

## DEPARTMENT OF THE ARMY

HQ 612th Engineer Battalion

CAMP [REDACTED], IRAQ

APO AE 09344

AFVK-OHEG-XO

16 Nov 05

MEMORANDUM FOR Commander, 36<sup>th</sup> Engineer Group, Camp [REDACTED], Iraq, APO AE [REDACTED]

SUBJECT: AR 15-6 Investigation Findings and Recommendations

1. FINDINGS: After investigating the incident, from 10 November 2005, from A Co 612<sup>th</sup> En Bn of accidental fire against civilians it is my belief, based on a preponderance of the evidence, that SPC [REDACTED] from 1<sup>st</sup> Platoon did commit the act of accidental fire with his M2. The land owning unit, [REDACTED], maintained oversight of the vehicle with the remains until the IP ambulance arrived.
2. RECOMMENDATIONS: I recommend that the attached (exhibit S) modification to TTP's with all M2's be implemented within the Group to prevent further incidents of this nature. This modification is a M2 round placed below the butterfly's to prevent this accidental fire. Also, the land owner needs to maintain positive control over civilian remains until the appropriate personnel arrive to take custody.
3. BACKGROUND: On 10 November 2005, 1<sup>st</sup> Platoon Co A was in the process of conducting normal route clearance operations east bound on Route [REDACTED]. A suspicious object was noticed and the team stopped to interrogate. Part of the TTP's that the team uses is to stop traffic moving both directions when the [REDACTED] is near the median, which in this case it was. The gunner, SPC [REDACTED] had already picked up his stop sign in his left hand and his M16 in his right, which is his normal procedure. The lead RG-31 was moving into position to affect the stoppage of traffic, and had actually stopped most traffic, except for one white civilian pick up truck. As the RG-31 moved into the median, the driver stopped the RG-31 and SPC [REDACTED] lost his balance in the turret. In the act of catching himself, he hit the butterfly of the M2. The weapon fired one round, which ended up striking the civilian pick up truck and wounding the driver and passenger, the passenger, [REDACTED], subsequently died of his wounds and was taken to the [REDACTED] Police Station, then the morgue.
  - a. In exhibit A, B, D, and E SSG [REDACTED], SPC [REDACTED], SGT [REDACTED], and SPC [REDACTED] all the persons in the vehicle, stated that they heard SPC [REDACTED] yelling at the vehicle to stop and SPC [REDACTED] noted that SPC [REDACTED]'s feet were positioned in such a way that he was facing the vehicle.
  - b. In Exhibit B, SPC [REDACTED] indicated that he did enter the median and stop in the effort to allow his gunner to stop traffic..

c. In Exhibit F, SGT [REDACTED] (the TC in the vehicle behind them) states that he saw SPC [REDACTED] with the stop sign and M16 in his hands and as the RG-31 stopped, he 'fell' into the M2, which fired one round.

d. In Exhibit L, SGT [REDACTED] (the medic assigned to the platoon) describes what medical actions she took to provide aid to the wounded civilians. It appears that she and her CLS assistant performed all needed and necessary medical actions to stabilize and provide life saving measures at her disposal.

e. In Exhibit O, 2LT [REDACTED] (Platoon Leader) contacted [REDACTED] and notified them that he needed an ambulance for a wounded civilian. [REDACTED] told him that they were dispatching one to his location. Subsequent to this he received an update on the wounds of the civilians and called in a [REDACTED] Medevac to [REDACTED]. Before the MEDEVAC arrived the second civilian died from his wounds. After the medevac had departed with the one wounded civilian, 2LT [REDACTED] again contacted [REDACTED] and asked for guidance and dispositions instructions for the DOW civilian. He was again told that the ambulance was on the way. Approximately 30 minutes later, he again called [REDACTED] for guidance since the ambulance had not arrived. [REDACTED] told them to continue mission. 2LT [REDACTED] offered to stay on the scene but was told to continue mission. [REDACTED], who had arrived earlier to assist with the cordon, also called [REDACTED] and offered to stay on scene until the ambulance arrived. However, [REDACTED] directed them to continue mission as well.

