



3

**DEPARTMENT OF THE ARMY**  
4<sup>th</sup> BRIGADE COMBAT TEAM, 3D INFANTRY DIVISION  
FOB [REDACTED], BAGHDAD, IRAQ  
APO AE [REDACTED]

REPLY TO  
ATTENTION OF:

AFZP-VE-C

17 June 2005

MEMORANDUM FOR LTC [REDACTED], Deputy Commander, 4th Brigade Combat Team, 3ID, FOB [REDACTED], Baghdad, Iraq

SUBJECT: Appointment of Investigating Officer

1. You are hereby appointed as an investigating officer pursuant to Army Regulation (AR) 15-6, Procedures for Investigating Officers and Boards of Officers, to conduct an informal investigation to determine the facts and circumstances surrounding the incident on 1 Mar 05, A Company, 1-184 IN.
2. Prior to the beginning of your investigation, you will contact your unit's Command Judge Advocate for an initial briefing.
3. In conducting your investigation, use informal procedures under AR 15-6. Make specific findings as to the issues stated above. The evidence you gather should support your findings. Make recommendations consistent with your findings to address any issues raised by the evidence.
4. In your investigation, all witness statements will be sworn and written on DA Form 2823, Sworn Statement. If, in the course of your investigation, you come to suspect that any individuals have committed a criminal offense, then use DA Form 3881, Rights Warning/ Procedure Waiver Certificate, to advise them of their rights under Article 31, Uniform Code of Military Justice, or the Fifth Amendment (if interviewing a civilian), as appropriate. In addition, provide witnesses with a Privacy Act Statement before you interview them.
5. Submit your findings and recommendations to me on DA Form 1574 within 10 working days of receipt of this appointment order. Should you require additional time, coordinate with me.

[REDACTED]  
[REDACTED]  
COL, EN  
Commanding

## Table of Contents

3 release

**Classified Documents Removed**

15442

AFZP-VE-C

SUBJECT: Restricted Communications

PROOF OF SERVICE

I acknowledge receipt of the above order on 6-19-05  
(Date)

(Signature) /

15443

## RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

### DATA REQUIRED BY THE PRIVACY ACT

**AUTORITY:** Title 10, United States Code, Section 3012(g)  
**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	2. DATE	3. TIME	4. FILE NO.
FOB [REDACTED]	6/19/2005	1904	
5. NAME (Last, First, MI) [REDACTED]	6. ORGANIZATION OR ADDRESS ACO 484 4BCT 3d ID		
6. SSN [REDACTED]	7. GRADE/STATUS O-3/CO		

### PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

#### Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army 4th BDE 3d ID and wanted to question me about the following offense(s) of which I am suspected/accused: Co Sm. For LN voluntary mens (alt 8th)

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. *If for personnel subject to the UCMJ* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

\* D \* \*

*(For civilians not subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

#### 5. COMMENTS (Continue on reverse side)

#### Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)	3. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print)	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR
2a. NAME (Type or Print)	5. TYPED NAME OF INVESTIGATOR
3. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR

#### Section C. Non-waiver

1. I do not want to give up my rights
 

I want a lawyer
  I do not want to be questioned or say anything

#### 2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED



DEPARTMENT OF THE ARMY  
4<sup>TH</sup> BRIGADE COMBAT TEAM, 3D INFANTRY DIVISION  
FOB [REDACTED], BAGHDAD, IRAQ  
APO AE [REDACTED]

REPLY TO  
ATTENTION OF:

AFZP-VE-C

MEMORANDUM FOR Cpt [REDACTED]

SUBJECT: Rights Waiver

1. I understand that you may have made statements to other persons. Those persons may or may not have advised you of your rights. If you made incriminating statements and you were not appropriately advised of your rights, those statements may or **may not** be able to be used against you. The fact that you made statements **does not** obligate you to continue to talk.
2. Understanding all of this, do you still want to talk to me at this time?  
 Yes \_\_\_\_\_ No \_\_\_\_\_

[REDACTED]  
LTC, IN  
Deputy Commander

PROOF OF SERVICE

I acknowledge receipt of the above advisement on 19 JUN 05  
(Date)

