at the distribution management sublevel (DMSL) level. Installation SCs are responsible for the distribution of skill and grade under their authority at the local installation. Units will prioritize vacant positions within their command and request validation of their vacancies through OPMD.

AR 600-20, dated 6 NOV 2014 Paragraph 4-19 Treatment of Persons. The Army is a values-based organization where everyone is expected to do what is right by treating all persons as they should be treated – with dignity and respect. Hazing, bullying, and other behaviors that undermine dignity and respect are fundamentally in opposition to our values and are prohibited. This paragraph is punitive. Soldiers who violate this policy may be subject to punishment under the UCMJ. Whether or not certain acts specifically violate the provisions of this paragraph, they may be inappropriate or violate relevant civilian personnel guidance. Commanders must seek the advice and counsel of their legal advisor when taking actions pursuant to this paragraph.

AR 600-20, dated 6 NOV 2014 Paragraph 4-19,

c. Command responsibilities.

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

(1) Enforcement of this policy is the responsibility of commanders and supervisors at all levels.

AR 600-20, dated 6 NOV 2014 Appendix C Paragraph C-1 Entering the complaints processing system. a. Informal complaint.

(1) An informal complaint is any complaint that a Soldier or Family member does not wish to file in writing. Informal complaints may be resolved directly by the individual, with the help of another unit member, the commander or other person in the complainant's chain of command. Typically, those issues that can be taken care of informally can be resolved through discussion, problem identification, and clarification of the issues. An informal complaint is not subject to time suspense. Accumulative numbers may be reported to ACOMs, ASCCs, and/or DRUs per their request on all informal complaints resolved through commander's inquiry and/or AR 15–6 investigating officer. It is recommended that anyone working on the resolution of informal complaints should prepare a memorandum of record. The memorandum of record should include information indicating nature of complaint and identifying pertinent information to assist in the identification of unit's command climate.

AR 600-20, dated 6 NOV 2014 Hostile environment Paragraph 7-6b.
A hostile environment occurs when Soldiers or civilians are subjected to offensive, unwanted and unsolicited comments, or behaviors of a sexual nature. If these behaviors unreasonably interfere with their performance, regardless of whether the harasser and the victim are in the same workplace, then the environment is classified as hostile. A hostile environment brings the topic of sex or gender differences into the workplace in any one of a number of forms. It does not necessarily include the more blatant acts of "quid pro quo"; it normally includes nonviolent, gender-biased sexual behaviors (for example, the use of derogatory gender-biased terms, comments about body parts, suggestive pictures, explicit jokes, and unwanted touching.

AR 600-100, dated 5 April 2017, para 1-11(d) defines counterproductive leadership as combination of self-centered attitudes, motivations, and behaviors that have adverse effects on subordinates, the organization, and mission performance. To be classified as toxic, the counterproductive behaviors must be recurrent and have a deleterious impact on the organization's performance or the welfare of subordinates. An exacerbating factor may be if the behaviors demonstrate selfish reasons such as elevating one's own status, grabbing power, or otherwise obtaining personal gain. Counterproductive leadership behaviors prevent the establishment of a positive organizational climate, preclude other leaders from fulfilling their requirements, and may prevent the unit from achieving its mission.

AR 635-200, dated 19 DEC 2016 Paragraph 1-16 Counseling and rehabilitative requirements.

a. General. Army leaders at all levels must be continually aware of their obligation to provide purpose, direction, and motivation to Soldiers. It is essential that Soldiers who falter, but have the potential to serve honorably and well, be given every opportunity to succeed. Effective leadership is particularly important in the case of Soldiers serving their initial enlistments. Except as otherwise indicated in this regulation, commanders must make maximum use of counseling and rehabilitation before determining that a Soldier has no potential for further useful service and, therefore, should be separated.

b. Counseling. When a Soldier's conduct or performance becomes unacceptable, the commander will ensure that a responsible official formally notifies the Soldier of his/her deficiencies. At least one formal counseling session is required before separation proceedings may be initiated for one or more of the reasons specified in a, above. In addition, there must be evidence that the Soldier's deficiencies continued after the initial formal counseling.

(2) **Findings.**

Directed Question: How are NCOs assigned and reassigned within the 3CR, and within the squadrons?

77. After careful consideration, I find by a preponderance of the evidence that assignment and reassignment of NCOs within 3CR is as follows:

(a) Basic assignments are initiated at the Human Resource Command (HRC). HRC places personnel on assignment instructions to Fort Hood, then directly to the 3CR Distribution Management Sub-Level (DMSL) for NCOs in the rank of MSG (E-8) and below.

(b) HRC assignment instructions for NCOs in the rank of SGM (E-9) place the Soldier in a specific squadron.

(c) 3CR assigns NCOs in the rank of MSG (E-8) and below to subordinate units based on 3CR Personnel Services analysis to anticipate gains/losses 90-days out.

(d) The 3CR CSM verifies the analysis before inbound NCOs in the rank of MSG (E-8) and below are added to squadron-level gains rosters.[1229]

(e) Reassignment of NCOs in the rank of SGM (E-9) are approved by III Corps CSM.

[1229] A-64-1, (b) (6), (b) (7)(C) pg 1.

(f) Reassignment of NCOs in the rank of SSG (E-6) through MSG (E-8) are approved by the 3CR CSM.[1230]

(g) Reassignment of NCOs in the rank of CPL (E-4) through SGT (E-5) are coordinated between the respective squadron CSMs and respective First Sergeants.

Directed Question: Who in 3CR decides whether NCOs or officers need to be moved to rehabilitate their performance or leadership?

78. After careful consideration, I find by a preponderance of the evidence that the decision for NCOs or officers to be moved to rehabilitate their performance or leadership is as follows:

(a) Rehabilitative transfers for performance or leadership of NCOs in the rank of MSG (E-8) and below are coordinated between the respective squadron CSMs, the troop-level chains of command, and approved by the 3CR CSM.

(b) Rehabilitative transfers for performance or leadership of NCOs in the rank of SGM (E-9) are approved by the III Corps CSM.

(c) Rehabilitative transfers for company-grade officers, those in the grade of Second Lieutenant to Captain (O-1 to O-3), are approved by the 3CR Commander with input from the respective squadron commanders.

(d) Rehabilitative transfers for field-grade officers, those in the grade of Major (O-4) through Colonel (O-6), are approved by the III Corps Chief of Staff, who has oversight of the field-grade slate managed by the III Corps G1.[1231]

(e) Intra-post and rehabilitative transfers of NCOs outside of 3CR are approved by the III Corps CSM.

Directed Question: Who in 3CR decides whether the NCOs or officers will be moved to new leadership positions?

79. After careful consideration, I find by a preponderance of the evidence that the decision for NCOs or officers to be moved to a new leadership position is as follows:

(a) The 3CR CSM, with input from squadron CSMs, approves leadership positions for NCOs in the rank of SGT (E-5) through MSG (E-8).

[1230]A-26-1, (b) (6), (b) (7)(C) pg 1; A-27-1, (b) (6), (b) (7)(C) pg 2, "NCO SSG and above".
[1231]B-1-5, IIIC Terms of Reference.

(b) The III Corps CSM approves non-CSL leadership positions for NCOs in the rank of SGM (E-9).

(c) The 3CR Commander, with input from the respective squadron commanders, approves leadership positions for company-grade officers, those in the grade of Second Lieutenant to Captain (O-1 to O-3).

(d) The III Corps Chief of Staff, who has oversight of the field-grade slate managed by the III Corps G1, approves non-CSL leadership positions for field-grade officers, those in the grade of Major (O-4) through Colonel (O-6).[1232]

(e) HRC approves CSL leadership positions for NCOs in the rank of SGM (E-9) and field-grade officers.

Directed Question: Did someone decide to move (b) (7)(C), (b) (6) from one troop to another within the 3CR? If so, who, and what was the reason for his move?

80. After careful consideration, I find by a preponderance of the evidence that (b) (7)(C), (b) (6) decided to move (b) (7)(C), (b) (6) with an effective date of 15 February 2020. (b) (7)(C), (b) (6) approved the move. (b) (7)(C), (b) (6), jointly recommended the move with (b) (7)(C), (b) (6).

81. After careful consideration, I find by a preponderance of the evidence that (b) (7)(C), (b) (6) was aware of complaints against (b) (7)(C), (b) (6) leadership style, but it had no impact on (b) (7)(C) decision to move him.

