

DEPARTMENT OF THE ARMY HEADQUARTERS, 2D BRIGADE 3D INFANTRY DIVISION CAMP APO AE 09380

AFZP-VB-C

22 September 2005

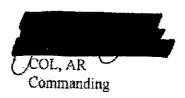
MEMORANDUM FOR ILT	1-64 Armor, 2d	Brigade 3d Infantra
Division, Camp Baghdad, Iraq		and a munity

SUBJECT: Appointment of Investigating Officer

- 1. You are hereby appointed as an investigating officer pursuant to Army Regulation (AR) 15-6, Procedures for Investigating Officers and Boards of Officers, to conduct an informal investigation to determine the facts and circumstances surrounding an escalation of force that resulted in the death of a local national on 21 September 2005.
- 2. You will conduct a thorough investigation of the matter to determine the circumstances surrounding the escalation of force. The investigation must be detailed. Facts concerning the mission of the unit, positioning, task and purpose, and ROE training and compliance must be investigated and analyzed.
- 3. Prior to the beginning of your investigation, you must contact CPT the Command Judge Advocate, (CPT with will be your legal advisor.
- 4. In conducting your investigation, use informal procedures under AR 15-6. Make specific findings as to the circumstances above. The evidence you gather should support your findings. Make recommendations consistent with your findings to address any perceived or actual improper or criminal conduct.
- 5. In your investigation, all witness statements will be sworn and written on DA Form 2823. Sworn Statement. If, in the course of your investigation, you come to suspect that any individuals have committed a criminal offense, then use DA Form 3881, Rights Warning/Procedure Waiver Certificate, to advise them of their rights under Article 31, Uniform Code of Military Justice, or the Fifth Amendment (if interviewing a civilian), as appropriate. In addition, provide witnesses with a Privacy Act Statement before you interview them (See AR 15-6, Appendix B).
- 6. I direct you to keep a daily chronology of all investigative activities and encourage you to consult with your legal advisor whenever and as often as necessary. In the case of any alleged criminal misconduct, you must consult with your legal advisor.

SUBJECT: Appointment of Investigating Officer

7. Submit your findings and recommendations to me on DA Form 1574 not later than 1200 hours 25 September 2005. Should you require additional time, coordinate with me, through CPT





DEPARTMENT OF THE ARMY

HEADQUARTERS, 1ST BA'ITALION, 64TH ARMOR REGIMENT 2D BRIGADE COMBAT TEAM 3D INFANTRY DIVISION

APO AE 09380

REPLY TO ATTENTION OF:

AFZP-VBL-C

24 September 2005

MEMORANDUM FOR Commander, 2d Brigade Combat Team, Camp , Iraq

SUBJECT: Recommendation for the enclosed case

1. I have reviewed the attached AR 15-6 Investigation in its entirety. After considering the findings and recommendation of the Investigating Officer, I make the following recommendation:

sir. I concur fully with the investigating afficer. All Soldiers involved behaved properly and IAV ROE. The driver's intexication proved to be his undoing.