[REDACTED]  
(Signature)  
[REDACTED]

ORGANIZATION OR INSTALLATION		LOCATION	PERIOD COVERED			
			FROM	TO	HOUR	DATE
A 1/184 INF 4 BDC, 3 ID		CAMP [REDACTED]	0000	2 MAR 05	0330 0230	02 MAR 05
ITEM NO.	TIME	INCIDENTS, MESSAGES, ORDERS, ETC.			ACTION TAKEN	
	IN	OUT				INL
1	0001		SOT [REDACTED] ASSUMING DUTIES IN THE CP			LOGGED
2	0115		REQUESTED INFO ON IP OR AMBULANCE FROM [REDACTED]; THEY HAD NO KNOWLEDGE OF THEIR LOCATION / ETA			
3	0155		5 KIDS TESTED POSITIVE WITH EXSPRAY; AT LEAST 7 CONFIRMED AIF IN TOTAL			LOGGED
4	0158		[REDACTED] received correct grid and [REDACTED] info where Ambulance is needed ( [REDACTED] )			LOGGED
5	0220		REQUESTED IP AND AMBULANCE AGAIN FROM [REDACTED]			LOGGED
6	0237		[REDACTED] INSTRUCTS THAT ALL EVIDENCE COLLECTED NEEDS TO BE TURNED IN TO [REDACTED]			LOGGED
7	0245		IP AND AMBULANCE STILL NOT ON SCENE			LOGGED
8	0250		IP REPORTED 10 - 12 MEN WALKING IN VICINITY OF [REDACTED] TO POWER PLANT, WHITE ELEMENT STRENGTHENED SECURITY			LOGGED
9	0301		[REDACTED] REQUESTS THAT A POI AT [REDACTED] BE INVESTIGATED			LOGGED
10	0310		SENT REQUEST TO BUREAU TO RELAY TO [REDACTED]; THEY REPORT THAT WITHOUT IPS THAT THEY CANNOT COMPLY			LOGGED
TYPED NAME AND GRADE OF OFFICER OR OFFICIAL ON DUTY			SIGNATURE			

## DAILY STAFF JOURNAL OR DUTY OFFICER'S LOG

For use of this form, see AR 220-18: the proponent agency  
is Office of The Deputy Chief of Staff for Operations & Plans

PAGE NO.

2

NO. OF PAGES

5

ORGANIZATION OR INSTALLATION		LOCATION	PERIOD COVERED			
			FROM		TO	
ITEM NO.	TIME	INCIDENTS, MESSAGES, ORDERS, ETC.			ACTION TAKEN	INL
	IN	OUT				
11	0312		██████████ UNDERSTOOD SITUATION			
			BUT INSISTED THAT THE POS █████ BE			
			INVESTIGATED		LOGGED	██████████
12	0400		UNABLE TO LOCATE AMBULANCE, IPs ARE			
			LINED UP AND ARE BEING ESCORTED TO			
			INCIDENT SITE		LOGGED	██████████
13	0500		██████████ ELEMENT REQUESTING STATUS OF UPCOMING			
			MISSION DUE TO ██████████ OF VEHICLES		LOGGED	██████████
14	0600		Sgt. █████ takes over CPT/TOC		Logged	██████████
15	0601		██████████ Elements in route to P.P. the FOB		Logged	██████████
16	0615		All █████ Elements back @ FOB		Logged	██████████
17	0645		P.P. called RE: █████ (██████) stand by	SNS	Logged	██████████
18	0730		P.P. called RE: █████ has been compromised violent	report	Logged	██████████
19	0745		P.P. will pickup █████ element		Logged	██████████
20	0822		██████████ team extracting to P.P.		Logged	██████████
21	0830		██████████ team arrives @ P.P.		Logged	██████████
22	0845		██████████ Patrol-SPB @ 0845 Padrett 0182		Logged	██████████
23	0902		IED Explosion @ intersection of █████		Logged	██████████
24	0908		Heard Gunfire from int of █████		Logged	██████████
25	0930		Sgt Kap- █████ @ PWR Plant		Logged	██████████
26	0918		██████████-3 shot fired entry pt to Pwr Plnt "Concrete Barrier"		Logged	██████████
			Tower engaged w/ 1 shot suspect fled into Sec 806 on S.E. 1P		Logged	██████████
27	0955		Bn reports 1/ BIED hitting after █████ GINGWA	21NGKA	Logged	██████████