(a) Upon being (b) (7)(C), (b) (6) on 1 October 2019, (b) (7)(C), (b) (6) occupied a (b) (6), (b) (7)(C) and became excess on the E/FST MTOE. From this date onward, (b) (7)(C), (b) (6) sought to move (b) (7)(C), (b) (6). However, (b) (7)(C), (b) (6) (b) (7)(C), (b) (6) requested to keep (b) (7)(C), (b) (6) through the unit's National Training Center (NTC) Rotation 20-02, as he had been part of the train-up. (b) (7)(C), (b) (6) agreed to leave (b) (7)(C), (b) (6) until after the NTC rotation. Statements by (b) (7)(C), (b) (6) (b) (7)(C), (b) (6) consistently refer to (b) (7)(C), (b) (6) being over strength / excess on the E/FST MTOE as motivation for the move.

(b) Speaking of (b) (7)(C), (b) (6) acknowledged that (b) (7)(C), (b) (6) "had issues with this Soldier and (b) (7)(C) got an (b) (7)(C), (b) (6) and (b) (7)(C) was disgruntled and that (b) (7)(C) complained about him."[1233]

[1232] B-1-5, IIIC Terms of Reference.
[1233] A-29-1, (b) (7)(C), (b) (6): pg 8, "Only that he had issues with this Soldier and (b) (7)(C), (b) (6) and (b) (7)(C) was disgruntled and that (b) (7)(C) complained about him.".

(c) (b) (7)(C), (b) (6) believed (b) (7)(C), (b) (6) was aware of (b) (7)(C), (b) (6) "aggressive and toxic" leadership, (b) (7)(C), (b) (6) told him, (b) (7)(C), (b) (6) would look after him, and see if anything changes, then we would take action."

(d) (b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

Directed Question: Who approved (b) (6), (b) (7)(C) to assume an additional leadership position?

82. After careful consideration, I find by a preponderance of the evidence that

(b) (7)(C), (b) (6), (b) (5)

Directed Question: Did the approval authority know of any complaints that had been made against (b) (6), (b) (7)(C)

83. After careful consideration, I find by a preponderance of the evidence that, (b) (6), (b) (7)(C), did not know of any complaints that had been made against (b) (6), (b) (7)(C)

84. After careful consideration, I find by a preponderance of the evidence that

(b) (7)(C), (b) (6), (b) (5)

(a) Statements by (b) (7)(C), (b) (6) indicate no one made (b) (7)(C), (b) (6), aware of (b) (7)(C), (b) (6) aggressive, counterproductive leadership-style despite having knowledge.

(b) (b) (7)(C), (b) (6) was unaware of the (b) (7)(C), (b) (6) filed against (b) (7)(C), (b) (6), (b) (7)(C), (b) (6), as IG notified the troop chain of command of complaints.[1236]

[1234] A-132-2, (b) (7)(C), (b) (6) pg 4, "I don't think it was more of a recommendation...".
[1235] A-29-1, (b) (7)(C), (b) (6): pg 1.
[1236] A-132-2, (b) (7)(C), (b) (6): pg 6.

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

(c) (b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

(d) (b) (7)(C), (b) (6), (b) (5)

(b) (7)(C), (b) (6), (b) (5)

Directed Question: Were there IG, EO, or other complaints filed against [redacted] before and / or after he was moved? If so, when, and what were the complaints and outcomes? (b)

85. After careful consideration, I find by a preponderance of the evidence that (b)(6), (b)(7)(C) -

(a) On 6 August 19, two IG complaints were filed, and later founded, against [redacted] for counterproductive leadership. On 9 August 19, [redacted] conducted a sensing session,[1238] and based on that session counseled (b) (7)(C), (b) (6) on his disrespect to NCOs, threats of demoting Troopers, UCMJ, and belittling of Soldiers in the maintenance section.[1239] On 19 August 19, [redacted] (b)(6), (b)(7)(C) on a memorandum for record.[1240]

(b) On 4 October 19, (b) (7)(C), (b) (6) received an informal EO complaint against [redacted] from [redacted] spoke to (b) (7)(C), (b) (6) about the complaint. [redacted] informed (b) (7)(C), (b) (6) that he would look into it. (b) (7)(C), (b) (6) said he would "talk to (b) (7)(C), (b) (6)."[1241] There is no evidence of action taken by (b) (7)(C), (b) (6) after receiving this allegation regarding (b) (7)(C), (b) (6). (b) (7)(C), (b) (6) (b)(6), (b)(7)(C) RES leadership was aware of the EO complaint by [redacted] against [redacted] prior to (b) (7)(C), (b) (6) transfer to a leadership position in the RSS.

86. (b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

[1237] A-132-2, (b) (7)(C), (b) (6): pg 4, "But monthly, (b) (7)(C), (b) (6) would sit down with the FST 1SGs, find out where the shift was because I had [redacted] in 91X40 position.".
[1238] B-7-2, 21-041 Release of IG Records Signed: pg 1; B-7-3, 21 -041 Redacted IG Complaint.
[1239] B-7-9, [redacted] 4856 Counseling.
[1240] B-7-4, EO Informal Complaint by (b)(6), (b)(7)(C)
[1241] B-7-4, EO Informal Complaint by (b)(6), (b)(7)(C)

(b) (7)(C), (b) (6), (b) (5)

Directed Question: Did (b) (6), (b) (7)(C) and Regimental Engineer Squadron leaders take appropriate action regarding any EO and IG complaints made (b) (7)(C), (b) (6) (b) (7)(C), (b) (6)?

87. After careful consideration, I find by a preponderance of the evidence that (b) (7)(C), (b) (6) (b)(6), (b)(7)(C) regarding two IG complaints, which were later founded, against (b) (7)(C), (b) (6). (b) (7)(C), (b) (6) (b) (7)(C), (b) (6) had the obligation not only to counsel (b) (7)(C), (b) (6), but develop a plan of action and assessment to correct the counterproductive leadership. The plan of action developed by (b) (7)(C), (b) (6) was for (b) (7)(C), (b) (6) to read an article on "toxic leadership" and be prepared to discuss it with (b) (7)(C), (b) (6). Objectively, the plan of action developed by (b) (7)(C), (b) (6) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), (b) (7)(C), (b) (6) conduct continued.

88. After careful consideration, I find by a preponderance of the evidence that there is no evidence to indicate (b) (7)(C), (b) (6) (b)(6), (b)(7)(C) against (b) (7)(C), (b) (6) for an informal EO complaint by (b)(6), (b)(7) They had the obligation to investigate and remove (b) (7)(C), (b) (6), from a position of trust.[1242]

89. After careful consideration, I find by a preponderance of the evidence that (b) (7)(C), (b) (6) (b)(6), (b)(7)(C) (b) (7)(C), (b) (6) (b)(6), (b)(6), (b)(7)(C) (b)(7)(C) counterproductive leadership style. Although (b)(7)(C) was (b) (7)(C), (b) (6) (b) (7)(C), (b) (6) (b) (7)(C), (b) (6) (b)(6), (b)(7)(C) (b) (7)(C), (b) (6), (b)(6), (b)(7)(C) (b) (7)(C), (b) (6) (b) (7)(C), (b) (6) continually exposed to the negative environment created by (b) (7)(C), (b) (6) Moreover, (b) (7)(C), (b) (6) (b)(6), (b)(7)(C) (b) (7)(C), (b) (6) counterproductive leadership style ensured when it came time to move (b) (7)(C), (b) (6), (b) (7)(C), (b) (6) did not have documentation to consider.

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

(a) (b) (5)

(b) III Corps / Fort Hood Commander enforces the standards for counseling and rehabilitative requirements outlined in AR 635-200 paragraph 1-16.

(c) HQDA support the effort of DASA(E&I) to utilize the Integrated Case Reporting Systems (currently being used by SHARP) as the system of record for

[1242]See References: AR 600-20, Appendix C, para. C-1(a)(5); include EO reg to remove from position of trust.

formal, informal, and anonymous Equal Opportunity complaints. This process should be expedited and made available to EOAs at the brigade and above level to enable them to track trends of subordinate units.

