



DEPARTMENT OF THE ARMY
4th 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]
COL, EN
Commanding

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TAB	DOCUMENT
	DA FORM 1574 Report of Proceedings by Investigating Officer/Board of Officers Attached Memorandum from Investigating Officer
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B	DA FORM 1594, A CO CP Log, 1-2 MAR 05
C	6-8 CAV SQDN Unit History Excerpt, 1 MAR 05, MAJ [REDACTED] (email)
D	DA FORM 1594, 6-8 CAV TOC Log & 1-184 TOC Log, 1-2 MAR 05
E	DA FORM 1594, 4 th BCT TOC Log entry from 02 0018 MAR 05
F	[REDACTED]
G	[REDACTED] View Map of area [REDACTED], diagrams of neighborhood (IO)
H	1-184 IN BN key leader wire diagram provided by 1-184 IN BN S1
I	SGT [REDACTED] Statements (23, 8, 7 JUN, est early MAR-CDR Inquiry)
J	SSG [REDACTED] Statements (27, 19 JUN, est early MAR-CDRs Inquiry)
K	2LT [REDACTED] PLT LDR) Statements (26, 19 JUN, 05 MAR 05)
L	[REDACTED] Statement ([REDACTED] INTERP)(1 JUL 05), CACI
M	SGT [REDACTED] Statements (2 JUN, 30 MAY, 3 MAR 05)
N	SSG [REDACTED] Statement (10 MAR) Note: not avail-evac to FT Bliss, TX
O	SPC [REDACTED] Statements (30 JUN, est early MAR-CDR Inquiry)
P	SPC [REDACTED] Statements (30 JUN invoked rights, 19 JUN, 30 MAY, 23 MAR 05)
Q	SGT [REDACTED] Statements (26 JUN, 19 JUN 05)
R	SPC [REDACTED] Statements (19 JUN invoked rights, est MAR-CDR Inquiry)
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T	1SG [REDACTED] Statement (18 JUN 05)
U	SPC [REDACTED] Statement (4 JUL, 3 MAR 05)
V	SGT [REDACTED] Statement (3 MAR 05)
W	CPL [REDACTED] Statement (4 JUL 05)
X	SGT [REDACTED] Statement (10 MAR 05)
Y	SGT [REDACTED] Statement (est MAR-CDR Inquiry)
Z	SGT [REDACTED] Statement (19 JUN 05 invoked rights)
1	SSG [REDACTED] (10 MAR 05)
2	Statements by SPC [REDACTED], SPC [REDACTED], SPC [REDACTED], SPC [REDACTED], SPC [REDACTED] [REDACTED] SGT [REDACTED], SPC [REDACTED], SPC [REDACTED], SPC [REDACTED], CPL [REDACTED] [REDACTED] (deceased), SPC [REDACTED], SPC [REDACTED], SPC [REDACTED], SGT [REDACTED] SPC [REDACTED]
3	SGT [REDACTED] Counseling Statements provided by CO and 1SG
4	4 th BCT SOSO TTPs, CJTF-7 Smart Card CFLCC ROE
5	[REDACTED]
6	[REDACTED] } release
7	blank
8	blank

Classified Documents Removed

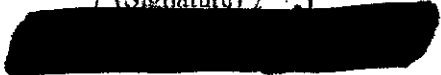
AFZP-VE-C
SUBJECT: Restricted Communications

PROOF OF SERVICE

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



(Signature) /



RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: 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	FOB [REDACTED]		2. DATE	6/19/2005	3. TIME	1904	4. FILE NO.
5. NAME (Last, First, MI)	[REDACTED]		6. ORGANIZATION OR ADDRESS				
6. SSN	[REDACTED]		7. GRADE/STATUS				
		0-3/CO		ACO H84 40CT 3rd ID			

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 FUR LN VOLUNTARY MIA/CAUGHT

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:

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (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.

- Or -

(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.