f. 1LT [REDACTED] from [REDACTED] provided his input as to his decision to direct SHIC to CM in Exhibit P. He stated that he knew the IP ambulance was on the way, and he directed that [REDACTED] would remain in an over watch position to ensure that the remains were in fact recovered, which they were about 30 minutes later.

g. Normal mission briefings were conducted prior to departure from the FOB, and all escalation of force and actions on contact were covered.

h. All turret gunners were directed to go 'Red' after passing out of all ECP's and to remain 'Red' for the duration of the mission, this is in accordance with all our combat patrols TIP's.

i. There were no mechanical faults, nor any suspected, with the M2 in question.

j. SPC [REDACTED] was not formally counseled after this incident by his chain of command.

4. ISSUES and ANALYSIS: Did SPC [REDACTED] have a negligent discharge of his crew served weapon that resulted in the death of one civilian and wounding another. There are two facets of this to address:

- 1) Did SPC [REDACTED] weapon discharge cause the injury and death.
- 2) Was it an act of negligence: NEGLIGENT implies inattention to one's duty or business

Based on the testimony and evidence gathered, I believe that SPC [REDACTED] did discharge his weapon in a manner that caused the injury and death. However I do not believe that this fulfills that definition of 'negligent'. SPC [REDACTED] was not inattentive in his business nor his duty. He was following normal procedures to control traffic that have been used by all gunners in combat patrols. This was an accidental discharge. With no formal safeties on the M2, and not having knowledge of the added safety option found in Exhibit P, there was no reasonable expectation that SPC [REDACTED], or anyone else could have prevented this from occurring.

5. POC is the undersigned at [REDACTED]

[REDACTED]  
MAJ, EN  
Investigating Officer

20 Encls

1. Exhibit A [REDACTED] Sworn Statement)
2. Exhibit B [REDACTED] Sworn Statement)
3. Exhibit C [REDACTED] Sworn Statement)
4. Exhibit D [REDACTED] Sworn Statement)
5. Exhibit E [REDACTED] Sworn Statement)
6. Exhibit F [REDACTED] Sworn Statement)
7. Exhibit G [REDACTED] Sworn Statement)
8. Exhibit H [REDACTED] Sworn Statement)
9. Exhibit I [REDACTED] Sworn Statement)
10. Exhibit J [REDACTED] Sworn Statement)
11. Exhibit K [REDACTED] Sworn Statement)
12. Exhibit L [REDACTED] Sworn Statement)
13. Exhibit M [REDACTED] Sworn Statement)
14. Exhibit N [REDACTED] Sworn Statement)
15. Exhibit O [REDACTED] Sworn Statement)
16. Exhibit P [REDACTED] Sworn Statement)
17. Exhibit Q (612<sup>th</sup> CIR Report)
18. Exhibit R [REDACTED]
19. Exhibit S Recommended Modification to TTP's for M2's
20. Exhibit T Appointment Memorandum



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
HEADQUARTERS, 36TH ENGINEER COMBAT GROUP  
3RD INFANTRY DIVISION, CAMP [REDACTED], BAGHDAD, IRAQ  
APO AE 09344

AFVK-CO

17 November 2005

MEMORANDUM FOR Commander, Multi-National Division—Baghdad, Iraq APO AE [REDACTED]

SUBJECT: AR 15-6 Investigation-10 November 2005 Shooting Fatality of a Local National by  
A Company, 612th Engineer Battalion (Heavy)

1. I have reviewed the attached investigation and its enclosures and concur with the findings and recommendations of the investigating officer.
2. I recommend its final approval.
3. POC is the undersigned at [REDACTED]

[REDACTED]  
COL, EN  
Commanding

STATEMENT OF [REDACTED]

TAKEN AT [REDACTED]

DATE

10 NOV 05

STATEMENT (Continued)