(d) HQDA require all informal EO complaints at the unit level be recorded in an MFR by the EOL and submitted to the EOA within 72 hours of receipt of the complaint.

g. **Findings and Recommendations Pertaining to LOI 8 - Arms Rooms Procedures in 3CR.**

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

(1) **Standards of Determination.**

The standard for maintaining an arms room are derived from multiple documents: Department of Defense Instruction (DODI) 5200.08, DODM 5200.08, DODM 4140.01, DODM 5100.76, Army Regulation (AR) 190-11, AR 190-51, AR 710-3, DA Pam 710-2-1, FH Reg 190-8, FH Reg 700-15, DES Physical Security Checklist, and associated unit arms room SOPs. Aggregation of these various regulations and policies, assigns responsibility to commanders at each echelon to ensure necessary security mechanisms are in place to safeguard Arms, Ammunition, and Explosives (AA&E). The security mechanisms should also prevent the pilferage, theft, and wrongful destruction of sensitive and non-sensitive AA&E. Primary security measures include lock and key control, open / closing and intrusion detection alarm monitoring, inventories, inspections, and any other measures deemed suitable by the commander responsible for the security of the items involved.

Department of Defense Policy

Department of Defense Instruction (DODI) 5200.08: Security of DoD Installations and Resources and the DoD Physical Security Review Board (PSRB), provides guidance on securing DoD installations and resources and directs commanders to prepare, clearly post, and enforce the security orders and regulations issued. Paragraph 3 3.2. prescribes a DoD commander, the authority to take reasonably necessary and lawful measures to maintain law and order and to protect installation personnel and property. Paragraph 3 3.4. Commanders at all levels have the responsibility and authority to enforce appropriate security measures to ensure the protection of DoD property and personnel assigned, attached, or subject to their control.

Department of Defense Manual (DODM) 5200.08: Physical Security Program: Access to DoD Installations Paragraph 1.2 Policy, subparagraph a "Commanders have authority to take reasonably necessary and lawful measures to protect installation property and personnel…"

Department of Defense Manual (DODM) 4140.01: DoD Supply Chain Materiel Management Procedures: Operational Requirements, Paragraph 1.2 Policy, subparagraph i. directs the components to maintain "accountability, control, and DoD-wide visibility of materiel throughout the DoD supply chain, with the required level of physical protection and identification of the materiel at minimal cost." Paragraph 1.2 Policy, subparagraph k. directs the application of "the highest levels of accountability, control, visibility, protection, and identification to the stewardship of controlled inventory items (CII)." Paragraph 1.2 Policy, subparagraph k. explains that the DoD is required to "catalog and control, with an accountable record, all materiel recurrently used, bought, stocked, or distributed."

Department of Defense Manual (DODM) 5100.76: Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives (AA&E), prescribes minimum

standards and criteria for the physical security of DoD sensitive conventional AA&E in the custody of any DoD. Paragraph 1: Purpose: "Establishes requirements to protect sensitive conventional AA&E stored at DoD activities adequately during peacetime conditions." Paragraph 8: Suitability and Screening for Access to AA&E directs "DoD Components shall be selective in assigning personnel to duties involving the control of AA&E."

Department of the Army Regulations and Pamphlets

AR 190-11 implements DODM 5100.76 and prescribes standards and criteria for the physical security (PS) of sensitive conventional arms, ammunition, and explosives (AA&E) in the custody of any Department of the Army (DA) component. This regulation also prescribes policy, procedures, and standards, and assigns responsibilities for the effective implementation and application of PS of AA&E. The regulation contains internal control provisions in accordance with AR 11–2 and identifies key internal controls to include key and lock controls (para. 3-8) and IDS measures (para. 4-2). The regulation does not provide guidance on opening and closing procedures. Supplementation of AR 190-11 is prohibited without prior approval from the Provost Marshal General (DAPM–MPD–PS). Although supplementation (adding requirements) is prohibited, the regulation does not prohibit commanders from implementing prescribed requirements through SOPs. SOPs, derived from and nested with Army regulations and other policies, can prescribe detailed, local instructions on how to execute a task that may not be addressed in explicit detail in the regulation.

AR 190-11 3-8.a prescribes a key control training program will be developed to train responsible personnel in key and lock control responsibilities and procedures. Training will be comprehensive and provide an understanding of key and lock control and protection requirements. Training will be conducted on an annual basis. 3-8.b prescribes that keys will be signed out to authorized personnel, as needed, on a key control register.

AR 190-11 3-8.d requires that keys to locks securing key containers have equivalent protection as the container. The keys to AA&E storage buildings, rooms, racks, containers, and IDS maintained separately from other keys and accessible only to those whose official duties requires access to them.

AR 190-11, 3-8.o requires locks and their keys will be inventoried by serial number semiannually by a disinterested person not responsible or authorized unaccompanied access to AA&E, and inventory records will be secured in the key safe / depository and retain in unit files for a minimum of one year. Subparagraph 3-8.r prohibits the use of master or keyed alike locks.

AR 190-11, 4-2.e (2)(a) requires Category II IDS protected facilities to conduct security patrols within intervals not to exceed 8 hours.

AR 190-11, 4-14 requires major parts of arms, such as barrels and major subassemblies, will be afforded at a minimum, the same protection as Category IV arms.

AR 190-11, 4-19.a requires unaccompanied access by personnel to the arms storage facility will be authorized only after the completion of a satisfactory undergone screening requirements in paragraph 2-11. 2-11.b requires commanders to determine the reliability and trustworthiness of personnel before they are assigned duties involving control of AA&E, to include unaccompanied access, those who receive and issue AA&E or issue and control keys to AA&E facilities. 2-11.d requires that commanders will deny access when doubt exists as to personnel's reliability and trustworthiness.

AR 190-51 implements DODI 5200.08 by establishing physical security policies, procedures, and standards for the safeguarding of U.S. Army resources. It provides guidance for protection of both sensitive and non-sensitive resources.

AR 710-3 implements applicable provisions of DODM 4140.01 and DLM 4000.25–2–M. It establishes policy, responsibilities, and procedures for Department of the Army asset and transaction reporting systems, and focuses on reporting requirements at all levels. The regulation directs maintaining visibility of all stock record and property book accounts for small arms / light weapons (SA / LW) serial numbers

DA Pam 710-2-1 provides unit and / or organization manual supply procedures for manually requesting, receiving, accounting for, issuing, and turning in supplies.

III Corps & Fort Hood Regulations

III Corps & Fort Hood Regulation 190-8 (2011) Chapter 7, Paragraph 7-1: *Arms Room Administration.*

The Fort Hood DES Physical Security Arms Room Book and SOP Template was established to help units in the set up and operation of their arms rooms. DES Physical Security branch employed the basic minimum standards of the regulations described above to develop the arms room SOP template. Commanders are encouraged to add additional requirements / directives to their arms room SOPs to increase the security of their arms rooms.[1243]

Troops are required to insert the following documents into the SOP template to establish their unit Arms Room SOP:

1) Commander's Assumption of Command Orders

[1243]B-8-10, DES Arms Room Book and SOP Template : pg 2, "This Arms Room Book was established to help units in the set up and operation of their arms room. The basic minimum standards were applied by the DES Physical Security, in the make up of this book. Commanders are encouraged to add-to this book and all regulations to increase the security of their arms rooms".

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

2) Fort Hood Form 190-101
3) Construction Statement
4) Unit SOP with DES Stamp
5) Access Rosters (Including both Unaccompanied and Accompanied)
    Unaccompanied Access to Arms Room Roster
6) SF 700: Security Container Information
7) SF 701: Activity Security Checklist
8) SF 702: Security Container Check Sheet
9) Appointment Orders
    Primary Armorer
    Alternate Armorer
    Physical Security/Arms Room Officer
    SARP/Arms Bench Stock Custodian
    Seal Custodian Appointment Orders
10) Original PRS&E (DA Form 7708)
    UKLC Personnel Reliability Screening and Evaluation
    Armorer Personnel Reliability Screening and Evaluation
11) Armorer Certificate
12) Hand Receipt
    Monthly Serial Number Inventories
    DA Form 2062 for Opening Inventory
    DA Form 2062 for Closing Inventory
    DA Form 2062 for UKLC Locks
    DA Form 5513: Key Control Register and Inventory
13) Authorization of Storage of other than Arms, Ammunition, and Explosive
14) Issue Procedure
    Property Issues and Turn-in Register
15) Master Authorization list (MAL)
16) Key Control Procedures
    Primary Unit Key and Lock Custodian (UKLC)
    Alternate Unit Key and Lock Custodian (UKLC)
    Unaccompanied Access and Authorization to Issue Primary and Alternate Depository Keys
    Authorization to Receive Primary and Alternate Depository Keys
    DA Form 5513: Key Control Register and Inventory
17) POW/POA Storage Memo
18) Ft Hood Reg 190-11, Appendix B
    DA Form 2062 for POW/POA
    FH Form 190-19, POF Registration
19) SARP
20) Previous Inspection Results
21) Commander's Report of Action Taken
22) Command Emergency Entrance Procedure (CEEP)

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

3CR Key Control SOP

The 3CR Physical Security SOP paragraph (u) establishes the regiment's key control policy. The paragraph directs commanders to appoint UKLC officers and NCOs, and directs commanders to conduct local background checks on UKLCs. The paragraph directs all keys and locks be controlled and issued IAW AR 190-51, and arms room keys and locks be additionally controlled and issued IAW AR 190-11, Chapter 3.

