

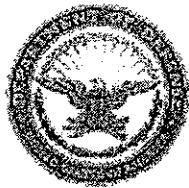
# AR 15-6 Investigation

Shooting at 222251JUL05 on Bridge █

Investigating Officer:

CPT, AR  
S-3 Plans  
TF 4-64 AR

Date:  
24 JUL 05



DEPARTMENT OF THE ARMY  
TASK FORCE 4-64 ARMOR, 4<sup>TH</sup> BRIGADE, 1<sup>ST</sup> INFANTRY DIVISION  
FORWARD OPERATING BASE (FOB) [REDACTED]  
BAGHDAD, IRAQ, APO AE [REDACTED]

AFZP-VFA-C

26 July 2005

MEMORANDUM FOR CPT [REDACTED], HQ, TF 4-64 Armor

SUBJECT: Appointment as 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 of a shooting incident involving C Co, 4-64 AR, on or about 22 July 2005.
2. You will conduct a thorough investigation of the matter to determine the circumstances surrounding the loss of the property. Your investigation should focus on, but not necessarily be limited to, the following:
  - a. Personnel Involved
  - b. Tactical Situation
  - c. Weapons control measures (mechanical safe, fire commands, etc.)
3. Prior to the beginning of your investigation, you must make an appointment with the Administrative Law Division of the Staff Judge Advocate's Office. An attorney at the Administrative Law Division will be your legal advisor.
4. In conducting your investigation, use informal procedures under AR 15-6. Make specific findings as to the allegations above. The evidence you gather should support your findings. Make recommendations consistent with your findings to address any perceived or actual improper or criminal conduct.
5. 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 (See AR 15-6, Appendix B).
6. I direct you to keep compile a daily chronology of all investigative activities and encourage you to consult with a legal advisor whenever and as often as necessary. In the case of any alleged criminal misconduct, you must consult with a legal advisor.
7. Submit your findings and recommendations to LTC [REDACTED] on DA Form 1574 within 10 working days of receipt of this appointment order. Should you require additional time, coordinate with him.

FOR THE COMMANDER:

CPT, AR  
Adjutant  
[REDACTED]

SUBJECT: 15-6 Investigation of Shooting resulting in a Local National death at  
222251JUL05 on bridge [REDACTED]

4) After conducting interviewing with all the individuals involved, it is my opinion that the patrol was equipped to accomplish the mission they were assigned. However, there are some equipment issues that need to be address. All of the soldiers on the patrol weren't equipped with surefire flashlights for their personal weapon and flashlights for all turret gunners.

5) The investigating officer has interviewed all the necessary individuals involved and has reviewed all documents pertaining to this incident. I have determined although the results of this incident was tragic, SGT [REDACTED] acted in accordance with the correct Rules of Engagement and used proper escalation of force procedure to remove the perceived threat.

#### 4. Recommendation

A. In view of all the evidence present, SGT [REDACTED] actions were justified and in accordance with the MNC-I ROE, and no adverse action should result of this investigation.

B. After interviewing the soldiers involved in this incident and taking the statement of Mr. [REDACTED] the witness at the scene. It is my recommendation that all soldiers be equipped with surefire flashlights for their personal weapon and high powered flashlights for the turret gunners. This will provide the gunners an additional step of escalation of force before firing warning shots and make them easily to identify to the local drivers at greater distances.

C. No further action is required upon completion of this investigation

5. POC: Point of contact for this memorandum is the undersigned at  
[REDACTED]@us.army.mil VOIP [REDACTED]

encls

Tabs A-G

A. Appointment Orders

[REDACTED]  
CPT, AR

B. MFR, Subject: Statement Adoption Certificate

[REDACTED]  
Investigating Officer

Rights Waiver Certificate, SSG [REDACTED]	, 230148JUL05
Rights Waiver Certificate, SSG [REDACTED]	, 230150JUL05
Rights Waiver Certificate, PV2 [REDACTED]	, 230144JUL05
Rights Waiver Certificate, SGT [REDACTED]	, 222230JUL05
Rights Waiver Certificate, PFC [REDACTED]	, 230148JUL05
Rights Waiver Certificate, PV2 [REDACTED]	, 230145JUL05
Rights Waiver Certificate, SPC [REDACTED]	, 222251JUL05
Rights Waiver Certificate [REDACTED]	, 230145JUL05
Rights Waiver Certificate [REDACTED]	, 230147JUL05

