

DEPARTMENT OF THE ARMY HEADQUARTERS, 648TH ENGINEER BATTALION 48TH BRIGADE COMBAT TEAM CAMP CAMP , IRAQ

APO AE 09372

WVBNTAA

H JUL 2005

MEMORANDUM FOR Commander, 48TH BCT, Camp Iraq, APO AE

SUBJECT: Civilian Shooting 15-6 Investigation Report.

- 1. This memorandum documents the findings and recommendation of the 15-6 Investigation into the alleged shooting of a civilian by PFC (A/2-121 IN) at approximately 06 1021 JUL 05 at BP 4 vic. (
- 2. Recommendation can be found on the DA FORM 1574. See Enclosure 4, Exhibits H, J and K.
- POC is the undersigned at DNVT

FOR THE COMMANDER, 48th BCT:

- 4 Encls
- Appointment Order
- 2. Initial Information Collected
- 3. Chronology
- 4. Exhibits

ILT, EN

Investigating Officer (48 BCT)

CF: 48 BCT JAG (w/encls)



HEADQUARTERS 48th BRIGADE COMBAT TEAM, 3rd INFANTRY DIVISION CAMP BAGHDAD APO, AE 09372

S: 16 JULY 2005

J.A

7 JULY 2005

MEMORANDUM FOR CPT 220th EN BN

SUBJECT Appointment as 15-6 Investigating Officer

- 1. You are hereby appointed as an investigating officer to conduct an investigation pursuant to AR 15-6, paragraph 2-1(a)(3) into investigate the facts and circumstances of the alleged shooting of a civilian, on 061021JUL05, involving PFC of Company of A, 2/121 IN. You are to make specific findings and recommendations concerning the causes of the incident. Until the investigation is completed, this will be your **primary**
- 2. Your investigations and findings will include, but not be limited to the following:
 - a. The exact chronology of events:
 - b. Did the person(s) involved have proper training on traffic control, patrolling and Rules of Engagement:
 - c Were the Rules of Engagement followed:
 - d Did the civilian have identification:
 - e. What was his/her name;
 - i. Did the civilian have a weapon:
 - g Was the civilian searched after the shooting:
 - h. What was found in the vehicle;
 - i Were there any weapons found:
 - j. Were there any explosive devices found;
 - k. What was the make, model, year, serial number and license of the vehicle;
 - I. Was the incidem reported correctly, and
 - m. What is the 48BCT SOP for dealing with patrolling and traffic stops?

- n. At what rate of speed was the vehicle traveling when first identified? How far away was the vehicle at this point?
- o. Where were the TCP identifiers placed? What did they say? How big are they? Are they easy to read? How many were positioned on the road?
- p. Who were the soldiers involved in the incident who comprised the "elements of Bull 37"? Where were they at during the incident and what were they doing?
- C Who shouted verbal commands and what was shouted? Who gave visual signals to the driver and what signals were given? At what location was the driver of the vehicle when these signals were given?
- r Who fired the warning shots? How many were fired? Where did the warning shots land, or where were they directed? At what location was the driver of the vehicle when these warning shots were fired? How fast was the vehicle traveling at this point?
- 5 When did the soldier decide to engage the driver with deadly force? Where was the driver at this point? How fast was the car traveling? Where was it traveling to?
- t. What were the weather and visibility conditions?
- u Based on the totality of the circumstances and the information available to the soldier, was his decision to engage the driver with deadly force reasonable?
- v. How many shots were fired at the vehicle? What weapon was used?
- 3. You will use informal procedures under AR 15-6, Chapter 4. If, curing your investigation, you suspect that persons you intend to interview may have violated any provision of the Uniform Code of Military Justice (UCMJ) or any other criminal law, you must advise them of their rights under the UCMJ, Article 31 as documented or DA Form 3881. Witness statements should be sworn and recorded on DA Form 1823.
- 4. Prepare the report of proceedings on DA Form 1574 and submit the original to me by the above suspense. You must submit any requests for delay to me in writing. Include with your report all documentary evidence, sworn statements, and other information or evidence you considered.
- 5. Before proceeding with the investigation you must contact ILT at the Brigade Annex for an initial legal briefing. ILT will serve as your primary legal advisor and can be reached VOIP

- 6. By virtue of your appointment, you may direct the assistance of personnel with special technical knowledge to assist or advise you during your investigation. Requests should be coordinated through your legal advisor
- 7 If during the course of your investigation you discover systemic training deficiencies that potentially caused or contributed to the incident under investigation, you will immediately contact your legal advisor for further guidance.