TYPED NAME AND GRADE OF OFFICER OR OFFICIAL ON DUTY

SIGNATURE

ORGANIZATION OR INSTALLATION	LOCATION	PERIOD COVERED			
		FROM		TO	
		HOUR	DATE	HOUR	DATE
A 1/184 INF 4 BDE 3 ID	Camp [REDACTED]	1005	2 MAR 05	2359	2 MAR 05
ITEM NO.	TIME	INCIDENTS, MESSAGES, ORDERS, ETC.			ACTION TAKEN
	IN	OUT			INL
28	0955		Bn requests Rec Bn (patrol #1002) investigate shot fired @ pwr plant.		Logged
29	1000		[REDACTED] reports patrolling [REDACTED] in search of Pwr Plant Susp.		Logged
30	1040		[REDACTED] finished search of [REDACTED] KM to Patrol Site 820		Logged
31	1046		Bn reports possible ied on [REDACTED] @ [REDACTED]		Logged
32	1048		[REDACTED] reports Anti-coalition graffiti @ [REDACTED]		Logged
33	1102		[REDACTED] reports 9 shots fired @ [REDACTED] No friendlies hurt		Logged
34	1115		[REDACTED] searched the failed to Stop - Refuelt inmate		Logged
35	1119		Pwr Plant reports explosion in vicinity of [REDACTED] [REDACTED]		Logged
36	1115		[REDACTED] received report single shot from unknown loc during the [REDACTED]		Logged
37	1121		Bn reports [REDACTED] 12 [REDACTED] Area Sec and EOD		Logged
38	1132		[REDACTED] Hq 106 PAC SP		Logged
39	1147		[REDACTED] arrived @ Kofb		Logged
40	1200		[REDACTED] @ Pwr Plant		Logged
41	1213		[REDACTED] returning to fob		Logged
42	1230		[REDACTED] reached fob		Logged
43	1400		[REDACTED] returned to PP		Logged
44	1440		[REDACTED] REPORTS THAT A VEHICLE POSSIBLY DROPPED OFF AN 150-400 METERS WEST OF THE PWR PLANT MAIN GATE. [REDACTED] IS MOVING SPOTTERS TO DETERMINE THE SITUATION		Logged
45	1445		[REDACTED] REPORTS IF FOUND A HAND GRENADE		

TYPED NAME AND GRADE 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. 4 NO. OF PAGES 5

ORGANIZATION OR INSTALLATION A 1/184 INF 4 BDE 3 ID	LOCATION Camp [REDACTED]	PERIOD COVERED			
		FROM		TO	
		HOUR 1445	DATE 2 MAR 05	HOUR 2048	DATE 2 MAR 05
ITEM NO.	TIME IN OUT	INCIDENTS, MESSAGES, ORDERS, ETC.			ACTION TAKEN INL
		AT THAT LOCATION, EOD SUPPORT NOT REQUIRED			Logged [REDACTED]
46	1605	IP Respond to possible IED or UXO at Railway Bridge Corridor: [REDACTED] (Route)			Logged [REDACTED]
47	1710	INTERROGATOR [REDACTED] DUE AT 1745 AT SQUADRON TOC			LOGGED [REDACTED]
48	1715	[REDACTED] DIRECTS THAT THE COMPANY PROVIDE ONE PLATOON FOR SECURITY AT THE DAC FOR A SHEIK MEETING ON 3 MAR 05 1000 - 1100			LOGGED [REDACTED]
49	1800	Sgt. [REDACTED] takes over TOC Ops			Logged [REDACTED]
50	1840	INFORMED [REDACTED] TO PROVIDE SECURITY FOR THE 3 MAR 05 DAC MEETING FROM 1000-1100			LOGGED [REDACTED]
51	1852	SITREP: 422749 - NO CONTACT			Logged [REDACTED]
52	1855	[REDACTED] 0201 In			LOGGED [REDACTED]
53	1902	Patrol 0203 OUT			LOGGED [REDACTED]
54	1930	Pushed messages to [REDACTED] on Must Read Board			LOGGED [REDACTED]
55	1939	[REDACTED] AT Powerplant picking up Trop			LOGGED [REDACTED]
56	2010	Radio check with Power Plant			LOGGED [REDACTED]
57	2030	Bn Reports POF @ 1430 [REDACTED]			LOGGED [REDACTED]
58	2035	Power plant reports an observed explosion 2000m in northwest direction			LOGGED [REDACTED]
TYPED NAME AND GRADE OF OFFICER OR OFFICIAL ON DUTY			SIGNATURE		Reported to Bn