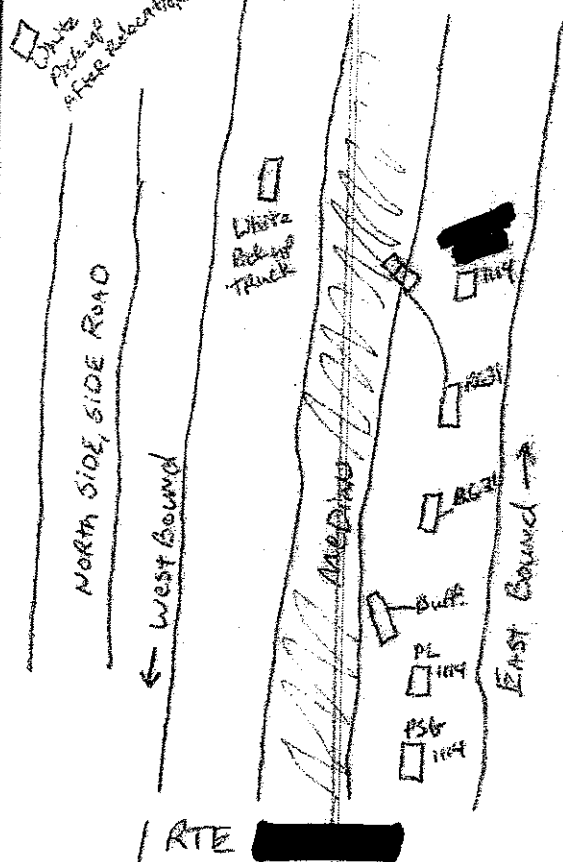
The MEDIC (SGT [REDACTED])... My Vehicle then stayed in place to provide security. The PL (2LT [REDACTED]) then called me on the RADIO to find out the situation. As the MEDIC and SFC [REDACTED] had started medical aid, I started to calm SFC [REDACTED] down. He had told me that when we stopped the truck he shifted forward and his mile magazine had set the SOAL OFF by hitting the Butterfly on it. Some time had passed, the MEDIC had landed and took the casualty. At this time I had found out that there had been two casualties and one had passed away during the time of the accident and when the chopper had gotten there. Another unit had pulled up secured the LN's pickup truck and moved it about 150 meters NE of the original site. time went by and we waited to see what the BCT wanted us to do with the PARISHED LN. [REDACTED] (SFC [REDACTED]) secured the LN and moved to the location of the pickup truck where the other unit had put it. SFC [REDACTED] then instructed some of our PLT's soldiers to put the LN who had PARISHED into the back of the pickup truck. The PLT. then got back into CONVOY operation sequence and CONTINUED MISSION.

ALS OF PERSON MAKING STATEMENT [REDACTED]

STATEMENT OF [REDACTED]

TAKEN AT Camp [REDACTED]Jama DATED 10 NOV 05

## 9. STATEMENT (Continued)



## AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

[REDACTED]

[REDACTED]

1012 E. 30th A. Co.

Camp [REDACTED] JAG 09344

ORGANIZATION OR ADDRESS

[REDACTED]

[REDACTED]

[REDACTED]

1012 E. 30th A. Co.

Camp [REDACTED] JAG 09344

ORGANIZATION OR ADDRESS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of November, 2005 at Camp [REDACTED] Jama

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ARMY OFFICER

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 3 PAGES

## Sample Privacy Act Statement

DATA REQUIRED BY THE PRIVACY ACT OF 1974

**AUTHORITY:** The solicitation of personal information in conjunction with this investigation is authorized under Title 10 USC 3012.

**PURPOSE:** The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to:  
Incident that resulted in LN being shot and killed

**ROUTINE USES:** Information obtained during the conduct of this investigation will be used to document relevant facts regarding the incident concerned. It will be used to determine the cause(s) leading to the incident, establish individual responsibilities or negligence, and to assist in making recommendations for corrective actions and/or appropriate administrative actions. Any information you provide may be disclosed to members of the Department of Defense who have a need for it in the performance of their duties.