A/RES Arms Room SOP

The A/RES Arms Room SOP consists of the Fort Hood DES Arms Room SOP template. As required by the DES Arms Room SOP template, A/RES has inserted the documents listed above into the appropriate tabs.

(2) **Findings.**

Directed Question: What are the 3CR Arms Room operating procedures for daily opening and closing of Arms Rooms?

90. After careful consideration, I find by a preponderance of the evidence that neither 3CR nor the RES had regimental or squadron-level operating procedures for daily opening and closing of arms rooms. However, this is not in violation of statutory and regulatory requirements.

(a) No statutory or regulatory requirement was found in DODI 5200.08, DODM 4140.01, DODM 5100.76, DLM 4000.25-2, Army Regulation (AR) 190-11 (2019), AR 190-51 (2019), AR 710-3, or DA Pam 710-2-1 that would require 3CR or the RES to have a policy / SOP governing arms room operations or daily opening and closing procedures.

91. After careful consideration, I find by a preponderance of the evidence that troops and batteries within the regiment amalgamated operating procedures for daily opening and closing of arms rooms from a variety of requirements. These procedures are the de facto 3CR procedures.

(a) Accountability of arms, ammunition, and explosives (AA&E) is maintained at the company-level. Troops and batteries of the regiment, responsible for their respective arms rooms, did have operating procedures for daily opening and closing of arms rooms. These procedures are therefore the de facto 3CR procedures.

(b) As described in the Standards of Determination, statutory and regulatory requirements for accountability of arms, ammunition, and explosives (AA&E) are scattered across various physical security and key control documents. These documents include, but are not limited to: DODI 5200.08, DODM 4140.01,

DODM 5100.76, DLM 4000.25-2, Army Regulation (AR) 190-11 (2019), AR 190-51 (2019), AR 710-3, and DA Pam 710-2-1.

(c) In addition to the DoD and Army-level documents above, III Corps & Fort Hood Regulation 190-8 (2011) Chapter 7, Paragraph 7-1: *Arms Room Administration* specified general duties of the armorer and provided guidance on conducting arms room activities. The regulation briefly outlined arms room opening procedures.

(d) Step-by-step instructions on opening and closing procedures were received by the armorer in a briefing by the Intrusion Detection System (IDS) system administrator at the time the armorer was issued a valid PIN number.

(e) This situation requires troop-level armorers to comply with an unwritten amalgamation of various requirements scattered across DoD and Army-level regulations and policies, III Corps & Fort Hood Regulation 190-8, and instructions provided in a briefing by the IDS system administrator. As the complete procedure is not captured in writing, armorers learn these operating procedures from the daily opening and closing of arms rooms.

92. After careful consideration, I find by a preponderance of the evidence that the de facto 3CR operating procedures for daily opening and closing of arms rooms were as follows:

(a) To open the arms room, the Unit Key and Lock Custodian (UKLC) issues the arms room keys from the key depository in the company/troop-level orderly room to the armorer.[1244] The UKLC and armorer document the transfer on DA Form 5513: *Key Control Register and Inventory*.[1245] Upon reaching the arms room, the

[1244]A-108-1, (b) (6), (b) (7)(C) pg 1, "We usually have to get the keys from the commander or the unit's key control. We usually have to sign on a DA Form 5515 to sign the keys out. Once you get the keys, you make your way to the arms room"; A-124-1, (b) (6), (b) (7)(C) pg 2, "…to open the arms room you need one of the unit key control custodians who can go over and withdraw the arms rooms keys [from] Ops."; A-74-1, (b) (6), (b) (7)(C) pg 2, "I would go into the XO's office when he showed up to sign out the arms room key".
[1245] A-108-1, (b) (6), (b) (7)(C) pg 1,"We usually have to sign on a DA Form 5515[3] to sign the keys out"; A-12-1, (b) (6), (b) (7)(C) pg 2, "The XO was the one to issue the keys to Robinson."; A-34-1, (b) (6), (b) (7)(C) : pg 1, "I met with SPC Robinson the morning of 22APR2020 and issued him the keys"; B-8-12, FTH Regulation 190-8: Chapter 7-1 (2) pg12, "Signs for all keys required for the daily operations of the arms room from the unit key and lock custodian or the unit commander" and App D-2, pg 57, "Maintain a key control register at all times to ensure continuous accountability for keys of locks used to secure government property"; See References: AR 190-51 Chapter 7-1, App D-2, pg 57, "Maintain a key control register at all times to ensure continuous accountability for keys of locks used to secure government property"; See References: AR 190-51, App D-2 (2-3,5), Make certain that personnel designated to issue, receive, and account for keys in their absence, clearly understand local key control security requirements; (3) Maintain a key control register at all times to ensure continuous accountability for keys of locks used to secure Government property; (5) When a key control custodian or alternate need to sign for a key(s) they will have the other key control custodian sign the key(s) over to them on a key control register. App

armorer initials and documents the date and time of the arms room opening on the exterior Standard Form 702: *Security Container Check Sheet*.[1246] After opening the arms room door, the armorer closes and locks the door behind them and inputs their issued IDS PIN number.[1247] The armorer then conducts a 100% inventory, to include ammunition and privately owned weapons, documenting the opening inventory on DA Form 2062: *Hand Receipt/Annex Number* as "For Opening Inventory Purposes Only" at the top of the form.[1248] The armorer then opens the arms room issuing/receiving window to conduct arms room operations.[1249]

(b) At the end of arms room operations, the armorer conducts a 100% visual and physical inventory.[1250] After the completion of the inventory, the armorer ensures all weapon racks and internal padlocks were locked, and documents the closing inventory on DA Form 2062: *Hand Receipt/Annex Number* as "For Closing

---

D-3, pg 57, "Keys will be signed out to authorize personnel in person, not digitally on a key control register. The key control register, DA Form 5513 (Key Control Register and Inventory) is approved for use to meet the requirements of this regulation.".

[1246]A-108-1, (b) (6), (b) (7)(C) pg 1, "There's a form outside that you have to put your initials on and the time that you opened the arms room"; A-74-1, (b) (6), (b) (7)(C) pg 2, "Once you fill that form out you can stick it back in the sleeve, ... so once you do that just lock it up and then that same form that you filled on the outside"; B-8-12, FTH Regulation 190-8: Chapter 7-1 (4) pg 12, "Annotates the opening of the facility on a SF 702 (Security Container Checksheet)".

[1247]A-108-1, (b) (6), (b) (7)(C) pg 2, "You open it and close the door behind yourself, you input your pin, once you input your pin…"; A-124-1, (b) (6), (b) (7)(C) pg 2, "…go down to the arms room, open the door, punch in their pin, does what needs doing in the arms room"; A-74-1, (b) (6), (b) (7)(C) pg 3, "would put my pin in and turn the lights on I will put my keys in my pocket, close the door and deadbolt the door"; B-8-12, FTH Regulation 190-8: Chapter 7-1 (5) pg 12, "Opens the arms room, enters PIN, and locks themselves within the arms room".

[1248]A-108-1, (b) (6), (b) (7)(C) pg 1, "…you can begin the opening inventory…We conduct the open inventory…"; A-74-1, (b) (6), (b) (7)(C): pg 3, "And from there I would open the cages and count the weapons in the arms room… And for the opening and closing it's the same paperwork it's a 2062"; B-8-12, FTH Regulation 190-8: Chapter 7-1 (6) pg 12, immediately conducts a visual count of arms and ammunition, including privately owned weapons and ammunition. This inventory will be recorded on DA Form 2062 and marked, For Opening Inventory Purposes Only" at the top of the form".

[1249]A-108-1, (b) (6), (b) (7)(C) pg 1, "We sign out weapons and we have to sign them out on a 2062 and a Ft Hood Form 550. Sign the weapons out or if we are waiting for someone to bring weapons back we will wait for them as well"; A-74-1, (b) (6), (b) (7)(C) pg 3, "And then I would issue out what this or whatever they needed me to do".

