



DEPARTMENT OF THE ARMY
HEADQUARTERS, TASK FORCE 1-41 INFANTRY
CAMP LIBERTY, BAGHDAD, IRAQ
APO AE 09303

REPLY TO
ATTENTION OF

AZLN-BB-MO

21 April 2005

MEMORANDUM FOR Commander, TF 1-41 IN, APO AE 09303

SUBJECT: AR 15-6 Investigation for vehicle accident between a M1A1 and a civilian vehicle

1. On 20 April 2005, I was appointed as the AR 15-6 Investigating Officer (IO) for the circumstances surrounding a traffic accident between a M1A1 and a civilian vehicle in vicinity of [REDACTED] in Baghdad, Iraq on or about 20 APR 05. 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 20 April 2005 at approximately 2250 hours, a section of M1A1 tanks from 2nd platoon C/2-70 AR accompanied by a M2 from 1-156th conducting a right-seat ride was setting up a blocking position on Route Huskies west of the Phone Card Road overpass [REDACTED] IOT establish an outer cordon for a cordon and search to detain target UC0101. A Local National vehicle traveling from west to east on Route Huskies hit the M1A1 (C23). The M1A1 that was hit (C23) was set in the northernmost lane of eastbound RTE Huskies and the M2 was sitting in the southernmost lane of eastbound Huskies. Another M1A1 (C24) was east of the blocking position at the top of the overpass overlooking the immediate area to the east. The vehicles had been set for approximately 1 to 2 minutes and had not yet set out any materials associated with a blocking position or TCP when the accident occurred. Other civilian vehicles, approximately 20-30, had been using the service road to bypass the blocking position. The vehicle in question appeared to begin a transition into the off-ramp when it swerved back into the left lane and proceeded to hit the M1A1 (C23). The M1A1 in over-watch (C24) did not see the vehicle approaching because it was facing east. As the crew was getting out of the tank to gather blocking materials the Driver [REDACTED] alerted the rest of the crew of a fast approaching vehicle. The next person to see the vehicle was the gunner [REDACTED] who identified it in his sights but did not initially assess the vehicle as being a threat anticipating it to slow down as it got closer (the off ramp was approximately 300 meters from the blocking position). Once the vehicle had passed the off-ramp, it appeared to the crew that the vehicle was increasing speed and the Tank Commander SSG [REDACTED] instructed the crew to get down in the tank and brace for an impact suspecting the vehicle to be a VBIED. The vehicle struck the tank's left number one skirt with the majority of the impact striking on the driver's side. Inside the vehicle were 1 adult male, 2 adult females and three children. The driver, the male, was deceased when he was extracted from the vehicle by the tank crew and PSD. The crew from the M1A1 that was hit attempted to render first aid to the remaining passengers. PSD/HHC 1-41 and HQ/C/2-70 responded to the incident with the Company Commander, CPT [REDACTED] directing the evacuation of the casualties to a local national hospital located on Pizza Road.

3. FINDINGS. After discussing the events of 20 April 2005 with SPC [REDACTED] (C23), SGT [REDACTED] (C23), SSG [REDACTED] (C23), PFC [REDACTED] (C23), SSG [REDACTED] (C24) and SPC [REDACTED] (C24) I have found that the tank section from 2nd platoon C/2-70 AR was not at fault. The Local National was primarily at fault in the incident. The tanks had their lights on and had set the blocking position to allow Local National drivers ample opportunity to see the tanks and either choose another route or slow down in time to stop. The soldiers were in the process of retrieving the materials required to properly establish their blocking position when the vehicle accident occurred. The Local National driver ignored the actions of other vehicles (Approximately 20-30) which had seen the tanks and taken the service road for the 1-2 minutes prior to the incident. No evidence of drugs or alcohol was found by the soldiers at the accident site, but that does not completely rule out their presence. The standard SOP for the platoon, when setting up a blocking position, is to first establish an overwatch ensuring that the vehicles are properly placed. Then the crews begin by putting out cones and warning signs (chem-lights at night), and finally the obstacle wire and tire spikes are placed approximately 100 meters from the cones and signs. Sufficient time did not exist for the emplacement of all these materials. I place no blame on any of the soldiers because there was nothing they could do to prevent the vehicle from striking their tank with the amount of time they had to prepare. It is unknown what the intent of the driver was but the accident was directly due to the high rate of speed of the vehicle and its unexplained inability to see or respond to the presence of the tank.

