

ATTACHMENT 3

PLAINTIFF'S EXHIBIT NUMBER 21

Declaration of Chief Rick Stone

officer for the Dallas Police Department in Dallas, Texas. During my career in Dallas I served as an Officer, Field Training Officer, Sergeant, Lieutenant, Captain, and Division Commander. As a member of the Dallas Police Department, my duty assignments included Patrol, Community Services Division, Special Operations Division, Detention Services Division, Report Division, Planning and Research Division, Training and Education Division, Records Division, and the Office of Chief of Police. I participated in the 1976 House Select Committee on Assassinations investigation into the assassination of President John Kennedy. In 1984 I commanded the Presidential Hotel Response Teams for President Ronald Reagan during the Republican National Convention. As a Division Commander in Dallas, I commanded the Planning and Research Division, the Training and Education Division, and the Records Division. During my tenure in Dallas, I graduated from the FBI National Academy, the Southwestern Law Enforcement Institute of Command and Management, the United States Secret Service Dignitary Protection School and numerous other training programs including the identification of criminal offenders by developing profiling techniques. While assigned as the commander of the Planning and Research Division, I developed the "Random Incident Statistical Correlation System" (RISC) for use in predictive policing and testified before a United States Congressional Committee regarding the police use of deadly force. In Dallas, I was nominated as the International Association of Chiefs of Police/Parade Magazine Officer of the Year, the Dallas Police Department Officer of the Year (twice) and was the recipient of over 100 citizen and supervisory commendations. I retired from the Dallas Police Department with almost 16 years of service. My medals in Dallas include the Police Medal of Valor, the Certificate of Merit, the Police Commendation Award, the Police Commendation Award with Star, the Life Saving Award, and multiple lesser medals.

Following my retirement from the Dallas Police Department, I was appointed as the Chief of Police for the City of Wichita, Kansas. While in Wichita, I adapted the RISC system for use in profiling criminal offenders and worked with the FBI on homicide investigations in which I used this system to develop profiles on suspected serial killers. While in Wichita, I graduated from the FBI Law Enforcement Executive Development School and the University of Colorado's Rocky Mountain Program for Senior Executives. In 1991, I was named the United States Department of Justice Marshal's Service national "Law Enforcement Officer of the Year". I retired from the Wichita Police Department with over six years of service as the Chief of Police. My medals in Wichita included the Distinguished Service Medal and other lesser awards.

Following my retirement from the Wichita Police Department I served as a member of the faculty of Wichita State University where I was nominated for the Board of Trustees' "Excellence in Teaching Award" and the "Academy for Effective Teaching Award". I am the author of numerous professional magazine articles, several managerial handbooks, and one novel. I served on the faculty at Wichita State University until I was appointed as the Chief of Police for the City of Hollywood, Florida. I retired from the Hollywood Police Department with three years of service as the Chief of Police. My medals in Hollywood included the Community Involvement Award, the Educational Achievement Awards, and other lesser awards.

In 2010, I completed my Master of Science degree in Administration of Justice, Summa Cum Laude, from Salve Regina University in Newport, Rhode Island and later accepted the appointment to JPAC as previously noted. My Master's thesis was titled "Using Historical Research and Statistical Analysis to Develop a Predictive Profile". At JPAC, I personally completed over 175 major case investigations into missing American servicemen from World

War II. As the Deputy Chief of the World War II Research and Investigation Branch, I also supervised the case investigations of many other incidents of missing servicemen from that conflict. During my service at JPAC, I was a recipient of the Department of Defense Joint Meritorious Unit Award.

At present, I serve as the Chairman of the Board of Directors of the Chief Rick Stone and Family Charitable Foundation. The Foundation was established in 2006 to encourage ethical leadership, support charitable purposes, promote education, and lessen the burdens of government by supporting public safety and combating unethical conduct, crime and corruption. I currently provide oversight of the Foundation's educational efforts to conduct continuing investigations into the cases of missing American servicemen and women from World War II.

I have reviewed the records related to the matter of PVT Arthur H. Kelder, including my own personal files and those provided to me by Mr. John Eakin (Plaintiff). Based on this review, I state the following:

Statement of Facts

- 1) On 22 February 2012, Mr. Johnie Webb, Deputy to the Director of JPAC, requested that I personally investigate the cases associated with JPAC Incident 425 and prepare investigative reports on my findings. The stated purpose of Mr. Webb's request was for me to "take a new look" and apply a different approach to analyze the cases associated with JPAC Incident 425 which would not simply duplicate the methodology used to generate materials already in the record for these cases. JPAC Incident 425 is the number assigned to the burials in Grave Number 717 of the Cabanatuan POW camp during World War II. There are ten "unresolved" individuals who remain unaccounted for who were

recorded in wartime documents as buried in this grave and ten sets of remains that were recovered after the war that comprise the ten cases associated with this incident.

