

DEPARTMENT OF THE ARMY
1st BRIGADE SPECIAL TROOPS BATTALION
10TH MOUNTAIN DIVISION (LIGHT INFANTRY)
(b)(1)(demo) IRAQ 09376

(b)(2)Low(demo)

8 September 2005

MEMORANDUM FOR Commander, 1st BCT, 10th MTN, (b)(1)(demo) Iraq

SUBJECT: AR 15-6 Informal Investigation Concerning the Fatal Shooting of a Local National (LN)

1. On 5 September 2005, I was appointed as the AR 15-6 Investigating Officer (IO) for the events surrounding the destruction of LN property, the wounding of a LN and the fatal shooting of a LN in two engagements that occurred within 25 minutes of one another. I have conducted a thorough investigation of the circumstances surrounding this incident. My observations, conclusions, and recommendations are provided in the following format: facts, findings, and recommendations.

2. FACTS. On 050545SEP05 1st Platoon, A Company, 1st BSTB led by 1LT (b)(6)(demo) conducted a Left Seat Ride with 1LT (b)(6)(demo) and SFC (b)(6)(demo) of A Company, 1088 EN BN. The mission was to conduct a route clearance IOT ensure routes (b)(1)(demo) and (b)(1)(demo) were cleared of improvised explosive devices (IED) and unexploded ordnance (UXO). Prior to conducting the mission 1LT (b)(6)(demo) conducted a Patrol Brief where he covered Rules of Engagement (ROE)/Escalation of force IAW TF (b)(2)Low(demo) TACSOP (see enclosure H & R). The TACSOP provides the following guidance regarding escalation of force: beyond 100m out, use hand and arm signals during daylight hours or white light during nighttime hours to alert traffic to stop or keep distance. Within 100m, warning shot (first five rounds in magazine to be tracers). Within 50m, disable vehicle. Within 30m, use deadly force when VBIED is suspected.

The first incident occurred at approximately 0650 (see enclosure F). Vehicle #1 (see exhibit A) was traveling East on MSR (b)(1)(demo) A11 (M1114) was on the North side of the West bound lane facing to the West. The gunner of A11 was SPC (b)(6)(demo) who had a M240B mounted. Four cars complied with SPC (b)(6)(demo) hand and arm signals by pulling off to the side of the road (see enclosure M). Vehicle #1 drove past the stopped vehicles and ignored SPC (b)(6)(demo) hand and arm signals. SPC (b)(6)(demo) then fired a warning shot (see enclosure I, J, L, and M), which was ignored by vehicle #1. SPC (b)(6)(demo) then engaged vehicle #1 in an attempt to disable the vehicle by firing at the radiator and tires bringing the truck to a halt (see enclosure I & N). US personnel approached vehicle #1 to assess the threat and potential injury to the driver. After determining that the LN no longer posed a threat he was treated for some minor injuries (see enclosure P) and given a claims card (see enclosure G); he was then released to the Iraqi Police (IP) (see enclosure G).

The second incident occurred at approximately 0715 (see enclosure F). Vehicle # 2 a white Mercedes-Benz was traveling north on a side road (see enclosure B) that intersected with MSR (b)(1)(demo). A11 and A12 pulled forward and now A11 was able to cover the street that intersected with MSR (b)(1)(demo). SSG(b)(6)(demo) who was dismounted in front of A11 first noticed vehicle #2. SSG(b)(6)(demo) and SPC(b)(6)(demo) shouted and used hand and arm signals to get the attention of vehicle #2's driver. (see enclosure I & K) When vehicle # 2 was approximately 80 m away, SSG(b)(6)(demo) fired a disabling shot with his M4 at the vehicle's grill. (see enclosure I) Vehicle #2 continued traveling north towards the inner cordon at a high rate of speed. SPC(b)(6)(demo) felt that vehicle #2 was within 30m and dangerously close to his gun truck (see enclosure K). He then fired a burst from his M240B machine gun into the front of vehicle #2 which stopped the vehicle from traveling north. (see enclosure C) SGT(b)(6)(demo) the medic on the scene came forward and attempted to perform first aid on the driver of vehicle #2. At that time he made the determination that the driver of vehicle #2 was dead.

3. FINDINGS. I find the personal injury and property damage to vehicle #1 was in accordance with (IAW) the ROE. SPC(b)(6)(demo) identified a hostile act and responded with an appropriate escalation of force to eliminate the threat.

