15-6 Investigation (SPC Anderson)

1. What was task and purpose during this mission?
   Task: CONDUCT TCP
   Purpose: SHOW PRESENCE + SEARCH VEHICLES

2. Explain, in your words, what happened at the TCP?
   SEE SWORN STATEMENT

3. Was there any warning shots fired? If so, who gave the command to fire warning shots? YES [redacted] FIRED A WARNING SHOT. I'M NOT SURE WHO GAVE THE COMMAND I DIDN'T HEAR IT.

4. Was there any enemy fire? NEGATIVE

5. Did the enemy pose a threat? If so, what was the decision point to engage the enemy? YES, THE ENEMY CAME STRAIGHT TWARD THE TCP AT A VERY HIGH RATE OF SPEED AND SHOWED NO SIGNS OF STOPPING

6. Did the enemy have any weapons? NO FIREARMS

7. What was SPC Anderson's location in relation to yours? ABOUT MY 10 O'CLOCK, 3-5 METERS AWAY

8. Did you observe SPC Anderson's actions in during the shooting? YES HE DUCKED DOWN AND MOVED TWORD ME.

9. What was SPC Anderson's position during the actions on objective? DUCKED AND MOVED TWORD ME

10. Was SPC Anderson wearing the proper uniform, i.e flak vest, SAPI plates, Kevlar, etc...? YES

Comments:

Q: How do you think SPC Andersm got shot?
A: I couldn't see, because after I fired my 3 rds I turned my back and moved behind the CAIV.
Q: What SPC Andersen still standing after you shot?
A: Yes, he was still standing after I shot.
Q: How long did the shooting last?
A: 20 secs or 10 sec.
Q: Did you follow the ROE?
A: Yes
Q: How did you follow the ROE?
A: [redacted] & [redacted] yelled Awgaf and gave the sign to stop, but the vehicle did not stop. then [redacted] shot and I heard the SAW immediately.
Q: When did you shoot?
A: After the vehicle ~~st~~ started swerving to my left.
Q: How many rounds did you shoot?
A: 3rds.
Q: Where did you aim?
A: A couple of inches above the headlights.
Q: Where was [redacted]
A: I was not aware of where [redacted] was.
Q: Did you hear any commands to fire?
A: no, I just heard [redacted] say "stop the vehicle"

[redacted]

20050228

SWORN STATEMENT

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

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	2. DATE (YYYYMMDD) 20050228	3. TIME 0404	4. FILE NUMBER
5. LAST, FIRST, MIDDLE NAME [redacted]	[redacted]		7. GRADE/STATUS E-3
6. ORGANIZATION OR ADDRESS [redacted]			

8. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON 20050228 AT APPROX 2038 WE WERE INSTRUCTED TO ~~DO~~ SET UP A TCP. WHEN WE STARTED SETTING UP 2 VEHICLES CAME DOWN THE ROAD TO OUR LEFT, STOPPED + TURNED AROUND. WHEN WE FINISHED SETTING UP THE TCP A VEHICLE CAME AROUND THE CURVE AHEAD AND ACCELERATED TO A VERY HIGH RATE OF SPEED. [redacted] WERE AT THE FAR END OF THE TCP BY THE CONES AT THE FRONT. I THEY HELD UP THE SIGN TO STOP REPEATEDLY AND YELLED AWGAF, THE VEHICLE NEVER SLOWED. [redacted] FIRED A WARNING SHOT AND THE VEHICLE NEVER SLOWED. I ESTIMATE HIS SPEED AT APPROX 70 MPH. AFTER THAT I HEARD THE SAW FIRING AT THE CAR. [redacted] WERE IN FRONT OF ME APPROX 25 M, [redacted] WAS IN THE GUNNERS HATCH OF OUR CAT, SPC ANDERSON WAS TO MY LEFT AT MY 10 ABOUT 3-5 M AWAY, AND SPC [redacted] WAS BEHIND ME TO MY RIGHT ABOUT MY 4 A METER AWAY AT MOST. [redacted] WERE FIRING ON THE CAR + IT NEVER SLOWED, AS I GOT CLOSE TO THEM THEY STARTED BACKING UP TO THEIR 4 O'CLOCK WHEN THEY DID THIS I FIRED 3 ROUNDS TWORD THE CAR. I NOTICED SPC ANDERSON MOVE TO MY LEFT SO I STOPPED FIRING + TOOK A KNEE. I THEN SQUATTED AND WALKED AROUND THE FRONT OF THE CAT TWORDS [redacted] AS I WAS MOVING I WAS YELLING WOW STOP SHOOTING TO [redacted]. IT WAS THEN THAT I HEARD SPC ANDERSON MOANING SO I TURNED AROUND AND RAN TO HIM HE WAS LAYING ON THE ROAD WITH HIS HEAD TO THE LEFT AND FEET TWORD TE RIGHT

10. EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [redacted]	PAGE 1 OF 2 PAGES

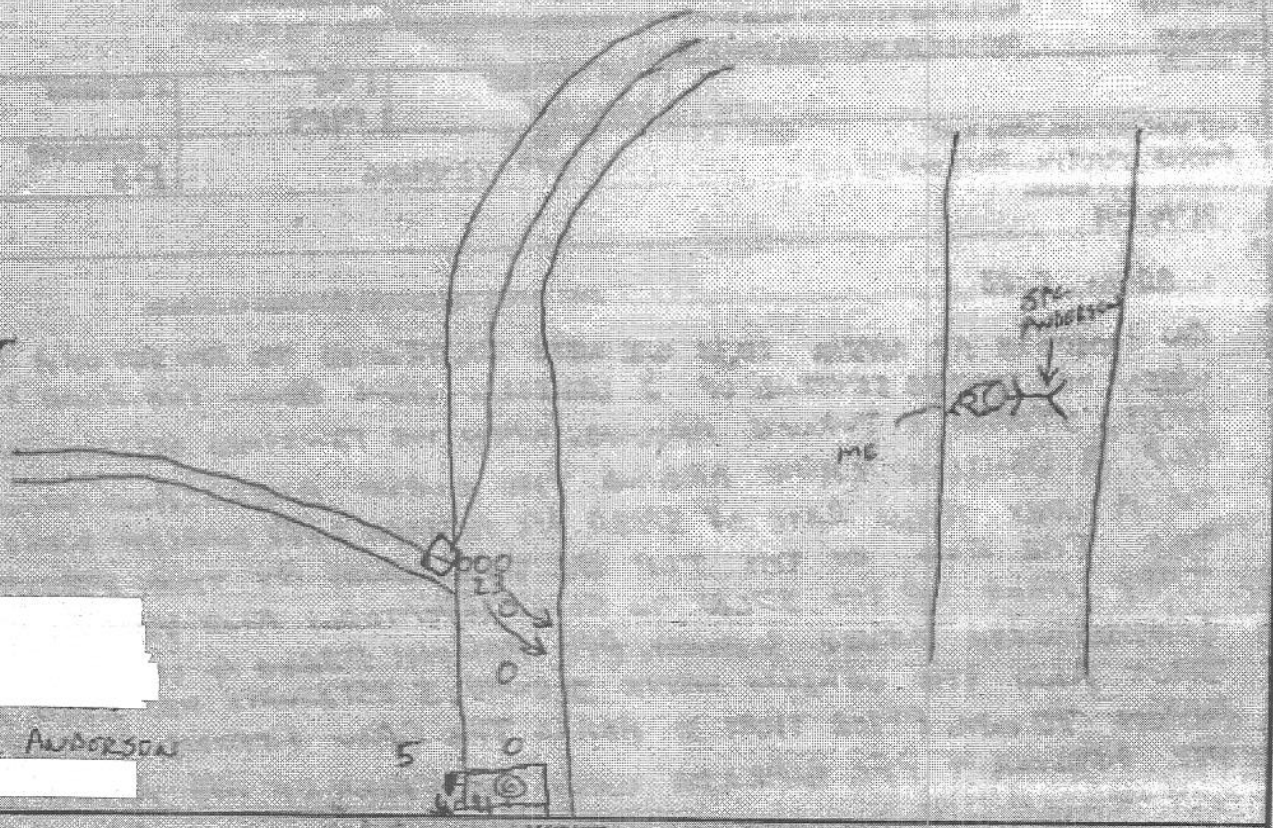
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____, TAKEN AT _____, DATED _____"

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

DA FORM 2823, DEC 1998

STATEMENT OF _____ TAKEN AT _____ DATED _____

6 STATEMENT (Continued) SIDE OF THE ROAD. WHEN I ARRIVED I WAS TRYING TO GET HIM TO TELL ME WHAT WAS WRONG. THE OTHERS GOT THERE + I HELD HIS HEAD + TALKED TO HIM THE WHOLE TIME UNTIL HE WAS PLACED.



AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. 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

[redacted]

ORGANIZATION OR ADDRESS

[redacted]

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of FEBRUARY, 2005

at _____

[redacted]
(Signature of Person Administering Oath)

[redacted]
(Typed Name of Person Administering Oath)

INVESTIGATING OFFICER
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 2 DA FORM 3881 DEC 1986

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
BTRY CP	20050225	0331	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
		O-2

8. ORGANIZATION OR ADDRESS

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

I VERIFIED THAT THE FOLLOWING SOLDIERS FIRED THE AMOUNT OF ROUNDS INDICATED BY [redacted]

[redacted] - 3 RNDS (5.56)

[redacted] - 125 RNDS (5.56)

[redacted] - 3 RNDS (5.56)

[redacted] - 30 RNDS (5.56)

NOTHING FOLLOWS

10. EXHIBIT | INITIALS OF PERSON MAKING STATEMENT [redacted] | PAGE 1 OF ____ 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 INDICATED.