[1250]A-108-1, (b) (6), (b) (7)(C) pg 2, "When closing the arms room up you usually can get an NCO or an Officer to come down and do a weapons count and close it out, sir… Once they do the closing inventory, counting everything…"; A-124-1, (b) (6), (b) (7)(C) pg 2, "…we have another NCO come in and preform a count before they close it. To close the arms room is the same [opening] process in reverse"; A-74-1, (b) (6), (b) (7) [redacted] pg 3, "And then I would bring that NCO down and open the arms room back up, we would inventory everything by number and make sure everything was all there.", "I would secure the arms room, go find my NCO and let them know I need an arms room close out. And then I would bring that NCO down and open the arms room back up, we would inventory everything by number and make sure everything was all there.".

Inventory Purposes Only" at the top of the form.[1251] The armorer inputs their issued IDS PIN number, exits and closes the arms room door, and locks it with an approved high-security padlock and hasp.[1252] The armorer initials and documents the arms rooms closing on the exterior Standard Form 702, and relinquishes the arms room keys to the UKLC.[1253] The armorer and UKLC sign and date the DA Form 5513.[1254] The UKLC then returns the keys to the key depository in the company/troop-level orderly room.

93. After careful consideration, I find by a preponderance of the evidence that de facto 3CR operating procedures for daily opening and closing of arms rooms were in compliance with established higher headquarters' published standards and directed procedures.

(a) The 3CR physical security plan, titled *3CR Security Plan*, has a Key and Lock Control section which directs troop and battery commanders to appoint a UKLC Officer / NCO on orders at the troop and battery-level. The plan also directs troop and battery commanders to ensure that a DA Form 7281: *Command Oriented Arms, Ammunition, and Explosives (AA&E) Security Screening and Evaluation Record*, also known as a local file check, is conducted on all UKLCs that issue and receive AA&E keys, to include arms room keys. Lastly, the plan directs all keys and locks will be controlled and issued IAW AR 190-51 and that arms room keys and locks will be controlled and issued IAW AR 190-11, Chapter 3, and AR 190-51.

(b) Troops and batteries within 3CR relied on the III Corps & Ft Hood Regulation 190-8 Chapter 7, an unmodified DES Arms Room SOP template, and a briefing by the Intrusion Detection System (IDS) system administrator at the time the

[1251]A-74-1, (b) (6), (b) (7)(C) pg 3, "And for the opening and closing it's the same paperwork it's a 2062 that we just marked down. We would sign that and have accountability of everything and then I would proceed to lock up the cages".
[1252]A-108-1, (b) (6), (b) (7)(C): pg 2, "Once they do the closing inventory, counting everything, you make sure all the weapon racks are locked, put your pin in, close the arms room…"; A-74-1, (b) (6), (b) (7)(C): pg 3, "…insert my pin, and close the arm[s room] door…".

[1254]See References: AR 190-51, App D-2 (2-3,5), Make certain that personnel designated to issue, receive, and account for keys in their absence, clearly understand local key control security requirements; (3) Maintain a key control register at all times to ensure continuous accountability for keys of locks used to secure Government property; (5) When a key control custodian or alternate need to sign for a key(s) they will have the other key control custodian sign the key(s) over to them on a key control register. App D-3, pg 57, "Keys will be signed out to authorize personnel in person, not digitally on a key control register. The key control register, DA Form 5513 (Key Control Register and Inventory) is approved for use to meet the requirements of this regulation.".

armorer was issued a valid PIN number to establish the operating procedures for daily opening and closing of arms rooms.

(c) Therefore, the de facto 3CR operating procedures for daily opening and closing of arms rooms are derived from and nested with DoD, Army, III Corps, and installation physical security regulations and policies.

Directed Question: What were the opening and closing procedures used for the A/RES Arms Room on 22 April 2020?

94. After careful consideration, I find by a preponderance of the evidence that the opening and closing procedures used for the A/RES Arms Room on 22 April 2020 were as follows:

(a) On 22 April 2020, SPC Robinson reported to the (b) (6), (b) (7)(C) [redacted], to get the keys for A/RES arms room.[1255] (b) (6), (b) (7)(C) retrieved the arms room keys from the key depository located in the troop orderly room and issued the key to SPC Robinson.[1256] Neither (b) (6), (b) (7)(C) nor SPC Robinson signed for the arms room keys on DA Form 5513: Key Control Register and Inventory as prescribed by AR 190-51.[1257] SPC Robinson annotated 1000 on the arms room's exterior Standard Form 702 and input his issued IDS PIN to disable the arms room alarm at 1001.[1258] There is no evidence SPC Robinson closed and locked the arms room door behind him or executed an opening inventory as prescribed by AR 190-51.

(b) On 22 April 2020, there is no evidence SPC Robinson executed a closing inventory as prescribed by AR 190-51. At 1113, SPC Robinson input his issued IDS PIN to arm the arms room alarm.[1259] The lack of intrusion detection events surrounding this time on the IDS log indicates he closed the arms room door within 30 seconds of 1113. He documented the arms room closing as 1100 on the exterior Standard Form 702. This discrepancy means he either committed a procedural error by updating the Standard Form 702 before inputting his issued IDS PIN, or he performed the correct procedure, but falsely documented the Standard Form 702. SPC Robinson returned the arms room keys to the (b) (6), (b) (7)(C)

[1255]A-34-1, (b) (6), (b) (7)(C) : pg 1, "I met with SPC Robinson, the morning of 22APR2020.".
[1256]A-34-1, (b) (6), (b) (7)(C) : pg 1, "I met with SPC Robinson, the morning of 22APR2020 and issued him the keys"; A-34-3, (b) (6), (b) (7)(C) : pg 2, "I was the one who issued the keys. I issued the keys to Robinson".
[1257]A-34-3, (b) (6), (b) (7)(C) : pg 1, "I believed he [SPC Robinson] had logged the book in the Ops office, but forgot to check and sign the issue before leaving"; B-8-2, DA Form 5513: Key Register and Inventory.
[1258]B-8-1, Intrusion Detection System (IDS) Log : pg 79; B-8-3, Standard Form 702: Security Container Checksheet.
[1259]B-8-1, Intrusion Detection System (IDS) Log : pg 79.

(b) (6), (b) (7)(C) .[1260] (b) (6), (b) (7)(C) returned the keys to the key depository in the orderly room.[1261] Neither SPC Robinson nor (b) (6), (b) (7)(C) annotated the time the keys were returned on the DA Form 5513 as prescribed by AR 190-51.[1262]

95. After careful consideration, I find by a preponderance of the evidence that the opening and closing procedures used for the A/RES Arms Room on 22 April 2020 were not in compliance with de facto 3CR operating procedures for daily opening and closing of arms rooms. Specific deficiencies are as follows:

(a) (b) (6), (b) (7)(C) and SPC Robinson failed to document the issuing of the arms room keys on a DA Form 5513 as prescribed by AR 190-51 and III Corps & Fort Hood Regulation 190-8.

(b) There is no evidence that SPC Robinson closed and locked the arms room door behind him or executed an opening inventory as required by AR 190-8.

(c) There is no evidence that SPC Robinson executed a closing inventory.

(d) SPC Robinson annotated 1100, an incorrect time, on the exterior Standard Form 702. He either committed a procedural error by updating the Standard Form 702 before inputting his issued IDS PIN, or he performed the correct procedure, but falsely documented the Standard Form 702.

(e) (b) (7)(C), (b) (6) and SPC Robinson failed to document the turning in of the arms room keys on a DA Form 5513 as prescribed by AR 190-51 and III Corps & Fort Hood Regulation 190-8.

<u>Directed Question</u>: Were there any supplemental Regimental, Squadron, or Troop-level arms room procedures in effect in April 2020?

96. After careful consideration, I find by a preponderance of the evidence that there were no supplemental regimental, squadron, or troop-level arms room procedures in effect in April 2020. The lack of any supplemental procedures was in compliance with higher headquarters established standards and guidance.

<u>Directed Question</u>: Specifically, were there any special procedures in effect for the A/RES Arms Room?

97. After careful consideration, I find by a preponderance of the evidence that there were no special procedures in effect for the A/RES Arms Room on 22 April 2020.

[1260] A-12-1, (b) (6), (b) (7)(C): pg 2, (b) (6), (b) (7)(C) asked me to stay a bit to get the keys from Robinson. I agreed and a few minutes later Robinson came in with the keys…".
[1261] A-12-1, (b) (6), (b) (7)(C): pg 2, "…I grabbed them and threw them in the bucket. I did not sign them in either".
[1262] A-12-1, (b) (6), (b) (7)(C): pg 2, "I did not sign them in either".

