

4TH BRIGADE COMBAT TEAM, 3D INFANTRY DIVISION , BAGHDAD, IRAQ APO AE 09348

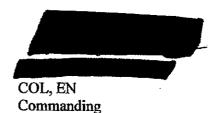
AFZP-VE-C

20 August 2005

MEMORANDUM FOR Commander, 3d Infantry Division, FOB , Baghdad, Iraq

SUBJECT: Transmittal of Inquiry

- 1. Reference AR 15-6 Investigation into, 03 August 2005, EOF Shooting of two local nationals.
- 2. I approve the findings and recommendations. No further action is required.
- 3. POC for this memorandum can be reached at



AR 15 - 6 Table of Contents:

- Memorandum of AR 15 6 Investigation of Local national KIA and WIA During Combat Operations by B Troop, 6 - 8 CAV, dated 05 August 2005.
- 2. Appendix A DA Form 1574, Proceedings by Investigating Officer.
- 3. Appendix B Memorandum of Appointment of Investigating Officer for CPT
- Appendix C Memorandum of Findings for Initial Commander's Inquiry of Red Platoon Warning Shots Resulting in Local National's Death, dated 03 August 2005.
- Appendix D Trip Ticket of Platoon, B Troop 6 8 CAV, from TF 1-184 IN TOC.
- 6. Appendix E SFC Rights Waiver on DA Form 3881.
- Appendix F SFC
 Statement # 1.
- Appendix G SFC
 Sworn Statement on DA Form 2823, Statement # 2.
- 9. Appendix H SFC Concept Sketch # 1.
- Appendix I TF 1-184 IN, Search Sheet, from briefing held on 30 July 2005.
- 11. Appendix J SGT Rights Waiver on DA Form 3881.
- 12. Appendix K SGT Management, Initial Sworn Statement on DA Form 2823, Statement # 1.
- 13. Appendix L SGT Sworn Statement on DA Form 2823, Statement # 2.

- 15. Appendix N SSG Rights Waiver on DA Form 3881.
- 16. Appendix O SSG Initial Swom Statement on DA Form 2823, Statement # 1.
- 17. Appendix P SSG Statement on DA Form 2823, Statement # 2.
- 19. Appendix R SGT Rights Waiver on DA Form 3881.
- 20. Appendix S SGT Initial Sworn Statement on DA Form 2823, Statement # 1.
- 21. Appendix T SGT Statement on DA Form 2823, Statement # 2.
- 22. Appendix U SGT Statement on DA Form 2823, Statement # 3.
- 23. Appendix V SGT Rights Waiver on DA Form 3881.

- 26. Appendix Y SGT Statement on DA Form 2823, Statement # 3.
- 27. Appendix Z SPC Rights Waiver on DA Form 3881.
- 28. Appendix AA SPC Annual Section Statement on DA Form 2823, Statement # 1.
- 29. Appendix BB SPC Sworn Statement on DA Form 2823, Statement # 2.
- Appendix CC Copy of Tactical Operations Center Log / Radio Transmitter Operator Log from TF 1-184 IN, on DA Form 1594, 03 August 2005.

- 31. Appendix DD Blue 2 Report, Serious Incident Report IAW 4th Brigade, 3^d Infantry Division, "Vanguard", Tactical Operations and Standard Operations Procedures, 01 January 2005.
- 32. Appendix EE Memorandum For Record, Subject: Record of Items or Information not Received but Requested by the Investigating Officer.



DEPARTMENT OF THE ARMY

Headquarters, First Battalion, TF 184TH Infantry (Air Assault)
Bldg # 1105, FOB Iraq 09364

CALL-ES-HHC

05 August 2005

MEMORANDUM FOR Commander, (ATTN: MAJAMA), TF 1-184 Infantry Regiment (AASLT), Building # 300, FOB Iraq, APO, AE 09364

SUBJECT: AR 15-6 Investigation of Local National KIA and WIA During Combat Operations of B Troop, 6-8 CAV on 03 August 2005

- 1. Background of Investigation: Received an official appointment memorandum from HQ, TF 1 - 184 IN, appointing the undersigned as the investigating officer. Investigation commenced on 03 August 2005 at about 1330 hours and concluded on 05 August 2005, at about 2300 hours. Initial reports were received from TF 1-184 IN TOC of a warning shot incident resulting in the death of one local national and wounds to a second local national. This incident involved 1st Platoon, B Troop, 6-8 CAV, an element TACON to TF 1-184 IN. A review of the Trip Ticket of mission RTO log, TOC reports, and SIR was conducted. On 03 August 2005, at about 1830 hours, a copy of an initial commander's inquiry with findings was provided by CPT commander, B Troop, 6-8 CAV. A review of this inquiry was conducted and key soldiers were identified and re-interviewed by the appointed investigating officer. Determinations were made regarding the injuries received to the local nationals. Once the final draft of the report was prepared and all interviews were completed, the investigation was reviewed by the local JAG office of 4th BDE, 3d ID, at FOB Iraq. The final investigation was compiled, reviewed, and forwarded through official command channels to document the findings and conclude the investigation.
- 2. Summary of Investigation: While conducting joint combat operations on 03 August 2005, at an assigned search target, soldiers of B troop, 6-8 CAV, began conducting cursory IED searches (5/25 meter search) of the proposed blocking positions for a cordon of the target location. A local Iraqi Police unit from the station within the B Troop's sector was present and in their assault positions to commence the search of the target when the incident occurred. A B Troop soldier identified a vehicle approaching rapidly at approximately 80 meters away and attempted to warn the driver of the ongoing operations. The driver acknowledged the presence of SGT by flashing head lights but continued into the cordon area. Several soldiers attempted to warn the driver and began an escalation of force to protect the coalition personnel at the site. SGT attempted verbal and visual signals, followed by, both soldiers firing warning shots. The driver failed to concur and IAW the current ROE, the use of deadly force was authorized; where as, the driver was killed by a single bullet wound and the vehicle came to rest approximately 20meters from the soldiers. The soldiers continued to conduct their search of the area, expanded the perimeter to include the local national vehicle, attempted treatment for the local national; however, the local national was found dead. As this event was conducted a second but unrelated vehicle approached

in the same manner and did not heed the warnings of the IP or the US Forces. At this time several personnel were exposed in the roadway attempting to resolve the first vehicle incident. The vehicle continued to approach rapidly. Again, several soldiers attempted to properly escalate force and warn the driver of the impending danger by verbal, visual, and displaying of weapons. The driver still continued to approach after several warning shots were fired. Finally, the authorized use of deadly force was given a second time by SSG and and SGT to the SGT and SPC for deadly force. The vehicle stopped and began to flee the scene. The soldiers stopped the vehicle by gun point and instructed the driver to get out of the vehicle. They immediately treated the local national for two gun shot wounds to the upper left and right arms. IP cited the driver for failure to obey. The IP removed the remains of driver # 1, evacuated driver # 2, and with US assistance removed both vehicles to a safe location to impound. The IP unit from a took charge of the scene and properly identified the vehicles and drivers. A search of the vehicles discovered no prohibited items or contraband items or weapons.