DA FORM 2823, DEC 1998 | DA FORM 2823, JUL 72, IS OBSOLETE | USAPA V1.00

EXHIBIT B

STATEMENT OF [redacted] TAKEN AT 0331 DATED 28 FEB 05

9. STATEMENT (Continued)

[redacted]

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. 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:

[redacted]

ORGANIZATION OR ADDRESS

[redacted]

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, _____ at _____

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE _____ OF _____ PAGES

15-6 Investigation (SPC Anderson)

1. What was task and purpose during this mission?
   Task: CONDUCT TCP NORTH OF AIC [redacted]
   Purpose: TO DENY THE ENEMY FROM AVOIDING OUR FORCES IN THE 30 TRAFFIC CIRCLE

2. Explain, in your words, what happened at the TCP?
   A VEHICLE FAILED TO STOP WHEN SIGNALLED. THE VEHICLE WAS REPEATEDLY MOVING AT A HIGH RATE OF SPEED. HE WAS TOLD BOTH VOCALLY AND WITH HAND SIGNALS TO STOP, HE IGNORED THE COMMAND. A WARNING SHOT WAS FIRED, HE DID NOT SLOW-DOWN. [redacted] TOLD HIS SOLDIERS TO STOP THE VEHICLE SO THEY OPENED FIRE. SPC ANDERSON MUST HAVE BEEN CAUGHT IN THE FIRE.

3. Was there any warning shots fired? If so, who gave the command to fire warning shots? YES, I DON'T KNOW

4. Was there any enemy fire?
   NOT THAT I AM AWARE OF

5. Did the enemy pose a threat? If so, what was the decision point to engage the enemy? YES; ESCALATION OF FORCE: TO INCLUDE A VERBEL INSTRUCTION, HAND SIGNALLING, A WARNING SHOT; AND THEN SHOOT TO STOP THE THREAT

6. Did the enemy have any weapons?
   ~~NOT~~ NO

7. What was SPC Anderson's location in relation to yours?
   I WAS AT THE OTHER END OF THE TCP AT LEAST 300 METERS AWAY

8. Did you observe SPC Anderson's actions in during the shooting?
   NO

9. What was SPC Anderson's position during the actions on objective?
   SECURITY FOR THE VEHICLE SEARCH TEAM

10. Was SPC Anderson wearing the proper uniform, i.e flak vest, SAPI plates, Kevlar, etc...?
    YES

Comments:

Q: If the enemy did not have any weapons, how do you think SPC Anderson got shot?

A:

I THINK THAT IT WAS FRIENDLY FIRE. ONE SOLDIER, [redacted] TOLD ME THAT HE WAS BEHIND SPC ANDERSEN AND HE FIRED SHOTS AT [redacted] THE VEHICLE. HE WAS THE ONLY ONE THAT DID NOT HAVE A CLEAR SHOT ON THE VEHICLE AS IT APPROACHED. THIS [redacted] IS MY OPINION AND IS BASED ON [redacted] STATEMENTS THAT I RECEIVED FROM THE SOLDIERS INVOLVED AND SHOULD NOT BE TAKEN AS A FACT.

NOTHING FOLLOWS

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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DISCLOSURE:	Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
FOB	2005 02 26	0217	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
		O-2

8. ORGANIZATION OR ADDRESS

9.

I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

AT APPROXIMATELY 2030, I SET UP A TCP IN THE VICINITY OF GRID _____. FOR THE TCP WE HAD FOUR VEHICLES, 2 _____S AND 2 _____. _____ WAS ON ONE END FOLLOWED BY AN 1114, THEN _____ CAT; AND THEN _____ 1114 IN THE REAR. AT THE TIME OF THE INCIDENT I WAS ~~STARTED~~ SUPERVISING A VEHICLE SEARCH NEAR _____ 1114, WHICH WAS ON THE OPPOSITE END OF THE TCP FROM WHICH THE INCIDENT HAD OCCURRED. DURING THE OPERATION I HEARD GUN-FIRE FROM THE OTHER END OF THE TCP. I IMMEDIATELY BEGAN RUNNING TOWARDS THE OTHER SIDE OF THE TCP. WHEN I GOT THERE I WAS INFORMED THAT PFC ANDERSON HAD BEEN ~~SHOT~~ WOUNDED AND AN IRAQI NATIONAL HAD BEEN WOUNDED. I IMMEDIATELY NOTIFIED _____ OF THE INCIDENT. I MADE THE DECISION TO CASEVAC PFC ANDERSON; BUT THE MEDIC TOLD ME THAT HE WAS NOT BREATHING. SO THEN I TRIED TO CALL MEDAVAC, BUT RECEIVED NO ANSWER.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 1 PAGES

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

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STATEMENT OF [redacted] TAKEN AT 0217 DATED 28 FEB 05

9. STATEMENT (Continued)

SO THEN I TOLD MY SOLDIERS TO PUT PFC ANDERSON IN MY VEHICLE. I DROVE PFC ANDERSON TO FOB [redacted], WHERE HE WAS PRONOUNCED DEAD.