(a) After his appointment as [redacted], [redacted] established a security measure to have an NCO present during the closing of the arms room.

(b) As COVID-19 restrictions went into effect, [redacted] suspended his requirement for NCO presence during the arms room closing to maximize compliance with "shelter in place" guidelines.

(c) As the presence of an NCO was not required by established higher headquarters' published standards and directed procedures, the special procedures [redacted] put in place, and suspended, remained in compliance.

Directed Question: Were there any deviations from the required opening or closing procedures used for the A/RES Arms Room from the first "shelter in place" order at Fort Hood up to and including on 22 April 2020?

98. After careful consideration, I find by a preponderance of the evidence that there were deviations from the required opening or closing procedures used for the A/RES Arms Room from the first "shelter in place" order at Fort Hood up to and including on 22 April 2020. The deviations are a result of [redacted], [redacted] RES Key Control SOP requirements. The deviations are as follows:

(a) The A/RES DA Form 5513: *Key Control Register and Inventory*, has no annotations between 8 April 2020 and 1 May 2020. There is no record of the A/RES arms room keys being signed out or returned to the key depository on 22 April 2020. This is a failure on the part of the [redacted]

i. SPC Robinson and [redacted], failed to properly document receipt / relinquishment of arms room keys from / to [redacted]

ii. [redacted], [redacted] issuing / receiving arms room keys to / from unit armorers.

iii. [redacted] issuing / receiving arms room keys to / from the unit armorers.

(b) [redacted] clearly established a pattern of failure for arms room key control. Comparison of the A/RES DA Form 5513 and the IDS log for April revealed that A/RES personnel did not sign the DA Form 5513 every time the arms room was opened or closed for the day. The A/RES DA Form 5513 has only two entries for arms room opening and closing annotations on 6 April and 8 April. IDS logs indicate A/RES Arms Room was opened six times in April: 6, 8, 9, 22, 23, and 27 April. This is not in compliance with AR 190-51 Appendix

D (2019), the 3CR Physical Security Plan, the RES Physical Security Plan and A/RES Arms Room SOP.

(3) **Additional Findings.**

(a) After careful consideration, I find by a preponderance of the evidence that the Directorate of Emergency Services (DES) Physical Security deviated from a regulatory requirement by not inspecting RES Arms Rooms since 2017.

i. DES PS has the responsibility to ensure that deviations from established security requirements are systematically and uniformly identified and approved at the proper level of command. Waivers and Exceptions are deviations from specific security requirements prescribed by AR 190-11 (Physical Security of Arms, Ammunition, and Explosives). Exceptions and waivers will not be used to reduce or eliminate minimum security requirements. Exceptions to regulatory requirements can only be approved by the regulation proponent (Office of the Provost Marshal General (OPMG)). Waivers can be approved for temporary relief from a specific requirement pending actions to conform to the requirement. Waivers can be granted at the local level not to exceed 60 days. Local waivers can be extended by the responsible ACOM an additional 30 days or sent to the OPMG requesting a waiver up to 12 months and only extended after a review of the circumstances that necessitate the extension.

ii. On March 2019, (b) (6), (b) (7)(C) , requested an exception to policy (ETP) to postpone 3CR arms room inspections for 2018 and 2019 due to mission requirements. DES PS granted the ETP.[1263] A/RES arms room was last inspected on was last inspected 22 Mar 2017.[1264]

iii. DES PS granted the ETP; however, could not provide evidence that they granted the request.[1265] DES does not have the authority to deviate from a regulatory requirement solely based on the unit's mission requirements.[1266]

[1263]B-8-4, (b) (6), (b) (7)(C) Request to Reschedule Physical Security Inspections Memo.
[1264]B-8-7, A/RES Physical Security Inspection Report 22Mar17 pg1.
[1265]B-8-5, Email from DES granting (b) (6), (b) (7)(C) Request for an ETP for arms room inspections .
[1266]See References: AR 190-11: The proponent, the Provost Marshal General, has the authority to approve exceptions or waivers to this regulation. Chapter 2-4 Security Criteria Deviation Program: A waiver may be approved for temporary relief from a specific requirement prescribed in this regulation pending actions to conform to the requirement. A waiver may be approved for a period not to exceed 12 months and extended only after a review of the circumstances that necessitate the extension. Exception. An exception may be approved for permanent relief from a specific requirement prescribed in this regulation. Approve exceptions only when correction of the deviation is adjudged to be not feasible or cost–effective and only after a most careful and critical evaluation of the facts in the case.

iv. On 3 March 2020, DES PS inspected all seven RES arms rooms. Of the seven arms rooms inspected, three failed. A/RES arms room was one of the four that passed; however, the inspector documented key control deficiencies.

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

(a) III Corps / Fort Hood enforce AR 190-11, AR 190-51, and III Corps & Fort Hood Regulation 190-8 physical security inspection and key control requirements.

(b) Fort Hood DES, consolidate and produce arms room opening and closing procedures found in III Corps & Fort Hood Regulation 190-8 and the IDS briefing, providing a step-by-step reference for tenant armorers.

(c) Revise AR 190-11 to consolidate all relevant arms room regulations. The consolidation should include: administrative requirements and activities, physical security, key and inventory controls, reporting, and other arms room procedures. This consolidation of regulations may prevent misinterpretation of requirements and procedures for arms room activities.

(d) Revise AR 190-11 to consolidate and produce arms room opening and closing procedures found in DoD and Army regulations, providing a step-by-step reference for unit armorers (minus local, installation-level procedures).

(e) Senior Commanders, direct installation DES to require an arms room policy/SOP at each echelon of command below installation/Division, to include prescribed activity standard operating procedures, internal controls, and oversight at each echelon of command. This will enable comprehensive visibility at all command levels of all regulatory requirements and corresponding nested document requirements.

(f) Senior Commanders, direct installation DES to update installation physical security regulations (e.g., III Corps & Fort Hood Regulation 190-8) in order to consolidate and produce arms room opening and closing procedures, providing a step-by-step reference for tenant armorers. Arms room opening and closing procedures start with the UKLC retrieving and issuing the key to the unit armorer, and end with the UKLC securing the key in the depository, after the unit armorer relinquishes the keys.

h. **Findings and Recommendations Pertaining to LOI 9 - Alleged Sexual Harassment by SPC Robinson.**

(1) **Standards of Determination.**

AR 600-20 chapter 7 outlines how commanders and supervisors carry out their responsibilities regarding the prevention of sexual harassment. Specifically, para 7-2(c) states that commanders and supervisors will: "Continually assess and be aware of the climate of command regarding sexual harassment. Identify problems or potential problems. Take prompt, decisive action to investigate all complaints of sexual harassment. Either resolve the problem at the lowest possible level or, if necessary, take formal disciplinary or administrative action. Do not allow Soldiers to be retaliated against for filing complaints. Continually monitor the unit and assess sexual harassment prevention policies and programs at all levels within area of responsibility. Ensure all leaders understand that if they witness or otherwise know of incidents of sexual harassment, they are obligated to act."

Paragraphs 7-4a(3) and 7-4b, AR 600-20 published in 2014 and in effect when harassment was alleged, states sexual harassment is a form of gender discrimination that involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature between the same or opposite genders when— Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

AR 600-20 para 7-6(c) defines hostile environment as an environment when Soldiers or civilians are subjected to offensive, unwanted and unsolicited comments, or behaviors of a sexual nature. If these behaviors unreasonably interfere with their performance, regardless of whether the harasser and the victim are in the same workplace, then the environment is classified as hostile. A hostile environment brings the topic of sex or gender differences into the workplace in any one of a number of forms.

In addition to the requirements of AR 600-20, a further explanation of sexual harassment includes the victim's perception. DODI 1020.03 states, "There is no requirement for concrete psychological harm to the complainant for behavior to constitute sexual harassment. Behavior is sufficient to constitute sexual harassment if it

is so severe or pervasive that a reasonable person would perceive, and the complainant does perceive, the environment as hostile or offensive.

