



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 2ND BRIGADE COMBAT TEAM
82ND AIRBORNE DIVISION, CAMP TAJI, IRAQ
APO AE 09378

APR 06 2007

AFVC-B

MEMORANDUM FOR Commander, Multi-National Division-Baghdad (ATTN: DCG (M)),
Camp Liberty, Iraq, APO AE 09344

SUBJECT: Brigade Combat Team Commander Transmittal (2/82 023)

1. On 10 March 2007, I appointed Major (b)(3), (b)(6) as an Investigating Officer pursuant to Army Regulation (AR) 15-6 to conduct an informal investigation into an incident that occurred on 9 March 2007, where coalition forces engaged two local national vehicles, which resulted in the death of three local nationals and the wounding of three local nationals.

2. After reviewing the Investigating Officer's Findings I recommend:

- Approval.
- Approval with the following changes/recommendations: _____
- Disapproval.

3. After reviewing the Investigating Officer's Recommendations I recommend:

- Approval.
- Approval with the following changes/recommendations: _____
- Disapproval.

(b)(3), (b)(6)

- 3 Encls
- 1. EXSUM 2/82-023
- 2. Legal Review
- 3. AR 15-6 Investigation

COL, IN
Commanding



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 2ND BRIGADE COMBAT TEAM
82ND AIRBORNE DIVISION, CAMP TAJI, IRAQ
APO AE 09378

S: 17 March 2007

AFVC-B

10 March 2007

MEMORANDUM FOR Major (b)(3), (b)(6) Headquarters and Headquarters Company,
2nd Brigade Combat Team, 82nd Airborne Division, Camp Taji, APO AE 09378

SUBJECT: Appointment as AR 15-6 Investigating Officer (2/82-023)

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 into two incidents, both occurring on 9 March 2007, and involving a patrol from Delta Company, 2nd Battalion, 325th Airborne Infantry Regiment, 2nd Brigade Combat Team, 82nd Airborne Division. Specifically, coalition forces engaged a vehicle driven by a local driver, which resulted in the wounding of the driver. Shortly after this engagement the same coalition forces engaged a second vehicle, this time killing three local nationals and wounding two. This is your primary duty until properly relieved. You are required to provide a detailed analysis of the facts and circumstances of the incident, incorporating specific findings on the following:

a. What was the composition and location of the friendly element at the time of the incident? Include number of Troopers, types of weapons, vehicles, and a sketch or diagram of the Troopers in relation to the individual engaged.

b. Describe where the incident occurred, including an 8-digit grid coordinate. Use maps to highlight the location and provide graphics/pictures to depict EOF incident.

c. Describe the events leading up to the escalation of force (EOF). Include a description of the specific EOF measures employed, if any, prior to the use of warning shots or lethal force. Additionally, include as much information as possible about the individuals that were killed and wounded as a result of the use of EOF procedures and any property damaged during the use of EOF procedures.

d. Describe in as much detail as is readily available, what the Troopers perceived as a hostile act and/or demonstration of hostile intent.

e. What additional EOF measures, if any, should have been attempted prior to engaging the vehicle?

f. Describe each vehicle involved in these incidents, including any damage sustained to each vehicle and what items were found in each vehicle.

AFVC-B

SUBJECT: Appointment as AR 15-6 Investigating Officer (2/82-023)

g. Identify any actions taken, tactics, techniques, or procedures the unit should sustain.

h. Identify any lessons learned from the incident that the unit may use to improve existing tactics, techniques, or procedures.

i. Were claims cards issued and claims procedures initiated? If not, why not?

j. Include any other facts or findings that the command should be aware of to assist Troopers with handling similar incidents in the future.

2. You will speak with any and all individuals you believe have information pertinent to your investigation. You will obtain a legal briefing from the Brigade Judge Advocate prior to conducting your investigation. You should also familiarize yourself with the provisions of AR 15-6 and the Guide for Informal Investigations. Once your investigation is complete, you will make recommendations consistent with your findings.

3. All witness statements will be sworn if possible and recorded on DA Form 2823. If circumstances preclude you from obtaining a sworn statement, you will summarize the testimony in a memorandum and attest to the accuracy of your summary.