BG. LINE, USA Commanding



DEPARTMENT OF THE ARMY HEADQUARTERS, 648TH ENGINEER BATTALION 48TH BRIGADE COMBAT TEAM CAMP , iraq

APO AE 09372

WVBNTAA

10 JUL 2005

MEMORANDUM FOR Commander, 48TH BCT, Camp Iraq, APO AE

SUBJECT: Request for extension of suspense date of 15-6 Investigation for L

- 1. I am requesting my suspense date be extended until 15 July 2005, for the following reasons;
 - a. Discrepancies between CIR Report, Operational Summary and 2/121 Daily Debrief
 - b. Discrepancies between the statements of the soldiers involved
 - c. Physical evidence (photographs) which would clear up the discrepancies, allegedly exists but is in the possession of soldiers currently engaged in another operation.
- 2 At this time, I have not solidified the facts of the case and do not believe I should make recommendation based on the evidence as it stands.
- 3. I have given my verbal and written request to the Office of the Staff Judge Advocate.
- 4. POC is the undersigned at DNVT

ILT, EN 220th CSE, MOARNG



DEPARTMENT OF THE ARMY HEADQUARTERS, 648TH ENGINEER BATTALION 48TH BRIGADE COMBAT TEAM CAMPULATER IRAQ APO AE 09372

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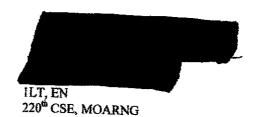
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Chronology

| July 6 1015 1021 | Vehicle approach BP#4 off Route 48th BCT CIR Report filed |
|-------------------------------|--|
| July 8 | s, 2005 |
| 1830 | Received appointment orders as investigating officer of alleged shooting of a civilian on 061021JUL05, involving PFC company A, 2/121 IN |
| 2000 | Reviewed materials provided by SGT concerning the incident and 15-6 investigative process (included was: appointment memo, 48 BCT CIR Report, Investigating Officer's Guide) |
| July 9 | , 2005 |
| 0845 | Attempted to make contact with ILT many, not in his office |
| 1000 | Made contact with ILT processed initial legal brief |
| 1100 | Made contact with CPT and at 2/121 IN BN TOC, received their backbriefs of events of 06 JUL |
| 1300 | Made contact with SSG and at B CO 2/121 IN CO TOC, received copy of "and |
| 1400 | Received operation summary from CDT |
| 1430 | Received sworm statement from PFC during interview shout issident (formal). |
| 1500 | Accepted sworn statements from 50 [] (drew sketch) and SGT Daire |
| 1615 | Reviewed all information collected in order to determine how to proceed |
| 1700 | spoke to MAJ 2/121 RN XO |
| | but will not be available until 15 sucos as unit is cryaged in another operation |
| July 16 | 0, 2005 |
| 1000 | Legal consult with ILT with with |
| | Legal consult with IL1 with |
| 1300 | Returned to ILT with written request for extension and spoke to BG |
| | with regard to extension, denied. |
| 1330 | Spoke to MAJ and LTC Secretary concerning contradictions between CIR D |
| | BN Debriefing of the event; |
| ! | |
| 1430 | Returned to B/2-121 TOC, |
| 1520 | |
| 1530 | Began piecing together information with regard to the configuration of BP4 and produced |
| 1630 | TOWN AND SECURES SHE SECONDES |
| 1020 | Began compiling findings/recomendations |
| July 11 | . 2005 |
| 1030 | IO completed findings |
| 1630 | IO completed recommendations |
| | |

Initial Information Collected

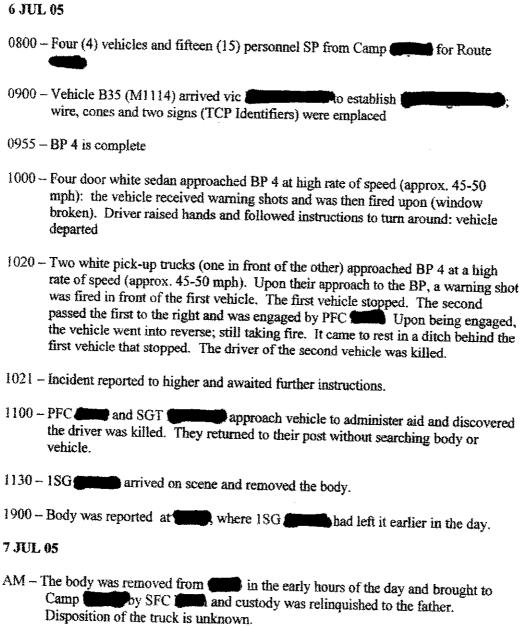
The investigating officer received notification of his assignment as the 15-6 Investigating Officer and was given a folder of documents from SGT at approximately 1830 hours on 8 JUL 05. The folder contained the following:

- A. A blank DA FORM 2823, SWORN STATEMENT
- B. A blank DA FORM 3881, RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE
- C. A blank DA FORM 4137, EVIDENCE/PROPERTY CUSTODY DOCUMENT
- D. A blank DA FORM 1574, REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER
- E. A 48 BCT CIR Report from B/2-121 reported by
- F. An 11-page "Investigation Guide For Army Regulation 15-6 Investigating Officer's Guide."

