

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE For use of this form, see AR 190-30, the Department of Defense ODCSOPS			
DATA REQUIRED BY THE PRIVACY ACT			
AUTHORITY: Title 10, United States Code, Section 2013(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 in backstate filing and retrieval.		DISCLOSURE: Disclosure of your Social Security Number is voluntary	
1. LOCATION Alexandria, VA	2. DATE 18 July 94	3. TIME	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]		6. ORGANIZATION OR ADDRESS United States Army Reserve	
7. GRADE/STATUS [REDACTED]	8. GRADE/STATUS O2		
PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE			
Section A - Rights			
An investigator whose name appears below told me that I am in with the United States Army. <u>and is investigating the activities of the 205th MI</u> <u>Brigade at Abu Ghraib prison</u> and wanted to question me about the following offense(s) or crime(s): <u>Article 92, UCMJ, Dereliction in the performance of duties</u>			
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 questions or say anything. 2. Anything I say or do can be used as evidence against me as a criminal. 3. I am permitted subject to UCMJ, I have the right to talk to a lawyer for advice before we question me and to have a lawyer present with me during questioning. This lawyer can be chosen by me at no expense to the Government or a military lawyer detailed for me at no expense to me or my unit. 4. If I cannot afford a lawyer, I have the right to talk 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 chosen by me at no expense to the Government or a military lawyer detailed for me at no expense to me or my unit. 5. If I am unable to understand the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time. If I stop answering questions with a lawyer before answering further, I will not be held in contempt for this.			
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.			
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 (if available) NAME: [REDACTED] ORGANIZATION OR ADDRESS AND PHONE HQ Army Medical Command 203-866-2265		SIGNATURE OF INTERVIEWEE [REDACTED]	
NAME (Last, First, MI) [REDACTED]		SIGNATURE OF INVESTIGATOR [REDACTED]	
ORGANIZATION OR ADDRESS AND PHONE [REDACTED]		TYPED NAME OF INVESTIGATOR MG George Ray	
ORGANIZATION OR ADDRESS AND PHONE [REDACTED]		ORGANIZATION OF INVESTIGATOR O2, United States Army Staff	
Section C - Non-waiver			
I do not want to give up my rights. ☒ I want a lawyer. <u>Grand Jury, Washington</u>			
☐ I do not want to be questioned or say anything.			
ATTACH THIS WAIVER CERTIFICATE TO ANY STATEMENT (DA FORM 722) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED			

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USARF 2-91

PART II: RIGHTS WARNING PROCEDURE

THE WARNING

WARNING: Inform the suspect/accused of:

- Your official position.
 - Name of the agency.
 - The fact that he/she is a suspect/accused.
- RIGHTS:** Advise the suspect/accused of further rights as follows:
- "Before I ask you any questions, you must understand your rights."
- "You do not have to answer my questions or say anything."
 - "Anything you say or do can be used as evidence against you in a criminal case."
 - "You have the right to stop answering my questions at any time."
 - "You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning. This lawyer will advise you about the suspect/accused's rights and understand those rights."

Can he/she afford a lawyer for at no expense to the Government or a lawyer will be provided for you at no expense to you or him/her."

For suspects not subject to the LCMAR: You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning. The lawyer can be with you at all times, and you can stop answering at any time. If you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time or stop answering certain questions. If you wish to stop answering, please say "I stop" or "I want a lawyer" or "I want to stop answering questions."

THE WAIVER

"Do you understand your rights?"

If the suspect/accused says "Yes," respond: "What would you like to do, and I will make sure that the statements you give are voluntary. If the suspect/accused says "Yes," ask whether he/she understands the following questions:

"Have you ever requested a lawyer after being read your rights?"

If the suspect/accused says "Yes," find out when and where. If the request was made before the interview, the suspect/accused is entitled to stop the interview. If the request was made after the interview, the suspect/accused has the right to stop the interview at any time. If the suspect/accused does not want a lawyer, obtain the following statement:

"Do you want a lawyer at this time?"

If the suspect/accused says "Yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "No," ask whether he/she understands the following questions:

"At this time, are you willing to discuss the offense(s) under investigation with or without a lawyer present? If the suspect/accused says "Yes," stop the interview and have him/her read and sign the waiver portion of the waiver certificate on the other side of this form. If the suspect/accused says "Yes," then he/she reads and signs the waiver portion of the waiver certificate on the other side of this form."

WHEN AN INVESTIGATION IS REQUIRED

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If a suspect/accused refuses to sign the waiver certificate, the investigation must be completed as soon as possible. Every effort should be made to complete the investigation as soon as possible. If the investigation cannot be completed as soon as possible, the investigation must be completed as soon as possible. If the investigation cannot be completed as soon as possible, the investigation must be completed as soon as possible.

IF THE SUSPECT/ACCUSED CANNOT BE COMPLETED IMMEDIATELY: If the suspect/accused cannot be completed immediately, the investigation must be completed as soon as possible. Every effort should be made to complete the investigation as soon as possible. If the investigation cannot be completed as soon as possible, the investigation must be completed as soon as possible.

IF THE SUSPECT/ACCUSED DISPLAYS INDECISION ON DECISIONS:

- If the suspect/accused displays indecision on decisions, the investigation must be completed as soon as possible. Every effort should be made to complete the investigation as soon as possible.
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2. If the suspect/accused was questioned as such under the provisions of his/her rights, and no question exists as to the propriety of the investigation, the investigation must be completed. The rights of the suspect/accused should be protected by the investigation including the proper rights review.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the summary section on the waiver certificate and signed by the investigating agent.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON DECISIONS: If the suspect/accused displays indecision on decisions, the investigation must be completed as soon as possible. Every effort should be made to complete the investigation as soon as possible. If the investigation cannot be completed as soon as possible, the investigation must be completed as soon as possible.

REVERSE OF DA FORM 3881

11-25-2004