SUBJECT: 15-6 Investigation of Shooting resulting in a Local National death at  
222251JUL05 on bridge █

At this point two four-door sedans accelerated from the pack of vehicles and moved at a high rate of speed. One sedan was in the far right lane traveling at approximately 55 MPH, and a dark blue Mazda 626 sedan, license plate █ was in the middle lane. The Mazda was traveling approximately 65 MPH. Both vehicles were rapidly approaching the rear M1114 of the patrol. SGT █ the gunner on the rear M1114 noticed the vehicles approaching and tried to use hand and arm signals several times before firing warning shots. Prior to firing the warning shot he extended his arm with all fingers touching palm facing upward which is the Iraqi hand signal for stop and wait, while shouting stop however the vehicles continued to approach the rear M1114 at a high rate of speed. SGT █ then aimed his M4 approximately three meters at the ground in front of the vehicles, while still shouting for the vehicles to stop. The vehicles continued to advance on the rear of the patrol despite the repeated attempts by SGT █ to stop their advancement prior to firing his M4. SGT █ fired three initial warning shots, one hitting the ground and the other two hitting the front right headlight of the Mazda 626. At this point the vehicle in the far right lane adhered to the warning shots and stopped. However, the Mazda continued to advance toward the SGT █ vehicle maintaining its rate of speed coming within 10-15 meters of the rear M1114. SGT █ now suspecting the vehicle to be a VBIED fired three additional shots at the vehicle. Two rounds hit the windshield and one hit the roof of the vehicle. It wasn't until after SGT █ fired the final three shots the vehicle stopped. SGT █ then told his vehicle commander SSG █ to stop the vehicle because he just fired shots into a vehicle that was advancing on their rear. SSG █ called SSG █ the patrol leader to inform him of the incident that had just happened. The Mazda stopped and the passenger's in the vehicle are all screaming and panicking at this point.

SSG █ approached the vehicle with a medic and another soldier to assess the situation. SSG █ shined a light into the vehicle to find some of the passengers seriously injured. PFC █ the medic, began to assess and treat the injured identifying one male with a gunshot wound to the shoulder, a female with a gunshot wound to the jaw and later found one female dead in the rear seat with gunshot wound to the throat. The driver's name is █, he was evacuated to the hospital before it could be determined why he failed to heed the many warnings he was given. SSG █ told SSG █ to call █ to report the incident, while he talked to █, who informed him to take pictures and get statements from any of the locals that witness at the incident. SSG █ got a written statement from a local man name █. Mr. █ confirmed SGT █ story that despite the warnings he gave, the vehicles continued to advance toward the rear of his M1114. Mr. █ then states after the warning shots were fired he ducked his head for safety, and when he raised his head he noticed the vehicle that was approaching the rear M1114 was shot and people were screaming.

### **3. FINDINGS:**

#### **A. General.**

**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.)

[REDACTED] CPT, AR, S-3 Plans

[REDACTED] (Investigating Officer) (President)

(Recorder)

(Member)

(Member)

(Member)

(Member)

**SECTION VI - MINORITY REPORT** (para 3-18, AR 15-6)

To the extent indicated in Inclosure [REDACTED], 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 VII - ACTION BY APPOINTING AUTHORITY** (para 3-1, AR 15-6)

The findings and recommendations of the [REDACTED] (Investigating officer) (board) are [REDACTED] (approved) (disapproved) (approved with following exceptions/ substitutions). (If the appointing authority requires 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.)