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]	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	4. SIGNATURE OF INVESTIGATOR
2a. NAME (Type or Print)	[REDACTED]	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	5. TYPED NAME OF INVESTIGATOR
		[REDACTED]
		6. ORGANIZATION OF INVESTIGATOR
		HHC, 4th BDE 3d ID

Section C. Non-waiver

- 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
4TH 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?
X 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			
A 1/184 INF 4 BDE, 3 ID		CAMP [REDACTED]		FROM		TO	
ITEM NO.	TIME	INCIDENTS, MESSAGES, ORDERS, ETC.		ACTION TAKEN		INL	
	IN	OUT					
1	0001		SUT [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	LOGGED			
3	0155		5 KIAS 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 POE AT [REDACTED] BE INVESTIGATED	LOGGED			
10	0310		SENT REQUEST TO BDE 2 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
[REDACTED]	[REDACTED]

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

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NO. OF PAGES

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ORGANIZATION OR INSTALLATION

A 1/184 INF

4 B02, 3 10

LOCATION

CAMP [REDACTED]

PERIOD COVERED

FROM

TO

HOUR

DATE

HOUR

DATE

0000

2 MAR 05

2359

02 MAR 05

ITEM NO.	TIME		INCIDENTS, MESSAGES, ORDERS, ETC.	ACTION TAKEN	INL
	IN	OUT			
11	0312		[REDACTED] UNDERSTOOD SITUATION BUT INSISTED THAT THE POI BE INVESTIGATED	LOGGED	[REDACTED]
12	0400		UNABLE TO LOCATE AMBULANCE, IPS ARE LINKED UP AND ARE BEING ESCORTED TO INCIDENT SITE	LOGGED	[REDACTED]
13	0500		[REDACTED] ELEMENT REQUESTING STATUS OF UPCOMING MISSION DUE TO BREAKDOWN OF VEHICLES	LOGGED	[REDACTED]
14	0600		Sgt. [REDACTED] takes over CI/TOC	Logged	[REDACTED]
15	0601		[REDACTED] Elements in route to P.P. He FOB	Logged	[REDACTED]
16	0615		All [REDACTED] Elements back @ FOB	Logged	[REDACTED]
17	0645		P.P. called RE: [REDACTED] [REDACTED] stand by [REDACTED] [REDACTED] [REDACTED]	Logged	[REDACTED]
18	0730		P.P. called RE: [REDACTED] has been compromised vehicle	Logged	[REDACTED]
19	0745		P.P. will pickup [REDACTED] element	Logged	[REDACTED]
20	0822		[REDACTED] team extracted to P.P.	Logged	[REDACTED]
21	0830		[REDACTED] team arrives @ P.P.	Logged	[REDACTED]
22	0845		[REDACTED] Patrol - SP@ 0845 Patrol 0182	Logged	[REDACTED]
23	0902		IED Explosion @ intersection of [REDACTED]	Logged	[REDACTED]
24	0908		Heard Gunfire from int of [REDACTED]	Logged	[REDACTED]
25	0930		Sit Rep - [REDACTED] @ PWR Mount	Logged	[REDACTED]
26	0918		[REDACTED] - shot fired entry pt to Pwr Mt "Concrete Barrier" tower engaged w/ 1 shot suspect fled into Sec. 806 on SE.	Logged	[REDACTED]
27	0955		Bn reports VBIED hitting the [REDACTED] 2 INGRM 6 INGRM	Logged	[REDACTED]