According to HQDA SHARP Program Annual Refresher Training, based on the Prevention of Sexual Harassment and Sexual Assault Annex of the Army People Strategy, sexual harassment / sexual assault directly affects the "Readiness" of the Army. Left unchecked it degrades readiness and effectiveness if preventative measures are not taken. Attitudes within the operational environment that allow, or enable, forms of harassment may foster more egregious behaviors. The behaviors associated with sexual harassment fall within a continuum of intolerable, unprofessional behaviors which may increase the likelihood of sexual assault. The continuum viewed left to right depicts acceptable behaviors required to sustain a professional work environment. As negative, counterproductive behavior escalates and increases in severity towards the right, so does the risk for sexual harassment and sexual assault within a unit. Early warning signs are: a counterproductive atmosphere; inappropriate jokes / comments; excessive flirting; disparaging comments on social media; and sexual harassment. Continuous leadership engagement and intervention is required to maintain a healthy environment and to stop inappropriate behavior before it can negatively impact the unit. Leaders are expected to conduct engagement and intervene throughout to ensure a professional work environment.[1267]

(2) **Findings.**

Directed Question: What were the facts and circumstances, surrounding the alleged sexual harassment of (b) (7)(C), (b) (6) by SPC Aaron Robinson, sexual harassment complaint and command response, and reporting allegations to CID?

99. After careful consideration, I find by a preponderance of the evidence that SPC Robinson verbally and non-verbally sexually harassed (b) (7)(C), (b) (6), creating an intimidating, hostile, or offensive environment; the command did not comply with policy regarding a sexual harassment complaint and response; and further investigation by CID is required.

(a) From approximately April 2019 to September 2019, SPC Robinson verbally and non-verbally sexually harassed (b) (7)(C), (b) (6) through a clear progression of events, cell phone text solicitations, in-person encroachments, and potential stalking. These actions by SPC Robinson created a hostile work environment where (b) (7)(C), (b) (6) felt threatened and unsafe. This solidified (b) (7)(C), (b) (6) perception of sexual harassment.[1268]

[1267]https://atn.army.mil/getmedia/4fec229a-325e-429e-8dee-d2ee5fea6ce1/SHARP-Annual-Training-Instructor-Pack-(V12-0).pdf.
[1268]A-28-1, (b) (7)(C), (b) (6): pg 2-4&11; A-72-1, (b) (7)(C), (b) (6): pg 2-3&5-6; B-9-1, (b) (7)(C), (b) (6) Texts.

(b) (b) (7)(C), (b) (6), (b) (5)

(c) On 2 July 2020, Fort Hood CID was contacted telephonically by [redacted] and notified of the sexual harassment allegation against SPC Robinson. [redacted] was aware that [redacted] contacted CID, but is not aware of whom [redacted] spoke with or when.[1270]

(d) On 6 August 2020 [redacted] made an informal complaint of SPC Robinson's sexual harassment to [redacted] (b) (7)(C), (b) (6). The command has not conducted a follow-up with [redacted], and [redacted] is unaware of the status of [redacted] complaint.[1271]

(e) Even though SPC Robinson is deceased, the command is obligated to investigate this matter as it directly relates to the climate of the unit.

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

(a) Fort Hood CID investigate this matter further.

(b) U.S. Army Criminal Investigation Command (USCIC) should review and update its policies on properly receiving and referring complaints of sexual harassment, as well as keeping complainants properly informed of the status of the referral.

(c) [redacted] (b) (7)(C), (b) (6), (b) (5)
[redacted]

[1269] A-28-1 [redacted]: pg 4, 6&7; A-72-1, [redacted]: pg 3; A-96-1, [redacted]: pg 5&7; B-9-2, B-9-2.
[1270] A-28-1, [redacted]: pg 5&6, 13; A-72-1, [redacted]: pg 4; B-9-2, B-9-2.
[1271] A-28-1, [redacted] pg 6, 12&14; A-72-1, [redacted]: pg 4.

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

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

a. [redacted].

(1) [redacted]

(2) [redacted]

[redacted]

(1) [redacted]

[redacted]

c. [redacted].

(1) [redacted]

[redacted]

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

(1) (b) (7)(C), (b) (6), (b) (5)

(2) (b) (6), (b) (7)(C), (b) (5)

(3) (b) (6), (b) (7)(C), (b) (5)

(b) (7)(B), (b) (7)(C), (b) (5)

(1) (b) (6), (b) (7)(C), (b) (5)

(2) (b) (6), (b) (7)(C), (b) (5)

(3) (b) (6), (b) (7)(C), (b) (5)

f. (b) (6), (b) (7)(C), (b) (5).

(1) (b) (6), (b) (7)(C), (b) (5)

g. (b) (6), (b) (7)(C), (b) (5). I recommend providing relevant portions of this investigation to [redacted] chain of command for whatever action, if any, the chain of command deems appropriate. This is

only a recommendation, and should not be construed to deprive any commander of his or her authority to exercise independent discretion to take any authorized action at his or her level, to include taking no action at all.

(1) (b) (6), (b) (7)(C), (b) (5)

(2) (b) (7)(C), (b) (6), (b) (5)

(3) (b) (6), (b) (7)(C), (b) (5)

(4) (b) (6), (b) (7)(C), (b) (5)

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

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

h (b) (6), (b) (7)(C), (b) (5).

(1) (b) (6), (b) (7)(C), (b) (5)

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

(2) (b) (6), (b) (7)(C), (b) (5)

(3) (b) (6), (b) (7)(C), (b) (5)

(4) (b) (6), (b) (7)(C), (b) (5)

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

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

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

i. (b) (6), (b) (7)(C), (b) (5).

(1) (b) (6), (b) (7)(C), (b) (5)

(2) (b) (6), (b) (7)(C), (b) (5)

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

j. [redacted] (b) (6), (b) (7)(C), (b) (5)

(1) [redacted] (b)(6), (b)(7)(C)

k. [redacted] (b) (6), (b) (7)(C), (b) (5)

(1) [redacted] (b) (7)(C), (b) (6), (b) (5)

(2) [redacted] (b) (7)(C), (b) (6), (b) (5) (b) (7)(C), (b) (6), (b) (5)

l. [redacted] (b) (6), (b) (7)(C). I recommend providing relevant portions of this investigation to [redacted] (b) (6), (b) (7)(C) chain of command for whatever action, if any, the chain of command deems appropriate. This is only a recommendation, and should not be construed to deprive any commander of his or her authority to exercise independent discretion to take any authorized action at his or her level, to include taking no action at all.

(1) Reference Finding 60, [redacted] (b) (6), (b) (7)(C) exhibited clearly unacceptable conduct by sexually harassing SPC Guillén.

(2) Reference Finding 63, [redacted] exhibited clearly unacceptable conduct by fostering a hostile work environment through routine unprofessional interaction with and harassment of Soldiers.

m. [redacted] (b) (6), (b) (7)(C). I recommend providing relevant portions of this investigation to [redacted] (b) (6), (b) (7)(C) chain of command for whatever action, if any, the chain of command deems appropriate. This is only a recommendation, and should not be construed to deprive any commander of his or her authority to exercise independent discretion to take any authorized action at his or her level, to include taking no action at all.

(1) [redacted] (b) (6), (b) (7)(C), (b) (5)

(2) [redacted] (b)(6), (b)(7)(C)

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

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

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

n. (b) (6), (b) (7)(C).

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

o. (b) (6), (b) (7)(C). I recommend providing relevant portions of this investigation to chain of command for whatever action, if any, the chain of command deems appropriate. This is only a recommendation, and should not be construed to deprive any commander of his or her authority to exercise independent discretion to take any authorized action at his or her level, to include taking no action at all.

(1) (b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

p. (b) (6), (b) (7)(C).

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

q. (b) (6), (b) (7)(C), (b) (5).

(1) (b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

This Page Intentionally Left Blank

FCCG
SUBJECT: AR 15-6 Investigation - Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillén and other specific topic areas.

10. The POC for this memorandum is (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

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

JOHN M. MURRAY
General, USA
Investigating Officer

7 Encls
1-3. as
4. Graphical Timelines
5. Hierarchy of U.S. Army Ran
6. Glossary
7. Exhibit Listing

DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY FORCES COMMAND
4700 KNOX STREET
FORT BRAGG, NC 28310-5000

AFCG

MAR 5 2021

MEMORANDUM FOR RECORD

SUBJECT: Attachment to DA Form 1574-1 – Fort Hood AR 15-6 Investigation

1. I reviewed the investigation regarding Fort Hood's command involvement in, and response to, the disappearance and death of SPC Vanessa Guillen, the 3CR SHARP program and command climate, and the alleged sexual harassment of SPC Guillen and allegations of sexual harassment against SPC Robinson. I have also reviewed the matters submitted by each of the three respondents in the rank of MAJ or above IAW AR 15-6, para 2-8(c).

2. I approve findings 1-12, 13(b)-(c), 14-18, 21-40, 41(a)-(c), 42-45, 46(a)-(h), 47, 48(b) & (d), 49(a)-(f), 50-54, 55(a)-(c) 56, 58, 60, 62(a) & (b), 63, 65(a) & (c), 66-81(c), 83, 84(a) & (b), 85, and 87-98, 99(a), (c)-(e).