4. If, in the course of your investigation, you come to suspect that an individual may be criminally responsible, you will advise that individual of his or her rights under Article 31 of the UCMJ using DA Form 3881.

5. Copies of all relevant regulations and forms can be found on the 2BCT PORTAL in the SJA section.

6. Submit your report, together with all evidence marked as exhibits, to the Brigade Judge Advocate on DA Form 1574 for legal review no later than 17 March 2007. Requests for extensions will be submitted to the undersigned through the Brigade Judge Advocate in writing.

7. POC for this memorandum is MAJ (b)(3), (b)(6) at SVOIP 242-6820 or

(b)(3), (b)(6), (b)(2)High

(b)(3), (b)(6)

COL, IN
Commanding



DEPARTMENT OF THE ARMY

2ND BRIGADE COMBAT TEAM
82ND AIRBORNE DIVISION
CAMP TAJI, IRAQ
APO AE 09378

REPLY TO
ATTENTION OF

AFVC-B-JA

23 March 2007

MEMORANDUM FOR Commander, 2nd Brigade Combat Team, 82nd Airborne Division,
Camp Taji, Iraq, APO AE 09378

SUBJECT: Legal Review of EOF AR 15-6 Investigation (2/82-023)

1. In accordance with Army Regulation (AR) 15-6, paragraph 2-3, I have reviewed the AR 15-6 investigation into an incident that occurred on 9 March 2007, where two local national vehicles was engaged by coalition forces, which resulted in the death of three local national and the wounding of three local nationals. I make the following determinations:

- a. The proceedings comply with the legal requirements of AR 15-6.
- b. Errors in the proceedings, if any, do not have a material adverse effect on any individual's substantial rights as related to an informal AR 15-6 investigation.
- c. Sufficient evidence supports the findings for an informal AR 15-6 investigation.
- d. The recommendations are consistent with the findings.

2. Pursuant to Multi-National Division – Baghdad (MND-B) Policy the DCG (M) is the approving authority for this action. Recommend you concur with the Investigating Officer's findings and recommendations by signing the attached memorandum and forward to MND-B, DCG (M).

3. The POC is the undersigned at SVOIP 242-6820 and (b)(3), (b)(6)

(b)(2)High

(b)(3), (b)(6)

Brigade Judge Advocate

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 COL (b)(3), (b)(6) COL, IN, Commanding
 (Appointing authority)

on 10 March 2007 (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 Taji, Iraq at 1030
 (Place) (Time)

on 10 March 2007 (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 1800hrs on 16 March 2007
 (Time) (Date)
 and completed findings and recommendations at 1400hrs on 21 March 2007
 (Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES YES NO^{1/} NA^{2/}

1	Inclosures (para 3-15, AR 15-6) Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)	(b)(2)High
	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 case.

		YES	NO ^{1/}	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?			
	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?			
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?			
	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 5-2b, AR 15-6)?			
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 advisor 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.				