3. Findings of Investigation: The first platoon of B Troop, 6/8 CAV executed a joint search as assigned on TF 1-184 IN trip ticket, mission #3310 (see Appendix "D"). This mission started at approximately 0400 hours on 03 August 2005 and was scheduled to complete at approximately 1200 hours on 03 August 2005. The mission OIC/NCOIC was SFC (see Appendix "E - H"). The description is an apartment house previously identified by TF 1-184 IN as a suspected observation point for insurgent IED activity. This was assigned during a Task Force 1-184 IN on 30 July 2005; as a, " with no formal number (see Appendix "I"). is located at approximate vicinity: , along the north side of Route . The unit arrived with IPs from the IP Station, identified the location, and began to execute 5 - 25 meter cursory searches for IEDs, within the proposed blocking positions around the location. SGT immediately placed at a position to direct all traffic heading west bound along senators to turn around upon approaching the blocking position; which, several vehicles had instantly complied. After being on site 3-5 minutes and still in the conduct of 5-25 meter cursory searches IAW the company SOPs/TTPs, a white, hatchback type vehicle approached the blocking position of the platoon. Vehicle #1 approached from the east and was traveling in the west bound lane toward the B Troop soldiers and was first spotted by SGT (see Appendix "J - M"). SGT (see Appendix " "Stop!". IAW the current ROE and unit SOP, the soldiers attempted these signals several times as determined safe and appropriate by the leadership on site. These measures failed and the soldiers escalated the force to the next level as deemed appropriate by their leadership and ROE. The soldiers followed the original failed attempts with an aggressive display of their weapons, use of lights, hand and arm signals, and verbal. Vehicle #1 identified the soldier's presence by flashing its lights and continued to travel directly towards the soldiers. At this point the vehicle was within 45 meters of the

soldiers and the section sergeant, SSG gave the order for warning shots. The soldiers continued to demonstrate all verbal and visual signals previously and fired warning shots, by firing 2-3 rounds from assigned weapons into the road in front of vehicle # 1. (see Appendix "N - Q") Vehicle # 1 did not yield or slow and SSG ordered "stop that car!". The soldiers immediately shifted their fire to the front of the grill or radiator area of vehicle # 1. Vehicle # 1 still did not stop, yield, or slow with the soldiers yelling, presenting visual light signals, and firing shots. Vehicle # 1 was at approximately 25 - 30 meters away and demonstrated no signs of slowing down or yielding to U.S. Forces. The final escalation of deadly force was used and SGT and SGT fired into the driver's compartment. (see Appendix "R -U") Vehicle # 1 immediately stopped, coming to rest approximately 15 - 20 meters from the soldier's positions. SSG and SGT began to direct other soldiers to expand the perimeter and include the vehicle in their search. (see Appendix "V - Y") The IPs at the site were notified of the situation; in addition, FM was used to contact the element of TF 1-184 IN. (see Appendix "CC & DD")Upon reaching vehicle # 1, the medic and IPs identified that the local national driver was killed in the shooting from a single gunshot wound. Location of injury was unclear in investigation. No formal identity of the local national's name or plate number was available; he was a male driver in a white vehicle and was identified by the IPs on site, after they retrieved his wallet from vehicle # 1. The entire incident elapsed over approximately 3-5 minutes. As the aftermath of vehicle #1 was on going, vehicle #2 approached the same way. West bound Route from the east. Vehicle # 2 started heading toward the location of the blocking position and vehicle # 1, currently being searched. SGT identified vehicle # 2, a grey or blue colored four door sedan, at about 75 meters away and began to give verbal and visual signals IAW with the current ROE and SOPs established. Due to the recent heightened concern and alert from vehicle # 1, vehicle # 2 was treated as a possible second attack vehicle following vehicle # 1. Soldiers gave verbal warning to stop, shined sure-fire lights, displayed weapons, and the vehicle still approached. There were several IPs and US Forces in the roadway as first responders to vehicle # 1 and vehicle # 2 did not acknowledge the presence of personnel. After proper escalation of force, SGT SGT 📰 and SPC fired warning shots in a 2-3 round volley. (Appendix "Z - BB") They placed well aimed shots into the road in front of vehicle # 2, it still did not yield, turn, or stop. By this point the vehicle had traveled to a distance of approximately 30 meters from the blocking position and showed no sign of compliance. The use of deadly force was authorized by the section leader once again and the soldiers shifted fire into the driver's compartment. The vehicle immediately stopped and attempted to back away from the U.S. Forces' position. SGT and a few other soldiers rapidly approached the vehicle dismounted and stopped the driver at gun point. They understood the backing away from them as an attempt to flee the location. They, along with IP assistance forced the driver out of the vehicle and gave him immediate medical treatment, as he suffered from minor gun shot wounds to his left and right upper arms. Once the medic was completed with initial treatment the IPs took control of vehicle # 2 and the driver. They cited the driver for failure to comply with instructions and called for a Red

Crescent ambulance. Again, as with vehicle #1, the IPs identified the driver and took the formal vehicle information. This information was not available during this investigation. After about 20 minutes, the IPs decided to evacuate the driver of vehicle # 2 to the hospital. They immediately removed the driver and took him in an IP vehicle for further treatment. They contacted another IP vehicle to come and retrieve the deceased driver from vehicle # 1. The platoon towed vehicle # 1, while the IPs operated vehicle # 2, and both moved in a secured convoy to the IP station for impoundment. It is evident that all soldiers involved received several threat briefs, intelligence situation reports, and an operations brief prior to the conduct of any activities on 03 August 2005. All soldiers interviewed were knowledgeable on the proper escalation of force and compliance with the current ROE. The area this operation occurred in is known to be a high threat area and is prone to multiple VBIED / IED attacks. During the initial cursory searches of vehicles # 1 & 2, no prohibited items were recovered as evidence by IPs or US personnel. The incident seems to be an unfortunate situation that might have been mitigated but is not caused by neglect or inappropriate activities by the unit or the soldiers during operations. The Iraqi local nationals were clearly warned IAW ROE and escalation of force. Vehicles # 1 & # 2 did not comply and broke the units established trigger line, after being identified as a threat IAW current ROE and unit SOPs.

4. Recommendations of Investigator: Any changes developed as a result of this investigation into the unit SOPs and TTPs, should be reviewed and put in written format to ensure the widest distribution and understanding. IAW unit TTPs/SOPs, as stated by sworn statements in this investigation, soldiers conduct the 5/25 meter searches first before conducting any other priorities of work at a TCP or blocking position. Additionally, the unit had only been on the site for a few minutes, this did not allow them to set out cones, TCP signs, wire, spike strips, or chemlites. It seems they did have the intent and understanding to do this but did not have the time to begin the task. It would also seem that the local nationals did not recognize the level of operations occurring at that location until they violated the unit's perimeter. The unit must do these operations as quickly as possible and almost simultaneously, upon arrival at a target site; especially, if the roadway is a high traffic area or high traffic time. Possibly the quick emplacement of cones 100 - 150 meters away on avenues of approaches could assist in migration of risks. The cones could be emplaced rather safely and quickly by a mounted vehicle or IP assistance. The location of the soldiers who were over watching avenues of approach might not have been ideal, given the current conditions of morning twilight, and positioned at the bottom of a slight up slope in the road. The point where the road crosses the rail road tracks, at approximately 100 meters away, is the highest point. When vehicles could see the US personnel in the road they were already inside the assumed engagement area, and had a short distance before being considered a threat. Repositioning the soldiers on over watch could have mitigated the risk to local nationals and provided better early warning. Since it was twilight and considered limited visibility the sure-fire lights the soldiers utilized were not ideal due to its small size and available quick reaction time. The driver of vehicle # 1, might have been confused and assumed

