

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 War Horse	2. DATE (YYYYMMDD) 26 JAN 06	3. TIME #2343	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3),(b)(6)	6. SSN (b)(3),(b)(6)	7. GRADE/STATUS E-4 SPC	
8. ORGANIZATION OR ADDRESS C CO 14TH EN BN			

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

ON THE MORNING OF THE 20TH WHILE CONDUCTING
 THE CLEARANCE WE STOPPED FOR A SUSPECTED IED.
 WHILE CHECKING IT OUT, THE BUFFALO CALLED US UP
 FRONT TO PULL SECURITY WHILE HE CHECKED ON A CAR
 HE FIRED ON, WE PULLED UP AND SAW 2 PEOPLE
 WALKING AROUND THE CAR WITH BLOOD ALL OVER THEM.
 WE GOT THEM ON THE GROUND WHILE SGT (b)(3),(b)(6) & SGT (b)(3),(b)(6)
 AND SSST (b)(3),(b)(6) CHECKED THE PERSONNEL AND VEHICLE.
 I WAS TOLD BY SGT (b)(3),(b)(6) WE HAD ONE KIA AND WERE
 URGENT TO CALL FOR MEDVAC. I RELAYED TO LT. (b)(3),(b)(6) AND
 WAITED FOR AMBULANCE. NOTHING ELSE FOLLOWS. (b)(3),(b)(6)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3),(b)(6)	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ 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.

STATEMENT OF (b)(3),(b)(6) TAKEN AT 1143 DATED 2006 JAN 26

9. STATEMENT (Continued) NOTHING ELSE FOLLOWS

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

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

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

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

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

AFFIDAVIT

I, (b)(3),(b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE (b)(3),(b)(6) 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.

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27 day of JAN, 06 at 0100

(b)(3),(b)(6)
ORGANIZATION OR ADDRESS

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

(b)(3),(b)(6)
ORGANIZATION OR ADDRESS

(b)(3),(b)(6)
(Typed Name of Person Administering Oath)
136
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 1 OF 1 PAGES

Privacy Act Statement

The Privacy Act Statement requires that, whenever personal information is solicited from an individual and the information will be filed as to be retrievable by reference to the name or other personal identifier of the individual, the individual must be advised of the following information.

Authority for Soliciting the Information: I have been appointed by COI (b)(3),(b)(6) 55th CSB (ME), FOB Speicher, Iraq, to investigate the Escalation of Force incident on January 26, 2006. My findings and recommendations as to appropriate action will be included in my report to COI (b)(3),(b)(6) JAW AR 15-6.

Routine Uses: Routine uses that may be made of the information: Any information you provide may be disclosed to members of the Department of Defense who have an official need to know the information for the performance of their duties. In addition, the information may be disclosed to Government agencies outside the Department of Defense.

Disclosure is Voluntary: Providing the requested information is voluntary. There will be no adverse effect on you for not furnishing the information other than certain information might not otherwise be available to COI (b)(3),(b)(6) for his consideration in making a decision regarding this matter.

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

(Date)

27 JAN 06

007403

SWORN STATEMENT

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PRIVACY ACT STATEMENT

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1. LOCATION: FOB WARTHORSE
2. DATE (YYYYMMDD): 2006 01 26
3. TIME: 2342
4. FILE NUMBER:
5. LAST NAME FIRST NAME MIDDLE NAME: (b)(3),(b)(6)
6. SSN: (b)(3),(b)(6)
7. GRADE/STATUS: E-5/ACTIVE
8. ORGANIZATION OR ADDRESS: C Co 14th EN BN

9. I, (b)(3),(b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
AT APPROXIMATELY DAWN The trailblazer element stop to check suspected IEDs. My self C-21 was conducting a search of bag and a box on the side of the road. I then recieved a call from the C-22 Element saying he needed assistance with traffic he explained that he had a vehical speeding towards him and that he used escalation of force on the vehical, and he wanted myself to check the vehical with him we had one indiviual who exited the vehical was bleeding from his face the medic proceeded to do firstaid

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

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

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

TAKEN AT

2343

DATED

2006 01 26

9. STATEMENT (Continued)

on the casualty. He was stabilized me and
 Sgt (b)(3),(b)(6) check the remain passengers.
 The woman in the front seat, ~~(b)(3),(b)(6)~~
 was a KIA. The male in the rear seat
 recieved a minor wound to his neck
 he was treated. IP showed sometime
 later took Both Man individuals to
 the hospital. We waited for the
 ambulance to pick up the remains of
 womans body. After they did so we
 continued mission.

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

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

AFFIDAVIT

I, (b)(3),(b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT
 WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. 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 OR UNLAWFUL INDUCEMENT.

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

WITNESSES:

(b)(3),(b)(6)
 ORGANIZATION OR ADDRESS

 ORGANIZATION OR ADDRESS

administer oaths, this 27 day of JAN .06
 at 0100
 (b)(3),(b)(6)
 (b)(3),(b)(6)
 (Typed Name of Person Administering Oath)
 136
 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE

1 OF

PAGES

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Authority for Soliciting the Information: I have been appointed by COI (b)(3),(b)(6) 555th CSB (ME), FOB Speicher, Iraq, to investigate the Escalation of Force incident on January 26, 2006. My findings and recommendations as to appropriate action will be included in my report to COI (b)(3),(b)(6) IAW AR 15-6.