(b)(2)High

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

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

SEE CONTINUATION SHEET

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

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

SEE CONTINUATION SHEET

INDEX

Label	Description
Enclosure I	Investigating Officer appointment Memorandum
Enclosure II	Chronology
Enclosure III	EOF Storyboard
Enclosure IV	SITREP
Exhibit 1	DA Form 2823 (Sworn Statement) & DA Form 3881 (Rights Warning Procedure/Waiver Certificate) of <u>1LT</u> (b)(3), (b)(6), 15 Mar 2007
Exhibit 2	Additional Questions of <u>1LT</u> (b)(3), (b)(6)
Exhibit 3	Event Storyboard and Synopsis, <u>1LT</u> (b)(3), (b)(6)
Exhibit 4	DA Form 2823 (Sworn Statement) & DA Form 3881 (Rights Warning Procedure/Waiver Certificate) of <u>PFC</u> (b)(3), (b)(6), 14 Mar 2007
Exhibit 5	Additional Questions of <u>PFC</u> (b)(3), (b)(6)
Exhibit 6	Event Storyboard and Synopsis, <u>PFC</u> (b)(3), (b)(6)
Exhibit 7	DA Form 2823 (Sworn Statement) & DA Form 3881 (Rights Warning Procedure/Waiver Certificate) of <u>SPC</u> (b)(3), (b)(6), 14 Mar 2007
Exhibit 8	Additional Questions of <u>SPC</u> (b)(3), (b)(6)
Exhibit 9	Event Storyboard and Synopsis, <u>SPC</u> (b)(3), (b)(6)
Exhibit 10	DA Form 2823 (Sworn Statement) & DA Form 3881 (Rights Warning Procedure/Waiver Certificate) of <u>SPC</u> (b)(3), (b)(6), 14 Mar 2007
Exhibit 11	Additional Questions of <u>SPC</u> (b)(3), (b)(6)
Exhibit 12	Event Storyboard and Synopsis, <u>SPC</u> (b)(3), (b)(6)
Exhibit 13	DA Form 2823 (Sworn Statement) & DA Form 3881 (Rights Warning Procedure/Waiver Certificate) of <u>SPC</u> (b)(3), (b)(6), 14 Mar 2007
Exhibit 14	Additional Questions of <u>SPC</u> (b)(3), (b)(6)
Exhibit 15	Event Storyboard and Synopsis, <u>SPC</u> (b)(3), (b)(6)

- Exhibit 16 DA Form 2823 (Sworn Statement) & DA Form 3881 (Rights Warning Procedure/Waiver Certificate) of SG1 (b)(3), (b)(6) 13 Mar 2007
- Exhibit 17 Additional Questions of SG1 (b)(3), (b)(6)
- Exhibit 18 Event Storyboard and Synopsis, SG1 (b)(3), (b)(6)
- Exhibit 19 DA Form 2823 (Sworn Statement) & DA Form 3881 (Rights Warning Procedure/Waiver Certificate) of SPC (b)(3), (b)(6) 13 Mar 2007
- Exhibit 20 Additional Questions of SPC (b)(3), (b)(6)
- Exhibit 21 Event Storyboard and Synopsis, SPC (b)(3), (b)(6)
- Exhibit 22 DA Form 2823 (Sworn Statement) & DA Form 3881 (Rights Warning Procedure/Waiver Certificate) of PV2 (b)(3), (b)(6) 13 Mar 2007
- Exhibit 23 Additional Questions of PV2 (b)(3), (b)(6)
- Exhibit 24 Event Storyboard and Synopsis, PV2 (b)(3), (b)(6)

CHRONOLOGY

DATE	EVENT
10 Mar 07	Received appointment order as 15-6 Investigating Officer
10 Mar 07	Received brief by BJA on 15-6 procedures
11 Mar 07	Traveled via Route Clearance Convoy to COP (b)(2)High encountered IED, per procedure waited for FOD to blow IED in place
12 Mar 07	Waited for a D Co. patrol to take me to COP (b)(2)High
13 Mar 07	Began 15-6 interviews at COP (b)(2)High
14 Mar 07	Continued interviews at COP (b)(2)High
15 Mar 07	Completed 15-6 interviews at COP (b)(2)High Al Quds IP Police Station, and the scene of the EOF incidents then returned to COP (b)(2)High
16 Mar 07	Out briefed LTC (3), (b)(2)-325 Bn Cdr. Departed for Camp Taji
18 Mar 07	First draft of 15-6 results submitted to 2-82 BJA
19 Mar 07	BJA returned with recommended corrections and guidance.
21 Mar 07	Final draft of 15-6 given to 2/82 BJA.

EOF- CONSEQUENCE MANAGEMENT

APPROXIMATELY 092030MAR07

(2)H

TO MENTOR INVESTIGATION AND DO CONSEQUENCE

(b)(3), (b)(6)

MANAGEMENT WITH THE IPS. UPON ARRIVAL NUMEROUS IPS WERE AROUND A LATE MODEL CHEVROLET PICK-UP. UPON COMING UP TO THE TRUCK, THE IPS SHOWED THE BODIES OF THREE VICTIMS OF THE EOF. PRESENT WERE TWO GIRLS (b)(6) KIA OF LARGE CALIBER GUN SHOT WOUNDS (2)H. THE FEMALES HAD WOUNDS IN THE ABDOMEN AND CHEST AREA. THE THIRD INDIVIDUAL WAS A MALE. THE FATHER OF THE