2. POC for this memorandum is the undersigned.

LTC, AR
Commanding

REPORT OF PROCEEDINGS BY IN	WESTICATING OFFICER/BOA	BD 05 0550550		
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2	Exhibits (para 3-16, AR 15-6)			
1	# Age all items offered inhalian	YES	NO	NA2
İ	a Are all items offered invisibles or not received) or considered as evidence individually numbered or lenered as exhibits and attached to this report?	×		
1	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	$+ \smile$		
	c. Has the testimony/statement of each witness been recorded verbation or been reduced to written form and attached as	↓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?	+		×
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	***********	···	
ĺ	is each written stipulation attached as an exhibit and is each anal crimination aither reduced to the first and is each anal crimination aither reduced to the first and is each anal crimination aither reduced to the first and is each anal crimination aither reduced to the first and is each anal crimination aither reduced to the first and is each anal crimination aither reduced to the first and is each area.			X
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L	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 quotum present when the hoard voted on findings and recommendations (parcs 4-1 and 5-2b, AR 15-6)?	-		$\overline{\nabla}$
В	CUMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5 48 15 6)		N. VOTA	
<u>"</u>	At the initial session, did the recorder read, or determine that all posticipants had read the letter of environments force \$26, 40, 15, 512			
5	was a quotien present at every session of the board trans 5-2b. AR 15-61?			
6	Was each absence of any member property 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 of recommendations were not precent when the board received and the land	+		
L	does the inclosure describe how they femiliarized themselves with that evidence (para 5-2d AR 15-6)?			
Ç	COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II Chapter S. AP. 18.6)	\$44.KG	norsector.	650 osta
9	reduce to respondents (para 3-3, Ar 15-6);			
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?	- All S		
	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 piace 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?			geregiji
dalana	(4) the name and address of each witness expected to be called by the recorder?	<u>'</u>		
	(5) the respondent's rights to be present present evidence, and call winnesses?			
	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?			(C)(A)
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):	UKS 1022		
	a Was he properly notified spara 5-5 AR 15-6)?			
	b) Was percent of perceptalines and avidance against 1.50 to 1			
Tī	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-6, AR 15-6):			
-, -	a. Was each respondent represented by counsel?			
	Name and business address of counsel:			
	A contract trades of commen	_		
	(If counsel is a lawyer, check here 🗍)			
-	ly councils a surveyor, check nere ()			
	b. Was respondent's counsel present as all open sessions of the board relating to that respondent?			
	c. If military counsel was requested big not made available, is a copy (or, if orai, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
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	4. Was the Children property decied and by the appropriate officer?	_icons2333		F124 6250
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Page 3 of 4 pages Dis Form 1594, May 13

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SECTION BY CHAINMAN () 10
SECTION IV - FINDINGS (para 3-10, AR 15-6) The (investigating officer) (board), having carefully considered the evidence, finds:
SSG
Furthermore, in paragraph of the ROE states that
consisting of the outer cordon for the Cordon and Knock operation was constituted mission essential property by the commander. At
approximately 212230Sep05 an intersection was blocked using three M1114s to prevent civilian cars from proceeding through the area operation. Street lights and M1114 vehicles lights made the intersection blockade clearly visible for all approaching civilian traffic to and turn around. Furthermore, the M114s (HQ6, HQ7B, and HQ36) all had authorized signs saying "Danger, Stay Back" clearly point the vehicles. At approximately 2240 SGT
view of the above findings, the (investigating officer) (board) recommends:
o action be taken against SSG SGT SGT, SPC SPC PFC And SSC SGT
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Page 3 of 4 pages, EA Form ISM, Mor 88

SECTION VI - AUTHENT	TICATION (para 3-17, AR 15-6)
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the extent indicated in Inclosure	REPORT (para 3-13, AR 15-6)
t the inclosure, identify by number each finding and/or recommend	not concur in the findings and recommendations of the board.
asons for disagreement. Additional substitute findings and/or recommend	ations may be included in the inclosure 1
	,
(Member)	(Member)
CECTION VIII ACCIONING	
ne findings and recommendations of the (fivestigating officer) (board) are instinctions). (if the appointing authority returns the professions to the in-	NTING AUTHORITY (para 2-3, AR 15-6)
histinations). (If the appointing authority relates the proceedings to the inversely action, attach that correspondence for	(C) (approved) (ausapproved) (approved with following exceptions)
rrective action, attach that correspondence (or a summary, if oral) as a n	numbered inclosure.)
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•	Commanding
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Page 4 of 4 singer, DA Francista, Mar 85

CHRONOLOGY

- 1) On 221500Sep05 I, 1LT was appointed the investigating officer for an escalation of force incident involving soldiers from HHC/1-64AR.
- 2) On 221800Sep05 I received and read seven sworn statements, Report, and a diagram sketch of the incident.
- 3) On 231615Sep05 I inquired and received additional details of the incident from CSM
- 4) On 231730Sep05 I met with SSG SPC SGT And SSG and S
- 5) On 241500Sep05 I submitted my report to CPT (Battalion S1) for review and submission to Brigade legal.

