

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by LTC [redacted] (Appointing authority)

on 5 Oct 85 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at Camp [redacted] Iraq (Place) at (Time)

on 5 Oct 85 (Date) (If a formal board met for more than one session, check here [] . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

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

The (investigating officer) (board) finished gathering/hearing evidence at (Time) on (Date) and completed findings and recommendations at (Time) on (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

Table with 3 columns: YES, NO, NA. Rows include: Inclosures (para 3-15, AR 15-6), Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed), 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?, e. Privacy Act Statements (Certificate, if statement provided orally)?, 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?, h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?

FOOTNOTES: 1) Explain all negative answers on an attached sheet. 2) Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

		YES	NO	NA ²
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?			
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	x		
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	x		
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	x		
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?			x
	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?			x
	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)?			x
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?	x		
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
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 5-2a, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)				
9	Notice to respondents (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 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?			
	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 5-4c, 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 adviser or any voting member for lack of impartiality (para 5-7, AR 15-6):			
	a. Was the challenge properly denied and by the appropriate officer?			
	b. Did each member successfully challenged cease to participate in the proceedings?			
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
	b. Examine and object to the introduction of real and documentary evidence, including written statements?			
	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 inclosure or exhibit to it (para 5-11, AR 15-6)?			
FOOTNOTES: 1 Explain all negative answers on an attached sheet. 2 Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.				

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

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

See attached memorandum.

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


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

See attached memorandum.

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.)

(Recorder)



(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

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

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the ~~(investigating officer)~~(board) are ~~(approved)~~(disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns 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.)



SJA -

I'm OK with findings.

Please print me

Copy of recommendations.

W6

DEPARTMENT OF THE ARMY
Headquarters and Headquarters Troop, 1st Squadron, 71st Cavalry Regiment
1st Brigade Combat Team, 10th Mountain Division (Light Infantry)
FOB [REDACTED], Iraq 09376

AFZS-LI-HT

5 October 2005

MEMORANDUM FOR Commander, 1st BCT, 10th MTN, Camp [REDACTED], Iraq

SUBJECT: AR 15-6 Informal Investigation Concerning the Fatal Shooting of a Local National (LN)

1. On 5 October 2005, I was appointed as the AR 15-6 Investigating Officer (IO) for the events surrounding the fatal shooting of a LN. I have conducted a thorough investigation of the circumstances surrounding this incident. My observations, conclusions, and recommendations are provided in the following format: facts, findings, and recommendations.

2. FACTS.

A. On 5 October 2005, Barrier Team 5 from 5-1 MiTT, A Troop, 1-71 CAV, lead by 1LT [REDACTED], was conducting barrier emplacement in [REDACTED] in support of the Division polling sites 31008 and 31009. The patrol consisted of 2x M1114s, 1x PLS, 1x HEMMT, and 1x Iraqi Army (IA) patrol vehicle. 1LT [REDACTED] was the OIC. SSG [REDACTED] was the senior NCO. Additionally, one IA squad consisting of five personnel accompanied Barrier Team 5.

B. Team 5 emplaced barriers all morning in different locations around [REDACTED]. They moved from location to location dropping one barrier at a time. Individual barrier emplacements took 10 to 15 minutes. Therefore, Team 5 had conducted several short halts throughout the morning. In between each short halt, Team 5 would leap frog their vehicles and construct hasty blocking positions. Immediately prior to engaging the civilian vehicle, Team 5 had been stationary for only about 5 to 10 minutes. Supplementing the US blocking positions was the IA element with one Soldier manning a checkpoint to the North and an IA checkpoint to the South. US forces did not emplace any obstacles.