TWO GIRLS (b)(6) KIA OF A LARGE CALIBER GUN SHOT WOUND TO THE HEAD (2)H. THE MP SQUAD LEADER, MP PLT LEADER (b)(6) AND I ENTERED THE IP STATION AND PROCEEDED INTO THE STATION AND WENT TO THE SHIFT SUPERVISOR'S OFFICE (1L (b)(6)), (b)(6). WE THEN MADE CONTACT WITH 1LT (b)(6). THE DUTY OFFICER AND INVESTIGATING OFFICER. ALL THE IPS AT THE STATION APPEARED TO BE VERY EMOTIONAL AT THE EVENTS. THE THREE KIA LNS WERE IDENTIFIED AS (b)(6) (FATHER), (b)(6) (DAUGHTER), AND (b)(6) (DAUGHTER), AND

EVENTS AT ENGAGEMENT SCENE

1LT (b)(6) ALSO STATED THAT ANOTHER INDIVIDUAL (VICTIMS' SON/BROTHER), NAME UNKNOWN, WAS KIA WITH A SEVERE GSW TO THE HEAD AND THE MOTHER, NAME UNKNOWN, RECEIVED NO INJURIES. 1LT (b)(6) STATED THAT THAT INCIDENT WAS THE SECOND IN A 15 MINUTE TIME FRAME. HE STATED THAT PRIOR TO THAT INCIDENT, HE HAD JUST BEEN NOTIFIED OF AN EOF INCIDENT BY THE SAME UNIT AT THE SAME LOCATION. THE DRIVER OF THAT EOF INCIDENT, NAME UNKNOWN, MALE, SUSTAINED A GSW TO THE LEG (DISPOSITION UNKNOWN). I ADDRESS ALL THE ISSUES LISTED BLOW WITH THE ADDRESSED TALKING POINTS. THE MAIN THEME WAS "THAT ON BEHALF OF MY COMMANDER WE EXTEND CONDOLENCES AND APOLOGIES FOR THE UNFORTUNATE INCIDENT THAT HAPPENED AND THAT THERE WOULD BE A THROUGH INVESTIGATION.

WHILE AT THE IP STATION, THE BROTHER-IN-LAW OF THE MOTHER SHOWED UP AT THE STATION. I, ALONG WITH THE MP PRESENT, ASSURED THE RELATIVE THAT WE ARE SORRY ABOUT THE UNFORTUNATE EVENTS THAT TOOK PLACE. EXTENDED ALL OUR CONDOLENCES, AND AN INVESTIGATION WOULD TAKE PLACE. HE SEEMED COMFORTED ABOUT OUR QUICK RESPONSE AND THANKFUL OF OUR CONDOLENCES. 1LT (b)(6) STATED THAT ONLY A SMALL INVESTIGATION WOULD TAKE PLACE DUE TO THE INVOLVEMENT OF COALITION FORCES.

POINTS AND TALKING POINTS
IRAQI POINT TALKING POINT

(b)(2)High, (b)(5)

APPENDIX 1 (SALTY-CP) TO ANNEX R (OPERATIONAL REPORTS) TO 89TH MP BDE OPERATIONS
ORDER 004-06 (GRIFFIN FURY)

CLASSIFICATION: SECRET

FROM: 630TH MP CO

THRU: BATTLE CAPTAIN, 759TH MP BN

TO: BATTLE NCO / CAPTAIN, 89TH MP BDE

DTG: 091907CMAR07

SUBJECT: SALTY-CP REPORT

SEQUENCE NUMBER:

SIZE OF UNIT OR # OF PERSONNEL: EOF BY 2-325 IN

ACTIVITY OF UNIT/PERSONNEL OBSERVED: 630TH MP WAS INFORMED BY 2-325
IN TOC THAT ONE OF THEIR D CO PATROLS HAD AN EOF ON LOCAL NATIONALS
RESULTING IN THE DEATH OF TWO CHILDREN AND THE WOUNDING OF THEIR
FATHER. AL QUDS IP'S HAVE RESPONDED TO THE SCENE.