3. I disapprove findings 13(a), 19, 20, 57, 61, 62(c) & (d), 65(b), 81(d), 84(c), and 86.

4. I approve the following modified findings:

a. Finding 13: After careful consideration, I find by a preponderance of the evidence that there is no record at the Squadron level of the exact number of personnel present in the Squadron footprint on 22 April, the date of SPC Guillén's disappearance.

b. Finding 41: After careful consideration, I find by a preponderance of the evidence that 3CR command teams determined that SPC Guillén was involuntarily absent as early as 27 April 2020, and took appropriate and reasonable action but HRC / CMAOD guidance led them to believe they lacked sufficient evidence to support a DUSTWUN / Missing status determination IAW AR 638-8.

c. Finding 46: After careful consideration, I find by a preponderance of the evidence that MG Efflandt, Commander of Task Force Phantom and Acting Senior Commander of Fort Hood, did not follow Army policy, which requires timely and accurate information be released to the public, a proactive approach with local audiences, and correction of inaccurate information in the information space. MG Efflandt misjudged the significance of the disappearance of SPC Guillén as a high-profile event and failed to inform and educate the public in a timely manner and react appropriately to the incident over time.

AFCG
SUBJECT: Attachment to DA Form 1574-1 – Fort Hood AR 15-6 Investigation

d. Finding 48: After careful consideration, I find by a preponderance of the evidence that (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)

48(a): The Guillén family has stated that (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)

48(c): (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)

e. Finding 49: After careful consideration, I find by a preponderance of the evidence that MG Efflandt, Commander of Task Force Phantom and Acting Senior Commander of Fort Hood, failed to effectively engage the media early despite numerous indicators. This inaction also failed to inform and educate the public and resulted in critical damage to the reputation of Fort Hood with the surrounding community and the Nation.

f. Finding 55: After careful consideration, I find by preponderance of the evidence SPC Guillén reported one incident of perceived sexual harassment by (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) to two NCOs, one of whom was her (b)(6), (b)(7)(C)
Additionally, SPC Guillén made statements to multiple Soldiers about the sexual harassment by (b)(6), (b)(7)(C)

AFCG
SUBJECT: Attachment to DA Form 1574-1 – Fort Hood AR 15-6 Investigation

g. Finding 59: After careful consideration, I find by a preponderance of the evidence that [redacted]

59(a): [redacted]

59(b): [redacted]

h. Finding 62: After careful consideration, I find by preponderance of the evidence that [redacted]

i. Finding 65: After careful consideration, I find by a preponderance of the evidence that SPC Guillén's [redacted]

j. Finding 82: After careful consideration, I find by a preponderance of the evidence that the decision to move [redacted]

k. Finding 84: After careful consideration, I find by a preponderance of the evidence that [redacted]

84(d): The decision to move [redacted]

AFCG
SUBJECT: Attachment to DA Form 1574-1 – Fort Hood AR 15-6 Investigation

I. Finding 99: After careful consideration of the evidence, I find by a preponderance of the evidence that SPC Robinson verbally and non-verbally sexually harassed [redacted] creating an intimidating, hostile, or offensive environment: [redacted]

99(b): [redacted]

5. I approve a substitution of finding 64 with the following finding:

After careful consideration, I find by a preponderance of the evidence that [redacted]

(a) [redacted]

(b) [redacted]

(c) [redacted]

(d) [redacted]

AFCG
SUBJECT: Attachment to DA Form 1574-1 – Fort Hood AR 15-6 Investigation

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

6. I approve the following additional findings:

a. Additional Finding 1: After careful consideration, I find that there is no evidence SPC Guillén filed a complaint alleging sexual harassment and therefore, no one in the chain of command, unit, or outside the unit, failed to properly report IAW RES SHARP Sexual Harassment Complaint Policy #6, RES SHARP Program Policy Letter #7, 3CR Policy #3, or AR 600-20.

b. Additional Finding 2: On or about 23 April 2020, SPC Guillen's family informed (b)(6), (b)(7)(C) that SPC Guillén complained to her family of being harassed at work. (b)(6), (b)(7)(C) specifically asked whether it was sexual in nature, and a family member clarified that it was not.

c. Additional Finding 3: [redacted] first learned from [redacted] in an email on or about 8 June 2020 that SPC Guillen complained of harassment to her family.

d. Additional Finding 4: In June 2018, upon learning of allegations of sexual harassment of SPC Guillén, (b)(6), (b)(7)(C) appointed an investigation which was not completed at the time of this investigation.

7. Recommendations.

a. I approve the following recommendations in subparagraph 8 of the investigation: a.(3)(a); b.(3)(c), (f), (g), (h); e.(3)(h), (k); f.(3)(b); g.(4)(a), (b), (e) & (f).

b. I disapprove the following recommendations:

(1) Subparagraph 8.f.(3)(a);

(2) Subparagraph 9: b.(2) & (3); c; e.(2) & (3); k.(2); m.(1); and q

AFCG
SUBJECT: Attachment to DA Form 1574-1 – Fort Hood AR 15-6 Investigation

c. I approve the following recommendations, as modified below:

(1) 8.e.(3)(j) - (Unit-level) Commanders must be involved in their SHARP program, as a method to assess the climate of their organizations. This includes all AR 600-20 requirements, as well as verifying leader-led SHARP training is prioritized in conjunction with their SARC and VAs. Commanders should also ensure SARCs and VAs are fully engaged as key staff members.

(2) 8.h.(3)(c) - 3CR must ensure [redacted] is informed of the status of [redacted] complaint. 3CR will coordinate with CID regarding this investigation.

(3) 9.d.(1) - Reference Finding 65, as the [redacted] (b)(6), (b)(7)(C)

(4) 9.g.(2) – modify the reference to "finding 65(c)."

(5) 9.i.(1) & (2) – modify the reference to "finding 64(c)."

(6) 9.k.(1) – modify the reference to "finding 64(d)."

d. I approve the following additional recommendations:

(1) Direct FORSCOM staff to review and update existing accountability guidance to align with Army standards, expectations, and intent on personnel accountability under pandemic conditions.

(2) Direct FORSCOM commanders, down to the Company/Troop level, to review and spot-check their established accountability, communication, and reporting procedures for units operating under reduced or minimal manning due to HPCON or other pandemic-related restrictions.

(3) Direct FORSCOM commanders, down to the Company/Troop level, to review their own established CCIRs and Senior Leader Misconduct reporting requirements, to ensure appropriate notification procedures are in place.

e. I have forwarded the following recommendations in subparagraph 8 to Director, Army Staff, for consideration:

(1) LOI 2: a.(3)(b);

(2) LOI 3: b.(3)(b), (d), (i);

AFCG
SUBJECT: Attachment to DA Form 1574-1 – Fort Hood AR 15-6 Investigation

(3) LOI 4: c.(3)(a)-(h);

(4) LOI 5: d.(4)(a)-(h);

(5) LOI 6: e.(3)(a)-(g), (i), & (l);

(6) LOI 7: f.(3)(c) & (d);

(7) LOI 8: g.(4)(c) & (d)

f. I have forwarded recommendations 8.b.(3)(a), and 8.h.(3)(a) & (b) to the Commander, USCIC, for consideration. Additionally, I direct the SJA to forward LOI 9 of this investigation to the Commander, USCIC, for consideration on initiating an investigation pursuant to the IO recommendation.

g. I have forwarded recommendation 8.b.(3)(e) to Commander, IMCOM, for consideration.

h. Recommendations Against Individuals. The investigating officer's recommendations against MG Efflandt and [redacted] have been forwarded to their respective disciplinary authority for consideration and action. Based on disapproval or modification of relevant findings, the recommendations against [redacted] are disapproved. All remaining recommendations against individuals, not otherwise noted above, are approved. Unless I have specifically withheld authority, the recommendations will be forwarded to the appropriate commander for action.

7. I direct the SJA to forward LOI 3 of the investigation to The Adjutant General to determine whether the CMAOD provided guidance consistent with AR 638-8, or if CMAOD guidance undermined the DUSTWUN / Missing Soldier processes established by AR 638-8.

8. I authorize the FORSCOM SJA to approve release of this investigation to personnel with an official need-to-know based on their relationship with impacted personnel.

9. The point of contact is the FORSCOM Military Law Division at 910-570-5919.

[redacted]

MICHAEL X. GARRETT
General, U.S. Army
Commanding