### DISCLOSURE MANDATORY OR VOLUNTARY AND THE EFFECT OF NOT PROVIDING INFORMATION:

The private information you furnish is voluntary. There will be no adverse effect on you for not furnishing private information other than that certain facts or information might not be otherwise available to the Commander for his decision in this matter.

The other information you furnish is mandatory. Failure to provide the requested information could result in disciplinary or other adverse action against you under the UCMI, or in the case of civilian employees, appropriate action under applicable employment regulations.

I, [REDACTED], having been advised of the above provisions of the Privacy Act agree to provide information concerning the above-cited incident.

[REDACTED] 16 NOV 95  
Signature and Date

# SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

## PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).  
 PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately  
 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: Camp [REDACTED] TRAO  
 2. DATE (YYYYMMDD): 2005 11 10  
 3. TIME: 1530  
 4. FILE NUMBER:  
 5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]  
 6. SSN: [REDACTED]  
 7. GRADE/STATUS: E-4 SPC  
 8. ORGANIZATION OR ADDRESS: 612<sup>TH</sup> Eng Bn APO AE 09344  
 9. [REDACTED]

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

As our Iron Claw team was traveling <sup>east</sup> on route [REDACTED] our [REDACTED] stopped to make an interogation on the left side of the road. The lead RG 31 which I was driving needed to stop the traffic in the west bound lane so the [REDACTED] could make their interogation. I pulled the vehicle half way into the meddian so my gunner could stop the traffic, as the traffic slowly stopped there was one small pickup truck that stopped alot closer to us than all of the others, my gunner was getting at the driver to back up then I heard the shot from the .50 cal and shortly after he said that it was an accident because he bumped it with the magazine from his M16. I could not tell where the shot went but I could see smoke inside the pickup, the driver was waving his arms then got out of the vehicle and ~~lay~~ lied on the ground, at that time is when I saw he was injured and my gunner also yelled it out. After we saw that he was injured badly my TC called for the medec and then we crossed into the west bound lane to help the injured man.

10. EXHIBIT: B  
 11. INITIALS OF PERSON MAKING STATEMENT: [REDACTED]  
 PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING: "STATEMENT" \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_  
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.



STATEMENT OF

TAKEN AT

DATED 10 NOV 05

9. STATEMENT (Continued)

Two people dismounted from my vehicle and at that time our vehicle with our medic had arrived by the pickup and they began on treating the injured man, they also pulled a second man out of the vehicle and began their treatment on him. A short while after they began to treat the man a chopper arrived but at that time one of the men had already died, they loaded the man that was still alive into the chopper and then began to gather up all of our equipment. After another unit arrived to move the pickup we put the dead body with the pickup and ~~continued~~ continued our missions.

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

DATED 10 Nov 05

I, \_\_\_\_\_, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE \_\_\_\_\_. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of November, 2005 at Guano Tron

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

Ac. Cole H. En. H.

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

## Sample Privacy Act Statement

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AUTHORITY: The solicitation of personal information in conjunction with this investigation is authorized under Title 10 USC 3012.

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to:

Incident that resulted in LAF being shot and killed.

ROUTINE USES: Information obtained during the conduct of this investigation will be used to document relevant facts regarding the incident concerned. It will be used to determine the cause(s) leading to the incident, establish individual responsibilities or negligence, and to assist in making recommendations for corrective actions and/or appropriate administrative actions. Any information you provide may be disclosed to members of the Department of Defense who have a need for it in the performance of their duties.

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I, [REDACTED], having been advised of the above provisions of the Privacy Act agree to provide information concerning the above-cited incident.