LOCATION OF ACTIVITY: (b)(2)High

TIME OF ACTIVITY BEING REPORTED: 091930CMAR07

YOUR ACTION: NOTIFIED HIGHER

COMBAT POWER: (b)(2)High

UPDATE: 2-4-630 MP REPORTS 3 X LN KIA, (FATHER AND 2 DAUGHTERS),
A FOURTH INDIVIDUAL (SON) SUSTAINED A SEVERE HEAD WOUND IN
THE EOF AND IS NOT EXPECTED TO LIVE.

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.

1. LOCATION COP FORD	2. DATE 15 MAR 07	3. TIME 0819	4. FILE NO. 2-82-023
5. <div style="border: 1px solid black; padding: 5px; width: 100%;">(b)(3), (b)(6)</div>	8. ORGANIZATION OR ADDRESS D Co 2/325 A.I.R. (COPD PCT)		
6. <div style="border: 1px solid black; padding: 5px; width: 100%;">(b)(3), (b)(6)</div>	7. GRADE/STATUS O2		

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 **HMC, 2BCT, 82 AB** and wanted to question me about the following offense(s) of which I am suspected/accused: **EOF measures used on 9 MAR**

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. I do not have to answer any question or say anything (3), (b)
2. Anything I say or do can be used as evidence against me in a criminal trial (3), (b)
3. *(For personnel subject to the UCMJ)* I 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 (3), (b)

- or -

(For civilians not subject to the UCMJ) I have 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 will be appointed for me before any questioning begins.

4. If I am now willing to discuss the offense(s) under investigation, with or without a 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 (3), (b)

5. COMMENTS *(Continue on reverse side)*

Section B. Waiver

I 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 <i>(if available)</i>		3. <div style="border: 1px solid black; padding: 5px; width: 100%;">(b)(3)(b)(6)</div>
1a. NAME <i>(Type or Print)</i>	b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR <div style="border: 1px solid black; padding: 5px; width: 100%;">(b)(3)(b)(6)</div>
2a. NAME <i>(Type or Print)</i>	b. ORGANIZATION OR ADDRESS AND PHONE	5. <div style="border: 1px solid black; padding: 5px; width: 100%;">(b)(3)(b)(6)</div>
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR HMC, 2BCT, 2-82 AB

Section C. Non-waiver

1. I do not want to give up my rights
 I want a lawyer I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION COP (b)(2)High	2. DATE (YYYYMMDD) 20070315	3. TIME 0818	4. FILE NUMBER 2/82-023
5. LAST NAME FIRST NAME MIDDLE NAME (b)(3), (b)(6)			7. GRADE/STATUS O2
8. D CO 2-325 A.I.R.			

(3), (b) (b)(3), (b)(6) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON 9 MARCH 2007, WE RETURNED FROM A PATROL BACK TO COP FORD. I WAS TASKED TO GO TO COP CALLAHAN & (b)(2)High WE LOADED UP

THE CONVOY, BRIEFED OUR ROUTES & WENT THROUGH OUR PRE-CONVOY CHECKLIST & THEN DEPARTED THE GATES OF CALLAHAN. WE TURNED ON (b)(2)High & THEN ONTO (b)(2)High THE CONVOY WAS MOVING SLOW BECAUSE WE HAD TO WAIT FOR (b)(2)High TO CATCH UP FROM THE TURNS. MY TRUCK, D2-2, WAS THE SECOND VEHICLE IN THE CONVOY. WE MADE THE RIGHT ONTO (b)(2)High & IT SEEMED AS IF WITHIN 30 SECONDS TO A MINUTE I BEGAN TO SEE SHOTS AT A VEHICLE MOVING ON OUR LEFT SIDE. THE SHOTS FIRST CAME FROM THE FIRST TRUCK, THEN MY GUNNER FIRED, AT THIS VEHICLE MOVING VERY FAST. BY THE RATE OF SPEED, I ALMOST INSTANTLY KNEW WHY THE VEHICLE WAS ENGAGED. THE VEHICLE FINALLY CAME TO A HALT AROUND THE 3RD OR 4TH VEHICLE. I IMMEDIATELY CALLED UP A SIT-REP AS MY MEDIC & PSG BEGAN TREATING THE MAN AFTER IT WAS SHOWN THAT HE WAS NO LONGER A THREAT. I WAS INFORMED THAT AN AMBULANCE WAS ON IT'S WAY, BUT I KNEW THE LAST TIME WE HAD TO WAIT ON AN AMBULANCE IT NEVER SHOWED. SO GIVEN THE LOCATION, NEXT TO A MOSQUE, AND THE SITUATION WHERE WE WOULD POSSIBLY PICKUP & MOVE IMMEDIATELY MY MEN WERE READY TO MOVE AT A MOMENTS NOTICE. (b)(3)(b)(6)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (3), (b)(6)	PAGE 1 OF 3 PAGES
-------------	--	-------------------