the soldier was telling him US Forces were present and not trying to stop him. If larger candle watt lights or spotlights were utilized this could have also increased the stand off and safety of the local nationals and the US personnel involved. The unit should obtain larger lights and place in each vehicle on patrols as part of its SOPs. No designated shooter for the event of a warning shot was designated by leaders at the site. If this had been assigned as part of the original mission brief it could have also led to a more controlled warning shot process and vehicle stopping / escalation of force / ROE / SOPs. Soldiers involved should be monitored for any emotional or mental stress associated with the taking of a human life. Soldiers should be given a 24 to 48 hour period of refit to prepare them for future operations and to retrain on any new modifications to their unit SOPs. No administrative or adverse action recommended IAW UCMJ. No further actions or recommendations.

5. Point of contact for further information is the undersigned at VOIP

CPT, IN

Commanding

Encls: 2

- 1. AR 15-6 Table of Contents
- 2. Completed AR 15-6 Investigation

Distribution:

- 1 Appointment Authority
- 1 Brigade Staff Judge Advocate
- 1 Investigating Officer
- 1 CDR, TF 1-184 IN
- 1 CDR, $4^{th} BDE$, 3d ID

| REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS For us of this form, see AR 15-8; the propagant agency is OTJAG, | | | |
|---|----------|---------|-------|
| IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS | | | |
| SECTION I - APPOINTMENT | | ******* | |
| Appointed by CDR, HHC, TF 1-184 IN (AASLT) | | | • |
| (Appointing authority) | | | |
| | | _ | |
| on O3 August 2005 (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15. AR 15-6.) | | | |
| SECTION II - SESSIONS | | | ···· |
| FOR | | | |
| | 330 | | |
| on 3 August 2005 (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session. | inie) | | |
| 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, After the following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, After the following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) | ! 15-6.) | | |
| The (investigating officer) (boord) finished gathering/hearing evidence at | rst 200 | 15 | |
| onon | ute) | | — |
| and completed findings and recommendations at | | | |
| (Time) (Date) | - | | • |
| SECTION (III - CHECKLIST FOR PROCEEDINGS | | | |
| A. COMPLETE IN ALL CASES | YES | NO L | NA 2/ |
| 1 Inclosures (para 3-15, AR 15-6) | | , · | |
| Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed) | | 1,25.2 | |
| a. The letter of appointment or a summary of oral appointment data? | × | | |
| b. Copy of notice to respondent, if any? (See item 9, below) | | | × |
| c. Other correspondence with respondent or counsel, if any? | | | × |
| d. All other written communications to or from the appointing authority? | | | × |
| c. Privacy Act Statements (Certificate, if statement provided orally)? | | ļ | X |
| f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)? | | | × |
| g. Information as to sessions of a formal board not included on page 1 of this report? | 1 | | X |
| h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board? | × | | |
| FOOTNOTES: 11 Explain all negative answers on an attached short. 21 Use of the NIA column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board. | | | |

DA FORM 1574. MAR 83

EDITION OF NOV 77 IS OBSOLETE.

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| 2 | Exhibits (para 3-16, AR 15-6) | YES | NO | /N/ |
|----|--|----------------|--|--------------|
| | a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report? | × | | " |
| į | b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit? | × | 1 | 1 |
| | c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit? | × | | |
| | d. Are copies, descriptions, or depictions (If substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated? | × | | T |
| | e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)? | X | Ι | |
| | f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record? | × | | |
| | g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)? | | | : |
| 3 | Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2h, AR 15-6)? | | | 1 |
| В, | COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6) | | 3.3 | _ |
| 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)? | 1 | T | |
| 5 | Was a quorum present at every session of the board (para 5-2b, AR 15-6)? | | | |
| 6 | Was each absence of any member properly excused (para 5-2a, AR 15-6)? | 1 | | |
| 7 | Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)? | 1 | 1 | † |
| 8 | If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)? | | | T |
| Ċ. | COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6) | | 28 | 900 |
| 9 | Notice to respondents (para 5-5, AR 15-6): | 7 | | . 23 |
| | a. Is the method and date of delivery to the respondent indicated on each letter of notification? | - | | ۳ |
| | b. Was the date of delivery at least five working days prior to the first session of the board? | 1 | | 1 |
| | c. Does each letter of notification indicate | ┪ | | 3.5 |
| : | (1) the date, hour, and place of the first session of the board concerning that respondent? | + | | |
| | (2) the matter to be investigated, including specific allegations against the respondent, if any? | + | | |
| | (3) the respondent's rights with regard to counsel? | | ├ | - |
| | (4) the name and address of each witness expected to be called by the recorder? | | - | |
| | (5) the respondent's rights to be present, present evidence, and call witnesses? | | | L |
| į | d. Was the respondent provided a copy of all unclassified documents in the case file? | | | 1 |
| | e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them? | + | | |
| ٥ | If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings): | Tra Asia | | |
| | a. Was he properly notified (para 5-5, AR 15-6)? | 深定 | 146 | ٠٠ |
| | b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)? | | | ╀ |
| 1 | Counsel (para 5-6, AR 15-6): | 277,2384 | 30.50 | ļ., |
| - | a. Was each respondent represented by counsel? | | 300 | ļ., |
| | Name and business address of counsel: | - G-9 7 K | - 10 - 74 i S | L |
| | The state of the s | Q.30 | i os i | 5.7 |
| | (If counsel is a lawyer, check here []) | | *1 | ١. |
| | b. Was respondent's counsel present at all open sessions of the board relating to that respondent? | 34 | | _ |
| | 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)? | - | | - |
| 2 | If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6): | A STATE OF | N 1527 40 | Ļ, |
| - | a. Was the challenge properly denied and by the appropriate officer? | E 35 | \$1,5 | ļ., |
| | b. Did each member successfully challenged cease to participate in the proceedings? | ┼ | | Ļ |
| 3 | Was the respondent given an opportunity to (para 5-8a, AR 15-6): | 10. 6.2 | | _ |
| | a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent? | 10-6-4 | 7 | _ |
| | 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? | | | <u>L</u> |
| | d. Call witnesses and otherwise introduce evidence? | ļ | · | <u> </u> |
| | e. Testify as a witness? | | | |
| | f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)? | <u> </u> | | |
| 4 | 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)? | | | ., |
| 5 | Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)? | | | |
| _ | OTNOTES: MExplain all negative answers on an attached sheet. | 1 1 | | |

