

DEPARTMENT OF THE ARMY

HEADQUARTERS, 1ST BATTALION, 87TH INFANTRY 10TH MOUNTAIN DIVISION (LIGHT INFANTRY) FORT DRUM, NEW YORK 13602-5000

LUW

(b)(5) 27 March 2006 (b)(6) 24

MEMORANDUM THRU

Commander, 1st BCT, 10th MTN DIV (LI), Multinational Division Baghdad (b) Iraq APO AE 09376

Commander, 4th Infantry DIV, Multinational Division Baghdad (b)(1) Iraq APO AE 09523

SUBJECT: Review of and Recommendations for AR 15-6 Investigation of the Sniper Engagement of Local National

- 1. I have reviewed the findings and recommendations of CPT $_{(b)(6)}$ AR 15-6 Investigation of the sniper engagement resulting in the death of a local national and I concur with his findings and recommendations.
- 2. Given the fact that SSG (b)(6) and his squad were overwatching a known IED (b)(2)Low site on an MSR, the actions of the local national were that of an IED emplacer, and the time of the incident; SSG (b)(6) acted within my expectations and IAW the ROE. (b)(5)

 SSG (b)(6) brany member of his squad.
- 3. The Sniper plateon will continue to conduct detailed planning for each mission and NAI, study IED emplacement TTPs, and receive briefings on the ROE prior to each mission.
- 3. The point of contact for this memorandum is the undersigned at VOIP

(b)(6)

LTC, IN Commanding

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See parms 5-2 and 5-8a, AR 15-6.) The (investigating officer) (board) finished gainering/heating evidence at 1600 on 26 March 2006 (Date) and completed findings and recommendations at 2300 on 26 March 2006 (Date) SECTION III - CHECKLIST-FOR PROCEEDINGS A. COMPLETE IN ALL CASES Inclosures (parm 3-15, AR 13-6.) SECTION III - CHECKLIST-FOR PROCEEDINGS YES NOD NA Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed) a. The letter of appointment or a summary of end appointment data? b. Copy of notice to respondent, if any? (See item 9, Below) c. Other correspondance with respondent or counsel, if any? d. All other written communications to or from the appointing nuthority! Privacy Act Statements (Certificate, if statement provided or ally): SEXPLANATION by the investigating officer or board of any unbased classy, difficulties, irregularities, or other problems encountered (e.g., dissence of material witnesseet)? Explanation as to sessions of a formal board not included on page 1 of this report? A. Any other significant papers (where than evidence) relating to administrative aspects of the investigation or board?		DEDART OF BAAAR			
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12	TARTES AND ADDRESS.			
1	Exhibits (para 3-16, AR 15-6)	YES	NO1	NA ²
	Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	У		200
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	×		Ħ
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	У		
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	+^-		
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	T _×		Ħ
	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?			
	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)?			
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2h, AR 15-6)?	<u> </u>		
В.	COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)			(2)
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)?		e la constant	
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 13-6)?			ee and
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			-
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)?			
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?	A CONTRACTOR		0.00
	b. Was the date of delivery at least five working days prior to the first session of the board?		- 10	(400)
	c. Does each letter of notification indicate —			
	(1) the date, hour, and place of the first session of the board concerning that respondent?		- 4	
	(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 wimess expected to be called by the recorder?	+		
	(5) the respondent's rights to be present evidence, and call witnesses?	-		
	d. Was the respondent provided a copy of all unclassified documents in the case file?		<u> </u>	
		1		
10	c. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
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)?			
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (bara 3-4c, AR 15-6)?			
1,1	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 🔲)			
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?		**************************************	
	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)?			Y apparation
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):	100		
	a. Was the challenge properly denied and by the appropriate officer?			S S S S S S S S S S S S S S S S S S S
	b. Did each member successfully challenged cease to participate in the proceedings?	+		
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):		S4 + 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?			
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			-+
	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)?			OL algebra of Actions
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)?		-	ye gaga yang anna anna
FC	OOTNOTES: 1] Explain till 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			-