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

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

STATEMENT OF

(b)(3), (b)(6)

TAKEN AT

COP (b)(2)High

DATED

15 MAR 07

STATEMENT (Continued)

THE FIRST MAN SHOT, HAD HIS FOOT SHOT & HIS CALF. THE AMBULANCE DID NOT SHOW SO WE MADE THE DECISION TO EVAC HIM OURSELVES OR ELSE HE WOULD LOSE HIS LEG. I CALLED UP & REPORTED I WAS LEAVING W/ PATIENT, & ALMOST AS SOON AS I WAS DONE I HEARD (b)(3), (b)(6) SHOTS AT ANOTHER VEHICLE. FIRST I THOUGHT WE WERE BEING ENGAGED, WHICH WAS MY FEAR OF WHAT WOULD HAPPEN IF WE STAYED THERE TOO LONG, BUT THEN I REALIZED ANOTHER VEHICLE WAS SHOT AT. I IMMEDIATELY RAN OVER & REALIZED THERE WAS A BOY CRYING IN THE BACK. I WENT OVER TO THE PASSENGER SIDE & ATTEMPTED TO GET THE BOY OUT, BUT THE DOORS WOULD NOT OPEN. THE MOTHER WAS TELLING ME THAT WAS HER SON, & I SAID I KNOW, I'M TRYING TO HELP. AS I TRIED TO GET THE BOY OUT, I WAS TOLD MY COMMANDER WAS TRYING TO REACH ME, SO I HAD TO RUN TO ONE OF THE TRUCKS TO GET COMA'S WITH HIM. I REPORTED THE SITUATION & REQUESTED QRF. I REQUESTED QRF TO HELP SECURE THE SITE, & TO ASSIST W/ MOVING CASUALTIES IF NEEDED. I LATER FOUND OUT MY REQUEST FOR QRF WAS DENIED. WHEN I CAME BACK, THE IP'S WERE ALREADY THERE ASSISTING MY MEN. I WAS TOLD THE LITTLE BOY & THE MOTHER WENT INSIDE THE HOUSE IN FRONT OF WHERE THE SHOOTING OCCURRED. WE BEGAN TAKING OUT THE BODIES & PUTTING THEM ON STRETCHERS & THE DEAD MAN IN A BODY BAG. THE MOTHER & LITTLE BOY CAME OUT AFTER A FEW MOMENTS & THE BOY HAD A GAUZE OVER HIS RIGHT EYE. THE IP'S SAID THEY WOULD EVAC THE WOUNDED TO THE HOSPITAL SO WE LET THEM TAKE THE 1ST MAN SHOT, THE MOTHER, AND THE LITTLE BOY. WE WAITED FOR CAPT. (b)(3), (b)(6) TO ARRIVE W/ ANOTHER PLATOON & HE BEGAN TO TAKE CONTROL OF THE SITUATION W/ THE IP'S. SHORTLY THEREAFTER, THE NP'S ARRIVED AS WELL (b)(3), (b)(6)

NOTHING FOLLOWS

INITIALS OF PERSON MAKING STATEMENT

(b)(3), (b)(6)

PAGE 2 OF 3 PAGES

STATEMENT OF

(b)(3), (b)(6)

TAKEN AT

COP

(b)(2)High

DATED

15 MAR 07

9. STATEMENT (Continued)

NOT USED

AFFIDAVIT

I, (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH (b)(3), (b)(6) 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 (b)(3), (b)(6) REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE.