TYPED NAME AND GRADE OF OFFICER OR OFFICIAL ON DUTY

SIGNATURE

ORGANIZATION OR INSTALLATION		LOCATION		PERIOD COVERED			
A 1/184 INF 4 BDE 3 ID		Camp [REDACTED]		FROM		TO	
ITEM NO.	TIME	INCIDENTS, MESSAGES, ORDERS, ETC.		ACTION TAKEN		INL	
	IN	OUT		HOUR	DATE	HOUR	DATE
28	0955		Bn requests Red 6 (patrol 11082) investigate shot fired @ Pwr plant.	1005	2 MAR 05	2349	2 Mar 05
29	1020		[REDACTED] reports patrolling [REDACTED] in search of Pwr Plant Susp.				
30	1040		[REDACTED] finished search of [REDACTED] KM to Patrol Sctr 820				
31	1046		Bn reports possible ied on [REDACTED] @ [REDACTED]				
32	1048		[REDACTED] reports Anti-coalitioning activity @ [REDACTED]				
33	1102		[REDACTED] reports 9 shots fired @ [REDACTED] No friendly's hurt				
34	1115		[REDACTED] searched Vic failed to Stop Red Fiat Imale				
35	1100		Pwr Plant reports explosion in vicinity of [REDACTED]				
36	1115		[REDACTED] received [REDACTED] single shot from under loc during the [REDACTED]				
37	1132		Bn reports [REDACTED] @ [REDACTED] Area Sec and Con				
38	1132		[REDACTED] by 106 PAC SP				
39	1147		[REDACTED] arrived @ Fob				
40	1200		[REDACTED] @ Pwr Plant				
41	1213		[REDACTED] returning to fob				
42	1230		[REDACTED] reached fob				
43	1400		[REDACTED] returned to PP				
44	1440		[REDACTED] REPORTS THAT A VEHICLE POSSIBLY DROPPED OFF AN IED 400 METERS WEST OF THE PWR PLANT MAIN GATE. [REDACTED] IS MOVING SPOTTERS TO DETERMINE THE SITUATION				
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 220-18: the proponent agency is Office of The Deputy Chief of Staff for Operations & Plans

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ORGANIZATION OR INSTALLATION

A 1/184 INF

4 BDE 310

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

46

1605

IP Respond to possible IED or UXO at

Logged

4

Railway Bridge Grid: [REDACTED] (Route)

47

1710

INTERSTATE [REDACTED] DUE AT 1745

AT SQUADRON TOC

LOGGED

48

1715

[REDACTED] DIERGES THAT THE COMPANY

PROVIDE ONE PLATOON FOR SECURITY

AT THE DAC FOR A SHERK MEETING

ON 3 MAR 05 1000 - 1100

LOGGED

49

1800

Sgt. [REDACTED] takes over TOC OPS

Logged

50

1840

INFORMED [REDACTED] TO PROVIDE SECURITY FORCE

LOGGED

FOR MAR 03 DAC MEETING FROM 1000-1100

51

1852

[REDACTED] sidrep: 422749 - NO CONTACT

Logged

52

1845

[REDACTED] Patrol 0201 In

Logged

53

1902

Patrol 0205 OUT

Logged

54

1930

Pushed messages to [REDACTED] on
Must Read Board

logged

55

1939

[REDACTED] AT Powerplant Pickups up Terp

Logged

56

2010

Radio check with Power Plant

logged

57

2030

Bn Reports POI @ HB [REDACTED]

Logged

58

2035

Power Plant reports an observed
explosion 2000m in northwest
direction

Reported to Bn

TYPED NAME AND GRADE OF OFFICER OR OFFICIAL ON DUTY

SIGNATURE

DA FORM 1594, NOV 62

PH 120L - C10

Grid: [REDACTED]
ETR: 02-1230 1046-05

Vehicle:

DTG SP: _____
 PMCS/OACC/DISPATCH: _____
 Purpose of mission: Rock & Search

UCLINICS

POWER PLANT REQ
LOG-TRC 2 MAR 05
3 V 15 PLS 2 TERS
LEAVE PP ~~6030~~ 1230 TO [REDACTED]
LEAVE [REDACTED] 1530 TO PP
WILL CALL WITH MORE INFO
ALSO GROUND 0830 TO [REDACTED]