SECTION IV - FINDINGS (para 3-10, AR 15-6)				
The (investigating officer) (board), having carefully considered the evidence, finds:				
I find that a local national was killed on 23 March 2006 by shots fired from the weapon of SSG (b)(6) a team leader for the Scouper of HHC/1-87 IN 1/10 MTN. SSG (b)(6) acted within the rules of engagement when he fired on the local national.				
On 23 March 2006, SSG (b)(6) scout/sniper team was inserted into western Baghdad along with another team from his platoon. Before his team was infilled SSG (b)(6) was briefed the rules of engagement by his platoon Leader, 1LT (b)(6). The ROE that was given was that lethal force was authorized for any of the following: PID on an individual emplacing an IED, any drive by attack on the MSR any threat or lethal force used against his team, and any individual digging or emplacing objects that could be IEDs after curfew hours on Route (b)(1). After receiving the brief from his PL, SSG (b)(1) briefed the members of his team on the ROE. His team was then infilled to grid (b)(1) which is a building along Route (b)(1) in an area of high IED concentration. On that evening illumination was 49% but at the time of the shooting the moon had already set below the horizon.				
Around 2230, after curfew hours of Baghdad, SSG (b)(6) team spotted an individual walking west along Reute (b)(f) approximately 200m east of their location. The individual appeared to be carrying something in his hands. As the individual continued west down route (b)(f) SSG (b)(6) lost sight of him because of bars on the window of his hide site. SSG (b)(6) moved to the roof of his hide site to regain visual contact with the individual. The individual was now approximately 100m from their tocation and was crouching in the median of Route (b)(f) in between the guard rails. The individual stayed crouched for approximately 45 seconds to a minute and appeared to be digging or setting something up in the median. SSG (b)(6) position on the roof gave him a clear view of the individual's position. The individual then stood upright and began to leave the median of the road. The individual no longer appeared to be carrying what he previously was. SSG (b)(6) who believed the individual had just emplaced an IED fired on him with his M4 with an ACOG sight, killing the individual. SSG (b)(6) reported into the BN TOC and coordinated to have a ground unit cordon off the area. EOD was called to search the area.				
EOD did not find an IED on the site. A further investigation of the sight did not find anything significant. The object that the individual was carrying could not be positively identified. The body of the local national was turned over to the IPs. SSG (b)(6) and his scout/sniper team were then exfilled back to the 1-87 BN TOC for debriefing.				
SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)				
In view of the above findings, the (investigating officer) (board) recommends:				
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(t)(1), (b)(6), (b)(2)Low				

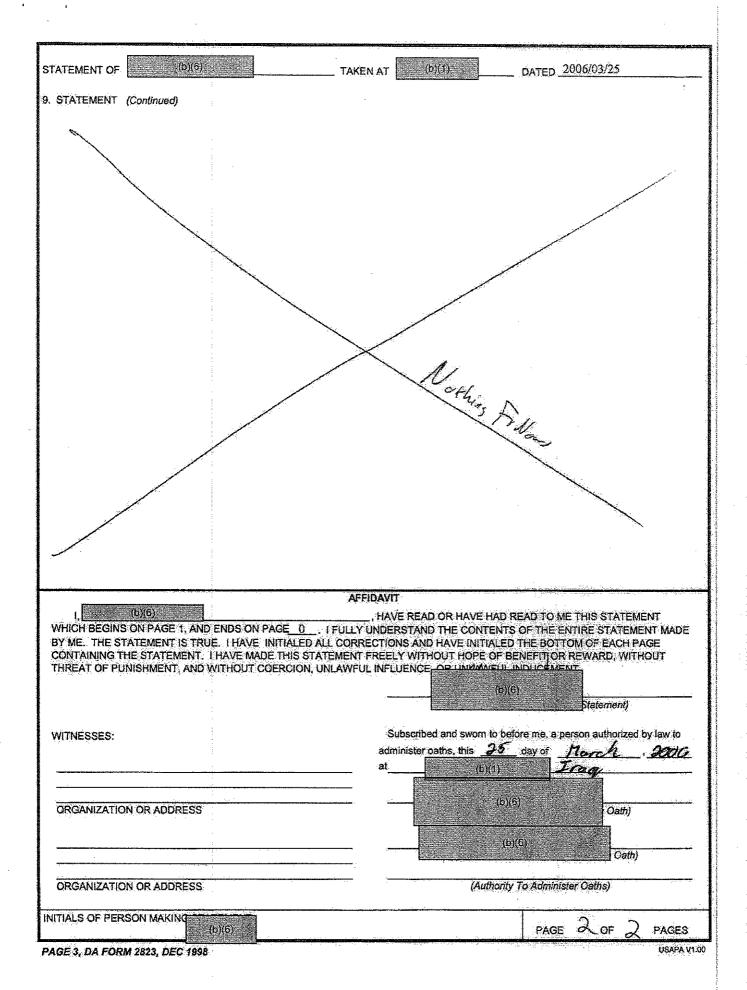
		SECTION VI - AUTHENTICATION (pare 3-17, AR 15-6)
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i.	(Mc	(Monther)
-		SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)
	To the extent indicated in Inclusive	the understant doles) not consult in the findings and approximated than All Lines.
×	In the inclosure, identify by number of	ach finding andlor recommendation in which the dissenting member(s) do(es) not concur. State the substitute findings and/or recommendations may be included in the inclusive.)
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		SECTION VIII ACTION BY APPOINTING AUTHORITY (pera 2-3) AR 15-6
7.7	SHESHILLIONS), WELLE ADDODUTING CHIEF	the (investigating officer) (h oard) are (approved) (disapproved) (improved with following esceptions? rtry Petirns the proceedings to the investigating officer ar board for further proceedings or
	Corrective action, attach that correspo	ndence (or a summary, if oral) as a numbered inclosure.)
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	For use of this form, see AR		nent agency is ODCSOPS	
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1 LOCATION (b)(1) Iraq		DATE (YYYYM) 2006/03/25		4. FILE NUMBER
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