I find that property damage and the fatal shooting of the LN driving vehicle #2 to be IAW the ROE. After identifying a hostile act or demonstration of hostile intent SSG(b)(6)(demo) and SPC(b)(6)(demo) responded with an appropriate escalation of force. Both SSG(b)(6)(demo) and SPC(b)(6)(demo) shouted and used visual signals in an attempt to stop vehicle #2. (I, J, K and L). SSG(b)(6)(demo) then fired a disabling shot at vehicle #2 with his M4 but the car did not slow down. SPC(b)(6)(demo) then fired at vehicle #2 with his M240B machine gun. The car was struck several times with at least one bullet striking the driver in the head (see enclosure P).

4. RECOMMENDATIONS. The following recommendations are put into Issue, Discussion and Recommendation format.

Issue: Leader positioning within Buffalo patrol.

Discussion: During this event, the platoon leader was the TC in A18 and the platoon sergeant was in A17 which were the last two vehicles in the patrol. An argument could be made that the Buffalo platoon should reassess positioning of platoon leadership to gain better situational awareness of the forward vehicles which could be as much as 100 - 150 meters forward of their position during routine route clearance missions. This distance makes it difficult for the platoon leadership to gain rapid situational awareness as well as position critical crew served weapons during cordon operations for temporary halts to interrogate possible IEDs. However, the TCs in the first two vehicles are critical to spot potential IEDs. A platoon leader or sergeant controlling the convoy and maintaining contact with multiple higher headquarters, and operating (b)(2)Low(demo) while keeping a journal cannot perform both functions as spotter and C2 element well. Passengers in the back seats of the lead two M1114s do not have as good of a field of view as the TC and are not effective spotters.

Recommendation.

(b)(5), (b)(2)Low(demo)

(b)(2)Low, (b)(5)(demo)

Issue: Shouting, blowing whistles and using hand and arm signals as a first measure under an escalation of force to warn approaching traffic to stop was step .

Discussion: Although using hand and arm signals to stop four civilian vehicles traveling east on MSR (b)(1)(demo) were effective, similar attempts made to warn the drivers of vehicles #1 and #2 were not effective. Time of day, positioning of the sun, noise pollution as well as driver inattentiveness all could have contributed to the driver of vehicle #2 not seeing the gunner of A11 in an M1114 directly in front of him.

Recommendation:

(b)(5)(demo)

(b)(5)(demo)

Issue: Establishing blocking positions during Short Halts.

Discussion: On average, the Buffalo makes 15 – 30 short halts to interrogate possible IEDs during a route clearance mission. Each interrogation takes approximately 3 – 5 minutes to complete. Upon coming to a halt, M1114s assume blocking positions in the road approximately 100m from the (b)(2)Low(demo) to better protect themselves from fragmentation if the IED detonates and to provide (b)(2)Low(demo) coverage to the (b)(2)Low(demo). In this case A11 established a blocking position in the West bound lane. The alternate location in the East bound lane would have caused A11 to cross the raised median. Although the alternate location may have provided greater ability to block traffic on the East bound lane, the soldiers weighed the potential damage to the M1114 from crossing the raise median and selected to remain in place.

Recommendation:

(b)(5)(demo)

(b)(5)(demo)

(b)(5)(demo)

Issue: Establishing blocking positions during long halts.

Discussion: On average, the (b)(2)Low(demo) makes 0 - 2 long halts to interrogate and then confirm the existence of an IED during a route clearance mission. Each interrogation takes approximately 3 - 5 minutes to complete. After confirming an actual IED, the time required for land owning units to establish outer cordons as well as the time required for EOD to arrive to render safe the device can take hours. During long halts, the (b)(2)Low(demo) patrol could establish a more deliberate cordon to block traffic from all directions using warning cones, concertina wire, road fangs, sirens, and spot lights to provide adequate warning to civilian traffic and keep it a safe distance from fragmentation hazards

Recommendation:

(b)(5)(demo)

(b)(2)Low, (b)(5)(demo)

Issue: SOP review and assessment for the Escalation of Force:

Discussion: The (b)(2)Low(demo) mission TACSOP recommends Escalation of Force as: beyond 100m out, use hand and arm signals during daylight hours or white light during nighttime hours to alert traffic to stop or keep distance. Within 100m, warning shot. Within 50m, disable vehicle. Within 30m, use deadly force when VBIED is suspected. According to analysis conducted at the scene of the incident, SPC(b)(6)(demo) shot the driver of the vehicle at approximately 53.7 meters which is 23.7 meters greater than the escalation of force rules suggest for the use of deadly force. However,

A vehicle traveling at 40kph is moving at 11.1 meters/second.