[REDACTED]  
LTC, AR, Commanding

		YES	NO	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?	<input checked="" type="checkbox"/>		
b.	Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	<input checked="" type="checkbox"/>		
c.	Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	<input checked="" type="checkbox"/>		
d.	Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the source of the original evidence indicated?		<input checked="" type="checkbox"/>	
e.	Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-64, AR 15-6)?	<input checked="" type="checkbox"/>		
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?	<input checked="" type="checkbox"/>		
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)?			<input checked="" type="checkbox"/>
3	Was a quorum present when the board voted on findings and recommendations (para 4-1 and 5-2b, AR 15-6)?			<input checked="" type="checkbox"/>
<b>B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)</b>				
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 5-2c, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 5-1, AR 15-6)?			
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the enclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
<b>C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)</b>				
9	Notice to respondent (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 removal?			
(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 5-6, 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 advice of 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 challenge cause to participate in the proceedings?			
13	Was the respondent given an opportunity to (para 5-8, 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 enclosure or exhibit to it (para 5-11, AR 15-6)?			

FOOTNOTES: <sup>a</sup> If question of negative answers on an optional sheet.

<sup>b</sup> Use of the NO column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or hearing.

**Classified Documents Removed**

## Table of Contents

### *AR 15-6 Investigation on shooting resulting in a Local National Death at 222251JUL05 on Bridge [REDACTED]*

DA Form 1574 (Report of Proceedings by Investigating Officer)  
MFR, SUBJECT: AR 15-6 Investigation on Shooting resulting in a Local National Death  
at 222251JUL05 on Bridge [REDACTED]

- A. Appointment Orders
- B. MPR, Subject: Statement Adoption Certificate
  - Rights Waiver Certificate, SSG [REDACTED], 230148JUL05
  - Rights Waiver Certificate, SSG [REDACTED], 230150JUL05
  - Rights Waiver Certificate, PV2 [REDACTED], 230144JUL05
  - Rights Waiver Certificate, SGT [REDACTED], 222230JUL05
  - Rights Waiver Certificate, PFC [REDACTED], 230148JUL05
  - Rights Waiver Certificate, PV2 [REDACTED], 230145JUL05
  - Rights Waiver Certificate, SPC [REDACTED], 222251JUL05
  - Rights Waiver Certificate, [REDACTED], 230145JUL05
  - Rights Waiver Certificate, [REDACTED], 230147JUL05
  - Rights Waiver Certificate, [REDACTED], 230143JUL05
  - Rights Waiver Certificate, [REDACTED], 230141JUL05
- C. 4<sup>th</sup> BCT Critical Information Report, 191235JUL05
- D. 4<sup>th</sup> BCT Patrol Debrief, 222251JUL05
  - SIGACTs in incident area, 22JUN05-22JUL05
- E. [REDACTED]
- F. [REDACTED]
- G. Sworn Statement, Mr. [REDACTED] (Witness) 240930JUL05
  - Sworn Statement, SSG [REDACTED], 230037JUL05
  - Sworn Statement, SSG [REDACTED], 230115JUL05
  - Sworn Statement, SGT [REDACTED], 230035JUL05
  - Sworn Statement, SPC [REDACTED], 230035JUL05
  - Sworn Statement, PV2 [REDACTED], 230038JUL05
  - Sworn Statement, SPC [REDACTED], 230030JUL05
  - Sworn Statement, PFC [REDACTED], 230044JUL05
  - Sworn Statement, SGT [REDACTED], 230036JUL05
  - Sworn Statement, PV2 [REDACTED], 230045JUL05
  - Sworn Statement, SPC [REDACTED], 230034JUL05
  - Sworn Statement, PFC [REDACTED], 230115JUL05

**REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS**

For use of this form, see AR 15-6; the preparer's grade is OJAG.

**IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS****SECTION I - APPOINTMENT**Appointed by **LTC** **4-61AR Task Force Commander**

(Appointing authority)

on **23 July 2005** (Date) **(Attach enclosure 1: Letter of appointment or summary of oral appointment date.) (See para 3-15, AR 15-6.)****SECTION II - SESSIONS**The investigating officer conducted at **FOB [REDACTED] Iraq APO AP [REDACTED]** on **0100** (Time) **Home**on **23 July 2005** (If a formal board sat for more than one session, check here  Indicate in an enclosure the time each session began and ended, the place, whether present and absent, and explanation of absence, if any.) The following persons (members, respondent, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

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

The investigating officer (board) finished gathering hearing evidence at **1700** on **24 July 2005** (Time) (Date)and completed findings and recommendations at **1300** on **25 July 2005** (Time) (Date)**SECTION III - CHECKLIST FOR PROCEEDINGS****A. COMPLETED IN ALL CASES**

YES NO N/A

Enclosure para 2-1, AR 15-6P

Are the following initials and numbers consecutively with Roman numerals? (Checkmark in right hand)

- a. Initials of the members or a summary of oral appointment of all?
- b. Copy of letter of appointment, if any?
- c. Copy correspondence with respondent or counsel, if any?
- d. All other written communications to or from the appointing authority?
- e. Review of respondent's testimony, if interview provided analysis?
- f. Explanations by the investigating officer or board of any unusual acts, difficulties, irregularities, or other problems encountered? (e.g., absence of respondent, witness?)
- g. Information in respect of a formal board not included on page 4 of this report?
- h. Any other information or papers, other than evidence, relating to substantive aspects of the investigation or board?

Initials \_\_\_\_\_ Date \_\_\_\_\_

Do not attach this checklist to your report, but attach it to the investigation or board record as an addendum.

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

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

**SEE ATTACHED MEMORANDUM**

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

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

**SEE ATTACHED MEMORANDUM**

DEPARTMENT OF THE ARMY  
Task Force 4-64 Armor  
4<sup>th</sup> Bridge, 3<sup>rd</sup> Infantry Division  
Forward Operating Base (FOB) [REDACTED]  
Baghdad, Iraq APO AE [REDACTED]

AFZB-VBA-T

23 July 2005

MEMORANDUM FOR Commander, 4<sup>th</sup> Battalion, 64<sup>th</sup> Armor Regiment, 3<sup>rd</sup> Infantry Division,  
FOB [REDACTED] APO AE 09348

SUBJECT: 15-6 Investigation of Shooting resulting in a Local National death, at 22251JUL05  
on Bridge [REDACTED]

1. Purpose.

This memorandum lists the circumstance surrounding the 22 July 2005 shooting resulting in a Local National death, involving a C/4-64 AR patrol at bridge [REDACTED], documents the findings of this investigation and provides recommendation for the same.

2. Facts.

On or about 232231JUL05 the 4-64 AR TOC was informed by [REDACTED] that [REDACTED] had a patrol fire warning shots on bridge [REDACTED] at a vehicle that had approached their patrol convoy at a high rate of speed. At 212231JUL05 [REDACTED] called back to give an update on the warning shots fired on bridge [REDACTED] stating that a local national was hit by the warning shots. Shortly afterward [REDACTED] called back with an in-depth update stating that shots fired went through the windshield resulting in two local national wounded, one a with gun shot wound to the jaw and one with a gunshot wound to the shoulder and one local national killed with a gunshot wound to the throat. The patrol leader SSG [REDACTED] who was in the lead vehicle of the patrol, once informed of the shooting cordoned off the scene and had his medic render aid to the wounded until they could stop the Iraqi Police to transport the wounded to the [REDACTED] hospital.

The circumstance leading up to this event is as follows: C/4-64 AR had a patrol consisting of 12 soldiers, 1 interpreter in a three vehicle convoy of M1114s out in zone 2023W [REDACTED] on or about 220001JUL05. The patrol was moving westbound on bridge [REDACTED] clearing it of all intoxicated civilians and stationary vehicles. The stopping of any vehicles or the gathering of locals on bridge [REDACTED] is prohibited due to the threat of direct fire from bridge [REDACTED] on to [REDACTED]. This bridge is normally used by the local nationals to socialize and to take pictures of the activity at [REDACTED]. At approximately 2230 the patrol came upon stationary vehicles on the bridge. The patrol proceeded as usual to clear the stationary vehicles by halting behind them and shining a bright light into the vehicle to inform them that they must continue to move because no vehicles are allowed to stop or park on the bridge. The traffic on bridge [REDACTED] stopped approximately 75-100 meters away from the rear M1114 due to the patrol convoy slowing down and the M1114s blocking the flow of traffic on all three lanes. Once the vehicles were informed to move the patrol proceeded to continue westbound on bridge [REDACTED].