Routine Uses: Routine uses that may be made of the information: Any information you provide may be disclosed to members of the Department of Defense who have an official need to know the information for the performance of their duties. In addition, the information may be disclosed to Government agencies outside the Department of Defense.

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

27 Jan 06
(Date)



DEPARTMENT OF THE ARMY
Headquarters, 555th CSB (ME)
FOB Speicher
Tikrit, Iraq
APO AE 09393

REPLY TO
ATTENTION OF:

AFZH-CEG

26 January 2006

MEMORANDUM FOR: Major (b)(3),(b)(6), Headquarters, 14th EN BN, FOB Speicher, Iraq
09393

SUBJECT: Appointment as 15-6 Investigating Officer; Investigation into Escalation of Force
Resulting in Iraqi Civilian Death and Serious Injury

1. You are hereby appointed as investigating officer pursuant to Army Regulation (AR) 15-6, Procedure for Investigating Officers and Boards of Officers, and UCMJ Articles 133 and 134, to conduct an informal investigation into the C. 14th Engineer Battalion escalation of force incident which resulted in the death and injury of Iraqi civilians on the morning of 26 January 2006. You are directed to investigate the incident fully and assess whether or not the individuals involved followed approved MNC-I and TF BoB procedures for the escalation of force within this theater.
2. As of 1 January 2006, all units attached to Task Force Band of Brothers who are involved in escalation of force incidents resulting in the death or serious injury of Iraqi civilians requires the Brigade Commander to appoint a 15-6 investigating officer. (See CO (b)(3),(b)(6) Information Paper, 1 January 2006, MNC-I FRAGO 183) Additionally, an executive summary of your findings and recommendations of this investigation must be reported to the Division Commander IAW FRAGO 21 to OPOD 268-05. If, during the course of your investigation, you discover evidence of additional discrepancies or misconduct, you will document this evidence, pursue any available leads, and provide a recommendation for appropriate action in your findings.
3. Your investigation will be conducted IAW AR 15-6. During your investigation you will be required to interview and/or question numerous witnesses as well as obtain statements and other documentary evidence. You are directed to obtain sworn statements from all witnesses and ensure that all witnesses complete a privacy act disclosure form. In the event that you are unable to obtain a sworn statement from a witness, you will prepare a detailed memorandum, memorializing the witness interview and explaining why a sworn statement was not obtained.
4. As for documentary evidence, you should obtain original documents whenever possible. If originals are unavailable, ensure that accurate, legible copies are provided along with an MFR documenting where the original is maintained and why it was not obtained. Finally, you may be required to obtain and secure physical evidence. If you are unable to obtain or secure the evidence, prepare a memorandum to the Brigade Commander documenting the evidence's relevance and where it is maintained. With regards to documents and/or evidence, advise the respective custodian, in writing, of his or her obligation to safeguard and secure the documents and/or evidence pending final action in the investigation.

007407

AFZH-CEG

SUBJECT: Appointment as 15-6 Investigating Officer; Investigation into Escalation of Force Resulting in Iraqi Civilian Death and Serious Injury

5. If, prior to or during any interview, you suspect an individual subject to the U.C.M.J. of committing a U.C.M.J. offense, you are required to advise that individual of his/her Article 31 rights, both orally and in writing, before any interview or questioning may commence and/or continue.
6. Upon completion of your investigation, you will make findings of fact regarding the issues addressed in paragraph 2 above and recommend appropriate action based on your findings. Your findings and recommendation will be recorded on DA Form 1574. The completed DA Form 1574 will be accompanied by all evidence obtained during your investigation as well as a separate chronology listing all significant activity from initial appointment as Investigating Officer to completion of the investigation, to include the granting of any extensions or delays to complete the investigation.
7. The Brigade Operational Law Judge Advocate, CPT (b)(3),(b)(6) will serve as your legal advisor, as well as provide you with the documents necessary to conduct your investigation, such as a copy of AR 15-6, DA Form 2823 (Sworn Statement), DA Form 3881 (Rights Advisement), Privacy Act Disclosure Forms, and an Investigation Guide for Informal Investigations.
8. Upon completion of your investigation, you will submit the entire investigation to your legal advisor for a legal review. Your investigation should be completed within 10 days of receipt of this memorandum. I must approve any delays. This investigation is your primary duty and takes precedence over all other assigned duties.
9. POC is Operational Law Judge Advocate, CPT (b)(3),(b)(6) (b)(2)

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

Colonel, EN
Commanding



DEPARTMENT OF THE ARMY
HEADQUARTERS, 14th ENGINEER BATTALION (CORPS) (WHEELED)
OPERATION IRAQI FREEDOM, FOB SPEICHER
APO AE 09393