CHRONOLOGY OF EVENTS

PERTAINING TO ALEGED SHOOTING OF CIVILIAN IN CONJUCTION WITH 061021ЛПлоѕ

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48BCT CIR

LINE 8: Commander reporting:

B 2-121ST IN (M) LINE 1: Unit reporting: LINE 2: Incident: CIVILIAN DRIVING A WHITE (4) FOUR DOOR SEDAN APPROACHED WITHOUT STOPPING. ELEMENTS OF BEGAN TO SHOUT VERBAL COMMANDS TO THE DRIVER IN ORDER FOR HIM TO STOP. IMMEDIATELY FOLLOWING THIS, TEAM MEMBERS BEGAN TO VISUALLY SIGNAL THE DRIVER TO STOP FOLLOWED BY TWO WARNING SHOTS... THE DRIVER DID NOT STOP. DRIVER IN VEHICLE WAS SHOT TO PREVENT ANY CASUALTIES TO ANY OF THE TEAM MEMBERS. LINE 3: Date/time group (DTG) incident occurred: 061021JUL05 LINE 4: Location of incident: i LINE 5: Personnel involved: Name Rank Unit SSN Sex Age Race **PFC** A 2-121 W LINE 6: Summary of incident: WHILE SECURING A ELEMENTS OF DID OBSERVE A VEHICLE TRAVELING AT A HIGH RATE OF SPEED TOWARDS THEIR POSITION. THE VEHICLE DISREGUARDED SEVERAL TCP IDENTIFIERS POSITIONED ALONG THE ROAD. THE IDENTIFIERS WERE PLACED ON THE ROAD PRIOR TO THEIR POSITION. AT 1021 HOURS, ELEMENTS WERE ABLE TO IDENTIFY THAT THE VEHICLE WAS A WHITE FOUR DOOR SEDAN. THE DRIVER CONTINUED TOWARDS ELEMENTS OF BECAME CONCERNED THAT THIS VEHICLE WAS GOING TO INJURE OR KILL A TEAM MEMBER. PFC ALONG WITH OTHER TEAM MEMBERS, FOLLOWED THE RULES OF ENGAGEMENT AND THE VEHICLE CONTINUED INTO PFC J DID ENGAGE THE DRIVER AND FIRED INTO THE VEHICLE. THE DRIVER WAS SHOT TWICE IN THE CHEST. MEDICAL TREATMENT WAS BEING ADMINISTERED BUT THE DRIVER WAS PRONOUNCED DEAD ON THE SCENE. NO BAMAGE TO GOVERNMENT PROPERT LINE 7: Damage to government and/or civilian property: DAMAGE TO CIVILIAN PROPERTY (VEHICLE) UNKNOWN AT THIS TIME

LTC

Exhibits

Exhibit A. TF 2-121 "

Exhibit B. 07 JULY 2005 Daily Debrief

Exhibit C. Summary

Exhibit D. IO Witness Questions

Exhibit E. Witness DA Forms 2823 (Sworn Statements)

Exhibit F. IO Questions for Alleged Shooter

Exhibit G. Alleged Shooter DA Form 2823 (Sworn Statement)

Exhibit H. DA Form 1574 (Report Proceedings By Investigating Officer)

Exhibit I. Sketch of Blocking Point #4

Exhibit J. 10 Findings Summary

Exhibit K. IO Recommendation Summary

Exhibit A

FF 2-121 4

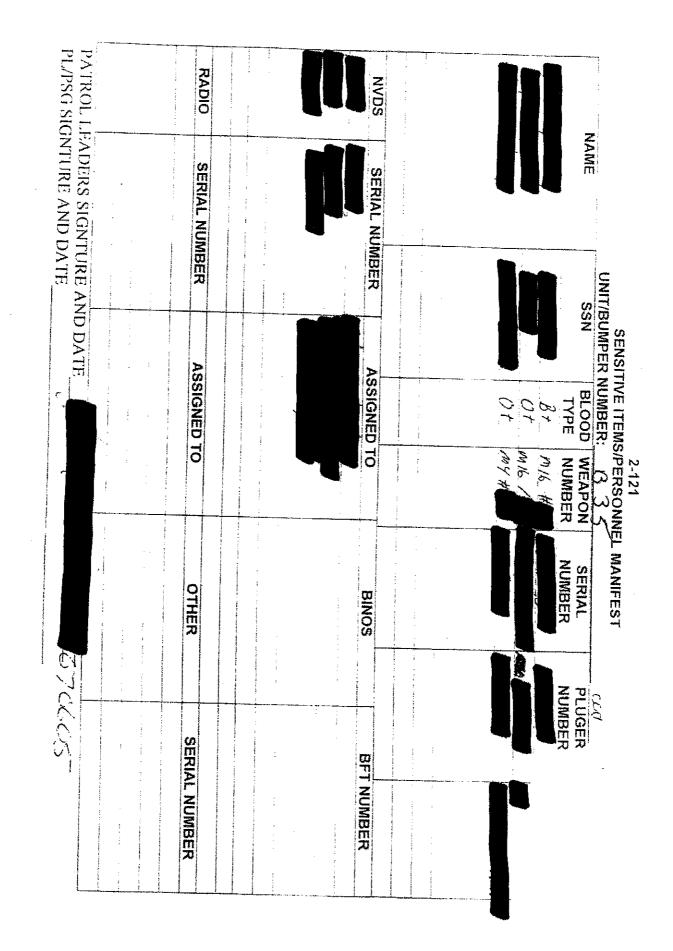
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BATTLE CAPTAIN APPROVAL

(SIGNATURE, RANK, DTG)

(SIGNATURE, RANK, DTG)



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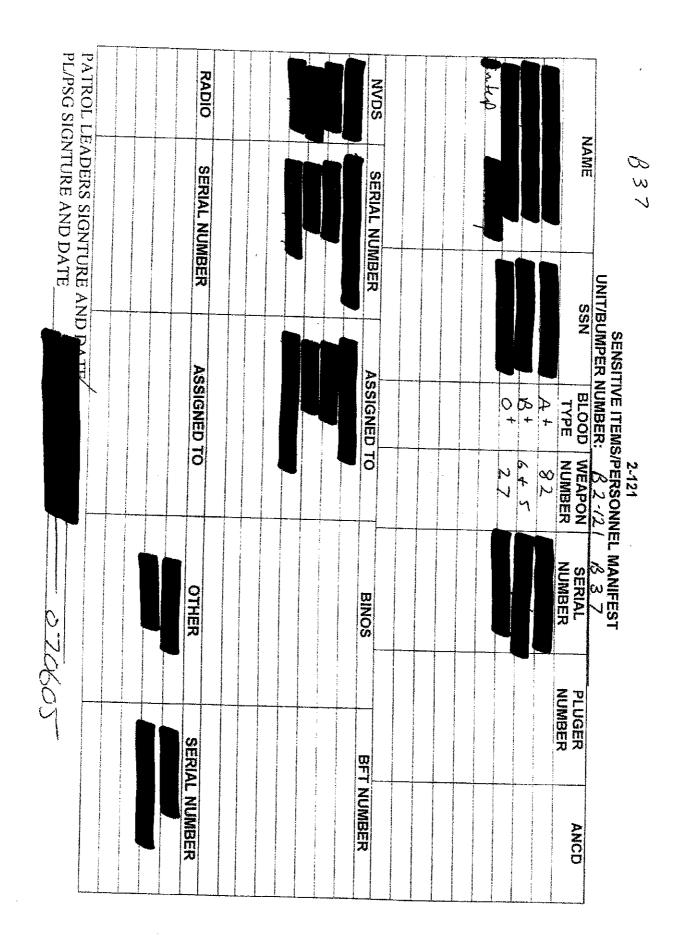
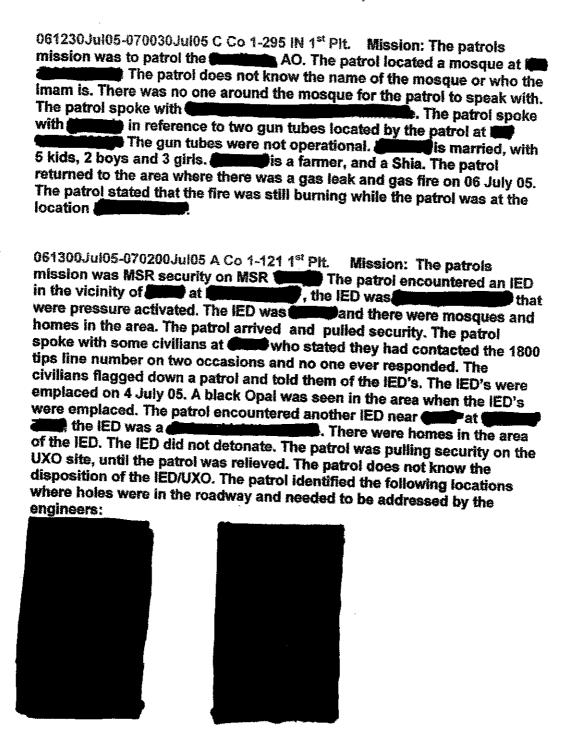