SUBJECT: 15-6 Investigation of Shooting resulting in a Local National death at 222251JUL05 on bridge [REDACTED]

1) Escalation of Force for all servicemen in Iraqi is addressed in Appendix 4 (Rules of Engagement) to Annex C (Operations) to MNC-I OPORD 05-02, dated 21JUN05, paragraph 3.G. The five steps discussed in Graduated Force are:

1. Shout verbal warnings to halt;
2. Show your weapon and demonstrate intent to use it;
3. Physically restrain, block access, or detain;
4. Fire a warning shot;
5. Shoot to eliminate the threat.

2) In general, warning shots are only authorized when the use of deadly force would be authorized in a particular situation. As per the current R.O.E., soldiers are authorized to use up to and including deadly force in order to protect mission essential equipment, when required. When a hostile act or hostile intent is believed to take place, Coalition Forces are authorized to use up to and including deadly force in order to eliminate the threat.

3) In the past month (22JUN05-22JUL05) seven significant enemy attacks have occurred in Charlie Company's Area of Operation (AO). This includes two direct fires from bridge [REDACTED]

4) After interviewing the soldiers involved in this incident and taking the statement of Mr. [REDACTED] the witness at the scene. They all state the driver continued after SGT [REDACTED] repeated attempts to stop the vehicle with hand and arm signals. It is reasonable to say that the driver possibly didn't see SGT [REDACTED] hand signals given his rate of speed, how fast the sequence of events were happening, distance, and time of night involved.

#### B. Specifics.

1) SSG [REDACTED] squad patrols this area everyday clearing it of all the intoxicated civilians and stationary vehicles, with little or no incidents in the past. However, due to the recent increase of attacks in and around their AO, SGT [REDACTED] believed that the vehicle not heeding his warnings was a possible VBIED.

2) In general, gunners in vehicles will take commands from the vehicle commander, when to escalate force; however leaders will trust the judgement of their subordinates, knowing the gunner has a better position to observe the surroundings. SGT [REDACTED] used the proper steps in the escalation of force prior to firing his weapon. Then using his own judgement, SGT [REDACTED] fired his M4 in attempt to protect his crew from the perceive threat.

3) He (SGT [REDACTED]) fired three shots: one in the ground and two into the right front headlight in attempt to warn the vehicle to stop, without injuring anyone at this point. However, the vehicle continued to advance, at this point SGT [REDACTED] states that he was almost certain that the vehicle was a VBIED attempting to detonate near his M1114.

SUBJECT: 15-6 Investigation of Shooting resulting in a Local National death at  
222251JUL05 on bridge

- Rights Waiver Certificate, [REDACTED], 230141JUL05
- C. 4<sup>th</sup> BCT Critical Information Report, 222251JUL05
  - D. 4<sup>th</sup> BCT Patrol Debrief, 222251JUL05  
SIGACTs in incident area, 22JUN05-22JUL05
  - E. Appendix 4 (ROE) to Annex C (Operations) to MNC-4 OPORD 05-02, 21JUN05
  - F. Photos of WIA LN's vehicle, 23JUL05
  - G. Sworn Statement, Mr. [REDACTED] (Witness) 240930JUL05  
Sworn Statement, SSG [REDACTED], 230037JUL05  
Sworn Statement, SSG [REDACTED], 230115JUL05  
Sworn Statement, SGT [REDACTED], 230035JUL05  
Sworn Statement, SPC [REDACTED], 230035JUL05  
Sworn Statement, PV2 [REDACTED], 230038JUL05  
Sworn Statement, SPC [REDACTED], 230039JUL05  
Sworn Statement, PFC [REDACTED], 230044JUL05  
Sworn Statement, SGT [REDACTED], 230036JUL05  
Sworn Statement, PV2 [REDACTED], 230045JUL05  
Sworn Statement, SPC [REDACTED], 230034JUL05  
Sworn Statement, PFC [REDACTED], 230115JUL05