C. The incident occurred at approximately 051000LOCT05 (see enclosure A, BCT [REDACTED] Report). A navy blue Peugeot bypassed an Iraqi checkpoint with a line of vehicles approximately four deep. The civilian vehicle had to drive onto the sidewalk in order to pass the stationary vehicles. It continued at a high rate of speed towards the US forces, some of whom were dismounted at the time. (See Story Book Presentation for distances at each event). The civilian vehicle traveled from North to South which placed him on a direct collision course with

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A23, a U.S. M1114. SGT [REDACTED] was the gunner of the vehicle in the path of the oncoming vehicle. His TC and driver, PFC [REDACTED], were dismounted. The TC was working on downloading barriers while the driver was pulling security facing North. The vehicles, which the Peugeot passed, were turning left as directed by the IA checkpoint. SGT [REDACTED] and PFC [REDACTED] had a clear line of sight as the vehicle approached at a high rate (est. speed to have been 30 to 35 MPH). SGT [REDACTED] and PFC [REDACTED] used both hand and arm signals as well as paddles in an attempt to get the Peugeot to stop. The vehicle failed to adhere to their hand and arm signals, so both PFC [REDACTED] and SGT [REDACTED] independently fired warning shots in the air. The driver ignored the warning shots. SGT [REDACTED] and PFC [REDACTED] fired into the engine block; again this did not deter the oncoming vehicle. SGT [REDACTED] made the decision then to use deadly force. The vehicle finally came to a stop five to ten meters from SGT [REDACTED] vehicle. Between SGT [REDACTED] and PFC [REDACTED] they fired a total of fifteen rounds into the vehicle. (See Story Book Presentation).

D. Immediately after the vehicle came to a stop Iraqi Police (IP) and IA elements moved in on the scene. The IPs pulled the driver, a male, out of the vehicle at the same time that 1LT [REDACTED] received a report of the engagement from SSG [REDACTED]. 1LT [REDACTED] directed his medic, SPC [REDACTED], to move forward to see if he could provide any assistance. The IPs said they wanted to take the driver to the [REDACTED] Hospital. SPC [REDACTED] was able to conduct a cursory observation of the body. He determined that the driver was more than likely deceased given his lack of breathing and severe wounds to the head.

E. The IA became irate and started to become aggressive towards 1LT [REDACTED] and his men. The engagement occurred within 200 meters of the Peugeot driver's home. His family was also moving onto the scene. Considering the IA's increasingly aggressive demeanor and the distraught family members who were quickly approaching his position, 1LT [REDACTED] decided to leave. When he arrived at this decision, he had already completed his barrier emplacement mission. However, this decision meant that he left without taking pictures or inspecting the vehicle.

3. FINDINGS. I find that the engagement and killing of the local national was in accordance with the current Theater Rules of Engagement (ROE), as stated in APPENDIX 1 (CONSOLIDATED ROE) TO ANNEX E (RULES OF ENGAGEMENT) TO FRAGO 505 TO MND-B OPOD 05-012. SGT [REDACTED] and PFC [REDACTED] identified a hostile act and responded with an escalation of force to eliminate the threat. The driver of the vehicle, for undetermined reasons, chose to ignore all warnings given.

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4. RECOMMENDATIONS. The following recommendations are put into Issue, Discussion and Recommendation format:

Issue: Establishing blocking positions during barrier emplacement.

Discussion: The barrier emplacement teams make 5 to 10 halts while emplacing barriers. Downloading each barrier takes on average 10 to 15 minutes. Upon coming to a halt, M1114s assume blocking positions in the road approximately 50m to the front and rear of the cargo trucks due to all the side streets and alleyways. In this case, A23 established a blocking position in the southbound lane approximately 100 meters from the IA blocking position to the North. The team had a clear view of the southbound lane. The teams had not been putting out obstacles or warning signs in front due to the fact they kept moving all morning long.

Recommendation 1: Upon any halt longer than 10 minutes, emplace traffic cones during daytime operations and at night outfit the cones with chemlights. Because the duration of the halts are so short and frequent, it would not be feasible to lay concertina wire across two lanes of traffic unless the halts are longer. These teams are often faced with up to six avenues of approach in urban settings. When faced with such a large task, it is prudent to still emplace cones in all directions and possibly place road spikes in the most likely avenues of approach if halting longer than 10 min. This is a demanding requirement when the troops-to-task for the IA and US forces is taken into account.