Ex 6

4. Recommendations: Based on my findings of the events that occurred on 20 April 2005, which resulted in the death of one Iraqi Civilian and the injury of six others, I have concluded that no soldier was at fault. The Tank Commander SSG [REDACTED] made the correct and necessary call in order to prevent any injury to his soldiers. For future operations, I recommend that the SOP for blocking positions be reviewed. Some form of hasty high visibility material that can be erected in the first 1-2 minutes after setting in position could possibly give drivers in the immediate vicinity of a recently established blocking position or TCP additional time to recognize the presence of US forces and react. This will help prevent another incident such as this one from occurring. Additional training should be conducted specifically on the timely setting up blocking positions and TCP's to reduce the time delay between getting into position and the erecting of cautionary materials.

[REDACTED]

1LT, CM
Investigating Officer

Ex 6

Enclosures / Attachments:

1. Graphics for accident description

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 - APPOINTMENT

Appointed by

LTC

(Appointing authority)

on 20APR05 (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 Camp Liberty (Place) at 2250 HRS (Time)

on 20APR05 (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 1200 HRS (Time) on 21APR05 (Date) and completed findings and recommendations at 1400 HR (Time) on 21APR05 (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

	YES	NO ¹⁾	NA
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?	X		
b. Copy of notice to respondent, if any? (See item 9, below)			X
c. Other correspondence with respondent or counsel, if any?			X
d. All other written communications to or from the appointing authority?			X
e. Privacy Act Statements (Certificate, if statement provided orally)?	X		
f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			X
g. Information as to sessions of a formal board not included on page 1 of this report?			X
h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			X

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 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?			×
b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?			×
c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?			×
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)?			×
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 5-2b, AR 15-6)?			×
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)?			×
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?			
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?			×
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 (para 5-4c, AR 15-6)?			×
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?			×
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)?			×
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?			×
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):			
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)?			×
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)?			×

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.

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



The *investigating officer* (board), having carefully considered the evidence, finds:
See attached memorandum

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

In view of the above findings, the *investigating officer* (board) recommends:
See attached memorandum

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.)

 _____ (Recorder)	ILT  _____ (Investigating Officer) (President)
_____ (Member)	_____ (Member)
_____ (Member)	_____ (Member)

Ex 6

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.)

 LTC _____	Ex 6
--	------



DEPARTMENT OF THE ARMY
HEADQUARTERS, TASK FORCE 1-41 INFANTRY
CAMP LIBERTY, BAGHDAD, IRAQ
APO AE 09303

REPLY TO
ATTENTION OF

AFZN-BB-MO

21 April 2005

MEMORANDUM FOR Commander, TF 1-41 IN, APO AE 09303

SUBJECT: Timeline for 15-6 investigation

1. The following is the timeline of events for the 15-6 investigation for the vehicle accident between a M1A1 and a civilian vehicle on 20 APR 05.

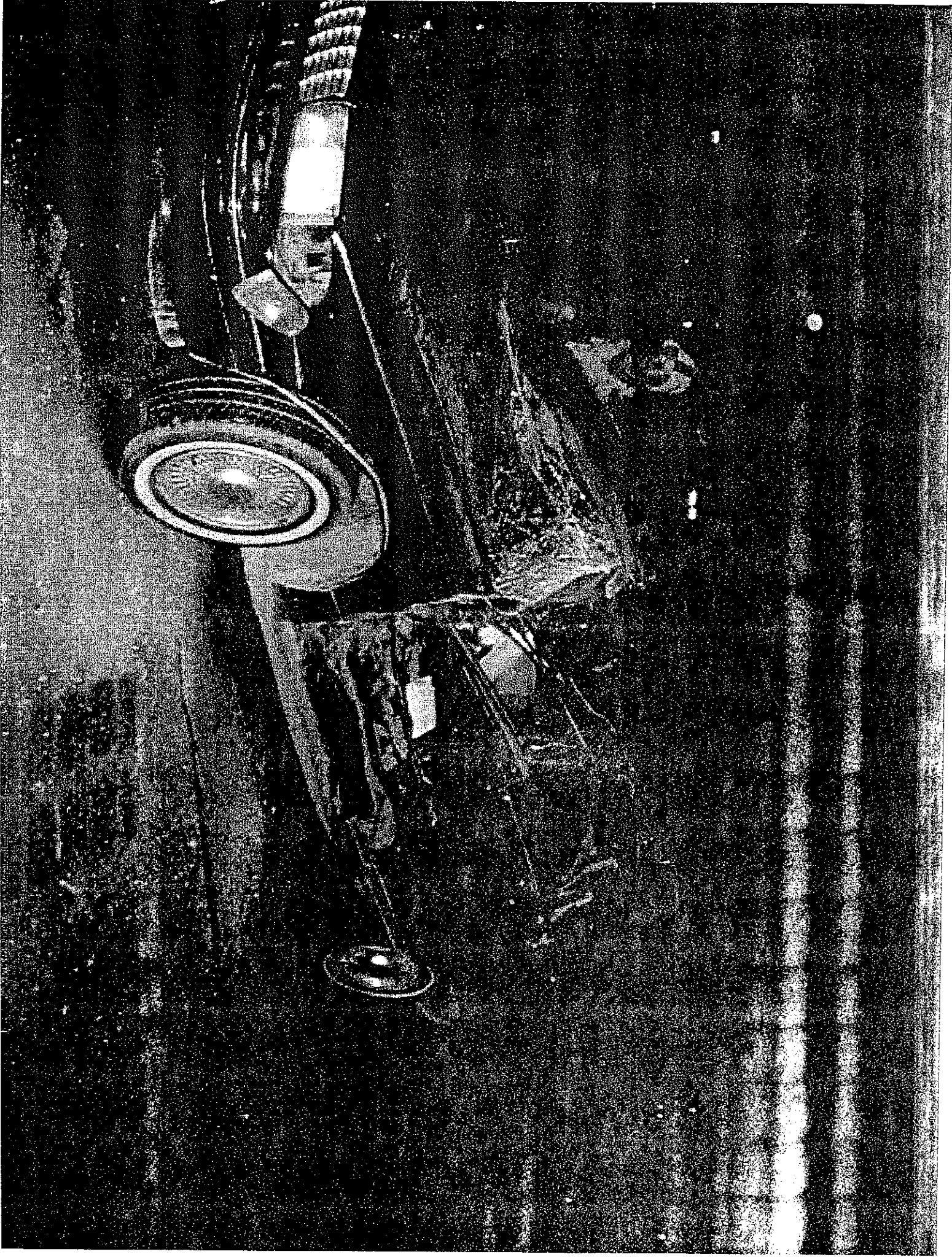
202250APR05- Approximate time of accident
202251APR05- Appointment as 15-6 investigating officer
210050APR05- Began gathering/hearing evidence, DA 1594 from TOC
210430APR05- Gathered/heard evidence from SSG [REDACTED] SSG [REDACTED] SPC [REDACTED]
211030APR05- Gathered/heard evidence from PFC [REDACTED] SPC [REDACTED]
211200APR05- Gathered/heard evidence from SGT [REDACTED]
211200APR05- Finished gathering/hearing evidence
211400APR05- Completed findings and recommendations
211800APR05- Submitted findings and recommendations to Appointing Authority

Ex 60

4. POC is the undersigned.

[REDACTED]

1LT, CM
Investigating Officer





13763

Phone Card RD

024

RTE Huskies

UTN Vehicle