REPLY TO
ATTENTION OF

AFZH-CEF

8 February 2006

MEMORANDUM FOR RECORD

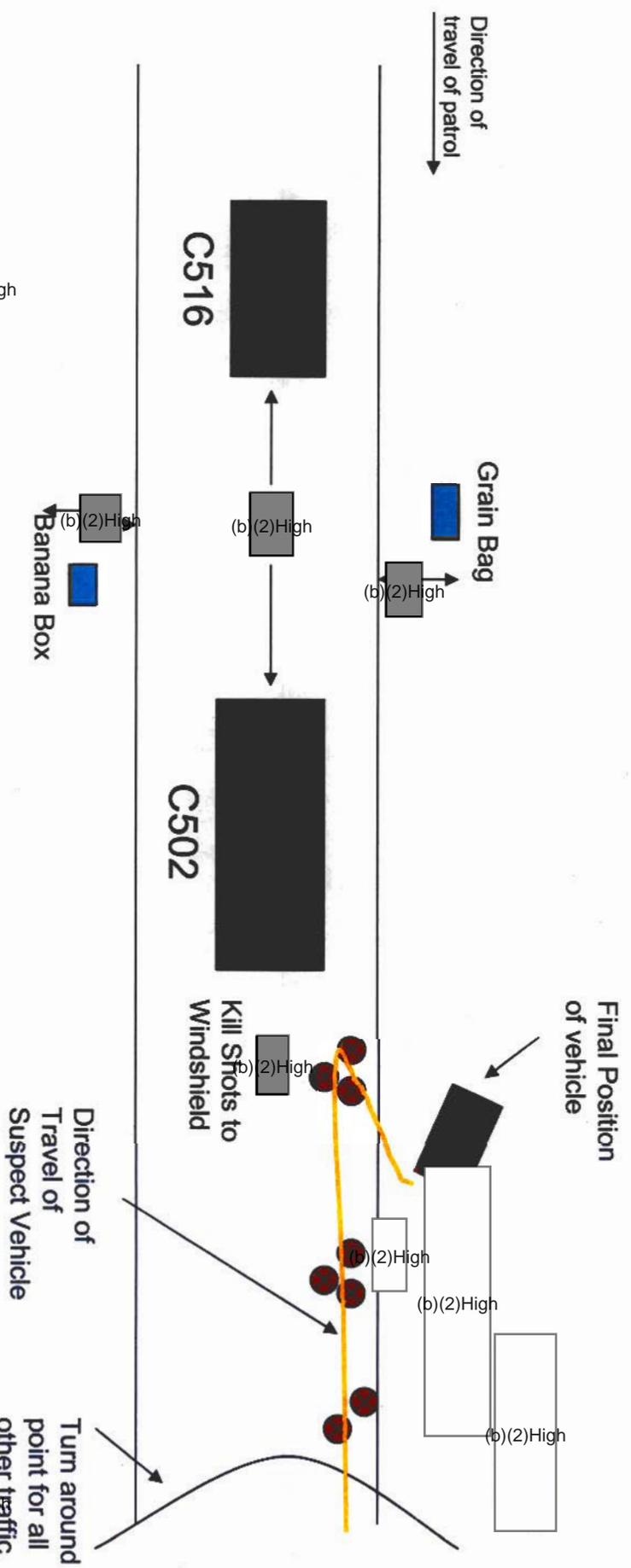
SUBJECT: AR 15-6 Investigation into Escalation of Force Resulting in Iraqi Civilian Death and Serious Injury Report, 26 January 2006 – Report of Investigation.

1. Reviewed sworn statements of witnesses; I find there was no negligence in the action of SGT (b)(3),(b)(6)
2. SGT (b)(3),(b)(6) is not to be held responsible for the death of the local national and that his actions are considered appropriate and justified.
3. POC for this memorandum is SPC (b)(3),(b)(6) at VOP (b)(2) or email at (b)(3),(b)(6)@dmain.d101.army.smil.mil.

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

MAJ, EN
15-6 Investigation Officer

007409



While on patrol of [redacted] from FOB Warhorse to FOB Normandy the patrol was conducting recon of a possible IED at [redacted]. All traffic had stopped approx. [redacted] from the C502. A Sedan moved around the stopped traffic and sped towards the patrol. SGT [redacted] trained a spotlight on the car motioning for it to stop. The driver did not slow or stop. He [redacted] the vehicle. [redacted] The car did not slow down or stop. He then [redacted] away when SGT [redacted] fired 3 shots into the windshield. The vehicle came to a stop, then quickly reversed and drove into the ditch. Two male passengers quickly exited the car. The patrol rendered first aid to the passengers. There were three passengers in the car, the driver was wounded in the face, the passenger in the front was killed and the passenger in the rear seat was unharmed. The patrol leader called TF 1-32 on FOB Normandy to request a MEDEVAC, it was denied due to the MEDEVAC status. The IP's got on station at 0738. They evacuated the wounded and uninjured man to the hospital. The Ambulance showed up soon after and took the dead IZ to the hospital. The patrol then continued on their way to FOB Normandy. The name of the KIA is [redacted] and the name of the other passenger is [redacted].

Event Diagram
 Escalation of Force, 27 January 2006
 C/14th En Bn