DEPARTMENT OF THE ARMY  
Task Force 4-64 Armor  
4<sup>th</sup> Brigade, 3<sup>rd</sup> Infantry Division  
Forward Operating Base (FOB) [REDACTED]  
Baghdad, Iraq APO AE [REDACTED]

AFZB-VRA-T

24 July 2005

MEMORANDUM FOR RECORD

SUBJECT: AR 15-6 Investigation Document Adoption Certificate

1. The undersigned coordinated with the all personnel involved in the AR 15-6 investigation, regarding a shooting incident on or about 222251JUL05, involving elements of Charlie Company, and determined the statements were substantially the same as at the time they were written; no changes were required. The investigating officer is adopting these statements as part of the investigation.

- A. Sworn Statement of SSG [REDACTED] dated 230148JUL05.
- B. Sworn Statement of SSG [REDACTED] dated 230150JUL05.
- C. Sworn Statement of PV2 [REDACTED] dated 230144JUL05.
- D. Sworn Statement of SGT [REDACTED] dated 222230JUL05.
- E. Sworn Statement of PFC [REDACTED] dated 230148JUL05.
- F. Sworn Statement of PV2 [REDACTED] dated 230145JUL05.
- G. Sworn Statement of SPC [REDACTED] dated 222251JUL05.
- H. Sworn Statement of [REDACTED] dated 230145JUL05.
- I. Sworn Statement of [REDACTED] dated 230147JUL05
- J. Sworn Statement of [REDACTED] dated 230145JUL05
- K. Sworn Statement of [REDACTED] dated 230141JUL05
- L. Patrol Debrief conducted by CPI [REDACTED], BN S2

2. Point of contact for this memorandum is the undersigned at

[REDACTED] @us.army.mil, VOIP [REDACTED]

[REDACTED]  
CPT, AR  
Investigating Officer

## RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 150-30; the proponent agency is DDCBOPS

### 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	2. DATE	3. TIME	4. FILE NO.
4-64 AR, Operation Office, [REDACTED] Iraq	27 JUL 05	0149	
5. NAME (Last, First, MI)		6. ORGANIZATION OR ADDRESS Company 4-64 AR, 4BCT, 3ID POB [REDACTED] Iraq APO, AE	
SSN	7. GRADE/STATUS E6		

### 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 - **HHC 4-64 AR, 4BCT, 3ID** conducting **15-6 investigation**.

I was advised that he/she is a member of the military and wanted to question me about the following offense(s) of which I am suspected: **shooting victim [REDACTED] on or about 222200Z JUN 05, resulting in [REDACTED] KIA, 2200 WIA**.

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 I am not represented by a lawyer, 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 my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

(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 (Comments on reverse side)

Have you been advised of your rights within the last 6 months, required an attorney? Yes

#### 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 INVESTIGATOR
4. NAME (Type or Print) [REDACTED]	[REDACTED]
5. ORGANIZATION OR ADDRESS AND PHONE <b>HHC 4-64 CAMP [REDACTED]</b>	[REDACTED]
6. NAME (Type or Print) [REDACTED]	6. TYPED NAME OF INVESTIGATOR [REDACTED]
7. ORGANIZATION OR ADDRESS AND PHONE	7. ORGANIZATION OF INVESTIGATOR <b>HHC 4-64 AR, 4BCT, 3ID</b>

#### 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 SIGNED STATEMENT (DA FORM 2020) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 89

EDITION OF NOV 89 IS OBSOLETE

USARAF 201

## RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 780-20; the dependent agency is DDCBOPS

### DATA REQUIRED BY THE PRIVACY ACT

**AUTHORITY:** Title 10, United States Code, Section 2012(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
4-64 AR, Operation Office, [REDACTED], Iraq	23 July 05	0150	
5. NAME (Last, First, MI)	B. ORGANIZATION OR ADDRESS Company 4-64 AR, 4BCT, 3ID POB [REDACTED] Iraq APO, AB		
6. SSN 245 51 9682	7. GRADE/STATUS EG / J36		

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

#### Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army. **HHC 4-64 AR 4BCT, 3ID**  
conducting 15-6 investigation.