15453

Vehicle Transfer # 118 PATROL MANIFEST

Name Sensitive Item Serial Number

[REDACTED]

Name Sensitive Item Serial Number

[REDACTED]

Vehicle bumper #: A-25 21 163

Name Sensitive Item Serial Number

[REDACTED]

Vehicle bumper #: A-21 164

Name Sensitive Item Serial Number

[REDACTED]

PLT: [REDACTED]

DTG SP: 021400Z MAY 85

PMCS/DAC/DISPATCH: Divisional Transfer

Purpose of mission:

Grd: AND put in Detention Facility
ETR: 1800

[REDACTED]

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

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

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

SECTION II - SESSIONS

Investigation (board) commenced at FOB [REDACTED] Baghdad Iraq at 1400
(Place) (Time)

19 JUNE 2005 (Date) (If a formal board met for more than one session, check here ☐. Indicate in an inclosure the time each session began and end, 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.)

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

SECTION III - CHECKLIST FOR PROCEEDINGS

COMPLETE IN ALL CASES

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

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.

FORM 1574, MAR 83

EDITION OF NOV 77 IS OBSOLETE.

Page 1 of 4 pages

USAPA V.1.2

15455

	YES	NO	NA
Exhibits (para 3-16, AR 15-6)			
Are all items offered (whether or not received) 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 (if substituted for real or documentary evidence) 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 (para 3-6b, AR 15-6)?	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		
Is official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter at which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?	X		
Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)			
At each session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
Was each absence of any member properly excused (para 5-2a, AR 15-6)?			X
Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			X
Were 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
COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)			
Was notice to respondents (para 5-5, AR 15-6):			
1. the method and date of delivery to the respondent indicated on each letter of notification?			
2. Was the date of delivery at least five working days prior to the first session of the board?			
3. Does each letter of notification indicate -			
(a) the date, hour, and place of the first session of the board concerning that respondent?			
(b) the matter to be investigated, including specific allegations against the respondent, if any?			
(c) the respondent's rights with regard to counsel?			
(d) the name and address of each witness expected to be called by the recorder?			
(e) the respondent's rights to be present, present evidence, and call witnesses?			
4. Was the respondent provided a copy of all unclassified documents in the case file?			
5. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			X
6. Was respondent designated after the proceedings began (or otherwise was absent during part of the proceedings)?			
7. Was he properly notified (para 5-5, AR 15-6)?			X
8. 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
9. Counsel (para 5-6, AR 15-6):			
(a) Was each respondent represented by counsel?			
(b) Name and business address of counsel:			
10. If counsel is a lawyer, check here <input type="checkbox"/> :			
11. Was respondent's counsel present at all open sessions of the board relating to that respondent?			X
12. 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
13. Did respondent challenge 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
14. 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) Take or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
15. If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in preparing for the presence of witnesses (para 5-8b, AR 15-6)?			X
16. Were 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
NOTES: 1. Explain all negative answers on an attached sheet. 2. Use of the NIA 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)

(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)

(Investigating Officer) (Proprietor)

(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. 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)

findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions: _____). 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.)

COL, EN
Commanding



DEPARTMENT OF THE ARMY
HEADQUARTERS, 4th BRIGADE, 3RD INFANTRY DIVISION (MECHANIZED) (FWD)
CAMP [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), 4th 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. A CO Commander ordered the 3d Platoon Leader to clear the house [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 4th 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)

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5. 4th BCT TOC Log (Tab E)

6. Sworn statements from Soldiers and interpreter from A Company, 1-184 IN (Tabs G thru J)

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/1-184 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

3rd 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/1-184 IN DA FORM 1594)

01 2030 MAR 05

LT [REDACTED] had the patrol dismount in [REDACTED] just north of Route [REDACTED] NOT obtain the ten digit grid of a burned out vehicle on 62nd 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/1-184 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/1-184 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/1-184 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, unexpended 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])