| SECTION IV - FINDINGS (para 3-10, AR 15-6) |
|--|
| The (investigating officer) (board), having carefully considered the evidence, finds: SSG SSG, SFC SSG, SGT SSG, SGT SSG, SGT SSG, SPC SSG, and SGT SSG attended a pre-mission brief and demonstrate understanding of the ROE. Additionally, the soldiers on this patrol complied IAW ROE and unit SOPs during the incident. Esculation of force was conducted in a controlled manner and in the enforcement of CF safety and security. |
| SFC the last PLT PSG, was on site but on the other end of the cordon supervising the IP unit. That element was preparing to enter the search and. The TCP or blocking positions were not completely established during the incident because the time on site was insufficient to complete the 5-25 meter searches IAW the unit SOPs, prior to the first shots fired. TCP equipment (wire, signs, cones) IAW 3ID policy was available on site but not in place yet. The location of the TCP or blocking position did not provide stand off distance and a safety barrier for the local nationals and the US / CF personnel. Sure-fire lights were not sufficient to warn drivers properly, it was still morning twlight, sunrise is recorded at 0612 on 03 Aug 05. The platoon was only on the state of 3 - 5 minutes prior to the first warning shot fired by SGT and SGT followed up with deadly force authorized by SSG for the second set of warning shots fired by SGT for and SSG for any size of the second set of warning shots fired by SGT for any size of the second set of warning shots fired by SGT for any size of the second set of warning shots fired by SGT for any size of the second set of warning shots fired by SGT for any size of the second set of warning shots fired by SGT for any size of the second set of warning shots fired by SGT for any size of the second set of warning shots fired by SGT for any size of the second set of warning shots fired by SGT for any size of the second set of warning shots fired by SGT for any size of the second set of warning shots fired by SGT for any size of the second |
| Both local nationals in this case violated the verbal, visual, and warning shots fired in their direction to warn them of danger and to direct the driver to stop. In both shootings, warning shots were fired, well aimed, and at a properly identified threat. Both Vehicle # 1 and Vehicle # 2 were inside a range of 50 meters or less, prior to disabling or fatal shot taken. During the conduct of combat operations one local national received an injury resulting in his death and a second local national suffered two wounds, one in each arm and received immediate medical treatment. The IPs took control of evacuation procedures, all evidence, and personal effects of local nationals involved. |
| |
| SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6) |
| In view of the above findings, the (investigating officer) (heard) recommends: Unit should simultaneously conduct 5-25 meter checks while putting cones or lights out to immediately establish a perimeter and create a safety zone for military personnel and civilians on the battlefield. |
| Obtain larger and brighter lights for TCP or blocking position operations to ensure local nationals have the ability to recognize positions and stop immediately before entering the engagement area. |

Ensure direct fire control measures are established by identifying an assigned shooter for warning shots and a clear and distinguishable trigger line/s. Use METTT-C to ensure the placement of blocking positions so that it provides the maximum amount of stand off for safety and is tactically sound.

Provide soldiers involved with proper mental, emotional, and other types of counseling if needed.

Ensure a 24-48 hour refit period to allow soldiers to study and rehearse any new TTPs adapted after or due to this incident. Additionally, provide retraining and guidance on TCP, ROE, and unit's SOPs.

Ensure all personnel in unit continue to rehearse the unit SOPs and current ROE to sustain knowledge and reaction for future operations.

Recommend condolence payment for families involved through use of CERP funds.

No recommendations for UCMJ for any personnel on the patrol.

| SECTION VI. AUTHENT | ICATION (para 3-17, AR 15-6) |
|---|---|
| THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. below, indicate the reason in the space where his signature should appear.) | (If any voting member or the recorder fails to sign here or in Section VII |
| | CPT , HHC CDR, TF 1-184 IN |
| (Recorder) | (Investigating Officer) (President) |
| (Member) | (Member) |
| (Member) | (Member) |
| SECTION VII - MINORITY | Y REPORT (para 3-13, AR 15-6) |
| | not concur in the findings and recommendations of the board. n which the dissenting member(s) do(es) not concur. State the |
| (Member) | (Member) |
| SECTION VIII - ACTION BY APPO | INTING AUTHORITY (para 2-3, AR 15-6) |
| The findings and recommendations of the (investigating officer) (board) are substitutions). (If the appointing authority returns the proceedings to the investive action, attach that correspondence (or a summary, if oral) as a n | vesugating officer or board for further proceedings or numbeered inclosure.) |
| Sir, I agree with the findings | end recommendations. The BH will |
| Recollited the payment of sole | extra payment to the family. |
| of the Ilo. | s SOP to include the recommendations |
| | |
| | |
| | |
| | LTC , BN CDR, TF 1-184 IN |

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DEPARTMENT OF THE ARMY Headquarters, 1st Battalion 184th Infantry (Air Assault) FOB Baghdad Iraq

CALL-ES-XO

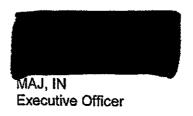
3 Aug 2005

), HHC/1-184 IN, FOB

MEMORANDUM FOR: CPT |
Baghdad, Iraq

SUBJECT: Appointment of Investigating Officer

- 1. You are hereby appointed as investigating officer pursuant to AR 15–6 regarding the attack on a US Combat Patrol on 3 Aug 2005, which resulted in an alleged killing of a LN and wounding of another LN.
- 2. In your investigation, all witness statements will be sworn. From the evidence, you will make findings whether injuries that occurred were a result of poor tactical awareness, or, merely, casualties of war. Post sworn statements as exhibits to this investigation.
- 3. Submit your findings and recommendations on DA Form 1574 to this headquarters, ATTN: CALL-ES-XO within 3 days. VOIP





DEPARTMENT OF THE ARMY

BUSHMASTER TROOP, 5th SQUADRON, 8th CAVALRY 4th BRIGADE, 3rd INFANTRY DIVISION (MECH) FORT STEWART, GEORGIA 31314



AFZP-VER-BT

3 AUG 05

MEMORANDUM FOR RECORD

SUBJECT: Commander's Inquiry, 3 AUG 05, Platoon Warning Shots resulting in Local National's death.

- 1. The purpose of this memorandum is to discuss the situation, facts, findings, and recommendations of the shooting involving B Section, 1st Platoon, B Troop, 6-8 CAV and a local reactional (LN) on 3 AUG 05 at
- 2. 1st Platoon (1987), B Troop, 6-8 CAV was given an IED interdiction mission and Joint Patrol with IP with a specific requirement to conduct a clearance of a suspected IED initiation location. They SP'd from FOB (1987) at 0400 and were scheduled to return at 1200 hrs. At approximately 0530 (1987) linked up with the IPs and moved to the IED OP location. At approximately 0600 they arrived at the site and began establishing the outer cordon for the IPs to conduct the search. The sldiers exited their vehicles and began conducting 5 and 25 meter searches. Several cars were stopping and were turning around at the command of SGT searches. Several cars were stopping and were turning aound at the command of SGT As the soldiers continued to conduct their 5 and 25 meter checks a vehicle was spotted, by As the soldiers continued to conduct their 5 and 25 meter checks a verticle was spotted, by SGT speeding toward their location. The car was identified at 70 to 80 meters away from the soldiers. SSG speeding instructed SGT speed that car to stop. Lights, hand, and arm signals were used by SSG speeding SGT speeding and SGT speeding to attempt to stop the car. The driver did not respond and the car was engaged with warning shots on the road in front and the driver instructed speeding to the driver instructed. warning shots to the front of the car (engine block) with no success, infact the driver increased his speed. SSG the the Section Sergeant, finally gave instruction to stop the car resulting in shirts to the driver's compartment. The car was engaged approximately 50 meters from the Less than five minutes later, the team which had gone to search the vehicle identified a second vehicle speeding toward them. This car was spotted at a distance of approximately 70 meters. Again lights, hand and arm signals were used by SGT SGT SGT and SPC and again to no avail. The Section Sergeant ordered the car to be stopped. Again g shots were fired in the front and then to the engine block of the vehicle by SGT SG: and SPC Land. SGT the fired the initial shots and the second volley was: ad by all three. The car stopped and then attempted to flee the scene. The soldiers move to the vehicle stopped it at gunpoint where the driver refused to exit the vehicle. Upon exing the vehicle the driver was found to have minor wounds to both arms. The driver was questioned after receiving medical treatment on the scene. During his interview, the driver indicated that he did want to be inconvienced by the American Patrol and was attempting to by seit. The Iraqi Police (IP) cited the driver for failure to obey instructions and told the driver th: Ay would have killed had they been running the TCP.
- 3. Detrol involved in the incident had been sent to an area which was known for roadside IE left in was necessary to conduct 5 and 25 meter searched to mitigate the risk. Their purpose of the road. These actions are in accordance with the current enemy situation in along this particular road. SFC the had been briefed two nights prior that the period of the road contact in this area as a result of AIF attempts to the search of the search of the previous day. Additionally, this area had been at the search of the search of the AIF drove into the first convoy they found. The the search of the search o

AFZP-VER-BT

SUBJECT: Commander's Inquiry, 3 AUG 05, Platoon Warning Shots resulting in Local National's death.

soldiers used several non-lethal means of stopping the vehicles prior to the use of warning shots. The soldiers also used several warning shots prior to transitioning to aimed shots at the driver's compartment. These steps were in accordance with the published ROE given the potential threat to the soldiers involved. Additionally, the Iraqi Police on the scene cited the drivers involved in the incident, thus validating the American's actions from an Iraqi perspective. The soldiers had not emplaced barrier material (signs, wire, and spike strips) in accordance with the Troop SOP for establishing a TCP. The time between exit of the vehicles and first contact did not allow the soldiers to complete their first requirement of the 5 and 25 meter searches. Therefore the soldiers did not have time in this instance to fully erect their TCP. They did have all the necessary pieces on hand and had prepared to execute this step in the pre-mission brief. More than one soldier fired warning shots on both occasions. No one soldier was identified as the individual that would execute this tactical task. The Patrol Leader, SFC and the Section Sergeant, SSG and the identify this person. Although the respirate was proportionate to the threat, better fire controls must be implemented to alleviate this event from occurring again.

- 4. It is the recommendation of this chain of command that this platoon be relieved of patrolling duties for 24 hours and be retrained on the following tasks, ROE, TCP establishment, and Fire Control. These classes will be taught by 1LT *** The following tasks, ROE, TCP establishment, and Fire Control. These classes will be taught by 1LT *** The following tasks, ROE, TCP establishment, and Fire Control. These classes will be taught by 1LT *** The following tasks, ROE, TCP establishment, and Fire Control. These classes will be taught by 1LT *** The following tasks, ROE, TCP establishment, and Fire Control. These classes will be taught by 1LT *** The following tasks, ROE, TCP establishment, and Fire Control. These classes will be taught by 1LT *** The following tasks, ROE, TCP establishment, and Fire Control. These classes will be taught by 1LT *** The following tasks, ROE, TCP establishment, and Fire Control. The stablishment, and Fire Control. The stablishment, and Fire Control. The following tasks, ROE, TCP establishment, and Fire Control. The following tasks, ROE, TCP establishment, and Fire Control. The following tasks, ROE, TCP establishment, and Fire Control. The following tasks, ROE, TCP establishment, and Fire Control. The following tasks, ROE, TCP establishment, and Fire Control. The following tasks, ROE, TCP establishment, and Fire Control. The following tasks, ROE, TCP establishment, and Fire Control. The following tasks, ROE, TCP establishment, and Fire Control. The following tasks, ROE, TCP establishment, and Fire Control. The following tasks, ROE, TCP establishment, and Fire Control. The following tasks, ROE, TCP establishment, and Fire Control. The following tasks, ROE, TCP establishment, and Fire Control. The following tasks, ROE, TCP establishment, and Fire Control. The following tasks, ROE, TCP establishment, and Fire Control. The following tasks, ROE, TCP establishment, and Fire Control. The following tasks, ROE, TCP establishment, and Fire Control. The following tasks, ROE, TCP establishment,
- 5. The POC for this memorandum is the undersigned.



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RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE For use of this form, see AR 190-30; the proponent agency is ODCSOPS DATA REQUIRED BY THE PRIVACY ACT **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. LOCATION FOG: FILE NO. Jayı NAME (Last First MI) ORGANIZATION OR ADDRESS Braw Trup 6-8 CAU 4BDE 3TD GRADE/STATUS 4-7 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 & 4-8 CAV 48DE 3TU and wanted to question me about the following offensels) of which I am SUSDECTED A TRACERS Firing warning shuts 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. This not have to enswer any question or say enything. inything I say or do can be used as evidence against me in a criminal trial. 3 For personnel subject othe UCMJ | 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. (For civilians not subject to the UCMA) Thave 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 If I am now willing to discuss the offense(s) under investigation, with or without's 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. COMMENTS (Continue on reverse side) Sec att. Section B. Walver 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 1s. NAME (Type or Print) ORGANIZATION OR ADDRESS AND PHONE Ь. SIGNATURE OF INVES NAME (Type or Print) TYPED NAME OF INVESTIGATOR ORGANIZATION OR ADDRESS AND PHONE b. ORGANIZATION OF INVESTIGATOR B 6-8 CAU 320 Section C. Non-waiver I do not want to give up my rights ☐ I want a lawyer l do not want to be questioned or say anything

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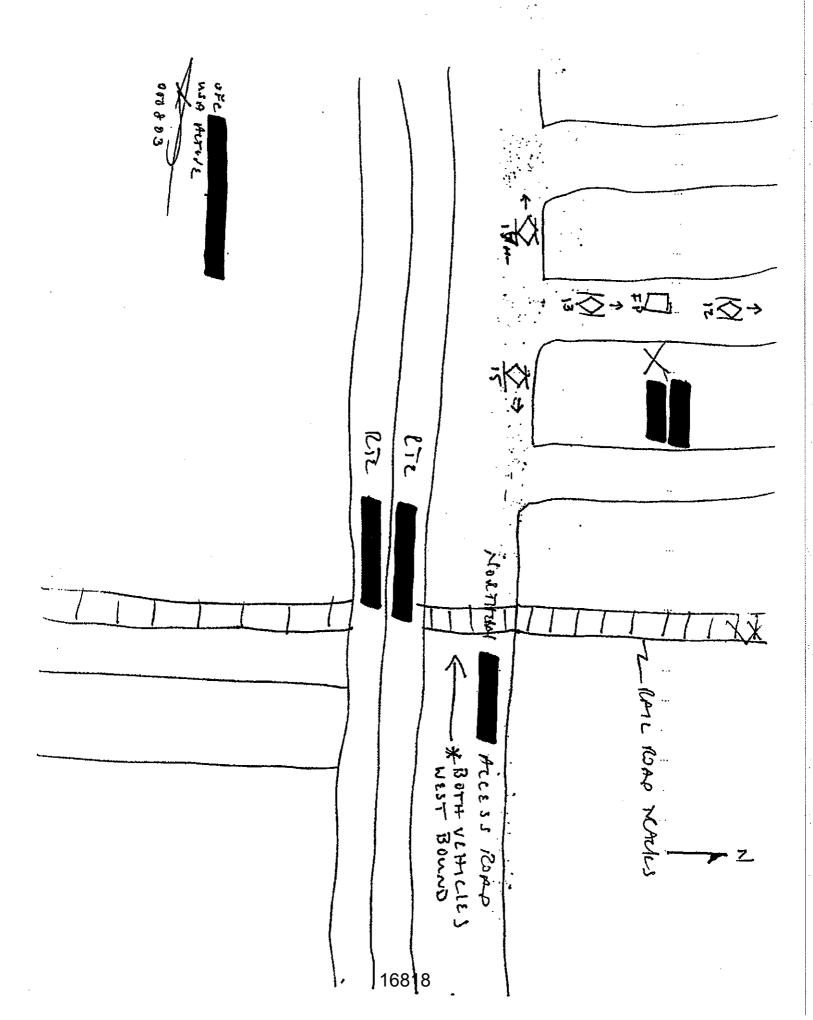
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RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE For use of this form, see AR 190-30; the proponent agency is ODCSOPS DATA REQUIRED BY THE PRIVACY ACT AUTHORITY: Title 10, United States Code, Section 3012(g) PRINCIPAL PURPOSE: To provide commanders and 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. LOCATION DATE FILE NO. FOB 20050993 ORGANIZATION OR ADDRESS BITEP 6/8CAV 8. GRADE/STATUS ATH BDE 3 ID E 5 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 Fritz warning shuts polshe asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights: o not have to answer any question or say anything. pything I say or do can be used as evidence against me in a criminal trial. or personnel subject othe UCMU I have the right to talk privately to a lawyer before, during, and after que during quastioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a r (For civillens not subject to the UCMU) I have the right to talk privately to a lawyer before, during, and after me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I be eppointed for me before any questioning begins. am now willing to discuss the offense(s) under investigation, with ar without a lawyer present, I have a speak privately with a lawyer before anaweijng further, even if I sign the waiver below. COMMENTS (Continue on reverse side) Section B. Waiver 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) NAME (Type or Print) ъ. ORGANIZATION OR ADDRESS AND PHÔNE SIGNATURE OF INVESTIGATOR NAME (Type or Print) TYPED NAME OF INVESTIGATOR ORGANIZATION OR ADDRESS AND PHONE ъ. ORGANIZATION OF INVESTIGATOR B 6-8 CAV 480E 3TD Section C. Non-waiver I do not want to give up my rights ☐ I want a lawyer I do not want to be quastioned or say anything SIGNATURE OF INTERVIEWEE ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT IDA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECTIACCUSED **DA FORM 3881, NOV 89** EDITION OF NOV 84 IS OBSOLETE **USAPA 2,01**

| | VORN STATEMENT AR 190-45; the proponent a | genev is ODCSOPS | · · · · · · | | | | |
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| AUTHORITY: Title 10 USC Section 301; Title 5 U | | 7 dated November 22 | 1042 (664) | | | | |
| PRINCIPAL PURPOSE: To provide commanders and law en | forcement officials with mea | ns by which informat | tion may be accurately | | | | |
| ROUTINE USES: Your social security number is used | as an additional/alternate me | eans of identification | to facilitate filing and retrieval. | | | | |
| DISCLOSURE: Disclosure of your social security no | imber is voluntary. | | | | | | |
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| 5. LAST NAME, FIRST NAME, MIDDLE NAME | 6. SSN | | 7. GRADE/STATUS | | | | |
| B. ORGANIZATION OR ADDRESS B-TRP 6/8 CAV; ATH BDE; 3ID | | | <u> </u> | | | | |
| 9. | | | | | | | |
| 1, | | | EMENT UNDER OATH: | | | | |
| ON AUG-03, 2005 AT APPROXIMAT | TLY 550 AM. THE | FOLLOWING | EVENTS HAPPENSED. | | | | |
| WE HAD JUST ARAIVED AT OUR E | SLOCKING POSITION | WHERE OF | HER ELEMENTS | | | | |
| OF OUR PLATOON WERE GOINE | TO STATCH A | THAT A | NAY HAVE BEEN | | | | |
| INVOLVED IN SPUREAL 1805 / | V THE IMMEDIA | TË AKEA. (| UPON APRIVING | | | | |
| MY THUC COMMANDED AND 3 | DEIVER BEGAN T | DING 5 A | this of m ies | | | | |
| SWEEPS AROUND ONR TRUCK. | I WAS STAN | DING IN. 7 | HE CUNNES | | | | |
| HATCH OF OUR TRUCK WA | VING BACK TR | AFPIC HA | O BEEN ON | | | | |
| THE ROLD WHEN WE HAD | STOPPED. OTHE | A VEHICLE | s were | | | | |
| PALLING UP AND WERE STOP | PING AND TUR | NING AROMS | D. ABOUT O MIN. | | | | |
| HAD PASSED WHEN A WHITE | CHE CAME | PASSED THE | E POINT WERE | | | | |
| ALL OTHER VEHICLES HAD BE | EEN TURKING | ARDUNO. I | ELPT SHINING | | | | |
| MY FLASKLIGHT AT 40M AND HE | AREO MY TE | SAY" ARE YO | ours boint | | | | |
| TO STOP THAT CAR ?" I S | HIR LES NOT | STOPPING . | wHo | | | | |
| HAD BEEN RIDING IN THE | | | 1 | | | | |
| ROUTE WAS STANDING OFF TO | ROUTE WAS STANDING OFF TO THE LIGHT OF ME, AND MY DOINGS | | | | | | |
| WAS OFF TO . THE LIFT ALL THREE OF US BEGAN TO YELL STOP | | | | | | | |
| WAVE OUR ARMS AND SHIP | ar one thus | ARE FLASI | 4LIGHTS AT | | | | |
| THE CAR IT WAS THEN THAT | FIRED ROAD | 3 WARNIN | - SHOTE A TUNNET | | | | |
| 10. EXHIBIT 11. | MATINE OF BERSON MAKIN | | AGE 1 OF 3 PAGES | | | | |
| ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATE | EMENT TAKEN AT | | | | | | |
| THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THI MUST BE BE INDICATED. | E INITIALS OF THE PERSON I | MAKING THE STATE | MENT, AND PAGE NUMBER | | | | |

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| STATEMENT OF TAKEN AT 1038 | DATED 2005 0 9 0 3 |
| 9. STATEMENT (Continued) | |
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| SIMUTANEOUSLY. WHEN WE FIRED ONR FIRST | SHOTS THE VEHICLE WAS |
| APPROXIMATELY 35 METERS AWAY, THE VEHICL | E CONTINUED ED OUISMO |
| OUR FIRST SHOTS WELE MIMED AT THE EN | FINE BLOCK , SINGE THE |
| VEHICLE DID NOT STOP WE FIRED ON THE WI | |
| MORE ROUNDS AT THE VEHICLE WHICH | Then yeered off to m |
| LEPT. CALLED UP TO GET THE | E MEDIC AND SEVERAL |
| OTHER PEOPLE CAME OVER TO SEARCH THE | VEHICLE- WITHIN 2 MIN. |
| OF THE FIRST INCEDENT ANOTHER VEHICLE | CAME DOWN THE ROAD |
| PAST THE POINT OF ME FLASHMY FLASH LIGHT | T AT HAM EVERY DOIS |
| BEGAN TO YELL AND SHINE LIGHTS. THE GELL | and vehicle (entinued) |
| TORWARD US. FIRED | WARNING SHOT AND THEN |
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| INITIALS OF PERSON MAKING STATEMENT | PAGE 2 OF 3 PAGES |
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PAGE 2, DA FORM 2823, DEC 1998

| STATEMENT OF | | TAKEN AT _ | 1030 | DATED 2005 0803 |
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| CONTAINING THE STA | ATEMENT. I HAVE MADE THIS S | TATEMENT FREELY | CAND HAVE INITI | ALED THE BOTTOM OF EACH PAGE OF BENEFIT OR REWARD; MITHOUT |
| THREAT OF PUNISHM | ENT, AND WITHOUT COERCION | UNLAWFUL INF | | or services in those |
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| | | 17 | (Signature | e of Person Meking Statement) |
| WITNESSES: | | Sub | scribed and swom | to hafara ma a marray and a to 11 |
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| | For use of this for | | STATEMENT | | • |
| | 1 01 050 0) ([1]3 [0] | | | nt agency is ODCSOP | 5 |
| AUTHORITY: | Title 10 HEC Carren 201. 1 | | CT STATEMENT | | |
| PRINCIPAL PURPOSE: | Title 10 USC Section 301; 1 | i ilue o USC Secti Llow enforcemen | on 2951; E.O. 9 | 397 dated November | 22, 1943 <i>(SSN)</i> . |
| ROUTINE USES: | To provide commanders and Your social security number | ie used as an ed in idev entorcejijei | it Officials With t | neans by which inton | mation may be accurately on to facilitate filing and retrieval. |
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| STATEMENT OF TAKEN ATFOS | DATED |
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| 9. STATEMENT (Continued) 9) What actions did you take when the car failted to 5 Shorts? ars: Find Four more counds aiming at R driver slike of | Micer. |
| 10) What happend after Showing R drivers side of K aus ares: In the middle of the Bur rounds the car jerted to and rolled about 20 meters off the round and shappend are about 25 meters. It can wen you timed the second by | Merish |
| (2) Could you see & second wehich heading bounds your p. 41:Yes 13) How long ofter the first was it heading tounds you? ars 2-3 minutes 14) What were your actions when you saw & search car coming? ars: Shind Flydlight and word arms for him to ship at home | อราษา 🧦 |
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| INITIALS OF PERSON MAKING STATEMENT | PAGE 2 OF 2 PAGES |

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| STATEMENT (Continued) | |
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| and the second s | (Signature of Person Making Statement) |
| WITNESSES: | Subscribed and sworn to before me, a person authorized by law to administer oaths, this can day of Association and action actions. |
| | at FOU |
| BG-8 480L 310 | |
| ORGANIZATION OR ADDRESS | (Signature of Person Administering Oath) |
| | Tryand Niver of Parent Advisor |
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| NITIALS OF PERSONNAKING STATEMENT | PAGE / OF 3 PAGES |

| | For use of this for | | STATEMENT 190-45; the proponer | nt agency is PMG. | |
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| Authority: Principal Purpose: Routine Uses: Disclosure: | Title 10 USC Section 301; Title To provide commanders and le Your social security number is Disclosure of your social security. | e 5 USC Section w enforcement used as an add | t officials with means by litional/alternate means (| which information ma | av be accurately identified |
| . LOCATION FOB . Iraq | | 1 | ATE (YYYYMMDD) 2005/08/04 | 3. TIME 1453 | 4. FILE NUMBER |
| | NAME, MIDDLE NAME | | 6. SSN | | 7. GRADE/STATUS E5/SGT |
| . ORGANIZATION OF 3, 6-8 CAV | ADDRESS | | | | |
| When did you When it came ove What actions What actions Shined a sure-fire Did the drive Yes, he flashed h When did the When did the When the vehicle How long did Approximately an Explain what Shout, show, if an I did not but other Did they find Negative, Sir. What type of What type of What type of Did you ID to Yes, I believe so, Do you know Negative, Sir. Do you know Negative, Sir. Do you know Negative, Sir. Jelieve it was a | anything in the vehicles? vehicle was yehicle 1? vehicle was yehicle 2? grey four door, ne driver of vehicle 1? Sir, the name of the driver? the driver of vehicle 2? In they treated him: | roaching you meters aw Forces and ms for him ognized you? was fired? was fired? slam on the ntly? th a vehicle o rest? | our TCP? ay. warn the driver of to stop and go back or presence? brakes or turn, he just we are supposed to | he danger of the r | ving toward us. block to disable the vehicle |
| e evacuation of the s Do you have Negative, Sir. | red the area, the IPs then to ceene. anything else that would be | important fo | or me to know, as p | vounded and calle art of this investig | d other vehicles to assist in action? |
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| BY ME. THE STATEMENT IS TRUE. I HAVE INITIAL E | I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE D ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE |
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| THREAT OF PUNISHMENT, AND WITHOUT COERCION | I, UNLAWFUL INFLUENCE, OR LINEAUGUL INDUCEMENT |
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| | iSignature of Person Making Statement) |
| WITNESSES: | Subscribed and sworn to before me, a person authorized by law to |
| | administer oaths, this & day of Aur wiff 2005 |
| | at FOB IRAL |
| | |
| ORGANIZATION OR ADDRESS | (Signature of Person Administering Oath) |
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| INITIALS OF PERSON MAKING STATEMENT | PAGE 3 OF 3 PAGES |
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| | For use of this form, see | PROCEDURE/WAIVER CERTIFICATE AR 190-30; the proponent agency is ODCSOPS |
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| | DATA REO | LUIRED BY THE PRIVACY ACT |
| AUTHORITY: | | |
| Principal purpose: | Title 10. United States Code, Section | n 3012(g) |
| ROUTINE USES: | Your Social Security Number to see the | orcement officials with means by which information may be accurately identifi as an additional/elternate means of identification to facility and accurately identifi |
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| | PRIVACY ACT STATEMENT | | | | |
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| DISCLOSURE: Disclosure of your social se | er is used as an additional/alternate in ecurity number is voluntary. | eans of identification | on to facilitate filing and retrieval. | | |
| 1. LOCATION FOR | 2. DATE (YYYYMMDD) | 3, TIME | 4. FILE NUMBER | | |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME | 2005 08 03 | 1030 | AN LIET MOMBEL | | |
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| Northern access road alow | 1st 014 1 | | L along the | | |
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| 555, we arrived at was | suche | e to the | . A+ | | |
| 3555, we arrived at the | location. B-17 | 2, the IP, | police vehicle and | | |
| The Road 10 years at the land to | | | | | |
| vehicle B-15 staged on the access Road facing East with my vehicle the most Easterly located. Duce stopped we proceeded to conduct our 5 and 25 sweeps. Due to the list a file. | | | | | |
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| weep a vehicle turned down the access road coming towards our vehicle be then started shouting awoul and flashing our lights at it. The | | | | | |
| Activity at US. Again, up Aid the a | | | | | |
| Je continued to yell and flash one lights. The vehicle flashed his | | | | | |
| 9hts and kept coming at | US To the state of the | ne vehicle | tlashed his | | |
| fixed his man | I L II | , stop the | at car." Sqt | | |
| EXHIBIT | 11. INITIALS OF PERSON MAKING | lock. It c | outinued to | | |
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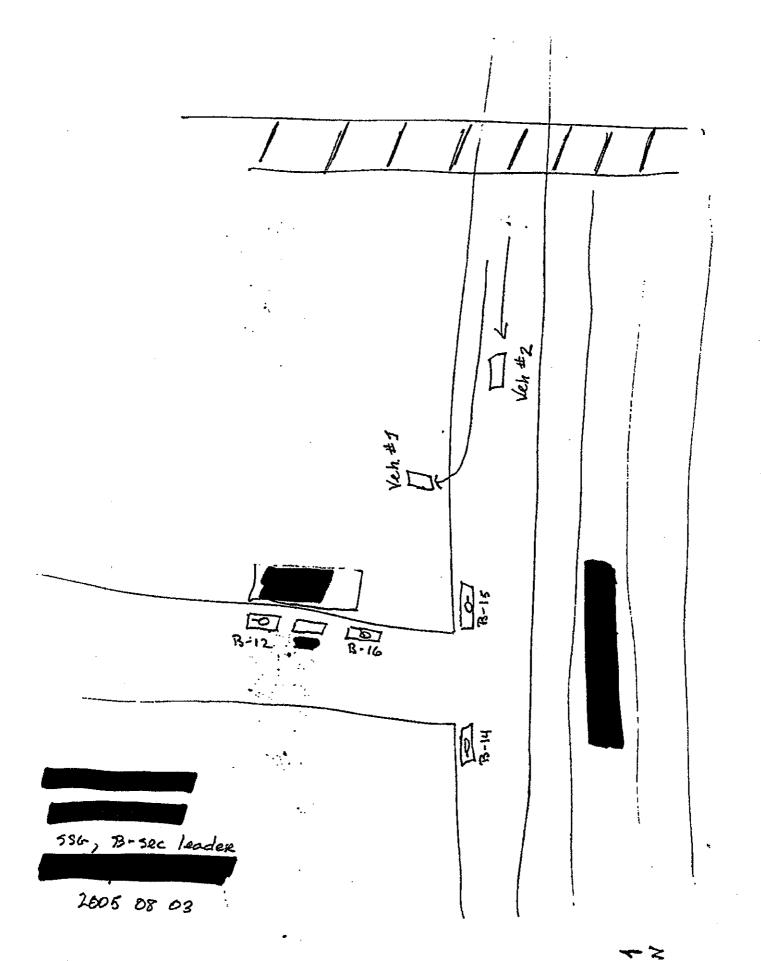
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| STATEMENT OF TAKEN AT DATED |
| 9. STATEMENT (Continued) |
| drive at our position. My gunner Sqt |
| what slips shots it to me it to be a first of the same |
| waxning shots at the vehicle's engine from B-15's .50 cal. 2 struck th |
| ground and one hit the engine. The care kept coming at us. |
| I work not the wind shield of the care It sugared and the |
| I've right as The other 2 hit the side ultimately villing the dainy T |
| canted up the sit-kep to ste |
| venicle to search it. After our outside assessment I reached into the reliable |
| and reemoved the key placing it on the roof of the care, tale popularly it is |
| terms and nood. Once it was clear I tried to check the driver's endil |
| poise. By they our medic sec was on scene above with cut |
| and Spe () sent by room my previous call. I |
| stayed with the medic and told told and and and to move further east to |
| expand the perimeter. After the medic assessed the driver he informed me that |
| he was KIA. I reported it to Approximately 5 minutes later a second |
| vehicle traved towards our position. We repeated the same steps as before. The |
| vehicle kept daiving. while yelling and and fined m-4 shots into the |
| vehicle kept driving, while yelling and and fined M-4 shots into the |
| at the agine block. It didn't stop. Fixed his M-249 at the engine |
| block and up the left windshield. The vehicle stopped and then reversed trying |
| to flee. We finally stopped him. He would not exit the vehicle. Still yelling |
| The and pointing we got him out of the vehicle. He was injured on his left |
| to rearm and right bicep. and myself searched the vehicle. I again |
| extravely one early and placed them on the roof. I called the and another |
| The incident and called the medic over. The medic administrated case to |
| the man. I called up may driven, Put. I had him and |
| NITIALS OF PERSON MAKING STATEMENT |
| AGE 2, DA FORM 2823, DEC 1998 USAPA VILOS |

| STATEMENT OF | TAKEN AT 1030 DATED 2005 08 03 |
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| 9. STATEMENT (Continued) | |
| push up to the Boil Road | teacks to keep anymore traffic from turning |
| down the record. acc | ompanied them along with several IP's. |
| moved up with me on th | e ground and T. heisted him I'm |
| IP's then moved thick , | ienicle up to the tracks and told all traffic to |
| THE PULLED CON | e to the second many was a fill to |
| CONTINUING TO WIDNITO | a his condition. I told the Ip! he all |
| THE THE THE | n took over the scene while we continued |
| our security. | THE CONTINUES |
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| • | No thing Follows |
| • • | Thing E |
| | o lows |
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| | AFFIDAVIT |
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| THREAT OF PUNISHMENT, AND WITHOUT CO | MITALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE ETHIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT ERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. |
| A. Carrier | |
| WITNESSES: | (Signature of Person Making Statement) |
| | Subscribed and sworn to before me, a person authorized by law to administer oaths, this 03 day of Acoch , 2005 |
| | at FOR day of Absorb , 2005 |
| ORGANIZATION OR ADDRESS | |
| ONCOMINATION OF ADDRESS | (Signaplie of Person Administering Oath) |
| | |
| | (Typed Name of Person Administering Oath) |
| ORGANIZATION OR ADDRESS | (Authority To Administer Oaths) |
| TIALS OF PERSON MAKING STATEMENT | |
| E 3, DA FORM 2823, DEC 1998 | PAGE 3 OF 3 PAGES |
| | USAPA V1,00 |

| Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 93 The provide commanders and law enforcement officials with min DUTINE USES: OUTTINE USES Section 301; Title 5 USES Section 2551; We wanted uses out of the first o | 12 FOLLOWING ST | TATEMENT UNDER | g and retrieved BER ATUS OATH: |
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| RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE For use of this form, see AR 190-30; the proponent agency is ODCSOPS | | | | | | |
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| Section B. Waiver | | | | · | | ··· |
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PAGE 3, DA FORM 2823, DEC 1998

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