I am advised to question me about the following offense(s) of which I am suspected accused: **SHOOTING VICTIM** on or about **222251JUL05**, resulting in **1st AVIA, 2nd AVIA**.

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 I personnel subject come to me, 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 appointed for me at no expense to me, or both.

If 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)

Have you been advised of your rights within the last 6 months, required an attorney? **Yes** [REDACTED]

#### 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)		SIGNATURE OF INTERVIEWEE	
1a. NAME (Type or Print)	[REDACTED]	2a. SIGNATURE OF INVESTIGATOR	[REDACTED]
1b. ORGANIZATION OR ADDRESS AND PHONE	536-	2b. SIGNATURE OF INVESTIGATOR	[REDACTED]
2a. NAME (Type or Print)	[REDACTED]	3a. TYPED NAME OF INVESTIGATOR	[REDACTED]
2b. ORGANIZATION OR ADDRESS AND PHONE		3b. 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 LEAVEN STATEMENT (DA FORM 1820) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED  
**DA FORM 1881, NOV 88**

## RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-80; the proponent agency is ODCSOPS

### 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 4-64 AB, Operation Office, [REDACTED] Iraq	2. DATE 23 July 05	3. TIME 0700	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	6. ORGANIZATION OR ADDRESS Company 4-64 AB, 4BCT, 3ID POB [REDACTED], Iraq APO, AE		
7. SSN [REDACTED]	8. GRADE/STATUS E-2/PWZ		

### 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 **HHC 4-64 AB, 4BCT, 3ID** conducting 15-6 investigation. [REDACTED] and wanted to question me about the following offense(s) of which I am suspected: **Shooting [REDACTED] on or about 22/23 JUN 05, resulting in 1 LN KIA, 2 LN WIA**

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 my personal lawyer (not OCMJ) 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 or at my expense to me, or both.
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 (Check one or more)

Have you been advised of your rights within the last 6 months, required an attorney? **Yes / No** [REDACTED]

#### 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.

1. WITNESSES (If available) [REDACTED] [REDACTED]	2. SIGNATURE OF INTERVIEWEE [REDACTED]
3. NAME (Title or Rank) <b>HHC 4-64 AB, Iraq</b>	4. SIGNATURE OF INVESTIGATOR [REDACTED]
5. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]	6. TYPE/NAME OF INVESTIGATION [REDACTED]
7. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]	8. ORGANIZATION OF INVESTIGATOR <b>HHC 4-64 AB, 4BCT, 3ID</b>

#### 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 [REDACTED]

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2020) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

## RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

### 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 4-64 AR, Operation Office, [REDACTED] Iraq	2. DATE July 23, 2005	3. TIME 00:35	4. FILE NO.
5. NAME (Last, First, M.I.) [REDACTED]	6. ORGANIZATION OR ADDRESS Company 4-64 AR, 4BCT, 3ID POB [REDACTED] Iraq APO AE		
7. GRADE/STATUS E-5 / Tech. Sgt.			

### 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 **HHC 4-64 AR 4BCT 3ID** conducting a investigation

and wanted to question me about the following offense(s) of which I am suspected/composed: **Assaulting vic [REDACTED] on or about 22/23 JUL 05, resulting in 1X1N KIA, 2X1N WIA**

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. (For persons 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 engage for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

(For offenses 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 engage 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 (Answer on reverse side)

Have you been advised of your rights within the last 6 months, required an attorney? **Yes** / **No**