[REDACTED] 10 Nov 95  
Signature and Date

# SWORN STATEMENT

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## PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 3901; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).  
 PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately  
 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 Camp [REDACTED] Iraq	2. DATE (YYYYMMDD) 2005-11-10	3. TIME 1610	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-4 Gunner	
8. ORGANIZATION OR ADDRESS A Co 612 Eng BN, APO AF [REDACTED]			
9. [REDACTED]			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
 While traveling east on route [REDACTED] in an [REDACTED] patrol we stopped to interrogate an object in the median. I was the gunner in the lead RA31 Guntrucks. I knew we would be stopping traffic in the west bound lane so I locked my turret to the left and locked my M-2 in the up position. We then got the call to stop traffic in the west bound lane. As my vehicle started to move towards the median I raised my stop sign in my left hand ~~and~~ and my M-16 in my right as I always do. All traffic was stopped over 100 meters back except for one small truck. I waved my stop sign and yelled for the truck to stop. The truck began to slow down and was coming to a stop as we entered the median. As we entered the median the muzzle of my M-2 came down from its up position due to the bumps. As we came to a stop in the median I fell forward. As I tried to catch myself my M-16 struck the rear of my ~~M-2~~ M-2 causing it (The M-2) to fire one round. Once I regained my footing and stood up I saw that the round had hit the side of the L.N. vehicle. The driver of the truck then opened

10. EXHIBIT C	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_  
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STATEMENT OF

TAKEN AT

DATED

2005-11-10

9. STATEMENT (Continued)

the door and I could <sup>see</sup> that he had been struck by the round. I then yelled to my tc. SSG. [REDACTED] that he was hit and that we needed the medic. At that time we moved our vehicle into the west bound lane next to the L.N. truck. I then yelled at the guys in my truck to "Get out there". At that time SSG. [REDACTED] and SFC [REDACTED] dismounted from our vehicle to help the L.N. until the medic arrived. Once the medic arrived moments later, my vehicle pulled forward to cordon off the site. I then explained to my T.C. SSG [REDACTED] that I had fell into my M-2 and did not intend to fire it. He told me it would be ok and tried to calm me down. Once I heard over the radio that one of the L.Ns had died I asked to be removed from the turret for the rest ~~of~~ of our mission. SSG. [REDACTED] was then sent over from the [REDACTED] vehicle to take my spot ~~in~~ the turret.

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

STATEMENT OF

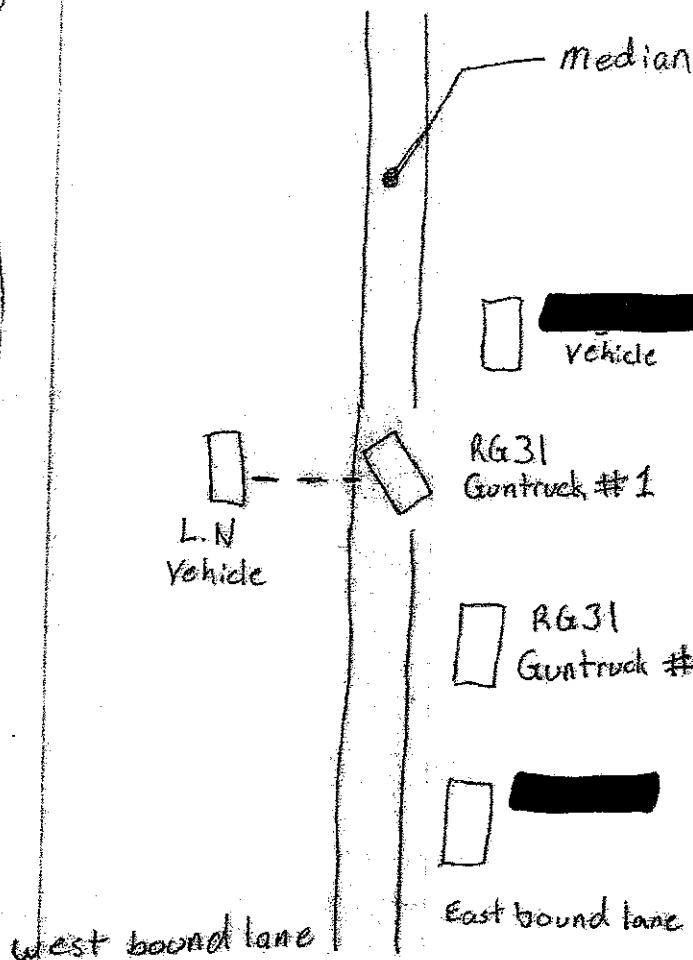
TAKEN AT

Camp

DATED

2005-11-10

9. STATEMENT (Continued)



## AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

[REDACTED]