- 2) During the period 6 March 2012 through 12 March 2012, I analyzed all of the available data and completed ten separate investigations related to the unidentified sets of remains associated with JPAC Incident 425, each of which included assessing the potential of PVT Arthur H. Kelder as a possible match.
- 3) On 12 March 2012, I submitted ten comprehensive investigative reports and the attendant Central Identification Laboratory spreadsheets on the following Manila #2 X-file cases pertaining to JPAC Incident 425 to the head of my department, Dr. Kristinia Giannotta, Chief of the World War II Research and Investigation Branch:

X-812, X-814, X-815, X-816, X-818, X-820, X-821, X-822, X-823, and X-824.

These investigative reports utilized a combination of historical circumstantial evidence and anatomical evidence developed through biometric profiling of the remains. The reports concluded that the forensic science technique of DNA comparison could be accomplished and that all ten sets of remains associated with JPAC Incident 425 should be disinterred simultaneously only after "Family Reference Samples" had been obtained to allow for the DNA comparisons to be accomplished.

- 4) On 12 April 2012, the Quality Control Section of the World War II Research and Investigation Branch completed their standard staff review and the head of the my department, Dr. Kristina Giannotta, approved the reports. I then presented these finalized reports to the Director of Intelligence, Mr. Robert Richeson. The reports submitted to Mr. Richeson were in their final, approved form and were not "drafts".

- 5) On 25 April 2012, Mr. Richeson informed me that he had personally delivered one of the approved investigative reports, Manila #2 X-816, to Mr. Johnie Webb, Deputy to the Commander of JPAC. Mr. Richeson stated “I went ahead and gave your report to Webb and briefed him and asked him not to release it to anyone else.”
- 6) At the time, I found Mr. Richeson’s response extremely peculiar in that I believed, based on the conclusions detailed in my investigative reports, that all the cases could be readily “solved” and the missing American servicemen identified and returned home to their families. This illogical response by Mr. Richeson, which conflicted with JPAC’s official motto of “Until They Are Home”, prompted me to prepare a “Memorandum for the Record” (MFR) regarding the circumstances of my assignment and his comments. I then delivered copies of all ten of the approved investigative reports prepared for JPAC Incident 425 and the MFR to the Intelligence Directorate Records Room for filing in the case folders to complete the administrative record.
- 7) On 24 February 2013, Mr. John Eakin (Plaintiff) requested a “Family Report” from the Chief Rick Stone and Family Charitable Foundation regarding the loss of PVT Arthur H. Kelder at the Cabanatuan POW camp during World War II. Mr. Eakin was informed that official investigative reports had been completed at JPAC regarding recoveries from Grave 717 at Cabanatuan and that PVT Kelder was listed as a “most likely match” in these case investigations. Mr. Eakin (Plaintiff) subsequently informed me that JPAC has not provided him with copies of my investigative reports or the MFR associated with these cases despite their obvious relevance to PVT Kelder.
- 8) Mr. Eakin (Plaintiff) provided me a copy of the memorandum signed by Dr. Thomas D. Holland, dated 28 January 2013, addressed to the commander of JPAC. Dr. Holland

states in his memorandum "...the existing and available data do not meet the level of scientific certainty required by current DoD disinterment guidance". I am not familiar with any DoD guidelines that require a "level of scientific certainty" before a disinterment can be recommended or authorized. I never heard this term used during my tenure at JPAC. In preparing reports pertaining to disinterments in the World War II Research and Investigation Branch at JPAC, we operated under DoD policy I-99/01580 which states "A decision to disinter must be based on sufficient circumstantial and anatomical evidence which when combined with current forensic science techniques would lead to a high probability of positive identification."

- 9) Based on my professional law enforcement experience, the case regarding PVT Kelder and the other individuals associated with JPAC Incident 425 is a relatively simple case to resolve. The historical circumstantial evidence is clear and is not in dispute, sufficient anatomical evidence was established by the biometric profiling included in my investigations, and the current forensic science technique (DNA comparison) necessary to lead to a high probability of identification is well established by precedent. Simply stated:
 - a. Fourteen individuals were buried in a common grave. The names of these fourteen individuals are a matter of historical record, including PVT Kelder.
 - b. When the common grave was disinterred after the war, fourteen sets of remains were recovered from the common grave.
 - c. Four individuals, who were on the list of the fourteen known to have been buried in that grave, were identified and returned to their families. PVT Kelder was not one of the four identified.

- d. Ten sets of remains were not identified and were buried as separate “Unknowns” in the Manila American Cemetery.
- e. It stands to reason that the ten “Unknowns” that came from the common grave are the same ten individuals who were not identified after the war but were known by name to have been buried in the common grave together, including PVT Kelder.
- f. One of these ten individuals who were not identified is PVT Arthur H. Kelder.
- g. There is a very high probability that any competent forensic laboratory utilizing modern scientific techniques to extract and compare DNA with reference samples from known family members should be able to effect the identification of all of the remains, including those of PVT Kelder.

Pursuant to 28 U.S.C. Section 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on the 12th day of March 2013, at the location of my residence in Williamson County, Texas.



Rick Stone
Chief of Police - Retired

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