INDEX OF EXHIBITS

Exhibit A: Report

Exhibit B: Diagram of incident

Exhibit C: Sworn Statement by CSM

Exhibit D: Sworn Statement by SSG

Exhibit E: Sworn Statement by SPC

Exhibit F: Sworn Statement by SGT

Exhibit G: Sworn Statement by SPC

Exhibit H: Sworn Statement by SSG

Exhibit I: Sworn Statement by PFC

LINE 1: 1-64 AR PSD

LINE 2: Escalation of Force incident.

LINE 3: 212239SEP05

LINE 4:

LINE 5:

	PSO
	PSO
,	GNR
	GNR
	DRV
	PSO

PSO	SSG	HHC 1-64 AR
PSO	SGT	HHC 1-64 AR
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GNR	PFC	HHC 1-64 AR
DRV	SPC	HHC 1-64 AR
PSO	SSG	HHC 1-64 AR

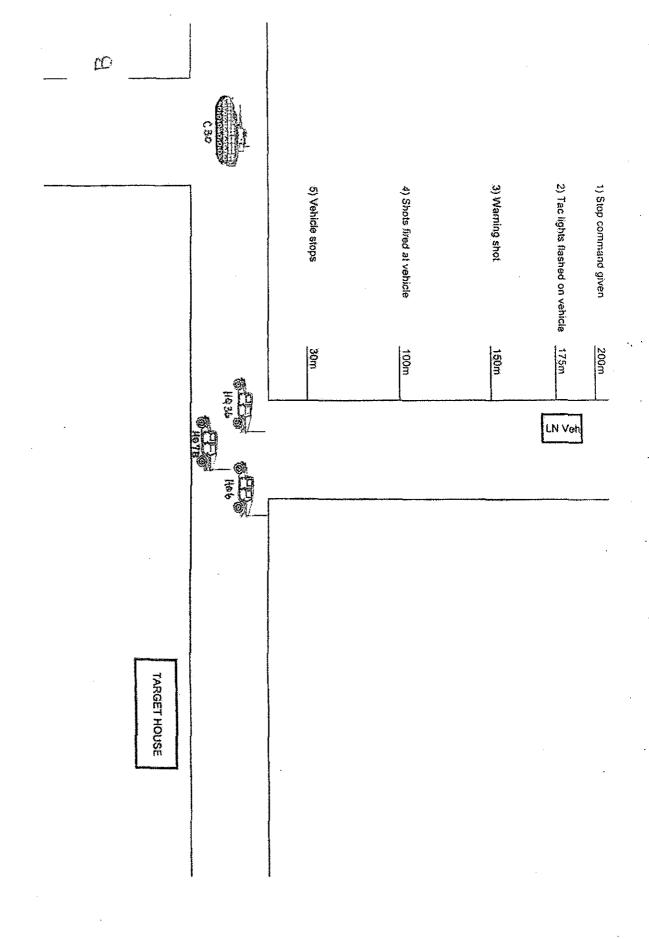


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LINE 6: On or about 212239SEP05 during C CO's Cordon and Knock operation vice and LN vehicle sped toward the outer cordon at full speed. The vehicle did not respond to auditory or light signals to stop. A soldier in the cordon fired multiple shots in front of the vehicle and the vehicle continued towards the outer Cordon. The vehicle accelerated and shots were fired into the hood. The vehicle continued forward at full speed and the soldier fired into the passenger compartment. The vehicle stopped and upon inspection it was observed that the driver was dead. The vehicle was searched and three large empty cans of malt liquor were found. IPs on scene stated the driver was clearly drunk. IP's took custody of the body and LN vehicle and stated the matter was closed.

LINE 7: LN vehicle disabled, LN KIA

LINE 8: LTC



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ORGANIZATION OR ADDRESS		C(Signature of Person Administering Oath) i LT (Typed Name of Person Administering Oath) Invertigating Officer
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we were pulling security on a road Sat was in the truck in front of me signaling cars to turn around. One car kept coming. I cooked over to see Sat turned my attention back to the car that was still coming. I then heard warning shots then shortly coming. I then heard warning shots then shortly after saw tracer rounds from an My hit his car. I then shot a short burst at the car with my zyo. The car then stopped. I counted 6 empty casings on the roof of my humber.—end of statement—
10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF PAGES
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