ORGANIZATION OR INSTALLATION		LOCATION	PERIOD COVERED			
A 1/184 inf 4 BDE 310			FROM HOUR	DATE	TO HOUR	DATE
ITEM NO.	TIME IN	INCIDENTS, MESSAGES, ORDERS, ETC.	ACTION TAKEN		IN.	
	OUT					
55	2040	in vicinity [REDACTED] [REDACTED] for explosion [REDACTED]	logged			
16	2041	[REDACTED] [REDACTED] operating in vicinity [REDACTED] [REDACTED]	logged informed BN			
61	2052	[REDACTED] current location [REDACTED] [REDACTED] en route CASH for [REDACTED] recon	logged			
62	2120	Shots Fire at Power Plant	logged			
63	2230	[REDACTED] operating in vicinity [REDACTED]	LOGGED			
64	2235	strep from [REDACTED] no new activity at power plant QRF returned to hotel scirra.	LOGGED			
65	2332	[REDACTED] called in his location [REDACTED]	logged			
TYPED NAME AND GRADE OF OFFICER OR OFFICIAL ON DUTY			SIGNATURE			
2AF [REDACTED]			[REDACTED]			

DA FORM 1594, NOV 62

PREVIOUS EDITION OF THIS FORM IS OBSOLETE.

USAPPC V3.00

## PATROL MANIFEST

PATROL - U100

Vehicle	Impair #:	A13
Name	Sensitive Item	Serial Number

Vehicle	Impair #:	A11
Name	Sensitive Item	Serial Number

Vehicle bumper #: A21 (133 vehicle)

Name

Sensitive Item

Serial Number

Vehicle bumper #: A21

Name

Sensitive Item

Serial Number

PLT: 1  
 DTG SP: 02 0930 PMZ 09  
 PMCS/QAQC/DISPATCH:  
 Purpose of mission: Recon

Grid:  
 ETR: 02 1230 PMZ 09

HAIKUL MANIKESI

Vehicle

Impar #: A3

Sensitive Item

PATROL MANIFEST

Name

Serial Number

VW  
Is bumper #: A4

997

Name

Serial Number

[REDACTED]

[REDACTED]

POWER PLANT REG  
LOG PAC 2 MACS

3 V

15 PES 2 TERS

LEAVE PP

1230 TO [REDACTED]

LEAVE

1530 TO PP

WILL CALL WITH MORE

INFO

ALSO GOING 0830 TO [REDACTED]

Vehicle bumper #: HG05

(11)

Name

Sensitive Item

Serial Number

Vehicle bumper #: HG05

(11)

Name

Sensitive Item

Serial Number

[REDACTED]

[REDACTED]

998

15453

PLT: 212  
DTG SP: \_\_\_\_\_  
PMCS/QAQC/DISPATCH: \_\_\_\_\_  
PURP: 4 mission, LwPAC: \_\_\_\_\_Grid: [REDACTED]  
ETR: \_\_\_\_\_

Vehicle

Bumper #: 45

Name

Sensitive Item

Serial Number

Vehicle bumper #: 463  
Name

Sensitive Item

Serial Number

Vehicle bumper #: 464  
Name

Sensitive Item

Serial Number

Vehicle bumper #: 465  
Name

Sensitive Item

Serial Number

Vehicle

Bumper #: 463

Name

Sensitive Item

Serial Number

Vehicle bumper #: 464

Name

Sensitive Item

Serial Number

Vehicle bumper #: 465

Name

Sensitive Item

Serial Number

Vehicle bumper #: 466

Name

Sensitive Item

Serial Number

PLT: [REDACTED]  
DTG SP: 024000Z Oct 05  
PMCSIOAQCDISPATCH: Prisoner transfer  
Purpose of mission:

Grid: [REDACTED] Detention Facility  
ETR: 1800

**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 **COL [REDACTED]**, Brigade Commander, 4th Brigade Combat Team, 3d Infantry Division (FWD), Baghdad, Iraq  
**(Appointing authority)**

**19 JUNE 2005** (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)  
**(Date)**

**SECTION II - SESSIONS**

Investigation (board) commenced at **FOB [REDACTED]** Baghdad Iraq  
**(Place)** at **0100** **(Time)**

**19 JUNE 2005** (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.)

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

Investigating officer (board) finished gathering/hearing evidence at **1700** **(Time)** on **5 JULY 2005** **(Date)**  
 Presented findings and recommendations at **2400** **(Time)** on **6 JULY 2005** **(Date)**

**SECTION III - CHECKLIST FOR PROCEEDINGS**

COMPLETE IN ALL CASES unless otherwise specified (para 3-15, AR 15-6)	YES	NO	NA
Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1. The letter of appointment or a summary of oral appointment data?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Copy of notice to respondent, if any? (See para 9, below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Other correspondence with respondent or counsel, if any?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. All other written communications to or from the appointing authority?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Privacy Act Statement (Certificate, if statement provided orally)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Communication 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"/>	<input type="checkbox"/>	<input type="checkbox"/>
Information as to sessions of a formal board not included on page 1 of this report?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Other significant papers (other than evidence) relating to administrative aspects of the investigation or board?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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.

ARM 1574, MAR 83 EDITION OF NOV 77 IS OBSOLETE. Page 1 of 4 pages

USAPA 111-20

	YES	NO	NA
1. <i>Exhibits (para 3-16, AR 15-6)</i>			
Are all items offered ( <i>whether or not received</i> ) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
Are copies, descriptions, or depictions ( <i>if substituted for real or documentary evidence</i> ) properly authenticated and is the location of the original evidence indicated?	X		
Are descriptions or diagrams included of locations visited by the investigating officer or board ( <i>para 3-6b, AR 15-6</i> )?	X		
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		
Was official notice of any matter 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 ( <i>para 3-16d, AR 15-6</i> )?	X		
Was a quorum present when the board voted on findings and recommendations ( <i>paras 4-1 and 5-2b, AR 15-6</i> )?	X		
<b>COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)</b>			
At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment ( <i>para 5-3b, AR 15-6</i> )?			
Was a quorum present at every session of the board ( <i>para 5-2b, AR 15-6</i> )?			
Was each absence of any member properly excused ( <i>para 5-2a, AR 15-6</i> )?	X		
Were members, witnesses, reporter and interpreter sworn, if required ( <i>para 3-1, AR 15-6</i> )?	X		
Did 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 ( <i>para 5-2d, AR 15-6</i> )?	X		
<b>COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)</b>			
Was the respondent ( <i>para 5-5, AR 15-6</i> ):			
(1) the method and date of delivery to the respondent indicated on each letter of notification?			
(2) the date of delivery at least five working days prior to the first session of the board?			
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 w/r 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?			
Was the respondent provided a copy of all unclassified documents in the case file?			
Were there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?	X		
Was the respondent designated after the proceedings began ( <i>or otherwise was absent during part of the proceedings</i> )?			
Was he properly notified ( <i>para 5-5, AR 15-6</i> )?	X		
Was record of proceedings and evidence received in his absence made available for examination by him and his counsel ( <i>para 5-4c, AR 15-6</i> )?	X		
Was counsel ( <i>para 5-6, AR 15-6</i> ):			
Was each respondent represented by counsel?			
Name and business address of counsel:			
<b>Is counsel 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		
Was military counsel requested but not made available, is a copy ( <i>or, if oral, a summary</i> ) of the request and the action taken on it included in the report ( <i>para 5-6b, AR 15-6</i> )?	X		
Was respondent challenged the legal advisor or any voting member for lack of impartiality ( <i>para 5-7, AR 15-6</i> )?			
Was the challenge properly denied and by the appropriate officer?	X		
Did each member successfully challenged cease to participate in the proceedings?	X		
Was the respondent given an opportunity to ( <i>para 5-8a, AR 15-6</i> ):			
Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
Examine and object to the introduction of real and documentary evidence, including written statements?	X		
Object to the testimony of witnesses and cross-examine witnesses other than his own?	X		
Call witnesses and otherwise introduce evidence?			
Was he a witness?			
Did he or his counsel make a final statement or argument ( <i>para 5-9, AR 15-6</i> )?			
Was requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in bringing for the presence of witnesses ( <i>para 5-8b, AR 15-6</i> )?	X		
Were all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an addendum or exhibit to it ( <i>para 5-11, AR 15-6</i> )?	X		
<b>NOTES:</b> 1. Explain all negative answers on an attached sheet. 2. Use of the NIA is not considered 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:

Attached Memorandum

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

Based on the above findings, the *investigating officer* (board) recommends:

Attached Memorandum

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

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

(Recorder)

[REDACTED]  
(Investigating Officer or Board)

(Member)

(Member)

(Member)

(Member)

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

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 basis 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)

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

[REDACTED]  
COL, EN  
Commanding



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 4<sup>TH</sup> BRIGADE, 3<sup>RD</sup> INFANTRY DIVISION (MECHANIZED) (FWD)  
Camps [REDACTED]  
BAGHDAD, IRAQ APO AE [REDACTED]



REPLY TO  
ATTENTION OF

AFZP-VSA

06 July 2005

MEMORANDUM FOR COMMANDER

SUBJECT: DA Form 1574 Sections IV-Findings, V-Recommendations for AR 15-6  
Investigation on 3d PLT, A Co, 1-184 IN for 01 March 05 Manslaughter Allegations

1. Background:

During a routine patrol on the night of 01 MAR 05, 3d Platoon, A Company, 1-184 IN (attached to 6-8 CAV), 4<sup>th</sup> BCT, 3d ID reacted to contact with suspected insurgents. Iraqi Police in the neighborhood were ambushed by the insurgents and engaged in a firefight with the same group that 3d Platoon engaged. During the platoon's reaction to contact, 4 Local Nationals (suspected insurgents) were killed in action. Iraqi Police pointed out a house where they had received fire from the rooftop prior to 3d Platoon arriving. The 3d Platoon Leader and A CO Commander attempted to call a [REDACTED] on the house with attack aviation on station. When the request was denied, 6-8 CAV issued orders to A CO Commander to clear the house [REDACTED], [REDACTED]. During the subsequent house clearing, 1 Local National male (reported by 3d Platoon as an insurgent) was killed in action, and 1 Local National female wounded in action. The A CO Commander arrived on the scene as the 3d Platoon was already clearing the house. Upon receiving the situation report at the 4<sup>th</sup> BCT TOC from 6-8 CAV, the Brigade Commander directed that 6-8 CAV send a field grade officer to the site to investigate and report. The S3 for 6-8 CAV, MAJ [REDACTED], arrived approximately 30 minutes after the house was cleared. Based upon the 6-8 CAV TOC's report received and the company commander's Memorandum for Record on the 01 MAR events, the Brigade Commander consulted with the BDE CJA, MAJ [REDACTED] and determined no further investigation was necessary.

2. Allegations:

SGT [REDACTED], A/1-184 IN, made allegations of manslaughter in reference to the 01 March 05 shooting of the Local Nationals in a verbal statement on 07 JUN 05 to LTC [REDACTED], 1-184 IN Commander, and a written statement dated 08 JUN 05. SGT [REDACTED] also made allegations pertaining to detainee abuse on a separate mission, which are currently under a different investigation by CID. (Tab I, Grotts)

LTC [REDACTED] notified the Brigade Commander of the allegations on or about 17 JUN 05.

CID was notified on 18 1500 JUN 05.

The Brigade Commander directed the Deputy Brigade Commander conduct an AR 15-6 Investigation on 17 JUN 05.

3. References:

Historical documents reviewed during the investigation consisted of the following:

1. Memorandum for Record, Subject: "Collateral Injury of Female in [REDACTED]". (Tab A, CPT [REDACTED], 8 MAR 05).
2. 6-8 CAV unit history excerpt from MAJ [REDACTED] (Tab C, Worrill, 1 MAR 05).
3. A Company, 1-184 IN, Command Post Log (Tab B)
4. 6-8 CAV Squadron TOC Log (Tab D)

SUBJECT: DA Form 1574 Sections IV-Findings, V-Recommendations for AR 15-6  
Investigation on 3d PLT, A Co, 1-184 IN for 01 March 05 Manslaughter Allegations

5. 4<sup>th</sup> BCT TOC Log (Tab E)  
6. Sworn statements from Soldiers and interpreter from A Company, 1-184 IN (Tabs G thru 4)  
7. [REDACTED] provided to investigating officer by Co Commander. (Tab F)  
8. Note: SSG [REDACTED] SGT [REDACTED] both medically evacuated and unavailable for interview.  
9. Note: SPC [REDACTED] medically evacuated to Kuwait, unavailable for additional interview.

4. Facts:

a. Background prior to incident:

MAJ [REDACTED] S3, 6-8 CAV, stated that although the BCT transfer of authority was on 4 MAR 05, A/I-184 IN was conducting independent operations as early as 26 FEB 05 while attached to 6-8 CAV, having completed their relief in place with 1-8 CAV early. The 6-8 CAV Squadron Commander briefed the Brigade Commander on 2 MAR 05 that the Relief in Place was completed. RIP was completed with 1-8 CAV, 1 CD, and TOA was conducted as scheduled. This was the first enemy contact for the unit since assuming control of their area of operations. (REF: VOIP Phone conversation between MAJ [REDACTED] and LTC [REDACTED] on 28 JUN 05)

b. Actions 01 MAR 05:

(1) Mounted Combat Patrol:

01 1903 MAR 05

3<sup>rd</sup> Platoon, A Co, 1-184 IN went on a presence patrol (#0170) with 5 vehicles, 19 soldiers, and one interpreter in [REDACTED]. The patrol was unaccompanied by any element from 1-8 CAV. (Tab B: A/I-184 IN DA FORM 1594)

01 2030 MAR 05

LT [REDACTED] had the patrol dismount in [REDACTED] just north of Route [REDACTED] IOT obtain the ten digit grid of a burned out vehicle on 62<sup>nd</sup> Street going eastbound. (Tab K, Couture)

(2) Actions on Contact:

01 2109 MAR 05 (o/a)

As the lead dismounted element from 3d Platoon moved west and turned south, and rounded the corner of [REDACTED] Street and [REDACTED] Street moving south, the lead element of the patrol received heavy AK-47 fire from the south in the vicinity of [REDACTED] Street. The lead element of the platoon returned fire, mounted, and withdrew west and established a cordon in the southwest corner of [REDACTED] and [REDACTED] Streets to protect their flanks and gain control of the fire they were receiving from the street and several unidentified rooftops. (Tabs K, [REDACTED], [REDACTED])

The report logged in A/I-184 IN duty log at 01 2109 MAR 05 stated " [REDACTED] receiving small arms fire at grid [REDACTED]. [REDACTED] has expended over 100 rds already" (Tab B: A/I-184 IN Log)

01 2116 MAR 05

The A CO duty log indicates " [REDACTED] est. 2 enemy KIA, received RPG, small arms from building, requesting close air support". (Tab B: A/I-184 IN Log)

It is unclear whether the other 2 were killed from the blast of their own hand grenade, Iraqi Police fire, or fire from the 3d Platoon, due to the inability of Soldiers to observe the entire fire-fight due to building cover. Following investigation of the scene after at least one hour had passed, Soldiers found shell casings, unexploded hand grenades, parts of an exploded hand grenade, and all four KIA tested positive for X-Spray (weapons). No rifles were found on any of the KIA. (Tab Q, [REDACTED])