A Co 612 En Bn

Camp [REDACTED]

ORGANIZATION OR ADDRESS

[REDACTED]

A Co 612 En Bn

Camp [REDACTED]

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of November, 2005 at Camp [REDACTED]

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ARMY OFFICER

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE

3 OF 3

PAGES

## Sample Privacy Act Statement

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**PURPOSE:** The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to:  
Incident that resulted in a LN being shot and killed

**ROUTINE USES:** Information obtained during the conduct of this investigation will be used to document relevant facts regarding the incident concerned. It will be used to determine the cause(s) leading to the incident, establish individual responsibilities or negligence, and to assist in making recommendations for corrective actions and/or appropriate administrative actions. Any information you provide may be disclosed to members of the Department of Defense who have a need for it in the performance of their duties.

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I, [REDACTED], having been advised of the above provisions of the Privacy Act agree to provide information concerning the above-cited incident.

[REDACTED]  
Signature and Date

2007-11-10

# SWORN STATEMENT

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**DISCLOSURE:** Disclosure of your social security number is voluntary.

1. LOCATION Camp [REDACTED], IRAQ	2. DATE (YYYYMMDD) 20051110	3. TIME 15:26	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-5	
8. ORGANIZATION OR ADDRESS A Co 618th EN BN			

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
 At approximately noon on Nov. 10 2005, I was observing on the left side of the lead RG 31 (the second vehicle in the convoy). We were traveling east on RTE [REDACTED] and stopped in order for the [REDACTED] to conduct an interrogation on the left-hand side of the roadway. Our vehicle was approximately 500m from RTE [REDACTED]. I was conducting my 5:25 sweep and looking back to see how far in front of the [REDACTED] we were. While I was in the middle of this I heard a single round fired, and looked straight out the left-hand side of the vehicle to see a truck with two occupants come to a stop on even with our vehicle on the other side of the road. The driver then raised his hands and shortly after fell out of the vehicle which was when we noticed that the driver was injured. I grabbed my aid-bag and waited for my TC to allow me to dismount in order to assist. One dismounted with the other observer in my vehicle, we conducted a more thorough 5:25 around our vehicle and the civilian vehicle. By the time we completed the sweep the PSG/medic HMMV was on location to begin treating the wounded driver. The PSG and I then noticed that the passenger was unresponsive. In an attempt to evaluate the passenger we tried to open his door, which was jammed. We then retrieved a jack handle from the trunk of the medic vehicle in order to break open the rear window of the civilian truck. Once I broke the window

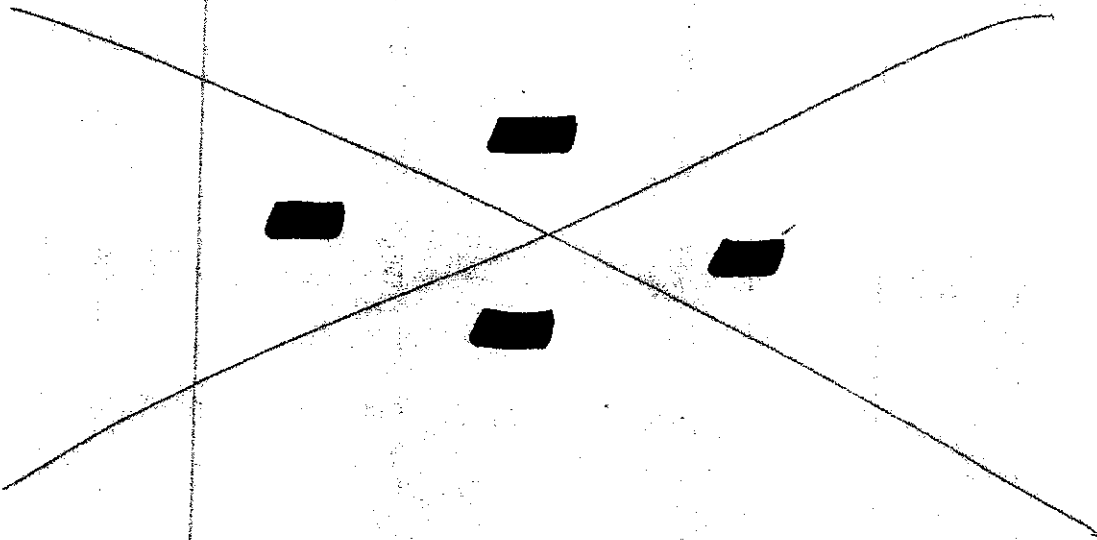
10. EXHIBIT D	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT _____ DATED _____		
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.		