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 day of MARCH, 2007 at COP FURID

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(b)(3), (b)(6)

(Signature of Person Administering Oath)

(b)(3), (b)(6)

(Typed Name of Person Administering Oath)

IO

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(3), (b)(6)

PAGE 3 OF 3 PAGES

PL

TJH
54B
NRC

To Start:

-What is your assigned duty MOS 11A, how long have you been doing this MOS 1 yr 8 months and with your current unit DC 2-325? Have any other MOSs? How long have you been in the Mil (b)(6) Army (b)(6)?

-What I need from you; discussion, recreate what you experienced per event on the 9th of Mar to include what you/they saw, heard, witnessed, did as far as being instructed, and did individually, to be covered. (in part, to validate current TTP, SOPs, and ROE or adjust them)

Questions:

-What had you, your team/plt done the day prior to the incident? PATROL (MOUNTED)

How much down time had you, your team/plt had? AVERAGE 4 HR PATROL

-What did you/your team do the day of 9 Mar before (convoy, snap check point, ect?) the EOF incident? (b)(2)High

-What kind of a pre convoy or mission brief did you receive for that days event/s can you recall what was said? YES If yes, what (b)(2)High

Who gave the pre convoy/mission briefs MYSELF & MY PSG

Did you understand each brief given? YES Did anyone ask for clarifications? NO

-On 9 Mar what was the weather like? 70's, CLEAR, WARM (Sunny, dusty, warm, etc?)

Around 1800 what was the weather like (dusk, clear, windy, calm)

SAME NO CHANGE

What was the conditions (trash, obstacles, people, wet, dry, dusty, sun in your eyes or the drivers, etc) like on the street? AVERAGE, SOME TRASH, NO SUN, CLEAR

What was the conditions (SAB) like in the neighbor hood? AVERAGE.

-For Veh 1 was a hostile intent or eminent danger displayed? YES If yes/no (per ROE answer in that context), explain VEHICLE NOT STOPPING NOR SLOWING DOWN AS IT APPROACHED OUR CONVOY. (b)(6)

-For Veh 2 was a hostile intent or eminent danger displayed? YES If yes/no, (per ROE answer in that that context) explain AFTER USING EOF, THE VEHICLE FAILED TO STOP OR SLOW DOWN.

-For Veh 1 did you think the veh was or would be a threat or danger to you/the team or to the populace? (which or all?) If yes/no, explain – did the veh speed up or slow down or swerve or prior to and then after EOF measure were taken???

YES TO ALL. THE VEH NEVER SLOWED DOWN, & SWERVED IN FACT TO AVOID MY REAR TRUCK WHO ATTEMPTED TO SWERVE AT HIM.

-For Veh 2 did you think the veh was or would be a threat or danger to you/the team or to the populace? (which or all?) If yes/no, explain – did the veh speed up or slow down or swerve or prior to and then after EOF measure were taken???

YES TO ALL. AFTER PROPER MEASURES WERE TAKEN W/ REGARDS TO EOF THE VEHICLE FAILED TO SLOW DOWN OR STOP.

-As the Veh 1 approached your position, what EOF steps from ROE were taken? Was there sun in your eyes or their eyes? (b)(2)High

EOF (b)(2)High (b)(3), (b)(6)
(b)(2)High

As the Veh 2 approached your position, what EOF steps from ROE were taken? Was there sun in your eyes or their eyes

(b)(2)High
(b)(2)High

-Who had first weapon contact with Veh 1 D2-3 GUNNER What did that soldier do/automatic reaction or instructed by? (b)(2)High

Who had first contact with the passengers in Veh 1? DOC / PSG What did he/they do? BEGIN TREATMENT CSPC (b)(3), (b)(6)

DOC is who?

-Did anyone observe what contents were observed in or around the Veh 1? If so, who? (any Iraqis try to intervene? If so, were they told to stop - did they? NO ONE

CHECKED OR INTERVENED. BROTHER CAME BY AFTER INCIDENT

-Did anyone observe what contents were observed in or around the Veh 2? If so, who? (any Iraqis try to intervene? If so, were they told to stop - did they? IP'S DAD.

BROTHER OF TACT DRIVER?

ONLY CONTACT WAS US & IP'S TREATING WOUNDED, TAKING OUT THE KIA, THEN VEH 2 WAS TOWED.

-Who besides U.S. soldiers and HN saw Veh 1?

NO ONE ELSE TO MY KNOWLEDGE EXCEPT FOR BROTHER OF OWNER

Did onlookers, IA/NP/? do anything with the HN individuals, vehicle, and or its content? (b)(3) NO THE ONLY ONE TO TAKE THE VEHICLE WAS THE BROTHER.

-Who besides U.S. soldiers and HN saw Veh 2?

ONLOOKERS, IP'S.

Did onlookers, IA/NP/? do anything with the HN individuals, vehicle, and or its content? IP'S TOWED IT.

-Did U.S. Sm keep control of Veh 1, its contents, and the individuals? NO

If yes/no, explain why/not BROTHER OF OWNER CAME TO TAKE IT

AFTER VICTIMS TREATED & KIA TAKEN, THEN THE BROTHER WAS ALLOWED TO TAKE VEH.

-Did U.S. Sm keep control of Veh 2, its contents, and the individuals? NO

If yes/no, explain why/not IP'S TOWED IT.

(b)(3) He change the ground fire & drive away?

-Who had first weapon contact with Veh 2 (b)(2)High What did that soldier do/automatic reaction or instructed by (b)(2)High

-Who had first contact with the passengers in Veh 2 (b)(2)High What did he/they do? NOT SURE, I WASN'T THERE YET.

Did anyone observe what contents were observed in or around the vehicle? NOT TO MY KNOWLEDGE.

What was seen?

-Who besides U.S. soldiers saw the vehicle and the HN individuals in Veh 2?

IP'S

-Did onlookers, IA/NP/? do anything with the HN individuals, Veh 2, and or its content?
YES THEY TOWED VEH 2 & TOOK THE WOUNDED TO THE HOSPITAL. (EP'S)

~~Did the U.S. keep control of Veh 1, its contents, and the individuals?
If yes/no, explain why/not~~

~~Did the U.S. keep control of Veh 2, its contents, and the individuals?
If yes/no, explain why/not~~

b(3), (b)(6)

Training:

-When (b)(2)High and where did you receive Elevation of Force training?
Did you understand it as it was explained? If yes/no, explain YES, NO ISSUES

-Tell me what your understanding of EOF is? AN ATTEMPT TO NEUTRALIZE A POSSIBLE THREAT USING VARIOUS LEVELS OF FORCE, INCREASING AS YOU GO UP. NOT ALWAYS APPLICABLE HOWEVER.

-Explain to me what an EOF kit is? TOOLS USED TO ASSIST IN THE GRADUATED LEVEL OF FORCE
What is it designed to do? ASSIST US AS WELL AS UN'S IN ENDING A THREAT.
Does your unit have one? YES Did you/your team/Plt have its use included in TTP SOP and or pre mission/convoy briefs (b)(2)High
Have you been trained on how to use/implement a EOF kit? YES
explain USE WHAT YOU BELIEVE IS NEEDED GIVEN THE SITUATION & THREAT

(b)(2)High

Did you get a new ROE card for Iraq? YES May I read it? _____

-On the Story board provided by your unit, draw and explain; where you were, what you saw, what you were told to do, what you heard, what you saw others doing, and any other events or details you can remember. Draw the U.S. vehicles, direction of warning and other shots fired, where/how EOF measures were located/conducted, direction Veh 1 came from and its actions _____

Law
-Are there any actions you would do different next time-why or why not _____

-On the Story board provided by your unit, draw and explain; where you were, what you saw, what you were told to do, what you heard, what you saw others doing, and any other events or details you can remember. Draw the U.S. vehicles, direction of warning and other shots fired, where/how EOF measures were located/conducted, direction Veh 2 came from and its actions _____

-Are there any actions you would do different next time-why or why not YES AT A

MINIMUM (b)(2)High

(b)(2)High

-When and where did you received ROE training? (b)(2)High

Explain what ROE means RULES ON USING FORCE

-Can I read your ROE Card? YES Verify it is from Iraq?

-Do you have anything else you want to say and add to this or your statement?

NO