#### 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.

1a. NAME (Type or Print) <b>SSG [REDACTED]</b>	2. SIGNATURE OF INTERVIEWEE [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE <b>HHC 4-64 AR, 4BCT, 3ID</b>	4. SIGNATURE OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print) <b>[REDACTED]</b>	5. TYPED NAME OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATION <b>HHC 4-64 AR, 4BCT, 3ID</b>

#### 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 STATEMENT (DA FORM 2802) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED  
**DA FORM 3881, NOV 69**

## RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 350-50; the proponent agency is DDCSOPI

### 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 <b>4-64 AR, Operation Office, [REDACTED], Iraq</b>	2. DATE <b>23 JUL 05</b>	3. TIME <b>145 AM</b>	4. FILE NO.
5. NAME (Last, First, MI) <b>[REDACTED]</b>	6. ORGANIZATION OR ADDRESS <b>Company 4-64 AR, 4BCT, 3ID POB [REDACTED], Iraq APO, AB</b>		
7. SSN <b>[REDACTED]</b>	8. GRADE/STATUS <b>E-3 TPC</b>		

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

#### Section A. Rights

The investigator whose name appears above told me that he/she is with the United States Army. **HHC 4-64 AR, 4BCT, 3ID** conducting 15-6 investigation.

suspected/accused: **Shooting victim** on or about **222251JUL05**, resulting in **1 LN KIA, 2 LN WIA**. and warned me/question me about the following offense(s) of which I am

- 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 my personnel subject code (OSCN) 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 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.

- OF -

- If my offense is 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.

#### B. COMMENTS (continue on reverse side)

Have you been advised of your rights within the last 6 months, required an attorney? **Yes**  **No**

#### 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)

1a. NAME (Type or Print) <b>[REDACTED]</b>	1b. SIGNATURE OF INVESTIGATOR <b>[REDACTED]</b>
2a. NAME (Type or Print) <b>HHC 4-64 AR, 4BCT, 3ID</b>	2b. SIGNATURE OF INVESTIGATOR <b>[REDACTED]</b>
3a. NAME (Type or Print) <b>[REDACTED]</b>	3b. TYPED NAME OF INVESTIGATOR <b>[REDACTED]</b>
4a. ORGANIZATION OR ADDRESS AND PHONE <b>[REDACTED]</b>	4b. ORGANIZATION OF INVESTIGATOR <b>HHC 4-64 AR, 4BCT, 3ID</b>

#### 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 350-50) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 89

## RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 200-20; the preparer agency is DDCSOPS

### 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	2. DATE	3. TIME	4. FILE NO.
444 AR, Operation Office, [REDACTED] Iraq	[REDACTED]	[REDACTED]	
5. NAME (Last, First, MI)		6. ORGANIZATION OR ADDRESS	
[REDACTED]		Company 444 AR, 4BCT, 3ID POB [REDACTED] Iraq APO AB	
7. SSN	8. GRADE/STATUS		
[REDACTED]	[REDACTED]		

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

#### Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army - **HHC 444 AR, 4BCT, 3ID**, conducting 15-6 investigation

and wanted to question me about the following offense(s) of which I am suspected/accused: **Shooting via [REDACTED] on or about 22/25/01/01, resulting in [REDACTED] WIA, [REDACTED] WIA**

Before I was asked 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 I performed subject-of-the-OIF/ 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 my own expense or the Government can appoint a lawyer detailed for me at no expense to me, or both.

(For citizens 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. 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.

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

Have you been advised of your rights within the last 6 months, required or optional? **Yes [REDACTED] No [REDACTED]**

#### 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.

1. WITNESSED (if available)	3. SIGNATURE OF INTERVIEWER
4. NAME (Type or Print)	[REDACTED]
5. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]
6. NAME (Type or Print)	[REDACTED]
7. ORGANIZATION OR ADDRESS AND PHONE	8. ORGANIZATION OF INVESTIGATOR
<b>HHC 444 AR, 4BCT, 3ID</b>	

#### 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 INTERVIEWER

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (AF FORM 2420) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED.

DA FORM 3881, NOV 89

2001 AFM 0707-01 IS OBSOLETE

USAFM 2001