STATEMENT OF [REDACTED] TAKEN AT 1530 DATED 2005 11 10

9. STATEMENT (Continued)

I was still unable to get the door open. With the other injured civilian just out the other side of the vehicle, we had to have the medic and litter team move him in order remove the passenger <sup>through</sup> ~~from~~ the drivers side. Once the passenger was removed we were able to see his wound and begin treatment. I was then directed to assist in pulling security around the [REDACTED] While conducting security I also assisted in setting up the L2 with the PL, after which I continued to pull security. The med evac then arrived shortly after and picked up the civilian that was driving. The other passenger was left on scene. I was then directed <sup>back to my vehicle</sup> to find someone to replace the gunner in my vehicle. The PSG had me retrieve SGT [REDACTED] from the turret of the lead vehicle and replace him with SPC [REDACTED]. After taking SGT [REDACTED] to my vehicle, I then mounted as well. From then on, I observed from my vehicle until we broke the cordon and continued mission.



INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

STATEMENT OF

TAKEN AT

1530

DATED 2005 11 10

9. STATEMENT (Continued)

This is what the position of our vehicle at the time of incident.

N  
↑

Road

Civilian  
Truck

← Direction of  
Travel

median

Road

1st 20-31  
(my vehicle)

→ Direction of  
Travel

AFFIDAVIT

I, [REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

[REDACTED]  
612<sup>TH</sup> Eng Bn ACo  
APO AE 09309  
ORGANIZATION OR ADDRESS

[REDACTED]  
Aco 612<sup>TH</sup> Eng Bn  
APO AE 09309  
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of November, 2005, at Camp [REDACTED] Iraq.

[REDACTED]  
(Signature of Person Administering Oath)

[REDACTED]  
(Typed Name of Person Administering Oath)

ARMY OFFICER  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

## Sample Privacy Act Statement

### DATA REQUIRED BY THE PRIVACY ACT OF 1974

**AUTHORITY:** The solicitation of personal information in conjunction with this investigation is authorized under Title 10 USC 3012.

**PURPOSE:** The purpose for collecting this information is to obtain facts and make recommendations to assist the Commander in determining what action to take with regard to:  
Incident that resulted in LN being shot and killed

**ROUTINE USES:** Information obtained during the conduct of this investigation will be used to document relevant facts regarding the incident concerned. It will be used to determine the cause(s) leading to the incident, establish individual responsibilities or negligence, and to assist in making recommendations for corrective actions and/or appropriate administrative actions. Any information you provide may be disclosed to members of the Department of Defense who have a need for it in the performance of their duties.

### DISCLOSURE MANDATORY OR VOLUNTARY AND THE EFFECT OF NOT PROVIDING INFORMATION:

The private information you furnish is voluntary. There will be no adverse effect on you for not furnishing private information other than that certain facts or information might not be otherwise available to the Commander for his decision in this matter.

The other information you furnish is mandatory. Failure to provide the requested information could result in disciplinary or other adverse action against you under the UCMI, or in the case of civilian employees, appropriate action under applicable employment regulations.

I, [REDACTED], having been advised of the above provisions of the Privacy Act agree to provide information concerning the above-cited incident.

[REDACTED] 2005 11 10  
Signature and Date

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT Camp Iraq DATED 2005/11/10

9. STATEMENT (Continued)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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