A vehicle traveling at 50kph is moving at 13.8 meters/second.

A vehicle traveling at 60kph is moving at 16.6 meters/second.

The VBIED threat is real in Iraq. Vehicle #1 had already bypassed 4 stopped vehicles that heeded the warnings of the inner cordon on MSR (b)(1)(demo). His actions appeared to be a hostile act. In response, SPC(b)(6)(demo) fired a disabling shot. Minutes later, SPC(b)(6)(demo) was approximately 53.7 meters away from the white Mercedes, traveling at a high rate of speed. Given the vehicle's speed, US forces had only 23.7m or two seconds to make a decision. The driver of the white Mercedes did not heed visual warning or a warning shot fired by SSG(b)(6)(demo). The ATF Vehicle Bomb and Evacuation Distance Tables (ATF I 5400.1 (01-99)) states a full size sedan has a maximum explosives capacity of 1000 lbs giving it a lethal air blast range of 38 meters. SSG(b)(6)(demo) was exposed standing outside the vehicle and would have been injured by potential fragmentation. SSG(b)(6)(demo) and SPC(b)(6)(demo) both stated that the white Mercedes was traveling at a high rate of speed. Given the limited resources available to this investigating officer, I was unable to determine with an degree of certainty the actual speed which vehicle #2 was traveling.

Assuming the vehicle was moving at 40kph, it was 2.1 seconds from reaching the 30m line or 1.4 seconds from reaching the 38 meter lethal air blast range. Assuming the vehicle was moving at 50kph, it was 1.7 seconds from reaching the 30m line or 1.1 seconds from reaching the 38 meter lethal air blast range. I believe that given these circumstances, it is reasonable that SPC(b)(6)(demo) believed his life to be in danger and especially the life of SSG(b)(6)(demo) who was dismounted at the time attempting to signal the white Mercedes to stop prior to the warning shot. Perhaps a review of the set 100m, 50m, 30m EOF standards is necessary to incorporate factors of METT-TC. A TTP does not apply to all situations. Soldiers must consider all the variables to include: the threat level, type of vehicle, speed of vehicle, the angle of the sun, dismounted Soldiers and civilians before making a decision to engage with deadly force.

Recommendation:

(b)(5)(demo)

(b)(5)(demo)

Issue: Incorporation of Iraqi Police into (b)(2)Low(demo) missions.

Discussion: The Iraqi Police may be a resource to assist with traffic control during (b)(2)Low(demo) missions especially in IA sectors. Combined operations demonstrates the willingness of US and Iraqi forces to work together to protect the Iraqi people. If approved, recommend providing the Iraqi police with an up armored capability and the (b)(2)Low(demo) an interpreter capability.

Recommendation:

(b)(5), (b)(2)Low(demo)

(b)(5)(demo)

Issue: Post incident interview(s):

Discussion: This incident occurred over a 30 – 45 minute timeframe while the (b)(2)Low(demo) platoon interrogated a possible IED, initiated an escalation of force with vehicle #1, provided first aid to the driver of vehicle #1, initiated escalation of force with vehicle #2, attempted to provide first aid to the driver of vehicle #2, attempted to engage the IP on site and then identified another possible IED approximately 50m west of the lead vehicle. The unit immediately addressed the second IED given the potential threat to civilian and military traffic on MSR (b)(1)(demo). Unfortunately, the complexity of the situation did not allow the platoon leadership to gather detailed personal information (names, phone numbers and addresses) of the drivers of vehicles #1 and #2. By the time EOD detonated the second IED, the white Mercedes and its driver had been removed from the scene (NFI).

Recommendation:

(b)(5)(demo)

(b)(5)(demo)

Issue: Taking digital pictures of the incident site.

Discussion: Although the platoon took digital pictures of the incident site, the photographs should encompass perspectives from multiple angles (to include right angles) and incorporate as much of the vehicles involved as possible. Acute angles can distort depth and the perspective of line of sight relative to other vehicles involved. If possible, pictures capturing the perspective of each individual directly involved are helpful in determining field of view of each.

Recommendation:

(b)(5)(demo)

(b)(5)(demo)

Issue: Date Time Group (DTG) option with Digital Camera Photography.

Discussion: Although the unit leadership took pictures of the incident site, the Soldiers taking the photographs did not have the DTG option on cameras to aid in capturing timelines of specific events.

Recommendation:

(b)(5)(demo)

5. POC for this memorandum is the undersigned.

Redax Demo (b)(6)(demo)

CPT, AR
Commanding

Enclosures:

- A. Position of vehicles during engagement with vehicle 1 (White Pickup)
- B. Position of vehicles during engagement with vehicle 2 (White Mercedes Benz)
- C. Picture of final resting place of vehicle 2
- D. Picture of Median dividing road
- E. View of looking East down MSR (b)(1)(demo) approx 0900
- F. Daily Staff Journal DA Form 1594
- G. DA Form 2823 – Sworn statement from 1LT (b)(6)(demo)
- H. DA Form 2823 – Questions answered from 1LT (b)(6)(demo)
- I. DA Form 2823 – Sworn statement from SSG (b)(6)(demo)
- J. DA Form 2823 – Questions answered from SSG (b)(6)(demo)
- K. DA Form 2823 – Sworn statement from SPC (b)(6)(demo)
- L. DA Form 2823 – Questions answered from SPC (b)(6)(demo)
- M. DA Form 2823 – Sworn statement from PFC (b)(6)(demo)
- N. DA Form 2823 – Sworn statement SGT (b)(6)(demo)
- O. Weather Data for 5 September 2005
- P. DA Form 2823 – Sworn statement from SGT (b)(6)(demo)

Q. 1st BSTB Patrol Form 1 for (2) Low(dem) Mission
R. (2) Low(dem) mission TACSOP
S. Storybook presentation

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REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

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

SECTION I - APPOINTMENTAppointed by COL (b)(6)(demo)
(Appointing authority)on 5 Sept 2005 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)**SECTION II - SESSIONS**The (investigation) (board) commenced at LSA West, (b)(1)(demo) Iraq at 5 AUG 05
(Place) (Time)on 9 AUG 05 (Date) (If a formal board met for more than one session, check here ☒. Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 0800 on 8 Sept 05
(Time) (Date)and completed findings and recommendations at 2300 on 8 SEPT 05
(Time) (Date)**SECTION III - CHECKLIST FOR PROCEEDINGS****A. COMPLETE IN ALL CASES**

	YES	NO ¹	NA ²
1. Inclosures. (para 3-15, AR 15-6)			
Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
a. The letter of appointment or a summary of oral appointment data?	<input checked="" type="checkbox"/>		
b. Copy of notice to respondent, if any? (See item 9, below)			<input checked="" type="checkbox"/>
c. Other correspondence with respondent or counsel, if any?			<input checked="" type="checkbox"/>
d. All other written communications to or from the appointing authority?			<input checked="" type="checkbox"/>
e. Privacy Act Statements (Certificate, if statement provided orally)?			<input checked="" type="checkbox"/>
f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			<input checked="" type="checkbox"/>
g. Information as to sessions of a formal board not included on page 1 of this report?			<input checked="" type="checkbox"/>
h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			<input checked="" type="checkbox"/>

FOOTNOTES: 1. Explain all negative answers on an attached sheet.

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

		YES	NO ^{1/}	NA ^{2/}
2	Exhibits (para 3-16, AR 15-6)			
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	X		
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board. (para 3-6b, AR 15-6)?	X		
	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?			X
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			X
3	Was a quorum present when the board voted on findings and recommendations. (paras 4-1 and 5-2b, AR 15-6)?			X
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			X
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			X
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			X
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)				
9	Notice to respondents (para 5-5, AR 15-6):			
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?			
	b. Was the date of delivery at least five working days prior to the first session of the board?			
	c. Does each letter of notification indicate --			
	(1) the date, hour, and place of the first session of the board concerning that respondent?			
	(2) the matter to be investigated, including specific allegations against the respondent, if any?			
	(3) the respondent's rights with regard to counsel?			
	(4) the name and address of each witness expected to be called by the recorder?			
	(5) the respondent's rights to be present, present evidence, and call witnesses?			
	d. Was the respondent provided a copy of all unclassified documents in the case file?			
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			X
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
	a. Was he properly notified (para 5-5, AR 15-6)?			X
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?			X
11	Counsel (para 5-6, AR 15-6):			
	a. Was each respondent represented by counsel?			
	Name and business address of counsel:			
	(If counsel is a lawyer, check here <input type="checkbox"/>)			
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?			X
	c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			X
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
	a. Was the challenge properly denied and by the appropriate officer?			X
	b. Did each member successfully challenged cease to participate in the proceedings?			X
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
	b. Examine and object to the introduction of real and documentary evidence, including written statements?			X
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			X
	d. Call witnesses and otherwise introduce evidence?			
	e. Testify as a witness?			
	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?			X
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			X

FOOTNOTES: ^{1/} Explain all negative answers on an attached sheet.

^{2/} Use of the NA column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

(b)(6)(demo)

(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

Although it is unfortunate that this incident resulted in the death of a local national, after a careful review of all the statements, I agree with the findings and recommendations of the Investigating Officer. I have already discussed the recommendations enclosed with Bn Commanders and we will analyze & when feasible put these recommendations into effect.

(b)(6)(demo)

COL, IN, 9 Sep 05

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

The (investigating officer) (board), having carefully considered the evidence, finds:

See Memorandum

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

In view of the above findings, the (investigating officer) (board) recommends:

See Memorandum



DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BRIGADE COMBAT TEAM
1ST BRIGADE COMBAT TEAM
(b)(1)(demo) APO AE 09376

REPLY TO
ATTENTION OF:

(b)(2)Low(demo)

MEMORANDUM FOR Captain (b)(6)(demo) Headquarters and Headquarters
Company, 1st Brigade Special Troops Battalion, 1st Brigade Combat Team, Multinational
Division Baghdad, (b)(1)(demo) Iraq APO AE 09376

SUBJECT: Appointment as AR 15-6 Investigating Officer

1. You are hereby appointed as an investigating officer, pursuant to AR 15-6, to conduct an informal investigation into the facts and circumstances surrounding an escalation of force resulting in property damage to two vehicles, minor injury to one local national and death of another local national.

2. You will:

a. Make findings as to whether Soldiers from the BSTB complied with the Rules of Engagement and used proper escalation of force;

b. Make findings as to whether there was property damage and personal injury that resulted from the actions of US Soldiers;

c. Make any other findings you deem appropriate in connection with the above matters.

3. You will make recommendations based upon your findings.

4. All witness statements will be sworn on DA Form 2823, if possible. If written statements cannot be obtained, you will summarize the content of any conversations and attach them to your report. If during the course of your investigation, you develop information suggesting a person has violated the Uniform Code of Military Justice, you will advise the person of his or her Article 31 UCMJ rights before questioning the person. Use DA Form 3881 to conduct any such rights advisement.

5. Use the informal procedures set out in AR 15-6 in your investigation. You will submit the findings and recommendations, original and two copies, of your report as exhibits to the Staff Judge Advocate on DA Form 1574 within ten days of receipt of this appointment. Any requests for extensions should be made through your legal advisor to me.

AFZS-LI-Z

SUBJECT: Appointment as AR 15-6 Investigating Officer

6. This investigation takes priority over all other duties. You should contact MAJ (b)(6)(demo) (b)(6)(demo) 1st Brigade Combat Team, for a procedural briefing prior to initiating your investigation. If you have any questions, MAJ (b)(6)(demo) can be reached at the 1BCT TOC.

(b)(6)(demo)

Commanding

Redax Demo

Pages 14 through 31 redacted for the following reasons:

(b)(1), (b)(2)Low
(b)(1), (b)(2)Low, (b)(5), (b)(6)
(b)(1), (b)(2)Low, (b)(6)
(b)(1), (b)(6)

Redax Demo

DAILY STAFF JOURNAL OR DUTY OFFICER'S LOG For use of this form, see AR 220-15; the proponent agency is Office of The Deputy Chief of Staff for Operations & Plans					PAGE NO. 1		NO. OF PAGES 2	
ORGANIZATION OR INSTALLATION			LOCATION		PERIOD COVERED			
					FROM		TO	
1 ST BSTB			(b)(1)(demo) IRAQ		HOUR 0000HRS	DATE 06SEPY05	HOUR 1200HRS	DATE 06SEP05
ITEM NO.	TIME		INCIDENTS, MESSAGES, ORDERS, ETC.	ACTION TAKEN	INL			
	IN	OUT						
1.	0001		CONDUCTED SHIFT CHANGE AND BRIEF	Informed TOC				
2.	0045		RECEIVED MESSAGE FROM SGT (b)(6)(demo) FROM REAR D THAT SFC (b)(6)(demo) SHOULD CONTACT HIS (b)(6)(demo)	Notified S-3 and C co. Commander. Passed all info.				
3.	0545		1 ST PLT A/CO origination sp time for rte clearance	Contacted 1088 th TOC and BDE TOC				
4.	0554		A/CO E, ON (b)(1)(demo)	CONTACTED BDE				
5.	0639		A/CO W, ON	CONTACTED BDE				
6.	0650		A/CO W, ON (b)(1)(demo) SUSPECTED IED. SET UP CORDON, CAR APPROACHED AND DID NOT STOP. WARNING SHOTS FIRED CAR TRIED TO BLOW BY. OPEN FIRE ON CAR AND INJURED DRIVER. DRIVER IS OK	CONTACTED BDE AND LTC (b)(6)(demo)				
7.	0715		2 ND CAR APPROACHED ON A/CO CORDON. DID NOT STOP, WARNING SHOT FROM A/CO. CAR TRIED TO BLOW BY. A/CO OPEN FIRE, DRIVER KIA.	CONTACTED BDE AND LTC (b)(6)(demo)				
8.	0822		POSS. IED WHITE BAGS ON SIDE OF ROAD. PROPANE TANK ON OTHER SIDE. ABOUT 40M FROM HIS 5 O'CLOCK (b)(1)(demo)	CONTACTED BDE				
9.	0830		(b)(2)Low(demo) ON THE WAY TO TAKE OVER THE CORDON. THEN (b)(2)Low(demo) WILL CHECK OUT POSS. IED	CONTACTED A/CO				
10.	0836		EOD ESCORT PREPARING TO SP	UPDATED 1 ST BSTB NCOIC	(b)(6)(demo)			
11.	0836		MEDIC OBSERVED SOMEONE WALKING IN TREE LINE BETWEEN THERE POSITION ON THE LEFT SIDE.					
12.	0840		HHC (b)(1)(demo) ZONE ORGINATION SP TIME	UPDATED 1 ST BSTB NCOIC				
13.	0856		EOD ESCORT LINKED UP W/ RIGHT SEAT RIDERS TIME NOW	UPDATED 1 ST BSTB NCOIC				
14.	0901		WE GOT A FIR THAT HHC DESTINATION RP (b)(1)(demo) ZONE	UPDATED MISSION TRACKER				
15.	0920		EOD ESCORT ORGINATION SP TIME NOW	UPDATED MISSION TRACKER				
16.	0919		A/CO. SMALL ARMS FIRE FROM WHERE EOD ESCORT WILL BE COMING FROM. 7.62 AK-47 ROUNDS FIRED AT LOC (b)(1)(demo)	UPDATED 1 ST BSTB NCOIC				
17.	0942		RECEIVED ANOTHER 9 LINE FROM BDE. 2 ND IED.	SENT 9 LINE TO A/CO				
18.	0937		EOD DESTINATION RP TIME					
19.	1000		IED DETONATED ON EOD ESCORT ROBOT WHILE ROBOT WAS MOVING TO INTERIGATE IED. EOD IS TRYING TO RECOVER ROBOT.					
20.	1020		RECEIVED 3 RD 9 LINE					
21.	1024		LIGER 7 ORGINATION SP TIME NOW	UPDATED 1 ST BSTB NCOIC				
TYPED NAME AND RANK OF OFFICER OR OFFICIAL ON DUTY					SIGNATURE			

DAILY STAFF JOURNAL OR DUTY OFFICER'S LOG For use of this form, see AR 220-15: the proponent agency is Office of The Deputy Chief of Staff for Operations & Plans					PAGE NO. 2		NO. OF PAGES 2	
ORGANIZATION OR INSTALLATION			LOCATION		PERIOD COVERED			
1 ST BSTB			(b)(1)(demo) IRAQ		FROM		TO	
					HOUR	DATE	HOUR	DATE
					0000HRS	06SEPY05	1200HRS	06SEP05
ITEM NO.	TIME		INCIDENTS, MESSAGES, ORDERS, ETC.	ACTION TAKEN	INL.			
	IN	OUT						
22.	1036		VEHICLE APPROACHED A/CO. A/CO FIRED WARNING SHOTS. CAR TURNED AROUND AND LEFT	UPDATED 1 ST BSTB NCOIC				
23.	1042		BOTH VEHICLE CLEARED FROM INCIDENT @ 0650 A/CO WILL STAY ON SIGHT.					
24.	1104		EOD ESCORT FINALLY DESTINATION SP	UPDATED 1 ST BSTB NCOIC AND 1088 TH TOC				
25.	1114		EOD ESCORT RETURNED (b)(2)Low(demo) WILL BE AT EOD BASE TO GET ANOTHER 9-LINE AND THEN GO OUT AGAIN.	UPDATED 1 ST BSTB NCOIC AND 1088 TH TOC				
26.	1119		1 ST FLT A/CO DESTINATION SP TIME NOW	UPDATED 1 ST BSTB NCOIC AND 1088 TH TOC				
27.	1123		(b)(1)(demo) TIME NOW					
28.	1132		SP INTERSECTION (b)(1)(demo)	UPDATED 1 ST BSTB NCOIC				
29.	1136		MP UNIT SAID POSS. IED IN MEDIAN ON (b)(1)(demo) SET UP OUTER CORDON (b)(2)Low(demo) WILL INTERIGATE IT IF NOT AN IED AND JUST TRAFFIC THEY WILL FINISH CLEARING THROUGH (b)(2)Low(demo)	UPDATED 1 ST BSTB NCOIC AND 1/10 BCT				
30.	1204		MP RETURNED BACK INTO THE WIRE TIME NOW	UPDATED 1 ST BSTB NCOIC AND BDE				
31.	1207		(b)(2)Low(demo) CAME ACROSS (b)(2)Low(demo) TURNING AROUND TOWARDS (b)(1)(demo) S.	UPDATED 1 ST BSTB	(b)(6)(demo)			
32.	1210		(b)(2)Low(demo) STARTED S. ON (b)(1)(demo)	CONTACTED BDE AND APE				
33.	1208		EOD ON SITE TIME NOW	CONTACTED APE AND 1088 TH TOC				
34.	1229		(b)(2)Low(demo) STARTED W ON (b)(1)(demo)	NOTIFIED ABE AND BDE TOC				
35.	1300		RECEIVED MESSAGE FROM A Co STATEING THEY COULD NOT CONTACT THE 2-22 ELELMENT AT IED SITE (b)(1)(demo) (b)(1)(demo)	CALLED 2-22, AND GOT CORRECT FREQ AND CALL SIGN, (FREQ) (b)(2)Low(demo) AND CALLSIGN (b)(2)Low(demo)				
36.	1306		CALLED A Co WITH CORRECT LINK UP FREQ FOR 2-22	CALLED A Co TOC				
37.	1322		(b)(2)Low(demo) LAW ENTERED (b)(2)Low(demo)	NOTIFIED TOC				
38.	1334		WAS INFORMED BY BDE THAT THEY NEED THE SNL, AGE, RACE AND SEX OF SM'S INVOLVED IN THE SHOOTING OF A LN	CALLED A Co TOC AND INFORMED THEM TO BRING ME A LIST WITH THE INFO NEEDED				
39.	1348		RECEIVED CALL FROM BDE THAT THE BSTB NEEDED TO SEND SOMEONE TO THE (b)(2)Low(demo) TMC TO PICK UP A SOLDIERS WEAPON.	CALLED A CO TO CONFIRM IF THEY HAD LT (b)(6)(demo) WEAPON.				
TYPED NAME AND RANK OF OFFICER OR OFFICIAL ON DUTY					SIGNATURE			

DAILY STAFF JOURNAL OR DUTY OFFICER'S LOG For use of this form, see AR 220-15: the proponent agency is Office of The Deputy Chief of Staff for Operations & Plans					PAGE NO. 3		NO. OF PAGES 2	
ORGANIZATION OR INSTALLATION			LOCATION		PERIOD COVERED			
					FROM		TO	
1 ST BSTB			(b)(1)(demo) IRAQ		HOUR 0000HRS	DATE 06SEPY05	HOUR 1200HRS	DATE 06SEP05
ITEM NO.	TIME		INCIDENTS, MESSAGES, ORDERS, ETC.			ACTION TAKEN		INL
	IN	OUT						
40.	1352		WAS INFORMED BY A Co THAT THEY HAVE LT (b)(6)(demo) WEAPON AND SENSITIVE ITEMS			CALLED BDE AND TALKED TO RTO (SPC LEE) AND INFORMED THEM THAT IT WAS NOT LT (b)(6)(demo) WEAPON		
41.	1354		EOD TEAM FOUND A POSS GRENADE, AND RECEIVED ANOTHER GRID TO GO TO			CALLED BDE		
42.	1400		SGT (b)(6)(demo) CALLED TO NOTIFY US TO SEND UPDATES TO 1 ST BDE TOC NOW, NOT TO 256			NOTIFIED TOC		
43.	1401		(b)(2)Low(demo) CALLED TO SAY THEY ARE PREPARING TO SP, WILL CALL WHEN THEY ARE LEAVING GATE			NOTIFIED TOC		
44.	1427		RECEIVED INFO FROM BDE THAT THE WEAPON IN QUESTION WAS NOT A BSTB WEAPON			INFORMED ALOCN IN BSTB TOC		
45.	1426		EOD TEAM RETURNED TO (b)(1)(demo)			NOTIFIED BDE TOC		
46.	1430		PSD TEAM RETURNED TC (b)(1)(demo) TIME NOW			NOTIFIED TOC AND BDE TOC		
47.	1440		DISCOVERED THAT BFTID IS WRONG FOR (b)(2)Low(demo) AND ALSO CANNOT GET THEM ON FM			NOTIFIED MAJ (b)(6)(demo)		
48.	1443		BDE CALLED TO SEE IF WE ARE UP ON MERC			NOTIFIED TOC		(b)(6)(demo)
49.	1618		(b)(2)Low(demo) SENT FIPR SAYING THAT THEY ARE LEAVING			CALLED BDE		
50.	1627		(b)(2)Low(demo) SENT FIPR GIVING US THEIR SP TIME, AND THEIR ARRIVAL TO DESTINATION TIME			CALLED BDE		
51.	1655		BDE NET CALLED AND SAID THAT WE NEED TO SEND THEM OUR INFORMATION TO THEM ABOUT EVERY ONE WHO GOES OUTSIDE THE WIRE			LOGGED		
52.	1744		(b)(2)Low(demo) HAS RETURNED			NOTIFIED BDE		
53.	1800		NET CALL FROM BDE RE ORANGE AND WHITE CAR TRAVELLING EAST ON ROUTE (b)(1)(demo) IMMEDIATELY STOP			NOTIFIED TOC		
54.	2148		5 MORTARS HIT 3 INSIDE GATE, 2 OUTSIDE GATE AT GRID (b)(1)(demo)			LOGGED		
55.	2305		RECEIVED IED 9-LINE					
56.	2358		EOD ESCORT ORGINATION SP			CONTACTED BDE		
57.	1239		Sent air clearanc to brigade			Notified TOC and called brigade		
58.	1241		Got air clearance let a/co know			Notified TOC		
59.								
60.								
61.								

TYPED NAME AND RANK OF OFFICER OR OFFICIAL ON DUTY	SIGNATURE

Enclosure b

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION (b)(1)(demo)
 2. DATE (YYYYMMDD) 20050905
 3. TIME APX 0650
 4. FILE NUMBER
 5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(6)(demo)
 6. SSN (b)(6)(demo)
 7. GRADE/STATUS 02/Active

8. ORGANIZATION OR ADDRESS
 1st PLT A Co 1st BSB

9. 1. 1LT (b)(6)(demo) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was traveling with my platoon of 25 soldiers (including soldiers from ACO 108th) 4 miles west on Route (b)(1)(demo). The platoon halted to interrogate a suspected IED. While halted I received a radio transmission from (b)(6)(demo) that a vehicle had approached the convoy at a high rate of speed and shots were fired. I radiod my higher with a SITREP. I then dismounted and proceeded to the scene. 1 LN male appeared to be bleeding and after the medic checked him out it was confirmed he was bleeding from glass particles from his windshield. I directed my PSR to give him a claim card and IPs took him to the hospital eventually. About the time my PSR gave the medic the claim card a second vehicle a white Mercedes sped toward RT (b)(1)(demo) from an intersecting road at a high rate of speed. I heard the engine but did not have a visual on the vehicle. When I turned my head I heard yelling from multiple individuals and two sets of shots fired. The first set of rounds was 10/2 S. 56 mm rounds. I saw the M240 gunner at the point he engaged in a APX ground burst. When I saw the round impact the vehicle was less than 30M from A1's position. I then used the radio, in A12 to send a SITREP to higher. I then ordered two soldiers to stack against a wall and get a visual on the vehicle for possible IEDs or UXOs. When the two soldiers acknowledged the sight was clear I kept them in overwatch while the medic and 1 soldier for security moved to assess if there were any casualties. The medic confirmed the casualty was KIA from a gun shot to his head. I again radiod my higher with a SITREP.

10. EXHIBIT
 11. INITIALS OF PERSON MAKING STATEMENT (b)(6)(demo)
 PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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