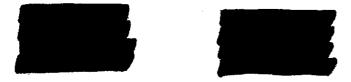
Exhibit B

07 JULY 2005 Daily Debrief

07 July 2005 Debrief Roll Up

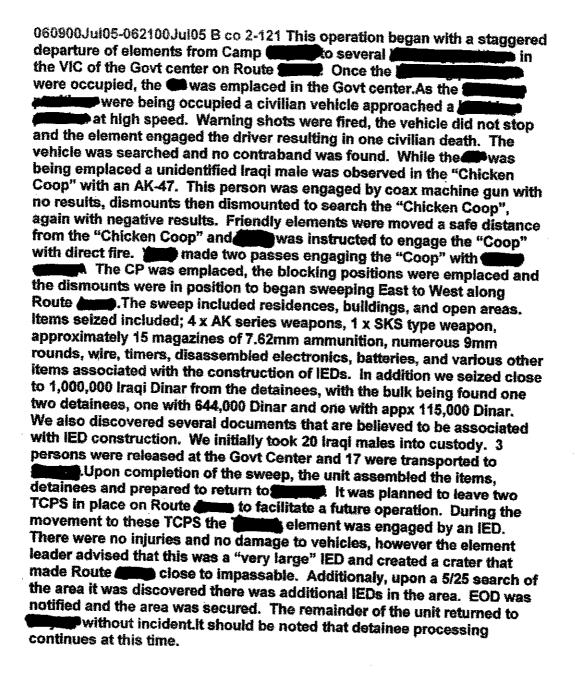


The patrol also identified turns that needed to be looked at by the engineers for repairs.



061912Jul05-070349Jul05 A CO 1-121 XO Mission: The patrols mission was to inspect MSR The patrol provided security at the intersection of and the at the crossing point where a military police vehicle had been struck with an IED. The patrol did not have the exact, grid. The IED location was marked with chemlights. The IED was a that was The IED had been the There were farms and houses in the area. Pictures were taken of the IED site by another unit. EOD responded to the scene and checked for additional IED's. The damaged MP vehicle was removed by a Hett. There was a body of a LN left at the patrol leader is concerned that with the body at the location for that length of time, it is a health issue for the patrol leaders soldiers who are manning

060300Jul05-071200Jul05 C co 1-295 2nd Mission: The patrols mission was to patrol the AO. The patrol stated that they did not observe any suspicious activities. Observed farmers picking crops, in order to take the products to the market. At the patrol spoke with who stated that the Iraqi National Guard came to their village and stated that they wanted to search the villagers home. The villagers complied but the Iraqi National Guard kick the doors in and were firing rounds in the air to intimidate the villagers. also stated that the Iraqi National Guard stole the feed for the cows and goats. The patrol stated they reaffirmed to the locals that they were their to protect them and would patrol the area everyday. The patrol then stopped a White in color BMW 535. The vehicle was searched and nothing was found. The patrol stated there were three occupants in the car. The driver was asked what his occupation was , and he stated he was a truck driver. The driver also had documents in his car stating that he bought the car from his cousin. The patrol then returned to base.



070100Jul05-071430Jul05 3rd Blue1 Mission: The patrols mission was MSR 78393) they observed what they thought was an IED. The patrol pulled back 300m and waited on EOD. Before EOD arrived dawn approached and the patrol could see that the object was not an IED, just two road wheels in the middle of the road. EOD was called and told not to come. The patrol then continued with their mission. The patrol also stated that at the lraqi Police had a check point set up and at the Iraqi Multi National Force had a set up. The patrol then stated that a possible IED was found at the Iraqi Multi National Force had a set up. The patrol then stated that a possible IED was found at the Iraqi Multi National Force had a set up. The patrol then stated that had been filled and an implaced there previously. The patrol leader then returned to base, and left other elements at the PIED site.