Recommendation 2: Both drivers and TCs, and possibly gunners, should have access to siren controls to provide another alert to stop approaching vehicles. Although the vehicle had a siren, the TC was away from the vehicle and the driver was outside of the vehicle pulling local security. Another non-lethal measure is to give our gunners a whistle to provide another means of getting civilians attention. Finally gunners, TCs, and Drivers need to be outfitted with the Green Pointer Laser. The pointer should also be secured to their weapon using wire. This will allow them point the laser at vehicle get their attention to see a weapon is pointed at them and should get them to comply. This could be used as the last step before warning shots are fired. The Green Laser should be used during day and night operations.

Issue: Taking digital pictures of the incident site and conducting vehicle inspections.

Discussion: Although the platoon took digital pictures it was after they had departed and returned. Upon return to the site the patrol had to locate the vehicle as it had been removed from the scene to a local junk lot. The issue at the time was the IA were getting agitated towards 1LT [REDACTED] and his men. The executive officer of the IA company also lost his composure as an officer by yelling at 1LT [REDACTED] and his men therefore

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inciting his men and the populous to do the same. It went as far as one of the Iraqi Soldiers taking his gear off and yelling at 1LT [REDACTED] that he had enough and that his men had shot an innocent man. All of this compounded into 1LT [REDACTED] making a decision to leave the scene because he felt his mission was done and the IPs and IAs were taking control of the situation and his presence may have incited the gathering crowd to violence.

Recommendation: The onsite commander still needs to make the call to stay or leave. In this case there was another unit close by that he could have called in to assist in security until he was able to take pictures of the site and inspect the car. The biggest problem was not being able to know for certain if there was or was not any explosives or weapons inside the vehicle and that the patrol leader had to take the word of IAs or IPs after the fact. The onsite commander must understand the importance of this type of engagement and conduct a full inspection of the vehicle prior to leaving the scene. All evidence must be recorded, preferably with photographs and witness statements, in order to ensure that US forces are able to refute any false statements that may arise at a later time.

5. POC for this memorandum is the undersigned at [REDACTED]

[REDACTED]
[REDACTED]
CPT, AD
Commanding

Enclosures:

- A. BCT Blue-2 Report
- B. DA Form 2823 – Sworn statement from PFC [REDACTED]
- C. DA Form 2823 – Sworn statement from 1LT [REDACTED]
- D. DA Form 2823 – Sworn statement from SGT [REDACTED]
- E. DA Form 2823 – Sworn statement from SSG [REDACTED]
- F. DA Form 2823 – Sworn statement SSG [REDACTED]
- G. Storybook presentation

1/10 BCT BLUE-2 [COMMANDER'S INCIDENT REPORT]

PURPOSE: TO REPORT CRITICAL AND TIME SENSITIVE EVENTS TO THE COMMANDING GENERAL [CG].

SCOPE: THIS TAB APPLIES TO ALL UNITS ASSIGNED OR TASK ORGANIZED TO 3ID (M).

PROCEDURES: COMMANDER'S INCIDENT REPORT [CIR] IS INTENDED TO PROVIDE THE CG WITH IMMEDIATE NOTIFICATION OF AN INCIDENT INVOLVING 3ID (M) SOLDIERS AND/OR EQUIPMENT. AS MUCH INFORMATION AS POSSIBLE SHOULD BE INCLUDED IN THE INITIAL REPORT BUT IMMEDIATE NOTIFICATION SHOULD NOT BE DELAYED UNNECESSARILY. ADDITIONAL INFORMATION SHOULD BE PROVIDED AS SOON AS POSSIBLE.