FOR THE TCP WE HAD 8 CONES PLACED IN FRONT OF OUR VEHICLES WITH CHEMLIGHTS ATTACHED TO EACH CONE. THERE WAS ALSO A REFLECTIVE SIGN THAT INDICATED THAT WE WERE CONDUCTING A VEHICLE SEARCH. IN ADDITION WE HAD TWO SOLDIERS OUT FRONT WITH CHEMLIGHTS WHO WERE INSTRUCTING VEHICLES TO STOP BEFORE THE CONES. THIS ROAD WAS A ONE LANE ROAD WITH VERY LITTLE TRAFFIC AT THE TIME OF THE INCIDENT.

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:

[redacted]

ORGANIZATION OR ADDRESS

[redacted]

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of FEBRUARY 2005 at 0230HRS FOB [redacted]
(Signature of Person Administering Oath)

[redacted]
(Typed Name of Person Administering Oath)

INVESTIGATING OFFICER
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

PAGE 2, DA FORM 2823, DEC 1988

USAPA V1.00

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Execution

Intent – My intent is to move quickly and deliberately into Jisr Diyala traffic circle and dominate both it and the local area for 6-8 hours. While primarily providing security and offensive capability, we will also enable BN assets to collect information on [redacted]

Situation

1.a. Enemy. Significant amounts of HUMINT indicate that the Jisr Diyala traffic circle is a haven for black market operations and AIF activity.

1.b. Friendly. TPT will coordinate for inclusion of black market gas products in HA bags. They will also prepare a script ISO interdiction of black market gas operations and conduct mitigation operations during interdiction of black market gas. [redacted] will deny AIF activity in NAI 23 270930-2030FEB05 ISO our operation.

Mission

[redacted] disrupts AIF activity in [redacted]
AO NLT 271800FEB05 in order to positi
security and military forces to secure the
Iraqi Nationals.

Execution

Intent – My intent is to move quickly and deliberately into Jisr Diyala traffic circle and dominate both it and the local area for 6-8 hours. While primarily providing security and offensive capability, we will also enable BN assets to collect information on the day-to-day black market operations in and around this traffic circle.

Command and Signal

- Succession of Command: 1/A, 3/A, 2/A, 4/A
- BN CMD: 244 (w/RETRANS)
- BTRY CMD: 267; alt 251
- Sheriff's net: 74.975 SC/PT
- MEDEVAC: 33.550 SC/PT

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Individual PCI
Checklist

INDIVIDUAL
- Kevlar helmet with NVG mount.
- "Wiley X" eye protection (or similar ballistic wrap-around eye-pro) and tactical ear plugs.
- IBA body armor with trauma plates
- Gerber
- Identification tags
- ID Card
- Military driver's license
- Wristwatch.
- BLACK pen and notepad.
- CFLCC CasEvac and ROE cards
- CLS bag (if certified)
- knows mission, battle drills, CasEvac plan

LBV
- Crews wear LBV. Dismounts can attach to IBA or wear LBV
- Canteens or Camelback (topped-off with fresh water).
- Weapons magazines with ABL of ammo.
- First Aid pouch with 2 field dressings, Casualty Feeder Report (DD Form 1156), and Witness Statement (DD Form 1155).
- Range card.
- Compass (Leaders).
- Whistle (Leaders).
- PLGR tested with current position and spare battery

WEAPONS
- Cleaned, lubed and functions check complete.
- Spare barrel bag and tripod (Crew-served weapons).
- CCO: tightened, cleaned, and operational with 1 spare battery.
- Surefire tac-light: tightened, and operational with 2 spare batteries
- PEQ-2: tightened, operational, zeroed or bore sighted with spare battery
- ABL:
  M4/M16 – 210 Rnds 5.56.
  M203 – 1 Rnd x red, yellow, blue smoke, star cluster and parachute flare each. 3 Rnd x HEDP.
  M249 – 1000 Rnds 5.56.
  M240B – 800 Rnds 7.62.

OPTICS
- NVGs: cleaned and operational with spare batteries.
- MGO: cleaned and operational.

RUCKSACK
- 1 set DCU, 2 brown T-shirts, 3 pr socks, 1 towel in waterproof bag.
- Personal hygiene kit
- 3 MREs.
- Poncho.
- 550 cord: > 6ft.