** A COMPLETE REPORT ON THE INCIDENT WILL BE FORWARDED TO 1/10 MTN **

LINE 1: UNIT REPORTING:
1-71 CAV, TF [REDACTED] MITT TM

LINE 2: INCIDENT:
LN KILLED FOR ENDANGERING US AND IRAQI FORCES

LINE 3: DATE/TIME GROUP [DTG] INCIDENT OCCURRED:
05 1000 OCT 05

LINE 4: LOCATION OF INCIDENT:
[REDACTED]

LINE 5: PERSONNEL INVOLVED:

NAME	RANK	UNIT	SSN	SEX	AGE	RACE
[REDACTED]	SGT	A TRP, 1-71 CAV	[REDACTED]	M	26	WHITE
[REDACTED]	1LT	A TRP, 1-71 CAV	[REDACTED]	M	24	WHITE

LINE 6: SUMMARY OF INCIDENT:

While providing security for barrier emplacement at polling sites in the [REDACTED] District VIC [REDACTED], a civilian vehicle approached their position at a fast rate of speed. SGT [REDACTED], A TRP, 1-71 CAV attempted to signal to the driver using hand and arm gestures, shouting, and signaling paddles. The driver did not respond and SGT [REDACTED] shot a warning shot into the air and a second into the hood of the car. When the driver failed to respond SGT [REDACTED] and 1LT [REDACTED] shot seven rounds (5.56) into the windshield. A US Medic assessed the driver dead at 05 1010 OCT 05 and the Iraqi Police took the body the [REDACTED] Hospital at 05 1012 OCT 05.

Simultaneously, at 05 1002 OCT 05, a Local National appeared on the roof of a building with an AK-47. Snipers in overwatch engaged the LN and the individual broke contact. They were unable to reengage or locate the individual.

- TIMELINE:** 05 OCT 05
- 1000- 1-71 CAV, Shadow 16 element engages vehicle
 - 1002- Snipers engage LN on roof with AK-47
 - 1010- US Medic determines the driver dead
 - 1012- IPs take custody of the body and vehicle

LINE 7: DAMAGE TO GOVERNMENT AND/OR CIVILLIAN PROPERTY:
NONE

LINE 8: COMMANDER REPORTING:
TF 1-71 CAV [TF [REDACTED]] BATTLE CPT
SIPR: [REDACTED]@us.army.smil.mil
VOIP: [REDACTED]

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2851; 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 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 (YYYYMMDD) 3. TIME 4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME 6. SSN 7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

9. I, PFC [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
While in a position to pull security on two roads, I had just finished putting a bandage on a child's foot when I heard sergeant [redacted] yell a warning. I turned to see a vehicle moving at a high rate of speed at us. I heard a shot, I raised my weapon to stop the vehicle. The vehicle was passed the only road it would have been able to take. Sgt [redacted] engaged the vehicle. I engaged the vehicle and moved to our vehicle to move away from it because of the proximity to cars. I began to pull security while the INB got a vehicle, to remove the man and give medical attention. The INB and civilians were upset. One man (INB) took off his uniform, (weapon, vest, cap) and walked away. The INB were yelling at us and hostile. We were told to mount up and leave to go to Co. B [redacted]

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] TAKEN AT [redacted] DATED [redacted]
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

16:15

DATED

2005 10 05

9. STATEMENT (Continued)

Questions

1. we were in position for approximately 45 minutes, maybe more.
2. There was wire in the road, we moved it to allow us freedom to maneuver.
3. Measures used - shout, show of force, warning shots.
4. Number of shots fired unknown.
5. Continue mission as instructed by chain of command.
6. unknown if pictures were taken
7. vehicle was approaching very fast
8. refer to #2
9. yes i can draw picture of scene
10. vehicle was black or dark grey sedan
11. yes I have received R.O.E. brief.

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 3 PAGES

STATEMENT OF

[REDACTED]

TAKEN AT

16:15

DATED

2005, 10 05

9. STATEMENT (Continued)

Nothing Follows

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:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5 day of October, 2005 at CAMP [REDACTED]

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

15-6 OFFICER

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

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 identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION FOB [REDACTED] IRAQ	2. DATE (YYYYMMDD) 20051105	3. TIME 1505	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS O2	
8. ORGANIZATION OR ADDRESS A TRP 171 CAV			

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

ON 05 OCT 05 A TRP CONDUCTED A PATROL IN ORDER TO EMLACE BARRIERS PRIOR TO THE REFERENDUM. THE PATROL CONSISTED OF TWO VEHICLES FROM A TRP, TWO PLS TRUCKS FROM DTRP AND AN IA VEH. WITH APPX. 10 SOLDIERS. THE PATROL BEGAN EMLACING BARRIERS AT APPX 0830, MOVING UP A N-S AVE OF APPROACH, BLOCKING TRAFFIC AS WE MOVED. AT THE SOUTHERNMOST POINT OF THE PATROL, AN IA TRUCK WAS ACTING TO BLOCK TRAFFIC, WHILE A US VEHICLE BLOKED TRAFFIC TO THE NORTH. THE PLS TRUCKS WERE EMLACING BARRIERS ON E-W SIDE STREETS THAT PROVIDED ACCESS TO THE MAIN AVE. OF APPROACH AT APPX. 1000, THE US TRUCK THAT WAS BLOKING N-S TRAFFIC ENGAGED A CIVILLIAN VEHICLE MOVING SOUTH. I WAS IN MY TRUCK AT THIS TIME, ATTEMPTING TO PLAN OUR ROUTE BACK TO FOB [REDACTED] USING THE FBCB2. WHEN THE SHOTS WERE FIRED, I IMMEDIATELY RAN TO THE LEAD (NORTHERNMOST) VEHICLE TO GET A SITREP. I WAS TOLD, BY SSG [REDACTED] THAT SGT [REDACTED] HAD ENGAGED A CIVILLIAN VEHICLE. I ASKED FOR A STATUS ON THE DRIVER AND WAS TOLD, BY SSG [REDACTED] THAT HE HAD BEEN HIT. AT THIS TIME, I CALLED FOR THE MEDIC (SPC [REDACTED]) WHO ARRIVED SHRTLY AFTER.

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 OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

STATEMENT OF

TAKEN AT

FOR [REDACTED] IRACATED

ON OCT 65

9. STATEMENT (Continued)

I ASKED DOC [REDACTED] TO CHECK ON THE DRIVER, WHILE I SENT A CONTACT REPORT TO THE TCC. ONCE THIS [REDACTED] WAS COMPLETE, I CHECKED BACK WITH DOC WHO TOLD ME THE DRIVER WAS KIA. AT THIS TIME, THE IA BECAME AGGRESSIVE AND DEMANDED TO LEAVE. THE IP'S, WHO HAD A CHECKPOINT SOUTH OF OUR POSITION, SAID THAT THEY WANTED TO TAKE THE BODY TO THE [REDACTED] HOSPITAL TO SEE IF HE COULD BE TREATED. I LET THEM. SINCE WE HAD DROPPED ALL OF OUR FIRST LOAD OF BARRIERS, I INSTRUCTED ALL PERSONNEL TO LOAD UP AND MOVE BACK TO FEB [REDACTED] TO PICK UP A SECOND LOAD.

QUESTIONS:

- ① HOW LONG WERE YOU IN POSITION: APPX. 90 min.
- ② WERE THERE WIRES OR CONES SET OUT: NO, THE IA HAD A SEMI-FUNCTIONING CHECKPOINT AT THE NORTH AND SOUTH END OF THE ROAD, BUT THERE WAS NO US OBSTACLES.
- ③ WHAT OTHER MEASURES WERE USED PRIOR TO DEADLY FORCE: SHOUTING, WAVING STOP PADDLE, WARNING SHOT IN AIR, WARNING SHOT IN HOOD OF CAR.
- ④ HOW MANY ROUNDS WERE FIRED: APPX. 6-8
- ⑤ WHY DID YOU LEAVE THE SCENE: WE WERE OUT OF BARRIERS AND HAD TO RETURN [REDACTED] TO GET A SECOND LOAD.
- ⑥ DID ANYONE TAKE PICTURES? YES. ONCE WE RETURNED WITH THE SECOND LOAD, I LOCATED THE VEHICLE AND TOOK PICTURES.
- ⑦ HOW FAST WAS THE VEHICLE APPROACHING: I COULD NOT SEE IT APPROACH.

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES